TITLE: FEDERAL REGISTER
(Includes Code of Federal Regulations)

VOLUME: 46

ISSUES: 98-114
Pages: 27623-31402

DATE: May 21-June 15, 1981
Reel 8 of 9

ISSN:

PUBLICATION NO: 2575

NOTICE: This periodical may be copyrighted, in which case the contents remain the property of the copyright owner. The microfilm edition is reproduced by agreement with the publisher. Duplication or resale without permission is prohibited.

University Microfilms International, Ann Arbor, Mich.

BEST COPY AVAILABLE.

5-21-81
Vol. 46 No. 98
Pages 27623-27898

federal register

Thursday
May 21, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in Washington, D.C., see announcement in the Reader Aids section at the end of this issue.

27623 **Economic Support Fund Assistance for Liberia** Presidential determination.

27862 **Grant Programs—Reducing Energy Consumption** DOE amends rules concerning the administration of the grant programs providing schools, hospitals, units of local government and public care institutions with financial assistance for the purpose of reducing energy consumption. These amendments provide greater flexibility to States and institutions in their implementation of the program. (Part II of this issue)

27829 **Revenue Sharing** Treasury/RSO gives notice of dates and challenge procedures for the Data Improvement Program for Entitlement Period Thirteen of the General Revenue Sharing Program.

27636, 27723 **Income Tax—Conservation** Treasury/IRS issues temporary rules and proposes temporary rules concerning exclusion for certain conservation cost sharing payments.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

27635 **Income Tax—Withholding** Treasury/IRS adopts final rules relating to the withholding of tax on nonresident aliens and foreign corporations.

27642 **Income Tax—Gift Taxes** Treasury/IRS issues rules relating to the transfer of a life income interest by the possessor of that interest.

27655 **Federal Communications** FCC amends rules concerning Cellular Communications Systems.

27885, 27889, 27893, 27897 **Air Transportation** DOT/FAA withdraws proposed rules concerning certification procedures for type design approval of aircraft, aircraft engines and propellers; flight data recorder and cockpit voice recorder tapes; installation of tires and seating of flight attendants during taxi. (Parts III, IV, V, VI of this issue) (4 documents)

27759 **Privacy Act Documents** FDIC

27831 **Sunshine Act Meetings**

Separate Parts of This Issue

27862 **Part II, DOE**
27885 **Part III, DOT/FAA**
27889 **Part IV, DOT/FAA**
27893 **Part V, DOT/FAA**
27897 **Part VI, DOT/FAA**

V 46 / 98 MY 21 81 UMI

Cont

27623

27800

27801

27626
27625
27625

27747

27627

27747

27737

27737

27736
27736
27736

27746

27644

Contents

Federal Register
Vol. 46, No. 98
Thursday, May 21, 1981

The President
ADMINISTRATIVE ORDERS
27623 Liberia; economic support fund assistance (Presidential Determination 81-6 of May13,1981)

Executive Agencies

Agency for International Development
NOTICES
Authority delegations:
27800 Latin America and Caribbean Bureau, Director, Office of Development Resources; loans, grants, and guaranty agreements
27801 Latin America and Caribbean Region missions and offices; to negotiate, execute, and implement loans, grants, and guaranty agreements, etc.

Agricultural Marketing Service
RULES
Milk marketing orders:
27626 Eastern Colorado
27625 Inland Empire
27625 Oranges (navel) grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Forest Service.

Air Force Department
NOTICES
Meetings:
27747 Scientific Advisory Board

Animal and Plant Health Inspection Service
RULES
Livestock and poultry quarantine:
27627 Scabies in cattle

Army Department
See also Engineers Corps.
NOTICES
27747 Privacy Act; systems of records; correction

Civil Aeronautics Board
NOTICES
Hearings, etc.:
27737 England; proceeding to select city/carrier for nonstop service
27737 Lone Star Airways additional points, Subpart Q proceeding
27736 Scenic Airlines, Inc.; fitness determination
27736 Sundance Airways, Inc.; fitness determination
27736 Vee Neal Airlines fitness determination

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
27746 Michigan

Coast Guard
RULES
Boating safety:
27644 Recreational boats; ventilation safety stanards; editorial change
Inland waterways navigation regulations:
27644 San Juan Harbor, P.R.; seaplane restricted area
Manning requirements:
27654 Uninspected vessels of 200 gross tons or more; removal of affirmative minimum manning requirement
Navigation aids:
27642 South Carolina; designation of waters
Navigation requirements:
27643 COLREGS demarcation lines; repromulgation of existing regulations
PROPOSED RULES
Dangerous cargoes:
27724 Bulk hazardous solids cargo shipments; Inter-Governmental Maritime Consultative Organization (IMCO) review of safety requirements; request for comments

Commerce Department
See International Trade Administration; Minority Business Development Agency.

Conservation and Renewable Energy, Office of Assistant Secretary
RULES
Schools, hospitals, and buildings owned by local government, etc.:
27862 Grant programs; administration

Consumer Product Safety Commission
PROPOSED RULES
27721 Dual-purpose child resistant packaging; meeting

Defense Department
See also Air Force Department; Army Department; Engineers Corps; Navy Department.
NOTICES
Meetings:
27746, 27747 Science Board (2 documents)
27746, 27747 Science Force task forces (2 documents)

Education Department
NOTICES
Grant applications and proposals, closing dates:
27749 School construction program

Energy Department
See also Conservation and Renewable Energy, Office of Assistant Secretary; Federal Energy Regulatory Commission.
NOTICES
Conduct standards:
27751 Post-employment prohibition waivers (2 documents)
International atomic energy agreements; civil uses; subsequent arrangements:
27750 Australia
27750 European Atomic Energy Community and Sweden

27750, 27751 European Atomic Energy Community and Switzerland (2 documents)
27751 Japan

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
27748 Kenosha, Wis.; recreational boat harbor
27748 Little Calumet River, Ind.; flood control, outdoor recreation, and recreation navigation project
27747 Michigan City, Ind.; Indiana shoreline protection

Federal Aviation Administration
RULES
Airworthiness directives:
27628 Avions Mudry & Cie
27629, 27630 Sikorsky (2 documents)
27631 Control zones
27633 Jet routes
27632 Restricted areas
27634 Standard instrument approach procedures; correction
27630, 27631 Transition areas (2 documents)
PROPOSED RULES
Air carriers certification and operations:
27893 Flight attendants; seating requirements during taxi; withdrawn
27897 Flight data recorder and cockpit voice recorder tapes; FAA access; supplemental notice; withdrawn
Air traffic operating and flight rules:
27889 Tires on turbo jet-powered transport category planes; withdrawn
Aircraft products and parts, certification:
27711 Canadair Ltd. Model CL-600-1A11 series airplanes, change in maximum certificated operating altitude and takeoff weight
27712 Israel Aircraft Industries Model 1124 Series airplanes; automatic takeoff thrust control system (ATTCS)
27885 Type certificates, type certificate amendments, and supplemental type certificates; design and procedural standards; withdrawn
Airworthiness directives:
27715 British Aerospace
27719 Federal airways, green
27710 Rulemaking petitions; summary and dispostion
27716, 27718 Transistion areas (3 documents)
27719, 27720 VOR Federal airways (2 documents)
NOTICES
Aircraft certification status, etc.:
27822 Gulfstream American Corp.; certification and availability of documents
27825 Exemption petitions; summary and disposition
27823 Manufacturers' service documents; proposed advisory circular; inquiry
Meetings:
27824 Aeronautics Radio Technical Commission
Organization and functions:
27825 Martha's Vineyard, Mass.; air traffic control tower; correction

Federal Communications Commission
RULES
Common carrier services:
27655 Public mobile radio services; cellular communications systems; use of frequency bands
Organization and functions:
27654 Private Radio Services; transfer of license records to Gettysburg, Pa.
Radio services, special:
27707 Land mobile services; use of digital voice modulation in power radio service
Radio stations; table of assignments:
27706 California
PROPOSED RULES
Radio services, special:
27729 Land mobile services; expanded use of digital voice modulation
Radio stations; table of assignments:
27727 Missouri
27728 Oklahoma
27725 Utah and Wyoming; extension of time
27726 Washington
NOTICES
27752-27753 AM broadcast applications accepted for filing and notification of cut-off date (3 documents)
27753 Emergency broadcast system; closed circuit test
27753 FM broadcast applications accepted for filing and notification of cut-off date
Hearings, etc.:
27756 KTVO, Inc.
27758 Lloyd Hearing Aid Corp. et al.
27752 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies
27758 Television broadcast applications accepted for filing and notification of cutoff date

Federal Deposit Insurance Corporation
NOTICES
27759 Privacy Act; systems of records

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
27635 Ceiling prices; high cost natural gas produced from tight formations; supplement environmental assessment

Federal Highway Administration
PROPOSED RULES
Engineering and traffic operations:
27722 Highway design standards, geometric; materials incorporated by reference; notice of status and response to AASHTO publication
NOTICES
Environmental statements; availability, etc.:
27827 Arapahoe and Jefferson Counties, Colo.; intent to prepare
27828 Chatham County, Ga.; intent to prepare
27828 Santa Clara County, Calif.; intent to prepare

Federal Maritime Commission
NOTICES
27766 Agreements filed, etc.
27766 State-owned or controlled carriers in foreign commerce of U.S.; classification; list

V 46 / 98 MAY 21 81 UMI

Federal Mine Safety and Health Review Commission
NOTICES
27831 Meetings; Sunshine Act (2 documents)

Federal Reserve System
NOTICES
Applications, etc.:
27767 First Jefferson Corp.
27767 Kingman County Financial Corp.
27767 Olivia Bancorporation, Inc.
27767 United Texas Bancshares, Inc.
27831 Meetings; Sunshine Act

Federal Trade Commission
RULES
Procedures and practice rules:
27634 FTC Improvement Act of 1980, implementation; final rules; correction
Prohibited trade practices:
27634 Pillsbury Co. et al.
NOTICES
27768 Medical prepayment plans; case-by-case law enforcement program
Premerger notification waiting periods; early terminations:
27768 Guam Oil & Refining Co. Voting Trust
27768 Mann, George S.

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
27828 SAFECO Insurance Co. of Illinois

Forest Service
NOTICES
Environmental statements; availability, etc.:
27734 Shoshone National Forest, Washakie wilderness oil and gas leasing, Wyo.
27735 Wilderness oil and gas leasing, Mont.

General Services Administration
RULES
Procurement:
27645 Profit or fee prenegotiation objectives; facilities capital cost of money cost principle; uniform policies and treatment; temporary
NOTICES
Authority delegations:
27769 Defense Department Secretary

Geological Survey
NOTICES
Geothermal resources areas, operations, etc.:
27775 California
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
27774 Amoco Production Co.
27774 Chevron U.S.A. Inc.
27774 McMoRan Offshore Exploration Co.

Health and Human Services Department
See Public Health Service.

Interior Department
See Geological Survey; Land Management Bureau; National Park Service.

Internal Revenue Service
RULES
Estate and gift taxes:
27642 Life income interest, transfers
Income taxes:
27636 Conservation cost-sharing payments exclusion; temporary
27635 Withholding tax; Virgin Island inhabitants; exemption clarification
PROPOSED RULES
Income taxes:
27723 Conservation cost-sharing payments exclusion; cross reference

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Scientific articles; duty free entry:
27744 Kansas State University
27737, 27740 National Aeronautics and Space Administration (2 documents)
27744 Stanford University et al.

Interstate Commerce Commission
RULES
Railroad car service orders:
27709 Rerouting agents; appointment
PROPOSED RULES
Motor carriers:
27732 Classification of commodities, investigation; interim policy statement; request for comments
NOTICES
Committees; establishment, renewals, terminations, etc.:
27782 Education and Practice Employees Board et al.; membership
Motor carriers:
27776-27800 Permanent authority applications (6 documents)
27790 Permanent authority applications; restriction removals
27776 Permanent authority applications; restriction removals; correction
27776 Temporary authority applications; correction
Rail carriers:
27782 Disaster relief applications

Justice Department
See National Institute of Justice.

Land Management Bureau
RULES
Public land orders:
27651 Arizona
27651 Idaho
27652 Nevada
27653 Oregon
27653 Wyoming
NOTICES
Authority delegations:
27771 California, Redding District Manager; land uses
Classification of lands:
27773 New Mexico
Environmental statements; availability, etc.:
27771 Reno Planning Area, Nev.; grazing planning area

Meetings:
27771 Cedar City District Multiple Use Advisory Council
27770 Lakeview District Advisory Council
27773 Montrose District Advisory Council
27773 San Juan River Regional Coal Team
27774 Socorro District Advisory Council
Opening of public lands:
27770 California
Wilderness areas; characteristics, inventories, etc.:
27772 Oregon and Washington
Withdrawal and reservation of lands, proposed, etc.:
27770 California
27774 Oregon

Legal Services Corporation
NOTICES
27802, 27803 Grants and contracts; applications (2 documents)

Management and Budget Office
NOTICES
27805 Agency forms under review

Minority Business Development Agency
NOTICES
27745 Financial asssistance application annouuncements

National Institute of Justice
NOTICES
Grants solicitation, competitive research:
27802 Police effectiveness as a function of individual officer activity

National Commission on Libraries Science
NOTICE
27831 Meetings; Sunshine Act

National Park Service
PROPOSED RULES
Special regulations:
27723 Everglades National Park, Fla.; commercial fishing prohibition rulemaking petition
NOTICES
Environmental statements; availability, etc.:
27775 Mormon Pioneer National Historic Trail, Ill., Iowa, Nebr., Wyo., and Utah; draft comprehensive plan
Meetings:
27775 Mormon Pioneer National Historic Trail Advisory Council

National Transportation Safety Board
NOTICES
27803 Accident reports, safety recommendations and responses, etc.; availability

Navy Department
NOTICES
Environmental statements; availability, etc.:
27749 Feral Burro Management, Naval Weapons Center, China Lake, Calif.; hearing

Nuclear Regulatory Commission
NOTICES
Meetings:
27804 Reactor Safeguards Advisory Committee

Public Health Service
NOTICES
Health maintenance organizations:
27769 Noncompliance determinations

Railroad Retirement Board
NOTICES
27812 Supplemental annuity program; determination of quarterly rate of excise tax

Revenue Sharing Office
NOTICES
Entitlement period allocations:
27829 Data improvement program

Securities and Exchange Commission
NOTICES
Hearings, etc.:
27812 Cable America, Inc.
27814 Chancellor Tax-Exempt Daily Income Fund, Inc.
27815 Columbus & Southern Ohio Electric Co.
27816 Evans & Sutherland Computer Corp.
27820, 27821 Northeast Utilities et al. (2 documents)
27822 Southwestern Electric Power Co.
Self-regulatory organizations; proposed rule changes:
27817 Municipal Securities Rulemaking Board
Self-regulatory organizations; unlisted trading privileges:
27822 Philadelphia Stock Exchange, Inc.

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration.

Treasury Department
See Fiscal Service; Internal Revenue Service; Revenue Sharing Office.

Veterans Administration
NOTICES
Environmental statements; availability, etc.:
27830 Atlanta, Ga.; Medical Center, 120 bed nursing unit, ambulatory care addition, and warehouse engineering office

MEETING ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION
27746 Michigan Advisory Committee, East Lansing, Mich. (open), 6-4-81

CONSUMER PRODUCT SAFETY COMMISSION
27721 Dual-purpose child resistant packaging, Washington, D.C. (open), 6-16-81

DEFENSE DEPARTMENT
Air Force Department—
27747 USAF Scientific Advisory Board, Woods Hole, Mass. (closed), 6-22 through 7-2-81
Office of the Secretary—
27746, 27747 Defense Science Board Review on MX MIssile Basing, Washington, D.C. (closed), 6-11 through 6-13-81, and 6-25 through 6-27-81 (2 documents)

V46/98 MAY 21 81 UMI

27747 Defense Science Board Task Force on Anti-Tactical Missiles, Arlington, Va. (closed), 6-18 and 6-19-81

INTERIOR DEPARTMENT
Bureau of Land Management—
27771 Cedar City District Multiple Use Advisory Council, Cedar City, Utah (open), 6-22-81
27770 Lakeview District Advisory Council, Lakeview, Oreg. (open), 6-23-81
27773 Montrose District Advisory Council, Cortez, Colo. (open), 6-23 and 6-24-81
27773 New Mexico & Colorado San Juan River Regional Coal Team, Farmington, N. Mex. (open), 6-29 and 6-30-81
27774 Socorro District Advisory Council, Socorro, N. Mex. (open), 6-24-81
National Park Service—
27775 Mormon Pioneer National Historic Trail Advisory Council, Lakewood, Colo. (open), 6-18 and 6-19-81

NUCLEAR REGULATORY COMMISSION
27804 Reactor Safeguards Advisory Committee, Washington, D.C. (partially open), 6-4 through 6-6-81

RESCHEDULED MEETING

DEFENSE DEPARTMENT
Office of the Secretary—
27746 Defense Science Board Task Force on Water in Southeast Asia, Arlington, Va. (closed), rescheduled from 5-20 and 5-21-81 to 5-27-81

HEARINGS

DEFENSE DEPARTMENT
Navy Department—
27749 Feral Burro Management at the Naval Weapons Center, China Lake, Calif., Kern County, Calif., 6-3-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
5105 (Revoked by P.L.O 5866) 27652
Administrative Orders:
Presidential Determinations:
No. 81-6 of May 13, 1981 27623

7 CFR
907 27625
1133 27625
1737 27626

9 CFR
73 27627

10 CFR
455 27862

14 CFR
39 (3 documents) 27628-27630
71 (4 documents) 27630-27632
73 27632
75 27633
97 27634
Proposed Rules:
Ch. I 27710
21 (3 documents) 27711, 27712, 27885
39 (2 documents) 27715, 27885
71 (6 documents) 27716-27720
91 (2 documents) 27885, 27889
121 (2 documents) 27893, 27897
135 27897

16 CFR
0 27634
1 27634
2 27634
4 27634
5 27634
13 27634
Proposed Rules:
Ch. II 27721

18 CFR
271 27635

23 CFR
Proposed Rules:
625 27722

26 CFR
1 27635
16A 27636
25 27642
Proposed Rules:
1 27723

33 CFR
66 27642
82 27643
162 27644
183 27644

36 CFR
Proposed Rules:
Ch. I 27723

41 CFR
Ch. I 27645

43 CFR
Public Land Orders:
1163 (Revoked by P.L.O. 5864) 27653
5862 27653
5863 27651
5864 27653
5865 27651
5866 27652

46 CFR
157 27654
Proposed Rules:
148 27724

47 CFR
0 27654
22 27655
73 27706
90 27707
Proposed Rules:
73 (4 documents) 27725-27728
90 27729

49 CFR
1034 27709
Proposed Rules:
1307 27732

V 46 / 98 MAY 21 81 UMI

Federal Re
Vol. 46, N
Thursday,

Title 3—

The Pre

[FR Doc. 81-1
Filed 5-19-81
Billing code 3

Federal Register
Vol. 46, No. 98
Thursday, May 21, 1981

Presidential Documents

Title 3—

The President

Presidential Determination No. 81–6 of May 13, 1981

Economic Support Fund Assistance for Liberia

Memorandum for the Secretary of State

By virtue of the authority vested in me by section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the Act), I hereby:

(1) determine that the furnishing to Liberia of not to exceed $25,000,000 in assistance under chapter 4 of part II of the Act from amounts appropriated for assistance to Israel, Egypt, and Cyprus under that chapter in the fiscal year 1981, without regard to statutory allocations of assistance under that chapter to those countries, is important to the security interests of the United States; and

(2) authorize the furnishing of such assistance to Liberia.

You are requested to report this determination to the Congress immediately, and none of the assistance provided for herein shall be furnished until after such report has been made.

This determination shall be published in the Federal Register.

Ronald Reagan

THE WHITE HOUSE,
Washington, May 13, 1981.

[FR Doc. 81-15423
Filed 5-19-81; 4:43 pm]
Billing code 3195-01-M

V46/98 MAY 21 81 UMI

Rule

This sectio
contains r
general ap
of which
the Code
published
U.S.C. 151
The Code
by the Su
Prices of
first FEDE
month.

DEPARTM

Agricultu

7 CFR Par

[(Navel Or
Orange Re

Navel Ora
Designate
Limitation

AGENCY: A
USDA.

ACTION: Fi

SUMMARY:
quantity o
navel oran
market du
May 28, 19
of such or
during the
21, 1981. S
provide fo
navel oran
due to the
confrontin

DATES: Th
effective M
amendmen
May 15–21

FOR FURTH
William J.

SUPPLEME

Findings

This rule
USDA pro
12291 and
significant
regulation
under the
amended,
amended (
handling o
Arizona an
California.
effective u

Rules and Regulations

Federal Register
Vol. 46, No. 98
Thursday, May 21, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[(Navel Orange Regulation 523); (Navel Orange Regulation 522, Amendment 1)]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period May 22, 1981–May 28, 1981, and increases the quantity of such oranges that may be so shipped during the period May 15 through May 21, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective May 22, 1981, and the amendment is effective for the period May 15–21, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and is not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on May 19, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. § 907.823 is added as follows:

§ 907.823 Navel Orange Regulation 523.

The quantities of navel oranges grown in Arizona and California which may be handled during the period May 22, 1981, through May 28, 1981, are established as follows:

(1) District 1: 1,300,000 cartons;
(2) District 2: unlimited cartons;
(3) District 3: unlimited cartons;
(4) District 4: unlimited cartons.

2. § 907.822 Navel Orange Regulation 522 (46 F.R. 22177), is hereby amended to read:

§ 907.822 Navel Orange Regulation 522.

* * * * *

(1) District 1: 1,650,000 cartons;
(2) District 2: unlimited cartons;
(3) District 3: unlimited cartons;
(4) District 4: unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 20, 1981

D. S. Kuryloski,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–15505 Filed 5–20–81; 11:57 am]
BILLING CODE 3410–02–M

7 CFR Part 1133

Milk in the Inland Empire Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends certain order provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The suspension removes the limit on such movements of milk for May 1981 through August 1981. The suspension was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for its dairy farmer members regularly associated with the market.

EFFECTIVE DATE: May 21, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Suspension: Issued April 20, 1981; published April 23, 1981 (46 FR 23061).

It has been determined that this action is not a major rule under the criteria set

forth in the Executive Order 12291. It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the issuance of the suspension on the timely basis necessary to include May 1981 in the suspension period.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Inland Empire marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (46 FR 23061) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

The proponent of the suspension and another cooperative association filed comments concerning the suspension. These comments supported the suspension.

After considering all relevant material, including the proposal in the notice, the comments received from the proponent and other available information, it is hereby found and determined that for the months of May through August 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1133.13(c)(1) and (2), the words "and 80 percent in any of the months of March through August".

Statement of Consideration

This action removes the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during the months of May 1981 through August 1981. The order now provides that a cooperative association may divert up to 70 percent of its total member milk received at all pool plants or diverted therefrom during the months of September through February and 80 percent during all other months. Similarly, the operator of a pool plant may divert up to 70 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of September through February and 80 percent during all other months.

The basis for the action is that the cooperative association that supplies the market with a substantial part of its fluid needs and handles much of the market's reserve milk supplies lost one of its customers served by its principal pool distributing plant. The loss of this customer involved a substantial volume of fluid milk sales. Additionally, milk production by its members is approximately 7 percent above last year. Moreover, in view of the impending flush period, the cooperative expects more of its reserve milk will have to be moved directly from farms to nonpool manufacturing plants for surplus disposal.

In view of this, it is expected that the cooperative's reserve milk supplies during May through August 1981 will exceed the quantity of producer milk that may be diverted from pool plants of other handlers to nonpool manufacturing plants under the order's present diversion limitations. Without the suspension, it is likely that the milk of some of its member producers who have regularly supplied the fluid market would have to be moved uneconomically first to pool plants and then to nonpool manufacturing plants, in order to continue producer status for such milk during May through August 1981. The suspension will permit these producers to continue sharing in the proceeds of the marketwide pool.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling reserve milk supplies is by direct movements from producers' farms to manufacturing outlets. This suspension allows such economical movement of milk while the dairy farmers involved retain producer status.

(b) This suspension does not require of persons affected substantial or extensive preparations prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No views were received in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**. It is therefore ordered, that the aforesaid provisions of the order are hereby suspended for May 1981 through August 1981.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Effective date: May 21, 1981.

Signed at Washington, D.C., on May 14, 1981.

John E. Ford,

Deputy Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-15200 Filed 5-20-81; 8:45 am]

BILLING CODE 3410-02-M

---

7 CFR Part 1137

Milk in the Eastern Colorado Marketing Area; Order Suspending a Certain Provision

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends an order provision affecting the regulatory status of a distributing plant. The suspension makes inoperative for May 1981 through August 1981 the requirement that a distributing plant must dispose of at least 50 percent of its milk receipts as fluid milk products on routes before the plant is eligible to have all of its milk pooled and priced under the order. This action was requested by a regulated handler that operates two fluid milk distributing plants in the market. Such action recognizes the current marketing situation of the handler and is in the interest of producers and other handlers associated with the market as well.

EFFECTIVE DATE: May 21, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Suspension: Issued April 24, 1981; published April 30, 1981 (46 FR 24188).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291. It also has been determined that the need for suspending a provision of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures

would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the issuance of the suspension on the timely basis necessary to include May 1981 in the suspension period.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Eastern Colorado marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (46 FR 24188) concerning a proposed suspension of a certain provision of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. A major cooperative association and a proprietary handler filed written comments supporting the suspension action.

After considering all relevant material, including the proposal in the notice, the comments received and other available information, it is hereby found and determined that for the months of May through August 1981 the following provision of the order does not tend to effectuate the declared policy of the Act:

In § 1137.7(a)(1) the words "an amount equal to 50 percent or more of the total receipts of".

Statement of Consideration

The suspension makes inoperative for May through August 1981 the provision that at least 50 percent of the receipts of milk at a pool distributing plant be disposed of as fluid milk products on routes. The suspension was requested by Meadow Gold Dairies, a proprietary handler who operates two pool distributing plants under the order.

The basis for the action is that the petitioner's Greeley, Colorado, distributing plant will not be able to meet the 50 percent route disposition requirement during this year's late spring and summer months. This is because of the loss of substantial Class I sales due to school closings in May and because the handler is processing much of the Class II product volume for both of its distributing plants at the Greeley plant. This pooling problem will continue until September 1981 when schools will reopen.

The handler states that without the suspension it might be able to meet the 50 percent route disposition requirement by moving considerable quantities of fluid milk products between its two distributing plants associated with the market. Meadow Gold Dairies stated, however, that this would involve excessive additional handling and energy costs and disrupt the production schedules of the two plants. It contends that this suspension will permit the orderly marketing of the milk supply from producers normally associated with the Greeley distributing plant.

In view of this, it is concluded that the 50 percent pooling standard should be suspended for four months to accommodate the handler's temporary pooling problem. This will permit the producers regularly supplying the Greeley plant to continue to share uniformly with other producers supplying the market in the proceeds from Class I sales in the market.

A major cooperative association in the market who regularly supplies all of the fluid needs of Meadow Gold Dairies' two plants and a proprietary handler who operates a distributing plant indicate support for the suspension. No views in opposition to the suspension were received.

It is hereby found and determined that the 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without this action a number of dairy farmers who have been regularly supplying the fluid market could lose their producer status under the order and thus no longer share in the Class I sales of the market.

(b) This suspension does not require of persons affected substantial or extensive preparations prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**. It is therefore ordered, that the aforesaid provision of the order is hereby suspended for May 1981 through August 1981.

(Secs. 1–19, Stat. 31, as amended, 7 U.S.C 601–674)

Effective date: May 21, 1981.

Signed at Washington, D.C., on May 15, 1981.

John E. Ford,

Deputy Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-15201 Filed 5-20-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 73

Scabies in Cattle; Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Renville County in Minnesota in order to prevent the dissemination of cattle scabies. The effect of this action will be to place certain restrictions on the interstate movement of cattle from the quarantined area.

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goat, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Federal Building, Room 737, 6505 Belcrest Road, Hyattsville, MD 20782. 301–436–8322.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been classified as not a "major rule."

The Department has determined that this rule will have an annual effect on the country of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. The amendment imposes certain further restrictions necessary to prevent the interstate

spread of cattle scabies from such area and must be made effective immediately to accomplish its purpose in the public interest.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are inpracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it affects only the premises of one entity.

This amendment quarantines a portion of Renville County in Minnesota because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas, contained in 9 CFR Part 73, as amended, apply to the quarantined area.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended in the following respect:

1. The authority citation for Part 73 reads as follows:

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141)

2. In § 73.1a, a new paragraph (c) relating to the State of Minnesota is added to read:

§ 73.1a Notice of Quarantine.

* * * * *

(c) Notice is hereby given that cattle in a certain portion of the State of Minnesota are inffected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

(1) The premises of David Luech, Renville County, Minnesota, Flora Township, NW¼ of sec. 26.

Done at Washington, D.C., this 18th day of May 1981.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-15199 Filed 5-20-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 21741; Amdt. 39-4119]

Airworthiness Directives; Avions Mudry Et Cie Model CAP 10B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Avions Mudry Et Cie Model CAP 10B series airplanes by individual telegrams. The AD requires a one time inspection of the main spar and lower center wing skin, and repair prior to further flight, if cracking is found. The AD is necessary to prevent possible failure of the wing main spar.

DATES: Effective May 21, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80–24–51, issued November 14, 1980, which contained this amendment.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Avions Mudry Et Cie, Aerodrome de Bernay, Bernay, France 27300.

A copy of each service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS–110, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: On August 14, 1980, telegraphic AD T80–17–51 was issued and made effective immediately as to all known U.S. owners and operators of certain Avions Mudry Et Cie Model CAP 10B series airplanes. The AD required a one time inspection of the main spar and lower center wing skin, and repair prior to further flight, if cracking was detected. AD action was necessary to prevent possible failure of the wing main spar due to cracks in the upper flange. After issuing the telegraphic AD, the FAA determined that the inspection of the spar was not necessary unless cracks were detected inthe wing skin during the inspection required by the telegraphic AD or cracks in the wing skin had previously been repaired, or the airplane had accumulated 1,000 flight hours time in service. Therefore, telegraphic AD T80–17–51 was superseded by telegraphic AD T80–24–51, issued November 14, 1980, which relieved operators of the spar inspection requirement.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately as to all known U.S. owners and operators of certain Avions Mudry Et Cie Model CAP 10B series airplanes by individual telegrams. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

AVIONS MUDRY ET CIE. Applies to Model CAP 10B series airplanes, serial numbers 1 through 97 inclusive, certificated in all categories.

Compliance required as indicated.

To prevent possible failure of wing main spar due to cracks, accomplish the following:

(a) Prior to further flight after the effective date of this AD, unless already accomplished, visually inspect for cracks in the lower skin of the center wing in accordance with the instructions specified in paragraph 1 of Avions Mudry Et Cie Service Bulletin No. 2, dated July 20, 1977, or an FAA-approved equivalent.

(b) Prior to the accumulation of 1,000 hours time in service, visually inspect for cracks in the upper flange of the main spar in the wing root areas, LH and RH sides, in accordance with the instructions specified in Avions Mudry Et Cie Service Bulletin No. 8, dated March 13, 1980, or an FAA-approved equivalent.

(c) If a crack or cracks are found as a result of the inspection required by paragraph (a) of this AD, or if crack or cracks were previously detected in the lower skin and repaired, prior to further

flight, inspect the upper flange of the main spar in accordance with paragraph (b) of this AD and repair cracks in accordance with data approved by the Chief of a Regional FAA Engineering Type Certification Office.

(d) If a crack or cracks are found as a result of the inspection required by paragraph (b) of this AD, prior to further flight, repair cracks in accordance with data approved by the Chief of a Regional FAA Engineering Type Certification Office.

(e) For purposes of this AD, "FAA-approved equivalent" means approved by the Chief of any Regional FAA Engineering Type Certification Office.

(f) Report defects found to the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, within 30 days after the effective date of this AD. Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.

This amendment becomes effective May 21, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-24-51, issued November 14, 1980, which contained this amendment.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Avions Mudry Et Cie, Aerodrome de Bernay, Bernay, France 27300. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule was previously issued in telegraphic form to known owners and operators to correct an unsafe condition in aircraft. The present action codifies the rule and makes it effective as to all persons. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 Fr 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "**FOR FURTHER INFORMATION CONTACT.**"

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on May 14, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-15121 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 79-NE-10, Amdt. 39-4088]

Sikorsky S-76A Helicopters Certificated in all Categories; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Revocation of airworthiness directive (AD).

SUMMARY: Amendment 39-3794 (45 FR 39833), AD 80-12-11, as amended by Amendment 39-3894 (45 FR 56334), as further amended by Amendment 39-3924 (45 FR 63485), requires replacement of the Sikorsky S-76A helicopter horizontal stabilizer support fitting with an improved fitting of increased structural reliability. Additionally, the AD requires reinforcement of selected aft fuselage structure.

A manufacturer's team has modified all certificated aircraft, and the improved stabilizer support fitting with the additional reinforcements are now installed on factory delivered aircraft. Applicable inspections have been added to the maintenance manual.

Therefore, AD 80-12-11 is being revoked, since it has been determined that it is no longer necessary.

EFFECTIVE DATE: April 13, 1981.

FOR FURTHER INFORMATION CONTACT: Martin Buckman, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington,

Massachusetts 01803; telephone: (617) 273–7338.

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

There has been several reports of structural cracking in areas of the forward and aft spar assemblies of the vertical stabilizer, the horizontal stabilizer support structure, and the aft fuselage tail cone. AD 80–12–11 was issued requiring replacement of the Sikorsky S–76A horizontal stabilizer support fitting with an improved fitting of increased structural reliability. Reinforcement of the fuselage aft tail cone, the vertical stabilizer, and the horizontal stabilizer support fitting carry through structure was also required.

Sikorsky has provided documentation that all certificated aircraft, serial numbers 76005 through 76007 and 760001 through 760080, have been modified in accordance with AD 80–12–11. The improved stabilizer support fitting and the additional reinforcements are installed on factory delivered aircraft serial numbers 760081 and above. All drawings reflect only the improved structural configuration. Applicable inspections are included in the maintenance manual.

The FAA has determined that AD 80–12–11 is no longer necessary. Therefore, in accordance with the agency's policy to eliminate unnecessary regulations, AD 80–12–11 is being revoked.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revoking Amendment 39–3794 (45 FR 39833), AD 80–12–11, as amended by Amendment 39–3894 (45 FR 56334), as further amended by Amendment 39–3924 (45 FR 63485). This revocation becomes effective April 13, 1981.

The undersigned certifies, pursuant to 5 U.S.C. 605(b), that this final rule will not, when promulgated, have a significant economic impact on a substantial number of small entities.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation only involves the revocation of an AD that is no longer necessary. It, therefore—(1) is not a "major rule" under Executive Order 12991; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Mass., on April 3, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81–14903 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 80–NE–1, Amdt. 39–4089]

Sikorsky S–76A Helicopters Certificated in all Categories; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Revocation of airworthiness directive (AD).

SUMMARY: Amendment 39–3669 (45 FR 3252), AD 80–02–10, as amended by Amendment 39–3717 (45 FR 17947), requires reinforcement of the Sikorsky S–76A helicopter engine air inlet cowl assembly. A manufacturer's team has modified all certificated aircraft required by the AD, and a new approved type design cowl is now installed on factory delivered aircraft.

Therefore, AD 80–02–10 is being revoked since it has been determined that it is no longer necessary.

EFFECTIVE DATE: April 13, 1981.

FOR FURTHER INFORMATION CONTACT: Martin Buckman, ANE–212 Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273–7329.

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

There were two reports of a left-hand engine air inlet cowl door separating from the S–76A helicopter during flight and damaging the main rotor blades. The FAA had determined that the two occurrences could have been caused by either structural failure of the door or in-flight opening of its attaching latch handles. AD 80–02–10 was issued requiring reinforcement of the doors and safety straps to be added over the latch handles.

Sikorsky has provided documentation that certificated aircraft, serial numbers 76005 through 76007 and 760001 through 760037, have been modified, in accordance with AD 80–02–10, by a select manufacturer's team. Factory delivered aircraft, serial numbers 760038 and above, have cowl doors installed of equivalent integrity. All drawings reflect only the improved cowl door design.

The FAA has determined that AD 80–02–10 is no longer necessary. Therefore, in accordance with the agency's policy to eliminate unnecessary regulations, when possible, AD 80–02–10 is being revoked.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revoking Amendment 39–3669 (41 FR 3252), AD 80–02–10, as amended by Amendment 39–3717 (45 FR 17947). This revocation becomes effective April 13, 1981.

(Secs. 313(a); 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation only involves the revocation of an AD that is no longer necessary. It, therefore—(1) is not a "Major rule" under Executive Order 12991; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Mass., on April 3, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81–14904 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 81–SO–12]

Alteration of Transition Area, Oneida, Tennessee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule corrects an air navigational facility's location and name, and redesignates an extension in the Oneida, Tennessee, transition area.

EFFECTIVE DATE: 0901 G.m.t., July 26, 1981.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

In the Oneida, Tennessee, transition area described in § 71.181 (46 FR 540), an extension was designated on the 055° bearing from the Scott RBN to provide controlled airspace for aircraft executing the NDB RWY 23 standard instrument approach procedure. The final approach course has changed as a result of relocation of the RBN to an off-airport location. The RBN relocation was associated with the establishment of a non-federal localizer (SDF) facility on the airport.

It is necessary to redesignate the extension and correct the RBN name and location in order to provide controlled airspace required to protect aircraft executing the new NDB RWY 23 and SDF RWY 23 instrument approach procedures.

In the interest of safety, it is found that notice and public procedure hereon are impracticable and contrary to the public interest.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Oneida, Tennessee, transition area by redesignating an extension and correcting the location and name of an air navigational facility.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 G.m.t., July 26, 1981, as follows:

Oneida, Tennessee

The present description is deleted and ". . . That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Scott Municipal Airport (Lat. 36°27'23"N., Long. 84°35'10"W.); within 2 miles each side of the 230° bearing from Piney Grove RBN (Lat. 36°32'17"N., Long. 84°28'23"W.), extending from the 5.5-mile radius area to the RBN . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Ga., on May 11, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-14902 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-SO-28]

Alteration of Control Zone, North, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the North, South Carolina, Control Zone. It is necessary to revoke a portion of the control zone since the need for airspace protection no longer exists.

EFFECTIVE DATE: 0901 GMT, August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

In the North, South Carolina, Control Zone described in § 71.171 (46 FR 455), an extension was designated on the North AFAF TACAN 234° radial to provide controlled airspace for aircraft executing instrument approaches to North Air Force Auxiliary Field (AFAF). Since the TACAN has been decommissioned, it is necessary to revoke the extension.

This amendment reduces controlled airspace and the constraints imposed on the public. Therefore, notice and public procedure thereon are not necessary.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the North, South Carolina, Control Zone by revoking an extension.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart F, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (46 FR 455) is further amended, effective 0901 GMT, August 6, 1981, as follows:

North, S.C.

The present description is deleted and ". . . within a 5-mile radius of North AFAF (lat. 33°36'30"N., long. 81°0500"W.) This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on May 11, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-15120 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-NE-04]

Designation of Federal Airways, Area Low Routes, Controlled Airspace and Reporting Points; Amend the Description of the Falmouth, Massachusetts, 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The present description of the Falmouth, Massachusetts, 700-foot Transition Area is described with reference to the Edgartown Non-Directional Radio Beacon (NDB) which has been decommissioned. Therefore, the description of the transition area is being revised to delete reference to the NDB.

EFFECTIVE DATE: May 21, 1981. Comments on the Rule must be received on or before July 21, 1981.

ADDRESS: Send comments to Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: As a result of the decommissioning of the Edgartown Non-Directional Radio Beacon, it is necessary to change the present description of the Falmouth, Massachusetts 700-foot transition area to delete all reference to the Edgartown Non-Directional Radio Beacon. This action does not alter the geographical airspace of the Falmouth, Massachusetts transition area.

Since this amendment is merely editorial in nature and imposes no additional burden on any person, notice and public procedure herein are unnecessary.

Request for Comments on the Rule

Although this action is in the form of a Final Rule; which was not preceded by notice and public procedure, comments are invited on the Rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the Rule that might suggest the need to modify the Rule.

The Rule

The FAA is amending subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the description of the Falmouth, Massachusetts 700-foot Transition Area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR of Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting from the description of the Falmouth, Massachusetts 700-foot Transition Area the following:

"Within 2 miles each side of the 183° bearing from Edgartown RBN, extending from the 6-mile radius area to 8 miles S of the RBN;"

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a) and 1354(c); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69)]

Note.—The FAA has determined that this document involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Massachusetts, on May 11, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-15136 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Parts 71 and 73

[Airspace Docket No. 81-AAL-6]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points and Special Use Airspace; Amendment to Restricted Area R-2202 A and B, Big Delta, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action further subdivides restricted area R-2202 A and B in Big Delta, Alaska, within existing lateral and vertical dimensions. Subdivision permits activation of only that airspace actually required for a given time and results in increased availability of restricted airspace for public use.

DATES: Effective date: August 6, 1981. Comments must be received on or before June 22, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81-AAL-6, 701 C Street, Box 14, Anchorage, Alaska 99513.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule that was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule. Send comments on environmental aspects to: Commander, Special Troops, Fort Greely, Alaska, APO Seattle, Wash. 98733. Attn: AFZT-FE-GB (Mr. Ed Kiker).

The Rule

The purpose of these amendments to §§ 71.151 and 73.22 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) is to further subdivide R-2202 A and B, Big Delta, Alaska, into R-2202A, R-2202B, R-2202C, R-2202D, R-2202E R-2202F, and R-2202G. Sections 71.151 and 73.22 of Parts 71 and 73 of the Federal Aviation Regulations were republished in the **Federal Register** on January 2, 1981 (46 FR 446 and 783). The current structure of R-2202 A and B limits selective activation of the airspace actually required during a given period of time. Changing the structure of the area from 2 to 7 subdivisions will serve to increase the periodic availability of restricted airspace for use by nonparticipating

aircraft and result in a significant improvement in the efficient joint use of the restricted area. This action merely realigns subdivision boundaries within the confines of the existing restricted area and in effect decreases the burden on the public by increasing the opportunity for public use of the affected airspace. Under the circumstances presented, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.151 and 73.22 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 446 and 783) are amended, effective 0901 GMT, August 6, 1981, as follows:

1. Under § 71.151 by changing "R–2202A Big Delta, Alaska" to read "R–2202G, Big Delta, Alaska."

2. In § 73.22 by deleting the title and text of "R–2202A, Big Delta, Alaska" and "R–2202B Big Delta, Alaska" and adding the following:

R–2202A Big Delta, Alaska

Boundaries. Beginning at Lat. 64°00'48" N., Long. 146°02'19" W.; to Lat. 63°56'17" N., Long. 145°49'30" W.; to Lat. 63°54'20" N., Long. 145°50'20" W.; to Lat. 63°50'30" N., Long. 145°50'00" W.; to Lat. 63°43'00" N., Long. 145°54'01" W.; to Lat. 63°42'15" N., Long. 146°13'26" W.; to point of beginning.

Designated altitudes. Surface to but not including 5,000 feet MSL.

Time of designation. Mon.–Fri., 0700–1700. Other times by NOTAM.

Controlling agency. FAA, Anchorage ARTC Center.

Using agency. U.S. Army Cold Regions Test Center, Fort Greely, Alaska.

R–2202B Big Delta, Alaska

Boundaries. Beginning at Lat. 64°08'29" N., Long. 146°24'44" W.; to Lat. 64°00'48" N., Long. 146°02'19" W.; to Lat. 63°42'15" N., Long. 146°13'26" W.; to Lat. 63°44'00" N., Long. 146°30'00" W.; thence due north to Lat. 63°50'10" N., Long. 146°30'00" W.; thence along the west bank of Delta Creek to the point of beginning.

Designated altitudes. Surface to but not including 5,000 feet MSL.

Time of designation. Mon.–Fri., 0700–1700. Other times by NOTAM.

Controlling agency. FAA, Anchorage ARTC Center.

Using agency. U.S. Army Cold Regions Test Center, Fort Greely, Alaska.

R–2202C Big Delta, Alaska

Boundaries. Beginning at Lat. 64°14'45" N., Long. 146°43'15" W.; to Lat. 64°08'29" N., Long. 146°24'44" W.; thence along the west bank of Delta Creek to Lat. 63°50'10" N., Long. 146°30'00" W.; to Lat. 63°44'00" N., Long. 146°30'00" W.; to Lat. 63°50'50" N., Long. 146°47'30" W.; thence along the east bank of the East Fort and the Little Delta Rivers to the point of beginning.

Designated altitudes. Surface to but not including 5,000 feet MSL.

Time of designation. Mon.–Fri., 0700–1700. Other times by NOTAM.

Controlling agency. FAA, Anchorage ARTC Center.

Using agency. U.S. Army Cold Regions Test Center, Fort Greely, Alaska.

R–2202D Big Delta, Alaska

Boundaries. Beginning at Lat. 64°00'48" N., Long. 146°02'19" W.; to Lat. 63°56'17" N., Long. 145°49'30" W.; to Lat. 63°54'20" N., Long. 145°50'20" W.; to Lat. 63°50'30" N., Long. 145°50'00" W.; to Lat. 63°43'00" N., Long. 145°54'01" W.; to Lat. 63°42'15" N., Long. 146°13'26" W.; to point of beginning.

Designated altitudes. 5,000 to but not including 10,000 feet MSL.

Time of designation. Mon.–Fri., 0700–1700. Other times by NOTAM.

Controlling agency. FAA, Anchorage ARTC Center.

Using agency. U.S. Army Cold Regions Test Center, Fort Greely, Alaska.

R–2202E Big Delta, Alaska

Boundaries. Beginning at Lat. 64°08'29" N., Long. 146°24'44" W.; to Lat. 64°00'48" N., Long. 146°02'19" W.; to Lat. 63°42'15" N., Long. 146°13'26" W.; to Lat. 63°44'00" N., Long. 146°30'00" W.; thence due north to Lat. 63°50'10" N., Long. 146°30'00" W.; thence along the west bank of Delta Creek to the point of beginning.

Designated altitudes. 5,000 to but not including 10,000 feet MSL.

Time of designation. Mon.–Fri., 0700–1700. Other times by NOTAM.

Controlling agency. FAA, Anchorage ARTC Center.

Using agency. U.S. Army Cold Regions Test Center, Fort Greely, Alaska.

R–2202F Big Delta, Alaska

Boundaries. Beginning at Lat. 64°14'45" N., Long. 146°43'15" W.; to Lat. 64°08'29" N., Long. 146°24'44" W.; thence along the west bank of Delta Creek to Lat. 63°50'10" N., Long. 146°30'00" W.; to Lat. 63°44'00" N., Long. 146°30'00" W.; to Lat. 63°50'50" N., Long. 146°47'30" W.; thence along the east bank of the East Fork and the Little Delta Rivers to the point of beginning.

Designated altitudes. 5,000 to but not including 10,000 feet MSL.

Time of designation. Mon.–Fri., 0700–1700. Other times by NOTAM.

Controlling agency. FAA Anchorage ARTC Center.

Using agency. U.S. Army Cold Regions Test Center, Fort Greely, Alaska.

R–2202G Big Delta, Alaska

Boundaries. Beginning at Lat. 65°14'45" N., Long. 146°43'15" W.; to Lat. 63°56'17" N., Long. 145°49'30" W.; to Lat. 63°54'20" N., Long. 145°50'20" W.; to Lat. 63°50'30" N., Long. 145°50'00" W.; to Lat. 63°43'00" N., Long. 145°54'01" W.; to Lat. 63°42'15" N., Long. 146°13'26" W.; to Lat. 63°44'00" N., Long. 146°30'00" W.; to Lat. 63°50'50" N., Long. 146°47'30" W.; thence along the east bank of the East Fork and the Little Delta Rivers to the point of beginning.

Designated altitudes. 10,000 feet MSL to unlimited.

Time of designation. Intermittent by NOTAM.

Controlling agency. FAA Anchorage ARTC Center.

Using agency. U.S. Army Cold Regions Test Center, Fort Greely, Alaska.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on May 13, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-15138 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

[Airspace Docket No. 80-ARM-12]

14 CFR Part 75

Extension of Jet Route No. 136

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment expands Jet Route No. 136 from its present terminal at Billings, Mont., to Medicine Bow, Wyo. This action designates an established route to handle the increased traffic flow in this area. This not only reduces controller workload and frequency congestion, but also provides more efficient air traffic service by reducing the need for radar vectoring.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591; telephone: (202) 426–8783.

History

On October 23, 1980, the FAA proposed to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to extend J–136 from Billings, Mont., to Medicine Bow, Wyo. (45 FR 70281). Interested persons were invited to participate in this rulemaking

proceeding by submitting written comments on the proposal to the FAA. Of the comments received, none were objections. This amendment is the same as that proposed in the notice. Section 75.100 of Part 75 was republished in the **Federal Register** on Janunary 2, 1981 (46 FR 834).

The Rule

This amendment to Part 75 of the Federal Aviation Regulations extends J-136 from Billings, Mont., VORTAC direct to Medicine Bow, Wyo., VORTAC. Designation of this extended route provides charted course radials and minimum altitudes where they are required. Flight planning and communication time is reduced by the use of a numbered jet route rather than radar vectoring that is presently required.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) is amended, effective 0901 GMT, August 6, 1981, by amending Jet Route No. 136 by deleting the words "to Billings." and substituting for them the words "Billings, Mont.; to Medicine Bow, Wyo."

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on May 13, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-15012 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 21719; Amdt. No. 1190]

Standard Instrument Approach Procedures; Miscellaneous Amendments

Correction

In FR Doc. 81-14477, published on page 26609, on Thursday, May 14, 1981, in the first column, in the heading, "Air Traffic and General Operating," should be corrected to read "Standard Instrument Approach Procedures:".

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR Parts 0, 1, 2, 4, and 5

Organization Changes in the Commission's Rulemaking and Investigatory Procedures

Correction

In FR Doc. 81-14228, published at page 26284, on Tuesday, May 12, 1981, make the following changes:

(1) On page 26285, in the first column, in the second paragraph, in the eleventh line, "1.18d(b)" should be corrected to read "1.18(b)".

(2) On page 26290, in the second column, in the first line, "provisions law" should be corrected to read "provisions of law".

(3) On page 26291, in the second column, in the last line "by" should be corrected to read "be".

BILLING CODE 1505-01-M

16 CFR Part 13

[Docket No. C-3065]

The Pillsbury Co., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, that a Minneapolis, Minnesota manufacturer of refrigerated bakery dough ("RBD") products and its major distributor, Kraft, Inc., cease from entering into or enforcing any agreement which bars either party from freely dealing with competitive firms. The order further requires that a prescribed amendment eliminating exclusive dealing requirements be incorporated into the companies' current distribution contract relating to RBD products.

DATE: Complaint and order issued April 28, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C. E. Perry Johnson, Washington, D.C. 20580. (202) 523-3601.

SUPPLEMENTARY INFORMATION: On Wednesday, February 18, 1981, there was published in the **Federal Register**, 46 FR 12753, a proposed consent agreement with analysis In the Matter of The Pillsbury Company, a corporation, and Kraft, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements. § 13.533-60 Release of general, specific or contractual constrictions, requirements or restraints. § 13.533-65 Renegotiations and/or amendment of contracts. Subpart—Dealing on Exclusive and Tying Basis: § 13.670 Dealing on exclusive and tying basis. § 13.670-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-15208 Filed 5-20-81; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76]

High-Cost Natural Gas Produced From Tight Formations; Availability of Supplemental Environmental Assessment

May 18, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Availability of supplemental environmental assessment.

SUMMARY: Notice is hereby given in Docket No. RM79-76 that on May 22, 1981, the Federal Energy Regulatory Commission (FERC) will make available to the public a supplemental environmental assessment (EA) concerning the Final Rule (Order No. 99) issued by the FERC in August 1980 (45 FR 56034). The supplemental EA addresses the potential for adverse impact to groundwater resulting from implementation of Order No. 99, which establishes an incentive price for natural gas produced from tight formations. It updates the broader analysis and conclusions presented in the FERC environmental staff's original EA released in January 1980 (45 FR 2344) and, together with the original EA, concludes all environmental documentation necessary to implement Order No. 99. The supplement reaffirms the conclusion that program implementation would not constitute a major Federal action significantly affecting the quality of the human environment and further concludes that continued final environmental determinations on individual formation designation recommendations are not necessary.

ADDRESS: This supplemental EA has been placed in the FERC's public files and is available for public inspection in the FERC's Office of Congressional and Public Affairs, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., 20426. Copies are available in limited quantities upon request.

FOR FURTHER INFORMATION CONTACT: Requests for further information about the supplemental EA should be addressed to Mr. Laurence J. Sauter, Jr., Room 7102, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, telephone (202) 357-8881.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15267 Filed 5-20-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7777]

Income Tax; Taxable Years Beginning After December 31, 1953; Withholding of Tax on Nonresident Aliens and Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the withholding of tax on nonresident aliens and foreign corporations. These regulations provide withholding agents with the guidance needed to comply with the Revised Organic Act of the Virgin Islands (68 Stat. 508; 48 U.S.C. 1642).

EFFECTIVE DATE: The revocation of the regulation with respect to withholding is effective after June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Catherine Kelly Banks of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On July 8, 1980, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1441 of the Internal Revenue Code of 1954 (45 FR 45924). A public hearing was held on November 7, 1980. After consideration of all comments regarding the proposed amendments, those amendments are adopted by this Treasury decision.

The document published in the **Federal Register** on July 8, 1980 consisted of notification of an intention to revoke paragraph (d) of section 1.1441-4. The purpose of this revocation is to eliminate any need to "mirror" this provision of the regulations, as required by a decision of the Third Circuit in *Vitco, Inc. v. Government of the Virgin Islands*, 560 F2d 180 (3rd Cir. 1977), *cert denied*, 98 S. Ct. 1630 (1978). That case held that the Virgin Islands is not entitled to withhold tax under sections 1441 and 1442 on payments from V.I. inhabitants to U.S. persons because the exemption from withholding on V.I. inhabitants contained in paragraph (d) of section 1.1441-4 had to be "mirrored".

Major Issues Involved

The commentators had two major arguments. The first argument was that the Revised Organic Act of the Virgin Islands (68 Stat. 508; 48 U.S.C. 1642) should be mirrored. The Revised Organic Act provides, *inter alia*, that Virgin Islands permanent residents satisfy their tax liability to the United States on United States source income by paying tax on their worldwide income to the Virgin Islands. Since Virgin Islands permanent residents have no tax liability to the United States if they comply with the Revised Organic Act, an exemption from withholding on payments of U.S. source income to Virgin Islands permanent residents is appropriate. The Naval Service Appropriation Act of 1922 (42 Stat. 123; 48 U.S.C. 1397), using the language "the income tax laws in force in the United States and those which may hereafter be enacted shall be held to be likewise in force in the Virgin Islands," established in the Virgin Islands what is termed a "mirrored Code". The "mirrored Code" essentially consists of the Internal Revenue Code with the words "Virgin Islands" substituted for the words "United States" where appropriate. The commentators argued that the Revised Organic Act was "an income tax law in force in the United States" under the language of the Naval Act and that the Revised Organic Act and the exemption from withholding contained in paragraph (d) of § 1.1441-4 based on that Act should also be mirrored.

The second major argument of the commentators was that the Naval Act by itself prohibits the imposition of a withholding tax on gross income by either jurisdiction on the taxpayers of the other jurisdiction. The commentators based their argument on the predecessor of section 932(b), section 260 of the Revenue Act of 1921. The first paragraph of that section (now section 932(a)) provided that citizens of possessions were nonresident aliens. The second paragraph (now section 932(b)) provided that nothing in the first paragraph was to be construed to alter or amend the provisions of the Naval Act. The commentators, citing Reg. 62, Art. 1121 promulgated under section 260, reasoned that the interpretation of the Naval Act contained in the second paragraph of section 260 was that Virgin Islands residents were *not* nonresident aliens and therefore were *not* subject to withholding. Thus, the commentators contended, even if paragraph (b) of § 1.1441-4 was revoked, the effect of the Naval Act, as embodied in section 932(b), was that there was to be no

withholding on Virghin Islands residents, and, conversely, no withholding on payments of V.I. source income to U.S. recipients.

With respect to whether the Revised Organic Act should be mirrored, there is no reciprocal U.S. law providing that U.S. persons satisfy their tax liability to the Virgin Islands on Virgin Islands source income by paying taxes on their worldwide income to the United States. The legislative history of the Revised Organic Act and later Congressional interpretation of that Act make clear that there was no Congressional intent in that Act to mirror it and thus deprive the Virgin Islands of taxes due from U.S. persons on their Virgin Islands source income. See H. Rep. No. 1603, 83rd Cong., 2nd Sess. 13 (1954) and H. Rep. No. 1131, 86th Cong., 1st Sess., pp. 3–4 (1959). The Third Circuit both in *Chicago Bridge and Iron Co. v. Wheatley*, 430 F2d 973 (3rd. Cir. 1970), at p. 974 and in footnote 1, and in *Great Cruz Bay Inc., St. John, Virgin Islands v. Wheatley*, 495 F2d 301 (3rd Cir. 1974), at p. 303, explicitly indicated that U.S. persons have tax liability to the Virgin Islands on their Virgin Islands source income, and by direct implication, that the Revised Organic Act is not mirrored to remove such liability.

The Third Circuit in *Vitco, supra*, is trying to judicially accomplish what it took Congressional action to accomplish after the case of *Sayre Co. v. Riddell*, 395 F.2d 407 (9th Cir. 1968). Ruling on the Guam mirror Code (almost identical to the Virgin Islands mirror Code language), the Ninth Circuit in *Sayre, supra*, at p. 409, held that a U.S. corporation was a foreign corporation and hence the section 881 tax (and therefore withholding of that tax) would be imposed. Congress, not disputing that the *Sayre* court correctly interpreted the effect of the Guam mirror Code, amended sections 881 and 1442 of the Code to provide that, for purposes of those sections, a Guamanian corporation was not a foreign corporation. Mirrored, this resulted in a U.S. corporation not being a foreign corporation for Guamanian tax purposes (and therefore would not be subject to the section 881 tax nor the withholding in section 1442 based on that tax). In contrast to the Congressional action after *Sayre* which expressly intended mirroring of its amendments to the Code, there is no evidence in the Revised Organic Act or its legislative history that mirroring of that Act was intended to occur. Thus a United States corporation is still foreign for purposes of Virgin Islands taxation and *vice versa* and therefore withholding of the section 881 tax by the Virgin Islands is still mandated.

As to the second argument of the commentators, that the Naval Act as interpreted in section 260 does not make Virgin Islands residents nonresident aliens subject to withholding, these commentators are interpreting the very provision which established the mirror Code in the Virgin Islands to argue that it meant that a Virgin Island resident was to be taxed as a domestic U.S. citizen would be taxed. The commentators read section 260 and the regulation promulgated under it as though the Naval Act extended the Code directly to the possessions. This reading would vitiate the long-established interpretation that the mirror Code made the Virgin Islands and the United States two separate, foreign-with-respect-to-each-other taxing jurisdictions, with the taxpayers of each nonresident aliens and foreign corporations with respect to taxation (and thus withholding) by the other jurisdiction. See I.T. 2946, XIV–2 C.B. 109 (1935); I.T. 3690, 1944 C.B. 164; Rev. Rul. 73–315, 1973–2 C.B. 225; Rev. Rul. 78–327, 1978–2 C.B. 196; *Dudley v. Commissioner*, 258 F.2d 182, at p. 185; *Chicago Bridge and Iron Co. v. Wheatley, supra*, at p. 974, *Great Cruz Bay, Inc., St. John, Virgin Islands v. Wheatley, supra*, at pp. 303–305. The Naval Act has been interpreted as establishing a separate statute identical to the Code: therefore (until the Revised Organic Act) there was authority under sections 1441 and 1442 for the United States to withhold tax on U.S. source passive income being paid to V.I. residents and for the Virgin Islands to withhold tax on Virgin Islands source income being paid to U.S. taxpayers. The Revised Organic Act removed the underlying tax liability of Virgin Islands residents to U.S., but it did not remove the liability of United States persons to the Virgin Islands. Therefore, the Naval Act provides no basis for an argument that it precluded withholding on Virgin Islands taxpayers. Moreover, section 932 and its predecessor section 260 by their terms applied only to individuals and cannot be the basis for any exemption from withholding on corporations.

The Internal Revenue Service is issuing Rev. Proc. 81–20, 1981–21 IRB, on May 26, 1981. The revenue procedure will set forth the obligations of U.S. withholding agents with regard to payments to V.I. residents to properly reflect the Revised Organic Act.

Drafting Information

The principal author of this revocation was Catherine Kelly Banks of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the revocation, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, the amendments to 26 CFR Part 1 is amended as follows:

Paragraph 1. Paragraph (d)(1) of § 1.1441–4 is amended to read as follows:

§ 1.1441–4 Exemptions from withholding.

* * * * *

(d) *Inhabitants of the Virgin Islands*—(1) *Allowance of exemption.* This paragraph shall not apply after June 18, 1981. No withholding is required under § 1.1441–1 upon any item of income paid to any person who at the time of payment reasonably expects to satisfy his income tax obligations with respect to that item under section 28(a) of the Revised Organic Act of the Virgin Islands. That section provides that all persons whose permanent residence is in the Virgin Islands "shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the Treasury of the Virgin Islands." For the purpose of this paragraph, the term "person" shall include an individual, partnership, and corporation.

* * * * *

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805)

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved:

John. E. Chapoton,

Assistant Secretary of the Treasury.

May 14, 1981.

[FR Doc. 81–15188 Filed 5–18–81; 3:08 p.m.]

BILLING CODE 4830–01–M

---

26 CFR Part 16A

[T.D. 7778]

Temporary Income Tax Regulations Relating to the Exclusion for Certain Conservation Cost Sharing Payments; Interim Rules for Determining Amounts Excluded Under Section 126 and Subject To Recapture Under Section 1255

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to certain cost-sharing payments. Amendments to the Internal Revenue Code were made by the Revenue Act of 1978 and the Technical Corrections Act of 1979. The regulations provide guidance needed to comply with those Acts to persons who receive payments under certain governmental programs for conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife. In addition, the text contained in the temporary regulations serves as a text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules Section of this issue of the **Federal Register**.

DATES: These temporary regulations apply to payments received or accrued after September 30, 1979.

FOR FURTHER INFORMATION CONTACT: Phoebe A. Mix of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3297, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

These regulations provide Income Tax Regulations (26 CFR Part 16A) under sections 126 and 1255 of the Internal Revenue Code of 1954. These amendments are proposed under section 543 of the Revenue Act of 1978 (92 Stat. 2888) and section 105(a)(7) of the Technical Corrections Act of 1979 (94 Stat. 104). They are to be issued under the authority of sections 126 (c)(2) (as amended by the Technical Corrections Act of 1979), 1255(b) and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 126(c)(2), 1255(b) and 7805). All references to the Internal Revenue Code of 1954 are as amended by the Technical Corrections Act of 1979.

Purpose of Statutory Provisions

Congress enacted section 126 of the Code to alleviate what were perceived to be potentially adverse tax consequences of the receipt of improvements to property under certain conservation programs. In general, a taxpayer who receives a benefit from a government must include the value of the benefit in gross income under section 61, absent a specific statutory exclusion. The Internal Revenue Service had indicated that in certain circumstances it would consider the value to the taxpayer of certain conservation improvements as equal to the cost of the improvement. In the conservation cost-sharing programs listed in section 126, the cost of an improvement may substantially exceed any private benefit received by the taxpayer. Under section 126, when an improvement does not substantially increase the annual income derived from the property, the taxpayer may exclude from income the value of the improvement, provided certain conditions are met. These regulations provide the method for determining whether an increase in income is substantial. Taxpayers need not apply to the Internal Revenue Service for a ruling.

Section 1255 was enacted to recapture any amount previously excluded under section 126 when the improved property is sold at a gain within a certain period of time.

Amounts Excluded From Gross Income Under Section 126

Section 126 permits a taxpayer to exclude from income that portion (or all) of the value of the section 126 improvement which does not substantially increase the annual income derived from the property. Under these temporary regulations, an increase in annual income is not substantial unless it exceeds the greater of $2.50 an acre or 10 percent of the average annual income derived from the property prior to the improvement. Absent section 126, the amount a taxpayer must include in income as a result of the installation of a section 126 improvement is the value of the improvement.

Section 126 applies only to payments for improvements received under a program listed in section 126(a) which the Secretary of Agriculture has determined were made primarily for the purpose of conservation. These regulations take no position on the tax consequences of the receipt of payments for improvements which are not certified by the Secretary of Agriculture as being primarily for the purpose of conservation nor on the receipt of payments under programs not listed in section 126(a).

Rent and Compensation for Services

The section 126 exclusion applies only to the value of a benefit conferred on a taxpayer by the installation of a section 126 improvement. It does not apply to any payment in the nature of rent or compensation for services. For example, an amount paid to a farmer to compensate the farmer for agreeing not to produce crops is not a section 126 improvement. Similarly, if a government pays money to a landowner as compensation for the landowner's personal services performed in carrying out all or a part of a program listed in section 126(a), that payment does not qualify for the section 126 exclusion and is excluded from the cost of the section 126 improvement for purposes of this section.

Section 1255. Recapture of Amounts Excluded Under Section 126

Section 1255 provides that part or all of amounts excluded from gross income under section 126 will be included in ordinary income to the extent of the capital gains recognized at the time of a sale of property which includes a section 126 improvement, if such property is sold within 20 years of receipt of the last government payment for improvement. Sections 16A.1255–1 through 16A.1255–2 of the proposed regulations apply to this provision.

Drafting Information

The principal author of these temporary regulations is Phoebe A. Mix of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed amendments to the regulations

Accordingly, the following additions to the Income Tax Regulations (26 CFR Part 16A) are adopted:

§ 16A.126–0 Effective dates.

These temporary regulations shall apply to any payments received under a contract signed by the taxpayer and the appropriate agency after September 30, 1979.

§ 16A.126–1 Certain cost sharing payments—in general.

(a) *Introduction.* In general, section 126 provides that recipients of payments made after September 30, 1979 under certain conservation, reclamation and restoration programs may exclude all or a portion of those payments from income if the payments do not substantially increase the annual income derived by the taxpayer from the affected property. For purposes of this section, the term "payment" as used in section 126 means payment of the economic benefit, if any, conferred upon the taxpayer upon receipt of the improvement. An increase in annual income is substantial if it exceeds the greater of 10 percent of the average annual income derived from the affected

property prior to receipt of the improvement or an amount equal to $2.50 times the number of affected acres. The amount of gross income which a taxpayer realizes upon the receipt of a section 126 payment is the value of the section 126 improvement, reduced by the sum of the excludable portion and the taxpayer's share of the cost of the improvement (if any).

(b) *Definitions.* For purposes of this section, the term:

(1) "Cost of the improvement" means the sum of amounts paid by a government and the taxpayer, whether or not with borrowed funds, for the improvement.

(2) "Section 126 cost" means the cost of the improvement less the sum of

(i) Any government payments under a program which is not listed in section 126(a),

(ii) Any portion of a government payment under a program which is listed in section 126(a) which the Secretary of Agriculture has not certified is primarily for purposes of conservation,

(iii) Any government payment to the taxpayer which is in the nature of rent or compensation for services.

(3) "Value of the section 126 improvement" means the fair market value of the improvement multiplied by a fraction, the numerator of which is the section 126 cost and the denominator of which is the cost of the improvement.

(4) "Affected acreage" means the acres affected by the improvement.

(5) "Excludable portion" means the present fair market value of the right to receive annual income from the affected acreage of the greater of 10 percent of the prior average annual income from the affected acreage or $2.50 times the number of affected acres.

(6) "Prior average annual income" means the average of the gross receipts from the affected acreage for the last three taxable years preceding the taxable year in which installation of the improvement is commenced.

(7) "Section 126 improvement" means the portion of the improvement equal to the percentage which government payments made to the taxpayer, which the Secretary of Agriculture has certified were made primarily for the purpose of conservation, bear to the cost of the improvement.

(c) *Income realized upon receipt of a section 126 improvement*—(1) *Section 126 exclusion applied.* Unless a taxpayer elects not to have section 126 apply, the amount of gross income realized on receipt of the section 126 improvement is the value of the section 126 improvement less the sum of the taxpayer's share of the cost of the improvement and the excludable portion.

(2) *Section 126 exclusion not applied.* If a taxpayer elects under section 126(c) not to have section 126 apply in whole or in part, the amount realized on the receipt of the section 126 improvement is the value of the section 126 improvement less the sum of the taxpayer's share of the cost of the improvement and the excludable portion that applies, if any.

(d) *Payments under watershed programs*—(1) *Programs within section 126(a)(9).* Section 126(a)(9) covers certain programs affecting small watersheds.

These programs must be administered by the Secretary of Agriculture and be determined by the Commissioner to be substantially similar to the type of program described in section 126(a) (1) through (8). The Commissioner has determined that section 126 improvements made in connection with small watersheds are within the scope of section 126(a)(9) if they are made under one of the following programs:

(A) The Watershed Protection and Flood Prevention Act, Pub. L. 566, 68 Stat. 666, as amended (16 U.S.C. 1001, et seq.), as funded by the Act of November 9, 1979, Pub. L. 96–108, 93 Stat. 834.

(B) Flood Prevention Projects, Pub. L. 86–468, sec. 1, 74 Stat. 131, as amended (16 U.S.C. 1006a); Pub. L. 78–534, sec. 2, 58 Stat. 889 (33 U.S.C. 701a–1); Pub. L. 78–534, sec. 13, 58 Stat. 905;

(C) Emergency Watershed Protection, Pub. L. 81–516, sec. 216, 64 Stat. 184 (33 U.S.C. 701b–1), and

(D) Colorado River Basin Salinity Control Act, Pub. L. 93–320, 88 Stat. 266:

(*1*) Title 1—Programs downstream from Imperial Dam, and

(*2*) Title 2—Measures upstream from Imperial Dam.

(2) *Other programs.* The Commissioner may announce further determinations under section 126(a)(9) from time to time in the Internal Revenue Bulletin.

(3) *Small watershed defined.* A watershed is a "small watershed" under this paragraph and section 126(a)(9) if the watershed or subwatershed does not exceed 250,000 acres and does not include any single structure providing more than 12,500 acre-feet of floodwater detention capacity, nor more than 25,000 acre-feet of total capacity.

(e) *Basis of property not increased by reason of excludable amounts.* Notwithstanding any provision of section 1016 (relating to adjustments to basis) to the contrary, basis of any property does not include any amount which is excludable from gross income under section 126.

(f) *Cross reference.* For rules relating to the recapture as ordinary income of the gain from the disposition (within 20 years of the date of receipt) of property for which an exclusion is claimed for a section 126 improvement, see section 1255 and the regulations thereunder.

(g) *Examples.* The provisions of this section are illustrated by the following examples:

Example (1). In 1981, 100 acres of the taxpayer's land is reclaimed under a Rural Abandoned Mine Program contract with the Soil Conservation Service of the U.S. Department of Agriculture. The total cost of the improvement is $700,000. USDA pays $690,000, the taxpayer $10,000. The Secretary of Agriculture certifies that 95% of the USDA payment ($34,500) was primarily for the purpose of conservation. $150,000 of USDA's payment is compensation for the taxpayer's service in the reclamation project. The taxpayer can deduct $15,500 against the payment in 1981. Based on all the facts and circumstances, the value of the improvement is $21,000. The taxpayer elects not to have section 126 apply. The taxpayer computes the amount which he includes in gross income as a result of receipt of the improvement as follows:

(1)

Cost of improvement	$700,000
Nonsection 126 payment	(34,500)
Compensation for services	(165,500)
Section 126 cost	500,000

(2)

Value of improvement	$21,000
Section 126 cost ×	500,000
Cost of improvement	700,000
Value of section 126 improvement	15,000

(3) Amount included in gross income as a result of receipt of section 126 improvement:

Value of 126 improvement	$15,000
(Taxpayer's contribution)	(10,000)
Amount included in gross income	5,000

Example (2). The facts are the same as example (1) except that section 126 applies. Based on all the facts and circumstances, the present fair market value of the right to receive annual income from the property of 10 percent of the prior average annual income of the affected acreage prior to the receipt of the improvement is $1,380 and the present fair market value of the right to receive $250 ($2.50 × 100 acres) is $1,550. The excludable portion is, therefore, $1,550. The taxpayer computes the amount included in gross income as follows:

Value of section 126 improvement	$15,000
(Taxpayer's contribution)	(10,000)
(Excludable portion)	(1,550)
Amount included in income	3,450

V 46 / 98 MAY 21 1981 UMI

Example (3). The facts are the same as example (2) except that the present value of 10 percent of the prior average annual income is $5,600. The taxpayer realizes no income as a result of receipt of the section 126 project.

(1)

Value of section 126 improvement	$15,000
(Taxpayer's contribution)	(10,000)
(Excludable portion)	(5,600)
Amount included in income	0

Example (4). In 1983, the taxpayer signs a contract under the water bank program under which he will maintain 20 acres of undisturbed wetlands as a wildfowl preserve. In return he will receive $90 an acre as rent from the government. Although the payment is made under a program listed in section 126(a) and the Secretary of Agriculture has certified that the entire amount of payment was made primarily for the purpose of conservation, there is no income eligible for section 126 exclusion because the full payment is rent. The rent is included in full in gross income.

Example (5). In 1980, the taxpayer reforests 200 acres of nonindustrial private forest land by planting tree seedlings. The taxpayer pays the full cost of the reforestation, $15,000. Under the cost-sharing provisions of the forestry incentives program, the taxpayer receives a reimbursement from USDA of $12,000. The Secretary of Agriculture certifies that 100% of the USDA payment is primarily for the purpose of conservation. Assume that the excludable portion is $3,500 and that based on all the facts and circumstances, the value of the improvement is $15,000. The amount which is includable in income is the value of the section 126 improvement, reduced by the excludable portion and the taxpayer's share of the cost of the improvement. Therefore the taxpayer includes $8,500 in gross income as a result of the USDA payment, computed as follows:

Value of the section 126 improvement	$15,000
(Excludable portion)	(3,500)
(Taxpayer's contribution)	(3,000)
Amount included in gross income	8,500

§ 16A.126–2 Section 126 elections.

(a) *Election for section 126 not to apply in whole or in part.* A taxpayer may elect under section 126(c) not to have section 126 apply to all or any part of an improvement described in section 126.

(b) *Application of the section 126 exclusion.* To the extent the section 126 exclusion applies, the taxpayer should so indicate on an attachment to the tax return (or amended return) for the taxable year in which the taxpayer received the last payment made by a government for the improvement. The attachment should state the dollar amount of the section 126 cost funded by a government payment, the value of the section 126 improvement, and the amount that the taxpayer is excluding under section 126.

Par. 2. Sections 16A.1255–1 and 16A.1255–2 are added in the appropriate place to read as follows:

§ 16A.1255–1 General rule for treatment of gain from disposition of section 126 property.

(a) *Ordinary income*—(1) *General rule.* Except as otherwise provided in this section and § 16A.1255–2, if section 126 property is disposed of after September 30, 1979, then under section 1255(a)(1) there shall be recognized as ordinary income the lesser of—

(i) The "excludable portion" under section 126, or

(ii) (A) The excess of the amount realized (in the case of a sale, exchange, or involuntary conversion), or the fair market value of the section 126 property (in the case of any other disposition), over the adjusted basis of the property, less

(B) The amount recognized as ordinary income under the other provisions of chapter 1, subchapter P, part IV of the Code.

(2) *Application of section.* Any gain treated as ordinary income under section 1255(a)(1) shall be recognized as ordinary income notwithstanding any other provision of subtitle A of the Code except that section 1255 does not apply to the extent the gain is recognized as ordinary income under the other provisions of subchapter P, part IV of the Code. For special rules with respect to the application of section 1255, see § 16A.1255–2. For the relation of section 1255 to other provisions, see paragraph (c) of this section.

(3) *Meaning of terms.* For purposes of section 1255 and these regulations—

(i) The term "section 126 property" means any property acquired, improved, or otherwise modified as a result of a payment listed in section 126(a) which has been certified by the Secretary of Agriculture as primarily for the purpose of conservation;

(ii) The term "excludable portion" is defined in § 16A.126–1(b)(5);

(iii) The term "disposition" has the same meaning as in § 1.1245–1(a)(3);

(iv) The term "date of receipt of the section 126 payment" means the last date the government made a payment for the improvements.

(4) *Applicable percentage.* If section 126 property is disposed of less than 10 years after the date of receipt of the last payment which has been certified by the Secretary of Agriculture as primarily for the purpose of conservation, the "applicable percentage" is 100 percent; if section 126 property is disposed of more than 10 years after that date, the applicable percentage is 100 percent reduced (but not below zero) by 10 percent for each year or part thereof in excess of 10 years such property was held after the date of the section 126 payment.

(5) *Portion of parcel.* The amount of gain to be recognized as ordinary income under section 1255(a)(1) shall be determined separately for each parcel of section 126 property in a manner consistent with the principles of § 1245–1(a) (4) and (5) relating to gain from disposition of certain depreciable property. If (i) only a portion of a parcel of section 126 property is disposed of in a transaction, or if two or more portions of a single parcel are disposed of in one transaction, and (ii) the aggregate of "excludable portions" with respect to any such portion cannot be established to the satisfaction of the Commissioner, then the aggregate of the "excludable portions" in respect of the entire parcel shall be allocated to each portion in proportion to the fair market value of each at the time of the disposition.

(b) *Instances of nonapplication*—(1) *In general.* Section 1255 does not apply if a taxpayer disposes of section 126 property more than 20 years after receipt of the last section 126 payment with respect to the property.

(2) *Losses.* Section 1255(a)(1) does not apply to losses. Thus, section 1255(a)(1) does not apply if a loss is realized upon a sale, exchange, or involuntary conversion of property, all of which is section 126 property, nor does the section apply to a disposition of the property other than by way of sale, exchange, or involuntary conversion if at the time of the disposition the fair market value of the property is not greater than its adjusted basis.

(c) *Relation of section 1255 to other provisions*—(1) *General.* The provisions of section 1255 apply notwithstanding any other provisions of subtitle A of the Code except that they do not apply to the extent gain is recognized as ordinary income under the other provisions of subchapter P, part IV of the Code. Thus, unless an exception or limitation under § 16A.1255–2 applies, gain under section 1255(a)(1) is recognized notwithstanding any contrary nonrecognition provision or income characterizing provision. For example, since section 1255 overrides section 1231 (relating to property used in the trade or business), the gain recognized under section 1255 upon a disposition of section 126 property will be treated as ordinary income and only the remaining gain, if any, from the disposition may be considered as gain from the sale or exchange of property to which section 1231 applies. See example (1) of paragraph (d) of this section.

(2) *Nonrecognition sections overridden.* The nonrecognition of gain provisions of subtitle A of the Code which section 1255 overrides include, but are not limited to, sections 267(d), 311(a), 336, 337, and 512(b)(5). See § 16A.1255–2 for the extent to which section 1255(a)(1) overrides sections 332, 351, 361, 371(a), 374(a), 721, 731, 1031, and 1033.

(3) *Installment method.* Gain from a disposition to which section 1255(a)(1) applies may be reported under the installment method if such method is otherwise available under section 453 of the Code. In such a case, the portion of the installment payment that is gain is treated as follows: first as ordinary gain under other sections of chapter I subchapter P, part IV of the Code until all that gain has been reported; next as ordinary gain to which section 1255 applies until all that gain is reported; and finally as gain under other sections of chapter I, subchapter D, part IV of the Code. For treatment of amounts as interest on certain deferred payments, see section 483.

(4) *Exempt income.* With regard to exempt income, the principles of § 1.1245–6(e) shall be applicable.

(5) *Treatment of gain not recognized under section 1255(a)(1).* For treatment of gain not recognized under this section, the principles of § 1.1245–6(f) shall be applicable.

(d) *Example.* The provisions of this section may be illustrated by the following example:

Example (1). Individual A uses the calendar year as his taxable year. On April 10, 1995, A sells for $75,000 section 126 property with an adjusted basis of $52,500 for a realized gain of $22,500. The excludable portion under section 126 was $18,000. A received the section 126 payment on January 5, 1980. No gain is recognized as ordinary gain under sections 1231 through 1254. Because the applicable percentage, 100 percent, of the aggregate of the section 126 improvements ($18,000), $18,000, is lower than the gain realized, $22,500, the amount of gain recognized as ordinary income under section 1255(a)(1) is $18,000. The remaining $4,500 of the gain may be treated as gain from the sale or exchange of property described in section 1231.

§ 16A.1255–2 Special rules.

(a) *Exception for gifts*—(1) *General rule.* In general, no gain shall be recognized under section 1255(a)(1) upon a disposition of section 126 property by gift. For purposes of section 1255 and this paragraph, the term "gift" shall have the same meaning as in § 1.1245–4(a) and, with respect to the application of this paragraph, principles illustrated by the examples of § 1.1245–4(a)(2) shall apply.

(2) *Disposition in part a sale or exchange and in part a gift.* Where a disposition of section 126 property is in part a sale or exchange and in part a gift, the amount of gain which shall be recognized as ordinary income under section 1255(a)(1) shall be computed under § 16A.1255–1(a)(1), applied by treating the gain realized (for purposes of § 16A.1255–1(a)(1)(ii)), as the excess of the amount realized over the adjusted basis of the section 126 property.

(3) *Treatment of section 126 property in hands of transferee.* See paragraph (d) of this section for treatment of the transferee in the case of a disposition to which this paragraph applies.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). On March 2, 1986, A makes a gift to B of a parcel of land having an adjusted basis of $40,000 and fair market value of $65,000. On the date of that gift, the aggregate of excludable portions under section 126 was $24,000. The section 126 payments were all received on January 15, 1981. Upon making the gift, A recognizes no gain under section 1255(a)(1). See paragraph (a)(1) of this section. For treatment of the property in the hands of B, see example (1) of paragraph (d)(3) of this section.

Example (2). (i) Assume the same facts as in example (1), except that A transfers the land to B for $50,000. Assume further that no gain is recognized as ordinary income under any other provision of chapter I, subchapter P, part IV of the Code. Thus, the gain realized is $10,000 (amount realized, $50,000, minus adjusted basis, $40,000), and A has made a gift of $15,000 (fair market value, $65,000, minus amount realized, $50,000).

(ii) Upon the transfer of the land to B, A recognizes $10,000 as ordinary income under section 1255(a)(1), computed under paragraph (a)(2) of this section as follows:

(1) Aggregate of excludable portions under section 126	$24,000
(2) Multiply: Applicable percentage for land disposed if within sixth year after section 126 payments were received	100
(3) Amount in § 16A.1255–1(a)(1)(i)	$24,000
(4) Gain realized (see (i) of this example)	10,000
(5) Amount in § 16A.1255–1(a)(1)(ii) applied in accordance with paragraph (a)(2) of this section	10,000
(6) Lower of line (3) or line (5)	10,000

Thus, the entire gain realized on the transfer, $10,000, is recognized as ordinary income.

For treatment of the farm land in the hands of B, see example (2) of paragraph (d)(3) of this section.

(b) *Exception for transfer at death*—(1) *In general.* Except as provided in section 691 (relating to income in respect of a decedent), no gain shall be recognized under section 1255(a)(1) upon a transfer at death. For purposes of section 1255 and this paragraph, the term "transfer at death" shall have the same meaning as in § 1.1245–4(b) and, with respect to the application of this paragraph, principles illustrated by the examples of § 1.1245–4(b)(2) shall apply.

(2) *Treatment of section 126 property in hands of transferee.* If, as of the date a person acquires section 126 property from a decedent, the person's basis is determined by reason of the application of section 1014(a), solely by reference to the fair market value of the property on the date of the decedent's death, or on the applicable date provided in section 2032 (relating to alternative valuation date), then on that date the aggregate of excludable portions under section 126 in the hands of such transferee is zero.

(c) *Limitation for certain tax-free transactions*—(1) *Limitation on amount of gain.* Upon a transfer of section 126 property described in paragraph (c)(2) of this section, the amount of gain recognized as ordinary income under section 1255(a)(1) shall not exceed an amount equal to the excess (if any) of (i) the amount of gain recognized to the transferor on the transfer (determined without regard to section 1255) over (ii) the amount (if any) of gain recognized as ordinary income under the other provisions of chapter I, subchapter P, part IV of the Code. For purposes of paragraph (c)(1) of this section, the principles of § 1.1245–4(c)(1) shall apply. Thus, in the case of a transfer of section 126 property and other property in one transaction, the amount realized from the disposition of the section 126 property (as determined in a manner consistent with the principles of § 1.1245–1(a)(5)) shall consist of that portion of the fair market value of each property acquired which bears the same ratio to the fair market value of the acquired property as the amount realized from the disposition of the section 126 property bears to the total amount realized. The preceding sentence shall be applied solely for purposes of computing the portion of the total gain (determined without regard to section 1255) which is eligible to be recognized as ordinary income under section 1255(a)(1). The provisions of this paragraph do not apply to a disposition of property to an organization (other than a cooperative described in section 521) which is exempt from the tax imposed by chapter 1 of the Code.

(2) *Transfers covered.* The transfers referred to in paragraph (c)(1) of this section are transfers of section 126 property in which the basis of the property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of

the application of any of the following provisions:

(i) Section 332 (relating to distributions in complete liquidation of an 80-percent-or-more controlled subsidiary corporation). For application of paragraph (c)(1) of this section to such a complete liquidation, the principles of § 1.1245–4(c)(3) shall apply. Thus, for example, the provisions of paragraph (c)(1) of this section do not apply to a liquidating distribution of section 126 property by an 80-percent-or-more controlled subsidiary to its parent if the parent's basis for the property is determined, under section 334(b)(2), by reference to its basis for the stock of the subsidiary.

(ii) Section 351 (relating to transfer to a corporation controlled by the transferor).

(iii) Section 361 (relating to exchanges pursuant to certain corporate reorganizations).

(iv) Section 371(a) (relating to exchanges pursuant to certain receivership and bankruptcy proceedings).

(v) Section 374(a) (relating to exchanges pursuant to certain railroad reorganizations).

(vi) Section 721 (relating to transfers to a partnership in exchange for a partnership interest). See paragraph (e) of this section.

(vii) Section 731 (relating to distributions by a partnership to a partner). For special carryover of basis rule, see paragraph (e) of this section.

(viii) Section 1031 (relating to like kind exchanges).

(ix) Section 1034 (relating to rollover of gain on the sale of a principal residence).

(3) *Treatment of section 126 property in the hands of transferee.* See paragraph (d) of this section for treatment of the transferee in the case of a disposition to which this paragraph applies.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). On January 4, 1986, A holds a parcel of property that is section 126 property having an adjusted basis of $15,000 and a fair market value of $40,000. On that date he transfers the parcel to corporation M in exchange for stock in the corporation worth $40,000 in a transaction qualifying under section 351. On the date of the transfer, the aggregate of excludable portions under section 126 with respect to the transferred property is $18,000 and all of such amount was received on March 25, 1981. With regard to section 1255, A would recognize no gain under section 351 upon the transfer and M's basis for the land would be determined under section 362(a) by reference to its basis in the hands of A. Thus, as a result of the disposition, no gain is recognized as ordinary income under section 1255 by A since the amount of gain recognized under that section is limited to the amount of gain which is recognized under section 351 (determined without regard to section 1255). See paragraph (c)(1) of this section. For treatment of the section 126 property in the hands of B, see paragraph (d)(1) of this section.

Example (2). Assume the same facts in example (1), except that A transferred the property to M for stock in the corporation worth $32,000 and $8,000 cash. The gain realized is $25,000 (amount realized, $40,000, minus adjusted basis, $15,000). Without regard to section 1255, A would recognize $8,000 of gain under section 351(b). Assume further that no gain is recognized as ordinary income under the other provisions of chapter 1, subchapter P, part IV of the Code. Therefore, since the applicable percentage, 100 percent of the aggregate excludable portions under section 126, $18,000, is lower than the gain realized, $25,000, the amount of gain to be recognized as ordinary income under section 1255(a)(1) would be $18,000 if the provisions of paragraph (c)(1) of this section do not apply. Since under section 351(b) gain in the amount of $8,000 would be recognized to the transferor without regard to section 1255, the limitation provided in paragraph (c)(1) of this section limits the gain taken into account by A under section 1255(a)(1) to $8,000.

Example (3). Assume the same facts as in example (2), except that $5,000 of gain is recognized as ordinary income under section 1251(c)(1). The amount of gain recognized as ordinary income under section 1255(a)(1) is $3,000 computed as follows:

(1) Amount of gain under section 1255(a)(1) (determined without regard to paragraph (c)(1) of this section):	
(a) Aggregate of excludable portions under section 126	$18,000
(b) Multiply: Applicable percentage for property disposed of within the fifth year after section 126 payments were received (percent)	100
(c) Amount in § 16A.1255–1(a)(1)(i)	$18,000
(d) Gain realized (amount realized $40,000 less adjusted basis, $15,000)	$25,000
(e) Lower of line (c) or line (d)	$18,000
(2) Limitation in paragraph (c)(1) of this section:	
(a) Gain recognized (determined without regard to section 1255)	$8,000
(b) Minus: Gain recognized as ordinary income under section 1251(c)(1)	$5,000
(c) Difference	$3,000
(3) Lower of line (1)(e) or line (2)(c)	$3,000

Thus, the entire gain recognized under section 351(b) (determined without regard to sections 1251 and 1255), $8,000, is recognized as ordinary income since that amount is equal to the sum of the gain recognized as ordinary income under section 1251(c)(1), $5,000, and under section 1255(a)(1), $3,000.

(d) *Treatment of section 126 property received by a transferee in a disposition by gift and certain tax-free transactions*—(1) *General rule.* If section 126 property is disposed of in a transaction which is either a gift to which paragraph (a)(1) of this section applies, or a completely tax-free transfer to which paragraph (c)(1) of this section applies, then for purposes of section 1255—

(i) The aggregate of the excludable portions under section 126 in respect of the land in the hands of the transferee immediately after the disposition shall be an amount equal to the amount of such aggregate in the hands of the transferor immediately before the disposition, and

(ii) For purposes of applying section 1255 upon a subsequent disposition by the transferee (including a computation of the applicable percentage), the dates of receipt of section 126 payments shall not be affected by the dispositions.

(2) *Certain partially tax-free transfers.* If section 126 property is disposed of in a transaction which either is in part a sale or exchange and in part a gift to which paragraph (a)(2) of this section applies, or is a partially tax-free transfer to which paragraph (c)(1) of this section applies, then for purposes of section 1255 the amount determined under paragraph (d)(1) of this section shall be reduced by the amount of gain taken into account under section 1255 by the transferor upon the disposition. Upon a subsequent disposition by the transferee, the dates of receipt of section 126 payments remain the same in the hands of the transferee as they were in the hands of the transferor. With respect to the 175 and 182 deductions taken by the transferee, the holding period shall not include the holding period of the transferor.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Assume the same facts as in example (1) of paragraph (a)(4) of this section. Therefore, on the date B receives the land in the gift transaction, under paragraph (d)(1) of this section the aggregate of excludable portions under section 126 in respect of the land in the hands of B is the amount in the hands of A, $24,000, and for purposes of applying section 1255 upon a subsequent disposition by B (including a computation of the applicable percentage) the date the section 126 payments were received is the same as it was when the property was in A's hands (January 15, 1981).

Example (2). Assume the same facts as in example (2) of paragraph (a)(4) of this section. Under paragraph (d)(2) of this section, the aggregate of excludable portions under section 126 which pass over to B for purposes of section 1255 is $14,000 ($24,000 excluded under section 126 minus $10,000 gain recognized under section 1255(d)(1) in accordance with example (2) of paragraph (a)(4) of this section). The date the section 126 payments were received is the same as when the property was in B's hands (January 15, 1981).

(e) *Disposition of section 126 property not specifically covered.* If section 126 property is disposed of in a transaction not specifically covered under § 16A.1255–1, and this section, then the principles of section 1245 shall apply.

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it would be impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

William E. Williams,

Acting Commissioner of Internal Revenue.

Approved: May 4, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81–15133 Filed 5–18–81; 11:12 am]

BILLING CODE 4830–01–M

---

26 CFR Part 25

[T.D. 7776]

Gift Taxes; Gifts Made After December 31, 1954; Transfer of Life Income Interest; Exercise of Nongeneral Power of Appointment

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the transfer of a life income interest by the possessor of that interest. The amendment clarifies existing law and provides guidance to the public for compliance with the law. It would affect certain persons who exercise nongeneral powers of appointment.

DATES: The amendment is effective for gifts made after December 31, 1954.

FOR FURTHER INFORMATION CONTACT: Robert H. Waltuch of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On October 22, 1980, the **Federal Register** published proposed amendments to the Gift Tax Regulations (26 CFR Part 25) under section 2514 of the Internal Revenue Code of 1954 (Code) (45 FR 69933). This amendment was proposed to emphasize that the inter vivos exercise of a nongeneral power of appointment by a life income beneficiary is not taxable under section 2514, but where a consequence of the exercise is the transfer of the powerholder's life income interest, a taxable transfer occurs under section 2511.

Summary of Comments and Final Regulations

Under the final regulation, the exercise of a nongeneral power of appointment by the income beneficiary over the corpus of a trust which results in the termination of the powerholder's income interest is a taxable transfer of the income interest under section 2511.

One comment was received regarding this proposed amendment. Although agreeing with the proposed amendment, the commentator suggested that the example should specifically state that the transfer is taxable under section 2511. After carefully considering this comment, the notice of proposed rulemaking is adopted without change because the suggested change was considered unnecessary.

Drafting Information

The principal author of this regulation is Robert H. Waltuch of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of amendments to the regulations

Accordingly, 26 CFR Part 25 is amended by adopting, without change, the regulations proposed as a notice of proposed rulemaking published in the **Federal Register** on October 22, 1980 (45 FR 69933).

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: May 11, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

§ 25.2514–3 [Amended]

Section 25.2514–3(e) Example (3) is amended by adding a new sentence immediately after the last sentence in the example to read as follows:

"Although the exercise or release of the nongeneral power is not taxable under this section, see § 25.2514–1(b)(2) for the gift tax consequences of the transfer of the life income interest."

[FR Doc. 81–15149 Filed 5–20–81; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 66

[CGD 80–132]

Designation of Navigable Waters as State Waters for Private Aids to Navigation

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule revises 33 CFR 66.05–100(g–1), which lists the waters of South Carolina that are designated as State waters for private aids to navigation. The rule adds the waters of Lakes Marion, Moultrie, and Murray to this list, at the request of the South Carolina Wildlife and Marine Resources Department. Designation of these navigable waters of the United States as State waters for private aids to navigation enables the State government to regulate marine aids to navigation owned by state or local governments or private parties in such waters.

EFFECTIVE DATE: May 21, 1981.

FOR FURTHER INFORMATION CONTACT: Lt. Walter L. Johnson, Office of Navigation, Short Range Aids to Navigation Division (G–NSR/14), Room 1422, U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, D.C. 20593, (202) 426–1974, between 7 a.m. and 5 p.m. Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: In **Federal Register**, Vol. 45, No. 217, on November 6, 1980, the Coast Guard published a proposed revision to 33 CFR 66.05–100 (g–1). Public comment was invited for a 45 day period ending December 22, 1980. One written comment was received.

Drafting Information

The principal persons involved in drafting this proposal are Lt. Walter L. Johnson, Project Manager, Office of Navigation, and Lt. Kenneth E. Johnson, Project Attorney, Office of the Chief Counsel.

Discussion

On March 19, 1980 the South Carolina Wildlife and Marine Resources Department (SCWMRD) requested that

we designate the waters of Lakes Marion, Moultrie, and Murray as State waters for private aids to navigation. The marine traffic on these Lakes is primarily pleasure craft with little, if any, commercial traffic. The Coast Guard does not maintain any aids to navigation on these lakes. Designating these waters as State waters for private aids to navigation delegates the authority to regulate the establishment, operation, and maintenance of marine aids to navigation to the SCWMRD, who is most familiar with these inland waters and needs of the user. In addition, this gives the State greater control over its own affairs, while holding federal involvement to a minimum. For these reasons the Coast Guard has determined that it appears to be in the best interest of the public that these three lakes be designated as State waters for private aids to navigation. This rule amends the existing regulations accordingly.

The one comment received questioned the competency of the SCWMRD to determine proper placement of aids to navigation. The comment is apparently based on the writer's dissatisfaction with the placement of "no wake" buoys in the Eutaw Creek area. The comment contains no factual information related to the overall competence of the SCWMRD to administer an aids to navigation program.

This rule concerns the delegation of the administration of aids to navigation rather than the actual placement of particular aids to navigation. Since 1975, the SCWMRD has been administering this program on Lake Wylie in a satisfactory manner. The Coast Guard, therefore, believes the SCWMRD to be competent to administer an aids to navigation program in the waters affected by this rule.

The commentor requested a public hearing at which interested parties present oral testimony concerning this delegation of authority to the SCWMRD. The Coast Guard has reviewed the allegations contained in the comment and has determined that they either do not directly relate to this proposed rulemaking or are not substantiated. Due to the lack of other comments on the proposed rulemaking, there does not appear to be any genuine issues related to this rulemaking to be resolved at a hearing. Accordingly, no public hearing will be held.

Draft Evaluation

This regulation has been evaluated under the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated May 22, 1980, and has been determined to be nonsignificant. It does not place any new requirements or burdens on the public, but merely transfers the administration of private aids from the Coast Guard to the SCWMRD. Because the expected impact of the proposed regulation is so minimal, no evaluation has been prepared.

In consideration of the foregoing, 33 CFR 66.05–100(g–1) is revised to read as follows:

§ 66.05–100 Designation of navigable waters as State waters for private aids to navigation.

* * * * *

(g–1) *South Carolina.* (1) The portion of Lake Wylie within the State; (2) Lake Marion; (3) Lake Moultrie; and (4) Lake Murray.

* * * * *

(14 U.S.C. 81, 86, 92, 633, 33 U.S.C. 1655(b), 49 CFR 1.46(b))

Dated: April 13, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 81–15222 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–14–M

[CGD 81–031]

33 CFR Part 82

COLREGS Demarcation Lines

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is issuing a final rule repromulgating Part 82 to reflect passage of Pub. L. 96–324. On August 8, 1980 President Carter signed into law H.R. 1198 (Pub. L. 96–324) "to clarify the authority to establish lines of demarcation dividing the high seas and the inland waters." This law provides that the Secretary of Transportation shall establish lines of demarcation dividing the high seas and the inland waters for certain navigational and safety purposes. This rule does not affect or modify any existing demarcation lines.

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Ensign Edward G. LeBlanc, Office of Marine Environment and Systems (G–WWM–2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426–4958, between 7:30 a.m. and 4:30 p.m. Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: Since this amendment repromulgates existing demarcation line regulations, without making any substantive changes in those regulations, good cause exists to exempt it from the notice of public procedure requirement in 5 U.S.C. 553(b). Since it is not substantive, it may be made effective in less than 30 days after publication in the **Federal Register** under 5 U.S.C. 553(d)(2).

Discussion of the Regulations

Rule 1(b) of the International Regulations for Preventing Collisions at sea, 1972 (72 COLREGS), to which the United States is a party, provides for the establishment by individual countries of special rules for roadsteads, harbors, rivers, lakes or inland waters connected with the high seas. In 1977, when the 72 COLREGS became effective, the Coast Guard promulgated revised lines of demarcation, under the authority of Rule 1, 72 COLREGS, and 33 U.S.C. 1607 (Pub. L. 95–75).

In establishing these lines of demarcation, the Coast Guard took the position that the Convention precluded it from applying special rules in any high seas areas. (42 FR 35782, July 11, 1977.) Due to an oversight, some high seas areas were included within the published COLREGS demarcation lines. In all but one of these areas the demarcation line has been corrected. (44 FR 22458, April 16, 1979.) In one area, Mississippi and Chandeleur Sounds, special rules continue to apply to some high seas pockets.

The Coast Guard's action created confusion within some factions as to the authority for these revisions. Consequently, Congress enacted Pub. L. 96–324 to clarify the authority of the Coast Guard. This law, which amends 33 U.S.C. 151, authorizes the Coast Guard to establish COLREGS demarcation lines and boundary lines delineating the application of several marine safety statutes (see 46 CFR Part 7).

In considering the enactment of Pub. L. 96–324, questions were raised regarding the Coast Guard's position that in no case could special rules apply to portions of the high seas. The State Department was particularly concerned that any line which is established in offshore waters is often used to justify positions for which the line was not intended. Consequently, the State Department reviewed the COLREGS Convention and concluded that there is flexibility within Rule 1 to provide that in certain situations special rules can be applicable in carefully defined areas of the high seas. The Coast Guard reviewed this matter and deferred to the State Department's interpretation of the Convention. Inconsistent text in the

preamble to the July 11, 1977 rulemaking (42 FR 35782) is considered superceded.

As a consequence of this review, Pub. L. 96–324 and its legislative history make two points very clear—there may be some limited portions of the high seas where it would not be inconsistent with the 72 COLREGS to apply special rules, and the COLREGS demarcation lines relate solely to delineating the application of the nautical rules of the road, and do not concern any other matters. This latter point has consistently been the position of the Coast Guard.

Because the legal authority for 33 CFR Part 82 is changed, by virtue of Pub. L. 96–324, the Coast Guard is repromulgating Part 82. No amendments to the existing regulations in this part are made.

Evaluation

The Coast Guard has reviewed this regulation in accordance with Executive Order 12291 and the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated May 22, 1980, and has determined that this regulation is not major and is not significant. This regulation is merely a non-substantive change which reflects the Coast Guard's clarified authority to establish demarcation lines. For these reasons, pursuant to section 605(b) of the Regulatory Flexibility Act [94 Stat. 1164, Pub. L. 96–354, September 19, 1980], it is certified that the proposed amendment will not have a significant economic impact on a substantial number of small entities.

In consideration of the above, Part 82 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 82 is revised to read as follows:

Authority: Pub. L. 96–324, 92 Stat. 1020; 33 U.S.C. 151, as amended; 49 CFR 1.46(b).

(Pub. L. 96–324, 94 Stat. 1020; 33 U.S.C. 151; 49 CFR 1.46(b))

Dated: April 27, 1981.

K. G. Wiman,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 81–15223 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–14–M

---

33 CFR Part 162

[CGD 80–095]

San Juan Harbor, Seaplane Restricted Area

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing navigational restrictions on all seaplane landing areas in San Juan Harbor. All seaplane landing activity by commercial enterprise in the area has ceased and resumption of any such activity is not contemplated in the future. The restricted areas are therefore no longer necessary.

EFFECTIVE DATE: These regulations are effective on June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Ensign Edward G. LeBlanc, Office of Marine Environment and Systems (G–WWM–2), room 1608, Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426–4958.

SUPPLEMENTARY INFORMATION: On December 11, 1980, the Coast Guard published a proposed rule (45 FR 81607) concerning this amendment. Interested persons were given until January 26, 1981 to submit comments. No comments were received. No public hearing was held.

Drafting Information

The principal persons involved in drafting this proposal are: Ensign Edward G. LeBlanc, Office of Marine Environment and Systems, and Lieutenant Walter J. Brudzinski, Project Counsel, Office of the Chief Counsel.

Discussion of the Comments

No comments were received.

Evaluation

This amendment has been evaluated under Executive Order 12291 and DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations," and has been determined to be neither major nor significant. Since the seaplane landing area is not being used, the revocation will have no economic impact, and the Coast Guard has determined that an evaluation is not warranted. Further, this amendment is exempt from review under the Regulatory Flexibility Act of 1980 [94 Stat. 1164, P.L. 96–354, September 19, 1980] because notice wash published before passage of the Act. However, for the reasons stated above, this amendment will not have a significant impact on a substantial number of small entities.

In consideration of the foregoing, Part 162 of Title 33 of the Code of Federal Regulations is amended by removing and reserving § 162.265.

(33 U.S.C. 1231; 49 CFR 1.46(n)(4))

Dated: April 20, 1981.

W. E. Caldwell,

Chief, Office of Marine Environment and Systems.

[FR Doc. 81–15221 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–14–M

---

33 CFR Part 183

[CGD 76–082(a)]

Ventilation Safety Standards for Recreational Boats

April 27, 1981.

AGENCY: Coast Guard, DOT.

ACTION: Final rule (Editorial Change).

SUMMARY: This editorial change clarifies one provision in the ventilation safety standards for recreational boats that the Coast Guard has found to be ambiguous and unclear.

EFFECTIVE DATE: This regulation is effective June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lars E. Granholm, Office of Boating, Public, and Consumer Affairs (G–BBT), U.S. Coast Guard, Department of Transportation, Washington, D.C. 20593 ((202) 426–4027).

SUPPLEMENTARY INFORMATION: The Coast Guard published a final rule establishing ventilation safety standards for recreational boats on December 10, 1979 (44 FR 73205) which was codified in 33 CFR Part 183. Section 183.620, Paragraph (a)(5) has been found to contain language that is unclear and ambiguous. The section requires that certain compartments on recreational boats be provided with natural ventilation. Paragraph (a)(5) describes one of these compartments as containing "a non-metallic fuel tank with an aggregate permeability rate of more than the greater of 1.2 grams of fuel loss in 24 hours, or 1.2 grams of fuel loss in 24 hours per cubic foot of net compartment volume. Reference fuel 'C' at 40° C plus or minus 2° from ASTM standard D–471 is to be used in determining the permeability rate."

This amendment will express these requirements in tabular form to make them more comprehensible.

As this amendment is editorial in nature, and does not make a substantive change in the regulations, the Coast Guard finds it unnecessary to provide notice and an opportunity for public comment under 5 U.S.C. 553. Because a Notice of Proposed Rulemaking was not required, the Regulatory Flexibility Act (94 Stat. 1164) does not apply to this amendment. This amendment has no economic impact, and therefore does not

warrant preparation of a final evaluation under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5). For the same reason, it has been determined not to be a major rule under Executive Order 12291.

Drafting Information: The principal persons involved in drafting this rule are: Mr. Lars E. Granholm, Project Manager, Ensign Derek H. Rieksts, Office of Boating, Public, and Consumer Affairs and Mr. Coleman Sachs, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 183 of Title 33, Code of Federal Regulations is amended by revising § 183.620 paragraph (a)(5) to read as follows:

§ 183.620 Natural ventilation system.

(a) * * *

(5) Contains a non-metallic fuel tank—

(i) with an aggregate permeability rate exceeding 1.2 grams of fuel loss in 24 hours per cubic foot of net compartment volume, or

(ii) if the net compartment volume is less than one cubic foot, having a permeability rate exceeding 1.2 grams of fuel loss in 24 hours.

Reference fuel "C" at 40 degrees Celsius plus or minus 2 degrees Celsius from ASTM standard D–471–1979 is to be used in determining the permeability rate.

(46 U.S.C. 1454, 1455, 49 CFR 146(n)(1))

Dated April 27, 1981.

H. W. Parker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 81-15324 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-14-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 61]

Federal Procurement; Policies for Establishing Profit or Fee Prenegotiation Objectives

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation prescribes (1) uniform policies for establishing the profit or fee portion of Government prenegotiation objectives in acquisitions requiring cost analysis, (2) a facilities capital cost of money cost principle for contracts with commercial organizations, and (3) interim guidance for applying the facilities capital cost of money cost principle. the basis for the regulation is Office of Federal Procurement Policy Letter 80–7 dated December 9, 1980 (44 FR 82593, Dec. 15, 1980). The intended effect is to prescribe a uniform Government-wide profit policy and provide for uniform treatment of facilities capital cost of money.

DATES: Effective date: June 15, 1981. Expiration date: This regulation will continue in effect until September 30, 1983, unless earlier canceled or superseded.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703–557–8947).

SUPPLEMENTARY INFORMATION: FPR Temporary Regulation 40 (41 FR 44475, Oct. 8, 1976) is canceled and deleted from the appendix at the end of 41 CFR Chapter 1.

(Sec. 205(c), 63 Stat. 309; 40 U.S.C. 486(c))

In 41 CFR Chapter 1, the following temporary regulation 61 is added to the appendix at the end of the chapter to read as follows:

Federal Procurement Regulations Temporary Regulation 61

May 8, 1981.

To: Heads of Federal agencies

Subject: Policies for establishing profit or fee prenegotiation objectives

1. *Purpose.* This regulation implements Office of Federal Procurement Policy (OFPP) Policy Letter 80–7, dated December 9, 1980 (45 FR 82593, Dec. 15, 1980).

2. *Effective date.* This regulation is effective June 15, 1981.

3. *Expiration date.* This regulation will continue in effect until September 30, 1983, unless earlier canceled or superseded.

4. *Background.* OFPP Policy Letter 80–7 prescribes uniform policies for establishing the profit or fee portion of Government prenegotiation objectives in acquisitions requiring cost analysis; a facilities capital cost of money cost principle for contracts with commercial organizations; and interim guidance for applying the facilities capital cost of money cost principle. The following facts are pertinent to this matter:

a. The FPR originally prescribed an unstructured approach for determining profits or fees in situations where competition was lacking and where cost analysis was performed.

b. OFPP Policy Letter 80–7 requires agencies with large procurement programs to adopt a structured approach for determining profit and fee objectives. Specific profit analysis factors to be considered by agencies in developing their structured approaches and by contracting officers in analyzing profit when not using a structured approach are provided in lieu of those factors now discussed in § 1–3.808–2.

c. FPR Temporary Regulation 40, dated October 1, 1976, changed the FPR to permit civilian agencies a number of options regarding the applicability and allowability of facilities capital cost of money, an imputed cost that was introduced by Cost Accounting Standard (CAS) 414.

d. The Department of Defense and the National Aeronautics and Space Administration were the only agencies that made facilities capital cost of money allowable.

e. OFPP Policy Letter 80–7 requires uniform Government-wide recognition of facilities capital cost of money as an allowable cost and makes a particular point of requiring that contractors not be compensated for facilities capital cost of money both as a direct or indirect cost and in profits or fees. Previously, agency consideration of contractor investment in facilities was provided in profits or fees.

f. The facilities capital cost of money cost principle included as appendix B of OFPP Policy Letter 80–7 requires compliance with the provisions of CAS 414 as a condition for allowability.

g. Since CAS 414 deals primarily with incurred costs, interim guidance for dealing with forward pricing situations and administration is provided in attachment 1 to appendix B of the policy letter.

5. *Explanation of changes.*

a. *Profit Policy.*

(1) The policies and procedures relating to profit or fee set forth in §§ 1–3.808 through 1–3.808–3 are rescinded, and the sections are reserved.

(2) Revised policies and procedures for developing prenegotiation profit or fee objectives are set forth in appendix A of OFPP Policy Letter 80–7.

(3) Unless exempted or granted an extension, each agency is required to adopt, no later than January 1, 1982, a structured approach for determining the profit or fee portion of the Government prenegotiation objective in acquisitions requiring cost analysis.

b. *Facilities capital cost of money.*

(1) Facilities capital cost of money is now an allowable cost subject to the requirements of OFPP Policy Letter 80–7.

(2) The cost principle for facilities capital cost of money is set forth in appendix B of OFPP Policy Letter 80–7, attached hereto, and is identified as § 1–15.205–51 of the FPR.

(3) Attachment 1 to appendix B of OFPP Policy Letter 80–7 (Guidance Concerning Application of Facilities Capital Cost-of-Money Cost Principle) is provided for interim instructional purposes only and is not a part of the cost principle.

6. *Agency action.* Agencies shall comply with this temporary regulation which provides for the implementation of OFPP Policy Letter 80–7, December 9, 1980. The text of Policy Letter 80–7 appears as attachment A.

7. *Effect on other directives.* Temporary Regulation 40 is canceled.

Ray Kline,

Acting Administrator of General Services.

(Editorial note.—Attachment A will not appear in the Code of Federal Regulations.)

FPR Temp. Reg. 61, Attachment A

Executive Office of the President

Office of Management and Budget, Office of Federal Procurement Policy

Washington, D.C. 20503

OFPP Policy Letter 80–7.

To the heads of executive departments and establishments

Subject: Policies for Establishing the Profit or Fee Prenegotiation Objective

Government procurement policy should be uniform and consistent in application. This directive sets forth (1) uniform policies for establishing the profit or fee portion of the Government prenegotiation objective (Appendix A), (2) a facilities capital cost-of-money cost principle for contracts with commerical organizations (Appendix B), and (3) interim guidance (Attachment 1 to Appendix B) to assist civil agencies in applying Appendix B. GSA is requested to implement this directive within 120 days of its effective date by revisions to the FPR, for compliance by executive departments and establishments. Executing this task will involve, among other things, rescinding FPR Temporary Regulation No. 40. DOD and NASA are requested to amend the DAR and the NASA PR within the same period as necessary to implement these policies.

Unless exempt or granted an extension, each agency shall adopt, no later than January 1, 1982, a structured approach for determining the profit or fee portion of the Government prenegotiation objective in acquisitions requiring cost analysis. Each agency approach shall be (1) conceptually sound, (2) practicable to apply, (3) equitable to both the Government and its suppliers in the market environment from which the agency draws its sources of supplies and services, and (4) consistent with Appendix A.

Agencies may request from OFPP an extension of up to 12 months if it is considered necessary for testing and refining the structured approach. Agencies that awarded a total of less than $50 million in noncompetitive contracts over $100,000 during their most recently completed fiscal year are not required to adopt a structured approach for the succeeding fiscal year but may do so if they wish.

The structured approach an agency adopts shall allow the tailoring of profit or fee on an individual contract to fit the particular circumstances of that contract. The agency's implementation may include specific exemptions for situations in which mandatory use of its structured approach would be clearly inappropriate.

Agencies are encouraged to adopt a weighted-guidelines approach but may prescribe another structured approach if it incorporates a logic and rationale similar to that of the weighted-guidelines method, examples of which can be found in DAR 3–808 (see DAC #76–23, dated 26 February 1980), NASA PR 3.808, and DOE–PR 9–3.808–50.

Before (1) adopting procedures for determining profit or fee prenegotiation objectives or (2) making any substantive changes to such procedures, agencies shall make the proposed procedures or changes available to interested parties for comment. Agencies with established procedures adopted before the effective date of this policy letter that are consistent with, or require only minor refinements to be consistent with, Appendix A need not make them available for comment. Any modifications required to existing structured approaches shall be accomplished by January 1, 1982.

Instead of independently establishing its own structured approach, an agency may adopt another agency's approach if that approach is consistent with, or is appropriately modified to be consistent with, Appendix A. The agency shall publish for public comment notice of its intent to adopt another agency's procedures, specifying any changes to the adopted approach other than agency identification.

Each agency shall give OFPP a copy of (1) its regulations implementing this policy letter and (2) any future changes.

Effective date. This policy letter is effective January 9, 1981, and shall remain in effect until issuance of the FAR or until January 1, 1984, whichever occurs earlier.

Concurrence. This policy letter has the concurrence of the Director of the Office of Management and Budget.

Karen Hastie Williams,

Administrator.

Appendix A: Profit or Fee Prenegotiation Objective

Appendix B: Facilities Capital Cost-of-Money Cost Principle for Contracts with Commercial Organizations, with Attachment 1

Appendix A to Attachment A—Profit or Fee Prenegotiation Objective

1. Profit or fee.

(a) Fundamental to an understanding of profit policy is the fact that profit or fee prenegotiation objectives do not necessarily represent net income to contractors. Rather, they represent the potential remuneration contractors *may* receive for contract performance. This remuneration and the Government's estimate of allowable costs to be incurred in contract performance together equal the Government's total prenegotiation objective. Just as actual costs may vary from estimated costs, the contractor's actual profit may also vary from negotiated profit or fee, as a result of such factors as efficiency of performance, incurrence of costs the Government does not recognize as allowable, complexity of work, or contingencies.

(b) It is in the Government's interest to offer contractors opportunities for financial rewards sufficient to (1) stimulate efficient contract performance, (2) attract the best capabilities of qualified large and small business concerns to Government contracts, and (3) maintain a viable industrial base.

(c) Both the Government and contractors should be concerned with profit as a motivator of efficient and effective contract performance. Negotiations aimed merely at reducing prices by reducing profit, without proper recognition of the function of profit, are not in the Government's best interest. Negotiation of extremely low profits, use of historical averages, or automatic application of predetermined percentages to total estimated costs do not provide proper motivation for optimum contract performance. Therefore, agencies shall not (1) establish ceilings on profits or fees, (2) create administrative procedures that could be represented to contractors as de facto ceilings, or (3) otherwise unduly constrain the application of judgement in negotiating fair and reasonable prices (but see paragraph 2.(e)).

(d) Structured approaches for determining profit or fee prenegotiation objectives provide a discipline for ensuring that all relevant factors are considered. Each agency making noncompetitive contract awards over $100,000 totaling $50 million or more a year—

(1) Shall prescribe a structured approach for determining the profit or fee objective in those acquisitions that require cost analysis;

(2) May prescribe specific exemptions for situations in which mandatory use of a structured approach would be clearly inappropriate; and

(3) Shall exercise management oversight to ensure that the agency's approach is appropriately structured and applied.

(e) (1) Cost Accounting Standard (CAS) 414 (Cost of Money as an element of the Cost of Facilities Capital) provides a means of allocating to individual contracts an imputed cost of facilities capital employed, making it practical for the Government to differentiate among contracts with respect to the level of contractor-furnished facilities to be employed in contract performance. This imputed cost is an allowable cost under contracts subject to the cost principles for commercial organizations (see Appendix B).

(2) Agencies shall ensure that contractors are not compensated for facilities capital cost of money both as a direct or indirect cost and in profit or fee. Before the allowability of facilities capital cost of money, this cost was included in profits and fees. Therefore, profit and fee prenegotiation objectives shall be reduced if necessary to reflect this refinement in cost accounting practices. This reduction may be accomplished by means of offsets; that is, by (i) using a dollar-for-dollar offset in the Government's prenegotiation profit or fee objective or (ii) incorporating a common offset factor under an agency's structured approach. No offset is necessary when the profit rates applied to the profit analysis factors under an agency's structured approach already take into account the allowability of facilities capital cost of money.

(3) When a prospective contractor does not propose or identify facilities capital cost of money in a proposal for a contract under which this cost could be allowed, it is presumed that consideration for facilities capital to be employed in contract performance is included, but not identified, in the contractor's profit or fee objective. Accordingly, the contractor may not later claim this cost as allowable (see paragraph 2.(c) below).

2. Contracting officer responsibilities.

(a) When the price negotiation is not based on cost analysis, contracting officers are not required to analyze profit.

(b) When the price negotiation is based on cost analysis, contracting officers in agencies that have a structured approach shall analyze profit, using their agency's structured approach except as specifically exempted under the agency's procedures. When not using a structured approach (because the agency does not have one or because a specific exemption applies), contracting officers shall comply with paragraph 3.(a) below in developing profit or fee prenegotiation objectives.

(c) Contracting officers shall use the Government prenegotiation cost objective amounts as the basis for calculating the profit or fee prenegotiation objective. Before applying profit or fee factors, the contracting officer shall exclude any facilities capital cost of money included in the cost objective amounts. If the prospective contractor fails to identify or propose facilities capital cost of money in a proposal for a contract that will be subject to the cost principles for commercial organizations, the contracting officer shall include the following clause in the resulting contract:

Wavier of Facilities Capital Cost of Money (1980 Oct)

The Contractor is aware that facilities capital cost of money is an allowable cost but waives the right to claim it under this contract.

(End of clause)

(d) Contracting officers are not required to use an overall profit or fee objective higher than that proposed by the prospective contractor.

(e) (1) The contracting officer shall not negotiate a price or fee that exceeds the following statutory limitations, imposed by 10 U.S.C. 2306(d) and 41 U.S.C. 254(b):

(i) For experimental, developmental, or research work performed under a cost-plus-fixed-fee contract—the fee shall not exceed 15 percent of the contract's estimated cost, excluding fee.

(ii) For architect-engineering services for public works or utilities—the contract price or the estimated cost and fee for production and delivery of designs, plans, drawings, and specifications shall not exceed 6 percent of the estimated cost of the public work or utility, excluding fees.

(iii) For other cost-plus-fixed-fee contracts—the fee shall not exceed 10 percent of the contract's estimated cost, excluding fee.

(2) The limitations in subdivisions (i) and (iii) above shall apply also to the maximum fees on cost-plus-incentive-fee and cost-plus-award-fee contracts. The agency head or designee may waive the maximum-fee limitation for a specific cost-plus-incentive-fee or cost-plus-award-fee contract.

(f) The contracting officer shall not require any prospective contractor to submit details of its profit or fee objective but shall consider them if they are submitted voluntarily.

(g) If a change or modification (1) calls for essentially the same type and mix of work as the basic contract or (2) is of relatively small dollar value compared to the total contract value, the contracting officer may use the basic contract's profit or fee rate as the prenegotiation objective for that change or modification.

3. Profit-analysis factors.

(a) *Common factors.* Unless it is clearly inappropriate or not applicable, each factor outlined in subparagraphs (1) through (6) following shall be considered by agencies in developing their structured approaches and by contracting officers in analyzing profit when not using a structured approach.

(1) *Contractor effort.* This factor measures the complexity of the work and the resources required of the prospective contractor for contract performance. Greater profit opportunity should be provided under contracts requiring a high degree of professional and managerial skill and to prospective contractors whose skills, facilities, and technical assets can be expected to lead to efficient and economical contract performance. Subfactors (i) through (iv) following shall be considered in determining contractor effort, but they may be modified in specific situations to accommodate differences in the categories used by prospective contractors for listing costs:

(i) *Material acquisition.* This subfactor measures the managerial and technical effort needed to obtain the required purchased parts and material, subcontracted items, and special tooling. Considerations include (A) the complexity of the items required, (B) the number of purchase orders and subcontracts to be awarded and administered, (C) whether established sources are available or new or second sources must be developed, and (D) whether material will be obtained through routine purchase orders or through complex subcontracts requiring detailed specifications. Profit consideration should correspond to the managerial and technical effort involved.

(ii) *Conversion direct labor.* This subfactor measures the contribution of direct engineering, manufacturing, and other labor to converting the raw materials, data, and subcontracted items into the contract items. Considerations include the diversity of engineering, scientific, and manufacturing labor skills required and the amount and quality of supervision and coordination needed to perform the contract task.

(iii) *Conversion-related indirect costs.* This subfactor measures how much the indirect costs contribute to contract performance. The labor elements in the allocable indirect costs should be given the profit consideration they would receive if treated as direct labor. The other elements of indirect costs should be evaluated to determine whether they (A) merit only limited profit consideration because of their routine nature or (B) are elements that contribute significantly to the proposed contract.

(iv) *General management.* This subfactor measures the prospective contractor's other indirect costs and general and administrative (G&A) expense, their composition, and how much they contribute to contract performance. Considerations include (A) how labor in the overhead pools would be treated if it were direct labor, (B) whether elements within the pools are routine expenses or instead are elements that contribute significantly to the proposed contract, and (C) whether the elements require routine as opposed to unusual managerial effort and attention.

(2) *Contract cost risk.* (i) This factor measures the degree of cost responsibility and associated risk that the prospective contractor will assume (A) as a result of the contract type contemplated and (B) considering the reliability of the cost estimate in relation to the complexity and duration of the contract task. Determination of contract type should be closely related to the risks involved in timely, cost-effective, and efficient performance. This factor should compensate contractors proportionately for assuming greater cost risks.

(ii) The contractor assumes the greatest cost risk in a closely priced firm-fixed-price contract under which it agrees to perform a complex undertaking on time and at a predetermined price. Some firm-fixed-price contracts may entail substantially less cost risk than others because, for example, the contract task is less complex or many of the contractor's costs are known at the time of price agreement, in which case the risk factor should be reduced accordingly. The contractor assumes the least cost risk in a cost-plus-fixed-fee level-of-effort contract, under which it is reimbursed those costs determined to be allocable and allowable, plus the fixed fee.

(iii) In evaluating assumption of cost risk, contracting officers shall, except in unusual circumstances, treat time-and-materials, labor-hour, and fixed-price level-of-effort contracts as cost-plus-fixed-fee contracts.

(3) *Federal socioeconomic programs.* This factor measures the degree of support given by the prospective contractor to Federal socioeconomic programs, such as those involving small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, handicapped sheltered workshops, labor surplus areas, and energy conservation. Greater profit opportunity should be provided under contracts with contractors adhering to the spirit and intent of these programs.

(4) *Capital investments.* This factor takes into account the contribution of contractor investments to efficient and economical contract performance. The following subfactors shall be considered in the analysis:

(i) *Facilities.* This subfactor, which may be either a negative or a positive consideration, includes consideration of the equipment's and facilities' (A) age, (B) undepreciated value, (C) cost-effectiveness, (D) general or special purpose, and (E) remaining life compared with the length of the contemplated program. Also to be considered are any undue reliance on Government-owned facilities and equipment, any contractor failure to provide the kinds or quantities of facilities required for efficient contract performance, and any special contract provisions that will affect the contractor's facilities capital investment risk. When applicable, the prospective contractor's computation of facilities capital cost of money for pricing purposes under CAS 414 (see Appendix B) can help the

contracting officer identify the level of facilities investment to be employed in contract performance.

(ii) *Operating capital.* This subfactor includes consideration of the level of the contractor's operating capital investment required for effective contract performance. This level will vary, depending on such circumstances as (A) the nature of the work and duration of the contract, (B) contract type and dollar magnitude, (C) the reimbursement or progress payment rate, (D) the contractor's financial management practices, and (E) the frequency of and time lag between billings and Government payments. Such circumstances should be taken into account in determining what profit adjustment, if any, is appropriate under this subfactor.

(5) *Cost-control and other past accomplishments.* This factor allows additional profit opportunities to a prospective contractor that has previously demonstrated its ability to perform similar tasks effectively and economically. In addition, consideration should be given to (i) measures taken by the prospective contractor that result in productivity improvements and (ii) other cost-reduction accomplishments that will benefit the Government in follow-on contracts.

(6) *Independent development.* Under this factor, the contractor may be provided additional profit opportunities in recognition of independent development efforts relevant to the contract end item, including manufacturing or engineering processes, specialized or unique services, or other technologies. The contracting officer should consider the extent of the Government's contribution to the contractor's independent research and development program during the contractor fiscal years in which the applicable development was taking place.

(b) *Additional factors.* In order to foster achievement of program objectives, each agency may include additional factors in its structured approach or take them into account in the profit analysis of individual contract actions.

Appendix B to Attachment A—Facilities Capital Cost-of-Money Cost Principle for Contracts With Commercial Organizations

1. General.

(a) Facilities capital cost of money is an imputed cost determined by applying a cost-of-money rate to facilities capital employed in contract performance. A cost-of-money rate is uniformly imputed to all contractors (see paragraph (b) below). Capital employed is determined without regard to whether its source is equity or borrowed capital. The resulting cost of money is not a form of interest on borrowings.

(b) Cost Accounting Standard 414 (Cost of Money as an Element of the Cost of Facilities Capital) establishes criteria for measuring and allocating, as an element of contract cost, the cost of capital committed to facilities. Cost-of-money factors are developed on Form CASB–CMF, broken down by overhead pool at the business unit, using (1) business-unit facilities capital data, (2) overhead allocation base data, and (3) the cost-of-money rate, which is based on interest rates specified by the Secretary of the Treasury under 50 U.S.C. App. 1215(b)(2).

2. Allowability.

(a) Whether or not the contract is otherwise subject to the cost accounting standards, and except as specified in paragraph (b) below, facilities capital cost of money is allowable if—

(1) The contractor's capital investment is measured and allocated in accordance with Cost Accounting Standard 414;

(2) The contractor maintains adequate records to demonstrate compliance with this standard; and

(3) The estimated facilities capital cost of money is specifically identified or proposed in cost proposals relating to the contract under which this cost is to be claimed.

(b) Facilities capital cost of money is not allowable in cost-sharing contracts (see DAR 3–405.3 or FPR 1–3.405–3) or in cost (no-fee) contracts (see DAR 3–405.2 or FPR 1–3.405–2).

3. Accounting.

The facilities capital cost of money need not be entered on the contractor's books of account. However, the contractor shall (a) make a memorandum entry of the cost and (b) maintain, in a manner that permits audit and verification, all relevant schedules, cost data, and other data necessary to support the entry fully.

4. Payment.

Facilities capital cost of money that is (a) allowable under Section 2 above and (b) calculated, allocated, and documented in accordance with this cost principle shall be an "incurred cost" for reimbursement purposes under applicable cost-reimbursement contracts and for progress payment purposes under fixed-price contracts.

Attachment 1 to Appendix II—Guidance Concerning Application of Facilities Capital Cost-of-Money Cost Principle

Set forth in this appendix are the NASA PR 3.1300, Cost of Money for Facilities Capital Employed, and DD Form 1861. Pending issuance of the Federal Acquisition Regulation civil agencies should find these documents useful as interim guidance concerning the application of the Facilities Capital Cost of Money cost principle.

Subpart 13—Cost of Money for Facilities Capital Employed

3.1300 Cost of Facilities Capital Employed.

3.1300–2 Definitions, Measurement and Allocation. Cost Accounting Standard (CAS) No. 414, "Cost of Money as an Element of the Cost of Facilities Capital," incorporated in Appendix O, establishes criteria for the measurement and allocation of the cost of capital committed to facilities, as an element of contract cost for historical cost determination purposes. Important features of the CAS are its definitions, techniques for application, and a prescribed Form CASB–CMF with instructions. This Subpart adopts the techniques of CAS 414 as the approved method of measurement and allocation of facilities cost of money to overhead pools at the business unit level, and adds only such supplementary procedures as are necessary to extend those techniques to contract forward pricing and administration purposes. Therefore, these procedures are intended to be completely compatible with, and an extension of, the definitions, criteria and techniques of CAS 414. Contractors who computerize their financial data are encouraged to meet the requirements of both CAS 414 and this Subpart from the same data bank and programs.

3.1300–3 Estimating Business Unit Facilities Capital and Cost of Money. The method of estimating the business unit facilities capital and cost of money utilizes the techniques of CAS 414. Cost of money factors (CMF) by overhead pools at the business unit are developed using Form CASB–CMF. Three elements are required to develop cost of money factors: business unit facilities capital data, overhead allocation base data, and the interest rate promulgated by the Secretary of the Treasury pursuant to Public Law 92–41. These elements are discussed below.

(a) *Business Unit Facilities Capital Data.* The net book value (acquisition cost less accumulated depreciation) is used for each cost accounting period. The net book value used is the total of (i) the net book value of facilities recorded on the accounting records of the business unit, (ii) the capitalized value of leases (see 15.205–34 and 15.205–48), and (iii) the net book value of facilities at the corporate or group level that support depreciation charges allocated to the business unit in accordance with the provisions of CAS 403. Projections of facilities capital will be supported by budget plans and/or similar type documentation and the estimated depreciation will be the same as used in projected overhead rates. Projections will accommodate changes in the level of facilities net book value, *e.g.*, facilities additions, deletions of facilities by sale, abandonment or other disposal, idle facilities (see 15.205–12).

(b) *Overhead Allocation Bases.* The base data used to compute the CMF must be the same as that used to compute the proposed overhead rates. CMF's should be submitted and evaluated as part of the proposal.

(c) *Interest Rate.* For purpose of projection, the cost recent interest rate promulgated by the Secretary of the Treasury will be used as the cost of money rate in Column 1 of Form CASB–CMF. Where actual costs are used in definitization actions, the actual treasury rate(s) applicable to the period(s) of the incurred costs will be recognized by development of a composite rate.

(d) *Determination of Final Cost of Money.* CMF's estimated in accordance with the above procedures are used to develop the facilities investment base used in forward pricing. Actual CMFs are required when it is necessary to determine final allowable costs for cost settlement and/or repricing in accordance with CAS 414 and 15.205–50.

3.1300–4 Contract Facilities Capital Estimates. (a) After the appropriate forms CASB–CMF have been analyzed and CMFs have been developed, the contracting officer is in a position to estimate the facilities capital cost of money.

(b) DD Form 1861 provides for listing overhead pools and direct-charging service centers (if used) in the same structure they appear on the contractor's cost proposal and

Forms CASB–CMF. The structure and allocation base units-of-measure must be compatible on all three displays. The base for each overhead pool must be broken down by year to match each separate Form CASB–CMF. Appropriate contract overhead allocation base data are extracted by year from the evaluated cost breakdown or pre-negotiation cost objective, and are listed against each separate Form CASB–CMF. Each allocation base is multiplied by its corresponding cost of money factor to get the Facilities Capital Cost of Money estimated to be incurred each year. The sum of these products represents the estimated Contract Facilities Capital Cost of Money for the year's effort. Total contract facilities cost of money is the sum of the yearly amounts.

3.1300–5 Pre-Award Facilities Capital Applications. Facilities Capital Cost of Money as determined above is applied in establishing cost and price objectives as follows.

(1) *Cost Objective.* This special, imputed cost of money shall be used, together with normal, booked costs, in establishing a cost objective or the target cost when structuring an incentive type contract. Target costs thus established at the outset, shall not be adjusted as actual cost of money rates become available for the periods during which contract performance takes place.

(2) *Profit Objective.* See 3.808–3.

3.1300–6 Post Award Facilities Capital Applications. (a) Interim Billings Based on Costs Incurred. Contract Facilities Capital Cost of Money may be included in cost reimbursement and progress payment invoices. The amount that qualifies as cost incurred for purposes of the "Cost Reimbursement, Fee and Payment" or "Progress Payment" clause of the contract is the result of multiplying the incurred portions of the overhead pool allocation bases by the latest available Cost of Money Factors. Like applied overhead at forecasted overhead rates, such computations are interim estimates subject to adjustment. As each year's data are finalized by computation of the actual Cost of Money Factors under CAS 414 and 15.205–50, the new factors should be used to calculate contract facilities cost of money for the next accounting period.

(b) *Final Settlement.* Contract facilities capital cost of money for final cost determination or repricing is based on each year's final Cost of Money Factors determined under CAS 414 and supported by separate forms CASB–CMF. Contract cost must be separately computed in a manner similar to yearly final overhead rates. Also like overhead costs, the final settlement will include an adjustment from interim to final contract cost of money. However, estimated or target cost will not be adjusted.

3.1300–7 Administrative Procedures. (a) Contractor submission of Forms CASB–CMF will normally be initiated under the same circumstances as Forward Pricing Rate Agreements (see 3.807–12(b)), and evaluated as complementary documents and procedures. Separate Forms are required for each prospective cost accounting period during which Government contract performance is anticipated. If the contractor does not annually negotiate FPRA's, submissions may nevertheless be made annually or with individual contract pricing proposals, as agreed to by the contractor and the cognizant contract administration office. The cognizant contract administration office shall, with the assistance of the cognizant auditor, evaluate the cost of money factors, and retain approved factors with other negotiated forward pricing data and rates.

(b) The contracting officer will complete a DD Form 1861 "Contract Facilities Capital and Cost of Money" after evaluating the contractor's cost proposal and determining his pre-negotiation cost objective, but before determining his pre-negotiation profit objective. At his option, a contracting officer may request the cognizant contract administration office to complete the DD Form 1861 in connection with normal field pricing support under 3.801–5, and include it in his field pricing support report with appropriate evaluation comments and recommendations.

(c) A final Form CASB–CMF must be submitted by the contractor under CAS 414 as soon after the end of each cost accounting period as possible, for the purpose of final cost determinations and/or repricing. The submission should accompany the contractor's proposal for actual overhead costs and rates, and be evaluated as complementary documents and procedures.

BILLING CODE 6820–61–M

DPC #76-12 28 OCT. 1977

F300-A

DEPARTMENT OF DEFENSE FORMS

F-200.1861 *DD Form 1861: Contract Facilities Capital and Cost of Money*

CONTRACT FACILITIES CAPITAL AND COST OF MONEY				
CONTRACTOR BUSINESS UNIT ADDRESS			RFP/CONTRACT PIIN NO PERFORMANCE PERIOD	
1 OVERHEAD POOLS	2 COST ACCOUNTING PERIOD	3 CONTRACT OVERHEAD ALLOCATION BASE	FACILITIES CAPITAL COST OF MONEY	
			4 FACTORS	5 AMOUNT

Instructions for DD Form 1861 Contract Facilities Capital and Cost of Money

Purpose: The purpose of this form is to compute the estimated facilities capital to be employed for a specific contract proposal. An intermediate step is to compute the estimated facilities capital cost of money, using the Facilities Capital Cost of Money Factors developed on Form(s) CASB–CMF. This procedure is intended to be fully compatible with Cost Accounting Standard 414 "Cost of Money as an Element of the Cost of Facilities Capital," and extend those criteria and techniques to prospective periods for forward pricing purposes. ASPR 3–1300 should be referred to for applicability and further explanation.

Identification. Identify the contractor, business unit and address. Identify the specific RFP or contract to which the computation pertains, by PIIN number. Identify the estimated performance period of the contract.

Overhead pools (col. 1). List all business unit overhead pools and direct-charging service/support centers whose costs will be allocated to this contract. The structure must be compatible with the contractor's cost proposal and Form(s) CASB–CMF.

Cost accounting period (col. 2). This column is used only for the "projected" method of estimating contract facilities capital employed and cost of money. Each Overhead Pool listed must be further broken down by each Cost Accounting Period impacted by the Performance Period of the contract. The yearly breakdown must also corresponed to yearly overhead allocation bases in the contractor's cost proposal, and to separate Forms CASB–CMF for each year listed. If the "historical" method is used, the column should be ignored.

Contract overhead allocation base (col. 3). For each Overhead Pool and Cost Accounting Period listed, record the same Contract Overhead Allocation Base amounts used in the pricing report to derive the pre-negotiation cost objective. Such amounts should be the same as those used for burdening contract overhead or applying service/support center use charges. The base units-of-measure must agree with those used on the Form(s) CASB–CMF.

Facilities capital cost of money factors (col. 4). Carry forward the appropriate estimated Facilities Capital Cost of Money Factors from the Form(s) CASB–CMF. Business units, overhead pools and cost accounting periods must agree.

Facilities capital cost of money amount (col. 5). The product of each Contract Overhead Allocation Base (Col. 3) multiplied by its related Facilities Capital Cost of Money Factor (Col. 4).

Contract facilities capital cost of money (line 6). The sum of Col. 5. This represents the contract's allocable share of the business unit's estimated cost of money for the cost accounting period(s) impacted by the contract performance period. Therefore it represents a portion of the total(s) of Col. 5 of Form CASB–CMF.

Facilities capital cost of money rate (line 7). The same Cost of Money Rate used in Col. 1 of the Form(s) CASB–CMF. Only one rate will be used in the facilities capital estimating process regardless of the length of the contract performance period.

Contract facilities capital employed (line 8). The quotient of Line 6 divided by Line 7. This represents the contract's allocable share of the business unit's estimated facilities value for the cost accounting period(s) impacted by the contract. Therefore it represents a portion of the total(s) of Col. 4 of Form CASB–CMF.

[FR Doc. 81-15209 Filed 5-20-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5863

[A-9735]

Arizona; Partial Revocation of Reclamation Withdrawal (Colorado Storage Project)

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a withdrawal affecting 764.28 acres of public land withdrawn for use by the Bureau of Reclamation (now the Water and Power Resources Service) in connection with the Colorado River Storage Project. The subject lands are also included in the Lake Mead National Recreation Area, and will remain closed to location, sale, settlement, or entry under the general land laws, including the mining laws, but not the mineral leasing laws. The lands will be administered by the National Park Service.

EFFECTIVE DATE: May 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602–261–4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of October 16, 1931, which withdrew lands for the Water and Power Resources Service in connection with the Colorado River Storage Project is hereby revoked insofar as it affects the following described lands:

Gila and Salt River Meridian

T. 21 N., R. 21 W.,
Sec. 4, lots 1 to 12, inclusive, and S½.

The area described contains 764.28 acres in Mohave County.

2. The lands lie within the Lake Mead National Recreation Area, established under the authority of the Act of October 8, 1964, 78 Stat. 1039, 16 U.S.C. 460n, and will remain closed to location, sale, settlement, or entry under the general land laws, including the mining laws. The lands will continue to be administered by the National Park Service is accordance with the provisions of the said Act.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

May 15, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15271 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

---

43 CFR Public Land Order 5865

[I-16921]

Idaho; Revocation of Stock Driveway Withdrawal Nos. 29, 48, and 237

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes three Secretarial Orders, which withdrew 39,231.37 acres of lands as Stock Driveway Withdrawal Nos. 29, 48, and 237. The lands will be opened to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE:

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, Idaho State Office, 208–334–1735.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders of July 17, 1918, December 9, 1918, and February 17, 1933, creating Stock Driveway Withdrawal Nos. 29, 48, and 237, are hereby revoked:

Boise Meridian

Boise National Forest

SD No. 29 (I–No. 2)

T. 1 S., R. 7 E.,
Sec. 2, Lots 1–3, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 10, N½, N½S½;
Sec. 11, Lots 1–4, NW¼, N½S½;
Sec. 12, Lots 3–5, 7, N½SW¼, NW¼SE¼.

SD No. 29 (I–No. 2)

T. 1 S., R. 8 E.,
Sec. 7, Lots 1–4, N½SW¼, NW¼SE¼;

Sec. 17, SW¼SW¼;
Sec. 18, Lots 1–6, N½NE¼, NE¼NW¼, E½SW¼, SE¼;
Sec. 19, Lot 1, NE¼, E½NW¼;
Sec. 20, NW¼NE¼, S½NE¼, NW¼, NE¼SW¼, N½SE¼;
Sec. 21, S½N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 22, S½N½, S½;
Sec. 23, W½SW¼;
Sec. 25, W½W½, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 26, All;
Sec. 35, N½.

SD No. 29 (I–No. 2)

T. 1 S., R. 9 E.,
Sec. 19, S½NE¼, SE¼SW¼, SE¼;
Sec. 20, SW¼SW¼, N½SE¼, S½N½, N½SW¼;
Sec. 21, SW¼NW¼, NW¼SW¼;
Sec. 22, SE¼SW¼, S½SE¼;
Sec. 23, N½SW¼, SW¼SW¼, SE¼;
Sec. 24, NE¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½NE¼;
Sec. 29, W½NW¼;
Sec. 30, Lots 2–4, NE¼, E½NW¼, E½SW¼.

SD No. 48 (I–No. 3)

T. 1 S., R. 10 E.,
Sec. 1, Lots 1–4, S½N½, SW¼, N½SE¼;
Sec. 2, All;
Sec. 3, E½SE¼;
Sec. 10, NE¼, S½NW¼, S½;
Sec. 11, NW¼NW¼;
Sec. 15, NW¼NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 17, S½SW¼, SE¼;
Sec. 19, Lot 1, NE¼NE¼, NE¼SE¼;
Sec. 20, N½, N½S½;
Sec. 21, W½NW¼, NW¼SW¼.

SD No. 48 (I–No. 3)

T. 1 S., R. 11 E.,
Sec. 4, Lots 1–4, S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 5, All;
Sec. 6, Lots 1–6, S½NE¼, SE¼NW¼, E½SW¼, SE¼.

SD No. 29 (I–No. 2)

T. 1 N., R. 6 E.,
Sec. 6, Lot 2, SW¼NE¼, W½SE¼;
Sec. 7, E½;
Sec. 8, SW¼NW¼, SW¼;
Sec. 17, W½NE¼, SE¼NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 18, NE¼NE¼;
Sec. 21, W½;
Sec. 26, SE¼SW¼, S½SE¼;
Sec. 27, S½;
Sec. 28, N½, E½SW¼, SE¼;
Sec. 34, NE¼, N½NW¼;
Sec. 35, N½, E½SW¼, SE¼.

SD No. 29 (I–No. 2)

T. 1 N., R. 7 E.,
Sec. 24, Lot 1.

SD No. 29 (I–No. 2)

T. 1 N., R. 8 E.,
Sec. 7, S½SE¼;
Sec. 17, S½NW¼;
Sec. 18, Lots 3, 4, N½NE¼, SW¼NE¼, E½SW¼, E½SE¼;
Sec. 19, Lots 1–3, 5, S½NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 20, SW¼NE¼, S½NW¼, N½SW¼.

SD No. 48 (I–No. 3)

T. 1 N., R. 10 E.,
Sec. 24, N½.

SD No. 48 (I–No. 3)

T. 1 N., R. 11 E.,
Sec. 19, N½, SW¼, N½SE¼;
Sec. 33, S½, NE¼.

SD No. 29 (I–No. 2)

T. 2 N., R. 4 E.,
Sec. 1, Lot 4, SW¼NW¼;
Sec. 2, SE¼NE¼, E½SE¼;
Sec. 11, E½E½;
Sec. 12, S½SW¼, SW¼SE¼;
Sec. 13, N½NE¼.

SD No. 29 (I–No. 2)

T. 2 N., R. 5 E.,
Sec. 18, Lots 7–10, W½NW¼, That part of Lot 3 in SE¼NW¼;
Sec. 19, Lots 1–3, S½NW¼, S½;
Sec. 20, S½;
Sec. 21 W½SW¼;
Sec. 26, N½, N½SW¼, SE¼;
Sec. 27, N½, N½S½;
Sec. 28, SE¼NE¼, W½NW¼, S½;
Sec. 29, E½.

SD No. 29 (I–No. 2)

T. 2 N., R. 6 E.,
Sec. 31, Lot 4, SE¼SW¼;

SD No. 29 (I–No. 2)

T. 3 N., R. 4 E.,
Sec. 1, Lots 2, 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼;
Sec. 12, SE¼NW¼, SE¼SE¼;
Sec. 13, Lots 2, 3, 8, NW¼SW¼, S½SW¼;
Sec. 24, W½NE¼, N½NW¼, SE¼SW¼, W½SE¼;
Sec. 25, NW¼, W½SW¼.

SD No. 29 (I–No. 2)

T. 3 N., R. 5 E.,
Sec. 3, Lots 3, 4;
Sec. 4, Lots 1–4;
Sec. 5, Lots 1–4, SW¼NW¼;
Sec. 6, Lots 1, 2, S½NE¼, E½SW¼, SE¼;
Sec. 7, Lots 1–4, NW¼NE¼, E½NW¼.

SD No. 29 (I–No. 2)

T. 4 N., R. 3 E.,
Sec. 3, All;
Sec. 4, S½S½;
Sec. 5, S½SE¼;
Sec. 8, NE¼, E½SW¼;
Sec. 9, N½;
Sec. 10, N½N½.

SD No. 29 (I–No. 2)

T. 4 N., R. 4 E.,
Sec. 1, Lots 1, 2, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 12, SE¼;
Sec. 13, NE¼;
Sec. 25, SE¼.

SD No. 29 (I–No. 2)

T. 4 N., R. 5 E.,
Sec. 30, Lots 2, 3, SE¼NW¼, NE¼SW¼;
Sec. 32, SE¼SW¼, S½SE¼;
Sec. 33, S½S½.

SD No. 29 (I–No. 2)

T. 5 N., R. 3 E.,
Sec. 2, All;
Sec. 3, Lots 1, 2, S½NE¼, S½;
Sec. 10, All;
Sec. 11, NW¼;
Sec. 15, All;
Sec. 22, All;
Sec. 27, All;
Sec. 34, All;

SD No. 237 (I–No. 18)

T. 5 N., R. 4 E.,
Sec. 2, All;
Sec. 11, All;
Sec. 14, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 23, W½NE¼, W½;
Sec. 26, N½NW¼, SE¼NW¼, NE¼SW¼;
Sec. 27, Lots 5, 8, NE¼NW¼;
Sec. 28, S½SE¼;
Sec. 33, NE¼, NE¼NW¼;
Sec. 34, Lot 6, E½W½, SE¼.

SD No. 237 (I–No. 18)

T. 5 N., R. 5 E.,
Sec. 28, W½SW¼, SE¼SE¼;
Sec. 29, S½;
Sec. 31, Lot 1, NE¼, E½NW¼, S½SE¼;
Sec. 32, N½, W½SW¼, SE¼SW¼;
Sec. 33, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 34, SW¼NW¼, W½SW¼;
Sec. 35, All.

SD No. 29 (I–No. 2)

T. 6 N., R. 4 E.,
Sec. 4, Lots 2, 3, SE¼NW¼, W½SW¼;
Sec. 5, SE¼SE¼;
Sec. 18, Lots 2–4, SW¼NE¼, SE¼NW¼, E½SW¼, NW¼SE¼;
Sec. 19, Lots 1–4, E½NW¼, E½SW¼, W½SE¼;
Sec. 30, Lots 1, 2, W½NE¼, E½NW¼, NE¼SW¼; W½SE¼;
Sec. 31, Lot 2, W½NE¼, E½NW¼.

SD No. 29 (I–No. 2)

T. 7 N., R. 3 E.,
Sec. 24, S½SW¼;
Sec. 25, NE¼, N½NW¼, SW¼NW¼;
Sec. 26, N½;
Sec. 27, SW¼, S½NE¼, N½SE¼;
Sec. 34, NW¼NW¼.

The area described contains 39,231.37 acres in Ada, Boise, and Elmore Counties.

2. At 10 a.m. on June 20, 1981, the above described lands shall be open to such forms of disposal as may by law be made of national forest lands.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 15, 1981.

[FR Doc. 81-15279 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

---

43 CFR Public Land Order No. 5866

[Nev-051741]

Nevada; Revocation of Executive Order No. 5105

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order affecting 73,328 acres of

land along the Colorado River in Nevada. Approximately 77,648 acres in the withdrawal are either patented or continue to be segregated under other withdrawals. This revocation restores 680 acres to the operation of the public land laws, including the mining laws.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702–784–5703.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5105 of May 3, 1929, is hereby revoked in its entirety:

Mount Diablo Meridian

T. 15 S., Rs. 66, 67, and 68 E.,
T. 16 S., Rs. 66, 67, and 68 E.,
T. 17 S., Rs. 66, 67, and 68 E.,

The area described aggregates 78,328 acres in Clark County.

The majority of the lands revoked by this order are either patented or covered by other withdrawals or reservations which continue to segregate the lands from all forms of appropriation under the public land laws.

2. At 10 a.m. on June 20, 1981, the following described lands shall be open to the operation of the public land laws generally, subject to valid existing rights, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 20, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Mount Diablo Meridian

T. 15 S., R. 66 E.,
Sec. 25, W½NE¼;
Sec. 36, E½NW¼.
T. 17 S., R. 67 E.,
Sec. 4, E½E½SW¼, SE¼;
Sec. 9, NE¼, E½E½NW¼, E½W½SE¼, E½SE¼.

The area described contains 680 acres in Clark County.

3. At 10 a.m. on June 20, 1981, the lands in paragraph 2 will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 12000, 300 Booth Street, Reno, Nevada 89520.

May 15, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15240 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5864

[ORE 03095]

Oregon; Revocation of Public Land Order No. 1163

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 24.86 acres of land for use by the U.S. Air Force. The land is excess property and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

EFFECTIVE DATE: May 21, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior, by Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Pubic Land Order 1163 of June 13, 1955, which withdrew the following described land for use by the U.S. Air Force is hereby revoked:

Willamette Meridian

Burns Air Force Station

T. 23 S., R. 30 E.,
Sec. 20, portions of SW¼SW¼NE¼, E½NW¼, NE¼SW¼, W½NW¼SE¼, more particularly described as follows:

Tract A

A strip 100 feet wide, 50 feet on each side of a centerline, described as beginning in the north line of Sec. 20 at a point 2,275.31 feet east of the northwest corner thereof; thence S. 28°23'12"W., 46.41 feet on a 5 degree curve to the left 407.94 feet; S. 7°59'23"W., 625.19 feet, on an 8 degree curve to the left 520.25 feet; S. 34°37'48"E., 251.48 feet, on an 11 degree curve to the right 428.98 feet; S. 13°33'28"W., 7.59 feet to the terminus of said strip.

Tract B

Beginning at the terminus of the centerline of the above strip, S. 76°26'32"E., 325 feet; S. 13°33'28"W., 900 feet; S. 76°26'32"E., 410 feet; S. 13°33'28"W., 400 feet; N.76°26'32"W., 970 feet; N. 17°01'35"E., 1,303.1 feet; S. 76°26'32"E., 160 feet, to the point of beginning.

The areas described aggregate 24.86 acres in Harney County, Oregon.

2. The land described above has been reported to the General Services Administration for disposition as excess property and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 15, 1981.

[FR Doc. 81-15272 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5862

[W-31191]

Wyoming; Partial Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a Secretarial Order which withdrew lands for use as a stock driveway. This action will restore the lands to operation of the public land laws generally.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307–778–2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of May 24, 1918, creating Stock Driveway Withdrawal No. 21 (Wyoming No. 5), is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian, Wyoming

T. 30 N., R. 95 W.,
Sec. 27, N½NE¼NE¼SE¼, SW¼NE¼NE¼SE¼, and NW¼NE¼SE¼.

The area described contains 17.5 acres in Fremont County.

2. At 10 a.m. on June 20, 1981, the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of the existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to

10 a.m. on June 20, 1981, shall be considered as simultaneously filed at that time. Those recieved thereafter shall be considered in the order of filing.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P. O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 15 1981.

[FR Doc. 81-15273 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 157

[CGD 78-027]

Manning of Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule amends Coast Guard regulations pertaining to the manning requirements for uninspected vessels of 200 gross tons or over navigating on the high seas. This action removes from the regulations an existing affirmative requirement for the minimum manning of uninspected vessels that is not authorized by statute.

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Commander Scott D. McCowen, Office of Merchant Marine Safety, Vessel Manning Branch (G-MVP-5/14), Room 1400G, Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593 (202-462-2240).

SUPPLEMENTARY INFORMATION: The Coast Guard has evaluated this proposal under Executive Order 12291 and the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5 dated 22 May 1980), and has determined that it is neither a major nor a significant rulemaking. Further, this proposed rule will have no adverse impact on small entities and will remove a regulatory requirement on those small entities as they are defined by the Regulatory Flexibility Act, P.L. 96-354, 19 September 1980 (5 U.S.C. 603).

DISCUSSION: On October 27, 1980, the Coast Guard published a proposed amendment to 46 CFR 157.30-10 pertaining to the manning requirements of uninspected vessels of 200 gross tons or over navigating upon the high seas (45 FR 70920). Public comment on the proposal was invited for 45 days ending December 11, 1980. Two written comments were received concerning the proposed amendment. The commentators, both vessel operators, support the regulator action as written. The deletion effected by this action does not alter or amend the law concerned but brings Coast Guard regulations and policy into line with that law. In effect, this action brings to a halt the past Coast Guard practices of:

(1) Requiring the establishment of a specific watch system for the licensed officers on uninspected vessels of 200 gross tons or over, navigating upon the high seas; and,

(2) Specifying as an operational requirement, the number of licensed deck and engineering officers to be carried upon such vessels, regardless of the nature or duration of the intended voyage.

46 U.S.C. 224a, the statute providing the authority for the regulation concerned provides only that "No person shall be engaged to perform, or shall perform on board any vessel to which this section applies, the duties of master, mate, chief engineer, or assistant engineer unless he holds a license to perform such duties . . ." Given this authority, the Coast Guard's rule is relegated to an enforcement status only and can therefore not place any specific manning requirements upon an uninspected vessel of 200 gross tons or over prior to the operation of such a vessel upon the high seas. Once such a vessel is operating upon the high seas 46 U.S.C. 224a becomes operable and the responsibility of the Coast Guard to enforce the law's provisions is manifested. The activities of the Coast Guard in this area are therefore remedial only and the wording of paragraph (c) of 46 CFR 157.30-10 unwarranted.

§ 157.30-10 [Amended]

In consideration of the foregoing, Chapter I of Title 46 Code of Federal Regulations is amended by removing paragraph (c) of § 157.30-10.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

May 5, 1981.

[FR Doc. 81-15268 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATONS COMMISSION

47 CFR Part 0

Editorial Amendment of the Commission's Rules To Amend Information Pertaining to Private Radio Reference Rooms

Preamble

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has completed the transfer of license and application files for the Private Radio Services to its Gettysburg, PA office. This amendment changes the rules to reflect the new location of these files. This action was taken to insure efficiency in operations by eliminating problems with space limitations.

EFFECTIVE DATE: May 26, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Donald Stevens, Private Radio Bureau, (202) 632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: May 8, 1981.

Released: May 12, 1981.

Before the Federal Communications Commission, Washington, D.C. 20554. In the matter of Editorial amendment of Part 0 of the Commission's Rules to amend information pertaining to Private Radio Reference Rooms.

1. The Commission has virtually completed the transfer of the Private Radio Services license records to its Gettysburg office. (334 York Street, Gettysburg, Pa. 17325). As a result of this transfer, it is necessary to amend the Commission's rules to indicate the proper location of the Private Radio Bureau's Public Reference Materials.

2. Accordingly, Sections 0.453 and 0.455 of the Rules are being amended to reflect the transfer of the license files of Gettysburg. The amendment adopted herein is editorial and pertains to agency practice and procedure. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are therefore inapplicable. Authority for the amendment adopted herein is contained in Section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d) and Section 0.231(d) of the Commission's Rules and Regulations, 47 C.F.R.

3. It should be noted that the Commission's Gettysburg offices, now located at 334 York Street, are expected

to be moved to the "Old Shoe Factory," Route 116, Gettysburg, Pa. in the near future. A Public Notice will be issued at the time of the move to give further details concerning the new location.

4. In view of the foregoing, it is ordered, effective May 26, 1981 that Part 0 of the Rules and Regulations is amended as set forth in the Appendix hereto.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

R. D. Lichtwardt,

Executive Director.

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

1. Section 0.453 is amended by removing paragraph (b).

2. Section 0.455 is amended by revising the introductory paragraph, paragraph (d), and by removing subparagraphs (h) (1) and (2) to read as follows:

§ 0.455 Other locations at which records may be inspected.

Except as provided in §§ 0.453, 0.457 and 0.459, records are routinely available for inspection in the offices of the Bureau or Office which exercises responsibility over the matters to which those records pertain (see § 0.5), or will be made available for inspection at those offices upon request. Upon inquiry to the appropriate Bureau or Office, persons desiring to inspect such records will be directed to the specific location at which the particular records may be inspected. A list of Bureaus and Office and examples of the records available at each is set out below.

* * * * *

(b) [Removed]

* * * * *

(d) Private Radio Services. All authorizations in the Private Radio Services and files relating thereto. These materials are all available at the Commission's offices in Gettysburg, Pennsylvania.

* * * * *

(h) * * *

(1) Removed.

(2) Removed.

* * * * *

[FR Doc. 81-15171 Filed 5-20-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 22

[CC Docket No. 79-318; FCC 81-161]

Inquiry Into the Use of Certain Frequency Bands for Cellular Communications Systems; and Amendment of Rules Relative to Cellular Communications Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC hereby amends Part 22 of the Commission's Rules on domestic public mobile radio service to permit the use of the bands 825–845 MHz and 870–890 MHz for cellular communications systems. The order adopting the Rules provides a framework for the provision of cellular communications services for the foreseeable future with a minimum of regulation. The Rules will serve the public interest by greatly increasing the number of channels available for two-way mobile communications.

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Sheldon M. Guttmann, Chief, Mobile Services Division, Common Carrier Bureau (202) 632-6450.

SUPPLEMENTARY INFORMATION:

In the matter of an inquiry into the use of the Bands 825–845 MHz and 870–890 MHz for Cellular Communications Systems; and Amendment of Parts 2 and 22 of the Commission's rules relative to Cellular Communications Systems, CC Docket No. 79-318.

Report and Order—Proceeding Terminated

Adopted: April 9, 1981.

Released: May 4, 1981.

By the Commission: Chairman Ferris not participating; Commissioner Fogarty concurring in part and issuing a statement in which Commissioner Quello joins; Commissioner Jones dissenting in part and issuing a statement.

Table of Contents

	Paragraph
I. INTRODUCTION	1
II. BACKGROUND	2
III. DISCUSSION	11
A. Spectrum Allocation and Competitive Systems Within a Market	11
B. The Role of Wireline Carriers	27
1. Eligibility and Market Definition	31
2. Separate Five Years Frequency Allocation for Wireline Carriers	38
3. Separate Subsidiary	48
4. Interconnection	53
5. Equipment	58
C. General Policies & Standards	62
1. Evaluation of Applications	62
2. Federal/State Jurisdiction	79
3. Technical Standards	84
4. Regulatory Structure	96
a. Resale	103
b. Services	108
D. Conclusion	112
APPENDIX A—SUMMARY OF COMMENTS	
APPENDIX B—SUMMARY OF REPLY COMMENTS.	
APPENDIX C—AMENDMENT OF RULES	
APPENDIX D—COMPATIBILITY SPECIFICATIONS.	

I. Introduction

1. On January 18, 1980, the Commission released its *Notice of Inquiry and Notice of Proposed Rulemaking (Notice)* in CC Docket No. 79-318, *Cellular Communications Systems*, 78 FCC 2d 984, 45 FR 2859 (1980). The *Notice* was framed broadly and solicited comments from all parties on central policy questions that needed to be resolved before cellular service could be instituted on a broad scale.[1] We have considered the views of 48 formal participants as well as thousands of informal commenters in the present proceeding. Before instituting this rulemaking, the Commission allowed for the construction of developmental systems to test cellular technology, and we have examined the results of these tests. The Commission has reviewed the proposed technical standards developed by the Electronic Industries Association (EIA). We find that we now have a sufficient record to amend our Rules to provide for the authorization of cellular communication systems on a commerical basis.

II. Background

2. The Commission is required by Section 303 of the Communications Act, as amended, 47 U.S.C. 303, to, among other things, "classify radio stations."

[1] Cellular mobile systems are generally described as mobile radio systems with a high capacity to serve subscriber units due to the coordinated reuse of a group of radio channels. In such systems, each radio channel can be used many times in separate zones or cells within an area. Mobile units communicate with an array of cell control locations distributed throughout the system; these cell sites are linked to control and switching facilities and thereby interconnected with the telephone network. The frequencies used in the cells are carefully coordinated in such a way as to permit frequency reuse in geographically separated cells without mutual interference. A fully developed cellular system would have the ability to locate a subscriber unit, establish a connection through an appropriate cell site, and transfer ("hand off") that connection to other cell control locations as the subscriber unit moves through the grid of cell locations. The number of cell sites in a system is dependent on the degree of channel reuse, the amount of spectrum available, and the density of traffic on the system. *See generally Land Mobile Radio Service*, Docket No. 18262, *Second Report and Order*, 46 FCC 2d 752, 753 (1974).

prescribe the nature of the service to be rendered by each class of licensed stations, and to "assign bands of frequencies to the various classes of stations." In keeping with this statutory obligation, the Commission, prior to 1949, made available to wireline carriers and independent entrepreneurs separate developmental assignments to experiment with mobile radio services and techniques. In 1949, the Commission in the *General Mobile Radio* allocation proceeding,[2] allocated frequencies by service classification, making provision for services for common carriers and for specialized classes of users, which we now classify in the Private Radio Services. In allocating spectrum for common carriers, the Commission emphasized its intention to develop a competitive environment:

> [w]e have taken particular care to provide a family of frequencies within which the development of common carrier mobile radio systems by enterprises other than existing telephone companies may take place. These dispositions have been effected advisedly, and with the purpose, among others, of fostering the development of competing systems, techniques, and equipment.

13 FCC at 1218. Since 1949, nearly all common carrier mobile allocations have been separated into discrete bands for wireline common carriers (WCCs) and non-wireline common carriers (commonly known as radio common carriers or RCCs). *See, e.g., Adjustment of Band Edges (Guard Band Rulemaking)*, 12 FCC 2d 841, *recon. denied*, 14 FCC 2d 269 (1968), *aff'd sub nom. Radio Relay Corp.* v. *FCC*, 409 F.2d 322 (2d Cir. 1969).

3. In 1968, pursuant to a report of the Land Mobile Frequency Relief Committee, we instituted Docket No. 18262 to set aside sufficient spectrum to meet the demand for land mobile communications for the foreseeable future.[3] Recognizing that frequency congestion was present in the public and private bands, we proposed allocations to meet the needs of users in the several services. From 1968 until 1974 we sought and considered proposals regarding the advantageous utilization of the newly allocated spectrum.[4]

4. In our *Second Report and Order* in Docket No. 18262, 46 FCC 2d 752 (1974),[5] carrier cellular communications systems and 30 MHz for use in the private services. 46 FCC 2d at 756. We also adopted a one system per market policy for cellular service because we believed that technical complexity and expense would make competing systems in a market unviable. To deter anticompetitive practices by wireline carriers operating cellular systems, these entities were required to establish separate subsidiaries to provide cellular service; to file all contracts between parent and subsidiary; to report all dealings between them; to refrain from manufacturing mobile equipment; and to offer interconnection to the public on the same basis as was made available to the cellular subsidiary. In addition, we precluded systems from providing fleet-call dispatch services because of anticipated spectrum efficiency losses. We decided initially to license only developmental systems so as to enable optimal development of technical capability. Final policies and technical requirements were left for later resolution.

5. Our *Second Report and Order*, as initially released, restricted cellular licenses to wireline carriers. However, on reconsideration, we lifted that restriction, reasoning that, if only these carriers were technically and financially capable of amassing the resources necessary to develop and implement cellular service, it was unnecessary for us to mandate this eventuality by rule.[6] We decided that, if non-wireline parties could demonstrate their ability to implement cellular service at the licensing phase, their applications should be considered along with those of the wireline carriers.

6. The National Association of Radiotelephone Systems (NARS) and other radio common carrier parties appealed the portion of the decision relating to cellular systems.[7] The D.C. Circuit affirmed the Commission's action as a reasonable exercise of administrative discretion. *NARUC* v. *FCC*, 525 F.2d 630 (D.C. Cir. 1976), *cert. denied*, 425 U.S. 992 (1976). One of the main arguments raised in that proceeding was whether the Commission's 40 MHz allocation plan, which at that time involved only one licensee per market, would become, in effect a grant of monoply power to AT&T. Examining that plan, the Court found a "significant plausibility" in assertions "that AT&T will operate most, if not all, of the cellular systems eventually put in operation". *Id.* at 636. Based on this assumption, the Court expected significant increases in AT&T's market power in the markets for common carrier two-way mobile communications and dispatch services. It also was concerned that the restrictions imposed upon wireline carriers designed to minimize anticompetitive conduct were likely to prove "largely cosmetic" because they would do little to curtail the projected power of AT&T. *Id.* at 637. Nevertheless, the Court affirmed our decision on the basis of the Commission's broad authority under Section 303(g) of the Communications Act, 47 U.S.C. § 303(g), to experiment and encourage new uses of radio, and on the basis of the developmental nature of the service which created a lack of urgency in regard to the projected anticompetitive effects. In this regard, the Court observed that the anticipated anticompetitive effects were contingent upon a variety of factors surrounding the development and implementation of cellular service, and it noted that for the time being the Commission intended to authorize AT&T only one developmental system. This system would be located in Chicago and would utilize only 12.5 MHz of the 40 MHz allocation.

7. Pursuant to Docket No. 18262, the Commission eventually authorized two developmental systems.[8] A license for a system covering the Chicago metropolitan area was granted to Illinois Bell Telephone Company (IBT).[9] In addition, American Radio Telephone Service, Inc. (ARTS) was authorized to operate a cellular system in the Washington, D.C.—Baltimore area.[10] At this time, we have received a number of developmental reports from both developmental systems. These reports have enabled the Commission to assess the technical capability and market viability of cellular service.

8. The present proceeding began with the release of our *Notice* in January 1980. A significant period of time had

---

[2] 13 FCC 1190 (1949).

[3] *Notice of Inquiry and Notice of Proposed Rulemaking*, 14 FCC 2d 311 (1968).

[4] *First Report and Order, Second Notice of Inquiry*, 19 RR 2d 1663 (1970), *recon. denied*, FCC 70–1001 (1970), *recon. granted in part*, 31 FCC 2d 50 (1971).

[5] *Recon. granted in part*, 51 FCC 2d 945, *clarified*, 55 FCC 2d 771 (1975), *aff'd. sub nom. NARUC* v. *FCC*, 525 F. 2d 630 (D.C. Cir. 1976), *cert. denied*, 425 U.S. 992 (1976).

[6] 51 FCC 2d 945 (1975).

[7] In addition, the National Association of Regulatory Utility Commissioners (NARUC) appealed the decision on grounds relating to the Commission's policies on private Specialized Mobile Radio Systems. These policies, also adopted in Docket 18262, are unrelated to cellular systems.

[8] We have also received the following three developmental applications: Kidd's Communications, Inc., File No. 22345–CD–P–12–79, RCC of Virginia, Inc., File No. 21644–CD–P–80, Millicom Inc., File No. 17122–CD–P–14–80. The Common Carrier Bureau staff is currently processing these applications.

[9] *Illinois Bell Telephone Co.*, 63 F.C.C. 2d 655 (1977), *aff'd sub nom. Rogers Radio Communications Services, Inc.*, v. *FCC*, 593 F.2d 1225 (2nd Cir. 1978). *See also Telocator Network of America* v. *Illinois Bell Telephone Co.*, 70 FCC 2d 713 (1979).

[10] *American Radio Telephone Service, Inc.*, 68 FCC 2d 481 (1971).

elapsed since we had last considered the policy issues involved in commercial implementation of cellular services. During this period, reports from the developmental systems mentioned above had provided additional information on the extent of the market for cellular service and on alternative technical schemes. Accordingly, we decided to ask for public comment on several issues—some were new issues, some others had been addressed earlier in Docket No. 18262. We did make clear, however, that we intended to maintain our commitment to the goal of implementing a nationwide compatible cellular communications service.

9. We sought comment in nine specific subject areas, although we also made clear that parties were free to address any matter which they deemed germane. The areas we identified were: market definition, competitive systems within a market, eligibility, equipment and service, resale of cellular services, federal-state jurisdiction, treatment of competing applications, technical standards, and spectrum allocation.

10. In response to our *Notice*, 48 formal participants filed 46 comments and 25 reply comments. These filings are summarized in Appendices A and B, and the parties will be referred to in the text by the designations indicated in the appendices. We also received several proposals offered as alternatives to AT&T's cellular plan in response to our request in footnote 17 of the *Notice*, 78 FCC 2d at 991 n.17. In addition, thousands of individual consumers and businesses filed informal comments, generally supporting the rapid establishment of cellular service. The text of this *Report & Order* will address the issues raised but will not discuss all the comments in detail. All comments, whether or not specifically discussed in the text, have been evaluated in arriving at our conclusions.

III. Discussion

A. Spectrum Allocation and Competitive Systems Within a Market

11. In the 1974 *Second Report and Order* in Docket 18262, the Commission determined that cellular systems should be allocated 40 MHz of spectrum, with one cellular system to be licensed per market. This 40 MHz allocation was a reduction from an initial proposal of 75 MHz based on the Commission's conclusion that the anticipated demand for cellular services did not support an allocation of that magnitude. Because we recognized that there was considerable uncertainty in predicting the cellular market, however, we strategically placed spectrum reserves totalling 20 MHz in proximity to the cellular allocation. The Commission's one system per market approach was based on its conclusion at that time that, because a cellular system is technically complex, expensive and requires a large amount of spectrum to make it economically viable, competing systems within a 40 MHz allocation would not be feasible. 46 FCC 2d at 760.

12. In its 1980 *Notice*, the Commission undertook to rethink its one per market approach. Because regulatory policies and technology had changed dramatically in the intervening years, making possible the introduction of competition into markets formerly closed at competition, the Commission determined that it was appropriate to reconsider its previous decision to license only one cellular operator per area. The Commission recognized, as it had in Docket 18262, that cellular technology requires a relatively large allocation to enable a system to realize the cost savings that make cellular systems attractive. The Commission believed, however, that most of the economies could be realized at allocations significantly less than the full 40 MHz. Balancing the benefits of economics of scale against the benefits of competition, the Commission proposed that, within the existing 40 MHz allocation, up to two carriers be licensed in each service area. It was the Commission's view that such an approach, while not providing the most competitive market structure, would provide some conpetitive advantages, including the fostering of different technological approaches, diversity of service options and some degree of price competition which otherwise would not be present. 78 FCC 2d at 991. Acknowledging that there may be other possible approches to accommodate potential entrants into this market, the Commission also sought comment on an "unlimited entry" alternative and a proposal by AT&T to have two systems of 30 MHz each, and it invited other parties to sumit their proposals for consideration. *Id.* at 991–92. In addition, the Commission asked whether the overall market for cellular service might have changed since 1974 and whether, as a result of any such changes, a larger allocation than contemplated in 1974 might be appropriate. In this regard, the Commission sought comment on whether it would be in the public interest to release the 20 MHz block of reserve spectrum. *Id.* at 1005–6.

13. The comments presented a broad range of options. They generally supported the licensing of two 20 MHz systems as the most appropriate means of achieving the Commission's goals of balancing the benefits of competition with the spectrum requirements of efficient cellular operation. Telocator and NTIA each supported 20 MHz as an adequate allocation for a mature cellular system. AT&T's proposal and comments also supported the Commission's suggestion that up to two carriers be licensed to provide cellular service in a cellular market area. Although agreeing that 20 MHz per system would be sufficient initially, AT&T proposed that each system ultimately have a 30 MHz frequency assignment and that the 20 MHz of reserve spectrum be allocated to cellular for that purpose. AT&T offered a number of analyses tending to show that a mature cellular system would be less expensive if it used the larger allocation of spectrum. It said a 30 MHz system would increase the cost of service to the public over that of a 40 MHz system by 17 percent, and a 20 MHz system would increase the costs over 40 MHz by 50 percent, or 28 percent over 30 MHz.[11] AT&T indicated that this occurs because the costs per subscriber decrease as channels are added, until the saturation point (the point when cell-splitting is needed) is reached. After that point, costs level off as cell sites are added. With a smaller allocation, cell-splitting must begin earlier, and the costs per subscriber level off at a higher point. In addition, with a smaller allocation, cell splitting involves additional costs and delays due to the need to obtain sites. AT&T estimated a total immediate demand in major markets for 1.5 million units.[12] AT&T believes that the point at which cell-splitting must occur in a 20 MHz system in cities like New York will be reached in the first year, with 8,500 subscribers. An additional 10 MHz would delay cell-splitting until there were 14,000 subscribers. Thus, two 30 MHz systems could accommodate 28,000 subscribers before cell-splitting. In New York, AT&T believes this could occur within two years.

14. A few parties urged unlimited entry or one system to a market. Motorola, for instance, proposed one 20 MHz system per market. The

[11] These figures do not include the cost of leasing a mobile unit. When mobile units are included, the increase would be 10 percent, 30 percent and 18 percent, respectively. This reduction in relative cost reflects the assumption that mobile units for such systems would be equipped to use only the number of channels allocated to the individual system; the fewer the number of channels the less expensive the mobile unit. AT&T Comments at pp. 106–109.

[12] AT&T Comments at 104. This is based on data from the Chicago developmental system showing that 11 percent of businesses surveyed would subscribe. *See* Illinois Bell Cellular Developmental Report No. 10, p. A III–2 (August 27, 1979).

Department of Justice urged a flexible entry policy, suggesting that a 5 or 10 MHz system allocation might be appropriate in test markets. In making this proposal, however, Justice did not address the spectrum requirements of cellular design. Millicom contended that its system design would require a full 40 MHz that could be shared among multiple system operators. LIN Broadcasting Corporation also proposed a single 40 MHz system per market to be operated jointly by two carriers.

15. After considering each of these options, we have concluded that the licensing of two 20 MHz systems would best serve the public interest, convenience and necessity.[13] In our view, this approach affords the public the benefits of some facilities-based competition in cellular service, while also taking into account the convincing record evidence before the Commission that, from a technical standpoint, cellular systems should be allocated no less than 20 MHz each. Each commenter who addresses the spectrum requirements of cellular design agreed that a cellular system based on either the AT&T or the Motorola design could not be efficiently operated in a mature cellular configuration in a major market with any allocation substantially less than 20 MHz.[14] This minimum spectrum requirement is based on the fact that a mature cellular system in a high density market requires multiple frequencies at each cell site to achieve the efficiencies of trunking necessary to accommodate the demand for service. In addition, since the number of frequencies available at each site is limited, several sets of frequencies are required to provide adequate co-channel separation for frequency reuse. A 20 MHz allocation is therefore necessary to provide sufficient voice channels as well as the required dedicated group of set-up or control channels. Specifically, as set forth in Telocator's Comments, each mature cellular system requires either 309 or 273 channels to have the necessary 21 set-up channels and either 24 or 21 sets of 12 trunked voice channels, using the Motorola and AT&T configurations respectively. Dividing the existing 40 MHz allocation into two blocks of 333 channels would meet these channel demands; dividing the 40 MHz allocation into three blocks of 222 channels, for instance, would not. Given this substantial technical evidence that cellular systems as currently developed require approximately 20 MHz of spectrum to achieve minimum trunking efficiency gains, we have concluded that, within a 40 MHz total allocation, efforts to increase the number of competitive systems beyond two would not be warranted.

16. In reaching this conclusion, we are mindful of the Department of Justice's proposal of "flexible entry." In offering this proposal, Justice did not attempt to address the technical evidence submitted by the other commenters. Rather, in apparent reliance on its observation that opinions have varied in the past regarding the appropriate allocation of spectrum per cellular system, Justice suggested that the optimal allocation per system and, thus, the optimal number of entrants which can be accommodated, remains uncertain. In Justice's view, it would be premature to determine at this time that each market should be restricted to two competitors. Justice maintains that a flexible licensing scheme based on market tests involving parhaps 5 or 10 MHz system allocations would therefore be appropriate. We disagree. Although an unlimited entry scheme such as that adopted for specialized carriers [15] and domestic satellite carriers [16] is attractive from a purely competitive point of view, our public interest standard comprises more than only the "encouragement of competition."[17] Weighing all considerations, we find that the public interest would not be served by adopting Justice's proposal. In particular, the record evidence that cellular design limits the number of facilities-based competitors is compelling. While it is conceivable that with perfect knowledge we might choose to divide the 40 MHz allocation among three or four, rather than two, licensees, it is clear that technical considerations would not allow any substantial increase in the number of entrants which could build their own facilities. Because Justice has not provided us with any analysis to persuade us that the potential for a small increase in the number of facilities-based entrants is realistic, we find no justification for further delay in the commercial implementation of cellular service, even in a limited number of markets. We believe that the public interest would be better served by going forward with the licensing of two facilities-based competitors in each market with the potential for further competition in cellular services through resale. Accordingly, we reject Justice's flexible entry and market test proposal.

17. The Commission has similarly considered and rejected Millicom's proposal for required frequency sharing. Like the Justice proposal, Millicom's proposal to share a single 40 MHz allocation among several users theoretically holds out the promise of greater competitive entry than the two-per-market approach. Millicom's proposal, however, also fails to consider adequately the technical requirements of cellular design. Millicom's proposal troubles us in the first instance because, even if the voice channels in a cellular system could be shared with another system, each system would still require a separate set of control channels.[18] With multiple entrants, this need would either reduce the number of available voice channels below that sufficient for minimum trunking efficiencies or, if the number of voice channels were to remain constant, would require the use of much more spectrum than the Commission is now prepared to allocate. More importantly, the proposal troubles us because Millicom has failed to explain adequately how its frequency sharing proposal, which is based on design concepts different from those explored to date, would actually work. There has been no explanation of how Millicom's moment-to-moment voice channel reassignment process would work if several systems with different cell patterns are to share the same channels and frequency reuse is still to be achieved. In short, we are unable to conclude that the Millicom scheme would permit the efficient use of spectrum without the need for further development. In our view, to delay the offering of commercial cellular service to the public in order to await such developed is unwarranted.

18. The Commission also has rejected several proposals which advocated only one system per market. E.F. Johnson and

[13] Given the appropriate showing, however, waivers of this policy will be considered. *See* footnote 41, below.

[14] Broad Com's "SYNAPZ" design may ultimately be able to form a basis for a high capacity mobile system operating in less than 20 MHz, but the concepts involved have not been adequately developed or practically tested in a working environment.

[15] *Specialized Common Carrier Services*, 29 F.C.C. 2d 870 (1971), *recon. denied*, 31 F.C.C. 2d 1106 (1971), *aff'd sub nom. Washington Utilities and Transportation Commission* v. *F.C.C.*, 512 F. 2d 1142 (9th Cir.), *cert. denied*, 423 U.S. 836 (1975).

[16] *Domestic Communications Satellite Facilities*, 35 F.C.C. 2d 844, *recon. granted in part*, 38 F.C.C. 2d 665 (1972).

[17] *FCC* v. *RCA Communications, Inc.*, 346 U.S. 86, 93 (1953).

[18] The need for separate sets of controls arises because cellular systems, as developed to date, must continuously transmit data on control channels to all cell sites, both for system overhead purposes and to determine when control of a mobile unit should be transferred between calls. Absent a common cell lay-out, which would eliminate the facility based competition the Commission envisioned in proposing more than one cellular system per market, these control channels cannot be shared.

ARTS, for instance, supported the licensing of one 40 MHz licensee per market to maximize spectrum efficiency. Lin proposed one 40 MHz system per market to be constructed and operated as a joint venture by two licensees unless the Commission should later decide that the market could support two systems. Such mandated joint ventures, Lin maintained, would give applicants the necessary incentives to encourage their entry into a relatively risky enterprise. Motorola proposed a single system of only 20 MHz, claiming that this allocation would be ample to meet the spectrum needs of cellular systems in the largest metropolitan areas through the end of this century.

19. As the Commission has stated previously, it is our view that even the introduction of a marginal amount of facilities-based competition into the cellular market will foster important public benefits of diversity of technology, service and price, which should not be sacrificed absent some compelling reason. The Commission is unpersuaded that these benefits would be outweighed by the benefits associated with the increased efficiency of a 40 MHz system over that of two 20 MHz systems or the alleged increased incentives to entry, as urged by LIN, particularly when there is no evidence that, absent a plan of mandated joint ventures, there would not be willing and qualified cellular applicants. The Commission has likewise rejected Motorola's proposal, which not only would eliminate the opportunity for facilities-based competition, but is unsupported by any convincing evidence that one 20 MHz system could reasonably meet the demands for cellular service. We previously gave serious consideration to the many arguments raised as to the minimum overall allocation of spectrum necessary for cellular systems. In Docket 18262, we concluded that 40 MHz was the amount of spectrum necessary to handle the predicted demand for cellular service in the near future. 46 FCC 2d at 756.[19] That allocation was upheld by the Court of Appeals as being neither unreasonably large nor small.[20] Motorola has offered no sufficient reason to cause us to alter our decision on this matter.[21]

20. As a final matter, we have considered whether to allocate additional spectrum for cellular systems from the 20 MHz of reserve spectrum set aside for land mobile services in Docket 18262. AT&T was the major proponent of such an allocation in order to permit licensing of two mature systems of 30 MHz each. AT&T argued that a mature cellular system would be less expensive if it used a larger allocation of spectrum. It said that using a 20 MHz system would increase the costs of service to the public by 28 percent over a 30 MHz system.[22] AT&T also maintained that 30 MHz would be the minimum system allocation ultimately required for viability, although 20 MHz would be sufficient initially.

21. As we observed in our *Second Report and Order* in Docket 18262, allocation of frequency spectrum in the 806–947 MHz band involves dealing with innumerable unknowns, ranging from new system technologies to innovative service offerings and future market projections for these services. Because of these inherent uncertainties, we emphasized that any allocation plan which we adopted should be flexible enough to accommodate new and often unforeseen technological and economic forces. It was our view that the allocation plan we adopted in that order provided that flexibility, while satisfying presently defined needs. 46 FCC 2d 752. Based on our understanding of cellular technology and the potential market for cellular systems, the Commission concluded that 40 MHz for cellular service would be sufficient and would provide for adequate growth and reasonable costs over the foreseeable future.

22. After reviewing the comments here, we conclude that our goals for cellular service can be accomplished with a present allocation of 40 MHz of spectrum, without allocating additional spectrum from the reserve at this time. Even accepting AT&T's contention that two 20 MHz systems will result in more costly service to the public than two 30 MHz systems, we do not find the cost penalty substantial enough to commit more spectrum to cellular services. We also are not persuaded by AT&T's suggestion that two 20 MHz systems will not be sufficient for short-term cellular needs. The spectrum requirements of mature cellular systems are difficult to predict at this time, largely because no such mature systems exist. Present indications are that 20 MHz appears to be a reasonable amount of spectrum to support a single cellular system and that a 40 MHz total allocation can adequately meet public demand for cellular service over the immediate term. Because of the speculative nature of any attempt to predict the cellular market size, the Commission believes it should be cautious in making final allocations for cellular systems. Recognizing, in addition, that only a limited number of paired reserve frequencies usable for two-way communications remain in the 800 MHz band, that there are many competing demands for that spectrum for common carrier as well as private radio users, and that new advances in radio communications technology could possibly be precluded due to lack of available spectrum in which to develop, we will not allocate additional spectrum to cellular now, with a land mobile reserve, we will retain our flexibility to respond to a variety of future demands. If, in a future allocation proceeding, we determine, based on actual experience with operational commercial cellular systems, that additional spectrum is required for efficient operation in certain markets, we can make spectrum available from the reserve as appropriate.

23. *Mobile-Satellite System.* Another spectrum reserve related issue which several parties addressed involves the desirability of establishing a satellite communications system capable of providing service to mobile units nationwide. NASA and GE were the primary proponents of a mobile-satellite system. They said the Commission should consider not only urban but also rural mobile communications needs, and a satellite system could augment terrestrial cellular systems by providing a compatible service to areas not served by terrestrial systems. The Commission was urged to permit the development of a satellite-mobile system in the reserve bands. To that end, NASA and GE said that the reserve bands should be consolidated into two 10 MHz bands, rather than the present segmented allocation. To do this, a portion of the spectrum currently allocated to cellular would become reserve spectrum, while an equal portion of the current reserve band would be allocated to cellular.

---

[19] In Docket 18262 Motorola filed a Petition for Reconsideration directed to the amount of radio spectrum the Commission allocated for use by cellular systems. The petition, which was primarily directed to the methods the Commission should use in making the 40 MHz available for use in cellular systems, was rejected by the Commission, and the allocation of 40 MHz was affirmed. 51 FCC 2d at 948.

[20] *NARUC v. FCC*, 525 F.2d at 636. In its opinion, the Court noted that Motorola had argued at length before the Commission that an allocation of 19 MHz would be sufficient. *Id.* at n. 21.

[21] Motorola forecasts a demand for cellular service in New York of 104,940 subscribers, which Motorola believes could be accommodated on a single 20 MHz system. AT&T's forecasts, in contrast, place the demand for cellular service at 233,098 subscribers in the New York area, which would require at least an additional 20 MHz allocation. Moreover, in order to serve even the lower demand estimated by Motorola, Motorola assumes a reuse factor of 13X, an extremely high degree of channel reuse involving the use of a large number of very small cells.

[22] AT&T Comments, p. 110.

24. We have decided not to consolidate the reserve bands as requested by NASA. First, we do not believe the need for satellite augmentation of terrestrial cellular systems has been established. The supplemental comments of NASA, which included estimates of the market potential to be served by satellites, have not persuaded us otherwise. In our view, the cellular design concepts we are adopting are sufficiently flexible to permit the establishment of terrestrial systems even in relatively thinly populated areas. Therefore, it is speculative whether satellite augmentation is either needed or cost-justified. Second, it is not certain that a satellite system, with the spot beam capability envisioned by NASA, would require an exclusive frequency allocation. This raises the possibility of sharing spectrum between terrestrial and space systems. Moreover, even accepting NASA's contention that two 10 MHz bands would be desirable for a satellite system, even NASA has not claimed that satellite system could not be developed using the present segmented reserve band. Finally, ■ consolidation of the reserve band and a shifting of the cellular allocation at this date would raise international considerations requiring time-consuming renegotiation of pending international agreements. [23] This would seriously delay the implementation of cellular service.

25. On balance, therefore, we find that the uncertain benefit of adjusting the present allocation of the 800 MHz frequencies to promote satellite augmentation of terrestrial systems does not outweigh the cost of further delaying the implementation of commercial cellular service. If a satellite system is to be compatible with terrestrial systems and is intended to augment terrestrial systems, then our emphasis should be on providing an environment favorable to the growth of terrestrial systems. Compatible satellite systems can then be engineered to provide support and augmentation to the terrestrial systems.[24] By leaving the reserve bands intact, we are not precluding the possible future development and implementation of a mobile satellite system.

26. To summarize, we have concluded that a 40 MHz allocation for cellular systems will be available immediately for two competing systems per area, with 20 MHz to be available to each carrier. To accomplish this frequency use plan, the frequencies will be assigned in 20 MHz groups identified as Block A and Block B. A licensee will be authorized frequencies from only one Block within a given geographic area. Block A will consist of frequencies within the bands 825–835 MHz (mobile) and 870–880 MHz (base). Block B will consist of frequencies within the bands 835–845 MHz (mobile) and 880–890 MHz (base). We have also identified 21 frequencies per system for set-up and control purposes. These frequencies are adjacent to each other in Block A and Block B. With respect to mobile stations, all units must be capable of operating at least over the entire 40 MHz of spectrum (*i.e.*, 666 channels). This is necessary in order to insure full coverage in all markets and compatibility on a nationwide basis.

B. The Role of Wireline Carriers

27. In the preceding section we concluded that the overall public interest would be served best if there were two cellular systems competing in the same community. To make that possible, we decided to divide the 40 MHz of spectrum committed for cellular development into two blocks of 20 MHz each instead of following our original plan of licensing only one 40 MHz system per market.

28. Our next task is to decide whether we should place any restrictions on who is eligible to become a cellular licensee. This is a matter which we have wrestled with for some time. As mentioned earlier, we originally concluded that *only* wireline carriers should be licensed to operate cellular systems.[25] We then decided about a year later to drop that restriction and permit any qualified entity to apply.[26] Then, in the *Notice* initiating the proceeding now under consideration, we raised some concerns about whether wireline carriers should be permitted to operate cellular systems at all and asked parties for their comments. To focus the parties' attention on this issue, our *Notice* contained a discussion of the possible relevant markets/services with which two-way cellular operations might compete and the possible concerns posed by wireline participation in that competition.[27]

29. In the discussion that follows, we set forth our reasons for again concluding that it is very much in the public interest to seek participation from wireline carriers, and, in particular, AT&T which has demonstrated that it possesses the resources and the expertise necessary to establish expeditiously cellular systems with nationwide capability. These are factors, we should emphasize, that we are obligated to consider in reaching a public interest determination. *See* Section 1 of the Communications Act.[28] We further conclude not only that wireline participation is necessary but also that, in order to achieve objectives that will serve the public interest, we should reserve one block of spectrum exclusively for the use of wireline carriers, as we have done in the past.

30. Our decision in this regard is not insensitive to the potential dangers of wireline participation. It is our firm belief, however, that with the safeguards we have imposed on wireline entry, our approach best accommodates the competing interests reflected in this record and best serves the public interest, convenience and necessity.

1. Wireline Eligibility To Operate Cellular Systems and Market Definition

31. In Docket No. 18262, we observed that cellular communications systems

---

[23] The Commission has received a letter dated March 30, 1981, from the Canadian Government expressing its position on general frequency coordination of the 800 MHz region and specifically regarding the possibilities of a mobile satellite allocation. The Canadian Government would like to leave open its options to implement a mobile satellite service somewhere between 806 and 890 MHz. Canada also indicated that due to its existing fixed operations, it was concerned about the Commission implementing a mobile service above 890 MHz. The rearrangement proposed by NASA and discussed above would place part of the cellular mobile allocation about 890 MHz and would therefore conflict with the Canadian position. Additionally, as Canada points out, the U.S. and Canada are almost ready to formally concluded an arrangement on the sharing of this frequency range near our common borders. We will continue our discussions with Canada on all these issues of common concern.

[24] This is consistent with our *Report and Order* in Docket 20271, in preparation for the 1979 World Administrative Radio Conference. Our policy was stated clearly in that document:

> (A mobile-satellite) requirement is seen as a possible adjunct to, and not a replacement for, the services to be provided by the land mobile service in the 806–890 MHz band. Implementation within the United States, should such a system be proposed in the normal course of rulemaking, must maintain the integrity of our terrestrial land mobile services in this band and accommodate the expected growth of short range terrestrial mobile communication systems.

World Administrative Radio Conference, 70 FCC 2d 1193, 1232 (1978).

[25] *Second Report and Order* (Docket 18262), 46 FCC 2d at 760.

[26] *Memorandum Opinion and Order* (Reconsideration of Docket 18262), 51 FCC 2d at 953.

[27] 78 FCC 2d at 989–90, 993–94. Our concern focused on the possibility of the wireline carriers extending their dominance in one market into another and the possibility that such entities might have an incentive to inhibit rather than advance cellular development. *Id.* at 993–94.

[28] 47 U.S.C. 151 states, in part, that the Federal Communications Commission is created "so as to make available, so far as possible, to all the people of the United States, a rapid, efficient, Nationwide * * * communication service * * *.

would serve the needs of users of common carrier mobile systems and, to some extent, the needs of dispatch service users. In our *Notice* in this docket, we asked whether cellular systems might serve a somewhat broader market, perhaps filling a portion of the need for conventional telephone exchange service for some users. We asked whether, if cellular service was substitutable in some degree for conventional telephone service, the Commission should limit the role of wireline carriers in the provision of cellular service. To evaluate these concerns, we urged the parties to give us their views on the relevant markets—existing or potential—which might be appropriate for us to consider in deciding whether to permit wireline participation. The comments in response to our *Notice* suggested three relevant markets: (a) Conventional wireline telephone service; (b) common carrier mobile telephone service; and (c) non-interconnected private dispatch service. In addition, one party, Telocator, discussed the possibility of another identifiable market, the long distance transmission service market for calls which originate or terminate on mobile telephones.

32. Our primary reason for questioning wireline operation of cellular systems at this late date was our concern that cellular technology might have developed the potential to be competitive with local exchange service, thereby creating a disincentive on the part of wireline carriers to fully develop cellular service in the areas where they also offer local exchange service. From our review of the record, however, there appears to be a consensus that our concern was unfounded. Most commenters believe that cellular systems will initially only be competitive in the traditional 2-way mobile market. Our own evaluation is in agreement with this position. The key to local exchange substitutability in any practical sense is the availability of an inexpensive handheld portable unit that is light in weight.[29] Until such an inexpensive unit is available, cellular service cannot realistically serve as a meaningful replacement for local wireline exchange service.[30] We do not foresee the widespread availability of such inexpensive units for some time. Furthermore, the size of the spectrum allocation will limit the number of users of a cellular system, while a landline system can expand indefinitely. Because of the likely unavailability in the near term of portable units that are truly substitutable for landline telephones and the inherent spectrum limitations on cellular systems,[31] we cannot conclude that wireline telephone service is within the relevant market in this proceeding. Therefore, we conclude that there is no reason to rule wireline carriers ineligible out of concern that they will have a disincentive to advance the development of the cellular system because of its short term potential replacement of their local landline service.[32]

33. In our *Notice*, we also asked whether cellular systems might substitute for existing conventional two-way mobile service and, if so, whether we should restrict wireline participation to prevent them from extending their dominance in one market into another. Again, we think a restriction would be unwise. We agree with the analysis of most commenters that cellular service will be an effective substitute—both in price and service—for present common carrier mobile service and will meet the demand for this service over the foreseeable future. Nevertheless, it is still premature to predict whether cellular will *replace* conventional mobile systems, especially in the smaller geographic markets. There, demand is likely to be lower and growth a little slower. It is even possible that conventional mobile system operators, in response to cellular competition, will lower their rates[33] and offer a different, otherwise unavailable package with greater operational simplicity to remain competitive alongside the more sophisticated system. In any event, we see no reason to prohibit cellular operation by wireline companies because this new technology might drive existing conventional mobile system operators out of business. If that occurs, we agree with NTIA that it will be because of the nature and capacity of the cellular system and not because of the identity of its operator. Insofar as the concern here is that the demise of conventional two-way systems will come about because of AT&T's ability to engage in anticompetitive practies, we address that matter below.

34. The comments in response to our *Notice* also suggested that we should consider the impact wireline-operated cellular systems will have on the non-interconnected dispatch market.[34] Although dispatch services are currently available on some common carrier systems, more than ninety percent are provided through private systems. We would expect, however, that cellular systems could meet the perceived needs of many dispatch users if dispatch communications were permitted. Although it is again speculative at this time whether cellular systems will be cost competitive with private systems, especially for large users, it is likely that for some users a cellular system might provide dispatch services at comparable quality and price. A cellular system would also be able to provide dispatch users with interconnected service over the public telephone network. In any event, we again find no justification to prohibit dispatch service on wireline cellular systems simply because these systems will lure customers away from existing dispatch operations; our obligation is not to protect existing radio common carriers from competition nor to maintain the present position of private dispatch systems.[35] Motorola.

---

[29] Obviously, a telephone that is confined to a vehicle willnot significantly substitute for a home or office telephone. A hand-held or pocket-size telephone could conceivably replace a fixed telephone for some users, however.

[30] A subscriber unit for a landline system is a relatively simple, inexpensive device, while a mobile or portable unit is inherently more complex and expensive because it includes, among other things, a radio transmitter and receiver, battery, amplifiers, and microprocessor.

[31] Millicom, a primary proponent of the view that cellular systems can be cost competitive with landline service, admits that such competition will not likely develop in major urban areas; it also bases its projection on the availability of a low-cost portable unit, a portable which Millicom believes can be developed and produced at a cost under $1000. Millicom has offered no support for its cost estimate of under $1000, however, and we are not convinced that such a unit, even if available at that cost, would make cellular service truly competitive with landline service. The Department of Justice also contended that "[c]ellular systems may have the potential to provide services that are substitutes for local wireline carriers, at least in some locations." Department of Justice Reply Comments at 9. Justice did not contend, however, that this "potential substitutability" would occur in the near term, nor did it address the factors which would affect such substitutability.

[32] Telocator believes that an identifiable market in mobile telephone long distance originated and terminated calls may develop, and that this market is relevant for purposes of our analysis. Apparently Telocator believes that wireline operation of cellular systems would foreclose specialized common carriers from participating in this long distance market. Telocator's argument, however, is insufficiently developed to allow us to consider this issue at this time.

[33] Because the present two-way market is generally so congested, and demand therefore exceeds supply, it may be that existing customers are paying rates above competitive levels in some markets.

[34] Dispatch service is a type of service commonly used by businesses such as taxi, delivery and repair services. Dispatch service is characterized by the exchange of brief messages, normally one minute or less in duration, between a land based dispatcher and a mobile station, without using the public switched telephone network.

[35] There is an additional reason why a prohibition against dispatch service by a wireline cellular operator would not be in the public interest. The offering of dispatch service by wireline cellular systems could well serve to deconcentrate the

Continued

however, urges that we prohibit dispatch by wireline carriers for a different reason. It maintains that private dispatch operators would be endangered by wireline carrier cross-subsidization of cellular dispatch operation with monopoly revenues.

35. That wireline operated cellular systems might come to dominate other markets—conventional or dispatch—is, of course, a matter of concern to us. Regulatory agencies, including this Commission, are required to consider pertinent competitive policies in making public interest findings.[36] Promotion of competition alone, however, is not synonymous with the public interest.[37] Thus, while we must consider potential anticompetitive effects attributable to the entry of wireline carriers, we must also consider the benefits of wireline entry, both in terms of services and competition, and whether continuing regulatory supervision can prevent anticompetitive behavior.[38] In addition, we recognize that a potential effect on competition may well call for a different regulatory response than an immediate effect on competition would. This is particularly true when anticompetitive effects cannot be predicted with accuracy in advance but will become apparent, if at all, only upon implementation.[39]

36. Based on the record before us and on our conclusions with respect to the relevant market for cellular systems, we conclude that an across-the-board prohibition on the entry of wirelines into the cellular market is not warranted. We recognize that cellular service will be substitutable to a great degree for present common carrier mobile service and private or common carrier dispatch service. Nevertheless, as we discuss in the sections that follow, we find that there are compelling public interest reasons to support wireline ownership of cellular systems, particularly when we have at our disposal measures that we are confident can minimize the risk of any potential anticompetitive behavior.[40]

37. *Number of Licenses Nationwide.* Although some parties argued for restrictions on the number of licenses issued to the same entity, we have concluded that the public interest would not be served by imposing restrictions on the number of markets any given entity—wireline or non-wireline—may enter. Our main objective in suggesting in our *Notice* that such a limitation might be appropriate was to encourage maximum diversity of technological development. 78 FCC 2d at 994. We are not convinced on the record before us that technological diversity would necessarily be enhanced by such a limit. It may well be that entities which might otherwise invest heavily in technological development would hesitate to do so if required to operate in only a limited number of markets. At the same time such a policy could diminish the number of potential entrants into some geographic markets or limit the areas in which service is offered.

2. Separate Five Year Frequency Allocation for Wireline Carriers

38. The discussion on wireline eligibility focused principally on whether wireline carriers should be allowed to operate cellular systems because of the potential threat to existing competitors offering two-way mobile service. In this section, we address the question of whether we should reserve a separate frequency allocation for the wireline telephone companies. AT&T, the independent telephone companies, and the National Telecommunications Information Agency (NTIA) recommend that we establish a separate wireline allocation; Telocator and the Department of Justice oppose such an allocation. Our analysis of all the arguments for and against a separate allocation convinces us that a separate allocation for an initial five year period (after which both 20 MHz allocations would be available to any qualified party) is the most practical way to make cellular service available to the public in a substantial number of the most populated and congested cities across the country within the next three to five years.[41] We base this decision on several important considerations discussed below.[42]

39. *AT&T's Technical Expertise.* Much of the successful research and development in the mobile field over the years has come from wireline carriers.[43]

existing dispatch market by lessening the power of the equipment vendor over service availability.

[36] *NARUC v. FCC*, 525 F2d 630, 636 & n. 25 (D.C. Cir. 1976), *cert. denied*, 425 U.S. 992 (1976).

[37] *FCC v. RCA Communications, Inc.*, 346 U.S. 86, 93 (1953); *Hawaiian Telephone Co. v. FCC*, 498 F. 2d 771 (D.C. Cir. 1974).

[38] *United States v. FCC*, 47 RR 2d 1, 31–34 (D.C. Cir. 1980)(*en banc*); *NARUC v. FCC*, 525 F.2d at 638.

[39] *NARUC v. FCC*, 525 F.2d at 638.

[40] We should at this juncture address the concerns raised by the Court of Appeals in the *NARUC* case. The *Order* under court review, the *Second Report and Order* in Docket 18262, as modified on reconsideration, proposed an allocation of 40 MHz to only one system operator per market (a wireline or non-wireline entity could apply), required that a separate subsidiary be established if the successful applicant was a wireline company, and did not make clear whether wireline telephone companies had to provide interconnection to radio common carriers. Because our allocation scheme has significantly changed since the Court of Appeals reviewed our final decision in Docket 18262, many of the court's concerns no longer seem present. First, our allocation scheme now contemplates two, rather than one, system operator per market, thus reducing the fear the court expressed that AT&T, by virtue of our one-to-a-market policy, might operate most, if not all, of the cellular systems put in operation and thus significantly increase its opportunity to dominate the radio telephone market. We expect now to have entities with considerable resources to operate cellular systems in competition with the wireline carriers. Second, the radio common carrier industry over the last several years has successfully negotiated interconnection agreements with the local telephone operating companies. *See e.g. Memorandum Opinion and Order* (Interconnection between wireline telephone carriers and radio common carriers), FCC 80–520, Mimeo 28035 (released October 9, 1980). In this proceeding, we are imposing an interconnection requirement for non-wireline cellular systems. Third, although AT&T's offering of dispatch service on a cellular system may affect the competition that now exists in that market, both the safeguards we will impose and the competition by another cellular system in the same market should diminish the likelihood that the existing competition in the dispatch market will be weakened other than simply by the superiority of cellular technology, a matter which we believe should not be artificially inhibited by government regulation. Fourth, since the time Docket No. 18262 was before the court, the Commission has adopted policies permitting those who do not own basic communications facilities to purchase and resell communications services. Although there is no guarantee that a resale cellular market will develop, we are hopeful that removal of previous restrictions against resale will stimulate the growth of such a market and thereby add to the number of cellular competitors in a community. Finally, in addition to all of the above measures, we are requiring all wireline licensees to operate cellular systems through a separate subsidiary, a step that, in addition to the above safeguards, we consider to be very beneficial.

[41] We will entertain requests for waivers of the separate allocation during the five year period that it applies. An applicant may request a waiver to apply for the block of frequencies for which it would not be eligible under our Rules if it can demonstrate that there will be no eligible applicants applying for these frequencies during the five year period. (*e.g.*, the local wireline company does not intend to apply for its reserved block). We will also entertain requests for a waiver to permit the entire 40 MHz to be assigned as one block of frequencies. Such a waiver request must, of course, not only meet the showing discussed above (*i.e.*, that the frequencies for which the applicant is not eligible will not otherwise be applied for), but must also contain a convincing showing that the public interest will be better served by assignment of the entire 40 MHz, rather than by the potential for facility-based competition that might develop after the separate allocation expires.

[42] We note that over the years we have explored virtually every option in this area. In our *First Report and Order* in Docket No. 18262 we allocated spectrum for only the wireline carriers, rejecting a request by the RCCs for a separate, equal allocation. 19 RR2d 1663, 1675 (1970). On reconsideration, we decided to eliminate the limitation on eligibility, but we did not establish a separate allocation. 31 FCC 2d 50, 52 (1971). In our *Second Report and Order*, we once again limited eligibility to wireline carriers, 40 FCC 2d 752, 760 (1974), but on reconsideration we decided that the limitation was unnecessary. 51 FCC 2d 945, 953 (1975).

[43] *E.g., Bell Telephone Co. of Pa.*, 22 FCC 1244 (1957) (selective signaling); Bell Labs, *High Capacity Mobile Telephone System Technical Report.*

Continued

It is not surprising, therefore, that the primary proponent and developer of cellular technology in this country has been AT&T. In fact, since 1940, AT&T has urged the Commission to allocate sufficient spectrum for a broad-band high capacity mobile system,[44] a step the commission did not initiate until 1968.[45] Several years later AT&T was afforded the opportunity to test its theory.

40. On March 3, 1977, the Commission granted the application of Illinois Bell Telephone Co. (IBT) to construct a developmental cellular system in the Chicago, Illinois, area.[46] In an order released January 4, 1979, we made it clear that the Commission had authorized IBT to make a limited commercial offering of its cellular service to the public.[47] To date, developmental technical reports as well as hundreds of letters sent to the Commission from users of the IBT system all reflect AT&T's extensive technical expertise in the cellular field. In addition to this technical proficiency, AT&T has extensive expertise in traffic engineering and in the design and operation of high-capacity local switching networks, all of which are highly relevant to the rapid and efficient development of cellular systems. Given AT&T's distinctive technical capabilities, and its operation in most major markets, we are left with little doubt that only AT&T is in a position today to place cellular systems in operation around the country in the immediate future.[48]

41. *Need.* If there were not a pressing need to relieve the serious congestion that exists on conventional two-way mobile systems around the country, we might be less inclined to make a separate wireline allocation.[49] That is not the case, however. AT&T, in its "Notes on Cellular Service" attached to our *Notice*, estimates that there are 25,000 customers on its waiting lists around the country for conventional mobile service. *Notice, supra*, 78 FCC 2d at 1009. That the demand for service has long outstripped the supply is also documented by other evidence confirming long waiting lists for mobile telephone service in most cities.[50] And there is potentially a much greater unsatisfied demand than is suggested even by the waiting lists.[51] Moreover, many potential users have been discouraged from using presently available mobile service because of the congestion on the limited number of available channels,[52] and presumably many of these people would be willing to obtain relief from a higher quality service, such as offered by a cellular system, if it were available.[53] This pressing need for improved service compels us to seek a solution that will bring relief to the greatest number of people in the shortest possible time. Our separate wireline allocation is intended to do just that.

42. *Separate Allocation Minimizes Delay from Comparative Hearings.* In circumstances where the Commission has two or more applicants applying in the same general area for the same frequency and only one can be granted, it is generally considered necessary to hold a comparative proceeding.[54] This process, however, often results in substantial delays in providing service to the public.[55] A separate wireline allocation will help to minimize this problem and thus assist in achieving our objective of providing cellular service to the public in the shortest possible time. This is because generally only one wireline carrier per market will be eligible to apply for the wireline frequencies, thus avoiding the need for a comparative proceeding.[56] By the same token, we suspect that if there is only one applicant for the wireline block of frequencies and competing applicants for the other, there will be a powerful incentive for competitive applicants to settle their differences. We encourage such settlements.[57]

---

submitted in Docket 18262 (1971); Young, *Comparison of Mobile Radio Telephone Transmission at 150, 450, 900, and 3700 Megacycles*, 31 Bell Sys. Tech. J. 1068 (1952); *Advanced Mobile Phone Service*, 58 Bell Sys. Tech. J. No. 1 (1979).

[44] *See General Mobile Radio Service*, 13 FCC at 1212; *UHF Allocation, Fourth Report & Order*, 41 FCC 131–138 (1951); *Frequency Allocation 25–890 Mc*, 39 FCC 567, 580 (1964), *recon. denied*, 39 FCC, 608, 610 (1964).

[45] *Land Mobile Use of 806–960 MHz Band* (Notice of Inquiry and Notice of Proposed Rulemaking, Docket No. 18262), 14 FCC 2d 311, 313–15, (1968).

[46] *Illinois Bell Telephone Co.*, 63 FCC 2d 655 (1977). A few months later the Commission granted a second developmental cellular authorization to a radio common carrier. *American Radio Telephone Service, Inc.*, 66 FCC 2d 481 (1977) (ARTS). The ARTS system has never requested permission to go into commercial operation and test market its service to the public. We would expect, however, that eventually the experience gained by Motorola in assisting the development of the ARTS system will provide non-wireline carriers the expertise necessary to build cellular systems.

[47] *Telocator Network of America v. Illinois Bell Telephone Co.*, 70 FCC 2d 713 (1979).

[48] Of course, the expertise of the independent telephone companies in traffic engineering and establishment of high-capacity local switching networks will also be important to the rapid establishment of cellular communications systems.

[49] Because two-way mobile service has been traditionally offered by wireline carriers as a logical extension of local exchange service, and because AT&T has the expertise and resources to build cellular systems that have been proven workable and efficient, a separate allocation scheme could be justified even without the pressing need for immediate relief.

[50] Many letters were placed in the public file in this proceeding describing the size of the waiting lists for mobile service and the delay in obtaining service. *E.g.*, David K. Welch, dated March 19, 1980 (Denver, Colorado waiting list of over 2,000 people; over 2 years' wait); L. B. Peace, of Terry Cook & Associates, dated March 19, 1980 (Seattle, Washington waiting list over 2½ years long); John T. Loos, dated March 27, 1980 (Ft. Lauderdale, Florida, waiting list about 3½ to 4 years long); Eugene Albert, dated March 14, 1980 (White Plains, New York, wait over 9 years); Joe Martinez, dated March 14, 1980 (New York-New Jersey area, wait over 5 years); Paul D. Speer, dated February 22, 1980 (Chicago, Illinois wait of 12 to 15 years).

[51] The developmental tests indicate that 11 percent of the businesses surveyed will subscribe to cellular mobile service. See Illinois Bell Cellular Developmental Report No. 10, AIII–2 (August 27, 1979).

[52] The Common Carrier Bureau staff has recently analyzed a sample of applications for additional channels. The grade of service during the busy-hour on the mobile systems in this study averaged 0.593; this means that 59.3 percent of all attempted calls were not completed due to the system congestion. *See* Summary of Traffic Loading Data filed in the public record of this proceeding on March 13, 1981.

[53] Many of the letters filed in this proceeding referred to the poor quality of conventional service. *E.g.*, Neil E. Bahr, dated March 24, 1980 (Miami, Florida); John R. O'Brien, dated March 26, 1980 (Hanover, Massachusetts); Frank W. Ambler, dated March 28, 1980 (Dallas, Texas).

[54] *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945).

[55] In the Common Carrier Mobile Services, it has been our experience that comparative hearings take six months to one year, from designation to initial decision. If exceptions are filed from the initial decision, then another six months or more is added, and there are further delays if the Review Board's decision is appealed to the full Commission. Because there would be more at stake in a comparative hearing for a major market cellular system than for a conventional mobile system, it is likely that even more time would be consumed. We note, however, that we are adopting an expedited hearing procedure that we hope will minimize the delays in the adjudicatory process. *See* paragraphs 62–66, below.

[56] In the past, we have permitted wireline companies to apply for wireline frequencies in any market, without regard to where they are doing business as a wireline. *Bonduel Telephone Co.*, 68 FCC 2d 497 (1978). In order to achieve our objective of rapid implementation of service during the separate five year allocation period, we will not adopt the *Bonduel* approach to wireline cellular applicants, but will consider a wireline applicant to be eligible to apply only in those general areas in which it or an affiliate company is certified as a wireline carrier. This will eliminate comparative hearings for wireline frequencies except in those rare circumstances where a particular metropolitan area is served by more than one wireline and each wishes to serve the entire metropolitan area.

[57] Because a wireline carrier is unlikely to be encumbered by a competing applicant for the same facility, a problem may arise as a result of the wireline company's ability to get an early start in constructing and operating in its market. In our view, because of the great unsatisfied existing and potential demand for cellular service, it is unlikely that many markets will be unable to support two cellular systems. We also consider it unlikely that the advantage from an early entry into the market would be sufficiently significant to outweigh the need to grant immediate relief in markets, particularly in light of the requirement that no restrictions be placed on resale and shared use of cellular services. *See* paragraphs 103–107. If,

Continued

43. *Safeguards against anticompetitive effects.* In the preceding section, we concluded that there are several public benefits to be achieved by a separate wireline allocation. Our conclusion in this regard rests in part on our confidence that we can impose adequate safeguards to substantially minimize the potential anticompetitive concerns. We emphasize that the separate allocation policy is narrowly tailored to achieve our goal of early implementation of cellular technology. The separate allocation has an automatic "sunset" provision: Five years after the Commission authorizes the first cellular system (wireline or non-wireline) in the nation, the two blocks of frequencies will no longer be earmarked for specific classes of carriers. If at that time no wireline carrier has applied for its block of frequencies in a given market, both blocks would be available to RCC's and to wireline carriers on the same terms. Furthermore, after the initial five-year period, licenses will be subject to renewal challenge; if a particular licensee has not served the public interest, there is a possibility that another entity could obtain its license. We have also adopted other safeguards, which are mentioned briefly here and discussed in more detail elsewhere.

a. First, unlike our decision in Docket No. 18262, we have now divided the spectrum allocation into two 20 MHz blocks, one of which is for non-wireline entities. Given the expense and complexity of a cellular system, we would expect that the successful non-wireline carrier will have considerable resources to be a viable competitor against the wireline carriers. Thus, with two licensees per market, it will be more difficult for a single entity to dominate the cellular market nationwide. Moreover, as we discuss later, there will be no restrictions on the resale of cellular service. Thus, there may develop a substantial secondary market in cellular service enhancing the competition between the two cellular licensees.

b. We also intend to continue the limitation adopted in Docket No. 18262 that a wireline carrier can only provide cellular service through a separate subsidiary in order to minimize the opportunity for cross-subsidization of the competitive cellular service from monopoly telephone revenues. The separate subsidiary requirement should also make equitable interconnection arrangements more obtainable, a further safeguard that we will impose and which is discussed in detail below.

c. Finally, as discussed in footnote 57 *supra*, where it can be demonstrated in a particular case that harm to the public will result from allowing the wireline carrier an early entry into the market involved, we have, and will exercise, our authority to defer action on the particular wireline application.

44. *Legal Authority.* The Commission's mandate, as expressed in Section 1 of the Communications Act, as amended, 47 U.S.C. 151, is "to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide * * * radio communications service with adequate facilities at reasonable charges." To further that objective the Commission in the past has routinely established separate wireline and non-wireline frequency allocations. In 1949, our purpose in making a separate allocation was to foster the growth of radio common carrier enterprises that would compete with telephone companies offering mobile communications. See *General Mobile Radio Service*, 13 FCC 1190, 1218, *recon. denied*, 13 FCC 1242 (1949). The Commission reviewed this policy in 1963 and found that it had served the public interest well. *ITT Mobile Telephone, Inc.*, 1 RR 2d 957 (1963).[58]

45. In 1968, the Commission again established a separate wireline, non-wireline allocation of frequencies to be used for one-way paging services. This time, however, the reasons for doing so were not to maintain or enhance the competitive position of radio common carriers vis-a-vis wireline companies. Instead in response to objections that the separate allocation would grant AT&T the opportunity to monopolize the one-way paging market, the Commission stated that it based its "conclusions on a composite of the situation nationwide, taking into consideration the overall need for an immediate avenue of relief for a growing and expanding service."[59]

The Commission also rejected the claim that AT&T, with its exclusive frequency, would necessarily have an unfair headstart over the non-wireline carrier that might have to undergo a lengthy comparative proceeding. If an appropriate showing pursuant to Section 309(d)(1) of the Communications Act were made in a particular market the Commission stated its intention to bar the wireline carrier from starting earlier. *Allocation of Frequencies, supra*, 12 FCC 2d at 851.

46. The Court of Appeals affirmed the Commission's decision. *Radio Relay Corp. v. FCC*, 409 F.2d 322 (2d Cir. 1969). The Court fully agreed that competition was only one of many important criteria the Commission must consider in reaching a public interest determination. Another important factor the Commission had considered, the Court observed, was the immediate public need for the expansion of one-way paging services. *Id.* at 326. The Court also thought reasonable the measures taken by the Commission to reduce any anticompetitive practices by the wireline carriers. As for the potential early entry problem, the Court agreed that a competitor must be allowed to show that a wireline carrier's early entry would be competitively harmful, although the Court also recognized that that advantage might have to give way to a finding of immediate public need for the service. *Id.* at 329. *Accord. Pocket Phone Broadcast Service, Inc. v. FCC*, 538 F.2d 447 (D.C. Cir. 1976).

47. In summary, we believe that we have a firm legal foundation for establishing a separate wireline allocation in a situation where, as here, (1) there is an immediate need for service to the public, (2) this need can be addressed quickly by a wireline company's expertise, (3) the separate allocation licensing scheme is a reasonable means of avoiding long delays in the availability of any cellular service attributable to comparative hearings, and (4) we have taken reasonable steps to guard against anticompetitive practices. This decision is based on our full consideration of the countervailing considerations raised in the comments and represents our determination of how best to balance the competing public interest factors. See *FCC v. National Citizens Committee for Broadcasting*, 436 U.S. 775, 809, 810 (1978).

---

however, a non-wireline applicant can demonstrate that permitting an early entry into the market would not be in the public interest, we would consider a request for a brief moratorium on wireline cellular service. We should emphasize, however, that general unsupported allegations of harm will not be sufficient to delay service to the public. *See Radio Relay Corp. v. FCC*, 409 F.2d 322, 328–29 (2d Cir. 1969); *WLVA, Inc., v. FCC*, 459 F.2d 1286 (D.C. Cir. 1972); *Carroll Broadcasting Co. v. FCC*, 258 F. 2d 440 (D.C. Cir. 1958).

[58] In two recently initiated rulemaking proceedings proposing to make channels available for one-way paging, we tentatively concluded that a separate allocation scheme for wireline and radio common carriers may no longer be necessary in order to stimulate the development of the radio common carrier industry. *See* CC Docket No. 80–189, 45 FR 32025 (May 15, 1980), and General Docket No. 80–183, 45 FR 32013 (May 15, 1980). Our action today is not inconsistent with these proceedings because our separate allocation here is not based on any need to stimulate the growth of the radio common carrier industry.

[59] *Allocation of Frequencies (Guardband)*, 12 FCC 2d 841, *recon. denied*, 14 FCC 2d 269, 270–271 (1968). In response to Radio Relay's claims that because of AT&T's allegedly unfair pricing practices and its control of interconnection facilities, the non-wireline companies would be at a severe competitive disadvantage, the Commission found that Radio Relay's fears were overstated. The Commission did, however, decide to attach conditions requiring wirelines to interconnect to non-wireline companies whenever it awarded wireline licenses. *Allocation of Frequencies (Guardband), supra*, 12 FCC 2d at 846, 848–52, 14 FCC 2d at 270–271.

V 46 / 98 MAY 21 81 UMI

3. Separate Subsidiary Requirement

48. The introduction of cellular radio technology as a basis for an expanded mobile telephone service raises an important regulatory question: how can the introduction of an expanded local telephone service using new technology but provided by wireline carriers be reconciled with a fear expressed by the Commission and others that local exchange telephone companies will have the potential to forestall other competitors by using predatory pricing tactics or misallocating the shared costs of cellular and conventional wireline service? As we have discussed earlier, this concern must be considered alongside other public interest considerations favoring wireline participation. One step we believe we can take to abate this fear is to require wireline carriers to establish a separate subsidiary to offer cellular service. This should make the detection of anticompetitive conduct somewhat easier for regulatory authorities.[60]

49. This structural separation, like any form of regulation, entails both costs and benefits. A cost of this separation is the preclusion of some of the possible economies in jointly providing both traditional wireline and cellular service on an integrated basis. Because these services are not now jointly provided, however, the cost savings of foregone joint production may not be large, *i.e.*, stand-alone provision of these services is already technologically feasible and existing wireline plant has not been engineered with the joint supply of cellular service in mind.

50. On the other hand, the benefits of such separation may be substantial. First, structural separation may encourage competitive entry by reducing the possibility that wireline carriers will behave anticompetitively. Certainly as the Department of Justice has contended,[61] the imposition of a separate subsidiary requirement will not alter the opportunity of wireline carriers to pursue anticompetitive strategies. Nevertheless, we reject Justice's suggestion that a separate subsidiary requirement must therefore be virtually a nullity. Complete corporate separation between wireline and cellular entities can frustrate the achievement of anticompetitive strategies because it may, at the margin, imply just enough risk of regulatory exposure to deter such behavior. Second, a separate cellular entity greatly simplifies the opportunity of other cellular operators to gain interconnection rights to the landline network on the same basis as the telephone subsidiary offering the underlying basic cellular transmission facilities. Requiring a wireline carrier to offer cellular service only through a separate entity with facilties separate from the wireline service reduces the opportunity that "technical complexity" or similar reasons could be invoked by wireline carriers as a basis for denying interconnection.

51. The question also arises whether, as we had contemplated at the conclusion of Docket No. 18262, we should impose these separate subsidiary requirements on all wireline carriers or only on selected wireline carriers. After careful consideration of this matter, we have decided to require a separate subsidiary for all wireline carriers. We recognize that this may impose a relatively larger burden on independent telephone companies than on AT&T; however, independent companies also have the opportunity to engage both in predatory practices by using their monopoly revenues from local exchange service and to deny a competing cellular operator interconnection rights. Weighing these competing interests we believe that imposing this requirement on all wireline carriers is necessary to adequately safeguard against potentially anticompetitive practices and to assure equitable interconnection arrangements. In addition, we will entertain requests for waivers of our separate subsidiary requirement where carriers demonstrate that imposition of that provision will be unduly burdensome and that the potential abuses discussed above can be guarded against by less burdensome means.

52. The details of the subsidiary requirement are set forth in our Rules. Briefly, a separate corporate entity must maintain its own books of account, separate officers, separate operating personnel, and separate computing and switching facilities.[62]

4. Interconnection

53. The particular terms and conditions for interconnection of cellular systems with the public switched telephone network have not previously been examined by the Commission. In Docket 18262 we stated our intention that cellular systems be fully interconnected, *see* 51 FCC 2d at 954–55, but the degree to which cellular systems should be incorporated into the network and the hierarchical level at which the cellular systems will interface with the network have not yet been addressed.

54. We believe cellular communications systems will be an important adjunct to, and extension of, the public switched network. That belief, at least in part, underlies our decision to encourage the participation of wireline carriers in the provision of cellular service through the allocation of a separate block of frequencies. We hope that cellular systems of both the wireline carriers and the non-wireline carriers can be incorporated into the network through the interconnection arrangements most favorable to the end user. Some commenters, notably Jan David Jubon, a consulting engineer, urged the Commission to adopt a policy of requiring the interconnection of a cellular system to the telephone network as a class 5 office (also known as an end office or local office) on the same basis as an independent telephone company, instead of connecting to a telephone company central office in the manner of a subscriber telephone or PBX. AT&T proposed that the local telephone company make available a standard interface between the cellular system and the wireline network. The interconnection would be at "one or more local serving wire centers," a serving wire center being a "local telephone company location through which all customers within the geographical area served by that wire center gain access to all of that company's services."

55. In some cases, interconnection of a cellular system as a class 5 office, rather than at a lower hierarchical level, may well be the most appropriate policy.[63] In this regard, we note that no reason has been advanced why the interconnection of a cellular system with the network as a class 5 office is technologically or

---

[60] In recent years AT&T, because of its dominance in the telecommunications industry, has been required to establish separate corporate entities, *i.e.*, separate subsidiaries, for offering certain types of communications services. The imposition of this form of structural regulation on established carriers is a direct result of policies of the last decade encouraging entry of new firms into various telecommunications markets. *See e.g., Specialized Common Carrier Services*, 29 FCC 2d 870 (1971), *Aff'd sub nom., Washington Utilities and Transportation Commission v. FCC*, 513 F. 2d 1142 (9th Cir.), *cert. denied*, 423 & U.S. 836 (1975).

[61] Department of Justice Reply Comments at 17.

[62] In addition, consistent with our regulatory philosophy expressed in our *Second Computer Inquiry*, AT&T's cellular subsidiary is precluded from selling terminal equipment. *Second Computer Inquiry, Final Decision*, 77 FCC 2d 384 (1980), *Memorandum Opinion and Order*, 84 FCC 2d 50 (1980), *under review sub. nom. Computer and Communications Industry Association v FCC*, D.C. Cir. No. 80–1471 and consolidated cases.

[63] According to Jubon, this would eliminate the need for duplication of central office switching functions and concomitant revenue concentration to the wireline telephone carrier. It would allow non-wireline cellular carriers to perform exchange-level switching functions for their subscribers on an equitable basis—connecting to the network on the same basis as any other exchange-level switch, or class 5 office.

economically inadvisable in general. To the extent that a cellular system will perform the functions of a class 5 office we believe it should be eligible to occupy the hierarchical position of one, and should not be arbitrarily placed below that level. This type of interconnection may not necessarily be the best engineering or cost effective approach in every case, however, as Telocator notes in its reply comments. For this reason we would be hesitant to mandate interconnection of cellular systems to the network as class 5 offices in all cases.[64] The particular point of interconnection of a given cellular system will be dependent upon the design of the system and other factors which may vary from case to case, however.

56. A cellular system operator is a common carrier and not merely a customer; interconnection arrangements should therefore be reasonably designed so as to minimize unnecessary duplication of switching facilities and the associated costs to the ultimate consumer. The particular arrangements involved in interconnection of a given cellular system should be negotiated among the carriers involved and be made the subject of an intercarrier agreement. We do not have a record at this time to determine precisely what such agreements must include.

57. For these reasons, we are not at this time requiring any single type of interconnection for all cellular systems. We shall expect all telephone companies to furnish appropriate interconnection to cellular systems upon reasonable demand, however, and upon terms no less favorable than those offered to the cellular systems of affiliated entities or independent telephone companies. *See Adjustment of Band Edges (Guard Band)* 12 FCC 2d 841, 846, 852, *recon. denied*, 14 FCC 2d 269 (1968), *aff'd sub nom. Radio Relay Corp.* v. *FCC*, 409 F.2d 322 (2d Cir. 1969).

5. Equipment

58. Docket No. 18262 prohibited wireline cellular system operators from manufacturing mobile station equipment, but not base station equipment. *Memorandum Opinion & Order* (Docket No. 18262 on reconsideration) 51 FCC 2d at 952. We allowed wireline licensees to supply and maintain mobile equipment because we believed to do otherwise might limit the availability of equipment over the short term. In the *Notice*, we requested comments on whether these policies were still appropriate. We additionally inquired whether mobile units should be provided on a tariffed or non-tariffed basis, and whether we should require wireline licensees which design, develop or manufacture cellular system components to sell their technology at reasonable fees.

59. With regard to subscriber equipment offerings, we note that the Commission has adopted a general deregulatory policy in the area of terminal equipment since Docket No. 18262 was decided. Since then the terminal equipment market has become increasingly competitive, and there is no reason to believe that consumers will have difficulty in obtaining mobile units. For example, the Illinois Bell developmental system uses mobile units manufactured by E. F. Johnson, Motorola, and QKI. These and several other manufacturers also have tested prototype mobile and portable units on the system. Nevertheless, in view of the competitive nature of the equipment market, we will continue to permit wireline subsidiary licensees to supply and maintain equipment, consistent with our policy of permitting market entry unless there is a compelling showing that it should be restricted. With respect to the questions of tariffing the provision of mobile units, we see no reason why mobile units used in conjunction with cellular systems should be treated differently than other customer premises equipment. Under our *Second Computer Inquiry*, new terminal equipment is to be deregulated (*i.e.*, unbundled and detariffed) after March 1, 1982. Because cellular service is a new service for which its mobile equipment has never been tariffed, we will require that it be unbundled and detariffed from the start. Further, consistent with the *Second Computer Inquiry*, AT&T may only offer this deregulated terminal equipment through a subsidiary separate from the subsidiary offering basic cellular transmission service.[65]

60. We have also determined that wireline licensees should be permitted to manufacture mobile as well as base station equipment. Banning licensee manufacture of equipment would provide unwarranted protection for non-licensee manufacturers and deprive the public of the potential benefits of competition. Most of the comments that supported such a rule focused on fears of either anticompetitive procurement policies by carrier/manufacturers or the ability of Western Electric to dominate the market. At this time we have no reason to believe such fears are justified. In view of the fact that numerous manufacturers have developed prototype cellular units, we expect a competitive environment to flourish. Therefore, we see no need to impose any restrictions on licensees or affiliates on the manufacture of cellular equipment, including the mobile units. If anticompetitive acts by cellular carriers take place in the equipment manufacturing area that have an effect on our regulatory responsibilities, we can take appropriate action at that time.

61. Finally, we have also determined that we will not impose a special requirement upon wireline cellular licensees to share technology. We are not persuaded, as Telocator urges, that such a requirement is necessary. Although we are cognizant of the argument that license contract revenues have financed cellular development, and that as a result cellular technology should be shared, we believe that it is more appropriate to examine technology sharing in the context of the *License Contract* proceeding. *See* CC Docket 80-742, 84 FCC 2d 259 (1981).

C. General Policies and Standards

1. Evaluation of Applications

62. We anticipate that competing non-wireline applications for particular markets will be filed for the Block A frequencies set aside for that group in a number greater than the available licenses. In this section, we discuss the procedures to be used for choosing among mutually exclusive qualified applicants. We also set forth the basic and comparative criteria to be used in evaluating cellular applications.

63. *Procedures.* In the *Notice* we expressed concern that the procedures for consideration of competing applications might cause significant delays in the implementation of cellular service. Such long delays could impose substantial burdens on the applicants, inconvenience the public and frustrate our goal of having cellular service available as rapidly as is practically

---

[64] In our recent *MTS WATS Market Structure Report and Third Supplemental Notice*, we said, in a similar context,

"The suggestion that all of the access problems can be resolved by requiring identical access at identical charges is probably too simplistic * * * We are concerned that any effort to establish a single charge for all access to the local exchange might create a regular straight-jacket that would tend to inhibit * * * innovation service diversity" * * *

48 RR 2d, 67, 90 (1980).

[65] *See* 77 FCC 2d at 435-57, 461-86, 80 FCC 2d at 71-75. Note that the exclusion of mobile telephone equipment from the scope of the *Second Computer Inquiry* was to preserve our options in this proceeding. *See id.* at 447 n. 57. We have found no compelling reason to treat cellular mobile equipment differently from landline customer premises equipment, and we therefore have decided to include cellular mobile equipment within the general policies adopted in that proceeding.

possible. Therefore, we suggested consideration of, and requested comments on, all available procedures that may shorten the time required to select from among competing applicants.

64. Among the procedures we discussed in the *Notice* were the adoption of more streamlined procedures to be used in association with conventional comparative hearings and the use of lotteries or auctions. We also expressed our tentative belief that a hybrid approach could be developed which would minimize the delay associated with the present comparative process while retaining the benefits of comparing proposals that differ substantially on matters that may affect service to the public. In general, the commenters were opposed to the use of lotteries and auctions to select from competing applications. Instead, most commenters urged us to streamline existing comparative procedures. Those commenting favorably with regard to lotteries generally supported an approach similar to the hybrid plan outlined in our *Notice*.

65. Because we believe there may be significant differences among competing applications, we will not adopt, at this time, a straight lottery or auction procedure.[66] Nor will we adopt a hybrid procedure, as outlined in the *Notice*. Future events may, however, dictate a reexamination of appropriateness of using a lottery, auction or hybrid approach for cellular licensing decisions. Consistent with our discussion in the *Notice*, however, we reject the argument that a traditional oral evidentiary hearing—and all its attendant delays—is necessary except in unusual situations. Thus, we find that a procedure involving only "paper" hearing and evidence, decided by an Administrative Law Judge, will best serve the public interest while protecting the procedural interests of the competing private parties. While this approach will not eliminate the delay associated with comparative hearings, it should serve to reduce it somewhat.

66. After applications are received by the Commission and reviewed in accordance with the basic qualifications requirements set forth in this order, competing applications will be designated for comparative considerations. The parties will be permitted to utilize normal discovery processes and submit briefs and appended evidence (under oath) to demonstrate superiority. An Administrative Law Judge will then review the pleadings and, based on the comparative criteria established by the Commission, determine what disposition of the competing applications will best serve the public interest, convenience and necessity. We do not envision that substantial issues of fact requiring oral testimony will arise, except in unusual situations. We will, however, delegate to the presiding Administrative Law Judge authority to receive oral testimony, to provide for cross examination of witnesses and to adopt other procedures not inconsistent with the Commission's rules or the Act upon a substantial showing that a party will be prejudiced by the submission of all the evidence in written form. *See* 5 U.S.C. 556(d). We will also delegate to the Common Carrier Bureau authority to determine, at the time of designation for hearing, that exceptions to a decision by an Administrative Law Judge shall be made directly to the Commission. *See* § 0.365 of our rules.

67. *Legal Authority.* The Commission has broad discretion to use differing procedures in differing contexts as required for the proper dispatch of business, and the types of hearing required must be analyzed in terms of the nature of the proceeding and the pertinent statutory provisions. *Bell Telephone Co. of Pennsylvania* v. *FCC*, 503 F. 2d 1250 (3rd Cir.), *cert. denied*, 422 U.S. 1026 (1974). Our paper hearing procedures satisfy the general statutory provisions relevant to hearing procedures to be employed in adjudicative administrative proceedings as set forth in Sections 554 and 556 of the Administrative Procedure Act (APA) and Section 409 of the Communications Act. Althouth Section 556 is generally applicable to hearings, and entitles a party to present oral or documentary evidence and "conduct such cross-examination as may be required for a full and true disclosure of the facts,"[67] it is effective in cases of adjudication only when made so by Section 554. Section 554 applies only to adjudications "required by statute to be determined on the record * * *."[68] Nothing in Section 409 of the Communications Act, which contains procedures for certain types of hearings, or Section 309(e), which relates specifically to hearings in license proceedings, requires that such hearings be "on the record." Additionally, Section 556 has an express exemption which provides that for applications for initial licenses, "an agency may, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form."[69] Thus, our paper proceeding satisfies the general hearing requirements set forth in the APA and the Communications Act. Indeed, the APA provision which is designed to establish procedural hearing rights appears specifically to condone paper proceedings for initial license awards.

68. Aside from our statutory authority to conduct paper proceedings, our proposal also meets the hearing requirements set forth in *Ashbacker* v. *Radio Corp* v. *FCC*, 326 U.S. 327 (1945), and other court decisions considering the adequacy of Commission hearing procedures. *Ashbacker* is most often cited as requiring a comparative hearing for consideration of competing applications. However, it says nothing about a full oral trial-type hearing. Instead, the basic requirements of *Ashbacker* are twofold: an equitable and meaningful hearing for all applicants and a determination, based on an exercise of judgment, on where the public interest lies. Our "paper" procedure meets both the equity and public interest requirements of *Ashbacker*.

69. The fact that comparative hearings have been traditionally conducted in a full oral adjudicatory proceeding does not limit our discretion to explore other alternatives for, as the U.S. Court of Appeals for the Third Circuit has said:

> As technology develops and the field of communications changes, procedural, as well as substantive, policy must be flexible. The mere fact that an agency has once regarded evidentiary hearings as appropriate does not bar it from adopting another policy when changing or new circumstances require a different approach.

Bell of Pa., supra, 503 F. 2d at 1265. Our paper procedures are particularly appropriate for hearings on cellular applications. A significant objective in this proceeding has been to expedite service to the public. These procedures will further that objective by accelerating the selection of the best applicant without sacrificing an applicant's right to be heard.

70. In cellular systems licensing proceedings we do not believe that oral testimony will, except in unusual

---

[66] These procedures are being examined in another rulemaking proceeding. *Use of Alternative Procedures in Choosing Applicants for Radio Authorizations in the Multipoint Distribution Service*, CC Docket No. 80-116, 45 FR 29335 (May 2, 1980).

[67] 5 U.S.C. 556(d).

[68] 5 U.S.C. 554(a) Cf. *United States* v. *Florida East Coast Ry. Co.*, 410 U.S. 224 (1973); *United States v. Allegheny & Ludlum Steel Corp.*, 406 U.S. 742 (1972).

[69] Although Section 409(a) once permitted parties to choose between oral or written appeals to the Commission from initial decisions by examiners, that right was expressly withdrawn in 1961. *See Facilitating the Prompt and Orderly Conduct of the Business of the Federal Communications Commission*, Conf. Rpt. No. S. 2034 (76), 87th Cong., 1st Sess. 1 (1961).

situations, enhance our ability to make public interest findings. We have noted in our *Notice of Proposed Rule Making* regarding the Multipoint Distribution Service (MDS NPRM) [70] that "paper" evidence and argument should suffice, both in terms of the private right to be heard on disputed factual issues and the public interest in awarding licenses:

> The issues that we have today delineated for hearing will largely entail expert evidence and evaluation of both an economic and engineering nature. Such evaluation, it appears to us, would not ordinarily be enhanced by the traditional courtroom drama of oral presentation by witnesses on the stand. Live testimony, affording the opportunity to judge demeanor and credibility of a witness, would afford nothing in this context. The opportunity to submit both written briefs and evidence (by way of studies, etc.), with an opportunity to reply to competing submissions, should serve as a more efficient and more logical vehicle to flesh out significant issues without any sacrifice of a meaningful hearing on such issues. Thus, we believe a "paper" evidentiary hearing offers the best procedures for a full and true disclosure of the facts without prejudicing any party.

45 FR at 29344. We believe the discussion in the *MDS NPRM* is equally relevant in the present proceeding.

71. *Basic Criteria.* Cellular applicants will be required to comply with all the basic qualifications requirements which apply to applicants in the Public Mobile Radio Services, except as provided for in the new Subpart K of our Rules, adopted today. Section 22.913 of our Rules sets forth the particular showings required of cellular applicants, including the application forms to be used and the exhibits to be provided.

72. Cellular applicants must demonstrate that they are financially qualified to construct their proposed facility and to operate it for a reasonable period of time. Such a demonstration is necessary because of the large capital investment required to finance the highly sophisticated technology associated with cellular operations, and because cellular service is in an early stage of development and must be viewed as a relatively high-cost business venture.[71] Moreover, because our Rules provide that only two cellular systems can operate in the same geographic area, the inability of any cellular licensee to provide service could significantly inconvenience the public and would cause a huge amount of spectrum to be unused.

73. Cellular applicants need not, however, demonstrate a public need for service in order to comply with our basic cellular qualifications. We have eliminated this requirement as a basic qualification because of our desire to establish cellular service nationwide and because of the information provided in this proceeding indicating a need for service generally. *See* paragraph 41, *supra*. Therefore, even in the unlikely event that an applicant could not show local need, the presence of a cellular system would further our overall objective. However, our comparative criteria, discussed below, include a consideration of the public need each applicant is likely to serve.

74. *Comparative criteria.* In the *Notice* we asked for comment on the criteria to be used in evaluating competing applications on a comparative basis, as well as basic qualifying criteria for cellular applications. We listed criteria traditionally used in the Domestic Public Land Mobile Radio Service, as well as several other factors that may be relevant, and we asked commenters to suggest other criteria. There was some support in the comments for using the traditional DPLMRS criteria. Telocator suggested that existing, certificated RCCs should be preferred and that wireline carriers and applicants with a history of anticompetitive activity should receive demerits. AT&T suggested that an applicant's technical skills with regard to cellular engineering should be a significant criterion.

75. In establishing policies for cellular service we have intended to serve the public interest by implementing a nationwide high-capacity mobile communications service capable of providing both local and roaming mobile telephone users the ability to place and receive calls. The criteria used in selecting licensees should therefore be related to these goals.

76. Because nationwide availability of service is a primary goal, a major basis of comparison will be the geographic area that an applicant proposes to serve. In comparing proposed service areas, other significant factors to be considered will be the presence of densely populated regions, highways, and areas likely to have high mobile usage characteristics, as well as indications of a substantial public need for the services proposed, including the results of public need surveys.

77. The second major comparative factor is the applicant's ability to expand its system capacity in a coordinated manner within the proposed service area in order to serve an increasing number of local subscribers and roamers as demand warrants. Expansion can take place through the addition of transmitters beyond those originally planned or through the addition of cell locations and the use of smaller cells. In making a comparison, preference will be given to designs entailing efficient frequency use. Efficient frequency use entails not only the applicant's plans with regard to cell-splitting and additional channels, but also the degree of frequency reuse the system is and will be capable of, as well as the ability to coordinate the use of channels with adjacent or nearby cellular systems.

78. There will be other areas in which applicants can be compared in ways that are relevant to the public interest goals of the cellular service, but they will generally be less significant than these two criteria. The adequacy of base station and switching facilities and related maintenance proposals may be an issue in comparative proceedings in some cases, but we do not expect this to be a significant issue in general. Personnel and practices will be significant to the extent that they affect an applicant's ability to implement its proposal. The rates, charges, classifications, and regulations of applicants will also be considered a basis for comparison as well as the public need indicated by subscriber surveys. In view of the competitive nature of the mobile equipment market, and the fact that this area is to be deregulated, however, we will not compare cellular proposals on the basis of subscriber equipment or its maintenance.

2. Federal-State Jurisdiction

79. Throughout the cellular proceeding an essential objective has been for cellular service to be designed to achieve nationwide compatibility. In this regard, we expressly stated that a cellular subscriber traveling outside of his or her local service area should be able to communicate over a cellular system in another city. Nationwide compatibility is also likely to increase the number of manufacturers providing the cellular equipment. This price and product competition should benefit the consumer through lower equipment costs and greater equipment selection. Because state and local regulation might conflict with and thereby frustrate our federal policy of introducing cellular service in a competitive environment without significant delay, the *Notice* asked whether there may be a need to assert federal primacy over the regulation of cellular services.

[70] *See* note 66, *supra*.

[71] Our position on this matter is not inconsistent with our action in an earlier rulemaking where we eliminated the requirement that DPLMRS applicants demonstrate financial qualifications. There we noted that the DPLMR Service is a low-cost, low-risk industry. *Elimination of Financial Qualifications*, 82 FCC 2d 152 (1980).

80. Federal courts even before passage of the Communications Act in 1934 had held that the Federal government already fully and exclusively occupied the field of radio licensing and regulation.[72] However, Congress, in the Communications Act of 1934, as amended, explicitly granted to this Commission sole authority to license radio facilities. Specifically, Section 301 of the Act provides that "[n]o person shall use or operate any apparatus for the transmission of energy or communications or signals by radio * * * except under and in accordance with this Act and with a license on that behalf granted under the provisions of the Act." 47 U.S.C. 301. In enacting such legislation Congress has determined that overall management of the radio spectrum and the licensing of radio facilities are areas within the exclusive jurisdiction of the Federal government. *NARUC* v. *FCC*, 525 F.2d 630 (D.C. Cir. 1976), *cert. denied*, 425 U.S. 992 (1976).

81. The Communications Act also provides, in Title II, a framework for the economic regulation of common carriers. Sections 2(b) and 221(b) reserve to the states jurisdiction with respect to charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate or local exchange communications service by wire or radio 47 U.S.C. Section 152(b) and 221(b).[73] However, both of these sections are expressly subject to our authority under Section 301, which gives this Commission sole jurisdiction over radio licensing. In Docket No. 18262, in comparing the scope of Sections 2(b) and 221(b) with that of Section 301, we concluded that the "licensing" or "franchising" functions are not among those reserved to the states even with respect to common carriers subject to Sections 2(b) and 221(b). 51 FCC 2d 945, 974. By virtue of the Communications Act the FCC may fully exercise its authority to license or certify how many and which carriers will operate cellular systems.[74]

82. In accordance with our authority discussed above, we are asserting federal primacy over the areas of technical standards and competitive market structure for cellular service. Our licensing scheme requires assurance that the 40 MHz of radio spectrum allocated for cellular service is used effectively and efficiently. The technical standards set forth in this *Report and Order* are the minimum standards necessary to achieve the desired goals and any state licensing requirements adding to or conflicting with them could frustrate federal policy. Similarly, any state franchising regulations requiring demonstration of a general public need for cellular service could adversely affect our frequency allocation scheme or delay the rapid implementation of cellular service, both of which are central elements of the federal design for cellular operations.

83. At this time, however, we are not exercising all of the authority we have to assert federal primacy. The states can continue their complementary role regarding certification of carriers to provide mobile or cellular service. A dynamic state certification program should provide considerable assistance in achieving the objectives of this cellular proceeding. Specifically, such state action could help assure that the most qualified applicants become cellular licensees if it is made expeditiously so that it can be reflected in the FCC's radio licensing proceeding. However, applicants will not be required to secure prior state certification before filing an application for a construction permit with the FCC. *See Regulatory Policies and Procedures* (Docket 20870), 69 FCC 2d 398 (1978), *recon. denied*, 80 FCC 2d 294. It is conceivable that a state could delay implementation of cellular service or frustrate the competitive market structure established in this proceeding by refusing to find more than one cellular applicant in any geographic area qualified to provide service. We do not expect this to be the case. However, in individual cases, the Commission has demonstrated that it can act expeditiously to avoid frustration of federal policy. See *e.g., Heritage Village Church*, FCC 81-184, 46 FR 19319 (March 30, 1981).

3. Technical Standards

84. In our *Notice* we identified three purposes to be served by technical standards for cellular systems: (1) Definition of cellular mobile radio for purposes of qualifying for cellular mobile radio operating licenses; (2) assurance of compatible operation of equipment on both local and national levels; and (3) maintenance of signal quality and other quality aspects of system performance. We intended to adopt only the minimum standards necessary to accomplish these purposes. We listed a number of cellular system design concepts based on those underlying the developmental program established in Docket No. 18262 and we requested comment on whether changes to these design concepts were necessary.[75] While we recognized that 40 kHz bandwidth would be consistent with our present requirement, we concluded that cellular operations

---

[72] See *e.g., The Federal Radio Commission in Federal Court*, XIV Journal of Broadcasting 343 (Fall 1970), especially authorities discussed at 397–398.

[73] Sections 2(b) and 221(b) were amended in 1954 to clarify this Commission's jurisdiction over telephone and telegraph companies engaged primarily in intrastate and local regulation rather than federal regulation. The amendments added intrastate and local exchange radio service to the area reserved to the states. The purpose of the amendments was to insure that the use of radio, as opposed to wireline, in the communication service offered by telephone and telegraph companies engaged primarily in intrastate activities would not subject such companies to the jurisdiction of this Commission. However, these amendments were not intended to withdraw from this Commission its exclusive authority over the licensing of radio facilities. *See* 1954 U.S. Code Congressional and Administrative News, p. 2133 et seq.

[74] In addition, the federal scheme for the provision of cellular service set forth in this order, and principally the goal of introducing nationwide compatible cellular service without undue delay, also provides an independent basis for this Commission having sole jurisdiction over licensing of cellular facilities. Legal authority supporting such federal primacy is clear. As noted earlier, cellular systems can provide both intrastate and interstate communication. Federal primacy where necessary to preserve a federal scheme for the provision of interstate communications has previously been upheld, even when not based upon the FCC's exclusive radio licensing authority. *See Telerent Leasing Corp.*, 45 F.C.C. 2d 204 (1971), *aff'd sub nom. North Carolina Utilities Commission* v. *FCC*, 537 F. 2d 787 (4th Cir.), *cert. denied*, 429 U.S. 1027 (1976); *North Carolina Utilities Commission* v. *FCC*, 552 F. 2d 1036, (4th Cir.), *cert. denied*, 434 U.S. 874 (1977). See also *California* v. *FCC*, 567 F. 2d 84 (D.C. Cir.), *cert. denied* 434, U.S. 1010 (1978). (FCC authorization of physically intrastate foreign exchange service overrode state restriction on use of facilities prohibiting such service).

[75] The design concepts, as modified in the *Notice*, are:

(a) A bona fide cellular configuration of base station transmitters and receivers to cover the proposed service area;

(b) Base station transmitters radiating no more radio frequency power than required to adequately cover each cell;

(c) A radio system fully interconnected with the public landline telephone network and capable of providing a grade of service comparable to that of the landline system;

(d) Narrow band frequency modulation for all voice channels in the radio system, with 30 kHz channel spacing;

(e) Radio frequency channels employed within each cell trunked for greater spectrum efficiency;

(f) For systems in metropolitan areas, the potential for orderly evolution into a highly efficient small-cell configuration capable of handling a large number of subscribers within the allocated 40 MHz of spectrum; and

(g) Compatibility with other cellular systems.

78 FCC 2d 1003–4. These guidelines were previously set forth by the Commission, with two differences, 51 FCC 2d at 954–55, 1009. Originally, there was a requirement that base stations be connected together through a common switching and control point using wirelines. We deleted that requirement because we saw no reason to categorically exclude microwave or optical links. Second, we modified radio channel definition (item (d) in the list above) to change from a 40 kHz authorized bandwidth definition to a 30 kHz spacing definition.

would be accommodated within 30 kHz channel spacing by careful geographic distribution of channel assignments, the result of which would be greater spectrum efficiency. 78 FCC 2d at 1004.

85. The commenters generally support our position in the *Notice* that we adopt the minimum technical standards necessary to accomplish our goals for cellular service. However, they express varying views regarding basic technical standards for cellular systems. For example, ARTS, Motorola, the Electronic Industries Association, Jubon, NECA,[76] and E.F. Johnson are proponents of the systems that utilize 30 kHz channels, while Millicom, Peters,[77] and SIRSA prefer 25 kHz channel spacing. Similarly, different signaling formats are preferred by various commenters.

86. *Analysis.* We have carefully reviewed the comments and have determined that minimum standards must be established to insure that our objectives, including system compatibility, are achieved. Therefore, we are amending Part 22 of our rules to incorporate certain basic technical requirements for cellular systems and are establishing a new Subpart K containing specific rules and standards for cellular systems. Significant technical standards and modifications to our Rules are discussed below.

87. *Cellular design concept.* We are adopting a cellular system definition that affords system designers a great deal of flexibility. Under our definition, a cellular system is—

> A high capacity land mobile system in which spectrum assigned is divided into discrete channels which are assigned in groups to small geographic cells covering a defined service area. The discrete channels are capable of being reused in different cells within the service area.

This definition does not mean that a cellular system must have multiple cells at the time of initial implementation; in some areas a single cell may initially be all that is called for. Once a multiple cell system is established, however, there must be provision for transferring control of a mobile from cell to cell as it travels through the system. Reuse of channels within a service area is an inherent capability of a cellular system as it grows in capacity over time, but it will not necessarily be an existing feature of all systems. What we have done in defining a cellular system in a flexible manner is to incorporate the basic concepts of cellular design. Thus, any application for a cellular system must include adequate documentation of its compatibility with those concepts, even if features such as reuse are not immediately implemented.

88. *Frequencies.* Frequency assignments for cellular systems will be made from Block A or Block B. These Blocks each contain 333 channel pairs, including 21 channel pairs to be for set-up and control purposes. Channel spacing is 30 kHz. We are not selecting 25 kHz channel spacing for several reasons. First, there has been no developmental or experimental test data submitted in this proceeding indicating the feasibility of cellular operations using 25 kHz spacing in conjunction with the signaling and frequency reuse criteria used by AT&T and Motorola. Even the use of 30 kHz spacing in these systems requires careful placement of adjacent channel transmitting sites, due to the fact that the bandwidth of the signals exceeds 30 kHz under certain signaling conditions. Secondly, the experience in the private radio services with 25 kHz channeling in the 800 MHz band is not particularly instructive. These systems do not have the capability to reuse channels at relatively close distances and do not utilize high-speed digital signaling; the channel usage characteristics will therefore be significantly different than for cellular systems. Thus, if 25 kHz channel spacing were adopted, a lengthy period of further development would be needed before adoption of standards.

89. *Height and power limitations.* The effective radiated power of base stations is limited to 100 watts. The height-power limitation for base stations is 100 watts effective radiated power at 500 feet above average terrain. Those limits were chosen in order to provide a signal level of approximately 39 dbu at a distance of 15 miles, based on the propagation model currently used for 450 MHz in the Domestic Public Land Mobile Radio Services. These are somewhat lower than the limits proposed by AT&T in the draft rules it submitted. Our reason in adopting these limits (and thereby reducing maximum cell size) is to reduce the likelihood of intersystem interference and thus facilitate the coordinated use of frequencies.

90. For the purpose of establishing the limits of reliable service and performing interference studies, we adopt an interim policy. It is anticipated that the Commission will develop propagation models specifically for the 800 MHz frequency band at a future date. For the present, procedures used for 450 MHz facilities will be used until 800 MHz propagation models are developed. For now, applicants must use, except as otherwise noted in our rules, procedures consistent with § 22.504 and F.C.C. Report No. R-6406, "Technical Factors Affecting the Assignment of Facilities In the Domestic Public Land Mobile Radio Service," by Roger B. Carey.

91. The effective radiated power of mobile units is limited to 7 watts. All mobile units must be initially capable of communicating on the 666 channels of Blocks A & B specified in the Rules.

92. *Compatibility standards.* In response to our *Notice*, in which we expressed the intent to leave the development of detailed specifications to industry groups or voluntary organizations, we received a draft of compatibility specifications from the Ad Hoc Engineering Committee and the Land Mobile Communications Section of the Electronic Industry Association's (EIA) Communications Division. The EIA working paper is based on the developmental systems of Illinois Bell and American Radio Telephone Service.

93. Although the EIA draft was only intended as a working paper, we have examined the mobile station and base station compatibility standards embodied in it and we find that they are an appropriate means of reaching compatible intersystem operation. Accordingly, we are adopting the EIA working paper [78] as a compatibility specifications standard with certain modifications.[79] We shall require all mobile, portable, and base stations, at this time, to conform to the compatibility specifications adopted in this proceeding.[80]

94. *Other technical matters.* We shall continue to require that cellular systems be interconnected to the telephone network. As we have discussed above, we do not at this time prescribe a particular type of interconnection.

95. We do not intend to establish standards for grade of service. A quality "comparable to landline" has been demonstrated as possible over the course of this proceeding. It does not appear necessary or desirable, however,

---

[76] NECA is a subsidiary of NEC, manufacturer of the Japanese cellular system, which utilizes 25 kHz channels. NECA's comments, however, support 30 kHz channels, and propose a system design using 30 kHz channels.

[77] Arthur K. Peters is the engineering consultant who prepared NECA's system design proposal using 30 kHz channels. He also filed reply comments on his own behalf advocating the use of 25 kHz channels because, he stated, other countries have adopted a 25 kHz standard.

[78] See § 22.915 of the rules.

[79] See §§ 22.906 and 22.907 of the rules.

[80] Conformity to the compatibility specifications adopted by the Commission shall be required for type acceptance of a mobile or portable unit for use in the 800 MHz band under Part 22. Conformity to the compatibility specifications for base station equipment shall be required of all applicants for regular authorization.

for us to take the next step and impose a particular grade of service on cellular service consumers regardless of their willingness to pay for it. Setting quality standards could also have the detrimental effect of denying service to economically marginal markets. We favor allowing the interplay of market forces to determine the grade of service delivered. Some carriers may experiment with tariffs and service algorithms that give consumers a choice of quality levels at different charges.

4. Regulatory Structure

96. We are establishing a regulatory structure under which a cellular system operator, once authorized, will have considerable freedom to adapt its system to growing or changing demand. Flexibility to adapt to change is inherent in the cellular concept and an approach requiring any more paperwork or prior approval than is absolutely essential might destroy that flexibility. Accordingly, once a cellular service area has been established, the system operator will be able to modify its system without substantial oversight, as long as it serves the same area. Thus, the key to our regulatory structure is the geographic service area of a cellular system.

97. *Cellular geographic service area.* The cellular geographic service area (CGSA) is the area defined by the applicant as the area it intends to serve. A licensee must, from initial operation onward, serve at least 75% of the CGSA. At the time of initial application, the applicant's proposed reliable service contours, as defined in the rules, must cover at least 75% of its proposed CGSA. Any change in a licensee's facilities must continue to have 75% coverage within its CGSA. An application proposing to change the boundaries of a CGSA in any way will be considered a "major application."

98. *Change of facilities within CGSA.* A permittee or licensee may wish at some point to modify transmitter locations or add more transmitter locations. If the proposed change in the operator's facilities does not result in the extension of reliable service contours beyond the existing CGSA, the change will be deemed a "minor application" not subject to public notice or petitions to deny. We believe that such charges need not be considered major as contemplated by the Communications Act. It is important, however, that changes such as these receive prior authorization from the Commission because they involve the construction of facilities at locations not previously authorized. Requiring prior authorization will ensure that any new antenna structure is recorded in our records and cleared with the Federal Aviation Administration if necessary.

99. *Permissive changes.* A licensee will be authorized the use of a full Block (A or B) of frequencies throughout its CGSA. Thus, no prior authorization or modification of license will be required for a change in the use of channels included in that Block at any or all of the licensee's locations. Licensees must, however, coordinate any frequency changes with other cellular systems, so as to avoid interference. In addition, a licensee must file a written notification of any permissive change with the Commission to ensure the continued accuracy of our records.

100. *Mutual exclusivity.* A grant authorizing a cellular system to operate in a given frequency Block within a specified CGSA will be exclusive. Therefore, two or more applications using the same frequency Block and proposing CGSAs that will overlap with each other will be considered mutually exclusive. Thus, if more than two applicants apply in the same central city, their applications will be designated for comparative evaluation if their applications are filed within the cutoff period specified in the Commission's rules. After five years, when the separate allocation expires, if two applicants file for overlapping areas they will not be considered mutually exclusive if one applicant can be assigned Block A and the other one Block B; but if either Block is already assigned, with only one Block available, the applications will be considered mutually exclusive.

101. *Procedural dates.* The public notice and cutoff periods for major applications (new stations and changes in CGSA) will be those generally applicable under Part 22.

102. *Applications.* All applications for new stations, changes in facilities of existing stations, and changes in cellular geographic service area shall be filed on FCC Form 401. Certain exhibits will be required in conjunction with these application forms in connection with cellular applications. These mandatory exhibits are described in the Rules.

5. Resale of Cellular Services

103. In our *Notice* we inquired as to the structure and arrangement under which the reselling of cellular service might develop. We also inquired as to whether resale is economically feasible, whether resale is a competitive alternative to other non-cellular services and whether we should impose any restrictions or requirements regarding resale.

104. In our view, the most important issue involving cellular resale is whether cellular system tariffs will restrict resale. In our *Resale and Shared Use* decision,[61] we held to be unlawful provisions in carrier tariffs which had the effect of precluding resale of private line services. We took this action because we recognized that resale was an effective deterrent to price discrimination among cross-elastic services and, in any event, these tariff discriminations were unable to meet the "just and reasonable" standard of the Act.[62] Using an analogous rationale, we recently ordered that similar tariff provisions be eliminated from interstate WATS and MTS tariffs.[63]

105. We are not certain that true resale of cellular service will develop. We continue to believe, however, that restriction of cellular resale is contrary to the public interest for reasons similar to those set forth in *Resale and Shared Use of Common Carrier Public Switched Network Services.* Therefore, pursuant to our licensing authority set forth in Section 309 of the Communications Act [64] we will condition radio licenses awarded to system operators such that no restrictions on resale and shared use of cellular services will be permitted.[65]

106. As mentioned earlier, a variation of true resale of service is being developed by AT&T. Under this plan, an AT&T cellular system would operate as a wholesale carrier, making system capacity available to retail distribution entities, including its own distribution arm, for sale to the ultimate users of cellular service. Separate books of account would be maintained between the licensee and retail functions.[66]

107. This wholesaler-retailer arrangement may result in the evolution of a highly competitive secondary market for distribution of cellular service, while only two carriers compete in the provision of cellular facilities. It is not clear at this time that such an arrangement is truly resale, or is instead an intercarrier service offering or an agency arrangement. Nevertheless, we do not want to frustrate the development of innovative methods of service distribution and we encourage

---

[61] 60 FCC 2d 261 (1976), *recon. granted in part*, 62 FCC 2d 588 (1977), *aff'd sub nom. AT&T v. FCC*, 572 F.2d 17 (2d Cir.), *cert. denied*, 439 U.S. 875 (1978).

[62] See 47 U.S.C. Sections 201(), 202(), 205(a).

[63] *Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services*, CC Docket No. 80-44, 83 FCC 2d 167 (1980).

[64] 47 U.S.C. Section 309.

[65] The mobile units of the customers of a reseller will be considered to operate under the "blanket" mobile license of the underlying carrier.

[66] *See* AT&T Comments, pp 56-66.

the evolution of truly competitive markets. Of course, until the workings of this arrangement are clear, we cannot say with any certainty that it is likely to lead to a greater diversity of service offerings or lower prices. However, we shall require that AT&T and its underlying cellular affiliate provide system capacity to non-affiliated retailers or resellers on a non-discriminatory basis and on the same terms and conditions as its own distribution arm.

6. Services

108. The final decision in Docket No. 18262 imposed no restrictions on cellular system provision of dispatch services, except for fleet-call dispatch. We concluded that if cellular systems could, through natural economies, provide lower-priced dispatch services, the public should not be denied that benefit. *Second Report and Order, supra*, 46 FCC 2d at 761. As we discussed earlier, the record in this proceeding supports our reaffirming our prior conclusion as far as general dispatch services are concerned. *See* paragraphs, 33–36. *supra*. [87] And as discussed above, we cannot agree that a dispatch service restriction on wireline carriers is called for. The ability to resell common carrier services coupled with the other conditions we have imposed on wireline participation gives us confidence that the ability of wireline carriers to cross-subsidize will be greatly minimized.

109. In Docket No. 18262 we prohibited cellular systems from offering fleet call dispatch service [88] because of technical evidence indicating that the widespread use of such service would substantially reduce the efficiency of the cellular system. *Id.* We reaffirmed this decision on reconsideration. *Memorandum Opinion and Order, supra*, 51 FCC 2d at 952, n. 16.

110. In our *Notice*, we sought comment on whether there have been technological developments which would tend to lesson the degree of spectrum inefficiency that might result if licensees were allowed to provide fleet-call dispatch service. 78 F.C.C. 2d at 996. In response to our *Notice*, arguments have been raised again in this proceeding against fleet-call dispatch service, generally in the name of spectrum efficiency. Fleet calls are said to be less efficient on cellular systems than on conventional mobile systems because (1) the mobile units cannot be signaled simultaneously over the control channels, necessitating a time-consuming serial signaling technique, while a conventional mobile system would use a common calling technique, and (2) because the mobile units would each require a separate voice channel, while a conventional system could operate over a single channel. On the other hand, NTIA, in an appendix to its comments, questions whether cellular systems will be as inefficient as it has been alleged in providing fleet-call service, and notes that there may be means of diminishing the degree of spectrum inefficiency. NTIA also contends that even if inefficient, fleet-call should not be prohibited, but rather the market should determine whether it is a viable offering.

111. Since the time we terminated Docket No. 18262 we have added considerably to our understanding of cellular technology, as well as rapid signalling techniques. This knowledge has not, however, adequately prepared us to decide today whether we should extend our prohibition on fleet calling. To the contrary, it has caused the staff to become sharply divided on this issue. Specifically, there is disagreement over the extent, if any, to which cellular fleet calling is spectrally inefficient, and whether there are other considerations which warrant us freeing cellular operators of any fleet-call service restrictions notwithstanding any spectrum inefficiencies. The record in this proceeding is not adequate to permit us to resolve this conflict. As a result, we believe that it is appropriate to issue a *Further Notice of Proposed Rulemaking* regarding our treatment of fleet-call offerings by cellular operators. In our view, this approach is necessary in order to obtain additional information required to make an informed decision on this matter. We are therefore instructing the staff to prepare a *Notice* addressing the questions of fleet-call dispatch. [89] We will continue our prohibition against cellular systems offering fleet-call dispatch service pending resolution of that rulemaking.

D. Conclusion

112. We believe we have in this *Report and Order* established a framework within which the needs of the public for mobile communications can be met for the foreseeable future with a minimum of regulation. Cellular systems should be capable of adapting to changing customer demands and advancing technology. Licensees in this service will have the responsibility to adapt to the changing market environment.

113. Accordingly, it is ordered, pursuant to 47 U.S.C. 154(i) and 303(r), that Title 47 of the Code of Federal Regulations is amended as described in Appendix C below. These amendments shall become effective on or before June 22, 1981. We will begin accepting applications filed under the new Subpart K of Part 22 five months after the effective date of these amendments. The reporting requirements included herein are adopted subject to clearance by the Office of Management and Budget.

114. It is further ordered, that the Bureau has the authority, when designating applications for hearing, to specify that any exceptions to a decision made by an Administrative Law Judge be made directly to the Commission.

115. It is further ordered, that this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1082, 1083; (47 U.S.C. 154, 303, 307, 1066))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—Because of the effort to minimize publishing costs, Appendices A and B, "Summary of Comments" and "Summary of Reply Comments", are not printed herein. However, these Appendices are available for inspection in the FCC Dockets Branch, Rm. 239 and also filed with the original document at the Office of the Federal Register.

Appendix C

Title 47, Part 22 of the Code of Federal Regulations is amended as follows:

§ 22.2 [Amended]

1. By revising § 22.2 to add the following definitions in alphabetical order:

* * * * *

Cell. The area reliably served by a transmitter location in a cellular system.

Cellular System. A high capacity land mobile system in which assigned spectrum is divided into discrete channels which are assigned in groups to geograhic cells covering a cellular geographic service area. The discrete channels are capable of being reused in different cells within the service area.

---

[87] The only technical arguments against non-fleet call dispatch are that it may increase system loading and require a complex service algorithm. These do not justify a prohibition. We do not intend to prescribe system loading or the software by which the cellular switch operates either for mobile telephone or for dispatch. These matters are left to the carriers to resolve in the context of the particular demands in their service areas.

[88] Fleet-call dispatch service is a variety of dispatch service in which a dispatcher is able to establish simultaneous communications with multiple mobile units.

[89] We note that our decision to seek further comment, rather than to resolve this issue today, should not result in any serious delay in the development of cellular plans by prospective cellular applicants. With a relatively brief pleading cycle, we would expect to be able to resolve the fleet-call question and to terminate our further rulemaking proceeding before many cellular applications are processed.

Cellular Geographic Service Area. The geographic area served by a cellular system within which the licensee is required to provide reliable service.

Control Channel. The channel used for transmission of digital control information from the base station to the mobile station or from the mobile station to the base station.

* * * * *

Roamer. A mobile station which communicates with a land station other than one with which it is normally associated.

* * * * *

2. In § 22.9, the heading is revised to read as follows:

§ 22.9 Standard application forms for Domestic Public Land Mobile Radio, Rural Radio, Domestic Public Cellular Radio Telecommunications and Offshore Telecommunications Services.

* * * * *

3. Section 22.15 is amended by revising paragraph (c) and by adding new paragraph (m) to read as follows:

§ 22.15 Technical content of applications.

* * * * *

(c) Each application involving a new or modified antenna supporting structure or passive facility, the addition or removal of an antenna, or the repositioning of an authorized antenna for a station or receive-only facility must be accompanied by a vertical profile sketch of the total structure depicting its structural nature and clearly indicating the ground elevation (above mean sea level) at the structure site, the overall height of the structure above ground (including obstruction lights when required, lighting rods, etc.) and if mounted on a building, its overall height above the building. All antennas on the struture must be clearly identified and their heights above-ground (measured to the center of radiation) clearly indicated. In addition, the height to the upper tip of the antenna shall be indicated for those operating in the Domestic Public Land Mobile Radio Service, Rural Radio Service, and the Domestic Public Cellular Radio Telecommunications Service.

* * * * *

(m) In the Domestic Public Cellular Radio Telecommunications Service each application shall contain the information described in § 22.913.

4. In § 22.23, paragraph (c)(1) is added to read as follows:

§ 22.23 Amendment of applications.

* * * * *

(c) * * *

(1) If in the Domestic Public Cellular Radio Telecommunications Service, the amendment results in any change in the Cellular Geographic Service Area.

* * * * *

5. In § 22.31, paragraph (a)(1) is added to read as follows:

§ 22.31 Mutually exclusive applications.

(a) * * *

(1) In the Domestic Public Cellular Radio Telecommunications Service, applications shall be considered mutually exclusive if their Cellular Geographic Service Areas overlap in such a way that a grant of one would preclude the grant of one or more of the other applications.

* * * * *

6. In § 22.32, paragraph (e)(5) is added to read as follows:

§ 22.32 Consideration of applications.

* * * * *

(e) * * *

(5) In the Domestic Public Cellular Radio Telecommunications Service the application is entitled to comparative consideration (under § 22.31) with another application (or applications); in such cases the hearing shall conform to the comparative evaluation procedure described in § 22.916.

* * * * *

7. Section 22.43 (c) is added to read as follows:

§ 22.43 Period of construction.

* * * * *

(c) Base stations, which will provide coverage over 75% of the cellular geographic area, as defined in § 22.905 of these rules, shall be completed and the station ready for operation within 36 months from the original date of the construction permit.

8. In § 22.101, paragraph (a), is revised to read as follows:

§ 22.101 Frequency tolerance.

(a) The carrier frequency of each transmitter authorized in these services shall be maintained within the following percentage of the reference frequency except as otherwise provided in paragraph (b) of this section (unless otherwise specified in the instrument of station authorization the reference frequency shall be deemed to be the assigned frequency):

Frequency range Mhz	Frequency tolerance (percent)		
	All fixed and base stations	Mobile stations over 3 W	Mobile stations under 3 W [1]
25 to 50	0.002	0.002	0.005
50 to 450	.0005	0005	005
450 to 512	00025	.00025	0005
512 to 821	0005	0005	005
821 to 896 [2]	00015	00025	00025
896 to 1000 [2]	.0005	.0005	.005
2110 to 2220	.001		
2200 to 12200 [3]	.005	.005	.005
12200 to 40000	.03	.03	.03

[1] Below 512 MHz transmitter plate power input to the final frequency stage, as specified in the Commission's Radio Equipment List. Above 512 MHz transmitter power output, as specified in the Commission's Radio Equipment List.

[2] Beginning Aug. 9, 1975, this tolerance will govern the marketing of equipment pursuant to §§ 2.803 and 2.805 of this chapter and the issuance of all authorizations for new radio equipment. Until that date new equipment may be authorized with a frequency tolerance of .03 percent in the frequency range 2,200 to 10,500 MHz and .05 percent in the range 10,500 MHz to 12,000 MHz, and equipment so authorized may continue to be used for its life provided that it does not cause interference to the operation of any other licensee.

[3] Equipment authorized to be operated on frequencies between 890 and 940 MHz as of Oct. 15, 1956, shall be required to maintain a frequency tolerance within 0.03 percent subject to the condition that no harmful interference is caused to any other radio station.

* * * * *

9. In § 22.107, paragraph (b), is revised to read as follows:

§ 22.107 Transmitter power.

* * * * *

(b) The rated power of a transmitter employed in these radio services shall not exceed the values shown in the following tabulation:

Frequency range (MHz)	Rated power output (watts)
Below 30	50
30 to 50	350
50 to 76	50
76 to 512	[1] 250
512 to 821	20
821 to 851	10
866 to 896	[2] 250
896 to 10,000	[2] 20
Above 10,000	[2] 10

[1] Transmitter rated power output is limited to a maximum of 25 watts on frequencies in the bands 454.6625–455.000 MHz and 459.6625–460.000 MHz.

[2] In the bands 5.925–6.425 MHz and 27.500–29.500 MHz the maximum effective isotrocally radiated power of the transmitter and associated antenna of a station in the fixed service shall not exceed—55dBW. This limitation is necessary to minimize the probability of harmful interference to reception in this band by space stations in the fixed satellite service. In the band 2.150–2.162 MHz up to 100 watts may be authorized pursuant to § 21.904.

* * * * *

10. In § 22.110, paragraph (a) is revised to read as follows:

§ 22.110 Antenna polarization.

(a) Stations operating in the 72–76 MHz band, each base, mobile dispatch and auxiliary test station operating in the Domestic Public Land Mobile Radio Service and in the Domestic Public Cellular Radio Telecommunication Service and all classes of stations in the Offshore Radio Telecommunications Service shall employ an antenna which radiates a signal, the electrical

component of which is vertically polarized.

* * * * *

11. Section 22.118, paragraph (c) is revised to read as follows:

§ 22.118 Transmitter construction and installation.

* * * * *

(c) Each transmitter, other than a hand-carried or pack-carried transmitter, employed in these services shall be equipped with an appropriately labeled pilot lamp or meter which will provide continuous visual indication at the transmitter when its control circuits have been placed in a condition to activate the transmitter. In addition, facilities shall be provided at each transmitter to permit the transmitter to be turned on and off independently of any remote control circuits associated therewith. This paragraph shall not be applicable in the Domestic Public Cellular Radio Telecommunication Service.

* * * * *

12. Section 22.120(e) is added to read as follows:

§ 22.120 Type acceptance of transmitters.

* * * * *

(e) In addition to the normal type acceptance procedures contained in Part 2 of this Chapter and to the technical standards contained in this Part, transmitters designed for operation under Subpart K of this Part shall comply with requirements contained in the Commission's cellular system compatibility specification: (See § 22.915.)

13. Section 22.208, paragraph (g)(2) is revised to read as follows:

§ 22.208 Station records.

* * * * *

(g) * * *

(1) * * *

(2) The time and duration of each transmission and the identity of the station or point to which the transmission was directed: Provided, That in lieu thereof, a chronological record of such essential information in the form of traffic tickets, or on a separate sheet, is permissible. When such records are kept in lieu of entries in the operating log book, the minimum retention period shall be as prescribed in paragraph (d) of this section, provision for shorter retention periods in other parts of the Commission's rules notwithstanding. Stations authorized under Subpart K are exempt from the requirements of this paragraph.

* * * * *

14. By adding a new Subpart K to read as follows:

Subpart K—Domestic Public Cellular Radio Telecommunications Service

Sec.

22.900 Scope.
22.901 Eligibility.
22.902 Frequencies.
22.903 Cellular system service areas.
22.904 Power limitations.
22.905 Antenna height-power for base stations.
22.906 Types of emissions and modulation requirements.
22.907 Emission requirements.
22.908 Transmitter construction and installation.
22.909 Control point.
22.910 Station identification.
22.911 Permissible communications.
22.912 Responsibility for operational control and maintenance of mobile stations.
22.913 Content of applications.
22.914 Provision of service to subscribers.
22.915 Cellular system capability specification.
22.916 Evaluation of cellular applications.
22.917 Demonstration of financial qualifications.

Authority: Sec. 4, c. 652, Title I, 48 Stat. 1066, as amended (47 U.S.C. 154(i); sec. 303, c. 652, Title III, 48 Stat. 1082, as amended (47 U.S.C. 303(r)).

Subpart K—Domestic Public Cellular Radio Telecommunications Service

§ 22.900 Scope.

This subpart sets out the regulations governing the licensing and operations of cellular systems authorized in the 825–845 MHz and 870–890 MHz bands. It includes eligibility requirements, application procedures, and operational and technical standards for stations licensed in these bands. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern.

§ 22.901 Eligibility.

(a) Authorizations for Cellular Systems to be operated in the Domestic Public Cellular Radio Telecommunications Service will be issued to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that the applicant is legally, financially, technically and otherwise qualified to render the proposed service, there are frequencies available to enable the applicant to render a satisfactory service, and the public interest, convenience and necessity would be served by a grant thereof. Communication common carriers engaged, either directly or through an affiliated entity, in the business of affording public landline message telephone service within the continental United States may not provide cellular service except as provided for in paragraph (b) of this section, or as otherwise authorized by the Commission.

(b) A carrier subject to the restriction in paragraph (a) of this section may, subject to other provisions of law, have a controlling or lesser interest in, or be under common control with a separate corporate entity that furnishes cellular service provided the following conditions are met:

(1) Each such separate corporation shall obtain access to landline exchange and transmission facilities necessary for the provision of cellular service on the same basis as those facilities are available to other entities, and may not own any facilities for the provision of landline telephone service.

(2) Each such separate corporation shall operate independently in the furnishing of cellular service. It shall maintain its own books of account, have separate officers, utilize separate operating, marketing, installation, and maintenance personnel, and utilize separate computer and transmission facilities in the provision of cellular services. Each such separate corporation which provides cellular services shall deal with any affiliated manufacturing entity only on an arms length basis. Any research or development performed on a joint or separate basis for the subsidiary must be done on a compensatory basis.

(3) All transactions between the separate corporation and the carrier or its affiliates which involve the transfer, either direct or by accounting or other record entries, of money, personnel, resources, other assets or anything of value, shall be reduced to writing. A copy of any contract, agreement or other arrangement entered into between such entities shall be filed with the Commission within 30 days after the contract, agreement, or other arrangement is made. The provision shall not apply to any transaction governed by the provision of an effective state or federal tariff.

(c) A carrier subject to the restriction in paragraph (a) of this section:

(1) Shall not engage in the sale or promotion of cellular services on behalf of the separate corporation or sell, lease or otherwise make available to the separate corporation any transmission facilities which are used in any way for the provision of its landline telephone services, except on a compensatory, arms-length basis; this section shall not prohibit joint advertising or promotional efforts by the landline carrier and its cellular affiliate;

(2) May not provide to any such separate corporation any customer proprietary information unless such information is available to any member of the public on the same terms and conditions; and

(3) Must obtain Commission approval as to the manner in which the separate corporation is to be capitalized, prior to obtaining any interest in the separate corporation or transferring any assets, and must obtain Commission approval of any modification to a Commission-approved Capitalization plan.

§ 22.902 Frequencies.

(a) The frequencies available in the Domestic Public Cellular Radio Telecommunications Service are listed below in accordance with Frequency Allocations of § 2.106. Each frequency block available for use by cellular systems in this service shall be assigned to a single applicant in any cellular system service area. A cellular licensee may use any frequency from its Block at any of its authorized locations, subject to prior coordination as described in paragraph (d) of this section. Only two cellular systems may be authorized in each such area. In the event harmful interference occurs or appears likely to occur between two or more radio systems and such interference cannot be resolved between the licensees thereof, the Commission may require the licensees to make such changes in operating techniques or equipment as it may deem necessary to avoid such interference.

(b) For cellular systems the assignment of frequencies will be divided into two Blocks. Assignments will be made from the frequencies listed for Cellular Systems A and B. Until five years have passed from the authorization of the first cellular system under these rules, systems for common carriers not also engaged in the business of affording public landline message telephone service will be assigned frequencies from Cellular System A, and systems for common carriers also engaged directly or indirectly, in the business of affording public landline message telephone service will be assigned frequencies from Cellular System B in those general areas in which it provides such landline service.

(1) Cellular System A:333 frequency pairs with 30 kHz channel spacing. The first mobile frequency will be 825.030 MHz, followed by 825.060 MHz and proceed to 834.990 MHz. Base station frequencies will begin with 870.030 MHz, followed by 870.060 MHz and proceed to 879.990 MHz.

(2) Second Cellular System B:333 frequency pairs with 30 kHz channel spacing. The first mobile frequency will be 835.020 MHz followed by 835.050 MHz and proceed to 844.980 MHz. Base station frequencies will begin with 880.020 MHz followed by 880.050 MHz and proceed to 889.980 MHz.

(c) 21 control channel pairs will be assigned in each cellular system.

(1) For systems operating on the frequencies specified for Cellular System A, the 21 channel pairs are: 834.390 MHz through 834.990 MHz and 879.390 MHz through 879.990 MHz.

(2) For systems operating on the frequencies specified for Cellular System B, the 21 channel pairs are: 835.020 MHz through 835.620 MHz and 880.020 MHz through 880.620 MHz.

(d) All applicants for regular authorization in the Domestic Public Cellular Radio Telecommunications Service, before filing an application or major amendment to a pending application, or when permissive changes (i.e., changes in frequency assignment not requiring prior Commission approval) are made within an authorized Cellular Geographic Service Area, shall coordinate proposed frequency usage with existing users in Cellular Geographic Areas within 75 miles of all base stations affected, and with other applicants with previously filed applications whose facilities could affect or be affected by the new proposal in terms of intersystem frequency interference or restricted ultimate system capacity. In engineering a system or modification thereto, the applicant shall by appropriate studies and analyses select sites, transmitters, antennas, and frequencies that will avoid intersystem interference. All applicants, permittees, and licensees shall cooperate fully and make reasonable efforts to resolve technical problems and conflicts that may inhibit the most effective and efficient use of the radio spectrum; however, the party being coordinated with is not obligated to suggest changes or reengineer a proposal in cases involving conflicts. Applicants shall make every reasonable effort to avoid blocking the growth of other systems that are likely to need additional capacity in the foreseeable future. The applicant shall identify in the application all entities with which the technical proposal was coordinated. In the event that technical problems are not resolved or if the existing licensee, permittee, or applicant does not respond to coordination efforts within 60 days after notification, an explanation shall be submitted with the application. Where technical problems are resolved by an agreement or operating arrangement between the parties that would require special procedures to be taken to reduce the likelihood of intersystem interference or would result in a reduction of quality or capacity of either system, the details thereof shall be contained in the application. Upon making a permissive change a licensee shall notify the Commission of its frequency usage and report and coordination.

(e) All mobile units must initially be capable of communicating on the 666 channels specified in paragraphs (b) (1) and (2) of this rule section.

§ 22.903 Cellular system service areas.

(a) The Cellular Geographic Service Area of a cellular system shall be defined by the applicant as the area intended to be served. The CGSA must be drawn on one or more U.S. Geological survey 7½ minute map(s). Within the CGSA the applicant must depict each base station site and its respective 39 dbu contour as determined by the methods described in paragraph (c) below. An applicant must demonstrate that the 39 dbu contours of all base stations will initially cover at least 75% of the total CGSA.

(b) The service area boundary described in paragraph (a) of this section shall be regarded as determining the limits of the cellular system service area for the purposes of providing protection to such systems, and of defining the area within which we will recognize adverse effects for determining standing.

(c) For the purpose of establishing the reliable service area of a station and performing interference studies, an applicant must use procedures consistent with § 22.504 and F.C.C. Report No. R-6406, "Technical Factors Affecting The Assignment of Facilities In the Domestic Public Land Mobile Radio Service," by Roger B. Carey. Standards and procedures presently applied to stations in the 450–460 MHz band should be used. Any other interference studies utilizing other procedures, which the applicant believes the Commission should consider, in addition to the above required study, may also be submitted and will be considered in accordance with Public Notice, May 2, 1980, Mimeo 30893, 45 FR 30202 (47 RR 2d 666 (1980)). All supporting data and calculations must be included with the results of the studies.

(d) An applicant whose proposal would extend any 39 dbu contour outside its presently authorized CGSA will be deemed to be applying for a change in its CGSA.

§ 22.904 Power limitations.

Stations in this service shall not be permitted to exceed the effective radiated power indicated below.

	Watts (ERP)
Base stations	100
Mobile stations	7
Auxiliary test stations	7

§ 22.905 Antenna height-power for base stations.

In view of the fact that the predominant characteristic of cellular systems is frequency reuse within a given service area, the effective radiated power of base stations with transmitting antennas in excess of 500 feet above average terrain (AAT) must be reduced below 100 watts by not less than the amount shown in the chart below.

BILLING CODE 6712-01-M

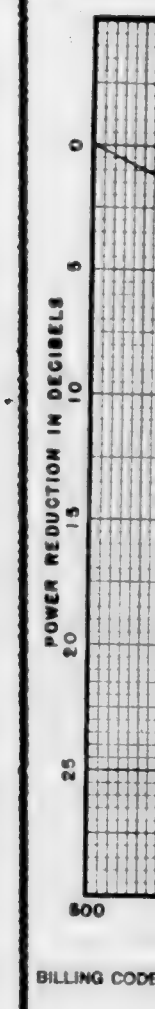

BILLING CODE

V46/98 MAY 21 81 UMI

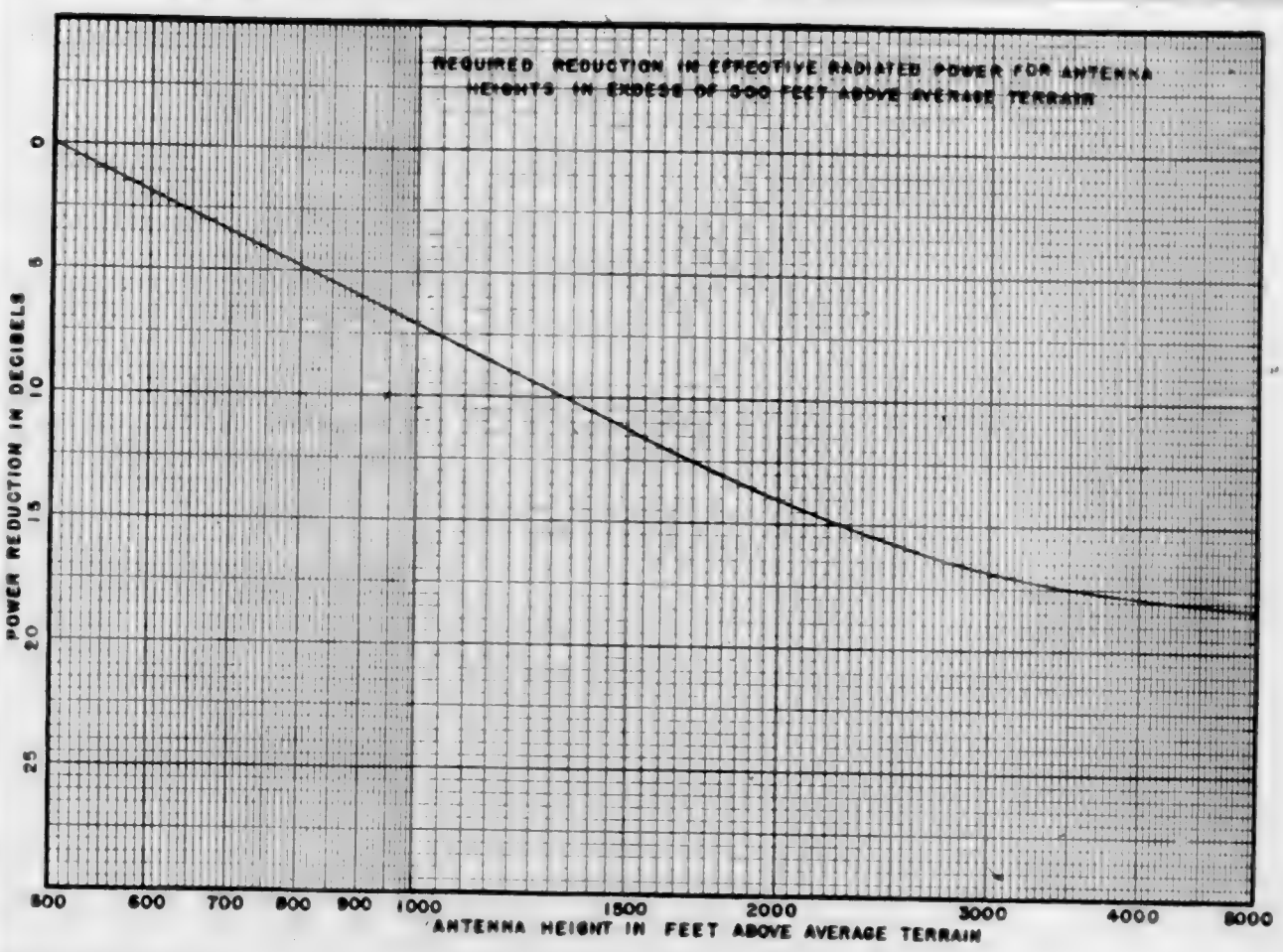

BILLING CODE 6712-01-C

§ 22.906 Types of emissions and modulation requirements.

(a) Stations in this service shall normally be authorized to use only type F3 emissions for voice transmissions (radiotelephony).

(1) F3 emissions shall be used only on the non-control frequencies designated in § 22.902 of this part.

(2) The instantaneous frequency deviation shall be limited to ±12 kHz.

(3) The maximum audio frequency required for satisfactory radiotelephone intelligibility in this service is considered to be 3 kHz.

(4) Preceding the deviation limiter required under paragraph (d) of this section, a compressor circuit followed by a preemphasis stage shall be required for F3 radiotelephony signal processing. These two circuits shall have the characteristics specified in the cellular system compatibility specifications. (See § 22.915).

(5) Authorization also permits the use of other frequency modulated emissions, such as data transmissions, provided those emissions conform to the technical requirements applicable for F3 operation, including those requirements contained in the Commission's cellular system compatibility specifications (See § 22.915). The power density of these emissions shall not exceed the power density normally encountered under F3 operation.

(b) For the purpose of selective signaling and control, stations in this service shall normally be authorized to use F9 emissions, as detailed in the Compatibility Specifications. (see § 22.915).

(1) The instantaneous frequency deviation due to the supervisory audio tones shall be limited to ±2 kHz.

(2) The instantaneous frequency deviation due to the signaling tone shall be limited to ±8 kHz.

(c) For the purposes of wideband data transmissions, as detailed in § 22.915, stations in this service shall normally be authorized to use type F9Y emissions. This data input shall not cause the carrier to exceed an instantaneous frequency deviation of ±8 kHz.

(d) Each transmitter shall be equipped with a device that will automatically prevent modulation levels in excess of the limits specified in this section.

(e) Other types of emissions may be authorized upon an adequate showing of need. An application requesting such authorization shall fully describe the modulation characteristics (for FM include maximum modulating frequency and maximum frequency deviation), emission and bandwidth desired, shall specify the bandwidth to be occupied, and shall state the reasons why such an emission is required.

(f) The authorization to employ any of the various types of modulated emissions in this service shall be construed to include authority to employ unmodulated emissions only for temporary or short periods necessary for equipment testing incident to the construction or maintenance of the radio station.

§ 22.907 Emission requirements.

(a) Except as provided in paragraph (c) of this section, some means must be employed to attenuate those signals under F3 radiotelephony operation that are applied to the modulated stage from the modulation limiter, required under § 22.906 of this part.

(1) For F3 radiotelephony emissions from mobile stations, these signals shall be attenuated, relative to the attenuation at 1 kHz, in the following manner:

(i) The signals in the frequency range of 3 kHz to 5.9 kHz and from 6.1 kHz to 15 kHz shall be attenuated by at least 40 $\log_{10}$ (f/3) decibels where (f) is the frequency of the signal in kHz;

(ii) The signals in the frequency range of 5.9 kHz to 6.1 kHz shall be attenuated at least 35 decibels; and

(iii) The signals in the frequency range above 15 kHz shall be attenuated at least 28 decibels.

(2) For F3 radiotelephony emissions from land stations, these signals shall be attenuated, relative to the attenuation at 1 kHz, in the following manner:

(i) The signals in the frequency range of 3 kHz to 15 kHz shall be attenuated by at least 40 $\log_{10}$ (f/3) decibels where (f) is the frequency of the signal in kHz; and

(ii) The signals in the frequency range above 15 kHz shall be attenuated by at least 28 decibels.

(3) No filtering is required of the F9 supervisory audio tones, the F9 signaling tones or the F9Y wideband data signals.

(b) Except as provided in paragraph (c) of this section, the mean power of emissions from transmitters operated in the F3 radiotelephony mode in this service shall be attenuated below the mean power of the unmodulated carrier in accordance with the following schedule:

(1) On any frequency removed from the carrier frequency by greater than 20 kHz up to an including 45 kHz: at least 26 decibels; and

(2) On any frequency removed from the carrier frequency by greater than 45 kHz up to the first multiple of the carrier frequency: At least 60 decibels or 43 + 10 $\log_{10}$ (mean output power in watts) decibels, whichever is the lesser attenuation.

(c) In lieu of the requirements of paragraphs (a) and (b) of this section, compliance with the following emission specifications may be demonstrated for transmitters operating in the F3 radiotelephony mode. The mean power of any emission removed from the carrier frequency by a displacement frequency (f_d in kHz) shall be attenuated below the mean power of the unmodulated carrier in accordance with the following schedule:

(1) On any frequency removed from the carrier frequency by greater than 12 kHz up to and including 20 kHz: At least 117 $\log_{10}$ (f_d/12) decibels;

(2) On any frequency removed from the carrier frequency by greater than 20 kHz up to the first multiple of the carrier frequency: At least 100 $\log_{10}$ (f_d/11) decibels or 60 decibels or 43 + 10 $\log_{10}$ (mean output power in watts) decibels, whichever is the lesser attenuation; and

(3) Mobile stations operating in the F3 radiotelephony mode must still demonstrate compliance with paragraphs (a)(1) (ii) of this section.

(d) The mean power of emissions from transmitters operated in the F9Y wideband data mode in this service shall be attenuated below the mean power of the unmodulated carrier in accordance with the following schedule:

(1) On the frequency removed from the carrier frequency by more than 20 kHz up to and including 45 kHz: At least 26 decibels;

(2) On any frequency removed from the carrier frequency by more than 45 kHz up to and including 90 kHz: At least 45 decibels; and

(3) On any frequency removed from the carrier frequency by more than 90 kHz up to the first multiple of the carrier frequency: At least 60 decibels or 43 + 10 $\log_{10}$ (mean output power in watts) decibels, whichever is the lesser attenuation.

(e) The mean power of emissions from transmitters operated in this service shall be attenuated below the mean power of the unmodulated carrier on any frequency twice or greater than twice the fundamental frequency by at least 43 + 10 $\log_{10}$ (mean output power in watts) decibels.

(f) The mean power of any emissions appearing in the base station frequency range from mobile transmitters operated in this service shall be attenuated to a level not to exceed −80 dBm at the transmit antenna connector.

(g) The mean power of emissions from transmitters operated in this service in the F9 supervisory audio tone mode shall be attenuated below the mean

power of the unmodulated carrier in accordance with paragraphs (b), (c), (e) and (f) of this section, exclusive of paragraphs (c)(3).

(h) The mean power of emissions from transmitters operated in this service in the F9 signaling tone mode shall be attenuated below the mean power of the unmodulated carrier in accordance with paragraphs (d), (e) and (f) of this section.

(i) When any emission from a transmitter operating in this service results in harmful interference to users of another radio service, the Commission may require a greater attenuation of that emission than specified in this section.

(j) Pending the adoption of specific measurement procedures to determine the level of attenuation of spurious emissions, the following spectrum analyzer bandwidth setting should be used:

(1) When operating in the F3 radiotelephony mode or the F9 supervisory audio tone mode:

(i) For any emission less than or equal to 45 kHz removed from the carrier frequency: 300 Hz; and

(ii) For any emission greater than 45 kHz removed from the carrier frequency: 30 kHz

(2) When operating in the F9Y wideband data mode or the F9 signaling tone mode:

(i) For any emission less than or equal to 60 kHz removed from the carrier frequency: 300 Hz; and

(ii) For any emission greater than 60 kHz removed from the carrier frequency: 30 kHz.

§ 22.908 Transmitter construction and installation.

The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to, or capable of being operated by, persons other than those duly authorized by the licensee. In general, each transmitter used in the Domestic Public Cellular Radio Telecommunications Service shall be so constructed or installed that all controls thereon which may cause off-frequency operation or result in any unauthorized emission shall be protected from access by other than duly authorized holders of first or second class radio operator licenses.

§ 22.909 Control point.

(a) Each cellular system is required to have:

(1) At least one control point.

(2) A person on duty at the control point who is in charge of system operation during the normal rendition of service. The location of the control point may not be moved beyond the boundary of the authorized service area without prior Commission approval.

(b) At each control point, facilities which will permit the operator to turn off base station transmitters shall be installed.

§ 22.910 Station identification.

Cellular land, mobile, or auxiliary test stations in this service shall not be required to transmit identifying call signs.

§ 22.911 Permissible communications.

(a) Mobile Stations in this service are authorized to communicate with and through base stations only. Such communications between base and mobile stations shall be upon frequencies which are paired in the manner set forth in § 22.902.

(b) Base stations in this service are authorized to communicate with associated subscribers; base stations must also render service to properly licensed roamers. Service may be rendered to mobile stations on board vessels.

(c) Auxiliary test stations in this service may operate on either base or mobile station frequencies for the purpose of determining the performance of base or mobile station equipment.

(d) General and dispatch communications are permitted on cellular systems. Pending further investigation by the Commission, "fleet-call" dispatching, in which a dispatcher simultaneously communicates with multiple mobile units, will not be permitted except on a developmental basis.

§ 22.912 Responsibility for operational control and maintenance of mobile stations.

(a) The licensee of a base station in this service shall be responsible for exercising effective operational control over all mobile stations with which it communicates. The proper installation, maintenance and repair of such mobile stations shall normally be the responsibility of the cellular system licensee except that customer provided equipment shall be the responsibility of the customer.

(b) A mobile station normally associated with, and licensed to, a specified cellular system will be deemed, when communicating with a different system pursuant to legally effective tariff provisions, to be temporarily associated with and licensed to such different system and the licensee of such different system shall, for such temporary period, assume the same licensee responsibility for such mobile stations if such stations were regularly licensed to it.

§ 22.913 Content of applications.

(a) Applications for new stations or for modified facilities increasing the Cellular Geographic Service Area of existing stations shall be filed on FCC Form 401. The following exhibits shall be attached to any such application:

(1) An exhibit indicating whether a grant of the application will be a major action under § 1.1305 of the Commission's Rules.

(2) An exhibit including a map or maps of the cellular system's existing Cellular Geographic Service Area, if any, and the Cellular Geographic Service Area proposed in the application. This exhibit shall contain all the information specified in § 22.903(a).

(3) An exhibit containing the engineering data and calculations used to derive the service contours shown. See § 22.903(c).

(4) An exhibit stating how the proposal complies with the Commission's cellular design concepts, and indicating the applicant's projected method for coordinated expansion of the system in response to changing service demands.

(5) An exhibit indicating the basis which the applicant will use to determine whether sufficient congestion exists to warrant cell-splitting.

(6) An exhibit indicating the frequency plan to be used if the application is granted.

(7) An exhibit indicating the applicant's service proposals for local subscribers and roamers, including its method of handling complaints. If no change is made in service proposals previously authorized, this exhibit may be omitted.

(8) An exhibit including full particulars regarding the cost of construction of the proposed facilities and demonstrating how the applicant intends to finance construction. See § 22.917.

(9) An exhibit indicating how the proposal would serve the public interest. If an application for a new or modified CGSA, the applicant shall provide population and demographic information on the proposed CGSA, including public need survey information, as well as other information relevant to whether the public interest, convenience and necessity would be served by a grant.

(b) Applications proposing modifications to existing stations which do not involve new facilities, a change in height or power of existing facilities,

or a change in CGSA, may be filed on FCC Form 403.

§ 22.914 Provision of service to subscribers.

Subscriptions to mobile service shall be afforded to the public within the licensee's Cellular Geographic Service Area in chronological order of filing of request for service, except under emergency conditions. Prospective subscribers shall be informed of the area in which reliable service can be expected. If a licensee turns away a request for service due to lack of capacity it shall report that fact to the Commission and indicate how it plans to remedy its lack of capacity.

§ 22.915 Cellular system compatibility specification.

(a) The technical specifications for compatibility of mobile and base stations in the Domestic Public Cellular Radio Telecommunications Service are contained in the "Cellular System Mobile Station-Land Station Compatibility Specification" (April 1981 Ed.), Office of Science and Technology Bulletin No. 53. This bulletin is contained in Appendix D to the Report and Order in CC Docket No. 79–318, and is printed in the **Federal Register**, of May 21, 1981.

(b) Copies of the current edition of the compatibility specification are available for inspection at the following locations:

Office of the Common Carrier Bureau, Federal Communications Commission, 1919 M Street, NW., Washington, D.C.
Office of Science and Technology, Federal Communications Commission, 2025 M Street, NW., Washington, D.C.

(c) Copies of the compatibility specifications may be ordered from the Commission's copying contractor.

§ 22.916 Evaluation of cellular applications.

(a) In order to expedite action on mutually exclusive cellular applications, comparison on all such applications shall be undertaken in accordance with the following procedures:

(1) All mutually exclusive applications that are acceptable for filing and meet our basic qualifying criteria shall be designated for a comparative hearing. Applications involving basic qualifying issues shall additionally be designated for hearing on those issues on an expedited basis as described in paragraph (b) of this section.

(2) The comparative hearing shall be conducted by an Administrative Law Judge named in the designation order or in a subsequent order.

(3) Within 60 days of the date of designation of an Administrative Law Judge, all parties whose applications have been designated for further consideration shall submit briefs and written evidence in an attempt to present a showing that they are superior to all other competing applicants. Responsive pleadings may be filed within 15 days.

(4) Upon evaluation of the applications, the information submitted, and such other matters as may be officially noticed, the Administrative Law Judge will issue a decision granting the proposal that best serves the public interest, convenience and necessity and denying all other application(s). The decision will state briefly and concisely the reasons for the Judge's selection.

(b) Expedited hearing procedures. In any hearing to which this Section applies, the Administrative Law Judge shall establish a strict timetable for discovery, prehearing procedures, and reception of evidence. All testimony shall be in written form except upon order of the Administrative Law Judge. Such an order will be issued only upon a substantial showing that a party will be prejudiced by the submission of all evidence in a written form. The Administrative Law Judge shall utilize such procedures as shall result in the expeditious resolution of all factual issues and otherwise serve the ends of justice.

§ 22.917 Demonstration of financial qualifications.

(a) Applications for new stations or modified facilities shall demonstrate the applicant's financial ability to meet the realistic and prudent:

(1) Estimated costs of proposed construction and other initial expenses; and

(2) Estimated operating expenses for a reasonable period of time, depending upon the nature of service proposed and the degree of business uncertainty or risk.

(b) Except as provided in paragraph (c) of this section, each application shall demonstrate an applicant's financial ability under paragaph (a) of this section by submitting the following financial information, the information required by paragraph (d) of this section, and whatever other information or details the Commission may require:

(1) A balance sheet current within ninety (90) days of the date of the application and copies of any financial commitments (such as, for example, loan agreements and service contracts) in support of the proposed facilities; and

(2) Whenever the submissions of paragraph (b)(1) of this section do not satisfy paragraph (a) of this section, the applicant shall submit additional information (e.g. a current income statement, and, for the period of proposed construction plus an initial year of operation, a statement of projected revenues and expenses, a statement of projected sources and application of funds, etc.) as is necessary to demonstrate financial ability.

(c) Each application for an assignment of a license (or permit), or for the transfer of control of a corporation holding a license (or permit), shall demonstrate the financial ability of the proposed assignee or transferee to acquire and operate the facilities by submitting adequate financial information under the guidelines specified in this section, as appropriate.

(d) The following additional information shall be submitted on any form of intended credit arrangement or equity placement:

(1) The details of any loan or other form of credit arrangement intended to be utilized to finance the proposed construction, acquisition, or operation of the requested facilities including such information as the identity of the creditor (or creditors), letters of commitment, terms of the transaction, and a statement that paragraph (e) of this section is complied with; and

(2) The details of any sale or placement of any equity or other form of ownership interest.

(e) In addition to the disclosures required by paragraph (c) of this section, any loan or other credit arrangement providing for a chattel mortgage or secured interest in any proposed radio station facility must include a provision for a minimum of ten (10) days prior written notification to the licensee or permittee, and to the Commission, before any such equipment may be repossessed under default provision of the agreement.

Note.—The following appendix will not appear in the Code of Federal Regulations.

Appendix D—Cellular System Mobile Station-Land Station Compatibility Specification

Preface

These technical requirements form a compatibility (see Note 1) standard for cellular mobile telecommunications systems. Their purpose is to ensure that a mobile station can obtain service in any cellular system. These requirements do not address the quality or reliability of that service, nor do they cover equipment performance or measurement procedures.

To ensure compatibility, it is essential that both radio-system parameters and call-processing procedures be specified.

The speech-filtering, modulation, and RF-emission parameters commonly encountered in two-way radio systems have been updated and expanded to reflect the unique radio plan upon which cellular systems are based. The sequence of call processing steps that the mobile and land stations execute to establish calls has been specified along with the digital control messages and analog signals that are exchanged between the two stations.

The land station is subject to fewer compatibility requirements than the mobile station. Radiated power levels, both desired and undesired, are fully specified for mobile stations to control the RF interference that one mobile station can cause another. Land stations are fixed in location and their interference in controlled by proper layout and operation of the system in which the station operates. Detailed call-processing procedures are specified for mobile stations to ensure a uniform response to all land stations. Land station call procedures, like power levels, are not specified in detail because they are a part of the overall design of the individual land system. This approach to writing the compatibility specification provides the land system designer with sufficient flexibility to respond to local service needs and to account for local topography and propagation conditions.

The basic radio-system parameters and call-processing procedures embodied in the compatibility specification have been derived from the Chicago and Baltimore–Washington developmental cellular systems. The cellular plan has been successfully demonstrated in a working system and can now be applied in commercial systems. As commercial systems are built and operated, additional capabilities, primarily in the area of call-processing procedures, will evolve. It is important to plan for the evolution that will take place in the early growth years of commercial operation by providing flexible procedures by which these specifications can be administered and updated.

Mobile Station-Land Station Compatibility Specification

1. Definitions

Access Channel. A control channel used by a mobile station to access a system to obtain service.

Analog Color Code. An analog signal (see SAT) transmitted by a land station on a voice channel and used to detect capture of a mobile station by an interfering land station and/or the capture of a land station by an interfering mobile station.

BCH Code. Bose-Chaudhuri-Hocquenghem Code.

Busy-Idle Bits. The portion of the data stream transmitted by a land station on a forward control channel that is used to indicate the current busy-idle status of the corresponding reverse control channel.

Control Channel. A channel used for the transmission of digital control information from a land station to a mobile station or from a mobile station to a land station.

Digital Color Code (DCC). A digital signal transmitted by a land station on a forward control channel that is used to detect capture of a land station by an interfering mobile station.

Flash Request. A message sent on a voice channel from a mobile station to a land station indicating that a user desires to invoke special processing.

Forward Control Channel (FOCC). A control channel used from a land station to a mobile station.

Forward Voice Channel (FVC). A voice channel used from a land station to a mobile station.

Group Identification. A subset of the most significant bits of the system identification (SID) that is used to identify a group of cellular systems.

Handoff. The act of transferring a mobile station from one voice channel to another.

Home Mobile Station. A mobile station which operates in the cellular system from which service is subscribed.

Land Station. A station in the Domestic Public Cellular Radio Telecommunications Service, other than a mobile station, used for radio communications with mobile stations.

Mobile Identification Number (MIN). The 34-bit number which is a digital representation of the 10-digit directory telephone number assigned to a mobile station.

Mobile Station. A station in the Domestic Public Cellular Radio Telecommunications Service intended to be used while in motion or during halts at unspecified points. It is assumed that mobile stations include portable units (e.g., hand-held 'personal' units) as well as units installed in vehicles.

Mobile Station Class. The following mobile station classes are defined for this section:

—Class I. High power station.
—Class II. Mid-range power station.
—Class III. Low power station.

Numeric Information. Numeric information is used to describe the operation of the mobile station. The following subscripts are used to clarify the use of the numeric information:

"s" to indicate a value stored in a mobile station's temporary memory,
"sv" to indicate a stored value that varies as a mobile station processes various tasks,
"sl" to indicate the stored limits on values that vary,
"r" to indicate a value received by a mobile station over a forward control channel,
"p" to indicate a value set in a mobile station's permanent security and identification memory, and
"s-p" to indicate a value stored in a mobile station's semi-permanent security and identification memory.

The numeric indicators are:

—$ACCOLC_p$. A four-bit number used to identify which overload class field controls access attempts.

—BIS_s. Identifies whether a mobile station must check for an idle-to-busy transition on a reverse control channel when accessing a system.

—$CCLIST_s$. The list of control channels to be scanned by a mobile station processing the Directed-Retry Task (see Section 2.6.3.14).

—$CMAX_s$. The maximum number of channels to be scanned by a mobile station when accessing a system.

—CPA_s. Identifies whether the access functions are combined with the paging functions on the same set of control channels.

—DTX_s. Identifies whether the mobile station is permitted to use the discontinuous transmission mode on the voice channel.

—E_s. The stored value of the E field sent on the forward control channel. E_s identifies whether a home mobile station must send only $MIN1_p$ or both $MIN1_p$ and $MIN2_p$ when accessing the system.

—EX_p. Identifies whether home mobile stations must send $MIN1_p$ or both $MIN1_p$ and $MIN2_p$ when accessing the system. EX_p differs from E_s in that the information is stored in the mobile station's security and identification memory.

—$FIRSTCHA_s$. The number of the first control channel used for accessing a system.

—$FIRSTCHP_s$. The number of the first control channel used for paging mobile stations.

—$LASTCHA_s$. The number of the last control channel used for accessing a system.

—$LASTCHP_s$. The number of the last control channel used for paging mobile stations.

—LT_s. Identifies whether the next access attempt is required to be the last try.

—$MIN1_p$. The 24-bit number which corresponds to the 7-digit directory telephone number assigned to a mobile station.

—$MIN2_p$. The 10-bit number which corresponds to the 3-digit area code assigned to a mobile station.

—$MAXBUSY_{st}$. The maximum number of busy occurrences allowed on a reverse control channel.

—$MAXSZIR_{st}$. The maximum number of seizure attempts allowed on a reverse control channel.

—N_s. The number of paging channels that a mobile station must scan.

—$NBUSY_{sv}$. The number of times a mobile station attempts to seize a reverse control channel and finds the reverse control channel busy.

—$NSZTR_{sv}$. The number of times a mobile station attempts to seize a reverse control channel and fails.

—$NXTREG_{s,p}$. Identifies when a mobile station must make its next registration to a system.

—PL_s. The mobile station RF power level.

—R_s. Indicates whether registration is enabled or not.

—RCF_s. Identifies whether the mobile station must read a control-filler message before accessing a system on a reverse control channel.

—$REGID_s$. The stored value of the last registration number ($REGID_r$) received on a forward control channel.

—$REGINCR_s$. Identifies increments between registrations by a mobile station.

—S_s. Identifies whether the mobile station must send its serial number when accessing a system.

—SCC_s. A digital number which is stored and used to identify which SAT frequency a mobile station should be receiving.

—SID_p. The home system identification stored in the mobile station's permanent security and identification memory.

—$SID_{s,p}$. One of a number of system identifications stored in the mobile station's semi-permanent security and identification memory.

—SID_r. The system identification received on a forward control channel.

—SID_s. The stored system identification.

—$WFOM_s$. Identifies whether a mobile station must wait for an overhead message train before accessing a system on a reverse control channel.

Orders. The following orders can be sent to a mobile station from a land station:

—Alert. The alert order is used to inform the user that a call is being received.

—Audit. The audit order is used by a land station to determine whether the mobile station is active in the system.

—Change Power. The change power order is used by a land station to change the RF power level of a mobile station.

—Intercept. The intercept order is used to inform the user of a procedural error made in placing the call.

—Maintenance. The maintenance order is used by a land station to check the operation of a mobile station. All functions are similar to alert but the alerting device is not activated.

—Release. The release order is used to disconnect a call that is being established or is already established.

—Reorder. The reorder order is used to inform the user that all facilities are in use and the call should be placed again.

—Send Called-Address. The send called-address order is used to inform the mobile station that it must send a message to the land station with dialed-digit information.

—Stop Alert. The stop alert order is used to inform a mobile station that it must discontinue alerting the user.

Paging. The act of seeking a mobile station when an incoming call has been placed to it.

Paging Channel. A forward control channel which is used to page mobile stations and send orders.

Registration. The steps by which a mobile station identifies itself to a land station as being active in the system at the time the message is sent to the land station.

Release Request. A message sent from a mobile station to a land station indicating that the user desires to disconnect the call.

Reverse Control Channel (RECC). The control channel used from a mobile station to a land station.

Reverse Voice Channel (RVC). The voice channel used from a mobile station to a land station.

Roamer. A mobile station which operates in a cellular system other than the one from which service is subscribed.

Scan of Channels. The procedure by which a mobile station examines the signal strength of each forward control channel.

Seizure Precursor. The initial digital sequence transmitted by a mobile station to a land station on a reverse control channel.

Signaling Tone. A 10-kilohertz tone transmitted by a mobile station on a voice channel to: (1) Confirm orders, (2) signal flash requests, and (3) signal release requests.

Status Information. The following status information is used in this section to describe mobile station operation:

—Serving-System Status. Indicates whether a mobile station is tuned to channels associated with System A or System B.

—First Registration ID Status. Indicates whether a mobile station has received a registration ID message since initialization.

—Local Control Status. Indicates whether a mobile station must respond to local control messages or not.

—Roam Status. Indicates whether a mobile station is in its home system or not.

—Termination Status. Indicates whether a mobile station must terminate the call when it is on a voice channel.

Supervisory Audio Tone (SAT). One of three tones in the 6-kilohertz region that are transmitted by a land station and transponded by a mobile station.

System Identification (SID). A digital identification associated with a cellular system; each system is assigned a unique number.

Voice Channel. A channel on which a voice conversation occurs and on which brief digital messages may be sent from a land station to a mobile station or from a mobile station to a land station.

2. Mobile Station.

2.1 Transmitter.

2.1.1 Frequency Parameters.

2.1.1.1 Channel Spacing and Designation.

The mobile station transmit channel at 825.030 MHz (and the corresponding land station transmit channel 870.030 MHz) shall be termed channel number 1. See Section 22.902 of the Commission's Rules.

2.1.1.2 Frequency Tolerance.

See Section 22.101(a) of the Commission's Rules.

2.1.2 Power Output Characteristics.

2.1.2.1 Carrier on/off Conditions.

The carrier-off condition is defined as a power output at the transmitting antenna connector not exceeding −60 dBm. When commanded to the carrier-on condition on a reverse control channel, a mobile station transmitter must come to within 3 dB of the specified output power (see Section 2.1.2.2) and to within the required stability (see Section 2.1.1.2) within 2 ms. Conversely, when commanded to the carrier-off condition, the transmit

power must fall to a level not exceeding −60 dBm within 2 ms.

Whenever a transmitter is more than 1 kHz from its initial or final value during channel switching, the transmitter carrier must be inhibited to a power output level not greater than −60 dBm.

2.1.2.2 Power Output and Power Control.

The maximum effective radiated power with respect to a half-wave dipole (ERP) for any class mobile station transmitter is 8 dBW (6.3 Watts). An inoperative antenna assembly must not degrade the spurious emission levels as defined in Section 2.1.4.2. See §§22.107(b) and 22.904 of the Commission's Rules.

The nominal ERP for each class of mobile station transmitter is:

Class I 6 dBW (4.0 Watts)
Class II 2 dBW (1.6 Watts)
Class III −2 dBW (0.6 Watts)

A mobile station transmitter must be capable of reducing power in steps of 4 dB on command from a land station (see Sections 2.6.3.3, 2.6.3.5, 3.7.1.1., 3.7.1.2.4, and 3.7.2). The nominal levels are given in Table 2.1.2–1. Each power level must be maintained within the range of +2 dB and −4 dB of its nominal level over the ambient temperature range of −30 degrees Celsius to +60 degrees Celsius, and over the supply voltage range of ±10 percent from the nominal value, accumulative.

Table 2.1.2–1.—Mobile Station Nominal Power Levels

Mobile station power level (PL)	Mobile attenuation code (MAC)	Nominal ERP (dBW)		
		Mobile station power class		
		I	II	III
0	000	6	2	−2
1	001	2	2	−2
2	010	−2	−2	−2
3	011	−6	−6	−6
4	100	−10	−10	−10
5	101	−14	−14	−14
6	110	−18	−18	−18
7	111	−22	−22	−22

2.1.3 Modulation Characteristics.

2.1.3.1 Voice Signals.

The (FM) modulator is preceded by the following four voice-processing stages (in the order listed):

- Compressor
- Pre-Emphasis
- Deviation Limiter
- Post Deviation-Limiter Filter (see § 22.907(a) of the Commission's Rules)

2.1.3.1.1. Compressor.

This stage must include the compressor portion of a 2:1 syllabic compandor. For every 2 dB change in input level to a 2:1 compressor within its operating range, the change in output level is a nominal 1 dB. The compressor must have a nominal attack time of 3 ms and a nominal recovery time of 13.5 ms as defined by the CCITT. (Reference: Recommendation G162, CCITT Plenary Assembly, Geneva, May–June 1964, Blue Book, Vol. 111, P. 52.)

The nominal reference input level to the compressor is that corresponding to a 1000 Hz acoustic tone at the expected nominal speech volume level. This level must produce a nominal ±2.9 kHz peak frequency deviation of the transmitted carrier.

2.1.3.1.2 Pre-emphasis.

The pre-emphasis characteristic must have a nominal +6 dB/octave response between 300 and 3000 Hz.

2.1.3.1.3 Deviation Limiter.

For audio (voice) inputs applied to the transmitter voice-signal processing stages, a mobile station must limit the instantaneous frequency deviation to ±12 kHz. This requirement excludes supervision signals (see Section 2.4) and wideband data signals (see Section 2.1.3.2). See § 22.906 of the Commission's Rules.

2.1.3.1.4 Post Deviation-Limiter Filter.

See § 22.907(a)(1) of the Commission's Rules.

2.1.3.2 Wideband Data Signals.

2.1.3.2.1 Encoding.

The reverse control channel (RECC) and reverse voice channel (RVC) wideband data streams (see Section 2.7) must be further encoded such that each nonreturn-to-zero binary one is transformed to a zero-to-one transition, and each nonreturn-to-zero binary zero is transformed to a one-to-zero transition.

2.1.3.2.2 Modulation and Polarity.

The filtered wideband data stream must then be used to modulate the transmitter carrier using direct binary frequency shift keying. A one (i.e., high state) into the modulator must correspond to a nominal peak frequency deviation 8 kHz above the carrier frequency, and a zero into the modulator must correspond to a nominal peak frequency deviation 8 kHz below the carrier frequency. See § 22.906 of the Commission's Rules.

2.1.4 Limitations on Emissions.

See § 22.907 of the Commission's Rules.

2.2 Receiver.

2.2.1 Frequency Parameters.

2.2.1.1 Channel Spacing and Designation.

The mobile station receive channel at 870.030 MHz (and the corresponding land station receive channel at 825.030 MHz) shall be termed channel number 1. See § 22.902 of the Commission's Rules.

2.2.2 Demodulation Characteristics.

2.2.2.1 Voice Signals.

The demodulator is followed by the following two voice-signal processing stages:

- De-emphasis.
- Expandor.

2.2.2.1.1 De-emphasis.

The de-emphasis characteristic must have a nominal −6 dB per octave response between 300 and 3000 Hz.

2.2.2.1.2 Expandor.

This stage must include the expandor portion of a 2:1 syllabic compandor. For every 1 dB change in input level to a 1:2 expandor, the change in output level is a nominal 2 dB. The signal expansion must follow all other demodulation signal processing (including the 6 dB/octave de-emphasis and filtering). The expandor must have a nominal attack time of 3 ms and a nominal recovery time of 13.5 ms as defined by the CCITT. (Reference: Recommendation G162, CCITT Plenary Assembly, Geneva, May-June 1964, Blue Book, Vol. 111, P. 52.)

The nominal reference input level to the expandor is that corresponding to a 1000 Hz tone from a carrier with a ±2.9 kHz peak frequency deviation.

2.2.3 Limitations on Emissions.

2.2.3.1 Conducted Spurious Emissions.

2.2.3.1.1 Suppression Inside Cellular Band.

Any RF signals emitted by the receiver and falling within the mobile station receive band must not exceed −80 dBm, as measured at the antenna connector. Additionally, signals falling within the mobile station transmit band must not exceed −60 dBm, as measured at the antenna connector.

2.2.3.1.2 Suppression Outside Cellular Band.

See Subpart C, Part 15 of the Commission's Rules.

2.2.3.2 Radiated Spurious Emissions.

See Subpart C, Part 15 of the Commission's Rules.

2.2.4 Other Receiver Parameters.

System performance is predicated upon receivers meeting EIA minimum performance standard PN 1376 (Recommended Standards for 800 MHz Cellular Subscriber Units).

2.3 Security and Identification.

2.3.1 Mobile Identification Number.

A 34-bit binary mobile identification number (MIN) is derived from the mobile station's 10-digit directory telephone number by the following procedure (see also Section 2.7.1).

(1) The first three digits are mapped into 10 bits (corresponding to $MIN2_p$) by the following coding algorithm:

(a) Represent the 3-digit field as $D_1D_2D_3$ with the digit 0 having the value 10.

(b) Compute $100D_1+10D_2+D_3-111$.

(c) Convert the result in step (b) to binary by a standard decimal-to-binary conversion (see table below).

(2) The second three digits are mapped into the 10 most significant bits of $MIN1_p$ by the coding algorithm described in (1).

(3) The last four digits are mapped into the 14 least significant bits of $MIN1_p$ as follows:

(a) The thousands digit should be mapped into four bits by a Binary-Coded-Decimal (BCD) conversion, as specified in the table below.

(b) The last three digits are mapped into 10 bits by the coding algorithm described in (1).

Decimal-to-Binary Conversion

Decimal No.	Binary No.
1	0000000001
2	0000000010
3	0000000011
4	0000000100
...	
...	
...	
998	1111100110
999	1111100111

Thousands-Digit BCD Mapping Procedure

Thousands digit	Binary sequence
1	0001
2	0010
3	0011
4	0100
5	0101
6	0110
7	0111
8	1000
9	1001
0	1010

In the following example the 10-digit directory telephone number 321 456–7890 is encoded into MIN2 and MIN1 using the procedure described above:

• MIN2. The 10-bit MIN2 is derived from the first three digits of the telephone number (i.e., 321):

i. $D_1=3$; $D_2=2$; $D_3=1$.

ii. $100\,D_1+10D_2+D_3-111=100(3)+10(2)+(1)-111=210$.

iii. 210 in binary is '00 1101 0010'.

Therefore MIN2 is '00 1101 0010'.

• MIN1. The 10 most significant bits of MIN1 are derived from the second three digits of the telephone number (i.e., 456):

i. $D_1=4$; $D_2=5$; $D_3=6$.

ii. $100\,D_1+10D_2+D_3-111=100(4)+10(5)+(6)-111=345$.

iii. 345 in binary is '0101 0110 01'.

The next four most significant bits of MIN1 are derived from the thousands digit of the telephone number (i.e., 7) by BCD conversion: 7 in BCD is '01 11'.

The 10 least significant bits of MIN1 are derived from the last three digits of the telephone number (i.e., 890):

i. $D_1=8$: $D_2=9$; $D_3=10$.

ii $100\,D_1+10D_2+D_3-111=100(8)+10(9)+(10)-111=789$.

iii. 789 in binary is '11 0001 0101'.

Therefore MIN1 is '0101 0110 0101 1111 0001 0101'.

2.3.2 Serial Number.

The serial number is a 32-bit binary number that uniquely identifies a mobile station to any cellular system. It must be factory-set and not readily alterable in the field. The circuitry that provides the serial number must be isolated from fraudulent contact and tampering. Attempts to change the serial number circuitry should render the mobile station inoperative.

2.3.3 Station Class Mark.

Class-of-station information referred to as the station class mark (SCM_p) must be stored in a mobile station. The digital representation of this class mark is specified in the table below.

Station Class Marks

	SCM_p
Power Class (See Section 2.1.2.2):	
Class I	XX00.
Class II	XX01.
Class III	XX10.
Reserved	XX11.
Station Types:	
Continuous transmission[1]	00XX.
Discontinuous transmission[1]	01XX
Reserved	10XX.
Reserved	11XX.

[1] When DTX_p is set to '1', the mobile station may use the discontinuous transmission mode on the voice channel. Otherwise, the mobile station must use the continuous transmission mode.

2.3.4 Registration Memory.

If the mobile station is equipped for autonomous registration, then a minimum of four 21-bit (20 data bits plus an overflow bit) next registration ($NXTREG_s$–$_p$) and corresponding 15-bit system identification (SID_s–$_p$) pairs must be retained when the mobile station power is turned off. The data retention time under power-off condition must be longer than 48 hours. If the integrity of the stored data can not be guaranteed after the mobile station is disconnected from the vehicle battery, then the memory must be set to zero when power is re-applied to the mobile station.

2.3.5 Access Overload Class.

A four-bit number ($ACCOLC_p$) must be stored in the mobile station and used to identify which overload class field controls access attempts by the mobile station (see Section 2.6.3.4).

2.3.6 Access Method.

A one-bit access method (EX_p) must be stored in the mobile station and used to determine if the extended address word must be included in all access attempts (see Section 2.6.3.7).

2.3.7 First Paging Channel.

An eleven-bit first paging channel ($FIRSTCHP_p$) must be stored in the mobile station and used to identify the channel number of the first paging channel when the mobile station is "home" (see Section 2.6.1.1.2).

2.3.8 Home System Identification.

A 15-bit system identification (SID_p) must be stored in the mobile station and used to identify the mobile station's home system (see Section 2.6.1.1.2).

2.3.9 Local Control Option.

A means must be equipped within the mobile station to enable or disable the local control option (see Sections 2.6.2.1 and 2.6.2.5).

2.3.10 Preferred-System Selection.

A means must be provided within the mobile station to identify the preferred system as either System A or System B.

2.4 Supervision.

2.4.1 Supervisory Audio Tone.

The supervisory audio tone (SAT), will be one of the three frequencies, 5970, 6000, or 6030 Hz. The SAT is added to the voice transmission by a land station (see Section 3.4.1). A mobile station must detect, filter, and modulate the transmitted voice channel carrier with this tone. Transmission of the SAT by a mobile station must be suspended during transmission of wideband data on the reverse voice channel (see Section 2.7.2), but must *not* be suspended when signaling tone is sent (see Section 2.4.2).

While a valid SAT is detected and the measured SAT determination does not agree with the SAT color code (SCC_r) received in the mobile station control message (see Sections 3.7.1.1 and 3.7.2), the receiver audio must be muted. See § 22.906(b) of the Commission's Rules.

2.4.1.1 SAT Detection.

A mobile station must make the following decisions to determine which SAT, or none, is present:

Measured frequency of incoming signal	Measured SAT determination	
		where
$f<f_1$	No valid SAT	
		$f_1=5955\pm5$ Hz.
$f_1<f<f_2$	SAT=5970	
		$f_2=5985\pm5$ Hz.
$f_2<f<f_3$	SAT=6000	
		$f_3=6015\pm5$ Hz.
$f_3<f<f_4$	SAT=6030	
		$f_4=6045\pm5$ Hz.
$f_4<f$	No valid SAT	
No SAT Received	No valid SAT	

The determination of SAT is not required to be made continuously, but should be performed at least every 250 ms.

2.4.1.2 SAT Transmission.

The transmission requirements for the SAT signal, including time delays in the transmitter, receiver and any equilization circuits, are summarized as follows:

- Steady-state phase error at 5970, 6000 or 6030 Hz, 0±20 degrees.
- Phase Step Response, Settle to within 10 percent of final steady-phase error in< 250 ms.
- Tone Modulation Index, ⅓ radian ±10 percent (Δf ~ ±2kHz).

2.4.1.3 Fade Timing Status.

When an SAT determination is made a mobile station must perform the following:

- If no valid SAT is detected or the measured SAT determination does not agree with the SAT color code (SCC_r) received in the mobile station control message (see Sections 3.7.1.1 and 3.7.2), the fade timing status must be enabled (see Section 2.6.4.1).
- Otherwise, the fade timing status must be disabled (see Section 2.6.4.1).

2.4.2 Signaling Tone.

Signaling tone must be 10 kHz ±1 Hz and produce a nominal frequency deviation of ±8 kHz. See § 22.906(b) of the Commission's Ruler.

2.5 Malfunction Detection.

2.5.1 Malfunction Timer.

A timer separate from and independent of all other functions must be running continuously whenever power is applied to the transmitter of a mobile station.

If the mobile station is software-controlled, sufficient reset commands must be interspersed throughout the mobile station logic program to ensure that the timer never expires as long as the proper sequence of operations is taking place; similar means must be provided, as appropriate, in hardware-controlled designs.

If the timer expires, a malfunction must be assumed and the mobile station must be inhibited from transmitting. The maximum time allowed for expiration of the timer is 60 seconds.

This supersedes the requirement for a transmitter carrier-on indicator.

2.5.2 False Transmission.

A protection circuit must be provided to minimize the possibility of false transmitter operation caused by component failure within the mobile station.

2.6 Call Processing.

The following sections describe mobile station operation as controlled by a land station. Frequent references are made to the corresponding sections in the land station section and to the messages that flow between a land station and a mobile station. It is helpful to read sections 2.6 and 3.6 in parallel and examine the message formats in sections 2.7 and 3.7 at the same time.

When power is applied to a mobile station, it should enter the Retrieve System Parameters Task (see Section 2.6.1.1). Each task from section 2.6.1.1 to 2.6.4.5 contains information describing which tasks must be entered when a given task is completed.

2.6.1 Initialization.

2.6.1.1 Retrieve System Parameters.

If the preferred system (see Section 2.3.10) is System A, set the serving-system status to enabled; if the preferred system is System B, set the serving-system status to disabled.

The mobile station must then enter the Scan Dedicated Control Channels Task (see Section 2.6.1.1.1).

2.6.1.1.1 Scan Dedicated Control Channels.

If the serving-system status is enabled, a mobile station must examine the signal strength on each of the dedicated control channels assigned nationwide to System A. If the serving-system status is disabled, a mobile station must examine the signal strength on each of the dedicated control channels assigned nationwide to System B.

The mobile station must then enter the Update Overhead Information Task (see Section 2.6.1.1.2).

2.6.1.1.2 Update Overhead Information.

Overhead messages are sent in a group called an overhead message train (see Section 3.7.1.2). The mobile station must use the value given in the NAWC field of the system parameter overhead message in the train to determine that all messages of the train have been received. The END field must be used as a cross-check. For NAWC-counting purposes, inserted control-filler messages (see Section 3.7.1) must not be counted as part of the overhead message train.

If the mobile station receives a BCH-code-correct but unrecognizable overhead message in the train, the mobile station must count that message as part of the train for NAWC-counting purposes, but must not attempt to execute the message.

The mobile station must tune to the strongest dedicated control channel and, within 3 seconds, receive a system parameter message (see Section 3.7.1.2) and update the following numeric information:

- System identification (SID_s). Set the 14 most significant bits of SID_s to the value of the SID1 field. Set the least significant bit of SID_s to '1' if the serving-system status is enabled; otherwise, set the bit to '0'.
- Number of paging channels (N_s). Set N_s to 1 plus the value of the N−1 field.
- First paging channel ($FIRSTCHP_s$). Set $FIRSTCHP_s$ according to the following algorithm:

i. If $SID_s=SID_p$, $FIRSTCHP_s=FIRSTCHP_p$ (see Section 2.3.7).

ii. If $SID_s=SID_p$ and the serving-system status is enabled, set $FIRSTCHP_s$ to the first dedicated control channel for System A.

iii. If $SID_s=SID_p$ and the serving-system status is disabled, set $FIRSTCHP_s$ to the first dedicated control channel for System B.

- Last paging channel ($LASTCHP_s$). Set $LASTCHP_s$ to the value of $FIRSTCHP_s+N_s-1$.

If the mobile station is equipped for autonomous registration, the mobile station must:

- Set registration increment ($REGINCR_s$) to its default value of 450.
- Set the first registration ID status to enabled.

The mobile station must then enter the Paging Channel Selection Task (see Section 2.6.1.2).

If the mobile station cannot complete this task on the strongest dedicated

control channel, it may tune to the second strongest dedicated control channel and attempt to complete this task within a second 3-second interval. If it cannot complete this task on either of the two strongest control channels, the mobile station may check the serving-system status: If the serving-system status is enabled, it may be disabled; if the serving-system status is disabled, it may be enabled. The mobile station must then enter the Scan Dedicated Control Channels Task (see Section 2.6.1.1.1).

2.6.1.2 Paging Channel Selection.

2.6.1.2.1 Scan Paging Channels.

The mobile station must examine the signal strength on each of channels $FIRSTCHP_s$ to $LASTCHP_s$ (see Section 2.6.1.1.2).

The mobile station must then enter the Verify Overhead Information Task (see Section 2.6.1.2.2).

2.6.1.2.2 Verify Overhead Information.

The mobile station must set the Wait-for-Overhead-Message bit ($WFOM_s$) to '0'; the mobile station must then tune to the strongest paging channel and, within 3 seconds, receive an overhead message train (see Section 3.7.1.2) and update the following:

- System identification: Set the 14 most significant bits of SID_r to the value of the SID1 field. Set the least significant bit of SID_r to '1' if the serving-system status is enabled; otherwise, set the bit to '0'.
- ROAM status: The mobile station must compare the received system identification (SID_r) with the stored system identification (SID_s). If $SID_r = SID_s$, the mobile station must compare SID_s with SID_p. If $SID_p = SID_s$, the mobile station must set the ROAM status to disabled. If $SID_p = SID_s$, the mobile station must set the ROAM status to enabled.

If $SID_r = SID_s$, the mobile station must enter the Retrieve System Parameters Task (see Section 2.6.1.1).

- Local control status: If the local control option is enabled within the mobile station (see Section 2.3.9) and the bits of the home system identification (SID_p) that comprise the group identification match the corresponding bits of SID_s, then the local control status must be enabled. Otherwise, the local control status must be disabled.

The mobile station must then enter the Response to Overhead Information Task (see Section 2.6.2.1).

If the mobile station cannot complete this task on the strongest paging channel, it may tune to the second strongest paging channel and attempt to complete this task within a second 3-second interval. If it cannot complete this task on either of the two strongest paging channels, the mobile station may check the serving-system status: If the serving-system status is enabled, it may be disabled; if the serving-system status is disabled, it may be enabled. The mobile station must then enter the Scan Dedicated Control Channels Task (see Section 2.6.1.1.1).

2.6.2 Idle.

During the Idle Task, a mobile station must execute each of the following four (sub)tasks (see Sections 2.6.2.1, 2.6.2.2, 2.6.2.3, 2.6.2.4) at least every 46.3 ms, the periodicity of word blocks on the forward control channel. If the mobile station is not listening to a control channel of the preferred system, it may exit this task and enter the Retrieve System Parameters Task (see Section 2.6.1.1).

2.6.2.1 Response to Overhead Information.

Whenever a mobile station receives an overhead message train (see Section 3.7.1.2), the mobile station must compare SID_s with SID_r. If $SID_s = SID_r$, the mobile station must exit the Idle Task and enter the Initialization Task (see Section 2.6.1).

If $SID_s = SID_r$, the mobile station must update the following numeric values using information contained in the system parameter overhead message:

- Serial number bit (S_s). Set S_s to the value in the S field.
- Registration bit (R_s). If the roam status is disabled, set R_s to the value of the REGH field; if the roam status is enabled, set R_s to the value of the REGR field.
- Extended address bit (E_s). Set E_s to the value in the E field.
- Discontinuous transmission bit (DTX_s). Set DTX_s to the value of the DTX field.
- Number of paging channels (N_s). Set N_s to 1 plus the value of the N − 1 field.
- Read-control-filler bit (RCF_s). Set RCF_s to the value of the RCF field.
- Combined paging/access bit (CPA_s). Set CPA_s to the value of the CPA field.
- Number of access channels ($CMAX_s$). Set $CMAX_s$ to 1 plus the value of the CMAX − 1 field.
- Determine control channel boundaries for accessing the system ($FIRSTCHA_s$ and $LASTCHA_s$) by using the following algorithm:

I. If the serving-system status is enabled,

a. If $CPA_s = 1$, set $FIRSTCHA_s$ to the first dedicated control channel for System A.

b. If $CPA_s = 0$, set $FIRSTCHA_s$ to the value of the first dedicated control channel for System A plus N_s.

c. $LASTCHA_s = FIRSTCHA_s + CMAX_s - 1$.

II. If the serving-system status is disabled,

a. If $CPA_s = 1$, set $FIRSTCHA_s$ to the first dedicated control channel for System B.

b. If $CPA_s = 0$, set $FIRSTCHA_s$ to the value of the first dedicated control channel for System B plus N_s.

c. $LASTCHA_s = FIRSTCHA_s + CMAX_s - 1$.

The mobile station must then respond as indicated to each of the following messages, if received in the overhead message train. The order in which the mobile station must respond to the messages, if two or more are received, is given by their order in the following list:

1. Local Control Messages.

If the local control status is enabled (see Section 2.6.1.2.2) the mobile station must respond to the local control messages.

2. New Access Channel Set Message.

a. The mobile station must set $FIRSTCHA_s$ to the value of the NEWACC field of the message.

b. The mobile station must set $LASTCHA_s = NEWACC_r + CMAX_s - 1$.

3. Registration Increment Message.

If the mobile station is equipped for autonomous registration, the mobile station must set $REGINCR_s$ to the value of the REGINCR field in the message.

4. Registration ID Message.

If the mobile station is equipped for autonomous registration, the mobile station must perform the following:

a. The mobile station must set $REGID_s$ to the value of the REGID field of the received message and set the first-registration ID status to disabled (see Section 2.6.1.1.2).

b. The mobile station must then attempt to find SID_s among the $SID_{s,p}$ values stored in the registration memory (see Section 2.3.4).

c. If SID_s is found among the $SID_{s,p}$ values stored in the registration memory, the mobile station must perform the following:

i. The mobile station must use the following (or an equivalent) algorithm to review the $NXTREG_{s,p}$ associated with the $SID_{s,p}$ to determine if $REGID_s$ has cycled through zero:

- If $NXTREG_{s,p}$ is greater than or equal to $REGID_s + REGINCR_s + 5$, then $NXTREG_{s,p}$ must be replaced by the greater of 0 and the value $NXTREG_{s,p} - 2^{20}$.
- Otherwise do not change $NXTREG_{s,p}$.

ii. The mobile stations must then compare $REGID_s$ with the $NXTREG_{s,p}$ associated with the $SID_{s,p}$.

• If $REGID_s$ is greater than or equal to $NXTREG_{s,p}$ and autonomous registration is enabled, the mobile station must enter the System Access Task with a "registration" indication (see Section 2.6.3).

• If $REGID_s$ is greater than or equal to $NXTREG_{s,p}$ and autonomous registration is not enabled, then set $NXTREG_{s,p}$ equal to $REGID_s$.

• Otherwise, the mobile station must ignore the message and continue to process messages in the overhead message train.

d. If SID_s is not found among the $SID_{s,p}$ values stored in the registration memory, the mobile station must perform the following:

• If autonomous registration is enabled, the mobile station must exit this task and enter the System Access Task with a "registration" indication supplied (see Section 2.6.3).

• Otherwise, the mobile station must ignore the message and continue to process messages in the overhead message train.

5. Rescan Message.

The mobile station must immediately exit this task and enter the Initialization Task (see Section 2.6.1).

6. Any Other Message.

Ignore message.

2.6.2.2 Page Match.

The mobile station must monitor mobile station control messages for page messages (see Section 3.7.1.1).

• If the ROAM status is disabled, the mobile station must attempt to match $MIN1_p$ to $MIN1_r$ for one-word messages and both $MIN1_p$ and $MIN2_p$ to $MIN1_r$ and $MIN2_r$, respectively, for two-word messages. All decoded MIN bits must match to cause the mobile station to respond to the message.

• If the ROAM Status is enabled, the mobile station must attempt to match both $MIN1_p$ and $MIN2_p$ to $MIN1_r$ and $MIN2_r$, respectively. All decoded MIN bits must match to cause the mobile station to respond to the order.

When a match occurs, the mobile station must enter the System Access Task with a "page response" indication (see Section 2.6.3).

2.6.2.3 Order.

The mobile station must monitor mobile station control messages for orders and must attempt to match both $MIN1_p$ and $MIN2_p$ to $MIN1_r$ and $MIN2_r$, respectively. All decoded MIN bits must match to cause the mobile station to respond to the order. The responses to the following orders are:

• Audit order. The mobile station must enter the System Access Task (see Section 2.6.3) with an "order" indication.

• Local control order. The action to be taken depends on the local control field.

• Any other order. Ignore order.

2.6.2.4 Call Initiation.

When the user desires to initiate a call, the System Access Task (see Section 2.6.3) must be entered with an "origination" indication.

2.6.2.5 Non-Autonomous Registration Initiation.

If $R_s=1$, the mobile station may initiate a non-autonomous registration by entering the System Access Task (see Section 2.6.3) with a "registration" indication.

2.6.3 System Access.

2.6.3.1 Set Access Parameters.

When the System Access Task is started, a timer, called the access timer, must be set as follows:

• If this is an origination, to a maximum of 12 seconds,

• If this is a page response, to a maximum of 6 seconds,

• If this is an order response, to a maximum of 6 seconds,

• If this is a registration, to a maximum of 6 seconds.

The mobile station must set the last-try code (LT_s) to '0' and then enter the Scan Access Channels Task (see Section 2.6.3.2).

2.6.3.2 Scan Access Channels.

The mobile station must examine the signal strength on each of the channels $FIRSTCHA_s$ to $LASTCHA_s$ and choose up to two channels with the strongest signals. See Response to Overhead Information Task (Section 2.6.2.1) for access channel set determination.

The mobile station must then tune to the strongest access channel and enter the Retrieve Access Attempts Parameters Task (see Section 2.6.3.3).

2.6.3.3 Retrieve Access Attempt Parameters.

The mobile station must set the maximum-number-of-seizure-attempts allowed ($MAXSZTR_{si}$) to a maximum of 10, and the maximum-number-of-busy-occurrences ($MAXBUSY_{si}$) to a maximum of 10.

The mobile station must then initialize the following to zero:

• Number of busy occurrences ($NBUSY_{sv}$).

• Number of unsuccessful seizure attempts ($NSZTR_{sv}$).

The mobile station must then examine the read control-filler bit (RCF_s).

• If $RCF_s=0$, the mobile station must then within 400 ms (+100 ms, −0 ms) set DCC_s to the value in the DCC field of a received message and set the power level (PL_s) to 0.

• If $RCF_s=1$, the mobile station must then within 1000 ms (+100 ms, −0 ms) read a control-filler message, set DCC_s and $WFOM_s$ to the values in the DCC and WFOM fields of the message, respectively, and set PL_s to the power level given by Table 2.1.2–1 for the value of the CMAC field of the message and the mobile station power class (see Sections 2.1.2.2, 2.3.3, and 3.7.1.2.4).

If the DCC field or the control-filler message is not received within the time allowed, then the mobile station must examine the access timer. If the access timer has expired, the mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12). If the access timer has not expired, the mobile station must enter the Alternate Access Channel Task (see Section 2.6.3.13).

The mobile station must then set BIS_s to '1' and examine the $WFOM_s$ bit.

• If $WFOM_s=1$, the mobile station must enter the Update Overhead Information Task (see Section 2.6.3.4).

• If $WFOM_s=0$, the mobile station must wait a random delay. Each time it waits a random delay, a different random delay must be generated with the time uniformly distributed in the interval 0 to 92±1 ms and, if quantized, with granularity no more than 1 ms. The mobile station must then enter the Seize Reverse Control Channel Task (see Section 2.6.3.5).

2.6.3.4 Update Overhead Information.

If this task is not completed within 1.5 seconds, the mobile station must exit this task and enter the Serving-System Determination Task (see Section 2.6.3.12). If the Update Overhead Information Task is completed, the mobile station must enter the Seize Reverse Control Channel Task (see Section 2.6.3.5).

The mobile station must receive an overhead message train (see Section 3.7.1.2) and act as indicated below in response to the following global action messages, if received in the overhead message train:

• Overload Control Message.

—If this access is an origination, the mobile station must examine the value of the overload class field (OLC) identified by $ACCOLC_p$. If the identified OLC field is set to '0', the mobile station must exit this task and enter the Serving-System Determination Task (see Section 2.6.3.12); if the identified OLC field is set to '1', the mobile station must

continue to respond to messages in the overhead message train.

—Otherwise, the mobile station must continue to respond to messages in the overhead message train.

• Access Type Parameters Message.

The busy-idle status bit (BIS_s) must be set to the value of the BIS field of the received message.

• Access Attempt Parameters Message.

The mobile station must update the following parameters:

—If this access is a page response,

a. Maximum number of seizure tries allowed ($MAXSZTR_{sl}$) must be set to the value of the MAXSZTR-PGR field of the received message.

b. Maximum number of busy occurrences allowed ($MAXBUSY_{sl}$) must be set to the value of the MAXBUSY-PGR field of the received message.

—Otherwise,

a. Maximum number of seizure tries allowed ($MAXSZTR_{sl}$) must be set to the value of the MAXSZTR-OTHER field of the received message.

b. Maximum number of busy occurrences allowed ($MAXBUSY_{sl}$) must be set to the value of the MAXBUSY-OTHER field of the received message.

After the overhead message train is received and processed as required above, the mobile station must wait a random time. Each time this task is executed, a different random delay must be generated, distributed uniformly in the interval 0 to 750 ms, and if quantized, with granularity no greater than 1 ms. At the end of the delay, the mobile station must enter the Seize Reverse Control Channel Task (see Section 2.6.3.5).

2.6.3.5 Seize Reverse Control Channel.

The mobile station must read the busy-idle status of the channel.

• If the channel is busy, the mobile station must increment $NBUSY_{sv}$ by 1.

—If $NBUSY_{sv}$ exceeds $MAXBUSY_{sl}$, then the mobile station must exit this task and enter the Serving-System Determination Task (see Section 2.6.3.12).

—If $NBUSY_{sv}$ does not exceed $MAXBUSY_{sl}$, then the mobile station must exit this task and the Delay After Failure Task must be executed (see Section 2.6.3.6).

• If the channel is idle, then the mobile station must set $NBUSY_{sv}$ to zero, turn on the transmitter at the power level indicated by PL_s (see Sections 2.6.3.3 and 2.1.2.2), wait the proper delay (see Section 2.1.2.1) until the transmitter is within 3 dB of the required power level, and then start to send the message to the land station (see Section 2.7.1).

If $BIS_s=0$, then the mobile station must enter the Service Request Task (see Section 2.6.3.7); if $BIS_s=1$, then upon starting to send the message, the mobile station must continuously monitor the busy-idle status of the channel.

• If the channel becomes busy before the first 56 bits of the message are sent, the mobile station must immediately stop sending the message and turn off the transmitter.

• If the channel fails to change to busy by the time the mobile station has sent 104 bits, then the mobile station must immediately stop sending the message and turn off the transmitter.

In either of these cases, the mobile station must then increment the count of seizure failures ($NSZTR_{sv}$) by 1 and compare the result with the maximum number of seizure attempts allowed ($MAXSZTR_{sl}$).

—If $NSZTR_{sv}$ exceeds $MAXSZTR_{sl}$, the mobile station must exit this task and enter the Serving-System Determination Task (see Section 2.6.3.12).

—If $NSZTR_{sv}$ does not exceed $MAXSZTR_{sl}$, the mobile station must exit this task and enter the Delay After Failure Task (see Section 2.6.3.6).

• If the busy-idle status changes to busy after 56 bits and before 104 bits are sent, then the mobile station must enter the Service Request Task (see Section 2.6.3.7).

2.6.3.6 Delay After Failure.

The mobile station must examine the access timer. If the access timer has expired, the mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12). If the access timer has not expired, the mobile station must wait a random time. Each time it enters this task, it must generate a different time, uniformly distributed in the interval 0 to 200 ms, and if quantized, with granularity no greater than 1 ms. The mobile station must then enter the Seize Reverse Control Channel Task (see Section 2.6.3.5).

2.6.3.7 Service Request.

The mobile station must continue to send its message to the land station. The information which must be sent is as follows (with the formats given in Section 2.7.1.):

• Word A must always be sent.

• If $E_s=1$, or $LT_s=1$, the ROAM status is enabled, or the ROAM status is disabled and $EX_p=1$, or the access is an "order", or the access is a "registration", or the mobile station was paged with a two-word mobile station control message, Word B must be sent.

• If $S_s=1$, Word C must be sent.

• If the access is an "origination", Word D must be sent.

• If the access is an "origination" and 9 to 16 digits were dialed, Word E must be sent.

When the mobile station has sent its complete message, it must continue to send unmodulated carrier for a nominal duration of 25 ms and then turn off the transmitter.

The next task to be entered depends on the type of access by the mobile station:

• If the access is an order confirmation, the mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12).

• If the access is an origination, the mobile station must enter the Await Message Task (see Section 2.6.3.8).

• If the access is a page response, the mobile station must enter the Await Message Task (see Section 2.6.3.8).

• If the access is a registration request, the mobile station must enter the Await Registration Confirmation Task (see Section 2.6.3.9).

2.6.3.8 Await Message.

If this task is not completed within 5 seconds, the mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12).

The mobile station must monitor mobile station control messages (see Section 3.7.1.1). If the mobile station sent Word B as part of the Service Request (see Section 2.6.3.7), then the mobile station must attempt to match $MIN1_p$ and $MIN2_p$ to $MIN1_r$ and $MIN2_r$, respectively; otherwise, the mobile station must attempt to match only $MIN1_p$ to $MIN1_r$.

The mobile station must respond as indicated to any of the following messages if all decoded MIN bits match.

If the access is an origination or page response:

• Initial voice channel designation message: (see Section 3.7.1.1). The mobile station must update the parameters set in the message. If $R_s=1$ and the mobile station is equipped for autonomous registration, the mobile station must enter the Autonomous Registration Update Task (see Section 2.6.3.11), supplying a "success" indication and then enter the Initial Voice Channel Confirmation Task (see Section 2.6.4.2). Otherwise, the mobile station must enter the Initial Voice Channel Confirmation Task.

• Directed-retry message: (see Section 3.7.1.1). If the mobile station is equipped for directed retry, it must respond to the directed-retry message as follows:

If the mobile station encounters the start of a new message before it receives

all four words of the directed-retry message, it must exit this task and enter the Serving-System Determination Task (see Section 2.6.3.12).

The mobile station must set the last-try code (LT_s) according to the ORDQ field of the message:

—If ORDQ='000', set LT_s to '0'.

—If ORDQ='001', set LT_s to '1'.

The mobile station must then clear $CCLIST_s$ and examine each CHANPOS field in Words 3 and 4 of the message. For each nonzero CHANPOS field, the mobile station must calculate a corresponding channel number by adding CHANPOS to $FIRSTCHA_s-1$. The mobile station must then determine whether each channel number is within the set allocated to cellular systems, and if so, list the channel number in $CCLIST_s$.

After completing its response to the directed-retry message, the mobile station must examine the access timer. If the access timer has expired, the mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12). If the access timer has not expired, the mobile station must enter the Directed-Retry Task (see Section 2.6.3.14).

If the access is an origination:

• Intercept: The mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12).

• Reorder: The mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12).

If the access is a page response:

• Release: The mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12).

If the access is an origination and the user terminates a call during this task, the termination status must be enabled so that the call can be released on a voice channel (see Section 2.6.4.4) instead of on a control channel.

2.6.3.9 Await Registration Confirmation.

If this task is not completed within 5 seconds, the mobile station must exit this task and enter the Action on Registration Failure Task (see Section 2.6.3.10).

The mobile station must monitor mobile station control messages (see Section 3.7.1.1). If the mobile station sent Word B as part of the Service Request (see Section 2.6.3.7), then the mobile station must attempt to match $MIN1_p$ and $MIN2_p$ to $MIN1_r$ and $MIN2_r$, respectively; otherwise, the mobile station must attempt to match only $MIN1_p$ to $MIN1_r$.

The mobile station must respond as indicated to any of the following messages if all decoded MIN bits match:

• Release order (see Section 3.7.1.1). The mobile station must exit this task and enter the Action on Registration Failure Task (see Section 2.6.3.10).

• Order confirmation (see Section 3.7.1.1). If the mobile station is equipped for autonomous registration and autonomous registration is enabled, the mobile station must enter the Autonomous Registration Update Task (see Section 2.6.3.11), supplying a "success" indication; the mobile station must then enter the Serving-System Determination Task (see Section 2.6.3.12). Otherwise, the mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12).

2.6.3.10 Action on Registration Failure.

If the mobile station is equipped for autonomous registration and autonomous registration is enabled, the mobile station must enter the Autonomous Registration Update Task (see Section 2.6.3.11), supplying a "failure" indication; the mobile station must then enter the Serving-System Determination Task (see Section 2.6.3.12). Otherwise, the mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12).

2.6.3.11 Autonomous Registration Update.

If the first-registration ID status is enabled, return to the invoking task. Otherwise the mobile station must attempt to find SID_s among the $SID_{s,p}$ values stored in the registration memory and create an entry for SID_s if it is not found. The mobile station must then update the $NXTREG_{s,p}$ associated with the $SID_{s,p}$ according to the following:

• If a "success" indication was supplied to the Registration Update Task, the mobile station must update the next registration ID to: $NXTREG_{s,p}=REGID_s+REGINCR_s$.

• If a "failure" indication was supplied to the Registration Update Task, the mobile station must generate a random number ($NRANDOM_{sv}$). Each time this step is executed, a different random number must be generated, uniformly distributed in the interval 0 to 10, and with granularity no more than 1.

The mobile station must then update the next registration ID to: $NXTREG_{s,p}=REGID_s+NRANDOM_{sv}$.

The mobile station must then return to the invoking task.

2.6.3.12 Serving-System Determination.

If the serving-system status does not correspond to the preferred system, the mobile station may enter the Retrieve System Parameters Task (see Section 2.6.1.1); otherwise, it must enter the Paging Channel Selection Task (see Section 2.6.1.2).

2.6.3.13 Alternate Access Channel.

If the mobile station is tuned to the strongest access channel, it *may* tune to the second strongest channel and then enter the Retrieve Access Attempt Parameters Task (see Section 2.6.3.3). Otherwise, it must enter the Serving-System Determination Task (see Section 2.6.3.12).

2.6.3.14 Directed Retry.

The mobile station must examine the signal strength on each of the channels listed in $CCLIST_s$ and choose up to two channels with the strongest signals. The mobile station must then tune to the strongest access channel and enter the Retrieve Access Attempts Parameters Task (see Section 2.6.3.3).

2.6.4 Mobile Station Control on the Voice Channel.

2.6.4.1 Loss of Radio-Link Continuity.

While the mobile station is tuned to a voice channel, it must monitor the fade timing status (see Section 2.4.1.3). If the fade timing status is enabled, a fade timer must be started; each time the fade timing status is disabled, the timer must be reset. If the timer counts to 5 seconds, the mobile station must turn off its transmitter; and enter the Serving-System Determination Task (see Section 2.6.3.12).

2.6.4.2 Confirm Initial Voice Channel.

Within 100 ms of the receipt of the initial voice channel designation (see Section 3.7.1.1), the mobile station must determine whether the channel number is within the set allocated to cellular systems, and

• If it is within the allocated set, the mobile station must tune to the designated voice channel, turn on the transmitter at the power level indicated by the VMAC field of the initial voice channel message (see Sections 2.1.2.2 and 3.7.1.1), turn on the SAT transponder (see Section 2.4.1), and set the stored SAT Color Code (SCC_s) to the value of the SCC field of the initial voice channel message (see Section 3.7.1.1).

—If this is an origination access, the mobile station then must enter the Conversation Task (see Section 2.6.4.4).

—If this is a page response access, the mobile station then must enter the Waiting for Order Task (see Section 2.6.4.3.1).

• Otherwise, the mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12).

2.6.4.3 Alerting.

2.6.4.3.1 Waiting for Order.

When this task is entered, an order timer must be set to 5 seconds. The following may occur:

• If the order timer expires the mobile station must turn off the transmitter; then the mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12).

• Within 100 ms of the receipt of any of the orders listed below (see Section 3.7.2), the mobile station must compare SCC_s to the present SAT color code (PSCC) field in the received message. If SCC_s=PSCC, the order must be ignored. If SCC_s=PSCC, the action to be taken for each order is as follows:

—Handoff. Turn on signaling tone for 50 ms, turn off signaling tone, turn off transmitter, adjust power level, tune to new channel, adjust to new SAT, set SCC_s to the value of the SCC field of the message (see Section 2.4.1), turn on transmitter, reset fade timer, remain in the Waiting for Order Task, and reset the order timer to 5 seconds.

—Alert. Turn on signaling tone, wait 500 ms, and enter the Waiting for Answer Task (see Section 2.6.4.3.2).

—Release. Enter Release Task (see Section 2.6.4.5).

—Audit. Send order confirmation message to land station (see Section 2.7.2), remain in the Waiting for Order Task, and reset the order timer to 5 seconds.

—Maintenance. Turn on signaling tone, wait 500 ms, and enter the Waiting for Answer Task (see Section 2.6.4.3.2).

—Change power. Adjust the transmitter to the power level indicated by the order qualification code (see Section 3.7.1.1 and 2.1.2.2) and send order confirmation message to land station (see Section 2.7.2). Remain in the Waiting for Order Task, and reset the order timer to 5 seconds.

—Local Control. If the local control status is enabled (see Section 2.6.1.2.2) and a local control order is received, the local control field must be examined to determine the action and confirmation to take.

—Any other order. Ignore order.

2.6.4.3.2 Waiting for Answer.

When this task is entered, an alert timer must be set to 65 seconds (−0, +20%). The following may occur:

• If the alert timer expires the mobile station must turn off the transmitter; then the mobile station must enter the Serving-System Determination Task (see Section 2.6.3.12).

• If the user answers, signaling tone must be turned off and the Conversation Task (see Section 2.6.4.4) must be entered.

• Within 100 ms of the receipt of any of the orders listed below, the mobile station must compare SCC_s to the PSCC field in the received message. If SCC_s=PSCC, the order must be ignored. If SCC_s=PSCC, the action to be taken for each order is as follows:

—Handoff. Turn off signaling tone for 500 ms, turn on signaling tone for 50 ms, turn off signaling tone, turn off transmitter, adjust power level, tune to new channel, adjust to new SAT, set SCC_s to the value of the SCC field of the message (see Section 2.4.1), turn on transmitter, reset fade timer, and turn on signaling tone. Then remain in the Waiting for Answer Task.

—Alert. Remain in the Waiting for Answer Task, and reset the alert timer to 65 seconds.

—Stop Alert. Turn off signaling tone, and enter the Waiting for Order Task (see Section 2.6.4.3.1).

—Release. Turn off signaling tone, wait 500 ms, and then enter the Release Task (see Section 2.6.4.5).

—Audit. Send order confirmation message to land station (see Section 2.7.2) and remain in the Waiting for Answer Task.

—Maintenance. Remain in the Waiting for Answer Task, and reset the alert timer to 65 seconds.

—Change power. Adjust the transmitter to the power level indicated by the order qualification code (see Sections 3.7.1.1 and 2.1.2.2) and send order confirmation message to land station (see Section 2.7.2). Remain in the Waiting for Answer Task.

—Local Control. If the local control status is enabled (see Section 2.6.1.2.2) and a local control order is received, the local control field must be examined to determine the action and confirmation to take.

—Any other order. Ignore order.

2.6.4.4 Conversation.

When this task is entered, a release-delay timer must be set to 500 ms. If the termination status is enabled (see Section 2.6.3.8), the mobile station must set the termination status to disabled, wait 500 ms and then enter the Release Task (see Section 2.6.4.5).

The following may occur:

• If the user terminates the call, the release-delay timer must be examined. If the timer has expired, the Release Task must be entered (see Section 2.6.4.5). If the timer has not expired, the mobile station must wait until the timer expires and then enter the Release Task.

• If the user requests a flash, a flash must be processed by turning on signaling tone for 400 ms. If a valid order (one which is not ignored) is received while processing a flash, the flash must be terminated immediately and the order must be processed. Flashes so terminated are not considered valid.

• Within 100 ms of the receipt of any of the orders listed below, the mobile station must compare SCC_s to the PSCC field in the received message. If SCC_s=PSCC, the order must be ignored. If SCC_s=PSCC, the action to be taken for each order is as follows:

—Handoff. Turn on signaling tone for 50 ms, turn off signaling tone, turn off transmitter, adjust power level, tune to new channel, adjust to new SAT, set SCC_s to the value of the SCC field of the message (see Section 2.4.1), turn on transmitter, reset fade timer, and remain in the Conversation Task.

—Send Called-Address.

If received within 10 seconds of the completion of the last valid flash, send the called-address to the land station (see Section 2.7.2) and remain in the Conversation Task.

Otherwise, ignore the order and remain in the Conversation Task.

—Alert. Turn on signaling tone, wait 500 ms, and then enter the Waiting for Answer Task (see Section 2.6.4.3.2).

—Release. Examine the release-delay timer. If the timer has expired, the mobile station must enter the Release Task (see Section 2.6.4.5). If the timer has not expired, the mobile station must wait until the timer expires and then enter the Release Task.

—Audit. Send order confirmation message to land station (see Section 2.7.2) and remain in the Conversation Task.

—Maintenance. Turn on signaling tone, wait 500 ms, and then enter the Waiting for Answer Task (see Section 2.6.4.3.2).

—Change power. Adjust the transmitter to the power level indicated by the order qualification code (see Sections 3.7.1.1 and 2.1.2.2) and send order confirmation message to land station (see Section 2.7.2). Remain in the Conversation Task.

—Local Control. If the local control status is enabled (see Section 2.6.1.2.2) and a local control order is received, the local control field must be examined to determine the action and confirmation to take.

—Any other order. Ignore order.

2.6.4.5 Release.

The following must be performed:

• Send signaling tone for 1.8 seconds. If a flash (see Section 2.6.4.4) was being sent when this task was entered, signaling tone must continue to be sent and the timing bridged so that no more

than 1.8 seconds of signaling tone is sent.

- Stop sending signaling tone.
- Turn off the transmitter.

The mobile station must then enter the Serving-System Determination Task (see Section 2.6.3.12).

2.7 Signaling Formats.

2.7.1 Reverse Control Channel.

The reverse control channel (RECC) is a wideband data stream sent from the mobile station to the land station. This data stream must be generated at a 10 kilobit/second ±1 bit/second rate. Figure 2.7.1-1 depicts the format of the RECC data stream.

DOTTING	WORD SYNC	CODED DCC *	FIRST WORD REPEATED 5 TIMES	SECOND WORD REPEATED 5 TIMES	THIRD WORD REPEATED 5 TIMES	...
30	11	7	240	240	240	

seizure precursor

DOTTING = 1010...101
WORD SYNC = 11100010010

* DIGITAL COLOR CODE - CODED PER TABLE 2.7.1-1.

REVERSE CONTROL CHANNEL MESSAGE STREAM (Mobile-to-Land)
Figure 2.7.1-1.

Table 2.7.1-1

Coded Digital Color Code

Received DCC	7-Bit coded DCC
00	0000000
01	0011111
10	1100011
11	1111100

All messages begin with the RECC seizure precursor which is composed of a 30-bit dotting sequence (1010 . . . 101), an 11-bit word sync sequence (11100010010), and the coded digital color code (DCC). The 7-bit coded DCC is obtained by translating the received DCC according to Table 2.7.1-1.

Each word contains 48 bits, including parity, and is repeated five times; it is then referred to as a word block. A word is formed by encoding 36 content bits into a (48, 36) BCH code that has a distance of 5, (48, 36; 5). The left-most bit (i.e., earliest in time) shall be designated the most-significant bit. The 36 most-significant bits of the 48-bit field shall be the content bits.

The generator polynomial for the code is the same as for the (40, 28; 5) code used on the forward control channel (see Section 3.7.1).

Each RECC message can consist of one to five words. The types of messages to be transmitted over the reverse control channel are:

- Page Response Message
- Origination Message
- Order Confirmation Message
- Order Message

These messages are made up of combinations of the following five words:

Word A - Abbreviated Address Word

F = 1	NAWC	T	S	E	RSVD = 0	SCM	$MIN1_{23-0}$	P
1	3	1	1	1	1	4	24	12

Word B - Extended Address Word

F = 0	NAWC	LOCAL	ORDQ	ORDER	LT	RSVD = 000...0	$MIN2_{33-24}$	P
1	3	5	3	5	1	8	10	12

Word C - Serial Number Word

F = 0	NAWC	SERIAL	P
1	3	32	12

Word D - First Word of the Called-Address

F = 0	NAWC	1st DIGIT	2nd DIGIT	...	...	...	...	7th DIGIT	8th DIGIT	P
1	3	4	4	4	4	4	4	4	4	12

Word E - Second Word of the Called-Address

F = 0	NAWC = 000	9th DIGIT	10th DIGIT	...	...	15th DIGIT	16th DIGIT	P
1	3	4	4	4	4	4	4	12

The interpretation of the data fields is as follows:

F—First word indication field. Set to '1' in first word and '0' in subsequent words.

NAWC—Number of additional words coming field.

T—T field. Set to '1' to identify the message as an origination or an order; set to '0' to identify the message as an order response or page response.

S—Send serial number field. If the serial number word is sent, set to '1'; if the serial number word is not sent, set to '0'.

E—Extended address field. If the extended address word is sent, set to '1'; if the extended address word is not sent, set to '0'.

SCM—The station class mark field (see Section 2.3.3).

ORDER—Order field. Identifies the order type (see Table 3.7.1–1).

ORDQ—Order qualifer field. Qualifies the order confirmation to a specific action (see Table 3.7.1–1).

LOCAL—Local control field. This field is specific to each system. The ORDER field must be set to local control (see Table 3.7.1–1) for this field to be interpreted.

LT—Last-try code field (see Section 2.6.3.8).

MIN1—First part of the mobile identification number field (see Section 2.3.1).

MIN2—Second part of the mobile identification number field (see Section 2.3.1).

SERIAL—Serial number field. Identifies the serial number of the mobile station (see Section 2.3.2).

DIGIT—Digit field (see Table 2.7.1–2).

RSVD—Reserved for future use; all bits must be set as indicated.

P—Parity field.

Examples of encoding called-address information into the called-address words are given below:

I. If the number 2# is entered, the word is:

NOTE	0010	1100	0000	0000	0000	0000	0000	0000	P
4	4	4	4	4	4	4	4	4	12

II. If the number 13792640 is entered, the word is:

NOTE	0001	0011	0111	1001	0010	0110	0100	1010	P
4	4	4	4	4	4	4	4	4	12

III. If the number *24273258 is entered, the words are:

Word D - First Word of the Called-Address

NOTE	1011	0010	0100	0010	0111	0011	0010	0101	P
4	4	4	4	4	4	4	4	4	12

Word E - Second Word of the Called-Address

NOTE	1000	0000	0000	0000	0000	0000	0000	0000	P
4	4	4	4	4	4	4	4	4	12

NOTE: These four bits depend on the type of message.

Table 2.7.1-2

Digit Code

Digit	Code	Digit	Code
1	0001	7	0111
2	0010	8	1000
3	0011	9	1001
4	0100	0	1010
5	0101	*	1011
6	0110	#	1100
		Null	0000

Note:
(1) The digit 0 is encoded as binary "ten"; not binary "zero."
(2) The code 0000 is the null code, indicating no digit present.
(3) All other four-bit sequences are reserved, and must not be transmitted.

2.7.2 Reverse Voice Channel.

The revese voice channel (RVC) is a wideband data stream sent from the mobile station to the land station. This data stream must be generated at a 10 kilobit/second ±1 bit/second rate. Figure 2.7.2–1 depicts the format of the RVC data stream.

DOTTING	W.S.	REPEAT 1 OF WORD 1	DOT.	W.S.	REPEAT 2 OF WORD 1
101	11	48	37	11	48

DOT.	W.S.	REPEAT 3 OF WORD 1	DOT.	W.S.	REPEAT 4 OF WORD 1	DOT.	W.S.	REPEAT 5 OF WORD 1
37	11	48	37	11	48	37	11	48

DOT.	W.S.	REPEAT 1 OF WORD 2	...	...	REPEAT 5 OF WORD 2
37	11	48			48

DOTTING = 1010...101
W.S. = 11100010010

REVERSE VOICE CHANNEL MESSAGE STREAM (Mobile-to-Land)
Figure 2.7.2-1.

A 37-bit dotting sequence (1010 . . . 101) and an 11-bit word sync sequence (11100010010) are sent to permit land stations to achieve synchronization with the incoming data, except at the first repeat of word 1 of the message where a 101-bit dotting sequence is used. Each word contains 48 bits, including parity, and is repeated five times together with the 37-bit dotting and 11-bit word sync sequences; it is then referred to as a word block. For a multi-word message, the second word block is formed the same as the first word block including the 37-bit dotting and 11-bit word sync sequences. A word is formed by encoding the 36 content bits into a (48, 36) BCH code that has a distance of 5, (48, 36; 5). The left-most bit (i.e., earliest in time) shall be designated the most-significant bit. The 36 most-significant bits of the 48-bit field shall be the content bits. The generator polynomial for the code is the same as for the (40,28;5) code used on the forward control channel (see Section 3.7.1).

Each RVC message can consist of one or two words. The types of messages to be transmitted over the reverse voice channel are:

- Order Confirmation Message.
- Called-Address Message.

The message formats are as follows:

Order Confirmation Message

F	NAWC	T				RSVD	
–	–	–	LOCAL	ORDQ	ORDER	–	P
1	00	1				000...0	
1	2	1	5	3	5	19	12

Called-Address Message

Word 1 - First Word of the Called-Address

F	NAWC	T									
–	–	–	1st	2nd	...	...	...	...	7th	8th	P
1	01	0	DIGIT	DIGIT					DIGIT	DIGIT	
1	2	1	4	4	4	4	4	4	4	4	12

Word 2 - Second Word of the Called-Address

F	NAWC	T									
–	–	–	9th	10th	...	...	...	...	15th	16th	P
0	00	0	DIGIT	DIGIT					DIGIT	DIGIT	
1	2	1	4	4	4	4	4	4	4	4	12

The interpretation of the data fields is as follows:

F—First word indication field. Set to '1' in first word and '0' in second word.
NAWC—Number of additional words coming field.
T—T field. Set to '1' to identify the message as an order confirmation. Set to '0' to identify the message as a called-address.
DIGIT—Digit field (see Table 2.7.1–2).
ORDER—Order field. Identifies the order type (see Table 3.7.1–1).
ORDQ—Order qualifier field. Qualifies the order confirmation to a specific action (see Table 3.7.1–1).
LOCAL—Local Control field. This field is specific to each system. The ORDER field must be set to local control (see Table 3.7.1–1) for this field to be interpreted.
RSVD—Reserved for future use: all bits must be set as indicated.
P—Parity field.

3. Land Station.

3.1 Transmitter.

3.1.1 Frequency Parameters.

3.1.1.1 Channel Spacing and Designation.

The land station transmit channel at 870.030 MHz (and the corresponding mobile station transmit channel at 825.030 MHz) shall be termed channel number 1. See § 22.902 of the Commission's Rules.

3.1.1.2 Frequency Tolerance.

See § 22.101(a) of the Commission's Rules.

3.1.2 Power Output Characteristics.

Maximum effective radiated power (ERP) and antenna height above average terrain (HAAT) must be coordinated locally on an ongoing basis. See §§ 22.107(b) and 22.904 of the Commission's Rules.

3.1.3 Modulation Characteristics.

3.1.3.1 Voice Signals.

The (FM) modulator is preceded by the following four voice-processing stages (in the order listed):

- Compressor
- Pre-Emphasis
- Deviation Limiter
- Post Deviation-Limiter Filter (See § 22.907(a) of the Commission's Rules).

3.1.3.1.1 Compressor.

This stage must include the compressor portion of a 2:1 syllabic compandor. For every 2 dB change in input level to a 2:1 compressor within its operating range, the change in output level is a nominal 1 dB. The compressor must have a nominal attack time of 3ms and a nominal recovery time of 13.5 ms as defined by the CCITT. (Reference: Recommendation G162, CCITT Plenary Assembly, Geneva, May–June 1964, Blue Book, Vol. 111, P. 52.)

The nominal reference input level to the compressor is that corresponding to a 1000 Hz acoustic tone at the expected nominal speech volume level. This level must produce a nominal ±2.9 kHz peak frequency deviation of the transmitted carrier.

3.1.3.1.2 Pre-Emphasis.

The pre-emphasis characteristic must have a nominal + 6dB/octave response between 300 and 3000 Hz.

3.1.3.1.3 Deviation Limiter.

For audio (voice) inputs applied to the transmitter voice-signal processing stages, a land station must limit the instantaneous frequency deviation to ±12 kHz. This requirement excludes supervision signals (see Section 3.4) and wideband data signals (see Section 3.1.3.2). See § 22.906 of the Commission's Rules.

3.1.3.1.4 Post Deviation-Limiter Filter.

See § 22.907(a)(2) of the Commission's Rules.

3.1.3.2 Wideband Data Signals.

3.1.3.2.1 Encoding.

The forward control channel (FOCC) and forward voice channel (FVC) wideband data streams (see Section 3.7) must be further encoded such that each nonreturn-to-zero binary one is transformed to a zero-to-one transition, and each nonreturn-to-zero binary zero is transformed to a one-to-zero transition.

3.1.3.2.2 Modulation and Polarity.

The filtered wideband data stream must then be used to modulate the transmitter carrier using direct binary frequency shift keying. A one (i.e., high state) into the modulator must correspond to a nominal peak frequency deviation 8 kHz above the carrier frequency, and a zero into the modulator must correspond to a nominal peak frequency deviation 8 kHz below the carrier frequency. See § 22.906 of the Commission's Rules.

3.1.4 Limitations on Emissions.

Radiated products from co-located transmitters shall not exceed spurious and harmonic level requirements which would apply to any of the transmitters operated singly.

See § 22.907 of the Commission's Rules.

3.2 Receiver.

3.2.1 Frequency Parameters.

3.2.1.1 Channel Spacing and Designation.

The land station receive channel at 825.030 MHz (and the corresponding mobile station receive channel at 870.030 MHz) shall be termed channel number.

1. See § 22.902 of the Commission's Rules.

3.2.2 Demodulation Characteristics.

3.2.2.1 Voice Signals.

The demodulator is followed by the following two voice-signal processing stages:

- De-Emphasis
- Expandor

3.2.2.1.1 De-emphasis.

The de-emphasis characteristic must have a nominal—6 dB per octave response between 300 and 3000 Hz.

3.2.1.2 Expandor.

This stage must include the expandor portion of a 2:1 syllabic compandor. For every 1 dB change in input level to a 1:2 expandor, the change in output level is a nominal 2 dB. The signal expansion must follow all other demodulation signal processing (including the 6 dB/octave de-emphasis and filtering). The expandor must have a nominal attack time of 3 ms and a nominal recovery time of 13.5 ms as defined by the CCITT. (Reference: Recommendation G162, CCITT Plenary Assembly, Geneva, May–June 1964, Blue Book, Vol. 111, p. 52.)

The nominal reference input level to the expandor is that corresponding to a 1000 Hz tone from a carrier with a ± 2.9 kHz peak frequency deviation.

3.2.3 Limitations on Emissions.

See Subpart C, Part 15 of the Commission's Rules.

3.2.4 Other Receiver Parameters.

System performance is predicated upon receivers meeting EIA minimum performance standard PN 1377 (Recommended Standards for 800 MHz Cellular Land Stations).

3.3 Security and Identification [Reserved]

3.4 Supervision.

3.4.1 Supervisory Audio Tone.

3.4.1.1 SAT Detection [Reserved]

3.4.1.2 SAT Transmission.

Whenever a land station transmitter is active on a voice channel, one of the following tones must be modulated on the carrier with a frequency deviation of ± 2 kHz ± 10 percent:

—5970 Hz.
—6000 Hz.
—6030 Hz.

The frequency tolerance of the tone must be ± 1 Hz. See § 22.906(b) of the Commission's Rules.

3.4.1.3 Fade Timing Status [Reserved]

3.4.2 Signaling Tone Detection [Reserved]

3.5 Malfunction Detection [Reserved]

3.6 Call Processing.

The following sections describe the land station operation to control the mobile station. Frequent references are made to the corresponding sections in the mobile section and to the messages that flow between the land station and the mobile station. It is helpful to read sections 2.6 and 3.6 in parallel and examine the message formats in sections 2.7 and 3.7 at the same time.

3.6.1 Overhead Functions for Mobile Station Initiation.

To control mobile stations executing the Initialization Task (see Section 2.6.1), the following information must be sent in the overhead message train (see Section 3.7.1.2 for the formats of the messages):

- First part of the system identification (SID1).
- Number of paging channels (N).

3.6.2. Mobile Station Control on the Control Channel.

3.6.2.1 Overhead Information.

To control mobile stations monitoring a control channel, the following overhead information must be sent in the system parameter overhead message (see Section 3.7.1.2 for the message formats):

- First part of the system identification (SID1).
- Serial number (S). To require that all mobile stations send their serial numbers during a system access, the S field must be set to '1'; otherwise it must be set to '0'.
- Registration (REGH, REGR). To enable registration for home mobile stations, the REGH field must be set to '1'; otherwise it must be set to '0'. To enable registration for roaming mobile stations, the REGR field must be set to '1'; otherwise it must be set to '0'. If registration is enabled, the land station must support both antonomous and non-autonomous registration by mobile stations.
- Extended Address (E). To require that all mobile stations send both MIN1 and MIN2 during a system access, the E field must be set to '1'; otherwise it must be set to '0'.
- Discontinuous transmission (DTX). To permit mobile stations to use the discontinuous transmission mode on the voice channel, the DTX field must be set to '1'; otherwise it must be set to '0'.
- Number of paging channels (N).
- Read control-filler message (RCF). To require that all mobile stations read a control-filler message before accessing a system on a reverse control channel, the RCF field must be set to '1'; otherwise it must be set to '0'.
- Combined paging/access (CPA). If the access functions are combined with the paging functions on the same set of control channels, the CPA field must be set to '1'. If the access functions are not on the same set of channels as the paging functions, the CPA field must be set to '0'.
- Number of access channels (CMAX).

The following overhead information is sent as required in messages appended to a system parameter overhead message (see Section 3.7.1.2 for message formats):

- Local control. A system may customize operation for home mobile stations and for those roaming mobile stations whose home systems are members of a group by sending local control global action messages.
- New access channels. If the access channel set is not the default set (see Section 2.6.2.1), the new access channel global action message must be sent with the NEWACC field set to the first access channel.
- Registration increment. Each time a mobile station with autonomous registration enabled registers, it increments its next registration ID by a fixed value ($REGINCR_s$; see Section 2.6.3.11). To change this value, the registration increment global action message must be sent with the REGINCR field appropriately set.
- Registration ID. The registration ID message must be sent in order to require that all mobile stations with autonomous registration enabled and with a given or lower next registration ID ($NXTREG_{s-p}$) register.

• Rescan. To require that all mobile stations enter the Initialization Task and scan the dedicated control channels, the rescan global action message must be sent.

3.6.2.2 Page.

To page a mobile station, a mobile station control message must be sent (see Section 3.7.1.1). Home mobile stations may be paged with a one-word or a two-word message. Roaming mobile stations must be paged with a two-word message.

3.6.2.3 Order.

Orders must be sent to mobile stations with a two-word mobile station control message (see Section 3.7.1.2). The following orders may be transmitted:

• Audit.
• Local control.

3.6.2.4 Local Control.

A cellular system may customize operation for home mobile stations, and for those roaming mobile stations whose home systems are members of a group, by sending local orders with the order field set to local control (which informs the mobile station to examine the local control field), and by sending one or both of two local control global action overhead messages (see Sections 3.7.1.1, 3.7.1.2.2 and 3.7.2).

A group of systems is formed by participating systems agreeing to a common set of local control protocols and by using system identifications (SID) that have identical group identifications.

3.6.3 Land Station Support of System Access by Mobile Stations.

3.6.3.1 Overhead Information.

The following information must be sent on a forward control channel to support system access by mobile stations (see Section 3.7.1.2 for message formats):

• Digital color code (DCC). The DCC is transmitted from the land station to the mobile station. The mobile station then uses the DCC to identify to the land station which land station transmitter the mobile station is receiving.

• Control mobile attenuation code (CMAC). The CMAC must be transmitted from the land station to the mobile station in the control-filler message if the mobile station must adjust its transmitter power level before accessing a system on a reverse control channel. The translation of the CMAC field to transmitter power level depends on the mobile station's power class as indicated by its station class mark (SCM_p) (see Sections 2.1.2.2 and 2.3.3). When not required, the CMAC field must be set to '000'. To require that mobile stations read a control-filler message prior to system access, the RCF field must be set to '1' in the system parameter overhead message.

• Wait-for-overhead-message (WFOM). If the mobile station must wait for an overhead message train before accessing a system on a reverse control channel, then the WFOM field must be set to '1' in the control-filler message; otherwise it must be set to '0'.

• Overload control (OLC). If the mobile stations assigned to one or more of the 16 overload classes must not access the system for originations on the reverse control channel, the overload control global action message must be appended to a system parameter overhead message. When this message is appended, the overload class fields corresponding to the restricted overload classes must be set to '0', and the remaining overload class fields must be set to '1'.

• Access type parameters. If a mobile station must not check for an idle-to-busy status transition on the reverse control channel when accessing a system, then the access type parameters global action message with the BIS field set to '0' must be appended to a system parameter overhead message; otherwise the BIS field must be set to '1' whenever the message is appended.

• Access attempt parameters. If the default values for the number of seizure attempts and/or the limit on the number of busy occurrences for mobile stations accessing the reverse control channel must not be used, then the access attempt parameters global action message must be appended to a system parameter overhead message.

3.6.3.2 Reverse Control Channel Seizure by a Mobile Station.

If mobile stations must check for an idle-to-busy status transition on a reverse control channel when accessing a system (i.e., the BIS field is set to '1'), then whenever the land station receives a seizure precursor (see Section 2.7.1) which matches its encoded form of the digital color code with 1 or no bit errors, it must set the status of the busy-idle bits on the forward control channel to busy within 1.2 ms. of receipt of the last bit of the seizure precursor. The busy-idle bits must remain busy until the minimum of:

—30 ms. after the last bit of the last word of the message has been received, or,

—175 ms. has elapsed.

3.6.3.3 Response to Mobile Station Messages.

Whenever the mobile station sends a message to the land station, it is not required that the land station respond to the message. During periods of overload and/or high usage, it may be desirable to permit mobile stations to "time-out" rather than sending release or other orders which use system capacity.

The following responses to mobile station messages may be sent:

• Origination message. Send one of the following orders:
—Initial voice channel designation,
Directed retry,
—Intercept,
—Reorder.

• Page response message. Send one of the following orders:
—Initial voice channel designation,
—Directed retry,
—Release.

• Order message. Send one of the following orders:
—Order confirmation,
—Release.

• Order confirmation message. No message is sent.

3.6.4 Mobile Station Control on Voice Channel.

Whenever the mobile station is transmitting on a voice channel, changes in the status of the supervisory audio tone (SAT) and signaling tone (ST) are used to signal the occurrence of certain events during the progress of a call. These events include confirming orders, sending a release request, sending a flash request, and loss of radio-link continuity. The mobile station will signal these events by changing the status of the SAT and ST, abbreviated (SAT, ST), in a prescribed manner (see Section 2.6.4). These status changes must be detected by the land station and interpreted within the context of the task the land station is in as a message which identifies the event signaled by the mobile station. Requirements concerning these land station actions are described below. In the following sections, the (0,1) status shall always be treated as the (0,0) status.

In addition to the analog signaling to and from the mobile station, digital messages can be sent to the mobile station and received from the mobile station. The response to a digital message sent to the mobile station will be either be a digital message or a status change of SAT and ST.

3.6.4.1 Loss of Radio-Link Continuity [Reserved]

3.6.4.2 Initial Voice Channel Confirmation.

Confirmation that a mobile station has successfully tuned to its initial designated voice channel will be received by the land station as a change in the SAT, ST status from (0,0) to (1,0).

If the confirmation is not received, the land station must either resend the message or turn off the voice channel transmitter.

Following confirmation, if the mobile station was paged, the land station must enter the Waiting for Order Task (see Section 3.6.4.3.1); otherwise, the land station must enter the Conversation Task (see Section 3.6.4.4).

3.6.4.3 Alerting.

3.6.4.3.1 Waiting for Order.

When the mobile station confirms the initial voice channel designation after having been paged, it enters this task. The following orders can be sent to mobile station, with the resultant confirmation and action to be taken as follows:

• Handoff. The mobile station confirms the order by a change in the SAT, ST status from (1,0) to (1,1), with the (1,1) status held for 50 ms. The land station must remain in the Waiting for Order Task.

• Alert. The mobile station confirms the order by a change in the SAT, ST status from (1,0) to (1,1). The land station must then enter the Waiting for Answer Task (see Section 3.6.4.3.2).

• Release. The mobile station confirms the order by a change of the SAT, ST status from (1,0) to (1,1), with the (1,1) status held for 1.8 seconds. The land station must then turn off the transmitter.

• Audit. The mobile station confirms the order by a digital message (see Section 2.7.2). The land station must remain in the Waiting for Order Task.

• Maintenance. The mobile station confirms the order by a change in the SAT, ST status from (1,0) to (1,1). The land station must then enter the Waiting for Answer Task (see Section 3.6.4.3.2).

• Change power. The mobile station confirms the order by a digital message (see Section 2.7.2). The land station must remain in the Waiting for Order Task.

• Local control. The confirmation and action depend on the message.

3.6.4.3.2 Waiting for Answer.

When this task is entered, an alert timer must be set to 30 seconds. The following orders can be sent with the confirmation and action to be taken as follows:

• Handoff. The mobile station confirms the order by changing the SAT, ST status from (1,1) to (1,0) for 500 ms, followed by a change in the status from (1,0) to (1,1), with the (1,1) status held for 50 ms, on the old channel. Then a (1,1) status is sent on the new channel. The land station must remain in the Waiting for Answer Task.

• Alert. No confirmation is received. The land station must reset the alert timer to 30 seconds, and remain in the Waiting for Answer Task.

• Stop alert. The mobile station confirms the order by a change in the SAT, ST status from (1,1) to (1,0). The land station must then enter the Waiting for Order Task.

• Release. The mobile station confirms the order by a change in the SAT, ST status from (1,1) to (1,0) for 500 ms, followed by a change in the status from (1,0) to (1,1), with the (1,1) status held for 1.8 seconds. The land station must then turn off the transmitter.

• Audit. The mobile station confirms the order by a digital message (see Section 2.7.2). The land station must remain in the Waiting for Answer Task.

• Maintenance. No confirmation is received. The land station must reset the alert timer to 30 seconds and remain in the Waiting for Answer Task.

• Change power. The mobile station confirms the order by a digital message (see Section 2.7.2). The land station must remain in the Waiting for Answer Task.

• Local control. The confirmation and action depend on the message.

The mobile station signals an answer by a change in the SAT, ST status from (1,1) to (1,0). The land station must then enter the Conversation Task (see Section 3.6.4.4).

3.6.4.4 Conversation.

While the land station is in the Conversation Task, the following orders can be sent to the mobile station, with confirmation and action to be taken as follows:

• Handoff. The mobile station confirms the order by a change in the SAT, ST status from (1,0) to (1,1), with the (1,1) status held for 50 ms. The land station must remain in the Conversation Task.

• Send called address. The mobile station confirms the order by a digital message with the called-address information (see Section 2.7.2). The action to be taken will depend on the called-address information.

• Alert. The mobile station confirms the order by a change in the SAT, ST status from (1,0) to (1,1). The land station must then enter the Waiting for Answer Task (see Section 3.6.4.3.2).

• Release. The mobile station confirms the order by a change in the SAT, ST status from (1,0) to (1,1), with the (1,1) status held for 1.8 seconds. The land station must turn off the transmitter.

• Audit. The mobile station confirms the order by a digital message (see Section 2.7.2). The land station must remain in the Conversation Task.

• Maintenance. The mobile station confirms the order by a change in the SAT, ST status from (1,0) to (1,1). The land station must then enter the Waiting for Answer Task (see Section 3.6.4.3.2).

• Change power. The mobile station confirms the order by a digital message (see Section 2.7.2). The land station must remain in the Conversation Task.

• Local control. The confirmation and action depend on the message.

In addition, the following messages can be received autonomously from the mobile station:

• Flash request. The mobile station signals a flash by a change in the SAT, ST status from (1,0) to (1,1), with the (1,1) status held for 400 ms followed by a transition to the (1,0) status.

• Release. The mobile station signals a release by a change in the SAT, ST status from (1,0) to (1,1) with the (1,1) status held for 1.8 seconds. The land station must turn off the transmitter.

3.7 Signaling Formats.

3.71 Forward Control Channel.

The forward control channel (FOCC) is a continuous wideband data stream sent from the land station to the mobile station. This data stream must be generated at a 10 kilobit/second ±0.1 bit/second rate. Figure 3.7.1–1 depicts the format of the FOCC data stream.

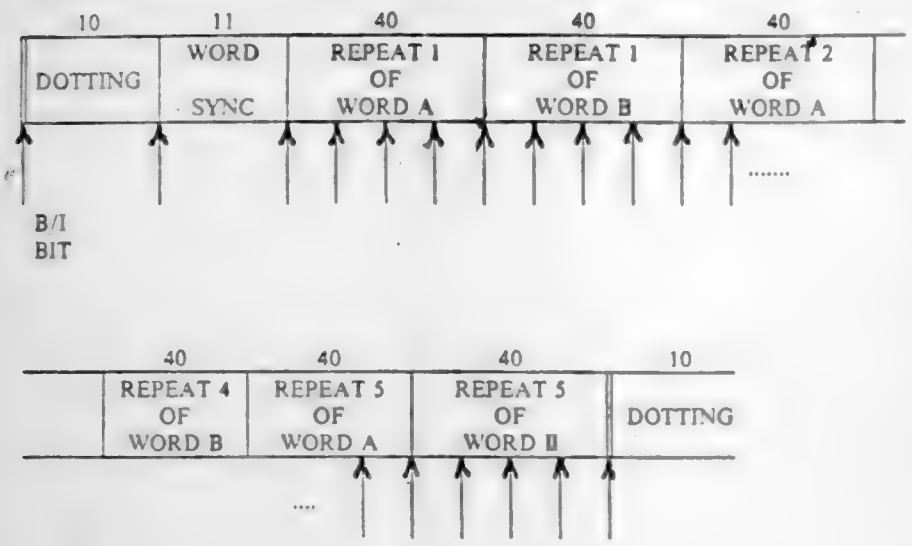

DOTTING = 1010...101
WORD SYNC = 11100010010

NOTE:
1)A GIVEN MOBILE READS ONLY ONE OF THE TWO INTERLEAVED MESSAGES.

2)BUSY-IDLE BITS ARE INSERTED AT EACH ARROW

FORWARD CONTROL CHANNEL MESSAGE STREAM (Land-to-Mobile)
Figure 3.7.1-1.

Each forward control channel consists of three discrete information streams, called stream A, stream B, and busy-idle stream, that are time-multiplexed together. Messages to mobile stations with the least significant bit of their mobile identification number (see Section 2.3.1) equal to '0' are sent on stream A, and those with the least-significant bit of their mobile identification number equal to '1' are sent on stream B.

The busy-idle stream contains busy-idle bits, which are used to indicate the current status of the reverse control channel. The reverse control channel is busy if the busy-idle bit is equal to '0' and idle if the busy-idle bit is equal to '1'. A busy-idle bit is located at the beginning of each dotting sequence, at the beginning of each word sync sequence, at the beginning of the first repeat of word A, and after every 10 message bits thereafter.

A 10-bit dotting sequence (1010101010) and an 11-bit word sync sequence (11100010010) are sent to permit mobile stations to achieve synchronization with the incoming data. Each word contains 40 bits, including parity, and is repeated five times; it is then referred to as a word block. For a multi-word message, the second word block and subsequent word blocks are formed the same as the first word block including the 10-bit dotting and 11-bit word sync sequences. A word is formed by encoding 28 content bits into a (40, 28; 5) [1] BCH code. The left-most bit (i.e., earliest in time) shall be designated the most-significant bit. The generator polynomial for the (40, 28; 5) BCH code is

$$g_{(0)}(x) = X^{12}+X^{10}+X^{8}+X^{5}+X^{4}+X^{3}+X^{0}.$$

The code, a shortened version of the primitive (63, 51; 5) BCH code, is a systematic linear block code with the leading bit as the most significant information bit and the least-significant bit as the last parity-check bit.

Each FOCC message can consist of one or more words. The types of messages to be transmitted over the forward control channel are:

- Mobile station control message
- Overhead message
- Control-Filler message

Control-filler messages may be inserted between messages and between word blocks of a multi-word message.

The following sections contain descriptions of the message formats that the land station transmits over either stream A or B. For purposes of format presentation and explanation, the busy-idle bits have been deleted in the discussion of the message formats.

3.7.1.1 Mobile Station Control Message.

The mobile station control message can consist of one, two, or four words.

BILLING CODE 6712-01-M

Word 1 - Abbreviated Address Word

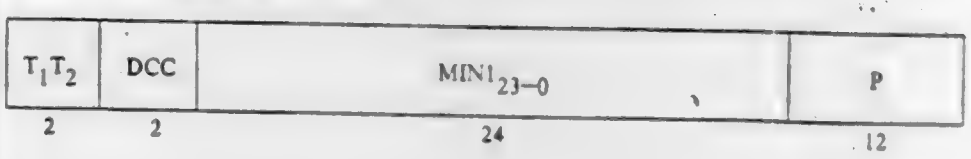

Word 2 - Extended Address Word

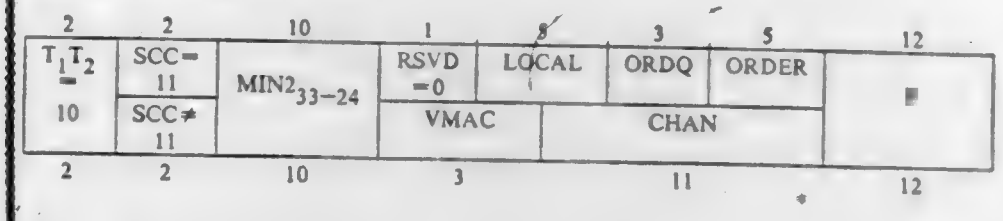

Word 3 - First Directed-Retry Word

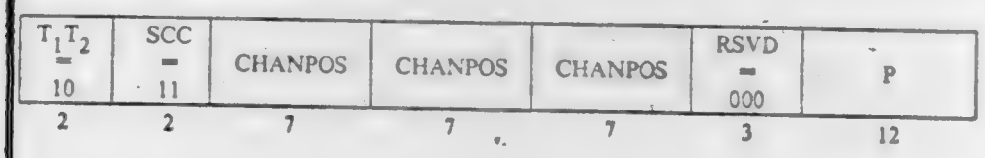

Word 4 - Second Directed-Retry Word

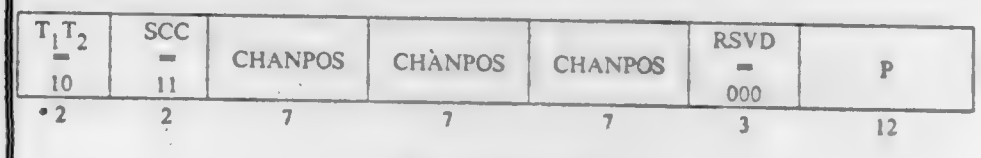

BILLING CODE 6712-01-C

The interpretation of the data fields is as follows:

T_1T_2—Type field. If only Word 1 is sent, set to '00' in Word 1. If a multiple-word message is sent, set to '01' in Word 1 and set to '10' in each additional word.
DCC—Digital color code field.
MIN1—First part of the mobile identification number field (see Section 2.3.1).
MIN2—Second part of the mobile identification number field (see Section 2.3.1).
SCC—SAT color code (see Table 3.7.1–2).
ORDER—Order field. Identifies the order type (see Table 3.7.1–1).
ORDQ—Order qualifier field. Qualifies the order to a specific action (See Table 3.7.1–1).
LOCAL—Local control field. This field is specific to each system. The ORDER field must be set to local control (see Table 3.7.1–1) for this field to be interpreted.
VMAC—Voice mobile attenuation code field. Indicates the mobile station power level associated with the designated voice channel (see Table 2.1.2–1).
CHAN—Channel number field. Indicates the designated voice channel.
CHANPOS—Channel position field. Indicates the position of a control channel relative to the first access channel ($FIRSTCHA_s$).
RSVD—Reserved for future use, all bits must be set as indicated.
P—Parity field.

Table 3.7.1-1.—*Order and Order Qualification Codes*

Order code	Order qualification code	Function
00000	000	Page (or origination)
00001	000	Alert.
00011	000	Release.
00100	000	Reorder.
00110	000	Stop alert.
00111	000	Audit.
01000	000	Send called-address.
01001	000	Intercept.
01010	000	Maintenance.
01011	000	Change power to power level 0 (see Section 2.1.2.2).
01011	001	Change power to power level 1.
01011	010	Change power to power level 2.
01011	011	Change power to power level 3.
01011	100	Change power to power level 4.
01011	101	Change power to power level 5.
01011	110	Change power to power level 6.
01011	111	Change power to power level 7.
01100	000	Directed retry—not last try.
01100	001	Directed retry—last try.
01101	000	Non-autonomous registration—do not make whereabouts known.
01101	001	Non-autonomous registration—make whereabouts known.
01101	010	Autonomous registration—do not make whereabouts known.
01101	011	Autonomous registration—make whereabouts known.

Table 3.7.1-1.—*Order and Order Qualification Codes*—Continued

Order code	Order qualification code	Function
11110	000	Local control.

(All other codes are reserved.)

Table 3.7.1-2

SAT Color Code (SCC)

Bit pattern	SAT frequency
00	5970 Hz.
01	6000 Hz.
10	6030 Hz.
11	Not a channel designation.

3.7.1.2 Overhead Message.

A three-bit OHD field is used to identify the overhead message types. Overhead message type codes are listed in Table 3.7.1–3, and are grouped into the following functional classes:

- System parameter overhead message,
- Global action overhead message,
- Registration identification message,
- Control-filler message.

Overhead messages are sent in a group called an overhead message train. The first message of the train must be the system parameter overhead message. The desired global action messages and/or a registration ID message must be appended to the end of the system parameter overhead message. The total number of words in an overhead message train is one more than the value of the NAWC field contained in the first word of the system parameter overhead message. The last word in the overhead message train is identified by a '1' in the END field of that word; the END field of all other words in the train must be set to '0'. For NAWC-counting purposes, inserted control-filler messages (see Section 3.7.1) must not be counted as part of the overhead message train.

The system parameter overhead message must be sent every 0.8 ± 0.3 seconds on each of the following control channels:

- Combined paging-access forward control channel (i.e., CPA = 1, see Section 3.7.1.2.1),
- Separate paging forward control channel (i.e., CPA = 0),
- Separate access forward control channel (i.e., CPA = 0) when the control-filler message is sent with the WFOM bit set to '1' (see Section 3.7.1.2.4).

The global action messages and the registration identification message are sent on an as needed basis.

3.7.1.2.1 System Parameter Overhead Message.

The system parameter overhead message consists of two words.

Word 1

T_1T_2 = 11	DCC	SID1	RSVD = 000	NAWC	OHD = 110	P
2	2	14	3	4	3	12

Word 2

T_1T_2 = 11	DCC	S	E	REGH	REGR	DTX	RSVD = ■
2	2	1	1	1	1	1	1

N–1	RCF	CPA	CMAX–1	END	OHD = 111	P
5	1	1	7	1	3	12

The interpretation of the data fields is as follows:

T_1T_2—Type field. Set to '11' indicating an overhead word.
OHD—Overhead message type field. The OHD field of word 1 is set to '110' indicating the first word of the system parameter overhead message. The OHD field of word 2 is set to '111' indicating the second word of the system parameter overhead message.
DCC—Digital color code field.
SID1—First part of the system identification field.
NAWC—Number of additional words coming field. In word 1 this field is set to one fewer than the total

number of words in the overhead message train.
S—Serial number field.
E—Extended address field.
REGH—Registration field for home stations.
REGR—Registration field for roaming stations.
DTX—Discontinuous transmission field.
N–1—N is the number of paging channels in the system.
RCF—Read-control-filler field.
CPA—Combined paging/access field.
CMAX–1—CMAX is the number of access channels in the system.
END—End indication field. Set to '1' to indicate the last word of the overhead message train; set to '0' if not last word.
RSVD—Reserved for future use, all bits must be set as indicated.
P—Parity field.

3.7.1.2.2 Global Action Overhead Message.

Each global action overhead message consists of one word. Any number of global action messages can be appended to a system parameter overhead message.

BILLING CODE 6712-01-M

Rescan Global Action Message

T_1T_2 = 11	DCC	ACT = 0001	RSVD = 000...0	END	OHD = 100	P
2	2	4	16	1	3	12

Registration Increment Global Action Message

T_1T_2 = 11	DCC	ACT = 0010	REGINCR	RSVD = 0000	END	OHD = 100	P
2	2	4	12	4	1	3	12

New Access Channel Set Global Action Message

T_1T_2 = 11	DCC	ACT = 0110	NEWACC	RSVD = 00000	END	OHD = 100	P
2	2	4	11	5	1	3	12

Overload Control Global Action Message

T_1T_2 = 11	DCC =	ACT = 1000	OLC 0	OLC 1	OLC 2	OLC 3	OLC 4	OLC 5	OLC 6	OLC 7
2	2	4	1	1	1	1	1	1	1	1

OLC 8	OLC 9	OLC 10	OLC 11	OLC 12	OLC 13	OLC 14	OLC 15	END	OHD = 100	P
1	1	1	1	1	1	1	1	1	3	12

Access Type Parameters Global Action Message

T_1T_2 = 11	DCC	ACT = 1001	BIS	RSVD = 000...0	END	OHD = 100	P
2	2	4	1	15	1	3	12

Access Attempt Parameters Global Action Message

T_1T_2 = 11	DCC	ACT = 1010	MAXBUSY –PGR	MAXSZTR –PGR
2	2	4	4	4

MAXBUSY –OTHER	MAXSZTR –OTHER	END	OHD = 100	P
4	4	1	3	12

Local Control 1 Message

T_1T_2 = 11	DCC	ACT = 1110	LOCAL CONTROL	END	OHD = 100	P
2	2	4	16	1	3	12

Local Control 2 Message

T_1T_2 = 11	DCC	ACT = 1111	LOCAL CONTROL	END	OHD = 100	P
2	2	4	16	1	3	12

BILLING CODE 6712-01-C

The interpretation of the data fields is as follows:

T_1T_2—Type field. Set to '11' indicating overhead word.
ACT—Global action field. See Table 3.7.1–4.
BIS—Busy-idle status field.
DCC—Digital color code field.
OHD—Overhead message type field. Set to '100' indicating the global action message.
REGINCR—Registration increment field.
NEWACC—New access channel starting point field.
MAXBUSY-PGR—Maximum busy occurrences field (page response).
MAXBUSY-OTHER—Maximum busy occurrences field (other accesses).
MAXSZTR-PGR—Maximum seizure tries field (page response).
MAXSZTR-OTHER—Maximum seizure tries field (other accesses).
OLCN—Overload class field (N = 0 to 15).
END—End indication field. Set to '1' to indicate the last word of the overhead message train; set to '0' if not last word.
RSVD—Reserved for future use, all bits must be set as indicated.
LOCAL CONTROL—May be set to any bit pattern.
P—Parity field.

3.7.1.2.3 Registration ID Message.

The registration ID message consists of one word. When sent, the message must be appended to a system parameter overhead message in addition to any global action messages.

T_1T_2 = 11	DCC	REGID	END	OHD = 000	P
2	2	20	1	3	12

The interpretation of the data fields is as follows:

T_1T_2—Type field. Set to '11' indicating overhead word.
DCC—Digital color code field.
OHD—Overhead message type field. Set to '000' indicating the registration ID message.
REGID—Registration ID field.
END—End indication field. Set to '1' to indicate the last word of the overhead message train; set to '0' if not last word.
P—Parity field.

Table 3.7.1–3

Overhead Message Types

Code	Order
000	Registration ID.
001	Control-filler.
010	Reserved.
011	Reserved.
100	Global action.
101	Reserved.
110	Word 1 of system parameter message
111	Word 2 of system parameter message

Table 3.7.1–4

Global Action Message Types

Action code	Type
0000	Reserved.
0001	Rescan paging channels
0010	Registration increment
0011	Reserved.
0100	Reserved.
0101	Reserved.
0110	New access channel set
0111	Reserved.
1000	Overload control
1001	Access type parameters.
1010	Access attempt parameters
1011	Reserved.
1100	Reserved.
1101	Reserved.
1110	Local control 1.
1111	Local control 2.

3.7.1.2.4 Control-Filler Message.

The control-filler message consists of one word. It is sent whenever there is no other message to be sent on the forward control channel. It may be inserted between messages as well as between word blocks of a multi-word message. The control-filler message is chosen so that when it is sent, the 11-bit word sync sequence (11100010010) will not appear in the message stream, independent of the busy-idle bit status.

The control-filler message is also used to specify a control mobile attenuation code (CMAC) for use by mobile stations accessing the system on the reverse control channel, and a wait-for-overhead-message bit (WFOM) indicating whether or not mobile stations must read an overhead message train before accessing the system.

T_1T_2 = 11	DCC	010111	CMAC	RSVD = 00	11	RSVD = 00	1	WFOM	1111	OHD = 001	P
2	2	6	3	2	2	2	1	1	4	3	12

The interpretation of the data fields is as follows:

T_1T_2—Type field. Set to '11' indicating overhead word.
DCC—Digital color code field.
CMAC—Control mobile attenuation field. Indicates the mobile station power level associted with the reverse control channel (see Table 2.1.2–1).
RSVD—Reserved for future use; all bits must be set as indicated.
WFOM—Wait for overhead-message field.
OHD—Overhead message type field. Set to '001' indicating the control-filler word.
P—Parity field.

3.7.1.3 Data Restrictions.

The 11-bit word-sync sequence (11100010010) is shorter than the length of a word, and therefore can be embedded in a word. Normally, embedded word-sync will not cause a problem because the next word to be sent will not have the word-sync sequence embedded in it. There are, however, three cases in which the word-sync sequence may appear periodically in the FOCC stream. They are:

- the overhead message,
- the control-filler message,
- Mobile station control messages with pages to mobile stations with certain central office codes.

These three cases are handled by (1) restricting the overhead message transmission rate to about once per second, (2) designing the control-filler message to exclude the word-sync sequence, taking into account the various busy-idle bits, and (3) restricting the use of certain central office codes.

If the mobile station control message (see Section 3.7.1.1) is examined with the MIN1 separated into NXX–X–XXX as described in Section 2.3.1 (where NXX is the central office code, N represents a number from 2–9, and X represents a number from 0–9), Table 3.7.1–5 can be constructed to identify the central office codes which will cause the word-sync word to be sent. If a number of mobile stations are paged consecutively with the same central office code, mobile stations that are attempting to synchronize to the data stream may not be able to do so because of the presence of the false word sync sequence. Therefore, the combinations of central office codes and groups of line numbers appearing in Table 3.7.1–5 must not be used for mobile stations.

Table 3.7.1–5

Restricted Central Office Codes

Bit pattern					Central office code	Thousands digit
T_1T_2	DCC	NXX	X	XXX		
01	11	000100(1)0000			175	0 to 9.
01	11	000100(1)0001			176	0 to 9.
01	11	000100(1)0010			177	0 to 9.
01	11	000100(1)0011			178	0 to 9.
01	11	000100(1)0100			179	0 to 9.
01	11	000100(1)0101			170	0 to 9.
01	11	000100(1)0110			181	0 to 9.
01	11	000100(1)0111			182	0 to 9.
0Z	11	100010(0)1000			663	0 to 9.
0Z	11	100010(0)1001			664	0 to 9.
0Z	11	100010(0)1010			665	0 to 9.
0Z	11	100010(0)1011			666	0 to 9.
0Z	Z1	110001(0)0100			899	0 to 9.
0Z	Z1	110001(0)0101			800	0 to 9.
0Z	ZZ	111000(1)0010			909	0 to 9.
00	ZZ	011100(0)1001	0ZZZ		568	1 to 7.
00	ZZ	111100(0)1001	0ZZZ		070	1 to 7.
00	ZZ	001110(0)0100	10ZZ		339	8, 9, 0
00	ZZ	011110(0)0100	10ZZ		595	8, 9, 0
00	ZZ	101110(0)0100	10ZZ		851	8, 9, 0
00	ZZ	111110(0)0100	10ZZ		007	8,9,0
0Z	ZZ	000011(1)0001	0010		150	2.
0Z	ZZ	000111(1)0001	0010		224	2.
0Z	ZZ	001011(1)0001	0010		288	2.
0Z	ZZ	001111(1)0001	0010		352	2.
0Z	ZZ	010011(1)0001	0010		416	2.
0Z	ZZ	010111(1)0001	0010		470	2.
0Z	ZZ	011011(1)0001	0010		544	2.
0Z	ZZ	011111(1)0001	0010		608	2.
0Z	ZZ	100011(1)0001	0010		672	2.
0Z	ZZ	100111(1)0001	0010		736	2.
0Z	ZZ	101011(1)0001	0010		790	2.
0Z	ZZ	101111(1)0001	0010		864	2.
0Z	ZZ	110011(1)0001	0010		928	2.
0Z	ZZ	110111(1)0001	0010		992	2.
0Z	ZZ	111011(1)0001	0010		056	2.
0Z	ZZ	111111(1)0001	0010			2.

NOTES:
(1) In each case, Z represents a bit that may be "1" or "0".
(2) Some codes are not used as central office codes in the US at this time. They are included for completeness.
(3) The bit in parentheses is the busy-idle bit.

3.7.2 Forward Voice Channel

The forward voice channel (FVC) is a wideband data stream sent by the land station to the mobile station. This data stream must be generated at a 10 kilobit/second ±0.1 bit/second rate. Figure 3.7.2–1 depicts the format of the FVC data stream.

DOTTING	W.S.	REPEAT 1 OF WORD	DOT.	W.S.	REPEAT 2 OF WORD
101	11	40	37	11	40

DOT.	W.S.	REPEAT 9 OF WORD	DOT.	W.S.	REPEAT 10 OF WORD	DOT.	W.S.	REPEAT 11 OF WORD
37	11	40	37	11	40	37	11	40

DOTTING = 1010...101
W.S. = 11100010010

FORWARD VOICE CHANNEL MESSAGE STREAM (Land-to-Mobile)
Figure 3.7.2-1.

A 37-bit dotting sequence (1010 . . . 101) and an 11-bit word sync sequence (11100010010) are sent to permit mobile stations to achieve synchronization with the incoming data, except at the first repeat of the word, where the 101-bit dotting sequence is used. Each word contains 40 bits, including parity, and is repeated eleven times together with the 37-bit dotting and 11-bit word sync sequences; it is then referred to as a word block. A word is formed by encoding the 28 content bits into a (40, 28) BCH code that has a distance of 5, (40, 28; 5). The left-most bit (i.e., earliest in time) shall be designated the most-significant bit. The 28 most-significant bits of the 40-bit field shall be the content bits. The generator polynomial is the same as that used for the forward control channel (see Section 3.7.1).

The mobile station control message is the only message transmitted over the forward voice channel. The mobile station control message consistsof one word.

Mobile Station Control Message

2	2	2	9	5	3	5	12
T_1T_2 = 10	SCC = 11	PSCC	RSVD = 000...0	LOCAL	ORDQ	ORDER	P
	SCC ≠ 11		RSVD = 000...0	VMAC	CHAN		
2	2	2	8	3	11		12

The interpretation of the data fields is as follows:

T_1T_2—Type field. Set to '10'.
SCC—SAT color code for new channel (see Table 3.7.1–2).
PSCC—Present SAT color code. Indicates the SAT color code associated with the present channel.
ORDER—Order field. Identifies the order type (see Table 3.7.1–1).
ORDQ—Order Qualifier field. Qualifies the order to a specific action (see Table 3.7.1–1).
LOCAL—Local Control field. This field is specific to each system. The ORDER field must be set to local control (see Table 3.7.1–1) for this field to be interpreted.
VMAC—Voice mobile attenuation code field. Indicates the mobile station power level associated with the designated voice channel (see Table 2.1.2–1).
CHAN—Channel number field. Indicates the designated voice channel.
RSVD—Reserved for future use; all bits must be set as indicated.
P—Parity field.

Statement of Commissioner Joseph R. Fogarty in which Commissioner James H. Quello joins, Concurring in Part

In Re: Report and Order on Rules for Cellular Communications Systems—CC Docket No. 79–318

I write separately here to emphasize that the public interest will be well-served by this Report and Order and by the revolutionary cellular mobile radio technology and service which our action unleashes. That there is a critical need for cellular service *now*—not tomorrow, and certainly not years from now—is abundantly clear. Demand for mobile radio telephone service has far exceeded available supply, particularly in the more heavily populated urban areas of the country. The Illinois Bell developmental market tests have indicated further that the demand for mobile service will be substantially greater than previously anticipated.

Relevant provisions of the Communications Act support and, indeed, in my judgment, mandate prompt Commission action in recognition of the immediate and pressing need of the public for mobile telephone service. Section 1 of the Act, which defines the fundamental purposes for which this agency was established, charges the Commission with making "available, so far as possible, to all the people of the United States a rapid, efficient Nationwide, * * * wire and radio communications service with adequate facilities at reasonable charges * * *." As the Supreme Court has recognized, the ultimate purpose of the Act is "to secure the maximum benefits of radio to all the people of the United States." [1] Additionally, Section 303(g) of the Act directs the Commission to pursue "the larger and more effective use of radio in the public interest."

Our action providing for a separate wireline carrier cellular allocation in all markets for a five-year period is designed specifically to meet these statutory and service imperatives. As the Commission found in its *Second Report and Order* in Docket No. 18262,[2] critical benefits of technical expertise, access to capital, and nation-wide service compatibility and availability will attend the earliest possible construction and provision of cellular service by wireline carriers. These are benefits which the public can enjoy immediately, benefits which no sound

[1] *National Broadcasting Co.* v. *U.S.*, 319 U.W. 190, 217 (1943).
[2] 46 FCC 2d 752, 750 (1974).

and responsible policy analysis can ignore.

While we are attaching paramount importance to the critical need for the expeditious implementation of cellular mobile telephone service, we are not ignoring competitive considerations in reaching this decision. The split-frequency approach which we have adopted allows for two competing cellular systems in every market. The interconnection policy which we have prescribed will require telephone companies to furnish the appropriate and necessary interconnection to cellular systems upon reasonable demand, and upon terms no less favorable than those offered to the cellular systems of their affiliated entities or independent telephone companies. We are promoting a significant second tier of cellular service competition at the retail level by precluding any prohibition on the resale and shared use of cellular services. We are conditioning AT&T's participation in cellular systems and services on its formation of a separate subsidiary which must maintain its own books of account, separate officers, separate operating personnel, and separate computing and switching facilities. Telephone companies may provide cellular terminal equipment but only on an unbundled and detariffed basis, and AT&T may offer such deregulated terminal equipment only through a subsidiary, separate from the subsidiary which will offer cellular service.

We have been careful to consider the value of competition in adopting a regulatory structure for the provision of cellular service, but we have also been mindful that promotion of competition is not the whole of the public interest.[3] Our statutory responsibilities require us to weigh and balance competing objectives of quality, quantity, and timeliness of essential communications service offerings. I believe we have been faithful to those responsibilities in this proceeding, and I believe we have provided a framework for the implementation of cellular service which is firmly based on the overall public interest.

While I enthusiastically join in the bulk of this Report and Order, I am troubled by the Commission's decision to apply the separate subsidiary requirement to *all* wireline carriers participating in the provision of cellular service. Although the Report and Order alludes to a waiver standard for "small" telephone companies, I am concerned that this approach will only clog up the cellular authorization process with paper and litigation. It would be far better to meet any legitimate concerns about safeguarding facilities-based cellular system competition by definitively selecting a standard for the imposition of the separate subsidiary requirement based on the size of the telephone company (e.g., number of main stations or revenues). The Commission's decision on this point will only impede the rapid deployment and offering of cellular technology and service which are so clearly in the public interest. I hope the Commission will remove this unnecessary barrier of over-regulation on reconsideration.

April 14, 1981.

Statement of Commissioner Anne P. Jones, Dissenting in Part

In Re: Report and Order on Rules for Cellular Communications Systems—CC Docket No. 79-318

I feel very strongly that the services which the cellular mobile radio technology can provide should be made available to the public at the earliest possible date. Since AT&T appears to be in the best position to get cellular systems under way quickly, I do not oppose the basic principle of a set aside of one of the two 20 MHz allocations for the wireline carriers. However, I feel that the Commission went too far in establishing a set aside in every market in the country. I believe it would be better to limit the set aside to markets in which it can be demonstrated that there is a present, pressing need for cellular mobile service. As the Commission plan is currently structured, the wireline carrier allocation will be maintained in a given market for five years, even if two or more non-wireline carriers are willing to construct cellular systems in that market while the wireline carrier is not.

I realize that nationwide compatibility of the cellular service is one goal of the Commission in this proceeding. However, nationwide compatibility can be achieved by a combination of the technical standards which we have required and voluntary operational standards which might be agreed upon by the various carriers involved. It is not necessary that wireline carriers provide cellular service in all markets in order to achieve nationwide compatibility.

Further, I am concerned that as a result of the last-minute change by which we allowed the wireline cellular subsidiary to retail cellular services we have lost the structural means to compelling a wholesale tariff. The ability of non-wireline carriers to develop a given market as resellers while waiting for the comparative hearing process to determine which of them is best qualified as the underlying, facility-based cellular carrier was integral to the Commission's plan, which balanced rapid availability of the cellular service with the desire to have this service provided under the most competitive form of supply. Without the structural means of compel a wholesale tariff, I fear that this balance may have been upset. I realize that retailing the cellular service back through the wireline carrier parent corporation is not without problems. Perhaps a resale entity within the wireline cellular subsidiary itself would best achieve our desired result.

Since Petitions for Reconsideration of our decision will doubtlessly be filed, I invite comment on the problems and proposed solutions which I have outlined here.

[FR Doc. 81-14610 Filed 5-20-81; 8:45 am]

BILLING CODE 6712-01-M

[3] *FCC* v. *RCA Communications, Inc.*, 346 U.S. 86, 93 (1953); *Hawaiian Telephone Co.* v. *FCC*, 498 F.2d 771 (D.C. Cir. 1974).

---

47 CFR Part 73

[BC Docket No. 80-515; RM-3573]

Radio Broadcast Services; FM Broadcast Station in Oildale, Calif., Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 237A to Oildale, California, in response to a petition filed by KMAP, Inc. The assignment could provide Oildale with a first local aural service.

EFFECTIVE DATE: July 10, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 11, 1981.

Released: May 14, 1981.

By the Chief, Policy and Rules Division:

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Oildale, California), BC Docket No. 80-515, RM-3573, report and order, (Proceeding Terminated).

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 58612, published

September 4, 1980, in response to a petition filed by KMAP, Inc. ("petitioner"), proposing the assignment of FM Channel 237A to Oildale, California, as that community's first FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Oildale (population 20,709), in Kern County (population 341,900),[1] is located approximately 10 kilometers (6 miles) northwest of Bakersfield. Channel 237A could be assigned to Oildale in compliance with the minimum distance separation requirements.

3. In support of its proposal, petitioner submitted information with respect to Oildale which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 237A to Oildale, California. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in 4[illegible], 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, That effective July 10, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Oildale, Calif.	237A

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-15234 Filed 5-20-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 90

[PR Docket No. 80-416; RM-3428; FCC 81-186]

Amendment of the Commission's Rules To Allow the Use of Digital Voice Modulation in the Power Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC is amending its Rules on private land mobile radio service to permit licensees in the Power Radio Service to use digital voice modulation in their radio communications. It has been determined that this action serves the public interest, convenience and necessity.

EFFECTIVE DATE: June 22, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: William P. Berges, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: April 23, 1981.

Released: May 11, 1981.

By the Commission: Commissioner Fogarty issuing a separate statement.

Introduction

In the Matter of an amendment of Part 90 of the Commission's Rules and Regulations to allow the use of digital voice modulation in the Power Radio Service, PR Docket No. 80-416, RM-3428, first report and order.

1. We have before us for consideration adoption of rules in which we proposed [1] to amend Part 90 of the Commission's Rules to permit the use of digital voice systems in the Power Radio Service.

Background

2. Presently, voice communications in the private land mobile services are limited to analog (A3 or F3) emissions. The only exception is in the Police and Fire Radio Services where digital voice (F3Y) emission is permitted on the same frequencies that are normally utilized for analog voice emissions. While communications of analog and digital voice systems can be secured using encryption (scrambling) techniques, communications of digital voice scrambled systems provide a much higher degree of security than communications of analog voice scrambled systems. In our action in Docket No. 21142 we limited the use of digital voice systems to these highly coordinated services with high security needs because we were concerned that the sharing of frequencies by analog and digital voice systems would interfere with the existing analog voice operations.[2] Accordingly, in our *First Report and Order* in Docket No. 21224,[3] we said "* * * we believe that considering the untried nature of digital voice modulation, it would be prudent to restrict its authorization to those services where re-use of a frequency in a particular geographic area is at a minumum, or where such use is carefully coordinated among licensees engaged in essentially similar activities."

3. In a petition for rulemaking (RM-3428), The Utilities Telecommunications Council (UTC) noted that the Federal Government [4] and the utilities industry are concerned about attempts to intercept communications of the utilities in general and nuclear power facilities in particular, and requested the Commission to allow Power Radio Service licensees to secure their communications through the use of digital voice scrambled systems. In support, UTC noted that the Power Radio Service is coordinated and there is a need for security of communications by eligibles in this service and it maintained it satisfied the requirements laid down in Docket 21142, *supra*. The Commission recognized the merits of these arguments and on July 23, 1980, we adopted the *Notice of Proposed Rule Making* to amend our rules to authorize the use of digital voice scrambled systems in the Power Radio Service.

Review of Comments

4. The parties which filed comments and replies are listed in the Appendix. There was no opposition to our proposal. Some parties also recommended strongly that the general

[1] See *Notice of Proposed Rule Making*, Docket No. 80-416, FCC 80-447, released August 15, 1980, published on August 19, 1980 (45 FR 55245).

[2] See generally, *First Report and Order*, Docket No. 21142, FCC 78-70, released February 9, 1978.

[3] *Id.* at paragraph 5.

[4] Section 73.55 of the Nuclear Regulatory Commission's Rules and Regulations (10 CFR 73.55) details the requirements for the protection of nuclear power facilities against industrial sabotage.

use of digital voice scrambled systems should be permitted in many other land mobile radio services. For instance, Motorola, Inc. urged the Commission to expand the use of these systems to all highly coordinated radio services. Some other parties opposed their general use but supported their operation for the transmission of selected types of communications only. For instance, the Central Committee on Telecommunications of the American Petroleum Institute urged the Commission to permit licensees in the Petroleum Radio Service to use digital voice scrambled systems, but only for those types of communications that are related to the protection of corporate personnel and property.

Decision

5. We have reviewed the comments and replies submitted in response to our *Notice* carefully. In view of the support for our proposal we have decided to authorize the use of digital voice scrambled systems in the Power Radio Service. There was no opposition to this proposal and we conclude, after weighing the various factors involved, including the likelihood of interference and the ability to detect its source and resolve the problems, that adoption of rules permitting licensees in this coordinated service to employ digital scrambling techniques for high security communications serves the public interest, convenience and necessity.

We also believe the comments which urged the Commission to expand this use to other land mobile radio services deserve greater consideration. We feel, however, that these requests are beyond the scope of our original Notice and that these needs and the needs of users in uncoordinated services is not sufficiently known. We therefore have decided to explore this issue more fully in our accompanying *Further Notice of Proposed Rule Making.*[5]

6. Accordingly, it is ordered, that pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 90 of the Commission's Rules is amended, effective June 22, 1981, as set forth in the attached Appendix B. It is further ordered that the Secretary shall cause a copy of this First Report and Order to be published in the **Federal Register**.

7. For further information concerning this document, you may contact William P. Berges, (202) 632–6497.

[5] See *Further Notice of Proposed Rule Making*, Docket No. 80–416, FCC released May 12, 1981, published in this issue of the **Federal Register**.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

APPENDIX A

Parties Filing Comments and Reply Comments

Comments

Utilities Telecommunications Council (UTC)
Special Industrial Radio Service Association, Inc. (SIRSA)
Central Committee on Telecommunications of the American Petroleum Institute (API)
Manufacturers Radio Frequency Advisory Committee (MRFAC)
Motorola, Inc. (Motorola)

Reply Comments

Utilities Telecommunications Council (UTC)
Motorola, Inc. (Motorola)
Associated Public Safety Communications Officers, Inc. (APCO)

APPENDIX B

Part 90 of the Commission's Rules is amended as follows:

1. Section 90.63 is amended by adding paragraph (g) to read as follows:

§ 90.63 Power radio service.

* * * * *

(g) Digital emission. A licensee may use F3Y (digital voice) or F9Y (digital data) emission subject to the provisions of §§ 90.175 and 90.233.

2. Section 90.207, paragraph (k) is revised to read as follows:

§ 90.207 Types of emission.

* * * * *

(k) For stations in the Fire, Police and Power Radio Services utilizing digital voice modulation in either the scrambled or unscrambled mode F3Y emission will be authorized. Authorization to use F3Y emission is construed to include the use of F9Y emission subject to the provisions of § 90.233.

* * * * *

3. Section 90.212, paragraph (b) is revised to read as follows:

§ 90.212 Provisions relating to the use of scrambling devices and digital voice modulation.

* * * * *

(b) The use of digital scrambling techniques or digital voice modulation requires the specific authorization of F3Y emission, and this emission will be authorized only to stations in the Police, Fire and Power Radio Services, subject to the provisions of paragraph (d) of this Section and paragraph (c) of § 90.385.

* * * * *

4. Section 90.385, paragraph (c) is revised to read as follows:

§ 90.385 Restrictions and limitations on permissible communications, on use, and on mode of operation.

* * * * *

(c) Notwithstanding any contrary provisions in this subpart, a system licensed for use by a person or entity eligible under Subparts B, C, D, or E of this part may be employed for any purpose or operated in any manner, including the use of F2, F4, F9, and F9Y emissions and in the Police, Fire and Power Radio Services only, F3Y emission which is consistent with the regulations governing the service in which the user is eligible; Provided, That the loading standard which applies to the system is met and the channel or channels are assigned to that person or entity for its exclusive use.

Statement of Commissioner Joseph R. Fogarty

In Re: Amendment of Part 90 of the Commission's Rules and Regulations to Allow the Use of Digital Voice Modulation in the Power Radio Service.

The time has come for the Commission to develop an overall policy on the question of the privacy and security of the telecommunications network. During the last two decades the potential for invasion of the privacy of communication and the violation of the integrity of the communications network has increased alarmingly. This situation developed with the prodigious expansion of communication services and the rapid growth of communication technologies. New technologies have increased the sophistication and capabilities of virtually all forms of communications. Unfortunately, these new technologies have also contributed to the development of refined tools suitable to be used for unauthorized interception and tampering with modern communication services. More sensitive and less expensive monitoring devices, interception systems and computerized processing hardware and software have created a potential for unauthorized surveillance, interception, tampering and use heretofore unknown. The growing network of computer terminals and communication links now provides many access points as well as the necessary equipment for those bent on unauthorized interception and use of information. The intensified employment of terrestrial microwave and satellite facilities has resulted in a growing problem involving the theft of material contained in MDS, STV and satellite transmissions. Cable, while not easily penetrated, is not impregnable. In addition, increasing reliance on electronic communication is enhancing incentives towards these illicit activities.

Such developments raise a myriad of serious issues concerning the privacy and security of the telecommunications network which the Commission is obligated to confront. It is clear from provisions of the

Communications Act, the United States Criminal Code, and our prior decisions that the privacy of communications must be protected and that any potential threat to privacy is a cause for grave concern on our part. *See U.S.* v. *Sudgen*, 226 F.2d 281 (9th Cir. 1956); *KMLA Broadcasting Corp.* v. *Twentieth Century Cigarette Vendors Corp.*, 264 F. Supp. 35 (D.C. Cal. 1967); *Jochnowitz* v. *N.Y. Telephone Co.*, 32 FCC 2d 858, 84 (1972). As we have stated previously, we do not believe it to be consistent with the public interest to permit any "new product of man's ingenuity to destroy our traditional right to privacy." *Amendment of Parts 2 and 15*, 2 FCC 2d 641, 644 (1966). Unfortunately, aside from issuing staff papers and holding seminars, the Commission has never developed an overall policy designed to ensure that the privacy and security of the network is maintained.

The privacy and security question affects all of the areas that the Commission regulates—Broadcast, Common Carrier, Private Radio and Cable. The Commission is literally sitting on a "time bomb." We have already had complaints from MDS and STV operators concerning theft of service and the illegal manufacture and sale of equipment to affect such thievery. This problem has apparently reached epidemic proportions in Los Angeles. Moreover, there are currently in progress throughout the country a number of lawsuits concerning theft of STV service.[1] In service complaints in the DBS and cellular areas. The problem is not merely domestic in scope. Internationally, the privacy problem has created important questions concerning transborder data flows which threaten to inhibit the free flow of information worldwide.

The law is unclear with conflicting cases even within adjoining districts.[2] Section 605 of the Communications Act is antiquated while Chapter 119 of the Omnibus Crime Control and Safe Streets Act of 1968, with its emphasis on oral communications, is not readily adaptable to new technology.

Now is the time for the Commission to bring order to this chaos. I recommend that the Commission form a task force, including representatives from other interested agencies and departments of the government, to study the problem of maintaining the privacy and security of the telecommunications network in the face of the threat presented by new technologies. The task force after study, would report to the Commission on policies and rules that the FCC might adopt in this area and on any amendments to the Communications Act and the Omnibus Act that the Commission might recommend to Congress. Prompt action is imperative. I urge that the Commission move very quickly toward the formation of this task force to protect the national interest.

[FR Doc. 81-15152 Filed 5-20-81; 8:45 am]

BILLING CODE 6712-01-M

[1] It is my firm belief that the Commission should intervene in each of these cases.

[2] *See Home Box Office* v. *Pay TV of Greater New York, Inc.*, 467 F. Supp. 525 (E.D.N.Y. 1979); *contra, Orth-O-Vision Inc.* v. *Home Box Office*, 474 F. Supp. 672 (S.D.N.Y. 1979).

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1034

[Rev. Service Order No. 1344]

Rerouting of Traffic—Appointment of Agents

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Revised Service Order No. 1344.

SUMMARY: Revised Service Order No. 1344 appointed agents of the Commission, vested with the authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines. Amendment No. 1 to this order extends the expiration date until 11:59 p.m., May 18, 1982.

EFFECTIVE DATE: 11:59 p.m., May 18, 1981, and continuing in effect until 11:59 p.m., May 18, 1982.

FOR FURTHER INFORMATION CONTACT:

M. F. Clemens, Jr., (202) 275-7840.

Decided: May 15, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis and Commissioner Trantum were absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15157 Filed 5-20-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 98
Thursday, May 21, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-9]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before: July 20, 1981.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on May 18, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Petitions for Rulemaking: Denied

Docket No.	Petitioner	Description of the rule requested
17315	Institute for Public Interest Representation.	Amendment to 14 CFR 25.561 and 25.785 to accomplish the following: (1) Increase seat strength requirements to 20 "g" in all directions. (2) Require both dynamic and static compliance testing for all seats and tie-down mechanisms. (3) Encourage use of energy-absorbing materials in seat and seat attachment construction. (4) Require retroactive application of the proposed amendments. (5) Develop and promulgate specific standards for rearward-facing seats. *DENIED 5/8/81.*

[FR Doc. 81-15219 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 21

[Docket No. 16921; Notice No. SC-81-3]

Special Conditions for Canadair Limited Model CL-600-1A11 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed amendment to special conditions.

SUMMARY: This notice proposes to amend Special Conditions No. 25-94-EA-12, issued March 26, 1980, applicable to the Canadair Limited Model CL-600-1A11 airplane. The amendment is necessary in view of changes in the airplane's maximum certificated operating altitude and takeoff weight.

DATES: Comments must be received by June 22, 1981.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 16921, 800 Independence Avenue SW, Washington, DC 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, DC 20591. All Comments must be marked: Docket No. 16921. Comments may be inspected in the Rules Docket Weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Raymond J. Borowski, Chief, Engineering and Manufacturing Branch, Flight Standards Division, AEA-200, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Telephone (212) 995-2842, or Jerold M. Chavkin, Chief, Aircraft Engineering Division, AWS-100, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591. Telephone (202) 426-8161.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on

or before the closing date for comments specified above will be considered by the Administrator before taking action on these proposals. The proposals contained in this notice may be changed based on comments received. All comments submitted will be available both before and after the closing date in the Rules Docket for examination by interested persons.

Type Certification Basis

The applicable airworthiness requirements for import products are those regulations designated in accordance with § 21.29 and are known as the "type certification basis" for the airplane design. Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness requirements designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane.

Special conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis in accordance with § 21.17(a)(2).

The type certification basis for the Model CL–600–1A11 is Part 25 of the Federal Aviation Regulations (FAR) dated February 1, 1965, as amended through Amendment 25–37; §§ 25.675(a), 25.685(a), 25.733(c), 25.775(e), 25.787(c), 25.815, 25.841(b), 25.951(a), 25.979(d) & (e), 25.1041, 25.1143, 25.1303(a), 25.1322, 25.1385(c), 25.1557(b), 25.1583(a) of Amendment 25–38; §§ 25.901(b) & (c), 25.903(c) & (e), 25.933, 25.943, 25.959, 25.1091(a) & (d), 25.1145(c), 25.1199(b) & (c), 25.1207, 25.1549, 25.1585(a)(9) of Amendment 25–40; § 25.1309 of Amendment 25–41; § 25.1353(c) of Amendment 25–42; Amendment 25–45; § 25.351 and 25.603 of Amendment 25–46; FAR Part 36 dated December 1, 1969, as amended through Amendment 36–9; SFAR 27 effective February 1, 1974, as amended through Amendment SFAR 27–2; and the amended special conditions that may be promulgated from the proposals herein.

Equivalent safety has been established for the following requirements: § 25.773(b)(2), DV Window; § 25.955(a)(4), Blocked Flow Meter Fuel Flow Requirements; § 25.571, Damage-Tolerance and Fatigue Evaluation of Structure; and § 25.201, Stall Demonstration.

There is no exemption from any applicable requirement.

Background

The Model CL–600–1A11 is a pressurized, wide-body twin-turbofan airplane, powered by two AVCO Lycoming ALF 502L engines, each having a thrust rating of 6,700 pounds.

The type design of the Canadair Model CL–600–1A11 airplane contains unusual design features for an airplane type certificated under the applicable airworthiness regulations, and those airworthiness regulations do not contain adequate or appropriate safety standards for the Canadair Model CL–600–1A11 airplane. Therefore, special conditions were necessary to establish a level of safety equivalent to that described in the airworthiness regulations for unusual features of high speed, high-altitude operation, and an auxiliary power unit (APU) installation. Special Conditions No. 25–94–EA–12 were issued on March 26, 1980, to Canadair Limited (Canadair) for the type certification of its Model CL–600–1A11 airplane.

Canadair expected to receive certification that would allow its Model CL–600–1A11 airplane to operate at an altitude of 49,000 feet or less; however, it has been type certificated with a maximum operating altitude of 40,000 feet and a 33,000 pound maximum takeoff weight, and this proposed amendment to the original special conditions is necessary to implement these changes and correct two drafting errors. The applicant has agreed to the amendment.

Since it is known that the applicant intends to pursue certification that would allow the Model CL–600–1A11 to operate at 49,000 feet or less, it is proper to consider this contingency now by redesignating the Model CL–600–1A11 as the CL–600–1A11 Series airplanes. Therefore, this redesignation is made to cover airplanes with alternate performance.

The Proposed Amendment to the Special Conditions

Accordingly, the Federal Aviation Administration proposes to amend special conditions (No. 25–94–EA–12) issued to Canadair Limited on March 26, 1980, for the type certification of the Model CL–600–1A11 as follows:

1. By removing the words "Model CL–600 airplane" from the subject and the first, second, third, and sixth preamble paragraphs and adding the words "Model CL–600–1A11 Series airplane" in each place.

2. By removing the words "32,500 pounds" and "49,000 feet" from the third sentence of the second preamble

paragraph and adding the words "33,000 pounds" and "40,000 feet," respectively, in their place.

3. By removing the word "and" at the end of the *Special Flight Conditions* 1(a)(1) and inserting the word "or" in its place.

4. By removing the term "b" in the first line of *Special Flight Conditions* 2(c) and inserting the term "(b)(2)," in its place.

5. By adding a new *Special Airframe Conditions* 1(c) to read as follows: "(c) With regard to the fuselage structural design for cabin pressure capability above 45,000 feet altitude, the following apply:"

6. By redesignating *Special Airframe Conditions* 1(c) and 1(d) as 1(c)(1) and 1(c)(2), respectively.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1421, and 1423); Section 6(c), Department of Transportation Act (49 U.S.C. 1655 (c); 14 CFR 11.28 and 11.29(b))

Note.—This action is not a proposed rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and procedures (44 FR 11034; February 26, 1979). In addition, the expected impact is so minimal that this action does not warrant preparation of a regulatory evaluation. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket.

Issued in Washington, D.C., on May 11, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-14894 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 21

[Docket No. 21740, Notice No SC-81-2]

Special Conditions: Israel Aircraft Industries Model 1124 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Special Conditions.

SUMMARY: This notice proposes special conditions for the modified Israel Aircraft Industries Model 1124 series airplane which is to be manufactured in Israel and imported into the United States. This airplane will have novel or unusual design features associated with an automatic takeoff thrust control system (ATTCS) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. This notice contains the safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations by reason of the novel or unusual features.

DATES: Comments must be received by June 22, 1981.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 21740, 800 Independence Avenue SW, Washington, DC 20591; or delivered in duplicate to Room 916, 800 Independence avenue SW, Washington, DC 20591. All comments must be marked: Docket No. 21740. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: James Walker, Lead Region Staff, FAA Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108. Telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on this proposal. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Background

On August 5, 1980, Israel Aircraft Industries, LOD Airport, State of Israel, filed an application for an amendment to Type Certificate No. A2SW to include an automatic takeoff thrust control system (ATTCS) installation for approval under that type certificate covering the Model 1124 series aircraft.

The Model 1124 airplane is a twin-engine, mid-wing, transport category aircraft having pressurization, a maximum takeoff weight of 23,500 pounds, a maximum approved operating altitude of 45,000 feet, and a total occupancy of 12 persons, including the crew. The airplane is equipped with two AiResearch TFE 731-3 turbofan engines each producing 3,700 pounds rated thrust or TFE 731-3R engines each rated at 3,880 pounds thrust. The higher rated -3R engine is used in conjunction with the installation of an ATTCS.

The modification covered under the amendment to the type certificate is the installation of an ATTCS. With the ATTCS installed, takeoffs would normally be made with engine thrust set at less than the maximum takeoff thrust approved for the airplane under existing conditions. In the event of an engine failure on takeoff, the automatic system will reset the fuel control fuel metering schedule on the operating engine to provide the maximum takeoff thrust. ATTCS special conditions issued to date for other airplanes without automatic limiters that prevent engine limits from being exceeded require the ATTCS be designed to permit manual decrease or increase in thrust up to the maximum takeoff thrust approved for the airplane under existing conditions through the use of power levers. The application of maximum takeoff thrust, whether set by the automatic system or manually, will not result in the takeoff operating limits of the engine being exceeded. The ATTCS system installed on the "full throttle engines" of the Model 1124 airplane contains an electronic fuel controller and thrust limiters which automatically limit thrust and prevent engine operating limits from being exceeded under conditions with full throttle employed. In the event of an engine failure, a signal from the ATTCS is transmitted to the limiters for the maximum thrust. In the event of an ATTCS failure with engine failure, the crew would be required to activate an override switch to obtain the maximum thrust. Because of this design feature where the pilot must move his hand off the throttle to activate the maximum thrust available, the agency has determined that the special conditions ordinarily issued to other aircraft should be modified to provide that such activation is permitted if the means to increase thrust is located on or forward of the power levers, is easily operated by either pilot, and meets the requirement of § 25.777.

The Israel Model 1124 series airplane is an import product and, as such, type certification will be accomplished using the procedures covered under § 21.29 of the FAR.

General

The type design of the Model 1124 series airplane with the ATTCS installed contains a number of novel or unusual design features for an airplane type certificated under the airworthiness requirements incorporated by reference in Type Certificate No. A2SW or under the applicable airworthiness requirements in effect on the date of application for change to that type certificate. In either case, the applicable airworthiness requirements do not contain adequate or appropriate safety standards. Special conditions are necessary to provide a level of safety equal to that established by the regulations incorporated by a reference in the type certificate and to support a finding by the Administrator that no feature or characteristic of the airplane with an automatic system installed makes it unsafe for the category in which certification is requested. These special conditions specify limits on the maximum thrust increment which may be applied to the operating engines by the automatic takeoff thrust control system, prescribe system reliability and status monitoring requirements, require provisions for manual selection of the maximum takeoff thrust approved for the airplane under existing conditions, prohibit approval of the system if the automatic or manual application of maximum takeoff thrust would result in an engine operating limit being exceeded, and require the installation of an independent engine failure warning system if the inherent characteristics of the airplane do not provide a clear warning to the crew.

The FAA has developed special conditions for an ATTCS for any current turbine-powered transport category airplane and sent the proposal to U.S. user groups and various foreign Civil Air Authorities for review and comment in November 1977. Comments were received, reviewed, and the special conditions were revised and sent to the same groups in May 1978. This procedure was repeated again in November 1978. Cooperating with the FAA in this development were the Aerospace Industries Association (AIA), Air Transport Association of America (ATA), Air Line Pilots Association (ALPA), Allied Pilots Association (APA), Rolls Royce (RR), Hawker Siddeley Aviation Ltd. (HS), British Civil Air Authority (BCAA), the Civil Air Authorities of Australia and Japan, the French Technical Commission Navigation (FTCN), and the French Civil Air Authorities (FCAA), Lockheed, Boeing, McDonnell Douglas, and Rockwell International.

Based on the comments at that time and on further review by the FAA, a number of changes were made to the special conditions. These were as follows:

(1) For the fail-operational system proposed (capable of performing its intended function after a single failure or combination of failures not shown to be extremely improbable within the ATTCS system), a change of the ATTCS failure probability from extremely improbable to improbable for the ATTCS alone; the addition of an extremely improbable failure probability for the combined ATTCS and engine failure; and deletion of the all-engine performance criteria.

2. For other than the fail-operational system proposed, a change in the failure probability from improbable to 10^{-3} for the ATTCS alone; introduction of a minimum climb gradient for the combined ATTCS and engine failure case; and deletion of an engine failure warning means if the inherent characteristics of the engine failure are clearly made known to the pilot.

3. Clarifying changes, including a graphical presentation to clarify the definition of the term "Critical Time Interval."

These proposed special conditions follow the proposals which have been extensively coordinated.

Type Certification Basis

The type certification basis for the Isreal Aircraft Industries Model 1124 airplane, with the ATTCS to be incorporated in the type certificate, is as follows:

1. *Applicable to Model 1124:* Section 21.29 and CAR 4b, effective December 31, 1953, Amendments 4b–1 through 4b–11, including certain sections of Amendment 4b–12, and paragraphs pertaining to engine fire shielding.

(a) SR 422b effective July 9, 1959, and SR 450A effective August 31, 1962.

(b) Section 25.771 of Amendment 25–4; § 25.2 of Amendments 25–15, 25–17, and 25–20; certain sections of FAR Part 25, up to and including Amendment 25–34, that correspond to certain sections of Part CAR 4b, including § 25.1309 with respect to reverse thrust installations.

(c) Sections 33.97 and 33.99 of Amendment 33–33; SFAR 27 effective January 1, 1974; Part 36 effective December 1, 1969, Amendments 36–1 through 36–8.

(d) Special Conditions specified in FAA letters to the applicant dated December 13, 1963, and June 2, 1964; Special Conditions No. 25–37–EU–8, dated November 16, 1971, and any special conditions resulting from this notice.

2. *Applicable to the Model 1124A:* The same certification basis cited for the Model 1124 airplane except for the addition of § 25.672 of Amendment 25–23 dealing with lateral stability.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions for the Israel Aviation Industries Model 1124 series airplane equipped with an automatic takeoff thrust control system installed.

A. *General.* With the automatic takeoff thrust control system (ATTCS) and associated systems functioning normally as designed, all applicable requirements of FAR Part 25, except as provided in these special conditions, must be met without requiring any action by the crew to increase thrust. In addition, the ATTCS system must meet these special conditions.

B. *Definitions:*

1. *ATTCS.* An Automatic Takeoff Thrust Control System (ATTCS) is defined as the entire automatic system used on takeoff, including all devices, both mechanical and electrical, that sense engine failure, transmit signals, actuate fuel controls or power levers on operating engines to achieve scheduled thrust increase, and furnish cockpit information on system operation.

2. *Critical Time Interval.* When conducting an ATTCS takeoff, the Critical time interval between V_1 minus 1 second and a point on the minimum performance all-engine flight path where, assuming a simultaneous engine and ATTCS failure, the resulting minimum flight path thereafter intersects the FAR Part 25 required gross flight path at no less than 400 feet from the takeoff surface. This definition is shown in the following graph:

BILLING CODE 4910-13-M

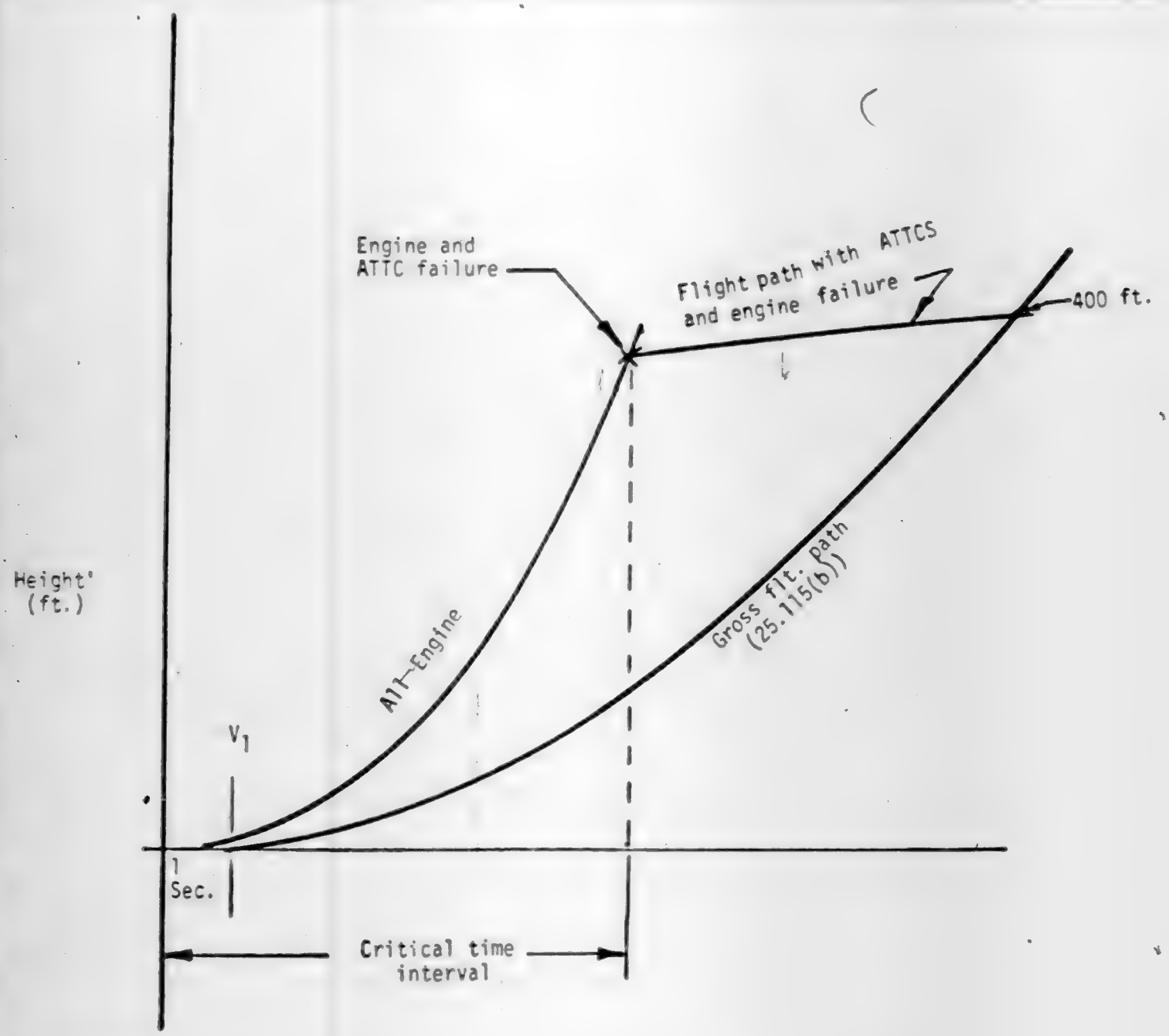

BILLING CODE 4910-13-C

V 46 / 98 MAY 21 81 UMI

3. *Takeoff Thrust.* Notwithstanding the definition of "Takeoff Thrust" in Part 1 of the Federal Aviation Regulation, "takeoff thrust" means each thrust obtained from each initial thrust setting approved for takeoff under these special conditions.

C. *Performance Requirements.* The applicant may elect to comply with the performance requirements contained in either paragraph 1 or 2 as follows:

1. The following reliability and performance criteria apply:

(a) ATTCS system failure during the critical time interval must be shown to be improbable.

(b) The concurrent existence of an ATTCS failure and an engine failure during the critical time interval must be shown to be extremely improbable.

(c) All applicable performance requirements of Part 25 must be met with an engine failure occurring at the most critical point during takeoff with the ATTCS system functioning.

2. If compliance is not shown with the criteria given in paragraph 1 of this special condition, the following apply:

(a) An ATTCS system failure during the critical time interval must be shown to have a probability of failure of 10^{-3} or less.

(b) The concurrent existence of an ATTCS failure and an engine failure during critical time interval must be shown to be extremely improbable.

(c) All applicable performance requirements of Part 25 must be met with an engine failure occurring at the most critical point during takeoff with the ATTCS system functioning.

(d) The takeoff runway length required shall be the greater of:

(1) The accelerate-stop distance determined under § 25.109 with initial takeoff thrust setting and with ATTCS operating;

(2) The horizontal distance along the takeoff path from the start of takeoff to the point at which the airplane is 35 feet above the takeoff surface, determined under § 25.113 with one engine failed and the ATTCS operating at the most critical point during takeoff;

(3) The horizontal distance along the takeoff path from the start of takeoff to the point at which the airplane is 15 feet above the takeoff surface with one engine and the ATTCS failed at the most critical takeoff point; or

(4) One hundred fifteen (115) percent of the horizational distance along the takeoff path, with all engines operating at the initial takeoff thrust setting, from the start of takeoff to the point at which the airplane is 35 feet above the takeoff surface as determined by a procedure consistent with § 25.111.

(e) With the intial takeoff thrust set as described in special condition D (Thrust Setting), the critical engine inoperative, the ATTCS system failed, and without moving the power lever on the remaining engine, the airplane must:

(1) Have a positive gross climb gradient at all points in the takeoff path (procedures consistent with § 25.101 must be used); and

(2) Have an available gradient of climb of not less than 1.0 percent determined in accordance with § 25.121(b).

(f) The gradient of climb used to determine the takeoff path required by § 25.1587 may not be greater than:

(1) The net gradient determined in accordance with § 25.115(b) with the ATTCS functioning; or

(2) The gross gradient available resulting from the configuration of special condition C.2.(e).

D. *Thrust Setting.* The initial takeoff thrust set on each engine at the beginning of the takeoff roll may not be less than:

1. Ninety (90) percent of the thrust level set by the ATTCS (the maximum takeoff thrust approved for the airplane under existing conditions);

2. That required to permit normal operation of all safety-related systems and equipment dependent upon engine thrust or power lever position; or

3. That shown to be free of hazardous engine response characteristics when thrust is advanced from the initial takeoff thrust level to the maximum approved takeoff thrust.

E. *Powerplant Controls:*

1. In addition to the requirements of § 25.1141, no single failure or malfunction, or probable combination thereof, of the ATTCS system, including associated systems, may cause the failure of any powerplant function necessary for safety.

2. The ATTCS must be designed to:

(a) Apply thrust on the operating engine following an engine failure during takeoff to achieve the selected takeoff thrust without exceeding engine operating limits.

(b) Permit manual decrease or increase in thrust up to the maximum takeoff thrust approved for the airplane under existing conditions through the use of the power lever, except that for aircraft equipped with limiters that automatically prevent engine operating limits from being exceeded under existing conditions, other means may be used to increase the maximum level of thrust controlled by the power levers in the event of an ATTCS failure provided the means is located on or forward of the power levers, is easily identified and operated under all operating conditions by a single action of either pilot with the hand that is normally used to actuate the power levers, and meets the requirements of § 25.777 (a), (b), and (c).

(c) Provide a means to verify to the flightcrew before takeoff that the ATTCS is in a condition to operate; and

(d) Provide a means for the flightcrew to deactivate the automatic function. This means must be designed to prevent inadvertent deactivation.

F. *Powerplant Instruments.* In addition to the requirements of § 25.1305:

1. A means must be provided to indicate when the ATTCS is in the armed or ready condition; and

2. If the inherent flight characteristics of the airplane do not provide adequate warning that an engine has failed, a warning system that is independent of the ATTCS must be provided to give the pilot a clear warning of any engine failure during takeoff.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (490 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.28)

Note.—This action is not a proposed rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Washington, D.C., on May 12, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-14987 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 8168]

Airworthiness Directives; British Aerospace, Aircraft Group (Formerly British Aircraft Corporation) Model BAC 1-11 Series 200 and 400 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD) applicable to British Aerospace, Aircraft Group Model BAC 1-11 series 200 and 400 airplanes, by reducing the scrap life limit of the spring discs in the main landing gear down lock jacks. The amendment is needed to

prevent collapse of the main landing gear.

DATES: Comments must be received on or before July 20, 1981.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 8168, 800 Independence Avenue SW., Washington, D.C. 20591

or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 8168.

Comments may be inspected at Room 916 between 8:30 am and 5:00 pm.

The applicable service bulletin may be obtained from: British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Acting Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: 202-426-8192.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Rules Docket address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available in the Rules Docket, both before and after the closing date for comments, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the Federal Aviation Administration to acknowledge receipt of their comments submitted in response to this notice must submit those comments and a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 8168." The postcard will be date/time stamped and returned to the commenter.

This notice proposes to amend Amendment 39-476 (32 FR 12910), AD 67-25-01, which currently requires repetitive inspections of main undercarriage down lock links and imposes service life limits on the Belleville washers in the main under carriage down lock jacks on British Aerospace, Aircraft Group, Model BAC 1-11 series 200 and 400 airplanes. After issuing Amendment 39-476, the FAA determined, as a result of fatigue tests and quality investigations, that the life expectancy of the spring discs in the main landing gear down lock jacks is less than originally expected. Therefore, in order to prevent collapse of the main landing gear, the FAA is proposing to amend Amendment 39-476 by reducing the scrap life limit of the spring discs in the main landing gear down lock jacks on British Aerospace, Aircraft Group, Model BAC 1-11 series 200 and 400 airplanes.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by amending Amendment 39-476 (32 FR 12910), AD 67-25-01, as follows:

1. By adding the following paragraph immediately after existing paragraph (e):

(f) For airplanes with Tonks spring discs, P/N AK43-1283, installed in BAC Modification PM 4676 main landing gear down lock jacks, unless already accomplished, before accumulating 16,000 landings or within the next 3,000 landings after the effective date of this AD, whichever occurs later, remove the spring discs from service in accordance with paragraph 2, "Accomplishment Instructions," of BAC 1-11 Alert Service Bulletin 32-A-PM5700, Issue No. 1, dated May 10, 1979,[1] or an FAA-approved equivalent.

2. By changing the designations of existing paragraphs (f) and (g) to (g) and (h) respectively."

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since there are only a few of these aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in Washington, D.C., on May 14, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-15122 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

[1] BAC 1-11 Alert Service Bulletin 32-A-PM5700, Issue No. 1, filed as part of the original document.

---

14 CFR Part 71

[Airspace Docket No. 81-CE-6]

Transition Area, Atwood, Kansas; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Atwood, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Atwood-Rawlins County Airport, utilizing the Atwood Non-Directional Radio Beacon (NDB) as a navigational aid.

DATES: Comments must be received on or before July 1, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530 601 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may also be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles M. Bumstead, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications

should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before July 1, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures, and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling (816) 374–3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Atwood, Kansas. To enhance airport usage, a new instrument approach procedure is being developed for the Atwood-Rawlins County Airport utilizing the Atwood Non-Directional Radio Beacon as a navigational aid. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Atwood, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by adding the following new transition area:

Atwood, Kansas

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Atwood-Rawlins County Airport, Atwood, Kansas, Latitude 39°50'21" N, Longitude 101°02'27" W) and within 3 miles each side of the 360° bearing from the Atwood NDB (Latitude 39°50'23" N, Longitude 101°02'30" W) extending from the 5.5 mile radius area to 8.5 miles northwest of the NDB facility.

Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65).

The FAA has determined that this proposed regulation only involves an established body of techincal regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on May 8, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–15119 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 81–CE–5]

Transition Area, Oakley, Kansas; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Oakley, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Oakley, Kansas, Municipal Airport, utilizing the Oakley Non-Directional Radio Beacon (NDB) as a navigational aid.

DATES: Comments must be received on or before June 28, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles M. Bumstead, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before June 28, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374–3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Oakley, Kansas. To enhance airport usage, a new instrument approach procedure is being developed for the Oakley, Kansas, Municipal

Airport, utilizing the Oakley Non-Directional Radio Beacon as a navigational aid. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Oakley, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by adding the following new transition area:

Oakley, Kansas

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Oakley Municipal Airport, Oakley, Kansas, (Latitude 39°08'45" N, Longitude 100°48'49" W) and within 3 miles each side of the 171° bearing from the Oakley NDB (Latitude 39°07'04" N, Longitude 100°49'01" W) extending from the 5.5 mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65)).

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on May 8, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-15118 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-SO-23]

Proposed Designation of Transition Area, Sandersville, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule will designate the Sandersville, Georgia, transition area. Standard instrument approach procedures, NDB RWY 12 and VOR/DME A, have been developed for the Kaolin Field Airport. Controlled airspace is required to protect aircraft Instrument Flight Rule (IFR) operations and must be designated before IFR flight procedures can become effective.

DATES: Comments must be received on or before: July 27, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Attn.: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT:

Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before July 27, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Sandersville, Georgia, 700-foot transition area. This action will provide controlled airspace protection for aircraft executing the NDB RWY 12 and VOR/DME-A standard instrument approach procedures at Kaolin Field. The proposed Kaolin (nonfederal) nondirectional radio beacon and the Dublin VORTAC will support the approach procedures. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Sandersville, Georgia

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Kaolin Field) Lat. 32°57'53" N., Long. 82°49'55" W.).

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Ga., on May 11, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-14901 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AAL-3]

Alteration of Colored Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the floors of Green Airway G-8 between Elfee, Alaska, NDB, and King Salmon, Alaska, NDB, and Green Airway G-10 between Elfee, Alaska, NDB, and Port Heiden, Alaska, NDB. In addition, this notice proposes to substitute the name "Elfee NDB" where "Cold Bay, Alaska, NDB," appears. This action would aid flight planning and improve flight safety by designating a common airway floor in the area.

DATES: Comments must be received on or before June 22, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81-AAL-3, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska. 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW, Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AAL-3." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.103 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to raise the floor of Green Airways G-8 and G-10 to 2,000 feet AGL in the Elfee, Alaska, area. This alteration would establish a common floor for all controlled airspace in that area. Also, Cold Bay, Alaska, NDB, has been renamed Elfee, Alaska, NDB, and this proposal will incorporate that editorial change. This action would increase aviation safety and aid flight planning for operations in the Elfee area. The description of these airways under Part 71 was republished on January 2, 1981 (46 FR 407).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.103 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished and amended (46 FR 407 and 12951), as follows:

1. Under G-8 by deleting the words "20 AGL INT Dutch Harbor NDB 041° and Cold Bay, Alaska, NDB 253° bearings; 20 AGL Cold Bay NDB; King Salmon, Alaska, NDB;" and substituting for them the words "20 AGL INT Dutch Harbor NDB 041°T(027°M) and Elfee, Alaska, NDB 253°T(236°M) bearings; 20 AGL Elfee NDB; 20 AGL King Salmon, Alaska, NDB;"

2. Under G-10 by deleting the words "From Elfee, Alaska, NDB, via INT Elfee NDB 041° and Port Heiden, Alaska, NDB 248° bearings; Port Heiden NDB;" and substituting for them the words "From Elfee, Alaska, NDB, 20 AGL INT Elfee NDB 041°T(024°M) and Port Heiden, Alaska, NDB 248°T(229°M) bearings; 20 AGL Port Heiden NDB;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticpated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexability Act.

Issued in Washington, D.C., on May 13, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-15024 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AWA-6]

Proposed Alternation of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke several alternate airway segments in the New England area and designate new VOR federal airway segments, where necessary, to maintain airway continuity. This action responds to our commitment to eliminate all alternate airway designations.

DATES: Comments must be received on or before June 22, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 81–AWA–6, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803.

The officical docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–AWA–6." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke several alternate airways, designate an airway, and extend some airways in the New England area. This action is consistent with our policy to revoke all alternate airways in the National Airspace System. This action will also aid flight planning. The description of these airways under Part 71 were republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), as follows:

1. By amending the descriptions of the specified airways as follows:

a. V–2: By deleting the words "Syracuse, N.Y., including a N alternate via INT Rochester 064° and Syracuse 283° radials;" and substituting for them the words "Syracuse, N.Y.;"

b. V–72: By deleting the words "Cambridge, N.Y.; INT Cambridge 063° and Keene, N.H., 336° radials." and substituting for them the words "Cambridge, N.Y.; INT Cambridge 063°T(077°M) and Lebanon, N.H., 214°T(299°M) radials; Lebanon; to Montpelier, Vt."

c. V–151: By deleting the words "including a W alternate via INT Keene 336° and Lebanon 214° radials; Montpelier, Vt., including an E alternate via Lebanon 005° and Montpelier 112° radials;" and substituting for them the words "Montpelier, Vt.;"

d. V–475: By deleting the words "including an east alternate from Madison to Providence via INT Madison 082° and Providence 212° radials;" and substituting for them the words "Montpelier, Vt.;"

e. V–483: By deleting the words "Syracuse." and substituting for them the words "Syracuse; Rochester, N.Y.; INT Syracuse 283°T(294°M) and Rochester 064°T(073°M) radials; Rochester."

2. By adding a new airway to read as follows:

"V–374 From Martha's Vineyard, Mass., via INT Martha's Vineyard 272°T(287°M) and Madison, Conn., 082°T(095°M) radials; Madison."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 13, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–15025 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 81–AWE–12]

Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign VOR Federal Airway V–6, between Oakland, Calif., and Sacramento, Calif. The realignment would improve traffic flow in the

Concord, Calif., area and permit more flexibility for maneuvering traffic in the Oakland and Sacramento terminal area.

DATES: Comments must be received on or before June 22, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 81–AWE–12, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such writen data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–AWE–12." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a reques' to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW, Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V–6 between Oakland, Calif., and Sacramento, Calif. The current alignment of V–6 conflicts with arrival/departure traffic in the Buchanan Airport, Concord, Calif., area. This action would increase safety and improve traffic flow by relocating V–6 eastward, thereby remaing clear of the airport terminal traffic and reduce delays in the Oakland and Sacramento areas. The description of this airway under Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend V–6 under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409) by deleting the words "From Oakland, Calif.; INT Oakland 039° and Sacramento, Calif., 212° radials; Sacramento," and substituting for them the words "From Oakland, Calif., via INT Oakland 040°T(023°M) and Sacramento 212°T(195°M) radials; Sacramento;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedure (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 13, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–15013 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–13–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Dual-Purpose Child Resistant Packaging; Public Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public meeting.

SUMMARY: The Commission will hold a public meeting during which interested persons may make an oral presentation concerning the use of dual-purpose child resistant packaging.

DATES: The public meeting will be held at 10:00 a.m., Tuesday, June 16, 1981. Those persons who wish to make an oral presentation should notify the Office of the Secretary (202) 634–700 June 10, 1981. A summary or copy of testimony should be submitted to the Office of the Secretary by June 12, 1981. On June 11, 1981, the Commission Staff will brief the Commission on dual-purpose Closures.

ADDRESS: The public meeting will be held in the Commission's Third floor meeting room, 1111 18th Street, NW., Washington, D.C. 20207. A summary or copy of written testimony, preferably in five copies, should be submitted to the Secretary, U.S. Consumer Product Safety Commission, Washington, D.C. 20207. The Commission staff's January, 1981 and February, 1981 briefing packages on this issue are available in the Office of the Secretary of the Commission, 1111 18th Street, NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Richard Danca, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 (202) 634–7700.

Under the Poison Prevention Packaging Act of 1970 (PPPA) (15 U.S.C. 1471 et seq.), the Commission has

regulations that require special (child resistant) packaging for certain substances to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances (16 CFR 1700.14) Section 2(4) of the PPPA defines "special packaging" as packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance within a reasonable time and not difficult for normal adults to use properly. The act specifies that this defintion does not mean packaging which all children cannot open or obtain a toxic or harmful amount within a resonable time. The Commission also has regulations under the PPPA that specify standards and testing requirements for special packaging (16 CFR 1700.15 and 1700.20).

In a briefing package submitted to the Commission in January, 1981, the Commission staff discusses options on the further use of a type of special packaging known as "dual-purpose packaging". The staff defines dual-purpose packaging as packaging that is intended for use both as child resistant and non-child resistant packaging. There are two major types of dual-purpose closures. One type has a plug and an overcap. Another type has a reversible cap with a non-complying closure on the reverse side of the child-resistant closure. Both type of packages can easily be converted into conventional, or non-child resistant packaging, by removing the plug or by reversing the cap. Dual-purpose packages have been marketed for a number of years, and currently account for approximately 10 percent of the market for prescription packaging vials. Their use has recently spread to over-the-counter preparations. The Commission staff believes that dual-purpose packages are likely to become more widespread in use in the next few years.

As explained in the briefing package, the staff believes that this packaging will enable children to gain ready access to household substances subject to the PPPA requirements, and thereby increase the risk of serious personal injury or serious illness to children associated with these substances. The January, 1981 briefing package also containes materials and arguments by manufacturers of dual-purpose packages who oppose any regulation that would restrict or prohibit the use of this packaging. A copy of the January, 1981 briefing package, as well as a package of supplemental materials sent to the Commission in February, 1981, is available in the Office of the Secretary of the Commission.

The Commission staff will brief the Commission on June 11, 1981. On June 16, 1981, the Commission will hold a public meeting at which interested persons will be given an opportunity to present their views on the issue of dual-purpose packaging and the appropriate action, if any, that the Commission should take. The Commission will be considering the following options: (1) Taking no action at this time to restrict or prohibit the continued marketing of dual-purpose packages.

(2) Directing the staff to prepare, for Commission consideration, proposals to gather additional data on the use of dual-purpose packaging, including methods for monitoring childhood ingestions attributable to dual-purpose packaging.

(3) Directing the staff to prepare a proposed regulation that would prohibit the prospective use of dual-purpose packing under the PPPA. The prohibition would apply to all products which are required to be in special packaging. The proposal would be published in the **Federal Register**, and interested persons would be given an opportunity to submit comments.

(4) Directing the staff to prepare a proposed regulation that would prohibit the prospective use of dual-purpose packaging for products, other than prescription drugs, which are required to be in special packaging. A final regulation undert this option would permit the continued use of dual-purpose packaging for prescription drugs required to be in special packaging under the act. The proposal would be published in the **Federal Register**, and interested persons would be given an opportunity to submit comments.

Interested persons who wish to make a presentation at the June 16, 1981 public meeting should contact Richard Danca in the Office of the Secretary (202) 634–7700 by June 10, 1981, and should submit a copy or summary of their presentation to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, by June 12, 1981.

(Sec. 27(a), 30(a), Pub. L. 92–573, (15 U.S.C 2076(a), 2079(a)); secs. 1–9, Pub. L. 91–601, (15 U.S.C. 1471 et. seq))

May 19, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81–15439 Filed 5–19–81; 9:30 am]

BILLING CODE 6355–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 625

[FHWA Docket No. 80–2, Notice 4]

Design Standards for Highways

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice regarding status of proposed rule.

SUMMARY: The FHWA is issuing this notice to announce that a response has been transmitted to the American Association of State Highway and Transportation Officials (AASHTO) commenting upon its proposed new publication entitled "A Policy on Geometric Design of Highways and Streets." It has been proposed that the new publication replace several existing publications now contained as references in 23 CFR Part 625, thereby becoming the design standards which apply to most highways eligible for funding under the Federal-aid highway program.

FOR FURTHER INFORMATION CONTACT: Mr. Wilson B. Harkins, Highway Design Division, Office of Engineering, 202/426–0313, or Mr. Stanley H. Abramson, Office of the Chief Counsel, 202/426–0761, Federal Highway Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The standards, policies and guides which have been approved by the FHWA for application on all Federal-aid highway projects are incorporated by reference in 23 CFR Part 625 (43 FR 14648, April 7, 1978). Those provisions which apply to geometric design are listed in 23 CFR 625.3 (a).

On February 14, 1980, the FHWA published a notice of proposed rulemaking (NPRM) at 45 FR 10236 requesting comments on proposed changes to the above geometric design standards. The changes would be based on the substitution of a proposed new AASHTO publication "A Policy on Geometric Design of Highways and Streets" (Policy) for several of the existing documents now referenced in 23 CFR Part 625.

The FHWA extended the original 90 day comment period by 30 days (45 FR 34302, May 22, 1980) from May 14, 1980, to June 13, 1980, in order to provide interested parties additional time to respond to the NPRM. Sixty-eight (68) comments were received. A "Notice

regarding status of proposed rule" was published on November 17, 1980 (45 FR 75690). This status notice discussed the comments received as a result of the NPRM, concentrating on procedural comments as opposed to the comments pertaining to technical aspects of the proposed standards. The notice also indicated that a final rule was not expected before September 1982. That estimate remains unchanged at this time.

The November 17 notice stated that all correspondence between the FHWA and the AASHTO relating to this rulemaking action would be placed in the public docket and made available to all interested parties. In conformance with that commitment the FHWA announces that comments and recommendations on the proposed Policy were transmitted to the AASHTO on April 27, 1981. A copy of the response to the AASHTO has been placed in the public docket (80-2) and is available for review by interested parties.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued on: May 14, 1981.

L. P. Lamm,

Executive Director.

[FR Doc. 81-15286 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Exclusion for Certain Conservation Cost-Sharing Payments; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary income tax regulations relating to the exclusion for certain conservation cost-sharing payments. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 20, 1981.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-222-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Phoebe A. Mix of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION: The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** amend part 153 of title 26 of the Code of Federal Regulations. The final regulations which are proposed to be based on the temporary regulations would amend 26 CFR Part 1.

For the text of the temporary regulations, see FR Doc. 81-15133 (T.D. 7778) published in the Rules and Regulations portion of this issue of the **Federal Register.**

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Request for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submittted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

William E. Williams,

Acting Commissioner of Internal Revenue.

[FR Doc. 81-15134 Filed 5-18-81; 11:12 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Ch. 1

Everglades National Park—Florida; Petition for Rulemaking, Request for Comments and Notice of Public Hearing

AGENCY: National Park Service, Interior.

ACTION: Petition for rulemaking, request for comments and notice of public hearing.

SUMMARY: The National Park Service has received a rulemaking petition from Mrs. Jimmie Robinson, on behalf of the Organized Fishermen of Florida, to amend the current regulation prohibiting commercial fishing in Everglades National Park after December 31, 1985. This notice sets forth the present circumstances with respect to commercial fishing in Everglades National Park and seeks comments on the suggested regulatory revision. Public hearings will be held at Everglades City and Key Largo, Florida on June 23 and 24, 1981, respectively, concerning the issues raised herein.

DATES: Public hearings will be held at Everglades City, Florida on Tuesday, June 23, 1981 from 7:00 p.m. to 10:00 p.m. and at Key Largo, Florida on Wednesday, June 24, 1981 from 7:00 p.m. to 10:00 p.m. National Park Service personnel will be available at 6.00 p.m. at each public hearing to answer questions concerning the current regulations. Written comments, suggestions or corrections will be accepted until July 20, 1981.

ADDRESS: The public hearing in Everglades City will be held at Everglades City High School, School Drive, Everglades City, Florida. The public hearing in Key Largo will be held at Key Largo Elementary School, Mile Marker Number 105, U.S. Highway 1, Key Largo, Florida. Comments should be addressed to Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030.

FOR FURTHER INFORMATION CONTACT: Jack Morehead, Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030 (305) 247-6211.

SUPPLEMENTARY INFORMATION: On February 15, 1980, the National Park Service published final rules governing fishing and boating in Everglades National Park. These final rules were supplemented by corrections published on March 7, 1980 and April 3, 1980. These regulations, published at 36 CFR 7.45(e)-(h), were a response to a declining fishery within the Park and the effect of fishing and boating on several endangered and threatened species. The regulations achieved a balance of the competing uses of the Park resources, namely commercial and sport fishing, by 1) enacting bag limits, 2) restricting methods of take, 3) closing certain areas to sport and commercial fishing, 4) closing certain areas to all boat traffic,

and 5) prohibiting commercial fishing after December 31, 1985.

The National Park Service has now been petitioned by Mrs. Jimmie Robinson, on behalf of the Organized Fishermen of Florida, to amend the regulation prohibiting commercial fishing after 1985. The basis of this petition is a series of past representations by National Park Service officials concerning the ability to fish commercially after establishment of the Park.

The National Park Service supports the current regulations as one means of balancing competing demands for use of Park resources. The National Park Service is also sympathetic to the equitable considerations raised by the Organized Fishermen petition. In an attempt to reach an alternative balance over the use of Park resources which would maintain the same level of protection achieved by the current regulations, the National Park Service seeks public comment on the result desired by the petition in terms of the effect on both Park resources and commercial fishermen. Specifically, the National Park Service seeks comments on the following:

1. Commercial fishing within the Park is currently limited to approximately 101 net fishermen, 47 hook and line fishermen and 38 trap fishermen. Given present restrictions on methods of take and closed areas, can Park resources sustain this level of commercial fishing after the 1985 termination date?

2. If not, what formula of (a) further restrictions of methods of take, (b) further closure of areas, and/or (c) number of commercial fishing permits available, would retain the protection afforded Park resources by the current regulations?

3. If the number of commercial fishing permits available must be reduced below the current number, on what basis should the National Park Service allocate available permits among existing permit holders?

4. If the current level of protection to Park resources cannot be maintained while allowing even a reduced amount and/or further restricted methods of commercial fishing, what other methods are available for (a) protecting and enhancing park resources through means other than regulating fishing *per se* (e.g., enhancing water quality), or (b) reducing the burden to commercial fishing caused by regulations necessary to protect Park resources (e.g., license fee imposed on sport fishermen to compensate commercial fishermen)?

The National Park Service also seeks comments on the economic impact, including the impact to small entities (small businesses, organizations, and governmental jurisdictions) of the regulatory revision sought by the petition and alternatives suggested to the revision.

In addition to written comments on these issues, interested parties are encouraged to provide oral comments at the public hearings to be held at Everglades City and Key Largo, Florida (Dates and Addresses are noted above). Parties who intend to provide oral comments at either or both of these hearings are further encouraged to notify Jack Morehead, Everglades Superintendent (Address above) of this intention by telephone or letter by June 17, 1981. Notification should include at which hearing the party intends to testify and political jurisdiction, group or organizations, if any, represented. Testimony will be heard at each public hearing in the following order: Persons or their representatives holding elected federal office, holding state office, holding local government office, representing groups or organizations; individuals. Persons who have notified the Park Superintendent in accordance with this Notice of their intention to testify shall be given priority within each group, (*e.g.*, Persons representing groups or organizations who have given notification of their intention to testify will speak after persons holding local government office who have not given notification, but will speak before persons representing groups or organizations who have not given notification.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-15270 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 148

[CGD 81-036]

IMCO Code Governing the Shipment of Bulk Solids

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: The purpose of this notice is:

1. To inform the public that the Inter-Governmental Maritime Consultative Organization (IMCO) is planning an extensive review of Appendix B of the "Code of Safe Practices for Solid Bulk Cargoes" that promulgate safety precautions for hazardous solids in transportation in bulk.

2. To solicit comments concerning the position to be taken by U.S. on the proposed IMCO Codes now under review for extensive revision.

DATES: The closing date for submitting comments is July 6, 1981.

ADDRESSES: Comments should be mailed to Commandant (G-CMC), [CGD 81-036], U.S. Coast Guard, Washington, D.C. 20593. Between the hours of 7:00 a.m. and 5:00 p.m., Monday through Thursday, comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Mr. John McAnulty, Office of Merchant Marine Safety, (202) 426-1578, G-MHM-2.

Discussion: The Inter-Governmental Maritime Consultative Organization (IMCO) publication, "Code of Safe Practice for Bulk Cargoes 1980 Edition" contains an Appendix B that codifies segregation, stowage and special shipping requirements for bulk materials possessing chemical hazards. This publication may be obtained by writing directly to the Inter-Governmental Maritime Consultative Organization, 101-104 Piccadily, London W1V OAE England.

At the XXII Session of the IMCO Containers and Cargoes Subcommittee, it was agreed that Appendix B of the Code of Safe Practices for Bulk Cargoes requires extensive review and that this work should commence at the twenty-third session scheduled for February 1982. When Appendix B is amended it will become mandatory for signatory countries.

Several items not currently regulated as hazardous for bulk solids shipments by the United States appear in Appendix B of the latest IMCO Code 1980 Edition. These include various grades of high concentration Ammonium Nitrate, Aluminum Ferrosilicon, Antimony Ore, Alfalfa Pellets, Bakery Materials, Corn, Broken Rice, Toasted Meal, Chromium Ore, Coal, Various Ore Concentrates, Direct Reduced Iron (DRI), Ferro Phosphorous, Iron Oxide (spent), Pencil Pitch, Seed Cakes from a wide variety of farm products, Silica Managanese, Vanadium Ore, Wood Chips and Zinc ashes.

Request For Information: The U.S. intends to submit a paper to the Containers and Cargo Subcommittee expressing concern about the inclusion of some of these items in Appendix B and making appropriate recommendations to modify this

appendix. In order to assure that th recommendations to modify this appendix. In order to assure that the recommendations reflect the needs of the bulk cargo industry, written comments on the Proposed Code are requested so they can be incorporated, where appropriate, in the paper submitted to the IMCO Subcommittee on Containers and Cargoes.

Specifically, the Coast Guard is interested in obtaining information regarding:

1. The desirability of including these items in an international code.

2. What requirements for shipping a product will enhance safety.

3. What additional shipping requirements should be included in the proposed code.

4. And what wording should be used to clarify the proposed requirements.

Text Of Proposed Code: Many large tonnage products not previously regulated by 46 CFR 148 appear in Appendix B, and the U.S. Coast Guard would like additional comments. The following are items that warrent special notice because of the large tonnage shipments.

Ammonium nitrate—There are five entries for high concentration ammonium nitrate appearing in Appendix B for which the U.S. Coast Guard has not permitted international shipment in the past because they were considered a high hazard risk. IMCO believes they are safe to ship under the conditions specified in the code entries.

Coal—Coal is being exported from this country in large tonnages and the projected increase is impressive. There are various types of coals and the hazards involved in shipping coal depends on the time delay from mine to ship, the source, the chemical and physical composition and even the country of orgin. One regulation for all types of coal certainly is an over-simplification and at best a considerable burden to coal producers, shippers, and consignees.

Grain (Cereal Products)—Under the list of cereal products are many items that are classified as grain by U.S. Department of Agriculture such as corn, rice, alfalfa, and an item noted as bakery products. None of these items carry a hazard classification at present. Many are hazardous for reasons other than those stated in Appendix B and each item should be considered as a seperate entry in the table.

Ore Concentrates—This item is too general to be included in a table. It should be much more specific as to which ore concentrates should be entered in the appendix. We would like information as to which ores should or should not come under the Code.

Direct Reduced Iron—This commodity has been intensively studied by IMCO, the U.S. Coast Guard and industry. A revised entry was prepared by the XXII Session of the Containers and Cargoes Committee. The methods of inerting or ventilating cargoes and the various passivating processes are currently under study for future consideration.

Seed Cake—There are three entries for seed cake that include several sources. Items where the oil has been extracted should be classified differently from material high in oil content.

Dated: May 14, 1981.

Clyde T. Lusk, Jr.,

Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 81-15344 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-95; RM-3117; M-3165; RM-3204]

FM Broadcast Stations in Bountiful, Centerville, and West Jordan, Utah, and Rock Springs, Wyoming; Order Extending Time for Filing Replies to Oppositions To Petition for Reconsideration

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration of actions in rulemaking proceeding; extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing replies to oppositions to a petition for reconsideration of the Commission's action concerning assignment of FM channels to Bountiful, Centerville, and West Jordan, Utah, and Rock Springs, Wyoming. Additional time is given in response to a request filed by General Broadcasting, Inc., which states more time is needed to investigate issues raised in the opposition.

DATE: Replies must be filed on or before May 12, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Bountiful, Centerville, and West Jordan, Utah, and Rock Springs, Wyoming); order extending time for filing replies to oppositions to petition for reconsideration.

Adopted: May 8, 1981.

Released: May 12, 1981.

By the Chief, Policy and Rules Division:

1. On March 20, 1981, Public Notice was given of the filing of a petition for reconsideration by General Broadcasting, Inc. ("GBI"), concerning the above-captioned matter (46 FR 17880; March 20, 1981).[1] Oppositions thereto were filed by Busch Corporation ("Busch"), and D. Garry Munson and John Charles Larsh ("Munson/Larsh") on April 20, 1981, and replies thereto were due to be filed May 5, 1981.

2. On May 1, 1981, counsel for GBI filed a request for extension of time to and including May 12, 1981, in which to file a reply to the oppositions. Counsel states that the oppositions raise factual issues which it needs more time to investigate. Counsel states further, that all parties to this proceeding have indicated no objection to the requested extension of time.

3. Section 1.46(b) of the Commission's rules states that extension requests must be filed seven days in advance of the filing deadline. However, since the Commission feels it would be in the public interest to have this material available to it in arriving at a decision in this proceeding, and since the parties do not object, we will grant the additional time.

4. Accordingly, it is ordered, that the time for filing a reply to the oppositions to the petition for reconsideration in BC Docket No. 80-95 (RMs-3117, 3165 and 3204) is extended to and including May 12, 1981.

5. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-15274 Filed 5-20-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Editorial note: The petition for reconsideration was submitted for publication in the Notices section of the **Federal Register**.

47 CFR Part 73

[BC Docket No. 81-332; RM-3756]

FM Broadcast Station in Newport, Washington; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 285A to Newport, Washington, in response to a petition filed by Pend Oreille Valley Broadcasting. The assignment would provide Newport with a first local aural service.

DATES: Comments must be filed on or before July 10, 1981, and reply comments must be filed on or before July 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Newport, Washington).

Adopted: May 11, 1981.

Released: May 18, 1981.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making[1] was filed by Gerald E. Carpenter, Eric E. Carpenter, and Louis Musso III, doing business as Pend Oreille Valley Broadcasting ("petitioner"), proposing the assignment of Channel 285A to Newport, Washington, as that community's first Class A FM assignment.

(b) The channel can be assigned to Newport, provided the transmitter is located at least 2.2 kilometers (1.4 miles) northwest of Newport.

(c) Petitioner states that it will apply for the channel, if assigned.

2. *Community Data:*

(a) *Location:* Newport, seat of Pend Oreille County, is located approximately 64 kilometers (40 miles) north of Spokane, Washington.

(b) *Population:* Newport—1,418;[2] Pend Oreille County—6,025.

(c) *Local Aural Service:* Newport is served locally by Class D noncommercial educational FM Station KUBS (Channel 218D).

3. *Economic Considerations:* Petitioner states that Newport, and Pend Oreille County, in particular, continue to show substantial population increases. It states that logging and timber-related industries remain the economic mainstay of Newport. Additionally, petitioner indicates that Newport is the major trading, medical, shopping and transportation center for the rural-agricultural region of Pend Oreille County, as well as for several other surrounding counties. Petitioner, in justification of its proposal, states that the assignment could give Newport and Pend Oreille County its first frequency, first aural service and first nighttime service of local origin.

4. *Technical Data:* Transmitter site must be located at least 2.2 kilometers (1.4 miles) northwest of Newport to avoid short-spacing to Channel 282, which has been applied for use at Kellogg, Idaho. Additionally, since the proposed assignment is within 400 kilometers (250 miles) of the U.S.-Canada border, Canadian concurrence must be obtained. Preliminary approval to the short-spacing to Channel 284 in Cranbrook, B.C., has been negotiated.

5. In light of the fact that the proposed FM channel assignment would provide a first broadcast service to Newport, Washington, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Newport, Wash.		285A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before July 10, 1981, and reply comments on or before July 30, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 Fed. Reg. 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are

[1] *Public Notice* of the petition was given on October 2, 1980, Report No. 1251.

[2] Population figures are taken from the 1970 U.S. Census.

filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 81-15235 Filed 5-20-81, 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-333; RM-3758]

FM Broadcast Station in Owensville, Missouri; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 237A to Owensville, Missouri, in response to a petition filed by Gerald W. Hertlein. The assignment would provide Owensville with a first local aural service.

DATES: Comments must be filed on or before July 10, 1981, and reply comments must be filed on or before July 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 11, 1981.

Released: May 18, 1981.

By the Chief, Policy and Rules Division:

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Owensville, Missouri), BC Docket No. 81-333, RM-3758, notice of proposed rule making.

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Gerald W. Hertlein ("petitioner") requesting the assignment of Channel 237A to Owensville, Missouri, as that community's first FM assignment.[2] No comments were filed in opposition to the proposal.

(b) The channel can be assigned to Owensville, with a site restriction, to conform with the minimum distance separation requirements.

(c) Petitioner states that he will apply for the channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Owensville is located in Gasconade County, approximately 113 kilometers (70 miles) southwest of St. Louis, Missouri.

(b) *Population:* Owensville—2,416; Gasconade County—11,878.[3]

(c) *Local Aural Broadcast Service:* None.

3. *Economic Considerations:* Petitioner has described the local economy and states that a local FM outlet will fill a requirement for coverage of general events in the community, inclusive of storm alerts, nighttime sports events, school announcements, and agricultural information, as well as a competitive advertising outlet for retail business concerns. Petitioner also includes letters from the local citizenry expressing their desire for, and support of the proposed allocation to Owensville.

4. *Technical Data:* The channel allocation can be effectuated provided the transmitter site is located a minimum of approximately 9.2 kilometers (5.7 miles) south of Owensville to avoid short-spacing to Station KWWR, Mexico, Missouri.

[1] *Public Notice* of the petition was given on October 2, 1980, Report No. 1251.

[2] The Commission previously considered petitioner's request in BC Docket No. 79-215, 45 F.R. 37239, released June 2, 1980. The request was denied because petitioner was not interested in using the channel conditioned on a 5.7 mile site restriction.

[3] Population figures are taken from the 1970 U.S. Census.

5. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Owensville, Mo		237A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before July 10, 1981, and reply comments on or before July 30, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to the rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time of a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Attachment: Appendix

Appendix

1. Pursuant to authority found in Sections 4(i)5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they wil be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considerd in connection with the decision in this docket.

(c) The filing of a counterprosal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-15236 Filed 5-20-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-334; RM-3750]

FM Broadcast Station in Atoka, Okla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 276A to Atoka, Oklahoma, in response to a petition filed by M. J. Chase. The assignment would provide Atoka with a first local FM service.

DATE: Comments must be filed on or before July 10, 1981, and reply comments must be filed on or before July 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, 202-632-7792.

By the Chief, Policy and Rules Division:

SUPPLEMENTARY INFORMATION:

Adopted: May, 1981.

Released: May 15, 1981.

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Atoka, Oklahoma); BC Docket No. 81-334, RM-3750.

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by M. J. Chase ("petitioner"), proposing the assignment of Channel 276A to Atoka, Oklahoma, as that community's first FM radio station.

(b) Channel 276A can be assigned to Atoka in compliance with the minimum distance separation requirements.

(c) Petitioner states it will apply for the channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Atoka, the seat of Atoka County, is located approximately 176 kilometers (110 miles) southeast of Oklahoma City, Oklahoma.

(b) *Population:* Atoka—3,346; Atoka County—10,972.[2]

(c) *Local Aural Broadcast Service:* Atoka is served by daytime-only AM Station KEOR.

3. *Economic Considerations:*

Petitioner indicates that the area is experiencing a definite pattern of growth. It incorporates data from the Atoka, Oklahoma Chamber of Commerce to reflect that the area's major industries presently consist of the manufacture of furniture and clothing. Additionally, it states that while several other small industries are located there, an economy boost is expected when construction of the McGee Creek Dam project on Lake Atoka begins in 1981, by creating an influx of several hundred workers into the area. Also, it indicates that the community is located on a major shipping route, and that, with its full-time rail service, should provide the community with the necessary transportation to assure its continued industrial growth.

4. In view of the fact that the proposed FM channel assignment would provide Atoka, Oklahoma, with a first FM and local nighttime aural broadcast service, the Commission believes it appropriate to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to that community, as follows:

City	Channel No.	
	Present	Proposed
Atoka, Okla.		276A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 10 1981, and reply comments on or before July 30, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 Fed. Reg. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making

[1] *Public Notice* of the petition was given on September 19, 1980, Report No. 1248.

[2] Population figures are taken from the 1970 U.S. Census.

other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an orginal and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-15189 Filed 5-20-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 90

[PR Docket No. 80-416; RM-3428; FCC 81-187]

Amendment of the Commission's Rules To Expand the Use of Digital Voice Modulation Generally to the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Further Notice of Proposed Rulemaking.

SUMMARY: The FCC proposes to amend Part 90 of its rules on private land mobile radio services to expand the use of digital voice modulation and solicits comments from the public in order to determine whether the use of this type of modulation is required by all licensees to protect the privacy of their communications.

DATES: Comments are due on or before June 22, 1981 and replies on or before July 22, 1981.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: William P. Berges, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION: .

Adopted: April 23, 1981.

Released: May 12, 1981.

By the Commission: Commissioner Fogarty issuing a separate statement.

Introduction

In the Matter of an amendment of Part 90 of the Commission's Rules and Regulations to expand the use of digital voice modulation generally to the private land mobile radio services, PR DOCKET NO. 80-416, RM-3428, further notice of proposed rule making.

1. We are addressing in this phase of this proceeding the generalized requirements for digital voice emission (F3Y) and digital scrambling techniques in the private land mobile services. We take this action in response to the requests made by many parties who filed comments to our original *Notice of Proposed Rule Making* in this proceeding.[1]

Background

2. Normally operations authorized in the private land mobile radio services are intended to provide analog (A3 or F3) voice communications between stations. Communications of digital voice systems (F3Y emission), however, can attain a higher degree of security through the use of encryption (scrambling) techniques. In our *First Report and Order* in Docket No. 21142,[2] in recognition of this fact, we authorized Police and Fire Radio Service licensees to operate digital voice systems on the same frequencies that are normally utilized by conventional analog voice systems. We were concerned, however, that the digital voice transmissions might cause some co-channel and adjacent channel interference to the existing analog voice operations. We authorized digital emissions in the Police and Fire Radio Services, however, because we believed that by allowing these licensees to satisfy their secure communications requirements it would contribute to the safety of life and property. Furthermore, we were of the opinion that interference problems could be kept to a minimum, through the careful frequency coordination and limited re-use of frequencies that normally prevail in these services.

3. On July 20, 1979, the Utilities Telecommunications Council (UTC) filed a petition requesting the Commission to permit licensees in the Power Radio Service to secure their communications through the use of digital voice systems. After considering

[1] See *Notice of Proposed Rule Making*, Docket No. 80-416, FCC 80-477, released August 15, 1980, published on August 19, 1980 (45 FR 55245).

[2] See generally, *First Report and Order*, Docket No. 21142, FCC 78-70, released February 9, 1978.

both the fact that frequency coordination in the utilities industry is very effective and that this industry had needs for secure communications systems, we released a *Notice of Proposed Rule Making*, Docket No. 80–416, *supra*, proposing to amend Part 90 of the Commission's Rules to permit the use of digital voice systems in the Power Radio Service. The majority of the parities who filed comments and replies to the *Notice* supported our porposal and today the Commission adopted the *First Report and Order* in Docket No. 80–416,[3] authorizing the use of digital voice systems in the Power Radio Service.

Discussion

4. Many of the parties who filed comments to the *Notice* also strongly recommended the Commission amend its Rules to permit the use of digital voice systems in other land mobile radio services. For instance, the Central Committee on Telecommunications of the American Petroleum Institute (API) supported the use of digital voice systems in the Petroleum Radio Service but only for the "protection of corporate personnel and property." The Special Industrial Radio Service Association, Inc. (SIRSA) supported the use of these systems for the protection of the Special Industrial Radio Service licensees' property only. Both API and SIRSA opposed the use of digital voice emission except for the specific purposes they supported. On the other hand, the Manufacturer's Radio Frequency Advisory Committee, Inc. (MRFAC) requested the Commission to permit the general use of digital voice systems in the Manufacturers Radio Service, because, it argued, licensees in that service require a high degree of communications security to protect their plant areas and the sensitive and highly desirable materials they process.

5. In connection with this subject, Motorola, Inc. (Motorola) [4] claimed it has closely monitored the operation of digital voice systems for the past two years and has no evidence that they have caused any interference problems. Motorola is convinced, therefore, that analog and digital systems can co-exist in the same channels and urged the Commission to amend its Rules to permit the use of digital voice systems to all highly coordinated radio services. In similar comments the Associated Public-Safety Communications Officers, Inc. (APCO) [5] noted it has nor reports that the use of digital voice systems in the Police and Fire Radio Services has caused any co-channel or adjacent channel interference and urged the Commission to expand their use to those public safety agencies that are licensed in the Local Government Radio Service.[6] No support was expressed for this need in such radio services as the Special Emergency, Business and Taxicab Services to name but a few where some need for communications security has been expressed in the past.

6. We have decided to explore these issues further, including the needs of uncoordinated and less than "highly coodinated" services for the use of digital voice scrambling techniques. We would like to point out, however, that the Commission would not be able to unscramble and determine the purpose of secured digital voice communications once we generally allowed it. Thus, if we adopted rules which authorized the use of digital voice communications for the protection of life and property only, as API and SIRSA suggested, or by a selected group of radio users in shared radio systems, as APCO suggested, the Commission would not be able to verify that these rules were not violated. Therefore, it is not practicable to propose, we believe, rules for digital voice systems with a protection of life and property limitation.

7. The proposal for the unrestricted use of digital voice systems as MRFAC proposed appears to have merit but we request public comment as to the need for this capability in each Part 90 radio service. Motorola pointed out the need for secure communications can arise in numerous situations throughout all land mobile radio services, and APCO indicated that digital voice operations have not caused any known interference in the Police and Fire Radio Services. Motorola has also stated that digital and voice operations are fully compatible with each other and can co-exist in the same channels.

Proposal

8. In view of the foregoing, we propose to amend Part 90 of the Commission's Rules as shown in the Appendix, to permit the use of digital voice systems, and tentatively we propose limiting such use to a secondary non-interference status by all licensees in the Private Land Mobile Radio Services. We also propose that the use of digital voice systems in frequencies below 800 MHz be coordinated. We further propose that the use of digital voice systems on any frequency be approved in each case by the Commission. In proposing these amendments, we invite all parties who are interested in the rules governing licensing and operation of voice systems, to file comments concerning our proposed rule changes, and provide us information concerning the general requirements for secure communications in all land mobile radio services.

9. As noted above, the use of digital voice has been authorized in the Police and Fire Radio Services, and by action today, the Power Radio Service. There has not been any identified interference from the use of digital voice operation in these services. However, these services may be distinguished from other private land mobile services on the basis of the degree of coordination, the extent of frequency reuse, and the necessity of cooperation in the use of shared channels. Obviously, cooperation requires that the nature of conversations be overheard and this is not possible with encrypted digital voice. Therefore, it would be helpful if commenters addressed the potential interference from the use of digital voice in the proposed additional services. Comments should include discussion of co-channel as well as adjacent channel and "tertiary" channel interference.

10. The Commission concludes after an analysis of these proposed rules that they are not likely to have a significant economic impact on a substantial number of small entities, and, therefore, we are not preparing an accompanying initial regulatory flexibility analysis. See § 603 of the Regulatory Flexibility Act of 1980. (Pub. L. 96–354). The Commission concludes this because it does not anticipate a significant number of small business licensees will employ these types of systems.

11. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/ pleadings and formal oral arguments)

[3] See generally, *First Report and Order*, Docket No. 80–416, FCC 81–186 released May 11, 1980, published in this issue of the **Federal Register**.

[4] Motorola is the only manufacturer whose digital voice equipment is Type Accepted for operation in the Private Land Mobile Radio Services, under Part 90 of the Commission's Rules.

[5] APCO is an organization for public safety radio users which, among other things, coordinates the frequencies of licensees in the Police Radio Service.

[6] Part 90 of the Commission's Rules authorizes police, fire, highway maintenance, forestry conservation and many other public entities to commonly share radio systems which are licensed in the Local Government Radio Service.

V 46 / 98 MAY 21 81 UMI

between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR 1.1231.

12. Authority for issuance of this Notice is contained in Section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to procedures set out in Section 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before June 22, 1981, and reply comments on or before July 22, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public files and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

13. In accordance with the provisions of Section 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

14. For further information concerning this document, you may contact William P. Berges, (202) 632–6497.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

APPENDIX

Part 90 of the Commission's Rules would be amended as follows:

§ 90.19 [Amended]

1. In § 90.19 delete paragraph (h).

§ 90.21 [Amended]

2. In Section 90.21 delete paragraph (f).

3. Section 90.175 is amended by revising the introductory text and the introductory text of paragraph (e) and by adding a new paragraph (f) as follows:

§ 90.175 Frequency coordination requirements.

Except for applications listed in paragraphs (e) and (f) of this section, each application: (1) for a new frequency assignment, or (2) for a change in existing facilities by increasing the authorized power, raising the authorized antenna height, or changing the authorized station location or the location of the antenna; or (3) for the addition of a base station within the licensee's existing area of operation, shall include a showing of frequency coordination as set forth in either paragraph (a) or (b) of this section.

* * * * *

(e) The following applications need not be accompanied by evidence of frequency coordination, except for digital operations listed in paragraph (f):

* * * * *

(f) *Digital operations.* Notwithstanding any provisions in this part, the use of F3Y (digital) voice or F9Y (digital data) emission on any frequency, shall require prior approval by the Commission. All applications for such approval shall include:

(1) For frequencies between 470 and 512 MHz, a showing of frequency coordination as set forth in paragraph (b) of this section.

(2) On any other frequency other than frequencies between 470 and 512 MHz, a showing of frequency coordination as set forth in paragraph (a) of this section.

4. Section 90.207 is revised to read as follows:

§ 90.207 Modulation requirements.

Operations in the services governed by this part are normally intended for voice communications, except as provided for radiolocation operations in Subpart F and non-voice operations in Subpart J.

(a) *Voice operations.* Subject to the following paragraphs, stations in these services will be authorized to use A3 or F3 emission on a primary basis. In addition, F3Y (digital voice) emission will be authorized in the Police, Fire and Power Radio Services on a primary basis and in all other mobile radio services on a secondary basis. Authorization to use F3Y emission is construed to include the use of F9Y (digital data) emission subject to the provisions of paragraphs (a), (b) and (d) of Section 90.233.

(1) Except for Traveler's Information Stations in the Local Government Radio Service authorized in accordance with Section 90.242, only A3J emission will be authorized for telephony on frequencies below 25 MHz.

(2) The use of A3 and F3 emission will be authorized on all frequencies above 25 MHz.

(3) The use of F3Y emission will be authorized on all frequencies above 25 MHz. On the 806–821 MHz and 851–866 MHz bands F3Y emission will be authorized only as provided in Section 90.385.

(4) Authorization to use A3, F3 and F3Y emission also includes the use for tone signals or signaling devices whose sole function are to establish and to maintain communications, and for operations in the Public Safety and Special Emergency Radio Services, to activate emergency warning devices used solely for the purpose of advising the general public or emergency personnel of an impending emergency situation.

(5) Station identification shall be transmitted in analog mode (clear voice) or Morse code, using A3 or F3 emission in accordance with the provisions of Section 90.425.

(6) Analog or digital scrambling techniques may be employed at any station authorized the use of A3, F3 or F3Y emission, subject to the provisions of paragraph (a)(5) of this section.

(b) *Non-voice operation.* The following emissions will be authorized for non-voice operations:

	A1	A2	F1	F2	F4	F9	P9
Tone paging	X	X	X	X			
Radiotelegraphy				X		X	
Radiofacsimile					X		
AVM				X	X	X	X
Telemetry	X	X	X	X		X	
Call Box	X	X	X	X			

(c) *Radiolocation.* The emissions for radiolocation operations will be in accordance with the emissions authorized in the operating frequency bands and the exceptions indicated in subpart F.

§ 90.212 [Removed]

5. Section 90.212 is removed.

6. In § 90.385, paragraph (c) is revised to read as follows:

§ 90.385 Restrictions and limitations on permissible communications, on use, and on mode of operation.

. . . . .

(c) Notwithstanding any contrary provisions in this subpart, a system licensed for use by a person or entity eligible under subparts B, C, D, or E of this part may be employed for any purpose or operated in any manner, including the use of F2, F3Y, F4, F9, and F9Y emissions which are consistent with the regulations governing the service in which the user is eligible: Provided, That the loading standard which applies to the system is met and the channel or channels are assigned to that person or entity for its exclusive use.

Statement of Commissioner Joseph R. Fogarty

In Re: Amendment of Part 90 of the Commission's Rules and Regulations to Allow the Use of Digital Voice Modulation in the Power Radio Service.

The time has come for the Commission to develop an overall policy on the question of the privacy and security of the telecommunications network. During the last two decades the potential for invasion of the privacy of communication and the violation of the integrity of the communications network has increased alarmingly. This situation developed with the prodigious expansion of communication services and the rapid growth of communication technologies. New technologies have increased the sophistication and capabilities of virtually all forms of communications. Unfortunately, these new technologies have also contributed to the development of refined tools suitable to be used for unauthorized interception and tampering with modern communication services. More sensitive and less expensive monitoring devices, interception systems and computerized processing hardware and software have created a potential for unauthorized surveillance, interception, tampering and use heretofore unknown. The growing network of computer terminals and communication links now provides many access points as well as the necessary equipment for those bent on unauthorized interception and use of information. The intensified employment of terrestrial microwave and satellite facilities has resulted in a growing problem involving the theft of material contained in MDS, STV and satellite transmissions. Cable, while not easily penetrated, is not impregnable. In addition, increasing reliance on electronic communication is enhancing incentives towards these illicit activities.

Such developments raise a myriad of serious issues concerning the privacy and security of the telecommunications network which the Commission is obligated to confront. It is clear from provisions of the Communications Act, the United States Criminal Code, and our prior decisions that the privacy of communications must be protected and that any potential threat to privacy is a cause for grave concern on our part. *See U.S.* v. *Sudgen*, 226 F.2d 281 (9th Cir. 1956); *KMLA Broadcasting Corp.* v. *Twentieth Century Cigarette Vendors Corp.*, 264 F. Supp. 35 (D.C. Cal. 1967); *Jochnowitz* v. *N.Y. Telephone Co.*, 32 FCC 2d 858, 84 (1972). As we have stated previously, we do not believe it to be consistent with the public interest to permit any "new product of man's ingenuity to destroy our traditional right to privacy." *Amendment of Parts 2 and 15*, 2 FCC 2d 641, 644 (1966). Unfortunately, aside from issuing staff papers and holding seminars, the Commission has never developed an overall policy designed to ensure that the privacy and security of the network is maintained.

The privacy and security question affects all of the areas that the Commission regulates—Broadcast, Common Carrier, Private Radio and Cable. The Commission is literally sitting on a "time bomb." We have already had complaints from MDS and STV operators concerning theft of service and the illegal manufacture and sale of equipment to abet such thievery. This problem has apparently reached epidemic proportions in Los Angeles. Moreover, there are currently in progress throughout the country a number of lawsuits concerning theft of STV service.[1] In the future, we are bound to face theft of service complaints in the DBS and cellular areas. The problem is not merely domestic in scope. Internationally, the privacy problem has created important questions concerning transborder data flows which threaten to inhibit the free flow of information worldwide.

The law is unclear with conflicting cases even within adjoining districts.[2] Section 605 of the Communications Act is antiquated while Chapter 119 of the Omnibus Crime Control and Safe Streets Act of 1968, with its emphasis on oral communications, is not readily adaptable to new technology.

Now is the time for the Commission to bring order to this chaos. I recommend that the Commission form a task force, including representatives from other interested agencies and departments of the government, to study the problem of maintaining the privacy and security of the telecommunications network in the face of the threat presented by new technologies. The task force after study, would report to the Commission on policies and rules that the FCC might adopt in this area and on any amendments to the Communications Act and the Omnibus Act that the Commission might recommend to Congress. Prompt action is imperative. I urge that the Commission move very quickly toward the formation of this task force to protect the national interest.

[FR Doc. 81-15153 Filed 5-20-81; 8:45 am]

BILLING CODE 6712-01-M

[1] It is my firm belief that the Commission should intervene in each of these cases.

[2] *See Home Box Office* v. *Pay TV of Greater New York, Inc.*, 467 F. Supp. 525 (E.D.N.Y. 1979); *contra, Orth-O-Vision Inc.* v. *Home Box Office*, 474 F. Suppl. 672 (S.D.N.Y. 1979).

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1307

[Ex Parte No. MC-98 (Sub-No. 1)]

Classification, Exceptions and Rules Tariff; Investigation Into Motor Carrier Classification

AGENCY: Interstate Commerce Commission.

ACTION: Request for comments on interim policy statement.

SUMMARY: This proceeding was started to explore the necessity for changing the way commodities are classified and how the Commission evaluates the reasonableness of those classifications. An interim decision was served May 15, 1981. The Commission is seeking comments regarding its tentative findings in this investigation: that the National Motor Carrier Classification needs to be revised; that it is unreasonable for the classifier to publish different ratings for an article dependent on whether it is truck load (TL), less than truck load (LTL), or any quantity (AQ); that certain characteristics which are now used in classifying articles are not relevant; and that reduction of the classification to a single rating number is less useful to rate setters than other proposed alternatives. No changes in the Code of Federal Regulations are proposed.

DATES: Comments are due on or before July 6, 1981.

ADDRESS: The complete decision is available from the Secretary of the Commission, I.C.C., Washington, D.C. 20423. Send comments to: Office of Proceedings, Room 5356, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder, (202) 275-7656.

SUPPLEMENTARY INFORMATION: This proceeding was started to explore the necessity for changing the way commodities are classified and how the Commission evaluates the reasonableness of those classifications. An interim decision was served May 15, 1981.

After investigation and consideration of public comment the Commission has tentatively decided it should limit the number of characteristics it will consider in ruling on the reasonableness of motor carrier classifications. Those of the 15 traditional characteristics which pertain to ratemaking could no longer be considered by classifiers.

V 4 6 / 9 8 M Y 2 1 8 1 JMI

The Commission has tentatively found that the National Motor Freight Classification should no longer contain different ratings for the same commodity for less than truckload, truckload, or any quantity movements. This change was premised on the finding that tramsportation characteristics remain the same regardless of the quantity shipped.

The Commission also expressed its preliminary beleif that the reduction of the classification to a single rating number for an article is less useful to rate setters than other reasonalbe alternatives. Consequently, the National Classification Committee would be permitted to publish information about the relevant transportation characteristics rather than a rating number.

Comments regarding the tentative findings in this investigation are invited.

The proceedings embraced in this decision, Docket No. 36724, 37242, and 37364, were discontinued.

The complete decision is available from the Secretary of the Commission, I.C.C., Washington, D.C. 20423.

This decision will not significantly affect either the quality of the human envoronment or conservation of energy resources.

(49 U.S.C. §§ 10321, 10702, 10708, and 50 U.S.C. § 553)

Decided: April 27, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gilliam concurred with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Gilliam, Concurring

I agree that the number of transportation characteristics used in determining classifications should be reduced to the four factors listed in this decision. However, it is my initial impression of this proposal that prohibiting the publication of class ratings by the National Motor Freight Traffic Association is equivalent to elimination of the classification system.

The historical reason for the classification is to provide a mechanism for grouping thousands of commodities into a limited number of classes. Rates are then published on these few classes. This simplifies the publication of basic rates and provides carriers with rates on all commodities. This allows carriers to fulfill their common carrier obligation and provides a point of reference for establishing commodity rates. The classification reflects average transportation characteristics of commodities rather than actual transportation experience.

If the classification has outlived its usefulness in its present form, then it should be eliminated. I believe the decision mischaracterizes the present action. This is not merely a revision, but a substitution of an entirely different concept. While it may be a good idea, I am concerened about the practical implications of abondoning the classification system and the usefulness of the information which is proposed to be substituted. While it is true that the existing classification will still be available as a reference, it is obvious that this tool will eventually be of no value if it is not updated.

[FR Doc. 81-15117 Filed 5-20-81 8:45 am]

BILLING CODE 7034-01-M

Notices

Federal Register
Vol. 46, No. 98
Thursday, May 21, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Oil and Gas Leasing Within the Washakie Wilderness of the Shoshone National Forest; Park, Fremont, and Hot Springs Counties, Wyoming; Intent To Prepare an Environmental Impact Statement

The Forest Service, U.S. Department of Agriculture, will prepare an environmental impact statement, in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, to disclose the environmental consequences of preliminary geophysical exploration and of oil and gas leasing within the Washakie Wilderness and four (4) adjoining areas proposed for addition to the Wilderness, all within the Shoshone National Forest. The Bureau of Land Management, U.S. Department of the Interior, asked the Forest Service to recommend whether or not 72 proposed oil and gas leases should be issued and, if issued, what terms and conditions (i.e., stipulations) for the management of surface resources should be made part of each lease to prevent or control adverse impacts, and for the prompt reclamation of the disturbed lands upon abandonment of operations. This request was made in accordance with a Memorandum of Understanding between the Bureau of Land Management and the Forest Service.

This environmental impact statement will disclose the potential environmental consequences of the current and possible future proposals for oil and gas lease issuance, as well as possible preliminary geophysical exploration operations, upon National Forest lands within the Congressionally designated Washakie Wilderness (687,132 acres and the following four (4) areas which the Administration recommended for wilderness designation in the April 16, 1979, decision accompanying the Final Environmental Statement for the Roadless Area Review and Evaluation (RARE II): Sleeping Giant A (1750 acres), Sleeping Giant C (2355 acres), South Fork B (10,949 acres), and Du Noir Special Management Unit (28,987 acres); a total of 731,173 acres. These National Forest lands lie east of the Continental Divide, south of U.S. Highways 14–16–20 and north of U.S. Highway 26–287. Portions of Park, Fremont, and Hot Springs Counties, Wyoming, are included in the area to be evaluated.

Oil and gas operations progress through five phases: preliminary exploration (prospecting), exploratory drilling, development, production, and abandonment. Preliminary exploration on National Forest System land is authorized by the Forest Service with issuance of a prospecting permit. The Forest Service prospecting permits are nonexclusive and neither authorizes removal of minerals or mineral materials nor extends a promise of a preference right to a mineral lease. The remaining four phases of operations are only authorized upon issuance of an oil and gas lease by the Bureau of Land Management, U.S. Department of the Interior. Leases are typically obtained between the first and second phases, but a lease may be obtained before the first phase. Regulations do not require preliminary exploration before the issuance of a lease.

Mineral leasing of these lands is authorized by the Mineral Lands Leasing Act of 1920 and Section 4(d)(3) of the Wilderness Act of 1964, provided that leases contain "reasonable stipulations as may be proscribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased".

The Bureau of Land Management will make the final decision whether or not to offer the lands for oil and gas leasing. Before operations can take place on a leasehold, the lessee, or his representative for operations, must submit a proposed operating plan to the Geological Survey, U.S. Department of the Interior. This proposed plan is forwarded to the Forest Service for review and concurrence as to whether the plan meets the performance standards of the surface resource management stipulations of the lease before a permit to drill is approved.

A site-specific environmental analysis is made by the Geological Survey in cooperation with the Forest Service during the review of the proposed operating plan. The analysis is documented in either an environmental assessment or, as mandated by the National Environmental Policy Act, in an environmental impact statement if the proposed action is a major federal action significantly affecting the quality of the human environment.

Craig W. Rupp, Regional Forester of the Rocky Mountain Region, is the official responsible for making the Forest Service recommendations on leasing of these National Forest lands. He has determined that oil and gas leasing within the Washakie Wilderness and the adjoining proposed wilderness additions would be a major federal action. Therefore, an environmental impact statement will be prepared. The following factors were considered:

1. The magnitude of the current 72 leasing proposals (i.e., over-the-counter offers and simultaneous listings) covering about 200,000 acres;

2. The need to make timely decisions on applications made for Forest Service prospecting permits to do preliminary geophysical exploration (prospecting) should the need arise;

3. The need to make timely recommendations to the Bureau of Land Management on both the existing and possible future lease issuance proposals;

4. The present nature and inaccessibility of the lands involved;

5. The possible effect on surface resources and values, including wilderness.

Randall R. Hall, Forest Supervisor of the Shoshone National Forest, will direct the preparation of the environmental impact statement. An interdisciplinary team on the Shoshone National Forest will develop a preliminary list of public issues and management concerns based on previous planning efforts and public involvement activities. This material will be consolidated into an information brochure. It will be mailed or otherwise distributed to individuals, organizations, and agencies who have indicated in the past, an interest or concern regarding this subject to ascertain the scope of the issues to be addressed and for identifying the significant issues.

V 46 / 98 MAY 21 81 UMI

Response forms will be provided with each brochure to facilitate public response. The brochure and response form will be available for distribution by June 5, 1981. A minimum of thirty (30) days will be allowed for review and comment on the preliminary issues and concerns. An announcement concerning the environmental impact statement preparation and the availability of the information brochure will be sent to all news media outlets in northwest Wyoming, as well as the major news services.

Local, state, and Federal agencies having jurisdiction in this area will be contacted. At the present time the Bureau of Land Management (isuance of oil and gas lease), Geological Survey (technical information on oil and gas occurrence and approval of operating plan), and the Fish and Wildlife Service (occurrence of threatened and endangered species) have been tentatively identified as the Federal cooperating agencies to be involved in preparation of this environmental impact statement. The Wyoming Game and Fish Department and Park, Fremont, and Hot Springs Counties will be contacted for assistance. Scoping and coordination meetings with other agencies will be scheduled prior to July 6, 1981.

The following open houses will be held to encourage public participation in the scoping process:

June 30, 1981: Cody Convention Center; 1240 Beck, Cody, Wyoming

July 1, 1981: Natrona County Library; 307 East 2nd, Casper, Wyoming

July 2, 1981: U.S. Forest Service Office; Masonic bldg., Dubois, Wyoming

Copies of the informational brochure will be distributed, question and answer sessions will be held, and participants will be asked to complete a response form. Details regarding locations and times will be announced in the informational brochure and through local news media outlets.

The information obtained from public comment on the informational brochure as well as agency scoping meetings and open houses, will be used to identify and list the public issues, management concerns, and management opportunities to be addressed in the environmental impact statement. This list will direct the types and amounts of data to be gathered and analyses to be completed for the draft environmental impact statement.

Possible alternatives to be addressed in the environmental impact statement include, (a) recommending against lease issuance, and (b) recommending lease issuance with appropriate stipulations. Stipulations would have two objectives. One would be to authorize surface occupancy of those lands where adverse impacts can be prevented or controlled and disturbed lands can be restored. The other would be to prohibit surface occupancy of specific tracts within a leasehold where adverse impacts could not be reclaimed within a reasonable period of time.

A detailed outline of the process for completing the environmental impact statement is available for public review at the Forest Supervisor's Office, West Yellowstone Highway, P.O. Box 2140, Cody, Wyoming, 82414.

The oil and gas leasing environmental impact statement for the Washakie Wilderness and adjoining proposed wilderness areas will use information, in, and supplement, the existing Washakie Wilderness Interim Management Plan dated February 12, 1980, and will be carried forward into the Shoshone National Forest Land and Resource Mangement Plan which is tentatively scheduled for completion late in 1983.

The draft environmental impact statement for oil and gas leasing is tentatively scheduled for completion in October, 1981. A sixty (60) day period for public review and comment will follow. The final environmental impact statement is tentatively scheduled for filing with the Environmental Protection Agency in February, 1982.

Comments on this notice of intent and the environmental impact statement on oil and gas leasing should be sent to Randall R. Hall, Forest Supervisor, Shoshone National Forest, West Yellowstone Highway, P.O. Box 2140, Cody, Wyoming, 82414. Further information may be obtained from Don I. Campbell, Forest Planning Staff Officer and Interdisciplinary Team Leader, at the same address, or by telephone (307) 587-2274.

Dated: May 15, 1981.

Larry R. Coffelt,

Acting Regional Forester..

[FR Doc. 81-15232 Filed 5-20-81, 8:45 am]

BILLING CODE 3410-11-M

Wilderness Oil and Gas Leasing; Bob Marshall Wilderness, et al.; Intent To Prepare an Environmental Impact Statement

In the Matter of Wilderness Oil & Gas Leasing—Bob Marshall Wilderness, Great Bear Wilderness, Scapegoat Wilderness, Mission Mountains Wilderness, and Three Adjacent Rare II Areas; Flathead, Helena, Lewis & Clark, and Lolo National Forests; Flathead, Lake, Lewis & Clark, Missoula, Powell and Teton Counties, Montana.

The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement regarding its recommendation to the Secretary of the Interior for noncompetitive oil and gas lease applications within the above noted areas. Several hundred oil and gas lease applications have been received for these areas. The Regional Forester of the Forest Service's Northern Region must recommend to the Secretary of the Interior through the Montana State Office of the Bureau of Land Management whether these leases should be granted and, if so, under what circumstances. The area to be analyzed is a large 1,745,778-acre roadless area retaining much of its original natural character. About 92 percent of the area is within four components of the National Wilderness Preservation System. The remaining acreage is in three areas (RARE II areas) which have been recommended for wilderness designation. The natural resources within these areas are significant on a local, Regional, and National basis.

The proposed action may affect two National Wild and Scenic Rivers. many Americans will view the proposed action as having a significant effect on the human environment. The proposed action may be precedent setting in nature, i.e., first oil and gas leases issued in the National Wilderness Preservation System. The proposed action may have an effect on endangered or threatened species or their habitat. Overall, this decision is considered a major Federal action which may significantly affect the quality of the human environment. Therefore, an environmental impact statement will be prepared.

A range of alternatives will be considered, including, but not limited to:

1. No action—no leasing.

2. Deny leasing based on grounds of site-specific concerns and proceed with formal withdrawal procedures if appropriate.

3. Leases be granted for all or part of the area with reasonable requirements to protect the wilderness character. Reasonable requirement may include:

a. Standard requirements (stipulations) used to protect the resources found in typical situations.

b. Special stipulations for resource protection or mitigation of specific impacts.

c. Stipulations which prohibit surface occupancy of limited areas based on site-specific justification.

d. Combinations of the above "a" through "c."

The Forest Service has reviewed public input from several recent

environmental analyses concerning proposed oil and gas activity in this area and other roadless areas. From this public input a tentative list of issues and concerns has been developed. These tentative issues will be publicized through the news media on a National, Regional, and local basis. Federal, State, and local agencies; industrial and environmental organizations; local Indian tribes; and individuals will be invited to comment. The four affected National Forests are developing a mailing list of agencies, groups, and individuals who have commented on past oil and gas lease proposals. They will be advised of this action and asked to review the tentative list. From this public participation, the most significant issues will be determined. Alternatives will be developed through workshops that include representatives of Federal, State, and local agencies, affected Indian tribes, environmental organizations and industrial groups.

The Department of the Interior, Fish and Wildlife Service, will be invited to participate as a cooperating agency to evaluate impacts on threatened and endangered species and their habitat.

Public meetings will be held to review the draft environmental impact statement. These will probably be held in Kalispell, Missoula, Helena, and Great Falls, Montana, during 1982.

Tom Coston, Regional Forester of the Forest Service's Northern Region is the responsible official. A draft environmental impact statement should be ready for public review early in 1982, with the final environmental impact statement scheduled for completion later in 1982.

Questions about the proposed action and environmental impact statement should be directed to Warren A. Illi, Lands and Minerals Staff Officer, Flathead National Forest, Kalispell, Montana 59901 (406–755–5401). Written comments and suggestions concerning this analysis should be sent to USDA Forest Service, Flathead National Forest, P.O. Box 147, Kalispell, Montana 59901.

Dated: May 14, 1981.

Everett L. Towle,

Acting Regional Forester, Northern Region.

[FR Doc. 81-15231 Filed 5-20-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 81-5-75]

Fitness Determination of Scenic Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–5–75, Order to Show Cause.

SUMMARY: The Board is proposing to find that Scenic Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 18, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–5–75.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5348.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–5–75 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–5–75 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 14, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15256 Filed 5-20-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-92]

Fitness Determination of Sundance Airways, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–5–92, Order to Show Cause.

SUMMARY: The Board is proposing to find that Sundance Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 18, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–5–92.

FOR FURTHER INFORMATION CONTACT: Mr. John McCamant, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5082.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–5–92 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–5–92 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 18, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15257 Filed 5-20-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-79]

Fitness Determination of Vee Neal, Inc., d.b.a. Vee Neal Airline; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–5–79, Order to Show Cause.

SUMMARY: The Board is proposing to find that Vee Neal, Inc. d.b.a. Vee Neal Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 18, 1981, together with a summary of the testimony, statistical data, and other

material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–5–79.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–5–79 is available from the Distribution Section, room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–5–79 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 14, 1981.

Phyllis T. Kaylor,
Secretary

[FR Doc. 81-15258 Filed 5-20-81, 8:45 am]
BILLING CODE 632001—M

[Order 81-5-80]

Lone Star Airways Additional Points Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81–5–80, application of Lone Star Airways under Subpart Q for a Certificate of Public Convenience and Necessity for authority between and among Oklahoma City, Omaha and Tulsa (Docket 39427) and between Los Angeles and Honolulu (Docket 39434).

SUMMARY: The Board is proposing to grant a certificate of public convenience and necessity to Lone Star Airways to authorize it to provide service to the points listed in its applications, subject to a favorable determination of its fitness (Docket 38185). The complete text of the order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below no later than June 22, 1981, a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 39427, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, (202) 673–5340.

FOR FURTHER INFORMATION CONTACT: Peter Bonanno, Jr., Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5009.

SUPPLEMENTARY INFORMATION: Objections should be served upon the civic officials and airport managers at Oklahoma City, Omaha, Tulsa, Los Angeles and Honolulu; the governors of Oklahoma, Nebraska, California and Hawaii; the California Transportation Commission, Aeronautics Sub-committee; the Hawaii State Department of Transportation; the Nebraska Department of Aeronautics; the Oklahoma Aeronautics Commission; and Lone Star Airways. The complete text of Order is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Person outside the metropolitan area may send a postcard request for Order 81–5–80 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 14, 1981.

Phyllis T. Kaylor,
Secretary,

[FR Doc. 81-15254 Filed 5-20-81, 8:45 am]
BILLING CODE 6320-01-M

[Order 81-5-82]

U.S.-London Case (1982); Order To Institute a Proceeding To Select City/Carrier for Nonstop Service to England

AGENCY: Civil Aeronautics Board.

ACTION: Order to institute a proceeding to select city/carrier for nonstop service to England, Order 81–5–82.

SUMMARY: The Board proposes to institute the *U.S.-London Case (1982)*, Docket 39634, to determine which carrier or carriers should be certificated to serve that market beginning April, 1982. The Board tentatively concludes that Newark should be selected as the 1982 gateway for new London service. Carrier applications for service to other U.S. Cities may also be submitted in this docket.

FURTHER PROCEDURES: Applications, motions and petitions must be filed no later than June 3, 1981 with the Civil Aeronautics Board (20 copies, addressed to Docket 39634, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428).

ADDRESS FOR SUBMISSION: Docket 39634, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

To get a copy of the complete order, request it from C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Glenn M. Datnoff (202–673–5203), Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 14, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-15255 Filed 5-20-81, 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

National Aeronautics and Space Administration; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 80–00330. Applicant: National Aeronautics and Space Administration, Lyndon B. Johnson Space Center, Payload Deployment and Retrieval System, BC/27 Shuttle Equipment Procurement Section, Houston, TX 77058. Article: Remote Manipulator System and Associated Equipment. Manufacturer: SPAR Aerospace Limited, Canada. Intended use of article: See Notice on page 47894 in the **Federal Register** of July 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application Denied. A domestic manufacturer was both willing and able to produce apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, and have it available to the applicant without unreasonable delay.

Reasons: In stating the reasons for its decision, the Department will list the issues as presented by the applicant, present the recommendations and findings of its scientific consultants at the National Bureau of Standards, and

address the issues in the order given by the applicant.

Issues: The applicant attached to its June 2, 1980 resubmission a supplementary memorandum of fact and law, Part III of which listed issues and arguments which it believed underlay the Department's decision. These are summarized seriatim in the order presented:

1. The applicant argued that the RMS is a scientific instrument within the meaning of the Act.

2. The applicant argued that, in the light of the pertinent regulations of the Department of Commerce and NASA's contract with Canada, the RMS was not "being manufactured in the United States" (80 Stat. 899; 19 U.S.C. 1202).

(a) Department of Commerce Regulations: The applicant cited 15 CFR 301.11(a) as support for its contention that the Department of Commerce must "establish that at least one domestic instrument possesses all the pertinent specifications of the RMS" and, because this "would be impossible," must "find to the contrary." Moreover, the applicant contended that the Department could not determine that the RMS is "customarily * * * custom-made within the United States" because the RMS is "unique and never before manufactured in the United States."

(b) The NASA Contract with Canada: Addressing the issue of the willingness of domestic industry to produce the custom-made RMS, the applicant contended that "no United States firm would have entered into an agreement with NASA for the procurement of the RMS" with the terms and conditions of the contract with Canada, viz.,

That NASA would not be charged the cost of the first flight unit;

That Canada would not recover R&D costs;

That additional procurement would be "at reasonable prices to be agreed and with specifications and schedule to be agreed." Additionally, the applicant contended that, in view of the fact that the Congress never appropriated funds for the research and development activity of the RMS, there was "no reasonable basis to expect a domestic firm to undertake this activity without reimbursement."

3. The applicant contended that duty-free entry of the RMS was justified by "excessive delivery time." Calculating from the time that NASA issued its request for proposal to Canada in May 1978, the applicant stated that "it is clear that no domestic manufacturer could have delivered the RMS * * * on schedule." Canada, however, "had previously spent in excess of three years in the design and development of the RMS". The applicant further contended that the lack of appropriated funds for the project prevented it from seeking competitive proposals and, thereby, from comparing the "delivery times quoted by domestic manufacturers and foreign manufacturers as required by 15 CFR 301.11(c)."

4. The applicant contended that the projected schedule of payloads to be handled by the RMS "does not disclose any use for a commercial purpose within five years of entry." Although there will "undoubtedly" be payloads "owned by commercial entities and foreign governments," the applicant did not consider these as commercial use "within the meaning of the statute," but instead as "governmental use in accordance with the * * * NASA charter."

Findings of the National Bureau of Standards: in its memorandum of November 4, 1980, the National Bureau of Standards advised as follows:

"this application is a resubmission of Docket Number: 79-00220, which was denied without prejudice to resubmission.

In the DWOP, the applicant was asked to provide information that would justify duty-free entry on the basis that technological or manufacturing capability to provide a comparable apparatus did not exist within the domestic industry. We are unable to find any justification to this regard in the resubmission.

"The applicant intends to use the foreign article, a remote manipulator system and associated equipment, in space research experiments requiring multiple position sensor exposure without free-flying deployment. This includes experiments such as the Induced Environment Contamination Monitor (IECM) and the Plasma Diagnostic Probe (PDP). The article will provide various space orientations and then return the experiment to the pay load area.

"The applicant claims, *inter alia*, the specification of a remote manipulator system and associated equipment as pertinent to the intended use and not available from a domestic manufacturer. We find the specification pertinent to the deployment and retrieval of experiments conducted in an outer space environment; however, the apparatus is supportive to the experiments and as such does not have the ability per se to do analysis, data gathering, statistical computation, etc., those functions normally associated with scientific instruments.

"We do not know of any domestically manufactured apparatus that could be used for the purposes described by the applicant. This is not to imply that technologically qualified domestic manufacturers such as Boeing, Fairchild, General Electric, Grumman, Lockheed, Martin-Marietta or North American Rockwell could not have provided, in a timely manner, an article to the applicant's specifications and equivalent to the foreign article for the intended use. The technology and capability for such an undertaking existed within the domestic industry at the time that the applicant knew of his systems requirements; in fact, the applicant did not invite domestic manufacutrers to respond to the requirements until shortly before entering into a joint agreement with the Government of Canada, in the form of a Memorandum of Understanding (MOU), which precluded consideration of domestic manufacturers.

"The capability of domestic manufacturers to provide state-of-the-art hardware and technological innovation is evidenced in the NASA Skylab program which is the domestic forerunner of the ESA Spacelab program and the Space Shuttle itself. There exist several U.S. Patents (dating back to 1968) based on articulate arm manipulators which establish the basic technology for the development of an apparatus such as the foreign RMS.

"We, therefore, believe that the technology and capability to provide and apparatus to the applicant's specification, comparable to the foreign article and within a reasonable time frame, did exist within the domestic industrial complex. The conditions (related primarily to cost) that were presented to interested domestic manufacturers have no bearing on technological capability. They do, however, bear heavily on the issue of 'willingness,' about which we are not in a position to respond. However, based on additional information received, there appears to be a definite willingness to provide an article to the applicant's specifications on the part of at least one domestic manufacturer; specifically, Martin-Marietta Aerospace as evidenced by their correspondence with NASA."

With respect to the NBS memorandum, the Department notes for the record that, contrary to NBS' belief, the applicant did not, at any time, invite domestic manufacturers to respond to its requirements.

Findings of the Department of Commerce: The Department's findings are presented in the order of the specific issues listed by the applicant:

1. A substantive finding as to the scientific nature of the RMS is held in abeyance.

The Department, for the reasons cited by NBS, is not persuaded that the RMS is a scientific instrument or apparatus within the meaning of the statute and Tariff Item 851.60. In rendering its decision on this case, however, the Department takes no final position in this respect, deferring to the U.S. Customs Service, Department of the Treasury, which under the Act is charged with determining whether an instrument falls in Tariff Item 851.60 within the Act's meaning. Moreover, the issue is mooted by this decision, on other grounds, to deny the application.[1]

2. There is justification for a finding that an equivalent apparatus "is being manufactured in the United States" on grounds, as set forth in the legislative history of the Act, that "there is satisfactory evidence that a manufacturer is able and willing to produce and have such a domestic article available promptly so that it may be obtained by the applicant without unreasonable delay, taking into account the normal commercial practice applicable to the production and distribution of instruments or apparatus of the same general type."

(a) Domestic manufacturers were able to have an RMS available. In a letter dated July 3, 1980, the Administrator of NASA wrote the Secretary of Commerce that, "U.S. aerospace corporations unquestionably have the technological capabilities to develop the * * * RMS." A June 1973 report of survey performed at NASA's request stated that the Canadian team does not have the specific teleoperator background, SMAS math models, controllers and zero-g facilities of the best qualified U.S. companies." Comments on the original application by Charles Klabosh Co., Jacksonville, Florida, included the statement that U.S. firms could produce "a functionally and operationally suitable device." In February 1975 Martin-Marietta wrote to NASA as follows: "An area of technical expertise we have developed over the years is in the field of remote manipulator systems. In the past seven years we have won contracts from MSFC and JSC and have invested some of our company funds." The technical advice of NBS on this point is included in the memorandum quoted above.

To support its contention that space applications are unique, the applicant cited State Department testimony at hearings on a predecessor bill of the Act, relating to "exceptional instances", in which, for example, the size of an instrument being selected "for use in spacecraft" might "render impossible the use of the domestic instrument." This refers to a legitimate regulatory consideration in the Department's administration of the Act. The provision at 15 CFR 301.2(n) which establishes that "pertinent specifications" do not "extend to such characteristics as size * * * and versatility unless the applicant can demonstrate that they are necessary for accomplishing the purposes," reflects, in fact, this part of the legislative history. We specifically reject, however, the inference from this pre-enactment testimony on a predecessor bill that any application in space is unique. Comparable physical and methodological constraints on scientific investigation and research are encountered in deep-sea mineralogical and biological studies, the elucidation of intracellular structures, studies on the behavior and composition of sub-atomic particles, the definition of anti-neoplastic properties of various chemotherapeutic agents, and earth-based astronomical investigations whether or not aided by extraterrestrial instrumentation. The systematic development of improved techniques and instrumentation for overcoming such restraints is not an unexpected challenge for modern scientific undertakings. The term "unique", therefore, appears particularly ill-suited to the description of any scientific research goal and especially so to the development of instrumentation, the limitations on which have been well defined for more than a decade. We also note that the regulatory qualifications cited above relate to comparisons between existing instruments (as did the State Department's illustration) and not directly to the determination of domestic availability. When the determination required of the Department has to do, as in this case, not with a comparison of produced for stock or produced on order instruments but with custom-made instruments, the Department must conduct its review principally in light of the more general criteria set forth in 15 CFR 301.11(b), relating to overall technological capability. Nevertheless, the Department has considered the applicant's contention that the proposed use of the RMS in space is a "unique use," as well as its listing of "unique design requirements" for overcoming obstacles presented by the "harsh environment of space" (radiation, weightlessness, thermal protection, special lubricants for use in vacuums, etc.). On February 19, 1974 the applicant testified at House budget hearings that "remotely controlled * * * manipulator arms were developed by the Atomic Energy Industry many years ago. In adapting them for payload handling in space, we have benefited from their development activity." Computer sensing and controlling, articulated, robotic arms similar to the RMS, complete with a variety of software programs, are domestically made and have been commercially available from Cincinnati-Milacron since prior to the applicant's request for proposal to the Canadians (see, for example, U.S. Patent No. 3,909,600 filed May 31, 1973 and U.S. Patent No. 4,178,632, filed March 6, 1978). Optimizing strength to weight ratios for use in space has been a continuing objective and capability of U.S. aerospace manufacturers since the inception of the space program. It is well within their experience and capability, particularly when there already exists functional similarity to exemplary models. Design for operation in a gravity-free environment has not been shown to be a more difficult design problem than operation of commercial equipment in the gravitational field of earth, where there are additional static forces not present in space. The successful operation in a space environment of previous generations of mechanical equipment with relatively moving parts (e.g., the Lunar Rover) appears to indicate the availability of state-of-the-art solutions to lubrication and temperature-control problems peculiar to space. The Design Definition Report of the Canadian manufacturer refers only in passing to lubrication features of the system and characterizes these as "dry lubrication" and "dry lubricated bearings" without further specifications or other discussion which might indicate special engineering requisites. Thermal control involves an active system of thermostatically operated heaters and a passive system of a thermal blanket, consisting of five layer build-up with an outer layer having acceptable "absorptance, emittance and specular reflectance properties," and attached to the arm with Velcro tape. The Department therefore concludes that the proposed use of the RMS in space involved no major technological or design problem not previously encountered and that, in any event, U.S. aerospace firms had the capability to surmount such problems as did exist. We also note in this connection that Article X of the NASA/NRCC MOU provides that, in the event Canada was unable to perform as specified, NASA would be free to

[1] The Department of Commerce requested clarification of the Customs classification of this instrument in a letter dated October 10, 1980.

"initiate spearate and independent development of an RMS * * *" This, as well as assurances given to Members of Congress by NASA that contracting RMS development and production to Canada would not involve "high-technology transfers," clearly implies that NASA believes domestic industry possesses the capability to manufacture the RMS.

(b) At least one U.S. manufacturer was willing to produce the RMS. Martin-Marietta, in the same letter quoted from above, wrote of its "avowed intent to compete and hopefully win (sic) the Manipulator subsystem for the Shuttle Orbiter" and of its "distress in losing the opportunity to compete on a Shuttle-related subsystem for which we are eminently qualified, such as the Manipulator."

(c) The Department, in this case, does not need to establish that "at least one domestic instrument possesses all the pertinent specifications of the RMS." To interpret the Department's regulations at 15 CFR 301.11(a) in this manner fails to take into account 15 CFR 301.11(b) and the language in the statutory legislative history. Under 15 CFR 301.11(b) the Department must establish that in "other instances" (see House Report 1779, 89th Cong. p. 19 and Senate Report 1678, 89th Cong. p. 12), taking into account normal commercial practice, a domestic manufacturer was able and willing to produce an equivalent instrument.

With respect to the applicant's contention that the Department "could not determine that the RMS * * * is customarily * * * custom-made within the United States," this interpretation is clearly irreconcilable with other regulatory language in the same paragraph. Terms such as "the extent of the technological gap between the instrument * * * and the manufacturer's customary products * * * the availability of the professional and technical skills * * * essential to bridging the gap * * * and the time required by the domestic manufacturer to produce an instrument * * * to purchaser's specifications" clearly exhibit a regulatory intent (consistent with the legislative guidance for "other instances") to provide sufficient latitude for positive determinations of domestic availability on grounds of domestic capability and willingness.

(d) If normal commercial practice for the Space Shuttle Program had been followed, it is clear that at least one U.S. firm could have had a domestic instrument available. Normal commercial practice for the production of technologically advanced, complex instruments and apparatus designed for operation in the space environment is, typically, funded government procurement through competitive bid procedures. A decision to secure such instruments without such funding and procedures, whether taken directly by the user agency or indirectly by the funding authority, is at variance with the normal practice and may not be construed as relieving the Department of Commerce of its obligation to apply the statute consistently, however much such a decision may reflect the preferred policy or budgetary constraints of the user agency of funding authority. Analogous circumstances are frequently encountered in the Department's administration on Pub. L. 89-651 whenever budgetary limitations on non-governmental nonprofit applicants preclude the acquisition of a more expensive domestic instrument. To approve an application on the basis of such circumstances would directly contravene guidance in the legislative history that the "comparative cost of a foreign and a domestic instrument or apparatus would have no relationship to equivalency of scientific value."

3. In order to raise the issue of excessive delivery time, the applicant had to be able to show an actual "difference between the delivery times quoted by domestic manufacturer and foreign manufacturer" (15 CFR 301.11(c)) and to demonstrate how the difference would "serioulsy impair" the accomplishment of its purposes. The applicant was unable to show this. We also note that, at House Authorization hearings on February 25, 1975 related to NASA's FY 1976 funding, NASA testified as follows:

"NASA is continuing its in-house efforts in (the RMS) area . . . The in-house effort will lead to a Remote Manipulatory System RFP release by the Orbiter prime contractor in the fall of this year if the system is developed by a U.S. contractor instead of the Canadian government." In the absence of a quoted delivery time by domestic manufacturers the Department may justify a finding of non-availability on grounds of domestic unwillingness, citing under 15 CFR 301.7 the proofs of the applicant's active solicitation of such quotes and the failure of domestic firms to respond to such solicitation. In this case, however, the record supplies no evidence of active solicitation of domestic bids, proposals or delivery dates. For the reasons explained earlier, it is immaterial whether the failure to solicit domestic bids is attributable to the applicant or to its funding authority.

4. The Department takes no position with respect to the issue of commercial use. We note that the issue pertains to as yet unspecified applications of the apparatus as well as to interpretation of the statute's force regarding currently projected uses. Were it the Department's decision to approve this application, all uses would be subject to scrutiny against the meaning of the Act by the U.S. Customs Service for the duration of the specified statutory period. The issue is mooted, however, by this decision, on other grounds, to deny the application.

SUMMARY: The applicant contracted for the foreign development and production of the RMS in accordance with an enunicated U.S. policy of encouraging international cooperation in space endeavors. In the absence of explicit Congressional direction to the contrary, however, the Department of Commerce may not substitute the merits of any such policy for its statutory responsibility to administer the Act in accordance with the clear intent of the statute's implementing regulations and well-established administrative practice. We note that during its consideration of Pub. L. 89-651 Congress rejected special treatment for government procurements. The Department is prepared to support appropriate legislative solutions for policy conflicts arising in connection with its administration of the Act, as it did, for instance, in supporting special legislation granting duty-free treatment for equipment and components imported for the international Mauna Kea telescope project.

Based, however, on the foregoing discussion, we find that at least one domestic manufacturer was both willing and able to manufacture a product equivalent to the foreign article for the intended purposes of the applicant and have it available without unreasonable delay within the meaning of the Act.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-15173 Filed 5-20-81; 8:45 am]

BILLING CODE 3510-25-M

National Aeronautics and Space Flight Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientifc, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00331. Applicant: National Aeronautics and Space Administration, George C. Marshall Space Flight Center, Marshall Space Flight Center, Alabama 35812. Article: Spacelab. Manufacturer: European Space Agency (ERNO), West Germany. Intended Use of Article: See Notice on page 47894 in the **Federal Register** of July 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application Denied. A domestic manufacturer was both willing and able to produce apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, and have it available to the applicant without unreasonable delay.

Reasons: In stating the reasons for its decision, the Department will provide background information on developments leading to the procurement of Spacelab, list the issues as presented by the applicant, present the recommendations and findings of its scientific consultants at the National Bureau of Standards, and address the issues in the order given by the applicant.

Background information: In 1965 the U.S. Air Force began full scale development of the Manned Orbiting Laboratory (MOL), a manned space laboratory for military purposes. This project continued to 1969 when it was cancelled in a budget cutback. Although there were no MOL launches, the hardware was in the process of being made at the time the project was cancelled. DOD discussed the usefulness of the MOL with NASA at the time the project was cancelled. Among the firms most seriously affected was McDonnell Douglas Corp. where 7200 jobs were affected by the MOL cancellation. Reportedly McDonnell Douglas had the responsibility for the laboratory module and the experiment module structure. See "MOL Canceled in Abrupt Decision" and "MOL contractors Attempt to Assess Action's Impact", *Aviation Week and Space Technology*, June 16, 1969, pp. 28–30.

On July 1, 1970, about a year after the cancellation of the MOL project, NASA announced plans for a manned, earth-orbiting laboratory in space, Skylab. McDonnell Douglas was the prime contractor for the laboratory, which contained the crew living quarters and on board experiments. Skylab was launched in 1973, less than 3 years after it was first announced and three months before NASA signed its Memorandum of Understanding with the European Space Agency (ESA) for design, development and production of Spacelab. During the period that Skylab was in orbit (1973 to 1979), it housed three teams of three astronauts each, each team having one professional scientist. One team stayed aloft for 85 days. An Appollo spacecraft was used to shuttle these teams from earth to Skylab and return. See "Skylab From the Start, Had Its Jinxes", B. Webster, *New York Times*, p. A 19, July 12, 1979; *Skylab Status Report*, prepared for the House Committee on Science and Astronautics, January, 1973 (report dated November 10, 1972), at page 41 lists the experiments intended for Skylab, including experiments in bio-medical, solar physics earth observation, astrophysics, metallurgy and other fields.

In 1970, NASA announced that it would make a space station available for national and international uses and solicited investment in the program by foreign nations. Such investment, it was said, would not determine the priorities of experiments flown except in cases where experiments proposed by participating and non-participating countries had equal merit. Experiments would be paid for by the proposer, and commercial users would be expected to fund the operational (but not developmental) costs. See "Other Nations to Use Space Station," B. M. Elson, *Aviation Week and Space Technology*, September 28, 1970, pp. 50–54.

NASA presented the following information as facts applicable to this application:

"American industry was aware of NASA's desire to obtain a Spacelab, and, in fact, conducted several studies for NASA in December 1971, (McDonnell Douglas), January 1972 (North American Rockwell) and May 1972 (General Dynamics). These studies reported on the feasibility of designing, developing, and producing a Spacelab with the assumption that the project would be funded by NASA. There was also an unstated assumption in the studies that the Spacelab was within the state-of-the-art and could be produced both domestically as well as outside of the United States."

Similarly, in the published hearings before Congressional committees in 1972 and in 1973, NASA reported its interest in the Spacelab concept and the likelihood that it would be manufactured under a cooperative arrangement with ESA:

"The European interest in developing the Spacelab grew rapidly since the United States first proposed the activity in 1971 as a possible focus for European participation in Shuttle era programs. On August 14, 1973, NASA and ESA signed the Memorandum of Understanding for a cooperative Spacelab program and on August 15, 1973, the Intergovernmental Agreement was signed by the United States and certain other governments who were members of ESA for the cooperative Spacelab program.

"NASA records show that NASA did not attempt to determine the willingness of domestic industries to design, develop and produce the Spacelab before entering into the MOU with ESA. Several studies were undertaken to determine whether it was feasible to develop Spacelab, but the studies do not state whether they contemplated the research, development and production being done by domestic or foreign manufacturers. There is no record in NASA of any domestic industry expressing an interest in competing for the design, development and manufacture of Spacelab. In December 1979, NASA awarded a contract to ESA for the production and delivery of the second Spacelab unit."

The purpose of Spacelab has been described in the Statement of Douglas R., Lord, Director, Spacelab Program NASA on March 5, 1974 in hearings on the 1975 NASA Authorization in *Hearings before the Subcommittee on Manned Space Flight of the House Committee on Science and Astronautics*, H.R. 12689 superseded by H.R. 13998, No. 25, Part 2 at page 273: "The term Spacelab is applied to a unique Shuttle payload designed to enhance the capabilities of the Shuttle for conducting on-orbit research. The Spacelab (MF74–5113) is not an independent spacecraft but rather an extension of the Shuttle orbiter itself. It is, in reality, a generic term that is applied to any of several system configurations which can be mounted in the Shuttle payload bay. In its most recognizable form the Spacelab consists of a pressurized module with tunnel access to the cabin area of the Shuttle. Here we can create a laboratory environment in which man can work in a shirtsleeve atmosphere. It will provide an extension of the experimenter's ground based laboratories with the added qualities which only space flight can provide, such as long-term gravity-free environment, a vantage point from which Earth can be viewed and examined as an entity, and a platform above the atmosphere from which the celestial sphere can be studied."

Spacelab was characterized by Mr. Lord in his presentation as an outgrowth of Skylab but having more relaxed reliability requirements than Skylab for experimental equipment. He testified: "We still emphasize low procurement and operational costs as prime drivers in the development of this system."

The Spacelab is a simpler technical structure than Skylab. Spacelab is the smaller of the two. Its services are standardized. Spacelab has neither its own life-support system nor deployable solar panels as Skylab did, but parasitically depends on the Space Shuttle Orbiter for life support and electric power. The missions to be flown on Spacelab are projected for 30 days or fewer, as compared with Skylab's 85 day mission.

Issues: The applicant attached to its June 2, 1980 resubmission a supplementary memorandum of fact and law, Part III of which listed issues and arguments which it believed underlay the Department's decision. These are summarized seriatim in the order presented:

1. The applicant argued that the Spacelab is a scientific instrument within the meaning of the Act.

2. The applicant argued that, in the light of the pertinent regulations of the Department of Commerce and NASA's contract with the European Space Agency (ESA), Spacelab was not "being manufactured in the United States" (80 Stat. 899; 19 U.S.C. 1202).

(a) Department of Commerce Regulations: The applicant cited 15 CFR 301.11(a) as support for its contention that the Department of Commerce must "establish that at least one domestic instrument possesses all the pertinent specifications of the Spacelab" and, because this "would be impossible," must "find to the contrary." Moreover, the applicant contended that the Department could not determine that the Spacelab is "customarily . . . custom-made within the United States" because the Spacelab is "unique and never before manufactured in the United States."

(b) The NASA Contract with ESA: Addressing the issue of the willingness of domestic industry to produce the custom-made Spacelab, the applicant contended that "no United States firm would have entered into an agreement with NASA for the procurement of the Spacelab" with the terms and conditions of the contract with ESA, viz.,

—That NASA would not be charged the cost of the first flight unit;

—That ESA would not recover R&D costs;

—That additional procurement would be "at reasonable prices to be agreed and with specifications and schedule to be agreed." Additionally, the applicant contended that, in view of the fact that the Congress never appropriated funds for the research and development activity of the Spacelab, there was "no reasonable basis to expect a domestic firm to undertake this activity without reimbursement."

3. The applicant contended that duty-free entry of the Spacelab was justified by "excessive delivery time." Calculating from the time that NASA issued its request for proposal to ESA in May, 1978, the applicant stated that "it is clear that no domestic manufacturer could have delivered the Spacelab * * * on schedule." ESA, however, "had previously spent in excess of four years in the design and development of the Spacelab." The applicant further contended that the lack of appropriated funds for the project prevented it from seeking competitive proposals and, thereby, from comparing the "delivery times quoted by domestic manufacturers and foreign manufacturers as required by 15 CFR 301.11(c)."

4. The applicant contended that the projected schedule of payloads to be handled by the Spacelab "does not disclose any use for a commerical purpose within five years of entry." Although there will "undoubtedly" be payloads "owned by commercial entities and foreign governments," the applicant did not consider these as commercial use "within the meaning of the statute," but instead as "governmental use in accordance with the * * * NASSA charter."

Findings of the National Bureau of Standards: In its memorandum of November 4, 1980, the National Bureau of Standards advised as follows:

"This application is a resubmission of Docket Number: 79–00242, which was denied without prejudice to resubmission. In the DWOP, the applicant was asked to provide additional information justifying duty-free entry regarding the lack of domestic technological capability to provide an apparatus to the applicant's specifications. We are unable to find any justification to this regard.

"The applicant intends to use the foreign article, a spacelab, which will be flown to and from space in the cargo bay of the orbiter and remain attached to the Orbiter during all phases of the mission. The space mission will involve the disciplines of space processing advanced technology, earth viewing, life sciences, atronomy, astrophysics, solar physics and terrestrial physics.

"The applicant has not provided any additional information to justify the request for duty-free entry. The applicant refers to the memorandum of understanding (MOU) as precluding consideration of any other source of supply. The applicant should be aware that this cannot be considered pertinent to the issue of scientific equivalency or the inability or unwillingness to manufacture on the part of qualified domestic sources. The applicant is, further, most cognizant of previous space exploration and experimentation efforts conducted by the NASA Space Shuttle—Skylab program. The instruments and equipment in this program were provided by domestic manufacturers and, therefore, the capability to provide equivalent hardware existed in the domestic marketplace at time of order (August 14, 1973) of the foreign article.

"It would, therefore, appear that the capability and technology to provide a comparable article existed within domestic industry. We cannot conclude, however, whether or not a comparable article could have been provided by a domestic source by 1980. It is only obvious that the technology and capability to design a comparable article to the applicant's specifications did, in fact, exist at time of order of the foreign article."

Findings of the Department of Commerce: The Department's findings are presented in the order of the specific issues listed by the applicant:

1. A substantive finding as to the scientific nature of the Spacelab is held in abeyance.

The Department is not persuaded that the Spacelab is a scientific instrument or apparatus with the meaning of the statute and Tariff Item 851.60. It is simply a captive chamber with an external platform which does not have the ability, per se, to do analysis, data gathering, statistical computation or similar functions normally associated with scientific instruments. In rendering its decision on this case, however, the Department takes no final position in this respect, deferring to the U.S. Customs Service, Department of the Treasury, which under the Act is charged with determining whether an instrument falls in Tariff Item 851.60 within the Act's meaning. Moreover, the issue is mooted by this decision, on other grounds, to deny the application.[1]

2. There is justification for a finding that an equivalent apparatus "is being manufactured in the United States" on grounds, as set forth in the legislative history of the Act, that "there is

[1] The Department of Commerce requested clarification of the Customs classification of this instrument in a letter dated October 10, 1980.

satisfactory evidence that a manufacturer is able and willing to produce and have such a domestic article available promptly so that it may be obtained by the applicant without unreasonable delay, taking into account the normal commercial practice applicable to the production and distribution of instruments or apparatus of the same general type."

(a) Domestic manufacturers were able to have a Spacelab available. In a letter dated July 3, 1980, the Administrator of NASA wrote the Secretary of Commerce that, "U.S. aerospace corporations unquestionably have the technological capabilities to develop the * * * Spacelab * * *" This is corroborated by the applicant's statement of facts.

"There was also an unstated assumption in the studies (by three domestic aerospace manufacturers on designing, developing and producing Spacelab) that the Spacelab was within the state-of-the-art and could be produced both domestically as well as outside of the United States." This statement is supported by the Skylab—Spacelab discussion in the Background Information section of this report.

To support its contention that space applications are unique, the applicant cited State Department testimony at hearings on a predecessor bill of the Act, relating to "exceptional instances," in which, for example, the size of an instrument being selected "for use in spacecraft" might "render impossible the use of the domestic instrument." This refers to a legitimate regulatory consideration in the Department's administration of the Act. The provision at 15 CFR 301.2(n) which establishes that "pertinent specifications" do not "extend to such characteristics as size . . . and versatility unless the applicant can demonstrate that they are necessary for accomplishing the purposes," reflects, in fact, this part of the legislative history. We specifically reject, however, the inference from this pre-enactment testimony on a predecessor bill that any application in space is unique. Comparable physical and methodological constraints on scientific investigation and research are encountered in deep-sea mineralogical and biological studies, the elucidation of intracellular structures, studies on the behavior and composition of sub-atomic particles, the definition of anti-neoplastic properties of various chemotherapeutic agents, and earth-based astronomical investigations whether or not aided by extraterrestrial instrumentation. The systematic development of improved techniques and instrumentation for overcoming such restraints is not an unexpected challenge for modern scientific undertakings. The term "unique," therefore, appears particularly ill-suited to the description of any scientific research goal and especially so to the development of instrumentation the limitations on which have been well defined for more than a decade. We also note that the regulatory qualifications cited above relate to comparisons between existing instruments (as did the State Department's illustration) and not directly to the determination of domestic availability. When the determination required of the Department has to do, as in this case, not with a comparison of produced for stock or produced on order instruments but with custom-made instruments, the Department must conduct its review principally in light of the more general criteria set forth in 15 CFR 301.11(b), relating to overall technological capability. Nevertheless, the Department has considered the applicant's contention that the proposed use of the Spacelab in space is a "unique use," but finds it unpersuasive in view of the Skylab which was domestically produced in 1973, as discussed earlier in this decision.

(b) Contemporaneous information on the willingness or unwillingness of domestic manufacturers to produce a Spacelab is not available because the applicant obligated itself to foreign design, development and procurement without making this determination. "The most important qualification upon duty free entry of instruments and apparatus under item 851.60 is that they are entitled to such treatment only if the Secretary of Commerce finds that no instrument or apparatus of equivalent scientific value for the purposes for which they are intended to be used is being manufactured in the United States" (House Report 1779 on Pub. L. 89–651, July 28, 1966 at page 18). Regulation 15 CFR 301.11(b) which implements the legislative history at page 19 of the House Report states that an item is deemed to be "manufactured in the United States" if a U.S. manufacturer is able and willing to produce a custom-made instrument. U.S. aerospace industry participation in the study phase of the Spacelab, the domestic capability admitted during Congressional hearings, the reported impact of the cancellation of the MOL program, and the domestic manufacture of the Skylab program hardware all reasonably lead to the inference of domestic willingness to manufacture the Spacelab itself had normal procurement practices been followed. There is, in any event, nothing in the record to support the contrary inference.

(c) The Department, in this case, does not need to establish that "at least one domestic instrument possesses all the pertinent specifications of the Spacelab." To interpret the Department's regulations at 15 CFR 301.11(a) in this manner fails to take into account 15 CFR 301.11(b) and the language in the statutory legislative history. Under 15 CFR 301.11(b) the Department must establish that in "other instances" (See House Report 1779, 89th Cong., p. 19 and Senate Report 1678, 89th Cong., p. 12), taking into account normal commercial practice, a domestic manufacturer was able and willing to produce an equivalent instrument.

With respect to the applicant's contention that the Department "could not determine that the Spacelab * * * is customarily * * * custom-made within the United States," this interpretation is clearly irreconcilable with other regulatory language in the same paragraph. Terms such as "the extent of the technological gap between the instrument * * * and the manufacturer's customary products * * * the availability of the professional and technical skills * * * essential to bridging the gap * * * and the time required by the domestic manufacturer to produce an instrument * * * to purchase's specifications" clearly exhibit a regulatory intent (consistent with the legislative guidance for "other instances") to provide sufficient latitude for positive determinations of domestic availability on grounds of domestic capability and willingness.

(d) If normal commercial practice for the Space Shuttle Program had been followed, it is clear that at least one U.S. firm could have had a domestic instrument available. Normal commercial practice for the production of technologically advanced, complex instruments and apparatus designed for operation in the space environment is, typically, funded government procurement through competitive bid procedures. A decision to secure such instruments without such funding and procedures, whether taken directly by the user agency or indirectly by the funding authority, is at variance with the normal practice and may not be construed as relieving the Department of Commerce of its obligation to apply the statute consistently, however much such a decision may reflect the preferred policy or budgetary constraints of the user agency or funding authority. Analogous circumstances are frequently encountered in the Department's

administration of Pub. L. 89–651 whenever budgetary limitations on non-governmental nonprofit applicants preclude the acquisition of a more expensive domestic instrument. To approve an application on the basis of such circumstances would directly contravene guidance in the legislative history that the "comparative cost of a foreign and a domestic instrument or apparatus would have no relationship to equivalency of scientific value.

3. In order to raise the issue of excessive delivery time, the applicant had to be able to show an actual "difference between the delivery times quoted by domestic manufacturer and foreign manufacturer" (15 CFR 301.11(c)) and to demonstrate how the difference would "seriously impair" the accomplishment of its purposes. The applicant was unable to show this. As we noted in the preceding presentation of facts, the applicant authorized sole source foreign development and procurement of Spacelab after Skylab had already been domestically developed and launched. In the absence of a quoted delivery time by domestic manufacturers, the Department may justify a finding of non-availability on grounds of domestic unwillingness, citing under 15 CFR 301.7 the proofs of the applicant's active solicitation of such quotes and the failure of domestic firms to respond to such solicitation. In this case, however, the record supplies no evidence of active solicitation of domestic bids, proposals or delivery dates. For the reasons explained earlier, it is immaterial whether the failure to solicit domestic bids is attributable to the applicant or to its funding authority.

4. The Department takes no position with respect to the issue of commercial use. We note that the issue pertains to as yet unspecified applications of the apparatus as well as to interpretation of the statute's force regarding currently projected uses. Were it the Department's decision to approve this application, all uses would be subject to scrutiny against the meaning of the Act by the U.S. Customs Service for the duration of the specified statutory period. The issue is mooted, however, by this decision, on other grounds, to deny the application.

Summary: The applicant contracted for the foreign development and production of the Spacelab in accordance with an enunciated U.S. policy of encouraging international cooperation in space endeavors. In the absence of explicit Congressional direction to the contrary, however, the Department of Commerce may not substitute the merits of any such policy for its statutory responsibility to administer the Act in accordance with the clear intent of the statute's implementing regulations and well-established administrative practice. We note that during its consideration of Pub. L. 89–651 Congress rejected special treatment for government procurements. The Department is prepared to support appropriate legislative solutions for policy conflicts arising in connection with its administration of the Act, as it did, for instance, in supporting special legislation granting duty-free treatment for equipment and components imported for the international Mauna Kea telescope project.

Based, however, on the foregoing discussion, we find that at least one domestic manufacurer was both willing and able to manufacture a product equivalent to the foreign articles for the intended purposes of the applicant and have it available without unreasonable delay within the meaning of the Act.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–15174 Filed 5–20–81; 8:45 am]

BILLING CODE 3510–25–M

Kansas State University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81–00017. Applicant: Kansas State University, Department of Chemistry, Kansas State University, Manhattan, Kansas 66506. Article: Vibrating Densimeter and Display Unit. Manufacturer: Sodev-Inc., Canada. Intended use of article: See Notice on page 9686 in the **Federal Register** of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a resolution of one part per million and operates on one cubic centimeter sample volumes. The National Bureau of Standards advises in its memorandum dated April 24, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific valued to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–15175 Filed 5–20–81; 8:45 am]

BILLING CODE 3510–25–M

Stanford University et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register**.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, DC. 20230.

Docket Number 81–00173. Applicant: Stanford University, 851 Welch Road, Palto Alto, CA 94304. Article: Parts for GX–13 X-Ray Generator. Manufacturer: Marconi-Elliott Systems, Ltd., United

Kingdom. Intended use of article: The articles are parts for an existing x-ray generator which is being used for studies of ordered assemblies of biological molecules or molecular complexes derived from tissues such as chick embryos or rat liver. These materials when placed in an x-ray beam, give informative low angle diffraction patterns. Application received by Commissioner of Customs: March 27, 1981.

Docket Number 81–00174. Applicant: Villanova University, Lancaster Avenue, Villanova, PA 19085. Article: Nihon Kohden Model PC–3A Continuous Recording Oscilloscope Camera with Accessories. Manufacturer: Nihon Kohden, Japan. Intended use of article: The article is intended to be used to record and display on a screen electrical signals generated by nerves and muscles. A permanent photographic record is made using the oscilloscope camera for subsequent analysis and publication in scientific journals. Application received by Commissioner of Customs: March 27, 1981.

Docket Number 81–00177. Applicant: Memorial Hospital Medical Center of Long Beach, 2801 Atlantic Avenue, Long Beach, CA 90801. Article: Electron Microscope, Model EM 109R with Accessories. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article is intended to be used to compare the ultrastructural appearance of selected neoplasms (e.g., CA prostate, testicular tumors, CA lung, colon, stomach, breast) with the localization of various tumor markers and antigens (e.g., acid phosphatase, carcinoembryonic antigen alphafetoprotein); these results, as well as the degree of histologic differentiation of the tumor will be correlated with the presence and site of metastases and the survival of the patient. Kidney tissues from rats and rabbits will also be studied to determine morphological and immunomorphological aspects of experimentally induced charge-modified, immune-complex glomerulo-nephritis. The article will also be used for (a) education of residents in its use and (b) education of residents in ultrastructural aspects of human diseases. Application received by Commissioner of Customs: March 27, 1981.

Docket Number 81–00178. Applicant: University of Utah, Purchasing Department, 151 Annex Building, Salt Lake, City, Utah 84112. Article: Rheovibron Viscoelastometer, Model DDV–11–C and Accessories. Manufacturer: Toyo Baldwin Co., Ltd., Japan. Intended use of article: The article is intended to be used for studies of a variety of block copolymers and their inorganic salt complexes which are of interest in the materials science and biomedical fields. The block copolymers are primarily used as vascular implant materials. The inorganic salt complexes are used to form hydrogels which can be used in a variety of biomedical applications (membranes, cell culture substrates, nerve implants, etc.). The objectives of this investigation are two-fold: first the accurate determination of the effects of varying the degree of compliance matching between the implanted polymer and the natural vessel on implant failure and secondly, the determination of the phase morphology of the block copolymers under study. Application received by Commissioner of Customs: March 27, 1981.

Docket Number 81–00179. Applicant: The Institute of Paper Chemistry, P.O. Box 1039, Appleton, Wisconsin 54912. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for investigations of the internal and/or external structure including bacteria, algae, and fungi; particulate or fibrous air pollutants; water pollutants, pollen grains; seeds; leaves; wires and metal surfaces involved in the processing of pulp and paper; pulp and paper contaminants of the following materials:

Wood; paper fibers, vegetable fibers; synthetic fibers and polymers; clay particles; pigment particles and inks; microorganisms, including bacteria, algae, and fungi; particulate or fibrous air pollutants; water pollutants; pollen grains; seeds; leaves; wires and metal surfaces involved in the processing of pulp and paper; pulp and paper contaminants.

The article will also be used for training in the following courses:

A–277—Advanced Wood Anatomy and Properties
A–278—Microtechnique
A–400—Thesis Research

Application received by Commissioner of Customs: March 27, 1981.

Docket Number 81–00182. Applicant: St. Mary's Hospital, 101 Memorial Drive, Kansas City, MO 64108. Article: Automated Ultrasonic Body Imager. Manufacturer: Ausonics Ltd., Australia. Intended use of article: The article is intended to be used to obtain high quality images of human breast for analysis of tissue characteristics and for the identification of pathological processes. The article will also be used for imaging the entire brain of the newborn in such a manner that the volume of the ventricular system can be evaluated and monitored during the critical neonatal period when the infant is at risk for intercranial hemorrhage. Testicles will also be imaged to permit non-invasive diagnosis of a variety of diseases. In addition, the article will be used in the training of both physicians and technologists. Application received by Commissioner of Customs: April 6, 1981.

Docket Number 81–00184. Applicant: University of California, Davis, Department of Clinical Pathology, School of Veterinary Medicine, Davis, CA 95616. Article: Micro-Cleanup Concentrator Apparatus. Manufacturer: John Solomon, Canada. Intended use of article: The article is intended to be used for the investigation of polar to nonpolar organic substances of pesticides. Experiments to be conducted will involve exposure of animals of varying doses of pesticides. Application received by Commissioner of Customs: April 7, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–15176 Filed 5–20–81, 8:45 am]

BILLING CODE 3510–25–M

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning August 31, 1981 in the Norfolk/Virginia Beach/Portsmouth and Hampton/Newport News SMSA's in the State of Virginia. The cost of the project is estimated to be $220,000. The Project No. is 03–10–80010–01.

CLOSING DATE:

June 17, 1981.

ADDRESS: Washington Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1730 K Street, N.W., Suite 420, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Vincent S. Martin, Grant/Cooperative

Agreement Specialist, telephone 202/634–7883.

SUPPLEMENTARY INFORMATION: A. Scope and Purpose of this Announcement.

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The General Business Services Program (GBS) is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers competitive grants to consulting firms (either non-profit or for profit) which must be capable of providing such services as the preparation of business plans, financial packaging, industrial management assistance, personnel management services, marketing planning, and a broad range of other business services excluding legal services.

B. Eligible Applicants.

Educational institutions, state or local governments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

C. Evaluation Process.

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria.

The Awarding of MBDA Grants is discretionary. Generally projects are supported in order of merit to the extent permitted by available funds. Evaluation of proposals will employ the following criteria:

1. *Capability of Firm.*

A. Experience in providing management consulting services and other technical assistance to businesses, at the level and of the nature described in the work requirements.

B. Internal resources available to the project (e.g., administrative, technical, capability statement, business references).

2. *Staffing Capability.*

A. Staffing Pattern (who is accountable to whom, for what).

B. Experience of key personnel in providing management consulting services that are at the level and the nature described in the work requirements. (Submit resumes). (Project manager must be designated).

C. Qualification standards for selection of other project staff (what criteria will be used for assignment to this project).

D. Duties of each project position.

3. *Credentials.*

A. Submit examples of work: specimen packages acceptable (Business Plans).

B. Unique abilities or resources of the applicant which provide leverage for clients.

C. Discussion of area knowledge: include demographics, ethnic makeup of minority business, local market conditions centers of business influence, etc.

4. *Techniques and Methods Proposed To Implement the work requirement (Applicant's Work Plan).*

Proposed procedures: (how, when and where work will be done and by whom), this section should follow the outline of the work requirement and will be part of the award.

5. Costs: provide explanation of all proposed costs by line item.

E. Disposition of Proposals.

Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

F. Proposal Instructions and Forms.

Questions concerning the preceeding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A Pre-Application conference to assist all interested applicants will be held at the following address on Wednesday, May 27, 1981 at 10:00 A.M.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Norfolk Federal Building, 200 Granby Mall, Norfolk, Virginia, Main Conference Room

Dated: May 13, 1981.

Luis G. Encinias,

Regional Director.

[FR Doc. 81-15237 Filed 5-20-81; 8:45 am]

BILLING CODE 3510-21-M

COMMISSION ON CIVIL RIGHTS

Michigan Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 6:00p and will end at 9:00p. on June 4, 1981, at the Kellog Center, Michigan State University, Harrison Road, East Lansing, Michigan 43824. The purpose of this meeting is to have a discussion of equality in loans and affirmative action programs.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Jo-Ann Terry, 18922 Fairfield, Detroit, Michigan 48221, (313) 496–2628; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 18, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-15227 Filed 5-20-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Water in Southwest Asia; Change in Meeting Date

The Defense Science Board Task Force on Water in Southwest Asia meeting scheduled for 20–21 May 1981 at the Pentagon, Arlington, Virginia, as published in the **Federal Register** (Vol. 46, No. 82, dated Wednesday, April 29, 1981, FR Doc. 81–12859) has been changed to 27 May 1981. In all other respects, the original notice cited above remains the same.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

May, 18, 1981.

[FR Doc. 81-15244 Filed 5-20-81; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Review on MX Missile Basing; Advisory Committee Meeting

The Defense Science Board Panel to Review MX Missile Basing will meet in closed session on 11–13 June 1981 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The 11–13 June meeting of the Defense Science Board Panel to Review MX Missile Basing will review options and make recommendations concerning basing schemes for the MX Missile.

In accordance with 5 U.S.C. App. 1 § 10(d) (1976), it has been determined

that this Defense Science Board Panel meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

Dated: May 15, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-15166 Filed 5-20-81, 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Review on MX Missile Basing; Advisory Committee Meeting

The Defense Science Board Panel to Review MX Missile Basing will meet in closed session on 25–27 June 1981 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The 25–27 June meeting of the Defense Science Board Panel to Review MX Missile Basing will review options and make recommendations concerning basing schemes for the MX Missle.

In accordance with 5 U.S.C. App. 1 § 10(d) (1976), it has been determined that this Defense Science Board Panel meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

Dated: May 15, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washinton Headquarters Services, Department of Defense.

[FR Doc. 81-15167 Filed 5-20-81, 8:45 am]

BILLING CODE 3910-70-M

Defense Science Board Task Force on Anti-Tactical Missiles; Advisory Committee Meeting

The Defense Science Board Task Force on Anti-Tactical Missiles (ATM) will meet in closed session on 18–19 June 1981 in Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the preceived needs of the Department of Defense.

At its meeting on 18–19 June 1981 the Defense Science Board Task Force on ATM will review the potential enemy development of new ballistic and cruise missiles and propose and evaluate options for countering such threats.

In accordance with 5 U.S.C. App. 1 § 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: 15 May 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-15168 Filed 5-20-81, 8:45 am]

BILLING CODE 3810-70-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

May 7, 1981.

The USAF Scientific Advisory Board Ad Hoc Committee on Non-Nuclear Armament will meet at National Academy of Sciences, Woods Hole Study Center, Woods Hole, Massachusetts on 22 June–2 July 1981. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The Committee will consider all facts presented to them and outline, draft, and prepare a report recommending development and/or acquisition of specified non-nuclear armament. The briefings and discussions will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-15228 Filed 5-20-81, 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Privacy Act of 1974; Notice of Amendments to Systems of Records: Correction

AGENCY: Department of the Army.

ACTION: Correction to System of Records.

SUMMARY: In FR Doc. 81-10791 (46 FR 21221), April 9, 1981, the Department of the Army proposed amendments to four systems of records subject to the Privacy Act of 1974. One system notice had an inadvertent error, in that a change proposed was not incorporated in the notice. This document corrects that error, as explained under "**SUPPLEMENTARY INFORMATION**" below.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General (DAAG-AMR-S), HQDA, Room 1146, Hoffman Building I, Alexandria, VA 22331; telephone: (703) 325-6163.

SUPPLEMENTARY INFORMATION: Army system notice A0715.07cUSFK, "Command Unique Personnel Information Data System (CUPIDS) erroneously did not include the change proposed in the paragraph "Record Source Categories" in the second column on page 21222 when the notice was printed in its entirety. Contents of the paragraph "Record source categories" in the second column on page 21224 should have read as follows:

"Record source categories: Application for ration control; recorded sales made with ration control plate at retail U.S. military facilities throughout the ROS; orders made through exchange catalog sales and retail outlets located on U.S. facilities and installations in the ROK."

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-15212 Filed 5-20-81, 8:45 am]

BILLING CODE 3710-08-M

Department of the Army, Corps of Engineers

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Proposed Indiana Shoreline Protection

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed project involves beach nourishment along the south shoreline of Lake Michigan at the Indiana Dunes National Lakeshore. The plan provides for mitigation of shoreland erosion attributable to Federal harbor structures at Michigan City, Indiana. Initially, 1.4 million cubic yards of coarse sand would be placed along the shore to build a protective beach. The sand would come from an approved land source via truck.

2. Alternatives studied in detail are: (a) No action; (b) a protective beach plan; and (c) a combination beach nourishment and stone revetment plan. A lake borrow area was also considered as an alternative source of sand for beach nourishment. Seven other alternatives were considered on a preliminary basis.

3. The public involvement program has included close coordination with the U.S. National Park Service, the management agency for the Indiana Dunes National Lakeshore. A public meeting was held in May 1975 to discuss and formulate alternatives. Another public meeting on the planning study was held in January 1976. Two public workshops were held in April 1978. Affected Federal, state and local agencies and interested private organization and parties were invited to attend. In addition to the National Park Service, recent coordination has been undertaken with the following: U.S. Fish and Wildlife Service, the Indiana Department of Natural Resources, and the Indiana Pollution Control Board.

4. Significant issues to be analyzed in detail include construction impacts on operation of the Indiana Dunes National Lakeshore, impacts associated with transporting sand, and disruption of aquatic communities.

5. No scoping meeting will be held. The scoping process has been undertaken as part of the on-going public participation and coordination program.

6. The DEIS is expected to be available to the public in July 1981.

7. Questions about the proposed action and DEIS can be answered by Rose Austin, U.S. Army Corps of Engineers, Chicago District, Environmental and Social Analysis Section, 219 South Dearborn Street, Chicago, Illinois 60604 (312/353–6464).

Dated: May 12, 1981.

Christos A. Dovas,

LTC. Corps of Engineers, District Engineer.

[FR Doc. 81-15241 Filed 5-20-81; 8:45 am]

BILLING CODE 3710-HN-M

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS); Proposed Flood Control, Outdoor Recreation Navigation Project, Little Calumet River, Indiana

AGENCY: Chicago District, Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed project involves the construction of flood control measures, outdoor recreation facilities and a marina and breakwater along the 22 mile-long Little Calumet River between the Illinois-Indiana stateline and Lake Michigan in Lake and Porter Counties, Indiana. The flood control measures include: the reconstruction of existing spoil-bank levees along 6 miles of the river in the heavily urbanized areas of Hammond, Munster and Highland, Indiana; a tie-back floodwall along the Indiana-Illinois stateline; set-back levees along portions of the river in Gary and Griffith, Indiana which provide for opportunities for wetland preservation and enhancement; a 30-foot bottom width channel along four miles of the river which has been previously ditched in Gary, Indiana to provide for water quality enhancement during low flow conditions; and, a flood warning and response system for major flood events. Outdoor recreation facilities consisting of trails, natural interpretive areas, and other passive features will be recommended for project lands. A small boat marina and breakwater will be considered for the river near Lake Michigan.

2. The alternatives that were considered are as follows:

a. No action.

b. Three alternative flood control plans were considered in detail. Outdoor recreation and recreation navigation facilities are currently being designed to conform with the selected plan. Plans 1, 2 and 3 all considered replacement of the existing spoil-bank levees in Hammond, Munster and Highland, Indiana. In conjunction with these levees a tie-back floodwall was considered along the Indiana-Illinois stateline. In the remainder of the project area plan 1 considered nonstructural flood control measures, plan 2 considered the construction of a 50-foot bottom width channel, and plan 3 considered set-back levees with minor channel cleaning to provide adequate protection from flooding yet provide opportunities for wetland and water quality enhancement. The recommended plan includes features of all three plans based on various public and agency comments.

3. Public meetings to discuss the study and aid in the formulation and selection of the three alternatives for detailed study were held in March and April 1979. Four public meetings were held in January 1981 to present and discuss the results of the environmental, engineering and economic analyses of the three alternative plans and to obtain public input to assist in the selection of a plan to recommend for authorization. Affected Federal, State, local agencies, municipalities, and interested private organizations and individuals have been involved in all aspects of project planning and plan selection. Coordination has been undertaken with the following: U.S. Fish and Wildlife Service; U.S. Environmental Protection Agency; Indiana Department of Natural Resorces; the Indiana State Historic Preservation Officer; State of Illinois; Northwestern Indiana Regional Planning Commission; Lake and Porter Counties; the cities of Hammond, Munster, Highland, Gary, Griffith, Lake Station and Portage, Indiana; and, the Izaak Walton League and other local environmental groups.

4. Significant issues to be analyzed in depth include effects of the plans on wetlands, terrestrial vegetation, wildlife, water quality, groundwater, social impacts associated with the tie-back floodwall along the Indiana-Illinois stateline, and dredged material disposal impacts.

5. No scoping meeting will be held. The scoping process has been undertaken as part of the on-going public participation and coordination program.

6. The DEIS is expected to be available to the public in January 1982.

7. Questions about the proposed action and DEIS can be answered by Mr. Tom Slowinski, U.S. Army Corps of Engineers, Chicago District, Environmental and Social Analysis Section, 219 South Dearborn Street, Chicago, Illinois 60604 (312–353–7805).

Dated: May 12, 1981.

Christos A. Dovas,

LTC., Corps of Engineers, District Engineer.

[FR Doc. 81-15242 Filed 5-20-81; 8:45 am]

BILLING CODE 3710-HN-M

Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Recreational Boat Harbor at Kenosha, Wisconsin

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed project involves constructing a recreational boat harbor at Kenosha, Wisconsin. The proposed project would require constructing breakwaters, harbor excavation and disposing of the excavated material. Initial and expected maintenance dredging for the proposed project would be minimal.

2. The alternatives being studied in detail are as follows:

a. No action.

b. Four plans located at the site immediately south of the existing confined disposal facility in which the boat harbor would be constructed in open water protected by breakwaters.

c. Two plans at the same general location in which the boat harbor would

be excavated from the present shoreland area.

d. One plan at the same general location in which the boat harbor would be located partly in protected lake water and partly in an excavated area.

e. One plan in which the boat harbor would be constructed within a portion of the existing confined disposal facility.

f. One plan at the same general location in which the boat harbor would be composed of three portions—one within a portion of the existing confined disposal facility; a second in protected lake water; and a third in excavated shoreland area.

g. One plan located at Simmons Island Park immediately north of the present commercial harbor entrance constructed in lake water protected by breakwaters.

h. Excavated material from plans described in paragraphs 2c, 2d and 2f above would be disposed of either in the existing confined disposal facility, in specially constructed in-lake confined disposal areas, or on upland sites yet to be determined.

3. Coordination meetings have included an initial public meeting in October 1968 and an alternatives public meeting in September 1975. A public workshop was held in November 1977 to initiate the detailed study of the Kenosha recreational boat harbor. Affected Federal, state and local agencies and interested private organizations and parties were invited to attend. Additional coordination has included several less formal meetings with representatives from the city of Kenosha and the Kenosha Board of Harbor Commissioners. Coordination has also been undertaken with the U.S. Fish and Wildlife Service, the Wisconsin Department of Natural Resources, and the State Historical Society of Wisconsin.

4. Significant issues to be analyzed in depth are construction impacts on air and water quality; disruption or destruction of terrestrial, aquatic, and benthic communities; and disposal of excavated and dredged material.

5. No scoping meeting will be held. The scoping process has been undertaken as part of the on-going public participation and coordination program. The Corps of Engineers will hold a final public meeting on this project and will seek comments from attendees. The meeting is tentatively scheduled for late 1981, after release of the DEIS. No definite date has been set. Notice of the specific time and location will be issued to appropriate media and persons expressing interest.

6. The DEIS is expected to be available in November 1981.

7. Questions about the proposed action and DEIS can be answered by: Rose Austin, U.S. Army Corps of Engineers, Chicago District, Environmental and Social Analysis Section, 219 South Dearborn Street, Chicago, Illinois 60604 (312/353–6464).

Dated: May 12, 1981.

Christos A. Dovas,

LTC, Corps of Engineers, District Engineer.

[FR Doc. 81–15243 Filed 5–20–81; 8:45 am]

BILLING CODE 3710–HN–M

Department of the Navy

Feral Burro Management at the Naval Weapons Center; Public Hearing and Availability of Draft Environmental Impact Statement

Notice is hereby given that a public hearing will be held for the purpose of receiving oral and written comments concerning the Draft Environmental Impact Statement (DEIS) for Feral Burro Management, at the Naval Weapons Center, China Lake, California. The purpose of the program is to resolve the long-term problem of burro management at the Weapons Center. A public hearing will be held on June 3, 1981, at the Lecture Center, Burroughs High School, Ridgecrest, Kern County, California.

A short presentation describing the removal program will be made at the beginning of the session followed by an opportunity for public comment. Persons wishing to speak may register in advance by contacting: Public Works Officer (Code 26), Naval Weapons Center, China Lake, CA 93555, Telephone number: (714) 939–2382.

Speakers may also registerr on the evening of the hearing by completing a registration card at the door. Oral statements at the hearing will be limited to five minutes. Lengthy comments should be submitted in writing and summarized orally. Only registered speakers will be recognized. Written comments are not required but are strongly preferred to ensure the accuracy of the record and an appropriate Navy response in preparing the final EIS. All representations, including those received separately from the public hearing, will be made a part of the project record and will be included in the final EIS along with a Navy response to each comment.

Written comments concerning the DEIS will be received at the above address at any time before or after the public hearing, until June 22, 1981. Additional copies of the DEIS are available upon request.

Dated: May 19, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81–15283 Filed 5–20–81; 8:45 am]

BILLING CODE 3810–71–M

DEPARTMENT OF EDUCATION

School Construction in Areas Affected by Federal Activity; Cutoff Date for Transmittal of Applications for Fiscal Year 1981

Applications are invited for new projects under the School Construction Program.

Authority for this program is contained in Pub. L. 81–815, school construction in areas affected by Federal activities. (20 U.S.C. 631–647)

Notice is given that the Secretary of Education has established a cutoff date for the transmittal of applications for increase periods ending June 1981 or June 1982 for assistance under Sections 5 and 9 of Pub. L. 81–815. (An increase period is a period of four consecutive regular school years during which a school district has experienced a substantial increase in school membership as a result of new or increased Federal activities.) This cutoff date also applies to applications for new projects under Section 14 of Pub. L. 81–815, and to new applications for supplemental assistance under Section 8 of Pub. L. 81–815. (Section 14 authorizes assistance for certain school districts which serve children residing on Indian lands, or which are significantly burdened by the presence of nontaxable Federal property. Section 8 authorizes assistance that supplements certain awards made under Sections 5, 9, and 14 of Pub. L. 81–815.)

Approval of these applications will be subject to the availability of funds.

Cutoff Date for Transmittal of Applications

Applications must be mailed or hand delivered to the U.S. Secretary of Education from the State educational agencies on or before June 30, 1981.

Applications Delivered by Mail

Applications sent by mail must be addressed to the Secretary of Education, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 2107A, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service Postal postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant for a new project will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Education, 400 Maryland Avenue, S.W., Room 2107A, Washington, D.C.

Hand delivered applications will be accepted between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays. Hand delivered applications will not be accepted after 4:30 p.m. on the cutoff date.

Program Information

Federal funds are provided for the construction or temporary provision of urgently needed minimum school facilities in school districts which have had substantial increases in school membership as a result of new or increased Federal activities. Funds are also provided for construction of needed minimum school facilities in school districts which serve children residing on Indian lands, or which are significantly burdened by the presence of nontaxable Federal property.

Application Forms

Application forms and instructions may be obtained from the appropriate State educational agency which serves the applicant local educational agency.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program application.

Applicable Regulations

The regulations applicable to this program are:

(a) Regulations governing the School Construction Program (34 CFR Part 221) published in the **Federal Register** on April 8, 1975.

Note.—Proposed regulations governing the School Construction Program (34 CFR Part 221) were published in the **Federal Register** on June 29, 1979. When these regulations are published in final, they will supersede all other regulations.

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

(20 U.S.C. 633)

(Catalog of Federal Domestic Assistance No. 84.040, School Assistance in Federally Affected Areas—Construction)

Dated: May 14, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-15177 Filed 5-20-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the transfer from Sweden to Denmark of 500 grams of uranium, containing a maximum of 18 grams of U-235 (3.6% enrichment). The material is in the form of UO_2 powder, and will be tested for quality. It is intended to return the material to Sweden upon completion of the tests.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/EU(SW)-59 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: May 15, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-15178 Filed 5-20-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer:

RTD/SD(EU)-30, from West Germany to Switzerland, 6.882 kilograms Uranium, containing 6.383 kilograms U-235 (92.749%), to be used for fuel elements for the Saphir research reactor.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: May 15, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-15129 Filed 5-20-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of American and the Government of Australia Concerning Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 4.805 grams of thorium to the Australian Radiation Laboratory for use as standard reference material.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Contract Number S–AU–105 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: May 15, 1981.

For the Department of Energy.

Harold D. Bengelsdorf

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–15130 Filed 5–20–81; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of contractual arrangements for the sale of one metric ton of heavy water for use as moderator in the Fugen reactor, operated by the Power Reactor and Nuclear Fuel Development Company, Japan.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: May 15, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–15131 Filed 5–20–81; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreeement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following retransfers:

RTD/EU(SD)–35, retransfer from Switzerland to the Federal Republic of Germany of 0.0024 grams of uranium, enriched to 97.5% in U–235, in the form of 16 discs, for calibration for neutron dosimetry.

RTD/SD(UD)–38, retransfer from Switzerland to the Federal Republic of Germany to Switzerland of 0.0024 grams of uranium, enriched to 97.5% in U–235, in the form of 16 calibrated discs, for neutron dosimetry.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of these retransfers will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: May 15, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–11532 Filed 5–20–81; 8:45 am]

BILLING CODE 6450–01–M

Conduct of Employees; Waiver for W. Kenneth Davis

Section 602(a) of the Department of Energy Organization Act (Pub. L. 95–91, hereinafter referred to as the "Act") prohibits a "supervisory employee" (defined in section 601(a) of the Act) of the Department from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any "energy concern" (defined in section 601(b) of the Act).

Section 602(c) of the Act authorizes the Secretary of Energy to waive the requirements of section 602(a) where the interest is a pension, insurance, or other similarly vested interest.

Mr. W. Kenneth Davis has been nominated by the President to be Deputy Secretary of the Department of Energy. Mr. Davis, who is leaving the employ of Bechtel Power Corporation, a subsidiary of Bechtel Group, Inc., has a vested interest in the Bechtel Retired Management Plan. Under this Plan, Bechtel pays all premium costs for specified medical, dental, and term life insurance coverage for retired Bechtel management personnel and their spouses.

I am satisfied that Mr. Davis' interest in the Bechtel Retired Management Plan is a vested interest within the meaning of section 602(c) of the Act. Accordingly, I am waiving the requirements of section 602(c) with regard to that interest for the duration of Mr. Davis' employment with the Department. This waiver will take effect when Mr. Davis' nomination to the position of Deputy Secretary has been confirmed by the United States Senate and he has been sworn into office.

Mr. Davis has committed himself not to participate in Departmental decisions relating directly to Bechtel at any time during his term as Deputy Secretary. This commitment is described in the text of a limited waiver of the participation prohibitions of section 606 of the Act that I am granting Mr. Davis. That waiver is being published in the **Federal Register.**

In light of the above, I have also determined, pursuant to section 208(b), Title 18, United States Code, that Mr. Davis' vested interest in the Bechtel Retired Management Plan is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from him.

Dated: May 4, 1981.

James B. Edwards,

Secretary.

[FR Doc. 81–15245 Filed 5–20–81; 8:45 am]

BILLING CODE 6450–01–M

Conduct of Employees; W. Kenneth Davis

Section 606(a) of the Department of Energy Organization Act (Pub. L. 95–91, hereinafter referred to as the "Act") prohibits a "supervisory employee" (defined in section 601(a) of the Act) of the Department, for one year after terminating employment with an "energy concern" (defined in section 601(b) of the Act), from knowingly participating in any Department proceeding in which his former employer is substantially, directly, or materially involved, other than a rulemaking proceeding having a substantial effect on numerous energy concerns.

Further, section 606(b) of the Act prohibits a supervisory employee, for one year after commencing service in the Department, from knowingly participating in any Department proceeding for which he had direct responsibility, or in which he participated personally and

substantially, within the previous five years while in the employment of an energy concern.

The term "Department proceeding" is defined in § 1010.103(h) of the Department's regulations on conduct of employees (title 10, Code of Federal Regulations) as any judicial proceeding, Department hearing, application, rulemaking, order, license, contract, grant, award, fund transfer, claim, controversy, charge, accusation, or arrest in which the Department is directly involved.

Section 606(c) of the Act authorizes the Secretary of Energy to waive the participation prohibitions of sections 606(a) and 606(b) when he finds that application of the prohibitions would be contrary to the national interest.

Mr. W. Kenneth Davis has been nominated by the President to be Deputy Secretary of the Department of Energy. Since 1958, Mr. Davis has served as a corporate Vice President of one of the principal Bechtel operating entities, currently Bechtel Power Corporation, which is now a subsidiary of Bechtel Group, Inc., (an energy concern). Mr. Davis is a nationally recognized expert in the field of energy. He has served as an officer of, among others, the American Institute of Chemical Engineers and the National Academy of Engineering. Moreover, he has served on advisory and other committees for the Massachusetts Institute of Technology, and has been Adjunct Professor of Engineering and Applied Science at the University of California (Los Angeles). It is my expectation that he will bring to the Department invaluable expertise covering a broad spectrum of energy areas.

Mr. Davis has agreed to sever all official relationships with, and financial interests in, Bechtel prior to assuming office, except for his vested interests in the Bechtel Trust and Thrift Plans and Retired Management Plan. (The latter, involving life, medical, and dental insurance programs, will require a waiver of the devestiture requirement of section 602 of the Act, which I am granting.) And Mr. Davis has no understanding with Bechtel concerning a return to Bechtel employment after leaving the Department. In this connection, I am advised that, under Bechtel's mandatory retirement policy, Mr. Davis would not be permitted to return to Bechtel in a management position after July, 1983, in any event. In addition, Mr. Davis has agreed to divest himself of his other energy concern holdings. These actions involve considerable financial sacrifice for Mr. Davis, but he is willing to take them in order to serve his country.

Mr. Davis has stated that he does not seek a waiver in order to participate in Departmental decisions relating directly to Bechtel (although I have every reason to believe that, if permitted to participate in such decisions, he would carry out his responsibilities in a straightforward and objective manner regardless of any implications for Bechtel's pecuniary interests). Indeed, Mr. Davis has committed himself not to participate in such decisions at any time during his term as Deputy Secretary. More specifically, he will not participate in:

(1) Negotiation, modification, amendment, termination (for cause or for convenience), or performance evaluation of any Bechtel contract with the Department or any Bechtel subcontract with a DOE contractor, or any post-contract dispute relating to such a contract or subcontract;

(2) Selection of a contractor, subcontractor, grant or loan guarantee recipient in a proceeding where Bechtel is a proposer or applicant;

(3) Review of unsolicited proposals made by Bechtel to the Department, or to a DOE contractor under a DOE-funded program;

(4) Review of any petitions for rulemaking submitted by Bechtel;

(5) Administrative adjudications to which Bechtel is a party;

(6) Any phase of litigation to which Bechtel is a party; or

(7) Any other Department proceeding to which Bechtel is a party.

I have considered very carefully the benefits to be derived by the United States from having Mr. Davis available to participate fully as the Deputy Secretary in Departmental program and policy formulation. I have weighed these benefits against the need to assure the public of the integrity of Mr. Davis' actions and any perception that his actions might be prejudiced by his prior affiliation with Bechtel. In all likelihood, program and policy formulation in which Mr. Davis would participate as Deputy Secretary will not involve matters construable as "Department proceedings" the outcome of which could possibly redound to the advantage (or disadvantage) of Bechtel. Nevertheless, out of an abundance of caution and to the extent that they might apply, I have decided to grant him a waiver of the participation prohibitions of section 606 of the Act to remove any question as to the permissibility of his full involvement in Departmental program and policy formulation and thus remove any legal cloud that might inhibit him from such full involvement. This waiver does not cover any of the types of matters enumerated above.

This waiver will take effect when Mr. Davis' nomination to the position of Deputy Secretary has been confirmed by the United States Senate and he has been sworn into office.

Although publication is not required, this waiver will be published in the **Federal Register** so that the public will be fully and clearly informed.

Dated: May 4, 1981.

James B. Edwards,

Secretary.

[FR Doc. 81-15246 Filed 5-20-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No 1286]

Petitions for Reconsideration of Actions in Rule Making Proceedings

May 15, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Clear Channel Broadcasting in the Standard Broadcast Band. (Docket No. 20642)

Filed by: Ernest W. Jennes & Paul J. Berman, Attorneys for Midwest Television, Inc., (KFMB), on 2-24-81. (Application for Review)

Subject: An Inquiry into the Future Role of Low Power Television Broadcasting and television Translators in the National Telecommuncations System. (BC Docket No. 78-253)

Filed by: Jonathan D. Blake & Paul J. Berman, Attorneys for Association of Maximum Service Telecasters, Inc. on 5-11-81

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-15346 Filed 5-20-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. B-17]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: May 19, 1981.

Cut-off date: June 26, 1981.

Notice is hereby given that the following applications have been

accepted for filing. Because they are in conflict with applications previously accepted for filing and subject to cut-off dates for conflicting applications, no application which would be in conflict with them will be accepted for filing.

Petitions to deny these applications must be on file with the Commission not later than the close of business on June 26, 1981.

Minor amendments to these applications, and to those they are in conflict with, may be filed as a matter of right not later than the close of business on June 26, 1981.

BP–810410AW (WBIS), Bristol, Connecticut, Radio House, Inc. Has: 1440 kHz, 500 W, Day. Req: 1120 kHz, 500 W, 1 kW–LS, DA–N, U.
BP–810410BD (New), Concord, Massachusetts, Walden Communications Company Inc. Req: 1120 kHz, 1 kW, DA–2, U.
BP–810511AN (New), Greenwood, Mississippi, Mid-Delta Broadcasting Company, Inc. Req: 1540 kHz, 1 kW, Day.
BP–810511AR (New), Greenwood, Mississippi, Ronnie J. Grantham. Req: 1540 kHz, 1 kW, Day.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81–15183 Filed 5–20–81; 8:45 am]
BILLING CODE 6712–01–M

[Report No. B–16]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: May 15, 1981.
Cut-Off Date: June 22, 1981.

Notice is hereby given that the following applications have been accepted for filing. Because they are in conflict with applications previously accepted for filing and subject to cut-off dates for conflicting applications, no application which would be in conflict with them will be accepted for filing.

Petitions to deny these applications must be on file with the Commission not later than the close of business on June 22, 1981.

Minor amendments to these applications, and to those they are in conflict with, may be filed as a matter of right not later than the close of bunsiness on June 22, 1981.

BP–801112AB (KAPS), Mt. Vernon, Washington, Valley Broadcasters, Inc. Has: 1470 kHz 500 W, DA, Day. Req: 660 kHz, 1 kW, 10 kW–LS, U.
BP–801120AB (KFLR), Phoenix, Arizona, Family Life Broadcasting System. Has: 1230 kHz, 250 W, 1 kW-LS, U. Req: 660 kHz, 1 kW, U.
BP–810210AE (New), Santa Ynez, California, Radio Representatives, Inc. Req: 660 kHz, 1 kW, 10 kW-LS, DA-D, U.
BP–810211AF (KMO), Fife, Washington, KMO, Inc. Has: 1360 kHz, 5kW, Day (Tacoma, Washington). Req: 660 kHz, 1kW, 50 kW-LS, U (Fife, Washington).
BP–810306AH (New), Window Rock, Arizona, The Navajo Nation. Req: 660 kHz, 50 kW, DA-N, U.
BP–810403AD (New), Wishek, North Dakota, Wishek Broadcasting, Inc. Req: 1330 kHz, 500 W, D.
BP–810403AG (New), New York, New York, Osborne Communications Corp. Req: 1380 kHz, 5 kW, DA–1, S–WAWZ (mutually exclusive with renewal application of WBNX, New York, New York).

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81–15185 Filed 5–20–81; 8:45 am]
BILLING CODE 6712–01–M

[Report No. A–31]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: May 15, 1981.
Cut-off date: June 22, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after June 22, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on June 22, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the close of business on June 22, 1981.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on June 22, 1981.

BP–21,225 (WTGG), Lewisburg, Pennsylvania, Town, Gown and Country Radio. Has: 1010 kHz, 250 W, D. Req: 1010 kHz, 1 kW, D.
BP–800219AN (WELM), Elmira, New York, Pembrook Pines Elmira, Ltd.Has: 1410 kHz, 0.5 kW, 1 kW–LS, DA–N, U. Req: 1410 kHz, 0.5 kW, 2.5 KW–LS, DA–2, U.
BP–800515AE (WKJB), Mayaguez, Puerto Rico, WKJB AM–FM, Inc. Has: 710 kHz, 500 W, 5 Kw–LS, U. Req: 710 kHz, 500 W, 10 kW–LS, U.
BP–800527AE (KWSR), Rifle, Colorado, Oil Shale Broadcasting Company. Has: 810 kHz, 1 kW, D. Req: 660 kHz, 250 W, 10 kW–LS, U.
BP–800620AD (WBRM), Marion, North Carolina, Lake City Broadcasting Corporation. Has: 1250 kHz, 1 kW, D. Req: 1250 kHz, 500 W, 5 kW–LS, DA–N, U.
BP–801114AE (KITI), Centralia-Chehalis, Washington, Premier Broadcasters, Inc. Has: 1420 kHz, 1 W, DA–N, U. Req: 1420 kHz, 5 kW, DA–2, U.
BP–810204AM (New), St. Marys, West Virginia, Donally Robert Eddy and Thomas P. Taggart, d.b.a. Seven Ranges Radio Co. Req: 1570 kHz, 1 kW, D.
BP–810228AF (WYHI), Fernandina Beach, Florida, Northeast Florida Radio, Inc. Has: 1570 kHz, 1 kW, D.Req: 1570 kHz, 5 kW, D.
BP–810302AC (New), Rupert, West Virginia, Mt. State B. Co., Inc.
Req: 1250 kHz, 5 kW, D.
BP–810309AN (WMOO), Fairhope, Alabama, Trio Broadcasters, Inc.
Has: 1550 kHz, 50 kW, DA–D. Req: 660 kHz, 1 kW, 50 KW–LS, DA–N, U.
BP–810309AP (New), Elmwood Township, Michigan, Good News Media.Req: 1400 kHz, 250 W, 1 kW–LS, U.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81–15186 Filed 5–20–81; 8:45 am]
BILLING CODE 6712–01–M

[FCC 81–240]

Closed Circuit Test of the Emergency Broadcast System During the Week of June 8, 1981

Released: May 15, 1981.

A test of the Emergency Broadcast System (EBS) has been scheduled during the week of June 8, 1981. Only ABC, MBS, NPR, AP Radio, CBS, IMN, NBC and UPI Audio radio network affiliates will receive the Test Program for the Closed Circuit Test. AP and UPI wire service clients will receive activation and termination messages of the Closed Circuit Test. Television networks are not participating in the Test.

Network and press wire service affiliates will be notified of the test procedures via their network approximately 30 to 45 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after the Test.

This is a closed circuit test and will not be broadcast over the air.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81–15179 Filed 5–20–81; 8:45 am]
BILLING CODE 6712–01–M

[Report No. A–26]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: May 18, 1981.
Cut-Off Date: July 1, 1981.

Notice is hereby given that the applications listed in the attached appendix below are hereby accepted for filing. They will be considered to be ready and available for processing after July 1, 1981. An application in order to be considered with any application appearing on the attached list or with any application on file by the close of business on July 1, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on July 1, 1981.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on July 1, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BPH–801017AA (New), Page, Arizona, Paranto Broadcasting. Req: 93.5 MHz; Channel No. 228A. ERP: 3 kW; HAAT: 143 ft.

BPH–801104AJ (New), Haynesville, Louisiana, Ladybug Broadcasting Co. Req: 105.5 MHz; Channel No. 288A. ERP: 3 kW; HAAT: 275 ft.

BPED–801210AH (KRRC), Portland, Oregon, The Reed Institute, d.b.a. Reed College. Has: 89.3 MHz; Chanel No. 207D. TPO: .01 kW. (Lic.). Req: 107. 5 MHz; Channel No. 298D. ERP: .007 kW; HAAT: −50.4 ft.

BPH–801216AI (KVWC–FM), Vernon, Texas, KVWC, Inc. Has: 102.3 MHz; Channel No. 272A. ERP: .730 kW; HAAT: 140 ft. (Lic.). Req: 102.3 MHz; Channel No. 272A. ERP: 3 kW; HAAT: 138 ft.

BPH–801230AC (WCKS), Cocoa Beach, Florida, Southland Broadcasting, Inc. Has: 101.1 MHz; Channel No. 266C. ERP: 100 kW; HAAT: 440 ft. (Lic.). Req: 101.1 MHz; Channel No. 266C. ERP: 100 kW; HAAT: 1,482 ft.

BPH–801231AC (New), Cape May Court House, New Jersey, WRLJ, Inc. Req: 105.5 MHz; Channel No. 288A. ERP: 2.45 kW; HAAT: 333 ft.

BPH–801231AD (New), St. James, Minnesota, Watonwan County Broadcasting Co. Req: 104.9 MHz; Channel No. 285A. ERP: 3 kW; HAAT: 279 ft.

BPH–801231AE (WGAT–FM), Kingsport, Tennessee, Radio Station WKIN, Inc. Has: 104.9 MHz; Channel No. 285A. ERP: 1kW; HAAT: 480 ft. (Lic.) (Gate City, Virginia). Req: 104.9 MHz; Channel No. 285A. ERP: 1 kW; HAAT: 475 ft. (Kingsport, Tennessee).

BPH–810102AC (KTAK), Riverton, Wyoming, Riverton Broadcasting Co., Inc. Has: 93.5 MHz; Channel No. 228A. ERP: 3 kW; HAAT: 280 ft. (Lic.). Req: 93.9 MHz; Channel No. 230C. ERP: 50 kW; HAAT: 950 ft.

BPH–810105AH (New), Lakeport, California, Clearlake Broadcasting Co. Req: 99.5 MHz; Channel No. 258B. ERP: 1.9 kW; HAAT: 1,874 ft.

BPH–810112AB (KSNM), Santa Fe, New Mexico, Cammar Broadcasting, Inc. Has: 95.5 MHz; Channel No. 238C. ERP: 29.5 kW; HAAT: 130 ft. (Lic.). Req: 95.5 MHz; Channel No. 238C. ERP: 100 kW; HAAT: 148 ft.

BPH–810112AD (New), Lawton, Oklahoma, Broadco, Inc. Req: 95.3 MHz; Channel No. 237A. ERP: 3 kW; HAAT: 295 ft.

BPH–810114AC (KSTM), Apache Junction, Arizona, Beta Communications, Inc. Has: 107.1 MHz; Channel No. 296A. ERP: 3 kW; HAAT: −115 ft. (Lic.). Req: 107.1 MHz; Channel No. 296A. ERP: 1.8 kW; HAAT: 430.5 ft.

BPH–810122AK (New), New Boston, Texas, Bowie County Broadcasting Co., Inc. Req: 95.9 MHz; Channel No. 240A. ERP: 3 kW; HAAT: 300 ft.

BPH–810123AA (New), Concord, New Hampshire, Rumford Communications, Inc. Req: 105.5 MHz; Channel No. 288A ERP: 1.32 kW; HAAT: 430 ft.

BPH–810123AB (KBMC), Eugene, Oregon, Inspirational Broadcasting Corp. Has: 94.5 MHz; Channel No. 233C ERP: 3.4 kW; HAAT: 800 ft. (Lic.). Req: 94.5 MHz; Channel No. 233C ERP: 98 kW; HAAT: 813 ft.

BPH–810127AE (New), Sheridan, Arkansas, Cliff A. Packer. Req: 102.3 MHz; Channel No. 272A ERP: 3 kW; HAAT: 300 ft.

BPH–810127AG (KTFX), Tulsa, Oklahoma, Central Broadcasting Co., Inc. Has: 103.3 MHz; Channel No. 277C ERP: 100 kW; HAAT: 195 ft. (Lic.). Req: 103.3 MHz; Channel No. 277C ERP: 100 kW; HAAT: 1,278 ft.

BPH–810129AD (WIQB), Ann Arbor, Michigan, Lake America Communications Co. Has: 102.9 MHz; Channel No. 175B ERP: 10 kW; HAAT: 155 ft. (Lic.). Req: 102.9 MHz; Channel No. 275B ERP: 10 kW; HAAT: 500 ft.

BPH–810129AF (New), Kane, Pennsylvania, Huber-Dixon Broadcasting. Req: 103.9 MHz; Channel No. 280A ERP: 3 kW; HAAT: 300 ft.

BPH–810129AG (WKDE-FM), Alta Vista, Virginia, Altavista Broadcasting Corp. Has: 105.5 MHz; Channel No. 288A ERP: 3 kW; HAAT: 120 ft. (Lic.). Req: 105.5 MHz; Channel No. 288A ERP: 3 kW; HAAT: 300 ft.

BPH–810206AF (New), Tonapah, Nevada, Roughrider Broadcasting, Inc. Req: 92.7 MHz; Channel No. 224A ERP: .290 kW; HAAT: 974 ft.

BPH–810209AD (KRES), Moberly, Missouri, Kres, Inc. Has: 104.7 MHz; Channel No. 284C ERP: 100 kW; HAAT: 480 ft. (Lic.). Req: 104.7 MHz; Channel No. 284C ERP: 100 kW; HAAT: 1,025 ft.

BPH–810326AC (New), Miami, Florida, Constance J. Wodlinger. Req: 96.5 MHz; Channel No. 243C ERP: 100 kW; HAAT: 923 ft.

BPED–810416AD (New), Little Rock, Arkansas, Board of Trustees, Univ. of Arkansas. Req: 89.1 MHz; Channel No. 206C ERP: 100 kW; HAAT: 822.2 ft.

BMPH–801222BG (WGKY-FM), Greenville, Kentucky; Hayward F. Spinks. Has: 105.5 MHz; Channel No. 288A ERP: 3 kW; HAAT: 300 ft. (CP). Req: 105.5 MHz; Channel No. 288A ERP: 3 kW; HAAT: 300 ft.

BPED–790430AI (KNON), Dallas, Texas, Agape Broadcasting Foundation, Inc. Has: 90.9 MHz; Channel No. 215C ERP: 100 kW; HAAT: 790 ft. (Lic.). Req: 90.9 MHz; Channel No. 215C ERP: 100 kW; HAAT: 593 ft.

BPED–791219AB (WOCR), Olivet, Michigan, Bd of Trustees, Olivet College. Has: 89.7 MHz; Channel No. 209DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 89.3 MHz; Channel No. 207A ERP: .124 kW; HAAT: 75 ft.

BPED–791228AR (WCDB), Albany, New York, State University of New York. Has: 90.9 MHz; Channel No. 215D TPO: .01 kW; (Lic.). Req: 90.9 MHz; Channel No. 215A ERP: .100 kW; HAAT: 209 ft.

BPED–791228AZ (WMFO), Medford, Massachusetts, Tufts University. Has: 91.5 MHz; Channel No. 218DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 91.5 MHz; Channel No. 218A ERP: .125 kW; HAAT: 136 ft.

BPED–791231AP (KTUH), Honolulu, Hawaii, University of Hawaii. Has: 90.3 MHz; Channel No. 212DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 90.3 MHz; Channel No. 212A ERP: .1 kW; HAAT: ft.

BPED–791231BT (WSKB), Westfield, Massachusetts, Westfield State College. Has: 91.5 MHz; Channel No. 218DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 89.5 MHz; Channel No. 208A ERP: .100 kW; HAAT: 214 ft.

BPED–800102AJ (WRPS), Rockland, Massachusetts, Rockland Public Schools. Has: 91.5 MHz; Channel No. 218DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 88.3 MHz; Channel No. 202A ERP: .106 kW; HAAT: 139 ft.

BPED–800103AN (WFSE), Edinboro, Pennsylvania, Edinboro State College. Has: 88.7 MHz; Channel No. 204D TPO: .01 kW. (Lic.). Req: 88.9 MHz; Channel No. 205A ERP: 3 kW; HAAT: 313 ft.

BPED–800207AD (KRVH), Rio Vista, California, River Delta Unified School District. Has: 90.9 MHz; Channel No. 215DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 101.5 MHz; Channel No. 268D TPO: .01 kW.

BPED–800304AL (New), Freehold, New Jersey, Mid-Monmouth Broadcasting Assoc., Inc. Req: 88.9 MHz; Channel No. 205A. ERP: .100 kW; HAAT: 112 ft.

BPED–800310AN (WFCS), New Britain, Connecticut, Central Connecticut State College. Has: 90.1 MHz; Channel No. 211DS. ERP: .01 kW; HAAT: ft. (Lic.). Req: 97.9 Mhz; Channel No. 250D, TPO: .01 kW; HAAT: 108 ft.

BPED–800317AB (New), Kokomo, Indiana, Temple Christian Academy. Req: 91.5 MHz; Channel No. 218A. ERP: 3 kW; HAAT: 269 ft.

BPED–800317AD (New), San Luis Obispo, California, San Luis Obispo Community College Dist. Req: 89.1 MHz; Channel No. 206A. ERP: .1 kW; HAAT: 1,417 ft.

BPED–800501AE (WLCR), Lawrenceville, New Jersey, Lawrence Township Bd of Education. Has: 89.7 MHz; Channel No. 209DS. ERP: .01 kW; HAAT: ft. (Lic.). Lawrence Township, New Jersey Req: 107.7 MHz; Channel No. 299D. ERP: .014 kW; HAAT: 33.75 ft. (Lawrenceville, New Jersey).

V 46 / 98 MY 21 81 UMI

BPED–800502AB (New), Deerfield, Massachusetts, Trustees of Deerfield Academy. Req: 91.7 MHz; Channel No. 219A. ERP: .120 kW; HAAT: −364 ft.
BPED–800507AI (WDNX), Olive Hill, Tennessee, Rural Life Foundation, Inc. Has: 89.1 MHz; Channel No. 206A. ERP: 1.5 kW; HAAT: 250 ft. (Lic.). Req: 89.1 MHz; Channel No. 206A. ERP: 100 kW; HAAT: 226 ft.
BPED–800520AB (WSPS), Concord, New Hampshire, St. Paul's School. Has: 90.5 MHz; Channel No. 213DS. ERP: .01 kW; HAAT: ft. (Lic.). Req: 90.5 MHz; Channel No. 213A. ERP: .199 kW; HAAT: −59 ft.
BPED–800521AA (WDEQ–FM), De Graff, Ohio, Riverside Local Board of Education. Has: 91.1 MHz; Channel No. 216DS. ERP: .01 kW; HAAT: ft. (Lic.). Req: 103.3 MHz; Channel No. 277D. ERP: .011 kW; HAAT: 23.4 ft.
BPED–800527AF (WDPS), Dayton, Ohio, Dayton City Schools. Has: 88.7 MHz; Channel No. 204DS. ERP: .01 kW; HAAT: ft. (Lic.). Req: 89.3 MHz; Channel No. 207A. ERP: .200 kW; HAAT: 198 ft.
BPED–800602AB (KUNR), Reno, Nevada, University of Nevada. Has: 88.7 MHz; Channel No. 204A. ERP: 2 kW; HAAT: +450 ft. (Lic.). Req: 88.7 MHz; Channel No. 204C. ERP: 20 kW; HAAT: 2,124 ft.
BPED–800602AH (KSHU), Huntsville, Texas, Sam Houston State University. Has: 89.3 MHz; Channel No. 207DS. ERP: .01 kW; HAAT: ft. (Lic.). Req: 97.1 MHz; Channel No. 246D. ERP: .013 kW; HAAT: 222 ft.
BPED–800603AC (WCHC), Worcester, Massachusetts, College of the Holy Cross. Has: 89.1 MHz; Channel No. 206DS. ERP: .01 kW; HAAT: ft. (Lic.). Req: 88.1 MHz; Channel No. 201A. ERP: .100 kW; HAAT: −8 ft.
BPED–800701AA (KNHC), Seattle, Washington, Seattle Public Schools. Has: 89.5 MHz; Channel No. 208A. ERP: 1.5 kW; HAAT: 320 ft. (Lic.). Req: 89.5 MHz; Channel No. 208A. ERP: 3 kW; HAAT: 301 ft.
BPED–800702AC (New), Portland, Oregon, Benson Polytechnic School. Req: 89.9 MHz; Channel No. 210C. ERP: 8.73 kW; HAAT: 994 ft.
BPED–800807AF (New), Lindside, West Virginia, Monroe County Board of Education. Req: 90.3 MHz; Channel No. 212B. ERP: 3.2 kW; HAAT: 1,158 ft.
BPED–800821AA (WEHB), Grand Rapids, Michigan, Grand Rapids Public Broadcasting Corp. Has: 89.9 MHz; Channel No. 210A. ERP: .3 kW; HAAT: 200 ft. (Lic.). Req: 89.9 MHz; Channel No. 210A. ERP: .394 kW; HAAT: 129.3 ft.
BPED–800822AD (WNCY), Springfield, Maine, Nasson College. Has: 91.1 MHz; Channel No. 216DS. ERP: .01 kW; HAAT: ft. (Lic.). Req: 103.9 MHz; Channel No. 280D. ERP: .017 kW; HAAT: −16 ft.
BPED–800825AE (WUWM), Milwaukee, Wisconsin, Board of Regents, Univ. of Wisconsin. Has: 89.7 MHz; Channel No. 209B. ERP: 1.5 kW; HAAT: 870 ft. (Lic.). Req: 89.7 MHz; Channel No. 209B. ERP: 7.13 kW; HAAT: 871 ft.
BPED–800829AX (WRTE), Cahokia, Illinois, Cahokia Unit School District No. 187. Has: 89.5 MHz; Channel No. 208DS. ERP: .01 kW; HAAT: ft. (Lic.). Req: 89.5 MHz; Channel No. 208A. ERP: .100 kW; HAAT: 5 ft.
BPED–800911AD (New), Pekin, Illinois, Illinois Bible Institute, Inc. Req: 91.5 MHz; Channel No. 218B. ERP: 35 kW; HAAT: 338 ft.
BPED–800929AA (WPNR–FM) Utica, New York, Syracuse Univ., Utica College Branch. Has: 90.7 MHz; Channel No. 214D TPO: .01 kW. (Lic.). Req: 90.7 MHz; Channel No. 214A ERP: .428 kW; HAAT: −150 ft.
BPED–801006AA (WSIF), Wilkesboro, North Carolina, Wilkes Community College. Has: 90.1 MHz; Channel No. 211DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 94.7 MHz; Channel No. 234D ERP: .014 kW; HAAT: −151 ft.
BPED–801006AO (WDSO), Chesterton, Indiana, Duneland School Corporation. Has: 89.1 MHz; Channel No. 206DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 89.7 MHz; Channel No. 209A ERP: .243 kW; HAAT: 146 ft.
BPED–801007AJ (KEPO), Eagle Point, Oregon, School District No. 9. Has: 89.1 MHz; Channel No. 206DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 92.1 MHz; Channel No. 221DS ERP: .014 kW; HAAT: 34 ft.
BPED–801014AH (New), Slippery Rock, Pennsylvania, Slippery Rock State College. Req: 90.1 MHz; Channel No. 211A ERP: .109 kW; HAAT: 347 ft.
BPED–801014AI (WVBU–FM), Lewisburg, Pennsylvania, Bucknell University. Has: 90.5 MHz; Channel No. 213DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 90.5 MHz; Channel No. 213B ERP: .456 kW; HAAT: −122 ft.
BPED–801105AG (New), Macomb, Illinois, Western Illinois University. Req: 88.3 MHz; Channel No. 202A ERP: .118 kW; HAAT: 83 ft.
BPED–801118AF (New), Brownsville, Texas; Educom International, Inc. Req: 88.3 MHz; Channel No. 202A ERP: 3 kW; HAAT: 297 ft.
BPED–801119AK (New), San Antonio, Texas, Classical B/cing Society of San Anto. Req: 90.2 MHz; Channel No. 215A ERP: 3 kW; HAAT: 300 ft.
BPED–801124AM (WSBU), St. Bonaventure, New York, St. Bonaventure University. Has: 88.3 MHz; Channel No. 202D TPO: .01 kW. (Lic.). Req: 88.3 MHz; Channel No. 202A ERP: .170 kW; HAAT: −253 ft.
BPED–801126AE (WVWC), Buckhannon, West Virginia, West Virginia Wesleyan College. Has: 89.9 MHz; Channel No. 210DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 92.1 MHz; Channel No. 221D ERP: .013 kW; HAAT: −68 ft.
BPED–801128AA (WRJR), Lewiston, Maine, President and Trustees, Bates College. Has: 91.5 MHz; Channel No. 218DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 91.5 MHz; Channel No. 218A ERP: .119 kW; HAAT: 18 ft.
BPED–801128AL (WNRC), Dudley, Massachusetts, Nichols College. Has: 91.1 MHz; Channel No. 216DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 95.1 MHz; Channel No. 236D ERP: .014 kW; HAAT: 125 ft.
BPED–801201AE (WUMF–FM), Farmington, Maine, University of Maine. Has: 91.9 MHz; Channel No. 220DS ERP: .01 kW; HAAT: ft. (Lic.). Req: 92.3 MHz; Channel No. 222D TPO: .01 kW.
BPED–801201AF (WUPI), Presque Isle, Maine, University of Maine. Has: 90.3 MHz; Channel No. 212DS ERP: .01 KW; HAAT: ft. (Lic.). Req: 92.1 MHz: Channel No. 221D TPO: .01 kW.
BPED–801201AG (WUFK), Fort Kent, Maine, University of Maine. Has: 90.3 MHz; Channel No. 212DS ERP: 01 kW; HAAT: ft. (Lic.). Req: 92.1 MHz: Channel No. 221D TPO: .01 kW.
BPED–801208AH (New), Oxford, Mississippi, Mississippi Auth for Ed TV. Req: 9.3 MHz; Channel No. 212C ERP: 100 kW; HAAT: 1,244 ft.
BPED–801219AH (WDTR), Detroit, Michigan, Bd. of Educ. of the City of Detroit. Has: 90.9 MHz; Channel No. 215B ERP: 17 kW; HAAT: 175 ft. (Lic.). Req: 90.9 MHz; Channel No. 215B ERP: 42 kW; HAAT: 538 ft.
BPED–801230AF (New), Cartersville, Georgia, Immanual Educational B/cing, Inc. Req: 91.7 MHz; Channel No. 219A ERP: .100 kW; HAAT: 441 ft.
BPED–810102AE (WECW), Elmira, New York, Elmira College. Has: 88.1 MHz; Channel No. 201D TPO: .01 kW. (Lic.). Req: 95.5 MHz; Channel No. 238D ERP: .006 kW; HAAT: –312 ft.
BPED–810119AC (New), Porcupine, South Dakota, Lakota Communications, Inc. Req: 90.1 MHz; Channel No. 211C ERP: 100 kW; HAAT: 512 ft.
BPED–810128AA (WYEP–FM), Pittsburgh, Pennsylvania, Pittsburgh Community B/cting corp. Has: 91.5 MHz; Channel No. 218A ERP: .84 kW; HAAT: 520 ft. (Lic.). Req: 91.2 MHz; Channel No. 217B ERP: 6.6 KW; HAAT: 825.2 ft.
BPED–810129AC (WORT), Madison, Wisconsin, Back Porch Radio Broadcasting, Inc. Has: 89.7 MHz; Channel No. 209B ERP: 1.3 kW; HAAT: 940 ft. (Lic.). Req: 89.9 MHz: Channel No. 210B ERP: 1.98 kW; HAAT: 937 ft.
BPED–810129AE (WPLT), Plattsburgh, New York, State University of New York. Has: 91.1 MHz; Channel No. 216D TPO: .01 kW. (Lic.). Req: 93.9 MHz; Channel No. 230D ERP: .009 kW; HAAT: 26 ft.
BPED–810317AE (New), Twin Falls, Idaho, Christian Radio of Magic Valley, Inc. Req: 90.7 MHz; Channel No. 214C ERP: 18 kW; HAAT: 3,276 ft.
BMPED–801204AI (KMHD), Gresham, Oregon, Mt. Hood Community College District. Has: 88.5 MHz; Channel No. 203C ERP: 7.5 kW; HAAT: 880 ft. (CP). Req: 89.1 MHz; Channel No. 206C ERP: 50 kW: HAAT: 882 ft.
BPED–801016AD (WWGC), Carrollton, Georgia, West Georgia College. Has: 90.5 MHz; Channel No. 213A EPR: .170 kW; HAAT: 82 ft. (Lic.). Req: 90.7 MHz; Channel No. 214A ERP: .946 kW: HAAT: 109 ft.
BPED–801027AC (WMNR), Monroe, Connecticut, Monroe Board of Education. Has: 88.1 MHz; Channel No. 201A ERP: .6 kW; HAAT: 200 ft. (Lic.). Req: 88.1 MHz; Channel No. 201B ERP: 90 kW; HAAT: 255 ft.

[FR Doc. 81–15184 Filed 5–20–81; 8:45 am]
BILLING CODE 6712–01–M

[BC Docket No. 81-326, File No. BPCT-780720IB]

KTVO, Inc. (KTVO-TV), Kirksville, Missouri; Designating Application for Hearing on Stated Issues

Memorandum Opinion and Order

Adopted: May 7, 1981.
Released: May 15, 1981.

By the Commission: Commissioner Jones concurring in the result.

1. The Commission has before it the above-captioned application of KTVO, Inc. (KTVO) for changes in the facilities of Television Broadcast Station KTVO-TV, Channel 3, Kirksville, Missouri; a Petition to Deny filed by Channel Seventeen, Inc. (Channel Seventeen or petitioner), licensee of Station KCBJ-TV, Channel 17, Columbia, Missouri;[1] and related pleadings.[2]

Background

2. Station KTVO presently operates with visual effective radiated power (ERP) of 100 kW with antenna height above average terrain (HAAT) of 1,080 feet, from a tower site located 4.5 miles east of Lancaster, Missouri.

The applicant proposes moving its tower site approximately 32 miles southeast of its present location. The new tower would be located 5.6 miles north of Knox City, Missouri, and KTVO would change its ERP to 83.2 kW and its HAAT to 1,970 feet. This constitutes a major environmental action.[3] KTVO proposes to suppress its signal in the direction of KCBJ to avoid Grade B overlap, and provide a Grade B signal gain area of 6,039 square miles with a loss area of 1,966 square miles, 429 of which would be an unserved area. KTVO claims that 5,475 persons live in the unserved area. Much of the remainder of the loss area receives three other television signals from Des Moines, Iowa, station.

[1] The same party previously contested a similar proposed major modification of KTVO's facilities. Channel Seventeen filed a Petition to Deny alleging standing based on the fact that the KTVO modification would overlap the KCBJ Grade B contour. KTVO amended to remove the overlap, but Channel Seventeen, Inc. was permitted to remain a party. 63 FCC 2d 780 (1975), 63 FCC 2d 797 (1976), 63 FCC 2d 770 (Rev. Bd. 1977). That modification was not allowed because KTVO would not have put a city-grade signal over its community of license and the modification would have created significant unserved areas contrary to the public interest. The Review Board found that a UHF impact issue was not supported by the record when considered under the precedent of *WFMY Television Corp.*, 59 FCC 2d 1010 (1976). Rather, the other two issues were determinative, and the proceeding was terminated.

[2] These pleadings include an unopposed motion for extension of time within which to file a reply to KTVO's opposition to the petition, filed by Channel Seventeen. That motion hereby is granted.

[3] 47 CFR 1.1305 *et seq.*

The Channel Seventeen Petition

3. *Standing.* Channel Seventeen claims standing, as a party in interest under Section 309(d) of the Communications Act of 1934, 47 U.S.C. 309(d), because of potential economic harm to its UHF facility. Petitioner alleges that KTVO would be competing for advertising revenues and audience in two counties which are outside petitioner's Grade B contour. The Commission has recognized alleged economic injury as a basis for standing if the alleged injury is direct and immediate. *F.C.C.* v. *Sanders Bros. Radio Station*, 309 U.S. 407 (1940); *National Broadcasting Co., Inc.*, 15 RR 965 (1957). We find Channel Seventeen has standing. 47 U.S.C. 309(d)(1).

4. *UHF Impact Policy.* Channel Seventeen alleges injury under the Commission's UHF impact policy. Traditionally, the new or increased penetration of a VHF signal into a UHF service area forms the basis of a UHF impact issue.[4] The burden a petitioner must meet to require specification of such an issue is set out in *WFMY Television Corp., supra.* There we stated:

> ". . . to require designation of an application for hearing, a petitioner must demonstrate some nexus between the fact of extended VHF service and claimed specific adverse consequences to the public interest." *Id.* at 1012–13.

Further, the objecting party

> ". . . [must] set forth facts sufficient to support a *prima facie* determination that a grant of the [VHF] application would be inconsistent with the public interest." 47 U.S.C. 309(d). *Id.* at 1012.

Specifically recognized adverse consequences are: (1) significant impact on present UHFs; (2) suppression of opportunity for UHF development free from substantial adverse competition; (3) unfair competition between affiliates of the same network; and (4) substantial impact on, or loss of near-term potential for, use of any vacant UHF channels. *Id.* at 1014–17. On the other hand, the VHF can demonstrate its expansion is in the public interest by showing that: (1) it would be the first or second service in the new areas to be served; or (2) it is the first network service to the particular areas to be served; or (3) it will provide an additional choice of networks in the service areas. *Id.* at 1017. *WFMY* thus presents a balancing test between the competing interest of the UHF in protecting its economic base and of the VHF in proposing an expansion of service to determine which is in the best interest of the public.

5. Petitioner submits no evidence showing that it obtains any advertising revenues from the area KTVO plans to serve under its proposal and thus has demonstrated no likelihood of economic harm. Rather, the Arbitron figures submitted indicate KCBJ may be viewed only on a minimal level in two counties outside its Grade B contour that KTVO would propose to serve. This mere suggestion of competition from a new service in the gain area plainly is not, of itself, enough to warrant designation of a UHF impact issue against KTVO, particularly since the area in question is outside KCBJ's Grade B contour. KCBJ further claims that the proposed expansion will inhibit near-term potential UHF development of allocated, but unassigned, frequencies—especially Channel 16, Quincy, Illinois. We note that petitioner first raised this assertion in the earlier hearing (see *supra* n. 1) some five years ago, and in its current pleadings has merely presented additional speculative statements concerning near-term potential for this allocation. Commission records indicate no applications for, nor explicit interest in, this allocation. Thus, in the instant proceeding, a significant nexus between the proposed expansion of VHF service and any adverse consequences to the public interest plainly does not exist. *WFMY, supra* at 1012–13.[5] Accordingly, petitioner's allegations fall short of meeting the threshold required to specify a UHF impact issue. SEE *WSET, Inc. (WSET-TV)*, 80 FCC 2D 233 (1980).

6. *De Facto Reallocation.* Channel Seventeen also requests a *de facto* reallocation issue against KTVO. It alleges that the VHF expansion will provide service to the Quincy-Hannibal market and thus defeat the purposes of the Commission's allocation scheme. The Commission considers a variety of applicant's proposal is an attempt to serve communities other than the city of license. *See Communications Investment Corporation*, No. 78-1715 (D.C. Cir. Jan. 21, 1981). Kirksville, Missouri (population 15,300) is 64 miles from Quincy, Illinois (population 42,700) and 72 miles from Hannibal, Missouri (population 17,500). KTVO's transmitter is now located 25 miles north of Kirksville, 68 miles from Quincy and 79 miles from Hannibal. The applicant proposes to move its transmitter 30

[4] *Capital Cities Communications, Inc.*, 59 FCC 2d 435 (1976); *WLVA, Inc.*, 35 FCC 2d 182 (1972); *Selma Television, Inc., (WSLA)*, 29 FCC 2d 522 (1971); *KTIV Television Corp.*, 4 RR 2d 243 (1965).

[5] However, we note that were the UHF impact policy to apply, KTVO would be given substantial credit in its expansion proposal for offering first-time ABC network service to a gain area of 4,900 square miles and an audience of over 200,000 people. *WFMY, supra* at 1017.

V 46 / 98 MAY 21 81 UMI

miles southeast to a point 30 miles east of Kirksville, 37 miles from Quincy and 49 miles from Hannibal. KTVO presently serves Kirksville with a city grade signal; both Quincy and Hannibal are outside KTVO's present Grade B contour. KTVO's proposal evinces no intent to serve the Quincy-Hannibal market an the expense of service to the city of license. KTVO will place a city grade signal over Kirksville of approximately the same strength as that now provided and will encompass Quincy within its Grade A contour and Hannibal within its Grade B contour; neither Quincy nor Hannibal will receive city grade service. KTVO does not propose to move its main studio from Kirksville. KTVO has shown a prior interest in bringing service to the Quincy-Hannibal market by proposing a major modification which was denied partly because KTVO would not have put a city grade signal over Kirksville. *See* note 1 *supra*. In the present case, however, KTVO does not propose to decrease service to the city of license. KTVO's proposal to continue city grade service to Kirksville and to add Grade A service to Quincy and Grade B service to Hannibal does not suggest that KTVO intends to be a Quincy-Hannibal station rather than a Kirksville station. Therefore, no *de facto* reallocation issue is warranted.

7. *Misrepresentation.* Petitioner further alleges that statements made by KTVO during the earlier hearing, that the transmitter site then chosen was the only available and suitable site, lacked candor. KTVO responds that the current site was not examined nor obtained by it until well after these statements were made. We have no difficulty in reconciling the prior opinion and the fact that a second site was later selected. Thus, the allegation advanced by Channel Seventeen fails to present a substantial and material question of fact, 47 U.S.C. 309(d)(i). Consequently, no misrepresentation issue will be specified.

8. *Environmental Impact.* Finally, petitioner alleges that the public interest would be served by denial of the KTVO application because of environmental problems with the construction of a tall tower in a migratory bird corridor. KTVO has submitted an extensive environmental narrative statement on this subject. Although the statement indicates that the hazard will be to non-endangered species, KTVO acknowledges the problem with such a tower as an attraction to migratory birds, and plans to use special strobe lights and tower construction designed to minimize this problem. Thus, the record reveals that KTVO is taking the necessary steps to preserve the environment, and we find no environmental issue is warranted.

9. *Conclusion.* We find that Channel Seventeen has presented no substantial and material question of fact which would warrant a hearing. The Channel Seventeen Petition to Deny will be denied.

Unserved Area

10. On May 2, 1980, KTVO, Inc. replied to a Commission staff letter and indicated that its proposed modification would create an unserved area—an area outside the Grade B contour of any television station—of 429 square miles with a population of 5,475 persons. KTVO suggests the use of two translators to limit this loss of service to the public. The creation of unserved areas formed one ground for denial of KTVO's previous application for major modification to its facilities. See n. 1, *supra*, and related text. In the instant proceeding, KTVO argues that it ". . . will provide a net first ABC network service to a population of 213,098 persons residing in an area of 4,788 square miles." However, it is undisputed that there is no other predicted television service to the area KTVO proposes to abandon. As we said in *KTVO, Inc.*, FCC 79–607, released October 16, 1979:

> "It is an undisputed principle that the loss of service and, particularly, the withdrawal of the only existing service to an area, is *prima facie* against the public interest, absent a substantial showing of offsetting factors. *Hall v. Federal Communications Commission*, [237 F.2d 567 (D.C. Cir. 1956)]. The weighing process in which we engage to determine whether the projected loss of service will be counterbalanced by other factors involves more than a mere comparison of numbers. *KTVO, Inc.*, [63 FCC 2d 770] (Rev. Bd. 1977)." *Id.* at 6.[6]

In that case, we affirmed our long-standing policy that translators cannot compensate for the loss of primary service. Rather, translators may only be used to compensate for such loss where special circumstances exist, such as terrain obstructions, that are substantially beyond the control of the licensee. Here, as there, we think the question of whether the losses will be offset by gains is one which, under the circumstances of this case, is best resolved in hearing. Accordingly, appropriate issues will be specified.

[6] In *KTVO, Inc., supra* at 774, the Review Board stated: "We recognize that KTVO's proposal would provide a first ABC network service to a substantially greater number of people than those who would lose their only television service but, in light of the importance of the above objective regarding [unserved] areas, we do not think that the benefit of serving a larger population with an additional network service is significant enough to outweigh the detriment that would result from a grant of KTVO's proposal."

Dual-City Identification

11. Station KTVO has received permission to identify with both its community of license, Kirksville, Missouri, and Ottumwa, Iowa. Were it to begin broadcasting from the proposed site, Station KTVO would no longer place a city-grade signal over Ottumwa as required for dual-city identification purposes. Accordingly, any grant to KTVO will be conditioned on the rescission of permission for KTVO–TV's dual-city identification.

Conclusion and Order

12. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, since questions remain as to whether the proposed modification is in the public interest, the application must be designated for hearing on the issues specified below.

13. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place and before an Administrative Law Judge to be specified in a subsequent Order, upon the following issues:

1. To determine what areas and populations would gain or lose service if the application were granted, and what other television services of at least Grade B level are available to those areas and populations;

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, whether, pursuant to Section 307(b) of the Communications Act of 1934, as amended, a grant of the application would provide a fair, efficient and equitable distribution of radio service; and

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the application should be granted.

14. It is further ordered, That the Petition to Deny filed by Channel Seventeen, Inc. is denied.

15. It is further ordered, That, should KTVO, Inc. be awarded a grant, the following condition be placed on the construction permit:

Upon initiation of program tests, Station KTVO–TV shall no longer be permitted to identify with Ottumwa, Iowa.

16. It is further ordered, That, to avail itself of the opportunity to be heard, the

applicant herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

17. It is further ordered, That the applicant herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing, within the time and manner prescribed in that Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-15181 Filed 5-20-81, 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-329, File No. BPCT-800702KH; and BC Docket No. 81-330, File No. BPCT-801031KI]

Lloyd Hearing Aid Corp., Knoxville, Tennesse and Knoxville Family Television, Inc., Knoxville, Tennessee; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: April 29, 1981.

Released: May 13, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 43, Knoxville, Tennessee.

2. Lloyd Hearing Aid Corporation's proposed tower is to be located 1.53 miles from the non-directional tower of Station WITA, Knoxville, Tennessee. Because of the proximity of applicant's proposed tower to WITA, any grant of a construction permit to applicant will be conditioned to ensure that WITA's radiation pattern is not adversely affected by the construction of applicant's proposed station.

3. Knoxville Family Television, Inc. proposes to locate its tower 1.37 and 1.53 miles, respectively, from the non-directional towers of Stations WITA and WKXV, Knoxville, Tennessee. In order to ensure that the radiation patterns of WITA and WKXV are not adversely affected, any grant of a construction permit to applicant will be appropriately conditioned.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issued specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

6. It is further ordered, That, any grant of a construction permit to Lloyd Hearing Aid Corporation will be subject to the following condition:

Prior to construction of the TV tower authorized herein, permittee shall notify AM station WITA so that that station may determine operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse affects upon the radiation pattern of the aforementioned AM station. Subsequent to construction of the TV tower and installation of all appurtenances thereon, antenna impedance measurements of the AM antenna shall be made and sufficient field strength measurements, obtained at least 10 locations along each of eight equally spaced radials, shall be made to establish that the AM radiation pattern is essentially omnidirectional and the results submitted to the Commission in an application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence *Limited Program Tests.*

7. It is further ordered, That, any grant of a construction permit to Knoxville Family Television, Inc. will be subject to the following condition:

Prior to construction of the TV tower authorized herein, permittee shall notify AM stations WITA and WKXV so that those stations may determine operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse affects upon the radiation pattern of the aforementioned AM stations. Subsequent to construction of the TV tower and installation of all appurtenances thereon, antenna impedance measurements of the AM antennas shall be made and sufficient field strength measurements, obtained at least 10 locations along each of eight equally spaced radials, shall be made to establish that the AM radiation patterns are essentially omnidirectional and the results submitted to the Commission in applications for the AM stations to return to the direct method of power determination. Thereafter, the TV station may commence *Limited Program Tests.*

8. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-15182 Filed 5-20-81, 8:45 am]

BILLING CODE 6712-01-M

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

[Report No. A-28]

Released: May 14, 1981.

Cutoff date: June 25, 1981.

Notice is hereby given that the applications listed below are accepted for filing and will be considered to be ready and available for processing after June 25, 1981. An application, in order to be considered with the applications listed below or with any other application on file by the close of business on June 25, 1981, which involves a conflict necessitating a hearing with the applications listed below, must be substantially complete

and tendered for filing at the offices of the Commission in Washington, D.C. not later than the close of business on June 25, 1981.

Petitions to deny the applications listed below must be on file with the Commission not later than the close of business on June 25, 1981.

Applications for new stations may not be filed against any application listed below which is designated by an asterisk (*).

BPCT–810119KG (new), Lander, Wyoming, Central Wyoming College, Channel 4, ERP: 100 kW; HAAT: 1515 ft.

*BPET–810122KG KLRN(TV), San Antonio, Texas, Southwest Texas Public Broadcasting Council, Channel 9, Reduce ERP Vis. to 133 kW; Change transmitter location; reduce HAAT to 483 feet.

*BMLCT–810202KJ KDUH–TV, Scottsbluff, Nebraska, Duhamel Broadcasting Enterprises, Channel 4, Change city of license from Hay Springs, Nebraska.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–15180 Filed 5–20–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of proposed amendments to systems of records.

SUMMARY: FDIC proposes to establish two new systems of records. In addition, new intended uses exist for information contained in eight of the existing systems of records; new systems locations exist for two of the existing systems of records; and there should be extensions in the retention and disposal periods for four different systems. Also, two existing systems must be republished in their entirety because of the extensive changes made to them.

DATE: Comments must be received by July 20, 1981.

ADDRESS: Comments may be sent to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Fredric H. Karr, Attorney ((202) 289–4237), Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (the Act) (5 U.S.C. 552a) requires the annual publication in the **Federal Register** of the existence and character of the system of records maintained or controlled by Federal agencies, including the FDIC. 5 U.S.C. 552a(e)(4), 88 Stat. 1899–1900. The FDIC last made a major revision of its systems of records on November 21, 1979 (44 FR 66991).

Since November 1979, the FDIC finds that extensive changes must be made to its systems of records. The FDIC is proposing to add two new systems of records. First, the FDIC is proposing a system concerning the filing of financial disclosure statements by FDIC employees. Under the Ethics in Government Act of 1978 (EIG) (2 U.S.C. 701 *et seq.*) and Executive Order 11222 (1965), certain types of Federal employees are required to file with their respective agency a financial disclosure statement. These statements, which are filed with the individual's agency or commission, comprise systems of records reported by OPM (OPM/GOVT–4, OPM/GOVT–8). In addition, certain other FDIC employees, while not required to file the forms specified by either the EIG or Executive Order 11222, engage in financial transaction such as owning securities in or borrowing from an FDIC-supervised depository institution. Prior to 1978, by administrative action, the FDIC Board of Directors would have passed upon the propriety of such ownership or debt and evidence of this administrative action would appear in the FDIC System of Records 30–64–0003 (Board of Directors' Action System). Because FDIC employees are required to file financial disclosure statements which are reported in several different systems of records (and not all of these systems are reported by the FDIC) deems it advisable that these related records be consolidated into one FDIC system. This new system would be entitled "Employee Financial Disclosure Statements—FDIC." The second proposed new system of records is entitled "Financial Payments and Payroll Deduction System—FDIC." This system covers all current and former FDIC employees and private individuals providing goods and/or services to the FDIC under contractual arrangement. Because of the wide Breadth of this system, there will be numerous categories of records for employees. Records on individuals that are not employees of the FDIC will consist of all documents relating to the purchase of goods and/or services, including contractual documents and amounts paid.

In addition, the FDIC is proposing modifications to several of its existing systems of records. These modifications include an expansion of the routine uses for the respective systems, new system locations, and different retention and disposal periods for the materials comprising a system of records. Further, several of the individual systems are proposed to be changed in more than one way. For purpose of discussion and analysis here, the categories of the proposed changes will be set forth followed by the various systems incorporating all of the proposed changes.

The Act requires that all systems of records published in the **Federal Register** include a listing of all routine disclosures of information that the agency makes of that record to people outside of the agency ("routine uses"). There are proposed new routine uses for various FDIC systems. A new routine use is proposed for FDIC System of Records 30–64–0002 (Bank and Proposed Bank Irregularity Record System). Under this proposal, the materials in this system would be disclosed to other Federal and State financial regulatory agencies either where these agencies are processing applications or where an individual has or will become involved with depository institutions under the agencies' jurisdictions. The materials to be disclosed under this proposal would include interagency correspondence, intraagency memoranda and reports of investigation, and may also include Federal and State criminal law enforcement agency investigatory and/or arrest and conviction reports, as well as newspaper clippings. Such materials should be disclosed to aid these Federal and State regulatory agencies in discovering bank irregularities.

A new routine use is proposed for FDIC System of Records 30–64–0004 (Changes in Bank Control Ownership Records). There may be a need to disclose information contained in this system to third parties to make sure that the information already contained in this system is complete and accurate and, concomitantly, to protect a bank where there is a change in its ownership or control. By disclosing to third parties information so as to check the financial stability of the acquiring person, the interests of both the depositors of the bank and the general public will be served.

The FDIC also is proposing a new routine use for several other systems of

records.[1] (This proposal is designed to aid FDIC's Office of Corporate Audits in its function of performing independent audits of all financial and operational activities within the FDIC.) Under this proposal, disclosure may be made by the Office of Corporate Audits to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations. The materials to be disclosed would be those included in the FDIC systems of records listed in footnote one and the names of these systems are rather self-explanatory as to the nature of the records to be disclosed.

In addition, new system locations are proposed for two of the FDIC systems of records. These systems are the FDIC Travel Voucher System (30–64–0014) and the FDIC Unofficial Personnel System (30–64–0015).

The FDIC is proposing to adopt changes to these systems to reflect the systems' relocations. The FDIC is also proposing to change the time periods for the retention and disposition of several of its systems of records.[2] The present periods of retention and disposal are listed in the 1978 and subsequent **Federal Register** annual notices; proposed changes can be found for each of the systems in the FDIC Comprehensive Records Disposition Schedule and the FDIC General Records Schedule and, for certain systems, have been made by the various divisions of FDIC.

Except for 30–64–0009 (Examiner Employment, Training, and Education Records), the FDIC adopts the retention and disposal alternative that is shorter in time.[3] In this spirit, one of the stated purposes of the Paperwork Reduction Act of 1980 (Pub. L. No. 96–511) is to minimize the Federal paperwork burden for citizens. By adopting the alternative for retention and disposal that is shorter in time, the FDIC believes that the objective of at least reducing the length of time for retaining records, and this reducing the amount of Federal paperwork, may be achieved. By the same token, the ultimate destruction of the materials which comprise a particular system of records will not defeat the purposes for which the records are initially compiled and retained for a period of time.

However, in the case of FDIC System of Records 30–64–0009 (Examiner Employment, Training, and Education Records), the FDIC believes that the retention period should be extended from two to three years. In the case of this particular system, records can be of importance in certain grievance and EEO matters where the issues are more than two years old.

As stated before, FDIC System of Records 30–64–0015 is entitled, "Unofficial Personnel System." The FDIC is proposing to add to this system the upward mobility candidate files that the FDIC Office of Employee Relations maintains and to add a new routine use. Accordingly, wholesale changes will be necessary to FDIC System of Records 30–64–0015.

Further, FDIC System of Records 30–64–0017 is entitled "Medical Records and Emergency Contact Information System." The FDIC is proposing to remove American Red Cross blood donor cards from FDIC System of Records 30–64–0015 and place them instead in System 30–64–0017, and portions of the routine uses for Systems 30–64–0015 and 30–64–0017 must be deleted and modified, respectively. Also, certain new records must be added to Systems 30–64–0015 and 30–64–0017 and the retention and disposal for System 30–64–0017 is to be altered. Because of these wholesale changes to Systems 30–64–0015 and 30–64–0017, we plan to republish them in their entirety.

The new sentences added to the existing portions of the FDIC systems of records are printed in italics.

For the foregoing reasons, the FDIC proposes to amend its systems of records as follows:

30–64–0002

SYSTEM NAME:

Bank and Proposed Bank Irregularity Records System—FDIC.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 5, 6, 7, 9, 18 and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1815, 1816, 1817, 1819, 1828, 1829).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) In the event that information contained in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (2) In the event of litigation, the appropriate records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (4) Disclosure may be made to the bank affected by a discovered irregularity; (5) *Disclosure may be made to another Federal or State financial institution regulatory agency if the individual involved has notified that agency of his intent to acquire controlling interest in a bank or bank holding company, has filed an application for a bank charter or to form a bank holding company, or has or will become associated with an insured bank under that agency's supervision.*

* * * * *

RETENTION AND DISPOSAL:

Destruction after five years. Destruction is by shredder.

* * * * *

30–64–0004

SYSTEM NAME:

Changes in Bank Control Ownership Records—FDIC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

(1) The name of the bank whose control is changing, the seller and purchaser, and the number of shares involved, may be distributed to periodicals for publication; (2) in the

---

[1] The FDIC systems of records to which this routine use would be added would be: 30–64–0007 (Employee Education System); 30–64–0009 (Examiner Employment, Training, and Education Records); 30–64–0012 (Payroll and Employee Financial Records); 30–64–0013 (Saving Bond Payroll Deduction System); 30–64–0014 (Travel Voucher System); and 30–64–0015 (Unofficial Personnel System).

[2] These systems are 30–64–0002 (Bank and Proposed Bank Irregularity Record System); 30–64–0004 (Changes in Bank Control Ownership Records); 30–64–0005 (Consumer Complaints and Inquiry Records); 30–64–0009 (Examiner Employment, Training, and Education Records); 30–64–0013 (Savings Bond Payroll Deduction System); and 30–64–0014 (Travel Voucher System).

[3] FDIC System of Records 30–64–0002 presently provides for disposal of "outdated information" while the FDIC Comprehensive Records Disposition Schedule, Item 35, recommends destruction when the records are more than five years old. The FDIC adopts the five-year disposal schedule because the phrase "outdated information" is susceptible to different interpretations.

event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal or State, charged with the responsibiity of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto;

(3) in the event of civil, criminal, or administrative law enforcement proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the proceedings; (4) disclosure may be made to the appropriate State banking authority and the appropriate Federal financial institutions regulatory agency as required by the Change in Bank Control Act of 1978 (section 7(j)(11)) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(11)) as added by section 602 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, (92 Stat. 3686); (5) disclosure may be made to a law enforcement or other government agency, whether Federal or State, for the purpose of identity verification; (6) disclosure may be made to a congressional office from the record of an individual as may be necessary to respond to an inquiry from the congressional office made at the request of the individual; (7) *the records may be disclosed to third parties for the purposes of verifying the accuracy and/or completeness of any of the information contained in these records.*

* * * * *

RETENTION AND DISPOSAL: Destruction after 10 years. Destruction is by shredder.

* * * * *

30-64-0005

SYSTEM NAME:

Consumer Complaint and Inquiry Records—FDIC

RETENTION AND DISPOSAL:

Records are retained for two years after receipt unless updated by correspondence received during the previous year. Correspondence files are destroyed by shredder; cumputer tapes and discs are erased.

* * * * *

30-64-0006

SYSTEM NAME:

Employee Financial Disclosure Statements—FDIC

SYSTEM LOCATION:

Office of the Executive Secretary, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former officers and employees, including Special Corporation employees and employees occupying noncompetitive positions, of FDIC required to file Public Financial Disclosure Reports pursuant to the Ethics in Government Act of 1978 (92 Stat. 1836); current and former employees required to file Confidential Statements of Employment and Financial Interests pursuant to Executive Order 11222 and FDIC's implementing regulation, 12 C.F.R. Part 336; current and former bank examiners and assistant bank examiners required to file disclosures of their personal indebtedness to insure banks or affiliates thereof pursuant to Part 336; and all current and former employees required to disclose their ownership of insured bank securities and other outside interests pursuant to Part 336.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system includes records relating to, or data directly furnished by the subject individual, on the following four forms: (1) Financial Disclosure Reports, Standard Form 278—Contains financial information such as income from salaries, honoraria, dividends, rent, interest, trusts and capital gains; interest in property held in a trade or business or for investment or the production of income; income from the sale, exchange or purchase of real property or property such as stocks and bonds; gifts; reimbursements; liabilities in excess of $10,000 owed to any creditors; copies of and documents relating to qualified blind trusts; information on positions held in private organizations and on agreements with private employers; and other documents that may be generated in the course of the course of administering the Ethics in Government Act of 1978; (2) Confidential Statements of Employment and Financial Interests, FDIC Form 6130/15—Contains statements of personal and family holdings, interests in business enterprises and real property, creditors, outside employment, and other documents that may be generated in the course of administering the provisions of Executive Order 11222 and Part 336; (3) Confidential Disclosures of Indebtedness by Bank Examiners, FDIC Form 6130/16—Contains information on extensions of credit (loans and credit cards) by FDIC insured banks and noninsured banks to examiners and assistant examiners; may also contain memoranda and correspondence relating to requests for approval of certain loans extended by insured banks to examiners and assistant examiners; (4) Disclosures of Direct or Indirect Financial Interest in Bank or Other Interest in Corporation Decision, FDIC Form 6130/17—Contains information on whether or not Corporation employees own or control, directly or indirectly, and securities of an insured bank or its affiliates, and if so, lists specific securities; also contains information on other outside interests which may impact on an employee's official duties; may also contain memoranda and correspondence relating to requests for approval or retention of bank securities by Corporation employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title II of the Ethics in Government Act of 1978 (92 Stat. 1836); Section 402 of Executive Order 11222 dated May 8, 1965; Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Financial Disclosure Reports may be disclosed upon written request to any requesting person pursuant to Section 205 of the Ethics in Government Act of 1978 (92 Stat. 1836), as amended, or as otherwise authorized by law; (2) Confidential Statements of Employment and Financial Interests, Confidential Disclosures of Indebtedness by Bank Examiners, and Disclosures of Direct or Indirect Financial Interest in Bank or Other Interest in Corporation Decision may be disclosed where the Director of the Office of Government Ethics or the Chairman of the Board of Directors of the FDIC determines that good cause has been shown for such use (a) to the appropriate Federal, State or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order where FDIC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (b) to provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual; (c) to another Federal

agency or to a court where the Government is party to a judicial proceeding before the court; (d) to any source where necessary to obtain information relevant to a conflict-of-interest investigation or determination; (e) in response to a request for discovery or for an appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on index cards.

RETRIEVABILITY:

Indexed alphabetically by name of individual.

SAFEGUARDS:

Maintained in lockable metal filing cabinets in lockable office to which only authorized personnel have access.

RETENTION AND DISPOSAL:

(1) Financial Disclosure Reports—Retained for six years and then destroyed by shredding. (2) Confidential Statements of Employment and Financial Interests—Retained two years after separation of employee or two years after employee leaves the position for which the Confidential Statement was required and then destroyed by shredding. (3) Confidential Disclosures of Indebtedness by Bank Examiners—(a) for examiners required to file Confidential Statements, retained two years after separation of employee or two years after employee leaves the position for which the Confidential Statement was required; (b) for assistant examiners, destroyed when Corporation employment is terminated. Destruction is by shredding. (4) Disclosures of Direct or Indirect Financial Interest in Bank or Other Interest in Corporation Decision—(a) for employees required to file Financial Disclosure Reports, retained for six years and then destroyed; (b) for employees required to file Confidential Statements, retained two years after separation of employee or two years after employee leaves the position for which the Statement was required; (c) for all other employees, destroyed when Corporation employment is terminated. In all cases, destruction is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Ethics Counselor, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification"above.

RECORD SOURCE CATEGORIES:

The information is obtained from the individual on whom the record is maintained or a person designated by them and from the Corporation's Ethics Counselor and support personnel

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0007

SYSTEM NAME:

Employee Education System—FDIC.

SYSTEM LOCATION:

Employee Development Branch, FDIC, 550 17th Street, NW, Washington, D.C. 20429; *Division of Bank Supervision Training Center, FDIC, 1701 N. Fort Myer Drive, Arlington, Virginia 22209 for all FDIC bank examiners:* and the appropriate FDIC Regional Office for employees assigned to an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) to the United Stated Office of Personnel Management, the Merit System Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance; (4) *to vendors, carriers, or other appropriate third parties, by the FDIC Office of Corporate Affairs, for the purpose of verification, confirmation, or substantiation during the performace of audits or investigations.*

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, FDIC, 550 17th Street, N.W., Washington, D.C. 20429; *Director, Division of Bank Supervision, FDIC, 550 17th Street, N.W. Washington, D.C. 20429 for records maintained at Division of Bank Supervision Training Center;* the appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

* * * * *

30-64-0008

SYSTEM NAME:

Financial Payments and Payroll Deduction System—FDIC.

SYSTEM LOCATION:

Accounting and Budget Branch, FDIC, 1850 K Street, NW, Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees and individuals providing goods and/or services to the FDIC under contractual arrangements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the following information of FDIC employees: mailing addresses and home addresses: rate and amount of pay; hours worked; leave accrued and leave balances; life insurance, health insurance and retirement deductions; tax exemptions; and payroll deduction authorizations (including, where applicable, State or Federal tax liens, bankruptcies, attachments, and wage garnishments and the designed co-owner or beneficiary, and their social security number). Further the system contains records relating to employees' claims for reimbursement of official travel expenses including travel authorizations, advances, and vouchers showing amounts claimed, exceptions taken as a result of audit, advance balances applied; records relating to claims for reimbursement for relocation expense including authorization, advances, vouchers showing amounts claimed and amounts paid; records pertaining to education expense reimbursement, incentive award payments, fiduciary responsibility reimbursements, advances or other funds owed to the Corporation. Records on individuals that are not employees of the FDIC consist of all documents relating to the purchase of goods and/or services from individuals including contractual documents and amounts paid.

V 46 / 98
M Y 21 81
UMI

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (2) In the event that information contained in this system of records indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statue or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or State, charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) In the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (4) Disclosure may be made to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority; and the Equal Employment Opportunity Commission to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (5) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (6) Disclosure may be made to the United States Treasury Department for preparation of savings bonds; (7) Information developed from these records is routinely provided to State, City, and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social Security Administration, and to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions, insurance carriers and charity funds.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, and computer discs.

RETRIEVABILITY:

FILE FOLDERS AND RECORD CARDS ARE INDEXED BY NAME; COMPUTER DISCS ARE INDEXED BY SOCIAL SECURITY NUMBER OR SPECIALIZED INDENTIFYING NUMBER.

SAFEGUARDS:

File folders and record cards are stored in lockable metal cabinets, computer discs are accessed only bu authorized personnel.

RETENTION AND DISPOSAL:

Records are retained by the FDIC for three years and then transferred to Federal Records Center or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Office of the Controller, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW, Washington, D.C. 20429

RECORDS ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the persons on whom the records are maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0009

SYSTEM NAME:

Examiner Employment, Training, and Education Records—FDIC.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance; (4) *to vendors, carriers, or other appropriate third parties, by the FDIC Office of Corporate Audits, for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.*

* * * * *

RETENTION AND DISPOSAL:

Progress Evaluation Candidates, records maintained for three years for the successful candidate and then destroyed by shredder, records of unsuccessful candidate retained until the candidate's successful completion or until the candidate leaves the FDIC's employ. Graduate School of Banking student records are permanently retained.

* * * * *

30-64-0012

SYSTEM NAME:

Payroll and Employee Financial Records—FDIC.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information developed from these records is routinely provided to State, City, and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social Security Administration, and, to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions, insurance carriers and charity funds; (2) records are periodically made available for inspection to auditors employed by the General Accounting Office; (3) relevent records in this system of records may be referred, as a routine use to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting any violation of law, rule or regulation; (4) in the event of litigation, relevant records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (5) disclosure may be made to the United States Office of Personal Management, the Merit Systems Protection Board, the Office of

Special Counsel, the Federal Labor Relations Authority, and Equal Employment Opportunity Commission, to the extent necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (6) disclosure may be made to a congressional office from the records of an individual in response to an inquiry from the congressional office made at the request of the individual; (7) *disclosure may be made by the FDIC Office of Corporate Audits to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.*

* * * * *

30-64-0013

SYSTEM NAME:

Savings Bond Payroll Deduction System—FDIC.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) the United States Treasury Department for the preparation of savings bonds; (2) the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (3) a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (4) *to vendors, carriers, or other appropriate third parties, by the FDIC Office of Corporate Audits, for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.*

* * * * *

30-64-0014

SYSTEM NAME:

Travel Voucher System—FDIC.

SYSTEM LOCATION:

Accounting and Budget Branch, FDIC, 1850 K Street, NW., Washington, D.C. 20006, Administrative Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429, and the appropriate FDIC Regional Office for employees assigned to an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (2) in the event that information contained in this system of records indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or State, charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) in the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (4) disclosure may be made to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (5) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (6) *disclosure may be made by the FDIC Office of Corporate Audits to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.*

* * * * *

RETENTION AND DISPOSAL:

Records are maintained for *three years, then file folders are shredded and computer discs are erased.*

* * * * *

30-64-0015

SYSTEM NAME:

Unofficial Personnel System—FDIC.

SYSTEM LOCATION:

Office of Personnel Management, FDIC, 1709 New York Avenue, NW., Washington, D.C. 20429. In addition records are maintained at the Division or Office levels in the FDIC Washington Office and at the FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees *and applicants to and graduates of the FDIC upward mobility program.*

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of personnel-related records that are maintained in addition to those kept in the official personnel folder pursuant to the Federal Personnel Manual Suppl. 296-31, Table 8, Sec. 1 (The United States Office of Personnel Management has Privacy Act responsibility for those systems of records which are government-wide in nature and it requires agencies to maintain them. Included among these is the Official Personnel Folder. While OPM has designated the FDIC as being responsible for disclosing to its current employees the contents of their Official Personnel Folder, notice of the existence and character of this system is published by the Office of Personnel Management as "General Personnel Records", OPM/GOVT-1.) This system contains records of various types. They are: (1) records maintained in the Washington and regional offices which may contain information on individuals relating to: birthday; social security number; past and present salaries, grades, and position titles; home address and telephone number, emergency contacts, addresses and telephone numbers, employment history; original applications, resume, and letters of reference; statement of bank loans and stock ownership; record of equipment and material issued to the individual; record of leave and time-and-attendance; written notes or memoranda on employee performance; counseling; examiner assignments and lists of banks examined; records relating to on-the-job training; and data documenting reasons for personnel actions, decisions, or recommendations made about an employee; *disciplinary and adverse action backup material; claims for benefits under the Civil Service Retirement System; Group Life Insurance; documents related to on-the-job injuries;* (2) parking permit records containing information (name, address, and type of automobile) about FDIC

employees who have applied for (or are members of the applicants' carpool) a parking permit in the FDIC's Washington office garage; (3) FDIC personnel awards including information supporting the employee's nomination for one of these awards; (4) dental insurance records including information on earnings, number and name of dependents, sex, birth date, home address, and social security number; (5) employee locator records containing the employee's name, social security number, division or office assignment, office telephone number and office room number; and (6) *upward mobility program coordinator files initiated by the FDIC Office of Employee Relations.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101). *For category (6), Sec. 717 of the Equal Employment Opportunity Act (42 U.S.C. 2000e–16).*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

With regard to category (1) above, the records are primarily maintained to be used by the employees supervisor for preparation of general personnel action; however, in the case of categories (1), (2), (3) and (6), disclosures may be made, where relevant: (a) to financial and credit institutions for loan and credit reference purposes (solely to verify the employee's employment with the FDIC, date of employment, and pay grade); (b) [Reserved]; (c) to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdiction; (d) in the event of litigation, to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (e) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (f) to State authorities regarding reasons for a former employee's separation from FDIC service, where the inquiry is made pursuant to the former employee's application for unemployment compensation; (g) to Federal and State regulatory agencies, for reasons related to FDIC business, as to the temporary work location of FDIC bank examiners.

Disclosure may be made, in the case of category (4) above, to the dental insurance carrier in support of a claim for dental insurance benefits. In category (5) above, except for the employee's Social Security Number, all information in the record is available to the public. *In category (6) above, disclosure may be made to appropriate FDIC managers, supervisors and Office of Personnel Management individuals who are involved in the assessment, evaluation and selection of an applicant for upward mobility training and/or in the monitoring and evaluation of the upward mobility participant during the training period. In categories (1), (2) and (4) above, disclosure may be made by the FDIC Office of Corporate Audits to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on file cards and in file folders. Category (5) is maintained on computer discs, category (6) of file folders.

RETRIEVABILITY:

Indexed alphabetically by name.

SAFEGUARDS:

Maintained in lockable metal cabinets.

RETENTION AND DISPOSAL:

Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the Division or Office which compiled and maintained the information. Parking permit records are kept for one year and then destroyed. *Records of unsuccessful upward mobility candidates are retained for four years after submission; records of successful applicants are maintained until two years after leaving the employ of the FDIC.*

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, FDIC, 550 17th Street, NW., Washington, D.C. 20429, for Corporation level records. For FDIC Division or Office levels, the Head of the appropriate Division or Office; for FDIC Regional Offices, the Regional Director. (See Appendix A for the location of FDIC Regional Offices); For Parking Permit Records and Employee Locator Records, the Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20429. *For the upward mobility program, Director of Employee Relations, FDIC, 550 17th Street, NW., Washington, D.C. 20429.*

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Individuals to whom the records pertain; their immediate supervisors or persons at other supervisory levels; other fellow employees. *For upward mobility, record source categories would include educational institutions which the applicant has attended.*

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

* * * * *

30–64–0017

SYSTEM NAME:

Medical Records and Emergency Contact Information System—FDIC.

SYSTEM LOCATION:

Health Unit, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical record of the employee, including the date of visit to the FDIC Health Unit, the diagnosis, and the treatment administered. Attached to this record is a separate sheet containing the name and telephone number of the person to contact in the event of an emergency involving the employee. *Also contained are the American Red Cross donor cards containing the donor's name, blood type, and dates of donations; Standard Form 78 (Certificate of Medical Examination); and Standard Form 177 (Statement of Physical Ability for Light Duty Work).*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. Sec. 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

No disclosure (including intra-agency disclosure) of information contained in the medical files is made without prior written consent of the employee concerned. In the event of an emergency, the emergency contact would be notified. *For American Red Cross donor cards, disclosure of name and blood type is made only to the American Red Cross in response to specific requests for emergency donations to ensure that donor will be accepted immediately on arriving at Blood Center.*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On 8" x 10" cards with a separate emergency contact sheet attached to it. *American Red Cross donor cards are stored alphabetically in wooden files in the Health Unit.*

RETRIEVABILITY:

Indexed alphabetically by name.

SAFEGUARDS:

Kept in lockable metal cabinets in the nurse's office of the Health Unit. Only the nurse and substitute nurse are allowed access to the files. The Health Unit is locked whenever the nurse is absent.

RETENTION AND DISPOSAL:

Kept for the duration of the employee's tenure with the FDIC and for five years thereafter, then destroyed. *Medical records are kept for the duration of the employee's tenure with the FDIC and for five years thereafter, then destroyed. Standard Forms 78 and 177 are reviewed by the Corporation Nurse. If a disability is noted, the form is kept by the nurse; otherwise, the form is destroyed.*

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, 550 17th Street, NW, Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

The medical records are compiled by the employee and the nurse during the course of visits to the Health Unit for treatment. The information on the emergency contact sheet is supplied by the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

By order of Board of Directors, April 13, 1981.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-15139 Filed 5-20-81; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following ageement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within *10* days after publication of this notice in the **Federal Register.** Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: T-3973.

Filing party: Lynne R. Feldman, Assistant City Attorney, City of Richmond, Richmond, California 94804.

Summary: Agreement No. T-3973, between the City of Richmond (Port) and Hong Kong Islands Shipping Co., Ltd. (HKIL), provides for the granting of a nonexclusive secondary assignment to HKIL for the use of Terminal No. 3, Port of Richmond, California for one (1) year with an option to renew for an additional year. HKIL guarantees the Port will receive an annual minimum of all Port tariff charges which would be applicable to 6,000 throughput moves. The Port and HKIL will share wharfage, the throughput charges per shift will be as specified, the provisions of the Port of Richmond Tariff No. 1 shall be applicable to this agreement except as otherwise indicated and HKIL will be given priority berthing at Terminal 3 until the Port enters into a preferential assignment with another carrier. In addition, an escalation clause is provided to cover labor increases and a 2½ percent increase in throughput charges if the Agreement is extended for the second year.

By order of the Federal Maritime Commission.

Dated: May 18, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-15170 Filed 5-20-81; 8:45 am]

BILLING CODE 6730-01-M

Controlled Carriers Under the Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Deletion from list of controlled carriers.

SUMMARY: The Federal Maritime Commission is removing Surinam Navigation Co., from the list of "controlled carriers" which was previously published in the **Federal Register** on November 25, 1980. Recently received information reveals that Suriname is party to a treaty of friendship, commerce, and navigation between the United States and the Netherlands. Its vessels, therefore, are entitled to receive most-favored-nation treatment and are exempt from those portions of the Shipping Act, 1916, which are directed solely to controlled carriers.

DATE: None.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 18 (c) of the Shipping Act, 1916 (46 U.S.C. 817(c)) provides for the regulation of rates or charges of certain state-

owned carriers in the foreign commerce of the United States. However, not all controlled carriers are subject to these regulatory requirements. Section 18(c)(6) of the Act sets forth two categories of controlled carriers which are exempt from these regulatory requirements and three conditions under which controlled carriers are exempt in certain trade areas. The relevant exemption here is that for "any controlled carrier of a state whose vessels are entitled by a treaty of the United States to receive national or most-favored-nation treatment." 46 U.S.C. 817(c)(6)(1).

Surinam Navigation Co. is presently classified as a controlled carrier, not exempt from section 18(c). The Department of State has recently advised the Commission, however, that the United States and the Kingdom of the Netherlands signed a treaty of friendship, commerce, and navigation on March 27, 1956, and that, through an exchange of notes, Suriname (formerly a colony of the Netherlands) became a party to this treaty on February 10, 1963. In view of the above, the Commission now finds that Surinam Navigation Co. is not subject to the regulatory provisions of section 18(c) because it is exempt under the criteria set forth under section 18(c)(6)(i). Therefore, the Commission is deleting Surinam Navigation Co., from its list of non-exempt controlled carriers previously published in the **Federal Register** on November 25, 1980.

The amended list is shown below:

Baltic Shipping Co—U.S.S.R.
Bangladesh Shipping Corp.—Bangladesh
Black Sea Shipping Company—U.S.S.R.
Black Star Line—Ghana
Compagnie Maritime Zairoise (CMZ)—Zaire
Compagnie Nationale Algerienne de Navigation—Algeria
Companhia de Navegacao Loide Brasileiro—Brazil
Companhia Chilena De Navegacion Interoceanica, S.A.—Chile
Djakarta Lloyd, P.T.—Indonesia
Egyptian National Line—Egypt
Far Eastern Shipping Co. (FESCO)—U.S.S.R.
Flota Mercante Gran Centro Americana S.A. (Flomerca)—Guatemala
Murmansk Shipping Co. (Arctic Line)—U.S.S.R.
Neptune Orient Lines (NOL)—Singapore
Pakistan National Shipping Corporation—Pakistan
Peruvian State Line—Peru
Polish Ocean Lines—Poland
Shipping Corporation of India—India
South African Marine Corp. Ltd.—South Africa
Transportes Navieros Ecuatorianos (Transnave)—Ecuador

The process of identification and classification of controlled carriers is continuous. The list as shown will be amended as such carriers enter and leave the United States trades or under any other circumstances become exempt from the regulatory requirements of section 18(c) of the Act.

By the Commission, May 14, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-15114 Filed 5-20-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

First Jefferson Corp.; Formation of Bank Holding Company

First Jefferson Corporation, Biloxi, Mississippi, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Jefferson Bank, Biloxi, Mississippi. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 15, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-15182 Filed 5-20-81; 8:45 am]

BILLING CODE 6210-01-M

Kingman County Financial Corp.; Formation of Bank Holding Company

Kingman County Financial Corp., Norwich, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 81.8 per cent or more of the voting shares of The Farmers State Bank of Norwich, Norwich, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 14, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-15163 Filed 5-20-81; 8:45 am]

BILLING CODE 6210-01-M

Olivia Bancorporation, Inc.; Formation of Bank Holding Company

Olivia Bancoporation, Inc., Olivia, Minnesota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 82.2 percent or more of the voting shares of American State Bank of Olivia, Olivia, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the eivdence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 14, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-15164 Filed 5-20-81; 8:45 am]

BILLING CODE 6210-01-M

United Texas Bancshares, Inc.; Formation of Bank Holding Company

United Texas Bancshares, Inc., Austin, Texas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of United Bank of Texas, Austin, Texas. The factors that are considered in acting on the

application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 14, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-15185 Filed 5-20-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Guam Oil & Refining Company Voting Trust is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Terramar Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-15224 Filed 5-20-81; 8:45 am]

BILLING CODE 6750-01-M

George S. Mann; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: George S. Mahn is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of First Union Real Estate Equity & Mortgage Investments. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by George S. Mann. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 17, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-15225 Filed 5-20-81; 8:45 am]

BILLING CODE 6750-01-M

Physician Agreements To Control Medical Prepayment Plans

AGENCY: Federal Trade Commission.

ACTION: Notice of initiation of case-by-case law enforcement program.

SUMMARY: The Federal Trade Commission has decided to use a case-by-case law enforcement program, rather than rulemaking, to address the antitrust concerns arising from physician agreements to control medical prepayment plans.

FOR FURTHER INFORMATION CONTACT: Walter T. Winslow, Jr., Assistant Director, or David A. Giacalone, Attorney, Bureau of Competition, Washington, D.C. 20580 (telephone: (202) 724-1062).

Notice

On April 23, 1981, the Federal Trade Commission decided to proceed in the area of physician agreements to control medical prepayment plans on a case-by-case basis, rather than pursuing the rulemaking option discussed in its previous Advance Notice of Proposed Rulemaking, 45 FR 17,019 (1980). As was announced in the earlier Notice, the Commission has been considering what action, if any, to take regarding the antitrust concerns that can arise when medical societies or other physician groups agree to establish, operate, control or otherwise influence medical prepayment plans.

Agreements among physicians relating to prepayment plans raise antitrust concerns because the plans make many decisions that can affect competition among providers of health care services. For example, plans decide how much to pay physicians, what cost containment measures to use to control the price and utilization of health care services, and whether or on what terms to reimburse providers of health care who are not physicians. When a physician group controls a prepayment plan, such decisions might be made with the intent or effect of lessening the competition faced by the physicians, and thus could result in higher prices, the unreasonable exclusion of competing providers of health care, or other anticompetitive effects.

Having reviewed the extensive comments filed in this proceeding and the information obtained through its continuing investigation, the Commission is convinced that industrywide rulemaking is not the appropriate way to address these concerns. Rulemaking does not appear to be the most appropriate remedy, because the Commission has concluded

that medical control of prepayment plans is not always anticompetitive, despite the potential for abuse, and because it may not be feasible to devise a rule that clearly distinguishes between procompetitive and anticompetitive agreements. Analysis of the competitive impact of such agreements in a particular case may often require consideration of a variety of factors, including the purpose behind the agreement; the type of physician group involved; the market power of the plan and the physician group; the extent of control exercised by the group; the particular practices adopted by the controlled plan and their effects on price, coverage and other competitive factors; and any procompetitive business justifications for such plan practices. Since an across-the-board rule cannot readily take all these factors into account, a rule might in some situations prevent the development of procompetitive prepayment plans.

Other factors also suggest that industrywide action is inappropriate at this time. In recent years, there has been a reduction in the degree of medical society involvement in the selection of and representation on some Blue Shield plan boards of directors. That progress is the result of state statutes and lawsuits, as well as voluntary action by individual prepayment plans. In addition, economic studies of the relationship between plan control and reimbursement levels have produced somewhat inconsistent and inconclusive results. While the most recent analysis by the Commission's Bureau of Economics continues to suggest a troublesome relationship between fee levels and medical society involvement on some Blue Shield boards, those results may not support setting a single standard applicable to all medical control situations, regardless of such factors as the type of physician group or type of prepayment plan involved.

In conclusion, although physician agreements to control prepayment plans can raise significant antitrust concerns and deserve close scrutiny in a time of upward spiraling medical costs, an industrywide rulemaking is not the appropriate way to address these concerns. The Commission therefore is no longer considering rulemaking in this area, but has directed its staff to continue monitoring such agreements and will take enforcement action, as appropriate, on a case-by-case basis. The case-by-case approach will allow the Commission to consider fully the many factors that affect the overall competitive impact of medical control of particular prepayment plans. The Commission has also directed its staff to draft, for possible adoption by the Commission, a policy statement that would provide the public and industry members with guidance concerning the principles and analysis to be applied in this law enforcement program.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-15172 Filed 5-20-81; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-5]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission involving the need for State electric companies to increase plant capacity.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly section 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the New Mexico Public Service Commission involving the investigation of the need for State electric companies to increase plant capacity. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall forward to the General Services Administration copies of its testimony and briefs within 60 days of formal submission.

Dated: May 13, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-15247 Filed 5-20-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, Continued Regulation of Health Maintenance Organizations: Determination of Noncompliance.

SUMMARY: On May 23, 1980, the Office of Health Maintenance Organizations determined that Av-Med Health Plan (Av-Med), 9400 South Dadeland Blvd., Miami, Florida 33156, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. The determination of noncompliance does not itself affect the status of Av-Med as a federally qualified HMO. Rather, Av-Med has, in fact, initiated corrective action to bring itself into compliance with the assurances it gave the Secretary.

FOR FURTHER INFORMATION CONTACT: John O'Rourke, Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)) (the Act), if the Secretary makes a determination under section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination in the **Federal Register**.

On May 23, 1980 OHMO notified Av-Med that it was not in compliance with the assurances that it had given the Secretary that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. On April 14, 1981, OHMO approved a plan for Av-

Med to restore compliance with the requirements.

Dated: May 8, 1981.

John O'Rourke,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-15226 Filed 5-20-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Lakeview District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR 1780 that a meeting of the Lakeview District Advisory Council will be held on June 23, 1981.

The agenda for the meeting will be a field tour to the Warner Lakes Resource Area and will begin at 7:00 A.M. at the Lakeview District Office at 1000 So. Ninth St., Lakeview, Oregon.

The itinerary is:

1. Grazing management in riparian areas.
2. Waterfowl habitat enclosures.
3. Wilderness study areas.
4. Wild horse herd management areas.
5. Vegetative manipulation proposed in the E.I.S.

The meeting (tour) is open to the public and news media. Interested persons may make oral statements to the council or file a written statement that can be considered by the council. The public and news media are invited on the tour, however, transportation will only be furnished for the Advisory Council.

Summary minutes of the Council meeting (tour) will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting (tour).

Malcolm T. Shrode,

Acting District Manager.

May 13, 1981.

[FR Doc. 81-15191 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-08-M

[CA 3713]

California; Order Providing for Opening of Lands

May 15, 1981.

By virtue of the authority contained in Section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818 (1970), and in accordance with the authority delegated to me by the State Director, California State Office, Bureau of Land Management, dated January 13, 1977 (42 FR 3901), as amended, and pursuant to the determination of the Federal Energy Regulatory Commission, it is ordered as follows:

1. By order dated November 14, 1978, the Federal Energy Regulatory Commission vacated the land withdrawal in part for Power Project No. 1925 as to the following described lands:

Mount Diablo Meridian

Sierra National Forest

T. 10 S., R. 27 E.,
Sec. 36, NE¼SW¼, and that part of the S½SW¼ lying outside the boundary of Project No. 1988 as shown on revised map Exhibit K-4 (FPC No. 1988-60).

The area aggregates approximately 117.56 acres in Fresno County, California.

At 10:00 a.m. on June 24, 1981, the above described lands shall be open to such forms of appropriation as may by law be made of National Forest land, subject to any existing withdrawals, leases, licenses, or permits.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-15213 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

[CA 4496 WR]

California; Proposed Continuation of Withdrawal and Opportunity for Public Hearing

May 12, 1981.

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; U.S.C. 1714) the Bureau of Land Management, U.S. Department of the Interior, proposes to continue the withdrawal of the Hot Springs Reserve on the following lands:

Mount Diablo Meridian, California

T. 5 N., R. 25 E.,
Sec. 34, SE¼SW¼.

The area described contains 40 acres in Mono County, California.

This withdrawal was created by Executive Order 5389 of July 7, 1930, as amended, which segregates the land from settlement, non-metalliferous mineral location, sale or entry in order to preserve for general public use and benefit the unreserved public lands containing a hot spring or a spring the waters of which possesses curative properties.

No change in segregative effect of the withdrawal or the use of the land is proposed. The lands are and will remain open to metalliferous mineral location and to mineral leasing.

On or before June 25, 1981, all persons who wish to submit comments, suggestions or objections in connection with the proposed continuations may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposed continuations must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determines that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-15250 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

California; District Manager, Redding District, California; Redelegation of Authority

May 12, 1981.

1. Pursuant to the authority contained in section 1.1 of BLM Order No. 701 (20 FR 10526, July 29, 1964) as amended, the following authority is hereby delegated to the Redding District Manager to take action for the State Director in matters listed under Section 1.9—LAND USE. The District Manager may take all the listed action on:

(d) EXCHANGES. Take all actions subject to the title opinion of the Field Solicitor, in all matters relating to exchanges of lands and of timber for lands, except for appraisal reports on any proposed transaction, signing of realty actions involving lands in excess of 2,500 acres, and issuance of patents.

(g) MATERIAL OTHER THAN FOREST PRODUCTS. Take all actions relating to any sale or contract for sale of material other than forest products not exceeding $50,000, or the free use of materials other than forest products, under 43 CFR Part 3600.

(i) SITES FOR RECREATIONAL OR ANY PUBLIC PURPOSE. Take all actions with respect to leases to Federal, State, Local government units and to non-profit associations and corporations pursuant to 43 CFR Part 2740 and to other applicable regulations.

(j) SALES OF PUBLIC LANDS. (1) Take all actions on sales pursuant to 43 CFR 2710 except signing of realty action involving lands in excess of 2,500 acres, preparation of Final Certificates, issuance of patents and Notices of Conveyance. (2) Expressions of interest by and sales to aliens, asociations having an appreciable number of alien members, and corporations whose stock to an appreciable extent is held by aliens, are subject to approval by the Secretary of Interior.

(m) RIGHTS-OF-WAY. Grant right-of-way permits and easements over public and acquired lands pursuant to 43 CFR Part 2800.

(o) LEASES, PERMITS, AND EASEMENTS. Take all actions in issuing: (1) leases or permits for public lands, pursuant to 43 CFR Part 2920; (2) leases, permits and easements for acquired lands under the administration of the Bureau of Land Management, under the principles embodied in 43 CFR Part 2920; (3) no land use authorization may be issued under this authority to Federal Departments or agencies.

2. The authority delegated in paragraph 1 above may not be redelegated but may be exercised by any person authorized as an "acting" District Manager.

3. This delegation continues the authority delegated by order effective June 16, 1980, (45 FR 40673) and further authorized by order dated December 9, 1980 (45 FR 81128).

James B. Ruch,

State Director.

[FR Doc. 81-15249 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

Carson City District; Preparation of a Grazing Environmental Impact Statement for the Reno Planning Area

The Carson City District Office of the Bureau of Land Management (BLM) will be preparing a grazing environmental impact statement (EIS) for the administration of vegetation resources on the public lands within the Reno Planning Area. The Reno Planning Area includes approximately 1,612,000 acres, 42 percent of which is public land administered by BLM. About 394,000 acres of public land are part of the Lahontan Resource Area, and 286,000 acres of public land are part of the Walker Resource Area. The Reno Planning Area extends about 50 miles north, 8 miles west, 25 miles east, and 65 miles south of Reno, Nevada. It includes land in Washoe, Storey, Lyon, Carson City, and Douglas Counties of Nevada and in Alpine, Lassen, and Plumas Counties of California.

The proposed action is to implement planning decisions concerning the use of vegetation resources for domestic livestock, wild horses and wildlife. Alternatives to the proposed action that will be analyzed include: (1) No Action—This is defined as the existing range management programs in the Reno Planning Area; (2) No Livestock Grazing—This is the exclusion of all livestock from BLM administered public lands within the Reno Planning Area; and (3) Resource Protection—This alternative will emphasize the protection of natural resources.

The EIS will focus on the availability of vegetation for deer, wild horses, and domestic sheep and cattle.

The public is invited to assist in the identification of issues to be discussed in the EIS by participating in two scheduled open house public meetings and by correspondence. One meeting will be in Reno, June 30, 1981, at 7:30 p.m., in the Eldorado Hotel, 345 North Virginia Avenue. The other meeting will be held July 1, 1981, in Carson City, Nevada, at 7:30 p.m., in the Carson City District BLM Office, 1050 E. William Street, Suite 335. News media releases will be issued to inform the public of opportunities to participate. Notices will also be mailed to interested parties, inviting them to participate in the meetings and to respond by mail, telephone or personal contact.

An interdisciplinary team will be formed to address the following topics in the EIS: Livestock grazing, soils, wildlife, minerals, cultural resources, wild horses, recreation, wilderness, watershed, social and economic values, forestry, lands and vegetation.

The following Bureau officials will be available, by appointment, between June 8 and July 2, 1981, to answer questions and receive information about the alternatives including the proposed action and the EIS process: (1) Tom Owen, District Manager; (2) Rudy Reimold, Walker Resource Area Manager; (3) Ken Walker, Lahontan Resource Area Manager; and (4) Kelly Madigan, EIS Team Leader. All of them may be contacted at the Carson City District Office, 1050 East William Street, Suite 335, Carson City, Nevada 89701; telephone (702) 882-1631. Written comments will be accepted until July 30, 1981.

The proposed Management Framework Plan, which is the basis for the alternatives including the proposed action, and other related documents will be available for public review and reference at the BLM Carson City District Office.

Dated: May 15, 1981.

Ed Evatz,

Acting State Director, Nevada.

[FR Doc. 81-15220 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Multiple Use Advisory Council; Meeting

Notice is hereby given in accordance with Public Law 92-463, that a meeting of the Cedar City District Multiple Use Advisory Council will be held on June 22, 1981.

The meeting will begin at 9:30 a.m. at the BLM field camp next to Bryce Valley Airport. The agenda will include a report on recommendations from the last meeting, Kanab/Escalante planning decisions, Cedar/Beaver/Garfield preplanning, Paiute Indian land entitlement, an aerial tour of Kanab/Escalante area and a ground tour of the Cedar/Beaver/Garfield area. Those wishing to take part in the ground tour must provide their own transportation.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 11:30 a.m. or file written statements for the council's consideration. Anyone wishing to make oral statements must notify the District Manager, P.O. Box 724, Cedar

City, Utah 84720 by June 19, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager.

Arthur L. Tait,

Acting District Manager.

May 15, 1981.

[FR Doc. 81-15214 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

Intensive Wilderness Inventory in Oregon and Washington; Decisions in Effect and Decisions Appealed

Final decisions on the intensive wilderness inventory of 266 inventory units in Oregon, 44 units in Washington and one unit in both states were announced in the **Federal Register** on November 14, 1980, pages 75597–75602. A follow-up notice was published in the **Federal Register** on January 29, 1981, page 9789, identifying units and parts of units for which the decisions were in effect and units and parts of units for which the decisions were under protest to the Oregon State Director. On March 31, 1981, a notice was published in the **Federal Register**, pages 19605–19607, to explain the State Director's responses to the protests and to announce a period during which appeals could be filed against the responses to the protests. This notice identifies which decisions previously under protest are now in effect and which are under appeal.

A. The decisions to identify the following units and subunits as wilderness study areas (WSAs) were previously under protest. No appeals of the responses to the protests were received and the decisions are now final and in effect. These lands continue to be managed according to the Interim Management Policy and Guidelines for Lands Under Wilderness Review.

Oregon

Unit No	Unit name	Acres
Lakeview District		
1-24	Sand Dunes	15,520
Burns District		
2-72C	Sheepshead Mountains	54,190
2-72D	Sheepshead Mountains	35,000
2-72F	Sheepshead Mountains	20,330
2-72I	Sheepshead Mountains	38,855
2-72J	Sheepshead Mountains	7,755
2-73A	Winter Range	21,395
2-73H	Winter Range	14,640
2-74F	Alvord Desert Addition	63,080
2-84A	Basque Hills	138,420
2-86E	Blitzen River	52,060
2-87I	Bridge Creek	14,060
Total		459,785
Vale District		
3-53	Dry Creek	22,800

Oregon—Continued

Unit No.	Unit name	Acres
3-110	Lower Owyhee Canyon	73,200
3-111	Saddle Butte	87,500
3-120	Clarks Butte	31,500
3-128A	Jordan Craters	28,700
Total		243,700
Prineville District		
5-31A	North Fork	10,745
5-33	South Fork	19,631
5-34	Sand Hollow	8,791
5-35	Gerry Mountain	20,700
Total		59,867
Oregon total, 21 WSAs		778,872

Washington

Unit No.	Unit name	Acres
Spokane District		
13-2	Chopaka Mountain	5,520
Washington total, 1 WSA		5,520

B. The decisions to eliminate the following inventory units and subunits from further wilderness review were previously under protest. No appeals of the responses to the protests were received and the decisions are now final and in effect. These lands are no longer subject to the Interim Management Policy and Guidelines.

Oregon

Unit No.	Unit name	Acres
Lakeview District		
1-9	Bull Lake	32,360
1-12	Lost Forest Adjacent Lands	6,240
1-94	Poker Jim Flat	14,360
1-95	ZX Ranch	21,120
1-114	Warner Lakes	33,680
1-115A	Guano Slough	47,360
1-115B	Guano Slough	59,120
1-117A	Monument Flat	16,240
1-134	Lone Grave Butte	25,440
1-159	Catlow Valley	58,000
Total		313,920
Burns District		
2-19	Silvies River	7,520
2-72G	Sheepshead Mountains	10,035
2-72H	Sheepshead Mountains	11,410
2-72K	Sheepshead Mountains	2,315
2-72L	Sheepshead Mountains	1,185
2-72M	Sheepshead Mountains	1,190
2-72N	Sheepshead Mountains	5,310
2-85I	South Steens	10,030
Total		48,995
Vale District		
3-41A	Keeney Creek	14,740
3-44	Star Mountain	14,360
3-121	Deadman Creek	8,440
Total		37,540

Oregon—Continued

Unit No	Unit name	Acres
Prineville District		
5-20	Alkali Flat	7,035
Coos Bay District		
12-10A	Pistol River-Myers Creek Rocks	5
12-12A	Lone Ranch Rocks	4
12-13A	Harris Island	2
12-14A	Table Rock	1
12-15	Fish Rock	1
Total		13
Oregon total, 27 decisions to eliminate		407,503

Washington

Unit No.	Unit name	Acres
Spokane District		
13-3	Lummi Rocks	8
13-4	Blind Island	2
Washington total, 2 decisions to eliminate		10

C. The decisions to identify the following units and subunits as wilderness study areas were previously protested, the protests were denied, and the decisions are now under appeal to the Interior Board of Land Appeals. These lands continue to be managed according to the Interim Management Policy and Guidelines.

Oregon

Unit No.	Unit name	Acres
Lakeview District		
1-101	Abert Rim	22,240
Burns District		
2-77B	Mahogany Ridge	27,370
2-78D[1]	Red Mountain	2,720
2-78F	Red Mountain	14,730
2-85F	South Steens	65,940
2-85G	South Steens	35,850
2-85H	South Steens	24,990
2-86F	Blitzen River	9,380
Total		180,980
Vale District		
3-75	Slocum Creek	7,600
3-77A	Honeycombs	38,200
3-77B	Honeycombs	12,500
3-153[2]	Disaster Peak	13,300
Total		71,600

[1] This subunit is part of a single, larger WAS which also includes Unit 3-153 in the Vale District and Unit NV-020-859 in Nevada.

[2] This unit is part of a single, larger WAS which also includes Subunit 2-78D in the Burns District and Unit NV-020-859 in Nevada.

D. The decisions to eliminate the following inventory units and subunits from further wilderness review were previously protested, the protests were denied, and the decisions are now under appeal to the Interior Board of Land Appeals. These lands will continue to be managed according to the Interim Management Policy and Guidelines.

Oregon

Unit No.	Unit name	Acres
Burns District		
43A	Wagontire Mountain	9,590
43B	Wagontire Mountain	10,600
43F	Wagontire Mountain	13,100
57	Jackass Creek	19,255
61A	Foster Flat	5,660
61	Foster Flat	8,270
61E	Foster Flat	15,470
61F	Foster Flat	7,350
64A	Buzzard Creek	14,140
64B	Buzzard Creek	14,570
65	Deep Canyon	6,215
68	Smokey Hollow	8,225
69	Devil's Canyon	14,015
70	Wilson Butte	9,745
71	Goose Egg	15,930
75C	Black Point	28,320
Total		200,455
Medford District		
16	Zane Grey	18,460
Oregon total, 17 decisions to eliminate		218,915

Washington

Unit No.	Unit name	Acres
Spokane District		
1	Juniper	7,806
Washington total, 1 decision to eliminate		7,806

E. Two other wilderness study areas in Oregon continue under an appeal of earlier intensive inventory decisions. They are WSA 2–81L (Pueblo Mountains) with 67,430 acres and WSA 2–82H (Rincon) with 97,395 acres. The appeal of the decisions concerning these WSAs was announced in the **Federal Register** on October 2, 1980, page 65339.

William G. Leavell,

State Director.

[FR Doc. 81–15216 Filed 5–20–81; 8:45 am]

BILLING CODE 4310–84–M

Montrose District Advisory Council; Meeting

Notice is hereby given in accordance with 43 CFR 1780 that a meeting of the Montrose District Advisory Council will be held on June 23 and 24, 1981.

The meeting will convene at 9 a.m. on June 23 and and 8 a.m. on June 24 at the Ramada Inn, 666 South Broadway, Cortez, Colorado.

The agenda for June 23 and 24 will include: (1) orientation to the San Juan/San Miguel Resource Management Planning Area, and (2) tour and discussions of competing resource uses, issues and concerns in the Sacred Mountain Planning Unit.

The Meeting and tour are open to the public. Interested persons may make oral statements to Council between 9:30 a.m. and 10:00 a.m. on June 23 or file written statements for the Council's consideration. People wishing to attend the tour of the Sacred Mountain Planning Unit are invited but must provide their own transportation and lunches. Anyone wishing to make an oral statement should contact the District Manager, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81401; telephone (303) 249–7791, by June 16, 1981.

Summary minutes of the Council meeting will be maintained at the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Marlyn V. Jones,

District Manager.

[FR Doc. 81–15215 Filed 5–20–81; 8:45 am]

BILLING CODE 4310–84

New Mexico and Colorado; San Juan River Regional Coal Team Meeting

May 15, 1981.

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: In accordance with the responsibilities outlined in the Federal coal management regulations (43 CFR 3400), the regional coal team for the San Juan River Federal Coal Production Region will conduct a field trip and hold a meeting to hear a presentation of the Chaco Management Framework Plan, to discuss the Activity Plan Schedule, to discuss the unsuitability process, and to discuss any other items as necessary. The presentation and discussion of the Management Framework Plan will be conducted in a joint session with the Albuquerque District Multiple Use Advisory Council. Public attendance on the field trip and at the meeting is welcome; however, no transportation for the public will be provided on the field trip.

DATE: The regional coal team will visit the San Juan Basin potential coal leasing area on June 29 and 30, and meet at 9:00 a.m., July 1, 1981.

ADDRESSES: The meeting will be held in the Beardsley Room, The Inn, 700 Scott Avenue, Farmington, New Mexico, (505) 327–5221.

FOR FURTHER INFORMATION CONTACT: S. Gene Day, San Juan River Project Manager, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Telephone (505) 988–6226, (FTS) 476–1226.

Charles W. Luscher,

State Director.

[FR Doc. 81–15217 Filed 5–20–81; 8:45 am]

BILLING CODE 4310–84–M

[NM 435 and Amendments]

New Mexico; Termination of Classification of Public Lands for Multiple-Use Management

May 12, 1981.

1. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classifications and segregation of lands described in **Federal Register** notices summarized as follows are hereby terminated:

(a) Vol. 32, No. 25, Tuesday, February 7, 1967, at pages 2579–2586.

(b) Vol. 32, No. 37, Friday, February 24, 1967, at pages 3230–3231.

(c) Vol. 35, No. 156, Wednesday, August 12, 1970, at page 12781.

(d) Vol. 35, No. 238, Wednesday, December 9, 1970, at pages 18681–18682.

(e) Vol. 35, No. 132, Thursday, July 9, 1970, at pages 11063–11064.

(f) Vol. 35, No. 147, Thursday, July 30, 1970, at pages 12229–12230.

(Aggregating approximately 4,456,048 acres.)

The classification orders segregated the lands from appropriation under the Homestead, Desert Land and Allotment Laws (43 U.S.C. parts 7 and 9, and 25 U.S.C. 334), and from sale under 2455 of the Revised Statutes (43 U.S.C. 1171). Except for 39.85 acres, the lands remained open to all other applicable forms of appropriation including the mining and mineral leasing laws.

2. Termination of the classifications will restore the lands described in the **Federal Register** notices to operation of the public lands laws generally. The 39.85 acres described as lot 22, sec. 19, T. 21 S., R. 2 E., NMPM, New Mexico, will also be restored to the general mining laws and mineral leasing laws.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

LeRoy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81–15251 Filed 5–20–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 16909]

Oregon; Termination of Proposed Withdrawal and Reservation of Land

Notice of application, OR 16909, filed by the Department of Army, Corps of Engineers, for withdrawal and reservation of land was published as Federal Register Document 77-22455 on Page 39482 of the issue of August 4, 1977. The withdrawal was proposed for protection of an administrative site located at the mouth of the Umpqua River. The applicant agency has cancelled its application in its entirety. The land involved is described as follows:

Willamette Meridian

T. 22 S., R. 13 W.,
Sec. 13, Lot 1, W½SW¼NW¼, and W½E½SW¼NW¼.

The area described contains 68.80 acres in Douglas County, Oregon.

Therefore, pursuant to the regulations contained in 43 CFR 2310.2-1(c), such land will be at 10 a.m., on June 23, 1981, relieved of the segregative effect of the above-mentioned application.

Dated: May 12, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-15252 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

Socorro District, New Mexico; District Advisory Council Meeting

A meeting of the Bureau of Land Management (BLM), Socorro District Advisory Council will be held June 24, 1981, beginning at 9:00 a.m. The meeting will be held in the Hospitality Room of the First State Bank, 103 Manzanares Avenue NE., Socorro, New Mexico.

The agenda for the meeting will include: the El Malpais Habitat Management Plan, Proposals (Objectives) for Multiple-Use Land Management Within the Divide Planning Area, Overview of Nogal Habitat Management Plan, Divide Planning Area Rangeland Management Proposal, Middle Rio Grande Occupancy Resolution Program, Tinajas Area of Critical Environmental Concern, Stallion/Ladrone Off-Road Vehicle Designation, Stewardship Plan for the "Y" Ranch, and the Controlled/Natural Burn Plan for Pelona Mountain Area.

The public is welcome to attend the meeting and may make oral statements to the Council between 1:00 and 2:00 p.m. A per person time limit may be imposed on the number of people wishing to speak.

Minutes of the meeting will be prepared and made available for review within 30 days following the meeting.

Paul W. Tanner,

Acting District Manager.

May 13, 1981.

[FR Doc. 81-15253 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4208, Block 27, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metarie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 13, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-15259 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc., has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2956, Block 295, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 13, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-15260 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that McMoRan Offshore Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4579, Block A-438, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and

that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 13, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-15261 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-31-M

California; Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the East Brawley known geothermal resources area, effective December 17, 1980.

(5) California

East Brawley Known Geothermal Resources Area, San Bernardino Meridian, California

T. 13 S., R. 15 E.,
- Sec. 13;
- Secs. 22 through 27;
- Secs. 34 through 36.

T. 13 S., R. 16 E.,
- Sec. 3, lots 3 through 6, 11 through 14, 19 through 22, 27, and 28, SW¼;
- Sec. 4;
- Sec. 5, lots 1, 2, 7 through 10, 15 through 18, 21 through 28, S½;
- Secs. 7, 8, and 9;
- Sec. 10, W½;
- Sec. 15, W½;
- Secs. 16 through 21;
- Sec. 22, W½;
- Secs. 27 through 34.

T. 14 S., R. 15 E.,
- Secs. 1 through 4;
- Sec. 5, E½;
- Sec. 8, E½;
- Secs. 9 through 17;
- Sec. 18, E½;
- Sec. 19, E½;
- Secs. 20 through 29;
- Sec. 30, E½;
- Sec. 32, E½;
- Secs. 33 through 36.

T. 14 S., R. 16 E.,
- Sec. 2, W½;
- Secs. 3 through 11;
- Sec. 13, W½;
- Secs. 14 through 36.

T. 15 S., R. 15 E.,
- Secs. 1 through 4;
- Sec. 10, N½;
- Sec. 11, N½;
- Sec. 12, N½.

T. 15 S., R. 16 E.,
- Sec. 1, W½;
- Secs. 2 through 6;
- Sec. 7, N½;
- Sec. 8, N½;
- Sec. 9, N½;
- Sec. 10, N½;
- Sec. 11, N½;

The area described in aggregates 70,211 acres, more or less.

Dated: May 4, 1981.

Jack B. Dugwyler, Jr.,

Acting Conservation Manager, Western Region.

[FR Doc. 81-15262 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Draft Comprehensive Plan for Mormon Pioneer National Historic Trail

AGENCY: National Park Service, Interior.

ACTION: Availability of Draft Comprehensive Plan and Environmental Assessment.

SUMMARY: The National Park Service has prepared a draft comprehensive plan to guide the management and use of the Mormon Pioneer National Historic Trail, as required by the National Trails System Act, as amended (16 U.S.C. 1244(f)). The plan (a) identifies specific objectives and practices to be observed for such management and use; (b) identifies all significant natural, historical and cultural resources to be preserved; (c) provides details of cooperative agreements to be consummated with State and local Government agencies or private interests; and (d) identifies the process to be followed in marking the trail. The trail extends 1300 miles from Nauvoo, Illinois, to Salt Lake City, Utah. The plan establishes six Initial Protection Segments on Federally-administered lands. The Bureau of Land Management, the U.S. Fish and Wildlife Service, and the National Park Service Administer these Federal segments. In addition, the plan recommends 72 non-Federal areas be subsequently certified by the Secretary of the Interior as Certified Protected Segments of the trail, upon application from involved State or local Government agencies or private interests. The plan identifies the potential for the use of donated lands, donated funds or land exchange to have the Bureau of Land Management acquire limited lands in Wyoming to achieve full trail utilization. Comments on the plan will be received by the Regional Director, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Denver, Colorado 80225 for 30 days following publication of this notice. Copies of the plan may be reviewed at either the Rocky Mountain Region, National Park Service, or the following listed State agencies:

Department of Conservation, Div. of Planning and Design, 605 William Stratton Building, Springfield, Illinois 62706, (217) 782-3884

State Conservation Commission, Wallace State Office Building, Des Moines, Iowa 50319, (515) 281-8673

Department of Economic Development, 301 Centennial Mall, South, Lincoln, Nebraska 68507, (402) 471-3111

Wyoming Recreation Commission, 604 E. 25th Street, Cheyenne, Wyoming 82002, (307) 777-6300

Outdoor Recreation Agency, 807 East South Temple, Suite 101, Salt Lake City, Utah 84102, (801) 533-5692

In 1974, the Bureau of Outdoor Recreation held public meetings on the original Mormon Trail study which was subsequently reported to the Congress and enacted into law. The comprehensive plan is one step in implementing that law; thus, no additional public meetings are deemed necessary on the plan.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Beaudry, Planning Team Captain, at the above address; telephone (303) 234-4942.

Dated: May 14, 1981.

James B. Thompson,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 81-15264 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-70-M

Mormon Pioneer National Historic Trail Advisory Council Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Mormon Pioneer National Historic Trail Advisory Council will be held beginning at 1 p.m.,

June 18, and at 12 noon on June 19, 1981, at the Foothills Ramada Inn, 11595 West 6th Avenue, Lakewood, Colorado. The Advisory Council was established by Public Law 90–543, Section 5(d), as amended by Public Law 95–625, on consult with the Secretary of the Interior through the National Park Service on matters concerning the Trail, including selection of rights-of-way markers and administration.

The meeting will be held for the purpose of Council review of the draft comprehensive management plan and environmental assessment for the Trail.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who will wish to submit written statements may contact Karen Green, Council Manager, Rocky Mountain Region, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225, (303)234–5762.

Minutes of the meeting will be available for inspection four weeks after the meeting at the above address.

Dated: May 14 1981.

James B. Thompson,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 81–15263 Filed 5–20–81: 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Volume No. 47]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Correction

In FR Doc. 81–9368 appearing on page 19097 in the issue of Friday, March 27, 1981 make the following correction:

On page 19099, third column, first paragraph after the "Note", first line, "MC 35958" should have read "MC 35980".

BILLING CODE 1505–01–M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81–11337, at page 22047, in the issue of Wednesday, April 15, 1981, on page 22049, in the middle column, the first full paragraph designated as "MC 147621 (Sub-1–2 CA)", line thirteen, after "Union County, NJ", and before "Fulton County, GA", insert "Camden County, NJ".

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI–144

Decided May 13, 1981

By the Commission Review Board No. 1, Members Parker, Chandler and Forties (Parker participating in Part).

MC 155571, filed April 29, 1981. Applicant: GEORGE E. FESSLER, 951 Lobelia Ave., Reading, PA 19605. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840–8565. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155661, filed April 30, 1981. Applicant: KEITH LEWIS, Oakland Star Route, Lebanon, MO 65536. Representative: Keith Lewis (same address as applicant), (417) 532–4528. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155680, filed May 1, 1981. Applicant: CAVALIER SHIPPING COMPANY, INC., P.O. Box 3386 Custom House Station, Norfolk, VA 23514. Representative: William G. Monell (same address as applicant), (804) 622–1931. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 155721, filed May 4, 1981. Applicant: SUGGS TRANSPORTATION SERVICE, INC., Surratts Professional Center, 9015 Woodyard Road, Clinton, MD 20735. Representative: Harold Suggs (same address as applicant) (301) 868–7271. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155761, filed May 5, 1981. Applicant: EUGENE ROTTERMAN, P.O. Box 42, Ledyard, IA 50556. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting (1) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (3) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–3–067

Decided: May 12, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 155664, filed April 30, 1981. Applicant: JAMES COATNEY, d.b.a. JIM COATNEY & SONS TRUCKING COMPANY, Route No. 1, Box 480, Grain Valley, MO 64029. Representative: Richard C. Kisch, P.O. Box 10264, Wilmington, DE 19850, (302)–368–1828. Transporting, (1) for or on behalf of the U.S. Government, *general commodities*, (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.; (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.; (3) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.; (4) as a *broker* of *general commodities* (except household goods), between points in the U.S.; and (5) *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defence, between points in the U.S.

MC 155674, filed May 1, 1981. Applicant: AUSTIN F. SADDLEMIRE, d.b.a. CAPITAL DISTRICT BROKERAGE, Pheasant Run, P.O. Box 99, Voorheesville, NY 12186. Representative: Guy D. Richardson, 3598 Ransomville Rd., Ransomville, NY 14131. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–069

Decided: May 12, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 144054 (Sub-16), filed April 28, 1981. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 E. Vilas Road, Medford, OR 97501. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY 563

Decided: May 14, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell. Fisher and Williams

MC 118838 (Sub-82), filed April 30, 1981. Applicant: GABOR TRUCKING, INC., RR #4, Detroit Lakes, MN 56501. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 147259 (Sub-15), filed April 28, 1981. Applicant: CHURCHILL TRANSPORTATON, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 VanDam Rd., South Holland, IL 60473, (312) 596–9200. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151788 (Sub-5), filed April 28, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) between points in the U.S.

MC 155578, filed April 28, 1981. Applicant: DAVID JACOBSEN, d.b.a. DAVID JACOBSEN & SONS, 14461 Oakhill Road North, Scandia, MN 55073. Representative: Barry Weintraub, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155579, filed April 28, 1981. Applicant: R. J. CARTAGE, INC., 1633 Maplewood Ave., South Bend, IN 46628. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds between points in the U.S.

MC 155679, filed May 1, 1981. Applicant: W. C. DAY TRUCKING CO., INC., 9028 Town and Country Blvd., Ellicott City, MD 21043. Representative: Warner Clarence Day (same address as applicant), (301) 465–7699. (1) Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *food and other edible products and byproducing intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155729, filed May 4, 1981. Applicant: BOWAN-CLENSY TRUCKING, INC., 1460 Cottage, P.O. Box 5, Middletown, IN 47356. Representative: Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924, (408) 625–2031. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the

owner of the motor vehicle in such vehicle between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15154 Filed 5-20-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OP1-145]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 13, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before (45 days from the date of publication), (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board, No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 147280 (Sub-5), filed January 23, 1981, previously published in **Federal Register** issue of February 9, 1981. Applicant: WARREN GRADWELL, d.b.a. W. L. GRADWELL TRANSPORT, 450 N.E. 44th St., Des Moines, IA 50313. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with D. C. Buback Meat Co. of St. Louis, MO.

Note.—The purpose of this republication is to reflect contract carriage service to be performed for D. C. Buback Meat Co., in lieu of Plaza Foods, Inc., of St. Louis, MO.

[FR Doc. 81-15155 Filed 5-20-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-066

Decided: May 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams (Williams not participating).

MC 14215 (Sub-97), filed April 29, 1981. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *metal products* and *slag and slag iron*, between points in Mahoning, Belmont and Jefferson Counties, OH, Washington and Westmoreland Counties, PA, and Brooke, Marshall and Ohio Counties, WV, on the one hand, and, on the other, points in the U.S.

MC 61825 (Sub-142), filed April 28, 1981. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant), (703) 638–8851. Transporting *metal products* and *chemicals and related products*, between those points in the U.S. in and east of MN, IA, MO, KS, OK and TX.

MC 95084 (Sub-175), filed May 4, 1981. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *general commodities*, between the facilities of CertainTeed Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 106074 (Sub-177), filed April 28, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221 S., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *such commodities* as are dealt in or used by food and grocery houses, between Southgate, CA, Tacoma, WA, Minneapolis, MN, Omaha, NE, Dallas, TX, New Orleans, LA, St. Louis, MO, Chicago, IL, Toledo and Columbus, OH, Atlanta, GA, Auburndale, FL, Bristol, PA, Brockport, NY, Boston, MA, Paterson, Kearney and Hackensack, NJ, Wilmington, DE, Baltimore, MD and Salem, VA, on the one hand, and, on the other, points in the U.S.

MC 106074 (Sub-178), filed April 28, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221 S., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *such commodities* as are dealt in or used by hardware stores and home improvements stores, between points in TX, on the one hand, and, on the other, points in AL, FL, and GA.

MC 106274 (Sub-33), filed April 28, 1981. Applicant: RAEFORD TRUCKING COMPANY, P.O. Box 219, Sanford, NC 27330. Representative: R. B. Guthrie (same address as applicant), (919) 776–0541. Transporting *petroleum, natural gas and their products*, between points in NJ, on the one hand, and, on the other, points in NC.

MC 109265 (Sub-30), filed April 28, 1981. Applicant: W.L. MEAD, INC., P.O. Box 31, Norwalk, OH 44857. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between Cincinnati, OH, and points in Butler, Champaign, Franklin, Henry, Miami and Montgomery Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 114274 (Sub-75), filed April 28, 1981. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St. Place, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *food and related products*, between Kansas City and St. Louis, MO, Omaha, NE, and points in Linn, Madison, Polk, Dallas and Warren Counties, IA, and Genessee County, MI, on the one hand, and, on the other, points in AR, CO, IL, IN, KS, KY, MI, MN, MO NE, ND, OH, OK, TN, WI, IA, SD, and TX.

MC 119905 (Sub-1), filed April 28, 1981. Applicant: SAFEWAY TRANSPORT, INC., P.O. Box 405, Brookfield, WI 53005. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in Milwaukee, Ozaukee, and Waukesha Counties, WI, and extending to points in IL, IN, and MI.

MC 127505 (Sub-79), filed April 28, 1981. Applicant: R. H. BOELK, d.b.a. R. H. BOELK TRUCK LINES, INC., Route 2, Mendota, IL 61342. Representative: A. Doyle Cloud, Jr., 2008 Clar Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *pulp, paper, and related products*, between points in IL, on the one hand, and, on the other, points in MI and WI.

MC 140484 (Sub-94), filed May 4, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant), (813) 334–4517. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift & Company, of Chicago, IL.

MC 143065 (Sub-2), filed May 4, 1981. Applicant: WEATHERFORD TRANSIT, INC., Hwy 15N, Hartsville, SC 29550. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Lexington, Richland and Charleston Counties, SC and extending to points in the U.S.

MC 143565 (Sub-3), filed April 29, 1981. Applicant: HIGHWAY TRANSPORTATION CO., a corporation, Route 2, Freedom Park, Herman, ME 04401. Representative: Durwood D. Humphrey (same address as applicant), (207) 848–3314. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with A.K.F. Foods, Inc., doing business as Potato Service, of Presque Isle, ME.

MC 144054 (Sub-17), filed April 28, 1981. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 E. Vilas Rd., Medford, OR 97501. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329.Transporting (1) *horticultural equipment*, (2) *plastic articles*, (3) *insecticides*, (4) *plant foods*, and (5) *fertilizer*, between the facilities of Daniels, Inc., in IA, on the one hand, and, on the other, points in the U.S.

MC 148425 (Sub-3), filed April 28, 1981. Applicant: SUNDANCE STAGE LINES, INC., 5920 Mission Gorge Rd., San Diego, CA 92120. Representative: Roger Curtis McKee, 110 West C St., Suite 1803, San Diego, CA 92101, (714) 238–0085. Transporting *passengers and their baggage* in the same vehicle with passengers, beginning and ending at San Diego, CA, and extending to points in AZ, NM, CO, UT and NV (except Las Vegas, NV).

MC 149414 (Sub-1), filed April 28, 1981. Applicant: KENT TERMINALS OF MASSACHUSETTS, INC., 31 Fargo St., Boston, MA 02210. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *general commodities* (except classes A and B explosives), between points in MA, on the one hand, and, on the other, points in CT, ME, MA, NH, RI and VT.

MC 151314, filed April 28, 1981. Applicant: B & W EXPRESS, INC., P.O. Box 2122, San Antonio, TX 78297. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768, (512) 476–6083. Transporting *general commodities* (except classes A and B explosives), between points in Cameron, Willacy, Hidalgo, Starr, Zapata, Jim

Hogg, Brooks, Kenedy, Kleberg, Jim Wells, Duval, Nueces, San Patricio, Aransas, Refugio, Goliad, Bee, Live Oak, McMullen, Atascosa, Karnes, DeWitt, Victoria, Calhoun, Jackson, Matagorda, Brazoria, Galveston, Chambers, Jefferson, Orange, Liberty, Montgomery, Harris, Fort Bend, Wharton, Colorado, Austin, Waller, Grimes, Brazos, Burleson, Lee, Washington, Feyette, Lavaca, Gonzales, Wilson, Bexar, Guadalupe, Comal, Hayes, Caldwell, Travis, Bastrop, Williamson, Bell, Milam, Robertson, Falls, McLennan, Hill, Navarro, Ellis, Tarrant, and Dallas Counties, TX.

MC 151655 (Sub-9), filed April 30, 1981. Applicant: FRANK BROS. TRUCKING CO., P.O. Box 241, 349 Abbott Ave., Hillsboro, TX 76645. Representative: Charles E. Munson, 500 W. Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Robintech Incorporated, of Fort Worth, TX.

MC 152514, filed April 28, 1981. Applicant: MOTOR ACTIVITIES, LTD., 850 Skokie Highway, Lake Bluff, IL 60044. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726–6525. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lomax Consolidators, Inc., of Lake Bluff, IL.

MC 154765, filed April 28, 1981. Applicant: NORTHSTAR TRANSPORTATION, INC., 10951 Lakeview Ave., Lenexa, KS 66219. Representative: Stanley O. Wilson (same address as applicant), (913) 888–9800. Transporting *potting soil*, between points in the U.S., under continuing contract(s) with Stim-U-Plant Laboratories, Inc., of Columbus, OH.

MC 155375, filed April 28, 1981. Applicant: C. BOND COMPANIES, INC., P.O. Box 1989, Fontana, CA 92335. Representative: William J. Blohm (same address as applicant), (714) 350–2427. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, NV, OR, UT and WA.

MC 155574, filed April 29, 1981. Applicant: MAMIGON'S EXPRESS, INC., 44 Saint Lawrence St., Braintree, MA 02184. Representative: Robert Tashjian (same address as applicant), (617) 848–2483. Transporting *food and related products*, between points in NH, ME, VT, RI, and CT.

MC 155575, filed April 28, 1981. Applicant: K & L TRUCKING, INC., 511 Wood St., Delta, OH 43515. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *metal products*, between points in Williams County, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

Volume No. OPY–3–068

Decided: May 13, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 26825 (Sub-63), filed April 28, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box, 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *metal products*, between points in King County, WA, on the one hand, and, on the other, points in the US in and east of ID, UT and AZ.

MC 113855 (Sub-532), filed April 29, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *paper and paper products*, between the facilities of Orchid Paper Products, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145904 (Sub-38), filed May 4, 1981. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *general commodities* (except classes A and B explosives) between points in IL, IA, IN, KS, MI, MN, MO, NE, ND, OH, SD and WI.

MC 147515 (Sub-3), filed April 28, 1981. Applicant: CARSON PARKER, d.b.a. CLP ENTERPRISES, Route 2, Box 242–1AA, Denton, NC 27239. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *furniture and fixtures*, between points in NC, SC, and VA.

MC 150055, filed April 24, 1981. Applicant: AGRA TRANSPORT SERVICE, INC., 8164 W. Buckeye Road, Phoenix, AZ 85031. Representative: Lewis P. Ames, 111 West Monroe, 10th Floor, Phoenix, AZ 85003, (602) 257–5572. Transporting *building materials*, between points in CA on the one hand, and, on the other, points in AZ.

MC 155554, filed April 28, 1981. Applicant: DELTA TRUCKING COMPANY, INC., Route 6, Box 54–A (Blue Clay Road), Wilmington, NC 28405. Representative: Herbert Alan Dubin, 818 Connecticut Ave. NW., Washington, DC 20006. Transporting *chemical and related products*, between points in the U.S., under a continuing contract(s) with Pfizer, Inc., of New York, NY.

Volume No. OPY–5–062

Decided: May 14, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 97297 (Sub-2), filed April 13, 1981. Applicant: INTER CITY TRANSIT COMPANY, INC., 512 Magnolia St., North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd St., Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *such commodities* as are dealt in or used by wholesale, retail, discount, variety and department stores, between the facilities of Target Stores, Division of Dayton-Hudson Corporation, in AR, KS, MO, OK, TN, and TX, on the one hand, and, on the other, points in the U.S.

MC 117669 (Sub-7), filed May 4, 1981. Applicant: DENTON PRODUCE, INC., 8804 South Country Club Drive, Oklahoma City, OK 73159. Representative: Michael Lennox, 531 N. Portland, Oklahoma City, OK 73147, (405) 943–2722. Transporting *farm products*, between points in AL and MS on the one hand, and, on the other, points in OK.

MC 124679 (Sub-136), filed April 30, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same address as applicant), 801–972–2712. Transporting *sporting goods, sporting goods apparel*, between the facilities of Atomic Ski Corporation in the U.S. on the one hand, and, on the other, points in the U.S.

MC 125368 (Sub-126), filed May 4, 1981. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, 615–244–6100. Transporting *clay, concrete, glass or stone products*, between the facilities of Libby Owens Ford Glass Company at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 135989 (Sub-24), filed May 4, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, (303) 320–6100. Transporting (1) *textile mill products*, and (2) *metal products*, between points in the U.S., under continuing contract(s) with American

Safety Equipment Company, of San Fernando, CA.

MC 139219 (Sub-6), filed April 30, 1981. Applicant: LANE TRUCKING, INC., 2230 North Range St., Dothan, AL 36303. Representative: William K. Martin, P.O. Box 2069, Montgomery, AL 36197, 205–262–1671. Transporting (1) *building materials*, (2) *machinery*, (3) *waste, or scrap materials not identified by industry producing*, (4) *clay, concrete, glass or stone products*, between points in GA, FL, AL and MS.

MC 144999 (Sub-7), filed May 4, 1981. Applicant: JEM TRUCKING COMPANY, INC., P.O. Box 217, Wilkesboro, NC 28697. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, 601–355–3543. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Wilson Foods Corporation of Oklahoma City, OK.

MC 145359 (Sub-37), filed April 30, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with McCulloch Corporation, of Lake Havasu City, AZ.

MC 145679 (Sub-18), filed April 29, 1981. Applicant: A & A TRANSPORT, P.O. Box 569, Palmer, MA 01069. Representative: Robert S. Barouxis (same address as applicant), (413) 283–8911. Transporting *general commodities* (except classes A and B explosives), between points in MA, NH, CT, RI, and NY, on the one hand, and, on the other, points in the U.S.

MC 147318 (Sub-8), filed May 4, 1981. Applicant: DEEP SOUTH TRUCKING, INC., P.O. Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, P.O. Box 696, Purvis, MS 39475, (601) 794–8003. Transporting *chemicals and related products*, between points in Harrison County, MS on the one hand, and, on the other, points in Panama City, FL.

MC 150048, filed April 29, 1981. Applicant: LEE AND ED VAN WINKLE, d.b.a. ED VAN WINKLE, P.O. Box 426, Junction, TX 76849. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103, (817) 332–4718. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of drilling muds and additivies, between points in the U.S., under continuing contract(s) with Cedar Fibers, Inc., of Junction, TX.

MC 150578 (Sub-18), filed April 28, 1981. Applicant: STEVENS TRANSPORT, a Division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same address as applicant), (214) 681–0454. Transporting *food and related products*, between Chicago, IL, Denver, CO, and Los Angeles, CA, points in Santa Clara County, CA, on the one hand, and, on the other, points in the U.S.

MC 150579, filed April 28, 1981. Applicant: WASCHER'S TRUCKING, INC., 201 Elm St., Box 88, Greenland, MI 49929. Representative: Agnes J. Hautamaki (same address as applicant), (906) 883–3342. Transporting (1) *lumber and wood products*, between points in the U.S., under continuing contract(s) with (a) Northern Hardwoods Division/ Copper Range Company, of Houghton, MI, (b) Maple Lumber, Inc., of Kenton, MI, (c) Ahonen Lumber Company, of Ironwood, MI, (d) Silver Forest Products, Inc., of Lake Linden, MI, and (e) Marquette Timber Co., of Marquette and L'anse, MI, and (2) *forest products*, between points in the U.S., under continuing contract(s) with Maple Lumber, Inc., of Kenton, MI.

MC 150798 (Sub-4), filed April 28, 1981. Applicant: CKR TRANSPORT, LTD., P.O. Box 599, Elmhurst, IL 60126. Representative: D. R. Beeler, 1261 Columbia Ave., Franklin, TN 37064, (615) 790–2510. Transporting *food and related products*, between Denver, CO, Atlanta, GA, Boston, MA, Detroit, MI, Philadelphia, PA, points in Fresno County, CA, Morgan County, IL, Dade County, FL, Mecklenburg County, NC, Hudson County, NJ, Hamilton and Cuyahoga Counties, OH, Multnomah County, OR, Gibson and Shelby Counties, TN, Grayson County, TX, and Dodge County, WI, on the one hand, and, on the other, points in the U.S.

MC 151009 (Sub-2), filed May 1, 1981. Applicant: ATLANTA CARRIERS, INC., 1260 Southern Rd., Morrow, GA 30260. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 330326, (404) 262–7855. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with PPG Industries, Inc., of East Point, GA.

MC 151009 (Sub-3), filed May 1, 1981. Applicant: ATLANTA CARRIERS, INC., 1260 Southern Rd., Morrow, GA 30260. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326, (404) 262–7855. Transporting *such commodities* as are dealt in by wholesale or retail grocery stores, between points in Duval County, FL, on the one hand, and, on the other, points in GA, NC, SC, TN, VA, and AL.

MC 151119 (Sub-2), filed May 4, 1981. Applicant: OVERLAND TRANSPORTATION SYSTEM, INC., 2025 English Ave., Indianapolis, IN 46206. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204, 317–638–1301. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, KY, OH, and TN.

MC 152109 (Sub-3), filed April 30, 1981. Applicant: KAIBAB TRANSPORTATION, INC., P.O. Box 220506, Phoenix, AZ 85036. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting (1) *salt and salt products*, and (2) *food seasoning compounds*, between points in the U.S., under continuing contract(s) with Morton Salt Division, Morton Norwich Products, Inc., of Chicago, IL.

MC 152109 (Sub-4), filed April 30, 1981. Applicant: KAIBAB TRANSPORTATION, INC., P.O. Box 20506, Phoenix, AZ 85036. Representative: Michael F. Morrone, 1150 17th St., NW, Suite 1000, Washington, DC 20036 (202) 457–1124. Transporting *building materials*, between points in the U.S., under continuing contract(s) with The Flintkote Company, of Los Angeles, CA.

MC 153048, filed May 1, 1981. Applicant: DORSEY DELIVERY CORP., P.O. Box 3587, Wlimington, DE 19807. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036 (202) 463–6044. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with J. A. Tucker Co., of Westville, NJ.

MC 153938 (Sub-2), filed May 4, 1981. Applicant: ENERGY EXPRESS, INC., P.O. Box 27605, Salt Lake City, UT 84127. Representative: Norval Millsap (same address as applicant), (801) 364–4532. Transporting (1) *waste or scrap materials not identified by industry producing*, and (2) *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Phillips Petroleum Company and Elgin Petroleum Company, Ltd. of Englewood, CO, Husky Oil Company, of Denver, CO, Great Salt Lake Minerals & Chemicals Corporation, of Little Mountain, UT, and Morrison petroleum Co., Inc., of Woods Cross, UT.

MC 154858 (Sub-9), filed April 27, 1981. Applicant: MILNER SUPER GAS,

INC., 930 Richland Ave., West, Aiken, SC 29801. Representative: C. Wesley Smith, P.O. Box 2730, 127 Greenville St., NW, Aiken, SC 29801 (803) 648–4239. Transporting (1) *petroleum, natural gas and their products,* and (2) *chemicals and related products,* between points in SC, on the one hand, and, on the other, points in GA.

MC 155658, filed April 30, 1981. Applicant: D. F. SYSTEM, INC., 875 Providence Hwy (P.O. Box 242), Dedham, MA 02026. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181 (617) 235–5571.Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Grossman's Division of Evans Products, of Braintree, MA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(b) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5 Room 6370.

MC 155659, filed April 30, 1981. Applicant: CRANBROOK PARCEL AND DELIVERY, LTD., 812 30th Ave., South, Cranbrook, BC, Canada V1C 4Y9. Representative: Clyde H. MacIver, 1415 Fifth Ave., Suite 1900, Seattle, WA 98171, (206) 344–2160. Transporting *lumber and wood products,* between the ports of entry on the international boundary line between the United States and Canada at points in WA, ID, and MT, on the one hand, and, on the other, points in WA, ID, and MT.

MC 155669, filed April 30, 1981. Applicant: RAV'S EXPRESS CO., INC., 23 Hearthstone Circle, Natick, MA 01760. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *general commodiites,* (except classes A and B explosives) (1) between points in MA, ME, NH, VT, CT, RI, NY, and NJ, and (2) between points in MA, on the one hand, and, on the other, points in AL, DE, FL, GA, IL, IN, KS, KY, LA, MD, MI, MN, MO, NC, OH, PA, SC, TN, TX, VA, WV, WI, and DC.

MC 155689, filed May 1, 1981. Applicant: BOB'S HOME SERVICE, INC., d.b.a. B.H.S., INC., Rt. 1, Box 116–F, Wright City, MO 63390. Representative: B.W. La Tourette, Jr., 11 S. Maramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *hazardous and non-hazardous industrial waste* between points in Linn County, IA, Lancaster County, NE, and Madison County, IL, on the one hand, and, on the other, points in Warren County, MO.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–15156 Filed 5–20–81; 8:45 am]

BILLING CODE 7035–01–M

[Disaster Relief Decision No. 16 (Sub-No. 1)]

Southern Pacific Transportation Co.; Disaster Relief Application

Decided: May 14, 1981.

Southern Pacific Transportation Company (SP) has filed an application requesting authority to continue relief under 49 U.S.C. 10724, as afforded by Disaster Relief Order No. 16. Petitioner seeks to maintain allowances to provide reduced rates for persons who normally ship via SP but who cannot do so because of a tunnel fire on the SP at mile post 427 between Searles and Mojave, CA. Petitioner requests that the relief be extended for a period of 6 months, or until December 4, 1981. Additionally, petitioner requests that said allowances be made available at Lancaser, CA, in lieu of Mojave, CA, since the latter station cannot handle the shippers/receivers needs because of the limited facilities available.

Petitioner states that the tunnel is still sealed, and construction cannot begin until such time as the fire is completely extinguished. It is estimated that reconstruction of the tunnel will take approximately six months.

It is Ordered

Authority to extend the expiration date of Disaster Relief Order No. 16 from June 4, 1981, to and including December 4, 1981, and to substitute Lancaster, CA, in lieu of Mohave, CA, is granted, including authority to make publication upon not less than one day's notice to the Commission and the public. The terms of rule 9(e) of the Commission's Tariff Circular 20 (49 CFR 1300.9) are waived. In all other respects, the original terms and conditions of that decision shall remain the same.

Any tariffs or tariff provisions published under this authority shall make reference to this decision by number and date.

Notice to the affected railroads and the general public shall be given by depositing a copy of this decision in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register. Copies will be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, NY; the Chairman of the Southern Freight Association, Atlanta, GA; the Chairman of the Executive Committee, Western Railroad Traffic Association, Chicago, IL; and the Vice President, Economics and Finance Department of the Association of American Railroads, Washington, D.C.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

By the Commission, Special Docket Board; Members Llewellyn, Walker, and Cheslock.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–15160 Filed 5–20–81; 8:45 am]

BILLING CODE 7035–01–M

Commission Issuance; Listing of Board and Committee Members

AGENCY: Interstate Commerce Commission.

ACTION: Current listing of board and committee members.

SUMMARY: This Notice contains an announcement of the current members of the Employee Board on Education and Practice and the new members of the Committee of Examiners which grades the Commission's Practitioners' Exam. The latter committee members have been appointed for a 1 year term. Since this announcement concerns internal Commission procedures, no public comment will be required.

EFFECTIVE DATE: May 21, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Bayne (202) 275–7648.

SUPPLEMENTARY INFORMATION: The following is the current list of members of the Employee Board on Education and Practice and the Committee of Examiners:

Employee Board on Education and Practice

Roy P. Liberman, Chairman, John L. Mondi, Bryan Brown, Jr.

Committee of Examiners

Tom Barry, Carol Brooks, Merry Lymn, James E. Manning, Allan Rothenberg, Gerald C. Wegznek, David B. Wuehrmann.

Decided: April 28, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–15195 Filed 5–20–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisifed before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statment in rebuttal to any statement in opposition.

The extent that any of the authority granted may duplicate an applicant's other athority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI–143

Decided: May 13, 1981.

By The Commission Review Board No. 1, Members Parker, Chandler and Fortier (Parker participating in part).

FF–81 (Sub-8), filed April 28, 1981. Applicant: CALIFORNIA WESTERN FREIGHT ASSOCIATION, d.b.a. WESTERN FREIGHT ASSOCIATION, 3336 San Fernando Road, Los Angeles, CA 90065. Representative: S. S. Eisen, 370 Lexington Ave. New York, NY 10017, (212) 532–5100. As a *Freight forwarder* in connection with the transportation of *general commodities* (except classes A and B explosives), between points in NH, AL, AR, GA, NC, SC, FL, MS, MO, WI, and LA, on the one hand, and, on the other, points in MT, WY, CO, TX, NM, AZ, NV, UT, ID, WA, and OR.

MC 441 (Sub-8), filed April 28, 1981. Applicant: HINTON MOTOR SERVICE, INC., 1410 Gardner Expressway, Quincy, IL 62301. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (a) *food and related products,* and (b) *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Rinella Company, Inc., in (a) above, and Quincy Paper Box Company in (b) above, both of Quincy, IL.

MC 1830 (Sub-2), filed May 1, 1981. Applicant: TARANTOLA TRUCKING CO., INC., P.O. Box 192, Route 12, Flemington, NJ 08822. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561–1030. Transporting *general commodities* (except classes A and B explosives), between Philadelphia, PA, and points in NJ, on the one hand, and, on the other, points in DE, MD, NJ, and DC, those in Fairfield, Hartford, Litchfield, Middlesex and New Haven Counties, CT, those in NY in and south of Sullivan, Ulster and Dutchess Counties, and those in PA in and east of Susquehanna, Wyoming, Luzerne, Columbia, Northumberland, Dauphin, and York Counties.

MC 33641 (Sub-166), filed May 4, 1981. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (same address as applicant), (801) 972–7263. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Chicago, IL, and Spokane, WA, serving points in Ozaukee, Racine, Washington and Waukesha Counties, WI as off-route points, and serving junction Interstate Hwys 35E and 94 for purposes of joinder only, from Chicago over Interstate Hwy 94 to junction Interstate Hwy 90, then over combined Interstate Hwys 94 and 90 to junction Interstate Hwy 94 near Tomah, WI, then over Interstate Hwy 94 to junction Interstate Hwy 90, near Billings, MT, and then over Interstate Hwy 90 to Spokane, and return over the same route, and (2) between junction IL Hwy 38 and Interstate Hwy 90, and junction Interstate Hwy 90 and 94 near Billings, MT, serving junction Interstate Hwys 90 and 94 for purposes of joinder only, over Interstate Hwy 90, serving all intermediate points in connection with routes (1) and (2) above.

Note.—Applicant intends to tack the rights sought to its existing regular-route authority.

MC 46421 (Sub-18), filed May 5, 1981. Applicant: ESCRO TRANSPORT, LTD., 275 Mayville Ave., Buffalo, NY 14217. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *general commodities* (except classes A and B explosives), between Tampa, FL, on the one hand, and, on the other, those points in FL on, east, and south of U.S. Hwy 319.

MC 59150 (Sub-193), filed April 30, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, (904) 353–9707. Transporting *general commodities* (except classes A and B explosives), between the facilities of CertainTeed Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 75471 (Sub-6), filed May 5, 1981. Applicant: ELSTON RICHARDS STORAGE CO., a corporation, 3739 Patterson SE, Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *appliances,* between the facilities of White Consolidated Industries, Inc., and Frigidaire Co., a Division of White Consolidated Industries, Inc., at points in the U.S. on and east of a line beginning at the mouth of the

Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence norward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line betwen the U.S. and Canada.

MC 102181 (Sub-12), filed May 7, 1981. Applicant: O. H. & F., INC., Box 129, R.R. #1 North, Grayville, IL 62844. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *mercer commodities*, between points in IL, IN, KY, MI, MO, MS, OH, PA, TN, and WV, on the one hand, and, on the other, points in AR, KS, LA, NM, OK, and TX.

MC 110581 (Sub-8), filed May 1, 1981. Applicant: G & H MOTOR FREIGHT LINES, INC., 118 S.E. Jackson St., Greenfield, IA 50849. Representative: 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114, (402) 397.9900. Transporting *such commodites* as are dealt in, or used in the construction, operation, and maintenance of railroads, between points in NE, on the one hand, and, on the other, points in MN, IA, MO, and Madison, St. Clair and Monroe Counties, IL.

MC 110740 (Sub-3), filed May 6, 1981. Applicant: A. A. ROCCO TRUCKING CORPORATION, 5915 Schaaf Rd., Cleveland, OH 44131. Representative: Peter A. Greene, 1920 N Street NW., Washington, DC 20036, (202) 331–8800. Transporting *dry commodites in bulk*, (1) between points in IL, IN, KY, MI, NY, OH, PA and WV, and (2) between points in Cuyahoga, Geauga, Portage, and Lorain Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 111310 (Sub-66), filed May 4, 1981. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *clay, concrete, glass or stone produces*, between points in Hawkins and Sullivan Counties, TN, on the one hand, and, on the other, points in AR, IA, IL, IN, KS, MI, MN, MO, ND, NE, OK, SD, and WI.

MC 111401 (Sub-617), filed April 28, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., PO Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant), (405) 234–4663. Transporting *Petroleum, natural gas and their products*, between points in Wyandotte County, KS, on the one hand, and, on the other, points in ID, MN, and WV.

Note.—To the extent that any certificate issued in this proceeding authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from its date of issuance.

MC 113751 (Sub-45), filed May 4, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia Sts., Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *pulp, paper and related products*, between points in Waupaca County, WI, on the one hand, and, on the other, those points in the U.S, in and east of ND, SD, NE, CO, OK, and TX.

MC 115180 (Sub-105), filed April 30, 1981. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th St., New York, NY 10011. Representative: George A. Olsen, PO Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *food and related products*, between points in the U.S.

MC 115841 (Sub-784), filed May 5, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Richard L. Hollow (same address as applicant), (615) 966–9711. Transporting *general commodities* except classes A and B explosives), between points in the U.S.

MC 116260 (Sub-12), filed May 5, 1981. Applicant: PASHA TRUCKAWAY, a corporation, 1301 canal Blvd., Richmond, CA 94804. Representative: Ann M. Pougiales, 100 Bush St., 21st Floor, San Francisco, CA 94104, (415) 986–5778. Transporting *transportation equipment*, between points in the U.S.

MC 116380 (Sub-26), filed May 4, 1981. Applicant: W. C. McQUAIDE, INC., 153 Macridge Ave., Johnstown, PA 15904. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649–6650. Transporting *such commodities* as are dealt in by retail department stores, between points in Allegheny and Cambria Counties, PA, on the one hand, and, on the other, points in AL, GA, IN, KY, MD, NC, NU, NY, OH, TN, VA, and WV.

MC 118341 (Sub-5), filed May 1, 1981. Applicant: VALLEY TRUCKING CO., INC., P.O. Box 2298, Brownsville, TX 78520. Representative: Billy R. Reid, 1721 Carl St., Fort Worth TX 76103, (817) 332–4718. Transporting *food and related products*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 119631 (Sub-44), filed May 5, 1981. Applicant: DEIOMA TRUCKING COMPANY, a corporation, P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th Street NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in Summit County, OH, on the one hand, and, on the other, points in the U.S.

MC 123640 (Sub-35), filed May 4, 1981. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Ft. Wayne, In 46803. Representative: Irving Klein, 371 Seventh Ave., New York, NY 10001, (212) 279–3050.Transporting *such commodities* as are dealt in by a distributor of hardware stores, between points in the U.S., under continuing contract(s) with Hardware Wholesalers, Inc., of Dixon, IL.

MC 123660 (Sub-1), filed May 1, 1981. Applicant: K-C REFRIGERATION TRANSPORT CO., INC., P.O. Box 545, Adam St., Troy, NY 12181. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068 (312) 698–2235. Transporting *food and related products*, between points in Albany County, NY, on the one hand, and, on the other, points in CT, MA, NY, and VT.

MC 124511 (Sub-72), filed May 1, 1981. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Highway 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *clay, concrete, glass or stone products*, between points in the U.S.

MC 135691 (Sub-64), filed May 1, 1981. Applicant: DALLAS CARRIER CORP., 12661 Perimeter Dr., Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645 Lincoln, NE 68506, (402) 489–3585. Transporting *disposable health care products*, between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S.

MC 138900 (Sub-5), filed May 4, 1981. Applicant: REID J. CAVANAUGH, R.D. No. 1, Box 27, Connellsville, PA 15425. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *food and related products*, between points in Northampton, Lehigh, and Fayette Counties, PA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY,

MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, TN, VA, VT, WV, and DC.

MC 138950 (Sub-2), filed May 4, 1981. Applicant: FOR-TRUCKS, INC., P.O. Box 297, Henniker, NH 03242. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696–7610. Transporting (1) *lumber and wood products,* (2) *machinery,* and (3) *metal products,* between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 140101 (Sub-10), filed April 28, 1981. Applicant: I. T. A. TRUCKING, INC., P.O. Box 219, Amherst, WI 54406. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Great Lakes Food Brokers, Inc., of Pewaukee, WI.

MC 141620 (Sub-3), filed April 30, 1981. Applicant: VAN BUS DELIVERY COMPANY, d.b.a., UNITED VAN BUS DELIVERY, 2601–32nd Ave., South, Minneapolis, MN 55405. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Panasonic Co. of Secaucus, NJ.

MC 142081 (Sub-1), filed May 4, 1981. Applicant: ETHLAR T. SMALL, JULIA T. SMALL, ERIC T. SMALL, AND CRAG T. SMALL, d.b.a. SMALL'S LP-GAS CO., P. O. Box 397, Wyatt, MO 63882. Representative: Michael O'N. Barron, P.O. Box 338, Wyatt, MO 63882, (314)675–3261. Transporting *chemicals and related products,* between points in Mississippi County, AR, and those in Jefferson County, MO, on the one hand, and, on the other, points in AR, IL, KS, KY, MO, and TN.

MC 142891 (Sub-10), filed May 7, 1981. Applicant: A&H, INC., P.O. Box 346, Footville, WI 53537. Representative: Thomas J. Beener, 67 Wall St., New York, NY 10005, (212) 269–2540. Transporting *food and related products,* between points in WI, those in Bergen and Essex Counties, NJ, and Montgomery County, OH, on the one hand, and, on the other, points in OH, PA, NY, MD, NJ, CT, MA, RI, VA, WV, KY, NC, SC, MI, AZ, IN, IL, MN, MO, FL, TX, NE, MS, AL, GA, CA, NV, UT, ME, ND, SD, TN, VT, KS, IA, WI, NH, and DC.

MC 143061 (Sub-15), filed April 28, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews, (same address as applicant), (919) 623–9106. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 143280 (Sub-26), filed May 4, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul MN 55118, (612) 457–6889. Transporting *food and related products,* between Minneapolis, MN, on the one hand, and, on the other, points in IA, IL, IN, MI, MT, ND, SD, WI.

MC 143500 (Sub-16), filed May 7, 1981. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760 (301) 840–8565. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Chou Chen Chemicals, Inc., of Louisville, KY.

MC 143730 (Sub-6), filed May 4, 1981. Applicant: PENINSULA TRUCKING CO., INC., 705 Morehouse Dr., New Castle, DE 19720. Representative: Richard M. Ochroch, 316 South 16th St., Philadelphia, PA 19102 (215) 735–2707. Transporting *such commodities* as are dealt in or used by drug and pharmaceutical business houses, between points in the U.S., under continuing contract(s) with Barre-National, Inc., of Hunt Valley, MD.

MC 145240 (Sub-10), filed May 1, 1981. Applicant: L. D. BRINKMAN TRUCKING CORPORATION, 520 N. Wildwood, Irving, TX 75060. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245 (214) 358–3341. Transporting *such commodities* as are dealt in by grocery stores, food business houses, department stores, and variety stores, between points in the U.S., under continuing contract(s) with Safeway Stores, Inc., of Oakland, CA.

MC 146890 (Sub-37), filed May 5, 1981. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 37, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001 (202) 628–9243. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Dayco Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147870 (Sub-2), filed April 28, 1981. Applicant: MEMPHIS LEASING COMPANY, INC., 814 Florida St., Memphis, TN 38101. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701 (601) 335–3576. Transporting *metal products,* between the facilities used by Waterloo Industries, Inc., in TN, on the one hand, and, on the other, points in AL, AR, IA, IL, IN, KY, LA, MS, MO, and TN.

MC 148380 (Sub-14), filed May 1, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603 (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with Duquesne Light Company, of Pittsburgh, PA.

MC 148400 (Sub-6), filed May 4, 1981. Applicant: SUN VALLEY TANK LINES, INC., 64 LaPorte Dr., Mars, PA 16046. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471–1800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Church & Dwight Co., Inc., of Piscataway, NJ.

MC 148431 (sub-1), filed May 1, 1981. Applicant: WESTCHESTER FURNITURE DELIVERY, INC., P.O. Box 392, Milford, CT 06460. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Transporting *furniture and fixtures,* between points in CT, DC, DE, IL, IN, MA, MD, ME, MI, NJ, NY, OH, PA, RI and VT.

MC 148930 (Sub-6), filed April 29, 1981. Applicant: AERO DELIVERIES, INC., 529 Gidley Dr., Grand Haven, MI 49417. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503 (616) 459–6121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Encylcopaedia Britannica, Inc., of Chicago, IL.

MC 150330 (Sub-2), filed May 5, 1981. Applicant: BELCO, INC., 2101 West Main St., Jacksonville, AR 72076. Representative: Ron Harvey (same address as applicant) (501) 982–6511. Transporting *machinery* and *air conditioners,* between points in the U.S., under continuing contract(s) with General Electric Company of Louisville, KY.

MC 150981 (Sub-2), filed April 29, 1981. Applicant: EDWARD L. PARKER, d.b.a. ED PARKER TRUCKING, Box 388, Monona, IA 52159. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001 (319) 557–1320. Transporting *food and related products,* between points in IA and WI, on the one hand, and, on the other, Detroit, MI, and

points in IA, UT, and WI, Lake County, IL, Lancaster County, NE, and Olmsted and Dakota Counties, MN.

MC 151040 (Sub-2), filed May 4, 1981. Applicant: RTL HOLDINGS, INC., 2050 Kings Road, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant) (904) 353–3111. Transporting *such commodities* as are dealt in or used by wholesale and retail food stores, between points in the U.S., under continuing contract(s) with Heinz USA, Div. of H. J. Heinz Co. of Pittsburgh, PA.

MC 151620, filed May 6, 1981. Applicant: COBRA TRUCKING SERVICE, INC., 4012 N. 85th Ave. Phoenix, AZ 85037. Representative: Lawrence J. Exe, 10803 Los Jardines E., Fountain Valley, CA 92708 (714) 963–7706. Transporting (1) *general commodities* (except classes A and B explosives), and (2) *textile mill products*, between points in the U.S., under continuing contract(s) in (1) with LAWI/CSA Consolidators, Inc., of Huntington Park, CA, and in (2) with K-Mart Apparel Corporation of Carson, CA.

MC 151681, filed April 29, 1981. Applicant: WREDCO, INC., Country Club Rd., Gillette, WY 82716. Representative: Bill Wright (same address as applicant) (307) 686–2907. Transporting *petroleum and petroleum products*, and *synthetic oil*, between Kansas City, MO, Minneapolis, MN, and points in Kay County, OK, and Douglas County, NE, on the one hand, and, on the other, points in Johnson, Natrona, Campbell, Big Horn, Sheridan and Washakie Counties, WY.

MC 151800, filed May 4, 1981. Applicant: JAMES A. DAVIS, d.b.a. JADCO TRANSPORTATION, 2312 Bledsoe, Las Vegas, NV 89110. Representative: Alki E. Scopelitis 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638–1301. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Luria Brothers & Co., Inc., of Shaker Heights, OH, and Las Vegas Color Rock and Allied Building Materials, Inc., both of Las Vegas, NV.

MC 152381, filed May 4, 1981. Applicant: CHARLES B. GEIER, 1900 Grant, Helena, MT 59601. Representative: John H. Grant, 203 North Ewing St., Helena, MT 59601, (406) 442–1300. Transporting *building materials*, and *lumber and wood products*, between points in the U.S., under continuing contract(s) with Missoula Forest Products, Inc., of Missoula, MT.

MC 154460, filed May 4, 1981. Applicant: Q CARRIERS INC., 14086 Rutgers St., N.E., Prior Lake, MN 55372. Representative: Randall D. Quiring (same address as applicant), (612) 445–8718. Transporting *such commodities* as are dealt in or used by fabric and home sewing stores, between points in the U.S., under continuing contract(s) with Minnesota Fabrics, Inc., of Charlotte, NC.

MC 154510, filed May 5, 1981. Applicant: INLAND CORPORATION, P.O. Box 1528, Farmington, NM 87401. Representative: Dale E. Isley, 50 S. Steele St., Suite 330, Denver, CO 80209, (303) 320–6100. Transporting *commodities in bulk*, between points in La Plata and Montezuma Counties, CO, on the one hand, and, on the other, points in San Juan County, NM.

MC 154541, filed May 4, 1981. Applicant: SEA ISLAND STAGES OF BEAUFORT/HILTON HEAD, P.O. Box 4031, Beaufort, SC 29902. Representative: D. R. Wismer, 605 Broad River Dr., Beaufort, SC 29902, (803) 524–0393. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at Hilton Head, SC, and extending to points in FL, GA, LA, MD, NC, TN, and VA.

MC 154621, filed May 4, 1981. Applicant: MONROE WAREHOUSE COMPANY, INC., P.O. Box 2525, Monroe, LA 71207. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Howard Bros. Discount Stores, Inc., of Monroe, LA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 154780 (Sub-1), filed April 27, 1981. Applicant: ATLANTIC TRANSPORT SERVICE, INC., 1300 South French Ave., Box 257, Sanford, FL 32771. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014 (301) 986–1410. Transporting *general commodities* (except classes A and B explosives), between points in SC, on the one hand, and, on the other, points in the U.S.

MC 155561, filed May 7, 1981. Applicant: OLD MAIN TRANSPORT, INC., P.O. Box 436, Winfield, IL 60190. Representative: Stephen C. Herman, 20 North Wacker Drive, Chicago, IL 60606 (312) 231–9209. Transporting *fertilizer and fertilizer ingredients*, between points in IL and IN, on the one hand, and, on the other, points in IL, IN, IA, MI, MO, OH, and WI.

MC 155581, filed April 28, 1981. Applicant: VESELKO, INC., 26 Azalea Lane, Mentor, OH 44060. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956 (414) 722–2848. Transporting (1) *machinery*, (2) *textile mill products and automotive products*, and (3) *rubber and plastic products*, between points in the U.S., under coninuing contract(s) in (1) with (a) Allis Chalmers of Euclid, OH, (b) Hydraulic Equipment Service, Co., of Eastlake, OH, and (c) Pent House Engineering Corp. of Kirtland, OH, in (2) with The Gemini Products Corporation of Chagrin Falls, OH, and in (3) with Plexpro Plastics of Middlefield, OH.

MC 155670, filed April 30, 1981. Applicant: ROBERT PLANTE, TRUCKING, 7 Wayne St., Hudson, NH 03051. Representative: Robert Plante (same address as applicant) (603) 889–4908. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bemis Company, Inc., of Minneapolis, MN.

MC 155731, filed May 4, 1981. Applicant: WILLIAM J. NOLL, JR. d.b.a. SEA N AIR TRANSPORT, RD #3 Ohara Drive, Box 257, Moscow, PA 18444. Representative: Edward F.V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507 (717) 343–2128. Transporting *general commodities* (except classes A and B explosives) between points in Lackawanna County, PA, on the one hand, and, on the other, points in NY, PA, MD, and DE.

MC 155750, filed May 4, 1981. Applicant: THE ZAMOISKI CO., 8201 Ardwick-Ardmore Rd. Landover, MD 20785. Representative: William C. Camp, 1101 DeSoto Rd., Baltimore, MD 21223, (301) 644–2900. Transporting *household goods* between points in the U.S., under continuing contract(s) with F. W Woolworth Co., of New York, NY.

MC 155751, filed May 5, 1981. Applicant: JEFFERY & RICHARD HALSTROM d.b.a. HALSTROM BROTHERS TRUCKING, Paullina, IA 51046. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104 (712) 255–3127. Transporting *food and related products*, between Sioux City, IA, and points in Buena Vista,

Cherokee, O'Brien and Webster Counties, IA, on the one hand, and, on the other, points in the U.S.

MC 155780, filed May 4, 1981. Applicant: STADLER PACKING COMPANY, d.b.a. STADLER TRUCKING, P.O. Box 347, Columbus, IN 47201. Representative: Joseph P. Murdock, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Central Indiana Supply Company, of Indianapolis, IN.

MC 155800, filed May 5, 1981. Applicant: SPECIALTY GROUP TOURS, INCORPORATED, 5904 Irish Town Rd., Bethel Park, PA 15102. Representative: Paul L. Jablonski (same address as applicant). As a *broker,* at Pittsburgh, PA, in arranging for the transportation of *passengers and their baggage,* between points in the U.S.

MC 155810, filed May 7, 1981. Applicant: COMMERCE FREIGHT TERMINALS, INC., 2500 Kennedy St., N.E., Minneapolis, MN 55413. Representative: Robert L. Cope, 1730 M Street, N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Transportation Systems International, Inc., of Bloomington, MN.

Volume No. OPI–146

Decided: May 15, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 45721 (Sub-10), filed May 6, 1981. Applicant: WHITE BUS COMPANY, INC., 907 South Orange Ave., East Orange, NJ. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Transporting *passengers and their baggage,* between New York, NY, and points in Nassau and Suffolk Counties, NY and Bergen and Somerset Counties, NJ, on the one hand, and, on the other, Atlantic City, NJ, under continuing contract(s) with Alexander's Travel Service, Inc., of New York, NY.

MC 75840 (Sub-162), filed May 4, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, CT, DE, FL, GA, KY, LA, MA, MD, MS, NC, NJ, NY, OH, PA, RI, SC, TN, TX, VA, WV and DC. Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of those certificates which duplicate the above authority.

MC 111231 (Sub-366), filed May 8, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902, (501) 782–1001. Transporting *general commodities* (except classes A and B explosives), between points in Navarro County, TX, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MO, MS, NE, TN, and WI.

MC 113751 (Sub-46), filed May 5, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia Sts., Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *food and related products,* between points in WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 116280 (Sub-27), filed May 8, 1981. Applicant: W. C. MCQUAIDE, INC., 153 Macridge Ave., Johnstown, PA 15904. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649–6650. Transporting *general commodities* (except classes A and B explosives), between points in Cambria and Allegheny Counties, PA, on the one hand, and, on the other, points in PA.

MC 127030 (Sub-8), filed May 8, 1981. Applicant: MATTHEW J. DEPALMA, INC., 1700 Orthodox St., Philadelphia, PA 19124. Representative: Leonard W. Becher (same address as applicant), (215) 535–3737. Transporting *clay, concrete, glass or stone products, insulating materials, coal and coal products, and metal products,* between points in DE, MD, NJ, NY, NC, OH, and PA.

MC 133920 (Sub-29), filed May 8, 1981. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, GA 31082. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6266. Transporting *chemicals,* between points in AL, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV.

MC 135691 (Sub-61), filed April 7, 1981, and previously notice in the **Federal Register** issue of April 23, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506, (402) 489–3585. Transporting *such commodities* as are dealt in by home improvement centers, between points in the U.S.

Note.—This republication shows common carrier authority in lieu of contract carrier authority.

MC 138000 (Sub-89), filed May 8, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *rayon staple fibers,* and *synthetic yarn,* between points in Warren County, VA, and those in Crawford and Mifflin Counties, PA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, OK, and TX.

MC 138790 (Sub-1), filed May 7, 1981. Applicant: TRANSPORT EXPRESS, INC., 540 E. Rosecrans, Gardena, CA 90248. Representative: Steven L. Senecal (same address as applicant), (213) 770–2963. Transporting *general commodities* (except classes A and B explosives), between points in CA.

MC 139420 (Sub-49), filed May 6, 1981. Applicant: GLACIER TRANSPORT, INC., P.O. Box 428, Grand Forks, ND 58201. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *general commodities* (except classes A and B explosives), between points in MN, ND, SD, MT, WY, WI and IA, on the one hand, and, on the other, points in the U.S.

MC 140040 (Sub-13), filed May 8, 1981. Applicant: WILLIE E. PETTY, d.b.a. PETTY TRUCKING, Rt. No. 2, Lafayette, TN 37083. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, 1–615–244–6100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Central Soya Company, Inc., of Fort Wayne, IN.

MC 142891 (Sub-11), filed May 8, 1981. Applicant: A&H, INC., P.O. Box 346, Footville, WI 53537. Representative: Thomas J. Beener, 67 Wall Street, New York, NY 10005, (212) 269–2540. Transporting *rubber and plastic products, and chemicals and related products,* between points in Dane County, WI, on the one hand, and, on the other, points in the U.S.

MC 143130 (Sub-2), filed May 8, 1981. Applicant: RITCHIE BUS LINES, INC., 257 West Main Street, Northboro, MA 01530. Representative: Thomas N. Willess, 1000 Sixteenth St., NW., Suite 502, Solar Bldg., Washington, DC 20036, (202) 783–8131. Transporting *passengers and their baggage,* in the same vehicle

with passengers, between point in MA and RI, and those in Windham, Tolland, Hartford, New Haven, Middlesex, and New London Counties, CT, Merrimack, Rockingham, Hillsborough, and Cheshire Counties, NH, York County, ME, and Windham County, VT, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI).

MC 144061 (Sub-22), filed May 4, 1981. Applicant: SICOMAC CARRIERS, INC., 1107 Goffle Road, Hawthrone, NJ 07506. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, (212) 941–9291. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Mobil Oil Corporation, of Fairfax, VA, Lamtac Corporation, of Denville, NJ, and J. L. Prescott Co., of Passaic, NJ.

MC 144121 (Sub-10), filed May 4, 1981. Applicant: LARRY'S EXPRESS, INC., 720 Lake St., Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *metal products*, between points in Waupaga, Outagamie and Portage Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 144401 (Sub-1), filed May 6, 1981. Applicant: GENERAL OILFIELD TRUCKING, INC., P.O. Box 943, Morgan City, LA 70380. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205. Transporting *Mercer commodities*, (1) between points in AL, AR, FL, LA, MS, OK, and TX, and (2) between points in St. Mary Parish, LA, on the one hand, and, on the other, Portland, OR, Providence and Johnston, RI, Seattle, WA, and points in CA, CO, MI, NM, ND, OH, UT, and WY.

MC 144510 (Sub-4), filed May 5, 1981. Applicant: JERRY J. KOBS, INC., 131 Bridge Ct., Sgt. Bluff, IA 51054. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104, (712) 255–3127. Transporting *food and related products*, between points in Cumming and Dakota Counties, NE, Crawford, Emmet, Webster and Woodbury Counties, IA, Martin, Nobles and Rock Counties, MN, and Minnehaha County, SD, on the one hand, and, on the other, those points in the U.S. in and east of AL, TN, KY, and OH.

MC 147771 (Sub-2), filed May 7, 1981. Applicant: RALPH J. MARQUARDT & SONS, INC., P.O. Box 1040, Yankton, SD 57078. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102, (402) 348–0832. Transporting *fertilizer*, between points in the U.S., under continuing contract(s) with Chevron Chemical Company of Fort Madison, IA.

MC 149511 (Sub-3), filed May 6, 1981. Applicant: COASTAL REFRIGERATION, INC., 27 Lillibridge Drive, East Greenwich, RI 02818. Representative: Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155, (617) 396–4090. Transporting (1) *general commodities* (except classes A and B explosives), between Baltimore, MD, and points in MA, RI, NY, and NJ, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, and PA, and (2) *food and related products and rubber and plastic products*, between Philadelphia, PA, points in Queens County, NY, Lincoln County, WI, Hudson County, NJ, and Elkhart County, IN, and those in ME, NH, VT, MA, RI, and CT, on the one hand, and, on the other, points in DE, MD, OH, KY, VA, WV, NC, SC, GA, FL, AL, IL, TN, TX, OK, KS, NE, IA, WI, NM, AR, MS, MI, MN, and DC.

MC 150341 (Sub-2), filed April 17, 1981, and previously noticed in FR issue of May 5, 1981. Applicant: HOOVESTOL, INC., 3110 Mike Collins Drive, St. Paul, MN 55121. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502, (701) 328–0242. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Malt-O-Meal of Northfield, MN, (2) James Refrigeration Company, of Edina, MN, (3) Plastronic Packaging Corporation, of St. Louis Park, MN, (4) Sonford Products Corp. of St. Paul Park, MN, and (5) Schloff Chemcial & Supply Company of St. Louis Park, MN. Note: The purpose of this republication is to reflect Schloff Chemical & Supply Company of St. Louis Park, MN, as a supporting shipper to be served.

MC 150641 (Sub-1), filed May 4, 1981. Applicant: D & R CARTAGE, INC., 1840 Carter Road, Cleveland, OH 44113. Representative: Ruth Ann Parks (same address as applicant), (216) 566–7337. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, MI, OH, and PA.

MC 151751 (Sub-2), filed May 4, 1981. Applicant: DOYAL W. BRUNSON d.b.a. BRUNSON, P.O. Box 489, Ft. Dodge Rd., Dodge City, KS 67801. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *transportation equipment*, (1) between points in Douglas County, NE, on the one hand, and, on the other, points in KS, OK and MO, and (2) between points in Ford County, KS, on the one hand, and, on the other, points in CO, IN, MO, IL, OK and NE.

MC 153751, filed May 5, 1981. Applicant: LITTLE SHIRLEY'S TRANSPORTATION, INC., 2821 9th St. NE., Puyallup, WA 98371. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of concrete products, between points in the U.S., under continuing contract(s) with Graystone Corporation of Seattle, WA, and Oregon Portland Cement Company and R. B. Pamplin, both of Portland, OR.

MC 154310, filed May 8, 1981. Applicant: CERCO ENTERPRISES, INC., 175 Railroad Ave., Trussville, AL 35173. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209 (205) 942–9116. Transporting *food and related products*, between points in the U.S.

MC 155091 (Sub-1), filed May 4, 1981. Applicant: CARL WILLIAM CLEMSON, d.b.a. CLEMSON TRUCKING, 9954 Old State Rd., Chardon, OH 44024. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *sand*, between points in Geauga County, OH, on the one hand, and, on the other, points in PA, NY WV, KY, IN, IL and MI.

MC 15520, filed May 7, 1981. Applicant: BLIEK TRANSPORT, INC., 4781 Steel Point Rd., Marion, NY 14505. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472–8845. Transporting *food and related products*, between points in Cayuga, Ontario, Wayne and Yates Counties, NY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 155600, filed April 24, 1981. Applicant: CONTRACT DELIVERY, INC., 118 West Clarkson St., Philadelphia, PA 19108. Representative: Harry J. Liederbach, 892 Second Street Pike, Richboro, PA 18954, (215) 322–8300. Transporting *general commodities* (except classes A and B explosives), between points in PA, NY, NJ, MD, and DE.

MC 155771, filed May 4, 1981. Applicant: P & S TRUCKING, INC., P.O. Box 112, Millport, AL 35576. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting (1) *forest products*, (2) *lumber and wood products*, and (3) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Weyerhaeuser Company of Columbus, MS.

MC 155831, filed May 8, 1981. Applicant: CAL-INLAND, INC., 135

South 13th St., Tekameh, NE 68061. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101, (605) 335–1777. Transporting *food and related products,* between Minneapolis, MN, on the one hand, and, on the other, points in the U.S.

Volume No. OP1–148.

Decided May 18 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler and Foitier.

MC 33641 (Sub-167), filed May 8, 1981. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (same address as applicant), (801) 972–7263. Transporting *general commodities,* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Port of Seattle, Seattle, WA.

MC 101280 (Sub-13), filed May 8, 1981. Applicant: PARIS TRANSPORTS, INC., 500 West Monroe St., Paris, IL 61944. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *food and related products,* between points in the U.S.

MC 125440 (Sub-14), filed May 7, 1981. Applicant: CONCRETE TRUCKING SERVICE, INC., 50 James Street, Somerville, NJ 08876. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850, (301) 424–2420. Transporting (1) *clay, concrete, glass or stone products,* and (2) *building materials,* between points in the U.S., under continuing contract(s) with Strescon Industries, Inc., of Baltimore, MD.

MC 128220 (Sub-34), filed May 11, 1981. Applicant: RALPH LATHAM, d.b.a. LATHAM TRUCKING COMPANY, P.O. Box 596, Burnside, KY 42519. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Transporting *such commodities* as are dealt in by hardware stores, drug stores, discount stores, grocery stores, and food business houses, between points in the U.S.

MC 128521 (Sub-14), filed May 7, 1981. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., P.O. Box 100417, Nashville, TN 37210. Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Bldg., 315 Union Street, Nashville, TN 37201, (615) 244–2926. Transporting *general commodities* (except classes A and B explosives), between points in Cullman, Limestone, and Morgan Counties, AL, on the one hand, and, on the other, points in the U.S.

MC 140440 (Sub-2), filed May 7, 1981. Applicant: DAVIS TRUCK SERVICE, INC., Route 2, Box 43, Jeanerette, LA 70544. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, (214) 741–6263. Transporting (1) *mercer commodities,* (2) *chemicals and related products,* (3) *metal products,* (4) *petroleum, natural gas and their products,* and (5) *those commodities which because of their size or weight require the use of special handling or equipment,* between points in AL, AR, FL, GA, LA, MS, OK and TX.

MC 143280 (Sub-25), filed May 4, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *food and related products,* between points in CA and WI, on the one hand, and, on the other, points in the U.S.

MC 145471 (Sub-4), filed May 11, 1981. Applicant: JOHN K. GRAY TRUCKING, 30 South "G" St., Arcata, CA 95521. Representative: John K. Gray (same address as applicant), (707) 822–5161. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Samoa, CA.

MC 148951 (Sub-3), filed May 8, 1981. Applicant: YANKEE TRANSPORT, INC., R.F.D. #2, New Road, Goffstown, NH 03045. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522.0900. Transporting *furniture and fixtures,* between points in the U.S., under continuing contract(s) with Hermsdorf Fixture Mfg. Co. of Manchester, NH.

MC 155551, filed April 28, 1981. Applicant: "R" "B" & TONY McCARTNEY, d.b.a. McCARTNEY & SONS TRUCKING, 702 E. Vista Del Gaviota, Orange, CA 92665. Representative: "R" "B" McCartney (same address as applicant), (714) 637–2273. Transporting (1) *chemicals and related products,* between points in the U.S., under continuing contract(s) with Desoto, Inc., of Des Plaines, IL, and (2) *shingles,* between points in the U.S., under continuing contract(s) with Wesco Cedar, Inc., of Eugene, OR.

MC 155730, filed May 4, 1981. Applicant: PHILLIP N. MACARONIS AND NICHOLAS M. MACARONIS, d.b.a. NICK MACARONIS TRAVEL, 555 Penn Ave., West Reading, PA 19611. Representative: Michael J. Cammarano, 522–24 Court St., P.O. Box 677, Reading, PA 19603, (215) 376–7466. As a *broker,* at West Reading, PA, in arranging for the transportation of *passengers and their baggage,* between points in the U.S.

MC 155880, filed May 11, 1981. Applicant: RICHARD D. WILSON, d.b.a. DICK WILSON TRUCKING, Route #1, P.O. Box 264, Stevensville, MT 59870. Representative: William E. Seliski, Nr. 2 Commerce St., P.O. Box 825, Missoula, MT 59807. Transporting *such commodities* as are dealt in by manufacturers and distributors of lumber yards and farm supply stores, between points in ID, MT, OR, and WA, on the one hand, and, on the other, points in IA, IL, MN, ND, NE, SD, UT, and WI.

Volume No. OPY–2–077

Decided May 14, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 46823 (Sub-3), filed May 4, 1981. Applicant: WOODLAND MOVING & WAREHOUSE, INCORPORATED, 426 Woodland St. Hartford, CT 06112. Representative: John E. Silliman, 101 Pearl St., P.O. Box 3197, Hartford, CT 06103, 203–549–4500. Transporting *household goods,* between points in the U.S.

MC 107012 (Sub-710), filed May 6, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, (same as applicant), (219) 429–2110. Transporting *general commodities* (except classes A and B explosives), between the facilities of Roper Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 139972 (Sub-89), filed May 6, 1981. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, MO 65251. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *general commodities* (except classes A and B explosives), between the facilities of ITOFCA, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 142703 (Sub-34), filed May 5, 1981. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., P.O. Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, 614–228–8575. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NJ, NY, OH, PA, RI, VA, WV, WI, and DC, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, and TX.

MC 145102 (Sub-74), filed April 30, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, 608–256–7444. Transporting *pulp, paper and related products, rubber and plastic products, metal products, and such commodities* as are dealt in or used by manufacturers and distributors of non-wovens and non-woven products, between points in the U.S.

MC 145102 (Sub-75), filed April 30, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting *food and related products* between points in the U.S. under a continuing contract(s) with Swift Independent Packing Company of Chicago, IL.

MC 150432 (Sub-15), filed May 5, 1981. Applicant: H & M TRANSPORTATION, INC., U.S. 42 and 70, London, OH 43140. Representative: Owen B. Katzman, 1828 L Street NW., Suite 1111, Washington, DC 20036, 202–296–2728. Transporting *general commodities* (except classes A and B explosives), between points in AL, AZ, AR, CA, FL, GA, IL, IN, KS, KY, LA, MS, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WV.

MC 150992, filed May 5, 1981. Applicant: H. O. ENGEN, INC., P.O. Box 249, Sterling, VA 22170. Representative: J. Curtis Bradley, III, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703–522–0900. Transporting *general commodities*, (except classes A and B explosives) between points in Arlington, Clarke, Fairfax, Frederick, Loudoun, Prince William, and Warren Counties, VA, on the one hand, and, on the other, points in DE, MD, NJ, PA, SC, VA, WV, and DC.

MC 151093, filed April 6, 1981. Applicant: LUTHER E. SPOONER, JR., d.b.a. LUKE SPOONER TRUCKING CO., Rte. 1, Box 4B, Donalsonville, GA 31745. Representative: Billy M. Grantham, 218 W. Second St., Donalsonville, GA 31745, 912–524–5107. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of dry fertilizer, lime, and land plaster, between points in Seminole County, GA, on the one hand, and, on the other, points in GA, FL, AL, and TN.

MC 151723 (Sub-2), filed May 1, 1981. Applicant: SIMMCO CARRIERS, 8704 S. Olie, Oklahoma City, OK 73139. Representative: G. A. Simms (same address as applicant), 405–631–1963. Transporting *machinery and metal products*, between points in Cleveland, Canadian, Oklahoma, and McClain Counties, OK, on the one hand, and, on the other, points in the U.S.

MC 151862 (Sub-1), filed May 5, 1981. Applicant: SCOTTISH EXPRESS LIMITED, d.b.a. SCOTTISH EXPRESS INTERNATIONAL, 16737 Porter Road, Jamaica, NY. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, 413–781–8205. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, NJ, NY, and RI.

MC 153422 (Sub-1), filed May 1, 1981. Applicant: CFR AIR CARGO, INC., 7460 Tidewater Drive, Norfolk, VA 23505. Representative: Blair P. Wakefield, Esq., Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510, 804–627–0070. Transporting, *hazardous materials* (except classes A and B explosives) between points in the U.S.

MC 155662F, filed April 30, 1981. Applicant: McMAHAN TRANSPORTATION CO., INC., P.O. Box 1519, Gainesville, GA 30501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392–1220. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Campbell Soup Company, of Camden, NJ.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–15193 Filed 5–20–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 84]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 15, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restrictions removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2153 (Sub-52)X, filed April 6, 1981, previously noted in the **Federal Register** of April 30, 1981, republished as corrected this issue. Applicant: MIDWEST MOTOR EXPRESS, INC., 5015 East Main, P.O. Box 1058, Bismarck, ND 58501. Representative: James L. Nelsen, 1241 Pierce Butler Route, St. Paul, MN 55104. Applicant seeks to remove restrictions in its lead and Sub-nos. 13, 19, 21, 23, 29, 33, 37, 41, 42, 47, 49, and 50 certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) to change one-way to radial authority in the lead between Bismarck, ND, and points within 100 miles thereof (with exceptions); (3) to authorize service at all intermediate points in place of authority to serve or no intermediate points or restricted service to intermediate points on described regular routes in the lead between St. Paul, MN, and Mandan, ND; in Sub-No. 21 between Duluth, MN, and West Fargo, ND; in Sub-No. 29 between Bismarck, ND, and Minot, ND; in Sub-No. 33 between Ashley, ND, and Hague, ND; in Sub-No. 37 between Fargo, ND, and Grand Forks, ND, and between Moorhead, MN, and Grand Forks, ND; in Sub-No. 42 between St. Paul, MN, and McGregor, MN; in Sub-No. 47 between Portal, ND, and South St. Paul, MN, and between Detroit Lakes, MN, and Crookston, MN; and in Sub-No. 49 between Glendive, MT, and Billings, MT; (4) remove restriction against tacking its regular route authority in Sub-No. 42; (5) to remove restriction to the transportation of traffic moving in interstate commerce in Sub-No. 47 and (6) remove the restriction limiting service at the off-route points of Sartell, MN, pickup of paper moving to Bismarck, ND in the lead. The purpose of this republication is to indicate that the commodity description should also be broadened in Sub-No. 47.

MC 8535 (Sub-127)X, filed April 30, 1981. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW., Washington, DC 20036. Applicant seeks to remove restrictions in its certificate Sub-Nos. 82F, 88F, 90F, 92F, 97F, 102F, 108F, 113F, 117F, and 118F, to(1) broaden the commodity descriptions, (a) in Sub-Nos. 82F, 88F, 90F, 92F, 102F, 108F, 113F, 117F to "metal products" from iron and steel articles; (b) in Sub-No. 97F to "metal product" from iron and steel pipe and (c) in Sub-No. 118F to "metal products" from aluminum and aluminum articles; (2) in Sub-Nos. 108F and 118F remove the dump vehicle restriction; (3) in Sub-Nos. 82F, 88F, 90F, 92F, 97F, 102F, 113F, 117F and 118F remove facilities limitations; (4) in Sub-No. 92F to remove the restriction to the transportation of traffic originating at the named origin (5) in Sub-No. 82F to substitute Boyd County, KY, for City of Coalton, KY; (6) in Sub-No. 88F to substitute New Castle County, DE and Chester County, PA for Claymont, DE and Phoenixville, PA; (7) in Sub-No. 90F to substitute Boyd County, KY, Butler and Muskingum Counties, OH and Butler County, PA for Ashland, KY, Middletown and Zanesville, OH and Butler, PA; (8) in Sub-No. 97F to substitute Lorain County, OH for Lorain, OH; (9) in Sub-No. 113F to substitute Bucks County, PA, for Fairless, PA; (10) in Sub-No. 117F to substitute Dauphin County, PA, for Harrisburg, PA; (11) in Sub-No. 117F to delete spring accessories; (12) replace one-way with radial authority between Boyd County, KY, and IL, IN, IA, and TN, in Sub-No. 82F; between New Castle County, DE and Chester County, PA, and, IL and IN in Sub-No. 88F; between (a) Boyd County, KY, (b) Butler and Muskingum Counties, OH, and (c) Butler County, PA and IL, IN, MI and TN in Sub-No. 90F; between Roanoke, VA, and IL, IN, and TN, in Sub-No. 92F; between points in Lorain County, OH, and IL, IN, and TN, in Sub-No. 97F; between Morrisville, PA, and CT, MA, and RI, in Sub-No. 102F; between Youngstown, OH and IL and IN, in Sub-No. 108F; between Bucks County, PA, and CT, MA and RI in Sub-No. 113F; between Dauphin County, PA, and the United States in Sub-No. 117F; and between Warrick County, IN, and MD, ME, NC, NJ, NY, PA and VA, in Sub-No. 118F; and (13) remove exceptions of AK and HI in Sub-No. 117F.

MC 11185 (Sub-132)X, filed April 29, 1981. Applicant: J–T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, MO 64129. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 37, 61, 64, 69, 72, 73, 76, 79, 80, 82, 84, 85, 88, 91, 94, and 99 permits to (A) broaden the commodity descriptions in each to "transportation equipment" from airplanes and airplane parts and equipment (except airplane engines), unassembled, uncrated, requiring the use of special equipment; and (B) broaden the territorial description in all permits to authorize service between points in the U.S., under continuing contract(s) with unnamed shippers.

MC 35320 (Sub-656)X, filed May 5, 1981. Applicant: T.I.M.E.—DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same as above). Applicant seeks to remove restrictions in its Sub-No. 107 certificates to (1) broaden the commodity descriptions to (a) "general commodities (except classes A and B explosives)", where applicable from general commodities (with exceptions); (b) "metal products and materials, equipment, and supplies used in their manufacture and processing," from iron and steel articles, and materials, equipment, and supplies used in the manufacture and processing of iron and steel articles (except commodities in bulk and mercer commodities), sheet 4; (c) "food and related products" from specified commodities such as, fish, including shell fish, and frozen fruits and vegetables, meat, meat products, an meat by-products, and articles distributed by meat packinghouses, and frozen foods and potato products, not frozen, sheets 5, 15, 17, 23, 30, 32, 37, 38 and 39; (d) "clay, concrete, glass or stone products" from tile and clay products and materials uses in the manufacture and packaging of tile and clay products, sheet 14; (e) "rubber and plastic products" from crude rubber, sheet 30; and (f) "chemicals and related products" from liquid floor waxes, liquid disinfectants, liquid cleaners and detergents, and liquid soap, in collapsible tanks, drums, or bins, sheet 34; (2) remove restrictions such as originating at and/or destined to, pickup and delivery, and joinder only; (3) allow service at all intermediate points; (4) remove plantsite limitations and replace with authority to serve the county or city; (5) replace off-route points with counties as follows: Phoenix with Maricapia County, AZ; Chicago Heights and Carol Stream with Cook County, IL; Waterton and Marshall with Jefferson and Boulder Counties, CO: Cheyenne with Laramie County, WY; Lewisport, Doe Run, and Elizabethtown with Hancock, Mead and Hardin Counties, KY; Bridgeton, Robertson, and Ferguson with St. Louis County, MO; Everett with Smohomish County, WA; Portland with Multnomah, and Clackamus Counties, OR; Twinsburg with Summit County, OH; points with 35 miles of Phoenix, those in AZ and CA within 20 miles of Yuma with Yavapai, Marcopia, Penal and Yuma Counties, AZ and Imperial County, CA; and points in MI within 20 miles of the intersection of Woodward and Gratiot Anes, Detroit, MI with St. Clair, MaComb, Oakland, Livingston, Washenaw and Monroe Counties, MI, and (6) change its one way regular route authority to two-way authority and its one-way irregular route authorities to radial authorities between points in the U.S.

Note.—Carrier's ability to tack will be governed by 49 CFR 1042.10(b). Applicant intends to tack and interline in connection with its regular route operations.

MC 41136 (Sub-32)X, filed April 24, 1981. Applicant: FLEET CARRIER CORPORATION, P.O. Box 568, Pontiac, MI 48056. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in the lead and Sub-Nos. 10, 14, 17, 20, 23, 24, 25, and 27 to (1) broaden the commodity descriptions to "transportation equipment" in its lead certificate from new automobiles, new trucks, new trailers, new chassis, and other new automotive vehicles; new commercial motor vehicles, new chassis, and part thereof; new trucks, new tractors, new trailers, new chassis, and other automotive vehicles, except passenger automobiles; new buses, and bus chassis; buses, and bus chassis; trucks, truck tractors, buses, chassis, and vehicles designed to be used alternatively for the transportation of passengers or property, and parts and accessories for, and moving in the same shipments with the vehicles to be transported; cabs and bodies; automobiles, trucks, trailers, chassis and other automotive vehicles, new, used, unfinished, and/or wrecked; in Sub-No. 10 from new trucks, new tractors, new trailers, new chassis, and other automotive vehicles, except passenger automobiles; in Sub-No. 14 from buses, bus chassis and parts thereof; in Sub-No. 17 from buses and bus chassis; in Sub-No. 20 from trucks, truck tractors, buses, chassis, and vehicles designed to be used alternatively for the transportation of passengers or property, and parts and accessories for, and moving in the same vehicle with the vehicles to be transported: cabs and bodies; in Sub-No. 22 from commercial automotive vehicles, new trucks, new

buses, new trailers, and new chassis; new bodies and new cabs; and parts of the above-specified commodities; new chassis, and parts of the above-specified commodities; commercial automotive vehicles, trucks, buses, trailers, and chassis, new, used, and unfinished; bodies and cabs, new, used, and unfinished; trucks, truck tractors, buses, chassis, and vehicles designed to be used alternatively for the transportation of passenger or property; cabs and bodies; trailers; in Sub-No. 23 from motor homes; in Sub-No. 24 from motor vehicles (except passenger automobiles); in Sub-No. 25 from motor vehicles (except motor homes); and in Sub-No. 27 from motor vehicles, (2) remove restrictions limiting service to transportation from named places of manufacture and assembly in the lead and Sub-No. 22; (3) remove facilities limitations in the lead and Sub-Nos. 20, 22, and 25, (4) remove restrictions to initial movements in the lead and Sub-Nos. 10, 14, 17, 20, 22, and 25, (5) remove restrictions to secondary movements in the lead and Sub-Nos. 20, 22, 23 and 24, (6) remove restrictions limiting operations to driveway or truckaway service in the lead and Sub-Nos. 10, 14, 17, 20, 22, 23, and 24, (7) remove ex-rail restrictions in Sub-Nos. 23 and 24, (8) remove restrictions to the transportation of commodities originally manufactured at and shipped from named plantsites in Sub-Nos. 23 and 24, and (9) change one-way to radial authority between various combinations of points throughout the U.S.

MC 53908 (Sub-3)X, filed May 11, 1981. Applicant: E. B. LIBE, INC., 160 Broad St., Phillipsburg, NJ 18865. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave. NW., Washington, DC 20036. Applicant seeks removal of restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with exceptions not including classes A and B explosives) to "general commodities", (2) remove the restriction against the transportation of boats, (3) broaden the irregular route portion of the territorial description from one-way to radial authority to authorize service between Phillipsburg, NJ, and, points in PA, NY, VA, RI, TN, MD, MA, CT and DC, and (4) broaden the commodity description from steel, pipe, rope, paint materials, to "metal products, textile mill products, chemicals and related materials", and paper and paper products to "pulp, paper and related products".

MC 67868 (Sub-41)X, filed May 4, 1981. Applicant: FILM TRANSIT, INC., 3931 Homewood Road, Memphis, TN 38118. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Popular Ave., Memphis, TN 31837. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, 9, 10, 11, 13, 16, 36F, and 37F certificates to (1) broaden the commodity descriptions from (a) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in the lead and Sub-Nos. 13, 36F and 37F; (b) dated publications in the lead and Sub-Nos. 6 and 8, newspapers in Sub-No. 10, and commercial papers and documents (except cash letters), payroll and data processing and accounting information and forms and electro-magnetically coded or impregnated bank forms and documents, in Sub-No. 10 to "printed matter"; (c) exposed and developed photographic film and plates and prints to "instruments or photographic goods, including optical goods, watches and clocks" in Sub-Nos. 9 and 11; and (d) newspaper, theatre films, magazines, and ice cream to "printed matter, theatre films, and food and related products" in Sub-No. 13 (page 2); (2) authorize service at all intermediate points between Menard, IL, and St. Louis, MO; St. Louis, MO, and Chester, IL; and Ruma, IL, and Prairie du Rocher, IL, in Sub-No. 13; (3) change city to county-wide authority from Lilbourn to New Madrid County, MO, in Sub-Nos. 36F and 37F; (4) remove the restrictions against the transportation of (a) shipments for any bank or banking institution in Sub-No 16; and (b) size and weight commodities in Sub-Nos. 13, 36F and 37F and (5) remove the in packages requirement in Sub-No. 13.

MC 69376 (Sub–1)X, filed May 11, 1981. Applicant: ALL-AMERICAN MOVING SYSTEMS INC., 58 Hubbard Rd., Youngtown, OH 44505. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Applicant seeks to remove restrictions in its lead certificate authorizing service between points in Mahoning County, OH, on the one hand, and, on the other, points in NY, PA, WV and the Lower Peninsula of MI, by broadening the commodity description from household goods as defined by the Commission to "household goods, furniture and fixtures."

MC 69901 (Sub-43)X, filed April 13, 1981. Applicant: COURIER-NEWSOME EXPRESS, INC., P.O. Box 270, Columbus, IN 47201. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 11, 17, 25, 29, 31, 36, and 39 certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", in part of the lead and Sub-Nos. 11, 25, 29, 31 and 36; from automotive parts, automotive accessories, automotive accessory parts, advertising materials, acetylene gas, acid, bolts, brass, copper, cleaning fluids, chemicals, cartons, carbide, castings, electric motors, electrical appliances, electrical appliance parts, empty carboys, gas cylinders, and steel drums, excelsior wood, glass insulated wire, iron or steel articles, lumber, machinery, machinery parts, metal furniture, metal stampings, metal tubes, metal tubing, nuts, oxygen gas, paint, platforms or skid, petroleum products (in containers), radios, radio parts, radio cabinets, rubber hose, solder, steel, steel folding ironing boards, steel laundry tubs, and welding rods, to "general commodities (except classess A and B explosives)", in part of the lead; from metal furniture, metal articles, automotive parts, accessories, and accessory parts, house radios, electric house heaters, advertising materials, paint, machinery, machinery parts, and materials and supplies used in or incidental to the manufacture of the above-specified commodities to "general commodities (except classes A and B explosives)", in part of the lead; automotive parts, automotive accessories, automotive accessory parts, advertising materials, electrical applicances, empty carboys, gas cylinders, and steel drum, metal furniture, platforms or skids, radios, radio parts, rubber hose, steel folding ironing boards, and steel laundry tubs, to "general commodities (except classes A and B explosives)", in part of the lead; from automotive accessory parts, advertising materials, acetylene gas, acid, bolts, brass, copper, cleaning fluids, chemicals, cartons, carbide, castings, electric motors, electrical appliance parts, excelsior wood, glass, insulated wire, iron or steel articles, lumber, machinery, machinery parts, metal stampings, metal tubes, metal tubing, nuts, oxygen gas, paint, petroleum products (in containers), platforms or skids, radio parts, radio cabinets, rubber hose, solder, steel, and welding rods, to "general commodities (except classes A and B explosives)", in part of the lead; from paper and paper products to "pulp, paper and paper products", in Sub-No. 17 and from automotive parts and accessories, parts for automotive accessories, advertising materials, electrical appliances, empty carboys, gas cylinders, steel drums, metal furniture, platforms and skids, radios, radio parts, rubber hose, steel

folding ironing boards, and steel laundry tubs, and parts for automotive accessories, advertising materials, acetylene gas, acids, bolts, brass, cooper, cleaning fluids, chemicals, cartons, carbide, castings, electric motors, electrical appliance parts, excelsior wood, glass, insulated wire, iron and steel articles, lumber, machinery parts, metal stampings, metal tubing, nuts, platforms and skids, radio parts, radio cabinets, rubber hose, solder, and welding rods; and petroleum products, in containers, to "general commodities (except classess A and B explosives)", in Sub-No. 39, (2) authorize service to all intermediate points along described regular routes in the states of Illinois, Indiana, Kentucky, Michigan, Ohio and Tennessee, in the lead and Sub-Nos. 11, 25, 29 and 36, (3) to replace one-way authority with radial authority, in the lead and Sub-Nos. 17 and 39, (4) remove the originating at and destined to restriction in Sub-No. 31 and (5) replace specified plan site with county-wide authority to authorize service between points in Bartholomew County, IN (for Columbus, IN) and points in Illinois, Kentucky, Missouri, Ohio and Wisconsine, in Sub-No. 17.

MC 96324 (Sub-45)X, filed April 30, 1981. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, WV 26554. Representative: Mel P. Booker, Jr., P.O. Box 1281, Alexandria, VA 22313. Applicant seeks to remove restricitons in its Sub-No. 25 certificate to (1) broaden the commodity description to "glassware, containers and closures" from glassware, plastic containers, closures for glass and plastic containers, and to "clay, concrete, glass or stone products" from glass containers in the section authorizing tacking, (2) change city to county-wide authority, from Freehold, NJ, Brockway and Washington, PA and Zanesville, OH to Monmouth County, NJ, Jefferson and Washinton Counties, PA and Muskingum County, OH in part (2), from Huntington, WV to Cabell County, WV in part (3), from Fairmont, WV to Marion County, WV in part (4), (3) change city to county-wide authority in applicants tacking authorization from Huntington, WV to Cabell County, WV; from Clarksburg, WV to Harrison County, WV; from Fairmont, WV to Marion County, WV; from Brockway and Washington, PA to Jefferson and Washington Counties, PA; and from Zanesville, OH to Muskingham County, OH, and (4) change one-way to radial authority between points in GA, NC and TN and points applicant presently is authorized to serve in a described portion of the US in connection with clay, concrete, glass or stone products movements in applicants tacking authority.

MC 96448 (Sub-9) X, filed April 30, 1981. Applicant: BROOK LEDGE, INC., R.D. No. 1, Box 56, Oley, PA 19547. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its Sub-Nos. 6, 7, and 8 certificates to (1) broaden the commodity description from horses, and equipment and paraphernalia incidental to the transportation, care and display of such horses, to "farm products, leather and leather products, metal products, textile mill products, chemicals and related products, rubber and plastic products, food and related products, clay, concrete, glass or stone products, and transportation equipment:, (2) eliminate the restriction against transportation of ordinary livestock in Sub-No. 6, 7 and 8, and (3) replace city wide authority with countywide authority in Sub-No. 7, Maricopa and Pinal Counties, AZ for Phoenix, AZ and points within 15 miles thereof.

MC 106223 (Sub-76) X, filed May 11, 1981. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Rd., P.O. Box 667, Ashtabula, OH 44004. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. Applicant seeks to remove restrictions in its Sub-Nos. 65, 68, and 74F certificates to (1) broaden the commodity descriptions to "chemicals and commodities in bulk" from toluene di-isocyanate, in bulk, in tank vehicles, in Sub-No. 65, liquid chemicals (except toluene di-isocyanate, cryogenic liquids, and petrochemicals), in bulk, in tank vehicles, in Sub-No. 68, and chemicals, in bulk, in tank vehicles, in Sub-No. 74F; (2) remove the facilities limitation at Ashtabula, OH and replace with Ashtabula County, in Sub-Nos. 68 and 74F and replace Ashtabula, OH with Ashtabula County, in Sub-No. 65; and (3) change its one-way authorities to radial authorities between points in the eastern part of the U.S.

MC 109094 (Sub-19)X, filed May 6, 1981. Applicant: GAULT TRANSPORTATION, INC., 2381 Cranberry Highway, Wareham, MA 02571. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Applicant seeks to remove restrictions in its Sub-Nos. 3, 7, 8, 10, 13, 14, 15, 16, 18F certificates and E-1 letter notice to (1) broaden the commodity description to "commodities in bulk" from various bulk commodities: (a) petroleum products, in Sub-Nos. 3, 7, 8, 10, 14, 15 and E-1 letter notice, (b) corn and soybean products, in Sub-No. 13, (c) liquid chemicals, in Sub-No. 16, and (d) odophos, in Sub-No. 18F; (2) remove the (a) "in tank truck" or "in tank vehicle" restrictions, in Sub-Nos. 7, 8, 10 and 14 and E-1 letter notice, (b) "seasonal" restriction, in Sub-No. 7 and 8 and (c) the "originating at and destined to" restriction in Sub-No. 16; (3) authorize county-wide authority to replace existing facility or city-wide authority: (a) Newport County, RI, for Tiverton, RI, Plymouth County, MA for Duxbury, Bridgewater and Plymouth, MA, in Sub-No. 3; (b) Bristol County, MA, for Fall River, MA, in Sub-No. 7; (c) Newport County, RI, for Tiverton, RI, Bristol County, MA, for Fall River, MA, and Windham County, CT, for Putnam, CT, in Sub-No. 8; (d) Norfolk County, MA, for Braintree, MA, Cheshire and Hillsboro Counties, NH, for Keens and Manchester, NH, New London County, CT, for Norwich, CT, and Newport County, RI, for Tiverton, RI, in Sub-No. 10; (e) Essex County, MA, for Beverly and Salem, MA, in Sub-No. 13; (f) Franklin County, MA, for Greenfield, MA, New London and Fairfield Counties, CT, for New London and Bridgeport, CT, New Haven and Hartford Counties, CT, for New Haven and East Hartford, CT, and Hampshire County, MA, for Northampton and Amherst, MA, in Sub-No. 14; (g) Middlesex County, MA, for Everett, MA, in Sub-No. 16; (h) Middlesex County, NJ, for Sayreville, NJ, in Sub-No. 18F; (i) Newport County, RI, for Newport and Tiverton, RI, and Bristol County, MA, for Fall River, MA, in E-1 letter notice; and (4) authorize radial authority to replace existing one-way service between points generally in the New England States, in all certificates and E-1 letter notice.

MC 111401 (Sub-618)X, filed April 30, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Alvin J. Meikejohn, Jr., 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-Nos. 202, 205, 211, 215, 221, 226, 227, 228, 230, 237, 246, 250, 254, 255, and 256 certificates to (1) broaden the commodity descriptions from (a) meats, meat products, meat by-products, articles distributed by meat packinghouses, offal, blood meal, meat scraps and fresh meats to "food and related products" in Sub-Nos. 202 and 250; (b) dry fertilizer, fertilizer, fertilizer compounds, fertilizer materials, fertilizer ingredients, boron compounds, potash, and anhydrous ammonia to "commodities in bulk and chemicals and related products" in Sub-Nos. 205, 221, 226, 227, and 247; (c) anhydrous ammonia, liquid fertilizer materials,

chemicals, fertilizer solutions and materials, fungicides, herbicides, insecticides, lubricating oil, petroleum oils, and solium silicate to "commodities in bulk" in Sub-Nos. 211, 215, 228, 230, 254, and 256; (d) truck bodies to "metal products" in Sub-Nos. 237; (e) meats, meat products and meat by-products, and articles distributed by meat packinghouses, and commodities in bulk to "food and related products and commodities in bulk" in Sub-Nos. 246; and (f) liquid animal feed supplements to "food and related products, chemicals and related products, and commodities in bulk" in Sub-Nos. 255; (2) remove the restrictions in tank vehicles in Sub-Nos. 202 and 211; except liquid nitrogen, liquid hydrogen, and liquid oxygen in Sub-No. 215; seasonal in Sub-No. 221; in dump or hopper-type vehicles in Sub-No. 226; in bulk in Sub-Nos. 211, 215, 226, 228, 230, 237, 254, and 256; except animal fats, greases, and blends in Sub-No. 246; and except molasses and liquid feed grade urea in Sub-No. 255; (3) eliminate the facilities limitations in Sub-Nos. 205, 211, 226, 228, 230, 237, 246, 247, and 256; (4) expand city to county-wide authority from Guymon to Texas County, OK, in Sub-No. 202; Enid, OK to Garfield County, OK and Altus, OK to Jackson County, OK in Sub-Nos. 205 and 255; Meredosia, IL to Morgan County, IL in Sub-No. 211; Augusta, GA to Richmond County, GA, in Sub-No. 215; Wichita, KS to Sedgwick County, KS in Sub-No. 221; Donaldsville, LA to Ascension Parish, LA in Sub-No. 228; Wood River, IL to Madison County, IL in Sub-No. 230; Liberal, KS to Seward County, KS in Sub-No. 237; Dodge City, KS to Ford County, KS in Sub-Nos. 246 and 247; Pratt, KS to Pratt County, KS in Sub-No. 250; Franklin, PA to Venango County, PA in Sub-No. 254; Arkansas City, KS to Crowley County, KS in Sub-No. 255; and Pineville, LA to Rapides Parish, LA, in Sub-No. 256; (5) change one-way to radial authority between points throughout the U.S.; and (6) remove the "originating at and destined to" restriction in Sub-Nos. 202, 211, 226, 228, 246, 247, and 250.

MC 115078 (Sub-10)X, filed May 4, 1981. Applicant: SINDALL TRANSPORT, INC., 102 N. Custer Ave., New Holland, PA 17557. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street NW., Washington, D.C. 20005. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7F and 8 certificates to (1) broaden its commodity descriptions: in the lead and Sub-No. 7F, to "machinery" from agricultural machinery, implements, and parts, other than hand (with exceptions), and agricultural, industrial, and construction machinery and equipment, attachments, and materials and supplies used in the manufacture, repair, assembly, and distribution of agricultural machinery and implements (with exceptions); and in the lead, to "lumber and wood products," from rough sawed lumber; (2) replace facilities and cities with county-wide authority, expand specified ports of entry, and change its one-way to radial authority: in the lead, between Lancaster and Mifflin Counties, PA (for new Holland, Mountville, Belleville, Intercourse, and Lancaster), and the ports of entry on the US-Canada Boundary line in NY, NH, and VT; between US-Canada Boundary line, in NY (for Buffalo and Niagara Falls), and points in NY and PA; between Lancaster and Mifflin Counties, PA (for facilities at New Holland, Mountville, and Belleville, PA, and ports of entry on the US-Canada Boundary line, at points in NY, NH, and VT; and in Sub-No. 7F, between points in PA (for facilities in PA), and ports of entry on the US-Canada Boundary line in NY; and (3) eliminate: in the lead, the restriction against the transportation of commodities which because of their size and weight require the use of special equipment; and in the lead and Sub-No. 7F, the restriction limiting the transportation of traffic in foreign commerce.

MC 117765 (Sub-318)X, filed April 24, 1981. Applicant: HAHN TRUCK LINE, INC., 1100 South MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., Oklahoma City, OK 73106. Applicant seeks to remove restrictions in its Sub-Nos. 51, 83, 123(part), 176, 211, 224, 243F, 280F(part), and 294F certificates to (A) broaden the commodity description in each to "pulp, paper and related products" from pitch, lignin, dry, in bags, barrels, or containers, newsprint and groundwood paper, scrap and waste paper, paper and paper products; and Sub-No. 224, remove the exclusion of "bulk" and "size or weight" commodities from materials, supples and equipment used in the manufacture and distribution of paper and paper products; (B) remove restrictions limiting service to that originating at or destined to the facilities of named shippers in Sub-Nos. 224 and 243; (C) change one-way service to radial service; and (D) expand the facilities and cities to county-wide authority to serve between: Sub-No. 51, Outagamie and Calument Counties, WI (facilities near Appleton, WI), and, points in five States; Sub-No. 83, Brown and Marathon Counties, WI (Green Bay and Rothschild, WI), and, points in six States and MO (except the St. Louis, MO commercial zone); Sub-No. 123, Rogers and Tulsa Counties, OK (Port of Tulsa, Rogers County, OK), and, Ford County, KS (Dodge City, KS), Lubbock and Hockley Counties, TX (Lubbock, TX), and Woods, Harper, Jackson and Kiowa Counties, Ok (Alva, Buffalo, Eldorado, and Hobart, OK); Sub-No. 176, Oneida County, WI (facilities at Rhinelander, WI), and, points in six States; Sub-No. 211, Clay and Jackson Counties, MO (facilities at North Kansas City, MO), and, points in two States; Sub-No. 224, Muskogee County, OK (facilities near Muskogee, OK), and, points in 17 States; Sub-No. 243, McMinn County, TN (facilities near Calhoun, TN), and, points in nine States; and Sub-Nos. 280 and 294, Outagamie and Calumet Counties, WI (Appleton, WI), and, points in two States.

MC 117816 (Sub-5)X, filed May 7, 1981. Applicant: BERWICK & SONS, INC., Plainfied Road, West Lebanon, NH 03784. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in the lead and Sub-No. 3F and 4F permits to (1) broaden the commodity description to (a) "Metal products, lumber and wood products, rubber and plastic products and pulp, paper and related products" from empty steel barrels, drums and pails in part (1) of the lead and Sub-No. 4F and from new empty steel barrels, drums, and containers in part (2) of the lead and (b) to "rubber and plastic products and materials, equipment and supplies" from plastic articles and materials, equipment and supplies (except in bulk, in tank vehicles) in Sub-No. 3F; (2) broaden the territorial description to between points in the U.S. under continuing contracts with named shipper in each permit.

MC 119656 (Sub-83)X, filed May 12, 1981. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-Nos. 35, 55F, 61F, 62, and 63F certificates to (1) broaden its commodity descriptions: in Sub-No. 35, to "metal products, construction materials, and materials equipment and supplies used in the manufacture and distribution thereof", from iron, steel, zinc, lead, and articles or products thereof (except in bulk), springs, and construction materials, supplies and equipment (except in bulk), in Sub-No. 55F, to "metal products, and materials, equipment and supplies used in the manufacture and distribution thereof", from steel pipe, pipe fittings, beams,

piling, rails, railway track accessories, etc., and parts, materials, equipment and supplies used in the manufacture, installation, dismantling, and distribution, ther of (except commodities in bulk); and in Sub-Nos. 61F, 62, and 63F, to "metal products", from iron and steel articles and aluminum; (2) replace facilities and cities with county-wide authority: in Sub-No. 35, facilities at or near Blue Island and Joliet, IL, Cicero, Elkhart, and Kokomo, IN, Centerville, IA, Grand Rapids and Lansing, MI, Jackson, MS, Columbus and Toledo, OH, with Cook and Will Counties, IL, Hamilton, Elkhart, and Howard Counties, IN, Appanoose County, IA, Kent and Ingham Counties, MI, Hinds County, MS, and Franklin and Lucas Counties, OH; in Sub-No. 55F, facilities at Parkersburg and Washington, WV, with Wood County, WV; and inSub-No. 61F, facilities at Lackawanna, NY, with Erie County, NY; (3) change one-way to radial authority, in Sub-No. 35 between the above-named counties and points in the U.S.; and in Sub-No. 61, between points in Erie County, NY, and points in CO, IA, KS, MN, MO, MT, NE, ND, and SD; and (4) eliminate: in Sub-No. 35, the AK and HI exception; in Sub-Nos. 35 and 61, the originating at and/or destined to restrictions.

MC 119944 (Sub-15)X, filed April 21, 1981. Applicant: BROCKWAY FAST MOTOR FREIGHT, INC., 568 Central Avenue, Bridgewater, NJ 08807. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Appliant seeks to remove restrictions in its lead, and Sub-Nos. 1, 6, 10, 11, 13, and 14 certificates and E–1 gateway elimination notice to (A) broaden the commodity descriptions to: lead certificate, "building materials, lumber and wood products, clay, concrete, glass or stone products, pulp, paper and related products, metal products, and textile mill products" from roofing and building materials, "petroleum, natural gas and their products" from oils and solvents, "rubber and plastic products," from rubber, and "chemicals and related products" from glycerine, soap, paints, acids, disinfectants, insecticides, and aluminum sulphate; Sub-No. 1, "clay, concrete, glass or stone products" from brick (except fire brick); Sub-No. 4, "chemicals and related products" from polyethylene, polypropylene and silica gel catalyst; Sub-No. 6, "ores and minerals, and clay, concrete, glass or stone products" from talc; Sub-No. 10, "rubber and plastic products" from dry plastic; Sub-Nos. 11 and E–1, "clay, concrete, glass or stone products" from brick, crushed stone, and gravel, and "ores and minerals" from sand, and remove the exclusion of lumber from building materials; Sub-No. 13, "chemicals and related products" from dry adipic acid; and Sub-No. 14, "rubber and plastic products" from plastic pipe, ducts, and tubes, "metal products" from related fittings and attachments, and "chemicals and related products" from materials and supplies used in their installation; and remove the "in bulk" and vehicle and container restrictions in the lead, and Sub-Nos. 4, 6, 10, 11, 13, and E–1; (B) delete the restrictions to shipments having a prior movement by rail and water in Sub-Nos. 4, 10, and 13; (C) substitute radial authority in lieu of existing one-way authority; and (D) broaden the territorial descriptions from plantsites and towns to city or county-wide authority, as follows: lead certificate, Morris Count, NJ (Boonton, NJ), New Castle County, DE (Claymont, DE), Delaware County, PA (Marcus Hook, PA), and Westchester County, NY (Pleasantville, NY); Sub-No. 1, Middlesex County, NJ (plantsite at Sayreville, NJ); Sugb-Nos. 4 and 10, Newark, NJ (Port Newark, NJ), Elizabeth, NJ (Port Elizabeth, NJ), and Somerset County, NJ (Bridgewater Township, NJ); Sub-No. 6 Windsor County, VT (West Windsor, VT); Sub-No. 11, Monmouth County, NJ (Cliffwood, NJ); Sub-No. 13, Somerset County, NJ, (Somerville, NJ), and Kent County, MD (Chestertown, MD); and Sub-No. 14, Northampton County, PA (Nazareth, PA).

MC 120257 (Sub-61)X, filed May 4, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Applicant seeks to remove restrictions in its Sub-Nos. 1, 8, 9, 10, 12, 19, 21, 23, 24, 27, 32, 38, 40, 42, 44F, 48F, 49F, 50F, 52, and 53F certificates to (A) broaden the commodity descriptions to (1) "metal products" from (a) iron and steel articles, in Sub-Nos. 9, 10, 19, 24, and 49F, (b) cast iron pipe and fittings, in Sub-Nos. 12, 21, 23, 27, 40, 42, 48F, and 53F, (c) pipe, in Sub-Nos. 1, 8, 32 and 50F, (2) "waste or scrap materials not identified by industry producing" from iron and steel scrap, in Sub-No. 38, (3) "rubber and plastic products" from plastic pipe and fittings, in Sub-No. 44F, and (4) "machinery and metal products" from cooling equipment, materials and supplies, in Sub-No. 52; (B) remove the (1) "except commodities in bulk" and "size or weight" restrictions, in Sub-No. 44F, and (2) "except commodities in bulk" restrictions, in Sub-No. 52 and 53F (C) eliminate the facilities restrictions, in Sub-Nos. 8, 9, 10, 12, 19, 21, 23, 24, 27, 32, 38, 40, 42, 44F, 49F, 52 and 53F; (D) remove the restriction limiting service to the transportation of traffic originating at and/or destined to named points, in Sub-Nos. 8, 9, 21, 23, 24, 27, 38 and 42; (E) eliminate the restriction prohibiting service to (1) AK and HI, in Sub-Nos. 9, 10, 21, 49, 50F, 52 and 53F, and (2) the origin state of TX, in Sub-No. 50F; (F) replace city-wide service with county-wide authority: (1) in Sub-Nos. 1, 9, 23, 38, Lone Star, TX with Morris County, TX; (2) in Sub-No. 8, Gainesville, TX with Cooke County, TX; (3) in Sub-No. 10, Fort Collins, CO with Larimer County, CO; (4) in Sub-No. 12, Birmingham, AL with Jefferson County, AL; (5) in Sub-No. 19, Midlothian, TX with Ellis County, TX; (6) in Sub-No. 21, Albertville, AL with Marshall County, AL; (7) in Sub-No. 23, Beaumont, TX with Jefferson County, TX; (8) in Sub-No. 27, Chattanooga, TN with Hamilton County, TN; (9) in Sub-No. 40, Louisville, KY with Jefferson County, KY; (10) in Sub-No. 42, Birmingham and Bessemer, AL with Jefferson County, AL; (11) in Sub-No. 48F, Little Rock, AR with Pulaski County, AR, and Lufkin, TX with Angelina County, TX; and (12) in Sub-No. 49F, Conroe, TX with Montgomery County, TX; and (G) authorize radial authority to replace existing one-way service between cities and counties in various combinations of States throughout the U.S., in Sub-Nos. 1, 8, 9, 10, 12, 19, 21, 23, 24, 27, 32, 38, 40, 42, 44F, 48F, 49F, and 50F.

MC 120631 (Sub-8)X, filed May 8, 1981. Applicant: STEPHENS TRUCK LINE, P.O. Box 489, Dickson, TN 37055. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Applicant seeks to remove restrictions from its Sub-No. 5F and 6F certificates to: (1) in Sub-No. 6F, remvoe all exceptions from its general commodities authority, except "Classes A and B explosives"; authorize service at all intermediate points on its regular routes; and, remove the restriction against traffic moving between points in Davidson County, TN, on the one hand, and, on the other, points in Shelby County, TN (2) in Sub-No. 5F, broaden the commodity descriptions from pneumatic tire valves to "rubber and plastic articles"; from parts for pneumatic tire valves to "metal products"; and from poly film and poly bags to "rubber and plastic articles" and replace authority to serve named points or facilities with county-wide authority as follows: Dickson County, TN for facilities at Dickson, TN; Etowah County for facilities at Gadsen, AL; and Troup County, GA for LaGrange, GA. Applicant intends to tack its irregular

route authority herein, as modified, to the existing regular route authority.

MC 121450 (Sub-15)X, filed April 24, 1981. Applicant: McCOMAS TRUCK LINES, INC., P.O. Box 939, Chickasha, OK 73034. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. Applicant seeks to remove restriction in its Sub-Nos. 8, 9, 10, and 11 certificates to broaden the commodity description from general commodities with exceptions to *General commodities* (except classes A and B explosives); (2) in its Sub 8, 9, 10, and 11 to serve all intermediate points on its regular routes in OK, and TX; points; and (3) in its Sub 9 to remove restrictions against service to Wilson, Lone Grove, Healdton, Fox, Ringling, Clemscot, Ratliff City, and Lawton, OK: and to remove restrictions against the transportation of traffic between Ardmore, OK on the one hand, and, on the other, Oklahoma City, Moore, Norman, Noble, Lexington, Purcell, and Wayne, OK.

MC 127135 (Sub-5)X, filed May 8, 1981. Applicant: HERBERT O. KINDRICK, d.b.a. KINDRICK TRUCKING CO., Route 8, Box 342, Harriman, TN 37748. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its lead and Sub-No. 3F permits to (1) broaden its commodity descriptions from ferro alloys, in bulk, in dump vehicles, to "metal products, and clay, concrete, glass or stone products", in both permits; and (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper, in both permits.

MC 124774 (Sub-140)X, filed April 21, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 73, 78, 81, 82, 83, 88, 91, 96, 97, 98, 100, 111F, and 127F certificates and E1 and E2 letter-notices to (1) broaden the commodity descriptions to "food and related products" from meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in Sub-Nos. 73, 78, 81, 83, 88, 91, 96, 97, 98, 100, 111, E–1 and E–2; from dairy products, in Sub-No. 82; and from canned and cooked fish, and exempt commodities when moving in mixed loads with canned and cooked fish, in Sub-No. 127F, (2) remove the "in bulk, except hides, in tank vehicles" restrictions, in all subs, and (3) broaden the territorial description from one-way authority to radial authority and replace specified plantsites and cities with city or county-wide authority: Plymouth County, IA (for Le Mars, IA), in Sub-No. 73; Seward County, KS (for Liberal, KS), in Sub-No. 78; York County, NE (for York, NE), in Sub-No. 81; Nemaha County, KS (for Sabetha, KS), in Sub-No. 82; Plymouth, Crawford, Webster, and Cerro Gordo Counties, IA (for LeMars, Denison, Fort Dodge and Mason City, IA), Lyon County, KS (for Emporia, KS), Rock County, MN (for Luverne, MN), and Dakota and Cuming Counties, NE (for Dakota City and West Point, NE), in Sub-No. 83; Madison County, NE (for Madison, NE), in Sub-No. 88; Moore County, TX (for Cactus, TX), in Sub-No. 91; Finney County, KS (for Garden City, KS), in Sub-No. 96; Mills and Marshall Counties, IA (for Glenwood and Marshalltown, IA), and Hall County, NE (for Grand Island, NE), in Sub-100; Clay County, IA (for Spencer, IA), in Sub-111 and Sagadahoe, Waldo, Hancock and Knox Counties, ME (for Bath, Belfast, Prospect Harbor, Rockland and Southwest Harbor, ME).

MC 124813 (Sub-237)X, filed May 11, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-No. 162 certificate to (1) broaden its commodity descriptions: in part (1), to "food and related products, trace minerals, and animal and poultry health aid products", from feed, feed ingredients and supplements, trace minerals, and animal and poultry health aid products (except salt and liquids in bulk); and in part (2), to "clay, concrete, glass or stone products", from lime and limestone products; and (2) remove the exception of Superior, WI, and authorize radial authority between points in WI, and, points in CO, IL, IN, IA, KS, MN, MO, NE, ND, and SD.

MC 125254 (Sub-80)X, filed May 6, 1981. Applicant: MORGAN TRUCKING CO., 1201 E. 5th Street, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 26, 49F, 60F and 77F certificates to (1) remove the in bulk restriction in all certificates; (2) eliminate the facilities limitation at Mt. Olive, in Sub-No.49F; (3) expend city to county-wide authority from Iowa City to Johnson County, IA, in Sub-No. 26; Muscatine to Muscatine County, IA, in Sub-Nos. 26 and 60F; and Mt. Olive to Macoupin County, IL, in Sub-No. 49F; (4) change one-way to radial authority between (a) Johnson and Muscatine Counties, IA, and points in WI, in Sub-No. 26; (b) Macoupin County, IL, and, points in IA and MO, in Sub-No. 49F; and (c) Muscatine County, IA, and points in the U.S., in Sub-No. 60F; and (5) remove the "originating at and destined to" restrictions in Sub-Nos. 26 and 60F, and "except AK and HI" in Sub-No. 60F.

MC 126327 (Sub-19)X, filed May 4, 1981. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Ste. 11, Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its MC–126327 Sub-Nos. 1, 5F, 9F, 11F, 12F, 13F, 14, 15F, and 16F certificates and MC–138299 Sub-Nos. 5, 8, 12F, 13F, and 16F permits to (A) broaden the commodity descriptions, in its MC–126327 certificates, to (1) "food and related products" from (a) bakery products, potato chips, corn chips, and puff chips, in Sub-No. 1, (b) bakery products, in Sub-No. 5F, and (c) foodstuffs, in Sub-No. 11F, (2) "chemicals and related products, food and related products, and machinery" from toilet preparations, health and beauty aid products, buffing, polishing and cleaning compounds, chemicals, foodstuffs, and equipment and appliances used in health and beauty care, in Sub-No. 12F, (3) "lumber and wood products" from wooden shakes, shingles, and trim, in Sub-No. 14, (4) "ores and minerals, and clay, concrete, glass, or stone products" from clay and clay products, in Sub-No. 15F, and (5) "pulp, paper, and related products, and printed matter" from (a) paper, paper products, and wood pulp, in Sub-No. 9F, (b) paper and paper products, in Sub-No. 13F, and (c) paper and paper products and materials, equipment, and supplies used in the manufacture and distribution of the named commodities, in Sub-No. 16F; (B) broaden the commodity descriptions in MC–138299 permits to (1) "such commodities as are dealt in by manufacturers of insulation and insulating products" from mineral wool and mineral wool products, insulating material, insulated air duct, and products utilized in the installation of the above-described commodities, in Sub-No. 5, (2) "such commodities as are dealt in by manufacturers of insulating, roofing, fibreboard, and fiberglass materials and products" from fiberglass materials and fiberglass products, fibrousglass, mineral wool products, fibrous glass textile materials, fibrousglass textile products and roofing materials, and fibreboard building boards, in Sub-Nos. 8 and 12F, (3) "such

V 46 / 98 MAY 21 1981 UMI

commodities as are dealt in by manufacturers of plumbing goods" from fiberglass bathtubs and shower stalls, cultured marble lavatories, bathtubs, and wall surrounds and chinaware, toilets and lavatories, in Sub-No. 13F, and, (4) "such commodities as are dealt in by manufacturers of insulation and plastic bottles" from insulation and plastic bottles, in Sub-No. 16F; (C) in its MC–126327 certificates, remove the restriction (1) prohibiting the transportation of frozen products, in Sub-Nos. 5F and 11F, (2) limiting service to the transportation of traffic originating at named facilities in Sub-Nos. 5F, 11F, 12F, and 13F, (3) except commodities (a) in bulk, in Sub-Nos. 11F, 12F, 15F and 161 and (b) frozen, in Sub-No. 11F, (D) in its MC–126327 certificates, authorize county-wide authority to replace existing city-wide service: (1) Phoenix and Tucson, AZ, to Maricopa and Pima Counties, AZ, in Sub-No. 1 (2) Buena Park, CA, to Orange County, CA, in Sub-Nos. 5F and 11F, and (3) Sparks, NV, to Washoe County, NV, and Emeryville, CA, to Alameda County, CA, in Sub-No. 12F; (E) in its MC–126327 certificates, authorize radial authority to replace existing one-way service between cities and counties in numerous western States, in Sub-Nos. 1, 5F, 12F, 14, and 15F; (F) in all its MC–138299 permits, broaden the territorial description to between points in the U.S., under continuing contract(s) with named shippers.

MC 127848 (Sub-12)X, filed May 5, 1981. Applicant: WAYNE W. SELL CORPORATION, 236 Winfield Road, Sarver, PA 16055. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from lime, lime products, limestone and limestone products to "clay, concrete, glass or stone products"; and (2) replace Leetsdale, PA, with Allegheny and Beaver Counties, PA and authorize radial operations between those counties and points in OH and WV.

MC 129572 (Sub-7)X, filed May 8, 1981. Applicant: ANDICO, INC., P.O. Box 1463, Provo, UT 84601. Representative: Irene Warr, Suite 280, Western Home Bank Bldg., 311 S State Street, Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub-No. 4F permit to (1) broaden its commodity description to "metal products", from pipe, pipe valves and fittings, beams, bar stock, sheet and plate metals (with exceptions), and equipment, materials and supplies used in the machining or installation thereof; and (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 129601 (Sub-2)X, filed May 4, 1981. Applicant: MID-OHIO VALLEY LEASING, INC. d.b.a. DOMESTIC AND INTERNATIONAL AIRFREIGHT LINES, P.O. Box 776, Washington, PA 15301. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with exception) to general commodities, except class A and B explosives; (2) remove the prior or subsequent movement by air restriction and (3) remove the airport facilities to limitations at Moon Township (Allegheny County), PA, Arlington County, Fairfax and Loudown Counties, VA, Anne Arundel County, MD, Hamilton County, OH, Boone County, KY, Franklin County, OH, and Charleston, WV, to authorize service at Pittsburgh, PA, the District of Columbia, Fairfax and Loudoun Counties, VA, Baltimore, MD, Cincinnati, Columbus, OH and Charleston, WV; and at Parkersburg, WV to authorize service at Wood County, WV.

MC 133175 (Sub-10)X, filed May 4, 1981. Applicant: METALS TRANSPORT CO., 1140 Poland Ave., Youngstown, OH 44502. Representative: James Duvall, P.O. Box 97, Dublin, OH 43017. Applicant seeks to remove restrictions in the lead and Sub-Nos. 2, 3, 6, 7 and 9 permits to (1) broaden the commodity description (a) to "such commodities as are dealt in or used by the manufacturers of metal products" from pallet racks and parts of pallet racks in Sub-Nos. 2 and 7 and from pipe and accessories for pipe in Sub-No. 9, (b) to "such commodities as are dealt in or used by manufacturers of buildings" from steel buildings, building sections, panels, materials, part and accessories in the lead and Sub-Nos. 3 and 6, and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with named shipper in the lead and all subs.

MC 134064 (Sub-51)X, filed March 27, 1981, and noticed in the FR of April 15, 1981, republished as corrected this issue. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 5, 7, 8, 10F, 12F, 16F, 17F, 19F, 21F, 22F, 23F, 24F, 25F, 28F, 31F, 36F, 37F, 38F, 43F, 44F, 45F, 46F certificates to (1) broaden the commodity description to "food and related products" from animal and poultry feed in Sub-No. 2, from salt and salt products, pepper in packages, animal and poultry minerals feed mixtures, in packages in Sub-No. 3; from prepared flour mixes, and frosting mixes in Sub-No. 5; from canned and preserved foodstuffs in Sub-No. 16F; from foodstuffs (except commodities in bulk) and confectionery products (except in bulk, and except foodstuffs) in Sub-No. 17F; from foodstuffs (except in bulk) in Sub-Nos. 21F, 24F, 36F part (2) of Sub-No. 46F and part (1) of Sub-No. 45; from frozen foods in Sub-No. 23F; from meat, meat products, meat by-products, and articles distributed by meat-packing houses (except hides and commodities in bulk) in Sub-Nos. 25F and part (1) of 46F; from canned goods, unfrozen in Sub-No. 43F; to "petroleum, natural gas and their products" from packaged petroleum products in Sub-No. 7; from petroleum and/or petroleum products, in Sub-Nos. 8, 10F, 12F, 19F and 22F; and to "chemicals and related products" from chemicals (except in bulk) in Sub-No. 37F, (2) remove the mixed loads restriction in Sub-No. 3, (3) remove the "in bulk" restrictions in Sub-Nos. 8, 10F, 12F, 17F, 19F, 21F, 22F, 24F, 25F, 28F, 31F, 36F, 37F, 38F, 44F, 45F and 46F, (4) remove the restriction to AK and HI in Sub-No. 44F, (5) remove the restrictions "in tank vehicles" in Sub-No. 19F, (6) remove the "originating at and/or destined to" restrictions in Sub-Nos. 7, 8, 12F, 17F, 19F, 23F, 24F, 25F, and 46F, (7) remove the facilities limitation: (a) in Sub-No. 5 and replace Chelsea, MI with Washtenaw County, WI, (b) in Sub-No. 10F and part (1) of Sub-No. 12 and replace St. Marys and Congo, WV with Pleasants and Hancock Counties, WV, (c) in part (2) of Sub-No. 12F and replace Buffalo, NY and Emlenton, Farmers Valley and North Warren, PA with Erie County, NY, and Venango, McKean and Warren Counties, PA, (d) in Sub-No. 16F, 19F, 21F, and 36F (e) in Sub-No. 17F and replace Burlington, WI with Racine County, WI, (f) in Sub-No. 22F and replace Bradford, PA with McKean County, PA, (g) in Sub-No. 23F and replace Wethersfield and Harford, CT with Hartford County, CT (h) in Sub-No. 24F and replace Archbold, OH with Fulton County, OH, (i) in Sub-No. 25F and replace Augusta, GA with Richmond County, GA, (j) in Sub-No. 28F and 38F and replace Bentonville, Searcy, and Ft. Smith with Benton and White Counties, AR and Ft. Smith, AR, (k) in Sub-No. 43F and replace Hoopeston and Princeville, IL and Mayville, WI with Vermilion and Peoria Counties, IL and Dodge County, WI and

(l) in Sub-No. 44F and replace Lenexa, KS and Victory Garders, NJ with Johnson County, KS and Morris County, NJ, (8) change city to county-wide authority (a) in Sub-No. 2 from Delmar, DE and Salisbury MD to Sussex County, DE and Wicomico County, MD, (b) in Sub-No. 3 from Marysville and St. Clair, MI and Rittman and Akron, OH to St. Clair County, MI and Wayne and Summit Counties, OH, (c) in Sub-No. 7 from New Kensington, PA to Westmoreland and Allegheny Counties, PA, (d) in Sub-No. 8 Jasper, TN to Marion County, TN (e) in Sub-No. 31F from Jackson, MI to Jackson County, MI, and (f) in Sub-No. 46 F Metairie, LA to Jefferson Parish, LA (9) change one-way to radial authority between (a) points in named DE and MD counties, and, points in 6 states in Sub-No. 2, (b) points in a MI county and 2 OH counties, and, points in 3 states, and points in described portions of 2 states in Sub-No. 3, (c) points in 1 WI county, and, points in 6 states in Sub-No. 5, (d) points in 1 PA county, and, points in 4 states in Sub-No. 7, (e) points in 1 TN county, and various destination states in Sub-No. 8, (f) points in 2 WV counties, and, points in 4 states in Sub-No. 10F, (g) points in 2 WV counties, and points in 2 states, and, points in 1 NY and 3 PA counties, and, points in 6 states in Sub-No. 12F, (h) points in Pittsburgh, PA commercial zone, and points in 4 states in Sub-No. 16F (i) points in Racine County, WI, and, Memphis, TN, Jacksonville, FL, and Charlotte, NC in Sub-No. 17F, (j) points in Warren County, MS, and, a described portion of the U.S., and, points in 13 states, and points in Warren County, MS in Sub-No. 19F, (k) Clifton, NJ commercial zone, and, points in 8 states in Sub-No. 21F, (l) points in McKean County, PA and, points in 6 states in Sub-No. 22F, (m) points in 1 CT county, and, points in 12 states and DC in Sub-No. 23F, (n) points in 1 OH county, and, points in 7 states in Sub-No. 24F, (o) points in 1 GA county, and, a described portion of the U.S. in Sub-No. 25F, (p) points in 9 states, and, 2 AR counties and Ft. Smith, AR commercial zone in Sub-No. 28F, (q) points in Jackson County, MI, and, points in 8 states in Sub-No. 31F (r) points in Baltimore, MD and 4 MD counties, and, points in 29 states in Sub-No. 36F (s) Cincinnati, OH, and, points in 10 states in Sub-No. 37F, (t) points in 7 states, and, 2 AR counties, and Ft. Smith, AR commercial zone in Sub-No. 38F, and (u) points in 2 IL counties and 1 WI county, and points in 11 states in Sub-No. 43F and (10) to expand its territorial authority from a restriction to traffic destined to unlocated facilities of a named shipper to a restriction to traffic originating at or destined to the facilities, in Sub-No. 45F. The purpose of this republication is to indicate the proper county expansion for Farmers Valley, PA and New Kensington, PA; to correct the scope of certain commodity expansions and to add Item (10).

MC 134601 (Sub-14)X, filed May 4, 1981. Applicant: GOOSE CREEK TRANSPORT, INC., R.D. 1, Ashville, NY 14710. Representative: Kenneth T. Johnson, Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701. Application seeks to remove restrictions from its lead and Sub-Nos. 1, 4, 8, 10 and 13 permits to (1) broaden the commodity descriptions contained in the above permits from specified meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses, (except hides and commodities in bulk, to "meats, packing-house products and commodities used by packing houses, as described in Sections A, B, C and D of Appendix I to the Report in *Description in Motor Carrier Certificates*, 61 MCC and 786"; and (2) to broaden the territorial descriptions contained in the above permits to between points in the US, under continuing contract(s) with a named shipper.

MC 141964 (Sub-1)X, filed May 8, 1981. Applicant: AMERICAN INTERSTATE MOTOR FREIGHT, Box 211, West Paterson, NJ 07425. Representative: Harold L. Reckson, 33–38 Halsey Rd., Fair Lawn, NJ 07410. Applicants seeks to remove restrictions in its lead permit to (1) broaden the commodity description to "metal products and waste or scrap materials" from metal stampings and scrap materials and materials, supplies, and equipment used in the manufacturing of metal stampings (except in bulk); and (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 143059 (Sub-176)X, filed May 7, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same as applicant). Applicant seeks to remove restrictions in Sub-No. 140F to broaden the commodity description to "metal products", from iron and steel articles.

MC 145122 (Sub-5)X, filed May 4, 1981. Applicant: SKYLAND, INC., 256 Celia Street, S.W., Wyoming MI 49508. Representative: William H. Towle, 180 North La Salle St., Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to broaden its territorial authority by replacing airports with city or county-wide authority: Detroit Metropolitan, Willow Run, and Chicago O'Hare Airports, to Wayne and Washtenaw Counties, MI, and Chicago, IL, respectively.

MC 145441 (Sub-149)X, filed April 20, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address). Applicant seeks in its Sub-No. 74F certificate, which authorizes the transportation of general commodities, with exceptions, between points in the U.S., to remove the restriction limiting transportation of traffic originating at or destined to named facilities at Houston, TX, and replace such facility limitations with county-wide authority to authorize radial service between points in Harris, Brazoria, Fort Bend, Montgomery, Chambers and Waller Counties, TX, and, points in the U.S.

MC 145559 (Sub-10)X, filed May 11, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in No. MC–145560F and Sub-Nos. 2F, 3F, 6F, 10F, 12F and 13F permits to (1) broaden its commodity descriptions: in the lead part (1), and Sub-Nos. 2F, 3F, 12F, and 13F, to "textile mill products", from bathroom rug sets, bedspreads, drapes, carpet backing, bagging, synthetic yarn, industrial fabrics, and carpeting; in Sub-No. 6F, to "textile mill products, and building materials" from carpeting and flooring; and in the lead and Sub-No. 10F, remove the commodities in bulk exceptions; and (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper, in all of the above-named permits.

MC 147386 (Sub-3)X, filed May 8, 1981. Applicant: BAER'S TRANSIT, INC., 754 Airport Road, Menasha, WI 54952. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 4F permits to (1) broaden the commodity description from (a) in Sub-No. 2F, malt beverages to "malt beverages, carbonated beverages, and materials, equipment and supplies used in the sale and distribution of such commodities," and (b) in Sub-No. 4F, wire products, fan guards, grills and bolts, to "metal products"; (2) broaden the territorial authority to between points in the U.S., under continuing contract(s) with named shippers, in both permits.

MC 148390 (Sub-6)X, filed May 12, 1981. Applicant: TRIWAYS, INC., 12302 Wardman Ave., Whittier, CA 90602. Representative: William Davidson, 5501 Pacific Blvd., Huntington Park, CA 90255. Applicant seeks to remove restrictions in its No. MC–147315 Sub-Nos. 3F and 4F permits to broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper, in both permits.

MC 148518 (Sub-5)X, filed April 23, 1980. Applicant: JUR CORPORATION, d.b.a. RAJOR, INC., P.O. Box 756, Franklin, TN 37064. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its MC–129862 Sub-Nos. 1, 2, 3, 4, 5, 11, 12, 15, 17F and 19F permits and in its MC–145392 Sub-Nos. 1F, 2F, and 3F certificates, (acquired in MC–FC–78394) to (A) in its permits, (1) broaden the commodity descriptions from (a) plumbing fixtures and supplies and air conditioning and heating units to "clay, concrete, glass, or stone products, metal products, and machinery," in Sub-Nos. 1, 4, 12, and 17F; (b) air conditioning and heating units to "metal products and machinery," in Sub-No. 19F; (c) electronic instruments and components, tables and stands for electronic instruments and components, and toys and games other than coin-operated, and equipment, materials, and supplies used in the manufacture of those commodities to "furniture and fixtures and machinery," in Sub-Nos. 2 and 15; (d) running gears, hitches, and fenders used for mobile homes, motor homes, trailers, and recreational vehicles, electric and gas refrigerators for mobile homes, motor homes, and trailers, and parts for such refrigerators, outdoor advertising metal poster panels, school furniture, lockers, portable filing cabinets, crane cabs, crane cab components, farm and construction machinery cabs and components for farm and construction machinery cabs, concrete mixers, mortar mixers, machines used for applying concrete, mortar, plaster, fireproofing, and similar materials, road rollers, saws, motors, commercial air cooling systems and their pads, and air make-up heating and cooling equipment, air coolers and air make-up heating and cooling equipment, machinery parts, fire extinguishers (charged and not charged), portable hand and wheeled, fire extinguisher compounds, brass fire hose nozzles, brass fire hose couplings, brass valves and fittings, brass castings, brass fire engine accessories and equipment, and fire hose, and components, materials, and supplies used in the manufacture, production, and assembly of the named commodities to "furniture and fixtures, metal products, machinery, transportation equipment, and miscellaneous products of manufacturing," in Sub-No. 3; (e) athletic, gymnastic, aquatic, and sporting goods, parts and accessories of the foregoing commodities, adhesives, rubber tire treads, hardware, advertising material, and materials, equipment, and supplies utilized in the manufacture, sale, and distribution of the described commodities to "printed matter, chemicals and related products, rubber and plastic products, metal products, and miscellaneous products of manufacturing," in Sub-Nos. 5 and 11; (2) remove size and weight restrictions, in Sub-Nos. 1, 4, 5, 12, and 17F; (3) remove bulk commodity restrictions in Sub-Nos. 2, 3, 4, and 5; (4) remove the foreign commerce restriction, in Sub-No. 2; and (5) broaden the territorial description to between points in the U.S., under continuing contract(s) with named shippers; and (B) in its certificates (1) broaden the commodity descriptions from (a) plastic pipe fittings, plastic connectors, and plastic valves to "rubber and plastic products," in Sub-No. 1F; and, (b) fireplaces and chimneys to "metal products," in Sub-Nos. 2F and 3F; (2) authorize county-wide authority to replace existing city-wide service: (a) Sun Valley, Santa Ana, and Bakersfield, CA, and Cleveland, OH, to Los Angeles, Orange, and Kern Counties, CA, and Cuyahoga County, OH, respectively, in Sub-No. 1F; (b) Lynwood, CA, to Los Angeles County, CA, in Sub-No. 2F, and (c) Louisville, KY, to Jefferson County, KY, in Sub-No. 3F; and (3) broaden the territorial description to authorize radial authority to replace existing one-way service between specified points in the U.S. and counties in (a) CA and OH, in Sub-No. 1F, (b) CA, in Sub-No. 2F, and (c) KY, in Sub-No. 3F.

MC 149351 (Sub-4)X, filed May 11, 1981. Applicant: HEYMAN TRUCKING, INC., Box 97, 212 Mulberry St., Stephens City, VA 22655. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) broaden its commodity description from plastic articles, to "rubber and plastic products"; and (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 152231 (Sub-3)X, filed May 8, 1981. Applicant: EME TRANSPORT CORP., 275 Westervelt Ave., Hawthorne, NJ 07506. Representative: Harold L. Reckson, 3328 Halsey Rd., Fair Lawn, NJ 07410. Applicant seeks to remove restrictions in its lead certificate to broaden the commodity description from paperboard to "pulp, paper and related products" in part (1) and from paper, paper products, and magnetic tape and materials, equipment and supplies to "pulp, paper and related products, machinery and materials, equipment and supplies" in part (2).

[FR Doc. 81-15194 Filed 5-20-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP2-063]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 12, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days

from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

MC 151162 (Sub-6), filed January 12, 1981. Applicant: LOWELL E. CAWOOD, d.b.a., L. E. CAWOOD PRODUCE, P.O. Box 83, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *food and related products*, between points in Washington County, AR, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81-15196 Filed 5-20-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions, Volume No. OP1-147 Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI-147

Decided: May 15, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 155820, filed May 7, 1981. Applicant: D. J. POWERS CO., INC., 23 East Bay St., Savannah, GA 31402. Representative: Richard E. Carter (same address as applicant), (912) 234-7241. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY-2-076

Decided: May 14, 1981.

By the Commission, Review Board No. 1 Members Parker, Chandler and Fortier.

MC 155602, filed April 28, 1981. Applicant: Winkel Wheels, Inc., 1585 Holcomb Bridge Road, Roswell, GA 30076. Representative: J. L. Fant, P.O. Box 577, Jonesboro, Ga 30237, 404-477-1525. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15197 Filed 5-20-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 5.21.1; Also filed as Redelegation Nos. 23.6.1, 26.2.1, 38.19.1, 40.11.1, 41.5.1, 75.3.1, 99.15.1, and 100.4.1]

Redelegation of Authority to Director, Office of Development Resources, Bureau for Latin America and the Caribbean

I. Pursuant to the authorities delegated to me as Acting Assistant Administrator for Latin America and the Caribbean, I hereby redelegate to the Director, Office of Development Resources, Bureau for Latin America and the Caribbean, with respect to Regional projects in the Latin American and the Caribbean region, the following authorities.

A. Implementing Authorities

Authority to implement, in accordance with the terms of the authorization thereof and in accordance with the applicable statutes and regulations, all loan, grant and guaranty agreements, and amendments thereto, whether heretofore or hereafter authorized, including authority:

1. To sign Project Implementation Orders (PIO's);

2. To approve contractors, review and approve all borrower/grantee contracts financed in whole or in part by an AID loan or grant and review and approve requests for proposals and invitations for bids with respect to such contracts;

3. To prepare, sign and deliver Project Implementation Letters; and

4. To review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent under such loan, grant or guaranty agreements.

B. Extension of Terminal Dates

In accordance with AIDTO Circular A–24, dated December 16, 1977, and any amendments thereto, authority to extend:

1. The terminal date for meeting initial conditions precedent for a cumulative period of not to exceed six months;

2. The terminal date for requesting disbursement authorizations for a cumulative period of not to exceed one year; and

3. The terminal date for completion of performing services and furnishing goods (PACD) for a cumulative period of not to exceed one year.

II. The authorities hereby redelegated may not be further redelegated, but may be exercised by persons who are performing the functions of the Director, Office of Development Resources, Bureau for Latin America and the Caribbean, in an "acting" capacity.

III. Actions within the scope of this redelegation heretofore taken by the Director, Office of Development Resources, Bureau for Latin America and the Caribbean, are hereby ratified and confirmed.

IV. This redelegation of authority is effective immediately.

Dated: February 17, 1981.

Edward W. Coy,

Acting Assistant Administrator, Bureau for Latin America and the Caribbean.

[FR Doc. 81–15229 Filed 5–20–81; 8:45 am]

BILLING CODE 4710–02–M

[Redelegation of Authority No. 5.21 Rev.; Also filed as Redelegation Nos. 23.6, 26.2, 38.19, 40.11, 41.5, 75.3, 99.15, and 100.4]

Redelegation of Authorities to the Field Latin America and the Caribbean Region

Section I. Definition

AID Missions

AID Missions subject to this redelegation of authorities shall be the AID Missions to Bolivia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Nicaragua, Panama, Paraguay and Peru, and the Regional Office for Central American Programs (ROCAP) and the Regional Development Office for the Caribbean (RDO/C).

Section II. Authorities

A. Implementing Authorities

Authority to negotiate, execute, and implement, in accordance with the terms of the authorization thereof and in accordance with applicable statutes and regulations, loan, grant and guaranty agreements, and amendments thereto, to their respective countries or regions, whether heretofore or hereafter authorized, including, but not limited to, authority:

1. To sign project grant agreements with foreign governments, foreign government agencies, and international organizations having a membership consisting primarily of such foreign governments; and to sign all project loan and guaranty agreements and trust fund agreements;

2. To sign Project Implementation Orders (PIO's or PIPA's);

3. To approve contractors, review and approve all borrower/grantee contracts financed in whole or in part by an AID loan or grant and review and approve requests for proposals and invitations for bids with respect to such contracts;

4. To prepare, negotiate, sign and deliver Project Implementation Letters; and

5. To review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent under such loan, grant or guaranty agreements.

(See Delegation Nos. 5, 38)

B. Waiver Authorities for Source, Origin and Nationality

1. *Normal Procurement.* Authority to waive, in accordance with the applicable statutes and regulations, including the terms of Delegation of Authority No. 40 (AID Handbook 5) and the criteria prescribed by Supplement B of AID Handbook 1:

(a) *Selected Free World.* U.S. source, origin or nationality requirements, to permit procurement of goods and services, other than transportation services, in countries included in AID Geographic Code 941 (Selected Free World) and the cooperating country, when the cost of goods and services does not exceed $50,000 (exclusive of transportation costs) of funds made available under the Foreign Assistance Act of 1961, as amended (the "Act"); *Provided, however,* that any waiver of the United States source and origin requirements for motor vehicle procurement shall not exceed $25,000 for any one transaction; and

(b) *Free World.* U.S. or AID Geographic Code 941 source, origin or nationality requirements, to permit procurement of goods and services, other than transportation services, in any country included in AID Geographic Code 899 (Free World), when the cost of goods and services does not exceed $50,000 (exclusive of transportation costs) of funds made available under the Act: *Provided, however,* That any waiver of the United States source and origin requirements for motor vehicle procurement shall not exceed $25,000 for any one transaction; provided, however, that each waiver hereunder shall contain the appropriate certification, as set forth in Delegation of Authority No. 40.

2. *Emergency Procurement.* Authority to approve waivers of source, origin and nationality requirements in accordance with applicable statutes and regulations, in situations involving emergency or disaster relief, for procurement not in excess of $100,000 per transaction, from countries included in AID Geographic Code 941 and 899.

(See Delegation No. 40)

C. Excess Property

In accordance with the provisions of Section 607 of the Act and of AID Handbook 16, and subsequent to my authorizing such assistance, authority to execute transfer or transfer/trust agreements with friendly countries or with international organizations having a membership primarily of foreign governments.

(See Delegation No. 41).

D. Special Development Activities

Authority to use a total of $50,000 annually in Development Grant funds for Special Development Activities undertaken pursuant to the provisions of AID Manual Order 1323.1.1 or such other amount as may be authorized by AID/W.

E. Extension of Terminal Dates

In accordance with AIDTO Circular A-24, dated December 16, 1977, and any amendments thereto, authority to extend:

1. The terminal date for meeting initial conditions precedent for a cumulative period of not to exceed six months;

2. The terminal date for requesting disbursement authorizations for a cumulative period of not to exceed one year; and

3. The terminal date for completion of performing services and furnishing goods (PACD) for a cumulative period of not to exceed one year;

Provided, however, That this authority shall be exercised in writing, including a justification therefor, and a copy shall be forwarded to the Director, LAC/DR.

F. Project Approval and Host Country Assurances of Counterpart Contributions

Authority to approve projects, including operational program grants to private voluntary organizations; *Provided,* That the life-of-project funding does not exceed $500,000, and the authority to receive and determine the adequacy of assurances with respect to counterpart contributions for such projects required under Section 110(a) of the Act.

See State 141397 (1977) and State 241711 (1977)]

G. Waiver Authorities for Competition

Authority to waive, in accordance with the terms and provisions of chapter 12C4c of Supplement B of AID Handbook 1, competition in the procurement of goods and services and to authorize a single-source negotiated contract; *Provided,* That the estimated procurement does not exceed $100,000 for services or $25,000 (exclusive of transportation) for commodities.

Section III. Redelegation of Authorities

Pursuant to the authorities delegated to me as Acting Assistant Administrator for Latin America and the Caribbean, I hereby delegate all of the authorities set forth in Section II hereof, retaining for myself concurrent authority to exercise any of the functions herein redelegated, to the Director of each Mission included in Section I.

Section IV. Miscellaneous

A. The authorities redelegated pursuant to Section III hereof shall be exercised after consultation with a Regional Legal Advisor or GC/LAC, as appropriate, and any other appropriate support office (e.g., Contract Management, Commodity Management).

B. The authorities redelegated pursuant to Section III hereof (other than those set for in Section II.G) may, in the descretion of the Mission Director, be further redelegated to one additional officer or may be exercised by the person acting in the capacity of the Mission Director while the latter is out of the country (with my prior approval).

C. This redelegation of authorities shall become effective on the date of my execution of this document and shall supersede on that date all delegations of authority previously issued to the affected AID Missions by the Assistant Administrator for Latin America and the Caribbean and/or the Deputy U.S. Coordinator of the Alliance for Progress; *Provided, however,* That all actions taken under the delegations of authority which are hereby superseded shall remain valid and are hereby reaffirmed.

Dated: April 21, 1981.

Edward W. Coz,

Acting Assistant Administrator, Bureau for Latin America and the Caribbean.

[FR Doc. 81-15230 Filed 5-20-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Notice of Solicitation; Preliminary Proposals

The National Institute of Justice is attempting to expand its research interests in the law enforcement area beyond its traditional concern for the operational efficiency of police agencies by including and emphasizing the issue of the effectiveness (quality) of the police response to the range of problems that constitute their responsibility. An emphasis on the effectiveness of the police response reflects the Institute's perception of a growing concern among observers of the police field that if departments are to realize the greatest return on the investments already expended in improving general efficiency, they must concentrate on attaining the most appropriate end results in the incidents handled by their officers on the street.

Although there has been little effort to document and analyze the expertise and procedures of individual patrol officers, these matters are of critical importance to the issue of police effectiveness. The quality of police service ultimately depends upon dthe manner in which it is delivered, and the delivery of this service is the main responsibility of the routine patrol officer. The solicitation is based on the assumption that the traditional circumstances in which an individual officer works fosters much in the way of expertise and techniques for handling substantive problems that are worth both formalization and transfer to other officers and departments. Consequently, our intention is to undertake an effort to document and systematically assess the techniques and knowledge routinely used by patrol officers.

This competitive solicitation entitled "Police Effectiveness as a Function of Individual Officer Activity" asks for the submission of preliminary proposals rather than concept papers or full proposals. Formal proposals will be requested following a peer review process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than July 3, 1981. The award of 3 to 5 grants is planned for August 1981 with funding support for each not to exceed $100,000 and a grant period of 18 months in duration.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, "Police Effectiveness as a Function of Individual Officer Activity", National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Further information regarding the solicitation can be obtained by contacting William E. Saulsbury or Joseph Kochanski, Office of Research Programs, National Institute of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531 (301/492-9110).

Dated: May 8, 1981.

Harry M. Bratt,

Acting Director, NIJ.

[FR Doc. 81-15285 Filed 5-20-81; 8:45 am]

BILLING CODE 4410-18-M

LEGAL SERVICES CORPORATION

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Puerto Rico Legal Services, Inc., in Santurce, Puerto Rico, to serve the Municipality of San Juan.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, New York Regional Office, 120 Broadway, Suite 1034, New York, N.Y. 10005.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 81-15125 Filed 5-20-81; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . .".

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

San Juan Community Law Office in Santurce, Puerto Rico, to serve the Municipality of San Juan.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, New York Regional Office, 120 Broadway, Suite 1034, New York, N.Y. 10005.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 81-15126 Filed 5-20-81; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-21]

Reports, Recommendations, Responses; Availability

• *Aircraft Accident Reports—Brief Format, U.S. Civil Aviation, Issue No. 13, 1979 Accidents (NTSB-BA-81-1).*

• *Marine Accident Report—U.S. Tankship S/S Texaco North Dakota and Artificial Island EI-361-A, Collision and Fire, Gulf of Mexico, August 21, 1980 (NTSB-MAR-81-4).*—As a result of its investigation, the Board on April 22 recommended that—

U.S. Coast Guard: Include in Local Notices to Mariners information about when construction of an offshore structure is first started, before its aids to navigation are placed in operation, so that mariners are made aware of an obstruction to navigation as early as possible. (M-81-27)

Amend 46 CFR 97.05, Notice to Mariners and Aids to Navigation, to include a requirement that masters of vessels ensure that Local Notices to Mariners are obtained from the appropriate Coast Guard District Office in their trading areas and are given the same priority as Weekly Notices to Mariners in the requirement for licensed deck officers to acquaint themselves with the latest marine information available to correct charts and publications promptly. (M-81-28)

Amend 33 CFR Part 67, Aids to Navigation on Artificial Islands and Fixed Structures, to include a requirement that radar reflectors be included in the aids to navigation requirements for offshore structures during the periods of construction when the structure presents a low profile and attending vessels are not present. (M-81-29)

Defense Mapping Agency: Include in the regularly published Weekly Notices to Mariners a cautionary note to those mariners who frequently transit the area of offshore structures to consult the Local Notices to Mariners for the most current information on structures and aids established, changed, or discontinued. (M-81-30)

Marine Department, Texaco, Inc., Port Arthur, Texas: Provide masters of vessels or their assigned representatives with logistic support to enable them to secure from the closest U.S. Customs House or Coast Guard Office the latest available Local and Weekly Notices to Mariners that a vessel may not have received by regular mail before the vessel sail from any U.S. port. (M-81-31)

• *Safety Recommendation Letters to the Federal Aviation Administration—*

A-81-49 through-53; A-75-64 reiterated (May 7): Require that a placard be installed in all Beech Baron/Travel Air Aircraft warning of the dangers of and prohibiting intentional single-engine stalls. (A-81-49)

Amend 14 CFR 23.205, "Critical Engine Inoperative Stalls," to make the test requirements more rigorous with regard to the potential detection of an airplane's propensity to display any undue spinning tendency. (A-81-50)

Require Beech Aircraft Corporation to disseminate information relating to Beech Baron/Travel Air single-engine stall speeds, including graphical or other information showing the operational conditions and limits wherein flight at the published value of V_{mc} is not possible. (A-81-51)

Convene a special certification review team to explore and evaluate the relative margins of safety of the Beech Baron in low-speed, high-power, single-engine operations for all conditions which may be realistically anticipated in a multiengine, pilot-training environment. (A-81-52)

Require that all Beech Baron/Travel Air aircraft be retrofitted with aerodynamic air flow kits or components designed to alleviate their hazardous single-engine stall characteristics. Relative to the retrofit, Beech Aircraft's stall research program should provide for prompt development of appropriate hardware, rigging of controls, and/or other necessary modifications. (A-81-53)

Issue an Advisory Circular dealing solely with simulated and actual engine-out emergencies in typical high performance, multiengine general aviation airplanes. (A-75-64)

A-81-54 through -56 (May 8): Revise Airworthiness Directive 78-25-05, Brackett Specialties Company, to include all aircraft listed in Brackett Aircraft Company, Inc., Service Bulletin Nos. 3 and 4. (A-81-54)

Issue an Airworthiness Directive which would require compliance with Brackett Aircraft Company, Inc., Service Bulleting No. 5, dated July 28, 1980. (A-81-55)

Issue a General Aviation Airworthiness Alert to inform all users of Brackett Aircraft Company, Inc., air filter assemblies of the requirements of AD 78-25-05, Brackett Specialities Company, as amended, and of the need to comply with Brackett Aircraft Company, Inc., Service Bulletin Nos. 3, 4, and 5. (A-81-56)

A-81-57 and -58 (May 13): Amend 14 CFR 121.343 to allow use of digital flight data recorders (DFDR) which employ some form of data compression if the manufacturer can demonstrate during aircraft certification that upon recorder readout the required parameters can be reconstructed to the accuracy and ranges specified in Part 121, appendix B, and that the recorded data are adequate for accident investigation purposes. (A-81-57).

Amend column 4, "Recording Interval Maximum (Seconds)," appendix B, 14 CFR Part 121 so that it applies to: (1) the *recording* interval of continuously recording machines, such as the currently used magnetic tape digital flight data recorder and (2) the *data sampling* intervals of DFDR's employing data compression. (A-81-58)

Each of the above-noted recommendations is designated "Class II, Priority Action."

• *Responses to Safety Recommendations—*

A-81-23, from the Federal Aviation Administration (May 1).—FAA and National Weather Service will meet soon to determine "official" status, future role of Center Weather Advisories in aviation weather and will publish procedures in air traffic directives. (Ref. 46 FR 16366, Mar. 12, 1981.)

P-80-1, from the American Gas Association (May 7).—AGA has distributed to Member Company Delegates copies of Safety Board letter of May 1, 1981, concerning adequacy of original burial depths of pipelines. (Board advised that this recommendation to AGA would be closed upon receipt of notification of final mailing.) (Ref. 45 FR 41555, June 19, 1980.)

R-80-36, from the Federal Railroad Administration (May 6).—Cost of installation and maintenance of mechanism in automatic block system to indicate bridge displacement

would far outweigh benefits. (Ref. 45 FR 63583, Sept. 25, 1980.)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

[FR Doc. 81-15151 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on June 4–6, 1981, in Room 1046, 1717 H Street, NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on May 20, 1981.

The agenda for the subject meeting will be as follows:

Thursday, June 4, 1981

8:30 a.m.–8:45 a.m.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

8:45 a.m.–12:00 Noon: Nuclear Power Plant Siting Criteria (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding proposed changes in NRC criteria for the citing of nuclear power plants. The Committee will also meet with and discuss these proposed criteria with members of the NRC Staff and representatives of the nuclear industry who may be present.

1:00 p.m.–3:30 p.m.: Consideration of Class-9 Accidents (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding activities related to proposed NRC rulemaking to consider degraded core conditions and Class-9 accidents in the design and operation of nuclear power plants. The Committee will also meet with and discuss related activities with members of the NRC Staff and representatives of the nuclear industry who may be present.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter and to discuss information which is to be involved in an adjudicatory proceeding.

3:30 p.m.–4:15 p.m: Standardization of Nuclear Power Plant Design (Open)—The Committee will hear a report from representatives of the Office of Technology Assessment regarding the benefits and disadvantages of nuclear power plant standardization.

4:15 p.m.–5:30 p.m. Integrity of Primary Cooling System Piping (Open)—The Committee will hear and discuss a report from members of the NRC Staff regarding proposed changes in regulatory criteria regarding the nature of primary system pipe failures.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

5:30 p.m.–6:30 p.m.: ACRS Comments Regarding NRC Safety Research Program (Open)—The Committee members will discuss a proposed reply to questions from Senator Alan K. Simpson, Chairman, U.S. Senate Subcommittee on Nuclear Regulation regarding the NRC Safety Research Program.

Friday, June 5, 1981

8:30 a.m.–12:30 p.m.: NRC Safety Research Program Budget (Open)—The Committee will hear and discuss the reports of designated Subcommittees and related comments from members of the NRC Staff who may be present in connection with preparation of its report to the NRC regarding the proposed NRC Safety Research Program budget for Fiscal Year 1983.

Portions of this session will be closed as necessary to discuss information the premature disclosure of which is likely to significantly frustrate the Committee in its statutory function.

1:30 p.m.–2:30 p.m.: Department of Energy Nuclear Reactors (Open)—The Committee will hear and discuss a report from representatives of the Department of Energy regarding A Safety Assessment of Department of Energy Nuclear Reactors (DOE/US–0005, dated March 1981).

2:30 p.m.–3:00 p.m.: ACRS Discussion (Open)—The Committee will discuss items related to nuclear plant safety and regulation in preparation for its meeting with the NRC Chairman and other Commissioners who may be present.

3:00 p.m.–4:00 p.m.: Meeting with NRC Chairman and Other Commissioners (Open)—The Committee will meet with the NRC Chairman and other Commissioners who may have an interest to discuss items noted above.

4:00 p.m.–5:00 p.m.: Integrity of Reactor Pressure Vessels and Other Components (Open)—The Committee will hear and discuss a report from its Subcommittee and consultants who may be present regarding the characteristics of bolting and foundation materials in nuclear power plants and the integrity of reactor pressure vessels during rapid cooling transients. The Committee will also hear and discuss a report from members of the NRC Staff regarding the probability and consequences of rapid temperature reduction in reactor pressure vessels which result from overcooling transients.

5:00 p.m.–5:15 p.m.: Future Schedule (Open)—The Committee will discuss anticipated activities for ACRS Subcommittee and full committee meetings.

5:15 p.m.–6:00 p.m.: Siting of Nuclear Facilities (Open)—The members will discuss a proposed Committee report and/or comments to the NRC regarding proposed changes in the NRC criteria for siting of nuclear power plants.

6:00 p.m.–6:30 p.m.: Appointment of New ACRS Members (Closed)—The Committee will discuss the qualifications of candidates recommended for appointment to the Committee. Arrangements for the appointment of members will also be discussed.

This session will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Saturday, June 6, 1981

8:30 a.m.–11:30 a.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will discuss proposed reports to the NRC regarding items discussed during this meeting and will complete its reply to questions from the U.S. Senate Subcommittee on Nuclear Regulation regarding the NRC Safety Research Program.

11:30 a.m.–12:30 p.m.: Concluding Session (Open/Closed)—The Committee will discuss proposed comments and/or other action regarding items considered during this meeting including primary system piping and reactor pressure vessel integrity, proposed criteria regarding degraded core conditions and Class-9 accidents and the characteristics of safety related bolting and foundation materials.

The Committee will also her and discuss the reports of ACRS Subcommittees regarding safety related items including discussion with the Advisory Committee on Radiological Protection of Canada and review of

selected nuclear power plant instrumentation.

Portions of the sessions noted above will be closed as necessary to discuss Proprietary Information relating to the matters being discussed, information the premature release of which is likely to significantly frustrate the Committee in its statutory function, and information which will be involved in an adjudicatory proceeding.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)), information of a personal nature where disclosure would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6), information the premature release of which is likely to significantly frustrate the Committee in its statutory function (5 U.S.C. 552b(c)(9)), and information which will be involved in an adjudicatory proceeding (5 U.S.C. 552b(c)(7)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained bvy a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. EDT.

Dated: May 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-15187 Filed 5-20-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

May 18, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether Section 3504(h) of Pub. L. 96–511 applies;
the name and telephone number of the person or office responsible for OMB review; and
an abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Agricultural Stabilization and Conservation Service
Questionnaire on Use of Maleic Hydrazide (MH)
Nonrecurring
Farms
Flue-cured tobacco producers
SIC: 013
Farm Income Stabilization, 78,000 responses, $64,000 Federal cost, 1 form; not applicable under 3504(H)
Charles A. Ellett, 202–395–7340

All flue-cured tobacco producers upon written request may voluntarily furnish the Secretary of Agriculture a report of the use of the plant growth inhibitor maleic hydrazide (MH–30). The Secretary has directed the survey because of the concern over the possible loss of important U.S. tobacco markets. See attached news release.

• Agricultural Cooperatives Service
Agricultural Exporters by Cooperatives, 1980
Nonrecurring
Businesses or other institutions
Farmer-owned agricultural cooperatives
SIC: 011 013 016
Small businesses or organizations
Agricultural research and services, 85 responses, 21 hours; $18,000 Federal cost, 1 form; not applicable under 3504 (H)
Charles A. Ellett, 202–395–7340

The data generated in this survey will continue a time-series data base that will be used by cooperative leaders, government decisionmakers and researchers to develop programs, policies and projects that will improve the export capabilities of U.S. cooperatives

• Forest Service
Pine Reforestation Study
Nonrecurring
Individuals or households
South. Pr. for. Landown. Who have har. timber in past 10 yrs
Conservation and land management, 1,300 responses, 650 hours; $185,000 Federal cost, 1 form; not applicable under 3504(H)
Charles A. Ellett, 202–395–7340

To meet projected demands for timber in the U.S. timber supplied from nonindustrial private lands in the South must be increased. However, less than one-third of this land being harvested is adequately being reforested. The goal of this survey is to determine why two-thirds of the nonindustrial private lands in the South are not being reforested and what methods can be used to stimulate reforestation investments.

• Animal and Plant Health Inspection Service
Viruses-Serums-Toxins Regulations—Recordkeeping
On occasion
Businesses or other institutions
Producers of veterinary biological products
SIC: 283
Agricultural research and services, 853 responses, 414 hours, 1 form; not applicable under 3504(H)
Charles A. Ellett, 202–395–7340

Producersof veterinary biological products are required to maintain records so that biologics inspectors will be able to document company testing and production procedures. This is necessarly to assure that products being marketed are pure, safe, potent and efficacious.

• Animal and Plant Health Inspection Service
Daily Log for Birds—Quarantine Facility—recordkeeping
VS 17–12
On occasion
Businesses or other institutions
Commercial bird quarantine facility
SIC: 075
Small businesses or organizations
Agricultural research and services, 750 responses, 120 hours; 1 form; not applicable under 3504(H)
Charles A. Ellett, 202–395–7340

The records lists all daaths that occur within the quarantine period on a daily basis as well as any visible conditions not normal. An exact accountability is required for each quarantine lot.

Reinstatements

• Food Safety and Quality Service
Regulations Governing the Inspection of Eggs and Egg Products
PY 155 & PY 222
On occasion
Businesses or other institutions
Egg products processors, shell egg handlers
SIC: 964,201
Consumer and occupational health and safety, 56,292 responses, 4,843 hours; $18,550 Federal cost, 2 forms; not applicable under 3504 (H)
Charles A. Ellett, 202–395–7340

These regulations provide for inspection services pursuant to the Egg Products Inspection Act. Eggs and egg products shall be inspected in accordance with the standards, methods, and instructions issued or approved by the administration of FSQS.

DEPARTMENT OF COMMERCE

Agency clearance officer—Edward Michals—202–377–3627

New

• National Oceanic and Atmospheric Administration
Incidental taking of Marine Mammals in the Japan High Seas Salmon Fishery
Other—see SF83
Businesses or other institutions
Applies exclusively to a single foreign (Japanese) Fishing
Other advancement and regulation of commerce, 23,856 responses, 5,964 hours; 4 forms; not applicable under 3504 (H)
William T. Adams, 202–395–4814

The Marine Mammal Protection Act mandates that incidental taking of marine mammals during commercial fishing operations be reduced to insignificant levels approaching a zero mortality rate. In order to reduce this taking, NMFS must (1) assess how many mammals are taken annually, and (2) through research find methods to reduce this taking. Therefore, regulations were promulgated requiring certificated fishermen to report all takings as condition of permit.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

Extensions (Burden Change)

• Departmental and Others
Parents Dependency Affidavit
DD137–3
Annually
Individuals or households
Dependent parents of service members
Department of Defense—Military, 16,000 responses, 24,000 hours; 1 form; not applicable under 3504 (H)
Kenneth B. Allen, 202–395–3785

In compliance with Dependence Act of 1950, financial information is needed to screen applicants for dependent assistance. If the applicant meets the requirement of the act, assistance is provided.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Postsecondary Education
Call Report—Lender's Annual Report on Guaranteed Student Loans and Parent Loans for undergraduate Students
Outstanding—Pub. L. 329
ED 799–1
Annually
Businesses or other institutions

Instit. of higher ed., prof. schools, banks, trust companies
SIC: 822, 601, 602, 603, 604, 605
Small Businesses or organizations
Higher education, 12,000 responses, 24,000 hours; $20,000 Federal cost, 1 form; not applicable under 3504 (H)
Federal Education Data Acquistion Council, 202-426-5030

This form is completed by the lender and provides the GSLB updated information of the lender loan portfolio. It is also used to determine the amount that the lender can bill for interest in the next quarter.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

• National Institutes of Health
Document Delivery Data Collection Form
Semiannually
State or local governments/businesses or other institutions
Medical librarians in academic medical schools throughout
SIC: 822,823
Health, 220 responses, 1,000 Hours; $350 Federal cost, 1 form; not applicable under 3504 (H)
Gwendolyn PLA, 202-395-6880

The Regional Medical Library (RML) network is composed of eleven regional libraries and 100 resource libraries which cooperate to provide requested interlibrary loans to health science professionals.

These libraries will be required to report information on their ability and effectiveness in providing this service through the RML network.

• National Institutes of Health
Cost of Cancer Care Experiment 4
Nonrecurring
Businesses or other institutions
Medical providers in Illinois who provided care to the
SIC: 801, 802, 803, 804, 805, 806, 807, 808
Small businesses or organizations
Health, 1,000 responses, 387 hours; $175.00 Federal cost, 11 forms; not applicable under 3504 (H)
Gwendolyn PLA, 202-395-6880

The methodology developed from this pilot study will be used in a national cost of cancer care survey. National estimates of cancer incidence and prevalence will be obtained, as well as estimates of medical expeditures for cancer which will be used for program planning and evaluation.

Social Security Adminstration
Notice Requesting Employer Identification Number and Name Of Entity
SSA-4381 (3-81)
On occasion
State or local governments
State and local governmental entities
SIC: 944
General retirement and disability insurance , 80,000 responses, 4,000 hours; $49,000 Federal cost, 1 form; not applicable under 3504 (H)
Barbara F. Young, 202-395-6880

To create a file of cross-reference Federal EIN's and Governmental State and Local "69" numbers. File to be used to eliminate duplicate postings to the earnings records.

Extensions (No Change)

• Health Care Financing Administration
Survey of Municipal Hospital Billing Forms
HCFA 127 & 127A
On occasion
State or local governments
Mun. hlth. clin. in San Jose, Balt., St. Louis, Cin. & Mil.
Sic: 808
Small businesses or organizations
Health 75,000 responses, 37,500 hours; $81,900 Federal cost, 2 forms; not applicable under 3504(H)
Richard Eisinger, 202-395-6880

Because th MHSP demonstration will focus on the delivery of primary care prevention services in ambulatory clinic settings, decrease in the total cost and utilization of expensive inpatient and emergency room services is anticipated. The billing forms are needed to permit the cities to receive correct and timely reimbursements for services provided to medicare beneficiaries.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184

New

• Policy Development and Research
Interview Guides for Evaluation of the Section 8 Neigborhood Strategy Area (NSA) Demonstration
Nonrecurring
State or local governments/businesses or other institutions
Local NSA Staff, State and Fed. officials, developers, lenders
Sic: Multiple
Small businesses or organizations
Community development 225 responses, 150 hours; $136,745 Federal cost, 1 form; not applicable under 3504(H)
Richard Sheppard, 202-395-6880

Interview guides will be used to elicit information from individuals in local, State, and Federal agencies who have been involved with the program in 30 neighborhoods in 20 cities. These guides will enable HUD to collect detailed data on how the participating cities administer a housing and community development program under the automony provided by NSA.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

Extensions (Burden Change)

• United States Fish and Wildlife Service
Bird Banding Schedule
3-860
Monthly
Annually
Individuals or households/State or local governments
Bird banding schedule
Recreational resources 33,000 reponses, 6,600 hours; $13,000 Federal cost, 1 form; not applicable under 3504(H)
Constance Buckley, 202-395-7340

Form 3-860 is used by licensed bird banders to record specific information on the use of each fish and wildlife service band once it has been placed on a bird and the bird released into the wild again.

The information collected is used by Federal, State and private conservation organizations and the Canadian Wildlife Services for the proper management of migratory birds in North America.

Extensions (No Change)

• United States Fish and Wildlife Service
Notice of Transfer or Sale of Migratory Waterfowl
3-186
On occasion
Individuals or households
Migratory Waterfowl propagators and some aviculturists
Recreational resources 20,000 responses, 1,600 hours; $8,000 Federal cost, 1 form; not applicable under 3504(H)
Constance Buckley, 202-395-7340

Migratory Bird Treaty Act regulations provide for a waterfowl sale and disposal permit. Permittees complete this form at the time of sale. Original goes to buyer. Information on this form enables service agents to determine original of waterfowl bought and sold. This prevents illegal trapping and selling of wild waterfowl.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

Revisions

• Bureau of Labor Statistics

Local Area Unemployment Statistics Reports 6–12
LAUS 6–12
Nonrecurring
On occasion
Monthly
Annually
State or local governments
State employment security agencies
Sic: 944
Small businesses or organizations
Other labor services, 1,895 responses, 7,178 hours; $599,918 Federal cost, 7 forms; not applicable under 350(H)

Office of Federal Statistical Policy and Standard, 202–673–7974. These reports provide essential technical management information regarding (1) quality, consistency, and conformance to BLS standards of the data and procedures used in LAUS estimation, and (2) proposed contractual research in LAUS estimation and UI data analysis.

• Bureau of Labor Statistics
Manual for Developing Local Area Unemployment, BLS 3040
LAUS 1–5 BLS 3040
Monthly, annually
State or local governments
State employment security agencies
Sic: 944
Other labor services, 72,000 responses, 144,000 hours; $4,932,980 Federal cost, 5 forms; not applicable under 3504(H)

Office of Federal Statistical Policy and Standard, 202–673–7974. The manual provides the theoretical basis and essential technical instructions and guidance (including the estimating worksheet) which States require to prepare State and area unemployment estimates, while the documents, LAUS 1–5, are selected estimating worksheets and vehicles for transmitting estimates to BLS.

Extensions (Burden Change)

• Bureau of Labor Statistics
Employment Cost Index BLS 3038A–E
Quarterly
Businesses or other institutions/State or local governments
Pr. nonfarm est. exl. pr. hhlds., State and local governments
Sic: multiple
Small businesses or organizations
Other labor services, 10,432 responses, 10,282 hours; $2,689,300 Federal cost, 5 forms; not applicable under 3504(H)

Office of Federal Statistical Policy and Standard, 202–673–7974. The employment cost index is the only comprehensive and timely measure of changes in the rate of employee compensation. The survey's uses include analysis by both the private and public sector of trends in employee compensation, which is a major component of the U.S. economy.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Coast Guard
Crane Equipment and Operating Recordkeeping Requirements
On occasion, monthly, semiannually, annually
Businesses or other institutions
Operating fac. w/cranes on the outer cont. shelf, and others
Sic: 132 138
Water transportation, 16,600 responses, 4,150 hours; $1,245 Federal cost, 830 forms; not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

Information requirements serve as a source for verification of plans approvals, maintenance, inspections, testing, and operator qualification programs for cranes on outer continental shelf, mobile offshore drilling units and a few industrial vessels. This information is needed to prove suitability of equipment for use, and to assure safe operation through designation of trained personnel.

• Federal Highway Administration
Records of Violations (ICB 306) and Annual Review of Driving Record (ICB 3–5)
Annually
Individuals or households/businesses or other institutions
Drivers and motor carriers operating in interstate commerce
Sic: 962
Small businesses or organizations
Ground transportation, 1,179,360 responses, 117,936 hours, 1 form; not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

Drivers must furnish carriers a list of violations of traffic laws of which the driver was convicted (49 CFR 391.27). Carriers require to review driving record (49 CFR 391.25). Federal Highway Administration uses information to determine if driver is qualified to drive interstate or foreign commerce under 49 CFR 391.15.

• National Highway Traffic Safety Administration
Brake Hose Manufacturing Identification Standard 106
On occasion
Businesses or other institutions
Manufacturers of brake hose and brake hose assemblers
Sic: 304 306 371
Small businesses or organizations
Ground transportation, 20 responses, 30 hours; $100 Federal cost, 1 form; not applicable under 3504(H)
Corrinne Hayward, 202–395–7340

The purpose of these requirements is to ensure traceability should a noncompliance or safety related defect be discovered.

• Coast Guard
Declaration of Citizenship for Vessel Documentation and Ship Mortgage Purposes
MA–4557, 4557–A, 4558, 4559, 4560, 4560–A, 4561, 4562 and 4563
On occasion
Individuals or households/businesses or other institutions vendees, mortgagees, transferees of ves. doc. under U.S. Law
Sic: 441 442
Small businesses or organizations
Water transportation, 55,600 responses, 18,348 hours; $111,200 Federal cost, 9 forms, not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

A Citizenship declaration as prescribed by the Secretary of Commerce (Delegated to the Maritime Administration) under section 40 of the Shipping Act, 1916, as amended (46 USC 838), is required from the vendee, mortgagee, or transferee when a bill of sale, mortgage, or conveyance of a vessel is presented for recording.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Extensions (Burden Change)

• United States Customs Service
Request for Information
CF 28
On occasion
Businesses or other institutions
Importers
SIC: all
Small businesses or organizations
Federal law enforcement activities, 100,000 responses, 33,300 hours; $439,000 Federal cost, 1 form; not applicable under 3504 (H)
Warren Topelius, 202–395–7340

A document which obtains additional information necessary for processing of the appraisal and classification of imported merchandise.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202–287–0747

New

• Reporting Requirements for States with Pesticide use Violations [1]
Annually
State or local governments
State Depts. of Agriculture and/or State Depts. of EP.
SIC: 951

Pollution control and abatement, 0 responses, 0 hours; $106,021 Federal cost, 0 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

States with primary enforcement responsibility will keep such records and make such reports showing they have adopted adequate pesticide use laws and regulations and have adopted and are implementing adequate procedures for the enforcement of such State laws and regulations.

• Tampering and Fuel Use Surveys [1]
Nonrecurring
Individuals or households
Principal fuel purchasers for post 1974 vehicles in SMSAS
Pollution control and abatement, 2,790 responses, 506 hours; $46,249 Federal costs, 2 forms; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

EPA needs information on motivations that underline fuel switching, as well as on incidence, in order to design and evaluate strategies for efficiently attacking this problem. Fuel switching threatens the Nation's investment in catalytic converters. Phase II will pretest the methodology to be used in a larger data collection effort.

• Request for Approval of Equivalent Equipment or Procedures [1] and Requirements for Emission Testing and Formal Leak Detection Program
Nonrecurring
Businesses or other institutions
Ethylene dichloride, Vinyl chloride, and polyvinyl chl. plants
SIC: 282
Pollution control and abatement, 1 response, 12 hours; $50 Federal cost, 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Requests for using equivalent equipment or procedures allows administrator to determine if equivalent vinyl chloride reductions will be achieved. Reporting and recordkeeping of emissions tests allows administrator to determine initial compliance. Submission of leak detection program to demonstrate effectiveness.

• Memorandum of agreement with Secretary of the Army
Nonrecurring
State or local governments
States with authorization to administer the 404 program
Pollution control and abatement, 2 responses, 320 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

This document is needed to establish an agreement between the Army Corps of Engineers and a State as to what Waters in the State will remain under the jurisdiction of the Corps and which will be regulated by the State, and to coordinate the transfer of the Federal program to the State.

• Publication of requirements for permits [1]
On occasion
State or local governments
State Government administering 404 program
Pollution control and abatement, 6 responses, 900 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The State must maintain a program to inform potential permit applicants of requirements for a State program and how to get a permit for activities in State regulated waters.

• Transmission of information to EPA and other Federal [1] agencies
On occasion
State or local governments
States who have assumed 404 permit respon. state-reg. waters
Pollution control and abatement, 4,200 responses, 2,600 hours; 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The State shall notify EPA (R.A.), COE, FWS, and NMFS about all complete State permit applications, notice of State action relative to each permit application, draft general permits, every issued permit.

• Vehicle information report form [1]
On occasion
Businesses or other institutions
Resp. are manufacturers of motor veh. & motor veh. engines
SIC: 371
Pollution control and abatement, 500 responses, 40 hours; $500 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

In certain cases it is not possible for EPA pers. to determine whether or not particular vehicles or engines were originally produced in compliance with Federal emission standards. In these cases we ask the manufacturer to review build data to determine conformity status at the time of manufacture.

• Guidelines for CO and NOX waiver applications [1]
On occasion
Businesses or other institutions
Mfgrs. of veh. for sale in USA desir. waivers from Fed., etc.
SIC: 371
Small businesses or organizations
Pollution control and abatement, 6 responses, 2,400 hours; $78,000 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Information submitted by vehicle manufacturers in their waiver applications is analyzed to determine whether the statutory criteria for the waiver have been met. The guidelines specify the information EPA needs to make that judgement.

• Catalyst procurement informationmerly titled Catalyst [1] Survey for ICB)
Annually
Businesses or other institutions
Used car dealers in the U.S.A.
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 48 responses, 24 hours; $143,886 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

EPA needs information on in-use catalysts, procured for a catalyst testing program. This information will be used to decide how to test the catalyst.

• Temporary exemption from aircraft emission standards [1]
Nonrecurring
Businesses or other institutions
Owners/operators of aircraft powered by JT3D jet eng., etc.
SIC: 451
Pollution control and abatement, 30 responses, 60 hours; $1,500 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Owners/operators of aircraft powered by JT3D jet engines fly this for temporary exemptions from smoke emission standards so they may continue to fly this equipment while taking steps to meet the standard. Used to grant regulatory relief, primarily to small airlines.

• Selective enforcement audit reporting requirements [1]
On occasion
Businesses or other institutions
Automobile manufacturers
SIC: 371
Pollution control and abatement, 100 responses, 3,604 hours; $1,500 Federal cost, 2 forms, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Information collected is used to determine automobile conformity to clean air act emission standards. This information was requested of each automobile manufacturer by letter. It is also used to determine vehicle configurations to be tested for conformity to emission standards during selective enforcement audits.

• Motor vehicle certification exemption forms [1]
On occasion
Businesses or other institutions
Manufacturers of new motor vehicles & engines
SIC: 371
Small businesses or organizations
Pollution control and abatement, 1,150 responses, 1,800 hours; $20,313 Federal cost, 3 forms, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Information is used to evaluate test exemption request for completeness and compliance with regulations defining terms and conditions of granting of test exemption. Notification of termination of testing allows us to close our files.

• Motor vehicle emission recall reporting requirements [1]
On occasion
Businesses or other institutions
Owners of a specific model & model year of vehicles, etc.
SIC: 551
Small businesses or organizations
Pollution control and abatement, 1,708 responses, 2,338 hours; $19,555 Federal cost, 5 forms, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

In the course of a motor vehicle recall action, EPA has a need to utilize surveys of owners or new or used car dealers to demonstrate the incidence of emission control system defects in motor vehicles that may cause the vehicles to exceed Federal emission standards established by the Clean Air Act.

• Motor vehicle importation reporting requirements [1]
Nonrecurring
Businesses or other institutions
Respondents are non-resi of the U.S. (i.e. tourists)
SIC: 371
Pollution control and abatement, 9,150 responses, 13,875 hours; $98,500 Federal cost, 3 forms, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The importation of motor vehicles/engines is prohibited unless they are covered by certificates of conformity with Federal emission standards. Non-residents are exempt from this prohibition provided the vehicle or engine is not sold and is exported within one year. The information gathered is used to ascertain compliance with above restrictions.

• Notification of foreign government by exporter of unregistered [1] pesticide
On occasion
Businesses or other institutions
Manufacturers, wholesalers, distributors and retailers of
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 2,500 responses, 5 hours; $27,025 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Need to notify foreign governments that a pesticide judged hazardous to health or environment or for which no assessment has been made is being exported to their country. An acknowledgment signed by the foreign purchaser that he understands the registration status of the pesticide is sent to his government.

Affidavit [1]
3540–11
Other—see SF83
Individuals or households/businesses or other institutions
Dealer's of restricted pesticides, manufacturer of pestici
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 1,000 responses, 25 hours; $10,810 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This form is used to record sworn statements of deponents and used as evidence in pesticide cases.

• Dealers affidavit [1]
3540–12
Other—see SF83
Businesses or other institutions
Dealer's of restricted use pesticide—pesticide manufact
SIC: 519
Small businesses or organizations
Pollution control and abatement, 1,000 responses, 5 hours; $10,000 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Used to document the receipt of and identification of the pesticide sampled and the related records.

• Notice of Arrival of Pesticides and Devices [1]
3540–1
Other—see SF83
Businesses or other institutions
An importer desiring to import pesticides or devices into
SIC: 519
Small Businesses or organizations
Pollution control and abatement, 3,000 responses, 5 hours; $47,400 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

All imported pesticides are required to be registered under section 3 of FIFRA. An importer desiring to import pesticides or devices into the U.S. must notify EPA prior to the arrival of the shipment in the U.S.

• National Inventory Survey of Pollution Sources [1]
Nonrecurring
Businesses or other institutions
Maleic anhydride plants ethyl benzene/styrene plants benze
SIC: 286 517
Small businesses or organizations
Pollution control and abatement, 160 responses, 4 hours; $2,400 Federal cost, 0 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

In FY 1982, EPA will promulgate regulations establishing benzene emission standards under section 112 of the Clean Air Act. It will be necessary to conduct a national survey of polluting sources, through section 114.

Information requests, to determine the nature of their benzene emission controls, their status of compliance with the standards, and the need for any waivers from those standards.

• State Overview Information [1]
Nonrecurring
State or local governments
33 NPDES delegated States
Pollution control and abatement, 132 responses, 132 hours; $885,762 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

EPA/State agreements sometimes contain commitments where by the State agrees to submit copies of actions relating to compliance and enforcement so that EPA may overview the State's program on a routine basis.

• Beryllium Rocket Motor Firing and Disposal of Beryllium [1]
Propellant recordkeeping & reporting
On occasion
Businesses or other institutions
Beryllium propellant disposal sites, rocket motor test site
SIC: 376
Pollution control and abatement, 10 responses, 40 hours; $166 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Notification of emission testing, reports of emission testing, and records of tests allow administrator to schedule an observer for the test, confirm source compliance and aid program planning. Combustion products collected in a closed tank shall be sampled at their release.

• Demolition and Renovation Notification, Recordkeeping [1]
On occasion
Businesses or other institutions
Demolition and renovation contractors

V46/98 MY 21 81 UMI

SIC: 179
Small businesses or organizations
Pollution control and abatement, 7,675 responses, 3,838 hours; $15,979 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Owner or operator provides notification prior to renovation or demolition to allow administrator time for scheduling an observer, ensuring compliance, and program planning. Recordkeeping and requests for alternative procedures allow the source flexibility in operations while remaining in compliance.

• Waiver of Emission Tests [1]
Nonrecurring
Businesses or other institutions
Asbestos mills
SIC: 109 146 161 281 282 286 329 333 348 495
Small business or organizations
Pollution control and abatement, 1 response, 0 hours; 1 form not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Owner or operator submits written application for waiver of emission tests to administrator, who determines to approve or deny the waiver if the source is in compliance, on a compliance schedule, or has requested a compliance waiver.

• Reporting and Recordkeeping of Stack Sampling and Sludge [1] Sampling
Nonrecurring
State or local governments/businesses or other institutions
Mercury ore processing facility, inorganic manufacturers
SIC: 281 109 495
Small businesses or organizations
Pollution control and abatement, 17 responses, 68 hours; $283 Federal cost, 0 form, not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Reporting and recordkeeping of emission tests allow the administrator to schedule observing the test or to review results to assure the compliance of the source. Sludge sampling is an alternative means of demonstrating compliance to the administrator and notification, etc. are still required.

Revisions

• Pesticides Report for Pesticide-Producing Establishments [1] EPA 3540–16
Annually
State or local governments
pesticide & active ingredient producing businesses
Small businesses or organizations
Pollution control and abatement, 8,200 responses, 16,400 hours; $100,000 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

FIFRA section 7 requires production data on pesticides and active ingredients currently being produced, those produced during past year and those which were sold or distributed during the past year. Data used to develop inspection programs and for economic impact analysis in cancellation and suspension actions.

Extensions (Burden Change)

• Notice of Intent To Certify/Records [1]
On occasion
Businesses or other institutions
Notice of intent to certify/records
SIC: 371
Small businesses or organizations
Pollution control and abatement, 305 responses, 610 hours; $500 Federal cost, 3 forms, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This information is needed in order for EPA to become aware of which automotive aftermarket parts their manufacturer wishes to certify, and for which vehicles they are certified.

Extensions (No Change)

• Information Required From Stationary Air Sources to [1] Calculate Noncompliance Penalties
Nonrecurring
Businesses or other institutions/State or local governments
Major violators of the Clean Air Act
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 174 responses, 32 hours; $88,130 Federal cost, 0 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

According to regulatory requirements of section 120 of the Clean Air Act after mid 1979, EPA must collect the information needed to calculate and collect penalties equal to the economic savings realized by major sources that are not in compliance with any emission limitations.

reinstatements

• Premanufacture Notification—Domestic Manufacturers [1]
On occasion
Businesses or other institutions
Chemical manufactuers
SIC: 147 281 282 284 285 286 289 291 386
Small businesses or organizations
Pollution control and abatement, 583 responses, 80,972 hours; 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Under section 5 of TSCA, any person who intends to manufacture a new chemical substance for a commercial purpose must submit a notice to EPA at least ninety days before commencing manufacture. Section 5(D)(1) defines the content of a premanufacture notice. EPA is required under TSCA to review the information submitted to determine whether action under sections 5(E) or 5(F) is warranted.

FEDERAL RESERVE SYSTEM

New

Agency Clearance Officer—Carolyn B. Doying—202–452–3512

Survey of household transaction accounts
FR 3014
Nonrecurring
Individuals or households
Sample of about 5,000 households nationwide
General government, 5,000 responses, 500 hours; $62,500 Federal cost, 1 form, not applicable under 3504(h)
Warren Topelius, 202–395–7340

This information will be used by the Federal Reserve Board and that Federal open market committee to interpret developments in the area of now and other related accounts and to estimate their effect on the narrow monetary aggregates.

• Survey of Compliance and Benefits of Consumer
Protection Regulations
FR 3013E FR 3013B2
Nonrecurring
Businesses or other institutions
A sample of depository instit., mainly banks, etc.
SIC: 602 603 614
Small businesses or organizations
General government, 100 responses, 12,000 hours; $60,000 Federal cost, 2 forms, not applicable under 3504(h)
Warren Topelius, 202–395–7340

The survey provides some of the information necessary to the board to fulfill its obligations, in part statutory, to conduct reviews and studies of the costs and benefits of regulations.

INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—202–523–0267

Revisions

• Sample Producers', Sample Importers' and Sample Purchasers' Questionnaires
On occasion
Businesses of other institutions/farms
Producers, importers & purchasers of products under invest.
SIC: multiple
Small businesses or organizations
Conduct of foreign affairs, 3,400 responses, 51,000 hours; $1,800,000 federal cost, 3 forms, not applicable

under 3504(h) 202–395–4814

Phillip T. Balazs, 202–395–4814

Pursuant to the Tariff Act of 1930, the Trade Act of 1974, and the Agriculture Adjustment Act, the U.S.I.T.C. makes determinations whether or not imports are causing injury to domestic industries. Data from questionnaires sent to respondents provide part of the statistical base for such determinations. Investigations can result in imposition of import duties, quotas, or other forms of relief.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7737

Revisions

• Request to inspect or receive copies of SF 278, Financial Disclosure Report
OPM 1401
On occasion
Individuals or households
Individuals
Central personnel management, 1,500 responses, 75 hours; $5,000 federal cost, 1 form, not applicable under 3504(h)

Robert Veeder, 202–395–4814

The Ethics in Government Act of 1978 (Pub. L. 95–521, as amended) provides that each agency shall make the financial disclosure statements filed with it available to the public only upon written application by such person. OPM 1401 serves as the application and documents the disclosure.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202/272–2142

New

• Form and Content and Requirement for Financial Standards Under the Securities Act and the Energy Policy and Conservation Act of 1975
1887
On occasion, quarterly, annually, other—see SF83
Businesses or other institutions
Iss. reg. sec. for public sale under the Sec. Act of 1933
SIC: Multiple
Small Businesses or organizations
Other advancement and regulation of commerce, 1 responses, 1 hours; $323,985 Federal cost, 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

Investors and security holders need reasonably current financial statements in order to make considered investment and certain voting decisions. Regulation S–X, originally adopted in 1940, prescribes the form and content of and requirements for those financial statements which are included in registration statements, annual and other reports, certain proxy and information statements and certain other documents.

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—615–857–2596

Reinstatements

• Electric Load Survey Guide
TVA 6233 TVA 6233A TVA 6233B
Annually
Individuals or households
Households serviced by TVA power
Energy supply, 3,000 responses, 1,500 hours; $89,650 Federal cost, 3 forms, not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Information needed to evaluate the effects of demographic and other characteristics on the use patterns of electricity. This information is vital as inputs into ratemaking, cost-of-service and forecasting procedures of the agency.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

Revisions

• Application for Medical Benefits
VA 10–10
On occasion
Individual or households
Veterans or their representatives
Hospital and medical care for veterans, 1,680,000 responses, 280,000 hours; $1,671,600 Federal cost, 1 form, not applicable under 3504(h)
Robert Neal, 202–395–6880

Used to determine eligibility for Veterans Administration medical beneifts and also related benefits such as travel expenses, priority of care, and other future monetary allowances.

• Comprehensive Evaluation of Health Services
10–1465 A&B
Annually
Individuals or households
VA patients
Hospital and medical care for veterans, 76,000 responses, 15,960 hours; $210,000 Federal cost, 2 forms, not applicable under 3504(h)
Robert Neal, 2022–395–6880

This survey is used to periodically obtain consumer input on satisfaction with services provided. Results are used to monitor facility performance according to (tentative) standards established within DM&S. Field Facilities are able to compare their performance longitudinally and to see their relative standing among comparable facilities.

Arnold Strasser,

Acting Assistant Administrator for Reports Management.

[FR Doc. 81–15203 Filed 5–20–81; 8:45 am]

BILLING CODE 3110–01–M

[1] Over the next several weeks, the environmental Protection Agency will be requesting clearance for several hundred reporting and recordkeeping requirements that were administered previously without OMB approval. In order to provide a thorough review without unnecessarily disrupting EPA programs, OMB may grant interim approvals for many of these requests, after an initial screening. Interim approvals would be followed by full reviews and final approval or disapproval decisions which would be announced in future editions of the Federal Register.

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. § 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 1981, shall be at the rate of 14½ cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning July 1, 1981, 20.8 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 79.2 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: May 15, 1981.

By authority of the Board.

R. F. Butler,

Secretary of the Board.

[FR Doc. 81–14829 Filed 5–20–81; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 2–72048 (22–11074)]

Cable America Inc.; Application and Opportunity for Hearing

Dated: May 15, 1981.

In the Matter of Cable America, Inc., File No. 2–72048 (22–11074); Trust

Indenture Act of 1939, as amended, Section 310(b)(1)(ii).

Notice is hereby given that Cable America, Inc. (the "Applicant") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of The First National Bank of Atlanta (the "Bank") under an Indenture, dated as of June 1, 1981, among the Applicant, Cable Atlanta, Inc. and Cable DeKalb, Inc., Georgia corporations, as Guarantors, Valley Cable TV, Inc., a California corporation, as Lienor, and the Bank, as Trustee, under which % Subordinated Debentures due June 1, 1999 are to be issued by the Applicant (the "Debenture Indenture"), which is to be qualified under the Act, and an Indenture, dated as of June 1, 1981, among the Applicant, Cable Atlanta, Inc. and Cable DeKalb, Inc., as Guarantors, Valley Cable TV, Inc., as Lienor, and the Bank, as Trustee, under which Convertible Deferred Payment Notes due January 31, 1989 are to be issued by the Applicant (the "Convertible Note Indenture"), which is to be qualified under the Act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under both the Debenture Indenture and under the Convertible Note Indenture.

Section 310(b) of the Act, which is included in Section 8.10 of both the Debenture Indenture and the Convertible Note Indenture, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding.

The present application, filed pursuant to clause (ii) of Section 310(b)(1) of the Act (as set forth in Section 8.10 of both the Debenture Indenture and the Convertible Note Indenture) seeks to exclude the Debenture Indenture and the Convertible Note Indenture from the operation of Section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of Section 310(b)(1) of the Act on the matter of the present application is such that the Debenture Indenture and the Convertible Note Indenture may be excluded from the operation of Section 310(b)(1) of the Act if the Applicant shall have sustained the burden of proving by its application to the Commission and after opportunity for hearing thereon that the trusteeships of the Bank under the Debenture Indenture and the Convertible Note Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under both of these indentures.

The Applicant alleges that:

(1) It, along with Cable Atlanta, Inc. and Cable DeKalb, Inc., Georgia corporations, as Guarantors, and Valley Cable TV, Inc., a California corporation, as Lienor, is filing with the Commission under the Securities Act of 1933, as amended, a registration statement on Form S–1 relating to an offering of investment units consisting of $50,000,000 aggregate principal amount of its Subordinated Debentures due June 1, 1999 (the "Debentures") to be issued pursuant to the Debenture Indenture and its Convertible Deferred Payment Notes due January 31, 1989 (the "Convertible Notes") to be issued pursuant to the Convertible Note Indenture;

(2) The provisions of the Debenture Indenture and the Convertible Note Indenture are identical, except for those sections governing and relating to payment terms and conversion provisions; for this reason, and because the Debentures and the Convertible Notes are initially to be sold in units consisting of one Debenture and one Convertible Note, administration of the Debenture Indenture and the Convertible Note Indenture will be most efficient, both for the Applicant and for the holders of Debentures and Convertible Notes, if one Trustee administers both indentures. The Bank, a corporation organized as a national banking association under the laws of the United States of America, is filing separate statements on two Form T–1's as to its eligibility and qualifications under the Act;

(3) The Debentures and Convertible Notes will rank *pari passu*, each being junior and subordinate to certain senior indebtedness, including a loan agreement between the Applicant and The Toronto-Dominion Bank, Atlanta Agency. The Debenture Indenture and the Convertible Note Indenture will be unsecured except for a security agreement, to be executed by a subsidiary of the Applicant, Valley Cable TV, Inc., giving to the Trustee under the Debenture Indenture and to the Trustee under the Convertible Note Indenture a second lien on the assets of Valley Cable TV, Inc. This lien will be junior and subordinate to a security interest in those same assets securing Valley Cable TV, Inc.'s loan agreement with the Applicant and to a security interest in those same assets securing a part of the Applicant's loan agreement with The Toronto-Dominion Bank, Atlanta Agency.

The lien on the assets of Valley Cable TV, Inc. will secure, up to a limited amount, the Applicant's obligations under the Debenture Indenture and under the Convertible Note Indenture, on substantially a pro rata basis, if and only if Valley Cable TV, Inc. is in default under its loan agreement with the Applicant, pursuant to which the Applicant will lend a part of the proceeds obtained from the sale of the Debentures and Convertible Notes to Valley Cable TV, Inc. Although the lien technically will secure both the Debenture Indenture and the Convertible Note Indenture, only a portion of the security will secure each indenture at any moment in time. This portion is determined in accordance with a ratio, provided for in each indenture, which ratio ensures that the security secures the indentures substantially on a pro rata basis. The ratios always total 100%, so that there will never be an "over-lap" in security between the indentures;

(4) Applicant is not in default under, and there exists no event which with notice or lapse of time or both would constitute a default under the Debenture Indenture or the Convertible Note Indenture (assuming they had been executed and delivered prior to the date of the Application); and

(5) It is unlikely that a material conflict would arise between the holders of Debentures and the holders of Convertible Notes because the terms of the indentures are identical, except for differences in payment terms and differences involving convertibility, the obligations rank pari passu, and the lien on the assets of Valley Cable TV, Inc. by its terms will secure the Debenture Indenture and the Convertible Note Debenture on substantially a pro rata basis. Thus, if proceeds are realized by the Trustee under its security interest, such proceeds would be applied to pay the holders of Debentures and the holders of Convertible Notes on a pro rata basis. For the foregoing reasons, there will not be such a material conflict of interest involved on the part of the

Bank, as Trustee under the Debenture Indenture and the Convertible Note Indentures, as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under both the Debenture Indenture and the Convertible Note Indenture.

The Applicant has waived notice of hearing, any right to a hearing on the issues raised by the application, and all rights to specify procedures under the Rules of Practice of the Commission with respect to its application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at the Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or before June 9, 1981, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended. Any interested person may, not later than June 8, 1981 at 5:30 p.m., Eastern Standard Time, in writing, submit to the Commission, his or her views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such comments or requests should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15169 Filed 5-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11775; 812-4850]

Chancellor Tax-Exempt Daily Income Fund, Inc.; Filing of Application

May 13, 1981.

Notice is hereby given that Chancellor Tax-Exempt Daily Income Fund, Inc. ("Applicant"), 100 Gold Street, New York, New York 10038, an open-end, diversified, management company registered under the Investment Company Act of 1940 ("Act"), filed an application on March 25, 1981, and an amendment thereto on May 4, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is organized as a Maryland corporation and that Bache Halsey Stuart Shields Incorporated, a wholly-owned subsidiary of Bache Group, Inc., acts as its investment adviser ("Adviser"). Applicant further states that its investment objective is to attain as high a level of current income exempt from federal income taxation consistent with liquidity and the preservation of capital. According to the application, Applicant will invest in a diversified portfolio of short-term debt obligations having a remaining maturity of one year or less issued by states, territories and possessions of he United States and by the District of Columbia, and their political subdivisions, duly constituted authorities and corporations. Applicant states that it will invest in municipal bonds rated AAA or AA by Moody's Investors Service, Inc. ("Moody's") or AAA or AA by Standard & Poor's Corporation ("S&P") at time of purchase, municipal notes rated MIG–1 or MIG–2 by Moody's or, if appropriate, P–1 or P–2 by Moody's or A–1 or A–2 by S&P, or municipal bonds or notes that directly or indirectly depend on the credit of the United States Government. Applicant further states that it may also purchase the above described securities on a "when-issed" basis.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with he provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant requests an exemption from the provisions of Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit it to value its portfolio securities using the amortized cost method of valuation. In support of its request, Applicant represents that its board of directors has determined that, absent unusual or extraordinary circumstances, the amortized cost method of valuation is preferable and appropriate for the Applicant and reflects the fair value of its securities. Applicant states that it has been the experience of its Adviser that in order to attract investors and retain shareholders, the Applicant must maintain a stable net asset value and a steady stream of investment income. Applicant further states that by maintaining an average portfolio maturity of 120 days and utilizing the amortized cost method of valuation it will be able to provide the above stated attributes. In addition, Applicant states that it is the Adviser's experience with respect to securities within the Applicant's investment policy, that there is a negligible discrepancy between market value and the amortized cost value of a security maturing in 120 days.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or

provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its application meets the standards of Section 6(c) of the Act in light of its management policies, and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors of the Applicant shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the boards of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than June 8, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15204 Filed 5-20-81; 8:45 am]

BILLING CODE 8010-01-M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 22054; 70-6451]

Columbus and Southern Ohio Electric Co.; Proposed Extension of Short-Term Borrowing Arrangements

May 15, 1981.

Columbus and Southern Ohio Electric Company ("CSOE"), 215 North Front Street, Columbus, Ohio 43215, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed with this Commission a post-effective amendment to its application previously filed and amended pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 50(a)(2) and 50(a)(5) thereunder.

By orders dated May 28, 1980, September 23, 1980 and November 18, 1980 (HCAR Nos. 21594, 21723 and 21795), CSOE was granted short-term borrowing authorization through July 1, 1981, in an aggregate principal amount not to exceed $200,000,000. CSOE's credit arrangements for such borrowings consist of (1) lines of credit with 46

banks aggregating $385,928,000; (2) a loan agreement with certain banks for up to $80,000,000 of loans for use in retiring certain of its preferred shares; (3) a credit agreement for up to $30,000,000 of fuel inventory financing; (4) arrangements for borrowing up to $23,000,000 from funds managed by certain banks' trust departments; and (5) an arrangement for the issuance and sale of commercial paper to a commercial paper dealer.

By post-effective amendment, CSOE requests authorization to extend its previously authorized short-term borrowing arrangements from July 1, 1981 through January 1, 1982, the date by which such short-term debt must mature would be extended from March 31, 1982 until June 30, 1982.

The application as amended by the post-effective amendment and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 8, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of sevice (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as amended by the post-effective amendment or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15205 Filed 5-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11776; 812-4525]

Evans & Sutherland Computer Corp.; Filing of Application

May 14, 1981.

Notice is hereby given that Evans & Sutherland Computer Corporation ("Applicant"), a Utah Corporation, 580 Arapeen Drive, Salt Lake City, Utah 84108, filed an application on August 27, 1979, and an amendment thereto on January 21, 1981, for an order pursuant to Section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 thereunder to permit Applicant to employ Mr. T. F. Walkowicz as a consultant. Mr. Walkowicz is president and a director of National Aviation and Technology Corporation ("National"), an open-end investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant was organized in 1968 and engages in the design, manufacture, marketing and servicing of three-dimensional, interactive graphic systems for use in pilot simulation training and in computer aided research, development, design and manufacture. When the application was initially filed, National owned 183,500 shares or 8.4 percent of Applicant's common stock. Applicant represents that as a result of two subsequent sales of Applicant's common stock, National presently owns 133,500 shares or 4.8 percent of Applicant's presently outstanding common stock.

The application states that Mr. Walkowicz is the president and a director of National. The application further states that Mr. Walkowicz is chairman of the board, president and chief executive officer of American Fund Advisors, Inc., the investment adviser to National. In addition, he is a director of Applicant and owns 3,034 shares of its common stock.

According to the application, Mr. Walkowicz has acted as an unpaid consultant to the Applicant since its inception and has assisted in arranging initial and subsequent financing for the company. The application states that on June 28, 1978, Applicant's board of directors authorized its president to negotiate a consulting agreement with Mr. Walkowicz. The term of the proposed agreement is one year, and Applicant anticipates that the agreement will be renewed from year-to-year. Applicant states that under the agreement it will pay Mr. Walkowicz $12,000 per year together with authorized expenses and will grant him a "non-qualified" stock option to purchase 20,000 shares of Applicant's common stock at an exercise price of $5.00 per share. During the first year, the option would be exercisable only as to 4,000 shares, and, if the agreement were renewed from year-to-year, the option would be exercisable in 4,000 share cumulative installments over a five year period. Applicant states that if an order of exemption is issued on the application, it will consider the compensation that would have been accrued to date under the proposed consulting agreement to have been earned because Mr. Walkowicz has performed under the agreement. According to the application as originally filed on August 27, 1979, the price of Applicant's common stock was quoted at 29½ bid and 30½ asked on August 21, 1979. The application as amended on January 21, 1979, states that Applicant's common stock was quoted at a price of 64½ bid and 66½ asked on January 19, 1981.

Section 17(d) of the Act and Rule 17d-1 thereunder provide that it shall be unlawful, with certain exceptions not here applicable, for an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in, or effect any transaction in connection with, any joint enterprise or arrangement in which any such registered company is a participant unless an application for an order of exemption regarding such arrangement has been granted by the Commission, and that in passing upon such an application, the Commission shall consider whether the participation of such registered investment company in such arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 2(a)(3) of the Act provides in part that an affiliated person of another person means any officer or director of such person, and if such person is an investment company, any investment adviser thereof. Applicant states that as an officer and director of National, Mr. Walkowicz is an affiliated person of National. In addition, because he is an officer and director of American Fund Advisors, Inc., he is an affiliated person of an affiliated person of National.

The application states that the grant of a stock option to Mr. Walkowicz pursuant to the terms of the proposed consulting agreement might be deemed to involve indirectly National in its capacity as a shareholder of Applicant because there would be a potential dilution of National's ownership interest in Applicant by reason of the issuance and subsequent exercise of a stock option at a price per share less than the market value of the shares. Accordingly, the Applicant seeks a Commission order approving the consummation of the proposed consulting agreement, including the granting of the stock option to Mr. Walkowicz and any subsequent exercise of that stock option

by him, to remove any doubt as to the applicability of Section 17(d) and Rule 17d–1 to the proposed arrangement.

In support of the application, Applicant submits that its success is in no small part attributable to the consulting services rendered by Mr. Walkowicz. Applicant represents that it desires to continue to receive Mr. Walkowicz's services, as well as have him work more closely with its management than he has been able to do without compensation. According to the application, Applicant estimates that its projected level of operations would require the full use of its cash resources over the next few years, and has decided that the financing of Mr. Walkowicz's services primarily by the issuance of the stock option would permit it to better apply its liquid resources.

Applicant submits that the services of Mr. Walkowicz as a consultant would enhance the value of each shareholder's interest in Applicant in direct proportion to his respective holdings. Applicant also states that any dilution resulting from the granting and exercise of the option in the proposed agreement will be equal for all shareholders on a per-share basis. The application states that National's executive committee and board of directors have been informed of the proposed consulting arrangement, both at the time of the initial application and at the time it was amended, and have no objection thereto.

The application states that Mr. Walkowicz has consistently been excluded from National's investment decisions concerning its portfolio position in Applicant's common stock, because Mr. Walkowicz owned shares of Applicant at the time he became President of National. Aplicant submits that National will not be denied Mr. Walkowicz's services respecting Applicant because it has never availed itself of his advice in that regard. In this connection, Mr. Howard Buhse, chairman of the board of National, has submitted by affidavit attached as an appendix to the application that, in the absence of Mr. Walkowicz, National's board of directors has been advised by highly experienced investment analysts concerning the purchase and sale of Applicant's securities. In addition, Mr. Buhse states that on the initial and a subsequent occasion that National acquired shares of Applicant's common stock, Mr. Walkowicz had surrended to National a personal opportunity to make such acquisitions.

In connection with the application, Mr. Walkowicz has undertaken that so long as he remains affiliated with National:

(1) he will not enter into any arrangement involving the receipt of options from companies whose securities are held in National's portfolio, other than the consulting arrangement which is the subject of the application, and

(2) while National holds securities of Applicant, he will notify National's board of directors prior to making any public disposition of shares of Applicant's common stock acquired pursuant to the option relating to his consulting arrangement, and he will refrain from making such disposition if Applicant's board of directors advises him following such notification that National is then in the process of disposing of Applicant's securities or proposes to dispose of Applicant's securities within the next thirty days.

By affidavit attached as an appendix to the application, Lawrence E. Erera, Secretary and Treasurer of both National and American Fund Advisors, Inc., states that, other than Mr. Walkowicz's investment in Applicant, no officer or director of National or American Fund Advisors, Inc., owns any security held in National's portfolio which is not listed on a major stock exchange and which might be considered "thinly" traded.

Applicant further submits that the proposed consulting agreement, including the compensation provided therein, is consistent with the provisions, policies and purposes of the Act. Applicant states that National's participation in the arrangement is solely by virtue of its stock ownership in Applicant, and that National's participation is not on a basis different from or less advantageous than that of other shareholders of Applicant.

Notice is further given that any interested person may, not later, than June 8, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–15206 Filed 5–20–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 17807; File No. SR–MSRB–81–2]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

May 15, 1981.

On March 19, 1981, the Municipal Securities Rulemaking Board (the "MSRB") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which would amend MSRB rule G–3 concerning the qualification requirements for municipal securities professionals. The proposed rule change would: (1) permit persons whose activities are limited to supervising purchases and sales of municipal securities to qualify as municipal securities sales principals;[1] (2) require persons seeking to qualify as municipal securities principals or municipal securities sales principals to first qualify as municipal securities representatives; and (3) modify the two-year "grace period" for persons who seek to resume functioning as principals.[2] The proposed rule change would also clarify certain provisions of the rule and delete references to exemptive provisions and dates which are no longer relevant.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release

[1] Until such time as the MSRB institutes a separate examination procedure for municipal securities sales principals, persons acting in this capacity must be qualified as municipal securities principals.

[2] This alters the current rule, which enables a person to remain qualified for as long as he is associated with a municipal securities broker or dealer plus two years after termination of that association. The proposed rule change would, with respect to principals, limit the grace period to two years after the person ceased acting as a principal.

(Securities Exchange Act Release No. 17698 (April 9, 1981)) and by publication in the **Federal Register** (46 FR 22093 (1981)). No comments with respect to the proposed rule change were received by the Commission during the comment period.[3]

The text of rule G–3, as amended, is as follows:

Rule G–3. Classification of Principals and Representatives; Numerical Requirements; Testing

No municipal securities broker or municipal securities dealer or person who is a municipal securities principal, financial and operations principal, municipal securities representative, or municipal securities representative," and "municipal securities sales principal (as hereinafter defined) shall be qualified for purposes of rule G–2 unless such municipal securities broker or municipal securities dealer or person meets the requirements of this rule.

(a) Definitions. As used in the rules of the Board, the terms "municipal securities principal," "financial and operations principal," "municipal securities sales principal" shall have the following respective meanings:

(i) Municipal Securities Principal. The term "municipal securities principal" means a natural person associated with a municipal securities broker or municipal securities dealer, other than a municipal securities sales principal, who is directly engaged in the management, direction or supervision of one or more of the following activities:

(A) underwriting, trading or sales of municipal securities;

(B) financial advisory or consultant services for issuers in connection with the issuance of municipal securities;

(C) processing, clearance, and in the case of municipal securities brokers and municipal securities dealers other than bank dealers, safekeeping of municipal securities;

(D) research or investment advice with respect to municipal securities;

(E) any other activities which involve communication, directly or indirectly, with public investors in municipal securities;

(F) maintenance of records with respect to the activities described in subparagraphs (A) through (E); or

(G) training of municipal securities principals or municipal securities representatives;

Provided, however, that the activities enumerated in subparagraphs (D) and (E) above shall be limited to such activities as they relate to the activities enumerated in subparagraphs (A) or (B) above.

(ii) Financial and Operations Principal. The term "financial and operations principal" means a natural person associated with a municipal securities broker or municipal securities dealer (other than a bank dealer), whose duties include:

(A) approval of and responsibility for financial reports required to be filed with the Commission or any self-regulatory organization;

(B) final preparation of such reports;

(C) overall supervision of individuals who assist in the preparation of such reports;

(D) overall supervision of and responsibility for individuals who are involved in the actual maintenance of the books and records from which such reports are derived;

(E) overall supervision and performance of the responsibilities of the municipal securities broker or municipal securities dealer with which such person is associated pursuant to the financial responsibility rules under the Act;

(F) overall supervision of and responsibility for all individuals who are involved in the administration and maintenance of the processing and clearance functions of such municipal securities broker or municipal securities dealer; and

(G) overall supervision of and responsibility for all individuals who are involved in the administration and maintenance of the safekeeping functions of such municipal securities broker or municipal securities dealer.

(iii) Municipal Securities Representative. The term "municipal securities representative" means a natural person associated with a municipal securities broker or municipal securities dealer, other than a municipal securities principal, a municipal securities sales principal, or a person whose functions are solely clerical or ministerial, whose activities include one or more of the following:

(A) underwriting, trading or sales of municipal securities;

(B) financial advisory or consultant services for issuers in connection with the issuance of municipal securities;

(C) research or investment advice with respect to municipal securities; or

(D) any other activities which involve communication, directly or indirectly, with public investors in municipal securities;

Provided, however, that the activities enumerated in subparagraphs (C) and (D) above shall be limited to such activities as they relate to the activities enumerated in subparagraphs (A) and (B) above.

(iv) Municipal Securities Sales Principal. The term "municipal securities sales principal" means a natural person associated with a municipal securities broker or municipal securities dealer (other than a bank dealer) whose supervisory activities with respect to municipal securities are limited exclusively to supervising sales to and purchases from customers of municipal securities.

(b) Numerical Requirements.

(i) Municipal Securities Principals. Every municipal securities broker and municipal securities dealer shall have at least two municipal securities principals, except as follows:

(A) every municipal securities broker or municipal securities dealer which is a member of a registered securities association and which conducts a general securities business shall have at least one municipal securities principal; and

(B) every municipal securities broker or municipal securities dealer having fewer than eleven persons associated with it in whatever capacity on a full-time or full-time equivalent basis who are engaged in the performance of its municipal securities activities, or, in the case of a bank dealer, in the performance of its municipal securities dealer activities, shall have at least one municipal securities principal.

(ii) Financial and Operations Principals. Every municipal securities broker and municipal securities dealer (other than a bank dealer) shall have at least one financial and operations principal, including its chief financial officer, qualified in accordance with section (d) of this rule, provided, however, that the numerical requirements of this paragraph shall not apply to any municipal securities broker or municipal securities dealer meeting the requirements of paragraphs (a)(2) or (3) of rule 15c3–1 under the Act or exempted from the requirements of rule 15c3–1 in accordance with paragraph (b)(3) thereof.

(c) Qualification Requirements for Municipal Securities Principals.

(i) Except as otherwise provided in this section (c), every municipal securities principal shall take and pass the Municipal Securities Principal Qualification Examination prior to being qualified as a municipal securities principal. The passing grade shall be determined by the Board.

(ii) On or after (30 days after approval of these proposed amendments by the Commission), any person seeking to become qualified as a municipal

[3] One comment letter supporting the proposed rule change was received after expiration of the comment period.

securities principal in accordance with paragraph (c)(i) of this rule, must, prior to being qualified as a municipal securities principal: (A) have been duly qualified as either a municipal securities representative or a general securities representative; or (B) have taken and passed either the Municipal Securities Representative Qualification Examination or the General Securities Registered Representative Qualification Examination.

(iii) The requirements of paragraph (c)(i) shall not apply to any person associated with a municipal securities broker or municipal securities dealer who was duly qualified as a municipal securities principal on (the date on which the Commission approves the proposed amendments).

(iv) Any person who ceases to act as a municipal securities principal for two or more years at any time after having qualified as a municipal securities principal in accordance with this section (c) shall take and pass the Municipal Securities Principal Qualification Examination and be qualified as a municipal securities representative prior to being qualified as a municipal securities principal.

(v) For the first 90 days after becoming a municipal securities principal, the requirements of paragraph (c)(i) shall not apply to any person who is qualified as a municipal securities representative, general securities representative or general securities principal and who becomes a municipal securities principal provided, however, that such person shall take the Municipal Securities Principal Qualification Examination within that period.

(vi) The requirements of this section (c) may be waived in extraordinary cases for any associated person of a municipal securities broker or municipal securities dealer who demonstrates extensive experience in a field closely related to the municipal securities business of such municipal securities broker or municipal securities dealer. Such waiver may be granted

(A) by a registered securities association with respect to a person associated with a mumber of such association, or

(B) by the appropriated regulatory agency with respect to a person associated with any other municipal securities broaker or municipal securities dealer.

(d) Qualification Requirements for Financial and Operations Principals.

(i) Except as otherwise provided in this section (d), every financial and operations principal shall take and pass the Municipal Securities Rulemaking Board Financial and Operations Principal Qualification Examination prior to being qualified as a financial and operations principal. The passing grade shall be determined by the Board.

(ii) Any person who ceases to be associated with a municipal securities broker or municipal securities dealer as a financial and operations principal for two or more years at any time after having qualified as such in accordance with this section (d) shall take and pass the Financial and Operations Principal Qualification Examination prescribed by the Board prior to being qualified as a financial and operations principal.

(iii) The requirements of paragraph (d)(i) and (d)(ii) of this rule shall not apply to any financial and operations principal who is:

(A) registered and qualified in such capacity with a registered securities association, or

(B) associated with a municipal securities broker or municipal securities dealer meeting the requirements of paragraphs (a)(2) or (3) of rule 15c3–1 under the Act or exempted from the requirements of rule 15c3–1 in accordance with paragraph (b)(3) thereof.

(iv) The requirements of this section (d) may be waived for any associated person of a municipal securities broker or municipal securities dealer in circumstances sufficient to justify the granting of a waiver if such person were seeking to register and qualify with a member of a registered securities association as a financial and operations principal. Such waiver may be granted

(A) by a registered securities association with respect to a person associated with a member of such association, or

(B) by the Commission with respect to a person associated with any other municipal securities broker or municipal securities dealer (other than a bank dealer).

(e) Qualification Requirements for Municipal Securities Representatives.

(i) Except as otherwise provided in this section (e), every municipal securities representative shall take and pass the Municipal Securities Representative Qualification Examination prior to being qualified as a municipal securities representative. The passing grade shall be determined by the Board.

(ii) The requirements of paragraph (e)(i) of this rule shall not apply to any person who

(A) is duly qualified as a general securities representative by reason of having taken and passed the General Securities Registered Representative Qualification Examination, or

(B) was duly qualified as a municipal securities representative on (the date of approval of the proposed amendments by the Commission).

(iii) Any person who ceases to be associated with a municipal securities broker or municipal securities dealer (whether as a municipal securities representative or otherwise) for two or more years at any time after having qualified as a municipal securities representative in accordance with this section (e) shall take and pass the Municipal Securities Representative Qualification Examination prior to being qualified as a municipal securities representative unless exempt therefrom pursuant to subparagraph (e)(ii)(A) of this rule.

(iv) The requirements of paragraph (e)(i) of this rule shall not restrict the performance of municipal securities activities by any person who first becomes associated with a municipal securities broker or municipal securities dealer in a representative capacity without previously having qualified as a municipal securities representative or general securities representative to the extent such activities are permitted by section (i) of this rule.

(v) The requirements of this section (e) may be waived for any associated person of a municipal securities broker or municipal securities dealer in extraordinary cases in which such person demonstrates extensive experience in a field closely related to the municipal securities business of such municipal securities broker or municipal securities dealer. Such waiver may be granted

(A) by a registered securities association with respect to a person associated with a member of such association, or

(B) by the appropriate regulatory agency with respect to a person associated with any other municipal securities broker or municipal securities dealer.

(f) Qualification Requirements for Municipal Securities Sales Principals.

(i) Except as otherwise provided in this section (f), every municipal securities sales principal shall take and pass an appropriate examination designated by the Board prior to acting in such capacity. The passing grade of such an examination shall be determined by the Board. Until the Board designates such an examination, every municipal securities sales principal shall be required to qualify as a municipal securities principal in

accordance with the provisions of section (c) of this rule.

(ii) Any person seeking to become qualified as a municipal securities sales principal in accordance with paragraph (f)(i) of this rule, must, prior to being qualified as a municipal securities sales principal: (A) have been duly qualified as either a municipal securities representative or a general securities representative; or (B) have taken and passed either the Municipal Securities Representative Qualification Examination or the General Securities Registered Representative Examination.

(iii) The requirements of paragraph (f)(i) shall not apply to any person associated with a municipal securities broker or municipal securities dealer who is qualified as a municipal securities principal.

(iv) Any person who ceases to act as a municipal securities sales principal for two or more years at any time after having qualified as a municipal securities sales principal in accordance with this section (f) shall take and pass the appropriate examination designated by the Board and be qualified as a municipal securities representative prior to being qualified as a municipal securities sales principal.

(v) For the first 90 days after becoming a municipal securities sales principal, the requirements of paragraph (f)(i) shall not apply to any person who is qualified as a municipal securities representative, general securities representative, or general securities principal provided, however, that such person shall take the appropriate examination designated by the Board within that period.

(vi) The requirements of this section (f) may be waived in extraordinary cases for any associated person of a municipal securities broker or municipal securities dealer who demonstrates extensive experience in a field closely related to the municipal securities business of such municipal securities broker or municipal securities dealer. Such waiver may be granted

(A) by a registered securities association with respect to a person associated with a member of such association, or

(B) by the Commission with respect to a person associated with any other municipal securities broker or municipal securities dealer (other than a bank dealer).

(g) Confidentialy of Qualification Requirements.

No associated person of a municipal securities broker or municipal securities dealer shall:

(i) in the course of taking a qualification examination required by this rule receive or give assistance of any nature;

(ii) disclose to any person questions, or answers to any questions, on any qualification examination required by this rule;

(iii) engage in any activity inconsistent with the confidential nature of any qualification examination required by this rule, or with its purpose as a test of the qualification of persons taking such examinations; or

(iv) knowingly sign a false certification concerning any such qualification examination.

(h) Retaking of Qualification Examinations.

Any associated person of a municipal securities broker or municipal securities dealer who fails to pass a qualification examination prescribed by the Board shall be permitted to take the examination again after a period of 30 days has elapsed from the date of the prior examination, except that any person who fails to pass an examination three or more times in succession shall be prohibited from again taking the examination until a period of six months has elapsed from the date of such person's last attempt to pass the examination.

(i) Employment.

(i) Any person who first becomes associated with a municipal securities broker or municipal securities dealer in a representative capacity (whether as a general securities representative or municipal securities representative) without having previously qualified as a general securities representative or municipal securities representative shall be permitted to function in a representative capacity without qualifying pursuant to paragraph (e)(i) for a period of at least 90 days following the date such person becomes associated with a municipal securities broker or municipal securities dealer provided, however, that such person shall not transact business with any member of the public with respect to, or be compensated for transactions in municipal securities during such 90 day period, regardless of such person's having qualified in accordance with the examination requirements of this rule. A person subject to the requirements of this section shall in no event continue to perform any of the functions of a municipal securities representative after 180 days following the commencement of such person's association with such municipal securities broker or municipal securities dealer, unless such person qualifies as a municipal securities representative pursuant to paragraph (e)(i).

(ii) The requirements of this section (i) may be waived for any associated person of a municipal securities broker or municipal securities dealer in extraordinary cases in which such person demonstrates extensive experience in a field closely related to the municipal securities business of such municipal securities broker or municipal securities dealer. Such waiver may be granted

(A) by a registered securities association with respect to a person associated with a member of such association, or

(B) by the appropriate regulatory authority with respect to a person associated with any other municipal securities broker or municipal securities dealer.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-13211 Filed 5-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22050; 37-65]

Northeast Utilities, et al.; F,iling of Post-Effective Amendment Regarding Extension of Period for the Issuance of Long-Term Notes by Service Company and Acquisition by Holding Company

May 13, 1981.

In the matter of Northeast Utilities, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089: Northeast Utilities Service Company, the Connecticut Light and Power Company, the Hartford Electric Light Company, Western Massachusetts Electric Company, Holyoke Water Power Company.

Northeast Utilities Service Company ("Service Company"), a subsidiary service company of Northeast Utilities ("Northeast"), a registered holding company, and its above-named associate electric utility companies, have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant

to Sections 6(a), 7, 9(a), 10, and 13(b) of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions.

By order dated June 30, 1966 (HCAR No. 15519), the Commission, among other things, authorized Service Company to issue and sell to Northeast for cash, and Northeast to acquire, during a five-year period commencing June 30, 1966, up to $3,000,000 aggregate principal amount to be outstanding at any one time of long-term unsecured notes of Service Company to bear interest at a rate of not more than one-quarter of one percent above the commercial bank prime rate on short-term loans in effect in Hartford, Connecticut.

By orders dated July 30, 1969, January 29, 1971, and June 15, 1976 (HCAR Nos. 16437, 16980, and 19574), the Commission, among other things, authorized increases in the aggregate principal amount of such notes to be issued and sold by Service Company to Northeast to the present limit of $10,000,000 aggregate principal amount at any one time outstanding and also extended the authorization with respect to the issuance and sale of notes to June 30, 1981. The aggregate capital of Service Company, including its outstanding notes and capital stock, will be maintained at all times at an amount not to exceed the sum of two months' operating expenses, plus an amount necessary to finance the inventory of materials and supplies proposed to be purchased by Service Company and stored in its central warehouse, plus the cost of Service Company's property less applicable reserves, prepayments, and petty cash working funds.

Applicants-declarants now propose to further extend the period during which the notes may be issued to June 30, 1986, in order to permit Service Company to meet and maintain its net cash requirements for working capital. Such long-term unsecured notes, which will not exceed $10,000,000 maximum aggregate principal amount at any one time outstanding, will mature 40 years from the date the first of such notes are issued, will bear interest at a rate not more than 120% of the commercial bank prime rate on short-term loans in effect from time to time in Hartford, Connecticut, and may be repaid at any time without premium. In all other respects, the notes will carry the same terms and provisions and be subject to the same limitation on the aggregate capital of Service Company as the notes authorized under the July 30, 1969, order.

The post-effective amendment states that no fees or expenses will be incurred in connection with the proposed transactions and that no consent or approval of any state commission or federal commission, other than this Commission, is required in respect of the proposed transactions.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 11, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specially the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15207 Filed 5-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22053; 70-6465]

Northeast Utilities; Proposed Change in Revolving Credit Agreement

May 15, 1981.

In the matter of Northeast Utilities, Western Massachusetts Electric Company (174 Brush Hill Avenue, West Springfield, Massachusetts 01089), the Connecticut Light & Power Company, the Hartford Electric Light Company, Northeast Nuclear Energy Company (Selden Street, Berlin, Connecticut 06037), and Holyoke Water Power Company (One Canal Street, Holyoke, Massachusetts 01040).

Northeast Utilities ("NU"), a registered holding company, and five of its wholly-owned subsidiary companies, The Connecticut Light & Power Company ("CL&P"), The Hartford Electric Light Company ("HELCO"), Western Massachusetts Electric Company ("WMECO"), Holyoke Water Power Company ("HWP") and Northeast Nuclear Energy Company ("NNECO"), have filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to Sections 6(a), 7 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 45 and 50 thereunder.

By orders dated July 1, 1980 (HCAR No. 21647), August 21, 1980 (HCAR No. 21684) and February 3, 1981 (HCAR No. 21905) and April 14, 1981 (HCAR No. 22005) in this matter, the applicants-declarants were authorized, among other things, to issue and sell notes to banks and, with the exception of HWP and NNECO, commercial paper to a dealer in commercial paper from time to time through June 30, 1981. In addition, CL&P, HELCO and WMECO were authorized to enter into a multibank revolving credit and term loan agreement under the terms of which the three companies can borrow up to an aggregate of $140,000,000. The aggregate amount of all such notes at any time outstanding, whether issued to banks ("Bank Notes") or to a dealer in commercial paper ("Commercial Paper") or to banks under the revolving credit/term loan agreement ("Revolving Credit/Term Notes") may not exceed $55,000,000 in the case of NU, $210,000,000 in the case of CL&P, $140,000,000 in the case of HELCO, $85,000,000 in the case of WMECO, $8,000,000 in the case of HWP and $40,000,000 in the case of NNECO.

As presently structured the exercise by any company of its option to convert borrowings under the revolving credit agreement to term loans would permanently foreclose such company from making further revolving loans. It is proposed that the agreement be revised to permit CL&P, HELCO and WMECO to reborrow during the revolving credit period even though a portion of the outstanding borrowings may have been converted to term loans. The amount available for reborrowing by an individual company, however, would be reduced to the extent a portion of its commitment had been converted to term loans.

The application-declaration and amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 8, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by

affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15208 Filed 5-20-81; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

May 18, 1981.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of: Bairnco Corporation, Common Stock, $.05 Par Value (File No. 7-5916).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 9, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15210 Filed 5-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22051; 70-6602]

Southwestern Electric Power Co.; Proposed Transactions Related to Financing Air Pollution Control Facilities

May 14, 1981.

Southwestern Electric Power Company ("SWEPCO"), P.O. Box 21106, Shreveport, Louisiana 71156, a public-utility subsidiary company of Central and South West Corporation, a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44 and 50(a)(5) thereunder.

SWEPCO has under construction Unit No. 3 of the Welsh Power Plant (the "Unit"), in Titus County, Texas. The Unit, scheduled to be completed in early 1982, will have a rated capacity of 530 megawatts and an estimated total cost of $167,900,000. In order to comply with applicable state and federal environmental control standards with respect to the Unit, it is necessary to construct, as part of the Unit, certain air pollution control facilities (the "Facilities"). SWEPCO proposes to enter into an Installment Sale Agreement (the "Agreement") with Titus County Fresh Water Supply District No. 1 (the "District"), an instrumentality of the State of Texas, under which the District would undertake the financing of the Facilities. The Agreement provides that SWEPCO will transfer to the District its interest in the Facilities as they presently exist and will be reimbursed for its cost of acquiring and constructing the property so transferred. SWEPCO will then cause the construction of the Facilities to be completed for the District and will be reimbursed by the District for the cost of such construction. Title to various portions of the Facilities will be in the District during the course of construction. Title to the Facilities will automatically vest in SWEPCO upon completion.

The District will finance the acquisition or construction of the Facilities through the issuance and sale, concurrently with the execution of the Agreement, of the District's Pollution Control Revenue Bonds in an aggregate amount presently estimated at $16,000,000 but in no event to exceed $20,000,000. The bonds will bear interest semi-annually and will mature at a date or dates not more than 30 years from the issue date, the exact maturity dates to be determined at the time of pricing of the bonds in order to take maximum advantage of then current market conditions. The proceeds from the sale of the bonds will be placed in a construction fund created and established under the Indenture and will be disbursed to reimburse SWEPCO for the cost of construction of the Facilities, including their acquisition from SWEPCO and their completion.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 15, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing if ordered and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15209 Filed 5-20-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 81-ASW-3AC]

Gulfstream American Corp. Model 695A; Aircraft Certification and Availability of Documents

The formal type certification process for the Model 695A has been completed. Certification was requested by Gulfstream American Corporation, Bethany, Oklahoma, under the provisions of Subpart "J" of Federal Aviation Regulation (FAR) 21. Federal Aviation Administration (FAA), Southwest Region personnel participated in the certification process by attending Type Certification Board Meetings, reviewing technical documents and witnessing tests.

The Director of the Southwest Region has conducted a review of the issues involved in the Model 695A type certification program and the findings of the Delegation Option Authorization (DOA) and FAA certification teams. He

has also reviewed and discussed with his staff a document entitled "Decision Basis for Type Certification of the Gulfstream American Model 695A airplane."

Based on this review, the Director approved the amendment of Aircraft Type Certificate 2A4 to include the Model 695A. This amendment was dated April 30, 1981.

A copy of the "Decision Basis for Type Certification of the Gulfstream American Model 695A Airplane" is on file in the FAA Rules Dockets. The bulk of the "Decision Basis" reviews the purpose, structure, conduct, and significant highlights of the certification program wherein Gulfstream American was required to demonstrate compliance with the applicable Federal Aviation Regulations and Special Conditions. It provides a brief overview of type inspection test results and a compliance checklist showing the means of compliance with each paragraph of the certification basis. Other appendices and attachments pertaining to the Model 695A type certification program are also included in the document.

The "Decision Basis" document is available for examination and copying at the FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. Copies of the report and appendices may be obtained from the Office of the Director, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.

Issued in Fort Worth, Texas on May 11, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-15233 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

Advisory Circular on Manufacturers' Service Documents

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed advisory circular and request for comments.

SUMMARY: The proposed new advisory circular suggests acceptable ways aircraft, aircraft engine, propeller, and appliance manufacturers may indicate FAA approval of recommended actions set forth in manufacturers' service documents. As a result of the FAA's 1979 investigation of the crash of an American Airlines, Inc., McDonnell Douglas DC-10 in Chicago it was recommended that the FAA develop and implement a consistent policy on review and approval of manufacturers' service documents. This proposed advisory circular is intended to assure that manufacturers' service information provided to aircraft operators is consistent and that deviations and changes to service documents are made in an acceptable manner.

DATES: Commenters must identify file number AC 120-XX and comments must be received on or before July 20, 1981.

ADDRESSES: Comments on the proposed Advisory Circular may be either mailed in duplicate to: Federal Aviation Administration, Office of Airworthiness, Attention: Technical Standards Branch (AWS-110), 800 Independence Avenue, SW., Washington, DC 20591, or delivered in duplicate to: Room 335D, 800 Independence Avenue, SW, Washington, DC 20591. Comments delivered must be marked File No. AC 120-X. Comments may be inspected at Room 335D between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Hayes, Technical Standards Branch (AWS-110), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW, Washington, D.C. 20591, telephone (202) 426-8374.

SUPPLEMENTARY INFORMATION:

Comments Invited

Comments are invited from all interested persons on the proposed advisory circular dealing with manufacturers' service documents. A copy of the proposed advisory circular may be obtained by contacting the person identified under "For Further Information Contact."

Issued in Washington, D.C., on May 14, 1981.

M. C. Beard,

Director of Airworthiness.

Proposed Advisory Circular 120-XX

Subject: Manufacturers' Service Documents

1. *Purpose.* This advisory circular suggests acceptable methods by which product manufacturers may indicate FAA approval of recommended actions prescribed in manufacturers' service documents.

2. *Related Federal Aviation Regulations (FAR) Sections.* Sections 21.31, 21.93, 21.95, 21.97, 21.99, 21.113, 21.289, 21.463, 43.13 (a) & (b), 43.3(a), 43.7, 43.17, 65.95, 91.163(b), 121.379, 127.140, 135.437, and 145.51.

3. *Background.*

a. Manufacturers' service documents communicate useful recommendations and information on available alterations, suggested repairs, inspections, etc., to operators. It is the operators' (not the manufacturers') ultimate responsibility to ensure that FAA approval has been obtained if FAA approval is required before implementing manufacturers' advice, recommendations, alterations, repairs, etc., prescribed in service documents. The FAR requires manufacturers to provide descriptive data covering required design changes to operators of their products. When FAA approval is required, it is necessary for operators and FAA field inspectors to know which recommendation or information has been reviewed and approved by the FAA prior to issuance of the service document. For this reason it is desirable and expedient to assist the operator by indicating in an appropriate fashion in the body of service documents specifically which recommendation or information has been reviewed and approved by the FAA.

b. In the past, the phrases "FAA/DER Approved," "DER Approved," and "DOA Approved" have been used in service documents to indicate that FAA approval was administered by FAA designees. Such notations introduce confusion regarding the FAA approval status of a recommended action. FAA designee approval has legal significance only when that approval constitutes an FAA approval. Therefore, an approval by an FAA designee on behalf of the FAA that is accomplished within that designee's delegated authority is an FAA approval. FAA designees can approve only actions that have a regulatory basis for approval.

c. It is common practice for manufacturers to publish service documents for distribution to operators of their products. Manufacturers are not required by FAR either to coordinate service documents with the FAA or to gain FAA approval of these service documents prior to publication or distribution; however, manufacturers are required by FAR to gain FAA approval of all type design changes and to provide descriptive data covering required design changes to operators of their products.

d. When major type design changes are involved, FAA approval is required by either FAA regional engineering offices or FAA designees; however, there are some major type design changes that require direct FAA regional engineering participation. The following are examples of major type design changes that require prior FAA regional engineering review and approval:

(1) Changes requiring issuance of type Inspection Authorization.

(2) Changes requiring ground test demonstrations witnessed by FAA regional engineering personnel.

(3) Changes requiring revisions to Type Certificate Data Sheets.

(4) Changes requiring revisions to the Airworthiness Limitation Sections of FAA approved manuals.

(5) Changes made to correct reported deficiencies or safety hazards which appear to be airworthiness directive subjects.

(6) Revisions to changes required by airworthiness directives.

e. It has also been common practice in the past for manufacturers to mark entire service documents, such as service bulletins and all-operators' letters, as "FAA-Approved," "FAA-DER Approved," or "DER Approved." This practice implies that the service document has been reviewed, evaluated, and approved in toto by the FAA; however, since there is no regulatory basis for FAA approval of certain information in service documents, the practice should be discontinued.

f. FAA approval of a document or recommended action should mean that the FAA has reviewed the document or recommended action under established FAA regulations or standards and found it to be acceptable. Many parts of typical service documents do not require and should not receive FAA approval; these parts include manufacturer's recommended compliance times (except as indicated in paragraphs 5b(1)(b) and 5c), reasons or background supporting issuance of the document, recommended maintenance practices, step-by-step routine alteration procedures, estimates on the cost of compliance, tooling and facility requirements for compliance, etc. When there is a regulatory basis for an FAA approval, FAA approval may be indicated.

g. Most manufacturers of products used in air carrier service, and many manufacturers of products used in general aviation, have elected to abide by the guidelines in Air Transport Association (ATA) Specification No. 100, Specification for Manufacturers' Technical Data. Use of ATA Specification No. 100 is not an FAA requirement; however, it is a useful industry specification and its use is acceptable to the FAA. That Specification and an associated Airline) Manufacturer Service Bulletin Implementation Guideline Manual, IGM–1, can be used to the extent they are compatible with the discussion that follows. (Note: ATA Specification No. 100 and IGM–1 are reasonably priced and may be purchased from the Engineering Division, Air Transport Association, 1709 New York Avenue, NW., Washington D.C. 20006.)

4. **Definitions.**

A. "Product" means an aircraft, aircraft engine, propeller, appliance, or part thereof.

b. "Service documents" mean publications by a type certificate holder that communicate useful information to the product operators relative to safety, product improvement, economics, and operational and/or maintenance practices. Typical forms of publications include: service bulletins; all-operators' letters; service news letters; and service digests or magazines. Publications, such as flight manuals and certain maintenance manuals, that are required for FAA type certification or approval are excluded.

c. "FAA designees" mean Designated Engineering Representatives (DERS), who have delegated authority to approve engineering information, and Delegation Option Authorization (DOA) and Designated Alteration Station (DAS) Authorization holders, who have delegated authority to approve either technical data or supplemental type certificates on behalf of the FAA.

5. *Discussion.*

a. Product manufacturers should neither mark an entire service document as "FAA-Approved," "FAA/DER Approved," "DER Approved," etc., nor use any other statement which implies that the service document has been reviewed, evaluated, and approved in toto by the FAA unless this is in fact the case and total FAA approval is required by regulation and has been conferred in accordance with prescribed procedures.

b. If an action, such as an alteration, parts replacement, repair, etc., is recommended by a manufacturer, and if FAA design approval is required for this action pursuant to the FAR, the manufacturer may be authorized to indicate a grant of FAA approval in the service document. When this is done:

(1) The service document should be explicit on what falls within the scope of FAA approval. Example statements follow:

(a) "The resultant alteration (or repair) to the affected aircraft described by Paragraph XX has been shown to comply with the applicable Federal Aviation Regulations and is FAA-Approved;" or

(b) "The retirement life limits of Paragraph XX have been shown to comply with the applicable Federal Aviation Regulations and are FAA-Approved." (Note: Use only when replacement life limits are considered a type certification limitation.)

(2) Service documents should be neither treated nor represented as the official FAA approval documents, unless either a letter of design approval from the FAA or a record that compliance has been determined by an FAA designee is on file for recommended actions indicated as FAA-approved in service documents.

(3) Manufacturers should not indicate FAA approval of:

(a) Compliance times recommended in service documents (except as indicated in paragraphs 5b(1)(b) and 5c);

(b) Background information on the reasons why the recommendations are being made;

(c) Recommended maintenance actions, including inspections, that do not require FAA approval in the type certification process; or

(d) Detailed instructions (step-by-step) on how to accomplish a manufacturer's recommended and FAA-approved alteration, repair, rework, etc.

(4) Service document statements regarding approval status should read "FAA-approved" even though FAA designees may have been involved in determining compliance. Terms such as "DER Approved," "FAA/DER Approved," "DOA Approved," etc., should not be used in service documents.

c. FAA approval of structural repairs and approval for continued operation with known but safe levels of structural damage may be indicated in a manufacturer's service document. If a statement, such as "The structural repair in paragraph XX is FAA-approved" is employed, it will be contingent on execution of the conditions contained in the FAA approved document.

d. Deviations to FAA-approved portions of service documents should also be FAA-approved.

[FR Doc. 81–15123 Filed 5–20–81; 8:45 am]
BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 142—Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA/Special Committee 142 on Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment to be held on June 24–26, 1981 in RTCA Conference Room 267, 1717 H Street NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the

Eighth Meeting Held on April 21–22, 1981; (3) Review Draft Report on DABS Minimum Operational Performance Standards; (4) Consideration of Unresolved Issues; (5) Develop Procedures for Completing Final Draft Report; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on May 15, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81–15124 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–13–M

Air Traffic Control Tower; Correction to Notice of Commissioning

On April 27, 1981, on page 23583 of the **Federal Register** (46 FR 23583, April 27, 1981), notice was given that the airport traffic control tower at Martha's Vineyard would be commissioned as a part-time FAA Facility from May 21, 1981, through October 1, 1981. The closing date of October 1, 1981, was in error. The facility will be in operation only until September 14, 1981.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on May 7, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81–14964 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–81–13]

Petitions For Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: June 10, 1981.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
16656	Pratt & Whitney Aircraft	14 CFR 33.14, 33.23, 33.27, 33.68, 33.77, and 33.92.	To extend exemption No. 2552 to the JT10D PW2000 engine and allow the use of alternate procedures in lieu of those specified in §§ 33.77 and 33.92. The present exemption allows the use of alternate procedures in lieu of those specified in the other listed sections of Part 33.
20493	Electrospace System, Inc.	14 CFR 65.91(c)(d)	To permit Mr. Ron Spatafora to become eligible for an Inspection Authorization without fully complying with the eligibility requirements.
21633	Consolidated Aircraft Corporation	SFAR 41 paragraph 4a	Relief from the 12,500 pound zero fuel weight requirement of SFAR 41, paragraph 4a, to allow operation of the ARAVA model 101B up to a zero fuel weight of 14,000 pounds.
21066	Skywest Airlines	14 CFR Part 135 Subpart F	To allow a minimum of 8 consecutive hours of rest once every 7 days provided the rest period is preceded by no more than 8 hours of duty and no more than 4 hours of flying time, and such rest period is followed by no more than 8 hours of duty and no more than 4 hours of flight time and the next rest period is no less than 16 hours.
21678	Los Angeles Dodgers, Inc	14 CFR 21.181, 91.27(a)(1), 91.29(a)(b), and 91.165.	To permit use of an FAA-approved minimum equipment list and configuration deviation list for one B–720B aircraft in Part 91 operations.
21629	Wien Air Alaska	14 CFR 121.291(a)(1)	To allow petitioner to place Boeing 727–100 aircraft in passenger/cargo service using 96 passengers and 2 flight attendants or 66 passengers/2 cargo pallets and 2 flight attendants without first conducting a full-seating capacity emergency evacuation demonstration.
20418	Northern Air Cargo, Inc	14 CFR 121.185(a)	Reconsideration of the denial of Exemption No. 3120 to allow the operation of DC–6 aircraft into Savoonga and Gambell, St. Lawrence Island, Alaska, using 70 percent of the effective length of the runway for landing and stopping.
21674	United Air Lines Inc	14 CFR 121.291(a)(2)(i)	To permit an increase in the seating capacity of B–737–200 series aircraft from 103 to 136 passengers without conducting a full-scale emergency evacuation demonstration. In addition in the event any of United's B–737 aircraft are operated with less than 136 passenger seats, its operations specifications provide that the minimum required number of flight attendants be established in accordance with § 121.391.
21590	Daniel J. Livingston	14 CFR 61.151(a)	To permit petitioner to obtain an airline transport pilot certificate before reaching his 23rd birthday.
21680	United Air Carriers, Inc	14 CFR 121.411(a)(6)	To permit petitioner to use Lawrence Adams as a check airman in DC–6 simulator training program although Mr. Adams does not hold at least a Class III medical certificate.

Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
21421	John P. Bussanich	14 CFR 135.243(b)(3)	To allow petitioner to fly as a pilot in command for Southeast Alaska Airlines in their Part 135 operation without having an instrument rating when operating in day visual flight rule conditions in remote areas.
21586	Royale Airlines	14 CFR 61.31(a)(1)	To allow petitioner's pilots to operate Bandeirante EMB 110/41 aircraft without possessing the appropriate type rating for that aircraft.
21686	Pinehurst Airlines, Inc	14 CFR 121.291	To allow petitioner to introduce Nihon VS 11 aircraft into inital passenger service without first conducting the emergency evacuation demonstration with 56 passengers.
17922	Air Midwest, Inc	14 CFR 135.261	Extension of Exemption No. 2582A. The present exemption permits petitioner to assign a flight crewmember and to permit a flight crewmember to accept an assignment for duty when that assignment does not provide for at least 10 consecutive hours of rest during the 24 hours preceding the planned completion of the assignment.
21606	Sierra Academy of Aeronautics (SAA)	14 CFR 61153	To allow petitioner's Algerian National Airline students, who have completed SAA's commercial/instrument course, to take the Airline Transport Pilot (ATP) written test without having met the aeronautical experience requirements.
21607	Calvin D. Brewer	14 CFR 135.243	To permit petitioner to serve as pilot in command of an airplane under visual flight rules without holding an instrument rating or an airline transport pilot certificate.
21583	A. W. Morris	14 CFR 121.574(a)(2)	To allow petitioner to use his personal liquid oxygen and the associated equipment which has not been under a Part 121 certificate holder's approved maintenance program.
21707	Aeromech Airlines	14 CFR 61.31(a)(1)	To allow petitioner's pilots to operate Bandeirante EMB 110/P1 and P2 aircraft, that will be retrofitted in accordance with SFAR 41 after June 1981, without possessing the appropriate type rating for the retrofitted aircraft. The type rating would be obtained at the next 6-month check following retrofitting.
19242	Northwest Airlines, Inc	14 CFR 91.32(b)(1)(ii) and 121.333(c)(2)	Extension of Exemption No. 2795 which permits operation of B747/F and 200 series aircraft above FL 410 without requiring one pilot at the controls having the wear and use an oxygen mask secured/sealed and supplying oxygen.
21663	Aviation Materials Fuel Cells, Inc	14 CFR 65.101(a)(5)	To permit issuance of a limited repairman certificate covering repair of fuel cells after 6 months rather than the 18 months of experience required.
21404	AAR Oklahoma, Inc	14 CFR 135.261(b)	To permit petitioner's pilots to accept an assignment for duty during flight time when, as an assignment, would not provide at least 10 consecutive hours of rest during 24-hour period preceding the planned completion of the assignment.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21712	Hawaiian Airlines, Inc	14 CFR 121.538	Relief from the requirement to maintain a full security program. *Granted 5/14/81.*
19943	Airline Training Institute	14 CFR 61.63(d) (2) and (3) and 61.157(d)(1).	To permit its trainees to complete a practical test for the issuance of a type rating to be aded to any grade of pilot certificate, in an airplane simulator as set forth in Appendix A of Part 61. *Granted 5/11/81.*
21550	Western Airlines	14 CFR 121.291(a)(2)(i)	To allow petitioner to increase the seating capacity on its Boeing 727-247 aircraft from 146 passengers to 160 passengers without conducting a full emergency demonstration. *Granted 5/12/81.*
21552	Matomco Oil Co., Inc	14 CFR 91.31(a)	To operate a leased McDonnell Douglas DC-6A aircraft Serial No. 44071, without complying with portions of the aircraft operating limitations. *Granted 4/30/81.*
21518	Type Rating Training	14 CFR 61.63(d)(2) and (3), and 61.157(d)(1).	To allow petitioner's trainees to complete a practical test for the issuance of a type rating in an aijrplane simulator as set forth in Appendix A of Part 61. *Granted 5/11/81.*
15194	Compania Mexicana de Aviacion, S.A. (CMA)	14 CFR Various sections of Parts 21, 61, and 63.	To amend Exemption No. 2195K which permits the operation of four U.S.-registered B-727-2J7 aircraft with petitioner's airman, and the maintenance of those aircraft in accordance with a B-727 master minimum equipment list. The amendment would extend the termination date for two of the aircraft, N552NA and N553NA, to coincide with the expiration date of the current lease. *Granted 5/12/81.*
21342	Pacific Southwest Airlines (PSA)	14 CFR 61.39(a)(1)	To permit certain PSA flight crewmembers to take the flight test for an airline transport pilot certificate (ATCP) although more than 24 months have elapsed since they passed the required written test for that certificate. *Granted 4/20/81.*
21281	Golden West Airlines	14 CFR 121.61(d)	To allow petitioner to employ Mr. John A.C. Nelson as their Chief Inspector although he lacks part of the requirement to have at least 3 years of diversified maintenance experience on large aircraft with an air carrier, commercial operator, or certificated repair station. *Granted 4/30/81.*
21299	Icelandair S.A. and Pilgram Aviation and Airlines	14 CFR Parts 21 and 91	To allow Petitioner to operate one U.S.-registered F-27 aircraft with the use of an FAA-approved MMEL and a continuous airworthiness maintenance program. *Granted 4/30/81.*
20009	Captain Leo Tew	14 CFR 121.383(c)	To permit petitioner to continue as a pilot in air carrier opeations after having reached his 60th birthday. *Denied 4/20/81.*
18871	Sierra Academy of Aeronautics	14 CFR 141.91(a)	Extension of Exemption No. 2744. The present exemption allows petitioner to conduct flight instruction in an approved course of training at a satellite base more than 25 nautical miles from its main base of operation. *Granted 5/12/81.*
21250	Briles Wing Helicopter, Inc	14 CFR 135.117	To permit the ground crew to conduct the before takeoff briefing of helicopter passengers. *Granted 5/12/81.*
12835	Texas Instrument, Inc	14 CFR 91.169	Extension of Exemption 1866E. The present exemption allows the use of the inspection provisions of Sections 91.217 and 91.219 instead of Section 91.169. *Granted 4/30/81.*
19113	Capitol International Airways, Inc	14 CFR various sections of Part 121	To permit petitioner, a charter air carrier, to continue to conduct scheduled passenger service over authorized routes under Supplemental Air Carrier Rules. *Granted 4/30/81.*

Dispositions of Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
16920	Transamerica Airlines, Inc. and World Airways	14 CFR various sections of Part 121	Extension of termination date of Exemption No. 2947 which allows scheduled service operations utilizing the flight control/dispatch procedures for pilots, and enroute servicing and maintenance procedures of Part 121 that are applicable to supplemental air carriers. *Granted 4/30/81.*
21587	Air Europe Limited	14 CFR 21.181, 91.27, and 91.29	To permit Air Europe to operate a leased U.S.-registered B–737–200 aircraft using a FAA-approved master minimum equipment list. *Granted 4/30/81.*
12738	Union De Transports Aeriens (UTA)	Portions of 14 CFR Parts 21, 61, 63 and 91	To operate three leased DC–10 airplanes (N54629, N54639, and N54649) using an FAA approved minimum equipment list and an FAA-approved continuous airworthiness maintenance program. *Granted 4/30/81.*
20395	Nolan K. Bushnell Aviation	14 CFR 91.32(b)(1) ii, 135.89(b)(3)	To permit operation of petitioner's Learjet Model 35A aircraft up to FL450 without either pilot being required to wear an oxygen mask. *Partial Grant 5/4/81.*
21377	Guy-America Airways (GAA)	14 CFR 121.291 (a) and (b)	To permit GAA to introduce its B–707–100 airplane configured for 149 passenger seats without first conducting a full-seating capacity emergency evacuation and ditching demonstration. *Granted 5/8/81.*
19498	Air Logistics of Alaska, Inc. (ALA)	14 CFR 135.385 (b) and (c)	Extension of Exemption No. 2902A. The present exemption allows ALA to operate its CASA–212 aircraft at maximum gross landing weights at regular airports where more than 60 percent of the effective runway length would be required for landing and at alternate airports where more than 70 percent of the effective runway length would be necessary. *Granted 5/5/81.*
21373	Big Bend Community College	14 CFR Part 141 Appendix D	To permit the required 600 mile cross-country flight, with three 200 nm legs, to be made with one leg less than 200 nm from the other points. *Denied 4/30/81.*
21131	Air Berlin USA	14 CFR 121.407	To permit Air Berlin to use a B–737 airplane simulator approved by the Belgian Administration De L' Aeronautique for the conduct of proficiency checks. *Denied 5/12/81.*
21365	Thomas Scott Hattaway	14 CFR 65.71(a)(2)	To permit petitioner to become eligible for a mechanic certificate without being able to speak the English language. *Granted 5/14/81.*
21108	Sundstrand Data Control, Inc	14 CFR 91.7	To permit nonpilot technical personnel to occupy a pilot seat in a Grumman G–159 airplane while in flight. *Denied 5/4/81.*
20665	Cochise Airlines, Inc	14 CFR 135.297	To delete the requirement to demonstrate an automatic directional finder (ADF) approach during the pilot in command (PIC) instrument proficiency check. *Granted 5/5/81.*

[FR Doc. 81–15190 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Arapahoe and Jefferson Counties, Colorado

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this Notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Arapahoe and Jefferson Counties, Colorado.

FOR FURTHER INFORMATION CONTACT: Mr. John Gibbs, Staff Environmentalist, or Mr. Jack Gillespie, Preconstruction Engineer, Federal Highway Administration, P.O. Box 25406, Building 25, Denver Federal Center, Denver, Colorado 80225. Telephone: (303) 234–4438.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Colorado Department of Highways, Arapahoe and Jefferson Counties, and the cities of Columbine Valley and Littleton, will prepare and EIS for a proposed crossing of the South Platte River, Project M–1030(1). The project limits are South Santa Fe Drive (SH 85) to the east of the river and Platte Canyon Road (SH 75) to the west, a distance of approximately 1.5 miles.

Alternatives to be considered include (1) the no-build alternative, 92) widening of existing two-lane Bowles Avenue and river crossing to six lanes, (3) a new four-lane road and river crossing generally on the alignment of Ken Caryl Road extended easterly, and (4) a new four-lane road and river crossing generally on the alignment of Coal Mine Road extended easterly. In order to meet the traffic demand, which has a strong northeasterly orientation, these last two alternates would also include a future widening of Bowles Avenue to four lanes.

The proposed project was programmed with Federal funding in October of 1979 and categorized as an Intermediate project. An Intermediate categorization anticipates that the project will be a major Federal action, but that there will not be significant impacts upon the human environment. Scoping meetings and a series of public meetings were held in 1979 and 1980 and the draft of an environmental assessment was prepared in late 1980. During the course of these meetings and environmental studies, it became obvious to the major participants that the project could very well have significant impacts on the environment and that it might be very controversial. The project categorization was accordingly revised to MAJOR in January of 1981 and this Notice signifies the intent to proceed with an EIS which should be distributed within several months of the date of this Notice and followed by a formal public hearing.

To ensure that the full range of issues related to this proposed action is addressed and that all significant issues are identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS or a desire to be included on the EIS distribution list and public hearing mailing list should be directed to the FHWA at the address provided above.

(Catalog of Federal Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: May 12, 1981.

Leon N. Larson,

Director, Office of Environmental Policy, Washington, D.C.

[FR Doc. 81–14913 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–22–M

Evironmental Impact Statement; Chatham County, Georgia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Chatham County, Georgia.

FOR FURTHER INFORMATION CONTACT: David H. Densmore, Development Engineer, Federal Highway Administration, Suite 700, 1422 West Peachtree Street, NE., Atlanta, Georgia 30309, telephone (404) 881–4758, or Peter Malphurs, State Environmental Analysis Engineer, Georgia Department of Transportation, Office of Environmental Analysis, 65 Aviation Circle, Atlanta, Georgia 30336, Telephone (404) 696–4634.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Georgia Department of Transportation (Georgia DOT) will prepare an environmental impact statement (EIS) on a proposal to construct a new location connector between U.S. 80 and S.R. 367 on White Marsh Island beginning at the intersection of U.S. 80 and Islands Expressway. The new location section will extend south, paralleling Saffold Field, into a T-intersection with S.R. 367. The new location section will be four 12-foot travel lanes, two in each direction. In addition to the new location connector, the proposal includes the widening of S.R. 367 from the new location intersection to Wilmington Island. The existing two-lane roadway will be widened symmetrically to four 12-foot travel lanes with a 14-foot flush median up to the approach to Spencer's Bridge over Turner's Creek. Spencer's Bridge will be widened to four 12-foot travel lanes with a 14-foot flush median all on the south side of the existing bridge. At the bridge terminus, the widening will again be symmetrical to the project terminus. The total project length is approximately three miles. The proposed work is necessary to accommodate existing and future traffic demand.

Alternatives under consideration include the build and no-build alternative.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Formal scoping meetings will not be held. A public hearing will be held. Public notice will be given of the time and place of the meetings and hearing.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

The Catalog of Federal Domestic Assistance Program Number is 20.205, *Highway Research, Planning and Construction.* The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.

Issued on: May 11, 1981.

David H. Densmore,

Development Engineer, Atlanta, Georgia.

[FR Doc. 81–14914 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement: Santa Clara County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed project to replace the existing Cochrane Bridge in Morgan Hill (Santa Clara County), California.

FOR FURTHER INFORMATION CONTACT: David L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440–3541.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Santa Clara County Transportation Agency (SCCTA), will prepare an Environmental Impact Statement (EIS) on a proposal to replace the existing Cochrane Bridge in Morgan Hill, California. This bridge is located on East Dunne Avenue and spans Lake Anderson, East of Morgan Hill. The existing structure, which was built in 1951, has undergone extensive stress and distortion since its completion due to landslides and a branch of the Calaveras Earthquake Fault at the site. Ongoing maintenance and reinforcement of the bridge has occurred, but engineering/geologic studies have determined the current structure to be inadequate and in danger of failing should a large earthquake occur. There is a current 10-ton weight limit on the bridge.

The bridge is eligible for federal funding under the FHWA Bridge Replacement Program. Several alternatives for this project are being evaluated including (a.) Bridge replacement designs at the existing site and (b.) locating a new bridge at one of several alternative sites in the vicinity of the existing bridge. At the present, the preferred alternative, based on a consultant's report, is constructing a buttress fill/bridge with an overflow channel immediately adjacent to the existing structure.

A community meeting was held near the project site in Morgan Hill on March 3, 1981 to inform area residents of the proposed plans and to solicit public input on the project.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

David L. Eyres,

District Engineer, Sacramento, California.

[FR Doc. 81–14912 Filed 5–20–81; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 22]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $1,025,000 has been established for the company.

Name of Company: SAFECO Insurance Company of Illinois.

Business Address: SAFECO Plaza, Seattle, Washington 98185.

State of Incorporation: Illinois.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1980 Revision, at page 44511 to reflect this addition. Copies of

the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: May 13, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-15178 Filed 5-20-81; 8:45 am]

BILLING CODE 4810-35-M

Office of Revenue Sharing

Data Improvement Program for Entitlement Period Thirteen; Dates and Challenge Procedures

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Notice of the dates and challenge procedures for the data improvement program.

SUMMARY: This gives notice of the beginning and ending dates for the Data Improvement Program for Entitlement Period Thirteen (13) of the General Revenue Sharing Program, and describes the proper challenge procedures.

DATES: Data challenges for Entitlement Period 13 (October 1, 1981–September 30, 1982) should be submitted to the Office of Revenue Sharing by June 19, 1981. Demands for adjustment for Entitlement Period 13 must be made by September 30, 1983.

FOR FURTHER INFORMATION CONTACT: Matthew Butler, Manager, Data and Demography Division, Office of Revenue Sharing, Treasury Department, Washington, D.C. 20226, (202) 634–5166.

SUPPLEMENTARY INFORMATION: On or about May 20, 1981 the data to be used by the Office of Revenue Sharing in calculating the revenue sharing allocations for all State areas and local governments for Entitlement Period 13 will be mailed to each government. The definition of each data element for the interstate allocation will be mailed to the governors of the 50 States and the Mayor of the District of Columbia in the publication *General Revenue Sharing Data Definitions for Allocations to State Areas.*

State Areas

The State data will be mailed to the Governor of each State and to the Mayor of Washington, D.C. For purposes of the revenue sharing program, Washington is treated as the only municipality in the state area of the District of Columbia.

State governments are not at this time eligible to receive revenue sharing funds for Entitlement Period 13, since funds have not as yet been appropriated for State governments for this period. States will receive a letter showing their State's data used to calculate the amount for distribution among the State areas. The definition of each data element for Entitlement Period 13 interstate allocations will be provided to the governors and the Mayor of the District of Columbia in the publication *General Revenue Sharing Data Definition for Allocations to State Areas, Entitlement Period 13.* If a State government believes that there are errors in the data relative to the definitions and effective dates, it should notify the Office of Revenue Sharing in writing and provide documentation justifying the proposed data corrections.

A State government should send its data challenge to the Office of Revenue Sharing by June 19, 1981. Upon receipt of a written challenge from a State government, the Office of Revenue Sharing will work with the appropriate Federal agency to substantiate or correct the data questioned, and will advise the State government of its findings. Any resulting changes in the data for State areas will be used in computing the initial or final allocations of local governments in those State areas for Entitlement Period 13.

Entitlement Period 13. The definition of each data element for local governments will be mailed to each unit of local government in the publication *General Revenue Sharing Data Definitions for Allocations to Local Governments, Entitlement Period 13.* These data have been compiled by the Bureau of the Census, Bureau of Economic Analysis, Internal Revenue Service and the Bureau of Indian Affairs.

Additionally, an estimated allocation amount for each State area and recipient local government is being provided to each government to aid in its data verification efforts. If a government does not believe the allocation amount is correct, it should check its data carefully to find the source of the discrepancy. The data may be corrected under this review program or other data improvement procedures. The Office of Revenue Sharing will notify each recipient government of its initial Entitlement Period 13 allocation and the amount of any adjustment for Entitlement Period 12 on its Statement of Assurances Form scheduled to be mailed in September 1981.

After the final allocations for Entitlement Period 13 are computed during 1982, a State or local government (or the Secretary of the Treasury) has until September 30, 1983 to make a demand to adjust the allocations of local governments under Section 102(b) of the State and Local Fiscal Assistance Act of 1972, as amended by Section 6(e)(2) of the State and Local Fiscal Assistance Amendments of 1976. The State government may demand an adjustment of the allocation to its State area. If a demand for adjustment is made by a State or local government, the demand must be in writing with documentation justifying the proposed data correction. In that event, any adjustment in allocation will affect only the State area or local government for which an adjustment was made.

Units of Local Government

The data for each unit of local government and the definitions of local government data elements will be mailed to the official of record for the government. The data definitions for local governments will be provided to each unit of local government in the publication *General Revenue Sharing Data Definitions for Allocations to Local Governments, Entitlement Period 13.* Each recipient local government will be sent either a Form 3233 or a Form 90–18.3. The Form 90–18.3 will be sent only to those governments in areas declared major disaster areas since April 1, 1974 under the Disaster Relief Act of 1974 (88 Stat. 143; 42 U.S.C. chapter 58) whose data were possibly adversely affected by a major disaster. In order to be eligible for the stabilization benefit of the Disaster Relief Act (which permits them to use their pre-disaster data figures rather than their post-disaster figures), the local governments which receive a Form 90–18.3 are required to verify that one or more of their data elements were adversely affected by the disaster.

Form 3233 will be sent to all other recipient governments. If a government believes that there are errors in the data relative to the definitions and effective dates, it should return the Form 3233 to the Office of Revenue Sharing by June 19, 1981 with evidence justifying the proposed data corrections. Governments which receive Form 90–18.3 will also have the opportunity to question their data elements by returning Form 90–18.3 to the Office of Revenue Sharing by June 19, 1981 with supporting evidence. Governments which do not wish to question their data or to certify a disaster need not return the form.

When the Office of Revenue Sharing receives a written challenge from a recipient government, it will work with the Bureau of the Census, the Bureau of Indian Affairs, or other appropriate Federal agency to substantiate or

correct all data questioned, and will advise the government of its findings. Any resulting changes in the data for local governments will be used in computing the initial or final allocations for Entitlement Period 13.

The collective data for all State areas and local governments used in both the initial and final allocations for Entitlement Period 13 will be provided to libraries designated as depositories for Government publications (44 U.S.C. 1911). Copies of the data definitions mailed to all revenue sharing recipients are available upon request from the Office of Revenue Sharing.

(This notice is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221 et seq.) and Treasury Department Order No. 224, January 26, 1973 (33 FR 3342) as amended by Treasury Department Order No. 242, Revision No. 1, May 17, 1977)

Date: May 15, 1981.

Judith A. Denny,

Acting Director, Office of Revenue Sharing.

[FR Doc. 81-15218 Filed 5-20-81; 8:45 am]

BILLING CODE 4810-28-M

VETERANS ADMINISTRATION

120-Bed Nursing Home Care Unit, Ambulatory Care Addition and Warehouse-Engineering Office, Veterans Administration Medical Center, Atlanta, Ga.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential cumulative environmental impacts that may occur as a result of the construction of a 120-Bed Nursing Home Care Unit (NHCU), the Ambulatory Care Addition and Warehouse-Engineering Office at the Veterans Administration Medical Center (VAMC), Atlanta, Georgia.

The 120-Bed NHCU is planned as a three-story structure elevated on piers with parking beneath the main floor. The building is sited on the south side of the existing hospital building and connected to it with a short corridor. The Warehouse-Engineering Office will also be located on the south side of the existing hospital building between it and the proposed NHCU. The structure will be a two-story building containing approximately 20,000 gross square feet of floor area. The third project, the Ambulatory Care Addition is located directly adjacent to the north side of the existing hospital building. This structure will be a two-level building with a basement that exits to grade on the west side. The structure will be designed to accept additional floors in the future for vertical expansion.

Long term impacts associated with the proposed development at the Atlanta facility include the loss of parking spaces, increased vehicular traffic, and impact on the floodplain area of the South Park of Peachtree Creek.

Mitigation measures will be applied to reduce the traffic and parking demand by instituting active programs in ridesharing. The impact of the NHCU on the floodplain has been evaluated by the Army Corps of Engineers, the County (De Kalb) and the VA. In order to eliminate significant impact, the NHCU has been placed on piers which will raise the structure well above the flood levels and allow flood waters to pass without destruction. The VA has complied with Executive Order 11988 and made public notification of its plans. There are no unresolved issues outstanding at this time.

Short term impacts associated with the proposed development at the Atlanta facility include temporary construction impacts; erosion, construction noise, air-borne particulate, traffic and visual impacts.

Mitigation measures will be applied to reduce the temporary impacts by utilizing the VA's environmental protection construction specifications. These specifications will require the contractor to take steps to prevent erosion through proper engineering techniques, maintain the construction site in a manner to reduce or eliminate negative visual impact. The projects will comply with the applicable Federal, State, and local codes.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street NW., Washington, D.C. (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: May 13, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-15127 Filed 5-20-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 98
Thursday, May 21, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Mine Safety and Health Review Commission	1, 2
Federal Reserve System (Board of Governors)	3
National Commission on Libraries Science	4

1

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

May 8, 1981.

TIME AND DATE: 10 a.m., Wednesday, May 13, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will also consider and act upon the following:

3. Southwestern Illinois Coal Corporation, LAKE 80-216; Petition for Discretionary Review (Issues include whether the holding in *North American Coal Corp.*, 3 IBMA 93 (1974), should be overruled, and if not, whether it was properly applied to an alleged violation of 30 CFR § 77.1710(g).)

CONTACT PERSON FOR MORE INFOMATION: Jean Ellen, 202-653-5632.

[S-791-81 Filed 5-19-81; 2:32 p.m.]

BILLING CODE 6820-12-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

May 6, 1981.

TIME AND DATE: 10 a.m., Wednesday, May 13, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Mulzer Crushed Stone Company, Docket No. LAKE 80-303-M; Petition for Discretionary Review (Issues include interpretation and application of 30 CFR § 56.12-30).

2. Pocahontas Construction Company, Docket No. WEVA 80-109; (motion to set aside order of default).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-792-81 Filed 5-19-81; 2:32 p.m.]

BILLING CODE 6820-12-M

3

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Tuesday, May 26, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: May 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-0790-81 Filed 5-19-81; 10:11 am]

BILLING CODE 6210-01-M

4

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

MEETING: Community Information and Referral Services Task Force.

DATE AND TIME:

Monday, May 18, 1981, 9:00 a.m. to 5:00 p.m.

Tuesday, May 19, 1981, 9:00 a.m. to 5:00 p.m.

PLACE: Suite 3017, Washington Marriott Hotel, 1221 22nd Street, N.W.

STATUS: Open.

MATTERS TO BE DISCUSSED: Future Directions for the Task Force. How to Help Strengthen Libraries in their Role as Community Information Centers.

Ruby O. Woods-Robinson,

Research Associate, NCLIS.

May 11, 1981.

[S-0789-81 Filed 5-19-81; 9:35 am]

BILLING CODE 7527-01-M

V 4 6 / 9 8 MAY 21 81 UMI

federal register

Thursday
May 21, 1981

Part II

Department of Energy

Office of Conservation and Renewable Energy

Grant Programs for Schools and Hospitals and for Buildings and Public Care Institutions, Amendment of Regulations

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 455

Grant Programs for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions, Amendment of Regulations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) today issues a final rulemaking amending existing regulations for the administration of the grant programs providing schools, hospitals, units of local government, and public care institutions with financial assistance for the purpose of reducing energy consumption. The revisions are made as a result of experience obtained during the operation of two grant cycles, and are made for the purpose of reducing the administrative burdens on institutions and States participating in these programs and providing greater flexibility to States and institutions in their implementation of the program.

DATES: The revised provisions at § 455.63 and § 455.71(f) are effective June 22, 1981; all other revisions are effective as of October 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Frank M. Stewart, Office of Institutional Conservation Programs, Office of Conservation and Renewable Energy, Department of Energy, Mail Stop 2H027, 1000 Independence Ave. S.W., Washington, D.C. 20585, (202) 252–2198.

Edward H. Pulliam, Office of General Counsel, Department of Energy, Mail Stop 6F–094, 1000 Independence Ave., S.W., Washington, D.C. 20585, (202) 252–9510.

SUPPLEMENTARY INFORMATION:

I. Introduction.

II. Discussion of Major Comments and Revisions.

I. Introduction

Parts 1 and 2 of Title III of the National Energy Conservation Policy Act (NECPA), Pub. L. 95–619, 92 Stat. 3238 (42 U.S.C. 6371) established cost sharing energy conservation grant programs to fund technical assistance programs for public and private non-profit schools, hospitals, buildings owned by units of local government and public care institutions, and energy conservation measure programs for schools and hospitals.

On April 2, 1979 and April 17, 1979, the Department of Energy (DOE) issued final regulations governing the conduct of preliminary energy audits and energy audits (PEA/EA) (44 FR 19340) and technical assistance and energy conservation measure programs (TA/ECM) (44 FR 22940). These regulations amended Chapter II of Title 10, Code of Federal Regulations, by adding Part 455, Subparts A through I. The first grant program cycle for TA/ECM grants ended on March 15, 1980. In order to improve the effectiveness of the TA/ECM program by building on experience gained in the first grant program cycle, DOE issued a Notice of Inquiry, published in the Federal Register on April 21, 1980 (45 FR 26717). This notice solicited public comment concerning possible revisions to the present TA/ECM regulations for use in future grant program cycles. DOE also sought and received input from major governmental, institutional and professional associations and from State energy office representatives.

On December 29, 1980, DOE published a proposed rulemaking (45 FR 85610) which presented revisions to most subparts of 10 CFR 455, and which solicited comments from interested parties. DOE received and considered written comments from 70 sources and testimony from 13 parties at public hearings held in Washington, D.C. on January 16, 1981 and in San Francisco, California on January 20, 1981. Major comments received and revisions made as a result of those comments are discussed below.

The Catalog of Federal Domestic Assistance (CFDA) program number and title is "81.052, Energy Conservation Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions." OMB Circular No. A–95, Part III procedures are applicable to the review of State Plans. Such procedures are applicable to applications only to the extent that when the State energy office prepares its list of recommended TA and ECM applications, a copy of that list must be forwarded to the State clearinghouse. The State clearinghouse, as appropriate, should send this list to areawide clearinghouses, which may contact the ranked institutions for additional information on projects with a perceived local significance.

Environmental and Regulatory Assessments

Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321), DOE published a Notice of Availability of an environmental assessment of the entire Title III program on March 12, 1979, in the Federal Register (44 FR 13554). Based on this assessment DOE determined that the NECPA Title III program did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA, and that an environmental impact statement (EIS) was not needed to support the action.

DOE has reviewed the environmental impacts of the amendments proposed herein. It is DOE's judgement that the effect of these amendments will be to improve the administrative aspects of the program, and provide greater flexibility in the program at the State level. No new or additional environmental impacts are associated with the new amendments, nor do these new amendments require the addition of any mitigating measures beyond those already contained in the program. It is thus DOE's determination that the environmental impacts of the amendments have been adequately analyzed in the March 1979 environmental assessment, and that these impacts are not significant. Hence, no additional is required for this rulemaking. However, prior to awarding any grant for the installation of an active solar heating or cooling system or combination heating and cooling system, or for the conversion of an oil-fired or gas-fired boiler installation to coal, DOE will complete any appropriate site-specific NEPA documentation that may be required.

DOE has reviewed this rulemaking in accordance with Executive Order 12291, 46 FR 13193, and has determined that this rule is not a "major rule" under Section 1(b) of that Executive Order; therefore, this rulemaking does not require a regulatory impact analysis or otherwise need to comply with the parts of that Executive Order which deal with major rules.

This rulemaking has also been reviewed in accordance with OMB Circular A–116 to assess the impacts on urban centers and communities, and DOE has determined that the proposed rule does not constitute a major proposal requiring formal analysis.

Because the notice of proposed rulemaking for these rules was issued before January 1, 1981, the provisions of sections 603 and 604 of Title 5, United States Code, the Regulatory Flexibility Act, are not applicable for this rulemaking, in accordance with section 4 of that Act, Pub. L. 96–354, 94 Stat. 1170 (5 U.S.C. 601 note).

V46/98
MAY 21 81
UMI

II. Discussion of Major Comments and Revisions

General Comment

Overall reaction to the proposed revisions was favorable, supporting greater discretion at the State level, and a reduction in reporting requirements.

One particularly throughtful commenter noted that, in addition to the primary objective of saving energy, the program has secondary objectives:

". . . promotion of the energy ethic . . ."
". . . educate and train participating institutions . . ."
". . . encourage further implementation of energy conservation measures without federal or state assistance . . ."
". . . encouragement of the analysis and installation of renewable energy systems . . ."
". . . collection of data and development of a data base . . ."

DOE requested comment on two issues of concern: the effective date of the revisions made in the final rule, and whether a 12-month grant program cycle should be on a fiscal, calendar or building construction year basis. Overwhelming sentiment was expressed for implementation of the revisions in this rule in the fourth grant program cycle rather than the third to maintain the momentum of the program, and to avoid additional costs, delays and possible inefficiencies that would result from changes in procedure at this stage. Accordingly, DOE has made this rulemaking effective on October 1, 1981, with the exception of § 455.63 and § 455.71(f), which concern grantee reports and records and the full utilization of school, hospital, and hardship set-aside funds by any eligible applicants in the event that before the State's application deadline there are insufficient applicants who meet the more restrictive requirements for receiving funds from these set-asides. These sections were made effective earlier because they are beneficial to the program and can be implemented quickly with little difficulty.

As to the 12-month cycle concern, the majority of comments supported either a fiscal year or a construction year period. In subsequent cycles, DOE intends to operate on a fiscal year basis. In announcing the opening of the cycle in October, the program participants and States would be able to initiate activities at their level to prepare applications, and take other appropriate pre-application actions. Many comments were offered which were pertinent to the operation of the program, but which concerned matters it would not be appropriate or necessary to address in this regulation, for example—

—the rule does not discuss administrative handling of cost underruns or changes in project scope because this is a grant management issue handled under financial assistance regulations;

—the rule does not follow a recommendation that a sign advertising the use of DOE funds on a project be posted at properties receiving financial assistance under this program;

—the rule does not amplify restrictions on "in-kind" contributions because they are defined and discussed in OMB circulars;

—the rule does not contain suggested revisions to the application form because changes can be done on the form itself without a rule.

Several issues addressed in the comments are outside of DOE's authority to implement, for example—

—funding of energy conservation measures for units of local government and public care institutions, which is not authorized by NECPA;

—expanding the definition in the regulations of units of local government and public care institutions to incorporate private non-profit social service and day care facilities, which is not permitted by NECPA; and

—a revision of OMB Circular A–95 clearinghouse requirements, which is the prerogative of OMB.

Subpart A—General Provisions

§ 455.1 Purpose and Scope

No revisions.

§ 455.2 Definitions

Several comments proposed including specific systems or providing greater detail or limitations on measures listed under the definition of "energy conservation measure." DOE has not expanded further upon the list of eligible energy conservation measures, as it is not intended to be an exclusive listing of eligible measures. DOE received comment concerning the definitions of "owned" and "primarily occupied" as being too restrictive and tending to discourage participation. DOE does not consider these definitions to be a significant impediment to participation of buildings, under the criteria of eligibility established under NECPA, and views these definitions as reflecting the intent of NECPA.

Comment was received on the definition of "construction completion," proposing that DOE not have the option of determining when a building is ready for occupancy, but permit a determination by the project architect of substantial completion to be sufficient. DOE is retaining the definition so as not to relinquish its responsibility under law or to introduce significant degrees of inequity in establishing eligibility. The definition further allows for determinations of completion in those jurisdictions not issuing occupancy permits for buildings.

A number of comments supported the revision of "energy conservation measures" which allowed meters as an integral part of an energy conservation measure. Metering devices separate from energy conservation measures remain ineligible, as payback on such devices cannot be determined. DOE does not intend to specify limits to the allowance of metering devices which are integral to energy conservation measures, as the ranking of ECMs will mitigate against high expenditures for metering equipment without other administrative actions.

As a result of comment, DOE has revised its definition of "heating or cooling system" by adding the words "or ventilating" to the criteria for mechanical systems, and striking the last sentence of the definition. DOE also has revised the definition to allow a building with a system of individual, through-the-wall air conditioning units to be an eligible building in order to comport more closely with the general use of the term in the professional community. Comments were received on the sufficiency of the definitions of "heating degree days" and "cooling degree days" in the context of the allocation formula for technical assistance and energy conservation measure grant funds. One comment supported the current definition, and another commented that, for technical assistance analysis calculations, heating or cooling degree days must emphasize the relationship with design and outdoor temperature and time. No change was considered necessary.

A commenter requested that day care institutions be included under the definition of "school." Such institutions may be eligible if they provide, and are legally authorized to provide, elementary or secondary education, or both, on a day or residential basis, so no revision has been made to the definition of "school." Several comments were received concerning the definition of "energy conservation maintenance and operating procedures", requesting specific cost or simple payback limitations for such procedures. In its definition, NECPA does not establish such limitations and DOE intends to retain the current language to preserve State and Regional discretion in considering operation and maintenance procedures. A related comment asked

that DOE clarify responsibility for identifying projects arising from deferred maintenance. As indicated in the preamble to the proposed rulemaking (45 FR 85611), DOE does not intend to grant funds to be used for meeting problems arising solely from deferred maintenance of systems or facilities. Identification of such problems must reasonably be a responsibility shared by technical assistance analyst, building owner, and the State energy office. Discretion in handling such projects will be at the State and DOE Regional level on a case-by-case basis.

§ 455.3 Administration of Grants

Comment was received asking DOE to reference grant termination appeal procedures under 10 CFR 1024. These procedures are referenced in § 455.5.

DOE is reviewing the financial assistance application forms prescribed by OMB and utilized by this program with the intent of eliminating redundant assurances, and consolidating requirements where this would reduce the burden on applicants. Any changes to the prescribed application form will be communicated to State energy offices as soon as such changes are approved by OMB. Application forms for financial assistance are available through State energy offices.

§ 455.4 Recordkeeping

Comments asked DOE to set a specific 3-year limit on records retained by grantees. DOE Assistance Regulations (10 CFR Part 600) and appropriate OMB Circulars require differing time limits, depending on the nature of the records. Since the matter is covered in detail in these other documents no further revision has been made.

§ 455.5 Suspension and Termination

A comment suggested an expansion of this section to provide for suspension or termination for instances of irregularities found in the technical assistance report. Current authority includes suspension and termination procedures where the grantee is in substantial non-compliance with either its application or the program regulations, so the rule has not been revised further.

Subpart B—Preliminary Energy Audit and Energy Audit Procedures

For ease of reference, DOE has added present § 450.42, Contents of a Preliminary Energy Audit, and § 450.43, Contents of an Energy Audit, as new §§ 455.18 and 455.19 respectively. One change made to these sections is the deletion of the listing of fuel conversion factors in § 450.42(a)(11) (the subject of conversion factors is addressed later in this preamble). As a result of comment, DOE has amended § 455.16 by adding paragraph (f) to permit States to request a waiver of the fund use limitations governing the PEA/EA program, provided the State demonstrates that more energy audits would be performed as a result of granting such a waiver.

The procedures described by new §§ 455.18 and 455.19 will remain in effect for the purpose of specifying energy audit requirements as a prerequisite to further program participation.

Subpart C—Technical Assistance Programs for Schools, Hospitals, Units of Local Government and Public Care Institutions

§ 455.40 Purpose and Scope.

No revisions.

§ 455.41 Eligibility

One comment proposed that DOE permit States to fund applications from schools and hospitals owned by local government units with the allocation for local government and public care institutions in the event that the local government allocation is underutilized. Funds are appropriated separately for schools and hospitals grants and for local government and public care institution grants and cannot be used for purposes other than those for which they were appropriated. NECPA expressly precludes schools and hospitals from being funded as local government buildings.

§ 455.42 Contents of Program

A number of comments addressed the issue of conversion factors to be used by technical assistance analysts, with comment divided as to what factors should be used, and whether or not the State should have discretion in setting those factors. Many States have already required the use of certain conversion factors, and the final rulemaking at § 455.90(q) gives the States the responsibility of designating in their State Plans the energy conversion factors to be used uniformly within the State. DOE has not established rigid national factors for fuel conversion in recognition of fuel type and site factors which may vary from State to State. A related comment suggested that the technical assistance analyst present energy savings in physical units, such as gallons, kilowatt hours, and so forth, rather than in Btu's. For the purpose of analysing and prioritizing energy savings within a building by various fuel types, as required by § 455.71(b)(3), a unit of common measurement, while imperfect, appears to be the most reasonable approach. However, for the purpose of reporting energy use for buildings as a baseline in the TA report (§455.42(d)(6)), and under § 455.63(b)(2)(iii), DOE will accept the presentation of such data in physical units as well as Btu's.

Another commenter noted correctly that the purpose of the provisions of this section are to define the general parameters of the technical analysis to assure sufficient consideration is given to the institution's long-term needs and not just to outline how to conduct a feasibility study of one or two ECMs to support a grant application. In addition, the TA report provides a record of the analysis sufficiently clear that a reviewer responsible for making recommendations or decisions regarding financial assistance can determine the basis for and reasonableness of the recommendations made. DOE has added a new paragraph (a) clarifying these purposes, causing the redesignation of the paragraphs in this section.

The treatment of payback calculations for coal and solar and renewable resource projects received wide support from commenters. Although one comment cautioned that such projects, due to their anticipated high cost, would limit the availability of funds for purely energy conservation measure projects, DOE has retained this provision in the final rulemaking as it promotes a reduction in dependence on less abundant fossil fuels. The States may, under their State Plan, limit project size by cost or limit total funds awarded to an individual institution to mitigate the possibility of a disproportionate amount of grants being made for coal conversion.

Several commenters requested that DOE allow the use of demand charges in calculating payback. In many cases, demand charges can be significantly reduced by changing operating procedures. Moveover, demand charges can be reduced without saving the first Btu. DOE views the exclusion of demand charges from payback calculations as necessary to more closely assess the true conservation potential of energy conservation measures. One observer made the further comment that considering demand charges could tend to level peaks for a given utility, thus saving high cost and generally more energy intensive generation. This would be true only to the extent that sufficient grants for load-shifting projects were awarded in that utility's service area to permit it to reduce the generating capacity it had

V 46 / 98 MAY 21 1981 UMI

on-line or to significantly reduce the load on that equipment. However, measures which save energy also tend to have this peak-shaving result. On balance, for purposes of this program, DOE is retaining the exclusion of demand charges from payback calculations, since the basic intent of this program is to conserve energy in eligible buildings. This is not to imply that TA analysts cannot address demand charges or rate schedules as a service to their clients. DOE encourages this since the inclusion of such information could result in recommendation to the institution which could be deemed desirable to implement because of monetary savings.

By far the most comments supported retention of the simple payback calculation and rejection of the life cycle costing methodology (LCC).

However, there were also substantive comments pointing up the greater usefulness of some form of life cycle cost analysis in the financial decision-making process at the institution, and some states felt the ranking would be more realistic if a methodology which considered the useful life of the measure could be used. After careful consideration, DOE has determined that simple payback will be retained. However, in recognition of the usefulness of the life cycle costing methodology at the institutional level, DOE encourages use of such a methodology and the small incremental costs associated with including a LCC analysis in a TA report is allowable under the program. For those States which wish to consider life-cycle costs and benefits in their ranking procedures, DOE recommends development of such a factor under the authority contained in § 455.71(b)(4). States which elect to exercise this option should take care not to impose an unnecessary burden on institutions, particularly those which have already completed the TA analysis.

The problem of inflation affecting the payback calculations for TA reports was of concern to several commenters. It should be emphasized, however, that the rule does not provide for nor allow consideration of inflation in energy costs, as increases in such costs are difficult to forecast accurately; payback is to be based on current prices only. DOE encourages the institution and the TA analyst to jointly agree as to project costs as of an assumed bid time. It is to all parties best interests to keep these estimates as reasonable as possible, because an understated estimate would tend to be selected for grant award more readily but has a high risk that the institution would have to pay for a cost overrun. An overstated estimate, on the other hand, reduces the risk that an institution would have to bear additional costs, but is less likely to be awarded a grant. In addition, excess funds revert to DOE at close out, resulting in the loss of an opportunity for the use of these funds by other State institutions.

Several comments were addressed to the provisions at § 455.42(c) or § 455.42(d)(6), or both. Some coments related to easing the requirement that a thorough TA analysis consider current energy prices, including rates where applicable. This information becomes the basis for the cost savings estimates, and must therefore be real, current prices. Other comments related to verification and updating of the annual energy use in the building. The annual energy use figure is also necessary for calculating the effect of operating and maintenance procedure changes and installation of energy conservation measures. The institution will need this baseline for measuring the effect of any actions taken by financial assistance granted under this program; state and federal program managers will likewise use this data as part of their determination of program effectiveness.

The requirement that costs and savings associated with each identified energy conservation operating and maintenance procedure in § 455.42(d)(5) has been changed, in response to comment, to allow an overall estimate of the effects of groups of such changes or the total impact of all such recommendations. It was pointed out that, despite the probable motivation which would result from having the detail on each, the cost of calculations would generally be unreasonable. DOE encourages TA analysts to be as complete and specific as possible in reporting recommendations for O&M changes, for the benefit of their clients. TA analysts should also note that this change does not affect the requirement that their analysis of the costs and benefits of ECM be calculated from a baseline, which assumes O&M changes have been implemented and energy use reduced as a result.

As a result of comment, subparagraph (d)(5)(vii) has been revised to require the energy and energy cost savings estimates presented in the technical assistance report to be supported by all data and assumptions used by the technical analyst in lieu of detailed calculations.

A requirement of the technical assistance report is to include the results of an energy audit. As a result of comment received, DOE has amended § 455.42(d)(1)(i) to specify that this requirement should be supported by the statement required by paragraph (d)(7) as to the accuracy of the energy audit data incorporated in the TA report and the completeness of the energy audit recommendations.

Some comments proposed that DOE revise the requirement under (d)(6) for monthly energy use and cost data for the prior 12-month period as part of the technical assistance report. As noted above, such information is important to establish a historical baseline for the technical analyst to consider in his recommendations. Estimates may be used only if such data is unavailable through institutional or energy supplier records. Similarly, DOE recognizes that retrieving such data on a monthly basis may be impossible, and has revised paragraph (d)(6) to require such data on a monthly basis only if possible.

Several comments suggested the definition of TA analysis be expanded to include "preliminary design work" as an allowable cost under the TA program. Since design fees can be substantial compared with an analysis of energy conservation measures, DOE does not agree with this suggestion. However, this should not preclude the use of sketches, schematics, flow diagrams, and other such tools as necessary to adequately assess and clearly report on energy conservation measures.

An issue receiving comment was whether DOE should require the technical assistance analyst to consider either "feasible" or "possible" operations and maintenance procedure changes and energy conservation measures. Paragraph (b) of the final rulemaking requires the analyst to consider all "feasible" items.

An interesting comment was made to the effect that the TA analysis should require field measurements on existing equipment operation, as drawings and visual inspection are frequently inadequate tools for determining their efficiency. DOE concurs, but it is DOE's position that the qualified TA analyst is the best judge of the extent of measurements necessary to the analysis, and will rely on the analyst to perform all such measurements as are incident to execution of TA duties in a responsible and professional manner.

The issue of mandating a specific TA format drew comment both supporting and opposing the adoption of a format. DOE has considered developing such a format but at this time does not intend to mandate a format for technical assistance analyses, as such an action would tend to curtail the professional

technical analyst's approach to unique situations or facilities. DOE has provided, and will continue to provide, samples and other guides to interested parties.

Several comments expressed opposition to cost "guidelines" suggested by DOE for technical assistance projects. Institutions eligible under this program vary widely in age, construction, system complexity and location. Guidelines used by DOE are not meant to impose cost limits on any technical assistance projects, but are rather used only as an internal review threshold for more costly projects. There is accordingly, no reference to cost guidelines for technical assistance projects made in the regulatory language.

Subpart D—Energy Conservation Measures for Schools and Hospitals

§ 455.50 Purpose and scope.

No revisions.

§ 455.51 Eligibility.

Several comments addressed the 1–15 year payback limitations respecting eligibility for energy conservation measures, with some comments favoring the elimination of such criteria altogether, and some comments favoring either a lowering of the limit to under one year or a raising of the limit to over 15 years. No change has been made to the final regulation. The desire for a reasonable return on funds invested in energy conservation measures would argue against raising the 15 year ceiling; projects showing less than a 1 year payback could be accomplished by most institutions within a budget cycle, and would pay for themselves within the equivalent of a grant program cycle.

A number of comments touched in some way on easing the requirement in (a)(4) that O&M procedures be implemented before applying for or receiving TA/ECM funds. Experience, including a recent audit by GAO, confirms that O&M procedures are the most cost effective actions which can be taken. Further, they are by their very nature generally not very costly in comparison to the benefits.

§ 455.52 Contents of program.

A commenter suggested that States be allowed to limit the volume and cost of energy conservation measure projects. States have the power to set such limitations in their State Plans to further the goal of equitable allocation of funds among applicants.

Subpart E—Applicant Responsibilities

§ 455.60 Grant application submittals.

Clarification was requested on several points in this section, including the "appropriate milestone dates" referenced in (b)(4) and (c)(4), and a clarification of the circumstances under which Federal funds could be used to meet cost sharing requirements. DOE has chosen not to define specific milestone dates for completing technical assistance and energy conservation measure projects as these would vary widely by type of activity, institution, and project, and because milestones are an important part of State and institutional discretion. Regarding the second point, a few Federal assistance programs, such as some of those administered by the Appalachian Regional Commission, are authorized by recent law to have all or part of their funds treated as non-Federal funds for matching grant purposes. In such cases, where appropriate authority exists for a Federal assistance program, a request may be made to use funds from that program to match DOE funds. Such requests will be considered on a case-by-case basis.

Suggestions made concerning specific revisions to the application forms or consolidation of assurances and certifications will be considered as DOE revises those forms to the extent consistent with OMB guidance.

Comment was received asking DOE to waive the requirement for a copy of the technical assistance report submitted with an energy conservation measure application if such a report had been previously submitted with an earlier application. A related comment asked that DOE accept technical assistance reports completed prior to major configuration changes to a building, specifically those changes resulting from the installation of energy conservation measures. To respond to the first comment, subsection (c)(6) has been amended so that States and DOE Regional offices may negotiate to accommodate such situations, avoiding excessive paperwork. Regarding the second comment, because it is essential that calculations and information contained in such technical assistance reports remain reasonably current and relevent, DOE will still require technical assistance reports to have been completed subsequent to major configuration or utilization changes to a building, but previously completed ECMs are not expected to involve major configuration changes to a building.

§ 455.61 Applicant certifications.

DOE was asked to clarify the role of major vendors and product manufacturers in conducting technical assistance projects. Conflict of interest certifications provided in paragraph (d) require the technical assistance analyst to certify that he has no conflicting financial interests. Accordingly, no one who has a financial interest in or is employed by a vendor or product manufacturer may perform a TA analysis.

The revision to paragraph (e) concerning Davis-Bacon Act requirements prompted many comments opposing the revision. The revision was made in order to make the original rule conform more closely to NECPA.

Under NECPA the Davis-Bacon Act applies only to grants for ECM's, not PEA's, EA's, or TA's, and to a particular project only when the total cost of the project is more than $5,000. Even if the total cost of a project is more than $5,000, Davis-Bacon applies only to construction contracts in excess of $2,000 let for that project. A project is defined in relation to work done regarding a single building. If a grant is for more than $5,000 but the work done to a particular building using funds provided under the grant is for $5,000 or less, a contract for work done on that particular building does not need to comply with the Davis-Bacon Act. For example, under a grant for $9,000 involving installing ECM's to two buildings, at a cost of $4,000 for one and at a cost of $5,000 for the other, a construction contract let for work on one or both of these buildings would not be required to comply with the Davis-Bacon Act.

§ 455.62 Grant applications for State administrative expenses.

No revisions.

§ 455.63 Grantee reports and records.

Most commenters supported the overall reduction in reporting requirements. Some comments suggested that DOE eliminate the requirement for a semi-annual report for energy conservation measure grantees. The final rulemaking retains the requirement for semi-annual reports for these grantees, in consideration of DOE project management and accountability concerns and to permit resolution of any problem areas within a reasonable time frame.

Several comments addressed specific points, including the submission of copies of all grantee reports to DOE; a clarification of when the 12-month cycle commences for annual energy

conservation measure grantee reports, and opposition to the requirement that the grantee describe, in final report, existing plans to install additional measures. Regional offices, as provided in (b)(6), already have authority to request some or all grantee reports submitted to the State and a revision is not necessary. The 12-month cycle for annual reports for energy conservation measure grantees commences with the completion of the energy conservation measure project(s). DOE has eliminated the requirement for the final report concerning plans for future measures, since this information is not necessary to the management of the program.

Subpart F—State Responsibilities

§ 455.70 State evaluation of grant applications.

Comments received on the issue of hospital Certificate of Need unanimously favored the elimination of this requirement. DOE is not empowered to waive this requirement, which stems from Part C of Title XV of the Public Health Service Act, as amended, Pub. L. 93–641, 88 Stat. 2242 (42 U.S.C. 300m) and, in some cases, State law. Congressional or State legislative action would be required to respond to this concern.

Several commenters requested an elaboration of what constitutes an "abbreviated" review of applications by State education or health facilities agencies. One element of such a review would be a determination of whether a school or hospital facility was scheduled for closing or four utilization for other purposes under existing State education or health facility plans. Regarding health planning agency review, the Department of Health and Human Services (HHS) suggested, in a September 7, 1979 Program Policy Notice 79–15, that such reviews not include an analysis of the project's technical merit, and that a limited review is appropriate in view of the fact that energy conservation projects will not add to hospital bed capacity or the service complement of the facility. HHS has pointed out to Health Systems Agencies and State Health Planning and Development agencies that the need to review any application depends on whether the proposed project exceeds the thresholds established for the planning agencies' project review program; the application should not be reviewed where the thresholds are not exceeded.

§ 455.71 State ranking of grant applications.

The majority of comments received supported the revisions pertaining to the State option of ranking by measure or by building, the flexibility in allowing the State to establish fuel conservation priorities under the third ranking factor, the deletion of climate considerations as a mandatory fourth ranking factor, and the increased flexibility provided in paragraph (f) regarding the use of set-aside and hardship funds. The final rulemaking incorporates these revisions. Institutions should contact their State Energy Office regarding the options that a State selects and incorporates into its State Plan. The State option of funding hardship applicants wholly or partially from the 10 percent hardship allocation also received support from commenters.

A comment suggested that DOE establish a minimum set-aside for elementary and secondary schools. This would run counter to the intent of NECPA, which is to provide financial assistance for energy conservation projects to institutions on the basis of relative need, regardless of size and type of ownership, determined by such factors as cost, energy consumption and energy savings.

Clarification was requested concerning the nature of an energy conservation measure involving a building complex. At the request of an applicant for an energy conservation measure grant, an ECM affecting a group of buildings may be treated as if it were an ECM for a single building. Typically, such a measure involves a modification to a central plant system serving a number of buildings. Please note however, the necessity to consider the effect of ECMs in individual buildings on such multi-building ECMs.

Commenters addressed the questions of whether the State is required to rank all applications or just those recommended for funding, and whether the State should submit all applications to DOE or only those within the limits of the allocations. In response to the first point, States are required to rank all eligible applications received. Second, the language of § 455.72(a) has been clarified to indicate only those applications within the limits of a State's allocation have to be forwarded. However, DOE Regional Offices may request that the State submit a few additional eligible applications beyond those recommended for approval so as to provide alternates in the event that some recommended applications are withdrawn, modified, or removed from consideration during the DOE reviews.

§455.72 Forwarding of applications.

Comment was received opposing the requirement that buildings be consolidated under one application for each institution or coordinating agency, but rather proposing that each building be considered under a separate grant application to DOE. Applicant data and budget information is still to be presented building-by-building, but if several buildings are consolidated under a single grant application, it should reduce the burden on institutions. The final rulemaking retains this submission procedure.

§455.73 State liaison, monitoring and reporting.

Comments received supported the elimination of grantee financial auditing as a State requirement in this section and § 455.90, in view of Federal financial assistance policy requiring grantee organization-wide, rather than grant-specific, financial audits. For clarification, and to conform with the amendment to § 455.90, the requirement for States to notify eligible institutions of the content of an approved State Plan in subsection (b) has been changed to expressly include notification of amendments to that Plan as approved by DOE.

As a result of comment received, DOE has reconsidered the State requirement in subsection (c) to notify each applicant as to the ranking of the applicants buildings or measures prior to submittal to DOE. While encouraging this procedure where and when feasible, DOE agrees that this could delay the forwarding of applications or confuse the applicant as to the action taken in his or her application, and has deleted the requirements that the notifications be "prior to submittal of applications to the Secretary." However, the State is responsible for indicating the specific reasons for not recommmending an application for funding. Finally, at the suggestion of a commenter, the word "similar" has been deleted from paragraph (d), as this word is misleading.

Subpart G—Grants Awards

§455.80 Approval of grant applications.

The treatment of pre-grant costs drew a number of comments, asking for clarification or suggesting a specific time period for consideration of pre-grant costs. Pre-grant costs are costs described in an application for financial assistance, incurred after the date of application but before Notice of Grant Award by DOE. DOE has revised paragraph (f) to specify that such costs may be funded if they are incurred from the date of an application for assistance, but no earlier than the end of the preceding grant program cycle. Costs incurred in a preceding cycle may be wholly or partially accepted for the

purpose of matching Federal grant funds for additional energy conservation measures in the same building, as provided in § 455.82(e). DOE stresses that the applicant bears the responsibility for the entire project cost unless the application is approved by DOE.

Paragraphs (d) and (e) are revised in the final rulemaking as a result of concerns over the intent. These paragraphs indicate that DOE will not provide supplemental funds for a technical assistance or an energy conservation measures grant award, and will make only one technical assistance grant award per building, and one grant award per building in a given cycle for energy conservation measures. As the rulemaking language states, institutions wishing to apply for other additional energy conservation measure in the building in future grant program cycle may do so.

Comments suggested DOE provide for application appeal procedures or a consultation process to permit applicants to correct deficiencies. DOE is of the opinion that an informal consultation process is appropriate to help correct deficiencies and that this can be done without a regulatory change.

The amendment to paragraph (c) published in the proposed rule has been changed to clarify the purpose of the amendment.

§ 455.81 Grant awards for units of local government and public care institutions.

No revisions.

§ 455.82 Grant awards for schools and hospitals.

Paragraph (e) has been revised slightly, as a result of comment, by adding the stipulation that credit may be for wholly or partially completed energy conservation measures, and that the credit applies to proposed "additional" energy conservation measures in the same building.

In connection with credit, a number of comments opposed the requirement that a technical assistance analysis be completed prior to the installation of the measure(s) for which credit is sought. DOE has retained this requirement in the final rulemaking for the reason that the credit provision was meant to serve those institutions that first analyzed their buildings to determine what energy conservation measures to install by participating in the technical assistance program or by completing an equivalent independent program, and proceeded independently to acquire and install the appropriate energy conservation measures. To waive the requirement for a prior technical assistance analysis would impair the potential for determining whether those credited measures would have otherwise been eligible or appropriate for the purposes of this program and open the door to ECM supported by reports purporting to be TAs but which are, in reality, feasibility studies.

§ 455.83 Grant awards for State administrative expenses.

NECPA requires the Secretary to "prescribe rules limiting the amount of funds allocated to a State which may be expended for administrative expenses by such State." While this provision allows DOE to prescribe the amount allocated, expressed as a percentage of total funds appropriated for these programs, it does not allow DOE to determine whether the funds should or should not be matched equally by the State. Without authority, provided by Congress, DOE cannot waive the matching requirement for State administrative expenses, as was requested by several commenters.

Subpart H—State Plan Development and Approval

§ 455.90 Contents of State plan.

DOE has responded to concerns that institutions specify a time period in which unimplemented operation and maintenance procedure changes will be made under provisions of paragraph (j), by incorporating additional detail in subparagraph (2) to require a date to be specified for completion of the procedure changes. Comments were received asking for a clarification of the allowability of the cost of a financial audit for a grantee, and whether indirect costs are allowable. Both costs are allowable costs for grantees. DOE does not intend to specify limits to either the cost of a financial audit or an indirect cost rate, as these will vary considerably by location and type of project. Financial audits should not be conducted on an individual grant basis, but rather on an organization wide basis to ascertain the effectiveness of the financial management systems and internal procedures established to meet the terms and conditions of the grant.

Some comments related to paragraph (o) concerning qualifications of a technical assistance analyst. As a result of one suggestion, DOE has made experience in energy conservation a general qualification, rather than specific to subparagraph (1). One comment recommended that architects be permitted to conduct the technical assistance analysis alone. A State Plan may establish criteria to qualify architects to conduct such analyses alone, under subparagraph (3), provided that individuals conducting such analyses possess appropriate training and experience in building energy systems, and have experience in energy conservation.

One comment questioned why the provision concerning procedures for apportionment of funds was deleted. Such procedures are considered to be sufficiently described in § 455.71(a) and (b), and the provision was deleted on that basis.

Comments asked for an expansion on the expectations under paragraph (p), concerning data and reporting. This requirement stems from Sections 394(a)(1) and (2), and 400D(a) (1) and (2) of NECPA. States that have included such information in their State Plans have relied on findings from preliminary energy audits to estimate energy savings, and to assess the general types of energy conservation projects and estimated total costs, using the general data contained in the preliminary energy audits and State geographical and fuel considerations. The phrasing of the proposed rule has been modified to indicate that the State Plan should include such estimates and recommendations, not procedures for collecting and reporting such information.

One comment suggested that the method for calculating interactions among ECMs be specified in § 455.42. Upon consideration, DOE elected to allow the States the option of specifying a methodology considered appropriate to their circumstances. The commenter suggested these possible methods as follows—

(1) Start with the measure having the shortest payback, consider the interaction of the second shortest payback with the first, then of the third with the first and second, and continue in this manner until all have been considered.

(2) Start with ECMs which reduce building loads, then consider distribution system loads as if the building load ECMs had been implemented, then the primary HVAC or other equipment as if both building and distribution load ECMs had been implemented.

(3) Assume all measures are to be implemented and calculate the savings as a function of the whole and then determine the appropriate portion attributable to each.

DOE has added paragraph (q) to permit the setting of statewide fuel conversion factors.

§ 455.91 Submission and approval of State plans

No revisions.

Subpart I—Allocation of Appropriations Among the States

§ 455.100 Allocation of funds

A commenter urged that States be permitted to establish the percentage of funds to be used for technical assistance projects. Such a determination was made by Congress in authorizing appropriations for this program and cannot be set by rule.

§ 455.101 Allocation formulas

This program has made use of the 1976 census estimates in determining population factors contained in the allocation formula. Comments recommended the use of new census data in subsequent allocations, and DOE intends to do so as of the effective date of this rule revision. The appropriate changes have been made in this section.

§ 455.102 Reallocation of funds

NECPA requires DOE to reallocate funds not obligated in a fiscal year to all States in the subsequent fiscal year. DOE is thus constrained from giving priority to States with numerous unfunded applications, or from allowing a State to receive all of its own unobligated funds in the next fiscal year, as was suggested in comments received.

In consideration of the foregoing, Chapter II, Title 10, Part 455 of the Code of Federal Regulations is amended as set forth below by revising Subpart A; amending § 455.16 and adding new §§ 455.18 and 455.19 in Subpart B; and revising Subparts C through I.

Issued in Washington, D.C., May 15, 1981.

Frank DeGeorge,

Acting Assistant Secretary, Conservation and Renewable Energy.

1. 10 CFR 455.16 is amended to add a new paragraph (f) as follows:

455.16 [Amended]

* * * * *

(f) A state may request, and the Secretary may approve, a waiver of the limitations required under paragraphs (d) and (e) of this section, provided the State demonstrates that such a waiver would permit the conduct of more energy audits than would otherwise be conducted under the provisions of this section.

2. 10 CFR Part 455 is amended to read as follows:

PART 455—GRANT PROGRAMS FOR SCHOOLS AND HOSPITALS AND BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT AND PUBLIC CARE INSTITUTIONS

Subpart A—General Provisions

Sec.

455.1 Purpose and Scope.
455.2 Definitions.
455.3 Administration of Grants.
455.4 Recordkeeping.
455.5 Suspension and Termination of Grants.

Subpart B—Preliminary Energy Audits and Energy Audit Grant Procedures

455.10 Purpose and Scope.
* * * * *
455.18 Contents of a Preliminary Energy Audit.
455.19 Contents of an Energy Audit.

Subpart C—Technical Assistance Programs for Schools, Hospitals, Units of Local Government and Public Care Institutions

455.40 Purpose and Scope.
455.41 Eligibility.
455.42 Contents of Program.

Subpart D—Energy Conservation Measures for Schools and Hospitals

455.50 Purpose and Scope.
455.51 Eligibility.
455.52 Contents of Program.

Subpart E—Applicant Responsibilities

455.60 Grant Application Submittals.
455.61 Applicant Certifications.
455.62 Grant Applications for State Administrative Expenses.
455.63 Grantee Records and Reports.

Subpart F—State Responsibilities

455.70 State Evaluation of Grant Applications.
455.71 State Ranking of Grant Applications.
455.72 Forwarding of Applications.
455.73 State Liaison, Monitoring and Reporting.

Subpart G—Grant Awards

455.80 Approval of Grant Applications.
455.81 Grant Awards for Units of Local Government and Public Care Institutions.
455.82 Grant Awards for Schools and Hospitals.
455.83 Grant Awards for State Administrative Expenses.

Subpart H—State Plan Development and Approval

455.90 Contents of State Plan.
455.91 Submission and Approval of State Plans.
455.92 State Plans Developed by the Secretary.

Subpart I—Allocation of Appropriations Among the States

455.100 Allocation of Funds.
455.101 Allocation Formulas.
455.102 Reallocation of Funds.

Authority: Title III of the National Energy Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3238 (42 U.S.C. 6371); Section 367(e)(2) of the Energy Conservation and Production Act, Pub. L. 94–385, 90 Stat. 1162, 42 U.S.C. 6325(e)(2); and Department of Energy Organization Act, Pub. L. 95–91,91 Stat. 565 (42 U.S.C. 7101).

Subpart A—General Provisions

§ 455.1 Purpose and scope.

(a) This part establishes programs of financial assistance pursuant to Parts 1 and 2 of Title III of the National Energy Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3238 (42 U.S.C. 6371) which adds Parts G and H, respectively, to Title III of the Energy Policy and Conservation Act, Pub. L. 94–163, 89 Stat. 901 (42 U.S.C. 6291).

(b) This subpart authorizes grants to States or to public or non-profit schools and hospitals to assist them in conducting preliminary energy audits and energy audits, in identifying and implementing energy conservation maintenance and operating procedures and in evaluating, acquiring and installing energy conservation measures, including solar energy or other renewable resource measures, to reduce the energy use and anticipated energy costs of buildings owned by schools and hospitals.

(c) This subpart also authorizes grants to States or units of local government and public care institutions to assist them in conducting preliminary energy audits and energy audits, in identifying and implementing energy conservation maintenance and operating procedures and evaluating energy conservation measures, including solar energy and other renewable resource measures, to reduce the energy use and anticipated energy costs of buildings owned by units of local government and public care institutions.

§ 455.2 Definitions.

"Act," as used in this part, means the Energy Policy and Conservation Act, Pub. L. 94–163, 89 Stat. 871 (42 U.S.C. 6201) *as amended* by Title III of the National Energy Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3238 (42 U.S.C. 6371).

"Auditor" means any person who is qualified in accordance with 10 CFR 450.44 to conduct an energy audit.

"Building" means any structure, the construction of which was completed on or before April 20, 1977, which includes a heating or cooling system, or both.

"Civil rights requirements" means civil rights responsibilities of applicants and grantees pursuant to the Nondiscrimination in Federally Assisted Programs regulation of the Department of Energy (10 CFR 1040).

"Complex" means a closely situated group of buildings on a contiguous site, or a closely situated group of buildings served by a central utility plant, such as a college campus or a multibuilding hospital.

"Construction completion" means the date of issuance of an occupancy permit for a building or the date the building is ready for occupancy as determined by DOE.

"Cooling degree days" means the annual sum of the number of Fahrenheit degrees of each day's mean temperature above 65° for a given locality.

"Coordinating agency" means any public or non-profit organization legally constituted within a State for either administrative control or services for a group of institutions within a State and which acts, and is authorized by eligible institutions to so act, as the agent for such institutions with respect to their participation in the program.

"DOE" means the Department of Energy.

"Energy audit" means any survey of a building or complex conducted in accordance with the requirements of Subpart E of 10 CFR Part 450.

"Energy conservation maintenance and operating procedures" means modifications in the maintenance and operations of a building, and any installation therein, which are designed to reduce the energy use in such building and which require no significant expenditure of funds.

"Energy conservation measure" means installation or modification of an installation in a building which is primarily intended to reduce energy consumption or allow the use of an alternative energy source, which may contain integral control and measurement devices, including, but not limited to—

(a) Insulation of the building structure and systems within the building;

(b) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated windows and door systems, additional glazing, reductions in glass area, and other window and door systems modifications;

(c) Automatic energy control systems which would reduce energy consumption;

(d) Equipment required to operate variable steam, hydraulic, and ventilating systems adjusted by automatic energy control systems;

(e) Active or passive solar space heating or cooling systems, solar electric generating systems, or any combination thereof;

(f) Active or passive solar water heating systems;

(g) Furnace or utility plant and distribution system modifications including—

(1) Replacement burners, furnaces, boilers, or any combination thereof, which substantially increase the energy efficiency of the heating system;

(2) Devices for modifying flue openings which will increase the energy efficiency of the heating system;

(3) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights; and

(4) Utility plant system conversion measures including conversion of existing oil and gas-fired boiler installations to alternative energy sources, including coal;

(h) Addition of caulking and weatherstripping;

(i) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to any applicable State or local building code or, if no such code applies, the increase is considered appropriate by the Secretary;

(j) Energy recovery systems;

(k) Cogeneration systems which produce steam or forms of energy such as heat, as well as electricity for use primarily within a building or a complex of buildings owned by an eligible institution and which meet such fuel efficiency requirements as the Secretary may by rule prescribe;

(l) Costs of installation and connection of such leased equipment as would otherwise be an eligible energy conservation measure;

(m) Such other measures as the Secretary identifies by rule for purposes of this part, as set forth in Subpart D of 10 CFR 450; and

(n) Such other measures as a grant application show will save a substantial amount of energy and are identified in an energy audit in accordance with Subpart E of 10 CFR 450.

"Fuel" means any commercial source of energy used within the building or complex being surveyed such as natural gas, fuel oil, electricity, or coal.

"Governor" means the chief executive officer of a State, including the Mayor of the District of Columbia, or a person duly designated in writing by the Governor to act on her or his behalf.

"Grantee" means the entity or organization named in the Notice of Grant Award as the recipient of the grant.

"Grant program cycle" means the period of time specified by DOE which relates to the fiscal year or years for which monies are appropriated for grants under this part, during which one complete cycle of DOE grant activity occurs, including fund allocations to the States; applications receipt, review, approval or disapproval, and award of grants by DOE, but which does not include the grantee's performance period.

"Gross square feet" means the sum of all heated or cooled floor areas enclosed in a building, calculated from the outside dimensions, or from the centerline of common walls.

"Heating or cooling system" means any mechanical system for heating, cooling or ventilating conditioned areas of a building, including a system of through-the-wall air conditioning units.

"Heating degree days" means the annual sum of the number of Fahrenheit degrees of each day's mean temperature below 65° for a given locality.

"Hospital" means a public or non-profit institution which is a general hospital, tuberculosis hospital, or any other type of hospital, other than a hospital furnishing primarily domiciliary care; and which is duly authorized to provide hospital services under the laws of the State in which it is situated.

"Hospital facilities" means buildings housing a hospital and related facilities, including laboratories, laundries, out-patient departments, nurses' home and training facilities and central service facilities operated in connection with a hospital, and also includes buildings housing education or training facilities for health professions personnel operated as an integral part of a hospital.

"Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska native village, or regional or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act, Pub. L. 92–203; 85 Stat. 688, which (a) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (b) is located on, or in proximity to, a Federal or State reservation or rancheria.

"Local educational agency" means a public board of education or other public authority or a non-profit institution legally constituted within, or otherwise recognized by, a State for either administrative control or direction of, or to perform administrative services for, a group of schools within a State.

"Maintenance" means activities undertaken in a building to assure that equipment and energy-using systems operate effectively and efficiently.

"Native American" means a person who is a member of an Indian tribe.

"Operating" means the operation of equipment and energy-using systems in a building to achieve or maintain specified levels of environmental conditions or service.

"Owned" or "Owns" means a property interest, including without limitation a leasehold interest, which is, or shall become, a fee simple title in a building or complex.

"Preliminary energy audit" means any survey of a building or complex conducted in accordance with the requirements of Subpart E of 10 CFR Part 450.

"Primarily occupied" means that in excess of 50 percent of a building's square footage or time of occupancy is occupied by a public care institution or an office or agency of a unit of local government.

"Public care institution" means a public or non-profit institution which owns—

(a) A facility for long-term care, rehabilitation facility, or public health center, as described in Section 1633 of the Public Health Service Act (42 U.S.C. 300s–3; 88 Stat. 2270); or

(b) A residential child care center, which is an institution, other than a foster home, operated by a public or non-profit institution and is primarily intended to provide full-time residential care with an average length of stay of at least 30 days for at least 10 minor persons who are in the care of such institution as a result of a finding of abandonment or neglect or of being persons in need of treatment or supervision.

"Public or non-profit institution" means an institution owned and operated by—

(a) A State, a political subdivision of a State or an agency or instrumentality of either; or

(b) A school or hospital which is, or would be in the case of such entities situated in American Samoa, Guam, Puerto Rico, and the Virgin Islands, exempt from income tax under Section 501(c)(3) of the Internal Revenue Code of 1954; or

(c) A unit of local government or public care institution which is, or would be in the case of such entities situated in American Samoa, Guam, Puerto Rico, and the Virgin Islands, exempt from income tax under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954.

"School" means a public or non-profit institution which—

(a) Provides, and is legally authorized to provide, elementary education or secondary education, or both, on a day or residential basis;

(b)(1) Provides, and is legally authorized to provide, a program of education beyond secondary education, on a day or residential basis;

(2) Admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate;

(3) Is accredited by a nationally recognized accrediting agency or association; and

(4) Provides an educational program for which it awards a bachelor's degree or higher degree or provides not less than a two-year program which is acceptable for full credit toward such a degree at any institution which meets the preceding requirements and which provides such a program;

(c) Provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions cited in subdivisions (A), (B), and (C) of subparagraph (2) above; or

(d) Is a local educational agency.

"School facilities" means buildings housing classrooms, laboratories, dormitories, athletic facilities, or related facilities operated in connection with a school.

"Secretary" means the Secretary of the Department of Energy.

"State" means, in addition to the several States of the Union, the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands.

"State energy agency" means the State agency responsible for developing State energy conservation plans pursuant to Section 362 of the Energy Policy and Conservation Act, or, if no such agency exists, a State agency designated by the Governor of such State to prepare and submit the State Plan required under Section 394 of the Energy Policy and Conservation Act, as amended by the Energy Conservation and Production Act.

"State hospital facilities agency" means an existing agency which is broadly representative of the public hospitals and the nonprofit hospitals, or, if no such agency exists, an agency designated by the Governor of such State which conforms to the requirements of this definition.

"State school facilities agency" means an existing agency which is broadly representative of public institutions of higher education, nonprofit institutions of higher education, public elementary and secondary schools, nonprofit elementary and secondary schools, public vocational education institutions, nonprofit vocational education institutions, and the interests of handicapped persons in a State or, if no such agency exists, an agency which is designated by the Governor of such State which conforms to the requirements of this definition.

"Technical assistance" means a program or activity for (1) the conduct of specialized studies to identify and specify energy savings and related cost savings that are likely to be realized as a result of either modifying maintenance and operating procedures in a building, and the acquisition and installation of one or more energy conservation measures, (2) the planning or administration of such specialized studies. For States, schools and hospitals, which are eligible to receive grants to carry out energy conservation measures, the term also means the planning or administration of specific remodeling, renovation, repair, replacement or insulation projects related to the installation of energy conservation, solar energy or renewable resource measures in a building.

"Unit of local government" means the government of a county, municipality, parish, borough, or township, which is a unit of general purpose government below the State, determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes; the District of Columbia, American Samoa, Guam, and the Virgin Islands; the recognized governing body of an Indian tribe which governing body performs substantial governmental functions; libraries owned by any of the foregoing; and public libraries which serve all residents of a political subdivison below the State level, such as a community, district or region, free of charge and which derive at least 40 percent of their operating funds from tax revenues of a taxing authority below the State level.

§ 455.3 Administration of grants.

(a) Grants provided under this part shall comply with applicable law, regulation or procedure including, but without limitation, the requirements of—

(1) Office of Management and Budget Circular A–87, entitled "Cost Principles for State and Local Governments";

(2) Office of Management and Budget Circular A–102, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments";

(3) Office of Management and Budget Circular A–110, entitled "Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations";

(4) DOE regulation, 10 CFR 1040, entitled "Non-discrimination In Federally Assisted Programs", which implements the following public laws: Title VI of the Civil Rights Act of 1964; Section 16 of the Federal Energy Administration Act of 1974; Section 401 of the Energy Reorganization Act of 1974; Title IX of the Education Amendments of 1972; The Age Discrimination Act of 1975; and Section 504 of the Rehabilitation Act of 1973;

(5) OMB Circular A-122, "Cost Principles for Non-Profit Organizations";

(6) OMB Circular A-21, "Cost Principles for Institutions of Higher Education";

(7) 45 CFR 74, Appendix E, "Cost Principles for Hospitals";

(8) OMB Circular A-95 Part III, "Review, Evaluation, and Coordination of Federal and Federally-Assisted Programs and Projects";

(9) DOE Assistance Regulation 10 CFR Part 600, Subparts A and B.

(b) Grantees shall comply with such additional requirements applicable to this part as DOE may from time to time prescribe for the administration of grants.

§ 455.4 Recordkeeping.

Each State or other entity within a State receiving financial assistance under this part shall make and retain records required by DOE, including records which fully disclose the amount and disposition of the financial assistance received; the total cost of the administration and the activities for which assistance is given or used; the source and amount of any funds not supplied by DOE and any data and information which DOE determines are necessary to protect the interest of the United States and to facilitate an effective financial audit and performance evaluation. The Secretary, or any of her or his duly authorized representatives, shall have access, as prescribed by DOE Assistance Regulations, to any books, documents, receipts or other records which the Secretary determines are related or pertinent, either directly or indirectly, to any financial assistance provided under this part.

§ 455.5 Suspension and Termination of Grants.

The Secretary may suspend or terminate financial assistance under a previously approved application if the Secretary determines the applicant has failed to comply substantially with the terms and conditions set forth in the application and this part. Suspension and termination procedures shall be as set forth in OMB Circulars A-102 and A-110 as applicable. A decision to suspend or terminate pursuant to this section may be appealed to the DOE Financial Assistance Appeals Board, pursuant to 10 CFR 1024. A decision to suspend or terminate financial assistance based on failure to comply with civil rights requirements shall be made pursuant to Subpart H of DOE's Nondiscrimination in Federally Assisted Programs Regulation (10 CFR 1040).

Subpart B—Preliminary Energy Audit and Energy Audit Grant Procedures

§ 455.10 Purpose and scope.

(a) This subpart contains the regulations whereby the Federal Government shall provide financial assistance for preliminary energy audits and energy audits.

(b) Preliminary energy audits are to be performed by States for the purpose of—

(1) Determining the energy use characteristics of eligible school and hospital facilities, and buildings owned by units of local government and public care institutions, including the size, type, rate of energy use and major energy using systems of such buildings within the State;

(2) Establishing a data base from which reasonably accurate estimates can be made of the number of eligible institutions, the number of qualifying buildings, and patterns of energy conservation needs including an indication of the opportunities for use of solar or other renewable energy sources; and

(3) Assisting States in development of a sound and complete State Plan which is a prerequisite to receipt of financial assistance for technical assistance or energy conservation measures, including solar energy or other renewable resource measures.

(c) Energy audits are to be performed by States or eligible schools, hospitals, units of local government and public care institutions for the purpose of—

(1) Determining the energy use characteristics of eligible school and hospital facilities, and buildings owned by units of local government and public care institutions, including the size, type, rate of energy use and major energy using systems of such buildings within the State;

(2) Identifying and encouraging adoption of energy conservation maintenance and operating procedures;

(3) Indicating potential, if any, for acquiring and installing energy conservation measures, including possible use of solar energy or other renewable resources; and

(4) Providing, to the greatest extent practical, consistent information necessary to identify those buildings to receive priority for additional financial assistance.

* * * * *

§ 455.18 Contents of a preliminary energy audit.

(a) A preliminary energy audit shall provide a description of the building or complex audited and determine its energy-using characteristics, including—

(1) The name or other identification, and address of the building;

(2) A statement that the building meets the requirements of one of the following categories—

(i) A school facility;

(ii) A hospital facility; or

(iii) A building owned and primarily occupied either by offices or agencies of a unit of local government or by a public care institution, neither of which shall include any building intended for seasonal use or any building used primarily by a school or hospital;

(3) A description of the functional use made of the building identifying whether it is a—

(i) School—

(A) Elementary;

(B) Secondary;

(C) College or university;

(D) Vocational;

(F) Other;

(ii) Hospital—

(A) General;

(B) Tuberculosis; or

(C) Other;

(iii) Local government building—

(A) Office;

(B) Storage;

(C) Service;

(D) Library;

(E) Police station;

(F) Fire station; or

(G) Other; or

(iv) Public care building—

(A) Nursing home;

(B) Long term care other than a nursing home;

(C) Rehabilitation facility;

(D) Public health center; or

(E) Residential child care center;

(4) The name and address of the owner of record, indicating whether owned by a public institution, private nonprofit institution or an Indian tribe;

(5) The size of the building, expressed in gross square feet;

(6) The age of the building;

(7) Approximate daily hours of operation, including periods of partial use if applicable;

(8) An indication of whether the building is partially used during vacation periods or other times when the building is not fully utilized, for periods of a week or more, by quarter;

(9) An identification of major energy-using systems, including—

(i) Type of heating system or cooling system or both;

(ii) Fuel used for heating system, cooling system;

(iii) Fuel used for domestic hot water, such as electric or natural gas;

(iv) Special energy using systems, such as food service or laundry; and

(v) Lighting, such as incandescent or fluorescent;

(10) Fuel use in physical units and cost data by type for a preceding 12 month period, by month if practicable, using actual data or an estimate if actual figures are unavailable;

(11) Total annual energy use expressed in Btu's per gross square foot and energy cost per gross square foot.

(b) A preliminary energy audit shall provide a brief description of activities which have been undertaken to conserve energy in the building or complex being audited, including whether—

(1) A person has been designated to monitor and evaluate energy use;

(2) Work partially or fully satisfying the requirements of an energy audit has been performed;

(3) Detailed studies have been conducted by architects, engineers or architect-engineer teams of energy use and energy conservation; and

(4) Any major energy conservation measures have been implemented, together with a listing of such measures, and estimates of their costs and energy savings if available.

(c) A preliminary energy audit shall provide information regarding site, building, and heating and hot water systems related to solar energy or other renewable resource potential including—

(1) An indication of whether open land, such as fields, yards and parking areas, is available within the immediate vicinity of the building which is not heavily shaded by tall buildings, trees or other obstructions;

(2) A statement of whether the building is located generally within an urban, suburban or rural area;

(3) An approximation of whether more than half the building's roof area or southern oriented wall surface is heavily shaded by shrubs, trees, buildings or other obstructions for more than about four hours per day;

(4) The number of stories;

(5) A general description of the building's shape, such as square, rectangular, E-shaped, H-shaped or L-shaped;

(6) An indication of whether the roof is flat or pitched, and if pitched whether it has a southern orientation;

(7) Whether there are existing roof-top obstructions, such as chimneys, space conditioning equipment, water towers, mechanical rooms, stairwells or other permanent structures;

(8) An indication of the exterior material of the southern facing wall, such as masonry, wood, aluminum;

(9) An approximation of the proportion of glass area of the southern facing wall, such as less than 25 percent, 25–75 percent, more than 75 percent;

(10) Location of primary space heating and water heating systems—

(i) Whether outside of or within the building;

(ii) If within the building, whether on the ground floor, in the basement, or on the roof; and

(iii) If within the building, whether centrally located, in multiple units, or a combination thereof.

§ 455.19 Contents of an energy audit.

(a) An energy audit shall contain the information required for a preliminary energy audit, in accordance with § 455.18, and shall also include a description of—

(1) Major changes in functional use or mode of operation planned in the next fifteen years, such as demolition, disposal, rehabilitation, or conversion from office to warehouse;

(2) For a building in excess of 200,000 gross square feet, if available—

(i) Peak electric demand for both daily and annual cycles; and

(ii) Annual energy use by fuel type of the major mechanical or electrical systems if the information is available or can be reasonably estimated;

(3) Terminal heating or cooling, or both, such as radiators, unit ventilators, fancoil units, or double-duct reheat systems;

(4) Building site and structural characteristics related to solar energy or other renewable resource potential, including but not limited to—

(i) Climatic factors, specifically—

(A) Average annual heating degree days and cooling degree days;

(B) Average solar insolation by month;

(C) Average monthly wind speed; and

(ii) Roof characteristics, including—

(A) An identification of primary structural component such as steel, wood, concrete; and

(5) A description of general building conditions.

(b) An energy audit shall—

(1) Indicate that appropriate energy conservation maintenance and operating procedures have been implemented for the building, supported by a demonstration based on actual records, that energy use has been reduced in a given year through changes in maintenance and operating procedures, by not less than 20 percent from a corresponding based period having a degree day variance of less than 10 percent; or

(2) Recommended appropriate energy conservation maintenance and operating procedures, on the basis of an on-site inspection and review of any scheduled preventive maintenance plan, together with a general estimate or range of energy and cost savings if practical, which may result from—

(i) Effective operation of ventilation systems and control of infiltration conditions, including—

(A) Repair of caulking or weatherstripping around windows and doors;

(B) Reduction of outside air intake, shutting down ventilation systems in unoccupied areas, and shutting down ventilation systems when the building is not occupied; and

(C) Assuring central or unitary ventilation controls, or both, are operating properly;

(ii) Changes in the operation of heating or cooling systems through—

(A) Lowering or raising indoor temperatures;

(B) Locking thermostats;

(C) Adjusting supply or heat transfer medium temperatures; and

(D) Reducing or eliminating heating or cooling at night or at times when a building or complex is unoccupied;

(iii) Changes in the operation of lighting systems through—

(A) Reducing illumination levels;

(B) Maximizing use of daylight;

(C) Using higher efficiency lamps; and

(D) Reducing or eliminating evening cleaning of buildings;

(iv) Changes in the operation of water systems through—

(A) Repairing leaks;

(B) Reducing the quantity of water used, e.g., flow restrictors;

(C) Lowering settings for hot water temperatures;

(D) Raising settings for chilled water temperatures; and

(v) Changes in the maintenance and operating procedures of the utility plant and distribution system through—

(A) Cleaning equipment;

(B) Adjusting air/fuel ratio;

(C) Monitoring combustion;

(D) Adjusting fan, motor, or belt drive systems;

(E) Maintaining steam traps; and

(F) Repairing distribution pipe insulation; and

(vi) Such other actions as the State may determine useful or necessary, consistent with the purposes of the

energy audit and acceptable cost constraints of § 450.46.

(c) Based on information gathered under paragraphs (a) and (b) of § 455.18, and paragraphs (a)(1) and (2) of this section, an energy audit shall indicate the need, if any, for the acquisition and installation of energy conservation measures and shall include an evaluation of the need and potential for retrofit based on consideration of one or more of the following—

(1) An energy use index or indices, for example, Btu's per gross square foot per year;

(2) An energy cost index or indices, for example, annual energy costs per gross square foot; or

(3) The physical characteristics of the building envelope and major energy-using systems.

(d) Based on information gathered under paragraph (c) of § 455.18 and subparagraph (a)(4) of this section, an energy audit shall include an indication of whether building conditions or characteristics present an opportunity for use of solar heating and cooling sysems or solar hot water systems.

(e) An energy audit may include an assessment of the estimated costs and energy and cost savings likely to result from the purchase and installation of one or more energy conservation measures.

Subpart C—Technical Assistance Programs for Schools, Hospitals, Units of Local Government and Public Care Institutions

§ 455.40 Purpose and scope.

This subpart specifies what consitutes a technical assistance program eligible for financial assistance under this part, and sets forth the eligibility criteria for schools, hospitals, units of local government and public care institutions to receive grants for technical assistance to be performed in buildings owned by such institutions.

§ 455.41 Eligibility.

To be eligible to receive financial assistance for technical assistance program, an applicant must—

(a) Be a school, hospital, unit of local government, public care institution or coordinating agency, all as defined in § 455.2, except that—

(1) Financial assistance for units of local government and public care institutions will be provided only for buildings which are owned and primarily occupied by offices or agencies of a unit of local government or public care institution and which are not intended for seasonal use and not utilized primarily as a school or hospital eligible for assistance under this program;

(2) Financial assistance provided to a school which is a local education agency as defined in § 455.2 must not be used for technical assistance program or acquisition or installation of any energy conservation measure in any building of such agency which is used principally for administration.

(b) Be located in a State which has an approved State Plan as described in Subpart H of this part;

(c) Have conducted an energy audit or its equivalent, as determined by the State in accordance with the State Plan, for the building for which financial assistance is to be requested, subsequent to the most recent construction, reconfiguration or utilization change which significantly modified energy use within the building;

(d) Give assurance that it has implemented all energy conservation maintenance and operating procedures identified as a result of the energy audit, or provide a satisfactory written justification satisfactory to the Secretary, pursuant to § 455.90(j);

(e) Submit an application in accordance with the provisions of this part and the approved State Plan.

§ 455.42 Contents of program.

(a) The purpose of a technical assistance program and its report are—

(1) To identify and document energy conservation maintenance and operating procedure changes and energy conservation measures in sufficient detail to support possible application for financial assistance, and to provide reviewers and decisionmakers handling such applications sufficient information upon which to base judgments as to their reasonableness; and

(2) To provide the institution with a description of its current characteristics, procedures, operating and maintenance procedure changes and potential for cost-effective capital improvements such that the report can be used to guide those responsible for the energy and financial management of the institution in implementing energy conservation actions without regard to possible financial assistance under this program.

(b) A technical assistance program shall be conducted by a technical assistance analyst, who has the qualifications established in the State Plan in accordance with § 455.90(o) and who shall consider all feasible energy conservation operating and maintenance procedure changes and energy conservation measures for a building, including solar or other renewable resource measures. A technical assistance program shall identify the estimated costs of, and the energy and cost savings likely to be realized from, implementing energy conservation maintenance and operating procedures. A technical assistance program shall also provide a detailed engineering analysis to specify the estimated cost of, and the energy and cost savings likely to be realized from, acquiring and installing each energy conservation measure, including solar and other renewable resource measures, that indicate a significant potential for saving energy based upon the technical assistance analyst's initial consideration.

(c) The technical assistance analyst shall use the following cost consideration factors in developing their calculations—

(1) Current prices, excluding demand charges

(2) Marginal prices, where incremental prices apply

(d) At the conclusion of a technical assistance program, the technical assistance analyst shall prepare a report which shall include—

(1) A description of building characteristics and energy data including—

(i) The results of the energy audit (or its equivalent) of the building, together with a statement as to the accuracy of the energy audit data and completeness of the energy audit recommendations as required in § 455.42(d)(7);

(ii) The operating characteristics of energy using systems; and

(iii) The estimated remaining useful life of the building;

(2) An analysis of the estimated energy consumption of the building, by fuel type in total Btu's and Btu/sq. ft./yr using conversion factors prescribed by the State, at optimum efficiency (assuming implementation of all energy conservation maintenance and operating procedures);

(3) An evaluation of the building's potential for solar and renewable resource conversions, including water heating systems;

(4) A listing of any known local zoning ordinances and building codes which may restrict the installation of solar systems;

(5) A description and analysis of all identified operating and maintenance procedure changes, if any, and energy conservation measures, including solar and other renewable resource measures, setting forth—

(i) A description of each operating and maintenance procedure change and an estimate of the costs of adopting such operating and maintenance procedure changes;

(ii) An estimate of the cost of design, acquisition and installation of each energy conservation measure, discussing pertinent assumptions as necessary;

(iii) Estimated useful life of each energy conservation measure;

(iv) An estimate of increases or decreases in maintenance and operating costs that would result from each conservation measure if any;

(v) An estimate of the salvage value or disposal cost of each energy conservation measure at the end of its useful life, if any;

(vi) An estimate supported by all data and assumptions used in arriving at the estimate, of the annual energy and energy cost savings (using current energy prices excluding demand charges) expected from each operating and maintenance procedure changes and the acquisition and installation of each energy conservation measure. In calculating the potential energy cost savings or energy savings of each energy conservation measure, including solar or other renewable resource measure, technical assistance analyst shall—

(A) Assume that all energy savings obtained from energy conservation maintenance and operating procedures have been realized;

(B) Calculate the total energy and energy cost savings, by fuel type, expected to result from the acquisition and installation of all feasible energy conservation measures, taking into account the interaction among the various measures;

(C) Calculate that portion of the total energy and energy costs savings, as determined in (B) above, attributable to each individual energy conservation measure; and

(D) Consider climate and other variables.

(vii) The simple payback period of each energy conservation measure, taking into account the interactions among the various measures. The simple payback period is calculated by dividing the estimated total cost of the measure, as determined pursuant to § 455.42(d)(5)(ii), by the estimated annual cost saving accruing from the measure, as determined pursuant to § 455.42(d)(5)(vi). For the purposes of ranking applications, the simple payback period shall be calculated using the cost savings resulting form energy savings only, determined on the basis of current energy prices except:

(A) For energy conservation measures which result in coversion from oil, natural gas, other petroleum products or electricity to coal, the simple payback period shall be calculated based on the annual cost savings (using current energy prices) associated with the change in fuels; or

(B) For solar or other renewable resource energy conservation measures, the simple payback period shall be calculated using the cost of the fuels displaced (using current energy prices) as the annual cost savings;

(C) For energy conservation measures installing leased equipment, only the cost of installation and connection of the leased equipment are eligible for financial assistance under this program. The payback period shall be determined by dividing the total installation and connection costs by the result of subtracting the average annual recurring leased costs from the projected average annual energy cost saving.

(viii) The estimated cost of the measure which shall be the total cost for design and other professional service (excluding cost of a technical assistance program), if any, and acquisition and installation costs. At the request of the applicant, the technical assistance report shall provide a life cycle cost analysis, which considers all costs and cost savings, such as maintenance costs and/or savings, resulting from an energy conservation measure for use by the institution;

(6) Energy use and cost data, actual or estimated, for each fuel type used for the prior 12-month period, by month if possible.

(7) A signed and dated certification that the technical assistance program has been conducted in accordance with the requirements of this section and that the data presented is accurate to the best of the technical assistance analyst's knowledge.

Subpart D—Energy Conservation Measures for Schools and Hospitals

§ 455.50 Purpose and scope.

This subpart indicates what constitutes an energy conservation measure that may receive financial assistance under this part and sets forth the eligibility criteria for schools and hospitals to receive grants for energy conservation measures, including solar and other renewable resource measures.

§ 455.51 Eligibility.

(a) To be eligible to receive financial assistance for an energy conservation measure, including solar or other renewable resource measures, an applicant must—

(1) Be a school, hospital or coordinating agency as defined in § 455.2, provided that financial assistance provided to a school which is a local education agency as defined in § 455.2 must not be used for a technical assistance program or acquisition or installation of any energy conservation measure in any building of such agency which is used principally for administration;

(2) Be located in a State which has an approved State Plan as described in Subpart H of this part;

(3) Have completed a technical assistance program or its equivalent, as determined by the State in accordance with the State Plan, for the building for which financial assistance is to be requested, subsequent to the most recent construction, reconfiguration or utilization change to the building which significantly modified energy use within the building;

(4) Have implemented all energy conservation maintenance and operating procedures which are identified as the result of a technical assistance program, or have provided a satisfactory written justification for not implementing any specific maintenance and operating procedures so identified, as described in § 455.90(j).

(5) Have no plan or intention at the time of application to close or otherwise dispose of the building for which financial assistance is to be requested within the simple payback period of any energy conservation measure recommended for that building; and

(6) Submit an application in accordance with the provisions of this part and the approved State Plan.

(b) To be eligible for financial assistance, the simple payback period of each energy conservation measure for which financial assistance is requested shall not be less than 1 year nor greater than 15 years, and the estimated useful life of the measure shall be greater than its simple payback period.

§ 455.52 Contents of program.

The programs to be funded under this part will be for the design, acquisition and installation of energy conservation measures to reduce energy consumption or measures to allow the use of solar or other alternative energy resources for schools and hospitals. Such measures include, but are not necessarily limited to those included in the definition of "energy conservation measures" in § 455.2.

Subpart E—Applicant Responsibilities

§ 455.60 Grant application submittals.

(a) Each eligible applicant desiring to receive financial assistance shall file an application in accordance with the provisions of this subpart and the approved State Plan of the State in which such building is located. The

application, which may be amended in accordance with applicable State procedures at any time prior to the State's final determination thereon, shall be filed with the State energy agency designated in the State Plan.

(b) Applications from schools, hospitals, units of local government, public care institutions and coordinating agencies for financial assistance for technical assistance programs shall include the certifications contained in § 455.61 and—

(1) The applicant's name and mailing address;

(2) The energy audit (or its equivalent) for each building for which financial assistance is requested;

(3) A project budget, by building, which stipulates the intended use of all Federal and non-Federal funds; including in-kind contributions (valued in accordance with the guidelines in OMB Circular A–102 or OMB Circular A–110, as appropriate), to be used to meet the cost-sharing requirements described in Subpart G;

(4) A brief description, by building, of the proposed technical assistance program, including a schedule, with appropriate milestone dates, for completing the technical assistance program; and

(5) Additional information required by the applicable State Plan, and any other information which the applicant desires to have considered, such as information to support an application from a school or hospital for financial assistance in excess of the 50 percent Federal share on the basis of severe hardship or an application which proposes the use of Federal funds, paid under and authorized by another Federal agreement, to meet cost sharing requirements.

(c) Applications from schools and hospitals and coordinating agencies for financial assistance for energy conservation measures, including solar and other renewable resource measures, shall include the certifications contained in § 455.61 and—

(1) The applicant's name and mailing address;

(2) Identification of each building pursuant to § 455.18(a) (1) through (5) for which financial assistance is requested, including—

(i) Name or other identification of each building and its address;

(ii) Building category;

(iii) Description of functional use;

(iv) Ownership; and

(v) Size of building expressed in gross square feet.

(3) A project budget, by measure or by building, as provided in the State Plan which stipulates the intended use of all Federal and non-Federal funds, and identifies the sources and amounts of non-Federal funds, including in-kind contributions (valued in accordance with the guidelines in OMB Circular A–102 or OMB Circular A–110, as appropriate), to be used to meet the cost sharing requirements described in Subpart G;

(4) A schedule, including appropriate milestone dates, for the completion of the design, acquisition and installation of the proposed energy conservation measures for each building;

(5) For each energy conservation measure proposed for funding, the projected cost, and the projected simple payback period as contained in § 455.42(d)(5)(vii). Applications with more than one energy conservation measure per building shall include projected costs and paybacks for each measure, and the average simple payback period for all measures proposed for the building;

(6) Unless waived by DOE, the report of the technical assistance analyst. This report must have been completed since the most recent construction, reconfiguration or utilization charge to the building, which significantly modified energy use, for each building.

(7) If the applicant is aware of any adverse environmental impact which may arise from adoption of any energy conservation measure, an analysis of that impact and the applicant's plan to minimize or avoid such impact; and

(8) Additional information required by the applicable State Plan, and any additional information which the applicant desires to have considered, such as information to support an application for financial assistance in excess of the 50 percent Federal share on the basis of severe hardship, or an application which proposes the use of Federal funds, paid under and authorized by another Federal agreement, to meet cost sharing requirements.

§ 455.61 Applicant certifications.

Applications for financial assistance for technical assistance programs and energy conservation measures, including solar and other renewable resource measures, shall include certification that the applicant—

(a) Is eligible under § 455.41 for technical assistance or § 455.51 for energy conservation measures;

(b) Has satisfied the requirements set forth in § 455.60;

(c) Has implemented all energy conservation maintenance and operating procedures recommended as a result of the energy audit and for applications for energy conservation measures, those recommended in the report obtained under a technical assistance program. If any such procedure has not been implemented, the application shall contain a satisfactory written justification for not implementing that procedure as prescribed pursuant to § 455.90(j);

(d) Will obtain from the technical assistance analyst, before the analyst performs any work in connection with a technical assistance program or energy conservation measure, a signed statement certifying that the technical assistance analyst has no conflicting financial interests and is otherwise qualified to perform the duties of technical assistance analyst in accordance with the standards and criteria established in the approved State Plan;

(e) For a project under this Part having a total estimated cost of more than $5,000, any construction contract or subcontract in excess of $2,000 using any grant funds awarded under this Part must include those contract labor standards provisions set forth in 29 CFR 5.5 and a provision for payment of laborers and mechanics at the minimum wage rates determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a) as set forth in 29 CFR Part 1. For the purpose of this section "project" means an undertaking to acquire and install one or more energy conservation measures in a building which is eligible under this Part; and

(f) Will comply with all reporting requirements contained in § 455.63.

§ 455.62 Grant applications for State administrative expenses.

(a) Each State desiring to receive grants to help defray State administrative expenses shall file applications therefor in accordance with the provisions of this section. Each State may apply for an amount not exceeding 2 percent of its total allocation for technical assistance and energy conservation measures during the initial grant program cycle to the Secretary for approval; or, for subsequent grant program cycles, any time after notice by DOE of the amounts allocated to each State for that grant program cycle. In addition, each State after it makes the submittal to DOE required under § 455.72 may apply for a further grant not exceeding 5 percent of the total of all grant awards for technical assistance and energy conservation measures within that State in that grant program cycle, less any amounts previously awarded the State for administrative

expenses in the same grant program cycle.

(b) Applications for financial assistance to defray State administrative expenses shall include—

(1) The name and address of the person designated by the State to be responsible for the State's functions under this part;

(2) An identification of the intended use of all Federal and non-Federal funds, for the State administrative expenses listed in § 455.63(b) and a list of the sources and amounts of the required matching non-Federal funds, including in-kind contributions value in accordance with the guidelines in OMB Circular A–102, "Uniform Requirements for Grants-in-Aid to State and Local Governments" to be used to meet the cost-sharing requirements described in Subpart G of this part; and

(3) Any other information required by DOE.

§ 455.63 Grantee records and reports.

(a) Each State, school, hospital, unit of local government, public care institution and coordination agency which receives a grant for a technical assistance program, energy conservation measure, including solar and other renewable resource measures, or State administrative expenses shall keep all the records required by § 455.4 in accordance with DOE Assistance Regulations.

(b) Each grantee shall submit reports as follows—

(1) For technical assistance projects, two copies of a final report of the analysis completed on each building for which financial assistance was provided shall be submitted to the State energy agency no later than 90 days following completion of the analysis. These reports shall contain—

(i) The report submitted to the institution by the technical assistance analyst, and

(ii) The institution's plan to implement energy conservation maintenance and operating procedures.

(2) For energy conservation measure projects—

(i) Semi-annual progress reports shall be submitted by grantees. Two copies shall be submitted to the State energy agency no later than the end of July and January and shall detail and discuss milestones accomplished, those not accomplished, status of in-progress activities and remedial actions if needed to achieve project objectives. A final report may be submitted in lieu of the last semi-annual report if it satisfies the semi-annual progress report and final report designated time frames;

(ii) Two copies of a final report which list and describe the energy conservation measures acquired and installed, a final estimated simple payback period for each measure and the project as a whole, and a statement that the completed energy conservation measures conform to the approved grant application, will be submitted to the State within 90 days of the completion of the project;

(iii) Within 60 days of the close of each 12-month period following project completion, grantees shall submit annual reports to the State for three years, or for the life of this Federal program, whichever is shorter. These reports shall identify each building and provide data on energy use for that building for the preceding 12-month period.

(3) For State administrative grants, each State shall submit reports to the Secretary, by the close of each February and August following State Plan approval, which provide—

(i) A discussion of administrative activities pursuant to § 455.83(b), and a discussion of milestones accomplished, those not accomplished, status of in-progress activities, problems encountered, and remedial actions, if any, planned pursuant to § 455.73(e);

(ii) A summary of grantee reports received by the State since the previous semi-annual grantee report submission pursuant to subparagraphs (b)(1) and (b)(2) of this section; and

(iii) For the August report, an estimate of annual energy use reductions in the State, by energy source, attributable to implementation of energy conservation maintenance and operating procedures and installation of energy conservation measures under this program. Such estimates shall be based upon a sampling of institutions participating in the technical assistance phase of this program and upon the reports submitted to the State pursuant to § 455.63(b)(2)(iii).

(4) Such other information as the Secretary may, from time to time request.

(5) Each copy of any technical assistance, energy conservation measures, or State administrative report shall be accompanied by a financial status report completed in accordance with the documents listed in § 455.3. A financial status report shall not be required for annual reports submitted pursuant to subparagraph (a)(2)(iii) of this section. Unless the State administrative grant funding period coincides with its semi-annual report requirements under subparagraph (3) of this section, the State shall also submit a financial status report covering its administrative activities at the conclusion of its State administrative grant funding period.

(6) Grantee technical assistance, energy conservation measure, and financial status reports submitted to the State shall be submitted by the State to DOE as required by the Secretary.

Subpart F—State Responsibilities

§ 455.70 State evaluation of grant applications.

(a) If an application received by a State is reviewed and evaluated by that State and determined to be in compliance with Subparts C, D and E of this part, § 455.70(b), any additional requirements of the approved State Plan, State environmental laws, and other applicable laws and regulations, then such application will be eligible for financial assistance.

(b) Concurrently with its evaluation and ranking of grant applications pursuant to § 455.71, the State will forward applications for technical assistance or for energy conservation measures for a school or hospital to the State school facilities agency or the State hospital facilities agency, as the case may be, for review and certification that each school application is consistent with related State programs for educational facilities, and each hospital application is consistent with State health plans under sections 1524(c)(2) and 1603 of the Public Health Service Act (42 U.S.C. 300m–3 and 300o–2, respectively), and that each has been coordinated through abbreviated review mechanisms under section 1523 of the Public Health Service Act (42 U.S.C. 300m–2) and section 1122 of the Social Security Act. No application from a school or hospital shall be eligible for funding until such certification has been issued.

§ 455.71 State ranking of grant applications.

All eligible applications received by the State will be ranked by the State in accordance with its approved State Plan.

(a) For technical assistance programs, buildings shall be ranked in descending priority based upon the energy conservation potential of the building as determined from an energy audit (or its equivalent) in accordance with the procedures established in the State Plan and one or more of the methods indicated in § 455.19(c). In the case of buildings having equivalent energy conservation potential, preference shall be given to those buildings which have completed an energy audit without the use of Federal funds. Each State shall

develop separate rankings for all buildings covered by eligible applications for—

(1) Technical assistance programs for units of local government and public care institutions, and

(2) Technical assistance programs for schools and hospitals.

(b) All eligible applications for energy conservation measures received will be ranked by the State on an individual building-by-building or a measure-by-measure basis. Several buildings may be ranked as a single building if the application proposes a single energy conservation measure which directly involves all of the buildings. Buildings or measures shall be ranked in accordance with the procedures established by the State Plan, on the basis of the information developed during a technical assistance program (or its equivalent) for the building and the criteria for ranking applications, which are listed below in the descending order in which weights for each criterion are to be applied by the State—

(1) Payback, calculated in accordance with § 455.42(d)(5)(vii);

(2) The types of energy sources to which conversion is proposed, including in descending priority—

(i) Renewable; and

(ii) Coal;

(3) The types and quantities of energy to be saved, including oil, natural gas, or electricity, in a priority as established in the approved State Plan;

(4) Other factors as determined by the State.

(c) A State is exempt from the ranking requirements of this section when—

(1) The total amount requested by all applications for schools and hospitals for technical assistance and energy conservation measures in a given grant program cycle for grants up to 50 percent is less than or equal to the funds available to the State for such grants and the total amount recommended for hardship funding is less than or equal to the amounts available to the State for such grants.

(2) The total amount requested by all applications for buildings owned by units of local government and public care institutions in a given grant program cycle is less than or equal to the total amount allocated to the State for technical assistance program grants in the State.

(d) Within the rankings of school and hospital buildings for technical assistance and energy conservation measures, including solar or other renewable resource measures, to the extent that approvable applications are submitted, a State shall initially assure that—

(1) Schools receive at least 30 percent of the total funds allocated for schools and hospitals to the State in any grant program cycle; and

(2) Hospitals receive at least 30 percent of the total funds allocated for schools and hospitals to the State in any grant program cycle.

(e) To the extent provided in § 455.100(d), financial assistance will be initially available for schools and hospitals experiencing severe hardship based upon an applicant's long-term need or inability to provide the 50 percent non-Federal share. This financial assistance will be available only to the extent necessary to enable such institutions to participate in the program.

(1) The State shall recommend funds for severe hardship applications wholly or partially from the funds reserved in accordance with § 455.100(d) and as stated in an approved State Plan.

(2) Applications for Federal funding in excess of 50 percent based on claims of severe hardship shall be given an additional evaluation by the State to assess on a quantifiable basis, to the maximum extent practicable, the relative need among eligible institutions. The minimum amount of additional Federal funding necessary for the applicant to participate in the program will be determined by the State in accordance with the procedures established in the State Plan and will be based upon one or more of the following—

(i) The ratio of the cost of the proposed technical assistance programs or energy conservation measures to the institution's total annual budget;

(ii) The borrowing capacity of the institution;

(iii) The average unemployment rate for the institution's locality at the time the application is submitted;

(iv) The ratio of the amount expended annually by the institution for energy to the institution's total annual operating budget;

(v) The median annual family income of the institution's locality; and

(vi) Other special conditions of the institution or its locality as determined by the State.

(3) A State shall indicate, for those schools and hospitals with the highest rankings, determined pursuant to subparagraphs (a) and (b) of this section—

(i) The amount of additional hardship funding requested by each eligible applicant for each building determined to be in a class of severe hardship; and

(ii) The amount of hardship funding recommended by the State based upon relative need as determined in accordance with the State Plan, to the limit of the hardship funds available.

(f) Only schools, hospitals, and hardship applicants shall be recommended for funding from the appropriate allocation specified in paragraphs (d) and (e) of this section, unless after the State deadline for submitting applications has passed, there are insufficient applications meeting the requirements of paragraphs (d) and (e) of this section and otherwise qualifying for funding under this part, in which case the State may recommend use of the remaining funds in those allocations to fund applications under this part without regard to the limitations of paragraphs (d) and (e) of this section.

§ 455.72 Forwarding of applications.

(a) Each State shall forward all applications recommended for funding within its allocation to the Secretary once each grant program cycle along with a listing of buildings or measures covered by eligible applications for schools, hospitals, units of local government and public care institutions, and ranked by the State pursuant to the provisions of § 455.71. If ranking has been employed the list shall include the standings of buildings or measures.

(1) Measure by measure rankings will be recombined for the respective building with more than one recommended measure.

(2) Buildings will be consolidated under one grantee application.

(b) The State shall indicate the amount of financial assistance requested by the applicant for each eligible building and, for those buildings recommended for funding within the limits of the State's allocation, the amount recommended for funding. If the amount recommended is less than the amount requested by the applicant, the list shall also indicate the reason for that recommendation.

(c) States shall certify applications submitted are eligible pursuant to § 455.70(a).

§ 455.73 State liaison, monitoring and reporting.

Each State shall be responsible for—

(a) Consulting with eligible institutions and coordinating agencies representing such institutions in the development of its State Plan;

(b) Notifying eligible institutions and coordinating agencies of the content of the approved State Plan and any amendment to a State Plan;

(c) Notifying each applicant how the applicant's building or measure ranked among other applications, and whether

and to what extent its application will be recommended for funding or, if not to be recommended for funding, the specific reason(s) therefor;

(d) Certifying that each institution has given its assurance that it is willing and able to participate on the basis of any changes in amounts recommended for that institution in the State ranking pursuant to § 455.71; and

(e) Direct program oversight and monitoring of the activities for which grants are awarded as defined in the State Plan. States shall immediately notify the Secretary of any non-compliance or indication thereof.

(f) Reporting requirements pursuant to § 455.63(b)(3).

Subpart G—Grant Awards

§ 455.80 Approval of grant applications.

(a) The Secretary shall review and approve applications submitted by a State in accordance with § 455.72 if the Secretary determines that the applications meet the objectives of the Act, and comply with the applicable State Plan and the requirements of this part. The Secretary may disapprove all or any portion of an application to the extent funds are not available to carry out a program or measure (or portion thereof) contained in the application, or for such other reason as the Secretary may deem appropriate.

(b) The Secretary shall notify a State and the applicant of the final approval or disapproval of an application at the earliest practicable date after the Secretary's receipt of the application, and, in the event of disapproval, shall include a statement of the reasons therefor.

(c) An application which has been disapproved for reasons other than lack of funds may be amended to correct the cause of its disapproval and resubmitted in the same manner as the original application at any time within the same grant program cycle. Such an application will be considered to the extent funds have not already been designated for institutions by the ranking process at the time of resubmittal. However, nothing in this provision shall obligate either the State or the Secretary to take final action regarding a resubmitted application within the grant program cycle. An application not acted upon may be resubmitted in a subsequent grant program cycle.

(d) The Secretary shall not provide supplemental funds beyond those awarded for technical assistance projects and shall fund only one technical assistance project per building.

(e) The Secretary shall not provide supplemental funds beyond those awarded for all energy conservation measures funded under a grant in a given grant program cycle. An institution may apply for, and the Secretary may make, grant awards in another grant program cycle for energy conservation measures for which financial assistance was not previously and specifically provided, even though the measures relate to a building which previously received grants for other energy conservation measures.

(f) The Secretary may fund costs incurred by an institution for technical assistance and energy conservation measure projects after the date of the grant application, so long as that date is no earlier than the close of the preceeding grant program cycle. Such costs may be funded when, in the judgement of the Secretary, the institution has complied with program requirements and the costs incurred are allowable under applicable cost principles and the approved project budget. The applicant bears the responsibility for the entire project cost unless the application is approved by the Secretary in accordance with this part.

§ 455.81 Grant awards for units of local government and public care institutions.

(a) The Secretary may make grants to units of local governments, public care institutions and coordinating agencies for up to 50 percent of the costs of performing technical assistance programs for buildings covered by an application approved in accordance with § 455.80.

(b) Total grant awards within any State to units of local government and public care institutions are limited to funds allocated to each State in accordance with Subpart I of this part.

(c) Units of local government and public care institutions are not eligible for financial assistance for severe hardship.

(d) No grant awarded under this section for a technical assistance program shall include funding for the purchase of any single item of equipment or tangible personal property having an acquisition cost in excess of $500.

§ 455.82 Grant awards for schools and hospitals.

(a) The Secretary may make grants to schools, hospitals and coordinating agencies for up to 50 percent of the cost of performing technical assistance programs for buildings covered by an application approved in accordance with § 455.80. Grant awards for technical assistance programs in any State within any grant program cycle shall be limited to a portion of the total allocation as specified in the Subpart I.

(b) The Secretary may make grants to schools, hospitals and coordinating agencies for up to 50 percent of the costs of acquiring and installing energy conservation measures, including solar and other renewable resource measures, for buildings covered by an application approved in accordance with § 455.80.

(c) The Secretary may award up to 10 percent of the total amount allocated to a State for schools and hospitals in a case of severe hardship, ascertained by the State in accordance with the State Plan, for buildings recommended and in amounts determined by the State pursuant to § 455.71(e).

(d) No grant awarded under this section for a technical assistance program shall include funding for the purchase of any single item of equipment or other tangible personal property having an acquisition cost in excess of $500.

(e) Applicant expenditures for a technical assistance program or installation of one or more energy conservation measures commenced after November 8, 1978 for a building may be wholly or partially credited, in the discretion of the Secretary, toward meeting the matching non-Federal funds requirement for a grant for additional energy conservation measures in the same building. Credit will be considered only when the projects for which credit is sought meet program requirements and credit for energy conservation measures will be considered only when supported by a technical assistance analysis performed prior to the installation of the energy conservation measure. Applications for credit for completed or partially completed energy conservation measures will be considered in conjunction with applications for additional energy conservation measures. The application shall reflect both the work done and the work to be done and will be reviewed and ranked on that basis. In no case shall the credit exceed an amount equal to the non-Federal share of the proposed additional energy conservation measures.

§ 455.83 Grant awards for State administrative expenses.

(a) For the purpose of defraying State expenses in the administration of technical assistance programs in accordance with Subpart C and energy conservation measures in accordance with Subpart D, the Secretary may make grant awards to a State—

(1) Immediately following approval of the State Plan, or for subsequent grant program cycles, immediately following public notice of the amounts allocated to a State for the grant program cycle, and upon approval of the grant application for administrative costs, in an amount not exceeding 2 percent of that State's total allocation for a given grant program cycle for technical assistance and energy conservation measures. Grants for such purposes may be made for up to 50 percent of a State's projected administrative expenses, as approved by the Secretary; and

(2) Concurrently with grant awards for approved applications for technical assistance or energy conservation measures for institutions in that State, and upon approval of an application for administrative costs, in an amount not exceeding the difference between the amount granted pursuant to subparagraph (1) of this paragraph and 5 percent of the total amount of grants awarded within the State for technical assistance programs and energy conservation measures in the applicable grant program cycle. Grants for such purposes may be made for up to 50 percent of a State's projected administrative expenses, as approved by the Secretary. The total of all grants for State administrative costs, technical assistance programs and energy conservation measures in that State shall not exceed the total amount allocated for that State for any grant program cycle.

(b) A State's administrative expenses shall be limited to those directly related to administration of technical assistance programs and energy conservation measures including costs associated with—

(1) Personnel, whose time is expended directly in support of such administration;

(2) Supplies, and services, expended directly in support of such administration;

(3) Equipment purchased or acquired solely for, and utilized directly in support of such administration, provided that no single item of equipment or other tangible personal property costing more than $300 shall be acquired without the express consent of DOE;

(4) Printing, directly in support of such administration; and

(5) Travel, directly related to such administration.

Subpart H—State Plan Development and Approval

§ 455.90 Contents of State plan.

Each State shall develop a State Plan for technical assistance programs and energy conservation measures, including solar and other renewable resource measures. The State Plan shall include—

(a) A statement setting forth the procedures by which the views of eligible institutions or coordinating agencies representing such institutions, or both, were solicited and considered during development of the State Plan, and any amendment to a State Plan;

(b) The procedures the State will follow to notify eligible institutions and coordinating agencies of the content of the approved State Plan, or any approved amendment to a State Plan;

(c) The procedures for submittal of grant applications to the State;

(d) A description and evaluation of the results of preliminary energy audits (described in Subpart B of this part) which have been conducted in the State including, but not limited to—

(1) In the case of a State which has completed preliminary energy audits of all potentially eligible buildings, a summary of the data gathered pursuant to § 455.18 for all such buildings;

(2) In the case of a State which has completed preliminary energy audits of a sample of all potentially eligible buildings within the State—

(i) Reasonably accurate estimates of the preliminary energy audit data required by § 455.18 for all potentially eligible buildings within the State; and

(ii) A plan which describes further actions to be taken to complete preliminary energy audits of all potentially eligible buildings;

(e) The procedures to be used by the State for evaluating and ranking technical assistance and energy conservation measure grant applications pursuant to § 455.71, including the weights assigned to each criterion set forth in § 455.71(b). In addition, the State shall determine the order of priority given to fuel types that include oil, natural gas, and electricity, under § 455.71(b)(3).

(f) The procedures that the State will follow to insure that funds will be allocated equitably among eligible applicants within the State, including procedures to insure that funds will not be allocated on the basis of size or type of institution but rather on the basis of relative need taking into account such factors as cost, energy consumption and energy savings, in accordance with § 455.71;

(g) The procedures that the States will follow for identifying schools and hospitals experiencing severe hardship and for apportioning the funds that are available for schools and hospitals in a case of severe hardship. Such policies and procedures shall be in accordance with § 455.71(e);

(h) A statement setting forth the extent to which, and by which methods, the State will encourage utilization of solar space heating, cooling and electric systems and solar water heating systems;

(i) The procedures to assure that all financial assistance under this part will be expended in compliance with the requirements of the State Plan, in compliance with the requirements of this part, and in coordination with other State and Federal energy conservation programs;

(j) The procedures to insure implementation of energy conservation maintenance and operating procedures in those buildings for which financial assistance is requested under this part. At a minimum, the plan shall provide that all operating and maintenance procedure changes recommended in an energy audit report or a technical assistance report, or both, have been implemented prior to initial or additional financial assistance under this part being provided. An assurance that the operations and maintenance procedure will be implemented in the future, or a justification for not implementing such a procedure, as appropriate, may be acceptable in lieu of implementation if it is shown that—

(1) The recommendation is infeasible because of factors not considered by the auditor or analyst;

(2) There is a cost involved which exceeds the institution's limit on operating expenditures, provided it is shown a budget request has been made to implement the recommendation and assurance is given that the change will be effected at some specified future date;

(3) The implementation of the change requires some item of supply or material which is not presently available; or

(4) Other factors subject to approval by the Secretary on a case-by-case basis;

(k) The procedures designed to insure that financial assistance under this part will be used to supplement, and not to supplant, State, local or other funds;

(l) The procedures for determining that energy audits performed without the use of Federal funds have been performed in substantial compliance with the eligibility requirements contained in § 455.41(c);

(m) The procedures for determining that technical assistance programs performed without the use of Federal funds have been performed in compliance with the requirements of § 455.42, for the purposes of satisfying the eligibility requirements contained in § 455.51(a)(3);

(n) The procedures for State management, monitoring and evaluation of technical assistance programs and energy conservation measures receiving financial assistance under this part;

(o) A description of the State's program for establishing and insuring compliance with qualifications for technical assistance analysts. Such policies shall require that technical assistance analysts have experience in energy conservation and—

(1) Be a registered professional engineer licensed under the regulatory authority of the State;

(2) Be an architect-engineer team, the principal members of which are licensed under the regulatory authority of the State; or

(3) Be otherwise qualified in accordance with such criteria as the State may prescribe in its State Plan to insure that individuals conducting technical assistance programs possess the appropriate training and experience in building energy systems. Such policies shall also require that technical assistance analysts be free from financial interests which may conflict with the proper performance of their duties;

(p) A statement setting forth:

(1) An estimate of energy savings which may result from the modification of maintenance and operating procedures and installation of energy conservation measures;

(2) A recommendation as to the types of energy conservation measures considered appropriate within the State; and

(3) An estimate of the costs of carrying out technical assistance and energy conservation measures programs.

(q) For purposes of the technical assistance program, § 455.42, a statement setting forth uniform conversion factors to be used in the technical assistance analysis for conversion of fuels to Btu equivalents.

§ 455.91 Submission and approval of State plans.

(a) Proposed State Plans or amendments necessitated by a change in regulations shall be submitted to the Secretary within 90 days of the effective date of this subpart or any amended regulations. The Secretary, upon request and for good cause shown, may grant an extension of time.

(b) The Secretary shall, within 60 days of receipt of a proposed State Plan, review each plan and, if it is found to conform to the requirements of this part, approve the State Plan. If the Secretary does not disapprove a State Plan within the 60-day period, the Secretary will be deemed to have approved the State Plan.

(c) If the Secretary determines that a proposed State Plan fails to comply with the requirements of this part the Secretary shall return the Plan to the State with a statement setting forth the reasons for disapproval.

(d) The Secretary shall review each amendment submitted by the State and, if it is found to conform to the requirements of this part, approve the amendment. If the Secretary determines that a proposed State Plan amendment fails to comply with the requirements of this part, the Secretary shall return the amendment to the State with a statement setting forth the reasons for disapproval. With the consent of the Secretary, the State may submit a new or amended plan at any time.

§ 455.92 State plans developed by the Secretary.

(a) If a State Plan has not been approved by February 7, 1981, or within 90 days after completion of the preliminary energy audits, whichever is later, the Secretary may develop and implement a State Plan on behalf of the schools and hospitals in the State.

(b) Subsequent to the development of a State Plan by the Secretary, the State may submit its own State Plan and the Secretary shall approve or disapprove such plan within 60 days after receipt by the Secretary. If the proposed plan meets the requirements of this part, and is not inconsistent with any plan developed and implemented by the Secretary, the Secretary shall approve the State Plan which shall automatically replace the plan developed by the Secretary.

Subpart I—Allocation of Appropriations Among the States

§ 455.100 Allocation of funds.

(a) The Secretary will allocate available funds among the States for the purpose of awarding grants to schools, hospitals, units of local government, and public care institutions and coordinating agencies to implement technical assistance and energy conservation measures grant programs in accordance with this part.

(b) The Secretary shall notify each Governor of the total amount allocated for grants within the State for any grant program cycle—

(i) For schools and hospitals, the allocation amount shall be for technical assistance programs, together with any limitation placed on technical assistance, and energy conservation measures; and

(ii) For units of local government and public care institutions, the allocation amount shall be solely for technical assistance programs.

(c) The Secretary shall notify each Governor of the period for which funds allocated for a grant program cycle will be made available for grants within the State.

(d) Each State shall make available up to ten percent of its allocation for schools and hospitals in each grant program cycle to provide financial assistance, not to exceed a 90 percent Federal share, for technical assistance programs and energy conservation measures for schools and hospitals determined to be in a class of severe hardship. Such determinations shall be made in accordance with § 455.71(e).

§ 455.101 Allocation formulas.

(a) Financial assistance for conducting technical assistance programs for units of local government and public care institutions shall be allocated among the State by multiplying the sum available by the allocation factor set forth in paragraph (c) of this section.

(b) Financial assistance for conducting technical assistance programs and acquiring and installing energy conservation measures, including solar and other renewable resource measures, for multiplying the sum available by the allocation factor set forth in paragraph (c) of this section.

(c) The allocation factor (K) shall be determined by the formula—

$$K = \frac{0.07}{N} + \frac{0.1\ (sfc)}{(Nfc)} + \frac{0.83\ (SP)(SC)}{(NPC)}$$

where, as determined by DOE—

(1) Sfc is the average retail cost per million Btu's of energy consumed within the region in which the State is located, as reflected in the 1985, Series C projections prepared for DOE's Energy Information Administration Administrator's Annual Report, 1977;

(2) Nfc is $271.95, the summation of the Sfc numerators for all States;

(3) n is the total number of eligible States;

(4) SP is the population of the State, as determined from current census estimates, "Current Population Reports";

(5) SC is the sum of the State's heating and cooling degree days, as determined from National Oceanic and Atmospheric Administration data for the thirty year period, 1941 through 1970;

(6) NPC is the summation of the (SP) (SC) numerators for all States.

(d) Except for the District of Columbia, Puerto Rico, Guam, American

Samoa and the Virgin Islands, no allocation available to any State may be less than 0.5 percent of all amounts allocated in any grant program cycle. No State will be allocated more than 10 percent of the funds allocated in any grant program cycle.

§ 455.102 Reallocation of funds.

(a) If a State Plan has not been approved and implemented by a State by the close of the period for which allocated funds are available as set forth in the notice issued by the Secretary pursuant to § 455.100(c), funds allocated to that State for technical assistance and energy conservation measures will be reallocated among all States for the next grant program cycle, if available.

(b) If a State Plan has not been approved by February 7, 1981, or within ninety days after completion of the preliminary energy audits, whichever is later, the Secretary may develop and implement a State Plan on behalf of the schools and hospitals within the State. If the Secretary does not develop a State Plan for a State, the funds reserved for that grant program cycle for schools and hospitals in that State will be reallocated for the next grant program cycle among all States for schools and hospitals.

(c) The Secretary shall reallocate the funds which remain unobligated by DOE at the end of any grant program cycle among all States in the next grant program cycle.

[FR Doc. 81-14543 Filed 5-20-81; 8:45 am]

BILLING CODE 6450-01-M

V 46 / 98 MAY 21 81 UMI

served for
schools and
e
program
hools and

locate the
ted by DOE
am cycle
grant

federal register

Thursday
May 21, 1981

Part III

Department of Transportation

Federal Aviation Administration

Airworthiness Standards; Certificates

V 46 / 98 MY 21 81 UMI

DEPART

Federal

14 CFR

[Docket

Airworti
Product
Standar
Certifica
Supplen

AGENCY:
Adminis

ACTION:
propose

SUMMAR
80–13 pu
August 2
notice pr
certificat
applicab
aircraft,
The noti
agency c
involved
Executiv

FOR FURT
William
Regulatio
Administ
Federal A
Indepenc
Washing
775–8714

SUPPLEM

Backgrou

On Aug
issued No
28, 1980).
amendme
procedure
type desig
engines, a
changes t
which the
systemati
service sa
expectati
certificati
Part 21 ar
type certi
amendme
certificate
level of ef
FAA for a
of the type

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 39, and 91

[Docket No. 20660; Ref. Notice No. 80-13]

Airworthiness Standards; Aircraft and Products Design and Procedural Standards for Type Certificates, Type Certificate Amendments, and Supplemental Type Certificates

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws Notice 80-13 published in the **Federal Register** August 28, 1980 (45 FR 57688). That notice proposed to amend certain certification procedures regulations applicable to the type design approval of aircraft, aircraft engines, and propellers. The notice is being withdrawn so the agency can reconsider the issues involved. This is consistent with Executive Order 12291.

FOR FURTHER INFORMATION CONTACT: William J. Sullivan, Chief, Safety Regulations Staff (AVS-20), Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW. Washington, D.C. 20591; telephone (202) 775-8714.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 1980, the Administrator issued Notice 80-13 (45 FR 57688; August 28, 1980). The notice proposed amendments "to the certification procedures regulations applicable to the type design approval of aircraft, aircraft engines, and propellers, including major changes to: (1) provide a mechanism by which the FAA may act more systematically to ensure that aircraft in service satisfy up-to-date level-of-safety expectations; (2) ensure that the certification procedures regulations of Part 21 are consistent for the issuance of type certificates, type certificate amendments, or supplemental type certificates in order to ensure the same level of effort by applicants and by the FAA for affected products, irrespective of the type design approval procedure used; and (3) make other necessary amendments to Part 21 consistent with longstanding administrative practice in the issuance of type certificates, type certificate amendments, and supplemental type certificates. Amendments to Parts 39 and 91 [were] also proposed to facilitate application of type design change requirements to aircraft, aircraft engines, and propellers in service when necessary for safety." During the initial comment period on Notice 80-13, the FAA received nine requests for a public hearing and 15 requests for extension of comment period. On October 24, 1980, the Administrator responded to those requests and issued Notice 80-13A (45 FR 72020; October 30, 1980). This notice announced a public hearing November 12-14, and extended the comment period to November 26, 1980.

During the hearing, witnesses unanimously questioned the underlying purpose and indicated opposition to Notice 80-13. On November 25, 1980, the Administrator issued Notice 80-13B (45 FR 80434; December 4, 1980). The preamble to Notice 80-13B stated: "It is clear that there is a great deal of misunderstanding concerning the intent of this proposal, in respect to both FAA policy and some wording in the proposed rules. In addition, the agency realizes that it may have misjudged the conceived economic impacts and other implications of the rule changes. The purpose of this extention is to allow the FAA to discuss the proposal further with concerned groups. All such meetings will be docketed. This will allow all interested parties to reconsider their views subsequent to these meetings. At the end of this comment period, a new NPRM [notice of proposed rulemaking] will be issued for comment using all information received. The new NPRM will be designed to more thoroughly explore the purpose and anticipated impacts of the proposed policies and rules as was done at the public hearing." The comments were due March 31, 1981.

Reasons for the Decision

During my preparation to assume the responsibilities of Federal Aviation Administrator, I asked the FAA staff to brief me on this regulatory proposal. As the record of the November 1980 public hearing reflects, Notice 80-13 is not clear and concise. Although some of the changes proposed in the notice may have merit, the entire subject must be reviewed including the comments received on the original proposals. In any event, rulemaking should not proceed based on the proposals in Notice 80-13. I have directed my staff to reassess these issues and the suggestions that gave rise to the original proposals. They are to give me their recommendations on what, if any, further action is appropriate on this subject.

On February 17, 1981, the President issued Executive Order 12291 on "Federal Regulations" (46 FR 13193; February 19, 1981). Section 2 of the Executive Order specifies five general requirements for the rulemaking conducted by the Federal Government. These requirements will guide the Federal Aviation Administration rulemaking activity over the coming years. This action is consistent with Executive Order 12291.

The Decision and Withdrawal

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the proposals contained in the notice of proposed rulemaking now pending. Therefore, Notice 80-13 (45 FR 57688; August 28, 1980) is withdrawn. This action does not preclude the FAA from considering similar proposals in the future or commit it to any further or future course of action on this subject.

(Secs. 313, 314 and 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this notice of withdrawal involves a rulemaking action which: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation because the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 8, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-15142 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

V
4
6
/
9
8
M
Y
2
1
8
1
UMI

federal register

Thursday
May 21, 1981

Part IV

Department of Transportation

Federal Aviation Administration

Airplane Tires; General Operating and Flight Rules

V46/98 MAY 21 81 UMI

DEPARTME

Federal Avi

14 CFR Part

[Docket No.

General Op
Airplane Ti

AGENCY: Fe
Administrat

ACTION: Wit
proposed ru

SUMMARY: T
79–20 publis
November 2
notice propo
operating ar
installation
be operated
deflection le
powered tra
The notice i
the direct ar
outweigh th
would achie
with Execut

FOR FURTHE
William J. S
Regulations
Administrat
Federal Avi
Independen
Washington
775–8714.

SUPPLEMENT

Background

In 1979, th
the transpor
airworthines
standard or
§ 25.733 an
wheel and w
§ 25.735 an
ules were is
November 2
Notice 79–20
979). Notice
the general
(Part 91 of th
Regulations)
of improved
urbojet-pow
irplanes." N
basic change
qualified to
TSO–C62c)
body turboje
982, and on
aircraft by D
require those
higher pressu
ercent load
aired tires
perated wit

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 19793; Ref. Notice No. 79-20]

General Operating and Flight Rules; Airplane Tires

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws Notice 79-20 published in the Federal Register November 29, 1979 (44 FR 68759). That notice proposed to amend the general operating and flight rules to require the installation of improved airplane tires to be operated at specified pressure and deflection levels on certain turbojet-powered transport category airplanes. The notice is being withdrawn because the direct and indirect costs of the rule outweigh the benefits that the rule would achieve. This action is consistent with Executive Order 12291.

FOR FURTHER INFORMATION CONTACT: William J. Sullivan, Chief, Safety Regulations Staff (AVS-20), Associate Administrator for aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 775-8714.

SUPPLEMENTARY INFORMATION:

Background

In 1979, the FAA substantially revised the transport category airplane airworthiness rules and the technical standard orders for aircraft tires (§ 25.733 and TSO-C62c) and for aircraft wheel and wheel-brake assemblies (§ 25.735 and TSO-C26c). When these rules were issued (44 FR 68738; November 29, 1979), the FAA also issued Notice 79-20 (44 FR 68759; November 29, 1979). Notice 79-20 proposed "to amend the general operating and flight rules [Part 91 of the Federal Aviation Regulations] to require the installation of improved airplane tires on certain turbojet-powered transport category airplanes." Notice 79-20 proposed three basic changes: (1) to require tires qualified to the new technical standard (TSO-C62c) to be installed on wide-body turbojet aircraft by December 31, 1982, and on standard-body turbojet aircraft by December 31, 1983; (2) to require those tires to be operated at the higher pressures associated with the 7 percent load margin; and (3) to require paired tires on the same axle to be operated within a narrow percentage deflection differential. During the comment period the Air Transport Association of America requested an extension of the comment period to study data developed by the tire manufacturers and to develop comments. In response to that request, the FAA issued Notice 79-20A (45 FR 13114; February 28, 1980) extending the comment period. Comments were due March 21, 1980.

Comments received generally oppose the proposed changes and state that the proposed installation dates are unrealistic. Commenters state that tires qualified to the new technical standard are now beginning to enter the inventory. They claim that the old tires (qualified to obsolete TSO-C62b) will be replaced through attrition by 1984 for wide-body turbojet airplanes, and by 1985 for standard-body turbojet airplanes, or about 2 years after the dates proposed in Notice 79-20. If the proposed rules were adopted, commenters state that unnecessary scrapping of tires from the operators' inventories (caused by the earlier retirement of tires qualified to obsolete TSO-C62b) would cost 2 to 4 million dollars.

The proposed rule also would have required operation of the improved tires at the increased pressure necessary to achieve the 7 percent load margin designed into the tires. As to the tire pressure and tire deflection requirements, commenters claim the proposal would reduce wheel life by 40 percent and increase the rate of crack propagation for wheels by 20 percent. They contend that increased incidence of wheel cracks and possible failures would result in increased airplane time out of service, in turn causing lost revenue and increased fuel cost. Also, they maintain that maintenance and inspection programs would become more extensive to detect more rapidly propagating cracks. Commenters also state that increased tire pressure would increase braking distances and, in turn, would require reevaluation of airplane performance. They argue that runway life would be affected by the smaller tire "footprint" distributing the load over a smaller area. In sum, the commenters claim these indirect effects of the proposed rule would result in substantial, unquantifiable, and unjustifiable costs.

Reasons for the Decision

During my preparation to assume the responsibilities of Federal Aviation Administrator, I asked the FAA staff to brief me on this rulemaking action. I learned that the adoption of the proposed rule would impose costs which exceed the expected benefits. Clearly, the adoption of the proposed rule at this time would not significantly increase the net benefit to society that results from the new airworthiness rules and technical standard orders in effect since 1979. The FAA will continue to monitor service experience to determine whether progress continues. If that experience indicates that this is not true, I will pursue appropriate rulemaking action on this subject on a priority basis. However, the record of this rulemaking does not justify pursuing a retroactive regulation at this time.

On February 17, 1981, the President issued Executive Order 12291 on "Federal Regulations" (46 FR 13193; February 19, 1981). Section 2 of the Executive Order specifies five general requirements for the rulemaking conducted by the Federal Government. These requirements will guide the Federal Aviation Administration rulemaking activity over the coming years. This action is consistent with Executive Order 12291.

The Decision and Withdrawal

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the proposals contained in the notice of proposed rulemaking now pending. Therefore, Notice No. 79-20 (44 FR 67860; November 29, 1979) is withdrawn. This action does not preclude the FAA from considering similar proposals in the future or commit it to any further or future course of action on this subject matter.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 as amended (49 U.S.C. 1354(a), 1421, 1423; Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this notice of withdrawal involves a rulemaking action which: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation because the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 8, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-15141 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

V 4 6 / 9 8 M Y 2 1 8 1 UMI

federal register

Thursday
May 21, 1981

Part V

Department of Transportation

Federal Aviation Administration

Operation Review; Flight Attendants

V 46 / 98 MAY 21 81 UMI

DEPAR

Federal

14 CFR

[Docket

Operati
No. 8A

AGENCY:
Adminis

ACTION:
propose

SUMMAR
78–7A p
June 19,
propose
Federal
that all f
seated d
duties re
airplane
is being
of this ru
further a
consiste

FOR FUR
William
Regulati
Adminis
Federal
Indepen
Washing
775–8714

SUPPLEM

Backgro

In 1978
(43 FR 20
the Oper
notice, th
§ 121.391
Regulatio
flight atte
during ta
related to
its occupa
Register
the propo
impressio
all flight
during ta
On June 1
78–7A (45
allow inte
to be hea

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 17897; Ref. Notice No. 78-7A]

Operations Review Program; Notice No. 8A

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws Notice 78-7A published in the **Federal Register** June 19, 1980 (45 FR 41596). That notice proposed to amend § 121.391(d) of the Federal Aviation Regulations to provide that all flight attendants must remain seated during taxi except to perform duties related to the safety of the airplane and its occupants. This notice is being withdrawn because the record of this rulemaking fails to support further action on this subject. This is consistent with Executive Order 12291.

FOR FURTHER INFORMATION CONTACT: William J. Sullivan, Chief, Safety Regulations Staff (AVS-20), Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 775-8714.

SUPPLEMENTARY INFORMATION:

Background

In 1978, the FAA issued Notice 78-7 (43 FR 20448; May 11, 1978) as part of the Operations Review Program. In that notice, the FAA proposed to amend § 121.391(d) of the Federal Aviation Regulations to provide that *required* flight attendants must remain seated during taxi except to perform duties related to the safety of the airplane and its occupants. However, the **Federal Register** misprinted language critical to the proposal which created the impression that the FAA would require *all* flight attendants to remain seated during taxi (with the exception noted). On June 16, 1980, the FAA issued Notice 78-7A (45 FR 41596; June 19, 1980) to allow interested persons an opportunity to be heard on the issue of whether the rule should be applied to all flight attendants. The notice asked commenters to "submit explicit, verifiable data, including flight attendant injuries during taxi, and other data demonstrating a need for requiring all flight attendants to remain seated during taxi." Shortly before the initial comments on this notice were due, the Air Transport Association of America asked for an extension of the comment period. In response to this request, the FAA issued Notice 78-7B (45 FR 59295; September 8, 1980) reopening the comment period. Initial comments were due October 23, 1980. Reply comments were due November 23, 1980.

Reasons for the Decision

During my preparation to assume the responsibilities of Federal Aviation Administrator, I asked the FAA staff to brief me on this rulemaking action. The Federal Aviation Regulations were amended to provide that required flight attendants remain seated during taxi except to perform required safety duties. The rule was intended to ensure the safety of the traveling public during an emergency by ensuring required flight attendants were at their stations.

In response to the FAA's request for explicit, verifiable data, some commenters submitted workmen compensation claim records to support the contention that *all* flight attendants should remain seated during taxi. Although the data submitted may reflect valid claims for compensation, they do not establish a cause and effect relationship between the injuries identified and the rulemaking proposed. No other information was submitted to substantiate the proposal. Therefore, the FAA lacks adequate information concerning the need for and consequences of the rulemaking proposed. Based on the record of this proceeding, this rulemaking should be terminated.

On February 17, 1981, the President issued Executive Order 12291 on "Federal Regulations" (46 FR 13193; February 19, 1981). Section 2 of the Executive Order specifies five general requirements for the rulemaking conducted by the Federal Government. These requirements will guide the Federal Aviation Administration rulemaking activity over the coming years. This action is consistent with Executive Order 12291.

The comments received on Notice 78-7A raised a new issue. A misunderstanding may exist concerning the assignment of required safety duties to flight attendants who are in excess of the number required by the rules. I am satisfied that this misunderstanding can be eliminated without initiating rulemaking action. I have directed the FAA staff to issue appropriate guidance material to FAA field personnel to eliminate the problem.

The Decision and Withdrawal

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the proposals contained in the notice of proposed rulemaking now pending. Therefore, Notice No. 78-7A (45 FR 41596; June 19, 1980) is withdrawn. This action does not preclude the FAA from considering similar proposals in the future or commit it to any further or future course of action on this subject matter.

(Secs. 313, 314, and 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this notice of withdrawal involves a rulemaking action which: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation because the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 8, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-15144 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

V
4
6
/
9
8
M
Y
2
1
8
1
UMI

federal register

Thursday
May 21, 1981

Part VI

Department of Transportation

Federal Aviation Administration

Access to Flight Data Recorder and Cockpit Voice Recorder Tapes

V.46/98 MY21 81 UMI

DEPARTI

Federal A

14 CFR P

[Docket N

FAA Acce
and Cock

AGENCY: F
Administr

ACTION: W
proposed

SUMMARY:
Supplem
in the Fed
(46 FR 550
establish
necessary
obtain flig
and cockp
The inform
Aviation F
of the hum
aircraft op
is being w
adoption o
at this time
consistent
Order 1229
pursue act
Factors Pr

FOR FURTH
William J.
Regulation
Administa
Federal Av
Independe
Washingto
775–8714.

SUPPLEMEN

Backgroun

On Augu
issued Not
28, 1980). T
amendmen
Federal Av
the Admini
recorder in
recorder in
any place."
used "to st

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 135

[Docket No. 20661; Ref. Notice No. 80-14B]

FAA Access to Flight Data Recorder and Cockpit Voice Recorder Tapes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws Supplemental Notice 89-14B published in the **Federal Register** January 19, 1981 (46 FR 5506). That notice proposed to establish the regulatory procedures necessary for the Administrator to obtain flight data recorder information and cockpit voice recorder information. The information was to be used in the Aviation Human Factors Program study of the human element associated with aircraft operation and design. The notice is being withdrawn to avoid the adoption of a rule that is not necessary at this time. This withdrawal is consistent with the spirit of Executive Order 12291. The FAA will continue to pursue actively the Aviation Human Factors Program.

FOR FURTHER INFORMATION CONTACT: William J. Sullivan, Chief, Safety Regulations Staff (AVS-20), Associate Administator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 775-8714.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 1980, the Administrator issued Notice 80-14 (45 FR 57694; August 28, 1980). The notice proposed amendments to Parts 121 and 135 of the Federal Aviation Regulations to "allow the Administrator to obtain flight data recorder information and cockpit voice recorder information at any time and at any place." The information was to be used "to study the human factor element associated with aircraft operation and design to determine what, if any, regulatory changes should be made to enhance aviation safety." On October 24, 1980, the Administrator issued Notice 80-14A (45 FR 72017; October 30, 1980) extending the comment period on the original notice to November 26, 1980. On January 14, 1981, the Administator issued Supplemental Notice 80-14B (46 FR 5506; January 19, 1980) which superseded the original proposal (Notice 80-14). The supplemental notice responded extensively to the comments received on the original proposal and modified the language of the changes to Parts 121 of 135. Comments are due May 18, 1981.

Reasons for the Decision

During my preparation to assume the responsibilities of Federal Aviation Administrator, I asked the FAA staff to brief me on this regulatory proposal and on the Aviation Human Factors Program. I am satisfied that the Aviation Human Factors Program should receive a high priority during my term in office. I am not satisfied that the rulemaking proposed in Notice 80-14B should proceed further at this time.

On February 17, 1981, the President issued Executive Order 12291 on "Federal Regulations" (46 FR 13193; February 19, 1981). Section 2 of the Executive Order specifies five general requirements for the rulemaking conducted by the Federal Government. These requirements will guide the Federal Aviation Administration rulemaking activity over the coming years.

The preamble of Notice 80-14B states: "The inflight data collection set forth in these [proposed] amendments is one *small* but essential part of the overall Aviation Human Factors Program. In addition, all other pertinent data sources will be analyzed in the study of the human factors affecting aviation safety." The controversy surrounding the proposal in Notice 80-14 promises to compromise the overall credibility and effectiveness of the Aviation Human Factors Program. The program should not be constrained artificially by collateral issues. Rather, the program must be developed with the full cooperation and support of the aviation community and the public. As the program progresses, the FAA can determine realistically and factually what data are needed and from what sources. Until then, whether or not access to in-flight data from flight data and cockpit voice recorders is "essential" remains to be seen. Until that is known, rulemaking based on Notice 80-14B is premature and not in keeping with the spirit of Executive Order 12291.

The Decision and Withdrawal

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the proposals contained in the notice of proposed rulemaking now pending. Therefore, Notice No. 80-14B (46 FR 5506; January 19, 1981) is withdrawn. This action does not preclude the FAA from considering similar proposals in the future or commit it to any further or future course of action on this subject matter.

(Secs. 313(a) and 601 through 605 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1424); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this notice of withdrawal involves a rulemaking action which: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation because the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 8, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-15143 Filed 5-20-81; 8:45 am]

BILLING CODE 4910-13-M

V
4
6
/
9
8
M
Y
2
1
8
1
UMI

Rea

INFOR
PUBLIC
Code o
CFR Un
General
Incorpor
Printing
Federal
Correcti
Daily Is
General
Public I
Schedul
Laws
Indexes
Law nu
Slip law
Presiden
Executiv
Public P
Weekly
Privacy
United S
SERVICE
Agency
Automat
Dial-a-Re
Chicag
Los A
Washi
Magnetic
volum
Public br
What
Public In
Regulatio
Special
Subscript
Subscript
TTY for

FEDERA

24519-24
24927-25
25077-25
25289-25
25421-25
25595-26
26037-26
26275-26
26471-26
26605-26
26759-27
27089-27
27323-27
27469-27
27623-27

Reader Aids

Federal Register

Vol. 46, No. 98

Thursday, May 21, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MAY

24519-24926	1
24927-25076	4
25077-25288	5
25289-25420	6
25421-25594	7
25595-26036	8
26037-26274	11
26275-26470	12
26471-26604	13
26605-26758	14
26759-27088	15
27089-27322	18
27323-27468	19
27469-27622	20
27623-27898	21

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:

305	26487

3 CFR

Executive Orders:

5105 (Revoked by PLO 5866)	27652
11992 (Revoked by EO 12305)	25421
12059 (Revoked by EO 12305)	25421
12064 (Revoked by EO 12305)	25421
12084 (Revoked by EO 12305)	25421
12097 (Amended by EO 12305)	25421
12258 (Amended by EO 12305)	25421
12304	24521
12305	25421

Proclamations:

4843	24519
4844	25077

Administrative Orders:

Presidential Determinations:

No. 81-6 of May 13, 1981	27623

5 CFR

870	25595
890	25595

Proposed Rules:

2422	26488
2423	26488
2424	26488
2429	26488

7 CFR

28	24927
250	26759
800	27070
905	27323
907	25423, 26605, 27625
910	24523, 25596, 26759
915	27469
918	25423
944	27469
982	26037
985	25424
1032	24927
1050	24927
1098	27089
1133	27625
1137	27626
1701	25079
1942	24523

Proposed Rules:

419	24954
930	26065
953	25625
981	27126
982	25626
993	26786
999	25626
1040	25626
1068	27501
1701	25096, 27344
1076	26337
2851	26787
2852	25097

8 CFR

100	25425
109	25079
211	25597
212	24929, 25081
214	25597
242	25597
244	25597
245	25597
248	25597

Proposed Rules:

235	26653
251	26653

9 CFR

73	25425, 27627
82	24524, 25599
92	24930, 26040
303	26760
331	24524
381	26760

Proposed Rules:

92	26065
381	26350

10 CFR

Ch. II	27270
30	26471
430	27324
455	27862
501	26605

Proposed Rules:

Ch. I	24576
50	26491
212	25315
459	25466
903	25426

12 CFR

201	27090
204	27090
217	27090
335	25204
545	24526, 24531
584	24526
701	26275
760	26607

Proposed Rules:

Ch. III	26854
210	24576

545.....24579
563.....24579
571.....24579

13 CFR

111.....24931
120.....25083

Proposed Rules:

Ch. I.....24955

14 CFR

21.....27092
39.....24931-24936, 25427-25429, 26042, 26043, 26608, 27095-27098, 27628-27630
71.....25430-25433, 26044, 26043, 27099-27101, 27630-27632
73.....26045, 27632
75.....27102, 27633
95.....25434, 26045
97.....24937, 26609, 27634
207.....25417
208.....25418
212.....25418
221.....25418
223.....25418
249.....25414
375.....25419

Proposed Rules:

Ch. I.....25466, 27710
21.....27711, 27712, 27885
39.....26069, 26070, 27715, 27885
71.....24957-24961, 25467, 26071, 27126-27128, 27716-27720
73.....27128
75.....25468
91.....27885, 27889
159.....26358, 26656
121.....27893, 27897
135.....27897
221a.....25637
374.....25321

15 CFR

373.....26275
376.....24532
377.....24532
379.....26275
385.....26275
399.....26275, 27103

Proposed Rules:

930.....26658
1001.....27501

16 CFR

0.....26284, 27634
1.....26284, 27634
2.....26284, 27634
4.....26284, 26293, 27634
5.....26050, 26284, 27634
13.....24940, 25289, 26611, 27634
305.....25290
1700.....26297

Proposed Rules:

Ch. I.....25468
Ch. II.....25478, 26262, 27721
13.....25102, 25103, 25476
450.....24584
1301.....25638

17 CFR

1.....24940, 26000, 26299, 27473
3.....24940, 26299
4.....26004, 26761
15.....26472
16.....26472
17.....26472
18.....26472
21.....26472
140.....26004, 26761
145.....24940, 26299
147.....24940, 26299

Proposed Rules:

1.....25106
3.....25106
32.....25106, 25107
210.....27344
229.....25638, 26789
240.....26789

18 CFR

2.....26613
46.....25084
131.....25084
270.....24537
271.....24548-24549, 27635
282.....24549, 25599
294.....24550
401.....25439, 26638

Proposed Rules:

157.....24585
271.....25643, 25644
282.....26352
284.....24585, 27355
292.....26352

19 CFR

159.....24944
355.....26472-26475

20 CFR

401.....24551
404.....25601

Proposed Rules:

Ch. I.....26790
656.....26789
676.....25084, 25645, 27462
679.....25645, 27462

21 CFR

5.....26052, 26299
109.....24551
146.....26300
193.....24945, 26762
430.....25602, 25605
436.....25602, 25605, 25607
440.....25602
442.....25605, 25607
444.....25607
445.....25607
520.....25084, 25085, 25608, 26300
522.....24553, 25085, 26762, 26763
546.....25086
558.....24553
561.....24945, 26764
588.....26763

Proposed Rules:

1.....26790
166.....26790
180.....24593
182.....24593
351.....25107
430.....25651
436.....25651
440.....25651
444.....25651
448.....25651
452.....25651
540.....25107
1308.....24593

22 CFR

201.....27104

23 CFR

Proposed Rule

625.....27722

24 CFR

201.....25609
203.....25087, 27105
205.....27105
207.....27105
213.....27105
220.....27105
221.....27105
232.....27105
234.....25087, 27105
235.....27105
236.....27105
241.....27105
242.....27105
244.....27105

Proposed Rules:

235.....24594
885.....25107

25 CFR

5.....26765
105.....26475
173.....26476
242.....26476

26 CFR

1.....24945, 27635
7a.....25291
16A.....27636
25.....27642
35.....24553
601.....26053

Proposed Rules:

1.....24594, 27723
31.....24595, 27357
32.....27357
51.....24595, 26660

27 CFR

240.....25610

Proposed Rules:

4.....24962
5.....24962
7.....24962

28 CFR

503.....24896
524.....24896
543.....24896
545.....24896
547.....24896

Proposed Rules:

527.....24902
545.....24902

29 CFR

1910.....24556, 24558
2602.....27328
2610.....26765
2670.....27330
2671.....27330

Proposed Rules:

Ch. XII.....25109
530.....25108
1910.....25653, 27358

30 CFR

Proposed Rules:

226.....26661
601.....25653
840.....24963
841.....24963
842.....24963
843.....24963
844.....24963
845.....24963

31 CFR

535.....26476, 26478

32 CFR

57.....25440
299.....26481

Proposed Rules:

Ch. I.....24596
Ch. V.....24596
Ch. VI.....24596
Ch. VII.....24596
Ch. XVI.....26498
199.....24964

33 CFR

25.....27107
66.....27642
82.....27643
100.....26638
162.....27644
165.....26055
183.....27644

Proposed Rules:

Ch. II.....24596
89.....26661
95.....27128
165.....26072
320.....26792
321.....26792
322.....26792
323.....26792
324.....26792
325.....26792
326.....26792
327.....26792
328.....26792
329.....26792
330.....26792

34 CFR

78.....27304
104.....25614
300.....25614
735.....26056
776.....26056
778.....26057
797.....26057

36 CFR

Proposed Rules:

Ch. I.....27723
Ch. III.....24596

37 CFR

201.....25442

38 CFR

3.....27074

V 46 / 98
M Y 2 1 8 1
UMI

36.....25443, 25444, 26482
Proposed Rules:
6.....27361
8.....27361
21.....26499

39 CFR

111.....25090, 25446
601.....26639
Proposed Rules:
111.....25109, 26792

40 CFR

Ch. I.....27333
35.....26301
52.....24560, 24562, 24946, 25090, 25092, 25294, 25446, 26301-26304, 26484, 26640, 26641, 26767-26769, 27119, 27339
60.....27341
61.....27341
62.....27342
66.....27119
81.....25294, 25301, 25446, 26305
86.....24948
122.....27473
162.....26305
173.....26058
180.....24950, 25615, 26770, 26771, 27480
260.....27473
261.....27473
264.....27119, 27473
265.....27119, 27473
761.....27614, 27615
762.....27120
1501.....25461
1502.....25461
1508.....25461
Proposed Rules:
Ch. I.....24965
35.....27314
50.....25655
51.....24596
52.....24597-24602, 24966, 24967, 25110, 25322, 25323, 25481, 25483, 25485, 25659, 26074, 26353, 26499, 26793, 27129, 27501-27504
60.....26501
61.....25113
62.....26504
65.....26075
81.....24604, 25324, 25325, 26355, 26504, 26506, 27131
86.....26076, 26796
123.....24968, 26796, 27132
180.....24605, 25486, 25659, 26663, 26796, 27133
192.....26356
261.....27363
420.....24606
466.....25114
761.....25411, 25660, 27617-27619

41 CFR

Ch. I.....26061, 26484, 27645
5-5.....25615
5A-1.....27122
5A-3.....27122
5A-5.....25615
5A-16.....27122
8-1.4.....26643
8-8.2.....26643
8-95.....26644
9-1.....25302
9-2.....25303
9-3.....25303
9-4.....25303
9-5.....25303
9-7.....25303
9-9.....25303
9-10.....25304
9-15.....25304
9-18.....25304
9-23.....25304
9-50.....25304
14-3.....25617
101-37.....25618
105-735.....25305

42 CFR

32.....25622
401.....24551
405.....24564, 25093

43 CFR

Public Land Orders:
1163 (Revoked by P.L.O. 5864).....27653
5860.....25619
5861.....26061
5862.....27653
5863.....27651
5864.....27653
5865.....27651
5866.....27652

44 CFR

9.....24951
64.....26305, 26772, 26774, 27123
65.....26061, 26775-26777
67.....26308-26355
70.....26644-26648
Proposed Rules:
67.....26077, 26085, 26797, 26798, 27133, 27139

45 CFR

500.....26062
531.....26062
Proposed Rules:
Ch. XI.....24969
302.....25660

46 CFR

157.....27654
502.....24565
510.....24565
525.....24575
Proposed Rules:
Ch. I.....26086
Ch. IV.....25326
148.....27724

47 CFR

0.....27654
2.....26485, 26649
22.....27655
73.....25461, 25462, 25620, 26062, 26223, 26485, 26486, 26649, 27706
74.....27481
81.....26485
83.....25463, 26485
90.....27481, 27707
95.....26778
Proposed Rules:
Ch. I.....24969, 25661, 27506
2.....26507
21.....26507
25.....26798
31.....26356
33.....26356
34.....26356
35.....26356
73.....25487-25489, 25662, 26509-26515, 26663, 26798, 27725-27728
74.....26507
76.....25490
90.....27729

48 CFR

Proposed Rules:
15.....26664
47.....26664

49 CFR

Ch. X.....26336
1.....26651
531.....24952
571.....25463
639.....26651
640.....26651
1033.....25094, 25310-25312
1034.....26064, 27709
1039.....27342
1048.....25314
1056.....25621
1064.....27343
1244.....26781
Proposed Rules:
Ch. I.....25491
171.....27146
173.....25492, 27146
1002.....25326
1102.....26087
1132.....26799, 26801
1134.....26799, 26801
1201.....25114, 26515
1241.....25114, 26515
1248.....25114
1307.....27732

50 CFR

216.....27056
285.....27482
611.....27483, 27489
658.....27483
Proposed Rules:
17.....24607, 26464
651.....27147
653.....25327

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing May 5, 1981

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.
WHO: The Office of the Federal Register.
WHAT: Free public briefings (approximately 2½ hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.
WHEN: June 12, 1981, at 9 a.m.
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call King Banks, Workshop Coordinator, 202–523–5235.

V 46 / 98 MAY 21 81 1 UMI

V 4 6 / 9 8 M Y 2 1 8 1 UMI

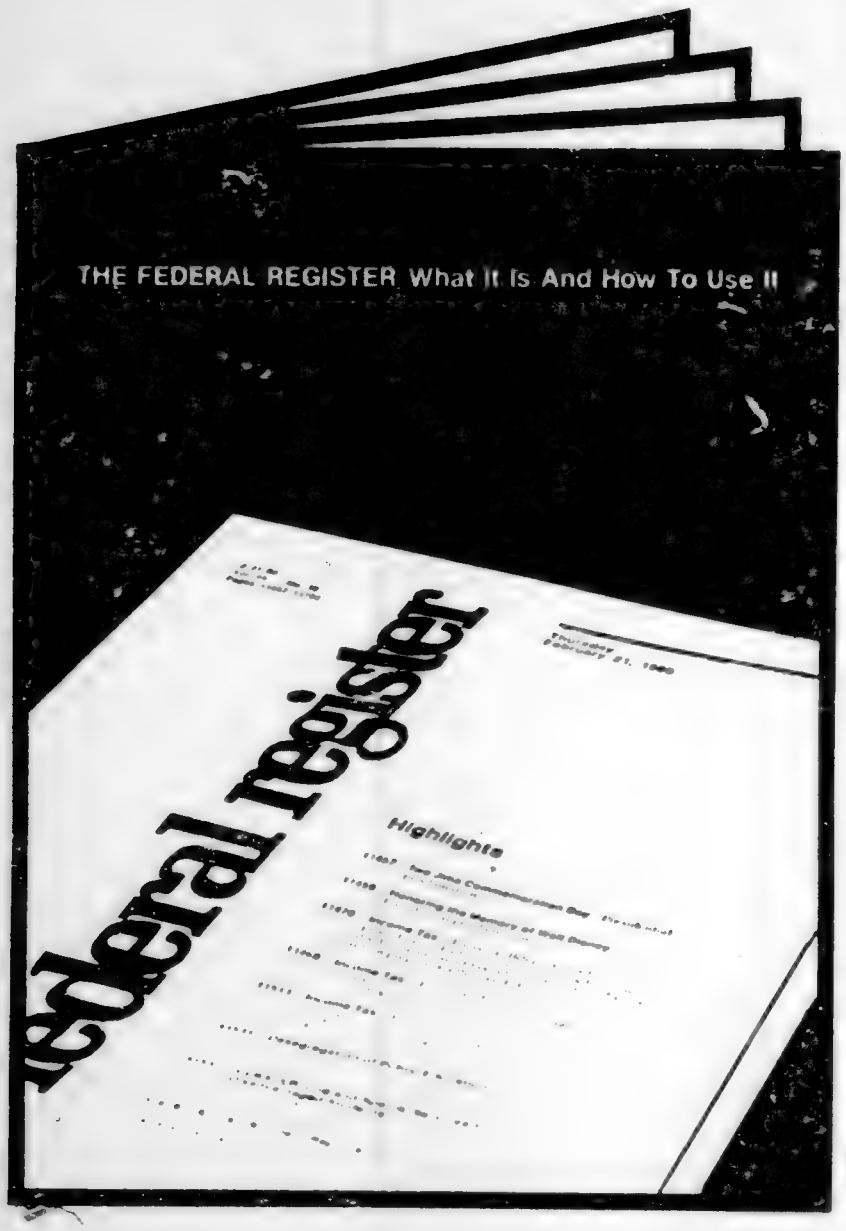

NOW AVAILABLE !

The Federal Register: What It Is and How To Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem, and a discussion of how the consumer can be a participant in the regulatory process.

Price $3.50

ORDER FORM Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐☐–☐

Order No._____

VISA

master charge

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me_____copies of **The Federal Register - What It Is and How To Use It,** at $3.50 per copy, Stock No. 022-003-01041-6.

Name—First, Last

Company name or additional address line

Street address

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only

Quantity	Charges
_____ Enclosed	
_____ To be mailed	
Subscriptions	
Postage	
Foreign handling	
MMOB	
OPNR	
_____ UPNS	
_____ Discount	
_____ Refund	

V 46 / 98 MY 21 81 LMI

5-22-81
Vol. 46 No. 99
Pages 27899-28144

federal register

Friday
May 22, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in Washington, D.C., see announcement in the **Reader Aids** section at the end of this issue.

27899 **Father's Day** Presidential proclamation.

28013 **Medicare** HHS/HCFA seeks information and suggestions for coverage and reimbursement of surgical procedures that may be performed in ambulatory surgical centers under the Medicare program.

27960 **Food Stamps** USDA/FNS amends regulations establishing procedures for issuance of half-month benefits in the month of application.

28058 **Grant Programs—Business** OPM announces reduced allocations of Intergovernmental Personnel Act (IPA) grant funds. These grant funds assisted States and local governments in personnel management and training projects.

27986 **Grant Programs—Minority Businesses** Commerce/MBDA solicits applications under its General Business Services Program (GBS) to operate one project for a 12-month period beginning 8–31–81, in Washington, D.C.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

27953 **Communications Equipment** FCC permits a licensee to transmit the licensee's program material and services to the licensee's customers using microwave frequencies in the Private Operational Fixed Microwave Service (OFS) for this purpose.

27944 **Radio** FCC rules on the noncommercial nature of educational broadcast stations.

27969 **Government Employee Wages** Treasury/FS proposes to amend regulation governing service charge for allotments of pay to savings accounts of civilian employees employed within the United States.

27908 **Loan Programs—Agriculture** USDA/FmHA adopts changes to regulations pertaining to insured Emergency (EM) Loans.

27968 **Oil and Gas** Interior/GS is considering the development of rulemaking to revise and modernize regulations governing the operation of oil and gas leases with the exception of royalty provisions.

27911 **Natural Gas** DOE/FERC alters those regulations which established a filing schedule by which interstate pipelines collect customer data regarding essential agricultural uses, prepare revisions to their curtailment plans to reflect the data collected, and file these revisions with the Commission.

28022 **Continental Shelf** Interior/BLM has prepared an environmental impact statement relating to a proposed oil and gas lease sale of 253 tracts off the coast of the Mid-Atlantic States.

27909 **Grant and Loan Programs—Indians** USDA/FmHA changes the regulations regarding Community Facility Loans and Development Grants for Community Domestic Water and Waste Disposal Systems to recognize that certain Indian tribes might not be subject to State and local laws.

27916 **Indians** Navajo and Hopi Indian Relocation Commission establishes procedures for submission, review and approval, and administration of applications for financial assistance from the Discretionary Fund.

28088 **Minimum Wages** Labor/ESA publishes the basic hourly wage rates and fringe benefit payments for described classes of laborers and mechanics employed on construction projects. (Part II of this issue)

28061 **Sunshine Act Meetings**

Separate Parts of This Issue

28088 **Part II, Labor/ESA**
28138 **Part III, EPA**

V 46 / 99 M
MAY 22 81
UMI

Contents

Federal Register
Vol. 46, No. 99
Friday, May 22, 1981

The President
PROCLAMATIONS
27899 Father's Day, 1981 (Proc. 4845)

Executive Agencies

Agricultural Marketing Service
RULES
27902 Lemons grown in Ariz. and Calif.
Milk marketing orders:
27904 Eastern South Dakota
27903 Southern Michigan

Agriculture Department
See Agricultural Marketing Service; Farmers Home Administration; Food and Nutrition Service; Forest Service; Rural Electrification Administration.
27980 Imported cheese, price undercutting

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings; advisory committees:
23011 June

Alcohol, Tobacco and Firearms Bureau
NOTICES
Authority delegations:
28060 Regional Regulatory Administrators et al.; Right to Financial Privacy Act of 1978 Functions; correction

Arts and Humanities, National Foundation
NOTICES
Meetings:
28051 Humanities Advisory Panel
28051 Inter-Arts Advisory Panel

Blind and Other Severely Handicapped, Committee for Purchase From
NOTICES
27987, 27988 Procurement list, 1981; additions and deletions (3 documents)

Commerce Department
See Foreign-Trade Zones Board; International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
NOTICES
Contract market proposals
27988 Chicago Board of Trade; medium-staple cotton, terms and conditions
28061 Meetings; Sunshine Act

Consumer Product Safety Commission
RULES
27910 Benzene in consumer product as ingredient or contaminant; product ban; withdrawal
PROPOSED RULES
27963 Benzene in consumer products as ingredient or contaminant; product ban; withdrawal; cross reference
NOTICES
Meetings:
27993 Toxicological Advisory Board

Copyright Royalty Tribunal
NOTICES
28061 Meetings; Sunshine Act

Defense Department
NOTICES
Meetings:
27993 Armed Forces Epidemiological Board

Economic Regulatory Administration
NOTICES
Consent orders:
27995 Hankamer, Curtis
27995 J & C Drilling Co.
27996 Perry Gas Processors, Inc.
27996 Worldwide Energy Corp.

Employment Standards Administration
NOTICES
28088 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Alaska, Ark., Calif., Conn., Fla., Ga., Kans., Mass., Minn., Miss., Mo., Nev., N.H., N. Mex., N.C., Ohio, Pa., S. Dak., Tex., Wash., Wyo.)

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Western Area Power Administration.
NOTICES
Trespassing on Department property:
27993 Rocky Flats Plant site, Colo.; off-limits area

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
27931 Georgia
27923 Michigan
27932 Missouri
Air quality planning purposes; designation of areas:
27933 North Carolina
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
27937 2,6-Dicloro-4-nitroaniline
27936 Glyphosate
27938 *O*-phenylphenol
27939 Oryzalin
Pesticide programs:
27936 Classification and uses of active ingredients for restricted use
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
27972 Kansas

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions etc.:
27973 2-Chloroallyldiethyldithiocarbamate
27974 *S*-Propyl dipropylthiocarbamate
27975 Trifluralin
NOTICES
Air quality; prevention of significant deterioration (PSD):
28009 Permit approvals
Environmental statements; availability, etc.:
28009 Agency statements; review and comment
28010 Kingston, Mass.; waste water treatment facilities
Meetings:
28008 Interagency Toxic Substances Data Committee
Pesticide registration, cancellation, etc.:
28002 Phytophthora palmivora
Pesticides; experimental use permit applications:
28002 Abbott Laboratories
28007 Elanco Products Co.
Pesticides; temporary tolerances:
28003 Abbott Laboratories
28009 Ciba-Geigy Corp.
28003 Fisons Inc.
28006 University of Arkansas
Pesticides; tolerances in animal feeds and human food:
28007 FMC Corp.
Toxic and hazardous substances control:
28004 Premanufacture notices receipts
28138 TSCA Interagency Testing Committee report to EPA; priority list for chemical substances testing; inquiry and workshop
Water pollution; discharge of pollutants (NPDES):
28008 South Dakota

Environmental Quality Office, Housing and Urban Development Department
NOTICES
Environmental statements; availability, etc.:
28020 Butterfield, Kane and DuPage Counties, Ill.
28021 West Marion C.D. Project, Marion, N.C.

Equal Employment Opportunity Commission
NOTICES
28061 Meetings; Sunshine Act

Farmers Home Administration
RULES
27909 Community facility loans and community domestic water and waste disposal systems development grants
27908 Emergency loans, insured; graduation reviews, etc.

Federal Communications Commission
RULES
Radio broadcasting:
27944 Educational broadcast stations; non-commercial nature; policy statement
Radio services, special:
27953 Private operational-fixed microwave service; transmittal of program materials to hotels, etc.
NOTICES
Meetings:
28010 Mobile Services Division; procedures and practices
28061 Meetings; Sunshine Act

Federal Deposit Insurance Corporation
NOTICES
28061 Meetings; Sunshine Act

Federal Election Commission
NOTICES
28062 Meetings; Sunshine Act

Federal Emergency Management Agency
RULES
Flood elevation determinations:
27942 Hawaii
27943 New Jersey
Flood insurance; special hazard areas:
27941 Oregon et al.
PROPOSED RULES
Flood elevation determinations:
27976 Iowa; correction
NOTICES
Disaster and emergency areas:
28011 Alabama

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
27911 Curtailment rules; essential agricultural users; customer data collection by interstate pipelines
PROPOSED RULES
Natural Gas Policy Act of 1978:
27963 Ceiling prices; high cost natural gas produced from tight formations; Mississippi
27964 Ceiling prices; high cost natural gas produced from tight formations; Texas
27965 Ceiling prices; high cost natural gas produced from tight formations; Utah
27966 Ceiling prices; high cost natural gas produced from tight formations; Wyoming
NOTICES
Hearings, etc.:
27997 Clay Basin Storage Co.
27998 Connecticut Light & Power Co.
27998 Gleason Works
27998 Louisiana Power & Light Co.
27999 Minnesota Power & Light Co.
27999 Missouri Utilities Co.
27999 Montana Power & Light Co. (2 documents)
28000 Mulligan, Philip G.
28062 Meetings; Sunshine Act

Federal Home Loan Bank Board
NOTICES
28062 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
28062 Meetings; Sunshine Act

Federal Prevailing Rate Advisory Committee
NOTICES
28011 Meetings

Federal Reserve System
NOTICES
28062 Meetings; Sunshine Act

Fiscal Service
PROPOSED RULES
27969 Service charges for allotments of pay to savings accounts of Federal civilian employees; increase

Fish and Wildlife Service
NOTICES
28021 Endangered and threatened species permit applications (2 documents)

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
27914 Halothane
27914 *N*-(mercaptomethyl) phthalimide *S*-(O, O-dimethyl phosphorodithioate)
27912 Oxytetracycline injection
NOTICES
Meetings:
28012 Advisory committees, panels, etc.

Food and Nutrition Service
RULES
Food stamp program:
27901 Eligible household certification; income eligibility standards, and Thrifty Food Plan amount for Alaska; correction
PROPOSED RULES
Food stamp program:
27960 Food Stamp Act of 1977; initial benefits; issuance of half-month benefits in month of application

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
27980 Maryland

Forest Service
NOTICES
Environmental statements; availability, etc.:
27978 Chugach National Forest, land and resource management plan, Alaska

General Services Administration
RULES
Property management:
27940 Data telecommunication service requests

Geological Survey
PROPOSED RULES
27968 Oil and gas operating regulations; notice of intent

Health and Human Services Department
See Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; Health Care Financing Administration; National Institutes of Health.

Health Care Financing Administration
NOTICES
Medicare:
28013 Ambulatory surgical centers; procedures; inquiry

Housing and Urban Development Department
See Environmental Quality Office, Housing and Urban Development Department.

Interior Department
See Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service.

Internal Revenue Service
PROPOSED RULES
Income taxes:
27968 Consolidated returns; percentage bad debt deduction for thrift institutions; hearing
27968 Dollar-value last-in, first-out (LIFO) inventories; hearing

International Trade Administration
NOTICES
Antidumping:
27982 Carbon steel plate from Taiwan
27983 Ferrite cores (of type used in consumer electronic products) from Japan
27985 Sugar and syrups from Canada
Meetings:
27981–27985 Semiconductor Technical Advisory Committee (4 documents)

International Trade Commission
NOTICES
Import investigations:
28043 Hot air corn poppers and components
28044 Leather wearing apparel from Uruguay
28043 Screw jacks and components
28062 Meetings; Sunshine Act

Interstate Commerce Commission
NOTICES
Motor carriers:
28025, 28041 Finance applications (2 documents)
28040 Fuel costs recovery, expedited procedures
28028 Intercorporate hauling operations; intent to engage in
28026–28032 Permanent authority applications (6 documents)
28035 Permanent authority applications; restriction removals
Railroad operation, acquisition, construction, etc.:
28024 Detroit, Toledo & Ironton Railroad
Railroad services abandonment:
28022, 28023 Burlington Northern, Inc. (2 documents)
28023 Chicago & North Western Transportation Co.
28029 Missouri Pacific Railroad Co.
28042 Seaboard Coast Line Railroad Co.
28042 Union Pacific Railroad Co.

Labor Department
See also Employment Standards Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
28049 Barter & Marr Logging, Inc., et al.
28048 General Steel Industries, Inc., et al.
Committees; establishment, renewals, terminations, etc.:
28050 Procedures for Internal Handling of Complaints of Judicial Misconduct Advisory Committee
Organizations, functions, and authority delegations:
28048 Employment Standards Deputy Under Secretary; administration of employment standards programs
Senior Executive Service:
28051 Performance Review Board; membership

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
28022 Outer Continental Shelf; offshore Mid-Atlantic States; proposed oil and gas lease sale

28022 Willow Creek grazing management plan, Calif.
Withdrawal and reservation of lands, proposed, etc.:
28022 New Mexico; correction

Libraries and Information Science, National Commission
NOTICES
28063 Meetings; Sunshine Act

Minority Business Development Agency
NOTICES
27986 Financial assistance application announcements

National Institutes of Health
NOTICES
Meetings:
28014 Advisory Committee to the Director
28015 Biomedical Library Review Committee
28016 Cancer Clinical Investigation Review Committee
28015 Cancer Institute, National; Scientific Counselors Board
28016 Cancer Special Program Advisory Committee
28016 Child Health and Human Development, National Institute; Scientific Counselors Board
28017 Clinical Cancer Education Committee
28017 Clinical Trials Review Committee
28015 Eye Institute, National; Scientific Counselors Board
28018 Eye National Advisory Council
28017 General Research Support Review Committee
28018 Maternal and Child Health Research Committee
28018 Mental Retardation Research Committee
28019 Population Research Committee
28017 Research Grants Division study sections; change (2 documents)
28019 Research Resources National Advisory Council; agenda change
28019 Sickle Cell Disease Advisory Committee
28020 Vision Research Program Committee

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
27959 Shrimp, Gulf of Mexico
NOTICES
Marine mammal permit applications, etc.:
27987 Stern, S. Jonathan

National Park Service
PROPOSED RULES
Special regulations:
27969 Big Cypress National Preserve, Fla.; use of off road vehicles (ORV's); notice of intent; extension of time
27970 Everglades National Park, Fla.; airboat use on Stairstep Airboat Trails; petition for rulemaking; extension of time

National Science Foundation
NOTICES
Meetings:
28052 Advisory Council
28051 Environmental Biology Advisory Committee
28052 Policy Research and Analysis and Science Resource Studies Advisory Committee
28052 Social and Econimics Science Advisory Committee
28052 Special Research Equipment Advisory Committee

Navajo and Hopi Indian Relocation Commission
RULES
Commission operations and relocation procedures:
27916 Discretionary funds, financial assistance; procedures for submission, review and approval, and administration of applications
27915 Life estate leases; application procedures
27919 Life estate leases; award; filing date extended
PROPOSED RULES
Commission operations and relocation procedures:
27967 Recodification, revision, and additions; extension of time

Nuclear Regulatory Commission
RULES
Byproduct material domestic licensing:
27910 Ionization radiation measuring intruments; exemption; correction
NOTICES
Applications, etc.:
28053 Arkansas Power & Light Co.
28054 Commonwealth Edison Co.
28054 Commonwealth Edison Co. et al.
28054 Iowa Electric Light & Power Co. et al.
28055 Niagara Mohawk Power Corp.
28055 Northern States Power Co.
28056 Portland General Electric Co. et al.
28056 Power Authority of the State of New York
28056 Sacramento Municipal Utility District
28057 Virginia Electric & Power Co.
28063 Meetings; Sunshine Act

Nuclear Safety Oversight Committee
NOTICES
28053 Meetings

Occupational Safety and Health Administration
NOTICES
Meetings:
28047 Construction Safety and Health Advisory Committee

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans:
28047 Prohibition on transactions; exemption proceedings, applications, hearings, etc.

Personnel Management Office
NOTICES
Grants; availability, etc.:
28057 Intergovernmental Personnel Act; fiscal year 1981 funds
Senior Executive Service:
28058 Career reserved positions; list

Postal Service
PROPOSED RULES
Domestic mail manual:
27970 Official mail; facing identification marks

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
27978 Big Rivers Electric Corp., Inc.
27979 Plains Electric Generation & Transmission Cooperative, Inc.
27979 San Isabel Electric Association, Inc.
27979 San Luis Valley Rural Electric Cooperative, Inc.

Securities and Exchange Commission
NOTICES
28063 Meetings, Sunshine Act
Self-regulatory organizations; proposed rule changes:
28058 Boston Stock Exchange Clearing Corp.

Small Business Administration
NOTICES
Applications, etc.:
28059 TDH Capital Corp.

State Department
NOTICES
Meetings:
28059 Oceans and International Environmental and Scientific Affairs Advisory Committee

Treasury Department
See Alcohol, Tobacco and Firearms Bureau; Fiscal Service; Internal Revenue Service.

Western Area Power Administration
NOTICES
Power rate adjustments:
28000 Parker-Davis Project

MEETINGS ANNOUNCED IN THIS ISSUE

ARTS AND HUMANITIES, NATIONAL FOUNDATION
28051 Humanities Panel, Washington, D.C. (closed), 6–15 and 6–16–81
28051 Inter-Arts Panel (Folk Arts Section), Washington, D.C. (partially open), 6–11 through 6–13–81

COMMERCE DEPARTMENT
International Trade Administration—
27982 Semiconductor Technical Advisory Committee, Washington, D.C. (closed), 6–10–81
27981 Semiconductor Technical Advisory Committee, Discrete Semiconductor Device Subcommittee, Washington, D.C. (partially open), 6–9–81
27984 Semiconductor Technical Advisory Committee, Microcircuit Subcommittee, Washington, D.C. (partially open), 6–9–81
27985 Semiconductor Technical Advisory Committee, Semiconductor Manufacturing Materials and Equipment Subcommittee, Washington, D.C. (closed), 6–9–81
Minority Business Development Agency—
27986 General Business Services Program, Washington, D.C. (open), 6–8–81

CONSUMER PRODUCT SAFETY COMMISSION
27993 Toxicological Advisory Board, Bethesda, Md. (open), 6–16 and 6–17–81

DEFENSE DEPARTMENT
Army Department—
27993 Armed Forces Epidemiological Board, Washington, D.C. (open), 6–11 and 6–12–81

ENVIRONMENTAL PROTECTION AGENCY
28138 Eighth Report of the Interagency Testing Committee to the Administrator, Arlington, Va. (open), 7–15 and 7–16–81

FEDERAL COMMUNICATIONS COMMISSION
28010 Procedures and Practices on Mobile Services Division, Washington, D.C. (open), 6–22–81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE
28011 Meetings, Washington, D.C. (partially open), 6–4, 6–18 and 6–25–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Alcohol, Drug Abuse, and Mental Health Administration—
28011 Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Washington, D.C. (open), 6–23–81
National Institutes of Health—
28014 Advisory Committee to the Director, NIH, Bethesda, Md. (open), 6–8 and 6–9–81
28015 Biomedical Library Review Committee, Bethesda, Md. (partially open), 6–10 and 6–11–81
28015 Biomedical Library Review Committee, Review of Medical Library Resource Improvement Grant Applications Subcommittee, Bethesda, Md. (partially open), 6–12–81
28015 Board of Scientific Counselors, DCT, National Cancer Institute, Bethesda, Md., (partially open), 6–11 and 6–12–81
28015 Board of Scientific Counselors, National Eye Institute, Bethesda, Md. (partially open), 6–8 and 6–9–81
28016 Board of Scientific Counselors, National Institute of Child Health and Human Development, Bethesda, Md. (partially open), 6–24–81
28016 Cancer Clinical Investigation Review Committee, National Cancer Institute, Bethesda, Md. (partially open), 6–22 and 6–23–81
28016 Cancer Special Program Advisory Committee, National Cancer Institute, Bethesda, Md. (partially open), 6–13 and 6–14–81
28017 Clinical Cancer Education Committee, National Cancer Institute, Silver Spring, Md. (partially open), 6–10–81
28017 Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, Washington, D.C. (partially open), 6–21 and 6–22–81
28017 General Research Support Review Committee, Division of Research Resources, Bethesda, Md. (partially open), 6–25 and 6–26–81
28018 Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, Bethesda, Md. (partially open), 6–23 and 6–24–81

28018 Mental Retardation Research Committee, National Institute of Child Health and Human Development, Bethesda, Md. (partially open), 6–25 and 6–26–81
28018 National Advisory Eye Council Vision Research Program Planning Subcommittee, Bethesda, Md. (partially open), 6–1 through 6–3–81
28019 Population Research Committee, National Institute of Child Health and Human Development, Bethesda, Md. (partially open), 6–25 and 6–26–81
28020 Vision Research Program Committee, National Eye Institute, Bethesda, Md. (partially open), 6–25–81

INTERIOR DEPARTMENT
Land Management Bureau—
28022 California; Willow Creek Grazing Management Plan; intent to prepare an environmental impact statement, Susanville, Calif. (open), 6–24–81

LABOR DEPARTMENT
Occuptional Safety and Health Administration—
28047 Construction Safety and Health Advisory Committee, Washington, D.C. (open), 6–10, 6–11, and 6–12–81

NATIONAL SCIENCE FOUNDATION
28051 Environmental Biology Advisory Committee, Long-Term Ecological Research Subcommittee, Washington, D.C. (closed), 6–15 and 6–16–81
28052 NSF Advisory Council, Task Group #17, Stanford, Calif. (open), 6–19–81
28052 Policy Research and Analysis and Science Resources Studies Advisory Committee, Washingtorf, D.C. (open), 6–11 and 6–12–81
28052 Social and Economics Science Advisory Committee, Sociology Subcommittee, Washington, D.C. (closed), 6–12 and 6–13–81
28052 Special Research Equipment Advisory Committee, Chemistry Subcommittee, Washington, D.C. (closed), 6–24 and 6–25–81

NUCLEAR SAFETY OVERSIGHT COMMITTEE
28053 Meeting, Washington, D.C. (open), 6–8–81

STATE DEPARTMENT
Office of the Secretary—
28059 Oceans and International Environmental and Scientific Affairs Advisory Committee, Antarctic Section, Washington, D.C. (closed), 6–15–81

CHANGED MEETINGS

HEALTH AND HUMAN SERVICES DEPARTMENT
National Institutes of Health—
28017 Endocrinology Study Section, Changed from Bethesda to Chevy Chase, Md. (partially open), 6–14 through 6–16–81
28017 Microbial Physiology Study Section, changed from Bethesda to Rockville, Md. (partially open), 6–11 and 6–12–81
28019 National Advisory Research Resources Council, Bethesda, Md. (partially open), 5–28 and 5–29–81 (agenda change)
28019 Neurological Sciences Study Section changed from Bethesda, Md. to Washington, D.C. (partially open), changed from 6–11 through 6–13–81 to 6–17 through 6–20–81
28019 Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute (open), changed from 6–1 and 6–2–81 to 6–2–81 only

RESCHEDULED MEETING

ENVIRONMENTAL PROTECTION AGENCY
28008 Interagency Toxic Substances Data Committee, Washington, D.C. (open), 6–2 rescheduled to 6–16–81

HEARINGS

COMMERCE DEPARTMENT
Foreign-Trade Zones Board—
27980 Baltimore/Washington International Airport, Baltimore/Washington Airport, 6–25–81

LABOR DEPARTMENT
Pension and Welfare Benefit Programs Office—
28047 Proposed class exemption for life insurance company discretionary asset management, Washington, D.C., 6–19–81

TREASURY DEPARTMENT
Internal Revenue Service—
27968 Dollar-Value LIFO Inventory, Washington, D.C., 6–30–81

CHANGED HEARING

TREASURY DEPARTMENT
Internal Revenue Service—
27968 Consolidated Return Regulations, Washington, D.C., 9–9–81

V 46 / 99 MAY 22 81 UMI

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
4845 27899

7 CFR
273 27901
910 27902
1040 27903
1076 27904
1865 27908
1942 27909
1945 27908
1951 27908
Proposed Rules:
271 27960
272 27960
273 27960

10 CFR
30 27910

16 CFR
1145 27910
1307 27910
1500 27910
1700 27910
Proposed Rules:
1145 27963
1307 27963
1500 27963
1700 27963

18 CFR
281 27911
Proposed Rules:
271 (4 documents) 27963–27966

21 CFR
522 27913
524 27914
529 27914

25 CFR
700 (3 documents) 27915–27919
Proposed Rules:
700 27967

26 CFR
Proposed Rules:
1 (2 documents) 27968

30 CFR
Proposed Rules:
221 27968

31 CFR
Proposed Rules:
209 27969

36 CFR
Proposed Rules:
7 (2 documents) 27969, 27970

39 CFR
Proposed Rules:
111 27970

40 CFR
52 (3 documents) 27923–27932
81 27933
162 27936
180 (4 documents) 27936–27939
Proposed Rules:
52 27972
180 (3 documents) 27973–27975

41 CFR
Ch. 101 27940

44 CFR
65 27941
67 (2 documents) 27942, 27943
Proposed Rules:
67 27976

47 CFR
73 27944
94 27953

50 CFR
658 27959

V 46 / 99 MY 22 81 UMI

Federal R
Vol. 46, N
Friday, M

Title 3—

The Pr

[FR Doc. 81-
Filed 5-20-8
Billing code

Federal Register
Vol. 46, No. 99
Friday, May 22, 1981

Presidential Documents

Title 3—

The President

Proclamation 4845 of May 20, 1981

Father's Day, 1981

By the President of the United States of America

A Proclamation

There is no institution more vital to our Nation's survival than the American family. Here the seeds of personal character are planted, the roots of public virtue first nourished. Through love and instruction, discipline, guidance and example, we learn from our mothers and fathers the values that will shape our private lives and our public citizenship.

The days of our childhood forecast our lives, as poets and philosophers long have told us. "The childhood shows the man as morning shows the day," John Milton wrote. "Train up a child in the way he should go: and when he is old, he will not depart from it," Solomon tells us. Clearly, the future is in the care of our parents. Such is the responsibility, promise and hope of fatherhood. Such is the gift that our fathers give us.

Our fathers bear an awesome responsibility—one that they shoulder willingly and fulfill with a love that asks no recompense. By turns both gentle and firm, our fathers guide us along the path from infancy to adulthood. We embody their joy, pain and sacrifice, and inherit memories more cherished than any possession.

On Father's Day each year, we express formally a love and gratitude whose roots go deeper than conscious memory can recite. It is only fitting that we have this special day to pay tribute to those men—our natural fathers, adoptive fathers and foster fathers—who deserve our deepest respect and devotion. It is equally fitting, as we recall the ancient and loving command to honor our fathers, that we resolve to do so by becoming ourselves parents and citizens who are worthy of honor.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim, in accordance with the joint resolution of Congress (36 U.S.C., § 142a), that Sunday, June 21, 1981 be observed as Father's Day. I call upon all citizens to mark this day with appropriate public and private expressions of the honor we owe our fathers, and invite the States and local communities throughout the Nation to observe Father's Day with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of May, in the year of our Lord nineteen hundred eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-15575
Filed 5-20-81; 4:23 pm]
Billing code 3195-01-M

V 46/99 MAY 22 81 UMI

This sec
contains
general
of which
the Code
published
U.S.C. 15
The Cod
by the S
Prices of
first FED
month.

DEPART
Food an

7 CFR P

[Amendm

Food St
the Inco
States a
Alaska,
and the
to Thrift
Alaska

AGENCY:
USDA.

ACTION:

SUMMAR
as amen
standard
eligibility
shall be
guideline
Manager
adjusted
forth the
monthly
be effect
June 30, 1
Program.
participa
30, 1981 r
monthly
Addition
the Thrift
three-per
appeared
Decembe

EFFECTIV
the adjus
income li
effective
Thrifty Fa
retroactiv

FOR FURT
Thomas C
Regulatio
Branch, P
Family N
Nutrition

Rules and Regulations

Federal Register
Vol. 46, No. 99
Friday, May 22, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 273

[Amendment No. 195]

Food Stamp Program; Adjustments to the Income Eligibility Standards—48 States and the District of Columbia, Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands and Correction to Thrifty Food Plan Amount for Alaska

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule and correction.

SUMMARY: The Food Stamp Act of 1977, as amended, specifies that the income standards to be used in determining eligibility for the Food Stamp Program shall be the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (OMB) adjusted annually. This final action sets forth the Food Stamp Program net monthly income eligibility standards to be effective for the period July 1, 1981–June 30, 1982 in all areas operating the Program. Households applying for participation in the Program after June 30, 1981 must meet these new net monthly income eligibility limits. Additionally, this final action corrects the Thrifty Food Plan Amount for the three-person household for Alaska that appeared in the **Federal Register** of December 19, 1980 (45 FR 83474).

EFFECTIVE DATE: The effective date for the adjustments to the monthly net income limits is July 1, 1981. The effective date for Alaska's three-person Thrifty Food Plan correction is retroactive to January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor, Chief, Policy and Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250, 202–447–9075. In view of the fact that this rule is mandated by law and no administrative decision is involved, an impact statement has not been prepared.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Secretary's Memorandum 1955 and Executive Order 12291. While the rule may, at least temporarily, result in a somewhat increased number of participants, those additional participants will be at the very top of the eligibility scale which would mean that their benefit levels would be at or near the minimum. However, since these newly eligible participants would be at the top of the eligibilty scale and since their incomes would rise due to inflation, it is not expected that they will be eligible for long. Additionally, since these changes must be made each year, States have designed their systems to be able to implement the changes with negligible cost. Thus the rule will not result in an annual effect on the economy of $100 million or more or a major increase in costs or prices for consumers, industries, Federal, State or local governments, or geographical region, or have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the rule has been classified as "not major".

Additionally, Mr. G. William Hoagland, Administrator, Food and Nutrition Service, has determined that this rule warrants publication without opportunity for a public comment period because the legislation did not provide the Department any options as to the timing nor content of these changes. Therefore, public comments would have no impact on the content of the rule. Further, the changes must be implemented on July 1, 1981, and State agencies need adequate advance notice of the new standards to carry out all steps necessary to enable them to meet the implementation deadline. For these reasons, pursuant to the administrative procedure provisions in 5 U.S.C. 553(b)(B), it is found upon good cause that notice and other public procedure with respect to this final action are unnecessary.

This final action has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). The Administrator, Food and Nutrition Service, has certified that this action does not have a significant economic impact on a substantial number of small entities. The action would adjust the net monthly income eligibility standards, in accordance with the Food Stamp Act of 1977, as amended, used in determining eligibility for the program. This action affects the eligibility of potential applicant households and has no effect on current participants. Requirements are not placed on small businesses or small organizations. There are requirements placed on State agencies, and to the extent that county governments operate the Food Stamp Program, some requirements would be placed on them. However, the requirements do not have a significant economic impact on local governments.

While the Act provides that the income eligibility standards for Alaska, Hawaii, Puerto Rico, the Virgin Islands and Guam shall be the income poverty guidelines for those areas, it further provides that in no event shall the eligibility standards for those areas exceed those for the forty-eight states and the District of Columbia. Using the new OMB guidelines, this provision has the effect of equalizing the income standards of eligibility for all program jurisdictions. Thus a single table of standards is being published for all jurisdictions.

The Food Stamp Act of 1977 requires annual updates to be made to the net income eligibility standards. Public Law 96–249 (the 1980 Amendments to the Food Stamp Act of 1977) mandated that the nonfarm poverty guidelines prescribed by the Office of Management and Budget (OMB) shall be the income eligibility standards used for determining Food Stamp Program eligibility. While the 1980 Amendments to the law essentially dropped direct language which required that this adjustment occur in July each year, the Act retains the language that the adjustment be made annually. Since the last adjustment was made effective on July 1, 1980, subsequent adjustments would continue to be made on July 1 each year. Under the provisions of the Act, the income eligibility standards to be effective in all areas on July 1, 1981

will be the most recent nonfarm poverty guidelines prescribed by OMB.

Correction

On December 19, 1980 the Department issued regulations which set forth the Thrifty Food Plan amounts for Puerto Rico. For reproduction purposes, the December 19 rules included information previously published in the **Federal Register** of December 2, 1980 (45 FR 79743) concerning the Thrifty Food Plan amounts for all other geographical areas. However, the December 19 rule unintentionally contained an incorrect figure for the three-person Thrifty Food Plan amount for Alaska. This final action provides that the three-person Thrifty Food Plan amount for Alaska shall be $283, as published on December 2, 1980.

Special Notice

In accordance with the 1980 Amendments to the Food Stamp Act, the Thrifty Food Plan Amounts, Standard Deduction Amounts, and Maximum Excess Shelter Expense/Dependent Care Deduction Amounts, appearing in the appendices to § 273.10 of the Code of Federal Regulations, will not be adjusted until January each year. The following tables are published for the convenience of the reader and show the amounts that became effective on January 1, 1981 for all areas. These amounts will remain in effect until January 1, 1982:

Thrifty Food Plan Amounts

Household size	48 States and District of Columbia	Alaska	Hawaii	Guam	Virgin Islands	Puerto Rico
1	$70	$108	$95	$101	$88	$66
2	128	197	175	185	161	122
3	183	283	250	256	230	174
4	233	359	318	337	292	221
5	277	426	378	400	347	262
6	332	512	453	480	416	315
7	367	565	501	531	460	348
8	419	646	572	607	526	398
Each additional member	+53	+81	+72	+76	+66	+50

48 States and the District of Columbia	Alaska	Hawaii	Puerto Rico	Guam	Virgin Islands
Standard Deductions					
$85	$145	$120	$50	$170	$75
Maximum Excess Shelter Expense/Dependent Care Deductions					
$115	$200	$165	$40	$140	$85

Accordingly, Appendix A to § 273.9 is revised to provide the net monthly income eligibility standards to be effective for the period July 1, 1981–July 30, 1982 for the 48 States and the District of Columbia, Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands, and Appendix A to § 273.10 is revised to provide that the three-person Thrifty Food Plan Amount for Alaska shall be $283.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

1. Appendix A to § 273.9 is revised to read as follows:

§ 273.9 Income and deductions.

* * * * *

Appendix A.—*Net Monthly Income Eligibility Standards*

Household size	48 States, District of Columbia, Guam, Puerto Rico, and Virgin Islands	Alaska	Hawaii
1	$360	$451	$415
2	475	595	547
3	590	738	679
4	705	881	810
5	820	1,025	942
6	935	1,168	1,074
7	1,050	1,311	1,205
8	1,165	1,455	1,337
Each additional	+115	+144	+132

§ 273.10 Appendix A [Amended]

2. In 45 FR 83474, dated December 19, 1980, under the revision to the table for Appendix A to § 273.10, the figure of $293 appearing in the column entitled "Alaska" of the table should read $283.

(91 Stat. 958 (7 U.S.C. 2001–2027))

(Catalog of Federal Domestic Assistance, No. 10.551, Food Stamps)

Dated: May 19, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

[FR Doc. 81-15450 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 306]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period May 24–30, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: May 24, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on May 19, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of reviews. They shall not become effective until such time as clearance by the OMB has been obtained.

Section 910.606 is added as follows:

§ 910.606 Lemon regulation 30.

The quantity of lemons grown in California and Arizona which may be handled during the period May 24, 1981, through May 30, 1981, is established at 300,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 21, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–15642 Filed 5–21–81; 12:12 pm]

BILLING CODE 3410–02–M

---

7 CFR Part 1040

[Docket No. AO–225–A33]

Milk in the Southern Michigan Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changes the order provisions pertaining to supply plant pooling qualifications and the conditions under which milk may be diverted from one plant to another. Also, handlers will be allowed to subtract authorized deductions from partial payments to producers. This action is based on industry proposals considered at a public hearing held March 25–26, 1980. The amendments are needed to reflect current marketing conditions and to assure orderly marketing in the area.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued February 28, 1980; published March 4, 1980 (45 FR 14047).

Recommended Decision: Issued December 30, 1980; published January 6, 1981 (46 FR 1279).

Extension of Time for Filing Exceptions to the Recommended Decision: Issued January 16, 1981, published January 22, 1981 (46 FR 6973).

Final Decision: Issued May 5, 1981; published May 8, 1981 (46 FR 25626).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

1. In § 1040.7, paragraph (b) (1), (2) and (3) is revised and a new paragraph (b)(5) is added to read as follows:

§ 1040.7 Pool plant.

* * * * *

(b) * * *

(1) A supply plant from which each month not less than 30 percent of the total quantity of Grade A milk received at such plant from producers and from a handler described in § 1040.9(c), or diverted therefrom by the plant operator or a cooperative association (as described in § 1040.9(b)) pursuant to § 1040.13, less any Class I disposition of fluid milk products which are processed and packaged in consumer-type containers in the plant, is transferred to plants described in paragraph (b)(5) of this section, subject to the following conditions:

(i) Not more than one-half of the shipping percentage specified in this paragraph may be met through the diversion of producer milk from the supply plant to pool distributing plants; and

(ii) A supply plant that qualifies as a pool plant pursuant to this subparagraph in each of the months of October through March shall be a pool plant for the following months of April through September.

(2) A plant operated by a cooperative association which supplies distributing plants qualified under paragraph (a) of this section, if transfers from such supply plant to plants described in paragraph (b)(5) of this section and by direct delivery from the farm to plants qualified under paragraph (a) of this section are:

(i) Not less than one-half of its total member producers' milk in the current month; or

(ii) Not less than one-half of its total member producers' milk for the second through the 13th preceding months, if such plant was qualified under this

paragraph in each of the preceding 13 months.

(3) A plant located in the marketing area operated by a cooperative association, which plant has been a pool plant for 12 consecutive months but is not otherwise qualified under this paragraph, on meeting the following conditions:

(i) The cooperative has a marketing agreement with another cooperative whose members deliver at least 50 percent of their milk during the month directly to distributing plant(s) qualified under paragraph (a) of this section; and

(ii) The aggregate monthly quantity supplied by both such cooperatives to distributing plants by transfer from the cooperative's plant to plants described in paragraph (b)(5) of this section and by direct delivery from farms to plants qualified under paragraph (a) of this section is not less than 50 percent of the combined total of their member producers' milk deliveries during the month.

* * * * *

(5) Qualifying transfers from supply plants pursuant to this paragraph may be made to the following plants:

(i) Pool plants described in paragraph (a) of this section; and

(ii) Distributing plants fully regulated under other Federal orders except that credit for transfers to such plants shall be limited to the quantity of milk transferred from the supply plant to pool distributing plants during the month. Qualifying transfers to other order plants shall not include transfers made on the basis of agreed upon Class II or Class III utilization.

* * * * *

2. Section 1040.13 is revised to read as follows:

§ 1040.13 Producer milk.

"Producer milk" shall be the skim milk and butterfat in milk from producers that is:

(a) Received at a pool plant directly from a producer excluding such milk that is diverted from another pool plant;

(b) Received by a handler described in § 1040.9(c);

(c) Diverted by the operator of a pool plant to another pool plant; and

(d) Diverted by the operator of a pool plant or by a handler described in § 1040.9(b) to a nonpool plant, other than a producer-handler, subject to the following conditions:

(1) In any month that less than 2 days' production of a producer is delivered to a pool plant, the quantity of milk of the producer diverted during the month shall not be producer milk;

(2) The total quantity of producer milk diverted by a cooperative association or by the operator of a pool plant may not exceed 60 percent during each of the months of October through March of the total quantity of producer milk for which it is the handler;

(3) Any milk diverted in excess of the limits described in paragraph (d)(2) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the total milk diverted on the last day of the month, then the second-to-the-last day, and so on in daily allotments will be excluded until all of the over-diverted milk is accounted for; and

(4) Milk which is subject to pooling under another order, shall not be producer milk.

3. Section 1040.73(d) is revised to read as follows:

§ 1040.73 Payments to producers and to cooperative associations.

* * * * *

(d) On or before the last day of each month for producer milk received during the first 15 days of the month at not less than the Class III milk price for the preceding month, less any proper deductions authorized in writing by the producer.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Effective date: July 1, 1981.

Signed at Washington, D.C., on May 18, 1981.

John E. Ford,

Deputy Assistant Secretary For Marketing & Transportation Services.

[FR Doc. 15457 Filed 5–21–81; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 1076

[Milk Order No. 76; Docket No. AO–260–A24]

Milk in the Eastern South Dakota Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changes the present Eastern South Dakota milk order provisions based on industry proposals which were considered at a public hearing held March 11, 1980. The changes provide plant operators and cooperative associations greater flexibility in handling and accounting for milk under the order. Also, the late-payment charge on overdue payments by handlers is increased and a marketing services payment by producers is instituted. The changes are necessary to reflect current marketing conditions and to insure orderly marketing in the area.

EFFECTIVE DATE: The order provisions set forth herein shall become effective July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6273.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued February 21, 1980; published February 27, 1980 (45 FR 12823).

Recommended Decision: Issued February 17, 1981; published February 20, 1981 (46 FR 13222).

Final Decision: Issued May 6, 1981, published May 12, 1981 (46 FR 26337).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern South Dakota marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid

factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order is hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Eastern South Dakota marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Add a new § 1076.4 to read as follows:

§ 1076.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition or separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a "plant" under this definition.

2. In § 1076.7 paragraphs (b), (c) and (d) are revised to read as follows:

§ 1076.7 Pool plant.

* * * * *

(b) A supply plant from which the volume of fluid milk products, except filled milk, transferred to pool distributing plants is not less than the applicable percentage, specified in paragraph (b)(1)(i), (ii) or (iii) of this section, of Grade A milk received at such supply plant from dairy farmers (including milk diverted therefrom by the plant operator) and handlers described in § 1076.9(c).

(1) The applicable percentage for the purpose of this paragraph shall be:

(i) 35 percent for the current month;

(ii) 35 percent for the 12-month period immediately preceding the current month; or

(iii) One or more shipments in each of the months of March through July if shipments were not less than 50 percent during each of the immediately preceding months of September through November.

(c) Any plant located in the marketing area or in any county adjacent to the marketing area that meets an applicable shipping standard described in paragraph (b) of this section, subject to the following conditions:

(1) A cooperative association that operates a supply plant may include as qualifying shipments its deliveries to pool distributing plants directly from farms of producers pursuant to § 1076.9(c).

(2) A proprietary handler may include as qualifying shipments milk diverted pursuant to § 1076.13 to pool distributing plants.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant qualified as a pool plant pursuant to this section:

(i) From which a lesser volume of fluid milk products, except filled milk, is disposed of in the Eastern South Dakota marketing area either as route disposition or to pool plants qualified on the basis of route disposition than in the marketing area of another order issued pursuant to the Act or to other order plants qualified on the basis of route disposition; and

(ii) Such milk would be subject to the class price and producer payment provisions of the other order upon being made exempt from this part;

(3) For the period of March through July, inclusive, if the operator of a plant qualified pursuant to paragraph (b)(1)(iii) of this section submits a request to the market administrator in writing that such plant not be a pool plant, such nonpool status will be effective the first month following such notice and such plant shall thereafter be a nonpool plant until it again qualifies as a pool plant on the basis of the shipping requirements of 35 percent or more as set forth in this section;

(4) That portion of a plant that is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for receiving, processing, or packaging of any fluid milk product for Grade A disposition; and

(5) A governmental agency plant.

3. In § 1076.9 paragraph (c) is revised to read as follows:

§ 1076.9 Handler.

* * * * *

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer which is delivered to a pool plant in a tank truck owned and operated by, or under the control of, such cooperative association. If the milk is delivered to the pool plant of another handler, the plant operator may be the handler for such milk if both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

* * * * *

4. Section 1076.13 is revised to read as follows:

§ 1076.13 Producer milk.

"Producer milk" of each handler means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1076.9(c); or

(c) Diverted from a pool plant, for the account of the handler operating such plant or for the account of a handler described in § 1076.9(b), to another plant (other than a producer-handler plant) subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion under this section unless during the month at least one day's production of milk of such dairy farmer is physically received at the pool plant from which diverted;

(2) The total quantity of milk diverted by a cooperative association during the months of August through February may not exceed 35 percent of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month;

(3) The total quantity of milk diverted by a proprietary operator of a pool plant during the months of August through February to a nonpool plant may not exceed 35 percent of the milk received at or diverted from such pool plant (excluding any milk under control of a cooperative association that diverted milk during the month pursuant to paragraph (c)(2) of this section);

(4) Any milk diverted in excess of the limits prescribed in paragraph (c) (2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk. Otherwise, the total milk diverted on the last day of the month, then the second-to-last day, and so on in daily allotments will be excluded until all of the milk diverted in excess of the limit is accounted for; and

(5) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1076.30 [Amended]

5. In the preamble of § 1076.30 the number "7th" is changed to "8th".

6. In § 1076.41 paragraph (b)(2) is revised to read as follows:

§ 1076.41 Shrinkage.

* * * * *

(b) * * *

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1076.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

* * * * *

7. In § 1076.42 paragraph (a) is revised and a new paragraph (e) is added to read as follows:

§ 1076.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1076.44(a)(12) and the corresponding step of § 1076.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1076.44(a)(7) or the corresponding step of § 1076.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1076.44(a) (11) or (12) or the corresponding step of § 1076.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee plant or divertee plant.

* * * * *

(e) *Transfers by a handler described in § 1076.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1076.9(c) to a pool plant shall be classified pursuant to § 1076.44 pro rata with producer milk received at the transferee-handler's plant.

8. In § 1076.43 the introductory paragraph, and paragraph (a) are revised to read as follows:

§ 1076.43 General classification rule.

In determining the classification of producer milk, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1076.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1076.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1076.40, 1076.41 and 1076.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1076.9 (b) or (c) shall be the classification of producer milk for such handler;

* * * * *

9. In § 1076.44 the introductory paragraph, paragraph (a) (13) and (14), and paragraph (c) are revised to read as follows:

§ 1076.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1076.9(a) for each of its separate pool plants the classification of producer milk and milk received from a handler described in § 1076.9(c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) * * *

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1076.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceeds the pounds of skim milk in producer milk and milk received from a handler described in § 1076.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

* * * * *

(c) The quantity of producer milk and milk received from a handler described in § 1076.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

10. In § 1076.52 paragraphs (a) and (b) are revised to read as follows:

§ 1076.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or from a handler described in § 1076.9(c) at a plant located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90, and which is classified as Class I milk without movement in bulk form to a pool plant at which a higher Class I price applies, the price specified in § 1076.50(a) shall be reduced 1.5 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the nearer of the Post Offices of Mitchell or Sioux Falls, South Dakota.

(b) For fluid milk products transferred in bulk from a pool plant to another pool plant at which a higher Class I price applies and which is classified as Class I, the price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant determined by the market administrator as follows:

(1) Subtract from the pounds of Class I milk remaining at the transferee-plant after the computations pursuant to § 1076.44 (a)(12) and (b) the pounds of packaged fluid milk products from other pool plants;

(2) Multiply the remaining pounds of milk by 110 percent;

(3) Substract the pounds of bulk fluid milk products physically received at the transferee-plant from the following sources:

(i) Producers;

(ii) Handlers described in § 1076.9(c);

(iii) Pool plants at which the same or a higher Class I price applies; and

(iv) Receipts of diverted milk from pool plants;

(4) Assign any pounds remaining pro rata to bulk receipts of fluid milk products from each transfer or plant at which a lower Class I price applies; and

(5) Multiply the pounds computed for each transferor-plant in paragraph (b)(4) of this section by the difference in the Class I prices applicable at the transferee-plant and transferor-plant.

* * * * *

11. In § 1076.60 the introductory paragraph, and paragraph (a) are revised to read as follows:

§ 1076.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1076.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1076.9(c) in each class as determined pursuant to § 1076.43(a) and § 1076.44(c) by the applicable class prices and add the resulting amounts.

* * * * *

12. In § 1076.71 paragraph (a) is revised to read as follows:

§ 1076.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1076.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1076.75, of such handler's receipts of producer milk and milk received from a handler described in § 1076.9(c) for which a value is computed pursuant to § 1076.60(a); and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1076.60(f).

* * * * *

§ 1076.72 [Amended]

13. In § 1076.72 the number "14th" is changed to "16th".

14. Section 1076.73 is revised to read as follows:

§ 1076.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay for milk received from producers for whom payment is not made to a cooperative association pursuant to paragraph (b) or (c) of this section as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class III price for the preceding month; and

(2) On or before the 18th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight, as adjusted pursuant to §§ 1076.74 and 1076.75, plus or minus adjustment for errors made in previous payments to such producer, less the following amounts:

(i) Payments made pursuant to paragraph (a)(1) of this section;

(ii) Location adjustment deductions pursuant to § 1076.75;

(iii) Proper deductions authorized by such producer; and

(iv) Deductions for marketing services pursuant to § 1076.86.

(b) Except as provided in paragraph (c) of this section each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 28th day of each month an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(1) of this section; and

(2) On or before the 15th day after the end of each month, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(2) of this section.

(c) Each handler shall pay a cooperative association for receipts of milk for which such cooperative association is the handler pursuant to § 1076.9(c) as follows:

(1) On or before the 28th day of the month, for milk received during the first 15 days of the month an amount per hundredweight equal to not less than the uniform price for the preceding month; and

(2) On or before the 15th day after the end of each month not less than the value of such milk at the uniform price, as adjusted by the butterfat differential specified in § 1076.74, applicable at the location of the receiving handler's plant, less the amount paid pursuant to paragraph (c)(1) of this section.

(d) Each handler shall pay a cooperative association for fluid milk products received by transfer from a pool plant operated by the cooperative association as follows:

(1) On or before the 28th day of the month, the handler shall pay for each hundredweight of fluid milk products received during the first 15 days of the month not less than the uniform price for the preceding month, adjusted by the butterfat differential pursuant to § 1076.74 for the preceding month; and

(2) On or before the 15th day after the end of the month not less than the value of such milk at the class prices, as adjusted by the butterfat differential specified in § 1076.74, that are applicable at the location of the transferee plant, less payment made pursuant to paragraph (d)(1) of this section.

(e) In making payments for producer milk pursuant to paragraphs (a) and (b) of this section, each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds and the average butterfat content of milk received from the producer;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate that is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or rate per hundredweight and nature of each deduction claimed by the handler, including any deduction claimed pursuant to § 1076.86; and

(6) The net amount of payment to such producer or cooperative association.

15. In § 1076.75 paragraph (a) is revised to read as follows:

§ 1076.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price pursuant to § 1076.61 for producer milk shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1076.52; and

* * * * *

16. Section 1076.78 is revised to read as follows:

§ 1076.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1076.71(a), 1076.77(a), 1076.85 or 1076.86 shall be increased 1 percent beginning on the day after the due date, and on the same day of each succeeding month until such obligation is paid.

17. The centerheading immediately preceding §1076.85 is revised to read:

Administrative Assessment and Marketing Service Deduction

18. A new § 1076.86 is added to read as follows:

§ 1076.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer (other than himself) pursuant to § 1076.73, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from the producer's farm during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be expended by the market administrator to provide for market information and to verify the weights, samples, and tests of milk of producers who are not receiving such services from a cooperative association.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Effective date: July 1, 1981.

Signed at Washington, D.C., on May 18, 1981.

John E. Ford,

Deputy Assistant Secretary For Marketing & Transportation Services.

[FR Doc. 81-15445 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1865, 1945 and 1951

Emergency Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final Rule.

SUMMARY: On October 22, 1980, (45 FR 69847) the Farmers Home Administration (FmHA) published a document amending its regulations pertaining to insured Emergency (EM) Loans. This action was needed to implement the provisions of Pub. L. 96–302 and to implement other related administrative changes desired by FmHA.

The primary effect of this action is to enable those applicants who can get their needed credit elsewhere to obtain an EM loss loan(s) *only*, not to exceed $500,000, from FmHA at a formula rate of interest set by the Secretary, and subject to a graduation review three years after the initial EM loan is made and every other year thereafter.

These regulations were published as emergency final rules, and interested persons were invited to comment. FmHA has reviewed the recommendations and has conducted its review of its emergency final rulemaking action as required under the provisions of Executive Order 12291 and the Secretary's Memorandum 1955. This document adopts those regulations as final without change.

EFFECTIVE DATE: Effective on May 22, 1981.

FOR FURTHER INFORMATION CONTACT: James E. Vollmer, Emergency Loan Officer, Farmers Home Administration, USDA, Room 5336–S, Washington, DC 20250, telephone 202–382–1647. The final impact statement describing the options considered in developing this final rule and the impact of implementing each option may be obtained from Carl O. Opstad, Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6346–S, Washington, DC 20250, telephone 202–447–4057.

SUPPLEMENTARY INFORMATION: FmHA has completed its review of the emergency final rulemaking action published on pages 69847 through 69875 inclusive in the **Federal Register** on October 22, 1980, revising Chapter XVIII, Title 7, Code of Federal Regulations, Parts 1865, 1945, Subparts A and B, and Part 1951, Subpart A. One public comment was received recommending FmHA limit the initial term for loans to creditworthy applicants to 3 years to coincide with the required graduation review period. FmHA reviewed the recommendation and determined not to adopt this recommendation because it believes it would require more rescheduling/restructuring of repayment terms than is now necessary to accomplish the same results. FmHA regulations call for creditworthy borrowers to pay off their loans with FmHA and obtain credit elsewhere when they are able to do so at the end of the 3-year designated period of FmHA indebtedness. FmHA does not believe, however, that the recommendation offered would require more borrowers to graduate to private credit sources sooner than under its present policy.

FmHA has conducted its review of its emergency final rulemaking. The Draft Impact Statement prepared on the action is adopted as final. Therefore, the regulations published at 45 FR 69847 are hereby adopted as the final rule without change.

This final rule has been reviewed under procedures established in Executive Order 12291 and the Secretary's Memorandum 1955, and has been classified as a "non-major-action" under Executive Order 12291 and as "not significant" under the Secretary's Memorandum 1955.

The Catalog of Federal Domestic Assistance number for Emergency Loans is 10.404.

The Office of Management and Budget (OMB) has given approval of the record-keeping and reporting requirements found in these regulations. These instructions do not directly affect any FmHA program or projects which are subject to A–95 clearinghouse review.

This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statement." It is the determination of FmHA that this action does not constitute a major federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, and Environmental Impact Statement is not required.

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: May 19, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81-15540 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-07-M

7 CFR Part 1942

Community Facility Loans and Development Grants for Community Domestic Water and Waste Disposal Systems

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations regarding Community Facility Loans and Development Grants for Community Domestic Water and Waste Disposal Systems to recognize that certain Indian tribes might not be subject to State and local laws. The intended effect of this action is to remove a possible barrier to greater Indian participation in these programs. This action is taken as a result of an administrative review.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: John W. Slusser, Loan Specialist, Room 6318, South Agriculture Building, Washington, DC 20250, Phone: (202) 447-5717. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, South Agriculture Building, Washington, DC 20250.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1955, and has been determined to be "not significant." It has also been reviewed under Executive Order 12291, and has been classified as "not major." The FmHA programs and projects which are affected by this instruction are subject to state and local clearinghouse review in the manner delineated in FmHA Instruction 1901-H.

CFDA No. 10.418, Water and Waste Disposal Systems for Rural Communities.

This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

Applications from Federally recognized Indian tribes are not subject to the requirements of FmHA Instruction 1901-H, "A-95 Review, Evaluation, and Coordination of Projects." Not all Indian tribes are subject to State and local law. FmHA amends § 1942.1 of Subject A of Part 1942 and § 1942.351 of Subpart H of Part 1942, Chapter XVIII, Title 7, Code of Federal Regulations. FmHA published this amendment as a proposed rule in the **Federal Register** on November 21, 1980, (45 FR 77036) and requested comment. No comments were received and the proposed rule is being published as a final rule without change.

PART 1942—ASSOCIATIONS

Therefore, Part 1942 is amended as follows:

Subpart A—Community Facility Loans

1. Section 1942.1 is revised to read as follows:

§ 1942.1 General.

(a) This Subpart outlines policies and procedures for making and processing insured loans for community facilities. The Farmers Home Administration (FmHA) shall cooperate fully with appropriate State and local agencies in the making of loans in a manner which will assure maximum support to the State strategy for rural development. FmHA State Directors and their staffs shall maintain coordination and liaison with State agency and substate planning districts. Funds allocated for use as prescribed in this Subpart are to be considered for the use of Indian tribes within the State, regardless of whether State development strategies include Indian reservations within the State's boundaries. Indians residing on such reservations must have equal opportunity to participate in the benefits of these programs as compared with other residents of the State. The policy of FmHA is to extend its financial programs without regard to race, color, religion, sex, marital status, age, or national origin.

(b) Indian tribes on Federal and State reservations and other Federally recognized Indian tribes are eligible to apply for and are encouraged to participate in this program. Such tribes might not be subject to State and local laws or jurisdiction. However, any requirements of this regulation that affect applicant eligibility, the adequacy of FmHA's security or the adequacy of service to users of the facility and all other requirements of this regulation must be met.

(c) The County Office will normally be the entry point for preapplications and serve as a local contact point. However, applications will be filed with the District Office and loans will be processed to the maximum extent possible by the District Office staff. The applicant's governing body should designate one person to coordinate the activities of its engineer, architect, attorney, and any other professional employees and to act as contact person during loan processing. FmHA personnel should make every effort to involve the applicant's contact person when meeting with the applicant's professional consultants and/or agents. The State Office staff will monitor community programs loan making and servicing, and will provide assistance to District Office personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner consistent with FmHA regulations. The District Director will supply information on community program loan activity within the County Office service area to the County Supervisor at key points throughout the loan making process as described herein.

Subpart H—Development Grants for Community Domestic Water and Waste Disposal Systems

2. Section 1942.351 (b) and (c) are redesignated to (c) and (d), respectively, without change and a new § 1942.351 (b) is added to read as follows:

§ 1942.351 General.

* * * * *

(b) Indian tribes on Federal and State reservations and other Federally recognized Indian tribes are eligible to apply for and are encouraged to participate in this program. Such tribes might not be subject to State and local laws or jurisdiction. However, any requirements of this regulation that affect applicant eligibility, the adequacy of FmHA's security or the adequacy of service to users of the facility and all other requirements of this regulation must be met.

* * * * *

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: February 25, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81-15340 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-07-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 30

Amendment of Exemption for Ionizing Radiation Measuring Instruments

Correction

In FR Doc. 81-14385, appearing at page 26471 in the issue of Wednesday, May 13, 1981, the "**Effective Date**" in the first column should have read, "May 13, 1981".

BILLING CODE 1505-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1145, 1307, 1500, and 1700

Benzene-Containing Consumer Products; Withdrawal of Proposed Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: Based on information indicating that benzene, as currently used in consumer products, does not present a significant risk to consumers, the Commission withdraws its proposed ban of consumer products containing benzene as an intentional ingredient or as a contaminant at a level of 0.1 percent or greater by volume. The proposed ban was published on May 19, 1978.

DATE: The withdrawal of the proposed ban is effective on May 22, 1981.

ADDRESS: Copies of the staff briefing package and related materials on benzene are available at the Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., N.W., 3rd Floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Rory Sean Fausett, Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6984.

SUPPLEMENTARY INFORMATION:

Background

On January 13, 1981 (46 FR 3034), the Commission proposed to withdraw its proposed ban of consumer products containing benzene as an intentional ingredient or as a contaminant at a level of 0.1 percent or greater by volume. The proposed ban was published in the **Federal Register** on May 19, 1978 after the Commission had preliminarily concluded that benzene-containing consumer products present an unreasonable risk of injury to the public because benzene inhalation can cause blood disorders, leukemia, and chromosomal abnormalities. The Commission also preliminarily concluded that no feasible standard could adequately protect the public from these risks. Therefore, in accordance with section 8 of the CPSA (15 U.S.C. 2057), the Commission proposed that the benzene-containing consumer products described above be declared banned hazardous products.

In its proposal to withdraw the proposed ban, the Commission explained that it was proposing to withdraw based on a thorough review of economic and risk data on current benzene use in consumer products. First, the Commission noted that since proposal of the ban, benzene use as an intentional ingredient in consumer products had ceased. This fact was confirmed by Commission staff contact with appropriate firms as well by a report prepared for the Commission by Battelle, Columbus Laboratories concerning benzene use in consumer products. (See "Analysis of Technical and Economic Feasibility of a Ban on Consumer Products Containing 0.1 Percent or More Benzene," December, 1978, on file at the Commission's Office of the Secretary.) The information concerning the use of benzene as an intentional ingredient is also consistent with the responses to the Commission's general order requiring the submission of certain information on the use of benzene as in consumer products (45 FR 44554, July 1, 1980). The Commission received six responses to the general order, all indicating no use of benzene as an intentional ingredient in consumer products.

In addition, the Commission explained in its proposed withdrawal that a Commission staff market survey conducted in early 1980 indicated that approximately 90 percent of current benzene contaminated products are at or below the proposed 0.1 percent contamination level. (See "Benzene Analysis of Consumer Products (STI 80-0034)", CPSC staff memorandum from Doris Hodgkins, March 11, 1980, on file at the Office of the Secretary.) The market survey also indicated that those benzene-containing products which do not meet the 0.1 percent level are primarily products such as stove and lantern fuel, brush cleaners, and rubber cements.

The proposed withdrawal notice pointed out that products such as stove and lantern fuels, brush cleaners, and rubber cements which are used infrequently, in small quantities, on limited surface areas, or outdoors are unlikely to result in significant consumer exposures to benzene vapor. (See, "An Assessment of Potential Human Exposure to Benzene", CPSC staff memorandum from Warren Porter, November 10, 1980, on file at the Office of the Secretary.)

Based on the information described above, the Commission's proposed withdrawal notice concluded that at the present time a ban of benzene-containing consumer products is not reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with such products.

In order to receive and evaluate the comments on the proposal to withdraw, the Commission extended from January 13, 1981 to May 13, 1981, the period in which it must either publish a final banning rule or withdraw the proposal to ban.

Response to Comments

The Commission received four comments in response to its proposal to withdraw the proposed benzene ban.

Two consumer commenters requested that the Commission issue a final ban because, they stated, a human carcinogen like benzene should not be permitted in the marketplace.

The Commission believes that it should act to minimize unnecessary regulations and since it believes that a ban of benzene-containing consumer products is not reasonably necessary at the present time to address an unreasonable risk of injury, the Commission has decided not to issue a final banning rule. As indicated in the proposed notice of withdrawal, however, the Commission remains concerned about the possible reintroduction into commerce of selected products intended to be used on large surface areas or which may otherwise result in significant exposure that contain benzene at or above 0.1 percent. The Commission has instructed the staff to continue to monitor the marketplace for benzene use in these products so that the Commission may respond in an expeditious fashion to any need for future regulation in this area.

Two industry commenters expressed support of the Commission's proposal to withdraw. One of these commenters criticized the Commission staff risk assessment discussed in the proposed withdrawal notice as considerably overestimating the risk of leukemia from exposure to benzene from consumer products. Commission staff have reviewed the points raised by this commenter and have concluded that the available scientific and technical evidence are supportive of the

V 46 / 99 MAY 22 81 UMI

reasonableness of the Commission staff risk assessment for benzene. (See "Co–1–81–3 Air Products and Chemicals", CPSC staff memorandum from Warren Porter and Paul White, April, 1981 on file at the Office of the Secretary.)

The Commission also received a letter from the Small Business Administration indicating that the Commission's certification under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that its proposed withdrawal of the proposed ban would not, if promulgated, have a significant economic impact on a substantial number of small entities was acceptable.

Conclusion

Having reviewed the economic and risk data on current benzene use in consumer product discussed in the proposed withdrawal notice as well as the public comments on the proposed withdrawal, the Commission determines that a rule banning benzene-containing consumer products is not reasonably necessary at this time to eliminate or reduce an unreasonable risk of injury associated with such products. The Commission notes that no new information has been submitted since the proposed withdrawal indicating that the current usage of benzene in consumer products presents a significant risk to consumers. Therefore, in accordance with section 9(a)(1)(B) of the CPSA, the Commission withdraws its proposal of May 19, 1978 (43 FR 21838) to declare that consumer products containing benzene as an intentional ingredient or as a contaminant at a level of 0.1 percent or greater by volume are banned hazardous products. The Commission also withdraws its proposed rule, issued at the same time as the banning regulation, to regulate consumer products containing benzene under the CPSA (16 CFR Part 1145.6; see 43 FR 21838) as well as its proposed amendments to rules under the Federal Hazardous Substances Act (FHSA) and the Poison Prevention Packaging Act of 1970 (PPPA) concerning benzene. The amendments would have exempted from the FHSA and the PPPA rules products covered by the benzene ban. (16 CFR 1500.14(b)(3)(iv) and 16 CFR 1700.14(a)(15); see 43 FR 21852 and 21853 respectively.)

Effective date: Section 4 of the Administrative Procedure Act (APA), 5 U.S.C. 553, provides that the delayed effective date provisions for substantive rules are inapplicable to rules which relieve a restriction. Since this rule relieves a restriction, it is effective immediately.

Accordingly, pursuant to 5 U.S.C. 553(d)(1), the effective date of the Commission's withdrawal of its proposed consumer product safety rule concerning benzene-containing products is May 22, 1981.

(Secs. 8, 9; 86 Stat. 1215–1217, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2058)

Dated: May 13, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-15428 Filed 5-21-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 281

[Docket No. RM79-15; Order No. 145]

Revision of Schedule of Filing Annual Revisions To Index of Entitlements for Priority 2 (Essential Agricultural) Uses of Natural Gas; Implementation of Section 401 of the Natural Gas Policy Act

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Commission by this final rule amends its Regulations in Part 281, Subpart B that establish a filing schedule by which interstate pipelines collect customer data regarding essential agricultural uses, prepare revisions to their curtailment plans to reflect the data collected, and file these revisions with the Commission. This rule adds approximately 45 days to the filing schedule in order to provide additional time for the interstate pipelines to prepare the revisions to their curtailment plans.

EFFECTIVE DATE: Date of issuance, May 14, 1981.

FOR FURTHER INFORMATION CONTACT:

Colette Bohatch, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8140

Robert Schroeder, Office of Pipeline & Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8828.

May 14, 1981.

The Federal Energy Regulatory Commission adopts final regulations that revise the schedule for filing annual revisions to the index of entitlements for priority 2 (essential agricultural) uses of natural gas.

I. Background

Title IV of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3391–3394) creates new priority classifications for certain uses of natural gas. Section 401 of NGPA established the category of essential agricultural uses of natural gas that are not to be curtailed unless necessary to protect users of a higher priority.

The Commission implemented section 401 through a series of orders issued in Docket No. RM79–15 that essentially reorder curtailment priorities. Under the newly reordered priorities, uses of natural gas in residences, certain commercial establishments, schools, hospitals, and for certain other purposes constituté Priority 1, and essential agricultural uses of natural gas constitute Priority 2.[1] When the program was implemented two years ago, the designated pipelines [2] were required to reorder their individual curtailment plans by incorporating the curtailment priorities described in section 401. Thereafter on an annual basis, these pipelines are required to update their curtailment plans by filing with the Commission revised tariff sheets that contain an index of entitlements for Priority 2, essential agricultural uses.

In order to revise the index of entitlements, it is necessary for the interstate pipelines to collect data from end-users, distributors, and other interstate pipelines regarding the current requirements for essential agricultural uses of natural gas (§ 281.211). These data are then used by the interstate pipeline to determine if and to what extent it must revise its index of entitlements in order to allocate sufficient volumes of natural gas to meet the essential agricultural requirements of its customers.

Each interstate pipeline is required to prepare and transmit a draft index of entitlements (§ 281.212) to each of its customers and to its Data Verification Committee (§ 281.213). Under the regulations, the customers have an opportunity to protest the interstate pipeline's proposed allocation of natural

[1] Order No. 29, Docket No. RM79–15, issued May 2, 1979, 44 FR 26855, May 8, 1979. Order No. 29 was amended in Order Nos. 29–A, issued June 15, 1979 (44 FR 37499, June 27, 1979), 29–B, issued July 20, 1979 (44 FR 45922, August 6, 1979) and 29–C, issued October 22, 1979 (44 FR 61338, October 25, 1979).

[2] Interstate pipelines obligated by the regulations implementing section 401 are designated in § 281.202. Certain of the interstate pipelines have complied with section 401 without filing an index, pursuant to adjustments under Section 502(c) of the NGPA.

as volumes to the categories of users. The Data Verification Committee is required to analyze and prepare a report to assist the pipeline in finalizing the index of entitlements that will be filed with the Commission.

Taking into consideration customer protests and the report of the Data Verification Committee, the interstate pipeline then makes final adjustments to the draft index. The index is filed with the Commission as an amendment to the pipeline's currently effective tariff under section 4 of the Natural Gas Act.

These regulations include a schedule of filing and notification dates so that the approved indices can be effective on November 1 for the winter season. Since this program was adopted, the Commission has revised these dates when it determined revisions were necessary to provide all persons obligated under the program sufficient time to prepare the required documents. With this experience, the Commission has now determined that additional revisions are necessary.

II. Summary of Revised Schedule

By this final rule, the Commission adopts the following revised schedule:

June 15—Essential agricultural users are required to file with direct suppliers data regarding current natural gas requirements.
June 30—Local distribution companies are required to file with their interstate suppliers data regarding their customers' essential agricultural use requirements.
July 15—Interstate pipelines are required to file with their direct interstate suppliers their natural gas requirements for essential agricultural uses.
August 1—Interstate pipelines are required to provide their customers and Data Verification Committee with a draft index of entitlements.
August 15—Protests to the draft index of entitlements are required to be filed with the Data Verification Committee.
September 1—The Data Verification Committee is required to submit its report to the interstate pipeline.
September 15—Interstate pipelines are required to file revisions to the index of entitlements and the Data Verification Committee report with the Commission.
November 1—Revisions to the index of entitlements for each interstate pipeline become effective if approved by the Commission.

The effect of this new schedule is to add approximately 45 days to the schedule in order to provide additional time to the interstate pipelines to prepare the index of entitlements and to provide the Commission with additional time to consider these indices before becoming effective on November 1. This schedule moves forward from July 31 to June 15 the date the essential agricultural users are required to file data with their direct suppliers. Thirty days of this additional time were allocated to expand the period of time within which the interstate pipelines must analyze all the pertinent customer data and must file the revisions to the index of entitlements with the Commission. An additional 15 days were allocated to expand the period of time within which the Commission must review the index of entitlements filed by each pipeline.

III. Section-by-Section Analysis

A. Section 281.211

Filing by Essential Agricultural Users. Subparagraph (b)(1) is amended by changing the date of "July 31, 1979" to "June 15 of each year". Under the amended regulation the essential agricultural users are required to file with their suppliers the data regarding current essential agricultural uses by June 15 of each year. This provides the additional 45 days to the schedule that is allocated as described above. Although this moves forward the filing date for the essential agricultural uses, the Commission does not believe any hardship will result because the filing requirement is minimal and many, if not all, of these users have previously participated in this program.

Filing by local distribution companies. Subparagraph (b)(2) is amended by substituting "June 30 of each year" for "August 15, 1979". This amendment preserves the 15 day interval under the current schedule between the date the essential agricultural users file with their direct suppliers and the date the local distribution companies must file with the interstate pipelines.

Filing by Interstate pipelines. Subparagraph (b)(3) is amended by substituting "July 15 of each year" for "August 31, 1979". This amendment preserves the 15 day interval under the current schedule between the date the local distribution companies must file with their direct suppliers and the date the interstate pipelines must file data with their direct interstate pipeline suppliers.

B. Section 281.213

Data Verification Committee. Paragraph (c) is amended by substituting "August 15 of each year" for "September 21, 1979" and by deleting the last sentence of the paragraph. This expands by seven days the time for customers to file protests to the draft index of entitlements.

Paragraph (e) is amended by substituting "September 1 of each year" for "September 23, 1979" and by deleting the last sentence of the paragraph. This expands from nine to 30 days the period for the Data Verification Committee to prepare its report on the draft index of entitlements.

C. Sections 281.204 and 281.205

Sections 281.204 and 281.205 are amended in subparagraph (b)(2) and subparagraph (c)(2), respectively, by substituting "September 15" for "October 1". These amendments establish September 15 as the date the interstate pipelines must file the index of entitlements with the Commission. The total period of time for the interstate pipelines to prepare the index from the data collected is expanded by approximately 30 days.

Subparagraph (b)(4) is deleted. The election available to the interstate pipelines to file the index of entitlement on November 1 instead of October 1 under current regulations is no longer necessary. After two years, the interstate pipelines should be sufficiently familiar with the filing schedule that the election of additional time is unnecessary particularly in view of the additional time incorporated by this rule into the schedule.

Subparagraph (a)(2) is deleted also because it establishes dates effective for 1979 that are no longer necessary.

D. Section 281.216

Section 281.216 that revised the schedule for 1980 is no longer necessary and is therefore deleted.

E. Section 281.212

Paragraphs (b) and (c) are revised to substitute "August 1 of each year" in lieu of "September 14, 1979" as the date the interstate pipeline must serve the draft index of entitlements on the customers and on the Data Verification Committee. Paragraph (d) that establishes the filing date for years subsequent to 1979 is unnecessary because of the amendment to paragraphs (b) and (c) and is therefore deleted.

IV. Effective Date of Final Rule

The amendments to 18 CFR Part 281 of the Commission's regulations adopted herein are effective immediately upon issuance. These amendments add approximately 45 days to the filing schedule applicable to agricultural users, local distribution companies and interstate pipelines for the collection of data and the preparation and filing of the revisions to the index of entitlements of natural gas for essential agricultural uses.

V 46 / 99 9 MAY 22 81 UMI

Because this rule adopts procedural changes in the Commission's regulations, public comment procedures are not required under section 553(b) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b).

For the reasons stated above regarding the advantages of adding approximately 45 days to the filing schedule, the Commission believes that good cause exists, in accordance with section 553(d) of the APA, 5 U.S.C. 553(d), to waive the 30-day notice and to make this rule effective immediately.

(Natural Gas Policy Act of 1978 (15 U.S.C. 3301–3432); Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 12009, 42 CFR 46267 (1978))

In consideration of the foregoing, the Commission amends §§ 281.204, 281.205, 281.211, 281.212, 281.213, and 281.216 of Part 281, Subchapter I of Chapter I, Title 18 of the Code of Federal Regulations as provided below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. The Table of Contents for Part 281, Subpart B is amended by removing "281.216 Filing and service dates for 1980".

§ 281.204 [Amended]

2. Section 281.204 is amended in paragraph (b)(2) by removing the date "October 1" and substituting therefor "September 15" and is amended by removing paragraphs (a)(2) and (b)(4). Paragraph (a)(1) is amended by redesignating it as paragraph (a).

§ 281.205 [Amended]

3. Section 281.205 is amended in paragraph (c)(2) by removing the date "October 1" and substituting therefor "September 15 of each year".

§ 281.211 [Amended]

4. Section 281.211 is amended in paragraph (b)(1) by removing the date "July 31, 1979" and substituting therefor "June 15 of each year", in paragraph (b)(2) by removing the date "August 15, 1979" and by substituting therefor "June 30 of each year", and in paragraph (b)(3) by removing the date "August 31, 1979" and substituting therefor "July 15 of each year".

§ 281.212 [Amended]

5. Section 281.212 is amended in paragraphs (b) and (c) by removing the date "September 14, 1979" and substituting therefor "August 1 of each year". Paragraph (d) is removed.

§ 281.213 [Amended]

6. Section 281.213 is amended in paragraph (c) by removing the date "September 21, 1979" and substituting therefor "August 15 of each year" and by removing the last sentence, and in paragraph (e) by removing the date "September 23, 1979" and substituting therefor "September 1 of each year" and by removing the last sentence.

§ 281.216 [Removed]

7. Section 281.216 is removed in its entirety.

[FR Doc. 81-15322 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Oxytetracycline Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc., providing for safe and effective use of a 200-milligram-per-milliliter oxytetracycline injection at 9 milligrams per pound of body weight for treating pneumonia in swine.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42d St., New York, NY 10017, filed a supplemental NADA (113–232) providing for intramuscular use of a 200-milligram-per-milliliter oxytetracycline (OTC) injection as a single dose at 9 milligrams per pound of body weight for treating pneumonia caused by *Pasteurella multocida* in swine. Approval of the parent application (45 FR 16478; March 14, 1980) provided, among other uses, for intramuscular use of the drug at 3 to 5 milligrams per pound of body weight (not to exceed 4 consecutive days) in swine for treating the aforementioned infection. The supplement provides for the single dose as an alternative to the repetitive dosage regimen when re-treatment for pneumonia is impractical because of husbandry conditions.

The single-dosage regimen is supported by adequate and well-controlled clinical and field studies. Accordingly, the supplemental NADA is approved, and the regulations are amended to reflect the approval.

Approval of the alternative, single dosage regimen will not increase the total dose or duration of treatment of bacterial pneumonia in swine. This approval poses no increased human risk from exposure to residues of the drug because residues resulting from this use do not exceed the level of residues resulting from the use of the approved, alternate dosage of 3 to 5 milligrams per pound of body weight per day. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1660 by revising paragraph (c)(2)(i) to read as follows:

§ 522.1660 Oxytetracycline injection.

* * * * *

(c) * * *

(2) *Swine*—(i) *Amount.* 3 to 5 milligrams of oxytetracycline per pound of body weight per day; 9 milligrams per

pound of body weight as a single dosage where re-treatment for pneumonia is impractical. Sows: Administer once 3 milligrams of oxytetracycline per pound of body weight, approximately 8 hours before farrowing or immediately after completion of farrowing.

* * * * *

Effective date. May 22, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))

Dated: May 15, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-15387 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-03-M

---

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; N-(Mercaptomethyl) Phthalimide S-(O,O-Dimethyl Phosphorodithioate) Emulsifiable Liquid

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Zoecon Industries, Inc., providing for safe and effective use of an organophosphate insecticide on beef cattle.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: Zoecon Industries, Inc., 12200 Denton Dr., Dallas, TX 75234, filed an NADA (98-895) providing for use of an emulsifiable liquid containing 11.6 percent *N*-(mercaptomethyl) phthalimide *S*-(O,O-dimethyl phosphorodithioate) on beef cattle to control grubs, lice, cattle ticks, Southern cattle ticks, hornflies, and acabies mites. The product may be administered topically as a dip vat emulsion, pour-on, or spray. It is intended for use in accordance with currently approved conditions of use. The NADA is approved and the regulations are amended to reflect this approval.

Approval of this NADA is based on safety and effectiveness data contained in Stauffer Chemical Co.'s approved NADA 44-757. Use of the data in NADA 44-757 to support this application has been authorized by Stauffer. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (December 23, 1977; 42 FR 64367), approval of the NADA has been treated as would an approval of a Category II supplement and did not require reevaluation of the safety and effectiveness data in NADA 44-757.

Stauffer's application was approved by FDA December 1, 1971, and codified in 21 CFR 135a.14 (since recodified as 21 CFR 524.1742). By letter dated October 7, 1974, Stauffer submitted to the Environmental Protection Agency (EPA) an application to amend its original approval by adding a claim for controlling scabies mites by dip vat application. Under a Memorandum of Understanding between FDA and EPA, with respect to topically active pesticides, EPA is the primary reviewer and has final approval authority. EPA approved the scabies claim, and FDA concurred by letter dated February 21, 1975. Therefore, the regulations are further amended to codify the previously approved scabies claim.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 524.1742 is amended by revising paragraph (b) and the introductory text of paragraph (c)(1), redesignating existing paragraph (c)(3) as (c)(4), adding new paragraph (c)(3), and amending paragraph (c)(4) by revising the 10th and 11th sentences therein, to read as follows:

§ 524.1742 N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) emulsifiable liquid.

* * * * *

(b) *Sponsor.* See Nos. 011536 and 017032 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Methods of application.* Methods of application to control the following conditions on beef cattle:

To control	*and Method of use*
Grubs	Dip, pour-on, or spray
Lice	Dip, pour-on, or spray
Hornflies	Spray
Cattle ticks	Dip or spray
Southern cattle ticks	Dip or spray
Scabies mites	Dip

* * * * *

(3) *Scabies mites control.* Two treatments, 7 to 10 days apart are required.

(4) *Warnings.* * * * Treatment for lice, ticks, hornflies, and scabies mites may be made any time of the year except when cattle grub larvae are in the gullet or spinal canal. Treatment for lice, ticks, and scabies mites may be made any time 7 to 10 days following treatment for grubs. * * *

* * * * *

Effective date. This amendment is effective May 22, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 15, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-15386 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-03-M

---

21 CFR Part 529

Halothane; Certain Other Dosage Form New Animal Drugs Not Subject to Certification

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Fort Dodge Laboratories, Inc., providing for revised labeling for the safe and effective use of a halogenated inhalation anesthetic for induction and

maintenance of anesthesia in nonfood animals.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Fort Dodge Laboratories, Inc., Fort Dodge, IA 50501, filed an original NADA (11–886) for Halsan, a halothane inhalation anesthetic for animals, which became effective July 17, 1959. In 1963 Ayerst Laboratories filed an NADA (14–170) for Fluothane, an identical halothane inhalation anesthetic for animals, relying upon data in NADA 11–886 through a letter of authorization from Fort Dodge. NADA 14–170 was approved November 21, 1963. Subsequently, Fort Dodge discontinued making the drug. Approval of NADA 11–886 was withdrawn Sept. 30, 1971 (36 FR 19179, No. 124). The application was converted into a master file and incorporated into NADA 14–170 by reference. On August 27, 1980, Ayerst Laboratories filed a supplement providing for the change of sponsor of NADA 14–170 (Fluothane) to Fort Dodge Laboratories. In addition, Fort Dodge submitted a supplement providing for revised labeling for use of the halothane inhalation anesthetic in animals for the induction and maintenance of anesthesia. NADA 14–170 is considered a pre-1962 approval that had not been reviewed by the National Academy of Sciences/National Research Council, Drug Efficacy Study Group. FDA reviewed the information supporting use of halothane and concluded it is effective for induction and maintenance of anesthesia in non-food animals. NADA's for similar products for these uses need not include effectiveness data as specified by 21 CFR 514.111 but may require bioequivalence and safety information.

The firm submitted a supplemental application providing revised labeling, scientific references, and a freedom of information summary. The supplemental NADA is approved and the animal drug regulations are amended to reflect the approval.

Approval of this supplement limits use of the drug to nonfood animals; the recommended dose range has been broadened to more accurately reflect new information available from scientific references; and a precautionary statement has been added to the labeling to assure that the drug is used only in an adequately ventilated environment. Therefore the safety and effectiveness of the product will be enhanced by approval of this supplemental NADA (see 42 FR 64367; December 23, 1977).

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action currently does not require an environmental assessment nor an environmental impact statement. Available scientific literature indicates lack of adequate ventilation while using halothane anesthesia may cause potential adverse effects in operating room personnel from traces of halothane gases.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i)82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 529 is amended by adding new § 529.1115, to read as follows:

§ 529.1115 Halothane.

(a) *Specifications.* The drug is a colorless, odorless, nonflammable, nonexplosive, heavy liquid containing 0.01 percent thymol as a preservative.

(b) *Sponsor.* See 000856 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* Two to 5 percent of inhaled atmosphere for induction of anesthesia; 0.5 to 2 percent for maintenance of anesthesia.[1]

(2) *Indications for use.* For nonfood animals for the induction and maintenance of anesthesia.[1]

(3) *Limitations.* Administered by inhalation. May be administered with either oxygen or a mixture of oxygen and nitrous oxide. Place drug vaporizer between the gas supply and breathing bag to prevent overdosage. Not recommended for obstetrical anesthesia except when uterine relaxation is required. Do not use in pregnant animals; information on possible adverse effects on fetal development is not available. Operating rooms should have adequate ventilation to prevent accumulation of anesthetic gases. Not for use in animals intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.[1]

Effective date. May 22, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 15, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–15145 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–03–M

[1] These conditions have been reviewed by FDA and found effective. NADA's for similar products for these conditions of use need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commissions Operations and Relocation Procedures; Application for Life Estate Leases

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Notice of extension of time for filing applications for Life Estate Leases.

SUMMARY: On October 10, 1980 a final rule was published in the **Federal Register** (45 FR 67338) which required applications for life estate leases to be filed on or before April 1, 1981. Under Pub. L. 96–305, Section 30, the Commission has the authority to extend the filing date for life estate leases up to an additional 180 days. The Commission has determined it is necessary to grant an extension from April 1, 1981 to July 1, 1981. The purpose of this notice is to inform the public that the date for filing applications for life estate leases pursuant to 25 CFR 700.17(a) has been extended from April 1, 1981 to July 1, 1981.

DATE: The date for filing applications has been extended to July 1, 1981.

FOR FURTHER INFORMATION CONTACT: William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone 602–779–3311, Extension 1376, FTS: 261–1376.

Roger Lewis,

Chairman.

May 14, 1981.

[FR Doc. 81–15447 Filed 5–21–81; 8:45 am]

BILLING CODE 4310–HB–M

25 CFR Part 700

Commissions Operations and Relocation Procedures; Discretionary Funds

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking establishes Subpart N, Discretionary Funds, to 25 CFR Part 700. Subpart N provides procedures for the submission, review and approval, and administration of applications for financial assistance from the Discretionary Fund established by Pub. L. 93–531 as amended (25 U.S.C. 640d–25). The purpose of the Discretionary Fund is to provide financial assistance to activities which will facilitate and expedite the relocation and resettlement of individuals under the Act and ease the hardship incurred by these individuals. the rule lists States, local governments, the Navajo and Hopi Tribes, tribal chapters, profit and nonprofit organizations, and individuals as eligible to apply for financial assistance under this subpart and describes the requirements which applicants must meet to be eligible for financial assistance.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone No.: (602) 779–3311, Extension 1376, FTS: 261–1376.

SUPPLEMENTARY INFORMATION:

The principal author is William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002.

A proposed rulemaking on this subject was published in the **Federal Register** on February 20, 1981 (46 FR 13237–13241). Comments were invited for a period ending March 23, 1981. Comments were timely received from two different sources which will be discussed below. Generally, it should be noted that the publication of the proposed rules contained errors in references to the various sections of the rule. These have been corrected. Also certain typographical errors and omissions have been corrected in this publication.

Review of Comments

1. Suggestion was made that § 700.457(d) be amended to include the allowance of 100% funding by using sources other than federal, such as tribal funding. Section 700.457(a) provides that discretionary funds may be used to match or pay not to exceed 30% of any grant received from the federal government, states or local government, tribal government or chapter or private organizations. Section 700.457(d) is merely meant to point out that 70% of the funding can be received from other federal sources. Therefore, no change was made in the proposed rule since the proposed rules as drafted already answer the concern of the comment.

2. It was suggested that farm operations not be excluded from the definition of business in § 700.453(c) since this is the main livelihood of the people to be relocated. This suggestion was acted upon and the term farm operation was deleted from the definition.

3. Suggestion was made that § 700.479 be clarified to indicate what review of decisions concerning applications would be granted and that some review should be provided. Pursuant to this suggestion, § 700.479 has been amended by adding a section (d) which explains the procedure for requesting a review of such a decision.

4. Several comments were received objecting to specific wording in certain sections, and suggesting changed wording. The following are examples: Section 700.451 that the term "expedite" be removed and that the word "facilitate" be used in lieu thereof; § 700.457(a)—that the word "significantly" be removed; § 700.459—that it be removed entirely as not being needed since it appeared that there was a preoccupation with "innovative energies or other technologies". Section 700.451 has been amended to read "facilitate and expedite" since this is the language of the statute. Section 700.457(a) has not been changed since the term "significantly" is used in the statute. Section 700.459 has been left in since it deals with the second form of assistance which can be granted. The phrase "innovative energies and other technologies" are taken directly from the statute.

5. Suggestion was made that § 700.459(a) be amended by deleting the words "directly and solely". This suggestion has been acted upon and the words have been removed.

6. Suggestion was made that the examples of priorities listed in § 700.461(b) and (c) are not needed since the Commission will publish its actual priorities. This suggestion has been acted upon and § 700.461(b) and (c) have been removed.

7. Comment was made that the 5% limitation on expenses relating to the administration discretionary fund while admirable, may not be realistic. Suggestion was made that this percentage be increased. This suggestion cannot be acted upon since the 5% limitation is statutory.

As of the date of publication of this final rule the Office of Management and Budget has not approved the information collection requirements related to these regulations. Notice of such approval will be published at a later date.

Accordingly, Part 700 of Title 25 of the Code of Federal Regulations is amended in its final form by adding regulations designated as Subpart N—Discretionary Funds, to read as follows:

Table of Contents

Subpart N—Discretionary Funds

Sec.
700.451 Purpose.
700.453 Definitions.
700.455 Financial Assistance.
700.457 Assistance to match or pay 30% of grants, contracts or other expenditures.
700.459 Assistance for demonstration projects and for provision of related facilities and services.
700.461 Application priorities.
700.463 Requirements for Applications.
700.465 Technical Feasibility.
700.467 Construction Costs.
700.469 Unallowable program and project costs.
700.471 Review and Approval.
700.473 Administrative expenditures of the Commission.
700.475 Reports.
700.477 Administration of financial assistance and recordkeeping requirements.
700.479 Administrative review.

§ 700.451 Purpose.

The purpose of this subpart is to establish procedures for the submission, review and approval, and administration of applications for financial assistance from the discretionary fund established by Pub. L. 93–531, as amended.

The purpose of the discretionary fund is to provide financial assistance to activities which will facilitate and expedite the relocation and resettlement of individuals under the Act and ease the hardship incurred by these individuals.

§ 700.453 Definitions.

(a) Act means Pub. L. 93–531 (88 Stat. 1712, 25 USC 640d), as amended.

(b) Applicant means with respect to this subpart, any applicant as defined under § 700.457(c) or § 700.459(b).

(c) Business means any lawful activity, except a nonprofit organization, that is—

(i) Conducted primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or

marketing of products, commodities, and/or any other personal property; or

(ii) Conducted primarily for the sale of services to the public.

(b) Commissioners means the three Commissioners of the Navajo and Hopi Indian Relocation Commission.

(e) In-kind contribution means a noncash contribution as described in attachment F of OMB Circular A–102.

(f) Local government means a local unit of government including specifically a county, municipality, city, town, township, local public authority, special district, council of governments, and other regional or interstate entity, or any agency or instrumentality of a local government.

(g) Nonprofit organization means a corporation, partnership, individual, or other public or private entity that is engaged in a lawful business, professional, or instructional activity on a nonprofit basis and that has established its nonprofit status under applicable Federal, State, or Tribal law.

(h) Related facilities means any building or structure normally found in a community and includes but is not limited to water, sewer and electrical lines, community centers, health centers and clinics, roads, and business establishments.

(i) Services means activities relating to human development including, but not limited to, educational and job training, mental health counseling, health care, and technical assistance in business administration, agriculture, and home economics.

(j) Tribe means the Navajo Tribe or the Hopi Tribe.

(k) Tribal subdivision means a Navajo Chapter or a Hopi Village.

§ 700.455 Financial assistance.

(a) The Commission may provide financial assistance to applicants eligible under this subpart from funds available for any fiscal year.

(b) To obtain financial assistance, an applicant shall submit an application in accordance with § 700.463.

(c) The Commission may make funding decisions throughout the year as applications are approved. The Commission shall, to the extent possible, make funds available throughout the year for approved applications. Based upon the merit of applications received under this subpart, the Commission shall determine how funds available under this subpart shall be apportioned among the activities described in § 700.457 and § 700.459.

§ 700.457 Assistance to match or pay 30% of grants, contracts or other expenditures.

(a) The purpose of applications for financial assistance under this section shall be to aid individuals subject to relocation under the Act and to assist the host communities, towns, cities, or other entities in adjusting to and meeting the needs of the relocatees. For this purpose, the discretionary fund may be used to match or pay not to exceed 30% (thirty percent) of any grant, contract, or other expenditure of the Federal Government, State or local government, tribal government or chapter, or private organization for the benefit of the Navajo or Hopi Tribe, if the Commission determines that such grant, contract, or expenditure would significantly assist the Commission in carrying out its responsibilities or assist either tribe in meeting the burdens imposed by this Act.

(b) An "other expenditure" under this subsection is defined as cooperative agreements, direct provision of services, or in-kind contributions. The Commission may match or pay not to exceed 30% (thirty percent) of an other expenditure through a grant, contract, or cooperative agreement.

(c) Eligible applicants under this section for a grant, contract, or cooperative agreement are defined as States, local government, the Navajo and Hopi Tribes, tribal chapters or villages and profit and nonprofit organizations.

(d) Total Federal financial assistance under this section may reach 100% (one hundred percent) if the applicant receives 70% (seventy percent) Federal funding from Federal agencies other than the Commission.

(e) When another Federal agency is a primary source of financial assistance for an applicant, the Commission may, pursuant to an interagency agreement, transfer funds to the primary Federal agency providing financial assistance to the applicant.

(f) The Commission may, pursuant to an interagency agreement, transfer not to exceed 10% (ten percent) of the funds available under this subpart to another Federal agency directly assisting relocatees if such agency's activities would accomplish the purpose of paragraph (a). Financial assistance transferred to accomplish an eligible activity under paragraph (a) may not exceed the funding limitation of paragraph (a).

(g) An applicant may apply for financial assistance under this section in accordance with the funding limitations described in paragraph (a) for the purpose of undertaking a technical feasibility study of a construction project or any major project with a total funding of over $200,000 (two hundred thousand dollars) or any dollar amount which the Commission may prescribe at some future time.

§ 700.459 Assistance for demonstration projects and for provision of related facilities and services.

(a) The purpose of applications for financial assistance under this section shall be to aid individuals subject to relocation under the Act. For this purpose, the discretionary fund may be used by the Commission to engage or participate either directly through Federal activities, or by cooperative agreement, grant, or contract in demonstration efforts to employ innovative energy or other technologies in providing housing and related facilities and services in the relocation and resettlement of individuals under this Act.

(b) Applicants eligible under this section to receive grants, cooperative agreements or contracts are: states, local governments, the Navajo and Hopi Tribes, tribal chapters, profit and nonprofit organizations, and individuals.

(c) The Navajo or Hopi Tribe may submit a single application to accomplish several of the activities described in § 700.457(a) and § 700.459(a).

(d) Applicants for assistance under this section may receive up to 100% (one hundred percent) project or program funding from the Commission, however, the Commission may specify in the list of priorities published pursuant to § 700.461 if applications for certain types of programs or projects under this section require matching funding from the applicant.

(e) Activities described in § 700.457(a) and § 700.459(a) may be provided by the Commission through in-house activities which receive financial assistance under this section.

(f) The Commission may, pursuant to an interagency agreement, transfer not to exceed 10% (ten percent) of the funds available under this subpart to another Federal agency directly assisting relocatees, if such agency's activities would accomplish the purpose of § 700.457(a) and § 700.459(a).

(g) An applicant may apply for financial assistance under this section for the purpose of undertaking a technical feasibility study of a construction project, or any major project with a total planned funding of over $200,000, (two hundred thousand dollars) or any dollar amount which the Commission may prescribe at some future time.

§ 700.461 Application priorities.

(a) The Commission shall prioritize those types of applications for financial assistance under this subpart which would most effectively achieve the purposes of § 700.457(a) or § 700.459(a). In developing a list of priorities, the Commission shall—

(1) solicit views from interested groups on which types of projects would most assist persons subject to relocation;

(2) publish the list annually in the **Federal Register**;

(3) review and if necessary, revise the list at least annually or as needed following the procedures described in paragraph (1) and publish the revision in the **Federal Register**.

§ 700.463 Requirements for applications.

(a) Brief letters of inquiry are encouraged for all applicants except for a State, local government (exclusive of an institution of higher education or a hospital), or the Navajo or Hopi Tribe which submits an application for a grant or cooperative agreement meeting the conditions described in OMB Circular A–102, attachment M, which requires a preapplication for a construction, land acquisition, and land development project or program for which the need for total Federal funding exceeds $100,000 (one hundred thousand dollars). A letter or inquiry shall contain—

(1) the name and address of the applicant;

(2) budget information;

(3) a brief narrative describing how the program or project will meet the purpose of § 700.457(a) or § 700.459(a).

(b) The Commissioner shall review each letter of inquiry to determine if the preapplication conforms to the purpose of § 700.457(a) or § 700.459(a) and may, in writing, invite each applicant submitting an acceptable preapplication to submit an application.

(c) Application for financial assistance for a project or program may be submitted on an ongoing basis after publication of the final regulations for this subpart. An original and 5 (five) copies of each application must be submitted to the Commission. An application shall contain—

(1) the name and address of the applicant;

(2) budget information, including where appropriate, the source and amount of other Federal and all non-Federal contributions to the proposed or actual project or programs; and

(3) the following for applications under § 700.457—

(i) a narrative statement which shall include an explanation of how the application would aid relocatees and assist the host communities, towns, cities, or other entities in adjusting to and meeting the needs of relocatees;

(ii) documentation that the applicant has fulfilled all of the requirements of any Federal agency, State or local government, tribal government or chapter, or private organization from which financial assistance is also requested;

(4) for applications under § 700.459, an explanation of how the application would aid relocatees and a thorough description of either the demonstration effort in housing or the related facilities and services which the proposed project or program would provide; and

(5) the requirements described in § 700.465, as applicable.

(d) The format of the preapplication or application may be selected by the applicant except that an applicant covered by OMB circular A–102 or A–110 as described in § 700.477 (a) and (b) shall use such forms as the Commission may prescribe in conformity with these circulars.

§ 700.465 Technical feasibility.

Unless required by a non-Commission source of financial assistance, completed plans and specifications are not required in an application for construction, technology, or another engineering project, however, an application for a construction, technology or another engineering project shall;

(a) include sufficient information to determine the nature and scope of the project, its probable useful life, and a reasonable estimate of cost;

(b) fully show that the applicant will follow design and performance criteria which conform to professionally recognized standards and which adequately define the technical capability of the project to serve current and foreseeable needs; and

(c) justify any evidence or use of unorthodox design.

§ 700.467 Construction costs.

Construction costs and costs relating to construction such as machinery and equipment, architect/engineer services, and administrative services may be allowable as determined by the Commission.

§ 700.469 Unallowable program and project costs.

Costs for program or project operating expenses are not allowable except in the following cases—

(a) an application for an annual contract for services under § 700.457 or § 700.459 may include necessary operating expenses; and

(b) an application for a demonstration effort under § 700.459 may include costs relating to the operation of the demonstration.

§ 700.471 Review and approval.

(a) Upon receipt of an application for financial assistance under this subpart, members of the Commission staff shall begin a preliminary review of the application with the intent of submitting a recommendation to the Commissioners of whether to accept or deny the application. The Commission staff shall inform the applicant in writing and before its recommendation to the Commissioners, of any special problems or impediments which may result in a recommendation for disapproval; may offer any available technical assistance required to overcome such problems or impediments; and solicit the applicants written response.

(b) The Commission staff may solicit comments on an application from technical specialists, community groups and others, when such advice is needed to fully evaluate the application.

(c) The Commission staff shall forward the application with their recommendation to the Commissioners. The Commissioner shall review each application. Applications may be approved if the Commissioners determine that—

(1) the application meets the requirements of this subpart;

(2) the application meets the intent of the Act;

(3) the application fully demonstrates that it will expedite the relocation and resettlement of individuals under the Act and ease the hardship incurred by these individuals or by the Tribes;

(4) the application is compatible with the list of priorities published in the **Federal Register**; and

(5) the applicant can carry out the activities described in the application and can maintain proper financial controls on the activities for which financial assistance is requested.

(6) funds are available.

§ 700.473 Administrative expenditures of the Commission.

The Commission may use funds in an amount not to exceed 5 percent of the funds authorized under this subpart for expenses relating to the administration of the discretionary fund including—

(a) personnel, whose time is expended directly in support of such administration;

(b) supplies which are expended directly in support of such administration;

(c) contracts, where the work performed is directly related to such administration;

(d) printing, directly in support of such administration; and

(e) travel, directly related to such administration.

§ 700.475 Reports.

Reports shall be furnished by any recipient of financial assistance under this subpart, in such manner as may be required by the Commission.

§ 700.477 Administration of financial assistance and recordkeeping requirements.

(a) A State or local government [except an institution of higher education or a hospital since they are governed by paragraph (b)], or the Navajo or Hopi Tribe receiving a grant or cooperative agreement under this subpart shall comply with applicable law including the following requirements—

(1) Office of Management and Budget Circular A–102, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments" including attachment C describing recordkeeping requirements; and

(2) Federal Management Circular 74–4 [34 CFR 255), entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments."

(b) A nonprofit organization, institution of higher education, or hospital receiving a grant or cooperative agreement under this subpart shall comply with applicable law including the following requirements—

(1) Office of Management and Budget Circular A–110, entitled "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations" including attachment C describing recordkeeping requirements; and

(2) Office of Management and Budget Circular A–122, entitled "Cost Principles for Nonprofit Organizations."

(c) A profit organization receiving a grant or cooperative agreement under this subpart shall comply with applicable law including Federal Procurement Regulations (41 CFR Subpart 1–15.2) for determining the reasonableness, allowability, and allocability of costs.

(d) A profit organization, tribal chapter, or individual receiving a grant or cooperative agreement under this subpart shall—

(1) follow sound and proper procedures for the administration of the financial assistance including any procedures established by the Commission; and

(2) retain records as required by the Commission.

(e) A State, local government, the Navajo or Hopi Tribe, a tribal chapter or an individual receiving a contract under this subpart shall comply with applicable law including Federal Procurement Regulations (41 CFR Parts 1–1 through 1–30). Recordkeeping requirements for contracts are described in §§ 1–3.814–2, 1–7.103–3, 1–7.103–18, 1–7.603–20, and 1–7.603–7 of the Federal Procurement Regulations.

(f) A State, local government, profit or nonprofit organization, or an individual residing off the Navajo or Hopi reservation applying for a grant or cooperative agreement under this subpart shall comply with Office of Management and Budget Circular A–95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects" unless exempted under Part I, section 8.b. of this circular.

(g) Recipients of financial assistance under this subpart shall comply with other procedures which the Commission may from time to time prescribe for the administration of financial assistance provided under this subpart.

§ 700.479 Administrative review.

(a) If the Commissioners intend to deny an application for financial assistance submitted under this subpart, the Commissioners shall give notice to the applicant.

(b) If the Commissioners determine that implementation of an application approved according to §700.471 fails to meet the requirements of this subpart, the Commissioners shall give notice to the recipient of their intent to terminate or suspend financial assistance to the recipient.

(c) The Commission shall issue such notice in written form sent by registered mail, return receipt requested, which notice shall include a statement of the reasons for the findings referred to in paragraph (a) or (b) of this section, and an explanation whether any amendments or actions would result in compliance with the regulation.

(d) Any person whom application is denied under paragraph (a) of this Section or whose approved financial assistance is terminated or suspended under paragraph (b) of this Section may request a review of such action by the Commission. Such request for review shall be in writing and must be mailed or delivered to the Commission not later than thirty (30) days after receipt of the notice from the Commission by the applicant. Such request for review shall state the reasons for the request and shall include any additional matters not before the Commission which the applicant deems appropriate. The Commission may grant or deny a review at its discretion and shall inform the applicant of its decision in writing.

(Pub. L. 96–305, 94 Stat. 929, 25 U.S.C. 640–d)

Roger Lewis,

Chairman, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 81–15341 Filed 5–21–81; 8:45 am]

BILLING CODE 4310–HB–M

---

25 CFR Part 700

Commissions Operations and Relocation Procedures; Establishment of Additional Final Rules Regarding Life Estates

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rule.

SUMMARY: On October 10, 1980 the Commission issued a final rule governing the application for Life Estate Leases by members of the Navajo and Hopi Tribes who are subject to relocation. These regulations set forth application procedures as required by the Navajo and Hopi Indian Relocation Amendments Act of 1980, (Amendments Act). The Commission is here establishing further procedures concerning the determination of disability, the grouping and granting of applications for Life Estate Leases, the establishment of boundaries of Life Estate Leases, residency on Life Estate Leases, access to Life Estate Leases, and the execution of Life Estate Leases. These regulations also are required by the Amendments Act.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone No.: (602) 779–3311, Extension 1376, FTS: 261–1376.

SUPPLEMENTARY INFORMATION:

The principal author is William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002.

On November 20, 1980, there was published in the **Federal Register** (45 FR, P. 76710) a notice of proposed additional regulations regarding the awarding of Life Estate Leases to members of the Navajo and Hopi Tribes who are subject to relocation. Interested persons were given until December 22, 1980, to submit comments regarding the proposed rule. In addition a public hearing was held on

December 6, 1980, at Rocky Ridge Boarding School, Rocky Ridge, Arizona.

Discussion of Comments

A number of comments were received by the Commission both at the public hearing and in writing. After due consideration, the following suggestions were incorporated in the final rule.

1. Section 700.341 was changed in several regards as follows:

A. The term "family members" was changed to read "grandchildren and their descendants" since the thrust of the regulation is to allow for visitation by grandchildren.

B. That such grandchildren are those who are not minor dependents of the life tenant was clarified.

C. The age was raised from seventeen to eighteen.

D. Clarification was made that the restrictions upon visitation would not apply to any visits that did not extend overnight. Those visits are unlimited.

2. Section 700.343(g) was expanded to include a listing of typical improvements that might be located on a Life Estate Lease.

3. Section 700.343(i) was amended to indicate that either the life tenant or his surviving spouse could relinquish the Life Estate at any time and receive relocation benefits

4. Section 700.343(k) (xi) was added to set forth the tenure of a Life Estate as established in the statute.

5. Section 700.343(l) was added to provide that no livestock shall be allowed in the lease area until the perimeter of the lease area is fenced.

In considering many of the comments received, the Commission felt that some of the matters suggested were already covered by the regulations. In others it was apparent that the actions suggested were more properly within the purview of the Secretary of the Interior (Secretary) under the Amendments Act. Some examples of these are as follows:

1. It was suggested that road services to Life Estate Leases and twenty-four hour access should be guaranteed in the Commission's regulations. It was further suggested that the Commission, by its regulations, provide for the piping in of water to the Life Estate premises or provide for access to water and, further, that access to wood and coal be guaranteed to the life tenant by regulation of the Commission.

Section 3 of the Amendments Act makes it the responsibility of the Secretary to protect the rights of individuals awaiting relocation and also the rights of life tenants. Since this specific authority was given to the Secretary and since the Commission will cease to exist after its single function of providing relocation has been completed, it is more appropriate for the Secretary to provide the assurances requested.

2. It was suggested that Navajo medicinemen should be used to determine disability.

Section 700.333(d) provides that, in making its determination as to disability, the Commission shall consider the report of the rating physician and such other matters as the Commission deems relevant. In discussing this comment, the Commission noted that if an applicant wished to submit the results of an examination by a medicineman to the rating physician or to the Commission that such submission would be given consideration along with the other matters submitted.

3. A suggestion was made that Section 700.339 be amended to include the traditions of the appropriate Tribe as one of the criteria for determining who is necessarily present for the care of a life tenant. Section 700.339(b)(5) presently provides that in determining who is necessarily present for the care of life tenants, the Commission can consider any other factors deemed relevant by the Commission. In discussing this suggestion, the Commission noted that it could certainly consider the traditions of the appropriate Tribe in making this determination. This same comment would apply to an additional suggestion along this line to the effect that clan members and medicinemen should be included in the list of people eligible to care for life estate holders.

4. Suggestion was made that provision be made in the Commission regulations that the Department of the Interior provide sufficient feed for livestock on the Life Estate. Section 30(e) of the Amendments Act provides that the Secretary, under existing authority, shall make available to Life Estate tenants such assistance during that tenure as may be necessary to enable such tenant to feed livestock at an adequate nutritional level. This is a statutory requirement which the Secretary may wish to implement by further regulations.

5. A suggestion was made that each Life Estate premises should include land suitable for farming. Section 30(e) of the Amendments Act provides that a Life Estate may be used by a life tenant to feed not to exceed 25 sheep units per year, or equivalent livestock. Section 30(j) provides that nothing in the Amendments Act or any other law is to be construed to prevent a life tenant from making reasonable improvements on the Life Estate which are related to the residency and agricultural purposes of the life tenancy. The Commission concluded that while it was reasonable to assume that a person could have some agricultural activity on the Life Estate premises, there is nothing in the Amendments Act requiring that land suitable for that purpose be included in each Life Estate Lease. Whether or not lands suitable for farming are included will depend on the nature of the lands surrounding the homesite.

6. Suggestion was made that the customs of the appropriate Tribe should be used as a criteria for determining disability. In addition it was suggested that Social Security Administration criteria referenced in the proposed regulations are not totally applicable. As noted above, § 700.333(d)(iv) provides that in making its determination as to disability, the Commission may consider such other matters as it deems relevant. In discussing this suggestion, the Commission noted that the customs of the particular Tribe could certainly be considered under this section. Concerning the applicability of Social Security Administration regulations, § 700.333(c)(iii) provides, in part, that these regulations will be applied to the extent that such procedures and standards are appropriate to this examination and rating. This places discretion in the physician to determine which parts are applicable and which are not. Since we are dealing with a limited number of Life Estate Leases and a one time program, the Commission deemed that this would be an appropriate way to handle the matter rather than attempt to establish exhaustive regulations dealing only with this subject matter.

7. Suggestion was made that the size of each Life Estate be limited to the needs of the particular life tenant and the proposed use be based on some formula basis. The Commission concluded that the prima facie size to be considered would be 90 acres and that any adjustments would be made more in terms of configuration rather than proposed use.

8. Suggestion was made that the grazing of livestock be permitted only on those Life Estate Leases where the tenant had a demonstrated ability to care for livestock. The Commission considered this restriction not in conformance with the wording or intent of the Amendments Act.

9. Suggestion was made that a new section be included in the regulations which would provide for enforcement of the various terms of Life Estate Leases and, in extreme cases, for termination of such lease. The Commission noted that

the tenure of the Lease is established by statute and that according to such statute it can be terminated only by death or relinquishment. Concerning enforcement of the terms of the lease, it was noted that either the Commission, or the Secretary after the Commission ceases to exist, could enforce such terms in a court of competent jurisdiction.

10. A number of suggestions were aimed at the configuration of the Life Estate Lease premises, such as the boundaries of the Lease should be configured so as to minimize fencing, that it be consistent with tribal land use plans, and so forth. The Commission noted that Section 700.339 already provides for consultation with the Tribe upon whose land a Life Estate Lease will be located prior to establishment of the configuration of the Life Estate Lease and that such consultation could cover the various items suggested in this regard.

All of the comments and suggestions received have not necessarily been discussed herein in detail. The decision of the Commission to proceed to finalize the regulations as contained herein was based upon the considerations noted above and upon the provisions of Pub. L. 93–531 and the Amendments Act.

As of the date of publication of this final rule the Office of Management and Budget has not yet approved the information collection requirements related to these regulations. Notice of such approval will be published at a later date.

Accordingly, Part 700 of Title 25 of the Code of Federal Regulations is amended in its final form by adding regulations now designated as Subpart M—Life Estate Leases. For purposes of clarity, § 700.17, Application for life estate leases, published on October 10, 1980 as a final rule (45 FR No. 199, p. 67338) is re-designated as § 700.331 and republished at this time. Sections 700.17 (c), (d), (e), (f), (g) and (h) of the proposed rule are re-designated as §§ 700.333 through 700.343 and published here in final form. The present sections in Part 700 remain in effect until a complete revision is published.

Subpart M—Life Estate Leases

Sec.

700.331 Application for Life Estate Leases.
700.333 Determination of disability.
700.335 Grouping and granting of applications for Life Estate Leases.
700.337 Establishment of boundaries of Life Estate Leases.
700.339 Residency on Life Estate Leases.
700.341 Access to Life Estate Leases.
700.343 Life Estate Leases.

§ 700.331 Application for Life Estate Leases.

The following standards and procedures shall govern the application for Life Estate Leases:

(a) *Filing of application.* Applications for Life Estate Leases shall be filed at the Commission's office in Flagstaff, AZ, not later than July 1, 1981, unless extended for good cause. Application should be made on an approved Commission form known as "Application for Life Estate Lease" and should contain the following information:

(1) Name, address, birthdate, social security number, census number, spouse, and date of marriage, if married. The head of household who applies for a Life Estate Lease shall be known as the "applicant".

(2) Applicant's Quad Map location in the Former Joint Use Area.

(3) Information listing any other places of Applicant's residence since December 22, 1974.

(4) Name, birthdate, census number, and social security number, if any, of the applicant's minor dependent children.

(5) A statement by the applicant setting forth the nature of the applicant's disability, if any.

(6) Applications should be accompanied, wherever possible, with documentation such as Birth Certificates, Baptismal Records, Tribal Records, Family Census Cards, Marriage Certificates, Tax Returns, and such other documentation required by the Commission.

(b) *Extensions of Time for Filing of Applications for Life Estate Leases.* Extensions of time for filing of applications for Life Estate Leases shall be governed by the following procedures:

(1) The Commission shall, on a case-by-case basis, determine whether good cause exists to warrent a time extension for the receipt of applications.

(2) Initial Commission determinations concerning the time extension for receipt of applications shall be made by the Certification Officer. Any extensions granted shall be in writing and shall state the length of the extensions and the reasons therefore.

(3) In no event shall an extension be granted for more than eighty-nine (89) days after July 1, 1981.

(4) In the event an extension of time is denied or an application is refused for filing, the Certification Officer shall state the reasons therefore and such determination shall be communicated to the applicant by certified letter or in person by Commission staff.

(5) All persons aggrieved by initial Commission determination may have a hearing to present evidence and argument concerning the determination. Such hearings shall be requested and governed by the Commission's Hearings and Administrative Review Procedures contained in § 700.8 of the Commission's Operations and Relocation Procedures.

(6) For purpose of this subsection, "good cause" shall be defined as follows:

(i) Lack of actual notice.

(ii) Lack of transportation or physical incapacity preventing timely filing.

(iii) Acts of God.

(iv) Such other facts or reasons deemed sufficient in the discretion of the Commission.

§ 700.333 Determination of disability.

The Commission shall determine disability pursuant to the following:

(a) An applicant shall be considered to be disabled if he/she is unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.

(b) Each applicant who claims entitlement to a life estate lease by virture of a disability shall be examined by a physician selected by the Commission or one selected by the applicant and approved by the Commission. The reasonable costs of such examinations shall be paid by the Commission. The examining physician shall submit a report of his/her examination to the rating physician who shall be a physician selected by the Commission. The rating physician shall submit to the Commission a report stating his/her opinion as to whether or not the applicant is a least 50% (fifty percent) disabled and if so, the percent of disability. In addition, the rating physician shall state in his/her report the conditions or conditions of the applicant upon which the rating is based.

(c) In performing examinations and in making ratings, the physician shall follow the procedures and adopt the standards set forth in Subpart I—Determination of Disability or Blindness, of the Social Security Administration, contained in Title 20, Code of Federal Regulations, §§ 416.901 through 416.985, including the Appendices, etc., to the

extent that such procedures and standards are appropriate to this examination and rating.

(d) In making its determination as to the disability and the percentage thereof of an applicant who claims disability, the Commission shall consider the report of the rating physician and such other matters as the Commission deems relevant.

§ 700.335 Grouping and granting of applications for Life Estate Leases.

Upon receipt of applications filed pursuant to this Section, the Commission shall group and award life estate leases in the following manner:

(a) Applicants who are determined to be at least 50% (fifty percent) disabled as certified by a physician approved by the Commission. Such applicants shall be ranked in the order of the severity of their disability.

(b) Applicants who are not at least 50% (fifty percent) disabled shall be ranked in order of their age with the oldest listed first and the youngest listed last; provided that, if any applicant physically resides in Quarter Quad Numbers 78 NW, 77NE, 55SW, or 54 SE, as designated on the Quarter Quad Maps of the Former Joint Use Area prepared by the Bureau of Indian Affairs Field Administrative Office, such applicant shall be given priority over another applicant of equal age.

(c) Applicants who did not, as of December 22, 1974, and continuously thereafter, maintain a separate place of abode and actually remain domiciled on Hopi Partitioned Lands, and who, but for this subsecton would be required to relocate, shall be rejected by the Commission.

(d) Applicants who were not at least forty-nine (49) years of age on December 22, 1974, *or* are not at least 50% (fifty percent) disabled shall also be rejected by the Commission.

(e) The Commission shall award life estate leases to not more than one hundred and twenty (120) Navajo applicants with first priority being given to applicants listed pursuant to § 700.335(a) and the next priority being given to applicants listed pursuant to § 700.335(b), in order of such listing.

(f) The Commission shall award life estate leases to not more than ten (10) Hopi applicants with first priority being given to applicants listed pursuant to § 700.335(a) and the next priority being given to applicants listed pursuant to § 700.335(b) in order of such listing except that the portion of § 700.335(b) concerning residency in Quarter Quad Numbers 78 NW, 77NE, 77NW, 55 SW, 54SE, etc., shall not apply to Hopi applicants.

§ 700.337 Establishment of boundaries of Life Estate Leases.

(a) Prior to the issuance of a life estate lease, the Commission shall, after consultation with the Tribe upon whose land the life estate lease will be located, establish the actual configuration, shape and boundaries of the land area of the life estate lease. The present residence of the life tenant shall be within the boundaries of the life estate lease and the area of the life estate lease shall not exceed ninety (90) acres.

(b) The following factors will be considered in establishing the configuration, shape, and boundaries of a life estate lease:

(1) the location of the present residence of the applicant and the traditional land use area associated with such residence.

(2) the topography and soil conditions of the land in the immediate vicinity of the applicant's present residence.

(3) the location of the nearest source of water.

(4) the proximity of roads.

(5) such other factors may be necessary or appropriate.

§ 700.339 Residency on Life Estate Leases.

(a) No person may reside on a life estate lease other than the life tenant, his or her spouse, and minor dependents and such persons who are necessarily present, as determined by the Commission, to provide for the care of the life tenant.

(b) In determining who is necessarily present for the care of the life tenant, the Commission shall consider the following criteria:

(1) the age of the life tenant.

(2) the nature and extent of the life tenant's disability, if any.

(3) the location of the life estate lease, including but not limited to, the following factors:

(i) topography,

(ii) proximity to water,

(iii) proximity to fuel,

(iv) proximity to shopping and medical services, and

(v) any other factors deemed relevant to the Commission.

(4) The nature and extent of care to be provided to a disabled life tenant.

(5) Any other factors deemed relevant by the Commission.

(c) In the event it becomes necessary to change the identity of the person(s) or number of persons identified as necessarily present for the care of the life tenant, the life tenant shall make such request for change to the Commission. The Commission, upon review of the request, may grant an amended life estate lease to reflect the requested change.

§ 700.341 Access to Life Estate Leases.

(a) Family members and other persons may enter upon the life estate lease premises for the purpose of visiting the life estate lease residents so long as such visit does not exceed thirty (30) consecutive days in any one visit or ninety (90) days total of all visits within any lease year, except that grandchildren and their descendants who are not minor dependents of the life tenant and who have not attained the age of 18 (eighteen) years may visit for ninety (90) consecutive days in any lease year, the first of which shall commence on the date of issuance of the life estate lease. There shall be no limitation on visits which do not extend overnight.

(b) Visitors and residents shall use the existing road systems and access rights of way when traveling to and from life estate lease premises.

§ 700.343 Life Estate Leases.

The Commission shall execute a life estate lease to each applicant to whom a life estate lease is granted, which lease shall contain the following:

(a) the names of the persons entitled to reside on the life estate lease which shall be the life tenant, his or her spouse, and minor dependents and/or such persons who are necessarily present to provide for the care of life tenant.

(b) a description of the exterior boundaries of the land included in said lease.

(c) the term of the life estate lease which shall end either upon voluntary relinquishment or upon the death of the life tenant or his/her spouse, whichever occurs last.

(d) that the life tenant may feed not to exceed twenty-five (25) sheep units per year or equivalent livestock on the life estate lease premises.

(e) that no person may reside on a life estate lease other than the life tenant, his or her spouse, and minor dependents, and/or such persons who are necessarily present to provide for the care of the life tenant.

(f) that the Secretary of Interior shall pay, pursuant to 25 U.S.C. 640–d (28)(i), Pub. L. 96–305 section 30(i), on an annual basis, the fair market rental value of such life estate lease to the tribe to whom the lands leased were partitioned. Rental payments shall be made within thirty (30) days of the execution date of the life estate lease.

(g) that the life tenant may make reasonable improvements on the life

estate lease which are related to the residence and agricultural purposes of the life tenancy as determined by the Commission. Such improvements:

(1) May include the renovation or replacement of existing dwelling structures and privies or outhouses so as to improve their utility, safety or level of modern utilities or amenities, but

(2) Shall not increase the number, size, or capacity of dwelling structures on the leased area except with the express written approval of the Commission based upon a showing of actual need, or to reasonably accommodate a resident care provider for whom there is not adequate existing residential capacity.

(3) May include not more than one shed or barn to be used in connection with livestock and/or agricultural activities permitted.

(4) May include one ceremonial hogan and one traditional ramada type structure.

(5) May include a garden of reasonable size.

(6) May include such other improvements as the Commission finds to be reasonable under the circumstances of each lease.

(h) That no person may visit on a life estate lease for more than thirty (30) consecutive days in any one visit or ninety (90) days total of all visits within any lease year the first of which shall commence on the date of issuance of the life estate lease, except that grandchildren and their descendants who are not minor dependents of the life tenant and who have not attained the age of eighteen (18) years may visit for ninety (90) consecutive days in any lease year. There shall be no limitation on visits which do not extend overnight.

(i) That said life tenant or his or her surviving spouse may relinquish said life estate lease at any time and may receive relocation benefits from the Secretary at the time of relinquishment as provided in 25 U.S.C. 640–d 28 (h), (Pub. L. 96–305, section 30(h)).

(j) The purposes for which the life estate lease may be used.

(k) The life estate tenure shall end by voluntary relinquishment, or at the death of the life tenant or the death of his or her spouse, whichever occurs last, all as provided in 25 U.S.C. 640–d 28(g) (Pub. L. 96–305, section 30(g)).

(l) No livestock shall be allowed in the lease area until the perimeter of the lease area is fenced.

(m) Such other terms and conditions deemed necessary or appropriate by the Commission.

(Sec. 30(b), (Pub. L. 96–305, 94 Stat. 929, 25 U.S.C. 640–d)

Roger Lewis,

Chairman, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 81–15446 Filed 5–21–81; 8:45 am]

BILLING CODE 4310–HB–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL 1821–8]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) today announces final rulemaking on Michigan's Part D Plan to attain the total suspended particulate (TSP) ambient air quality standards in its TSP nonattainment area containing iron and steel sources.

USEPA published a notice of proposed rulemaking on the portion of the State TSP control strategy specifically relating to iron and steel sources on September 9, 1980 (45 FR 59329). After review of the State's response and public comments, USEPA takes final rulemaking action to approve, disapprove or conditionally approve specific regulatory proposals, and to conditionally approve the State's overall control strategy for the nonattainment area containing iron and steel sources.

EFFECTIVE DATE: This final action is effective June 22, 1981.

ADDRESSES: Copies of the State Implementation Plan (SIP) revision submitted by Michigan, public comments on the Notice of proposed rulemaking and USEPA's evaluation and response to comments are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Region V, Air Enforcement Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

Copies of the submittal are also available at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Carol Wilmowski, U.S. Environmental Protection Agency, Air Enforcement Branch, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone: (312) 886–4254.

SUPPLEMENTARY INFORMATION:

A. Background

On March 3, 1978 (43 FR 8962), and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Act, USEPA designated certain areas in each state as not meeting the National Ambient Air Quality Standards for total suspended particulates (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), ozone (O_3), or nitrogen dioxide (NO^2).

Part D of the Act, which was added by the 1977 amendments, requires each state to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must: (1) demonstrate attainment of the primary National Ambient Air Quality Standards as expeditiously as practicable, but not later than December 31, 1982; and, (2) in the interim provide reasonable further progress toward attainment through the application of reasonably available control technology (RACT) to existing sources. Under certain conditions, the date may be extended to December 31, 1987, for ozone and/or carbon monoxide. The requirements for an approvable SIP are described in a **Federal Register** notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). In addition, USEPA proposed rulemaking on November 27, 1979 (44 FR 67675) to clarify existing Federal regulations related to state or local discretionary authority to carry out provisions of a SIP.

On April 25, 1979, the State of Michigan submitted a portion of its revised SIP to USEPA to satisfy the requirements of Part D. This submittal included the State proposed control strategy to attain the TSP standards in areas designated nonattainment for that pollutant. USEPA published a notice of proposed rulemaking (NPR) on many of the proposed revisions on August 13, 1979 (44 FR 47350). On May 6, 1980, USEPA conditionally approved Michigan's control strategy for TSP nonattainment areas except for the area containing iron and steel sources (45 FR 29790). The August 13, 1979 NPR did not discuss or solicit public comment on the State's strategy for controlling particulate emissions from iron and steel sources. Consequently, USEPA did not

take final rulemaking action on these provisions on May 6, 1980.

On September 9, 1980, USEPA published a NPR on the portion of the State's TSP control strategy relating to iron and steel sources (45 FR 59329). The September 9, 1980 NPR stated USEPA's proposed action: approval, conditional approval or disapproval, as to each of the regulatory provisions and conditional approval of the overall Plan, and stated the reasons for its proposed action. The notice provided a thirty-day comment period.

Because of the extensive amount of technical support material in the docket referenced in the NPR, USEPA received requests from industrial commentors as well as the State to extend the comment period in order to permit adequate review of the material. In consideration of these requests the comment period was extended to November 30, 1980 (45 FR 70917).

On November 26, 1980, Michigan submitted a letter of commitment and schedule by which it would respond to all of the deficiencies cited by USEPA in the NPR through additional State rulemaking, either through revisions to existing rules or adoption of new rules. In the NPR USEPA proposed to disapprove certain rules because data collected by USEPA in the docket reflected that a more stringent emission limitation was achievable with reasonably available control technology (RACT), and the State had submitted no data supporting its proposal as representing RACT. Michigan committed itself to submit supporting data for all revisions submitted in response to the NPR.

On April 1, 1981, Michigan submitted a revised schedule to correct the deficiencies noted in the Plan. That schedule is as follows:

1. Development and submittal of proposed rules to the Michigan Air Pollution Control Commission for purposes of public hearings, July 21, 1981.
2. Rules formally submitted to the Joint Committee on Administrative Rules, March 1, 1982.
3. Submittal of consent orders with individual steel companies containing increments of progress to satisfy the requirement of 40 CFR 51.15, January 1, 1982.

A notice soliciting public comment on the acceptability of this schedule will be published in a subsequent **Federal Register**. Although the deadlines submitted may be changed in light of comments received, the State remains bound by its commitment to meet the proposed deadlines, unless they are changed.

USEPA also received comments on the September 9, 1980 **Federal Register** Proposal from two industrial commentators: Ford Motor Company (Ford) and Great Lakes Steel (Great Lakes). The latter company's comments incorporated comments from E. F. Young, Jr. of the American Iron and Steel Institute (AISI).

USEPA will respond to comments received in the following sections of this Notice. Section B responds to general comments addressed to USEPA SIP review procedures and policies. Sections C and D deal with comments addressed to specific provisions of the Michigan control strategy for iron and steel sources and additional conditions for approval of the overall Part D Plan cited by USEPA in the September 9, 1980 NPR.

Today's final rulemaking conditionally approves Michigan's overall particulate control strategy for the nonattainment area containing iron and steel sources. This final rulemaking includes approval, disapproval, or conditional approval of specific regulatory provisions. Since, as discussed in the April 4, 1979 General Preamble, all pre-existing SIP regulations affecting iron and steel sources remain in effect in addition to those approved today, EPA's disapproval today of certain rules means that the particular sources affected by those rules remain subject to the existing applicable regulations.

As discussed in the May 6, 1980 and August 13, 1979 **Federal Register** Notices, Michigan's Part D Plan for particulate nonattainment areas failed to demonstrate attainment of the TSP national ambient air quality standards (NAAQS). Where a Plan does not demonstrate attainment of NAAQS despite the application of RACT to all traditional sources of particulate matter, USEPA interprets Part D of the Act to permit approval of a Plan which includes: (1) RACT on all traditional sources and, (2) a commitment by the State to conduct additional studies on the causes of nonattainment, including non-traditional source control, and to develop and submit additional regulations to achieve attainment pursuant to an enforceable schedule.

Today's conditional approval of Michigan's overall TSP control strategy for its nonattainment area containing iron and steel sources is based on USEPA's determination that the RACT requirements approved today in conjunction with: (1) existing regulations, (2) Michigan's commitments to address all deficiencies cited in the September 9, 1980 NPR and, (3) its commitment to further address non-traditional particulate sources and adopt additional regulations on the schedule agreed to in the May 6, 1980 **Federal Register** together satisfy the requirements of Part D.

The conditional approval action taken today requires the State to submit additional material by the deadlines cited in this Notice as well as those deadlines specified in the May 6, 1980 **Federal Register**. USEPA will follow the procedures described below in determining if the State has satisfied a condition:

(1) When the State submits required documentation showing that a condition was met according to the schedule, USEPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continuing pending USEPA's final action on the submittal.

(2) USEPA will evaluate the State's submittal to determine if the condition was fully met. After review is complete a **Federal Register** notice will be published indicating whether the condition has been met and, if not, containing either a proposed or final action to withdraw conditional approval and disapprove the Plan. If the Plan is disapproved the section 110(a)(2)(I) restrictions on new major source construction will again be in effect.

(3) If the State fails to submit the required material to meet a condition according to the schedule, USEPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved, and that section 110(a)(2)(I) restrictions on growth are in effect.

A further discussion of conditional approval is contained in the July 2, 1979 and November 23, 1979 **Federal Registers** (44 FR 38583 and 44 FR 67182).

Below is a list of those rules affecting iron and steel sources in nonattainment areas submitted by the State and the action taken by USEPA today:

Rule 336.1301, 336.1331.	General Opacity	Approved.
Table 31, Item C.	Open Hearth Furnaces	Disapproved.
	Basic Oxygen Furnaces	Disapproved.
	Electric Arc Furnaces	Disapproved.
	Sintering Plants	Disapproved.
	Blast Furnaces	Disapproved.
	Heating & Reheating Furnaces.	Disapproved.
336.1349	Coke Oven Compliance Date.	Conditionally approved.[1]
336.1350	Larry Car Charging	Conditionally approved.[2]
336.1352	Coke Oven Pushing	Conditionally approved.[2]
336.1353	Standpipe Assembly	Conditionally approved.[2]
336.1354	Standpipe Assembly during Decarbonization.	Approved.
336.1335	Coke Oven Gas Collector Main.	Approved.

336.1356 and 336.1357.	Coke Oven Doors.....	Conditionally approved.[2]

[1] The final date is approved on the condition that Michigan submits a schedule with interim dates.
[2] These rules are approved on the condition that the State submit a test procedure consistent with the discussion in the September 9, 1980 **Federal Register.**

In addition to the sources listed above, the following sources were not adequately addressed in the State's Part D SIP revisions: coke battery combustion stacks, coke plant quench towers, scarfers, coke oven preheaters. Under the States proposed control strategy these sources are regulated under Table 32 of Rule 336.1331; however USEPA does not believe that Table 32 imposes limitations sufficiently stringent to represent the application of RACT. Therefore, EPA is further conditioning approval of the overall Part D Plan on receipt from Michigan of amendments or clarifications of Table 32 of Rule 336.1331 as it applies to coke battery combustion stacks, by-product coke plant quench towers, scarfers, and coke oven preheaters.

B. General Comments Addressed to USEPA SIP Review Procedures and Policies

Comment: Ford and the American Iron and Steel Institute (AISI) argue that by publication of the guidance document summary of achievable emission limitations for iron and steel-making processes, USEPA has in effect established uniform RACT standards, in a manner similar to that which would occur if USEPA had federally promulgated such standards pursuant to section 307 of the Clean Air Act, but without the full procedural safeguards, such as public hearings, offered by section 307.

They further assert that the Agency is improperly using the SIP approval process to coerce the State into adopting USEPA's standards.

Response: USEPA believes that commentators have misunderstood USEPA's goal in developing a technical support docket, and have mistakenly attributed to USEPA's actions an element of coercion.

Under the scheme of the Clean Air Act, each State has a statutory obligation to develop a revised SIP for non-attainment areas pursuant to section 172 of the Act. Each SIP must include sufficient information for USEPA to evaluate whether such revised plan meets the requirements of section 172, including the requirement specified in section 172(b)(3) of "such reduction in emissions as may be obtained through the adoption at a minimum, of reasonably available control technology."

In the course of pursuing its statutory obligation to review State submitted Part D SIP revisions, USEPA has assembled a docket which contains the technical data which are the basis for review of the Michigan proposal. It consists of comprehensive iron and steel emissions data from facilities across the country, and was compiled in direct response to USEPA's mandated duty to evaluate the proposed SIP's in terms of section 172, including the requirement for RACT. This data is invaluable in analyzing the levels of emission control achievable for categories of sources within the iron and steel industry and would be useful in evaluating case-by-case RACT limitations in the event that the State has submitted limitations which considered technological and economic feasibility as they applied to individual sources.

In contrast to the commentators' contentions, USEPA has not suggested that emission limitations and standards reflected in these documents constituted uniform and presumptive RACT standards for the iron and steel industry, designed to become part of a State's SIP unless the State was able to overcome the presumption of validity of the technical support documents. In the September 9, 1980 Notice of Proposed Rulemaking, USEPA explained its understanding of the Part D revision process and the uses to which it would put the technical support documents: "USEPA believes that the burden of demonstrating that a regulation represents RACT rests on the State. In reviewing a proposed SIP revision to determine its adequacy, USEPA can verify independently that the provisions in the State plan represent RACT. Although USEPA has not specified uniform RACT standards for the iron and steel industry, it has collected data which reflect the emission limitations achieved by various iron and steel sources applying control technology. Where a State proposes regulations which are not technically supported by USEPA's data, the State must submit adequate data supporting its proposal as RACT. (45 FR 59331.)"

This does not preclude a State from submitting a proposal which differs from USEPA's technical support, but merely indicates that the State must submit justification of its own to support its RACT determinations. USEPA would then consider the information submitted by the State, together with the data in the technical support docket and any public comments received in analyzing whether the revision satisfies the requirements of the Act for RACT based upon the economic and technical circumstance of the particular sources being regulated.

USEPA further clarified its position regarding the technical support documents in the September 8, 1980, **Federal Register** Notice of availability of guidance document (45 FR 59198): "The limitations and standards summarized in the table should not be regarded as categorical RACT requirements for iron and steel sources, but solely as guidance which USEPA will utilize as the starting point in its review and evaluation of a State's submission. The State may develop its RACT requirements independently of USEPA's guidance. . . . EPA . . . will carefully review and evaluate in detail the State's analysis to determine whether it in fact supports the State's proposed RACT requirements."

Since the summary of achievable emission limitations was published as guidance for review of State-submitted SIPs, USEPA was not required to follow the rulemaking procedures enumerated in section 307(d) of the Act.

While the Clean Air Act specifies that USEPA is to follow the procedures set forth in section 307(d) for certain actions, such as the promulgation of an implementation plan for a State pursuant to section 110(c), those requirements do *not* apply to agency action on State-submitted implementation plan revisions.

The applicable guidelines for agency action on State submitted SIP revisions appear in the Administrative Procedure Act (APA), 5 U.S.C. 553, which require publication of notice of the proposed rulemaking, including a statement of the time, place and nature of the proceedings, reference to the legal authority under which the rule is proposed, and either the terms or substance of the proposed rule or a description of the subjects and issues involved. In addition, the agency is required to give interested persons an opportunity to participate in the rulemaking through submission of written data, views or arguments. USEPA has followed these guidelines in all rulemaking on Michigan iron and steel sources.

Only in those instances where USEPA is actually engaged in promulgating uniform standards would rulemaking pursuant to section 307(d) be appropriate. As previously discussed, the guidance document does not establish RACT standards. Rather, USEPA has internally developed guidance material and has made these documents publicly available. In the notices referenced above, USEPA has made clear its intent not to coerce a State into accepting a particular

standard, but to require that a State technically justify its RACT determinations.

COMMENT: AISI objected to USEPA's use of technical material to assess RACT without also incorporating an analysis of the economic feasibility of application of a particular technology in order to demonstrate that the proposed technology is achievable on a retrofit basis.

RESPONSE: Economic and technical factors are generally site-or area-specific. As previously stated USEPA believes that the State, as proponent of the plan revisions, has the burden of developing a rulemaking record to support regulatory proposals which take into account economic and technical factors.

USEPA's responsibility is to make an independent determination of the adequacy of the state's proposals. The Agency must start with some standard to measure whether RACT has been required. The approach taken was to compare the State's proposed requirements with the known performance of the better control systems in place at a broad range of facilities in many locations. If the State's proposed rules devtated from the levels shown to be achievable by USEPA's data, the State was expected to document the site or area-specific factors that justified such deviation.

Certain of the Michigan regulations would have required substantially less emission reduction from the processes involved than shown to be achievable by USEPA's data. Nothing in the State record, however, supports a conclusion that Michigan iron and steel sources stand apart geographically, technically or economically from those sources making up USEPA's data base. Therefore, USEPA proposed disapproval of those rules. The State has the opportunity under today's conditional approval, however, to develop and submit area or site-specific documentation to support its regulatory proposals.

COMMENT: Great Lakes asserted that USEPA has no legal justification for mandating the States to impose RACT on all sources in nonattainment areas, including iron and steel sources. The commentator insists that under the Act, RACT is required only to the extent necessary to attain the ambient air quality standards, and argues that the State has the flexibility in developing a nonattainment area Plan to choose whatever "mix" of emission limitations it deems appropriate to meet the Standards. Both Ford and Great Lakes claim that USEPA unjustifiably singled out iron and steel sources for greater control, while acknowledging that fugitive and nontraditional sources are the major contributors to the nonattainment problem.

RESPONSE: The commentator is correct in stating that a State need not require RACT on all sources *if* the Plan as a whole demonstrates attainment of the Standards as expeditiously as practicable, but (in the case of the primary particulate Standard) no later than December 31, 1982. Thus, Michigan could impose particular regulatory requirements less stringent than RACT if it could demonstrate that RACT on such sources was not necessary to achieve or maintain the particulate standards and, further, that inclusion of RACT would not allow for an earlier attainment date.

The problem, as the commentator points out, is that the Michigan Plan, including the regulations for iron and steel sources, does not demonstrate attainment. Indications are that nontraditional and industrial fugitive source emissions significantly contribute to the Standard violations in these areas, but the State has not yet submitted a control strategy for nontraditional sources and has just recently submitted regulations for industrial fugitive sources. The latter regulations are currently under review.

Since the State cannot make the demonstration that RACT on iron and steel sources is not necessary to achieve reasonable further progress toward and attainment of the particulate standard as expeditiously as practicable but no later than December 31, 1982, an approvable Plan for this area must include RACT on iron and steel sources.

COMMENT: AISI contends that USEPA should be confined in its review of State-submitted implementation plan revisions to consideration of data and testimony in the State hearing record. Its specific objection is that USEPA based its action on the Michigan iron and steel revisions on the RACT guidance document which the Agency published in September 1980. The commentator argues that because the Clean Air Act contemplated State submission of Part D Plans by January 1979, USEPA should have made its RACT guidance available to the States prior to that time, or at least in time to be considered by the State during its rulemaking proceedings. Both Ford and AISI claim that EPA's delay in acting on the plans for areas containing iron and steel sources has been unreasonable and has prejudiced the affected sources' ability to comply by the statutory attainment date.

RESPONSE: In reviewing the adequacy of the State's submittal USEPA cannot be limited to review of those matters raised during State rulemaking; the Agency must be able to draw on its own expertise to make an independent analysis as required by Section 172 of the Clean Air Act.

As the Agency reviewed the proposals of the various states it became clear that available technical data should be assembled to facilitate EPA's review.

This data appears in the docket of this action and is significant for Part D rulemaking purposes. The Agency has a responsibility to weigh this data in responding to the proposed Part D revisions to the Michigan Plan. In order to adequately perform its statutory responsibilities, the Agency necessarily expended considerable time to amass and analyze relevant data on iron and steel source control. Additional time has been required to respond to the legal and technical comments addressed to the September 9, 1980 NPR. U.S. EPA acknowledges that the time required for adoption and approval of an acceptable control strategy *may* render it impossible to install certain equipment by the statutory deadline. However, such an assertion at this point is premature. Until the State rulemaking to satisfy the conditions of this approval action is completed, the ultimate requirements for iron and steel sources will not be known. If, at that time, installation of the control equipment required by a particular rule is demonstrably impossible by the statutory deadline, the Clean Air Act contains remedies, such as section 113(d), which may be applicable to permit a compliance date extension.

COMMENT: AISI and Great Lakes asserted that USEPA improperly failed to articulate the specific data in the technical support portion of the rulemaking docket upon which USEPA relied for its selection of emission limitations in the summary table, and to provide an explanation of why these limitations were determined to be "generally" achievable in the steel industry. One commentator stated that this "failure" rendered it impossible to make meaningful comments in this rulemaking proceeding. The commentator further questioned USEPA's "exclusion" from the docket of materials the commentator alleged were contained in the state hearing record or submitted by the steel companies to USEPA.

RESPONSE: USEPA believes it has included all relevant material in the docket. The commentator did not reference any specific data which the commentator believes to be relevant to EPA's review that were not considered by the Agency. If it had done so the

Agency would have addressed such material.

Since the technical data in the docket were indexed by process category, and by emissions point therein, USEPA believes that adequate reference to support data were provided to prospective commentators to permit meaningful comment. All commentators who requested an extension of the comment period stating that additional time was needed to review the docket materials were granted an extension equal to or greater than that requested. In addition, EPA's conditional approval permits the State additional time beyond the comment period to submit data in support of its proposed rules, or to develop and submit substitute rules.

In addition, as EPA stated in its Supplement to the General Preamble published on November 23, 1979, when the State submits supporting data for its proposed revisions, or submits new revisions, pursuant to the conditional approval schedule announced today, EPA will review the adequacy of the State's submission and publish its determination as either a proposed or final rulemaking, depending on the nature of the submittal. If proposed rulemaking is used, interested parties will have further opportunity for comment.

Therefore, USEPA believes that adequate opportunity has been provided to comment on USEPA's data or submit additional data in support of the commentator's proposed limitations.

COMMENT: AISI commented that "much of the support documentation is unreliable data in that it represents information derived from pilot processors, special emission testing procedures other than standard methods, tests on brand new equipment, etc. rather than from facilities operating under normal production conditions."

RESPONSE: The gist of AISI's comment is that much of the data in the docket is not representative of existing iron and steel-making facilities. This assertion is totally unsupported. AISI did not identify any specific test data it considered deficient. Furthermore, review of the docket will confirm that in all cases where USEPA's disapproval or conditional approval of the State proposal was based on a determination that a more stringent limitation is generally achievable, USEPA relied on data in the docket from testing of existing, retrofitted full-scale plants. For USEPA's suggested mass limitations, the data in the docket shows that the test method utilized during particulate tests was predominantly USEPA Reference Method 5, 40 CFR Part 60, Appendix A (See data for primary and secondary gas cleaners on BOF shops, electric arc furnaces, blast furnaces, sintering plants, coke oven preheaters, coke oven combustion stacks and scarfers). The one exception, quench tower tests, were based on identical industry and USEPA modifications of Method 5 (specifically designed to accommodate the special characteristics of quenching plumes). No data from test on new facilities were relied on by USEPA in any of the disapproval actions contained in this rulemaking.

COMMENT: Ford alleged that USEPA used the SIP review process to obtain adoption of more stringent emission limitations applicable to Ford's iron and steel sources than those which it recently obtained in a draft Federal consent decree.

RESPONSE: Ford was aware that the Part D SIP revisions called for by the Clean Air Act would require reasonably available control technology (RACT). Ford assumed the same risk assumed by every other SIP violator seeking settlement of an USEPA enforcement action: that the SIP may be revised to include additional or more stringent requirements to assure attainment of the ambient air quality standards. Region V's enforcement action, and the consent decree terms negotiated in settlement of that action, were to obtain compliance with the existing SIP and other Clean Air Act requirements. The limitations negotiated by enforcement personnel to meet the existing SIP would not necessarily correspond to the USEPA's determination of RACT.

C. Michigan TSP Control Strategy for Iron and Steel Sources

The September 9, 1980 notice of proposed rulemaking identified deficiencies in the strategy for iron and steel sources which require corrections or clarifications. Certain regulations did not contain appropriate compliance test methods to assure their enforceability.

Following is a discussion of the comments received and USEPA's response and final action as to each of the regulatory provisions submitted as part of the Michigan TSP control strategy for iron and steel sources.

It should be noted generally that the State record includes no site-specific information or data on which to judge whether the Michigan proposals satisfied the section 172 requirement for RACT. None of the industrial commentators submitted data supporting the Michigan proposals or contradicting USEPA's suggested RACT limitations. Nor did the commentators, with certain exceptions noted below, assert that site-specific factors should be considered in determining RACT for Michigan facilities.

Therefore, this final rulemaking is primarily the product of evaluation of the Michigan proposal in light of the standards demonstrated to be achievable by EPA's data base, included in the docket.

Rule 336.1301—General Opacity.

USEPA proposed to approve this rule because, as applied to iron and steel sources with approvable mass emission rules, it represents reasonably available control technology. In the August 13, 1979, **Federal Register** USEPA also proposed to approve this rule on the condition that Michigan clarify the method by which it would be applied. By letters of February 6, 1980 and March 7, 1980, Michigan identified for EPA's approval in the May 6, 1980 **Federal Register** a Michigan rule specifying the appropriate visible emission testing methods. Included in the March 7 letter is a statement that individual observations taken in accordance with Method 9 (40 CFR Part 60) are aggregated for purposes of the rule's three minute exemption.

Ford objected to USEPA's approval of this rule, contending that because: (1) RACT is required under section 172 only to the extent necessary to achieve expeditious attainment of the air quality standards; and, (2) opacity limits cannot be directly related to attainment or nonattainment of the TSP standards, USEPA has no authority to require an opacity regulation as part of a Part D SIP, on the basis that it is RACT.

First, and as previously discussed in this Notice, the Michigan Plan must require at a minimum RACT on all traditional TSP emission sources because the Michigan Part D Plan failed to demonstrate attainment of the TSP standards. A number of iron and steel sources can only be regulated by opacity standards because their emissions are fugitive in nature and, therefore, not measurable by accepted mass testing procedures. Fugitive emissions are those which are emitted other than through a stack or duct. For this category of sources visible emissions standards are necessary to represent RACT. For example, Michigan has chosen to regulate coke oven emissions by specific visible emission standards (336.1350–57). For other source categories, USEPA has evaluated whether Rule 336.1301, in combination with the mass emissions limitations for stacks submitted by Michigan, represent at a minimum the application of RACT. Even though USEPA does not believe that opacity limitations are generally required for all emissions points, USEPA

is approving Rule 336.1301 for iron and steel sources for the reasons noted above it represents *at least* RACT for those sources.

USEPA final action: USEPA approves Rule 336.1301 as it applies to iron and steel sources.

Rule 336.1331—Table 31, Item C.

1. *Open Hearth Furnaces.*

USEPA proposed to disapprove Michigan's proposed limitation because data in the docket suggest that a more stringent limitation is achievable with the application of RACT. There are no open hearth shops in Michigan. No comment was received from the industry.

EPA final action:

USEPA disapproves the proposed limitation for open hearth furnaces.

2. *Basic Oxygen Furnaces.*

USEPA proposed to disapprove the proposal because data in the docket indicated that a more stringent limitation is achievable with the application of RACT, relative to primary and secondary BOF mass emissions.

Ford commented that although test results show that it can comply, Ford does not know if its BOF shop can consistently meet a limitation falling within the ranges for primary and secondary controls suggested by USEPA in the September 9, 1980 NPR. Consequently, Ford requested a site-specific limit for its BOF shop. The site-specific limit requested by Ford is not before us in this rulemaking action. Ford can submit such documentation for a site-specific revision to the State.

USEPA final action: USEPA disapproves the proposed limitation for basic oxygen furnaces.

3. *Electric Arc Furnaces.*

USEPA proposed disapproval of the State's proposal because data contained in the rulemaking docket demonstrate that a more stringent limitation is achievable with RACT.

Ford suggested that any limitation for an electric arc furnace must be defined in terms of a test method for positive pressure baghouses. USEPA agrees that evaluation of the ultimate limitation must include consideration of the Michigan test methods.

USEPA final action: USEPA disapproves the proposed limitation for electric arc furnaces.

4. *Sintering Plants.*

USEPA proposed disapproval of the proposed limitation for sintering plants because data contained in the rulemaking docket demonstrate that a more stringent limitation is achievable with RACT.

Great Lakes commented that a more stringent rule than the State proposal is not warranted because Great Lakes (owner of the only sinter plant in the State) has recently completed an expensive modification to the sinter line and associated control equipment. Great Lakes did not assert in its comments that this modification is incapable of meeting USEPA's suggested limitation. Nor did it state what the emissions performance capability of their present system might be. Since Great Lakes submitted no performance data on its sintering machine, the present record is insufficient to enable USEPA to approve the proposed limitation.

USEPA final action: USEPA disapproves of the proposed standard for sintering plants.

5. *Blast Furnaces.*

USEPA proposed to disappove this rule on the grounds that data contained in the rulemaking docket demonstrate that a more stringent mass limitation is achievable with the application of RACT for the outlet from gas cleaners which filter captured particulate matter.

Ford commented that USEPA's suggested RACT limit is unproven and proposes that the RACT limit should be 0.04 gr/dscf. A report by Midwest Research Institute in the docket (at pages 100507 to 100564 of the technical material) demonstrates that a limitation of 0.001 to 0.009 gr/dscf is achievable for such gas cleaners. Ford did not submit any comments relative to this report. Therefore, EPA rejects Ford's contentions.

Great Lakes asserted that the State is not mandated by Part D to adopt a regulation requiring additional control of blast furnaces equal to RACT, but rather can develop its own mix of emission limitations as will demonstrate attainment. This comment has been addressed in Section B of this notice.

Great Lakes also challenged USEPA's suggested RACT limitation. It refers to a study by Betz Engineering contained in the docket as supporting the conclusion that no reasonable method of retrofitting casthouses is available, implying that the Betz study is in conflict with U.S. EPA's suggested limitation. EPA disagrees with that characterization of the Betz results.

The State's proposed regulation, and USEPA's more stringent suggested RACT limitation, are limitations on the concentration of particulate matter allowed from the outlet of a gas cleaner installed as part of a blast furnace casthouse emissions capture hood system. This rule does not require capture hoods; it only limits particulate emissions from the outlet of any hoods that are installed. The requirement to install hoods to capture such emissions, or to prevent their formation by operational techniques, derives from Rule 336.1301, not from the limitation of Table 31. In fact, there are alternative non-hooding techniques available for the control of casthouse emissions. The subject of the Betz study is the feasibility of hoods, not of gas cleaners used to clean emissions which hoods capture. Nothing in the Betz report conflicts with the USEPA conclusion that a mass limitation less than 0.010 gr/dscf is achievable with a gas cleaner.

The Betz study contends that casthouse hoods in Europe, Canada and Japan may not in certain limited cases be retrofittable to certain American blast furnaces. Great Lakes submitted no information showing that Michigan blast furnaces present the retrofit problems identified by Betz.

Moreover, the Betz study is five years old. In the interim, blast furnace casthouse emissions control technology has significantly advanced. For example, the docket indicates that Dofasco has retrofitted three additional casthouses since the Betz study was published.

No comments were submitted on USEPA's proposal with respect to blast furnace stoves.

USEPA final action:

On the basis of the present record, USEPA disapproves the Michigan proposed limitation for blast furnaces.

6. *Heating and Reheating Furnaces.*

USEPA Proposed disapproval of this limitation because data contained in the rulemaking docket demonstrates that a more stringent limitation is achievable with the application of RACT.

Both Ford and Great Lakes assert that: (1) emissions of their gas-fired heat and reheat furnaces are "de minimis"; (2) controls are not economically feasible; and (3) no data was included in the docket to support USEPA's suggested RACT limit.

As previously stated, the Michigan Plan must require at a minimum RACT on all traditional TSP sources in nonattainment areas. USEPA's suggested RACT limitation is based on data in the docket reflecting combustion of steel mill fuels. Emission factors included in the docket indicate particulate emissions of 0.005–0.02 gr/dscf. Michigan's rule would allow substantially higher emissions than are achievable with furnaces fired with such fuel and is therefore unacceptable.

USEPA final action:

USEPA disapproves the State's proposed limitation for heating and reheating furnaces.

7. *Coke Oven Preheater Equipment Effective After July 1, 1979.*

USEPA proposed to approve this regulation if the State clarified that

emissions are determined based on measurement of the whole reference Method 5 sampling train.

No comment was received from industry.

USEPA final action: Based on Michigan's commitment to clarify the test method, USEPA conditionally approves the proposed limitation for coke oven preheater equipment.

Rule 336.1349—Coke Oven Compliance Dates.

USEPA proposed to approve the rule if Michigan submitted a schedule showing enforceable increments of progress (not just a final compliance date) to insure reasonable further progress.

Great Lakes Steel commented that compliance schedules should be source specific. Michigan committed itself to submit site-specific compliance schedules pursuant to the schedule cited in this notice.

USEPA final action: Based on Michigan's commitment to submit consent orders containing enforceable increments of progress for each coke oven operator in the State, USEPA conditionally approves Rule 336.1349.

Rule 336.1350—Emissions from Larry-Car Charging of Slot-type Coke Ovens.

USEPA proposed to approve this rule, which limits visible emissions to 80 seconds for any four consecutive charges, if the State specified an acceptable test method for determining compliance with the rule.

Ford commented that "EPA Region V has agreed to a limit of 125 seconds over 5 consecutive charges as part of our recently negotiated Rouge consent judgment," and requests that this limit become a site-specific limit for Ford's steel facilities. As discussed previously in this notice, the limitations contained in the consent judgment were negotiated to meet the requirements of the existing SIP and would not necessarily correspond to the RACT requirements for Part D SIP revisions. Ford may request a site-specific limit from the State. In this rulemaking USEPA can act only on the rules submitted by Michigan. USEPA has determined that the limitation submitted by Michigan satisfies the requirement for RACT.

USEPA final action: Based on Michigan's commitment to submit an acceptable test method, USEPA conditionally approves Rule 336.1350.

Rule 336.1351—Charging Hole Emissions from Slot-type Coke Ovens.

The State proposal prohibits visible emissions from no more than 4% of all charging holes on a coke battery. The rule was submitted as part of Michigan's Part D SIP. However, USEPA inadvertently failed to specifically identify the rule and state USEPA's proposed action on the rule in the September 9, 1980 NPR. Michigan Rule 336.1351 is not a significant portion of the State's control strategy for iron and steel sources. Therefore, USEPA's failure to take final action on the rule does not affect today's conditional approval of Michigan's overall Part D Plan relating to the nonattainment area containing iron and steel sources. USEPA's proposed action on Rule 336.1351 will be announced in a separate Notice of Proposed Rulemaking.

Rule 336.1352—Pushing Emissions from Slot-type Coke Ovens.

USEPA proposed to approve Michigan's proposal as RACT if the following clarifications were made: (1) The rule regulates emissions from the receiving car itself during the pushing operation; (2) In the phrase "eight consecutive trips," "consecutive" is defined as "consecutively observed trips," and the word "trips" is clarified as meaning "trips per battery" or "trips per system;" (3) The 40% opacity fugitive emissions limitation refers to an instantaneous reading and not an average; (4) the method of reading opacity is defined. USEPA also stated in the September 9, 1980 NPR, that in addition to this visible emissions limitation, the Part D Plan should also contain a mass emission limitation for the outlet of any gas cleaning device. This subject is addressed in Section D below.

Both Ford and Great Lakes objected to application of the 40% opacity limitation as an instantaneous observation, although Ford acknowledged that the State intended the limitation to be instantaneous. Great Lakes argued that interpreting the rule as an instantaneous limit is a substantive modification that must be addressed in a formal rulemaking proceeding. Great Lakes also asserted that if the word "consecutive" is interpreted as eight (8) observed trips, not necessarily in succession, this substantive change must also require State rulemaking.

USEPA construed the State's proposal such that it would represent RACT as applied, and therefore proposed conditional approval. However, a rule with a shorter averaging time or some alternate limitation could also represent the level of visible emissions achievable with reasonably available control technology. USEPA's requested clarification of the word "consecutive" as "consecutively observed trips" is to assure enforceability of the rule. The State has committed itself to address the clarifications suggested by EPA in State rulemaking proceedings.

USEPA final action: Based on Michigan's commitment to correct the deficiencies noted by USEPA in State rulemaking, USEPA conditionally approves Rule 336.1352 subject to the conditions noted above.

Rule 336.1353—Standpipe Assembly Emissions during Coke Cycle from Slot-type Coke Ovens.

USEPA proposed to approve this rule if the rule is clarified as follows: (1) the exception to the visible emission prohibition of 4% of standpipe emission points refers to "operating" ovens; and (2) an acceptable compliance test method is specified. Ford states that the requested clarification to include only operating ovens is not supported by the record. USEPA believes the clarification is justified in order to make the rule represent application of RACT.

Great Lakes comments that such a clarification requires additional rulemaking. Great Lakes also argues that a rule based on operating ovens is unreasonable because it acts as an incentive to keep ovens operating which might best be shut down. The latter assertion is questionable in that the costs of operating unneeded ovens would more than offset any incentive to facilitate compliance by keeping the ovens operating. The method of controlling standpipe emissions is purely a matter of operation and maintenance. If, for example, half the ovens in a coke battery are out of operation for rehabilitation, it is entirely possible and practical for the remaining ovens to be maintained within the four percent limit, because the proper operation and maintenance technique, proper wet sealing of lids, is entirely applicable to the remaining ovens. This is demonstrated by the fact that data in the docket indicate compliance with this limitation for batteries containing a wide variety of ovens per battery.

USEPA final action: Based on the State's commitment to clarify the source definition and adopt an acceptable test method through State rulemaking, USEPA conditionally approves Rule 336.1353.

Rule 1336.1354—Standpipe Assembly Emissions during Decarbonization from Slot-type Coke Ovens

USEPA proposed approval of this rule.

No comments were received.

USEPA final action: USEPA approves Rule 336.1354.

Rule 1336.1355—Coke Oven Gas Collector Main Emissions from Slot-type Coke Ovens

USEPA proposed to approve this rule.

No comments were received.

USEPA final action: USEPA approves Rule 1336.1355.

Rule 1336.1356—Coke Oven Door Emissions from Slot-type Coke Ovens, and Doors which are Five Meters or Shorter
and
Rule 1336.1357—Coke Oven door Emissions from Slot-type Coke Ovens, and Doors which are Taller than Five Meters

USEPA proposed to approve these rules if Michigan clarified the test methodology to determine compliance.

No comments were received.

USEPA final action: Based on Michigan's commitment to amend the rules to specify an acceptable compliance test methodology, USEPA conditionally approves Rule 336.1356 and Rule 336.1357.

Rules 336.2001, 2002, 2003, and 2004—General Testing Methodology.

USEPA proposed to approve the above rules if Michigan clarified when testing periods begin and end for blast furnaces, basic oxygen furnaces and sinter plant emissions.

No industrial comments were received.

USEPA final action: Based on Michigan's commitment to clarify the test methods as described, USEPA conditionally approves Rules 336.2001, 2002, 2003, and 2004.

D. Additional Conditions for Approval of Overall Part D Plan

The following sources were not adequately addressed in Michigan's submitted Part D Plan. This section includes comments received on USEPA's suggested RACT limitations for these sources (and other proposed conditions for approval), and USEPA's response.

Coke Oven Combustion Stacks.

Because data contained in the docket indicate that a more stringent limitation is achievable with the application of RACT, USEPA cannot accept Table 32 of 336.1331 (which allows in excess of 0.15 gr/dscf or 0.3 lb/1000 lb) as a limitation for coke oven combustion stacks.

Ford requested a site-specific limitation of 0.1 lb per 1000 lb of exhaust gas (0.053 gr/dscf). No data were submitted supporting this site-specific limit. Once again we can act only on the Michigan rule as submitted.

Michigan committed itself either to justify the proposed limit or submit a new limit representing RACT via State rulemaking. Ford may submit such data in the State rulemaking proceeding.

EPA is conditioning approval of the overall Part D Plan on receipt of an acceptable limitation for combustion stacks.

Coke Plant Quench Towers.

USEPA proposed to approve the Michigan proposal, which applies Table 32 of Rule 336.1331 to quench tower emissions, if the State developed and submitted an acceptable compliance test method so that the meaning of the rule would not be ambiguous. USEPA also suggested an alternative RACT limitation on total dissolved solids (TSP) in the quench water or make-up water. This suggested limitation is based on data in the docket establishing a relationship between the amount of solids in the quench water and amount of emissions generated during the quenching process.

Great Lakes commented that the data in the docket are insufficient to support the TDS emission limitation suggested by USEPA, although it conceded that the data show a relationship between water quality and quench emissions. Great Lakes submitted no data. Great Lakes also agreed with USEPA's conclusion that a process weight regulation is potentially unenforceable due to difficulties with testing at quench towers. Data in the docket show that for every mg/l(ppm) of total dissolved solids in quench water, emissions of filterable particulates increase by 0.23 pounds per ton of coke pushed. For example, at a moderate size coke plant (500,000 tons per year) use of water containing 4000 mg/l of TDS will result in emissions of 62 tons per year more than use of water with 1500 mg/l.

The State has committed itself to develop an acceptable test method for the proposed regulation or submit an alternate rule that represents RACT.

USEPA is conditioning approval of the overall Part D Plan on receipt of either an acceptable test method for application of Table 32 of Rule 336.1331 or an alternate rule that represents RACT for quenching operations.

Scarfing.

USEPA stated in the September 9, 1980 NPR that an acceptable Part D Plan must contain a rule representing RACT for scarfers. Both Ford and Great Lakes asserted that scarfing emissions have a minor impact on ambient air and should be excluded from an attainment strategy. As noted elsewhere, Michigan's attainment strategy is acceptable only if it includes requirements for RACT on all traditional sources.

Neither commentator disagreed with the statement in the September 9, 1980 NPR that scarfers would be allowed emissions of 50–70 lbs per hour under Table 32 of Rule 336.1331. Michigan committed to submit an acceptable limitation for scarfing emissions. Therefore USEPA is conditioning approval of the overall Part D Plan on the receipt of such a rule.

Coke Oven Pushing—Mass Limitation.

In addition to Rule 336.1352 establishing a visible emissions limitation for pushing emissions, USEPA believes that the Part D Plan should contain a mass emission limitation for the outlet of any gas cleaning device. USEPA is conditioning approval of the overall Plan upon receipt of an acceptable mass limitation for pushing.

The State committed itself to submit a mass emission limitation for pushing emissions. No comment was received from industrial commentators.

USEPA Final Determination: Based on: (1) Michigan's commitment to address the deficiencies discussed in this section in addition to those pertaining to the specific rules discussed in Section C of this Notice, and (2) its commitment to further address nontraditional particulate sources per the schedule agreed to in the May 6, 1980 **Federal Register**, USEPA conditionally approves Michigan's overall Part D Plan for its TSP nonattainment area containing iron and steel sources.

Under Executive Order 12291 (Order), USEPA must judge whether a regulation is "major" and therefore, subject to the requirements of a regulatory impact analysis. USEPA has determined that today's action does not constitute a major regulation. It approves or conditionally approves regulatory requirements which were developed by the State and are currently applicable to certain sources in the State. It also disapproves certain limitations which are currently in force in the State. This disapproval does not constitute a major regulation because the iron and steel sources in the State will as of the time of this rulemaking, remain subject to pre-existing State TSP limitations. This final rulemaking was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Incorporation by reference of the Michigan SIP was approved by the Director of the Federal Register on July 1, 1980.

(Sections 110 and 172 of the Clean Air Act (42 U.S.C. Sections 7410 and 7502).)

V 46 / 99 MAY 22 81 UMI

Dated: May 19, 1981.

Walter Barber,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter 1, Subchapter C, Part 52 is amended as follows:

1. Section 52.1170(c) is amended by revising paragraphs (16), (18) and (19), and by adding paragraph (37) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(16) On April 25, 1979, the State submitted its nonattainment area plan for areas designated nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained Michigan's Part D attainment plans for particulate matter, carbon monoxide, sulfur dioxide, transportation, new source review, plus a copy of Michigan's existing and proposed regulations. U.S. EPA has not taken action at this time to include in the federally approved SIP certain portions of the submittal: Michigan's sulfur dioxide control strategy for Ingham County: provisions in R 336.1310 concerning open burning; Part 5. Extension of Sulfur Dioxide Compliance Date for Power Plants Past January 1, 1980; Part 7, Emission Limitations and Prohibitions—New Sources of Volatile Organic Compound Emissions. R336.1701–1710 controlling minor sources of volatile organic compounds; Part 11, Continuous Emission Monitoring; Part 13, Air Pollution Episodes; Part 16, Organization and Procedures; and Part 16, Hearings. In addition USEPA is taking no action on the State's control strategy for the attainment of carbon monoxide in the City of Detroit; the transportation control plans, the requirement of vehicle inspection and maintenance, and general requirements which are not Part D requirements.

* * * * *

(18) On January 9, 1980, the State submitted a copy of the finally adopted rules of the Commission. These rules became fully effective on January 18, 1980. These finally adopted rules are identical to the rules submitted on April 25, 1979, as part of Michigan's Part D nonattainment area plan except for a modification in the numbering system. Paragraph (c)(16) of this subpart identifies those rules on which USEPA has not taken action.

* * * * *

(19) On February 6, 1980, the State submitted the visible emission test method for stationary sources referenced in Rule 336.1303 as being on file with the Michigan Air Pollution Control Commission. On March 7, 1980, the State submitted clarifications to the visible emissions test method.

* * * * *

(37) On November 26, 1980, the State submitted a schedule to correct plan deficiencies cited by USEPA in its September 9, 1980 notice of proposed rulemaking on a portion of Michigan's Part D TSP control strategy pertaining to iron and steel sources. On April 1, 1981, the State submitted a revised schedule. USEPA has not taken action on the schedule submitted by the State.

2. Section 52.1173 is revised to read as follows:

§ 52.1173 Control Strategy: particulates.

(a) Part D—Disapproval—

The following specific revisions to the Michigan Plan are disapproved: Rule 336.1331, Table 31, Item C: (1) Open Hearth Furnaces, (2) Basic Oxygen Furnaces, (3) Electric Arc Furnaces, (4) Sintering Plants, (5) Blast Furnaces, (6) Heating and Reheating Furnaces.

(b) Part D—Conditional Approval—

The Michigan overall Plan for primary and secondary nonattainment areas is approved provided that the following conditions are satisfied:

(1) The State officially adopts final industrial fugitive regulations that represent RACT for traditional sources and submits these finally effective regulations to USEPA by January 31, 1981.

(2) The State adopts and submits regulations reflecting RACT for Basic Oxygen Furnaces, Electric Arc Furnaces, Sintering Plants, Blast Furnaces and Heating and Reheating Furnaces.

(3) Rule 336.1331, Table 31, Item C: Coke Oven Preheater Equipment Effective After July 1, 1979—The State clarifies the compliance test method to include measurement of the whole train.

(4) Rule 336.1349—The State submits consent orders containing enforceable increments insuring reasonable further progress for each source subject to Rules 336.1350–336.1357.

(5) Rule 336.1350—The State adopts and submits an acceptable inspection method for determining compliance with the rule.

(6) Rule 336.1352—The State adopts and submits the following clarifications to the rule: (a) the rule regulates emissions from the receiving car itself during the pushing operation; (b) in the phrase "eight consecutive trips," "consecutive" is defined as "consecutively observed trips"; (c) the word "trips" is defined as "trips per battery" or "trips per system"; (d) the 40% opacity fugitive emissions limitation refers to an instantaneous reading and not an average; (e) the method of reading opacity is defined.

(7) Rule 336.1353—The State adopts and submits: (a) an acceptable test methodology for determining compliance with the rule; and (b) a clarification that the exception to the visible emission prohibition of 4% of standpipe emission points refers to "operating" ovens.

(8) Rule 336.1356—The State adopts and submits a clarification of the test methodology to determine compliance with the rule.

(9) Rule 336.1357—The State adopts and submits a clarification of the test methodology to determine compliance with the rule.

(10) The State adopts and submits a regulation reflecting RACT for coke battery combustion stacks.

(11) The State adopts and submits an acceptable test method for application of Rule 336.1331, Table 32 to quench towers, or, in the alternative, adopts and submits a limitation reflecting RACT for quench tower emissions based on the quantity of total dissolved solids in the quench water.

(12) The State adopts and submits rules requiring RACT for scarfing emissions.

(13) Part 10 Testing—The State adopts and submits the following clarifications to the test methods: (a) testing of fugitive emissions from blast furnaces are conducted during the cast; (b) the starting and ending period is specified for basic oxygen furnaces (for both primary and secondary emissions generating operations), electric arc furnaces and for each of the three emission points at sinter plants.

(14) The State conducts additional particulate studies in the Detroit area by September, 1980.

[FR Doc. 81-15510 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-4-FRL 1820-4]

Approval and Promulgation of Implementation Plans; Georgia: Alternate Compliance Schedules for Volatile Organic Compound (VOC) Sources

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves implementation plan revisions that Georgia submitted on April 14, 1980;

these revisions, that EPA proposed on October 22, 1980 (45 FR 70000), to approve, consist of alternate compliance schedules for the General Motors automotive assembly plants in Atlanta and Doraville, and the Ford Motor Company assembly plant in Hapeville. These compliance schedules are included as part of the plants' operating permits.

The issuance of the permits by the State represents implementation of Georgia's volatile organic compound (VOC) regulations which EPA approved on September 18, 1979 (44 FR 54047). The regulations are included as a part of Georgia's control strategy to attain the ozone standard in the metropolitan Atlanta area by December 31, 1982.

EFFECTIVE DATE: This action is effective June 22, 1981.

ADDRESSES: Copies of the material submitted by the State may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460;

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365;

Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, DC 20005;

Air Protection Branch, Environmental Protection Division, Georgia Department of Natural Resources, 270 Washington Street, SW., Atlanta, Georgia 30334.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Gilbert, Air Programs Branch, EPA Region IV at the above address, telephone 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: The Georgia Environmental Protection Division submitted to EPA State Implementation Plan (SIP) revisions consisting of operating permits for the General Motors automotive assembly plants in Atlanta and Doraville, and the Ford Motor Company assembly plant in Hapeville. The permits include alternate compliance schedules for these three VOC sources.

The issuance of the permits with compliance schedules is necessary in order for the State to implement its VOC regulations and ensure reasonable further progress toward attaining the National Ambient Air Quality Standard (NAAQS) for ozone, as stated in Georgia's 1979 nonattainment SIP submittal, and approved by EPA at 44 FR 54047, September 18, 1979.

The permits require the sources to meet the conditions of the compliance schedules as described in the **Federal Register** proposal notice of October 22, 1980 (45 FR 70000) concerning prime operations, topcoat and final repair operations, and testing requirements and equivalency. On April 14, 1980 permits to operate were issued to the following plants:

The Ford Motor Company's Atlanta Assembly Plant, located at 340 S. Central Avenue, Hapeville, Georgia (Permit No. 3711-060-7453-0).

General Motors Corporation's Atlanta Assembly plant located at 3900 Motors Industrial Way, Doraville, Georgia (Permit No. 3711-044-7449-0).

General Motors Corporation's Atlanta Assembly Plant located at McDonough Boulevard and Sawtell Avenue, Atlanta, Georgia (Permit No. 3711-060-7451-0).

On October 22, 1980, EPA solicited comments on the proposed rule. No comments were received nor has further information become available which would modify EPA's proposal to approve the alternate compliance schedules.

Approval and subsequent implementation of these SIP revisions will result in an overall improvment of air quality in the Atlanta area.

Action

Accordingly, EPA is today approving the permits. This action is effective June 22, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of these alternate VOC compliance schedules is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before July 21, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves State actions and imposes no new requirement on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Georgia was approved by the Director of the Federal Register on July 1, 1980.

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: May 15, 1981.

Walter C. Barber,

Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart L—Georgia

1. § 52.570 is amended by adding paragraph (c) (20) as follows:

§ 52.570 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(20) Alternate VOC compliance schedules for Ford and General Motors plants in the Atlanta area, submitted on April 14, 1980 by the Georgia Department of Natural Resources.

[FR Doc. 81-15417 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-7-FRL 1823-7]

Approval and Promulgation of State Implementation Plans: State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA proposed in the January 22, 1981 **Federal Register** (46 FR 7007) to approve a revision to the Missouri State Implementation Plan (SIP) involving start-up, shutdown, and malfunction conditions. This notice describes the EPA's final action on this SIP revision.

No comments have been received in response to the January 22, 1981 notice of proposed rulemaking.

DATES: This approval is effective on or before June 22, 1981.

ADDRESSES: Copies of the State submission and the EPA prepared rationale document are available at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460;

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: On September 5, 1980, the State of Missouri

submitted Rule 10 CSR 10–6.050, Start-up, Shutdown, and Malfunction Conditions, as a SIP revision. Included with the new rule were revisions to Rule 10 CSR 10–6.020 Definitions and to the start-up, shutdown and malfunction provisions for existing regulations in Rules 10 CSR 10–2.030, 10–3.050, 10–3.060, 10–3.080, 10–4.030, 10–4.040 and 10–5.050. These latter provisions generally allowed automatic exemptions from emission limitations during periods of excess emissions due to start-up, shutdown or malfunction conditions. The new rule is more restrictive in that the source must demonstrate that the excess emissions, although constituting a violation, were due to an unavoidable malfunction. The State will determine at its discretion whether additional enforcement action is warranted based upon data submitted by the owner or operator of a source showing that the excess emissions were the consequence of a malfunction, start-up, or shutdown.

The EPA proposed approval of the new rule and the rule revisions in the January 22, 1981 **Federal Register** at 46 FR 7007. The reader is referred to this publication and EPA's rationale for approval, for further discussion of the SIP revision.

The State has adopted a regulation which EPA believes is consistent with its policy regarding malfunctions, start-ups, and shutdowns. The rule provides that malfunctions are not automatically exempt nor is the routine phasing in and out of process equipment exempt from enforcement action. However, upon receipt of a notice of excess emissions, the source may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. Based upon this information, the state will determine whether additional enforcement action is warranted.

No comments were received in response to the January 22, 1981 notice of proposed rulemaking.

Action:

The EPA approves Missouri Rule 10 CSR 10–6.050, Start-up, Shutdown, and Malfunction Conditions, and the revisions to Rules 10 CSR 10–6.020, 10–2.030, 10–3.050, 10–3.060, 10–3.080, 10–4.030, 10–4.040 and 10–5.050 as a revision to the State Implementation Plan.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. This action only approves State actions and imposes no additional substantive requirements. Moreover, due to the nature of the Federal-State relationship, Federal inquiry into the economic reasonableness of the State's action would serve no practical purpose and could well be improper.

Dated: May 15, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Missouri was approved by the Director of the Federal Register on July 1, 1980.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

1. Section 52.1320 is amended by adding paragraph (c)(27) as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified:

* * * * *

(27) On September 5, 1980, the State of Missouri submitted a plan revision which involves provisions for start-up, shutdown, and malfunction conditions. Included in the plan are new Missouri Rule 10 CSR 10–6.050, Start-up, Shutdown, and Malfunction Conditons and revisions to Rule 10 CSR 10–6.020 Definitions and amended start-up, shutdown and malfunction provisions in Rules 10 CSR 10–2.030, 10–3.050, 10–3.060, 10–3.080, 10–4.030, 10–4.040 and 10–4.050. This plan revision is approved as being consistent with EPA policy regarding start-ups, shutdowns, and malfunctions.

[FR Doc. 81-15456 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-4-FRL 1820-3]

Designation of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of Spruce Pine; Redefinition of SO_2 and TSP Attainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On the basis of eight consecutive quarters of air quality data showing no violation of any national standard for particulate matter, EPA is changing the attainment status designation of the Spruce Pine area to attainment. Also, EPA is changing the description of sulfur oxide and particulate matter attainment areas so that every county in the State is identified by name. These actions were proposed for public comment on October 27, 1980 (45 FR 70917 and 70918), but no comments were received.

EFFECTIVE DATE: These actions are effective June 22, 1981.

ADDRESSES: Copies of the materials submitted by North Carolina in support of the redesignation may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460;

Library, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Walter Bishop of the EPA Region IV, Air Programs Branch, 404/881–3043 (FTS 257–3043).

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962 at 9019), the Administrator designated portions of Avery, Mitchell and Yancey Counties, North Carolina, in and around Spruce Pine as nonattainment for particulate matter. On August 20, 1979 (44 FR 48679), the Administrator changed the designation for the primary particulate standards from nonattainment to unclassifiable, leaving the designation for the secondary standard as nonattainment. On September 3, 1980, the State submitted information showing that no ambient particulate standard had been violated in the area during the period April 1978 through March 1980, and requested that the designation for Spruce Pine be revised to attainment. EPA's review of the data submittal

indicates that it satisfies all the Agency's requirements with regard to validity and representativeness of air quality data. Accordingly, the State's request is granted.

The State has also asked that the designation of particulate and sulfur dioxide attainment areas in 40 CFR 81.334 be changed from "Rest of State" and "Statewide" to a listing of individual counties. This change, according to the State, will make it easier to track increment consumption under EPA's regulations for the prevention of significant deterioration of air quality. The Agency finds this request to be consistent with the provisions of Section 107 of the Clean Air Act, and it is granted herewith.

These actions are effective June 22, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals of the appropriate circuit within 60 days of today.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it imposes no burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Section 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: May 15, 1981.

Walter C. Barber,

Administrator.

Part 81 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

In § 81.334, the TSP and SO_2 attainment status tables are revised to read as follows:

§ 81.334 North Carolina.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
North Carolina—TSP				
Alamance County				X.
Alexander County				X.
Alleghany County				X.
Anson County				X.
Ashe County				X.
Avery County				X.
Beaufort County				X.
Bertie County				X.
Bladen County				X.
Brunswick County				X.
Buncombe County				X.
Burke County				X.
Cabarrus County				X.
Caldwell County				X.
Camden County				X.
Carteret County			X	
Caswell County				X.
Catawba County				X.
Chatham County				X.
Cherokee County				X.
Chowan County				X.
Clay County				X.
Cleveland County				X.
Columbus County				X.
Craven County				X.
Cumberland County				X.
Currituck County				X.
Dare County				X.
Davidson County				X.
Davie County				X.
Duplin County				X.
Durham County				X.
Edgecombe County				X.
Forsyth County			X	
Franklin County				X.
Gaston County				X.
Gates County				X.
Graham County				X.
Granville County				X.
Greene County				X.
Guilford County				X.
Halifax County				X.
Harnett County				X.
Haywood County				X.
Henderson County				X.
Hertford County				X.
Hoke County				X.
Hyde County				X.
Iredell County				X.
Jackson County				X.
Johnston County				X.
Jones County				X.
Lee County				X.
Lenoir County				X.
Lincoln County				X.
McDowell County				X.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Macon County				X
Madison County				X
Martin County				X
Mecklenburg County				X
Mitchell County				X
Montgomery County				X
Moore County				X
Nash County				X
New Hanover County				X
Northampton County				X
Onslow County				X
Orange County				X
Pamlico County				X
Pasquotank County				X
Pender County				X
Perquimans County				X
Person County				X
Pitt County				X
Polk County				X
Randolph County				X
Richmond County				X
Robeson County				X
Rockingham County				X
Rowan County				X
Rutherford County				X
Sampson County				X
Scotland County				X
Stanly County				X
Stokes County				X
Surry County				X
Swain County				X
Transylvania County				X
Tyrrell County				X
Union County				X
Vance County				X
Wake County				X
Warren County				X
Washington County				X
Watauga County				X
Wayne County				X
Wilkes County				X
Wilson County				X
Yadkin County				X
Yancey County				X

North Carolina—SO_2

Alamance County				X
Alexander County				X
Alleghany County				X
Anson County				X
Ashe County				X
Avery County				X
Beaufort County				X
Bertie County				X
Bladen County				X
Brunswick County				X
Buncombe County				X
Burke County				X
Cabarrus County				X
Caldwell County				X
Camden County				X
Carteret County				X
Caswell County				X
Catawba County				X
Chatham County				X
Cherokee County				X
Chowan County				X
Clay County				X
Cleveland County				X
Columbus County				X
Craven County				X
Cumberland County				X
Currituck County				X
Dare County				X
Davidson County				X
Davie County				X
Duplin County				X
Durham County				X
Edgecombe County				X
Forsyth County				X
Franklin County				X
Gaston County				X
Gates County				X
Graham County				X
Granville County				X
Greene County				X
Guilford County				X
Halifax County				X
Harnett County				X
Haywood County				X
Henderson County				X

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Hertford County				X.
Hoke County				X.
Hyde County				X.
Iredell County				X.
Jackson County				X.
Johnston County				X.
Jones County				X.
Lee County				X.
Lenoir County				X.
Lincoln County				X.
McDowell County				X.
Macon County				X.
Madison County				X.
Martin County				X.
Mecklenburg County				X.
Mitchell County				X.
Montgomery County				X.
Moore County				X.
Nash County				X.
New Hanover County				X.
Northampton County				X.
Onslow County				X.
Orange County				X.
Pamlico County				X.
Pasquotank County				X.
Pender County				X.
Perquimans County				X.
Person County				X.
Pitt County				X.
Polk County				X.
Randolph County				X.
Richmond County				X.
Robeson County				X.
Rockingham County				X.
Rowan County				X.
Rutherford County				X.
Sampson County				X.
Scotland County				X.
Stanly County				X.
Stokes County				X.
Surry County				X.
Swain County				X.
Transylvania County				X.
Tyrrell County				X.
Union County				X.
Vance County				X.
Wake County				X.
Warren County				X.
Washington County				X.
Watauga County				X.
Wayne County				X.
Wilkes County				X.
Wilson County				X.
Yadkin County				X.
Yancey County				X.

[FR Doc. 81-15418 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 162

[PH-FRL-1835-6; OPP-250029]

Notification to the Secretary of Agriculture of a Final Regulation Classifying Uses of Certain Pesticide Active Ingredients for Restricted Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule Related Notice.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a final regulation classifying uses of certain pesticide active ingredients for restricted use.

FOR FURTHER INFORMATION CONTACT: Walter Waldrop, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Room 509F, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7136).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 92-516, 86 Stat. 973; Pub. L. 94-140, 89 Stat. 753; 7 U.S.C. 136 et seq.) provides that the Administrator shall provide the Secretary of Agriculture with a copy of any final regulation at least 30 days prior to signing it for publication in the **Federal Register**. If the Secretary comments in writing regarding the regulation within 15 days after receiving it, the Administrator shall publish in the **Federal Register** (with the final regulation) the comments of the Secretary, if requested by the Secretary, and the response of the Administrator. If the Secretary does not comment in writing within 15 days after receiving the final regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime after the 15-day period.

Pursuant to FIFRA section 25(a)(3), a copy of this regulation adding certain uses of additional active ingredients which EPA has classified for restricted use has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. This regulation was also submitted to the FIFRA Scientific Advisory Panel as required by section 25(d) of FIFRA.

(Sec. 25, (Pub. L. 92-515, 86 Stat. 973, Pub. L. 94-140, 89 Stat. 753, (7 U.S.C. 136 et seq.)))

Dated: May 15, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-15455 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PH-FRL-1835-3; PP OE2421/R332]

Glyphosate; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the herbicide glyphosate at 0.2 part per million (ppm) in or on cranberries. This regulation was requested by the Interregional Research Project No. 4 (IR-4). The regulation will establish the maximum permissible level for residues of glyphosate in or on cranberries.

EFFECTIVE DATE: May 22, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of April 13, 1981 (46 FR 21631) that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number OE2421 to the EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Massachusetts, New Jersey, Washington, and Wisconsin.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity cranberries at 0.2 ppm.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking. The data submitted in the petition and other relevant material have been evaluated, and it has been concluded that the tolerance will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before June 22, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW., Washington, DC 20460.

As required by Executive Order 12291, EPA has determined that this rule is not a "major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to sec. 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** on May 4, 1981 (46 FR 24950).

Effective on May 22, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: May 15, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting "cranberries" in the table under § 180.364(a) to read as follows:

§ 180.364 Glyphosate; tolerance for residues.

(a) * * *

Commodity	Parts per million
* * *	
Cranberries	0.2
* * *	

[FR Doc. 81–15454 Filed 5–21–81; 8:45 am]

BILLING CODE 6560–32–M

40 CFR Part 180

[PH–FRL–1833–2; PP OF2368/R327]

2,6-Dichloro-4-Nitroaniline; Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance of 20 parts per million (ppm) for residues of the fungicide 2,6-dichloro-4-nitroaniline on kiwifruit. This regulation was requested by Pennwalt Corp. This rule establishes a maximum permissible level for residues of the fungicide on kiwifruit.

EFFECTIVE DATE: Effective on May 22, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M. St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM–21), Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of August 15, 1980, (45 FR 54426) that Pennwalt Corporation, Decco-Tiltbelt Div., P.O. 120, Monrovia, CA 91016, had submitted pesticide petition OF2369 to the EPA.

This petition proposed that 40 CFR Part 180 be amended by the establishment of a tolerance for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity kiwifruit at 20 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in this petition and all other relevent material have been evaluated. The use of 2,6-dichloro-4-nitroaniline as a postharvest treatment of kiwifruit is considered a minor use of a pesticide. The toxicological data used in evaluating the request for this regulation were the same as that used for existing tolerances of 2,6-dichloro-4-nitroaniline under § 180.200. It was determined that the establishment of a permanent tolerance of 20 ppm for 2,6-dichloro-4-nitroaniline would not increase human exposure to any significant extent.

Based on a dog feeding study, the NOEL is 100 ppm. Using a 100-fold safety factor, the allowable daily intake (ADI) is 0.0250 mg/kg/day and the maximum permissible intake (MPI) is 1.50 mg/day for a 60-kg person. Tolerances have previously been established for residues of 2,6-dichloro-4-nitroaniline in or on a variety of raw agricultural commodities ranging from 0.10 to 20.0 ppm (40 CFR 180.200). Established tolerances and this tolerance result in a maximum theoretical residue contribution of 1.5298 mg/day for a 60-kg person and utilize 101.99 percent of the ADI.

The metabolism of 2,6-dichloro-4-nitroaniline is adequately understood, and an adequate analytical method is available for enforcement purposes (gas chromatography with a flame ionization detector).

Based on the information cited above, the agency has determined that the establishment of a tolerance of 20 ppm for the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity kiwifruit will protect the public health. Therefore, the regulation is established by amending 40 CFR 180.200 as set forth below.

Any person adversely affected by this regulation may, on or before June 22, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate, and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this regulation

is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: May 22, 1981.

(Sec. 408(d)(2), 68 Stat. 514, (21 U.S.C. 348(c)(1)))

Dated: May 7, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by (1) revising § 180.200 in its entirety and (2) inserting the raw agricultural commodity "kiwifruit" to read as follows:

§ 180.200 2,6-Dichloro-4-nitroaniline; tolerances for residues.

Tolerances are established for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the following raw agricultural commodities:

Commodity	Parts per million
Apricots (pre- and post-H)	20
Beans, snap	20
Blackberries	15
Boysenberries	15
Carrots (post-H)	10
Celery	15
Cherries, sweet (pre- and post-H)	20
Cottonseed	0.1
Cucumbers	5
Endive (escarole)	10
Garlic	5
Grapes	10
Kiwifruit (post-H)	20
Lettuce	10
Nectarines (pre- and post-H)	20
Onions	5
Peaches (pre- and post-H)	20
Plums (fresh prunes) (pre- and post-H)	15
Potatoes	0.25
Raspberries	15
Rhubarb	10
Sweet potatoes (post-H)	10
Tomatoes	5

Unless otherwise specified, the tolerance prescribed in this section provide for residues from preharvest application only.

[FR Doc. 81-15380 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

---

40 CFR Part 180

[PH-FRL-1833-3; PP 0F2369/R328]

O-Phenylphenol; Tolerances From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance of 20 parts per million (ppm) for residues of the fungicide *o*-phenylphenol and its sodium salt on kiwifruit. The regulation was requested by Pennwalt Corp. This regulation establishes a maximum permissible level for residues of the fungicide on kiwifruit.

EFFECTIVE DATE: Effective on May 22, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of August 15, 1980 (45 FR 54426) that Pennwalt Corporation, Decco-Tiltbelt Div., PO Box 120, Monrovia, CA 91016, had submitted pesticide petition 0F2369 to the EPA.

This petition proposed that 40 CFR 180.129 be amended by the establishment of a tolerance for residues of the fungicide *o*-phenylphenol and its sodium salt in or on the raw agricultural commodity kiwifruit at 20 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and all other relevant material have been evaluated. The use of *o*-phenylphenol and its sodium salt as a postharvest treatment of kiwifruit is considered a minor use of a pesticide. The toxicological data used in evaluating the request for this regulation were the same as that used for existing tolerances under § 180.129. It was determined that the establishment of a permanent tolerance of 20 ppm for *o*-phenylphenol and its sodium salt would not increase human exposure to any significant extent.

Based on a 2-year chronic rat feeding study, the no-observable-effect level (NOEL) is 2,000 ppm. Using a 100-fold safety factor, the allowable daily intake (ADI) is 1.0 milligram (mg)/kilogram (kg)/day and the maximum permissible intake (MPI) is 60.0 mg/day for a 60-kg person. Tolerances have previously been established for residues of *o*-phenylphenol and its sodium salt in or on a variety of raw agricultural commodities ranging from 5.0 to 25.0 ppm (40 CFR 180.129). Established tolerances and this tolerance result in a theoretical maximum residue contribution of 2.8272 mg/day for a 60-kg person and utilize 4.71 percent of the ADI.

The metabolism of *o*-phenylphenol and its sodium salt is adequately understood, and an adequate method is available for enforcement purposes (gas chromatography with flame ionization detector).

Based on the information cited above, the agency has determined that the establishment of a tolerance for residues of the fungicide *o*-phenylphenol and its sodium salt in or on the raw agricultural commodity kiwifruit will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before June 22, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant

economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on May 22, 1981.

(Sec. 408(d)(2), 68 Stat. 514 (21 U.S.C. 346(d)(2)))

Dated: May 7, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by (1) revising § 180.129 into alphabetical tabular format and (2) alphabetically inserting raw agricultural commodity "kiwifruit." Section 180.129 is revised to read as follows:

§ 180.129 o-phenylphenol and its sodium salt; tolerances for residue.

Tolerances are established for combined residues of the fungicide *o*-phenylphenol and sodium *o*-phenylphenate, each expressed as *o*-phenylphenol, from postharvest application of either in or on the following raw agricultural commodities:

Commodities	Parts per million
Apples	25
Cantaloupes (NMT 10 ppm in edible portion	125
Carrots	20
Cherries	5
Citrus	10
Citron	10
Cucumbers	10
Grapefruit	10
Kiwifruit	20
Kumquats	10
Lemons	10
Limes	10
Nectarines	5
Oranges	10
Peppers (bell)	10
Peaches	20
Pineapples	10
Plums (fresh prunes)	20
Sweet potatoes	15
Tangennes	10
Tomatoes	10

[FR Doc. 81-15381 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PH-FRL-1834-1; PP 6F1859/R330]

Oryzalin; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide oryzalin (3,5-dinitro-N^4,N^4-dipropylsulfanilamide) at 0.05 part per million (ppm) in or on the raw agricultural commodity groupings: Citrus fruits, nuts, pome fruits, small fruits, stone fruits, and the individual raw agricultural commodities, avocados, kiwifruit, olives, pomegranates, pistachios, figs, and almond hulls. This regulation was requested by Elanco Products Company. This regulation will establish the maximum permissible level for the combined residues of oryzalin in or on the above raw agricultural commodities.

EFFECTIVE DATE: Effective on May 22, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of October 7, 1976 (41 FR 44213) that Elanco Products Company, a Division of Eli Lilly and Company, PO Box 1750, Indianapolis, IN 46206, had filed a pesticide petition (6F1859) with the EPA.

The petition proposed the establishment of tolerances for the combined residues of the herbicide oryzalin (3,5-dinitro-N^4,N^4-dipropylsulfanilamide) at 0.05 ppm in or on the raw agricultural commodity groupings: Citrus Fruits, nuts, pome fruits, small fruits, stone fruits, and the individual raw agricultural commodities, avocados, kiwifruit, olives, pomegranates, pistachios, figs, and almond hulls.

The data submitted in the petition and other relevant material have been evaluated. The toxiciology data submitted in support of these tolerances include an acute oral LD_{50} study (rats); an acute dermal LD_{50}; 3-month oral dosing study (rats); 3-month oral dosing study (mice); 2-year feeding study (rats); teratology study (rats); teratology study (rabbits); a dominant lethal study (rats); and an Ames mutagenicity test.

Data and/or information desirable but currently lacking include a general metabolism study, a repeat of the dominant lethal study (rat), a teratology study on rabbits, a mouse oncogenicity study, a teratology study on a third species, and a resolution of the issue of oncogenic potential of oryzalin. The agency has concluded that the establishment of the requested tolerances and the registration of the new uses for oryzalin will not significantly increase the risk of unreasonable adverse effects to humans or the environment. Since the data indicate that there will be no detectable residues in the feed or food crops for the requested tolerances, there should be essentially no risks through dietary exposure. The company has been notified of the deficiencies and has agreed to perform the above studies and to remove the uses from the label should the results of the above studies exceed the risk criteria from chronic toxicity as stated in 40 CFR 162.11 of the regulations. Therefore, establishment of the requested tolerances are possible even though some toxicity issues remain unresolved.

Tolerances have been previously established for the chemical on cottonseed (0.05 ppm) and soybeans (0.1 ppm).

There are no regulatory actions pending against continued registration of oryzalin. The product contains a nitrosamine at levels under 1 ppm. Based on the agency policy that was published in the **Federal Register** of June 15, 1980 (45 FR 42854), this falls below the currently acceptable risk criteria. The nature of the residues of oryzalin are adequately understood. An adequate analytical method (gas-liquid chromatographic technique using an electron capture detector) is available for enforcement purposes. Residues of oryzalin are not likely to occur in eggs, milk, meat, fat, and meat byproducts. There are no other considerations involved in establishment of these tolerances. These tolerances will protect the public health.

Any person adversely affected by this regulation may, on or before June 22, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., S.W., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review

requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

For information on the Regulatory Flexibility Act requirements, see the Appendix to this rule.

Effective on May 22, 1981.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: April 16, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by revising § 180.304 to read as follows:

§ 180.304 Oryzalin; tolerances for residues.

Tolerances are established for the combined residues of the herbicide oryzalin (3,4-dinitro-N^3,N^4-dipropylsulfanilamide) in or on the following raw agricultural commodities:

	Parts per million
Commodities:	
Almond, hulls	0.05
Avacodos	0.05
Citrus fruits	0.05
Cottonseed	0.05
Figs	0.05
Kiwifruits	0.05
Nuts	0.05
Olives	0.05
Pistachios	0.05
Pome fruits	0.05
Pomegranates	0.05
Small fruits	0.05
Soybeans	0.1
Stone fruits	0.05

Appendix

[PP 6F1859/R330]

Oryzalin Tolerances

Certification Under Regulatory Flexibility Act: Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96–543, 94 Stat. 1164, 5 U.S.C. 601–612, effective January 1, 1981). The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, Government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice-and-comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would othewise not be able to sell crops containing residues of that pesticide.

This proposed regulation would establish tolerance for residues of the herbicide oryzalin in the raw agricultural commodity groupings citrus fruits, nuts, pome fruits, small fruits, stone fruits, and the individual commodities avocado, kiwi, olive, pomegranates, pistachios, figs, and almond hulls at 0.05 part per million. This regulation will not restrict existing uses of the pesticide but would permit registration of some uses not previously registered. There is no potential for adverse impact.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: May 1, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-15385 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

GENERAL SERVICES ADMINISTRATION

Automated Data and Telecommunications Service

41 CFR Ch. 101

[FPMR Temp. Reg. F-498]

Data Telecommunication Service Requests; Temporary Regulations

AGENCY: Automated Data and Telecommunications Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation changes the provisions of FPMR Subpart 101–37.2 to allow agencies to obtain certain intercity data, facsimile, and record telecommunication services without the GSA approval. The availability of the GSA developed computer model to facilitate economic/engineering analysis of requirements created the opportunity for this action. The intended effect is to deal with the changing telecommunication environment, reduce paperwork burdens, and increase economy and efficiency of Government data telecommunication services.

DATES: Effective date: June 22, 1981, but may be observed earlier.

Expiration date: June 22, 1983.

Comments are due: On or before September 22, 1981.

ADDRESS: Comments should be addressed to: General Services Administration (CPEP), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Roger W. Walker, Procurement Policy and Regulations Branch (CPEP), Policy and Analysis Division (202–566–0194).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the Appendix at the end of Subchapter F to read as follows:

Federal Property Management Regulations Temporary Regulation F–498

April 17, 1981.

To: Heads of Federal agencies

Subject: GSA review of data, facsimile, and record telecommunication service requests

1. *Purpose.* This regulation changes the provisions of FPMR Subpart 101–37.2 to allow agencies to obtain installation, replacement, relocation, and use of intercity data, facsimile, and record telecommunication services, including transmission channels or equipment without the review and approval of the General Services Administration when the estimated annual cost of the data telecommunication system requirement is $50,000 or less. In addition, this regulation provides for the availability of a GSA computer based model to assist agencies in making an economic/engineering analysis of their data communications requirements.

2. *Effective date.* This regulation is effective June 22, 1981, but may be observed earlier.

3. *Expiration date.* This regulation expires June 22, 1983.

4. *Background.* Subpart 101–37.2 sets forth policies and procedures regarding the processing of major changes and new installations to meet the policies and objectives of GSA's telecommunication program responsibilities. (See §§ 101–37.103 and 101–37.104.) Agency use of data telecommunication services has increased, technology has advanced, and the character

of the marketplace has changed. The intent of this regulation is to deal with this changed environment, reduce paperwork burdens, and increase the economy and efficiency of Government data communication services in accordance with the objectives of GSA's telecommunications program.

5. *Applicability.* This temporary regulation applies to agencies to the extent provided in § 101–37.102.

6. *Definitions.* Definitions in § 101–37.201–5 apply to this regulation.

7. *Explanation of changes.* a. When an agency determines that the annual cost of an intercity data telecommunication system requirement is $50,000 or less, the information submission requirements for the installation, replacement, relocation, or use of data, facsimile, and record telecommunication services as set forth in § 101–37.203(c) are not required for the purpose of securing GSA approval under § 101–37.201–1 prior to the agency implementing action. A system requirement includes all circuitry and equipment (such as modems and multiplexors) but excludes ADP equipment (such as terminals and any modems embedded in them). Requirements shall not be fragmented in order to circumvent this threshold. Removal of intercity services does not require GSA approval. Local data, facsimile, and record telecommunication service requirements, regardless of dollar amount, do not require GSA approval. Under these circumstances, a blanket GSA approval for the agency to proceed with implementing action is hereby granted.

b. Before proceeding under the paragraph 7a blanket GSA approval authority, an agency shall conduct a technical and economic analysis and shall verify as appropriate that the service selected is economically feasible. The Tariff Model (see paragraph 8a, below) is a tool which can be used to reduce the effort involved in performing this technical and economic analysis while ensuring that the relevant generic types of service alternatives receive appropriate consideration. (GSA is making this interactive computer-based model available to agencies via direct access from an agency's own terminal.) The purpose of these actions is to ensure that a cost effective means is selected to meet the requirement. To the extent feasible, functional type specifications shall be used to define requirements as a means to allow maximum practicable competition. Consideration shall include utilizing the capabilities of existing data networks (see paragraph 7c, below). Agencies shall document their files with justification for their selections from the alternatives considered.

c. Agencies shall consider use of available consolidated services. GSA and the Defense Communication Agency (DCA) provide economical communications services to Federal agencies by obtaining resources in bulk quantities from commercial carriers. Economy of scale discounts are available under the DCA's Multiplex Service and GSA's Consolidated DATACOM Network, Advanced Record System (ARS), the intercity voice network of the FTS, and the value added network (VAN) billing program. (See also paragraph 8b.)

d. When an agency intends to satisfy a data, facsimile, or record telecommunication system requirement through use of the FTS intercity voice network, the agency shall verify that FTS service is available at the installation location(s). If access to the FTS intercity voice network is not available, the provisions of §§ 101–37.204, and 101–37.205, and Subpart 101–37.3 apply. Ordinarily, an agency shall submit requests for instrument-terminated station lines to the appropriate GSA Regional office. If the request includes provisions for dedicated FTS access (other than QPX or station lines), the agency may submit directly or the GSA regional office will forward the request to GSA (CPST) Washington, DC 20405 for action.

e. The provisions in paragraph 7a do not eliminate requirements for an agency (pursuant to § 101–37.201–4) to provide GSA with C/MIS information (as required by § 101–37.203(c)) when implementing action has actually taken place. In fact, these submissions will become more important to the continuing maintenance of economical and efficient Government-wide services. GSA will review agency performance under this regulation as evidenced by the C/MIS data base submissions. The requirements (pursuant to § 101–37.201–3) for data communications support for ADP systems set forth in Subpart 101–36.11 are not changed.

8. *Advice and assistance.* a. In addition to GSA assistance available to agencies as set forth in § 101–37.111, GSA has developed a computer based model for economic/engineering analysis of data telecommunication service alternatives. This model may be used by Federal agencies in estimating cost for point-to-point, star, and multiplex data telecommunications networks. The scope and limitations of the model are addressed in the user documentation. The model does not replace the function of the marketplace to determine competitively the lowest overall cost in satisfying a requirement. Agencies may request access in the computer based Tariff Model by contacting the GSA office listed in paragraph 8c, below. The use of the tariff model is discretionary since an agency may choose to perform a manual analysis of tariffed and other telecommunication services.

b. Advice and assistance concerning the description, availability, ordering, maintenance and repair, charges, and billing of available consolidated services and data services of the FTS intercity voice network may be obtained by contacting the GSA office set forth in paragraph 8c, below. Information on FTS data services is contained in GSA Bulletin FPMR F–110, July 18, 1979. Information on DATACOM service is contained in GSA Bulletin FPMR F–113, October 17, 1979.

c. For further information and assistance contact GSA (CPSR) Washington, DC 20405, telephone FTS or local 566–1133, commercial toll (202) 566–1133.

9. *Comments.* Comments are invited concerning the effect or impact of this regulation and the policy and procedures that should be adopted in the future. Comments should be forwarded to the General Services Administration (CPEP), Washington, DC 20405, on or before August 20, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–15202 Filed 5–21–81; 8:45 am]

BILLING CODE 6820–25–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–6060]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulatons except for the page

number of this entry in the Federal Register.

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
Oregon	Polk	City of Falls City.	July 7, 1981.
Illinois	Macoupin	City of Staunton.	July 17, 1981.
Ohio	Stark	Village of Brewster.	July 31, 1981.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Federal Insurance Administrator)

Issued: May 8, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15360 Filed 5-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Hawaii	Kauai County (Docket No. FEMA-5853)	Anahola Stream	Approximately 600' upstream of mouth	*8
			Upstream Kuhio Highway	*18
			Approximately 60' upstream of Foot Bridge	*25
		Hanapepe River	Approximately 500' upstream of confluence of Hanapepe Bay.	*9
			Upstream Hanapepe Road	*12
			Ko Road extended to stream	*14
			Confluence of Kapahili Gulch	*18
			Approximately 9,000' upstream of Hanapepe Road	*38
		Hanalei River	Approximately 1,200' upstream of confluence with Hanalei Bay.	*13
			Upstream Kuhio Highway	*15
			Approximately 5,980' upstream of Kuhio Highway	*20
			Approximately 11,370' upstream of Kuhio Highway	*35
		Kalama Stream	At confluence with Opaekaa Stream	*284
			Upstream Kamalu Road	*296
			Upstream Puuopae Road	*320
			Approximately 2,500' upstream of Puuopae Road	*328
		Kapaa Stream	Upstream Kuhio Highway	*21
			Approximately 8,600' upstream of Kuhio Highway	*23
			Approximately 12,400' upstream of Kuhio Highway	*26
		Moikeha Canal	Approximately 750' upstream of Kuhio Highway	*5
			Upstream Cane Haul Road	*6
			Upstream Malu Road	*14
			Approximately 2,600' upstream of Malu Road	*49
		Nawiliwili Stream	Upstream Old Nawiliwili Road	*11
			Approximately 4,050' upstream of Old Nawiliwili Road (at Kahumoku Road extended to stream).	*42
			Kalena Street extended to stream	*105
			Puanani Street extended to stream	*122
			Upstream Haleko Road	*152
			Upstream Private Road	*157
			Approximately 1,820' upstream of Kaumuali Highway	*164
		Opaekaa Stream	Approximately 5,200' downstream of Kamalu Road	*242
			At confluence of Kalama Stream	*284
			Upstream Kamalu Road	*290
			Downstream Opaekaa Road	*296

V. 46 / 99 / MAY 22 1981 UMI

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Puali Stream	Approximately 370' downstream of Niumalu Road	*6
			Approximately 60' upstream of Niumalu Road	*9
			Approximately 1,530' upstream of Niumalu Road	*18
		Waikaea Canal	Approximately 350' downstream of Kuhio Highway	*8
			Upstream Kuhio Highway	*9
			Approximately 6,495' upstream of Kuhio Highway	*32
		Waikomo Stream	Approximately 210' upstream of confluence of Pacific Ocean	*7
			Upstream Poipu Beach Road	*39
			Upstream Poipu Road	*51
			Approximately 3,960' upstream of Poipu Road	*115
			Upstream Waikomo Road	*198
			Upstream Koloa Road	*210
			At confluence of Omao Stream	*214
		Omao Stream	At confluence of Waikomo Stream	*214
			At confluence of Poeleele Stream	*226
			Approximately 3,495' upstream of Poeleele Stream	*262
			Downstream of Omao Reservoir	*370
			Upstream of Omao Reservoir	*389
		Wailua River	At confluence with Wailua Bay	*11
			Upstream Kuhio Highway	*13
			Approximately 12,400' upstream of confluence with Wailua Bay	*24
		Waioli Stream	Upstream of Kuhio Highway	*12
			Approximately 4,250' upstream of Kuhio Highway	*13
		Waipa Stream	Approximately 630' upstream of Kuhio Highway	*11
			Approximately 2,360' upstream of Kuhio Highway	*15
			Approximately 2,750' upstream of Kuhio Highway	*23
		Pacific Ocean (Tsunami)	Confluence of Namoa Stream	*36
			Haena Point	*24
			Confluence of Waioli Stream	*13
			Confluence of Hanalei River	*12
			Confluence of Kilauea Stream	*21
			Kulikoa Point	*26
			Opana Point	*21
			Confluence of Moikeha Canal	*10
			Hehe Road extended to coastline	*11
			Confluence of Nawiliwili Stream	*7
			Confluence of Huleia Stream	*6
			Kuahonu Point	*8
			Confluence of Waikomo Stream	*7
			Confluence of Hanapepe River	*9
			Confluence of Waimea River	*9
			Kokole Point	*12
			Mana Point	*14

Maps available for inspection at the Department of Public Works, Lihue, Kauai, Hawaii.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 7, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15359 Filed 5-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5600]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Withdrawal of Deletion of Final Rule for the Township of Lopatcong, Warren County, New Jersey.

SUMMARY: The Federal Insurance Administration has erroneously published a deletion of the final rule for the Township of Lopatcong, Warren County, New Jersey. This notice will serve to withdraw the deletion notice.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the withdrawal of the Notice deleting the final determinations of base (100-year flood elevations for the Township of Lopatcong, Warren County, New Jersey, published at 45 FR 60437 on September 12, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Due to a clerical error, the Federal Insurance Administration has erroneously published a notice of deletion of the final rule for the Township of Lopatcong, Warren County, New Jersey at 45 FR 60437 on September 12, 1980. This will serve to withdraw the deletion notice, and the final rule for the Township of Lopatcong, published at 45 FR 51804, on August 5, 1980, is still considered to be in effect.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act

of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 7, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15419 Filed 5-21-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 21136; FCC 81-204]

Radio Broadcast Services; Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Final Rule (Second Report and Order).

SUMMARY: Action taken herein resolves the issues raised in the Commission's *First Report and Notice of Proposed Rule Making* adopted June 7, 1981, in the matter of Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations (BC Docket No. 21136). The Commission's new rule prohibits broadcast programming in return for consideration and replaces the proscription against all "promotion of products and services." Acknowledgments of contributions continue to be allowed. In addition, none of the proposed restrictions on fundraising for station purposes are adopted. These actions are being taken to simplify and clarify the programming and fundraising rules applicable to public broadcast stations.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: John Kamp, Broadcast Bureau, (202) 632–6302.

SUPPLEMENTARY INFORMATION: In the matter of Commission policy concerning the noncommercial nature of educational broadcast stations; *Second report and order* (Proceeding Terminated).

Adopted: April 23, 1981.

Released: May 19, 1981.

By the Commission: Commissioner Quello issuing a statement in which Commissioner Fogerty joins; Commissioner Washburn issuing a separate statement.

1. In the *First Report and Notice of Proposed Rule Making* in this proceeding (hereinafter "*First Report*," 69 FCC 2d 200 (1978)), we sought comment, through rule making, on 22 specific questions regarding the noncommercial nature of public broadcasting.[1] These questions had been distilled from the inquiry stage of the same proceeding,[2] and related to a single theme. We stated that our proposed answers were intended to place limits upon some types of fundraising activities, with an eye toward striking a reasonable balance between the financial needs of such stations and their obligation to provide an essentially noncommercial broadcast service. These proposals received extensive comments from a wide range of individuals, associations, and licensees, *see* Appendix A. We now believe, based upon the record in this proceeding, that the overall approach embodied in the 22 specific questions warrants re-examination, and that the record does not support many of the specific rules that were proposed.

2. The *First Report* alluded to a pattern of complaints from the public and from commercial broadcasters regarding the practices of public broadcasting stations (para. 2). However, the record now available to us provides scant support for the contention that there has been a pattern of significant abuse. We agree with several commenting parties who urged that a few isolated complaints should not form the basis for general proscriptive rules that affect all public broadcasting stations. The basic thrust of both the *Inquiry* and the *First Report* was highly proscriptive. The proposals would have created a highly specific set of rules codifying a host of major commercial announcement and fundraising questions raised by public broadcasters. Many comments urged us to adopt less restrictive rules which would be consistent with our present purposes and would be consistent with other recent policy decisions.[3]

3. The Commission's interest in creating a "noncommercial" service has been to remove the programming decisions of public broadcasters from the normal kinds of commercial market pressures under which broadcasters in the unreserved spectrum usually operate. The policy underlying this *Report and Order* is designed to serve that end and to eliminate rules which are not required for that goal. At the same time, the Commission recognizes that substantial funding for public broadcaster programming is derived from business establishments in the form of grants or gifts and that acknowledgment of those funds is proper and possibly necessary to assure the continuation of such funding. Consequently, this *Report and Order* provides greater flexibility for public broadcasters in this area, relying partially upon good faith efforts of licensees to prevent abuses and to maintain the essential character of the noncommercial service.

4. The result of this major re-examination is our decision to eliminate the existing proscription against *all* promotion of products and services and to institute a more appropriate "consideration received" rule. Consideration is a term used to denote anything of value given in exchange for something else of value. Although the Commission has felt in the past that no promotion of goods and services should be allowed on noncommercial stations, we now think that the promotion of goods and services without consideration can in some instances further the public interest. We feel we need to amend our rules to allow broadcasters to promote the programs and events of organizations when they determine that it would be in the public interest to do so. However, we are continuing to maintain the noncommercial nature of public broadcasting by not allowing a broadcaster to promote the goods or services of an entity or person in return for consideration. In addition, we reject proposals to regulate tightly the airing of contributor acknowledgments and proposals to restrict other fundraising activities on behalf of the stations. The effect of these changes will be to broaden the permissible areas of licensee discretion in making their public interest judgments and likely will broaden the sources of private support for public broadcasting. The contributor rules should encourage more private donations and increase the total

---

[1] The term "public broadcasting" is used here to refer to all stations licensed by the Commission as noncommercial educational broadcast stations.

[2] *Notice of Inquiry* (Inquiry), FCC 77–162, March 15, 1977, 42 Fed. Reg. 15927 (March 24, 1977).

[3] Some parties cited our *Inquiry and Notice of Proposed Rule Making* in *Deregulation of Radio*, 44 FR 57636, pub. Oct. 5, 1979, as standing in contrast to the present proceeding. See also, *Deregulation of Radio, 46 FR 13888, pub. Feb. 24, 1981. However, that action was premised in part upon the idea that market forces would impel the licensees to deliver programming consistent with the public interest, even in the absence of regulation. The present proceeding is designed to assure that the programming of public broadcasting is not primarily in response to the market's commands. However, in many other respects, the parallel is properly noted and here, as there, we are attempting to minimize the oversight and reporting burdens that licensees will face, relaxing these burdens where there is no strong reason not to do so.*

amounts of contributions. This broadened public funding should reduce the ability of any single private or public entity to affect program decisions and thus should help insure that the programming decisions of public stations are consistent with the intended status of public broadcasting.

5. A secondary aspect of the new regulatory scheme is that it is consistent with traditional First Amendment analysis. The new rules: (1) are within the power of the Commission, (2) further the substantial and important interest of preserving the public broadcast service, (3) can be implemented without affecting First Amendment freedom, (4) are no broader than necessary to achieve their aims, and (5) are as specific as possible. As such, the new system withstands even the most strict constitutional scrutiny applied by the U.S. Supreme Court in related cases.

6. Perhaps the most important finding to emerge from this proceeding is that the Commission does not now have available to it a comprehensive statement of the goals and purposes of public broadcasting and of the means by which these should be pursued. Absent consensus on the nature of the essential differences attendant to the noncommercial services, we are likely to resolve the particular policy questions in *ad hoc* ways that may not be consistent and orderly. The problem has become more acute recently, as the types of broadcast and nonbroadcast service have expanded and diversified. Public broadcasting has pioneered in the development of satellite program delivery for television and radio, in captioning for the deaf, and in other technical areas. Public stations currently are attempting to re-examine their traditional funding approaches. In this volatile situation, we do not believe it is appropriate for the Commission to endorse or forbid particular practices through *ad hoc* actions until we have performed a basic review of the public broadcast service. Such a review now is underway in the Policy and Rules Division of the Broadcast Bureau. We expect the staff to present recommendations to us on an expedited schedule for possible future rule making activities in the area. For present purposes we have sought to pursue rule making only so far as it is clearly justified by the record in this proceeding. We have deferred to a later inquiry or rule making the basic questions concerning public broadcasting's central purpose, the government's responsibility, the impact of new sources of financing, and of the impacts of new technologies. For now, it is sufficient to state that we seek to maintain an essentially noncommercial character for public broadcasting and are here adopting what seems for the present to be the minimum regulatory structure that preserves a reasonable distinction between commercial and noncommercial broadcasting.

The Basic Programming Rule: A Summary of Relevant Comments

7. The most significant fact to emerge from the comments was a need to re-examine the basic noncommercial programming rule and in so doing we have determined that a "consideration received" standard will be more appropriate for determining permissible broadcast matter for public stations. The position of the commenting parties provided much support for this change. For example, many parties argued that the Commission's rule proscribing "announcements promoting sale of products and services" raised serious questions under the First Amendment because it: (1) failed to further a substantial or compelling government interest where the licensee received no consideration for broadcast matter, and (2) was based solely on the content of the proscribed speech. Regardless of the merits of this argument the Commission believes that the regulatory approach announced here removes the ambiguity of the present rules by eliminating the vexing problem of determining what language "promotes" the sale of products or services and establishes an objective standard by which to judge certain broadcast matter. Moreover, the new criterion is not based upon the "content" of the broadcast matter. Further the Commission believes that the rule is related to and furthers the government's interest in creating a public broadcast service.

8. Sections 73.503(d) and 73.621(e) of the Commission's present rules state that, subject to limited exceptions, "no announcements promoting the sale of product or service shall be broadcast in connection with any program." The Commission has applied this proscription to: (1) announcements made on behalf of commercial entities promoting their products and services, (2) announcements made on behalf of nonprofit organizations, either at their request or by the licensee's own choice, promoting activities where the sale of goods or services was involved, and (3) announcements promoting the licensee's own activities where the sale of goods and services was involved. Many commenting parties were concerned with the proscription as applied to the latter two types of announcements.

9. The Commission has invoked the proscription to disallow announcements urging attendance at, or "promoting" in other ways, nonprofit organizational activities and transitory events, such as plays, concerts and fundraising efforts, where an entry fee was required or where goods and services were sold. For example, prohibited announcements would include: "The First Avenue Church is having its annual garage sale this Sunday. There are many useful items on sale so be sure to attend," or "The Red Cross is sponsoring a dance this Sunday featuring the latest in disco sounds. Admission is only $2.00 so be sure to stop by and join the fun and help a worthy cause in the process." The *First Report* proposed no change in this general prohibition.

10. Commission authority to create special rules for commercial-like practices of public broadcasters is found in Sections 303 (a) and (b) of the Communications Act of 1934, as amended (Act), which authorizes the Commission to classify radio stations and to prescribe the nature of the services to be rendered by each class of licensed station and each station within any class. The parties acknowledge the Commission's authority to prohibit commercial or commercial-like activity in particular broadcast services but they point out that any regulatory scheme adopted by the Commission to achieve this end must be consistent with First Amendment freedom of speech guarantees and Fifth Amendment equal protection principles. The Commission's proposed rules are said by the parties to conflict with requirements of both of these constitutional principles.

11. The parties repeatedly cite *U.S.* v. *O'Brien*, 391 U.S. 367 (1968), which held that a government regulation affecting First Amendment freedoms is justified only:

> If it is within the constitutional power of the government; if it furthers an important or substantial governmental interest; if the government interest is unrelated to the suppression of free expression; and if the incidental restriction on alleged First Amendment freedoms is no greater than essential to the furtherance of that interest. *Id.* at 377.[4]

The parties also frequently cite *Community Service Broadcasting of Mid-America, Inc.* v. *F.C.C.*, 593 F. 2d

[4] The last component of this test is similar to the "less drastic means" principle. *Shelton* v. *Tucker*, 364 U.S. 479 (1960), cited by some parties. It requires that a government limitation upon free expression be imposed only when there is lacking an alternative method of achieving the government's aim that would be less restrictive of these fundamental rights.

1102 (C.A.D.C. 1978), in which the Court of Appeals stated:

> The First Amendment requires the strictest form of scrutiny be applied where the purpose of a statute is related to suppression of free expression of ideas or information. Applying such strict scrutiny, the Supreme Court has held that the statute or regulation *must* be found unconstitutional unless either the speech in question is not fully protected by the First Amendment or its suppression is essential to a compelling government interest. (citations omitted). *Id.* at 1111.

The parties' basic argument is that the Commission's blanket proscription of announcements promoting the sale of a product or service is unrelated to, and fails to further, any important, substantial, or compelling government interest.

12. The parties generally claim that the purpose and objective in creating a public broadcast service was to classify and distinguish one broadcast service which separated programming decisions from commercial marketplace pressures and which did not depend on advertising revenue to support it.[5] The parties argue that the Commission's rules proscribing all announcements that merely promote the sale of products or services, regardless of whether they are broadcast in return for consideration, are unrelated to commercial marketplace concerns and fail to further the purpose for which public frequencies were reserved. The parties maintain that many such announcements are broadcast simply because the licensee believes them to be in the public interest. Thus, it was argued that the rules fail to further the intended governmental interest or are broader than required to achieve the desired result. The parties state that the Commission may not suppress all commercial or commercial-like speech merely because it desires to preserve some particular "tone," "taste," or "style" for public broadcasting. Such suppression is said to be forbidden because it is based solely on the *content* of the speech. In short, the parties believe that, unless the licensee receives payment or some type of consideration in return for broadcasting program matter, the licensee's discretion should govern what is broadcast. Such a functional, content-neutral approach, according to the parties would avoid the constitutional problems they attribute to the approach put out for consideration in the *First Report*.

13. Other constitutional arguments are advanced. It is asserted that the proposals are unconstitutionally vague, and that insofar as waivers are required for "old time commercials," [6] the rules constitute an unconstitutional prior restraint. Additionally, some parties argue that the proposals contravene the equal protection clause of the Fifth Amendment. The parties cite *Community Service Broadcasting of Mid-America* v. *F.C.C., supra,* and *Police Department of Chicago* v. *Mosley,* 408 U.S. 92 (1972), for the general proposition that there must be a substantial government interest furthered by the different treatment accorded public broadcasters and commercial broadcasters, and that the rules must be narrowly tailored to serve that interest. It is argued that the Commission has failed to identify a "substantial government interest" warranting the virtual total proscription of commercial or commercial-like programming proposed in the *First Report*.

Discussion

14. The Commission is persuaded that adjustment of its present and proposed rules is desirable. We agree that our rules must further the government's legitimate interest and, so far as possible, should not be based solely upon the content of particular broadcast matter.

15. The current dual system of broadcasting consisting of commercial and noncommercial stations is dependent upon differences in the purpose, support, and operation of the two classes of stations. Although these differences have not been completely enumerated, the present distinction has had an important relation to the source of operating revenues for the two types of stations. Public stations have relied primarily on government and private contributions; private commercial stations have relied primarily upon revenue paid in consideration for the airing of advertising to promote goods and services. So long as the commercial/noncommercial distinction is maintained and not modified, we agree with the parties' assertions that programming broadcast in return for receipt of consideration and used to promote the sale of goods and services is not appropriate for noncommercial broadcasting. Thus, proscriptions based on these criteria both narrowly defined and specifically further the important government interest in preserving the character of noncommercial broadcasting, and do so in a way that is highly protective of First Amendment rights.

16. We also agree with the parties that announcements promoting the sale of products and services that are broadcast because the licensee believes them to be of public interest do not always denigrate the purposes and objectives of public broadcasting. Adoption of the "consideration for broadcast" rule will provide an objective method for determining certain permissible broadcast matter. In view of these conclusions, we are amending our rules today to make clear that, subject to the exception set out at paragraph 18 below and the Commission's rules generally, only announcements or programs broadcast in exchange for consideration are proscribed on public broadcast stations. Further, because of the delicate First Amendment implications, we are asserting our intention to respect the good faith judgments of broadcasters in interpreting this rule and our intention to review those judgments only where it appears necessary in order to protect the noncommercial nature of public broadcasting.

17. This new rule addresses the compelling government interest in separating public broadcasting station programming decisions from commercial considerations as much as possible. It does not address the compelling government interest in insuring that reserved educational frequencies be used for educational, instructional, and cultural programming. This latter interest is the basis for rules restricting certain broadcast matter and is discussed in paragraphs 42 & 43 below.

18. In adopting a rule proscribing announcements broadcast in return for consideration, the question arises of how contributions of money, goods and services to licensees fit within the proscription.[7] Such contributions are

[5] *See e.g., Sixth Report and Order,* 41 FCC 148, 165–166 (1952). For purposes of this proceeding, we are relying upon the purposes of public broadcasting enumerated in the *Sixth Report and Order.* We have not discovered a sufficient nexus between any valid government purpose and the discouragement of free expression complained of here to justify continuation of the current standard, where a less restrictive alternative is available. As a general matter, however, we continue to adhere to our position in the *First Report* that restrictions on commercial programming matter by public broadcasting stations are appropriate and consistent with the First Amendment. *See, First Report,* paras. 8–14. Our review of the legislative history surrounding this area assures us that the actions we are taking today are both within the scope of the law and are consistent with the thrust of that history.

[6] "Old time commercial" waivers have been issued to permit the rebroadcast of formerly popular programs such as Groucho Marx, "The Lucky Strike Hit Parade," and mystery theatre programs, without deleting adversting matter contained in those programs.

[7] Throughout the comments, the parties repeatedly assert that as more restrictions are placed upon broadcast identification of donors, the more reluctant donors will be to donate and that if present restrictions were loosened, more entities

Continued

made, at least in part, in return for or with the expectation of broadcast acknowledgments. Contributions to public licensees constitute a principle source of financing broadcast operations. This source, through the federal "matching" system, has received Congressional endorsement as sound public policy. Moreover, it should be recognized that announcements acknowledging entities contributing money for particular program purposes *must* be made in many situations pursuant to Section 317 of the Communications Act and § 73.1212 of the Commission's Rules. The regulatory system adopted today does not change the requirements of Section 317 and § 73.1212. The Commission believes that donor identification announcements are informational and appropriate.[8]

19. Accordingly, we are amending §§ 73.503 and 73.621 to delete language proscribing announcements which promote the sale of products and services and are replacing it with language stating that "no announcement shall be broadcast in exchange for the receipt of consideration to the licensee, its principals, or employees. However, acknowledgments of contributions can be made."

20. We turn now to the specific policies and proposed rules discussed in the *First Report*. The actual questions proposed in the *Inquiry* are attached as Appendix C.

Fundraising That Suspends Programming

21. The Commission proposals which perhaps received the most publicity, as well as the most objection, were the ones placing limits on the amount of time permissible for auction fundraising and nonauction fundraising (such as marathons and pledge weeks) during periods of suspended programming.[9] We recognized in the *First Report* that fundraising during on-the-air solicitations was important to licensee funding requirements and that Congress envisioned that at least some of this activity would occur. However, we also noted that time devoted to this activity detracted from the presentation of programming which the system was established to broadcast, that time devoted to fundraising was increasing, and that, with respect to auctions, the activity often seemed overtly commercial.

22. The Commission proposed a rule limiting the broadcast of auctions to ten days per calendar year with an additional restriction that no one day's auction activity consume more than 50% of that day's broadcast time. The comments on these proposed rules can be summarized as follows: (a) some had no objection to a limit and felt that ten days or slightly more was an adequate amount of time to devote to auctions; (b) most felt that the 50% limitation impinged upon flexibility particularly on weekends when substantially more than 50% of the day may be devoted to auction activity; (c) many felt that while a limit of ten to fourteen days was sufficient time for auctions, the amount of auction time should be left to the licensee's discretion; and (d) time devoted to auctions was self-limiting by viewer and listener resistance. In addition, the Commission proposed rules to specifically define underwriters and to limit the number of underwriter acknowledgments that would be allowed during auctions. Commenters said these restrictions would preclude announcements crediting most entities underwriting auctions and would be difficult to administer in view of the different ways licensees compute expenses.

23. Further, a limit of ninety hours per calendar year was proposed for nonauction fundraising activity. Also, the Commission proposed that broadcast acknowledgments of underwriters, as permitted during auction periods, would not be allowed.

24. Several objections were raised with these fundraising proposals. The ninety-hour limit was criticized by public radio licensees as discriminatory because it would permit television stations more time for overall fundraising. The ninety-hour limit also was criticized as being too restrictive for stations that rely heavily upon viewer donations.[10] Many commenters said that the activity was self-limiting, and thus no such Commission imposed regulation was necessary. Others said that if a limit were adopted, it would be more appropriate to tie it to each station's average weekly hours on-the-air. Some parties suggested no fundraising time limit be adopted, but rather, that time devoted to fundraising should be reviewed at license renewal time as part of the public interest determination.

25. The Commission has reconsidered its proposals to limit the amount of time licensees may devote to fundraising during periods of suspended programming. We no longer consider there to be a significant difference between the auction and non-auction contexts. The proposal to impose time limits on all such activity now seems unnecessary and we will not adopt such limits. Time devoted to fundraising, as the parties state, is limited by audience resistance, that is, it may be expected that, as fundraising increases, audience support will decrease. Indeed, licensees state that audience dissatisfaction is taken into consideration when planning fundraising events making such activity self-limiting.[11] Adopting the proposed time limits may also have had the effect of encouraging licensees presently below the limit to increase fundraising. Additionally, we note that present levels have not generated significant complaint nor have we found significant licensee abuses. Finally, although the proposals for fundraising time limits received considerable public exposure in the

---

would be willing to contribute. We agree and note that severe restrictions upon a station's ability to foster contributions from the general public may have the unintended result of enhancing the dependency of these stations upon large commercial underwriters and upon government funds.

[8] Section 317(a)(1) of the Communications Act of 1934, as amended, states:

Sec. 317(a)(1). All matter broadcast by any radio station for which any money, service or other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person: *Provided, that "service or other valuable consideration" shall not include any service or property furnished without charge or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification in a broadcast of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property on the broadcast.* (Emphasis added.)

The gist of Section 317 is as follows: All program matter broadcast for consideration must be so identified at the time of the broadcast. However, goods or services provided at little or no cost and used on a broadcast are exempted, unless provided in consideration for overt commercial promotion.

The exception, underlined above, is commonly referred to as the *proviso* clause. In commercial broadcast operation, this language permits licensees to omit the otherwise required sponsor identification announcements when using on-the-air an item given to them when used for its usual purpose, for example, a car given by Ford Motor Company used by a detective in a detective program or a refrigerator given by General Electric Company used on the set of a program requiring a kitchen. In the public broadcasting context, we believe identification of donors and descriptions of goods and services are generally appropriate and this is consistent with Section 317(a)(1). For discussion of the *proviso* clause and examples of its application, see *Applicability of the Sponsorship Identification Rules*, 40 FCC 141 (1963), updated and revised, 40 FR 41936, RR Current Service Volume, paras. 10:1110 and 53.2051 (1975).

[10] For example, Pacifica Foundation states that its six radio stations each devote an average of approximately 430 hours annually to nonauction fundraising. Other licensees stated that they broadcast well over one hundred hours annually of such programming.

[11] There is evidence that many people avoid public broadcasting entirely to avoid fund requests (PBS Comments, Appendix E, p. 8) and that those who do contribute money are becoming irritated with appeals (PBS Comments, Exhibit E, p. 3).

media as well as through the Commission's public notices and its Actions Alert publication, public support virtually was non-existent. For all of these reasons, no general limiting rule will be adopted.

26. Although we have decided not to place limits on time devoted to fundraising, we wish to emphasize that this activity could be one of concern. We note that Congress, in enacting the Public Telecommunications Financing Act of 1978, recognized the "increased focus of the [public] stations' resources and energies on fundraising at the expense of programming" and acted to lower the federal matching ratio in an effort to "help reduce the fundraising activities of the system." *H. Rep. No. 95-1178*, 95th Cong., 2d Sess. 19 (1978). Thus, it is possible that circumstances could so change as to warrant our revisiting this area in the future. We conclude that current fundraising practices have disclosed no pattern of abuse warranting rule making.

27. Regarding a more specific matter, the purpose of the proposed rule, which defined an auction underwriter as a contributor of 30% or more of one day's legitimate auction expense, was to address the auction practice of extensively crediting in-kind contributions of nominal value, *e.g.*, coffee for auction volunteers. We have also reevaluated this proposal. With the benefit of the record now available, we no longer perceive any harm to the public that necessarily flows from this practice. In addition, the Commission is persuaded that varying methods of computing expenses could lead to such a rule being virtually unenforceable. We also are sympathetic to arguments that auctions contain many facets and that small contributions to various facets represent a large amount in the aggregate which may be lost if rules restricting acknowledgment of small and medium size contributions are adopted.

28. Also, in the *First Report* we discussed the apparent discrepancy in our past practice of allowing underwriter credits for auctions but not for nonauction fundraising methods. Although the *First Report* suggested that the distinction had some factual basis, the record here suggests that a uniform policy is now possible and appropriate. Accordingly, we will not adopt a rule change regarding identification of auction underwriters during auction periods and will apply the same policy in both the auction and nonauction fundraising contexts. The remaining questions raised in the *First Report* now will be addressed largely in the order in which they appear in the document.

Question 1: Promotion of Transitory Events

29. Question one essentially concerned the promotional aspects of announcements describing transitory events occurring in licensee service areas such as concerts, plays, activities of nonprofit organizations, and other events where admission charges were required or goods or services offered for sale. Under the rule being adopted today, so long as these announcements are not made in return for consideration, licensees may describe these events whether conducted by nonprofit or profit-making organizations in any manner they choose, including mentioning price and urging attendance.

Questions 2 and 3: Promotion of Courses, Government Documents, etc.

30. Questions two and three concerned the promotional aspects of announcements of educational courses, government documents, and credit cards, and the availability of program-related goods and services. The question of credit cards is dealt with at paragraph 41 below. With respect to announcements for educational courses and the availability of government documents, when such announcements are not made in return for consideration, they no longer fall under our rules.

31. With respect to announcements promoting the sale of program-related goods or services (for example, transcripts of public affairs programs), the Commission stated in the *First Report* that it believed such announcements to be overtly commercial where the cost of the goods or services was more than nominal or where the licensee, program producer, program supplier, or on-air personality had a financial interest in the sale. Accordingly, the *First Report* included a proposed rule prohibiting such announcements with some exceptions. Under the rule adopted today, so long as the licensee receives no consideration for an announcement promoting the sale of particular program-related goods or services or the price of the item is only nominal, such announcements may be broadcast. A different issue is posed where the promotion involves a nonbroadcast interest of the licensee or other broadcast personnel. The commission has long maintained that licensees have an obligation to prevent the use of their facilities to promote unfairly their own nonbroadcast business interests, *WFLI, Inc.*, 13 F.C.C. 2d 846 (1968), and to take extraordinary measures to insure that no program matter is presented as a result of employee outside business interests which may conflict with their station responsibilities, *Crowell-Collier Broadcasting Corporation*, 14 F.C.C. 2d 358 (1966). These principles are applicable to programming broadcast by public licensees and apply to offerings of program-related goods and services by program producers, program suppliers, and on-air personalities, *Fordham University*, 18 F.C.C. 2d 209 (1969). Accordingly, we expect licensees to carefully scrutinize goods and services offered in connection with various programs to insure that these program-related materials are offered on the basis of public interest considerations and not the private economic interests of the offeror.[12]

Questions 4 and 5: Remote Broadcasts

32. Questions four and five concern public broadcasting station practices when originating programming from a commercial place of business for fundraising or any other purposes. The questions principally were whether such programming (commonly referred to as remote broadcasting) was appropriate and, if so, to what extent the name and location of the commercial enterprise should be broadcast and listeners urged to attend.

---

[12] See, *Letter to Washingtonian Magazine*, 84 F.C.C. 2d , FCC 80-727, adopted December 9, 1980. There the Commission considered questions posed by *Dial Magazine*, an expanded program guide developed by four major public television stations intended to produce revenue through the sale of advertising in the magazine and to encourage subscription membership in the station. Since *Dial* was provided without additional charge to members making donations in connection with fund-raising activities, the Commission indicated that it was best analyzed as a premium to encourage station contributions and thus was consistent with established policy and the proposals of the *First Report*. The Commission found that the policy barring unfair promotion of licensee business interests was apparently inapplicable to the situation under both established policy and the proposals considered in the *First Report* affirmed here. The analysis used there is also applicable to the new scheme adopted today: "We believe that the policy stated in the *First Report* * * * barring promotion of licensee-related interests when related to program matter, is not pertinent to references to premiums available to station contributors. The Commission's concern in the area of program-related material was that programming might be selected because of its value in exposing related products or services for commercial gain. The Commission's proposed precautions to assure that noncommercial-motives are at work in licensee's program selection are not necessary for premiums made in conjunction with membership solicitations." *Id.*, at 13.

The case did not raise the question of the propriety of announcements urging advertisers to purchase space in a program guide, but we believe that such announcements would violate past policy and the "consideration received" rule.

V 46 / 99 MAY 22 81 UMI

33. In the *First Report*, the Commission suggested that use of a commercial place of business for fundraising would be inappropriate but that such programming for non-fundraising purposes might well be in the public interest. The latter type of programming often consists of live broadcasts from theaters, nightclubs, athletic stadia, and auditoria. The consideration rule announced here today should simplify analysis of these questions. While the free or discounted use of commercial premises may be consideration to the licensee, the context of each use is controlling under the new rule. The Commission will not view the mere permission of an establishment to broadcast an event as consideration. Where broadcast of this programming is based upon the licensee's public interest judgments rather than an exchange of consideration, identification of the origination point would raise no question. However, obvious promotion of an event and/or establishment could raise factual questions as to the agreement between the establishment and the licensee. Making an establishment available in exchange for on-air promotion beyond that reasonably related to the production of the program would constitute consideration, and would be prohibited. We stress that it is the announcement for consideration that invokes the rule, not the event itself.

Question 6: Prizes and Premiums

34. Question six concerned use of prizes or premiums to promote listenership and listener donations. In the *First Report*, the Commission asked for comment on the following specific areas regarding the use of premiums and prizes: (1) The inherent commercialism accompanying the use and depiction of particular authors, artists, and product brand names in describing premiums, and (2) the extent to which products and services from other companies are excluded from use as premiums (or auction items) as a result of licensee procedures employed to determine what goods and services are featured during fundraising activities. The comments indicated that licensees choose premiums, prizes, and auction items primarily based upon the items' association with particular programming and/or the degree to which the items are discounted or donated. Several commenters argued that a meaningful description of a product had to include at least a brand name and the product's qualities. Likewise, it was argued that a book or painting could not be adequately described without naming the author or artist. To the extent these practices contain "commercialism" the parties believe they are necessary. The Commission sees no abuse in the criteria employed to choose premiums, prizes, or auction items. We also believe that the mention of brand names, authors and artists constitutes meaningful information in describing the value of a premium, prize or auction item.[13]

35. We also recognized in the *First Report* that, under past interpretation of our rules, licensees could not mention the names of parties donating such items and that descriptions were limited to attributes reasonably related to their value as prizes. Mention of the donor's name was prohibited unless material to a description of the item's value as a prize. Some parties objected to the proscription proposed in the *First Report* against mentioning donors of prizes. It was stated that such a proscription: (1) discriminates against businesses which cannot be recognized by the mention of their products, (2) curbs a practice which results in very little real commercialism, and (3) discourages businesses from donating items to be used as prizes. We are persuaded by these objections, and will therefore allow identification of donors of such prizes when the prizes are described. Such identification appears consistent with Section 317(a)(1) and our decision today to allow acknowledgments for in-kind contributions as well as for cash.

Question 7: "Name Only" Limitation

36. Question seven in the *First Report* concerned the Commission rules limiting underwriting and credit announcements to the donor's "name only" but permitting, in certain instances, mention of a company division or subsidiary. The question asked what guidelines should be employed in determining what constituted a *bona fide* division or subsidiary in lieu of continuing to make this determination on a case-by-case basis. The *First Report* indicated that the case-by-case approach still appeared appropriate. In addition, the *First Report* rejected the requests of numerous parties to expand the "name only" requirement to permit, for the sake of clarity and full identification where necessary, mention of the donor's product, location, logo, or generic name.[14] Parties argued that such donations.

37. Few parties commented again in the proceeding on the meaning of what constitutes a *bona fide* operating division, but many parties again, for the same reasons as stated in the *First Report*,[15] requested liberalization of the "name only" requirement. We are sympathetic with this request to the extent that the acknowledgments are basically informational and provide clarity and full identification of donors. We no longer believe that restricting acknowledgments to name only is necessary to protect the noncommercial nature of public broadcasting. By allowing greater flexibility in determining the content of noncommercial acknowledgments, we now act on our belief that public broadcast licensees are fully capable of setting their own standards of acceptability in the area. With this greater latitude and flexibility licensees will be able to develop new policies for such acknowledgments that while consistent with their noncommercial status will stimulate new and broader sources of financial support for programming and general operation.[16] Therefore, the name only requirement for donor acknowledgments will be deleted to allow the use of a corporate logo and other nonpromotional information about the donor, including location and identification of product lines.[17] It should be noted that the acknowledgments permitted here are not to be confused with the announcements considered in previous sections of this document that may promote goods and services absent consideration when the licensee considers them in the public interest. Acknowledgments are strictly for identification of donors and should not promote the company, products or services of the donor. Announcements which contain comparative or qualitative description of a product or company go beyond permissible limits. For example, while an announcement

[13] Obviously, for a prize or premium to be effective, it must and will be disclosed. While it is conceivable that this type of promotion could be abused, resulting in overt commercialism, we have no evidence of such abuses.

[14] The Commission has authorized fuller identification to avoid confusion between similarly named entities but only after specific approval.

[15] Reasons such as: (1) a business' legal name may not be familiar to the community, but its product, trade, or generic name is; (2) a business may not be known in some parts of the station's service area, particularly where a station covers a number of communities; and (3) the donor's name may fail to disclose the relationship, if one exists, between the donor's business and the program it is underwriting.

[16] Along these lines, licensees may wish to adopt written standards for underwriter announcement acceptability.

[17] The record in this proceeding amply supports this conclusion. We are dismissing a recent request for declaratory ruling, that again raises the issue, as moot. *Public Broadcasting Service, Request for Declaratory Ruling Concerning Underwriting Announcements by Noncommercial Educational Broadcast Stations, January 5, 1981.*

identifying Exxon Corporation, producer of petroleum products would be permissible, announcements identifying Exxon as the producer of "fine" or the "best" petroleum products would be prohibited. In addition, stations should be very careful to avoid factual circumstances which lead to the appearance that announcements may have been made for consideration.[18]

Question 8: Limits on Acknowledgments

38. Question eight concerned proposed rule amendments to decrease the permissible number of underwriting and credit announcements in programs of less than one-half hour from two such announcements to one. The Commission proposed in the *First Report* to impose such a limitation in programs lasting twelve minutes or less and expressed the belief that the impact of the change, if any, would fall on radio rather than television stations. The Commission received little comment on this proposed change from public radio stations and the associations which represent them. On the other hand, we believe that the licensees audience resistance is a deterrent to excessive announcements. Therefore, we are deleting the note that limits the timing and frequency of announcements and are leaving these determinations to licensees applying their reasonable judgments in good faith.

Question 9: Acknowledgments of Noncash Contributions

39. Question nine primarily concerned a proposal for broadcast recognition of donors who contribute goods and services to licensee operations, such as studio equipment or costumes (in-kind contributions),[19] rather than programs or funds for their production. In-kind contributions just as money, are of two types; either for general station purposes, such as a carpet or a transmitter, or for specific Programs, such as customes for a specific production or furniture set. The Commission proposed a rule to permit identification of these in-kind donors for general station purposes in the same manner as cash donors for general station purposes, *i.e.*, beginning and end of day, one contributor once an hour, and in two newly proposed two-minute breaks each day. The proposed rule did not require that an in-kind donation be "substantial" to warrant identification of the donor, and eliminated the "substantial" requirement presently in the rule for cash donors for general station purposes. To limit the number of acknowledgments, the proposal would have required that all in-kind donations to specific programs be acknowledged only on the proposed two-minute breaks. The comments expressed little negative reaction to treating in-kind contributors to "general" station operation in this manner but many objected to this treatment for "specific" in-kind donations because it proscribed announcements identifying in-kind contributors when the program was aired. Many parties objected to the proposal, saying that: (1) it will decrease in-kind donations, (2) it will induce contributors to give cash (in order to get the contemporaneous announcement) thereby requiring stations to obtain goods and services at market prices, and (3) it will adversely affect network programs in that: (a) the originating stations will be burdened with the task of having to inform other stations who the in-kind contributors are, (b) other stations may not wish to credit the in-kind contributor to the originating station, and (c) in-kind contributors probably will not get credited when programs are repeated. Most parties argued that the in-kind contributor to a particular program should be identified in connection with that program.

40. The Commission is persuaded that identification of in-kind contributors contemporaneously with the programs to which the identification of such donors is allowed under the general rule adopted today. Because the Commission's new rule permits contemporaneous identification of in-kind contributors to specific programs, much of the basis for proposing the two-minute breaks is no longer present. Also, we believe the identification resulting from the rule changes adopted today can be handled adequately under present practices for identifying general cash contributors, and general in-kind contributors. Accordingly, we will not now adopt the proposed rule creating additional "two-minute breaks" for acknowledging contributors.

41. Related to the principle underlying the above in-kind contributions is that part of question 2 pertaining to credit cards. Announcements that specific credit cards may be used to "charge" a contribution or purchase of an auction item create a more difficult situation under the "consideration received" rule. Credit card announcements are used during fundraising activities for informational purposes. The coments indicate that a major factor in the decision of many licensees to use a particular credit card is whether the credit card company will waive or reduce its fee. The waiver or reduction in the credit card fee arguably represents consideration, but, as such, it represents an in-kind contribution to the licensee and acknowledgments would be allowed. Additionally, credit card use tends to increase both the size of contributions and the number of people contributing (*First Report*, at paragraph 23). Accordingly, in view of the limited purpose for which credit cards are identified we shall permit the practice both aurally and visually, for this fundraising purpose. These identifications shall be considered both acknowledgments of contributions and informational announcements.

Questions 14, 15 and 16: Fundraising for Others

42. These questions concerned the practice of public stations conducting auctions to raise money for entities other than themselves. The Commission stated in the *First Report* that this activity was inappropriate in public broadcasting and proposed a rule requiring that proceeds from all auction activity be retained by licensees for use in conjunction with their licensed facilities. Most parties either agreed with, or had no objection to, the proposal. We will here adhere to our policy statement in the *First Report:* "We continue to believe that [public] broadcasting is the wrong vehicle for general fundraising by auctions and the only reason an exception is made on behalf of licensees is to aid in their efforts to provide the programming which they were licensed to broadcast." *First Report* at paragraph 52.

43. The *First Report* also discussed nonauction fundraising activities for other entities and suggested that many such activities might be appropriate. Our decision today to allow stations to promote the activities of nonprofit entities with announcements so long as no consideration is received gives considerable latitude to stations in that regard. Also, this should greatly lessen the need for stations to engage in major

[18] Agreements where donations are related to promotions of the donor's company, products, or services are prohibited. In addition, the Commission is concerned about situations where announcements promoting the goods or services of a commercial entity are either preceded or followed by a donation. This circumstance could be perceived as consideration for such a promotional announcement. We decline to adopt specific proscriptions in this area, such as a minimum time period between promotional announcements and consideration received. However, we view the proximity between "donations" and such promotional announcements as a significant factor in evaluating the good faith determinations of licensees, and we expect licensees to avoid circumstances that would raise such questions.

[19] Although some licensees currently acknowledge in-kind contributions through special thanks announcements such as "production assistance provided by _____," these announcements were not provided for in the Commission's Rules.

V46/99/Y22/81 UMI

fundraising efforts for such entities. Therefore, station fundraising activities which significantly alter a station's normal programming, including auctions, marathons, membership drives, etc., should be carried on for the benefit of the station only, and not for other organizations. This is consistent not only with our *Ohio State* ruling for auctions but also with our interest in preserving the primarily educational, instructional, and cultural character of public broadcast programming. Although we will adopt no further rule here, we reaffirm our general policy of restricting station promotions of nonstation interests of the licensees, see para. 31, *supra*, and extend our specific policy of proscribing auctions by public stations on behalf of non-station interests to all such fundraising activities that disrupt normal programming. *See, The Ohio State University*, FCC 76–701, 38 R.R. 2d 122 (1976).

Other Matters

44. Another proposal in the *First Report* was to move the present Notes to §§ 73.503 and 73.621 of the rules into the body of the rules. Because these notes contain substantive interpretations of the "promotion of products and services" and other rules, they were thought to be more appropriately placed in the main text. The proposal received little comment from the parties and was apparently well received. However, our use of a new basic test has rendered these notes unnecessary and we are deleting them from the Commission's rules.

45. Finally, the National Association of Educational Broadcasters (NAEB) and several other parties have proposed for Commission consideration a fundraising experiment called "Institutional-Oriented Underwriting (IOU)." NAEB suggests that during authorized IOU periods:

> Public broadcast stations would be permitted to air messages from selected commercial institutional underwriters. The production values and content of these messages from these institutional underwritters would be carefully scrutinized by the public broadcasters to assure that they are creative, imaginative, informative and suitable for presentation upon public broadcast facilities. Such institutional-oriented underwriting would permit businesses to present material enhancing their public image or, perhaps, expressing a point of view on public issues. At least in initial stages of development, it would not normally include messages predominantly oriented toward specific products or services. These messages would not be interspersed with normal programming fare but would instead be placed in discrete segments or blocks of time at the end of particular program periods in a magazine format entirely divorced from the preceding or subsequent program content.

The idea is, in effect, a proposal to permit public stations to sell broadcast time to help support their operations.

46. Proposals for partial commercial operation by public licensees have been considered previously by the Commission. In rejecting this idea in 1952, the Commission stated, in part:

> [P]artial commercial operation by educational institutions would tend to vitiate the differences between commercial operation and noncommercial educational operation . . . in our view achievement of the objective for which special educational reservations have been established—i.e., the establishment of a genuinely educational type of service—would not be furthered by permitting educational stations to operate in substantially the same manner as commercial applicants * * *. [*Sixth Report and Order*, 41 F.C.C. 148, 166].

For the purposes of this rulemaking we will adhere to our policy that the outright sale of time to commercial entities for commercial purposes is inappropriate for public broadcasting licensees. In addition to the reasons stated in the *Sixth Report and Order, supra*, we do not believe we have a sufficient record at this time to grant such an important exception to our rules. However, the Broadcast Bureau has underway a broad study of public broadcasting, examining the basic questions concerning the fundamental purpose of public broadcasting and the types of financial support that are appropriate to serve that purpose. This study will consider the efficient use of the noncommercial reservation and the relationship between broadcast and nonbroadcast activities of public broadcast licensees. NAEB's requests would appropriately be taken up again when some of these fundamental questions are addressed through future inquiry or rulemaking notices.

47. The NAEB also has requested that the Commission grant authority for the conduct of oral arguments or panel presentations for the airing of licensee concerns with respect to the vital matters addressed in this proceeding. NAEB states that the presentation of evidence respecting the realities of funding and operating public broadcast stations would aid the Commission in arriving at fair and principled conclusions in this matter. The Commission will reject this request. Extensive comments have been filed in response to the *First Report* and in response to the *Inquiry* initiating this proceeding. These comments include statements from many licensees and organizations which represent them, and discuss in detail underwriting, fundraising and operating activities and their financial impact. We have made substantial changes in both the general direction and in the specifics of our policies and rules in light of these comments. We are not persuaded that further presentation of this information through oral argument is necessary.

Summary of Actions Taken

48. After extensive review of the comments in this proceeding, the Commission takes the following actions:

(a) A new rule prohibiting the broadcast of materials in return for consideration replaces the former rule prohibiting all promotion of products and services. The new rule does not prohibit acknowledgments of contributions.

(b) No time limits on fundraising activities in support of station activities are adopted. These activities are largely selflimiting and, therefore, are most appropriately left to the discretion of individual licensees.

(c) No rules prohibiting promotions of specific matters or items, or prohibiting "remote" broadcasting are adopted. Stations are expected to make reasonable, good faith judgments in keeping with the new "consideration received" rule.

(d) The "name only" restriction on acknowledgments is eliminated. Licensees are expected to responsibly exercise their discretion in developing their own policies to determine what constitutes a noncommercial acknowledgment. Likewise, the Commission does not limit the number of such acknowledgments.

(e) Acknowledgments of contributions in the forms of prizes, premiums, auction items, and in-kind goods and services are not specifically regulated but will be analyzed under the "consideration received" rule.

(f) Fundraising which disrupts normal programming and is beyond an "announcement" shall be for station purposes only.

49. The Commission cautions each licensee to act responsibly in carrying out the substantial changes it has permitted here so that the licensee's actions remain consistent with the noncommercial nature of its station. The Commission will be particularly concerned that its "consideration" and "good faith judgment" standards developed in this docket are not abused. We believe that the policies, procedures and rule amendments set forth herein will clarify the obligations of public broadcasting licensees and contribute to

the development of public broadcasting in the manner envisioned by the Commission and the Congress. We believe, therefore, that adoption of these policies, procedures and rules is in the public interest.

50. Authority for adoption of the rules herein is contained in Sections 2, 4(i) and 303, of the Communications Act of 1934, as amended.

51. Accordingly, It Is ordered, That Part 73 of the Commission's Rules and Regulations is amended as set forth in the attached Appendix B, effective June 25, 1981.

52. It is further ordered, That the request for declaratory ruling by Public Broadcasting Service, cited in paragraph 37, fn. 17, *supra*, Is dismissed as moot.

53. It is further ordered, That this proceeding is terminated.

54. For further information concerning this proceeding, contact John Kamp, Broadcast Bureau, (202) 632-6302.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—Parties Filing Formal Comments

Alaska Public Television, Inc.
Alaska Public Broadcasting Commission.
Arizona Board of Regents.
American Federation of State, County and Municipal Employees.
Association of California Public Radio Stations.
Back Porch Radio Broadcasting, Inc.
Bemidji State University.
Board of Trustees of the Greater Cincinnati Television Educational Foundation.
Central Administration Advisory Committee on Broadcast Operations, State University of New York.
Colby-Bates-Bowdoin Educational Telecasting Corporation.
Communications Research Center, New York Law School (Laurie Hutzler and James Charne).
Corporation for Public Broadcasting.
Delta College.
Educational Broadcasting Corporation.
Ford Foundation.
Front Range Educational Media Corporation.
Greater Washington Educational Telecommunications Association, Inc.
Intercollegiate Broadcasting System, Inc.
Joint Comments—Covington & Burling.
Joint Comments—Dow, Lohnes & Albertson.
Joint Comments—Schwartz and Woods.
Joint Council on Educational Telecommunications.
Jorgensen, Johnson & Northop.
Kentucky Authority for Educational Television.
KOTO Radio.
Michigan Technological University.
Minnesota Public Radio, Inc.
Murray State University.
National Association of Broadcasters.
National Association of Educational Broadcasters.
National Association of State Universities and Land Grant Colleges.
National Federation of Community Broadcasters.
National Public Radio.
North Side Symphony Orchestra.
Ohio Educational Television Network Commission.
Ohio State University.
Pacifica Foundation.
Public Broadcasting Service.
Public Radio in Mid America.
Rosenkranz, Raymond.
San Miguel Educational Fund.
Southwest Texas Public Broadcasting Council.
Sunrise Communications.
University of Northern Iowa.
WGBH Educational Foundation.

Appendix B

I. Section 73.503 of the Commission's Rules is amended to remove Notes 1 through 5 following paragraph (d); and to revise paragraph (d) as follows:

§ 73.503 Licensing requirements and service.

* * * * *

(d) Each station shall furnish a nonprofit and noncommerical broadcast service. Noncommerical educational FM broadcast stations are subject to the provisions of § 73.1212 to the extent they are applicable to the broadcast of programs produced by, or at the expense of, or furnished by others. No announcement shall be broadcast at any time in exchange for the receipt, in whole or in part, of consideration to the licensee, its principals, or employees. However, acknowledgments of contributions can be made.

Note.—Commission interpretation of this rule, including the acceptable form of acknowledgments, may be found in the *Second Report and Order*, adopted April 23, 1981, entitled "Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations." (BC Docket No. 21136, —— FCC 2d ——, ——, FR ——, May 22, 1981).

II. Section 73.621 of the Commission's Rules is amended to remove Notes 1 through 5 following paragraph (e) and to revise paragraph (e) as follows:

§ 73.621 Noncommercial educational stations.

* * * * *

(e) Each station shall furnish a nonprofit and noncommercial broadcast service. Noncommercial educational television station shall be subject to the provisions of § 73.1212 to the extent that they are applicable to the broadcast of programs produced by, or at the expense of, or furnished by others. No announcements shall be broadcast at any time in exchange for the receipt, in whole or in part, of consideration to the licensee, its principals, or employees. However, acknowledgments of contributions can be made.

Note.—Commission interpretation of this rule, including the acceptable form of acknowledgments, may be found in the *Second Report and Order*, adopted April 23, 1981, entitled "Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations," (BC Docket No. 21136, —— FCC 2d ——, —— FR ——, May 22, 1981).

Appendix C

(1) Should the prohibition against "announcement promoting the sale of a product or service" be limited to those announcements that directly promote such sales?

(2) Notwithstanding the matters raised in "(1)", above, should a different standard be applied to:

a. course offerings of vocational schools, colleges or universities?

b. the sale of government documents?

c. the sale of material related to the content of the program?

d. the over-the-air mention of credit cards in connection with fundraising activities?

(3) If so, what standard should apply?

(4) If a licensee originates programming temporarily at a commercial enterprise, would it be able to urge listeners or viewers to visit the store, or to mention the location of the origination point?

(5) If so, should such announcements be limited to fund raising drives or subject to other conditions?

(6) If identified prizes are to be offered over the air, what guidelines or conditions, if any, should be adopted?

(7) What guidelines should be used in determining what constitutes a *bona fide* operating division or subsidy?

(8) What impact might result in limiting underwriting announcements to one during any program of less than one-half hour duration?

(9) What guidelines should be adopted with respect to announcements identifying those who provide goods or services to educational broadcast licensees instead of programs or funds for their production?

(10) How many times per year are auctions held on individual stations? How many days did each auction last?

(11) During auction periods, how much of the broadcast day is devoted to auction purposes?

(12) What percentage of the money raised during auctions comes from underwriters of the auctions?

(13) What standard should be used in defining what constitutes an underwriter?

(14) Should educational stations be permitted to conduct auctions for the benefit of other entities?

(15) If so, what guidelines should be applied, especially as to number or duration of the auctions?

(16) Should different guidelines be used if a portion of the proceeds is retained by the station? If so, what guidelines?

(17) How many times per year are fundraising drives conducted on individual stations? How many days did each drive last?

(18) During fundraising drives, what percent of the broadcast day is devoted to fundraising purposes? (Estimates would be welcome if precise information is not available.)

(19) What guidelines, if any, should be applicable to such fundraising activities?

(20) Should the *Ohio State* ruling be applied to fundraising drives for entities other than the licensee? If so, what guidelines, if any, should be adopted?

Statement of FCC Commissioner James H. Quello In Which Commissioner Joseph R. Fogarty Joins

In re: Second Report and Order Establishing Commission Policy Concerning the Noncommercial Nature of Public Broadcasting Stations

It is my hope and belief that the Commission's relaxation of certain funding restrictions on Public Broadcasting stations will go a long way toward preserving and enhancing our non-commercial broadcasting system. It seems clear that the trend toward less federal funding will continue and that alternative means of financing must be explored. Certainly, it is in the public interest to acknowledge the contributions made by Public Broadcasting in the past and to encourage even greater efforts in the future through these alternative funding methods.

While I recognize the necessity to allow more latitude to Public Broadcasting stations to encourage funding, I also am aware that some will be tempted to stray into the preserves of commercial broadcasting. I would caution those who are so tempted to renew their awareness of the charter that brought non-commercial broadcasting into being in the first instance. I would also commend to them a careful reading of Paragraph 49 of the Second Report and Order.

I have long been supportive of Public Broadcasting and I fully intend to continue that support. As an important part of that concern it will be necessary to ensure that Public Broadcasting maintains its special character as delineated by both the Congress and this Commission.

April 23, 1981.

Additional Statement of Commissioner Abbott Washburn

Re: Second Report and Order Establishing Commission Policy Concerning the Noncommercial Nature of Public Broadcasting Stations.

Today the Commission has taken a major step in deregulating noncommercial radio and noncommercial television licensees. Our action addressed only the Commission's fundraising rules. Nevertheless, the simplifications and clarifications to those rules signal a new era for public broadcasting stations, their audiences, and their underwriters.

Specifically, our new rules give public broadcasters greater discretion and flexibility in the fundraising area while preserving the essential character of a noncommercial broadcasting service. Simply stated, *our new rules provide that no program or announcement can be made in return for consideration.* This "consideration received" rule will insure that public broadcasters continue to make their programming decisions apart from commercial marketplace pressures and insulated from dependence on advertising revenues. We continue our policy of allowing acknowledgements of contributions. In addition, the Commission has given individual public broadcasters wide discretion in identifying contributors and the concommitant responsibility to insure that the acknowledgements do not become advertisements.

The permission to use logos as part of the noncommercial television station's acknowledgements is one important aspect of the new rules. We have eliminated former policies that prohibited the use of logos, and I expect their use will increase the number of private companies that underwrite programs and general station operations. While our rulemaking on these matters was pending, PBS requested that we issue a declaratory ruling to allow logos, noting that careful use would not compromise the noncommercial nature of public television. Based on the record in this proceeding, I am convinced that permitting logos will not undermine the basic, noncommercial character of this service.

One of the likely effects of the new rules will be to increase the total contributions and the number of individual contributors to public stations. The increased breadth of private support should reduce the ability of any single, private or public entity to affect programming decisions and thus should help ensure that public stations provide an alternative programming service to the commercial broadcasting service. In addition, public broadcasting may become less dependent upon federal support for their operations and programming. In today's climate of reduced federal funding for public broadcasting, it is to the Commission's credit that we have been mindful of the Congressional policy that a significant portion of public broadcasting's financial support should come from the private sector. In view of the necessity for vigorous fundraising, especially now, the Commission has granted public broadcasters more latitude.

While we have attempted to address the financial needs of noncommercial stations, we have at the same time balanced that need against their obligation to provide a noncommercial broadcasting service. To a large degree, preserving this balance now becomes the responsibility of each noncommercial licensee. The changes permitted here must be implemented in such a fashion that licensees' actions remain consistent with their noncommercial character. Often, there will be a fine line to draw between acknowledging donors and their goods or services versus announcements which promote the sale of a product or service. I am confident that the public broadcasting licensees will not abuse the deregulatory measures adopted and that we can rely on their judgment, their independence, and their good faith to preserve the essential character of the noncommercial broadcasting service.

[FR Doc. 81-15444 Filed 5-21-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 94

[Docket No. 19671; FCC 81-216]

Various Methods of Transmitting Program Material to Hotels and Similar Locations; and Use of the Business Radio Service for the Transmission of Motion Pictures or Other Program Material to Hotels or Other Similar Points

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document permits a licensee to transmit the licensee's program material and services to the licensee's customers using microwave frequencies in the Private Operational-Fixed Microwave Service (OFS) for this purpose. The Commission has amended its rules to allow this use in the OFS bands above 13 GHz and on three television channels in the 2.5 GHz band. The Commission has received numerous requests to allow this use of OFS bands over the past several years.

EFFECTIVE DATE: June 25, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John C. K. Hays, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

In the matter of various methods of transmitting program material to hotels and similar locations, and use of the Business Radio Service for the transmission of motion pictures or other program material to hotels or other similar points, Docket No. 19671.

First Report and Order

Adopted: May 7, 1981.

Released: May 15, 1981.

Background

1. On January 24, 1973, the Commission released a Noice of Inquiry and Notice of Proposed Rulemaking Memorandum Opinion and Order in this docket that was primarily concerned with the application of the Commission's "anti-siphoning" policy to new methods of distributing, by wire or radio, motion pictures or other program material to hotels and similar locations.[1] The "anti-

[1] *Notice of Inquiry* and *Notice of Proposed Rulemaking Memorandum Opinion and Order*, Docket No. 19671, 39 FCC 2d 527 (1973), (38 FR 2768; January 30, 1973).

siphoning" policy refers to the Commission's past efforts to prevent the "siphoning" of popular program material from conventional free television to pay services such as subscription television and cablecasting for pay. At that time, the Commission's rules contained provisions regulating the types of feature films and sporting events that could be televised by a subscription television station or cablecast by a cable system for an extra per-program or per-channel charge.[2] In this docket in 1973, the Commission was concerned with "whether the newer modes will in fact affect the public's receipt of motion pictures or other program material on the other media and, if so, whether it is appropriate for the Commission to adopt similar, or different, restrictions for the new modes, modify the existing restrictions on pay cablecasting and subscription television, or take other remedial action."[3] The Commission, therefore, requested comment, "with a view toward adoption of final rules, on the question of whether we should limit the nature of material transmitted to hotel television receivers (or receivers in other institutions or private homes) by common carrier wire or radio, non-common carrier wire or radio, or laser techniques, in order to prevent the loss of such material by television broadcast stations or cable television systems, or otherwise limit or prevent any such competitive effect upon these services as would be contrary to the public interest."[4] At that time, the Commission felt that, although the new methods of distribution "differ in technology and include both private and common carrier systems, they raise common questions of potential competition with commercial television broadcast transmission and cable television, and potential 'siphoning' of program material from free television, in addition to certain issues separately applicable to each method of program distribution."[5]

2. The new methods of distribution that concerned the Commission included common carrier systems in the Multipoint Distribution Service (MDS) and private radio facilities in the Operational Fixed Service, which later became Part 94, Private Operational-Fixed Microwave Service (OFS).[6] A common carrier system licensed in the MDS consists of an omnidirectional microwave station transmitting simultaneously to multiple fixed receivers within the station's service area. The subscribers to the station's services supply the station licensee with the information to be transmitted and designate both the time of transmission and the locations of the receivers. At the designated receiver locations, the signal is intercepted by a directional antenna and is converted from the microwave frequency to a selected lower frequency by a down converter. It is, then, passed through a decoder which activates only the intended receivers and, finally, is displayed upon an unused television channel or fed to a data terminal. Although school systems, industry and municipal governments have subscribed to the services of MDS operators to satisfy their communication needs, MDS stations have been predominately used to distribute entertainment programming to master antenna systems, cable television systems and more recently, private residences, particularly during the evening hours.[7]

3. Private systems similar to these common carrier systems in the MDS have been proposed by applicants filing for microwave frequencies in the OFS. These proposals have included private microwave facilities to transmit program material between designated locations with point-to-point links as well as omnidirectional stations to distribute it to multiple receive locations as in the case of MDS systems. At the time the order in this docket was issued, Columbia Pictures Industries, Inc. (Columbia) had filed for microwave facilities to serve multiple locations in Atlanta, Georgia, and in other urbanized areas, as well. The applicant's plan was to select a central site; to construct a private local distribution service (LDS) microwave facility at that site; and to transmit motion picture films and other program material to major hotels. The product was to be received at the hotels and sold to individuals for viewing in their hotel rooms. The motion picture company licensee and the hotel were free to make a profit, but the choice of whether or not to use the licensee's services was to be left solely to the individual guest.

4. Although the Commission determined that this operation was consistent with existing rules and partially granted Columbia's applications in a separate action, questions remained as to whether this type of use should generally be allowed in the Business Radio Service. The Commission, therefore, conditioned the grants on the outcome of the proceedings in this docket and initiated a broad review of this type of use of business microwave facilities.[8] The reason was that, despite the generality of the language in the rules describing the purpose of the so-called private business radio services,[9] the basic objective of the many allocation proceedings involving them [10] clearly had been to make available radio facilities to support the main operations of non-communication businesses. Thus, the Columbia proposal raised the issue

---

[2] 47 CFR 73.643(a), (b), (c), (d), and 76.225 (1977).

[3] *Notice of Inquiry and Notice of Proposed Rulemaking Memorandum Opinion and Order*, Docket No. 19871, 39 FCC 2d 527, 529 (1973).

[4] Id.

[5] Id. at 528.

[6] Part 94 of the Commission's rules governs the licensing and operation of private operational-fixed microwave systems, including control and fixed relay, in frequency bands above 952 MHz. The radio stations in these systems are licensed by the Commission as Operational-fixed Stations, which are fixed stations not open to public correspondence, operated by and for the sole use of those persons or agencies operating their own radiocommunication facilities (§ 94.3 of the Commission's rules). Eligibility in Part 94 is limited to persons qualified for licensing in a radio service under either Part 81, Stations on Land in the Maritime Service and Alaska-Public Fixed Stations; Part 87, Aviation Services; or Part 90, Private Land Mobile Radio Services (§ 94.5 of the Commission's rules).

[7] The Commission has recently proposed rules that might substantially expand the number of channels available for MDS use by giving this service access for the first time to channels in the 2500 to 2690 MHz band. *See* note 16 *infra*.

[8] *In Re Proposals by Columbia Pictures Industries, Inc., For Operational Fixed Station Facilities in the Business Radio Services*, 39 FCC 2d 411 (1973).

Columbia's original proposal was for 5 video channels. The first and second channels were to be used for entertainment programming. The third channel was a promotional channel advising hotel guests of the movies available for their viewing on the first channels and the starting times of each feature. The fourth channel was to be used to inform guests of things they could do and see in the city in which the system was located. Advertising would be carried on this channel and a charge would be made to third party advertisers for this service. The fifth channel would be used for closed circuit network telecasting of conventions and meetings at participating hotels. The charge for this service would be paid by third party "conventional" or third party sponsors whose messages would be carried under contractual arrangements.

The Commission authorized the proposed uses of the first three channels but denied the proposed use of the fourth channel for carrying messages of third party advertisers and the proposed use of the fifth channel for convention coverage. The Commission felt that the last two uses were clearly inconsistent with the purpose for which the Business Radio Services were established. Id. at 411 and 412.

According to the Commission records, Columbia never constructed any microwave stations pursuant to this authorization and eventually requested that their licenses be terminated without prejudice.

[9] See § 90.1(b) of the Commission's rules.

[10] E.g. *See* Federal Communications Commission, "Report of the Commission," Docket No. 6651, August 9, 1945, 39 FCC 257 (1970), concerning the General Mobile Radio Service. *Notice of Proposed Rule Making*, Docket No. 9018, 13 FR 3241 (1948) and *Report and Order of the Commission*, Docket No. 9018, 13 FCC 1190 (1949) establishing the Industrial Radio Service. *Notice of Proposed Rule Making*, Docket No. 10904, 19 FR 913 (1954) and *Report and Order*, Docket No. 10904, 19 FR 4156 (1954) concerning the Maritime Services.

of whether these new uses broaden the type of communication system being authorized in the private services. Up to that time, the traditional private microwave system had been a point-to-point system within the same organization used to convey information and instructions related to the main business of the licensee and necessary for efficient operation. On the other hand, the Columbia proposal was essentially for a distribution path between the licensee and its customers to distribute its products. The Commission, consequently decided to explore in this docket the ramifications of this new use through public inquiry and possible rulemaking.[11]

The "Anti-Siphoning" Rules

5. Some time after the proceedings in this docket were initiated the "anti-siphoning" provisions of the Commission's rules were deleted because of the holding in *Home Box Office* v. *Federal Communications Commission* that the Commission had failed to establish its jurisdiction to regulate pay cable programming on the record before the court.[12] The U.S. Court of Appeals, D.C. Circuit, vacated the pay cable restrictions but not the identical subscription television restrictions. In subsequent rulemakings[13] the Commission eliminated the subscription television restrictions based on the principle that the two communications activities may be viewed as directly competitive and that they should be treated equally insofar as program availability is concerned. The Commission concluded that no useful or public interest purpose would be served by *treating them differently.*

6. Therefore, with regard to the anti-siphoning rules, since the new methods are also directly competitive with subscription television and pay cable, they will be given equal treatment. As was stated regarding the elimination of the restrictions on subscription television,[14] to apply anti-siphoning rules to the new methods of distribution would leave them in the vulnerable position of being the only pay systems with program restrictions. And if, as a consequence of such rules, they are adversely affected, the public might lose entirely the benefits of these new types of communications systems. As we have affirmed in numerous instances, the public interest is best served by diverse media forms. In view of the above we conclude that "anti-siphoning" type rules do not serve the public interest and we will not apply them to the MDS or private services.[15]

Requests for Private Facilities

7. The remaining issue in Docket No. 19671 is whether private distribution systems should be licensed in the OFS. Since the partial grant of Columbia's applications, the Commission has received a number of applications and inquiries concerning the possible use of OFS frequencies to distribute video programming to subscribers. Generally, these requests indicated that the facilities may not be authorized under present rules in either the Cable or Broadcast Service and have argued that Common Carrier facilities were either unavailable or too expensive. Consequently, relief has been sought in the Private Radio Services. The Commission, however, has declined to act upon these applications pending the final disposition of this docket.

8. A number of these requests have asked for OFS frequencies to transmit material between designated locations (point-to-point). Usually a microwave link has been needed to complete a distribution system consisting of other modes of transmission of which some may be leased from communications common carriers. For example, in 1977 the Teleprompter Corporation requested a microwave link to transmit entertainment programming from a common carrier receive-only earth station to an MDS station. The program material would be received by the receive-only earth station from the satellite facilities of RCA American Communications, Inc. (RCA SATCOM-1&2 satellites) and would be distributed by the MDS station to subscribers of Teleprompter for a monthly or per program charge. According to the Teleprompter Corporation, the receive-only earth station and the MDS station are not and cannot be collocated and, therefore, the microwave link is necessary to interconnect them. As another example, in 1979 the Tel-A-View Communications Corporation applied for a microwave link between two apartment buildings. Entertainment programming would be received from a satellite by an earth station on one of the buildings and transmitted to the other building using the microwave link. Also, in 1979 the University of Alaska applied for a microwave link between its Media Services Department at Anchorage and a satellite uplink facility of Alascom to serve rural Alaska with educational, instructional, informational and sports programs. These three examples illustrate the types of requests which have been received by the Commission for point-to-point microwave facilities in the OFS to transmit program material.

9. Other requests have asked the Commission to license microwave facilities in the OFS to distribute material to multiple receive locations (omnidirectional) in urban areas. In 1976, the Cablecom Corporation and SHI, Inc. applied for omnidirectional microwave facilities in the OFS to distribute entertainment programming in the Chicago area. Both have requested assignment of two of the three television channels in the band, 2500–2690 MHz, presently allocated to OFS.[16]

As a further example, in 1978 members of the Chinese community in Boston requested microwave facilities in the OFS to set up a small "subscription TV station" to provide Chinese language programs to the Chinese community in which 60% to 70% of the population do not speak English. In addition, an inquiry was received by the Commission

---

[11] In the Notice the Commission asked, among other things, for comments on "* * * whether Business microwave frequencies should be used for distribution by the licensee of his product for which a charge is made (such as motion pictures, music, etc.), or his services (such as computer service) to his customers: * * * assuming (this is permitted) * * * comments are requested on the impact of each on the spectrum space available in the Business Radio Service and on whether a new radio service, perhaps on frequencies above 12700 MHz, should be established." *Notice of Inquiry* and *Notice of Proposed Rulemaking, Memorandum Opinion and Order.* Docket No. 19671, 39 FCC 2d 527, 532 (1973).

[12] *Home Box Office* v. *Federal Communications Commission,* 567 Fed. 2d 9, 34 (D.C. Cir. 1977), cert. denied, 434 U.S. 829 (1977), rehearing denied, 434 U.S. 988 (1977).

[13] *Order,* Docket Nos. 19544 and 18893, 67 FCC 2d 252 (1977) deleting the subscription cablecasting rules in their entirety from the Commission's rules. *Report and Order,* Docket No. 21311, 42 FR 62372, 41 RR 2d 1491 (1977) deleting the movie restrictions on Subscription Television. *Report and Order,* Docket No. 21489, 43 FR 15322, 42 RR 2d 1207 (1978) deleting the programming restrictions on Subscription Television.

[14] *See Report and Order,* Docket No. 21489, 43 FR 15322, 15323, 42 RR 2d 1207, 1210 (1978).

[15] Since the beginning of the MDS in 1974, licenses for MDS facilities have been authorized subject to all rules that are promulgated in Docket 19671. This referred to rules that would have applied the "anti-siphoning" policy to MDS operations. Because the Commission is not adopting such rules, this condition is now void and no longer will be placed on MDS authorizations.

[16] In a separate action, the Commission is considering reallocating the 2500 to 2690 MHz band among the Instructional Television Fixed Service (ITFS) the MDS and the OFS. *Notice of Inquiry, Proposed Rulemaking and Order,* Gen. Docket No. 80–112, 45 FR 29323 (Released May 2, 1980). This reallocation could give the OFS access to more channels in that band, since it could initially make available 10 channels for the MDS, 10 channels for the OFS and 11 channels for the ITFS. When the particular group of channels allocated to one of these services becomes filled in any locality, applicants in that service would be free to apply within the other two groups for channels.

in 1979 concerning the possible use of both point-to-point and omnidirectional facilities in the OFS to set up a nation-wide network to provide continual news programming to cable systems.[17]

10. These examples are illustrative of the existing demand for private microwave facilities for distribution purposes, both point-to-point and omnidirectional. None of these requests has been granted pending the outcome of this docket. By waiver of the rules, however, the Commission did grant a microwave link in October, 1979,[18] to the Appalachian Regional Commission to transmit video programming from its studio at the University of Kentucky to its satellite uplink facility located 3.8 miles away. The Appalachian Regional Commission had been providing specialized educational programs to the Appalachian Region on an experimental basis under Part 5 of the Commission's rules using the ATS–6 satellite. When this satellite became inoperative for this purpose, the Appalachian Regional Commission modified its system to use the RCA SATCOM–1 satellite. A microwave link in the OFS was needed as part of the new system to interconnect the studio with a new earth station located at a different site from that of the previous earth station. The granting of this link in the OFS enabled the Appalachian Regional Commission to continue to provide its specialized educational programming with only a minor disruption in service. This is the only private microwave facility licensed by the Commission in the OFS for distribution of video programming since the partial grant of Columbia's applications at the time this docket was initiated.

Comments

11. In response to the inquiries contained in the Notice issued in this docket a number of interested parties filed comments.[19] The portion of the comments addressing the questions regarding the "anti-siphoning" policy will not be discussed, since these questions are now moot. Concerning the licensing of microwave facilities in the OFS for distribution purposes, the ABC Television Affiliates Association, which represents the television affiliates of the American Broadcasting Companies, Inc., the Athena Communications Corporation, a large multiple cable television system operator, Cablecom-General, Inc., the National Broadcasting Company, Inc. and United Video, Inc., a miscellaneous microwave common carrier, indicated in their comments that it would be contrary to good spectrum management. The National Broadcasting Company, Inc. and United Video, Inc. further indicated that these frequencies are already in great demand by users who need radio frequencies as adjuncts to their business and, consequently, there is a question whether program distributors can be accommodated on them. The American Petroleum Institute and the Utilities Telecommunications Council, which represents the telecommunications interests of electric, gas, water and steam utilities, agreed with these comments and were primarily concerned about the 12.2 to 12.7 GHz band. They stated that, as lower OFS bands become congested, this band will be necessary to meet the future requirements of priority users such as public utilities, petroleum and gas pipelines, the railroads and other similar business entities. They were against any rule change allowing the transmission of entertainment programming on this band. On the other hand, Trans-World Communications, Inc., a division of Columbia Pictures, Inc., supported in its comments the use of OFS frequencies to distribute program material.

Conclusions

12. While the Commission understands the desire of these commenters to reserve the spectrum space allocated to the OFS for the traditional licensee who uses the frequencies as adjuncts to its main business, it believes that the additional requests for private distribution systems subsequent to the grant of Columbia's applications should not be ignored and that accommodating the legitimate communications requirements of these entities is in the public interest. Under Section 303(g) of the Communications Act of 1934,[20] as amended, the Commission has a statutory obligation to "encourage larger and more effective use of radio in the public interest." Consequently, the Commission believes that it is in the public interest to allow the use of the OFS frequencies for distribution purposes and, more generally, to restrict as little as possible alternative uses of spectrum.

13. The functions that the Commission projects for private distribution systems include video material distribution (one-way omnidirectional with response capabilities), video material distribution (one-way and two-way directional), voice (one-way and two-way directional), and at some future date high speed data services distribution. Video distribution can be accommodated on 6 MHz channels, if there is no need to relay it beyond a single hop. If multiple-hop relaying is required, a channel 20 MHz wide is necessary using current technology and equipment. Voice, telemetry, and low speed data can typically be accommodated on baseband channels of approximately 4 kHz bandwidth.

14. Currently, there are limitations on the use of OFS frequencies for these functions. In the nine OFS bands below 12.2 GHz, the permitted bandwidths are not wide enough to accommodate wide-band, FM, multi-hop distribution systems.[21] In five of these bands, the channel assignments are restricted to such narrow bandwidths that they, in effect, are precluded from even AM television transmission. Of the remaining four bands, in which AM transmission would be possible, the 2150 to 2160 MHz band is shared with the MDS which is now the principal user of this band, and the 1850 to 1990 MHz and 6525 to 6875 MHz bands are not available under the existing rules of the Business Radio Service (BRS) which is the service where private distribution

[17] This request could not be granted under present rules because § 94.9(b)(3) prohibits the transmission of program material to cable television systems. The Commission does not propose to change this rule at this time. See paragraph 20 *infra*.

[18] This Commission's letter to the Appalachian Regional Commission, FCC 79–657, October 12, 1979.

[19] Of the thirty-two sets of comments filed in this proceeding, eight were from CATV interests, seven from broadcast interests, four from common carriers other than MDS operators, three from program producers, two from MDS operators, two from private microwave users, two from manufacturers of radio equipment, and four from other types of radio interests. In addition, the comments filed in Docket Nos. 19493 and 20561 were to be considered in this docket to the extent that they dealt with the "anti-siphoning" policy. (Docket No. 19493 established the MDS and Docket No. 20561 concerned the definition of a cable system and the creation of classes of cable systems.)

[20] 47 U.S.C. Section 303(g).

[21] The frequency bands available to the OFS are:

Frequency band	Maximum authorized bandwidth
1. 952 to 960 MHz	50 or 100 or 200 kHz.
2. 1850 to 1990 MHz	5 or 10 MHz.
3. 2130 to 2150 MHz	800 or 1600 kHz.
4. 2150 to 2160 MHz	10 MHz.
5. 2190 to 2200 MHz	800 or 1600 kHz.
6. 2450 to 2500 MHz	800 kHz.
7. 2650 to 2680 MHz	6 MHz.
8. 2686.9375 to 2688.9375 MHz.	125 kHz.
9. 6525 to 6875 MHz	5 or 10 MHz.
10. 12,200 to 12,700 MHz.	10 or 20 MHz.
11. 13,200 to 13,250 MHz.	25 MHz.
12. 18,360 to 19,040 MHz.	Up to 100 MHz.
13. 21,200 to 23,600 MHz.	Up to 100 MHz.
14. 31,000 to 31,200 MHz.	Up to 100 MHz.
15. 38,600 to 40,000 MHz.	Up to 50 MHz.
16. Bands above 40,000 MHz.	To be specified in authorization.

systems would normally be licensed.[22] Consequently, the only possible band below 12.2 GHz for licensing even AM video transmission would be the three 6 MHz channels in the 2.5 GHz band which is presently subject to a reallocation proceeding by the Commission.[23]

15. With its maximum authorized bandwidth of 20 MHz, the OFS 12.2 to 12.7 GHz band could carry good quality AM and FM television transmission; however, it was allocated at the WARC–79 for direct satellite broadcasting, thus, potentially limiting its development for private terrestrial systems. At any rate, with the exception of the three channels in the 2.5 GHz band, the OFS bands below 13 GHz are the bands in which most traditional, private point-to-point microwave systems operate and, consequently, are substantially filled up. This would appear to be the reason that most commenters who addressed the remaining issue in this docket were opposed to the use of OFS bands for distribution purposes.[24]

16. Nevertheless, there appears to be a need for frequencies to distribute program material or other products and services for which no provision has been made under the rules and which should be satisfied by frequencies in the OFS. Moreover, for many applicants, this would be the only viable solution to the problem of distributing program material or providing services. Even where common carrier services are available, the commission policy has been to provide users with a choice[25] the OFS. Consequently, the Commission has decided to amend the rules to allow a licensee to transmit the licensee's own product or services to the licensee's customers on frequencies in the OFS bands.

17. The bands to be used for this purpose are the three 6 MHz channels in the 2.5 GHz band and the OFS bands above 13 GHz. The channels in the 2.5 GHz band have the necessary bandwidth for AM single-hop, omnidirectional distribution and the frequencies in the bands above 13 GHz have the necessary bandwidth for FM multi-hop point-to-point distribution of high resolution, high quality television. Moveover, these channels and bands are lightly used. Presently there are only about ten licensees operating in various localities on the three 6 MHz channels presently allocated to the OFS in the 2.5 GHz band. In addition, only two licensees operate in the 13.2 to 13.25 GHz band; four in the 18.36 to 19.04 GHz band; and none in the 21.2 to 23.6 GHz band, the 31.0 to 31.2 GHz band, the 38.6 to 40.0 GHz band or the bands over 40 GHz. The Commission recognizes that radio signals transmitted in the bands above 13 GHz are easily attenuated by rain and other atmospheric conditions and that there is not much equipment available for operation in them. But attenuation could possibly be reduced by better system design using shorter microwave link, redundant circuits, and techniques to be developed in the future. And, making these bands accessible for distribution purposes may stimulate the development and manufacture of equipment needed in them.

18. When applying for the frequencies in these OFS bands to distribute products or services, applicants will be required to comply with all of the provisions of Part 94. Furthermore, the Commission will normally assign only one transmit channel at each location for omnidirectional operations and only one transmit channel or frequency along each path for directional operations whether one-way or duplex. Regardless of the type of operation, the Commission will only consider assigning more than one channel or frequency based upon a strong showing of need for simultaneous transmission of the applicant's products or services. In addition, omnidirectional and other point-to-multipoint operations for distribution purposes will be restricted to the 2500 to 2690 MHz band. Moreover, any licenses granted for any of the three channels in the 2.5 GHz band will be partial grants and will be specifically conditioned as to be subject to the outcome of General Docket No. 80–112,[26] which is proposing to reallocate the 2.5 GHz band and General Docket No. 80–113,[27] which is proposing new technical standards for this band. Until these two dockets are resolved, all stations licensed in this band under Part 94 must comply with the technical standards applicable to stations in the ITFS as required by present rules.[28]

19. It should be noted that the Commission is only authorizing a licensee to distribute products and services in which the licensee has an ownership or other interest to the licensee's own customers or subscribers. At this time no authorization is being made for the licensee to transmit the products and services of another person to that other person's customers or subscribers except under the cooperative, non-profit provisions of § 94.17 of the Commission's rules. Thus, a licensee would be permitted to distribute to the licensee's own subscribers video programming or a data or information service in which the licensee has acquired either ownerships or distribution rights, but would not be permitted to distribute to someone else's subscribers for a profit video programming or a data or information service in which the licensee has no contractural or property interest.

20. In permitting the use of these OFS frequencies for distribution purposes, it should be noted, also, that the Commission at this time is not withdrawing its prohibition on using the radio facilities authorized in the OFS to render a communications common carrier service, or to transmit program material in connection with broadcasting or to cable television systems.[29] Each of these activities has access to microwave frequencies in their own service and the Commission is not addressing in this docket whether or not they should remain separated from the Private Radio Service. At this time, eligibility for the OFS frequencies will continue to be limited to persons qualified for licensing in Part 94. Persons qualifying as licensees under this part will be permitted to use the designated OFS microwave frequencies to distribute their products and services to subscribers or other clientele.

21. Several of the common carrier interests who commented in this proceeding argued that private distribution systems distributing program material or other services for

---

[22] Section 94.61(b) of the Commission's rules. In Docket No. 19869 which established Part 94, Private Operational-Fixed Microwave Radio Service, the Commission initially proposed to expand the use of the 1850 to 1990 MHz and 6575 to 6875 MHz (now 6525 to 6875 MHz) bands to include licensees in the BRS, but only those who operated long-haul systems. Long-haul systems are defined as microwave systems in which the longest tandem path length exceeds 250 miles (§ 94.3 of the Commission's rules). This proposal was generally opposed by the commenters in Docket No. 19869 and it was not adopted. The Commission decided that additional study was required to determine whether these two bands would be able to accommodate the existing users as well as potential users in the BRS. *Report and Order*, Docket No 19869, 52 FCC 2d 984, 899–900 (1975). The Commission is not reopening this issue at this time.

[23] *See* note 16 *supra*.

[24] Actions taken at the 1979 World Administrative Radio Conference (WARC–79) may affect operations in the OFS bands. The extent of the impact will be determined in a rulemaking proceeding for the domestic implementation of the provisions of the WARC–79. The Commission is now conducting an inquiry in Docket No. 80–739.

[25] See e.g. *Multiple Licensing—Safety and Special Radio Services, Memorandum Opinion and Order and Notice of Proposed Rule Making, Docket No. 18921*, 24 FCC 2d 510 (1970). *Second Report and Order, Docket No. 18262*, 46 FCC 2d 752 (1974).

[26] *See* note 16 *supra*.

[27] *Notice of Inquiry and Proposed Rulemaking*, Gen. Docket No. 80–113, 45 FR 29350 (released April 24, 1980.)

[28] Section 94.65(f) of the Commission's rules.

[29] Section 94.9(b) of the Commission's rules.

pay would be performing the functions of a common carrier. Consequently, these parties contended that private systems of this nature should not be authorized but, if they are, they should be subject to the regulation and obligations of a common carrier such as providing service on reasonable demand. According to them, to regulate these systems otherwise would result in unfair and destructive competition to licensed common carriers.

22. The Commission does not agree that private microwave systems used to distribute the program material or services of the system licensee would perform common carrier service. These systems would be authorized in the Private Operational-Fixed Microwave radio service and would be subject to the rules governing that service. The material to be transmitted over the system would be of the licensee's own choosing, not of its subscribers.[30] Although under the rules in Part 94, the licensee may be authorized to carry the material of others, this would be done under the existing cooperative, non-profit arrangement prescribed in Section 94.17 of the rules. Consequently, the Commission rejects the arguments that such private systems should be regulated as common carriers.

23. Regarding possible economic injury to licensed common carriers, the allegations were general and conjectural and did not show that the public interest would be adversely affected. Furthermore, economic injury to a licensee has not *per se* been considered a valid ground for objections to new competition. *See* New York Telephone Company, 47 FCC 2d 488, 495, *recon. denied*, 49 FCC 2d 264, (1974); aff'd *sub nom. Pocket Phone Broadcast Service* v. *FCC*, 538 F2d 447 (D.C. Cir. 1976). The fundamental issue is not whether a licensed common carrier will suffer economic injury but whether such a private injury will be detrimental to the public interest.[31] In this connection, the Commission stated in its Report and Order in Docket No. 11866 that "the public interest would not be served by a policy of restricting or denying the licensing of private point-to-point systems solely because common carrier facilities are available or may become available in the reasonable future. It follows that the Commission should not consider the availability of common carrier facilities as a condition of eligibility for private users." [32] The Commission still adheres to this policy and its underlying rationale. Common carrier services were not intended to exist to the exclusion of other services, but rather, to provide services for hire to those who may not be eligible for a license in any service or who even though eligible, do not desire to operate their own communication facilities.

24. Several other commenters indicated that the distribution of entertainment programming could be regarded as "broadcasting". In this respect, we recognize that point-to-multipoint transmission of video programming directly to customers using private microwave frequencies is similar in some respects to pay services such as subscription television, and possibly should be regulated in a similar manner. In General Docket No. 80-603,[33] which is an inquiry into the regulation for the direct broadcast satellite, inquiry is being made into establishing a hybrid classification for multipoint transmission of subscription direct-to-home programming services. Therefore, we will not authorize any license for point-to-multipoint microwave facilities in the OFS to transmit video programming directly to apartment house MATV systems or private homes pending resolution of these matters. When this question is resolved, we will make a final determination in this docket concerning the appropriate treatment of the direct-to-home transmission of video programming using point-to-multipoint microwave facilities in the OFS.

25. To conclude, the Commission has determined that there is a need for microwave frequencies to distribute program material and services of private radio licensees which, for all practical purposes, can only be satisfied by frequencies in the OFS. The Commission has decided that it is in the public interest to satisfy this need using the newly developing OFS bands in the spectrum above 13 GHz and the three 6 MHz channels in the 2.5 GHz band. The Commission believes that by making only these bands available for this new use, the more developed spectrum below 13 GHz will be reserved for traditional users in the OFS, thus, mitigating their concern over scarce spectrum and yet the newer spectrum above 13 GHz will receive a needed stimulus for growth and development. Moreover, the Commission finds that it is not in the public interest to apply any form of the anti-siphoning rules to the new methods of program distribution.

26. For further information in this proceeding contact John Hays at (202) 623-7175.

27. Accordingly, it is ordered, That pursuant to the authority contained in Sections 301, 303, 307, 308, 309 and 316 of the Communications Act of 1934, as amended, Part 94 of the Commission's rules is amended effective June 25, 1981, as set forth in the attached Appendix below.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 94 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 94—PRIVATE OPERATIONAL-FIXED MICROWARE SERVICE

1. Section 94.9 is amended by revising paragraph (a)(1), adding a new paragraph (a)(2), redesignating the present (a)(2) as (a)(3) and the present (a)(3) as (a)(4) to read:

§ 94.9 Permissibility of communications.

(a) * * *

(1) The licensee's own communications. This includes the transmission of the licensee's program material and services to the licensee's customers, but only in the frequency bands provided for this purpose in this part.

(2) The communications of the licensee's parent corporation, or of another subsidiary of the same parent, or its own subsidiary where the party to be served is regularly engaged in any of the activities which constitute the basis for eligibility to use the frequencies assigned, provided that the radio communications service to such other parties is on a non-profit basis.

(3) The communications of other parties in accordance with § 94.17.

(4) Emergency communications unrelated to the licensee's activities in accordance with § 94.11.

* * * * *

---

[30] *See Frontier Broadcasting Co., et al.* v. *J. E. Collier and Carl O. Krummel, doing business as Laramie Community T.V. Co., et al.*, 24 FCC 251, 254 (1958). *Report and Order*, Docket No. 16106, 5 FCC 2d 197, 202 (1966).

[31] With respect to common carriers, the Commission has stated: "That an existing carrier might be adversely affected by the entry of a competing carrier is not our chief concern. Injury to the overall public interest and the public ability to receive adequately communications services are the circumstances to be avoided." 61 FCC 2d 246, 253 (1976). See also: *Notice of Proposed Rulemaking*, Gen. Docket 80-183, para. 48, 45 FR 32013 (Released May 8, 1980).

[32] *In the Matter of Allocation of Microwave Frequencies Above 890 MHz, Report and Order*, Docket No. 11866, 27 FCC 359, 412 (1966).

[33] Notice of Inquiry, General Docket No. 80-603, 45 FR 72719 (Released October 30, 1980).

V 46 / 99 MAY 22 81 UMI

§ 94.61 [Amended]

2. In § 94.61, the frequency table in paragraph (b) is amended by inserting a new footnote designator, "(19)," across from the frequency band, 2500 to 2690, and by inserting a new footnote designator, "(20)," across from each of the frequency bands, 13,200 to 13,250; 18,360 to 19,040; 21,200 to 22,000; 22,000 to 23,600; 31,000 to 31,200; 38,600 to 40,000 and bands above 40,000; and by inserting two new footnotes at the end of the table to read as follows:

* * * * *

(b) * * *

(19) This band is available for radio systems to be used for point-to-multipoint transmission of the licensee's program material or services to the licensee's customers. *Provided however,* That the transmission of video programming directly to apartment house MATV systems and private homes is prohibited.

(20) This band is available for radio systems to be used for the point-to-point transmission of the licensee's program material or services to the licensee's customers.

[FR Doc. 81-15413 Filed 5-21-81; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

Shrimp Fishery in the Gulf of Mexico; Closure Date

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of closure date.

SUMMARY: The date of closing the fishery conservation zone (FCZ) off Texas to trawl fishing for all species except royal red shrimp is advanced from June 1 to May 22. Texas offshore waters will remain closed through July 15; the closure duration will be 55 days. The intended effect of this action is to allow harvest of brown shrimp at optimal commercial size.

EFFECTIVE DATE: 0001 hours May 22, 1981, to 2400 hours July 15, 1981. Public notice has been issued at least 72 hours prior to the closure date.

FOR FURTHER INFORMATION CONTACT: Harold B. Allen (Acting Regional Director), 813-893-3141.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Shrimp Fishery in the Gulf of Mexico (FMP) provides for adjustments to the closing and opening dates for the seasonal closure of the FCZ off Texas. Implementing rules at 50 CFR 658.24 describe the Texas closure and specify that these decisions made by the Regional Director under criteria set out in that section.

Available information and estimates indicate an early closure between the dates of May 17 and June 1 is warranted and desirable. Biological data collected between April 13 to 24 by the Texas Parks and Wildlife Department on the size of shrimp indicate an earlier than usual movement of brown shrimp from the bays into the Gulf. The regulations state that the closure date should be based on when the average size of shrimp leaving the bays to enter the Gulf is approximately 90 mm. The following table indicates projected sizes of shrimp at various dates for a number of years. It is predicted that the population median size of shrimp entering the Gulf of Mexico will be 90 mm during the week of May 24, 1981.

Year [1]	Sample median size in millimeter April 17	Projected size in millimeter [2] May 17	May 24	June 1
1966	28	68	77	[3] 86
1967	53	[3] 93	102	111
1968	33	73	82	[3] 91
1972	58	[3] 98	107	116
1973	28	68	77	[3] 86
1976	53	[3] 93	102	111
1977	28	68	77	[3] 86
1981	43	83	92	101

[1] The years 1967, 1972, and 1976 are shown because they are the only previous years, since the State of Texas began in 1959 to use a seasonal closure of its territorial sea for shrimp management purposes, that the season closed prior to June 1. The years 1966, 1968, 1973, and 1977 are representative years when the closed season began on June 1 and are included for comparison of shrimp growth with years of early closure.
[2] Based on average growth rate 1.34 mm per day.
[3] Indicates the recommended closure date.

It is generally known that shrimp move out of the bays during the night on out-going tides. Most movement occurs during periods of longer-than-average tide duration. This year, the duration of out-going tides is longer during the period May 21 to 25. The next period of longer out-going tides begins on June 5. Based on the above information, the Regional Director has determined that the customary closure dates of June 1 to July 15 will be changed to May 22 to July 15. The State of Texas will close its waters during these same days.

All trawling is prohibited between May 22 and July 15 in the area described in § 658.24, except that vessels may trawl for royal red shrimp beyond the 100-fathom depth contour. These vessels need no special permit or letter of authorization.

A final environmental impact statement was prepared on the FMP under section 102(2)(C) of the National Environmental Policy Act and is filed with the Environmental Protection Agency. The Acting Administrator, NOAA (Acting Administrator), has determined that this action is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because it is merely a predictable implementation of the existing regulations implementing the FMP. The FMP was determined not to be a "major rule," but a regulatory impact review was prepared analyzing the impacts of this seasonal closure. The Acting Administrator has certified that this action will not have a significant impact on a substantial number of small entities, and thus does not require the preparation of a regulatory flexibility analysis under 5 U.S.C. 603 and 604. Finally, this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons (Paperwork Reduction Act of 1980).

Because of the need outlined above for prompt action to protect the migrating small shrimp and to allow them to grow to optimal market size, this action responds to an emergency situation within the meaning of section 8 of Executive Order 12291, and is thus exempt from the requirement of section 3(c)(3) of that order that it be submitted to the Director of the Office of Management and Budget 10 days prior to publication. This field order has been transmitted to the Director.

(16 U.S.C. 1801 *et seq.*)

Dated: May 15, 1981.

Terry L. Leitzell,

Assistant Administrator, National Marine Fisheries Service.

[FR Doc. 81-15116 Filed 5-18-81; 10:41 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 99
Friday, May 22, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

7 CFR Parts 271, 272 and 273

Food and Nutrition Service

[Amdt. No. 196]

Amount of Initial Benefits

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This rulemaking amends current Food Stamp Program regulations by establishing procedures for issuance of half-month benefits in the month of application. This change is deemed necessary by Secretary in order to reduce program spending so as to keep spending within the limits set by Congress.

DATE: Comments must be received on or before July 6, 1981 in order to be assured of consideration.

ADDRESS: Comments should be submitted to Alberta Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m. Monday through Friday) at 500 12th Street, SW., Washington, D.C., Room 678.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor, Chief, Regulations and Policy Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250; (202) 447-9075. A Draft Impact Analysis is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures contained in Secretary's Memorandum 1955 and under Executive Order 12291. It has been determined that the rule will not have an annual effect on the economy of $100 million or more, will not result in major increases in costs or prices, and will not have a significant adverse effect on competition, employment, productivity, investment or foreign trade. Therefore, the rule has not been classified as a major rule. This determination is based on the fact that the rule will result in a significant savings of program funds and will necessitate only one minor adjustment to the food stamp certification process which should add no additional costs and no significant additional administrative burden to the State and local agencies which operate the program. Moreover, the rule is unrelated to the ability of United States-based enterprises to compete with foreign-based enterprises.

The proposal has also been reviewed with regard to the requirements of Pub. L. 96-354. The Administrator of the Food and Nutrition Service has certified that this proposal does not have a significant economic impact on a substantial number of small entities. The provisions allow for half-month issuance of initial benefits. Requirements are not placed on small businesses or small organizations. There are requirements placed on State agencies, and to the extent that county governments operate the Food Stamp Program, some requirements would be placed on them. However, the requirements do not have a significant economic impact on local governments.

The Administrator, Food and Nutrition Service, has determined that there should be a 45 day comment period; a 60 day comment period would delay realization of potential program savings for the remainder of this fiscal year. The 45 day period ensures the ability to implement the rule at least in time to realize its benefits for the full fiscal year 1982. The Department will review all comments received by the 45th day and will give them careful consideration before final rulemaking is published.

Background

Since implementation of the Food Stamp Act of 1977, program costs have risen beyond the level anticipated by Congress and the Department. Further, it can be assumed that program costs will continue to increase, so long as food prices and unemployment rates rise because these factors have a major impact on program participation and, consequently, on program costs. As a result, there is now an effort to identify ways in which current policy can be changed to reduce program costs without causing undue hardship to participants. One policy change is the reinstitution of the issuance of less than full month benefits for the month of application. Section 11(e)(3) of the Food Stamp Act of 1977 includes the provision that a household found eligible for the Food Stamp Program be provided an allotment "retroactive to the period of application." Currently, the regulations define the period of application as the month in which the household applies and also provide for benefit entitlement for the entire month of application. Consequently, regardless of whether a household applies on the 2nd or the 28th day of the month they receive benefits for the entire month. This definition of the period of application results in eligible households applying late in the month receiving benefits for a period of time which has passed and for which they have already purchased food.

Defining the period of application as a time more closely tied to when an application is made will result in substantial program savings while still meeting households' ongoing benefit needs. The legislative history of the Act clearly indicates that Congress intended the Secretary to have the flexibility to define "period of application" in a manner which would limit the retroactive effect of the initial month's benefits while avoiding undue administrative complexity. The House Committee on Agriculture, in reporting on the pertinent provisions of the 1977 Act, stated: "The allotment so provided would not have to date back to the exact day of application, but only to the period thereof (a week or quarter or half month segment to permit ease of administration and avoid mathematically complex calculations for the allotment, e.g. 17/30th of a month)."

Defining the Period of Application

The Department considered three different alternatives relative to redefining the period of application. (The redefinition of the period of application applies *only* to issuance of benefits; the time period for determining eligibility will still be the month in which the application is filed.)

V 46 / 99 MAY 22 81 UMI

The first option considered was to define the period of application as the day of application and prorate benefits based on the number of days left in the month. This option would result in benefits being issued only for a very specific and limited time period. For example, if a household applied on July 29, it would receive benefits for three days in July. While this option would result in the largest savings of any of the options considered, the Department believes that its value is lessened by the administrative burden it would place on State agencies. The procedures involved in determining a benefit amount would be very complex. Instead of allowing eligibility workers to use tables to look up a benefit amount, this option would require eligibility workers to calculate the allotment using the percentage of the month remaining as of the date of application. The addition of this calculation could increase the chance of error. An increase in errors and, consequently, in the amount of benefits that are over issued or underissued would be another factor offsetting the amount of savings. An additional factor which could reduce the amount of savings would be late implementation of the provision. Because of the increase in complexity in the certification process which this option introduces, the Department believes that it would possibly take State agencies longer to implement the procedures. Those States which have automated data processing systems would probably program their computers to calculate benefits. However, those States which are not computerized would have to allow sufficient time before implementation to train their staffs and the resulting delay in implementation would reduce the amount of savings realized.

Finally, the proration of benefits raises a problem in the area of issuance. If a prorated benefit comes to, or is rounded to, $1, $3 or $5, a question arises regarding how to issue since coupons are issued in books of $2, $7 and $10. Issuing coupons in the amount of $1, $3 and $5 would necessitate tearing coupons out of books and loose coupons increase the difficulty of maintaining complete accountability. Therefore, the $1, $3 and $5 amounts would need to be rounded to the nearest denomination to avoid this problem. Then, strictly speaking, there would not be a real proration of benefits.

In summary, the Department questions the feasibility of this option, taking into consideration the administrative burden imposed by the complexity of this option, the chance of an increase in errors, the probable slower implementation rate, and the issuance problems described above. Certainly, these problems reduce the amont of program savings attributed to this option. However, based upon recent legislative deliberations concerning this option, the Department is interested in receiving comments regarding possible implementation of daily prorating. Based on these comments the Department will consider this option.

The second option the Department considered was to define the period of application as a seven-day period, thus dividing the month into quarters, and issue benefits retroactive to the first day of each quarter. Defining the period of application using quarter-month increments would result in the household's initial allotment reflecting its benefit needs for the quarters remaining within the application month after the date of application. For example, households applying in the first quarter of the month woud receive a full month's benefits and households applying at any point in time within the last quarter would receive benefits only for the last quarter. Projected savings attributed to this option are offset by some administrative considerations. While this is not as complex as the proration of benefits would be, it would still increase the chance of error. Under this option, four issuance tables would have be developed and used, thus increasing the chance that benefits could be inadvertently assigned from the wrong table. In addition, determining where each quarter of a month falls would introduce another variable into the computation process. Since all 12 months do not contain the same number of days, three different sets of quarter month dates would have to be established and followed resulting in the quarters being different from one month to the next. If an error is made relative to when a new quarter starts the chance of an overpayment or an underpayment exists. Again, the Department is concerned that the problems discussed above lessen the amount of savings which could be realized using quarter-month issuance.

The third option considered by the Department was to define the period of application in half-month time periods, and issue half-month benefits for those households that apply after the 15th of the month.

Defining the period of application as the 1st through the 15th and the 16th to the end of the month would result in half month benefits being received by those households applying after the 15th of the month. Households applying before the 16th of the month would receive a full month's benefit. By issuing half-month benefits it is estimated that $210 million in program benefit costs would be saved annually. (This estimate assumes that the balance of the President's proposals are in effect.) This figure is the most reliable savings figure because this alternative would be administratively the most feasible of the partial month options and, consequently, the savings would not be as readily offset by administrative costs. Eligibility workers would have two clearly defined time periods which do not vary from month to month for which to issue benefits, either from the 1st through the 15th of the month or the 16th through the end of the month. The relative simplicity of this option would reduce the opportunity for error in this area.

Moreover, only two benefit tables would have to be prepared and used, and this also results in a less complex procedure. Finally, because this option is administratively simpler than either the proration of benefits or quarter-month issuance. State agencies would most probably be able to implement it more quickly and thus begin cost savings earlier.

The Department is proposing to define the period of application in half-month time periods because it places the least administrative burden on the State agencies, it would result in the earliest savings since it can be implemented easily and quickly, and it is the option least apt to result in errors being made at initial certification. In addition, it is responsive to program participants because it recognizes that a household applying for benefits has been in a need situation for more than just the day of application. The proposed regulations reflect this definition of the period of application and would revise current rules to provide for half-month issuance.

Minimum Allotment

The Act specifies that one and two person households receive minimum allotments of $10 *per month*. Since the Department is proposing half-month issuance, provisions have been incorporated into these proposed regulations to allow for the issuance of a minimum allotment of $6 for those households which would receive the $10 minimum allotment if issuance was for the whole month, but which apply in the second half of the month and consequently receive a smaller issuance. While $5 was the obvious minimum allotment for half-month issuance, being half of the $10 minimum monthly allotment, this amount poses issuance problems. As previously mentioned, coupons are issued in books of $2, $7

and $10 and thus, unless loose coupons are issued, it is not possible to issue a $5 allotment. For this reason, the Department is proposing that the half-month minimum benefit be $6.00 for those households applying in the second half of the month.

Implementation

Because of rising program costs and the need to lessen some of the administrative burden being experienced by State agencies in a time of increased program participation, the Department believes that these regulatory changes should be implemented as early as possible. It is especially essential to lower program costs since program spending, if it continues at the present level, will exceed the amount of money appropriated for the program by Congress. The earliest date the Department expects to be able to publish final regulations is July 1st. In order to allow States sufficient time to implement these provisions the Department is proposing that the regulations be implemented 60 days following publication of final regulations. The Department believes that this strikes a balance between the time State agencies will need to implement the provisions, and the need to realize program savings as soon as possible so that the Department can continue to issue program benefits at their current level.

Therefore Parts 271, 272 and 273 are proposed to be amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

1. In § 271.7 paragraph (d)(1)(ii) is revised as follows:

§ 271.7 Allotment reduction procedures.

* * * * *

(d) *Implementation of Allotment Reductions. (1) Reductions.* * * *

(ii) Upon receiving notification that a reduction is to be made in an upcoming month's allotments, State agencies shall act immediately to implement the reduction. Such action would differ from State to State depending on the nature of the issuance system in use. Where there are computerized issuance systems, the program used for calculating allotments shall be altered to reflect the appropriate percentage reduction in the Thrifty Food Plan for each household size and the computer program shall be adjusted to allow for a minimum benefit of $10. The computer program shall also be adjusted to allow for those households who, because of applying in the second half of the month, are issued a half-month allotment of $6 for the month of initial certification, as provided in § 273.10(e)(2). FNS will provide State agencies with revised issuance tables reflecting the percentage reductions to be made in the Thrifty Food Plan levels. In States where manual issuance is used, State agencies shall reproduce the issuance tables provided by FNS and distribute them to issuance personnel. State agencies shall ensure that the revised issuance tables are distributed to issuance agents and personnel in time to allow benefit reductions during the month ordered by FNS.

In an HIR card system State agencies have the option of enacting the reduction in benefits either by changing all HIR cards before issuance activity for the affected month begins or by adjusteing allotments at the point of issuance as each household appears at the issuance office.

* * * * *

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. A new paragraph (g)(32) is added § 272.1 as follows:

§ 272.1 General Terms and Conditions.

* * * * *

(g) *Implementation.* * * *

(32) Amendment 196. State agencies shall implement these regulations no later than the first of the month the 60th day after following publication of final regulations.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. In § 273.10:

(a) Paragraph (a)(1) is revised,

(b) paragraphs (e)(2)(i) and (ii) are revised,

(c) paragraph (e)(2)(iii)(B) is revised, and

(d) paragraph (e)(3) is removed and (e)(4) is designated as (e)(3). The changes read as follows:

§ 273.10 Determining household eligibility and benefit levels.

(a) *Month of Application.* (1) The eligibility for most households submitting an initial application shall be based on circumstances for the entire calendar month in which the household filed its application. However, State agencies may, with the prior approval of FNS, use a fiscal month if the State determines that it is more efficient and satisfies FNS that the accounting procedures fully comply with certification and issuance requirements contained in these regulations. A State agency may elect to use either a standard fiscal month for all households, such as from the 15th of the calendar month to the 15th of the next calendar month, or a fiscal month that will vary for each household depending on the date an individual files an application for the program. A household's eligibility shall be determined for the month of application by considering the household's circumstances for the entire month, calendar or fiscal, as defined by the State agency. A household's benefit level for the initial month of participation will be based on the day of the month it applies for benefits. Using a calendar month, households applying from the 1st through the 15th of the month shall receive a full month's benefits and households applying from the 16th to the end of the month shall receive a half-month's benefits. Using a standard fiscal month, households applying in the first 15 days of the fiscal month shall receive a full month's benefits and those applying after the first 15 days shall receive a half-month's benefits.

* * * * *

(e) *Calculating net income and benefit levels.* * * *

(2) *Eligibility and benefits.* (i) Household's net monthly income, as calculated in paragraph (e)(1) of this section, shall be compared to the monthly income eligibility standards for the appropriate household size to determine eligibility for the month.

(ii) Except as provided in paragraph (iii) below, the household's monthly allotment shall be equal to the Thrifty Food Plan for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(i) of this section. After multiplying the net income by 30 percent, the State agency shall round the product down if it ends in 1 through 49 cents and round the product up if it ends in 50 through 99 cents, prior to subtracting that amount from the Thrifty Food Plan. This rounding method shall be used in all determinations of allotments. For those households who apply after the first 15 days of the month the household's initial monthly allotment shall be divided in half. All eligible one and two-person households shall receive a minimum monthly allotment of $10 or, if half-month issuance is applicable, a minimum monthly allotment of $6.

(iii) * * *

(B) Except as provided in paragraph (e)(2)(iii)(C) of this section below, if the amount of benefits obtained by the calculation in paragraph (e)(2)(iii)(A) of this section is less than $10, the household shall be provided a minimum

benefit of $10, or, half-month issuance is applicable, a minimum benefit of $6.

* * * * *

(91 Stat 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Programs No. 10.551 Food Stamps)

Dated: May 18, 1981.

G. William Hoagland,

Administrator.

[FR Doc. 81-15449 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-30-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1145, 1307, 1500 and 1700

Benzene-Containing Consumer Products; Withdrawal of Proposed Rules

Cross Reference: In the rules section of this **Federal Register**, the Consumer Product Safety Commission (CPSC) is withdrawing its proposed ban of consumer products which contain certain amounts of benzene (16 CFR Part 1307, 43 FR 21839, May 19, 1978). This withdrawal appears in the Rules section at the request of the Agency and in conformity with section 2058 of the Consumer Product Safety Act. The CPSC is also withdrawing several other proposed conforming amendments which were published in the same **Federal Register** (16 CFR Parts 1145, 1500 and 1700) (43 FR 21838, 21852 and 21853, respectively).

For more detailed information on the withdrawals, see FR Doc. 81-15426 in the rules section of this **Federal Register**. Refer to the Table of Contents in the front of the Register for the proper page number.

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Mississippi-2)]

High-Cost Gas Produced From Tight Formations; Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by Section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions that present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas subject to an incentive price (18 CFR 271.703). The rule establishes procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking contains the recommendation of the State Oil and Gas Board of Mississippi that the Rea sand of the Mississippian Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 17, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 2, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307 or Walter W. Lawson, (202) 357–8703.

Issued: May 18, 1981.

I. Background

On March 30, 1981, the State Oil and Gas Board of Mississippi (Mississippi) submitted to the Commission a recommendation in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Rea Sand of the Mississippian Formation in Clay County, Mississippi, be designated as a tight formation. Pursuant to § 371.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Mississippi's recommendation that the Rea Sand of the Mississippian Formation be designated a tight formation should be adopted. Mississippi's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of the Recommendation

Mississippi recommends that the Rea Sand of the Mississippian Formation found in portions of Township 16 South, Range 5 East; Township 17 South, Range 5 East; Township 16 South, Range 6 East; and Township 17 South, Range 6 East, Clay County, Mississippi, be designated as a tight formation.

The recommended formation varies in thickness from 30 feet to 160 feet and occurs at depths ranging from 8,865 feet to 9,975 feet. The only producing well in the Rea Sand of the Mississippian Formation in the recommended area is completed in an interval of 9,058 feet to 9,100 feet.

III. Discussion of Recommendation

Mississippi claims in its submission that evidence gathered and presented at a public hearing in support of this recommendation domonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stablized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Mississippi further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are, or are expected to be, used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Mississippi that the Rea Sand of the Misissippian Formation, as described and delineated in Mississippi's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 17, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Mississippi-2), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be

available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 2, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Mississippi's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703 is amended by adding new paragraph (d)(49) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, as subindexed below, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(25) through (48) [Reserved]

(49) *The Rea Sand of the Mississippian Formation in Mississippi.* (Mississippi-2).

(i) *Delineation of Formation.* The Rea Sand of the Mississippian Formation is found in portions of Township 16 South, Range 5 East; Township 17 South, Range 5 East; Township 16 South, Range 6 East; and Township 17 South, Range 6 East, in Clay County, Mississippi.

(ii) *Depth.* The recommended formation occurs at depths ranging from 8,865 feet to 9,975 feet and varies in thickness from 30 feet to 160 feet.

[FR Doc. 81–15318 Filed 5–21–81: 8:45 am]

BILLING CODE 6450–85–M

18 CFR Part 271

[Docket No. RM79–76 (Texas–10)]

High-Cost Gas Produced From Tight Formations; Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by Section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions that present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas subject to an incentive price (18 CFR 271.703). The rule establishes procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking contains the recommendation of the Railroad Commission of Texas that the Edwards Limestone Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 17, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written request for a public hearing are due on June 2, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307 or Walter Lawson, (202) 357–8556.

Issued: May 18, 1981.

I. Background

On March 30, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Edwards Limestone Formation in Dewitt, Karnes, and Lavaca Counties, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Edwards Limestone Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of the Recommendation

Texas recommends that the following named fields where the Edwards Limestone Formation is encountered be designated as a tight formation. These fields are found along the Gulf coast in the southeastern part of the state in DeWitt, Karnes, and Lavaca Counties, in a portion of Railroad Commission District 2.

DeWitt County: Yoakum (Edwards) Field
Karnes County: Kenedy, East (Edwards) Field
Lavaca County: Sweethome (Edwards) Field
Lavaca County: Word (Edwards) Field
Lavaca County: Word North (Edwards) Field
Lavaca County: Yoakum (Edwards) Field

The Edwards Limestone Formation is massive in thickness. An upper and lower limit can be established across the three county area. In the west, the upper limit may be encountered at approximately 13,460 feet and in the east, the shallowest depth at which it is found, is approximately 13,150 feet. The base of the Edwards Limestone Formation in the west is located at an undetermined depth. At 14,000 feet, the Edwards Limestone Formation is still apparent which indicates a minimum thickness of approximately 540 feet, while in the east the base appears at an approximate depth of 14,500 feet resulting in a thickness of 1,350 feet. Texas points out that these depths are approximations based on available data.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stablized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water

aquifers that are, or are expected to be, used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given to the proposal submitted by Texas that the Edwards Limestone Formation, as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 17, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Texas-10), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 2, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703 is amended by adding new paragraph (d)(47) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, as subindexed below, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(21) through (46) [Reserved]

(47) *Edwards Limestone Formation in Texas.* RM79–76 (Texas-10)

(i) *Delineation of Formation.* The Edwards Limestone Formation is encountered in the following named fields. These fields are found along the Gulf coast in the southeastern part of the state in DeWitt, Karnes, and Lavaca Counties, Railroad Commission District 2.

DeWitt County: Yoakum (Edwards) Field
Karnes County: Kenedy, East (Edwards) Field
Lavaca County: Sweethome (Edwards) Field
Lavaca County: Word (Edwards) Field
Lavaca County: Word, North (Edwards) Field
Lavaca County: Yoakum (Edwards) Field

(ii) *Depth.* The top of the Edwards Limestone Formation, in the west, is at approximately 13,460 feet and the base is undetermined. In the east, the top of the formation is at an approximate depth of 13,150 feet and the base is the 14,500 feet resulting in a thickness of approximately 1,350 feet.

[FR Doc. 81–15321 Filed 5–21–81; 8:45 am]

BILLING CODE 6450–85–M

---

18 CFR Part 271

[Docket No. RM79–76 (Utah-1)]

High-Cost Gas Produced From Tight Formations; Proposed Rulemakinng

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by Section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Utah Board of Oil, Gas and Mining and the United States Geological Survey that the Wasatch/Mesaverde Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 17, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 2, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307 or Victor Zabel, (202) 357–8616.

Issued: May 18, 1981.

I. Background

On May 11, 1981, the State of Utah Board of Oil, Gas and Mining and the United States Geological Survey (Utah) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 FR 56034, August 22, 1980), that the Wasatch/Mesaverde Formation located in Uintah County, Utah, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Utah's recommendation that the Wasatch/Mesaverde Formation be designated a tight formation should be adopted. Utah's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation underlies certain lands in the Bitter Creek-Red Wash area of Uintah County, Utah, approximately 25 miles southeast of the town of Roosevelt, Utah. The recommended area contains 448,000 acres located in the general area of Townships 7 South through 12 South and Ranges 18 East through 25 East.

Approximately 85 percent of this land is federal, 11 percent state and 4 percent fee. The average depth to the top of the

Wasatch/Mesaverde Formation is 4,559 feet. The average gross productive interval averages approximately 1,150 feet in thickness.

III. Discussion of Recommendation

Utah claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. TGF-100 convened by Utah on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 milidarcy;

(2) The stablized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Utah further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Utah that the Wasatch/Mesaverde Formation, as described and delineated in Utah's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 17, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Utah-1), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 2, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Utah's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703 is amended by adding new paragraph (d)(52) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(25) through (51) [Reserved]

(52) *Wasatch/Mesaverde Formation in Utah* RM79-76 (Utah-1)

(i) *Delineation of formation.* The Wasatch/Mesaverde Formation is found in the Bitter Creek-Red Wash area of Uintah County, Utah and is the general area of Townships 7 South through 12 South and Ranges 18 East through 25 East.

(ii) *Depth.* The average depth to the top of the Wasatch/Mesaverde Formation is 4559 feet.

[FR Doc. 81-15319 Filed 5-21-81; 8:45 am]
BILLING CODE 6450-85-M

---

18 CFR Part 271

[Docket No. Rm79-76 (Wyoming-4)]

High-Cost Gas Produced From Tight Formations; Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by Section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive incentive price (18 CFR 271.703). This rule establishes procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Wyoming Oil and Gas Conservation Commission that the Fox Hills Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 17, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 2, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Leslie Lawner, (202) 357-8307 or Victor Zabel, (202) 357-8616.

Issued: May 18, 1981.

I. Background

On May 5, 1981 the State of Wyoming Oil and Gas Conservation Commission (Wyoming) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 FR 56034, August 22, 1980), that the Fox Hills formation located in Sweetwater County, Wyoming, be designated as a tight formation. Pursuant to § 2271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Wyoming's recommendation that the Fox Hills Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Wyoming's recommendation. Wyoming's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of the Recommendation

The recommended formation is located in Sweetwater County, Wyoming in the southern portion of the Green River Basin, south of the town of Table Rock. The area is described as encompassing Township 16 North, Ranges 97 through 99 West; Township 17 North, Ranges 96 through 98 West; Township 17 North, Range 99 West, Sections 24 through 28 and 33 through 36. Township 18 North, Ranges 96 and 97 West; and Township 18 North, Range 98 West, Sections 24 through 26 and 34 through 36.

The vertical limits of the Fox Hills Formation are defined by the Lance Formation above and the Lewis shale below. The average depth to the top of the formation is 7,412 feet.

III. Discussion of Recommendation

Wyoming claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. 1, Docket No. 69–80, convened by Wyoming on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 milidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Wyoming further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Wyoming that the Fox Hills formation, as described and delineated in Wyoming's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 17, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Wyoming-4), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 2, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Wyoming's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703 is amended by adding new paragraph (d)(51) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(25) through (50) [Reserved]

(51) *Fox Hills Formation in Wyoming* RM79–76 (Wyoming-4)

(i) *Delineation of formation.* The Fox Hills Formation is found in Sweetwater County, Wyoming, in Township 16 North, Ranges 97 through 99 West; Township 17 North, Ranges 96 through 98 West; Township 17 North, Range 99 West, Sections 24 through 28 and 33 through 36; Township 18 North, Ranges 96 and 97 West; and Township 18 North, Range 98 West, Sections 24 through 26 and 34 through 36.

(ii) *Depth.* The Fox Hills Formation vertical limits are defined by the Lance Formation above and the Lewis Shale below. The average depth to the top of the Fox Hills Formation is 7,412 feet.

[FR Doc. 81–15320 Filed 5–21–81; 8:45 am]

BILLING CODE 6450–85–M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commissions Operations and Relocation Procedures; Recodification, Revision and Additions to Part 700 Commission Operations and Relocation Procedures

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Notice of extension of time for filing comments on proposed Recodification, Revision and Additions to Part 700.

SUMMARY: On March 9, 1981, a proposed Recodification, Revision and Additions to Part 700-Commission Operations and Relocation Procedures was published in the **Federal Register** (46 FR 15720). Comments were authorized to be received until May 8, 1981. The Commission has determined that additional time is required for review of the proposed Recodification and has extended the time for comments to July 7, 1981. The purpose of this notice is to advise the affected public that time for comment on the proposed Recodification, Revision and Additions to Part 700-Commission Operations and Relocation Procedures has been extended to July 7, 1981.

DATE: Comments are now due on or before July 7, 1981.

FOR FURTHER INFORMATION CONTACT: William G. Lavell, General Counel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone 602–779–3311, Extension 1376, FTS: 261–1376.

Roger Lewis,

Chairman.

May 14, 1981.

[FR Doc. 81–15448 Filed 5–21–81; 8:45 am]

BILLING CODE 4310–HB–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-108-80]

Income Tax; Consolidated Return Regulations; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of change of date of a public hearing on proposed regulations relating to the bad debt deduction for a thrift institution that is a member of an affiliated group which files a consolidated return.

DATES: The public hearing will be held on September 9, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by August 26, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-108-80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: By a notice appearing in the **Federal Register** for Friday, May 1, 1981 (46 FR 24595), it was announced, among other things, that a public hearing on proposed regulations relating to consolidated returns would be held on August 13, 1981, beginning at 10:00 a.m. in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. The proposed regulations were published in the **Federal Register** for Friday, January 30, 1981 (45 FR 9965).

The date for the public hearing has been changed and it will be held on Wednesday, September 9, 1981.

Outlines of oral comments must be delivered or mailed by August 26, 1981.

In all other respects the details with respect to the hearing remain the same.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for November 8, 1978.

By direction of the Commissioner of Internal Revenue:

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-15451 Filed 5-21-81, 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[LR-267-79]

Income Tax; Dollar-Value LIFO Inventory; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the valuation of dollar-value last-in, first-out (LIFO) inventories.

DATES: The public hearing will be held on June 30, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by June 16, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-267-79), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 472 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, January 16, 1981 (46 FR 3912).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the public hearing and the time they wish to devote to each subject by June 16, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-15452 Filed 5-21-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 221

Oil and Gas Operating Regulations

AGENCY: Geological Survey, Interior.

ACTION: Notice of Intent to Propose Rulemaking.

SUMMARY: The Geological Survey (GS) is considering the development of a rulemaking to revise and modernize the regulations in 30 CFR Part 221 governing the operation of oil and gas leases with the exception of the royalty provisions. Comments and suggestions are hereby invited to assist in the determination of the need for and extent of such a rulemaking. The GS desires to receive maximum participation from the petroleum industry, State governments, all other interested individuals and segments of the public and other Federal Government Agencies at the earliest stages of the rulemaking process.

DATE: Comments and recommendations must be received by July 6, 1981.

ADDRESS: Comments and recommendations should be submitted to the Deputy Division Chief, Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

V 46 / 99
MAY 22 81
UMI

FOR FURTHER INFORMATION CONTACT:

Mr. Charles L. Sours, Chief, Branch of Rules and Procedures, or Mr. Gerald R. Daniels, Chief, Branch of Fluid Minerals Management, Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092 (704–860–7535).

SUPPLEMENTARY INFORMATION: It is the intent of the GS to develop a proposed rule if the need for revision of Part 221 is shown. The last substantial revision of this Part was completed in 1942, and while changes have been promulgated since that time, no rulemaking to completely review the Part has been published. In addition to the removal and updating of outdated forms, the GS wishes to receive specific comments on the need to revise the overall structure of the Part. The royalty computation and collection provisions will not be included in this rulemaking because the royalty accounting procedures covering all Federal and Indian leases of all minerals regulated by Title 30 of the CFR are currently undergoing a complete system redesign. Upon the completion of that system design, a separate rulemaking will be initiated dealing with the royalty provisions of various Parts of Title 30 of the CFR.

All comments and suggestions received will be considered in determining the need to revise Part 221. Any such proposed rulemaking will be published in the **Federal Register** for further comments before final rulemaking is adopted.

Dated: May 15, 1981.

John J. Dragonetti,

Deputy Division Chief for Onshore Minerals Regulation, Conservation Division.

[FR Doc. 81–15288 Filed 5–21–81; 8:45 am]

BILLING CODE 4310–31–M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 209

Service Charges for Allotments of Pay to Savings Accounts of Federal Civilian Employees

AGENCY: Bureau of Government Financial Operations, Fiscal Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Treasury proposes to amend 31 CFR 209.8, the regulation governing the service charge for allotments of pay to savings accounts of civilian employees who are employed within the United States. The proposed amendment increases the service charges, established in 1968 and unchanged from that date, to comply with the statutory requirement, referenced below in the authority citation, that employing agencies be reimbursed by recipient financial organizations for the additional cost of sending allotments requested by employees. The proposed amendment also substitutes a more appropriate statutory reference for the information that collected service charges are deposited into the Treasury as miscellaneous receipts unless the agency has statutory authority otherwise to dispose of the credit.

DATES: Proposed effective date: October 4, 1981. Comments on this proposal must be received by July 10, 1981.

ADDRESS: Comments should be addressed to the Commissioner, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex, Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT:

Mr. John MacArthur, Government Accounting Systems Staff, Bureau of Government Financial Operations, Room 412, Treasury Annex, Department of the Treasury, Washington, DC 20226 (202/566–8374).

SUPPLEMENTARY INFORMATION:

Classification: The Department of the Treasury has determined that this regulation will not cause a significant effect on the economy and will not result in a major increase in costs or prices for financial organizations, consumers, or government agencies. The Department, therefore, does not consider this regulation to be a major rule for the purposes of Executive Order 12291 (1981).

Background

Title 31 U.S. Code, section 492, requires that agencies be reimbursed for the additional cost of sending checks for allotments of pay to savings accounts of Federal civilian employees, by the financial organizations to which these checks are sent. Service charges were established in 1968. They no longer adequately reimburse the Government for the cost of administering the savings allotment program. The revised service charges proposed by this rule reflect the current additional cost to the Government for processing and mailing savings allotment checks to financial organizations.

Authority: This amendment is proposed under the authority of Revised Statute 3620, as amended by Pub. L. 90–365, 82 Stat. 274 (31 U.S.C. 492).

For the reasons set out in the preamble, part 209 of Chapter 11 of Title 31 of the Code of Federal Regulations is proposed to be amended as follows.

Accordingly, § 209.8 is amended by revising paragraphs (a)(1), (a)(2), and (b) as follows:

§ 209.8 Service charge.

* * * * *

(a) * * *

(1) Twelve (12) cents for each payroll deduction stated on the record which is to accompany the aggregate remittance (for all administrative and payrolling costs in the agency); plus

(2) Twenty-seven (27) cents for each remittance, as a single charge for the entire record accompanying the remittance, regardless of the number of payroll deductions listed (for all check preparation and mail preparation costs in the disbursing office, including postage).

(b) In accordance with Revised Statute 3617, as amended by section 6, Pub. L. 91–375, 84 Stat. 783 (31 U.S.C. 484), the total service charge collected pursuant to this section shall be covered into the Treasury as miscellaneous receipts unless the agency has statutory authority otherwise to dispose of the credit.

W. E. Douglas,

Commissioner.

March 19, 1981.

[FR Doc. 81–15484 Filed 5–21–81; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Big Cypress National Preserve

AGENCY: National Park Service, Interior.

ACTION: Extension of Comment Period.

SUMMARY: On April 22, 1981 (46 FR 22905) the National Park Service published a notice of intent to propose rules to regulate the use of Off-Road Vehicles (ORV's) in the Big Cypress National Preserve, Florida. The Comment period established in that notice is hereby extended to July 6, 1981.

DATES: The National Park Service will consider all comments on the notice that are received by July 6, 1981.

ADDRESS: Comments should be addressed to Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030.

FOR FURTHER INFORMATION CONTACT:

Jack Morehead, Superintendent, Everglades National Park, P.O. Box 279,

Homestead, Florida 33030. Telephone: (305) 274-6211.

SUPPLEMENTARY INFORMATION: The April 22, 1981, notice requested that written comments be submitted to the National Park Service by May 22, 1981. This deadline has been extended until July 6, 1981, to allow more time for full public participation.

G. Ray Arnett,

Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 81-15521 Filed 5-21-81, 8:45 am]

BILLING CODE 4310-70-M

---

36 CFR Part 7

Everglades National Park

AGENCY: National Park Service, Interior.

ACTION: Extension of Comment Period.

SUMMARY: On April 22, 1981 (46 FR 22905) the National Park Service published a petition for rulemaking and request for comments seeking regulatory revisions to allow airboat use on the Stairstep Airboat Trails within Everglades National Park. The comment period established in this petition is hereby extended to June 22, 1981.

DATES: The National Park Service will consider all comments on the notice that are received by June 22, 1981.

ADDRESS: Comments should be addressed to Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030.

FOR FURTHER INFORMATION CONTACT: Jack Morehead, Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030. Telephone: (305) 247-6211.

SUPPLEMENTARY INFORMATION: The April 22, 1981, petition for rulemaking requested that written comments be submitted to the National Park Service by May 22, 1981. This deadline has been extended until June 22, 1981, to allow greater opportunity for public comment.

G. Ray Arnett,

Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 81-15522 Filed 5-21-81, 8:45 am]

BILLING CODE 4310-70-M

POSTAL SERVICE

39 CFR Part 111

Facing Identification Marks on Official Mail

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would amend postal regulations to modify the specifications for printing the official mail imprint and to add the requirement that a Facing Identification Mark (FIM) be printed on certain official mail post cards, letter-size envelops and self mailers. State employment security agencies mailing under the U.S. Department of Labor indicia would also be required to comply with the processing of official mail of the executive and judicial branches of the Government.

DATE: Comments must be received on or before June 22, 1981.

ADDRESS: Written comments should be addressed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of written comments received will be available for public inspection and photo-copying between 9 a.m. and 4 p.m., Monday through Friday, in Room 1640, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Bill Maguire, (202) 245-4353.

SUPPLEMENTARY INFORMATION: In order to improve the processing of official mail of the executive and judicial branches of the United States Government, the Postal Service proposes to phase in a policy requiring certain official mail of authorized departments and agencies to bear a Facing Identification Mark (FIM). A FIM would have to be printed on all letter-size official postage and fees paid mailing pieces procured after September 1, 1981. Agencies would be allowed to use up existing mailing stocks. We specifically invite comment of the reasonableness of the September 1, 1981 proposed implementation date.

Addition of FIM would also necessitate the modification of the official mail imprint. State employment security agencies mailing under U.S. Department of Labor indicia would also be required to comply with the FIM requirement. This would be accomplished by the deletion of section 137.4 of the Domestic Mail Manual (DMM) and the addition of a new section 137.242j to cover employment security mail. Official metered mail and official permit imprint mail would not require the FIM. Official business reply mail currently has to meet the FIM requirement (see Section 137.252). In order to implement this change, the indicia requirements of section 137.241 would be modified and the placement of the official emblem would be changed in sections 137.242a, 137.243 and 137.244.

Accordingly, although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated in the **Federal Register** by reference (39 CFR 111.1):

Part 137—Official Mail

In part 137, revise 137.24 to read as follows:

.24 *Indicia*

.241 There are four general types of official penalty mail indicia: (a) Standard penalty indicium, (b) official metered indicium, (c) official permit imprint indicium, and (d) official business reply indicium. Each type must conform with an authorized format, as described in 137.242–137.245.

.242 *Standard Penalty Indicium.* All official mail using the standard penalty indicium must comply with the following described specifications.

a. The indicium for letter-size mail must be printed and must consist of the postal emblem (see Exhibit 137.242b) located ⅜ of an inch from the top edge of the mail piece; and immediately below the postal emblem, the words POSTAGE AND FEES PAID, the name of the department or agency and the agency sampling number, if assigned.

b. Except for second-class, and bulk third-class mail (see 137.273 b and c), the Facing Identification Mark (FIM), a vertical bar code pattern which functions as an orientation mark for automatic facing and canceling equipment, is required as follows:

(1) An area of 3 inches by 1¾ inches in the upper right corner of the address side of each mail piece must be reserved for the indicium and the FIM. The entire indicium, including the postal emblem, must be within 1¾ inches from the right and within 1¾ inches from the top edge of the mailing piece. A FIM must be printed on all mailing pieces, including cards, letter-size envelopes and self mailers, (see 128) but is not required on labels or envelopes larger than letter-size.

(2) The FIM must be positioned in such a manner that the distance from the right edge of the nearest FIM bar is 2 inches plus or minus ⅛ of an inch, and the top of the FIM pattern is *within* ⅛ of an inch from the top edge of the mail piece. It is permissible for the pattern to touch the top edge of the mail piece. The bars must be at least ½ inch long. A clear area free of any other printing must be maintained around the FIM. This clear area begins 1¾ inches from the right edge of the mail piece and extends 1¼ inches to the left. The height of the clear area is ⅝ of an inch down from the top edge. (See Exhibit 137.242b) Additional specifications for printing the FIM are contained in Publication 12, *United States Postal Service Instructions Facing Identification Marks.* Because the spacing between the vertical bars requires control, the Postal Service provides negatives for printing the FIM pattern. In all cases,

Postal Service specifications and negatives must be used. The specifications and negatives for FIM are available from local post offices or from the Manager, Government Revenue and Examination Branch, Finance Department, U.S. Postal Service Headquarters, Washington, D.C. 20260.

Exhibit 137.242b

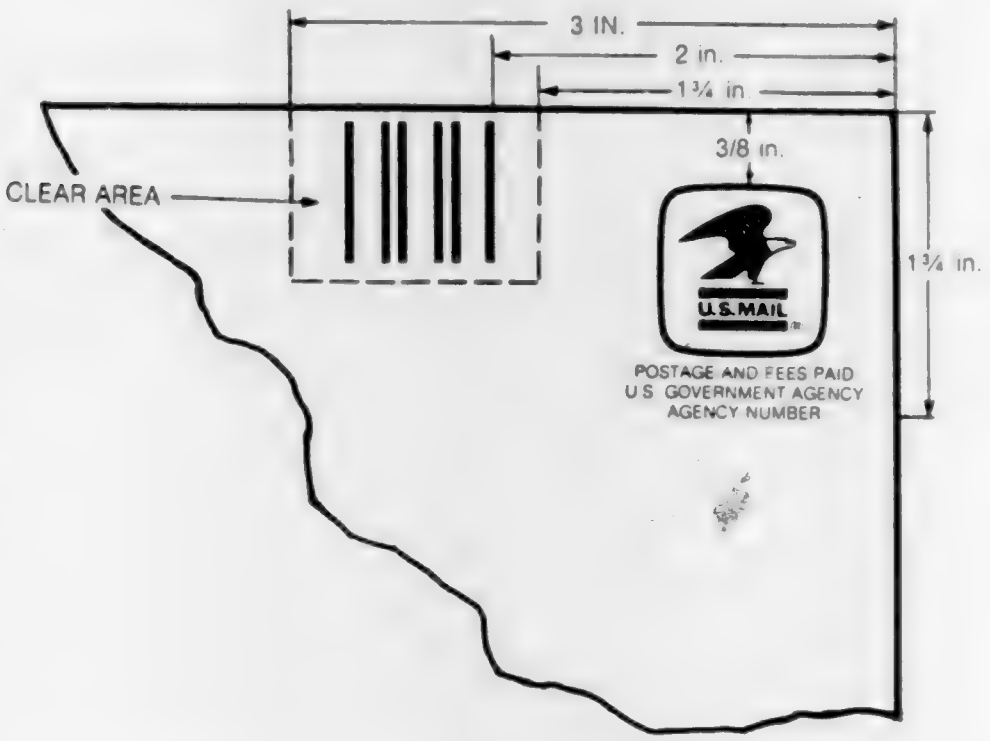

(3) A FIM must appear on all letter-size mailing pieces procured after September 1, 1981. Stocks of cards, envelopes and self-mailers procured prior to September 1, 1981, which do not bear a FIM may be used until exhausted.

c. The FIM pattern and use of the postal emblem as part of the indicium is optional on larger than letter-size mail.

d. The postal emblem and FIM pattern may be omitted on self-mailers completely printed by computer with no provision for printing designs other than letters and numbers, provided the items are faced, sorted and tied in bundles by ZIP Code.

e. Any endorsement for a special service or class of mail must be placed approximately ¼ inch below the indicium.

f. The complete return address and the words "OFFICIAL BUSINESS, PENALTY FOR PRIVATE USE, $300" must appear in the upper left corner of the mail piece (see Exhibit 137.242f). The penalty statement may not be handwritten or typewritten.

Exhibit 137.242f

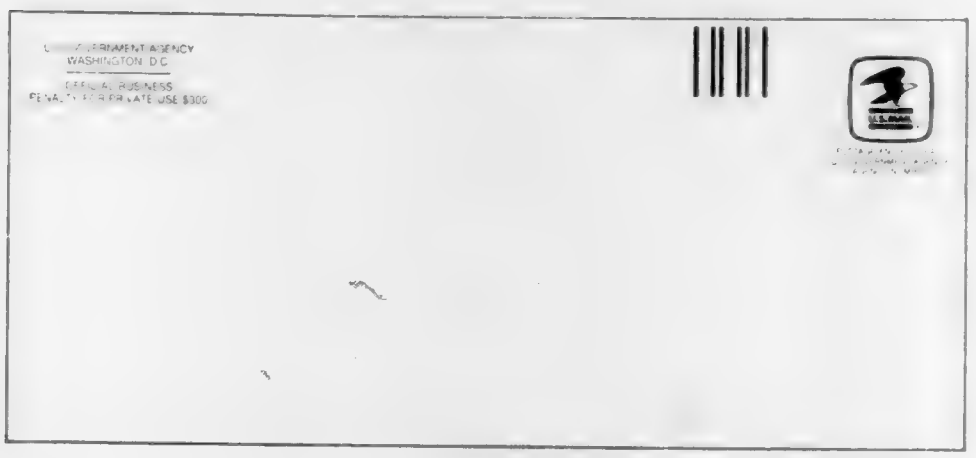

g. Official mail of a designated State extension director must bear in the upper left corner the name of the agricultural college and the name of the post office at which the mail is to be accepted without prepayment of postage, followed by the name and title of the designated officer and the words COOPERATIVE AGRICULTURAL EXTENSION WORK—Acts of may 8 and June 30, 1914. The words POSTAGE AND FEES PAID U.S. DEPARTMENT OF AGRICULTURE, and the agency sampling number must appear in the upper right corner of the address side immediately below the postal emblem. The FIM pattern must be used as described in 137.242b.

h. Official mailings by agricultural experiment stations must bear in the upper left corner of the address side the name of the station, the name of the post office at which the matter is to be accepted, and the name and title of the officer in charge of the station, followed by the word PUBLICATION. The title of the bulletin or report may be used. The words POSTAGE PAID U.S. DEPARTMENT OF AGRICULTURE, and the agency number must appear in the upper right corner of the address side immediately below the postal emblem. The FIM pattern must be used as described in 137.242b.

i. Official mailings made by cooperative extension agents described in 137.22c must be prepared in accordance with the provisions of 137.242 a through f.

j. Official mailings made by State employment security agencies cooperating with the Department of Labor must bear in the upper left corner the name and complete return address of the state agency and the words "OFFICIAL BUSINESS, PENALTY FOR PRIVATE USE, $300". The words "POSTAGE AND FEES PAID, EMPLOYMENT SECURITY MAIL, LAB–449" must appear in the upper right corner of the address side immediately below the postal emblem. The FIM pattern must be used as described in 137.242b.

.243 *Official Metered Indicium.* Penalty mail may be sent under official postage meter procedures when an agency has obtained a license for each meter in accordance with 137.273a. Mail sent from agency locations licensed to use meters must bear in the upper right corner a meter stamp or tape with the official meter format illustrated in 144.416 and a complete return address in the upper left corner. The FIM pattern and other indicia described in 137.242b must not be used on official metered mail.

.244 *Official Permit Imprint Indicium.* Permit imprints may be used by government agencies to facilitate postage accountability for larger mailings. Unless a meter is used, permit imprints are required for all First-Class, single piece third-class, and fourth-class mailings made by contractors, and for all presort First-Class and fourth-class bulk rate mailings made either by a government agency or its contractors. Departments and agencies wishing to mail under permit imprint procedures must obtain prior authorization and follow the appropriate procedures in 137.273d and 145. The format for official permit imprint mail is as follows:

a. The official permit imprint indicium must appear in a rectangular box in the upper right corner of the mail piece. It consists of the statement of mail class, the words "Postage and Fees Paid", the agency name and a permit number preceded by the letter, "G". The city of mailing and date may be included but are not required. Illustrations of the official mail permit imprint indicium are provided in 145.5e and f,

b. The FIM pattern and the postal emblem should not be included on official permit imprint mail.

c. The complete return address and the words, "OFFICIAL BUSINESS, PENALTY FOR PRIVATE USE, $300" must appear in the upper left corner as illustrated in 137.242f.

.245 *Official Business Reply Indicium.* The format described in 137.252 must be used for cards, envelopes and labels furnished by government agencies for reply purposes.

.246 The markings required in 137.242 through .245:

a. May be used only to transmit official mail, and

b. Shall not be used on items carried outside the U.S. Mail except under the following circumstances:

(1) When official items are carried by employees of the originating agency;

(2) When official items are carried by contractors for subsequent entry into the U.S. Mail under the provisions of 137.253 and .254; or

(3) When agencies reach written agreement with the Manager, Government Revenue and Examination Branch, Finance Department, U.S.P.S. Headquarters, to account for and pay postage on official items carried outside the U.S. Mail to avoid violation of the Private Express Statutes (13 U.S.C. 1693–1699 and 39 U.S.C. 601–606).

.247 Mail of departments and agencies which is not sent by use of official envelopes or labels as provided in 137.242 through 245 must have postage prepaid. The rates and conditions applicable to non-federal government mailers apply.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposals are adopted.

(39 U.S.C. 401(2)(10), 404(a) (2)–(4))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81–15314 Filed 5–21–81; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–7–FRL–1835–7]

Approval and Promulgation of State Implementation Plans: Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and Advance Notice of Rulemaking.

SUMMARY: On April 16, 1981, the State of Kansas submitted State Implementation Plan (SIP) revision for the Wichita-Sedgwick County carbon monoxide (CO) nonattainment area, as required by the Clean Air Act (CAA) as amended. Interested persons are invited to examine the Kansas SIP revision and submit comments.

EPA's proposed action on the submitted SIP revision will appear in a Notice of Proposed Rulemaking, to be published at a later date.

DATES: The period for receiving comments on the state's submittal and what EPA's final action should be will extend until June 22, 1981.

ADDRESSES: Comments should be addressed to Michael T. Marshall, Air, Noise and Radiation Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

The Kansas submittal may be examined during normal business hours at the above address and also at the following locations:

Environmental Protection Agency, Public Information and Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C. 20460;

Kansas Department of Health and Environment, Division of Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66620;

Wichita-Sedgwick County, Metropolitan Area Planning Department, City Hall—10th Floor, 455 North Main Street, Wichita, Kansas 67202;

Wichita-Sedgwick County Department of Community Health, Air Quality Control, 1900 East Ninth Street, Wichita, Kansas 67214.

FOR FURTHER INFORMATION CONTACT: Michael T. Marshall, (816) 374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION: The SIP revision was submitted, as required by Section 172 of the CAA, to provide for the attainment of the National Ambient Air Quality Standards (NAAQS) in areas which are currently nonattainment. EPA published the Wichita-Sedgwick County attainment status in the **Federal Register** of March 3, 1978 (44 FR 8962). The State's submission describes the CO attainment and maintenance demonstration of the delineated nonattainment area.

The purpose of this notice is to announce that the revision has been formally submitted and is available for public inspection. The public is encouraged to make written comments. A description of the revision and the proposed EPA action on the revision will appear in the **Federal Register** as a notice of proposed rulemaking at a later date.

Dated: May 12, 1981.

William Rice,

Acting Regional Administrator.

FR Doc. 81-15416 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 180

[PH–FRL–1833–6; PP 7E1978/9E2242/P171]

2-Chloroallyldiethyldithiocarbamate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for the herbicide 2-chloroallyldiethyldithiocarbamate. These proposals were submitted by the Interregional Research Project No. 4 (IR–4). This amendment will establish a maximum permissible level for residues of the subject herbicide on radishes and upland cress at 0.2 part per million (ppm).

DATE: Written comments must be received on or before June 22, 1981.

ADDRESS: Written comments to: Clinton Fletcher, Registration Division (TS–767C), Office of Pesticide Programs, Enironmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher (703–557–7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions 7E1978 and 9E2242 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Tennessee and Florida.

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for negligible residues of the herbicide 2-chloroallyldiethyldithiocarbamate in or on the raw agricultural commodities radishes and upland cress at 0.2 ppm.

The data submitted in the petitions and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed negligible tolerance of 0.2 ppm in or on radishes and upland cress were subchronic oral feeding studies in rats and dogs, both with a no-observed-effect-level (NOEL) of 200 ppm, highest level fed, a delayed neurotoxicity study in the hen negative at 3.85 gram (g)/kilogram (kg), highest dose. While the toxicity of this chemical has not been completely characterized, there is little or no expectation of finite residues remaining in the subject commodities. Thus, the incremental exposure and risk to humans is insignificant.

The National Cancer Institute (NCI) report on the carcinogenicity of 2-chloroallyldiethyldithiocarbamate indicated that, based on the terms of the bioassay, it was carcinogenic to Osborne-Mendel rats and to $B_6C_3F_1$ mice by inducing mammary gland adenocarcinoma and gastric neoplasia.

On the basis of the NCI study, the agency considers the cancer risk from dietary exposure of 2-chloroallyldiethyldithiocarbamate-treated radishes and upland cress to be very small. If it is assumed as a worst possible case that 2-chloroallyldiethyldithiocarbamate would be present in all fresh radishes and upland cress at the proposed tolerance level and all radishes and upland cress at the would be treated with 2-chloroallyldiethyldithiocarbamate, the lifetime risk of cancer from consuming radishes and upland cress is estimated to be less than 10^{-6}. However, it is unlikely that any real residue will exist on these commodities. The lifetime risk of cancer from dietary residues of 2-chloroallyldiethyldithiocarbamate resulting from prior established tolerances is estimated to be 2×10^{-6}.

The acceptable daily intake (ADI), based on the 90-day dog feeding study (NOEL of 200 ppm) and using a 2,000-fold safety factor, is calculated to be 0.0025 milligram (mg)/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 0.1500 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.0554 mg/day. The current action will utilize 0.32 percent of the ADI. Published tolerances utilize 36.94 percent of the ADI.

The metabolism of 2-chloroallyldiethyldithiocarbamate is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the agency, the tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before June 22, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[PP 7E1978/9E2242/P171]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Clinton Fletcher, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

For information on Regulatory Flexibility Act requirements, see the appendix to this proposed rule.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346(e)))

Dated: May 7, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by revising § 180.247 by (1) reformatting it into alphabetically tubular format and (2) alphabetically inserting the raw agricultural commodities "radishes" and "upland cress" to read as follows:

§ 180.247 2-Chloroallyldiethyldithiocarbamate; tolerances for residues.

Tolerances are established for residues of the herbicide 2-chloroallyldiethyldithiocarbamate in or on the following raw agricultural commodities:

Commodities	Parts per million
Bean vines	0.2(N).
Broccoli	0.2(N).
Brussels sprouts	0.2(N).
Cabbage	0.2(N).
Cantaloupes	0.2(N).
Celery	0.2(N).
Collards	0.2(N).
Corn (kernels plus cob with husk removed)	0.2(N).
Corn fodder	0.2(N).
Corn forage	0.2(N).
Corn grain	0.2(N).
Cucumbers	0.2(N).
Endive (escarole)	0.2(N).
Kale	0.2(N).
Lettuce	0.2(N).
Lima beans	0.2(N).
Mustard greens	0.2(N).
Okra	0.2(N).
Potatoes	0.2(N).
Radishes	0.2(N).
Snap beans	0.2(N).
Soybeans	0.2(N).
Soybean forage	0.2(N).
Soybean hay	0.2(N).
Spinach	0.2(N).
Tomatoes	0.2(N).
Turnip greens	0.2(N).
Turnips	0.2(N).
Upland cress	0.2(N).
Watermelons	0.2(N).

Appendix to [PP7E1978/9E2242/P17] 2-Chloroallyldiethyldithiocarbamate Proposed Tolerance

Certification Under Regulatory Flexibility Act:

Congress enacted the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612) effective January 1, 1981. The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice-and-comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for ■ tolerance, for pesticides resulting in residues on raw agricultural commodities. Under sec. 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impact on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This proposed regulation would establish a maximum permissible level for residues of the herbicide 2-chloroallyldiethyldithiocarbamate in or on radishes and upland cress at 0.2 part per million.

The only potential adverse impact on the proposed ruling would be that it would require some labeling changes by registrants. However, the number of affected registrants is relatively very small, the burden of amending the labeling would be slight, and any costs would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: March 11, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-15382 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

---

40 CFR Part 180

[PH-FRL-1833-8; PP 1E2479/P178]

S-Propyl Dipropylthiocarbamate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the herbicide *S*-Propyl dipropylthiocarbamate in or on the raw agricultural commodity peanut hulls at 0.1 part per million (ppm). This proposal was submitted by Stauffer Chemical Company. This proposal would establish the maximum permissible level for residues of *S*-Propyl dipropylthiocarbamate in or on peanut hulls.

DATE: Written comments must be received on or before June 22, 1981.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. Sw., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703-557-7070).

SUPPLEMENTARY INFORMATION: The Stauffer Chemical Company, 1200 S. 47th St., Richmond, CA 94804 has submitted a pesticide petition (PP 1E2479) to the EPA. This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide *S*-Propyl dipropylthiocarbamate in or on the raw agricultural commodity peanut hulls at 0.1 part per million.

The data submitted in the petition and all other relevant material have been evaluated. Tolerances of 0.1 part per million on peanuts, peanut forage, and peanut hay were established in August 1967. Elanco Product Company has submitted an amendment to EPA to add the application of a tank mix of trifluralin and *S*-Propyl dipropylthiocarbmate to peanuts in

accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Both pesticides are registered for individual application to peanuts. During the review of this application it was determined that a tolerance for residues of *S*-Propyl dipropylthiocarbamate in peanut hulls would be required to cover expecterd residues in that commodity. A related document (PP 1E2480/P177) proposing establishment of a tolerance in peanut hulls for trifluralin appears elsewhere in this issue of the **Federal Register**.

Peanut hulls are an animal feed item. Since no detectable residues are expected in peanuts from the registered uses, there is no expectation of residues in meat, milk, poultry, or eggs. Therefore, there will not be an increased exposure to humans.

The metabolism of *S*-Propyl dipropylthiocarbamate is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. Tolerances have previously been established for residues of *S*-Propyl dipropylthiocarbamate at 0.1 ppm in a variety of commodities. Thus based on the above information it is concluded that the tolerance of 0.1 ppm in or on peanut hulls will protect the public health.

Any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any ingredient listed herein, may request, on or before June 22, 1981, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP 1E2479/P178]." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Richard F. Mountfort from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulator Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

For information on the Regulatory Flexibility Act requirements, see the Appendix to this proposed regulation.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: May 8, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticides Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 is amended by revising § 180.240 by (1) reformatting the text into alphabetical tabular format and (2) inserting the raw agricultural commodity "peanut hulls" to read as follows:

§ 180.240 S-Propyl dipropylthiocarbamate; tolerances for residues.

Tolerances are established for the herbicide *S*-Propyl dipropylthiocarbamate in or on the following raw agricultural commodities:

Commodities	Parts per million
Corn, fodder	0.1
Corn, forage	0.1
Corn, fresh (inc sweet) (K-CWHR)	0.1
Corn, grain	0.1
Peanuts	0.1
Peanut, forage	0.1
Peanut, hay	0.1
Peanut, hulls	0.1
Potatoes	0.1
Soybeans	0.1
Soybean, forage	0.1
Soybean, hay	0.1
Sweet potatoes	0.1

Appendix

[PP 1E2479/P178]

S-Propyl Dipropylthiocarbamate

Proposed Tolerance

Certification Under Regulatory Felexibility Act:

Pursuant to the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. KK601-612), all "notice-and-comment" rulemaking which is proposed after January 1, 1981, must be accompanied by a regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant economic impact on a substantial number of small entities.

Under sec. 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. KK346a, 348), the agency is authorized to establish, by regulation, tolerance levels, exemptions from the requirements for a tolerance, or food additive levels, for pesticides whose use results in residues on food or feed. The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has some beneficial economic impact on the producer, distributor, and professional applicator of the pesticide, as well as on the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide. Adverse impacts are usually nonexistent or insignificant.

This proposed regulation would establish a tolerance of 0.1 part per million in or on peanut hulls for the herbicide *S*-Propyl dipropylthiocarbamate. Any costs resulting from this rule would almost certainly be outweight by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: May 1, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-15384 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PH-FRL-1833-7; PP 1E2480/P177]

Trifluralin; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the herbicide and plant growth regulator trifluralin in or on the raw agricultural commodity peanut hulls at 0.1 part per million (ppm). This proposal was submitted by Elanco Products Company. This proposal would establish the maximum permissible level for residues of trifluralin in or on peanut hulls.

DATE: Written comments must be received on or before June 22, 1981.

ADDRESS: Written comments may be submitted to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703-557-7070).

SUPPLEMENTARY INFORMATION: Elanco Products Company, a Division of Eli Lilly and Company, PO Box 1750, Indianapolis, IN 46206 has submitted a pesticide petition (PP 1E2480) to the EPA. The petition proposes that the Administrator, pursuant to section

408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide and plant growth regulator trifluralin (alpha,alpha,alpha-trifluoro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodity peanut hulls at 0.1 ppm.

The data submitted in the petition and all other relevant material have been evaluated. A tolerance of 0.05 ppm in or on peanuts for trifluralin was established on March 8, 1968. The petitioner has submitted an amendment to EPA to add an application of a tank mix of trifluralin and *S*-Propyl dipropylthiocarbamate to peanuts in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Both pesticides are registered for individual application to peanuts. During a review of this application it was determined that a tolerance for residues of trifluralin in peanut hulls would be required to cover expected residues in that commodity. A related document (PP 1E2479/P178) proposing establishment of a tolerance for *S*-Propyl dipropylthiocarbamate in or on peanut hulls appears elsewhere in this issue of the **Federal Register**.

Peanut hulls are an animal feed item. Since no detectable residues are expected in peanuts from the registered uses, there is no expectation of residues in meat, milk, poultry, or eggs. Therefore, there will not be an increased exposure for humans.

The metabolism of trifluralin is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. Tolerances have previously been established for residues of trifluralin ranging from 0.05 ppm to 2.0 ppm in a variety of raw agricultural commodities. Thus, based on the above information it is concluded that the tolerance of 0.1 ppm in or on peanut hulls will protect the public health, and it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains the ingredient listed herein may request, on or before June 22, 1981, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP 1E2480/P177]." All written comments filed in response to this proposal will be available for public inspection in the office of Richard F. Mountfort from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding legal holidays.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

For information on the Regulatory Flexibility Act requirements, see the Appendix to this proposed regulation.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: May 8, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by alphabetically inserting the raw agricultural commodity "peanut, hulls" in the table under § 180.207 to read as follows:

§180.207 Trifluralin; tolerances for residues.

* * * * *

Commodity	Part per million
* * * * *	
Peanut, hulls	0.1
* * * * *	

Appendix

[PP 1E2480/P177]

Trifluralin

Proposed Tolerance

Certification Under Regulatory Flexibility Act:

Pursuant to the Regulatory Flexibility Act (Pub. L. 96–543, 94 Stat. 1164, 5 U.S.C. 601–612), all "notice-and-comment" rulemaking which is proposed after January 1, 1981, must be accompanied by a regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant economic impact on a substantial number of small entities.

Under sec. 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a, 348), the agency is authorized to establish by regulation, tolerance levels, exemptions from the requirements for a tolerance, or food additive levels, for pesticides whose use results in residues on food or feed. The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has some beneficial economic impact on the producer, distributor, and professional applicator of the pesticide, as well as on the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide. Adverse impacts are usually nonexistent or insignificant.

This proposed regulation would establish a tolerance of 0.1 part per million in or on peanut hulls for trifluralin. Any costs resulting from this rule would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: May 1, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-15383 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6033]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Des Moines County, Iowa, previously published at 45 FR 22619 on April 20, 1981.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives

notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Des Moines County, Iowa previously published at 45 FR 22619 on April 20, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(Unincorporated) Des Moines County	Hawkeye Creek	About 1750 feet upstream of confluence of West Tributary Hawkeye Creek.	*672

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 6, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15358 Filed 5-21-81; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register
Vol. 46, No. 99
Friday, May 22, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Land and Resource Management Plan, Chugach National Forest, Alaska; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an Environmental Impact Statement on the Land and Resource Management Plan for the Chugach National Forest.

The Forest Plan will be developed in accordance with Sec. 6 of the National Forest Management Act of 1976 and regulations issued pursuant to the Act.

The Forest Plan will provide management direction for these National Forest System lands and will replace existing Multiple Use Plans and other functional plans.

The Forest Plan will be selected from a range of alternatives which will include at least:

a. A no action alternative which represents the most likely conditions expected to exist in the future if current management direction would continue unchanged;

b. Alternatives that display possible outputs of resources at each of several expenditure levels; and

c. Alternatives designed to resolve the identified major public issues and management concerns.

Public input will be an integral part of the planning process. Input has been received through a series of meetings held in area communities and through letters received over the past three years on this and previous planning efforts. Times and places for these "scoping" meetings were announced by notices in area newspapers, news releases, and notices mailed to other agencies, organizations and individuals known to have interest in management of the Chugach National Forest.

The anticipated release date for the Draft Environmental Impact Statement (DEIS) is March 31, 1982. A 90-day period for public review and comments will follow. The final Environmental Impact Statement (FEIS) is tentatively scheduled for filing with the EPA by December 31, 1982, with implementation of the Forest Plan thereafter. All dates are in accordance with requirements of the NFMA Regulations and directions from the Chief of the Forest Service.

The Regional Forester, Alaska Region, is the Responsible Official. For further information, contact Mr. Clay G. Beal, Forest Supervisor, 2221 E. Northern Lights Blvd., Suite 230, Anchorage, AK 99504.

John A. Sandor,
Regional Forester.

[FR Doc. 81-15357 Filed 5-21-81; 8:45 am]
BILLING CODE 3410-11-M

Rural Electrification Administration

Big Rivers Electric Corporation, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared an Environmental Assessment (EA) and, based upon this EA, REA made a Finding of No Significant Impact (FONSI) in connection with proposed financing assistance for proposed ash handling facilities of the Big Rivers Electric Corporation, Inc., (Big Rivers) of Henderson, Kentucky. The existing ash pond at the Reid Generating Station has reached its design capacity. To meet future ash handling requirements and to ensure that the existing ash pond complies with the National Pollution Discharge Elimination System permit requirements, Big Rivers proposes to reroute the discharge canal; to dredge this pond; and to dispose of the dredged ash in an ash hold area within the scrubber waste disposal area for the Green Station. These actions together will provide for the long-term disposal of ash from the Reid Station in an environmentally sound manner. Alternatives to these actions were considered. The proposed actions were found to be preferred for environmental, economic, and engineering reasons.

Big Rivers prepared a Borrower's Environmental Report (BER) concerning the proposed project. Based on this BER and other support documents, REA prepared an Environmental Assessment which fully incorporates the BER. REA's independent evaluation of the project and the above-mentioned documents leads it to conclude that approval of the project does not represent a major Federal action that will significantly affect the quality of the human environment, and in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20-21:320-21, REA has made a Finding of No Significant Impact (FONSI).

Various alternatives to the proposed ash handling facility have been considered by Big Rivers and REA. These alternatives include no action, alternative ash pond locations, fly ash trucking to a landfill, pneumatic conveying, mechanical dewatering, and conversion of the existing pond to a landfill. It has been determined that the most economical and environmentally acceptable alternative is the proposed project.

REA has determined also that the proposed project will not adversely impact any threatened or endangered species or critical habitat, important farmlands, archeological and historic resources, wetlands, nor floodplains. Approximately 10 acres of the disposal area will be located in the 100-year floodplain. This acreage is part of the Green Station disposal area which was previously approved for scrubber waste disposal. Alternatives to locating in the floodplain were considered. REA has determined that there are no practicable alternatives that will avoid location of facilities in the floodplain. Further discussion of floodplains can be found in the EA and BER. Copies of the EA and Big Rivers' BER may be reviewed in the office of Frank W. Bennett, Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, Telephone (202) 447-6183, and Big Rivers' Headquarters, 201 3rd Street, P.O. Box 24, Henderson, Kentucky 42420.

This Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 18th day of May 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-15414 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-15-M

Plains Electric Generation & Transmission Cooperative, Inc.; Finding of No Significant Impact

The Plains Electric Generation and Transmission Cooperative, Inc., (Plains) of Albuquerque, New Mexico, is making a design change in the transmission lines to interconnect its Escalante steam generating station with the electric transmission systems in the area.

On January 9, 1980, the Rural Electrification Administration (REA) issued a Final Environmental Impact Statement (FEIS) on the Escalante generating plant and related transmission facilities that considered certain transmission facilities different from those now proposed. The FEIS discussed four 115 kV transmission lines emanating from the Escalante generating station. Plains now proposes to change two of these lines that were to be built in an easterly direction and tying into the Public Service Company of New Mexico's (PNM) transmission grid at Ambrosia Lake to a single 230 kV transmission line. This new plan was chosen to improve interconnection and transmission arrangements in the area.

Plains prepared a Borrower's Environmental Report (BER) on the proposed design change. REA prepared an Environmental Assessment (EA) on the change.

After an independent evaluation of the BER and EA, REA concluded that the design change will not have a significant impact on the quality of the human environment and prepared a "Finding of No Significant Impact" (FONSI).

This FONSI, REA's, EA, and Plain's BER may be reviewed in the office of the Director, Power Supply Division, Rural Electrification Administration, Room 5168, South Agriculture, Washington, D.C. 20250, and at the office of the cooperative, Plains Electric Generation and Transmission Cooperative, Inc., 2401 Aztec Road, NE, Albuquerque, New Mexico 87107.

This program is listed in the catalog of the Federal Domestic Assistance, 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 15th day of May 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-15146 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-15-M

San Isabel Electric Association, Inc., Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with the proposed financing assistance by REA for San Isabel Electric Association, Inc., Pueblo, Colorado, (San Isabel). The proposed financing will assist San Isabel in constructing 70.8 km (44 miles) of 115 kV transmission line and associated substation facilities.

The 115 kV transmission line will be built between the Walsenburg Substation located in Huerfano County, Colorado, and the proposed Burro Canyon Substation located in Los Animas County, Colorado. Associated substation facilities include the construction of a new distribution substation and the expansion of one existing substation. San Isabel has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, known archaeological and historic sites, wetlands and floodplains, and other potential impacts of the project are adequately considered in the San Isabel and REA Environmental Assessments.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of San Isabel's Borrower's Environmental Report, a Finding of No Significant Impact was was reached in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20-21:320-21, Part I.

Various alternatives to the proposed transmission line and substation were reviewed by San Isabel and REA. The alternatives include no action, rebuilding existing facilities, underground construction, alternate connection points, and alternate routes. The most viable alternative to deliver power to all existing and future loads of San Isabel in Huerfano and Los Animas Counties is the proposed project.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and San Isabel's Borrower's Environmental Report may be reviewed in the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the cooperative, San Isabel Electric Association, Inc., Enterprise & Aerospace Drive, (P.O. Box 872), Pueblo West, Colorado 81007.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C. this 15th day of May, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-15147 Filed 5-21-81; 8:45 am]

BILLING CODE 3410-15-M

San Luis Valley Rural Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with proposed financing assistance by REA for San Luis Valley Rural Electric Cooperative, Inc. (SLV), of Monte Vista, Colorado. The proposed financing assistance will be used by SLV for the construction of 72 km (45 miles) of 115 kV transmission line and associated substation facilities.

The 115 kV transmission line will be built between the Waverly Substation located in Alamosa County, Colorado, and the proposed Mesita Substation in Costilla County, Colorado, and the proposed Mesita Substation in Costilla County, Colorado. Associated substation facilities entail construction of the Mesita Substation and construction of a new Stockade Substation to replace the existing Stockade Substation. SVL has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains, and other potential impacts of the

project are adequately considered in the SVL and REA Environmental Assessments.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of SLV's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with Section IV.B and IV.D.1 of REA Bulletin 20–21:320–21, Part I.

Various alternatives to the proposed transmission line and substations were reviewed by SLV and REA. The alternatives include no action, use of existing facilities and underground construction. The most viable alternative to deliver power to all existing and future loads of SLV in Alamosa, Conejos, and Costilla Counties is the proposed project.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessement and SLV's Borrower's Environmental Report may be reviewed in the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the cooperative, San Luis Valley Electric Cooperative, Inc., 3625 West U.S. Hwy. 160, Monte Vista, Colorado 81144.

This Program is listed in the Catalog of Federal Domestic Assistance at 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 15th day of May, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–15148 Filed 5–21–81; 8:45 am]

BILLING CODE 3410–15–M

Office of the Secretary

Price-Undercutting of Domestic Swiss Cheese by Imported German, Danish and French Swiss Cheese

On April 20, 1981, the U.S. Department of Agriculture received three complaints alleging price-undercutting of domestic Swiss cheese by imported Swiss cheese produced in the Federal Republic of Germany, Denmark and France. On April 28, a fourth complaint was received alleging price-undercutting of domestic Swiss cheese by imported Swiss cheese produced in Denmark and France. Under Section 702 of the Trade Agreements Act of 1979 (PL 96–39), the Secretary of Agriculture must conduct a price-undercutting investigation and make a determination as to the validity of the allegation no later than 30 days after receiving a complaint.

Based on the investigation of the Director of the Dairy, Livestock and Poultry Division, Foreign Agricultural Service, pursuant to the regulations at 7 CFR 6.40–44, I have determined that the duty-paid wholesale price of imported Swiss cheese produced in the Federal Republic of Germany is $1.74 per pound; that the duty-paid wholesale price of imported Swiss cheese produced in Denmark is $1.61 per pound; that the duty-paid wholesale price of imported Swiss cheese produced in France is $1.83 per pound; and that the domestic wholesale market price of U.S. produced Swiss cheese is $1.81 per pound for Grade A–B and $1.78 per pound for Grade C. I have determined that current imports of German and French Swiss cheeses are Grade A–B and that current imports of Danish cheese are Grade C. I, therefore, have determined that there is price-undercutting of U.S. produced Swiss cheese by imported Swiss cheese produced in the Federal Republic of Germany and Denmark and I have notified the United States Trade Representative accordingly.

Done at Washington, D.C., this 20th day of May 1981.

John R. Block,

Secretary.

[FR Doc. 81–15646 Filed 5–22–81; 12:22 pm]

BILLING CODE 3410–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 6–81]

Proposed Foreign-Trade Zone—Baltimore/Washington International Airport, Md.; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Maryland Department of Transportation (MDOT), a State public agency, requesting authority to establish a general-purpose foreign-trade zone at the Baltimore/Washington International Airport (BWI), in Anne Arundel County, Maryland, with the Baltimore Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 14, 1981. The applicant is authorized to make this proposal under Chapter 519, Acts of 1978, Sections 466–469 of Article 23, Annotated Code of Maryland.

The applicant proposes to establish a foreign-trade zone within BWI's Air Cargo/Industrial Park Complex which covers 500 acres on airport property. The zone will consist of two sites on 38 acres to be developed in successive stages. Site one is a 16-acre parcel on Maryland Route 170 near Taxiway "A". It contains three existing air cargo buildings totaling 103,000 square feet of floor space to be used for initial zone operations. Site two, located on Maryland Route 176 near Taxiway "T" would be developed to accommodate the needs of anticipated processing and manufacturing users. The State Aviation Administration, and MDOT agency, would operate the zone in conjunction with its overall operation of the airport.

MDOT has been working in close cooperation with the Maryland Department of Economic and Community Development in formulating a zone project consistent with State needs. As a result, the project has been designed as an integral part of the State's economic development efforts to attract new business and to support existing industries.

The application contains evidence concerning the need for zone services in the Baltimore area. The applicant's market survey indicates substantial interest on the part of the Maryland business community, particularly firms using BWI airport.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Paul R. Nichols (Chairman), Program Manager, Import Administration, U.S. Department of Commerce, Washington, D.C. 20230; Carl W. Johnson, Program Analyst, Customs Service, Region III, 40 South Gay Street, Baltimore, Maryland 21202; and Colonel James W. Peck, District Engineer, U.S. Army Engineer District, Baltimore, P.O. Box 1715, Baltimore, Maryland 21203.

As part of its investigation, the examiners committee will hold a public hearing on June 25, 1981, beginning at 10:00 a.m., in Conference Room 2 of the Passenger Terminal, Baltimore/Washington International Airport, Maryland. The purpose of the hearing is to help inform interested persons, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377-2862) by June 17, 1981. Instead of an oral presentation, written statements may be submitted to the examiners committee in accordance with the Board's regulations, care of the Executive Secretary, at any time from the date of this notice through July 25, 1981. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

District Office, U.S. Department of Commerce, 415 U.S. Customshouse, Gay and Lombard Streets, Baltimore, Maryland 21202

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2006, Washington, D.C. 20230

Dated: May 18, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-15327 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Discrete Semiconductor Device Subcommittee of the Semiconductor Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Discrete Semiconductor Device Subcommittee was formed to study transistor, diode, photoconductive, and thyristor semiconductor devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: June 9, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Conference Room B, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

AGENDA:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the Public.

(3) Presentation on civil application of microwave tubes.

(4) Presentation on civil application of image intensifiers and other photo tubes.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce. Telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT:

Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202–377–2583.

Dated: May 14, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81–15325 Filed 5–21–81; 8:45 am]

BILLING CODE 3510–25–M

Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductors, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States established or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: June 10, 1981, at 8:00 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Ave., NW., Washington, D.C.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94–409, that the matters to be discussed in the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT:

Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202–377–2583.

Dated: May 15, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81–15326 Filed 5–21–81; 8:45 am]

BILLING CODE 3510–25–M

Carbon Steel Plate From Taiwan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on carbon steel plate from Taiwan. This review covers the only known exporter of the merchandise to the United States, China Steel Corporation, Kaohsiung, Taiwan, for two consecutive time periods up to May 31, 1980. This review indicates for the first period the existence of a weighted-average margin of 19.97% and no shipments for the second period. As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between foreign market value and purchase price on shipments during the first time period. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT:

Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2209).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 13, 1979, a dumping finding with respect to carbon steel plate from Taiwan was published in the **Federal Register** (44 FR 33877–8). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As

required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on carbon steel plate from Taiwan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of hot-rolled carbon steel plate, 0.1875 inch or more in thickness, over 8" in width, not in coils, not pickled, not coated or plated with metal, not clad, other than black plate, and not pressed or stamped to nonrectangular shape. Carbon steel plate is currently classifiable under item 607.6615 of the Tariff Schedules of the United States Annotated (TSUSA). China Steel Corporation ("CSC") is the only known exporter to the United States of Taiwanese carbon steel plate. This review covers two consecutive time periods from February 14, 1979, the date of suspension of liquidation, through May 31, 1980. For the period July 1, 1979 through May 31, 1980, there were no known shipments to the United States.

Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act, since all sales were made to unrelated U.S. purchasers. In this case purchase price was calculated on the basis of the CIF or C&F price to an unrelated purchaser in the United States, with deductions, where appropriate, for ocean freight and insurance. Additions were made for both harbor dues and customs duties on imported raw materials not collected for producing exported merchandise. Additions were also made for the amount of sales tax, stamp tax and education tax rebated upon exportation, but only to the extent that such taxes were incurred with respect to home market sales and were added to or included in the price of such or similar merchandise. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 205 of the 1921 Act, since sufficient quantities were sold in the home market to provide a basis for comparison. CSC sold at least 55% of its total sales in Taiwan and home market sales were over 100% of the quantity sold for exportation to countries other than the United States. CSC provided the Department with a complete list of home market sales. However, this list did not identify what extras were included in individual sales. In the absence of such specific information, foreign market value was calculated on the basis of the weighted-average base list price plus the home market list price of the extras included in the sales to the United States. Available evidence indicates that the firm adheres to its list prices. The foreign market values were adjusted for differences in credit costs in accordance with § 153.10 of the Customs regulations. No other adjustments were claimed or made.

The Department's review of cost of production data submitted in response to an allegation of sales below the cost of production in the home market indicates that there were no sales at less than the cost of production in the home market.

Preliminary Results of the Review

As a result of our comparison of purchase price to foreign market value, we preliminarily determine that the following margins exist:

Time period	Margins, Percent
Feb. 14, 1979 to June 30, 1979	19.97
July 1, 1979 to May 31, 1980	[1]19.97

[1]No shipments during this period.

Interested parties may submit written comments on these preliminary results on or before June 22, 1981 and may request disclosure and/or a hearing on or before June 8, 1981. Any request for an administrative protective order must be made on or before May 27, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made during the period. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit of 19.97%, based upon the last known shipments, shall be required on all shipments of carbon steel plate from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

May 19, 1981.

[FR Doc. 81-15404 Filed 5-21-81 8:45 am]

BILLING CODE 3510-25-M

Ferrite Cores (of the Type Used in Consumer Electronic Products) From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on ferrite cores (of the type used in consumer electronic products) from Japan. The review covers the one exporter of this merchandise to the United States not covered by the Department's previous 1981 review for the period November 1, 1976 through February 29, 1980. The review indicates the existence of dumping margins for this exporter during this period.

As a result of the review, the Department has preliminarily determined to assess dumping duties for this exporter equal to the calculated differences between foreign market value and purchase price on each of its shipments occurring during the period. Where company-supplied information was not complete the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4106).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 13, 1971, a dumping finding with respect to ferrite cores (of the type used in consumer electronic products) from Japan was published in the **Federal Register** as Treasury Decision 71-84 (36 FR 4877). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On

January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on ferrite cores (of the type used in consumer electronic products) from Japan. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are magnetically soft ferrite magnets and are usually wound with wire. The merchandise is magnetized with the induction of electric current, and is of the type commonly used as components in consumer electronic products, such as household television receivers, projection television sets, radios, stereos and high fidelity radio systems, automobile radios, electronic home computers, etc. These ferrite cores are currently classifiable under item 535.1240 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of nine exporters to the United States of such Japanese ferrite cores. This review covers the one exporter, TDK Electronics Co., Ltd. ("TDK"), not covered by the review published in the **Federal Register** on April 3, 1981 (46 FR 20249), for all time periods up to February 29, 1980, during which shipments of ferrite cores may have been made to the United States and for which appraisement instructions ("master lists") have not been issued. The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by prior master lists, is under review. Liquidation has been suspended pending disposition of the issue.

The Department has determined that TDK's response did not cover all sales during the period and was, therefore, incomplete. Where information was complete, we used that information solely for appraisement. Where information was incomplete, we used TDK's fair value weighted-average margin as the best information available.

On September 11, 1978, TDK requested a revocation. Since our current analysis indicates that margins exist for TDK, we will not consider this request.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772(b) of the Tariff Act and section 203 of the 1921 Act. Purchase price was based on the CIF packed price to unrelated purchasers in the United States. Where applicable, we deducted ocean and inland freight, insurance, and U.S. duty. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773(a) of the Tariff Act and section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. TDK sold in the home market at least 10 percent of total sales, and at least 12 percent of sales for export to countries other than the United States, during the period covered. The home market prices were based on delivered prices with adjustments for inland freight, and differences in packing and in the merchandise, where applicable. Claims for differences in credit costs, direct selling costs, and general selling expenses were disallowed since the firm provided insufficient supporting documentation. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Exporter	Period	Margin on reported items percent	Margin on unreported items percent
TDK	Nov. 1, 1976 to Mar. 31, 1978.	1.28	28
	Apr. 1, 1978 to Nov. 30, 1978.	18.34	28
	Dec. 1, 1978 to Feb. 29, 1980.	8.32	28

Interested parties may submit written comments on these preliminary results on or before June 22, 1981 and may request disclosure and/or a hearing on or before June 8, 1981. Any request for an administrative protective order must be made on or before May 27, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall asses, dumping duties on all entries made during the time periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit of 28 percent shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751 (a)(1) of the Tariff Act (19 U.S.C. 1675 (a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

May 19, 1981.

[FR Doc. 81-15405 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-25-M

Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Microcircuit Subcommittee was formed to study microcircuit and acoustic wave devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: June 9, 1981, at 8:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

AGENDA:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of minutes of April 14, 1981, meeting.

(4) Discussion of microprocessor peripheral circuits for educational purposes of the Subcommittee.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PULBIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230 Telephone: 202–377–2583.

Dated: May 19, 1981.

Saul Padow

Director of Licensing, Office of Export Administration.

[FR Doc. 81–15436 Filed 5–21–81; 8:45 am]

BILLING CODE 3510–25–M

Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and to formulate recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

TIME AND PLACE: June 9, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

Dated: May 19, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81–15437 Filed 5–21–81; 8:45 am]

BILLING CODE 3510–25–M

Sugar and Syrups From Canada; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Duty Order.

SUMMARY: On March 24, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on sugar and syrups from Canada. The review covered five exporters and the time period November 8, 1979 through March 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. Based on comments received from one of the exporters, the Department made adjustments which resulted in a new margin for that company.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Betty L. Hood, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C., 20230 (202–377–5222).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 9, 1980, an antidumping duty order with respect to sugar and syrups from Canada was published in the **Federal Register** (45 FR 24126–7). On March 24, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order (46 FR 18326). The Department has now completed its administrative review of that antidumping duty order.

Scope of the Review

Imports covered by this review are shipments of sugar and syrups produced from raw sugar derived from sugar cane and sugar beets. The sugar is refined into granulated or powdered sugar, icing, or liquid sugar. The subject merchandise is currently classifiable under items 155.2025, 155.2045, and 155.3000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of five exporters to the United States of Canadian sugar and syrups. This review covers all five of the exporters from the date liquidation was suspended, November 8, 1979, through March 31, 1980. This is the initial administrative review of this order.

Interested parties were afforded an opportunity to furnish oral or written

comments. F. W. Jones & Son, Ltd., one of the companies which had failed to respond, submitted a response to the questionnaire. Though the response was late, we did not consider it untimely, since the lateness was unavoidable, therefore, we used the response to calculate a new margin. For the other exporters the margins are the same as those in the preliminary results.

Written comments were received from the petitioner, Amstar Corporation. Amstar asked that no adjustment be made for the drawback of Canadian import duty paid on the importation of raw sugar from Cuba. The product imported into the U.S. was not produced with Cuban sugar; however, a drawback claim is allowable against the exported product on the basis that the exported product substitutes for the sugar imported from Cuba. This adjustment was made since it is required by section 204 of the Antidumping Act of 1921. Amstar argued for a deduction for the cost of segregating raw sugar by country of origin, an operation necessary to insure that no Cuban-origin sugar is exported to the United States. As in the fair value investigation, this deduction was not made, since it was determined to be an administrative expense properly allocable to all sales and not directly related to the sales in question. Finally, Amstar argued for an adjustment for a difference in packing costs, due to the possibility that "one-way" pallets were used for export sales, whereas returnable pallets were used in home market sales. In this case there is no evidence that the packing costs varied between the two markets for this period.

Final Results of the Review

As a result of our comparision of the United States price to foreign market value, we determine that the following margins exist:

Canadian exporter	Margin (United States dollars per pound)
Atlantic Sugar, Ltd.	[1]0.0223
B. C. Sugar	[1].010105
F. W. Jones & Son, Ltd.	.00306
Redpath Sugars, Ltd.	.0345
St. Lawrence Sugar, Ltd.	.0345

[1] No shipments during current period.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made during the time period involved. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administative review by the end of April, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

May 19, 1981.

[FR Doc. 81-15406 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning August 31, 1981 in the Washington, D.C. SMSA: The cost of the project is estimated to be $374,000. The Project I.D. No. is 03-10-80011-01.

CLOSING DATE: June 22, 1981.

ADDRESS: Washington Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1730 K Street, N.W., Suite 420, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Vincent S. Martin, Grant/Cooperative Agreement Specialist, telephone 202/634-7883.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement. Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The General Business Services Program (GBS) is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers competitive grants to consulting firms (either non-profit or for profit) which must be capable of providing such services as the preparation of business plans, financial packaging, industrial management assistance, personnel management services, marketing planning, and a broad range of other business services excluding legal services.

B. Eligible Applicants. Educational institutions, state or local governments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

C. Evaluation Process. All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria. The awarding of MBDA grants is discretionary. Generally projects are supported in order of merit to the extent permitted by available funds. Evaluation of proposals will employ the following criteria:

1. *Capability of Firm:*

A. Experience in providing management consulting services and other technical assistance to businesses, at the level and of the nature described in the work requirements.

B. Internal resources available to the project (e.g., administrative, technical, capability statement, business references).

2. *Staffing Capability:*

A. Staffing Pattern (who is accountable to whom, for what).

B. Experience of key personnel in providing management consulting services that are at the level and the nature described in the work requirements. (Submit resume.) (Project manager must be designated.)

C. Qualification standards for selection of other project staff (what criteria will be used for assignment to this project).

D. Duties of each project position.

3. *Credentials:*

A. Submit examples of work: specimen packages acceptable (Business Plans).

B. Unique abilities or resources of the applicant which provide leverage for clients.

C. Discussion of area knowledge: include demographics, ethnic makeup of minority business, local market conditions, centers of business influence, etc.

4. *Techniques and Methods Proposed to Implement the Work Requirement (Applicant's Work Plan):*

Proposed procedures: (how, when and where work will be done and by whom), this section should follow the outline of

the work requirement and will be part of the award.

5. *Costs:* Provide explanation of all proposed costs by line item.

E. Disposition of Proposals. Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

F. Proposal Instructions and Forms. Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

Space furnishings and office equipment will be provided in a government determined location at no cost to the applicant.

A Pre-Application conference to assist all interested applicants will be held at the following address on Monday, June 8, 1981 at 10:00 A.M., U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 6802, Washington, D.C. 20230.

Dated: May 18, 1981.

Luis G. Encinias,

Regional Director.

[FR Doc. 81-15339 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

S. Jonathan Stern; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name: Mr. S. Jonathan Stern (P281).

b. Address: 635 Wakerobin Lane, San Rafael, California 94903.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Minke whale (Balaenoptera acutorostrata); unspecified.

4. Type of Take: Individual minke whales may be inadvertently harassed during the course of conducting observational activities, including photography and underwater sound recordings.

5. Location of Activity: Waters of the San Juan Islands, Washington.

6. Period of Activity: 5 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before June 22, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northerwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109; and

Regional Director, National Marine Fisheries Service, Southerwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 18, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-15438 Filed 5-21-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1981 services to be provided by workships for the blind and other severely handicapped.

EFFECTIVE DATE: May 22, 1981.

ADDRESS: Committee for Purchase From the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On March 13, 1981, March 27, 1981, and January 30, 1981, the Committee for Purchase From the Blind and Other Severely Handicapped published notice (46 FR 16701, 46 FR 19017, and 46 FR 9982) of proposed additions to Procurement List 1981, Novembr 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following services are hereby added to Procurement List 1981:

SIC 0782

Lawn Maintenance, Area 11 (Chapel and Child Care Area), Naval Weapons Station, Yorktown, Virginia

SIC 7369

Commissary Shelf Stocking and Custodial Service, Little Rock Air Force Base, Jacksonville, Arkansas

SIC 7349

Janitorial Service, Federal Building, 100 West Capitol Street, Jackson, Mississippi

SIC 7699

Pallet Repair, Naval Supply Center, Norfolk, Virginia

C. W. Fletcher,

Executive Director.

[FR Doc. 81-15354 Filed 5-21-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Deletions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Deletions from procurement list.

SUMMARY: This action deletes from Procurement List 1981 commodities produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: May 22, 1981.

ADDRESS: Committee for Purchase From the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On April 3, (and April 10, correction) 1981, the Committee for Purchase From the Blind and Other Severely Handicapped published notices (46 FR 20258 and 46 FR 21407) of proposed deletions from Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has

determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities are hereby deleted from Procurement List 1981:

Class 6695

Kit, Spectro Oil Analysis (Ground Equipment), 6695–00–925–2982

Class 7520

Pencil, Mechanical, 7520–00–205–1645, 7520–00–285–5817

C. W. Fletcher,

Executive Director.

[FR Doc. 81–15355 Filed 5–21–81; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1981; Proposed Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed deletions from procurement list.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1981 services provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 24, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

It is proposed to delete the following services from Procurement List 1981, November 12, 1980 (45 FR 74836):

SIC 7641

Furniture Rehabilitation, Seattle, Washington plus 30-mile radius, Tacoma-Auburn, Washington, plus 30-mile radius, including McChord Air Force Base and Fort Lewis;

Metal Furniture Rehabilitation, Olympia, Washington, plus 13-mile radius, Tacoma, Washington, plus 13-mile radius, including McChord Air Force Base and Fort Lewis, Seattle, Washington, plus 13-mile radius, Bremerton, Washington, plus 13-mile radius.

C. W. Fletcher,

Executive Director.

[FR Doc. 81–15356 Filed 5–21–81; 8:45 am]

BILLING CODE 6820–33–M

COMMODITY FUTURES TRADING COMMISSION

Terms and Conditions of the Medium-Staple Cotton Futures Contract of the Chicago Board of Trade

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rules.[1]

SUMMARY: The Chicago Board of Trade ("CBT") has applied for designation as a contract market in medium-staple cotton for delivery in units of 50,000 lbs. The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before July 21, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to CBT Medium-Staple Cotton Futures Contract.

FOR FURTHER INFORMATION CONTACT: George L. Garrow, Jr., Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–8955; or Blake Imel, Deputy Director, Division of Economics and Education, (202) 254–3203.

SUPPLEMENTARY INFORMATION: The terms and conditions of the CBT's proposed medium-staple cotton futures contract are as follows:[1]

Medium-Staple Cotton

Trading Conditions

XX01.00 *Authority*—On or after designation by the Commission as a contract market, trading in cotton may be conducted under such terms and conditions as the Board may prescribe by Regulation.

XX02.01 *Application of Regulations*—Transactions in Medium-Staple Cotton futures shall be subject to the general Rules of the Association as far as applicable and the Regulations contained in this Chapter which are exclusively applicable to trading in Medium-Staple Cotton.

XX04.01 *Unit of Trading*—The unit of trading for Medium-Staple Cotton shall be 50,000 pounds. Bids and offers may be accepted in lots of 50,000 pounds or multiples thereof.

XX05.01 *Months Traded In*—Trading in Medium-Staple Cotton may be conducted in the current month and any subsequent months as determined by the Board or the Cotton Committee.

XX06.01 *Price Basis*—Fluctuations in the price of Medium-Staple Cotton shall be in multiples of 1/100 of a cent per pound.

XX07.01 *Hours of Trading*—The hours of trading for future delivery in Medium-Staple Cotton shall be determined by the Board subject to the provisions of Rule 1007.00.

XX08.01 *Trading Limits*—(See Regulation 1008.01).

XX08.01A *Trading Limits*—(See Regulation 1008.01A).

XX09.01 *Last Day of Trading*—No trades in Medium-Staple Cotton futures deliverable in the current month shall be made during the last seven days of that month. Any contracts remaining open after the last day of trading must be either:

(a) Settled by delivery no later than the fifth business day following the last trading day; or

(b) Liquidated by means of a bona fide exchange of futures for the actual cash commodity, no later than the fifth business day following the last trading day.

XX09.02 *Trading in the Last Seven Business Days of the Deliver Month*—After trading in contracts for future delivery in the current delivery month has ceased according to Regulation XX09.01 of this chapter, outstanding contracts for delivery may be liquidated by means of a bona fide exchange of such current futures for the actual cash commodity.

XX10.01 *Margin Requirements*—Margin requirements shall be determined by the Board by Regulation. (See 431.03)

XX11.01 *Disputes*—All disputes between interested parties may be settled by arbitration as provided in the Rules and Regulations.

XX36.01 *Standards*—Each contract made under these regulations shall be

[1] The text of forms and other notices referenced and included within the Exchange's proposed rules have not been included within this publication. Copies of such forms may be obtained upon request of the Commission's Secretary.

for cotton, basis Strict Low Middling, staple one and one-sixteenth of an inch, micronaire between 3.5 and 4.9. Cotton which is of the following grades:

Good Middling
Strict Middling
Middling Plus
Middling
Strict Low Middling PLus
Strict low Middling
Low Middling Plus
Low Middling
Good Middling Light Spotted
Strict Middling Light Spotted
Middling Light Spotted

and of staple greater than one and one-sixteenth of an inch is deliverable, at the appropriate discount or premium. Cotton which has a micronaire less than 3.5 or greater than 4.9 is not deliverable.

Grade and staple premiums and discounts shall be based on the average commercial differences as reported by the USDA Agricultural Marketing Service for those spot markets designated by the Secretary of Agriculture for medium-staple cotton. Cotton of grade different from Strict-Low Middling, yet within the range of grades specified above, shall be deliverable at the full quoted average discount or premium. Cotton of staple length one and three-thirty seconds of an inch and longer is deliverable at a premium of the difference between the basis price and the average for one and three-thirty seconds of an inch cotton at the designated spot markets.

Each contract shall be for delivery of 50,000 pounds of cotton of the above mentioned deliverable grades, of no more than one percent (500 pounds). Weight and tolerance specifications shall be gross of any deductions which may be applicable.

XX36.02 *Compressed Cotton*—Bales of cotton that are standard compressed, universal compressed or uncompressed are deliverable. The seller of uncompressed cotton must grant the buyer a sum per bale of cotton sufficient to cover the cost of standard or universal density compression at the time and place of delivery. When no standard cost is applicable, or can be agreed upon, the deliverer shall grant the buyer ten dollars ($10.00) for each uncompressed bale of cotton delivered.

XX36.03 *Over-Aged Cotton*—Cotton that has been certified at a regular warehouse, shall be subject to the following age penalties: three pounds per bale per month for the seventh through twelfth month; four pounds per bale per month for the thirteenth through the eighteenth month; five pounds per bale per month for the nineteenth through twenty-fourth month, and six pounds per bale per month for the twenty-fifth and each month thereafter. The above mentioned allowances shall apply to all months, or fraction thereof, following cotton certification. The price per pound allowed shall be the net average price.

XX36.04 *Monthly Weight Allowance*—At the time of delivery, the seller shall grant the buyer a weight allowance of one-half pound per month, or fraction thereof per bale beyond the day the cotton was last weighed. This is in addition to over-aged cotton (see XX36.03).

XX36.05 *Untenderable Bales*—In addition to bales of cotton which are not of the micronaire, staple and grade characteristics detailed in XX36.01, the following bales of cotton shall not be deliverable: bales reduced in grade for any reason; bales of reginned cotton, gin-cut cotton, or of perished staple; bales that are repacked, false-packed, mixed packed, or water-packed; bales that have been on fire; bales weighing under 352 pounds net or over 675 pounds net; damaged or unmerchantable bales as determined by the Registrar's Office or its appointed agents; bales of high density compressed cotton or of cotton which has previously been pressed to high density; and bales with sisal bagging.

XX36.06 *IRS Provisions*—All standards and provisions of the United States Cotton Futures Act, as specified in the Internal Revenue Code of 1954 (revised 1976), shall apply to all cotton traded and delivered according to this contract.

XX36.07 *Raingrown Cotton*—Raingrown cotton is deliverable at the same price as non-raingrown cotton, but must be so identified.

XX37.01 *Official Inspectors*—Supervision of the inspecting, weighing, and sampling of cotton shall be the responsibility of the Registrar's Office or its agents.

XX38.01 *Inspection*—All cotton tenderable under this contract must have been classified by the U.S. Board of Cotton Examiners, under the auspices and according to the standards of the U.S. Department of Agriculture.

In conjunction with the deliveries of the warehouse receipts and bale classifications, the seller must deliver to the buyer within two business days following delivery of the warehouse receipts, a duplicate sample of each bale delivered (the original having been used for official certification). Each duplicate sample shall not weigh less than four ounces and must be delivered to the receiver or his agent at the point of storage of the cotton. If necessary, the Registrar's Office, or its agents, shall perform the duties of receiving, checking and delivering duplicate samples according to fees established by said office.

Any and all initial costs and fees of sampling and classification shall be borne by the seller and shall not be the responsibility of the buyer. For each duplicate sample missing or weighing less than four ounces, the seller shall pay the buyer four dollars ($4.00).

Cotton samples, to be valid, must be drawn under the supervision of the Registrar's Office or its appointed agents.

XX38.02 *Deliverer's Classification*—If the seller has not received the U.S. Board of Cotton Examiners' classification at the time he presents his delivery notice to the Clearing Corporation, and he has a receipt indicating that the appropriate samples were properly submitted to the above mentioned Board of Cotton Examiners, he may submit is own, estimated classification to the buyer at the time of delivery pending issuance of the Board of Cotton Examiners' classification.

If the seller does present his own classification, he shall receive a pro forma payment of eighty percent based on the classification he presented to the buyer in lieu of the Board of Cotton Examiners' classification. Upon receipt of the Board of Cotton Examiners classification the seller shall promptly present a corrected invoice to the buyer, whereupon the buyer shall have one business day to present the necessary payment due to the seller, allowance being made for any difference in the reported classification.

If after receipt of the Board of Cotton Examiners' classification the total of certificated bales of cotton does not meet the specified weight tolerance, the seller shall pay the buyer a minimum penalty of $150.00 for each 100 pounds, or fraction thereof, of cotton which is below the stated weight tolerance. At this time, any discrepancies between monies paid by the buyer and monies due the buyer shall also be settled.

XX39.01 *Weighing*—Upon entering a regular warehouse, cotton to be certificated shall be weighed, exclusive of tare and any samples drawn, under the supervision of the Registrar's Office or its duly appointed agents. Such weight as well as the date of weighing, shall be recorded on the warehouse receipt and shall form the basis from which any and all weight allowances detailed in Section XX36 of this Chapter shall be calculated. Cotton that is reweighed must be done so under the supervision of the Registrar's Office or its agents to remain certificated. The warehouse receipt must record the date and results of the last supervised

weighing of each bale covered by the receipt.

XX41.01 *Delivery Points*—Medium-Staple Cotton located in regular warehouses at the following points may be delivered in satisfaction of the futures contracts: Galveston, Texas; Greenville, South Carolina; Houston, Texas; Memphis, Tennessee; Bakersfield and Fresno, California; and Phoenix, Arizona. The aforementioned delivery points are bounded by their respective switching districts.

XX41.02 Western Delivery Differentials—Tenderable cotton grown in the San Joaquin Valley of California, of an approved strain of the Acala Cotton Board (SJV), and located in regular warehouses at Phoenix, Bakersfield, and Fresno may be delivered in satisfaction of the futures contracts at the full contract price. All other tenderable western growth cotton located in regular warehouses at Phoenix, Bakersfield and Fresno may be delivered in satisfaction of the futures contract at a discount of two (2) cents per pound under the contract price.

XX42.01 *Delivery of Cotton by Warehouse Receipts*—Delivery of Medium-Staple Cotton shall be made by the delivery of registered warehouse receipts issued by warehousemen against stocks in warehouses which have been declared regular by the Board. The Board by Regulation may prescribe the conditions upon which warehouses and warehousemen may become regular except that in the case of federally licensed warehouses and warehousemen, the Board may impose only such reasonable requirements as to location, accessability and suitability as may be imposed on other regular warehouses and warehousemen.

XX43.01 *Registration of Warehouse Receipts*—Warehouse receipts, in order to be eligible for delivery, must be registered with the Offical Registrar appointed by the Board, must not be more than one year old, and must not have an expiration date in the month in which they are delivered. Warehouse receipts which have been registered with the Registrar's Office shall immediately lose their registration status if they are used in satisfaction of contract obligations at another exchange.

XX43.02 *Reissuance of Warehouse Receipts*—Every Medium-Staple Cotton receipt must be returned to the warehouseman or his agent for reissuance prior to its becoming one year old. At such time accrued storage charges shall be paid and the warehouseman shall be obligated to provide the owner with a new and duly registered receipt. It is not necessary that the cotton be resampled and reclassified to effect reissuance of a warehouse receipt.

XX44.01 *Receipt Format*—Only warehouse receipts approved by the U.S. Department of Agriculture shall be valid.

XX45.01 *Insurance*—Whether or not the holder of the receipts chooses to have insurance for bales of cotton prior to delivery of the receipts, he must have adequate and full coverage against fire, tornado and other contingencies provided for in the standard form of "extended coverage" endorsements or policies for all bales of cotton delivered until noon of the business day following delivery of the receipts.

XX46.01 *Date of Delivery*—Delivery of Medium-Staple Cotton Certificates may be made by the seller upon any permissible delivery day of the delivery month.

XX47.00 *Delivery Notice*—(See 1047.00)

XX47.01 *Delivery Notices*—Notice of intention to deliver shall be in the following form:

* * * * *

The following summary of all bales to be delivered in accordance with the Rules and Regulations, shall accompany the delivery notice:

* * * * *

The following complete listing of all bales to be delivered in accordance with the Rules and Regulations, shall accompany the delivery notice:

* * * * *

XX48.00 *Method of Delivery*—(See 1048.00—

XX49.01 *Time of Delivery*—As prescribed by the U.S. Internal Revenue Code of 1954 (revised 1976), delivery is a six day process commencing with the presentation of a delivery notice to the Clearing House. Notice of intention to delivery may be made to the Clearing House until 8:00 p.m. on the position day. The last position day of the delivery month shall be the last trading day of the month, seven business days prior to the end of the delivery month. No deliveries shall be made during the last two business days of the month and all deliveries shall have been complete by such time.

Intention day shall be the next business day immediately following the position day. By 8:30 a.m. of the intention day, the Clearing House shall assign the oldest long position the responsibility for taking delivery of the cotton described by the delivery notice. By 4:00 p.m. of the intention day, the seller responsible for delivery shall have presented a delivery invoice, according to the procedures described in XX49.03 of this Chapter, to the Clearing House.

A copy of each delivery notice submitted to the Clearing House must also be sent promptly to the Commodity Futures Trading Commission.

XX49.02 *Buyer's Report of Eligibility to Receive Delivery*—(See 1049.02).

XX49.03 *Sellers' Invoices to Buyers*—Upon determining the buyers obligated to accept deliveries tendered by issuers of delivery notices, the Clearing House shall promptly furnish each issuer the names of the buyers obligated to accept delivery from him and a description of each commodity tendered by him which was assigned by the Clearing House to each such buyer. Thereupon, sellers (issuers of delivery notices) shall prepare invoices addressed to their assigned buyers describing the documents to be delivered to each such buyer and, in the case of deliveries under Rule 1041.00, the information required in said Rule. Such invoices shall show the amount which buyers must pay to sellers in settlement of the actual deliveries, based on the delivery prices established by the Clearing House for that purpose adjusted for applicable premiums, discounts, storage charges, quantity variations and other items for which provision is made in these Rules and Regulations relating to contracts, and shall be in the form set forth hereunder. Such invoices shall be delivered to the Clearing House by 4:00 p.m. on the day of intention. Upon receipt of such invoices, the Clearing House shall promptly make them available to buyers to whom they are addressed, by placing them in buyers' mail boxes provided for that purpose in the Clearing House.

Invoices for delivery of Medium-Staple Cotton in satisfaction of contract obligations shall use the settlement price established for the position day and shall be of the following form:

* * * * * * *

In addition to the above form, the seller shall deliver to the buyer a copy of the listing of each and every bale, and their characteristics, provided with the notice of intention to deliver (see Section XX47.01).

XX49.04 *Payment—(See 1049.04).*

XX50.00 *Duties of Members*—(See 1050.00).

XX51.01 *Office Deliveries Prohibited*—(See 1051.01).

XX54.00 *Failure to Accept Delivery*—(See 1054.00).

XX56.01 *Storage Charges*—No warehouse receipts covering cotton in regular store shall be valid for delivery on futures contracts unless the storage charges on the cotton have been paid up

V 46 / 99 9 MY 22 81 JMI

to and including the 18th day of the preceding month, and such payment endorsed on the warehouse receipt. Unpaid accumulated storage charges at the posted rate applicable to the warehouse where the cotton is stored shall be allowed and credited to the buyer by the seller to and including date of delivery. Further, no warehouse receipt shall be valid for delivery if the receipt has expired prior to delivery or has an expiration date in the month into which it is delivered.

XX58.01 *Loading Orders*—The owner of one or more contract(s) sets of certificated warehouse receipts issued by a regular warehouse, who desire to have the cotton shipped, shall pay storage charges due on the warehouse receipts through the day following the business day on which he intends to file loading orders. The owner of the warehouse receipts shall submit the receipts to the Registrar for cancellation, and surrender the cancelled receipts to the warehouse, along with written loading orders, and a declaration whether shipment is to be by rail or by truck. Loading orders filed after 3:30 p.m. Chicago time shall be considered dated the following business day.

Regularity of Warehouses

XX81.01 *Regularity of Warehouses*—Persons operating cotton warehouses who desires to have such warehouses made regular for the delivery of cotton under the Rules and Regulations shall make application for a Declaration of Regularity on a form prescribed by the Board for a term expiring the next succeeding June 30. Regularity shall be effective 30 days after all terms and conditions have been met and notice to that effect has been posted on the bulletin board of the Association.

Applications for renewal of regularity shall be made prior to June 15 in each year for the year beginning July 1 and shall be on the same form.

(1) All warehouses making application to become regular for delivery of Medium-Staple Cotton shall be federally approved in accordance with Title 7, Section 101 of the U.S. Code. All such provisions and restrictions applicable under said law shall also apply to warehouses desiring to become regular for delivery of Medium-Staple Cotton.

(2) Such warehouse shall be connected by railroad tracks with one or more interstate railway lines.

(3) The proprietor or manager of such warehouse shall be in good financial standing and credit. No warehouse shall be declared regular until the person operating the same files a bond with sufficient sureties in such sum and subject to such conditions as the Board may require.

(4) Such warehouse shall be provided with modern improvements and appliances for the convenient and expeditious receiving, handling and shipping of bales of cotton in large quantity.

(5) The proprietor or manager of such warehouse shall honestly and fully cooperate with the system of registration of warehouse receipts as established by law, and furnish to the Registrar all needed information to enable him to keep a correct record and account of all cotton, together with the quality characteristics thereof, received and delivered by them daily and of that remaining in store at close of each week.

(6) The proprietor or manager of such warehouse shall promptly, by the proper publication, advise the trade and the public of any damage to bales of cotton held in store by it, whenever such damage shall occur to an extent that will render it unwilling to purchase and withdraw from store, at its own cost, all, such damaged bales of cotton.

(7) The Board shall be assured that the operator or manager of the warehouse will agree to conform to Regulations of this Chapter with regards to delivery procedures and receipt format.

(8) The proprietor of manager of such warehouse shall accord every facility to any duly authorized committee, for the examination of its books and records, for the purpose of ascertaining the stocks of all bales of cotton which may be on hand at any time. Such examination and verification shall be made at least twice each year, by the Warehouse, Weighing and Custodian Committee or any other duly authorized committee to be appointed by the Chairman of the Board, which committee shall have the authority to employ experts to determine the number of cotton bales in store.

(9) The proprietor or manager of a regular warehouse shall guarantee that all bales of cotton received in and shipped out of such wardhouse shall be weighed and sampled under the supervision of the Registrar's Office or its duly appointed agents.

(10) No warehouse shall be deemed suitable to be declared regular if its location, accessibility, tariffs, insurance rates, or other qualifications shall depart from uniformity to the extent that its receipts, if tendered in satisfaction of futures contracts, will unduly depress the values of futures contracts or impair the efficacy of futures trading in this market, or if the warehouseman operating such warehouses engaged in unethical or inequitable practicies, or if, being a federally licensed warehouse, fails to comply with the federal statute, rules or regulations, and state statues, rules and regulations whenever appropriate.

All warehousemen are and shall be and remain subject to the Rules, Regulations and Rulings of the Board of Trade of the City of Chicago on all subjects and in all areas with respect to which the U.S. Department of Agriculture does not assert jurisdiction pursuant to the U.S. Warehouse Act, as amended.

(11) All warehousemen shall inload and outload all cotton consecutively without giving preference to the cotton owned by him over the cotton of others, and without giving preference to one depositor over another. He shall inload all cotton consecutively in the order in which they arrive at his warehouse, pursuant to inloading orders previously given so far as its capacity for bales of cotton permits. He shall outload all cotton in the order in which suitable transportation is made available at his warehouse by the holder of the warehouse receipt, pursuant to bona fide outloading orders previously furnished to him.

All warehousemen shall keep adequate permanent records showing compliance with the requirements of this Regulation. Such records shall at all times be open for inspeaction by the designated official or officials of the contract market.

(12) The operator of a regular warehouse shall limit the amount of certificated cotton to an amount which can be shipped within a thirty (30) day period. Each warehouse will report to the exchange its thirty day shipping capacity of cotton.

(13) The maximum load-out charge per bale of cotton which has been tendered in satisfaction of the Board of Trade futures contracts shall be $5.00 per bale. This price shall include picking out by tag number, removing from storage, delivery to warehouse platform, and loading according to custom into railroad car, truck, van or container.

XX82.01 *Insurance*—As regards insurance of bales of cotton, the warehouseman shall be subject to the provisions and requirements of Section 101.23(a) of Title 7 of the U.S. Code, which states: When requested in writing by the depositor of cotton in a licensed warehouse, or by the holder of the receipt covering such cotton, to insure such cotton against loss or damage by fire, lightning, and other risks, each licensed warehouseman shall secure in his own name such insurance under reporting forms of policies which

automatically attach for the full value of such cotton, including daily changes of value through market fluctuations and changes in the quantity of such product from day to day, as soon as such cotton is placed in his legal custody, and he shall continue such insurance in effect so long as the cotton remains in his legal custody. Such insurance shall be covered by lawful policies issued by one or more insurance companies. Each warehouseman insuring cotton under the provisions of this section shall submit such reports to underwriters as may be required under the terms of such policies, and copies of such reports shall be submitted to the Department as it may require. If the warehouseman is unable to procure insurance to the extent requested, he shall, orally or by telegraph or by telephone, and at this own expense, immediately notify the perosn making the request of such fact. When insurance is not carried in the warehouseman's name, the receipt shall show that the cotton is not insured by the warehouseman. Nothing in this section shall be construed to prevent a licensed warehouseman from adopting a rule that he will insure all cotton stored in his warehouse, but if he elects to insure he shall accomplish such insurance through policies as above specified.

The charge for insurance on bales of cotton delivered in satisfaction of futures contracts, payable by the holder of the necessary receipts, shall be limited to a maximum of $1.00 per $100.00 evaluation annually for fire, tornado and other contingencies provided for in the standard form of "extended coverage" endorsements or policies. Any charges for said insurance in excess of this amount shall be paid by the warehouseman.

XX82.02 *Tagging Cotton*—The warehouseman upon issuance of a receipt for any bale of cotton, shall attach a durable and easily visible numbered tag for identification purposes. The warehouseman shall record the location of all bales of cotton according to tag numbers.

XX82.03 *Arrangement of Stored Cotton*—Bales of cotton which are excessively wet or which have been damaged by fire shall not be stored next to undamaged certificated bales of cotton.

The warehouseman shall handle and store cotton so as to prevent any damage which might occur because of moisture, fire, or other such hazards.

XX82.04 *Sampling*—All sampling and weighing of cotton shall be done by persons in the employ of the warehouseman, under the supervision of the Registrar's Office or its duly appointed agents.

XX83.01 *Loading Schedule*—Warehouseman shall adhere to the following schedule in providing for the loading and departure of cotton shipments against cancelled certificated cotton receipts:

(1) By 4:00 p.m. on the fifteenth business day following the day on which loading orders are filed, all loading orders filed up to a maximum of 30% of the total number of certificated receipts outstanding and those yet unshipped against any prior loading orders.

(2) By 4:00 p.m. on the eighth business day following the completion of shipments against the first 30% of a warehouseman's total certificated receipts outstanding and those yet unshipped against prior loading orders, additional loading orders which cumulatively exceed 30% up to a maximum of 70% of a warehouseman's total number of certificated receipts outstanding and those yet unshipped against prior loading orders.

(3) By 4:00 p.m. on the seventh business day following the completion of shipments against the first 70% of a warehouseman's total certificated receipts outstanding and those yet unshipped against prior loading orders, additional loading orders which cumulatively exceed 70% of a warehouseman's total number of certificated receipts outstanding and those yet unshipped against prior loading orders.

(4) Where several loading orders are filed on the same business day, the warehouseman shall endeavor, to the maximum practical extent, to accord equitable treatment to all such loading orders when complying with the foregoing schedule.

The Warehouseman's obligation under this paragraph shall be:

(1) in the case of rail delivery, to have the cotton loaded on track ready for railroad pickup;

(2) in the case of truck delivery, to specify shipping interval so that the last day of such interval adheres to the foregoing schedule.

XX84.01 *Revocation of Regularity*—Any regular warehouse may be declared by the Board to be irregular at any time if it does not comply with the conditions above set forth. If the designation of a warehouse as regular shall be revoked by the Board, the Board shall announce such revocation on the bulletin board and also the period of time, if any, during which the receipts issued by such house shall thereafter be deliverable in satisfaction of futures contracts under the Rules and Regulations.

XX85.01 *Application for Declaration of Regularity*—All applications by operators of warehouses for a declaration of regularity under Regulation XX81.01 of this Chapter shall be on the following form:

In conjunction with the proposed futures contract, the Exchange also submits the following rule changes:

Regulation 1008.01—Trading Limits

Regulation XX08.01—*Trading Limits* of the proposed Medium-Staple Cotton futures contract refers to existing Regulation 1008.01 in which trading and variable limits for Chicago Board of Trade commodity future markets are specified. The following two additions to Regulation 1008.01 will provide trading limits and a definition of the crop year for variable limits for the Medium-Staple Cotton futures contract. These two additions should be reviewed along with the Medium-Staple Cotton futures contract and we request that they be approved to become effective when the Exchange receives designation as a contract market for Medium-Staple Cotton.

—Amend Regulation 1008.01—Trading Limits by inserting: Medium-Staple Cotton, 2 cents per pound; (3)—$1,000 ($1500)

—Amend Regulation 1008.01(E) by inserting: Medium-Staple Cotton. All contract months from August through July with at least two open contract months.

* * * * *

Other materials submitted by the CBT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitted written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CBT in support of its application for contract market designation, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by [sixty days after publication]. Such comment letters will be publicly available except to the

extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on May 19, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-15415 Filed 5-21-81; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Toxicological Advisory Board; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting: Toxicological Advisory Board.

SUMMARY: This notice announces a meeting of the Toxicological Advisory Board on Tuesday, June 16, 1981 from 8:30 a.m. to 5:00 p.m. and Wednesday, June 17, 1981 from 8:30 a.m. to 2:00 p.m. The meeting, which is open to the public, will be held in Room 456 at 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION, CONTACT: Barbara Rosenfeld, Director, Office of Public Participation, Office of the Secretary, Suite 300, 1111 18th Street, N.W., Washington, D.C. 20207, (202) 634-7700.

SUPPLEMENTARY INFORMATION: The Toxicological Advisory Board is a nine-member advisory committee which advises the Commission on precautionary labeling for acutely toxic household substances and on instructions for first aid treatment labeling. In addition, the Board reviews labeling requirements that have been issued under the Federal Hazardous Substances Act and recommends revisions it considers appropriate. The Toxicological Advisory Board was created on November 10, 1978, under the authority of Section 10 of the 1978 CPSC Authorization Act (Pub. L. 95-631).

The Toxicological Advisory Board will continue its review of the CPSC Labeling Guide on June 16 and 17, 1981. The Board will be reviewing caustic chemical substances as well as some chemicals previously deferred for review because of significant potential for systemic toxicity. On Wednesday, June 17, representatives from the Environmental Protection Agency will discuss EPA's labeling governing pesticide products.

For a complete list of topics to be discussed or for information on the schedule, please call the number listed above.

The two-day meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the Toxicological Advisory Board should notify the Office of the Secretary (see address above) by Friday, June 5, 1981.

The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter, and the appropriate time requested. Time permitting, these presentations and other statements from the audience to members of the Board may be allowed by the presiding officer. Requesters will be informed of the decision before the meeting.

Dated: May 19, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-15440 Filed 5-21-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Epidemiological Board; Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board
Date of Meeting: June 11-12, 1981
Time: 0900-1700 June 11; 0830-1400 June 12
Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, DC

Proposed Agenda: NASA's Occupational Medicine and Environmental Health & Safety Information System, AFEB subcommittee reports, Army over 40 medical screen, Chemical Warfare, Schistosomiasis prophylaxis, review of the WHO policy on Post-Smallpox Eradication and Armed Forces Preventive Medicine Officers' reports.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 2D455 Pentagon, Washington, DC 20310.

Dated: May 12, 1981.

Charles W. Halverson,

Capt., MSC, USN, Executive Secretary.

[FR Doc. 81-15373 Filed 5-21-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Designation of Off-Limits Area

AGENCY: Department of Energy.

ACTION: Designation of Rocky Flats Plant site as Off-Limits Area in accordance with 10 CFR Part 860.

SUMMARY: The Department of Energy hereby designates the Rocky Flats Plant site an off-limits area in accordance with 10 CFR Part 860, making it a Federal crime under 42 U.S.C. 2278a for unauthorized persons to enter into or upon the Rocky Flats Plant site. If unauthorized entry into or upon the plant site is into an area enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $5,000 or imprisonment for not more that one year or both. If unauthorized entry into or upon the plant site is into area not enclosed by a fence, wall, roof, for other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $1,000.

On January 5, 1981, the United States Court of Appeals for the Tenth Circuit in *United States* v. *Jonathan Seward, et al.*, Nos. 79-1711 through 79-1728, 79-1745, 79-1749, 79-1750, 79-1754, 79-1757, 79-1777 through 79-1790, 79-1795, 79-1800, 79-1802 through 17-1804, 79-1809, 79-1811, 79-1812, 71-1815 through 79-1819, 79-1822, through 79-1835, 79-1848 through 79-1855, 79-1857, 79-1858, 79-1860, 79-1861, 79-1931, 79-1932, 79-1934, 79-1936 through 79-1945, and 79-2037, issued a decision invalidating eighty-six trespass convictions on the ground that the Department of Energy's designation of boundaries at the Rocky Flats Plant site published in the **Federal Register** on April 13, 1979 did not comply with the provisions of the Administrative Procedure Act, 5 U.S.C. 551, et seq. Pending any review of the decisions of the Court, the Department of Energy, in deference to the Court, is publishing this designation in accordance with the procedural requirements of 5 U.S.C. 551, et seq. and 42 U.S.C. et seq.

EFFECTIVE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: JoAnn Williams (202) 252-6975.

SUPPLEMENTARY INFORMATION: On February 18, the Department of Energy published in the **Federal Register** (46 FR 12775) a proposed designation of the Rocky Flats Site as an off-limits area. Interested persons were invited to submit written comments. No comments were received.

In accordance with section 501(c)(1) of the Department of Energy Organization

Act. DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy of large numbers of individuals or businesses. Accordingly, no public hearing is required.

DOE has determined that initial and final regulatory flexibility analyses required by Section 603 and 604 of the Regulatory Flexibility Act need not be prepared for these regulations since they would not exert a significant economic impact on a substantial number of small entities.

Since this document is unlikely to have any significant effect on the environment, DOE has determined that the provisions of section 7(a)(2) of the Federal Energy Administration Act, as amended, requiring that proposals having such effect be submitted to the Environmental Protection Agency for review and comment, do not apply.

DOE has determined that these regulations are not "major rules" as defined in Section 1(b) of Executive Order 12291.

DOE has determined that these regulations are necessary to assure adequate protection of a vital national security facility and that "good cause" within the meaning of 5 U.S.C. 553(d)(3) exists, therefore, for making them effective upon publication.

The Department of Energy, pursuant to Section 299 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), Section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860 published in the **Federal Register** on July 9, 1975 (40 FR 28789, 28790), and Section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), hereby designates the Rocky Flats Plant Site as on off-limits area and prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4, into or upon the Rocky Flats Plant site of the Department of Energy, such site being the tracts of land located in Jefferson and in Boulder Counties, Colorado, the aforesaid tracts being more particularly described as follows:

1. A tract of land primarily in Jefferson County, Colorado, with a small tract of Boulder County, Colorado, being contained in part or all of Section 1 through 4 and 9 through 15, Township 2 South, Range 70 West, Jefferson County, and Section 35 Township 1 South, Range 70 West, Boulder County, being described more particularly as follows:

Beginning at the West ¼ corner of Section 15, Township 2 South, Range 6 West 6 PM, Jefferson County, thence South along the West line of the SW¼ of said Section 15 S. 00°12'53" E. for 2656.90 feet; Thence S. 89°56'47" E. for 2659.72 feet, Thence N. 89°27'20" E. for 2706.57 feet; Thence N. 89°57'26" E. for 5258.00 feet; Thence S. 89°45'01" E. for 2657.68 feet; Thence S. 89°29'40" E. for 2647.70 feet; Thence N. 00°19'16" W. for 2666.68 feet; Thence N. 00°17'51" W. for 2499.30 feet; Thence N. 89°26'47" E. for 50.00 feet; Thence N. 00°17'51" W. for 125.00 feet; Thence N. 00°20'43" W. for 2687.19 feet; Thence N. 00°03'12" E. for 2627.80 feet; Thence S. 89°41'19" W. for 66.50 feet; Thence N. 00°21'24" W. for 2629.19 feet; Thence N. 00°28'02" W. for 1210.57 feet; Thence along the Southerly right-of-way of Colorado State Highway 128 for a distance of 14,709.42 feet to a point on the north line of Section 3, a distance of 755.73 feet from the North ¼ corner of Section 3. Thence S. 89°34'50" W. for 1852.97 feet; Thence S. 89°58'03" W. for 2675.28 feet; Thence N. 89°56'23" W. for 1335.90 feet; Thence S. 00°31'12" E. for 2601.34 feet; Thence S. 00°41'29" E. for 2624.66 feet; Thence S. 00° for 02'15" E. for 5348.28 feet; Thence N. 88°26'46" E. for 1306.99 feet; Thence N. 88°27'16" E. for 2640.02 feet; Thence S. 00°12'41" E. for 2701.13 feet to point of beginning. The following parcel of land is excepted from the plant site:

Beginning at a point N. 89°02'53" E. 42.70 feet East of the Northeast corner of the SE¼ of Section 12, thence S. 00°33'54" W. for 585.15 feet; thence N. 89°26'06" W. for 50.00 feet to the true point of beginning of the excepted parcel; thence S. 88°02'53" W. for 70.00 feet. Thence S. 01°57'07" E. for 140.00 feet, thence N. 38°41'29" E. for 112.00 feet, thence N. 00°26'58" W. for 55.00 feet to point of beginning.

2. A perpetual and assignable easement and right-of-way for the location, construction, operation, maintenance, and patrol of an access road in, on, over, and across the land described below, including, but not limited to the right to enclose the land with a fence and the right to construct and maintain on said land a guard house or station house:

A tract of land in Section 9, Township 2 South, Range 70 West, of the 6th P.M., Jefferson County, Colorado, which adjoins the Plant and which is described as follows:

Beginning at the SW corner of Section 9, proceed N. 00°03'26" W. for 200.00 feet; thence N. 88°26'46" E. for 1306.99 feet; thence S. 00°02'15" E. for 200.00 feet; thence S. 88°26'46" W. for 1306.99 feet to point of beginning.

3. Three perpetual and assignable easements and rights-of-way (referred to hereinafter as Tract 14–E, Tract 12–E, and Tract 6–E) in, on, over, and across the lands described below, for the location, construction, operation, and maintenance of a water pipeline and a railroad spur track, subject to easements and rights of way reserved:

a. Tract 14–E is a tract of land which adjoins both the Plant and Tract 12–E and is described more particularly as follows:

A tract of land 100 feet in width, situated in Section 16, Township 2, South Range 70 West of the 6th Principal Meridian, Jefferson County, Colorado, being more particularly described as follows: Beginning at a point on the South line of said Section 16, said point being North 89°30' East, 1236.70 feet from the Southwest corner of said Section 16; thence, from said point of beginning, North 03°42' East, 455.40 feet; thence along a 00°59'28" curve to the right, 353.14 feet; thence North 07°12' East, 2514.30 feet; thence along a 08°19'54" curve to the left, 194.26 feet; thence North 05°06' West, 771.30 feet; thence along a 07°28'40" curve to the right, 1138.71 feet; thence North 80°03' East, 1813.20 feet to a point on the North line of said Section 16, said point being South 88°13'30" West 1256.10 feet from the Northeast corner of said Section 16; thence North 88°13'30" East, along the North line of said Section 16, 703.30 feet; thence South 80°03' West, 2509.30 feet; thence along an 8 36'04" curve to the left, 989.99 feet; thence South 05°06' East, 771.30 feet; thence along a 05°42'04" curve to the right, 215.75 feet; thence South 07°12' West, 2514.30 feet; thence along a 01°00'32" curve to the left, 346.92 feet; thence South 03°42' West, 448.00 feet, to the South line of said Section 16; thence South 89°30' West, along the South line of said Section 16, 100.30 feet to the point of beginning.

b. Tract 12–E is a tract of land which adjoins both Tract 14–E and Tract 6–E and which is described more particularly as follows:

A strip of land 100 feet in width situated in the N½ MW¼ and the SW¼ NW¼ of Section 21, T.2 S., R. 70 W., Sixth Principal Meridian, Jefferson County, Colorado, said strip being more particularly described as follows:

Beginning at a point on the South line of the SW¼ NW¼ of Section 21 T.2 S., R.70 W., Sixth Principal Meridian, Jefferson County, Colorado, which bears North 89°22'10" East, 1050.1 feet from the West 1/4 corner of said section 21; thence North 03°42' East, 2661.40 feet to a point on the North line of said Section 21, which point bears North 89°30' East 1236.7 feet from the NW corner of said Section 21; thence North 89°30' East along said North line of Section 21 a distance of 100.30 feet; thence South 03°42' West, 266120 feet to a point on the South line of the SW¼ NW¼ of said Section 21; thence South 89°22'10" West, 100.30 feet to the point of beginning.

c. Tract 6–E is a tract of land, which adjoins both Tract 12–E and the Denver & Rio Grande Western Railroad main line and is described more particularly as follows:

A tract of land situated in the North Half of the Southeast Quarter of Section 20 and the Northwest Quarter of the southwest Quarter of Section 21, Township 2 South, Range 70 West of the Sixth Principal Meridian, Jefferson County, Colorado, more particularly described as follows: Beginning at a point on the West line of said Section which bears South 00°25' East, 823.10 feet from the West quarter-corner of said Section; thence South 82°53' East 28.70 feet; thence Northeasterly along curve to the left, tangent to the last recited course and having a radius of 905.37 feet, for a distance of 1474.40 feet to a point on the North line of the Northwest Quarter of the Southwest Quarter of said Section 21 which bears North 89°22'10" East, 1050.10 feet from the West quarter-corner of said Section

21; thence North 89°22'10" East, along the North line of the Northwest Quarter of the Southwest Quarter of said Section 21, 100.30 feet; thence South 03°42' West, 5.80 feet; thence Southwesterly along a curve to the right, tangent to the last recited course and having a radius of 1005.37 feet, for a distance of 1490.00 feet to a point on the North right-of-way line of the main line tract of the Denver & Rio Grande Western Railroad Company; thence Northwesterly, along the said North right-of-way line, 1687.00 feet; thence North 89°59' East, 393.00 feet; thence Easterly along a curve to the right, tangent to the last recited course and having a radius of 1482.69 feet and a central angle of 07°08', for a distance of 184.50 feet; thence South 82°53' East, 935.30 feet to the point of beginning.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 will be posted at all entrances of all said tracts and at intervals along its perimeters as provided in 10 CFR 860.6.

Dated at Washington, D.C., this 10th day of April 1981.

James W. Culpepper,

Acting Assistant Secretary for Defense Programs.

[FR Doc. 81-15292 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

B. A. Wales; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn.: John Marks, Office of Enforcment, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461, Telephone Number (202) 653-3517.

SUPPLEMENTARY INFORMATION: On Novembr 26, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with B. A. Wales d/b/a/ J & C Drilling Company, (BAW) of Corpus Christi, Texas on July 25, 1979, 44 FR 67496 (1979). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by BAW pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, BAW is refunding the sum of $350,000 by certified checks made payable to the United States Department of Energy in eight quarterly installments. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

The following persons submitted claims to the ERA:

Defense Logistics Agency
Tesoro Petroleum Corporation

ACTION TAKEN: The ERA is unable to identify readily the persons entitled to receive the $350,000 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on May 13, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 18th day of May 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-15287 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-01-M

Curtis Hankamer; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: May 1, 1981.

COMMENTS BY: On or before June 22, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On May 1, 1981, the Office of Enforcement of the ERA executed a Consent Order with Curtis Hankamer of Houston, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of less than $500,000 in the aggregate excluding penalties and interest, becomes effective upon its execution. Because the DOE and Curtis Hankamer wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Curtis Hankamer effective as of the date of its execution by the DOE and Hankamer.

I. The Consent Order

Curtis Hankamer is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Hankamer the Office of Enforcement, ERA and Hankamer entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through January 27, 1981, Hankamer allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Hankamer and the DOE have agreed to a settlement of $410,000. This amount will be refunded by Hankamer on or before June 1, 1981. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Hankamer.

3. This Consent Order constitutes neither an admission by Hankamer that ERA regulations have been violated nor a finding by the ERA that Hankamer has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Hankamer agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in I.1. above, the sum of $410,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such a payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Curtis Hankamer Consent Order". We will consider all comments we receive by 4:30 p.m., local time, June 22, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 14th day of May, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–15288 Filed 5–21–81; 8:45 am]

BILLING CODE 6450–01–M

Perry Gas Processors, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461 (202) 653–3541.

SUPPLEMENTARY INFORMATION: On September 11, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Perry Gas Processors, Inc. (PGP) of Odessa, Texas on August 13, 1979, 44 FR 52863 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Perry pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was issued as signed.

Pursuant to the Consent Order, Perry refunded the sum of $38,000 by certified check made payable to the United States Department of Energy dated September 12, 1979. This sum has been received by DOE and has been placed into a suitable account pending determination of its proper distribution.

The following person submitted a claim to the ERA: Tesoro Petroleum Corporation.

ACTION TAKEN: The ERA is unable readily to identify the persons entitled to receive the $38,000 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on May 13, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 18th day of May 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81–15289 Filed 5–21–81; 8:45 am]

BILLING CODE 6450–01–M

Worldwide Energy Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, NW., Room 5204, Washington, D.C. 20461 (202) 653–3541.

SUPPLEMENTARY INFORMATION: On March 21, 1980, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Worldwide Energy Corporation (Worldwide) of Denver, Colorado on February 26, 1980, 45 FR 18430 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Worldwide pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was issued as signed.

Pursuant to the Consent Order, Worldwide refunded the sum of $49,400 by certified check made payable to the United States Department of Energy within 30 days of the effective date of the Consent Order. This sum was received by DOE and has been placed into a suitable account pending determination of its proper distribution.

The ERA received no claims to the refunds.

ACTION TAKEN: The ERA is unable to identify readily the persons entitled to receive the $49,400 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on May 13, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 18th day of May, 1981.

Robert Gerring,

Director, Program Operations Division.

[FR Doc. 81-15290 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP81-314-000]

Clay Basin Storage Co.; Application

May 15, 1981.

Take notice that on May 1, 1981, Clay Basin Storage Company (Applicant), 100 Broadway, New York City, New York 10005, filed in Docket No. CP81-314-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale of natural gas for resale and the exchange of natural gas for the implementation of the proposed extended Clay Basin Interim Storage Arrangements through October 31, 1982, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests a limited term certificate authorizing: (1) the continued sale of natural gas to certain of EL Paso Natural Gas Company's (El Paso) east-of-California (EOC) distributor customers, Arizona Public Service Company (APS), Southern Union Company (Southern Union) and Southwest Gas Corporation (Southwest), (2) the continued sale of natural gas from time to time to El Paso for use by El Paso to replace compressor fuel usage and lost or unaccounted for volumes in the physical transportation of Applicant's gas through El Paso's interstate pipeline facilities, (3) the continued utilization of the Clay Basin Arrangements to store a portion of the payback gas entitled to Southwest under Opinion No. 800-B, and (4) the continued exchange of Applicant's gas stored in the Clay Basin storage field for equivalent quantities to be delivered by Northwest Pipeline Corporation (Northwest) to El Paso in the San Juan Basin area for Applicant's account.

Applicant states that in Docket No. RP72-6, *et al.*, it was authorized to (1) sell natural gas to the El Paso EOC distributor customers, (2) sell natural gas from time to time to El Paso for use in replacing compressor fuel usage and lost or unaccounted for gas volumes associated with the physical transportation of Applicant's natural gas through El Paso's interstate pipeline facilities, and (3) effectuate the exchange of natural gas stored for its account by Mountain Fuel Resources, Inc. (Resources) in Resources' Clay Basin storage field in Daggett County, Utah, for equivalent quantities delivered by Northwest to El Paso in the San Juan Basin area for Applicant's account, all for a period through September 30, 1981.

Applicant indicates that it, El Paso, the EOC distributor customers, Northwest, Mountain Fuel Suply Company (Mountain Fuel), and Resources have agreed to an extension of the Clay Basin Arrangements whereby protection can continue to be afforded to the Priority 1 and 2 requirements of certain of El Paso's EOC customers and, further, whereby the quantities of Opinion No. 800-B payback gas may continue to be preserved for Southwest through October 31, 1982. It is shown that as of May 1, 1981, Applicant's natural gas inventory stored in the Clay Basin storage field is approximately 19,288,715 Mcf, of which 1,760,970 Mcf is attributable to Southwest's remaining Opinion No. 800-B payback gas and the balance, 17,527,745 Mcf, is attributable to volumes preserved for the protection of El Paso's EOC Priority 1 and 2 requirements. Applicant has been advised by El Paso that the volumes currently in place in the Clay Basin storage field are projected to be in excess of the forecasted deficiency in supply to serve fully its EOC category II customers' Priority 1 and 2 requirements during the 1981-82 winter season. Therefore, El Paso does not at this time anticipate making additional quantities of natural gas available for purchase by Applicant for storage in the Clay Basin storage field. Accordingly, the amendments to the presently authorized Clay Basin Arrangements required to extend such arrangements would primarily provide for (1) the continued transportation and sale of the volumes currently stored in the Clay Basin storage field and (2) the disposition of any volumes of natural gas which may be remaining in such after the 1981-82 winter season.

Applicant states that as compensation for the storage service under the proposed extended Clay Basin Arrangements, Resources would charge Applicant a monthly rate through April 30, 1982, comprised of (1) a commodity charge of $0.0100 for each Mcf of natural gas withdrawn from the Clay Basin storage field by Resources and delivered to Northwest for the account of Applicant during each billing month, (2) a demand charge equal to Applicant's proportionate share of Resources' monthly cost-of-service to be calculated in accordance with paragraph V-2(b) of the Clay Basin interim storage service Rate Schedule S-2, as amended, and (3) a pass-through charge equal to Applicant's proportionate share of Northwest's carrying costs applicable to the cushion gas owned by Northwest and used by Applicant to support its working gas volumes in the Clay Basin storage field, to be calculated in accordance with paragraph V-2(c) of the Clay Basin interim storage service Rate Schedule S-2, as amended. Resources would not bill Applicant after April 30, 1982. It is indicated that all charges applicable to the services rendered by Northwest and Resources for Applicant and, in addition, all other charges

incurred by Applicant as a result of its participation in the extended Clay Basin Arrangements, would continue to be billed to El Paso each month in accordance with the provisions of article VI, Section 6.2 of the interim storage agreement, as amended. Further, Applicant states that such extended arrangements contemplate that the holding of natural gas inventories by Applicant would be financed primarily, as in the past, by use of existing working capital and/or by borrowing under the credit agreement of July 6, 1977, as amended between Applicant and The Chase Manhattan Bank (N.A.). Additionally, Applicant states that as part of the negotiated extension of the Clay Basin Arrangements, the costs associated with the operation of the Clay Basin storage field would now be shared three ways among Applicant, Northwest and Resources.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 26, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15328 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-517]

Connecticut Light & Power Co.; Filing

May 15, 1981.

Take notice that on May 5, 1981, Connecticut Light & Power Company submitted for filing a compliance filing pursuant to Commission Opinion Nos. 114 and 114-A issued February 19, 1981 and April 20, 1981, in the above-referenced proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 2, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this submittal are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15329 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-38-000]

Gleason Works; Application Treated as a Request for Adjustment Under the NGPA

May 15, 1981.

Take notice that on January 28, 1981, Gleason Works, Machine Division, 100 University Avenue, Rochester, New York 14692 (Applicant) submitted a letter to Federal Energy Regulatory Commission (Commission) concerning certain incremental pricing surcharges applicable to its boiler fuel use of natural gas. In response to the Commission staff inquiry in connection with this matter, Applicant submitted a second letter dated April 7, 1981.

In this correspondence Applicant states that it would qualify for a small boiler exemption from incremental pricing but for the fact that its boiler fuel use of natural gas during the billing period October 16–November 17, 1980, exceeded the 300 Mcf per day cutoff. Applicant notes that its gas usage during this period was abnormally high due to the temporary inoperability of its coal-fired boilers, and that the facility's gas usage during all other months of operation to date has not exceeded an average of 300 Mcf per day. Applicant requests that it be considered a small boiler facility eligible for exemption from incremental pricing.

Applicant's letters shall be treated as an application for an adjustment from the provisions of 18 CFR 282.203(b), which section governs exemptions for certain small boiler fuel facilities under section 206(d) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301, *et seq.*

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41. Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with § 1.41(e). All petitions to intervene must be filed on or before June 8, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15330 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-457-000]

Louisiana Power & Light Co.; Filing

May 18, 1981.

The filing Company submits the following:

Take notice that on May 12, 1981, Louisiana Power & Light Company (LP&L) tendered for filing an unexecuted Electric System Interconnection Agreement dated May 12, 1981 with the City of Winnfield, Louisiana (City) which provides service schedules for Emergency Service, Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Transmission Service. LP&L further states that the proposed agreement and schedules A, B, C, D, E, F, and F-I, are the same as accepted for filing in FERC Docket No. ER76-162 with the City of Ruston (Rate Schedule FERC No. 54), in Docket No. ER76-868 with the Town of Rayville (Rate Schedule FERC No. 58), in Docket No. ER76-867 with the Town of Homer (Rate Schedule FERC No. 57), in Docket No. ER77-405 with the Town of Jonesboro (Rate Schedule FERC No. 59), in Docket No. ER77-404 with the City of Monroe (Rate Schedule FERC No. 60), in Docket No. ER79-366 with the City of Minden (Rate Schedule FERC No. 63).

LP&L requests that the Agreement become effective may 15, 1981, the date of expiration of FERC Rate Schedule No. 26, and that the notice requirements of the Regulations be waived as to this filing.

LP&L stated that a copy of this filing was mailed to the City of Winnfield, Louisiana and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15331 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-5]

Minnesota Power & Light Co.; Filing

May 15, 1981.

Take notice that on May 8, 1981, Minnesota Power & Light Company submitted for filing revised rate schedules pursuant to Commission Opinion Nos. 112 and 112-A, issued February 19, 1981 and April 22, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 2, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of revised rate schedules are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15332 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-21]

Missouri Utilities Co.; Filing

May 18, 1981.

The filing Company submits the following:

Take notice that on May 1, 1981, Missouri Utilities Company (Missouri) submitted for filing copies of the City of California wholesale electric rate, together with the necessary supporting documentation. Said filing is being submitted in compliance with the Commission's letter order, and pursuant to provisions of the Commission's March 27, 1981 Order Remanding Price Squeeze Issue To Administrative Law Judge in Docket No. ER77-614.

A copy of this filing has been served upon the affected regulatory commissions, and upon the parties to this proceeding.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 8, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15333 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-458-000]

Montana Power & Light Co.; Filing

May 18, 1981.

The filing Company submits the following:

Take notice that Montana Power & Light Company (Montana) on May 12, 1981, tendered for filing in accordance with Section 35 of the Commission's Regulations, a Letter Agreement with Puget Sound Power & Light Company (Puget). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Puget.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by $535,360.10, based upon energy delivered from February 28, 1980, through April 30, 1980. Montana states that the rate for firm energy under these Letter Agreements was negotiated.

An effective date of February 28, 1980 is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of an Agreement for the sale of firm energy between Montana and Puget. Montana states that the agreement has expired on its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15334 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-459-000]

Montana Power & Light Co.; Filing

May 18, 1981.

The filing Company submits the following:

Take notice that Montana Power & Light Company (Montana) on May 12, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with the Washington Water Power Company (Washington). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Washington.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $1,578,391.50, based upon energy delivered from September 3, 1980 through December 30, 1980. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of September 3, 1980, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of an Agreement for the sale of firm energy between Montana and Washington. Montana states that the agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Reulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15335 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1955-000]

Philip G. Mulligan; Filing

May 15, 1981.

The filing individual submits the following:

Take notice that on May 4, 1981, Philip G. Mulligan filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Philadelphia Electric Company
Director, Philadelphia Electric Power Company
Director, Susquehanna Power Company
Director, Susquehanna Electric Company

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15336 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

Western Area Power Administration

Parker-Davis Project; Order Confirming and Approving an Extension of Power and Transmission Rates on an Interim Basis

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of an extension of power and transmission rates on an interim basis—Parker-Davis Project.

SUMMARY: Notice is given of Rate Order No. WAPA-6 of the Assistant Secretary for Conservation and Renewable Energy extending wholesale power and transmission service rates on an interim basis for power marketed by the Western Area Power Administration (Western) from the Parker-Davis Project, Arizona, California, and Nevada.

ADDRESS: For futher information contact:

Mr. Robert A. Olsen, Area Manager, Boulder City Area Office, Western Area Power Administration, Department of Energy, P.O. Box 200 Boulder City, NV 89005, (702) 293-8115;

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401, (303) 231-1535;

Mr. James A. Braxdale, Office of Power Marketing Coordination, Department of Energy, Mail Code 3353, Federal Building, Washington, DC 20461, (202) 633-8338

SUPPLEMENTARY INFORMATION: By Delegation Order No. 0204-33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, delegation Order No. 0244-33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy.

Pursuant to the delegation order, the Assistant Secretary for Resource Applications issued on May 15, 1980, Rate Order No. WAPA-3 (45 FR 34046, May 21, 1980) confirming and approving on an interim basis, effective the first day of the first full billing period beginning on or after June 16, 1980, Rate Schedules PD-F1, PD-T1, PD-T2, and PD-T3 for wholesale power and transmission service marketed by Western from the Parker-Davis Project. The rates are to remain in effect for a period of 12 months unless the period is extended or until the FERC confirms and aproves them, or substitute rates, on a final basis. The rates were submitted to the FERC for confirmation and approval on a final basis on May 15, 1980.

The FERC has not yet acted on the rates. The purpose of Rate Order No. WAPA-6 is to extend the power and transmission rates for another 12 months (through June 30, 1982) unless further extended or until the FERC confirms and approves them, or substitute rates, on a final basis.

Issued in Washington, D.C., May 14, 1981.

Frank De George,

Acting Assistant Secretary, Conservation and Renewable Energy.

In the matter of: Western Area Power Administration—Parker-Davis Project Power Rates, Rate Order No. WAPA-6.

Order Confirming and Approving an Extension of Power and Transmission Rates on an Interim Basis

May 14, 1981.

Pursuant to section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7152(a), the power marketing functions of the Secretary of the Interior under the Reclamation Act of 1902, 43 U.S.C. 372, *et seq.*, as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), and acts specifically applicable to the Parker-Davis Project, for the Water and Power Resources Service (formerly the Bureau of Reclamation) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, 43 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, delegation Order No. 0244-33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary for Conservation and Renewable Energy.

Background

Pursuant to Delegation Order No. 0204-33, on May 15, 1980, the Assistant Secretary for Resource Applications issued Rate Order No. WAPA-3 (45 FR 34046, May 21, 1980) confirming and approving on an interim basis, effective the first day of the first full billing period beginning on or after June 16, 1980, Rate Schedules PD-F1, PD-T1, PD-T2, and

PD–T3 for wholesale power and transmission service marketed by the Western Area Power Administration's (Western) Parker-Davis Project. The rate order stated that the rates "* * * shall remain in effect on an interim basis for a period of 12 months unless such period is extended, or until the FERC confirms and approves these or substitute rates, on a final basis, whichever occurs first." The rate schedules were submitted to the FERC for confirmation and approval on a final basis by the Assistant Secretary for Resource Applications' letter of May 15, 1980.

Discussion

In as much as the FERC is not expected to complete its confirmation and approval of the Parker-Davis Project power and transmission rates by June 30, 1981, a further extension of the interim rates is necessary.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective the first day of the first full billing period beginning on or after June 16, 1981, an extension of existing Rate Schedule PD–F1, PD–T1, PD–T2, and PD–T3. These rates shall remain in effect through June 30, 1982, unless extended, or until the FERC confirms and approves them, or substitute rates, on a final basis.

Issued in Washington, D.C., May 14, 1981.

Frank DeGeorge,

Acting Assistant Secretary, Conservation and Renewable Energy.

Rate Schedule PD–F1

(Supersedes Rate Schedule LC–F2), Parker-Davis Project, Arizona-California-Nevada; Schedule of Rates for Wholesale Firm Power Service

Effective:

The first day of the first full billing period beginning on or after June 16, 1980.

Available:

In the area served by the Parker-Davis Project.

Applicable:

To wholesale power customers for general electric service supplied through one meter at one point of delivery.

Character and Conditions of Service:

Three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Monthly Rate:

CAPACITY CHARGE: $1.82 per kilowatt of billing demand.

ENERGY CHARGE: 4.15 mills per kilowatthour for each kilowatthour scheduled and/or delivered, not to exceed the delivery obligation under the electric service contract.

BILLING DEMAND: The billing demand will be the greater of (1) the highest 30-minute integrated demand established during the month up to, but not in excess of, the delivery obligation under the power sales contract, or (2) the contract rate of delivery.

Eilling for Unauthorized Overruns:

For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual firm power and/or energy obligations, such overrun shall be billed at ten (10) times the above rates.

Adustments:

For transformer Losses:

If delivery is made at transmission voltage but metered on the low-voltage side of the transformer, the meter readings will be increased two (2) percent to compensate for transformer losses.

For Power Factor:

None. The customer will normally be required to maintain a power factor at the point of delivery of between 95 percent lagging and 95 percent leading.

Rate Schedule PD-T1—Parker-Davis Project, Arizona-California-Nevada; Schedule of Rates for Firm Transmission Service

Effective:

The first day of the first full billing period beginning on or after June 16, 1980.

Available:

In the area served by the Parker-Davis Project.

Applicable:

To firm transmission service customers where power and energy are supplied to the Parker-Davis system at points of interconnection with other systems and transmitted and delivered, less losses, to points of delivery on the Parker-Davis system specified in the service contract.

Character and Conditions of Service:

Transmission service for three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate:

Transmission Service Charge: $6.80 per kilowatt per year for each kilowatt contracted for at the point of delivery as specified in the service contract; payable monthly at the rate of $0.567 per kilowatt.

Adjustments:

For Reactive Power:

None. There shall be no entitlement to transfer of reactive kilovolt-amperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and Contracting Officer or their authorized representatives.

For Losses:

Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

Rate Schedule PD–T2—Parker-Davis Project, Arizona-California-Nevada; Schedule of Rates for Transmission Service of Colorado River Storage Project (CRSP) Power and Energy

Effective:

The first day of the first full billing period beginning on or after June 16, 1980.

Available:

In the area served by the Parker-Davis Project.

Applicable:

To Colorado River Storage Project (CRSP) Southern Division customers where such power and energy are supplied to the Parker-Davis system by CRSP at points of interconnection with the CRSP system and for transmission and delivery, less losses, to Southern Division customers at points of delivery on the Parker-Davis system specified in the service contract.

Character and Conditions of Service:

Transmission capacity for three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate:

Transmission Service Charge: $3.67 per kilowatt of the maximum allowable rate of delivery made available at each point of delivery during each season as specified in the service contract, payable monthly at the rate of $0.612 per kilowatt.

Adjustments:

For Reactive Power:

None. There shall be no entitlement to transfer of reactive kilovoltamperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and Contracting Officer or their authorized representatives.

For Losses:

Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

Rate Schedule PD–T3—Parker-Davis Project, Arizona-California-Nevada; Schedule of Rates for Nonfirm Transmission Service

Effective:

The first day of the first full billing period beginning on or after June 16, 1980.

Available:

In the area served by the Parker-Davis Project.

Applicable:

To nonfirm transmission service customers where power and energy are supplied to the Parker-Davis system at points of interconnection with other systems and transmitted and delivered subject to the availability of transmission capacity, less losses, to points of delivery on th Parker-Davis system specified in the service contract.

Character and Conditions of Service:

Transmission service on an intermittent basis for three-phase alternating current at

sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate:

Transmission Service Charge: 1.3 mills per kilowatthour for each kilowatthour scheduled; payable monthly.

Adjustments:

For Reactive Power:

None. There shall be no entitlement to transfer of reactive kilovoltamperes at delivery points, except when such transfers may be mutually agreed upon by Contractor and Contracting Officer or their authorized representatives.

For Losses:

Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

[FR Doc. 81-15291 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30192A; PH-FRL-1834-4]

Abbott Laboratories; Approval of Application to Conditionally Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Abbott Laboratories, Chemical and Agricultural Products Division, has received approval of an application to conditionally register the pesticide product DEVINE™, containing 0.8 percent of the new active ingredient 3.2×10^8 Live Chlamydospores of *Phytophthora palmivora* MWV per pint.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm.412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 18, 1980 (45 FR 76242) that Abbott Laboratories, Chemical and Agricultural Products Div., 14th and Sheridan Rd., Chicago, IL 60064, had submitted an application to conditionally register the pesticide product DEVINE™, which contains 0.8 percent of the active ingredient 3.2×10^8 Live Chlamydospores of *Phytophthora palmivora* MWV per pint. The application proposed that the mycoherbicide be registered for general use to control *Morrenia odorata*, strangler or milkweed vine in citrus groves.

This application was approved March 25, 1981 and the product was assigned EPA registration No. 275-39.

A copy of the label and list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in the Information Services Branch, Rm. EB-35, 202-426-8850 in accordance with section 3(c)(2) of FIFRA. Request for data must be made in accordance with the provisions of Freedom of Information Act and must be addressed to the Freedom Information Office (A-101), 401 M St., SW., Washington, D.C. 20460.

Such requests should: (1) identify the product by name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(5), 92 Stat. 824, (7 U.S.C. 136))

Dated: May 14, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-15363 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50478A; PH-FRL-1833-1]

Abbott Laboratories; Extension of Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Abbott Laboratories has been issued an extension of an experimental use permit. Such permits are in accordance with, and subject to, the procedural requirements of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 9, 1980 (45 FR 30684) that Abbott Laboratories, Chicago, IL 60064, has been issued an experimental use permit (275-EUP-23) for use of 1,000 pounds of the insecticide *Bacillus thuringiensis* Berliner, var *israelensis* 4.5×10^9 IU/lb on intermittently flooded pastures, irrigation ditches, sewage lagoons, rice paddies, roadside ditches, natural marshes, estuarine areas, and running streams to evaluate control of mosquito larvae and blackfly larvae.

The program was authorized only in the States of Alabama, Arkansas, California, Delware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia.

Abbott Laboratories submitted an amendment to the EUP along with a request for an extension.

The experimental use permit is extended for use of 3,700 pounds of the insecticide *Bacillus thuringiensis* Berliner, var *israelensis* 4.5×10^9 IU/lb on intermittently flooded pastures, irrigation ditches, sewage lagoons, rice paddies, roadside ditches, natural marshes, estuarine areas, and running streams to evaluate control of mosquito larvae and blackfly larvae. A total of 1,850 acres are now involved. The program is authorized in the additional States of Arizona, Colorado, Connecticut, Kansas, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Oklahoma, South Dakota, Vermont, West Virginia, and Wisconsin. This experimental use program is effective from April 4, 1981 to April 4, 1982.

Persons wishing to review this experimental use permit are referred to the product manager. Inquiries concerning this permit should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA Headquarters office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: May 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-15368 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 7G1998/T296; PH-FRL-1835-5]

Abbott Laboratories; Renewal of Temporary Exemption From Requirement of Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary exemption from the requirement of a tolerance has been renewed for residues of mycocaracide *Hirsutella thompsonii* on citrus fruits and small fruits.

DATE: This temporary exemption from the requirement of a tolerance expires March 9, 1982.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 22, 1980 (45 FR 27005), that a temporary exemption from the requirement of a tolerance had been renewed for residues of the mycocaracide *Hirsutella thompsonii* on citrus fruits and small fruits. This exemption (PP 7G1998) was requested by Abbott Laboratories, Chemicals & Agricultural Products Div., North Chicago, IL 60064.

Abbott Laboratories has requested a renewal of the temporary exemption from the requirement of a tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (275-EUP-20) which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary exemption will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance is renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Abbott Laboratories will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires March 9, 1982. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary exemption from the requirement of a tolerance. This temporary exemption from requirement of a tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: May 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-15370 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 8G2129/T289; PH-FRL-1834-2]

Bendiocarb; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Temporary tolerances have been renewed for residues of insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methylcarbamate), and its metabolites (2,2-dimethyl-1,3-benzodioxol-4-ol), and *N*-hydroxymethyl bendiocarb in or on the raw agricultural commodities corn (grain, fodder, and forage) at 0.05 part per million (ppm), in milk at 0.05 ppm, in fat, meat, and meat byproducts (except kidneys) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm, in kidneys of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm and in eggs at 0.05 ppm.

DATE: These temporary tolerances expire January 27, 1982.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400 CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of July 25, 1980 (45 FR 49671) that temporary tolerances had been established for residues of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol) and its metabolites 2,2-dimethyl-1,3- benzodioxol and *N*-hydroxymethyl bendiocarb in or on the following raw agricultural commodities: corn (grain, fodder, forage) at 0.05 ppm; milk, eggs, and the meat, fat, and meat byproducts (except kidneys) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm, in kidneys of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm.

Fisons Inc., has requested a renewal of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (10065-EUP-14) which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material has been evaluated and it has been determined that the temporary tolerances will protect the public health. Therefore, the temporary tolerances are renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Fisons Inc., will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire January 27, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 1291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: April 22, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 15385 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51260; TSH-FRL-1833-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA)..

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of five PMN's and provides a summary of each.

DATE: Written comments by:

PMN 81-187, June 14, 1981.
PMN 81-189, June 21, 1981.
PMN 81-191, June 16, 1981.
PMN 81-200 and 81-201, June 23, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN number	Notice manager	Telephone	Room number
81-187, 81-200 and 81-201	George Bagley.	(202-426-2601)	E-210.
81-189	Kathleen Ehrensberger.	(202-755-1150)	E-335.
81-191	Mary Cushmac.	(202-382-2277)	E-229.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 20604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were publised in the **Federal Register** of May 15, 1979 (44 FR 28558—nitial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identify of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES",

submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51260]" and the specific PMN number. Comments received may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: May 14, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81–187

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Cycloaliphatic polyester modified with a polyether glycol.

Use. The manufacturer states that the PMN substance will be used by processors to produce formed articles for use by commercial or individual consumers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—>190°C.
Solubilities:
Form—Solid pellets.
Density—1.12.
Water—<0.1.
Octanol—<0.1.

Environmental Test Data. The manufacturer states that the chemical oxygen demand (COD) test showed incomplete digestion (1.6 g/g). Secondary waste treatment compatibility study in a saturated solution of less than 1 ppm (assumed concentration) showed no effects on the microbiological carbon metabolism. A study to determine the acute effects on five aquatic species in a saturated solution of less than 1 ppm (total organic carbon concentration) showed no effects on the give aquatic species.

Toxicity Data

Acute oral LD_{50} (rats)—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Repeated 10-day skin application—No exacerbation of the irritative response.
Skin sensitization potential—None.
Eye irritation—Slight.
Repeated 2-week feeding study (rats) of 1.0 and 0.1% in diet—Hematology: Normal. Clinical chemistry: Normal. Necropsy: Normal organ weights. Pathology: No gross or histopathologic changes due to compound were observed. Target organ: None identified.

Exposure. The submitter states that 32 manufacturing and processing workers could have skin and inhalation exposure to the new chemical for 7 to 8 hr/da, 10 to 100 da/yr, at a potential maximum concentration of 1 mg/m³.

Environmental Release/Disposal. The manufacturer states that there is no anticipated release of the new substance into the land or water, and negligible amounts will be released into the air. Any waste generated will be incinerated in an approved facility; flue gasses will be passed through a scrubber, and scrubber water and ash quench water will be discharged into a wastewater treatment system.

PMN 81–189

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 21, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:
Manufacturing site—Middle Atlantic U.S.
Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Unsaturated polyester.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg per year into the environment with potential skin and eye exposure to both chemical and nonchemical industry employees and to consumers as part of an article.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	601,000	800,000
2d year	800,000	1,000,000
3d year	1,000,000	1,204,500

Physical/Chemical Properties

Percent total solids—92.8.
Acid value—4.7.
Viscosity—310 cps.
Color value (Gardner)—2.
Flash point—230° F.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at five sites, 152 manufacturing and processing workers will have potential skin and eye exposure to the new chemical for 4 to 6 hr/da, 4 to 154 da/yr, during filling of mixing equipment and shipment containers, sampling for quality control, filtering, and cleaning. At the site of a typical user, workers have potential skin and eye exposure.

Environmental Release/Disposal. The manufacturer states that at five sites, less than 100 kg/yr of the new chemical will be released into the air and water and up to 4,010 kg/yr into the land. Vapors are passed through a scrubber; sludge from distilled cleaning solvents is incinerated. At the site of a typical user, less than 20 kg/yr will be released into the air and water and from 10 to 100 kg/yr into the land.

PMN 81–191

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 16, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:
Annual sales—In excess of $500,000,000.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—285.

Specific Chemical Identity. Acrylic acid, bisphenol *A*-epichlorohydrin resin, ethyl, acrylate, methyl methacrylate, polyvinyl butyral resin, and styrene polymer.

Use. The manufacturer states that the PMN substance will be used in an industrial use as an intermediate in metal coating formulation.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	500	5,000
2d year	5,000	50,000
3d year	50,000	150,000

Physical/Chemical Properties

Neat polymer:
Molecular weight—100,000 wt. av. (by G.P.C.).
Viscosity—Semi-solid.
Solubility—Esters, ketones, glycol ethers, aromatics.
Aqueous solution of polymer:
Total nonvolatiles—34.5%.

Viscosity—150 cps.
Flash point—130° F.
Weight/gallon—8.7 lbs.
pH—7.2.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that five manufacturing, processing, and disposal workers could have skin exposure to the new chemical for 1 to 3 hr/da, 30 to 63 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³ during tank filling and filtering processes and while transferring the new substance. At a site not controlled by the submitter, three disposal workers could have skin exposure for 1 hr/da, 30 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³ during drum cleaning and reconditioning.

Environmental Release/Disposal. The manufacturer states that none of the PMN substance is anticipated to be released into the air and water and less than 10 kg/yr into the land. Filter cartridges and filter bags will be loaded in approved drums and removed to an approved landfill.

PMN 81-200

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 23, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Trisubstitutedbenzene.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a minor component in an industrial formulation with minimal potential for human contact.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st Year	50	100
2d Year	100	300
3d Year	300	500

Physical/Chemical Properties

Solubilities:
Water—<0.1%.
Octanol—<0.1%.
Melting point—Decomposes above 124° C.

Toxicity Data.

Acute oral LD_{50}—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Skin sensitization potential—Low.
Eye irritation—Slight.

Exposure. The submitter states that eight manufacturing and processing workers will have skin and inhalation exposure for 1 hr/da, 4 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³ during transfer and cleaning operations. A maximum of 100 industrial customers would have daily skin exposure.

Environmental Release/Disposal. The manufacturer states that negligible amounts of the new substance will be released into the air and none into the land and water. Emissions vapors are passed through a scrubber; wastewater and combustible solid wastes are collected for incineration and eventual discharge into a wastewater treatment system.

PMN 81-201

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 23, 1981.

Manufacturer's Identity. Claimed confidential business information. Generic name provided: Polymer of substituted acrylic acid derivative and substituted styrene.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a very minor component in a commercial formulation with minimal potential for human exposure.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	300
2d year	150	500
3d year	200	700

Physical/Chemical Properties

Solubilities:
Water—<0.1%.
Octanol—<0.1%.
Glass transition temperature—138°C.

Environmental Test Data

Acute effects on six aquatic species—A test solution with a nominal concentration of 100 ppm showed no effects on the six species tested.

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Skin sensitization potential—None.

Exposure. The submitter states that three manufacturing workers will have skin and inhalation exposure during transfer operations for 1.5 hr/da, 14 da/yr, at an average concentration of 1 to 10 mg/m³ and a peak concentration of 10 to 100 mg/³. Twelve processing workers will also have skin and inhalation exposure during transfer operations for 2 hr/da, 80 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 10 to 100 mg/m³. A maximum of 300 commercial consumers would have daily skin exposure.

Environmental Release/Disposal. The manufacturer states that there will be negligible amounts of the new substance released into the air and none into the land and water. Emissions vapors are passed through a scrubber; wastewater and combustible solid wastes are collected for incineration and eventual discharge into a wastewater treatment system.

[FR Doc. 81-15367 Filed 5-21-81; 8:45 am]
BILLING CODE 6560-31-M

[PP 4G1511/T311; PH-FRL-1834-3]

Collectotrichum Gloeosporioides; Renewal of Temporary Exemption From Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary exemption from the requirement of a tolerance for residues of mycoherbicide *Colletotrichum gloeosporioides* f. sp. *aeschynomene* in or on rice and soybeans (when used as an herbicide to control northern jointvetch *Aeschynomene virginica)* and f. sp. *jusseaeae* to control winged waterprimrose *(Jussiaea decurrens)* in or on rice when used as a mycoherbicide.

DATE: This temporary exemption from the requirement of a tolerance expires October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of June 10, 1976 (41 FR 23435), that a temporary exemption from the requirement of a tolerance has been established for residues of the

mycoherbicide *Colletotrichum gloeosporioides* f. sp. *aeschynomene* in or on rice and soybeans and f. sp. *jusseaeae* in or on rice in reponse to pesticide petition (PP 4G1511). This temporary exemption from the requirement of a tolerance was requested by the University of Arkansas, Fayetteville, AR 72701.

The University of Arkansas has requested a renewal of the temporary tolerance to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the experimental use permit (34487–EUP–1) which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerance exemption will protect the public health. Therefore, the temporary exemption is renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. The University of Arkansas will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The university will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires October 1, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary exemption from a requirement of a tolerance. This temporary exemption from the requirement of a tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this petition indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (36 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(J)))

Dated: May 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–15364 Filed 5–21–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50512A; PH–FRL–1835–4]

Elanco Products Co.; Extension of Experimental use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice amends an experimental use permit that published in the Federal Register or January 12, 1981 (45 FR 2715), for Elanco Products Co.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of January 12, 1981 (45 FR 2715) that Elanco Products Co., P.O. Box 1750, Indianapolis, IN 46206. received an extension of an experimental use permit (1471–EUP–63). The experimental use permit allows the use of 1,343 gallons of the product containing the active ingredient ethalfluralin [*N-[ethyl-N*-(2-methyl-2-propenyl]-2,-6-dinitro-4-(trifluoromethyl) benzenamine] on seed and pod vegetables, forage legumes, and peanuts to evaluate control of weeds. A total of 2,579 acres are involved. This program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and Utah.

The permit (1471–EUP–63) is amended to include the raw agricultural commodity growing cucurbits. A total of 1,003 acres are involved, and 557 gallons of the product will be used. The experimental use permit is effective from April 16, 1981, to April 16, 1982.

(Sec. 5, 92 Stat. 819, as amended; (7 U.S.C. 136))

Dated: May 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–15371 Filed 5–21–81; 8:45 am]

BILLING CODE 6560–32–M

[PF–171A; PH–FRL–1834–5]

FMC Corp.; Filing of Feed Additive Petition; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects a feed additive petition for the combined residues of the insecticide carbofuran in or on soybean soapstock, which appeared in the Federal Register of April 25, 1980 (45 FR 27984).

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7025).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of April 25, 1980 (45 FR 27984) that FMC Corp., 2000 Market St., Philadelphia, PA 19103 had submitted a feed additive petition proposing that 21 CFR Part 561 be amended by establishing a tolerance for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate) and its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benxofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofurandiol in free fatty acids derived from the animal feed soybean soapstock at 6 ppm.

In the 3rd paragraph, 3rd line the petition number appeared in correctly as

"FAP OH5241", the number is corrected to read "FAP OH5297."

Dated: May 13, 1981.

Douglas D. Campt.

Director, Registration Division, Office of Pesticide Program.

[FR Doc. 81-15362 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[EN-8-FRL 1831-7]

General National Pollutant Discharge Elimination System; Permit for Confined Animal Feeding Operations in South Dakota

AGENCY: Environmental Protection Agency (EPA), Region VIII.

ACTION: Notice of intent.

SUMMARY: Region VIII of the EPA is hereby giving notice of its tentative determination to issue a general National Pollutant Discharge Elimination System (NPDES) permit for certain confined animal feeding operations (feedlots) in the State of South Dakota. The general permit will establish effluent requirements, prohibitions, Best Management Practices (BMPs), and other conditions for wastewaters generated from these feedlots. The general feedlot permit will eventually replace essentially all individually-issued NPDES feedlot permits in the State of South Dakota.

DATE: Public comment on this proposal must be on or before June 22, 1981.

ADDRESS: Public comments should be sent to: Mr. Roger E. Frenette (8E-WE), Chief, Water and Hazardous Waste Enforcement Branch, Enforcement Division, 1860 Lincoln Street, Suite 103, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Mr. Marshall Fischer, Region VIII, at the above-listed address or telephone (303) 837-4901 or FTS 327-4901. Copies of the proposed permit and Statement of Basis will be provided upon request.

SUPPLEMENTARY INFORMATION:

A. Background

Section 301(a) of the Clean Water Act (CWA) provides that the discharge of pollutants is unlawful except in accordance with an NPDES permit. Under EPA's regulations (40 CFR 122.59), EPA may issue a single, general permit to a category of point sources within the same geographic area if the regulated sources:

(1) Are involved in the same or substantially similar operation;

(2) Generate and discharge the same types of waste;

(3) Require the same permit effluent limitations and/or operating conditions;

(4) Require similar monitoring requirements; and,

(5) In the opinion of the Director of the NPDES permit program, are more appropriately controlled under a general permit than an individual permit.

As in the case of any individual permits issued under the NPDES program, violations of any condition of a general permit constitutes a violation of the CWA enforceable under Section 309 of the CWA.

Any owner or operator authorized by the general permit may be excluded from the general permit by applying for an individual permit. Criteria and procedures for such exclusion are published under 40 CFR 122.59(b) of the regulations and, therefore, need not be printed here.

B. South Dakota Feedlots

South Dakota is a non-NPDES State which means that EPA is the NPDES permit-issuing authority. EPA currently has approximately 85 individual feedlot NPDES permits issued within the State. Each of these permits currently contain (or would upon reissuance) the same prohibition against any discharge of process-generated water (including contaminated storm runoff) except in the event of a 25-year, 24-hour storm. The 25-year, 24-hour precipitation event is the U.S. Department of Agriculture, Soil Conservation Service's storm retention design criteria for BMPs for feedlots and is Regional Best Conventional Pollutant Control Technology (BCT).

The general permit's conditions are, therefore, no more restrictive than the individual permits it will replace. The general permit may be applicable to more facilities than had previously been covered under individual permits. However, since these newly-covered facilities are subject to statutory requirements, their coverage under the general permit does not subject them to any further responsibility under the CWA, but rather clarifies such responsibilities.

C. Economic Impact

EPA has reviewed the effect of Executive Order 12291 on this proposed general permit and has determined the proposal not to be *major* under that order. The proposed permit will:

(1) Result in substantial elimination of regulated facility paperwork by reducing or waiving permit applications and reducing routine reporting.

(2) Clarify existing requirements which are currently in effect and support other existing State and Federal agency management requirements.

(3) Provide for a shift of Federal, State, and local agency resources from administrative activities to surveillance/assistance activities for the regulated sources.

Roger L. Williams,

Regional Administrator, Region VIII.

Subject: Environmental Protection Agency General National Pollutant Discharge Elimination System Permit for Confined Animal Feeding Operations in South Dakota

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the proposed general permit, when issued, will not have a significant impact on a substantial number of small entities. This action imposes no new requirements and streamlines the existing administrative burden on regulated sources.

Dated: May 15, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-15369 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

[OPTS-00024; TSH-FRL-1834-8]

Interagency Toxic Substances Data Committee; Rescheduling of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The June 2, 1981 meeting of the Interagency Toxic Substances Data Committee has been rescheduled to a later date.

DATE: The meeting will be held on June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Nan Fremont (TS-777), Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202-755-8040).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee take place on the first Tuesday of alternate months at 9:30 a.m. and are open to the public. The meetings are held in: Rm. 2010, New Executive Office Building, 17th St. and Pennsylvania Ave., N.W., Washington, DC 20006.

The June meeting has been rescheduled to June 16, 1981. The next meeting of the Interagency Toxic Substances Data Committee will take place on August 4, 1981.

Dated: May 15, 1981.

Nan Fremont,

Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 81-15361 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-31-M

[A-10-FRL-1835-1]

Longview Fibre Co.; Issuance of PSD Permit

Notice is hereby given that on April 27, 1981, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to Longview Fibre Company for approval to modify the pulp and paper mill facilities at Longview, Washington.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations.

Under section 307(b)(1) of the Clean Air Act, judical review of the PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

Dated: May 12, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 81-15372 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-38-M

[PP 8G2121/T297; PH-FRL-1833-5]

N-(2,6-Dimethylphenyl)-N-(Methoxacetyl) Alanine Methyl Ester; Renewal of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been renewed for residues of the fungicide *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester in or on the raw agricultural commodity potatoes at 0.05 part per million (ppm).

DATE: This temporary tolerance expires January 20, 1983.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C). Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of June 15, 1979 (44 FR 34692), that a temporary tolerance had been established for residues of the fungicide *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester in or on the raw agricultural commodity potatoes at 0.05 ppm. This tolerance was requested (PP 8G2121) by Ciba-Geigy Corp., Agricultural Div., P.O. Box 11422, Greensboro, NC 27409.

Ciba-Geigy Corp. has requested a renewal of the temporary tolerance to permit the continued marketing of the above raw agricultrual commodity when treated in accordance with the experimental use permit (100-EUP-1) which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance will be renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Ciba-Geigy Corp. will immediately notify the EPA of any findings from the experimental use that have a bearing on sefety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires January 20, 1983. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: May 13, 1981.

Douglas D. Campt.

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-15366 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-32-M

[ER-FRL-1835-8]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), EPA.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of May 11, 1981 to May 15, 1981.

REVIEW PERIODS: The 45-day review period for Draft EISs' listed in this notice is calculated from May 22, 1981 and will end on July 6, 1981. The 30-day review period for Final EISs' as calculated from May 22, 1981 will end on June 22, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EISs' previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

Dated: May 19, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

FS: Draft—Richland Creek Wilderness Study Area Designation, Ozark NF, Newton and Searcy Counties, Arkansas; the review period for this EIS has been extended until July 20, 1981 (EIS Order #810370)

FS: Revised Draft—Cheyenne Stage II Water Diversion Project, Medicine Bow NF, Albany and Carbon Counties, Wyoming; the review period for this EIS has been extended until July 10, 1981 (EIS Order #810372)

Army Corps of Engineers

Report—Mad Creek Local Flood Protection Project, Muscatine County, Iowa (EIS Order #810367)

Draft—Pinole Shoal and Mare Island Strait Deepening, Solano County, California (EIS Order #810371)

Draft—Geneve-On-The-Lake Small Boat Harbor, Ashtabula County, Ohio; the review period for this EIS has been extended until July 15, 1981 (EIS Order #810378)

Draft—State Road Coulee Flood Control Plan, LaCrosse County, Wisconsin (EIS Order #810380)

Final—Kikiaola Harbor Navigation Improvement, Kauai, Hawaii (EIS Order #810368)

Final—Aquatic Plant Control Program, South Carolina (EIS Order #810373)

Final—Westerly Creek Flood Protection, Denver and Arapahoe Counties, Colorado (EIS Order #810375)

Final—Mobile Harbor, Navigation Channel Enlargement, Mobile County, Alabama (EIS Order #810377)

Final—Yakima/Union Gap Flood Damage Reduction, Yakima County, Washington (EIS Order #810382)

Final—Maryland Coast and Assateague Island Beach Erosion, Maryland and Virginia (EIS Order #810383)

Department of Transportation

FHWA: Draft Supplement—I-15, Magnolia Avenue to CA-60, San Bernardino and Riverside Counties, California (EIS Order #810374)

Environmental Protection Agency

EPA1: Draft—Arlington Wastewater Treatment Facilities, Grant, Bennington County, Vermont (EIS Order #810381)

Department of Housing and Urban Development

104H: Draft—Greater Parlier Redevelopment Project, UDAG, Fresno County, California (EIS Order #810369)

Draft—Colorado Springs Metropolitan Areawide Study, El Paso County, Colorado (EIS Order #810379)

Nuclear Regulatory Commission

Final—San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California (EIS Order #810376)

[FR Doc. 81-15442 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1836-1]

Design and Construction of Wastewater Treatment Facilities, Town of Kingston, Plymouth County, Mass.; Intent To Prepare an Environmental Impact Statement

AGENCY: Environmental Impact Office, Region I, EPA.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS).

PURPOSE: In accordance with Section 102(2)(c) of the National Environmental Policy Act, the EPA has indentified a need to prepare an EIS, and therefore publishes this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Wood, Environmental Impact Office, U.S. Environmental Protection Agency, John F. Kennedy Federal Building, Room 2203, Boston, MA 02203; Telephone: (Commerical) 617-223-3190, (FTS) 8-223-3190.

SUMMARY:

1. Description of Proposed Action

The EPA action would be approval of a facilities plan and the issuance of grant monies pursuant to Section 201 of the Clean Water Act (Pub. L. 95-217) for the design and construction of wastewater treatment facilities for the Town of Kingston, Plymouth County, Massachusetts. The EIS will be prepared concurrently with the facilities plan update, and all practicable alternatives will be considered.

2. Public and Private Participation in the EIS Process

A full-scale public participation program will be developed which will encourage participation by all interested Federal, State and local Agencies as well as interested private citizens and organizations.

3. Scoping

For the purpose of determining the concerns and interest of both private parties and public agencies, scoping meetings will be held, first for local interests, in Kingston, on Wednesday, May 27, 8:00 p.m. at the Faunce School. A second meeting, for State and Federal agencies, will be on May 28 at 2:00 p.m., in Room 307 at the JFK Federal Building, Boston. This process will assure that all signficant issues are addressed in either the Facility Plan or the EIS.

4. Timing

It is expected that the Draft EIS will be distributed for public review and comment in the Summer of 1982.

5. Requests for Copies of the Draft EIS

For inclusion on the distribution list for the Draft EIS and other related public notices, all parties may indicate their interest by submitting names and addresses to the project officer (above) or the Public Participation Coordinator at Kingston Town Hall.

Dated: May 19, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

[FR Doc. 81-15441 Filed 5-21-81; 8:45 am]

BILLING CODE 6560-37-M

FEDERAL COMMUNICATIONS COMMISSION

Procedures and Practices of Mobile Services Division; Public Meeting

May 13, 1981.

The Mobile Services Division (MSD), Common Carrier Bureau will hold a public meeting on Monday, June 22, 1981, in Room 856, 1919 M Street, NW, Washington, DC 20554, starting at 10:00 A.M. The purpose of the meeting is to afford members of the mobile services community an opportunity to discuss with Commission staff the Division's procedures and practices, particularly focusing on changes that have occurred during the past year.

The agenda for the meeting is outlined below.

I. Review of Changes During Preceding Year. Some examples are:
- —return of defective applications
- —limited basis for Special Temporary Authority
- —height/power waiver requests
- —requirement for traffic load studies

It should be kept in mind that some issues may not be open for discussion because the matter is restricted by the Commission's *Ex Parte* rules.

II. Status of Pending Rulemakings. Some examples are:
- —900 MHz paging, General Docket 80-183
- —35 MHz paging, CC 80-189
- —Review of Part 22 Rules, CC 80-57
- —Cellular, CC 79-318
- —Regulatory Policy and Procedures, CC 20870

III. Internal Procedures of the MSD

IV. Industry Recommendations for Elimination of Rules

V. Current Issues and Miscellaneous Items

VI. Further Periodic Meetings

We do not propose that other matters of substance be excluded from discussion. If members of the public intend to raise other matters, advance notice to John Buscemi would be appreciated. This will assist the staff in preparing in advance a complete answer to any questions. If there are further

questions, please call John Buscemi, (202) 632–6450.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–15313 Filed 5–21–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, June 4, 1981
Thursday, June 18, 1981
Thursday, June 25, 1981

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202–632–9710).

May 13, 1981.

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 81–15318 Filed 5–21–81; 8:45 am]

BILLING CODE 6325–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA 639–DR]

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA–639–DR), dated May 14, 1981, and related determinations.

DATED: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–7800.

Notice: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of May 14, 1981, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from severe storms and flooding during May 5–6, 1981, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Alabama.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal funds under Pub. L. 93–288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent.

I expect State and local governments to undertake effective hazard mitigation activities with respect to this major disaster. Federal agencies will cooperate to the maximum extent possible by providing technical assistance.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Thomas P. Credle of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Alabama to have been affected adversely by this declared major disaster:

Mobile County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance.)

Thomas R. Casey,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81–15337 Filed 5–21–81; 8:45 am]

BILLING CODE 6718–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Federal Activities for Alcohol Abuse and Alcoholism Interagency Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5

U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of June 1981.

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

June 23; 9:30 a.m.—Open
Conference Room 703A, Hubert H. Humphrey Building
200 Independence Avenue, SW., Washington, D.C. 20201
Contact: Mr. Lee Towle, Room 16C–03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–2593

Purpose. The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism: (1) Evaluate the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism, and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate the efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda. The meeting will consist of a discussion of working group activities, Interagency Committee operations, and reports on agency activities.

Substantive program information may be obtained from the contact person listed above, Mr. Towle, who will also furnish, upon request, summaries of the meeting and a roster of Committee members.

Dated: May 19, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81–15378 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–88–M

Food and Drug Administration

Radiological Health and Safety Advisory Committee; Request for Nominations of Voting Members

AGENCY: The Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) requests nominations for membership on the Technical Electronic Product Radiation Safety Committee (TEPRSSC). One vacancy will exist on September 1, 1981, and five additional vacancies will occur on December 31, 1981.

DATE: Nominations must be received by July 21, 1981.

ADDRESS: Nomination must be submitted to the Bureau of Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Zory R. Glaser, Executive Secretary, TEPRSSC, at the address shown above, 301–443–3429.

SUPPLEMENTARY INFORMATION: The Secretary of Health and Human Services, and by delegation, the Commissioner of Food and Drugs, and the Director of the Bureau of Radiological Health, are charged with the administration of those portions of the Public Health Service Act that are designed to protect the public health from hazardous radiation emissions from electronic products.

The Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC), established by the Secretary under section 358(f)(1)(A) of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f (f)(1)(A)), which amended the Public Health Service Act, must be consulted before the Secretary prescribes any performance standard for electronic product radiation safety.

Nominations, Due Date, and Accompanying Information

All interested persons are invited to nominate qualified candidates for consideration as members of this Committee. Nominations must be received by July 21, 1981, and be accompanied by a curriculum vitae that states where the nominee may be contacted and provide detailed evidence of the nominee's qualifications, including current employment and professional affiliations. Nominations must also state that the person nominated is aware of the nomination, is interested in becoming involved in the effort, and appears to have no conflict of interest. Potential candidates will be asked by the Food and Drug Administration to provide detailed information concerning financial holdings, consultancies, and research grants, or contracts, to permit evaluation of possible sources of conflict of interest.

FDA has a special interest in ensuring that women, minority groups, and the handicapped are adequately represented on advisory committees, and therefore extends particular encouragement for the nominations of appropriately qualified female, minority, and handicapped candidates. FDA also welcomes the nomination of technically qualified individuals to represent the consumer perspective on issues before the Committee.

Further information on requirements of eligibility for membership on the Committee is provided below, under the Committee description.

In a notice published in the Federal Register of February 27, 1979 (44 FR 11123), the Commissioner requested nominations of qualified persons to replace members of TEPRSSC whose terms expired in 1979. There were no vacancies in 1980. Eligible individuals nominated in response to that earlier Federal Register publication who did not receive committee appointments will be reconsidered for a period of 2 years after nomination, along with those newly nominated for the vacancies. The following are names and affiliations of the members of TEPRSSC, including those appointed as a result of the February 27, 1979, request for nominations.

Present members of TEPRSSC are (dates shown are December 31 of the year in which their appointments expire):

1. Public sector: Dr. Wende W. Logan (1983), Consultant in Radiology, Rochester, NY; Ms. Mary E. Moore (1983), Associate Radiological Physicist, Cooper Medical Center, Camden, NJ; Dr. Valerie A. Brookeman (1982), Professor, Radiology Department, University of Florida College of Medicine, Gainesville, FL; Dr. Edwin L. Carstensen (1981), Professor, Department of Electrical Engineering, University of Rochester, NY; and Mr. Kenneth R. Edwards (1981), Director, Skill Improvement Training, International Brotherhood of Electrical Workers, Washington, DC.

2. Industrial sector: Mr. Cazamer L. Crouch (1983), Director of Research, Illuminating Engineering Research Institute, New York, NY; Dr. William R. Ingles (1983), Director of Radiological Services, American Medical International, Inc., Beverly Hills CA; Mr. Howard W. Johnson (1982), Staff Vice President, Product Safety, RCA Corp., Cherry Hill, NJ; Mr. Gerald A. Richardson (1982), Technical Director, Irex Medical Systems Corp., Upper Saddle River, NJ; and Mr. Stanley D. Savic (1981), Director, Product Evaluation and Compliance, Zenith Radio Corp., Glenview, IL.

3. Government: Ms. Goldie B. Watkins (1983), Deputy Commissioner for Prevention and Special Health Programs, New York State Health Department, New York, NY; Mr. Charles M. Hardin (Chairperson), (1981), Executive Secretary, The Conference of Radiation Control Program Directors; Mr. Elmer H. Eisenhower (1981), Chief, Office of Radiation Measurement, Center for Radiation Research, National Bureau of Standards, Washington, DC; Mr. Gerald S. Parker (1982), Assistant

Commissioner, Department of Public Health, State of Massachusetts, Boston; and Colonel Thomas L. Pitchford, M.S.C., U.S.A., (1982), Radiological Hygiene Consultant, U.S. Army Health Services Command, Fort Sam Houston, San Antonio, TX.

Since its inception in 1969, TEPRSSC has provided valuable technical and scientific advice to the Bureau of Radiological Health, FDA, on the development of electronic product radiation safety performance standards. Thus far, regulatory performance standards have been issued under 21 CFR Chapter I, Subchapter J, for television receivers, cold cathode gas discharge tubes, microwave ovens, diagnostic x-ray systems and their major components, cabinet x-ray equipment (including x-ray baggage inspection devices for use at airports and similar facilities), laser products, sunlamp products (for skin-tanning purposes), high-intensity mercury vapor discharge lamps, and ultrasound therapy equipment. The Committee meets approximately once each year and occasionally also reviews documents transmitted by mail.

Under section 358(f) of the Radiation Control for Health and Safety Act of 1968, members will be appointed by the Commissioner after consultation with public and private agencies concerned with the technical aspect of electronic product radiation safety. Each member shall be technically qualified by training and experience in one or more fields of science or engineering applicable to electronic product radiation safety. As required by that act, the Committee is composed of 15 members selected as follows:

1. Five from governmental agencies, including State and Federal governments;
2. Five from the affected industry, after consultation with industry representatives; and
3. Five from the general public, one of which shall be a representative of organized labor. The representative of organized labor also must be technically qualified by education or experience in one or more fields of electronic product radiation safety.

Effective December 31, 1981, two members from industry, two members from the public sector, and one member from the governmental sector will complete their terms. In addition, one member from the governmental sector is planning to retire from the military, and will assume a position at a university. This individual also will be replaced.

Nominations are solicited of individuals qualified in electronic product radiation safety to fill these vacancies for a 4-year term. Nominations are invited from labor, industry, public, consumer, government, trade, and professional organizations, and should be submitted with accompanying curriculum vitae and other pertinent information.

Dated: May 13, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-15002 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-03-M

Health Care Financing Administration

Medicare Program; Ambulatory Surgical Centers

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice and request for comment.

SUMMARY: HCFA is seeking specific information and suggestions for coverage and reimbursement under Medicare of certain surgical procedures that may be performed in ambulatory surgical centers. The information is needed to assist in the development of policies necessary to implement section 934 of the Omnibus Reconciliation Act (Pub. L. 96-499, December 5, 1980). That section, in part, provides new authority for payment under Medicare for procedures performed in these centers.

DATE: To assure consideration, comments should be received by June 22, 1981.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309-G Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland, 21235.

In commenting, please refer to BPP-135-GN. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309-G of the Department's office at 200 Independence Ave., S.W., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

FOR FURTHER INFORMATION CONTACT:

Donald Young, M.D. (Coverage) 301-594-9690;

Bernard Truffer (Reimbursement) 301-597-1369.

SUPPLEMENTARY INFORMATION:

Background

When reimbursement is made for surgical procedures performed in a hospital setting, whether furnished on an inpatient or outpatient basis, Medicare law currently permits hospital facility costs to be paid for in accordance with Medicare reasonable cost principles. The physician's professional services are reimbursed at 80 percent of the reasonable charge. However, Medicare law limits reimbursement for surgical procedures performed outside the hospital setting; that is, those performed in ambulatory surgical centers (ASCs) not affiliated with a hospital, or in physicians' offices. Coverage and reimbursement for services provided by the facility or the additional costs a physician incurs in staffing and maintaining an area appropriate for surgical procedures has not been permitted. Medicare, of course, pays 80 percent of the reasonable charge for physicians' services in these settings.

This limited reimbursement sometimes has resulted in patients being admitted to hospitals for surgery which may have been performed safely and less expensively in these other settings. A demonstration project conducted by HCFA indicated that (based on a proportional mix of surgical procedures performed in both ASCs and hospitals) the costs for surgical procedures performed in an ambulatory surgical setting were 55.3 percent less than when the procedures were performed on an inpatient basis and 18 percent less than when performed in a hospital outpatient setting.

Section 934 of the Omnibus Reconciliation Act (Pub. L. 96-499) amends Medicare law by authorizing reimbrusement for services provided by ASCs when a particular procedure is performed and by increasing reimbursement for physicians' professional services in some cases. The legislation also provides reimbursement for staffing and other costs for surgical procedures performed in physicians' offices; however, this notice does not address that part of the provision. We will consider that portion separately at a later date.

Legislation

Coverage. Section 934 amended section 1832(a)(2) of the Social Security Act to authorize Medicare coverage for facility services furnished in connection with certain surgical procedures performed in an ASC. The Secretary of

Health and Human Services must develop, in consultation with the National Professional Standards Review Council and national medical organizations, a list of those procedures that may be covered under this provision. The procedures on the list would be only those which are often performed on an inpatient basis but which can, consistent with accepted medical practice, be done on an outpatient basis in an ambulatory surgical facility. (We recognize, of course, that for individuals with certain medical conditions a procedure on the list may be safely performed only on an inpatient basis. In those cases we will pay for the surgery on an inpatient basis in the usual way.)

However, the list would not include procedures that have customarily been performed on an outpatient basis in locations that have less elaborate surgical facilities than those found in ambulatory surgical centers; for example, physicians' offices. Congress emphasized that services covered under this provision should be furnished where they can be done appropriately, safely, and less expensively.

Reimbursement. Section 934 of Pub. L. 96–499 distinguishes between payment for facility services furnished by an ASC and payment for physicians' professional services. For facility services furnished by an ASC in connection with a covered surgical procedure, Medicare will pay a prospectively determined overhead rate for each procedure that takes into account the costs incurred by ASCs generally in providing such services, and assure that the payment is substantially less than would have been paid had the procedure been performed on an inpatient basis in a hospital. The overhead amount may be adjusted by the secretary to take account of varying conditions such as geographic locality. The ASC must accept assignment of all Medicare claims; that is, accept Medicare's reimbursement as payment in full for services, as a condition of payment under this provision. Medicare payment will then be made at 100 percent of the overhead rate per procedure. For physicians' professional services, Medicare will pay 100 percent of the reasonable charge for a surgical procedure if the physician performing the procedure accepts assignment of the claim. If assignment is not accepted, the usual rules governing Medicare payments to the physician would prevail.

Request for Information

As indicated by the discussion above, this provision of the legislation grants the Secretary considerable flexibility regarding the types of surgical procedures that may be covered when performed in ASCs, and the rates that may be paid to ASCs for providing services in connection with those procedures. Because of this flexibility, we are requesting information and suggestions from interested persons or groups, professional organizations, specialty societies and surgical facilities to assist us in formulating appropriate policy that is both consistent with the intent of Congress and responsive to the concerns of the public and the health care facilities and practitioners involved.

With respect to the development of lists of covered surgical procedures, we would appreciate information and suggestions on the following:

1. Broad, generally accepted criteria for determining what surgical procedures, now done on an inpatient basis, may be safely performed in ambulatory surgical facilities.

2. Broad, generally accepted criteria for distinguishing those surgical procedures which may be performed in ASCs from those which may be performed in less elaborate surgical facilities.

3. Facility characteristics or capabilities necessary to perform such surgical procedures safely in an ambulatory surgical center (for example, full-scale operating room, recovery room, infection control).

4. Professional services necessary to perform such procedures safely in ambulatory surgical facilities (for example, anesthesia services, nursing services).

5. Specific surgical procedures now done on an inpatient basis which can safely be done in an ambulatory surgical facility.

In developing rates of payment to ASCs for covered surgical procedures, we would appreciate information and suggestions on the following:

1. Services that are included in an ASC's usual charge for a particular procedure. What services, if any, are billed at additional charges?

2. The most feasible mechanism to relate costs incurred by a facility to a particular procedure. Would operating room time, facility charges, or some other mechanism be appropriate for this purpose?

3. Provisions that are made for anesthesia. Is anesthesia provided by facility staff (anesthesiologist or nonphysician anesthetists) or under arrangements? How are such services billed? Are payments made by the facility to an anesthesiologist for "stand-by" coverage?

4. The manner in which third-party payors reimburse the ASC for facility services.

We also encourage ambulatory surgical facilities to submit copies of charge schedules and cost information (income and expense statements, tax returns or other documentation). We would like to use this information as background data in developing reimbursement rates because this provision of the legislation does not explicitly require an ongoing audit of individual financial records. In fact, the legislation amended section 1833 of the Social Security Act to provide that reimbursement should be on the basis of the Secretary's estimate of a fair fee which takes into account the costs incurred by such centers generally. Therefore, in considering how to estimate a fair cost-related fee for surgical overhead costs, we are seeking reliable cost information from potential participants.

We are allowing 30 days for response and will consider all comments in formulating our policy. We plan to issue regulations for implementing section 934 of the legislation as promptly as possible.

Dated: May 18, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 81-15338 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-35-M

National Institutes of Health

Advisory Committee to the Director, National Institutes of Health; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, on June 8–9, 1981, at the National Institutes of Health, Bethesda, Maryland. The meeting will take place from 8:30 a.m. to 5:30 p.m. on June 8, and from 8:30 a.m. to 12:30 p.m. on June 9, in Building 31, Conference Room 10, C Wing. The entire meeting will be open to the public.

The meeting will be devoted to an examination of (1) costs of biomedical research, and (2) cooperative research relationships among Government, industry, and universities. The Committee has been examining these issues in meetings held over the past several months. Two working groups under the aegis of the Advisory Committee have been established to assist the Committee. In the area of biomedical research costs, presentations will be made on Federal procurement

and assistance concepts, the Federal Grants and Cooperative Agreement Act of 1977, and university profiles on indirect cost allocations. Presentations will also include an examination of various alternatives to the present system of allocating direct and indirect costs for research grants. The second part of the meeting will be devoted to Government-industry relationships with discussion of Federal agency patent policies and the policy issues for the NIH grants and contracts system posed by the implementation of the Patent and Trademark Law Amendments (Pub. L. 96–517).

The second day will focus on a case model of a biomedical research invention—hybridomas—and relevant policy issues pertaining to the allocation and use of patent rights in university settings and the impact of commingling Government and industry funds in university-based laboratories.

The Executive Secretary, Joseph G. Perpich, M.D., J.D., National Institutes of Health, Building 1, Room 137, Bethesda, Maryland 20205, 301–496–3152, will furnish summaries of the meeting, rosters of Committee members and guests, and substantive program information.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15294 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee on June 10–11, 1981, convening each day at 8:30 a.m. in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on June 11, and the meeting of the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications on June 12 from 9:00 a.m. to approximately 12:00 noon in the 5th floor Conference Room of the Lister Hill Center Building, 8600 Rockville Pike, Bethesda, Maryland.

The meeting on June 10 will be open to the public from 8:30 to 11:00 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the regular meeting and the subcommittee meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications, as follows: June 10 from 11:00 a.m. to 5:00 p.m., June 11 from 8:30 a.m. to adjournment; and June 12 for the subcommittee meeting from 9:00 a.m. to 12:00 noon. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone number: 301–496–4191, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15295 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Board of Scientific Counselors, Division of Cancer Treatment; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCT, National Cancer Institute, June 11–12, 1981, in the Lobby Room, the Holiday Inn, 5520 Wisconsin Avenue, Bethesda, Maryland. This meeting will be open to the public on June 11, 1981, from 8:30 a.m. until 4:00 p.m., and again on June 12, 1981, from 8:30 a.m. until adjournment, to review program plans, contract recompetitions and budget for the DCT program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 11, 1981, from 4:00 p.m. to 5:30 p.m., for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A–06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Saul A. Schepartz, Acting Director, Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A–52, National Institutes of Health, Bethesda, Maryland 20205 (301–496–4291) will furnish substantive program information.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15296 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Board of Scientific Counselors, National Eye Institute; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Eye Institute, June 8 and 9, 1981, Building 31, Room 6A–35, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 8 from 8:30 a.m. until approximately 2:30 p.m. for general remarks by the Institute's Scientific Director on matters concerning the intramural programs of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 8 from approximately 2:30 p.m. until adjournment and the entire day on June 9 for review, discussion, and evaluation of individual projects conducted by the Clinical Branch, NEI. This evaluation and discussion could reveal personal information concerning individuals associated with the projects, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Consequently, this

meeting is concerned with matters except from mandatory disclosure.

Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of the meeting and rosters of committee members.

Substantive program information may be obtained from Dr. Jin Kinoshita, Scientific Director, National Eye Institute, Building 6, Room 222–A, National Institutes of Health, Bethesda, Maryland 20205 (telephone 301/496–3552).

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15297 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Board of Scientific Counselors, National Institute of Child Health and Human Development; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, June 24, 1981, in Building 31, Room 2A–52. This meeting will be open to the public from 8:30 a.m. to 3:00 p.m. on June 24 for the review of the Child and Family Research Branch of the Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 3:00 p.m. to adjournment on June 24 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of Board members. Dr. James Sidbury, Scientific Director, NICHD, Building 31, Room 2A–50, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–2133, will furnish substantive program information.

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15298 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Cancer Clinical Investigation Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, June 22–23, 1981, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on June 22, from 8:30 a.m. to 11:00 a.m., to review administrative details and for a Mini-symposium on "The Role of Surgical Oncology in Cooperative Clinical Studies." Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 22, from 11:00 a.m. to 5:00 p.m., and on June 23 from 8:30 a.m. to adjourment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commerical property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Dorothy K. Macfarlane, Executive Secretary, National Cancer Institute, Westwood Building, Room 819, National Institutes of Health, Bethesda, Maryland 20205 (301–496–7481) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.395, Project grants in cancer treatment research, National Institutes of Health)

Note.—NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15299 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Cancer Special Program Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Special Program Advisory Committee, National Cancer Institute, July 13–14, 1981, Bethesda Marriott Hotel, 2 Pooks Hill Road, Bethesda, Maryland 20014. This meeting will be open to the public on July 13, from 9 a.m. to 10 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 13, from 10 a.m. to 5 p.m., and on July 14, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. William R. Sanslone, Executive Secretary, National Cancer Institute, Westwood Building, Room 805, National Institutes of Health, Bethesda, Maryland (301/496–7565) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.392, project grants in cancer construction, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15300 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Clinical Cancer Education Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Cancer Education Committee, National Cancer Institute, June 10, 1981, Blair Building, Conference Room 1, 8300 Colesville Road, Silver Spring, Maryland 20910. This meeting will be open to the public on June 10, from 8:30 a.m. to 9:30 a.m., to review administrative details. Attendance by the pubic will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 10, 1981, from 9:30 a.m. to 5:00 p.m., for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Margaret H. Edwards, Executive Secretary, National Cancer Institute, Blair Building, Room 722, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8855) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15301 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the Clincial Trials Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health, on June 21–22, 1981, at the Shoreham Hotel, 2500 Calvert Street, NW., Washington, D.C. 20008.

This meeting will be open to the public from 8:00 p.m. to 8:30 p.m. on June 21, 1981 to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendence by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:30 p.m. to adjournment on June 21, 1981, and from 8:30 a.m. to adjournment on June 22, 1981 for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal personal information concerning individuals associated with these applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Bethesda, Maryland, 20205, Building 31, Room 4A–21, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Bethesda, Maryland 20205, Room 548B, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15302 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

Endocrinology Study Section and Microbial Physiology Study Section; Amended Notice of Meetings

Notice is hereby given of a change in the meeting location of the following National Institutes of Health Study Sections which were published in the **Federal Register** on May 1, 1981 (46 FR 24712).

The Endocrinology Study Section was to have met at the Linden Hill Hotel, Bethesda, MD, but will meet at the Holiday Inn, Chevy Chase, MD, on the same dates and times for which it was originally scheduled. The opening session will convene at 3:00 p.m., June 14, 1981. The subsequent scheduled meetings will begin at 8:30 a.m., June 15, 1981, and June 16, 1981.

The Microbial Physiology Study Section was to have met at the Linden Hill Hotel, Bethesda, MD, but will meet at the Sheraton Potomac, Rockville, MD, on the same dates and times for which it was originally scheduled. The opening session will convene at 8:30 a.m., June 11, 1981. The subsequent scheduled meeting will be held at 8:30 a.m., on June 12, 1981.

Dated: May 15, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15303 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, June 25–26, 1981 at the National Institutes of Health. The meeting will be held in Conference Room 9, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. to approximately 1:30 p.m. on June 25, 1981, to discuss policy matters relating to the Minority Biomedical Support Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 25, 1981, from approximately 1:30 p.m. to 5:00 p.m. and on June 26 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Maryland 20205, telephone (301) 496–5545, will provide summaries of the meeting and rosters of committee members. Dr. Sidney A. McNairy, Executive Secretary

of the General Research Support Review Committee, Building 31, Room 5B29, Bethesda, Maryland 20205, telephone (301) 496–6743 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375, Minority Biomedical Support Program, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15304 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Maternal and Child Health Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on June 23–24, 1981, in the Landow Building, Conference Room A, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 23, from 9:00 a.m. to 10:30 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Deputy Director, Associate Director for Scientific Review and Chiefs of the Human Learning and Behavior and the Clinical Nutrition and Early Development Branches and the Executive Secretary of the Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 23 from 10:30 a.m. to adjournment on June 24 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal property.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of committee members. Dr. Jane Showacre, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room 6C03, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, Research for Mothers and Children, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15305 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Mental Retardation Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on June 25–26, 1981, in Conference Room A Landow Building, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 25 from 9:00 a.m. to 11:00 a.m. to discuss items relative to the Committee's activities including announcements by the Director, National Institute of Child Health and Human Development, and the Executive Secretary, Mental Retardation Research Committee.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 25 from 11:00 a.m. to adjournment on June 26 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, 6C–08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and roster of committee members. Dr. Stanley L. Slater, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room 6C–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, Research for Mothers and Children, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15306 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Eye Council and the Vision Research Program Planning Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, June 1, 2, and 3, 1981, Bethesda, Maryland.

The National Advisory Eye Council's standing subcommittee, the Vision Research Program Planning Subcommittee, will meet at 7:00 p.m., Sunday, May 31, 1981, in the Bethesda Marriott Hotel, 2 Pooks Hill Road, Bethesda, Maryland, for a final review of the reports of the five program planning panels, to review the priorities recommended by those panels, and to discuss Volume I of the program planning document, which is the overview and summary report. Attendance by the public will be limited to space available.

The full National Advisory Eye Council will meet June 1, 2, and 3, 1981, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. until approximately 3:00 p.m. on Monday, June 1, for opening remarks by the Director, National Eye Institute, for discussions of the final drafts of the reports of the Council's five program planning panels, and for discussions of procedural matters and presentations by the extramural staff of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from approximately 3:00 p.m. for the

remainder of the day on Monday, June 1, and all day on Tuesday and Wednesday, June 2 and 3, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidentail trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15307 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Research Resources Council; Amended Meeting

Notice is hereby given of a change in the agenda of the meeting of the National Advisory Research Resources Council, May 28–29, 1981, Conference Room 10, Building 31, National Institutes of Health, Bethesda, MD 20205, and published in the **Federal Register** on May 8, 1981, 46 FR 25701.

An address to the Council by the Director, National Institutes of Health, has been added to the open portion of the meeting, at 10:00 a.m. on May 28.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clincial Research; 13.337, Biomedical Research Support; 13.371, Biotechnology Resources; 13.375, Minority Biomedical Support; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: May 18, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15308 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Neurological Sciences Study Section; Amended Meeting

Notice is hereby given of a change in the meeting date and location of the following National Institutes of Health Study Sections which was published in the **Federal Register** on May 1, 1981 (46 FR 24712).

The Neurological Sciences Study Section was to have met at the National Institutes of Health, Building 31C, Conference Room 9 on June 11–13, 1981. It will now meet June 17–20, 1981 at the Holiday Inn-Wellington, Washington, D.C. The opening session will convene at 8:30 a.m., June 17, 1981. The subsequent scheduled meetings will begin at 8:30 a.m., June 18, 19, 20, 1981.

Dated: May 15, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15309 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Population Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on June 25–26, 1981 in Building 31, Wing A, Conference Room 4, 9000 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public on June 25 from 9:00 a.m. to 10:30 a.m. to discuss the program status, new developments and projections for population research centers, program projects and institutional fellowships. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 25 from 10:30 a.m. to adjournment on June 26 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C–08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of committee members. Dr. Dinesh C. Sharma, Executive Secretary of the Population Research Committee, NICHD, Landow Building, Room 6C–03, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish other information.

(Catalog of Federal Domestic Assistance Program No. 13.864, Population Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–15310 Filed 5–21–81; 8:45 am]

BILLING CODE 4110–08–M

Sickle Cell Disease Advisory Committee; Amended Meeting

Notice is hereby given of a change in the meeting of the Sickle Cell Disease Advisory Committee sponsored by the National Heart, Lung, and Blood Institute, National Institutes of Health, which was published in the **Federal Register** on April 17, 1981, 46 FR 22465.

This meeting was to have convened at 9:00 a.m. on June 1–2, 1981, but has been changed to a one-day meeting to be convened at 9:00 a.m. on June 2, 1981, only in the Federal Building, 7550 Wisconsin Avenue, Conference Room B–119, National Institutes of Health, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, Phone: (301) 496–4236, will provide summaries of the meeting and roster of the Committee members.

Clarice D. Reid, M.D., Chief, Sickle Cell Disease Branch, DBDR, NHLBI, Federal Building, Room 504, (301) 496–6931, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: May 15, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15311 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

Vision Research Program Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute, June 25, 1981, Building 31, C Wing, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on Thursday, June 25, from 8:30 a.m. to 9:30 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:30 a.m. on June 25 until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of the meeting and rosters of committee members.

Dr. Catherine Henley, Review and Special Projects Officer, Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–5561, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15312 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI–51]

Planned Development for Butterfield, Kane, and Du Page Counties, Ill., Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Planned Development for Butterfield, Kane and Du Page Counties, Illinois. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix below.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., May 12, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on Butterfield, Cities of Warrenville and Aurora, Counties of Kane and Du Page, Illinois

The U.S. Department of Housing and Urban Development (HUD) Area Office in Chicago, Illinois intends to prepare an Environmental Impact Statement on the project described below and solicits information and comments for consideration in the EIS.

Description: Butterfield consists of approximately 1,400 contiguous acres located in an area bounded generally by Butterfield Road on north, Molitor Road on the south, the Illinois Prairie Path on the west, and Route 59 on the east. The overall planned development district involves several developers and, as presented to the City of Aurora, will be developed over a twenty year period. The overall development will include 10,400 units expected to generate an additional population of 28,000 as well as business and industrial land uses. Construction has begun and is continuing on the project using private funds. A portion of Butterfield being developed by Horizon Development corporation has been approved by the Veterans Administration (Master Panel #3359). The proposed federal action is to make available FHA mortgage insurance for individual home buyers under Sections 203(b), 234(c), and 245 of the National Housing Act of 1934.

Need: An EIS is being prepared because the overall project exceeds the threshold level for EIS's established by HUD (1,200 for Du Page County and 800 for Kane County) and its Departmental Procedure for Protection and Enhancement of Environmental Quality (24 CFR Part 50). The plan description is based on the Butterfield Planned Development District documents on file with the city of Aurora. The draft EIS is expected to be completed and distributed in the Summer of 1982. HUD will review any requests for an "early start" which would enable FHA participation in the development prior to completion of the EIS under the procedure outlined in 24 CFR 50.21(h). Such participation would be limited to under 200 units total.

Alternatives Perceived: Alternatives that will be studied for this particular site include: (1) No federal action, (2) open space, (3) project as proposed, (4) less intense zoning.

Scoping: Response to this notice will assist in identifying data sources and Significant environmental issues which the EIS should address.

Comments: Comments should be sent on or before June 12, 1981, to the Environmental Office, HUD, 1 North Dearborn Street, Chicago, Illinois 60602.

[FR Doc. 81-15378 Filed 5-21-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-52]

West Marion C. D. Project, Marion, N.C.; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: West Marion C. D. Project, Marion, North Carolina. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., May 11, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Notice of Intent to File Environmental Impact Statement

West Marion C. D. Project, Marion, North Carolina

The Community Development Department in Marion, North Carolina, intends to prepare an Environmental Impact Statement on a Single Purpose Community Development Block Grant Project described below, and requests information and comments for consideration in the Environmental Impact Statement.

Description: The West Marion Community Development Project, funded by a Small Cities Block Grant from HUD, is designed to address the neighborhood revitalization needs of a designated target area located in E. D. 111-11. The purpose of this project is to remove the blighted conditions in the neighborhood which also include specific public facilities improvements. Existing plans projects the rehabilitation of 45 single family dwellings; the installation of 3,350 linear feet of twelve-inch water line and 5,125 linear feet of six-inch water line; improvements to approximately 2,900 linear feet of existing and proposed streets; the demolition of 8 dilapidated structures; the acquisition of necessary right-of-way; and limited relocation activities. The City has projected that these activities should be completed by the first quarter of 1982.

Need: An Environmental Impact Statement is proposed due to HUD threshold requirements for waterline projects cited in the environmental regulations, 24 CFR 58.25 (a)(1) and (c). The EIS will also address the impact on community services, water resources and potential growth that may occur as a result of this project.

Alternatives: At this time, the City alternatives include: no project; accept project as proposed; accept project with conditions; or modifications of the project.

Scoping: This notice is part of the process used for scoping the West Marion Community Development Block Grant Project Environmental Impact Statement. Responses will help determine significant environmental issues and identify data which the EIS should address, and will help identify cooperating agencies. The date for the scoping meeting has not been set. Interested parties should contact the agency below to be notified of the scoping meeting date.

Comments: Comments should be forwarded on or before June 12, 1981, to Richard N. Hicks; Community Development Director; City of Marion, P. O. Drawer 700; Marion, North Carolina 28752 (or call (704) 652-5823).

[FR Doc. 81-15379 Filed 5-21-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit; Receipt of Application

Applicant: Commander Naval Forces, Caribbean

The applicant requests a permit to take hawksbill *(Eretmochelys imbricata)*, leatherback *(Dermochelys coriacea)*, green *(Chelonia mydas)* and loggerhead *(Caretta caretta)* sea turtles in Puerto Rico for the purpose of enhancement of survival. The project includes beach surveys and protection of hatchlings.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7837. Interested persons may comment on this application on or before June 22, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: May 15, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 81-15420 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct various activities with Endangered Species:

Applicant: Richard L. Thompson, U.S. Fish and Wildlife Service, Tallahassee, FL, PRT 2-7883

The applicant requests a permit to capture, handle, band, tag, mark, and release red-cockaded woodpeckers *(Picoides borealis)* in Florida and Georgia for scientific purposes.

Applicant: Steven Colyer Foster, Karnes City, TX, PRT 2-7949

The applicant requests a permit to capture and release for scientific purposes the following species in southern Texas: black-footed ferret *(Mustela nigripes)*, jaguarundi *(Felis yagouaroundi cacomitii)*, Margay *(F. wiedii)* and ocelot *(F. pardalis)*.

Applicant: Andies Critters & Varmints, Modesto, CA

The applicant requests an amendment to PRT 2-7878 to include authorization to purchase in interstate commerce for enhancement or propagation two more cheetahs *(Acinonyx jubatus)*. The total number of cheetahs to be purchased is five.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before June 22, 1981, by submitting written data, views, or arguments to the Director at the above address.

Dated: May 14, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-15421 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

California; Willow Creek Grazing Management Plan; Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meetings

Department of the Interior, Bureau of Land Management, Susanville District, California, will prepare an Environmental Impact Statement on alternative grazing management plans for 297,079 acres of public land in the Willow Creek Planning Unit in Lassen County, California. The statement will analyze anticipated environmental consequences which would result from the implementation of the alternative grazing plans proposed by the Eagle Lake Area Manager. These alternative plans will incorporate variations in location, seasonal use, and intensity of livestock grazing and amount of range improvements. The final statement is scheduled for completion by September 30, 1982.

Two public meetings will be held to review the alternative grazing plans and the manner in which they were developed, and to scope resulting anticipated environmental consequences and related public concerns. The meetings will be held Wednesday, June 24, 1981, at 10:00 a.m. and 7:00 p.m. at the U.S. Forest Service Engineering Services Building Conference Room, 1800 Main Street, Susanville, California.

Further information on the Willow Creek Grazing Environmental Impact Statement may be obtained from Mark Morse, Eagle Lake Area Manager, Bureau of Land Management, 705 Hall Street, Susanville, California 96130, telephone 916-257-5381.

Dated: April 20, 1981.

James B. Ruch,

State Director.

[FR Doc. 81-15323 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 1180]

New Mexico; Proposed Withdrawal Continuation; Correction

May 11, 1981.

Notice of Proposed Withdrawal Continuation under serial No. NM 1180 appearing as FR Doc. 81-11377 (filed 4-14-81), April 15, 1981 issue of the **Federal Register** at pages 22042-22043, line 18 is modified to include "for a period of 50 years" following the word "entirety." Line 50 is corrected to read Sec. 17, Tracts A and B HES 414 instead of Sec. 17, Tracts A and B HES 44.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-15375 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf; Notice of Availability of Final Environmental Impact Statement Regarding Proposed Oil and Gas Lease Sale Offshore the Mid-Atlantic States

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has preared a Final Environmental Impact Statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 253 tracts consisting of 582,912 hectares (1,440,376 acres) of submerged lands off the coast of the Mid-Atlantic States, OCS Sale No. 59.

Single copies of the Final Environmental Impact Statement can be obtained from the Office of the Manager, New York, OCS Office, Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10278, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the Final Environmental Impact Statement will also be made available for inspection in the following public libraries: Providence Public Library, 150 Empire Street, Providence, RI 02903; Public Library, 105 45th Street, Sea Isle City, NJ 08243; Newport Public Library, Aquidneck Park, Newport, RI 02117; Monmouth County Library, 25 Broad Street, Freehold, NJ 07728; Boston Public Library, Copley Square, Boston, MA 02117; Atlantic County Library, Surrogate Building, Mays Landing, NJ 08330; Christian Science Monitor, 1 Norway Street, Boston, MA 02115; East Brunswick Public Library, 2 Jean Walling Civic Center, East Brunswick, NJ 08625; New York Public Library, 5th Avenue and 42nd Street, New York, NY 10018; New Jersey State Library, P.O. Box 1898, Trenton, NJ 08625; Nassau Library System, Reference Division, 900 Jerusalem Avenue, Uniondale, NY 11553; Free Library of Philadelphia, Logan Circle, Philadelphia, PA 19141; Suffolk Cooperative Library System, 627 North Sunrise Service Road, P.O. Box 1872, Bellport, NY 11713; Rehoboth Beach Public Library, Municipal Center, Rehoboth Avenue, Rehoboth Beach, DE 19971; Trenton Free Public Library, 120 Academy Street, Trenton, NJ 08608; Wilmington Institute Free Library and Newcastle County Free Library, 10th & Market Streets, Wilmington, DE 19801; Atlantic City Free Public Library, Illinois and Pacific Avenues, Atlantic City, NJ 08401; Eastern Shore Area Library, 122-126 South Division, Salisbury, MD 21801; Public Library, 639 Washington Street, Cape May, NJ 08204; Enoch Pratt Free Library, 400 Catherdral Street, Baltimore, MD 21201; Ocean County Library, 15 Hooper Avenue, Toms River, NJ 08753; Norfolk Public Library System, 301 South City Hall Avenue, Norfolk, VA 23510.

George D. Lea,

Acting Associate Director, Bureau of Land Management

Approved:

Cecil S. Hoffmann,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 15293 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[No. AB-6 (Sub-No. 90)]

Burlington Northern Inc.—Abandonment—Between Cooper Spur and Shubert, NE; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision entered May 14, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 2, that the public convenience and necessity permit the abandonment by Burlington Northern Inc. (BN), of its rail line between Cooper Spur (milepost 26.52) and Shubert (milepost 11.32), a distance of 9.3 miles in Richardson and Nemaha Counties, NE, subject to the

conditions for the protection of employees developed in *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to BN based on the noted finding of abandonment, unless within 15 days from the date of publication the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this notice; and

(2) it is likely that such proferred assistance would (a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer has been made. If no agreement is reached within 30 days of an offer, and no request is made to the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. upon notification to the Commission of the execution of an assistance or acquisition agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–15425 filed 5–21–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–6 (Sub-No. 92)]

Burlington, Northern, Inc.—Abandonment—Between Hill City and Keystone, in Pennington County, SD; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903, that by an administratively final certificate and decision decided by the Commission, Review Board Number 1 on May 14, 1981, finding that public convenience and necessity permit Burlington Northern, Inc. (BN), to abandon 8.85 miles of railroad between Hill City and Keystone, in Pennington County, SD. The abandonment is subject to the following conditions: (1) the employee protective conditions in *Oregon Short Line R. Co. Abandonment—Goshen*, 360 I.C.C. 91 (1979), and (2) the condition that BN keep intact all of the right of way underlying the track, including all the bridges and culverts, for a period of 120 days from the decided date of this certificate and decision to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right of way. The certificate and decision authorizing abandonment is being served on BN concurrently with publication of this notice, and will become effective 30 days thereafter, unless the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable rail service to be continued. The offer must be filed with the Commission and served concurrently on applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice and;

(2) It is likely that such proffered assistance would:

(a) cover the difference between revenues which are attributable to the line of railroad and the avoidable cost of providing rail service on the line, together with a reasonable return on the value of the line, or (b) cover the acquisition cost of all or any portion of the line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer and no request is made for the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after this notice is published. When the Commission is notified that an assistance or acquisition or operating agreement is executed, it will postpone the issuance of the certificate for the period of time the agreement (including any extensions or modifications) is in effect.

Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448, effective October 1, 1980). All interested persons are advised to follow the instructions contained in the statute as well as the instructions contained in the Commission's decision in this proceeding.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–15380 Filed 5–21–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–1 (Sub-No. 81)F]

Chicago and North Western Transportation Company—Abandonment—Between Mallard and Terril, IA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a certificate and decision decided April 28, 1981, a finding was made by the Commission, Review Board Number 3, stating that the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a segment of its line from milepost 182.5 near Terril, IA to milepost 197.0 near Spencer, IA, and from milepost 210.2 near Ruthven, IA to milepost 227.9 near Mallard, IA; and abandonment of operations over the tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad from milepost 204.1 near Spencer to milepost 216.5 near Ruthven, a total distance of 44.6 miles in Palo Alto, Clay and Dickinson Counties, IA subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

A certificate of public convenience and necessity (served with the decision) will be issued to the Chicago and North Western Transportation Company based on the above described finding of abandonment 30 days after publication of this notice. However, issuance will be delayed if: (1) an appeal is filed and considered; or (2) within 15 days from

the date of publication the Commission further finds that:

(a) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from the publication of this Notice; and

(b) It is likely that such proffered assistance would:

(i) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(ii) Cover the acquisition cost of all or any portion of such line of railroad.

An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension or modifications) is in effect. Information and procedure regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448 effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15389 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29570]

Detroit, Toledo and Ironton Railroad—Trackage Rights—Between Washington Court House and Greggs, OH—Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: On January 30, 1981, the Detroit, Toledo and Ironton Railroad Company (DT&I) filed a petition under 49 U.S.C. 10505 seeking exemption of a proposed trackage rights agreement from the requirements of 49 U.S.C. 11343–11347. The agreement grants trackage rights to DT&I over lines of the Baltimore and Ohio Railroad Company (B&O) and the Chesapeake and Ohio Railway Company (C&O). We conclude that the proposal involves a relocation of a railroad line without disruption of service to shippers, a transaction which has already been exempted from our regulation under 49 CFR 1111.5(c)(5).

DATE: This transaction may be consummated as of the date of this publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275–3002, or Ellen D. Hanson, (202) 275–7245.

SUPPLEMENTAL INFORMATION: DT&I owns and operates a rail line between Springfield and Ironton, OH. A portion of this line extends between Washington Court House and Greggs, OH, via Trifton, Waverly, and Summit Hill, OH. Between Thrifton and Waverly (M.P. 249.2 and M.P. 282), DT&I has only one public siding, located at Bainbridge. The only activity at Bainbridge is to load company ties. No industries are located in this territory. The line north of Summit Hill between M.P. 264 and M.P. 271 curves up to 16 degrees and has grades as high as 2.1 percent. The line south of Sumit Hill between M.P. 271 and M.P. 282 drops 510 feet in 11 miles. DT&I has experienced serius operating difficulties and incurred significant expense because of the severe grades and curves on this line.

B&O and C&O, subsidiaries of CSX Corporation (CSX) maintain a line between Washington Court House and Greggs via Chillicothe, OH, which roughly parallels the DT&I line between these points. The CSX line is essentially a flat water level route which allows for a far more efficient and economical rail operation than that provided by the present DT&I route.

DT&I seeks to relocate its operations between Washington Court House and Greggs to the CSX line under a trackage rights agreement negotiated in accordance with our decision in Finance Docket No. 28905 (Sub-No. 1), *CSX Corporation-Control-Chessie System and Seaboard Coast Line* 363 I.C.C. 518 (1980). The agreement authorizes DT&I operations over approximately 60 miles of CSX track. Use of the CSX line will eliminate any need for DT&I to continue its operations between Thrifton and Waverly, and DT&I contemplates abandoning this 33.2 mile segment of line.

Discussion

In Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures*, 363 I.C.C. 363, 45 FR 62991 (September 23, 1980), we exempted certain classes of rail consolidation transactions from our regulation. 49 CFR 1111.5(c). We found that our prior review and approval of these classes of transactions (1) is not necessary to carry out the national transportation policy of 49 U.S.C. 10101, (2) would be an unreasonable burden on interstate commerce, and (3) would serve little or no useful purpose.[1] Enumerated among these exempt transactions is item (5), "joint projects involving the relocation of a line of railroad which does not disrupt service to shippers."

From the facts presented it is apparent that DT&I is seeking, by means of the proposed trackage rights agreement with CSX, to relocate its line between Washington Court House and Greggs, and that this joint-project will not disrupt service to shippers. The relocation contemplated accords with the express language of section 1111.5(c)(5) of our regulations, and is consistent with the reasoning, purpose, and intent of the exemption.

We conclude that the proposed transaction falls within the exemption of section 1111.5(c)(5). See *Southern Pac. Transp. Co. and St. L. SW. Ry. Co.—Exemption*, 363 I.C.C. 848 (1981). This finding may broaden, for purposes of section 1111.5(c)(5), the traditional meaning of a "rail relocation" because it involves the substitution of trackage rights for a perpetual right to operate over a line held in fee simple. *Compare Southern Pac. Transp. Co., supra* at 851. In contrast to most trackage rights agreements, however, the trackage rights involved here are not terminable at the owner's option, and run for a term of 30 years (renewable for 30 years) thus providing some assurance of DT&I's ability to continue service. Moreover, a broadening of the applicability of the section 1111.5(c)(5) exemption comports with the Congressional policy underlying the recent amendment of 49 U.S.C. 11344 by the Staggers Rail Act of

[1] The basis for the promulgation of this rule lies in our exemption authority at 49 U.S.C. 10505. Section 10505, as since amended by the Staggers Rail Act of 1980 [Pub. L. No. 96-448, 94 Stat. 1895 (1980)], provides for us to use this exemption authority when we find that (1) our regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a; and (2) either (A) the transaction or service is of limited scope, or (B) our regulation is not needed to protect shippers from the abuse of market power.

V 46 / 99 MAY 22 81 UMI

1980 (Pub. L. No. 96-448, 94 Stat. 1895).[2] In the future, railroads involved in transactions of this type need only comply with the notice requirements contained in 49 CFR 1111.4(g).

On February 13, 1981, DT&I filed a motion in this proceeding for expedited action and waiver of 30 day notice period. Included in th emotion was a request that the proposed abandonment between Thrifton and Waverly be included within the proposed exemption authorization. The facts presently available are insufficient to allow for an exemption determination in this notice with regard to the proposed abandonment. In particular, no information has been provided as to the effect which the abandonment proposal will have on operations and service over the retained portion of the line between Thrifton and Washington Court House.

In granting an exemption, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. 10505(g)(2) as amended by section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96-448, October 14, 1980). Although DT&I has agreed to assume the responsibilities for the protection of employees required in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), the proper labor protection conditions to impose in trackage rights transactions are those contained in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980). Accordingly, the latter employee protective provisions will be imposed here as a condition to the exercise of this exemption.

We find that the proposed railroad relocation is one which comes within the meaning of 49 CFR 1111.5(c)(5) and, therefore, that the related (trackage rights) transaction is exempt from our regulation. This decision will not significantly effect energy conservation or the quality of the human environment. This decision will not operate to relieve any rail carrier from an obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV.

It is ordered:

(1) The petition for exemption will be treated as a notice of exemption pursuant to 49 CFR 1111.4(g).

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register**, for publication.

(3) This decision shall be effective upon the date of publication.

Decided: May 12, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Clapp concurred.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15393 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

---

[2] Section 11344(d) now provides, that we "shall" approve any transaction "which does not involve the merger or control of at least two class I railroads . . . unless [we find]—

(1) as a result of the transaction, there is likely to be substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and

(2) the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs."

Thus, under this section, we are required to approve a proposed trackage rights agreement whenever the agreement would not likely have a significant adverse competitive impact.

Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directely related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11244 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: May 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-F-14622, filed April 24, 1981. OTTUMWA TRANSIT LINES, INC. (Ottumwa) (1414 W. Second Street, Ottumwa, IA 52501)—purchase (portion)—AMERICAN BUSLINES, INC., d.b.a. AMERICAN TRAILWAYS (American) (1500 Jackson Street, Dallas, TX 75201). Representative: Lawrence E. Lindeman, 425 13th Street, NW, Suite 1032, Washington, DC 20004. Ottumwa seeks authority to purchase a portion of the interstate operating rights and property of American. Kenneth Lenz, Floyd Palmer, and Richard Twait are the majority stockholders of Ottumwa.

Floyd Palmer joins in this application as a party in control of Ottumwa and seeks authority to acquire control of said rights and property through the transaction. As a condition to the approval and authorization of this transaction, Kenneth Lenz and Richard Twait must also join in this application as persons in control of Ottumwa. Ottumwa is purchasing that portion of American's Certificate No. MC–2890 (Sub-No. 18) which authorizes the transportation of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Knoxville, IA, and Peoria, IL: from Knoxville over IA Hwy 5 to junction U.S. Hwy 34, then over US Hwy 34 to Galesburg, IL, then over IL Hwy 97 to junction IL Hwy 8, then over IL Hwy 8 to Peoria (also from junction IL Hwys 8 and 78 over IL Hwy 78 to junction IL Hwy 116, then over IL Hwy 116 to Peoria) and return over the same route, serving all intermediate points, restricted against service in the transportation of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers originating at or received through interchange at Galesburg, IL, and destined to either Keokuk, IA, or Quincy IL, and originating at or receive through interchange at either Keokuk or Quincy and destined to Galesburg; and Deviation No. 83, which authorizes the transportation of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Galesburg, IL and Peoria, IL, over Interstate Hwy 74. Ottumwa is authorized to operate as a motor common carrier under MC–145632 and sub-numbers thereunder.

Note 1.—American is selling Route Nos. 9 and 13 and a portion of Route No. 2 from its Sub-No. 18. Route No. 2 authorizes service between Chicago, IL, and Denver, CO. American is selling that portion of Route 2 between Galesburg, IL, and Albia, IA, over US Hwy 34. American is retaining that portion of Route 2:(a) between Chicago, IL, and Galesburg, IL, and (b) between Albia, IA, and Denver, CO.

Note 2.—In conjunction with this application, Ottumwa filed an extension application, Docket No. MC–145632 (Sub-No. 4), published in this same **Federal Register** issue.

Note. 3.—Application for TA has been filed.

Condition: Authorization and approval of this transaction is conditioned upon the prior receipt by the Commission of an affadavit signed by Kenneth Lenz and Richard Twait, stating that they are persons in control of Ottumwa through stock ownership, and they join in this application as persons in control.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: May 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 145632 (Sub-4), filed May 7, 1981. Applicant: OTTUMWA TRANSIT LINES, INC.—extension, 1414 W. Second Street, Ottumwa, IA 52501. Representative: Lawrence E. Lindeman, 425 13th Street NW., Suite 1032, Washington, DC 20004. Transporting *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Knoxville and Des Moines, IA: from Knoxville over IA Hwy 92 to junction IA Hwy 5, then over IA Hwy 5 to junction IA Hwy 46, then over IA Hwy 46 to Des Moines, and return over the same route.

Note.—The purpose of this extension application is to enable applicant to provide service between Des Moines and Peoria. The application was filed in conjunction with MC–F–14622, published in this same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–15388 Filed 5–21–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the

applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–4–138

Decided: May 18, 1981.

By The Commission Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 61016 (Sub-52), filed July 3, 1979, and published in the **Federal Register** issue of May 6, 1981. The purpose of this notice is to properly reflect the Applicant's Representative. Applicant's representative in the above entitled proceeding is: Robert J. Brooks, 1828 "L" St. NW, Suite 1115, Washington, D.C. 20036. (202) 466–3892. Otherwise the notice of May 6, 1981 is correct. The date for filing protests remains June 5, 1981.

MC 150026 (Sub-1), filed May 8, 1981. Applicant: MCKINLEY TRUCKING, INC., 1162 Hillview Dr., Salt Lake City, UT 84117. Representative: Patricia S. Woolley (same address as applicant). (801) 268–4474. Transporting *scrap metals,* between points in AR, AZ, CA, CO, IA, ID, KS, LA, MN, MO, MT, ND, NM, NV, NE, OK, OR, SD, TX, UT, WA and WY.

MC 151506 (Sub-2), filed May 8, 1981. Applicant: PERRY TRANSPORT, INC., 14375 172nd, Grand Haven, MI 49417. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. (414) 722–2848. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with L. Perrigo Company of Allegan, MI.

MC 151826 (Sub-4), filed May 8, 1981. Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., Washington, DC 20036, (202) 785–0048. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 152246 (Sub-3), filed May 8, 1981. Applicant: SCHULD TRANS., INC., 774 Flanner Rd., Box 57, Mosinee, WI 54455. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *metal products,* between points in WI, on the one hand, and, on the other, points in Jefferson County, AL, Knox County, IL, Jackson County, MO, Scotland County, NC and Madison County, NE.

MC 155596, filed April 28, 1981. Applicant: AHI, INC., d.b.a. AMERICAN HOST TOURS, 1200 N. Main St., Suite 530, Santa Ana, CA 92701. Representative: Roger Curtis McKee, 110 W. "C" St., Suite 1803, San Diego, CA 92101, (714) 238–0085. To engage in operations, in interstate or foreign commerce as a broker, at Santa Ana, CA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* beginning and ending at Phoenix, AZ, New York, NY, and points in Orange and Los Angeles Counties, CA, and extending to points in the U.S.

Volume No. OPY–4–139

Decided: May 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 70557 (Sub-52), filed May 7, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60603. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *food and related products,* between points in Houston County, GA, on the one hand, and, on the other, points in and east of MN, MO, IA, AR, OK and TX.

MC 121447 (Sub-3), filed May 5, 1981. Applicant: ANNISTON MOTOR EXPRESS, INC., P.O. Box 2123, Anniston, AL 36201. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Birmingham, AL and Atlanta, GA, over U.S. Hwy 78, serving all intermediate points and all points in Jefferson, Calhoun, Etowah, and Talladega Counties, AL, and Fulton, Cobb, Clayton, DeKalb, and Gwinnett Counties, GA, as off-route points.

MC 144757 (Sub-7), filed May 6, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 W. Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting *Mercer commodities,* between points in the U.S.

MC 148107 (Sub-6), filed May 7, 1981. Applicant: JESSE J. MESA, d.b.a. J.J. MESA TRUCKING COMPANY, 1500 S. Zarzamora St., San Antonio, TX 78207. Representative: Ronald Mecier (same address as applicant), (512) 223–1859. Transporting *food and related products,* between points in TX, NM, CO, UT, ID, WA, OR, CA, NV and AZ.

MC 148707 (Sub-3), filed May 7, 1981. Applicant: SELLAND LIVESTOCK, INC., R.R. 1, Box 73, Letcher, SD 57359. Representative: A. J. Swanson, P.O. Box 1103, 226 No. Phillips Ave., Sioux Falls, SD 57101, (605) 335–1777. Transporting *general commodities* (except classes A and B explosives), between points in Lac qui Parle County, MN and points in SD, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–15391 Filed 5–21–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP1–149]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 18, 1981.

The following applications, filed on or after February 9, 1981, are governed by

Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 152521, filed May 4, 1981. Applicant: FORTRANS, INC., 2892 Foothill Blvd., Oroville, CA 95965. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 534–5849. Transporting for or on behalf of the United States Government, *general commodities*, (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155871, filed May 8, 1981. Applicant: A. E. NAMMARK, INC., d.b.a. NORMA'S EXPRESS, 443 Delaware Ave., Suite 208, Buffalo, NY 14205. Representative: Norma Kamp (same address as applicant), (716) 854–8886. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultrual limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155881, filed May 12, 1981. Applicant: ALBERT E. KATHAN, d.b.a. ED KATHAN, 3013 Third Ave., South, Great Falls, MT 59405. Representative: James H. Kathan, P.O. Box 1129, Helena, MT 59624, (406) 442–1964. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-15392 Filed 5-21-81; 8:45 am]
BILLING CODE 7035-01-M

Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Campbell Taggart, Inc., 6211 Lemmon Ave., Dallas TX 75209.

2. Wholly-owned subsidiary which will participate in the operations, and address of its principal office: Merico, Inc., P.O. Box D, Carrolloton, TX 75006.

Note: The entire list of subsidiaries for Campbell Taggart, Inc., was published on May 15, 1981 (46 FR 26929). Merico, Inc., was inadvertently omitted from that list.

1. Parent Corporation: GBP Industries, Inc., 302 Grote Street, Buffalo, New York 14207.

2. Wholly-Owned Subsidiaries and State of Incorporation:

Greater Buffalo Press, Inc., New York
Great Lakes Color Printing Corporation, New York
Southwest Color Printing Corporation, Texas
Dixie Color Printing Corporation, Alabama
Kemore Colorplate Corporation, New York
Mid-Atlantic Color Printing Corporation, New York
Greater Canada Colour Printing Limited, New York
Mid-West Color Printing Corporation, Iowa
Medina Sandstone Quarry, Inc., New York Lakeview Leasing Corporation, New York
Southeastern Commercial Printing Corporation, Alabama
Buffalo Polycolor Corporation, New York
Web Press Services Corporation, Connecticut

1. The parent corporation is: James River Corporation, Tredegar Street, P.O. Box 2218, Richmond, Virginia 23217.

2. The wholly-owned subsidiaries which will participate in the operations are as follows:

Riverside Trucking Company, 1900 East Belt Boulevard, Richmond, Virginia 21224.
James River Paper Company, Tredegar Street, P.O. Box 2218, Richmond, Virginia 23217

James River-Rochester, Inc., Adams Division, 115 Howland Avenue, Adams, Massachusetts 01220
James River-Rochester, Inc.[1] Rochester Division, 340 Mill Street, Rochester, Michigan 48663
Riegel Products Corporation,[1] Frenchtown Road, Milford, New Jersey 08848
Curtis Paper Company,[1] Paper Mill Road, Newark, Delaware 19711
Peninsular Paper Company, 100 North Huron Street, Ypsilanti, Michigan 48197
James River-Fitchburg, Inc., Old Princeton Road, Fitchburg, Massachusetts 012220
James River-Massachusetts, Inc.,[1] 701 Westminster Street, Fitchburg, Massachusetts 01420
James River-Graphics, Inc.,[1] 28 Gaylord Street, South Hadley, Massachusets 01075
James River-Otis, Inc., P.O. Box 10, Jay Maine 04239
James River-KVP, Inc., Island Avenue, Parchment, Michigan 49008
James River-Patapar, Inc., 7900 N. Radcliff St., P.O. Box 230, Bristol, Pennsylvania 19007
James River Board and Carton Company,[1] 243 East Paterson Street, Kalamazoo, Michigan 49007
James River-Berlin/Gorham, Inc., 650 Main Street, Berlin, New Hampshire 03570
James River-New Hampshire Electric, Inc., 650 Main Street, Berlin, New Hampshire 03570
Paterson Services Company, 243 East Paterson Street, Kalamazoo, Michigan 47007
Industrial Leaseholds, Inc., 243 East Paterson Street, Kalamazoo, Michigan 47007
James River-Gilco, Inc., 28740 Glenwood Avenue, Perrysburg, Ohio 43551

1. Parent corporation and address of principal office: Liggett Group Inc., 100 Paragon Drive, Montvale, New Jersey 07645.

Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Diversified Products Corporation of Delaware, Delaware
(ii) Diversified Trucking Corp., Alabama
(iii) Dry Milks, Inc. (dba. DMI and DMI, Inc.), Kentucky
(iv) Gary Tobacco Company, New Jersey
(v) Liggett & Myers Tobacco Company, Inc., Delaware
(vi) The Paddington Corporation, Delaware
(vii) The Pinkerton Tobacco Company, Delaware
(viii) Allen Products Company, Inc., Pennsylvania
(ix) Liv-A-Snaps, Incorporated, Delaware
(x) Carillon Importers Ltd., New York
(xi) Atlantic Soft Drink Company, Delaware
(xii) Atlantic Bottling Corporation, South Carolina
(xiii) Atlantic Packaging, Inc., South Carolina
(xiv) Liggett Bottling Company, Delaware

1. Parent corporation and address of principal office: Southern Furniture Company of Conover, Inc., P.O. Box 307, Conover, NC 28613.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: (a) Bracewell Furniture Company, Inc., P.O. Box 867, Conover, North Carolina 28613.

Note.—Southern Furniture Company of Conover, Inc., was incorrectly published on March 20, 1981, as *South* Furniture Company of Conover, Inc. (46 FR 17895). This republication is to correct that error.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-15428 Filed 5-21-81; 8:45 am]
BILLING CODE 7035-01-M

[1] Has own truck fleets; operations will be performed by and between subsidiaries of James River Corporation.

[AB 3 (SDM)]*

Missouri Pacific Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Missouri Pacific Railroad Company and its subsidiaries, has file with the Commission its amended color-coded system diagram map in docket No. AB 3 (SDM). The Commission on May 6, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 3 (SDM).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-15427 Filed 5-21-81; 8:45 am]
BILLING CODE 7035-01-M

*AB 3 (SDM) includes all Missouri Pacific Railroad Co. subsidiaries: Chicago Heights Terminal Transfer Company, Doniphan, Kensett and Searcy Railway, AB 25, Weatherford Mineral Wells & Northwestern.

[Volume No. OPY-3-073]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: May 15, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each

applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2. Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

MC–F–14628, filed April 30, 1981. B. HAROLD WILLIAMSON (1107 Brookside Dr., Wilson, NC, 27893), BOBBY R. WILLIAMSON (Route 2, Wilson, NC, 27893), and WILLIAM R. WILLIAMSON (1001 Wolf Trap Rd., Wilson, NC, 27893) (WWW)—continuance in control—WILLIAMSON DISTRIBUTORS, INC. (WD)—initial common carrier (Corner Thorne & Raston Sts., P.O. Box 3489, Wilson, NC, 27893). Representative: Peter A. Greene 1920 N St., N.W., Suite 700, Washington, DC, 20036) (202) 331–8800. WWW, a non-carrier, seeks authority to continue in control of WD, upon the institution of operations, in interstate or foreign commerce. WWW, sole shareholder of WD, seeks authority to acquire control of said rights and property through the transaction. WWW also controls Williamson Truck Lines, Inc., (WTL). WTL holds motor common authority in Docket MC–124896 and various sub numbers thereunder to transport (1) food and related products; (2) fertilizer and fertilizer materials; (3) glass jars; (4) petroleum products in containers; (5) commodities dealt in by lawn and garden centers; (6) paper, paper articles and polyethylene articles; (7) baskets and hampers; (8) plastic and rubber ariticles; and (9) tires and tubes between various points in the U.S. Conditions: (1) Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of an affadavit signed by B. Harold Williamson, Bobby R. Williamson and William R. Williamson stating that they are the persons in control of transferree and that they join in this application. (2) In order to eliminate the holding of duplicating authority by commonly controlled carriers, approval and authorization of this transaction is conditioned upon the prior cancellation of MC–124896 Sub 55 and Sub 98.

Note.—WD has filed as a directly related application its initial common carrier application. This application, docket No. MC–153214 is published in the same Federal Register issue.

[FR Doc. 81–15430 Filed 5–21–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OPY–3–074]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: May 15, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

MC 153214, filed April 30, 1981. Applicant: WILLIAMSON DISTRIBUTORS, INC., Corner Thorne and Ralston Sts., P.O. Box 3489, Wilson, NC 27893. Representative: Peter A. Greene, 1920 N St., NW., Suite 700, Washington, D.C. 20036, (202) 331–8000. Transporting (1) *lumber and wood products;* (2) *pulp, paper, and related products;* and (3) *metal products,* between those points in the U.S. in and

east of LA, AR, MO, IA and MN, and ports of entry on the International Boundary Line between the U.S. and Canada at Buffalo and Champlain, NY. Restriction: The authority granted herein shall not be severable by sale or otherwise from the authority held by the motor carriers listed in MC–F–14628, which is published concurrently herewith.

Note.—This application is directly related to MC–F–14628, published in the same Federal Register issue.

[FR Doc. 81–15431 Filed 5–21–81, 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OPY5–66]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 15, 1981.

The following applications, filed on or after Frebruary 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 14878 (Sub-4), filed May 5, 1981. Applicant: WANDELL & LOWE TRANSFER & STORAGE COMPANY, d.b.a. AMERICAN-WANDELL MOVING SERVICE, INC., 4225 Sinton Rd., P.O. Box 7206, Colorado Springs, CO 80933. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, 202–463–6044. To operate, in interstate or foreign commerce, as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 136899 (Sub-55), filed May 8, 1981. Applicant: HIGGINS TRANSPORTATION, LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 139018 (Sub-1), filed April 3, 1981. Applicant: GUNTE BROTHERS, INC., 19060 Frager Rd., Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235–4730. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 143059 (Sub-177), filed May 8, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore, (same address as applicant), 502–584–2301. Transportating *general commodities* between Cameron City, KS, Drew, Rome, Doddsville, Blaine, and Isola, MS, Paris and Paris Crossing, IN, Chilesburg and Barlow, KY, Curtis and Murdock, FL, Ursa, IL, Grandfield, OK, and Burkburnett, Crandall, Poynor, Gallatin, Reklaw, and Cushing, TX, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for completely abandoned rail service.

MC 155368, filed March 2, 1981. Applicant: MICHAEL J. KISZKIEL, d.b.a. KISZKIEL TRUCKING CO., 14307 Still Meadow, Houston, TX 77079. Representative: Michael J. Kiszkiel, (same address as applicant), 713–497–2547. To operate, in interstate or foreign commerce, as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 155569, filed May 4, 1981. Applicant: KENNETH HUBKA, d.b.a. HUBKA TRUCKING, R. R. No. 2, Cresco, IA 52136. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155739, filed May 4, 1981. Applicant: FRED E. KUHAGEN AND MARCIA G. KUHAGEN, d.b.a. FRED E. KUHAGEN TRUCKING, 6871 Flintwood Way, Sacramento, CA 95831. Representative: Lawrence Marquette, P.O. Box 711, Pebble Beach, CA 93953, 408–373–1510. Transporting *food and other edible products and byproducts intended for human consumption*

(except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155839, filed May 8, 1981. Applicant: SEA-ROAD TRANSPORTATION SERVICE, INC., P.O. Box 18433, Baltimore, MD 21237. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, 301–739–4860. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81–15432 Filed 5–21–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the Service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–150,

Decided: May 18, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 33970 (Sub-27), filed May 11, 1981. Applicant: GEORGE HILDEBRANDT, INC., Route 4, Hudson, NY 12534. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575–7700. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of paper and paper products, between points in the U.S., under continuing contract(s) with The Columbia Corporation of New York, NY, and Byron Weston Company, of Dalton, MA.

MC 67841 (Sub-3), filed May 11, 1981. Applicant: MORGANTOWN-INDIANAPOLIS FREIGHT LINE, INC., P.O. Box 251, Morgantown, IN 46160. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *general commodities* (except classes A and B explosives), between points in Bartholomew, Brown, Greene, Hendricks, Johnson, Marion, Monroe, Morgan and Owen Counties, IN. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation at applicant's written request, of its Certificate of Registration in MC–67841 Sub-2.

MC 75840 (Sub-163), filed May 11, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, 3400 Third Ave. South, Birmingham, AL 35222, (205) 323–6721. Transporting *metal products*, between points in Pittsylvania County, VA, and New Haven County, CT, on the one hand, and, on the other, points in the U.S.

MC 87820 (Sub-2), filed May 11, 1981. Applicant: THEDE BROS. INC., 316 So. Plum, Havana, IL 61644. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Havana Pepsi Cola Bottling Co., Inc. of Havana, IL.

MC 88300 (Sub-38), filed May 11, 1981. Applicant: DIXIE AUTO TRANSPORT COMPANY, a corporation, 1600 Talleyrand Ave., Jacksonville, FL 32206. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *transportation equipment*, between points in the U.S.

MC 94201 (Sub-201), filed May 1, 1981. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2881. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 111310 (Sub-67), filed May 8, 1981. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in the U.S.

MC 121600 (Sub-15), filed May 11, 1981. Applicant: AVERITT EXPRESS, INC., P.O. Box 273, Livingston, TN 38570. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219, (615) 244–8100. Transporting *general commodities* (except classes A and B explosives), between points in Pickett County, TN, on the one hand, and, on the other, points in the U.S.

MC 135410 (Sub-125), filed May 11, 1981. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235.

Transporting (1) *rubber and plastic products,* (a) between points in Beaver County, PA, on the one hand, and, on the other, points in Kane County, IL, Hart County, KY, and Ingham County, MI, and (b) between points in Kane County, IL, Hart County, KY, and Ingham County, MI, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WV, and WI, and (2) *food and related products,* between points in Warren County, IL, on the one hand, and, on the other, points in the U.S.

MC 141620 (Sub-4), filed May 8, 1981. Applicant: VAN BUS DELIVERY COMPANY, d.b.a. UNITED VAN BUS DELIVERY 2601 32nd Ave., South Minneapolis, MN 55405 Representative: Warren A. Goff, 2008 Clark Tower 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing contract(s) with Transportation Systems International, Inc.

MC 142920 (Sub-22), filed May 12, 1981. Applicant: OLIVER TRUCKING CORP., 620 So. Belmont Ave., Indianapolis, IN 46221. Representative: Morton E. Kiel Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lieberman Enterprises, of South Minneapolis, MN, and Integrity Entertainment Co., of Gardena, CA.

MC 143280 (Sub-27), filed May 11, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *machinery,* between Chicago, IL, and points in Jefferson County, KY, Monroe County, IN, Maury County, TN, Morgan County, AL, and Milwaukee County, WI, on the one hand, and, on the other, points in KY, KS, MO, IL, MI, MN, WI, ND, SD, IA, NE, TN, AL, and IN.

MC 145150 (Sub-21), filed May 11, 1981. Applicant: HAYNES TRANSPORT CO., INC., R.R. 2, Box 9, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *chemicals and related products,* between points in Reno and McPherson Counties, KS, on the one hand, and, on the other, points in OK.

MC 145830 (Sub-1), filed May 11, 1981. Applicant: ATCO, INCORPORATED, P.O. Box 7111, Pine Bluff, AR 71611. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375–9151. Transporting *metal products,* between points in Sebastian County, AR, on the one hand, and, on the other, points in IL, IA, KS, KY, LA, MS, NE, OK, TN, TX, and MO.

MC 150960 (Sub-2), filed May 11, 1981. Applicant: DAVE STRICKLER, INC., 97 Anita Pl., Mableton GA 30059. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6266. Transporting *General commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with South Cobb Sales Co., of Marietta, GA.

MC 155851, filed May 8, 1981. Applicant: JOHN ROSE, d.b.a. 777 TRUCKING, 14513 Three Lakes Road, Snohomish, WA 98290. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Transporting *building materials, pallets, bins, skids, nursery and horticultural supplies,* between points in OR, WA, ID, MT and CA.

Volume No. OPY5–65

Decided: May 15, 1981

By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 44538 (Sub-5), filed April 28, 1981. Applicant: NEW BREED MOVING CORP., 2 Lucon Drive, Deer Park, NY 11729. Representative: Kenneth M. Piken, Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374, 212–275–1000. Transporting *transportation equipment* between points in the U.S. under continuing contract(s) with Grumman Aerospace Corporation of Bethpage, NY.

MC 50069 (Sub-566), filed May 5, 1981. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, 216–566–5639. Transporting *commodities in bulk,* between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 61619 (Sub-16), filed May 5, 1981. Applicant: L & H TRUCKING COMPANY, INC., Rd3, Spring Grove, PA 17362. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *pulp, paper, and paper products,* between points in U.S., under continuing contract(s) with P H Glatfelter Co., of Spring Grove, PA.

MC 81779 (Sub-3), filed May 6, 1981. Applicant: PAUL JOHNSON, INC., 340 West Adams, Waterman, IL 60556. Representative: E. Stephen Heisley, 805 McLachlem Bank Bldg., 666 Eleventh Street NW., Washington, DC 2001, (202) 628–9243. Transporting *metal products,* between points in Putnam County, IL, on the one hand, and, on the other, points in IA, MO, MI, and IN.

MC 81908 (Sub-18), filed May 4, 1981. Applicant: GARDNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 45212, 614–481–8821. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Classic Chemical, Inc., and their subsidiaries; Nationwide Industries, Inc. and Konalrad Products, Inc. at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 96328 (Sub-8), filed May 4, 1981. Applicant: J. AND W. CORPORATION, 3525 S. Leavitt St., Chicago, IL 60609. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. West, Bradenton, FL 33507, 813–758–4153. Transporting *general commodities* (except classess A and B explosives), between points in IL, IN, IA, MI, MO, OH and WI.

MC 108419 (Sub-1), filed May 5, 1981. Applicant: VINCE ANDERSON TRUCKING, INC., P.O. Box 297, Walnut Grove, MN 56180. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612–542–1121. Transporting *chemicals and related products* (a) between points in Dakota County, MN, on the one hand, and, on the other, points in IA and WI, (b) between points in Pope County, MN, on the one hand, and, on the other, points in ND and SD, and (c) between points in Grand Forks County, ND, and Clay, Hancock, and Kossuth Counties, IA, on the one hand, and, on the other, points in MN.

MC 109448 (Sub-31), filed May 4, 1981. Applicant: PARKER TRANSFER CO., P.O. Box 256, Elyria, OH 44036. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *such commodities as are dealt in or used by distributors and manufacturers of heating and air conditioning units or plants,* between points in Butler County, AL, Sebastian County, AR, and Baldwin County, GA, on the one hand, and, on

the other, points in AZ and CA, and points in the U.S. in and east of WI, IA, MO, OK, and TX.

MC 109449 (Sub-61), filed May 6, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th St., Winona, MN 55987. Representative: Francis Cisewski (same address as applicant) (507) 452–1032. Transporting *general commodities* (except classes A and B explosives) between points in Champaign and Montgomery Counties, OH, Simpson County, KY, and Davidson County, TN, on the one hand, and, on the other, points in IL, KS, MO, MN, and TX.

MC 112989 (Sub-143), filed May 4, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 S., Eugene, OR 97405. Representative: John T. Morgans (same address as applicant) (503) 747–1283. Transporting *general commodities* (except classes A and B explosives) between points in Davis County, UT and Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 118318 (Sub-59), filed May 4, 1981. Applicant: IDA–CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR, ID, MT, WY, CA, NV, UT, CO, AZ, and NM. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 119639 (Sub-26), filed May 5, 1981. Applicant: INCO EXPRESS, INC., 3600 South 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101 (206) 624–2832. Transporting (1) *tobacco products*, (2) *food and related products*, and (3) *chemicals and related products*, between points in OR, CA, WA, AZ, and NV.

MC 119968 (Sub-25), filed April 20, 1981. Applicant: A. J. WEIGAND, INC., P.O. Box 130, Dover, OH 44622. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215 (614) 228–8575. Transporting *commodities in bulk*, between points in CT, NJ, DE, OH, WV, DC, VA, MD, NY, RI, MA and PA, on the one hand, and, on the other, points in KY, IL, IN, MI, WI, MN, IA, MO, TN, WV, OH, ND, SD, KS, NE, OK, TX, AR, and LA.

MC 124679 (Sub-138), filed May 8, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (Same address as applicant) 801–972–2712. Transporting *food and related products*, between points in OR and WA on the one hand, and, on the other, points in IL, IN, KS, MN, IA, MO, NE, ND, SD, TX and WI.

MC 138069 (Sub-15), filed May 8, 1981. Applicant: LUCIUS, INC., 2512 South 163rd St., Omaha, NE 68130. Representative: James P. Beck, 717—17th St., Suite 2600, Denver, CO 80202, 303–892–6700. Transporting *food and related products*, between points in CO, on the one hand, and, on the other, points in the U.S.

MC 139009 (Sub-6), filed May 7, 1981. Applicant: R & W EXPRESS, INC., 6861 Main St., Lithonia, GA 30058. Representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, GA 30349, 404–482–8889. Transporting *machinery*, between points in Hamilton County, TN on the one hand, and, on the other, points in the U.S.

MC 139659 (Sub-2), filed April 14, 1981. Applicant: BRIGHT TRUCKING, INC., 1st Ave. and 16th St. So., St. Cloud, MN 56301. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fingerhut Corporation, of St. Cloud, MN.

MC 140709 (Sub-19), filed May 1, 1981. Applicant: FANKHAUSER BROS., INC., 139 Hillside, El Dorado, KS 67042. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, 913–233–9629. Transporting (1) *chemicals and related products* and (2) *food and related products*, between points in KS, TX, OK, NE, IA, MO, AR, and CO.

MC 142559 (Sub-168), filed May 4, 1981. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *general commodities*, (except classes A and B explosives) between those points in the U.S. in and east of MN, IA, MO, AR, and TX, on the one hand, and, on the other, points in the U.S.

MC 144858 (Sub-44), filed May 4, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102, 402–348–4911. Transporting *clay, concrete, glass or stone products*, between points in Knox County, OH, on the one hand, and, on the other, points in NY.

MC 155038 (Sub–1), filed May 4, 1981. Applicant: IDEAL WAY MOVERS INCORPORATED, Building No. 3 Boundary Rd., Marlboro, NJ 07746. Representative: James F. McColley, Jr. (Same address as applicant) 201–780–4400. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S. under continuing contract(s) with F.W. Woolworth Company of Philadelphia, PA.

Volume No. OPY5–85

Decided May 15, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 144958 (Sub-2), filed May 5, 1981. Applicant: TRANSPORT COMMODITIES, INC., P.O. Drawer NN, Pharr, TX 78577. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *machinery* between points in Hidalgo County, TX, on the one hand, and, on the other, points in the U.S.

MC 147449 (Sub-1), filed May 5, 1981. Applicant: KNEZ BUILDING MATERIALS CO., INC., 8185 S. W. Hunziker Rd., Tigard, OR 97223. Representative: John S. Knez, Jr. (same address as applicant) (503) 620–6142. Transporting *lumber and wood products*, between points in Cowlitz and Clark Counties, WA, OR, on the one hand, and, on the other, points in CA.

MC 150248 (Sub-3), filed May 4, 1981. Applicant: BERNIE BERGER d.b.a. BERGER BROS. TRUCKING, Box 20, Rural Route 4, Mandan, ND 58554. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, 612–340–0808. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Rugby Manufacturing Co., Inc., of Rugby, ND.

MC 150568 (Sub-3), filed April 16, 1981. Applicant: CASE CARRIAGE CO., 715 South Sugar St., Celina, OH 45822. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215, 614–464–4103. Transporting *general commodities* (except classes A and B explosives), between Milwaukee, WI, and Houston, TX, and points in Van Wert, Allen, and Mercer Counties, OH, Anderson County, TX, Kay County, OK, and Los Angeles County, CA, on the one

hand, and, on the other, points in the U.S.

MC 150879 (Sub-1), filed May 8, 1981. Applicant: MARVIN McINTOSH, 2614 South 35th St., Omaha, NE 68107. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104 (712) 255–3127. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Omaha Porkers, Inc., John Roth & Son, Inc. and Motor Cycle Plaza, Inc. all of Omaha, NE and Paul's Motor Cycle Service, of Council Bluffs, IA.

MC 150939 (Sub-15), filed May 7, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471–1800. Transporting *general commodities,* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ashland Petroleum Co., division of Ashland Oil, Inc., of Ashland, KY.

MC 150939 (Sub-16), filed May 7, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives), between points in the U. S., under continuing contract(s) with Service Merchandise Co., of Nashville, TN.

MC 151078 (Sub-4), filed 7, 1981. Applicant: COASTAL FAST FREIGHT, INC., P.O. Box 445, Jersey City, NJ 07303. Representative: Owen B. Katzman, 1828 L St., NW, Washington, D. C. 20036, (202) 296–2728. Transporting *textile mill products,* between points in the U. S., under continuing contract(s) with Furtex Corporation, of Jacksboro, TN.

MC 151238 (Sub-3), filed May 8, 1981. Applicant: ZERO TANK & TRUCK LINES, INC., P.O. Box 551, Channelview, TX 77530. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *chemicals and related products,* in foreign commerce only, between Points in TX, on the one hand, and on the other, points in AL, AR, TN, MS, LA, KS, OK, and TX.

MC 152128 (Sub-5), filed May 8, 1981. Applicant: STATE TRANSPORT SERVICE, INC., 13029 Market St., Houston, TX 77015. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Suite 230, Houston, TX 77024, (713) 688–6110. Transporting *buildings materials,* between points in TX, on the one hand, and on the other, points in AR, CO, LA, MS, NM, OK, and TX.

MC 152418 (Sub-2), filed May 8, 1981. Applicant: FLOUR TRANSPORT, INC., 5218 Denison St., Muskogee, OK 74401. Representative: C. L. Phillips, Rm. 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting *such commodities* as are dealt in by flour milling companies, between points in the U. S., under continuing contract(s) with Shawnee Milling Company, of Shawnee, OK.

MC 152429 (Sub-5), filed May 6, 1981. Applicant: C R & S TANK LINES, INC., P.O. Box 871, Benicia, CA 94510. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *petroleum, natural gas and their products,* between points in the U.S., under continuing contract(s) with (a) Redding Petroleum, of Concord, CA, (b) Via Petroleum Limited, of Corte Madera, CA, (c) Golden Gate Petroleum, of San Francisco, CA, (d) Haber Oil Products, of Pleasant Hill, CA, (e) Flying J., Inc., of Brigham, UT, (f) Teleport Oil Co., of San Francisco, CA, (g) Simmons Oil Corporation, of Scottsdale, AZ, and (h) Herbst Supply, of Las Vegas, NV.

MC 152849 (Sub-3), filed May 4, 1981. Applicant: S.T.S. TRANSPORT SERVICE, INC., 12400 South Keeler, Alsip, IL 60658. Representative: Patrick H. Smyth, 19 South LaSalle St., Suite 401, Chicago, IL 60603, 312–263–2397. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with S.K. Products Corp., of Atlanta, GA.

MC 153328 (Sub-4), filed May 4, 1981. Applicant: RED K. TRANSPORT, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 321 North Spring Ave., Cape Girardeau, MO 63701, 314–335–6636. Transporting *machinery,* (1) between points in AR, IL, IN, IA, KS, KY, MI, MS, MO, OH, SC and TN and (2) between points in (1) on the one hand, and, on the other, points in the U.S.

MC 153758 (Sub-1), filed May 8, 1981. Applicant: LAMPMAN BROKERAGE, INC., d.b.a. MASTRO ENTERPRISES, 4233 Sierra Madre, Fresno, CA 93711. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, 608–273–1003. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Calavo Growers of California, Inc. of Los Angeles, CA.

MC 154788 filed May 8, 1981. Applicant: BONDED CARRIERS, INC., 307 East Rd., Martinsburg, WV 25401. Representative: Frank B. Hand, Jr., 523 South Cameron St., Winchester, VA 22601, 703–662–0927. Transporting *printed matter,* between points in CT, DE, MD, MA, NJ, NY, NC, PA, VA, WV and DC.

MC 155858 (Sub-1), filed May 4, 1981. Applicant: D. F. SYSTEM, INC., 875 Providence Hwy., P.O. Box 242, Dedham, MA 02026. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, 617–235–5571. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Sweetheart Plastics, Inc., of Wilmington, MA.

MC 155718, filed May 5, 1981. Applicant: FONTENELLE CARRIER CORPORATION, 1419 S. Saddle Creek Road, Omaha, NE 68106. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114 (402) 397–9900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fontenelle Springs, Inc., of Omaha, NE.

MC 155759, filed May 6, 1981. Applicant: BOWSER REGAL INC., d.b.a. REGAL SERVICES, INC., P.O. Box 509, North East, PA 16428. Representative: Richard L. Bowser (same address as applicant) (814) 725–8687. Transporting (1) *food and related products,* between points in NY, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, LA, ME, MD, MA, MI, NH, NC, OH, PA, RI, SC, TN, VT, VA, WV, and NJ, and (2) *transportation equipment,* between points in NY, on the one hand, and, on the other, points in IN, MI, IL, OH, and PA.

MC 155779, filed May 4, 1981. Applicant: DIAMONDHEAD FREIGHT SYSTEM, INC., Box 421, Decatur, IN 46733. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204 (317) 634–6313. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Central Soya Company, Inc., of Fort Wayne, IN.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-15433 Filed 5-21-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 85]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 18, 1981.

The following restriction removal applications, filed after December 28,

1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 3252 (Sub-117)X, filed April 29, 1981. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04104. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Applicant seeks to remove restrictions in its Sub-Nos. 4, 35, 37, 38, 39, 41, 46, 55, 56, 61, 66, 68, 72, 77, 78, 79, 81, 85, 89, 92, 93, 94, 97, 106F, 109F, 110F, 111F, and 113F certificates to (A) broaden the commodity description in each certificate to "commodities in bulk" from petroleum products, and other various bulk commodities such as ashphalt, salt, fish oil, waste chemicals, latex, ore, acid, and scrap metal; (B) remove exceptions of certain acids, chemicals, gas and asphalt, and also remove the "in tank" and "in dump" vehicle restrictions, wherever they appear; (C) expand named ports of entry on the US.-Canada boundary line in ME to authorize all entry points in ME in Sub-No. 89, and delete the phrase "in foreign commerce only," in Sub-Nos. 56 and 89; (D) remove the restriction limiting traffic to that having a prior movement by rail, in Sub-No. 77; (E) change one-way service to authorize radial service generally between points in the northeastern States; and (F) expand the plantsite and towns to authorize city or county-wide authority, as follows: Sub-No. 4, Cumberland County, ME (Portland and South Portland, ME), Androscoggin County, ME (Auburn, ME), Providence County, RI (East Providence, RI), Middlesex County, MA (Everett, MA), Washington and Essex Counties, NY (Fort Edward, Whitehall, and Montcalm Landing, about 2 miles south of Ticonderoga, NY), Suffolk, Norfolk and Middlesex Counties, MA (Boston, East Braintree, Braintree, Weymouth, Revere, Everett, Chelsea, Quincy, and East Boston, MA), Rockingham County, NH (Newington and Portsmouth, NH), Somerset County, ME (Jackman, ME), Providence, RI (East Providence, RI), Coos County, NH (Mt. Washington, NH), Chittenden County, VT (Burlington, VT), Androscoggin, Cumberland and Sagadahoc Counties, ME (Lewiston, Yarmouth, and Woolwich, ME), Aroostook County, ME (Presque Isle, ME), Coos County, NH (Colebrook and Errol, NH), and Washington County, ME (plantsite, Eastport, ME); Sub-No. 35, Berkshire County, MA (Adams, MA); Sub-No. 38, Albany and Rennselaer Counties, NY (Albany and Rennselaer, NY); Sub-No. 41, Waldo County, ME (Searsport, ME) and Coos County, NH (Berlin, NH); Sub-Nos. 46, 55, and 93, Rockingham County, NH (Portsmouth, NH); Sub-No. 61, Bennington County, VT (Shaftsbury and Bennington, VT) and Waldo and Penobscot Counties, ME (Searsport and Orrington, ME); Sub-No. 66, Chittenden County, VT (Williston and Burlington, VT), New Haven County, CT (Meriden, CT), Bergen County, NJ (Carlstadt, NJ), Waldo, Cumberland and Hancock Counties, ME (Searsport, Portland, and Bucksport, ME); Sub-Nos. 56 and 97, Penobscot County, ME (Orrington, ME); Sub-Nos. 68, 78, 81, and 92, Cumberland County, ME (Portland, ME); Sub-No. 72, Franklin County, VT (Swanton, VT) and Franklin County, ME (Jay, ME); Sub-No. 77, Bennington County, VT (Bennington, VT), Rennselaer County, NY (Petersburg and Johnsville, NY), Berkshire County, MA (Williamstown, MA), and Cumberland County, ME (Portland, ME); Sub-Nos. 78 and 109, Albany County, NY (Albany, NY); Sub-No. 81, Washington and Essex Counties, NY (Fort Ann and Westport, NY) and Chittenden County, VT (Burlington, VT); Sub-No. 79, Clinton County, NY (Plattsburgh, NY); Sub-No. 85, Hancock and Waldo Counties, ME (Blue Hill, Bucksport, and Searsport, ME), and Essex County, NY (Ticonderoga, NY); Sub-No. 89, Aroostook and Washington Counties, ME (Houlton, Vanceboro, and Calais, ME); Sub-No. 92, Orange County, NY (Middletown, NY) and Philadelphia and Berks Counties, PA (Philadelphia and Reading, PA); Sub-No. 110, Waldo County, ME (Searsport, ME); and Sub-No. 113, Chittenden County, VT (Burlington, VT).

MC 30837 (Sub-502)X, filed May 6, 1981. Applicant: KENOSHA AUTO TRANSPORT CORP., 4314 39th Avenue, Kenosha, WI 53142. Representative: Richard C. McGinnis, 711 Washington Building, Washington, D.C. 20005. Applicant seeks to remove restrictions from Sheet No. 24 of its lead certificate to (1) broaden the commodity description from utility rental trailers designed to be drawn by passenger automobiles to "commodities which because of their size or weight require special equipment" and (2) eliminate the restriction to transportation in secondary movements, in truckaway service.

MC 38400 (Sub-8)X, filed January 30, 1981, previously noticed in the FR of February 12, 1981, republished as follows: Applicant: HITCHCOCK BROS., INC., P.O. Box 212, Canaan, CT 06018. Representative: C. Frank Hitchcock (same as above). Applicant seeks to remove restrictions in its Sub-No. 8X certificate to broaden existing authority to serve points in NY within 25 miles of the CT–NY and MA–NY State Lines to "Albany, Columbia, Dutchess, Greene, Nassau, Orange, Putnam, Rensselaer, Rockland, Saratoga, Suffolk, Ulster, Washington, and Westchester Counties, NY and New York, NY." Following a recent Commission decision declaring this type of broadening to be reasonable, the Board has decided to renotice this portion of the original application.

MC 46797 (Sub-7)X, filed May 8, 1981. Applicant: PHILLIPS TRUCK LINE, INC., 785 East Street, Memphis, TN 38126. Representative: Edward G. Grogon, Esq., Twentieth Floor, First Tennessee Building, Memphis, TN 38103. Applicant seeks to remove restrictions in its lead certificate to allow service at all intermediate points on the regular route portion of its certificate, between (a) Memphis, TN and Europa, MS, and (b) Memphis, TN and Calhoun City, MS.

MC 87966 (Sub-21)X, filed May 7, 1981. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 9630 South 76th Avenue, Hickory Hills, IL 60457. Representative: Terry G. Fewell, P.O. Box 4403, Chicago, IL 60680. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 7, 14, 16, 17, 18, and authority acquired in MC–F–14318F (No. MC–15735 Sub-No. 27), to (1)

broaden its commodity descriptions: in the lead, from household goods, new furniture, furniture frames, store and bar furniture, fixtures and equipment, to "new furniture, furniture frames, furniture, fixtures, and equipment"; in all of the above-named authority except Sub-No. 14 and MC–F–14318F, from uncrated new furniture, new furniture, store and office fixtures, new store, restaurant, and bar furniture, uncrated, to "furniture and fixtures"; in Sub-No. 14, from store and office fixtures, and supplies and materials used in the installation thereof (except commodities in bulk), to "furniture and fixtures, and supplies and materials used in the installation thereof"; in Sub-Nos. 17 and 18, from store, restaurant, and bar fixtures and equipment, uncrated, to "furniture and fixtures, and equipment"; and in MC–F–14318F, from furniture, furnishings, appliances, store and office fixtures, kitchen fixtures and equipment, and institutional fixtures and equipment, all new and uncrated, to "furniture, furnishings, appliances, fixtures, and equipment, all new"; and (2) remove the AK and HI exceptions wherever they appear.

MC 95876 (Sub-400)X, filed May 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 9, 72, 89, 199 and 312F certificates to (1) broaden the commodity description (a) in part 1 of Sub-No. 9, from general commodities (with the usual exceptions and livestock), to "general commodities (except classes A and B explosives)", and in part 2, from contractors' and construction equipment, materials and supplies, heavy machinery, transformers, generators, tanks, boilers, smokestacks, power plant equipment, electrical equipment, portable houses and garages, and commodities requiring specialized handling or rigging because of size or weight, to "machinery; metal products; transportation equipment; clay, concrete, glass or stone products; petroleum, natural gas and their products; lumber and wood products, and building materials"; (b) in Sub-No. 72, from tanks, food preparation and serving equipment, transfer and storage containers, food display and showcase equipment, hoppers, materials handling equipment (except self-propelled), and accessories, parts, materials and supplies, to "metal products and machinery," (c) in Sub-No. 89, from manufactured art stone, lumber, shingles, new furniture, built-up wood, doors, sash, woodwork, veneer, tin plate, materials and supplies used in the manufacture of furniture and woodwork, household goods, machinery (except tractors and agricultural machinery), and building materials, to "clay, concrete, glass or stone products; lumber and wood products; furniture and fixtures; metal products; machinery; household goods, and building materials"; (d) in Sub-No. 199, from contractors' and construction equipment, materials and supplies, (except commodities in bulk), cement, machinery, transformers, generators, tanks, boilers, smokestacks, telephone poles, power plant equipment, electrical equipment, and commodities which because of size or weight require the use of special equipment or special handling, to "machinery, metal products, clay, concrete, glass or stone products; petroleum, natural gas and their products; lumber and wood products, and building materials", and (e) in Sub-No. 321F, from iron and steel articles, fabricated metal articles, pumps, heaters, pressure vessels, pollution control equipment, windmills, drilling equipment, parts, accessories and materials, equipment and supplies (except commodities in bulk), to "metal products, machinery, pollution control equipment, and windmills"; (2) replace existing city-wide authority with country-wide authority: in part 1 of Sub-No. 9, Hennepin, Ramsey, Anoka, Washington, Dakota, Scott and Carver Counties, MN and Pierce and St. Croix Counties, WI (for Minneapolis-St. Paul, St. Louis Park, Hopkins, Robbinsdale, Columbia Heights, Golden Valley, Fort Snelling, McCarrons's Lake, Richfield, New Brighton, Morningside, Fridley, Edina, Rose Township, Veteran's Hospital, Brownsdale, North St. Paul, South St. Paul, Invergrove, St. Paul Park, Mendota, State Fair Grounds, Brooklyn Center and Redrock, MN); in Sub-No. 72, Benton, Sherburne and Stearns Counties, MN (for St. Cloud), and in Sub-No. 89, Shawano, Outagamie, Brown, Calumet, Winnebago, Fond du Lac, Green Lake, Waushara, Portage, Waupaca, Marathon, Menomonie and Oconto Counties, WI (for New London, WI and points within 35 miles thereof); (3) in Sub-Nos. 72, 89, and 321F, eliminate restrictions against the transportation of bulk commodities, tractors, agricultural machinery, self-propelled articles, and traffic moving to or from AK and HI; and (4) authorize radial authority in place of existing one-way authority in Sub-No. 72, between Benton, Sherburne and Stearns Counties, MN, and, points in the US; in Sub-No. 89 between 13 counties in WI, and, points in IL, MN, MI, and IN.

MC 110325 (Sub-174)X, filed April 13, 1981, previously noticed in the **Federal Register** of May 1, 1981, republished as corrected this issue. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 8, 14, 15, 18, 21, 22, 25, 28 and 30 certificates which authorize service in AL, AR, AZ, CA, GA, KS, MO, MS, NM, OK, TN and TX, to (1) remove all exceptions in its regular-route, general commodity authority except "Classes A and B explosives;" (2) remove territorial restrictions which limit service to some intermediate points, no intermediate points, or intermediate points in one direction to authorize service at all intermediate points; (3) remove the restriction in Sub-No. 18, which restricts service on a described regular route against the transportation of traffic originated at or destined to points in AZ, CA and NM; (4) remove the restriction in Sub-No. 21, which allows, no service at St. Louis, MO on traffic originating at, destined to, or interlined at Dallas, TX; (5) delete facilities limitation from off-route points in Sub-Nos. 15, and 22; (6) broaden commodity descriptions in irregular route authority: (a) Sub-No. 15, roofing, building paper, insulating material, nails and asphalt, to "ores and minerals, lumber and wood products, pulp, paper and related products, petroleum or coal products, rubber and plastic products, clay, concrete or stone products, metal products (b) Sub-No. 22, groceries, produce, cotton seed, cotton seed meal, cotton seed hulls, seed, feed, farm implements, agricultural commodities and livestock, to "food and related products, metal products and machinery" (c) Sub-No. 25, "soap and soap products" to "chemicals and related products"; (7) in Sub-Nos. 15 and 25, replace Kansas City, MO with Johnson, Leavenworth and Wyandotte Counties, KS and Cass, Clay, and Jackson and Platte Counties, MO; (8) to broaden its off-route point descriptions to county-wide authority: (a) in Sub-No. 25, from points within 30 miles of Oklahoma City, OK to "Logan, Lincoln, Oklahoma, Pottawatomie, Cleveland, McClain, Grady, Canadian, Caddo, Kingfisher, and Payne Counties, OK"; (b) in Sub-No. 25, from points within 30 miles of Los Angeles, CA to "Los Angeles, Orange, San Bernardino, and Ventura Counties, CA"; (c) in Sub-No. 28, routes 1–3, from points within 5 miles of named highways to "Alameda, Contra Costa, San Francisco, San

Mateo, and Sata Clara Counties, CA"; (d) in Sub-No. 15, sheet 2, paragraph 7, from Alma, OK to "Stephens County, OK"; (e) in Sub-No. 15, sheet 3, paragraph 2, from Buffalo and Neodosha, KS to "Wilson County, KS"; (f) in Sub-No. 25, from Bartlesville, Collinsville, and Nowata, OK to "Nowata, Osage, Rogers, Tulsa, and Washington Counties, OK"; (g) in Sub-No. 30, from plantsites near Fort Worth, TX to "Parker and Tarrant Counties, TX"; (h) in Sub-No. 22, from points within 25 miles of Red Bay, AL to "Colbert, Franklin and Marion Counties, AL, and from points within 70 miles of Tupelo, MS to "Alcorn, Benton, Calhoun, Chickasaw, Clay, Grenada, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, and Yalobusha Counties, MS"; (9) authorize radial movements in place of existing one-way authority between Kansas City, MO and named counties or points in OK and KS in Sub-Nos. 15 and 25, and (10) remove all exceptions in its Sub-No. 15 irregular route, to authorize "general commodities except classes A and B explosives".

MC 118612 (Sub-14)X, filed May 11, 1981. Applicant: COLUMBIA TRUCKING, INC., 700—131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions from its Sub-Nos. 9F, 10 and 12 certificates to: (1) broaden the commodity description from asphalt and tar in Sub-No. 9F and hot asphalt in Sub-No. 10 to "petroleum or coal products"; (2) remove the "in bulk, in tank vehicles" restrictions in Sub-No. 10; (3) remove the facilities limitation in Sub-No. 9F; (4) replace Summit, IL with Cook°County, IL, in Sub-No. 10; and, (5) expand its one-way authority to radial authority in Sub-No. 9F, between IN, and, Waukegan, IL; in Sub-No. 10, between Cook County, IL, and, IN, IA, WI, MN, OH, MI, and MO; and in Sub-No. 12, between La Porte County, IN, and IL.

MC 118811 (Sub-19)X, filed May 4, 1981. Applicant: LAWRENCE McKENZIE TRUCKING SERVICE, INC., Route 5, Box 111, Winchester, KY 40391. Representative: William L. Willis, Suite 708 McClure Building, Frankfort, KY 40601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 13F and 15F certificates to (1) broaden the commodity descriptions in the lead from lumber to "lumber and wood products"; in Sub-No. 3 from lumber to "lumber and wood products"; in Sub-No. 13F from scrap metal to "metal products"; and in Sub-No. 15F from lard cans, shower stalls, furnaces and stoves, and parts, accessories and supplies to "building materials and metal products" (2) authorize radial service between specified points mainly in the eastern and central portions of the U.S.; (3) remove facilities limitations in Sub-No. 3, and 15F; (4) replace city-wide authority with county-wide authority as follows: Winchester with Clark County, KY in Sub-No. 3; Lexington with Fayette County, KY in Sub-No. 13F; and Louisville with Jefferson County, KY in Sub-No. 15F; and (5) delete the exception of (a) Erie, Jamestown, Lawrence Park, North East and Wesleyville PA and (b) the following OH Cities or points; Delaware, Hamilton, Lebanon, Lodi, Hansfield, Massillon, Middletown, Washington Court House, Wright-Patterson Field, and Xenia, in Sub-No. 3.

MC 123415 (Sub-22)X, filed May 4, 1981. Applicant: JAMES STUFFO, INC., Cinnaminson Industrial Park, 2301 Garry Rd. (P.O. Box 45), Cinnaminson, NJ 08077. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 6, 10, 12, 14 and 16 certificates to (A) broaden the commodity descriptions as follows: (a) in the lead and Sub-No. 6, from colored wall finishes in powdered form exterior Portland cement stuccos, building materials (except lumber, structural steel, sand, gravel and crushed stone), roofing materials and insulating board, waterproofing compounds, dry flooring cement compounds, roofing materials, sand, stone, brick, and tools, supplies and equipment used in installing or applying the described commodities (except commodities in bulk, in tank or hopper type vehicles) to "building materials"; (b) in the lead and Sub-Nos. 4, 5, and 16, from metal windows, metal window sections, and metal doors (uncrated), parts and fittings, aluminum extrusions (uncrated) when moving with shipments of metal windows, metal window sections, metal doors (uncrated), sample metal windows, sample metal window sections and sample metal doors (crated), aluminum extrusions (some portions uncrated), building construction sections, to "metal products"; (c) in the lead from clay sewer pipe (uncrated), flue lining, drain tile and sewer pipe, to "clay, concrete, glass or stone products"; (d) in the lead from waste materials, cotton waste, scrap or waste paper, old mattresses and rags, scrap iron and steel, scrap tin plate, scrap tin cans, to "waste or scrap materials not identified by industry producing"; (e) in the lead and Sub-No. 14, from, paper and paper products, and paper mill supplies and paper boxes, to "pulp, paper and related products"; (f) in lead docket, from plastic pipe and fittings for plastic pipe, to "rubber and plastic products"; (g) in Sub-No. 10, from illuminated signs and component parts thereof to "advertising products and materials"; (h) in Sub-No. 12, from pallets to "packaging and material carrying devises"; and (i) in Sub-No. 14, from drug, medicinal and toilet preparations, in paper boxes and the same commodities on return (except liquid commodities in bulk), to "health and personal care products and materials"; (B) remove all restrictions on commodities, such as "except liquid commodities in bulk", "crated", "uncrated", etc.; (C) delete facilities limitations in each certificate; (D) replace city-wide with county-wide authority wherever the following appear in each certificate: Bogota, East Rutherford, Little Ferry, Ridgefield Park with Bergen County, NJ; Elizabeth, Elizabeth Port, Garwood with Union County, NJ; Manville with Somerset County, NJ; Old Bridge, New Brunswick with Middlesex County, NJ; Whippany with Morris County, NJ; Camden, Delair, Gloucester with Camden County, NJ; Trenton with Mercer County, NJ; Newark with Essex County, NJ; Edge Moor with New Castle County, DE; Urichsville and Midvale with Tuscarawas County, OH; Carrollton with Carroll County, OH; Freehold with Monmouth County, NJ; and Lancaster with Lancaster County, PA; and (E) authorize radial service where only one-way authority exists between points in specified States located mainly throughout the eastern and central portion of the U.S.

MC 124170 (Sub-164)X, filed May 7, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, P.C., 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 79, 99F and 100F certificates to (1) eliminate the facilities limitation in Sub-No. 99F; (2) change one-way to radial authority between (a) Detroit, MI, and, points in ME, MA, CT, RI, VT, NY, NJ, PA, OH, MD, DE, VA, WV, FL, GA, MS, AL, LA, NC, SC, TN, KY, IN, WI, IL and DC in Sub-No. 79; (b) points in the U.S., and, Detroit, MI, in Sub-No. 99F; and (c) Detroit, MI, and, points in AZ, AR, CA, CO, ID, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY, in Sub-No. 100F; and (3) remove the "except commodities in bulk" restriction in Sub-No. 100F.

V 46 / 99 / M
MAY 22 81
UMI

MC 126960 (Sub-9)X, filed May 1, 1981. Applicant: EASTMAN TRANSPORT, INC., P.O. 1186, Fort Bragg, CA 95437. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 7 certificates to: (1) broaden the commodity description in Sub-Nos. 2 and 7, from lumber to "lumber and wood products"; and also in Sub-No. 2, broaden mineral ores and concentrates, ore, ore and ore concentrates to "ores and minerals"; cottonseed meal, crumbles and pellets to "food and related products"; and fertilizer to"chemicals and related products"; (2) expand Grants Pass, OR, to Josephine County, OR, Phoenix, AZ; Phoenix, AZ, to Miricopa County, AZ; Tucson, AZ, to Pima County, AZ; and Merlin, OR, to Josephine County, OR, wherever they appear in Sub-No. 2; (3) remove the restriction against service from the Palo Alto Mining site and the J. R. Holman Mine site in Sub-No. 2; (4) eliminate the exception of wood chips from the commodity description lumber and wood products and forest products in Sub-No. 2; eliminate the "except in bulk restriction" in Sub-No. 2; and (5) expand its one-way authority to radial authority between named counties in OR, and, named counties CA in Sub-Nos. 2 and 7 and between named counties in OR, and, points in NV; and between named counties in OR, and, named counties in AZ, in Sub-No. 2.

MC 134730 (Sub-29)X, filed May 7, 1981. Applicant: METALS TRANSPORT, INC., 528 South 108th Street, West Allis, WI 53214. Representative: M. H. Dawes (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 20F, 21F, 22F, 23F, 24F, 25F, 26F, 27F, and 28F permits to (1) authorize service between points in the U.S., under continuing contract(s) with named shippers; and (2) broaden the commodity descriptions to (a) "metal products and waste or scrap materials" from non-ferrous metals and scrap metals, in Sub-Nos. 20F, 22F, and 26F; (b) "non-metallic minerals, metal products, and machinery, material, equipment and supplies" from heat processing equipment, accessories, and materials, equipment and supplies, in Sub-Nos. 21F, 23F, and 28F; (c) "forest products, lumber and wood products, pulp, paper and related products, building materials and metal products" from forest products, lumber, millwork, building supplies and hardware, in Sub-No. 24F; (d) "metal products and materials, equipment and supplies" from fabricated metal products and iron and steel articles, and materials, equipment, and supplies, in Sub-No. 25F; and (e) "machinery and metal products" from waste water treatment equipment and parts for waste water treatment equipment, in Sub-No. 27F.

MC 145402 (Sub-11)X, filed May 4, 1981. Applicant: LAKE LINE EXPRESS, INC., P.O. Box 1021, Appleton, WI 54912. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) remove all exceptions from its general commodity authority except classes A and B explosives; (2) allow service at all intermediate points between Milwaukee, WI and Kalamazoo, MI, Buffalo and Grand Rapids, MI, Grand Rapids, MI and junction Interstate Hwys. 94 and 196, Tomahawk and Milwaukee, WI, Green Bay and Milwaukee, WI, Antigo and Appleton, WI, Wausau and Green Bay, WI, Manitowoc and Stevens Point, WI, and, Manitowoc and Fond du Lac, WI; (3) allow service at all off-route points in St. Joseph County, MI in place of points in part of the county; (4) eliminate all restrictions limiting service at specific points for purpose of joinder or interchange only; (5) remove the originating at and destined restriction; and (6) eliminate the restriction requiring that "service may only be provided between points in WI, on the one hand, and points in MI on the other hand."

MC 146269 (Sub-4)X, filed May 12, 1981. Applicant: WALDORF TRANSPORTATION CO., INC., P.O. Box 1470, La Plata, MD 20646. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F certificates to (1) broaden the commodity description from (a) malt beverages to "food and related products", in Sub-No. 2F; and (b) cloth, cotton fibre, synthetic fibre, and unfinished piece goods to "textile mill products", in Sub-No. 3F; (2) change its one-way authority to radial authority between Philadelphia, PA and Baltimore, MD, and specified points in VA, in Sub-No. 2F; and (3) replace North Dighton with Bristol County, MA, in Sub-No. 3F.

MC 146274 (Sub-1)X, filed May 8, 1981. Applicant: JACKSON TRANSPORTATION, INC., P.O. Box 410–C, Clayton, IN 46240. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead permit, which authorizes the transportation of printed matter, to broaden the territorial description to "between points in the U.S.," under continuing contract(s) with a named shipper.

MC 146782 (Sub-52)X, filed May 4, 1981. Applicant: ROBERTS CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201. Applicant seeks to remove restrictions in its Sub-Nos. 9F, 10F, 12F, 13F, 15, 17, 18, 19F, 20F, 25F, 26, 27F, 29F, 30, 31F, 32F, 33 and 36 certificates to (1) broaden the commodity description from (a) aluminum articles, iron and steel articles, wire, rod, wire and rod articles, fencing materials, zinc articles, aluminum sheet and foil, aluminum ingots, tubing and welded steel tubing to "metal products" in Sub-Nos. 9F, 10F, 11F, 12F, 13F, 15, 17, 18, 19F, 20F, 26F, 27F, 29F, 30, 31F, 32F, 33 and 36; (b) construction adhesives and paint to "building materials" in Sub-No. 25F; (2) broaden the territorial descriptions to county-wide authority by (a) substituting: Cook County, IL, for a plantsite at Chicago, IL, in Sub-No. 9F; Putnam County, IL, Lake County, IN, Mahoning County, OH, Beaver County, PA and Allegheny County, PA, for plantsites at Hennepin, IL, Indiana Harbor, IN, Youngstown, OH, Aliquippa and Pittsburgh, PA, in Sub-No. 10F; Hancock County, WV, and Jefferson County, OH, for plantsites at Weirton, WV, and Steubenville, OH, in Sub-No. 12F; Carroll County, TN, for a plantsite at Hungtingdon, TN, in Sub-No. 13F; Jackson County, AR, and Roane County, TN, for plantsites at Newport, AR, and Harriman, TN, in Sub-No. 15; Beaver County, PA, and Stark County, OH, for plantsites at Beaver Falls, Koppel and Ambridge, PA, and Alliance, OH, in Sub-No. 18; Richland County, OH, for a plantsite at Shelby, OH, in Sub-No. 19F; Davidson County, TN, for plantsites at Nashville, TN, in Sub-Nos. 20F, 25F and 31F; Georgetown County, SC, for plantsite at Georgetown, SC, in Sub-No. 26; Whitside County, IL for plantsites at Sterling and Rock Falls, IL, in Sub-No. 29F; Bradley County, TN, for a plantsite at Cleveland, TN, in Sub-No. 30; and Surry County, NC for a plantsite at Mount Airy, NC, in Sub-No. 32F; and (b) deleting the "originating at and/or destined to" restrictions wherever they appear in each certificate and (3) substitute radial authority for one-way authority in Sub-Nos. 9F, 10F, 11F, 15, 19F, 26 and 29F, between specified points located mainly in the eastern and central portion of the U.S.

MC 147169 (Sub-2)X, filed May 4, 1981. Applicant: SERVICEWAY MOTOR

FREIGHT, INC., P.O. Box 243, Alcoa, TN 37701. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its authority in its lead certificate No. MC-147169 F and Sub-Nos. 1F and certificates No. MC-145274 Sub-Nos. 4F, and 6F to (1) broaden the commodity description from carbonated beverages and carbonated beverage containers to "food and related products, rubber and plastic products, clay, concrete, glass or stone products, and metal products" in the lead; in Sub-No. 1F from carbonated beverages and materials and supplies used in the manufacture and distribution of carbonated beverages to "food and related products, and material and supplies used in its manufacture and distribution"; in Sub-No. 2F, part (1) from containers and container ends to "rubber and plastic products, clay, concrete, glass or stone products, and metal products"; in Sub-No. 4F, part (1) iron containers and steel containers and metal can ends to "metal products"; in Sub-No. 6F, part (1) from ground clay, crude clay and floor sweeping compounds to "chemicals and related products, and clay, concrete, glass or stone products"; (2) remove the facilities limitations in Sub-Nos. 2F and 6F; (3) substitute counties for named cities as follows: in Sub-Nos. 1F and 2F Shelby County (for Collierville), TN; in Sub-No. 4F, Lee County (for Bishopville), SC; in Sub-No. 6F, Hardeman County (for Middleton), TN; (4) remove the "in bulk" restrictions in Sub-No. 6F, and the "in bulk, in tank vehicles" restriction in Sub-Nos. 2F and 4F.

MC 147553 (Sub-13)X, filed May 11, 1981. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a. MOTOR WEST, P.O. Box 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-No. 7 certificate to (1) broaden the commodity description to "such commodities as are dealt in by grocery and food business houses and beverages", from beverages, (2) expand its one-way authority to radial authority between points in CA, OR, and WA, and, points in ID. Applicant's ability to tack authorities will be governed by rules set forth at 49 CFR Part 1042.10(b).

MC 148512 (Sub-6)X, filed April 30, 1981. Applicant: WESTERN TANK LINE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in No. MC-148512 Sub-Nos. 2F, 3F, 4, and 5 certificates and authorities acquired in MC-F-14215F, issued in No. MC-119400 and Sub-Nos. 1, 2, 3, 6, 10, 12, 14, and 16, to (1) change various bulk commodity descriptions such as anhydrous ammonia MC-119400 (Sub-Nos. 3, 6, 8, and 14); fertilizer, insecticides, fungicides, and herbicides MC-119400 (Sub-No. 1); fertilizer and fertilizer ingredients MC-119400 (Sub-No. 10); chemicals, fertilizers and fertilizer materials MC-119400 (Sub-No. 2); asphalt emulsion MC-148512 (Sub-No. 3); liquified petroleum gas MC-148512 (Sub-No. 2); acids and chemicals MC-148512 (Sub-No. 4); liquid fertilizer solutions MC-119400 (Sub-Nos. 12 and 16); refined petroleum products (Base Docket MC-119400); and liquid commodities in bulk MC-148512 (Sub-No. 5) to read "commodities in bulk", (2) remove "in tank vehicles" restrictions in MC-119400 (Sub-Nos. 6 and 12) and MC-148512 (Sub-Nos. 2 and 3); (3) eliminate facilities limitations in MC-119400 (Sub-Nos. 1, 2, 6, 10, 14 and 16); (4) authorize radial service between points located throughout the U.S. and (5) replace city-wide authority with county-wide authority wherever they appear in each certificate as follows: Alton with Sioux County, IA; Naper with Boyd County, NE; Spalding with Greeley County, NE; Rogers and Schuyler with Colfax County, NE; Arkansas City with Cowley County, KS; El Dorado with Butler County, KS, Conway and McPherson with McPherson County, KS; Arlington and Blair, with Washington County, NE; Air Park West, Lincoln with Lancaster County, NE; Borger with Hutchinson County, TX; Greenwood with Cass County, NE; Whiting with Monona County, IA; Early with Sac County, IA; Garner with Hancock County, IA; Doniphan with Hall County, NE; Clay Center with Clay County, KS; and Falls City with Richardson County, NE

MC 148846 (Sub-4)X, filed May 8, 1981. Applicant: JETWAL, INC., P.O. Box 512, Sterling, CO 80751. Representative: Jack B. Wolfe, Suite 665, 1600 Sherman St., Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (1) broaden the commodity descriptions from molasses and condensed steffens filtrate, in tank vehicles, liquid feed supplement, liquid feed ingredients, and liquid fertilizer in tank vehicles, to "commodities in bulk"; (2) remove facilities limitations at Sterling and Johnstown, CO and replace with Logan and Weld Counties, CO; and (3) replace its one-way authorities with radial authorities, between Logan and Weld Counties, CO, and points in SD, NE, KS, IA, WY, MT, OK, and TX.

[FR Doc. 81-15429 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: May 19, 1981.

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.4-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.2-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 2.1-percent surcharge for United Parcel Service, or the 6.9-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m., May 22, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis and Commissioner Gilliam were absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix—*Fuel Surcharge*

Base, date and price per gallon (including tax)	
January 1, 1979	63.5¢
Date of current price measurement and price per gallon (including tax)	
May 18, 1981	132.7¢

	Transportation performed by—			
	Owner-operators [1]	Other [2]	Bus carriers	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.4	3.2	6.9	[3] 2.9
Percent surcharge allowed	18.5	3.2	6.9	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-15424 Filed 5-21-81; 8:45 am]
BILLING CODE 7035-01-M

Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: May 19, 1981.

By the Commission, Krock, Joyce, and Dowell.

MC-F-14624F, filed April 28, 1981. GRAND ISLAND MOVING & STORAGE CO., INC. (GIMS) (P.O. Box 2122, Grand Island, NE 68801)—PURCHASE (PORTION)—CONLEY TRUCK LINE, INC. (Conley) (P.O. Box 1761, Grand Island, NE 68801). Representative: Brian K. Ridenour, P.O. Box 82028, 1200 N Street, 500 The Atrium, Lincoln, NE 68501. GIMS seeks authority to purchase a portion of the interstate operating rights of Conley. James D. Pirnie, who controls GIMS through 92% of stock ownership, seeks authority to acquire control of said rights through the transaction. GIMS is purchasing a portion of Conley's authority which is contained in Certificate No. MC-18080, which authorizes the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Council Bluffs, IA, and Arnold, NE, as follows, serving the intermediate and off-route points of Omaha, Lincoln, Hastings, Glenwood Park, and Kearney, NE, and those on NE Hwy 40 between Glenwood Park and Arnold, and the off-route point of Grand Island, NE, (1) from Council Bluffs over U.S. Hwy 6 to Lincoln, NE, then over NE Hwy 2 via Woodlawn, NE, to junction U.S. Hwy 34, then over U.S. Hwy 34 to junction U.S. Hwy 281, then over U.S. Hwy 281 to Hastings, NE, then over U.S. Hwy 6 to Minden, NE, then over NE Hwy 10 to junction NE Hwy L-50A (formerly NE Hwy 410), then over NE Hwy L-50A to junction NE Hwy 44, then over NE Hwy 44 to Kearney, NE, then over NE Hwy 30 to Gothenburg, NE, then over NE Hwy 47 to junction NE Hwy 40, then over NE Hwy 40 to Arnold, and return over the same route; (2) from Council Bluffs to Kearney as specified above, then over NE Hwy 10 to Glenwood Park, NE, and then over NE Hwy 40 to Arnold, and return over the same route; (3) from Council Bluffs over U.S. Hwy 6 to Omaha, then over NE Hwy 92 to Arnold, and return over the same route, and (4) from Council Bluffs over U.S. Hwy 6 to Omaha, then over U.S. Hwy 275 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction NE Hwy 92, then over NE Hwy 92 to Arnold, and return over the same route. GIMS is authorized to operate as a common carrier over regular and irregular routes in the continental United States pursuant to certificates authorized in MC-135283 and sub-numbers thereunder.

MC-F-14623, filed April 24, 1981. WINTZ TRANSPORTATION CO. (Wintz) (1706 American National Bank Bldg., St. Paul, MN 55101)—PURCHASE—MODERN TRUCK LINES, INC. (Modern) (7845 Hall St., St. Louis, MO 63147). Representative: Brian K. Ridenour, P.O. Box 82028, 1200 N St., 500 The Atrium, Lincoln, NE 68501. Wintz seeks authority to purchase the interstate operating rights of Modern. George L. Wintz, Jr., the sole stockholder of Wintz, seeks authority to acquire control of said rights through the transaction. Wintz is purchasing those rights contained in Modern's certificate in MC-115169 and sub-numbers thereunder, which authorize the transportation of: General commodities, except those of unusual value, Classes A and B explosives, livestock,

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Between points within one mile of Paducah, KY, not including Paducah, on the one hand, and, on the other, points in Kentucky on KY Highway 286, not including Wickliffe, KY. *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Louis, MO, on the one hand, and, on the other, points in Ballard County, KY. *General commodities*, except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, between Paducah, KY, Memphis, TN, Cairo, IL, and points in Illinois within five miles of Cairo, IL, and points in TN located on U.S. Highway 51, on the one hand, and on the other, points in Kentucky within 35 miles of La Center, KY, excluding La Center and those in said area on or within one mile of U.S. Highways 45, 51, and 60. Between East St. Louis, IL and points in Illinois within 25 miles thereof, on the one hand, and, on the other, La Center, KY, and points in Kentucky within 35 miles of La Center, other than those on or within one mile of U.S. Highways 45, 51 and 60. *Cheese, feed, roofing materials, wire-fencing, lard cans,* and *packinghouse products and by-products*, including *fresh meats*, from East St. Louis, IL, to points in Ballard and McCracken Counties, KY, with no transportation for compensation on return except as otherwise authorized. *Livestock*, between points in Ballard and McCracken Counties, KY, on the one hand, and, on the other, East St. Louis, IL. Wintz holds no permanent authority from the Commission. However, it is operating under temporary authority issued in MC–F–14417F and MC–F–14329, transporting specified commodities in described areas involving the States of Arizona, New Mexico, Colorado, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Missouri, Kansas, South Dakota, Indiana, Kentucky, Michigan, Ohio, California, Nevada and Utah. Wintz is affiliated with Wintz Motor Freight, Inc., which is authorized to operate as a motor contract carrier, over irregular routes, in the States of Arizona, California, Colorado, Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin, pursuant to authority granted in MC–144822, MC–F–13360, MC–F–13362, MC–F–13998F, and MC–F–13999F.

Note.—Application for TA has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–15422 Filed 5–21–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-No. 49F)]

Seaboard Coast Line Railroad Co.—Abandonment—In the City of Belton, Anderson County, SC; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided May 15, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of a portion of a line of railroad known as the Belton Subdivision extending from railroad milepost AKM–0.0 to milepost AKM–2.0, a distance of 2.0 miles, in the City of Belton, Anderson County, SC. A certificate of public convenience and necessity permitting abandonment was issued to the Seaboard Coast Line Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer be filed with Commission and served concurrently on SCL, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–15156 Filed 5–21–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–33 (Sub-No. 19F)]

Union Pacific Railroad Co. Abandonment—In Weld County, Colo.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided May 15, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91(1979), the present and future public convenience and necessity permit the abandonment by the Union Pacific Railroad Company of a line of railroad known as the Greeley Branch, extending from railroad milepost 2.26 near Greeley Junction to railroad milepost 10.86 near Gill, a distance of 8.60 miles in Weld County, CO. A certificate of public convenience and necessity permitting abandonment was issued to the Union Pacific Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on UP, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment

shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15139 Filed 5-21-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-101]

Certain Hot Air Corn Poppers and Components Thereof; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 16, 1981, and amended April 30, 1981, and on May 13, 1981 under section 337 of the Tariff Act of 1930 (19 U.S.C. section 1337), on behalf of Wear-Ever Aluminum, Inc., 1089 Eastern Avenue, Chillicothe, Ohio 45601. The complaint alleges unfair methods of competition and unfair acts in the importation of certain hot air corn poppers into the United States, or in their sale, by reason of the alleged infringment by said hot air corn poppers of claims 1, 2, 3, and 5 of U.S. Letters Patent 4,178,843. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, after full investigation, the Commission issue an order excluding the articles in question from entry into the United States for the term of the patent, except under license.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure.

SCOPE OF THE INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on May 13, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unauthorized importation of certain hot air corn poppers and components thereof into the United States, or in their sale, by reason of the alleged infringement by said hot air corn poppers of claims 1, 2, 3, or 5 of U.S. Letters Patent 4,178,843, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Wear-Ever Aluminum, Inc., 1089 Eastern Avenue, Chillicothe, Ohio 45601.

(b) The respondents are the following persons, alleged to be in violation of section 337, and are parties upon whom the complaint is to be served:

Yamada Electric Industries, Ltd., 1-30-1 Yahiro, Sumida-Kv, Tokyo, Japan 131
Chiap Hua, 30-32 Kung Zip Street, Kwai Chung N.T., Hong Kong
The West Bend Company, Inc., 400 W. Washington Street, West Bend, Wis. 53095
Sunbeam Corporation, 4600 W. Roosevelt Road, Chicago, Ill. 60650
Maxim Associates Corporation, 9131 Queens Boulevard, Elmhurst, N.Y. 11373
The Stop & Shop Companies, Inc., 393 D Street, Boston Mass. 02101
K-Mart Corporation, 3100 W. Big Beaver Road, Troy, Mich. 48084.

(c) John Milo Bryant, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

The phrase "and components thereof" has been added to paragraph (1) above on the basis of informal investigatory activities by the Commission which revealed that hot air corn poppers of the type alleged to infringe claims 1, 2, 3, and 5 of U.S. Letters Patent 4,178,843 can be imported in component parts as well as entirely assembled units.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than June 11, 1981. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: John Milo Bryant, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-0419.

Issued: May 19, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-15280 Filed 5-21-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-98]

Certain Screw Jacks and Components Thereof; Amendment of Notice of Investigation and Designation of the Investigation as "More Complicated"

AGENCY: International Trade Commission.

ACTION: Amendment of compliant to include an allegation of infringement of an additional patent and designation of the investigation as "more complicated."

SUMMARY: On May 18, 1981, the Commission determined to amend the notice of investigation to include infringement of U.S. Letters Patent 3,977,267 by respondents Seeburn Metal Products, Ltd., and General Motors Corp., as an alleged unfair act or unfair method of competition within the meaning of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

On April 13, 1981, complainant Auto Specialties Manufacturing Co. Filed a motion to amend the complaint and notice of investigation to include U.S. Letters Patent 3,977,267. The motion was opposed by respondents Seeburn Metal Products, Ltd., and General Motors Corp.

The original complaint in this investigation, which was instituted on

February 11, 1981, alleged that screw jacks made by Seeburn infringed U.S. Letters Patent 3,862,577 (the '577 patent) because of a pinion gear contained in the imported screw jacks. The '267 patent, which the complainant now wishes to add allegedly covers another component of the screw jacks, the bottom gear.

On May 1, 1981, the Commission Administration Law Judge, Judge Saxon, recommended that the Commission amend the notice to add the '267 patent and also delcare this investigation "more complicated."

The Commission's Action and Order, and Memorandum Opionion in this matter is available for public inspection in the Office of the Secreary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E street NW., Washington, D.C. 20436, telephone 202–523–0359.

Issued: May 19, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–15282 Filed 5–21–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701–TA–68 (Final)]

Leather Wearing Apparel From Uruguay

Determination

On the basis of the record [1] developed in Investigation No. 701–TA–68 (Final), the Commission unanimously determines, pursuant to section 705(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)), that an industry in the United States is threatened with material injury by reason of imports from Uruguay of leather wearing apparel, provided for in item 791.76 of the Tariff Schedules of the United States, which the Department of Commerce has found to be subsidized by the Government of Uruguay. The Commission further determines, pursuant to section 705(b)(4) of the Tariff Act, that material injury would not have been found but for the suspension of liquidation of entries of the subject merchandise.

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

Background

The Commission instituted this investigation effective December 12, 1980, following a preliminary determination by the Department of Commerce that bounties or grants are being provided by the Government of Uruguay with respect to the production or export of leather wearing apparel imported into the United States. Notice of the institution of the Commission's investigation and of the public hearing to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on January 7, 1981 (46 FR 1848). The hearing was held in Washington, D.C., on March 26, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

On the basis of the record developed in investigation No. 701–TA–68 (Final), we determine that an industry in the United States is threatened with material injury by reason of imports from Uruguay of leather wearing apparel,[2] which the Department of Commerce has found to be subsidized by the Government of Uruguay.

The Domestic Industry

In general, the domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[3] A like product is a product which is like or in the absence of like, most similar in characteristics and uses to the imported product which is the subject of the investigation.[4] Three sets of like products exist in this investigation—(1) men's and boy's leather coats and jackets, (2) women's and girl's leather coats and jackets, and (3) leather wearing aparel "other than coats and jackets."

Ninety percent of the imported articles subject to this investigation are leather coats and jackets. Also included, but imported in smaller quantities, are leather vests, pants, and shorts. All of these imported articles can be divided into categories which differentiate them on the basis of sex of the wearer and/or the way in which they are worn, i.e., outerwear or non-outerwear. These items are distinguishable from other imported apparel items in that they are all made primarily of leather. Articles of apparel, substantially the same as the imported articles, are produced by numerous firms in the United States.

Evidence gathered during this investigation demonstrates that the purchase of leather wearing apparel tends to be, fundamentally, a fashion decision. In other words, the decision to buy leather wearing apparel tends to be based on style, rather than on utilitarian value. Inherent characteristics of leather such as texture, prestige, durability, smell, and color are among the factors that make the decision to buy leather a style choice. Thus, a wool garment or a vinyl garment will not easily suffice when an article of leather wearing apparel is desired.

The method of manufacturing leather wearing apparel is an important consideration in helping us to understand the nature of the industry. From the record, it is clear that it is a very simple matter to switch from the production of men's leather wearing apparel to the production of women's leather wearing apparel. The same is true for children's wear and for the production of pants vs. vests, jackets vs. coats, etc. Once the investment is made in machines for manufacturing leather apparel, there are no changes that have to be made to produce a particular type of garment nor are there employees who have to be retrained. This is the case because the method of producing leather wearing apparel is a simple one using hand-cut materials which are sewn together from a pattern. For example, when fashion dictates, a women's wear manufacturer can switch production in order to concentrate on men's apparel or production of coats and jackets can be switched to production of vests and pants. The basic change in producing any of these products is the length of the material and the style of the cut.

Of the firms responding to Commission questionnaires, twelve produce men's and boy's coats and jackets, five produce women's and girl's coats and jackets, and five produce leather wearing apparel for both sexes. All leather wearing apparel producers make at least one of the like products in this investigation, and each of these producers is included in the definition of the domestic industry.

The data available from domestic producers distinguish between male and female garments in terms of shipments, unshipped orders, and production. However, producers' data do not break down profit/loss figures and employment for production of male and

[2] The leather wearing apparel under investigation is provided for in item 791.76 of the Tariff Schedules of the United States.

[3] Section 771(4)(A) of the Tariff Act of 1930.

[4] Section 771(10).

female coats and jackets or other garments.

Section 771(4)(D) makes provision for circumstances in which the production process or producer's profits cannot be separately identified for like products, by providing for analysis of the narrowest product line containing the like product. In this case, the lack of available data regarding men's and women's garments in terms of profit/loss and the identity of the production process lead us to the conclusion that the narrowest group of products for analysis is all leather wearing apparel. Therefore our determination in this case is based upon an examination of the impact of these imports on all leather wearing apparel production.

Condition of the U.S. industry

Although the period covered by the present investigation was 1978–1980, past investigations by the Commission [5] have documented the decline of the domestic leather wearing apparel industry since the mid-1970's, a decline so severe that the Commission determined in January 1980 that the industry had suffered "serious injury."[6] Since that time, key indicators of health for this industry—profitability and employment—show further deterioration. The ratio of net operating profit to net sales, already very low in 1978 at 3.1 percent, fell to 1.2 percent in 1980. Employment declined 22 percent since 1978 and average hours worked per week fell to 33 hours.

Other data show that the industry's decline has slowed since 1978 and that in some areas—notably the women's segment—there has been some improvement. The quantity of producer's shipments increased 4 percent from 1978 to 1980, though the value of such shipments declined by 5 percent.[7] Unfilled orders of women's apparel have been trending upward since 1979. Though capacity and capacity utilization are difficult to assess in this fluid industry, we note that capacity has risen since 1978 but utilization of capacity has dropped and is now at a low level, at just over 50 percent.

We view the information pointing to improvement or stabilization in the industry in the light of industry conditions in 1978. During the period 1975–1978, many smaller producers, primarily in the women's segment, switched to the production of other items, became importers, or liquidated their businesses. It is from this shrunken base that "stabilization" or "improvement" of the industry has taken place. With such low profitability and continued declining employment, the industry has not moved far above the troubled position in which we found it in January 1980.

However, the current state of the domestic industry cannot be attributed to subsidized imports of leather wearing apparel from Uruguay. Imports from Uruguay have decreased 81 percent by quantity and 76 percent by value from 1978 to 1980. The share of imports from Uruguay in apparent U.S. consumption also fell off dramatically during this period—from 8.4 percent to 2.8 percent, a decline of 67 percent. Although price comparisons of Uruguayan and U.S.-made leather wearing apparel at both the wholesale and retail levels showed some evidence of underselling, domestic producers could not provide the Commission with evidence of sales lost by them to imports of leather wearing apparel from Uruguay.

The domestic leather wearing apparel industry is clearly susceptible to import-related injury, but for the timeframe covered by this investigation, the causal link necessary for an affirmative finding of present injury was absent.

Threat of Material Injury by Reason of Subsidized Imports

As the Senate Finance Committee report on the Trade Agreements Act of 1979 makes clear, an affirmative finding on the question of threat of material injury "must be based upon information showing that the threat is real and injury is imminent, not a mere supposition or conjecture."[8] The report of the Committee on Ways and Means of the House of Representatives advises that in terms of possible threat of material injury,

> demonstratable trends—for example, the rate of increase of the subsidized or dumped exports to the U.S. market, capacity in the exporting country to generate exports, the likelihood that such exports will be directed to the U.S. market taking into account the availability of other export markets, and the nature of the subsidy in question (i.e., is the subsidy the sort that is likely to generate exports to the United States) will be important.[9]

We have focused on these four factors in making our determination.

The rate of increase of subsidized exports.—The period 1975 to 1978 saw U.S. imports from Uruguay increase in value by 305 percent, as that country rose to third largest foreign supplier of leather wearing apparel in 1977 and fourth largest in 1978.[10] In 1978, a countervailing duty investigation on imports of leather wearing apparel from Uruguay by the Commission resulted in a unanimous affirmative determination.[11] Data for the period 1975 to 1978 demonstrated the capability of Uruguayan producers, aided by subsidies, to increase rapidly their export of these articles to the United States at competitive prices.

It is this data on Uruguay's exports to the United States in 1975–1978 which we consider most relevant for assessing Uruguay's future performance in the U.S. market. The most recent period, 1979–1980, and especially the period following the reinstatement of subsidies by the Government of Uruguay on April 16, 1980, is not helpful in analyzing export trends because it represents a highly aberrational market situation. As a general proposition, the methodology employed would be to compare export trends from Uruguay when subsidies were *not* in effect (calendar year 1979 and January–March 1980) with export trends since the reinstatement of subsidies on April 16, 1980, and further, to compare such trends with those of other major foreign suppliers of leather wearing apparel to the U.S. market. But such an approach does not take account of the important external factors that affected the level of Uruguay's exports in 1980. Most notably, pending actions of the U.S. government throughout the year raised uncertainty as to access to the U.S. market for leather wearing apparel.[12] Because of these pending actions and the weak demand for leather wearing apparel, 1980 was not an opportune time for Uruguayan producers to gear up for exports to the

---

[5] *See* Inv. No. 332–79–(3); *Leather Wearing Apparel from Uruguay*, Inv. No. 303–TA–2 (USITC Pub. 883, 1978; *Certain Leather Wearing Apparel from Colombia and Brazil*, Inv. No. 303–TA–9 (USITC Pub. 948, 1979); *Leather Wearing Apparel*, Inv. No. TA–201–40, (USITC Pub. 1030, 1980).

[6] USITC Pub. 1030.

[7] These conflicting trends are explained by the increase in shipments of women's short jackets and blazers which are less expensive per unit than long.

[8] S. Rept. 96–249, 96th Cong., 1st Sess. (1979) at 88–89.

[9] House Rept. 96–317, 96th Cong., 1st Sess. (1979) at 47.

[10] Report, p. A–10.

[11] U.S. International Trade Commission Publication 883, *Leather Wearing Apparel from Uruguay*, April 1978. Chairman Alberger and Commissioner Bedell voted in the affirmative in that investigation. Vice Chairman Calhoun and Commissioner Stern were not members of the Commission at that time.

[12] On January 24, 1980, the Commission unanimously determined that an industry in the United States was being injured by the importation of leather coats and jackets for men and boys and women and girls and recommended relief. On March 24, 1980, the Presidnet denied import relief. In late July 1980, Congress attempted to override the President's decision to deny import relief. Although the Senate Committee on Finance voted to override on August 21, 1980, the attempt was defeated on September 10, 1980, when the House Subcommittee on Trade of the Ways and Means Committee rejected the resolution by a vote of 10 to 9.

United States as they did in 1975–1978. In fact, uncertainty of market access and the demand situation affected export trends from all countries in 1980. Comparisons between Uruguayan performance in the U.S. market with or without subsidies in place—no matter which time periods are utilized [13]—are simply not appropriate given the effects of external factors on import performance in the U.S. leather wearing apparel market in 1980. Export data for Uruguay from 1975 to 1978 show rapid increases in exports and U.S. market penetration when Uruguayan manufacturers/exporters enjoyed both subsidies and unrestricted access to the U.S. market. Assuming that Uruguay's export capability and interest in exporting to the United States have not changed since the 1975–1978 period, it is Uruguay's performance in that period that we would expect to see repeated if U.S. government actions were not on the horizon and the market picked up as is expected in the fall of 1981. The Commission recognizes that such increased quantities of imports threaten injury to the domestic industry in its present weak condition.

Capacity in Uruguay to generate exports.—Data on present production and capacity of the Uruguayan leather wearing apparel industry are unavailable. In lieu of such data, respondents suggested that exports could approximate production, since over 90 percent of production in Uruguay is exported.[14] As noted above, analysis of Uruguay's past export performance shows imports of leather wearing apparel from Uruguay increased 305 percent from 1975 to 1978, as Uruguay rose from seventh largest foreign supplier of those items to fourth largest. Imports from Uruguay declined in both 1979 and 1980, but that country remains the seventh largest foreign supplier overall and the second largest supplier of women's leather coats and jackets to the United States.[15] As exports to the U.S. market waned in 1978–1980, exports to other markets increased somewhat, but total exports have dropped from 1978 to 1980.[16]

Although exports, and, presumably, productive capacity of leather wearing apparel facilities in Uruguay declined from the 1.3 million units produced for export in 1977, we note that idle productive capacity in this industry does not represent significant fixed costs for maintenance, disruption of production runs, or even long-term underutilization of labor, as it might in more capital intensive, technologically-oriented industries.[17] The production of leather wearing apparel in Uruguay, or in any country, is a relatively simple 2-step process of hand-cutting and sewing leather using inexpensive sewing machines.[18] In addition, the production of leather wearing apparel is a labor intensive process which does not require highly skilled production workers.[19] Finally, Uruguay possesses a large indigenous supply of hides and skins. Leather comprises at least 50 percent of the cost of production of the garment.[20] Although labor and other inputs into the cost of production in Uruguay are trending upward, the price of hides and skins has followed world prices downward, rather than Uruguay's general high inflation rate.

In sum, the past export performance of the Uruguayan leather wearing apparel industry, coupled with low barriers to entry (i.e., a simple production process, and an abundance of the principal raw material in that country), all point to the continued capability of the industry to increase exports rapidly to the United States.

Likelihood exports will be directed to the United States—A related question is whether Uruguayan manufacturers/exporters would focus on the United States as a major market for export sales given favorable conditions. An examination of data on total Uruguayan exports during 1977–1980 shows exports to the United States declining and exports to countries other than the United States increasing as a share of total exports.[21] The data also show an ability of Uruguayan exporters to shift markets rapidly in response to favorable market conditions as well as to the status of the Uruguayan export incentives.[22] The ability to shift markets with relative ease, coupled with such factors as the relatively low tariff and non-tariff barriers on leather wearing apparel products maintained by the United States,[23] the size of the U.S. market, desirability of the U.S. dollar as a reserve currency, and established market contacts, all point to the continued desirability of the United States as a major export market for the Uruguayan leather wearing apparel industry.

The nature of the subsidy.—Section 771(7)(E)(i) of the Tariff Act of 1930 states:

> Nature of Subsidy.—In determining whether there is a threat of material injury, the Commission shall consider such information as may be presented to it by the administering authority as to the nature of the subsidy (particularly as to whether the subsidy is an export subsidy inconsistent with the Agreement) provided by a foreign country and the effects likely to be caused by the subsidy.

Those subsidies that are "inconsistent with the Agreement" within the meaning of section 771(7)(E) are found in the Illustrative List of Export Subsidies attached as an annex to the Code on Subsidies/Countervailing Measures. In this investigation two of the three subsidies determined by Commerce to exist are among those prohibited by the Illustrative List. The subsidies found by the Commerce Department were the reintegro program, a tax exemption program, and a noncollection of social security taxes.

Under the reintegro program, the Government of Uruguay grants tax certificates to exports as a fixed percentage of the f.o.b. value of the exported item. These certificates are transferable and may be applied against obligations of both direct and indirect taxes. The reintegro program is inconsistent with the agreement in that it constitutes a subsidy described by items (a) and (e) of the Illustrative List. Item (a) prohibits—

> The provision by governments of direct subsidies to a firm or an industry contingent upon export performance.

Item (e) forbids—

> The full or partial exemption, remission, or deferral specifically related to exports, of direct taxes or social welfare changes paid or payable by industrial or commercial enterprises.

---

[13] The precise choice of time periods was debated at the Commission's hearing and in written submissions. Any conclusions that may be drawn from an analysis of month-to-month data for 1980 must rest on problematical assumptions concerning the timing and response of Uruguayan manufacturers/exporters to the reinstatement of subsidies, and most importantly, does not take into account the external factors noted in the text above. In any case, use of month-to-month import data is of questionable value here because such data of the Commerce Department and the Customs Service are subject to reporting inconsistencies. Examination of actual import entries from Uruguay for 1980 reveal that as much as 40 percent of the entries reported to have entered the U.S. in any one month actually entred in other months. (See Report, pp. A–33–35 and prehearing statement of petitioner, pp. 12–16, and table 6; post-hearing statement of respondents, pp. 1–4, and tables 1 and 2.)

[14] Report, p. A–36. See also prehearing statement of respondents, p. 12.

[15] Report, pp. A–10–13.

[16] Report, p. A–36.

[17] Report, pp. A–17, 37.

[18] Report, pp. A–8, 37.

[19] Report, pp. A–17.

[20] Transcript of the hearing, p. 201.

[21] Report, p. A–36.

[22] Ibid. Table 16, p. A–36, shows Uruguayan exports to countries other than the United States decreased from 41 percent of total exports in 1977 to 12 percent in 1978, but then increased, up to 45 percent of total exports, in 1979.

[23] Report, p. A–40.

The tax exemption program exempts from taxation a fraction of the value-added portion of a company's export income, after expenses and before taxes. The tax exemption is also of the type described in item (e).

The Congress considered the export subsidies found on the Illustrative List to be more likely to threaten material injury than domestically-oriented subsidy programs. The threat from the Illustrative-List subsidies is greater than from purely domestic subsidies because they are directed specifically at the export market. In this case, the subsidies that were reimposed had previously been offset with regard to the U.S. market. Thus, not only are the renewed subsidies directed at the export market, but specifically at the U.S. market.

Conclusion

Information gathered in this investigation as to all four demonstrable trends suggested by the Congress supports our affirmative finding of threat of material injury to the U.S. industry by reason of subsidized imports of leather wearing apparel from Uruguay.

Additional Finding Under Section 705(b)(4)(B)

Section 705(b)(4)(B) of the Tariff Act of 1930 states:

> If the final determination of the Commission is that there is no material injury but that there is threat of material injury, then its determination shall also include a finding as to whether material injury by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under subsection (a) would have been found but for any suspension of liquidation of entries of that merchandise.

The effect of an affirmative finding that material injury would have been found but for the suspension of liquidation of duties is found in section 706(b)(2), which states that the entries of the merchandise subject to suspension of liquidation would then be subject to countervailing duties. If the Commission finds in the negative, countervailing duties are not imposed for the period of suspension of liquidation.

We have found that there would have been no present injury by reason of subsidized imports from Uruguay even if suspension of liquidation had not occurred. Liquidation in the present case was suspended from December 17, 1980, to February 27, 1981. The data show that the value of imports from Uruguay entering the United States from mid-December 1980 through January 1981 was actually higher than in the corresponding period of 1979–1980, but substantially lower than in 1977–1978 or 1978–1979. Although it may be argued that the 1980–1981 figures would have been even higher had suspension of liquidation not taken place, no credible evidence has been produced to persuade us of that. More imports might well have come in, but we do not believe they would have been in sufficient quantity to trigger a finding of present material injury by reason of such imports.

Issued: May 13, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-15281 Filed 5-21-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under Section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and Section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on June 10–12, 1981 in Room N5437, Frances Perkins Department of Labor Building, Washington, D.C. 20210. The meeting is open to the public and will begin at 9:00 a.m.

The agenda for this meeting will include a discussion of OSHA–MSHA jurisdiction related to construction, a review of accident statistics in the construction industry, a discussion of labor-management committees, a discussion of employee access to medical records in the construction industry, a reveiw of OSHA activities, a discussion of proposed OSHA program directives that are relevant to the construction industry, and a general discussion of construction safety and health matters.

Written data, reviews or arguments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Oral presentations will be scheduled at the discretion of the chairman depending on the extent to which time permits. Communications may be mailed to: Ken Hunt, Committee Management Officer, Office of Information and Consumer Affairs, OSHA, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Room N3635, Washington, D.C. 20210, phone (202) 523–8024.

Materials provided to members of the Committee are available for inspection and copying at the above address.

Signed at Washington, D.C. this 15th day of May, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-15407 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

Proposed Class Exemption for Life Insurance Company Discretionary Asset Management; Hearing

By notice published in the **Federal Register** on December 30, 1980 (45 FR 85849), the Department of Labor (the Department) proposed a class exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1954 for discretionary asset management services performed by life insurance companies.

A hearing on the proposed class exemption has been requested. Accordingly, a public hearing will be held on June 19, 1981 beginning at 9:00 a.m. in Room N5437A and B of the Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. Any interested person who wishes to be assured of the opportunity to present oral comments at the hearing should submit by 3:30 p.m., June 15, 1981: (1) a written request to be heard, and (2) an outline (preferably five copies) of the topics to be discussed, indicating the time to be allocated to each topic. The request to be heard and accompanying outline should be submitted to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Discretionary Asset Management Hearing. Individuals who do not file written comments regarding the proposed class exemption may nonetheless request to make oral comments at the hearing.

The Department will prepare an agenda indicating the order of

presentation of oral comments and the time allotted to each person making oral comments. Information about the agenda may be obtained on or after June 17, 1981 by telephoning William A. Schmidt, Plan Benefits Security Division, Office of the Solicitor, (202) 523-9592 (not a toll free number). Individuals not listed in the agenda will be allowed to make oral comments at the hearing to the extent time permits. Those individuals who make oral comments should be prepared to answer questions regarding their comments.

A written record of the hearing will be made.

Signed at Washington, D.C., this 15th day of May 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-15150 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[Secretary of Labor's Order 1-81]

Delegation of Authority—Employment Standards Programs

May 15, 1981.

1. *Purpose.* To delegate authority and assign responsibility to the Deputy Under Secretary for Employment Standards.

2. *Background.* Heretofore authority for carrying out activities in connection with the administration of employment standards programs had been delegated to an Assistant Secretary for Employment Standards. A Deputy Under Secretary for Employment Standards position has been established to replace the Assistant Secretary for Employment Standards position. Consistent with that decision it is appropriate to delegate authority previously vested in the Assistant Secretary to the Deputy Under Secretary. That is accomplished by this Order.

3. *Delegation of Authority and Assignment of Responsibility.* The Deputy Under Secretary for Employment Standards is hereby delegated authority and assigned responsibility previously delegated to the Assistant Secretary for Employment Standards for carrying out the employment standards policies, programs, and activities of the Department of Labor. Until specifically modified or canceled by the Deputy Under Secretary, any authority redelegated by the Assistant Secretary remains in effect.

4. *Effective Date.* This Order is effective retroactive to April 28, 1981, and remains in effect until the various Orders that delegate authority to the Assistant Secretary are amended, superseded or canceled.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-15409 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-23-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period May 11-15, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determination

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9319; General Steel Industries, Inc., National Roll Div., Avonmore, PA

TA-W-9373; Universal Prototype, Inc., Fraser, MI

TA-W-9390; Oakland Tool and Mfg. Co., Fraser, MI

TA-W-9318; U.S. Steel Corp., Homestead Works, Homestead, PA, Rankin, PA, and Saxonburg, PA

TA-W-9785; Luxaire, Inc., Elyria, OH

TA-W-9995; American Gage and Mfg. Co., Wauseon, OH

TA-W-9772; Joseph Love, Inc., College Point, NY

TA-W-9749; SGL Modern Creative, Sculpta Div., Elmwood Park, NJ

TA-W-9472; Alma Plastics Co., Polymid Plant, Linwood, MI

TA-W-9419; A.P. Parts Corp., Questor Shock Absorber Systems Div., Dyersburg, TN

TA-W-9339; General Steel Industries, Inc., Simplicity Engineering Co. Div., Durand, MI

TA-W-9304; Goodyear Tire and Rubber Co., Topeka, KS

TA-W-9303; G&L Mfg. Co. Inc., Boston, MA

TA-W-9003; Orbit Tool and Die Corporation, Springfield, NJ

TA-W-9001; Federal-Mogul Corp., St. Johns, MI

TA-W-9990; Northern Die and Mold Co., Inc., Bay City, MI

TA-W-9683; Redall Industries, Yale, MI

TA-W-9640; Snow Screw Products, Inc., Marlette, MI

TA-W-9508; American Cyanamid Co., Organic Chemicals Div., Bound Brook, NJ

TA-W-9428; Acheson Colloids Co., Div. of Acheson Industries, Inc., Port Huron, MI

TA-W-10,500; Plas-Tech, Inc., Warren, MI

TA-W-10,467; Lexington Metal Products Co., Lexington, TN

TA-W-10,276; Hancock Products, Inc., Detroit, MI

TA-W-9023; B.F. Goodrich Co., Port Neches, TX

TA-W-9453; Zollner Corp., Fort Wayne, IN

TA-W-10,022 & 10,460; Briggs and Stratton Corp., Lock and Key Division, Glendale, WI and Perry, GA

TA-W-10,023; D.A.B. Industries, Inc., Bellefontaine, OH

TA-W-11,476; TRW, Inc., Electronic Components Div., Chicago, IL

TA-W-10,287; Industrial Metals Corporation, Centerville, TN

TA-W-12; Universal Steel, Inc., Kokomo, IN

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of iron and steel scrap are negligible

TA-W-10,400; International Harvester Co., Truck Div., Fort Wayne, IN

Investigation revealed that criterion (3) has not been met. Aggregate imports of heavy trucks, utility vehicles, four wheel drive pick-up trucks and truck station wagons did not contribute importantly to worker separations at the firm.

TA-W-10,353; International Harvester Co., Truck Div., Shadyside, OH

Investigation revealed that criterion (3) has not been met.

TA-W-10,242; International Harvester Co., Component Div., Indianapolis, IN

Investigation revealed that criterion (3) has not been met.

TA–W–9544; Bethlehem Steel Corp., Vernon, CA

Investigation revealed that criterion (3) has not been met. With respect to carbon and alloy steel bars, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

With respect to rebars, the investigation revealed that U.S. imports did not increase as required for certification.

TA–W–8986; Union Railroad Co., East Pittsburgh, PA

Investigation revealed that the Union Railroad Co. dose not produce an article as required under Section 223 of the Act.

TA–W–9396; A & F Leathers, Inc., Boston, MA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of leather coats and jackets did not increase as required for certification.

TA–W–9292, 9308, and 9769; Bessemer and Lake Erie Railroad Co., Pittsburgh, PA

Investigation revealed that criterion (3) has not been met. The Bessemer and Lake Erie Railroad Co. does not produce an article within the meaning of Section 223 of the Act.

TA–W–10,316; Lewiston Forest Products, Lewiston, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, U.S. imports of wooden pallets are negligible.

TA–W–9522 and 10,978; Firestone Steel Products Co., Henderson, KY and Riverview (Wyandotte), MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, company imports decreased absolutely from fiscal year 1979 to fiscal year 1980 and U.S. imports decreased absolutely and relatively from 1978 to 1979 and decreased absolutely from 1979 to 1980.

TA–W–11,557; U.S. Steel Corporation, Pittsburgh Steel Service Center, Pittsburgh, PA

Investigation revealed that criterion (3) has not been met. An insignificant portion of the total volume of steel handled by the Pittsburgh Steel Service Center originates at U.S. Steel facilities whose workers are currently certified as eligible to apply for adjustment assistance benefits.

TA–W–12,082 and 12,083; American Hoist & Derrick Co., Steelcasting Div. and Industrial Brownhoist Div., Bay City, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of cranes did not increase as required for certification.

TA–W–12,170; Pacific-Columbia Mills, Richland Plant, Columbia, SC

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA–W–11,831 and 12, 514; Chrysler Corp., Export-Import Div., Brownstown, MI and Detroit, MI

Investigation revealed that criterion (3) has not been met. The two facilities were more closely integrated into foreign productin than domestic production of automobiles and trucks during the 1978–1980 period.

TA–W–8948; Robert Lewis, Inc., West Long Branch, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of leather coats and jackets decreased each year from 1978 through 1980.

TA–W–11,516; Sharon Steel Corp., Brainard Strapping Div., Warren, MI

Investigation revealed that criterion (3) has not been met. With respect to steel strapping, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to galvanized steel sheet, which includes coils, U.S. imports did not incease as required for certification.

TA–W–9538–9543 and 9546–9552; Duplan Corporation, Rochester Button Division, Rochester, NY, Wellsville, NY, South Boston, VA, Mckenney, VA, Kenbridge, VA, New York (519 8th Ave.), NY, New York (1290 Ave. of the Americas), NY, Atlanta, GA, Pikesville, MD, Charlotte, NC, Chicago, IL, Los Angeles, CA, and Bala-Cynwyd, PA

Investigation revealed that criterion (3) has not been met. The aggregate U.S. imports of buttons declined in 1980 compared to 1979 and a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA–W–9644; Clothing Factory, Inc., Tamaqua, PA

A Certification was issued covering all workers separated on or after May 14, 1979 and on or before September 15, 1979.

TA–W–9660; Unelco Electronics Corporation, Columbia, MD

A Certification was issued covering all workers of the firm separated on or after July 14, 1979.

I hereby certify that the aforementioned determinations were issued during the period May 11–15, 1981. Copies of the determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Ave., NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: May 19, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–15410 Filed 5–21–81; 8:45 am]

BILLING CODE 4510–28–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject

matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 1, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 1, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers	Location	Date received	Date of petition	Petition number	Articles produced
Barter & Marr Logging, Inc. (company)	Bellingham, Wash	5/11/81	4/28/81	TA-W-12,696	Logs.
Everlock Tennessee (workers)	Portland, Tenn	5/12/81	5/8/81	TA-W-12,697	Fasteners used for auto assembly.
G & H Products, Inc. (workers)	Kenosha, Wis	5/12/81	5/7/81	TA-W-12,698	Stainless steel sanitary fittings.
General Motors Corp., AC-Delco Division (workers)	La Mirada, Calif	5/11/81	4/20/81	TA-W-12,699	Distribution of service parts.
Harvey Manufacturing Company (workers)	Mt. Clemens, Michigan	5/11/81	5/1/81	TA-W-12,700	Automotive stampings.
Mitchell Apparel (company)	Orange N.J	5/14/81	5/12/81	TA-W-12,701	Women's outerwear.
Page Shake (company)	Mineral, Washington	5/12/81	4/30/81	TA-W-12,702	Logs.
Warrior Asphalt Company (workers)	Tuscaloosa, Alabama	5/11/81	5/4/81	TA-W-12,703	Refinery.

[FR Doc. 81-15409 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-28-M

Procedures for Internal Handling of Complaints of Judicial Misconduct; Establishment of Advisory Committee

AGENCY: Office of Administrative Law Judges, Office of the Secretary, Labor.

ACTION: Notice of Establishment of Advisory Committee.

SUMMARY: Notice is given of the establishment of Advisory Committee to which the Chief Administrative Law Judge may refer complaints of judicial misconduct on the part of Department of Labor Adminstrative Law Judges.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Associate Chief Judge Everette E. Thomas, Office of Administrative Law Judges, U.S. Department of Labor, 1111 20th Street, N.W., Washington, D.C. 20036, (202) 653-5057.

Procedures For Internal Handling of Complaints of Judicial Misconduct

Purpose and Scope

Advisory committees are established to conduct informal inquires and to consider and recommend appropriate action regarding complaints of judicial misconduct.

Procedures

All references to "the Advisory Committee" or "the Committee" in the protocol that follows shall apply to the (headquarters) Advisory Committee and the Regional Advisory Committees.

1. On receipt of one or more written complaints of judicial misconduct on the part of any DOL Administrative Law Judge, the Chief Judge, in his discretion, may refer such complaint(s) for limited informal inquiry to an Advisory Committee of three (3) members appointed by him for the particular inquiry from a panel of six judges elected for a term of one year by the corps of DOL Administrative Law Judges. The affected judge shall have the right to object to any one or more members of the Committee, in which case such member(s) shall be replaced by one or more judges elected by the Chief Judge from the elected panel.

Judges in the San Francisco and New Orleans Offices shall elect a panel of three (3) judges from their respective offices from whom the Chief Judge shall, in appropriate circumstances and in the manner described above, appoint two (2) judges to serve as a Regional Advisory Committee to function with respect to complaints of judicial misconduct on the part of Administrative Law Judges in those offices.

Complaints of judicial misconduct on the part of any Administrative Law Judges in regional or satellite offices other than San Francisco and New Orleans shall be referred, as appropriate, to the (headquarters) Advisory Committee.

2. Only those written complaints from parties or their representatives alleging judicial misconduct shall be referred to the Advisory Committee. Such complaints shall be referred in their original form without comment.

3. The function of the Committee shall be advisory only. Its inquiry and report in each instance shall be confined to the specific matter referred to it and shall contain no evaluation of the performance, competence, or qualifications of the affected judge.

4. A recommendation by the Committee that no further action be taken will be adopted by the Chief Judge unless he finds that exceptional circumstances warrant another course of action.

5. In making inquiry, the Committee shall be limited to discussion of the matter with the affected judge and to examination of relevant transcripts and other documents on file with the agency, unless the affected judge requests or permits the Committee to make contact with any one or more third parties.

6. Referrals to the Committee, the proceedings and deliberations of the Committee, and its advice, shall be confidential. A copy of the Committee's report and recommendations to the Chief Judge shall be furnished concurrently to the affected judge; no other copies shall be made or retained by the Committee or any of its members.

7. No inference shall be drawn from the refusal of any judge to discuss any allegations of misconduct with the Advisory Committee.

8. No Associate Chief Judge and no Deputy Chief Judge shall be eligible to serve on any Advisory Committee.

Notice of proposed rule making has not been published in the **Federal Register** as the procedure established herein is a rule of agency practice [5 U.S.C. 553(b)].

Signed at Washington, D.C. this 18th day of May 1981.

Nahum Litt,

Chief Judge.

[FR Doc. 81-15411 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-20-M

Senior Executive Service; Appointment and Reappointment of Members to the Performance Review Board

This Notice amends Department of Labor Notice published in 44 FR 55240, dated September 25, 1979, listing Department of Labor members of the Performance Review Board of the Senior Executive Service.

The following employees are hereby appointed to two-year terms commencing May 1, 1981, as members of the Performance Review Board of the Senior Executive Service:

Janet L. Norwood (Reappointment)
Thorne G. Auchter
Charles E. Pugh (Reappointment)
Thomas J. Shepich
Albert H. Ross
T. James Walker
Alfred M. Zuck (Reappointment)

Janet L. Norwood will serve as Chairperson from May 1, 1981 through April 30, 1982.

For further information contact: Ms. Betty Bolden, Acting Director of Personnel Management, Room C5526, Department of Labor, Frances Perkins Building, Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of May 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-15412 Filed 5-21-81; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Inter-Arts Panel (Folk Arts Section); Meeting

Pursuant to section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Panel (Folk Arts Section) to the National Council on the Arts will be held on June 11-12, 1981, from 8:30 a.m.-10:00 p.m., and June 13, 1981, from 9:00 a.m.-5:30 p.m., in room 1422 of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506

A portion of this meeting will be open to the public on June 13, 1981, from 8:30 a.m.-11:00 a.m. to discuss policy.

The remaining sessions of this meeting on June 11-12, 1981, from 8:30 a.m.-10:00 p.m. and June 13, 1981, from 11:00 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark

Director, Office of Council and Panel Operatons, National Endowment for the Arts.

May 11, 1981.

[FR Doc. 81-15377 Filed 5-21-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington DC 20506:

Date: June 15-16, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications submitted for Youth Projects Planning and Pilot Grants, Division of Special Programs, for projects beginning after October 1, 1981.
Date: June 18-19, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications submitted for Youth Projects Planning and Pilot Grants, Division of Special Programs, for projects beginning after October 1, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose,

(1) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action;

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 81-15434 Filed 5-21-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Environmental Biology, Subcommittee on Long-Term Ecological Research; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Long-Term Ecological Research of the Advisory Committee for Environmental Biology.
Date and time: June 15 and 16, 1981; 8:30 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G St. NW, Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. James T. Callahan, Associate Program Director, Ecosystem Studies Program, (202) 357-9596, Room 336, National Science Foundation, Washington, D.C. 20550.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in systematic biology.
Agenda: To review and evaluate research proposals and projects as part of the selection process of awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

May 19, 1981.

[FR Doc. 81–15353 Filed 5–21–81; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Policy Research and Analysis and Science Resources Studies; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Policy Research and Analysis and Science Resources Studies.

Date and time: June 11, 1981—9:00 a.m. to 5:00 p.m.; June 12, 1981—9:00 a.m. to 3:00 p.m.

Place: 1800 G Street N.W., Room 543, National Science Foundation, Washington, D.C. 20550.

Type of meeting: Open.

Contact person: Ms. Sharon Dyer, Division of Science Resources Studies, Directorate for Scientific, Technological, and International Affairs, Room L–611, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550. Anyone who plans to attend should contact Ms. Dyer (202/634–4790) by June 8, 1981.

Summary minutes: May be obtained from the contact person, Ms. Dyer, at the above address.

Purpose of committee: To provide advice, recommendations, and oversight concerning programs and directions of the Divisions of PRA and SRS.

Agenda:

Thursday, June 11, 1981

9:00 a.m.—Plenary Session.

10:45 a.m.—General Session.

2:00 p.m.—Subcommittee Meetings: Research, Development, and Innovations; and Science and Technology Output Indicators; Publication, Output Evaluation and User Relations.

3:30 p.m.—Subcommittee Meetings: Policy Research; Scientific and Technical Personnel.

5:00 p.m.—Adjournment.

Friday, June 12, 1981

10:30 a.m.—Presentation of Subcommittee Reports.

1:30 p.m.—General Session.

3:00 p.m.—Adjournment.

M. Rebecca Winkler,

Committee Management Coordinator.

May 19, 1981.

[FR Doc. 81–15350 Filed 5–21–81; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Social and Economics Science, Subcommittee for Sociology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Sociology of the Advisory Committee for Social and Economics Science.

Date and time: June 12 and 13, 1981, Friday—9:00 a.m. to 5:30 p.m.; Saturday—9:00 a.m. to 4:00 p.m.

Place: National Science Foundation, 1800 G Street, N.W., Washington, D.C. Room 642.

Type of meeting: Closed.

Contact Person: James J. Zuiches, Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357–7802.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Sociology Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Office pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Office was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

May 19, 1981.

[FR Doc. 81–15352 Filed 5–21–81; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee on Special Research Equipment (Chemistry Subcommittee); Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meetings:

Name: Advisory Committee on Special Research Equipment (2-year and 4-year colleges)(Chemistry Subcommittee)

Date/Time: June 24–25, 1981—9:30 a.m. to 5:00 p.m.

Place: Room 421, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of Meeting: Closed

Contact Person: Dr. Howard H. Hines, Program Director, Room 428, National Science Foundation, Washington, D.C. 20550 Telephone (202) 357–9615

Purpose of Committee: To evaluate research equipment proposals

Agenda: To review and evaluate research equipment proposals as part of the selection process for awards

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

May 19, 1981.

[FR Doc. 81–15351 Filed 5–21–81; 8:45 am]

BILLING CODE 7555–01–M

NSF Advisory Council (Task Group #17); Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Task Group #17 of the NSF Advisory Council

Place: Building One Conference Room Main Quad, Stanford University Stanford, California

Date: Friday, June 19, 1981

Time: 10:00 a.m. to 5:00 p.m.

Type of Meeting: Open

Contact Person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, N.W., Washington, D.C. 20550. Telephone: 202/357–9433

Purpose of Task Group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary Minutes: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to review current patterns of NSF salary support across scientific and engineering disciplines; to consider whether NSF should change its policy on allowance of faculty salaries; to address the need for and the impact of policies and practices in program areas that differ from NSF-wide

policies and practices; and to suggest ways current NSF policy might be modified.

M. Rebecca Winkler,

Committee Management Coordinator.

May 19, 1981.

[FR Doc. 81-15349 Filed 5-21-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR SAFETY OVERSIGHT COMMITTEE

Open Meeting

May 18, 1981.

The Nuclear Safety Oversight Committee (NSOC) will meet on Monday, June 8, 1981 from 9:00 am to 12:30 pm and 2:00 pm to 5:00 pm at the General Services Administration at 18th and F Streets, N.W., in Conference Room 5141 A.

The Committee was established by Executive Order 12202 on March 18, 1980, in response to the recommendations of the President's Commission on the Accident at Three Mile Island (the Kemeny Commission). Generally, the Committee is responsible for monitoring the progress of the utilities and their suppliers, the Nuclear Regulatory Commission, other federal agencies, and state and local authorities in implementing the Kemeny Commission's recommendations and in improving the safety of nuclear power. The Committee will report periodically to the President.

Thus far the Committee has held eight meetings. The Committee has heard testimony and had discussion in a number of areas including:

—The nature of the Committee's responsibilities as set forth in Executive Order 12202;

—The Nuclear Regulatory Commission's (NRC) "Action Plan Developed as a Result of the TMI-2 Accident," designated NUREG-0660 and available through the Document Management Branch, Division of Technical Information and Document Control, NRC, Washington, D.C. 20555;

—The procedure utilized in the federal decision-making process as it relates to nuclear safety, and public and private participation;

—FEMA's Report to the President (June 1980), and procedures for emergency planning;

—The status of generic safety issues; the analysis and evaluation of operational data;

—The NRC budget and allocation of its staff resources to implement the "Action Plan" and how that will affect other NRC functions;

—NRC's inspection and enforcement program;

—Backfitting and standardization of plant design;

—The regulatory relationship between FEMA and NRC;

—Nuclear safety research and training programs;

—Quality control in plant design;

—Labor/management problems, and the union's role in safety programs;

—Human factors in nuclear power safety including training, contol room design, balance of plant, and ANSI standards;

—Action Plan provisions for human factors and training, and certification of operators;

—Release of Iodine-131 as a consequence of nuclear power plan operations;

—Problems of plant releases at nuclear power plants;

—Planning of safety systems and balance of plant;

—Issues concerning the TMI-1 restart hearings and their relationship to the TMI-2 accident;

—Regulatory licensing and scientific and technical uncertainty—the case of hydrogen;

—Panel discussion on nuclear power operator training.

During the next meeting the Committee will receive testimony and, when appropriate, written materials and documents, concerning the following matters:

—The purpose and implications of proposed operating license amendments to the Atomic Energy Act;

—The relationship between operating license procedures and nuclear safety;

—The role of public participation in nuclear power plant licensing.

Testimony on these matters will be received from a number of individuals specifically invited by the Committee.

The meeting will be open to public observation. Written comments or statements may be submitted at anytime before or after the meeting and should be related to the substantive matters identified above. Approximately 40 seats will be available for the public on a first come, first served basis. The Committee meeting will be recorded and the transcript may be examined in the Committee's office at 1133 15th Stree, N.W., Suite 307, Washington, D.C.

For further information contact Margo von Kaenel at (202) 653-8468.

Margo W. von Kaenel,

Executive Assistant.

[FR Doc. 81-15443 Filed 5-21-81; 8:45 am]

BILLING CODE 6820-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications (TSs) for operation of Arkansas Nuclear One, Unit 1 (ANO-1) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment modifies the ANO-1 TSs to require the ANO-1 purge valves be closed whenever the reactor coolant system temperature is equal to or greater than 200°F. This amendment also updates pages i and ii of the TS Table of Contents.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated April 2, 1979, as supplemented by letter dated October 31, 1980, (2) Amendment No. 55 to License No. DPR-51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of May 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-15394 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-39, and Amendment No. 61 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications limits for total nuclear peaking factor (F_Q) for Zion Units 1 and 2 under base load and load follow modes of operation. The revised F_Q is 2.17.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated October 22, 1979, as supplemented January 8, 1980, April 10 and May 5, 1981, (2) Amendment Nos. 64 and 61 to License Nos. DPR-39 and DPR-48, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-15395 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-254]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License DPR-29 issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit No. 1, located in Rock Island County, Illinois. The amendment becomes effective as of the date of issuance.

The amendment extends the MAPLHGR curve for a mixed oxide fuel bundle to 50,000 MWD/ST planar average exposure. This will enable the completion of a high burnup fuel experiment in the present core.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated November 13, 1980, (2) Amendment No. 71 to License No. DPR-29, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504 17th Street, Moline, Illinois, for Quad Cities Unit No. 1. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of May 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-15396 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Co., et al.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

This amendment modifies the Technical Specifications to incorporate several corrections of an administrative nature.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 11, 1981, (2) Amendment No. 68 to License No. DPR-

V 46 / 99 M
MAY 22 1981
UMI

49 and (3) the Commission's letter to the licensee dated May 13, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 13th day of May 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2. Division of Licensing.

[FR Doc. 81-15397 Filed 5-21-81: 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-63 issued to Niagara Mohawk Power Corporation (the licensee) which revised the Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The revisions to the Technical Specifications will further ensure control rod drive system operability during plant operation and reflect the modifications to the scram discharge system presently being undertaken.

The applications for the amendment comply with the standards and requirments of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and the pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated October 15, 1980 and April 1, 1981, (2) Amendment No. 43 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Penfield Library, State University College at Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 13th day of May 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-15398 Filed 5-21-81: 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-282 and 50-306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 48 and 42 to Facility Operating License Nos. DPR-42 and DPR-60, respectively, issued to Northern States Power Company (the licensee), which revised the Technical Specifications for operation of the Prairie Island Nuclear Generating Plant, Units Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments authorize replacement of the existing racks in the spent fuel pool of the facility with borated racks of a design which would provide a maximum of 1582 storage locations. This capacity will be limited to allow the storage of up to 1120 assemblies resulting from normal operation of Units 1 and 2. The modification and subsequent use of the pool permits a total of 1120 fuel assemblies to be stored instead of the previously authorized total of 687 assemblies.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Consideration of Proposed Modification to Facilities Spent Fuel Storage Pool in connection with this action was published in the **Federal Register** on March 12, 1980 (45 FR 16056).

A Request for Hearing and Petition for Leave to Intervene was filed by the State of Minnesota, by its Minnesota Pollution Control Agency and by its Attorney General (the petitioner) on April 9, 1980. Subsequently the Petitioner requested leave to withdraw its Petition for Leave to Intervene pursuant to a Stipulation duly executed by the Licensee, the NRC staff, and the Petitioner. The Stipulation has been incorporated into these Amendments to the License. Therefore, there being no issue to be heard by the Atomic Safety and Licensing Board, by ORDER dated October 24, 1980, the Board dismissed this proceeding.

The Commission has prepared an environmental impact appraisal of the action being authorized and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action significantly greater than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated May 1973, and the action will not significantly affect the quality of the human environment.

For further details with respect to this action, see (1) the application for amendment dated January 31, 1980, as supplemented June 10, and November 21, 1980, January 14, February 3, March 10, March 31 and April 20, 1981, (2) Amendment Nos. 48 and 42 to License Nos. DPR-42 and DPR-60, (3) the Commission's concurrently issued Safety Evaluation, and (4) the Commission's concurrently issued Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A single copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of May 1981.

For the Nuclear Regulatory Commission.
Robert A. Clark,
Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-15399 Filed 5-21-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment pertains to the Environmental Technical Specifications (Appendix B to the Facility Operating License). The amendment (1) deletes all water quality requirements, (2) allows discontinuation of and cancels the cooling tower plume monitoring program, (3) deletes most of the terrestrial monitoring program, and (4) makes minor revisions to locations of sample collection sites for the radiological monitoring program. The amendment also divides Appendix B Technical Specifications into two parts: Part I—Radiological Environmental Technical Specifications, and Part II—Environmental Protection Plan (Non-radiological) Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has prepared an Environmental Impact Appraisal for this license amendment relating to the changes in terrestrial monitoring and the deletion of the cooling tower plume study, and has concluded that an environmental impact statement is not warranted because the action will not significantly affect the quality of the human environment. The Commission has determined that the changes to locations of sample collection sites for the radiological monitoring program will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with these changes. The Commission has determined that the deletion of water quality requirements is a ministerial action required as a matter of law and that therefore no environmental impact statement or environmental impact appraisal and negative declaration need be prepared in connection with this action.

For further details with respect to this action, see (1) the application for amendment dated July 22, 1980, as supplemented January 13 and 30, 1981, and October 23, 1979, (2) Amendment No. 62 to License No. NPF-1 and (3) the Commission's related letter and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of May, 1981.

For the Nuclear Regulatory Commission.
Robert A. Clark,
Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-15400 Filed 5-21-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment adds to the Technical Specifications limiting conditions for operation for the valves in the single line from the condensate storage tank.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 11, 1980, (2) Amendment No. 36 to License No. DPR-64, and (3) the Commission's Safety Evaluation dated July 15, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 8th day of May, 1981.

For the Nuclear Regulatory Commission.
Steven A. Varga,
Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 81-15401 Filed 5-21-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-312 SP]

Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this special proceeding (continuation of reactor operations).

Alan S. Rosenthal, Chairman

V 46 / 99 / MAY 22 1981 UMI

Dr. John H. Buck
Christine N. Kohl

Dated: May 18, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-15402 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 28 and No. 9 to Facility Operating License Nos. NPF-4 and NPF-7 issued to the Virginia Electric and Power Company (the licensee) which revised Technical Specifications for operation of the North Anna Power Station, Units No. 1 and No. 2 (the facility) located in Louisa County, Virginia. The amendments are effective within 3 days from the date of issuance.

The amendments revise the channel functional test frequency for Loss of Power Circuitry from 31 days to a bi-monthly interval and require the steam jet air ejector isolation valves to be closed in Modes 1, 2, 3 and 4.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated July 30, 1980; (2) Amendment No. 28 and No. 9 to Facility Operating Licenses No. NPF-4 and NPF-7 and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Aldermen Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 14th day of May, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-15403 Filed 5-21-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Intergovernmental Personnel Act Grant Program; Reduced Allocations of Grant Funds for Fiscal Year 1981

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) formally announces reduced allocations of Intergovernmental Personnel Act (IPA) grant funds for fiscal year 1981. Notice is also given that no IPA grant funds are being requested for fiscal year 1982 or succeeding years. As a result, IPA grant operations within OPM will be phased out.

DATES: No further award of IPA grant funds will be made by OPM after September 30, 1981. The completion of all approved IPA grants will be scheduled for the earliest possible date, but no later than May 31, 1982.

ADDRESS: U.S. Office of Personnel Management, Intergovernmental Personnel Programs, P.O. Box 14184, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Richard L. Romero, telephone (202) 632-6274.

SUPPLEMENTARY INFORMATION: The official program number and title for this program is 27.012—Intergovernmental Personnel Grants.

Office Of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Intergovernmental Personnel Grants

Funding for Fiscal Year 1981 and Subsequent Years

Budget Decisions

The Administration has submitted budget revisions as follows for the Intergovernmental Personnel Act (IPA) grant program:

—Reduction in the fiscal year 1981 request from $20.0 million to $14.4 million.

—Reduction in the fiscal year 1982 request from $20.0 million to zero.

The elimination of the IPA grant program is consistent with the Administration's overall effort to reduce the number of categorical grant programs.

Through the IPA, the Federal Government has assisted, on a matching-fund basis, over 5,000 State and local personnel management and training projects during the last 10 years at a cost of about $160 million. The primary purpose of this Federal involvement has been to demonstrate, through the provision of "seed-money" support, the value to State and local governments of investing in efforts to build or improve merit-based personnel systems. The Administration believes that a 10-year demonstration period is more than adequate and that it is appropriate to eliminate further direct Federal involvement in what is primarily a State and local government responsibility. State and local jurisdictions should now be willing to rely on their own resources for personnel systems improvements and training to the extent they believe such projects are needed and cost effective.

Fiscal Year 1981

As a result of the reduced budget request, the Office of Personnel Management (OPM) has issued revised allocations of grant funds for fiscal year 1981. The IPA requires that 80 percent of available funds be allocated by weighted formula among the States and between State and local government needs. The remaining 20 percent of the funds are awarded by OPM on a discretionary basis. Following are the revised formula allocations:

Intergovernmental Personnel Act Allocations of Fiscal Year 1981

[Formula grant funds]

State	Total State allocation	Minimum share for local government needs [1]
Alabama	$184,000	$92,200
Alaska	65,000	32,500
American Samoa	60,000	.....
Arizona	126,000	68,100
Arkansas	107,000	53,500
California	1,088,000	626,400
Colorado	139,000	70,600
Connecticut	145,000	85,400
Delaware	65,000	32,500
District of Columbia	65,000	.....
Florida	428,000	243,000
Georgia	255,000	127,500
Guam	58,000	.....

Intergovernmental Personnel Act Allocations of Fiscal Year 1981—Continued

(Formula grant funds)

State	Total State allocation	Minimum share for local government needs [1]
Hawaii	65,000	32,500
Idaho	65,000	32,500
Illinois	514,000	257,000
Indiana	259,000	129,500
Iowa	145,000	72,500
Kansas	121,000	60,500
Kentucky	167,000	83,500
Louisiana	210,000	105,000
Maine	65,000	32,500
Maryland	212,000	130,200
Massachusetts	284,000	180,500
Michigan	452,000	226,000
Minnesota	199,000	101,700
Mississippi	125,000	62,500
Missouri	230,000	115,000
Montana	65,000	32,500
Nebraska	82,000	45,500
Nevada	65,000	32,500
New Hampshire	65,000	32,500
New Jersey	363,000	205,600
New Mexico	68,000	34,000
New York	914,000	628,000
North Carolina	281,000	180,200
North Dakota	65,000	32,500
Ohio	496,000	250,000
Oklahoma	148,000	74,000
Oregon	127,000	63,500
Pennsylvania	519,000	259,500
Puerto Rico	175,000	
Rhode Island	65,000	32,500
South Carolina	152,000	76,000
South Dakota	65,000	32,500
Tennessee	218,000	145,300
Texas	656,000	328,000
Utah	67,000	33,500
Vermont	65,000	32,500
Virginia	260,000	150,000
Virgin Islands	65,000	
Washington	188,000	94,000
West Virginia	95,000	47,500
Wisconsin	228,000	134,200
Wyoming	65,000	32,500
Total	11,520,000	6,063,900

[1] Must be at least 50 percent of the State's total allocation.

For the remainder of fiscal year 1981, OPM will be working with State and local governments to make available all funds authorized for award. No further obligation of IPA grant funds will be made by OPM after September 30, 1981.

Fiscal Year 1982

During fiscal year 1982, OPM will be working with IPA grantees to encourage the completion of approved grant-assisted activities and arrange for the prompt closeout of grants. All existing IPA grants will be scheduled for completion as early as possible in the fiscal year, but no later than May 31, 1982. To assure the timely phase out of IPA grant operations, OPM's goal will be to disburse all approved funds to grantees by that date or as soon as possible thereafter.

[FR Doc. 81-15316 Filed 5-21-81; 8:45 am]

BILLING CODE 6325-01-M

Positions Which Were Career Reserved During 1980; Amendment

AGENCY: Office of Personnel Management.

ACTION: Notice; amendment.

SUMMARY: This amends the notice published March 3, 1981 listing positions in the Senior Executive Service (SES) that were career reserved in 1980. Publication is required under the Civil Service Reform Act of 1978.

FOR FURTHER INFORMATION CONTACT: Anne A. Andrews, Executive Personnel and Management Development, (202) 632-6820.

SUPPLEMENTARY INFORMATION: Below is a supplementary list of titles of SES positions that were designated career reserved in 1980, whether or not they were still career reserved on December 31, 1980. Section 3132(b)(4) of title 5 U.S.C. requires that the head of each agency publish the list by March 1 of the following year. These positions are in addition to the list OPM published for all agencies which appeared in the Federal Register on Tuesday, March 3, 1981 (46 FR 15018).

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Positions That Were Career Reserved During Calendar Year 1980; Amendment

Agencies, Organization, and Career Reserved Positions

Board for International Broadcasting, Foreign Information Officer

Department of Housing & Urban Development, Assistant Secretary for Administration, Director, Mortgage Ins. Accounting Group

National Aeronautics & Space Administration, Resources Management & Administration, Director, Resources Mgt. & Administration

Office of Associate Admr. for Space Science, Asst. Associate Admr. for Advanced Planning

Office of Equal Opportunity Programs, Director, Discrimination Complaints Div.

[FR Doc. 81-15317 Filed 5-21-81; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17806; File No. SR-BSECC-81-1]

Self-Regulatory Organizations: Boston Stock Exchange Clearing Corporation; Proposed Rule Change; Relating to a Temporary Increase on all Boston Stock Exchange Clearing Corporation Billings to Members

Pursuant to section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 11, 1981 the Boston Stock Exchange Clearing Corporation filed with the Securities and Exchange Commission the proposed change as described in Item, I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

The Boston Stock Exchange Clearing Corporation will impose a temporary 15% increase on all billings to members effective for the period May 1, 1981 through September 30, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of and Statutory Basis for, the Proposed Rule Change.*

(a) The purpose of the proposed temporary 15% increase on all Clearing Corporation billings to members was necessitated by increased costs in communications, data processing, leasehold and personnel. The 15%, while temporary in nature, would assist the Clearing Corporation to cover expenses and would allow the time required to complete a detailed study of all income and expenses prior to the next fiscal year beginning October 1, 1981.

(b) The proposed rule is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations there under applying to the Boston Stock Exchange Clearing Corporation because it continues the equitable allocation of fees charged to all participants. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in its custody or control or for which it is responsible because it would insure an efficient system for the settlement of trades and the safekeeping of assets.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

No burden on competition is perceived by adoption of the proposed temporary increase which was adopted to reflect increased inflation and operational costs while insuring an efficient system for settlement of trades and the safekeeping of assets.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.*

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before June 12, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 15, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–15285 Filed 5–21–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 03/03–0138]

TDH Capital Corp.; Application for Approval of Conflict of Interest Transaction

Notice is hereby given that TDH Capital Corporation (TDH), P.O. Box 234/Two Radnor Corporate Center, Radnor, Pennsylvania 19087, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to Section 312 of the Act and covered by § 107.3(g) and § 107.1004(b)(1) of the SBA Rules and Regulations, governing Small Business Investment Companies (13 FR 107.1004 (1980)) for approval of conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, TDH proposes to provide funds to Marina Operating Company (MOC) a portfolio concern.

The Proposed financing is brought within the purview of § 107.1004(b)(1) in that officers and directors of the licensee are also stockholders and officers of MOC and therefore considered associates of TDH as defined by § 107.3(g) of the Regulations.

Notice is hereby given that any interested person may, not later than June 1, 1981, submit written comments on the proposed transaction to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 18, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81–15435 Filed 5–21–81; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[CM–8/409]

Oceans and International Environmental and Scientific Affairs Advisory Committee; Partially Closed Meeting

The Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee will meet at 10 a.m. on Monday, June 15, 1981 in Room 3524 of the Department of State, Washington, D.C.

At this meeting, officers responsible for Antarctic Affairs in the Department of State will discuss key issues and problems involving the Antarctic in the context of current domestic and international development. This session will be open to the public. The public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussions according to the instructions of the Chairperson.

Access to the Department of State is controlled, so persons wishing to attend the June 15 meeting of the Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee should enter the Department through the Diplomatic ("C" Street) Entrance. Department officials will be at the Diplomatic Entrance to escort attendees to Room 3524.

The Oceans and International Environmental and Scientific Affairs Advisory Committee will also meet on Friday, June 12, 1981 in Room 1408, State Department Building, 22nd and "C" Streets, N.W. in sessions which will not be open to the public. These sessions will be devoted to the discussion of classified material under 5 U.S.C. 552 b(c)l and 5 U.S.C. 552 b(c)(9)(B). The disclosure of classified material and revelation of consideration which go into policy development would substantially undermine and frustrate the U.S. position in future negotiations. The purposes of these discussions will be to elicit views concerning the further development of Antarctic mineral resource policies. Other matters and issues relating to the Antarctic which will be considered at the Eleventh Antarctic Treaty Consultative Meeting will also be reviewed. This portion of the meeting will include classified briefings and examination and discussion of classified documents pursuant to Executive Order 12065.

Requests for further information on

the meetings should be directed to Robert A. Monks of OES/OPA, Room 5801, Department of State. He may be reached by telephone on (202) 632–4970.

Dated: May 19, 1981.

Robert Albert Monks,

Executive Secretary.

[FR Doc. 81-15248 Filed 5-21-81; 8:45 am]

BILLING CODE 4710-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 81-2; REF: ATF O 1100.122A]

Delegation by the Director of Certain Authorities Relating to the Right to Financial Privacy Act of 1978; Delegation Order

Correction

In FR Doc. 81-14712, appearing on page 26977, in the issue for Friday, May 15, 1981, in the first column, in paragraph *"2. Scope"*, in the third line, the word "Animal" should have read "Criminal".

BILLING CODE 1505-01-M

V 46 / 99 / M MY 22 8 1 UMI

Suns

This secti
contains
under the
Act" (Pub
552b(e)(3)

CONTEN

Commodit
sion .....
Copyright
Equal Em
mission
Federal C
Federal D
tion .....
Federal El
Federal E
sion .....
Federal H
Federal M
Federal R
Governo
Internation
National C
Informat
Nuclear R
Securities

1

COMMOD
COMMISS
TIME AND
PLACE: 20
D.C., fifth
STATUS:
MATTERS
Domestic
Program
The Comm
for rules
on desig
CONTACT
INFORMA
[S-799-81 File
BILLING CO

2

COPYRIGH
TIME AND
June 2, 19
PLACE: 20
Washingt
STATUS:
MATTERS
1. Comm
hearings
royalties
days).

Sunshine Act Meetings

Federal Register
Vol. 46, No. 99
Friday, May 22, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Copyright Royalty Tribunal	2
Equal Employment Opportunity Commission	3
Federal Communications Commission	4
Federal Deposit Insurance Corporation	5
Federal Election Commission	6
Federal Energy Regulatory Commission	7
Federal Home Loan Bank Board	8
Federal Maritime Commission	9
Federal Reserve System (Board of Governors)	10
International Trade Commission	11
National Commission on Libraries and Information Science	12
Nuclear Regulatory Commission	13
Securities and Exchange Commission	14

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., May 27, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Domestic Exchange-Traded Option Pilot Program

The Commission will consider staff proposals for rules governing the trading of options on designated contract markets

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-799-81 Filed 5-20-81; 2:51 pm]

BILLING CODE 6351-01-M

2

COPYRIGHT ROYALTY TRIBUNAL.

TIME AND DATE: 10:00 a.m., Tuesday, June 2, 1981.

PLACE: 2000 L Street, N.W., Room 500, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Commencement of evidentiary hearings on distribution of 1979 jukebox royalties (to be continued on subsequent days).

2. Proposed amendment of 37 CFR 303 to remove requirement for recording of jukebox location listings in Copyright Royalty Tribunal (46 FR 20566).

CONTACT PERSON FOR FURTHER INFORMATION: Thomas C. Brennan, Acting Chairman, Copyright Royalty Tribunal, 1111 20th Street, N.W., Room 450, Washington, D.C., (202) 653-5175.

Thomas C. Brennan,

Acting Chairman.

[S-806-81 Filed 5-20-81; 3:52 pm]

BILLING CODE 1410-07-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

TIME AND DATE: 9:30 AM (Eastern Time), Tuesday, May 26, 1981.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public

1. Ratification of Notation Vote on Freedom of Information Act Appeal, 81-1-FOIA-15.
2. Freedom of Information Act Appeal No. 81-2-FOIA-8-SF, concerning a request for statistical analysis supplied by a respondent.
3. Freedom of Information Act Appeal No. 81-2-FOIA-HU, concerning a request for all allegations on file with the Commission in an open EPA file.
4. Proposed release of a previously withheld tape recording of July 1, 1980 Commission Meeting.
5. Proposed FY 1982 Title VII Funding Principles for State and Local Fair Employment Practices Agencies.
6. Proposed FY 1981-82 ADEA Funding Principles for State and Local Fair Employment Practices Agencies.
7. Proposed Certification Procedures and Regulations.
8. A report on Commission Operations by the Executive Director.

Closed to the public:

1. Litigation Authorization; General Counsel Recommendations.
2. Briefing on litigation cases and administrative charges.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued May 19, 1981.

[S-805-81 Filed 5-20-81; 3:49 pm]

BILLING CODE 6750-06-M

4

May 18, 1981.

FEDERAL COMMUNICATIONS COMMISSION.

Sunshine Meeting Notice; Correction.

On May 15, 1981, this Commission issued a Sunshine Meeting Notice concerning a Closed Meeting to be held on Thursday, May 21, 1981 at 9:30 a.m. in Room 856, 1919 M St., N.W., Washington, D.C. Inadvertently, there was an omission of words in the Subject matter listed with the *General Agenda, Item number 1.* The correct sentence should read: *"Consideration of Request for Remand of RKO Decision".* We would appreciate your assistance in correcting this error.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-802-81 Filed 5-20-81; 3:11 pm]

BILLING CODE 6712-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:40 a.m. on Wednesday, May 20, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider an application of Heritage Bank, Anaheim, California, for consent to merge, under its charter and title, with California Coastal Bank, San Diego, California, and to establish the sole office of California Coastal Bank as a branch of the resultant bank.

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the

meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) thereof (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting took place in the Chairman's Office, Room 6023, of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: May 20, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-803-81 Filed 5-20-81; 3:28 pm]

BILLING CODE 6714-01-M

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, May 27, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, May 28, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public (fifth floor).

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinion 1981-22, John M. Cogswell, Cogswell for Senate Committee
Pending legislation
Debt settlements
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

S-797-81 Filed 5-20-81; 12:14 pm]

BILLING CODE 6715-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 27225, May 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 20, 1981.

CHANGE IN THE MEETING: The following items have been added.

Item No., Docket No., and Company

CAG-22. RP81-52-000, Northern Natural Gas Company
ER-8. EF79-4011, Southwestern Power Administration (System Rates)
ER-9. ER81-183-000, Consolidated Edison Company of New York, Inc.
RP-1. RP80-101, Texas Gas Transmission Corporation

Kenneth F. Plumb,

Secretary.

[S-794-81 Filed 5-20-81; 9:52 am]

BILLING CODE 6450-85-M

8

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46, FR 26980, May 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, May 21, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The Bank Board meeting for Thursday, May 21, 1981 has been cancelled.

No. 487, May 20, 1981.

[S-801-81 Filed 5-20-81; 3:08 pm]

BILLING CODE 6720-01-M

9

FEDERAL MARITIME COMMISSION.

TIME:

Open session—9 a.m.
Closed session—2 p.m.

DATE: May 27, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 9978-15: Modification of the Associated North Atlantic Freight Conference Agreement to extend its term for an indefinite period.
2. Agreement No. 10407: Nigeria-United States Discussion Agreement.
3. Agreement No. T-3946: Marine Terminal Lease Between Virginia Port Authority and Oyster Point Development Corporation.
4. Petition of Mediterranean/North Pacific Coast Freight Conference for exemption from the independent policing authority requirement of General Order 7.
5. Docket No. 80-44: Rulemaking to Delete from General Order 4 the Requirement that Notice of Applications for Independent Ocean Freight Forwarder Licenses be Published in the **Federal Register**—Proposed Final Rule.
6. Docket No. 80-54: Time/Volume Rate Contracts—Tariff Filing Regulations Applicable to Carriers and Conferences in the Foreign Commerce of the United States—Proposed Final Rule.
7. Study of the Tarrif System.
8. Docket No. 80-69: Archie Peltzman v. American Maritime Association, et al.—Consideration of Appeal from Order of Dismissal.

Portions closed to the public:

1. Petition of Various Conferences under section 19 of the Merchant Marine Act, 1920, for relief from ruling of the Interstate Commerce Commission in Ex Parte 230 (Sub 5).
2. Intermodal Legislation.
3. International Paper Co. v. Mitsui O.S.K., Ltd. et al.—Enforcement of Subpoenas.
4. Docket No. 80-12: Dart Containerline Company, Ltd.—Possible Violations of Section 16 Second Paragraph and 18(b)(3), Shipping Act, 1916—Consideration of Order of Dismissal.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-796-81 Filed 5-20-81; 0:00 am]

BILLING CODE 6730-01-M

10

FEDERAL RESERVE SYSTEM.
(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, May 27, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: May 19, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-795-81 Filed 5-20-81; 3:00 pm]

BILLING CODE 6210-01-M

11

INTERNATIONAL TRADE COMMISSION.

[USITC SE-81-13]

TIME AND DATE: 10:30 a.m., Monday, June 1, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731-TA-28 [Preliminary] (Menthol from the People's Republic of China)—vote.
6. Any items left over from previous agenda.

Portions closed to the public:

5. Investigation 731-TA-28 [Preliminary] (Menthol from the People's Republic of China——briefing.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-600-81 Filed 5-20-81; 3:00 pm]

BILLING CODE 7020-12-M

12

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

TIME:
10 a.m. to 5 p.m.
9 a.m. to 4 p.m., respectively

DATE: June 11 and 12, 1981.

PLACE: Peachtree Plaza, Atlanta, Georgia.

STATUS: Open.

MATTERS TO BE DISCUSSED: Approval of Minutes; Review of Agenda; Chairman's Opening Remarks; Election of Vice President; Report on Planning/Futures Committee; White House Conference on Library and Information Services follow-up; Budget Report on FY 1981 and 1982; preliminary discussion of 1983 budget; Task Force Reports on Community Information and Referral Services; Cultural Minorities; Public/Private Sector; The Role of the Special Library in Nationwide Networking; and WHCLIST; Report on Legislative/Public Awareness Committee Report; Report of the Personnel Committee; Executive Director's Report; Update on Copyright; Discussion of Censorship/Intellectual Freedom; Commissioners' Comments; Old Business; and New Business.

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director.

May 19, 1981.

[S-798-81 Filed 5-20-81; 2:40 pm]

BILLING CODE 7527-01-M

13

NUCLEAR REGULATORY COMMISSION.

DATE: Week of May 25, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Tuesday, May 26

10:00 a.m.—1. Discussion of Revised Licensing Procedures.

2:00 p.m.—1. Discussion of Final Rule on Policy on Proceeding with Pending CP and ML Applications.

Wednesday, May 27

2:30 p.m.—1. Discussion of Revisions to Reactor Operator Qualifications (Tent.).

Thursday, May 28

2:00 p.m.—1. Discussion and Possible Vote on Full-Power License for Sequoyah-2 (Approx. 1½ hrs.).

2. Affirmative/Discussion Session.
Affirmation and/or Discussion and Vote:
a. Request for a Hearing (In the Matter of Consumers Power Co.)
b. Approval to Grant Access to Restricted Data to Designated Members of Congress
c. Amendments to 10 CFR 19 to Establish Staff Authority to Call Meeting with Licensees

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,
Office of the Secretary.
May 19, 1981.

[S-804-81 Filed 5-20-81; 8:45 am]

BILLING CODE 7590-01-M

14

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 26, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, May 26, 1981, at 10:00 a.m. and on Wednesday, May 27, following the 10:00 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendered matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Friedman, and Thomas determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 26, 1981, at 10:00 a.m., will be:

Opinion
Formal orders of investigation
Settlement of injunctive actions
Litigation matters
Freedom of Information Act appeal
Settlement of administrative proceeding of an enforcement nature
Institution of administrative proceeding of an enforcement nature
Consideration of *amicus* participation

The subject matter of the closed meeting scheduled for Wednesday, May 27, 1981, following the 10:00 a.m. open meeting, will be:

Institution of injunctive actions

The subject matter of the open meeting scheduled for Wednesday, May 27, 1981, at 10:00 a.m., will be:

1. Consideration of whether to grant William F. Crawford, Sr. relief from a bar imposed upon him in connection with a prior administrative proceeding. For further information, please contact Adele Geffen at (202) 272-2947.

2. Consideration of whether to grant Jerry Richman relief from a bar imposed upon him in connection with a prior administrative proceeding. For further information, please contact Adele Geffen at (202) 272-2947.

3. Consideration of whether to grant the appeal of Ms. Wendy Warren from the determination of the Freedom of Information Act Officer denying her access to certain staff documents and the name of an individual contained in a Commission letter responding to the individual's inquiry concerning investors REIT One and Investors REIT Two. For further information, please contact Howard A. Bartnick at (202) 272-2426.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2468.

May 18, 1981.

S-793-81 Filed 5-19-81; 4:44 pm]

BILLING CODE 8010-01-M

V
4
6
/
9
9
M
Y
2
2
8
1
UMI

federal register

Friday
May 22, 1981

Part II

Department of Labor

Wage and Hour Division, Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alaska:	
AK81-5110	Apr. 10, 1981.
Arkansas:	
AR80-4079	Nov. 7, 1980.
AR80-4080	Oct. 31, 1980.
AR80-4083	Do.
California:	
CA81-5109	Apr. 10, 1981.
Connecticut:	
CT81-3001	Jan. 23, 1981.
Georgia:	
GA81-1191	Mar. 6, 1981.
GA81-1192	Do.
GA81-1193	Do.
Massachusetts:	
MA80-2070	Aug. 29, 1980.
MA80-2045	July 7, 1980.
Minnesota:	
MN80-2068	Dec. 19, 1980.
Missouri:	
MO81-4031	May 8, 1981.
Nevada:	
NV81-5103	Feb. 6, 1981.
NV81-5111	May 1, 1981.
New Hampshire:	
NH81-3010	Jan. 23, 1981.
New Mexico:	
NM81-4023	Apr. 10, 1981.
Pennsylvania:	
PA80-3055	Oct. 3, 1980.
South Dakota:	
SD80-5118	June 6, 1980.
Texas:	
TX80-4099	Dec. 5, 1980.
TX81-4006	Jan. 6, 1981.
TX81-4015	Apr. 3, 1981.
TX81-4016	Do.
TX81-4026	May 1, 1981.
TX81-4032	May 8, 1981.
Washington:	
WA81-5107	Apr. 3, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:
FL79-1024(FL81-1135)..... Feb. 2, 1979.
FL78-1052(FL81-1136)..... May 26, 1978.
Georgia:
GA79-1059(GA81-1231)..... Mar. 30, 1979.
GA78-1096(GA81-1233)..... Nov. 24, 1978.
Kansas:
MO80-4091(MO81-4035)..... Nov. 21, 1980.
Minnesota:
MN78-2068(MN81-2022)..... Aug. 4, 1978.
Mississippi:
MS81-1156(MS81-1232)..... Jan. 6, 1981.
Missouri:
MO81-4013(MO81-4034)..... Feb. 2, 1981.
MO80-4091(MO81-4035)..... Nov. 21, 1980.
North Carolina:
NC79-1034(NC81-1234)..... Oct. 19, 1979.
Ohio:
OH80-2028(OH81-2025)..... Aug. 1, 1980.
South Dakota:
SD80-5105(SD81-5121)..... Feb. 1, 1980.
SD81-5105(SD81-5122)..... Feb. 20, 1981.
Wyoming:
WY80-5127(WY81-5123)..... Sept. 5, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. this 15th day of May 1981.

Dorothy P. Come,

Assistant Administrator Wage and Hour Division.

BILLING CODE 4510-27-M

JMI 1 8 2 2 Y M 9 9 / 6 4 V

Modification Page 1

DECISION NUMBER AK81-5110 Mod. # 3
(46 FR 21526 - April 10, 1981)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Statewide Alaska					
CHANGE:					
Elecricians					
Wireman, Technician	$22.15	$1.65	3%+3.00		.25
Cable Splicer	23.90	1.65	3%+3.00		.25
Line Construction					
Lineman, Technician, Equipment Operator	22.15	1.65	3%+3.00		.25
Cable Splicer	23.90	1.65	3%+3.00		.25
Groundman, Powderman	20.15	1.65	3%+3.00		.25
DECISION #AR80-4079-Mod.#7 45FR74344-November 7, 1980 Garland, Hot Springs and Clark Counties, Arkansas					
CHANGE:					
Ironworkers	$12.10	.80	1.05		.06
DECISION #AR80-4080-Mod.#9 45FR72439-October 31, 1980 Jefferson County, Arkansas					
CHANGE:					
Ironworkers	12.10	.80	1.05		.06
DECISION #AR80-4083-Mod.#8 45FR72438-October 31, 1980 Pulaski County, Arkansas					
CHANGE:					
Ironworkers	12.10	.80	1.05		.06

Modification Page 2

DECISION NO. CA81-5109 - Mod. #2
(46 FR 21532 - April 10, 1981)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolume, Yolo and Yuba Counties, California					
Omit:					
PLASTERERS:					
All Areas					
Add:					
PLASTERERS:					
Area 1:	$14.32	1.20	2.80		.03
Area 2:	16.08	1.15	3.90		.06
Area 3:	14.21	1.21	2.85	1.00	.03
Area 4:	13.10	1.13	1.50	1.50	.01
Area 5:	14.97	1.31	2.20		.06
Area 6:	12.40	1.45	1.75	1.75	
Area 7:	14.51	1.00	1.35		.01
Area 8:	12.75	1.20	2.75	2.00	

AREA DEFINITIONS FOR PLASTERERS

Area 1: Alameda and Contra Costa Counties
Area 2: San Francisco and San Mateo Counties
Area 3: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo and Yuba Counties
Area 4: Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties
Area 5: Santa Clara, San Benito and Santa Cruz Counties
Area 6: Fresno, Kings, Madera and Tulare Counties
Area 7: Monterey County
Area 8: Marposa, Merced, Stanislaus and Tuolumne Counties

Modification Page 3

Modification Page 4

Modification Page 3

DECISION NO. CT81-3001 - MOD. #3 (46 FR 7721 - January 23, 1981) Fairfield, Litchfield and Windham Counties, Connecticut	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
BRICKLAYERS					
Heavy & Highway Construction:					
Darien & Stamford	12.57	.80	.25	b	
Greenwich	11.95	.75	.95	b	
LABORERS					
Heavy & Highway Constuction:					
Laborers	10.00	.65	.80		.10
Acetylene burners; asphalt raker; chain saw operator; concrete & power buggy operators; fence & guard rail erectors; form setters; hand operated vibratory compactor operators; mason tenders; pipelayers; pneumatic gas & electric drill operators; powdermen & wagon drill operators	10.25	.65	.80		.10
Air track operators; block paver; curb setters	10.50	.65	.80		.10
Blasters	10.75	.65	.80		.10
Open air caisson, cylindrical work and boring crew:					
Top man	8.65	.65	.80		.10
Bottom man	9.15	.65	.80		.10
DELETE:					
Survey Crew					
Chief of Party	13.03	1.20	1.25	a	.20
Ass't Chief of Party	12.09	1.20	1.25	a	.20
Instrument Man	11.15	1.20	1.25	a	.20
Rodman,Chainman	8.39	1.20	1.25	a	.20

Modification Page 4

DECISION #GA81-1191 - Mod. #1 (46 FR 15643 - March 6, 1981) Clayton, DeKalb, & Fulton Counties, Georgia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
CHANGE:					
Glaziers	$12.45	.90	.63		.11
DECISION #GA81-1192 - Mod. #1 (46 FR 15647 - March 6, 1981) Richmond County, Georgia					
CHANGE:					
Asbestos workers	$11.80	.45	.45		.02
Electricians:					
Wiremen	12.35	.75	3% + .40		½ of 1%
Cable splicers	12.60	.75	3% + .40		½ of 1%
Laborers:					
Building & Construction laborers;	6.83	.20	.13		.10
Power & air tool operators, concrete or clay pipelayers, & wipers, mortar mixers, & power buggy operators;	6.98	.20	.13		.10
Powderman, wagon drill operators, tunnel laborers, shaft laborers, burners, acetylene (demolition work), slip form workers (steel or wood, screw or jack type), potman, creosote materials handler, steel form setter (on grade), chimney or stack workers.	7.03	.20	.13		.10
Line Construction:					
Linemen & Heavy equipment operators (cranes, draglines & 5th wheel tractors);	12.35	.75	3% + .40		½ of 1%
Cable splicers;	12.60	.75	3% + .40		½ of 1%
Equipment operators (hole digging equipment, tractor with winch & derrick, anchor machine, backhoe, & ground rod;	10.13	.75	3% + .40		½ of 1%
Truck operators;	7.66	.75	3% + .40		½ of 1%
Groundmen.	6.92	.75	3% + .40		½ of 1%
Plumbers & Pipefitters	12.18	.95	.70		.02

JM1 18 22YM 9916 4V

Modification Page 5

DECISION #GA81-1124 - Mod. #1
(46 FR 19640 - March 6, 1981)
Chatham County, Georgia

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Laborers:					
General laborers, track spatters;	$ 6.32	.15	.13		.10
Operators of jack hammer, tamp, paving breaker, chipping hammer, spade, chain saw, vibrator, motorized buggy, mason tender, terrazzo helper, railroad or track laborers, walk behind compactor or roller, plasterer & carpenter tenders;	6.47	.15	.13		.10
Mortar mixers (hand or machine), pipe layers (harner, potman, etc.), flagmen (cranes, derricks, etc.):	6.57	.15	.13		.10
Burner (torch) on demolition work, track or wagon drills used in blasting;	6.82	.15	.13		.10
Powdermen or blasters.	7.32	.15	.13		.10

Modification Page 6

DECISION NO. MA80-2070 - MOD. #3 (45 FR 57926 - August 29, 1980) Berkshire, Franklin, Hampden and Hampshire Counties, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
CARPENTERS: Soft Floor Layers, Drywall Carpenters:					
BERKSHIRE CO; FRANKLIN (Twps. of Monroe and Monroe Bridge (only)	10.94	.70	1.00		.04
FRANKLIN COUNTY (Remainder of County). HAMPDEN and HAMPSHIRE COUNTIES	12.15	.60	1.00		.07
SPRINKLER FITTERS	15.29	.95	1.40		.08
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:					
CLASS I	12.73	.95	1.15	a	.10
CLASS II	12.53	.95	1.15	a	.10
CLASS III	12.33	.95	1.15	a	.10
CLASS IIIA	11.96	.95	1.15	a	.10
CLASS IV	10.77	.95	1.15	a	.10
CLASS V	10.17	.95	1.15	a	.10
CLASS VI	9.19	.95	1.15	a	.10
CLASS VII	13.48	.95	1.15	a	.10
CLASS VIII	10.37	.95	1.15	a	.10
CLASS IX	13.23	.95	1.15	a	.10
CLASS X	13.23	.95	1.15	a	.10
CLASS XI	13.73	.95	1.15	a	.10

Modification Page 7

Modification Page 8

DECISION NO. MA80-2070 - CONT'D

CLASSIFICATIONS

CLASS I - Shovels, Cranes (including all tower, climbing and bridge cranes, as used in Building Construction as defined in Scope of Employment), Hydraulic Cranes--10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, all three drum Hoisting and Trenching Machines, Belt-type Loaders, Foreman Mechanics, Front End Loaders--5¼ yards or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.), Combination Backhoe-Loader--3/4 yard or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pump with boom, Roto-Mill.

CLASS II - Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors), rock and earth boring machines (excluding McCarthy and similar drills), Graders, Front End Loaders--4 yards to 5¼ yards, two Drum Hoists, High Fork Lifts with capacity of 15 ft. and over, Scrapers--21 yards and over (struck load), Sonic Hammer Console, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers.

CLASS III - Combination Backhoe-Loader--up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers--up to 21 yards (struck load) self-propelled or tractor drawn, Tireman, Front End Loaders--up to 4 yards, Asphalt Paver, Well Drillers, Mechanics, Welders, Pump-crete Machines, Concrete pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point Operators (including installing), Electric pumps used in Well Point System, Pumps--12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Engineers in charge of Powered Grease Truck, all automatic elevators (permanent or temporary) operated manually or remote control (not to be confused with elevators operating from conventional hoist--1, 2 or 3 Drum), Grout pumps, Boom Truck, Hydraulic Cranes--under 10 ton.

CLASS IIIA - Asphalt Rollers, Self-powered Rollers and Compactors, Tractor without blade drawing sheepsfmot roller, rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS IV - Single Drum Hoist, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading), Bulk Cement Plants, Self-propelled material spreaders, A-Frame Trucks, Fork Lifts--up to 15 ft., 3 or more 10KW Light Plants, 30 KW or more Generators.

DECISION NO. MA80-2070 - CONT'D

CLASSIFICATIONS CONT'D

CLASS V - Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps--4 inches to 12 inches (total discharge).
CLASS VI - Compressors (up to 315 cu. ft.), small mixers, pumps (up to 4 inches), power heaters, welding machines, (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), Conveyors, Oiler, helpers on grease trucks with hand greasing equipment.
CLASS VII - Truck Crane Crews
CLASS VIII - Oiler
CLASS IX - Master Mechanic
CLASS X - Boom lengths over 184 feet (including jib)
CLASS XI - Boom lengths over 225 feet (including jib)

FOOTNOTE:
a. PAID HOLIDAYS: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION:					
CLASS I	12.73	.95	1.15	a	.10
CLASS II	12.53	.95	1.15	a	.10
CLASS III	12.33	.95	1.15	a	.10
CLASS IIIA	11.96	.95	1.15	a	.10
CLASS IV	10.77	.95	1.15	a	.10
CLASS V	10.17	.95	1.15	a	.10
CLASS VI	9.19	.95	1.15	a	.10
CLASS VII	13.48	.95	1.15	a	.10
CLASS VIII	10.37	.95	1.15	a	.10
CLASS IX	13.23	.95	1.15	a	.10
CLASS X	13.23	.95	1.15	a	.10
CLASS XI	13.73	.95	1.15	a	.10

UMI 1 8 2 2 M Y 9 9 / 6 4 V

DECISION NO. MA80-2070 - CONT'D

CLASSIFICATIONS

CLASS I - Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader--5½ yards and over Tower Cranes, Self-propelled Hydraulic Cranes--10 tons and over Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi-automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine, Combination Back Hoe-Loader--3/4 yard hoe or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pumps with boom, Rotm-Mill.

CLASS II - Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders--4 yards to 5½ yards, Scraper--21 yards and over (struck load), Forklifts--7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers.

CLASS III - Bulldozer, Push Cats, Scrapers--up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders--up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in well point system, Tireman, Pumps--16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Tunnel Locomotives and DInkeys, Grout pumps, Hydraulic Jacks (jacking pipe, slif forms, etc.), Boom Truck, self-propelled Hydraulic Cranes--up to 10 ton, Combination Back Hoe-Loader--up to 3/4 yard hoe.

CLASS IIIA - Asphalt Rollers, Self-Powered Rollers and Compactors, Tractor without blade drawing sheeps foot roller, Rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS IV - Hoists, Conveyors, Power Rollers and Compactors, Tractor without blade drawing sheeps foot roller, Rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

DECISION NO. MA80-2070 - CONT'D

CLASSIFICATIONS CONT'D

CLASS V - Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps--4" to 16" total discharge

CLASS VI - Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck Helper on powered Grease Truck, Power Heaters, Welding Machines (when 3 or more welding machines are used, Classification 4 rate shall be paid), A-Frame Trucks, Forklifts--up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Power Safety Boat.

CLASS VII - Truck Crane Crews

CLASS VIII - Oiler

CLASS IX - Master Mechanic

CLASS X - Boom lengths over 184 feet (including jib)

CLASS XI - Boom lengths over 225 feet (including jib)

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. MA80-2045 - MOD. #4 (45 FR 45794 - July 7 1980) Worcester County, Massachusetts					
CHANGE:					
ASBESTOS WORKERS	14.08	1.17	.80		.01
ELECTRICIANS:					
Warren W. Warren Ashburnham, Athol, Bolton, Pitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominister, Luneburg, Phillipston, Wesminister, and Winchendon	13.28	.85	3%+.40		.03
	13.20	.75	3%+1.35		.02
ELEVATOR CONSTRUCTORS	12.21	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTOR'S HELPERS	8.55	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTOR'S PROBATIONARY HELPERS	6.105				
GLAZIERS:					
Remainder of County	13.70	.92	1.19		.03
IRONWORKERS	13.25	1.15	2.05		.10
SHEET METAL WORKERS	12.25				
SPRINKLER FITTERS	15.29				
TERRAZZO WORKERS AND TILE SETTERS:					
Asburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling and Westminister	11.40	.85	1.50		
TILE, MARBLE, TERRAZZO FINISHERS	10.34	.90	.75		
DECISION #MN80-2088-Mod #2 (45 FR 83810 Dec. 19, 1980) COUNTIES: Becker, Clay, Cass, Hubbard, Ottertail, Todd, Wadena & Wilkins Cos., Minnesota					
ADD:					
Clay County - Heavy Construction					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION #MO81-4031 - Mod. #1 (46 FR 25923 - May 8, 1981) Franklin, Jefferson, Lincoln, St. Charles, Warren Counties & City & County of St. Louis, Missouri					
Change:					
Carpenters; Millwrights & Piledrivermen:					
Zone 1	$14.46	.90	.95		.18
Power Equipment Operators:					
Group 1	14.32	1.05	1.25		.20
Group 2	13.02	1.05	1.25		.20
Group 3	12.57	1.05	1.25		.20
Group 4:					
(a)	15.02	1.05	1.25		.20
(b)	15.87	1.05	1.25		.20
(c)	16.32	1.05	1.25		.20
(d)	17.07	1.05	1.25		.20
(e)	14.82	1.05	1.25		.20
Terrazzo workers	16.05				
Add:					
Glaziers (St. Louis County): Glaziers (installing of art glass; repairing, cleaning, cementing & waterproofing in connection with the restoration of stained and leaded glass windows)	8.86	50% of premium	1.00	a+b	

Footnote:

a-Paid Holidays: New Years Day; Memorial Day; Independence Day; Labor Day; Veteran's Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b-Employee with (1) year of service, the employer pays 2% of all hours worked at straight time, the negotiated inside wage rate; employee with (3) years or more of service, the emplmyer pays 4% of all hours worked at straight time the negotiated inside wage rate; employee with (12) years or more, the employer pays 6% of all hours worked at straight time the negotiated inside wage rate; employee with (15) years or more of service, the employer pays 8% of all hours worked at straight time the negotiated inside wage rate.

UMI 1 8 2 2 Y M 9 9 / 6 4 V

Modification [illegible]

DECISION #NV81-5103 - Mod. #2
(46 FR 11486-February 6, 1981)
Nevada Test Site including Tonopah Test Range in Clark, Lincoln, and Nye Counties, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Elevator Constructors:					
Elevator Constructors	$16.62	$1.195	.95	a	.035
Elevator Constructors' Helpers	11.63	1.195	.95	a	.035
Elevator Constructors' Helpers (Prob.)	8.31				
Ironworkers:					
Ornamental; Reinforcing; Structural	13.66	1.39	3.22	2.15	.07
Add:					
Carpenters:					
Piledrivers	15.51	.95	1.35		.10

DECISION #NV81-5111-Mod. #1
(46 FR 24837 - May 1, 1981)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

Change:					
Asbestos Workers:					
Area 3	$20.11	$1.25	$1.45		.11
Carpenters:					
Area 2:					
Carpenters	13.80	1.17	1.69	1.10	.11
Floor Layers; Patent Scaffold Erectors; Power Saw Operator; Shinglers	13.95	1.17	1.69	1.10	.11
Millwrights	14.40	1.17	1.69	1.10	.11
Piledrivermen	14.50	1.17	1.69	1.10	.11

DECISION NO. NV81-5111 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Cement Masons: Area 1:					
Cement Masons	$13.50	$1.40	$1.50		.13
Cement Floor Finishing Machine and Color Work	13.85	1.40	1.50		.13
Plasterers:					
Area 1	14.10	1.40	1.50		.13
Omit:					
Drywall Installers:					
Area 1	12.50	1.10	1.61	1.00	.11
Add:					
Carpenters:					
Area 2:					
Drywall Installers	14.05	1.17	1.69	1.10	.11

DECISION NO. NH81-3010 - MOD. #2
(46 FR 7733 - January 23, 1981)
Rockingham and Strafford Counties, New Hampshire

CHANGE:					
ASBESTOS WORKERS	15.91	1.50	1.20		.05
PLUMBERS & STEAMFITTERS:					
Atkinson, Danville, Hempstead, Kingston and Palistow	13.40	1.65	.87		.05
Salem and Windham	14.05	1.65	.87		.05
POWER EQUIPMENT OPERATORS:					
Building Construction:					
CLASS 1	12.78	1.18	1.15	a	.03
CLASS 2	12.66	1.18	1.15	a	.03
CLASS 3	11.78	1.18	1.15	a	.03
CLASS 4	10.88	1.18	1.15	a	.03
CLASS 5	10.24	1.18	1.15	a	.03
CLASS 6	9.74	1.18	1.15	a	.03

Modification Page 15

DECISION #NM81-4023 MOD #2

Modification Page 16

DECISION #NM81-4023 MOD #2
46 FR 21572 - April 10, 1981
STATEWIDE, NEW MEXICO

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS: (Statewide, except Union, Lea, Harding, Curry, Roosevelt and Quay Cos.)	$14.86	.75	1.30		.06
CEMENT MASONS (Residential) Sandoval, Bernalillo and Valencia	10.57	.77	.70		.20
LEAD BURNERS					
Zone I	$14.70	.32	1.77		.21
Zone II	15.20	.32	1.77		.21
Zone III	15.00	.82	1.77		.21
Zone IV	15.33	.82	1.77		.21
PAINTERS: ZONE II					
Class-A	9.90	.70	.50		.05
Class-B	10.90	.70	.50		.05
Class-C	10.55	.70	.50		.05
Class-D	10.75	.70	.50		.05
Class-E	11.48	.70	.50		.05
Class-F	11.23	.70	.50		.05
PAINTERS: ZONE III					
Class-A	8.78	.83			.02
Class-B	9.20	.83			.02
Class-C	8.925	.83			.02
Class-D	9.63	.83			.02
PLUMBERS-PIPEFITTERS:					
Area I	14.20	.82	1.77		.21
Area II	14.70	.82	1.77		.21
Area III	15.95	.82	1.77		.21
Specific Area	14.83	.82	1.77		.21
Residential	9.50	.82	.39		.21
SHEET METAL WORKERS:					
Zone 1	14.77	.53	1.32		.25
Zone 2	17.02	.53	1.32		.25
Zone 3	15.77	.53	1.32		.25
Zone 4	17.62	.53	1.32		.25
Zone 5	11.57	3%+.51	.585		.06
SOUND INSTALLERS:					
Zone 1	7.31	.60	3%		5%
Zone 2	8.72	.60	3%		5%
Zone 3	11.53	.60	3%		5%
Zone 4	8.74	.60	3%		5%

DECISION NO. PA80-3055
MOD. NO. 6
(45 FR - 65902 - October 3, 1980)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Building, Heavy & Highway Construction:					
Roofers:					
Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominantly residential use:					
Zone I					
Composition, damp and waterproofers	$11.22	1.00	.70		
All other work:					
Zone I					
Commercial					
Composition, damp and waterproofers	15.67	1.40	.95	e	.05
Roofers Assistant	7.75	1.40	.95	e	.05

DECISION NO. SD80-5118 - Mod. #3
(45 FR 38249 - June 6, 1980)
Statewide, South Dakota

Change:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Line Construction:					
Group 1	$13.26	.45	4%		1/2%
Group 2	13.23	.45	4%		1/2%
Group 3	10.61	.45	4%		1/2%
Group 4	8.84	.45	4%		1/2%
Group 5	8.12	.45	4%		1/2%

UMI 1 8 2 2 M Y 9 9 / 6 4 V

DECISION NO. TX80-4099 - MOD. #7 (45 FR 80640 - December 5, 1980) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Building Construction:					
Plumbers & pipefitters:					
Zone 1 - McLennan Co. basic rate	$12.25	.30	.55		.04
Zone 2 - 20 to 45 miles from McLennan Court House including towns of Temple, Marlin, Clifton & Belton	12.75	.30	.55		.04
Zone 3 - Over 45 miles from McLennan Court House	13.75	.30	.55		.04
Incidental Paving & Utilities:					
Plumbers:					
Zone 1 - 20 to 45 miles from McLennan Court House including towns of Temple & Belton	12.75	.30	.55		.04
Zone 2 - Over 45 miles from McLennan Court House	13.75	.30	.55		.04
DECISION NO. TX81-4006 - MOD. #1 (46 FR 1547 - January 6, 1981) Brazos County, Texas					
CHANGE:					
Bricklayers & stonemasons	14.60	.94	.90		.06
Cement masons	14.05	.73	1.07		.08
Ironworkers	14.31	.80	1.70		.10
Elevator constructors:					
Mechanics	13.90	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				

DECISION NO. TX81-4015 - MOD. #2 (46 FR 20448 - April 3, 1981) Jefferson & Orange Cos., Texas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr
CHANGE:					
Elevator constructors:					
Mechanics	$13.90	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
Plumbers	12.96	.95	.75		.03
DECISION NO. TX81-4016 - MOD. #2 (46 FR 20450 - April 3, 1981) Travis County, Texas					
CHANGE:					
Plumbers & pipefitters	14.40	.50	.50		.07
DECISION NO. TX81-4026 - MOD. #1 (46 FR 24801 - May 1, 1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall & Tarrant Cos., Texas					
CHANGE:					
Plumbers & pipefitters:					
Zone 2	13.53	.64	1.00		.12
DECISION NO. TX81-4032 - MOD. #1 (46 FR 25981 - May 8, 1981) Galveston & Harris Cos., Texas					
CHANGE:					
Elevator constructors:					
Mechanics	13.90	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				

SUPERSEDEAS DECISION

STATE: Florida

DECISION NUMBER: FL81-1135

COUNTY: Alachua

DATE: Date of Publication

Supercedes Decision No.: FL79-1024 dated February 2, 1979 in 44 FR 6865.

DECISION NO. WA81-5107 - Mod #5 (46 FR 20452 - April 3, 1981) Statewide Washington	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
GLAZIERS:					
Area 7	$14.34	.81	1.00		.03
PLUMBERS:					
Area 4	20.08	1.55	1.85		.20
POWER EQUIPMENT OPERATORS (DREDGING) AREA 1					
All Counties and portions of Counties East of the 120th Meridian					
Group 1	15.12	1.20	1.55		.08
Group 2	15.22	1.20	1.55		.08
Group 3	15.56	1.20	1.55		.08
Group 4	15.61	1.20	1.55		.08
Group 5	15.66	1.20	1.55		.08
Group 6	15.98	1.20	1.55		.08
Group 7:					
(a)	16.37	1.20	1.55		.08
(b)	16.92	1.20	1.55		.08
DREDGING Area 2					
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and the Northern portion of Pacific County					
Group 1	15.02	.95	1.50		.16
Group 2	15.12	.95	1.50		.16
Group 3	15.46	.95	1.50		.16
Group 4	15.51	.95	1.50		.16
Group 5	15.56	.95	1.20		.16
Group 6	15.88	.95	1.20		.16
Group 7:					
(a)	16.27	.95	1.50		.16
(b)	16.82	.95	1.50		.16

SUPERSEDEAS DECISION

STATE: Florida
COUNTY: Alachua
DECISION NUMBER: FL81-1135
DATE: Date of Publication
Supercedes Decision No.: FL79-1024 dated February 2, 1979 in 44 FR 6865.
DESCRIPTION OF WORK: Building Construction (does not include single family homes or apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	12.93	.65	1.10		.08
Boilermakers	12.90	1.375	1.20		.04
Bricklayers	9.00				
Carpenters, Piledrivermen & Soft Floor Layers	11.32	.72	.80		.06
Cement Masons	6.00				
Electricians	8.44				
Elevator Mechanics					
Mechanics	11.29	1.195	.95	a + b	.035
Helpers	7.90	1.195	.95	a + b	.035
Glaziers	8.16				
Ironworkers	11.65	.70	.90		.03
Laborers	4.36				
Lathers	8.25				
Millwrights	12.67	.70	.70		.10
Painters:					
Commercial:					
Work over 15,000 sq. ft., Brush & Roller	9.25	.55	.55		.08
Work under 15,000 sq. ft., Brush & Roller	7.80	.55	.55		.08
Industrial					
Brush & Roller	10.85	.55	.55		.08
Plasterers	8.25				
Plumbers	11.95	.70	.80		.10
Roofers	6.89				
Sheet Metal Workers	11.50	3% + .91	.96		.12
Sprinkler Fitters	12.65	.85	1.20		.13
Welders - Rate for craft					

FOOTNOTES: a. Six paid holidays: New Year's, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, & Christmas Day
b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in buisness more than five years; 6% for less than 5 yea
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

UMI 1 8 2 2 Y M 9 9 1 6 4 V

FL81-1135 cont.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	12.18	.55	.50		.06
Group II	11.00	.55	.50		.06
Group III	8.80	.55	.50		.06

GROUP I - Crane or derrick operator, clam shell operator, dragline operator, piledriver operator including Auger & Boring Machine operator for drilling in piling, backhoe operator, hydra crane operator, grade all operator, shovel operator, patrol operator, cable ways operator, tug boat captain (150 HP or more), multi-bowl operator (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cubic yard scrapers), side boom cat operator, multi-drum hoist operator for rigging work, mechanic (heavy equipment), tower crane operator (stationary, climbing and traveling), gantry crane operator, locomotive crane operator, bridge crane operator (over 20 ton capacity), concrete pump with boom (mobile) operator, high lift or fork lift operator (10' or higher),
GROUP II - Bulldozer operator, bridge crane operator (20 tons & under), highlift or forklift operator (less than 10'), straddle buggy operator, hoist operator (other than rigging work) including winch truck operator where winch truck is not mobile and used as a hoist, trenching machine operator (ladder & wheel type) over 6' cut and over 24'' in width, concrete paver operator, scraper operator, front end loader operator fireman-floating equipment, mobile winch truck operator, self propelled sub-grader operator, asphalt paving machine operator, lubricating engineer (mobile plant), pavement breaker operator
GROUP III - Tractor operated sweeper operator, trenching machine operator (ladder and wheel type) maximum cut 6' and maximum width 24'', fireman, self propelled roller operators, wellpoint pump operator & supervise installation (one operator for 3 pumps, not including standby units, within 300 ft. radius), asphalt distributor operator, water truck driver, motor boat operator, oiler, pumpman (other than wellpoint) up to and including pumps within 300 ft. radius, conveyors operator (motor operat), welding machine operator (3 or more combustion type), pulver mixer operator, compressor operator (from 1 up to and including 3 compressors) within 300 ft. radius, self propelled sweeper operator, combination pump, compressor & combustion type welding machine operator (any group of 3 units) with 300 ft. radius, concrete mixer operator, concrete pump operator, tractor operator, street sweeping machine operator

SUPERSEDEAS DECISION:

STATE: Florida COUNTY: Dade
DECISION NUMBER: FL81-1136 DATE: Date of Publication
Supersedes Decision No: FL78-1052 dated May 26, 1978 in 43 FR 22912
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	5.00				
Carpenters	7.00				
Concrete Finishers	6.64				
Electricians					
Traffic Signal Installation	6.92				
All other Electrical Work	9.00	.41	.23	.45	.03
Ironworkers: Reinforcing	9.75	.75	.58		.08
Laborers	4.80				
Piledrivermen	6.00				
Pipelayers	4.92				
Truck Drivers	4.80				
Welders - Rate for craft					
P.E.O.					
Asphalt Paving Machine	5.90				
Backhoe	5.81				
Bulldozer	5.66				
Concrete Finishing Machine	5.00				
Concrete Paving Machine	5.02				
Crane, Dragline	6.28				
Earth Drilling Machine	5.75				
Front End Loader	5.37				
Gradall	5.90				
Mechanics	5.47				
Mixer	5.15				
Motor Grader	6.08				
Oiler/Greasemen	5.01				
Roller	5.14				
Scraper	5.22	.27		.20	
Tractor	5.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: GEORGIA
COUNTIES: ATKINSON, BERRIEN, BRANTLEY, BROOKS, CHARLTON, CLINCH, COLQUITT COOK, ECHOLS, LANIER, LOWNDES, PIERCE, THOMAS, WARE, & WAYNE.
DECISION NUMBER: GA81-1231 DATE: DATE OF PUBLICATION

SUPERSEDEAS DECISION

STATE: GEORGIA COUNTIES: CHATTAHOOCHEE & MUSCOGEE (COLUMBUS)
DECISION NUMBER: GA81-1233 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA78-1096 dated November 24, 1978 in 43 FR 55116

SUPERSEDEAS DECISION

STATE: GEORGIA
COUNTIES: ATKINSON, BERRIEN, BRANTLEY, BROOKS, CHARLTON, CLINCH, COLQUITT COOK, ECHOLS, LANIER, LOWNDES, PIERCE, THOMAS, WARE, & WAYNE.
DECISION NUMBER: GA81-1231 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA79-1059, dated March 30, 1979, in 44 FR 19111.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS (includes single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 5.61				
BRICKLAYERS	7.00				
CARPENTERS	5.86				
CEMENT MASONS	6.75				
DRYWALL FINISHERS	5.00				
DRYWALL HANGERS	5.00				
ELECTRICIANS	6.33				
INSULATION INSTALLERS (Batt & Blown)	4.75				
LABORERS:					
Unskilled	3.67				
Mortar mixers	4.00				
Mason tenders	4.50				
Asphalt rakers	4.50				
PAINTERS	5.54				
PLASTERERS	6.00				
PLUMBERS & PIPEFITTERS	6.04				
ROOFERS	5.26				
SHEET METAL WORKERS	5.00				
SOFT FLOOR LAYERS & CARPET LAYERS	5.46				
TILE SETTERS	6.00				
TRUCK DRIVERS	4.00				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	4.25				
Backhoe	5.00				
Bulldozer	5.00				
Front end loader	5.00				
Motor grader	6.00				
Roller	4.50				
Spreader - Screed	4.25				
Tractor	4.25				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: GEORGIA
COUNTIES: CHATTAHOOCHEE & MUSCOGEE (COLUMBUS)
DECISION NUMBER: GA81-1233 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA78-1096, dated November 24, 1978, in 43 FR 55146.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$ 6.90				
BRICKLAYERS	9.35				
CARPENTERS & Soft floor layers	6.26				
CEMENT MASONS	5.77				
ELECTRICIANS	7.45	.30	1%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.47	1.195	.95	a + b	.035
Helpers	8.03	1.195	.95	a + b	.035
Probationary helpers	5.735				
GLAZIERS	4.22				
IRONWORKERS	4.92				
LABORERS	3.35				
LATHERS	6.50				
PAINTERS	5.36				
PLASTERERS	6.50				
PLUMBERS & PIPEFITTERS	7.47				
ROOFERS	4.00				
SHEET METAL WORKERS	6.71				
TRUCK DRIVERS	3.35				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Blade/motor grader	4.50				
Bulldozer	4.00				
Crane, derrick, dragline	6.00				
Front end loader	3.75				
Scraper	3.75				
Tractor	4.25				

FOOTNOTES:

a. SEVEN PAID HOLIDAYS: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. VACATION PAY CREDIT: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

UMI 1-8 22 MAY 69/64 V

SUPERSEDEAS DECISION

STATE: Minnesota COUNTIES: See Below
DECISION NUMBER: MN81-2022 DATE: Date of Publication
Supersedes Decision No. MN78-2068, dated August 4, 1978 in 43 FR 34668
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Beltrami, Kittson Clearwater, Lake-of-the-Woods, Mahnomen, Polk, Marshall, Norman, Red Lake Pennington and Roseau	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 9.38				
CEMENT MASONS	10.62				
IRONWORKERS	12.12	.52	.70		.05
LABORERS:					
Unskilled	6.11				
Skilled	8.63				
Pipelayer	7.78				
POWER EQUIPMENT OPERATORS:					
Asphalt Plant Operator	9.92	.46	.40		
Asphalt Distributor Op.	9.54	.46	.40		
Backhoe	10.32	.75	.60		.05
Bulldozer	10.10	.75	.60		.05
Cranes, Derricks & Draglines	10.32	.75	.60		.05
Crushing & Sreening Plant	9.50	.75	.60		.05
Fireman	8.73	.75	.60		.05
Front End Loader	10.10	.75	.60		.05
Grader Operator	10.32	.75	.60		.05
Mechanic	10.10	.75	.60		.05
Motor Patrol	9.92	.46	.40		
Roller, Finish	9.54	.46	.40		
Packer Operator	8.05	.46	.40		
Scraper Operator	10.18	.75	.60		.05
Tractor Operator	8.11	.46	.40		
Turnapull Operator	10.10	.75	.60		.05
TRUCK DRIVERS:					
Bituminous Distributor Driver	8.73	.46	.40		
Dump Truck	6.47	.46	.40		
Truck Driver, Lowboy	9.13	.46	.40		
Truck Driver, 5 Axle	9.13	.46	.40		
Truck Driver, Tandem	8.73	.46	.40		
Truck Mechanic	9.13	.46	.40		
WELDERS-Rate for Craft	-				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Benton, DeSoto, Marshall, Tate, and Tunica
DECISION NUMBER: MS81-1232 DATE: Date of Publication
Supersedes Decision No. MS81-1156, January 6, 1981, 46 FR 1526
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANIC	$ 7.00				
BRICKLAYERS	8.00				
CARPENTERS	5.81				
CEMENT MASONS	5.00				
DRYWALL FINISHERS	5.00				
DRYWALL HANGERS	5.385				
ELECTRICIANS	5.00				
FORM SETTERS	4.25				
IRONWORKERS: Reinforcing	4.86				
LABORERS:					
Asphalt Rakers	4.00				
Unskilled	3.84				
MORTAR MIXERS	5.00				
PAINTERS	6.25				
PLUMBERS & PIPEFITTERS	8.75				
POWER EQUIPMENT OPERATORS:					
Backhoe	6.00				
Bulldozer	6.00				
Roller	5.83				
Tractor	4.75				
ROOFERS	9.00				
SHEET METAL WORKERS	7.00				
SOFT FLOOR LAYERS	6.00				
TRUCK DRIVERS	5.00				
WELDERS - receive rate prescribed for craft to which it is incidental					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MISSOURI COUNTY: STATEWIDE

DECISION NO. MO81-4034 Page 2

SUPERSEDEAS DECISION

STATE: MISSOURI COUNTY: STATEWIDE
DECISION NO.: MO81-4034 DATE: DATE OF PUBLICATION
Supersedeas Decision No. MO81-4013 dated February 2, 1981 in 46 FR 14636
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Zone 1	$13.96	.90	.95	.50	.03
Zone 1A	13.56	.90	.95	.50	.03
Zone 2	13.41	.90	.95	.50	.03
Zone 3	14.40	.60	.50		.03
Zone 4	13.80	.60	.50		.03
Zone 5	12.55	.90	.95	.50	.03
Zone 6	14.22	.43	.25		.03
Zone 7	14.37	.53			.03
Zone 7A	14.07	.53	.30		.03
Zone 8	13.30	.70		.50	.10
Zone 9	14.05	.65	.75		.07
Zone 10	14.46	.90	.95		.18

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

Zone 1 - Franklin, Jefferson, St. Charles, Counties
Zone 1A - Lincoln, Warren Counties
Zone 2 - Pike, ST. Francois & Washington Counties
Zone 3 - Cass and Lafayette Counties
Zone 4 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
Zone 5 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon & Texas Counties
Zone 6 - Boone, Cooper & Howard Counties
Zone 7 - Adair, Audrain, Benton, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
Zone 7A - Callaway, Cole, Miller, Moniteau and Osage Counties
Zone 8 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
Zone 9 - Clay, Jackson, Platte and Ray Counties
Zone 10 - St. Louis County & City

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
CEMENT MASONS					
Zone 1	$11.075	.80	.70		
Zone 2	10.93				
Zone 3	14.11	.80	.85		
Zone 4	7.50	.85	.50	.55	
Zone 5	11.75				
Zone 6	12.83				
Zone 7	13.45				
Zone 8	7.40				
Zone 9	13.45				
Zone 10					
(a) Heavy Construction	13.30	.80	.85		
(b) Highway Construction	14.11	.80	.85		

AREAS COVERED BY CEMENT MASONS ZONES

Zone 1 - Bates, Carroll, Cass, and Lafayette Counties
Zone 2 - Dent, Phelps, Pulaski, and Texas Counties
Zone 3 - Clay, Jackson, Platte and Ray Counties,
Zone 4 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
Zone 5 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster, & Wrights Counties
Zone 6 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
Zone 7 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Linn, Macon, Moniteau, Monroe, Randolph, Shelby, Schuyler, Sullivan, and Putnam Counties
Zone 8 - Barry, Barton, Jasper, Lawrence, McDonald, Newton, and Vernon Counties
Zone 9 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery and Osage Counties
Zone 10 - (a&b) - Andrew, Atchinson, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties.

LMI 1 8 2 2 YM 9 9 / 6 4 V

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Zone 1					
Electrical contract over $30,000.00	$13.36	.74	3%	11.5%	¼%
Electrical contracts $30,000.00 & under	11.40	.74	3%	11.5%	¼%
Zone 2	14.68	.69	3%+.90	7%	.12%
Zone 3					
Electrical contracts not to exceed 2000 man hours	13.68	.69	3%+.90	7%	.12
Electrical contract 2000 man hours and over	14.68	.69	3%+.90	7%	.12%
Zone 4					
Electrical contracts not to exceed 2000 man hours	13.68	.69	3%+.90	7%	.12%
Electrical contracts 2000 man hours and over	14.68	.69	3%+.90	7%	.12%
Zone 5					
Electrical contract not to exceed 2000 man hours	13.08	.69	3%+.90	7%	.12%
Electrical contracts 2000 man hours and over	14.68	.69	3%+.90	7%	.12%
Zone 6	13.40	.83	3%+5⅓%	15⅓%	.12%
Zone 7					
Electrical contracts over $15,000.00	13.40	.83	3%+.5⅓%	15⅓%	.10
Zone 8					
Electrical Contract $15,000.00 and under	12.54	.83	3%+.5⅓%	15⅓%	.10
Zone 9					
Electrical contract $15,000.00 and under	9.69	.83	3%+.5⅓%	15⅓%	.10
Zone 10					
Electrical contract $15, 000.00 and under	6.85	.83	3%+.5⅓%	15⅓%	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS CONT'D:					
Zone 11	$13.40	.47	3%+1.00	6%	.02
Zone 12	13.89	.47	3%+1.00	6%	.02
Zone 13	13.11	.60	3%+1.00	7%	.01
Zone 14					
Electricians	11.56	.65	3%+.75	5%	.01
Cable splicers	11.91	.65	3%+.75	5%	.01
Zone 15					
Electricians	13.90	.54	3%+1.00	7%+.30	.01
Cable splicers	14.15	.54	3%+1.00	7%+.30	.01

AREAS COVERED BY ELECTRICIANS ZONES

Zone 1 - Adair, Audrain (that part of east of Highway 19), Clark. Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Cos.
Electrical contracts over $15,000.00
Electrical contracts $15,000.00 and under

Zone 2 - Area bounded on the North by State Highway 92 in Platte & Clay Counties; east by a straight line from Intersection of State Highway 92 & 33 in Clay County Intersection of U. S. Highway 24 & State Highway 7 in Jackson County; south on Highway 7 to Pleasant Hill; South from Pleasant Hill due West to the Missouri-Kansas State Line; West by the Missouri-Kansas State Line. Towns of Pleasant Hill & Blue Springs are excluded

Zone 3 - Portion of Cass. Clay, Jackson and Platte Counties not included in Zone 2

Zone 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Cos.

Zone 5 - Carroll, Cooper, Morgan, Ray and Saline Counties

Zone 6 - St. Charles County, St. Louis County and City

Zone 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington, and Wayne Cos.:
Electrical contract over $15,000.00

DECISION NO. MO81-4034

DECISION NO. MO81-4034

ELECTRICIANS (CONT'D)

Zone 8 - Franklin, Jefferson, Lincoln, and Warren Counties.
Electrical contracts $15,000.00 and under
Zone 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois, and Ste. Genevieve Counties:
Electrical contracts $15,000.00 and under
Zone 10 - Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Ripley, Reynolds, Stoddard, Washington, and Wayne Counties:
Electrical contracts $15,000.00 and under
Zone 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Teney, Texas, Webster, and Wright Counties
Zone 12 - Pulaski County
Zone 13 - Andrew, Buchanan, Clinton, and DeKalb Counties
Zone 14 - Barry, Barton, Caldwell, Cedar, Dade, Daviess, Gentry, Holt, Jasper, McDonald, Newton, Nodaway, St. Clair, Vernon, and Lawrence Counties
Zone 15 - Atchinson, Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Grundy, Harrison, Howard, Livingston, Maries, Mercer, Miller, Moniteau, Osage, Phelps, Randolph and Worth Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
IRONWORKERS:					
Zone 1	$13.475	.65	1.05		.06
Zone 2	13.85	.80	1.50	1.00	.05
Zone 3	13.735	.80	1.50	1.00	.05
Zone 4	12.10	.75	.85		.12
Zone 5	13.80	.55	1.05		.06
Zone 6	11.55	.60	1.05		.06
Zone 7	12.45	.55	.95		.05

AREAS COVERED BY IRONWORKERS ZONES

Zone 1 - Audrain, Boone, Bollinger, Callaway, Camden, Carter, Cole, Crawford, Dent, Douglas, Franklin, Gasconade, Howell, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Monroe, Montgomery, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Ralls, Reynolds, St. Charles, St. Francois, St. Genevive, St. Louis, & City, Shannon, Texas, Warren, Washington, Wayne and Wright Counties.
Zone 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Lafayette, Laclede, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernom and Worth Cos.
Zone 3 - Christian, Dade, Greene and Webster Cos.
Zone 4 - Barry, Jasper, Lawrence, McDonald, Newton and Stone Cos.
Zone 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Schuyler, Scotland and Shelby Cos.
Zone 6 - Ozark and Taney Cos.
Zone 7 - Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard Counties.

UMI 1 8 2 2 Y M 9 9 / 6 4 V

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GROUP 1					
Zone 1	$11.08	.60	1.00	.80	.10
Zone 2	9.68	.60	1.00	.80	.10
Zone 3:					
(a)	12.70	.60	.50		.10
(b)	12.30	.60	.90		.10
Zone 4:					
(a)	11.90	.60	.50		.10
(b)	11.50	.60	.90		.10
GROUP 2					
Zone 1	11.23	.60	1.00	.80	.10
zone 2	9.83	.60	1.00	.80	.10
Zone 3					
(a)	13.20	.60	.50		.10
(b)	12.80	.60	.90		.10
Zone 4					
(a)	12.40	.60	.50		.10
(b)	12.00	.60	.90		.10
GROUP 3					
Zone 1	11.38	.60	1.00	.80	.10
Zone 2	9.98	.60	1.00	.80	.10
Zone 3					
(a)	13.45	.60	.50		.10
(b)	13.05	.60	.90		.10
Zone 4					
(a)	12.65	.60	.50		.10
(b)	12.25	.60	.90		.10
GROUP 4					
Zone 1	11.58	.60	1.00	.80	.10
Zone 2	10.18	.60	1.00	.80	.10
GROUP 5					
Zone 1	11.83	.60	1.00	.80	.10
Zone 2	10.43	.60	1.00	.80	.10

LABORERS CLASSIFICATION DEFINITIONS ZONES 1 AND 2

GROUP 1 - General Laborers - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers

GROUP 2 - First Semi-skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on mannoles); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines, power tool operator, all work in connection with hydraulic or general dredging operations; puddlers (paving only); straw blower nozzleman

GROUP 3 - Second Semi-skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in cuffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-skill - Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; churn drills, air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, hot mastic kettleman, hot tar applicator, hand blade operators, and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills string line man for electronic grade control; pressure groutmen

GROUP 5 - Fourth Semi-skill - Manhole builders, - brick or block dynamite and powder men; welder

28106 Federal Register / Vol. 46, No. 99 / Friday, May 22, 1981 / Notices

DECISION NO. MO81-4034

LABORERS CLASSIFICATION DEFINITIONS ZONES 3 and 4

GROUP 1 - General Labor-Carpenter tenders; salamander tenders; dump man; ticket takers; loading trucks under bins, hoppers, and conveyors; track men; cement handler; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers-rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setters, puddlers (paving only); straw blower nozzleman; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material; topper of standing trees; feeder man on wood pulverizers, board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutment and pier hole men working six (6) ft. or more below ground; men working in coffer dams for bridge piers and footings in the river; barco tamper; jackson or any other similar tamp; cutting torch man; liners, curb, gutters, ditch liners; hot mastic kettleman; hot tar applicator; hand blade operator; mortar men on brick or block manholes; rubbing concrete, air tool operator under 65 lbs.; caulker and lead man; chain or concrete saw under 15 h.p.

GROUP 2 - First Semi-Skill-Vibrator man; asphalt raker; head pipe layer on sewer work; batterboard man on pipe and ditch work; cliff scalers working from bosun's chairs; scaffolds or platforms on dams or power plants over 10 ft. high; air tool operator over 65 lbs.; stringline man on concrete paving; sand blast man

GROUP 3 - Second Semi-Skill-Laser beam man; wagon drill; churn drill; air track drill and all other similar type drills, gunite nozzle man; pressure grout man; screed man on asphalt; concrete saw 15 h.p. and over; grade checker; stringline man on electronic grade control; manhole builder; dynamite man; powder man; welder; tunnel man

DECISION NO. MO81-4034

AREA COVERED BY LABORERS

Zone 1 - Buchanan, Cass and Lafayette Counties

Zone 2 - Andrew, Atchison, Barry, Barton, Bates, Benton, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Greene, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Morgan, Newton, Nodaway, Ozark, Pettis, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Wright and Worth Counties.

Zone 3 :

a - Franklin and Jefferson Counties

b - St. Charles County

Zone 4

a - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Dunklin, Gasconade, Howard, Howell, Iron, Knox, Lewis, Linn, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Washington and Wayne Counties

b - Lincoln, Montgomery and Warren Counties

LMI 1 8 2 2 Y M 9 9 / 6 4 V

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS:					
Zone 5					
Group 1	$11.20	.60	1.00	1.05	.10
Group 2	11.35	.60	1.00	1.05	.10
Group 3	11.50	.60	1.00	1.05	.10
Group 4	11.70	.60	1.00	1.05	.10
Group 5	12.00	.60	1.00	1.05	.10

CLASSIFICATION DEFINITIONS

Group 1 - General laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

Group 2 - First Semi-skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only)

Group 3 - Second Semi-skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

DECISION NO. MO81-4034

CLASSIFICATION DEFINITIONS CONT'D

Group 4 - Third Semi-skill - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; and mortar men on brick or block manholes; sand blasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels

Group 5 - Fourth Semi-skill - Manhole builder (brick or block); dynamite and powder men

AREA COVERED BY LABORERS

ZONE 5 - Clay, Jackson, Platte and Ray Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS:					
Zone 6					
Group 1	$11.20	.60	1.00	1.05	.10
Group 2	11.35	.60	1.00	1.05	.10
Group 3	11.50	.60	1.00	1.05	.10
Group 4	11.70	.60	1.00	1.05	.10
Group 5	12.00	.60	1.00	1.05	.10

CLASSIFICATION DEFINITIONS

Group 1 - General laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

Group 2 - First Semi-skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only)

Group 3 - Second Semi-skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS					
Zone 6 - St. Louis City and County:					
General laborer	$12.475	.65	1.05		.05
Dynamiter or powderman	12.975	.65	1.05		.05
LINE CONSTRUCTION:					
ZONE 1					
Lineman	15.75	.45	3%+.25		5%
Lineman operator	14.66	.45	3%+.25		5%
Groundman powderman	10.93	.45	3%+.25		5%
Groundman	10.38	.45	3%+.25		5%
ZONE 2					
Lineman	15.05	.45	3%+.25		5%
Lineman operator	14.34	.45	3%+.25		5%
Groundman powderman	10.43	.45	3%+.25		5%
Groundman	9.63	.45	3%+.25		5%
ZONE 3					
Lineman & cable splicers	13.78	.50	7%	12½%	5%
Groundman - winch driver	10.11	.50	7%	12½%	5%
Groundman - driver	9.75	.50	7%	12½%	5%
Equipment operator	12.32	.50	7%	12½%	5%
Groundman	9.75	.50	7%	12½%	5%
ZONE 4					
Lineman	14.10	.45	3%+8%		5%
Groundman equipment op.	12.51	.45	3%+8%		5%
Groundman - class A	8.87	.45	3%+8%		5%
ZONE 5 - Railroad and Cross Country Transmission Lines:					
Lineman	13.34	.45	3%+.25		5%
Lineman operator	12.34	.45	3%+.25		5%
Groundman powderman	9.17	.45	3%+.25		5%
Groundman	8.56	.45	3%+.25		5%
Pole treating specialist	14.00	.45	3%+.25		5%
Pole treating truck driver	9.17	.45	3%+.25		5%
Pole treating groundman	8.56	.45	3%+.25		5%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LINE CONSTRUCTION:					
ZONE 6 - Telephone and Telegraph Railroad Communications and C.A.T.V. Work:					
Cable splicer, air pressure technician, central office equipment man, & key system installer	$10.16	.50	3%	5%	5%
Telephone lineman, installer, CATV terminator, & equipment operator(D-4 or larger crawler, wheel trencher quarter yard backhoe or larger)	9.72	.50	3%	5%	5%
Equipment operator (all other small equipment	8.50	.50	3%	5%	5%
Groundman-winch driver	7.61	.50	3%	5%	5%
Groundman	6.67	.50	3%	5%	5%
ZONE 7 - Telephone and Telegraph and C.A.T.V. Work;					
Cable splicers, air pressure technician, central office equipment man	9.96	.45	3%		
Telephone lineman and installer repairman, CATV Terminator, equipment operator (½ yd. backhoe & larger & D-4 crawler & larger)	9.45	.45	3%		
Equipment operator (trenchers & all other equipment	8.28	.45	3%		
Groundman-winch driver	7.15	.45	3%		
Groundman	5.78	.45	3%		

AREA COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties
ZONE 2 - Andrew, Atchinson, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Jasper, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties

LMI 18 22 MAY 99 64 V

AREA COVERED BY LINE CONSTRUCTION CONT'D

ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Licoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas, and Warren Counties

ZONE 4 - Boillinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Cos.

ZONE 5 - Atchison, Nodaway, Worth, Harrison, Mercer, Holt, Andrew, Dekalb, Davies, Grundy, Buchanan, Clinton, Caldwell, Livingston, Platte, Clay, Ray, Carroll, Jackson, Lafayette, Saline, Cass, Johnson, Pettis, Bates, Henry, Vernon, Benton, St. Clair, Hickory, Barton, Cedar, Polk, Dallas, Laclede, Jasper, Dade, Lawrence, Greene, Webster, Wright, Newton, McDonald, Barry, Stone, Christian, Douglas, Taney, Ozark and Gentry Counties

ZONE 6 - Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Franklin, Gasconade, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francois, St. Louis & City Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas, Warren and Washington Counties

ZONE 7 - Atchison, Nodaway, Worth, Harrison Mercer, Holt, Andrew, DeKalb, Daviess, Grundy, Buchanan, Clinton, Caldwell, Livingston, Platte, Clay, Ray, Carroll, Jackson, Lafayette, Saline, Cass, Johnson, Pettis, Bates, Henry, Benton, Vernon, St. Clair, Hickory, Barton, Cedar, Polk, Dallas, Laclede, Jasper, Dade, Lawrence, Greene, Webster, Wright, Newton, McDonald, Barry, Stone, Christiam, Douglas, Taney, Ozark, Gentry Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1					
Brush and roller	$12.19	.55	.70		.08
Spray	13.19	.55	.70		.08
Bridge	12.94	.55	.70		.08
ZONE 2					
Brush	11.30	.50	.25		.01
Spray	12.05	.50	.25		.01
Sandblasting, bridges, towers, stacks, walkways, cables & tanks 15,000 gal. or more capacity)	12.80	.50	.25		.01
ZONE 3					
Brush	8.20				
Spray	8.70				
ZONE 4					
Brush and roller	10.25	.70	.35		
Spray, structural steel and sandblasting	11.50	.70	.35		
ZONE 5					
Brush	12.25				
Bridge	13.00				
Spray, sandblasting opr.; work performed on bridges 75 ft. in height	13.25				
All structural steel over 50 ft. in height	13.00				
ZONE 6					
Brush	11.85	.85	.35		
Spray	12.85	.85	.35		
Steel, storage bin & tank	12.25	.85	.35		
Bridge, stage; belt; bazooka	12.35	.85	.35		
ZONE 7					
Brush, roller	10.82		.50		
	11.32		.50		
ZONE 8					
Brush	11.20		.20		
Spray & steel	11.70		.20		
ZONE 9					
Brush	12.99	.68	.37	.80	.15
Spray	14.99	.68	.37	.80	.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS CONT'D:					
ZONE 10					
Brush	$ 9.90	.50			
Spray, Bridgemen, steelmen	10.40	.50			
ZONE 11					
Brush	9.10		.25		
Structural steel	9.60		.25		
Bridges	9.85		.25		
ZONE 12					
Brush	13.00				
Spray	14.00				

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Clinton, Cass, Clay, Daviess, Grundy, Henry, Harrison, Jackson, Johnson, Lafayette, Livingston, Mercer, Platte, and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, Reynolds, Iron, Butler, Carter, Shannon, Wayne, Oregon and Ripley Counties
ZONE 3 - Lincoln and Pike Counties
ZONE 4 - Camden, Crawford, Dent, Laclede, Maries, Miller, Phelps, Pulaski and Texas Counties
ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis, and Saline Counties
ZONE 6 - Andrew, Atchinson, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties
ZONE 7 - Barry, Barton, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 8 - Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties
ZONE 9 - Jefferson, St. Charles, St. Louis & City, Warren and Franklin Counties
ZONE 10 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 11 - St. Francois, Ste. Genevieve, Madison, Perry and Washington Counties
ZONE 12 - Marion County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 1					
Group I	$13.10	1.00	1.25	1.05	.20
Group II	12.85	1.00	1.25	1.05	.20
Group III	12.15	1.00	1.25	1.05	.20
Group IV					
(a)	9.03	1.00	1.25	1.05	.20
(b)	11.15	1.00	1.25	1.05	.20
Group V	13.35	1.00	1.25	1.05	.20
Group VI	13.10	1.00	1.25	1.05	.20
ZONE 2					
Group I	14.32	1.09	1.25		.20
Group II	13.02	1.05	1.25		.20
Group III	12.57	1.05	1.25		.20
Group IV:					
(a)	15.02	1.05	1.25		.20
(b)	15.87	1.05	1.25		.20
(c)	16.32	1.05	1.25		.20
(d)	17.07	1.05	1.25		.20
(e)	14.82	1.05	1.25		.20
ZONE 3					
Group I	14.85	.90	1.00		.07
Group II	14.65	.90	1.00		.07
Group III	14.45	.90	1.00		.07
Group IV	13.85	.90	1.00		.07
Group V	13.95	.90	1.00		.07
Group VI	15.35	.90	1.00		.07
ZONE 4					
Group I	13.85	.90	1.00		.07
Group II	13.50	.90	1.00		.07
Group III	13.30	.90	1.00		.07
Group IV	12.45	.90	1.00		.07
Group V	14.10	.90	1.00		.07
Group VI	14.45	.90	1.00		.07
ZONE 5					
Group I	13.10	1.00	1.25	1.05	.20
Group II	12.85	1.00	1.25	1.05	.20
Group III	12.15	1.00	1.25	1.05	.20
Group IV:					
(a)	9.03	1.00	1.25	1.05	.20
(b)	11.15	1.00	1.25	1.05	.20
Group V	13.35	1.00	1.25	1.05	.20
Group VI	13.10	1.00	1.25	1.05	.20

LMI 1 8 2 2 YM 9 9 / 6 4 V

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS CONT'D					
ZONE 6					
Group I	$12.60	1.00	1.25	1.05	.20
Group II	12.25	1.00	1.25	1.05	.20
Group III	12.05	1.00	1.25	1.05	.20
Group IV	10.25	1.00	1.25	1.05	.20
Group V	12.85	1.00	1.25	1.05	.20
Group VI	13.10	1.00	1.25	1.05	.20
Group VII	13.35	1.00	1.25	1.05	.20
ZONE 7					
Group I	13.00	.60	1.25	.71	
Group II	12.65	.60	1.25	.71	
Group III	12.45	.60	1.25	.71	
Group IV	10.40	.60	1.25	.71	
Group V	13.25	.60	1.25	.71	
Group VI	13.50	.60	1.25	.71	
Group VII	13.75	.60	1.25	.71	
ZONE 8					
Group I	13.00	.60	1.25	.71	
Group II	12.65	.60	1.25	.71	
Group III	12.45	.60	1.25	.71	
Group IV	10.40	.60	1.25	.71	
Group V	13.25	.60	1.25	.71	
Group VI	13.50	.60	1.25	.71	
Group VII	13.75	.60	1.25	.71	
ZONE 9					
Group I	14.30	.90	1.00		.07
Group II	14.10	.90	1.00		.07
Group III	13.90	.90	1.00		.07
Group IV	13.30	.90	1.00		.07
Group V	14.55	.90	1.00		.07
Group VI	14.80	.90	1.00		.07

DECISION NO. MO81-4034

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS ZONE 1 & 5

Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift, and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; pushcat operator; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Air Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip form paver (CMI, REX, or Equal); throttle man; truck crane; welding machine maintenance operator-2

Group II - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine-1 drum; Latourneau router; multiple compactor; pavement breaker, self-propelled, of the hydra- hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; roller operator, other than dredge; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets; subgrading machine operator; tank car heater operator-combination boiler and booster; tractor 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1

28112 Federal Register / Vol. 46, No. 99 / Friday, May 22, 1981 / Notices

DECISION NO. MO81-4034

DECISION NO. MO81-4034

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS ZONE 1 & 5 CONT'D

Group IV:
(a) Oiler
(b) Oiler drivers, all types

Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (incl. jib); shovels and backhoes, 3 yds. capacity or over

Group VI - Hoists (each additional drum over 1 drum)

POWER EQUIPMENT OPERATORS ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric, or other powers); switch boat; whirley; air tugger w/air compressor; anchor-placing barge; asphalt spreader; athey force feeder loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (jobsite); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer (such as mixermobile); compressors, two, not more than 50 ft. apart; compressor (when operator runs throttle); compressor-generator combination; compressor-pump combination; generators, two 30 KW or over, or any number developing over 30 KW; generator-pump combination ; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other

DECISION NO. MO81-4034

POWER EQUIPMENT OPERATORS ZONE 2 CONT'D

GROUP I CONT'D
sources including concrete breakers jackhammers and barco equipment - no engineer required); elevating grader; engineman, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist; concrete and brick (brick cages or concrete skips operating in or on tower, towermobile, or similar equipment); hoist; stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machines; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant power, generating-job site; pumps, two self-powered over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

GROUP II - Conveyer, large (not self-propelled); conveyer, large (not self-propelled) moving brick and concrete (distributing) on floor level; mixer two or more mixers of one bag capacity or less, air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck; scissor lift (used for hoisting); tractor, small wheel type 50 h.p. & under with grader blade & similar equipment

UMI 1 8 2 2 M Y 9 9 / 6 4 V

DECISION NO. MO81-4034

POWER EQUIPMENT OPERATORS ZONE 2 CONT'D

GROUP III - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP IV - (a) Air pressure, oiler engineer, operating under ten pounds (b) Air pressure, oiler engineer operating over ten pounds (c) Air pressure engineer operating under ten pounds (d) Air pressure engineer operating over ten pounds (e) Crane-piledriving and extracting; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds. and over; crane, climbing such as Linden); durrick, diesel, gas or electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

Crane with boom (including jib), over 100' from pin to pin (add 1¢ per foot to maximum of $2.00) above basic rate for crane

Work in tunnel or tunnel shaft, .50¢ above base rate

POWER EQUIPMENT OPERATORS ZONES 3, 4, and 9

GROUP I - Asphalt finishing machine & trench widening spreader, asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boiler - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline opr.; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch-hammer wheel; locomotive operator - standard guage; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel operator

GROUP II - A-Frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader;

DECISION NO. MO81-4034

POWER EQUIPMENT OPERATORS ZONES 3, 4 and 9 CONT'D

GROUP II CONT'D
boat operator (bridge & dams): chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; dredge oiler; elevating grader operator; fork lift; grease fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self propelled; power shield; rooter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttleman; tractor operator (over 50 hp); winch truck; asphalt ruller operator; crusher operator

GROUP III - Spreader box operator, self-propelled (not asphalt); tractor operator (50 h.p. or less); boilers - 1; chip spreader (front man); Churn drill operator; compresor over 105 CFM 2 - 3 pumps 4" & over; 2 - 3 light plant 7.5 KWA or any combination thereof; clef plane opr.; compressor maintenance operator 2 or 3; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant opeator; siphons & jets; subgrading machine operator; tank car heater (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator; hydrobroom

GROUP IV - Oiler; grout machine; oiler-driver; compressor over 105 CFM-1; conveyor operator-1; maintenance operator; pump-4" & over-1

GROUP V - Crane with 3 yds. & over buckets; dragline operator - 3 yds & over; shovel - 3 yds. & over; piledrivers - all types; clam-shell - 3 yds. & over; hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator

Crane, rigs over 100 feet (incl. jib)-1¢ per foot

DECISION NO. MO81-4034

DECISION NO. MO81-4034

POWER EQUIPMENT OPERATORS ZONES 6, 7 and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch hammer wheel; locomotive operator; - standard guage; mechanics and welder; mucking machine; piledriver operator; sideboom cats; skimmer scoop operators; trenching machine operator; truck crane; scoop operators - all types

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridges and dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow guage; multiple compactor, pavement breaker; power - broom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); winch truck

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric, or similar spreader; vibrating machine operator, not hands; tractor operator (50 hp or less)

GROUP IV - Oiler; oiler driver, fireman - rig; maintenance operators

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' of boom or over (incl. jib), hoists - each additional active drum over 2 drums

DECISION NO. MO81-4034

POWER EQUIPMENT OPERATORS ZONE 6, 7 and 8 CONT'D

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers 150' to 200' of boom (inc. jib)

GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties

ZONE 2 - St. Louis City and County

ZONE 3 - Franklin, Jefferson, St. Charles Counties

ZONE 4 - Adair, Audrain, Boillinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties

ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties

ZONE 6 - Andrew, Atchinson, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties

ZONE 7 - Christian, Greene, Jasper, Lawrence and Taney Counties

ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties

ZONE 9 - Lincoln and Warren Counties

UMI 1 8 2 2 M Y 9 9 1 6 4 V

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS					
ZONE 1					
Group 1	$11.75	1.00	1.50	.75	
Group 2	11.95	1.00	1.50	.75	
Group 3	12.26	1.00	1.50	.75	
Group 4	12.41	1.00	1.50	.75	
Group 5	11.53	1.00	1.50	.75	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

Group 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle
Group 2 - Two teams, material tandem; semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump excavating, 5 cu. yds. & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment
Group 3 - A-frame, low boy, boom
Group 4 - Mechanics & welders
Group 5 - Oilers and greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS					
ZONE 2					
Group 1	$15.54				
Group 2	15.69				
Group 3	15.76				
Group 4	15.65				
Group 5	15.44				
ZONE 3					
Group 1	14.49				
Group 2	14.64				
Group 3	14.71				
Group 4	14.60				
Group 5	14.39				
ZONE 4					
Group 1	13.33	1.00	1.50		
Group 2	13.48	1.00	1.50		
Group 3	13.55	1.00	1.50		
GRoup 4	13.44	1.00	1.50		
Group 5	13.23	1.00	1.50		
ZONE 5					
Group 1	12.12	1.00	1.50		
Group 2	12.27	1.00	1.50		
Group 3	12.39	1.00	1.50		
Group 4	12.28	1.00	1.50		
Group 5	12.02	1.00	1.50		
ZONE 6					
Group 1	11.39	1.00	1.50		
Group 2	11.54	1.00	1.50		
Group 3	11.66	1.00	1.50		
Group 4	11.55	1.00	1.50		
Group 5	11.29	1.00	1.50		

DECISION NO. MO81-4034

SUPERSEDEAS DECISION

STATE: Missouri & Kansas COUNTIES: Cass, Clay,

DECISION NO. M081-4034

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

Group 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
Group 2 - Flat bed trucks - tandem axle; material trucks, tandem, axle; tank wagon - tandem axle
Group 3 - Semi and/or pole trailers; winch fork and steel trucks: Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
Group 4 - Agitor and transit mix trucks
Group 5 - Warehouseman

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Franklin, Jefferson and St. Charles Counties
ZONE 3 - Lincoln and Warren Counties
ZONE 4 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 5 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Jasper, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Counties
ZONE 6 - Adair, Atchison, Berry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney and Worth Counties

"Unlisted classificatimns needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)".

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties Missouri; Johnson & Wyandotte Counties, Kansas

DECISION NO: M081-4035
DATE: Date of Publication
Supersedes Decision No. M080-4091 dated November 21, 1980 in 45 FR 77281
DESCRIPTION OF WORK: Building Projects, (excluding single family homes and apartments up to and including 4 stories) and heavy and highway construction in Johnson and Wyandotte Counties, Kansas only.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.74	1.05	1.75		.05
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS AND STONEMASONS	14.89	1.00	.45		
CARPENTERS:					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri Johnson and Wyandotte Counties, Kansas					
Carpenter, Lathers, Millwrights and Pile-drivermen	14.05	.65	.75		.07
Zone 2 - Henry County, Missouri					
Carpenters	12.95	.65	.75		.07
Millwrights, Lathers & Piledrivermen	14.05	.65	.75		.07
Zone 3 - Johnsun County, Missouri					
Carpenters	13.375	.65	.75		.07
Millwrights, Lathers & Piledrivermen	14.05	.65	.75		.07
CEMENT MASONS (Building Cunstructimn					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Cement Masons	13.925	.80	.85		
Zone 2 - Henry and Johnson Counties MIssouri	12.83				
CEMENT MASONS (Heavy and Highway Construction):					
Johnson & Wyandotte Counties, Kansas	14.11	.80	.85		

LMI 1 8 2 2 2 Y M 9 9 / 6 4 V

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ELECTRICIANS:					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill:					
Electricians	$14.68	.69	3%+.90	7%	.12
Zone 2 - Henry, Johnson and Lafayette Counties, Missouri and remainder of Clay, Jackson, Platte and Cass Counties, Missouri					
Electricians (contracts exceeding 2000 man hours	14.68	.69	3%+.90	7%	.12
Electricians (contracts not exceeding 200 man hours	13.68	.69	3%+.90	7%	.12
Zone 3 - Ray County, Missouri:					
Electricians (contracts exceeding 2000 man hours	14.68	.69	3%+.90	7%	.12
Electricians (contracts not exceeding 2000 man hours	13.08	.69	3%+.90	7%	.12
Zone 4 - Johnson and Wyandotte Counties, Kansas	14.68	.69	3%+.90	7%	.12
ELEVATOR CONSTRUCTORS	14.135	1.195	.95	8%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.95	8%+a	

FOOTNOTES: - a-Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 7 paid holidays.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
GLAZIERS	$12.35	.90	1.19	17.14%	.05
IRONWORKERS	13.85	.80	1.50	1.00	.05
LABORERS:					
Building Construction					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, MIssouri; Johnson and Wyandotte Counties, Kansas					
Group 1	12.25	.60	.60		.10
Group 2	12.40	.60	.60		.10
Group 3	12.55	.60	.60		.10

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - General Labor; wiremesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects)

Group 2 - Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; goergia buggies (self-propelled) fork lift; hoseman; insulation man

Group 3 - Fork lift (masonry); brick tender; plasterer tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Zone 3 - Henry and Johnson Counties, Missouri					
Group 1	$9.525	.60	.80		.10
Group 2	9.625	.60	.80		.10
Group 3	9.85	.60	.80		.10

CLASSIFICATION DEFINITIONS

LABORERS:
Group 1 - Carpenter tenders, track men, wreckers (alteration or entire projects); reinforcing rod carriers; flagmen; signal men; all other general laborers
Group 2 - Plumber laborers; stonemason tenders; air tool operators, sewer work, water lines, conduit pipe, drain tile and duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; jackhammer & chipping hammer operators; material batch hopper man; scaleman; spreader or screed man on asphalt machine; chain or concrete sawman; brush feeders on pulverizers; swinging scaffold; cement handlers (buck or sack); laser beam man
Group 3 - Plasterer tenders; hod carriers; brick tender; cutting torch & burner men; asphalt rakers; barco tamper; jackson or any similar tamps; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzlemen; head pipe layer on sewer work; men working in tunnels; head form setters & stringline men; hot tar applicator

LABORERS:					
Site preparation and grading, Heavy and Highway Construction					
Zone 4 - Johnson and Wyandotte Counties, Kansas					
Group 1	11.20	.60	1.00	1.05	.10
Group 2	11.35	.60	1.00	1.05	.10
Group 3	11.50	.60	1.00	1.05	.10
Group 4	11.70	.60	1.00	1.05	.10
Group 5	12.00	.60	1.00	1.05	.10

CLASSIFICATION DEFINITIONS

LABORERS:
Group 1 - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagman; loading trucks under bins, hoppers and conveyors track men and all other general laborers
Group 2 - Air tool operators; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only)
Group 3 - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used
Group 4 - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline man on concrete paving, curbs, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operator; manhole builders helpers and mortar men on brick or block manholes; sandblasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels
Group 5 - Manhole builder (brick or block); dynamite and powder man

UMI 1 8 2 2 MAY 99/64 V

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LINE CONSTRUCTION:					
Zone 1 - Cass, Clay, Jackson, Platte, and Ray Counties, Missouri; Wyandotte and remainder of Johnson Counties, Kansas					
Linemen	$15.75	.45	3% .25		5%
Lineman Operator	14.66	.45	3%+.25		5%
Groundman	10.38	.45	3%+.25		5%
Zone 2 - Western 3/4 of Johnson County, Kansas					
Lineman	13.07	.45	3%		5%
Cable Splicers	13.72	.45	3%		5%
Groundman	8.13	.45	3%		5%
Powderman	10.83	.45	3%		5%
Line Truck and Equipment operators	10.83	.45	3%		5%
Zone 3 - Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties, MIssouri; Wyandotte County & Johnson Co. - that portion east of Monticello, Olathe & Spring Hill Townships Kansas.					
Line Construction (Telephone and Telegraph Work - including C.A.T.V. Work):					
Cable splicers; air pressure technicians; central office equipment man	9.96	.45	3%		
Telephone lineman & installer repairman; C.A.T.V. terminator; equipment operator (½ yd. backhoe & larger & D-4 crawlers & larger)	9.45	.45	3%		
Equipment operator (trenchers & all other equipment)	8.28	.45	3%		
Groundman-winch driver	7.15	.45	3%		
Groundman	5.78	.45	3%		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION CONT'D					
Line Construction (Railroad and Cross Country Transmission Lines)					
Zone 4 - Wyandotte County and Johnson County- that portion east of Monticello, Olathe & Spring Hill Townships:					
Lineman	$13.34	.45	3%+.25		5%
Lineman operator	12.34	.45	3%+.25		5%
Groundman, powderman	9.17	.45	3%+.25		5%
Groundman	8.56	.45	3%+.25		5%
Pole Treating:					
Pole treating specialist	14.00	.45	3%+.25		5%
Pole treating inspector	13.34	.45	3%+.25		5%
Pole treating truck driver	9.17	.45	3%+.25		5%
Pole treating groundman	8.56	.45	3%+.25		5%
MARBLE & TILE SETTERS	13.90	5%	5%		
Marble & tile setters' finishers	10.85				
PAINTERS:					
Zone 1 - Cass, Clay, Henry, Jackson, Johnson (excluding Whiteman Air Force Base), Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Brush and tapers	12.19	.55	.70		.08
Spray	13.19	.55	.70		.08
Zone 2 - Johnson Co., Missouri (Whitman Air Force Base only)					
Brush	11.25				
Spray	12.25				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PLASTERERS:					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri, Johnson and Wyandotte Counties, Kansas	$15.80				
Zone 2 - Henry and Johnson Counties, Missouri	12.51				
PIPEFITTERS	14.54	.72	1.60		.10
PLUMBERS	14.52	1.12	1.20		.12
POWER EQUIPMENT OPERATORS:					
Building Construction					
Group I	14.11	1.00	1.25	1.05	.20
Group II	13.76	1.00	1.25	1.05	.20
Group III:					
(a)	9.80	1.00	1.25	1.05	.20
(b)	11.86	1.00	1.25	1.05	.20
(c)	11.00	1.00	1.25	1.05	.20
(d)	12.11	1.00	1.25	1.05	.20
Group IV	14.36	1.00	1.25	1.05	.20
Group V	14.01	1.00	1.25	1.05	.20
Group VI	14.61	1.00	1.25	1.05	.20
Group VII:					
(a)	13.86	1.00	1.25	1.05	.20
(b)	13.61	1.00	1.25	1.05	.20
(c)	11.61	1.00	1.25	1.05	.20
Group VIII	15.11	1.00	1.25	1.05	.20
Group IX	14.61	1.00	1.25	1.05	.20

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

GROUP II Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; compressors (1) 125' or over; concrete saws, self-propelled; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies, sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; compressors-tanden; compressors sigle, truck mounted; elevator; finishing machine

Group III -
(a) Oilers
(b) Fork lift-masonry
(c) Oiler driver
(d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h.p.

Group IV -
Clamshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl.jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft, of boom or over (incl. jib)

Group V
Hoists-each additional drum over 1 drum

Group VI
Crane or rigs, over 200 ft. of boom

Group VII
Ready Mixed Concrete Plants;
(a) Crane operator
(b) Loader operator & plant man
(c) Conveyor Operator

Group VIII
Master Mechanic

Group IX
Crane-tower or climbing

UMI 1 8 2 2 Y M 6 9 1 6 4 V

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
Site preparation and grading, Heavy and Highway Construction					
Zone 1 - Johnson and Wyandotte Counties, Kansas					
Group I	$13.10	1.00	1.25	1.05	.20
Group II	12.85	1.00	1.25	1.05	.20
Group III	12.15	1.00	1.25	1.05	.20
Group IV					
(a)	9.03	1.00	1.25	1.05	.20
(b)	11.15	1.00	1.25	1.05	.20
Group V	13.35	1.00	1.25	1.05	.20
Group VI	13.10	1.00	1.25	1.05	.20

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS
Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers - 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader - fork lift; hoistline engine - 2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump - 2; push cat op.; quad-track; scoop operator - all types; scoops in tandem; self-propelled rotary drill (leroy or equal - not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip - form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator - 2

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - (CONT'D)
Group II - A-frame truck, asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine - 1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydrahammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator tractor operator over 50 h.p.
Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator -1
Group IV
(a) Oilers
(b) Oiler driver, all types
Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yds. capacity or over
Group VI - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ROOFERS:					
Roofers	$13.05	.75	.75		.14
SHEET METAL WORKERS	14.04	.75	1.20		.10
SOFT FLOOR LAYERS	11.26	.60	1.00	1.00	.1%
SOUND AND SIGNAL INSTALLER	9.69	.54	.27	.78	.02
SPRINKLER FITTERS	14.83	.85	1.20		.06
SPRINKLER FITTERS (Henry, Johnson and Lafayette Counties, Missouri)	14.20	.85	1.20		.08
TERRAZZO WORKERS	12.31	5%	4.25%		
TRUCK DRIVERS:					
Building Construction:					
Group I	10.925	.75	1.00		
Group II	10.975	.75	1.00		
Group III	11.05	.75	1.00		
Group IV	11.175	.75	1.00		
Group V	11.075	.75	1.00		
Group VI	11.275	.75	1.00		
Group VII	11.125	.75	1.00		
Group VIII	11.025	.75	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS
Group I - Warehousemen and stock man
Group II - Flat beds; pick-ups; drum trucks, under 10 yds.
Group III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers
Group IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated serial lifts; heavy hauling, a-frame winch and fork lifts; heavy excavating (gradall, euclid, etc.); double bottom units (20 tons capacity and over)
Group V - Distributor truck drivers and operators; oilers, greasers and mechanics' helpers
Group VI - Mechanics
Group VII - Transit mix, 5 yds. and over
Group VIII - Transit mix, under 5 yds.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS:					
Site preparation and grading, Heavy and Highway Construction					
Zone 1 - Johnson and Wyandotte Counties, Kansas					
Group I	$11.75	1.00	1.50	.75	
Group II	11.95	1.00	1.50	.75	
Group III	12.26	1.00	1.50	.75	
Group IV	12.41	1.00	1.50	.75	
Group V	11.53	1.00	1.50	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS
Group I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle
Group II - Material trucks, tandem: two teams; semi-trailers; winch trucks - fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, single axle; tank wagon drivers tandem or semi-trailers; insley wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment
Group III - A-frame, lowboy, and boom truck driver
Group IV - Mechanics and welders
Group V - Oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

UMI 1 8 2 2 Y M 9 9 / 6 4 V

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA COUNTIES: Caswell,Durham,Granville, Orange,Person, Wake

DECISION NUMBER: NC81-1234 DATE: Date of Publication
Supersedes Decision No.: NC79-1034 dated October 19,1979 in FR 44 60[illegible].
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
AIR CONDITIONING MECHANIC	$6.00				
BRICKLAYERS	7.00				
CARPENTERS	6.00				
CEMENT MASONS	5.00				
DRYWALL FINISHERS	6.84				
DRYWALL HANGERS	6.96				
DRYWALL SPRAYER	5.00				
ELECTRICIANS	5.56				
IRONWORKERS	5.84				
INSULATION INSTALLER	4.44				
LABORERS:					
Unskilled	3.77				
Mason tenders	3.86				
Pipelayers	5.30				
PAINTERS:					
Brush	5.00				
Spray	5.50				
PLUMBERS & PIPEFITTERS	6.42				
ROOFERS	5.86				
SHEET METAL WORKERS	5.24				
TILE SETTERS	7.00				
TRUCK DRIVERS	4.15				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.63				
Bulldozers	5.15				
Graders	5.50				
Pans - Scrapers	4.00				
Paving machine	5.00				
Roller	4.76				
Screed	4.88				
Tractor	5.00				

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Ohio COUNTIES: Ashtabula, Cuyahoga Lake, Lorain, Portage, Stark, and Summit

DECISION NUMBER: OH81-2025 DATE: Date of Publication
Supersedes Decision No.: OH80-2024, dated August 1, 1980 in 45 FR 51416
DESCRIPTION OF WORK: Building & Residential Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS:					
Ashtabula (Cities of Ashtabula & Geneva), Cuyahoga, Lake & Lorain Cos.	$16.29	.99	1.25		
Ashtabula (Rem. of Co.)	14.69	.55	1.50		.02
Remaining Cos.	14.56	.60	1.09		.02
BOILERMAKERS	14.68	1.20	1.40		.03
BRICKLAYERS; Stonemasons:					
Ashtabula Co.	16.42	.95	1.50		
Cuyahoga Co.	14.83	1.21	1.33		.07
Lake Co.	16.72	.90	1.15		75.00p/
Lorain Co.	16.45		.80	a	.01
Portage & Summit Cos.:					
Commercial Construction	15.92	1.02	.80		.02
Residential Construction	10.91	.88	.80		.02
Stark Co.	12.79	.95	1.05		.01
CARPENTERS; Millwrights; Piledrivermen; Soft Floor Layers:					
Ashtabula, Cuyahoga, & Lake Cos.:					
Carpenters; Soft Floor Layers	15.67	1.20	1.85		.09
Millwrights	15.20	1.20	2.32		.09
Piledrivermen	15.50	1.20	2.02		.09
Portage & Summit Cos.:					
Carpenters	14.40	.70	1.00		.02
Millwrights	15.20	1.20	2.32		.09
Piledrivermen	15.50	1.20	2.02		.09
Soft Floor Layers	13.50	.70	1.50	b	
Stark Co.:					
Carpenters	12.63	.70	.80		.02
Millwrights; Piledrivermen	13.16	.65	.80		.02
Soft Floor Layers	12.51	.65	.80		.02
Lorain Co.:					
Carpenters; Soft Floor Layers	14.17	.85	1.00	c	.08
Millwrights	15.20	1.20	2.32		.09
Piledrivermen	15.50	1.20	2.02		.09
CEMENT MASONS:					
Ashtabula Co.	14.42	.95	1.50		
Cuyahoga Co.	16.72	.90	.80		.02
Lake Co.	16.72	.90	1.15		75.00p/

	Basic Hourly Rates	Fringe Benefits Payments			
CEMENT MASONS (CONT'D)		H & W	Pensions	Vacation	Education and or Appr. Tr
Lorain Co.	$16.45		.80	a	.01
Portage, Stark, & Summit Cos.:					
Commercial Construction	15.19	.70	1.00		.02
Residential Construction	14.22	.70	1.00		.02
ELECTRICIANS:					
Cuyahoga & Lorain (Twp. of Columbia) Cos.	16.84	1.10	3%+.59		.05
Lake Co.:					
Commercial Construction	15.23	.85	3%+.70		.2%
Residential Construction	8.10	.70	3%		1%
Lorain (Except Columbia Twp.):					
Commercial Construction	15.35	.75	3%+1.00		.1%
Residential Construction	9.53	.75	3%		1%
Portage (Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantus, Randolph, Ravenna, Rootstown, Shelbyville, Streetsboro, & Suffield), & Summit Cos.:					
Commercial Construction	15.25	.74	3%+.76		.2%
Residential Construction	10.03	.74	3%+.35		.2%
Stark County:					
Commercial Construction	14.61	.79	3%+.80		.3%
Residential Construction	10.01	.79	3%+.50		.3%
Ashtabula Co. (Twps. of Colebrook, Wayne, Williamsfield, Orwell, & Windsor) & Portage (Remainder of Co.) Co.	15.54	.75	7%		.7%
Ashtabula Co. (Rem. of Co.):					
Commercial Construction	15.30	1.00	3%+1.00		.5%
Residential Construction	8.10	1.00	3%		.0022
ELEVATOR CONSTRUCTORS:					
Ashtabula Co.:					
Mechanic	13.605	1.195	.95	d&e	.035
Helpers	70%JR	1.195	.95	d&e	.035
Helpers (Prob.)	50%JR				
Cuyahoga, Lake, & Lorain Cos.:					
Mechanic	15.25	1.195	.82	d&e	.035
Helpers	70%JR	1.195	.82	d&e	.035
Helpers (Prob.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
ELEVATOR CONSTRUCTORS (CONT'D)		H & W	Pensions	Vacation	Education and or Appr. Tr.
Portage, Stark, & Summit Cos.:					
Mechanic	$14.425	1.195	.82	d&e	.035
Helpers	70%JR	1.195	.82	d&e	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Ashtabula, Cuyahoga, Lake & Lorain Cos.	15.53	.60	1.25		.01
Portage, Stark & Summit Cos.:					
Commercial	11.79	.71	1.01		
Residential	7.19	.64	.52		
IRONWORKERS:					
Ashtabula (NE ¼ of Co.) Co.	14.50	1.86	1.51		.15
Ashtabula (except NE ¼ of Co.), Cuyahoga, Lake, Lorain, Portage (excluding Ravenna Ordnance Depot), & Summit Cos.	16.22	1.05	1.45		.08
Portage (Ravenna Ordnance Depot) Co.:					
Ornamental; Reinforcing; & Structural	15.41	.85	1.30		.09
Stark Co.:					
Ornamental; Reinforcing; & Structural	13.48	.80	.95		.05
Bucker-up	13.605	.80	.95		.05
Sheeter-side	13.73	.80	.95		.05
Sheeter-roof	13.98	.80	.95		.05
LATHERS:					
Ashtabula, Cuyahoga, Lake, Lorain (Eastern portion), & Summit (No. part of Co.) Cos.	13.38		1.50		.01
Lorain (Rem. of Co.)	15.30				.01
Portage, Stark & Summit (So. part of Co.) Cos.	13.56	.88	.50		.01
LINE CONSTRUCTION:					
Ashtabula Co. (Twps. of Colebrook, Orwell, Wayne, Williamsfield & Windsor), Portage Co. (Twps. of Charleston, Edinburgh,					

UMI 1 8 2 2 Y M 9 9 / 6 4 V

DECISION No. 0081-2025

PAGE 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LINE CONSTRUCTION (CONT'D)					
Freedom, Hiram, Nelson, Palmyra, Paris, & Windham):					
Cable Splicer Op.; Linemen; Pole Digging Equipment Op.	$16.21	.70	3%		½%
Groundmen	12.97	.70	3%		½%
Ashtabula Co. (Rem. of Co.):					
Cable Splicer; Equipment Op.; Line Truck Driver; Linemen	13.05	.90	3%+.85		½%
Groundman	9.80	.90	3%+.85		½%
Cuyahoga & Lorain (Columbia Twp) Cos.:					
Cable Splicers; Equipment Ops; Linemen	17.93	.60	3%		½%
Truck Drivers (winch) Groundmen	11.65	.60	3%		½%
Lorain (Rem of Co.) Co.:					
Cable Splicers; Equipment Ops.; & Linemen	15.35	.75	3%+1.00		½%
Groundmen	9.98	.75	3%+1.00		½%
Lake Co.:					
Cable Splicers, Equipment Operators; Linemen	15.13	.95	3%+.70		½%
Groundmen	9.83	.95	3%+.70		½%
Portage (Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantus, Randolph, Ravenna, Rootstown, Shalersville, Streetsboro, & Suffield, & Summit Cos.:					
Linemen	15.25	.74	3%+.76		½%
Cable Splicers	16.30	.74	3%+.76		½%
Groundmen; Truck Drivers Equipment Operators	7.63	.74	3%+.76		½%
	11.44	.74	3%+.76		½%
Stark Co.:					
Cable Splicers	13.50	.79	3%+.80		.3%
Linemen	14.61	.79	3%+.80		.3%
Truck Drivers; Groundmen	8.75	.79	3%+.80		.3%
Line Equipment Ops.	12.35	.79	3%+.80		.3%
MARBLE SETTERS; Terrazzo Workers; Tile Setters:					
Ashtabula Co.	14.42	.95	1.50		

DECISION No. 0081-2025

PAGE 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
MARBLE SETTERS (CONT'D)					
Cuyahoga Co.:					
Marble Setters; Terrazzo Workers	$14.83	1.21	1.33		.07
Tile Setters	15.905		2.25		
Lake Co.	16.72	.90	1.15		75.00p/y
Lorain Co.	16.45		.80	a	.01
Portage & Summit Cos.	14.97	.91	.70		
Stark Co.:					
Marble Setters	11.87	.95	1.05		
Terrazzo Workers	11.79	.95	1.05		
Tile Setters	11.70	.95	1.05		
MARBLE SETTERS' FINISHERS:					
Cuyahoga, Lake & Lorain Cos	14.51		2.50		
Portage & Summit Cos.	14.47	.91	.70		
PAINTERS:					
Ashtabula, Cuyahoga, Lake, Portage (No. of East West Turnpike), & Summit (No. of East West Turnpike), Lorain (NE part):					
Brush; Rollers; Paperhangers	15.06	.97	1.60		.05
Sandblasting; Spray; Closed Steel below 55 ft.	15.46	.97	1.60		.05
Tapers	15.76	.97	1.60		.05
Lorain (Except NE part):					
Commercial Construction:					
Brush	10.20	.85	.10	f	
Roller	10.70	.85	.10	f	
Taping	10.95	.85	.10	f	
Residential Construction:					
Brush	9.85	.85	.10	f	
Taping	10.60	.85	.10	f	
Portage Co. (Ravenna Ordnance Depot):					
Brush; Rollers; Waterproofing; Paperhanging; Wallwashing; Hydro Jet Cleaning; Steam Cleaning	13.45	.85	1.15		
Spray; Epoxy-mastic (brush or roller)	13.95	.85	1.15		
Swing; Interior Scaffold Over 30 ft.); Window					

DECISION No. 0081-2025

PAGE 6

DECISION No. 0081-2025

PAGE 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS: (CONT'D)					
Jacks & Safety Belts	$13.62	.85	1.15		
Drywall Taping	13.60	.85	1.15		
Open Structural Steel	13.66	.85	1.15		
Dipping (when permitted)	13.80	.85	1.15		
Epoxy- mastic (spray)	14.45	.85	1.15		
Paperhangers (furnishing own tools)	13.70	.85	1.15		
Portage & Summit Cos. (up to & inclu. Ohio Turnpike):					
Brush; Roller; & Paperhanger	13.15	1.07	.60		
Structural Steel; Drywall Finishers & Tapers	13.75	1.07	.60		
Spray	13.85	1.07	.60		
Stark Co. (Commercial):					
Brush; Roller	11.64	1.00	.90		.02
Paperhangers	11.74	1.00	.90		.02
Drywall	12.04	1.00	.90		.02
Spray	12.14	1.00	.90		.02
Drywall with machines	12.39	1.00	.90		.02
Stark Co. (Residential):					
Brush; Roller	11.20	1.00	.90		.02
Paperhangers	11.30	1.00	.90		.02
Spray	11.70	1.00	.90		.02
Drywall	11.60	1.00	.90		.02
Drywall with machines	11.95	1.00	.90		.02
PIPEFITTERS; Steamfitters:					
Ashtabula, Cuyahoga, Lake, Portage (N. of #303), & Summit (N. of # 303 exclu. city of Hudson) Cos. and the C.E.I. Power House in Avon Lake	15.92	1.45	1.35		.10
PIPEFITTERS; Plumbers; & Steamfitters:					
Lorain Co.	15.53	1.00	1.00		.05
Portage & Summit Cos. (S. of #303, except corporate limits of Hudson) Cos.:					
Commercial Building	14.19	.91	1.40		.05
Stark Co.	14.67	1.35	.70	g	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PIPEFITTERS; Plumbers (Residential):					
Lorain, Portage, Stark, & Summit (S ½) Cos.	99.20	.60	.35		.03
PLASTERERS:					
Ashtabula Co.	14.42	.95	1.50		
Cuyahoga Co.:					
Commercial Building	18.74				.01
Residential	13.00				.01
Lake Co.	16.72	.90	1.15		75.00p/y
Lorain Co.	16.45		.80	a	.01
Portage, Stark & Summit Cos	15.06	.70	1.00		.01
PLUMBERS:					
Ashtabula, Cuyahoga, Lake, Portage (N. of #303), & Summit (N. of #303) Cos.	16.03	1.20	1.40		.02
ROOFERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	17.78	.25	.50		.05
Portage, Stark, & Summit Cos.	15.52	.94	.85		.04
SHEET METAL WORKERS:					
Ashtabula, Cuyahoga, & Lake Cos.	14.69	.90	1.68		.06
Lorain Co.	13.91	.85	1.20		.06
Portage, Stark, & Summit Cos.:					
Commercial Building	15.17	.94&h	1.10		.10
Residential	9.55	.94&h	1.10		.10
SPRINKLER FITTERS:					
Ashtabula, Cuyahoga, Lake, Portage (N. of #303), Summit (N. of #303, excl. city of Hudson) Cos. & C.E.I. Power House in Avon Lake	15.92	1.45	1.35		.10
Remaining Counties	15.04	.85	1.20		.08
TERRAZZO WORKERS' FINISHERS:					
Cuyahoga, Lake, & Lorain Cos.	15.07		2.50		
Portage & Summit Cos.	14.47	.91	.70		
Stark Co.	10.91	.95	1.05		
TILE SETTERS' FINISHERS:					
Cuyahoga, Lake, & Lorain Cos.	15.04		2.50		
Portage & Summit Cos.	14.47	.91	.70		
Stark Co.	10.79	.95	1.05		

UMI 1 8 2 2 M Y 9 9 1 6 4 V

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day

FOOTNOTES:
a. 2 paid holidays: C & D
b. $150.00 per year
c. 2 paid holidays: C & D
d. 7 paid holidays A through F, & Day after Thanksgiving
e. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
f. 2 paid holidays: C & D
g. 1 paid holiday: D providing the employee has worked 5 consecutive days before and after the holiday.
h. 3% of gross earnings to SASMI

LABORERS:						
Ashtabula County:						
Stonemason Tenders	$14.60					
Sheeting & Shoring Men; Asphalt Rakers & Tampers; Dumpmen (Batch Truck); Concrete Workers; Building Wreckers; Tool Checkers; Carpenters Tenders; Construction Laborers; All work not mentioned in classifications below to be paid at the rate of Construction Laborers	14.95					
Spreader Box Men (Asphalt); Plasterers or Mortar Mixers; Squeegee man	15.10					
Air & Machine Driven Tool Op.; Industrial Sewer Cleaning; Sewer Pipe Layers; Bottom Men (6' & over); Power Driven Wheelbarrows & Sweepers; Brick Batter & Droppers; Burning & Cutting Torches; Mud Jacking of Floors	15.15					
Stackmen; Swinging Scaffold men	15.25					
Tunnel Laborers	15.35					
Gunnite Ops.	15.45					
Powder Blasters	15.50					
Cuyahoga County:						
Construction; Tenders	13.49	1.70	1.85			
Sewer & Utility; Power Driven Tools & Vibrators	13.64	1.70	1.85			

LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Jackhammer; Acetylene Burners; Muckers	$13.69	1.70	1.85		
Swinging Scaffolds	13.74	1.70	1.85		
Gunnite Ops.: Blasters; Shooters; Caisson; Well Cylinders; Mine Workers w/o Air; & Cofferdams	13.97	1.70	1.85		
Topman on Free Standing Radial Stack	14.14	1.70	1.85		
Lake County:					
Building & Construction	13.65	.90	.90		
Gunnite Op.; Blasters & Shooters; Caissons; Wells; Cylinder Cofferdams; Mine Workers w/o Air; Swing Scaffolds; Acetylene Burners; Vibrators; Top Man on Free Standing Radial Stacks; Slip Forms Higher than 30'; Fire Brick Tenders	13.90	.90	.90		
Lorain County:					
Building & Construction; Tool Crib; Carpenter Tender; Finishers Tender; Concrete Tenders; Concrete Handler; Guard Rail Erector; & Utility Construction	12.83	.75	1.30		.05
Bottom Men; Scaffold Builder; Tunnel Laborers; Pipelayers; Air & Power Driven Tools; Burner on Demolition Work; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Men & Dynamite Blasters; Creosote Workers; Mortar Mixers; Form Setter; Mason Tenders; Plasterers' Tenders; Hod Carrier; Laser Beam Set Up Man	13.03	.75	1.30		.05
Gunnite Operator	13.43	.75	1.30		.05

LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
Portage & Summit Cos.:					
Residential Construction Common Laborers; Welders' Tenders; Carpenters' Tenders; Landscape Laborers; Mason Tender; Concrete Bucket Tender	$12.12	.75	1.30		.11
Air Driven Boring Machine Tamper Ops.; Asphalt Raker; Paving Bed Maker; Material Mixer; Wire Mesh Handler; Hook-up Man On Demolition Work; Scaffold Erector; Structural Precast Erector;	13.67	.75	1.30		.11
Power Tools, Air, Gas, or Electric	13.82	.75	1.30		.11
Pipe Layers; Rock Drillers; Muckers-Tunnel; Burners; Form Setters; Power Saws; Jackhammer; Barco Type Tampers; Bottom man; Hod Carrier; Power Buggy or Power Wheelbarrow	13.87	.75	1.30		.11
Gunnite Nozzlemen; Tunnel Miners; Water Line Caulkers; Dynamite Men; Pump Hose Nozzlemen	14.17	.75	1.30		.11
Stark Co.					
Building & Construction; Tool Cribman; Carpenters' Tenders; Finishers Tenders; Concrete Handler; Utility Construction Laborer; Guard Rail Erector	10.66	.75	1.10		.05
Bottom Men; Scaffold Builder; Tunnel Laborers; Pipe Layers; Air & Power Driven Tools; Burner on Demolition; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Men & Dynamite Blaster; Creosote Worker;					

LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
Mortar Mixers; Form Setter; Mason Tenders; Hod Carrier; Laser Beam Setup Men	$10.86	.75	1.10		.05
Gunnite Operator	11.26	.75	1.10		.05
POWER EQUIPMENT OPERATORS: Well & Pump Work (Incl. Drilling & Repair of All Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type of Shallow Well Pumps on Water Wells)					
Well Driller & Pump Installer	8.10	.34	.27	a&b	

FOOTNOTES:

a. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day

b. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation.

POWER EQUIPMENT OPERATORS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.:					
GROUP A	16.17	1.26	1.50		.11
GROUP B	16.02	1.26	1.50		.11
GROUP C	15.67	1.26	1.50		.11
GROUP D	14.89	1.26	1.50		.11
GROUP E	14.57	1.26	1.50		.11
GROUP F	12.39	1.26	1.50		.11
Portage, Stark, & Summit Cos.:					
GROUP A	15.89	1.26	1.50		.11
GROUP B	15.73	1.26	1.50		.11
GROUP C	15.38	1.26	1.50		.11
GROUP D	14.57	1.26	1.50		.11
GROUP E	14.24	1.26	1.50		.11
GROUP F	12.03	1.26	1.50		.11

UMI 1 8 2 2 M Y 9 9 1 6 4 V

DECISION No. 0181-2025

GROUP A- A-Frames; All Rotary Drills used on Caisson Work for Foundations & Sub-structure Work; Boiler Op. or Compressor Op. when Compressor or Boiler is mounted on Crane (piggyback operation); Boom Trucks; Cableways; Cherry Pickers; Combination Concrete Mixer & Tower; Concrete Pumps; Cranes; Derricks; Draglines; Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Helicopter Op. (hoisting builders materials); Helicopter Winch Op. (hoisting builders materials); Hoes; Hoisting Engines (two or more drums); Lift Slab or Panel Jack Ops.; Locomotives; Maintenance Engineer (mechanic or welder); Mixer Paving (multiple drum); Mobile Concrete Pumps with Boom; Panelboard (all types on site); Pile Driver; Power Shovels; Side Booms; Slip Form Pavers; Straddle Carriers (building construction site); Tower Derricks; Trench Machines (over 24" wide)

GROUP B- Asphalt Paver; Bulldozer; CMI Type Equipment; Endloaders; Kohlman Type Loaders (dirt loading); Mucking Machines; Power Graders; Power Scoops; Power Scrapers; Push Cats

GROUP C- Air Compressor (pressurizing shafts or tunnels); All Asphalt Rollers; Fork Lifts; Hoist (one drum); House Elevators; Man Lift; Power Boiler (over 15 lbs., pressure); Pump Op. Installing or Operating Well Points or other Types of Dewatering System; Pumps (4" & over discharge); Submersible Pumps (4" & over discharge); Trenchers (24" & under)

GROUP D- Compressors on Building Construction; Conveyors (building material); Gunite Machines; Mixers (cap., more than on bag); Mixers (one bag cap., side loader); Post Driver; Post Hole Digger; Pavement Breaker (hydraulic or cable); Road Widening Trencher; Rollers; Welder Operator

GROUP E- Backfillers and Tampers; Batch Plant; Bar & Joint Installing Machine; Bull Floats; Burlap & Curing Machines; Clefplanes; Concrete Spreading Machines; Crushers; Drum Fireman (asphalt); Farm Type Tractors (pulling attachments); Finishing Machines; Form Trenchers; High Pressure Pumps (over ½" discharge); Hydro Seeders; Self-propelled Power Spreader; Self-propelled Subgrader; Tractors (pulling sheep foot roller or grader); Tire Repairmen; Vibratory Compactors (with Integral power)

GROUP F- Oiler; Light Plant Op.; Power Driven Heaters (oil fired); Power Boilers (less than 15 lbs. pressure); Submersible Pumps (under 4" discharge); Pumps (under 4" discharge); Tenders

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: South Dakota COUNTY: Minnehaha
DECISION NUMBER: SD81-5121 DATE: Date of Publication
Supersedes Decision No. SD80-5105 dated February 1, 1980, in 45 FR 7471
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.44	.50	$1.00		
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS; Stoneamsons	12.70	.45	.50		.05
CARPENTERS:					
Carpenters, Piledrivers, Drywall, and Acoustical	11.86		.20		.05
Millwrights	12.82		.20		.05
CEMENT MASONS	12.20				
ELECTRICIANS:					
Electricians	11.55	.50	3%+1.00	6%	1%
Cable Splicers	12.71	.50	3%+1.00	6%	1%
GLAZIERS	8.54				
LABORERS:					
Laborers	4.35				
Mortar Mixers, Paving Breakers, Jack Hammer Operator (Nozzleman Gunite, Sandblast and Shotcrete)	4.60				
LATHERS	9.96				.01
PAINTERS:					
Brush	9.00				
Spray	9.50				
Tapers	9.25				
PLASTERERS	10.99				.01
PLUMBERS; Steamfitters	11.49	.55	.65	.66	.03
SHEET METAL WORKERS	11.45		.51	1.25	.05
SPRINKLER FITTERS	13.93	.95	1.40		.08
WELDERS:					
Receive rate prescribed for craft performing operation to which welding is incidental					

Unlisted classificatimns needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Meade and Pennington
DECISION NUMBER: SD81-5122 DATE: Date of Publication
Supersedes Decision No. SD81-5105 dated February 20, 1981, in 46

SUPERSEDEAS DECISION

STATE: Wyoming COUNTY: Statewide
DECISION NUMBER: WY81-5123 DATE: Date of Publication
Supersedes Decision No. WY80-5127 dated September 5, 1980, in

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Meade and Pennington
DECISION NUMBER: SD81-5122 DATE: Date of Publication
Supersedes Decision No. SD81-5105 dated February 20, 1981, in 46 FR 13490
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$11.44	.50	$1.00		.0
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS; Stoneamsons	12.45		.30		
CARPENTERS:					
Carpenters; Acoustical Drywall Applicators	10.81	.30			.05
Piledrivermen	11.06	.30			.05
Millwrights	11.31	.30			.05
CEMENT MASONS	10.80	.65	.40		
ELECTRICIANS:					
Electricians	11.35	.60	.80	6%	1%
Cable Splicers	11.90	.60	.80	6%	1%
IRONWORKERS	11.05	.70	1.25		.25
LABORERS:					
Laborers; Power Tool Operator (all mechanical, air, gas or electric tools, including self-propelled buggies, wagon and air track drills); Pipelayer (non-metallic); Sandblasting	7.73	.65	.20		
Mortar Mixer, Mason Tender; Plaster Tender	8.00	.65	.20		
Gunnite Nozzleman, Powderman, Miner, Timberman	8.27	.65	.20		
PAINTERS:					
Brush	9.00				
Spray	9.50				
Tapers	9.25				
PLASTERERS	10.20				
PLUMBERS; Steamfitters	12.09	.75	.60		.03
SHEET METAL WORKERS	11.85		.36	.72	.07
SPRINKLER FITTERS	13.93	.95	1.40		.08

WELDERS: RIGGERS: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Wyoming COUNTY: Statewide
DECISION NUMBER: WY81-5123 DATE: Date of Publication
Supersedes Decision No. WY80-5127 dated September 5, 1980, in 45 FR 59115
DESCRIPTION OF WORK: Highway Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 9.93	.60			
CEMENT MASONS	10.70	.55			
IRONWORKERS:					
Structural	9.40				
Reinforcing	9.27	.40	.40		
PAINTERS:					
Brush and Spray	9.75				
LINE CONSTRUCTION:					
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:					
Cable Splicer	14.25	.45	3%+.50		.25%
Linemen	12.95	.45	3%+.50		.25%
Equipment Operators	11.64	.45	3%+.50		.25%
Groundmen	9.46	.45	3%+.50		.25%
All work 34.5 KV and under:					
Lineman	12.95	.45	3%+.50		.25%
Line Equipment Operator	11.12	.45	3%+.50		.25%
Groundman	9.46	.45	3%+.50		.25%

UMI 1 8 2 2 Y M 9 9 / 6 4 V

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS:					
Group 1: Axeman and hand faller; Concrete Worker (wet or dry); Concrete Workers (curing and drying); Dumpman; Erector and Installer (including the installation and erection of fences, snow fences, guard rails, median rails, median posts, signs and right-of-way marker); Form Stripper; General Labor; Heater Tender; Material Handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pre-watering, pre-wetting and pre-irrigation (all work); Rip Rap Man; Sandblaster Pot Tender; Signal Men; Grade Concrete, etc.; Scissor Man or Hopper Man; Stake Jumper for equipment; Tar and Asphalt Pot Tender; Wrecking and demolition crews	$ 6.47				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS: (Cont'd)					
Group 2: Asphalt Raker and Tamper; Bin Wall Installer; Bituminous Curb Builder; Cement Mason or Finisher and Tender; Chuck Tender; Form Setter (paving); Hand Operated Vibratory Roller; Landscaper; Mortar Man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe Setter (corrugated culvert pipe sectional, multiplate and similar type); Pipe Setter; Pipelayer (non-metallic); Pipe Wrapper; Power type concrete buggy (push or ridé); Power Saw Operator (clearing); Vibrator - concrete	$ 6.57				
Group 3: Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from Bos'n Chair, Swing Stage, Lift Belt or Block and Tackle, shall receive $.20 per hour more than the classified rate); Jackhammer and Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic). clay, concrete, etc. (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker)	6.72				

28132 Federal Register / Vol. 46, No. 99 / Friday, May 22, 1981 / Notices

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1: Air Compressor; Boiler; Bull Float; Concrete Mixer (one bag); Concrete Pump; Curb Machine; Farm Tractor; Fireman; Forklift; Generator; Hydraulic Backhoe (under 1 cu. yd.); Hydraulic Crane (under 10 tons); Hydraulic Drill; Hydraulic Jack; Hydraulic Power Unit; Hydraulic Trackhoe (under 1 cu. yd.); Mechanic; Oiler; Pump; Roller; Scraper; Self-propelled Compactor; Skid Steer Loader; Spreader; Tractor; Trencher (under 8 ft. depth); Truck Crane Oiler; Truck Driver (single axle); Welder	$ 6.47				
Group 2: Asphalt Plant Operator; Backhoe (1 cu. yd. and over); Boom Truck; Concrete Mixer (two bags and over); Crane (10 tons and over); Dozer; Grader; Hydraulic Backhoe (1 cu. yd. and over); Hydraulic Crane (10 tons and over); Hydraulic Trackhoe (1 cu. yd. and over); Loader; Mucking Machine; Shovel; Trackhoe (1 cu. yd. and over); Trencher (8 ft. depth and over); Truck Driver (tandem axle)	6.72				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS:					
Group 1: Dump Truck (under 16 cu. yds.); Flatbed Truck (under 3 ton); Pickup; Pilot Car; Truck Driver (single axle); Water Truck	$ 6.47				
Group 2: Dump Truck (16 cu. yds. and over); Flatbed Truck (3 ton and over); Lowboy; Transit Mix Truck; Truck Driver (tandem axle)	6.72				

DECISION NO. WY81-5123

Page 4

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 4:					
Powderman and Blaster; Wagon Drill, Air-trac, Diamond and other drills for blasting powder or grouting	$ 6.99				
Group 5:					
Tunnel and Underground Work:					
Brakeman; Swamper; Vibrator Man	6.95				
Bull Gang; Dumpman; Mucker; Trackman	6.79				
Miners (drillers) Machine Men; Timbermen; Steelmen; Drill Doctor; Form Setter and Mover; Spader; Tuggers spilling and/or Caisson Workers; Powderman; Jackhammermen; Finishers	7.22				
Nipper; Chucktender; Topman; Toploader	7.06				

DECISION NO. WY81-5123

Page 5

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.48	.53	.35		.10
Group 2	9.53	.53	.35		.10
Group 3	9.58	.53	.35		.10
Group 4	9.62	.53	.35		.10
Group 5	9.65	.53	.35		.10
Group 6	9.70	.53	.35		.10
Group 7	9.74	.53	.35		.10
Group 8	9.76	.53	.35		.10
Group 9	9.87	.53	.35		.10
Group 10	9.93	.53	.35		.10
Group 11	9.95	.53	.35		.10
Group 12	10.13	.53	.35		.10
Group 13	10.17	.53	.35		.10
Group 14	10.24	.53	.35		.10
Group 15	10.30	.53	.35		.10
Group 16	10.47	.53	.35		.10
Group 17	10.81	.53	.35		.10

JMI 1 8 2 2 MAY 69/64

POWER EQUIPMENT OPERATORS

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Brakeman; Crusher Oiler; Oiler Utility; Screed Operator; Tractor Operators (Farm, Crawler or wheel type, 60 HSP - drawbar) or less with or without use of power attachments, except for use of Backhoe or Bucket

Group 2: Broom Operators, self-propelled; Cableway Signalman (Bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Roller Operators (self-propelled pneumatic, rubber tired, sheep foot vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Stacker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (farm, crawler or wheel type, over 60 HSP - drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1½ cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, well points

Group 10: Hoist Operator (one drum)

Group 11: Haulage Motorman and Industrial type Motorman; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises or Plant Operators; Asphalt Plant Operator; Bituminous Laydown Machine Operator; CMI Machine or similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Crusher Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1½ cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator (Tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes (manufacturers' rating) up to 3½ yds., all attachments; Hydro type cranes (15 tons and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat, Dozer, Tournadozer, etc. (The use of power attachments shall not include disking, pulling of rollers, or similar unskilled actions); Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman; Mechanics; Machine Doctors, Welders; Heavy Duty Mechanic, Machine Doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirley, Gantry, Stiffleg, Overhead traveling)

Group 16; Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes (manufacturer's rating) 3½ yds. to 7 cu. yds.; all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
Pickup-up Truck Drivers (when used for hauling)	$ 7.78	.60	.56	.19	.02
Dump Truck Drivers (water level capacity box):					
7 cu. yds. and less	7.83	.60	.56	.19	.02
Over 7 cu. yds. to and including 10 cu. yds.	7.98	.60	.56	.19	.02
Over 10 cu. yds. to and including 13 cu. yds.	8.08	.60	.56	.19	.02
Over 13 cu. yds. to and including 20 cu. yds.	8.58	.60	.56	.19	.02
Over 20 cu. yds. to and including 25 cu. yds.	8.58	.60	.56	.19	.02
Over 25 cu. yds. to and including 30 cu. yds.	8.68	.60	.56	.19	.02
Over 30 cu. yds. to and including 35 cu. yds.	8.73	.60	.56	.19	.02
Over 35 cu. yds. to and including 40 cu. yds.	8.78	.60	.56	.19	.02
Over 40 cu. yds. to and including 45 cu. yds.	8.83	.60	.56	.19	.02
Over 45 cu. yds. (to be negotiated prior to use)					
Snow Plow Truck Drivers (the cu. yd. rate of the truck driver classification):					
Pilot Car Drivers	7.78	.60	.56	.19	.02
Gravel Spreader	7.83	.60	.56	.19	.02

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Flat Rack Material Truck Drivers:					
Less than 2 tons	$ 7.83	.60	.56	.19	.02
2 tons to 5 tons	7.98	.60	.56	.19	.02
Over 5 tons	8.08	.60	.56	.19	.02
Low Boy and Tandem Axle Float Drivers	8.58	.60	.56	.19	.02
Gany Truck Drivers	7.83	.60	.56	.19	.02
Stringing Truck Drivers:					
Single axle type truck	7.83	.60	.56	.19	.02
Multiple axle type truck, semi	8.58	.60	.56	.19	.02
Winch Trailer Truck Drivers (cable and hmist)	8.08	.60	.56	.19	.02
Utility Winch Truck Drivers	8.08	.60	.56	.19	.02
"A" Frame Truck Drivers	8.08	.60	.56	.19	.02
Warehousemen, Partsmen	7.83	.60	.56	.19	.02
Material Checkers	7.98	.60	.56	.19	.02
Transit Mix or Wet Mix Truck Drivers:					
Less than 5 cu. yds.; single axle	8.08	.60	.56	.19	.02
Over 5 cu. yds. to and including 10 cu.yds.;					
Tandem axle	8.18	.60	.56	.19	.02
Over 10 cu. yds.	8.28	.60	.56	.9	.02
Power Broom Drivers amd/or Operators	7.98	.60	.56	.19	.02

V 4 6 / 9 9 M A Y 2 2 2 8 1 LMI

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Water Truck Drivers:					
2500 gallons or less (straight truck)	$ 7.83	.60	.56	.19	.02
2500 gallons or less (semi truck)	7.98	.60	.56	.19	.02
Over 2500 gallons to and including 3600 gallons	8.08	.60	.56	.19	.02
Over 3600 gallons (straight truck)	8.18	.60	.56	.19	.02
Over 3600 gallons (semi truck)	8.28	.60	.56	.19	.02
Heavy Duty (Euclids, electric or similar type)	8.58	.60	.56	.19	.02
Fuel Service Truck Drivers	7.83	.60	.56	.19	.02
Greasemen, Tireman, Service Men	7.83	.60	.56	.19	.02
Truck Mechanics (shop and Field):					
Field Mechanics	8.78	.60	.56	.19	.02

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 81-15054 Filed 5-21-81; 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
May 22, 1981

Part III

Environmental Protection Agency

Eighth Report of the Interagency Testing Committee to the Administrator; Request for Comments Regarding Priority List of Chemicals

V 46 / 99 MAY 22 81 UMI

ENVIRONMENTAL PROTECTION AGENCY

[OPTS 41007; TSH-FRL-1834-6]

Eighth Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee (ITC), established under section 4(e) of TSCA, transmitted its Eighth Report to the Administrator of EPA on April 24, 1981. This report, which revises and updates the Committee's priority list of chemicals, adds three chemicals to the list for priority consideration by EPA in the promulgation of test rules under section 4(a) of the Act. The Eighth Report is included in this Notice. The Agency invites interested persons to submit written comments on the Report and to participate in a scoping workshop.

DATES: Written comments should be submitted by June 22, 1981. The workshop will be held on July 15, 1981, from 9:00 a.m. to 4:00 p.m. and on July 16, 1981, from 9:00 a.m. to 12:00 p.m. The deadline for registration for the workshop is July 1, 1981. Documentation subsequent to the workshop should be submitted no later than August 17, 1981.

ADDRESSES: Send written submissions to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, D.C. 20460.

Submissions should bear the Document Control Number OPTS–41007.

The workshop will be held at : Hospitality House Motor Inn, 2000 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800–424–9065), In Washington, D.C.: (554–1404), Outside the USA: (Operator-202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Background

Sec. 4(a) of TSCA authorizes the Administrator of EPA to promulgate regulations requiring testing of chemical substances in order to develop data relevant to determining the risks that such chemical substances may present to health and the environment.

Sec. 4(e) of TSCA established an Interagency Testing Committee to make recommendations to the Administrator of EPA of chemical substances for priority consideration for proposing test rules under sec. 4(a). Sec. 4(e) directs the Committee to revise its list of recommendatons every six months as it determines to be necessary. The total number of chemicals designated by the ITC for priority consideration may not exceed 50 at any one time. Within 12 months of the date of designation, EPA must initiate rulemaking to require testing or publish in the **Federal Register** its reasons for not doing so.

The ITC's Eighth Report was received by the Acting Administrator on April 24, 1981, and follows this notice.

II. Written Comments

EPA invites interested persons to submit comments on the ITC's new recommendations. In particular, the Agency would be interested in receiving information concerning additional health and safety data on the subject chemicals. The Agency requests submissions be received no later than June 22, 1981. All submissions received by that date will be considered by the Agency in determining whether to propose test rules in response to the Committee's new recommendations. Submissions should bear the identifying Docket No. OPTS–41007.

III. Scoping Workshop

EPA will conduct a scoping workshop on July 15 and 16, 1981, concerning the ITC's Eighth Report. The purpose of the scoping workshop is to provide an early opportunity for the academic community, labor, industry, environmental groups, and the general public to identify and discuss with EPA issues to be addressed by the agency in responding to the ITC's Eighth Report. In order that the workshop may focus on the issues of greatest concern, it is requested that comments submitted on the ITC Report include suggestions of the issues which should be highlighted in the scoping workshop.

A. Registration and Participation

The scoping workshop will be open to all who wish to attend. Anyone who is interested in participating in or attending the workshop or in receiving subsequent materials on the workshop should contact the Industry Assistance Office (see "For Further Information Contact"). All further information on the scoping workshop will be disseminated through the mail or by telephone contact. Those who are interested in actively participating in the workshop (i.e., making a presentation or participating in the workshop discussion) should inform EPA by registering with the Industry Assistance Office no later than July 1, 1981.

B. Schedule and Agenda

The workshop will consist of three separate, half-day sessions as follows:

Session I—diethylenetriamine—9:00 a.m. to 12:00 p.m. on July 15, 1981;

Session II—hexachloroethane—1:00 p.m. to 4:00 p.m. on July 15, 1981;

Session III—2-chlorotoluene—9:00 a.m. to 12:00 p.m. on July 16, 1981;

Each session will consist of (1) EPA's preliminary views on testing needs and issues, (2) presentations by other workshop participants, (3) question and answer period, (4) discussion of the issues, and (5) summary of major points. A specific agenda will be available 1 week prior to the workshop.

C. Workshop Report

Following the workshop, 4 weeks will be allowed for submission of additional information or documentation for inclusion in the workshop record. A final report on the workshop will be prepared on the basis of minutes taken during the meeting; there will be no recording or verbatim transcript of the workshop proceedings.

The final report of the scoping workshop, together with all written comments and materials submitted in connection with this notice, will be available for inspection under Docket No. OPTS–41007 at the Document Control Office, Rm. E–107, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 8:00 a.m. to 4:00 p.m. weekdays, except legal holidays.

Dated: May 14, 1981.

Edwin H. Clark, II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Eighth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency

Summary

Section 4 of the Toxic Substances Congrol Act of 1976 (TSCA, Pub. L. 94–469) provides for the testing of chemicals in commerce that may present an unreasonable risk of injury to health or the environment. It also provides for the establishment of a Committee, composed of representatives from eight designated Federal agencies, to recommend chemical substances or mixtures to which the Administrator of

the U.S. Environmental Protection Agency (EPA) should give priority consideration for the promulgation of testing rules. The Committee makes such revisions in the List (the section 4(e) Priority List) as it determines to be necessary and transmits them to the EPA Administrator at least every 6 months.

As a result of its deliberations, the Committee is revising the TSCA section 4(e) Priority List by the addition of three chemicals. The chemicals being added to the List are presented alphabetically, together with the types of testing recommended, as follows:

Chemical and Recommended Studies

2-Chlorotoluene—Health Effects: Carcinogenicity/oncogenicity, mutagenicity, chronic effects, reproductive effects, teratogenicity. Environmental Effects: Chemical fate, bioconcentration, chronic toxicity to fish, chronic toxicity to aquatic invertebrates.

Diethylenetriamine—Health Effects: Chronic effects, reproductive effects, teratogenicity.

Hexachlorethane—Environmental Effects: Chemical fate, terrestrial plant uptake and toxicity, bioaccumulation, microbial toxicity, avian toxicity, toxicity to terrestrial invertebrates, chronic toxicity to fish and aquatic invertebrates.

Each of the new recommendations is being designated by the Committee for action by the EPA within 12 months of the date of this Eighth Report, as stipulated by section 4(e)(1)(B) of TSCA.

TSCA Interagency Testing Committee

Statutory Member Agencies and Their Representatives

COUNCIL ON ENVIRONMENTAL QUALITY

No Representative

DEPARTMENT OF COMMERCE

Orville E. Paynter, Member
Bernard Greifer, Alternate

ENVIRONMENTAL PROTECTION AGENCY

Joseph Seifter, Member
Carl R. Morris, Alternate

NATIONAL CANCER INSTITUTE

Richard Adamson, Member (*1*)
Elizabeth K. Weisburger, Alternate (*2*)
Jerrold Ward, Alternate (*3*)

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Vacant, Member (*4*)
Dorothy Canter, Alternate

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

Vera W. Hudson, Member and Chairperson
Herbert E. Christensen, Alternate (*5*)

NATIONAL SCIENCE FOUNDATION

Winston C. Nottingham, Member (*6*)

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Patricia Marlow, Member and Vice Chairperson
Lucille Adamson, Alternate

Liaison Agencies and Their Representatives

CONSUMER PRODUCT SAFETY COMMISSION

Arthur Gregory (*7*) and Lakshmi Mishra (*8*)

DEPARTMENT OF AGRICULTURE

Homer E. Fairchild and Fred W. Clayton

DEPARTMENT OF DEFENSE

Arthur H. McCreesh (*9*)

DEPARTMENT OF THE INTERIOR

Charles R. Walker

FOOD AND DRUG ADMINISTRATION

Allen H. Heim and Winston deMonsabert

NATIONAL TOXICOLOGY PROGRAM

Dorothy Canter

Committee Staff

Martin Greif, Executive Secretary
Vacant, Administrative Technician

Support Staff

Ellen Siegler—Office of the General Counsel, EPA
Edward Zillioux—Office of Toxic Substances, EPA

References

(*1*) Dr. Adamson replaced Dr. James M. Sontag, whose 4-year term as a Member expired on February 5, 1981.

(*2*) Dr. Weisburger joined the Committee as an Alternate member on February 5, 1981.

(*3*) Dr. Ward joined the Committee as an Alternate member on February 5, 1981.

(*4*) Dr. Warren T. Piver's 4-year term as a Member expired on February 5, 1981.

(*5*) Dr. Christensen replaced Dr. Alfred N. Milbert as an Alternate member on February 5, 1981.

(*6*) Dr. Nottingham replaced Dr. Sidney Draggan as a Member on November 4, 1980.

(*7*) Dr. Gregory replaced Dr. Joseph McLaughlin as a Liaison representative on December 29, 1980.

(*8*) Dr. Mishra was appointed a Liaison representative on January 8, 1981.

(*9*) Dr. McCreesh replaced Dr. Bernard P. McNamara as a Liaison representative on December 29, 1980.

Chapter 1. Introduction

1.1 *Background.* The TSCA Interagency Testing Committee (Committee) was established under section 4(e) of the Toxic Substances Control Act of 1976 (TSCA, Public Law 94–469). The specific mandate of the Committee is to identify and recommend to the Administrator of the U.S. Environmental Protection Agency (EPA) chemical substances or mixtures in commerce that should be tested to determine their potential hazard to human health and/or the environment. The Act specifies that the Committee's recommendations shall be in the form of a Priority List, which is to be published in the **Federal Register**. The Committee is directed to make revisions to the List, as it determines to be necessary, and to transmit such revisions to the EPA Administrator at least every 6 months after submission of the Initial List.

The Committee is comprised of representatives from eight statutory member agencies, five liaison agencies, and one national program. The specific representatives and their affiliations are named in the front of this report. The Committee's chemical review procedures and prior recommendations are described in previous reports (Refs. *1* through *8*).

1.2 *Committee's activities during this reporting period.*

The Committee has continued to review chemicals from its second round of scoring and has begun to review those from the third scoring exercise, which are high-production chemicals (in excess of 2 million pounds annually) listed in the TSCA Chemical Substances Inventory (see Ref. *2* for methodology).

The following steps have been taken to expand the Committee's information-gathering activities in developing its recommendations to the EPA for testing.

a. The names and CAS numbers of all 107 chemicals selected in the third round of scoring were published in the **Federal Register**. A public meeting to receive written or verbal comments on these chemicals was held in Washington, D.C. (Ref. *9*).

b. The Committee has asked the public and private sectors to contribute relevant information, particularly unpublished data, on exposure and effects of chemicals selected in the third scoring exercise.

c. The technical support contractor is including summaries of information received from industry in the Hazard Information Reviews of chemicals being prepared for the Committee.

The Committee believes that this process will broaden the data base relied upon for making recommendations to the EPA Administrator.

1.3 *Committee's previous reports.* Seven previous reports to the EPA Administrator have been issued by the Committee and published in the **Federal Register** (Refs. *2* through *8*). Forty-three entries (i.e., chemical substances and categories of chemicals) have been designated for priority consideration by the EPA Administrator. One entry, chloromethane, was subsequently removed (Ref. *8*) after the EPA responded to the Committee's recommendation for testing.

1.4 *The TSCA section 4(e) priority list.* The entries and the dates of their designation by the Committee are presented in Table 1. With the additions from this report, and the deletion of chloromethane under Table 2, 45 entries now appear on the Priority List. The Committee considers each entry to be of equal priority.

Table 1.—*The TSCA Section 4(e) Priority List*

Entry	Date of designation
1. Acetonitrile	April 1979.
2. Acrylamide	April 1978 [1,2]
3. Alkyl epoxides	October 1977 [3]
4. Alkyl phthalates	October 1977 [3].
5. alkyltin compounds	October 1980
6. Aniline and bromo, chloro and/or nitro anilines.	April 1979.
7. Antimony (metal)	April 1979.
8. antimony sulfide	April 1979.
9. antimony trioxide	April 1979.
10. Aryl phosphates	April 1978 [1].
11. Benzidine-based dyes	November 1979.
10. Benzyl butyl phthalate	October 1980.
13. Butyl glycolyl butyl phthalate.	October 1980.
14. Chlorinated benzenes, mono- and di-	October 1977 [3,4]
15. Chlorinated benzenes, tri-, tetra-, and Penta-	October 1978 [4].
16. Chlorinated naphthalenes	April 1978 [1].
17. Chlorinated paraffins	October 1977 [3].
18. 2-Chlorotoluene	April 1981.
19. Cresols	October 1977 [3].
20. Cyclohexanone	April 1979.
21. o-Dianisidine-based dyes	November 1979.
22. Dichloromethane	April 1978 [1].
23. 1,2-dichloropropane	October 1978.
24. Diethylenetriamine	April 1981.
25. Fluoroalkenes	October 1980.
26. Glycidol and its derivatives.	October 1978.
27. Halogenated alkyl epoxides.	April 1978 [1].
28. Hexachloro-1,3-butadiene	October 1977 [1]
29. Hexachlorocyclo- pentadiene.	April 1979.
30. Hexachloroethane	April 1981.
31. Hydroquinone	November 1979.
32. Isophorone	April 1979.
33. Mesityl oxide	April 1979.
34. 4,4'-Methylenedianiline	April 1979.
35. Methyl ethyl ketone	April 1979.
36. Methyl isobutyl ketone	April 1979.
37. Nitrobenzene	October 1977 [3].
38. Phenylenediamines	April 1980.
39. Polychlorinated terphenyls.	April 1978 [1].
40. Pyridine	April 1978 [1].
41. Quinone	November 1979.
42. o-Tolidine-based dyes	November 1979.
43. Toluene	October 1977 [3].
44. 1,1,1-Trichloroethane	April 1978 [1].
45. Xylene	October 1977 [3].

[1] Responded to by the EPA Administrator in 44 FR 28095–28097.
[2] Responded to by the EPA Administrator in 45 FR 48510–48512.
[3] Responded to by the EPA Administrator in 43 FR 50134–50138.
[4] Responded to by the EPA Administrator in 45 FR 48524–48564.

Table 2.—*Removal from the TSCA Section 4(e) Priority List*

Removal	Date of removal
1. Chloromethane	October 1980 [1].

[1] Responded to by the EPA Administrator in 45 FR 48524–48564.

References

(1) Preliminary List of Chemical Substances for Further Evaluation. Toxic Substances Control Act Interagency Testing Committee, July 1977.

(2) Initial Report to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, October 1, 1977. Published in the **Federal Register** of Wednesday, October 12, 1977, 42 FR 55026–55080. Corrections published in the **Federal Register** of November 11, 1977, 42 FR 58777–58778. The report and supporting dossiers also were published by the Environmental Protection Agency, EPA 560–10–78/001, January 1978.

(3) Second Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1978. Published in the **Federal Register** of Wednesday, April 19, 1978, 43 FR 16684–16688. The report and supporting dossiers also were published by the Environmental Protection Agency, EPA 560–10–78/002, July 1978.

(4) Third Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1978. Published in the **Federal Register** Monday, October 10, 1978, 43 FR 50630–50635. The report and supporting dossiers also were published by the Environmental Protection Agency, EPA 560–10–79/001, January 1979.

(5) Fourth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1979. Published in the **Federal Register** of Friday, June 1, 1979, 44 FR 31866–31889.

(6) Fifth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, November 1979. Published in the **Federal Register** of Friday, December 7, 1979, 44 FR 70664–70674.

(7) Sixth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1980. Published in the **Federal Register** of Wednesday, May 28, 1980, 45 FR 35897–35910.

(8) Seventh Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1980. Published in the **Federal Register** of Tuesday, November 25, 1980, 45 FR 78432–78446.

(9) Toxic Substances Control Act Interagency Testing Committee; Chemicals to be Reviewed by the TSCA Interagency Testing Committee; Notice of Public Meeting. Published in the **Federal Register**, Tuesday, October 7, 1980, 45 FR 66506–66513.

Chapter 2. Recommendations of the Committee

2.1 *Chemical substances designated for action by the EPA Administrator.* As directed by section 4(e)(1)(B) of TSCA, the Committee is adding the following three chemical substances to the section 4(e) Priority List: 2-chlorotoluene, diethylenetriamine, and hexachloroethane. The designation of these entries was determined after considering the factors identified in section 4(e)(1)(A) and other available relevant information, as well as the professional judgment of Committee members.

The studies recommended for these entries and the rationales to support the recommendations are given in section 2.2 of this report. In accordance with section 4(e) of TSCA, the Committee designates these entries for action by the EPA within 12 months of the date of issuance of this Eighth Committee Report.

2.2 *Recommendation and rationales*

2.2.a *2-Chlorotoluene*

Summary of recommended studies. It is recommended that 2-chlorotoluene be tested for the following:

A. Health Effects:
Carcinogenicity/oncogenicity
Mutagenicity
Chronic effects
Reproductive effects
Teratogenicity

B. Environmental Effects:
Chemical fate studies
Bioconcentration studies
Chronic toxicity to fish
Chronic toxicity to aquatic invertebrates

Physical and Chemical Information

CAS Number: 95–49–8
Structural Formula:

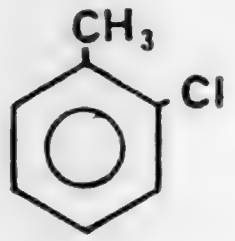

Empirical Formula: C_7H_7Cl
Molecular Weight: 126.59
Melting Point: −37°C
Vapor Pressure: 2.7 mm Hg at 20°C; 5.0 mm Hg at 30°C
Log Octanol/Water Partition Coefficient: 3.42 Description of Chemical: 2-Chlorotoluene is a colorless aromatic, liquid at room temperature (22°C). It has a low solubility in water and is soluble in most organic solvents. Impurities that may be found with this chemical include other chlorotoluenes and toluene.

Rationale for Recommendations

I. *Exposure information*—A. *Production/use/disposal information.* Between 11 and 60 million pounds of 2-chlorotoluene was produced in the

United States in 1977 (EPA, 1980). Mixtures with a high content of this chemical are used in solvent applications such as carriers for reaction mixtures, dye carrier formulations, and sludge solvents, as well as paint and rubber-stripping formulations. These use patterns suggest that human exposures may occur in the workplace as well as in consumer applications.

A threshold limit value (TLV®) of 50 ppm for skin exposure has been established by the American Conference of Governmental Industrial Hygienists (ACGIH) based upon the analogy of this chemical with other chlorinated aromatic compounds such as the chlorinated benzenes (ACGIH, 1980). 2-Chlorotoluene is expected to escape to the atmosphere and/or be discharged to aquatic systems in effluents as a result of solvent usage within chemical plants. Terrestrial nonhuman exposure is expected to be slight.

B. *Chemical fate information.* Little information on the transport or persistence of 2-chlorotoluene has been found. In water, some photolysis is anticipated at the surface and some biodegradation by bacteria and fungi is expected.

II. *Human population studies.* Human monitoring has been carried out in a limited study. Isomers of 2-chlorotoluene were reported in the breath of two of nine people (range 261–338 ng/m³) in Niagara Falls, New York (Pellizzari et al., 1979).

III. *Biological effects of concern to human health*—A. *Toxicokinetic/metabolism studies.* Studies in the rat suggest that 2-chlorotoluene is metabolized and excreted in the urine as several metabolites, most notably as a glucuronide conjugate of a phenolic hydroxylation product of 2-chlorotoluene (Wold and Emmerson, 1974). No unchanged 2-chlorotoluene was present in the urine. These phenolic hydroxylation products may be produced via arene oxide intermediates of the parent compound. These latter intermediates have been associated with certain cellular mechanisms that produce tissue damage (necrosis) and, in some cases, carcinogenicity (Jerina and Daly, 1974).

B. *Short-term (acute) effects.* Little information has been identified concerning the short-term effects of 2-chlorotoluene.

C. *Long-term (subchronic/chronic) effects.* No information has been identified concerning the long-term effects of 2-chlorotoluene either in humans or experimental animals. However, the analog chlorobenzene is being tested for carcinogenicity in a 2-year gavage study by the National Toxicology Program (NTP).

D. *Teratogenicity/reproductive effects studies.* No information has been identified concerning either teratogenic or reproductive effects of 2-chlorotoluene.

E. *Mutagenicity studies.* No information has been identified concerning the mutagenicity of 2-chlorotoluene; however, the analog chlorobenzene has been tested by the NTP in two independent laboratories and found to be negative by both (NTP, 1980).

F. *Rationale for health effects recommendations.* Due to the lack of health-related data and the high human exposure potential within the workplace and in consumer applications, testing of 2-chlorotoluene is recommended for the following health effects: carcinogenicity/oncogenicity, mutagenicity, chronic effects, reproductive effects, and teratogenicity. The bioconcentration factor (see section IV.D.) suggests that delayed chronic toxicity may be of concern and, therefore, testing for chronic effects should be carried out to assess this potential hazard adequately.

IV. *Environmental considerations*—A. *Short-term (acute) effects.* The acute toxicity of 2-chlorotoluene appears to be quite low. The LC_{50} for a freshwater fish, the golden orfe (*Leuciscus idus melantus*), was reported at 78 mg/l (Juhnke and Luedemann, 1978) and the 24-hour LC_{50} for *Daphnia magna* was reported at 74 mg/l (Bringmann and Kuehn, 1977a). No acute toxicity data on terrestrial species have been identified.

B. *Long-term (subchronic/chronic) effects.* No studies on the long-term effects of 2-chlorotoluene have been found for either aquatic or terrestrial species.

C. *Other effects (physiological/behavioral/ecosystem processes).* Toxicity threshold values (from the cell multiplication inhibition and analogous tests) have been reported for bacteria (*Pseudomonas putida*) at 15 mg/l, blue-green algae (*Microcystis aeruginosa*) at 31 mg/l, and green algae (*Scenedesmus quadricauda*) at greater than 100 mg/l (Bringmann and Kuehn, 1977b; 1978).

D. *Bioaccumulation and food-chain transport.* The log of the octanol/water partition coefficient is 3.42, as measured by Leo et al. (1976). Using the method of Veith et al. (1980), the bioconcentration factor (BCF) is calculated to be 234. This potential for 2-chlorotoluene to bioaccumulate may lead to substantial chronic effects and food-chain transport. No information has been identified relating to either of these concerns.

E. *Rationale for specific environmental effects recommendations.* Chemical fate studies are recommended because of the paucity of chemical fate test data on 2-chlorotoluene. No toxicity tests are recommended for terrestrial animals or plants at this time because there is no indication that substantial terrestrial exposure exists. Industrial releases to the atmosphere should result in moderately rapid degradation by photo-oxidation. Bioaccumulation tests and chronic toxicity tests to fish and aquatic invertebrates are recommended because of the substantial aquatic exposure anticipated, the calculated bioconcentration factor, and the consequent potential for effects in aquatic organisms due to chronic exposure.

References

(*1*) ACGIH. 1980. American Conference of Governmental Industrial Hygienists. Documentation of Threshold Limit Values, 4th ed. Cincinnati, OH: American Conference of Governmental Industrial Hygienist.

(*2*) Bringmann G, Kuehn R. 1977a. Results of the damaging effects of water pollutants on *Daphnia magna*. Z. Wasser Abwasser Forsch. 10(5):161–166.

(*3*) Bringmann G, Kuehn R. 1977b. Limiting values for the damaging action of water pollutants to bacteria (*Pseudomonas putida*) and green algae (*Scenedesmus quadricauda*) in the cell multiplication inhibition test. Z. Wasser Abwasser Forsch. 10(3–4):87–98.

(*4*) Bringmann G, Kuehn R. 1978. Limiting values for the noxious effects of water pollutant material to blue-green algae (*Microcystis aeruginosa*) and green algae (*Scenedesmus quadricauda*) in cell propagation inhibition tests. Vom Wasser 50:45–60.

(*5*) EPA. 1980. Environmental Protection Agency. TSCA Chemical Substances Inventory (public portion). Washington, D.C.: Environmental Protection Agency.

(*6*) Jerina DM, Daly JW. Arene oxides: A new aspect of drug metabolism. Science 1985:573–582.

(*7*) Juhnke I, Luedemann D. 1978. Results of the study of 200 chemical compounds on acute fish toxicity using the Golden Orfe test. Z. Wasser Abwasser Forsch. 11(5):161–164.

(*8*) Leo A, Hansch C, Jow PVC. 1976. Dependence of hydrophobicity of apolar molelcules on their molecular volume. J. Med. Chem. 19:611–615.

(*9*) NTP. 1980. National Toxicology Program. Fiscal Year 1981 Annual Plan. Washington, DC: Department of Health and Human Services, Public Health Service, National Toxicology Program, NTP–80–62.

(*10*) Pellizzari ED, Erickson MD, Zweidinger RA. 1979. Formulation of a preliminary assessment of halogenated organic compounds in man and environmental media. Washington, D.C.: Environmental Protection Agency. EPA 560/13–79–006.

(11) Veith GD, Macek KJ, Petrocellie SR, Carroll J. An evaluation of using partition coefficients and water solubility to estimate bioconcentration factors for organic chemicals in fish. Eaton JG, Parrish PR, Hendricks AC, eds. 1980. *Aquatic Toxicology:* proceedings of the third annual symposium on aquatic toxicology, ASTM Special Technical Publication 707, 1978 October 17–18, New Orleans, LA. Philadelphia, PA: Amercian Society for Testing and Materials, pp. 116–128.

(12) Wold JS, Emmerson JL. 1974. The metabolism of ^{14}C-*o*-Chlorotoluene in the rat. Pharmacologist 16:196.

2.2.b. *DIETHYLENETRIAMINE*

Summary of recommended studies. It is recommended that diethylenetriamine (DETA) be tested for the following:

A. Health Effects:
Chronic effects
Reproductive effects
Teratogenicity

PHYSICAL AND CHEMICAL INFORMATION

CAS Number: 111–40–0
Structural Formula:
$H_2NCH_2CH_2NHCH_2CH_2NH_2$
Empirical Formula: $C_4H_{13}N_3$
Molecular Weight: 103.17
Boiling Point: 206.9 [C at 760 mm Hg
Melting Point: −39 [C
Vapor Pressure: 0.37 mm Hg at 20 [C
Vapor Density: 3.5 (air=1.0)
Log Octanol/Water Partition Coefficient: −1.40 at 20 [C (estimated, Leo et al., 1971)
Description of Chemical: DETA is a strongly alkaline, hygroscopic, viscous, yellow liquid with a mild ammoniacal odor. It is highly soluble in water.

Rationale For Recommendations

I. *Exposure information*—A. *Production/use/disposal information.* The TSCA Inventory reports an aggregate production by five producers in 1977 in excess of 10 million pounds (EPA, 1980). DETA is used in the manufacture of a wide variety of products, including chelating agents, wet strength resins for paper goods, epoxy curing agents, polyamide resins for adhesives and coatings, surfactants in shampoos, fabric softeners, corrosion inhibitors in petroleum production, antirust and dispersal additives for high-quality motor oils and fuels, asphalt emulsifiers, and anti-static agents for synthetic fibers (Kirk-Othmer, 1979). It is also a component of high-energy fuels for rockets and military aircraft (Hawley, 1976). This use pattern indicates that significant exposure may occur in the workplace, and the National Occupational Hazard Survey estimates that 62,000 workers are potentially exposed to DETA (NIOSH, 1980). Release of DETA into the environment may occur during industrial use. A threshold limit value (TLVR) of 1 ppm for skin exposure was established by the American Conference of Governmental Industrial Hygienists based on the acute effects of this compound (ACGIH, 1980).

B. *Chemical fate information.* DETA is biodegradable and, due to its high solubility in water, is unlikely to bioaccumulate (Popp, 1977).

II. *Human population studies.* DETA is a skin, eye, and respiratory tract irritant and produces skin and probably pulmonary sensitization (ACGIH, 1980). Dernehl (1951) reported that certain polyamines induce asthmatic symptoms in man.

III. *Biological effects of concern to human health*—A. *Toxicokinetic/metabolism studies.* No information was found on the absorption, distribution, metabolism, and elimination of DETA in man.

B. *Short-term (acute) effects.* The acute intraperitoneal LD_{50} is 0.071 g/kg in mice and 0.074 g/kg in rats (Hine et al., 1958). When administered orally to male rats the LD_{50} after 14 days was 2.33 g/kg, and when administered percutaneously to rabbits the dermal LD_{50} was 1.09 g/kg (Smyth et al., 1949). No toxic signs were reported in a subacute inhalation study where rats were exposed for 15 days, 6 hours a day, to 130 ppm (Gage, 1970). Undiluted DETA tested in rabbits' eyes caused severe local injury with permanent loss of vision, whereas a 1-percent aqueous solution caused slight, transitory corneal damage and very slight conjunctivitis. The eye treated with a 1-percent solution was normal 2 days after exposure (Dow, 1981).

C. *Long-term (subchronic/chronic) effects.* The lifetime toxicity study in rats conducted by Fujino (1970) was determined to be inconclusive and cannot be used to assess the chronic toxicity of this chemical. However, pathologic changes were noted in the liver and kidney and to a lesser degree in the spleen and adrenal gland in the test animals. The Committee recommends studies to evaluate the chronic toxicity of this compound with particular emphasis on the renal and respiratory systems.

D. *Mutagenicity.* DETA was tested for mutagenicity in the *Salmonella* microbial assay. The TA 1535 and TA 100 tester strains were used, with and without metabolic activation. A direct mutagenic effect, which was not altered by activation, was seen: The authors suspect that activity was due to an alkylating impurity (Hedenstedt, 1978). Other assays using *Salmonella* and *Saccharomyces* organisms were negative with and without metabolic activation (Jagannath and Brusick, 1978).

E. *Teratogenicity and reproductive effects.* Due to the potential for high exposure and the lack of data on teratogenic and reproductive effects, the Committee recommends that appropriate tests be conducted for these effects.

References

(1) ACGIH. 1980. American Conference of Governmental Industrial Hygienists. Documentation of Threshold Limit Values, 4th ed. Cincinnati, OH: American Conference of Governmental Industrial Hygienists.

(2) Dernehl CU. 1951. Clinical experiences with exposures to ethylene amines. Ind. Med. Surg. 20:541.

(3) Dow Chemical Company. 1981 March 27. Unpublished data in letter to S. Diwan, Enviro. Control, Inc., Rockville, MD.

(4) EPA. 1980. Environmental Protection Agency. TSCA Chemical Substances Inventory (public portion). Washington, D.C.: Environmental Protection Agency.

(5) Fujino M. 1970. Experimental studies on the chronic toxicity of diethylenetriamine in rats. Igaku Kenkyo. 40(2):139–164. (In Japanese, translation)

(6) Gage, JC. 1970. The subacute inhalation toxicity of 109 industrial chemicals. Brit. J. Ind. Med. 27:1–18.

(7) Hawley GG, ed. 1976. The Condensed Chemical Dictionary, 9th ed. New York: Van Nostrand Reinhold Company.

(8) Hedenstedt A. 1978. Mutagenicity screening of industrial chemicals: seven aliphatic amines and one amide tested in the *Salmonella/microsome* assay. Mutat. Res. 53:198–199.

(9) Hine CH, Kodama JK, Anderson HH, Simmonson DW, Wellington JS. 1958. The toxicity of epoxy resins. A.M.A. Arch. Ind. Hlth. 17:129–144.

(10) Jagannath DR, Brusick D. 1978. Mutagenicity Evaluation of Diethylenetriamine in the Ames *Salmonella/Microsome* Plate Test. Final Report. Kensington, MD: Litton Bionetics, Inc. Unpublished.

(11) Kirk-Othmer Encyclopedia of Chemical Technology, 3rd ed, Vol. 7. 1979. New York: John Wiley and Sons, pp. 580–596.

(12) Leo A., Hansch C, Elkins D. 1971. Partition coefficients and their uses. Chem. Revs. 71(6):525–616.

(13) NIOSH. 1980. National Institute for Occupational Safety and Health. National Occupational Hazard Survey, 1972–1974. Cincinnati, OH: National Institute for Occupational Safety and Health.

(14) Popp KH. 1977. Studies of the biodegradability of polyamines. Terside. Doterg. 14(6):310–311.

(15) Smyth HF Jr, Carpenter CP, Weil CS. 1949. Range-finding toxicity data. List III. J. Ind. Hyg. Toxicol. 31:60–62.

2.2.c. Hexachloroethane

Summary of recommended studies. It is recommended that hexachloroethane (HCE) be tested for the following:

V 46 / 99 MAY 22 81 UMI

a. Environmental Effects: Chemical fate, Terrestrial plant uptake and toxicity, Bioaccumulation, Microbial toxicity, Avian toxicity, Toxicity to terrestrial invertebrates, Chronic toxicity to fish and aquatic invertebrates.

Physical and Chemical Information

CAS Number: 67–72–1.
Structural Formula:

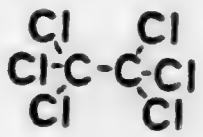

Empirical Formula: C_2Cl_6.
Molecular Weight: 236.7.
Melting Point: Sublimes above 186° C.
Vapor Pressure: 0.4 mm Hg at 20° C.
Specific Gravity: 2.09.
Solubility in Water: 50 mg/1 at 22° C.
Log Octanol/Water partition Coefficient: 3.93.
Description of Chemical: White solid.

Rationale for Recommendations

I. *Exposure information*—A. *Production information.* The public portion of the TSCA Inventory lists six U.S. manufacturers and three importers of HCE in 1977 (EPA, 1981). For those companies on this list that disclosed their figures, the aggregate production and importation was between 4.1 and 41.2 million pounds.

One of the two primary uses of HCE is in the manufacture of smoke bombs and other smoke munitions by the U.S. Army. The military is presently seeking a substitute for HCE and plans to discontinue use of the chemical (McCreesh, 1981). However, a substitute has not been designated at this time. The second primary application is in aluminum foundries, where it is used in degassing magnesium.

A wide variety of additional applications for HCE include: an additive for extreme pressure lubricants; a plasticizer for nitrocellulose; an accelerator for rubber vulcanization; a retarding agent for pharmaceutical fermentation processes; and additive to fire extinguishing fluids; an additive to redue ignitability of combustible liquids; fungicidal and insecticidal components; a component of submarine paints; a fixer in photography and xerography; a softening agent in hair setting and styling; and an ingredient in synthetic diamonds. Past uses that apparently are now discontinued include: an anthelmintic for cattle and sheep; and a moth repellent.

B. *Release and exposure.* It is expected that substantial quantities of HCE would be released to the atmosphere as well as to land and water compartments during use and disposal of HCE-containing materials. Although little information is available on the amount of HCE released to the environment as an intermediate or byproduct waste (hex-wastes), this is likely to be the most significant and persistent source of contamination. For example, HCE is one of a group of coproducts in production of trichloroethylene, perchloroethylene, and carbon tetrachloride. Disposal of hex-wastes is usually through landfill operations or incineration; in one major incineration operation, the exhaust gases are scrubbed with sodium hydroxide solution and this solution is then discharged directly to the environment. Some hex-waste samples have contained as much as 15 percent hexachloroethane. Since millions of pounds of hex-wastes are generated each year, this could result in a substantial release of HCE to the environment. It is relevant to any concern over HCE release from hex-wastes that three carbon tetrachloride plants, one trichloroethylene plant, and three perchlroethylene plants have been recommended to the Environmental Protection Agency as monitoring sites (Mumma and Lawless, 1975).

HCE has been detected in rivers, municipal water supplies, and industrial effluent streams at concentrations from 1 to 40 ppb (EPA, 1979).

C. *Chemical fate information.* The chemical fate of HCE is complicated and not clearly defined.

The ratio of the vapor pressure to solubility in water of HCE indicates the molecule is likely to evaporate from aqueous solutions if it is not sorbed to the hydrosoil. The rate of evaporation would depend upon the amount of agitation and depth of the body of water. Since HCE is heavier than water, it has the tendency to sink to the bottom of rivers, lakes, wells, and streams. Using the method of Kenaga (1980) for predicting the sorption of chemicals in agricultural soil, it is predicted that HCE is likely to be sorbed to hydrophobic materials present in bottom sediments. Any chemical that has been trapped on the bottom of a body of water by sorption is likely to be available for interactions with microorganisms. In the case of perchlorinated compounds, however, the biochemical reaction rates are so slow that the mocroorganisms tend to accumulate the compound without any substantial degradation.

Since HCE also may sublime readily without melting, the potential for atmospheric release from terrestrial sources may be considerable.

II. *Environmental considerations*—A. *Short-term (acute) effects.* Test conducted for the development of the Ambient Water Quality Criteria for Chlorinated Ethanes (EPA, 1980) provide ample evidence that HCE at concentrations below 1 ppm can affect aquatic organisms. The following acute data were reported:

Daphnia, 48-hour LC_{50}=8,070 μg/l.

Midge *(Tanytarsus dissimilis)*, 48-hour LC_{50}=1,700 μg/l.

Mysid shrimp, 96-hour static LC_{50}=940 μg/l.

Fathead minnow, 96-hour flow-through LC_{50}=1,530 μg/l.

Bluegill, 96-hour static LC_{50}=980 μg/l.

Sheepshead minnow, 96-hour static LC_{50}=2,400 μg/l.

Rainbow trout, flow-through LC_{50}=980 μg/l.

Acute toxicity of HCE to mammals was reported by Weeks et al. (1979). The oral LD_{50} for the rat and guinea pig ranged from 4,460 to 7,690 mg/kg and and the dermal LD_{50} for the male rabbit was >32,000 mg/kg.

B. *Long-term (subchronic/chronic) effects.* The no-effect level, based on an embryo-larval test with fathead minnows, was 380 μg/l (EPA, 1980). The lowest measured toxic effect level in this study was 700 μg/l.

Subchronic vapor inhalation toxicity of HCE at 260 ppm was moderate to severe in guinea pigs, rats, and dogs, but minimal in Japanese quail after 6 weeks' exposure. Similar exposure of these species to HCE at 15 ppm showed no detectable toxicity (Weeks et al., 1979).

C. *Other effects (physiological/behavioral/ecosystem processes).* The following 96-hour EC_{50} values for algae exposed to HCE were reported in Ambient Water Quality Criteria for Chlorinated Ethanes (EPA, 1980):

Selenastrum (chlorophyll a)=87,000 μg/l.

Selenastrum (cell no.)=93,200 μg/l.

Skeletonema (chlorophyll a)=8,570 μg/l.

Skeletonema (cell no.)=7,750 μg/l.

Behavioral studies by Weeks et al. (1979) produced no measurable effects on either avoidance performance or spontaneous motor activity in rats at exposures to HCE of up to 6 weeks and 260 ppm.

D. *Bioaccumulation and food-chain transport.* Measured bioconcentration factors are 139 for bluegills (EPA, 1980) and 703 for fatheat minnows (Veith, 1981). This corresponds to total lipid contents in these fishes of 2 percent to 3

percent for the bluegill and about 8 percent for the fathead minnow. However, the fathead minnow is still a rather lean fish as compared with salmonids such as trout, which have lipid contents ranging from about 14 percent to as high as 50 percent. The very high bioconcentration factor expected for trout raises concern for high food-chain residues and consequently a possibility of significant human exposure, as well as latent physiological and reproductive effects in the trout itself that are typical for organochlorines.

E. *Reasons for specific environmental effects recommendations.* Although EPA has designated hexachloroethane as a priority pollutant under the Clean Water Act of 1977, no further studies beyond those reported in the Ambient Water Quality Criteria for Chlorinated Ethanes (EPA, 1980) (primarily acute toxicity studies) are underway or planned at this time. HCE was not among the list of priority pollutants, including 12 of highest concern and 16 of secondary concern, that have been selected for additional aquatic toxicity testing by the Office of Water Regulations and Standards.

Organochlorines in general are notorious for latent forms of toxicity, including reproductive toxicity, neural toxicity, and behavior modifications. Compounds suspected of latent forms of toxicity should not be judged for environmental hazard solely on the basis of acute toxicity tests. For an organochlorine, annual production of 40 million pounds must be considered very high (e.g., most organochlorine pesticides do not approach this level of production).

Chemical fate studies are recommended because of the almost complete absence of these data. The broad spectrum of opportunities for environmental release justify fate studies applicable to all environmental compartments.

Terrestrial plant uptake and toxicity studies are recommended because no information has been found. The likely exposure routes would be through atmospheric release and from irrigation by ground or surface water contaminated by runoff or leachates from landfill sites containing hex-wastes. Additional bioaccumulation studies are recommended. Bioconcentration factors for species in taxonomic groups other than fish should be determined. Benthic species would be preferred because high chronic exposures are more likely in this portion of the aquatic environment.

Microbial toxicity studies are recommended specifically for benthic decomposers since HCE sinks in aquatic systems, is likely to sorb to sediments, and may accumulate there at high concentrations.

The acute toxicity data for the rat, guinea pig, and rabbit suggest a low hazard to mammals from oral and dermal exposure to HCE. Similarly, subchronic vapor inhalation toxicity of HCE to guinea pigs, rats, and dogs is also low. For these reasons, testing is not recommended for mammalian species at this time. However, if latent forms of toxicity are demonstrated in other tests, the need for chronic mammalian testing should be evaluated.

Very few data are available for avian species. A single subchronic vapor inhalation test with Japanese quail showed almost no toxicity from HCE. However other tests, such as dietary and reproductive tests with other species, are needed. Avian toxicity tests are recommended due to the expected diversity of exposure routes and would be particularly appropriate if residues of HCE in the parts-per-billion range are found in food sources such as terrestrial annelids, insects, fish, and plant tissues.

Toxicity tests and residue measurements with terrestrial invertebrates, particularly annelids, are recommended because of their importance in the terrestrial food web.

Chronic toxicity studies with fish and aquatic invertebrates are recommended. In spite of evidence of acute toxicological concern, no full chronic studies with aquatic species have been conducted. The one partial chronic test with the embryo-larval stages of the fathead minnow does not indicate toxicity much greater than the acute toxicity value for this species. The fathead minnow is not a particularly sensitive species, however, and a partial chronic test with this fish is not adequate to assess the possibility of latent toxic effects, especially in species of higher lipid content.

Chronic studies with aquatic invertebrates such as benthic arthropods or polychaetes are particularly appropriate due to the possibility of greater exposure in the benthic environment and their critical role in the aquatic food web.

References

(*1*) EPA. 1979. Environmental Protection Agency. Computer printout: STORET (EPA Water Quality Data Base). Retrieved October 1979. Washington, D.C.: Environmental Protection Agency, Office of Water Regulations and Standards, Criteria and Standards Division.

(*2*) EPA. 1980. Environmental Protection Agency. Ambient Water Quality Criteria for Chlorinated Ethanes. Washington, D.C.: Environmental Protection Agency, Office of Water Regulations and Standards, Criteria and Standards Division, EPA Report No. 440/5–80–029.

(*3*) EPA. 1981. Environmental Protection Agency. TSCA Chemical Substances Inventory (public portion). Washington, D.C.: Environmental Protection Agency.

(*4*) Kenaga EE. 1980. Predicted bioconcentration factors and soil sorption coefficients of pesticides and other chemicals. Ecotoxicol. Environ. Safety 4:26–38; 1980.

(*5*) McCreesh, A.H. 1981 February 2. Memorandum to the Interagency Testing Committee.

(*6*) Mumma C, Lawless E. 1975. Survey of industrial processing data. Task 1-hexachlorobenzene and hexachlorobutadiene pollution from chlorocarbon processes. EPA Report No. 560/3–75–003.

(*7*) NIOSH. 1980. National Institute for Occupational Safety and Health. National Occupational Hazard Survey, 1972–1974. Cincinnati, OH: National Institute for Occupational Safety and Health.

(*8*) Veith GD. 1981 April 10. Memorandum to E.J. Zillioux.

(*9*) Weeks MH, Angrhofer RA, Bischop R, Thomasino J, Pope CR. 1979. The toxicity of hexachloroethane in laboratory animals. Am. Ind. Hyg. Assoc. J. 40(3):187–198.

[FR Doc. 81–15374 Filed 5–21–81; 8:45 am]

BILLING CODE 6560–31–M

V. 46 / 99 / MAY 22 1981 UMI

Reader Aids

Federal Register

Vol. 46, No. 99

Friday, May 22, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MAY

24519-24926.....1
24927-25076.....4
25077-25288.....5
25289-25420.....6
25421-25594.....7
25595-26036.....8
26037-26274.....11
26275-26470.....12
26471-26604.....13
26605-26758.....14
26759-27088.....15
27089-27322.....18
27323-27468.....19
27469-27622.....20
27623-27898.....21
27899-28144.....22

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
305.....26487

3 CFR

Executive Orders:
5105 (Revoked by PLO 5866).....27652
11992 (Revoked by EO 12305).....25421
12059 (Revoked by EO 12305).....25421
12064 (Revoked by EO 12305).....25421
12084 (Revoked by EO 12305).....25421
12097 (Amended by EO 12305).....25421
12258 (Amended by EO 12305).....25421
12304.....24521
12305.....25421

Proclamations:
4843.....24519
4844.....25077
4845.....27899

Administrative Orders:
Presidential Determinations:
No. 81-6 of May 13, 1981.....27623

5 CFR

870.....25595
890.....25595

Proposed Rules:
2422.....26488
2423.....26488
2424.....26488
2429.....26488

7 CFR

28.....24927
250.....26759
273.....27901
800.....27070
905.....27323
907.....25423, 26605, 27625
910.....24523, 25596, 26759, 27902
915.....27469
918.....25423
944.....27469
982.....26037
985.....25424
1032.....24927
1040.....27903
1050.....24927
1076.....27904
1098.....27089
1133.....27625
1137.....27626
1701.....25079
1865.....27906
1942.....24523, 27909
1945.....27906
1951.....27906

Proposed Rules:
271.....27960
272.....27960
273.....27960
419.....24954
930.....26065
953.....25625
981.....27126
982.....25626
993.....26786
999.....25626
1040.....25626
1068.....27501
1701.....25096, 27344
1076.....26337
2851.....26787
2852.....25097

8 CFR

100.....25425
109.....25079
211.....25597
212.....24929, 25081
214.....25597
242.....25597
244.....25597
245.....25597
248.....25597

Proposed Rules:
235.....26653
251.....26653

9 CFR

73.....25425, 27627
82.....24524, 25599
92.....24930, 26040
303.....26760
331.....24524
381.....26760

Proposed Rules:
92.....26065
381.....26350

10 CFR

Ch. II.....27270
30.....26471, 27910
430.....27324
455.....27862
501.....26605

Proposed Rules:
Ch. I.....24576
50.....26491
212.....25315
459.....25466
903.....25426

12 CFR

201.....27090

204.....27090
217.....27090
335.....25204
545.....24526, 24531
584.....24526
701.....26275
760.....26607

Proposed Rules:
Ch. III.....26654
210.....24576
545.....24579
563.....24579
571.....24579

13 CFR

111.....24931
120.....25083

Proposed Rules:
Ch. I.....24955

14 CFR

21.....27092
39.....24931-24936, 25427-25429, 26042, 26043, 26608, 27095-27098, 27628-27630
71.....25430-25433, 26044, 26043, 27099-27101, 27630-27632
73.....26045, 27632
75.....27102, 27633
95.....25434, 26045
97.....24937, 26609, 27634
207.....25417
208.....25418
212.....25418
221.....25418
223.....25418
249.....25414
375.....25419

Proposed Rules:
Ch. I.....25466, 27710
21.....27710, 27712, 27885
39.....26069, 26070, 27715, 27885
71.....24957-24961, 25467, 26071, 27126-27128, 27716-27720
73.....27128
75.....25468
91.....27885, 27889
159.....26358, 26656
121.....27893, 27897
135.....27897
221a.....25637
374.....25321

15 CFR

373.....26275
376.....24532
377.....24532
379.....26275
385.....26275
399.....26275, 27103

Proposed Rules:
930.....26658
1001.....27501

16 CFR

0.....26284, 27634
1.....26284, 27634
2.....26284, 27634
4.....26284, 26293, 27634
5.....26050, 26284, 27634
13.....24940, 25289, 26611, 27634
305.....25290
1145.....27910
1307.....27910
1500.....27910
1700.....26297, 27910

Proposed Rules:
Ch. I.....25468
Ch. II.....25478, 26262, 27721
13.....25102, 25103, 25476
450.....24584
1301.....25638
1145.....27963
1307.....27963
1500.....27963
1700.....27963

17 CFR

1.....24940, 26000, 26299, 27473
3.....24940, 26299
4.....26004, 26761
15.....26472
16.....26472
17.....26472
18.....26472
21.....26472
140.....26004, 26761
145.....24940, 26299
147.....24940, 26299

Proposed Rules:
1.....25106
3.....25106
32.....25106, 25107
210.....27344
229.....25638, 26789
240.....26789

18 CFR

2.....26613
46.....25084
131.....25084
270.....24537
271.....24548-24549, 27635
281.....27911
282.....24549, 25599
294.....24550
401.....25439, 26638

Proposed Rules:
157.....24585
271.....25643, 25644, 27963-27966
282.....26352
284.....24585, 27355
292.....26352

19 CFR

159.....24944
355.....26472-26475

20 CFR

401.....24551
404.....25601

Proposed Rules:
Ch. I.....26790
656.....26789
676.....25084, 25645, 27462
679.....25645, 27462

21 CFR

5.....26052, 26299
109.....24551
146.....26300
193.....24945, 26762
430.....25602, 25605
436.....25602, 25605, 25607
440.....25602
442.....25605, 25607
444.....25607
445.....25607
520.....25084, 25085, 25608, 26300
522.....24553, 25085, 26762, 26763, 27913
524.....27914
529.....27914
546.....25086
558.....24553
561.....24945, 26764
588.....26763

Proposed Rules:
1.....26790
166.....26790
180.....24593
182.....24593
351.....25107
430.....25651
436.....25651
440.....25651
444.....25651
448.....25651
452.....25651
540.....25107
1308.....24593

22 CFR

201.....27104

23 CFR

Proposed Rule
625.....27722

24 CFR

201.....25609
203.....25087, 27105
205.....27105
207.....27105
213.....27105
220.....27105
221.....27105
232.....27105
234.....25087, 27105
235.....27105
236.....27105
241.....27105
242.....27105
244.....27105

Proposed Rules:
235.....24594
885.....25107

25 CFR

5.....26765
105.....26475
173.....26476
242.....26476
700.....27915-27919

Proposed Rules:
700.....27967

26 CFR

1.....24945, 27635
7a.....25291
16A.....27636
25.....27642
35.....24553
601.....26053

Proposed Rules:
1.....24594, 27723, 27968
31.....24595, 27357
32.....27357
51.....24595, 26660

27 CFR

240.....25610

Proposed Rules:
4.....24962
5.....24962
7.....24962

28 CFR

503.....24896
524.....24896
543.....24896
545.....24896
547.....24896

Proposed Rules:
527.....24902
545.....24902

29 CFR

1910.....24556, 24558
2602.....27328
2610.....26765
2670.....27330
2671.....27330

Proposed Rules:
Ch. XII.....25109
530.....25108
1910.....25653, 27358

30 CFR

Proposed Rules:
221.....27968
226.....26661
601.....25653
840.....24963
841.....24963
842.....24963
843.....24963
844.....24963
845.....24963

31 CFR

535.....26476, 26478

Proposed Rules:
209.....27969

32 CFR

57.....25440
299.....26481

Proposed Rules:
Ch. I.....24596
Ch. V.....24596
Ch. VI.....24596
Ch. VII.....24596
Ch. XVI.....26498
199.....24964

33 CFR

25.....27107
66.....27642
82.....27643
100.....26638
162.....27644
165.....26055
183.....27644

Proposed Rules:
Ch. II.....24596
89.....26661
95.....27128
165.....26072
320.....26792

V 46 / 99
MY 22 81
UMI

321 26792
322 26792
323 26792
324 26792
325 26792
326 26792
327 26792
328 26792
329 26792
330 26792

34 CFR

78 27304
104 25614
300 25614
735 26056
776 26056
778 26057
797 26057

36 CFR

Proposed Rules:
Ch. I 27723
Ch. III 24596
7 ..... 27969, 27970

37 CFR

201 25442

38 CFR

3 27074
36 ..... 25443, 25444, 26482

Proposed Rules:
6 27361
8 27361
21 26499

39 CFR

111 ..... 25090, 25446
601 26639

Proposed Rules:
111 ..... 25109, 26792, 27970

40 CFR

Ch. I 27333
35 26301
52 ..... 24560, 24562, 24946, 25090, 25092, 25294, 25446, 26301–26304, 26484, 26640, 26641, 26767–26769, 27119, 27339, 27923–27932
60 27341
61 27341
62 27342
66 27119
81 ..... 25294, 25301, 25446, 26305, 27933
86 24948
122 27473
162 ..... 26305, 27936
173 26058
180 ..... 24950, 25615, 26770, 26771, 27480, 27936–27939
260 27473
261 27473
264 ..... 27119, 27473
265 ..... 27119, 27473
761 ..... 27614, 27615
762 27120
1501 25461
1502 25461
1508 25461

Proposed Rules:
Ch. I 24965
35 27314
50 25655
51 24596
52 ..... 24597–24602, 24966, 24967, 25110, 25322, 25323, 25481, 25483, 25485, 25659, 26074, 26353, 26499, 26793, 27129, 27501–27504, 27972
60 26501
61 25113
62 26504
65 26075
81 ..... 24604, 25324, 25325, 26355, 26504, 26506, 27131
86 ..... 26076, 26796
123 ..... 24968, 26796, 27132
180 ..... 24605, 25486, 25659, 26663, 26796, 27133, 27973–27975
192 26356
261 27363
420 24606
466 25114
761 ..... 25411, 25660, 27617–27619

41 CFR

Ch. I 26061, 26484, 27645
Ch. 101 27940
5–5 25615
5A–1 27122
5A–3 27122
5A–5 25615
5A–16 27122
8–1.4 26643
8–8.2 26643
8–95 26644
9–1 25302
9–2 25303
9–3 25303
9–4 25303
9–5 25303
9–7 25303
9–9 25303
9–10 25304
9–15 25304
9–18 25304
9–23 25304
9–50 25304
14–3 25617
101–37 25618
105–735 25305

42 CFR

32 25622
401 24551
405 ..... 24564, 25093

43 CFR

Public Land Orders:
1163 (Revoked by P.L.O. 5864) 27653
5860 25619
5861 26061
5862 27653
5863 27651
5864 27653
5865 27651
5866 27652

44 CFR

9 24951
64 ..... 26305, 26772, 26774, 27123
65 ..... 26061, 26775–26777 27941
67 ..... 26308–26355, 27942, 27943
70 26644–26648

Proposed Rules:
67 ..... 26077, 26085, 26797, 26798, 27133, 27139, 27976

45 CFR

500 26062
531 26062

Proposed Rules:
Ch. XI 24969
302 25660

46 CFR

157 27654
502 24565
510 24565
525 24575

Proposed Rules:
Ch. I 26086
Ch. IV 25326
148 27724

47 CFR

0 27654
2 ..... 26485, 26649
22 27655
73 ..... 25461, 25462, 25620, 26062, 26223, 26485, 26486, 26649, 27706, 27944
74 27481
81 26485
83 ..... 25463, 26485
90 ..... 27481, 27707
94 27953
95 26778

Proposed Rules:
Ch. I 24969, 25661, 27506
2 26507
21 26507
25 26798
31 26356
33 26356
34 26356
35 26356
73 ..... 25487–25489, 25662, 26509–26515, 26663, 26798, 27725–27728
74 26507
76 25490
90 27729

48 CFR

Proposed Rules:
15 26664
47 26664

49 CFR

Ch. X 26336
1 26651
531 24952
571 25463
639 26651
640 26651
1033 ..... 25094, 25310–25312
1034 ..... 26064, 27709
1039 27342
1048 25314
1056 25621
1064 27343
1244 26781

Proposed Rules:
Ch. I 25491
171 27146
173 ..... 25492, 27148
1002 25326
1102 26087
1132 ..... 26799, 26801
1134 ..... 26799, 26801
1201 ..... 25114, 26515
1241 ..... 25114, 26515
1248 25114
1307 27732

50 CFR

216 27056
285 27482
611 ..... 27483, 27489
658 ..... 27483, 27959

Proposed Rules:
17 ..... 24607, 26464
651 27147
653 25327

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 5, 1981

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.
WHO: The Office of the Federal Register.
WHAT: Free public briefings (approximately 2½ hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.
WHEN: June 12, 1981, at 9 a.m.
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call King Banks, Workshop Coordinator, 202–523–5235.

V 46 / 99 MAY 22 81 UMI

V 4 6 / 9 9 M Y 2 2 8 1 UMI

Just Released

Code of Federal Regulations

Revised as of October 1, 1980

Quantity	Volume	Price	Amount
_____	Title 43—Public Lands: Interior (Parts 1000 to End)	$11.00	$ _____
_____	Title 46—Shipping (Parts 41-69)	6.50	_____
		Total Order	**$** _____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $ _____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____. Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the Code of Federal Regulations publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

5-26-81
Vol. 46 No. 100
Pages 28145-28394

federal register

Tuesday
May 26, 1981

Highlights

28314 **Hazardous Waste Land Disposal Facilities** EPA issues supplemental information regarding a reproposal on performance standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities. (Part V of this issue).

28152 **Foreign Banks** Treasury/FS issues rules designating Federal branches of foreign banks to be Treasury Tax and Loan depositories that are authorized to transact business in the United States by the Comptroller of the Currency.

28308 **Native American Programs** HHS/HDSO announces availability of FY 1982 Financial Assistance for Native American Projects. (Part IV of this issue)

26330 **Farmers—Emergency Loans** USDA/FmHA amends its policies pertaining to insured emergency loans. This action is intended to correct deficiencies and to restore fiscal integrity to the program. (Part VI of this issue)

28224 **Upland Petroleum Leasing—Alaska** Interior/BLM is accepting applications for geophysical exploration permits for oil and gas assessments on certain lands in Alaska.

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

28163 **Veterans–Federal Procurement** VA revises rules to provide procedures and controls over the establishment of Qualified Products Lists for convenience/laborsaving foods for use within the VA medical districts.

28160 **Motor Vehicles** EPA revises motor vehicle exhaust emission standards for carbon monoxide for 1981 and 1982 model year light-duty vehicles.

28172 **Customs Bonds** Treasury/Customs proposes revision of the Customs bond structure.

28368-28381 **Foreign Air Carriers** CAB updates rules governing foreign air carrier charter rights. (7 documents) (Part VII of this issue)

28196 **Corn** USDA/Office of the Secretary issues determinations regarding the National program acreages, program allocation factors and payment rules for 1980 corn and sorghum crops.

28274 **Sunshine Act Meetings**

Separate Parts of This Issue

28301 **Part II, DOT/FAA**
28305 **Part III, DOT/FAA**
28308 **Part IV, HHS/HDSO**
28314 **Part V, EPA**
28330 **Part VI, USDA/FmHA**
28368 **Part VII, CAB (12 documents)**

Contents

Federal Register
Vol. 46, No. 100
Tuesday, May 26, 1981

Agricultural Marketing Service
RULES
Milk marketing orders:
28145 Upper Midwest

Agricultural Stabilization and Conservation Service
NOTICES
Marketing quotas and acreage allotments:
28196 Corn and sorghum crops; allocation factors and payment rates

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Farmers Home Administration; Federal Grain Inspection Service; Forest Service; Rural Electrification Administration; Soil Conservation Service.

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
28257 Revco D.S., Inc., et al.

Civil Aeronautics Board
RULES
Charters:
28368–28379 Foreign air carrier rights and requirements (5 documents)
28380 Wet lease agreements to foreign air carriers; policy statement removed
PROPOSED RULES
Air carriers:
28381 Stock ownership reports; exemption
Charters:
28383 Wet lease agreements; liberalization
NOTICES
28202 Certificates of public convenience and necessity and foreign air carrier permits
Charters:
28387 Empresa Consolidada Cubana de Aviacion et al.; prior approval
28388 Foreign air carriers; off-route and Fifth Freedom charter flights, blanket statements of authorization
28390 Foreign air carriers et al.; prior approval
28393 Polskie Linie Lotnicze; prior approval
Hearings, etc.:
28201 Air Chicago fitness investigation
28202 Competitive marketing of air transportation; investigation
28202 Former large irregular air service investigation et al.
28202 United Air Lines, Inc.
28394 Yukon Air Service; additional points; show cause order

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
28203 New Hampshire; cancelled

Coast Guard
RULES
Anchorage regulations:
28154 California
Cargo and tank vessels, etc.:
28167 Lifeboats and liferafts, stowage
28153 Navigation rules, international and inland; reorganization

Commerce Department
See International Trade Administration.

Customs Service
PROPOSED RULES
28172 Customs bond structure revision; request for comments

Delaware River Basin Commission
NOTICES
28206 Boyertown, Pa.; water supply allocation; hearing

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
28260 Smith Kline & French Labs.
28260 Stepan Chemical Co. Natural Prod.

Economic Regulatory Administration
NOTICES
Powerplant and industrial fuel use; existing powerplant or installation; classification request:
28208 Basin Electric Power Cooperative
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
28208 Gulf States Utilities Co.
28209 Missouri Public Service Co.
28219 Tucson Electric Power Co.; hearing

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
28207 European Atomic Energy Community
28207 European Atomic Energy Community, Japan, Spain, Sweden, Switzerland, and International Atomic Energy Agency
Meetings:
28207 National Petroleum Council; date change

Environmental Protection Agency
RULES
Air pollution control; new motor vehicles and engines:
28160 Carbon monoxide emission standards; light-duty vehicles, 1981–1982 model years
Air quality implementation plans; approval and promulgation; various States, etc.:
28155 Missouri

28155 New York
28157 Ohio
28159 Oklahoma
28159 Rhode Island
Hazardous waste programs; interim authorizations; various States:
28161 Pennsylvania
PROPOSED RULES
Air pollution; standards of performance for new stationary sources:
28180 Asphalt processing and roofing manufacturing; clarification
Air quality implementation plans; approval and promulgation; various States, etc.:
28179 Michigan
Hazardous waste:
28314 Land disposal facilities; owners and operators; and permit applications; informational and procedural requirements; supplemental notice
NOTICES
Air pollutants, hazardous; national emission standards:
28217 Human exposure to atmospheric concentrations of selected chemicals, assessments; availability and inquiry; extension of time
Air pollution control; new motor vehicles and engines:
28212 Carbon monoxide standard; light-duty vehicles; 1982 model year; waiver applications

Equal Employment Opportunity Commission
NOTICES
28274 Meetings; Sunshine Act

Ethical Problems in Medicine and Biomedical and Behavioral Research, President's Commission for the Study of
NOTICES
28269 Meetings

Farmers Home Administration
RULES
28330 Emergency loans, insured

Federal Aviation Administration
RULES
Air carriers certification and operations:
28305 Flight crew members; elimination of duties and activities not required for safe operation on aircraft; deferral of effective date
28301 Instrument rating requirement; compliance date delay
Airworthiness directives:
28146, 28147 Boeing (2 documents)
28148 Cessna
28149 General Dynamics
28150, 28151 Transition areas (2 documents)
PROPOSED RULES
28171 Transition areas

Federal Communications Commission
PROPOSED RULES
Common carrier services:
28183 AT&T's manual and procedures for allocation of costs; petitions for reconsideration, etc.
NOTICES
28217 FM translator applications accepted for filing and notification of cut-off date
28218 Television broadcast applications accepted for filing and notification of cut-off date

Federal Energy Regulatory Commission
NOTICES
28274 Meetings; Sunshine Act

Federal Grain Inspection Service
RULES
Grain standards:
28145 Grain-weighing automatic hopper scales; effective date affirmed
PROPOSED RULES
Grain standards:
28170 Hay and straw

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
28272 San Luis Obispo, Calif.; intent to prepare
Meetings:
28272 Outdoor Advertising and Motorist Information National Advisory Committee

Federal Home Loan Bank Board
NOTICES
28275 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Applications, etc.:
28218 Allied Bancshares, Inc.
28219 Ashland Capital Corp., Inc.
28220 Cen-La Bancshares, Inc.
28220 Cozad Elevators, Inc.
28221 Harrisonville Bancshares, Inc.
28221 Hawkeye Bancorporation
28221 Hilltop Bancshares, Inc.
28221 Mansfield Bancshares, Inc.
28221 Metro Bancorp, Inc.
28221 Minnehaha Bancshares, Inc.
28222 Padgett Agency, Inc.
28222 Remer Bancorporation, Inc.
28223 Shidler Bancshares, Inc.
28222 Steele Bancorp
28223 Texas American Bancshares, Inc.
28223 Walker Bank Co.
28223 Wood Lake Bancorporation
Bank holding companies; proposed de novo nonbank activities:
28220 Bankamerica Corp., et al.
28219 Industrial National Corp. et al.

Fiscal Service
RULES
28152 Panama Canal Zone, reference deleted from regulations; and Federal branches of foreign banks, authority to be Treasury Tax and Loan (TT&L) depositaries
NOTICES
Surety companies acceptable on Federal bonds:
28273 Ulico Casualty Co.

Fish and Wildlife Service
PROPOSED RULES
Endangered Species Convention:
28192 Bobcat, lynx, river otter, Alaskan brown bear and gray wolf, American alligator, and American ginseng; export findings

Water resources:
28171 Channel modification guidelines; advance notice; withdrawn

Food and Drug Administration
NOTICES
28223 GRAS or prior-sanctioned ingredients; comprehensive safety review; hearings; correction

Forest Service
NOTICES
Environmental statements; availability, etc.:
28196 Targhee National Forest, land and resource managment plan, Wyo.

Health and Human Services Department
See Food and Drug Administration; Human Development Services Office.

Hearings and Appeals Office, Energy Department
NOTICES
Remedial orders:
28211 Objections filed

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; pending nominations:
28225 Illinois et al.

Human Development Services Office
NOTICES
Grant applications and proposals; closing dates:
28308 Native American programs; 1982 fiscal year

Interior Department
See Fish and Wildlife Service; Heritage Conservation and Recreation Service; Land Management Bureau; National Park Service.

International Trade Administration
NOTICES
Countervailing duty petitions and preliminary determinations:
28205 Canned tomato paste from France
Scientific articles; duty free entry:
28204 Northwestern University Medical School et al.
28203 Wesley Medical School et al.

International Trade Commission
NOTICES
28275 Meetings; Sunshine Act

Interstate Commerce Commission
PROPOSED RULES
Motor carriers:
28192 Freight rates for common carriers of property; no suspend zone; withdrawn
NOTICES
Motor Carriers:
28227 Finance applications
28246–28254 Permanent authority applications (3 documents)
28248 Permanent authority applications; restriction removals
28231 Temporary authority applications
Railroad operation, acquisition, construction, etc.:
28226 Elgin, Joliet & Eastern Railway Co.

Justice Department
See Antitrust Division; Drug Enforcement Administration.

Labor Department
See also Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
28260 Victoria Needlework, Inc.

Land Management Bureau
RULES
Public land orders:
28164, 28166 Arizona (2 documents)
28163 Colorado
28164–28167 Oregon (6 documents)
28167 Utah
NOTICES
Applications, etc.:
28224 New Mexico (2 documents)
Exchange of public lands for private land:
28224 Arizona
Exploration permits; geophysical:
28224 Alaska; oil and gas assessment

Legal Services Corporation
NOTICES
28275 Meetings; Sunshine Act

Libraries and Information Service, National Commission
NOTICES
28275 Meetings; Sunshine Act

Management and Budget Office
NOTICES
28265 Agency forms under review

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
28272 Iveco Trucks of North America, Inc.; vehicle identification number

National Park Service
NOTICES
Meetings:
28225 Gateway National Recreation Area Advisory Commission
28226 National Capital Memorial Advisory Committee

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
28261 Consolidated Edison Co. et al.
28262 Consumers Power Co.
28260 Duke Power Co.
28262 Duquesne Light Co. et al. (2 documents)
28263 Indiana & Michigan Electric Co. (2 documents)
28263, 28264 Southern California Edison Co. et al. (2 documents)
28264 Virginia Electric & Power Co.

Pension and Welfare Benefit Programs Office
RULES
Employee benefit plans:
28151 Suspension of benefit rules: deferral of effective date

Rural Electrification Administration
PROPOSED RULES
Telephone borrowers:
28170 Filled telephone cables with expanded insulation, PE–89 (Bulletin 345–89)

Securities and Exchange Commission
NOTICES
Hearings, etc.:
28270 Brady Energy Corp.
28270 Restaurant Associates Industries, Inc.

Small Business Administration
NOTICES
28270 License and transfer of control applications; 90 day moratorium

Soil Conservation Service
PROPOSED RULES
Water resources:
28171 Channel modification guidelines; advance notice; withdrawn
NOTICES
Environmental statements; availability, etc.:
28197 Augustine Beach RC&D Measure, Del.
28197 Clove Brook Watershed, N.J.
28198 Goldsboro Watershed, Md.
28198 Graham County Schools RC&D Measure, N.C.
28199 Highland and Queensborough Parks Critical Area Treatment RC&D Measure, La.
28199 Lake Townsend Wildlife RC&D Measure, N.C.
28199 McClellanville Flood Prevention RC&D Measure, S.C.
28200 Mercer County Schools Critical Area Treatment and Land Drainage RC&D Measure, W.Va.
28200 Northeast Camden Flood Prevention RC&D Measure, S.C.
28200 Triad School RC&D Measure, Ohio
28201 Union County Fairgrounds RC&D Measure, Ohio

State Department
NOTICES
Meetings:
28271 International Telegraph and Telephone Consultative Committee
28271 Law of the Sea Advisory Committee
28271 Overseas Schools Advisory Committee

Textile Agreements Implementation Commission
NOTICES
Cotton and man-made textiles:
28206 Dominican Republic

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

Treasury Department
See Customs Service; Fiscal Service.

United States Railway Association
NOTICES
28275 Meetings; Sunshine Act

Veterans Administration
RULES
28163 Procurement; qualified products lists for convenience foods

MEETINGS ANNOUNCED IN THIS ISSUE

INTERIOR DEPARTMENT
National Park Service—
28225 Gateway National Recreation Area, New York, N.Y. (open), 6–15–81
28226 National Capital Memorial Advisory Committee, Washington, D.C. (open), 6–17–81

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH
28269 Meeting, Boston, Mass. (open), 6–4 and 6–5–81

STATE DEPARTMENT
28271 Law of the Sea Advisory Committee, Washington, D.C. (partially open), 6–8 and 6–9–81
28271 Overseas Schools Advisory Council, Washington, D.C. (open), 6–18–81
28271 U.S. Organization for the International Telegraph and Telephone Consultative Committee, Intergrated Services Digital Network Working Party, Washington, D.C. (open), 6–3–81

TRANSPORTATION DEPARTMENT
Federal Highway Administration—
28272 Outdoor Advertising and Motorist Information National Advisory Committee, Washington, D.C. (open), 6–18 and 6–19–81

CANCELLED MEETING

CIVIL RIGHTS COMMISSION
28203 New Hampshire Advisory Committee, Manchester, N.H. (open), originally scheduled for 5–27–81

HEARINGS

DELAWARE RIVER BASIN COMMISSION
28206 Application by Borough of Boyertown to increase existing water supply allocation from Trout Run Reservoir, Boyertown, Pa., 6–10–81

ENERGY DEPARTMENT
Economic Regulatory Administration—
28210 Tucson Electric Power Co., Tucson, Ariz., 6–22–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:
May 25, 1921
(Revoked in part by PLO 5870)....28164
November 26, 1921
(Revoked in part by PLO 5881)....28167
June 13, 1925
(Revoked in part by PLO 5873)....28165

7 CFR
802....28145
1068....28145
1809....28330
1945....28330
1951....28330

Proposed Rules:
Ch. VI....28171
57....28170
1701....28170

14 CFR
39 (4 documents)....28146-28149
71 (2 documents)....28150, 28151
121....28305
135 (2 documents)....28301, 28305
207....28378
208....28378
212....28368
214....28379
385....28379
399....28380

Proposed Rules:
71....28171
207....28383
208....28383
212....28383
218....28383
245....28381
246....28381

19 CFR

Proposed Rules:
Ch. I....28172

29 CFR
2530....28151

31 CFR
202....28152
203....28152

33 CFR
Ch. I....28153
110....28154

40 CFR
52 (5 documents)....28155-28159
86....28160
123....28161

Proposed Rules:
52....28179
60....28180
264....28314

41 CFR
8-1....28163

43 CFR

Public Land Orders:
739 (Revoked by PLO 5879)....28166
848 (Revoked in part by PLO 5868)....28164
3966 (Revoked in part by PLO 5877)....28165
5867....28163
5868....28164
5870....28164
5873....28165
5877....28165
5878....28165
5879....28166
5880....28166
5881....28167
5893....28167

46 CFR
33....28167
94....28167
192....28167

47 CFR

Proposed Rules:
Ch. I....28183

49 CFR

Proposed Rules:
Ch. X....28192

50 CFR

Proposed Rules:
Ch. I....28171
23....28192

V
4
6
M
Y
2
6
8
1
UMI

Rules

This section
contains reg
general app
of which ar
the Code o
published u
U.S.C. 1510
The Code o
by the Supe
Prices of n
first FEDER
month.

DEPARTME

Federal Gr

7 CFR Part

Delay Effe
for Change

AGENCY: Fe
Service, US
ACTION: Aff

SUMMARY:
emergency
January 1, 1
before Janu
in § 802.2(r)
promulgate
Grain Stand
which prov
automatic h
designed sc
and each ch
would be in
record in a
scales insta
January 1, 1
unchanged.
as a result
rulemaking
effective wi

DATE: Effec

FOR FURTHE
George T. L
Division, U
Auditors Bu
20250; telep

SUPPLEMEN
action has
with Execu
been deter
Emergenc
day opportu
published i
Federal Reg
The requi
regulations
Grain Stand
which provi

Rules and Regulations

Federal Register
Vol. 46, No. 100
Tuesday, May 26, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 802

Delay Effective Date of Requirement for Change in Mode of Operation

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms an emergency final rule which delayed until January 1, 1983, for scales installed on or before January 1, 1981, the requirement in § 802.2(r) of the regulations promulgated under the United States Grain Standards Act (7 CFR 802.2(r)) which provided that all grain-weighing automatic hopper scales would be designed so that the mode of operation, and each change in mode of operation, would be indicated on the printed record in a prescribed manner. For scales installed after January 1, 1981, the January 1, 1981, effective date remained unchanged. No comments were received as a result of the emergency final rulemaking and the final rule is made effective without change.

DATE: Effective May 26, 1981.

FOR FURTHER INFORMATION CONTACT: George T. Lipscomb, Director, Weighing Division, USDA, FGIS, Room 3117 Auditors Building, Washington, D.C. 20250; telephone (202) 382–1731.

SUPPLEMENTARY INFORMATION: This action has been issued in conformance with Executive Order 12291, and has been determined to be "not major."

Emergency final rulemaking with a 60-day opportunity for public comment was published in the December 8, 1980, **Federal Register** (45 FR 80985).

The requirement in § 802.2(r) of the regulations under the United States Grain Standards Act (7 CFR 802.2(r)) which provided that effective January 1, 1981, all grain-weighing automatic hopper scales be designed so the mode of operation, and each change in mode of operation, be indicated, on the printed record in a prescribed manner was amended so that, for scales installed on or before January 1, 1981, the effective date would be delayed until January 1, 1983. For scales installed after January 1, 1981, the January 1, 1981 effective date remained the same.

As indicated in a December 8, 1980, **Federal Register** publication, FGIS had received several requests from the trade to delay implementation of the effective date in § 802.2(r) until January 1, 1983, for scales installed on or before January 1, 1981. These requests cited the unavailability of modified equipment or plans for the installation of new weighing equipment as justification for the delay.

No comments were received with respect to the emergency final rulemaking. Accordingly, the final rule amending § 802.2(r) of the regulations will remain effective without change, as published at 45 FR 80985.

(Sec. 9, Pub. L. 94–582, 90 Stat. 2875, (7 U.S.C. 79a))

Done in Washington, D.C., on May 19, 1981.

D. R. Galliart,

Acting Administrator.

[FR Doc. 81–15511 Filed 5–22–81; 8:45 am]

BILLING CODE 3410–02–M

Agricultural Marketing Service

7 CFR Part 1068

[Milk Order No. 68]

Milk in the Upper Midwest Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This order suspends a requirement under the Upper Midwest marketing order that handlers make a partial payment for milk received from producers for whom a cooperative association is not collecting payments by the 25th day of the month. Seven regulated handlers, two cooperative associations and a dairy farmer indicated that the suspension would accommodate producers in spacing payments for milk about 15 days apart. The suspension would be for the period May 1981 through April 1982.

DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of proposed suspension: Issued March 27, 1981; published April 2, 1981 (46 FR 19946).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. Such action will permit milk handlers to continue a customary payment practice in the area of having partial and final payments to certain producers spaced about two weeks apart. Otherwise, producer payments would be spaced on an uneven basis, to the dissatisfaction of the producers involved.

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Upper Midwest marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (46 FR 19946) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. Four comments were received in response to the notice of proposed rulemaking. Also, at a public hearing held April 14–15, 1981, witnesses representing proprietary handlers and a cooperative association testified in support of the suspension pending any amendment resulting from the hearing. This testimony was in connection with a proposal to amend the order concerning the date of partial payment (46 FR 16689). In comments and testimony, a total of seven proprietary handlers, two cooperative associations and a dairy farmer requested continued suspension of the provision.

After consideration of all relevant material, including the proposal in the

notice, the comments received, the record of the public hearing and other available information, it is found and determined that for the months of May 1981 through April 1982 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1068.73, paragraph (a)(4) in its entirety.

Statement of Consideration

The Upper Midwest milk order, which became effective June 1, 1976, initially required a partial payment to producers and cooperative associations on the 25th day of the month for milk received during the first 15 days of the month. Final payment was due, and still is, by the 18th day of the following month. These were the dates provided in the prior order for the Minneapolis-St. Paul area.

Many of the producers who were brought under the merged order, particularly those in Wisconsin, had been accustomed to receiving payments 15 days apart. They preferred such payments to being paid on the 18th and 25th of the month. To accommodate this, the pertinent provisions of the order have been suspended since November 1976 (41 FR 51389, 42 FR 22360, 42 FR 59747, 43 FR 14025, 43 FR 19341, 44 FR 23065 and 45 FR 23405). The suspensions were limited to payments to producers for whom a cooperative was not collecting payments.

Cooperative associations in the market follow the practice of making partial payments to their members about 15 days in advance of the final payment date, and the suspension would give proprietary handlers the opportunity to pay their producers on about the same schedule. Dairy farmers have financial commitments that are due more often than once a month and to meet those commitments dairy farmers should continue receiving two payments each month.

The suspension should be extended for an additional period of 12 months, pending any amendment of the order based on the April 14–15, hearing record. Unless this is done, a significant number of dairy farmers would receive a partial payment for their deliveries during the first 15 days of the current month only one week after receiving a final payment for their deliveries during the previous month. This kind of payment schedule has resulted in producer dissatisfaction, and the suspension action would help maintain orderly marketing.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that the suspension does not require of persons affected substantial or extensive preparation prior to the effective date, and notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning the suspension. Also, the suspension was considered at a public hearing held April 14–15, 1981, and there was no testimony in opposition.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of May 1981 through April 1982.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 28, 1981.

Signed at Washington, D.C., on May 19, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-15520 Filed 5-22-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-52-AD; Amdt. 39-4121]

Airworthiness Directives: Boeing Model 707/720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive, (AD) which requires inspection of the wing lower surface skins and adjacent stringers on Boeing Model 707/720 series airplanes. This AD is needed to detect cracks before they develop to a length which would prevent limit loads from being carried and thus seriously compromise the structural capability of the wing lower surfaces.

DATE: Effective date June 29, 1981.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98124. These documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108.

FOR FURTHER INFORMATION CONTACT: Mr. J. W. Hart, Jr., Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) to require repetitive inspections of the wing lower skin surface for cracks in the stringer/skin between wing stations 265 and 470 and stringers 5 and 7 of the 720 series airplanes was published in the **Federal Register** on November 24, 1980, (45 FR 77450).

The proposal was prompted by an extensive evaluation of the original crack data and the results of the one-time inspection required by AD 80-15-10 (45 FR 49910; July 28, 1980).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. The rule with respect to the 720 series, is therefore, adopted as proposed.

In February 1981, following publication of the NPRM, cracking similar to the 720 aircraft was reported for a 707-300C airplane. One operator reported a 2.5 inch long crack in the left wing lower skin and that stringer 7 was completely severed. This failure probably due to fatigue, results in the structure being unable to carry limit loads and potential serious consequences. AD-80-15-10 which was a one-time inspection in the B-720 is superseded by this new, more comprehensive AD.

Since this condition is likely to exist or develop on other 707 airplanes of the same type design, this AD requires an inspection program similar to that required for the 720 series. Further, since a situation exists for the 707 that requires immediate adoption of this regulation, it is found that notice and public procedure for that portion of the regulation are impracticable.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended as follows:

Boeing: Applies to all 707/720 series airplanes, certificated in all categories.

A. Inspect stringers 5 and 7 and the adjacent lower wing skin from WS 265 through 470 for cracks using the specified methods at the times indicated. Skins/stringers found cracked must be repaired prior to further flight in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

1. For 720/720B series airplanes: Within 500 landings after the effective date of this Amendment and thereafter at intervals not to

exceed 2,860 landings, conduct a low frequency eddy current inspection of the wing lower surface for cracks in the stringer/skin between wing stations 265 and 470 and stringers 5 and 7 in accordance with Boeing Service Bulletin A3395, Revision 2, dated October 10, 1980, or later FAA approved revisions, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office.

2. For 707 series airplanes: Inspect the wing skins and stringers for cracks using an inspection method approved by the Chief, Seattle Area Aircraft Certification Office, when airplanes reach or are beyond the thresholds noted, or within 500 landings thereafter, whichever is later, unless already accomplished as noted, and repeat the inspection in accordance with the following schedule.

Inspection Schedule

Airplane	Landings			
	Threshold	Within	Unless accomplished within the last	Repetitive intervals
707-100/200	26,000	500	5,500	6,000
707-300/400	21,000	500	4,500	5,000
707-300B	17,000	500	3,700	4,200
707-300C PAX	17,000	500	3,700	4,200
707-300C Cgo	17,000	500	1,600	2,100

B. Airplanes may be flown to a maintenance base for repairs or replacement in accordance with FAR 21.197 and FAR 21.199.

Note.—This supersedes AD 80-15-10 (Amdt. 39-3852; 45 FR 49910, July 28, 1980).

Alternate methods of compliance may be used when approved by the Chief, Seattle Area Aircraft Certification Office, Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington, 98124. These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, small entities. A final regulatory evaluation has been prepared for this regulation, has been placed in the regulatory docket, and summarized earlier in this rule. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This regulation is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended. As such it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on May 15, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-15278 Filed 5-22-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-22-AD; Amdt. No. 39-4122]

Airworthiness Directives: Boeing Model 737 Series Airplanes (Prior to Line No. 316 Plus Line Nos. 323 and 324)

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adds an Airworthiness Directive (AD) which requires a one-time visual inspection for cracks on the horizontal stabilizer rear spar attach lugs on Boeing Model 737 series airplanes with 20,000 or more landings. This action is necessary because a cracked center section rear spar upper chord attach lug was found that, if left undetected, could result in the loss of the horizontal stabilizer.

DATE: Effective date June 4, 1981.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Anderson, Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, Telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: In April 1981, during accomplishment of Boeing Service Bulletin 737-55-1028 on a 737 series airplane with 28,704 landings, one operator detected a cracked center section rear spar upper chord attach lug. The crack was found on the forward face of the aft lug of the clevis extending from the lug hole at the 12 o'clock position. The chord was replaced. Subsequent analysis of the cracked lug indicated fatigue was the cause of cracking. A mandatory one-time inspection is therefore required, since continued operation of an airplane with undetected lug cracks may result in loss of the horizontal stabilizer.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspection and replacement or repair, as necessary, of horizontal stabilizer rear spar attach lugs on certain Boeing Model 737 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Boeing Model 737 series airplanes, certificated in all categories, prior to line number 316 plus line numbers 323 and 324. To insure continued structural integrity of the horizontal stabilizer, accomplish the following:

A. Unless an equivalent inspection has been accomplished within the last 2,000 landings, upon the accumulation of 20,000 landings or, within the next 200 landings after the effective date of this AD whichever comes later, perform a one-time visual inspection of the horizontal stabilizer rear spar attach lugs for cracks in accordance with Boeing Alert Service Bulletin 737-55A1029 dated April 30, 1981, or later revisions approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

B. Parts found cracked must be replaced or repaired before further flight in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

C. Airplanes may be flown to a maintenance base for repairs or replacement in accordance with FAR 21.197 and 21.199 with prior approval of the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

This Airworthiness Directive may be revised to require repetitive inspections at a later date.

The manufacturer's specifications and proocedures identified and described in this

directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received the above specified alert service bulletin from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or it may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective June 4, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on May 15, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-15275 Filed 5-22-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 81-CE-8-AD; Amendment 39-4120]

Airworthiness Directives; Cessna Models 402C and 414A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Cessna Model 402C and 414A airplanes. The AD requires initial and repetitive inspections of the engine mount support beams at the engine rear mounts for cracks and immediate reinforcement of both engine mount support beams, for the engine involved, if a beam is found cracked. This action will preclude failure of an engine mount support beam and possible separation of the engine from the airplane during flight.

DATES: Effective Date: June 1, 1981.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Cessna Multi-engine Customer Care Service Information Letter ME81-10, dated April 17, 1981, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; telephone (316) 685-9111. A copy of Service Information Letter is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106; and Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Lawrence S. Abbott, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: Engines on Cessna Models 402C and 414A airplanes are secured to the airframe by beams that are cantilevered forward from the wing. There have been reports that cracks have developed at the engine mount rear attach points on the engine beam structure which could, if allowed to propagate, result in separation of the engine from the airplane during flight. Cessna issued Service Information Letter ME81-10 dated April 17, 1981, which specifies initial inspection, within the next 100 hours, of the engine rear mount beam hat section for cracks on airplanes with 500 to 1,000 hours time-in-service, and within 50 hours on airplanes with 1,000 hours or more time-in-service. In both instances, repetitive inspections are to be performed every 200 hours thereafter. If cracking is found in the beam hat section, Cessna Service Kit SK414-17 called out in Cessna Service Information Letter ME81-10 must be installed before further flight.

In addition, the Cessna Service Information Letter requires installation of the Service Kit SK414-17 modification whenever either engine is removed for normal maintenance or overhaul. Accordingly, since the unsafe condition described above is likely to exist or develop in engine mount support beams installed on other airplanes of the same type design, an AD is being issued applicable to certain Cessna Model 402C and 414A airplanes making compliance with only those provisions of Cessna Service Information Letter ME81-10, which specify repetitive inspections and modification if cracks are found, mandatory.

Furthermore, if an engine mount support beam crack exceeds 1¾ inches in length, owners/operators are required by the AD to contact the Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4285, for special repair disposition.

The approved Cessna Modification Kit SK414-17, improves the overall strength of the engine mount support beams. However, fatigue tests are in progress to determine long-term strength of the modification. These test results will determine the need for additional mandatory inspection requirements and/or mandatory installation of the modification kit on all affected airplanes, regardless of whether the engine mount support beams are cracked.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register**.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Cessna: Applies to Models 402C (S/N 402C0001 through 402C0468) and 414A (S/N 414A0001 through 414A0646) airplanes with over 500 hours time-in-service, certificated in any category.

Compliance: Required as indicated, unless already accomplished. To ensure structural integrity of the engine mount beams, accomplish the following in accordance with the provisions of Cessna Service Information Letter ME81-10, dated April 17, 1981, as applicable:

(A) On all airplanes with 500 to 1,000 hours time-in-service, within the next 100 hours time-in-service after the effective date of this AD and each 200 hours time-in-service thereafter, clean and visually inspect the engine mount beams at the rear fittings for cracks in the hat section. If cracks 1¾ inches in length or less are found, install Cessna Service Kit SK414-17 before further flight. If cracks in excess of 1¾ inches in length are found, contact the Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4285, for special repair disposition.

(B) On all airplanes with over 1,000 hours time-in-service, within the next 50 hours time-in-service after the effective date of this AD and each 200 hours time-in-service thereafter, clean and visually inspect the engine mount beam at the rear fittings for cracks in the hat section. If cracks 1¾ inches in length or less are found, install Cessna Service Kit SK414–17 before further flight. If cracks in excess of 1¾ inches in length are found, contact the Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942–4285, for special repair disposition.

(C) After Cessna Service Kit SK414–17 has been installed, the requirements of paragraphs A) and B) of this AD are no longer applicable.

Note.—The approved Cessna Modification Kit improves the overall strength of the engine mount support beams. Fatigue tests are in progress to determine the need for additional mandatory inspection requirements and/or mandatory installation of the modification kit. Upon satisfactory completion of the tests, we plan to consider amending this AD, as warranted, by the outcome of the fatigue tests.

(D) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where the provisions of this AD can be accomplished.

(E) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942–4285.

This Amendment becomes effective June 1, 1981.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in the aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on May 15, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-15530 Filed 5-22-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 81-WE-7-AD; Amdt. 39-4117]

Airworthiness Directives; General Dynamics Model 240 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection, and repair if necessary, of the wing spar structure on General Dynamics Model 240 Series aircraft. This AD is needed because of reports of cracks and corrosion on the center wing to wing outer panel attach fittings which could result in failure of the wing.

DATES: Effective June 1, 1981.

Compliance schedule—As prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: General Dynamics, Attention: Larry Hayes, Manager Products Support, Convair Division, P.O. Box 80877, San Diego, California 92138.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D. C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive, Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536–6351.

SUPPLEMENTARY INFORMATION: There have been reports of cracks in the wing spar rails and lower TEE rail of Wing Station 15 bulkhead and corrosion of the center wing to wing outer panel attach fittings on General Dynamics Model 240 airplanes. This condition, if not corrected, could result in failure of the wing.

In order to prevent the corrosion or cracking from progressing to an unsafe condition, this AD requires an early initial visual external inspection and subsequent internal, repetitive inspections and repair as necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

General Dynamics: Applies to Model 240 Series Airplanes including those modified for turbo-propeller power certificated in all categories, and those equivalent military models submitted for civil certification under type certificate A–793.

Compliance required as indicated, unless already accomplished.

To prevent structural failure of the wing structure, which could result from corrosion and cracking at the wing outer panel/wing center section joint, accomplish the following:

(a) Within 50 hours' time in service or within 30 days from the effective date of this AD, whichever occurs earlier, conduct an external visual inspection of the wing in the area of the spar rails, both upper and lower, front and rear, from ten (10) inches inboard of bulkhead 15(WS323) to ten (10) inches outboard of bulkhead 17(WS346) in accordance with Figure 3 of General Dynamics Service Bulletin No. 57–4A dated February 13, 1973, hereinafter referred to as S.B. No. 57–4A for evidence of internal structural corrosion which may be indicated by some out-of-alignment or bulging of the external surface.

(b) If any indication of surface out-of-alignment, bulging, corrosion, cracks, or failed rivets is found, before further flight conduct an internal inspection in accordance with this AD, paragraph (c).

(c) Within 500 hours' time in service or within 90 days from the effective date of this AD, whichever occurs earlier, conduct an internal visual inspection of the wing in accordance with S.B. 57–4A paragraph 2 including spar rails (upper and lower, front and rear), center wing to outer panel attach fittings, upper and lower bulkhead rails, and associated structure for corrosion and/or cracks from bulkhead 14(WS300) to bulkhead 18(WS361), after cleaning all surfaces in accordance with the procedures shown in S.B. 57–4A Figures 1 through 4. In addition to the visual inspection required above, using a dye penetrant method, inspect for cracks in spar rails and chordwise bulkhead TEE rails, after removal of all dirt, paint and integral

fuel tank sealant, in the following areas at the specified stations.

1. Upper and lower spar rails. Six (6) inches spanwise inboard and outboard of station 15(WS323) and station 17(WS346) on the forward facing surface of the front spar rails and the aft facing surface of the rear spar rails. See AD paragraph (c)(3).

2. Upper and lower chordwise TEE rails. On the inboard facing surfaces at station 15(WS323), and the outboard facing surfaces at station 17(WS346), extending two (2) inches chordwise from the edges of the forward and aft fuel tank corner fittings. See AD paragraph (c)(3).

3. The above dye penetrant inspections at station 17(WS346) are required only for those aircraft with integral fuel tanks installed in the wing outer panels outboard of station 17.

(d) If corrosion or cracking is detected, repair in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(e) Repeat the inspection required by paragraph (c) of this AD at intervals not to exceed 3000 hours' time in service or one year from the last such inspection, whichever occurs earlier.

(f) Prior to issuance of a Certificate of Airworthiness for military aircraft being converted for civil certification, the applicant shall; and prior to further flight for any aircraft that has been out of service for one (1) year, the operator shall; conduct an internal inspection in accordance with paragraph (c) of this AD.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(h) Alternate inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

The manufacturers' specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to: General Dynamics, Attention: Larry Hayes, Manager Products Support, Convair Division, P.O. Box 80877, San Diego, California 92130.

These documents may also be examined at:

FAA Western Region Office, Room 6W14, 15000 Aviation Boulevard, Hawthorne, California 90261

and at: FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591.

An historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C. and at FAA Western Region Office.

This amendment becomes effective June 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Los Angeles, California on May 13, 1981.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 81-15277 Filed 5-22-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AWE-6]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule adds a 700 foot transition area for the Twentynine Palms Airport, Twentynine Palms, California, so as to provide controlled airspace for aircraft executing an instrument approach procedure to the Twentynine Palms Airport utilizing the Twentynine Palms, California VORTAC. The need for the transition area was created when a VOR instrument approach procedure was established for the airport.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; Telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

On March 23, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area for Twentynine Palms, California (46 FR 18050). The addition of this 700 foot transition area will provide continuous controlled airspace for protection of instrument operations at Twentynine Palms Airport. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 was republished in the **Federal Register** on January 2, 1981 (46 FR 540).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the transition area at Twentynine Palms, California. This transition area provides protection for instrument operations authorized for Twentynine Palms Airport, increases air traffic safety, and improves flow control procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901, June 11, 1981, by adding the following:

§ 71.181 [Amended]

Twentynine Palms, California

Preceding "That airspace extending upward from 1200 feet . . ." insert "That airspace extending upward from 700 feet above the surface within a 4-mile radius of Twentynine Palms Airport (latitude 34°07'46" N, longitude 115°58'22" W) and within 4 miles each side of the Twentynine Palms VORTAC 279° (265°M) radials extending from the 4-mile radius area to the VORTAC, and . . ."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has determined that this regulation only involves an established

body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on May 14, 1981.

H. C. McClure,

Acting Director, Western Region.

[FR Doc. 81-15278 Filed 5-22-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AWE-7]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This rule alters the transition area at Cochise, Arizona, so as to provide additional controlled airspace for aircraft utilizing Instrument Flight Rules (IFR) departure procedures from Tucson International Airport and Davis-Monthan Air Force Base, Tucson, Arizona.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; Telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

On March 16, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area for Cochise, Arizona (46 FR 16901). Redesignation of this transition area will provide controlled airspace for aircraft utilizing IFR departure routes from the Tucson area. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 was republished in the Federal Register on January 2, 1981 (46 FR 540).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the transition area at Cochise, Arizona. This transition area provides protection for instrument operations authorized for the Tucson area, increases air traffic safety and improves flow control procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended and redescribed, effective 0901 GMT, June 11, 1981, as follows:

§ 71.181 [Amended]

Cochise, Arizona

That airspace extending upward from 1200 feet above the surface beginning at latitude 32°22'30" N., longitude 110°00'00" W. latitude 32°22'00" N., longitude 109°57'00" W., latitude 32°15'00" N., longitude 109°27'55" W., latitude 32°10'00" N., longitude 109°37'55" W., latitude 32°08'50" N., longitude 109°23'05" W., latitude 31°54'00" N., longitude 109°25'25" W., latitude 31°57'05" N., longitude 109°55'00" W., latitude 32°07'00" N., longitude 109°54'00" W., latitude 32°07'30" N., longitude 110°00'00" W., to point of beginning.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and CFR 11.69)

The FAA has determined that this document involved a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on May 14, 1981.

H. C. McClure,

Acting Director, Western Region.

[FR Doc. 81-15279 Filed 5-22-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2530

Rules and Regulations for Minimum Standards for Employee Benefit Plans; Suspension of Benefit Rules—Deferral of Effective Date

AGENCY: Department of Labor.

ACTION: Deferral of effective date of final rule.

SUMMARY: This document defers until July 1, 1981, the effective date of 29 CFR 2530.203-3 *Suspension of pension benefits upon reemployment of retirees.* This regulation had been due to take effect on May 27, 1981. This action is taken in order to permit further analysis of the regulation in accordance with Executive Order 12291.

DATE: The effective date of 29 CFR 2530.203-3 is deferred until July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Jay S. Neuman, Office of the Solicitor, 200 Constitution Avenue NW., Washington, D.C. 20216, Room C-4508; 202-523-8658.

SUPPLEMENTARY INFORMATION: On January 27, 1981, the Department of Labor published in the Federal Register (46 FR 8894) a final regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (ERISA) governing the circumstances under which it is permissible for a plan to suspend the payment of pension benefits (29 CFR 2530.203-3). As published, this regulation was due to take effect May 27, 1981.

This document announces the Department's decision to defer the effective date of the suspension of benefits regulation. This action is necessary in order to permit reconsideration of this regulation in accordance with Executive Order 12291. Such reconsideration is warranted

because of the many issues involved with respect to this regulation. In addition, the Department has received a number of comments in response to publication of the final rule. The Department is considering whether and to what extent these comments affect its analysis of the costs and benefits involved.

For these reasons, and because this regulation is scheduled to become effective very shortly, the Department finds, pursuant to the Administrative Procedure Act (5 U.S.C. 553(b)), that additional notice and public procedure on this change of effective date would be impracticable, unnecessary and contrary to the public interest.

Accordingly, pursuant to the authority set forth in sections 203(a)(3)(B) and 505 of ERISA, the effective date of 29 CFR 2530.203–3 is hereby deferred until July 1, 1981.

Signed at Washington, D.C., this 21st day of May 1981.

Hilary M. Sheply,

Acting Deputy Assistant Secretary, Labor-Management Services Administration.

[FR Doc. 81-15741 Filed 5-21-81; 4:00 pm]

BILLING CODE 4510-29-M

DEPARTMENT OF TREASURY

Fiscal Service

31 CFR Parts 202 and 203

Panama Canal Zone and Federal Branches of Foreign Banks

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This regulation (1) deletes a reference to the Panama Canal Zone and (2) authorizes Federal branches of foreign banks, i.e., foreign banks authorized to transact business in the United States by the Comptroller of the Currency, to be Treasury Tax and Loan (TT&L) depositaries. These changes are necessary (1) to delete a reference to a geographical area that is no longer leased to the United States, and (2) to provide express authority to be TT&L depositaries to foreign banks that are authorized to transact business in the United States by the Comptroller of the Currency. The regulation deletes an obsolete term and explicitly makes foreign banks that are authorized to transact business in the United States by the Comptroller of the Currency eligible to be TT&L depositaries.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John Kilcoyne, Assistant Fiscal Assistant Secretary (Banking), Office of the Fiscal Assistant Secretary, Department of the Treasury, Washington, D.C. 20220, 202–566–2553.

SUPPLEMENTARY INFORMATION:

Classification

The Bureau of Government Financial Operations, Department of Treasury, has determined that this regulation does not require a notice of proposed rulemaking since this matter relates to public contracts, i.e., designation of Treasury Tax and Loan Depositaries. The Bureau of Government Financial Operations, Department of Treasury, also has determined that this regulation is required to implement a statute and affords no substantial element of discretion, and is not significant for purposes of Executive Order 12291.

Authority

To be consistent with section 4(a) of the International Banking Act of 1978, sections of 31 CFR Parts 202 and 203 have been revised to include among eligible institutions to be Treasury Tax and Loan Depositaries every Federal branch of a foreign banking corporation, the establishment of which has been approved by the Comptroller of the Currency.

For the reasons set out in the preamble, 31 CFR Parts 202 and 203 are amended as follows:

PART 202—DEPOSITARIES AND FINANCIAL AGENTS OF THE GOVERNMENT

1. The authority citation for Part 202 is revised to read as follows:

Authority: Sec. 10, Pub. L. 77–603, 56 Stat. 356 (12 U.S.C. 265); sec. 2, Pub. L. 95–147, 91 Stat. 1227 (12 U.S.C. 266,12 U.S.C. 1464(k), 12 U.S.C 1725(d) and 12 U.S.C. 1709(a)); and sec. 4(a), Pub. L. 95–369, 92 Stat. 607 (12 U.S.C. 3101 and 3102).

2. In Part 202, § 202.1 is revised to read as follows:

§ 202.1 Scope of regulations.

The regulations in this part govern the designation of Depositaries and Financial Agents of the Government (hereinafter referred to as depositaries), and their authorization to accept deposits of public money and to perform other services as provided for in sec. 10, Pub. L. 77–603, 56 Stat. 356 (12 U.S.C. 265); sec. 2, Pub. L. 95–147, 91 Stat. 1227 (12 U.S.C. 266, 12 U.S.C. 1464(k), 12 U.S.C. 1725(d) and 12 U.S.C. 1709(a)); and sec. 4(a), Pub. L. 95–369, 92 Stat. 607 (12 U.S.C. 3101 and 3102). Public money includes, without being limited to, revenue and funds of the United States, and any funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees. The designation and authorization of Treasury Tax and Loan Depositaries for the receipt of deposits representing payments for certain United States obligations and of internal revenue taxes are governed by the regulations in Part 203 of this chapter.

3. In Part 202, paragraph (a)(4) of § 202.2 is revised to read as follows:

§ 202.2 Designations.

(a) * * *

(4) Banks, savings banks, savings and loan, building and loan, and homestead associations, credit unions created under the laws of any State, the deposits or accounts of which are insured by a State or agency thereof or by a corporation chartered by a State for the sole purpose of insuring deposits or accounts of such financial institutions, every United States branch of a foreign banking corporation authorized by the State in which it is located to transact commercial banking business, and every Federal branch of a foreign banking corporation, the establishment of which has been approved by the Comptroller of the Currency.

* * * * *

4. In Part 202, paragraph (c) of § 202.6 is revised to read as follows:

§ 202.6 Collateral security.

* * * * *

(c) Deposits of Securities. Unless the Secretary of the Treasury provides otherwise, collateral security under this part must be deposited with the Federal Reserve Bank or Branch of the district in which the depositary is located (depositaries located in Puerto Rico and the Virgin Islands will be considered as being located in the New York Federal Reserve district), or with a custodian or custodians within the United States designated by the Federal Reserve Bank, under terms and conditions prescribed by the Federal Reserve Bank. Securities deposited with a Federal Reserve Bank must be accompanied by a letter stating specifically the purpose for which the securities are being deposited.

* * * * *

PART 203—TREASURY TAX AND LOAN DEPOSITARIES

5. In Part 203, paragraph (b)(1)(i)(A) of § 203.3 is revised to read as follows:

§ 203.3 Designation of financial institutions as Treasury tax and loan depositaries.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(A) Every incorporated bank and trust company in the United States, Puerto Rico, the Virgin Islands, every United States branch of a foreign banking corporation authorized by the State in which it is located to transact commercial banking business, and every Federal branch of a foreign banking corporation, the establishment of which has been approved by the Comptroller of the Currency.

* * * * *

Dated: May 20, 1981.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-15518 Filed 5-22-81; 8:45 am]

BILLING CODE 4810-85-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Ch. I

[CGD 81-017]

Reorganization of Navigation Rules

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations reorganize the vessel navigation rules contained in Title 33 by renaming or deleting the headings of Subchapters D, DD, E, and F, and by renumbering the Parts in those Subchapters. No changes are being made to the text of any of the affected regulations. This reorganization is the first step toward revising the Coast Guard's navigation regulations, a task made necessary by the Inland Navigational Rules Act of 1980. The renumbering allows the planned revisions to proceed in a more orderly manner.

EFFECTIVE DATE: This regulation is effective June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, D.C. 20593, (202) 426-4958.

SUPPLEMENTARY INFORMATION: The Inland Navigational Rules Act of 1980 (Pub. L. 96-591, December 24, 1980) consolidates and modernizes the four basic sets of navigation rules presently in effect (International, Inland, Great Lakes, and Western Rivers). The effective date for the new Inland Rules is December 24, 1981, except for the Great Lakes. The effective date for the Great Lakes is being set in coordination with the Canadian Coast Guard.

Each set of the existing rules has had a separate Subchapter in Title 33. The Act repeals the authority for many of the regulations in these Subchapters, but those that were published under statutes not repealed by the Inland Navigational Rules Act will be retained. Several new Parts will be added in a separate rulemaking to implement the new Act.

The numbering accomplished by this rulemaking will facilitate the smooth transition from the existing navigation rules for United States inland waters to the new unified Inland Navigation Rules. Within the overall Title 33 organization there are a limited number of Parts available for navigation rule implementing regulations. The relatively inefficient organization of the existing regulations would have required that the Part numbers already assigned to those existing regulations be used for the new regulations. However, the new regulations must be published while the existing ones are still in effect. To escape this problem the new organization groups the existing international and inland regulations in separate Subchapters and clears another Subchapter for the regulations that will be proposed to implement the Inland Navigational Rules Act. Thus, Part numbers used for those rules will not duplicate Part numbers of existing regulations. The redesignated Subchapter containing the existing inland navigation regulations will be deleted from the *Code of Federal Regulations* when these rules are no longer effective.

The Part on the towing of barges is being moved to the more appropriate Subchapter P, Ports and Waterways Safety. Part 85, currently reserved for Interpretive Rulings—International Rules, will not be used for this subject matter.

Drafting Information. The prinicipal persons involved in drafting this rule are Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, and Lt. Michael Tagg, Project Counsel, Office of Chief Counsel.

Regulatory Evaluation. This redesignation is considered to be a non-major regulation in accordance with guidelines set out in Executive Order 12991 of February 17, 1981, and is considered to be a nonsignificant regulation in accordance with guidelines set out in the "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5 of 5-22-80). An economic evaluation of the proposal has not been conducted since its impact is expected to be minimal. No changes are being made in the affected regulations other than their renumbering. This regulation has no energy, environmental, or economic impacts.

Regulatory Flexibility Act. For rules requiring a general notice of proposed rulemaking under 5 U.S.C. 553, the Regulatory Flexibility Act (94 Stat. 1164, Pub. L. 96-354, 5 U.S.C. 601) requires an analysis of the impact of proposed regulations on small businesses, organizations, and small governmental jurisdictions. This regulation does not require a general notice of proposed rulemaking since it does not change the substance of any regulation, but merely reorganizes a series of regulations by renumbering them. As there are no substantive changes and no rights or privileges are affected, there is no economic impact.

Effective date. Because this regulation contains no substantive rules, notice and opportunity for comment are unnecessary. The redesignations should be made promptly so that the substantive rulemaking needed to implement the Inland Navigational Rules Act of 1980 can proceed with a minimum of confusion. The implementing regulations must be established as soon as possible before the December 24, 1981, effective date of the new Inland Navigation Rules. Thus, the Coast Guard finds good cause for making the redesignation effective immediately. This renumbering will be reflected in the July 1981 edition of Title 33, *Code of Federal Regulations.*

Accordingly, Subchapters D, DD, E, F, and P, Title 33, Code of Federal Regulations, are amended as follows.

Subchapter D Heading [Revised] and Part 85 Heading [Removed]

1. Subchapter D is amended by removing the title "Navigation Requirements for Certain Inland Waters" and inserting in its place the title "International Navigation Rules", and by removing the title "Interpretive rulings—international rules" of Part 85.

Subchapter DD Heading [Removed] and Special Note [Transferred to Subchapter D]

2. The heading "Subchapter DD—Implementation and Interpretation of the 72 COLREGS" is removed. The special note at the beginning of Subchapter DD is transferred to the beginning of Subchapter D.

Subchapter E Heading [Revised]

3. Subchapter E is amended by removing the title "Navigation Requirements for the Great Lakes and St. Marys River" and inserting in its place "Inland Navigation Rules".

Subchapter F [Revised]

4. Subchapter F is amended by removing the title "Navigation

Requirements for Western Rivers" and inserting in its place "Interim Inland Navigation Rules".

5. Parts 80 through 96 inclusive, of Title 33 are redesignated as follows:

Redesignation Table

Old Part Number and Title—New Part Number and Subchapter

Subchapter D

80—Pilot rules for inland waters: 93—F
82—COLREGS demarcation lines: 80—D
84—Towing of barges; 163—P
85—Interpretive rulings—international rules [Reserved]: Removed
86—Interpretive rulings—inland rules: 94—F

Subchapter DD

87—72 COLREGS: Implementing Rules; 81—D
88—72 COLREGS: Interpretative Rules; 82—D

Subchapter E

90—Pilot rules for the Great Lakes: 97—F
91—Interpretive rulings: 98—F
92—Anchorage and navigation regulations: St. Marys River, Michigan; 92—F

Subchapter F

95—Pilot rules for Western Rivers: 95—F
96—Interpretive rulings; 96—F

Derivation Table

New Part Number and Title—Old Part Number and Subchapter

Subchapter D—International Navigation Rules

80—COLREGS demarcation lines; 82—D
81—72 COLREGS: Implementing Rules: 87—DD
82—72 COLREGS: Interpretative Rules: 88—DD

Subchapter E—Inland Navigation Rules

(Reserved)

Subchapter F—Interim Inland Navigation Rules

92—Anchorage and navigation regulations: St. Marys River, Michigan; 92—E
93—Pilot rules for inland waters: 80—D
94—Interpretive rulings—inland rules; 86—D
95—Pilot rules for Western Rivers: 95—F
96—Interpretive rulings; 96—F
97—Pilot rules for Great Lakes: 90—E
98—Interpretive rulings: 91—E

* * * * *

Subchapter P—Ports and Waterways Safety

* * * * *

163—Towing of barges; 84—D

* * * * *

(33 U.S.C. 180, 30 Stat. 98; 49 CFR 1.46(c)(2); 28 Stat. 647, 33 U.S.C. 258; 49 CFR 1.46(c)(3); section 4233 R.S., 33 U.S.C. 322)

Dated: April 20, 1981.

W. E. Caldwell,

Chief, Office of Marine Environment Systems.

[FR Doc. 81-15590 Filed 5-22-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 110

[CGD11-81-01]

Special Anchorage Areas; Mission Bay, San Diego, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule establishes, as requested by the City of San Diego Park and Recreation Department, four Special Anchorage Areas within Mission Bay. The areas affected are presently utilized for the anchoring and mooring of pleasure vessels. Designation as Special Anchorage Areas under the control of the City of San Diego Park and Recreation Department Mission Bay Harbor Police allows for a more orderly and efficient utilization of the water areas. The designated areas are well removed from any fairway and are located where general navigation will not endanger or be endangered by unlighted vessels. Establishment of Special Anchorage Areas eliminates the necessity of displaying anchor lights or sounding fog signals on vessels of not more than sixty-five feet in length while anchored within the area.

EFFECTIVE DATES: This amendment is effective June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander James B. Morris, Marine Safety Division, Eleventh Coast Guard District, Union Bank Building, 400 Oceangate, Long Beach, CA 90822, (213) 590-2301.

SUPPLEMENTARY INFORMATION: On November 28, 1980, the Coast Guard published a Notice of Proposed Rulemaking (45 FR 79103) concerning this amendment. Interested parties were given until January 20, 1981, to submit comments and no comments were received.

Drafting Information

The principal persons involved in drafting the rule are: Lieutenant Commander James B. Morris, Project Officer, Marine Safety Division, Eleventh Coast Guard District; and Commander Rene N. Roussel, Project Attorney, District Legal Office, Eleventh Coast Guard District.

Discussion of the Final Rule

Article 11(c) of the Navigation Rules for Harbors, Rivers and Inland Waters (Inland Rules (33 U.S.C. 180)) provides for the establishment of "Special Anchorage Areas" by the Secretary of Transportation (delegated to the Coast Guard in 49 CFR 1.05-1(g)). The designation as a Special Anchorage Area exempts anchored vessels not more than sixty-five feet in length from displaying the required single anchor light or sounding the rapidly ringing bell fog signal.

Previously vessels have anchored in the areas with verbal permission from the Mission Bay Harbor Police to not display the required light when at anchor. Designation as a Special Anchorage Area allows for orderly and efficient management of the water areas.

An environmental evaluation has been completed and determination has been made that this proposed action would result in no adverse impact on the quality of the human environment.

Summary of Final Evaluation

This regulation is considered to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation of the rule has not been conducted since its impact is expected to be minimal. The regulation imposes no economic burden and benefits all small vessel owners since they will not have to carry or display anchor lights or sound fog signals when anchored in the Special Anchorages.

Final Regulations

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended by adding § 110.91 to read as follows:

PART 110—ANCHORAGE REGULATIONS

1. By adding a new § 110.91 in Subpart A to read as follows:

§ 110.91 Mission Bay, California.

(a) Area M-1. In San Juan Cove, the entire water area west of a line drawn from Santa Clara Point Light; latitude 32°46'53.6" N., longitude 117°14'52.5" W.; to El Carmel Point North Light; latitude 32°46'48.0" N., longitude 117°14'50.1" W.

Note.—Control over the anchoring of vessels and the placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

(b) Area M-2. In Santa Barbara Cove, the entire water area west of a line drawn from El Carmel Point South Light; latitude 32°46'40.0" N., longitude 117°14'47.0" W.; to Bahia Point Light; latitude 32°46'33.5" N., longitude 117°14'45.5" W.

Note.—Control over the anchoring of vessels and the placing of temporary moorings in this area is exercised by the City

of San Diego Park and Recreation Department pursuant to local ordinances.

(c) Area M–3. In Mariners Basin, the entire water area west of a line drawn from Mariners Point Light; latitude 32°45'49.2" N., longitude 117°14'42.9" W.; to Mission Point Light; latitude 32°45'43.7" N., longitude 117°14'41.9" W.

Note.—Control over the anchoring of vessels and the placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

(d) Area M–4. In Quivira Basin, the water area enclosed by that portion of a circle of 45 yard radious from Quivira Basin Light 2; latitude 32°45'42.8" N., longitude 117°14'25.6" W.; through the arc from 354° T to 088° T.

Note.—This area is reserved for vessels under impound or control of the City of San Diego Park and Recreation Department Mission Bay Harbor Police.

(77 Stat. 116 (33 U.S.C. 180); 49 CFR 1.46(c)(2); 33 CFR 1.05–1(g))

A. P. Manning,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 81–15591 Filed 5–22–81; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

[A–7–FRL–1826–6]

40 CFR Part 52

Missouri; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Receipt of Submittal to Satisfy Conditions of Plan Approval.

SUMMARY: In order to satisfy the requirements of Part D of the Clean Air Act (CAA), as amended, the State of Missouri revised its State Implementation Plan (SIP) in 1979. On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan. On April 14, 1981, the State submitted a revision to the regulations for the purpose of fulfilling one of these conditions. The condition involves the emission limit for volatile organic compounds (VOC) emissions during gasoline loading operations.

The purpose of this notice is to advise the public that the State of Missouri has made a submission involving this condition. EPA is reviewing the material submitted and intends to issue a notice of final rulemaking after the review is completed. Until final action is published in the **Federal Register**, the conditional approval of the SIP is being continued.

ADDRESSES: Copies of the State submission are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374–3791, FTS 758–3791.

SUPPLEMENTARY INFORMATION: On April 9, 1980, EPA conditionally approved certain elements of Missouri's SIP with regard to the requirements of Part D of the Clean Air Act, as amended. A detailed discussion of that action can be found in the **Federal Register** notice published on that date (45 FR 24140).

One of the conditions promulgated by the EPA requires the State to revise its regulation for VOC emissions during gasoline loading operations to be consistent with the emission limit recommended by the Control Techniques Guidelines (CTGs) or to provide adequate economic justification for accepting its regulation. This information was to be submitted to the EPA by March 15, 1981. On January 2, 1981, the State published in the Missouri Register a proposed revision to Section (3) of Missouri Rule 10 CSR 10–5.220, Control of Petroleum Liquid Storage and Transfer for the St. Louis ozone nonattainment area. This revision which changes the VOC emission limitation from 0.50 to 0.30 grams per gallon of gasoline loaded, was adopted by the State on March 25, 1981, after the public hearing on February 18, 1981, and submitted to the EPA as a revision to the Missouri SIP on April 14, 1981.

The public is advised that the State has submitted a revision to the regulations to meet this condition. EPA is reviewing the material to determine if it complies with the requirements of the Clean Air Act and the condition promulgated by EPA. EPA intends to issue a notice of final rulemaking after review of this submission is completed. EPA's conditional approval of the Missouri SIP is being continued until final action is published in the **Federal Register**.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). The State submission, if approved, would constitute a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action would only approve State actions and would impose no additional substantive requirements. Moreover, due to the nature of the Federal-State relationship, Federal inquiry into the economic reasonableness of the State actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This State submission, if approved, would not be "major" because it would only approve State actions and would impose no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This notice was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Dated: May 1, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81–15528 Filed 5–22–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 52

[A–2–FRL 1820–1]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On May 21, 1980 (45 FR 33981), the Environmental Protection Agency (EPA) promulgated conditional approval of the New York State Implementation Plan (SIP) for the New York City metropolitan area with regard to its ability to meet the requirements of Part D of the Clean Air Act. Six of EPA's conditions on approval required the State to submit to EPA on or before August 1, 1980 certain documentation related to the SIP's transportation control provisions.

EPA received the required documentation under cover of a July 28,

1980 letter from the State and proposed its approval on November 21, 1980 (45 FR 77054). EPA is now taking action to finalize its proposal. EPA is also incorporating the provisions of the State's submission into the approved SIP and is revoking the applicable conditions on its approval of the plan. Until all conditions are met, conditional approval of the SIP will continue.

EFFECTIVE DATE: This action is effective on May 26, 1981.

ADDRESSES: Copies of the State's submission, comments received by EPA, and a technical support document to this notice are available for inspection during normal business hours at the following addresses:

Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, Room 1005, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Copies of the State's submission are also available for inspection during normal usiness hours at the following address: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, Room 1005, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: On May 21, 1980, at 45 FR 33981, the Environmental Protection Agency (EPA) promulgated conditional approval of the New York State Implementation Plan (SIP) for the New York City metropolitan area (New York City and Nassau, Suffolk, Westchester and Rockland Counties) with regard to its ability to meet requirements of Part D of the Clean Air Act, as amended. Today's notice discusses six conditions of EPA's approval of the plan. These conditions required the State to submit to EPA by August 1, 1980:

1. Key milestones associated with projects relating to transportation control measures which are part of the SIP;

2. An improved program of study for the broader application of certain transportation control measures, and supplemental information on existing studies;

3. Additional documentation necessary to determine the reasonableness of the measure, "Controls on Extended Vehicle Idling;"

4. Criteria and procedures for making changes to transportation projects contained in the SIP;

5. Criteria and procedures for making changes to transportation studies contained in the SIP; and

6. The identification of the resources necessary to carry out the transportation planning process and certain transportation elements of the SIP.

In response to these requirements, on July 28, 1980, the Commissioner of the New York State Department of Environmental Conservation (NYSDEC) provided documentation addressing the six conditions.

EPA published its proposed approval of this submission in the November 21, 1980 issue of the **Federal Register** at 45 FR 77054. EPA found the State's submission to be generally adequate. However, EPA also indicated that: The State's program for the study of transportation control measures should have been broader and better developed; additional documentation should have been provided with regard to determining the reasonableness of the measure, "Controls on Extended Vehicle Idling;" the State's criterion for a "significant" delay in project implementation should have been shorter than fifteen months; and the financial and personnel resources for developing the SIP should have been defined in greater detail. The reader is referred to EPA's November 21, 1980 proposal for a detailed discussion of the New York submission and EPA's findings.

EPA received three comments with respect to its November 21, 1980 proposal. Comments were received in a January 19, 1981 letter from the Federal Highway Administration (FHWA), a February 10, 1981 letter from the NYSDEC, and a February 20, 1981 letter from the Tri-State Regional Planning Commission (Tri-State). Generally, the comments provided clarifying information with regard to several of the issues identified by EPA in its notice of proposed rulemaking.

Certain important facts provided by the commentators will be discussed in today's notice. However, a complete summary of the comments received and EPA's response to them appears in a separate technical support document to today's notice. This document is available for public review at the locations identified in the "Addresses" section presented earlier.

1. *Additional documentation necessary to determine the reasonableness of the measure, "Controls on Extended Vehicle Idling" (Condition (e)(3)).*

In its February 10, 1981 letter the NYSDEC pointed out that in previous correspondence to EPA, dated November 6, 1980, the State provided additional information to reevaluate the classification of the measure, "Controls on Extended Vehicle Idling." Based on this documentation the State recategorizes the status of this measure to "reasonably available," subject to its implementation on a complaint basis throughout the New York City metropolitan area exclusive of Westchester County. Upon formal endorsement of the appropriate elected officials, transportation coordinating committees, and Tri-State, the State will incorporate this measure into the SIP. The State will also request Westchester County to provide further documentation to support its determination that this measure is not reasonably available in the County.

EPA accepts the State's approach and will continue to view "Controls on Extended Vehicle Idling" as a reasonably available transportation control measure in the New York City metropolitan area.

2. *Criteria and procedures for revising and making changes to transportation projects contained in the SIP (Condition (e)(4)).*

The State in its comments agrees with EPA's suggestion that a delay in a project's implementation is "significant" if it occurs within the annual period used to determine if "reasonable further progress" is achieved. However, the State believes that EPA's suggestion that a six-month delay is significant is overly restrictive. Instead, the State will change its criterion for significance from fifteen to twelve months.

Further, the State in considering EPA's suggestion that four months is a reasonable time period in which to prepare and submit any necessary SIP revision has decided not to set a specific time period for such an activity. Due to the complexities and uncertainties associated with the actions committed to in the SIP, the State does not intend to establish any specific time period, but will address each SIP revision individually and expeditiously in consultation with the appropriate transportation coordinating committee.

EPA accepts the State's commitment to use twelve months as the criterion for determining when a delay in project implementation is significant. However, it should be noted that any change to a SIP project, whether significant or not, requires the submittal of a SIP revision. Nonsignificant changes should not require detailed justification, while significant changes will require the

analysis of the change's impact on the clean air program. EPA accepts the State's commitment to give expeditious attention to such revisions.

Based on EPA's review of the submitted documents, the comments received, and discussions with affected agencies, EPA finds that the subject conditions on its approval of the New York SIP for the New York City metropolitan area have been substantively met. Therefore, EPA is incorporating the State's submission into the SIP and revoking the applicable conditions. This action is being made effective immediately since it provides no additional burden on the affected parties.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within sixty days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it only approves actions taken by the State. It imposes no new regulatory requirements. Moreover, this action merely clarifies tasks already committed to in the SIP. It will not cost the State or local government agencies additional financial resources to fulfill this requirement.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 110, 172, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7502, 7601))

Dated: May 15, 1981.

Walter C. Barber, Jr.,

Acting Administrator, Environmental Protection Agency.

Note.—Incorporation by reference of the State Implementation Plan for the State of New York was approved by the Director of the Federal Register on July 1, 1980.

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

Subpart HH—New York

1. Section 52.1670 is amended by adding a new paragraph (c)(60) as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(60) A supplemental submittal, dated July 28, 1980 from the New York State Department of Environmental Conservation which includes:

—Key milestones associated with projects relating to transportation control measures which are part of the SIP;

—An improved program of study for the broader application of certain transportation control measures, and supplemental information on existing studies;

—Additional documentation necessary to determine the reasonableness of the measure, "Controls on Extended Vehicle Idling;"

—Criteria and procedures for making changes to transportation projects contained in the SIP;

—Criteria and procedures for making changes to transportation studies contained in the SIP; and

—The identification of the resources necessary to carry out the transportation planning process and certain transportation elements of the SIP.

§ 52.1674 [Amended]

2. Section 52.1674 is amended by removing and reserving paragraph (e) in its entirety.

[FR Doc. 81-15515 Filed 5-22-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-5-FRL 1821-5]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving a revision to the Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2) for the Naval Weapons Industrial Reserve Plant (NWIRP) in Franklin County, Ohio. The revision adds an alternative emission limitation of 3.65 lbs SO_2/MMBTU that will become effective when proposed plant changes are operational. The existing regulation, 1.06 lbs SO_2/MMBTU, will remain effective and enforceable until that time.

EFFECTIVE DATE: June 25, 1981.

ADDRESSES: The docket #5A-80-15 for this revision is available for inspection and copying during normal business hours at the Central Docket Section, West Tower Lobby, Gallery 1, EPA, 401 M Street, SW., Washington, D.C. 20460 and by appointment at the Air Programs Branch Docket Room, 11th floor, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Susanne Karacki, Air Programs Branch, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2211.

SUPPLEMENTARY INFORMATION:

Introduction

On August 27, 1976, EPA promulgated regulations for the control of sulfur dioxide in Ohio (41 FR 36323). On July 31, 1980, Rockwell International Corporation (Rockwell) petitioned the EPA to revise the federally promulgated emission limit for the Naval Weapons Industrial Reserve Plant (NWIRP) in Franklin County, Ohio, operated by Rockwell. The submittal was endorsed by the Department of the Navy on August 6, 1980 and August 7, 1980. Supplementary information was submitted by Rockwell on September 23, 1980 and endorsed by the Department of the Navy on September 29, 1980 and October 3, 1980. Rockwell requested that the emission limit be changed from 1.06 lbs SO_2/MMBTU to 3.65 lbs SO_2/MMBTU based on non-simultaneous operation of the boilers and two proposed physical changes at the plant; first, the installation of a lock-out system on the boiler coal-feeders to permanently derate the maximum design capacity of the boilers; and second, a stack height increase for the two existing stacks. EPA reviewed the petition and proposed to approve the SIP revision, subject to certain restrictions, on January 28, 1981 (46 FR 9127).

Control Strategy Evaluation

Rockwell presently operates five coal-fired boilers [1] with a combined design capacity of 414 MMBTU/hr which exhaust through two identical 23.8 meter stacks. Under these conditions, the existing emission limitation of 1.06 lbs SO_2/MMBTU is necessary to attain and maintain the National Ambient Air Quality Standards (NAAQS) for SO_2.

Rockwell requested that the emission limitation for the boilers at the NWIRP be increased based on three proposed changes at the facility. First Rockwell proposed that the five boilers be operated in only one of three possible combinations at any one time. They are as follows:

[1] Boilers 1, 2, 3, 5a, and 5b. For clarity, modules 5a and 5b of Boiler 5 will be considered as separate boilers in this approval.

a. Any two of boilers 1, 2, or 3 on; the remaining three boilers off.

b. Boilers 5a and 5b on; the remaining three boilers off.

c. Boiler 5b and any one of boilers 1, 2, or 3 on; the remaining three boilers off.

Second, Rockwell proposed that a lock-out system be installed on the boiler coal-feeders to permanently derate the powerhouse from a combined maximum design capacity of 414 MMBTU/hr to 177 MMBTU/hr. Third, Rockwell proposed to increase the height of each of the existing two stacks from 23.8 meters to 44.5 meters based on the Good Engineering Practice (GEP) stack height formula in EPA's proposed stack height regulations (44 FR 2610, January 12, 1979).

Rockwell's revision utilized the RAM urban multipoint dispersion model, with five years (1973–1977) of representative Columbus/Dayton meteorological data and incorporated the three above cited proposed operational and configurational changes at the facility.

EPA reviewed the modeling analysis and found that the revision will attain and maintain the NAAQS for SO_2. EPA also determined that the proposed lock-out system is an acceptable means to permanently derate the boilers and that the stack height increase is consistent with the stack height policy. A detailed discussion of the analysis can be found in the Technical Support Document in the docket.

However, since the Rockwell submittal is based, in part, on physical changes at the facility which have not yet been constructed, EPA is approving the 3.65 lbs SO_2/MMBTU as an alternative emission limitation that will become effective only when these changes are completed. NWIRP shall complete all changes that are necessary to comply with the alternate regulations specified in § 52.1881(b)(27)(ix)(B) within 30 weeks from June 25, 1981. Until that time, the existing regulation, 1.06 lbs SO_2/MMBTU, is effective and enforceable. Additionally, the revision does not affect the compliance schedule and attainment date previously promulgated for this facility on August 27, 1976 (41 FR 36323).

Since the alternative emission limitation is based on operating conditions that restrict the number of boilers that the source may operate at the same time (non-simultaneous operation), NWIRP is subject to the special monitoring and reporting provisions listed at 40 CFR 52.1882(d), (44 FR 47769, August 15, 1979) when it elects to meet the 3.65 lbs SO_2/MMBTU emission limitation.

Public Comments

USEPA proposed to approve the SIP revision for NWIRP on January 28, 1981 (46 FR 9127). No requests for a public hearing were received. The only comment in response to the Notice was submitted by Rockwell through the Department of the Navy. Rockwell commented that EPA's requirement of the special monitoring and reporting provisions specified in proposed § 52.1882(g), for sources with emission limitations based on reduced operating loads, is redundant for NWIRP in view of the nature of the tamper proof sealed lock-out system. Rockwell further stated that a permanent log will be maintained on the lock-out system, and should any problems develop, they will be appropriately recorded in the log. EPA agrees with Rockwell's comments and, accordingly, removes the requirements of proposed § 52.1882(g) from the final rulemaking for NWIRP.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I hereby certify that this revised rule will not have a significant economic impact on a substantial number of small entities. This action applies to only one source and, in addition, represents a more economically feasible alternative emission limitation requested by the source itself.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation since it merely approves an alternative, more economically feasible emission limitation requested by NWIRP. The company may elect to use the alterative or the existing regulation. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This Notice of Final Rulemaking is issued under the authority of Sections 110 and 123 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7423).

Dated: May 18, 1981.

Walter C. Barber,

Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

1. Section 52.1881(b)(27)(ix) is revised as follows:

§ 52.1881 Control Strategy: Sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

* * * * *

(27) In Franklin County * * *

* * * * *

(ix)(A) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 1.06 pounds of sulfur dioxide per million BTU actual heat input.

(B) In lieu of meeting § 52.1881(b)(27)(ix)(A), the present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant may elect to comply with the alternate emission limitation and operating conditions specified below.

(*1*) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant shall not cause or permit the emission of sulfur dioxide from any stack in excess of 3.65 pounds of sulfur dioxide per million BTU actual heat input provided that such stacks be greater than or equal to 44.5 meters in height and that the combined maximum boiler design capacity be limited to 177 million BTU per hour by installation of a lock-out system on the boiler coal-feeders. The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant shall keep a permanent log on the lock-out system and record any problems with the system in the log. This log shall be available for inspection by the EPA. This log shall be in lieu of the reporting and monitoring requirements of § 52.1882(g).

(*2*) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant shall be permitted to operate its five boilers (#1, 2, 3, 5a or 5b) in only one of the following three configurations at any given time:

(*i*) Any two of boilers 1, 2, or 3 on; the remaining three boilers off.

(*ii*) Boilers 5a and 5b on; boilers 1, 2, and 3 off.

(*iii*) Boiler 5b and any one of boilers 1, 2, or 3 on; the remaining three boilers off.

(*3*) In the event that the Naval Weapons Industrial Reserve Plant elects to comply with the alternate emission limitation and operating configurations in § 52.1881(b)(27)(ix)(B) (*1*) and (*2*) and vents its boilers through stacks greater than or equal to 44.5 meters in height and installs a lock-out system on the boiler coal-feeders such that the combined maximum boiler design capacity is limited to 177 MMBTU/hr, all such action shall be taken within 30 weeks of (the effective date of promulgation). The Administrator must be notified in writing that all such action was taken within five working days of its completion.

[FR Doc. 81-15512 Filed 5-22-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-6-FRL 1822-5]

Approval and Promulgation of Implementation Plans; Approval of Oklahoma State Variance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the State of Oklahoma's request to revise its State Implementation Plan (SIP) to include a variance for the McAlester Army Ammunition Plant in McAlester, Oklahoma.

EFFECTIVE DATE: This rulemaking becomes effective June 25, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., N.W., Washington, D.C. Rm. 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 "M" Street, N.W., Washington, D.C. Rm. 2922

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: On September 21, 1979, the Oklahoma State Department of Health submitted to EPA Petition No. 79-2 (Bomb Plant "B") requesting a variance to State Regulations 7 and 8 (control of particulate matter and visible emissions) until August 1, 1981, for the McAlester Army Ammunition Plant located in McAlester, Oklahoma.

EPA has reviewed the variance request and finds it to be approvable. On December 1, 1980, at 45 FR 79514, EPA proposed to approve the variance in a notice of proposed rulemaking. Public comments were solicited but none were received. Therefore, EPA approves the variance granted by the State as a revision to the Oklahoma State Implementation Plan. Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before July 27, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements. Incorporation by reference of the State Implementation Plan for the State of Oklahoma was approved by the Director of the Federal Register on July 1, 1980.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated: May 15, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

Subpart LL of Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended by adding § 52.1920(c)(14) as follows:

§ 52.1920 Identification of Plan.

* * * * *

(c) * * *

(14) A variance to the State Regulations 7 and 8 for McAlester Army Ammunition Plant located in McAlester, Oklahoma was submitted by the State on September 21, 1979 and approved by the State Board of Health on September 8, 1979.

[FR Doc. 81-15524 Filed 5-22-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-1-FRL-1836-6]

Rhode Island; Approval and Promulgation of Implementation Plans; Receipt of Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of Receipt of submittal to satisfy conditions of plan approval.

SUMMARY: This notice is to announce the receipt of a State Implementation Plan (SIP) revision for Rhode Island, concerning control of stationary sources of volatile organic compounds (VOCs). These revisions were submitted to EPA to satisfy conditions for approval of Rhode Island's Attainment Plan SIP revisions, which were required under Part D of the Clean Air Act, and which had been published in the **Federal Register** on May 7, 1981 (46 FR 25446). This material is available for public review and comment.

ADDRESSES: Copies of the Rhode Island SIP revisions are available for inspection during normal business hours at the following locations: Environmental Protection Agency, Region I, Air Branch, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 and the Department of Environmental Management, Division of Air Resources, Cannon Building, 75 Davis Street, Providence, Rhode Island 02908.

FOR FURTHER INFORMATION CONTACT: Harley Laing, Chief, Air Branch, Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: EPA published a Final Rulemaking Notice in the **Federal Register** on May 7, 1981 (46 FR 25446), conditionally approving Rhode Island's Attainment Plan SIP revisions.

The revision was submitted to comply with the requirements of Part D of the Clean Air Act by implementing new measures for controlling air pollution which are designed to achieve attainment of the primary and secondary National Ambient Air Quality Standards by December 31, 1982. However, EPA's conditional approval was based on a commitment by the State to meet several conditions, one of which specified that the State must amend its regulations governing the control of stationary VOC sources.

In particular, EPA requested revisions in the control regulations for Surface Coating of Paper and Fabrics, Solvent Metal Cleaning, Petroleum Storage and Marketing, and Cutback Asphalt, as well as a commitment from the State to adopt Reasonably Available Control Technology (RACT) for VOC sources for which Control Techniques Guidelines (CTG's) were published after January 1, 1978.

In response to the conditional approval notice, EPA received a revision to the Rhode Island SIP on January 9, 1981. EPA has not yet reviewed this submittal to determine whether these revisions comply with Clean Air Act requirements. The conditional approval will therefore be continued until final action is published in the **Federal Register.**

(Sec. 110(a) of the Clean Air Act (42 U.S.C. 7410(a)))

Dated: April 16, 1981.

Leslie Carothers,

Acting Regional Administrator.

[FR Doc. 81-15527 Filed 5-22-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 86

[EN-FRL 1822-8(a)]

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1981 and 1982 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes CO emission standards for several 1981 and 1982 model year light-duty vehicles belonging to engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. 7521(b)(5). The effect of this regulation is to allow the affected manufacturers to introduce into commerce the vehicles in question under the higher waived CO emission standard prescribed here.

EFFECTIVE DATE: June 25, 1981.

ADDRESS: Information relevant to this rule is contained in Public Docket EN-81-13 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street, S.W., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Mr. Alex Varela, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the statutory standard for CO, of 3.4 grams per vehicle mile (g/mi).

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for the 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. In these cases, the Act requires that I promulgate substitute CO standards for 1981 and 1982 model year light-duty vehicles as discussed below. Excalibur Automobiles, Inc. (Excalibur), Ford Motor Company (Ford), and Volkswagen of America (VW) each submitted applications for certain light-duty vehicle models for the 1981 and/or 1982 model year. The statutory criteria, my determinations regarding the criteira with respect to the vehicle models covered by waiver applications, and my decisions to grant the waiver applications appear in the decision along with this rule and are published elsewhere in this issue of the **Federal Register**. In that decision, I granted waivers covering the following vehicle models (engine families for purposes of that decision) for the model years in question:

Manufacturer	Engine family	Model year
Excalibur automobiles	305 CID	1981, 1982
Ford Motor Co	3.8L/V-6	1982
Volkswagen	1.7L/Feedback carburetor (FBC).	1982

Once I have decided to grant the waiver applications for these vehicle models, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from vehicles of these engine families to exceed 7.0 g/mi. Moreover, the Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver applications in question. The public has been afforded an opportunity to comment on the waiver applications at issue, and I have considered those comments in making the decision which requires the promulgation of this amended rule.

For these reasons, I find that providing notice and an opportunity to comment before final promulgation of any of the amendments contained in this rulemaking is impracticable and unnecessary.

Note.—Because the decision accompanying this rulemaking already is based on a detailed analysis indicating that this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking as well.

Under Executive Order 12291, EPA must judge whether an action is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it is not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or,

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Ford and VW indicated that if EPA granted the waiver requests, consumers would realize a first cost reduction of $40 and $225, respectively, corresponding to a total first cost reduction to consumers of about $10 million. Excalibur provided no cost information but indicated it expects to sell only about 350 vehicles a year. Since this action has the effect of reducing the regulatory burden on these manufacturers, it is unlikely to have an adverse effect on employment, investment, or productivity. Finally, all of these applicants are predominately United States-based enterprises; therefore, this action should not adversely affect the ability of these manufacturers to compete with predominately foreign-based enterprises.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standard clarified by this notice impacts directly only on Excalibur, Ford, and VW, which are not "small entities" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

These amendments are issued pursuant to sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a).

Dated: May 15, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

1. 40 CFR 86.081–8(a)(1)(ii) is revised to read as follows:

§ 86.081–8 Emissions standards for 1981 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) *Carbon monoxide*—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1981 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corp	151 CID, 258 CID.
BL Cars, Ltd	215 CID, 326 CID.
Chrysler Corp	1.7 liter, 2.2 liter, 2.6 liter, 3.7 liter/5.2 liter/2-V, 5.2 liter/4-V.
Excalibur Motors, Ltd	305 CID.
Ford Motor Co	1.3 liter, 1.6L liter/2V overhead camshaft, 2.3 liter/turbocharged.
General Motors Corp	1.6 liter, 2.8 liter/173 CID-2V, 3.8 liter/231 CID-4V, turbocharged.
Lotus Cars, Ltd	2.0 liter.
Toyo Kogyo Co., Ltd	91 CID, 120 CID.
Toyota Motor Co., Ltd	86.6 CID.

* * * * *

(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a))

2. 40 CFR 86.082–8(a)(1)(ii) is revised to read as follows:

§ 86.082–8 Emissions standards for 1982 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) *Carbon monoxide*—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corp	151 CID, 258 CID.
BL Cars, Ltd	215 CID, 326 CID.
Chrysler Corp	1.6 liter, 1.7 liter, 2.2 liter, 2.6 liter, 3.7 liter, 5.2 liter/2-V, 5.2 liter/4-V.
Excalibur Motors, Ltd	305 CID.
Ford Motor Co	1.6 liter, 2.3L/turbocharged, 3.8 liter/V-6.
General Motors Corp	1.6 liter, 1.8/2.0 liter, 2.8 liter/173 CID-2V, 3.8 liter/231 CID-2V.
Toyota Motor Co., Ltd	86.6 CID.
Volkswagen of America	1.7 liter/FBC.

* * * * *

(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a))

[FR Doc. 81-15502 Filed 5-22-81; 8:45 am]

BILLING CODE 6560-33-M

40 CFR Part 123

[SW-3-FRL 1824-6]

Hazardous Waste Management Program; Phase I Interim Authorization for Pennsylvania

AGENCY: Environmental Protection Agency.

ACTION: Authorization of state hazardous waste programs.

SUMMARY: The Commonwealth of Pennsylvania has applied for interim authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act and EPA guidelines for the approval of state hazardous waste programs (40 CFR Part 123). EPA has determined that the Commonwealth's program meets all applicable statutory and regulatory requirements and is granting Phase I interim authorization to Pennsylvania to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program in its jurisdiction.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Allen, Chief, Hazardous Materials, Toxics and Pesticides Branch, U.S. EPA, 6th and Walnut Street, Philadelphia, PA 19106, (215) 597–0980.

SUPPLEMENTARY INFORMATION:

I. Introduction

Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, requires EPA to establish a comprehensive Federal program to assure the safe management of hazardous waste. Once a Federal program is established, EPA is authorized under Section 3006 of RCRA to approve state hazardous waste programs to operate in lieu of the Federal program in their jurisdictions.

Two types of state program approvals are authorized under RCRA. The first, "final authorization," is a permanent approval which may be granted to states whose programs are "equivalent" to and "consistent" with the Federal program and provide adequate enforcement. The second, "interim authorization," is a temporary approval for states which cannot meet the requirements of final authorization but whose programs are "substantially equivalent" to the Federal program. RCRA contemplates that states receiving interim authorization will use the interim authorization period to make the changes in their regulations and statutes necessary to qualify for final authorization.

On May 19, 1980, EPA published the first phase of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and guidelines for authorizing state hazardous waste programs under Section 3006 (40 CFR Part 123). These guidelines set forth the requirements for interim authorization and the procedures which EPA will follow in acting on state applications for interim authorization. They also provide that EPA will grant interim authorization in two major phases (Phase I and Phase II), corresponding to the two major phases of the Federal Program.

The Commonwealth submitted its final application for Phase I interim authorization on November 19, 1980. A notice of public comment period and public hearing was published in the State's three major newspapers and was sent to those persons on the State and EPA mailing list 30 days prior to the hearing. A **Federal Register** notice announcing the public comment period and the public hearing was published on December 4, 1980 (45 FR 80317) and the public hearing was held on January 6, 1981. The comment period was held open until January 13, 1981.

II. Major Issues

A. Concerns of the Environmental Protection Agency

The Commonwealth of Pennsylvania submitted its final application for Phase I interim authorization on November 19, 1980. After reviewing it, EPA identified several areas of concern, namely:

1. Memorandum of Agreement (MOA)

The State did not indicate that it would notify the Regional Administrator prior to proposing any substantial amendment to statute, regulation, or program policy.

- The State has agreed to the above condition in the revised MOA.

In the case of any interstate shipment for which the manifest has not been returned to the generator, the State needed to assure that it would notify the

State in which the facility designated on the manifest is located or the Regional Administrator, if the facility designated on the manifest is in an unauthorized State.

- The State has agreed to the above condition in the revised MOA.

A method is needed to revise the Pennsylvania program when Federal regulations are revised.

- The State added the following provision to the MOA:

> Any provisions of the State's program which require revision because of a modification of 40 CFR Parts 122, 123, 124, 261, 262, 263, 264, 265, or 266 shall be so revised within one year of the date of promulgation of such regulation, unless the State must amend or enact the statute in order to make the required revision, in which case such revision shall take place within two years.

2. Authorization Plan

The Pennsylvania regulations regarding international shipments (75 part 262(o)(1)) state that any "generator" exporting hazardous waste to a foreign country must meet certain requirements. Other "persons" (e.g., transporters, treatment, storage and disposal facilities, etc.) may also be exporters.

- Pennsylvania has modified its authorization plan by agreeing to modify its rules and regulations to cover all "persons" exporting hazardous waste.

B. Response to Public Comment

Nine comments were received, three at the hearing and six in writing. Three commentors favor granting Phase I interim authorization, two favor authorization with reservations about specific conditions, and four neither supported nor opposed authorization. All comments received during the comment period have been reviewed and considered.

A corporation expressed its concern about the two-part manifest form required by Pennsylvania because the generator retains only the top portion (Part "A"). The bottom portion (Part "B") is returned to the generator upon receipt of the shipment by the treatment, storage or disposal facility (TSDF). The commentor would prefer that the TSDF send a copy of both Parts A and B back to the generator.

- EPA considers Pennsylvania's manifest system to be substantially equivalent to the Federal manifest system. Since both Parts A and B contain a common document number, the generator should be able to match up both Parts A and B for the same shipment.

Another commentor stated that Pennsylvania's manifest requirements for railroads were not consistent with the interim final Federal requirements as published in the **Federal Register**, December 31, 1980 (45 FR 86970).

- The Commonwealth's program must be substantially equivalent to the Federal program as issued on May 19, 1980 (40 CFR 123.128). Revisions to State programs to conform to revisions in the Federal program need not occur until the Commonwealth applies for Phase II approval. In the Memorandum of Agreement the Commonwealth agrees to make changes as necessary to conform to the Federal program within one year after promulgation of changes to the Federal program.

A commentor objected to the requirement for small quantity generators (Pennsylvania Section 75.261(d)) to have written permission from DER to deposit hazardous waste at a municipal facility.

- Requirements placed on municipal facilities by the Commonwealth's program to have written permission from DER to accept small quantities of hazardous waste are allowed under the Federal program. The Commonwealth may impose standards more stringent than those in the Federal program (40 CFR 123.121(g)).

A commentor requested that the manifest designate an alternate treatment or disposal facility in the event delivery is rejected by the treatment, storage or disposal facility designated on the manifest.

- Pursuant to 40 CFR Part 262.20(c), the designation of an alternate facility is optional. Thus, the Pennsylvania manifest system is not required to contain this feature.

A commentor expressed concern over the adequacy of the budget to conduct the State Hazardous Waste Program, and the reduction in estimated expenses from fiscal year 1981 to 1982.

- The budget projected for the coming fiscal years (FY 81 & 82) is a best estimate by EPA and the Commonwealth of Pennsylvania of the cost of administering Phase I interim authorization. Some of these costs represent one-time program development costs that will not be needed in future years. Therefore, EPA believes that the funding level allocated to conduct the Phase I program is adequate.

A comment was made recommending public participation in administrative actions which are a part of the State's enforcement process, including citizen intervention in enforcement cases before the Environmental Hearing Board.

- Changes in 40 CFR 123.128(f)(2) were published in the **Federal Register** on January 19, 1981 (46 FR 5616). States are no longer required to allow intervention as a matter of right in administrative actions. However, the Attorney General has certified that the Commonwealth does provide for intervention in administrative proceedings.

III. Decision

EPA has reviewed the Commonwealth of Pennsylvania's complete application for Phase I interim authorization and determined that the State program is "substantially equivalent" to the Phase I Federal program as defined in 40 CFR Part 123. In accordance with Section 3006(c) of RCRA, the Commonwealth of Pennsylvania is hereby granted interim authorization to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in Pennsylvania will be subject to the Commonwealth of Pennsylvania hazardous waste management program in lieu of the Phase I Federal hazardous waste management program (40 CFR Parts 260-263 and 265) and will not again be subject to the Phase I Federal program unless (1) the State fails to obtain final authorization by the deadline specified in 3006(c) of RCRA and implementing regulations or (2) authorization is withdrawn for cause by EPA.

IV. Compliance with Executive Order 12291

Under Executive Order 12291, EPA must prepare a Regulatory Impact Analysis on "major regulations." A "major regulation" is defined as:

> Any regulation that is likely to result in (1) An annual effect on the economy of $100 million or more (2) A major increase in costs or price for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) Significant adverse effects on competition, employment investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA's decision to approve Pennsylvania's Phase I hazardous waste program is not a major regulation because its effect is to suspend the applicability of certain Federal

regulations in the State of Pennsylvania. In the absence of this decision, persons handling hazardous waste in Pennsylvania would have to comply with Parts 260–263 and 265 of Title 40 of the Code of Federal Regulations in addition to all Pennsylvania hazardous waste management regulations. For these reasons, it is virtually inconceivable that this regulation would result in the significant impacts that characterize a "major rule."

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

V. Authority

This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 USC sections 6912(a), 6926 and 6974.

Dated: May 4, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-15523 Filed 5-22-81; 8:45 am]

BILLING CODE 6560-30-M

VETERANS ADMINISTRATION

41 CFR Part 8-1

Qualified Products List For Convenience/Labor Saving Foods

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: In order to eliminate unnecessary duplication and to promote consistency, VA medical districts are authorized to establish qualified product lists for convenience foods for use within the medical districts. Controls over the use and documentation requirements for the Qualified Products Lists are established. This revision to the VA Procurement Regulations provides procedures and controls over the establishment of Qualified Products Lists for convenience/labor-saving foods.

EFFECTIVE DATE: This rule is effective May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Chris A. Figg, Policy and Interagency Service, Office of Supply Services, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 389–2334.

SUPPLEMENTARY INFORMATION: This proposed regulation has been reviewed pursuant to the requirements of the Regulatory Flexibility Act and it is determined that the regulation has no impact upon small business or State and local governments.

It is the general policy of the VA to allow time for interested parties to participate in the rule making process (38 CFR 1.12). Since this amendment only affects internal review procedures, the public rule making process is deemed unnecessary in this instance.

Approved: May 19, 1981.

Rufus H. Wilson,

Acting Administrator.

41 CFR 8–1.11 is revised to read as follows:

1. In § 8–1.1101, the introductory portion of paragraph (a) is revised by updating organizational titles so that the material reads as follows:

§ 8–1.1101 Procurement of qualified products.

(a) Federal Qualified Products Lists are lists of products qualified under the applicable Federal or interim Federal specification. Such lists may be used as authorized by the appropriate department or staff office. Requests to receive copies of existing Federal Qualified Products Lists will be submitted to the Assistant Administrator for Supply Services (93) for transmittal to General Services Administration. Requests to establish a Federal Qualified Products List for a commodity will be submitted to the Assistant Administrator for Supply Services (93) supported by one or more of the following justifications:

* * * * *

2. A new § 8–1.1102 is added to read as follows:

§ 8–1.1102 Qualified products list for convenience/labor-saving foods.

(a) Each VA medical district's Dietetic Service representative is delegated authority to establish a common Qualified Products List for convenience/labor-saving foods for the use of medical centers within his/her respective district. The medical district Dietetic Service representative will notify the Director, Dietetic Service, VA Central Office, of the establishment of each Qualified Products List and amendments to each established list.

(b) Each medical center is authorized to use its district Qualified Products List. Each medical center may test food of its own choice, but will submit test results to the district Dietetic Service representative. The Dietetic Service representative will coordinate and consolidate the test results and recommendations of individual medical centers and with other medical centers within the district in order to avoid unnecessary duplication.

(c) The approved medical district Qualified Products List will be furnished each Supply office within the district. The Supply Services will have access to complete and accurate records of established Qualified Products Lists and all test results. These records will be made available to the Office of Supply Services (93C), VA Central Office, upon request.

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 81-15574 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5867

[C-23349]

Colorado; Partial Revocation of Reclamation Project Withdrawal Wagon Wheel Gap

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes the withdrawal of 21,993.30 acres of national forest lands, of which 324.38 acres are privately owned. The remaining 21,668.92 acres will be open to such forms of disposition as may by law be made of such lands.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT: Alvah Q. Whitledge, Colorado State Office, 303–837–2825.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is hereby ordered as follows:

1. The Secretary's Order of June 18, 1941, withdrawing lands for the San Luis Valley Project, is hereby revoked so far as it pertains to the following described national forest lands:

Rio Grande National Forest

New Mexico Principal Meridian

San Luis Valley Project

T. 41 N., R. 1 E.,
Sec. 2: Lots 1 thru 4, S½N½, S½.
Sec. 3: Lots 1 thru 4, S½N½, S½.
Sec. 4: Lots 1 thru 4, S½N½, N½S½, SE¼SE¼.
Sec. 5: Lots 1 thru 4, S½NE¼.
Sec. 6: Lots 1, 2.
Sec. 7: Lots, 5 thru 8.
Sec. 8: S½SE¼NE¼, S½.
Sec. 9: E½NE¼, SW¼SW¼NW¼, W½SW¼.

Sec. 10: N½SE¼NE¼, SW¼SE¼NE¼, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼SE¼NE¼SE¼, W½NE¼NW¼SE¼, W½NW¼SE¼, W½SW¼SE¼, E½SE¼, E½SW¼ SE¼SE¼SE¼.
Sec. 11: E½, E½W½, NW¼NW¼, SW¼SW¼, E½SW¼NW¼, E½NW¼SW¼, SW¼NW¼SW¼, SW¼NW¼NW¼SW¼, E½NW¼ NW¼SW¼.
Sec. 12: Lots 1 thru 11
Sec. 13: E½, SE¼NW¼, E½SW¼, SW¼SW¼.
Sec. 14: W½NW¼.
Sec. 15: NE¼NE¼, W½SW¼, W½SE¼SW¼.
Sec. 16: S½NE¼, W½ SE¼.
Sec. 17: Lots 1 thru 12, NE¼.
Sec. 18: Lots 5 thru 20.
Sec. 22: W½NW¼, SW¼, W½SW¼SE¼.
Sec. 23: E½NE¼, SW¼NE¼, SE¼.
Sec. 24: All.
Sec. 25: All.
Sec. 26: E½NE¼.
Sec. 27: W½NE¼, SE¼NE¼, W½, SE¼
Sec. 36: E½NE¼, SW¼NE¼, S½NW¼, S½.

T. 42 N., R. 1 E.,
Sec. 31: All.
Sec. 32: All.

T. 41 N., R. 2 E.,
Sec. 7: Lots 1 thru 4, E½, E½W½.
Sec. 18: Lots 1 thru 4, E½, E½W½.
Sec. 29: All.
Sec. 30: Lots 1 thur 4, NE¼, E½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼.
Sec. 31: Lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼.
Sec. 32: NE¼, N½NW¼, W½SW¼, SE¼SW¼, E½SE¼, SW¼SE¼.
Sec. 33: All.

T. 41 N., R. 1 W.,
Sec. 1: Lots 1 thru 4, S½N½, N½SW¼, N½NW¼ SE¼, SW¼NW¼SE¼, SE¼SW¼SE¼.
Sec. 2: Lots 1, 2, NE¼NE¼SW¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼, SE¼SW¼SE¼NE¼, S½SE¼SE¼NE¼, SW¼NW¼, NW¼SW¼.
Sec. 3: Lots 5 thru 17.
Sec. 9: Lots 1 thur 16.
Sec. 10: W½NW¼.
Sec. 11: S½NE¼SW¼, S½NW¼SE¼.
Sec. 13: All.
Sec. 14: NE¼NE¼, NW¼NW¼, S½N½, S½.
Sec. 15: All.
Sec. 16: NW¼NE¼, NW¼, N½SW¼, SW¼SW¼.
Sec. 20: Lots 1 thru 14.
Sec. 21: Lots 1 thru 16.
Sec. 28: E½, E½W½, W½SW¼.
Sec. 29: N½NW¼, NE¼NE¼SW¼, W½NE¼SW¼, NW¼ SW¼, W½SW¼SW¼, W½NE¼SW½SW¼, SE¼SW¼SW¼, W½SW¼SE¼SW¼, SE¼SE¼.

T. 42 N., R. 1 W.,
Sec. 36: All.

The areas described aggregate 21,939.30 acres in the Rio Grande National Forest in Mineral County.

2. Of the lands described above, the following 324.38 acres are patented:

New Mexico Principal Meridian

T. 41 N., R. 1 E.,
Sec. 9: W½SE¼NE¼, SE¼SE¼NE¼.
Sec. 10: SW¼SW¼NW¼, SW¼NE¼SW¼, NW¼SW¼, SE¼ SW¼, W½SW¼SE¼.

T. 42 N., R. 1 E.,
Sec. 31: Lots 2 thru 4, SE¼SW¼.

3. At 10 a.m. on June 20, 1981, the lands described in paragraph 1, except as provided in paragraph 2, shall be open to such forms of disposition as may by law be made of national forest lands.

Inquires concerning these lands should be directed to the State Director, Bureau of Land Management, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colordao 80228.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 15, 1981.

[FR Doc. 81-15544 Filed 5-22-81; 8:45 am]

BILLING CODE 4310-84-M

---

43 CFR Public Land Order 5868

[A-7793]

Arizona, Partial Revocation of Public Land Order No. 848

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes Public Land Order No. 848 which withdrew public lands for use of the Department of the Army in connection with the Yuma Test Station. This action will restore 32,245.51 acres to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 848 of July 1, 1952, is hereby revoked insofar as it affects the following described lands:

Gila and Salt River Meridian

T. 7 S., R. 15 W.,
Sec. 5.
T. 7 S., R. 16 W.,
Secs. 14 and 15.
T. 7 S., R. 17 W.,
Sec. 31, N½.
T. 6 S., R. 18 W.,
Secs. 31, 32 and 33;
Sec. 34, N½;
Sec. 35, N½.
T. 8 S., R. 18 W.,
Secs. 4 thru 9, inclusive;
Sec. 17, N½;
Sec. 18.
T. 7 S., R. 19 W.,
Secs. 32 thru 36, inclusive.
T. 8 S., R. 19 W.,
Secs. 1 thru 18, inclusive;
Sec. 19, N½, SE¼;
Secs. 20 thru 23, inclusive;
Sec. 24, W½;
Sec. 27, N½;
Sec. 28, N½.
T. 8 S., R. 20 W.,
Secs. 1 and 2;
Sec. 3, N½;
Sec. 11, N½, SE¼;
Sec. 12;
Sec. 13, N½, SE¼.
T. 5 S., R. 21 W.,
Sec. 32.
T. 6 S., R. 21 W.,
Sec. 5.

The areas described aggregate 32,245.51 acres in Yuma County.

2. At 10 a.m. on June 20, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 20, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on June 20, 1981, the lands will be open to location and entry under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 15, 1981.

[FR Doc. 81-15542 Filed 5-22-81; 8:45 am]

BILLING CODE 4310-84-M

---

43 CFR Public Land Order 5870

[OR 20225]

Oregon; Partial Revocation of Public Water Reserve No. 77

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 40 acres of land withdrawn as a public water reserve. This action will restore the land to nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT:
Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of May 25, 1921, which withdrew certain lands for public water reserve purposes is hereby revoked insofar as it affects the following described land:

Willamette Meridian

Public Water Reserve No. 77

T. 32 S., R. 34 E.,
Sec. 28, NW¼NE¼.

The area described contains 40 acres in Harney County.

2. The land has been conveyed from Federal ownership with a reservation of all minerals to the United States. Therefore, the land will not be open to operation of the public land laws generally.

3. At 10 a.m. on June 20, 1981, the land will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 15, 1981.

[FR Doc. 81–15545 Filed 5–22–81; 8:45 am]
BILLING CODE 4310–84–M

43 CFR Public Land Order 5873

[OR 20236]

Oregon; Partial Revocation of Public Water Reserve No. 91

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 200 acres of public lands withdrawn as a public water reserve. This action will restore 40 acres to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws. The balance of 160 acres remains segregated from the public land laws generally, including the mining laws, for the Hart Mountain National Antelope Range.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT:
Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of June 13, 1925, which withdrew certain lands for public water reserve purposes is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Public Water Reserve No. 91

T. 38 S., R. 23 E.,
Sec. 29, SW¼NW¼.
T. 36 S., R. 25 E.,
Sec. 27, SW¼.

The area described aggregates 200 acres in Lake County.

2. The land in T. 36 S., R. 25 E., is withdrawn for the Hart Mountain National Antelope Refuge and remains segregated from the public land laws generally, including the United States mining laws.

3. At 10 a.m. on June 20, 1981, the public land in T. 38 S., R. 23 E., shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 20, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on June 20, 1981, the public land in Paragraph 3, will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 15, 1981.

[FR Doc. 81–15546 Filed 5–22–81; 8:45 am]
BILLING CODE 4310–84–M

43 CFR Public Land Order 5877

[OR 12586]

Oregon; Partial Revocation of Public Land Order No. 3966

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a public land order which withdrew lands for flood control purposes in connection with the Bonneville Dam Project. This action will restore the land to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT:
Champ Vaughan, Jr., Oregon State Office 503–231–6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 3966 of April 4, 1966, which withdrew public lands for use by the Department of the Army for flood control purposes in connection with the Bonneville Dam Project, is hereby revoked insofar as it affects the following described land:

Willamette Meridian

T. 2 N., R. 12 E.,
Sec. 3, Lot 3.

Containing 12.51 acres in Wasco County.

2. At 10 a.m. on June 20, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 20, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on June 20, 1981, the land will be open to location under the United States mining laws. It has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 15, 1981.

[FR Doc. 81–15547 Filed 5–22–81; 8:45 am]
BILLING CODE 4310–84–M

43 CFR Public Land Order 5878

[OR 20274]

Oregon; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial Order in part as to 30 acres of land withdrawn for reclamation purposes. This action permits restoration of the lands to operation of the mining laws, provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of August 16, 1905, which withdrew certain lands for use by the Water and Power Resources Service (formerly the Bureau of Reclamation) for reclamation purposes in connection with the Umatilla Project is hereby revoked so far as it affects the following described lands:

Willamette Meridian

T. 4 N., R 28 E.,
Sec. 10, W½E½NE¼NW¼ and W½NE¼NW¼.
The area described contains 30 acres in Umatilla County.

2. The surface estate of the lands has been conveyed to the City of Hermiston pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869, 869–4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 15, 1981.

[FR Doc. 81-15548 Filed 5-22-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5879

[AZ-10338]

Arizona; Revocation of Public Land Order No. 739

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will revoke a withdrawal which withdrew certain lands for the use of the Department of the Army in connection with the activities of the Arizona National Guard. This action will restore 1,280 acres to operation of the public land laws, including the mining and mineral leasing laws.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602–261–4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 739 of July 28, 1951, which withdrew the following described public lands for use by the Department of the Army as a rifle range and in connection with the activities of the Arizona National Guard is hereby revoked in its entirety:

Gila and Salt River Meridian

T. 8 S., R. 21 W.,
Secs. 27 and 34.
Containing 1,280 acres in Yuma County.

2. At 10 a.m. on June 20, 1981, the lands shall be open to operation of the public land laws, generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 20, 1981, shall be considered simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on June 20, 1981, the lands described shall be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85703.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 15, 1981.

[FR Doc. 81-15543 Filed 5-22-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5880

[OR-20273]

Oregon; Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial Order which withdrew 11,124.03 acres of lands for reclamation purposes. This action will restore the lands to operation of the mining laws and will restore 5,657.11 acres to the operation of the public land laws generally.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of March 29, 1905, which withdrew the following described lands for use by the Water and Power Resources Service for reclamation purposes in connection with the Umatilla Project is hereby revoked:

Willamette Meridian

Umatilla Project

T. 3 S., R. 18 E.,
Sec. 14, SW¼;
Sec. 15, SE¼;
Secs. 22, 23, and 26;
Sec. 27, N½, E½SW¼, and SE¼;
Sec. 34, E½, E½W½, SW¼NW¼, and W½SW¼;
Sec. 35, N½, N½S½, and S½SE¼.
T. 4 S., R. 18 E.,
Sec. 2, Lots 1 and 2, S½N½, and S½;
Sec. 3, Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 10;
Sec. 11, E½, E½W½, and NW¼NW¼;
Sec. 13, N½N½, SW¼NE¼, S½NW¼, and S½;
Sec. 14, N½NE¼, SE¼NE¼, NE¼NW¼, S½NW¼, NW¼SW¼, and S½S½;
Sec. 15, 23, 24, and 25.
T. 4 S., R. 19 E.,
Sec. 19, Lots 1, 2, 3, and 4, W½NE¼, SE¼NE¼, E½W½, and SE¼;
Sec. 30, Lots 1, 2, 3, and 4, E½, and E½W½.

The area described aggregates 11,124.03 acres in Sherman and Gilliam Counties.

2. The following described lands are withdrawn for Power Site Reserve No. 24 of July 2, 1910; Power Site Reserve No. 145 of July 2, 1910; and Power Site Reserve No. 556 of November 24, 1916, and remain segregated from operation of the public land laws generally;

Willamette Meridian

T. 3 S., R. 18 E.,
Sec. 14, SW¼;
Sec. 15, SE¼SE¼;
Sec. 22, NE¼, N½SE¼, and SE¼SE¼;
Sec. 23, N½, SW¼, and NW¼SE¼;
Sec. 26, W½;
Sec. 27, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 34, NE¼NE¼, S½NE¼, and SE¼;
Sec. 35, N½NW¼, SW¼NW¼, N½SW¼, and W½SE¼.
T. 4 S., R. 18 E.,
Sec. 2, Lot 2, SW¼NE¼, and S½NW¼;

Sec. 3, Lots 1 and 2, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 10, NE¼, E½NW¼, N½SE¼, and SE¼SE¼;
Sec. 13, SW¼NW¼ and W½SW¼;
Sec. 14, N½NE¼, SE¼NE¼, NE¼NW¼, S½NW¼, NW¼SW¼, and S½S½;
Sec. 15, E½E½;
Sec. 23, NW¼NE¼, S½NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 24, SW¼ and SW¼SE¼;
Sec. 25, N½.
T. 4 S., R. 19 E.,
Sec. 19, SW¼SE¼;
Sec. 30, Lots 1, 2, and 3, NE¼, E½NW¼, and E½SE¼.

The area described aggregates 5,466.92 acres in Sherman and Gilliam Counties.

3. At 10 a.m. on June 20, 1981, the lands described in paragraph 1, except as provided in paragraph 2, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 20, 1981, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. At 10 a.m. on June 20, 1981, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 15, 1981.

[FR Doc. 81-15549 Filed 5-22-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5881

[OR 20228]

Oregon; Partial Revocation of Public Water Reserve No. 81

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 80 acres of public land withdrawn as a public water reserve. This action will restore the land to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of November 26, 1921, which withdrew certain lands for public water reserve purposes, is hereby revoked so far as it affects the following described public land:

Willamette Meridian

Public Water Reserve No. 81

T. 17 S., R. 38 E., Sec. 9, W½NW¼

The area described contains 80 acres in Malheur County.

2. At 10 a.m., on June 23, 1981, the land will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the land will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-15550 Filed 5-22-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5893

[U-15158]

Utah; Partial Revocation of Reclamation Project Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a Secretarial Order which withdrew lands for the Green River, Gunnison Project. This action involves a total of 2,543.45 acres of which 594.50 acres are in State ownership. The remaining 1,948.95 acres will be restored to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801-524-4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of April 30, 1921, which withdrew lands for the Green River, Gunnison Project, is hereby revoked insofar as it affects the following described lands;

Salt Lake Meridian

T. 20 S., R. 15 E. (partially surveyed)
Secs. 33, 34, 35, and 36.

The area described contains a total of 2,543.45 acres of which 1,948.95 acres are public lands described as Secs. 33, 34, 35 and lot 5, Sec. 36 in Emery County. The remaining 594.50 acres are in State ownership.

2. At 10 a.m. on June 23, 1981, the public lands described above shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands described above will be open to location under the United States mining laws at 10 a.m. on June 23, 1981. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-15551 Filed 5-22-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 33, 94, and 192

[CGD 79-072]

Stowage of Lifeboats and Liferafts

AGENCY: Coast Guard, DOT.

ACTION: Final rules.

SUMMARY: These regulations require that certain vessels having widely separated accommodation or working spaces must have at least one liferaft, of sufficient

aggregate capacity to accommodate at least 50 percent of the persons on board, in each such location. These regulations will improve the probability of survival for crew members in cases where a ship has to be abandoned.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Commander John P. Deleonardis (G-MVI-2/TP24), Room 2612, U.S. Coast Guard Headquarters, Washington, D.C. 20593, 202-426-2190.

SUPPLEMENTARY INFORMATION: On December 3, 1979, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** concerning these amendments (44 FR 69312). A supplemental notice of proposed rulemaking was also published in the **Federal Register** of May 27, 1980 (45 FR 35366). The supplemental notice proposed certain additions and revisions to the December 3 notice. The comment period on the rulemaking closed on July 11, 1980, and a total of six (6) written comments were received.

The final rule has been evaluated in accordance with DOT "Regulatory Policies and Procedures," 44 FR 11033 (February 26, 1979). A copy of the final evaluation may be obtained from the Commandant (G-CMC/TP24), U.S. Coast Guard, Washington, D.C. 20593, 202-426-1477.

The Coast Guard has assessed the environmental effects of these amendments and found that these amendments will have no significant impact on the human environment. This assessment is available for review.

Drafting Information

The principal persons involved in drafting this proposal are: Lt. Daniel J. Zedan, Project Manager, Office of Merchant Marine Safety and Michael N. Mervin, Project Attorney, Office of Chief Counsel.

Discussion of Comments

All changes to the proposed regulations have been made to improve clarity without changing the substance of the regulations. The changes reflect and are a direct result of comments received and subsequent Coast Guard review of the proposal.

General Comment

Of the six comments received, four were addressed, and appropriate action initiated, in the supplemental notice of proposed rulemaking.

One of the remaining two comments favored the proposal as written. The other comment requested that for Great Lakes vessels and seagoing barges, the determination as to the location of the raft should be left to the local OCMI. In order to ensure uniform industry wide implementation and enforcement, the Coast Guard rejects this idea.

Accordingly, Chapter I of Title 46 of the Code of Federal Regulations is amended as follows:

PART 33—LIFESAVING EQUIPMENT

1. 46 CFR Part 33 is amended by revising § 33.05-1(f) to read as follows:

§ 33.05-1 Lifeboats and liferafts for tankships; ocean and coastwise; construction or conversion of which was started before November 19, 1952-T/OC.

* * * * *

(f) Each tankship certificated for ocean or coastwise service, and each tankship of less than 1,600 gross tons on an international voyage must carry inflatable liferafts of sufficient aggregate capacity to accommodate at least 50 percent of the persons on board. Those tankships that have widely separated accommodation or working spaces must have at least one liferaft in each such location.

2. 46 CFR Part 33 is amended by revising § 33.05-2(f) to read as follows:

§ 33.05-2 Lifeboats and liferafts for tankships; ocean and coastwise; construction or conversion of which was started after November 18, 1952, and before May 26, 1965-T/OC.

* * * * *

(f) Each tankship certificated for ocean or coastwise service, and each tankship of less than 1,600 gross tons on an international voyage must carry inflatable liferafts of sufficient aggregate capacity to accommodate at least 50 percent of the persons on board. Those tankships that have widely separated accommodation or working spaces must have at least one liferaft in each such location.

3. 46 CFR Part 33 is amended by revising § 33.05-3(f) to read as follows:

§ 33.05-3 Lifeboats and liferafts for tankships; ocean and coastwise; construction or conversion of which was started after May 25, 1965-T/OC.

* * * * *

(f) Each tankship certificated for ocean or coastwise service, and each tankship of less than 1,600 gross tons on an international voyage must carry inflatable liferafts of sufficient aggregate capacity to accommodate at least 50 percent of the persons on board. Those tankships that have widely separated accommodation or working spaces must have at least one liferaft in each such location.

* * * * *

4. 46 CFR Part 33 is amended by revising § 33.05-20(c) to read as follows:

§ 33.05-20 Lifeboats and liferafts for tank vessels; Great Lakes—TB/L.

* * * * *

(c) All tankships of 300 gross tons and over in Great Lakes service shall carry, in addition to the lifeboats required by paragraph (a) of this section, approved inflatable liferafts of such aggregate capacity to accommodate all persons on board: Provided, that such tankships, which are equipped with lifeboats in accordance with § 33.05-1, shall carry additional approved inflatable liferafts of sufficient aggregate capacity to accommodate at least 50 percent of the persons on board. Those tankships that have widely separated accommodation or working spaces must have at least one liferaft in each such location.

* * * * *

PART 94—LIFESAVING EQUIPMENT

5. 46 CFR Part 94 is amended by revising § 94.10-10(e) to read as follows:

§ 94.10-10 Requirements for vessels in ocean or coastwise service other than barges; towing, fishing, and wrecking vessels; pilot boats; and yachts.

* * * * *

(e) In addition to the lifeboats required by paragraph (a) of this section, each vessel on an international voyage and each vessel in ocean or coastwise service must carry liferafts of sufficient aggregate capacity to accommodate at least 50 percent of the persons on board. Those vessels that have widely separated accommodation or working spaces must have at least one liferaft in each such location.

* * * * *

6. A new paragraph (c) is added to § 94.10-15 to read as follows:

§ 94.10-15 Requirements for seagoing barges in ocean or coastwise service.

* * * * *

(c) All manned seagoing barges of 100 gross tons and over in ocean or coastwise service, having widely separated accommodation or working spaces, must have at least one liferaft, of sufficient aggregate capacity to accommodate at least 50 percent of the persons on board, in each such location.

7. 46 CFR Part 94 is amended by

revising footnote 3 to Table 94.10–40(a) to read as follows:

§ 94.10–40 Requirements for vessels in Great Lakes; Lakes, Bays and Sounds; or River Service other than fireboats, wrecking and fishing vessels, pilot boats and yachts.

(a) * * *

[3] Every vessel of 300 gross tons and over, having widely separated accommodation or working spaces, must have at least one liferaft, of sufficient aggregate capacity to accommodate at least 50 percent of the persons on board, in each such location.

PART 192—LIFESAVING EQUIPMENT

8. 46 CFR Part 192 is amended by revising § 192.10–10(d) to read as follows:

§ 192.10–10 Requirements for vessels in ocean or coastwise service.

* * * * *

(d) In addition to the lifeboats required by paragraph (a) of this section, each vessel on an international voyage and each vessel in ocean or coastwise service must carry liferafts of sufficient aggregate capacity to accommodate at least 50 percent of the persons on board. Those vessels that have widely separated accommodation or working spaces must have at least one liferaft in each such location.

* * * * *

(46 U.S.C. 391a, 481; 49 U.S.C. 1655(b); 49 CFR 1.46(b) and (n)(4)).

Dated: May 19, 1981.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 81–15589 Filed 5–22–81; 8:45 am]

BILLING CODE 4910–14–M

Proposed Rules

Federal Register
Vol. 46, No. 100
Tuesday, May 26, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 57

United States Standards for Hay and Straw; Review of Standards

AGENCY: Federal Grain Inspection Service,[1] USDA.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Grain Inspection Service (FGIS) has reviewed the United States Standards for Hay and Straw in accordance with the specific criteria established in Executive Order 12291. FGIS proposes that no changes be made to the standards.

DATE: Comments must be submitted on or before July 27, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to USDA, FGIS, Director, Issuance and Coordination Staff, 1400 Independence Ave., SW, Washington, D.C. 20250, telephone (202) 447–3910. All comments received will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James L. Driscoll, Director Standardization Division, FGIS, USDA, Richards-Gebaur AFB, Bldg. 221, Grandview, Missouri 64030, telephone (816) 348–2861.

SUPPLEMENTARY INFORMATION: This action is being taken as a part of FGIS' review of regulations under Executive Order 12291. D. R. Galliart, Acting Administrator, has determined that this action is classified as nonmajor and that it will not have a significant economic impact on a substantial number of small entities because no changes in standards for hay and straw are being proposed. Also, the official inspections of hay and straw are performed on a voluntary basis.

Hay and straw inspections are authorized by the Agricultural Marketing Act of 1946 (Act), as amended (7 U.S.C. 1621–1627), and performed according to the Official United States Standards for Hay (7 CFR 57.1–57.13) and the United States Standards for Straw (7 CFR 57.50–57.52). The standards were used frequently until the early 1950's, but the number of official inspections has steadily declined since that time. The decline in the number of official inspections has resulted in part from a decrease in the amount of hay and straw purchased by government agencies. The inability of the standards to accurately reflect nutrient quality also has been suggested by interested parties as a reason for the limited use of the inspection service.

FGIS had indicated in a December 28, 1979 **Federal Register** Notice (44 FR 76835) that it intended to study the feasibility of incorporating objective testing procedures into the hay standards to better indicate quality. These tests would have supplemented the completely subjective analysis procedure used in the present hay inspection system, but the necessary instrumentation for performing such tests has not yet been perfected. FGIS determined that it would defer further study on objective testing procedures for hay until the instrumentation to perform these procedures is perfected and acceptable correlations have been established between instrument values and approved reference methods.

Incorporating objective testing procedures into the straw standards is also impractical at this time, because the necessary instrumentation for performance of such tests has not yet been perfected.

Accordingly, FGIS proposes to make no changes to the United States Standards for Hay (7 CFR 57.1–57.13) and to the United States Standards for Straw (7 CFR 57.50–57.52) at this time. comments are solicited from the public regarding this action.

(Sec. 202, Act of August 14, 1946, ch. 966, Tit. II, 60 Stat. 1087 (7 U.S.C. 1622))

Done in Washington, D.C. on May 8, 1981

D. R. Galliart,
Deputy Administrator for Program Operations and Federal Grain Inspection.

[FR Doc. 81–15606 Filed 5–22–81; 8:45 am]
BILLING CODE 3410–02–M

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins, Specification for Filled Telephone Cables With Expanded Insulation, PE–89

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to amend Appendix A by issuing a new Bulletin 345–89, Specification for Filled Telephone Cables with Expanded Insulation, PE–89. This specification, which supplements but does not replace PE–39, Specification for Filled Telephone Cable, will permit the use of more cost-effective cables and result in the conservation of petrochemical derived insulating materials.

DATE: Public comments must be received by REA no later than July 27, 1981.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3827. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A by issuing a new Bulletin 345–89, Specification for Filled Telephone Cables with Expanded Insulation, PE–89. This proposal action has been issued

in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major."

(Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees)

REA, in its effort to assure the best, most cost-effective telecommunications for rural America, proposes to issue PE-39. This specification supplements PE-89, and permits the use of lower cost petrochemical conserving insulation in cables of 200 pair and larger. All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

Dated: May 11, 1981.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 81-15506 Filed 5-22-81; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

7 CFR Ch. VI

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Ch. I

Water Resources Project Type Activities; Channel Modification Guidelines

AGENCY: Fish and Wildlife Service, Department of the Interior, Soil Conservation Service, Department of Agriculture.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: On December 28, 1979, the Fish and Wildlife Service (FWS) and the Soil Conservation Service (SCS) published in the **Federal Register** (44 FR 76299) advance notice of their intent to convert the Channel Modification Guidelines to rules and regulations. Since that time, FWS and SCS have been carefully assessing the use and effectiveness of the guidelines. This assessment shows that the existing guidelines are being applied effectively in new projects and in projects authorized before their publication. For example, the existing guidelines have been applied to 106 projects in 29 States and resulted in the deletion of over 708 miles of channel work. In addition, construction methods were modified on 24 projects and mitigating measures on 60 acres were added in another project.

Because of demonstrated acceptability and effectiveness of the guidelines, SCS and FWS jointly agree that the guidelines should not be converted to rules and regulations at this time. This decision is consistent with Executive Order 12291, **Federal Register** February 17, 1981, which directs that administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action.

FOR FURTHER INFORMATION CONTACT:

Michael J. Spear, Associate Director, Environment, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (202-343-4767)

Joseph W. Haas, Deputy Chief for Natural Resource Projects, Soil Conservation Service, P.O. Box 2890, U.S. Department of Agriculture, Washington, D.C. 20013 (202-447-4527).

Dated: May 5, 1981.

F. Eugene Hester,

Associate Director-Research, Fish and Wildlife Service, U.S. Department of the Interior.

Dated: May 15, 1981.

Norman A. Berg,

Chief, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 81-15505 Filed 5-22-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-AAL-6]

Proposed Establishment of Transition Area Sparrevohn, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would designate the Sparrevohn, Alaska, transition area. The need for a transition area was created when the prescribed instrument approach procedure to Sparrevohn was established. The FAA is also proposing to establish a Standard Terminal Arrival Route (the AMOTT ONE STAR) from Sparrevohn NDB to Amott Intersection. The proposed transition area would provide controlled airspace for these procedures.

DATE: Comments must be received on or before June 25, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Alaskan Region, Attn: Chief, Air Traffic Division, Docket No. 81-AAL-6; 701 C Street, Box 14, Anchorage, Alaska 99513.

Comments may be examined in the Rules Docket, weekdays except Federal holidays, between 8:00 a.m. and 4:30 p.m. The official docket may be examined at the following location: Office of the Regional Counsel, Alaskan Region, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513.

An informal docket may be examined at the office of the Chief Air Traffic Division, at the above address.

FOR FURTHER INFORMATION CONTACT:

Jerry M. Wylie, Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513, telephone (907) 271-5903.

SUPPLEMENTARY INFORMATION: .

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AAL-6." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments wil be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division, Alaska Region, Federal Aviation

Administration, 701C Street, Box 14, Anchorage, Alaska 99513, or by calling (907) 271-5903. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2, which describes application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Sparrevohn, Alaska. This proposal would provide protected controlled airspace for aircraft conducting prescribed instrument approaches to Sparrevohn AFS and for a proposed Standard Terminal Arrival Route to Anchorage.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished, (46 FR 540), by adding the following:

Sparrevohn, Alaska

That airspace extending upward from 700 feet above the surface within 4.5 miles southeast of and 9.5 miles northwest of the 208° bearing from the Sparrevohn NDB (Lat. 61°06.0' N. Long. 155°33.0' W.), extending from the NDB to 24 miles southwest of the NDB; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles each side of the 101° bearing from the Sparrevohn NDB, extending from the NDB to 20 miles east of the NDB.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a) and section 1354(a); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Anchorage, Alaska, on May 14, 1981.

Robert L. Faith,

Director, Alaskan Region.

[FR Doc. 81-15562 Filed 5-22-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Ch. I

Proposed Revision of the Customs Bond Structure and Solicitation of Comments

AGENCY: U.S. Customs Service, Treasury.

ACTION: Notice of proposed revision of the Customs bond structure and solicitation of comments.

SUMMARY: Customs is considering an extensive revision of its bond structure to consolidate and reduce the number of bond forms now in use. The purpose of the proposal is to simplify transactions between Customs and the importing public and to facilitate establishment of an efficient computerized bond control system. If the proposal is adopted, numerous amendments to the Customs Regulations will be necessary and will be the subject of a notice of proposed rulemaking published in the Federal Register. The public is invited to comment on the merits of the proposal and to suggest alternatives to the proposed bond format, coverages, and conversion approaches.

DATES: Comments must be received on or before (60 days from the date of publication in the Federal Register).

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations and Information Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Joseph C. Goody, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-5307).

SUPPLEMENTARY INFORMATION:

Background

When merchandise other than noncommercial merchandise accompanying a traveler arrives in the United States, it ordinarily remains in Customs custody until the importer, consignee, or the authorized agent of either establishes ownership and complies with the applicable Customs laws and regulations or laws and regulations enforced by Customs for other Federal and State agencies. In some instances, especially in the case of duty-free noncommercial importations, the merchandise may be released to the importer, consignee, or an authorized agent merely upon furnishing proof of ownership, and no formal documentation is required. However, in most cases involving commercial importations, formal documentation is required to obtain release of the merchandise. The Customs transaction releasing the merchandise to the importer is referred to as an "entry".

As a part of the entry documentation, the importer, consignee, or an authorized agent usually is required to file a bond with Customs. The bond, among other things, guarantees that proper entry summary, with payment of estimated duties and taxes when due, will be made for imported merchandise and that any additional duties and taxes subsequently found to be due will be paid. The bond also guarantees redelivery of imported merchandise to Customs custody for examination or inspection if found not to comply with applicable laws and regulations. Redelivery may be required as a result of a failure to properly mark, label, clean, or fumigate the imported merchandise; or a failure to destroy or export the imported merchandise, if appropriate.

A bond also may provide, as a condition of its satisfaction, for the production of any missing invoices, declarations, certificates, or other documents required in connection with the entry of imported merchandise, in the form and within the time required.

Bonds are used to secure other Customs transactions besides those of importers. For example, carriage of imported merchandise that has not been examined or appraised by Customs must be secured by a Customs bond to guarantee performance of various Customs obligations. Those performance bonds are required from bonded carriers, bonded cartage and lighterage operators, and persons who are authorized to carry merchandise when bonded carrier facilities are not reasonably available. Among other things, those persons are contractually bound to safely deliver that merchandise to Customs at the destination. They are bound to report arrival of the merchandise of Customs at the destination so that it can be examined for Customs purposes. They are bound not to deliver that merchandise to the ultimate consignee

until Customs determines that it can be released. If the bond principal fails to perform as agreed, the principal and surety become liable for payment of liquidated damages.

A similar situation exists for persons who operate Customs bonded warehouses, container stations, and foreign-trade zones. A bond from these people is needed to protect the Government from loss. Generally, imported merchandise is placed in such places before the amount of duty due has been determined. Moreover, until that merchandise is withdrawn for consumption, no duty is paid by the importer. The bond given by such persons serves as a guarantee that the stored merchandise will be kept safely and that it will be released only when authorized to do so by Customs.

Other bonds are required in special instances. For example, persons who use the accelerated drawback program are required to file a bond to guarantee repayment of any money erroneously paid. Another special bond is that required of copyright owners who claim that an imported article infringes their copyright and request Customs to detain that article pending a final determination on the infringement claim. That bond insures that any damage caused to the importer by detention will be corrected.

Presently, there are approximately 50 different forms of Customs bonds in use. Part 113, Customs Regulations (19 CFR Part 113), sets forth a description of the various bonds and the general requirements applicable to Customs bonds. It contains the general authority and powers of the Commissioner of Customs to require bonds, the classes of bonds, procedures for their approval and execution, general and special bond requirements, requirements which must be met to be either a principal or a surety, requirements concerning the production of documents, and the authority and manner of assessing damages and of cancelling the bond or charges against a bond.

Customs is considering an extensive revision of its existing bond structure to consolidate the number of bond forms and to establish an efficient computerizd bond control system. As part of the revision process, discussions have been held with representative segments of the importing community. A number of suggestions received during these discussions have been incorporated into this document.

The purpose of this notice is to afford the public a further meaningful opportunity to participate at an early stage in the revision process by submitting comments on the merits of the proposal and by suggesting alternatives to the proposed bond format, coverages, and conversion approaches.

Types of Bonds

Under the proposal, two types of Customs bonds, designated "single transaction" and "multi-transaction" would be established.

1. *Single Transaction:* The single transaction bond would be used for one transaction at a specific port under the same conditions as a single entry bond currently is being used and would require the approval of the district director at the port where filed.

2. *Multi-Transaction:* The multi-transaction bond would replace present term, blanket, and consolidated bonds and be used for many transactions over a definite period of time. It also would replace the continual type bonds which cover conditions of a continuing nature, such as, carriage of merchandise and establishment of warehouses. This would be similar to, but a more general type application of, the existing Consolidated Aircraft Bond, Customs Form 7606.

An amount associated with each condition referred to on the multi-transaction bond would represent the liability limit for that specific condition. It is anticipated that each condition would be self-contained and appear in a separate section or subsection of the Customs regulations.

The bond contract would remain in full force and effect for one year commencing on the effective date shown on the bond and for each succeeding annual period, or until terminated. Current Customs policy prohibiting the discontinuance of bond coverage before the end of the initial term unless good cause is shown and Customs concurs would not be changed.

At least 60 days before the bond anniversary date, Customs would issue a courtesy notice advising the principal that the bond would terminate on the anniversary date unless the principal notifies Customs by returning the notice, or othewise advises Customs in writing, at least 30 days before the bond expiration date, of its intent to continue the contract. Thus, notification of premium payment on the bond would be sufficient to renew a bond contract for another term.

If a party to the bond contract intends to terminate the contract, that party would be required to notify the other parties to the contract and Customs in writing at least 30 days before the effective date of the termination.

In order that small importers will not be required to purchase more coverage than necessary, it is proposed to create two classes of coverage within the multi-transaction type bonds, the *national class* and the *district class*. The *national class*, at the option of the principal, would include all or specific transactions of a particular principal on a nationwide basis. The *district class*, at the option of the principal, would include all or specific transactions of a particular principal within one district. For example, term bonds which currently are filed on a port level would be consolidated into one district bond. The conditions of this class of bond could be the same as those of a national bond except that the scope of coverage would be limited to one district and the minimum amount of bond required could be less than the minimum amount required on a national bond. In keeping with existing Treasury Department directives and Customs policy, customhouse brokers would not be approved as principals on a national class bond to be used in their capacity as brokers. In addition, this would not change current policy which permits a licensed customhouse broker to be approved as a principal on a national class bond to cover the entry of merchandise actually owned by the broker.

Appendix A to this document lists the Customs bonds currently in use. Whenever possible it is intended to eliminate unnecessary conditions in the proposed bond structure.

Bond Forms

Under the proposal, there would be one standardized bond form for the single transaction and multi-transaction bonds. This standardized bond form, as it might appear, is set forth as Appendix B to this document. A space would be provided on the bond form where the conditions covered by the bond and the related surety liability limit would be indicated. Standardized conditions would be enumerated in the Customs Regulations (19 CFR Chapter I). This procedure would eliminate repeating the similar conditions currently contained in the various Customs bonds. If the proposal is adopted, the Customs Regulations would be revised to incorporate all bonding requirements into the same part in 19 CFR Chapter I. In conjunction with this revision, the bond conditions will be clarified and the language modernized and simplified. Appendix C contains some specific examples of conditions which currently appear in Customs bonds and how they may be written in more modern and simplified language.

Customs Form 53, "Bond Transcript", would continue to be required, but the form might be revised as illustrated in Appendix D to this document. Customs Form 53 would be filed with each bond submitted for approval whether the bond is supported by surety, cash, or other acceptable security.

Based on the comments received and if our continuing analysis indicates it is feasible, the specific information unique to the Customs Form 53 will be incorporated into the proposed standardized bond form. Thus, the "Bond Transcript" would be discontinued. The standardized bond form, as it might appear under these circumstances, is set forth as Appendix E to this document.

Bond Modification

Current Customs policy permitting the addition of principals to bonds and name and address changes after bond approval would not change. Any other bond contract change would require the termination of the old bond and filing of a new bond, as currently prescribed in section 113.23(d), Customs Regulations (19 CFR 113.23)(d)).

Bond Control

A computerized bond control system would be implemented in conjuction with the Customs bond proposal. The proposal would reduce the number of bonds required by a principal to conduct Customs business and thus facilitate the efficient operation of the computerized system.

Under the computerized system, data would be verified and validated, and computer files would be updated, soon after a transaction is entered into the system via a terminal. Routine, time consuming tasks which are a necessary part of the bond approval procedure would be automated to speed up the approval process. For example, the lead time currently required for filing a bond and related transcript before its efffective date would be reduced significantly.

To improve querying and locating bonds, each bond would be assigned a nine digit control number. The first two digits would identify the district where the bond is filed. The last seven digits would be a serial number control uniquely identifying the bond within the district plus a check digit. This bond number would appear on all copies of the bond, whether it is a Customs bond form or a privately printed bond form. Thus, just by knowing the bond number, interested individuals would be able to determine where the bond contract is located physically.

The computerized system would provide increased revenue protection and improve the timely availability of information to authorized officials on a "need to know" basis. In addition, the computerized system would allow bonding procedures to be standardized nationwide. Through the interaction between the bond processing system and other Customs computer processing systems, bond and bond related information would be available to authorized officials on a consolidated basis.

Conversion to the New Bond Structure

To fulfill the Customs objective of establishing the new bond structure and related control system with the least adverse impact on Customs and affected parties, two conversion approaches are being considered.

The first approach would provide for a 90 or 120-day transition period during which all bonds would be terminated and replaced by bonds utilizing the new format. Existing term-type or continual-type bonds not replaced by bonds utilizing the new format would not be considered valid by Customs at the end of the 90 or 120-day transition period.

The second approach would consist of the following alternatives:

1. If a party has only a continual-type bond filed with Customs, a transition period would be provided during which a bond utilizing the new format would be filed in accordance with the procedure stated in the first approach.

2. If a party has more than one term-type bond in effect, the expiration date of the existing bond with the latest termination date would become the replacement control date. Customs would announce the date principals would be required to determine the replacement control date. Applicable replacement control dates thus would be established for the entire importing community at the same time.

Once a replacement control date has been established for an individual or firm, Customs would not approve any bond submitted under the old bond format when the term of that bond would be effective beyond the replacement control date.

3. If a party has a term and continual-type bond in effect, the continual-type bond would be terminated as of the replacement control date established for the term-type bond. A bond in the new format would be filed after the replacement control date.

Comments

Customs invites written comment (preferably in triplicate) from all interested parties on the bond revision proposal.

Commenters should address themselves, among other things, to (1) the proposed format for the bond form, (2) the proposed format for consolidating the bond conditions in the regulations, as well as recommendations for alternative formats, (3) the proposed approaches for conversion to the new system as well as suggestions for additional approaches and (4) the advantages or disadvantages of the new system as it impacts on their operation.

Comments submitted will be available for public inspection in accordance with section 103.8(b), Customs Regulations (19 CFR 103.8(b)), on regular business days between 9:00 a.m. and 4:30 p.m. at the Regulations and Information Division, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Executive Order 12291

This document will not result in a regulation which is a "major rule" as defined by section 1(b) of Executive Order 12291.

Regulatory Flexibility Act

It appears that the rule, if promulgated, may have a significant economic impact on a substantial number of small entities, and thus require an initial regulatory flexibility analysis in accordance with the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 603). The Customs Office of Economic Analysis is in the process of determining whether such an analysis is indeed necessary. Accordingly, if it is decided to proceed with this matter, the notice of proposed rulemaking will have as an attachment (1) the initial regulatory flexibility analysis or (2) a certification by the Secretary of the Treasury that the analysis is not, in fact, required by the Act.

Authority

This document is issued under the authority of R.S. 251, as amended (19 U.S.C. 66), and sectios 623, as amended, 624, 46 Stat. 759 (19 U.S.C. 1623, 1624).

Drafting Information

The principal author of this document was John Elkins, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other

Customs offices participated in its development.

William T. Archey,

Acting Commissioner of Customs.

Approved: May 4, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

Appendix A

The purpose of this appendix is to aid interested parties to compare the bond forms they presently use with the proposed new bond structure formats and concepts embodied in Appendix B, C, and E. The following list indicates the various activities, conditions, and obligations of Customs bonds currently in use. This appendix is for example purposes and subject to change.

Single transaction	Multitransaction
1. CF 4615, Bond of Claimant of Seized Goods for Costs of Court.	1. CF 3583 Proprietor's Manufacturing Warehouse Bond (Class 6).
2. CF 7303, Bond to Produce Manifest and Shipper's Export Declaration for Goods Exported to Canada.	2. Blanket Smelting and Refining Bond.
3. CF 7547, Special Single Entry Carpet Wool and Camel's Hair Bond.	3. Public Gauger's Bond.
4. CF 7551, Immediate Delivery and Consumption Entry Bond (Single Entry).	4. CF 3851, propretor's Warehouse Bond.
5. CF 7555, Warehouse Entry Bond.	5. CF 3587, Carriers Bond.
6. CF 7557, Bond for Exportation or Transportation or for Transportation and Exportation (Single Entry).	6. CF 3588, Private Carrier's Bond.
7. CF 7561, Bond for Articles Entered or Withdrawn from Warehouse Conditionally Free of Duty.	7. CF 3855, Bond of Customs Cartman or Lighterman.
8. CF 7563, Bond for Temporary Importations.	8. CF 7303, Bond to Produce Manifest and Shipper's Export Declaration for Goods Exported to Canada.
9. CF 7565, Exhibition Bond	9. CF 7549, Special Bond-Wool or Hair of the Camel (Term).
10. CF 7567, Vessel, Vehicle or Aircraft Bond (Single Entry).	10. CF 7553, Immediate Delivery and Consumption Entry Bond (Term).
11. CF 7571, Bond on Entry for or Withdrawal from Manufacturing Warehouse.	11. CF 7559, Bond for Exportation or Transportation or for Transportation and Exportation (Term).
12. CF 7581, Bond to Produce Bill of Lading (Single Entry).	12. CF 7587, Bond for the Control of Certain Instruments of International Traffic.
13. CF 7593, Landing Bond	13. Bond for the Control of Identified Shipping Containers.
14. CF 7597, Bond for Use in Connection with Requests for Overtime Services Made by or on Behalf of Owners or Consignees of Merchandise (Single Entry).	14. CF 7563-A, Bond for Temporary Importations (Term)
15. CF 7601, Bond of Actual Owner to Cover the Payment of Increased and Additional Duties and Taxes, the Redelivery of Prohibited Merchandise, the Marking of Merchandise under Customs and Related Laws, and for other Purposes.	15. CF 7569, Vessel, Vehicle, or Aircraft Bond (Term).
16. CF 7603, Bond for Conditionally-Free Withdrawal of Distilled Spirits (Including Alcohol) Wines, or Beer, for Supplies of Fishing Vessels (Single Entry or Term).	16. CF 7595, General Term Bond for Entry of Merchandise.
17. CF 7609, Bond for Accelerated Payment of Drawback (Single Entry).	17. CF 7599, Bond for Use in Connection with Request for Overtime Services Made By or on Behalf of parties in Interest (Term).
18. Special Bond for Entry Merchandise Believed to Involve Unfair Practices.	18. CF 7603, Bond for Conditionally-Free Withdrawal of Distilled Spirits, (Including Alcohol) Wines, or Beer, for Supplies, of Fishing Vessles (Single Entry of Term).
19. Special Bond, for the Clearance of Vessels Penalized for Carrying Narcotics.	19. CF 7605, Air Carrier Blanket Bond.
20. Special Bond for the Observance of Neutrality.	20. CF 7611, Bond for Accelerated Payment of Drawback (Term).
21. Copyright Bond	21. CF 7613 Drawback Export Bond.
22. Special Bond for the Importation of Flammable Fabrics.	22. Containertzed Cargo Bond (Term).
23. Special performance Bond	23. Trade Fair Bond.
24. Bond of Customers Cartman for Issuance of Temporary Identification Card.	24. Special Performance Bond.
	25. Foreign Trade Zone Operator's Bond.

Appendix B

This is an example of the form a bond might take under the new bond structure. This bond would be a two page single sheet, 8½x11 form.

Customs Bond

Bond Number ———

In order to secure payment of duty, tax or charge and compliance with law or regulation as a result of activity covered by any condition referenced below, ———, as principal, and ———, as surety bind themselves to the United States in an amount, or amounts as set forth below.

Section I (Check one box and fill the applicable blank spaces)

☐ Single Transaction Bond—Date of Arrival ——— Place of Arrival ——— Entry No. ———

Date of Entry ———

☐ District Class—Principal expects to conduct business in District of ———

☐ National Class—Applicable at all Customs locations

A multi-transaction bond remains in force for one year beginning ——— 19—. For each succeeding annual period, or until terminated, it constitutes a separate bond for each period at the amounts listed below for any liability that accrues in each period.

A Multi-Transaction bond cannot be unilaterally terminated before the first anniversary date of the bond unless a party thereto can show sufficient cause and Customs concurs. The intention to terminate or renew this bond coverage must be conveyed within the time period and manner prescribed in the Customs Regulations.

Activity code	Activity name	Conditions codified in customs regulations	Limit of liability
Section II (fill in as indicated—see Customs Regulations for Coverage Available*)			
Section III (coverages in addition to the minimum coverage in Section II)			

Witness our hands and seals this ——— day of ———, 19—.

Principal and Surety agree that they are bound to the same extent as if they executed a separate bond covering each of the set(s) of conditions set forth herein.

In no event shall the liability of the Surety for any and all claims under one set of bond conditions exceed the limit of liability specified for that particular set of bond conditions.

If surety fails to appoint an agent under section 7, title 6, U.S. Code, surety consents to service on the clerk of any U.S. District Court or the U.S. Court of International Trade, where suit is brought on the bond. That clerk is to send notice of the service to surety at

.....

(mailing address requested by the surety).

Signed, sealed, and delivered in the presence of—

Name ——— Address ——— (Witness) ———

Name ——— Address ——— (Witness) ———

(Seal) ———

Name ——— Address ——— (Principal) ———

Name ——— Address ——— (Surety) ———

(Seal) ———

Certificate as to Corporate Principal

I, ———, certify that I am the ——— secretary of the corporation named as principal in the within bond, that ———, who signed the said bond on behalf of the principal, was then ——— of said corporation; that I know his signature, and his signature thereto, is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of

said corporation by authority of its governing body.

(Corporate Seal) ———————

Note.—The above certificate to be used when no power of attorney has been filed with the district director of customs.

Schedule of Specific Activities and Minimum Coverage for the Principals

Code	Name	Activity
	The conditions set forth in the Customs Regulation sections shown are required for the related activity [1]	
1	Importer (Brokers).	113.71
2	Internat'l Carriers.	113.72, 113.96, 113.103
3	Bonded Carrier.	113.73, 113.96, 113.104, 113.105, 113.106, and 113.108
4	Cartmen & Lighterman.	113.74, 113.96, 113.104
5	Private Carrier.	113.73, 113.96, 113.104, 113.105, 113.107, and 113.108
6	Class 2,3,4,5, and 8 Warehouse Operator.	113.75, 113.109, 113.110
7	Class 6 Warehouse Operator.	113.76, 113.109, 113.110, and 113.112
8	Class 7 Warehouse Operator.	113.71, 113.77, 113.84, 113.110, and 113.112
9	Container Station Operator.	113.87, 113.96, and 113.108
10	Foreign Trade Zone Operator.	113.79

[1] For additional bond coverage available, refer to Part 113, Customs Regulations.

NOTE.—The section numbers shown are for illustration purpose only.

Examples of modernized and simplified bond conditions as they currently appear on customs bonds and as they might appear under the proposal.

1. Condition 1 of CF 7553, Immediate Delivery and Consumption Entry Bond.

The above-bounden principal, in consideration of the release of all or any part of such shipments as may be charged against this bond before the full amount of duties and taxes imposed upon or by reason of importation has been finally determined, and notwithstanding section 485(d), Tariff Act of 1930, or any other provisions of law, voluntarily undertakes and agrees to pay any and all such duties and taxes found to be due on each entry in question, but not in excess of the amount of this bond, upon condition that no other provision of this bond shall be invoked for the purpose of enforcing the collection of such duties and taxes and upon the further condition that this obligation to pay any and all such duties and taxes found to be due on the shipment (not exceeding the amount of this bond) shall become null and void and of no force and effect as to any entry on and after the date on which the above-bounden principal files with the district director in the manner and within the time prescribed by the regulations a supereding bond on Customs Form 7601 of the owner whose declaration has been filed in accordance with the provisions of section 485(d), in which bond the owner undertakes and agrees to apy any and all such duties and taxes found due on the shipment covered by the above-mentioned entry.

Proposed Language

Agreement To Pay Duties

If principal enters merchandise at any port during the bond period and gets release of all or part of the merchandise before Customs determines the quantity and value of the merchandise and the full amount of duties and taxes due, obligors (principal and surety), on demand by the notice of liquidation, agree to pay any duty and tax, due on any entry charged against this bond. This obligation to pay ends as to any entry on the date when principal timely files with the district director a superseding bond of the owner whose declaration has been properly filed, in which superseding bond the owner agrees to pay any duty and tax due on that entry.

2. Conditions 4, 5 and 6 of CF 7553, Immediate Delivery and Consumption Entry Bond.

And if in any case the above-bounden principal shall redeliver or cause to be redelivered to the order of the district director of Customs, on demand by him, in accordance with the law and regulations in effect on the date of the release of said articles, any and all merchandise found not to comply with the law and regulations governing its admission into the commerce of the United States, unless before such demand the said principal shall have filed with the district director of Customs a superseding bond on Customs Form 7601 in which the actual owner whose declaration has been filed pursuant to section 485(d), Tariff Act of 1930, shall have undertaken upon proper demand on such owner the effect such redelivery; or, in default of redelivery after a proper demand on him, the above-bounden principal shall pay to the said district director such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations, not exceeding the amount of this obligation, for any breach or breaches thereof;

And if in any case the above-bounden principal, in respect of any of the merchandise released from Customs custody, shall redeliver or cause to be redelivered to the order of the district director of Customs such additional packages or quantities of merchandise pursuant to section 499, Tariff Act of 1930, as amended, for the purpose of examination, inspection, or appraisement, upon a demand made at any time before the report of appraisement, unless before that time the said principal shall have filed with the district director of Customs a superseding bond on Customs Form 7601 in which the actual owner whose declaration has been filed pursuant to section 485(d), Tariff Act of 1930, shall have undertaken upon proper demand on such owner to effect redelivery for such purposes; or, in default of redelivery after a proper demand on him, the above-bounden principal shall pay to the said district director such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations, not exceeding the amount of this obligation, for any breach or breaches thereof;

And if in any case the above-bounden principal shall redeliver or cause to be redelivered to the order of the district director of Customs for marking pursuant to the provisions of paragraph 367 or 368, or section 304, Tariff Act of 1930, as amended, upon a demand made not later than twenty (20) days after the report of appraisement, such of the merchandise as may have been released from Customs custody, unless before that time the said principal shall have filed with the district director of Customs and bond on Customs Form 7601 in which the actual owner whose declaration has been filed pursuant to said section 485(d) shall have undertaken upon proper demand on such owner to effect redelivery for such purposes; or, in default of redelivery after a proper demand on him, the above-bounden principal shall pay to the said district director such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations, not exceeding the amount of this obligation, for any breach or breaches thereof.

Proposed Language

Agreement To Redeliver Merchandise

If merchandise is released conditionally to principal before all required evidence is produced, before its quantity and value are determined, or

before its right of admission into the United States is determined, principal agrees to redeliver timely the merchandise released to the principal on demand by Customs if the merchandise—

(i) fails to comply with the laws or regulations governing admission to the United States;

(ii) must be examined, inspected, or appraised as required by section 449, Tariff Act of 1930, as amended; or

(iii) must be marked as required by Headnote 4, Part 2E, Schedule 7, Tariff Schedules of the United States, or by section 304, Tariff Act of 1930, as amended.

If principal defaults obligors agree to pay liquidated damages as may be demanded by Customs. This obligation to redeliver ends as to any entry on the date when principal timely files a superseding bond of the owner whose declaration to so redeliver has been properly filed.

BILLING CODE 0972-73-M

APPENDIX D

BOND TRANSCRIPT
(Proposed)

PAGE: OF:

1. PRINCIPAL'S NAME AND ADDRESS	2. CARRIER DESIGNATION	3. BOND NUMBER 4. PRINCIPAL'S IMPORTER NUMBER

5. SURETY NUMBER	6. SURETY AGENT SOC. SEC. NO.	7. SURETY AGENT NAME

8. BOND EFFECTIVE DATE	9. BOND EXECUTION DATE	10. BOND CLASS (DIST/NAT'L)	11. DISTRICT/PORT NAME

12. TERMINATION (Complete Blocks 1 thru 13)

☐ CHECK HERE TO APPLY FOR TERMINATION OF A BOND ON FILE. SUBMIT SIGNED REQUEST, PROPERLY DOCUMENTED, TO DISTRICT DIRECTOR WHERE BOND WAS FILED. SHOW REQUESTED DATE OF TERMINATION.

Requested Date of Termination (M M D D Y Y)

13. BOND TYPE

14. CONDITIONS/ AMOUNTS:	COND.	AMOUNT	COND.	AMOUNT	COND.	AMOUNT	COND.	AMOUNT	COND.	AMOUNT
	COND.	AMOUNT	COND.	AMOUNT	COND.	AMOUNT	COND.	AMOUNT	COND.	AMOUNT

LIST BELOW ALL ADDITIONAL NAMES ON THE BOND OF PRINCIPALS AND THOSE UNDER WHICH THE PRINCIPALS DO BUSINESS INCLUDING THEIR ACCOUNT NUMBER(S).

15. TOTAL IMPORTERS LISTED:

16. IMPORTER NUMBER	17. IMPORTER NAME	16. IMPORTER NUMBER	17. IMPORTER NAME

18. CODE(S) OF RIDER(S) ATTACHED TO BOND

☐ NO RIDERS INCLUDES RIDERS: ☐☐☐

19. BOND HOLDER'S SIGNATURE DATE

20. CERTIFICATION BY U.S. CUSTOMS:

APPROVED BY:

DISTRICT:

BILLING CODE 0972-73-C

Proposed Customs Form 53 (12-14-79)

Appendix E

This is an example of the form a bond might take under the new bond structure. This bond would be a four page, single sheet, 8½ x 22 folded to 8½ x 11 form.

Customs Bond

Bond Number————————

In order to secure payment of duty, tax or charge and compliance with law or regulation as a result of activity coverage by any condition referenced below

————————————

(Principal's Name and Importer No.) as principal, and

————————————

(Surety Name and No.), as surety bind themselves to the United States in the amount or amounts, as set forth below.

Section I (Check one box and fill the applicable blank (spaces)

☐ Single Transaction Bond—Date of Arrival ———— Place of Arrival ———— Entry No. ———— Date of Entry ————

☐ District Class—Principal expects to conduct business in District of ————

☐ National Class—Applicable at all Customs locations

A Multi-Transaction bond remains in force for one year beginning ————, 19—. For each succeeding annual period, or until terminated, it constitutes a separate bond for each period at the amounts listed below for liability that accrues in each period.

A Multi-Transaction bond cannot be unilaterally terminated before the first anniversary date of the bond unless a party thereto can show sufficient cause and Customs concurs. The intention to terminate or renew this bond coverage must be conveyed within the time period and manner prescribed in the Customs Regulations.

Activity code	Activity name	Conditions codified in Customs regulations	Limit of liability
Section II (fill in as indicated—see Customs regulations for coverage available *			
Section III (coverages in addition to the minimum coverage in Section II)			

15. Total Importers Listed:

Importer No.	Importer name	Importer No.	Importer name
Section IV (List below all tradenames or unincorporated divisions including their account number(s)			

Principal and surety agree that any charge against the bond in any of the listed names is as though it was made by the principals.

Witness our hands and seals this ——— day of ————, 19— (Execution date).

Principal and Surety agree that they are bound to the same extent as if they executed a separate bond covering each of the set(s) of conditions set forth herein.

In no event shall the liability of the Surety for any and all claims under one set of bond conditions exceed the limit of liability specified for that particular set of bond conditions.

If the surety fails to appoint an agent under section 7, Title 6, United States Code, surety consents to service on the Clerk of any United States District Court or the U.S. Court of International Trade, where suit is brought on this bond. That clerk is to send notice of the service to surety at:

————————————

(mailing address requested by the surety).

Signed, sealed, and delivered in the presences of—

Name ———— Address ———— (Witness) ————

Name ———— Address ———— (Witness) ————

Name ———— Address ———— (Principal) ————

(Seal) ————————————

Name ———— Address ———— (Surety) ————

(Seal) ————————————

Name ———— Surety Agent ———— Agent Social Security No. ————

Certificate as to Corporate Principal

I, ————, certify that I am the ———— secretary of the corporation named as principal in the within bond, that ————, who signed the said bond on behalf of the principal, was then ———— of said corporation; that I know his signature, and his signature thereto, is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

(Corporate Seal) ————————————

Note.—The above certificate to be used when no power of attorney has been filed with the district director of customs.

Schedule of Specific Activities and Minimum Coverage for the Principals

Code	Name	Activity
The conditions set forth in the Customs Regulation sections shown are required for the related activity[1]		
1	Importer (Brokers)	113.71.
2	Internat'l Carriers	113.72, 113.98, and 113.103
3	Bonded Carrier	113.73, 113.98, 113.104, 113.105, 113.106, and 113.108.
4	Cartmen & Lighterman.	113.74, 113.98, and 113.104
5	Private Carrier	113.73, 113.98, 113.104, 113.105, 113.107, and 113.108.
6	Class 2,3,4,5, and 8 Warehouse operator.	113.75, 113.109, and 113.110
7	Class 6 Warehouse Operator.	113.76, 113.109, 113.110, and 113.112.
8	Class 7 Warehouse Operator.	113.71, 113.77, 113.110, and 113.112.
9	Container Station Operator.	113.87, 113.98, and 113.106
10	Foreign Trade Zone Operator.	113.79.

For additional bond coverae available, refer to Part 113 Customs Regulations.

[1] Note.—The section numbers shown are for illustration purposes only.

Instructions

This part of the form will contain a detailed explanation of how to fill out the form.

[FR Doc. 81-15597 Filed 5-22-81; 8:45 am]

BILLING CODE 6972-73-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1823-4]

Promulgation of Michigan State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: On May 6, 1980 (45 FR 29790), the U.S. Environmental Protection Agency (EPA) announced final rulemaking to approve, and, in part, conditionally approve certain Michigan Air Pollution Control Commission rules as a part of the Michigan State Implementation Plan (SIP). The State is relying on these rules as part of its control strategy for nonattainment areas. On July 28, 1980, the State submitted to EPA amendments to Rules 283 and 610 as revisions to its SIP. The purpose of this notice is to propose EPA rulemaking action and solicit public comment on these revisions to the Michigan SIP.

DATE: Comments on the revision and on EPA's proposed rulemaking are due by June 25, 1981.

ADDRESSES: Copies of these SIP revisions are available for public inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

Michigan Department of Natural Resources, Air Quality Divison, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917

Written comments should be sent to. Mr. Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 886–6038.

FOR FURTHER INFORMATION CONTACT: Judy Kertcher, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: Part D of the Clean Air Act, as amended in 1977, requires each State to revise its SIP to meet specific requirements for areas designated as not attaining the National Ambient Air Quality Standards (NAAQS). These SIP revisions must demonstrate attainment of the NAAQS by December 31, 1982, and in certain circumstances, no later than December 31, 1987, for ozone and/or carbon monoxide. The requirements for an approvable SIP are described in a **Federal Register** notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182).

On May 6, 1980 (45 FR 29790), EPA announced final rulemaking to approve, and, in part, to conditionally approve, Michigan Air Pollution Control Commission rules as a part of the Michigan SIP. In that notice (45 FR 29790, 29791), EPA approved those rules which had not been previously approved by EPA and on which the State is relying as part of its control strategy for nonattainment areas.

On July 28, 1980, Michigan submitted to EPA revisions to its State Implementation Plan (SIP). The revisions were amendments to Commission Rules 283 and 610. The amendments became effective on July 17, 1980. The following sections discuss these amendments and EPA's proposed rulemaking actions.

Rule 283

The amendment to Rule 283 would exempt equipment used for hydraulic or hydrostatic testing from the requirement for a permit. Since there are no emissions of any significance related to this type of testing, EPA proposes to approve the amendment to Rule 283 as a revision to the Michigan SIP.

Rule 610

The amendment to Rule 610 consists of revisions to Table 62 which lists minimum coating transfer efficiencies for several emission limitations for automobile and light duty truck coating operations. These changes are found in the footnotes to Table 62. Changes in footnotes 2 and 4 apply to the entire Table; changes in footnotes 5 and 7 apply only to specified facilities.

Footnote No. (facility)	Minimum coating transfer efficiency	
	EPA approved regulation	Amendment
2		
4		
5 (Wayne assembly and Wixon assembly)	60% on and after 12/31/82; 55% on and after 12/31/86.	50% on and after 12/31/86
5 (Michigan truck and Dearborn assembly)	65% on and after 12/31/84	50% on and after 12/31/84
7 (Jefferson truck)	55% on and after 12/31/79; 65% on and after 12/31/81.	50% on and after 12/31/81
7 (Lynch Road)	65% on and after 12/31/82	50% on and after 12/31/82
7 (Hamtramck and Warren Main)	65% on and after 12/31/83	50% on and after 12/31/83
7 (Warren Compact)	65% on and after 12/31/84	50% on and after 12/31/84

EPA has reviewed the proposed amendments to the minimum coating transfer efficiencies in Rule 610. These amendments do not impact the attainment demonstrations since there were no changes to the approved emission limitations. The revision changes only the technique employed to achieve equivalence with the limitations. The changes in the coating efficiencies are consistent with the July 3, 1979, policy memorandum from Richard G. Rhoads, Director, Control Programs Development Division, entitled "Appropriate Transfer Efficiency for Waterborne Equivalence" EPA proposes to approve as a revision to the Michigan SIP the amendments to Rule 610.

All interested persons are invited to comment on these revisions to the Michigan SIP and on USEPA's proposed action. Comments should be submitted to the address listed in the front of this notice. Public comments received on or before June 25, 1981, will be considered in USEPA's final rulemaking. All comments received will be available for inspection at the Region V Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Pursuant to the provisions of 5 U.S.C section 605(b), the Administrator has certified 46 FR 8709 that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The action only approves State actions.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it merely approves regulations which were developed by the State and are currently effective in the area and exempts certain sources from compliance with the State regulation while providing other sources with alternate methods for compliance. This proposed rulemaking was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

This notice of proposed rulemaking is issued under the authority of Sections 110 and 172 of the Clean Air Act (42 U.S.C. 7410, 7502).

Dated: April 10, 1981

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-15514 Filed 5-22-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 60

[AD-FRL 1803-2]

Standards of Performance for New Stationary Sources; Asphalt Processing and Asphalt Roofing Manufacture

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; amendment and clarification.

SUMMARY: On November 18, 1980, "Standards of Performance for New Stationary Sources: Asphalt Processing and Asphalt Roofing Manufacture" were proposed in the **Federal Register** (45 FR

76404). During the public comment period, clarification was requested regarding the applicability of the standards to asphalt processing facilities that prepare blown asphalts used for nonroofing purposes. The amendments are being published to clarify the applicability of the proposed standards and to provide an opportunity for comments from processors of nonroofing asphalts who may be subject to the amended proposed standards.

This notice also pertains to the Amendment to the Priority List (45 FR 76427). It clarifies that asphalt processing refers to blowing stills and storage tanks for roofing and/or nonroofing asphalts that are located at asphalt processing plants, petroleum refineries, and asphalt roofing plants.

DATES: *Comments:* Comments on this amendment must be received by July 10, 1981.

PUBLIC HEARING: A public hearing will be held, if requested. Persons wishing to request a public hearing must contact EPA by June 9, 1981. If a hearing is requested, an announcement of the date and place will appear in a separate **Federal Register** notice.

ADDRESSES: *Comments:* Comments relating to this amendment only should be submitted (with one duplicate copy) to: Central Docket Section (A–130), Attention: Docket No. OAQPS A–79–39, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Public Hearing. Persons wishing to request a public hearing on the amendment should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–5631.

Background Information Document. The background information document (BID) for the proposed standards may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone (919) 541–2777. Please refer to "Asphalt Roofing Manufacturing Industry, Background Information for Proposed Standards," EPA–450/3–80–021a.

Docket. A docket, number OAQPS A–79–39, containing information used by EPA in development of the proposed standards, is available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at EPA's Central Docket Section (A–130), West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Susan R. Wyatt, Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–5578.

SUPPLEMENTARY INFORMATION:

Amendments to Proposed Standards

"Standards of Performance for New Stationary Sources: Asphalt Processing and Asphalt Roofing Manufacture" were proposed in the November 18, 1980, **Federal Register** (45 FR 76404). These proposed standards limit particulate emissions from asphalt roofing facilities and from two asphalt processing facilities: blowing stills and storage tanks. The definition of asphalt processing in the proposed regulations referred to the storage and blowing of asphalt "for use in the manufacture of asphalt roofing products." Blowing stills were defined as equipment "in which air is blown through hot asphalt flux to produce different grades of asphalt for the manufacture of asphalt roofing." The asphalt storage tank was defined as a tank storing hot asphalt "for roofing manufacture or asphalt processing." When considered together, these definitions restrict the applicability of the proposed standards to equipment used to produce or store roofing asphalts.

Half of the blown asphalts currently being produced is used in the roofing industry.(*1–3*) The other half includes predominantly those asphalts used for paving but also includes asphalts used for pipe wrapping, pond liners, and mopping grade asphalts. EPA and industry growth projections indicated the necessity for three to seven stills and 21 to about 50 storage tanks respectively, by 1985 to supply the demand for roofing asphalts. However, the market for blown nonroofing asphalts is not expected to grow in the next five years.(*3*) Therefore, construction of new stills and storage tanks subject to the proposed standards of performance is expected to take place only to meet the demand for roofing asphalts.

Comments received after proposal have indicated that even though growth will occur only due to the increased demand for roofing asphalts, the applicability of the proposed standards should include blowing stills and storage tanks that process or store any type of asphalt. The same still and storage tank may be used for nonroofing as well as roofing asphalts. If the applicability of the standards depended on the eventual use of the product, a still or storage tank could be subject to the regulation on one day (while blowing or storing roofing asphalt) but not subject to the regulation on another day (while blowing or storing nonroofing asphalt). Even if the same still or storage tank were not used for more than one type of asphalt, there could be one unit devoted to roofing asphalts and subject to the regulation while another identical unit devoted to nonroofing asphalts would not be subject to the regulation. Furthermore, to meet the increased demand for roofing asphalt, a manufacturer could increase capacity by constructing new stills or storage tanks, but then limit the use of the new facilities to nonroofing asphalts while devoting a larger number of existing facilities to roofing asphalts.

The fluxes from which nonroofing blown asphalts are prepared may vary in physical characteristics, such as volatility, but such variation also exists with roofing asphalt fluxes. Industry supplied information on the range of volatility found among asphalt fluxes that are air blown. It was determined that the standard was achievable for all fluxes within this range as noted in the November 18, 1980 **Federal Register** notice (45 FR 76410). The size and operating parameters (such as temperature and residence time) of a control device required to achieve the emission limits for the highest volatility fluxes were determined, and costs were calculated accordingly. These costs have been determined to be reasonable for asphalt processing plants, petroleum refineries, and asphalt roofing plants, the same plants that could have blowing stills used for nonroofing blown asphalts. An asphalt storage tank containing asphalt to be used in roofing manufacture is no different from a storage tank containing asphalt that will be used for some other purpose. The number of new stills and storage tanks constructed in the asphalt processing and asphalt roofing industries remains the same as was projected in the proposed regulations since such construction will be due to growth in the asphalt roofing market. Therefore, the environmental, energy, and economic impacts of the proposed standards are not changed as a result of these amendments.

In summary, the same blowing stills and storage tanks are, or may be, used to process or store either nonroofing or roofing asphalts, and the emission limits remain achievable independent of the type of asphalt blown. The costs and the economic, energy, and environmental impacts projected in the November 18, 1980 **Federal Register** (45 FR 76404) apply to all asphalt blowing stills and storage tanks regardless of how the asphalts will be used. These costs and

impacts were determined to be reasonable. EPA has determined that the proposed emission limits for blowing stills and storage tanks used for roofing asphalts should apply to blowing stills and storage tanks for any type of asphalt except asphalt mixtures referred to as cutback and emulsified asphalts which are not included in this regulation. These proposed amendments would change the definitions of "asphalt processing," "asphalt storage tanks," and "blowing still" to include asphalts used for any purpose. The amendments would also add definitions for "asphalt processing plant" and "asphalt roofing plant" to be consistent with the proposed regulation. The regulation refers to the plants where process operations occur rather than to the processes themselves.

Because there may be some asphalt processing plants or petroleum refineries blowing and/or storing asphalts used for purposes other than roofing, which were not included in the proposed standards but which may be inlcuded in the amended proposed standards, the date used to determine if facilities at these locations are subject to the standards is the proposal date of this amendment rather than the proposal date of the standard. A paragraph has been added to the proposed standards to indicate this.

Minor amendments were made to the performance test procedures to clarify the duration of the tests when stills are being used to process nonroofing asphalts.

Clarification of the Amendment to the Priority List. The Priority List was amended (45 FR 76427) to add "asphalt processing" to the source category previously listed as "asphalt roofing." The amendment was necessary because the processing of asphalt for roofing manufacture takes place at petroleum refineries and asphalt processing plants as well as at roofing plants, and the process is essentially the same at any of the locations. Since "asphalt processing" has been added to the Priority List, no additional changes to the list or to the amendment are necessary; however, the new, broader definition of asphalt processing applies to the Priority List source category.

Applicability of Proposed Standards to Storage Tanks. During the public comment period that followed publication of the proposed standards in the **Federal Register** (45 FR 76404), several comments were received regarding the applicability of the proposed standards to asphalt storage tanks which may exist at petroleum refineries that do not process asphalt (i.e., that do not have blowing stills). These tanks are covered by the proposed standards. The revised definitions make this clearer. They also expand the applicability to include storage tanks that store asphalt to be used for any purpose, not only roofing products. Cutback asphalts (asphalts diluted with solvents to reduce viscosity so that asphalts can be used at lower temperatures) and emulsified asphalts (asphalts dispersed in water with an emulsifying agent) are not included in the proposed standards. If asphalt is stored at relatively low temperatures and tanks exhibit zero percent opacity without controls, they would meet the proposed standards. Otherwise, controls are available for meeting the proposed standards.

Environmental, Energy, and Economic Impacts. The environmental, energy, and economic impacts discussed in the November 18, 1980 **Federal Register** notice (45 FR 76404) for the proposed standards are not projected to change as a result of these amendments. These impacts were based on the construction of three to seven new stills and 21 to about 50 new storage tanks to meet the growth in the asphalt roofing market. Since there is no growth projected for the use of other blown asphalt products, the number of affected facilities remains the same. Changes to existing stills and storage tanks that would qualify as a modification or reconstruction would be very rare. Any increases in capacity would be met by the addition of a new unit or by replacing a small still or storage tank with a new, larger one. Stills and storage tanks used for nonroofing asphalt may be the same ones used for roofing asphalt or they may be additional units. Either way, they will be located at the same locations (asphalt processing plants, petroleum refineries, and asphalt roofing plants) and will require the same control devices. Since the economic impacts were based on conditions which are applicable to blowing or storing nonroofing asphalts as well as roofing asphalts, these impacts remain unchanged.

"Major Rule" Determination. Under Executive Order 12291, EPA is required to judge whether a regulation is a "major rule" and therefore subject to certain requirements of the Order. The Agency has determined that this regulation, both as proposed and as amended, would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be a "major rule." Fifth-year annualized costs of the proposed standard would be $450,000. The product wholesale price could increase about 0.5 percent, which could increase the price for a roof on a typical 3-bedroom house by about $3.00. If the costs were absorbed, the resulting drop in net profit after taxes could be about 0.4 percent. The Agency has also concluded that this rule is not "major" under either of the other criteria established in the Executive Order. The proposed amendment does not change the economic impacts of the standard. This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Regulatory Flexibility Analysis Certification. Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached amendments to the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The amendments will not affect any small entities since additional stills and storage tanks used for nonroofing asphalts would not exist at these locations.

Dated: May 19, 1981.

Walter C. Barber,

Acting Administrator.

References

(1) Background Information for Proposed Standards—Asphalt Roofing Manufacturing Industry. EPA 450/3–80–021a. June 1980, p. 8–26.

(2) Memo to Docket A–79–39, Calculations for Amount of Asphalt Blown for Roofing, Paving and All Other Uses. Docket No. A–79–39–IV–B–001.

(3) Letter from V. P. Puzinauskas, the Asphalt Institute to R. C. Cooper, MRI. January 1981. Blown asphalt products. Docket No. A–79–39–IV–E–004.

It is proposed to amend 40 CFR Part 60 by amending §§ 60.470, 60.471, and 60.474 to read as follows.

1. Section 60.470 (a) and (b) is revised to read as follows:

§ 60.470 Applicability and designation of affected facilities.

(a) The affected facilities to which this subpart applies are saturators and mineral handling and storage facilities at asphalt roofing plants; and asphalt storage tanks and blowing stills at asphalt processing plants, petroleum refineries, and asphalt roofing plants.

(b) Any saturator or mineral handling and storage facility under paragraph (a) of this section that commences construction or modification on or after November 18, 1980, is subject to the requirements of this subpart. Any asphalt storage tank or blowing still located at an asphalt processing plant, petroleum refinery, or asphalt roofing plant that processes and/or stores

asphalt used for roofing only or for roofing and other purposes, and that commences construction or modification on or after November 18, 1980, is subject to the requirements of this subpart. Any asphalt storage tank or blowing still located at an asphalt processing plant, petroleum refinery, or asphalt roofing plant that processes and/or stores only nonroofing asphalts and that commences construction or modification on or after May 26, 1981 is subject to the requirements of this subpart.

* * * * *

2. Section 60.471 is revised by changing the definitions of "asphalt processing," "aspahlt storage tank," and "blowing still" and by adding the definitions of "asphalt processing plant" and "asphalt roofing plant":

§ 60.741 Definitions.

* * * * *

"Asphalt processing" means the storage and blowing of asphalt.

"Asphalt processing plant" means a plant which blows asphalt for use in the manufacture of asphalt products.

* * * * *

"Asphalt roofing plant" means a plant which produces asphalt roofing products (shingles, roll roofing, siding, or saturated felt).

"Asphalt storage tank" means any tank used to store asphalt at an asphalt roofing plant, a petroleum refinery, and an asphalt processing plant. Storage tanks containing cutback asphalts (asphalts diluted with solvents to reduce viscosity for low temperature applications) and emulsified asphalts (asphalts dispersed in water with an emulsifying agent) are not subject to this regulation.

"Blowing still" means the equipment in which air is blown through asphalt flux to produce different grades of asphalt.

* * * * *

3. Section 60.474 is amended by revising paragraphs (b) and (e) to read as follows:

§ 60.474 Test methods and procedures.

* * * * *

(b) For Method 26 the sampling time for each run on a saturator shall be at least 120 minutes, and the sampling volume shall be at least 3 dscm. Method 26 shall be used to measure the emissions from each saturator while the asphalt roofing plant is making 106.6-kg (125-lb) asphalt shingle if the final product is shingle or mineral-surfaced roll roofing or while the asphalt roofing plant is making 6.8-kg (15-lb) saturated felt if the final product is saturated felt or smooth-surfaced roll roofing. Method 26 shall be used to measure emissions from the blowing still for at least 90 minutes or for the duration of the coating blow, whichever is greater. If the blowing still is not used to blow coating asphalt, Method 26 shall be used to measure emissions from the blowing still for at least 90 minutes or for the duration of the blow, whichever is greater.

* * * * *

(e) The production rate of asphalt from the blowing still, P_s (Mg/h), shall be determined by dividing the weight of asphalt charged to the still by the time required for the performance test during a blow. The weight of asphalt charged to the still shall be determined at the starting temperature of the blow. The weight of asphalt shall be converted from the volume measurement as follows:

$M = Vd/c$

M = weight of asphalt in megagrams
V = volume of asphalt in cubic meters
d = density of asphalt in kilograms per cubic meter
c = conversion factor 1,000 kilograms per megagram

The density of asphalt at any measured temperature is calculated by using the following equation:

$d = 1056.1 - 0.6176 \times °C$

The method of measurement shall have an accuracy of ±10 percent.

* * * * *

[FR Doc. 81-15513 Filed 5-22-81; 8:45 am]
BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 79-245; FCC 81-224]

American Telephone & Telegraph Co.; Manual and Procedures for the Allocation of Costs

AGENCY: Federal Communications Commission.

ACTION: Petitions for reconsideration, and a petition for reconsideration and clarification.

SUMMARY: The Commission adopted an Interim Cost Allocation Manual on December 19, 1980. The Manual was contained in a Report and Order in Docket 79-245, *In the Matter of American Telephone and Telegraph Co. Manual and Procedures for the Allocation of Costs* (Published January 22, 1981, 46 FR 6951). This Memorandum Opinion and Order grants in part and denies in part Petitions for Reconsideration, and a Petition for Reconsideration and Clarification of the Report and Order. Proposed changes to the Report and Order cost manual were for the most part accepted. Proposals to abandon the Report and Order cost manual were rejected because of a timetable established by the courts calling for prompt resolution of cost manual issues.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bert Halprin, Policy and Program Planning Division, Common Carrier Bureau, Room 544, (202) 632-9342.

SUPPLEMENTARY INFORMATION:

Order on Reconsideration

Adopted: May 7, 1981.
Released: May 15, 1981.

In the matter of American Telephone and Telegraph Co., manual and procedures for the allocation of costs, CC Docket No. 79-245, 46 FR 15326; 3-5-81.

I. Summary

1. On January 6, 1981, we released a *Report and Order (AT&T Manual and Procedures for the Allocation of Costs,* 84 FCC 2d 384, adopted December 19, 1980) in which we adopted an Interim Cost Allocation Manual (ICAM) to be used by the American Telephone and Telegraph Company to allocate interstate revenues, investments and expenses to four designated reporting categories: MTS, WATS, Private Line and ENFIA. This action represented the first time this Commission has adopted a cost allocation manual. Although AT&T developed and used several cost manuals subsequent to the issuance of our Memorandum Opinion and Order in Docket 18128,[1] none of these manuals had been approved by the Commission. The interim manual was adopted after completion of Notice of Inquiry [2] and Notice of Proposed Rulemaking [3] proceedings.

2. Before us are *Petitions for Reconsideration* filed by the Independent Data Communications Manufacturers Association, Inc. (IDCMA), the Tele-Communications Association (TCA), and the American Telephone and Telegraph Company (AT&T). The American Broadcasting Companies, Inc., CBS Inc. and National Broadcasting Company, Inc. (collectively, the Networks), filed a

[1] AT&T Private Line rate Case, 16 FCC 2d 587, on reconsideration, 64 FCC 2d 971 (1977), on further reconsideration, 64 FCC 2d 1441 (1978).

[2] 73 FCC 2d 629, Notice of Inquiry.

[3] 78 FCC 2d 1296, Notice of Proposed Rulemaking Paragraphs 12-30 review the history of this proceeding.

Petition for Reconsideration and Clarification. An *Opposition* was filed by AT&T. Aeronautical Radio, Inc. (ARINC) filed a *Response to Petitions for Reconsideration.* The Ad Hoc Telecommunications Users Committee (Ad Hoc) filed *Comments on Petitions for Reconsideration. Reply* comments were filed by IDCMA, TCA and the Networks.[4]

3. Briefly, the interim manual sets forth procedures for the allocation of AT&T's interstate investment between message and private line in accordance with separations results. Further disaggregation between MTS and WATS interstate investment is based upon message minute miles (viz. messages × time × distance)—the factor used by separations to assign MTS and WATS costs to the interstate jurisdiction. A complete count of message minute miles is obtained from AT&T's Centralized Message Data System (CMDS) data base. The investment associated with ENFIA service—presently a far smaller category then MTS, WATS or Private Line—is obtained separately. Where expenses are specifically identifiable with a particular service or reporting category, they are assigned directly. Nonattributable expenses are assigned pursuant to the various allocations specified in the FCC–NARUC Jurisdictional Separations Manual and are, in general, to be allocated in the "reasonably proportionate manner" to the four reporting categories.

4. The interim manual does not assign costs to individual private line services, but rather to the private line category as a whole. The only specific instruction given AT&T in making further assignments of plant and investment to specific private line services for tariff purposes is that all allocations must be based upon fully distributed costs. Apart from this, AT&T is left with the discretion to choose a reasonable means of allocating costs. However, the *Report and Order* makes clear that the burden remains upon AT&T to fully justify its tariff rates and any underlying cost assignments in individual tariff proceedings.

5. Under the interim cost manual, each reporting category (except ENFIA, whose rates were set after negotiations) is required to earn the full interstate rate of return. Since private line services are aggregated into a single reporting category, there is no requirement that individual private line services within this category earn the interstate rate of return. The requirement is only that private line services do so as a whole.

[4] These pleadings are summarized in Appendix A.

6. The criticisms raised against the interim manual in the Petitions for Reconsideration are basically of two types. First, there are general objections on both legal and policy grounds to the adoption of the interim manual itself. These objections are essentially restatements of arguments raised by the parties in their earlier comments and fully considered by the Commission in issuing its Memorandum Opinion and Order. Upon Reconsideration, we affirm the essential validity of the interim cost manual for AT&T contained therein. Second, several rather modest changes, of a technical nature, are suggested which might be described as proposed "improvements" to the manual. We have agreed to adopt, in essence, the proposed changes for the allocation of switchboard investment and associated expense. We consider below, separately, both groups of contentions.

II. Contentions Previously Raised

7. In analyzing the general challenges raised by the parties as to the overall validity of the manual, we believe it would be helpful to first review the framework in which this proceeding arose. The Commission was obligated by an order of the Circuit Court of the District of Columbia (*MCI Telecommunications* v. *F.C.C.*, Case No. 79–1119, April 2, 1980) to promulgate a manual on an expedited schedule. There was no way to accomplish this except through the adoption of simplified procedures. As the *Report and Order* recites, the Commission has already spend years trying to implement Method 7 without success and it had become clear that this goal could not be accomplished in the near future. Acceptable, reliable, auditable data was simply not available, and could only be made available, if ever, over a period measured in years. Alternative approaches suggested by other parties likewise lacked the underlying data and allocative information necessary to their implementation in the short-run. Contrary to the contentions raised by TCA (Petition, pp. 9–10) and the Network Parties (Petition, p. 24), we continue to believe that the Commission was required to adopt an immediate cost allocation solution on an interim basis and that given this constraint, the interim cost manual adopted in our *Report and Order* which divides AT&T's revenues and costs into four aggregate categories was the best, or perhaps more correctly, the only alternative available to us.

8. TCA argues, however, that the compulsion of the Commission was not as great as believed: That the schedule adopted by the D.C. Circuit "did not bind the Commission to prescribing a cost allocation manual in December 1980"; that the "Commission could have sought an extension"; and, that "indeed (the Commission had) previously done so." (TCA Petition, p. 9). It is true that the Commission had sought, and the Court had granted, a brief extension of two months to December 1980 for the prescription of a cost manual. It is also true that perhaps a further short extension could have been obtained. This was not the problem here. There was no way that the Commission could guarantee the Court that verifiable Method 7 data sufficient for regulatory purposes could have been available within a few months. The theoretical difficulties plaguing Method 7 (which are described at length in our Notice of Proposed Rulemaking and Report and Order) and the vast amounts of data, as yet unavailable, required to implement this methodology made it self-evident that implementation, if at all possible, was a task which would take at least several years to complete. It would have been foolhardy to the point of irresponsibility for the Commission to have sought to try the Court's patience by requesting the extensive delay necessary to implement Method 7. Moreover, as inadvisable as such a request would have been in the first instance, it is even less acceptable for the Commission now to renounce the interim manual, to go back to the Court, to inform the Court that its schedule has not been met and to request a new schedule. Such a course would evince the kind of indecision and delay complained of by the Court in *MCI* v. *FCC*.

9. We would emphasize that in prescribing an interim manual, we have not discarded Method 7.[5] Nor have we enshrined Method 1.[6] The long-term solution as to the appropriate means of allocating AT&T costs has been left to further proceedings. We expect these proceedings to begin shortly and would like to reassure the parties (See IDCMA's Petition, pp. 6–7 and the Network Parties Petition p. 24) that the

[5] At the same time, we continue to adhere, of course, to our tentative views as to the difficulties—both theoretical and practical—of implementing Method 7. We would also note—and this was pointed out in the Report and Order (para. 16)—that Method 7 was not the central focus during much of the 18128 proceeding, that the "revised Method 7" methodology was left to working sessions to develop, and that it was never, in fact, promulgated.

[6] Although the interim cost manual is based upon relative use, it is not identical with Method 1. Indeed, it differs in several respects complained of by the parties. Thus, the interim manual does not attempt to allocate costs to all AT&T's private line services or to prescribe individual rates of return for these services.

search for long-term solution will be pressed with all the vigor and expedition that our available resources allow. A public notice calling for suggested topics for these proceedings was issued on February 23, 1981. Comments were received from a number of parties. We anticipate that these sessions will commence in the very near future. The interim manual is simply that: An interim arrangement pending the adoption of more refined allocative mechanisms which will be developed through future proceedings.

10. Again, we have not made any final decisions for the long term. The parties will have a full opportunity to argue the virtues of Method 1, Method 7, the "Hinchman proposal," the need to include FAFFG (facilities available for future growth) in any acceptable methodology, or any other allocative scheme in the further proceedings which will soon be commenced for that purpose.

11. The fact that we are unable to develop an "ideal" manual (assuming, as we do not, that this is theoretically possible) at this time does not condemn the Commission to total inaction. A perceived need to accomplish perfection, or to accomplish all goals or improvements at once, would become a prescription for regulatory paralysis making it impossible for us to meet our obligations under the statute generally, and in this specific case, the mandate of the Court of Appeals. We continue to believe as we stated in our Report and Order that the proposal for an interim manual must be judged by two standards. "First, it is an improvement over existing procedures and, second, it is superior to alternative proposals which can be implemented at this time." (para 8).

12. The Petitions for Reconsideration and subsequent pleadings filed herein contain descriptions of the history of this proceeding, the bases for the Commission's adoption of the interim manual, the Commission's intent in adopting an interim manual, etc. with which, in some instances, we do not agree and which, in some instances, we regard s less than fully accurate. No purpose would be served, however, by an attempt on our part to refute, correct, or embellish, upon each statement in the pleadings and we will focus instead upon what we perceive to be the major issues raised. It is to these issues that we now turn.

A. The Use of Separations Based Procedures

13. TCA and the Network Parties raise a number of objections to the interim manual's reliance on jusisdicational separations procedures (see TCA's petition, pp. 4–7; Network Petition, pp. 15–21). Arguments virtually identical to those raised here were considered and rejected by the Commission in a lengthy discussion in our Report and Order (see paras. 19–33). It would appear unnecessary to repeat the discussion in the Report and Order and would direct the parties to our earlier reasoning. We regard the discussion in our Report and Order as completely dispositive of all the various separations related challenges raised on reconsideration. We would, nevertheless, take this opportunity to reiterate, briefly, several points:

1. The purpose of a separations manual is to allocate to the interstate jurisdiction the total revenues, investment and expenses associated with that jurisdiction pursuant to jurisdictional separations procedures which can only be revised after an initial determination is made by a Joint Board composed of state and federal regulators. This assignment to interstate—regardless of whether it is considered fair or unfair, just or unjust, reasonable or unreasonable—must be the starting point for a manual. The whole purpose of the kind of cost allocation procedure we are dealing with here is to further subdivide the amounts already assigned interstate by jurisdictional separations since the sum of the parts (e.g., the amounts assigned to individual interstate servicces) must equal the whole (e.g., the total amount assigned by separations to the interstate jurisdiction) reliance upon jurisdictional separations is unavoidable. Any manual allocating costs or revenues to different interstate services must begin with jusisdictional separations. And this is true regardless of whether we are using Method 7, Method 1, the interim manual, or any other method. all service allocation procedures must begin with jurisdictional separations.

2. The only further use of jurisdictional separations in the interim manual is to make the split between private line and message services. We recognized in our Report and Order that, in all likelihood, the use of jurisdictional separations results in an overassignment of cost to MTS and under assignment to Privat Line. Nevertheless, since the interim manual increased the assignment of costs to private line, we believed we were moving in the right direction and that the results were acceptable for an interim period until more refined costs allocation techniques could be made available.

3. Any cost allocation scheme will have to be implemented by AT&T, and will, as a consequence, give AT&T some flexibility in the implementation process. In our view, this result cannot be completely avoided. We would also agree that it is important to seek to improve jurisdictional separations to make results easier to audit and to give careful scrutiny to AT&T's allocations. This need for improvement—which would almost certainly be inherent in any cost allocation scheme—does not of course, invalidate the procedures we have adopted.

14. Moreover, as we have already noted, the need to adopt a short-run solution left us with no real choice here. The use of jurisdictional separations to allocate cost between the message services and private line was the best alternative available. As we stated in our Report and Order (para. 28):

> While parties continue to attack the validity of the division between private line and message services made by separations, they have not demonstrated, or indeed attempted to demonstrate, that a superior alternative exists at this time. AT&T, which had earlier urged the continuation of its FDC 7 approach, with improvements, has indicated that the Notice "provides a basic framework with which (AT&T) can work to arrive at a cost allocation solution for the present." No other party has suggested how any system other than separations will produce, e.g., a 1980 central submission that is more understandable, more auditable and less subject to management discretion, than does the interim manual.

B. The use of Aggregated Reporting Categories

15. TCA and the network parties argue that the interim cost manual is defective in that it does not prescribe the assignment of costs to all private line services (TCA petition, pp. 11–13; network petition, pp. 20–23). Here again, this matter was discussed fully in our Report and Order (paras. 34–45) and, here again, we will rely upon our earlier discussion as dispositive except for a few brief remarks.

16. The Network Parties argue (Petition, p. 23) that if jurisdictional separations results are used—

> • • • Then AT&T should appropriately calculate the revenues and costs of the program transmission services as a threshold matter. These costs and revenues should be directly attributed to, and separately reported in, the private line aggregate category, and uniquely traceable throughout the ratemaking process in determining the rates for these services.

The costs and revenues attributable to program transmission services are not separately reported or broken out from other private line information for jurisdictional separations purposes. Consequently, we have no better way of reviewing AT&T's computation of these costs than would be the case for other private line services. We are also uncertain that the kind of breakdown that would result from an allocation of private line costs and revenues among interstate services directly from jurisdictional separations would be equitable or yield just and reasonable rates. The Network Parties are free, however, to raise this suggestion at the tariff implementation stage and to insist

that AT&T show program transmission costs obtained through computations based directly on jurisdictional separations. We would consider the merits of such a request at that time.

17. The reason for our failure to assign costs to individual private line services is quite simple. We do not *at this time* have any accurate means of assigning private line costs to individual private line services. We therefore had no choice in prescribing an interim manual for the immediate future, but to go ahead without assigning costs to specific private line services and to leave this step for further proceedings. We noted in our Report and Order (para. 34) that—

> Because we continue to believe that no proposal is before us which will properly, or even adequately, allocate cost to individual services or service elements we are declining to issue a prescription on how to achieve that end at this time.

18. As we have already stated, we will make a concerted effort to develop means of assigning cost to individual private line services and meetings have already been scheduled which seek to accomplish this result.

19. Further, because we have no way of assigning cost to individual private line services, we believe that it would be of little use to require that each private line service earn precisely the interstate rate of return. We had no effective means of enforcing such a constraint even if it were deemed to be desirable. Rather, we thought that under the circumstances the better course was to leave the situation fluid and to determine the justness and reasonableness of individual private line rates in the context of individual tariff filings. With the development of better cost information it is possible that we will review this matter and decide that it is necessary that each private line service earns the precise rate of return. However, we must leave this for the future. Moreover, we continue to believe that the development of a simplified, "building block" private line tariff—a goal we are pursuing in the Private Line Rate Structure Proceeding, CC Docket No. 79–246—is an important and, perhaps, necessary precondition to prescribing a reasonable and auditable methodology for allocating costs to individual private line services.

III. Specific Proposals for Modification

20. We now turn to consideration of the TCA and AT&T request that changes be made to specific proposals for modification of the ICAM contained in the Petitions the ICAM regarding the allocation procedures for switchboard investment and related expenses, and "other" investment.[7] AT&T correctly explains (*Petition for Reconsideration*, p. 4) that it has not previously had the opportunity to comment on the appropriateness of the Commission's prescribed methods since they were presented for the first time in the *Report and Order*.

21. Although AT&T recognizes that WATS users must share in the responsibility for these costs to a greater extent than was the case under prior cost allocation methodologies, it maintains in effect that the method selected by the Commission does not recognize that switchboard investment and expense can be broken into three categories with each category allocated on an appropriate basis. TCA points out that the ICAM methods for allocating switchboard costs to MTS and WATS incorrectly assumes that WATS customers make person-to-person, collect, conference, credit card and third number-billing calls (TCA Petition for Reconsideration, p. 13).

22. AT&T presents a method for allocating these costs which is based on jurisdictional separations procedures data and on routine reports filed with the Commission (Petition for Reconsideration, pp. 6–14). We view their proposal as representing an improvement which is comprehensive in scope and consistent with the ICAM approach of relying on JSP results, including direct assignment of costs wherever appropriate (*Report and Order*, para. 5). Thus we are persuaded to adopt their proposal for allocating these costs, as explained below.[8]

23. Long Lines switchboard investment (with the exception of switchboard investment used for and assigned to private line services) will be directly assigned to the MTS reporting category, as recommended by AT&T. Bell Operating Company switchboard investment will be developed for three categories: (1) "Single-purpose" switchboards (e.g., switchboards used to provide 800 Service information or international MTS service); (2) switchboards used to complete billed messages (revenue producing switchboards); and (3) switchboards used to service non-billed messages (network service switchboards). Investment amounts for each of these categories will be developed through use of JSP data. Single purpose switchboard investment amounts will be directly assigned to the appropriate reporting category. Investment amounts in revenue producing switchboards will be allocated to MTS and WATS based on the relative number of MTS and WATS messages served by such switchboards (i.e., operator assisted or completed). Investment amounts in network service switchboards will be allocated to reporting categories on the basis of the relative number of total MTS and Outwards WATS messages.

24. We view these modifications as being appropriate for the following reasons. First, "single-purpose" switchboards are in fact used exclusively either by WATS or MTS and that JSP data can directly identify these investment amounts by reporting category. Second, rates for billed messages such as person-to-person calls are compensatory (or will be in the near future) on a fully distributed cost basis with all revenues generated by such calls going directly to the appropriate category. Third, AT&T will separately identify investment amounts associated with billed and non-billed messages for switchboards which handle both types of messages (derived on the basis of traffic units).

25. Traffic operator expenses will be separately identified for Long Lines and Bell Operating Companies. Long Lines message switchboard services are provided exclusively for MTS International service. Therefore traffic operator expenses for these switchboards will be assigned to MTS. For the Bell Operating Companies, traffic operator expenses will be identified (using JSP data) and directly assigned to reporting categories where possible. The remaining traffic operator expenses will be broken down into either expenses incurred in connection with serving non-billed messages (e.g. rate and route, information, intercept and miscellaneous services) or expenses incurred to served billed messages. Traffic operator work units will be used to make this identification. Expenses associated with billed messages will be allocated to MTS and WATS based on the relative number of MTS and WATS messages served by such switchboards. Expenses associated with non-billed messages will be allocated to MTS, WATS and ENFIA based on the relative number of total MTS, Outward WATS and ENFIA messages.

26. The provisions of the General Services and Licenses subsection of the ICAM that allocate expenses related to operator services will be changed to

---

[7] The investments and reserves in the "other" category are: Land and Buildings; Furniture and Office Equipment; Vehicles and Other Work Equipment; Telephone Plant Under Construction; Property Held for Future Telephone Use; Material and Supplies; Customer Deposits; Organization, Franchize and Patent Rights; Depreciation Reserve and Accumulated Deferred Income Tax Reserve; Amortization Reserve; and Cash Working Capital.

[8] AT&T may incorporate these changes into its upcoming Central Submission if time permits.

conform with the above approach for allocating the costs of switchboard services. Expenses in these subsections will be allocated on the basis of switchboard plant in service derived as explained above.

27. AT&T and TCA also petition the Commission to reverse the method adopted in the ICAM for allocating "other" investments and reserves between the MTS and WATS reporting categories. This investment was allocated by a composite ratio based on combined allocations of Account 100.1 interexchange, exchange and switching equipment investments and international satellite earth stations. AT&T claims that JSP data can be used to achieve a more detailed and cost related allocation of this investment to MTS and WATS. Furthermore, AT&T argues that many of the investment items in this category are more casually related to expense allocations than to the major plant category investment allocations.

28. In our *Report and Order* (para. 64), we explained that while many of the allocation factors suggested by AT&T in Appendix B of its Comments to the Notice of Proposed Rulemaking did not appear intrinsically unreasonable, we preferred to adopt a different approach. To elaborate on this, it is our view that the subject accounts can be characterized as an investment overhead, unlike plant used directly to provide service (e.g., switchboards). As such, attempting to apply refined techniques seems to imply a degree of causation which does not appear to exist, especially when the proposed allocators are themselves several steps removed from the direct provision of service (e.g., "related function, by space category"). Use of the composite ratio allows these overhead investment amounts to be added proportionately as a "mark-up" to the directly assigned investment amounts. In addition the composite ratio introduced in the Report and Order incorporates all of the allocation factors used to develop investment for MTS and WATS (i.e., SLU, DEM, MMM, switched MM and International Satellite Rent Expense). Thus, the composite ratio reflects relative use throughout the public switched network, improving the quality of the allocation results.

29. We note that with the exception of Land and Buildings, and Furniture and Office Equipment, the allocation basis AT&T recommends be used for "other" investment and reserve accounts is generally either total Account 100.1 or Account 100.1 by corresponding plant class. Thus in order for use of the composite ratio to have caused the transfer of about $145 million (see AT&T *Petition for Reconsideration*, p. 15), the allocation factors chosen by AT&T for Land and Buildings, and Furniture and Office Equipment must have been heavily weighted towards allocating plant to MTS. This is due to the fact that the composite ratio itself allocates "other" investment and reserve amounts primarily on the basis of Account 100.1. The inclusion of International Earth Stations, however, causes a slightly higher proportion of investment to be allocated to MTS. We believe that utilizing a composite ratio representing plant used directly to provide common carrier service is a preferable method of determining the allocation of "overhead" investment. Therefore, we will continue to require use of the composite ratio at this time.[9]

IV. Conclusion

30. This proceeding was instituted for the purpose of adopting cost allocation rules for AT&T's interstate investment, expenses and revenues. After issuing a Notice of Inquiry and a Notice of Proposed Rulemaking, we concluded that a fully distributed cost standard was preferred over a marginal cost standard, consistent with our finding in Docket 18128, but that changing circumstances in the telecommunications industry required substitution of a relative use approach for a historical cost causation approach. Also important was the recognition that extensive, inflexible costing rules would not work in an industry characterized by emerging competition and rapidly changing services and technology. In this context, the ICAM was offered as a pragmatic response to problems which required prompt resolutions.

31. Another important factor which led to the development and adoption of the ICAM was a judicial mandate which required timely resolution of this proceeding. We therefore made limited use of immediately available data from the Jurisdictional Separations Process to aid in making cost allocations to four reporting categories. Because the Jurisdictional Separations Process is used by and subject to outside scrutiny by several parties with differing interests, we viewed the data resulting from that process, if used only for an interim period, to have a higher degree of reliability than data produced by AT&T's FDC Method 7 Special Studies. Recognizing, however, that JSP data are nonetheless subject to criticism, that conceptually superior cost allocation methods may be available, and that an extended investigation may produce such methods, we have remained committed to establishing a proceeding to explore and possibly adopt a long-term solution to cost allocation problems.

32. TCA and the Networks have requested that we immediately abandon the ICAM and renew efforts to develop a workable FDC Method 7 approach. This request is made in spite of our extensive discussion in both the Notice of Proposed Rulemaking and the Report and Order on the difficulties with that approach. Any effort to correct the deficiencies of FDC Method 7 would require a period of time of perhaps up to a year, during which all current and future AT&T tariff filings would either be held in abeyance, or automatically become effective without a Commission ruling on their lawfulness. Such a result is clearly not in the public interest. We prefer to examine such contentions in the context of the long-term phase of this docket, which will be initiated in the near future.

33. Accordingly, it is ordered, that the Petitions for Reconsideration and Petitions for Reconsideration and Clarification are granted in part to the extent indicated herein and othewise denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—Summary of Comments

AT&T

AT&T considers the ICAM to provide a reasonable framework within which it can work in the near term. It recommends changes in two areas, however. First, AT&T recommends changes in the allocation of Bell Operating Company and Long Lines switchboard investments and related traffic operator expenses and General Services and Licenses expenses. Second, AT&T recommends an alternative to use of a "composite ratio" to allocate message "other" investments and reserves between the MTS and WATS reporting categories. These changes, according to AT&T, would provide for a more direct allocation of costs to MTS and WATS.

In its Opposition to Petitions for Reconsideration, AT&T states that with the exception of an issue raised by TCA, the petitions filed by other parties raised no substantive issues, facts or arguments which had not been previously raised by the parties in this and other proceedings, and fully considered and disposed of by the

[9] Appendix B to this Memorandum Opinion and Order is an updated version of the Interim Cost Allocation Manual. Revisions have been made which incorporate the change discussed herein. In addition, miscellaneous editorial changes have been made, primarily to the Expenses and Income section. We have modified the term "attributable" to mean the sum of allocated and directly assigned expenses by reporting category.

Commission. The one issue raised by TCA concerned the provisions of the ICAM governing the allocation of switchboard investments and traffic expenses, and the use of a "composite ratio" to allocate message "other" investments and reserves between the MTS and WATS reporting categories. TCA supported AT&T's position on this issue.

IDCMA

IDCMA emphasizes that the Commission should not lose sight of cost allocation problems which the ICAM was not designed to resolve. Specifically, IDCMA is concerned that the ICAM does not allocate costs within reporting categories, and thereby cannot be used to detect possible cross-subsidization among private line services. IDCMA claims that the cost manual must permit the ascertainment of costs to the rate element level in order to assure that rates are cost-based. Furthermore, it requests that the Commission reaffirm its commitment to address there issues by issuing a Supplemental Notice of Proposed Rulemaking immediately.

With respect to the rate of return which the Commission should allow individual services offered by AT&T to earn, IDCMA takes the view that competitive services should earn a higher rate of retrun than the return for the basic services for which substitutes do not readily exist. At a minimum, IDCMA would have the Commission require that the rate of return for any competitive service offered by AT&T be at least as high as the return level earned on its non-competitive services.

IDCMA requests that the Commission address the inadequacies of AT&T's data bases when it addresses the proper long term cost allocation procedures to be used by AT&T.

In its Reply filing, IDCMA criticizes arguments contained in AT&T's Opposition. With respect to the argument that no viable or easily implementable manual exists which would assign costs to the rate element level, IDCMA counters that AT&T has overlooked the manual adopted by the Administrative Law Judge in Docket No. 20814, and the proposal by Walter Hinchman Associates. Concerning AT&T's claim that the Commission will rely upon other regulatory approaches (in addition to the ICAM) to fulfull its statutory responsibilities, IDCMA argues that the alternative approaches are predicated upon establishment of effective cost allocation principles.

IDCMA restates its request that the Commission establish a proceeding to address long term cost allocation procedures and that it require any "competitive" service offered by AT&T to be at least as high as the return level earned on its non-competitive services.

TCA

TCA urges the Commission to modify its Report and Order based on the following points: (1) Terminate the use of Separations and Settlements procedures for the allocation of AT&T's costs among its various services; (2) prescribe cost allocation procedures to govern the allocation of AT&T's costs to rate elements and individual private line services; (3) require each private line service not to earn in excess of AT&T's system-wide authorized rate of return; and (4) revise the methodology for allocating switchboard and operator associated investment and expenses and all Account 100.1 investment and reserve accounts other than exchange, interexchange, international satellite and switching telephone plant among MTS and WATS.

In its Reply to AT&T's Opposition, TCA states that the three matters it raised in its Petition for Reconsideration which AT&T opposed were incorrectly characterized by AT&T as issues previously considered and disposed of by the Commission. TCA claims those issues pinpointed deficiencies in the reasoning and factual bases set forth in the Report and Order.

TCA points out that the Commission has an obligation to review in a public proceeding AT&T's implementation of the Separations Manual before relying on AT&T's procedures for rate regulation purposes. According to TCA, the serious deficiencies of the ICAM, which AT&T attempts to excuse by pointing out that the ICAM is only a temporary measure, are not sanctioned by Sections 201 and 205 of the Communications Act. TCA renews its request that the Commission correct the errors set forth in TCA's Petition for Reconsideration.

The Networks

The Networks assert that FDC Method 7 is the only cost methodology which has been determined to meet the Commission's statutory mandate under the Communications Act. Rather than abandon FDC Method 7, the Networks advise the Commission to expend its efforts expeditiously to formulate workable FDC Method 7 implementation procedures.

The Networks consider a cost allocation methodology which is based on jurisdictional separations principles to be arbitrary and unfair because, according to them, it assigns burdensome and unrelated costs to the program transmission services categories. The Networks claim that a separations-based cost allocation methodology does not properly account for actual use of facilities nor does it appropriately account for growth plant. In addition, the Networks argue that the cost manual contained in the Report and Order would give AT&T too much discretion to shift costs among services vis a vis FDC Method 7. They maintain further that the ICAM will deny parties and the staff the ability to review meaningfully the tariff support material provided by AT&T.

In the event the Commission decides to continue using a separations type methodology in allocating costs to the private line services category, the Networks request that the cost alloction manual be clarified. According to the Networks, the manual must include sufficient detail to assure that AT&T follows the assignment concepts described in the February, 1971 NARUC–FCC Separations Manual. They claim this detail is necessary to assure that the Cost Allocations Manual appropriately makes provision for the allocation, on a direct assignment basis, of costs to and revenues from the program transmission services categories.

Finally, the Networks urge the Commission to act expeditiously to prescribe a permanent manual.

In its Reply to AT&T's Opposition, the Networks points out that AT&T does not attempt to refute its position that program transmission services should not bear any of the subsidy that is used to support exchange service because the program transmission services do not share in the use of common exchange plant.

The Networks claim that AT&T is incorrect in claiming that it will be held accountable for its allocation of costs, and thus for rates, under the ICAM. As evidence, the Networks point to AT&T's recent proposal to raise private line rates which, according to the Networks, lacks documentation on the allocation of costs and revenues to individual services or rate elements. AT&T is also incorrect, the Networks claim, in suggesting that the Commission explained its reasoning for rejecting the concept of FAFFG in the Report and Order.

The Networks oppose the explanation that rates developed in conjunction with the ICAM can be acceptable because they are only temporary. Nor do they agree with the contention that the ICAM will bring "certainty" to the cost allocation process. Finally, the Networks oppose the argument that the ICAM represents the only manual that can be implemented now. The Networks explain that the other manuals, such as the one recommended by the Administrative Law Judge in Docket 20814, could be implemented (with "minor" modification).

Ad Hoc

In its Comments on Petitions for Reconsideration, Ad Hoc claims that the ICAM will not be auditable, will not further the Commission's objectives established in Docket 18128, and will not represent an improvement over existing cost manuals used by AT&T.

Ad Hoc believes the ICAM to be a "dramatic" reversal of the Commission's "commitment" to historical cost causation as the primary allocative principle controlling AT&T cost allocations. Problem areas, according to Ad Hoc, are AT&T's administration of the Separations procedures which gives rise to discretion and flexibility leading to inauditability, and the lack of standards in the Report and Order for controlling AT&T's assignment of costs to individual private line services and rate elements.

ARINC

Aeronautical Radio, Inc., in its Response to Petitions for Reconsideration, supports those petitioners who request that the Commission reconsider its choice of utilizing jurisdictional separations procedures for interstate retemaking purpose. ARINC would prefer a cost manual based on FDC Method 7 procedures.

Appendix II—Cost Allocation Manual

This manual contains general instructions for allocating the annual investment and expense costs to the following reporting categories for AT&T.

Exchange Network Facilities for Interstate Access (ENFIA)
Private Line

Message Telecommunications Service (MTS) Outward WATS and 800 Service (collectively, WATS)

For each of the reporting categories, an earnings ratio will be developed according to this formula:

Earnings Ratio =

$$\frac{\text{Revenues minus (expenses and taxes)}}{\text{Gross investment minus reserves}}$$

These earnings ratios, plus supporting documents, will be filed with the Commission during June following the reporting year ("central submission"). These earnings ratios will be subject to final interpretation by the Commission.

The process for making changes to this manual shall be determined by the Chief, Common Carrier Bureau. Minor changes (such as changes in account names) may be made providing these changes are approved by the Chief, Common Carrier Bureau prior to filing of the central submission. Substantive changes, which may be requested by any party, will require appropriate procedures.

I. Investments and Reserves

Instructions in this section are to be used to allocate interstate investments and reserves to the reporting categories.

A. *Bell Operating Companies (BOCs).* The final output of the Jurisdictional Separations Process (JSP) will be used as the definition of total BOC interstate private line investment and reserves and total BOC interstate message investment and reserves.[1] Investment and reserve amounts for ENFIA and other facilities provided to OCCs are derived from JSP data. Message investment will be grouped into exchange, interexchange and "other" categories, and allocated to MTS and WATS according to instructions described below. Those portions of exchange and interexchange investment associated with the switching function (Toll Dial Switching, Switchboards and Local Dial Switching) will be allocated separately as described below.

B. *Long Lines Department.* Using JSP principles, and Long Lines accounting records, investment and reserves for the Long Lines Department will be divided between private line and message categories. Message investments will be grouped into exchange, interexchange and "other" categories, to be used in further allocation to MTS and WATS. As with BOC investment, exchange and interexchange investment associated with the switching function will be allocated separately as described below.

C. *Reporting Categories. ENFIA.*—This category will include investments and reserves for ENFIA (rate elements 2 and 3). Investments and reserves are developed at this time from JSP data. Further delineation of service categories to be included in this reporting category (to be called Exchange Access in the future), and of the definition of investment used for exchange access, will result from CC Docket No. 78–72.

Private Line

Private Line investments and reserves from the BOCs and Long Lines Department are to be added together to establish total private line investment and reserve amounts.

MTS and WATS

Investment and reserve amounts for the BOC and Long Lines message category, as developed above, will be added together and then allocated to MTS and WATS. Message telephone plant (defined here as Account 100.1 less private line investment, land, buildings, furniture and office equipment, and vehicles and other work equipment) will be identified as either exchange or interexchange. Toll Dial Switching, Switchboard and Local Dial Switching investment associated with exchange and interexchange will also be separately identified. Exchange plant amounts will be allocated to MTS and WATS on the basis of relative subscriber line minutes of use.[2] Interexchange plant amounts will be allocated between MTS and WATS based on network message minute miles. Toll Dial Switching investment will be allocated on the basis of switched message-minutes. The determination of investment in the various switchboard types will be based on JSP data. Investment in Long Lines message switchboards will be directly assigned to the MTS reporting category. BOC investment in switchboards used exclusively to provide 800 Service information will be assigned to the WATS category. BOC network service switchboards (rate and route, information, intercept and miscellaneous) will be allocated between the MTS and WATS reporting categories based on the relative number of total MTS and Outward WATS messages. Investment in other BOC switchboards (revenue producing) will be determined on the basis of whether billed or non-billed messages are being served, using traffic unit data. Investment serving billed messages will be allocated between MTS and WATS based on the relative number of MTS and WATS messages served by such investment. Investment serving non-billed messages will be allocated based on the relative number of total MTS and Outward WATS messages. Local Dial Switching investment will be allocated on the basis of dial equipment minutes. International satellite associated earth station investment (Account 100.5) and its associated depreciation and amortization account (Account 175) will be allocated on the basis of international satellite rents.

Exchange, interexchange, international satellite and switching telephone plant developed separately for MTS and WATS will be added together to form total message telephone plant amounts for MTS and WATS. The percentage which MTS and WATS telephone plant each makes of total message telephone plant (as defined above) will be used as a distributive ratio to allocate all remaining investment ("other") and reserve accounts between MTS and WATS.[3]

II. Expenses and Income—Description of FDC Methodologies

Procedures in this section are to be used to distribute all interstate expenses (600 series accounts) and income to the reporting categories. Expenses are directly assigned where applicable or allocated on the basis of the procedures described below. Certain accounts are allocated on the basis of "total attributable expenses," which represents the ratio of expenses by reporting category (total reporting category expenses derived through direct assignment and allocation procedures) to total assigned and allocated expenses.

Expenses and Revenues—FDC Methods

Operating expense accounts	Allocation procedures
602.1–602.8 Repairs of Outside Plant (OSP).	Allocate to reporting categories based on associated OSP in service (Accounts 214 through 244). Allocate maintenance of overseas facilities to reporting categories based on the number of associated circuits in service.
603–01 Subscriber Line Testing.	Subdivides into 3 parts (Station, OSP, and COE) in proportion to troubles found. (1) Allocate the station portion to reporting categories in proportion to station repair expense (See 605–01). (2) Allocate the OSP portion to reporting categories based on exchange OSP investment. (3) Allocate the COE portion to reporting categories based on the exchange COE investment.
603–02 Service Order Testing.	Allocate to the public switched network (PSN) and private line reporting categories in proportion to service order activity subsequent to the initial installation. Then allocate the total amount for PSN services to the PSN reporting categories based on the distribution of exchange outside plant and exchange central office equipment investment.
603–04 Trunk Testing ...	Allocate circuit testing to reporting categories using an analysis of reported testing hours. Overseas testing allocated to reporting categories based on number of circuits in service. Allocate facilities testing to reporting categories based on associated interexchange (IX) plant in service.
604 COE Repairs	Directly assign the Long Lines Service Engineering portions of Account 604 to the private line reporting category. Directly assign #4ESS international generic program costs to MTS.

[1] The primary source for this information is currently provided by AT&T's Interstate Settlement Information System (ISIS) report. JSP results are adjusted for changes required in Docket 19129 Phase II. Additional adjustments are currently made (but subject to final determination by the Joint Board) for facilities provided to Other Common Carriers under contractual agreement and for facilities used to provide ENFIA.

[2] In developing the count of minutes of use for the allocation of exchange "non-traffic sensitive" plant, both the interstate originating and terminating WATS minutes of use shall be counted. The usage measures specified herein (SLU, MMM, MM, DEM) are based on total day volumes.

[3] Included in this remaining investment and reserves portions are the following accounts: Land and Buildings; Furniture and Office Equipment; Vehicles and Other Work Equipment; Telephone Plant under Construction; Property Held For Future Telephone Use; Materials and Supplies; Customer Deposits; Organization, Franchise and Patent Rights; Depreciation Reserve and Accumulated Deferred Income Tax Reserve; Amortization Reserve; Earth Station Depreciation and Amortization Reserve; and, Cash Working Capital.

Expenses and Revenues—FDC Methods—Continued

Operating expense accounts	Allocation procedures
	Allocate the circuit rearrangements and change portions of Account 604-07 and Account 604-08 (less Long Lines Service Engineering) to reporting categories based on number of IX circuit sections.
	Allocate overseas facility terminal equipment maintenance to reporting categories based on associated number of circuits.
	Allocate the remainder of Account 604 to reporting categories based on associated COE plant in service.
605 Station Equipment Maintenance.	Allocate Associated Company Account 605 to reporting categories based on the station equipment plant in service. Allocate Long Lines Account 605 to reporting categories based on Long Lines station equipment plant in service (Account 231, 232, and 234).
606 Buildings and Grounds.	Allocate to reporting categories based on investment in buildings (less general office and garage and storeroom space).
610 Maintaining Transmission Power.	Allocate to reporting categories based on COE plant (Account 221) separately for domestic and overseas.
612 Other Maintenance..	Allocate to reporting categories based on combined Accounts 602 through 606 and 610.
608 Depreciation.....	Allocate to reporting categories based on the depreciable classes of plant in service using composite Associated Company and Long Lines depreciation rates. (Ocean cable depreciation is allocated separately based on the ocean plant in service in each category).
609 Extraordinary Retirements.	Allocate to reporting categories based on special analysis of accounting records.
613 Amortization of Intangible Property.	Allocate to reporting categories based on total attributable expenses.
614 Amortization of Plant Acquisition Adjustments.	Directly assign to reporting categories based on special analyses of accounting records.
NOTE.—Accounts 621 through 633 are treated separately for the Associated Companies and Long Lines; except accounts allocated based on investment.	
621-01 General Traffic Supervision (Except Accounts 621-311 and 316).	Allocate to reporting categories based on Account 624 less 624-22 and 624-25.
621-311/316/05, 622-02/03, 624-25/629-08, 631-38 and 631-48 Business Services.	Allocate to reporting categories using data from a Business Service time reporting system.
621-03, 624-22, 629-07, 631-37/47 Network Administration.	Allocate Accounts 621-431, 624-222, 624-422 and 624-622 (switching and line and number administration) to reporting categories based on toll dial switching equipment plant in service.
	Allocate Accounts 621-331 and 624-322 (traffic loan data administration) to reporting categories based on toll dial switching and switched services IX central office equipment and OSP plant in service, excluding dedicated overseas IX central office equipment and outside plant.
	Allocate Accounts 624-722 (Trunk Administration) to reporting categories based on switched services IX central office equipment plant and OSP plant in service, *excluding* dedicated overseas IX central office equipment and outside plant.
	Allocate Accounts 621-231 (network administration staff) to reporting categories based on the combined attribution of Accounts 624-222, -622 and-722.
	Allocate the remainder (training and other staff) of Account 621-03 based on the combined attribution of Accounts 621-231, -331 and -431.
	Allocate the remainder (supervision, training and other) of Accounts 624-22, 629-07, 631-37 and 631-47 based on the combined attribution of Accounts 624-222, -322, -422, -622 and -722.
622-01 Service Observing.	Allocate to reporting categories based on Account 624 less 624-22, and 624-25.
624 (Except Accounts 624-22 and 624-25) Operators Wages less Network Administration and Business Services.	Directly assign Long Lines expenses to Private Line and MTS. Determine BOC expenses by switchboard type based on JSP traffic unit data. Directly assign expenses incurred at 800 Service Switchboards to WATS. Allocate expenses incurred at network service switchboards (rate and route information, intercept and miscellaneous) to MTS, WATS and ENFIA based on the relative number of MTS, outward WATS and ENFIA messages. Determine expenses incurred at other switchboards associated with billed messages on the basis of traffic units. Allocate expenses associated with billed messages based on the relative number of MTS and WATS messages served by such switchboards. Allocate expenses allocated with non-billed messages based on the relative number of total MTS and Outward WATS messages.
626 Rest and Lunch Rooms.	Allocate to reporting categories based on Account 624 less 624-22, and 624-25. (Network Administration and Business Service portions of these accounts are treated above).
627 Operator's Employment and Training.	Same as Account 626.
629 less -07 and -08 Co Stationery and Printing.	Same as Account 626
630 Co House Service ...	Same as Account 626.
631 less -37, -38, -47, and -48 Miscellaneous Co Expenses.	Same as Account 626
632 Public Telephone Expenses.	Allocate Associated Company expenses to reporting categories based on traffic units.
633 Other.....	Same as Account 626.
640 General Commercial Administration.	Allocate Associated Company expenses to reporting categories based on Associated Company Account 645.
	Directly assign Long Lines Produce Management expense to reporting categories. Allocate remainder of Long Lines Account 640 to service categories based on Long Lines Account 643.
642 Advertising.....	Directly assign Residence Sales, Long Distance Residence Sales and Long Distance Business Sales to MTS. Allocate Business Sales and the remainder based on total attributable expenses.
643 Sales.....	Allocate to reporting categories using the results from a sales time reporting system.
644 Connecting Company Relations.	Allocate to reporting categories based on allocation of Independent Company Settlements.
645 Local Commercial Operations.	Directly assign Associated Company coin telephone collection (645-181/381) to MTS.
	Allocate remainder of Associated Company expenses to reporting categories using results of an analysis of commercial work measurement plan.
	Allocate Long Lines expenses to reporting categories using results from a sales time reporting system.
648 Public Telephone Commission.	Directly assign to MTS.
649 Directory.....	Allocate to MTS, WATS, and ENFIA based on a count of MTS, Outward WATS, and ENFIA messages.
650 Other Commercial Expenses.	Allocate Associated Company expenses to reporting categories based on Associated Company Account 645.
	Allocate Long Lines expenses based on Long Lines Account 643.
661 Executive Department.	Allocate based on total attributable expenses.
662 Accounting Department.	Allocate Revenue Accounting to reporting categories based on analysis of work hours and functions from Associated Company work measurement plan and analysis of Long Lines Revenues Accounting Offices. Allocate remainder to reporting categories based on total attributable expenses.
663 Treasury Department.	Allocate to reporting categories based on assigned plant in service.
664 Law Department	Directly assign overseas legal expenses to overseas services based on analysis of records.
	Directly assign outside legal consultant fees and associated costs based on analysis of AT&T Form M Schedule 39.
	Allocate remainder to reporting categories based on total attributable expenses.
665 Other General Office Salaries and Expenses.	Allocate Personnel, Account 665-03, to reporting categories based on Maintenance, Traffic, Commercial and Revenue Accounting salaries.
	Directly assign Long Lines Service Engineering expenses (Portion of 665-09) to the private line category.
	Allocate Account 665-29, Customer Services, to categories based on reported hours.
	Allocate Account 665-149, Central Office Planning and Engineering, based on toll dial switching equipment plant in service.
	Allocate remainder based on total attributable expenses.
668-669 Insurance and Accidents and Damages.	Allocate to reporting categories based on plant in service.
670 Earth Station Expenses.	Allocate to reporting categories based on Account 100.5.

Expenses and Revenues—FDC Methods—Continued

Operating expense accounts	Allocation procedures
671 Operating Rents.....	Allocate circuit and miscellaneous rents to reporting categories based on interexchange OSP and circuit equipment and toll switching equipment plant in service. Allocate Long Lines rents paid to affiliates to reporting categories based on number of circuits. Directly assign international satellite rents incurred for services that can only be provided on satellite facilities directly to reporting categories. Allocate remaining international satellite rents to reporting categories based on total international voice-grade circuits in use. Allocate domestic satellite rents to reporting categories based on domestic satellite circuits in use. Allocate building space rents to reporting categories based on the combined Accounts 643, 645 and Revenue Accounting portion of 662.
672 Relief and Pensions.	Allocate to reporting categories based on Maintenance, Traffic, Commercial, and Revenue Accounting Salaries.
673 Telephone Franchise Requirement (dr).	Allocate based on the total investment in Account 100..1
674 (and Long Lines Account 691) General Services and Licenses.	Allocate to reporting categories on bases consistent with the nature of the items of expense.
675 Other Expenses.....	Allocate to reporting categories based on plant in service.
676 Telephone Franchise Requirements (cr).	Allocate based on the total investment in Account 100.1.
677 Expenses Charged Construction (cr).	Same as Account 675

Income Accounts—FDC Methods Subsection

Income accounts	Allocation procedures
Gross Operating Revenues (Accounts 500–518, 524).	Directly assign to reporting categories based on accounting records.
Earth Station Revenue (Account 522).	Allocate to reporting categories based on the allocation of international satellite rent expense.
Long Lines Directory Advertising and Sales (Account 523).	Directly assign to MTS
Other Operating Revenues (Account 526).	Allocate based on gross operating revenues.
Uncollectibles (Account 530).	Allocate to reporting categories based on an analysis of accounting records.
Independent Company Settlements.	Allocate based on the revenue account charged.
LL Settlements except Division of Revenue.	Allocate based on the revenue account charged.
Miscellaneous Income Charges (Account 323).	Allocate based on plant in service (Account 100.1).
Interest on Customer Deposits (Account 336).	Allocate based on the total investment in Account 100.1.

Taxes—FDC Methods

Type of tax	Allocation procedures
Gross Receipts Taxes.....	Allocate based on the allocation of reporting category revenues.
Social Security Taxes (Account 307-05).	Allocate based on the apportionment of Maintenance, Traffic, Commercial, and Revenue Accounting salaries.
Ad Valorem Taxes (Account 307-01).	Allocate based on the allocation of plant in service.
Income Adjustments for Income Tax Determination.	Allocate depreciation of capitalized items, Relief and Pensions, and, Social Security Taxes capitalized based on plant in service. Allocate Operating Fixed Charges based on the allocation of net investment.
State and Local Income Taxes (Account 307-02).	Allocate the actual tax incurred based on the state and local taxable income for each reporting category (net revenue less expenses, income charges, taxes excluding Federal Income Taxes, and income adjustments).
Amortization of Investment Credits.	Allocate based on the allocation of plant in service.
Federal Income Tax	Allocate to reporting categories by multiplying the statutory rate times the Federal taxable income for each reporting category (net revenue less expenses, income charges, other taxes, and income adjustments).

General Services and Licenses

[Account 674 and LL Account 691]

Expense categories	Allocation basis
(1) Bell Telephone Laboratories Billing for Research and Systems Engineering.	
(A) Switching:	
(1) Business Communications Systems.	PBX plant in service (Account 234).
(2) All other.....	COE switching plant in service.
(B) Transmission:	
(1) Ocean Cable.....	Ocean cable and associated COE Plant in service.
(2) Satellite Communications	Domsat rents.
(3) Waveguide Systems.	IX plant in service
(4) Other toll transmission.	IX plant in service.
(5) Exchange transmission.	Exchange plant in service
(C) Station.....	Station equipment plant in service (Accounts 231 and 232).
(D) Outside plant.....	OSP in service, less ocean cable.
(E) General:	
(1) BIS.....	Total attributable expenses
(2) Other.....	Total attributable expenses.
(F) Associated Work.....	Total attributable expenses.
(2) Network Planning and Design:	
(A) Central Office Planning and Design.	COE plant in service.
(B) Distribution Services Planning and Design.	Exchange OSP in service
(C) Toll transmission and Design.	IX OSP + IX COE plant in service, excluding Overseas.
(D) Operator Services Planning and Design.	Switchboard plant in service
(E) All other	Plant in service.
(3) Network Services:	
(A) Central Office Operations and Engineering.	COE plant in service.
(B) Distribution Operations and Engineering.	Exchange OSP in service
(C) Toll Transmission Operations and Engineering.	IX OSP + IX COE plant in service excluding Overseas.
(D) Operator Services Operations and Engineering.	Switchboard plant in service
(E) All other	Plant in service
(4) Residence Marketing:	
(A) Customer Facilities.	Station equipment plant in service (Accounts 231, 232, and 234)
(B) Customer Services..	Accounts 640 and 643.
(5) Information Systems....	Total attributable expenses
(6) Directory & Public Services.	Count of MTS and Outward Wats and ENFIA messages
(7) Staff	Total attributable expenses
(8) Business Marketing	Accounts 640 and 643
(9) Business Services:	
(A) Business Services Strategy Division:	
(1) Customer Facilities.	Station equipment plant in service (Accounts 231, 232, and 234)
(2) Customer Assistance.	Account 640
(B) Business Services Operations Division.	
(1) Customer Facilities.	Station equipment plant in service (Accounts 231, 232, and 234)
(2) Customer Assistance	Account 640.
(10) Planning and Administration D.	Total attributable expenses
(11) Public Relations and Employee Information	Total attributable expenses
(12) Human Resources....	Maintenance, Traffic, Commercial and Revenue Accounting salaries, combined.
(13) Labor Relations.....	Maintenance, Traffic, Commercial and Revenue Accounting salaries, combined.
(14) Comptrollers	Total attributable expenses
(15) Treasury.....	Plant in service.
(16) Tariffs and Costs	Gross revenues.
(17) Public Affairs	Total attributable expenses
(18) State Regulatory Matters.	Total attributable expenses
(19) Federal Regulatory Matters.	Total attributable expenses
(20) Legal:	
(A) General Legal and Tax.	Total attributable expenses
(B) Patent Matters	Bell Laboratories Billing (see Item 1 above).
(C) Antitrust and MCI Docket.	Total attributable expenses
(21) Secretary.....	Total attributable expenses
(22) Administrative Services.	Total attributable expenses
(23) Executive.....	Total attributable expenses
(24) Operations Planning..	Total attributable expenses
(25) Provision for Service Pensions and Death Benefits.	Results of 2 through 24 above
(26) Other expenses.....	Results of 2 through 24 above
(27) Taxes other than F.I.T.	Results of 2 through 24 above
(28) Return Requirement (including related F.I.T. on net investment in the General Departments Account 101.1).	Results of 1 through 27 above

[FR Doc. 81-15598 Filed 5-22-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. MC-137]

No Suspend Zone; Motor Common Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: In our notices in this proceeding (45 FR 6974, January 31, 1980; 45 FR 12273, February 25, 1980; 45 FR 39316, June 10, 1980; and 45 FR 45932, July 8, 1980), we proposed upward and downward rate flexibility by creating a "no suspend zone" for motor carrier freight rates. We sought comments on this as well as a "no notice zone" and possible methods of implementing these concepts. The Motor Carrier Act of 1980 (Pub. L. No. 96-296) authorized a no suspend zone. The other actions proposed in the notice should not be considered until after the effects of the legislative changes contained in Pub. L. No. 96-296 can be studied.

DATES: This proceeding is discontinued effective June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: In our notices, we proposed a number of methods to increase carrier ratemaking flexibility. We suggested development of a no suspend zone within which rates would not be suspended or investigated on the grounds that the rates appeared too high or too low. No suspend zone rate changes were proposed only for carriers acting independently; no rate bureau could use the zone. We proposed either to develop a "base rate" or to use present rates from which to compute increases or decreases allowable under a no suspend zone. Further expansion of the zone (downward or upward) for particular types of carriers was proposed to be considered in the sub proceedings established in Ex Parte No. MC-135, *Master Certificates and Permits*. We also proposed the possibility of a no notice zone within the no suspend zone.

Section 10708(d), added by the Motor Carrier Act, established a 10-percent zone of rate freedom. Increases are judged from the rate in effect on July 1, 1980[1] These rates must be set independently. See Ex Parte No. 297 (Sub-No. 5), *Motor Carrier Rate Bureaus-Implementation of Pub. L. 96-296*, 364 I.C.C. 464, (45 FR 86736, December 31, 1980). For two years, general increases applied to rates for which a zone increase is proposed are to be counted towards the allowable zone to the extent they exceed 5 percent.

The zone is now available and we have issued rules (49 CFR 1309.8 and 1310.1(c)) for zone filings. No. 37416, *Identification of Rates filed Under Zone of Rate Freedom by Motor Common Carriers of Property and Freight Forwarders* (decided July 15, 1980), 45 FR 52161, August 6, 1980.

This new provision resolves most of the issues raised in our notice, i.e., jurisdiction, rationale, costing techniques, and extent of a no suspend zone. Moreover, expansion of the zone based on cost and market considerations for particular types of motor carrier services may no longer be considered as we had originally proposed. Ex Parte No. MC-135, *supra*, has been discontinued. See, § 10922(b)(3).

The Motor Carrier Act does not provide a no notice zone. While we could nonetheless proceed to consider adopting one, we will not do so now. We think it more appropriate for the time being to refrain from this action. We intend to monitor and study the use of § 10708(d) and will consider this and other actions to the extent there is a need for them.

The Motor Carrier Act raises new issues related to the zone, i.e., an increase in the zone under § 10708(d)(2) and application of the Producers Price Index after July 1, 1982 (§ 10708(d)(3)(B)). A question has also been raised concerning the proper definition of "general increase" used in § 10708(d)(3)(A). These subjects are under study.

We recognize that a number of parties disagreed with our earlier conclusion (45 FR 39316, June 10, 1980) to develop a record in this case prior to the passage of motor carrier reform legislation. We continue to believe the record was helpful. Continuing the proceeding in order to receive comments focussed the issues, encouraged interested persons to analyze them and formulate positions and, we believe ultimately assisted the legislative process. Furthermore, one issue that has not been discussed in depth here—the relationship between independent pricing under the zone and collective ratemaking based on a rate of return standard—remains. (See Question 18 in the notice, 45 FR 6974, January 31, 1980.) This issue has also been raised in Ex Parte No. MC-128, *Revenue Need Standards in Motor Carrier General Increase Proceedings*, and can be addressed there, rather than in this proceeding.

This decision does not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10321, 10708(d), and 5 U.S.C. 553)

Dated: May 18, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15577 Filed 5-22-81; 8:45 am]

BILLING CODE 7035-01-M

[1] Or one year prior, whichever is less.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Export of Bobcat, Lynx, River Otter, Alaskan Gray Wolf, Alaskan Brown Bear, American Alligator, and American Ginseng Taken in 1981-82 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Intent.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a 67-nation treaty regulating the international shipment of certain wildlife and plant species. Exports of wildlife or plants listed in Appendix II of CITES may occur only if a Scientific Authority has advised a permit-issuing Management Authority that such exports will not be detrimental to the survival of the species, and if a Management Authority is satisfied that the wildlife or plants were not obtained in violation of laws for its protection.

The Service must make such decisions on the bobcat, lynx, river otter, Alaskan gray wolf, Alaskan brown bear, American alligator, and American ginseng, which are all included in Appendix II. These decisions are made on a state-by-state basis for all specimens taken in a particular season. This notice announces the Service's intent to develop findings on export of specimens of these species taken in the 1981-82 season. The Service solicits comments on criteria to be used in the findings. The Service also requests information on environmental and economic impacts and effects on small business, organizational, or governmental entities, that might result from the findings.

DATES: All information and comments received by the following dates will be considered: June 15, 1981, for American alligator and American ginseng, and July 1, 1981, for bobcat, lynx, river otter, Alaskan gray wolf, and Alaskan brown bear.

ADDRESS: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 536, 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Scientific Authority Findings—Dr. Richard L. Jackowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653–5948.

Management Authority Findings—Mr. S Ronald Singer, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (703) 235–2418.

Export Permits—Mr. Robert J. Batky, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (703) 235–1903.

SUPPLEMENTARY INFORMATION: This is the first of three notices concerning the Service's findings on export of bobcat, lynx, river otter, Alaskan gray wolf, Alaskan brown bear, American alligator, and American ginseng, taken in the 1981–82 season. It proposes criteria for Scientific Authority findings on whether export will not be detrimental to the survival of the species, and for Management Authority findings on whether the wildlife was not obtained in violation of laws for its protection.

Scientific Authority Findings

The Service published a notice on July 10, 1980, (45 FR 46464) summarizing criteria used by the Scientific Authority in advising on whether export will not be detrimental to the survival of the species. The general criteria for such findings are as follows:

1. Whether similar export has occurred in the past, and has not reduced the numbers or distribution of the species, nor caused signs of ecological or behavioral stress within the species, or in other species of the affected ecosystem.

2. Whether life history parameters of the species and the structure and function of its ecosystem indicate that the present frequency of export will not appreciably reduce the numbers or distribution of the species, nor cause signs of ecological or behavioral stress within the species or in other species of the affected ecosystem.

3. Whether such export is expected to increase, decrease, or remain constant in frequency.

In using these general criteria, the Service established specific requirements for advising on the export of certain species. Last year, the Service followed the practice of the former Endangered Species Scientific Authority (ESSA) in advising on export of the species discussed in the present notice, based on an annual review of state programs for their conservation. The Service adopted minimum requirements, previously used by the ESSA, in giving such advice on export of bobcat, lynx, and river otter. These requirements were recommended by a working group of wildlife biologists convened by the ESSA in 1977.

A. Minimum requirements for biological information:

(1) Population trend information, the method of determination to be a matter of state choice.

(2) Information on total harvest of the species.

(3) Information on distribution of harvest.

(4) Habitat evaluation.

B. Minimum requirements for a management program:

(1) There should be a controlled harvest, methods and seasons to be a matter of state choice.

(2) All pelts should be registered and marked.

(3) Harvest level objective should be determined annually.

Bobcat

Defenders of Wildlife, Inc., challlenged the validity of these specific requirements for bobcat exports in a suit brought against the ESSA and the Department of the Interior. On February 3, 1981, the United States Court of Appeals for the District of Columbia Circuit held that the requirements set forth above are invalid, and that they are to be set aside to the extent they authorize findings, that export of bobcats would not be detrimental to the survival of the species, when such findings are not based on reliable estimates of the bobcat population and data showing the total number of bobcats to be killed, in each of the states involved.

Although the suit focused on the 1979–1980 harvest season, the court made it clear that the revised requirements also should apply to subsequent seasons. The court's requirements are obviously a departure from wildlife management as it has traditionally been practiced in almost all states. The court's requirements have not been used in managing elusive, widespread species such as the bobcat, which are very difficult to census. The Service believes that findings based solely on the court's requirements would not be meaningful, and that it is important to consider certain other types of information that the Service has sought in the past.

The court offered very little guidance with respect to its requirement of a reliable population estimate. The court stated that "The Scientific Authority has considerable discretion to determine the method by which that estimate may be made and in evaluating its reliability." Accordingly, the Service intends to allow individual states the greatest possible latitude in selecting methods of estimating their bobcat populations, to the extent they are able to make such estimates. The Service suggests that any such estimates should be accompanied by an assessment of their reliability (confidence limits).

The court's second requirement was that there must be information concerning the total number of animals to be harvested in the particular season. While the court gave no guidance on this requirement, the Service views it as very similar to the previous minimum requirements for a management program, particularly the requirement that individual states should determine their harvest level objective annually.

In order for the Service to determine if a particular export level will not be detrimental to the survival of the species in a given state, it will still need evidence of the ability of the bobcat population to sustain the harvest. Accordingly, the Service requests certain of the same types of information this year as in previous years. In addition, in view of the court's order, the Service requests that each state submit an estimate of its current total bobcat population, to the extent it is able make such an estimate.

The Service has asked each state to provide the following types of information.

1. Biological Information:

a. An estimate of the size of the statewide population, including a description of: (i) how it is calculated, with an indication of the geographic areas where data used in the calculations were gathered, (ii) how it accommodates differences in abundance over the range of habitat occupied by the species, and (iii) the confidence limits on the estimate.

b. A description of any research being conducted to assess the distribution, abundance, or general condition of the species in the state. Please briefly

summarize results so far obtained, including results of any analyses of age structure or reproductive parameters.

c. A description of any population models being used in the state to evaluate the status of the species.

d. An assessment of long-term population trends of the species in the state, and the relationship of these trends to habitat condition, management practices, harvesting pressure, prey abundance, or other factors.

2. Management Program:

a. Harvest level objective for the 1981–82 season (anticipated total statewide harvest of the species). Please describe: (i) how this figure is derived, and (ii) how biological information is used in setting the harvest level objective.

b. A description of methods used to insure that the actual harvest will not substantially exceed the harvest level objective.

c. A copy of current state regulations governing harvest, possession, transport, and sale of the species. Please indicate any changes to be made for the 1981–82 season.

3. Harvest Information for the previous 1980–81 Season:

a. Number of animals (listed by county or game management unit, if data are available at these local levels) that were: (i) harvested, (ii) tagged, and (iii) bought by dealers operating in the state. Please also give the total number of animals that were harvested and tagged in the 1979–80 season in the state.

b. Number of licensed trappers in the state, and number of these trappers setting for the species in question. Please provide any available information on harvest per unit effort.

c. Prices paid to trappers for pelts of the species, including the average price and the range of extremes.

4. Name, address, and telephone number of the state staff person the Service should contact concerning these information needs.

The approach toward Scientific Authority advice outlined in this notice is an interim measure. The Department of the Interior has strongly recommended to the Department of Justice that the appellate court's decision should be appealed to the Supreme Court. Because there might be no resolution of this legal issue before the next bobcat harvest season, the Service believes it is necessary to attempt to address the appellate court's requirements. Information requested in items 1a and 2a above is related to requirements of that court. At present, the Service's intention is to integrate its previous requirements and those of the court.

Lynx, River Otter and Alligator

Although the court's decision concerns only bobcats, Scientific Authority findings on lynx, river otter, and American alligator could be subject to legal challenge if they do not address the court's requirements. Therefore, the Service is requesting that each state also submit the same types of information on these species, to the extent it is able to do so.

Requirements discussed above are for Scientific Authority decisions on whether export of bobcat, lynx, river otter, or American alligator will not be detrimental to the survival of the species. The Service recognizes that the listing of these species in Appendix II is also for the purpose of effectively controlling international trade in other species of cats, otters, or crocodilians, respectively. Accordingly, the Service will consider the impact of trade in these species on the effectiveness of CITES in controlling trade in other related species, when determining conditions under which export may be allowed.

Gray Wolf and Brown Bear

Nations participating in CITES agreed that the Alaskan gray wolf and Alaskan brown bear are included in Appendix II under the provisions of Article II.2(b) to effectively control international trade in other populations of these species that are included in Appendix I or II. Scientific Authority advice on non-detriment for export of Alaskan wolves and brown bears will, therefore, be based on consideration of the impact of that trade on the effectiveness of CITES in controlling trade in other subspecies or geographically separate populations that they were listed to protect.

American Ginseng

American ginseng *(Panax quinquefolius)* was listed in Appendix II when the Convention became effective on July 1, 1975. Last year, the Service followed the practice of the former Endangered Species Scientific Authority (ESSA) in advising on the export of American ginseng based on an annual review of state programs for the conservation of the species. The Service adopted the following specific requirements, previously used by the ESSA, in giving such advice:

The ESSA proposes to approve export of wild American ginseng from those states that have implemented substantial programs to conserve the species whose populations can support the harvest. Acceptable conservation programs generally must include some form of research and regulations designed to monitor the status of the state's wild populations to provide annual harvest estimates, and to control exploitation. The ESSA recognizes the recency of wild plant management in many states, and the frequent lack of management authority in state agencies. Consequently, we propose to approve export from certain states whose management agencies lack authority to limit exploitation provided those states have substantial plans for 1979 under existing authority and provided available information indicates that populations of the state can support the harvest.

This year the Service plans to refine those specific requirements in advising on whether exports of ginseng will not be detrimental to the survival of the species by evaluating: (1) information from each state on past, present, and potential distribution, relative frequency, local abundance, population trends, and harvest intensities on a county-by-county basis, and (2) state research and management programs for this species, including a limited harvest season to conserve the species.

Management Authority Findings

In addition to advice from the Scientific Authority, export of Appendix II species requires that the Management Authority is satisfied that specimens were not obtained in violation of state of Federal law. The Service, in meeting this responsibility, is contacting each state by letter, outlining specific requirements to satisfy export requirements of CITES.

The Service considers the following ongoing program to be necessary to qualify a state's bobcat, lynx, river otter, gray wolf, brown bear or alligator for export:

A tagging system must exist as proof of legal taking. Tags must:

1. Be made of metal or some other permanent material;

2. Be permanently attached to each skin, preferably by state personnel;

3. Accompany finished products to the port where the state tags will be collected by Service officers (tags are necessary to show source and numbers of pelts used in the manufacture of the product);

4. Be applied within a specified time of taking that is set by the state;

5. Show state of origin;

6. Show year of taking;

7. Show species; and

8. Be serially unique.

This year, the Service is considering the feasibility of supplyiing tags meeting these requirements to the states for use in exporting bobcat, lynx, and river otter.

In addition, the Service considers the following ongoing program to be necessary to ensure that ginseng to be exported was not obtained in violation of state or Federal law:

1. State certification or registration of dealers and exporters;

2. A requirement that dealers and exporters maintain a record of their commerce in ginseng; and

3. A certificate of legal taking identifying origin, year of taking, whether wild or artifically propagated, and weight of the shipment, attached to each export from the state. (Please note: this is required only for each export, not each transaction within the state.) This certificate is the only proof of legal taking that will be accepted by Federal officials at the point of export from the United States.

Schedule

The Service intends to develop final findings on export in advance of the 1981–82 harvest season. The planned schedule is as follows:

Late-April, 1981—Communicate requests for biological and management information to states.

Early May, 1981—Publish **Federal Register** notice of requirements for allowing export of certain Appendix II species, and invite public comment.

June 15, 1981—Deadline for receipt of information from states on alligator and ginseng.

June 26, 1981—Publish **Federal Register** notice of proposed findings on the export of alligator and ginseng, and invite public comment.

July 1, 1981—Deadline for receipt of information from states on furbearing species (bobcat, lynx, river otter, Alaskan gray wolf, and Alaskan brown bear).

July 20, 1981—Publish **Federal Register** notice of proposed findings on the export of furbearing species, and invite public comment.

July 24, 1981—Publish **Federal Register** notice of final findings on the export of alligator and ginseng.

August 18, 1981—Publish **Federal Register** notice of final findings on the export of furbearing species.

Request for Information

The Service requests information and comments concerning the criteria to be used in Scientific Authority and Management Authority findings for the export of species discussed in this notice. The Service also requests information on environmental and economic impacts, as well as any effects on small entities (including small businesses, small organizations and small governmental jurisdictions) that would result from such findings, either in favor of export or against it. This information will aid the Service in preparing any required analysis of effects to comply with the requirements of the National Environmental Policy Act, Executive Order 12291 on Federal Regulation, and the Regulatory Flexibility Act.

Dated: May 20, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-15532 Filed 5-22-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 100
Tuesday, May 26, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Land and Resource Management Plan; Targhee National Forest, Bonneville, Butte, Clark, Fremont, Lemhi, Madison, and Teton Counties, Idaho, Lincoln and Teton Counties, Wyoming; Revised Intent To Prepare an Environmental Impact Statement

A Notice of Intent to Prepare an Environmental Impact Statement for the Targhee National Forest Land and Resource Management Plan was published in the **Federal Register**, Volume 45, No. 17, p. 5784, January 24, 1980.

The estimated dates for filing the Draft and Final Environmental Impact Statements with the Environmental Protection Agency and release to the public have been postponed. The Draft Environmental Impact Statement is now expected in September 1981, and the Final Environmental Impact Statement is proposed for release in April 1982.

All other conditions of the original Notice of Intent remain the same.

Dated: May 12, 1981.

Jeff M. Sirmon,

Regional Forester.

[FR Doc. 81-15528 Filed 5-22-81; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

1980 Corn and Sorghum Crops: Determinations Regarding the National Program Acreages, Program Allocation Factors and Payment Rates

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Notice of Revision of National Program Acreages and Announcement of the Program Allocation Factors and Payment Rates for 1980 Crops of Corn and Sorghum.

SUMMARY: The purpose of this notice is to announce the revised national program acreages (NPA's), program allocation factors and deficiency payment rates for the 1980 crops of corn and sorghum. These actions are required to be made in accordance with the provisions of the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: May 22, 1981.

ADDRESS: Production Adjustment Division, ASCS/USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Lois G. Moe, Agricultural Program Specialist, Production Adjustment Division, ASCS/USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-6688. The Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with the provisions of Executive Order 12291 and has been classified "not major."

The title and number of the Federal Assistance program that this notice applies to are: Feed Grains Production Stabilization: 10.056, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, a review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

Section 105A of the Agricultural Act of 1949, as amended (referred to as the "Act") provides that the 1980-crop NPA's first proclaimed may be revised for the purpose of determining the allocation factor if the Secretary determines that such revision is necessary based upon the latest available information. The Secretary has determined that the NPA's for the 1980 crop of corn and sorghum shall be revised because of higher than anticipated domestic use and exports for corn and lower than anticipated domestic use for sorghum.

In addition, section 105A of the Act requires that the Secretary of Agriculture determine an allocation factor for the 1980 crop of corn and sorghum. The allocation factor shall be determined by dividing the NPA for the crop by the number of acres which the Secretary estimates will be harvested for each crop, but in no event shall the allocation factor be more than 100 percent nor less than 80 percent.

Section 105A of the Act also provides that deficiency payments be computed for the 1980 crops of corn and sorghum at a rate equal to the amount by which the higher of (1) the national weighted average market price received by farmers during the first five months of the marketing year (October through February) or (2) the loan level is less than the established "target" price per bushel.

A notice was published in the **Federal Register** (45 FR 1648) on January 8, 1980, proclaiming NPA's for the 1980 crops of corn and sorgum. It was noted that section 105A of the Act provides that the Secretary of Agriculture may revise the NPA's if the Secretary determines it necessary based upon the latest information. It was also noted that the program allocation factors would be determined in April 1981 for corn and sorghum.

The purpose of this notice is (1) to revise the 1980-crop corn and sorghum NPA's, (2) to determine the program allocation factors for these commodities, and (3) to announce the payment rates for corn and sorghum. These provisions are authorized by sections 105A(b)(1) (B) and (D) and sections 105A(d) (1) and (2) of the Act.

It is essential that these revisions be made effective as soon as possible since the Act requires the proclamation of the revised NPA's as soon as such determinations are made.

The Secretary has made the following determinations with respect to the 1980 crops of corn and sorghum.

Determinations

1. *Revised National Program Acreages.*

It is hereby proclaimed that the revised national program acreages (NPA's) for the 1980 crops of corn and sorghum shall be 84.1 and 12.8 million acres, respectively. The revised NPA's are based on the following data:

	Corn	Sorghum
(a) Estimated domestic use, 1980–81	5,100	407
(b) Plus estimated silage use, 1980–81	611	39
(c) Plus estimated exports, 1980–81	2,550	250
(d) Minus estimated imports, 1980–81	−1	0
(e) Plus or minus adjustment for carryover to desired level [1]	−167	+33
(f) Divided by national weighted average farm program yield (Bushels/acre)	96.2	57.1
(g) Equals: 1980 national program acreage (million acres)	84.1	12.8

[1] An appropriate carrover level of U.S. feed grain stocks has been determined to be equal to 6.7 percent of world consumption of coarse grains. Such consumption during the 1979–80 marketing year is estmated to be 727.2 million metric tons (MMT) (727.2 × 0.067 = 48.7 MMT (maximum level of U.S. feed grain carryover stocks)). The corn componet of the feed grain total has been determined to be 1,450 million bushels (36.8 MMT × 39.368). 1980–81 carryn corn stocks were 1,617 million bushels resulting in a 167 million bushel stock adjustment. The sorghum component of the feed grain total has been determined to be 180 million bushels (4.6 MMT). 1980–81 carryng sorghum stocks were 147 million bushels resulting in a 33 million bushel stock adjustment.

2. *Program Allocation Factors.*

It is hereby proclaimed that the 1980 crop program allocation factors shall be 100 percent for corn and 94.8 percent for sorghum, based on the following data:

	Corn	Sorghum
(a) 1980 NPA (million acres)	84.1	12.8
(b) Divided by estimated 1980 national harvested acreage (million acres) [1]	82.3	13.5
(c) Equals 1980 program allocation factor (percentage) [2]	100.0	94.8

[1] Based on corn and sorghum harvested acreage as reported in "Corp Production" dated January 14, 1981.
[2] Allocation factor may not exceed 100 percent. Actual factor is 102.2 percent for corn.

3. *Deficiency Payment Rates.*

It is hereby proclaimed that the deficiency payment rates for the 1980-crop corn and sorghum are zero; therefore, there will be no deficiency payments for 1980-crop corn and sorghum.

The national weighted average prices received by farmers for the first five months of the 1980–81 marketing year (October through February) are $3.11 per bushel for corn and $3.04 per bushel for sorghum. The official USDA price determination was published on page 22 of "Agricultural Prices" dated March 1981.

Since the weighted average prices received by farmers ($3.11 per bushel for corn; $3.04 per bushel for sorghum) are higher than the national loan rates ($2.25 per bushel for corn; $2.14 per bushel for sorghum), the weighted average prices become the determining factors in the establishment of the 1980-crop corn and sorghum deficiency payment rates.

The determination of the deficiency payment rates is based on the following data:

	Corn	Sorghum
(a) 1980 national established "target" prices (dollars per bushel)	[1] $2.05/ 2.35	[1] $2.45/ 2.50
(b) Minus higher of weighted five-month average price or loan rate (dollars per bushel) [2]	3.11	3.04
(c) Equals 1980 deficiency payment rate (dollars per bushel)	0	0

[1] The first entry is the target price applicable to those producers who planted in excess of the farm normal crop acreage (NCA). The second is for those who planted within the farm NCA.
[2] 1980 price support (loan) rates for corn and sorghum are $2.25 per bushel and $2.14 per bushel respectively. National weighted average market prices received by farmers during the first five months (October-February) of the 1980–81 marketing year are $3.11 and $3.04 per bushel for corn and sorghum, respectively. Consequently, these levels are higher than the respective loan rates and will be used in the determination of the deficiency payment level.

Signed at Washington, D.C. on May 5, 1981.

John R. Block,

Secretary.

[FR Doc. 81-15508 Filed 5-22-81; 8:45 am]

BILLING CODE 3410-05-M

Soil Conservation Service

Augustine Beach R.C. & D. Measure, Delaware; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Otis D. Fincher, State Conservationist, Soil Conservation Service, Treadway Towers, Suite 204, 9 East Loockerman Street, Dover, Delaware 11901, telephone 302–678–0750.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Augustine Beach R.C. & D. Measure, New Castle County, Delaware.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Otis D. Fincher, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns installation of a double bay reinforced concrete boat launching ramp 220 feet long by 30 feet wide which will extend 170 feet toward the channel from the mean high waterline; 210 feet of timber approach pier attached to 160 feet of a steel pile breakwater/pier system with a timber sheet pile curtain wall; 40 feet of gangway and a 20 foot by 8 foot floating courtesy dock attached to the breakwater/pier system. The planned work will be installed along the Delaware River 1 mile south of Port Penn, Delaware, and will provide safe public access to the waterways for recreational use.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Otis D. Fincher. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 25, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects

[FR Doc. 81-15505 Filed 5-22-81; 8:45 am]

BILLING CODE 3410-16-M

Clove Brook Watershed, New Jersey; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Plater T. Cambell, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, P.O. Box 219, Somerset, New Jersey 08873, telephone (201) 246–1205.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service, Guidelines (7 CFR

Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Clove Brook Watershed, Sussex County, New Jersey.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Plater T. Campbell, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project involves the installation of agricultural waste management systems to reduce nonpoint pollution loadings to Clove Acres lake and the streams in the watershed.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Plater T. Campbell, State Conservationist. The FNSI has been sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 25, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15567 Filed 5-22-81: 8:45 am]

BILLING CODE 3410-16-M

Goldsboro Watershed, Maryland; Intent To Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, Room 522, College Park, Maryland 20740, telephone (301) 344-4180.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Goldsboro Watershed, Caroline County, Maryland.

The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for watershed protection, flood damage reduction, and adequate agricultural drainage. Alternatives under consideration include systems for conservation land treatment, nonstructural measures, and channel modification.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation by agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Gerald R. Calhoun, State Conservationist. A meeting will be held at 7:30 p.m. on June 25, 1981, at the Public Library at Denton, Maryland, corner of First Street and Market Street, to determine the scope of evaluation of the proposed action. Further information on the proposed action or on the scoping meeting may be obtained from Mr. Calhoun at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15566 Filed 5-22-81: 8:45 am]

BILLING CODE 3410-16-M

Graham County Schools R.C. & D. Measure, North Carolina; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. George C. Norris, Acting State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611; telephone 919-755-4210.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Graham County Schools RC. & D. Measure, Graham County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Norris, Acting State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the reduction of erosion on approximately 6.8 acres of critically eroding land and draining approximately 4.7 acres of general play area. The planned works of improvement include two grassed waterways, tile drains, and the seeding of the eroding areas with adapted perennial vegetation. Areas of existing vegetation destroyed during installation will be reestablished.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Norris. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 25, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15568 Filed 5-22-81: 8:45 am]

BILLING CODE 3410-16-M

Highland and Queensborough Parks Critical Area Treatment R.C. & D. Measure, Louisiana; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318–473–7751.

Notice: Pursuant to Section 102 (2) (C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Highland and Queensborough Parks Critical Area Treatment R.C. & D. Measure, Caddo Parish, Louisiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the stabilization of critically eroding land on a 10-acre and 6-acre park. Some of the area will be shaped, filled, and revegetated. Planned structural measures include a concrete drop structure, splash basin, traffic barricades, and parking area.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 25, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 18, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–15563 Filed 5–22–81; 8:45 am]

BILLING CODE 3410–16–M

Lake Townsend Wildlife R.C & D. Measure, North Carolina; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. George C. Norris, Acting State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4201.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lake Townsend Wildlife R.C. & D. Measure, Guilford County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Norris, Acting State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the construction of approximately 1,200 linear feet of low earthen dike along with a flash board riser for water control. In addition, a pump will be used to flood the 14 acre marsh area during low water and drought periods. Approximately 40 wood duck nesting boxes will be erected in the marsh and bottom land area.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Norris. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 25, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 12, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–15560 Filed 5–22–81; 8:45 am]

BILLING CODE 3410–16–M

McClellanville Flood Prevention R.C. & D. Measure, South Carolina; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. George E. Huey, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, telephone 803–765–5681.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the McClellanville Flood Prevention R.C. & D. Measure, Charleston County, South Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George E. Huey, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a proposal to reduce flooding and improve flow conditions on 6.1 miles of ephemeral streams in and adjacent to the town of McClellanville through channel enlargement. Spoil will be spread adjacent to the channel. All areas disturbed will be vegetated. Several culvert systems at roads and street will be altered.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental

assessment are on file and may be reviewed by contacting Mr. George E. Huey. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 25, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–15572 Filed 5–22–81; 8:45 am]

BILLING CODE 3410–16–M

Mercer County Schools Critical Area Treatment and Land Drainage R.C. & D. Measure, West Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Morgantown, West Virginia 26505, telephone 304–599–7151.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mercer County Schools Critical Area Treatment and Land Drainage R.C. & D. Measure, Mercer County, West Virginia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure is designed to stabilize and revegetate approximately 3.0 acres of land at five schools in Mercer County which are subject to erosion and drainage problems. Included in the planned works of improvement are land shaping and smoothing, about 3,000 feet of subsurface drainage, vegetative practices necessary to establish adequate ground cover, 120 feet of grassed waterway, 250 feet of drainage field ditch, and one drop inlet.

The Notice of a Finding of No Significant Impact (FNSI) has been forewarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 25, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–15573 Filed 5–22–81; 8:45 am]

BILLING CODE 3410–16–M

Northeast Camden Flood Prevention RC&D Measure, South Carolina; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. George E. Huey, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, telephone 803–765–5681.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Northeast Camden Flood Prevention RC&D Measure, Kershaw County, South Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George E. Huey, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a proposal to reduce flooding and improve flow conditions on a 0.5 mile ephemeral stream. The existing stream will be enlarged and lined with rock riprap to prevent erosion. Spoil will be spread adjacent to the channel and disposed of properly. All areas disturbed will be vegetated. Several culvert systems at roads and streets will be altered.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George E. Huey. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 25, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 18, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–15564 Filed 5–22–81; 8:45 am]

BILLING CODE 3410–16–M

Triad School RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone 614–469–6962.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an

environmental impact statement is not being prepared for the Triad School RC&D Measure, Champaign County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention on open space areas of the Triad School property. The planned works of improvement include grading and shaping, construction of a diversion and collection basins to concentrate surface runoff, and the installation of subsurface drains to convey runoff to a stable outlet. Critical area seeding will be applied on all areas distrubed by construction.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert R. Shaw. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 25, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15570 Filed 5-22-81; 8:45 am]

BILLING CODE 3410-16-M

Union County Fairgrounds RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone 614-469-6962.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Union County Fairgrounds RC&D Measure, Marysville, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage on open space areas of the fairgrounds. The planned works of improvement include constructing a grassed waterway, grading and shaping, and installation of subsurface drains to safely collect and dispose of excess surface and subsurface water. Critical area seeding will be applied on all areas disturbed by construction.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert R. Shaw. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 25, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15571 Filed 5-22-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 81-5-104; Docket 39643]

Application of Air Chicago for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81-5-104 application of Air Chicago under Subpart Q for a certificate of public convenience and necessity Docket 39628.

SUMMARY: The Board is instituting the *Air Chicago Fitness Investigation* Docket 39643, and setting it for a hearing before an Administrative Law Judge of the Board on an expedited basis, at a time and place to be determined later, to consider whether Air Chicago is fit, willing, and able to provide service in the Chicago (Midway Airport) markets listed in its application. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board instituting the fitness investigation shall file, and serve upon all persons listed below no later than June 1, 1981, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 39643, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Thomas G. Chew, Bureau of Domestic Aviation, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5056.

SUPPLEMENTARY INFORMATION: Objections should be served upon Air Chicago, the Illinois Department of Transportation, the Louisiana Department of Transportation, the Michigan Aeronautics Commission, the New York State Department of Transportation, the Oklahoma Aeronautics Commission, the Ohio Department of Transportation, the Tennessee Department of Transportation, and the Texas Aeronautics Commission; the Mayors of Chicago, Illinois, Atlanta, Georgia, Baltimore, Maryland, Boston, Massachusetts, Buffalo, New York, Cincinnati, Ohio, Cleveland, Ohio, Columbus, Ohio, Dallas/Ft. Worth, Texas, Dayton, Ohio, Denver, Colorado, Des Moines, Iowa, Detroit, Michigan, Hartford, Connecticut, Houston, Texas, Indianapolis, Indiana, Long Island, New York, Kansas City, Missouri, Lincoln, Nebraska, Louisville, Kentucky, Memphis, Tennessee, Milwaukee, Wisconsin, Minneapolis/St. Paul, Minnesota, Nashville, Tennessee, New Orleans, Louisiana, New York, New York, Newark, New Jersey, Oklahoma City, Oklahoma, Omaha, Nebraska, Peoria, Illinois, Philadelphia,

Pennsylvania, Pittsburgh, Pennsylvania, Moline, Illinois, Rockford, Illinois, Rochester, New York, St. Louis, Missouri, Sioux Falls, South Dakota, Syracuse, New York, Toledo, Ohio, Tulsa, Oklahoma, Washington, D.C., and White Plains, New York; and the managers of these cities' airports. The complete text of Order 81-5-104 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a post card request for Order 81-5-104 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15537 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Week Ended May 15, 1981.

Subpart Q—Applications

The due date for answers, conforming application or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show cause order, a tentative order, or in appropriate cases a final order without further proceeding.

Date filed	Docket No.	Description
May 11, 1981	39620	Air Nauru, c/o Andrew T.A. Macdonald, Wilmer, Cutler & Pickering, 1666 K Street, N.W., Washington, D.C. 20006. Application of Air Nauru pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment to its temporary foreign air carrier permit so as (1) to delete existing Segments 3, 4 and 5, and (2) to authorize it to engage in foreign air transportation of persons, property and mail over a new and revised segment 3 and a new Segment 4 as follows. *Segment 3:* Between a point or points in the Republic of Nauru; the intermediate points Ponape and Truk, Trust Territory of the Pacific Islands; Guam; Saipan, Commonwealth of the Northern Mananas; and (a) beyond Saipan, the intermediate points Palau (Belau), Trust Territory of the Pacific Islands; Manila, Philippines; Taipei, Taiwan, and the terminal point Hong Kong; and (b) beyond Saipan, the intermediate points Palau (Belau), Trust Territory of the Pacific Islands; Manila, Philippines; Taipei, Taiwan, and the terminal point Singapore. *Segment 4:* Between a point or points in the Republic of Nauru; the intermediate points Tarawa and Canton Island, Kiribati; Apia, Western Samoa; Pago Pago, American Samoa; Rarotonga, Cook Islands, and the terminal point Papeete, Society Islands. Answers may be filed by June 8, 1981.
May 13, 1981	39628	Air Chicago, Inc., c/o paul M. Ruden, Wilner & Scheiner, 1200 New Hampshire Avenue, N.W., Washington, D.C. 20036. Application of Air Chicago, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, seeks issuance of a certificate of public convenience and necessity authorizing it to engage in scheduled air transportation of persons, property and mail as follows. Between and among the terminal point Chicago, Illinois, and the following alternate terminal points: Atlanta, GA, Baltimore, MD, Boston, MA, Buffalo, NY, Cincinnati, OH, Cleveland, OH, Columbus, OH, Dallas/Ft. Worth, TX, Dayton, OH, Denver, CO, Des Moines, IA, Detroit, MI, Hartford, CT, Houston, TX, Indianapolis, IN, Long Island-MacArthur, NY, Kansas City, MO, Lincoln, NE, Louisville, KY, Memphis, TN, Milwaukee, WI, Minneapolis/St. Paul, MN, Nashville, TN, New Orleans, LA, New York, NY, Newark, NJ, Oklahoma City, OK, Omaha, ME, Peoria, IL, Philadelphia, PA, Pittsburgh, PA, Moline, IL, Rockford, IL, Rochester, NY, St. Louis, MO, Sioux Falls, SD, Syracuse, NY, Toledo, OH, Tulsa, OK, Washington, D.C., White Plains, NY. Conforming Applications, motions to modify scope, and Answers may be filed by June 5, 1981.
May 13, 1981	39631	Eastern Air Lines, Inc., Miami International Airport, Miami, Florida 33148. Conforming Application of Eastern Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of its certificate of public convenience and necessity for Route 165 so as to authorize nonstop service as follows: Between points in the U.S. and coterminal points in Switzerland, Israel and Jordan. Answers may be filed by May 27, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15541 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 33363, 39103, 39104]

Former Large Irregular Air Service Investigation and Applications of Zantop Airlines, Inc.; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on June 3, 1981 (46 FR 23508, April 27, 1981) is postponed until June 16, 1981 at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C. before the undersigned Administrative Law Judge.

Dated at Washington, D.C. May 19, 1981.

William A. Pope II,

Administrative Law Judge.

[FR Doc. 81-15535 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 36595 and 38746]

Investigation Into the Competitive Marketing of Air Transportation; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding will be held before the Board on Monday, June 15, 1981, at 10:00 a.m., in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Each person that wishes to participate in the oral argument should so advise the Secretary, in writing, on or before Tuesday, June 9, 1981, together with the name of the person who will make the presentation.

Dated at Washington, D.C. May 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15458 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38747]

United Air Lines, Inc; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Pope, II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., May 18, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-15536 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

New Hampshire Advisory Committee; Cancelled Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the New Hampshire Advisory Committee of the Commission originally scheduled for May 27, 1981, at Manchester, New Hampshire, (FR Doc. 81-14414, page 26517) has been cancelled.

Dated at Washington, D.C., May 20, 1981.

John Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-15641 Filed 5-22-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81-00189. Applicant: Wesley Medical School, 550 North Hillside, Wichita, Kansas 67214. Article: Teletherapy Treatment Planning Simulator, Therasim 750. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for the study of malignancy in humans. The phenomena to be investigated is the relevancy of the localization of the site of the occurrence of the disease with the result of treatment. Studies will be conducted which compare cure vs. complications of treatment with previous methods of tumor localization, i.e., ordinary x-ray films, and the more exact method using a treatment simulator. In addition, the article will be used for training students in the following courses:

1. Medical Nuclear Physics II.
2. Radiologic Technology Training Program.
3. Radiology Elective for Medical Students.

Application received by Commissioner of Customs: April 14, 1981.

Docket Number 81-00190. Applicant: The Trustees of the University of Pennsylvania, Purchasing Department, 3451 Walnut Street, 16, Philadelphia, PA 19104. Article: Ultra-High Vacuum 3-Axis Goniometer. Manufacturer: Panmure Instruments, United Kingdom. Intended use of article: The article is intended to be used to perform high resolution (sub0.1A) surface studies using a medium energy ion scattering with channeling and blocking (C/B) complemented with angle resolved ultraviolet photoelectron spectroscopy on reconstructed metal surfaces (Tungsten), rearranged semiconductors (Gallium Antimony and Cadmium Selenium) and reactions on metal surfaces (Nickel) which will be constrasted with Low Energy Electron Diffraction (LEED) results. The techniques used involve: (A) low energy ion scattering (0.5-10 keV), (B) medium energy scattering (50-500 keV) and (C) high energy scattering (>1 MeV). The possibility of performing high-resolution structural studies of clean and adsorbate covered surfaces, using non-destructive techniques opens up new and fascinating possibilities, particularly a number of outstanding problems and obtaining information about phenomena that have so far been beyond reach. Application received by Commissioner of Customs: April 14, 1981.

Docket Number 81-00191. Applicant: Massachusetts Institute of Technology, Room E18-360, Cambridge, MA 02139. Article: Dye Laser, Model FL-2002. Manufacturer: Lambda Physics Inc., France. Intended use of article: The article will provide light of a precise wavelength to excite molecules to energy levels necessary for chemical reaction. The article will also be used by undergraduate and graduate students to learn the fundamentals of laser techniques in Physical Chemistry and Molecules Spectroscopy. Application received by Commissioner of Customs: April 14, 1981.

Docket Number 81-00192. Applicant: University of Cincinnati, Department of Chemistry, Cincinnati, Ohio 45221. Article: High Performance Mass Spectrometer System, MS-80. Manufacturer: Kratos Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used for a broad range of research topics from studies on the molecular aspects necessary to provide an understanding of basic metabolism and the adverse effects of toxic compounds, to studies on statistics employed in epidemiology, to clinical research involving occupational exposures to chemicals, noise and stress, to the development of methods to safeguard public health and the integrity of the ecosystem under study. Specific projects being carried out include:

(1) Investigation of the pulmonary metabolism of carcinogenic polynuclear aromatic hydrocarbons and N-heterocyclic aromatics in an isolated perfused lung system under various conditions that influence their carcinogenic potential.

2. Mutagenesis and carcinogenesis characterization of organics in drinking water.

(3) Analysis for pesticides and their metabolites.

Application received by Commissioner of Customs: April 14, 1981.

Docket Number 81-00193. Applicant: The Pennsylvania State University, Department of Meteorology, 503 Walker Building, University Park, PA 16802. Article: Sodar SR 101A including WPU-3 Wind Processing Unit. Manufacturer: Sensitron ab, Sweden. Intended use of article: The article is intended to be used for studying the turbulent sensible heat flux in the atmosphere's planetary boundary layer. There is to be a intercomparison study with units of U.S. manufacture. The article will also be used for educational purposes in the course Indirect Atmospheric Probing, Meteorology 520 for familiarization with sodar technology and systems. Application received by Commissioner of Customs: April 14, 1981.

Docket Number 81-00194. Applicant: Southeast Missouri State University, 900 Normal, Cape Girardeau, MO 63701. Article: Microscope Photometer, TM 3-C and Accessories. Manufacturer: Indumess, Austria. Intended use of article: The article is intended to be used for studies of polished sections of ore (opaque crystalline substances). Experiments to be conducted will involve the measurement of dispersion of reflectance for known and unknown opaque minerals occurring in tin-tungsten bearing ore veins in southeastern Missouri. In addition, the

article will be used in the course Ore Deposits (BL420) which is the study of the origin, character and description of metallic ore deposits. The objectives of the course are (i) to introduce the student to the study of ore deposits; (ii) introduce the student to the ore microscope, (iii) provide the student with means to identify opaque minerals by optical-chemical methods and to increase the students' opportunity for employment. Application received by Commissioner of Customs: April 14, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-15586 Filed 5-22-81; 8:45 am]

BILLING CODE 3510-25-M

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00180. Applicant: Northwestern University Medical School, Department of Pathology, 745 N. Fairbanks Court, Chicago, IL 60611. Article: Election Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of biological materials from a variety of organs including heart, kidney, brain and microorganisms. The objectives of these studies will be to provide morphological correlations with biological and physiological phenomena. Studies will localize abnormal proteins in basement membranes, and identify abnormal cells and cellular organelles in injured tissues. Other studies will be conducted to determine membrane structural alterations, cell hormonal receptor sites in normal and chemically induced carcinogenesis. Viruses will be localized and identified in neural tissues. Application received by Commissioner of Customs: April 3, 1981.

Docket Number 81-00181. Applicant: Syracuse University, Department of Chemistry, 108 Bowne Hall, Syracuse, NY 13210. Article: Excimer Laser, Model TE 861S with Unstable Resarator Optics, Models 504RX and 504FX. Manufacturer: Lumonics, Inc., Canada. Intended use of article: The article is intended to be used for the following studies: photo dissociation and kinetics of polyatomic molecules, particularly aldehydes including glyoxal, formaldehyde, acetaldehyde, butyraldehyde, into transient species and determination of the lowest concentrations of these individual aldehydes and the transient species. Each of the species being studied will be selectively excited to a higher energy level and each has particular radiative and nonradiative decay mechanisms. Many of these species formed by dissociation of the aldehydes are very short-lived molecules and are known to be intermediates in the production of atmospheric pollutants. Application received by Commissioner of Customs: April 3, 1981.

Docket Number 81-00183. Applicant: Western Washington University, Bureau for Faculty Research, 430 Old Main, Billingham, Washington 98225. Article: Accessories for Underwater Communication System. Manufacturer: U.D.I. Group Ltd., United Kingdom. Intended use of article: The article is intended to be used in a diving investigation of a unique arctic kelp (biological) community off the northern coast of Alaska. The objective of the study is to learn as much as possible about the biological, ecological, and physical characteristics of the community. Experiments conducted will include growth measurements of biological organisms and observations of the abiotic environment e.g., measurements of turbidity, sedimentation, ice growth, etc. Underwater communications are used exclusively in the collection of this data (which is transmitted directly to the surface and recorded), as well as communication between the divers for safety purposes. The above research program is used in thesis work by graduate students and in "special topic" courses for undergraduate students in the field of marine biology. Application received by Commissioner of Customs: April 6, 1981.

Docket Number 81-00185. Applicant: University of Illinois Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, 506 South Wright Street, Urbana, Illinois 61801. Article: Excimer Laser-Pumped Dye Laser System consisting of EMG 101, FL 2002 and FL 52. Manufacturer: Lambda-Physik GMbH., West Germany. Intended use of article: The article is intended to be used for photodissociation of organic molecules in single revibronic excited states and quantum beat spectroscopy. The article will also be used to teach graduate students working towards the Ph.D. degree in Chemistry some of the techniques for applying lasers to atomic and molecular research. Application received by Commissioner of Customs: April 8, 1981.

Docket Number 81-00186. Applicant: Temple University School of Medicine, Department of Microbiology & Immunology, 3400 North Broad Street, Philadelphia, Pennsylvania 19104. Article: Bulk Specimen Holder Accessory, Model H-5001B. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: The article is an accessory to an existing electron microscope that will be used in the study of the structure and synthesis of bacterial cell walls and membranes; the division of bacteria; the morphogenetic process that is involved in converting the yeast, Candida albicans, into a human pathogen; the role of cyclic nucleotides in the mitogenic response in lymphoblastoid cell-lines produced by transforming isolated blood lymphocytes with Epstein-Barr Virus. The specimens to be examined with the article will be examined in the secondary scanning mode. The article will also be used in the training of graduate students in the use of electron microscopy. Application received by Commissioner of Customs: April 10, 1981.

Docket Number 81-00187. Applicant: University of Maryland, Baltimore County, 5401 Wilkens Avenue, Catonsville, Maryland 21228. Article: 35mm Camera, Model JEM 100CX-A35-4 for Electron Microscope Model 100CX. Manufacturer: Japan Electron Optics Laboratory, Japan. Intended use of article: The article is an accessory to an existing electron microscope that will be used to record electron microscopic images on 35mm photograhic films.

Several investigators in a variety of biological and biochemical fields will use the article. In general, DNAs and RNAs isolated from phages, bacteria, algae, and higher organisms will be studied under the electron microscope. In all cases, statistical data have to be collected and analyzed. In addition, the article will be used in the training of graduate and undergraduate students. Application received by Commissioner of Customs: April 10, 1981.

Docket Number 81-00188. Applicant: Vanderbilt University, Department of Electrical Eng., P.O. 1631B, Nashville, TN 37235. Article: Visual Display Generator. Manufacturer: Joyce Electronics, United Kingdom. Intended use of article: The article is intended to be used to generate visual stimuli for testing the behavior of cells in the brain which are responsible for vision. In particular, it is to suport work on a research project entitled "Spatial adaptation of neurons in cat striate cortex." Stimuli produced on the screen will elicit responses in the brains of experimental animals (cats). These responses, either in the form of slow waves (the visually-evoked potential) or nerve spikes, will be stored in digital form on a computer. The work is intended to clarify the mechanisms which support the capacity of cells in the visual cortex to act as spatial filters. In addition, the article will be used as a training tool for the graduate students working on research projects in the laboratory. Application received by Commissioner of Customs: April 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-15587 Filed 5-22-81; 8:45 am]

BILLING CODE 3510-25-M

Canned Tomato Paste From France; Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination To Revoke

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination To Revoke.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on canned tomato paste from France. As a result, the Department has tentatively determined to revoke such order on the grounds that the subsidy practices which resulted in the final determination have been terminated. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Black or Josephine Russo, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774 or 377-2786).

SUPPLEMENTARY INFORMATION:

Procedural Background

A notice of "Final Countervailing Duty Determination," T.D. 68-111, was published in the **Federal Register** of April 19, 1968 (33 FR 6010).

The notice stated that the Treasury Department had determined that exports of canned tomato paste from France were provided bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On August 22, 1979 a notice of "Final Countervailing Duty Determination" was published in the **Federal Register** (44 FR 49248) regarding exports of tomato products from the European Communities ("the EC"). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on canned tomato paste from France.

Scope of the Review

Imports covered by this review are canned tomato pastes, currently classifiable under item number 141.65 of the Tariff Schedules of the United States (TSUS).

Preliminary Results of Review

As a result of our review, we preliminarily conclude that the imported merchandise no longer benefits from subsidies from the Government of France. The Department has received official confirmation from the Government of France that the government has ended all subsidy programs on this merchandise. The French subsidy programs were replaced by the EC subsidies. The International Trade Commission found no injury by reason of the EC subsidies and we revoked the order on tomato products from the EC on October 24, 1980.

Therefore, in accordance with § 355.42(c)(2) of the Commerce Regulations, the Department has tentatively determined to revoke the countervailing duty order concerning canned tomato paste. If this order is revoked, it shall apply with respect to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. The Department is not aware of any unliquidated entries prior to August 22, 1979, the effective date of the order on tomato products from the EC. Since any entries of French tomato paste only received subsidies under the programs of the EC since that date, entries made on or after August 22, 1979, through December 31, 1979, shall be liquidated in accordance with the EC order. The revocation on tomato products from the EC required liquidation of all entries made on or after January 1, 1980 without regard to countervailing duties. Consequently, the Department intends to instruct Customs offers to proceed with liquidation of all such entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 without regard to countervailing duties.

Interested parties may submit written comments on or before June 25, 1981 and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of issues raised in written comments or at a hearing.

This administrative review, tentative determination to revoke, and notice are in accordance with sections 751(a)(1), (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and § 355.42 of the Commerce Regulations (19 CFR 355.42).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

May 19, 1981.

[FR Doc. 81-15576 Filed 5-22-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Levels for Certain Cotton and Manmade Fiber Textile Products from the Dominican Republic, Effective on June 1, 1981

May 20, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton and manmade fiber textile products, produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period beginning on June 1, 1981.

SUMMARY: The Bilateral Cotton, Wool and Manmade Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Government of the United States and the Dominican Republic established specific levels of restraint for Categories 340 (men's and boys' woven cotton shirts), 351 (cotton nightwear), 639 (women's, girls' and infants manmade fiber knit shirts and blouses), and 649 (manmade fiber brassieres and other body supporting garments) during the agreement year which begins on June 1, 1981 and extends through May 31, 1982. Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, under the terms fo the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in the Dominican Republic and exported during the twelve-month period which begins on June 1, 1981 and extends through May 31, 1982, in excess of the designated levels of restraint.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142), and May 5, 1981 (46 FR 25121))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 20, 1981.

Commissioner of Customs, Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on June 1, 1981 and for the twelve-month period extending through May 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 340, 351, 639, and 649, produced or manufactured in the Dominican Republic, in excess of the following levels of restraint:

Category	Twelve-month level of restraint (dozen)
340	139,678
351	324,167
639	314,848
649	1,500,000

In carrying out this directive entries of textile products in the foregoing categories, produced or manufactured in the Dominican Republic, which have been exported to the United States on and after June 1, 1980, and extending through May 31, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on June 1, 1980 and extending through May 31, 1981. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic which provide, in part, that: (1) specific limits may be exceeded by designated percentages to account for swing; (2) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142), and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Dominican Republic and with respect to imports of cotton and man-made fiber textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-15525 Filed 5-22-81; 8:45 am]

BILLING CODE 3510-25-M

DELAWARE RIVER BASIN COMMISSION

Pennsylvania Department of Environmental Resources and the Delaware River Basin Commission; Joint Hearing

Notice is hereby given that the Pennsylvania Department of Environmental Resources and the Delaware River Basin Commission will jointly hold a public hearing on Wednesday, June 10, 1981, commencing at 3:00 p.m. The hearing will be held at the Boyertown Area High School Auditorium, 4th and Monroe Street, Boyertown, Pennsylvania 19512.

The subject of the hearing will be an application by the Borough of Boyertown (100 South Washington Street, Boyertown, Pennsylvania 19512) to increase the existing water supply allocation from Trout Run Reservior (about 1.3 miles upstream from the confluence of Trout Run with Manatawny Creek in Earl Township, Berks County) from 900,000 gallons per day to 961,000 gallons per day. The Borough also seeks to acquire new water rights to withdraw 836,000 gallons per day from Ironstone Creek at a point about seven-tenths (0.7) mile northwest of Boyertown and to withdrawn 203,000 gallons per day from the existing Boyertown Reservoir located on Popodickon Creek which is a tributary to Ironstone Creek in Earl Township, Berks County. The requested allocation of all three sources totals 2.0 million gallons of water per day.

The application was filed with the Pennsylvania Department of Environmental Resources under the 1939 Water Rights Act (P.L. 842) as amended

(32 P.S. § 691 et. seq.). It was referred to the Delaware River Basin Commission on October 8, 1980 for review in accordance with the Delaware River Basin Compact and the Commission's Rules of Practice and Procedure. The hearing will be to assist the Commission in determining whether the application by the Borough of Boyertown should be included in the Comprehensive Plan for the Delaware River Basin and approved pursuant to Section 3.8 of the Compact.

Section 7 of the Water Rights Act outlines the duties of the Department of Environmental Resources to investigate water allocation requests and consider conflicts of interest. Approval of the requested allocation shall be given where it is determined that the proposed sources of supply:

1. Will not conflict with the water rights held by any other public water supply agency.
2. Are reasonably necessary for the present purposes and future needs of the public water supplier making application.
3. Will not interfere with navigation.
4. Will not jeopardize public safety.
5. Will not cause substantial injury to the Commonwealth.
6. Will be utilized in conjunction with water conservation measures.

The Department of Environmental Resources has received numerous letters and a petition objecting to the proposed withdrawal from Ironstone Creek on the grounds that it will interfere with public safety and downstream users. The Pennsylvania Fish Commission has recommended that no more than 15 percent of the average daily flow or about 850,000 gallons per day be taken from Ironstone Creek by the Borough of Boyertown. The Fish Commission also has recommended that at least 15 percent of the average daily flow of Ironstone Creek or about 850,000 gallons per day be allowed to pass the intake at all times. Under this proposal, the Borough of Boyertown would not be able to utilize Ironstone Creek if the flow were less than 850,000 gallons per day. The Department will hear and receive testimony on all issues to aid in its determination of the conditions that should be imposed to protect public safety and downstream users.

The hearing will be held from 3:00 p.m. to 5:30 p.m. and will resume with an evening session at 7:00 p.m. Interested parties are invited to attend the June 10th hearing and to participate by making oral or written statements presenting their data, views and comments on the subject. Persons wishing to testify are requested to register with W. Brinton Whitall, Secretary to the Commission, P.O. Box 7360, West Trenton, New Jersey 08628, (609–883–9500), prior to the hearing.

The application and documents relating thereto may be examined at the Department of Environmental Resources office, Third and Reily Street, Harrisburg, Pennsylvania or at the Delaware River Basin Commission office, 25 State Police Drive, West Trenton, New Jersey.

W. Brinton Whitall,

Secretary.

May 20, 1981.

[FR Doc. 81-15529 Filed 5-22-81; 8:45 am]

BILLING CODE 6360-1-M

DEPARTMENT OF ENERGY

National Petroleum Council, Water Quality Task Group of the Committee on Environmental Conservation; Rescheduled Meeting

This notice is given to advise of the rescheduling of the sixth meeting of the Water Quality Task Group of the Committee on Environmental Conservation. The meeting will be on Thursday, May 28, 1981, in lieu of the date announced in the April 2, 1981, issue of the **Federal Register** (46 FR 19971).

Issued at Washington, D.C. on May 15, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

May 15, 1981.

[FR Doc. 81-15475 Filed 5-22-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of aTomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval for the conversion of Long-Term, Fixed Commitment Uranium Enrichment contracts to the Adjustable, Fixed Commitment contracts at the customers option as shown below:

Contract No.	Customer	Facility
EU-126	COGEMA	Fessenheim-2
EU-130	COGEMA	Bugey-5

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the conversion of these contracts to the Adjustable, Fixed Commitment contract form will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than June 10, 1981.

For the Department of Energy.

Dated: May 19, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-15473 Filed 5-22-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, the Agreements for Cooperation Between the United States of America and the Governments of Japan, Spain, Sweden, and Switzerland Concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency Concerning Peaceful Application of Atomic Energy, as amended.

The subsequent arrangements to be carrier out under the above mentioned agreements involves contractual arrangements under which DOE will consent, if requested, to the assignments of portions of various uranium enrichment services contracts held by U.S. and foreign utilities to various European and Japanese utilities as shown below:

Company	Separative work units	Fiscal year
COGEMA	40,000	1985
COGEMA	60,000	1986
COGEMA	400,000	1987
Tokyo Electric Power Co	160,000	1985
Tokyo Electric Power Co	150,000	1986
Tokyo Electric Power Co	1,000,000	1987
Japan Atomic Power Co	150,000	1987
Kyushu Electric Co.	15,000	1985
Kyushu Electric Co	150,000	1986
Kyushu Electric Co.	400,000	1987

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that entering into these subsequent arrangements will not be inimical to the common defense and security. It has furthermore been determined that the assignment of these

enrichment services complies with the provisions of Pub. L. 96-280 permitting the supply of additional low-enriched uranium under international agreements for cooperation in the civil uses of atomic energy.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 19, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-15474 Filed 5-22-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-80-012; (OFC Case No. 50180-6464-01-77)]

Basin Electric Power Cooperative; Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Classification—Basin Electric Power Cooperative.

SUMMARY: On January 23, 1980, the Basin Electric Power Cooperative filed a request with the Economic Regulatory Administration (ERA) to classify an auxiliary boiler being installed at its Antelope Valley Station in rural Mercer County approximately seven miles northwest of Beulah, North Dakota, as an existing installation pursuant to 10 CFR Part 515 (44 FR 60690, October 19, 1979, as amended, 44 FR 69919, December 5, 1979) and the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. § 8301 *et seq.*, (FUA). A summary of Basin Electric Power Cooperative's request was published in the **Federal Register** on May 13, 1980, at 45 FR 31461. The public comment period provided in the notice expired on May 29, 1980. No comments were received.

Pursuant to 10 CFR § 515.13(b), ERA has determined that the auxiliary boiler being installed is an existing installation and is therefore subject to the provisions of Title III of FUA.

FOR FURTHER INFORMATION CONTACT:

Anthony M. Vaitekunas, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128-K, Washington, D.C. 20461, (202) 653-4237

Edward Jiran, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2967.

SUPPLEMENTARY INFORMATION: The MFBI for which the request for classification was filed is a package boiler, designated "Auxiliary Boiler" by the Basin Electric Power Cooperative, and is being installed at the Antelope Valley Station. The boiler has a design capability to consume fuel at a heat input rate of 137.7 million Btu's per hour and will be used for startup of the main lignite-fired generators and for emergency heat for plant facilities when the main generating units are not operating. The auxiliary boiler will use No. 2 fuel oil as its primary energy source. Basin Electric Power Cooperative established eligibility to request classification of its Auxiliary Boiler by satisfactorily demonstrating, pursuant to 10 CFR § 515.10, that it had executed a contract for the construction or acquisition of its auxiliary boiler prior to November 9, 1978. Basin Electric Power Cooperative claims that its auxiliary boiler should be classified as existing pursuant to 10 CFR § 515.13(b) on the basis that cancellation, rescheduling or modification of the unit at November 9, 1978, would have resulted in significant operational detriment.

Based upon its review of Basin Electric Power Cooperative's request, ERA has determined that Basin Electric Power Coopeative has satisfactorily demonstrated that the modification of its construction plans for the Antelope Valley Station on November 9, 1978, in order to use an alternate fuel, would have resulted in significant operational detriment. Accordingly, Basin Electric Power Cooperative's auxiliary boiler at the Antelope Valley Station is classified as an existing installation pursuant to 10 CFR § 515.13(b), and is therefore subject to the provisions of Title III of FUA.

The public file containing documents of these proceedings, including ERA's analyses of Basin Electric Power Cooperative's request, is available for inspection upon request at: Economic Regulatory Administration, Room B-110, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on May 18, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-15469 Filed 5-22-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-043 (ERA Case No. 51209-1393-27-22)]

Gulf States Utilities Co.; Roy S. Nelson Unit No. 7; Decision and Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues this Decision and Order to Gulf States Utilities Company (GSU) granting a permanent peakload exemption from the prohibitions against (1) the use of petroleum or natural gas as a primary energy source by new powerplants and (2) the construction of new powerplants without the capability to use an alternate fuel as a primary energy source, which are contained in Section 201 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et. seq.* (FUA or the Act).

Background

On December 9, 1980, GSU filed a petition with ERA for a permanent peakload powerplant exemption to enable it to use oil or natural gas as a primary energy source in a 114,828 kW oil or natural gas-fired combustion turbine powerplant to be known as Roy S. Nelson Unit No. 7 and which is to be located in West Lake, Louisiana. ERA accepted the petition on February 2, 1980, and published a Notice of Acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the **Federal Register** on February 6, 1981 (46 FR 11337).

Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, which ended on March 23, 1981, interested parties were also afforded an opportunity to request a public hearing. No comments or requests for a public hearing were received.

ERA's staff reviewed the information contained in the record of the proceeding. A Tentative Staff Analysis (TSA) recommended that ERA issue an order granting GSU a permanent peakload powerplant exemption to use oil or natural gas in Roy S. Nelson Unit No. 7, subject to certain terms and conditions. A notice of availability of the TSA was published in the **Federal Register** on April 17, 1981 (46 FR 22425). The publication of the notice of availability opened a 14-day public comment period which ended May 1, 1981, during which no comments were received.

On the basis of ERA's review of the entire record of this proceeding, ERA has determined to grant the exemption requested by GSU to use oil or natural gas in Roy S. Nelson Unit No. 7, subject to the terms and conditions enumerated below.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. GSU has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. The Environmental Checklist completed and certified to by GSU pursuant to 10 CFR § 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. GSU's responses to the questions contained therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments relating to this action which raise a substantial question regarding the categorical exclusion status in this case. Therefore, no additional environmental review is deemed to be required.

DATE: This order will take effect on July 25, 1981.

ADDRESSES: FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055

Louis T. Krezanosky, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3012 B, Washington, D.C. 20461, Phone (202) 653–4208

Christina Simmons, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B–178, Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: The Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), prohibits the use of natural gas or petroleum in certain new major fuel burning installations and powerplants unless an exemption for such use has been granted by ERA.

Gulf States Utilities (GSU) plans to install a 114,828 KW natural gas/oil-fired combustion turbine unit to be called Roy S. Nelson Unit No. 7 located in West Lake, Louisiana. Based upon estimates by GSU, the proposed unit is expected to consume approximately 313,000 barrels of No. 2 fuel oil per year. The unit is scheduled for commercial operation in May 1982.

GSU submitted a sworn statement with the petition signed by Mr. J. H. Derr, Jr., Vice President of GSU, as required by 10 CFR § 503.41(b)(1). In his statement, Mr. Derr certified that Roy S. Nelson Unit No. 7 will be operated solely as a peakload powerplant only to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 114,828 KW and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 172,242,000 Kwh.

Order

ERA hereby grants to GSU a permanent exemption from the prohibitions of FUA with respect to the use of oil or natural gas in Roy S. Nelson Unit No. 7 provided that the powerplant is operated solely as a peakload powerplant and to meet peakload demand subject to the following terms and conditions imposed pursuant to the authority granted to ERA by section 214(a) of the Act:

Terms and Conditions

A. GSU shall not produce more than 172,242,000 Kwh during any 12-month period with the proposed unit. GSU shall provide annual estimates of the expected periods (hours during specific months) of operation of Roy S. Nelson Unit No. 7 for peakload purposes (e.g., 8:00–10:00 a.m. and 3:00–6:00 p.m. during the June-September period, etc.). Estimates of the hours during which GSU expects to operate Unit No. 7 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. GSU shall comply with the reporting requirements set forth in 10 CFR 503.41(d).

c. The quality of any petroleum to be burned in this unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. This order shall take effect July 25, 1981.

Issued in Washington, D.C. on May 18, 1981.

Robert I. Davies,

Office Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-15470 Filed 5-22-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA–FC–80–039 (ERA Case No. 51892–2092–23–22)]

Missouri Public Service Co., Ralph Green Unit No. 3; Decision and Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues this Decision and Order to Missouri Public Service Company (MPS) granting a permanent peakload exemption from the prohibitions against (1) the use of natural gas as a primary energy source by new powerplants and (2) the construction of new powerplants without the capability to use an alternate fuel as a primary energy source, which are contained in section 201 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. § 8301 *et seq.* (FUA or the Act).

Background

On November 7, 1980, MPS filed a petition with ERA for a permanent peakload powerplant exemption to enable it to use natural gas as a primary energy source in a 77,885 kilowatt natural gas-fired combustion turbine powerplant to be known as Ralph Green Unit No. 3, which is to be located in Pleasant Hill, Missouri. ERA accepted the petition on January 11, 1981, and published a Notice of Acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the **Federal Register** on January 19, 1981 (46 FR 5043). Publication of the notice of acceptance commenced at 45-day public comment period pursuant to section 701 of FUA. During this period, which ended on March 5, 1981, interested parties were also afforded an opportunity to request a public hearing.

Comments on MPS's petition were received from the Missouri Department of Natural Resources. No public hearing was requested.

ERA's staff reviewed the information contained in the record of the proceeding. A Tentative Staff Analysis (TSA) recommended that ERA issue an order granting MPS a permanent peakload powerplant exemption to use natural gas in Ralph Green Unit No. 3 subject to certain terms and conditions. A notice of availability of the TSA was published in the **Federal Register** on April 14, 1981 (46 FR 21802). The publication of the notice of availability opened a 14-day public comment period which ended April 28, 1981, during which no comments were received.

On the basis of ERA's review of the entire record of this proceeding, including a review of the public comments received after publication of the notice of acceptance, ERA has determined to grant the exemption requested by MPS to use natural gas in Ralph Green Unit No. 3, subject to the terms and conditions enumerated below.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. MPS has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption.The Environmental Checklist completed and certified to by MPS pursuant to 10 CFR § 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Offices of the General Counsel. MPS's responses to the questions contained therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments relating to this action which raise a substantial question regarding the categorical exclusion status in this case. Therefore, no additional environmental review is deemed to be required.

DATES: This order will take effect on July 25, 1981.

ADDRESSES: FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055

Louis T. Krezanosky, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3012 B, Washington, D.C. 20461, Phone (202) 653–4208

Christina Simmons, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B–178, Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: The Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. § 8301 *et seq.* (FUA or the Act), prohibits the use of natural gas or petroleum in certain new major fuel burning installations and powerplants unless an exemption for such use has been granted by ERA.

Missouri Public Service Company (MPS) plans to install a 77,885 KW natural gas combustion turbine unit to be called Ralph Green Unit No. 3 located in Pleasant Hill, Missouri. The unit is scheduled for commercial operation in May 1981. MPS submitted a sworn statement with the petition signed by Mr. Richard Green, President of MPS, as required by 10 CFR § 503.41(b)(1). In his statement, Mr. Green certified that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand fot the life of the plant. He also certified that the maximum design capacity of the unit is 77,885 KW and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 116,827,500 Kwh.

On February 10, 1981, the Missouri Department of Natural Resources (MDNR) advised ERA that after reviewing MPS's petition submitted to ERA, MDNR should have no problems issuing environmental permits for Ralph Green Unit No. 3 and encourage granting MPS's exemption request.

Order

ERA hereby grants to MPS a permanent exemption from the prohibitions of FUA with respect to the use of natural gas in Ralph Green Unit No. 3 provided that the powerplant is operated solely as a peakload powerplant and to meet peakload demand subject to the following terms and conditions imposed pursuant to the authority granted to ERA by section 214(a) of the Act:

Terms and Conditions

A. MPS shall not produce more than 116,827,500 Kwh during any 12-month period with the proposed unit. MPS shall provide annual estimates of the expected periods (hours during specific months) of operation of Ralph Green Unit No. 3 for peakload purposes (e.g., 8:00–10:00 a.m. and 3:00–6:00 p.m. during the June–September period, etc.). Estimates of the hours during which MPS expects to operate Ralph Green Unit No. 3 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. MPS shall comply with the reporting requirements set forth in 10 CFR § 503.41(d).

C. this order shall not take effect earlier than July 25, 1981.

Issued in Washington, D.C. on May 18, 1981.

Robert L. Davies,

Office Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-15471 Filed 5-22-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No 52970-9039-01, 02, 03, 04-82]

Tucson Electric Power Co.; Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it will hold a public hearing concerning pending prohibition order proceedings under section 301(c) of the the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) relating to Tucson Electric Power Company's (TEP) Irvington Generating Station Units 1, 2, 3 and 4 (Irvington), located in Tucson, Arizona.

DATE: The hearing will be held beginning at 9:30 a.m. on June 22, 1981.

ADDRESS: Tucson Community Center, Greenley Room, 260 South Church Street, Tucson, Arizona.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B–110, Washington, D.C. 20461 (202) 653–4055

Kathleen J. Ewing, FUA Public Hearings Staff, Economic Regulatory Administration, Case Control unit, Box 4629, Room 3009, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653–4258

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Ave., S.W., Room 6B–178, Washington, D.C. 20585 (202) 252–2967

SUPPLEMENTARY INFORMATION: On December 31, 1980, ERA issued proposed prohibition orders pursuant to section 301(c) of RUA, to TEP's Irvington Station (46 FR 1769, January 7, 1981). The proposed orders, if finalized, would prohibit the units from burning petroleum (or natural gas) in a mixture with an alternate fuel (coal) in amounts in excess of the minimum amounts necessary to maintain reliability of operation of the units consistent with maintaining reasonable fuel efficiency.

In accordance with 10 CFR 501.51(b), the publication of the proposed orders commenced an initial public comment period of three months, during which period interested parties, including the utility, were given the opportunity to challenge ERA's initial finding that it is technically feasible for the Irvington units to use a mixture of petroleum or natural gas and coal, alternately burned, as a primary energy source. During this period, the proposed order recipient and any other interested parties were required to furnish ERA with any evidence bearing upon the other statutory findings which section 301(c) of FUA requires ERA to make prior to the issuance of final prohibition orders. The recipient of the proposed orders was also required, during this period, to identify any exemptions for which the Irvington units might qualify. The initial public comment period on the Irvington proposed prohibition orders expired on April 7, 1981. No comments were received nor did the proposed order recipient assert qualifications for any exemption from the prohibition of the proposed orders.

on May 4, 1981, a public meeting was held in Tucson, Arizona for the purpose of identifying key issues, including environmental issues, associated with the issuance of the proposed orders. Presentations were made by ERA, TEP, the Southwest Gas Corporation and the Sierra Club, Grand Canyon Chapter. A copy of the transcript of the meeting is contained in the public record of the proceeding, available through the Office of Public Information at the address above. In addition, a copy of the public record will be available for inspection at the Tucson Public Library, Main Library, at 200 South 6th Avenue, Tucson, Arizona.

On the basis of all of the evidence available to it, ERA determined to continue with the order proceeding, and on May 15, 1981, issued a combined Notice of Intention to Proceed (NOIP), pursuant to 10 CFR 501.51(b)(4) and Notice of Availability of Tentative Staff Analysis pursuant to 10 CFR 501.51(b)(6) (46 FR 27155, May 18, 1981). The NOIP normally would begin a second three-month comment period. However, TEP requested that the remaining public comment periods provided for by 10 CFR 501.51 be combine and reduced to a single comment period of 145 days, as permitted by 10 CFR 501.51(b)(8). ERA granted this request and gave notice that a 45-day public comment period would commence with publication of the NOIP and Notice of Availability of the Tentative Staff Analysis (46 FR 27155, May 18, 1981).

The ERA staff prepared a Tentative Staff Analysis in which it concluded that the findings required by section 301(c) of FUA can be made, and it recommended that final prohibition orders should be issued to TEP.

A copy of the Tentative Staff Analysis is available from the Office of Public Information at the address listed above. Following the publication of the NOIP and notice of Availability of the Tentative Staff Analysis, ERA received requests for a public hearing from Southern Arizonans for Fair Energy Rates and the Phoenix Building and Construction Trades Council. ERA has determined to grant these requests, and has appointed Lawrence A. Gollomp, Esq., Acting Assistant General Counsel for Regulatory Interventions, as the Presiding Officer in the proceeding.

At the public hearing, ERA will provide interested persons an opportunity to present oral or written data, views and arguments on the petitions for exemption. In addition, in accordance with 10 CFR 501.34(f), interested persons will be given an opportunity to question (1) other interested persons who make oral presentations, (2) employees and contractors of the United States who have made written or oral presentations or who have participated in the prohibition order proceedings, and (3) experts and consultants who have provided information to any person who makes an oral presentation and which information is contained in or referred to in such presentation.

Persons who wish to participate in the hearing or who wish to be included on the service list, must submit their names to the Presiding Officer, c/o FUA Public Hearing Staff, Economic Regulatory Administration, Case Control Unit (FUA), Box 4629, Room 3009, 2000 M Street, N.W., Washington, D.C. 20461. ERA encourages persons who wish to participate in the hearing to submit this information at the earliest possible date; in any case, their submission must be received by the Presiding Officer no later than June 10, 1981. In accordance with the provisions of 10 CFR 501.33 and 501.34, the request to participate in the hearing shall include (1) a description of that party's interest in the issue or issues involved in the proceeding and (2) an outline of the anticipated content of the presentation, identifying any witnesses that are intended to be called at the hearing, a summary of their anticipated testimony and/or questions to be asked and a list of exhibits to be presented and a list of government and/or utility personnel which the parties wish to examine.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

May 20, 1981.

[FR Doc. 81-15712 Filed 5-22-81, 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Objections to Proposed Remedial Orders Filed; Period of April 13 Through April 24, 1981

During the period of April 13 through April 24, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before June 15, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals,

Department of Energy, Washington, D.C. 20461

George B. Breznay,

Director, Office of Hearings and Appeals.

May 18, 1981.

Marinas of the Future, Inc., Flushing, New York, BRO–1431, motor gasoline

On April 20, 1981, Marinas of the Future, Inc., Northern Blvd. & 125th Street, Flushing, New York 11368 filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on February 25, 1981. In the Proposed Remedial Order the Northeast District found that during April 1, 1980 to October 10, 1980, Marinas of the Future, Inc. committed pricing violations in its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order, the Marinas of the Future, Inc. violation resulted in $22,581.52 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Placid Oil Co., Dallas, Texas, BRO–1433, crude oil

On April 24, 1981, Placid Oil Company of Dallas, Texas filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on March 30, 1981. In the PRO the Southwest District found that during 1973 to 1977, Placid sold crude oil in excess of the ceiling price regulations governing first sales of crude oil.

According to the PRO the Placid Oil Company violation resulted in $1,988,919.06 of overcharges.

R.L. Burns Corporation, Denver, Colorado, BRO–1432, crude oil

On April 21, 1981, R.L. Burns Corporation, 1860 Lincoln Street, Suite 1310, Denver, Colorado 80295 filed a Notice of Objection to a Proposed Remedial Order which the San Antonio Audit Group of the Economic Regulatory Administration (ERA) issued to the firm on March 26, 1981. In the PRO the ERA found that during the period September 1973 through January 1976, the firm overcharged its customers in sales of domestic crude oil.

According to the PRO the R.L. Burns Corporation violation resulted in $3,121,041 of overcharges.

[FR Doc. 81–15472 Filed 5–22–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[EN FRL 1822–8(b)]

Application for Waiver of Effective Date of the 1981 and 1982 Model Year Carbon Monoxide Standard for Light-Duty Motor Vehicles; Thirteenth Decision of the Administrator

I. Introduction

This is the thirteenth decision the Environmental Protection Agency (EPA) has issued under section (202)(b)(5) of the Clean Air Act, as amended (Act), 42 U.S.C. 7521(b)(5), regarding applications from automobile manufacturers for waiver of the 3.4 grams per vehicle mile (g/mi) carbon monoxide (CO) emission standard scheduled to apply to 1981 and 1982 model year light-duty motor vehicles and engines.[1]

As the introductions to the previous decisions explain, section 2029b)(1)(A) of the amended Act establishes a schedule for implementing standards applicable to CO emissions for 1977 and later model year light-duty motor vehicles and engines.[2] The 1977 amendments to the Act, however, included a new provision allowing the Administrator of EPA under certain limited conditions, to delay for up to two model years implementation of the statutory 3.4 g/mi CO standard scheduled to take effect for the 1981 and 1982 model years.[3] However, these amendments require the Administrator to promulgate interim standards in such cases which do not permit CO emission over 7.0 g/mi.[4]

EPA received CO waiver applications from Excalibur Motors, Ltd. (Excalibur) on February 4, 1981, Ford Motor Company (Ford) on February 11, 1981, and Volkswagen of America, Inc. (VW) on February 17, 1981. The Agency issued a **Federal Register** notice on February 13, 1981,[5] announcing the opportunity to comment and scheduling a public hearing on pending applications. EPA received no comments at the public hearing and consequently has relied on written information submitted to the public record by the applicants and other interested parties.

In response to waiver applications received prior to the one under consideration, EPA held eight sets of public hearings and issued 12 decisions pursuant to section 202(b)(5)(A).[6]

This decision will address the waiver requests from these manufacturers on the basis of information from these manufacturers and from other sources.[7] All of the information upon which I have based my decision on these waiver requests is included in EPA Public Docket EN–81–13.[8]

II. Summary

I am granting these waiver requests from Excalibur, Ford and VW for the model years requested for each of the engine families[9] in question in these

[1] The preceding decisions were published as follows: 44 FR 53376 (September 13, 1979); 44 FR 69417 (December 3, 1979); 45 FR 7122 (January 31, 1980); 45 FR 17914 (March 19, 1980); 45 FR 37360 (June 2, 1980); 45 FR 40030 (June 12, 1980); 45 FR 49876 (July 25, 1980); 45 FR 53400 (August 11, 1980); 45 FR 59396 (September 9, 1980); 45 FR 67753 (October 14, 1980); 46 FR 1590 (January 6, 1981); 46 FR 15689, 15768 (March 10, 1981).

[2] Regulations were promulgated on August 24, 1978, setting a CO standard of 3.4 g/mi for 1981 and later model year vehicles. 40 CFR 86.081–8(a)(1)(ii). This standard represents at least a 90 percent reduction in CO emissions from the CO standard applicable to 1970 model year vehicles.

[3] Section 202(b)(5)(C) of the Act provides, in part: The Administrator may grant such waiver if he finds that protection of the public health does not require attainment of such 90 percent reduction for carbon monoxide for the model years to which such waiver applies in the case of such vehicles and engines and if determines that—

(i) such waiver is essential to the public interest or the public health and welfare of the United States;

(ii) all good faith efforts have been made to meet the standards established by this subsection;

(iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy; and

(iv) studies and investigations of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available (within the meaning of clause (iii) to meet such standards.

[4] As noted in previous decisions, section 202(b)(5) of the Act requires that I make a separate assessment for each vehicle model covered by a waiver request. See, e.g., 44 FR 53376 (September 13, 1979); 44 FR 69416 (December 3, 1979); 45 FR 7122 (January 31, 1980). Thus, these earlier consolidated decisions generally have included separate decisions for individual engine families. I have distinguished among engine families primarily on the basis of engine displacement. See note 17, second consolidated decision, 44 FR 69416, 69418 (December 3, 1979).

[5] 46 FR 12326. This notice was issued in response to a letter of intent to file an application submitted by VW on January 20, 1981.

[6] EPA has included testimony received at these seven hearings, as well as all other information considered in deciding these seven groups of waiver applications, in EPA Public Dockets EN–79–4, EN–79–17, EN–79–19, EN–80–1, EN–80–9, EN–80–13, EN–80–14, and EN–80–16. These dockets have been incorporated be reference into EPA Public Docket EN–81–13 for this decision. EPA Public Docket 81–13 can be found in EPA's Central Docket Section, Gallery I, 401 M St., S.W., Washington, D.C. 20460. Copies of materials in the docket may be obtained by writing to this address at Mail Code (A–130).

[7] See the discussion on my considerations of other information in the previous waiver decisions, e.g., section III(B)(C), 44 FR 69416, 69422 (December 3, 1979).

[8] This decision uses the following abbreviation:

Ford App.—Ford Application for Waiver of 1982 Carbon Monoxide Emission Standard dated February 11, 1980, for its 3.8 liter engine family.

VW App.—Volkswagen of America Application for Waiver of 1982 Carbon Monoxide Emission standard, dated February 1981, for its 1.7L/FBC engine family.

Excalibur App.—Excalibur Automobiles Application for Waiver of the 1981 and 1982 Carbon Monoxide Emission standard, dated February 4, 1981, for its 305 CID engine family.

[9] As was the case in the earlier consolidated decisions, I am using the term in this decision to encompass the statutory language "technology processes, operating methods, or other alternatives"

Continued

proceedings. I am therefore prescribing an interim CO emission standard of 7.0 g/mi for the 1982 model year for the Ford 3.8L/V–6 and VW 1.7L feedback carburetor (FBC) engine families and 1981 and 1982 model years for the Excalibur 305 CID engine family.

I have determined that the public interest benefits from granting these waiver requests from manufacturers with substantial economic problems for models which have never been produced under the statutory CO standard outweigh the potential environmental benefits from denying these waivers.[10] I have made these decisions because each of the applications has established that it is essential to provide these manufacturers with sufficient production flexibility to improve the competitiveness of these three models under current market conditions by waiving the 3.4 g/mi statutory CO standard for the model years in question. Having made these determinations as well as all other requisite findings, I have therefore determined that the manufacturers' CO waiver applications have established that the engine families in question meet all of the statutory criteria.

III. Discussion

A. Available Technology and Public Interest

The decisions I have made here on whether to grant or deny the requested waivers turn primarily on public interest considerations involved in marketing these engine families and what technology most likely would be available to enable the engine families in question to meet the 3.4 g/mi CO standard for the model year in question. Section 202(b)(5)(C)(iii) of the Act expressly assigns an applicant the task of establishing that effective CO control technology is not available, taking into account costs, driveability, and fuel economy.

As was the case in the previous CO waiver decisions, this decision relies on information contained in the waiver applications and other information found in the public record.[11] I conclude on the basis of this information that the applicants have adequately established that the risks that could arise were I to deny these waiver requests at issue are significant enough that I must conclude that the requisite technology, considering costs, driveability, and fuel economy, is not available for the engine families in question, the Ford 3.8L/V–6 and VW 1.7L/FBC engine families for the 1982 model year and the Excalibur 305 CID for the 1981 and 1982 model years.

As section 202(b)(5)(C)(iv) of the Act requires, I have considered the results of NAS studies and investigations conducted under section 202(c) of the Act regarding available technology, processes, or other alternatives. The findings of the available NAS studies do not contradict my assessment regarding the availability of technology for these engine families.[12]

1. *Appliçants' Positions Summarized.* Excalibur is a small manufacturer producing about 300 to 350 vehicles a year and purchasing its engines and emission control systems from General Motors Corporation (GM).[13] Excalibur stated that effective technology was unavailable because emission data from its 1981 model year certification vehicle indicated that its 1981 emissions control system was incapable of meeting the statutory standard and that Excalibur has insufficient lead time to obtain and calibrate a newer model engine/emissions control system from GM.[14] Information submitted by Excalibur indicated that it suffered large losses relative to gross sales[15] for the 1980 fiscal year. Finally, Excalibur contended that it has made continuous good faith efforts to meet emissions standards[16] and that granting this waiver request would have an insignificant effect on air quality.[17]

Ford contended that effective technology is not available to enable its new 3.8L/V–6 engine family to meet the statutory standard without unreasonable risks that production vehicles will not meet emission requirements[18] or unreasonable cost penalties.[19] Specifically, Ford stated that certification durability test data using its prototype 49-state[20] emissions system produced a deterioration factor[21] which is too high to allow Ford to meet assembly line and in-use emission requirements with an acceptable risk.[22] Ford stated that its emissions control system designed to comply with California emission requirements[23] could be recalibrated to meet the Federal statutory CO standard but only with lead time and cost penalties compared to a system it could produce under a waived standard.[24] Ford contended that it continues to suffer severe problems in sales, unemployment and profitability and that successful marketing of this engine family, which is intended to eventually replace its less fuel-efficient V–6 engine families, is essential to its rapid recovery from these problems.[25] Finally, Ford contends that, based upon the June 1980 study by the National Academy of Sciences[26] and other sources, an industry-wide waiver of the 1982 statutory CO emission standard would not be injurious to the public health.[27]

VW filed a CO waiver application for its 1982 1.7L/FBC model after withdrawing a request for reconsideration for its 1.46L model.[28] VW noted that its 1.7L fuel-injected engine family is capable of meeting the statutory standard[29] but that it needs to market the less-expensive 1.7L/FBC engine family in order to recapture lost sales of its gasoline-powered Rabbit models.[30] VW also contended that it needed a CO waiver for the 1.7L/FBC engine family in order to provide it the flexibility to improve marketability by improving driveability.[31] VW also indicated that it has experienced some economic problems in 1980 and that its sales, especially of gasoline-powered models, have recently declined.[32] VW contended that it needed to improve its

---

included as part of section 202(b)(5)(C)(iii) of the Act, and using the term "engine families" to encompass the statutory language "models" as in previous decisions (see, e.g., 44 FR 53376, (September 13, 1979)).

[10] Compare EPA's 4th, 8th, 11th and 12th CO waiver decisions, 46 FR 1590 (January 6, 1981); 45 FR 17914 (March 19, 1980); 45 FR 53400 (June 12, 1980); 46 FR 15689, 15768 (March 13, 1981).

[11] See note 7, *supra.*

[12] Report by the Committee on Motor Vehicle Emissions by the National Research Council of the National Academy of Sciences, dated June 30, 1980. See also discussions of the applicability of earlier NAS studies in previous CO waiver decisions; e.g., 44 FR 53376, 53386 (September 13, 1979) and 44 FR 69416, 69423, 69428 (December 3, 1979). For further discussion of how the NAS findings are consistent with my determinations relating to section 202(b)(5)(c)(iii) of the Act, see, e.g., 45 FR 67753, 67756 (October 14, 1980) and 46 FR 1590 (January 6, 1981).

[13] Excalibur App., section 1(b)(iii).

[14] Excalibur App., section 1(b)(iii).

[15] Excalibur App., section 3. Excalibur noted a 1979–1980 fiscal year loss of $2.4 million.

[16] Excalibur App., section 1(b)(iii).

[17] Excalibur App., section 1(b)(i).

[18] Ford App., section III.

[19] Ford App., sections I, III.

[20] Ford App., section III.

[21] Ford App., section III. For a discussion of "deterioration factors," see, e.g., 45 FR 7122, 7125 (January 31, 1980).

[22] Ford App., section III.

[23] California has adopted emissions standards different from those applying to the rest of the country consistent with section 209 of the Act.

[24] Ford App., section III.

[25] Ford App., section II.

[26] Ford App., sections I, IV, see also note 12.

[27] Ford App., sections I, IV.

[28] Notes, meeting between representatives from Volkswagen of America and EPA at EPA, January 13, 1981 (hereinafter VW–EPA meeting).

[29] VW App., section 3.1.

[30] VW App., sections 3.1, 3.3, 3.6.

[31] VW App., sections 4.2, 5.4.

[32] VW App., sections 3.1, 3.3, 5.6. Notes, VW–EPA meeting, January 13, 1981.

sales figures to justify current investment levels.[33] Finally, VW projected an insignificant air quality impact from granting this waiver request because sales of this vehicle model would account for only about 0.05 percent of 1982 U.S. automobile sales.[34]

2. *Waiver Applications Granted.* After due consideration of these arguments and the information submitted in support of them, I have concluded that each of the applicants has established that the applications covering the three engine families in question meet the necessary statutory requirements for receiving a waiver of the 3.4 g/mi statutory CO emission standard for the applicable model years. I have reached this determination primarily on the basis of my conclusion that it is essential to the public interest to grant waivers to allow these manufacturers, which are experiencing significant economic difficulties, additional flexibility to improve the competitiveness of these models which have never been marketed subject to the statutory standard [35] even though in some of these cases marginally marketable technology may be available even considering costs, driveability, and fuel economy. My decision to grant these waivers also stems from the risk that waiver denials may turn out to be partially erroneous;[36] that is, waiver denials might result in reducing the competitive market position, and therefore the sales levels, that these particular models (which are vital to these manufacturers' future viability at a time when these manufacturers are attempting to recover from their recent economic problems) could attain if these applicants were able to take advantage of the added flexibility a waiver might provide.[37] None of these engine families has been previously marketed under the 3.4 g/mi statutory CO emission standard.[38] For this reason, these manufacturers have not had the opportunity to use production and in-use experience to improve the competitive features (specifically, cost, driveability, and fuel economy) of any of the subject engine families produced in compliance with the 3.4 g/mi standard. Hence, without waivers they may have insufficient lead time or flexibility to optimize competitive features of these engine families for the 1981 or 1982 model years.[39]

The flexibility which temporarily relaxing the 3.4 g/mi CO standard would afford manufacturers of these particular engine families does not by itself necessarily justify granting these waivers, particularly in those cases in which it appears that technology may be available to permit a manufacturer to market an engine family with marginally acceptable cost, driveability, and fuel ecomony.[40] With the waiver applications at hand, however, all of the engine families at issue are aimed at specific market segments which are extraordinarily important to the overall marketing plans of the respective manufacturers and essential to their economic recovery.[41] The manufacturers before me have provided information that indicates that each manufacturer is suffering substantial economic problems at the present time.[42] Ford and VW especially have experienced significant sales losses during the 1980 model year and substantial financial losses for the 1980 fiscal year.[43] These problems have resulted in significant adverse social and economic reperecussions for the country, including extensive layoffs, increasing trade deficits and effects on suppliers and related industries.[44]

Granting waiver requests for the engine families at issue could allow these manufacturers the flexibility to improve the competitive marketability of some features [45] at a time when these financially troubled manufacturers are depending on successful marketing of these particular engine families in order to achieve economic recovery. Each of these manufacturers has already

---

[33] Notes, VW–EPA meeting, January 13, 1981.

[34] VW App., section II.

[35] The Ford 3.8L/V–6 and VW 1.7L/FBC models are being produced for the first time in the 1982 model year. Ford App., section I, II. VW App., section IV. Excalibur is just starting its 1981 model year and has not yet certified or sold 1981 model year vehicles subject to the statutory standard. Excalibur supplemental submission, March 24, 1981.

[36] See, *International Harvester* v. *Ruckelshaus*, 487 F. 2d 615, 641, (D.C. Cir., 1973). See also, 45 FR 53400 (August 11, 1980).

[37] For example, a waiver could provide VW and Ford the flexibility to offer a less costly model and VW the flexibility to improve driveability. Ford App., section III, VW App., section 3.1, 4.2. A waiver could also allow Excalibur the lead time necessary to market in the 1981 model year and spare it the expense of certifying a new engine family. Excalibur supplemental submission, March 24, 1981.

[38] Specifically, Ford and VW are marketing new engine families for the 1982 model year. Ford is introducing an innovative cast aluminum 3.8L/V–6 engine which will replace less fuel-efficient V–8 engine families and VW will produce a new 1.7L Carter feedback carburetor fuel-efficient inexpensive Rabbit model. (Ford App., sections I, II; VW App., section 3). Excalibur is applying for a waiver for its 1981 and 1982 model years for which it has not started marketing. (See notes 35, 37, *supra*).

[39] Manufacturers that have successfully certified and marketed vehicle models under the statutory 3.4 g/mi CO standard have the flexibility to "carry over" 1981 certification results for the 1982 model year and avoid incurring the engineering expense and effort necessary for a separate certification program. See also, note 37, *supra*. In addition, those manufacturers could apply their engineering efforts toward improving competitive features of these vehicles meeting the 3.4 g/mi standard using the production and marketing experience. Accord, 46 FR 1590, 1593 (January 6, 1981).

[40] For example, in previous decisions, EPA determined that marketable technology could be available to permit this VW model using an alternative engine family, the 1.7L fuel injected engine family, to meet the 3.4 g/mi CO standard, even considering cost, driveability and fuel economy. See my earlier decisions on these engine families. 44 FR 53376 (September 13, 1979); 45 FR 59396 (September 9, 1980). However, in this application VW provided new information regarding the potential risks and consequences to VW from current sales trends. Cf. VW App., section 3. Notes, VW meeting with EPA January 13, 1981.

[41] Ford App., section II. VW App., section 3. Excalibur App., section III.

[42] Ford App., section II. VW App., section 3. Notes of VW-EPA meeting, January 13, 1981. Excalibur App., III.

[43] Ford reported 12-month losses of $1.5 billion and Ford sales are down about 8 percent from the same 12-month period last year. VW of America announced 1980 losses of more than $30 million and VW's sales are down from last year. See, e.g., Wall Street Journal, March 12, 1981, sec. 1, p. 18. "VW of America Says It Had 1980 Deficit of Over $30 Million", Wall Street Journal, Feb. 23, 1981, sec. 1, p. 2, "GM Is Intensifying Cost-Cutting Drive, More Salaried Staff Could be Laid Off" (predicted that Ford is studing cuts of 8–15 percent); Wall Street Journal, Feb. 23, 1981, sec. 2, p. 26, "AMC Posts Loss of $29 Million For 4th Quarter," (Ford may lay off 15–28,000 salaried employees); Wall Street Journal, Feb. 27, 1981, sec. 1, p. 6, "GM Will Increase 2 Units' Output; Ford Plans Cuts." "Ford Sets 2 Temporary Closedowns" (total of 8,950 Ford workers idled); New York Times, Feb. 25, 1981, "Feb. 11–20 Car Sales Down 23.7 percent at Big 3", by John Holusha. (Sales running at seasonably adjusted rate of 8.4 million, well below forecasts of 10 million; Ford fell to 24 percent share); Wall Street Journal, Feb. 25, 1981, sec. 1, p. 2. "New-Car Sales Declined by 23 Percent In Mid February." (VW reported 1.3 percent increase, Ford sales declined 24 percent); New York Times, March 4, 1981, Sec. D, p. 4, "VW of America Says Sales Rose by 4.6 percent" (in February compared to February 1980 sales, 1.8 percent decline over year-to-date period compared to 1980); New York Times, March 2, 1981, sec. 1, p. 3, "Auto Makers Again Reduce Output", Leonard Apcar, (1st quarter production of 13 percent from last year: Ford down 8.6 percent, VW down .1 percent (quarter), Ford down 13.3 percent, VW down 8.6 percent (March); Wall Street Journal, March 3, 1981, Sec. 1, p. 6, "U.S. Auto Output During February Fell by Nearly 22 percent;" *Wards Automotive Reports*, Vol. 56, No. 9, p. 66, March 2, 1981, "Industry Workforce Shrinks as Automakers Change Production Strategy," (Indefinite layoffs stand at 192,950 for 4 U.S. makers, 1/4 of workforce out); "Wards Production Estimates and Statistics", p. 72, Ford production slipped from 2.0 million to 1.3 million for 23-month period.

[44] See, e.g., Ford App., section II. See, also e.g., United States International Trade Commission Decision on Certain Motor Vehicles, Publication 1110, December 1980, pp. A17–76. Automotive News, February 23, 1981, "1607 U.S.-line dealerships vanish in 1980", John K. Teahen, Jr., p. 1, (Ford lost 8.5 percent of its dealers); Wall Street Journal, March 5, 1981, sec. 1, p. 2, "Ford Tapes German Units for Loan of Over $1.2 Billion for U.S. Operations", Leonard Apcar.

[45] A waiver to 7.0 g/mi may allow a manufacturer flexibility to design an engine family to achieve better fuel economy, driveability or costs or allow a manufacturer to market alternative technology where more effective technology may be delayed. See, e.g., the eleventh CO waiver decision, 46 FR 1590, 1593 (January 6, 1981). See also, Excalibur letter, March 24, 1981; note 20, *supra*.

expended a considerable amount of cost and effort in attempting to meet the 3.4 g/mi CO emission standard [46] and to retool for these new models, thereby further limiting the resources they have available to otherwise improve the competitiveness of these models.[47] In light of these circumstances, I have determined that it is in the public interest to grant the waiver requests for these particular engine families because of the risk that denial of these waivers could limit the manufacturers' flexibility to improve the competitiveness of these important engine families and ultimately interfere with the future of these automobile manufacturers.[48]

In *International Harvester Co.* v. *Ruckelshaus,*[49] the United States Court of Appeals for the District of Columbia Circuit reviewed the Administrator's decision to deny manufacturers' requests for a one-year suspension (from 1975 to 1976) of the effective date of the statutory hydrocarbon (HC) and CO standards mandated by the 1970 version of the Act. The Court stated, among other things, that the Administrator should have considered the risks associated with the possibility of erroneously granting or denying those requests. The Court indicated that the Administrator should balance the economic costs (in terms of jobs lost and misallocated resources) possibly associated with an erroneous or only partially accurate denial versus the possible environmental benefits lost through an erroneous grant.

Under the current section 202(b)(5) of the Act, the gravity of the economic and other risks which both a waiver applicant and the public face from the possibility of an erroneous denial depends on the following two factors: (1) the likelihood that the denial, in fact, will turn out to be either erroneous or only partially accurate and (2) the severity of the adverse economic consequences which could occur as the result of an erroneous or partially accurate denial.[50]

In this case, I find that there is a significant likelihood that a decision denying any one of these waiver requests could turn out to be only partially accurate.[51] At a time when these manufacturers need to be as competitive as possible to effect an economic recovery, a partially accurate denial would risk diminishing their ability to adequately compete in market segments which are important to these manufacturers [52] thereby potentially delaying planned recovery, continuing unemployment problems, increasing economic stagnation, and limiting the increase in the number and diversity of new vehicles in use.

Alternatively, the environmental benefits from denying waiver requests for any one or all of these engine families would be insignificant.[53] Vehicles using these engine families are projected to account for less than 3 percent of total 1982 model year domestic sales.[54] Adding the number of engine families which already have waivers for the 1982 model year increases this total to only about 38 percent of projected 1982 model year U.S. sales. This is consistent with my previous findings that the CO waiver proceedings to date have shown that the 3.4 g/mi CO emission standard is generally achievable with marketable cost, driveability and fuel economy, and that waivers are appropriate only in extenuating circumstances, such as those identified here. In addition, many manufacturers, including those considered here, have made significant efforts to reduce emissions even from those engine families which have received waivers for the 1981 model year while preserving the ability of those families to maintain strong competitive positions in the domestic market. For example, serveral engine families which already had waivers at an alternative 7.0 g/mi CO emission standard generally exhibited CO emissions in certification and production which were close to or marginally below 3.4 g/mi.[55]

In addition, the air quality effect of granting waivers for other engine families, if any, which may share similar public interest considerations and incur similar adverse risks comparable to these engine families which have never been marketed in the statutory standard is also quite likely to be insignificant.[56] Finally, these engine families will continue to have to meet other regulatory requirements designed to control emissions of in-use vehicles and for which Congress provided no such flexibility to discriminately relax requirements.[57]

While Congress might not have envisioned the waiver process as a mechanism which could permit applicants to attain more competitive technology (as opposed to reasonably marketable technology considering cost, driveability and fuel economy characteristics) when it prescribed the criteria under which I may grant a waiver request, the current economic circumstances and business realities for many automobile manufacturers are significantly different from what they were when Congress adopted the CO

---

[46] Compare section III C of my eleventh decision. Many of the engines are already achieving emission levels close to or under 3.4 g/mi standard. See note 43, 46 FR 1590, 1593 (January 6, 1981). Specifically, Ford, VW and Excalibur have employed or attempted to employ closed-loop feed-back emission control systems. See note 65, *infra.*

[47] See e.g. Ford's contention regarding competitive disadvantage. Ford App., p. 7. See also *International Harvester,* 478 F. 2d 615, 637–638 (D.C. Cir., 1973).

[48] See generally, *International Harvester, 478 F. 2d 615, 633, 641 (D.C. Cir., 1973); 45 FR 53401, 53403 (August 1980).*

[49] 478 F. 2d 615 (D.C. Cir., 1973).

[50] *Cf. Ethyl Corp.* v. *Environmental Protection Agency,* 541 F. 2d 1, 18 (D.C. Cir., 1976) (stating that the Administrator's finding under section 211 of the Act that lead particulates "will endanger the public health and welfare" is composed of reciprocal elements of probability and severity). For example, EPA discussed the consequences of a partially accurate decision in the eighth CO waiver decision. See, e.g., 45 FR 53400, 53404. (January 31, 1981). See also, note 38, *supra,* note 51, *infra.*

[51] *Cf. International Harvester, supra,* 478 F.2d at 641: "[A] partially accurate decision would allow companies to produce but at a significantly reduced level of output." Here, companies are already producing at a lower output due to market conditions, and a waiver denial at this time could likely limit the flexibility these companies need to improve marketability (by improving cost, driveability, or fuel economy, for example) and sales. For example, a finding that technology is available may be only partially accurate if these three manufacturers believed that technology currently being developed and tested at the statutory standard faced unreasonable risks of failing assembly-line and in-use requirements and consequently delayed marketing or declined to market these models. See, e.g. Ford App., section III A. Similarly, a finding that technology is available could also be partially accurate if, in order to reduce the risks of failing to comply with the statutory standard, these manufacturers attemped to market technology which exhibited only marginally acceptable cost, driveability or fuel economy features. See e.g., Ford App., sections I, III; VW App., section 3. See also, e.g., 45 FR 17914 (March 19, 1980), 45 FR 53400 (August 11, 1980), and 46 FR 1560 (January 6, 1981).

[52] VW noted that it was particularly important for it to market a lower priced (than its 1.7L/fuel-injected model) gasoline model in the inexpensive fuel-efficient compact car market. VW App., section 3. Notes from VW meeting of January 13, 1981. Excalibur makes only two models, both using the same engine family, and claimed that it woud be unable to certify its family and continue any production without a waiver. Excalibur App., section 1. Ford stated that its 3.8L/V–6 is intended to eventually replace all of its V–8 engine familes. Ford App., sections II, III.

[53] See also section III B.

[54] Se, e.g., VW App., section 2.1; Excalibur App., section 1.6. Automotive News, November 3, 1980, p. 1, "80 V–8 output cut in half; sixes lead, but fours gain." This projection assumes 1982 model year domestic sales of about ten million vehicles.

[55] See generally, e.g., 45 FR 49876, Appendix A (July 25, 1980). 46 FR 1590 (January 6, 1980). Ford supp. submission, pp. 4–7, March 16, 1981; Ford App., section III B.

[56] *Cf.*, discussion of a similar concern in my 8th and 11th CO waiver decisions. 45 FR 53401, 43404 (August 11, 1980), and 46 FR 1590, 1594 (January 7, 1981). Most of the engine families granted waivers for the 1981 model year already have waivers for the 1982 model year. See 40 CFR 86.081–8(a)(1) and 86.082–8(a)(1). At this time manufacturers have only filed applications for three engine families which are new for the 1982 model year. See also, 46 FR 15768 (March 9, 1981).

[57] See, e.g., 45 FR 66984 (October 8, 1980).

waiver provision.[58] Under these circumstances, I find it unlikely that Congress intended me to deny applications where the benefits to the public of a waiver grant would outweigh the benefits of a waiver denial.[59] I believe the language of section 202(b)(5)(A) gives me the flexibility to provide the relief granted here.[60]

B. Protection of Public Health

Section 202(b)(5)(C) of the Act requires that before I grant a waiver covering a given engine family, I must find that protection of the public health does not require attainment of a 3.4 g/mi CO standard by the vehicles of the engine family receiving the waiver. I have already examined this issue with respect to the relative consequences and risks involved in granting or denying the waiver requests for the families at issued here.[61]

I have found as a result of this examination that any adverse health effects resulting from waiving the 3.4 g/mi standard for the 1981 and 1982 model year engine families discussed in this consolidated decision would be insignificant. The same statement is true regarding the combined health effects resulting from emissions from engine families receiving waivers under the previous consolidated CO waiver decisions. As a result, protection of the public health does not require attainment of the 3.4 g/mi CO standard by the engine families here, for which I have determined that effective control technology is not available for the applicable model years.[62]

While waiving the statutory CO standards for these engine families arguably would not significantly affect public health, noticeable increases in ambient CO levels could result from granting waivers industry-wide.[63] In light of the fact that industry-wide waivers would not be protective of the public health, it is reasonable to grant waivers covering only that portion of the industry consisting of engine families for which I have determined, given the relative risks at stake, that effective control technology, considering costs, driveability, and fuel economy, is not available and which I have determined are essential to the public interest (presuming these families also meet the remaining statutory criteria).[64]

C. Good Faith

In order for me to grant a waiver to any applicant, section 202(b)(5)(C)(ii) of the Act requires that I determine that the applicant in question has made all good faith efforts to meet the established emission standards. As a result, I have examined information regarding these applicants' previous and projected efforts toward meeting a 3.4 g/mi CO emission standard for the engine families in question.[65]

Each of the applicants has provided engineering, financial and technical information to support the contention that its has acted in good faith in trying to meet the 3.4 g/mi CO standard. In general, information in the record provides support for determining that each has made good faith efforts in developing emission control technology to meet the 3.4 g/mi CO standard.

As I mentioned earlier, these applicants generally have already made significant progress in developing the technological capabilities of these engine families to meet the 3.4 g/mi CO emission standard.[66] Evidence of such improved CO emissions control capabilities[67] substantiate these applicants' claims that they have generally exercised good faith efforts toward meeting the statutory standard and are therefore not benefitting from a potentially inequitable competitive advantage they migh achieve by avoiding the good faith effort requirement of the act and being unjustifiably granted a waiver.[68]

IV. Conclusion and Interim Standards

Each of the three engine families which were the subject of this decision are covered by waiver applications which met the requirements for receiving a waiver under section 202(b)(5)(C) of the Act. As a result, I am granting a waiver of the effective date of the statutory CO emission standard for the Ford 3.8L/V-6 and VW 1.7L/FBC engine families for the 1982 model year and for the Excalibur 305 CID engine family for the 1981 and 1982 model years.

Pursuant to section 202(b)(5)(A) of the Act, I am simultaneously promulgating regulations prescribing an interim CO emission standard for 1981 and 1982 model year vehicles of 7.0 g/mi for the engine families receiving a waiver. For these engine families, this action continues in effect through the 1982 model year the CO emission standard applicable to all 1980 model year light-duty vehicles.

---

[58] The Court in *International Horvester* adopted a similar approach in interpreting Congress' intent:

> The Court must seek to discern and reconstruct what the legislature that enacted the statute would have contemplated for the court's action if it could have been able to foresee the precise situation. It is in this perspective that we have not flinched from our discussion of the economic and ecological risks inherent in a wrong decision by the Administrator.

478 F. 2d 615, 648 citing *Montana Power Co. v. FPC*, 144 U.S. App., D.C. 263, 270, 445 F. 2d 739, 746 (*en banc, 1970*), *cert.* denied 400 U.S. 1013, 91 S. Ct. 566, 27 L. Ed. 2d 627 (1971).

[59] The flexibility which Congress explicitly afforded me through the waiver provision (which is similar to its legislative predecessor, the suspension provision) in implementing the 3.4 g/mi CO standard, gives me a unique opportunity to accommodate these concerns which waiver applicants have raised here. See, e.g., the legislative history for the suspension provision in the 1970 Act: 116 Cong. Rec. 33120, (Senator Baker); 33081 (Senator Griffin); 32905 (Senator Muskie) (1970).

[60] Cf., 45 FR 17914 (March 19, 1980); 45 FR 53400 (August 11, 1980); 46 FR 1590 (January 6, 1981); 46 FR 15798 (March 13, 1980).

[61] See section III A(2).

[62] See, e.g., my discussion of ambient air quality effects in my first consolidated CO waiver decision. App. B, 44 FR 53376, 53402, 53407 (September 13, 1979) and 44 FR 69416, 69146, 69458–69462 (December 3, 1979). The engine families receiving waivers under my previous CO waiver decisions constitute less than 34 percent of the total projected 1982 model year light-duty vehicle sales in the United States. 46 FR 1590, 1597, n.83 (January 6, 1980). These manufacturers projected sales of about 3 percent of all vehicle sales in the 1982 model year. See e.g., 46 FR 15768, 15770 (March 13, 1981).

[63] For further discussion concerning this issue see the first decision, 44 FR 53376, 53381 and Appendix B at 44 FR 54402–53047 (September 13, 1979).

[64] I discussed the ambient air quality effect of granting CO waivers in each Appendix B in two previous decisions. 44 FR 53376, 53402–53407 (September 13, 1979) and 44 FR 69416, 69456–69462 (December 3, 1979).

The National Automobile Dealers Association (NADA) suggested that I grant industry-wide waivers (NADA submission, March 6, 1981) based, in part, upon the recent report "To Breathe Clean Air" by the National Commission on Air Quality (February 1981). Since I am granting all of the waiver requests at issue here, I need not reach the question posed by NADA's submission.

[65] See, e.g., 45 FR 49876, 49881 (July 25, 1980) and 45 FR 53400, 53404, 53405 (August 11, 1980). VW noted that it had developed and is marketing more costly technology capable of meeting the statutory standard. VW App., sections 1, 3. Certification durability emissions data from one of the Ford 3.8L/V-6 test vehicles indicate that this system had some potential to meet the statutory standard except for the risks associated with the relatively high deterioration factor. Ford App., section III.

Excalibur indicated that its new 1981 model year engine emissions system might be able at least to certify to a CO standard of 3.47 g/mi. Excalibur App., section 1(a).

[66] See section IIIB(1).

[67] See note 46, *supra*. See generally, e.g., 46 FR 1590, 1594 (January 6, 1981).

[68] *International Harvester, supra*, 478 F. 2d 615, 637, 638 (D.C. Cir. 1973). See also Ford App., section 2. Each of these applicants had developed or attempted to develop or utilized electronic feedback control fuel systems for the models in question. Excalibur App., p. section 1(b)(iii); Ford App., section 1(b)(iii); VW App., section 4.

Dated: May 15, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-15503 Filed 5-22-81; 8:45 am]

BILLING CODE 6560-33-M

[AD-FRL-1836-5]

Assessments of Human Exposure to Atmospheric Concentration of Selected Chemicals; Public Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Notice of Extension of Public Comment Period.

SUMMARY: This notice extends the period from May 11, 1981 through June 15, 1981 for public comment of the adequacy of the Systems Applications, Inc. (SAI) and SRI, International (SRI) exposure methodologies and the accuracy of the exposure assessments.

DATES: Comments on the above reports should be postmarked no later than June 15, 1981.

ADDRESSES: A copy of the above reports may be obtained from the U.S. Department of Commerce, National Technical Information Service, Springfield, Virginia 22161, telephone number 703-487-4650. Please request publication numbers PB-81-193252 (cost $33.50) and PB-81-193260 (cost $30.50) when ordering the two Systems Applications, Inc. reports, and publication number PB-81-193278 (cost $21.50) for the SRI, International report. Those interested in obtaining copies of all three volumes should request publication number PB-81-193245 (total cost $83.50). Those previously requesting reports from the U.S. Environmental Protection Agency library and not receiving copies before EPA's supply was distributed, will be notified by the library to submit their request to the National Technical Information Service.

Comments should be sent in duplicate to Mrs Nancy Riley, Strategies and Air Standards Division, (MD-12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number 919-541-5502 (FTS 629-5502).

FOR FURTHER INFORMATION CONTACT: Mrs. Nancy Riley, (919) 541-5502 (FTS 629-5502).

SUPPLEMENTARY INFORMATION: On March 10, 1981, the Environmental Protection Agency announced in the **Federal Register** (46 FR 15938) the availability of two reports estimating public exposure to selected chemicals of concern that are emitted into the atmosphere. Interested individuals were invited to comment on the adequacy of the exposure methodologies and the accuracy of the assessments.

Due to the unexpected number of requests for the Systems Applications, Inc. report and the delay in making more copies available for distribution, EPA is extending the comment period by five weeks through June 15, 1981. In addition, because of the high duplicating costs, EPA can no longer supply copies. Copies of both exposure reports will only be available, for a fee to cover printing and distribution costs, from the National Technical Information Service.

Dated: April 23, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81-15509 Filed 5-22-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

FM Translator Applications Accepted for Filing and Notification of CutOff Date

Released: May 18, 1981.

Cutoff Date: July 6, 1981.

Notice is hereby given that the applications listed in the attached appendix below are accepted for filing. They will be considered to be ready and available for processing after July 6, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 6, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than the close of business on July 6, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on July 6, 1981.

Applications for new stations may not be filed against any application on the attached list which is designated by an asterisk (*).

Federal Communications Commission.

William J. Tricarico,

Secretary.

FM Translator Applications

BPFT-810121IF (new), Casper, Wyoming, John C. Learned, Req: Channel 269, 101.7 MHz, 10 watts, Primary: KKAZ-FM, Cheyenne, Wyoming

BPFT-810123IA (new), Pullman, Washington & Moscow, Idaho, Fine Arts Radio, Req: Channel 210, 89.9 MHz, 10 watts, Primary: BPED-801114AB, Richland, Washington

BPFT-810123IB (new), Wenatchee, Washington, Fine Arts Radio, Req: Channel 211, 90.1 MHz, 10 watts, Primary: BPED-801114AB, Richland, Washington

BPFT-810123IC (new), Clarkston, Washington & Lewiston, Idaho, Fine Arts Radio, Req: Channel 212, 90.3 MHz, 10 watts, Primary: BPED-801114AB, Richland, Washington

BPFT-810123ID (new), Yakima & Cowiche, Washington, Fine Arts Radio, Req: Channel 212, 90.3 MHz, 10 watts, Primary: BPED-801114AB, Richland, Washington

BPFT-810123IE (new), Ellensburg & Kittitas, Washington, Fine Arts Radio, Req: Channel 212, 90.3 MHz, 10 watts, Primary: BPED-801114AB, Richland, Washington

BPFT-810123IF (new), Moses Lake, Washington, Fine Arts Radio, Req: Channel 212, 90.3 MHz, 10 watts, Primary: BPED-801114AB, Richland, Washington

BPFT-810123JH (new), Lemon & Switzer Creek Basins and East Twin Lakes areas of Juneau, Alaska, Capital Community Broadcasting, Inc., Req: Channel 269, 101.7 MHz, 10 watts, Primary: KTOO-FM, Juneau, Alaska

BPFT-810203KK (new), Randolph & Woodruff, Utah, Rich County, Req: Channel 257, 99.3 MHz, 10 watts, Primary: KALL-FM, Salt Lake City, Utah

BPFT-810203KL (new), Randolph & Woodruff, Utah, Rich County, Req: Channel 288, 105.5 MHz, 10 watts, Primary: KISN-FM, Salt Lake City, Utah

BPFT-810203KM (new), Laketown & Garden, Utah, Rich County, Req: Channel 221, 92.1 MHz, 10 watts, Primary: KSOP-FM, Salt Lake City, Utah

BPFT-810203KN (new), Laketown & Garden City, Utah, Rich County, Req: Channel 272, 102.3 MHz, 10 watts, Primary: KISN-FM, Salt Lake City, Utah

BPFT-810203KO (new), Laketown & Garden City, Utah, Rich County, Req: Channel 285, 99.3 MHz, 10 watts, Primary: KALL-FM, Salt Lake City, Utah

BPFT-810203KP (new), Randolph & Woodruff, Utah, Rich County, Req: Channel 244, 96.7 MHz, 10 watts, Primary: KSOP-FM, Salt Lake City, Utah

BPFT-810210KG (new), Grand Rapids, Minnesota, Tower Comms, Inc., Req: Channel 280, 103.9 MHz, 10 watts, Primary: WAKX-FM, Duluth, Minnesota

BPFT-810210KH (new), Waldron and Rural areas, Arkansas, Chuck Crisler, d.b.a. Mid-South Translators, Req: Channel 232, 94.3 MHz, 10 watts, Primary: KACJ-FM, New Greenwood, Arkansas

BPFT-810213KG (new) Havana, Arkansas, Chuck Crisler, d.b.z. Mid-South Translators, Req: Channel 285, 104.9 MHz, 10 watts, Primary: KACJ-FM, New Greenwood, Arkansas

BPFT-810217KQ (new), Jenny Lind & Greenwood, Arkansas, Chuck Crisler d.b.a. Mid-South Translators, Req: Channel 269, 101.7 MHz, 10 watts, Primary: KLAZ-FM, Little Rock, Arkansas

BPFT-810218KE (new), A portion of Oklahoma City and Moore, Oklahoma, G.F. Abendroth et al., d.b.a. Mid America Media

Co., Req: Channel 296, 107.1 MHz, 10 watts, Primary: KKLR–FM, Edmond, Oklahoma
BPFT–810220KG (new), Flagstaff, Arizona, Michael Newton Ferguson, Req: Channel 221A 92.1 MHz, 10 watts, Primary: KDKB–FM, Flagstaff, Arizona
BPFT–810223KF (new), Boulder, Utah, Town of Boulder, Req: Channel 280, 103.9 MHz, 10 watts, Primary: KSFI–FM, Salt Lake City, Utah
BPFT–810224KE (new), Kamiah, Idaho, 4–K Radio, Inc., Req: Channel 221 92.1 MHz, 10 watts, Primary: KORT–FM, Grangeville, Idaho
BPFT–810224KF (new), Livingston, Montana, Yellowstone Broadcasting Services, Inc., Req: Channel 265A, 100.9 MHz, 10 watts, Primary: KYBS–FM, Livingston, Montana
BPFT–810224KG (new), Opheim, Montana, KVCK, Inc., Req: Channel 269, 101.7 MHz, 10 watts, Primary: KYZZ–FM, Wolf Point, Montana
BPFT–810226KE (W244AC), Erie, Pennsylvania, The Cornerston of Erie County, Req: Change frequency to Channel 252, 983 MHz
BPFT–810302IA (K228AE), Mason City, Iowa, Grace Baptist Church, Req: Change the primary station to the Moody Bible Institute
BPFT–810309IB (new), Parachute, Colorado, Parachute Committee for FM, Req: Channel 261, 100.1 MHz, 10 watts, Primary: KQIX–FM, Grand Junction, Colorado
BPFT–810312IA (new), Astoria, Oregon, Astoria Gospel Echo, Inc., Req: Channel 244, 96.7 MHz, 10 watts, Primary: KPBQ–FM, Portland, Oregon
BPFT–810313IB (new), Pierce, Idaho, 4–K Radio, Inc., Req: Channel 240, 95.9 MHz, 10 watts, Primary: KLER–FM, Orofino, Idaho
BPFT–810313IC (new), Eureka and Diamond Valley, Nevada, Eureka Television District, Req: Channel 271, 102.1 MHz, 10 watts, Primary: KSFI–FM, Salt Lake City, Utah
BPFT–810326IB (new), Colstrip, Montana, Colstrip Television District, Req: Channel 280, 103.9 MHz, 10 watts, Primary: KOOK–FM, Billings, Montana
BPFT–810330IC (new), Glenwood Springs, Colorado, Recreation Broadcasting of Aspen, Inc., Req: Channel 288, 105.5 MHz, 10 watts, Primary: KSPN–FM, Aspen, Colorado
BPFT–810331IA (new), Pine Bluffs, Wyoming, Kermit G. Kath, d.b.a. Kath Broadcasting Company, Req: Channel 244, 96.7 MHz, 10 watts, Primary: KERM–FM, Torrington, Wyoming
BPFT–810331IB (new), Clinton, Iowa, Clinton Media Association, Req: Channel 224.92.7 MHz, 10 watts, Primary: KEAR–FM, San Francisco, California
BPFT–810331IC (new), Catskill, Cairo, New York, Castskill Christian Media Committee, Req: Channel 244, 96.7 MHz, 1 watt, Primary: WFME–FM, Newark, New Jersey
BPFT–810331ID (new), Urbana, Homer, Illinois, Urbana Media Association, Req: Channel 244, 96.7 MHz, 1 watt, Primary: KEAR–FM, San Francisco, California
BPFT–810331KD (new), Menard, Texas, Sonora Broadcasting Co., Inc., Req: Channel 272, 102.3 MHz, 10 watts, Primary: KVRN–FM, Sonora, Texas
BPFT–810331KE (new), Elgin, Sycamore, Illinois, Elgin Media Association, Req: Channel 220, 91.9 MHz, 1 watt, Primary: KEAR–FM, San Francisco, California
BPFT–810331KF (new), Bettendorf, Iowa, Bettndorf Media Association, Req: Channel 228, 93.5 MHz, 10 watts, Primary: KEAR–FM, San Francisco, California
BPFT–810406IC (new), Eldridge, Iowa, University of Northern Iowa, Req: Channel 274, 102.7 MHz, 10 watts, Primary: KUNI–FM, Cedar Falls, Iowa
BPFT–810406ID (new), Parachute, Colorado, Colorado West Broadcasting, Inc., Req: Channel 244, 96.7 MHz, 10 watts, Primary: KMTS–FM, Glenwood Springs, Colorado
BPFT–810406IE (new), Thermopolis, Wyoming, KWOR, Inc, Req: Channel 288, 93.5 MHz, 10 watts, Primary: KENB–FM, Worland, Wyoming
BPFT–810409IA (new), Redlands-Loma Linda, California, Lincoln and Sylvia Deliar, Req: Channel 255, 98.9 MHz, 10 watts, Primary: KGGI–FM, Riverside, California
BPFT–810413IF (new), Stariski Creek, Alaska, Alaska Village Missions, Inc., Req: Channel 265, 100.9 MHz, 10 watts, Primary: KHVN–FM, Anchorage, Alaska
BPFT–810413IG (new), Kenai-Soldotna, Alaska, Alaska Village Missions, Inc., Req: Channel 296, 107.1 MHz, 10 watts, Primary: KHVN–FM, Anchorage, Alaska
BPFT–810413IH (new), Clam Gulch, Alaska, Alaska Village Missions, Inc., Req: Channel 285, 104.9 MHz, 10 watts, Primary: KHVN–FM, Anchorage, Alaska
BPFT–810413IJ (new), Pine Ridge, Oglala, South Dakota, Red Cloud Indian School, Inc., Req: Channel 288, 105.5 MHz, 10 watts, Primary: KINI–FM, St. Francis, South Dakota
BPFT–810413IK (new), Rehinbeck Hyde Park, Red Hook, New York, Media Associates of the First Baptist Church, Req: Channel 237, 95.3 MHz, 1 watt, Primary: WFME–FM, Newark, New Jersey
BPFT–810416IA (new), Archbold, Ohio, Archbold Evangelical Mennonite Church, Req: Channel 221, 92.1 MHz, 1 watt, Primary: WPOS–FM, Holland, Ohio
BPFT–810309IA (K237AP), Richfield, Utah, Sanpete County Broadcasting, Co., Req: Change frequency to Channel 257, 99.3 MHz
BPFT–810422IB (new), Victoria, Texas, James L. Barnhouse, Req: Channel 288, 105.5 MHz, 10 watts, Primary: KIOU–FM, Corpus Christi, Texas

[FR Doc. 81–15467 Filed 5–22–81; 8:45 am]

BILLING CODE 6712–01–M

[Report No. B–22]

TV Broadcast Application Accepted for Filing and Notification of Cutoff Date

Released: May 14, 1981.

Cutoff Date: June 25, 1981.

Notice is hereby given that the application listed below is accepted for filing. Because the application listed below is in conflict with an application which was accepted for filing and listed previously as subject to a cutoff date for conflicting applications, no application which would be in conflict with the below-listed application will be accepted for filing.

Petitions to deny the application listed below and minor amendments thereto must be on file with the Commission not later than the close of business on June 25, 1981. The application previously accepted for filing and in conflict with the below-listed application may also be amended as a matter of right not later than the close of business on June 25, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's rules.

BPCT–810302KF (new), Reno, Nevada, High Country Broadcasting, Inc., Channel 27, ERP: Vis. 877 kW; HAAT: 2930 feet.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–15466 Filed 5–22–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Allied Bancshares, Inc.; Formation of Bank Holding Company

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Jetero Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–15468 Filed 5–22–81; 8:45 am]

BILLING CODE 6210–01–M

Ashland Capital Corp., Inc.; Formation of Bank Holding Company

Ashland Capital Corporation, Inc., Ashland, Alabama, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Ashland, Ashland, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 15, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-15477 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than June 13, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President), 30 Pearl Street, Boston, Massachusetts 02106:

1. Industrial National Corporation, Providence, Rhode Island (mortgage banking and insurance activities; Kansas: to engage *de novo* through its indirect subsidiary, Mortgage Associates, Inc., in the origination and sale of residential mortgages, the servicing of residential mortgage loans and insurance agency activities for the sale of credit life and credit accident and health insurance directly related to an extension of credit. These activities would be conducted from a new office to be located in Wichita, Kansas, serving the following Kansas counties: Butler, Cowley, Harper, Harvey, Kingman, Reno, Sedgwick and Sumner.

2. Industrial National Corporation, Providence, Rhode Island (consumer finance and insurance activities; Wisconsin): to engage *de novo* through its indirect subsidiary, Mortgage Associates, Inc., in consumer finance and insurance agency activities for the sale of credit life and credit accident and health insurance directly related to an extension of credit. These activities would be conducted from a new office located in Racine, Wisconsin, serving the following Wisconsin counties: Kenosha, Racine and Walworth.

3. Industrial National Corporation, Providence, Rhode Island (financing; Missouri): to engage *de novo* through its indirect subsidiary, Mortgage Associates, Inc., in consumer finance. This activity would be conducted from an existing office located in Clayton, Missouri, serving the Missouri counties of Jefferson, St. Charles and St. Louis.

4. Industrial National Corporation, Providence, Rhode Island (mortgage banking and insurance activities; Wisconsin): to engage *de novo* through its indirect subsidiary, Amortized Mortgages, Inc., in the origination and sale of residential mortgages, the servicing of residential mortgage loans and insurance agency activities for the sale of credit life and credit accident and health insurance directly related to an extension of credit. These activities would be conducted from a new office to be located in Janesville, Wisconsin, serving the following Wisconsin counties: Adams, Columbia, Crawford, Dane, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk and Vernon.

5. Industrial National Corporation, Providence, Rhode Island (financing and insurance activities; Idaho, Colorado, Wyoming, Nevada, and Utah): to engage *de novo* through its indirect subsidiary, Kensington Mortgage and Finance Corp., in the origination, sale and servicing of mobile home loans, insurance agency activities for the sale of credit life and credit accident and health insurance sold in connection with extensions of credit and insurance agency activities for the sale of property and casualty insurance sold in connection with extensions of credit. These activities would be conducted from a new office in Murray, Utah serving the states of Utah, southern Idaho, western Colorado, western Wyoming and Elko, Eureka, Lincoln and White Pine Counties in Nevada, except for the sale of property and casualty insurance which will be provided only in Utah and southern Idaho.

B. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

Omaha National Corporation, Omaha, Nebraska (mortgage banking activities; Kansas): to engage through its subsidiary, Realbank, Inc., in mortgage banking activities, including soliciting and processing residential mortgage loans for sale to permanent investors, loans will be primarily FHA insured or VA guaranteed loans, conventional loans would be processed only when take-out commitments are available. These activities would be conducted from an office in Wichita, Kansas, serving a one hundred mile radius of Wichita, Kansas, excluding any area of the State of Oklahoma. Comments on this application must be received not later than June 15, 1981.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, May 15, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-15483 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Nova Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 18, 1981.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. Bankamerica Corporation, San Francisco, California (industrial loan activities; Utah): to engage through its indirect subsidiary, FinanceAmerica Thrift Corporation, a Utah corporation, in the activities of an industrial loan corporation under the Utah Industrial Loan Law. Such activities will include, but not be limited to, issuing investment certificates and accepting savings accounts; making consumer installment loans; making loans and other extensions of credit to small businesses; making loans secured by real and personal property. These activities will be conducted from a *de novo* office in Orem, Utah, serving the state of Utah.

2. Bankamerica Corporation, San Francisco, California (financing, servicing, and insurance activities; Wisconsin): to engage, through its indirect subsidiary, Financeamerica Corporation, a Wisconsin corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing such loans and other extensions of credit; and offering credit-related life insurance, credit-related accident and health insurance and credit-related property insurance. Such activities will include, but will not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, making loans secured by real and personal property, and offering credit-related life, accident and health and property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation.

These activities will be conducted from a *de novo* office located in Madison, Wisconsin, serving the state of Wisconsin.

U.S. Bancorp, Portland, Oregon (commercial finance and leasing; Alaska, Arizona, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming): to engage through its subsidiary, U.S. Bancorp Financial, Inc., in the making, acquiring and servicing of loans and other extensions of credit, either secured or unsecured, for its own account or for the account of others, including but not limited to, commercial, rediscount, installment sales contracts and other forms of receivables, and leasing of personal property and equipment. These activities will be performed from an office in Bellevue, Washington, serving Alaska, Idaho, Montana, Oregon, and Washington; and from an office in Denver, Colorado, serving Arizona, Colorado, Nevada, Utah and Wyoming.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15495 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Cen-La Bancshares, Inc.; Formation of Bank Holding Company

Cen-La Bancshares, Inc., Marksville, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Central Louisiana Bank & Trust Company, Marksville, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15485 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Cozad Elevators, Inc.; Acquisition of Bank

Cazad Elevators, Inc., Cozad, Nebraska, has applied for the Board's approval under section 3(a) of the Bank Holding Company Act (12 U.S.C. 1842(a)) to acquire 80 percent or more of the nonvoting shares of Wilber State Company, Wilber, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15478 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Harrisonville Bancshares, Inc.; Formation of Bank Holding Company

Harrisonville Bancshares, Inc., Harrisonville, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.3 percent of the voting shares of Allen Bank and Trust Company, Harrisonville, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 15, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-15479 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Hawkeye Bancorporation; Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Jackson State Bank and Trust Company, Maquoketa, Iowa. The factors that the considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 17, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15491 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Hilltop Bancshares, Inc.; Formation of Bank Holding Company

Hilltop Bancshares, Inc., Bennington, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of Bank of Bennington, Bennington, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifially any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15493 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Mansfield Bancshares, Inc.; Formation of Bank Holding Company

Mansfield Bancshares, Inc., Mansfield, Louisiana, has applied for the Board's approval under secton 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Mansfield Bank and Trust Company, Mansfield, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the Offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15492 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Metro Bancorp, Inc.; Formation of Bank Holding Company

Metro Bancorp, Inc., Farmington Hills, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Metropolitan National Bank of Farmington, Farmington Hills, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 15, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-15480 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Minnehaha Bancshares, Inc.; Formation of Bank Holding Company

Minnehaha Bancshares, Inc., Sioux Falls, South Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank in Sioux Falls, Sioux Falls, South Dakota. The factors that are considered in acting on the application

are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 15, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-15481 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Padgett Agency, Inc.; Proposed Acquisition of Greenleaf Development Company, Inc.

Padgett Agency, Inc., Greenleaf, Kansas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Greenleaf Development Company, Inc., Greenleaf, Kansas.

Applicant states that the proposed subsidiary would engage in the activities of promoting, fostering, stimulating, developing, encouraging and advancing the sound business, industrial and economic development, prosperity, welfare and expansion of Greenleaf, Kansas and vicinity; of encouraging and assisting through loans, investments or other business transactions the location of new business and industry in Greenleaf, Kansas and vicinity; of rehabilitating and assisting existing business and industry in Greenleaf, Kansas and vicinity; of stimulating and assisting in the expansion of any kind of business activity which would tend to promote the business development and maintain the economic stability of Greenleaf, Kansas and vicinity, provide maximum opportunities for employment, encourage thrift and improve the standard of living of the citizens of Greenleaf, Kansas and vicinity; of cooperating and acting in conjunction with other organizations, public or private, including the Small Business Administration, an agency of the United States Government, in the promotion and advancement of industrial, commercial, agricultural and recreational development in Greenleaf, Kansas and vicinity; and of providing financing for the promotion, development and conduct of all kinds of business activity in Greenleaf, Kansas and vicinity; provided, however, that the primary objective is to benefit the community of Greenleaf, Kansas and vicinity as measured by increased employment, payroll, business volume and corresponding factors and indirect benefits rather than monetary profits or a return of an investment in the shares of the capital stock of Greenleaf Development Company, Inc. These activities would be performed from offices of Applicant's subsidiary in Greenleaf, Kansas, and the geographic areas to be served are Greenleaf, Kansas, and vicinity. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 18, 1981.

Board of Governors of the Federal Reserve System, May 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15487 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Remer Bancorporation, Inc.; Formation of Bank Holding Company

Remer Bancorporation, Inc., Remer, Minnsota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.9 percent or more of the voting shares of Security State Bank of Remer, Remer, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15489 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Steele BanCorp; Formation of Bank Holding Company

Steele BanCorp, Cherokee, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 93 percent or more of the voting shares of The Steele State Bank, Cherokee, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 15, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-15482 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Shidler Bancshares, Inc.; Formation of Bank Holding Company

Shidler Bancshares, Inc., Shidler, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Shidler State Bank, Shidler, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 11, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15484 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Texas American Bancshares, Inc.; Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Empire Bank, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15488 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Walker Ban Co.; Formation of Bank Holding Company

Walker Ban Co., Walker, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.05 percent of the voting shares of The First National Bank of Walker, Walker, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15490 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

Wood Lake Bancorporation; Formation of Bank Holding Company

Wood Lake Bancorporation, Wood Lake, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 per cent or more of the voting shares of Wood Lake Corporation, Wood Lake, Wood Lake, Minnesota, and thereby, its subsidiary bank, State Bank of Wood Lake, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Wood Lake Bancorporation, Wood Lake, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in the activities of a general insurance agency in a town of less than 5,000 population. These activities would be performed from offices located in Wood Lake, Minnesota, and the geographic area to be served is the 100 square mile area immediately surrounding and including the town of Wood Lake, Minnesota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than June 18, 1981.

Board of Governors of the Federal Reserve System, May 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15494 Filed 5-22-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81N-0097]

Safety of Certain Food Ingredients; Opportunity for Public Hearing

Correction

In FR Doc. 81-11880 appearing at page 22810 in the issue of Tuesday, April 21, 1981, please make the following change:

On page 22812, under the column entitled "Other information", item #1,

first line, the word "Insolex" should be corrected to read "Inolex".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 44219]

New Mexico; Application

May 18, 1981.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for one 10-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 17S., R. 32 E., NMPM
Sec. 21: SE¼SW¼;
Sec. 28: N½NW¼;
Sec. 29: SE¼NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 31: SE¼NE¼, N½SE¼, SW¼SE¼;
T. 18 S., R. 31 E., NMPM
Sec. 1: NE¼SE¼;
Sec. 11: E½SE¼;
Sec. 12A NW¼NE¼, NE¼NW¼, S½NW¼, NW¼SW¼;
Sec. 14: N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 15: SE¼SE¼;
Sec. 22: N½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼;
Sec. 27: N½NW¼, SW¼NW¼, NW¼SW¼;
T. 18S., R. 32 E., NMPM
Sec. 6: Lots 2, 3, 5, 6, SE¼NW¼.

These pipelines will convey natural gas across 7.802 miles of public land in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Richard Bastin,
District Manager.

[FR Doc. 81-15534 Filed 5-22-81; 8:45 am]
BILLING CODE 4310-84-M

[NM 44227]

New Mexico; Application

May 18, 1981.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for one 6-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 22 S., R. 31 E., NMPM
Sec. 24: S½NE¼.
T. 22 S., R. 32 E., NMPM
Sec. 13: S½SW¼, N½SE¼, SW½SE¼;
Sec. 14: S½S½;
Sec. 15: S½S½;
Sec. 19: N½NE¼, E½NW¼;
Sec. 20: N½N½;
Sec. 21: N½N½;
Sec. 22: NW¼NW¼.

These pipelines will convey natural gas across 6.799 miles of public land in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Richard W. Bastin,
District Manager.

[FR Doc. 81-15538 Filed 5-22-81; 8:45 am]
BILLING CODE 4310-84-M

[A-8927]

Public Lands in Graham County, Ariz.

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Township 6 South, Range 28 East, G&SRM
Sec. 1: Lot 17, 18;
Sec. 18: Lot 6, 7, 8, 9, 10, 11, 12, 13, W½NE¼NW¼, W½NW¼, SE¼NW¼.
Township 6 South, Range 27 East, G&SRM
Sec. 7: Lot 9, 12;
Sec. 18: Lot 5, 6, 7, 8, 9.

Containing 502.38 acres more or less.

In exchange for these lands, the Federal Government will acquire non-Federal land in the Apache-Sitgreaves National Forest in Coconino County, Arizona, from Kennecott Copper Corporation. The description of the non-Federal land is as follows:

Township 13 North, Range 12 East, G&SRM
Sec. 1: N½SW¼, SW¼SW¼, NW¼SE¼SW¼;
Township 13 North, Range 13 East, G&SRM
Sec. 7: Lot 9, 10.

The purpose of the exchange is to acquire non-Federal lands within the forest for Federal programs and better land management. The exchange is consistant with the Bureau's planning for the lands involved. The exchange has been discussed with Graham and Coconino County officials. The public interest will be weell served by making the exchange.

The value of the lands to be exchanged are approximately equal; full equalization of values will be achieved by payment to the United States of funds in the amount not to exceed 25% of the total value of the lands to be transferred out of Federal ownership.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions: There will be reserved to the United States rights-of-way for ditches and canals pursuant to the Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945. There are no reservations concerning the mineral estate. The non-Federal land to be acquired will be subject to the following reservations, terms and comditions: There will be reserved to Southwest Forest Industries, its successors and assigns, the right to cut and remove from the property until May 20, 1987, all timber located thereon more than twelve inches (12") in diameter, breast high at the time of cutting, together with the right to build and maintain ingress and egress as necessary.

Detailed information concerning the exchange, including the environmental assessment and the record of public input, is available for review at the Safford District office, 425 East 4th Street, Safford, Arizona 85546.

For a period of 45 days, interested parties may submit comments to the District Manager, Safford District office, 425 East 4th Street, Safford, Arizona 85546.

Dated: May 13, 1981.

Fritz V. Rennebaum,
Acting District Manager.

[FR Doc. 81-15533 Filed 5-22-81; 8:45 am]
BILLING CODE 4310-84-M

Upland Petroleum Leasing-Alaska; Invitation Geophysical Permit Applications

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of invitation to submit applications.

SUMMARY: The Department of the Interior is accepting applications from industry and the public for permits to conduct geophysical exploration on applicable Federal lands, pursuant to Section 1008 of the Alaska National

Interest Lands Conservation Act (ANILCA).

ADDRESS: Applications should be submitted to the following address:

For BLM-administered lands: District Manager, Anchorage District Office, 4700 E. 72nd Avenue, Anchorage, Alaska 99507

or

District Manager, Fairbanks District Office, Post Fort Wainwright, P.O. Box 1150, Fairbanks, Alaska 99707

For National Forest lands: Regional Forester, U.S. Forest Service, Federal Office Building, Box 1628, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management at (907) 271–5069 in Alaska, or (202) 343–7722 in Washington, D.C.; or the U.S. Forest Service at (907) 586–7247 in Alaska or (703) 235–8105 in Washington, D.C.

SUPPLEMENTARY INFORMATION: The Department of the Interior invites interested parties to submit applications for geophysical exploration permits for oil and gas assessment on certain lands in Alaska. These lands are public lands administered by the Bureau of Land Management and lands in the National Forest System with the exception of designated wilderness areas and national monuments. These lands are situated generally south of the Brooks Range and are described in more detail in the notice published at 46 FR 24307 (April 30, 1981). Units of the National Park System and the National Wilderness Preservation System are excluded as are certain other lands which are legally withdrawn from mineral leasing. This invitation is made as part of the implementation of Section 1008 of the Alaska National Interest Lands Conservation Act. Information gained from activities undertaken through these permits must be made available to the U.S. Geological Survey (USGS) upon request.

All information will be considered proprietary and will not be made public. The USGS will use the information as part of their resource assessment program and in further evaluating areas as favorable petroleum geological provinces.

Each application will be reviewed and a determination made to assure that the proposed action is consistent with the land management emphasis for the area.

For lands in the National Wildlife Refuge System to be studied under Section 1008 of ANILCA, a request for applications similar to these will be published within 120 days.

Applications should include the location of the work proposed, the dates in which the work will be performed, and a description of the methods to be used including support requirements. Prospective applicants should contact the appropriate agency prior to submitting an application to be apprised of any additional information that may be required.

Ed Hastey,

Director, Bureau of Land Management.

[FR Doc. 81-15137 Filed 5-22-81; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 15, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by June 10, 1981.

Carol Shull,

Chief, Registration Branch.

ILLINOIS

Coles County

Charleston, *Old Main (Livingston C. Lord Administration Building)* Lincoln Ave. and 7th St.

Cumberland County

Toledo, *Cumberland County Courthouse,* Court House Sq.

INDIANA

Wayne County

Richmond, *Richmond Gas Company Building,* 100 E. Main St.

MASSACHUSETTS

Barnstable County

Barnstable, *Barnstable County Courthouse,* Main St.

Bristol County

Fall River, *Durfee, B. M. C., High School,* 289 Rock St.

Essex County

Lynn, *Old Post Office Building,* 380 Washington St.

Norfolk County

Weymouth, *Fogg Library,* 1 Columbian St.

Plymouth County

Hull, *Point Allerton Lifesaving Station,* Nantasket Ave. at Spring St.

MINNESOTA

Wabasha County

Lake City, *Lake City City Hall,* 205 W. Center St.

TEXAS

Cameron County

South Padre Island, *USCG Port Isabel Administration Barracks Building,* Wallace L. Reed Rd.

[FR Doc. 81-15345 Filed 5-22-81; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

Gateway National Recreation Area; Gateway Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 3 p.m., Monday, June 15, 1981, at Federal Hall, lower level, 28 Wall Street, New York.

The Commission was established by Pub. L. 92–592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The matters to be discussed at this meeting include:

1. Status of Park—

(a) Response from Secretary to Resolution.

(b) Latest developments.

2. Budget Fiscal Year 1981. (a) Status of Funds, Construction/Planning/Operations.

3. Transportation—

(a) Status of one-way tolls.

(b) Status of ferry service.

4. Floyd Bennett Field Phase II—(a) Planning and alternatives.

5. Breezy Point Co-operative—(a) Status

6. New Business—

(a) William Fitts Ryan Visitor Center Dedication June 20th.

(b) Scheduling of next six meetings of Gateway Advisory Commission.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Herbert S. Cables, Superintendent, Gateway National Recreation Area, Headquarters, Building #69, Floyd Bennett Field, Brooklyn, New York 11234, (212) 630–0353.

Minutes of the meeting will be available for inspection four weeks after

the meeting at the Gateway National Recreation Area Headquarters building.

Dated: May 13, 1981.

Herbert S. Cables, Jr.,

Superintendent.

[FR Doc. 81-15516 Filed 5-22-81; 8:45 am]

BILLING CODE 4310-70-M

National Capital Memorial Advisory Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Wednesday, June 17, 1981, in Room 234 at the National Capital Region Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. Russell E. Dickenson (Chairman), Director, National Park Service, Washington, D.C.
Mrs. Helen M. Scharf, Chairman, National Capital Planning Commission, 1325 G Street, NW., Washington, D.C.
Mr. George M. White, Architect of the Capitol, Washington, D.C.
General Mark W. Clark, Chairman, American Battle Monuments Commission
Mr. J. Carter Brown, Chairman, Commission of Fine Arts, Washington, D.C.
Honorable Marion S. Barry, Mayor of the District of Columbia, Washington, D.C.
Mr. Gerald P. Carmen, Commissioner, Public Buildings Service, Washington, D.C.

The purpose of the meeting will be to review the following memorial proposals:

A.

1. H.J. Resolution 207

To require the Secretary of the Interior to place a plaque at the United States Marine Corps War Memorial honoring Joseph Rosenthal, photographer of the scene depicted by the memorial.

2. S.J. Resolution 48

To provide for the erection of an appropriate statue or other memorial in the Arlington National Cemetery to honor individuals who were combat glider pilots during World War II.

3. S. 941

To authorize the construction and maintenance of the General Draza Mihailovich Monument in Washington, District of Columbia, in recognition of the role he played in saving the lives of approximately five hundred United States airmen in Yugoslavia during World War II.

B. Also, review draft design objectives and guidelines for the proposed Navy memorial authorized by Pub. L. 96-199 (Section 113a).

C. Also review the preliminary design for the Vietnam Veterans Memorial to be located in Constitution Gardens, West Potomac Park. This design was recently selected in a national design competition from 1,420 entries. The competition was conducted by the Vietnam Veterans Memorial Fund, sponsors of the memorial.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. John G. Parsons, Associate Regional Director, Land Use Coordination, National Capital Region, at (202) 426-7750. Minutes of the meeting will be available for public inspection 2 week after the meeting at the National Capital Region Headquarters, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: May 19, 1981.

George J. Becklasy,

Acting Regional Director, National Capital Region.

[FR Doc. 81-15517 Filed 5-22-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29614]

Elgin, Joliet & Eastern Railway Co.—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements for prior approval under 49 U.S.C. 11343 the trackage rights agreement for Elgin, Joliet, and Eastern Railway Company (EJ&E) to operate over approximately 2,500 feet of track owned by the Indiana Harbor Belt Railway (IHB) and approximately 384 feet of track owned by the Baltimore and Ohio Chicago Terminal Railroad Company (BOCT). Both tracks are located in Hammond (Lake County), IN.

DATES: This exemption will be effective June 25, 1981. Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send petitions for reconsideration to: (1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th Street & Constitution Avenue NW., Washington, DC 20423, and (2) Petitioner's representative D. Kevin Blair, Attorney for Elgin, Joliet and Eastern Railway Company, 55 West Monroe, Suite 1500, Chicago, IL 60603.

Pleadings should refer to Finance Docket No. 29614.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Background

The Elgin, Joliet, and Eastern Railway Company (EJ&E), a common carrier by railroad, seeks exemption pursuant to 49 U.S.C. 10505 in connection with two proposed trackage rights agreements by petition filed March 23, 1981.

The agreement, dated December 1, 1980, is between EJ&E and the Indiana Harbor Belt Railroad Company (IHB). It grants EJ&E the right to use approximately one-half mile of IHB track immediately west of, and connected with, EJ&E track used in connection with its service to industries in northwest Indiana.

The other agreement, dated December 31, 1980, is with the Baltimore and Ohio Chicago Terminal Railroad Company (BOCT). It grants EJ&E a right to use approximately 384 feet of track extending east from the Illinois-Indiana State line. The easternmost end of the track connects with the track owned by the IHB and used by EJ&E under its trackage rights agreement.

In accordance with an agreement dated August 1, 1972, EJ&E had been using a 960-foot section of track owned by the Erie Lackawanna Railway Company (EL). This track extends east from the Illinois-Indiana State line to a section of EJ&E track known as the Towle Spur which is leased from EL. The Towle Spur eventually connects with a EJ&E main line track used to serve industries along Lake Michigan in northwestern Indiana.

On April 1, 1976, EL ceased operations; EJ&E has been the only railroad continuing operations on this track. The agreements will make it possible for the EL trackage to be removed.

Specifically, they give EJ&E an alternative route between the Indiana-Illinois State line and the EJ&E right-of-way one-half mile to the east. This route runs substantially parallel to and is located roughly 100 feet to the north of the route now used by EJ&E. The agreements with IHB and BOCT will provide EJ&E alternate access to its right-of-way.

The agreements will not increase, decrease, or alter the competition among carriers serving the Chicago Switching District. No industries are served solely by these lines, therefore, there will be no disruption of service.

The trackage rights agreements will benefit several railroad operations in the Chicago Switching District by reducing the cost to all parties who now pay a pro-rata share of the State Line Interlocker maintenance expense.

Discussion and Conclusions

Exemptions Criteria

The acquistion by a rail carrier of trackage rights over another rail line requires our prior approval under 49 U.S.C. 11343, pursuant to an application filed under 49 CFR Part 1111.

Under 49 U.S.C. 10505, as recently amended by section 213 of the Staggers Rail Act of 1980 (Pub. L. No. 96-448, 94 Stat. 1895, October 14, 1980), we are authorized to exempt a rail transaction where we find that (1) regulation is not necessary to carry out the rail transportation policy set forth in 49 U.S.C. 10101a, and (2) the transaction is either of limited scope or regulation of the transaction is not needed to protect shippers from the abuse of the market power.

The two trackage rights agreements under consideration involve approximately one-half mile of track which will simply provide EJ&E with an alternative route of access to its right-of-way without the need to pass over the EL tracks. Implementation of the proposed trackage rights agreements will not allow an expansion of EJ&E's service market, nor will it alter the existing rail service. The impact of the agreements will not affect the services available to any shipper located in the Chicago Switching District. Therefore, our scrutiny of this transaction is not necessary to carry out the rail transportation policy. Exempting these transactions from regulation will facilitate at least one of the objectives: to minimize the need for regulatory control, and to require expeditious decisions when regulation is necessary. 49 U.S.C. 10101a(2).

Additionally, the exemptions would avoid the undue burden of time and expense by the applicant and other parties seeking Commission approval.

Also, the agreements are of limited scope because: (1) only small segments of track are involved, (2) no significantly changed rail operations will occur; and (3) neither railroad employees, shippers, carriers, nor the environment will be affected adversely.

Having concluded that the transaction is of limited scope, we need not determine whether regulation is necessary to protect shippers from the abuse of market power.

Labor Protection

The Rail Labor Executives' Association has filed in opposition to the application, requesting conditions for the protection of employees. In granting this exemption, we may not relieve a carrier of its obligation to protect the interests of employees. See 49 U.S.C. 10505(g)(2). Therefore, as a condition to use of this exemption, we will require the uniform level of labor protection which is set forth in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

We find: (1) Application of the requirements of 49 U.S.C. 11343 for prior approval of EJ&E's trackage rights and operations over 2,500 feet of track owned by IHG and 384 feet of track owned by BOCT is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a.

(2) This transaction is of limited scope.

(3) This decision will not relieve EJ&E from an obligation to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707.

(4) This decision is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

It is ordered: (1) Pursuant to 49 U.S.C. 10505, we exempt EJ&E's acquisition of the described trackage rights over the IHB and BOCT from 49 U.S.C. 11343, subject to the employee protective conditions imposed in *Norfolk & Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 650 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

(2) Within 60 days after this transaction is consummated, EJ&E shall submit three copies of a sworn statement showing all journal entries necessary to record the transaction.

(3) This exemption shall continue in effect for one year from the effective date of this decision. The parties must consummate the transaction during that time in order to take advantage of this exemption.

(4) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director of the Federal Register, for publication.

(5) This decision shall be effective 30 days from its date of publication in the **Federal Register**.

(6) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register**.

(7) Petitions to reopen this proceeding for reconsideration must be filed no later than 20 days after the date of publication in the **Federal Register**.

Dated: May 15, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15578 Filed 5-22-81; 8:45 am]

BILLING CODE 7035-01-M

Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive and effective notice. The notice will indicate that

consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board No. 3, The Motor Carrier Board, Members Krock, Joyce, and Dowell.

MC–FC–78955. By decision of March 27, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the transfer to ALABAMA STORAGE COMPANY, INC., d.b.a. ALABAMA–MAYFLOWER, Birmingham, AL 35211 of certificate No. MC–26544 (Sub-No. 2) issued May 6, 1975, to Alabama Storage Company, Inc. (X&Y Corp.), Dothan, AL 36301 authorizing the transportation of *used household goods*, between points in Calhoun, Cherokee, Clay, Cleburne, Etowah, Randolph, Saint Clair, Talladega, De Kalb, Bibb, Blount, Cullman, Fayette, Jefferson, Lamar, Marion, Pickens, Shelby, Tuscaloosa, Walker, and Winston Counties, AL. Representative: Jim Loftin, P.O. Box 1333, Dothan, AL 36302. No TA application has been filed. Transferee holds no authority.

MC–FC–78993. By decision of March 12, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the transfer to HAPPY TIME TOURS (THUNDER BAY) LIMITED of Certificate No. MC–127618 issued February 2, 1967 to Wagar Coach Lines, Limited authorizing the transportation over irregular routes of passengers and their baggage; in charter operations, beginning and ending at ports of entry in the United States. Canada Boundary Line, and extending to points in the United States (except those in Alaska and Hawaii), restricted to traffic originating at points on Ontario, Canada. Representative: Jeremy Kahn, Attorney-at-Law, 1511 K Street, NW, Washington, D.C. 20005.

MC–FC–79010. By decision of April 9, 1981, issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132. Review Board No. 3 approved the transfer to TRANS-WAY, INC., of Avenel, NJ, of Certificate No MC–120963 and (Sub-No. 1) issued to Robert Bernard Brysh, d.b.a. Challenger Freightways, of Meridan, CT, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificate C–1473 dated June 2, 1961, issued by the Connecticut Public Utilities Commission, authorizing general commodities between points in Connecticut subject to the following conditions: (1) Transferor must request in writing cancellation of Certificate of Registration No. MC–120963 (Sub-1) and (2) transferee shall prior to or concurrently with, consummation of the transaction, furnish the Commission a certified copy of the State certificate as re-issued to the acquiring party applicant, or if the State Commission does not re-issue the certificate, a certified copy of the order which approves the transfer of the intrastate certificate, together with a statement in writing confirming the date of consummation of the interstate transaction. Representative: Robert B. Pepper, 168 Woodbridge. Avenue, Highland Park, NJ 08904. Transferee is a carrier. TA lease is not sought.

Note.—No. MC–147784 (Sub-Nos. 2 and 3), published in another section of this **Federal Register** issue, are directly related matters.

MC–FC–79052. By decision of April 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the transfer to QUAD CITIES EXPRESS, INC., of Rock Island, IL, Certificate No. MC–149492 and (Sub-No. 1) F issued March 28, 1980, and December 18, 1980, to Chicago and Quad Cities Express, Inc., of Chicago, IL, authorizing the transportation of Docket No. MC–149492. Regular routes: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 MC 467, commodities in bulk, and those requiring special equipment, Between Chicago and Moline, IL, serving all intermediate points, From Chicago over U.S. Highway 66 to junction Alternate U.S. Highway 66, then over Alternate U.S. Highway 66 to Joliet, IL (also from Chicago over Illinois HIghway 4A to Joliet), then over unnumbered highway via Colona and Carbon Cliff, IL, to junction Illinois Highway 92 to Moline, and return over the same route. No. MC–149492 (Sub-No. 1 F). Regular routes: *General commodities* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment (1) between Moline, Illinois, and its commercial zone and Clinton, Iowa, and return over the same route, serving all intermediate points, and (2) between Moline, Illinois, and its commercial zone and Mascatine, Iowa, and its commercial zone; from Moline Illinois, over U.S. Highway 61 and return over the same route, serving all intermediate points. Representatives: Brian K. Ridenour, P.O. Box 82928, 1200 N. Street, 500 Atrium, Lincoln, NE 68501, and Philip A. Lee, 120 West Madison Street, Suite 618, Chicago, IL 60602.

MC–FC–79053. By decision of March 30, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the transfer to HAROLD TRUCKING, INC., of Seminary, MS, of permit No. MC–123919 issued Spetember 28, 1966, to Floyd Davia Bullock, SR., d.b.a. Floyd Bullock, of Hattiesburg, authorizing the transportation *farm supplies* from Birmingham and Mobile, AL, and New Orleans, LA, to points in MS (except points in that part of MS located west of a line beginning at Vicksburg, MS, and extending north along U.S. Hwy 61 to junction MS Hwy 3, then along MS Hwy 3 to Yazoo City, MS, then along U.S. Hwy 49W to junction U.S. Hwy 49E east of Yazoo City, MS, then along U.S. Hwy 49E to Greenwood, MS, then along MS Hwy 7 to junction MS Hwy 8, then along MS to Grenada, MS, then north along U.S. Hwy 51 to the Mississippi-Tennessee State Line), under a continuing contract, or contracts, with Mississippi Federated Cooperatives, of Jackson, MS, restricted against transportation in tank or hopper-type vehicles. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205.

MC–FC–79058. By decision April 9, 1981, issued under 49 CFR 1132, Review Board No. 3 approved the transfer to LUSIUS, INC., of Commerce City, CO, of Certificate No. MC–143199 issued January 29, 1980 to Cop's, Inc., of Commerce City, CO, authorizing the transportation of *meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from Denver, Ft. Morgan, Greely, and Sterling, CO, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusets, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and

the District of Columbia, restricted to the transportation of shipments originating at the named origins and destined to the named destination points. Representative: Richard E. Cole, 8331 Pontiac Street, Commerce City, CO 80022, (303) 289–2941.

MC–FC–79064. By decision of March 30, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board, No. 3 approved the transfer BLUE WATER TRANSPORT, a Division of International Movements, Inc. of Pasadena, MD, of Certificate No. MC–84751 and Subs 3 and 4 issued to Merchants Storage Company of Virginia, of Alexandria, VA, (Richard A. Bantl, Trustee in Bankruptcy) authorizing the transportation of used automobiles, in driveaway service, from Washington, DC, to New York, NY, and points in New York and New Jersey within ten miles of New York, NY; Baltimore, MD, Portsmouth, Newport News, and Norfolk, VA, and Philadelphia, PA, with no transportation for compensation on return except as otherwise authorized, subject to certain restrictions; *household goods* as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points within 100 miles of the District of Columbia; between Takoma Park, MD, Alexandria, VA, points in Arlington County, VA, and points in Maryland within ten miles of Takoma Park, MD, on the one hand, and, on the other, points in Pennsylvania, Delaware, Georgia, South Carolina, North Carolina, Virginia, Maryland, and Florida; *Household goods* as defined by the Commission, and *soda fountain equipment*, between Washington, DC, on the one hand, and, on the other, points in Pennsylvania, Delaware, New Jersey, New York, Rhode Island, Tennessee, Georgia, South Carolina, North Carolina, Virginia, Maryland, and Florida; *used household goods*, between the District of Columbia, Alexandria, VA, and points in Montgomery, Howard, Frederick, Carroll, Baltimore, Anne Arundel, Prince Georges, Calvert, Charles, and St. Marys Counties, MD, Baltimore, MD, and points in Arlington, Fairfax, Prince William, Stafford, Spotsylvania, King George, Facquier, and Loudon Counties, VA, subject to certain restrictions; *household goods*, between, Washington, DC, on the one hand, and, on the other, points in Illinois, Ohio, Connecticut, Kentucky, Massachusetts, West Virginia, Vermont, and Maine. Representative: Alan F. Wohlstetter, 1700 K Street, NW, Washington, DC 20006. Transferee is not a carrier. TA lease is not sought.

MC–FC–79072. By decision of March 30, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the transfer to PACIFIC INTERMODAL TRANSPORT, INC., Bothell, Washington of certificate No. MC–125551 (portion) and MC–125551 Sub 16F, issued December 3, 1969, to K & W Trucking Co., Inc., St. Cloud, Minnesota authorizing the common carrier transportation over irregular routes of (1) *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Alaska with the pertinent restrictions. Sub 16F *general commodities* (except classes A and B explosives), between points in the commercial zone of Seattle, WA, restricted to traffic having a prior or subsequent movement by water. Representative: Robert D. Gisvold, (612) 333-1314, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402.

MC–FC–79085. By decision of April 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to NOR–PAC DISTRIBUTING CORP. of Aberdeen, WA a portion of Certificate No. MC–81495 1 and all of MC–81495 (Sub-Nos. 2 and 4) issued April 11, 1966, April 19, 1968, and May 11, 1971 to Vigilant, Inc. of Aberdeen, WA authorizing the transportation of new furniture, stoves and machinery, over a regular route, between Hoquiam, Wash., and Portland, Oreg. From Hoquiam over Washington Highway 9 to Grand Mount, Wash., thence over U.S. Highway 99 to Portland, and return over the same route. Service is authorized to and from the intermediate point of Aberdeen, Wash. General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in practices of Motor Carriers of Household Goods, 17 MCC 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between points and places within three miles of Abredeen, Hoquiam, and Cosmopolis, Washington, including Aberdeen, Hoquiam and Cosmopolis, general commodities (except those of unusual value, dangerous explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), over irregular routes, between points in Grays Harbor County, Wash., restricted to prior or subsequent interstate rail movements. General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over irregular routes between Aberdeen and Hoquiam, Wash., on the one hand, and, on the other, the Wynoochee Dam Site (Grays Harbor County), Wash. Representative: George Kargianis, 2120 Pacific Bldg., Seattle, WA 98104, Omaha, NE 68102. TA application has not been filed.

MC–FC–79088. By decision of April 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the transfer to LOOP FLEET SERVICE, INC. of Permit No. MC–148583 and MC–148583 (Sub-No. 4F) issued September 25, 1975 to Loop Cartage, Inc. authorizing the transportation of Commodities sold in drug, apparel, chain, discount and department stores between points in Kenosha, Milwaukee, Ozaukee, Racine and Waukesha Counties, WI, Lake County, IL and Chicago, IL. Also plumbing fixtures, electric generators and internal combustion engines between the facilities of Kohler Company in Sheboygan County, WI and Chicago, IL and Milwaukee and Waukesha, WI. Subject to the following conditions if any. Representative: James L. Sernovite, 1818 N. Commerce St., Milwaukee, WI 53212.

MC–FC–79092. By decision of April 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the transfer to LEONARD JOSEPH HAMAEKERS, d.b.a. AMERICAN TRAIL VENTURES of Mountain View, CA of Certificate No. MC–145008 (Sub 2)F issued to Western Safaris, Inc., d.b.a. Heart of America Tours of El Paso, TX authorizing: *passengers* and their baggage, limited to transportation of not more than 20 passengers (excluding the driver) in one vehicle at one time in one-way and round-trip special operations as camping and sightseeing tours, from El Paso, TX, Denver, CO, and Los Angeles and San Francisco, CA, to points in AZ, CA, CO, NM, NV, TX and UT, and return. Representative: Leonard J. Hamaekers, 1555 W. Middlefield Rd., Mountain View, CA 94043. TA lease is not sought. Transferee is not a carrier.

MC–FC–79100. By decision of April 10, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the transfer to REYNOLD L. MIARER, an Individual of Certificate No. MC–146676

(Sub-No. 1F) issued December 2, 1980 to Burks Trucking, Inc. authorizing the transportation of *fertilizer and fertilizer ingredients,* over irregular routes, between the facilities of Ohio Farmers Grain and Supply Association, at or near Fostoria, OH, on the one hand, and, on the other, points in Indiana and Michigan. Representative: Richard H. Brandon, P.O. Box 97, 220 West Bridge Street, Bublin, OH 43017.

MC–FC–79102. By decision of April 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to MARTINO TRUCKING INC., of Rochester, PA of Certificate No. MC–128618 issued on August 3, 1967 to John L. Martino, d.b.a. Martino Trucking Co., of Rochester, PA authorizing the transportation of (1) *rough castings,* in dump vehicles, from New Brighton and Rochester, PA to Youngstown, OH; and (2) *scrap metals,* in dump vehicles, from Youngstown, OH, to New Brighton and Rochester, PA. Representative: John A. Vuono, Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219.

MC–FC–79104. By decision of April 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the transfer to PAUL's EXPRESS, INC., of Westwood, MA, of Certificate No. MC–17806, acquired in No. MC–FC–75731 by Ruth F. Holderried, Joseph E. Holderried, and Leo Donald Holderried, Jr., d.b.a. Paul's Express, of Westwood, MA, authorizing *General commodities* (usual exceptions), between points in Massachusetts within the miles of Boston, including Boston. Representative: Joseph E. Holderried, 198 Mill St., Westwood, MA 02090. TA lease is not sought. Transferee is not a carrier.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: May 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 147784 (Sub-2), filed February 9, 1981. Applicant: TRANS-WAY, INC., Route 1 and Inman Avenue, Avenel, NJ 07001. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a common carrier by motor vehicle, over irregular routes, transporting General Commodities (except classes A and B explosives) between points in Connecticut. (Hearing site: Newark, NJ.)

Note.—This application is filed as a directly related application to finance proceeding docketed MC–FC–79010. The purpose of this application is a conversion of a certificate of registration. No. MC–FC–79010 is published in another section of this **Federal Register** issue.

MC 147784 (Sub-3), filed February 9, 1981. Applicant: TRANS-WAY, INC., Route 1 and Inman Avenue, Avenel, NJ 07001. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a common carrier by motor vehicle, over irregular routes, transporting (1) General commodities, except classes A and B explosives, between points within the territory (inclusive of the points specified) bounded by a line beginning at New York, NY, and extending in a westerly direction along NJ Hwy 4 to Paterson, NJ, thence along US Hwy 46 to junction US Hwy 202, thence along US Hwy 202 to junction US Hwy 206, thence along US Hwy 206 to Princeton, NJ, thence in a southeasterly direction along an unnumbered Hwy to Hightstown, NJ, thence along NJ Hwy 33 to junction US Hwy 9, thence along Hwy 9 to Perth Amboy, NJ, and thence in a easterly direction to New York, NY, on the one hand, and, on the other, points in CT; (2) General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, office furniture and equipment, commodities in bulk, and those requiring the use of special equipment between points in CT, on the one hand, and, on the other, Philadelphia, PA, and (3) Floor covering and materials, supplies and equipment used or useful in the installation of floor covering, from points in CT to Camden, NJ, Wilmington, DE and Baltimore, MD. (Hearing site: Newark, NJ.)

Note.—This application is filed as a directly related application to finance proceeding docketed MC–FC–79010. The purpose of this application is eliminate the gateway of Greenwich, CT. No. MC–FC–79010 is published in another section of this **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc 81–15506 Filed 5–22–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application; Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–122

The following applications were filed in region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 155695 (Sub-1–1TA), filed May 7, 1981. Applicant: WEIDHAAS TOURS, INC., 4420 Westfield Avenue, Pennsauken, NJ 08110. Representative: Robert G. Weidhaas (same as applicant). *Passengers and their baggage in charter and special operations* from points in NJ and PA to points in the U.S. and return. There are six statements of support attached to this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 155770 (Sub-1–1TA), filed May 6, 1981. Applicant: EDWARD M. ENNIS, d.b.a. ELCO TRANSPORTATION, Route 7, Arlington, VT 05250. Representative: Edward M. Ennis (same as applicant). *Contract carrier:* irregular routes: *Molded plastic parts, and equipment, materials and supplies used in the manufacturing of molded plastic parts* from Pittsfield, MA to points east of ND, SD, NE, KS, and NM, under continuing contract(s) with Poly-Matrix, Inc. of Pittsfield, MA. Supporting shipper: Poly-Matrix, Inc., Downing Industrial Park, Pittsfield, MA 01201.

MC 147923 (Sub-1–3TA), filed May 6, 1981. Applicant: MARINE TRANSPORTATION INTERMODAL, INC., d.b.a. M T I Inc., 15 Prospect Lane, Colonia, NJ 07067. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *General commodities having a prior or subsequent movement by water* between Philadelphia, PA ports, on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, PA, RI, VA, and DC. Supporting shipper: United States Lines, Inc., 27 Commerce Drive, Cranford, NJ 07016.

MC 142539 (Sub-1–3TA), filed May 6, 1981. Applicant: B.W.T. TRANSPORT, INC., 757 River Drive, Passaic, NJ 07055. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland, NJ 08904. *Contract carrier:* irregular routes: *Chemicals or allied products (STCC Industry Grouping) steel wool and plastic bottles, except in bulk,* between points in the US except AK and HI under continuing contract(s) with Purex Corp., Briston, PA. Supporting shipper: Purex Corporation, 1414 N. Radcliffe Street, Briston, PA 19007.

MC 148893 (Sub-1–8TA), filed May 6, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Swimming pools, parts thereof and related commodities, and materials, supplies and equipment used in the manufacture or distribution of such commodities* between points in AR, CO, CT, DE, DC, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NC, NY, OH, OK, PA, RI, TN, TX, VT, VA, WV and WI. Restricted to traffic originating at or destined to the facilities of Kayak Recreational Manufacturing Corporation, Depew, NY. Supporting shipper: Kayak Recreational Manufacturing Corporation, 5460 Transit Road, Depew, NY 14043.

MC 146857 (Sub-1–4TA), filed May 7, 1981. Applicant: W. K. THOMAS, INC., 60 Robbins Road, Springfield, MA 01104. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128. *Contract carrier:* irregular routes: *Sporting goods including all types of recreational sporting goods and a wide variety of National and International sports equipment,* between Chicopee, MA, Indianapolis, IN, and Reno, NV, under continuing contract(s) with Spalding, Division of Questor, Meadow Street, Chicopee, MA.

MC 149114 (Sub-1–3TA), filed May 11, 1981. Applicant: NATIONAL TRANSPORT SERVICES CO., INC., 100 Industrial Avenue, Edison, NJ 08837. Representative: Barbara R. Klein, Esq., 1101 Connecticut Avenue, NW., Suite 1000, Washington, DC 20036. *Contract carrier:* irregular routes: *Candy and confectionary food products* between M & M Mars Co. plants at or near Elizabethtown, PA, Hackettstown, NJ and Chicago, IL on the one hand, and on the other, Buffalo, NY, Atlanta, GA, Charlotte, NC, Cincinnati, Columbus, and Cleveland, OH, Detroit, MI, Jacksonville, FL, Kansas City, KS, Chicago, IL, Pittsburgh, PA, St. Louis, MO, Los Angeles and San Jose, CA, under continuing contract with M & M Mars Co. of Hackettstown, NJ. Supporting shipper: M & M Mars, Co., High Street, Hackettstown, NJ 07840.

MC 138225 (Sub-1–1TA), filed May 11, 1981. Applicant: HEDRICK ASSOCIATES, INC., R.R. No. 2, Box 10A2, Douglas Road, Far Hills, NJ 07931. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Contract carrier:* irregular route: *Wine (except in bulk)* from Healdsburg, CA to Union Township, NJ, under continuing contract(s) with Beer Import Co., Inc. of Vauxhall, NJ. Supporting shipper: Beer Import Co., Inc., P.O. Box 286, Vauxhall, NJ 07088.

MC 155869 (Sub-1–1TA), filed May 11, 1981. Applicant: UNITED STATES SERVICE CORPORATION, 170 Main Street, Holyoke, MA 01040. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Contract carrier:* irregular routes: *General commodities, usual exceptions,* between points in CT and MA, on the one hand, and, on the other, points in the contiguous 48 states under continuing contract(s) with Sheldon Forwarding, CO., Inc., of Holyoke, MA and United Freight Forwarders, Inc., of Holyoke, MA. Supporting shipper: Sheldon Forwarding Co., Inc., 170 Main Street, Holyoke, MA 01040; United Freight Forwarders, Inc., 170 Main Street, Holyoke, MA 10140.

MC 155601 (Sub-1–1TA), filed May 11, 1981. Applicant: AIR TRANSIT, INC., 6

Claflin Street, Boston, MA 02210. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, DC 20036. *Contract carrier:* irregular routes: *Commodities as are dealt in by manufacturers of cans, and supplies, materials, and equipment used in connection therewith,* between Peabody, MA, on the one hand, and, on the other, points in the US in and east of NM, IA, MO, OK, AR, and TX, under continuing contract(s) with Eagle Can Co., of Peabody, MA 01960. Supporting shipper(s): Eagle Can Co., First Avenue, Peabody, MA 01960.

MC 102764 (Sub-1–2TA), filed May 11, 1981. Applicant: ABC, INC., 24 Plymouth Road, No. Providence, RI 02904. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Common carrier,* regular routes: *passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between Providence, RI and Boston, MA serving all intermediate points, from Providence, RI over Interstate HWY 95 to the Jct of Hwy 128, then over Hwy 128 to the Jct of the Southeast Expressway to Boston, MA and return over same route. Supporting shippers: Applicant has appended to its application an Argument stating the reasons why the authority should be granted.

MC 152596 (Sub-1–2TA), filed May 11, 1981. Applicant: DOWNEAST DISPATCH, INC., 38 Rolfe Lane, Newbury, MA 01950. Representative: John C. Lightbody, Esq., Murray, Plumb & Murry, 30 Exchange Street, Portland, ME 04101. *Electric Fuses* from the premises of Gould, Inc. in Newburyport, MA to Harrisburg, PA, Memphis, TN, Chicago, IL, and Sparks, NV. Supporting shippers: Gould, Inc., 374 Merrimac Street, Newburyport, MA 01950.

MC 16872 (Sub-1–5TA), filed May 12, 1981. Applicant: WILLIAM MIRRER, d.b.a. MIRRER'S TRUCKING, 100 E. 25th St., Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Washing, cleaning, and scouring compounds, and (2) materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) above,* between the facilities used or utilized by Purex Corporation, Ltd., its subsidiaries, divisions, vendors, packers, and distributors, at points in the US east of and including ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, points in the US east of and including ND, SD, NE, KS, OK, and TX. Supporting shippers: Purex Corporation, Ltd., 1414 N. Radcliffe St., Bristol, PA 19007.

MC 155867 (SUB-1–1TA), filed May 11, 1981. Applicant: SHAWN LEASING & TRUCKING, INC., 39 Castleton Avenue, Staten Island, NY 10301. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *General commodities, except in bulk, having a prior or subsequent movement by water* between ports in the New York, NY commercial zone, on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, PA and RI. Supporting shippers: Remco International Company, Inc., 2 John Street, New York, NY 10038 and Mercantile Freight Forwarders Inc., 7 Dey St., New York, NY 10007.

MC 151193 (Sub-1–18TA), filed May 8, 1981. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam, Three Commerce Drive, Cranford, NJ 07016. *Contract carrier:* irregular routes: *(1) Shortening and edible fat by-products (except commodities in bulk), and equipment, materials and supplies used in the manufacture, sale and distribution of such commodities (except commodities in bulk)* between points in CA, FL, GA, IL, IA, MD, MA, NE, NJ, NY, NC, under continuing contract(s) with Intercon Company, Carteret, NJ. Supporting shipper: Intercon Company, 351 Roosevelt Avenue, Carteret, NJ 07008.

MC 151010 (Sub-1–2TA), filed May 8, 1981. Applicant: COASTAL WOOD TREATING, LTD., Fredericton R.R. 5, New Brunswick, Canada. Representative: Clare Hudson Payne, Esq., Eaton, Peabody, Bradford & Veague, P.O. Box 1210, Merrill Center, Bangor, ME 04401. *Contract carrier:* regular routes: *Rough and surfaced lumber and timber, barked pine poles, bulk wood waste, utility poles, pressure treated timbers,* from Patten, ME, over ME Hwy 159, then along Interstate Hwy 95 to ports of entry along the International Boundary Line between the United States and Canada located at or near Houlton, ME, and return over the same route; from various points along ME Hwy 6 from Dover-Foxcroft, ME to ports of entry along the International Boundary Line between the United States and Canada located at or near Vanceboro, ME; and from various points along ME Hwy 9 and U.S. Hwy 2 from Rumford, ME to ports of entry along the International Boundary Line between the United States and Canada located at or near Calais, ME, under continuing contracts with County Forest Products, Inc. of Patten, ME, Atlantic Pressure Treating, Ltd. of Fredericton, New Brunswick, Canada and Maritime Wood Preservers, Ltd. of Truro, Nova Scotia, Canada. Supporting shippers: County Forest Products, Inc., P.O. Box 297, Patten, ME 04765; Atlantic Pressure Treating, Ltd., Box 10, Site 7, R.R. #5, Fredericton, New Brunswick, Canada E3B 4X6; and Maritime Wood Preservers, Ltd., P.O. Box 934, Truro, Nova Scotia, Canada.

MC 143668 (Sub-1–3TA), filed May 8, 1981. Applicant: LONG ISLAND AIRPORTS LIMOUSINE SERVICE, CORP. 25 Newton Place, Hauppauge, NY 11787. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. *Passengers and their baggage,* between points in Queens, Nassau and Suffolk Counties, NY, on the one hand, and, on the other, Atlantic County, NJ. Supporting shipper(s): Playboy-Elsinore Associates, 2500 Boardwalk, Atlantic City, NJ 08404.

MC 151004 (Sub-1–3TA), filed April 30, 1981. Applicant: WARNACO TRUCKING CORP., 350 Lafayette Street, Bridgeport, CT 06602. Representative: John F. Ryan (same as applicant). *Contract carrier:* irregular routes: *Paper products consisting of food containers and industrial packaging materials, and the materials used in the manufacture, packaging and distribution of same, i.e. secondary fiber, bags, cartons, glue* between plants of Keyes Fibre in Albertville, AL, Sacramento, CA, Hammond, IN, Waterville, ME and Wenatchee, WA on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Keyes Fibre, An Arcata Company of Waterville, ME. Supporting shipper: Keyes Fibre, An Arcata Company, Upper College Avenue, Waterville, ME 04901.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 116993 (Sub-II–1TA), filed May 12, 1981. Applicant: CITY HAUL, INC., 705 East Second St., Cincinnati, OH 45202. Representative: Richard Rueda, 135 North 4th St., Philadelphia, PA 19106. *General commodities* with the usual exceptions, between Cincinnati and Dayton, Ohio and their respective Commercial Zones on the one hand, and, on the other, Baltimore, MD; New York, NY; Norfolk, VA; and points in the states of OH, IL, IN, KY, MI, MO, PA, WV, and NJ for 270 days. An underlying ETA for 120 days is being sought. There are five supporting shippers. There statements may be examined in the Phila. ICC Office.

MC 150310 (Sub-II–1TA), filed May 8, 1981. Applicant: LOAD LINE, LTD., P.O. Box 8009, Pittsburgh, PA 15216. Representative: Stanley E. Levine, 220 Grant St., PIttsburgh, PA 15219. *General commodities,* between pts. in (1) the

counties of Allegheny, Beaver, Butler and Lawrence, PA; (2) the counties of Bergen, Essex, Morris, Passaic, and Union, NJ; and (3) the counties of Boyd, Wayne and Kanawaha, KY; and the County of Cabell, WV on the one hand, and, on the other, pts. in the US for 270 days. Supporting shipper(s): Calgon Corp., P.O. Box 1346, Pittsburgh, PA 15230.

MC 112063 (Sub-II–1TA), filed May 12, 1981. Applicant: P. I. & I. MOTOR EXPRESS, INC., Broadway Ave. Extension, Masury, OH 44438, P.O. Box 685, Sharon, PA 16146. Representative: Milan Tatalovich, 11 West Liberty St., Girard, OH 44420. *Mercer commodities, viz: oil well pumping jacks, and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between the facilities of Morgan Engineering, Oil Products Division, a unit of AMCA International Corp., at Alliance Oh, on the one hand, and, on the other, points in the US for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Morgan Engineering, Unit of AMCA International Corp., 947 East Broadway, Alliance, OH 44601.

MC 147906 (Sub-II–7TA), filed May 11, 1981. Applicant: KOHN TRANSPORT INC., 4840 Southway, SW., Canton, OH 44706. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *(1) Paper and related products and (2) materials, equipment and supplies used in the production and distribution of paper and related products (except commodities in bulk)* between Stark County, OH, on the one hand, and, on the other, pts in and east of MI, IA, MO, AR, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Central Coated Products, Inc., P.O. Box 3145, Alliance, OH 44601.

MC 149484 (Sub-II–21TA), filed May 11, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. *Bicycles and mopeds and related products* between the facilities of Steyr Damiler Puch at Secaucus, NJ on the one hand, and on the other, points in and east of WI, IL, MO, OK, and TX for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Steyr Damiler Puch, 85 Metro Way, Secaucus, NJ 07094.

MC 149484 (Sub-II–19TA), filed May 11, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same as applicant). *General commodities (except commodities in bulk and classes A and B explosives)* between points in the US (except AK and HI) for 270 days. Restricted to traffic originating or destined to the facilities of Distribution Services of America, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Distribution Services of America, Inc., 666 Summer St., Boston, MA 02210.

MC 119631 (Sub-2–3TA), filed May 12, 1981. Applicant: DEIOMA TRUCKING CO., P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004. *Lumber and wood products* between ports of entry on the International Boundary Line between the U.S. and Canada located in NY and MI, on the one hand, and, on the other, points in NY, PA, OH, MD, VA, MI, IN, IL, KY, TN, and DC for 270 days. Supporting shippers: Empire Wholesale Lumber Co., P.O. Box 249, Akron, OH 44309. 84 Lumber, P.O. Box 8484, Eight-four, PA 15330.

MC 107012 (Sub-II–165TA), filed May 12, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *(a) Containers, container ends, and closures, (b) commodities manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers, and* (c) *material, equipment, and supplies used in the manufacture and distribution of containers, container ends, and closures* from the facilities of Central Can Co., at or near Chicago, IL to points in AL, GA, NC, SC, TN, and VA for 270 days. Supporting shipper: Central Can Co., 3200 South Kilbourn Ave., Chicago, IL 60623.

Note.—Common control may be involved.

MC 134156 (Sub-II–2TA), filed May 12, 1981. Applicant: AL SALEM, d.b.a. AL SALEM PRODUCE, 5136 Cherokee Hill Dr., Salem, VA 24153. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *Caulking compounds and sealants, materials, supplie, and equipment, used in the manufacture, sale, and distribution of caulking compounds and sealants,* between Atlanta, GA, Harleysville, PA, and Garland, TX, on the one hand, and, on the other, points in the US, except AK, and HI, and (2) *Shoes,* and *materials, supplies, and equipment, used in the manufacture, sale, and distribution of shoes,* between Laredo, TX, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, and MS for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Pecora Corp., 165 Wambold Road, Harleysville, PA 19438. Dentex Shoe Corp., Del Mar Industrial Park, Laredo, TX 78041.

MC 150163 (Sub-II–6TA), filed May 4, 1981. Applicant: HORWITH TRUCKS, INC., R.D. #1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Limestone,* in bulk, in dump vehicles, from Canaan, CT to Northampton, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lehigh Portland Cement Co., 718 Hamilton Mall, Allentown, PA 18105.

MC 2605 (Sub-II–7TA), filed April 30, 1981. Applicant: COMMERCIAL TRANSPORT, INC., 2300 E. Adams Ave., Philadelphia, Pa. 19124. Representative: Doanld J. Campanile (address same as applicant). *General Commodities, except class A and B explosives,* between points in the U.S. (except AK and HI). Supporting shipper(s): NL Industries, Inc., P.O. Box 700, Hightstown, NJ 08520.

MC 146807 (Sub-II–19TA), filed May 6, 1981. Applicant: S N W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (address same as above). *Filtered Coa, in bags or boxes,* from Lackawanna County, PA to points in WA, OR, CA, AZ, CO, TX, LA, FL, GA, NC, VA, MD, DC, NY, ME, NH, VT, MA, OH, MI, NM, WI, IA, OK, KS, AR, and MO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Pool World, 3100 Birney Ave., Scranton, PA 18507.

MC 150954 (Sub-II–31TA), filed May 5, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217. *Plastic pipe,* from Siloam Springs, AK to points in AL, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NM, NC, ND, OH, OK, SC, SD, TN, TX and WI, for 270 days. Supporting shipper: Jet Stream Plastics, Divsion of Winrock Enterprises, P.O. Box 190 Siloam Springs, AR 72761.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 106644 (Sub-3–9TA) filed May 15, 1981. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker III (same as applicant). (1) *Commodities, the transportation of which because of size or weight, require the use of special equipment, self-propelled articles (except automobiles), and building materials,* between those

points in the U.S. in and east of WI, IA, NE, MO, OK, and TX, on the one hand, and, on the other, points in the U.S. in and west of MN, SD, WY, CO, KS, and NM; and (2) commodities described in (1) between points in the U.S. restricted in (2) above having a prior or subsequent movement by rail. Authority coincides to unopposed administratively final portion of applicant's Sub. 357F. Supporting shippers: None.

MC 75840 (Sub-3–61TA), filed April 17, 1981, republication—originally published in **Federal Register** of May 4, 1981, volume 46, No. 85. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, 3400 Third Avenue, South, Birmingham, AL 35222. *Chemicals or allied products and textile mill products,* between the facilities of Olin Corporation at Lake Charles, LA, Joliet and Rockdale, IL and Wilmington and Ludlow, MA, on the one hand, and, on the other, points in the US, in and east of TX, OK, KS, MO, IA and MN. Supporting shipper(s): Olin Corporation, 120 Long Ridge Road, Stamford, CT 06904.

MC 115841 (Sub-3–53TA), filed April 15, 1981, republication—originally published in **Federal Register** of April 27, 1981, volume 46, No. 80. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 22168, Knoxville, TN 37922. Representative: Chester G. Groebel (same as above). *Air conditioning parts (Charged lines),* from Wynne, AR to Nashville and Lewisburg, TN. Supporting shipper(s): Heil-Quaker Corp., 1714 Heil-Quaker Blvd., Lavergne, TN 37048.

MC 154793 (Sub-3–1TA), filed April 3, 1981, republication—originally published in **Federal Register** of April 20, 1981, volume 46, No. 75. Applicant: WILLIAM C. WOODARD, d.b.a. DRACO TRUCK RENTAL, Box 206, Greenbriar Pike, Springfield, TN 37172. Representative: James Tyre Havron, 513 Nashville Trust Bldg., Nashville, TN 37201. *Contract carrier:* irregular routes, *snuff, dry flour, in bulk,* from Christian County, KY, to Davidson County, TN and Cook County, IL, under continuing contract(s) with United States Tobacco Company. Supporting shipper(s): United States Tobacco Company, 41 North and Northwest By-Pass, Hopkinsville, KY 42240.

MC 114848 (Sub-3–6TA), filed April 10, 1981, republication—originally published in **Federal Register** of April 27, 1981, volume 46, No. 80. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, P.O. Box 13068, Memphis, TN 38113. Representative: Robert T. Wharton (same as above). *Clay, in bulk,* from Wilkinson County, GA to Calloway County, MO; Lowndes County, MS and Mercer County, NJ. Supporting shipper(s): M & M Clays, Inc., P.O. Box 98, McIntyre, GA 31054.

MC 143988 (Sub-3–2TA), filed April 9, 1981, republication—originally published in **Federal Register** of April 27, 1981, volume 46, No. 80. Applicant: JAMES W. TATE, d.b.a. JAMAR TRUCKING, P.O. Box 18970, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *(1) Water pumps, component parts of water pumps, water pump accessories, and (2) Materials, equipment and supplies used in the manufacture and distribution of commodities listed above in (1);* between the facilities of Layne & Bowler, Inc. at Memphis, TN, on the one hand, and, on the other, New Orleans, LA and points in TX, NM, AZ, NV, ID, WA, OR, UT and CA. Supporting shipper(s): Layne & Bowler, Inc., 900 Chelsea Ave., Memphis, TN 38108.

MC 148697 (Sub-3–1TA), filed April 3, 1981, republication—originally published in **Federal Register** of April 20, 1981, volume 46, No. 75. Applicant: TRINTY, INC., P.O. Box 327, 1859 Harper Ave., S.W., Lenoir, NC 28645. Representative: Barbara A. Watson and/or Annette J. Bryant (same as above). *New furniture,* from the facilities of Bernhardt Furniture Company in Cleveland, Iredell and Caldwell Counties, NC to points and places in WA, OR, CA, NV, UT and AZ. Supporting shipper(s): Bernhardt Furniture Company, P.O. Box 740, Lenoir, MC 28645.

MC 147093 (Sub-3–1TA), filed May 15, 1981. Applicant: B&L TRUCK LINE, INC., Hwy. 125 South, P.O. Drawer 9, Middleton, TN 38052. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Clay and clay products, cleaning compounds, and automotive supplies,* between Hardeman County, TN, on the one hand, and, on the other, all points in LA, AR, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, ME, MD, MI, MN, MS, MO, ND, NE, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, WV and DC. Supporting shipper: Maltan, Inc., Hwy. 125 South, Middleton, TN 38052.

MC 155948 (Sub-3–1TA), filed May 15, 1981. Applicant: JOHN CASSIDY & SONS, INC., 7301 NW 36th Ct., Miami, FL 33147. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. *(1) General commodities (except classes A and B explosives); and (2) trailers* between points in Broward, Dade, Martin, Palm Beach and St. Lucie Counties, FL, restricted to traffic having an immediately prior or subequent movement in interstate or foreign commerce. Supporting shipper: International Distribution Center, Inc., 7301 NW 36th Ct., Miami, FL 33147.

MC 128095 (Sub-3–10TA), filed May 15, 1981. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. *New furniture* between (1) the facilities of Town House Furniture, Ltd., at or near St. Louis, MO; (2) the facilities of Penthouse Furniture, Ltd., at or near Springfield, Mo; and (3) the facilities of Brittany Furniture Industries, Inc., at or near Paoli, IN, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and TX. Supporting shipper: Town House Furniture, Ltd., 7901 Michigan Avenue, St. Louis, MO 63111.

MC 146559 (Sub-3–3TA), filed May 4, 1981. Applicant: GOLDSTON TRANSFER, INC., P.O. Box 1059, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant). *Malt beverages and materials, equipment and supplies used in the manufacture, sale and distribution of malt beverages* between points in and east of TX, OK, MO, IA, and MN. Supporting shipper: Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53201.

MC 155394 (Sub-3–2TA), filed May 4, 1981. Applicant: LANIER EXPRESS, INCORPORATED, 2775 Highway 54 West, Fayetteville, GA 30214. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC 20036. *Wearing Apparel, in cartons and on hangers, and household textile products.* (1) Between points in NC, SC, and GA, and (2) Between points in Atlanta, GA, on the one hand, and, on the other, Dallas, TX, Los Angeles, CA, and Evergreen and Brantley, AL. Supporting shippers: There are five statements of support attached to this application which may be examined at the regional Atlanta, GA office. Applicant intends to interline with other carriers at Atlanta, GA, Charlotte, NC, Greenville and Spartanburg Counties, SC.

MC 149388 (Sub-3–1TA), filed May 13, 1981. Applicant: FEPCO TRUCKING, INC., 3458 Moreland Ave., Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Pulp, paper and allied products,* between the facilities of SPC Company at or near LaGrange, GA, on the one hand, and, on

the other, points in the U.S. in and east of MN, IA, MO, OK, and TX. Supporting shipper: SPC Company, 1707 Shorewood Drive, LaGrange, GA 30240.

MC 155915 (Sub-3–1TA), filed May 13, 1981. Applicant: M. T. TRANSPORTATION, INC., 400 Hickman Street, P.O. Box 1597, Gadsden, AL 35902. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Contract,* irregular; *metal folding tables and accessories and materials, equipment and supplies used in the manufacture thereof* between Gadsden, AL, on the one hand, and, on the other, points in the U.S. under continuing contract with Modern International, Inc. and Modern Tables, Inc., 400 Hickman Street, P.O. Box 1597, Gadsden, AL 35092.

MC 155916 (Sub-3–1TA), filed May 12, 1981. Applicant: ARDMORE FARMS, INC., Post Office Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Such commodities as are dealt in or utilized by a manufacturer of fruit juices (except in bulk),* between the facilities of Spear Packing, Inc., at or near Carlstadt, NJ, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, MO, AR, and LA. Supporting shipper: Spear Packing, Inc., 95 Broad Street, Carlstadt, NJ 07072.

MC 146449 (Sub-3–2TA), filed May 12, 1981. Applicant: ALL CITIES TRANSFER, INC., 1567 East Hamilton Avenue, East Point, GA 30344. Representative: William J. McCann (same address as applicant). *Contract,* irregular routes, transporting *general commodities (except household goods as defined by the Commission and Classes A & B explosives)* between points in the U.S., under continuing contract(s) with United Freight, Inc. and its member affiliates. Supporting shipper: United Freight, Inc., 1260 Southern Road, Morrow, GA 30260.

MC 107912 (Sub-3–10TA), filed May 12, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Rd., Memphis, TN 38118. Representative: A. Doyle Cloud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Synthetic plastics* between Gallman, MS, on the one hand, and, on the other, points in TN. Applicant intends to tack with existing authority in MC 107912 and subs thereunder and to interline this traffic at Memphis, TN. Supporting shipper: Ethyl Corporation, 451 Florida Blvd., Baton Rouge, LA 70801.

MC 148620 (Sub-3–9TA), filed May 12, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Building, 127 Peachtree Street, N.W., Atlanta, GA 30303. *Contract carrier,* irregular routes, *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Roosevelt Paper Company. Supporting shipper(s): Roosevelt Paper Company, 7601 State Road, Philadelphia, PA 19136.

MC 142629 (Sub-3–1TA), filed May 11, 1981. Applicant: ED HOPSON PRODUCE COMPANY, INC., P.O. Box 3287, Oxford, AL 36203. Representative: John W. Cooper, P.O. Box 56, Mentone, AL 35984. *Contract,* Irregular, *Furniture and Parts, and Accessories thereto, and Materials, Equipment, and Supplies used or utilized in the manufacture and shipping thereof,* between all points in the U.S., except AK and HI, under a continuing contract with Wellborn Cabinets, Inc. Supporting shipper: Wellborn Cabinets, Inc., Route 1, Ashland, AL 36251.

MC 155337 (Sub-3–1TA), filed May 11, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 155 Dixie Drive, Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant). *Bread and other Bakery Products* between the facilities of European Bakers, Ltd., Atlanta, GA, and points in the U.S. (except AK and HI). Supporting shipper: European Bakers, Ltd., 3955 Oakcliff Industrial Court, Atlanta, GA 30340.

MC 155337 (Sub-3–2TA), filed May 11, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 155 Dixie Drive, Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant). *Printed Material* between the facilities of W. R. Bean & Son, Inc., at or near Atlanta, GA and points in the U.S. (except AK and HI) Supporting shipper: W. R. Bean & Son, Inc., 4800 Frederick Drive, Atlanta, GA 30378.

MC 146646 (Sub-3–43), filed May 11, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *(1) Carpet, carpet backing (2) the materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in #1 above;* between the facilities of Trend Carpet/Roxbury Carpet/Divisions of WWG Industries, Inc. located in GA and SC on the one hand and on the other all points in the U.S. Supporting Shipper: Trend Carpet/Roxbury Carpet/Divisions of WWG Industries, Inc., P.O. Box 162, Rome, GA 30161.

MC 144776 (Sub-3–4 TA), filed May 8, 1981. Applicant: APACHE TRANSPORT, Inc., 833 Warner Street, SW, Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta GA 30349. *Plastic bags and other plastic articles,* between the facilities of Dixie Bag Company, Inc., 4880 Massachusetts Blvd. College Park, GA and all points in and east of the States of TX, OK, KS, NB, SD, and ND. Supporting shipper: Dixie Bag Company, Inc., 4880 Massachusetts Blvd. College Park, GA 30337.

MC 115789 (Sub-3–3TA), filed May 8, 1981. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004. *Contract carrier;* irregular routes, *general commodities* between Coshocton, OH, and points in FL, GA, SC, NC, and AL under a continuing contract with Clow Corporation. Supporting shipper: Clow Corporation, Executive Plaza East, 1211 W. 22nd St., Oakbrook, IL 60521.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 41406 (Sub-4–6TA), filed May 13, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Dr., Merrillville, IN. Representative: Ralph D. Artim, 8400 Westlake Dr., Merrillville, IN 46410. *Contract* irregular: *General Commodities (except classes A & B explosives and commodities in bulk),* between points in the U.S., under continuing contracts with United Freight, Inc., 1260 Southern Road, Morrow, GA 30260, and, Distribution Services of America, Inc., 666 Summer Street, Boston, MA 02210. Supporting shipper(s): United Freight, Inc., 1260 Southern Road, Morrow, GA 30260 and Distribution Services of America, Inc., 666 Summer Street, Boston MA 02210.

MC 95876 (Sub-4–20TA), filed May 13, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. (1) *Plastic pipe, fittings and accessories therefor, and* (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above,* between Siloam Springs, AR, on the one hand, and, on the other, points in AL, CO, GA, IA, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, ND, NM, OH, OK, SC, SD, TN, TX and WI. Supporting shipper: Jet Stream

Plastics, P.O. Box 190, Siloam Springs, AR 72761.

MC 95876 (Sub-4–21TA), filed May 13, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave N., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Automotive parts* between points in York County, SC, Buncombe County, NC and Scotland County, NC, on the one hand, and, on the other points in the US (including AK but excluding HI). Supporting shipper: Rockwell International, 2135 West Maple Road, Troy, MI 48084.

MC 97932 (Sub-4–5TA), filed May 13, 1981. Applicant: WREN, INC., d.b.a. LAKEVILLE MOTOR EXPRESS, 1665 West County Road C., St. Paul, MN 55113. Representative: Richard L. Gill, 1805 American National Bank Building, St. Paul, MN 55101. *General commodities (except those of unusual value and Classes A and B explosives),* between Minneapolis-St. Paul, MN and points in Goodhue County, MN. Supporting shippers: The Cornelius Company, Highway 10 West, Anoka, MN 55303. Applicant intends to tack and interline.

MC 100785 (Sub-4–1TA), filed May 14, 1981. Applicant: LAWRENCE E. BULT, d.b.a. L. BULT CARTAGE, 123 N. Williams, Thornton, IL 60476. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. *Fertilizer, and related materials, equipment and supplies,* between the Chicago, IL Commercial zone and points in IL, IN, MI and WI. Supporting shippers: Plant Marvel Laboratories, 624 West 19th St., Chicago, IL 60628 and Sesco Enterprises, 121st and Peoria, Chicago, IL 60643.

MC 117370 (Sub-4–3TA), filed May 12, 1981. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Fresh and frozen boxed and carcass meats and packinghouse products and by-products, and materials, equipment and supplies used in the production and distribution of the commodities named above* between Milwaukee, WI on the one, hand and, on the other hand, points in AR, DE, DC, IL, IN, IA, KY, MD, MI, MN, MO, NJ, NY, NC, OH, PA, TN, VA, and WV, under continuing contract(s) with Peck Meat Packing Corporation of Milwaukee, WI. An underlying ETA seeks 120 day authority. Supporting shipper, Peck Meat Packing Corporation, 231 S. Muskego Avenue, Milwaukee, WI 53233.

MC 123074 (Sub-4–3TA), filed May 13, 1981. Applicant: M. L. ASBURY, INC., 141 South Main St., Romeo, MI 48065. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. *Asphalt and asphalt products,* between Detroit, MI and the commercial zone thereof, on the one hand, and, on the other hand, points in OH. An underlying ETA seeks 120 days authority. Supporting shipper: Marathon Oil Corporation, 539 South Main St., Findlay, OH 45840.

MC 129645 (Sub-4–7TA), filed May 14, 1981. Applicant: SMEESTER BROS., INC., 1330 South Jackson Street, Iron Mountain, MI 49801. Representative: H. G. Denny (same address as applicant). *Building materials* between points in Los Angeles County, CA; Baltimore, MD; Cuyahoga and Medina Counties, OH; York County, PA; Dallas and Harris Counties, TX; King County, WA; MI, and WI on the one hand, and, on the other points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Donn Corporation, 1000 Crocker Road, Westlake, OH 44145.

MC 135410 (Sub-4–24TA), filed May 13, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P. O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. *Paper and paper products,* between the facilities of Champion International Corporation in Stearns County, MN, and points in the State of IL. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

MC 136635 (Sub-4–17TA), filed May 14, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 West Ireland Road, South Bend, Indiana 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, Indiana 46240. *Gasoline in tank vehicles,* from Louisville, KY to points in IN. Supporting shipper: Bi-Rite Oil Company, Inc., 130 North State Street, North Vernon, IN.

MC 138432 (Sub-4–11TA), filed May 13, 1981. Applicant: Garland Gehrke, 1800 N. Jefferson, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Candy or confectionery noi; and materials, equipment, and supplies used in the manufacture, assembly, conversion, or distribution thereof;* between points in the United States (except AK and HI). Restricted to the transportation of shipments moving from, to or between the facilities of California Peanut. Supporting Shipper: California Peanut Co., 500 W. Ohio, Richmond, CA 94807.

MC 139482 (Sub-4–35TA), filed May 12, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *Automotive products and accessories,* between Chicago, IL, on the one hand, on the other, Little Rock, AR, Phoenix, AZ, Los Angeles, San Diego, and San Francisco, CA, Denver, CO, Miami, FL, Atlanta, GA, Kansas City, KS, Frankfort, KY, Baltimore, MD, Chelmsford, MA, Minneapolis, MN, Buchanan, & Brooklyn, MI, St. Louis, MO, Edison, NJ, Buffalo, & Woodside, NY, Gastonia, NC, Cincinnati, Cleveland, & Columbus, OH, Clackamus, & Milwaukee, OR, Allentown, Erie, Lancaster, Philadelphia, & Pittsburgh, PA, Lincoln, RI, Greenville, SC, Dallas, Houston, & Laredo, TX and Seattle, WA. Restricted to the transportation of traffic originating at or designed to facilities of Turtle Wax, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Turtle Wax, Inc., 5655 West 73rd Street, Chicago, IL 60638.

MC 142891 (Sub-4–5TA), filed May 13, 1981. Applicant: A&H, INC., P.O. Box 346, Footville, WI 53737. Representative: Thomas J. Beener, 67 Wall St., New York, NY 10005. *Common,* irregular: *Rubber and plastic products, chemicals, and related products,* (1) from Stoughton, WI to New York, NY; Portland, OR and San Francisco, CA; (2) from Macon, GA to Stoughton, WI. Supporting shipper Midwest Rubber Manufacture, Inc., 250 Industrial Circle, Stoughton, WI 53589.

MC 144645 (Sub-4–6TA), filed May 14, 1981. Applicant: ROBERT HANSEN TRUCKING, INC., Route 2, Box 125, Delevan, WI 53115. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *Such commodities as are dealt in or used by a manufacturer or distributor of plastic and plastic products* between the facilities of Penda Corporation at Portage, WI, on the one hand, and, on the other, points in the U.S. under continuing contracts with Penda Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Penda Corporation, Route 3 Industrial Road, P.O. Box 449, Portage, WI 53901.

MC 145042 (Sub-4–7TA), filed May 15, 1981. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Avenue, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933. *Fertilizer and fertilizer ingredients* between points in Vigo County and Porter

County, IN, on the one hand, and, on the other, points in the Lower Peninsula of MI. Supporting shipper: Farm Bureau Services, Inc., 7373 W. Saginaw Highway, Lansing, MI 48909.

MC 146846 (Sub-4–3TA), filed May 11, 1981. Applicant: LOUIS J. LANE, Box 148, Trego, WI 54888. Representative: Nancy J. Johnson, Attorney, 103 East Washington Street, P.O. Box 218, Crandon, WI 54520. *Paper and paper products* originating at the facilities of Pacon Corporation located in the Town of Grand Chute, Outagamie Count, WI to points in CA, OR, WA, UT, ID, MT, NV, AZ, CO, and NM. Supporting shipper: Pacon Corporation, 2525 Casalome Drive, Appleton, WI 54911.

MC 151014 (Sub-4–2TA), filed May 14, 1981. Applicant: WITTE ASSOCIATES, INC., 7195 Thornapple River Drive, Ada, 49301. Representative: Curtis D. Jonker, 880 Union Bank Building, Grand Rapids, MI 49503. *Passengers and their baggage, in special and charter operations,* between Grand Rapids, and Chicago, (O'Hare Airport), round trip, limited to persons participating in Witte Travel air tours departing Chicago O'Hare Airport, having an immediately prior or subsequent trip by air; with equipment limited to 15 passenger Vans. An underlying ETA seeks 30 days authority plus automatic extension. Supporting shipper: Witte Travel, 7195 Thornapple River Drive, Ada, MI 49301.

MC 153883 (Sub-4–3TA), filed May 14, 1981. Applicant: HARNIC TRUCKING, INC., P.O. Box 1218, Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Contract irregular: *Metal Products,* between points in the U.S., under continuing contract(s) with R. Lavin & Sons, Inc., 3426 Sout Kedzie Avenue, Chicago, IL 60623. Supporting shipper: R. Lavin & Sons, Inc., 3426 Kedzie Avenue, Chicago, IL 60623.

MC 154716 (Sub-4–2TA), filed May 11, 1981. Applicant: WALGREEN-OSHKOSH, INC., 200 Wilmot Road, Deerfield IL 60015. Representative: John T. O'Connell, 521 S. LaGrange Rd. LaGrange IL 60525. Contract irregular: *Household appliances, televisions, television recording devices; and materials, equipment and supplies for finished products* between points and places in IL, WS, IN, MN, TN, and AK on the one hand and Jefferson County, KY on the other under continuing contract with General Electric Company, Louisville, KY. Supporting shipper: General Electric Company, Building 4, Room 428, Appliance Park KY 40225.

MC 155486 (Sub-4–1TA), filed May 14, 1981. Applicant: A.T.C. INC., Route 3, Box 31A, Lake Zurich, IL 60047. Representative: William P. Jackson, Jr., Post Office Box 21249, Arlington, VA 22210. *Rubber and plastic products,* between the facilities of Park Rubber Co., at or near Lake Zurich, IL, on the one hand, and, on the other, points in the United States. Supporting shipper: Park Rubber Co., 80 Genesee St., Lake Zurich, IL 60047.

MC 155667 (Sub-4–1TA), filed May 14, 1981. Applicant: JUDY F. ARKIN and ARTHUR M. ARKIN, d.b.a. STEWART CARTAGE CO., 61 S. Mitchell Ct., Addison, IL 60101. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *Contract; Irregular: Printed matter; also materials, supplies, and equipment used in the maintenance and operation of printing houses,* Between Chicago, Dwight, and Mattoon, IL; Crawfordsville, Plymouth, and Warsaw, IN; Gallatin, TN; Glasgow, KY; Spartanburg, SC; and Willard, OH; on the one hand, and, on the other, points in the states of IL, IN, KY, MI, MO, OH, and TN, under continuing contract(s) with R. R. Donnelley & Sons Company, located in Chicago, IL. Supporting shipper: R. R. Donnelley & Sons Company, 2223 South Martin Luther King Drive, Chicago, IL 60612.

MC 155668 (Sub-4–1TA), filed May 14, 1981. Applicant: YANKE TRANSFER, LTD., Box 66, Viscount, Saskatchewan, Canada S0K 4M0. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, Minnesota 55403. *Fertilizer* between ports of entry on the International Boundary Line located in ND, MN and MT, on the one hand, and, on the other, points in MN, ND, SD, MT, IA, ID, OK and TX. Supporting shipper: Westview Distribution, Ltd., 2002 Richardson Rd., Saskatoon, Sask., Canada S7L 4B7.

MC 155940 (Sub-4–1TA), filed May 13, 1981. Applicant: DWIGHT MOSES AND ROY MOSES, d.b.a. MOSES BROS. TRUCKING, RR 1, P.O. Box 65A, Crosby, ND 58730. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Common Carrier: Fertilizer,* from ports of entry located on the international boundary line between the U.S. and Canada located in Saskatchewan and Manitoba, on the one hand, and on the other, points in MN, ND, and MT, and from MN to MT, and *Sand,* from Ottawa, MN to points in ND. An underlying ETA seeks 120 day authority. Supporting shipper: There are 7 supporting shippers.

MC 155943 (Sub-4–1TA), filed May 14, 1981. Applicant: PTS TOURS, A DIVISION OF PAULSON TRAVEL SERVICE, INC., 412 W. Washington St., Brainerd, MN 56401. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Passengers and their baggage,* between Crow Wing County, MN, on the one hand, and, on the other, Nashville, TN. Supporting shipper: Ironton Fire Department, Box 127, Ironton, MN 56455.

MC 155958 (Sub-5–1TA), filed May 14, 1981. Applicant: AMBASSADOR TRANSPORTATION, INC., 303 S. Jefferson Street, Green Bay, WI 54301. Representative: William J. Vande Castle (same address as applicant). *Passengers and their baggage in regular operations,* between points in Menominee County, MI on the one hand, and on the other, Austin Straubel Field, in Brown County, WI, including intermediate points Marinette, Peshtigo, and Oconto, WI. Supporting shipper: City of Menominee, MI, City Hall, 2511 Tenth Street, Menominee; MI 49858.

MC 155959 (Sub-4–1TA), filed May 14, 1981. Applicant: ROSEBUD FREIGHT LINE CO., INC., 505 South Washington, Aberdeen, SD 57401. Representative: Joe Maynes, 505 South Washington, Aberdeen, SD 57401. *Such commodities as are used in the installation of pipeline,* between points in IA, MN, MT, ND and SD, restricted to the transportation of traffic originating at or destined to the facilities of The Kendall Company. An underlying ETA seeks 120 day authority. Supporting shipper: The Kendall Company, 1 Federal Street, Boston, MA 02101.

MC 44445 (Sub-4–1TA), filed May 7, 1981. Applicant: HAROLD KLEIN CARTAGE CO., INC., 5235 N. Hopkins St., Milwaukee, WI 53209. Representative: William C. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract, irregular; General commodities [except articles of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk and those requiring special equipment],* between points in WI and IL under continuing contract(s) with International Nu-Way Shippers, Inc. Supporting shipper: International Nu-Way Shippers, Inc., 3333 S. Iron St., Chicago, IL.

MC 97255 (Sub-4–1TA), filed May 5, 1981. Applicant: SOUTH WHITLEY TRUCKING CO., INC., 606 E. Front St., South Whitley, IN 46787. Representative: Alki E. Scopelitis, Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. *Metal products,* between Montpelier and South Whitley, IN, on the one hand, and, on the other, points in IL, IN, KY, MI and OH. Supporting shipper: Gripco Fasteners, Div. of Mite Corporation, 111 E. Broad St., South Whitley, IN 46787.

Note.—Applicant intends to tack with existing authority.

MC 32122 (Sub-4–3TA), filed May 6, 1981. Applicant: PAZEN TRANSFER LINES, INC., P.O. Box 243, Waukau, WI 54980. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912. *Paper, surface coated with silicone,* and the return of materials, equipment or supplies used in the manufacture, sale or distribution of *Paper, surface coated with silicone,* between Menasha, WI, on the one hand, and, on the other, points in CA, AL, GA, IL, IN, MI, MN, NJ, NY, NV, NC, OH, OK and TX. Supporting shipper: Akrosil, 206 Garfield Ave., Menasha, WI 54956. No underlying ETA has been filed.

MC 60837 (Sub-4–1TA), filed May 11, 1981. Applicant: HARRY H. LONG MOVING–STORAGE & EXPRESS, INC., 1631 S. Lynndale Avenue, Appleton, WI 54911. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. *General commodities* (except Classes A and B explosives) between points in WI, on the one hand, and, on the other, points in Chicago, IL and its commercial zone. There are five supporting shippers.

MC 107487 (Sub-4–1TA), filed May 12, 1981. Applicant: COLUMBIA CITY FREIGHT LINES, INC., Gateway Industrial Park, P.O. Box 328, Columbia City, IN 46725. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. *Automotive parts and materials, equipment and supplies used in the construction thereof,* from Columbia City, IN over State Hwy. 9 to U.S. Hwy. 6; thence over U.S. Hwy. 6 to Toledo, OH; return over the same route serving all intermediate points. Supporting shippers: White Automotive Corp., P.O. Box 92, Columbia City, IN 46725.

MC 113434 (Sub-4–9TA), filed May 1, 1981. Applicant: GRA-BELL TRUCK LINE, INC., P.O. Box 1001, A5253—144th Ave., Holland, MI 49423. Representative: Roger Van Wyk (same as applicant). *Charcoal, charcoal products, materials, equipment and supplies* used in the manufacture and distribution thereof, between points in IA, IL, IN, KY, MI, MN, MO, MD, NY, NJ, OH, PA, TN, VA, WV, WI and DC. Restricted to shipments originating at or destined to Imperial Products Corporation and its facilities. An underlying ETA seeks 120 days authority. Supporting shipper: Imperial Products Corporation, Suite 1660, 1034 South Brentwood Blvd., St. Louis, MO 63117.

MC 113751 (Sub-4–7TA), filed May 11, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia St., Waupaca, WI 54981. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. Common; irregular; *foodstuffs and materials, equipment and supplies* used in the manufacture and distribution of such commodities, between Menomonie and Vesper, WI, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, CO, OK and TX. Supporting shipper: Beatrice Food Company, Sanna Division, 6501 Grand Teton Plaza, Madison, WI 53719.

MC 113855 (Sub-4–3TA), filed May 7, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. *Contract, Irregular: General commodities (except classes A and B explosives),* between points in the U.S., under continuing contract(s) with Seaport Cooperative, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Seaport Cooperative, Inc., 730 NW 11th Ave., Portland, OR 97209.

MC 115975 (Sub-4–5TA), filed May 11, 1981. Applicant: C. B. W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, IL 62095. Representative: M. Burnell Watson, P.O. Box 48, Wood River, IL 62095. *Petroleum products and chemicals in bulk,* between Olathe, KS and points in the U.S., under continuing bilateral contract or contracts with Southwest Petro-Chem, Inc., a wholly owned subsidiary of WITCO Chemical Corporation. Supporting shipper: Southwest Petro-Chem, Inc., a wholly owned subsidiary of Witco Chemical Corp., P.O. Box 1974, Olathe, KS 66061.

MC 118044 (Sub-4–1TA); filed May 12, 1981. Applicant: KEESHIN CHARTER SERVICE, INC., 705 S. Jefferson St., Chicago, IL 60607. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd. NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Passengers and their baggage, in charter and special operations* from points in FL in and south of Pinellas, Hillsborough, Polk, Osceola and Brevard Counties, FL to points in the U.S., and return. There are six (6) supporting shippers.

MC 124078 (Sub-4–69TA), filed May 8, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Sodium nitrate in bulk* from Chesapeake, VA to Bessemer, AL; Macedonia, OH and Delmar, NY. An underlying ETA seeks 120 days authority. Supporting shipper: Chilean Nitrate Sales Corporation, P.O. Box 1217, Chesapeake, VA 23320.

MC 124408 (Sub-4–5TA), filed May 7, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Liquid fertilizer and liquid fertilizer ingredients,* from Madison, SD, to points in MN, on and south of I Hwy. 94. An underlying ETA seeks 120 days authority. Supporting shipper: Terra Chemicals International, Inc., P.O. Box 1828, Sioux City, IA 51102.

MC 124408 (Sub-4–6TA), filed May 7, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Liquid fertilizer and liquid fertilizer ingredients,* from Pipestone, MN, to points in SD on and east of U.S. Hwy. 281. An underlying ETA seeks 120 days authority. Supporting shipper: Getty Refining and Marketing Co., P.O. Box 1650, Tulsa, OK 74102.

MC 139151 (Sub-4–5TA), filed May 11, 1981. Applicant: CANUS TRUCKING LTD., 150 Sutherland Ave., Winnipeg, Manitoba, Canada R2W5K4. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. *Roofing granules,* from Kremlin and Wausau, WI, to Noyes, MN, on the US/Canada Boundary Line, for 270 days. Supporting shipper: Building Products of Canada, Ltd., Lachine, Quebec H8T 3E3.

MC 14159 (Sub-4–4TA), filed May 12, 1981. Applicant: AGS ENTERPRISES, INC., 809 Columbian Blvd., Litchfield, IL 62056. Representative: Michael R. Solomon (same address as applicant). *Gerneal Commodities (except Classes A & B explosives, commodities in bulk, those commodities which because of size or weight require the use of special equipment, household goods and Mercer commodities),* between Counties of Madison, Clinton, St. Clair, Macoupin, Montgomery and Monroe, IL; City of St. Louis, Counties of St. Louis, St. Charles, Jefferson, Franklin, Warren, MO, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shippers: There are 19 supporting shippers.

MC 142383 (Sub-4–23TA), filed May 12, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th St., Winona, MN 55987. Representative: Gary Shurson, (same address as applicant). *Contract*—irregular, *General Commodities (except Class A and B exlposives)* between points in the U.S., under continuing contract with Ardan, Inc. Supporting shipper: Ardan, Inc., 2320 Euclid Avenue, Des Moines, IA 50310.

MC 144884 (Sub-4–2TA), filed May 1, 1981. Applicant: ARTHUR E.

JOHNSTON & MICHAEL A. JOHNSTON, d.b.a. JOHNSTON TRUCKING, Box 325, Spearfish, SD 57783. Representative: Thomas J. Simmons, 5301 N. Cliff, P.O. Box 480, Sioux Falls, SD 57101. *Iron and steel pipe and pipe fittings, and articles used in the manufacture and distribution of iron and steel pipe and pipe fittings,* between points in the U.S., restricted to traffic destined to or originating at Keenan Supply Co., Inc. Supporting shipper: Keenan Supply Co., Inc., 4700 Dahlia St., Denver, CO 80216.

MC 145664 (Sub-4–23TA), filed May 11, 1981. Applicant: STALBERGER, INC., 223 So. 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson, P.O. Box 6749, Duluth, MN 55807. *Aluminum, steel, glass, rubber products and machinery to manufacture such products,* between all points in the U.S. Supporting shipper: J.T. Nelson Co., Inc. 7647 National Turnpike, Louisville, KY 40214.

MC 148797 (Sub-42TA), filed May 12, 1981. Applicant: RICHARD L. WHITE, d.b.a. RICHARD L. WHITE TRUCKING, 2446 Stella, Fairmont, MN 56031. Representative: Gene P. Johnson, P.O.B. 2471, Fargo, ND 58108. *Contract:* irregular, *food and related products,* between Fairmont, MN, on the one hand, and on the other, points in the U.S. under a continuing contract(s) with Armour Food Company, Div. of Armour & Co. Underlying ETA seeks 120 days authority. Supporting shipper: Armour Food Company, Div. of Armour & Co., Greyhound Tower, Phoenix, AZ 85077.

MC 150746 (Sub-4–9TA), filed May 8, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. *Computer tape, plastic articles, polyester film, and packaging items,* between Huntley, IL, on the one hand, and, on the other, all points in the U.S. Supporting shipper: Wabash Tape Corp., 221 East Main Street, Huntley, IL 60142.

MC 150885 (Sub-4–3TA), filed May 12, 1981. Applicant: ROBERT WHEELER III, Rural Route 3, Canton, IL 61520. Representative: Thomas M. O'Brien, Sullivan & Associates, Ltd., Suite 1600, 10 S. LaSalle St., Chicago, IL 60603. *Coal,* from LaSalle, IL to Lee County, IL (restricted to traffic having a prior movement by water). Supporting shipper: (1) Lone Star Industries, Inc., P.O. Box 467, Dixon, IL 61021.

MC 151557 (Sub-4–1TA), filed May 11, 1981. Applicant: BLAZER TRUCK LINES, INC., 23845 Ecorse Road, Taylor, MI 48180. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. *Contract* irregular: *automobile parts and materials, equipment and supplies used in the manufacture and production of motor vehicles* between the facilities of Allied Products, Inc., located at or near South Bend, IN, and Detroit, MI, and the commercial zone thereof. Restricted to traffic moving under a continuing contract or contracts with Chrysler Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Chrysler Corporation, Chrysler Corporate Traffic, 6334 Lynch Road, P.O. Box 1976, Detroit, MI 48288.

MC 153883 (Sub-4–2TA), filed May 12, 1981. Applicant: HARNIC TRUCKING, INC., P.O. Box 1218, Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract* irregular *Safety related finished fabricated iron and steel items with carbo zinc finish used in and around nuclear reactors and those commodities used in the manufacture thereof,* between points in the U.S. (except AK and HI) under continuing contract(s) with ITT Grinnell Corporation. Supporting shipper: ITT Grinnell Corporation, 4425 South Western Boulevard, Chicago, IL 60609.

MC 155742 (Sub-4–2TA), filed May 11, 1981. Applicant: COBB TRANSPORT COMPANY, INC., d.b.a. THE COBB COMPANY, 10140 North Port Washington Rd., Mequon, WI 53092. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. *Contract;* (1) *Machinery and metal products;* and (2) *materials, equipment, and supplies, including lumber, used in the manufacture and distribution of machinery and metal products,* between the facilities of Telsmith Division-Barber-Greene Co., at Milwaukee, WI, on the one hand, and, on the other, points in the U.S., under continuing contracts with Telsmith Division-Barber-Greene Co., of Milwaukee, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Telsmith Division-Barber-Greene Co., 532 East Capitol Dr., Milwaukee, WI, 53212.

MC 155826 (Sub-4–1TA), filed May 8, 1981. Applicant: TRAFCO, INC., P.O. Box 328, Columbia City, IN 46725. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. *General commodities,* between St. Joseph and Whitley Countries, IN, NE, and points in the U.S. in and east of WI, IA, MO, AR, and TX. Supporting shippers: There are six supporting shippers.

MC 155891 (Sub-4–1TA), filed May 11, 1981. Applicant: BCD TRUCKING, 9948 Deering Avenue, Livonia, MI 48150. Representative: Stephen C. Fitch, 155 East Broad Street, Columbus, OH 43215. Transporting *general commodities* between points in the United States. Supporting shipper: Benchmark, Inc., 4660 13th St., Wyandottie, MI 48192; SCI Corporation, 4262 13th, Wyandote, MI 48192.

MC 155895 (Sub-4–1TA), filed May 11, 1981. Applicant: LLOYD TRUCKING, INC., 908 W. Hurd Rd., Monroe, MI 48161. Representative: William B. Carrigan, 364 Crampton Avenue, Monroe, MI 48161. *Contract Beer and alcoholic beverages and related empty containers,* between points in MI on the one hand, and on the other, points in OH and WI, under continuing contract with Monroe Beverage Co., 987 W. Hurd Rd., Monroe, MI 48161. Supporting shipper: Monroe Beverage Co., 987 W. Hurd Rd., Monroe, WI . 8161.

MC 155892 (Sub-4–1TA), filed May 11, 1981. Applicant: HAROLD MECIKALSKI, d.b.a. MECIKALSKI TRUCKING, 1168 Stead Drive, Menasha, WI 54952. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Electrical machinery or equipment or supplies* between Appleton, WI and points in the U.S under contract with Miller Electric Mfg. Company for 270 days. Supporting shipper: Miller Electric Mfg. Co., 718 Bounds Street, Appleton, WI 54911.

MC 154460 (Sub-4–3TA), filed May 11, 1981. Applicant: Q CARRIERS INC., 14086 Rutgers Street NW., Prior Lake, MN 55372. Representative: Randall D. Quiring, 14086 Rutgers Street NE., Prior Lake, MN 55372. Contract Irregular *Steel wire rope* between points in the U.S., under continuing contracts" with Macwhyte Wire Rope Company, Kenosha, WI 53141. Supporting shipper: Macwhyte Wire Rope Co., 2906 14th Ave., Kenosha, WI 53141.

MC 155364 (Sub-4–1TA); filed May 5, 1981. Applicant: SINCLAIR CARTAGE, INC., 9700 Madison Street, Hinsdale, IL 60521. Representative: Edward G. Finnegan, Ltd., 134 N LaSalle Street, Suite 1016, Chicago, IL 60602. common; irregular *commodoities are asphalt and asphalt products in bulk in tank type vehicles,* within, to and from, and between Whiting and East Chicago, Indiana, and the plant sites of Aurora Blacktop, Inc., Inland Paving Company and James E. McElvain Co., Inc., at Yorkville and Morris, IL, for shippers in such authorized areas of operration. supporting Shippers are listed as follows: Aurora Blacktop, In., 1079 Sard Ave., Montgomery, IL, 60538; Inland Paving Company, P.O. Box D, LaGrange, IL. 60525; James E. McElvain Co., Inc.,

P.O. Box 63, Route 47 North, Morris, IL, 60450.

MC 155364 (Sub-4–2TA), filed May 5, 1981. Applicant: SINCLAIR CARTAGE, INC., 9700 S Madison Street, Hinsdale, IL 60521. Representative: Edward G. Finnegan, Ltd., 134 N LaSalle Street, Suite 1016, Chicago, IL 60602. *Commodities are fertilizer and fertilizer materials in bulk in dump type vehicles* from Belvidere, DuPue, Seneca, Lemont, Albany, IL, to the facilities of Growmark, Inc., in Wisconsin; from Burns Harbor, Indiana to the facilities of Growmark, Inc., in IL and WI; from Prairie du Chien, WI to Growmark, Inc., facilities in IL, for shippers in such authorized areas of operation. Supporting Shipper is listed as follows: Growmark, Inc., 1701 Towanda Avenue, Bloomington, IL. 61701.

MC 155147 (Sub-4–1TA), filed May 11, 1981. Applicant: NEENAH FOUNDRY TRANSPORT, INC., 2121 Brooks Avenue, Neenah, WI 54956. Representative: Norman A. Cooper, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Machinery, transportation equipment and metal products* and materirals and supplies used in the manufacture, sale, and distributuion of named commodities, between points in Fond du Lac, Outagamie, and Winnebago Counties, WI and points in the U.S. for 270 days. Supporting shippers: Neenah Foundry Company, Neenah, WI and Oshkosh Truck Corporation, Oshkosh, WI.

MC 155715 (Sub-4–1), filed May 1, 1981. Applicant: MARVIN L. BISHOP, d.b.a. MARV'S ROUSTABOUT SERVICE, Box 4, Williston, ND 58801. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Contract Carrier: General Commodities (except household goods and Class A and B explosives),* Between points in the Untied States, (except AK and HI), under contract with Dover Corporation Norris Division, Tulsa, OK. An underlying ETA seeks 120 days authority. Supporting shipper(s): Dover Corporation Norris Division, Box 1739, Tulsa, OK.

MC 155774 (Sub-4–1), filed May 6, 1981. Applicant: G.M.C. MOTOR TRUCK SALES, INC., LAND OVER Transportation Division, P.O. Box 693, Dubuque, IA 52001. Representative: Carl L. Steiner, 39 S LaSalle Street, Chicago, IL 60603. *Metal Products* and *Building Materials* between Jones County, IA, on the one hand, and, on the other, all points in the U.S. supporting shipper: Lear Siegler, Inc., Cuckler Building Division, P.O. Box 438, Monticello, IA 52310.

MC 155775 (Sub-4–1TA), filed May 7, 1981. Applicant: NORTHWESTERN MICHIGAN TRUCKING, INC., 9196 Eleven Mile Road, Bear Lake, MI 49614. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. *Foodstuffs and related products* between points in MI and MS on the one hand, and, on the other , points in the U.S. Supporting shipper: Chef Pierre, Inc., P.O. Box 1009, Traverse City, MI 49684.

MC 155888 (Sub-4–1TA), filed May 11, 1981. Applicant: TERRENCE J. HEMMERICH, d.b.a. T.J. CARTAGE, 3855 West 70th Street, Chicago, IL 60629. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Meat, Meat Products, Meat By-Products, Commodities used or useful in the preparation, distribution and sale of packing house products,* between points in the Counties of Cook, Lake, Du Page, Will, McHenry and Kankakee in IL and Lake and Portage in IN, on the one hand, and, on the other, points in the States of IA, IL, IN, MI, MN, MO, OH and WI. Supporting shipper: Ed. Miniat, Inc., 945 West 38th St., Chicago, IL 60609.

MC 155893 (Sub-4–1TA), filed May 11, 1981. Applicant: D & M CARTAGE, INC., P.O. Box 433, Brookings, SD 57006. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101. *Metal Products,* between Brookings, SD and points in its commercial zone, on the one hand, and, on the other, points in the U.S. (except CA, SD, AK and HI). Supporting shipper: Prest Equipment Company, 500 Insbrook Lane, Brookings, SD 57006.

MC 155894 (Sub-4–1TA), filed May 11, 1981. Applicant: COLE COUNTRY EXPRESS, INC., 4401 River Road, Grand Rapids, MN 55744. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, 55424. *Forest products, lumber and wood products and building materials,* Between Itasca County, MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Cole Forest Products, Inc., 4401 River Road, Grand Rapids, MN 55744.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 9291 (Sub-5–6 TA), filed May 11, 1981. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, Centerville, KS 66014. Representative: Clyde N. Christey, 1010 Tyler, Suite 110L, Topeka, KS 66612. *Pipe and tubing,* between the Commerical Zones of St. Louis, MO; Iola & Kansas City, KS; Tulsa, Oklahoma City & Port of Catoosa, OK; Clinton, IA: Shreveport and New Orleans, LA; Wichita Falls, Electra, Bowie, Houston, Forney, Dallas, Lone Star, Crowley & Abilene, TX; Columbus & Lorraine, OH; Evansville, IN; Deshler, NE; Alton & Olney, IL; on the one hand and points in NE, TX, OK, KS, AR, IN, LA, OH, MS, MN, MO, IL, CO, WY, NM and SD on the other hand. Supporting shippers: Kenneth R. Johnson, Inc., 409 Sixth St., Osawatomie, KS 66064; Intercontinental Pipe & Steel, Inc., 8340 Meadow Rd., Dallas, TX 75231; Trident Steel Corporation, 10097 Manchester Rd., St. Louis, MO 63122.

MC 41849 (Sub-5–6 TA), filed May 11, 1981. Applicant: KEIGHTLEY BROS., INC., 1305 Gratiot Street, St. Louis, MO 63103. Representative: Frederick H. Gerlach (same as above). *Ammonium nitrate and dry fertilizer,* from Selma, MO to points in IL, IN, KY, AR, KS, IA, and MI. Supporting shipper(s) USS Agri-Chemicals, 233 Peachtree Street NE., Atlanta, GA 30303.

MC 52460 (Sub-5–35 TA), filed May 11, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same as above). *Such commodities as are dealt in or used by wholesale, retail discount, variety and department stores,* between points in Pulaski County, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Target Stores, Inc., 600 Carnahan Dr., Maumelle, AR 72118.

MC 111401 (Sub-5–41 TA), filed May 11, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Ground Clay, in bulk,* from Riverside, TX to Memphis, TN. Supporting shipper: The Milwhite Co., Inc., P.O. Box 15038, Houston, TX, 77020.

MC 113908 (Sub-5–32 TA), filed May 11, 1981. Applicant: ERICKSON TRANSPORT CORP., 2255 North Packer Road, P.O. Box 10068 G.S., Springfield, MO 65808. Representative: Jim G. Erickson (same as applicant). *Chemicals, i.e., denatured unpotable beer, aluminum chlorohydroxide, and many others used in the manufacturing of drugs and pharmaceutical supplies;* between Union and Somerset Counties, NJ, on the one hand, and, on the other, St. Louis City and County, MO. Supporting shipper: Bristol-Myers Products Company, 225 Long Avenue, Hillside, NJ 07207.

MC 114274 (Sub-5–12TA), filed May 11, 1981. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St., P1, P.O. Box 1703, Des Moines, IA 50306.

Representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, IL 60601. *Manufactured Fertilizers* From Portland, CT, to Points in NY, OH, and PA. Supporting shipper: Estech General Corporation, 30 N. LaSalle, Chicago, IL 60603.

MC 115669 (Sub5–8TA), filed May 11, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes, (same as applicant). *Flour,* from Kansas City, MO to Sioux City, IA & Wichita, KS; and from St. Joseph, MO to Wichita, KS. Supporting shipper: Cereal Food Processors, Inc., P.O. Box 11336, Kansas City, MO 6412.

MC 129923 (Sub-5–2TA), filed May 11, 1981. Applicant: SHIPPERS TRANSPORTS, INC., 5005 Commerce Street, West Memphis, AR 72301. Representative: Edward G. Grogan, Esquire, Twentieth Floor, First Tennessee Building, Memphis, TN 38103. *Food and related products,* between Little Rock, AR, Atlanta, GA, Fort Wayne and Indianapolis, IN, Louisville, KY, New Orleans, LA, St. Louis, MO, Memphis and Nashville, TN, Dallas and Houston, TX. Supporting shipper: Indian Summer Inc., Belding, MI 48809.

MC 135691 (Sub-5–18TA), filed May 11, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75238. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *General commodities (with the usual exceptions) which at the time are moving on bills of lading of freight forwarders* (1) from Philadelphia, PA, and Baltimore, MD, to Dallas, Houston and San Antonio, TX; and (2) from Cincinnati, OH; Cranston, RI; Milford, CT; and Boston, MA, to Houston and San Antonio, TX. Supporting shipper: Florida-Texas Freight, Inc., 2700 Gaston Ave., Dallas, TX 75226.

MC 143179 (Sub-5–7TA), filed May 11, 1981. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same as applicant). Contract; Irregular. *Packaging and cushioning materials,* between Buffalo and Minneapolis, MN, on the one hand, and on the other, Lincoln and Omaha, NE. Supporting shipper: Packaging Plus, Inc., 5825 65th Avenue North, Minneapolis, MN 55429.

MC 144420 (Sub-5–1TA), filed May 11, 1981. Applicant: MALIBU BEACH BOAT SALES & SERVICE CO., INC. Rt. 1, Box 261, Osage Beach, MO 65056. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Boats,* between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shippers: 8.

MC 144821 (Sub-5–6TA), filed May 11, 1981. Applicant: FREEDOM FREIGHTWAYS, INC., 9080 Latty Avenue, St. Louis, MO 63134. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *(1) Petroleum, natural gas products; (2) chemicals and related products; and (3) materials, equipment and supplies used in the manufacture, assembly, sale and distribution of commodities described in (1) and (2) above* between points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to facilities of Bell Chemical Company. Supporting shipper: Bell Chemical Company, 411 W. Wolcott Ave., Chicago, IL 60622.

MC 146730 (Sub-5–2TA), filed May 11, 1981. Applicant: L & W TRANSPORTATION, INC., Route 3, Box 214 A, Sedalia, MO 65301. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. *Lumber or wood products, except furniture,* between points in AL, AZ, AR, CA, CO, GA, IL, ID, IN, IA, KS, KY, LA, MI, MS, MO, MT, NE, NM, NY, NC, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WI, WY. Supporting shipper: 8.

MC 147632 (Sub-5–3TA), filed May 11, 1981. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63823. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. *Ice cream,* from Woodbridge, NJ to Phoenix, AZ, Los Angeles, San Diego and San Francisco, CA; Denver, CO; New Orleans, LA; Las Vegas and Reno, NV; Portland, OR; Austin, Dallas and Houston, TX; Salt Lake City, UT and Seattle and Tacoma, WA. Supporting shipper: Woodbridge Sweets Corp., Amboy Ave., Woodbridge, NJ 07895.

MC 147632 (Sub-5–4TA), filed May 11, 1981. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63823. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. *General commodities (except household goods and classes A and B explosives)* between the facilities utilized by West Coast Shippers' Association and its affiliates at Philadelphia, PA, New York, NY and Chicago, IL on the one hand, and, on the other, Los Angeles, San Diego and San Francisco, CA; Portland and Eugene, OR; Salt lake City, UT; Reno, NV; Seattle and Tacoma, WA; Denver, CO; and Dallas and Houston, TX. Supporting shipper: West Coast Shippers Association, 2000 S. 71st St., Philadelphia, PA 19142.

MC 151162 (Sub-5–5TA), filed May 11, 1981. Applicant: LOWELL E. CAWOOD, d.b.a. L. E. CAWOOD PRODUCE, Post Office Box 83, Springdale, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Candy and Confectionery Products*—(1) From Waco, TX to points in AZ, CA, IA, IL, IN, KS, KY, MI, MN, ND, NE, NY, OH, PA, SD, TN, WI and WY; and (2) From Elizabethtown, PA and Hackettstown, NJ to points in AR, AZ, CA, CO, KS, LA, NM, NV, OK, OH, TN, TX and UT. Supporting shipper: M&M/Mars Company, High Street, Hackettstown, NJ 07840.

MC 153723 (Sub-5–3TA), filed May 11, 1981. Applicant: A & M ENTERPRISES, INC., Post Office Box 884, Springdale, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *General Commodities (except commodities in bulk, in tank vehicles, classes A and B explosives, household goods as defined by the Commission and commodities which because of size or weight require the use of special equipment)* between the facilities of The Essex Group, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: The Essex Group, Inc., Post Office Box 1216, Ft. Wayne, IN 46801.

MC 155866 (Sub-5–1TA), filed May 11, 1981. Applicant: C.T.D., INC., d.b.a. STATEWIDE HAULERS, INC., 1800 Chicago Street, Laredo, TX 78041. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Granite,* from Marble Falls, TX to Brisbane, CA, under continuing contract(s) with Capitol Granite & Marble Company, of Marble Falls, TX. Supporting shipper: Capitol Granite & Marble Company, P.O. Box 816, Marble Falls, TX 78654.

MC 155868 (Sub-5–1TA), filed May 11, 1981. Applicant: MARC S. DORSETT, d.b.a. AMERICAN PLAINS TRANSPORTATION, 200 East 21st, Topeka, KS 66612. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601 *Passengers and their baggage, in special and charter operations,* beginning or ending at points in Shawnee County, KS, and extending to points in the U.S. Supporting shippers: King Travel Service, Inc., 217 East 8th Street, Topeka, KS 66603.

MC 118959 (Sub-5–17TA), filed May 13, 1981. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. *Plastic pipe, fittings and accessories,* between Bibb County, GA, on the one hand, and, on the other, points in AL, AR, FL, KY, LA, MS, NC, OH, SC, TN, TX, VA, and WV. Supporting shipper: Dyka U.S.A., Inc., Box 10246, Wilson Airport, Macon, GA 31297.

MC 121517 (Sub-5–9TA), filed May 12, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15627, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Dolomitic limestone*, from the facilities of Delta Mining Corporation in Johnston County, OK to Dallas, TX. Supporting shipper: Delta Mining Corporation, 2009 108th Street, Suite 904, Grand Prairie, TX 75050.

MC 125535 (Sub-5–11TA), filed May 13, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (Same as above). Contract: Irregular. *General commodities (except commodities in bulk in tank vehicles and household goods).* Between points in the U.S. (except AK and HI). Supporting shipper: World Wide Transportation Services, Inc., 36440 Northline Rd., Romulus MI.

MC 135936 (Sub-5–5TA), filed May 13, 1981. Applicant: C & K TRANSPORT, INC., Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Food products* between Fremont, Webster, Polk, Hamilton, Dallas, Marshall, Linn, Woodbury and Hardin Counties, IA on the one hand, and, on the other, pts in MN, ND, SD, NE, CO, KS, MO, IL, WI, IN, MI, OH, PA, MA, NY, NJ, DE and MD. Supporting shipper: W & G Marketing Co., Inc., Box 1742, Ames, IA 50010.

MC 136385 (Sub-5–1TA), filed May 13, 1981. Applicant: HALL WAY, INC., Box 22, Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Contract, irregular. *Such commodities as are dealt in by wholesale and retail grocery stores* between Polk County, IA on the one hand, and, on, the other pts in FL, IL, MN, MO, MI, NE, KS, TX, AND WI. Supporting shipper: Super Valu Stores, Inc., 3900 106th NW, Des Moines, IA 50322.

MC 138328 (Sub-5–24TA), filed May 13, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: Donald Ehrlich (same address as applicant). *Canned goods*, from Hollister, Madera, Modesto, San Jose, Stockton, Turlock and Volta, CA, to points in AL, AR, CO, IL, IN, IA, LA, MI, MN, MS, MO, NE, ND, OH, OR, SD, TX, WA, and WI. Restricted to traffic originating at facilities of Tri-Valley Growers, Inc. Supporting shipper: Tri-Valley Growers, Inc., 100 California, San Francisco, CA 94106.

MC 142132 (Sub-5–3TA), filed May 12, 1981. Applicant: T. J. KERVIN TRUCKING CO., P.O. Box 45, Winnfield, LA 71483. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459. Contract: Irregular: *Treated poles, posts and piling* between Sequoyah County, OK, on the one hand, and, on the other, the 48 states, under a continuing contract(s) with Crown Zellerbach Corporation, Bogalusa, LA. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, LA 70427

MC 147536 (Sub-5–12TA), filed May 13, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton, P.O. Box 1567, Joplin, MO 64801. *Pet foods, animal feed, materials, equipment, and supplies used in the manufacture and distribution of Pet Foods and Animal Feed*, between Jay County, IN and Jasper County, MO, on the one hand, and, on the other, points in the U.S. Supporting shipper: International Multifoods Corporation, Eighth and Marquette, Minneapolis, MN 55402.

MC 147536 (Sub-5–13TA), filed May 13, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton, P.O. Box 1567, Joplin, MO 64801. *(1) Charcoal, charcoal briquets, and charcoal products; and (2) materials, equipment, and supplies used in the manufacture and distribution of commodities in (1) above*, between Dent County, MO, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, WA, WI, and WY. Supporting shipper: Imperial Products Co., Suite 1660—103 South Brentwood, St. Louis, MO 63117.

MC 148143 (Sub-5–3TA), filed May 13, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (Same address as applicant). *General commodities (except classes A and B explosives and hazardous wastes), including hazardous materials*, from the facilities used by Northern Cargo Association and/or its members at Boston, MA, Charlotte, NC, Dalton, GA, Jersey City, NJ, and Los Angeles, CA, to the facilities used by Northern Cargo Association and/or its members in Anoka, Hennepin, Ramsey, Scott, Dakota, and Washington Counties, MN. Supporting shipper: Northern Cargo Association, 1912 Broadway NE, Minneapolis, MN 55413.

MC 149173 (Sub-5–3TA), filed May 12, 1981. Applicant: NATIONAL EXPRESS, INC., 8138 Balson, St. Louis, MO 63130. Representative: Clarence E. Scott (same as applicant). *Chemicals, chemical products, commodities sold by grocery, hardware, drug and discount stores, and Materials and supplies used in manufacture, sale, and distribution of above*, between points in U.S. Supporting shipper: International Liquidators, 3734 Juanita St. St. Louis, MO 63116.

MC 150391 (Sub-5–2TA), filed May 13, 1981. Applicant: WEST TEXAS EXPRESS, 9717 Carnegie Avenue, El Paso, TX 79925. Representative: Joe Washington Roberts, 1468 Backus, El Paso, Texas 79925. Common, regular: *General commodities (except A & B explosives), household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and/or automobiles*, from El Paso, TX to Alamogordo, NM, over HWY 54 serving all intermediate points: from Alamogordo, NM to Las Cruces, NM, over HWY 70/82 serving Holloman Air Force Base, White Sands Missile Range and Johnson Space Center as off-route points, and return via the same route. Supporting shippers: There are 10 supporting shippers.

MC 150578 (Sub-5–32TA), filed May 12, 1981. Applicant: STEVENS TRANSPORT, a Division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same as applicant). Contract; irregular; *Such merchandise as is dealt in or used by grocery, department, variety and drug stores* between points in the U.S. under a continuing contract with The Kroger Co., their subsidiaries, suppliers, and affiliates. Supporting shipper: The Kroger Co., 1014 Vine St., Cincinnati, OH.

MC 153723 (Sub-5–4TA), filed May 13, 1981. Applicant: A & M ENTERPRISES, INC., Post Office Box 884, Springdale, AR 72764. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *Insulation Materials*—From the facilities of Eagle Picher Industries, Inc., at or near Joplin, MO—To points in the U.S. Supporting shipper: Eagle Picher Industries, Inc., P.O. Box 550, Joplin, MO 64801.

MC 154458 (Sub-5–2TA), filed May 13, 1981. Applicant: QUALITY DELIVERY, INC., 4900 Deramus, Kansas City, MO 64120. Representative: Alex M. Lewandowski, 1221 Balfimore Ave., Ste. 600, Kansas City, MO 64105. *Contract* Irregular *General commodities (except household goods as defined by the Commission, Classes A and B explosives and hazardous waste)*, between Jackson County, County, MO,

on the one hand, and, on the other points in KS. Supporting shipper: Avon Products, Inc., 83rd and College, Kansas City, MO 64119.

MC 154765 (Sub-5–2TA), filed May 13, 1981. Applicant: NORTHSTAR TRANSPORTATION, INC., 10951 Lakeview Ave., Lenexa, KS 66219. Representative: Stanley O. Wilson (same as applicant). Contract: Irregular—*Machines, Merchandise Vending, Coin Operated, packaged,* between points in the U.S. except AK and HI. Supporting shipper: The Vendo Company, 7209 N. Ingram Ave., Pinedale, CA 93650.

MC 154768 (Sub-5–6TA), filed May 13, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 N.W. 108th, Suite B, Des Moines, IA 50322. Representative: Harold W. Sternberg, 2165 N.W. 108th, Suite B, Des Moines, IA 50322. Contract irregular. *Such commodities as are dealt in by retail music and home entertainment stores,* (1) between pts in IA and (2) between pts in IA, on the one hand, and, on the other, Omaha, NE, under continuing contract(s) with Pickwick International, Inc., of Minneapolis, MN. Supporting shipper: Pickwick International, Inc., 7500 Excelsior Blvd., Minneapolis, MN.

MC 155865 (Sub-5–1TA), filed May 11, 1981. Applicant: OMEGA LOGISTICS, LTD., P.O. Box 42, Clive, IA 50053. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Contract; irregular; *General commodities* (except Classes A and B explosives), between points in Polk County, IA, on the one hand, and, on the other, points in IA, under continuing contract(s) with Hawkeye Carpet Association, Inc, with prior interstate movement by motor. Supporting shipper: Hawkeye Carpet Association, Inc., 2165 N.W. 108th Street, Clive, IA 50053.

MC 155873 (Sub-5–1TA); filed May 12, 1981. Applicant: RICHARD LEJEUNE, d.b.a. RICHARD LEJEUNE, TRUCKING, Route 2, Box 164, Halfway, MO 65663. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804. Contract; irregular. *(1) Machinery and (2) artificial flowers and related products* (1) between Cook County, IL, on the one hand and points in AR, KS, LA, MS, MO, OK, and TX, and (2) between Polk County, MO on the one hand and Sacremento, CA, New Albany, IN, Atlanta, GA and Dallas, TX and their respective commercial zones on the other hand. Supporting shipper: Mott Corportion, 500 Shawmut Avenue, LaGrange, IL 60525; Teters Floral Products Company, P.O. Box 210, Bolivar, MO 65613.

MC 155896 (Sub-5–1TA), filed May 12, 1981. Applicant: INTERMODAL DRAYAGE, INC., 7522 Milan, St. Louis, MO 63130. Representative: Hugh H. Liston (same as above). *General commodities* between the St. Louis, MO.E. St. Louis, IL Commercial Zones and points and places in the states of MO and IL. Supporting shipper: Wren Piggyback Consolidators, 4560 N. 2nd, St. Louis, MO 63130.

MC 155899 (Sub-5–1TA); filed May 12, 1981. Applicant: HAY BROTHERS, INC., 2105 First Street, Lake Charles, LA 70601. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024. (1) *Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and* (2) *earth drilling machinery and equipment, and machinery, equipment materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells* between Calcasieu Parish, LA, on the one hand, and points in TX, on the other. Supporting shipper: The Dia-Log Company, Box 1172, Lake Charles, LA.

MC 100449 (Sub-5–7TA), filed May 14, 1981. Applicant: MALLINGER TRUCK LINE, INC., 2100 N. General Bruce Drive, Temple, TX 76501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Furniture* between Milam County, TX on the one hand and, on the other, points in the U.S. Supporting shipper: Royal Seating Corp., Box 753, Cameron, TX 76520.

MC 111401 (Sub-5–42 TA), filed May 15, 1981. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Petroleum Lubricating Oil, in bulk, in tank vehicles,* from Tulsa, OK to Wickliffe, OH. Supporting shipper: Sun Petroleum Products Co., P.O. Box 2039, Tulsa, OK, 74102.

MC 112822 (Sub-5–6TA), filed May 15, 1981. Applicant: BRAY LINES INC., P.O. Box 1191, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). *Pulp, paper and related products,* between points in WI, on the one hand, and on the other, points in TX. Supporting shipper: Consolidated Papers, Inc., 231 First Avenue North, Wisconsin Rapids, WI 54494.

MC 118224 (Sub-5–3TA), filed May 15, 1981. Applicant: STANDARD FRUIT & VEGETABLE CO., INC., 2111 Taylor Street, Dallas, TX 75201. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Paper and paper products* from W. Monroe, LA to points in TX. Supporting shipper(s): Manville Forest products Corporation, P.O. Box 488, W. Monroe, LA 71291.

MC 120761 (Sub-5–5 TA), filed May 14, 1981. Applicant: NEWMAN BROS. TRUCKING CO., P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 623 South Henderson, 2d floor, Fort Worth, TX 76104. (1) *Machinery, equipment, materials, and supplies, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products;* (2) *Machinery, equipment, materials, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof,* between points in the U.S. (except AK and HI). Restricted to shipments moving to or from the facilities of Haliburton Services, a Division of The Haliburton Company. Supporting shipper: Haliburton Services, a Division of The Haliburton Company, Box 1431, Duncan, OK 73536.

MC 123285 (Sub-5–3TA), filed May 14, 1981. Applicant: CLETEX TRUCKING, INC., P.O. Box 812, Cleburne, TX 76031. Representative: Clayte Binion, 623 South Henderson, 2d floor, Fort Worth, TX 76104. (1) *Gilsonite, in bulk,* from Uintah County, UT to NM, KS, TX and OK; and (2) *cement, in bulk,* from Bushland, TX to Vernal, UT. Supporting shipper: Haliburton Services, Drawer 1431, Duncan, OK 73536.

MC 124141 (Sub-5–13TA), filed May 14, 1981. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *General commodities (except Classes A and B explosives),* from Philadelphia, PA and points in its commercial zone to points in AZ, CA, NM, NV, OR, TX, UT and WA. Supporting shipper: West Coast Shippers Association, 2000 S. 71st Street, Philadelphia, PA 19142.

MC 124236 (Sub-5–20TA), filed May 14, 1981. Applicant: CHEMICAL

EXPRESS CARRIERS, INC., 4625 N. Central Expressway, Dallas, TX 75205. Representative: Lee Carpenter (same as applicant). *Potash*, between points in NM and TX. Supporting shipper: Mobley Co., Inc., P.O. Box 1640, Kilgore, TX 75662.

MC 125254 (Sub-5–8TA), filed May 14, 1981. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *(a) Food and related products and (b) materials, equipment, and supplies used in the manufacture, sale, or distribution of such products in (a)*, between pts in Muscatine, Johnson, and Osceola Counties, IA, on the one hand, and, on the other, pts in San Joaquin County, CA; Duval County, FL; Hudson County, NJ; Lucas County, OH; Cumberland and Allegheny Counties, PA, Greenville County, SC; Dallas County, TX; Chatham County, GA; Ulster County, NY and Mecklenburg County, NC. Supporting shipper: Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 133811 (Sub-5–2TA), filed May 15, 1981. Applicant: H. E. McCONNELL AND H. E. McCONNELL, II, d.b.a. McCONNELL & SON TRUCKING CO., 5117½ East Broadway, North Little Rock, AR 72114. Representative: James M. Duckett, 221 West Second, Suite 411, Little Rock, AR 72201. *Roofing Granules*, from the facilities of 3M Company, at Little Rock, AR, to Daingerfield, TX. Supporting shipper: 3M Company, Little Rock, AR.

MC 134182 (Sub-5–1TA), filed May 15, 1981. Applicant: ALLIED TRANSPORTATION SERVICES, INC., P.O. Box 7424, Shawnee Mission, KS 66207. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. Contract: Irregular. *Meat, meat products, meat byproducts and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766*, between points in the U.S. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE 68731.

MC 136212 (Sub-5–3TA), filed May 15, 1981. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, NE 69138. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 68509. *Meats, meat products, meat by-products and articles distributed by meat packinghouses* between pts in NE, IA, IL, MO, KS, TX, CO, MI, OK, MN, WI, OH, IN, NV, AZ, and CA restricted to traffic moving from or to the facilities of Swift Independent Packing Co. Supporting shippers: Swift Independent Packing Co., 115 W. Jackson Blvd., Chicago, IL 60604.

MC 140635 (Sub-5–12TA), filed May 14, 1981. Applicant: ADAMS LINES INC., 2619 "N" Street, Omaha, NE 68107. Representative: John L. Hornung (same address as applicant). (1) *Food and Related products* between pts in the U.S. (except AK&HI) (2) *General Commodities (Except Class A&B Explosives and Household goods as defined by the Commission and commodities in bulk)* from the Chicago, IL Commercial Zone to pts in CO, IA, KS, MN, MO, NE, SD.

MC 140665 (Sub-5–69TA), filed May 14, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Household and personal care products and materials and supplies used in the manufacture and distribution thereof*, between Kent County, MI on the one hand, and, on the other, points in the U.S. (except GA, NJ, TX, CA, WA, CO, and IA). Supporting shipper: Amway Corporation, 7575 E. Fulton Road, Ada, MI 49355.

MC 142352 (Sub-5–1TA), filed May 14, 1981. Applicant: HAUSMAN TRUCKING INC., 607 D Avenue, Vinton, IA 52349. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068. *Meat and meat products, meat by products and related products distributed by meat packing houses* from the facilities of Wilson Foods Corp. at (1) Cedar Rapids, IA to Chicago, IL and pts in IN, (2) Logansport, IN, to pts in IA and MO and (3) Marshall, MO to pts in AZ, IL, IA, LA, MS and TN. Supporting shipper: Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105.

MC 142716 (Sub-5–3TA), filed May 14, 1981. Applicant: C & L TRUCKING, INC., 1609 27th Street, N.W., Cedar Rapids, IA 52405. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Fertilizer*, from Irvington, IA to pts in MN on and south of U.S. Hwy 12. Supporting shipper: Amoco oil Company, 200 E. Randolph Drive, Chicago, IL 60601.

MC 143433 (Sub-5–5TA), filed May 15, 1981. Applicant: B. L. GILBERT, d.b.a. GILBERT TRUCKING COMPANY, 310 South First Avenue, Stroud, OK 74079. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk).* (1) from Amarillo, TX and Dakota City, NE to points in PA; and (2) from Loveland and Denver, CO; Omaha and Gering, NE; New Orleans, LA; Gulfport, Biloxi, and Pascagoula, MS; and Amarillo, Corpus Christi, Lubbock, and Dallas, TX to points in WI, IL, MN, MI, IN, MO, AL, MS, AR and OK, restricted to traffic originating at or destined to the facilities used by North American Provisions Company and Gurrentz International, Inc. Supporting shippers: Gurrentz International, Inc; 2020 Ardmore Blvd.; Pittsburgh, PA 15211. North American Provisions Company; P.O. Box 340; Park Ridge, IL 60068.

MC 144622 (Sub-5–81TA), filed May 14, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. STUART, P.O. Box 179, Bedford, TX 76021. *Trailer parts and accessories* from Siloam Springs, AR; Indianapolis, IN; Erlanger and Henderson, KY; Wyandotte, MI; Springfield, MO; and Ridgeway, PA to Tulsa, OK and Houston, TX. Supporting shipper: Coastal Air Brake Co, Inc., 4464 West 12th, Houston, TX 77055.

MC 146078 (Sub-5–24TA), filed May 15, 1981. Applicant: CAL–ARK, INC., P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, P.O. Box A, Prairie Grove, AR 72753. *Textile and paper goods and material, equipment, and supplies utilized in the manufacture of textile and paper goods* between Ouachita County and Pulaski County, AR, on the one hand, and, on the other, all points and places in the U.S. Supporting shipper: Chicopee, P.O. Box 1151, New Brunswick, NJ 08903.

MC 146448 (Sub-5–20TA), filed May 15, 1981. Applicant; C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *General commodities (except Classes A and B explosives and household goods)*, from Philadelphia, PA and points in its commercial zone to points in AZ, CA, NM, NV, OR, TX, UT and WA. Supporting shipper: West Coast Shippers Association, 2000 S. 71st Street, Philadelphia, PA 19142.

MC 147423 (Sub-5–1TA), filed May 14, 1981. Applicant: BOND TRANSFER, INC., 1831 Mills Street, El Paso, TX 79901. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *General commodities (except classes A and B explosives)*, between El Paso, TX, on the one hand, and, on the other, points in Sierra County, NM. Supporting shippers: Dal-Tile Corp., 1129 Pellicano, El Paso, TX; Hanley Paint Co.,

1324 Texas, El Paso, TX; Triangle Elec. Supply Co., 3815 Durazno, El Paso, TX; S.O.S. TV & Appliance, 1916 Montana, El Paso, TX.

Note.—Applicant intends to interline.

MC 148152 (Sub-5–6TA), filed May 15, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar St., Dallas, TX 75215. Representative: Edmond E. Payne, 3301 So. Lamar St., Dallas, TX 75215. Contract: Irregular, *Stoneware, China, Steel Flatware and Paper Forms (except Commodities in Bulk)*, between points in the U.S., under continuous contract(s) with Wallace International, a division of The Wallace Companies, Inc., of Birmingham, AL. Supporting shipper: Wallace International, 171 Ciatation Ct., Birmingham, AL 35216.

MC 150627 (Sub-5–3TA), filed May 15, 1981. Applicant: JAMES FINCH, d.b.a. FINCH HOT SHOT SERVICE, 7601 S. Central Expressway, Dallas, TX 75216. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. Contract; irregular; *Electrical Supplies*, from Dallas, TX to points in OK, LA, and AR, under a continuing contract with Electra Sales of North Texas, Inc., Dallas, TX. Supporting shipper: Electra Sales of North Texas, Inc., 4834 Reading, Dallas, TX 75247.

MC 151641 (Sub-5–3TA), filed May 14, 1981. Applicant: WILLIAM E. JOHNSON d.b.a. WILLIAM E. JOHNSON TRUCKING COMPANY, 11211 Sherman Avenue, Dallas, TX 75220. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Food and related products;* from Seward County, KS to points in AZ, NM, CA, OR and WA. Supporting shipper(s): National Beef Packing Co., Inc., P.O. Box 978, Liberal, KS 67901.

MC 153392 (Sub-5–5TA), filed May 14, 1981. Applicant: CENTRAL TRACTOR FARM & FAMILY CENTER, INC., 1515 East Euclid, Des Moines, IA 50316. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Contract; Irregular. *Paper and plastic bags and containers, and materials used in the manufacture thereof,* between Des Moines, IA, on the one hand, and, on the other, points in NE and KS, under contract with Great Plains Bag Corporation. Supporting shipper: Great Plains Bag Corporation, 2201 Bell Avenue, Des Moines, IA 50321.

MC 155806 (Sub-5–TA), filed May 15, 1981. Applicant: B–LINE EXPRESS, INC., R.R. #2, Atchison, KS 66002. Representative: Robert J. Bednar, P.O. Box 349, Atchison, KS 66002. *General commodities (excluding explosives and hazardous waste)* between points and places in the states of KS and MO. Supporting shippers: Rockwell International, Atchison, KS; Phalen Chevrolet, Inc., Atchison, KS; The Lockwood Company, Inc., Atchison, KS; and Atchison Hospital Association, Atchison, KS.

MC 155985 (Sub-5–1 TA), filed May 15, 1981. Applicant: FAMILYTREE, INC., 412 Pamela Drive, Baytown, TX 77520. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Passengers and their baggage in special or charter Operations,* between points in the Houston, TX, commercial zone, on the one hand, and on the other, points in the U.S. including AK but excluding HI. Shipping supporters: Grace Jackson Travel, 4601 Village Lane #2011, Baytown, TX; Baytown Independent Automobile Association, 708 Alexander, Baytown, TX; Lee College, P.O. Box 818, Baytown, TX.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 149195 (Sub-6–14 TA), filed May 7, 1981. Applicant: ARCADIAN MOTOR CARRIERS, 1100 Sierra St., Kingsburg, CA 93631. Representative: James F. Hauenstein (same as applicant). *Fire Clay and Fire Brick.* FROM: Greensboro, NC, and Norristown, PA. TO: Los Angeles, CA (Restricted to commodities originating at or consigned to the facilities of the North State Pyrophyllite Co.), for 270 days. Supporting shipper: North State Pyrophyllite Company, Inc. Div. of Resco Products, P.O. Box 7247, Greensboro, NC. 27407.

MC 155840 (Sub-6–1 TA), filed May 8, 1981. Applicant: FRED BURHANS, d.b.a. BURHANS TRUCKING, 4641 Fircroft, Covina, CA 91722. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract carrier:* irregular routes; *Fertilizer* from Vernon, CA to Clark, King and Snohomis Counties, WA; Jackson, Josephine, Douglas, Lane, Marion, Multnoma, Clackamas, and Washington Counties, OR; Maricopa, Yuma, Coconino and Pima Counties, AZ; Washoe, Clark and Carson City Counties, NV; Salt Lake City, UT; and Arapahoe, Weldo, Mesa, El Paso, Pueblo and Larimar Counties, CO, for the account of Estech General Chemical Corporation for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Estech General Chemical Corp., P.O. Box 338, East St. Louis, IL 62202.

MC 124679 (Sub-6–44TA), filed May 11, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 So., Salt Lake City, UT 84119. Representative: Michael L. Bunnell (same as applicant). *Such commodities as are dealt in and distributed by grocery, hardware and drug stores, (2) cleaning and building maintenance materials and supplies, (3) swimming pool, spa and hot tub products, (4) chemical, and (5) materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) through (4) above, (except commodities in bulk)* between the facilities of Purex Corporation and all points in the U.S. (except Alaska and Hawaii), for 270 days. Supporting shipper: Purex Industries, Inc., 24600 So Main St., Carson, CA. 90745.

Note.—Applicant holds motor contract carrier authority in MC–128813 and sub numbers thereunder, therefore dual operations may be involved.

MC 148929 (Sub-6–1TA), filed May 11, 1981. Applicant: GAY'S HOTSHOT SERVICE, INC., 18 Cacti Place, Casper WY 82601. Representative: Raymond E. Gay (same address as applicant). *Machinery, equipment, materials and supplies used in, or in connection with, discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair and servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof,* between points in MT, ND, SD, NE, WY, ID, NV, UT, CO, AZ, NM, OR, WA, OK and TX, for 270 days. Applicant intends to tack authority to authority held in MC 14929. Supporting shipper(s): There are 5 shippers. Their statements may be examined at the regional office listed.

MC 155824 (Sub-6–1TA), filed May 7, 1981. Applicant: GARY S. & GREG H. GARABEDIAN, d.b.a. H & M TRANSFER CO., 15304 Saranac, Whittier, CA 90604. Representative: Gary S. Garabedian (same address as applicant). *Contract Carrier,* Irregular routes: *Iron or steel articles, metal lath, corner beads, casing beads, drywall products and other metal building products,* between points in CA on the one hand and points in AX, NV, OR, UT, and WA on the other hand, for the account of Inryco, Inc., Los Angeles, CA, for 270 days. Supporting shipper: Inryco, Inc., 6466 Gayhart St., Los Angeles CA 90040.

MC 139906 (Sub-6–72TA), filed May 11, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative:

Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Furniture* from the facilities of Lehigh Furniture Division of Lehigh Portland Cement Co., at or near Marianna, FL to points in the U.S. for 270 days. Supporting shipper: Lehigh Furniture Division of Lehigh Portland Cement Co., P.O. Box 640, Marianna, FL 32466.

MC 155838 (Sub-6–1TA), filed May 8, 1981. Applicant: BETTY I. PATRICK, BOB J. TEMPLETON, d.b.a. IRISH & CHEROKEE TRANSPORTATION, 1306 Valjean, Simi Valley, CA 93065. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract carrier,* irregular routes; *Foodstuffs, lightpoles with accessories and sporting goods* from Los Angeles and Orange Counties, CA, to points in UT, CO, OR, WA, NV and AZ for the account of W. C. Metal & Chrome Polishing, Western Lighting Standards and Bell Foundry Co. for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: W. C. Metal & Chrome Polishing, 735 Manchester, Los Angeles, CA; Bell Foundry Company, 5310 Southern, South Gate, CA 90280; Western Lighting Standards, 18060 Mt. Washington, Fountain Valley, CA.

MC 148341 (Sub-6–5TA), filed May 8, 1981. Applicant: MASS TRANSIT, INC., 2450 Orange Ave., Signal Hill, CA 90806. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract carrier,* irregular routes: *picture frames, albums, wall decor clocks, mirrors and related products,* from Carson and Sacramento, CA, to Phoenix, AZ, Chicago, IL, Statesville, NC, Portland, OR, Salt Lake City, UT and Seattle and Spokane, WA, under continuing contract(s) with Intercraft Industries Corp. for 270 days. Supporting shipper: Intercraft Industries Corp., 771 E. Watsconcenter Rd., Carson, CA 90745.

MC 155878 (Sub-6–1TA), filed May 11, 1981. Applicant: BOB MEADER TRUCKING, INC., Route 2, Box 206, Scappoose, OR 97056. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258. *Building materials: between points in OR, WA and ID for 270 days. Supporting shipper: Cascade West Materials, Inc., P.O. Box 1586, Lake Oswego, OR 97034.*

MC 144572 (Sub-6–17TA), filed May 8, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Cheese and related dairy products,* from Lyons, IL to Denver, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Associated Grocers of Colorado, 5151 Bannock Street, Denver, CO 80217.

MC 155863 (Sub-6–1TA), filed May 7, 1981. Applicant: PRIEST ENTERPRISES, INC., 176 Sixth Street, Wells, NV 89835. Representative: Mike Pavlakis, P.O.B. 646, Carson City, NV 89701. *Metallic ores, non-metallic minerals,* between points in ID, NV and UT, for 270 days. Supporting shippers: Freeport Gold, P.O. Box 1132, Elko, NV 89801, C-Bar-C Milling Company, P.O. Box 65, Montello, NV 89830.

MC 153534 (Sub-6–1TA), filed May 11, 1981. Applicant: SIMON FLORES, INC., d.b.a. UNION TRANSPORT SYSTEM, 411 Molino St., Los Angeles, CA 90013. Representative: Simon Flores (same as applicant). *Contract Carrier,* Irregular Routes: *Such commodities as are dealt in by Home Improvement Retail Stores, and commodities used in the manufacture and distribution of such commodities,* between Points in CA and points in AZ, NM, TX and UT for the account of Standard Brands Paint Co., Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Standard Brands Paint Co., Inc., 4300 W. 190th St., Torrance, CA 90509.

MC 141742 (Sub-6–2TA), filed April 2, 1981. Applicant: FLOWERS TRANSPORTATION, INC., P.O. Box B, Station A, Auburn, CA 95603. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Contract Carrier,* Irregular routes: *Lumber and wood products, pulp, paper and related products, metal products, building materials, and commodities used in the manufacture of the above,* between the facilities of Louisiana Pacific Corporation on the one hand, and, on the other, the states in and west of MN, IA, MO, AR, and LA under continuing contract(s) with Louisiana Pacific Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Louisiana Pacific Corporation, P.O. Box 158, Samoa, CA 95564.

MC 146436 (Sub-6–1TA), filed April 17, 1981. Applicant: SIERRA HIGHLANDS BUS CO., INC., 2015 E. Hammond, Fresno, CA 93703. Representative: O. L. "Bud" Johansen (same as applicant). *Common carrier,* regular route, *Passengers, express, newspapers, U.S. Mail and baggage* of passengers in the same vehicle with passengers in schedule regular route service between Fresno, CA and Fishcamp, CA, via State Hwy. 41; between Bass Lake, CA and Merced, CA, via State Hwys 140 and 49, having a prior or subsequent out of state movement. Interlining at Merced and Fresno with Greyhound and Trailways, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are twenty-one (21) shippers. Their statements may be examined at the Regional Office listed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15507 Filed 5-22-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the

Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unoposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-072

Decided: May 18, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 78795 (Sub-1), filed May 6, 1981. Applicant: ERNEST L. DINGES, d.b.a. DINGES A. MOVING & STORAGE CO., 800 2nd Ave., Dunvansville, PA 16635. Representative: Alvin F. Dinges (same address as applicant). Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 104104 (Sub-27), filed May 6, 1981. Applicant: GEORGE A. FETZER, INC., Route 565, Augusta, NJ 07822. Representative: Louise M. Fetzer (same address as applicant). Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No OPY-3-075

Decided: May 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 155835, filed May 6, 1981. Applicant: THOMAS A. BROWN, 3509 76th St., Lubbock, TX 79423. Representative: Thomas A. Brown (same address as applicant), (806) 792-0285. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155875, filed May 11, 1981. Applicant: DONALD K. BOLLHORST, d.b.a. ANCHOR INTERNATIONAL, 400A Chamber of Commerce Building, Baltimore, MD 21202. Representative: Donald K. Bollhorst (same address as applicant), (301)-547-0340. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 155885, filed May 11, 1981. Applicant: GARFIELD TRANSFER COMPANY, INC., d.b.a. GARFIELD TRUCK LINES, 200 SW 34th (P.O. Box 800), Renton, WA 98055. Representative: Josephine W. Frandsen (same address as applicant), (206)-251-8395. Transporting *used household goods*, for the U.S. Government incident to the performance of a pack and crate service on behalf of the Department of Defense, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15580 Filed 5-22-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP-3-232]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 18, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment not a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 133194 (Sub-23), filed January 28, 1981. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Rd., P.O. Box 1047, Russellville, AR 72801. Representative: Richard H. Streeter, 1729 H St., NW, Washington, DC 20006. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Dardanelle, AR and Danville, AR: From Dardanelle over AR Hwy 27 to junction AR Hwy 10, then over AR Hwy 10 to Danville, and return over the same route, (2) Between Dardanelle, AR and Rover, AR: From Dardanelle over AR Hwy 7 to junction U.S. Hwy 28, then over U.S. Hwy 28 to Rover, and return over the same route, and (3) Between Ola, AR and Danville, AR, over AR Hwy 10, serving all intermediate points in (1), (2), and (3) above.

Note.—Applicant intends to tack and interline this requested authority with its existing authority.

[FR Doc. 81-15582 Filed 5-22-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 86]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 20, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 5888 (Sub-59)X, filed May 7, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th Street, Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions from its lead and Sub-Nos. 16, 17, 21, 24, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43F, 49F, 50F, 51F, 54F, and 56F certificates to: (1) eliminate all exceptions in its general commodities authority except classes A and B explosives in its lead and Sub-Nos. 17, 21, 24, 27, 29, 30, 31, 34, 35, 36, 40, and 42; (2) eliminate all service restrictions and authorize service at all intermediate points on its regular routes; (3) authorize two-way authority in lieu of one-way authority in the lead (Sheets 4 and 5), and in Sub-Nos. 17 (Sheet 2); 31 (Sheet 4); and 35 (Sheets 3, 9, 10, 11 and 29); (4) authorize country-wide authority in lieu of plant sites and specified points in the irregular route portions of its authorities, as follows: (a) in its lead (Sheet 5) from Parsons, Neodesha, Pittsburg, Concordia, Fort Scott and Hillsboro, KS, to Lalette, Wilson, Crawford, Cloud, Bourbon, and Marion Counties, KS; from St. Joseph, Carthage, Lemar and Butler, MO, to Buchanan, Jaspar, Barton and Bates Counties, MO; (b) in Sub-No. 17, Sheet 2, Paragraph 2, from Cedar Point, Florence, Clements, Council Grove, Cottonwood Falls, Peabody, Wichita, Hutchinson, El Dorado, Burns, Emporia, and Matfield Green, KS, to Chase, Marion, Morris, Sedgwick, Reno, Butler and Lyons Counties, KS, and from St. Joseph, MO, to Buchanan County, MO; and in Paragraph 5, from Emporia, KS, to Lyon County, KS; and on Sheet 3, from Cedar Point, KS, to Chase County, KS; (c) in Sub-No. 31, Sheet 4, from Terre Haute, IN, to Vigo County, IN, and from Decatur, Springfield, Quincy, LaSalle, Elgin, Canton, Macomb, Monmouth, Kewanee and Ottawa, IL, to Macon, Sangamon, Adams, LaSalle, Kane, Fulton, McDonough and Henry Counties, IL; (d) in Sub-No. 35, Sheet 9, Paragraph 1, from Osceola, Creston, Gowrie and Coon Rapids, IA, to Clarke, Union, Webster and Carroll Counties; IA; (e) in Sub-No. 37, from Wathena, KS, to Doniphan County, KS; (f) in Sub-No. 38, from Waukesha, WI, to Waukesha County, WI; (g) in Sub-No. 41, from New Haven, IN, to Allen County, IN; (h) in Sub-No. 43, from Waukesha, WI, to Waukesha County, WI; (i) in Sub-No. 49F, from Monroe, MI to Monroe County, MI; and; (j) in Sub-No. 50F, from Bayport, MN, to Washington, County, MN; (5) in Sub-No. 32, eliminate the plant site limitation and the originating at and destined to restriction; remove exceptions of iron and steel, bulk and size and weight commodities and authorize service between points in Scott County, MN, on the one hand, and, on the other, points in several States; (6) in Sub-No. 33, authorize radial authority in lieu of one-way authority between Kansas City, KS, on the one hand, and, on the other, points in MN and Wi, and to remove in bulk restriction, and the restriction against service at a facility in Kansas City, (7) to enlarge commodity descriptions, as follows: (a) in the lead sheet 5, from dairy products to "food and related products;" on Sheet 4 from malt beverages to "food and related products" and from machinery and twine to "machinery and textile mill products;" and on Sheet 5, from tractors, farm and dairy machinery, supplies, equipment and parts and building materials and equipment to "machinery and building materials;" (b) in Sub-No. 17, Sheet 2, from agricultural implemenmts and agricultural implements parts to "lumber and wood products and machinery;" (c) in Sub-No. 33, from mineral wool, mineral wool products, insulating material and insulating air ducts to "building materials; (d) in Sub-No. 35, Sheet 9, from poultry, butter and eggs, to "food and related products; sheet 15, from butter, eggs, poultry, dressed rabbits, meat & paper to "food and related products and pulp and paper products", and at Sheet 29, from steel and steel articles to "metal products;" (e) in Sub-No. 37, from building and building parts and materials, accessories and supplies used in connection with installation, erection and construction of buildings to "buildings and building materials"; (f) in Sub-No. 38, from electrical distribution transformers to "machinery;" (g) in Sub-No. 41, from fibrous glass products and materials, mineral wool products and materials, insulated air ducts, insulating products and materials, glass fibre rovings, yarn and strands and glass fibre mats and matting, to "clay, concrete, glass or stone products, and building materials and textile mill products;" (h) in Sub-No. 43F, from electrical distribution transformers and parts of same to "machinery;" (i) in Sub-No. 49F, from iron and steel articles to "metal products;" (j) in Sub-No. 50F, from windows, screens, doors, and building woodwork to "building materials;" (k) in in Sub-No. 51F, from aluminum and zinc ingots to "metal products;" (l) in Sub-No. 54F, from expanded metal products to "metal products; and (m) in Sub-No. 56F, from wrought steel pipe and tubing and wrought iron pipe and tubing to "metal products;" and (7) to authorize radial in lieu of one-way authority: (a) in Sub-No. 35, Sheet 29, between points in Putnam County, IL, and, points in IN and KY; (b) in Sub-No. 37, between points in Doniphan County, KS, and, points in IL, IN, IA, MI, MN, MO, OH, and WI, and those in NE and SD on and east of U.S. Hwy. 81; (c) in Sub-No. 38, between points in Waukesha County, WI, and, points in IA, KS and MO; (d) in Sub-No. 49F, between points in Monroe County, MI, and, points in IA, IL, IN, KS, MN, MO, OH, and WI; and (e) in Sub-No. 50F, between points in Washington County, MN, and, points in the Lower Peninsula of MI.

MC 36459 (Sub-5)X, filed April 30, 1981. Applicant: WILLIAM C. BONNER,

INC., Route 1, P.O. Box 3366, Wescosville, PA 18106. Representative: Alan Kahn & Barry D. Kleban, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 1, 2, 3, and 4F certificates to (A) broaden the commodity descriptions: lead certificate (in part), to "those commodities which because of size or weight require special handling or equipment" from heaters and parts, tanks, fittings, and chemical apparatus; Sub-No. 1, to "metal products" from steel, and "building materials" from brick and concrete pipe; Sub-No. 2, to "metal products" from steel; Sub-No. 3 (in part), to "ores and minerals; and clay, concrete, glass or stone products" from marble, finished and unfinished; and, in the lead and Sub-No. 4, remove all exceptions in the general commodities authority "except classes A and B explosives"; (B) delete the restriction to traffic having a prior or subsequent movement by water in Sub-No. 4; and (c) broaden territorial descriptions from plantsite and city-wide to county-wide authority, and replace one-way service with radial service: lead certificate, between Philadelphia, PA, and, New York, NY, and points in NJ; Sub-No. 1, (a) between Philadelphia, PA, and, points in three States, and (b) Montgomery and Berks Counties, PA (Pottstown and Reading, PA), and, Atlantic (Atlantic City, NJ) and Camden Counties, NJ; Sub-No. 2, between Bucks County, PA (plantsite in Bristol, PA), and, points in three States; Sub-No. 3, (a) between Philadelphia, PA, and, points in two States and DC, and (b) between Philadelphia, PA, and points in six States and DC; and Sub-No. 4, between Philadelphia, PA, and, described parts of PA.

MC 38403 (Sub-4)X, filed May 8, 1981. Applicant: WELLING TRUCK SERVICE, INC., 3610 Tree Ct., Industrial Drive, Kirkwood, MO 63122. Representative: H. Barney Firestone, 10 S. LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in lead and Sub-Nos. 2 and 3F certificates to (1) remove all exceptions in its general commodities authority (except Classes A and B explosives) in the regular route portion of the lead (2) broaden the commodity description from brick to "clay, concrete, glass or stone products" in Sub-No. 2 and from confectionery products, chocolate, cocoa and cocoa compounds, chocolate syrup, oleomargarine, in part (1) and dessert preparations and materials and supplies in part (2) to "food and related products and materials and supplies used in the manufacture thereof" in Sub-No. 3F (3) allow service at all intermediate points on its regular route between Aviston, IL and St. Louis, MO, remove the delivery only restriction at off-route points, and expand off-route points within 6 miles of Aviston and 4 miles of Trenton to Clinton County, IL, in the lead, (4) change city to county-wide, Maryland Height, MO to St. Louis County, MO in Sub-No. 2, and Trenton and Aviston to Clinton County, IL in the irregular route portion of the lead; (5) remove exception to Harvey, IL in Statewide authority in Sub-No. 2, (6) change one-way to radial authority between St. Louis County, MO and points in IL in Sub-No. 2.

MC 41932 (Sub-16)X, filed May 4, 1981. Applicant: BROWNING FREIGHT LINES, INC., 650 South Redwood Road, Salt Lake City, UT 84104. Representative: Ronald D. Browning, 1321 S. E. Water Ave., Portland, OR 97214. Applicant seeks to remove restrictions in its lead and Sub-Nos. 10, 11, 13 and 14 certificates to (1) broaden the general commodity descriptions to (a) "general commodities" in the lead (Sheets 1 and 2) and Sub-No. 13; (b) "general commodities (except Class A and B explosives)" in lead (Sheet 2), Sub-Nos. 10, 11 and 14; (2) allow service at all intermediate points between Salt Lake City, UT and Twin Falls, ID; Twin Falls and Bliss, ID; Twin Falls and Rupert, ID; Boise and Bliss, ID; Twin Falls and Buhl, ID; Buhl and Castleford, ID in the lead; and between Mountain Home and Mountain Home Air Force Base, ID in Sub-No. 11; and (3) replace off-route points with county-wide authority as follows: in the lead, Utah Army Service Forces Depot (near Ogden, UT) with Salt Lake, Davis, Weber and Box Elder Counties, UT; off-route points north of and within 15 miles of the described route between Jerome and Rupert, ID, with Cassia, Minidoka, Jerome, Twin Falls, and Gooding Counties, ID; in Sub-No. 10, Egin, a site at Scoville, ID, Lewisville, Menan, Ririe, and Roberts with Jefferson County, ID; Parker with Bannock, Bingham, Bonneville, Fremont, and Madison Counties, ID; and Borah, Aberdeen, Springfield, Rockford, and Moreland with Power, Bannock, Bingham, Cassia and Minidoka Counties, ID.

MC 67646 (Sub-99)X, filed April 24, 1981. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 82 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except class A and B explosives);" from dairy products, frozen foods, beverage preparations and related advertising matter, fish, meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, to "food and related products"; from tile and tools, and equipment used in the installation of tile, to "clay, concrete, glass or stone products and metal products", from fencing, fence materials, and tools and equipment used in erecting fences, to "metal products"; from ammunition to "ordnance and accessories"; from skin creams, skin lotions, suntan preparations, cosmetics, antiseptic creams, shaving products, and other skin preparations, to "chemicals and related products"; and from electrical transformers and parts thereof, to "machinery" (2) authorize service at all intermediate points in connection with its regular routes through IA, WI, IL, IN, OH, PA, MD, NJ and NY, (3) in the regular-route portions broaden off-route points by (a) removing facilities limitations at named points: at Rochelle, IL; at or near St. James and Madelia, MN and, at or near Cockeysville, MD, (b) replace facilities limitations at Fernald, OH with Harrison; OH; at Brownhelm Township, OH with Vermillion, OH; at Darrowville, OH with Stow, OH; at Greenwood Township, PA with Crawford County PA; at Mt. Haley Springs, PA with Cumberland County, PA; and at Chaska, MN with Carver County, MN (4) in irregular routes change city to county-wide authority; from Milwaukee, WI to Milwaukee, Ozaukee, Racine, Washington and Waukesha Counties, WI; from North Chicago, IL to Lake County, IL; from Fairmont, MN to Martin County, MN; from Anoka, MN to Anoka County, MN; from Minneapolis/St. Paul, MN to Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, MN; from Villa Park, IL to DuPage County, IL from Duluth, MN to St. Louis County, MN; from Blue Earth, Fairmont, LeSeuer, Mankato, Mapleton, Madelia, Montgomery, New Prague, St. Peter, Waseca and Winnebago, MN to Blue Earth, Faribault, LeSeuer, Martin, Nicolett, Scott, Waseca and Watonwan Counties, MN; from Albany, NY to Albany County, NY; from Yonkers, NY to Westchester County, NY; and from Boston, to Essex, Middlesex, Norfolk, Plymouth, and Suffolk Counties, MA, (5) remove plantsite limitation and (a) replace Albert Lea, Fairmont, Mankato, Winnebago, and Worthington, MN with Blue Earth, Faribault, Freeborn, Martin, and Noble Counties, MN, and (b) replace Waukesha, WI with Waukesha County, WI (6) remove the "in bulk" restriction, (7) remove restriction against

transportation of hides, skins, pelts, chromes, crusts or pieces thereof from MN or IL on an alternate route authorizing general commodities (8) in regular route authority to serve points in MA remove restriction against the transportation of traffic from or to points in the commercial zones of points located in NH, on sheet 21 (9) remove the interline restriction at Mechanicsburg, PA, on sheet 25; (10) authorize service over alternate routes and at off-route points to allow service to be in connection with all applicant's regular route operations, (11) remove restrictions against transportation of traffic originating at, destined to, or interchanged at named points over all alternate routes, (12) remove "for purpose of joinder only" on regular route between Harrisburgh, PA and a junction in PA, (13) remove restriction to the transportation of traffic moving from, to, or through Pittsburgh or points in PA within 35 miles of Pittsburgh on regular routes between points in PA on sheet 12, (14) remove a restriction to traffic moving to or from Frederick, MD and points west of Frederick on regular route between Frederick and Baltimore, MD, on sheet 15, (15) remove the originating at and/or destined to facilities at Rochelle, IL restrictions on sheet 11, (16) change one-way to radial and two-way authority in connection with both regular and irregular routes authority between various points throughout the U.S. and (17) remove the restrictions limiting service from and to terminal points of Minneapolis, St. Paul, and Chicago and intermediate and off-route points to that moving to or from specified points.

MC 68860 (Sub-54)X, filed May 4, 1981. Applicant: RUSSELL TRANSFER, INCORPORATED, 5259 Aviation Drive, Roanoke, Virginia 24012. Representative: Liniel G. Gregory, Jr. (same address as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 13, 14, 16, 19, 21, 26, 28, 29, 30, 32F, 40F, 43F, 52F and 53F certificates and Sub-E–1 Letter notice, and its authority in MC 68860 Sub-Nos. 23 and 24 acquired in MC–F 13042 and MC–F 13054, with reissued certificates still pending. It seeks to (A) broaden the commodity descriptions: in the lead and Sub-Nos. 13, 23 and 43F, from general commodities, with exceptions, to "general commodities (except classes A and B explosives)"; in the lead, from overalls and denims, canned goods, sugar, butter, poultry, bags, wool, seeds, milk, and cream and milk powder; in Sub-E–1, part (1), from canned goods, sugar and vinegar and (also in Sub-No. 14) from such merchandise as are dealt in by wholesale, retail and chain grocery and food business houses, to "such commodities as are dealt in by retail, wholesale, chain grocery and food business houses, materials, equipment and supplies used in the conduct of such business"; in Sub-Nos. 19, 24 and E–1 part (2) from angles, bars, bases, beams, bridge steel, channels, forms (structural), joists, piling, pipe (cast iron, plate, or sheet), pipe fittings, plates (structural), rivets, rods, sheets, slabs, wire rope and accessories for beams and joists, to "iron and steel articles"; in Sub-No. 26, from incandescent electric lamps to "incandescent electric lamps, materials, equipment and supplies"; remove the restrictions against: commodities in bulk, in tank vehicles and/or requiring the use of special equipment in Sub-Nos. 21, 28, 30 and 52F; "in truckload lots" and in Sub-No. 24, parts (1), (2) and (3); and against traffic having a prior or subsequent movement by air in Sub-No. 35F; (B) broaden the territorial scope by: replacing one way authority with: radial in the lead; and Sub-Nos. 14, 19, 26, 29, 32, 40, and 53F; by removing facilities limitations in Sub-Nos. 21, 26, 32, 40, 52F and 53F; by replacing plantsite and city-wide with county-wide authority as follows: in Sub-No. 14, Lynchburg, and points within 75 miles thereof, with Lynchburg and points in Campbell, Highland, Augusta, Albemarle, Fluvanna, Buchingham, Amelia, Prince Edward, Nottoway, Charlotte, Halifax, Pittsylvania, Henry, Patrick, Floyd, Pulaski, Giles, Graig, Roanoke, Botetourt, Allegheny, Bath, Rockbridge, Bedford, Amherst, Campbell, Appomottox, Nelson, Franklin, Cumberland, Luneburg and Mecklenburg Counties, VA; in Sub-Nos. 16 and 19, Trouteville with Botetourt County, VA; and in Sub-No. 30, Huntington with Cabell County WV; and removing the restrictions limiting transportation to traffic originating at or destined to named facilities in Sub-Nos. 19 and 30.

MC 81412 (Sub-34)X, filed April 30, 1981. Applicant: VALLEY TRANSFER AND STORAGE COMPANY, INC., Route 1, P.O. Box 3366, Wescosville, PA 18106. Representative: Alan Kahn, and Barry D. Kleban, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 33F certificates to (1) broaden the commodity description from, structural steel, prefabricated houses, and steel transmission poles, to "those commodities which because of their size or weight require the use of special handling or equipment"; (2) remove a facilities limitation at Hazleton, PA in Sub-No. 33F; (3) replace city-wide authority with county-wide authority as follows: Allentown and Bethlehem, PA, and West Hazelton, PA, with Lehigh, Northampton and Luzerne Counties, PA; (4) replace existing one-way authority with radial authority between points in PA, and points located throughout the U.S.; and (5) eliminate the restriction in Sub-No. 33F against service to AK, HI and PA.

MC 109328 (Sub-116)X, filed April 20, 1981, published in the **Federal Register** of May 8, 1981, republished as corrected this issue. Applicant: C & D TRANSPORTATION CO., INC., Box 10506, New Orleans, LA 70121. Representative: William P. Jackson, Jr., Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its lead and Sub-Nos. 103, 104, 106, 107, 108G, 110, 111, 114F, 115F, E letter notices E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11, E12, E13, E37, E38, E39, E40, and E41 to (1) broaden commodity descriptions to "food and related products" from perishable foods, packinghouse products, dairy productrs, fresh and frozen seafood and fresh and frozen fruits and vegetables, frozen citrus products, cheese, fresh and frozen meats, foodstuffs (except bananas), foodstuffs, canned goods and frozen foods, bananas, perishable foods and foodstuffs, meat, meat products, meat by-products, dairy products, and commodities distrubuted by meat packinghouses and returned shipments, fresh or frozen foods and foodstuffs (excess carcass meat suspended on rails) and returned shipments, coffee beans, poultry products and poultry by-products, animal and poultry feed, and meat in carcass form in the lead; from meats, meat products and meat by-products and articles distributed by meat packing houses in Sub-Nos. 103, 106, 107, and E letters notices E3, E11, E37, E38, E39, E40, and E41; from spring water, in containers in Sub-No. 104; from packinghouse products, dairy products, fresh and frozen seafood and fresh and frozen vegetables, meat, meat product, meat by-products, dairy products and commodities distributed by meat packinghouses in Sub-No. 108G from bananas in Sub-Nos. 110, E letter notices E1, E2, E4, E5, E6, E7, E8, E9, E10, E12, E13, from foodstuffs in Sub-No. 111; and from frozen foods in Sub-No. 113; to "printed matter" from advertising, promotional, and display material and when moving in the same vehicle at the same time with canned goods and frozen foods in part of the lead; to "metal products" from cans in part of the lead; to "pulp, paper and related products" from boxes in part of the lead; to "containers" from cartons and containers, and cardboard, fibreboard,

paper and composition containers in parts of the lead; to "machinery" from machinery, parts, accessories, equipment, supplies, implements, parts, appliances, and products usually or customarily used or useful in the processing, manufacture, packing, freezing, or canning of foodstuffs in part of the lead; and to "containers and packaging materials" from glass and plastic containers and other related packaging materials in Sub-No. 104, (2) remove the "in bulk" restriction in the lead, Sub-Nos. 103, 106, 107, 108G, 111, 114, E37, and E41, (3) remove the mechanical refrigeration vehicle restrictions in the lead, and E3, E11, E38, and E39 (4) remove (a) the restriction against the transportation of bananas between New Orleans, LA and Gulfport, MS in the lead (b) the ex-water restrictions in the lead, and Sub-No. 110 (c) the restriction against the transportation from or to any facility of The Great Atlantic and Pacific Tea Company, Inc. of New York, NY and Hunt Foods and Industries, Inc., (merged into Norton Simon, Inc.) of Fullerton, CA, in the lead, Sub-Nos. 103, 104, 106, 107, 108G, 110, 111, E letter notices E37, E38, E39, E40, and E41 (d) the restriction against transportation to AK and HI in Sub-No. 114 (5) remove the facilities limitation (a) in the fourth paragraph of the lead and replace New Albany, MS with Union County, MS, (b) in the fifth paragraph of the lead and replace Jackson, MS with Hinds County, MS, (c) in the sixth paragraph of the lead and replace Collins, New Albany, Canton, Crystal Springs, and Jackson, MS with Covington, Union, Madison, Copiah, and Hinds Counties, MS (d) in paragraphs 8, 9, 10 and 11 in the lead and replace Moorhead, MS with Sunflower County, MS, (e) in Sub-No. 103 and replace Goodlettsville, TN with Davidson County, TN, (f) in Sub-No. 106 and replace Shreveport, LA with Caddo Parish, LA, (g) in Sub-No. 113 and replace Forest, MS with Scott County, MS, (h) in Sub-No. 114 and replace Brundidge and Troy, AL with Pike County, AL, (6) replace city with county-wide authority (a) in paragraph 2 of the lead from Montgomery, AL to Montgomery County, AL; in the seventh paragraph of the lead from Mobile, AL to Mobile County, AL; in the ninth paragraph of the lead from Birmingham, AL to Jefferson County, AL; Arlington, TX to Tarrant County, TX; Austin, IN to Scott County, IN; in the tenth paragraph of the lead, Birmingham, AL to Jefferson County, AL and Monroe, LA to Quachita Parish, LA; in paragraph twelve of the lead, Wilmington, DE to New Castle County, DE; in paragraph thirteen, Orange, TX to Orange County, TX and New Orleans and points within 15 miles thereof to New Orleans, LA; paragraphs fourteen through seventeen, Ft. Walton Beach, Panama City, and Pensacola, FL to Okloosa, Bay and Escambia Counties, FL; Gulfport, Columbus, Hattiesburg, Jackson, Laurel, Meridan, Pascagoula, and Vickburg, MS to Harrison, Lowdnes, Forrest, Hinds, Jones, Lauderdale, Jackson and Warren Counties, MS; and, Mobile, AL to Mobile County, AL; in paragraphs sixteen and seventeen of the lead Birmingham, AL to Jefferson County, AL; in paragraph 20 of the lead Decatur, IL to Macon County, IL and Terre Haute, IN to Vigo County, IN; in paragraph 21 of the lead Mobile, AL to Mobile County, AL; in paragraph 24 Sikeston, MO to Scott County, MO and Mobile and Eight Mile, AL to Mobile County, AL, (b) in Sub-No. 104, Deer Park, MD to Garrett County, MD, (c) in Sub-No. 107, Gulfport, MS to Harrison County, MS, (d) in Sub-No. 108G, second paragraph, Pascagoula, and Bay St. Louis, MS to Jackson and Hancock Counties, MS; in the fourth paragraph Montogomery, AL to Montgomery County, AL, (e) in Sub-No. 110 Mobile, AL to Mobile County, AL, (f) in E1, E11 and E12, Miami, FL to Dade County, FL (g) in E4 and E10 Terre Haute, IN to Vigo County, IN, (h) in E8 Pensacola, FL to Escambia County, FL, (i) in E37 Mobile, AL to Mobile County, AL, (j) in E3 and E39 Montgomery, AL to Montgomery County, AL, and (k) in E38 Birmingham, AL to Jefferson County, AL; (7) remove the "orginating at or destined to" named facilities restrictions in the lead and Sub-Nos. 103 and 113 and (8) change one-way to radial authority between various points throughout the U.S. in the lead, Sub-Nos. 103, 104, 106, 107, 108G, 110, 113, 115, E letter notices E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11, E12, E13, E37, E38, E39, E40, E41. The purpose of this republication is to (1) provide notice (a) of a broadened commodity description for E letter notice E–3 in part (1); (b) of county-wide authority for lead certificate, paragraphs 7 and 21, and E-letter notices E–3 and E–38; and to (2) correct several typographical errors.

MC 109346 (Sub-10)X, filed May 4, 1981. Applicant: J. L. COX & SON, INC., 777 Action Street, Odessa, MO 64076. Representative: Tom B. Kretsinger, P.O. Box 258, 20 E. Franklin, Liberty, MO 64068. Applicant seeks to remove restrictions in its lead and Sub-No. 6 and 8 certificates to: (1) broaden the commodity description from pipe, pipe-line materials, machinery and equipment incidental to and used in connection with the construction, repairing, or dismantling of gas, gasoline and oil pipe-lines; and steel and metal pipe, pipe fittings, paint and tar to be used in the construction of pipelines; in the lead; from machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, in Sub-No. 6; and from machinery, equipment, materials, and supplies used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, in Sub-No. 8, to "pipe, pipeline machinery, equipment, materials and supplies, used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up of pipe"; (2) remove the territorial restrictions limiting service between rail-heads, on the one hand, and, on the other pipe-line rights-of-way and/or to or from pipe-line rights-of-way in order to allow service between points in IA, IL, IN, KS, MO, OH, OK and TX, between points in AL, AR, CO, CT, DE, FL, GA, KY, LA, MA, MD, ME, MI, MN, MS, MT, NE, NH, NJ, NM, NC, ND, RI, SC, SD, UT, VA, VT, WI, WV, WY and DC, between points in AZ, ID, NE, OR and WA, between points in AZ, ID, NE, OR, and WA on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, WY and DC, and between points in NY, PA and TN.

MC 115651 (Sub-102)X, filed May 7, 1981. Applicant: KANEY TRANSPORTATION INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 2, 3, 5, and 6 certificates to (1) broaden the commodity description (a) from paint and paint materials, varnish, lacquers, driers, stains, shellacs, fillers, thickeners, thinners, and reducing or removing compounds, to "commodities in bulk", in the lead; (b) from core compound to "chemicals and related products" in the lead, and Sub-Nos. 3, and 6; (c) from paint and paint materials, varnish, lacquers, driers, stains, shellacs, fillers, thickeners, thinners, and

reducing or removing compounds to "chemicals and related products" in Sub-Nos. 2 and 6; and (d) from urethane foam components, liquid, in tank vehicles, to "commodities in bulk" in Sub-No. 5; (2) convert existing one-way authority to radial authority between specified points located mainly in the eastern and central portions of the U.S. in the lead, Sub-Nos. 2, 3, 5, and 6; (3) broaden the territorial description in (a) Sub-No. 2 by deleting the exception against service to Quincy, MA; (b) in Sub-No. 6 by broadening Denver and Pueblo, CO, to Arapahoe, Adams, Denver, Jefferson, and Pueblo Counties, CO; (d) convert the origin of Rockford, IL, to points in Winnebago County, IL in the lead and Sub-Nos. 2, 3, 5, and 6; and (4) delete the in bulk, in tank vehicles, limitations in the lead, Sub-Nos. 2, 3, 5, and 6.

MC 125996 (Sub-98)X, filed May 6, 1981. Applicant: GOLDEN TRANSPORTATION INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. Applicant seeks to remove restrictions from its lead docket and Sub-Nos. 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 15, 18, 21, 23, 24, 30, 32, 33, 41, 42, 44, 48, 52, 54F, 57F, 61F, 65F, 71F, 73F, 74F, 76F, 78F, 79F, 80F, 84F, 85F, 88F, 89F, 90F, 91F, 93F and 94F certificates and MC–F–13541 in order to: and MC–125996 Sub-No. 53 permit (1) broaden specific commodities descriptions as follows: (a) from various feeds and feed ingredients, meat products, canned foodstuffs, frozen foods, malt beverages, and canned goods to "food and related products" in its lead docket and Sub-Nos. 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 15, 18, 21, 23, 24, 30, 32, 41, 42, 44, 52, 53, 54F, 57F, 71F, 74F, 76F, 78F, 79F, 80F, 84F, 85F, 89F, 90F, 91F, 93F and 94F certificates; (b) from rugs and carpets, rug and carpet padding and materials and supplies used in installation to "textile mill products" in its Sub-No. 33 certificate; and (c) from agricultural chemicals to "chemicals and related products" in its Sub-No. 48 certificate; (d) from periodicals and magazines and perioddicals in its Sub-No. 88F and MC-F-13541 to "printed matter;" (2) replace specified points with county-wide authority as follows: Buhl and Hagerman with Twin Falls and Gooding Counties, ID (lead and Sub-Nos. 3, 5, 7); Albin, Irwin and Gallio with Laramie, Natrona and Converse Counties, WY; and Converse Counties, WY; and Ardmore and Pine Ridge with Fall River and Shannon Counties, SD (Sub-No. 12); LeMars with Plymouth County, IA (Sub-No. 13); Siloam Springs and Gentry with Benton County, AR; and Proctor and Kansas with Adair and Delaware Counties, OK (Sub-No. 15); Hospers with Sioux County, IA (Sub-No. 18); Deerfield with Lake County, IL (Sub-No. 23); Crete with Saline County, NE (Sub-No. 24); Gibbon and Hastings with Buffalo and Adams Counties, NE (Sub-No. 30); New Hampton with Chickasaw County, IA (Sub-No. 32); City of Commerce and Pico Rivera with Los Angeles County, CA; and Trenton with Mercer County, NJ (Sub-No. 33); Madison with Madison County, NE (Sub-No. 41); Grand Island with Hall County, NE (Sub-No. 42); Springfield with Greene County, MO; and Manhattan and Newton with Riley and Harvey Counties, KS (Sub-No. 44); Muscatine with Muscatine County, IA (Sub-No. 48); Huron and Mitchell with Beadle and Davison Counties, SD (Sub-No. 52); Carroll, Denison, Iowa Falls, Fort Dodge and Cherokee with Carroll, Crawford, Hardin, Webster and Cherokee Counties, IA (Sub-No. 54); Pocatello with Bannock County, ID (Sub-No. 61); Estherville with Emmet County, IA; Sioux Falls with Minnehaha County, SD; and Worthington with Nobles County, MN (Sub-No. 71); West Jordan and Lehi with Salt Lake and Utah Counties, UT; Bonne Terre with St. Francois County, MO; Plymouth with Marshall County, IN; and Biwabik with St. Louis County, MN (Sub-No. 73); Worthington and Austin with Nobles and Mower Counties, MN; Huron with Beadle County, SD; Fort Dodge and Ottumwa with Webster and Wapello Counties, IA (Sub-No. 74); Emporia and Wichita with Lyon and Sedgwick Counties, KS; Dakota City with Dakota County, NE (Sub-No. 76); Terre Haute with Vigo County, IN (Sub-No. 78); Muscatine and Mitchellville with Muscatine and Polk Counties, IA (Sub-No. 80); Fairmont with Martin County, MN; and Sioux City with Polk County, IA (Sub-No. 84); Britt and Mason City with Hancock and Cerro Gordo Counties, IA (Sub-No. 85); Pewaukee with Waukesha County, WI (Sub-No. 88 and MC–F–13541); Connell, Moses Lake, Quincy and Richland with Franklin, Grant and Benton Counties, WA; Hermiston and Weston with Umatilla County, OR; Nampa and American Falls with Canyon and Power Counties, ID (Sub-Nos. 89 and 93); Clovis and Fresno with Fresno County, CA (Sub-Nos. 90 and 91); and Holcomb with Finney County, KS (Sub-No. 94); (3) remove all of the following restrictions and limitations on commodity and territorial descriptions whenever they appear in the above certificates: (a) facilities restrictions; (b) originating at—destined to restrictions; (c) restrictions against transportation of specified commodities and commodities in bulk and/or hides; (d) restrictions specifying use of vehicles equipped with mechanical refrigeration; (e) restrictions against transportation in tank or hopper type vehicles; and (f) restriction limiting service to the transportation of traffic having a prior movement by water; (4) replace territorial description in its contract carrier permit with "between points in the United States" serving a named shipper(s) under continuing contract(s) in Sub-No. 53; (5) delete restriction against a specific commodity or commodities in bulk embraced in "such commodities" descriptions in Sub-Nos. 61F, 65F, 73F; and (6) expand its one-way authority to radial authority between various combinations of points in the U.S.

MC 134369 (Sub-20)X, filed May 7, 1981. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Byron, IL 61010. Representative: Allen C. Zuckerman, 39 S. LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 8, 10F and 17F certificates to: in Sub-No. 8, part (1) broaden the commodity description from sand and sand with additives to "ores and minerals", substitute Ogle County, IL, for the city designation of Oregon, IL, delete the "in bulk, in tank or hopper type vehicles" restriction, and substitute radial service in place of its one-way authority: "between Ogle County, IL, and points in the U.S. on and east of U.S. Hwy. 85 (except Bettendorf, Keokuk and Waterloo, IA); in Sub-No. 8, part (2), broaden the commodity description from foundry aggregates to "such commodities as are dealt in by foundries", remove the "in bulk, in tank or hopper type vehicles" restriction, change the one-way authorization to radial authority: "between points in the U.S. on and east of U.S. Hwy. 85 (except points in IL, IN, MI, PA, WV, OH, points in Pike, St. Louis, St. Charles, Jefferson, St. Francois, Marion, Washington and Stoddard Counties, MO, and Owensboro, KY) and points in IL, MI, IN and OH", and remove the restriction against the transportation of "(a) lime and limestone products from points in Dodge, Fond du Lac and Manitowoc Counties, WI, Knox County, TN, Davenport, IA, Kansas City, MO and Limedale, AR, to points in IL, IN, OH and MI, (b) sand from the facilities of Wedron Silica Company, at Whitehead, SC, Glen Rose, TX and Sewanee, TN, to points in IL, IN, MI, and OH, and (c) sand from Hanover, WI, to points in MI"; in Sub-No. 10F, broaden the commodity description from foundry compound and premix to "such

commodities as are dealt in by foundries", substitute the county designation of Winnebago County, WI and Black Hawk County, IA, for the city designations of Winnebago County, WI and Black Hawk County, IA, for the city designation of Neenah, WI, and Waterloo, IA, and authorize radial service in place of its one-way authority: "between Winnebago County, WI and Black Hawk County, IA"; in sub-Nos. 17F, broaden the commodity description from foundry compound and premix to "such commodities as are dealt in by foundries", substitute the county designations of Cook County, IL and Black Hawk County, IA for the city designations of Chicago, IL and Cedar Falls, IA, and authorize radial service "between Cook County, IL, and Black Hawk County, IA" in place of its one-way authority.

MC 140768 (Sub-50)X, filed May 8, 1981. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its lead and Sub-Nos. 4, 14, 45F, 48F, 51F, 52F, 53F, 57F, 60F, 62F, 65F, 67F, and 68F permits to (1) broaden the commodity description (a) from plastic bathtubs and plastic bath fixtures; and from fiberglass tubs and fiberglass shower stalls to "rubber and plastic products" in the lead and Sub-No. 45F, (b) from brass, bronze, and copper pipe and tubing, brass and copper alloys, brass, bronze, copper and nickel products, copper billets, metal scrap, and fire brick to "metal products, waste or scrap materials, and clay, concrete, glass or stone products" in Sub-No. 4, (c) from cleaning products, nutritional foods and related articles, and toilet preparations to "chemicals and related products, food and related products, and rubber and plastic products" in Sub-No. 5, (d) from wheels, tires, hub caps, and battery parts to "rubber and plastic products, metal products, machinery, transportation equipment, lumber and wood products, and petroleum, natural gas and their products" in Sub-No. 14, (e) from steel bathtubs, lavatories, sinks and plumber fittings and supplies to "metal products, and clay, concrete, glass or stone products" in Sub-No. 19, (f) from cigarette packaging materials to "pulp, paper and related products, rubber and plastic products, and metal products" in Sub-No. 32, (g) from plumbers' goods and bathroom fixtures to "rubber and plastic products" in Sub-No. 48F, (h) from paper, paper products, furniture and plastic materials to "pulp, paper and related products, furniture and fixtures, and rubber and plastic products" in Sub-No. 53F, (i) from tin, solder and solder residue to "ores and minerals, and metal products", from iron and steel wire rods to "metal products" in Sub-No. 60F, (j) from paper, paper products, dispenser boxes, and liquid soaps to "pulp, paper and related products, rubber and plastic products, metal products, and chemical and related products", from paper and paper products to "pulp, paper and related products" in Sub-No. 62F, (k) from insecticides, herbicides, pesticides, fertilizer seed, argicultural chemicals and applicators therefor to "chemicals and related products, farm products and machinery" in Sub-No. 65F, and (l) from general commodities, with the usual exceptions to "general commodities (except classes A and B explosives) in Sub-Nos. 51F, 67F, and 68F, (2) eliminate in bulk restriction or size and weight restrictions in Sub-Nos. 4, 5, 14, 45F, 48F, 42F, 53F, 57F, 60F, 62F, and 65F, and (3) expand the territorial description in each permit to between points in the U.S. under Continuing contract(s) with named shippers.

MC 145990 (Sub-5)X, filed April 30, 1981. Applicant: LAWRENCEBURG TRUCKING, INC., 21 Catalpa Avenue, Lawrenceburg, IN 47025. Representative: John R. Bagileo, 918—16th ST., NW, Washington, DC 20006. Applicant seeks to remove restrictions to (A) broaden the commodity description in the lead (part 1), and Sub-No. 2F certificates to "food and related products" from alcoholic beverage (except in bulk); and broaden part (2) of the lead certificate to "clay, concrete, glass or stone products" from glass containers; (B) remove the restriction limiting service to that originating at the shipper's facilities and destined to the named destination, in the lead certificate; and (C) replace one-way authority with radial authority, and broaden the territorial descriptions from city-wide to county-wide authority: lead certificate, between (a) Dearborn County, IN (Lawrenceburg, IN), and, points in Will, Sangamon, Macon and Champaign Counties, IL (Plainfield, Springfield, Decatur, and Champaign, IL), and Chicago, IL, and (b) La Salle County, IL (Streator, IL), and, Cincinnati, OH; Sub-No. 2, between Dearborn County, IN (Lawrenceburg, IN), and, points in Lake County, IL (Waukegan, IL).

MC 148375 (Sub-3)X, filed February 18, 1981, previously noticed in the **Federal Register** of March 6, 1981, republished as follows: Applicant: LOWER COLUMBIA TRUCKING, INC., Rt. 1, Box 217, Cathlamet, WA 98612. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions from its Sub-No. 2F certificate. This Board previously broadened the certificate to include "general commodities, except Classes A & B explosives", to allow service at all intermediate points, and to remove a restriction against all traffic moving between 4 points. Applicant also sought off-route county-wide authority which was denied because it was determined to be an unreasonable broadening of territory. Because of a recent Commission decision declaring this type of broadening to be reasonable, the Restriction Removal Board has decided to renotice this application with respect to the proposed expansion of off-route points. Notice is hereby given that appliction seeks to expand its off-route points of Altoona, Roseburt, Deep River Camp, Puget Island, Long Beach, Seaview, Chinook and Megler, WA, to all points in Wahkiakum and Pacific Counties, WA.

MC 148903 (Sub-100)X, filed May 1, 1981. Applicant: J & M TANK LINES, INC., P.O. Box 589, Americus, GA 31709. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 1F, 2F, 3F, 5F, 7F, and 8F certificates to (A) broaden the commodity descriptions in all certificates to "clay, concrete, glass or stone products" from lime, rock, stone, cement, mortar mix, sand, tile grout, masonry coating, silica clay, fire-brick, limestone and gravel; to "ores and minerals" from aluminum clay sulphate and bauxite ore, "metal products" from fly ash, "food and related products" from salt, corn starch, corn sugar, and phosphate feed supplements, "petroleum or coal products" from cold mixed asphalt and liquid asphalt sealer, and "printed matter" from advertising matter, in the lead certificate; and to "chemicals and related products" from vinyl concrete patcher, fertilizers and materials, and acrylic paint and adhesives in the lead and Sub-No. 7 certificates; (B) remove restrictions limiting service to that "in bags," "in containers," "in bulk," "in tank vehicles" and "when moving in mixed loads"; (c) remove restrictions against shipments having a subsequent movment by water, and limiting traffic to that having a prior movement by rail, and restricted to traffic originating at a named plantsite and destined to the named destinations, in the lead certificate; (D) expand one-way authority to radial authority on service, generally between points in the southern and midwestern States; and (E) expend

authority to serve named plantsites and cities to county-wide authority, as follows: lead certificate, Bibb County, GA (plant at Macon, GA), Glynn County, GA (Brunswick, GA), Decatur County, GA (Bainbridge, GA), Sumter and Dougherty Counties, GA (Americus and Albany, GA), Shelby County, AL (Wilsonville, AL), Houston County, GA (plantsite, Clinchfield, GA), Richmond County, GA (Augusta, GA), Anson County, NC (plantsite at Lilesville, NC), Franklin County, TN (plantsite near Sewanee, TN), Sumter County, GA (plantsite, Andersonville, GA), Coffee and Tift Counties, GA (Douglas and Tifton, GA), Chatham, Bartow, Marion, Crawford and Macon Counties, GA (plantsites in Chatham, Bartow, Marion, Crawford and Macon Counties, GA), Jefferson County, AL (Birmingham, AL), Marengo County, AL (Demopolis, AL), and Carroll County, GA (facilities near Roopville, GA); Sub-No. 1, St. Clair County, AL (Ragland, AL); and Sub-No. 8, Chattanooga, TN (facilities at Chattanooga, TN).

[FR Doc. 81-15579 Filed 5-22-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-2-078

Decided: May 13, 1981.

By the Commission, Review Board No. 2, Members Parker, Chandler and Fortier.

MC 6992 (Sub-17F), filed April 28, 1981. Applicant: AMERICAN RED BALL TRANSIT CO., INC., 1335 Sadlier Circle, East Drive, P.O. Box 1127, Indianapolis, IN 46206. Representative: Andrus E. Bates (same address as applicant), (317) 353-8331. Transporting general commodities (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Corporation, of Albuquerque, NM.

MC 56863 (Sub-12F), filed May 5, 1981. Applicant: ERKEL TRANSFER, INC., P.O. Box 6, Le Center, MN 56057. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *metal products*, between points in the U.S., under continuing contract(s) with United Steel Products Co., of Montgomery, MN.

MC 56863 (Sub-13F), filed May 5, 1981. Applicant: ERKEL TRANSFER, INC., P.O. Box 6, Le Center, MN 56057. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *electrical machinery*, between points in the U.S., under continuing contract(s) with Winco Division of Dyna-Technology, Inc., of Le Center, MN.

MC 105843 (Sub-4F), filed May 4, 1981. Applicant: VAN AUKEN EXPRESS, INC., P.O. Box 176, Greenville, NY 12083. Representative: Donald G. Hichman, R.D. No. 1, Box 7, Union Spring, NY 13160. Transporting *general commodities* (except classes A and B explosives) between points in Albany, Columbia, Delaware, Greene, Otsego, Rennselaer, Schenectady and Schoharie Counties, NY, on the one hand, and, on the other, points in CT, DE, MA, MD, NH, NJ, NY, PA, RI, and VT.

MC 107012 (Sub-709F), filed May 5, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant), (219) 429-2234. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Xerox Corporation, of Rochester, NY.

MC 118543 (Sub-1F), filed May 1, 1981. Applicant: PETER & SON, INC., 1422 Water Street, P.O. Box 333, Fitchburg, MA 01420. Representative: James M. Burns, 1381 Main Street, Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *household goods*, between points in the U.S., in and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada.

MC 120793 (Sub-2F), filed May 5, 1981. Applicant: WALL TRUCKING COMPANY, INC., 1301 Eastchester Drive, High Point, NC 27261. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893-4924. Transporting *new furniture and fixtures*, between points in NC.

MC 127902 (Sub-21), filed May 4, 1981. Applicant: DIETZ MOTOR LINES, INC., P.O. Box 1427, Hickory, NC 28601. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425—13th St., N.W.,

Washington, DC 20004, (202) 737–1030. Transporting *such commodities* as are dealt in by retail stores, between points in NC, and SC, on the one hand, and, on the other, points in GA, TN, AL, AR, LA, and MS.

MC 136123 (Sub-27), filed May 4, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as applicant), 813–722–0506. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Freight, Inc., of Morrow, GA, and Distribution Services of America, Inc., of Boston, Mass.

MC 139482 (Sub-189F), filed May 4, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel (same address as applicant), (506) 354–8546. Transporting *pulp, paper and related products*, between points in the U.S.

MC 139923 (Sub-84), filed May 1, 1981. Applicant: MILLER TRUCKING CO., INC., 105 South 8th St., Stroud, OK 74079. Representative: Edward L. Handlin (same as applicant), 800–722–4727. Transporting *food and related products* between points in TN and MO, on the one hand, and, on the other, points in TX.

MC 143032 (Sub-39), filed May 4, 1981. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 South Fifth St., Minneapolis, MN 55402, 612–340–0808. Transporting *lumber and wood products, and forest products*, between the facilities of Potlatch Corporation at points in MN, on the one hand, and, on the other, points in the U.S.

MC 144663 (Sub-3), filed May 4, 1981. Applicant: RONALD R. GANDER, 7815 Republic, N.E., Albuquerque, NM 87109. Representative: Larry D. Lucas, P.O. Box 26387, Albuquerque, NM 87125, 505–243–9744. Transporting *wallboard*, between points in the U.S., under continuing contract(s) with Western Gypsum Company, of Rosario, NM.

MC 147452 (Sub-7), filed May 4, 1981. Applicant: W.D.W. TRUCKING, INC., 2620 S.W. 66th Terrace, Miramar, FL 33023. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, NE., Atlanta, GA 30326, 404–262–7855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under condinuing contract(s) with (a) Distribution Services of America, of Boston, MA, and (b) United Freight, Inc., of Morrow, GA.

MC 147512 (Sub-3F), filed May 4, 1981. Applicant: HUDSON EXPRESS, INC., P.O. Box 142, Hudson, WI 54016. Representative: Grant J. Merritt, 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402, (612) 339–4546. Transporting *such commodities* as are dealt in or used by manufacturers, convertors, printers and distributors or paper and paper products, between points in WI, on the one hand, and, on the other, points in the U.S.

MC 150973 (Sub-3), filed April 29, 1981. Applicant: HERBERT R. SHIPLEY, INC., 3304 Sykesville Road, Westminster, MD 21157. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean Va 22101, 703–893–4924. Transporting *chemicals and related products, and forest products*, between points in the U.S., under continuing contract(s) with Affiliated Hospital Products, Inc., of St. Louis, MO.

MC 152092 (Sub-35), filed May 1, 1981. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19702. Representative: Samuel W. Earnshaw, 803 Washington, DC 20005, 202–783–4110. Transporting *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with (a) Arco Petroleum Products Co., of Los Angeles, CA, (b) BP Oil Incorporated, of Cleveland, OH, (c) Cibro Petroleum Inc., of Bala Cynwyd, PA, (d) City of Dover, of Dover, DE, (e) Container Corporation of America, of Wilmington, DE, (f) Enterprise Oil and Gas Company, of Detroit, MI, (g) Exxon Company, U.S.A., of Houston, TX, (h) Getty Refining and Marketing Co., of Tulsa, OK, (i) West Bank Oil, Inc., of Pennsauken, NJ, (j) W. L. Wheatley, Div. of Joseph Campbell Co., subdivision of Campbell Soup Co., of Camden, NJ, (k) Pedroni Fuel Co., of Vineland, NJ, (l) Sun Petroleum Products Co., of Philadelphia, PA, and (m) Holly Oil Co., of Newark, DE.

MC 152312 (Sub-2F), filed April 30, 1981. Applicant: DON'S TRUCKING, INC., P.O. Box 24433, Richmond, VA 23234. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with E.I. DuPont de Nemours & Co., Inc., of Wilmington, DE.

MC 152672 (Sub-3F), filed May 6, 1981. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Rd., Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22106, (703) 442–8330. Transporting *metal products*, between the facilities of Babcock and Wilcox Company, at points in the U.S., on the one hand, and, on the other points in the U.S.

MC 155553F, filed April 28, 1981. Applicant: GRAND VIEW TOURS, 322 Spruce St., Glenolden, PA 19036. Representative: Denise Blackburn (same as applicant), (215) 461–8116. To engage in operations, in interstate or foreign commerce, as a *broker*, at Glenolden, PA, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations beginning and ending at points in Philadelphia, Delaware and Montgomery Counties, PA, and extending to points in the U.S.

MC 155572F, filed April 28, 1981. Applicant: VALLEY SUPPLY, a division of D & D SERVICE CENTER, INC., P.O. Box 56, Goodwin Ave., Union Pier, MI 49129. Representative: Daryl D. Cummings (same address as applicant), (616) 469–4042. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of industrial and portable air compressors, refrigeration compressors, rock drills, and portable welders, between points in the U.S.

MC 155752F, filed May 5, 1981. Applicant: RON DAVIS TRUCKING, Rural Route 1, Booneville, IA 50038. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Fancyfarm Foods, Inc., of Emeryville, CA.

MC 155762F, filed May 6, 1981. Applicant: BYRON ELEVATOR COMPANY, 302 Byron Ave. No., Byron, MN 55920. Representative: Lou B. Kuhlmann (same address as applicant), (507) 775–6262. Transporting *metal products*, between Chicago, IL, and points in MN.

MC 155763, filed May 6, 1981. Applicant: CAPSTAN TRANSPORTATION CO., 109 North Broad St., Lancaster, OH 43130. Representative: Thomas A. Rogers (same address as applicant), (614) 687–2800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) C. F. S. Continental, of Chicago, IL, (b) Calandra Industrial Supply Company, of Lancaster, OH, (c) McAuley

Manufacturing, Inc., of Bremen, OH, (d) Premix E. M. S., of Lancaster, OH, (e) Lancaster Beauty Supply, Inc., of Lancaster, OH, (f) Cyril-Scott Company, of Lancaster, OH, (g) The Limited Stores, of Columbus, OH, (h) J. F. Auer, of Mamaroneck, NY, (i) Tudor Converted Products, Inc., of Mt. Kisco, NY, and (j) Andersen Corporation, of Bayport, MN.

Volume No. OPY-3-07

1

Decided: May 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 694 (Sub-7), filed May 6, 1981. Applicant: CLETUS E. MUMMERT, INC., W. King St., East Berlin, PA 17316. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *paper and paper products,* and *machinery,* between points in the U.S., under a continuing contract(s) with P. H. Glatfelter Company, of Spring Grove, PA.

MC 65525 (Sub-27), filed May 7, 1981. Applicant: WHITE BROTHERS TRUCKING CO., P.O. Box 98, Wasco, IL 60183. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603, (312) 236–9375. Transporting *those commodities,* which because of size or weight, require the use of special handling or equipment, between points in IL and WI, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, LA, MS, MT, NV, NM, NC, OK, OR, SC, TX, UT, WA, and WY.

MC 69454 (Sub-13), filed May 5, 1981. Applicant: DITTO FREIGHT LINES, 1575 Industrial Ave., San Jose, CA 95112. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. Transporting *general commodities* (except classes A and B explosives), between the facilities of Owens Corning Fiberglas Corporation, at or near Santa Clara, CA, on the one hand, and, on the other, points in NV, AZ, OR, WA, ID, NM, MT, and TX.

MC 98844 (Sub-2), filed May 4, 1981. Applicant: SCOLLY TRUCKING, INC., 215 Bremen St., East Boston, MA 02128. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *general commodities* between points in MA and NH.

Note.—Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of Certificate of Registration No. MC 98844 Sub 1, at applicant's written request.

MC 113974 (Sub-78), filed May 7, 1981. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Avenue, Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant), (412) 461–5100. Transporting *rubber and plastic products,* between points in Broome County, NY, on the one hand, and, on the other, points in the U.S. in and east of IL, KY, LA, MN, MS, TN and WI.

MC 126045 (Sub-35), filed May 7, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 South Farragut Street, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603, (312) 236–9375. Transporting (1) *ores, minerals, coal and coal products, and metal products,* between points in Scott and Muscatine Counties, IA, and Rock Island County, IL, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, MO, MN, NE, TN and WI; and (2) *food and related products, farm products, and chemicals and related products,* between points in Scott and Muscatine Counties, IA, and Rock Island County, IL, on the one hand, and, on the other, points in IL, IA, MO, and MN.

MC 134134 (Sub-94), filed May 5, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *metal products,* between points in Lancaster County, PA, on the one hand, and, on the other, points in MI, OH, IN, SD, GA, and FL.

MC 142245 (Sub-8), filed May 5, 1981. Applicant: NATIONWIDE TRUCK BROKERS, INC., 5475 Clay Ave. SW., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Pillsbury Company, of Minneapolis, MI.

MC 143154 (Sub-11), filed May 7, 1981. Applicant: A & S TRUCKING, P.O. Box 4027, Missoula, MT 59806. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 252–4165. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of bee hives, between points in the U.S.

MC 145695 (Sub-8), filed May 7, 1981. Applicant: MAZCO SYSTEMS, INC., 140 Grand St., Carlstadt, NJ 07072. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *printed matter,* between points in the U.S., under continuing contract(s) with Great Eastern Color Lithographic Corp., of New York, NY.

MC 146895 (Sub-7), filed May 6, 1981. Applicant: YANKEE S. & L., INC., d.b.a. YANKEE MOTOR FREIGHT, 1136W West 500 South, Marion, IN 46952. Representative: M. H. Haisley (same address as applicant), (317) 674–7745. Transporting *general commodities* (except classes A and B explosives), between the facilities of Texize, Division of Morton Norwich and its affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151644 (Sub-3), filed May 6, 1981. Applicant: WILDCAT TRUCKING COMPANY, a corporation, 6810 Dollarway Rd., Pine Bluff, AR 71602. Representative: M. Douglas Wood, 2500 McCain Blvd., Suite 103, North Little Rock, AR 72116, (501) 758–1058. Transporting *lumber and wood products,* and *building materials,* between points in AR, on the one hand, and, on the one other, points in the U.S.

MC 151655 (Sub-8), filed April 30, 1981. Applicant: FRANK BROS. TRUCKING CO., a corporation, 349 Abbott Ave., P.O. Box 241, Hillsboro, TX 76645. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Bay Plastics, Inc., of Burleson, TX.

MC 151894 (Sub-3), filed May 5, 1981. Applicant: VENTURE EXPRESS, INC., P.O. 100300, Nashville, TN 37210. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting *general commodities* (except classes A and B explosives), between points in Rutherford County, TN, on the one hand, and, on the other, points in the U.S.

MC 151914 (Sub-2), filed May 5, 1981. Applicant: RUSSELL STOVER CANDIES, INC., 1004 Baltimore Ave., Kansas City, MO 64105. Representative: Thomas P. G. Franklin, 1004 Baltimore Ave., Kansas City, MO 64105, (816) 842–9240. Transporting *malt beverages,* between points in Jefferson County, CO, on the one hand, and, on the other, points in AR and TN.

MC 154324, filed May 5, 1981. Applicant: CARLTON W. GROVE, JR., 1143 Skelp Level Rd., Downingtown, PA 19355. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365–5141. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with The Clorox Company, of Oakland, CA.

MC 154384, filed May 6, 1981. Applicant: CHARLES BEN STOKES, d.b.a. STOKES TRUCKING, Route 3, Box 233, Clover, SC 29710. Representative: Donald E. Cross, 918 16th St. NW., Suite 700, Washington, D.C. 20006, (202) 785–3700. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of polyethylene and paper products, between points in the U.S. under continuing contract(s) with Adams Industries, Inc., of Monroe, LA.

MC 155364, filed May 7, 1981. Applicant: SINCLAIR CARTAGE, INC., 9700 South Madison St., Hinsdale, IL 60521. Representative: Edward G. Finnegan, Ltd., 134 North LaSalle St., Suite 1016, Chicago, IL 60602, (312) 782–9500. Transporting (1) *petroleum and petroleum products,* (2) *chemicals and petrochemicals,* (3) *coal and coal products,* (4) *tar products,* and (5) *fertilizer and fertilizer materials,* between points in IA, IL, KY, MI, OH, IN, and WI.

Volume No. OPY–4–141

Decided May 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 37896 (Sub-45), filed May 6, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St. NW., Washington, D.C. 20006, (202) 833–1170. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Rockwell International Corporation, of Troy, MI.

MC 123226 (Sub-2), filed May 6, 1981. Applicant: SUPERIOR CARRIERS, INC., P.O. Box K, Kenvil, NJ 07874. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, D.C. 20005, (202) 296–3555. Transporting *food and related products,* between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 138687 (Sub-7), filed May 8, 1981. Applicant: BYNUM TRANSPORT, INC., 4609 Hwy. 92, East, Lakeland, FL 33801. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302, (904) 576–1221. Transporting *metal products,* between points in FL, on the one hand, and, on the other, points in the U.S.

MC 145906 (Sub-4), filed May 7, 1981. Applicant: GENERAL TRUCKING CO., INC., P.O. Box 269, Santa Fe Pike, Columbia, TN 38401. Representative: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401 (615) 388–3200. Transporting (1) *metal products, and (2) ores and minerals,* between points in AL, AR, GA, IN, KY, IL, LA, MI, MS, MO, NY, NC, OH, PA, and SC, on the one hand, and, on the other, points in AL and TN.

MC 148647 (Sub-28), filed May 8, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 W. 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601 (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bristol-Myers Co., of New York, NY, and its subsidiaries.

MC 153457, filed May 8, 1981. Applicant: GOLD STAR CARRIERS, INC., Rte. 2, Box 528, Springtown, TX 76082. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103 (817) 332–4718. Transporting *such commodities* as are dealt in or used by grocery, drug and food business houses, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 153807, filed May 8, 1981. Applicant: J & W LEASING, INC., P.O. Box 86, Ottsville, PA 18942. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966 (215) 357–7220. Transporting *ores and minerals, chemicals and related products, coal and coal products, rubber and plastic products, clay, concrete, glass or stone products and metal products,* between points in Erie County, NY, on the one hand, and, on the other, points in DE, MD, NJ, PA, VA, and DC.

Volume No. OPY–4–142

Decided May 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 1936 (Sub-50), filed May 7, 1981. Applicant: B & P MOTOR EXPRESS COMPANY, 825 W. Federal St., Youngstown, OH 44501. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215 (614) 228–15411. Transporting *petroleum and petroleum products,* between points in the U.S., under continuing contract(s) with Pennzoil Company, of Oil City, PA.

MC 37896 (Sub-46), filed May 7, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., NW, Washington, DC 20006 (202) 833–1170. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electrical Company, of Schenectady, NY.

MC 74416 (Sub-29), filed May 6, 1981. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW, Washington, DC 20005 (202) 296–3555. Transporting *food and related products,* between the facilities of J. H. Filbert, Inc., and The Oxford Corporation, at points in the U.S., on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, OK, KS, and TX.

MC 105566 (Sub-251), filed May 7, 1981. Applicant: SAM TANKSLEY TRUCKING, INC. P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312 (703) 750–1112. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 124896 (Sub-103), filed May 8, 1981. Applicant:WILLIAMSON TRUCK LINES, INC., Corner Thorne and Ralston Streets, P.O. Box 3485, Wilson, NC 27893. Representative: Peter A. Greene, 1920 N St., NW, Suite 700, Washington, DC 20036 (202) 331–8800. Transporting *such commodities* as are dealt in by pharmaceutical houses, between points in the U.S., under continuing contract(s) with Norwich Eaton-Pharmaceuticals, Division of Morton Norwich, of Norwich, NY.

MC 145936 (Sub-3), filed May 8, 1981. Applicant: G&M TRUCKING, INC., 15313 Goodrich Dr., NW, Gig Harbor, WA 98335. Representative: Judith L. Gamrath, 1212 Pacific Bldg., Seattle, WA 98104 (206) 624–8888. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Farwest Shippers Association, of Seattle, WA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–15568 Filed 5–22–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Revco D.S., Inc., and Zale Corp.; Proposed Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comment on the proposed judgment filed with the United States District Court for the Northern District of Texas in *United States v. Revco D.S., Inc. and Zale Corporation* Civil Action No. 3–81–0157–H, was

received by the Department of Justice and is published herewith, together with Justice's response to the comment.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

United States District Court—Northern District of Texas

United States of America, Plaintiff, v. Revco D.S. Inc. and Zale Corporation, Defendants. Civil Action No. 3–81–0157–H.

Comments of The National Association of Retail Druggists

On February 6, 1981 the parties to this proceeding filed with this Court a stipulation and proposed Final Judgment. The proposal would settle by consent the lawsuit filed by the Department of Justice challenging the acquisition by Revco of Skillern's drug stores. Pursuant to the Antitrust Procedures and Penalties Act of 1974, 15 U.S.C. 16(e), before a consent judgment is entered, "The court shall determine that the entry of such judgment is in the public interest." In making its determination, the court may consider the competitive impact of the judgment and alternative remedies, as well as any other considerations bearing upon the adequacy of such judgment.

These comments are submitted on behalf of the National Association of Retail Druggists pursuant to the Antitrust Procedures and Penalties Act of 1974, 15 U.S.C. 16. The National Association of Retail Druggists ("NARD") is a national association of independent pharamacists. NARD represents the owners of more than 30,000 independent retail pharmacies. These pharmacies employ some fifty thousand pharmacists—owners and employees—and dispense two-thirds of the nation's prescriptions. Together, these pharmacies serve 18 million consumers daily. While NARD believes that the proposed consent decree provides limited relief, the decree fails to adequately protect the public interest. NARD therefore asks that the Court reject the proposed judgment unless it is modified for the reasons listed below.

The Complaint and Proposed Settlement

On February 2, 1981 the Antitrust Division of the Department of Justice filed a complaint charging that the acquisition by Revco of Skillern's drug stores would violate § 7 of the Clayton Act, 15 U.S.C. 17, in that it would substantially lessen competition in the sale of ethical drugs.

In particular the complaint alleged that:

(a) Competition between Revco and Skillern's in the retail sale of ethical drugs will be eliminated in the Dallas-Ft. Worth, El Paso and Tyler areas;

(b) Competition generally in the retail sale of ethical drugs will be substantially lessened in the Dallas-Ft. Worth, El Paso and Tyler areas; and

(c) Concentration in the retail sale of ethical drugs will be increased in the Dallas-Ft. Worth, El Paso and Tyler areas.

On February 8, 1981 the Department of Justice and the parties reached a proposed settlement, and filed a stipulation and proposed Final Judgment with this Court. The proposed decree would require Revco to divest itself of between 28 and 31 drug stores in the Dallas-Ft. Worth, El Paso and Tyler, Texas area. In the Dallas-Ft. Worth area, Revco would be required to divest itself of eight named pharmacies (six Skillern—two Revco) and one drug store from each of 17 identified groups. Each group is comprised of between two and four pharmacies. The choice of which pharmacy from within each group is to be divested is left with Revco.

In El Paso, Revco would be required to either divest itself of one pharmacy from each of two specified groups to a chain drug store (defined as four or more stores) presently operating in the El Paso area other than the leading competitor, or four drug stores to a new entrant into that area. The choice of which stores are to be divested is left with Revco.

In the Tyler area, Revco would be required to divest itself of one of two named pharmacies to a competitor presently in the Tyler area other than the two leading competitors in that area, or must sell one of the identified pharmacies plus one additional store in the Tyler area to a new entrant. Again, the choice of which stores are to be divested is left to Revco.

The proposed Final Judgment gives the Department of Justice the right to approve all purchasers, but articulates no standards regarding that procedure. The proposed Final Judgment contains no limitations on Revco's ability to make additional acquisitions.

Comments

The proposed Final Judgment submitted to the Court for approval fails to adequately assure that there will be no substantial lessening of competition as a result of the acquisition. First, the proposed decree fails to address the fact that the acquisition may affect competition in areas other than the three specific geographic areas. Second, while the decree does require that divestiture take place within the three designated localities, it fails to specifically identify which assets are to be divested. This failure provides a loophole that can allow Revco to circumvent the intent of the settlement. Third, the proposed decree inexplicably encourages Revco to sell certain assets to chain stores. Fourth, the proposed decree does not contain any limitations on future acquisitions by Revco.

A. *The Proposed Final Judgment Ignores the Fact That Competition May Be Substantially Lessened in Areas Other Than the Three Designated Localities.*

The proposed decree fails to address the lessening of competiton in areas other than Dallas-Ft. Worth, El Paso and Tyler, Texas. As of August 15, 1980, Revco operated approximately 1,276 pharmacies in 24 states. Fifty-eight of these were in the state of Texas. As of November 10, 1980, Skillern operated approximately 144 pharmacies in the states of Texas and New Mexico. The proposed Final Order only concerns itself with three localities, and does not address the fact that competition may be lessened in other parts of Texas and New Mexico. NARD believes that consolidation of Revco and Skillern will further entrench Revco's market power and will increase barriers to new entry, as the power should be modified before acceptance to provide greater assurance that competition is not lessened in the three localities where Skillern's and Revco now compete directly, by not allowing Revco to designate which stores are divested. While the proposed order requires Revco to divest itself of between 28 and 31 stores, Revco can choose all but eight of the stores that are to be sold. The stores are to be chosen by Revco from categories of stores listed in the proposed decree. In most cases, Revco must choose between selling its store or a Skillern store in the same neighborhood. This obviously gives Revco the opportunity to keep the more desirable location, while unloading the unproductive or less productive store. Allowing Revco to choose which stores will be sold can effectively impede the ability of a new competitor to succeed. NARD believes that the choice of stores to be divested should not be left open to Revco, but should be left to the new entrant. This can be assured by requiring Revco, acting in good faith, to make its stores available on comparable terms based on comparable valuations.

C. *The Proposed Final Judgment Should Not Encourage the Sale of Assets to a Drug Chain.*

The proposed Order is highly unusual in that it encourages Revco to sell its El Paso stores to a drug chain currently operating in El Paso. No explanation is made as to why sales to a chain (defined as four or more stores) are preferable, from an antitrust perspective, to sales to the owner of one, two, three or no other stores. It is hard to understand how competition is enhanced by requiring the sale of stores to a chain currently operating in El Paso rather than to a smaller entity. Moreover, the proposed Final Judgment provides that in El Paso, if Revco does not sell to a chain, it must sell four stores as a block. Competition will not be enhanced by having fewer competitors.

D. *The Proposed final Judgment Does Not Monitor Future Acquisitions by Revco.*

NARD believes that any Final Judgment in this matter should contain a provision prohibiting future acquisitions by Revco except with government approval. As stated above, Revco has reached its enormous position by acquiring small independent pharmacies and chains. The Final Judgment should recognize this and contain a provision requiring Revco to obtain the consent of the Department of Justice for any acquisition over a certain size for a ten year period. The failure to include such a provision, which is standard in most consent decrees, allows Revco to continue making additional acquisitions unchecked by the antitrust enforcement agencies.

E. *The Proposed Final Judgment Does Not Provide Any Standards which the Department Will Use in Approving Prospective Purchasers.*

The proposed Final Judgment provides that any purchaser of assets from Revco must be approved by the Department of Justice. The decree fails, however, to state what factors the Justice Department will consider before it exercises its right of approval. NARD believes that prospective purchasers should be carefully reviewed by the Department of Justice to make certain that competition would be enhanced if they acquired the

assets. NARD believes that the proposed decree should expressly prohibit the sale of any assets to any chain store currently owning 4 or more stores. To allow Revco to sell any assets to a chain such as Rite-Aid or Eckerd's would subvert the purposes of the lawsuit. While the Department of Justice has the ability to disapprove a purchase by a large chain, NARD believes that an explicit provision to that effect should be included in the Final Judgment.

Dated: April 10, 1981.

Respectfully submitted,

Richard M. Rindler,

Gilbert E. Geldon, Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006, Counsel to National Association of Retail Druggists.

United States District Court

Northern District of Texas

United States of America, Plaintiff, v. Revco D.S., Inc. and Zale Corporation, Defendants. Civil Action No. 3-81-0157-H.

Response of the United States to the Comments of the National Association of Retail Druggists

Pursuant to Section 2(d) of the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16(d), the United States hereby responds to the comments submitted by the National Association of Retail Druggists (NARD) in opposition to the entry of the proposed Final Judgment that was filed with the Court on February 6, 1981.

A. *The Proposed Relief Is Substantially That Which Could Be Expected After a Trial on the Merits.*

The objective of the proposed relief is to insure that, at a minimum, the affected markets are restored to the competitive posture in which they were prior to the acquisition. Indeed, the relief proposed is substantially that which the government could expect after a trial on the merits, and in fact is greater than that obtained after a trial on the merits in *United States* v. *Revco Discount Drug Centers, Inc. and Cook United, Inc.*, Civil Action No. 76-265 (N.D. Ohio 1976).

By its terms, the proposed relief prevents any increase in concentration and encourages new entry into the market. The proposed relief assures that the markets will be at least as competitive as they were prior to the acquisition. Such a settlement clearly serves the public interest.

NARD objects to the proposed relief on the grounds that the acquisition will entrench Revco's market power and increase barriers to entry in areas other than the three localities where relief has been obtained. This argument, however, is misdirected. It attacks the scope of the government's complaint, not the proposed Final Judgment. The complaint alleges a violation of Section 7 of the Clayton Act in the three markets where the parties were horizontal competitors. Only those markets would have been at issue if the matter had proceeded to trial on the merits, and thus the proposed Final Judgment is limited to those three markets.

B. *The Specific Assets To Be Divested Are Left To Negotiation Between Revco And The Purchasing Party.*

NARD suggests that the proposed Final Judgment be modified to prevent Revco from choosing the stores it will divest. The proposed Final Judgment identifies eight specific drug stores that must be sold; all other stores are to be selected from groups of two to four stores in close geographic proximity to one another.

The proposed Final Judgment is drafted in this way to give the potential purchasers substantial flexibility in negotiating for the particular drug stores that they want. This flexibility enables the United States to rely on the expertise of the prospective purchasers in determining which stores are most compatible with a purchaser's needs, thereby enabling it to compete most effectively in the particular market. In most of the designated groups there are large and small stores offered in the same area, this allows for maximum flexibility tailored to the needs of the potential purchasers. This aspect of the proposed relief also provides for changing circumstances that otherwise could not be taken into account if specific stores were further identified.

Several provisions of the proposed Final Judgment provide effective checks on any attempt to subvert its purpose or intent. Section VIII requires that Revco provide the Department of Justice with a monthly report disclosing all offers to sell the stores and all parties expressing an interest in any or all of the stores. Section V provides for approval of any proposed sale by the United States, or, if the United States objects to the sale, that the proposal be submitted to the Court for approval. Finally, Revco has an additional incentive to negotiate in good faith with any potential purchaser since Section VI of the proposed Final Judgment provides for the appointment of a trustee to sell the assets if the divestiture is not accomplished by January 31, 1982.

C. *The Relief Proposed For El Paso Is Designed To Enhance Competition In That Market.*

NARD objects to the proposed Final Judgment provision that requires Revco to sell two stores from two identified groups to a presently competing drug store chain, or, in the alternative, four stores, including two from the identified groups, to a new entrant into the El Paso market. The clear thrust of this proposed relief is to enhance competition, either by new entry or increased competition from existing competitors in that market.

The language of the proposed relief is not intended to preclude a sale of drug stores to an existing competitor operating fewer than four drug stores in the market. Read alternatively, the language of the options should be interpreted to include an entity with fewer than four stores to be a new entrant for purposes of the requirements of Section V. The clear intent of the challenged provision is to enhance competition in this market and is not intended to eliminate an existing competitor with fewer than three stores from purchasing the stores. The only proscription on possible sale of the El Paso store is the exclusion of the largest competitor in the market as a potential purchaser.

If the potential purchaser is an entity that cannot be accurately defined within the language of the proposed Final Judgment, Section XI permits the parties either to present it to the Court for appropriate directions or to seek a modification of the decree.

D. *A Provision Requiring Department of Justice Clearance For Future Acquisitions By Revco Is Unnecessary.*

NARD argues that the Final Judgment should prohibit, for ten years, future acquisitions by Revco without government approval. While this type of provision is sometimes employed in consent decrees, it is not necessary in this case. The Department of Justice has no evidence to show that every future acquisition by Revco would be inherently anticompetitive. Instead, the Department would need to evaluate each future acquisition on a case-by-case basis, to determine whether its effect may be substantially to lessen competition or to tend to create a monopoly in violation of Section 7 of the Clayton Act.

The government's ability to monitor future acquisitions might actually be impaired by the consent decree procedure suggested by NARD. The type of retail store transaction involved here would ordinarily fall within the pre-merger notification requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15 U.S.C. 18a. These pre-merger rules provide the government with a longer time period and more specific information than is usually the case in consent decree provisions. Moreover, under the pre-merger rules, acquisitions that require the consent of the government by the terms of a consent decree are exempted from the notification requirements and waiting periods of the Act. 16 CFR 802.70(b). Thus, in this situation, the advantages of the pre-merger notification rules and other monitoring devices which enable the United States to make a full evaluation of a proposed acquisition would be limited if the United States were to follow the consent decree procedure urged by NARD.

E. *The Proposed Final Judgment Adequately Provides for Review and Approval Of Any Proposed Divestiture.*

NARD suggests that the proposed Final Judgment should enumerate the standards that will be used in evaluating any divestiture proposal, and, further, that the sale of any assets to a drug store chain should be expressly prohibited.

Section V of the proposed Final Judgment provides a flexible approach to evaluation of any proposed divestiture; Revco is to submit all proposed sales to the United States for its approval. If the United States does not approve the proposed sale, the proposed Final Judgment provides that the matter be submitted to the Court. The standards governing the Department's evaluation will be based on the competitive consequences of the proposed purchase based upon existing case law and economic analysis. NARD's suggestion that all drug store chains be prohibited from purchasing the stores lacks merit in these markets since an additional or stronger chain may increase competition or at least not decrease competition. In view of the prospective nature of the relief obtained, further enumeration of standards to be

applied might unnecessarily encumber the objective of a prompt competitive divestiture. Therefore, the suggestion that specific standards and limitations be established and articulated is unwarranted.

Conclusion

For the foregoing reasons, the proposed Final Judgment is in the public interest and should be entered by the Court upon completion of the notice requirements of the Antitrust Procedures and Penalties Act.

Respecfully submitted,

Mary Coleen T. Sewell,

Larry R. Patton,

Attorneys, Antitrust Division.

[FR Doc. 81-15530 Filed 5-22-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated March 27, 1981, and published in the **Federal Register** on April 2, 1981; (46 FR 20009), Smith Kline & French Labs., Div. of Smithkline Corp., 1530 Spring Garden Street, Philadelphia, Pa. 19101, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II
Phenylacetone (8501)	II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: May 19, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-15497 Filed 5-22-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated March 17, 1981, and published in the **Federal Register** on March 23, 1981; (46 FR 18124), Stepan Chemical Co. Natural Prod., 100 W. Hunter Avenue, Maywood, N.J. 07607, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Cocaine (9041)	II
Ecgonine (9180)	II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: May 19, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-15498 Filed 5-22-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-9534]

Victoria Needlework, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assitance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 28, 1980 in response to a petition which was filed on behalf of workers at Victoria Needlework, Incorporated, New York, New York. The workers produce ladies' handbags.

U.S. imports of handbags increased in 1979 compared to 1978 and increased in 1980 compared to 1979.

A survey was conducted by the Department of Labor of major customers of Victoria Needlework. The survey revealed that several major customers decreased purchases from Victoria Needlework and increased purchases of imported handbags in 1979 compared to 1978 and in 1980 compared to 1979. These major customers accounted for a substantial proportion of Victoria's sales declines in 1979 compared to 1978 and in 1980 compared to 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' handbags produced at Victoria Needlework, Incorporated, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Victoria Needlework, Incorporated, New York, New York who became totally or partially separated from employment on or after July 9, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of May 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-15581 Filed 5-22-81; 8:45 am]

BILLING CODE 4510-28-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 414A]

Duke Power Co.; Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Duke Power Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns a proposed additional ownership participant, the Piedmont Municipal Power Agency, for the Catawba Nuclear Station, Unit 2. The current holders of the construction permit are Duke Power Company and North Carolina Municipal Power Agency Number 1.

The information was filed in connection with the application by Duke Power Company for construction permits and operating licenses for two pressurized water reactors. Construction was authorized on August 7, 1975 at the Catawba site located in York County, South Carolina. Although the Catawba facilities consist of two nuclear power plants, the proposed action affects only Catawba Nuclear Station, Unit 2.

The original application was dated November 10, 1972. The Notice of Receipt of Application for Construction

Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on December 7, 1972 (37 FR 26053). Previously, the Notice of Hearing had been published in the **Federal Register** on December 1, 1972 (37 FR 25560).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina.

Any person who wishes to have his views on the antitrust matters with respect to the Piedmont Municipal Power Agency presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before July 21, 1981.

Dated at Bethesda, Maryland, this 8th day of May 1981.

For the Nuclear Regulatory Commission.

E. Adensam,

Acting Chief, Licensing Branch #4, Division of Licensing.

[FR Doc. 81-14928 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50.247 and 50-286]

Consolidated Edison Co. of New York, Inc. (Indian Point Unit No. 2) and Power Authority of the State of New York (Indian Point Unit No. 3)

May 14, 1981.

Director's Decision Under 10 CFR 2.206

By letter dated April 1, 1981, Mr. Donald Ross and Ms. Joan Holt, on behalf of the New York Public Interest Research Group, Inc. ("NYPIRG") requested the Commission to "order the immediate suspension of operations at Indian Point on the grounds of noncompliance with the NRC's Final Emergency Planning Rule". In a letter dated April 6, 1981, Ms. Holt emphasized that NYPIRG was seeking "*immediate* relief" (emphasis in original) and expressed concern that NYPRIG's request was being treated as a request for action pursuant to 10 CFR 2.206 of the Commission's regulations. The Commission has determined that NYPIRG's request is most appropriately treated as a request for action pursuant to 10 CFR 2.206 and, accordingly, has referred the matter to me for action. After considering the request, I have concluded for the reasons which follow that the alleged noncompliance by the Indian Point facilities with the NRC's Final Emergency Rule does not warrant in itself the immediate suspension of a resumption of operations at the two Indian Point facilities. Accordingly, I have determined not to grant the requested relief.

Discussion

NYPIRG has requested that there be an immediate suspension of operations at Indian Point Units 2 and 3 until such time as there is a workable and implemented emergency plan for the two facilities and until such time as an investigation by the Atomic Safety and Licensing Board that was ordered by the Commission has been completed. The Commission has had occasion recently to consider this very issue and has resolved the issue in favor of allowing continued operation of the facilities.

On May 30, 1980, the Commission ordered a discretionary adjudication to resolve safety issues at the two Indian Point facilities raised by a previous petition submitted by the Union of Concerned Scientists. On July 15, 1980, the Commission decided that the risk posed by operation of the two facilities' did not warrant suspension of the facilities' operating licenses during the pendency of the adjudicatory proceeding. On January 8, 1981, the Commission, after having addressed a number of concerns including the lack of an emergency plan for the surrounding area, concluded that its earlier decision to permit continued operation of Indian Point 3 remained valid. With respect to Indian Point 2, however, the Commission declared that, prior to resumption of operations at the facility, it would reexamine its July 15, 1980 decision to permit continued operations at the facility in order to determine whether the July 15 decision remained valid.

Until April 1, 1981, the Commission's regulations did not require an emergency plan to be in effect for the service area. However, if after April 1, 1981, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that appropriate protective measures can and will be taken in he event of a radiological emergency and if the deficiencies are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down or whether other enforcement action is appropriate. With respect to Indian Point 2, on April 7, 1981, the Commission, in a meeting attended by Ms. Holt, addressed the question of whether its decision to permit continued operations of the facility remained valid. For the reasons set forth orally in that meeting, I recommended that the Commission not disturb its previous decision to allow continued operation of the plants. In that meeting, the Commission spent considerable time discussing the emergency plans for the Indian Point facilities. As reflected in the Commission Secretary's memorandum dated April 10, 1981 summarizing the April 7, 1981 meeting "[T]he Commission, by a vote of 3–1, agreed that its decision of July 11, 1980, to permit continued operation of Indian Point 2 and 3 remains valid." [1] On April 22, 1981, the Commission was further briefed on the status of offsite emergency preparedness around the nuclear power facilities in New York State. On April 24, 1981, letters were sent to all holders of power reactor operating licenses in New York State, including the Indian Point units, requesting that certain deficiencies identified to the NRC by the Federal Emergency Management Agency be corrected within 120 days.

The Commission has already determined, in accordance with my prior recommendation, that the two Indian Point facilities can operate despite alleged problems with the emergency plan for the facilities. Therefore, NYPIRG's request for immediate suspension of operations at Indian Point Units 2 and 3 based on alleged noncompliance with the NRC's Final Emergency Planning Rule is denied. I believe it is imporant to add, however, that as the Commission itself noted, this is not the final judgment on the safety of the two facilities. I will continue to monitor the operations of the two facilities, particularly with a view to the status of the emergency plans for the two facilities and will take appropriate action to protect the public's health and safety as circumstances warrant.

A copy of this decision will be placed in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the local public document room for the two facilities, located at the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

---

[1] In a footnote to this statement, the Secretary's memorandum noted that the July 15, 1980 date, as discussed in the Commission's order of January 8, 1981, was in error and should have read July 11, 1980.

Additionally, a copy of this decision will be filed with the Secretary of the Commission for review by the Commission in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided in 10 CFR 2.206(c), this decision will constitute final action of the Commission twenty-five (25) days after the date of issuance, unless the Commission on its own motion institutes the review of this decision within that time.

Dated at Bethesda, Maryland this 14th day of May 1981.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81-15553 Filed 5-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment approves changes in the Technical Specifications relating to (1) the setpoint values for the fire pump discharge pressure for the Reactor Depressurization System and (2) use of Thermo-Luminescent Dosimeters (TLD) as an alternate to film for environmental monitoring.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated February 4 and March 6, 1981, (2) Amendment No. 43 to License No. DPR-6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of May, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-15554 Filed 5-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR-66 issued to Duquesnse Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to allow a deviation of ± 16 steps between rod demand and analog rod position indicators for operation during cycle 2.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 13, 1981, supplemented April 8, 1981, (2) Amendment No. 42 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of May, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-15555 Filed 5-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operations of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment was effective March 14, 1981.

This amendment was authorized by phone on March 14, 1981 and was confirmed by letter dated March 16, 1981. The amendment revises the Technical Specifications to provide a redundancy in decay heat removal capability for the plant in all modes of operation and provides for 23 feet of water over the reactor pressure vessel flange while in Mode 6. The amendment was issued on an expedited basis to allow plant startup.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the

Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 13, 1981, supplemented March 24, 1981, (2) the Commission's letter to the licensee dated March 16, 1981, (3) Amendment No. 43 to License No. DPR–66 and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of May, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–15556 Filed 5–22–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–315 and 50–316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR–58, and Amendment No. 30 to Facility Operating License No. DPR–74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments provide further clarification of the term **Operable,** employed in the facilities Technical Specifications, as it applies to single failure criteria for safety systems.

The application for the amendments complies with the standards and requirements for the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 16, 1980, (2) Amendment Nos. 46 and 30 to License Nos. DPR–58 and DPR–74, and (3) the Commission's letter dated May 12, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenski Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A coy of items (2) and (3) may be obtained addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–15557 Filed 5–22–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–316]

Indiana and Michigan Electric Co; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR–74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit No. 2 (the facility) located in Berrien County, Michigan. The amendment is effective as of the date of issuance.

The amendment revises the Axial Power Distribution Monitoring System (APDMS) technical specifications and the setpoint for the P–7 permissive (interlock).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated May 1, 1981 as supplemented May 7, 1981, (2) Amendment No. 31 to License No. DPR–74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–15558 Filed 5–22–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–361 and 50–362]

Southern California Edison Company, et al., San Onofre Nuclear Generating Station, Units 2 and 3; Order Extending Construction Completion Dates

Southern California Edison Company, San Diego Gas and Electric Company, the City of Riverside, California and the City of Anaheim, California are the holders of Construction Permit Nos. CPPR–97 and CPPR–98 issued by the

Atomic Energy Commission [1] on October 18, 1973 for the San Onofre Nuclear Generating Station. These facilities are presently under construction at the applicants' site at Camp Pendleton, San Diego County, California. By letters dated March 31, 1978, and April 23, 1980, Southern California Edison Company filed requests for extension of the latest construction completion dates for the facilities. The requests were granted by the Commission's Orders dated December 28, 1978, and August 5, 1980, respectively.

On March 16, 1981, Southern California Edison Company filed a request for another extension of the latest construction completion dates for the San Onofre 2 and 3 facilities. This request is to extend the latest completion dates to October 15, 1981 for Unit 2 and November 15, 1982 for Unit 3. Southern California stated that this extension was requested because construction has been delayed due to (1) regulatory and licensing delays following the TMI incident, (2) changes and/or additions to the facility design associated with TMI modifications, and (3) a strike by the boilermakers.

This action involves no significant hazards consideration, good cause has been shown for the delay, and the requested extension is for a reasonable period, the bases for which are set forth in the staff evaluation. The preparation of an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement-Construction Permit Stage (FES–CP) for the San Onofre Nuclear Generating Station, Units 2 and 3, published in March 1973. A Negative Declaration and an Environmental Impact Appraisal have been prepared and are available, as is the FES–CP for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the local public document room established for the San Onofre Nuclear Generating Station, Units 2 and 3 at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California 92676.

It is hereby ordered that the latest completion date for CPPR–97 be extended from April 15, 1981 to October 15, 1981 and the latest date for CPPR–98 be extended from June 15, 1982 to November 15, 1982.

Date of issuance: May 13, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-15559 Filed 5-22-81; 8:45 am]

BILLING CODE 7590-01-M

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day continued under the authority of the Nuclear Regulatory Commission.

[Docket Nos. 50-361 and 50-362]

Southern California Edison Company, et al.; San Onofre Nuclear Generating Station, Unit Nos. 2 and 3; Negative Declaration Supporting; Extension of Construction Permit Nos. CPPR–97 and CPPR–98 Expiration Dates

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the Southern California Edison Company's request to extend the expiration dates of the construction permits for the San Onofre Nuclear Generating Station, Units Nos. 2 and 3 (CPPR–97 and CPPR–98) which are located in San Diego County in the State of California. The request is for an extension to the permits through October 15, 1981 for CPPR–97 and through November 15, 1982 for CPPR–98, to allow completion of construction of the facilities.

The Commission's Division of Licensing has prepared an environmental impact appraisal relative to these changes to CPPR–97 and CPPR–98. Based on this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action other than that which has already been described in the Commission's Final Environmental Statement-Construction Permit Stage or evaluated in the environmental impact appraisal.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California.

Dated at Bethesda, Maryland, this 13th day of May, 1981.

For The Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-15560 Filed 5-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338-50-339]

Virginia Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 29 and No. 10 to Facility Operating License Nos. NPF–4 and NPF–7 issued to the Virginia Electric and Power Company (the licensee) which revised the Technical Specifications for operation of the North Anna Power Station, Units No. 1 and No. 2 (the facility) located in Louisa County, Virginia. The amendments are effective as of the date of issuance.

The amendments make changes to Table 3.7–4 of the facility Technical Specifications by removing certain facility snubbers. The changes are needed based on the NRC required Multi-Structure Amplified Response Spectra Analysis presently underway at NA–1&2.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated May 13, 1981 and May 15, 1981; (2) Amendment No. 29 and No. 10 to Facility Operating Licenses No. NPF–4 and NPF–7 and (3) the Commission's related Safety Evaluation. These items are available for public inpection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director Division of Licensing.

Dated at Bethesda, Maryland this 15th day of May, 1981.

For The Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-15561 Filed 5-22-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

May 20, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Farmers Home Administration

7 CFR 1945—A Disaster Assistance General
On occasion
State or local governments
County and State governments
SIC: 911 912 913 919
Farm income stabilization, 3,086 responses, 25,488 hours; $35,200 Federal cost, 1 form; not applicable under 3504(H)
Charles A. Ellett, 202-395-7340

Section 321 of the Consolidated Farm and Rural Development Act authorizes FmHA to determine areas to be designated eligible to receive emergency (EM) loans. No EM loans can be made without such designation.

Revisions

• Farmers Home Administration

7 CFR 1945-B, Emergency Loan Policies, Procedures, and Authorizations, and 7 CFR 1945-C, Insured Economic Emergency Loans
FmHA 1940-38 and 1945-22
On occasion
Farms/businesses or other institutions. Farmers, ranchers, acquaculture operators, etc., suffering
SIC: 011 013 016 017 018 019 021 024 025 027
Farm income stabilization, 598,929 responses, 169,670 hours; $972,800 Federal cost, 2 forms; not applicable under 3504(H)
Charles A. Ellett, 202-395-7340

The Consolidated Farm and Rural Development and Agricultural Credit Acts authorize FmHA to promulgate regulations necessary to determine eligibility of applicants for economic emergency and emergency loans.

Reinstatements

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

• Bureau of the Census
Value of Single-Family Houses (Nonconstruction Costs)
C-701 (X)
Nonrecurring
Businesses or other institutions
Builders of single-family homes for sale, nationwide
SIC: 153 152 142 175
Small businesses or organizations
Other advancement and regulation of commerce, 2,000 responses, 1,000 hours; $25,000 Federal cost, 1 form; not applicable under 3504(H)
Office of Federal Statistical Policy and Standard, 202-673-7974

The purpose of this form is to obtain information which will be used in conjunction with data from other sources and forms to determine the value put in place in construction of single-family houses. This information will be used to revise the factors which are used in the monthly estimates which have not been updated since 1970.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Elementary and Secondary Education
A Study of State Management Practices in ESEA Title I ED 863, 863–1, 863–2, 863–3, and 863–4
Nonrecurring
State or local governments
State and local education agencies
SIC: 941
Elementary, secondary, and vocational education, 157 responses, 413 hours; $172,633 Federal cost, 5 forms; not applicable under 3504(H)
Federal Education Data Acquisition Council, 202–426–5030

Public Law 95–561 expanded States' management responsibilities in ESEA Title I. This study assesses the effects of the changes and documents the problems, innovations, and recommendations States have for managing Title I. The findings will contribute to the reauthorization hearings.

Revisions

• Office of Postsecondary Eduction
Request for Payment of 1981 and 1982 BEOG Award Notice of Termination
ED–304 & ED–304–2
On occasion, annually
Individuals or households/businesses or other institutions
Basic grant recip. (Stud Finan Aid Admin., etc.
SIC: 822
Higher education, 82,000 responses, 27,700 hours; $411,000 Federal cost, 2 forms, not applicable under 3504(H)
Federal Education Data Acquisition Council, 202–426–5030

These forms are the means by which students attending institutions that participate under the alternate disbursement system submit information regarding the students enrollment to the secretary to be used in determining their basic grant award. The Secretary acts as the disbursing agent on behalf of the Institution.

Reinstatements

• Office of Elementary and Secondary Education
Report on ESEA Title I Comparability Requirements Under P.L. 89–10 as Amended by P.L. 95–561
4524
Annually
State or local governments
State educational agencies
SIC: 941
Elementary, secondary, and vocational education, 56 responses, 84 hours; $200 Federal cost, 1 form, not applicable under 3504(H)
Federal Education Data Acquisition Council, 202–426–5030

Title I ESEA provides grants to local agencies to meet of educationally deprived children. P.L. 95–561 requires that for State approval of a local agency's title I program: ". . . Funds will be used in the district of such agency to provide services in project areas which, taken as a whole, are at least comparable to services being provided in areas in such district which are not receiving funds under this title "The sec. will use data to eval. the effectiveness of sea in securing.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Resources Administration
Evaluation of the Impact of Team Training on Dental Practice
Nonrecurring
Businesses or other institutions
Dentists, dental schools and a control dentist group
SIC: 802
Health, 3,563 responses, 1,332 hours; $263,231 Federal cost, 3 forms;, not applicable under 3504(H)
Gwendolyn Pla, 202–395–6880

Survey to compare private practice of team trained dentists with practices of dentists who did not recieve team in. dental school. Evaluation will assist in decisions relevant to program funding, modification, and dissemination.

• Office of Assistant Secretary for Health
Application for Correction of Public Health Service
Commissioned corps personnel records
50
On occasion
Individuals or households
Present and former PHS commissioned corps personnel
Health, 50 responses, 50 hours; $50 Federal cost, 50 forms; not applicable under 3504(H)
Gwendolyn Pla, 202–395–6880

The application is submitted by present and former PHS commissioned corps officers to request a correction of error or allege injustice in their personnel records. The application will be utilized by the Board of Correction to determine if an error or injustice has occurred and to rectify such error or injustice.

Revisions

• Centers for Disease Control
Cancer Surveillance and Epidemiologic Studies Data Collection Forms
CDC 4.529ATH CDC 4.530ATH CDC 4.530A CDC 4.530C
CDC 4.530B
On occasion
Indiviuals or Households
Cancer surveillance and epidemiologic studies
Health, 85 responses, 70 hours; $20,000 Federal cost, 3 forms; not applicable under 3504(H)
Gwendolyn Pla, 202–395–6880

This clearance package, continuing familial cancer studies and the study of interpersonal contact in leukemia and lymphoma, provides the mechanism for an ad hoc epidemiologic investigation of unusual cases, particularly multiple case cancer families, and the extension of an ongoing study. Info. is used to clarify etiology and transmissibility of cancer.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Research and Special Programs Administration
Cargo Tank Certification Record Requirements
Nonrecurring
Businesses for other institutions
Manufacturers of cargo tanks and motor carriers
SIC: 371
Small businesses or organizations
Other transportation, 1,500 responses, 1,500 hours; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340
Used by cargo tank manufacturers, owners and Federal Highway Administration personnel to verify that cargo tanks have been manufactured and tested in accordance with the regulations so as to maintain the level of safety set forth in the regulations.

• Research and Special Programs Administration
Cargo Tank Inspection Record Requirements
Biennially
Businesses or Other Institutions
Motor Carrier Operators

SIC: 421
Small businesses or organizations
Other transportation, 114,600 responses, 114,600 hours; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340
To verify compliance with the regulations and to assure integrity of cargo tanks so that their continued use will not lower the level of safety set forth in the regulations.

• Research and Special Programs Administration
MC 330 and MC 331 in Service Cargo Tank Record
Requirements
Other—See SF83
Businesses or other institutions
Motor carrier operators
SIC: 421
Small businesses or organizations
Other transportation, 600 responses, 600 hours; $15,000 Federal cost, 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340
To verify location of MC 330 and MC 331 cargo tanks so that Federal Highway Administration field inspectors can verify that required tests have been performed. Extra precaution needed due to increased chance of tank failure caused by stress corrosion due to type of materials transported.

• Research and Special Programs Administration
Certification and Data Report Cargo Tank Record Requirements
Nonrecurring
Businesses or other institutions
Motor carrier operators
SIC: 421
Small businesses or organizations
Other transportation, 229,800 responses, 229,800 hours; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340
To verify that cargo tanks were manufactured and tested in accordance with the specification to which it was stated that they were manufactured.

• Research and Special Programs Administration
MC 330 and MC 331 Cargo Tank Record Requirements
Biennially
Businesses or other Institutions
Motor carrier operators
SIC: 421
Small businesses or organizations
Other transportation, 1,200 responses, 1,800 hours; $45,000 Federal cost, 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340
To ascertain that MC 330 and MC 331 cargo are maintained in a safe condition for the transportation of hazardous materials and to verify that the requirements of the regulations have been met.

Extensions (No Change)

• Office of the Secretary
Pipeline Carrier Accident Report
7000–1
On occasion
Businesses or other institutions
Operations of hazardous liquid pipelines
Small businesses or organizations
Other Transportation, 250 responses, 250 hours; $22,500 Federal cost, 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340
The Federal regulations (49 CFR 195) require liquid pipeline operators to report failures to DOT. The form includes information on the location of the failure, personal injury and property damage, commodity loss, and cause. The information is used to evaluate the effectiveness of existing regulations.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

NEW

• Internal Revenue Service
Exclusion for certain conservation cost-sharing payments
Nonrecurring
Individuals or households/farms/businesses or other institutions
Recipient of cost share payments under S. 126 IRS Code
SIC: 632
Central fiscal operations, 1 response, 1 hour; 1 form; not applicable under 3504(h)
Warren Topelius, 202–395–7340
Effective September 30, 1979, section 126 permits recipients of certain conservation cost-share payments to exclude the portion of such payments which does not substantially increase the annual income derived from the property on which the conservation practices are installed.

Extensions (Burden Change)

• United States Customs Service
Pro Forma List of Export Declarations for Shipments to Canada
CF–7303
On occasion
Businesses or other institutions
Brokers and carriers
Sic: All
Small businesses or organizations
Federal law enforcement activities, 6,000 responses, 1,200 hours; $8,404 Federal costs, 1 form; not applicable under 3504(h)
Warren Topelius, 202–395–7340
Information on this form describes the particulars of merchandise shipped to Canada for which shippers export declarations are required but will be submitted within the time frame specified on the form.

ACTION

Agency Clearance Officer—Mr. Dana Rodgers—202–254–8501

New

• Older American Volunteer Programs Project Profile and Basic Human Needs Activities
A–1021
Annually
Businesses or other institutions
Private, non-profit organizations and State and loc. governments
Sic: multiple
Small businesses or organizations
Social services, 1,090 responses, 34,880 hours; 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880
Form is needed to determine proper program and resource management and to monitor progress.

• Older American Volunteer Programs Project Progress Report
A–1020
Quarterly
Businesses or other institutions
Private, nonprofit organizations and State and local governments
SIC: multiple
Small businesses or organizations
Social services, 4,360 responses, 8,720 hours; 1,090 forms; not applicable under 3504(h)
Diane Wimberly, 202–395–6880
Form is needed to determine proper program and resource management and to monitor progress.

• Older Americans Volunteer Programs Project Narrative
A–1018
Annually
Businesses or other institutions
Private, nonprofit organization and State and local governments
SIC: multiple
Small businesses or organizations
Social services, 1,090 responses, 13,870 hours; 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880
Form is required by all grant applicants who wish to receive funds to carry out action programs. Form is used to determine award of benefits.

Extensions (No Change)

• ACTION/Peace Corps Volunteer Application Form
A–35
On occasion

Individuals or households
Primarily priv. citiz. who apply for vol. serv. in ACTION
Social services, 5,600 responses, 5,600 hours; $160,000 Federal cost, 1 form; not applicable under 3504(h)
Diane Wiberly, 202–395–6880

The ACTION volunteer application is used to collect data to evaluate an individual applicant's eligibility and suitability for ACTION voluneer service. This form is the only means by which the required data can be obtained.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202–287–0747

New

• Spill Prevention Control and Countermeasure Plan and Review [1]
Nonrecurring
Individuals or households/State or local governments/businesses or other INS owners and operators of onshore and offshore facilities
Sic: multiple
Small businesses of organizations
Pollution control and abatement, 83,803 responses, 99,333 hours; 2 forms; not applicable under 3504(h) 202–395–7340.
Edward H. Clarke,

Incorporates contingency planning and spill response and prevention into one comprehensive program so that facilities may most effectively eliminate oil spills.

• Compliance Schedule Reports [1]
Other-see SF 83
State or local governments/businesses or other institutions
NPDES permittees
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 84,904 responses, 84,904 hours; $159,612 Federal cost, 0 form; not applicable under 3504(h) 202–395–7340

Edward H. Clarke,

In order that the permitting authority may properly ascertain that the owner/operator is carrying out the requirements of its permit, he is required to make progress reports on schedules, plans or other activities as required by the individual permit.

[1] Over the next several weeks, the Environmental Protection Agency will be requesting clearance for several hundred reporting and recordkeeping requirements that were administered previously without OMB approval. In order to provide a thorough review without unnecessarily disrupting EPA programs, OMB may grant interim approvals for many of these requests, after an initial screening. Interim approvals would be followed by full reviews and final approval or disapproval decisions which would be announced in future editions of the **Federal Register**.

• Spill Prevention Control and Countermeasure (SPCC) Plan, Time Extension Request [1]
Nonrecurring
Individuals or households/State or local governments/businesses or other INS facilities subject to SPCC requirement 40 CFR 112
Sic: multiple
Small businesses or organizations
Pollution control and abatement, 40 responses, 20 hours; 1 form; not applicable under 3504(h) 202–395–7340

Edward H. Clarke,

Request to regional administrator to grant additional time to a facility to prepare a SPCC plan.

• Application for Approval of Construction or Modification [1]
On occasion
Businesses or other institutions
Asbestos mills
Sic: 149, 109, 329, 333, 281, 286, 161, 495, 348, 282
Small businesses or organizations
Pollution control and abatement, 49 responses, 24 hours; $102 Federal cost, 1 form; not applicable under 3504(h) 202–395–7340

Edward H. Clarke,

Written application by owner or operator for approval by the Administrator of any construction or modification to a source subject to the regulations in part 61.

• NESHAP Notification of Start-Up [1]
Nonrecurring
Businesses or other institutions
Asbestos mills
Sic: 109, 149, 161, 281, 282, 286, 329, 333, 348, 495
Small businesses or organizations
Pollution control and abatement, 98 responses, 49 hours; $204 Federal cost, 0 form; not applicable under 3504(h) 202–395–7340

Edward H. Clarke,

Owner or operator shall furnish written notification of anticipated start-up and actual start-up to enable scheduling of an EPA observer, if desired, and program planning.

• NESHAPS Source Reporting and Waiver Request [1]
Nonrecurring
Businesses or other institutions
Asbestos mills
Sic: 109, 149, 161, 281, 282, 286, 329, 333, 348, 495
Small businesses or organizations
Pollution control and abatement, 49 responses, 74 hours; $308 Federal cost, 1 form; not applicable under 3504(h) 202–395–7340

Edward H. Clarke,

Owner or operator shall submit an initial report and/or request a waiver (if the source is unable to operate in compliance). The Administrator uses this information to confirm compliance of a source or to determine if a waiver is appropriate.

• Oil Spill Report [1]
On occasion
Individuals or households
Owners or operators of onshore and offshore facilities
Pollution control and abatement, 700 responses, 350 hours; $22,431 Federal cost, 1 form; not applicable under 3504(h) 202–395–7340

Edward H. Clarke,

Applicable to facilities subject to 40 CFR 112.3 who discharge more than 1,000 U.S. gallons of oil into navigable waters. When information is received and evaluated, enforcement measures may be taken or recommendations made to change oil spill prevention control and countermeasures or procedures, methods, and equipment necessary to prevent reoccurance of spill.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–254–9515

New

• Survey of State Fire Training Systems
Nonrecurring
State or local governments
the 50 State fire training offices and 1 in Puerto Rico
Disaster relief and insurance, 0 responses, 0 hours; $30,000 Federal cost, 1 form; not applicable under 3504(H)
Robert Veeder 202–395–4814

The National Fire Academy is developing a National Directory of State Fire Service Training Systems, part of the developmental process is a request to each State Training Office for their system information. The results will provide the academy with course development needs and eliminate possible duplication. The States will use the information to cooperate, share, and coordinate programs.

• Adjunct
Faculty Procurement
On occasion
Individuals or households
Individuals who we acquire to assist us as instructors
Small businesses or organizations
Disaster relief and insurance, 0 responses, 0 hours; 1 form; not applicable under 3504(H)
Robert Veeder, 202–395–4814

It is essential that adjunct faculty be secured in order to supplement the small staff of instructors at the National Fire

Academy. These adjunct faculty are secured through contract arrangements. Quotes are required from each applicant. Public Law 93-498, Section 7.

• Firefighter Integrated Response Equipment System
Nonrecurring
State or local governments
Fire departments in selected cities
Disaster relief and insurance, 0 responses, 0 hours; $32,500 Federal cost, 1 form; not applicable under 3504(H)
Robert Veeder, 202-395-4814

This is a multi-year project (Co-sponsored W/NASA) for the design, development, fabrication, field test and evaluation of improved firefighter personal protective clothing and equipment. This is a letter report covering the evaluation of the field test.

• Reply Card for Broadcast Stations Under Campaigns
On occasion
Businesses or other institutions
Public service direct on a radio station
Small businesses or organizations
Defense-related activities, 11,800 responses, 1,966 hours; 1 form; not applicable under 3504(H)
Robert Veeder, 202-395-4814

For the purpose of evaluating the broadcast spot disaster information under campaigns such as winter survival, flood, tornado and hurricanes. The information will be used to evaluate the effectiveness and circulation of necessary information to save lives and protect property.

• News Coverage Areas of Print Media
Annually
Businesses or other institutions
Daily and weekly newspapers
Small businesses or organizations
Defense-related activities, 6,000 responses, 600 hours; $3,000 Federal cost, 1 form; not applicable under 3504(H)
Robert Veeder, 202-395-4814

Provides information to allow disaster recovery teams to provide recovery information to the appropriate staff members at appropriate newspapers to facilitate the most speedy recovery possible by disaster victims.

• News Coverage of Broadcast Media
Annually
Businesses or other institutions
Radio and TV stations
Small businesses or organizations
Defense-related activities, 9,000 responses, 900 hours; $4,500 Federal cost, 1 form; not applicable under 3504(H)
Robert Veeder, 202-395-4814

Provides information needed to allow disaster recovery teams to provide recovery information to the appropriate staff members at the appropriate radio and TV stations to facilitate the most speedy recovery possible by disaster victims.

• Request for Fire Suppression Assistance
On occasion
State or local governments
State foresters
Disaster relief and insurance, 5 responses, 5 hours; $50 Federal cost, 1 form; not applicable under 3504(H)
Robert Veeder, 202-395-4814

This form will be used by State Governors to request Federal assistance for suppression of any fire on publicly or privately owned forests which threatens such destruction as would constitute a major disaster.

• Electrical Fire Investigations
Other-see SF83
State or local governments
Fire departments in 10 cities
Disaster relief and insurance, 120 responses, 600 hours; Federal cost, 10 forms; not applicable under 3504(H)
Robert Veeder, 202-395-4814

To collect in-dept reports of electrical fires. To analyze and recommend remedial action. To reduce losses of life and property caused by electrical fires.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Agency Clearance Officer—C. Michael Hathaway—202-395-3432

New

• Questionnaire Concerning U.S. Investment in Canada
Nonrecurring
Businesses or other institutions
U.S. based multinatl corp with Canadian investments, etc.
SIC: multiple
Executive direction and management, 800 responses, 12,800 hours; $1,820Federal cost, 1 form; not applicable under 3504(H)
Edward C. Springer, 202-395-4814

The information being sought in the attached questionnaire is designed to aid agencies represented on the Trade Policy Staff Committee in determining whether the Canadian Foreign Investment Review Agency is operating in a way which distorts trade patterns. Information collected would be used within the Government and only in aggregate form.

SELECTIVE SERVICE SYSTEM

Agency Clearance Officer—Clarence E Boston—202-724-0683

New

• Claim for Postponement or Reclassification
SSS form 9
Nonrecurring
Individuals or households
Selective Service System registrants who have received Defense-related activities, 1 response, 1 hour; $1 Federal cost, 1 form; not applicable under 3504(H)
Kenneth B. Allen, 202-395-3785

This form may be used by Selective Service System registrants after receiving a notice to report to an Armed Forces examining and entrance station for induction to subject a claim to the Selective Service System for the postponement of their induction or a change in their classification.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2148

Revisions
• Disabled Veterans Application for Vocational Rehabilitation
28-1900
On occasion
Individuals or households
Disabled veterans desiring vocational rehabilitation
Veterans education, training, and rehabilitation, 33,000 responses, 8,250 hours; $148,705 Federal cost, 1 form; not applicable under 3504(H)
Robert Neal, 202-395-6880

Title 38 U.S.C., Chapter 31 provides vocational rehabilitation for service-disabled veterans. The application obtains information used to determine eligibility and entitlement to vocational rehabilitation.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81-15588 Filed 5-22-81; 8:45 am]

BILLING CODE 3110-01-M

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committees Act, that the tenth meeting of the President's Commission for the Study of Ethical Problems in Medicine

and Biomedical and Behavioral Research will be held in Room 208, J. W. McCormack Post Office and Court House Building, Boston, Massachusetts from 9:00 a.m. to 5:00 p.m. on Thursday, June 4, 1981 and from 9:00 a.m. to 4:30 p.m. on Friday, June 5, 1981.

The meeting will be open to the public, subject to limitations of available space. The agenda for Thursday, June 4, will include, among other things (1) testimony on the ethical and legal aspects of decisions to forego life-sustaining therapy, especially in patients who may not be competent, and (2) consideration of a draft report on the determination of death. The agenda for Friday, June 5, will include among other things (1) an examination of the federal and institutional policies and procedures for the protection of human subjects of research, particularly when fraud and abuse have been alleged, and (2) a progress report on the study of means to assess the implementation of federal regulations on research involving human subjects.

During each afternoon fifteen minutes will be devoted to comments from the floor on the subject of any of the agenda items, limited to three minutes per comment. Written suggestions and comments will be accepted for the record from those who are unable to speak because of the constraints of time or those unable to attend the meeting.

Records shall be kept on all Commission proceedings and will be available for public inspection at the Commission's office, located in Suite 555, 2000 K Street, N.W., Washington, D.C. 20006.

For further information, contact Andrew Burness, Public Information Officer, at (202) 653–8051.

Alexander M. Capron,

Executive Director.

[FR Doc. 81-15465 Filed 5-22-81; 8:45 am]

BILLING CODE 6820-AV-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

Brady Energy Corp.; Order of Suspension of Trading

May 19, 1981.

It appears to the Securities and Exchange Commission that questions have been raised with respect to the adequacy and accuracy of publicly available information concerning the identity of the purchasers of a controlling interest in Brady Energy Corporation, the status of the transaction and the financial arrangements involved in the transaction.

In view of the foregoing, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Brady Energy Corporation from 11:30 a.m. (EDT) on May 19, 1981 through midnight May 28, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15592 Filed 5-22-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-5722]

Restaurant Associates Industries, Inc., Common Stock, $1 Par Value; Notice of Application To Withdraw From Listing and Registration

May 19, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Restaurant Associates Industries, Inc. (the "Company") is listed and registered on the BSE and the American Stock Exchange, Inc. ("Amex"). The Company has determined that because of the limited trading volume on the BSE, the continued expense of listing does not justify maintaining the dual listing of the common stock.

2. This application relates solely to withdrawal of the common stock from listing and registration on the BSE and shall have no effect upon the continued listing of such stock on the Amex. The BSE has posed no objection to this matter.

Any interested person may, on or before June 10, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15593 Filed 5-22-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Small Business Investment Companies; Moratorium on New License and Transfer of Control Applications

AGENCY: Small Business Administration.

ACTION: Notice of 90-day moratorium.

SUMMARY: This Notice is to advise the public that, effective April 17, 1981, the SBA had placed a 90-day moratorium on all new SBIC license and transfer of control applications.

EFFECTIVE DATE: The moratorium was effective April 17, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. McNeish, Acting Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, (202) 653–6848.

SUPPLEMENTARY INFORMATION: On April 17, 1981, the SBA placed a 90-day moratorium on all SBIC licensing activity including transfers of control. On April 28, 1981, this action was modified to authorize the processing and granting of licenses, transfers of control and conversions to partnership which were in process on April 17, 1981, but to continue the moratorium on all new license applications and all new transfer of control and conversion applications. The reason for the moratorium is the Administration's concern with the effectiveness of SBA's licensing standards and regulatory oversight of SBICs. During this moratorium period a comprehensive review of the SBIC licensing standards and regulations will be undertaken by the Agency and, if warranted, modifications to the standards and regulations will be proposed.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: May 20, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-15594 Filed 5-22-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/408]

Advisory Committee on the Law of the Sea; Partially Closed Meeting

In accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) as amended by Pub. L. 94-409 Section 5(c), notice is hereby given that the Advisory Committee on the Law of the Sea will meet in closed session on Monday and Tuesday, June 8 and 9 and in open session on Tuesday, June 9, 1981. A group, cutting across subcommittee lines of the Advisory Committee on the Law of the Sea will also meet in closed session on Tuesday, June 9. The open session of the meeting will convene June 9 at 2:30 p.m. in Room 1410, U.S. Department of State, 21st and C Streets, N.W., Washington, D.C.

The purpose of the closed meeting is to consider the current review of the Law of the Sea Convention and the review process and to make preparations for the U.S. Delegation to the Resumed Tenth Session of the Third United Nations Conference on the Law of the Sea to be held in Geneva beginning August 3, 1981. The sub-group will advise U.S. negotiators on matters relating to potential reciprocal arrangements among like-minded nations that have enacted or may enact domestic mining legislation prior to possible entry into force of a comprehensive Law of the Sea Treaty. During the closed sessions, documents classified under the provisions of Executive Order 12065 will be discussed.

These documents relate to the issues which the United States is currently reviewing and has negotiated or will negotiate at the Conference. The documents are exempt under 5 U.S.C. 552b(c)(1) and 5 U.S.C. 552b(c)(9), and may be withheld from disclosure in the public interest.

The issues cover such subjects as the review, freedom of navigation on the high seas and in straits used for international navigation and related national security interest, the nature of a deep seabeds mining regime and deep seabed mining legislation, the continental margin, the economic zone, fisheries, marine pollution, scientific research, dispute settlement, and other topics involving U.S. national security and foreign relations matters. Premature disclosure of the contents of these documents could adversely affect our foreign relations interests and jeopardize United States law of the sea interests.

The open session of the Advisory Committee meeting will discuss all principal agenda issues which have been considered during the Third United Nations Conference on the Law of the Sea, including those issues stated above, but will not examine the classified items discussed during the closed session.

The Advisory Committee on the Law of the Sea represents a broad cross-section of industries, professions, academic disciplines, and other public groups. As such, it will comprehensively review the proposals which have come and will come before the Conference.

At the open session, beginning at 2:30 p.m., June 9, the general public attending may participate in the discussion subject to instructions of the Chairman.

As entrance to the State Department in controlled, members of the public who wish to attend the open session should contact Marsha Bellavance and provide their name and affiliation to facilitate their attendance. Her telephone number is (202) 632-0041.

Norman A. Wulf,

Acting Director, Office of the Law of the Sea Negotiations.

May 8, 1981

[FR Doc. 81-15501 Filed 5-25-81; 8:45 am]

BILLING CODE 4710-10-M

[Public Notice CM-81406]

Integrated Services Digital Network (ISDN) Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative (CCITT) will meet on June 3, at 10:00 a.m. in Room 1205 of the Department of State, 2201 C Street NW., Washington, D.C. This Working Party deals with the evolution of ISDN as it is being considered by CCITT Study Group XVIII.

Inasmuch as this will be the first meeting of the Working Party, the initial part of the meeting will be devoted to organizational and housekeeping matter. The remainder of the meeting will be spent in developing U.S. positions to be taken at the upcoming meeting of Study Group XVIII (June 22-July 1).

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chair. Admittance of public members will be limited to the seating avaiable. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore requested that prior to June 3, 1981 members of the general public who plan to attend the meeting inform Mr. Richard H. Howarth, Office of International Communications Policy, Department of State, telephone (202) 632-1007, of their intention.

All non-Governmental attendees must use the C Street entrance to the building.

Dated: May 5, 1981.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81-15499 Filed 5-22-81; 8:45 am]

BILLING CODE 4710-01-M

[Public Notice CM-8/407]

Overseas Schools Advisory Council; Meeting

The Executive Committe of the Overseas Schools Advisory Council, Department of State, will be meeting Thursday, June 18, 1981 at 9:30 a.m. in Conference Room 2722B of the Department of State building, 2201 C Street NW., Washington, D.C.

Agenda items scheduled for discussion are as follows:

I. Welcome to Council Members
II. Results of Ballot Election of Council Chairman and Vice Chairman
III. Message from Assistant Secretary
IV. Discussion on Reports of Council Activities
  A. Status Report of 1980/1981 Program
  B. Fund-Raising Programs Organized Locally by the Schools and Activities of Regional Overseas Schools Associations
  C. Council Communications with U.S. Corporations and Foundations on Behalf of the Overseas Schools
V. Matching Gifts Programs
VI. Proposal Submitted to the Council Regarding Additional Benefits to the American-Sponsored Overseas Schools
VII. Other Business
VIII. Selection of Date for Full Council Meeting

For the purpose of fulfilling building security, members of the public wishing to attend the meeting should call Ms. Judy Knott, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703-235-9600, prior to June 18. The public may participate in discussions at the Chairman's discretion.

Dated: May 1, 1981.

Ernest N. Mannino,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 81-15500 Filed 5-22-81; 8:45 am]

BILLING CODE 4710-01-M

DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
Environmental Impact Statement; San Luis Obispo, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in San Luis Obispo, California.

FOR FURTHER INFORMATION CONTACT: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440–2804.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare an Environmental Impact Statement (EIS) on a proposal to improve the flow of San Luis Obispo Creek in the City and County of San Luis Obispo, California, at the intersection of Marsh Street and Higera Street (State Highway 227) near their junction with U.S. Highway 101. The project is considered necessary to reduce flood hazards during high flows. The project will be coordinated with the City for consistency with its plans for channel improvements both upstream and downstream of this project.

Alternatives under consideration include: (1) taking no action; (2) realign channel, build new bridge and revise ramps; (3) raise existing bridge and surrounding streets and revise ramps; and (4) realign channel only.

No scoping meetings have been scheduled at this time. Meetings will be scheduled to encourage affected parties to identify the crucial issues and insure that matters of importance are not overlooked in the early stages of review.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: May 15, 1981.

Albert J. Gallardo,

District Engineer, Sacramento, California.

[FR Doc. 81–15531 Filed 5–22–81; 8:45 am]

BILLING CODE 4910–22–M

National Advisory Committee on Outdoor Advertising and Motorist Information; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. I), notice is hereby given of a meeting of the National Advisory Committee on Outdoor Advertising and Motorist Information.

DATES: Meeting to be held on June 18 and 19, 1981.

TIME: Meeting wil be held from 8:30 a.m. to 5:00 p.m. on June 18 and 19.

ADDRESS: The meeting will be held at Room 4200, Nassif Buiilding, 400 Seventh Street, SW., Washington, D.C.

ATTENDANCE: The public is invited to attend. Any member of the public will be permitted to file a written statement with the Committee. Interested persons may be permitted to speak at the meeting in accordance with the bylaws established by the Committee.

AGENDA: The full committee will meet to:

1. Review and approve minutes,
2. Consider subcommittees' resolutions,
3. Vote on resolutions, and
4. Consider other matters as may be specified by the Chairman or Executive Director.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald L. Kennedy, Executive Director of the National Advisory Committee, Room 4132, HRW–13, (202) 426–0142, or Mr. Edward V. A. Kussy, Deputy Assistant Chief Counsel, Room 4230, HCC–40, (202) 426–0791, Federal Highway Administration, 400 Seventh Stret, SW., Washington, D.C. 20590.

(Catalog of Federal Domestic Assistance Program Number 20.214, Highway Beautification—Control of Outdoor Advertising, and Control of Junkyards. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: May 20, 1981.

L. P. Lamm,

Executive Director.

[FR Doc. 81–15552 Filed 5–22–81; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

[Docket No. IP81–13; Notice 1]

Iveco Trucks of North America, Inc.; Receipt of Petition for Determination of Inconsequential Noncompliance With Vehicle Identification Number Regulation

Iveco Trucks of North America, Inc. of Blue Ball, Pennsylvania, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.115, *Vehicle Identification Number*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Iveco imports the Z–100 truck (9,995 lbs. GVW) manufactured in Brescia, Italy. Due to mistranslation and interpretation the tenth character of the VIN was not changed at the proper time to signify Model Year 1981. The result is that over 1700 trucks, manufactured between June and December 1980, came into the country with the VIN translating as Model Year 1980, when in reality they were 1981 models.

The company's inconsequentiality arguments are not based upon the effect of the noncompliance but the effects that might result were an attempt made to correct it: "Great confusion and inaccuracies would result from attempts in the field to correct and re-register such vehicles; and it would be seriously detrimental to accurate and efficient documentation, which might be necessary in any recall campaign or potential future theft investigation." As for possible difficulties with State registration, Iveco proposes "identifying the vehicles and providing full explanations [and] will provide the National Auto Theft Bureau or proper involved agencies a listing of affected vehicle identification numbers, with proper model year designation."

Interested persons are invited to submit written data, views and arguments on the petition of Iveco Trucks of North America, described

above. Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Nelson Erickson and Taylor Vinson, respectively.

Comment closing date: June 22, 1981.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on May 15, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-15284 Filed 5-22-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 23]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $503,000 has been established for the company.

Name of Company: ULICO CASUALTY COMPANY.

Business Address: 805 Third Avenue, New York, New York 10022.

State of Incorporation: Delaware.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1980 Revision, at page 44513 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: May 14, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-15476 Filed 5-22-81; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 100
Tuesday, May 26, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Federal Energy Regulatory Commission	2
Federal Home Loan Bank Board	3
International Trade Commission	4
Legal Services Corporation	5
National Commission on Libraries and Information Service	6
United States Railway Association	7

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 805.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, May 26, 1981.

CHANGE IN MEETING: The following item was inadvertently omitted from the original announcement:

"Proposed Contracts for expert witness services in connection with a court case."

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued May 21, 1981.

[S-812-81 Filed 5-21-81; 2:24 pm]

BILLING CODE 6750-06-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

May 20, 1981.

TIME AND DATE: 10 a.m., May 27, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda: however, all public documents may be examined in the Division of Public Information.

The consent agendas, power and miscellaneous agendas will be considered on Wednesday, May 27, 1981. The gas agenda will be considered on Thursday, May 28, 1981.

Consent Power Agenda—491st Meeting, May 27, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 3238, Marsh Island Hydro Associates; Project No. 3323, Bangor Hydro-Electric Co.
CAP-2. Project No. 2114, Public Utility District No. 2 of Grant County; Project No. 199, South Carolina Public Service Authority; Docket No. DA-2, South Carolina, U.S. Forest Service
CAP-3. Project No. 739, Appalachian Power Co.
CAP-4. Docket No. ER81-144-001, Upper Peninsula Power Co.
CAP-5. Docket No. ER81-234-000, Arizona Public Service Co.
CAP-6. Docket No. ER78-522, Virginia Electric & Power Co.
CAP-7. Docket No. ES81-17-000, Idaho Power Co.

Consent Miscellaneous Agenda

CAM-1. Potomac Electric Power Co.
CAM-2. Docket No. RM79-76 (Texas—8), high-cost gas produced from tight formations
CAM-3. Docket No. RM79-76 (Texas—9), high-cost gas produced from tight formations
CAM-4. Docket No. RM79-76 (Colorado—3), high-cost gas produced from tight formations
CAM-5. Docket No. RM79-76 (Colorado—12), high-cost gas produced from tight formations
CAM-6. Docket No. RM79-76 (New Mexico—3), high-cost gas produced from tight formations
CAM-7. Docket No. RM79-76 (New Mexico—4), high-cost gas produced from tight formations
CAM-8. Docket No. GP81- . Husky Oil Co., Bolatch Well No. 11 Ferc No. JD80-5561, NGPA Section 108, USGS Docket No. NM2702-79

Consent Gas Agenda

CAG-1. Docket No. RP78-23, Midwestern Gas Transmission Co.
CAG-2. Docket No. RP81-23-000, El Paso Natural Gas Co.
CAG-3. Docket No. RP81-25-000, South Georgia Natural Gas Co.
CAG-4. Docket No. RP81-53-000, East Tennessee Natural Gas Co.
CAG-5. Docket No. RP81-54, Tennessee Gas Pipeline Co.
CAG-6. Docket No. RP81-55-000, East Tennessee Natural Gas Co.
CAG-7. Docket Nos. RP81-56 and RP80-97-004, Tennessee Gas Pipeline Co.
CAG-8. Docket No. RP81-57-000, Midwestern Gas Transmission Co.
CAG-9. Docket No. RP81-60-000, Valero Interstate Transmission Co.
CAG-10. Docket No. RP81-61-000, Michigan Wisconsin Pipeline Co.
CAG-11. Docket No. ST79-15-001, Nue Wells Pipe Line Co.
CAG-12. Docket No. TA81-2-33-001 (PGA81-2a and YPR81-2a), El Paso Natural Gas Co.
CAG-13. Docket No. TA81-2-44-000 (PGA81-1), Commercial Pipeline Co., Inc.
CAG-14. Docket No. TA81-29-002 (PGA81-1, IPR81-1, DCA81-1 and LFUT81-1), Transcontinental Gas Pipe Line Corp.
CAG-15. Docket No. TA81-1-32 (PGA81-1 and IPR81-1), Colorado Interstate Gas Co.
CAG-16. Docket No. TA81-2-33-000, El Paso Natural Gas Co.
CAG-17. Docket No. CI77-657, American Natural Gas Production Co.
CAG-18. Docket Nos. CI78-223-002, CI78-225-002 and CI78-226-002, Exxon Corp.; Docket No. CI81-222-000, Mitchell Energy Offshore Corp.; Docket No. CI81-110-000, Shell Oil Co.; Docket No. CI81-153-000, Getty Oil Co.; Docket No. CI81-102-000, Louisiana Land Offshore Exploration Co.; Docket No. CI81-140-000, Getty Oil Co.; Docket No. G-16139-007, Gulf Oil Corp.; Docket No. CI75-137-000, Belco Petroleum Corp.; Docket No. CI81-019-000, Arco Oil & Gas Co., a division of Atlantic Richfield Co.; Docket No. CI81-130-000, Getty Oil Co.; Docket No. CI81-220-000, Koch Industries, Inc.; Docket Nos. CI81-197-000 and CI81-199-000, Shell Oil Co.; Docket No. CI81-201-000, Diamond Shamrock Corp.; Docket No. CI81-196-000, Sonat Exploration Co.
CAG-19. Docket No. TC80-93, Mid-Louisiana Gas Co.
CAG-20. Docket No. CP80-388-003, Tennessee Gas Pipeline Co., a division of Tenneco, Inc.
CAG-21. Docket No. CP78-129, Texas Eastern Transmission Corp.
CAG-22. Docket No. CP80-409, Panhandle Eastern Pipe Line Co.
CAG-23. Docket No. CP80-561, Locust Ridge Gas Co.
CAG-24. Docket No. CP80-160, Mountain Fuel Supply Co.
CAG-25. Docket No. CP80-365, Panhandle Eastern Pipe Line Co.
CAG-26. Docket No. CP80-481 (phase I), Florida Gas Transmission Co. and Tennessee Gas Pipeline Co., a division of Tenneco Inc.
CAG-27. Docket No. CP80-568, National Fuel Gas Supply Corp.
CAG-28. Docket No. CP81-44-000, Columbia Gas Transmission Corp.
CAG-29. Docket No. CP81-146, El Paso Natural Gas Co.

CAG–30. Docket No. CP81–197–000, Michigan Wisconsin Pipe Line Co.
CAG–31. Docket No. CP81–271–000, Columbia Gas Transmission Corp.
CAG–32. Docket No. CP81–295–000, Northern Natural Gas Co., Division of Internorth, Inc.

Regular Power Agenda

I. Licensed Project Matters

P–1. Project No. 2545, The Washington Water Power Co.

II. Electric Rate Matters

ER–1. Docket Nos. ER81–267–000 and ER81–341–000, Kentucky Utilities Co.
ER–2. Docket No. ER81–387–000, Central Power & Light Co.
ER–3. Docket No. ER81–392–000, Pennsylvania Power & Light Co.
ER–4. Docket No. ER81–147–000 and ER81–148–000, Holyoke Power & Electric Co. and Holyoke Water Power Co.
ER–5. Docket No. ER78–417, Kentucky Utilities Co.
ER–6. Docket No. ER77–531, Illinois Power Co.
ER–7. Docket No. EF79–4011, Southwestern Power Administration (system rates)

Regular Miscellaneous Agenda

M–1. Docket No. RM79–54–001, diesel and duel fuel cogeneration—qualifying status
M–2. Reserved
M–3. Reserved
M–4. Docket No. GP81– . Midlands Gas Corp., U.S. Geological Survey negative determinations for 7 wells under NGPA Section 108, FERC No. JD81–19731

Regular Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket Nos. RP71–29, et al., (phase I and II) and Docket No. SA80–4, United Gas Pipe Line Co.
RP–2. Docket Nos. RP79–36, RP80–65 and RP81–11–000, Michigan Wisconsin Pipe Line Co.
RP–3. Docket Nos. RP80–91 and RP80–93, Arkansas Louisiana Gas Co.
RP–4. Docket No. OR81– , Loop Inc. and LoCap Inc.

II. Producer Matters

CI–1. Reserved

III. Pipeline Certificate Matters

CP–1. Docket No. CP78–532, Ozark Gas Transmission System
CP–2. (a) Docket Nos. CP80–43, CP66–110, et al., CP70–19, et al., CP70–100, et al., CP71–222, et al., and CP71–299, et al., Great Lakes Gas Transmission Co.; (b) Docket Nos. CP79–332 and CP79–332–001, Natural Gas Pipeline Co. of America, Michigan Wisconsin Pipe Line Co., Tennessee Gas Pipeline Co., a division of Tenneco, Inc., and Texas Eastern Transmission Corp.; Docket Nos. CP79–462, CP79–462–001, CP66–110, et al., CP66–110–020, CP70–19–007, CP70–100–002, CP71–222–005, CP71–299–001, CP71–223–003, Great Lakes Gas Transmission Co.; Docket Nos. CP79–467 and CP79–467–001, Michigan Wisconsin Pipe Line Co.
CP–3. Docket No. CP81–174–000, Colorado Interstate Gas Co.
CP–4. Docket No. CP81–219–000, East Tennessee Natural Gas Co.
CP–5. Docket No. CP74–35, Pacific Offshore Pipeline Co.; Docket No. CI79–533, Exxon Corp.

Kenneth F. Plumb,

Secretary.

[S–808–81 Filed 5–21–81; 9:16 am]

BILLING CODE 6450–85–M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, May 29, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Request for Extension of Time to Move a Branch Office—South Gate Federal Savings & Loan Association (Federal Mutual), Newport, Kentucky
Application for Bank Membership—The Bowery Savings Bank, New York, New York
Trust Department Application—Builders Federal Savings & Loan Association (Stock), Rocky Mount, North Carolina
Application for Authority to Acquire Control of—First Savings & Loan Association of Burkburnett, Burkburnett, Texas *and* Application to Incur Debt—First America Savings, Inc., Burkburnett, Texas
Application for Bank Membership—Stoneham Co-operative Bank, Stoneham, Massachusetts
Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance; Transfer of Stock and Change of Name—First Federal Savings & Loan Association of Nashville, Nashville, Tennessee (Mutual) *and* First Franklin Federal Savings & Loan Association, Franklin, Tennessee (Mutual) *into* Home Federal Savings & Loan Association, of Nashville, Nashville, Tennessee (Mutual)
No. 488, May 21, 1981.

[S–813–81 Filed 5–21–81; 3:01 pm]

BILLING CODE 6720–01–M

4

[USITC SE–81–14]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Thursday, June 4, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigations 731–TA–31 and –33 (Barium Carbonate from the Federal Republic of Germany and Strontium Nitrate from Italy)—briefing and vote.
2. Investigation 751–TA–2 (Television Receiving Sets from Japan)—briefing and vote.
3. Petitions and complaints, if necessary:
a. Credit card machines (Docket No. 729).
4. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–809–81 Filed 5–21–81; 9:55 am]

BILLING CODE 7020–02–M

5

LEGAL SERVICES CORPORATION.

Meeting of the Board of Directors.

TIME AND DATE: 10 a.m.–5 p.m., Friday, June 5, 1981.

PLACE: Legal Services Corporation, eighth floor conference rooms 2 and 3, 733 15th Street, N.W., Washington, D.C.

STATUS: Open meeting (portion of the meeting will be closed so the Board can discuss a litigation matter under 45 CFR 1622.5(h)).

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of March 6, 1981 Meeting.
3. Report on Reauthorization of Legal Services Corporation Act and Fiscal Year 1982 Appropriation.
4. Report from Committee on Provision of Legal Services:
• Amendment to Contract for Reginald Heber Smith Community Lawyer Fellowship Program.
5. President's Report.
6. Other Business.
7. Future Meeting Dates.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Khasakhala, Office of the President, (202) 272–4040.

Issued: May 20, 1981.

Dan J. Bradley,

President.

[S–807–81 Filed 5–20–81; 4:51 pm]

BILLING CODE 6820–35–M

6

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

TIME: 9 a.m.–10 a.m.

DATE: June 11, 1981.

PLACE: Peachtree Plaza, Atlanta, Georgia.

STATUS: Closed.

MATTERS TO BE DISCUSSED: Executive Session (closed meeting Sec. 1703.202 (2) and (6) of the Code of Federal Regulations, 45 CFR, Part 1703).

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director (202) 653–6252.

May 19, 1981.

Toni Carbo Bearman,

Executive Director, National Commission on Libraries and Information Science.

[S-811-81 Filed 5-21-81; 2:20 pm]

BILLING CODE 7527-01-M

7

UNITED STATES RAILWAY ASSOCIATION.

DATE AND TIME: 9 a.m., June 4, 1981.

PLACE: Board Room, Room 2-500, fifth floor, 955 L'Enfant Plaza North, SW., Washington, D.C.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS AT THE ANNUAL MEETING: Portions closed to the public (9 a.m.):

1. Litigation report.
2. Consideration of Internal Personnel Matters.
3. Review of Conrail Proprietary and Financial Information.

Portions open to the public (9:30 a.m.):

4. Approval of Minutes of April 30, 1981 Board of Directors Meeting.
5. Election of Officers.
6. Consideration of Conrail June Drawdown Request.
7. Consideration of Conrail Third Quarter Commitment request.
8. Conrail Monitoring.
9. Contract Actions.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 426-4250.

[S-810-81 Filed 5-21-81; 1:44 pm]

BILLING CODE 8240-01-M

V 4 6 M Y 2 6 8 1 UMI

federal register

Tuesday
May 26, 1981

Part II

Department of Transportation

Federal Aviation Administration

Delay of Compliance Date for Instrument Rating Requirement

V
4
6
M
Y
2
6
8
1
UMI

DEPART

Federal A

14 CFR P

[Docket N

Delay of
Instrume

AGENCY:
Administ

ACTION: F

SUMMARY
February
date for c
requireme
air taxi a
135) aircr
rating (§ 1
interim re
operators
revises §
relief fro
requireme
Director,
Budget (O
delay com
4, 7, and 8
This amen
remaining
Order 122
Flexibility

EFFECTIVE

FOR FURTH
William J.
Regulation
Administr
Federal A
Independe
Washingto
755–8716.

SUPPLEME

Compliance
Requireme

On Sept
issued a re
Aviation R
Operators
(43 FR 467
revision w

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No. 21134; Amendment No. 135-13]

Delay of Compliance Date for Instrument Rating Requirement

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment delays from February 1, 1981, to August 1, 1981, the date for compliance with the requirement that pilots in command of air taxi and commercial operator (Part 135) aircraft must have an instrument rating (§ 135.243). This action provides interim regulatory relief to pilots and operators under Part 135 while the FAA revises § 135.243 to provide permanent relief from the instrument rating requirement for certain operations. The Director, Office of Management and Budget (OMB), has exempted rules that delay compliance dates from sections 3, 4, 7, and 8 of Executive Order 12291. This amendment is consistent with the remaining requirements of Executive Order 12291 and the Regulatory Flexibility Act.

EFFECTIVE DATE: May 19, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Sullivan, Chief, Safety Regulations Staff (AVS–20), Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION:

Compliance Date for Instrument Rating Requirements

On September 26, 1978, the FAA issued a revised Part 135 of the Federal Aviation Regulations (FAR), "Air Taxi Operators and Commercial Operators" (43 FR 46742; October 10, 1978). This revision was effective on December 1, 1978. Section 135.243(b)(3) requires an instrument rating for pilots in command of airplanes. Under § 135.10, pilots and operators were given until June 1, 1979, to comply with this requirement. The FAA received numerous petitions for exemption from the instrument rating requirement. As a result, the FAA determined that additional rulemaking regarding that requirement should be initiated before compliance with the instrument rating became mandatory. To allow this, the FAA changed the compliance date in § 135.10 for the instrument rating requirement to December 1, 1980 (44 FR 26737; May 7, 1979).

On November 28, 1980, the FAA again extended the compliance date for the instrument rating to February 1, 1981 (45 FR 80460; December 4, 1980). At the same time, the FAA issued Notice 80–23 (45 FR 80450) which proposed certain changes in the instrument rating requirement. The comment period on Notice 80–23 closed on February 4, 1981.

The FAA found that additional time was needed to evaluate properly comments received in response to Notice 80–23 and to formulate the FAA's final course of action. Therefore, the FAA planned to extend the compliance date to May 1, 1981. However, that extension was not completed before it became necessary to review the agency's regulatory actions to determine compliance with Executive Order 12291. Discussions were held with OMB on this proposed extension. This rulemaking, along with several others, generated an exemption from certain provisions of Executive Order 12291 by the Director of OMB. The exemption allows this particular document to be issued without submission to OMB.

The FAA has received numerous calls and exemption petitions from operators and pilots seeking relief from this rule. Many pilots claim that they face the loss of their jobs and, in some cases, they have lost their jobs. Operators claim that they are losing business. The FAA is developing a rule to provide permanent relief to certain operators based on comments received in response to Notice 80–23. The FAA has determined that it is appropriate to again delay the date for compliance with the instrument rating requirement for all Part 135 operators from February 1, 1981, to August 1, 1981, to allow completion of the rulemaking proposed in Notice 80–23.

Notice and Public Procedure

This amendment provides temporary regulatory relief to pilots and to air taxi and commercial operators and does not impose any economic burden on those operators. Accordingly, I find that notice and public procedure are unnecessary and contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, Part 135 of the Federal Aviation Regulations (14 CFR Part 135) is amended, effective May 19, 1981, by removing the date "February 1, 1981" in § 135.10(c) and inserting in its place the date "August 1, 1981."

Note.—The FAA has determined that this regulation provides interim relief for certain operators while the agency is completing rulemaking action proposed in Notice 80–23. It therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant regulation" under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant a regulatory evaluation; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

(Secs. 313(a) and 601 through 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1425); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, DC, on May 18, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81–15347 Filed 5–19–81; 2:30 pm]

BILLING CODE 4910–13–M

V
4
6
M
Y
2
6
8
1
UMI

federal register

Tuesday
May 26, 1981

Part III

Department of Transportation

Federal Aviation Administration

Elimination of Duties and Activities of Flight Crewmembers Not Required for Safe Operation of Aircraft; Change of Effective Date

V
4
6
M
Y
2
6
8
1
LMI

DEPARTM

14 CFR Pa

[Docket No
135-14]

Eliminatio
Flight Cre
the Safe O

AGENCY: F
Administra

ACTION: Fi
effective d

SUMMARY:
effective d
and 135–11
The effecti
for 30 days
of Manage
they be all
review of t
by Section
Order 1229

EFFECTIVE
effective d
published
delayed un

FOR FURTH
Edward P.
Counsel (A
Enforceme
Administra
Avenue SW
telephone (

DEPARTMENT OF TRANSPORTATION

14 CFR Parts 121 and 135

[Docket No. 20659; Amdt. Nos. 121-171 and 135-14]

Elimination of Duties and Activities of Flight Crewmembers Not Required for the Safe Operation of Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, notice of change of effective date.

SUMMARY: This amendment amends the effective date of Amendments 121-168 and 135-11 issued on January 14, 1981. The effective dates are being postponed for 30 days at the direction of the Office of Management and Budget in order that they be allowed to complete their review of these amendments as required by Section 7, paragraph (b) of Executive Order 12291.

EFFECTIVE DATE: As of May 18, 1981, the effective date of the regulations published at 46 FR 5500 has been delayed until June 18, 1981.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Assistant Chief Counsel (AGC-200), Regulations and Enforcement Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3073.

SUPPLEMENTARY INFORMATION: On January 14, 1981, the FAA issued Amendment Nos. 121-168 and 135-11 (46 FR 5500, January 19, 1981.) These amendments prohibit performance of nonessential duties and activities by flight crewmembers which are not required for the safe operation of aircraft during critical phases of flight. These amendments require operators and flight crewmembers to assure a flight deck environment that is free from distractions created by the performance of nonessential flight crewmember duties.

Executive Order 12291 was issued by the President on February 17, 1981. Section 7, paragraph (b), requires that agencies report any regulation falling within the requirements of this section to the Director of the Office of Management and Budget (OMB) prior to the effective date of any rule that the agency has promulgated in final form, as of the date of the Executive Order, and that had not become effective. Since the effective date of Amendments 121-168 and 135-11 was May 18, 1981, it was necessary that the Director be notified of this rule. The General Counsel of the Department of Transportation notified OMB that this had been reconsidered under the Executive Order and should become effective.

On May 15, 1981 the Office of Information and Regulatory Affairs, OMB, notified the Office of the General Counsel of the Department of Transportation, by telephone, that they needed more time to review this rule and that, therefore, the effective date of the rule had to be postponed. In accordance with this direction, the effective date of this rule is postponed by 30 days to June 18, 1981.

Adoption of Amendment

In order to provide additional time for OMB to review this rule in accordance with Executive Order 12291, the effective dates of Amendments 121-168 and 135-11 are amended to June 18, 1981.

(Secs. 313(a) and 601 through 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1425); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—Since this document only involves a change of effective dates, the FAA has determined that: (1) It is not a major regulation under Executive Order 12291; (2) It is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) It does not warrant preparation of a regulatory evaluation as the impact is so minimal.

Issued in Washington, D.C. on May 18, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-15348 Filed 5-19-81; 2:36 pm]

BILLING CODE 4910-13-M

V
4
6

M
Y

2
6

8
1
UMI

federal register

Tuesday
May 26, 1981

Part IV

Department of Health and Human Services

Office of Human Development Services

Native American Programs; Announcement of Availability of FY 1982 Financial Assistance for Native American Projects

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement 13612-821]

Native American Programs; Availability of Fiscal Year 1982 Financial Assistance

AGENCY: Office of Human Development Services, DHHS.

SUBJECT: Announcement of Availability of Fiscal Year 1982 Financial Assistance for Native American Projects.

SUMMARY: The Administration for Native Americans (ANA) announces that applications will be accepted for financial assistance under Section 803 of the Native American Programs Act of 1974, Pub. L. 93-644, as amended. Regulations covering this program are published in the *Code of Federal Regulations* in 45 CFR Part 1336.

DATE: Closing date for receipt of all applications under this program announcement is 90 days prior to the Budget Period End date (BPE) of the current ANA grant.

Scope of This Program Announcement

This program announcement is directed to the attention of Fiscal Year 1981 ANA grantees and provides guidance to those grantees in the preparation of their applications for FY '82 funding from the Administration for Native Americans. This announcement solicits applications for FY '82 grants and is being published to ensure that the public has notice of the Administration for Native American's funding priorities for fiscal year 1982.

This program announcement is intended to solicit applications only from Indian tribes and Native American organizations which are FY '81 grantees of ANA. Competition for other grant awards in FY '82 will be announced separately in the **Federal Register**.

Program Purpose

The purpose of the Administration for Native Americans is to promote economic and social self-sufficiency of American Indians, Alaskan Natives and Hawaiian Natives through financial assistance, training and technical assistance, and research, demonstration, and evaluation activities. Based on the authorization in the Native American Programs Act (Title VIII of Pub. L. 93-644, as amended), ANA supports activities that strengthen the ability of Indian tribes and Native American groups and organizations to determine and implement developmental strategies supportive of comprehensive social and economic progress.

ANA Program Goals

Consistent with ANA's mission of promoting self-sufficiency, the goal of the ANA program is to provide financial assistance to Indian tribes and Indian, Alaska Native and Hawaiian Native organizations to enable them to create and implement effective local social and economic development strategies. The implementation of these strategies is expected to result in sustained improvement in the social and economic conditions of Native Americans within the community, as well as in increased effectiveness and efficiency of the Indian tribe or Native American organization in defining and achieving its own economic and social goals.

The Administration for Native Americans operates on the principle that economic and social development are interrelated and that both must be balanced if Native Americans are to achieve self-sufficiency. This approach, developed in consultation with Native American leaders all over the nation, represents no radical break with the past, but provides a new perspective to the ANA mission, based inpart on the successful experiences of many grantees in moving toward self-sufficiency in recent years.

It is the policy of the Administration for Native Americans to encourage tribes and Native American organizations to achieve a balanced approach to social and economic development through locally determined and implemented strategies. This policy allows grantees to focus on social and economic barriers and move from dependence on social services to increasing opportunities for self sufficiency.

Because the local community knows the appropriate activities required to create its own social and economic balance, it is ANA's policy to strengthen tribes and Native American organizations in providing direction to social and economic development and in coordinating all resources, Federal and non-Federal, toward locally determined priorities. It is also ANA's policy to support the development of local leadership, on and off the reservation, in planning and implementing local programs which meet community needs.

Thus, the program and policy initiatives of the Administration for Native Americans in this program announcement are grouped into three major categories:

- Enhancement of the capability of tribal governments and Native American organizations to meet local needs and to influence social and economic growth.
- Development of diversified and stable economies or improved access to and development of programs which provide jobs, promote the economic well-being of Native American people, and reduce dependency on services.
- Development or improvement of comprehensive tribal social systems or improved access to and development of programs which safeguard the health and welfare of individuals, families and communities, and provide services needed to achieve and maintain a thriving community.

Program Objectives

Federally-Recognized Tribal Grantees

All ANA funded Federally recognized tribes and tribal consortia applying for fiscal year 1982 funding must indicate that the proposed project(s) will achieve one or more of the following objectives:

- To strengthen the ability of tribal governmental institutions and Indian leadership to plan, develop and implement community-determined programs supportive of balanced social and economic growth.
- To strengthen the ability of tribes to function as units of government.
- To develop and/or access, in a comprehensive manner, resources, services, and benefits necessary for meeting the economic needs of the tribe.
- To develop diversified and stable tribal economies which provide jobs, encourage business development, promote economic well-being and reduce dependency on services.
- To plan and carry out programs to gain private sector investment, technical assistance, markets and job opportunities for tribal economies.
- To strengthen the ability of tribal governments to plan and implement comprehensive social services.
- To improve tribal and individual access to resources, services and benefits necessary to meet social needs.
- To resolve problems of jurisdictional conflict and ill-defined areas of program responsibility which result in gaps in services for the tribes.
- To assist Indian tribes to ensure that Indian people exercise their rights and obtain the benefits to which they are entitled by virtue of the Federal trust relationship, legislative authority, or as citizens of the United States.
- To promote tribal coordination and control of local, State and Federal program efforts and initiatives in employment, energy, child welfare, environmental and occupational health, aging, rehabilitation and other areas

that enhance social and economic self-sufficiency.

Other Than Federally Recognized Tribal Grantees

All ANA funded off-reservation organizations and non-tribal consortia, urban Indian Centers, Native Alaskan and Native Hawaiian organizations applying for FY '82 funding must indicate that the proposed project(s) will achieve one or more of the following objectives:

- To plan, develop and manage the implementation of community-determined programs supportive of balanced community social and economic growth.
- To develop and/or access, in a comprehensive manner, resources, services, and benefits necessary for meeting the economic needs of the local Native American community and its members.
- To develop programs which provide jobs, encourage business development and community co-operatives and otherwise promote the economic well-being of Native Americans and reduce dependency on services.
- To plan and carry out programs to gain private sector investments, technical assistance, markets and job opportunities for Native Americans.
- To develop and/or improve, in a comprehensive manner, the accessibility of resources, services and benefits necessary for meeting the social needs of the Native American community.
- To make private and public agencies aware of and responsive to the rights of Native Americans to the services and benefits for which all citizens are eligible.
- To help Native Americans become aware of and obtain the services to which they are entitled by legislative authority and as citizens of the United States.
- To enhance coordination of local, State and Federal programs which are necessary to substained social and economic improvements for the community and its members.

Applicants who wish further clarification or explanation of this announcement should call Mr. Merv Tano or Ms. Pecita Lonewolf, ANA, (202) 245–7714.

Training And Technical Assistance

Program funds requested in the applications for financial assistance may be utilized for obtaining technical assistance and training required to support the activities designed to achieve the project objectives. The proposed technical assistance or training resources should be sufficiently detailed to assure its applicability to the overall project. Applicants must define the manner in which the proposed technical assistance and training will affect achievement of objectives.

Eligible Applicants

Indian tribes and Native American organizations which are FY '81 grantees of the Administration for Native Americans are eligible to apply for a grant awards under the program announcement. See Appendix A for a partial list of FY '81 ANA grantees funded to date in 1981. The list of all grantees funded in FY '81 will be published in October, 1981.

Budget Considerations

The Administration for Native Americans' FY '82 proposed budget is $28 million for Financial Assistance, Training and Technical Assistance, and Research, Demonstration and Evaluation. This represents a reduction of $5.8 million from the FY '81 level of $33.8 million. The budget for all programs funded for FY '82 under Section 803, Financial Assistance, including those to be funded under this program announcement is $25.6 million, which represents a reduction from the FY '81 level of $28 million for Financial Assistance.

Grantee Share of Project

Grantees must provide up to 20% of the total approved cost of the project. Grantee contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services. The contribution must be project related and must be allowable under the Department's applicable regulations in 45 CFR Part 74, Subparts G and Q.

Under certain circumstances, some or all of the non-Federal share of the project may be waived by ANA. Further explanation is contained in Section 1336.52 of ANA's regulations which will be provided in the application kit.

The Application Process

Availability of Application Forms

In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ANA. An application kit containing the necessary forms as well as supplemental descriptive project information will be sent to all eligible applicants 180 days prior to the Budget Period End date of their current ANA grant.

Application Submission

The grant application, including all attachments must be submitted to the address specified in the application kit.

The application shall be signed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award, including Native American programs Rules and Regulations.

A–95 Notification Process

In compliance with the Department of Health and Human Service's implementation of the Office of Management and Budget Circular No. A–95 Revised (procedures at 41 FR 2052, January 13, 1976), applicants, with the exception of Federally recognized tribes, who request grant support must, prior to submission of an application, notify both the State and Areawide Clearinghouses of the intent to apply for Federal financial assistance. Some State and Areawide Clearinghouses provide their own forms for the notification and others use the facesheet (SF–424) of the application form. Applicants should contact the appropriate Clearinghouses (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A–95 requirements.

Application Consideration

The Commissioner determines the final action to be taken with respect to each grant application for this program. Applications which do not conform to this announcement or are not complete will not be accepted for review and applicants will be notified in writing accordingly. Applications which are submitted by the appropriate due date and which are complete will be reviewed and evaluated by a panel of ANA staff against the published criteria. The ANA program specialist for the particular applicant will provide written comments on the application to the Commissioner and will also review the applicant's compliance performance on the submission of financial reports, project progress reports and audits for the prior year and for the current grant year. The results of the above three reviews assist the Commissioner in his consideration of each application. The Commissioner's consideration also takes into account the comments of the A–95 Clearinghouse and other interested parties. The Commissioner makes grant awards consistent with the purpose of the Act, the regulations, and the program announcement within the limits of funds available.

After the Commissioner has reached a decision either to disapprove or to fund a grant application, unsuccessful applicants are notified of the decision in writing. Successful applicants are

notified through the issuance of a Notice of Financial Assistance Awarded which sets forth in writing to the recipient the amount of funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of recipient participation.

Criteria For Review And Condition For Funding

A preliminary review of each application will be performed to determine its timeliness of submission and completeness. Applications received after the due date and applications which are incomplete, will not be accepted for review and will be returned to the applicant without consideration for funding.

(1) *Timeliness:* Applications are due in the OHDS Grants Receiving Office 90 days prior to the Budget Period End Date (BPE). See Appendix A to determine the appropriate due date.

(2) *Completeness:* All applications must be submitted on the forms supplied and in the manner prescribed by ANA in Appendix B.

Each application will then be reviewed and evaluated on the following two areas:

(1) *Compliance Performance:* The applicant's performance in the timeliness and adequacy of the submission of the required reports for the previous and current year will be reviewed and will be a factor in the Commissioner's final funding decision.

(2) *Quality of the Application:* Applications which are complete and received by the appropriate due date will be evaluated against the following criteria:

(a) Applicant's goals are consistent with ANA program objectives as described in this program announcement. (10 points)

(b) Applicant's goals and objectives in the application are related to and consistent with the overall priorities of the applicant organization, as reflected in planning documents. (10 points)

(c) Applicant's objectives are clear, definitive, and measurable; objectives also reflect a capacity building social and economic development approach. (25 points)

(d) The proposed activities, methodologies will achieve project objectives. (10 points)

(e) Applicant is achieving its current ANA supported objectives in a reasonable time frame, and has set new objectives which further progress toward identified goals. (10 points)

(f) The training and technical assistance required to support the activities designed to achieve the stated objectives is indicated in detailed specific tasks indicating resources required, person days allocated, time schedule and cost. (10 points)

(g) Grantee has documented necessary administrative capabilities/functions; financial management system, personnel policies, travel policies, etc. (5 points)

(h) Project personnel are or will be well qualified to achieve project objectives. The person(s) responsible for developing the application is identified by name and position and his/her future responsibilities in the implementation of project objectives is indicated. (10 points)

(i) That the estimated cost to the government is reasonable and justified considering the anticipated results of the project. (10 points)

Due Date For Receipt Of Application

The due date for applications submitted in response to this program announcement is 90 days prior to the applicant's current Budget Period End date. See Appendix A for a partial list of due dates. The final list will be published in October, 1981.

Applications may be mailed or hand delivered. An application will be considered on time if it is received on or before close of business of the correct due date in the OHDS Grants Receiving Office in Washington, D.C. The official time or date of receipt is that registered by the Department of Health and Human Services.

Applications received after the due date because they were mailed or hand delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog of Federal Domestic Assistance Program No. 13.612 Native American Programs)

Dated: May 8, 1981.

A. David Lester,

Commissioner, Administration for Native Americans.

Approved: May 19, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Administration for Native Americans Budget Period End Date/Application Due Date

		Budget period end date (BPE)	Application due date
Lumbee Regional Development Association, Inc	NC	10/31/81	8/1/81
Grand Portage Reservation Business Committee.	MN	10/31/81	8/1/81
Inter-Tribal Council of Michigan, Inc.	MI	10/31/81	8/1/81
Six Sandoval Indian Pueblos, Inc.	NM	10/31/81	8/1/81
Ft. Belknap Community Council.	MT	10/31/81	8/1/81
Rosebud Sioux Tribe	SD	10/31/81	8/1/81
The Papago Tribe of Arizona.	AZ	10/31/81	8/1/81
Organization of the Forgotten American.	OR	10/31/81	8/1/81
Lansing North American Indian Center, Inc.	MI	10/31/81	8/1/81
American Indian Center of Omaha, Inc.	NE	10/31/81	8/1/81
Community Action for the Urbanized, Inc.	CA	10/31/81	8/1/81
Alu Like, Inc	HI	11/30/81	9/1/81
Mille Lacs Reservation Business Committee.	MN	11/30/81	9/1/81
Ute Mountain Ute Tribe	CO	11/30/81	9/1/81
Cheyenne and Arapahoe Tribes of Oklahoma.	OK	11/30/81	9/1/81
Cumberland County Association for Indian People.	NC	11/30/81	9/1/81
Seminole Nation of Oklahoma.	OK	12/31/81	10/1/81
Utah Paiute Tribal Corporation, Inc.	UT	12/31/81	10/1/81
Council of Energy Resources Tribes, Inc.	DC	12/31/81	10/1/81
Oklahomas for Indian Opportunity.	OK	12/31/81	10/1/81
Tri-City Indian Development Center	OK	12/31/81	10/1/81
American Indian Scholarship, Inc.	NM	12/31/81	10/1/81
McCurtain County Indian Development Center.	OK	12/31/81	10/1/81
Bois Forte Reservation Business.	MN	12/31/81	10/1/81
Cherokee Nation of Oklahoma.	OK	12/31/81	10/1/81
Choctaw Nation of Oklahoma.	OK	12/31/81	10/1/81
Chickasaw Nation of Oklahoma.	OK	12/31/81	10/1/81
Pueblo of Acoma	NM	12/31/81	10/1/81
Southern Ute Indian Tribe.	CO	12/31/81	10/1/81
Confederated Salish-Kootenai Tribes	MT	12/31/81	10/1/81
Standing Rock Sioux Tribe	SD	12/31/81	10/1/81
Cheyenne River Sioux Tribe.	SD	12/31/81	10/1/81
San Carlos Apache Tribe	AZ	12/31/81	10/1/81
Creek Nation of Oklahoma.	OK	12/31/81	10/1/81
Ponca Tribe of Oklahoma	OK	12/31/81	10/1/81
Genesee Valley Indian Association, Inc.	MI	12/31/81	10/1/81
Southern Plains Inter-Tribal Center, Inc.	OK	12/31/81	10/1/81
American Indian Center of Mid-America, Inc.	MO	12/31/81	10/1/81
Fresno American Indian Council, Inc.	CA	12/31/81	10/1/81
Indian Center of San Jose, Inc.	CA	12/31/81	10/1/81
Sacramento Indian Center, Inc.	CA	12/31/81	10/1/81
Cook Inlet Native Association.	AK	12/31/81	10/1/81

Administration for Native Americans Budget Period End Date/Application Due Date—Continued

		Budget period end date (BPE)	Application due date
Hikiola Cooperative	HI	1/31/82	11/1/81
Mescalero Apache Tribe	NM	1/31/82	11/1/81
Colorado River Indian Tribes.	AZ	1/31/82	11/1/81
Inter-Tribal Council of Nevada, Inc.	NV	1/31/82	11/1/81
Abenaki Self-Help Association, Inc.	VT	1/31/82	11/1/81
American Indians for Development, Inc.	CT	1/31/82	11/1/81
Central Maine Indian Association, Inc.	ME	1/31/82	11/1/81
Mashpee Wampanoag Indian Council, Inc.	MA	1/31/82	11/1/81
New Hampshire Indian Council, Inc.	NH	1/31/82	11/1/81
Narragansett Tribal Education Project, Inc	RI	1/31/82	11/1/81
Cleveland American Indian Center, Inc.	OH	1/31/82	11/1/81
Heart of America Indian Center, Inc.	MO	1/31/82	11/1/81
Crow Tribe of Indians of Montana.	MT	1/31/82	11/1/81
Eastern Band of Cherokee Indians.	NC	1/31/82	11/1/81
White Earth Reservation Business Committee.	MN	2/28/82	12/1/81
Santo Domingo Tribe	NM	2/28/82	12/1/81
Blackfeet Tribe	MT	2/28/82	12/1/81
Pueblo of Laguna	NM	2/28/82	12/1/81
Lower Brule Sioux Tribe	SD	2/28/82	12/1/81
Shoshone-Arapahoe Joint Council.	WY	2/28/82	12/1/81
Indian Center, Inc	NE	2/28/82	12/1/81
Santa Rosa Indian Center, Inc.	CA	2/28/82	12/1/81
Red Lake Tribal Council	MN	2/28/82	12/1/81
Leech Lake Reservation Business Committee.	MN	3/31/82	1/1/81
Lummi Tribe	WA	3/31/82	1/1/81
Oneida Tribe of Indians of Wisconsin.	WI	3/31/82	1/1/81
The Business Committee of the Chippewa Cree.	MT	3/31/82	1/1/81
Menominee Indian Tribe of Wisconsin.	WI	3/31/82	1/1/81
California Inter-Tribal Council, Inc.	CA	3/31/82	1/1/82
Eight Northern Pueblos Council, Inc.	NM	3/31/82	1/1/82
Indian Center of Topeka, Inc.	KS	3/31/82	1/1/82
Native Americans for Community Action, Inc.	AZ	3/31/82	1/1/82
Quechan Tribe	AZ	4/30/82	2/1/82
Santee Sioux Tribe of Nebraska.	NE	4/30/82	2/1/82
Swinomish Tribe	WA	4/30/82	2/1/82
Crow Creek Sioux Tribe	SD	4/30/82	2/1/82
Hualapai Tribe	AZ	4/30/82	2/1/82
White Mountain Apache Tribe.	AZ	4/30/82	2/1/82
Miccosukee Tribe of Florida.	FL	4/30/82	2/1/82
Mid-American All Indian Center, Inc.	KS	4/30/82	2/1/82
Cocopah Tribe	AZ	5/31/82	3/1/82
Havasupai Tribal Council	AZ	5/31/82	3/1/82
Metlakatla Indian Community.	AK	5/31/82	3/1/82
Yankton Sioux Tribe	SD	5/31/82	3/1/82
Makah Indian Tribal Council.	WA	5/31/82	3/1/82
Small Tribes Organization of Western Washington.	WA	5/31/82	3/1/82
Trenton Indian Service Area Corporation.	ND	5/31/82	3/1/82
Sioux City American Indian Center, Inc.	IA	5/31/82	3/1/82
Hopi Tribal Council	AZ	6/30/82	4/1/82
Turtle Mountain Band of Chippewa Indians.	ND	6/30/82	4/1/82

Administration for Native Americans Budget Period End Date/Application Due Date—Continued

		Budget period end date (BPE)	Application due date
Seminole Tribe of Florida	FL	6/30/82	4/1/82
Assiniboine and Sioux Tribes.	MT	6/30/82	4/1/82
Kickapoo Tribe in Kansas	KS	6/30/82	4/1/82
Coushatta Alliance	LA	6/30/82	4/1/82
Chitimacha Tribe of Louisiana.	LA	6/30/82	4/1/82
Penobscot Nation	ME	6/30/82	4/1/82
Passamaquoddy Tribe, Indian Township Reservation.	ME	6/30/82	4/1/82
Passamaquoddy Tribe, Pleasant Point Reservation.	ME	6/30/82	4/1/82
Three Affiliated Tribal Business Council.	ND	6/30/82	4/1/82
Navajo Tribal Council	AZ	6/30/82	4/1/82
Seneca Nation of Indians	NY	6/30/82	4/1/82
Indian Action of Northwestern California, Inc.	CA	6/30/82	4/1/82
United Tribes of Kansas and Southeast Nebraska.	KS	6/30/82	4/1/82
Association of Aroostook Indians, Inc.	ME	6/30/82	4/1/82
WCD Enterprises, Inc	OK	6/30/82	4/1/82
Plains Apache	OK	6/30/82	4/1/82
Pawnee Tribe of Oklahoma.	OK	6/30/82	4/1/82
Kiowa tribe of Oklahoma	OK	6/30/82	4/1/82
Comanche Indian Tribe	OK	6/30/82	4/1/82
Minneapolis American Indian Center, Inc.	MN	6/30/82	4/1/82
Kaw Tribe	OK	6/30/82	4/1/82
Otoe-Missouri Tribe	OK	6/30/82	4/1/82
Tonkawa Tribe	OK	6/30/82	4/1/82
Boston Indian Council, Inc.	MA	6/30/82	4/1/82
American Indian Community, Inc.	NY	6/30/82	4/1/82
Buffalo North American Indian Culture Center, Inc.	NY	6/30/82	4/1/82
Native American Cultural Center, Inc.	NY	6/30/82	4/1/82
North American Indian Club of Syracuse and Vicinity, Inc.	NY	6/30/82	4/1/82
Baltimore American Indian Center, Inc.	MD	6/30/82	4/1/82
Council of Three Rivers American Indian Center, Inc.	PA	6/30/82	4/1/82
United American Indians of Delaware Valley, Inc.	PA	6/30/82	4/1/82
Grand Rapids Inter-Tribal Council, Inc.	MI	6/30/82	4/1/82
North American Indian Association of Detroit Inc.	MI	6/30/82	4/1/82
St. Paul American Indian Center, Inc.	MN	6/30/82	4/1/82
Native American Committee, Inc.	IL	6/30/82	4/1/82
Albuquerque Urban Indian Center, Inc.	NM	6/30/82	4/1/82
Native American Center, Inc.	OK	6/30/82	4/1/82
Native American Coalition of Tulsa, Inc.	OK	6/30/82	4/1/82
Denver Native American United, Inc.	CO	6/30/82	4/1/82
Montana United Indian Association, Inc.	MT	6/30/82	4/1/82
Dakota Association of Native Americans, Inc.	ND	6/30/82	4/1/82
Rapid City Indian Service Council, Inc.	SD	6/30/82	4/1/82
Utah Native American Consortium, Inc.	UT	6/30/82	4/1/82
American Indian Association of Tucson, Inc.	AZ	6/30/82	4/1/82
Phoenix Indian Center, Inc.	AZ	6/30/82	4/1/82

Administration for Native Americans Budget Period End Date/Application Due Date—Continued

		Budget period end date (BPE)	Application due date
Inter-Tribal Friendship House, Inc.	CA	6/30/82	4/1/82
South Bay Indian Services, Inc	CA	6/30/82	4/1/82
Central Council of Tlingit and Haida Indians of Alaska.	AK	6/30/82	4/1/82
Maunelulk Association, Inc.	AK	6/30/82	4/1/82
Seattle Indian Center, Inc	WA	6/30/82	4/1/82
Tacoma Indian Center, Inc.	WA	6/30/82	4/1/82
American Indian Community Center, Inc.	WA	6/30/82	4/1/82
United Indian Association of Central Washington, Inc.	WA	6/30/82	4/1/82
Urban Indian Council, Inc	OR	6/30/82	4/1/82
Coeur d'Alene Tribe of Idaho	ID	7/31/82	5/1/82
St. Regis Mohawk Tribe	NY	7/31/82	5/1/82
Guilford Native American Association, Inc.	NC	8/31/82	6/1/82
Metrolina Native American Association, Inc.	NC	8/31/82	6/1/82
South Eastern Michigan Indians, Inc.	MI	8/31/82	6/1/82
American Indian Fellowship Association, Inc.	MN	8/31/82	6/1/82
Farmington Inter-Tribal Indian Organization, Inc.	NM	8/31/82	6/1/82
Gallup Indian Community Center.	NM	8/31/82	6/1/82
American Indian Center of Dallas, Inc.	TX	8/31/82	6/1/82
Indian Centers, Inc	CA	8/31/82	6/1/82
Hawaii Council of American Indian Nations, Inc	HI	8/31/82	6/1/82
Fairbanks Native Association, Inc.	AK	8/31/82	6/1/82
The Confederated Tribes of the Umatilla Indian Reservation.	OR	9/30/82	7/1/82
Northern Cheyenne Tribal Council.	MT	9/30/82	7/1/82
Gila River Indian Community	AZ	9/30/82	7/1/82
Pascua Yaqui Tribe	AZ	9/30/82	7/1/82
Nez Perce Tribe of Idaho	ID	9/30/82	7/1/82
Spokane Tribe of Indians	WA	9/30/82	7/1/82
Fond du Lac Reservation Business Committee.	MN	9/30/82	7/1/82
Mississippi Band of Choctaw Indians.	MS	9/30/82	7/1/82
Yakima Indian Nation	WA	9/30/82	7/1/82
Colville Confederated Tribes	WA	9/30/82	7/1/82
Devils Lake Sioux Tribe	ND	9/30/82	7/1/82
Pueblo of Zuni	NM	9/30/82	7/1/82
Jicarilla Apache Tribe	NM	9/30/82	7/1/82
Pueblo of Isleta	NM	9/30/82	7/1/82
Osage Tribal Council	OK	9/30/82	7/1/82
Sisseton-Wahpeton Sioux Tribe.	SD	9/30/82	7/1/82
Oglala Sioux Tribe	SD	9/30/82	7/1/82
Uintah and Ouray Tribal Council.	UT	9/30/82	7/1/82
Quileute Tribe	WA	9/30/82	7/1/82
The Tulalip Tribes	WA	9/30/82	7/1/82
Native American Rights Fund.	CO	9/30/82	7/1/82
Great Lakes Inter-Tribal Council.	WI	9/30/82	7/1/82
United Rappahannock Tribal Office.	VA	9/30/82	7/1/82
Council of Energy Resource Tribes, Inc	DC	9/30/82	7/1/82

Administration for Native Americans Budget Period End Date/Application Due Date—Continued

		Budget period end date (BPE)	Application due date
Citizen Band of Potawatomi of Oklahoma	OK	9/30/82	7/1/82
Saginaw Inter-Tribal Association, Inc.	MI	9/30/82	7/1/82
Central Tribes of Shawnee Area, Inc.	OK	9/30/82	7/1/82
Oklahoma Inter-Tribal Council, Inc.	OK	9/30/82	7/1/82
Salt River Indian Community	AZ	9/30/82	7/1/82

Administration for Native Americans

Grant Application Checklist

In order to be considered complete, an application must contain the following forms and material:

(1) Acknowledgment Post Card
(2) Form 424, Federal Assistance
(3) Part II, Project Approval Information
(4) Part III, Budget Information
(5) Part IV, Summary of Work Program
(6) Part V, Assurances
(7) HHS–441, Civil Rights Assurance
(8) HHS–641, Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973
(9) Budget Breakdown
(10) Resolution of Approval of application by governing body
(11) Non-Federal share waiver request, if applicable, signed by the chairperson per Section 1336.52, ANA Regulations
(12) Maintenance of Effort Assurance per Section 1336.53(a), ANA Regulations
(13) Project Progress Report for first eight months of current budget period
(14) If applicable, copy of indirect cost rate agreement in effect for the proposed budget period.

The forms and instructions to prepare an application under this program announcement will be provided in the Application Kit which will be sent to all eligible applicants 180 days prior to the Budget Period End Date (BPE) of the FY '81 ANA grant.

[FR Doc. 81-15504 Filed 5-22-81; 8:45 am]
BILLING CODE 4110-92-M

Tuesday
May 26, 1981

Part V

Environmental Protection Agency

Standards Applicable to Owners and Operators of Hazardous Waste Treatment; Storage and Disposal Facilities

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 264

[SWH-FRL-1825-2]

Standards Applicable to Owners and Operators of Hazardous Waste Treatment; Storage and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Supplemental notice of reproposed rulemaking.

SUMMARY: On February 5, 1981, EPA reproposed standards for permitting hazardous waste land disposal facilities. This notice supplements the reproposal by setting forth more fully the various issues which EPA has considered in developing the standards. The purpose of this notice is to enable the public to better comment on the February 5 proposal as well as other regulatory options.

DATE: The comment period for this notice will run concurrently with that set for the February 5, 1981 reproposal. Comments must be received on or before August 4, 1981.

ADDRESS: Comments should be addressed to Deborah Villari, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-9173.

Comments on the reproposed rule or today's supplemental notice should identify the regulatory docket as follows: "Section 3004: Permitting Standards for Land Disposal Facilities."

The public docket for this rulemaking is available at Room 2711B, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 and is available for reviewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding hoildays.

FOR FURTHER INFORMATION CONTACT: For information on today's supplemental notice of reproposed rulemaking, contact Barry Stoll, Acting Chief, Land Disposal Branch, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9116. For information on the reproposed rule, contact Robert B. Taylor, Land Disposal Branch, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9120.

SUPPLEMENTARY INFORMATION:

Contents of This Notice

I. Background
A. Past Rulemaking
B. Purpose of Notice
C. Format of Notice
II. Preliminary Issues Concerning Risk
A. To What Extent Can and Should Risks to Future Generations Be Considered?
B. What Types of Risks (Effects Upon Human Health and the Environment) are of Concern?
C. How Should the Degree of Risk be Calculated?
D. Who Should Determine Acceptable Levels of Risk?
III. Regulatory Perspective
A. Assurances to the Public
B. Need to Have Implementable Program
C. Regulatory Approaches
1. Design and Operating Standards
2. Technical Performance Standards Based on BAT
3. Technical Performance Standards Based on Acceptable Risk
4. Environmental Performance Standards
5. Facility-Specific Risk Assessment Based on Narrative Standard
IV. Risk Assessment: Predicting that any Release from the Land Disposal Facility will be Environmentally Acceptable
A. General Approach
B. Releases from the Facility
C. Migration of Constituents in the Environment
D. Assessing Exposures and Effects
V. Containment Approach to Land Disposal
A. General Approach
B. Questions
1. Predicting Containment Life of a Particular Land Disposal Facility
2. Managing Land Disposal Facilities to Assure Containment
3. Subsequent Management of Buried Waste
4. Containment with Respect to Air
5. Miscellaneous Questions
VI. Alternatives to and Modifications of the Risk Assessment and Containment Approaches
A. Supplementary or Alternative Design and Operating Requirements for Land Disposal Facilities
B. Requiring Selection of the Best Management Alternative
C. Requirements Concerning Location
D. Prohibiting Land Disposal (Treatment and Long-Term Storage)
VII. Existing Facilities
A. Regulatory Approaches to Existing Facilities
B. New Cells at Existing Facilities
VIII. Comparison of Alternatives
IX. Conclusion

I. Background

Under Section 3004 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), EPA is required to establish such performance standards, applicable to owners and operators of hazardous waste treatment, storage and disposal facilities (TSDF's), as may be necessary to protect human health and the environment. Some of these standards provide the basis for issuing permits to such facilities under Section 3005. Other standards establish the duties of owners and operators of existing treatment, storage and disposal facilities who qualify for "interim status", a period, established under section 3005(e) of RCRA, during which the facility is treated as if it has a permit. (See 45 FR 33158, May 19, 1980, for a description of "interim status".)

A. Past Rulemaking

In developing regulations under Section 3004, EPA has placed its standards for interim status facilities in 40 CFR Part 265 and those for issuing permits in 40 CFR Part 264. On May 19, 1980 (45 FR 33154) and January 12, 1981 (46 FR 2802), EPA issued a full set of regulations under Part 265 for interim status facilities. Also on May 19, 1980, EPA issued regulations under Part 264 that established certain administrative requirements for permitted facilities. The remainder of the Part 264 standards are being issued in stages. On January 12, 1981, EPA Issued permitting standards governing location of TSDF's, closure and post-closure care and requirements for TSDF's as well as specific technical standards for storage facilities. On January 23, 1981 (46 FR 7666), EPA issued technical standards for hazardous waste incinerators. With these actions, EPA has promulgated the principal elements of the Part 264 standards except for the technical standards applicable to land disposal facilities.

Technical standards for permitting land disposal facilities were originally proposed on December 18, 1978 (43 FR 58982). The basic approach taken in the December 18, 1978 proposal was to set uniform design requirements for landfills and surface impoundments, subject to opportunities for variances when alternative designs could achieve equivalent environmental protection. Many commenters criticized the proposal as being too inflexible and not adequately oriented towards a particular regulatory goal. In response, EPA reconsidered its approach and decided tentatively to move towards a site-specific risk assessment approach. On October 8, 1980, EPA published a supplemental notice of proposed rulemaking, briefly outlining the options which EPA has considered and announcing EPA's tentative selection of the risk assessment approach. A 30-day comment period was provided.

On February 5, 1981, EPA reproposed technical standards for permitting land disposal facilities. The reproposal adopted the site-specific risk assessment approach. A 180-day comment period was provided to promote full discussion of the complex

technical and policy issues concerning the various types of land disposal practices. EPA expects to promulgate final land disposal regulations in 1982.

EPA was concerned that the delay in promulgating final Part 264 standards for land disposal facilities would present problems for owners and operators of new disposal facilities, who may not begin to construct or operate these facilities without permits.[1] (Owners and operators of existing facilities who have qualified for interim status may continue to operate.) New land disposal facilities cannot receive permits until EPA has issued standards for such facilities. EPA was concerned that the delay in issuance of land disposal standards operated effectively as a moratorium on new land disposal facilities, a situation which could undermine the nation's need for environmentally-acceptable disposal capacity and could cause unnecessary economic hardship. Therefore, on February 13, 1981, EPA issued a temporary, interim standard for new land disposal facilities (40 CFR Part 267, 46 FR 12414) to provide a basis for issuing permits. This standard becomes effective on August 13, 1981.

B. Purpose of Notice

In developing the February 5 proposed regulations, EPA has had to consider a variety of broad and complex technical and policy issues and to choose from a large menu of regulatory options. The October 8, 1980 supplemental notice of proposed rulemaking briefly outlined some regulatory options that the Agency had considered.

Following the October 8, 1980 notice, EPA proposed the risk assessment approach in the February 5, 1981, standards. EPA provided a 180-day comment period on this proposal. EPA recognizes that providing the public a continued opportunity during the comment period to comment on all issues, relating to all potential regulatory approaches, would be beneficial. The purpose of this notice is to assist the public in considering these issues.

In this notice, EPA has tried to explain not only the available regulatory options but also the fundamental policy and technical issues underlying the selection of any approach. We hope that the notice will assist the public to evaluate and comment upon the various regulatory options.

Public comment on all issues relating to the land disposal of hazardous wastes will also assist EPA in complying with Executive Order 12291, signed by the President on February 17, 1981. The Executive Order requires all federal agencies, in promulgating major new rules, to prepare regulatory impact anslyses. For each such rule, the analysis must describe potential benefits and costs (including non-quantifiable benefits and costs) of the rule, determine the potential net benefits of the rule, and describe alternative approaches that could substantially achieve the same regulatory goal at lower cost. In addition, the anslysis will include an analysis of effects on small businesses as required by the Regulatory Flexibility Act.

Although EPA believes that in some cases, it may be appropriate to prohibit the land disposal of certain hazardous wastes, in other caes land disposal may be the most acceptable management option. It is our intent in developing final land disposal standards to consider intermedia trade-offs and to evaluate land disposal on the same basis as any other hazardous waste management option, allowing it to continue where there is adequate assurance that human health and the environment can be protected.

C. Format of Notice

This notice is divided into several sections. Sections II and III discuss the broad land disposal policy issues which EPA believes must be addressed in any regulatory approach. The remaining sections examine in some detail what we believe are the principal options available to regulate land disposal facilities and raise specific questions relating to these options.

The discussion reflects the present technical sophistication in designing land disposal facilities and estimating their environmental impacts. All experts agree that particular types of factors and mechanisms are relevant in designing and evaluating these facilities. The debate now focuses on detail: How critical is factor X in predicting the migration of contaminant Y? What is the degree of confidence with which one may predict that a particular design will now fail due to the occurrence of a particular type of unfavorable circumstance? EPA requests that commenters addressing the technical issues raised in this notice focus on these difficult issues rather than on generalities which are already well known and not subject to dispute (e.g., that bio-degradation and sorption are relevant to land disposal issues).

Further, the discussion concerning land disposal reflects the general technical consensus that complete containment of disposed wastes can be achieved only for a limited period; that any facility thus presents some risk; and that in designing and regulating land disposal facilities, one must focus upon limiting risk to acceptable levels. These questions broadly address the options for limiting risk in light of the uncertainty in the present scientific state of the art and the resources available to implement any selected policy option.

II. Preliminary Issues Concerning Risk

Hazardous wastes contain constituents which may present health and environmental risks for long periods of time. Many organic constituents are stable (degrade very slowly); other hazardous constituents (e.g., toxic metals) never degrade. Yet the existing technology for disposing of hazardous wastes on or in the land cannot confidently isolate these wastes from the environment forever.

Since disposing hazardous wastes in or on the land inevitable results in the release of hazardous constituents to the environment at some time, any land disposal facility creates some risk. RCRA requires EPA to establish such standards "as may be necessary to protect human health and the environment." Thus, EPA's task is to assure that risks from land disposal facilities do not exceed a level which is determined by some means to be acceptable.

The means of assuring acceptable risk include direct risk assessment, indirect methods such as design requirements or performance goals, or prohibitions that require that wastes be treated or disposed of by means other than land disposal. These approaches are discussed in detail in subsequent sections of this notice.

Before discussing and selecting appropriate means for reducing risk to acceptable levels, however, one must define the types and degrees of risks which can and should be considered. Furthermore, one must decide who is the appropriate party to determine acceptable risk. These broad but essential preliminary issues are discussed immediately below. Commenters are invited to address these broad issues either directly or in the context of discussing the more specific questions raised in subsequent sections of this notice.

A. To What Extent Can and Should Risks to Future Generations Be Considered?

In disposing of hazardous wastes that will remain potentially dangerous for many thousands of years, society has some responsibility to protect future

[1] A detailed discussion of these problems is set forth at 46 FR 12414–12417, February 13, 1981.

generations. But, while some duty to protect future generations is implied in all environmental regulations, to what relative degrees should protection be provided to today's and tomorrow's populations; that is, how can today's society equitably allocate risk over time?

This issue requires recognition of an essential distinction between present and future generations. Present-day society produces a variety of economic goods (e.g., cars, electrical appliances and plastic goods), resulting in generating and disposing of hazardous wastes. Thus, society accepts some degree of risk in return for the economic benefits of production. However, the risks imposed by today's land disposal upon society in the year 2080, for example, will be accompained by fewer corresponding economic benefits, since many of the goods produced today (or the infrastructure for producing those goods) will no longer be in use (or existence) in 2080. Thus, one may argue that the imposition of risk on future generations by today's land disposal activities for present economic gains may be unfair even in some situations where the same risk would be acceptable to present-day society.

A resolution of this issue requires a consideration of several subordinate issues. First, what assumptions may be made concerning future exposure to hazardous waste? For example, if the quantity of water consumption increases in the future or if available water sources are depleted (e.g., mining of ground-water resources which are not replenished naturally or artificially), then water which presently is unused may need to be used in the future for drinking or other purposes. Current trends in water usage in the United States do indicate an increasing need to tax previously unused ground-water resources. These trends include depletion or pollution of existing ground-water resources, and changing land use patterns which result in the development of formerly pristine areas and the increased use of ground water in these areas. If such trends continue, future generations may be forced to either allocate scarce water (by increasing the cost of consumption or by other means), treat the contaminated water, or increase risk by using the contaminated water. However, if such trends do not continue, then the contamination of ground water near selected and identifiable land disposal sites presents less of a danger to future populations, provided that contaminated ground water can be identified and its use limited accordingly. (Similarly, land use changes caused by population growth and other factors may or may not result in other types of exposures to wastes disposed in areas previously considered remote.)

Second, how likely is it that future societies will have developed the techological and economic capability to recover and treat wastes and to restore contaminated soil, ground water or surface water to their noncontaminated states, thereby reducing exposure to wastes? Can any sensible assumptions concerning future technological capability be made at this time?

Third, what assumptions can be made concerning the institutions available to provide long-term protection from hazardous wastes? Some institutional mechanisms are already being put into place under RCRA. See 40 CFR Parts 264 and 265, Subparts G and H. For example, most regulatory options discussed later in this notice would require some degree of post-closure care. This care may include long-term maintenance and ground-water monitoring together with a pre-financed fund to ensure that these activities can be carried out. In addition, EPA must make some assumptions about other institutional mechanisms (e.g., local land use controls, state or Federal clean-up efforts, common-law tort remedies and disclosure in private property transactions) that could achieve protection of future generations but that are not under EPA control. This issue suggests at least the following subsidiary questions:

i. Can and should owners or operators of land disposal facilities be relied upon to implement perpetual care (or long-term care, depending on whether and how rapidly the wastes decompose over time), if such care is required to successfully implement the selected regulatory option? Can and should they be required to set up financial mechanisms in advance which will assure long-term availability of adequate funds?

ii. Can and should a Federal, state or local agency be charged with the responsibility for long-term monitoring and maintenance of closed land disposal facilities? What special arrangements could be established to finance these activities? Can a governmental agency be relied upon to provide care for centuries if such care is or becomes necessary?

iii. Apart from owners or operators and governmental agencies, what other institutional arrangements may be used to assure long-term care and the existence of funds to pay for such care? Would a national fund analagous to but broader than that contained in section 107(k)(3) in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (the post-closure liability fund) be appropriate? How should such a fund be financed: through general revenue, or through a tax on hazardous waste generators or land disposal facilities? As an alternative, could private funds (such as annuity funds or trust funds) be used?

EPA recognizes that predicting the future is conjectural at best. However, a decision on the degree of protection provided to future generations will be implicit in any regulatory approach. Thus, this issue must be faced squarely, based upon an analysis of past and present trends and a reasonably projection of future trends.

B. What Types of Risks (Effects Upon Human Health and the Environment) Are of Concern?

An evaluation of the total adverse effects caused by a land disposal facility requires consideration of the constituents of the wastes, the fate and transport of those constituents in the facility and into and through the environment, the extent of human and environmental exposures to the constituents, and the vast array of potential effects which the constituents may have upon people and the environment. The ability to consider all of these factors is constrained both by the limits of technical knowledge (e.g., the effects of many constituents are not well known at this time) as well as by the limits of available time and resources to perform the required analyses.

Therefore, it is appropriate to ask which of the many possible effects to people (e.g., cancer, liver damage, mild nausea), animals and plants and other parts of the environment (e.g., ground-water which may be used as a water source for irrigation or industrial cooling water) should be considered and the weight which should be assigned to these various effects. Should a regulatory approach consider all types of effects? What effects, if any, are so minor as to be not worth considering?

C. How Should the Degree of Risk be Calculated?

To assess the numerical risk presented by a particular facility in a particular location, one must attempt to calculate the risk and then decide whether that risk is acceptable. The extent to which this numerical calculation and risk assessment is performed depends on the regulatory approach. Conversely, the selection of a regulatory approach depends in part on

the extent to which actual calculation of risk is considered desirable or feasible.

First, the regulations could pursue some type of "zero" risk approach. As indicated earlier, it is probably impossible to avoid all releases of hazardous waste constituents forever. Yet it is possible to design facilities to contain wastes for some period of time and thereby achieve a zero or near-zero risk level during that period. Likewise, it is possible to prohibit the siting of disposal facilities in certain locations and thereby achieve zero risk from hazardous waste in those locations. Under this approach, calculating risk is not necessary. Examples of a hazardous waste regulation requiring the containment of hazardous wastes are the regulations for hazardous waste storage regulations in 40 CFR Part 264, Subparts I–L (46 FR 2802, January 12, 1981).

Second, the regulations may require facilities to be designed and managed in ways that limit risk, as defined by technical criteria. This approach, like containment, does not involve the calculation of risk and determination of acceptability of risk at particular facilities. Rather, it attempts to limit the total risks to society produced by all such facilities by setting stringent requirements. An example of this approach is contained in the standards for incinerators (40 CFR Part 264 Subpart O, 46 FR 7666, January 23, 1981). Those standards require, among other things, 99.99% destruction and removal of the principal organic hazardous constituents in the waste and a limitation of particulate emissions to 180 milligrams per day per standard cubic meter. Of course, reliance on uniform design and operating standards creates the possibility that the risks created under the standards are more or less than society would accept if it could and did conduct detailed numerical risk assessments for each facility. (Readers should note that, partly due to this last consideration, on January 23, 1981, EPA proposed amendments to its incinerator requirements to allow case-by-case risk assessment to be used as a variance from the 99.99% destruction and removal requirements.)

Third, the regulations could explicitly address the risk issue. The risks posed by a particular facility could be calculated, subject to uncertainties inherent in such calculations. The calculated risks (including the range of uncertainty) would then be judged for acceptability. The judgment could be based upon a uniform acceptable level determined in Federal or state regulations or upon an individual determination made by a permit writer. (See subsection D below, which discusses who should determine acceptability of risk.) An explicit risk assessment approach is contained in EPA's proposed land disposal regulations of February 5, 1981.

D. Who Should Determine Acceptable Levels of Risk?

Generally, when EPA sets standards for classes of facilities under any of the environmental laws which it implements, it sets uniform national standards. Uniform standards assure fairness by imposing similar costs upon similar facilities. They also lessen competition among states for new industry by setting uniform minimum environmental protection requirements. However, they also limit local determination of the desirable degree of environmental protection. Under section 3009 of RCRA, states may not have less stringent requirements than required by the national standards. (However, section 3009 does permit more stringent requirements.)

Section 3004 of RCRA expresses Congress' intent that EPA write nationally applicable standards. However, even national standards can be written to allow certain local determinations based upon local factors such as local hydrogeological conditions, the types of wastes being disposed at particular facilities, and local water usage and land use patterns. Going one step further towards local determination, a regulatory approach could allow even goals as well as the means to achieve those goals to be determined locally. For example, the reproposed land disposal regulations require the permit issuing authority to assess the risks posed by the facility and to determine whether they are acceptable. The regulations contain some numerical standards, but, for many constituents, acceptability is to be determined by the permit writer/

Allowing risk accepability to be judged at the state regulatory level could result in a facility in one state being judged as acceptable at the same time that a facility with similar site-specific conditions in another state is judged as unacceptable. Similar discrepancies could occur even within a state if the judgments are made by permit writers on a case-by-case basis.

How should decisions on the various elements of risk be allocated between national and state decisionmakers? If states make the decisions, to what extent will interstate competition for industry lower standards below that which is desired by the states and their citizens? In addition, if states make the decisions, should decisions be made uniformly through state regulation or on a case-by-case basis by permit writers?

III. Regulatory Perspectives

Once the broad policy issues discussed above are decided and regulatory goals are established, a means to implement the goals by issuing and denying permits must be developed. In setting standards under section 3004, EPA is mindful that the regulatory program must be capable of operating efficiently and of assuring the public that human health and the environment will be protected.

A. Assurances to the Public

The public has become justifiably concerned about the dangers presented by hazardous waste, and EPA strongly believes that the standards it sets under Section 3004 must provide reasonable assurances that the public's legitimate concerns about hazardous waste will be addressed. The RCRA permit must be formulated not only to require a certain level of protection but also to provide reasonable assurances that the level will in fact be achieved.

Some uncertainty is inherent in land disposal of hazardous waste. Many hazardous wastes are complex mixtures of chemical substances, each of which has unique properties. In addition, complicated waste interactions and hydrogeological and other environmental factors make it difficult to confidently predict the degree of containment, attenuation, or migration of waste constituents with precision. Finally, the health and environmental effects of most hazardous waste constituents are not always well understood, and synergistic and antagonistic effects of combinations of these constituents are even less well understood. Thus, uncertainty is a key problem that EPA must cope with in developing its land disposal regulations.

This uncertainty takes two principal forms. First, there is uncertainty in predicting potential effects of a given hazardous waste management scenario. Some possibility of error is always present. The questions to be considered are: (1) What degree of error can we tolerate in predicting a facility's performance or the potential adverse effects of wastes in the environment and still be able to say with some confidence that certain minimum levels of protection will be achieved? (2) What approach is appropriate when lack of knowledge results in an acceptable range of error? Can supplementary requirements compensate for error in making predictions?

Second, there is uncertainty concerning the way that the individuals and institutions that manage hazardous waste will behave. Any regulations controlling hazardous waste management must assume and compensate for human error. To provide a reasonable assurance of safety to the public, EPA must determine what margin of safety it should provide against the uncertainties of human behavior.

B. Need to Have Implementable Program

No regulatory program is acceptable if it cannot be operated efficiently by EPA and the approved states. Permitting agencies must be able to issue permits to environmentally-acceptable facilities. The chosen goal must be accompanied by a regulatory scheme which makes maximum and efficient use of available resources in an effort to collect sufficient amounts of data to develop permit requirements for the particular conditions at each individual site, but at the same time does not become a roadblock to issuing all necessary permits. Similarly, the approach cannot involve too much uncertainty, thereby inviting public opposition in hearings and litigation, which would also result in too few permits. Since there are a large number of existing land disposal facilities, an inefficient regulatory approach could jeopardize EPA's general effort to provide environmentally-acceptable disposal capacity nationwide and to phase out those facilities which are unacceptable.

EPA is concerned about the amount of time which permitting authorities' staffs would be required to spend in attempting to implement any particular regulatory approach. Unless the approach is carefully crafted, some permit applications could not be reviewed due to insufficient manpower. Another constraint is the degree of expertise needed to evaluate permit applications under a given regulatory approach. For example, the existing national pool of experts on the fate and transport of waste constituents in the environment is extremely limited.

EPA is also concerned about the burden which various regulatory approaches place on the regulated community. In addition to the costs of capital equipment and operating expenses, EPA is interested in the costs involved in preparing, analyzing and justifying a particular facility design and operating plan. EPA recognizes that there is a limited amount of resources available to provide environmental protection. EPA is, therefore, concerned about how various regulatory approaches affect the relative allocation of resources between environmental control equipment (including operating costs) and the data collection or analyses needed to prepare a complete permit application.

EPA urges commenters to address the issue of resource demands when they comment upon the options described later in this notice or other options which they may propose.

C. Regulatory Approaches

The following are the principal conceptual approaches available for regulating hazardous waste land disposal:

1. *Design and Operating Standards.* These are standards which specifically require permittees, to install particular pieces of equipment or use particular practices. This approach may include prohibitions against certain activities. Typical examples include liner specification (e.g., 5 feet of clay with a permeability of 10^{-7} cm/sec.) or a prohibition against disposing certain types of wastes in landfills.

2. *Technical Performance Standards Based on Best Available Technology.* Performance standards specify particular goals that permittees must achieve, allowing each permittee to choose any management method of his that satisfies the goal. A technical performance standard is one that is linked to the performance of a particular design or operating element of the facility.

The selection of the performance goal may be based on a decision about what the "best available technology" (BAT) performing a particular function can achieve. An example of a BAT technical performance standard is a requirement that a facility be designed to allow no more than a certain percentage of the disposed waste to enter the environment annually. The choice of "best" generally includes some consideration of cost, since almost any facility's performance may be improved by spending additional money for additional or better control.

3. *Technical Performance Standards Based on Acceptable Risk.* A technical performance standard could also be based on a decision that a particular level of performance achieved by a technology is adequate to protect against unacceptable environmental risk. An example might be a standard requiring containment of wastes for a certain number of years, based upon a judgment that the requirement provides an appropriate allocation of present and future risk.

4. *Environmental Performance Standards.* Such standards seek to set limits on what may be tolerated in the environment. This may take the form of risk specifications (e.g., 10^{-6} probability that an individual will die of cancer or that some other adverse environmental effect will occur), pollutant limits (e.g., 4.5 parts per billion of trichlorethylene), or prohibitions. This approach is used in part in the February 5, 1981, proposed regulations. See proposed 40 CFR 264.20, 46 FR 11161.

5. *Facility-Specific Risk Assessments Based on Narrative Standard.* This approach would establish broad narrative standards (e.g., no significant risk of cancer) and allow the permit writer to determine specific requirements after a full consideration of all the site-specific factors. This approach, like the one discussed in the preceding paragraph, is used in part in the February 5, 1981 proposed regulations. See proposed 40 CFR 264.21, 46 FR 11161.

IV. Risk Assessment: Predicting That any Release From the Land Disposal Facility Will be Environmentally Acceptable

As mentioned previously, EPA has reproposed land disposal standards which would require the permit applicant to predict the risk that a particular land disposal facility would impose upon human health and the environment and require the permit writer to review the application, independently determine the risks, and judge whether the risks are acceptable. This case-by-case approach has sometimes been referred to as "best engineering judgment" (BEJ). To distinguish this approach from other case-by-case "BEJ" approaches (e.g., a containment approach which requires the use of engineering judgment to determine the ability of a particular facility to contain particular wastes during the specified period), we will refer to this approach simply as "risk assessment."

A. General Approach

The basic approach of the reproposal is to create an initial presumption that no release of hazardous waste constituents to the water or air should be allowed. This presumption may be rebutted if, after a consideration of all relevant factors, the permit applicant demonstrates and the permit-issuing authority determines that no unacceptable effects on human health and the environment will result from any release from the facility. If only environmentally-acceptable releases will occur, then a permit may be issued. This approach thus contemplates that a

substantial burden will be placed on permit applicants to demonstrate that any releases from their facilities will not adversely affect human health or the environment.

The major steps in demonstrating environmentally-acceptable release are: (1) analyzing the hydrogeology, wastes and facility design; (2) predicting the rate and quality of leachate generation; (3) predicting the fate and transport of constituents leached from the facility to the unsaturated zone, the saturated zone and subsurface soil; (4) predicting the fate and transport of these constituents in the ground water (saturated zone); (5) predicting the fate and transport of gases and vapors which are released from the facility to the air; (6) predicting the exposures of people, animals, plants and other environmental components to released constituents; (7) calculating the total risk presented by the facility to human health and the environment; and (8) determining the acceptability of the calculated risk.

Predictions or calculations need not necessarily be expressed in single numbers. They may be statistical in nature (e.g., expressed in terms of means and standard deviations). This allows one to estimate risk while acknowledging the variability of the estimate. Qualitative estimates may be acceptable in extreme situations where the risks are clearly acceptable or unacceptable.

Many complicated and interlocking issues are inherent in the regulatory approach which EPA proposed on February 5, 1981. For manageability, EPA has broken the issues down into three broad areas of discussion: releases from the facility, migration of constituents in the environment, and human and environmental exposures and effects.

The issues are in most cases presented as a series of questions rather than in discussion form. EPA is interested in obtaining commenters' views. We have refrained from setting forth a detailed discussion of EPA's tentative or firm answers to the various questions. Where necessary to properly explain an issue, we have prefaced or supplemented the questions with some discussion.

In reviewing the technical questions, the reader will probably find that the answer varies depending on site-specific or waste-specific factors. Therefore, in answering the questions, commenters should clearly state their factual assumptions. Furthermore, commenters are encouraged to identify situations where predictions can be made relatively easily even when they are difficult to make with confidence in the general case. Similarly, commenters are encouraged to identify situations where predictions are relatively difficult to make even when they are easy to make with confidence in the general case. Both average and worst-case approaches to analyzing the confidence in making prediction would be useful.

The relationship of confidence in data or of predictions based on data to the cost of generating the data is important. For example, more extensive and expensive studies of local hydrogeological factors may yield greater confidence in predictions of the fate and transport of constituents in the ground. EPA encourages commenters to state how their confidence in predictions relates to cost. EPA also solicits comments on the ease or difficulty of developing the necessary data, including the time required to gather and analyze the data and the degree of expertise required to gather or analyze it. Also, EPA solicits comment on the current availability of such expertise as well as on the prospects for developing expertise through education and training where shortages exist.

A similar issue of confidence is the relationship of variability in data to variability in conclusions as to rates, velocities and concentrations of leached constituents. For example, mathematical models used to simulate contaminant plumes rely on series of equations which relate the many variables regarding the plume and its movement to one another. If one output of a model (e.g., concentration) is related exponentially or logarithmically to an input, it is possible that variability (or low confidence in prediction) of the output will be much larger or smaller than that of the input. In practice, the sensitivity of a particular output to a particular input is very complicated and may require several computer runs to be precisely determined. Moreover, different models incorporating different assumptions may yield somewhat different sensitivities. Therefore, EPA invites commenters to identify those factors whose variabilities either greatly or only minutely influence output (concentration or mass rate) variability and which therefore require a correspondingly large or relatively small data base. In short, we invite commenters to suggest which factors are most critical in plume migration models.

Finally, EPA requests that commenters consider management practices (e.g., waste separation) which could improve the reliability of predictions.

B. Releases from the Facility

In regard to surface-water and ground-water protection, the key concern is the mass rate (quantity per unit time) and quality of leachate produced at the facility. The following questions concern how leachate rate and quality may be predicted and managed at the facility:

1. What level of specificity of information must one have about the waste in order to predict the rate and quality of leachate produced? Is a detailed analysis of each waste's constituents required or will more general information suffice? Is prediction more easily made for particular classes of waste than others? How sensitive is prediction of leachate rate and quality to inadequate information on wastes?

2. a. What impact does disposing different wastes in the same cell or impoundment have on the reliability of predicting leachate discharge? How confidently can one account for reactions among wastes when predicting leachate quality? How sensitive is prediction of leachate rate and quality to errors in predicting such reactions?

b. How confidently can one predict the rates of decomposition of organic wastes and the most likely degradation by-products? How sensitive is prediction of leachate rate and quality to errors in predicting these factors?

c. Is it possible to confidently predict leachate quality by analyzing in detail the fate of a few representative or prominent constituents in the waste? What would be the most appropriate selection factors?

3. How sensitive is the prediction of leachate volume, rate and quality to errors in predicting water balance? How accurate are water balance methods and what are their primary limitations? Does the use of monthly averages for precipitation, evaporation, etc., provide reliable predictions? Under what circumstances will the moisture in the waste or the moisture resulting from decomposition of the waste be a significant source of liquid affecting leachate generation? Where these are significant, to what extent can one predict the contribution to leachate from moisture in the waste and moisture resulting from waste decomposition? To what extent can one predict subsurface migration of water into the facility? To what extent can one prevent such migration where the water table is high? Can prevention be maintained even after the facility is closed?

4. How sensitive is prediction of leachate rate and quality to correct and

precise analysis of clay liner materials, waste cells, and the unsaturated zone as to permeability, uniformity, moisture content, clay content and organic content?

5. With what confidence can one predict when leachate will first emerge from the waste? How sensitive is prediction of leachate rate and quality to errors in this factor?

6. How well can the following factors be accounted for in predictions of leachate rate and quality, and how sensitive are such predictions to these factors?

a. Differential settling of wastes (in a landfill) or of liner material;

b. Dessication of clay liners;

c. Degradation of synthetic liners;

d. Reactions between wastes and liner material;

e. Freeze-thaw cycles;

f. Contact time between waste and liquid; and

g. Other factors which lead to deviations of a facility from its routinely "expected" performance.

7. What costs and burdens are associated with predicting (calculating or estimating) each of the above-mentioned factors to the degree necessary to confidently predict leachate rate and quality? What type and degree of expertise is needed? How many experts among the regulated community and private consultants are currently qualified to perform such analyses? How capable are state regulatory agencies of reviewing and judging the correctness of such analyses? Where gaps in expertise exist, how much time is needed to close the gaps through education and training?

8. Which techniques are most useful for managing the rate and quality of leachate produced at the facility? EPA is particularly interested in comments concerning selective receipt of wastes, diversion systems, protective caps and waste stabilization and other pretreatment techniques. To what extent can these techniques be used to "fine-tune" leachate volume, rate and quality? For example, to what extent can these techniques be used to selectively reduce the concentration of particular constituents in leachate produced at the facility? For what constituents, or classes of constituents, are such techniques sufficient to achieve the required fine-tuning?

9. Given the absence of very long-term data, what confidence can we have that any particular management technique will, for a long period of time, result in the predicted leachate rate and quality? What is the risk that pretreatment reactions, sorption or other reactions may reverse themselves as the result of acid rain, microbial action or other factors?

In regard to air protection, the key concern is the mass rate and concentration of air emissions from the facility due to volatilization or wind dispersal. The following questions concern how air emissions may be predicted and managed at the facility.

10. What level of specificity of information must one have about the waste in order to predict the rate and concentration of air emissions from the facility? Is a detailed analysis of each waste's constituents required or will more general information suffice? Is prediction more easily made for particular classes of wastes than others? How sensitive are predictions of air emissions to errors in analyzing the wastes?

11. With what confidence can one predict the decomposition by-products of disposed hazardous waste which will volatilize or be dispersed by the wind? How sensitive are predictions of air emissions to errors in predicting the by-products?

12. With what confidence can one predict the upward migration of volatile constituents through the waste itself? How dependent is the prediction upon permeability, clay content, moisture content and organic matter content of cover materials?

13. How good is the present state of the art for monitoring and modeling emission rates of volatile compounds from land disposal facilities? What are the factors that may undercut accuracy in predicting the rates or concentrations of air emissions? How, if at all, can predictions account for such factors? (See, for example, the factors listed in question (f) above.) How sensitive are predictions of air emissions to errors in predicting these factors?

14. What costs and burdens are associated with developing adequate data with respect to each of the factors shown above to be necessary to confidently predict volume, rate and concentration of air emissions? What type and degree of expertise is needed? How many experts are currently qualified to do such analyses? What is the current capacity of state regulatory agencies to review such analyses?

15. Which techniques are most useful for managing the rate and concentrations of air emissions? EPA is particularly interested in comments concerning selective receipt of waste, protective caps, venting and treatment systems, and waste pretreatment. To what extent can these techniques be used to "fine-tune" the volume, rate and concentration of air emissions from the facility? For what constituents, or classes of constituents, can this "fine tuning" be accomplished?

16. Given the absence of very long-term data, what confidence can one have that a particular management technique will, for a long period of time, result in the predicted rate or concentration of air emissions?

Predictions of leachate or air emission characteristics require a substantial knowledge during the permit application process about the characteristics of waste which will be received at the facility throughout its operating life. It may be difficult for an owner or operator of a disposal facility, particularly a new facility, to have detailed knowledge about the wastes that he will receive. To what extent can a permit applicant predict the quality and quantity of waste that his facility will receive in the future?

C. Migration of Constituents in the Environment

In regard to surface-water and ground-water protection, the permit-issuing authority will need to know the extent of migration of waste constituents in the subsurface environment and in hydraulically-connected surface water. In addition, the permit-issuing authority will need to know the concentration of waste constituents at any affected point of ground-water use, which depends in turn on ground-water velocity and the extent to which the constituents diffuse, mix with ground water and are attenuated (e.g., degraded, sorbed, etc.). Furthermore, an analysis of the fate and transport of degradation products is required. The totality of possible events are referred to as "fate and transport" of constituents.

1. *Ground-water flow:* With what degree of confidence can we predict the direction and velocity of ground-water flow prior to contamination of the ground water by the leachate plume?

a. Are there certain types of geological systems (e.g., fractured strata or strata which may easily be dissolved) for which predictions of the direction of ground water flow would be too speculative to be made with any confidence? Where are such systems predominantly located?

b. Are there certain types of geological systems for which predictions of the direction of ground-water flow can be made with a high degree of confidence? Where are such systems predominantly located?

c. How good is the current state-of-the-art for estimating ground-water velocity throughout a hydrogeological

system which may receive discharges from a land disposal facility?

d. How is any prediction affected by the nearby presence of wells which are used for withdrawal or recharge of ground water by use of pumps or other means? How good is the state-of-the-art for calculating how far from such wells the leachate plume must be to remain relatively unaffected by the use or cessation of use of these wells?

2. *General movement of constituents in ground water.* If one ignores all attenuation, how well can one predict the transport of leachate constituents?

a. *Separation of phases based on specific gravity.* (i) *Heavy organics.* If a leachate plume contains organic constituents which are heavier than water, will those constituents form a separate plume which does not move with the ground water? If so, how well can we predict the direction and rate of flow of this plume? Which type of organic constituents are most likely to be part of this separate plume? With what precision must one know the leachate quality to determine the likelihood that such a separate plume will form?

(ii) *Light organics.* Answer for light organics the same questions as raised in Question (1) above.

(iii) Is the answer to questions (i) and (ii) dependent on the salt or mineral content of the ground water? To what degree?

b. *Molecular diffusion.* How well can we predict the degree of which the leachate plume will expand and concentrations of constituents will decrease by virtue of molecular diffusion?

(i) To what extent, if any, does this effect depend on the initial concentrations in the plume? Does the rate of diffusion differ for different constituents? To what degree?

(ii) To what extent does this effect depend on ground-water velocity?

c. *Dilution with ground water.* How well can we predict the degree to which constituents' concentrations will be decreased by virtue of mixing with the ground water? (Disregard the effect of plume separation discussed in Question (a) above.) How dependent is the dilution effect on ground-water velocity?

d. *Degradation of constituents.* To what extent can the following mechanisms be expected to cause the decay of constituents in the saturated zone? For what types of constituents, if any, is such decay likely to be significant? If not significant, can any fate equation or model ignore the degradation effect? If significant, how well can the effect be predicted, and how sensitive is any fate/transport prediction to error in predicting the degradation effect?

(i) Biological degradation—both aerobic and anaerobic processes.

(ii) Degradation by hydrolysis.

(iii) Degradation by photolysis.

(iv) Radioactive Decay.

(v) Destruction by reaction with other constituents in the leachate plume, ground water, or geologic environment.

(vi) Other.

e. *Sorption of constituents.* With what degree of confidence can the attenuation of constituents by sorption be predicted?

(i) How dependent is sorption capacity and rate upon factors such as soil particle size, organic content, porosity and cation exchange capacity? How much data concerning these factors is needed to characterize the geology and confidently predict sorption capacity and rate? Does sufficient expertise and equipment exist to make the required analyses?

(ii) To what degree is sorption enhanced by a low ground-water velocity?

(iii) How dependent is the sorption rate for a particular constituent upon the concentrations and sorption rates of the constituent or other constituents in the leachate plume? Is it likely that constituents would compete for sorption sites, or are enough sites available for all leached constituents within a short distance from the facility?

(iv) Is there any difficulty in assessing sorbability of particular constituents?

(v) What other factors, if any, are highly significant in predicting sorption rates?

(vi) How likely is it that sorption will be reversed over time? What factors are significant in promoting such reversal? In cases of potential reversal, how well can one predict the extent to which constituent concentrations will be altered by the sorption and subsequent desorption? In such cases, will the temporary sorption have reduced constituent concentrations through a retardation effect? How well can this be modeled?

f. *Attenuation or retardation by means other than sorption.* Are any mechanisms other than sorption significant enough and predictable enough to be evaluated in predicting attenuation of constituents? (Consider, e.g., ion exchange and precipitation.) How reversible are these mechanisms?

g. *Simplified approaches.* Where knowledge of the leachate quality entering the ground water is highly uncertain, what simplified approaches can be used to characterize plume migration?

(i) Can particular constituents known to be prominent constituents in the leachate be selected for analysis as representative of all constituents? (For example, select one or two metals, organic acids, organic bases, neutral polar organics and neutral non-polar organics.) What factors would one apply to determine representativeness? Chemical structure? Mobility? Toxicity? Concentration in the leachate?

(ii) Rather than select representative constituents, could "worst-case" highly mobile constituents be selected to determine the maximum mobility of all constituents? Going one step further, is it reasonable, in light of data and modeling difficulties, to not consider attenuation and degradation and only consider dispersion and ground-water mixing?

h. *Summary on water quality.* Is it possible to predict the concentration of constituents in the ground water even within several orders of magnitude? Is the answer dependent on a detailed knowledge of leachate quality? Can qualitative predictions suffice for some situations? Can worst-case analyses be used to assure acceptability of facilities? Is there an adequate supply of trained professionals to make these predictions and to evaluate them? If not, how much time is needed to develop the supply through education and training?

i. *Air quality.* In regard to air quality protection, the permit-issuing authority will need to know the extent of migration of waste constituents as well as the concentration of waste constituents at points of exposure. The following questions concern how migration of waste constituents in the air may be predicted:

(i) What level of specificity of information must one have about waste constituents and reactions among them in order to predict dispersion in the air?

(ii) What information must one have about patterns of air circulation and weather to predict migration in the air? How can the dynamic character of air circulation be accounted for in predictions of waste migration? To what extent can averaging fluctuations over long periods of time increase confidence in predicting impacts of air emissions upon ambient concentrations?

(iii) What costs and burdens are associated with accurately predicting waste constituent migration in the air? How advanced is the technology for collecting data to verify predictive models? What type and degree of expertise is needed? How many experts are qualified to do such analysis? Is the current state-of-the-art advanced enough to allow predictions of short-term concentrations relevant to determining acute effects, or are they

capable of dealing only with long-term averages?

3. *Miscellaneous Questions.* a. The approach of calculating and assessing risk requires, at a minimum, some knowledge of the concentrations of waste constituents in the vadose zone. In meeting its goal of protecting human health and the environment, EPA must decide whether the regulations should protect the vadose zone *per se*. For example, should the regulations prevent contamination of the unsaturated zone to assure that future uses (e.g., housing development or farming) in the area will not be affected by later migration within the unsaturated zone? This issue is important because it affects one's ability to use the natural soil below the facility as part of his leachate control system.

b. This approach involves prediction of waste constituent migration to points of ground-water use. What is an appropriate "point of use" for purposes of regulation? For example, in considering ground-water use, should the point of use be the home tap or the cone of depression surrounding a withdrawal well?

c. The rates and directions of ground-water movement and of contaminant plumes depend to a large extent upon gradient (the driving force for the movement). Gradient can be radically altered at a particular location by inducing changes in the vicinity such as ground-water pumping, cessation of pumping, discharge or recharge. Should and can an owner or operator be required to negotiate agreements with neighboring landowners to assure that they will not take actions which could significantly alter the gradient in that portion of the ground water which may be reached by the contaminant plume? If not, what confidence can be placed in predictions based on the assumption that ground-water flow patterns will remain unchanged over long periods of time?

D. Assessing Exposures and Effects

The following questions apply to the methodology of assessing risks from both air and water polution. The acceptable level of risk may be established in national regulations or in site-specific proceedings on individual permits. Wherever made, however, the determination of acceptable risk requires a consideration of the following questions, and EPA is interested in public comments on them. In formulating their responses, commenters should distinguish, when appropriate, between these two avenues for adverse effects.

1. What assumptions can one make about future ground-water and surface-water use and of future land-use patterns in order to predict future exposures?

2. What factors are most likely to undercut the accuracy of a prediction about environmental exposures? What range of uncertainty do they cause?

3. What degree of confidence can one attain in predicting environmental exposure? (Commenters may want to answer this question by indicating the range of error that might be expected in prediction.) To what extent does the absence of particular data significantly alter confidence in the prediction? Are there particular wastes or environments for which no confident prediction can be made? Identify these wastes or environments.

4. What costs and burdens are associated with accurately predicting near and long-term exposures? What type and degree of expertise is needed? How many experts are qualified to do such analysis?

5. What, if any, simplifying assumptions can one use to reduce the cost and burden of these predictions? How do assumptions affect the confidence in the prediction? Can a "worst-case" scenario be developed which provides high confidence that predictions of exposure to and adverse effects from waste constituents have not underestimated the significance of the effect?

6. Once the probable exposures to waste constituents are estimated, what methodologies are appropriate to predict human health effects? Consider effects such as acute toxicity, chronic toxicity, carcinogenicity, mutagenicity and teratogenicity. Consider Federal and State regulatory requirements (e.g., National Primary Drinking Water Standards under the Safe Drinking Water Act; toxic standards under the Clean Water Act; and National Ambient Air Quality Standards under the Clean Air Act); published, non-binding criteria (e.g., EPA's Water Quality Criteria and ACGIH's and OSHA's Threshold Limit Values); and published studies (e.g., by National Cancer Institute).

7. When published regulations, criteria or well-documented studies are unavailable, what is the cost of conducting tests adequate to demonstrate probable health effects? Are any screening mechanisms (e.g., Ames test) reliable enough to demonstrate that further testing is unnecessary (because the test results are either strongly positive or strongly negative)?

8. What methodologies, regulations, criteria or studies are appropriate for predicting environmental effects other than human health effects?

9. Does the state-of-the-art enable one to predict synergistic and antagonistic effects of several toxic or carcinogenic constituents?

10. In predicting human health effects, should EPA consider the number of people affected by exposure to waste constituents or should it focus on protecting any individual against a predetermined probability of risk? For example, should the level of "acceptable" contamination depend on the number of persons likely to be exposed to the contamination?

11. Should the EPA make assumptions about rates of ground-water use or should rate of use be determined on a site-specific basis, based on evidence submitted by the permittee? If commenters believe that assumptions about use are appropriate, they should suggest appropriate assumptions.

12. Even where a thorough analysis has been done, uncertainty may remain about what land-use patterns around a disposal facility are likely to be in the future. Where such uncertainty occurs, what presumptions should be made about future avenues of exposure?

13. In defining likely exposure levels, should the permit-issuing authority make any assumptions about whether water would be treated prior to consumption? If so, what assumptions should he make?

14. Should the risk calculations be aimed at the "normal" individual or should allowances be made for sensitive populations?

15. Should the permit-issuing authority apply a "margin of safety" when defining risk, particularly when the data on adverse effects is limited? What "margins of safety" should be applied?

16. What level of risk should be considered acceptable by the permit-writing authority or regulation-writing authority?

17. Should the regulations be concerned with the incremental risk posed by a facility or with the combined risk posed by the facility together with background concentrations? If the former, should background concentrations be considered at all? How does the answer to this question depend on the shape of assumed dose-response curves? If the latter, should any incremental risk be considered acceptable, provided that its combination with background yields an "acceptable" risk?

18. Should the regulations be concerned with distribution of risk by promoting the siting of facilities in areas where background concentrations are low? Is it inequitable to impose greater risks on some populations than others,

or does the freedom to move overcome any potential inequity?

V. Containment Approach to Land Disposal

The principal alternative to the risk assessment approach which EPA has considered to date has been the "containment" approach. In its original proposed rules of December 18, 1978 (43 FR 58946), EPA proposed the use of specific design and operating standards. As stated in the Preamble, the goal of those proposed regulations was "to prescribe design and operating standards which will provide maximum containment."

In the supplemental notice of proposed rulemaking issued on October 8, 1980, EPA outlined the major alternative approaches to land disposal being considered at that time. A containment approach was specifically discussed in that notice. Unlike the proposed rule, however, the supplemental notice presented the containment approach as a technical performance standard that would allow permit applicants to use various design and operating measures as long as they could demonstrate that the containment objective would be achieved.

EPA rejected the containment approach in its February 5, 1981 reproposed regulations because, while this approach can provide maximum environmental protection for a finite period, it does not, taken alone, address the environmental impact which will occur after the containment system is finally breached. For that reason EPA required in its reproposed regulations a site-specific assessment of both the short-term and long-term risks presented by a land disposal facility to human health and the environment.

A. General Approach

A containment approach would require that waste constituents not migrate beyond some boundaries within some period of time. In order to obtain a permit an applicant must demonstrate that the particular design and operating measures which he intends to use would achieve the specified containment goal.

Several variations of the containment approach are possible. First, the containment requirement may be limited to particular constitutents. For example, one could identify a set of high-risk constituents that must be contained in a facility for a certain period of time while ignoring the release of other components of the waste which may be more mobile but less toxic. Second, the boundaries for a containment zone could vary. Regulations could require containment within the facility or within a larger area around the facility, allowing some limited degradation in that area (*e.g.*, to the property boundary). Third, the time period for containment can vary (e.g., 50 years, 100 years, or 500 years). While a containment approach does not necessarily anticipate that all of the wastes in the facility will flush out of the facility once the containment period ends, it does imply that some quantity of waste material will begin to enter the environment after the containment period ends.

There are many approaches to designing a land disposal facility to contain wastes for a specified period. Although the reliability of most approaches is imperfect, the following factors generally will help contain the wastes:

1. Minimize exposure of the waste to water which would leach constituents out of the waste by, for example:

a. Locating in an arid area;

b. Preventing run-on of water from surrounding areas;

c. Placing the facility above the water table; and

d. Covering the facility, at the time of closure, with a highly impermeable cap.

2. Minimize the exit of leachate from the facility by use of leachate collection system.

The discussion below focuses on containment with respect to all environmental media except air. While this notice poses some technical questions about the applicability of the containment model to air emissions, EPA recognizes that it may be impossible to contain air emissions from certain land disposal facilities. (For example, it is not possible to completely contain volatile organic constitutents in surface impoundments. If such volatilization is considered a problem, pretreatment rather than containment would be appropriate.) Therefore, most of the discussion of containment will deal with prevention of discharges to soil, ground water and surface water.

B. Question

1. *Predicting Containment Life of a Particular Land Disposal Facility.* In a typical land disposal facility designed for containment, one would perform at least the following basic steps to estimate containment life:

a. Predict leachate generation by using water balance methods. These methods incorporate estimates or assumptions concerning precipitation and evaporation rates in the area of the facility runoff; vegetative cover which could contribute to transpiration of water from the facility; and permeability and thickness of soils and any liner overlying the waste, which indicate the extent to which contact of water with the waste will be prevented, thereby preventing leachate production. (For further information, see Tenn, D. G., K. J. Hanley and T. V. Degeare, *Use of the Water Balance Method for Predicting Leachate Generation from Solid Waste Disposal Sites*, EPA/630/SW-168 (1975), US-EPA, Cincinnati, Ohio; and Perner, E. R. and Gibson, A. C., *Hydrologic Simulation of Soild Waste Disposal Sites*, SW-868 (draft, September 1980), US-EPA, Cincinnati, Ohio.)

b. Predict when leachate causes any liner material beneath the waste to reach field capacity, after which any addition of leachate to the liner would result in the discharge of leachate through the bottom of the liner. This prediction involves analyzing the rate of leachate production (based primarily on the factors listed in paragraph (a) above), the efficiency of any leachate collection and removal system above the bottom liner, and the thickness, permeability and life (generally assumed to be 20 or 30 years) of any synthetic liner underlying the waste. (For further information, see Moore, C. A., *Landfill and Surface Impoundment Performance Evaluation Manual*, SW-869 (draft, September 1980), USEPA, Cincinnati, Ohio.)

In examining the appropriateness of a containment approach, EPA believes it is important to consider the uncertainties that arise in predicting the time of initial release and the rate of leachate migration into the environment. EPA, therefore solicits comments on the following questions:

i. Assuming that a water balance uses historical monthly net precipitation rates, how sensitive is the prediction of leachate generation rates and leachate containment periods to errors resulting from the inability to account in advance for catastrophic or unusual storm events occurring before or after closure of the facility? Are these factors significant in the case of surface impoundments or only in the case of landfills?

ii. How can one be assured that cap seepage due to dessication cracks, root channels, and channels caused by rain and freeze/thaw cycles will be completely prevented during a specified period? At what cost?

iii. How can one be assured that differential settlement (caused by waste consolidation) which causes cracks or slope slip will be completely prevented?

iv. How can one be assured that shrinking and swelling of caps or clay liners due to changes in moisture content will be prevented, thereby preventing channelization?

v. How detailed a knowledge must one have of the wastes which will be disposed of at the facility to assure that waste/liner reactions will not result in liner breaches (e.g., cracks in clay liners or degradation of synthetic liners) or increases in liner permeability? What, if any, waste/liner combinations (e.g., solvents and clay liners) should be banned in order to prevent premature discharge from the facility?

vi. What costs and burdens are associated with accurately predicting containment life of a disposal facility? How are the costs and burdens of predictions affected by variations in the factors identified in a–e above? For example, at a commercial facility which receives a variety of wastes, what costs (e.g., waste analysis) and burdens (e.g., modifications of predictive models) are needed to account for any incompatibility between the waste and the facility liner?

2. *Managing Land Disposal Facilities to Assure Containment.* The longer one wishes to contain waste, the more difficult the task becomes. Synthetic liners and caps will degrade; soil liners and caps may erode and crack. Therefore, it is assumed that some type of monitoring, inspection and maintenance program will usually be necessary to assure containment, even with a facility design that is expected to achieve long-term containment. EPA, therefore, solicits comments on the following questions:

a. Have any liner or cap designs been demonstrated to achieve long-term (e.g., greater than 25 years) containment without maintenance? EPA is not aware of any field data showing successful long-term containment of waste at facilities which have not been maintained over time. EPA urges commenters who are aware of such facilities to provide all relevant data (including ground-water monitoring information) about such facilities.

b. Under what conditions is it technically feasible to replace a cap? Can a cap be replaced without disrupting a landfill in a manner that accelerates leachate generation or release from the facility?

c. The roots of vegetation grown in the soil above a cap can penetrate the cap, creating channels which allow water to enter the facility. Assuring long-term containment, therefore, will generally require an ongoing vegetation management program by the facility owner or operator. What, if any, measures can be taken to reduce this responsibility? EPA is particularly interested in landfill design measures which have been demonstrated to obviate the need for vegetative management programs while achieving containment.

d. Are there any proven methods besides ground-water or leachate monitoring for detecting failure of a containment design? For any such alternative approach, commenters should describe any field experience with the technique.

e. Can a leachate detection system (e.g., collection and removal system below the liner) operate efficiently for long periods of time (e.g., 100 years)? What methods are available to unclog a leachate detection system? EPA urges commenters who address this question to report on any field experience with maintenance of leachate detection systems.

f. How often must ground-water monitoring equipment be replaced? What costs are associated with long-term maintenance of monitoring equipment? EPA is particularly interested in field demonstration of useful life of monitoring equipment.

3. *Subsequent Management of Buried Waste.* One rationale advanced in favor of a containment approach is that some time in the future, once waste management technology advances and the cost of resources increases, it may become reasonable to retrieve, treat or reclaim wastes that have been placed in land disposal facilities. This argument suggests the following questions:

a. Under what conditions is it now technically feasible to recover buried waste material? What risks are placed on those who exhume such material? Can commenters cite examples where waste recovery has been successful?

b. What design and operating measures can be taken in disposing of wastes today to facilitate their removal some time in the future?

c. What design and operating measures can be taken in disposing of waste today to facilitate in-situ treatment some time in the future?

4. *Containment with Respect to Air.* Organic chemical wastes placed in landfills, land treatment facilities and particularly surface impoundments may volatilize in the air. Metal wastes in most cases are not emitted in substantial volumes from land disposal facilities (except perhaps as particulate matter dispersed by the wind.)

Some measures are available to control air emissions. In landfills, sorption, biodegradation and other mechanisms may limit the amount of organic waste which may be volatilized. Cover may be used to limit the rate of migration of vapors or water rising to the ground surface where vapors may be released to the air. Furthermore, in a manner analogous to leachate collection systems, gas collection systems may be used to collect vapors and direct them to treatment systems (*e.g.*, burning or sorption). In surface impoundments, emissions may be substantially reduced by covering the surface with oily film. However, this interferes with aerobic processes, which are important for certain treatment processes in impoundments.

The containment approach has not generally been applied to air emissions. EPA solicits comments on whether containment approach is technically feasible for air emissions from land disposal facilities. In discussing this issue commenters are urged to consider whether a containment approach is feasible for particular facilities or waste types.

5. *Miscellaneous Questions.* a. The containment approach is one which provides maximum protection for a finite time period. One of the fundamental questions it raises is the attitude which should be taken toward risks that may be presented by releases to the environment occurring after the containment period. Any of the following approaches could be used:

i. Assume that any risks posed by the facility after the containment period passes are minimal or may be ignored for other reasons.

ii. Assess the risk to future generations caused by discharges from the facility, using the risk assessment methodology discussed in Section IV above. Such an assessment would involve predicting the quantity and quality of the discharged leachate, the degree to which people and the environment would be exposed to the discharge (which requires, for example, an assessment of future withdrawls and uses of ground-water near the closed facility), the risks which would result from those exposures, and future generations' technical and economic capability to avoid or minimize those risks through aquifer restoration or other methods.

iii. Require certain practices, such as leachate collection, to minimize leachate discharges. Some of these practices could be imposed during as well as after the containment period to minimize the post-containment discharges.

Commenters who favor using the containment approach should address the post-containment period issue, since its resolution is critical to any justification of a regulatory scheme based on containment. In addition, commenters should indicate their responses to issue A in section II of this notice, together with their views as to an appropriate containment period.

b. A closely related issue concerns the assumptions one makes about the likelihood of future waste management technology that will allow for retrieval, treatment or recycling of waste being placed in land disposal facilities today. One rationale for a containment approach may be an assumption that future generations will have the ability to better manage and prevent environmental damage from wastes being disposed of by today's society. Is that a reasonable assumption? Obviously, EPA does not except commenters to be omniscient. However, EPA does ask commenters who favor the containment approach based on this rationale to at least identify the current evidence which makes the assumption reasonable.

c. What is an appropriate containment zone? Should all wastes be contained within the facility (including its liner system)? Should the zone be extended to include the unsaturated zone or the facility property line?

VI. Alternatives to the Modifications of the Risk Assessment and Containment Approaches

Sections IV and V have set forth the two major alternative regulatory approaches which EPA has considered. The risk assessment approach attempts to define and then achieve an "acceptable" risk at each facility, while the containment approach seeks to attain a zero-risk level for a fixed period of time. While these two are reasonably comprehensive, there are good reasons to consider other approaches to replace, supplement, or modify either of these two basic approaches.

First, either approach involves many technical and institutional uncertainties. The present state of knowledge in designing facilities to contain wastes for long periods of time is limited, as is the ability to perform risk assessments. It is unclear whether the necessary institutions to prevent long-term risks can be established and maintained. Limited expertise, time and money further constrain our nation's ability to carefully design, assess, monitor and maintain each land disposal facility.

In light of these problems, it may properly be argued that both the risk assessment and containment approaches are inadequate. Some may argue that supplementary or alternative technical requirements are necessary in at least some situations. Others may argue that, for particular locations or wastes, the short and long-term risks created by land disposal facilities are so great that land disposal should not be allowed at all.

Second, it may be argued that particular alternatives to land disposal are environmentally superior and should be encouraged by restricting the permitting of landfills. For example, some have suggested that disposal of certain types of wastes in the deep portions of the ocean may be safer than land disposal. Still others may argue that no disposal is demonstrably safe and that treatment techniques should be encouraged to destroy wastes or allow their safe reuse. Ultimately, waste reduction and resource recovery probably provide the best alternative to land disposal. Some may contend that EPA's land disposal regulations should be designed to foster these alternatives.

Finally, it may be argued that some areas of the country need greater or lesser protection. On one hand, some areas may be so polluted or remote that they cannot or need not be protected. One may contend that such areas should be identified through federal or state rulemaking. Under a containment approach, requirements to contain wastes might then be waived in those areas. Under a risk assessment approach, an automatic assessment of no incremental risk might be made, thereby saving the time, expense and expertise otherwise needed to conduct a detailed risk assessment. On the other hand, some may contend that certain areas are entitled to absolute protection and that no facilities should be allowed in those areas regardless of how they are designed and how minimal their assessed risks appear to be.

EPA believes that these issues should be carefully considered in formulating a comprehensive policy on hazardous waste land disposal. EPA, therefore, solicits comments on alternatives to the risk assessment and containment approaches. The following discussion is designed to stimulate comment on these issues. Where an issue depends on particular facts, EPA requests that commenters submit relevant data together with their discussions of broad policy issues.

A. Supplementary or Alternative Design and Operating Requirements for Land Disposal Facilities

As mentioned above, a variety of factors may suggest that our current ability to achieve either a containment goal or an acceptable risk goal is uncertain. Therefore, it may be appropriate to provide an additional margin of safety by specifying particular design standards or operating practices.

One standard that might be applied is the required use of a leachate collection system which provides a specified minimum level of efficiency of removal. This would undoubtedly be a major feature of many facilities even without a regulatory requirement. However, for a facility which otherwise would not have a leachate collection system, this requirement would provide an additional margin of safety by lessening the amount of leachate which could exit through the bottom of the facility. This is especially important if a facility ultimately fails to contain or control the discharge of leachate as well as its permit requires.

A second set of standards, similar to those now contained in EPA's interim status regulations, are designed to limit the amount of liquid in a facility and thus minimize leachate generation. Such requirements might include the control of entry of liquids into landfills by the prevention of run-on, the collection of run-off, and keeping wastes containing or likely to produce (as a decomposition byproduct) free liquids out of landfills. For surface impoundments, an analagous requirement is the removal of standing liquids at the time of closure. On one hand, some may contend that in some situations (e.g., certain arid areas), these requirements are not necessary and should be subject to case-by-case determinations during permit proceedings. On the other hand, some may contend that the additional margin of safety provided by liquids controls are needed to protect against unforeseen circumstances (e.g., unusual storm events) and assure long-term protection of public health and the environment.

A third possible set of standards would involve requirements for liners above and/or below the buried wastes. The purpose of such requirements would be to delay or slow the rate of leachate generation and discharge. As in the case of the requirements mentioned above, arguments may be presented to oppose a requirement of liners as unnecessary in some instances or to support it as a necessary safety measure in all cases.

A fourth set of standards might require permittees to pretreat wastes prior to land disposal. To some extent, this may amount to a ban on disposing certain types of wastes in landfills. One example is banning wastes which contain more than a certain level of cyanide; this would in effect require cyanide destruction prior to land disposal. Another requirement might be to prohibit the codisposal (disposal in the same landfill cell or surface of impoundment) of certain wastes. Examples of waste combinations which could be regulated are acids with metals and solvents with certain highly toxic aromatic hydrocarbons. Finally, requirements for stabilization,

solidification or encapsulation of particular wastes might be required to reduce their leachability or mobility.

A fifth set of standards might require permittees to install equipment to control air emissions from landfills. For example, the regulations could require a gas venting system that channels air emissions to particular facilities where the vapors may be treated. Commenters who favor such a requirement are urged to discuss and recommend what performance standards might be appropriate for control of collected gases. For example, should land disposal operators achieve a destruction and removal efficiency comparable to that required for incineration of certain organic hazardous waste constituents, for any air emissions from its collection and treatment system?

In addition to using design standards to supplement a risk assessment or containment approach, they may be used independently where neither of the two approaches are deemed adequate, for the reasons discussed above. Thus, a set of minimum design and operating requirements could constitute a separate regulatory approach.

EPA requests that commenters favoring any of the above requirements as supplements to other approaches or as independent approaches explain fully why they are necessary and specify as much as possible what the requirements should be. Information on the reliability and cost of the suggested requirements should also be submitted. Commenters opposing particular requirements are urged to provide specific examples of situations where the requirements clearly would not be necessary to provide safety margins. EPA also welcomes comments suggesting further specific requirements which are not discussed above but which may be appropriate.

B. Requiring Selection of the Best Management Alternative

Several alternatives to land disposal are already used nationwide or in particular regions of the United States. These include incineration (including incineration-at-sea), thermal treatment, certain types of chemcial, physical and biological treatment, and ocean disposal. In addition, there are several alternative forms of land disposal (landfilling, placement in surface impoundments, land treatment and underground injection).

Many new hazardous waste treatment and disposal techniques are being studied or developed at present, and some may be expected to prove superior to land disposal for at least certain types of wastes in the future. A brief summary of some of these emerging technologies and a list of references for further information are provided in Booz, Allen & Hamilton, Inc. and Putnam, Hayes & Bartlett, Inc., *Hazardous Waste Generation and Commerical Hazardous Waste Management Capacity—An Assessment*, Appendix J ("Emerging Hazardous Waste Treatment and Disposal Technologies"), December 1980.

In addition, many of the existing technologies which currently handle only certain types of wastes may become able in the future to handle broader classes of wastes. For example, rotary kilns can incinerate more types of wastes than the more prevalent liquid incinerators can. As more rotary kilns become available, more types of wastes can be incinerated.

While it is premature to direct wastes away from land disposal facilities to technologies which are not yet available, one can at least direct wastes away from land disposal facilities when environmentally superior options are available. Under this approach, each operator of a particular type of land disposal facility, as part of the permit application process, would be required to demonstrate that no environmentally superior treatment or disposal option is available for handling the wastes in question. (Some states have begun to use this approach.)

This approach raises several issues. EPA asks commenters who address this alternative to consider the following:

i. How should the relative environmental merits of competing alternatives be judged? Can quantitative assessments of risks presented by each option be made in a manner that allows for quantitative comparisons between alternatives or must the permit writer ultimately make a comparison based on qualitative judgment alone?

ii. How can this approach account for the distribution of risks among the population? Various alternatives will present differing degrees of aggregate environmental risk. In addition, each alternative presents risk to differing groups of people and portions of the environment. Should any alternatives analysis consider the distribution of risk? If so, how?

iii. How should EPA determine that an alternative is "available" under this approach? Is this a question of technical feasibility or one that considers cost? How should cost be used in determining the availability of an alternative?

A broader approach for comparing environmental alternatives would be for EPA or a State agency to broadly assess various types of waste management techniques and the classes of waste for which they are most appropriate, considering technical, risk and cost factors. This type of effort is very difficult. However, EPA solicits suggestions on preferred options for particular types of waste.

C. Requirements Concerning Location

An additional approach which may be used to supplement or modify the risk assessment, containment, technical standards or alternative options approaches is one which allows broad regulatory decisions to be made with respect to particular locations.

Neither a containment approach nor a technical standards approach explicitly considers locational factors except as they relate to technical considerations such as local precipitation and evapotranspiration rates. The risk assessment approach does consider location on a case-by-case basis. However, it does not necessarily involve a general designation of geographical regions as acceptable or unacceptable locations for land disposal facilities. It is therefore appropriate to examine whether any specific provisions concerning location should be included in national hazardous waste regulations.

Several factors might be relied upon to justify placing land disposal facilities in particular locations. First, the ground water in an area may already be so contaminated by nature or by man as to be unsuitable for uses which could result in human exposures. Second, the area may be so remote that human exposures to buried wastes are unlikely at present and for the foreeseable future. Finally, it might be desirable to designate particular areas as waste sinks, provided that they are isolated from the public, to relieve the pressures for permitted waste disposal sites (or illegal disposal practices) in other areas where public exposure would be more likely to occur.

Several arguments, however, may be presented against encouraging land disposal at particular locations. First, the availability of a cheap land disposal option discourages the development and increased use of waste recycle and reuse, destruction and treatment. Second, as future water quality and quantity needs and land use patterns change, areas which are designated waste sinks today may be needed by future populations. Third, few areas are so remote that animals and plants cannot be placed at significant risk from unregulated waste disposal practices. Fourth, over long periods of time, ground water can move from a remote area to a less remote area. In some cases,

persistent constituents may migrate a significant distance from the waste burial site.

Several factors might be relied upon to justify prohibiting the location of land disposal facilities in particular areas. First, some areas may be so heavily populated that even a small risk that waste will be released to the environment may, when multiplied by the potentially exposed population, result in a significant risk to society. Similarly, areas underlain by ground water which is now or is likely in the future to be used for drinking water may deserve special protection. Third, environments which are sensitive to contamination (e.g., wetlands or areas with shallow water tables overlain by sandy soil) may deserve special protection.

An argument against banning land disposal facilities from particular locations is that facilities that might be designed to prevent unacceptable risk would be unfairly banned. This could create some hardship, particularly for existing generators in such areas who currently rely upon on-site disposal in landfills or on-site wastewater treatment in surface impoundments.

EPA recognizes that explicit regulation of location of hazardous waste land disposal facilities is a sensitive issue and believes that any such regulation should be carefully considered. EPA, therefore, urges commenters to provide any information relevant to this issue. What criteria should be applied to designate locations as waste sinks or waste-free zones? Can examples be provided of areas that might appropriately be designated as waste sinks or waste-free zones?

D. Prohibiting Land Disposal (Treatment and Long-Term Storage)

Given the current state of knowledge about hazardous waste management, some may contend that the risks of land disposal are too great to be borne. They might suggest that the land disposal of hazardous waste should be banned. Even if a ban is not imposed for all wastes, it may be unnecessary to assume the risks associated with land disposal of hazardous wastes for those wastes for which treatment (e.g., incineration) is now available. EPA invites commenters to suggest how this approach might be used and to identify those waste types which can be adequately treated with available technology.

In addition, it may be possible to safely store certain wastes above ground for long periods of time, avoiding the need for disposal with current technology. For example, it is possible to store liquid wastes in tanks and to completely contain them for 10, 20 or 30 years depending on design and maintenance. Indeed, storage tanks are already used for this purpose, although the contents of the tanks may be changed frequently. It should be possible to construct above-ground vaults to store various other wastes for significant periods of time.

If long-term storage is practicable, it could provide a bridge between any current shortage of environmentally-acceptable alternatives to land disposal and future capacity to handle today's excess wastes. This would allow a regulatory strategy which phases out at least some land disposal practices even where adequate treatment or disposal alternatives do not yet exist. It could also provide society more time to improve land disposal techniques and to develop a regulatory strategy for land disposal which is acceptable to the public.

EPA solicits public comment on the use of a long-term storage strategy for hazardous wastes. EPA is particularly interested in public comment (with appropriate data) identifying the particular wastes or waste types that should be placed in long-term storage and the types of storage facility designs that would be appropriate, together with associated costs of storage as well as of ultimate removal for treatment or destruction.

VII. Existing Facilities

A. Regulatory Approach to Existing Facilities

EPA is concerned about the problem of permitting existing land disposal facilities. At present, thousands of landfills and surface impoundments which dispose or treat hazardous waste are operating with interim status under section 3005(e) of RCRA. All of these require permits to be issued under the Part 264 standards.

The interim status standards promulgated on May 19, 1980, which contain certain minimum operating and ground-water monitoring requirements, should result in the improved operation of facilities and the identification of significant ground-water contamination. In addition, the closure and post-closure requirements and financial responsibility requirements promulgated on May 19, 1980, and January 12, 1981 should help assure proper closure and post-closure care of these facilities. Furthermore, the worst existing practices may be stopped under the authority of section 7003 of RCRA, which allows the EPA Administrator to sue in Federal court to restrain any hazardous waste management activity that may present an imminent and substantial endangerment to health or the environment. Section 3008 of RCRA provides further enforcement authority by authorizing EPA to issue a compliance or order to commence a civil action for appropiate relief, including a temporary or permanent injunction for violations of the regulations which have been promulgated to date under Subtitle C of RCRA, and by subjecting any person who knowingly commits certain types of illegal acts to criminal penalties, including a fine, imprisonment, or both. Finally, the recently-enacted Comprehensive Environmental Response, Compensation and Liability Act of 1980 has established a fund (commonly referred to as "Superfund") to help finance cleanups or other appropriate responses to the worst environmental emergencies.

While the interim status regulations and section 3008 and 7003 actions can go a long way toward addressing the problems presented by existing facilities, these two mechanisms are ultimately somewhat incomplete. On one hand, the interim status regulations, for example, do not address directly the complex issue of how EPA will protect ground water and air. On the other hand, compliance orders and lawsuits cannot be used to address the large number of existing land disposal facilities.

The first problem relating to existing facilities is that a large number of them exist and are potentially presenting human health and environmental risks. The Agency invites comments on the most efficient means for addressing this large number of existing facilities.

A second problem related to existing facilities is that many of them would need to be retrofitted to comply with EPA standards. Retrofitting may be more expensive than building a new facility. If land to build a new facility is unavailable, an existing facility may find it difficult to meet the permitting standards. The problem may be particularly acute for some facilities that rely upon on-site surface impoundments to treat their wastewater. Yet, many surface impoundments have in the past created significant risk to public health and the environment. Thus, upgrading these facilities will be necessary in some cases despite the costs.

Several options are available to balance the need to upgrade unacceptable facilities against the desire to avoid imposing unnecessary burdens on acceptable facilities.

One approach would be to conduct a detailed risk assessment at each facility.

This would assure that appropriate requirements are set for each reviewed facility. However, as noted above, this procedure would consume time and resources and could slow the permitting of many facilities. *See* 46 FR 11134 (February 5, 1981).

A second approach would be based on reviewing ground-water monitoring results under Part 265 Subpart F of the interim status standards. For example, one might impose additional requirements only on those facilities which appear to have leached any or some designated level of constituents to the ground water. A refinement of this approach would be to use the monitoring results to trigger a second and more detailed level or review prior to imposing particular requirements.

A variation on the second approach would be to first address those facilities which have already affected the ground water as a matter of first priority. After those facilities have been issued or denied permits, a more detailed assessment of the other facilities could be made to determine their future potential for creating risk and the need to require particular design or operation modifications.

EPA solicits comments on these options for handling existing facilities as well as on any strategies not mentioned above.

B. New Cells at Existing Facilities

EPA is also concerned about how to regulate new cells and impoundments at existing facilities. A "facility" is defined in 40 CFR 260.10 as "all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operational units (*e.g.*, one or more landfills, surface impoundments, or combination of them)." Thus, it is possible to have several cells or impoundments at a single facility. Where a new cell or impoundment is constructed at an existing facility, it may or may not involve retrofit problems of the sort discussed above, depending on the extent to which it is integrated with the previously existing cells or impoundments. However, EPA could, as a matter of policy, prohibit the connection of new cells and impoundments to existing structures if the connection would impede imposition of all necessary requirements.

Should EPA assess the extent to which new cells and impoundments are integrally connected to existing structures before imposing requirements? Or should EPA subject new cells and impoundments to the same requirements as new facilities?

VIII. Comparison of Alternatives

The previous three sections have explained the principal alternatives available for regulation of hazardous waste land disposal. EPA urges public commenters to compare these alternatives and provide their opinions on which approach, or combination of approaches, provides the most effective regulatory scheme. EPA is, of course, interested in the public's opinion on the relative advantages and disadvantages of the risk assessment approach. If commenters raise objections to that approach, however, EPA asks them to identify an appropriate alternative regulatory scheme and explain why it is preferable.

To assist in the comparison of alternatives, EPA suggests that commenters address the following questions:

1. As indicated earlier, public confidence is dependent on a belief that EPA's regulations deal comprehensively with the environmental effects of hazardous waste and that the measures required by a permit are reasonably certain to provide the level of protection desired. Which approach is most likely to provide comprehensive consideration of all relevant effects of hazardous waste? Which approach provides greatest certainty that its proposed goal will be reached, particularly for long periods of time?

2. Whatever their theoretical approach, EPA's hazardous waste regulations must be capable of being implemented. This means that the expertise must be available to do the technical analyses required and that permit decisions must be deliberate but not unnecessarily time-consuming. Commenters are asked to suggest which approach is more likely to be resource-intensive (with respect to staff time, expertise, and money) in its implementation. As part of that discussion, commenters should identify these elements of either approach for which there is limited available technical expertise.

3. EPA is concerned that the money spent on hazardous waste management be used for these activities which best assure long-term protection of human health and the environment. EPA is interested in public comment on which regulatory approach provides the best use of money spent on environmental protection. In particular, the Agency seeks comments and data on how prospective permittees expect various approaches will affect the total and relative costs for capital equipment, operating methods and permit acquisition.

4. Taken as a whole, which approach is most likely to minimize the overall risk to society presented by hazardous waste disposal? This question ultimately subsumes all others. EPA's permit program for land disposal facilities must address all disposal facilities and must consider each facility carefully. To accomplish this with its limited resources EPA must engage in certain balancing. An approach which requires EPA to "fine tune" permit conditions to the unique characteristics of each facility will make it difficult for EPA to address all facilities. Likewise, an approach which too heavily emphasizes simplicity in permitting runs the risk of overregulating or underregulating certain individual facilities. EPA urges commenters to express their views on which approach best minimizes overall societal risk over time by allowing EPA to address as many facilities as possible in a manner that will assure adequate environmental protection at each one.

IX. Conclusion

EPA has attempted in this notice to clearly delineate the complex issues relating to permitting hazardous waste land disposal facilities and thus assist the public in analyzing and commenting on these issues. We recognize that few commenters will be able to offer responses to all of the questions set forth in this notice. Therefore, we invite all members of the public to comment on any of the issues about which they are knowledgable or able to form an opinion. In particular we urge that advocates of specific regulatory approaches comment upon the broad policy issues (especially those discussed in sections II and III of this notice) which underlie the selection of any approach.

Dated: May 7, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81-15519 Filed 5-22-81: 8:45 am]

BILLING CODE 6560-30-M

federal register

Tuesday
May 26, 1981

Part VI

Department of Agriculture

Farmers Home Administration

Emergency Loans; Amendments to Policies

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1809, 1945 and 1951

Emergency Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is amending its policies pertaining to insured Emergency (EM) loans. This action is needed to implement the provisions of Public Law (Pub. L. 96–438) which amended the Consolidated Farm and Rural Development Act and to implement other related administrative changes desired by FmHA. The intended effect of this action is to correct deficiencies identified under Supplementary Information and to restore fiscal integrity to the program.

DATES: Effective on May 26, 1981. Comments must be received by July 27, 1981.

ADDRESSES: Submit written comments in duplicate to Carl Opstad, Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6346–S, Washington, DC 20250, Telephone 202–447–4057. All written comments made pursuant to this notice will be available for public inspection during regular work hours at the above address.

FOR FURTHER INFORMATION CONTACT: James E. Vollmer, Emergency Loan Officer, Farmers Home Administration, USDA, Room 5336–S, Washington, DC 20250, Telephone 202–382–1647.

SUPPLEMENTARY INFORMATION: This final action has been reviewed and been classified as "significant" under Secretary's Memorandum 1955 and classified as a "major-action" under Executive Order 12291. The changes to 7 CFR, Part 1945, Subpart A and the changes to 7 CFR, Part 1951, Subpart A are internal management regulation changes. The majority of the changes to 7 CFR, Part 1945, Subpart B only implement the requirements imposed by Pub. L. 96–438. Dwight O. Calhoun, Acting Under Secretary for Small Community and Rural Development, has determined that an emergency situation exists which warrants publication of these changes and of 7 CFR, Part 1945, Subpart D, without opportunity for a public comment period prior to the effective date of this final action.

The requirements of sections 3 and 4 of Executive Order 12291 have been waived by David A. Stockman, Director, Office of Management and Budget.

The Farmers Home Administration has received criticism for its management of the disaster Emergency loan program from various sources, including hearings held October 17, 1979, by the Senate Subcommittee on Agriculture of the Committee on Appropriations; hearings held October 19, 1979, by the House of Representatives Subcommittee on Conservation and Credit of the Committee on Agriculture; Conference Report 96–533, dated October 24, 1979; and the General Accounting Office Report, CED–78–118, dated May 25, 1978, and CED–79–111, dated August 6, 1979. The USDA Office of the Inspector General agrees with much of this criticism. The Administration believes that these concerns are valid.

The Emergency loan program was established to restore farmers, who are victims of natural disasters, to their pre-disaster production capacity and living conditions. Under existing regulations, the loans are being used to expand the farming operations beyond pre-disaster levels. Program review reveals further that:

- Emergency loans are being made to farmers who have suffered losses to one crop despite offsetting good production in another crop(s).
- Applicants are obtaining Emergency loans even though they have valuable assets which are not involved in or essential to their farming operations. Such assets should be taken into consideration in determining the amount of government funds to be made available for disaster relief.
- Significant deviations from "normal" production are not unusual in agriculture. This fact is not always given adequate consideration in determining eligibility.
- The Emergency loan program was not intended to compete with commercial lenders but only to supplement commercial credit. In practice, Emergency loans often completely replace commercial financing by offering loans for purposes and on terms with which commercial lenders cannot compete.

Overly permissive regulations have allowed these practices to become widespread.

Although some corrective measures have been taken, there remains an urgent need for further revision of the regulations governing the Emergency loan program. It is important to take action immediately to prevent these practices from continuing, so that FmHA can direct its fiscal and staff resources toward more efficiently assisting farmers who truly need Federal financial assistance to overcome disaster-related difficulties. It is also important to act immediately so that the effect of these changes is not undercut by a potentially sizable number of loan awards—with terms that may last for several years involving several million dollars—made after announcement of the changes but before they are final. In order to further correct deficiencies and restore fiscal integrity to the program, the changes summarized below must be implemented immediately.

These regulations do not directly affect any FmHA programs or projects which are subject to A–95 clearinghouse review.

The Catalog of Federal Domestic Assistance number of Emergency Loans is 10.404.

FmHA amends Subpart A of Part 1809, Subparts A and B of Part 1945, and Subpart A of Part 1951 and adds a new Subpart D of Part 1945 in Chapter XVIII, Title 7, Code of Federal Regulations.

A summary of the changes made by this action are as follows:

Summary of Changes

7 CFR, Part 1945, Subpart A is completely revised and reissued to require that the Secretary of Agriculture designate natural disasters which have adversely affected more than 25 farmers, ranchers and/or aquaculture operators in any one county, and make emergency (EM) loan assistance available in those county(ies). When not more than 25 farmers, ranchers and/or aquaculture operators have been so affected by a natural disaster, the Farmers Home Administration (FmHA) State Directors through the FmHA Administrator may designate natural disasters. This action also discontinues the authority for making EM loans available in counties adjoining those designated as disaster areas, unless a separate disaster designation is obtained for those adjoining counties. (See §§1945.6, 1945.18, 1945.19, 1945.20, 1945.21, 1945.25, 1945.26, 1945.27, 1945.30, 1945.31, 1945.35, 1945.45 and Exhibit A).

7 CFR, Part 1945, Subpart B is amended to apply only to those applications for EM loans associated with FmHA disaster designations having a beginning incidence period predating May 26, 1981.

§1945.66(b)(2) (i) and (ii) are revised to implement time frame limitations on EM subsequent annual production loans as required by Pub. L. 96–438.

§ 1945.66 (d) and (e) are revised to implement loan ceilings for fiscal years 1981, 1982, 1983 and subsequent fiscal years on EM annual production and

major adjustment loans as required by Pub. L. 96–438.

§ 1945.69(t) is added to impose less stringent security requirements on applicants certifying that they can get their needed credit elsewhere.

§ 1945.80 (c) and (d) are removed to eliminate the requirement for County Committees to certify the amount of EM loan entitlement; this requirement was deleted by Pub. L. 96–438.

7 CFR, Part 1945, Subpart D is added to implement FmHA EM regulations for EM loan applications associated with disaster designations having a beginning incidence period date on or after May 26, 1981. Changes highlighted are those which are different than those requirements found in 7 CFR, Part 1945, Subpart B.

§ 1945.154(a)(12) defines a family size farm.

§ 1945.154(a)(15)(i) defines a single enterprise as categories of crops and livestock for use in EM loss loan eligibility determinations.

§ 1945.154(a)(23) requires the use of ASCS established yields prior to using county averages in EM loss loan eligibility and maximum EM actual loss loan entitlement determinations.

§ 1945.154(a)(30) requires EM production loss loan applicants to sustain at least a 30 percent loss of normal production in a single basic enterprise to qualify for EM loan assistance.

§ 1945.156(b)(3) stipulates that loan approval officials will require the disposition of any assets (farm and/or nonfarm) nonessential to the success of the farming operation prior to or within 12 months after the EM loan closing date.

§ 1945.161(c) requires ASCS established yields to be recorded on Form FmHA 1945–29.

§ 1945.163(a) requires EM production loss loan applicants to use the following record systems in order of priority as listed to establish the normal year's production: (a) Their own farm records; (b) ASCS established yields; (c) the 5-year county or State average yields as established by the State Statistical Reporting Service or similar source; and (d) under certain circumstances, combinations of the record systems in priority order of availability as listed in (a) through (c). This section also requires that prices used in EM loss loan calculations be based on the monthly average of the 36-month period immediately preceding the calendar year in which the disaster occurs, as indicated by State Crop and Livestock Reporting Service statistics. (See paragraphs (a)(1), (a)(2) (i) through (vi), and (a)(2(x)).

§ 1945.163(a)(2)(vii) requires that the maximum production loss loan be limited to *80 percent* of the total calculated actual production loss sustained by the applicant.

§ 195.166 deletes authority for FmHA EM loan funds to be used for *any* expansion of the pre-disaster normal farming operation. The dollar ceilings and time frame limitations authorized under Pub. L. 96–438 are also imposed in this section. A combined annual production and major adjustment outstanding principal indebtedness ceiling of $500,000 is imposed for the remainder of FY 1981. (See paragraphs (a)(1), (b)(1), (b)(2), (c), (c)(2), (c)(2)(i)(C), (c)(2)(ii), (c)(3)(iii), (c)(3)(xi), (c)(3)(xii), (d) and (e)).

§ 1945.167 prohibits the use of FmHA EM loan funds from being used to expand the pre-disaster normal farming operation. It also imposes a $300,000 principal indebtedness ceiling on the combined use of Major Adjustment Subtitle A and Subtitle B loan funds for refinancing debts which are to be secured with real estate. (See paragraph (a)).

§ 1945.168 prohibits scheduling of FmHA initial EM annual production loan repayment terms for longer than one production cycle. (See paragraphs (b)(1), (b)(1) (i) and (ii), (b)(2) and (b)(3) and (d).

§ 1945.169 revises conditions under which an applicant's potential repayment ability may be considered as "security" for EM loans.

Increases the limit of lending for FmHA EM annual production loans to the greater of $100,000 or 75 percent of the projected annual gross income, whenever an applicant can provide no security other than a first lien on the crop and/or livestock being financed with EM loan funds.

Directs EM loan approval officials to require at least the minimum level of comprehensive Federal Crop Insurance for all crops eligible under existing FCIC programs when any type of EM loan is primarily secured by crops and/or chattels. When required, the insurance is to be maintained over the full repayment period of the loan.

Directs that applicants who certify they can get credit elsewhere be required to pledge only that amount of security necessary to fully secure the loan and assure that the Government's interests will be fully protected. (See paragraphs (d), (e), (f), (i), (o), and (t)).

§ 1945.175 revises FmHA appraisal requirements when additional security is to be taken. (See paragraphs (c)(1) and (c)(4)).

Accordingly, Chapter XVIII, Title 7, Code of Federal Regulations is amended by amending Subpart A of Part 1809, revising Subpart A and amending Subpart B and adding a new Subpart D of Part 1945, and amending Subpart A of Part 1951 as follows:

PART 1809—APPRAISALS

Subpart A—Appraisal of Farms and Leasehold Interests

1. In § 1809.1, paragraph (b) is amended by changing the words "and Subpart B of Part 1945 of this chapter" to "and Subpart B and Subpart D of Part 1945 of this chapter."

PART 1945—EMERGENCY

2. Subpart A is revised to read as follows:

Subpart A—Disaster Assistance—General

Sec.

1945.1 [Reserved]
1945.2 Purpose.
1945.3–1945.4 [Reserved]
1945.5 Abbreviations.
1945.6 Definitions.
1945.7–1945.17 [Reserved]
1945.18 United States Department of Agriculture (USDA) Emergency Boards.
1945.19 Reporting natural disasters.
1945.20 Making EM loans available.
1945.21 Notification and coordination requirements.
1945.22–1945.24 [Reserved]
1945.25 Relationship between FmHA and FEMA.
1945.26 Relationship between USDA, FmHA, and SBA.
1945.27 Relationship between FCIC and FmHA.
1945.28–1945.29 [Reserved]
1945.30 FmHA Emergency Loan Support Teams (ELST).
1945.31 FmHA Emergency Loan Assessment Teams (ELAT).
1945.32–1945.34 [Reserved]
1945.35 Special EM loan training.
1945.36–1945.44 [Reserved]
1945.45 Public information function.
1945.46–1945.50 [Reserved]

* * * * *

Subpart A—Disaster Assistance—General

§ 1945.1 [Reserved]

§ 1945.2 Purpose.

This Subpart prescribes the policies, procedures, and guidelines of the Farmers Home Administration (FmHA) for making emergency (EM) loans available in specified areas (counties); the relationship between FmHA and the Federal Emergency Management Agency (FEMA); the method for establishing and using Emergency Loan

Support Teams (ELST) and Emergency Loan Assessment Teams (ELAT); training of FmHA personnel; and the disaster public information functions.

§§ 1945.3-1945.4 [Reserved]

§ 1945.5 Abbreviations.

The following abbreviations are used in this Subpart.

(a) ASCS—Agricultural Stabilization and Conservation Service.

(b) CEB—USDA County Emergency Board.

(c) DAR—Damage Assessment Report.

(d) ELAT—Emergency Loan Assessment Team.

(e) ELST—Emergency Loan Support Team.

(f) EM—Emergency Loans.

(g) EOH—USDA Emergency Operations Handbook.

(h) FCIC—Federal Crop Insurance Corporation.

(i) FCO—Federal Coordinating Officer.

(j) FEMA—Federal Emergency Management Agency.

(k) FmHA—Farmers Home Administration.

(l) OMB—Office of Management and Budget.

(m) SBA—Small Business Administration.

(n) SEB—USDA State Emergency Board.

(o) USDA—United States Department of Agriculture.

§ 1945.6 Definitions.

The following definitions are applicable to this Subpart:

(a) *Disasters.* (1) *Major disaster.* Any disaster in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant unusual assistance above and beyond normal emergency services available from the State and Federal Government. Major disaster assistance makes all Federal disaster programs available automatically, and is intended to supplement the efforts and available resources of States, local governments and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused by disasters.

(2) *Natural disaster.* Any disaster caused by a natural phenomenon in any part of the United States; such as, hurricanes, tornadoes, cyclones, windstorms, excessive rainfalls, floods, earthquakes, blizzards, freezes, electrical storms, snowstorms, droughts, excessively high or low temperatures, and hailstorms; insects where abnormal weather contributed substantially to the spreading and flourishing of such insects; fires resulting from lightning, and fires of other origins which could not be controlled because of abnormal weather; and plant and animal diseases where abnormal weather contributed substantially to those diseases spreading into epidemic proportions.

(3) *Presidential emergency.* Any disaster in any part of the United States which is of such magnitude that the President makes a declaration requiring certain Federal emergency programs to be implemented as a supplement to State and local efforts as a means of saving lives and protecting property, preserving public health and safety, and/or lessening the threat of a more severe disaster.

(b) *Farmers.* Individuals, cooperatives, corporations or partnerships who are farmers, ranchers or aquaculture operators.

(c) *Incidence period.* The specific date or dates during which a disaster occurred.

(d) *National Office.* The Director, Emergency Loan Division.

(e) *Substantially affected.* The degree of physical and/or production losses a farmer must have sustained from a disaster to meet the actual loss eligibility requirements for an EM loan. The actual loss must have had such an adverse impact on the farming operation that EM loan assistance is necessary to enable the farm operator to continue the pre-disaster operation on a sound basis. A farmer will be considered to have been substantially affected if any one of the following types of losses has been sustained due to a declared/designated/authorized disaster.

(1) Damage or destruction of physical property that is essential to the successful operation of the farm; and if the property is not repaired or replaced, the farmer would not be able to continue operating on a sound basis. Physical property includes: farmland; structures on the land, e.g., buildings, fences, dams, etc.; machinery, equipment, and tools; livestock and livestock products; harvested crops; and materials and supplies. *or:*

(2) A production loss of at least 30 percent of normal yield per acre or production per animal in a single enterprise which constitutes a basic part of the total farming operation.

(f) *Termination date.* The date specified in a disaster declaration/designation/authorization which establishes the final date after which EM actual loss loan applications can no longer be accepted. For both physical and production losses, the termination date will be 9 months from the date of the disaster declaration/designation/authorization. Applications may, however, be accepted for EM actual loss loans after the termination date has passed, if the applicant had filed an application for disaster loan assistance with the Small Business Administration (SBA) during the period SBA could accept applications, but when not more than 6 months have elapsed since the FmHA's termination date.

(g) *United States or State.* Each of the several States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

§§ 1945.7-1945.17 [Reserved]

§ 1945.18 United States Department of Agriculture (USDA) Emergency Boards.

There is a USDA Emergency Board established to serve every State and every county (or comparable political subdivision) in the United States. The Boards are responsible for providing leadership to ensure that the Department's disaster programs are implemented when needed; to coordinate the Department's emergency disaster programs with those of other Federal Departments and Agencies; and to provide personnel, as needed and requested by FEMA, to help staff disaster assistance centers in major disaster areas.

(a) *State Emergency Boards (SEB).* These Boards are composed of representatives of the several USDA Agencies having emergency program responsibilities at the State level. The chairpersons of the SEBs are the ASCS State Executive Directors. FmHA State Directors are members of the SEBs.

(b) *County Emergency Boards (CEB).* These Boards are composed of representatives of the several USDA Agencies having available personnel at the county level. The chairpersons of the CEBs, in most cases, are the ASCS County Executive Directors. FmHA County Supervisors are members of the CEBs.

(c) *Emergency boards' policies and procedures.* These policies and procedures are set forth in the USDA Emergency Operations Handbook (EOH), available in any ASCS or FmHA Office.

§ 1945.19 Reporting natural disasters.

(a) *Purpose.* The purpose of reporting natural disasters is to provide a systematic procedure for rapid reporting of the occurrence and extent of damage and loss caused by such disasters, which may result in a need to make EM loans available in the disaster area.

(b) *Responsibility for reporting disasters.* USDA SEBs and CEBs representing their member agencies are best qualified at the State and county levels to accomplish the assessment of rural and agricultural losses resulting from disasters. These Boards are, therefore charged with the responsibility of reporting the occurrence of disasters and making recommendations whether or not to implement USDA disaster programs.

(c) *Actions to be taken.* Immediately after the occurrence of a natural disaster:

(1) The FmHA County Supervisor will report to the CEB chairperson, as specified in the EOH, all substantial property loss, damage or injury and severe production losses that have occurred in his/her County Office area, regardless of whether EM loans will be needed. The County Supervisor will assist the CEB in preparing the 24 hour report required in paragraph (c)(2) of this section. If the CEB has not completed its 24 hour report within two workdays after the disaster, the County Supervisor will report to the State Director on Form FmHA 1945–27, "Report of Natural Disaster." In urgent situations, the report may be made by telephone, followed by the CEB report or Form FmHA 1945–27. Either of these reports will be based on information obtained from personal knowledge and from farmers, agricultural and community leaders, representatives of other agricultural agencies, agricultural lenders, and from any other personally contacted reliable source(s). The County Supervisor will convey to the CEB chairperson all information pertaining to the disaster and provide the Chairperson with a copy of Form FmHA 1945–27, if prepared.

(2) The CEB will report the natural disaster, in accordance with the EOH to:

(i) The SEB; and

(ii) Appropriate county government representative(s).

(3) The SEB will provide copies of the CEB report to:

(i) The USDA Washington Offices of ASCS, FmHA and the Office of Intergovernmental Affairs; and

(ii) The State Governor's Emergency Coordinator and the State Department of Agriculture.

(4) The FmHA State Director will inform the National Office of each natural disaster as soon as possible and forward to the National Office a copy of the CEB report or Form FmHA 1945–27, with any attachments, and supplemented with the State Director's comments and recommendations. The State Director must include a statement as to the number of farmers, ranchers and aquaculture operators affected by the disaster. In urgent situations, the State Director will report to the National Office, Emergency Loan Division, by telephone, and immediately thereafter, send a written report to the National Office. The State Director will continue to notify the SEB chairperson of any additional information received concerning the natural disaster.

(5) The FmHA Administrator will notify the Office of the Secretary of Agriculture of the reported natural disaster and of any action taken or planned to be taken by the FmHA. The FmHA National Office will also provide the same information to members of the Congress and FEMA, if so requested.

(6) When inquiries are received from natural disaster victims, before the area is declared/designated/authorized; the following information will be provided the victims.

(i) Inquirers at the County Office will be advised:

(A) That EM loans are not available at this time;

(B) What assistance will be available if EM loans are authorized; and

(C) An application for EM loan assistance may be filed at that time, in which case it will *not* be processed until EM loans are authorized for the area; or the application can be filed after the EM loans are authorized, in which case it will be processed promptly. The inquirer should also be advised that in the event EM loans are not authorized, he/she can be considered for regular FmHA farm loan assistance.

(ii) Inquirers at the State or National Offices will be advised accordng to paragraph (c)(6)(i) of this section and referred to the appropriate county office.

(7) When inquiries are received from County Governing Bodies or Indian Tribal Councils concerning the designation of an area, they will be informed of the procedure for making EM loans available as specified in § 1945.20 of this Subpart.

(8) The actions required in paragraph (b) of this Section will be taken even if the Governor of a State has requested the President to declare a county(ies) a major disaster or Presidential emergency area.

§ 1945.20 Making EM loans available.

EM loans are made available in counties or similar political subdivisions named by (a) FEMA as eligible for Federal assistance under a major disaster or emergency declaration by the President, (b) the Secretary of Agriculture in any area where unusual and adverse weather conditions have resulted in severe production and/or physical losses, which have substantially and adversely affected more than 25 farmers, ranchers, and/or aquaculture operators in any given county; and (c) an FmHA State Director when 25 or fewer farmers, ranchers and/or aquaculture operators, in any given county, have been so affected by a natural disaster.

(a) *Declaration by the President.* When there is a Presidential major disaster or emergency declaration and FEMA has notified the National Office, the following actions *will* be taken:

(1) The National Office will immediately:

(i) Notify the State Director and the Director of the Finance Office by telephone and confirm in writing. The notification will contain:

(A) The date of the declaration;

(B) The name(s) of the county(ies) determined eligible for Federal disaster assistance;

(C) The type of disaster;

(D) The incidence period for the disaster;

(E) The termination date for accepting applications;

(F) The disaster declaration number (Examples: Major Disaster, M491; or Presidential Emergency, E061); and

(G) The date monthly loan activity reporting will commence. State Directors will consolidate the monthly reports and forward to the National Office within 10 working days after the last working day of each month.

(ii) Take the actions required by § 1945.21(a)(1) of this Subpart.

(2) The State Director will immediately:

(i) Notify the appropriate County Supervisor(s) and instruct him/her to make EM loans available in the declared counties. This notification will be confirmed by a State Supplement, or a revision thereof, containing that information listed in paragraphs (a)(1)(i)(A) through (G) of this section;

(ii) Notify the SEB chairperson in writing; and

(iii) Make such public announcements as are appropriate to adequately inform the farm community.

(3) The County Supervisor will immediately upon receiving notification that a county(ies) under his/her jurisdiction has been declared:

(i) Notify the CEB chairperson in writing;

(ii) Make such public announcements as are appropriate to adequately inform the local farm community;

(iii) Arrange and conduct meetings with local agricultural lenders and agricultural leaders to explain the purpose of and the assistance available under the EM loan program;

(iv) Make himself/herself available to help staff the FEMA disaster assistance centers, when requested to do so; and

(v) Establish and maintain a cumulative record of EM loan activity as set out in Exhibit A of this Subpart to be submitted monthly to the State Office. (Exhibit A is available in any FmHA Office).

(b) *Designation by the Secretary of Agriculture.* The Secretary of Agriculture shall designate a county(ies) as an EM loan area when a natural disaster has substantially and adversely affected farmers, ranchers and aquaculture operators; a written request from a State Governor for an EM loan designation has been received by the Secretary within 6 months from the last day of the occurrence of the natural disaster; the Secretary determines that unusual and adverse weather conditions have resulted in substantial production losses and/or damages or losses to livestock, farm machinery, farmland, farm buildings and structures, or aquaculture operations; and more than 25 farmers, ranchers, and aquaculture operators in a given county have been so affected by the disaster. A copy of the Governor's request will also be sent to the FmHA.

(1) Upon receipt of the Governor's request through the Secretary's Office, the FmHA National Office will immediately take the following actions:

(i) Acknowledge the Governor's request on behalf of the Secretary, and if any delay is anticipated in processing the request, state the reasons for such delay and when action will be taken;

(ii) Notify the FmHA State Director by phone and confirm in writing, the Governor's request; and

(iii) Notify the State Director that monthly reports of the action taken on the request will be sent to the Administrator, Attention: Director, Emergency Loan Division, giving a status report and the estimated date when complete information will be available for the Secretary to make a decision. These monthly reports will be identified by a Governor's Request (GR) number, which will be assigned by the National Office. Example: GR (State Abbreviations) 01, 02, 03, etc.

(2) The State Director will immediately:

(i) Notify the SEB chairperson that a Damage Assessment Report (DAR) is needed in accordance with the EOH for the requested county(ies); and

(ii) Review each DAR, when it becomes available, and forward it to the National Office with a transmittal memorandum containing his/her views, comments and recommendations concerning the need or lack of need for EM loans to be made available. Any additional supportive information not contained in the DAR should also be included in or attached to the transmittal memorandum.

(3) The National Office will immediately review the DAR and the State Director's recommendations and promptly forward recommendations with supporting information for approval or denial of the requested designation to the Secretary.

(i) If the Secretary denies the designation request, the Governor and the FmHA Administrator will be notified and the notice will set forth the reason(s) for denial. The National Office will provide the same information to the State Director.

(ii) When the Secretary approves the requested designation, the Governor and the FmHA Administrator will be notified.

(A) The National Office will immediately pursue the same course of action as described in paragraph (a)(1) of this section, except the disaster designation number will be coded S and 3 numbers (Example: S141).

(B) The State Director will immediately pursue the same course of action as described in paragraph (a)(2) of this section.

(C) The County Supervisor will immediately pursue the same course of action as described in paragraph (a)(3) of this section.

(c) *Authorization by State Directors.* (1) When a State Director determines that the requirements of paragraph (b) of this section are met in any single county, except that 25 or fewer farmers have been substantially affected by the natural disaster, EM loans may be authorized by the State Director. This authority of the FmHA State Director will be exercised only after the Governor, the County Governing Body or its authorized representative, or an Indian Tribal Council; and the CEB have formally recommended to the State Director that EM loans be authorized. The State Director must give notice to the National Office by telephone before authorizing EM loans.

(2) The State Director authorization will not be used to make EM loans available immediately after a disaster occurs in anticipaton of a later declaration by the President or designation by the Secretary based on that same disaster.

(3) Upon receipt of a positive recommendation from the appropriate sources, the State Director will promptly phone the National Office and:

(i) Identify:

(A) The type of disaster;

(B) The date the disaster occurred;

(C) The county(ies) affected by the disaster; and

(D) The number of farmers affected in each county.

(ii) Obtain from the National Office:

(A) The State Director authorization number (SDAN) (Example: N181);

(B) The incidence period for the disaster;

(C) The termination date for accepting applications; and

(D) The date monthly loan activity reporting to the National Office will commence.

(iii) Notify:

(A) Appropriate County Supervisor(s) to commence accepting EM loan applications in the authorized county(ies);

(B) The SEB chairperson; and

(C) The news media with appropriate announcements.

(iv) Send to the National Office:

(A) A confirmed copy of the authorization memorandum sent to the County Supervisor(s);

(B) A copy of the DAR; and

(C) One copy each of the formal written request from the Governor, or the County Governing Body or its authorized representative, or an Indian Tribal Council; and the CEB recommendation.

(4) The National Office will notify the Secretary of Agriculture and the Director of the Finance Office of the action taken by the State Director.

(5) Upon notification from the State Director that EM loans are authorized in a county, the County Supervisory will pursue the course of action described in paragraphs (a)(3) (i), (ii) and (v) of this section. Applications for EM loans will be accepted by County Supervisors only after authorization by the State Director, except as provided in § 1945.19(c)(6) of this subpart.

(d) *Subsequent natural disasters.* EM actual loss loans will be made available when a subsequent natural disaster(s) occurs in any area which had been designated/authorized to receive EM actual loss loan applications under paragraphs (a), (b) or (c) of this section during the same crop year, which substantially affects the same farming enterprises that suffered damages or loss due to the earlier disaster(s). When a subsequent natural disaster(s) occurs, the following actions will be taken:

(1) The County Supervisor will notify the State Director and provide the State Director with completed Form FmHA 1945–27, stating the new incidence period and requesting an extension of the termination date;

(2) The State Director will make a determination, after reviewing Form

FmHA 1945–27, and advise the County Supervisor whether or not losses from the subsequent natural disaster will be covered by the original disaster designation;

(3) The State Director will notify the National Office by a copy of Form FmHA 1945–27, and request an extension of the termination date;

(4) The National Office will provide the State Director with a new incidence period and termination date, when justified, in accordance with paragraph (f) of this section; and

(5) State Directors will *not* authorize extensions for areas authorized earlier if such extensions will result in more than 25 farmers in a county being affected by disasters in that production year. When the sum total of farmers affected by disaster exceeds 25, a secretarial designation will be initiated.

(e) *Continuing disaster conditions.* EM actual loss loans will be available when there is a continuation of the disaster conditions beyond the incidence period originally established for an ongoing disaster(s), such as, drought, flood, etc., in any area eligible for EM actual loss loans under paragraphs (a), (b) or (c) of this section. When a disaster(s) continues, the actions required by paragraphs (d) (1), (2), (3), (4) and (5) of this section will be taken.

(f) *Extension of termination dates.* Termination dates originally established when EM loans are made available may be extended by the National Office, when justified, due to subsequent disasters; continuing disasters; or when losses or damages, due to the original disaster which were not readily determinable at the time, show up at a later date. These extensions will be for certain periods, as determined necessary by the National Office, based on the State Director's recommendations; and will usually not exceed 60 days.

(g) *Limitations.* Actions authorized by paragraphs (b), (c), (d), (e), and (f) of this section cannot be taken if more than 6 months have passed since the original natural disaster occurred, except when the actions required by paragraph (b)(2) of this section have been delayed. Then the authorization must be no later than 9 months after the natural disaster. However, if the Administrator finds that an FmHA employee(s) has not acted in a timely and appropriate manner in response to a request for a disaster designation/authorization, he/she may authorize EM loans to be made available up to 12 months after the occurrence of the natural disaster.

§ 1945.21 Notification and coordination requirements.

After EM loans are made available under § 1945.20 of this Subpart, the following actions will be taken immediately:

(a) *By the National Office.* (1) When the President declares a major disaster or emergency, the Administrator or designee will notify the following, in writing, of the action taken under § 1945.20(a) of this subpart:

(i) Each member of the Congress (Senate and House) representing the area(s) involved;

(ii) The Secretary of Agriculture;

(iii) The Director of the FmHA Finance Office;

(iv) The FEMA;

(v) The SBA Central Office;

(vi) The ASCS National Office;

(vii) The FCIC National Office; and

(viii) The OMB.

(2) These notifications will contain the following information:

(i) The date of the declaration;

(ii) The name(s) of the county(ies) determined eligible for the EM loan program;

(iii) The nature of the damages and losses; and

(iv) The termination date for accepting EM loan applications.

(3) Subsequent to the initial notification, weekly reports will be sent to all recipients listed in paragraph (a)(1) of this section, except the Congressional delegates, informing them of the past week's disaster declaration/designation/authorization actions taken by FmHA. If no actions are taken in any particular week, negative reports will be made.

(4) When a natural disaster is designated by the Secretary under § 1945.20(b) of this Subpart, the Administrator, through the Secretary's Office, will simultaneously notify all those recipients listed in paragraph (a)(1) of this section; such notifications will contain the itemized details required in paragraph (a)(2) of this section.

(5) When an area is authorized by an FmHA State Director for EM loans under § 1945.20(c) of this Subpart, the Administrator or designee will simultaneously notify all those recipients listed in paragraph (a)(1) of this section; such notifications will contain the itemized details required in paragraph (a)(2) of this section.

(b) *By the State Director.* (1) Notify the appropriate County Supervisor(s) of the:

(i) Name(s) of the county(ies) declared/designated/authorized;

(ii) Date declared/designated/authorized;

(iii) Disaster number;

(iv) Type of disaster;

(v) Incidence period; and

(vi) Termination date for accepting applications.

(2) Notify the State ASCS Executive Director of the authority to make EM loans and promptly have a meeting with him/her to review and implement the provisions of the Memorandum of Understanding between ASCS and FmHA on Disaster Assistance, Exhibit C of Subparts B and D of Part 1945 of this Chapter, to arrive at a mutual understanding as to how ASCS disaster program benefits are to be handled in conjunction with the processing of FmHA EM actual loss loans so that duplication of benefits for the same losses are not received by disaster victims;

(3) Contact the FCIC Regional Director to review the Memorandum of Understanding between FCIC and FmHA, Exhibit A of Subpart N of Part 2000 of this Chapter (a copy of which is available in any FmHA office), and arrive at a mutual understanding as to how FCIC insurance payments are to be handled in conjunction with the processing of EM actual loss loans so that duplication of benefits for the same losses are not received by disaster victims;

(4) Make appropriate public announcements, including notices in Indian Tribal Council(s) news media. However, if the declaration was by the President, under § 1945.20 (a) of this Subpart, news releases should be cleared with the FEMA; and

(5) If the FEMA notices the State Director that an agreement between the State and Federal Government (FEMA) has been made to provide 408 grants in a major disaster area to those suffering damages and losses to housing and personal property, who are ineligible for disaster loan asssistance through the FmHA and/or SBA, the following actions will be taken:

(i) The State Director will notify the appropriate County Supervisor(s) of the address and phone number of the nearest FEMA office in the Supervisor's area; and

(ii) At the close of business each week, the County Supervisor will forward to the FEMA a list of applicants claiming physical losses who do not qualify for EM loan assistance, with the reason(s) they do not qualify.

(c) *By the County Supervisor.* (1) Notify the County ASCS Executive Director of the authorization and have a meeting with him/her to review and implement the provisions of the Memorandum of Understanding

between ASCS and FmHA on Disaster Assistance, Exhibit C of Subparts B and D of Part 1945 of this Chapter, to arrive at a mutual understanding as to how ASCS disaster program benefits and other information in ASCS's records will be made available and used in processing EM actual loss loans. Also, the County Supervisor will request that information regarding the availability of EM loans be placed in the ASCS's news letter;

(2) Notify the County Governing Body, Indian Tribal Council(s) and make appropriate public announcements including notices in Indian Tribal Council(s') news media; and

(3) Explain the assistance available under the EM program to agricultural lenders and leaders in the area including Indian agricultural lenders and leaders.

§§ 1945.22–1945.24 [Reserved]

§ 1945.25 Relationship between FmHA and FEMA.

(a) *General.* When a major disaster or emergency declaration is made by the President, the FEMA is charged with the responsibility for seeing that disaster assistance is made available to disaster victims. Also, FEMA is responsible for coordinating the actions of other Federal Agencies who have programs to provide disaster assistance. A Federal Coordinatng Officer (FCO) is appointed for each major disaster or emergency to coordinate Federal assistance in the disaster area.

(b) *Before the declaration.* (1) When a request for a major disaster or emergency declaration is made by the Governor of a State, the FEMA through its Regional Director is responsible for obtaining an assessment of the losses and damages to respond to the request.

(2) If the FEMA makes a request for information from FmHA on losses and damages caused by a natural disaster, the FEMA representative will be advised to contact the SEB Chairperson. The EOH provides that the SEB will request the CEB to prepare the DAR. State Directors and County Supervisors should cooperate with SEB and CEB Chairpersons in preparing the DAR's.

(c) *After the declaration.* Where a major disaster has been declared by the President and the FEMA establishes a disaster assistance center(s) in the local disaster area(s):

(1) The SEB Chairperson will be responsible for:

(i) Selecting qualified USDA employees to represent USDA at each center, after consulting with other board members in making the selection. FmHA State Directors will cooperate with the SEB Chairpersons in seeing that centers are properly staffed;

(ii) Orienting the selected employees on all current USDA disaster programs. FmHA State Directors will cooperate in this orientation to ensure that the USDA representatives at the center(s) are familiarized with the FmHA EM loan program and other FmHA loan programs that could be of assistance to the disaster victims; and

(iii) Informing the FEMA that USDA representatives are available to help at each of the assistance centers.

(2) The FmHA State Director will be responsible for pursuing the following policy in working with the FEMA and the FCO by:

(i) Authorizing receipt of EM loan applications in the counties named by the FEMA. However, no EM loan can be approved until the National Office has given such notification according to § 1945.20(a)(1) of this subpart;

(ii) Attending or delegating a representative to attend any meeting(s) called by the FCO to discuss Federal assistance under the disaster declaration;

(iii) Advising the FCO to contact the SEB Chairperson, if a request is made by the FCO for FmHA employees to help staff the FEMA's Disaster Assistance Centers; and

(iv) Advising the FCO that reports on FmHA EM loan activity will be provided periodically, if requested, but not more often than once a week.

§ 1945.26 Relationship between USDA, FmHA and SBA.

(a) *General.* Pub. L. 94–305 authorized SBA to assist farmers under its physical disaster and economic injury loan programs; and Pub. L. 96–302 increased FmHA's responsiblity to meet the financial and other needs of farmers caused by disasters. It is the policy of USDA and FmHA to cooperate with SBA in the use of each Agency's respective loan making authorities, both disaster type and regular authorities, to compliment the activities of each other; and, to the extent possible, improve the delivery of disaster assistance to the agricultural segment of the country.

(b) *How SBA disaster loans are made available.* SBA physical and economic injury disaster loans are available in counties;

(1) Named by the FEMA under a major disaster or emergency declaration by the President; or

(2) Declared by the SBA Administratror.

(c) *Notification of SBA disaster areas.* The SBA Central Office will notify the FmHA National Office when its disaster loan program is made available. The National Office will advise State Directors, by letter, of the SBA disaster areas and State Directors will notify the appropriate County Supervisor(s).

(d) *"Memorandum of Understanding Between SBA and FmHA Pertaining to Disaster Loan Assistance Programs".* Exhibit B of Subparts B and D of Part 1945 is a Memorandum of Understanding between SBA and FmHA pertaining to Disaster Loan Assistance Programs, which was entered into on September 26, 1980, and which sets forth how and to what extent the two agencies will cooperate in serving the farm and rural communities affected by disasters.

§ 1945.27 Relationship between FCIC and FmHA.

(a) *General.* Exhibit A of Subpart N of Part 2000 of this Chapter (a copy of which is available in any FmHA office) is a Memorandum of Understanding between FCIC and FmHA. This Memorandum of Understanding is intended to assist in maintaining and improving the working relationship between the FCIC and the FmHA by providing encouragement to regular FmHA borrowers to use Federal crop insurance, where available; requiring certain operating type emergency loan borrowers to obtain and maintain Federal Crop Insurance, where available; assisting FmHA borrowers to obtain crop or other agricultural commodity insurance coverage; and exchanging information essential to the elimination of duplicating compensatory disaster benefits from the FCIC and FmHA for the same disaster losses.

(b) *Annual meeting with FCIC.* FmHA State Directors will meet with FCIC Regional Directors at least once each year to review the Memorandum of Understanding and rededicate their efforts and those of their respective Agency employees to comply with the agreements contained in the Memorandum of Understanding.

(c) *Contact after EM actual loss loans are made available.* After each disaster when EM loans are made available, State Directors are required to promptly contact the FCIC Regional Director to review the Memorandum of Understanding and agree on how each agency will fulfill its responsibilities in dealing with the disaster situation.

(d) *Notification to County Offices.* State Directors *will* provide instructions for actions to be taken by County Supervisors in maintaining a good working relationship with the FCIC staff.

§ 1945.28–§ 1945.29 [Reserved]

§ 1945.30 FmHA Emergency Loan Support Teams (ELST).

(a) *Use of ELSTs.* ELSTs are to be used when a disaster warrants immediate attention by FmHA in implementing the EM loan program. Also, ELSTs are used when such unusually large numbers of EM loan applications are received that personnel from other areas are required to be temporarily assigned to assist in rendering prompt service to the affected area(s).

(b) *State Office ELST.* Each State Director shall form an ELST to be deployed, when needed, in areas affected by a major disaster, Presidential emergency, or a natural disaster. ELSTs shall assist the State Directors in expediting the making of EM loans to disaster victims.

(1) State Directors shall use the ELSTs formed in their State(s) and all other FmHA personnel within their State(s) in making EM loans available. If additional help is needed beyond that available in the State, including the use of overtime, temporary personnel, and/or private contractors, the State Director shall advise the National Office of these needs and request assistance.

(2) Upon request of a State Director, the Assistant Administrator, Farmer Programs, will consider detailing ELSTs from other States to assist in the making of EM loans.

(3) State ELSTs will consist of a team leader and team members, selected by the State Director.

(i) The State ELST can include Farmer Programs Specialists, County and Assistant County Supervisors, Office Management Assistants, County Office Assistants, and County Office Clerks.

(ii) So that no one person or County Office unit bears an unfair burden, State team members will be changed from time to time.

(iii) Team members will provide training in EM loan making and EM loan servicing to all County Office employees.

(iv) District Directors are responsible for notifying the State Director of any need to change a team member within their district.

(4) State ELSTs will be trained as follows:

(i) The National Office will hold training meetings or workshops for ELST leaders as needed; and

(ii) State ELST leaders will be responsible for training and keeping the State team and all other State personnel currently informed on all phases of EM loans.

(5) Each State Director will issue a State Supplement establishing an ELST for the State(s) under his/her jurisdiction. This Supplement will name the team leader and all members. A copy of this Supplement will be sent to the National Office, Attention: Director, Emergency Loan Division.

(c) *National Office ELST Leaders.* The National Office has established a cadre of ELST team leaders.

(1) National Office team leaders will be used as follows:

(i) Training of FmHA field personnel, other USDA personnel, and temporary personnel in the making of EM loans;

(ii) Assisting State Directors in the organizing and expediting of assistance to eligible disaster victims; and

(iii) Leading ELSTs in areas with an unusually large volume of EM loan applications.

(2) Upon request from a State Director, the Assistant Administrator, Farmer Programs, will consider detailing one or more National Office team leaders to assist in the training of personnel and organizing of EM loan processing activities.

§ 1945.31 FmHA Emergency Loan Assessment Teams (ELAT).

In widespread disaster areas where large numbers of EM loan applications are being received, the State Director will deploy ELATs to the affected areas to monitor EM loan processing activities, in order to minimize loan errors, especially in loss calculations and eligibility determinations. The team leader will keep the State Director informed by telephone and by submission of weekly written reports, setting forth the problems discovered and the corrective actions taken or to be taken. Such teams will be composed of State Office Farmer Programs staff members, District Directors or Assistant District Directors, Office Management Assistants, and auditors from the Office of Audit, if they desire to participate. State Directors will monitor the handling of this quality control measure and report their findings to the National Office.

§§ 1945.32–1945.34 [Reserved]

§ 1945.35 Special EM loan training.

(a) *General.* When it is evident that a large number of farmers were affected by a widespread disaster in a State, the National Office will send a qualified representative from the Emergency Loan Division to the State to assist the State Director in conducting a training meeting(s) with State, District and County employees, provided there has not been a recent training meeting in that State.

(b) *Purpose.* A good training program is a must in disaster areas. This program should adequately instruct State and County Office personnel so that when the training is completed they will be well qualified to process EM loans without undue delay. The training meeting will last 2 days (16 hours) and include a workshop and a test.

(c) *Objective.* The basic objective of this training program is to keep State and County personnel properly trained in the currently correct methods of EM loan processing and loan making. This will result in more expeditious service to disaster victims during critical times and minimize erroneous interpretations of regulations by FmHA employees in administering the EM loan program.

(d) *Comprehensive EM loan training package.* A comprehensive EM loan training package has been developed for use by National Office and State Office personnel in training all EM loan writers (both regular and temporary employees). This package, including an application kit, will be used for the EM loan training meetings, and any subsequent EM loan training meetings conducted by State or District personnel.

§§ 1945.36–1945.44 [Reserved]

§ 1945.45 Public information function.

A good public information program is a must in disaster areas. This program should inform farmers and the general public when and where EM loans are available. Also, the information will state the EM loan objectives, eligibility requirements, and type of assistance available. Public information functions will be performed according to Exhibit A of Subpart B of Part 2015 of this chapter, which is available in any FmHA office.

§§ 1945.46–1945.50 [Reserved]

* * * * *

3. The title of Subpart B is revised to read as follows:

Subpart B—Emergency Loan Policies, Procedures and Authorizations for Those Applications Associated With Disaster Designations Having a Beginning Incidence Period Date Prior to May 26, 1981

4. In § 1945.66, paragraphs (b)(2) (i) and (ii), (d) and (e) are revised to read as follows:

§ 1945.66 Loan purposes.

* * * * *

(b) *Annual production purposes.*

* * * * *

(2) * * *

(i) Borrowers with loans outstanding for any EM purpose on December 15, 1979, may receive subsequent EM loans for annual production purposes, provided no more than five subsequent EM annual production loans are made per disaster, and provided they are made within six full calendar years after the disaster authorization date.

(ii) Borrowers not having outstanding EM loans on December 15, 1979, may receive subsequent EM loans for annual production purposes, provided no more than two subsequent EM annual production loans are made per disaster, and provided they are made within three full calendar years after the disaster authorization date.

* * * * *

(d) *Annual production and major adjustment loan indebtedness ceiling.* The total combined annual production and major adjustment loan(s) principal indebtedness owed by a borrower, insured and/or guaranteed, cannot exceed $1,000,000 at any time during fiscal year 1981, regardless of the number of disasters under which an applicant may qualify. During fiscal year 1982, no such loan assistance may be made or guaranteed in an amount that would cause the combined total of unpaid principal indebtedness to exceed $500,000; and during fiscal year 1983, and all fiscal years thereafter, no such loan assistance may be made or guaranteed in any amount. However, borrowers with EM loans outstanding on December 15, 1979, may receive subsequent EM annual production loans according to the provisions of paragraph (b) of this section in amounts necessary to continue their normal farming operation(s), without regard to this indebtedness ceiling.

(e) *Relationship with Ecomonic Emergency (EE) loans.* When an EM loan(s) for annual production and/or major adjustment purposes is made at the same time as, or after, an EE loan, the EE loan (outstanding principal only) will be subtracted from the loan ceilings set out in paragraph (d) of this section. The difference is the maximum loan which can be made for EM annual production and/or major adjustment loan purposes. However, borrowers indebted for any EM loan on December 15, 1979, will not have the amount of the EE loan subtracted from any subsequent EM annual production loan.

5. In § 1945.69, paragraph (t) is added to read as follows:

§ 1945.69 Security requirements.

* * * * *

(t) *Applicants who can get credit elsewhere.* Those applicants who are able to get credit elsewhere will be required to pledge only that amount of security necessary to fully secure the loan and assure that the Government's interest will be adequately protected.

§ 1945.80 [Amended]

6. In § 1945.80, paragraphs (c) and (d) are removed.

7. Subpart D is added and reads as follows:

* * * * *

Subpart D—Emergency Loan Policies, Procedures and Authorizations for Applications Associated With FmHA Disaster Designations Having a Beginning Incidence Period Date on or After May 26, 1981

Sec.

1945.151 Introduction.
1945.152 Program objectives.
1945.153 [Reserved]
1945.154 Definitions and abbreviations.
1945.155 Relationship between FmHA and other federal agencies.
1945.156 The test for credit and certification requirements for availability of credit elsewhere.
1945.157–1945.160 [Reserved]
1945.161 Receiving and processing applications.
1945.162 Eligibility requirements.
1945.163 Determining qualifying losses, eligibility for actual loss loan(s) and the maximum amount of actual loss loan(s), annual production and major adjustment loan(s).
1945.164–1945.165 [Reserved]
1945.166 Loan purposes.
1945.167 Loan limitations and special provisions.
1945.168 Rates and terms.
1945.169 Security requirements.
1945.170–1945.172 [Reserved]
1945.173 General provisions—compliance requirements.
1945.174 [Reserved]
1945.175 Options, planning, and appraisals.
1945.176–1945.179 [Reserved]
1945.180 County Committee certification.
1945.181 [Reserved]
1945.182 Loan docket preparation.
1945.183 Loan approval or rejection.
1945.184 [Reserved]
1945.185 Actions after loan approval.
1945.186–1945.187 [Reserved]
1945.188 Chattel lien search.
1945.189 Loan closing.
1945.190 Revision of the use of EM loan funds.
1945.191 [Reserved]
1945.192 Loan servicing.
1945.193–1945.200 [Reserved]

* * * * *

Subpart D—Emergency Loan Policies, Procedures and Authorizations for Applications Associated With FmHA Disaster Designations Having a Beginning Incidence Period Date on or After May 26, 1981

§ 1945.151 Introduction.

(a) *Policy.* This Subpart prescribes the policies, procedures, and authorizations of the Farmers Home Administration (FmHA) for making Insured Emergency (EM) Loans to farmers, ranchers, and aquaculture operators (hereinafter referred to as farmers). FmHA's policy is to make loans to any otherwise qualified applicant without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap (provided the applicant can execute a legal contract). These regulations apply to borrowers and FmHA personnel involved in making EM loans.

(b) *Program administration.* The County Supervisor is the local contact person for loan processing and servicing activities.

§ 1945.152 Program objectives.

The objective of EM loans is to provide financial assistance to cover actual losses sustained by eligible farmers, make major adjustments, and provide annual production credit so that they can maintain sound farming operations after they have sustained substantial losses as a result of an authorized disaster. EM loans are made to assist eligible disaster victims in sustaining and rehabilitating their normal operations. This objective will be accomplished through the extension of credit and such supervisory assistance as is determined necessary to achieve the objectives of the loan and protect the Government's interest. Supervisory assistance will be given in accordance with the provisions of Subpart B of Part 1924 of this Chapter.

§ 1945.153 [Reserved]

§ 1945.154 Definitions and abbreviations.

(a) *Definitions.* (1) *Applicant.* The person or entity carrying on the farming operation at the time of the disaster and requesting EM loan assistance from FmHA.

(2) *Approval official.* An FmHA official who has been delegated loan and grant approval authorities within applicable loan programs, subject to the dollar limitations contained in tables available in any FmHA Office (see FmHA Instruction 1901–A, Exhibit C).

(3) *Aquaculture.* The husbandry of aquatic organisms in a controlled or selected environment. Aquatic organisms are fish (the term "fish"

includes any aquatic gilled animal commonly known as "fish," as well as mollusks, crustaceans, or other invertebrates produced under controlled conditions—that is, feeding, tending, harvesting, and such other activities as are necessary to properly raise and market the products—in ponds, lakes, streams, or similar holding areas), amphibians, reptiles, or acquatic plants. An aquaculture operation is considered to be a farm only if it is conducted on grounds which the applicant owns, leases, or has an exclusive right to use. An exclusive right to use must be evidenced by a permit issued to the applicant and the permit must specifically identify the waters available to be used by the applicant only.

(4) *Borrower.* All parties liable for the loan or any part thereof.

(5) *Calendar year.* The 12-month period beginning January 1 and ending December 31.

(6) *Consolidate.* To combine and reschedule the rates and terms of two or more EM loans made for operating purposes. This also may include a new EM loan made for operating purposes.

(7) *Cooperative.* An entity which has farming as its purpose and whose members have agreed to share the profits of the farming enterprise. The entity must be recognized as a farm cooperative by the laws of the State(s) in which the entity will operate a farm(s).

(8) *Corporation.* For the purpose of this Subpart, a private domestic corporation recognized as a corporation and authorized to carry on farming, ranching, or aquaculture operations under the laws of the State(s) in which the entity will operate a farm(s).

(9) *Deferment.* To postpone the payment of interest in part and/or principal in whole or in part.

(10) *Eligible area.* A county or similar political subdivision in which EM loans are made available.

(11) *Established farmer.* An individual or a principal of a legal entity who was actively participating in the operation and management of the farming operation at the time of the disaster, spends a substantial portion of time in carrying out the farming operation, and had planted a crop or had purchased livestock which were on the farm at the time of the disaster. If the applicant is a cooperative, a corporation or a partnership, it must be primarily engaged in farming, i.e., the entity applicant must derive over fifty percent (50%) of its gross income from the farming operation.

(12) *Family size farm.* A farm which:

(i) Produces agricultural commodities for sale in sufficient quantities so that it is recognized in the community as a farm rather than a rural residence.

(ii) Provides enough agricultural income by itself, including production from rented land, or together with any other dependable income, to enable the borrower to:

(A) Pay necessary family living and farm operating expenses;

(B) Maintain essential chattel and real property; and

(C) Pay debts.

(iii) Is managed by:

(A) The borrower, when a loan is made to an individual.

(B) The members, stockholders or partners responsible for operating the farm when a loan is made to a cooperative, corporation or partnership.

(iv) Has a substantial amount of the labor requirements for the farm and nonfarm enterprises provided by:

(A) The borrower and any family member for a loan made to an individual.

(B) The members, stockholders or partners who are responsible for operating the farm, and the families of these members, stockholders or partners, for a loan made to a cooperative, corporation or partnership.

(v) May use a reasonable amount of full-time hired labor and seasonal labor during peak workload periods.

(13) *Farm.* A tract or tracts of land, improvements, and other appurtenances considered to be farm property which are used or will be used in the production of crops or livestock. This includes aquaculture operations which meet the requirements set forth in paragraph (a)(3) of this section and includes nonfarm operations which meet the requirements set forth in paragraph (a)(22) of this section. It also includes a residence which, although physically separate from the farm acreage; is ordinarily treated as a part of the farm in the local community.

(14) *Farmer.* One who conducts a farming or ranching enterprise. One who actively manages an aquatic operation or performs such duties as are necessary to properly raise and market the products of an aquatic operation. A farmer can be an individual, a cooperative, a corporation, or a partnership.

(15) *Farming enterprise.* The business of producing and marketing crops, livestock, livestock products, and aquatic organisms through the utilization and management of land, water, labor, capital, and basic raw materials.

(i) *Single enterprise.* An enterprise which constitutes an integral part of an applicant's total farming operation. The following are examples of single enterprises:

(A) All cash field crops;

(B) All cash vegetable crops;

(C) All cash fruit and nut crops;

(D) All feed crops fed by applicant;

(E) Beef operations;

(F) Dairy operations;

(G) Hog operations;

(H) Poultry operations;

(I) Aquaculture operations; and

(J) All other operations (*i.e.*, trees grown for timber, etc.)

Note.—Some crops such as corn may be produced as a cash or feed crop. In such cases the actual acres produced for each purpose for the best 4 of the past 5 years will be used in determining production losses for each single enterprise.

(ii) *Basic part of a farming operation.* Any single enterprise which normally generates sufficient income to be considered essential to the success of the total farming operation.

(16) *Fixture.* Generally, an item attached to a building or other structure or to land in such a way that it cannot be removed without defacing or dismantling the structure, or substantially damaging the item itself.

(17) *Hazard insurance.* Includes coverage against losses due to fire, windstorm, lightning, hail, explosion, business interruption, riot, civil commotion, aircraft, vehicles, marine, smoke, builder's risk, public liability, property damage, flood or mudslide, workman's compensation, or any similar insurance that is available and needed to protect the security, or that which is required by law.

(18) *Incidence period.* The specific date or dates during which a disaster occured.

(19) *Insured loan.* An EM loan made directly by FmHA as lender from the Agricultural Credit Insurance Fund, and serviced by FmHA personnel.

(20) *Majority or controlling interest.* Any individual or a combination of individuals owning more than a 50 percent interest in a cooperative, corporation, or partnership.

(21) *Market value.* The amount which a willing buyer would pay a willing, but not forced, seller in a competely voluntary sale.

(22) *Nonfarm enterprise.* Any business enterprise, including a recreational enterprise, which provides less than 50 percent of the total net income from all sources (farm and nonfarm), which is needed to supplement farm income. It must provide goods or services for which there is a need and a reasonably reliable market.

(23) *Normal year's production.* The normal year's yield per acre or

production per animal is established by eliminating the poorest year of the 5-year production history immediately preceding the disaster and averaging the remaining 4 years' production. The applicant must select the year to be eliminated. The year selected to be eliminated must be the same year for all farm commodities (i.e., all crops, livestock and livestock products), which constituted a part of the applicant's farming operation that year. A State Supplement will be issued to establish a uniform source(s) of data for use when county or State average yield per acre or production per animal data is used in determining an applicant's normal year's production. This State Supplement will use records provided by the USDA State Crop and Livestock Reporting service, when available; if these records are not available, statistical data from similar State or Federal bodies may be used. When this information is published by county, county averages will be used. If published only by the State, the State average will be used throughout the State. In those States where neither a county nor State average is published for an agricultural commodity(ies), the State Director, with the advice of representatives of other Federal and State agricultural agencies, will establish county or State averages and advise County Offices of these averages in a State Supplement. State Directors and Farmer Programs Chiefs in adjoining States will consult with each other before releasing these figures. An applicant must select and use data from the production record source(s) as set out in paragraphs (a)(23) (i), (ii), and (iii) of this section in the order of priority as listed. This data will be used in determining the applicant's normal year's production for all farm commodities produced on all farms operated by the applicant in the disaster year; except that for tobacco under ASCS acreage-poundage control, the pounds per acre allotment as authorized by ASCS for the disaster year will be used as the applicant's normal year's production. The applicant will identify, on Form FmHA 1945–22, the production record source(s) to be used in determining the normal year's production. The priority order of production record use is:

(i) The applicant's actual reliable farm records.

(ii) The Agriculture Stabilization and Conservation Service [ASCS] established yields. When this production record source is used, an applicant need provide production data for only the disaster year. This production record source will be used only if the applicant's actual reliable farm records are not available.

(iii) County or State averages. When this production record source is used an applicant need provide production data for only the disaster year. This production record source will be used only if neither the applicant's actual reliable farm records nor ASCS established yields are available.

(iv) Combinations of the production record sources in priority of availability as listed in paragraphs (a)(23) (i), (ii) and (iii) of this section, provided the applicant has:

(A) Farmed for fewer than 6 production years; or

(B) Conducted different farming enterprises and/or produced different agricultural commodities from those conducted and/or produced in the disaster year, for one or more of the 5 years prior to the disaster.

(24) *Partnership.* An entity consisting of individuals or entities who have agreed to operate a farm. The entity must be recognized as a partnership by the laws of the State(s) in which the entity will operate a farm, and must be authorized to own both real and personal property and to incur debts in its own name.

(25) *Physical loss.* Damages to or destruction of physical property including farmland (except sheet erosion); structures on the land such as buildings, fences, dams, etc.; machinery, equipment, and tools; livestock; livestock products; harvested crops; and supplies.

(26) *Principal Members, Stockholders, and Partners.* Any member, stockholder, or partner owning or controlling a 10 percent interest in a cooperative, corporation, or partnership is considered a principal member, principal stockholder, or principal partner. If no member, stockholder, or partner owns or controls at least a 10 percent interest, all members, partners, or stockholders will be considered principal members, partners, or stockholders.

(27) *Production loss.* The reduction in normal production, directly attributable to the natural disaster, of yield per acre and/or quality of crops produced, of quantity and/or quality of livestock products produced per animal unit, and of weight gain and/or natural increase in numbers of livestock units.

(28) *Qualifying disaster.* A major disaster, Presidential Emergency, or natural disaster as defined in Subpart A of Part 1945 of this chapter.

(29) *Qualifying physical loss.* To qualify for EM loan assistance, the damaged or destroyed physical property must be essential to the successful operation of the farm, and if it is not repaired or replaced, the farmer would be unable to continue operations on a reasonably sound basis.

(30) *Qualifying production loss.* To qualify for EM loan assistance based on production losses, the production loss an applicant sustained from the disaster must be equivalent to at least a 30 percent loss of normal per acre or per animal production in any single enterprise which is a basic part of the total farming operation. Losses of livestock increases, e.g., calves, pigs, etc., are considered production losses, except when live animals are destroyed. When an animal is killed, lost or sold because of injury or reduced production potential caused by the disaster, it is considered a physical loss. Reductions in the production of livestock, livestock products or reductions in weight gains of animals, due to homegrown feed crop and/or pasture losses, will not be considered production losses when replacement feed is available to purchase, regardless of the cost of that feed (normally production losses to livestock enterprises will be based on feed crop and pasture losses). When the disaster has severely disrupted the usual feeding schedule of a livestock enterprise because of extended utility failure or inaccessibility to the livestock, losses in production of milk, eggs, weight losses, etc., may be considered as production losses. Production losses will be calculated based on the reduction from normal which occurs during the disruption period and the period needed to bring production back up to the normal level.

(31) *Reamortize.* To rearrange the payments of an EM loan made for real estate purposes within either the remaining years of the original repayment period, or, when the repayment period has been extended to the maximum statutory repayment limit, within those years.

(32) *Reschedule.* To rewrite the rates and/or terms of EM loans made for operating purposes.

(33) *Security.* Property of any kind subject to a real or personal property lien.

(i) *Basic security.* Real estate and fixtures and personal property such as foundation herds, flocks, aquatic animals and plant organisms, machinery, and equipment, serving as security and crops when crops are the only security.

(ii) *Normal income security.* All security planned to be marketed in the regular course of business unless liquidation is approved. If liquidation is

approved, such security becomes basic security.

(iii) *Additional security.* All security not covered by paragraphs (a)(33) (i) or (ii) of this section including general intangibles, accounts, and contract rights.

(34) *State or United States.* The United States itself, each of the several States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(35) *Subsequent loans.* Any EM loans processed by the Finance Office after it processed the first EM loan to a borrower. This includes any subsequent annual production loans. The disaster designation number has no effect in determining whether an EM loan is a subsequent loan.

(36) *Termination date.* The date specified in a disaster authorization which establishes the final date after which EM loan applications may no longer be accepted. For both physical and production losses, the termination date will be 9 months from the date of the disaster declaration/designation/authorization. However, applications will be accepted for EM loans after the termination date has passed, if the applicant had filed an application for disaster loan assistance with the Small Business Administration (SBA) during the period SBA would accept applications, provided not more than 6 months has elapsed since the FmHA's termination date.

(b) *Abbrevations.* The following abbreviations are used in this Subpart.

(1) ASCS—Agricultural Stabilization and Conservation Service.

(2) ECP—Emergency Conservation Program.

(3) EFP—Emergency Feed Program.

(4) EM—Emergency Loans.

(5) FCIC—Federal Crop Insurance Corporation.

(6) FmHA—Farmers Home Administration.

(7) FMI—Forms Manual Insert.

(8) OGC—Office of the General Counsel.

(9) SBA—Small Business Administration.

(10) UCC—Uniform Commercial Code.

(11) USDA—United States Department of Agriculture.

§ 1945.155 Relationship between FmHA and other federal agencies.

(a) *SBA and FmHA.* A Memorandum of Understanding between the SBA and USDA–FmHA pertaining to Disaster Loan Assistance is attached as Exhibit B.

(b) *ASCS and FmHA.* A Memorandum of Understanding between the ASCS and FmHA on Disaster Assistance is attached as Exhibit C.

(c) *FCIC and FmHA.* A Memorandum of Understanding between the FCIC and FmHA pertaining to crop insurance and exchanging information essential to the elimination of duplication of disaster compensatory benefits is Exhibit A of Subpart N of Part 2000 of this Chapter (available in any FmHA office).

§ 1945.156 The test for credit and certification requirements for availability of credit elsewhere.

(a) *Applicants who certify that other credit is available.* Applicants applying for EM actual loss loan assistance who certify they are *able* to obtain sufficient and suitable credit elsewhere to meet their actual farming and family living needs must meet the requirements set out in this section.

(1) Individual applicants or the authorized official(s) of entity applicants who submit the Form FmHA 410–1, "Application for FmHA Services," will evidence the applicant's ability to obtain needed credit elsewhere by striking through the word "unable" whenever the word appears in the certification statement at the end of the application form, writing in the word "able," and initialing above each such change.

(2) Applicants or applicants' representatives will be advised that they will be considered for an actual loss loan only. Such applicants will not be required to evidence compliance with the provisions of subsection (b) of this section.

(b) *Applicants who certify that other credit is NOT available.* Applicants who certify they are not able to obtain sufficient credit elsewhere to meet their actual farming and family living needs must meet the requirements set out in this subsection.

(1) *Test for credit for individuals and entities.* Applicants must be *unable* to obtain sufficient and suitable credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community, in or near which the applicant resides, with loans for similar purposes and periods of time. If the applicant has been getting credit away from the local community where the farming operation is located, such source(s) of credit must also be contacted and considered. The applicant's equity in all assets, including, but not limited to, real estate, chattels, stocks, bonds, and Certificates of Deposit will be considered in determining the applicant's ability to obtain such credit from other sources. Also, the applicant must offer to pledge all assets as security when requesting credit from other lenders. Cooperatives, corporations, and partnerships and the principal members, principal stockholders, and principal partners, both individually and collectively, must be unable to provide the required financing from their own resources or with credit obtained from pledging those resources to other lenders. Form FmHA 1940–38, when appropriate, must be completed and filed in the applicant's County Office case folder, and any additional facts concerning the findings, in all cases, must be documented and recorded in the running case record.

(2) *Test for credit certification requirements.* Applicants will certify in writing on the application form, and the County Supervisor *shall* make the determination whether or not adequate and suitable credit is available elsewhere to finance the applicant's actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides, with loans for similar purposes and periods of time. The County Supervisor will consider all such information obtained from other lenders in making the determination, but is required to make an independent decision concerning the applicant's ability to obtain the needed credit elsewhere. Should the County Supervisor determine that the applicant can obtain the necessary credit elsewhere to meet actual needs, the applicant will be notified, in writing, that he/she/it is eligible for only actual loss loan consideration, that the applicant must comply with the requirements set out in paragraph (a) of this section, and that a new certification must be signed by the applicant acknowledging the ability to obtain other credit. Should the applicant refuse to comply with the provisions of paragraph (a)(1) of this section, the County Supervisor will record this fact in the running record and notify the applicant that EM loan assistance has been denied, state the reason(s) for denial, and inform the applicant of the right of appeal.

(i) For applicants whose total EM loan(s) request is for $300,000 or less, the following actions will be taken:

(A) Applicants will be required to apply for the credit needed from their normal lender(s) and, if their normal lender(s) is located outside the local community, from at least one agricultural lender in the local community, to determine whether such

lender(s) will provide the credit, either with or without the benefit of an FmHA guarantee. Form(s) FmHA 1940–38 must be completed by all lending sources contacted unless an exception is made under the provisions of paragraph (b)(2)(i)(C) of this section. If it is determined the applicant cannot qualify for the needed credit from the lenders contacted, but one or more of them has indicated they would provide the credit with an FmHA guarantee, the applicant will be advised to file an application with that lender(s) so that a guaranteed EM loan request can be processed by the lender for consideration by FmHA. Only when the applicant is not able to obtain a loan, either with or without an FmHA guarantee, from one or more of the lending sources contacted, will the applicant be considered for an insured EM loan. If the County supervisor believes it necessary, the action required in subparagraph (b)(2)(ii) of this section will be taken.

(B) When the County Supervisor receives letters or other written evidence, including Form FmHA 1940–38, from a lender(s) indicating that the applicant is unable to obtain satisfactory credit from that source(s), such correspondence will be included in the loan docket.

(C) If it appears from a review of the application that it would be unduly burdensome for the applicant to obtain written declinations of credit from other lenders, the County Supervisor may make an exception to this requirement, provided the County Supervisor is familiar enough with other lenders' farm loan programs to determine that no possibility exists for the applicant to obtain the credit needed from those lenders. When this conclusion is reached, the basis for it will be recorded in the running case record, and further checks will not be necessary. However, when this exception is used, the applicant's normal lender(s) must be contacted in all cases and the results of that contact(s) must be well documented in the running case record.

(ii) For applicants whose total EM loan(s) request is for more than $300,000, the following actions will be taken:

(A) Applicants will be required to apply at not fewer than three conventional lending sources, including the Production Credit Association or Federal Land Bank, as appropriate, in the local community. In addition, when an applicant has a net worth of $1 million or more and produces evidence that the necessary credit cannot be obtained in the local community, either with or without an FmHA guarantee, the applicant will be required to contact at least two other lending sources outside the local area. One or more of those lenders contacted must be the applicant's normal lender(s).

(B) Form FmHA 1940–38 must be completed by all lending sources contacted, returned to the county office and handled in accordance with paragraph (b)(2)(i)(B) of this section.

(C) When the County Supervisor receives Forms FmHA 1940–38 indicating that the applicant is unable to obtain satisfactory credit, the forms will be placed in the loan docket. However, such evidence will not preclude the County Supervisor from contacting other farm lenders in the area and making an independent determination of the applicant's ability to obtain credit elsewhere.

(3) *Use of nonessential assets (both farm and nonfarm) when seeking other credit, for those applicants who cannot obtain credit elsewhere.* When an EM loan(s) will be made, after other lenders have declined to provide needed credit to the applicant, the County Supervisor will, as a condition of loan approval, require the applicant and the principal owner(s) of the applicant entity to list all assets (both essential and nonessential) setting forth: why those assets and any income derived from them is needed; and how such assets and the income derived from them will be used for essential family living expenses and for maintaining a sound farming operation. The loan approval official must determine that the applicant's plan for use of all assets and the income derived therefrom is acceptable; and the loan approval official will require the applicant and the principal owner(s) to mortgage and/or assign their interest in such assets to FmHA. Any assets not contributing to essential family living expenses and maintenance of a sound farming operation will be considered nonessential; and the applicant and the principal owner(s) must, as a condition of loan approval, agree to sell the nonessential assets. The proceeds from such sale(s) will be used to reduce the amount of EM loan(s) requested, provided the assets can be sold prior to the EM loan(s) closing. If the nonessential asset(s) cannot be sold before loan(s) closing, the ownership interest in those assets will be mortgaged and/or assigned to FmHA; and a written agreement prepared and executed, in a manner approved by the OGC, to sell those assets at their present market value, within a specified period not to exceed one year from the date of loan(s) closing. The proceeds from the sale of such assets will be applied as an extra payment on the FmHA loan carrying the lowest interest rate, which is secured by the asset(s) sold.

§§ 1945.157–1945.160 [Reserved]

§ 1945.161 Receiving and processing applications.

(a) *Applications.* Applications for EM loans will be received and processed as outlined in Subpart A of Part 1910 of this Chapter. Form FmHA 410–1 will be used for this purpose.

(a) Applications for EM actual loss loans will be received only in areas where EM loans are made available in accordance with Subpart A of Part 1945 of this Chapter, and must be postmarked or received in the county office before the specified termination date has passed. These applications must be processed within twelve months after they are filed.

(2) An applicant conducting a farming operation in different counties or locations will be considered for only one application, and will file that application in the county in which the farm headquarters is located, unless determined otherwise by the State Director. When the operation is located in more than one State, the State Directors involved will consult and determine which State will process the application and service the loan(s).

(3) Applications for initial EM major adjustment and/or initial annual production loans may be processed only from applicants who will receive, or have received, an EM actual loss loan(s) and are unable to obtain their needed credit elsewhere. Such applications may not be received later than twelve months after the disaster authorization date and must be processed within one full calendar year after they are filed.

(4) Applications for subsequent EM annual production loans may be processed from indebted EM borrowers annually for such periods after the disaster year as indicated in § 1945.166(b)(2) of this Subpart, so long as the borrower is unable to obtain the needed production credit from other sources. Former EM borrowers who have paid their EM loan(s) in full, before the periods specified in § 1945.166(b)(2) of this Subpart have expired, and who cannot obtain sufficient credit elsewhere, may obtain subsequent EM loans for annual production purposes to satisfy their production credit needs, provided the loans are made within the authorized periods.

(5) Applications may be received from indebted SBA disaster loan borrowers for annual production and/or major adjustment loan(s) for up to twelve months after the FmHA disaster

authorization date, provided the applicant would have been eligible for an FmHA EM actual loss loan. Such applications must be processed within one full calendar year after they are filed with FmHA.

(6) Applications may be received and processed from FmHA EM loan borrowers or SBA disaster loan borrowers for that portion of the maximum actual loss loan originally authorized, but not requested initially from FmHA or SBA, provided the application is received within twelve months of the disaster authorization date.

(7) Applications for subsequent EM major adjustment loans to complete items financed with initial EM major adjustment loans may be received and processed only within one full calendar year after the initial application for major adjustment assistance is filed.

(8) Applicants who are determined to be ineligible for an EM actual loss loan may be considered for other types of FmHA farm loans, when appropriate.

(b) *Statement of losses.* Applicants' statements of loss or damage will be obtained in support of their applications by having them complete Form FmHA 1945–22, "Certification of Disaster Losses."

(c) *ASCS Verfication of Farm Acreages, Production and Benefits.* From information obtained on Form FmHA 1945–22, the County Supervisor will send a separate Form FmHA 1945–29, "ASCS Verification of Farm Acreages, Production and Benefits," to the appropriate ASCS county office for each ASCS farm number that the applicant has certified constituted a part of the disaster year's operation. ASCS records of acres of crops planted/grown in the disaster year, actual (proven) yields in the disaster year, ASCS established yields for the disaster year, ASCS emergency payments and the other information requested on that form must be obtained.

(d) *Evidence of operation.* If the applicant is a cooperative, corporation or partnership, it will provide evidence that it was operating as a qualifying farming entity at the time the disaster loss occurred, or has changed its form in accordance with § 1945.162(j) of this Subpart, after the loss occurred. The following information will be obtained and included in the loan docket:

(1) A complete list of members, stockholders or partners showing the address, citizenship, principal occupation, and the number of shares and percentage of ownership, or stock held in the cooperative or corporation by each, or the percentage of interest held in the partnership by each.

(2) A current personal financial statement (not over 30 days old at the time of filing the application) from each of the principal members of a cooperative, principal partners of a partnership or principal stockholders of a corporation. Any other member, stockholder or partner whose financial statement, in the judgment of the loan approval official, is pertinent to consideration of the financial strength of the cooperative, corporation, or partnership will also be required to provide personal financial statements.

(3) A current financial statement (not over 30 days old at the time of filing the application) from the cooperative, corporation, or partnership itself.

(4) A copy of the cooperative's or corporation's charter, or written partnership agreement, articles of incorporation and by-laws, certificate or evidence of current registration (good standing), and a resolution(s) adopted by the board of directors, members or stockholders authorizing specified officers of the cooperative or the corporation to apply for and obtain the desired loan and execute required debt, security, and other instruments and agreements.

(5) A copy of any written lease, contract, or agreement entered into by the cooperative, corporation or partnership which may be pertinent to a consideration of its application. When a written lease is not obtainable, a statement setting forth the terms and conditions of the agreement will be included in the loan docket.

§ 1945.162 Eligibility requirements.

To be eligible for EM loan assistance, applicants must meet the following requirements:

(a) *Test for credit.* All applicants will certify in writing at the end of Form FmHA 410–1, whether or not adequate and suitable credit is available elsewhere to finance their actual needs.

(1) Applicants who filed EM applications on or before July 2, 1980, requesting actual loss loan assistance based on FmHA disaster designations having beginning incidence period dates on or before July 2, 1980, must meet the "credit elsewhere" requirement set out in § 1945.156(b) of this Subpart. Applicants who filed after July 2, 1980, based on disaster incidence period dates on or before July 2, 1980, must also meet the requirement of section 1945.156(b) of this Subpart.

(2) Applicants who filed EM applications after July 2, 1980, requesting actual loss loan assistance, based on FmHA disaster designations having beginning incidence period dates after July 2, 1980, may meet the requirements set out in either § 1945.156(a) or § 1945.156(b) of this Subpart.

(3) Applicants requesting EM annual production and/or EM major adjustment loan assistance must meet the requirements set out in § 1945.156(b) of this Subpart.

(b) *Citizenship.* (1) An individual applicant must be a citizen of the United States (see § 1945.154(a)(34) of this Subpart for the definition of "United States").

(2) A cooperative, corportion or partnership applicant must meet the requirements set out in § 1945.154(a)(7), (a)(8) or (a)(24) of this subpart. In addition, more than a 50 percent interest in the cooperative, corporation or partnership must be owned by United States citizens (see § 1945.154(a)(34) of this Subpart for the definition of "United States"). The member, stockholder or partner who manages the farming operation must be a United States citizen. Also, if another entity owns any interest in the applicant entity, more than a 50 percent interest in that other entity must be owned by a United States citizen(s).

(c) *Established farmer.* An applicant must be an established farmer (as defined in § 1945.154(a)(11) of this Subpart) doing business either as an owner-operator or tenant-operator. An applicant who conducts the farming operation as an individual must manage the farming operation. If the applicant is a cooperative, corporation or partnership, it must derive over fifty percent (50%) of its gross income from farming, and at least one principal member, principal stockholder or principal partner must manage the farming operation. Also, the entity must be authorized to conduct the farming operation(s) in the State(s) in which the farming operation is conducted. One who does not devote full time to the farming operation may be considered the manager provided that person visits the farm at sufficiently frequent intervals to exercise control over the farming operation, makes decisions and gives directions on how the operation(s) should be run, and sees that the operation is being carried on properly. Any applicant that employs an outside full-time hired manager or management service does not qualify as an established farmer, regardless of the number of visits made by the individual applicant or the principal member, principal stockholder or principal partner.

(1) An estate or trust; a corporation with over 50 percent of the ownership held by an estate, trust, another corporation, or a partnership; a

partnership with over 50 percent of the ownership held by an estate, trust, corporation or another partnership is not considered to be an established farmer for EM loan purposes.

(2) An individual engaged in a joint farming operation and/or owning an undivided interest in the property of such an operation is not considered to be an established farmer for EM loan purposes.

(3) Integrated livestock, poultry, and fish processors who operate primarily and directly as commercial businesses through contracts or business arrangements with farmers are not considered to be established farmers and are not eligible. However, a grower under contract with an integrater or processor is considered an established farmer even though the applicant operates through a contract arrangement with an integrated processor, provided the operation is not managed by an outside full-time hired manager or management service. Farmers operating through contract may be considered for EM physical loss loan eligibility. However, eligibility for and the amount of their production losses will be determined from the applicant's share of the agricultural production as set forth in the contract.

(d) *Operate in a disaster area.* An applicant for an actual loss loan must have sustained qualifying losses in an area in which the availability of EM loans for actual losses has been determined in accordance with Subpart A of Part 1945 of this Chapter and has filed an application before the expiration of the termination date.

(e) *Losses.* An applicant must have suffered qualifying production and/or physical losses to be eligible for an actual loss loan. Production losses must be to property in which the applicant has an ownership interest or an interest in which a security interest may be obtained. Physical losses must be to property in which the applicant has an ownership interest. See § 1945.163 of this Subpart for the methods of determining qualifying losses.

(f) *Legal capacity.* An applicant must possess the legal capacity to contract for the loan.

(g) *County Committee Certification.* The county committee will certify that the applicant meets the following additional eligibility conditions by using Form FmHA 440–2, " County Committee Certification or Recommendation:"

(1) An applicant must possess the training and/or experience, character (emphasizing repayment ability and reliability), industry and ability necessary to carry out the proposed farming operations to assure a reasonable prospect of success with the assistance of the loan, and

(2) The applicant will honestly endeavor to carry out the undertakings and obligations required of the applicant in connection with the loan.

(h) *Intent to Continue Farming.* An applicant must show an intent to continue the operation after the disaster. Those applicants who were required to stop temporarily because of the disaster loss or damage to their operations but intend to continue farming with EM loan assistance meet this requirement.

(i) *EM Loan(s) to Cooperatives, Corporations, or Partnerships.* When an EM loan is made to a cooperative, corporation, or partnership, only one initial EM actual loss loan can be made to the entity constituting the farming operation to cover the losses per disaster. However, an individual member, stockholder, or partner may obtain a separate EM actual loss loan to cover losses to a separate farming operation which the applicant conducts as an individual on a different farm tract.

(j) *Change in the form of an applicant.* A change in the form of an applicant between the time of a qualifying loss and the time an EM loan is closed does not make the applicant ineligible for EM loan assistance (Examples of changes in form are as follows. An entity may split into its individual members or into more than one entity. One or more individuals may leave an entity. An individual may incorporate. A partnership may become a corporation, a cooperative, or another partnership. A corporation may become a partnership, a cooperative, or another corporation. A cooperative may become a partnership, a corporation, or another cooperative. Joint operators may become a partnership, a corporation, a cooperative or may split into individual members.) Such an applicant is eligible for EM loan assistance subject to all of the following limitations and qualifications:

(1) The applicant must meet all FmHA eligibility requirements at the time of loan closing.

(2) The applicant must not conduct an operation larger than the operation at the time of the disaster as set forth in § 1945.167(a) of this Subpart.

(3) In the case of an entity applicant, all of the people who have an interest in the entity must have had an ownership interest (or an interest in which a security interest could be obtained) in the operation at the time of the disaster and/or must be heirs of those who had an ownership interest (or an interest in which a security interest could be obtained) in the operation at the time of the disaster. Heirs have to have been participating in the operation at the time the disaster occurred and have to be engaged in farming the operation at the time of loan approval.

(4) In the case of an individual applicant, that person must have had an ownership interest (or an interest in which a security interest could be obtained) in the operation at the time of the disaster and/or must be an heir of those who had an ownership interest (or an interest in which a security interest could be obtained) in the operation at the time of the disaster. An heir has to have been participating in the operation at the time the disaster occurred and has to be engaged in farming the operation at the time of loan approval.

(5) To determine the amount of an actual loss loan an applicant may receive, first calculate the actual loss suffered by the operation as it existed at the time of the disaster, in accordance with § 1945.163 of this Subpart. Then look at the individual applicant *or* the individual members, partners or stockholders of an entity applicant and determine each person's percentage of ownership interest (or interest in which a security interest could be obtained) in the operation as it existed at the time of the disaster. For an entity applicant, add the individual percentages together. Multiply the actual loss suffered by the operation as it existed at the time of the disaster by this percentage figure; the result is the amount of actual loss loan the applicant may receive. For example, if one partner withdraws from a four-partner partnership (each person owning a 25% interest), the remaining three partners are eligible for 75 percent of the actual loss suffered by the operation as it existed at the time of the disaster.

(6) The applicant may receive FmHA annual production and/or major adjustment assistance needed to conduct a sound farming operation in accordance with the loan purposes authorized in this Subpart.

(k) *Annual production and major adjustment loans.* For an applicant to be eligible for an annual production and/or major adjustment loan(s) the qualifying losses (as determined in accordance with § 1945.163 of this Subpart) and the actual loss must have had such an impact on the farming operation that an annual production and/or major adjustment loan(s) is actually needed to permit the applicant to continue the operation on a sound basis.

§ 1945.163 Determining qualifying losses, eligibility for actual loss loan(s) and the maximum amount of actual loss loan(s), annual production and major adjustment loan(s).

Disaster losses will be reported by applicants on Form FmHA 1945–22, "Certification of Disaster Losses," which states the physical and production losses suffered as the result of the qualifying disaster. The applicant will report, on Form FmHA 1945–22, total acres and actual yields for all crops planted and/or grown in the disaster year, and the number of all animal units and production per animal unit being maintained at the time of the disaster. This information will come from the applicant's own records or from ASCS records of acres grown and proven actual yields in the disaster year. Applicants will also report their previous 5-year production levels as set forth in subsection (a) of this section. This form will be completed and submitted to the county office with the application, as soon as the losses and/or damages can be accurately assessed. The information provided by applicants on Form FmHA 1945–22 will be the primary basis for FmHA's calculation of qualifying losses, eligibility for EM actual loss loan(s) based on production losses, and an applicant's maximum amount of actual loss loan eligibility. Therefore, applicants are required to certify, subject to penalties of law, that the accuracy and completeness of the information provided on Form FmHA 1945–22 can be supported by written records. Applicants will be asked to identify on that form any single farming enterprise they consider basic to the success of their total farming operation, and in which they have suffered a loss. When an applicant's certified production loss claims seem unreasonable, they will be verified. Physical loss claims will be verified by requiring the applicant to furnish evidence of ownership and proof of the property loss or damage. Proof of ownership could be by deeds, mortgages, financial statements, insurance policies, and the like. Proof of the loss or damage could be by the applicants' own pictures, written certification by other persons or, when practical, by visual inspections by FmHA employees.

(a) *Production losses.* (1) The normal year's production will be established and reported as set out in § 1945.154(a)(23) of this Subpart.

(2) FmHA loan official(s) will complete Form FmHA 1945–26, "Calculation of Actual Losses."

(i) Production loss calculations will use the same established unit prices for the disaster year and the normal year in computing the dollar value of each enterprise. Unit prices will be established in accordance with subparagraph (a)(2)(iii) of this section. Production loss calculations will use those crop production yields and production per animal unit records authorized in accordance with § 1945.154(a)(23) and § 1945.163 of this subpart.

(ii) Certified disaster year and normal year production information, for only those enterprises in which a loss occurred, will be transposed from Form FmHA 1945–22, for each crop grown in the disaster year and each livestock enterprise maintained at the time of the disaster, to the appropriate places on Form FmHA 1945–26. The FmHA official completing Form FmHA 1945–26 is responsible for verifying loss information provided by the applicant when there is any question concerning the accuracy of such information. Information obtained from ASCS on Form FmHA 1945–29 will be cross checked with information provided by the applicant on Form FmHA 1945–22. Any discrepancies will be checked out and the correct information will be recorded in the County Office case file. When the applicant's disaster loss is due to a reduction in quality, that can be substantiated rather than due to a reduction in quantity, the applicant will be given credit for this by adjusting actual production downward in a sufficient amount to compensate for the quality loss. When such an adjustment is made, the basis used in making the adjustment will be well documented by the County Supervisor.

(iii) The gross dollar value of production losses will be computed for each basic part of the farming operation by calculating the value of the disaster year's production and subtracting that amount from the calculated value of the normal year's production. Unit prices for all agricultural commodities produced commercially in each State will be established on a Statewide basis by all FmHA State Directors each year, and published in a State Supplement to be issued not later than February 15 of each year. These prices will be based on the average monthly market price of each commodity for the 36-month period preceding the calendar year in which the disaster occurs.

Example.—A disaster occurs anytime during calendar year 1981. The commodity prices will have been established by February 15, 1981, and they will be applicable for all disasters occurring between February 1, 1981, and January 31, 1982. Those prices will be the 36 months average monthly market price for each commodity commencing with December, 1980, and going back 36 months or 3 full calendar years, through January, 1978. The monthly average market prices will be provided by the USDA State Crop and Livestock Reporting Service, or similar State or Federal agency or body. Once established, these prices will not be changed for any EM actual production loss loan processed under any disaster occurring in the remainder of that calendar year and through January 30 of the next year. If Statewide figures are not available, the State Director will consult with other agricultural agency representatives and agricultural leaders in the local area before establishing commodity prices. State Directors and Farmer Programs Chiefs in adjoining States will consult each other before releasing their established commodity price lists.

(iv) The amount of actual production loss will be calculated by subtracting all compensatory disaster payments which are related to the disaster and which have been received or will be received; i.e., crop insurance claim settlements, ASCS disaster program payments, or any other compensation for that enterprise, from the gross dollar amount of production losses as determined in subparagraph (a)(2)(iii) of this section.

(v) The dollar value of the actual production loss for the single enterprise which is a basic part of the farming operation as designated by the applicant in item F, Form FmHA 1945–22, will be divided by the previously calculated normal year's gross income for that enterprise. This establishes the percentage reduction in production from normal for that enterprise. If the percentage loss in any single enterprise (see § 1945.154(a)(15)) which is a basic part of the farming operation equals or exceeds 30 percent, and the applicant is otherwise eligible, EM actual loss loan assistance will be considered.

(vi) Once eligibility is established, based on production losses, the total production loss sustained by the applicant, directly attributable to the disaster, is computed by adding the actual dollar amount of production losses of all single enterprises, whether or not they constitute a basic part of the farming operation, and subtracting from this total all compensatory disaster payments received or to be received.

(vii) The maximum production loss loan is limited to 80 percent of the total calculated actual production loss sustained by the applicant.

(viii) Losses to pasture to be grazed by livestock are production losses, and they may be calculated by one of three methods when approved by the State Director. The State Director will decide the method(s) that will be used throughout the State to calculate losses

to pasture by issuance of a State Supplement.

(A) The price per acre method. The price per acre method is used to calculate pasture losses in the following manner:

(*1*) Determine the normal year's gross dollar value. To calculate this, multiply the number of acres available to be grazed for the disaster year; by the established rental charge per acre per month (this figure is established by the State Director in accordance with subparagraph (a)(2)(iii) of this section); by the average number of months grazed per year during the highest 4 out of the 5 preceding years.

(*2*) Determine the disaster year gross dollar value. To calculate this, multiply the number of acres grazed during the disaster year; by the established rental charge per acre per month (as determined in accordance with subparagraph (a)(2)(viii)(A)(*1*) of this section); by the number of months the livestock were able to be grazed during the disaster year.

(*3*) Subtract the disaster year gross dollar value (see paragraph (a)(2)(viii)(A)(*2*) of this section) from the normal year gross dollar value (see paragraph (a)(2)(viii)(A)(*1*) of this section) to determine the value of pasture loss suffered during the disaster year.

(B) The charge per head or animal unit method. The charge per head or per animal unit method is used to calculate pasture losses in the following manner:

(*1*) Determine the normal year gross dollar value. To calculate this, multiply the number of animals or animal units grazed per month during the disaster year; by the established rental charge per animal or per animal unit per month (this figure is established by the State Director in accordance with subparagraph (a)(2)(iii) of this section); by the average number of months grazed per year during the highest 4 out of the preceding 5 years.

(*2*) Determine the disaster year gross dollar value. To calculate this, multiply the number of animals or animal units grazed per month during the disaster year; by the established normal rental charge per animal or per animal unit per month (as determined in accordance with paragraph (a)(2)(viii)(B)(*1*) of this section); by the number of months grazed during the disaster year.

(*3*) Subtract the disaster year gross dollar value (see paragraph (a)(2)(viii)(B)(*2*) of this section) from the normal year gross dollar value (see subparagraph (a)(2)(viii)(B)(*1*) of this section) to determine the value of pasture loss suffered during the disaster year.

(C) The forage equivalent method. The forage equivalent method is used to calculate pasture losses in the following manner:

1(*1*) Determine the normal year gross dollar value. To calculate this, multiply the number of acres grazed during the disaster year; by the established price per pound or ton (this figure is established by the State director in accordance with paragraph (a)(2)(iii) of this section); by the average number of pounds or tons of forage equivalent produced per acre per year during the highest 4 out of the preceding 5 years for forage of the type being used in this calculation. (The State Office will set forth the forage equivalent values to be used or the methodology to be used to derive this value in a State Supplement. This information may be set forth on a countywide or statewide basis. The State Director may contact the State's Extension Service or other knowledgeable sources to assist in establishing the forage equivalent determination).

(*2*) Determine the disaster year gross dollar value. To calculate this, multiply the number of acres grazed during the disaster year; by the established price per pound or ton (this figure is established by the State Director in accordance with subparagraph (a)(2)(viii)(C)(*1*) of this section); by the number of pounds or tons of forage equivalent produced for forage of the type being used in this calculation produced in the disaster year. (See subparagraph (a)(2)(viii)(C)(*1*) of this section for further information.)

(*3*) Subtract the disaster year gross dollar value (see subparagraph (a)(2)(viii)(C)(*2*) of this section) from the normal year gross dollar value (see subparagraph (a)(2)(viii)(C)(*1*) of this section) to determine the value of pasture loss during the disaster year.

(ix) When a crop cannot be planted and the applicant chooses to treat the loss as a production loss, the loss will be calculated as set out in this paragraph. When a crop can be only partially planted due to a disaster or when perennial crops (such as fruits or nuts) already growing cannot be produced or harvested due to a disaster, the loss will be considered a production loss. Such loss will be calculated as follows: Add all income that is derived from the enterprise to the variable and fixed costs which are not incurred because of the disaster. (The cost figures will be derived from current crop enterprise budgets prepared by State Agricultural Extension Service economists, based on normal farming conditions in the area.) Subtract this figure from the value of the normal year's production. The resulting figure is the gross dollar amount of production loss.

(x) When a crop is planted and completely destroyed by a disaster, a yield of "zero" may be shown on Form FmHA 1945–22 for the disaster year only if no part of the crop could be harvested and no substitute crop could be planted and harvested. When figuring the actual dollar amount of production losses, subtract the normal costs of harvesting and marketing which were not incurred for crops which were completely destroyed by a disaster. If a substitute crop is planted and harvested during the same crop year, a yield of "zero" should be shown for the original crop on Form FmHA 1945–22. On Form FmHA 1945–26, the dollar value of the substitute crop must be subtracted from the dollar value of the normal year's production.

(xi) When a crop cannot be planted, an applicant may treat the loss as a production loss (see paragraph (a)(2)(ix) of this section) or as a physical loss (see subsection (b) of this section).

(xii) Eligibility for production losses to livestock enterprises will usually be based on loss of feed crops to be fed and pasture to be grazed; and such losses should be calculated as crop losses rather than livestock losses. A livestock enterprise must be a basic part of the farming operation in order for losses to feed crops to be considered as a basic enterprise in determining eligible qualifying production losses.

(xiii) Losses to crops to be fed to livestock will be established by determining the normal year's gross dollar value of feed produced for livestock and subtracting the disaster year's gross dollar value of feed produced for livestock from this figure. The difference establishes the disaster year's gross dollar loss for crops to be fed to livestock. The gross value of feed produced for livestock is derived by multiplying the number of crop acres to be fed to livestock by the yield per acre by the unit price.

(xiv) When an applicant elects to sell livestock at an earlier date or lighter weight than usual rather than purchase feed to replace that which was lost as a result of the disaster, the difference between what the sale price would have been if the livestock had been fed for the normal period and the disaster year's sale price may not be claimed as a loss.

(xv) Claims of production losses from the applicant will be verified by FmHA when the applicant's claims appear to be unreasonable.

(xvi) Production losses for orchard crops (fruit or nut) will be only for the crop loss due to the qualifying disaster

and determined in accordance with paragraph (a)(2) of this section.

(b) *Physical losses.* (1) In order to qualify for EM loan assistance, the damaged or destroyed physical property must be essential to the successful operation of the farm and if not repaired or replaced, the farmer would be unable to continue operations on a reasonably sound basis. The financing necessary to recover from the physical loss must be actually needed to permit the applicant to continue the operation.

(2) The claimed value of all physical losses due to disaster damage or destruction must be supported by written estimates for the necessary repair or replacement requested.

(3) Physical loss loan funds can be used to pay for only contracted or hired labor and materials and supplies purchased. Labor, machinery, equipment, and materials contributed by the applicant or borrower will not be chargeable to the cost of necessary repair and replacement.

(4) Damage to or destruction of nonessential buildings, structures or other items will not be repaired or replaced with EM physical loss loan funds. Any insurance compensation received or to be received for such losses will be considered as compensation for losses to essential farm buildings, structures and other items which need to be repaired or replaced.

(5) The maximum physical loss loan(s) will be determined by subtracting all insurance claims and any other compensation received or to be received for physical disaster losses from the value of all actual physical losses caused by the disaster.

(6) The actual physical loss equals the market value at the time of the disaster for the following items lost or destroyed by or as a result of the disaster:

(i) Basic livestock.

(ii) Livestock products.

(iii) Harvested or stored crops.

(iv) Supplies on hand.

(7) The actual physical loss for farm dwellings to be used by the operator and existing labor is the lesser of:

(i) The market value of the property at the time it was damaged or destroyed: or

(ii) The amount required to repair the dwelling or replace it with one of like quality and size which will meet all applicable code requirements and which will provide permanent, adequate, decent, safe, sanitary, and modest living quarters.

(8) The actual physical loss for farm service buildings and farm real estate other than buildings is the amount required to repair the property or replace it with a building or property of like quality and capacity which will meet all applicable code requirements and which will adequately meet the needs of the farming operation. This amount cannot exceed the market value of the property at the time of the disaster.

(9) If, in addition to the maximum physical loss loan made under this Subpart, an additional loan must be made to repair, restore or replace damaged or destroyed essential farm property, it will be processed as a major adjustment loan.

(10) The actual physical loss for income-producing trees (fruit or nuts) is the cost of removing the damaged or destroyed trees, cleaning debris and preparing the land for replanting, plus the cost of suitable replacement trees and other expenses necessary to reestablish income-producing trees. Losses will not be determined by establishing a value for the trees destroyed or damaged. Any salvage value will be deducted from the loss. The applicant may choose to replace the damaged or destroyed trees with a different enterprise and many use actual loss loan funds for that purpose.

(11) The actual physical loss to trees (grown for timber) will be determined by establishing the value of trees less any salvage value. This estimate of value must be determined by a recognized forester who will cruise the timber and establish the value of the destroyed and damaged trees. The applicant may choose to replace the damaged tree enterprise with a different enterprise and use the actual loss loan funds for that purpose. Those applicants whose major farming enterprises are other than tree farming, but who have a wood lot that has been damaged, will have their tree losses considered as physical losses in the same manner as set forth for tree farms.

(12) The actual physical loss for crops or pasture is the cost of cleaning debris, preparing the land for replanting, seed, fertilizer, and other expenses necessary to reestablish the crops or pasture. These costs can exceed the market value of the crops or pasture at the time of the disaster.

(13) When a crop cannot be planted during the disaster year due to the disaster and the applicant chooses to treat the loss as a physical loss, the actual physical loss is limited to the cost of land preparation, other expenses incurred to the date of the disaster for crops that could not be planted, and a pro rata share of the total operation's fixed costs such as rent, taxes, and insurance. The applicant must provide an itemized list of all the claimed expenses incurred in the disaster year for those enterprises for which disaster losses are claimed. This list must be signed by the applicant. The amount of an actual lost loan cannot exceed the total itemized expenses listed by the applicant.

(14) EM actual loss loans will not be made to flood and mudslide victims to repair or replace damaged or destroyed farm dwellings or farm service buildings and their contents in areas where "National Flood Insurance" is available, except as authorized in Subpart B of Part 1806 of this Chapter (FmHA Instruction 426.2).

(15) When an applicant has *only housing* losses and is eligible for an SBA physical loss loan in an area where SBA physical loss loans are available, only SBA will make the loans for restoration or replacement of farm housing.

(c) *Compensation for losses.* Compensation for losses from a disaster through insurance, government disaster program benefits or any other disaster program relief received by an EM loan applicant, which does not have to be repaid, will reduce the applicant's actual loss by the amount of such compensation, and thus will be considered in determining the applicant's eligibility for EM loan assistance and the maximum amount of actual loss loan entitlement. The amount of any disaster program benefits received from ASCS, including the Emergency Livestock Feed Program (ELFP), Emergency Conservation Program (ECP), and Disaster Program payments will be considered as compensation for losses (ASCS Deficiency Payments are not to be considered as Compensation). The amount of any SBA physical disaster loan assistance received for the same disaster, based on physical and/or production losses to the same property will *not* be considered as compensation in determining the applicant's eligibility, but will be deducted from the applicant's actual disaster losses in determining the applicant's maximum actual loss loan entitlement.

(d) *Maximum actual loss loan.* This amount will be limited to the amount necessary to restore the farm to pre-disaster condition; however, this amount will not exceed the sum of the maximum production loss (subsection (a) of this section) and the maximum physical loss (subsection (b) of this section) of $500,000, whichever is the lesser. If the applicant has also received an SBA disaster loan for the same losses, the sum of the actual loss EM loan and the SBA disaster loan cannot exceed $500,000. Indebted EM loan borrowers

could receive later actual loss loans not to exceed $500,000 for each additional qualifying disaster. However, for disasters occurring on or before September 30, 1978, the amount of the actual loss loan cannot exceed $250,000 or the amount of the actual loss, whichever is the lesser.

§§ 1945.164–1945.165 [Reserved]

§ 1945.166 Loan purposes.

EM loans may be made for the following purposes:

(a) *Loans for actual losses.* (1) The amount of the maximum actual loss loan(s) in addition to the limitations contained in § 1945.163(d) of this Subpart, is further limited to the actual dollar loss, or the actual amount of essential family, farm, and nonfarm enterprise credit that the applicant needs to carry on normal operations, whichever is the lesser. However, actual loss loan funds will not be used to finance a nonfarm enterprise, unless such enterprise is needed to support a reasonable standard of living for the family. The use of the loss funds will be identified in the farm and home plan so that a determination can be made as to whether such loan(s) covered all or a portion of the actual dollar loss.

(2) Actual loss loan funds may be used for any of the following:

(i) Repair or replacement of disaster damaged or destroyed farm property;

(ii) Payment of farm operating debts incurred during the disaster year;

(iii) Payment of current capital expenditure loan installments, e.g., for chattel, livestock and real estate debt payments;

(iv) Payment of essential family living expenses;

(v) Payment of current taxes due;

(vi) Payment of other current debts;

(vii) Payment on delinquent debts;

(viii) Any major adjustment loan purpose; however, refinancing of debts will be restricted to those debts (in whole or in part) that must be refinanced to provide a sound basis for making the EM actual loss loan;

(ix) Financing all or a part of the next year's production cost; and

(x) Payment of reasonable expenses customarily paid when obtaining, planning, and closing an actual loss loan, such as fees for legal, architectural and other technical services which are required to be paid by the borrower, and which cannot be paid from other funds. Loan funds also may be used to pay the borrower's share of social security taxes for labor hired by the borrower in connection with land and building development. It is not intended that this subparagraph be interpreted to include fees charged applicants by management consultants and other professionals for preparation of EM loan dockets, including farm and home plans and other FmHA forms used in processing such loans.

(b) *Annual production purposes.* (1) When more than one annual production loan is made during the same production year, the loans will be considered a single loan. Annual production loans for operating purposes may be made to:

(i) Pay essential annual production expenses, including annual installments of principal and interest on debts;

(ii) Pay essential family living expenses; and

(iii) Refinance debts when the amount loaned for that purpose can be expected to be repaid from income received from crops and/or livestock produced during the production year being financed with EM loan funds.

(2) After the initial EM loan for annual production purposes is made, subsequent EM annual production loans, for subsequent production years, may be made until the borrower is able to return to normal credit sources or for the periods contained in paragraphs (b)(2)(i) and (ii) of this paragraph, whichever is the appropriate period.

(i) Borrowers with loans outstanding for any EM loan purpose on December 15, 1979, may receive subsequent EM loans for annual production purposes, provided no more than five (5) subsequent EM annual production loans are made per disaster, and provided they are made within six (6) full calendar years after the disaster authorization date.

(ii) Borrowers not having outstanding EM loans on December 15, 1979, may receive subsequent EM loans for annual production purposes, provided no more than two (2) subsequent EM annual production loans are made per disaster, and provided they are made within three full calendar years after the disaster authorization date.

(3) The total EM annual production loan indebtedness owed by a borrower cannot exceed the annual production and major adjustment loan principal indebtedness ceiling established in paragraph (d) of this section.

(c) *Major adjustment loans.* Major adjustment loans can be made subject to the time frame and loan ceiling provisions prescribed in subsection (d) of this section, but only to assure that applicants will have a reasonable prospect of maintaining a sound farming operation after they have sustained severe losses as a result of a qualifying disaster. A major adjustment loan(s) must be necessary to permit the applicant to continue in operation on a sound basis. Major adjustment loans must assist disaster victims in sustaining or rehabilitating their normal operations until such time as they are able to return to other sources of credit. These loans can be used for any crop or livestock changes needed to achieve these objectives, and to overcome financial difficulties caused by the disaster. Major adjustment loan funds may be used in conjunction with EM actual loss loan funds for any authorized loan purpose.

(1) The total major adjustment loan principal indebtedness owed by the borrower cannot exceed the annual production and/or major adjustment loan(s) principal indebtedness ceilings established in subsection (d) of this section.

(2) Real estate purposes (Subtitle A). The following are authorized real estate loan purposes and major adjustment loan funds may be used to:

(i) Purchase real estate necessary to:

(A) Replace land and/or water resources that cannot be restored due to the disaster;

(B) Establish a new site for farm dwellings and service buildings so that the applicant can relocate outside of a flood or mudslide prone area;

(C) Replace land necessary to restore an effective operation which was liquidated as a result of the disaster before an EM loan could be made.

(ii) Construct, buy, or improve buildings and facilities essential to the applicant's farming operation, including:

(A) The construction of an essential farm dwelling and service buildings of modest design and cost, including facilities and structures for nonfarm enterprises.

(B) The improvement, alteration, repair, replacement, relocation, or purchase and transfer of such essential dwellings and service buildings, facilities, structures and fixtures that become part of the real estate or customarily pass with the farm when it is sold. This includes pollution control and energy saving devices.

(C) The purchase and/or installation of water and sewage systems and other equipment, including pollution control and energy saving devices necessary to operate a farm and/or a nonfarm enterprise, provided the items upon installation become part of the real estate, or customarily pass with the farm when it is sold.

(iii) Provide land and water development, pollution control and energy saving measures, acquire water supplies and rights, and promote the use and conservation essential to the operation of the farm and any nonfarm

enterprise facilities. This includes providing fencing, drainage and irrigation facilities, basic applications of lime and fertilizer, and facilities for land clearing. This also includes establishing approved forestry practices, fish ponds, trails and lakes, improving orchards, and establishing and improving permanent hay or pasture. Sources of water may be located outside the land owned provided appropriate rights or easements are obtained to ensure that the water and rights will pass with the farm when it is sold. The funds for land and water development may include the costs of machinery and equipment needed to do the development, only when the total cost of the development and machinery or equipment would not exceed the cost of contracting the work or hiring the labor and machinery needed to do it. Loan funds may be used to pay that part of the cost of facilities, improvements, and "practices" which will be paid for in connection with participation in programs such as the Agricultural Conservation or Great Plains programs, but only when such costs cannot be covered by purchase orders or assignments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which the funds were advanced is likely to exceed $1,000, the applicant will assign the payment to FmHA.

(A) Funds may be used for development costs on land owned with defective title provided:

(*1*) There is adequate security for the loan,

(*2*) The tract with defective title is not included in the appraisal report, and

(*3*) Not more than $25,000 is loaned to an applicant to use for development costs on a tract with defective title.

(B) Funds may be used for real estate improvements or repairs on land leased by the applicant if all of the following conditions are met:

(*1*) EM loans will not be needed year after year to make substantial real estate improvements;

(*2*) The applicant is likely to continue to operate the farm for a sufficient period of time and under such terms as will yield a reasonable return on the investment;

(*3*) The applicant has reasonably secure tenure for a long enough priod to enable the tenant to realize adequate benefits to justify the expenditures;

(*4*) A written lease is obtained which provides for payment, to the tenant or assignee, for any unexhausted value of the improvement if the lease is terminated;

(*5*) There is adequate security for the loan; and

(*6*) Not more than $50,000 is loaned to a tenant for real estate improvements, repairs, or for refinancing unsecured debts clearly incurred for such purposes.

(iv) Refinance secured and unsecured debts, including FmHA debts subject to all of the following:

(A) The applicant's present creditors will not furnish credit, even with an FmHA guaranteed loan, at rates and terms the applicant can meet.

(B) When applicants request refinancing of loans owed normal lenders, such as banks, Production Credit Associations, Federal Land Banks or insurance companies, the County Supervisor will obtain early in the loan processing such lender's determination with respect to furnishing the applicant the additional credit necessary to accomplish the objectives of the EM loan and reestablish the borrower's operations on a sound basis within the borrower's ability to pay.

(C) Major adjustment loans will not normally be made to refinance intermediate and long-term debts. Only existing delinquent installments, plus the next installment which the applicant cannot pay, can be refinanced. In unusual circumstances, when the above refinancing is essential to enable the applicant to conduct a sound farming operation the above provisions may be waived. Ordinarily, in the case of old unsecured debts or inadequately secured debts, applicants will be requested to contact their creditor(s) and make every effort to obtain a substantial compromise reduction of such debts before they are refinanced.

(D) The County Supervisor must contact the appropriate lender; verify and document, either in the running record or by letter from the lender, the need to refinance secured debts and major unsecured debts; and determine the reason(s) the lender will not carry the debt, even with an FmHA guarantee. The unpaid balance of the debts to be refinanced will also be verified.

(v) Pay reasonable expenses customarily paid when obtaining, planning, making and closing a loan made for real estate purposes, such as fees for legal, architectural and other technical services, which are required to be paid by the applicant, and which cannot be paid by the applicant from other resources. Loan funds may also be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with land and building development. It is not intended that this subparagraph be interpreted to include fees charged applicants by agricultural management consultants and other professionals for preparation of EM loan dockets, including farm and home plans and other FmHA forms used in processing such loans.

(vi) Finance a nonfarm enterprise when it will provide another source of necessary income even though the owned acreage for such enterprise is not physically located on the farmland.

(vii) Pay the first year's premium for required insurance on buildings on the property which are to serve as security for the loan. Buildings will be insured in accordance with Subpart A of Part 1806 of this Chapter (FmHA Instruction 426.1), except when the appraisal report shows that the land alone adequately secures the loan. However, the applicant will be encouraged to take property insurance on essential buildings to protect the applicant's own interest. Borrowers eligible for insurance under the National Flood Insurance Act of 1968 will be advised of its availability in accordance with Subpart B of Part 1806 of this Chapter (FmHA Instruction 426.2).

(3) Operating purposes (Subtitle B). The following are authorized operating purposes and loan funds may be used to:

(i) Purchase machinery and equipment, livestock, poultry, fur bearing and other farm animals, aquatic organisms, worms, birds, tools, bees, and supplies; or to purchase an individual's or entity's undivided interest in such items; and to pay costs incidental to reorganizing the farming system which will provide for a sound operation.

(ii) Purchase and repair essential home equipment and furnishings, pay for family living expenses and pay for home equipment repairs required by the applicant's family to sustain itself in a reasonably satisfactory manner.

(iii) Refinance secured and unsecured operating type debts in whole or in part, including existing FmHA debts.

(iv) Purchase milk base, either with or without cows, when such action is necessary to assure the borrower a satisfactory market for dairy production.

(v) Purchase grazing licenses, permits, or rights which can be validly sold and transferred.

(vi) Augment and improve existing water supplies to alleviate the adverse effects of drought and other natural disasters.

(vii) Purchase membership and stock in farm purchasing, farm marketing, or farm service-type cooperative associations, including grazing associations.

(viii) Pay a secured creditor an amount not to exceed 20 percent of the appraised market value of the essential farm and nonfarm equipment under

prior lien to that creditor, or 20 percent of the amount owed to such creditor, whichever is the lesser.

(ix) Purchase a franchise, contract, or privilege when essential to the operation of the planned enterprise.

(x) Make a partial payment on crop storage and drying facilities when the Commodity Credit Corporation (CCC), through the ASCS, is providing the rest of the credit under the CCC Farm Storage and Drying Equipment Loan Program.

(xi) Pay reasonable expenses customarily paid when obtaining, planning and closing a loan made for operating purposes, i.e., fees for legal, architectural and other technical services, which are required to be paid by the applicant, and which cannot be paid by the applicant from other resources. It is not intended that this subparagraph be interpreted to include fees charged applicants by agricultural management consultants and other professionals for preparation of EM loan dockets including farm and home plans and other FmHA forms used in processing such loans.

(xii) Pay the borrower's share of Social Security taxes for the labor hired by the borrower in connection with land and building development.

(d) *Annual production and major adjustment loan indebtedness ceiling.* The total combined annual production and major adjustment loan(s) indebtedness owed by a borrower, insured and/or guaranteed, cannot exceed $500,000 outstanding principal indebtedness at any time during fiscal year 1981, regardless of the number of disasters under which an applicant may qualify. During fiscal year 1982, no such loan assistance may be made or guaranteed in an amount that would cause the combined total of unpaid principal indebtedness to exceed $500,000; and during fiscal year 1983, and all fiscal years thereafter, no such loan assistance may be made or guaranteed in any amount. The combined total of all EM insured and/or guaranteed major adjustment loan funds used for both Subtitle A and Subtitle B purposes, which are to be secured by real estate, and which will be used for financing secured and/or unsecured debts, will not exceed $300,000 outstanding principal indebtedness regardless of the number of qualifying disasters. Borrowers with EM loans outstanding on December 15, 1979, may receive subsequent EM annual production loans in accordance with the provisions of paragraph (b) of this section in amounts necessary to continue their normal farming operation(s) without regard to this indebtedness ceiling.

(e) *Relationship with Economic Emergency (EE) loans.* When an EM loan(s) for annual production or major adjustment purposes is made at the same time as, or after, an EE loan, subtract the amount of the EE loan (outstanding principal only) from the loan ceilings set out in paragraph (d) of this section. The difference is the maximum loan which can be made for EM annual production and/or major adjustment loan purposes.

§ 1945.167 Loan limitations and special provisions.

(a) *Use of EM loan funds not authorized for expansion purpose(s).* EM loan funds (actual loss, annual production and major adjustment Subtitle A and Subtitle B) *will not* be used to expand an applicant's farming, ranching or aquaculture operation beyond that which constituted the normal predisaster operation(s). This limitation is not intended to prohibit minor changes in minor crop or livestock enterprises provided:

(1) Any new or changed crop or livestock system is proven for the area; and

(2) The applicant has the knowledge and ability to manage the changed operation; and

(3) New or additional capital investment is not required.

EM applicants who will continue to conduct a family size farming operation (as defined in paragraph (a)(12) of § 1945.154 of this Subpart) may, if eligible, receive a regular FmHA farm ownership (FO), and/or operating (OL) loan(s) simultaneously with their initial EM loan assistance for the purpose of expanding their predisaster operation(s). Applicants applying for initial EM loan assistance will be advised that no expansion of their operation is permitted with EM loan funds; and that if, after receiving initial EM loan assistance under any given disaster, they do expand their farming operation(s) with conventional credit or with OL, or FO loan funds, such expansion will preclude them from any subsequent EM loan assistance under that disaster designation. If after receiving initial EM loan assistance under a given disaster, a borrower does expand his/her farming operation(s), no further EM loan assistance will be considered unless the borrower suffers qualifying losses under a new declared/designated/authorized disaster.

(b) *Applicants involved in more than one operation.* Loans to applicants involved in more than one farming operation will be considered as follows:

(1) If an applicant, in addition to the applicant's own farming operation, owns or controls 50 percent or more of another farming operation(s), and the applicant is actively engaged in both operations, both the applicant and the other farm operation(s) may be considered for separate loans provided the combined total does not exceed the loan limitations as set out in § 1945.163(d), § 1945.166(d) of this subpart.

(2) If the applicant is a cooperative, corporation, or partnership and any principal member, principal stockholder, or principal partner owns or controls 50 percent or more of another farming operation(s) and is actively engaged in both operations, both the applicant entity and the other farming operation(s) may be considered for separate loans provided the combined total does not exceed the loan limitations as set out in § 1945.163(d) and § 1945.166(d) of this subpart.

(3) If an applicant, including any principal member, principal stockholder, and principal partner who, in addition to the applicant's own farm operation, owns or controls less than 50 percent of another farm operation(s), and is actively engaged in a separate farm operation(s), the applicant and the other farm operation(s) will be considered as separate entities for application of the loan limitations.

(4) If the applicant described in paragraphs (b)(1), (2) and (3) of this section is deemed to be ineligible, such determination shall not preclude the other operation(s) in which the applicant holds an interest from being considered for an EM loan(s).

(c) *Insured and guaranteed loan making.* An insured EM loan will not be made simultaneously with a guaranteed EM loan or vice versa.

(d) *Refinancing guaranteed loans.* An insured loan will not be made to refinance a guaranteed loan, except when the following conditions are met:

(1) The circumstances causing the need to refinance were beyond the borrower's control.

(2) Refinancing is in the best interest of the Government.

(e) *Subsequent EM loans.* Subsequent (additional) EM loans may be made for the same purposes and under the same conditions as an initial EM loan.

(f) *New appraisals.* New "Appraisal of Real Estate Reports" are not required if the appraisal report in the file is not over two years old, unless the approval official requests a new appraisal report, or unless significant changes in the market value of real estate have occurred in an area within the two year period. Any changes in the value of real

estate or chattel security will be recorded, dated and initialed by the certified appraiser on the appropriate appraisal reports in the file.

(g) *Record Keeping.* EM borrowers receiving or indebted for EM loans of $100,000 or more are required to keep hard farm records on an approved format or use an accountant or a farm management service computer system as long as they are indebted for EM loans. EM borrowers are required to retain these records for three years. (See Subpart B of Part 1924 of this Chapter.)

(h) *Disbursement of loan funds.* Loan funds (either actual loss, annual production, or major adjustment) which will not be disbursed for specific purposes at loan closing will not be requested in the initial request for funds from the Finance Office. The "Loan Disbursement System" will be used to make funds available when they are actually needed. See § 1945.189(a)(8) of this Subpart for instructions on the use of supervised bank accounts.

§ 1945.168 Rates and terms.

(a) *Interest rates.* Interest on the initial advance will accrue from the date of the promissory note. Interest on other advances will accrue from the date of the loan check for each such advance. Interest rates are specified in Subpart A of Part 1810 of this Chapter (FmHA Instruction 440.1, Exhibit B, available at any FmHA office.)

(b) *Terms of loans.* Loans will be scheduled for repayment at such time as the FmHA approval official may determine, consistent with the purpose of and need for the loan. The approval official will also consider the useful life of the security and the repayment ability of the applicant, as reflected in the completed Form FmHA 431–2, "Farm and Home Plan," when setting the term of each loan. Even with a deferment, there must be an interest installment scheduled at least annually.

(1) *Operating purposes (Subtitle B).* Actual production or physical loss loans for losses of crops, livestock and/or chattels; and annual production and major adjustment (Subtitle B) loans will be scheduled for repayment as follows:

(i) Actual production or physical loss loans made for operating purposes under § 1945.166(a), or major adjustment (Subtitle B) loans made for purposes under § 1945.166(c)(3) of this Subpart, will be for periods not to exceed 7 years. Loans may be scheduled for a longer repayment period if the FmHA approval official determines that the needs of the applicant justify a longer term, and the loan(s) can be secured for the longer term. Such longer period may be approved as warranted, but cannot exceed 20 years. This longer repayment period will be used only when the Farm and Home Plan projections indicate the applicant would be unable to repay the loan in a shorter period, taking into consideration rescheduling possibilities. The reason(s) that a term longer than 7 years is given must be documented in the county office case file. Generally, real estate will be needed as security when the longer repayment period is authorized. When the longer term is used, rescheduling is not authorized to extend beyond 20 years from the date of the original note.

(ii) Loans made for annual recurring production expenses under § 1945.166(b) of this Subpart, or for payment of bills incurred for such purposes for the operating or crop year being financed, will be scheduled for repayment when the principal income from the year's operations is normally received.

(iii) Loans made to purchase or produce feed for productive livestock or livestock to be fed for the market, or to pay bills incurred for such purposes for the crop year being financed, will be scheduled for repayment when the principal income from the sale of such livestock or livestock products is planned to be received.

(iv) When conditions warrant, installments may vary in amount. However, the final installment will not be larger than the amount which can be expected to be refinanced by other agricultural lenders or be repaid within a rescheduled period of not to exceed 7 years. The applicant must be advised before the loan is closed that FmHA will review each case at the end of the initial loan term to determine if rescheduling is warranted, and that there is no obligation for FmHA to continue with the borrower after the expiration of the initial loan term.

(2) *Real estate purposes* (Subtitle A). Physical loss loans made for actual losses to real estate (§ 1945.166(a) of this Subpart) and loans made for major adjustment (Subtitle A) purposes (§ 1945.166(c)(2) of this Subpart) will normally be scheduled for repayment in not to exceed 30 years. Loans may be scheduled for a longer repayment period if the FmHA approval official determines that the needs of the applicant justify a longer repayment period. A longer term may be approved as warranted, but cannot exceed 40 years. The longer repayment period will be used only when it is evident the applicant will be unable to repay the loan in a shorter period. The reason(s) for giving the longer period must be well documented in the county office case file.

(3) *Repayment terms when debts are refinanced.* When secured or unsecured debts are refinanced with a major adjustment loan, the type of basic security taken will determine the terms and the interest rate charged and the type of assistance code used on Form FmHA 1940–1.

(i) When basic security is other than real estate, the loan may be scheduled for repayment in accordance with paragraph (b)(1) of this section, and the Subtitle B purpose interest rate will be charged.

(ii) When real estate will serve as basic security, the loan may be scheduled for repayment in accordance with paragraph (b)(2) of this section, and the Subtitle A purpose interest rate will be charged.

(c) *Consolidation, rescheduling, reamortization and deferral.* (1) *General requirements.* When the loan approval official determines that consolidation, rescheduling, reamortization, or deferral will assist in the orderly collection of an EM loan, the loan approval official may take such action. The requirements of this paragraph apply when a new loan is being made. If only existing loans are involved and no new loan is being made, see Subpart A of Part 1951 of this chapter.

(i) When deferring, consolidating or rescheduling EM loans made for operating purposes, the requirements set out in Subpart A of Part 1951 of this Chapter, § 1951.33(b)(1) through (b)(6) must be met.

(ii) When deferring or reamortizing EM loans made for real estate purposes, the requirements of Subpart A of Part 1951 of this Chapter, § 1951.40(b) that apply to EM loans must be met.

(2) *Consolidation and rescheduled.* EM loans made for operating purposes may be consolidated or rescheduling subject to the conditions set out in Subpart A of Part 1951 of this chapter, § 1951.33 (d)(1) through (d)(5) and (d)(7) that apply to EM loans.

(3) *Reamortization.* Existing EM loans made for real estate purposes may be reamortized when a new EM loan is made subject to the conditions set out in Subpart A of Part 1951 of this chapter, § 1951.40 (b)(1)(i) through (b)(1)(iii) that apply to EM loans.

(4) *Deferral.* Installments on EM loans, including loans which are consolidated, rescheduled or reamortized, may be deferred.

(i) When deferring installments on EM loans made for operating type purposes, the requirements set out in Subpart A of Part 1951 of this chapter, § 1951.33(e)(1) must be met.

(ii) When deferring installments on EM loans made for real estate purposes, the requirements set out in subpart A of Part 1951 of this chapter, § 1951.40(b)(2) must be met.

(iii) Deferred installments on EM loans made for operating type or real estate purposes should be scheduled and repaid in accordance with Subpart A of Part 1951 of this chapter, § 1951.33 (e)(2)(i) through (e)(2)(iv).

(5) *Terms.*

(i) *Consolidation and rescheduling.* All EM loans made for Subtitle B (operating) purposes will be repaid over a period consistent with the borrower's repayment ability, but not in excess of 7 years from the date of the consolidation or rescheduling except in special cases authorized in paragraph (b)(1) of this section, where a longer term is needed. Initial EM loans for operating type purposes may be rescheduled for up to 20 years from the date of the original note.

(ii) *Reamortization.* Existing EM loans made for real estate purposes may be reamoritized in accordance with § 1951.40(c)(1) of Subpart A of Part 1951 of this chapter.

(6) *Interest rates.* The interest rates for consolidated, rescheduled, and reamortized loans are as follows:

(i) For consolidated, reamortized, or rescheduled non-actual loss loans, the current rate specified in Subpart A of Part 1810 of this chapter (FmHA Instruction 440.1, Exhibit B, available in any FmHA office) at the time of consolidation, reamortization or rescheduling will apply.

(ii) For reamortized or rescheduled actual loss loans, the interest rate will not be changed from that in the original note.

(7) *Processing consolidation, rescheduling, and/or deferment.* These functions will be performed in accordance with the FMI to Form FmHA 1940–17, "Promissory Note."

(8) *Disposition of promissory notes.* The original and County Office copy of all notes that are consolidated, rescheduled, reamortized or deferred will be stamped "Consolidated," "Rescheduled," "Reamortized," or "Deferred," as appropriate, by the County Office. The original note will be filed with Form FmHA 452–2, "Reamortization and/or Deferral Agreement," when appropriate, and the copy filed in the borrower's case file. When consolidated, rescheduled, reamortized or deferred notes have been paid in full or otherwise satisfied, the notes will be handled in accordance with the provisions of Subpart A of Part 1951 and of Part 1864 (FmHA Instruction 456.1) of this chapter.

(d) *Graduation.* Borrowers will be required to graduate when FmHA determines they are able to obtain their needed credit from conventional sources. All borrowers will be advised that they will be reviewed for graduation periodically in accordance with the graduation procedure in Part 1865 of this chapter (FmHA Instruction 451.6, a copy of which is available in any FmHA County Office). EM borrowers will be reviewed for graduation three (3) years after their initial EM loan is made and every two (2) years thereafter, until graduation is achieved or the EM indebtedness is paid in full. Applicants who cannot get credit elsewhere as defined in § 1945.156(b) of this Subpart, will be advised during loan processing and again at loan closing that they will be required to refinance at any time when other satisfactory credit is available to them, even though their loans have not fully matured. Applicants who can get credit elsewhere will be advised during loan processing and again at loan closing that they will be required to refinance at any time after the initial 3 year waiting period when other satisfactory credit is available to them, even though their loans have not fully matured.

§ 1945.169 Security requirements.

(a) *Security.* (1) The County Supervisor is responsible for seeing that adequate and proper security is obtained and maintained, and that the security instruments have been properly executed and recorded to protect the interest of the Government.

(2) Except for the modifications contained in paragraph (d) of this section, security must be of such a nature and extent that repayment of the loan is reasonably assured, considering the applicant's managerial ability, soundness of the operation, and projected earnings. When a major adjustment loan for real estate purposes is made, the security will be not less than the best lien obtainable on all farm real estate and, when all other real estate security has been considered and found to be insufficient, the best lien obtainable on farm personal property will also be taken. Security for loans may include, but is not limited to the following: livestock, livestock products, crops, land, buildings, machinery, equipment, furniture, fixtures, inventory, accounts receivable, cash or special cash collateral accounts, personal and corporate guarantees, marketable securities, and cash surrender value of life insurance. Security may also include assignments of leases or leasehold interests, revenues, patents, and copyrights. In unusual cases, the loan approval official may require a co-signer or a pledge of security by a third party. Generally, a pledge of security in lieu of a co-signer is preferable.

(3) A lien will not be taken on property that cannot be made subject to a valid lien, nor will a lien be taken on subsistence livestock, household goods, and small tools and small equipment such as handtools, power lawn mowers, and other items of like type not needed for security purposes. A lien on feed crops does not have to be taken if the crops produced by the borrower are used to feed livestock, other than livestock being fed for market, and the loan is otherwise well secured.

(4) When insured and guaranteed loans are involved to the same borrower, separate security must be clearly identified for both the insured and guaranteed loans.

(b) *Personal liability.* The signatures of all principal partners of a partnership, principal members of a cooperative and principal stockholders of a corporation are required to evidence their full personal liabilities on the promissory note as individuals, except in unusual circumstances including legal disability or extended absence from the country.

(1) When the applicant is an unincorporated farm cooperative, the promissory note will be executed so as to evidence the liability of the cooperative as well as each member as an individual. This will be accomplished by typing the name of the cooperative above the space provided for signatures and having the note executed by each member of the cooperative both as a member and as an individual. To evidence the liability of the cooperative, the words "As Members" will be typed immediately beneath the name of the cooperative and each member will sign thereunder. To evidence the members' liability as individuals, the words "As Individuals" will be typed at the top of the blank space to the left of the lines for signatures, and each member will sign thereunder.

(2) When the applicant is a corporation or an incorporated cooperative, the promissory note will be executed by the corporation or cooperative acting through its authorized officials. To evidence the principal stockholders' or members' liability as individuals, each principal stockholder or member will sign the note.

(3) When the applicant is a partnership, the promissory note will be executed so as to evidence the liability of the partnership as well as each principal partner as an indivdual. This will be accomplished by typing the

name of the partnership above the space provided for signatures and having the note executed by the members of the partnership both as partners and as individuals. To evidence liability of the partnership, the words "As Partners" will be typed immediately beneath the name of the partnership and each partner will sign thereunder. To evidence the principal partners' liability as individuals, the words "As Individuals" will be typed at the top of the blank space to the left of the lines for signatures and each principal partner will sign thereunder.

(c) *Personal and corporate guarantees.* (1) If a review of all credit factors indicates the need for additional security, the loan approval official may require additional personal and/or corporate guarantees, including guarantees from principals of parent, subsidiary or affiliated companies. The loan approval official will require that such guarantees be secured by security which has an equity value. Any security referred to in paragraph (a)(2) of this section may be used to secure the gurantees.

(2) Guarantors of applicants will:

(i) In the case of personal guarantees, provide current financial statements (not over 30 days old at time of filing), signed by the guarantors and disclosing community or homestead property.

(ii) In the case of corporate guarantees, provide current financial statements (not over 30 days old at time of filing), certified by an officer of the corporation.

(3) When security is taken under this subsection (c) of this section it will be serviced in accordance with Subpart A of Part 1962 of this chapter, if chattels, and Subpart A of Part 1872 of this chapter (FmHA Instruction 465.1), if real estate.

(d) *Applicant's repayment ability.* When adequate security is not available because of the disaster, the loan approval official will accept as security such collateral as is available, if the following conditions are met:

(1) A portion or all of the security has depreciated in value due to the disaster; and

(2) The applicant will give FmHA a lien on *all* assets owned by the applicant and all assets owned personally by principal owners of the applicant entity; and

(3) The available security, together with the approval official's confidence in the applicant's repayment ability, is adequate to secure the loan. When considering "repayment ability" as a form of security, the reserve or margin between the balance available for debt repayment shown in Table "J" of Form FmHA 431-2, "Farm and Home Plan," and the principal and interest scheduled for payment in Table "K" of the plan is the "repayment ability" collateral which may be considered in loan making actions when this plan is developed for the typical year. The "typical year" plan must show that the portion of the loan secured by "repayment ability" will be paid back in a reasonable period of time, *i.e.*, the loan balance will be reduced to a fully secured loan within 3 years.

(e) *Life insurance.* If the loan approval official believes it is needed as additional security, life insurance may be required for the individual borrower or for the principals and key employees of an entity borrower listing FmHA as the beneficiary. This life insurance may be decreasing term insurance. A schedule of life insurance available as security for the loan will be included as part of the application.

(f) *Operating purposes.* (1) Loan funds used for annual production purposes will be secured by a first lien on the crop or livestock or both, being financed with EM loan funds, plus enough other security, including personal property, real estate and crop insurance, to assure that the Government's financial interest will be protected. When the applicant can provide no security other than a first lien on the crop or livestock or both, the amount of the loan will be limited to the greater of $100,000 or 75 percent of the estimated gross farm income planned as shown on Form FmHA 431-2, or as shown on another acceptable plan of operation based on normal production and prices authorized by the State Director for developing annual farm plans within the State. When an EM borrower who is indebted for an annual operating loan which is secured only by a first lien on the crop or livestock or both, needs a subsequent EM loan for annual operating purposes during the current calendar year to complete that year's farming operation and the loan is needed to protect the Government's financial interest, the $100,000 or 75 percent gross income requirement will not apply, provided the loan is otherwise sound and proper.

(2) Loans made for operating purposes authorized in § 1945.166 (a) and (b) or (c)(3) of this Subpart will be secured by a lien on sufficient equity in livestock, crops, equipment and machinery (including trucks and automobiles) and, when necessary, other personal property to protect the Government's interest. A lien on part or all of the real estate owned by the applicant may be taken as additional security, if such additional security is needed to protect the interest of the Government. When the applicant can provide no security other than a first lien on crops or livestock or both, the policy outlined in subparagraph (f)(1) of this section will apply. A second crop lien may be taken when it has security value and is necessary to assure repayment of the loan(s).

(3) Loans *only* for the acquisitioin of memberships or the purchase of stock in cooperative associations may be made on the basis of the borrower's promissory note without taking security except as follows:

(i) An assignment, pledge, or other security interest in the stock or other evidence of membership will be obtained provided it has security value. A security interest may also be taken on significant amounts of patronage, dividends or refunds or on undivided profits and other holdings. The security interest will be in the form of an assignment, pledge, or other instrument, and will be taken on FmHA forms and in the manner approved by OGC. Stock certificates and similar security will be kept in the County Office. A notation will be made on Form FmHA 1905-1, "Management System Card-Individual," showing that such security has been retained.

(ii) In individual cases, loan approval officials may require a lien on crops or chattels as additional security for a loan made for the acquisition of a membership or stock, if they determine such additional security is necessary to protect the Government's interest.

(4) The advice of OGC will be obtained on how to perfect a security interest when milk base and grazing permits are financed or taken as security.

(5) General intangibles, accounts, or contract rights may be taken as security for production loss loans made to contract feeders, tenants with share-lease arrangements, or other farmers with similar arrangements. National Office approval will be obtained before taking such items as security for a loan.

(g) *Real estate purposes.* Loans for the purposes authorized in § 1945.166(a) (real estate purposes only) and (c)(2) of this Subpart will be secured by a lien on real estate. However, if the applicant does not have sufficient equity in the real estate to secure the entire amount of the loan, a lien also will be taken on personal property, plus, if necessary, a second lien on crops or livestock. An EM loan made to a tenant with a long-term lease will be secured by a lien on a transferable leasehold.

(h) *Abbreviated appraisals.* An abbreviated appraisal is one which is completed in accordance with

paragraph (h)(2)(i) of this section. See § 1945.175 of this Subpart for instructions on complete appraisals. Loans may be approved when an abbreviated appraisal is made on the property being taken as security for the loan, provided:

(1) The loan approval official determines that the applicant's equity in the security will adequately secure the EM loan.

(2) When abbreviated appraisals are prepared:

(i) For real estate, the following portions of Form FmHA 422–1, "Appraisal Report (Farm Tract)," will be completed: The heading of the report, Item A of Part 1, Part 2, Part 3, Part 6, Part 7, and Part 8. The report will be signed and dated by an FmHA authorized appraiser.

(ii) For chattel property, Form FmHA 440–21, "Appraisal of Chattel Property," will list, identify, and show the value of each chattel item and items A through E will be completed.

(i) *Combination of real estate and chattel security.* When an EM loan is to be secured by a lien on real estate or a combination of real estate and chattels, the security will be considered "basic security." However, notwithstanding the definition in § 1945.154(a)(33) of this Subpart, when chattels are primarily relied upon as security and real estate is taken only as additional security to better protect the Government's interest, only a certification of ownership and verification of equity in real estate is required, if the applicant is an individual. Certification of ownership may be accepted in the form of a notarized affidavit from the applicant stating who is the owner of record of the real estate in question and acknowledging all known debts, with balances owed, against the real estate. Whenever the County Supervisor is uncertain of the ownership of or debts against the real estate security, and for all loans to cooperatives, corporations, or partnerships, a title search is required.

(j) *Purchase contracts.* If the real estate offered as security is held under a purchase contract, the following conditions must exist:

(1) The applicant must be able to provide a mortgageable interest in the real estate.

(2) The applicant and the seller must agree in writing that any insurance proceeds received for real estate losses will be used only to replace or repair the damaged real estate improvements which are essential to the farming operation, used for other essential real estate improvements, or paid on the EM loan or on any prior real estate indebtedness including the purchase contract. If necessary, the applicant will negotiate with the seller to arrive at a new contract without any provisions objectionable to FmHA.

(3) If a satisfactory contract of sale cannot be negotiated or the seller refuses to enter into the agreement described in paragraph (j)(2) of this section, the applicant will make every effort to refinance the existing purchase contract. If the applicant cannot obtain refinancing from another source, an EM loan will be considered to include funds to pay off the contract.

(4) If the conditions set out in paragraphs (j) (1), (2) and (3) of this section exist and an EM loan is approved, it can be closed provided the FmHA escrow agent or designated attorney certifies on Form FmHA 427–10, "Final Title Opinion," or in separate writing that:

(i) The purchase contract is not subject to summary cancellation on default and does not contain any other provisions which might jeopardize either the Government's security position or the borrower's ability to repay the loan.

(ii) The seller has agreed, in writing, to give FmHA notice of any breach by the purchaser, and has also agreed to give FmHA the option to rectify the conditions which amount to a breach within thirty days. The thirty days begin to run on the day FmHA receives written notice of the breach.

(k) *Prior liens which may jeopardize the Government's security position.* If any prior liens against real estate offered as security contain future advance provisions or other provisions which might jeopardize the security position of the Government or the applicant's ability to meet the obligations of these prior liens and to pay the EM loan, the prior lienholders involved must agree in writing, before the loan is closed, to modify, waive, or subordinate such objectionable provisions to the interest of the Government. However, the Government's lien may be subject to the lien of another creditor for amounts advanced or to be advanced for annual operating and family living expenses for the operating or calendar year. The County Supervisor will determine if the creditor will be required to execute Form FmHA 441–13, "Division of Income and Nondisturbance Agreement," or a similar form approved by the OGC.

(l) *Circumstances under which advance notice of foreclosure or assignment is required.* When a junior lien on real estate is to be taken as security for a loan in States where a prior lienholder may foreclose the security instrument under power of sale or otherwise and extinguish junior liens of private parties without giving junior lienholders actual notice of the foreclosure proceedings, the prior lienholder must agree in writing to give FmHA advance notice of foreclosure or assignment of the mortgage.

(m) *Hazard insurance.* Hazard insurance with a standard mortgage clause naming FmHA as beneficiary may be required for every loan made. The minimum amount of insurance required is the lesser of the replacement cost of the property being insured or the amount of the loan. If essential insurable buildings are located on the property, or if new buildings are to be erected or major improvements are to be made to existing buildings, the applicant will provide adequate hazard insurance coverage at the time of the loan closing or as of the date materials are delivered to the property, whichever is appropriate. Notwithstanding the requirements of Subpart A of Part 1806 (FmHA Instruction 426.1) of this chapter, when the real estate appraisal report shows that the present market value of the land after deducting the value of buildings shown on the report exceeds the amount of the debt (including the EM loan) and the owner has equity equal to or exceeding the amount of the debt (including the EM loan), real estate property insurance may not be required. However, the applicant will be encouraged to obtain such insurance, if the applicant does not already have it, to protect the applicant's interest. If insurance claims for loss or damage to buildings to be replaced or repaired with loan funds are outstanding at the time the loan is approved, the applicant will be required to agree in writing that, when settlement is made, the proceeds of such claims will be used for replacement or repair of buildings, application on debts secured by prior liens, or application on the EM loan.

(n) *Special security requirements where personal possessions or home furnishings are involved.* Loan amounts borrowed for repair or replacement of personal possessions and home equipment or furnishings will be secured by a lien(s) on crops, aquatic organisms, livestock, farm machinery, essential trucks or automobiles, and/or farm real estate.

(o) *Federal Crop Insurance.* Loan approval officials shall require at least the minimum level of comprehensive Federal Crop Insurance for all crops eligible under existing FCIC programs for any type of EM loans secured primarily by crops and/or chattels. The insurance need not be required for EM loans primarily secured by real estate.

When FCIC insurance is required it will be maintained over the repayment period of the loan. An assignment of Federal Crop Insurance proceeds will be prepared on Form FCI–20, "Collateral Assignment," furnished by the local representative of the Federal Crop Insurance Program. The assignment must be approved by the Federal Crop Insurance Corporation and indicate FmHA's and any prior lienholder's lien position. An assignment of crop insurance proceeds is not required when the crop insurance policy contains a standard mortgage clause naming FmHA as mortgagee or secured party.

(p) *Indian trust lands.* EM loans which are secured by trust or restricted land will be handled as follows: USDA and the Department of the Interior have agreed that FmHA loans which are to be secured by real estate liens may be made to Indians holding land in severalty under trust patents or deeds containing restrictions against alienation, subject to statutes under which they may, with the approval of the Secretary of the Interior, give valid and enforceable mortgages on their land. These statutes include, but are not limited to, the Act of March 29, 1956 (70 Stat. 62). When a lien is to be taken on trust or restricted property in connection with a loan to be made or insured by FmHA, the local representatives of the Bureau of Indian Affairs (BIA) will furnish requested advice and information with respect to the property and each applicant. The FmHA State Director should arrange with the Area Director or other appropriate local official of the BIA as to the manner in which the information will be requested and furnished. A State Supplement will be issued to prescribe the actions to be taken by FmHA personnel to implement the making of loans under these conditions.

(q) *Unpatented public lands.* See Exhibit A of Subpart A of Part 1943 of this chapter for making EM loans to entrymen on unpatented public lands.

(r) *Taking security instruments.* The taking and filing of security instruments will be in accordance with Subpart B of Part 1941 of this Chapter (chattels and crops) and with §§ 1945.169 and 1945.189 of this Subpart (real estate). The borrower must have marketable title to the property which secures the loan and FmHA must ascertain that, when the security instruments are filed, no suits are pending or threatened which would adversely affect the interest of the borrower.

(s) *Assignments and consents.* (1) The value of stock required to be purchased by Federal Land Bank (FLB) Association borrowers may be added to the recommended market value of real estate, provided:

(i) An assignment can be obtained on the stock; or

(ii) An agreement is obtained which provides that:

(A) The value of the stock at the time the FLB loan is satisfied will be applied on the FLB loan as long as any FmHA loan is outstanding, or

(B) The stock refund check is made payable to the borrower and FmHA.

(iii) In either case the total of the stock value and the recommended market value of real estate are indicated in the comments section of Form FmHA 422–1.

(2) An assignment of all or part of the applicant's share of income is required when title to a livestock or crop enterprise is held by a contractor under a written contract or when the enterprise is to be managed by the applicant under a share lease or share agreement. The contract, share lease or share agreement will be described specifically as "Contract Rights" or "Contract Rights in Livestock or Crops," (or as "Accounts" or "Accounts in Livestock or Crops," if required by a State Supplement) and so forth, in paragraph (1)(b) of the financing statement. A form approved by OGC will be used to obtain the assignment.

(3) An assignment of income can also be taken when the County Supervisor determines it is necessary to protect FmHA's interests.

(i) Form FmHA 443–16, "Assignment of Income from Real Estate Security," will be used for assignments of real estate security income unless that form is legally inadequate in a particular State, in which case it may be adapted with the approval of OGC.

(ii) Form FmHA 441–8, "Assignment of Proceeds from the Sale of Agricultural Products," will be used for products or income in which FmHA does not have a security interest under the UCC. Other forms approved by OGC may be used when this form is not adequate.

(iii) Form FmHA 441–25, "Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest," will be used for dairy products in which FmHA has a security interest under the UCC.

(iv) Form FmHA 441–18, "Consent to Payment of Proceeds from Sale of Farm Products," will be used for products or income, except dairy products, in which FmHA has a security interest under the UCC.

(v) Forms provided by ASCS will be used for assignments of incentive and other agricultural program payments.

(4) In UCC states, an assignment of income constitutes a security agreement and should be treated accordingly.

(t) *Applicants who can get credit elsewhere.* Those applicants who are able to get credit elsewhere will be required to pledge only that amount of security necessary to fully secure the loan and assure that the Government's interest will be adequately protected.

§§ 1945.170–1945.172 [Reserved]

§ 1945.173 General provisions—compliance requirements.

(a) *Scope of operation to be financed.* No ceiling has been established on the size of operations that may be financed with EM loans. Therefore, subject to the eligibility requirements, loan amount ceilings, repayment ability, need, available security and other provisions of this subpart, loans may be made to finance farming operations of any size.

(b) *Flood or mudslide hazard areas.* Flood or mudslide hazards will be evaluated whenever the farm to be financed is located in special flood or mudslide prone areas as designated by the Federal Emergency Management Agency (FEMA). Subpart B of Part 1806 of this chapter (FmHA Instruction 426.2) will be complied with when loan funds are used to construct or improve buildings located in such areas. This will not prevent making loans on farms if the farmstead is located in a flood or mudslide prone area and funds are not included for building improvements. The flood or mudslide hazard will be recognized in the appraisal report.

(1) In identified special flood or mudslide hazard areas as designated by FEMA, the following policies are applicable for EM loans being made to finance buildings or fixtures and furnishings contained therein.

(i) If flood or mudslide insurance is available and an applicant has not taken such insurance and had flood losses, an EM actual loss loan may be made provided flood or mudslide insurance is purchased before the EM loan is closed.

(ii) If flood or mudslide insurance is available and an applicant previously received and still is indebted for an EM loan, Rural Housing Disaster (RHD), or SBA disaster loan and a condition of the loan required the obtaining of flood insurance but the applicant allowed the insurance to lapse and the applicant had new flood or mudslide losses, the applicant will be considered to be in default on the loan agreement and dealt with accordingly. If it is determined to continue with the borrower and that the EM actual loss loan should be made, flood or mudslide insurance will be obtained before the EM loan is closed.

(iii) If flood or mudslide insurance is available and an applicant had previously received an EM, RHD, or SBA disaster loan, and a condition of the loan required obtaining flood or mudslide insurance and the applicant paid the loan in full and let the insurance lapse, the applicant will be handled in accordance with paragraph (b)(1)(i) of this section.

(iv) In those areas that have been designated by FEMA as special flood or mudslide hazard areas and flood or mudslide insurance is not available or has been withdrawn by FEMA, an applicant can receive an EM actual loss loan provided the farm buildings, including the dwelling, are relocated outside the 100-year flood area.

(v) EM loans to repair or replace farm buildings, including dwellings, must meet the requirements of § 1806.25 (a) or (b) of Subpart B of Part 1806 of this chapter (paragraph V A or B of FmHA Instruction 426.2) as applicable, or be relocated outside the 100-year flood area.

(2) When land development or improvements such as dikes, terraces, fences, and intake structures are planned to be located in special flood or mudslide prone areas, loan funds may be used subject to the following:

(i) The Corps of Engineers or the SCS will be consulted concerning:

(A) Likelihood of flooding.

(B) Probability of flood damage.

(C) Recommendations on special design and specifications needed to minimize flood and mudslide hazards.

(ii) FmHA representatives will evaluate the proposal and record the decision in the loan docket.

(c) *Civil rights.* The provisions of Subpart E of Part 1901 of this chapter will be complied with on all loans made which involve:

(1) Funds used to finance nonfarm enterprises and recreation enterprises. Applicants will sign Form FmHA 400–4, "Nondiscrimination Agreement," in these cases.

(2) Any development financed by FmHA that will be performed by a contract or subcontract of more than $10,000.

(d) *Protection of historical and archaeological properties.* If there is any evidence to indicate the property to be financed has historical or archaeological value, the provisions of Subpart F of Part 1901 of this chapter will apply.

(e) *Environmental impact.* If EM loans are used in populated areas to finance an operation which has relatively large feedlots or holding facilities for livestock or aquatic organisms or smaller feedlots or holding facilities which are likely to have an effect on the environment, the applicant will be requested to complete Form FmHA 449–10, "Applicant's Environmental Impact Evaluation."

(1) The provisions of Subpart G of Part 1901 of this Chapter will be followed to the extent applicable for EM loans in making decisions on operations that may have a significant impact on the environment.

(2) The County Supervisor will complete Form FmHA 440–46, "Environmental Impact Assessment," considering information provided by the applicant in Form FmHA 449–10.

(3) The County Supervisor will forward a copy of the loan application, completed FmHA Forms 449–10 and 440–46, and any other information and docket material relevant to environmental considerations to the State Director. The State Director will determine whether an environmental impact statement should be prepared based on this submittal and any other available information.

(f) *Real Estate Settlement Procedures Act.* The provisions of the Real Estate Settlement Procedures Act outlined in section 1901.406 apply when EM funds are used involving tracts of less than 25 acres, if:

(1) Any part of the loan is used to purchase all or part of the land to be mortgaged, and

(2) The loan is secured by a first lien on the property where a dwelling is located.

(g) *Nondiscrimination requirements.* In accordance with Federal Law, the FmHA will not discriminate against any otherwise qualified applicant on the basis of race, religion, sex, national origin, marital status, age, or physical/mental handicap (provided the applicant can execute a legal contract), with respect to any aspect of a credit transaction. The policy statement set forth in § 1945.151(a) of this Subpart will also apply to credit transactions.

(h) *Compliance with special laws and regulations.* (1) Applicants will be required to comply with Federal, State and local laws and regulations governing building construction; diverting, appropriating, and using water including use for domestic or nonfarm enterprise purposes; installing facilities for draining land; and making changes in the use of land affected by zoning regulations.

(2) State Directors and Farmer Programs Staff members will consult with SCS, U.S. Geological Survey, State Geologist or Engineer, or any board having official functions relating to water use or farm drainage requirements and restrictions for water and drainage development. State Supplements will be issued to provide guidelines which:

(i) State all requirements to be met, including the acquisition of water rights.

(ii) Define areas where development of ground water for irrigation is not recommended.

(iii) Define areas where land drainage is restricted.

(3) Applicants will comply with all local laws and regulations, and obtain any special licenses or permits needed for nonfarm, recreation, specialized or aquaculture farming enterprises.

§ 1945.174 [Reserved]

§ 1945.175 Options, planning and appraisals.

(a) *Optioning Land.* An applicant is responsible for obtaining options when purchasing real property in accordance with the provisions contained in § 1943.25(a) of Subpart A of Part 1943 of this Chapter.

(b) *Planning.* (1) Form FmHA 431–2 and Form FmHA 431–4, "Business Analysis—Nonagricultural Enterprise," when appropriate will be completed as provided in Subpart B of Part 1924 of this chapter and in accordance with the FMIs. This planning process with the applicant is essential to making sound loans and, therefore, must receive careful attention in development of the loan docket. However, when the EM loan will be for not more than $25,000, Tables A, D, and E of Form FmHA 431–2 may be left blank and only the totals in Tables G and J should be shown, provided Form FmHA 410–1 is completed and is believed to accurately reflect the applicant's current circumstances, and no supervision is planned. The plan will show any major items of expenditure and the reason(s) these items are needed. When preparing a plan of operation, it is usually necessary to plan for a capital expenditure reserve during interim years and the typical year. Realistically this will reflect the depreciating value of machinery, equipment or other essential capital expenditure items, which it is prudent to expect will need to be replaced or require major repair. Also, all recurring and carry-over debts should be considered in a typical year plan. In addition, when all of the loan funds are not to be disbursed at loan closing, a Monthly Budget will be prepared showing the specific amount to be disbursed for each associated loan purpose for each month. The funds will be disbursed through use of the loan disbursement system or, when needed, through supervised bank accounts.

(2) Development work will be planned and completed in accordance with Subpart A of Part 1924 of this Chapter. Also, the provisions of Subpart E of Part 1901 of this Chapter will be met in connection with EM loans involving recreational enterprises and the construction of buildings.

(c) *Appraisals.* (1) Real estate appraisals will be completed by an FmHA employee authorized to make farm appraisals, when real estate is taken as basic security. Appraisals are not required when:

(i) The amount of the EM loan(s) plus any existing FmHA principal Indebtedness is $25,000 or less, and

(ii) The loan approval official determines the loan is adequately secured without an appraisal, and

(iii) The County Supervisor indicates in the loan docket an estimate of the market value of the real estate to be taken as security, and

(iv) The provisions of paragraph (4) of this section are applicable.

(2) Real estate appraisals will be completed as provided in Subpart A of Part 1809 of this chapter (FmHA Instruction 422.1).

(3) See § 1945.169(s)(1) of this Subpart when FLB stock is to be used in establishing the recommended market value (RMV) of the real estate being appraised.

(4) When real estate is taken as additional security (for loans in which the primary security is subject to rapid depreciation or is of a high risk nature, such as crops), no appraisal report will be required for the additional security provided the County Supervisor determines that the security is adequate and records the estimated value in the running case record, showing the date the property was inspected and certifying that in the County Supervisor's opinion the estimates are correct based on knowledge of the value of comparable assets in the area.

(5) A chattel appraisal will be required when chattels are taken as basic or normal income security.

(i) Form FmHA 440–21 will be used.

(ii) The property which will serve as security will be described in sufficient detail so it can be identified.

(iii) Its current market value or, if appropriate, the current cash value will be determined.

(6) See § 1945.169(h) of this Subpart for instruction on using abbreviated appraisals.

§§ 1945.176–1945.179 [Reserved]

§ 1945.180 County Committee certification.

The County Committee will review the application and determine whether or not the applicant meets EM loan eligibility requirements.

(a) *Certification.* If the County Committee finds the applicant eligible, it will prepare Form FmHA 440–2, "County Committee Certification or Recommendation." This form will be retained in the County Office file. The County Committee will comply with Subpart A of Part 1910 of this chapter.

(b) *Rejection.* If the County Committee rejects the application, the County Supervisor will inform the applicant in writing of the reasons for rejection. Reasons for unfavorable action will be given in the space provided on Form FmHA 440–2 above the space for signatures. The County Committee will comply with Subpart A of Part 1910 of this chapter. Also, the County Supervisor will complete Part III of all Forms FmHA 1945–29 to show the rejection of the application, sign, date and forward to the appropriate ASCS county office in accordance with the FMI.

§ 1945.181 [Reserved]

§ 1945.182 Loan docket preparation.

(a) *Processing guide.* See Exhibit A of this Subpart for Insured Emergency Loan Processing Guide. When a packager has developed the loan docket the County Supervisor will fully analyze the docket to assure it is complete and conforms with this EM loan regulation. The County Supervisor will reverify calculations in accordance with § 1945.183(b) and insure that the provisions of § 1945.183 of this Subpart are met before final action is taken on the loan request.

(b) *Form FmHA 1940–1, "Request for Obligation of Funds."* A separate Form FmHA 1940–1 will be prepared for each EM loan which has a different interest rate and/or a different repayment period, as determined in accordance with § 1945.168 (a) and (b) of this Subpart. Also, on Form FmHA 1940–1, for EM loans approved for borrowers presently indebted for an EM loan, but having new qualifying losses from a subsequent authorized disaster, the new appropriate disaster authorization number will be shown. this new number will be used for all subsequent EM loans approved, unless the borrower has new qualifying losses under a later disaster to which another disaster authorization number has been assigned.

(c) *Promissory note.* A separate promissory note will be prepared for each Form FmHA 1940–1 used in approving and obligating each of the EM loans. Each scheduled installment on each promissory note will include interest in addition to principal, unless deferral is authorized in accordance with § 1945.168(c) of this Subpart.

(d) *Lease agreements.* Generally, a copy of the lease agreement between tenant applicants and their landlords will be obtained and made a part of the loan docket. When a written lease is not obtainable, a statement setting forth the terms and conditions of the agreement which are not clearly reflected in Form FmHA 431–2 will be prepared and made a part of the loan docket.

§ 1945.183 Loan approval or rejection.

Loans will be approved in accordance with the authorities and provisions contained in this Subpart and the loan approval conditions and authorities contained in Subpart A of Part 1901 of this Chapter.

(a) *Approval after termination date for receiving actual loss loan applications.* Applications for EM actual loss loans may be processed and approved after the termination date established for receiving such applications, provided they were filed in the County Office before that termination date had expired.

(b) *Reverification before approval.* Before an EM loan is approved the following actions must be taken:

(1) A County Office employee will verify information provided by ASCS on all Forms FmHA 1945–29 in accordance with the FMI. If there have been any changes from the information originally provided and used in the loan docket preparation, appropriate changes will be made.

(2) A County Office employee will verify information provided by the Federal Crop Insurance Corporation (FCIC) regarding any insurance benefits which have been paid or will be paid. If there have been any changes from the information originally provided and used in the loan docket preparation, appropriate changes will be made.

(3) All calculations on Form FmHA 1945–22 and Form FmHA 1945–26 will be checked by a County Office clerical employee (either regular or temporary), using a calculator with a paper tape, to assure that mathematical errors are detected. The County Supervisor or designee will make any changes necessary in the loan docket, when errors are located. The paper tape will be attached to Form FmHA 1945–22 or Form FmHA 1946–26 as appropriate.

(4) A County Office employee will contact the local SBA representative, if appropriate, to determine whether the applicant has applied for or received an SBA disaster loan for the same disaster, and document the result of this discussion in the County Office case file.

If the applicant has received an SBA disaster loan for the same disaster, an EM actual loss loan will not be approved until it is determined that the requirement of § 1945.163(d) of this Subpart will be met. If the EM actual loss loan(s) is approved the SBA will be advised by telephone and the call confirmed in writing by the County Office.

(5) If the applicant certifies that credit can be obtained elsewhere as evidenced by compliance with the provisions set out in § 1945.162(a) of this subpart, the County Office will make sure the applicant's certification statement on Form(s) FmHA 1940–1, "Request for Obligation of Funds," is modified. This will be done by striking through the word "unable" whenever that word appears in the certification statement and writing in the word "able." The applicant or the authorized official(s) of entity applicants must acknowledge each such change by initialing above it.

(c) *Administrative determination and responsibilities.* When the County Committee certification has been made and the reverification has been completed, the loan approval official will determine administratively whether:

(1) The applicant is eligible, likely to be successful in the proposed operations, and likely to achieve the objectives of the loan.

(2) The applicant has satisfactory tenure arrangements on the farm(s) to be operated.

(3) The proposed farm and home operations of the applicant are reasonably sound.

(4) The loan(s) being processed is proper and can be repaid from projected farm and/or non-farm income as scheduled, and that in the planned typical year the farming operation will be self-sustaining.

(5) The security requirements can be met.

(6) The certification(s) required of the applicant and the County Committee have been made and are a part of the loan docket.

(7) The proposed changes to be financed by a major adjustment loan(s) are needed, and that the county office case file reflects the need for those changes.

(8) The loan meets all other FmHA requirements.

(d) *Loan docket transmitted to the Administrator.* (1) Transmittal memoranda accompanying EM loan dockets requiring approval in the National Office must set forth, as a minimum, the following information:

(i) Proposed loan(s), amount(s), rate(s) of interest, and term(s) of each such loan.

(ii) Outstanding FmHA loan(s) balance(s) and the total proposed EM loan(s) indebtedness.

(iii) Status of outstanding FmHA loan(s).

(iv) Brief statements regarding:

(A) Cause and type of disaster losses.

(B) Inability to obtain other suitable credit.

(C) Purposes for which loan funds are to be used.

(D) Overall feasibility and soundness of the planned operation.

(E) Property offered as security for the loan(s).

(v) The State Director's specific positive recommendation that the requested loan(s) be approved.

(2) Loan dockets should not be forwarded to the National Office for approval unless the State Director is able to make a positive recommendation. Loan requests for which the State Director is unable to make a positive recommendation for approval, should be denied at the State level, and applicants advised of their appeal rights in accordance with Subpart B of Part 1900 of this chapter.

(3) Memoranda transmitting problem cases, on which State Directors are only seeking National Office counsel, should also contain their thinking, their interpretation of the appropriate FmHA regulations and policies, and their recommendations on how they believe the case in question should be handled.

(e) *Loan approval.* (1) The loan approval official will date, sign and distribute Form FmHA 1940–1 in accordance with the FMI and set forth any special conditions of approval, including any special security requirements, in the appropriate section on Form FmHA 1940–1.

(2) The County Supervisor will complete Part III of Form FmHA 1945–29 and forward the form to the appropriate ASCS county office(s).

(f) *Rejection of loans.* (1) If a loan is rejected, the loan approval official will indicate the reasons for the rejection in the running case record.

(2) The County Supervisor will notify the applicant by letter of the reason(s) for rejection and will advise the applicant in that letter of appeal rights as set out in Subpart B of Part 1900 of this chapter.

(3) The County Supervisor will complete Part III of Form FmHA 1945–29 and forward the form to the appropriate ASCS county office.

(4) In areas where EM loans are being made under a major disaster declaration, and where the FEMA has advised the State Director that Section 408 grants are available, a list of applicants with physical losses, who do not qualify for EM loans, will be prepared and sent to the FEMA by County Supervisors at the close of business each week. Those applicants who are not eligible for an EM loss loan because they are not farmers as defined in section 1945.154 of this Subpart will be screened and referred to the SBA for disaster loan assistance. The State Director will be advised by the FEMA where to send the list and the State Director will so advise the County Supervisors. The list will be prepared in the following format:

UNITED STATES DEPARTMENT OF AGRICULTURE

Farmers Home Administration

TO: _____

_____

The following is a list of applicants not qualifying for Farmers Home Administration's Emergency loans in _____ County during the week ending _____, 19—.

Name _____
Address _____
County Supervisor _____

§ 1945.184 [Reserved]

§ 1945.185 Actions after loan approval.

(a) *Cancellation of loan check and/or obligation.* The County Supervisor will notify the State and Finance Offices of loan cancellation by using Form FmHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation," and the appropriate FMI. If a check received in the County Office is to be cancelled, the check will be returned to the Disbursing Center, U.S. Treasury Department, Post Office Box 3329, Kansas City, Kansas 66103, with a copy of Form FmHA 440–10 (see FmHA Instruction 102.1, a copy of which is available in any FmHA Office).

(b) *Cancellation of advances.* When an advance is to be cancelled the County Supervisor must take the following actions:

(1) Complete and distribute Form FmHA 440–10.

(2) When necessary, obtain a substitute promissory note reflecting the revised total of the loan and the revised repayment schedule. When it is not necessary to obtain a substitute promissory note, the County Supervisor will show on Form FmHA 440–10 the revised amount of the loan and the revised repayment schedule.

(c) *Increase or decrease in loan amount.* If it becomes necessary to increase or decrease the amount of the loan before closing, the County

Supervisor will request that all distributed docket forms be returned to the County Office for reprocessing, unless the change is minor and replacement forms can be readily completed and submitted. In the latter case, a memorandum to that effect will be attached to the revised forms for referral to the Finance Office.

§§ 1945.186–1945.187 [Reserved]

§ 1945.188 Chattel lien search.

See § 1941.63 of Subpart B of Part 1941 of this chapter for regulations concerning lien searches covering chattels.

§ 1945.189 Loan closing.

(a) *Closing loans secured by real estate.* (1) *General.* Loans secured by real estate are considered closed on the date the mortgage is filed for record. Such loans will be closed in accordance with the applicable provisions of Part 1807 of this chapter (FmHA Instruction 427.1).

(2) *Security instruments.* Security instruments referred to in this paragraph (a) are real estate mortgages or deeds of trust.

(i) FmHA real estate mortgage or deed of trust Form FmHA 427–1 (State), "Real Estate Mortgage for ———," will be used in all cases where real estate is taken as security.

(ii) Promissory note(s) will be prepared and completed at the time of loan closing in accordance with the FMI. If insured Rural Housing (RH) funds are advanced simultaneously with EM funds the RH loan will be evidenced by a separate note on the proper form as provided in Subpart A of Part 1822 of this Chapter (FmHA Instruction 444.1). However, all notes will be described on the same security instruments. When a loan is closed between December 1 and January 1, the first installment will be collected at the time of loan closing unless deferment is approved.

(iii) When subsequent loans are made, a new security instrument is required only when the existing instruments do not cover all required security or do not secure the subsequent loan.

(iv) A subsequent loan for any authorized purpose may be made without taking new security instruments when the existing security instruments cover all the property required to serve as security for the subsequent loan, the State law and the language of the existing security instruments will permit the future loan advance to be secured by the existing security instruments, and the existing security instruments will provide the same lien priority for the subsequent loan as for the initial loan. A new security instrument will be taken if one of these requirements is not met.

(3) *Leaseholds.* Security instruments for loans secured by leaseholds will describe security in accordance with Part 1807 of this Chapter (FmHA Instruction 427.1), and the following provisions will also apply:

(i) The following language, or similar language which in the opinion of the OGC is legally adequate, will be inserted just before the legal description of the real estate:

All Borrower's right, title, and interest in and to the leasehold estate for a term of ——— years beginning on ———, 19—, created and established by a certain lease dated ———, 19—, executed by ———, as lessor(s), recorded on ———, 19—, in Book ———, page — of the ———. Records of said County and State, and any renewals and extensions thereof, and all Borrower's right, title, and interest in and to said Lease, covering the following real estate:

(ii) an additional covenant will be inserted in the mortgage to read as follows:

Borrower will pay when due all rents and any and all other charges required by said Lease, will comply with all other requirements of said Lease, and will not surrender or relinquish, without the Government's written consent, any of the Borrower's right, title, or interest in or to said leasehold estate or under said Lease while this instrument remains in effect.

(iii) A copy of the lease will be made part of the loan docket.

(4) *Filing or recording security instruments.* The following appropriate actions will be taken after loan closing:

(i) If the original security instrument is returned by the recording official, it will be retained in the borrower's case folder. If the original is retained by the recording official, a conformed copy, showing the date and place of recordation and the book and page number, will be prepared and filed in the borrower's case folder. A conformed copy of the security instrument will be sent to a prior lienholder if a substantial interest is held by that lienholder, or if it is required by a working agreement provision with that lienholder.

(ii) The original deed of conveyance, if any, and a copy of the security instrument will be delivered to the borrower.

(5) *Abstracts of Title.* Any abstract of title will be delivered to the borrower and Form FmHA 140–4, "Transmittal of Documents," will be prepared and a receipt obtained in accordance with the FMI. However, when an abstract is obtained from a third party with the understanding it will be returned, such abstract will be sent directly to the third party and a memorandum receipt will be obtained.

(6) *Requesting title service.* When the loan is approved, the County supervisor will see that title service is requested in accordance with Part 1807 of this Chapter (FmHA Instruction 427.1), if this has not already been done.

(7) *Fees.* The borrower will pay all filing, recording, notary and lien search fees incident to loan transactions from personal or loan funds. When FmHA employees accept cash for these purposes form FmHA 440–12, "Acknowledgment of Payment for Recording, Lien Search, and Releasing Fees," will be executed. FmHA employees will make it clear to the borrower that any fee so accepted is only for paying fees on behalf of the borrower, and is not accepted as partial payment on a loan.

(8) *Supervised bank accounts.* If a supervised bank account is required, loan funds will be deposited following loan closing. Supervised bank accounts will be established in accordance with subpart A of part 1902 of this Chapter. Loan funds not to be disbursed for specific purposes at loan closing and not needed within 30 days after closing, will not be requested until they are needed. The "Loan Disbursement System" will be used to request future advances at 30 day intervals or as needed. Only in unusual cases will loan funds be kept in supervised bank accounts for more than 60 days, and when such funds are placed in an interest bearing supervised bank account, the interest earned will be applied on the EM loan immediately or used for an authorized EM loan purpose, if the planned EM funds are not sufficient to cover all of the planned items.

(b) *Closing loans secured by chattels and crops.* See Subpart B of Part 1941 of this chapter.

(c) *Loan closing review.* Immediately prior to loan closing, the FmHA official responsible for closing the loan(s) will review the file for compliance with Agency regulations.

§ 1945.190 Revision of the use of EM loan funds.

(a) *Requirements.* Loan approval officials or their delegates are authorized to approve changes in the purposes for which loan funds were planned to be used, provided:

(1) the loan, as changed, is within the respective loan approval official's authority.

(2) Such a change is for an authorized purpose and within applicable limitations.

(3) Such a change will not adversely affect either the feasibility of the operation or the Government's interest.

(4) Such a change is approved in advance of the loan funds being used for the new purpose(s).

(b) *Additional authority.* The State Director may delegate additional authority to approval officials to approve certain kinds of changes in the use of loan funds by issuing a State supplement describing such changes, provided prior approval is obtained from the National Office.

(c) *Revisions.* When changes are made in the use of loan funds, no revision will be made in the repayment schedule on the promissory note. Appropriate changes with respect to the repayment will be made in Table K of Form FmHA 431–2 and will be initialed by the borrower. The County Supervisor will also make appropriate notations in the "Supervisory and Servicing Actions" section of Form FmHA 1905–1.

§ 1945.191 [Reserved]

§ 1945.192 Loan servicing.

Loans will be serviced in accordance with Subpart A of Part 1806, Part 1863 and Subpart A of Part 1872 of this chapter (FmHA Instructions 426.1, 425.1, and 465.1, respectively) and Subpart A of Part 1962 of this chapter.

§§ 1945.193–1945.200 [Reserved]

Exhibit A—Processing Guide—Insured Emergency (EM) Loans

I. Purpose

This Exhibit outlines the basic steps involved in processing a loan application including an application kit, and identifies the FmHA forms which should be considered for use at each step as appropriate for EM loans.

II. General

A. The forms listed in this Exhibit will be considered in development of the application. Forms designated with an "x" are required and those designated with a "*" are used when applicable.

B. Consult the appropriate Forms Manual Insert (FMI) for instructions for completion, distribution, and procedural reference for each form.

III. Application Processing

A. Application Filing. The following should be done at the time the applicants file their applications.

1. County Office Assistants (COA) normally will have the first contact with potential applicants. During these contacts the COA should:

a. Be sympathetic and sensitive to applicants' needs.

b. Set up appointments for applicants to meet with supervisory personnel.

c. Inform applicants of the last date for receiving applications.

d. Discuss credit needs and FmHA's services.

e. Advise applicants eligible for other credit they will be considered for a *loss loan(s) only* at the rate of interest set by the Secretary; and advise applicants appearing eligible for other credit who certified they were unable to get other credit, that they will be referred to other lenders to obtain written evidence they are unable to obtain their needed credit from such other lenders.

f. Begin running case record.

g. Provide applicants with an application kit and any other instructions that are needed to help expedite processing of the application and FmHA forms to be completed.

2. The application kit should have a cover sheet with instructions to the applicant, as is appropriate for individuals, corporations, cooperatives and partnerships. The cover sheet will include a notice to the applicant that the completed application must be returned by the termination date shown on the cover sheet in order to be accepted and considered for EM loan assistance. The following FmHA Forms should be included in the kit: 410–1, 410–9, "Statement Required by the Privacy Act," 431–1, "Long Time Farm and Home Plan," 431–2, and 1945–22.

3. The County Office Assistant (COA) will set up a list of names and addresses for all recipients of EM applications given out. This list will be monitored daily or weekly and if an applicant does not keep a scheduled appointment, follow up will be accomplished with a letter or telephone call and recorded in the County Case File.

4. Applications should normally be acted upon by the County Committee within 15 days, and in any event, not later than 30 days from receipt of a completed application by the county office.

5. Applicants will be promptly notified in writing of their eligibility status, and if additional information is needed to make an eligibility determination, it will be requested in writing.

6. The following FmHA Forms will be used as appropriate:

Form No.	Name	Use
410–1	Application for FmHA Services	x
410–5	Request for Verification of Employment.	*
410–7	Notification to Applicant on Use of Financial Information from Financial Institution.	x
410–8	Applicant Reference Letter	*
410–9	Statement Required by the Privacy Act.	x
410–10	Privacy Act Statement to References.	*
431–1	Long-Time Farm and Home Plan	*
431–2	Farm and Home Plan	x
431–4	Business Analysis—Nonagricultural Enterprise.	*
440–32	Request for Statement of Debts and Collateral.	*
440–34	Option to Purchase Real Property	*
440–59	Estimate of Settlement Costs "Settlement Costs" Booklet.	*
443–2	Option for Purchase of Farm—Land to be Subdivided.	*
443–3	Assignment of Interest in Option (Land to be Subdivided).	*
449–10	Applicant's Environmental Impact Evaluation.	*
1940–38	Request for Lender's Verification of Loan Application.	*
1940–51	Crop-Share-Cash Farm Lease	*
1940–53	Cash Farm Lease	*
1940–55	Livestock-Share Farm Lease	*
1940–56	Annual Supplement to Farm Lease	*
1945–22	Certification of Disaster Losses	x
1945–29	ASCS Verification of Farm Acreages, Production and Benefits.	x

B. Field Visit. Notify applicant of planned visit and its purpose.

1. Verification of disaster losses.

2. Evaluate the resorces available to the applicant and their adequacy in fulfilling the requirements of the proposed plan of operation, taking into consideration development work planned.

3. Obtain information needed to complete required appraisals (chattel and real estate).

4. If development is planned, discuss plans, specifications, and estimates.

5. Hold landlord-tenant meeting, if necessary, to reach an agreement on the terms of the lease, resolve any problems, etc.; record in running case record.

6. Determine security requirements and record in running case record.

7. The following FmHA forms will be used as appropriate.

Form No	Name	Use
422–1	Appraisal Report—Farm Tract	*
422–2	Supplemental Report—Irrigation Drainage, Levee and Minerals	*
422–3	Map of Property	*
422–10	Appraiser's Worksheet-Farm Tracts for Study of Comparable Properties.	*
424–1	Development Plan	*
424–2	Description of Materials	*
440–13	Report of Lien Search	*
440–21	Appraisal of Chattel Property	*
1945–26	Calculation of Actual Losses	*

C. Eligibility Determination.

1. Obtain all needed application forms and other information from the applicant. Assist the applicant in completing these forms and/or in obtaining needed information, as necessary.

2. Request deed or other evidence of title.

3. Schedule meeting for County Committee review application and determine eligibility.

4. Inform applicant of the results of Committee action.

5. The following FmHA forms will be used as appropriate:

Form No	Name	Use
403–1	Debt Adjustment Agreement	*
440–2	County Committee Certification or Recommendation.	x

IV. Docket Preparation

A. Obtain all information from the applicant, prior lienholder(s), landlord(s), etc., needed for the loan docket to be prepared.

B. Check to assure all security requirements have been or will be met by loan closing.

C. Prepare a loan narrative and enter it into the running case record.

D. The following FmHA forms will be used as appropriate:

Form No.	Name	Use
400-4	Nondiscrimination Agreement	*
427-8	Agreement with Prior Lienholder	*
440-4	Security Agreement (Chattels and Crops).	*
440-4A	Security Agreement (Crops)	*
440-6	Severance Agreement	*
440-15	Security Agreement (Insured Loans to Individuals)	*
440-25	Financing Statement	*
440-A25	Financing Statement (Carbon-Interleaved).	*
440-26	Consent and Subordination Agreement.	*
440-41	Disclosure Statement for Loans Secured by Real Estate.	*
440-41A	Disclosure Statement for Loans Not Secured by Real Estate.	*
440-43	Notice of Right to Rescind	*
440-46	Environmental Impact Assessment	*
441-5	Subordination Agreement	*
441-8	Assignment of Proceeds From the Sale of Agricultural Products.	*
441-10	Nondisturbance Agreement	*
441-12	Agreement for Disposition of Jointly Owned Property.	*
441-13	Division of Income and Nondisturbance Agreement.	*
441-17	Certification of Obligation to Landlord.	*
441-18	Consent to Payment of Proceeds from Sale of Farm Products.	*
441-25	Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest.	*
443-16	Assignment of Income From Real Estate Security.	*
443-17	Agreement to Sell Nonessential Real Estate.	*
1940-1	Request for Obligation of Funds	*

V. Loan Approval and Closing

A. Loan Approval.

1. Establish loan closing conditions and enter them in the running case record.

2. Execute and distribute all forms necessary for loan approval.

3. For chattel loan—file financing statement or chattel mortgage, and obtain a lien search.

4. For real estate loan—request preliminary title opinion.

B. Loan Closing.

1. Arrange for loan closing by escrow agent, designated attorney, or other authorized loan closing agent; furnish loan closing agent with appropriate instructions, forms, and other needed information for loan closing.

2. The following FmHA forms will be provided to and used by the appropriate loan closing agent, in addition to those forms listed under docket preparation which must be executed by the borrower or other party:

Form No.	Name	Use
140-4	Transmittal of Documents	*
400-1	Equal Opportunity Agreement	*
400-3	Notice to Contractors and Applicants.	*
400-6	Compliance Statement	*
402-1	Deposit Agreement	*
402-2	Statement of Deposits and Withdrawals.	*
402-5	Deposit Agreement (Non FmHA Funds).	*
426-2	Property Insurance Mortgage Clause (Without Contribution).	*
427-1	Real Estate Mortgage or Deed of Trust for ———.	*
427-4	Transmittal of Title Information	*
427-5	Affidavit of Borrowers (or Transferees).	*
427-6	Affidavit of Sellers (or Transferors)	*
427-9	Preliminary Title Opinion	*
427-10	Final Title Opinion	*
427-11	Warranty Deed	*
440-45	Nondiscrimination Certificate (Individual Housing).	*
440-59	Settlement Statement	*
1940-17	Promissory Note	*
1951-4	Change in Rates and Terms	*

Exhibit B—Memorandum of Understanding Between the Small Business Administration (SBA) and the United States Department of Agriculture (USDA)—Farmers Home Administration (FmHA) Pertaining to Disaster Loan Assistance Programs

I. Preamble

Pub. L. 96-302, which amended the Small Business Act and the Consolidated Farm and Rural Development Act, amends Section 18 of the Small Business Act by—"(1) striking the comma after the phrase 'agricultural related industries' and inserting the following: ': Provided, That prior to October 1, 1983, an agricultural enterprise shall not be eligible for loan assistance under paragraph (1) of section 7(b) to repair or replace property other than residences and/or personal property unless it is declined for, or would be declined for, emergency loan assistance at substantially similar rates from the Farmers Home Administration under Subchapter III of the Consolidated Farm and Rural Development Act,' and * * *."

This legislation makes it clear that farmers are to be directed to the FmHA for disaster loan assistance once a disaster declaration has been made as a result of disasters commencing on or after July 3, 1980.

This joint Memorandum reaffirms the mutual desire of SBA and FmHA to cooperate in the use of their respective disaster loan-making authorities to compliment the disaster program activities of each other, consistent with the basic purpose of the legislation.

It is *not* intended that this Memorandum alter the relationship that currently exists between FmHA and SBA regarding the handling of each Agencies' regular lending programs.

With respect to their regular programs, FmHA and SBA will continue, to the extent possible, to improve and expand the delivery of financial assistance to the agricultural community.

II. Definitions

1. *Farming* is the business of producing crops, livestock, livestock products, and aquatic organisms through the management of land, water, labor, capital and basic raw materials, e.g., seed, feed, fertilizer and fuel.

2. *Natural Disaster* (As authorized by FmHA State Directors) is a disaster caused by such natural phenomena as hurricanes, tornadoes, cyclones, excessive rainfall, floods, earthquakes, blizzards, freezes, electrical storms, snowstorms, drought, excessively high temperatures, and hail; insects where abnormal weather contributed substantially to the spreading and flourishing of such insects; fire resulting from lightning, and fires of other origins which could not be controlled because of abnormal weather; and plant and animal diseases where abnormal weather contributed substantially to such diseases spreading into epidemic stages.

3. *Physical Disaster* (As declared by the Administrator of SBA) is a disaster caused by a flood, riot, civil disorder, hurricane, tornado, storm, high water, wind-driven water, tidal wave, snowstorm, drought, fire, explosion or other catastrophic event.

4. *Major Disaster* (As declared by the President) is a disaster caused by any catastrophic event of sufficient magnitude to warrent major disaster assistance by the Federal Government, under the Disaster Relief Act of 1974.

5. *Housing Losses* are losses sustained to the farmowner's personal dwelling, tenant housing or farm labor housing and their contents, and other personal property contained therein.

6. *Agricultural Enterprises* are those businesses engaged in the production of food and fiber, ranching and raising of livestock, aquaculture, and all other farming and agricultural related industries.

7. *Credit Elsewhere:*

(a) For SBA purposes, is the availability of sufficient credit from non-Federal sources at reasonable rates and terms, taking into consideration prevailing private rates and terms in the community in or near where the disaster loan applicant transacts business for similar purposes and periods of time.

(b) For FmHA purposes, is the availability of sufficient credit elsewhere taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time.

8. *Federal Individual Assistance* is the Federal disaster assistance made available to private individuals and privately owned and operated agricultural enterprises as compared to public assistance disaster programs which are available to governing bodies and quasi-governing bodies of political subdivisions.

9. *Presidential Emergency* is any disaster in any part of the United States which is of such magnitude that the President makes a declaration and which requires certain Federal emergency programs to supplement State and local efforts in the preservation of lives and protection of property, public health and safety, or to avert or lessen the threat of a more severe disaster.

III. General Guidelines

1. The FmHA administers its financial assistance programs through its State, District and County offices.

The SBA administers its financial assistance programs through its Regional, District and Branch offices.

2. All farm disaster loss loan applications heretofore and hereafter approved by SBA will be serviced by SBA.

3. The SBA and FmHA will have substantially similar interest rates for their respective loss loans. It is agreed, therefore, that such interest rates will not differ by more than one percent per annum at any given time, and will be applied in accordance with Section 114 of Pub. L. 94-305; and that the FmHA Deputy Administrator for Farm and Family Programs and the SBA Associate Administrator for Financial Assistance will

consult before either Agency changes its loss loan rate of interest.

4. FmHA State Directors and SBA District Directors will consult with each other when either is contemplating authorizing or recommending that an area(s) be named where farm disaster financial assistance is to be made available. Each Agency, at the National level, will notify the other in writing when such declaration or authorization is officially made.

5. FmHA State Directors and SBA District Directors will exchange addresses of their respective offices and identify the geographical area(s) served by each. This specific information will be available in all field offices of both Agencies so applicants can be referred to the appropriate offices with a minimum of delay. The FmHA uses its local county offices to administer disaster emergency programs. SBA will either establish special local offices for administering its disaster assistance programs, or utilize permanent SBA offices, as appropriate.

6. SBA Disaster Branch Offices and FmHA County Offices will cooperate to avoid overlapping and duplication of disaster benefits by exchanging loan application and loan approval information while ensuring that farmers and rural resident disaster victims receive the assistance to which they are entitled.

7. FmHA State Directors and SBA District Directors will meet on a frequency of not less than annually to review this Memorandum of Understanding, clarify and agree on each Agency's disaster program responsibilities, and plan appropriate training meetings for their respective employees to assure familiarity with and common understanding of the contents of this Memorandum of Understanding.

IV. How Loans are Made Available

1. *FmHA Emergency (EM) Loans.* EM Loans will be made available in counties named by the Federal Emergency Management Agency (FEMA) as eligible for Federal Individual Assistance under a major disaster or emergency declaration by the President, or in counties where EM Loans are authorized by the FmHA State Director because of a natural disaster.

2. *SBA Disaster Loans.* SBA Physical Loss and Economic Injury Disaster Loans will, as determined to be necessary and appropriate, be made available in counties named by FEMA, as well as in counties declared by the Administrator of SBA. Economic Injury Disaster Loans, as a separate program, will be made available to nonfarm small business concerns in counties where FmHA State Directors have authorized EM Loans, and furthermore, SBA Physical Disaster Loans will be made available to those agricultural enterprises referred to SBA by FmHA pursuant to paragraph IV 4 (e) of this Memorandum of Understanding.

3. FmHA and SBA will establish a liaison at both the State Director/District Director level and the National level and periodically coordinate their activities to: (a) exchange detailed information concerning the disaster loan programs, (b) define areas of cooperation between the two Agencies, (c) assure that their programs are serving the intended recipients, (d) establish new methods to serve the public more expeditiously, and (e) achieve maximum utilization of their respective resources.

4. The SBA and FmHA agree that the interests of agricultural enterprises will be best served, and that each Agency will achieve better utilization of available resources, through the operating guidelines discussed in this section relative to areas where these Agencies offer disaster assistance. Furthermore, National FmHA and Central SBA office representatives agree to meet on a frequency of not less than annually to review this Memorandum of Understanding, discuss matters of mutual concern relating to each Agency's disaster loan programs and to revise this document, if appropriate.

(a) When an applicant has sustained only housing and personal property losses in areas where SBA's Physical Loss Loans are available, *only* SBA will make loans for the restoration or replacement of disaster caused housing losses as defined in paragraph II 5 of this Memorandum of Understanding. When an agricultural enterprise has suffered farm production and/or physical farm losses, as well as housing losses, and SBA has not approved a physical disaster declaration for the affected area, FmHA will make the loan(s) for the production and physical farm losses as well as the housing losses.

In the event both Agencies have made their disaster assistance programs available for the area, applicants will have the option of going to FmHA *or* SBA for disaster loan assistance to restore or replace their housing losses; however, *in all cases*, farm production and farm physical loss loans will be made by FmHA, providing the applicant is otherwise eligible.

In those instances where an FmHA farm production and/or physical farm loss loan(s) is to be made, following approval of an SBA Housing Loss Loan, the SBA will, upon request from FmHA, subordinate its lien to FmHA, as may be required for approval of the FmHA loss loan(s).

(b) When an applicant makes an initial inquiry for disaster assistance from SBA and farm losses are evident, the applicant will be advised of the provisions of (a) above and referred to FmHA for the needed financing based on farm losses. When an applicant makes an initial inquiry with SBA seeking disaster assistance for housing losses *only*, the applicant will be referred to FmHA for consideration whenever the losses suffered were not in an SBA authorized area. Should such an applicant be in an SBA authorized area and be denied SBA assistance because of a lack of repayment ability due to low income, the applicant may be referred to FmHA for its consideration under FmHA's 502 Rural Housing Interest Credit Loan Program, provided the applicant resides in a rural community or in a community under 20,000 population. FmHA may be able to extend interest credit assistance to such borrowers at rates as low as 1 percent under that Loan Program.

(c) In any event, potential farm loan applicants should contact FmHA for an interview to determine whether they are eligible for disaster loan assistance from the FmHA. Those not eligible will be referred to the SBA for consideration, except those discussed in paragraph (e) below. Where a referral or denial action is taken by the FmHA, the referral or denial letter to the applicant will specify the reason(s) why the disaster type assistance requested by the applicant was not made available by FmHA.

(d) Potential applicants are not to be referred back and forth between FmHA and SBA. Representatives of each Agency must be reasonably certain the disaster victim is eligible for assistance from the other agency before a referral is made.

(e) FmHA personnel will refer, by letter, those applicants ineligible for FmHA EM Loan assistance for reasons such as alien status; corporations, partnerships and cooperatives not being primarily engaged in farming; and farm owners who do not operate their farm(s). Referral letters will state the specific reason(s) for ineligibility and will include the following statement, "Applicant has been informed that applicants for SBA Physical Disaster Loan assistance must meet minimum loss criteria substantially similar to that employed by FmHA." Referrals will not be made by FmHA when the reason(s) for loan denial is based on unfavorable credit determinations (includes inadequate security), lack of repayment ability, or when it is known to FmHA that sustained disaster losses are insufficient to meet its minimum loss criteria.

(f) Disaster victims filing for financial assistance from either Agency will give written permission for FmHA and SBA to exchange all prior and current loan application and loan experience information, including appraisals. The format for this permission must be developed in compliance with the Privacy Act.

(g) Applicants filing for financial assistance from either Agency must use the forms and procedures of the Agency being requested to provide such assistance. An applicant who is denied assistance by either Agency must file a new application with the other in accordance with that Agency's forms and procedures. However, the earliest filing date of an application for losses with either Agency will constitute the filing date with regard to termination dates for receiving applications by either Agency; provided *not more than six months* has elapsed since the termination date of the second Agency contacted, at the time that Agency is requested to process an application.

V. Description of Lending Policies

The FmHA guarantees EM Loans and also makes insured EM Loans. Guaranteed EM Loans are loans where an eligible lender advances the entire loan from its own resources and services the loan. The FmHA guarantees repayment to the lender of a certain percentage of any loss of principal and interest. Insured EM Loans are those made from the Agricultural Credit Insurance Fund (ACIF) by FmHA employees and serviced by FmHA employees.

The SBA makes direct, immediate participation, and guaranteed loans. Direct loans are made with SBA funds only.

Immediate participation loans are those in which SBA agrees to purchase a specified percentage of a loan from a lender immediately after disbursement of such loan. Guaranteed loans are made by a conventional lender from its own funds and SBA guarantees a percentage of the unpaid balance.

VI. Loan Programs

The Emergency and Disaster Loan Programs of FmHA and SBA are outlined in Table I which sets forth the comparative similarities and differences of each programs.

VII. Administrative Guidelines

1. The services of FmHA and SBA, which are available to lenders and applicants are, by mutual agreement, services that each Agency would provide any eligible applicant in the normal course of business; and normally there will be no reimbursement by either Agency to the other for such services.

2. The National Office of FmHA and the Central Office of SBA will cooperate in counseling their field offices and in resolving problems in specific cases.

3. This Memorandum of Understanding in no way alters or supersedes the existing Memoranda between the two Agencies covering FmHA's regular farmer loan authorities and its Business and Industrial Loan authorities, and all of SBA's regular loan programs. However, this Memorandum replaces the previous Memorandum of Understanding on disaster type loan assistance, signed by SBA on July 21, 1977, and by FmHA on August 25, 1977.

4. This agreement may be amended at any time by written agreement of both parties.

5. This agreement shall take effect upon the later date shown below.

Gordon Cavanaugh,
Administrator, Farmers Home Administration.
Date: ———

A. Vernon Weaver,
Administrator, Small Business Administration.
Date: ———

SBA/FmHA Memorandum of Understanding—Disaster Loan Assistance Programs

Table I.—*Comparative similarities and differences*

FmHA	SBA
Eligibility	
1. An individual applicant must be a citizen of the United States. For applicants which are organized as a partnership, a cooperative, or a corporation, the principal owners must be U.S. citizens; over 50 percent of the ownership of such entities must be held by U.S. citizens; and the manager of any such entity must have an ownership interest in the entity and be a U.S. citizen. Such entity must be recognized and authorized to farm in the State(s) in which it will operate a farm(s), and such entity will be in good standing in that State(s).	1. Citizenship is not required. However, use of disaster loan proceeds outside the United States or its possessions is not permitted.
2. EM loan applicants *able* to obtain their needed credit elsewhere may be considered for an *Actual Loss Loan only at a current market rate of interest.* EM Loan applicants *unable* to obtain their needed credit elsewhere, exclusive of an SBA Physical Disaster Loss Loan, may qualify for an *Actual Loss Loan(s) at 5 percent interest, and EM Annual Production and/or EM Major Adjustment Loan(s) at the current market rate of interest.*	2. Physical Disaster Loans are made to non-business loan applicants, without regard to the availability of other financing or resources, and business loan eligibility is similar. However, the SBA's judgment of the business' capacity to obtain credit elsewhere will determine the applicable interest rate. Applicants for Economic Injury Disaster Loan (EIDL) assistance *must* seek and fully utilize all alternate financing resources prior to obtaining an EIDL loan from SBA. EIDL applicants must be eligible *small* businesses according to SBA size standards.
3. The applicant must be an established farmer, rancher or aquaculture operator, either tenant-operator or owner-operator. If the applicant is a partnership, corporation, or cooperative, it must be primarily engaged in farming; i.e., it must derive over 50 percent of its gross income from all sources from the farming operation(s), and the farming operation(s) must be managed by one or more of the principal partners, principal stockholders, or principal members.	3. Most homeowners, businesses and nonprofit institutions are eligible for Physical Disaster Loan assistance.
4. The applicant must have been conducting a farming operation(s) at the time of the disaster in a county or counties where EM Loans have been authorized.	4. The applicant must be within the disaster area as defined by the SBA disaster declaration.
5. The applicant must have suffered qualifying property damage or production losses as a direct result of the declared or authorized disaster.	5. The applicant must have suffered real or personal property damage as a direct result of the declared disaster.
6. The applicant must be of good character, have the necessary experience and/or training, industry, and ability to carry out the proposed operation.	6. Applicants must be of good character and must be able to provide reasonable assurance of loan repayment ability.
7. Will take all farm disaster applications and approve EM Loans based on disasters commencing *after July 2, 1980,* regardless of whether or not an applicant can obtain the credit needed elsewhere.	7. Will take any farm disaster applications and approve disaster loans based on disasters commencing *on or before July 2, 1980.* Applicants applying for farm disaster loans based on disasters commencing *on or after July 3, 1980,* will be referred to FmHA.
Loan Purposes	
1. For those unable to obtain credit, to cover actual losses for damaged or destroyed farm property and production; provide essential annual farm production and family living expenses; and provide the financing necessary to make adjustments in the farming operation, which will assure the return of the operation to a financially sound pre-disaster base.	1. The purpose of Physical Disaster Loans is to restore the disaster victim's home or business property, real or personal, as nearly as possible to its pre-disaster condition. No upgrading is permitted except as required for code compliance.
2. Housing losses—Available under FmHA's Rural Housing Disaster Loan Program only when SBA's Physical Disaster Loan assistance is *not* available. When housing and farm losses are involved, the applicant may choose between SBA or FmHA for loan assistance on the housing loss, but all farm loss assistance will be provided by FmHA.	2. Housing losses—When only housing losses are sustained, SBA will make all Housing Loss Loans caused by the declared disaster. In those areas where both FmHA and SBA disaster programs are available, applicants may select the Agency from which they wish to obtain their Housing Loss Loan, but all applications for farm loss loans will be referred to FmHA.

Table I.—*Comparative similarities and differences*—Continued

FmHA	SBA
3 Initial EM Annual Production Loans may be applied for up to 12 months from the disaster authorization date. Subsequent Em Annual Production Loans may be applied for up to three full calendar years after the disaster authorization date. However, EM Annual Production Loans, initial or subsequent, are *not* available to applicants who are initially *able* to obtain their needed credit elsewhere.	3. Economic Injury Disaster Loans are somewhat similar; however, the need for these loans must be specifically related to the physical disaster as declared by SBA.
4 EM Major Adjustment Loans may be applied for up to 12 months after the disaster authorization date, but are *not* available to applicants who are initially *able* to obtain their needed credit elsewhere	4. No comparable disaster loan program; however, SBA's Regular Business Loan Program is somewhat similar
Rates and Terms	
1 Actual Loss Loans. (a) For applicants who are *able* to obtain their credit elsewhere, the interest rate for EM Actual Loss Loans is established by the Secretary of Agriculture, based on the cost of money to the Government using the statutory formula	1. Interest rate on Physical Disaster Business Loans where credit elsewhere is available is determined by a statutory formula which is based upon the cost of money to the Government, and which will remain in effect for all disasters occurring on or after October 1, 1978, and prior to October 1, 1983.
(b) For applicants who are *unable* to obtain their credit elsewhere, the interest rates for EM Actual Loss Loans are as follows	During the same period, October 1, 1978, through September 30, 1983, there is a 3 percent interest rate for losses to primary homes and personal property, and a 5 percent rate for loans to businesses, which in SBA's judgment are unable to obtain credit elsewhere.
(1) For disasters occurring through September 30, 1978, for which loans were approved on or after October 1, 1978, the rate is 3.00 percent.	Interest rates on loans for all other purposes are based upon a statutory formula.
(2) For disasters occurring on or after October 1, 1978, the rate is 5.00 percent.	
Actual Production Loss Loans are normally made for up to 7 years. Under certain circumstances loss loans for production and chattel losses may extend up to 20 years with special conditions, depending on the life expectancy of the collateral securing the loan(s). Actual Loss Loans for real estate purposes will normally be for 30 years, but may extend up to 40 years.	SBA Home, Personal Property, Business, and Economic Injury Disaster Loans may have maturities of up to 30 years. However, the repayment ability of the applicant will determine the actual maturity of the loan
2. Annual Production Loans—at the current prevailing market rate established periodically by the Secretary and repayable when principal income from the year's operation is normally received.	2. Interest rate for Economic Injury Disaster Loans which are similar is based upon a statutory formula.
3. Major Adjustment Loans—at prevailing current market rate as established periodically by the Secretary. Such loans for chattels are normally made for up to 7 years, and for real estate, normally up to 30 years. Under certain circumstances loans for chattels may extend up to 20 years and loans for real estate may extend up to 40 years.	3. No comparable disaster loan program
Loan Limits	
1. In addition to the ceiling limitations listed herein, the extent of loan assistance is also limited by the amount of actual loss, potential repayment ability, collateral available, the applicant's needs and other credit factors.	1. Home Loans—No statutory limit; however, the following administrative limits have been established: (a) $50,000 for real estate, (b) $10,000 for personal property, or (c) $55,000 for combined purposes and up to $50,000 for eligible refinancing.
(a) There is a statutory limit of $500,000 per disaster per applicant for Actual Loss Loan assistance for both those who *can obtain* and those who *cannot obtain* their credit elsewhere.	2. Business Loans, Physical Disasters—No statutory limit for disasters commencing prior to enactment of Pub. L. 96-302, i.e., July 2, 1980; however, a $500,000 administrative limit was in effect; exceptions permitted by SBA Regional Administrator to avoid undue financial hardship.
(b) Administrative ceilings for those who cannot obtain credit elsewhere have been established as follows:	For disasters commencing on or after July 3, 1980, the *statutory* limit is $500,000 per disaster per borrower.
(1) Actual Loss Loan—$500,000 per applicant per disaster designation for disasters occurring on or after October 1, 1978.	Limit may be waived by Administrator if applicant is a major source of employment in an area suffering a major disaster declared by the President.
(2) $250,000 per applicant per disaster designation for disasters occurring through September 30, 1978.	3. Business Loans, Economic Injury—No statutory limit, the amount of economic injury determines the size of the loan.
(3) Annual Production and/or Major Adjustment Loans—$1,500,000 outstanding principal balance authorized per EM borrower, regardless of the number of disasters. A further sub-limitation setting a $300,000 maximum outstanding principal balance on Major Adjustment Loans for refinancing debts, which are secured by real estate, is established within the above $1,500,000 ceiling. However, borrowers indebted for an EM Loan(s) on or before December 15, 1979, who cannot obtain credit elsewhere, may receive subsequent Annual Production Loans in amounts necessary to continue their normal operation(s) without regard to this indebtedness ceiling.	
Graduation Policy	
1. Reviewed to determine ability to obtain credit from other credit sources after a three (3) year period following receipt of the initial EM loan, and every two (2) years thereafter, until graduation is achieved or the loan(s) is paid in full. Refinancing, when available, is mandatory for borrowers who, when they received their initial loans, were unable to obtain credit from other sources.	1. Business loan applicants, who can obtain credit elsewhere (loans approved at formula rate), will be reviewed for graduation three years after a Physical Disaster Business Loan is fully disbursed, and every two years thereafter for the term of the loan. Refinancing, when available, is mandatory.
Economic Injury Loans	
1 EM loans for annual production purposes are similar	1. SBA is authorized to make Economic Injury Disaster Loans to small business concerns that have suffered cash flow problems related to the disaster. These loans are for working capital only and do not allow for any expansion.

Exhibit C—Memorandum of Understanding Between Agricultural Stabilization and Conservation Service and Farmers Home Administration on Disaster Assistance

I. General.

Federal agencies that provide financial assistance to farmers suffering losses as a result of a declared or authorized disaster are required to ensure that there is not duplication of benefits under other programs. Within USDA it is very important that the Agricultural Stabilization and Conservation Service (ASCS) and the Farmers Home Administration (FmHA) maintain close coordination of their assigned disaster programs.

II. Purpose.

The purpose of this memorandum of understanding is to coordinate certain ASCS disaster activities with the FmHA actual loss emergency loan program.

III. ASCS and FmHA Coordination on Disaster Activities to Farmers and Ranchers

The amount of any benefits received from ASCS disaster programs, including disaster payments and cost-sharing payments under the Emergency Conservation Program, Emergency Feed Program, will be considered by FmHA in determining the maximum amount of an actual loss emergency loan that a farmer can receive. This will be done in accordance with FmHA regulations.

IV. Understanding Reached

A. FmHA County Supervisors prior to determining the maximum amount of any actual loss emergency loan, will consult with ASCS County Executive directors regarding ASCS disaster benefits provided or to be provided to FmHA emergency loan applicants.

B. ASCS County Executive Directors, at the request of the FmHA County Supervisors, will provide FmHA with the following information from ASCS county office records: farmland and cropland acreages on the applicant's farm(s), production on crops, and amounts of payments or assistance provided or to be provided by ASCS to such applicant. Form FmHA 1945–29, "ASCS Verification of Farm Acreage, Production, and Benefits", will be used for this purpose.

C. FmHA County Supervisor will, in a timely manner, provide ASCS county offices with the names and addresses of farmers or ranchers who have had an actual loss emergency loan approved.

D. ASCS County Executive Directors will consult with FmHA County Supervisors before issuing disaster payments to farmers or ranchers for whom Form FmHA 1945–29 has been received. Sight drafts for payments of ASCS disaster benefits for farmers and ranchers whose FmHA loan application has been approved, will be prepared to show FmHA as joint payee and forwarded to the FmHA county office.

V. Supersedure

This memorandum of understanding supersedes the one signed by the Administrator of FmHA on April 18, 1975, and the Administrator of ASCS on April 23, 1975.

VI. Amendment

This memorandum of understanding may be amended at any time by mutual consent of the agencies involved.

/s/ Ray V. Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

Date 11–6–79.

/s/ Gordon Cavanaugh,

Administrator, Farmers Home Administration.

Date 10–30–79.

PART 1951—SERVICING AND COLLECTIONS

Subpart A—Account Servicing Policies

8. In § 1951.10, paragraph (a)(5) is revised to read as follows:

§ 1951.10 Application of payments on operating (OL), emergency (EM), economic emergency (EE), economic opportunity (EO) loans to individuals, soil and water conservation (SW) coded "24", and other production type loan accounts.

(a) *Rules for selection of accounts.*

* * *

* * * * *

(5) When nonfarm assets have been sold, the payments will be applied as set out in § 1945.56(b)(4) of Subpart B of Part 1945 and § 1945.156(b)(3) of Subpart D of Part 1945 of this Chapter if they were sold as a condition for EM loan assistance.

* * * * *

Note.—The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statement." It is the determination of FmHA that this action does not constitute a major federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

(7 U.S.C. 1989; 7 CFR 2.23)

Dated: May 20, 1981.

Dwight O. Calhoun,

Acting Under Secretary for Small Community and Rural Development.

[FR Doc. 81–15584 Filed 5–22–81; 8:45 am]

BILLING CODE 3410–07–M

V
4
6
M
Y
2
6
8
1
UMI

federal register

Tuesday
May 26, 1981

Part VII

Civil Aeronautics Board

Foreign Air Carriers

CIVIL AERONAUTICS BOARD

14 CFR Part 212

[Economic Regulations Amdt. No. 39 of Part 212; Docket 35046; Regulation ER-1220]

Charter Trips by Foreign Air Carriers; Updating of Regulations Governing Foreign Carrier Charter Rights

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In response to a petition by the National Air Carrier Association, the CAB is amending its prior approval requirements for charters by foreign air carriers. Prior approval will normally be required for a charter flight between the U.S. and a country other than the carrier's home country, instead of for "off-route" charters as the rules formerly provided. Regulations governing charters by foreign air carriers will be consolidated into one part of the CFR. On its own initiative, the CAB is also making miscellaneous changes to the pro rata charter rules.

DATES: Adopted: May 8, 1981. Effective: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442. Copies of this document may be obtained by calling (202) 673-5432.

SUPPLEMENTARY INFORMATION: The Board proposed in EDR-394 (45 FR 2331, January 11, 1980) to revise its requirements for prior approval of charter flights by foreign air carriers. Under existing regulations, foreign carriers must apply for and obtain prior approval on a flight-by-flight basis for all charter flights that do not operate over routes listed in their section 402 permits. On-route flights do not need prior approval unless specifically required by the Board. EDR-394 proposed to replace the on-route/off-route dichotomy with a system under which prior approval would routinely be required for "fifth freedom" flights (between the U.S. and a country other than the home country of the carrier) but not for "third or fourth freedom" flights (between the U.S. and the carrier's home country). The Board tentatively found that this distinction was more closely related to the sorts of reciprocity problems that the prior approval procedures are designed to handle than the on-route/off-route distinction. EDR-394 reserved the Board's right in special cases to require approval for third and fourth freedom charters, or grant blanket approval (in effect, waive the prior approval requirement) for fifth freedom charters. Shortly after EDR-394 was issued, the Board issued Order 80-3-63 to show cause why the carriers of Argentina, Brazil, Colombia, Iran, Ireland, Japan, Peru, Philippine, U.S.S.R., and Venezuela should not be required to obtain prior approval for third and fourth freedom charter flights if EDR-394 were adopted.

In addition to the prior approval revisions, EDR-394 proposed numerous incidental changes to simplify and update the regulations applying to foreign air carrier charters. The different parts applying to foreign route carriers (Part 212) and foreign charter-only carriers (Part 214) were proposed to be merged into a single part (revised Part 212). Applications for prior approval would normally be due at least 5 days before departure, but 30 days in advance where filing had been specially required. Provisions for Presidential review of Board disapproval were proposed to be eliminated. Also, the Board proposed to delete certain requirements applicable to pro-rata (affinity) charters; these were unrelated to the prior approval procedures.

Comments

Comments were filed by the Department of State, the Department of Transportation (DOT), National Air Carrier Association (NACA), British Caledonian Airways (BCal), Trindad and Tobago International Airways (BWIA), Japan Airlines (JAL), and Singapore Airlines (SIA).

JAL, SIA, and BWIA opposed the proposal as more restrictive than current regulations. JAL noted that on-route fifth-freedom flights do not now require routine prior approval, as they would under EDR-394. It argued that the proposal would breach a 1953 Exchange of Notes between the U.S. and Japan allowing on-route charter flights by designated carriers of both countries without prior authorization. SIA claimed that the proposal would violate the bilateral agreement between the United States and Singapore by requiring prior approval for charters carrying traffic between the U.S. and points beyond Singapore via Singapore, which SIA contended are relieved from prior approval by the U.S.-Singapore agreement. SIA also observed that EDR-394 would require prior approval for off-route fifth freedom flights, which would further restrict its operations, since SIA has been granted blanket approval for all off-route flights under the current procedures. BWIA was concerned that its operations between the U.S. and Barbados, Antigua, St. Lucia, and Guyana would be considered fifth freedom flights under the new regulations, requiring prior approval. These Caribbean points have traditionally been viewed as part of BWIA's "homeland", and operations between them and the United States have been regarded as on-route, not requiring prior approval. BWIA suggested that requiring prior approval for those operations would amount to a permit amendment for which evidentiary hearings would be needed. BWIA proposed instead that the Board require prior approval only for those carriers and those flights specifically designated through show-cause procedures.

State, DOT, BCal, and NACA supported replacing the on-route/off-route distinction with a new test. BCal supported the fifth freedom test, but felt that the rule should explicitly provide for blanket approval where the prior approval mechanism was not needed to assure reciprocity or was not justified by the administrative burdens. BCal pointed out that U.S. carriers obtain more fifth freedom rights from Britain than British carriers obtain from the U.S., and that BCal has never been denied prior approval. They therefore viewed themselves as an example of a case in which blanket prior approval would be warranted. NACA and State favored a more stringent requirement that prior approval be obtained for every flight not subject to a bilateral agreement relieving U.S. carriers of prior approval. State was especially concerned that the Board's system will appear coercive and punitive to those carriers required to obtain prior approval for third and fourth freedom charters, since their requirement will be in contrast to a general rule that does not require prior approval for those flights. Thus, it advocated a more stringent general rule. However, both NACA and State viewed EDR-394 as an improvement over the current situation

Some of the comments suggested alternatives to the specific filing times proposed in EDR-394. NACA felt that applications for prior approval should be filed 30 days before departure for charters of persons or livestock, instead of 5 days as proposed, to give carriers more opportunity to comment on the status of foreign government reciprocity. It also asked the Board to establish explicit procedures for dealing with late-filed applications so that opposing parties would have adequate opportunity to respond. BCal argued that applications for cargo charters should be allowed less than 5 days before departure if they are filed "promptly—

say, within two business days—after the flight is engaged by the charterer," since cargo charters are often fixed within 5 days of departure. JAL objected to the 30-day advance filing time for cases where the Board has specifically required prior approval for third and fourth freedom charters. It argued that other carriers would be able to undercut the prior-approval carrier's price within the 30 days, and that the carrier would not be able to provide the short-notice cargo service that the market often demands.

NACA objected to EDR–394's provision that applications be publicly posted rather than served directly on U.S. carriers, and it offered alternatives to limit the number of persons to serve. It suggested that the Board ask carriers to designate countries of interest to them, from which the Board could prepare a routine service list for each country. Alternatively, applications could be served on interested carrier associations, such as NACA or ATA, or the Board could delegate authority to its staff to require service in particular cases upon a showing of reciprocity problems by interested U.S. carriers. Publication of applications in the **Federal Register** was suggested as a less-preferred alternative.

NACA also urged that the Board use show-cause procedures before granting any blanket prior approval, to allow U.S. carriers fuller opportunity to comment. It argued that allowing comment solely on reconsideration, after the Board or its staff had unilaterally decided to grant blanket approval, would not be conducive to a fair assessment of the reciprocity situation.

State and DOT recommended more interagency review procedures before the Board could impose prior approval requirements for third and fourth freedom charters. Both agencies felt that the Board should consult with the Departments of State, Transportation, and Defense, and obtain Presidential approval, before imposing such requirements. DOT suggested that the Interagency Committee on International Aviation Policy would be a good forum for such consultations. State also urged that all such prior approval applications be served on itself and the Department of Defense, and that denials of any such application be subject to Presidential review. State thought that the final rule itself should be subject to Presidential approval.

NACA, in reply comments, argued that Presidential review would involve undesirable delays. NACA thought that State and DOT's desire for inclusion in the decision-making process could be best accommodated by allowing more notice and comment procedures before approval or disapproval, as NACA has suggested.

NACA suggested a change to the pro rata charter rule amendments in addition to those proposed in EDR–394. It argued that the Board should eliminate the existing requirement that carriers list addresses, phone numbers, and other personal data in their passenger manifests for affinity charters. NACA viewed this requirement as outdated, anticompetitive, and an invasion of passengers' privacy.

Prior Approval Requirements

We have decided to adopt the prior approval system described in EDR–394. Prior approval will routinely be required for fifth freedom charters and will not be routinely required for third and fourth freedom charters. A separate order will designate those carriers that must obtain prior approval for third and fourth freedom flights. We will also issue a separate order inviting applications from carriers for blanket prior approval of fifth freedom charters. Two other orders will list carriers who must obtain prior approval for all charter flights for national security reasons.

As explained in EDR–394, we are rejecting the more stringent prior approval standard suggested by State and NACA as less workable than the third-and-fourth vs fifth freedom test. Only 23 U.S. bilateral agreements refer to charter authority. For 106 countries with which we have aviation relations, including many with which we have scheduled service agreements, there is no agreed regime for regulating charters. Subjecting the carriers of over 80 percent of our bilateral partners to routine prior approval is unnecessary in view of the relatively infrequent reciprocity problems we have had on third and fourth freedom flights. Countries with whom third and fourth freedom flights pose problems can be more easily dealt with by *ad hoc* prior approval requirements.

We also do not accept BWIA's suggestion that prior approval be required only on an *ad hoc* basis through show cause procedures. Virtually none of our bilateral agreements cover fifth freedom charters, which are the operations subject to the greatest controversy. Requiring prior approval for those flights on a country-by-country basis would involve unreasonable delay and expenditure of resources. We find it more expedient to require routine prior approval and consider blanket prior approval in individual cases.

We recognize that the changes in this rule will require prior approval for some flights (on-route fifth freedom) for which approval has not been required in the past. However, the rule will also eliminate prior approval for a greater number of other flights now subject to it (off-route third and fourth freedom). The rule recognizes the areas in which charter flight reciprocity problems typically arise, but it does not change the principle that approval mainly depends on the extent of reciprocity between the two countries. A requirement of prior approval for certain flights does not imply that approval will often, or ever, be denied. It rather allows the Board to scrutinize the areas of greatest concern. Recognizing the areas of concern does not alter any carrier's basic permit authority, since all charter flights made under existing permits and regulations are subject to prior approval or other conditions. Where a foreign air carrier permit is subject to such a condition, the Board's invocation of that condition does not constitute an amendment, cancellation, suspension or revocation of the permit that would require a hearing. *Dan-Air Services v. CAB*, 475 F.2d 408 (D.C. Cir. 1973). Therefore, we reject BWIA's contention that evidentiary hearings are necessary in this proceeding.

Prior approval requirements must of course be consistent with bilateral agreements, and we will take care to ensure that ours are. In determining whether to approve a charter flight, the Board will consider "the extent to which the authority sought is covered by and consistent with bilateral agreements to which the United States is a party." § 212.6(a)(1). Where an agreement is clear and has been faithfuly adhered to, we will grant blanket prior approval to relieve carriers of the burden of filing applications. Where an agreement is unclear or there is a dispute about proper compliance with it, the application process provides a way of deciding whether the bilateral agreement governs.

Specifically, we do not consider this rule to be inconsistent with our bilateral agreement with Singapore or the 1953 Exchange of Notes with Japan. The U.S.-Singapore Agreement permits SIA to conduct without prior approval (1) charters between the United States and Singapore, and (2) charters between the United States and a third country via Singapore if the chartering group stops over in Singapore for at least two consective nights. This rule allows the operation of both types of charters without advance approval. The first type is a typical third/fourth freedom charter.

As to the second type—for Singapore as well as other countries with which we have similar charter agreements—we view the two-night homeland stopover as a break in the charter journey sufficient to make the U.S.-Singapore portion of the charter a third/fourth freedom flight, distinct from the subsequent Singapore-beyond movement. Under this approach, which is present in other U.S. bilateral aviation agreements, the beyond-Singapore portion is third/fourth freedom with respect to Singapore and not fifth freedom with respect to the United States, and we do not regard it as within the purview of Part 212. Thus, adoption of this rule does not diminish Singapore Airlines' operating freedom.

We disagree with the assertion of Japan Air Lines that the imposition of an approval requirement for on-route charters would violate both the letter and the spirit of the 1953 Exchange of Notes between the United States and Japan and would thus constitute abrogation of the Agreement. Rather, it is our view and that of the Department of State that the 1953 Exchange merely outlined a practice then followed by the Board, which was based upon circumstances existing at that time.[1] It did not confer any additional charter rights, but was merely a *precis* of our charter rules as they were then constructed. As conditions and policies change over time, we are not obligated to continue a practice simply because it was once described for the benefit of another government. We therefore reject JAL's contention that it is entitled to conduct any charter flights without prior authorization under the 1953 Exchange of Notes.

We disagree with State that adoption of this rule requires Presidential review under section 402(f)(2) of the Act, recently added by the International Transportation Competition Act of 1979. That section authorizes the Board to retaliate against foreign air carriers of any country by conditioning or limiting operations under the carrier's section 402 permit, subject to Presidential approval. State contended that "requiring authorization for third and fourth freedom charters in circumstances where, generally, other foreign carriers are not similarly restricted would effectively condition or limit a foreign air carrier's operations under its section 402 permit." We do not agree that requiring a carrier to apply for approval of a third or fourth freedom charter is a permit condition or limitation, requiring Presidential review, since foreign air carrier permits typically subject that carrier to the Board's charter rules. These permits have already been reviewed by the President under section 801 of the Act. The Board has long exercised power to require such approval for any5 flight without Presidential review and has done so without controversy. 27 CAB 196. Denials of such applications will be subject to Presidential approval as State requested. In any case, we do not agree that restructuring the existing prior approval requirements to make them more congruent within problem areas is a condition or limitation of permits within the meaning of Section 402(f). Congress intended the new provision as a source of new authority to deal with competitive problems, not a restriction on existing powers.

As under existing regulations, the Board has retained authority to require prior approval in cases where it is not routinely required. A show cause order (80–3–63) has been issued naming countries with whom the U.S. has had reciprocity problems and of whom the Board may require prior approval for third and fourth freedom flights. The final list of those carriers will be based on information submitted in Docket 37851.

We have also decided to issue orders subjecting some carriers to prior approval of their charters solely for national security reasons. A special prior approval list for national security matters is necessary to provide notice of off-route charter flights over U.S. territory, which would not otherwise be reported under the new rule. Inclusion in this list does not imply a lack of competitive reciprocity. While national security aspects of international civil aviation are primarily within the purview of the Federal Aviation Administration, it seems most convenient to use our established prior approval procedures to review those matters until the FAA has an opportunity to adopt appropriate procedures of its own. We expect to transfer this function to the FAA by December 31, 1981. Carriers whose charter flights are subject to prior approval for national security reasons should submit their applications at least 14 calendar days before the proposed flight, unless another time is specified by the Board. Other procedures for complying with national security prior approval will be discussed in the order naming affected carriers.

A separate order will invite foreign carriers to apply for blanket prior approval for fifth freedom charter flights. Other parties will be able to comment on the applications before any decision is made. Once the blanket approval list is established, we will not necessarily request third-party comments before adding to or deleting from the list, as NACA suggested. After the initial list is established, some changes may be necessary from time to time to carry out new bilateral agreements. The need for quick implementation of bilateral decisions will normally outweigh the importance of hearing third-party comments before the change, especially since bilateral agreements are binding on the Board. Carriers will have an opportunity to comment after the changes by requesting reconsideration or review of staff action taken under delegated authority. We retain discretion to obtain third-party comments before granting blanket approval in particular cases, but a rule requiring those procedures in all cases would be counterproductive, since many will simply implement bilateral agreements. Even where a bilateral agreement is not involved, situations may arise in which we will need to act quickly, and therefore we are unwilling to bind ourselves to a firm policy of always obtaining prior comments from outside parties.

Approval Procedures

For flights subject to prior approval, carriers must file an application on CAB Form 433 describing the flight and the extent of reciprocity between the United States and the carrier's home country. The application must be filed 5 business days before departure where prior approval is routinely required (fifth freedom flights) and 30 days before departure where prior approval has been specially required (third and fourth freedom flights). The longer requirement for third and fourth freedom flights is necessary because of the more difficult problems in reviewing the reciprocity issues, and because of the time needed for Presidential review in case of Board disapproval. We have found a 5-day period workable for reviewing routine applications in the past, and we believe that it will allow U.S. carriers adequate opportunity to inform us of any important reciprocity problems that we may not already be aware of. We plan to continue our current practices on

[1] A letter from the United States Ambassador to the Minister of Foreign Affairs, stated, in relevant part:

"With respect to the United States of America, the operating permission, known as a foreign air carrier permit, authorizes the foreign carrier to engage in foreign air transportation between specified points. Having granted such authorization, it is the practice of the Government of the United States to permit the carrier to operate nonscheduled and charter flights between the point specified in its foreign air carrier permit upon notification but without obtaining further authorization."

accepting late-filed applications, which are similar to our practices on granting emergency exemptions. However, it is not possible to set down hard and fast rules as NACA and BCal requested, since the handling of each case must depend on the specific circumstances involved.

Disapprovals of timely filed applications to conduct third or fourth freedom flights will be submitted for Presidential review. Although Presidential review in these cases is not required by the Act, we consider the procedure to be in the public interest, since issues may be raised by these prior approval applications that involve sensitive foreign policy issues. Also, Presidential review of denials of third and fourth freedom charters is consistent with our present practice of subjecting disapprovals of proposed on-route charters to Presidential review.

We have decided to post prior approval applications at our offices, where they will be open to public inspection, rather than requiring service on various parties as suggested by NACA. In making this decision, the inconvenience to U.S. carriers of checking with the Board at frequent intervals for new applications must be balanced against the burden to foreign carriers of serving a list of U.S. carriers with each prior approval application. We find the latter burden is heavier. NACA, representing two carriers, was the only commenter requesting applications to be served. Those carriers already keep close track of prior approval applications without benefit of a service requirement, and if other carriers are similarly interested, they could arrange a cooperative "application-watching" system to minimize inconvenience. This would be less burdensome than requiring each foreign carrier to serve each application on a list of carrier representatives that cannot easily be limited and could change from time to time.

We intend to consult with the Departments of State and Transportation and other relevant agencies before imposing special prior approval requirements and before taking any adverse action on third and fourth freedom prior approval applications. The means of communication may vary with the circumstances, so none is specified in the rule. In view of our plans to consult with other agencies and the provision for Presidential review of actual disapprovals, separate service of each application on other government agencies seems unnecessary.

Pro Rata Charter Provisions

There were no objections to any of the pro rata charter changes proposed in EDR-394, so those changes will be adopted. They were: eliminating the specific procedures in §§ 207.22(b), 208.201(b), and 212.22(b) for ensuring that the direct carrier has ascertained whether the chartering organization it transported was a legitimate affinity group, eliminating some of the paperwork and delay involved in identifying enplaning passengers that is required by §§ 207.26, 208.202c, and 212.26, and easing the conditions under which substitute transportation could be offered to charter passengers in an emergency. NACA suggested another change respecting passenger flight manifests that was recently raised and answered in a rulemaking proceeding dealing with other pro rata charter changes, ER-1176 (45 FR 34572, June 16, 1980). We continue to believe that passenger manifest requirements are necessary for carriers to check the legitimacy of affinity groups, a duty that is useful in assuring that pro rata charters are not abused, to the detriment of participants. We therefore reject the change suggested by NACA.

The reporting requirements of this rule are subject to approval by the Office of Management and Budget.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 212, *Charter Trips by Foreign Air Carriers*, as follows:

1. The authority for Part 212 is revised as follows:

Authority: Secs. 101(3), 102, 204, 401, 402, 403, 404, 407, 411, 416, 1002, P.L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 769, 771, 788; 49 U.S.C. 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482.

2. The table of contents is revised to read as follows:

Subpart A—General Provisions

Sec.
212.1 Applicability.
212.2 Definitions.
212.3 Charter flight limitations.
212.4 Prior authorization requirements.
212.5 Application for authorization.
212.6 Issuance of authorization.
212.7 Written contracts with charters.
212.8 Terms of service.
212.9 Substitute transporation in emergencies.
212.10 Payments to persons receiving commissions.
212.11 [Reserved]
212.12 Protection of customers' deposits.
212.13 Reports of emergency commercial charters for other direct air carriers.
212.14 [Reserved]
212.15 Waiver.

Subpart B—Provisions Relating to Pro Rata Charters

• • • • •

212.30 [Reserved]

• • • • •

Subpart C—Provisions Relating to Single Entity Charters

• • • • •

Subpart D—Provisions Relating to Mixed Charters

• • • • •

Subpart E—Direct Sales by Foreign Air Carriers

• • • • •

Appendix B—Statement of Supporting Information
Appendix C—CAB Form 433

3. Subpart A is revised to read:

Subpart A—General Provisions

§ 212.1 Applicability.

This part applies to foreign air carriers that have a section 402 permit or an exemption authorizing direct foreign air transportation on a charter basis. Nothing in this part gives authority to operate a type or level of service not authorized by permit or exemption.

§ 212.2 Definitions.

For the purposes of this part:

"Charter," "charter flight," or "charter trip" means air transportation performed pursuant to § 212.3.

"Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

"Third freedom charter" means a charter carrying traffic that originates in the country of the carrier's nationality and terminates in another country.

"Fourth freedom charter" means a charter carrying traffic that terminates in the country of the carrier's nationality and originates in another country.

"Fifth freedom charter" means a charter carrying traffic that originates and terminates in countries other than the country of the carrier's nationality, regardless of whether the flight operates via the home country.

"Mixed charter" means a charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

"Pro rata charter" means a charter the cost of which is divided among the passengers transported.

"Single entity charter" means a charter the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

"Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

§ 212.3 Charter flight limitations.

(a) Passenger charter flights by foreign air carriers in foreign air transportation shall be limited to the movement of persons or their baggage on a time, mileage, or trip basis—

(1) Where all or part of an aircraft has been engaged by any of the following persons, except that the charterers must together engage all of that portion of the capacity of the aircraft configured for passengers other than any portion intended by the carrier for direct charter sales to the general public under paragraph (a)(2) of this section:

(i) By a person for his or her own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage or company property, or for the transportation of commercial traffic; except that emergency charters of commercial traffic shall be reported in accordance with § 212.13);

(ii) By a person (no part whose business is the formation of groups for transportation or the consolidation of shipments for transportation or solicitation or sale of transportation services) for the transportation of a group of persons as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(2) In accordance with Subpart E. Any person may engage all or any portion of an aircraft from a direct foreign carrier. However, the direct carrier must specify in its charter prospectus (§ 380.28) the number of seats available for sale directly to the general public, and if that number is less than the entire capacity of the aircraft, the remaining seats must be engaged as provided in paragraph (a)(1) of this section.

(b)(1) Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(1) of this section shall contract and pay for 20 or more seats.

(2) This section permits the carriage of charter cargo on the main deck or in the belly of a passenger charter flight.

(3) Charter passengers shall not be transported on flights carrying individually-waybilled or individually-ticketed traffic.

(c) Cargo charter flights in foreign air transportation by a foreign air carrier are permitted without limitation, except that emergency charters of commercial traffic by a direct air carrier or a direct foreign air carrier shall be reported in accordance with § 212.13. Charter cargo may be transported both on scheduled flights carrying individually-ticketed and/or individually-waybilled traffic and on flights carrying charter traffic only.

§ 212.4 Prior authorization requirements.

(a) A foreign air carrier shall not perform any charter trip for which a statement of authorization is required until one has been granted by the Board.

(b) Foreign air carriers shall obtain a statement of authorization for each—

(1) Fifth freedom charter flight to or from the United States,

(2) Charter by a direct carrier for the transportation of commercial traffic, except in cases of emergency, or

(3) Charter flight for which the Board specially requires prior authorization under paragraph (e) or (f) of this section.

(c) An emergency under paragraph (b)(2) of this section shall not include such circumstances as cancellation of flights due to periodic overhaul of aircraft or delay in the delivery of newly acquired aircraft, and a foreign air carrier may not provide emergency charter trips on any day in each of three or more successive calendar weeks for any single direct air carrier without a statement of authorization.

(d) The Board may issue blanket statements of authorization to foreign air carriers to conduct fifth freedom charters. The standards for issuing such blanket authorizations shall be those stated in § 212.6. The Board may revoke any authority granted under this paragraph at any time without hearing.

(e) The Board may at any time, with or without hearing, but with at least 30 days' notice require a foreign air carrier to obtain a statement of authorization before operating any charter flight. In deciding whether to impose such a requirement, the Board will consider (but not be limited to considering) whether the country of the carrier's nationality–

(1) Requires prior approval for third or fourth freedom charter flights by United States air carriers,

(2) Has, over the objection of U.S. government, denied rights of a United States air carrier guaranteed by a bilateral agreement, or

(3) Has otherwise impaired, limited, or denied the operating rights of U.S. air carriers, or engaged in unfair, discriminatory or restrictive practices with respect to air transportation services, to, from, through, or over its territory.

(f) The Board, in the interest of national security, may require the airline(s) of some countries to obtain a statement of authorization before operating any charter over U.S. territory.

§ 212.5 Application for authorization.

(a) Application for a statement of authorization shall be submitted on CAB Form 433 (Appendix C), in three copies, to the Civil Aeronautics Board, addressed to the Director, Bureau of International Aviation. Upon a showing of good cause, the application may be transmitted by cablegram or telegram or may be made by telephone.

(b) A copy of the application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier shall also be served on the Federal Aviation Administration, addressed to the Director of Flight Operations, and on each certificated air carrier that is authorized to serve the same general area in which the proposed charter trip is to be performed.

(c) The application shall include documentation to establish the extent to which the country of the carrier's nationality deals with United States air carriers on the basis of reciprocity for similar flights, if such flights are not subject to a bilateral agreement and—

(1) The Board has not established that the country accords reciprocity,

(2) The Board has found reciprocity defective in the most recent prior approved application by a carrier from the country, or

(3) Changes in reciprocity have occurred since the most recent Board finding for the country in question.

(d)(1) Applications shall be filed at least 5 business days before commencement of the proposed flight, except as specified in paragraphs (d)(2) and (d)(3) of this section. Late applications may be considered by the Board upon a showing of good cause for the lateness.

(2) Applications for charters by a direct carrier for the transportation of commercial traffic shall be filed at least 45 calendar days before the proposed flight.

(3) Applications specially required under § 212.4(e) shall be filed at least 30 calendar days before the proposed flight, unless otherwise specified by the Board.

(4) Applications required by a Board order under § 212.4(f) shall be filed at least 14 calendar days before the

proposed flight, unless otherwise specified by the Board.

(5) Where an application is required by more than one provision of this part and/or order of the Board, only one application need be filed, but it must conform to the earliest applicable filing deadline.

(e)(1) Any party in interest may file a memorandum supporting or opposing an application. Three copies of each memorandum shall be filed within 7 business days after service of the application or before the date of the proposed flight, whichever is earlier. Memoranda will be considered to the extent practicable; the Board may act on an application without waiting for supporting or opposing memoranda to be filed.

(2) Each memorandum shall set forth the reasons why the applications should be granted or denied, accompanied by whatever data, including affidavits, the Board is requested to consider.

(3) A copy of each memorandum shall be served on the foreign air carrier applying for approval.

(f)(1) Unless otherwise ordered by the Board, each application and memorandum filed in response shall be available for public inspection at the Regulatory Affairs Division of the Bureau of International Aviation immediately upon filing. Notice of the filing of all applications shall be published in the Board's Weekly List of Applications Filed.

(2) Any person objecting to public disclosure of any information in an application or memorandum must state the grounds for the objection in writing. If the Board finds that disclosure of all or part of the information would adversely affect the objecting person, and that the public interest does not require disclosure, it will order that the injurious information be withheld.

§ 212.6 Issuance of authorization.

(a) The Board will issue a statement of authorization if it finds that the proposed charter trip meets the requirements of this part and that it is in the public interest. Statements of authorization may be conditioned or limited.

(b) In determining the pubic interest the Board will consider (but not be limited to) the following factors:

(1) The extent to which the authority sought is covered by and consistent with bilateral agreements to which the United States is a party.

(2) The extent to which the country of the carrier's nationality deals with United States air carriers on the basis of substantial reciprocity.

(3) Whether the foreign air carrier or its agent or the charterer or its agent has previously violated the provisions of this part.

(4) Where the application concerns the performance of a charter trip for the transportation of commercial traffic for another direct air carrier or foreign air carrier—

(i) Whether the foreign air carrier or its agent or the charterer or its agent has previously violated the provisions of Part 218 of this chapter.

(ii) Whether, because of the nature of the arrangement and the benefits involved, the authority sought should be the subject of a bilateral agreement with the applicant's government.

(iii) To what extent the applicant owns and controls the charterer, or is owned and controlled by the charterer.

(c) The Board will submit any denial of an authorization specifically required under § 212.4(e) to the President of the United States at least 10 days before the proposed departure. The denial will be subject to stay or disapproval by the President within 10 days after it is submitted. A shorter period for Presidential review may be specified by the Board where the application for authorization is not timely or properly filed. Denial of a late-filed application need not be submitted to the President.

(d) The Board will publish notice of its actions on applications for statements of authorization in the Status of Charter Applications attachment to the Weekly List of Applications Filed. Interested persons may upon request obtain copies of letters or endorsed forms advising applicants of action taken on their applications.

§ 212.7 Written contracts with charterers.

Every agreement to perform a charter trip shall be in writing and signed by an authorized representative of the foreign air carrier and the charterer prior to operation of a charter flight: *Provided,* That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within 7 days after commencement of the flight. The written agreement shall include, without limitation:

(a) Date and place of execution of the contract or agreement;

(b) Signature, printed or typed name of each signatory, and official position of each;

(c) Dates of flights and points involved;

(d) Type of aircraft and its capacity stated as the number of passenger seats or pounds of cargo capacity available;

(e) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges;

(f) The name and address of either the surety whose bond secures advance charter payments received by the carrier, or of the carrier's depository bank to which checks or money orders for the advance charter payments are to be made payable as escrow holder pending completion of the charter trip; and

(g) A statement that unless the charterer files a claim with the carrier, or, if the carrier is unavailable, with the surety, within 60 days after the cancellation of a charter trip with respect to which the charterer's advance payments are secured by the bond, the surety shall be released from all liability under the bond to such charterer for such charter trip (see § 212.12(c)).

§ 212.8 Terms of service.

(a) The carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation: *Provided, however,* That in the case of a passenger charter for less than the entire capacity of an aircraft under § 212.3(a)(2), the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, from the passenger charterers not less than 10 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

(b) Where four or more round trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction, there shall be no intermingling of passengers, and each group shall move as a unit in both directions, except as provided in § 212.9. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is

chartered separately in order to avoid this 5 percent limitation.

§ 212.9 Substitute transportation in emergencies.

(a) A carrier shall be permitted to transport a passenger on a charter flight with a group other than his or her own or on a ferry flight (as defined in § 241.03 of this chapter) under the following circumstances:

(1) The transportation is for return passage only;

(2) The passenger is required to return at a time different from that of his or her own charter flight due to emergency circumstances beyond the passenger's control; and

(3) The charter group with which the passenger is to travel expresses no objection to his or her participation in the charter flight.

(b) For the purposes of this section, "emergency circumstances beyond the passenger's control" include, but are not limited to, illness or injury to the passenger or a member of his or her immediate family, death of a member of the passenger's immediate family, or weather conditions or unforeseeable and unavoidable delays in ground transportation or connecting air transportation.

§ 212.10 Payments to persons receiving commissions.

Payments for a U.S.-originating charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission for that flight shall be considered payments to the carrier.

§ 212.11 [Reserved]

§ 212.12 Protection of customers' deposits.

(a) Except as provided in paragraph (c) of this section, no foreign air carrier shall perform any charter trip (other than a cargo charter trip) originating in the United States or any overseas military personnel charter trip, as defined in Part 372 of this chapter, nor shall such carrier accept any advance payment in connection with any such charter trip, unless there is on file with the Board a copy of a currently effective agreement made between said carrier and a designated bank, by the terms of which all sums payable in advance to the carrier by charterers, in connection with any such charter trip to be performed by said carrier shall be deposited with and maintained by the bank, as escrow holder, the agreement to be subject to the following conditions:

(1) The charterer (or its agent) shall pay the carrier either by check or money order made payable to the depository bank. Such check or money order and any cash received by the carrier from a charterer (or his agent) shall be deposited in, or mailed to, the bank no later than the close of the business day following the receipt of the check or money order or the cash, along with a statement showing the name and address of the charterer (or its agent): *Provided, however,* That where the charter transportation to be performed by a carrier is sold through a travel agent, the agent may be authorized by the carrier to deduct its commission and remit the balance of the advance payment to the carrier either by check or money order made payable to the designated bank.

(2) The bank shall pay over to the carrier escrowed funds with respect to a specific charter only after the carrier has certified in writing to the bank that such charter has been completed: *Provided, however,* That the bank may be required by the terms of the agreement to pay over to the carrier a specified portion of such escrowed funds, as payment for the performance of the outbound segment of a round-trip charter upon the carrier's written certification that such segment has been so completed.

(3) Refunds to a charterer from sums in the escrow account shall be paid directly to such charterer or its assigns. Upon written certification from the carrier that a charter has been canceled, the bank shall turn over directly to the charterer or its assigns all escrowed sums (less any cancellation penalties as provided in the charter contract) which the bank holds with respect to such canceled charter: *Provided, however,* That, in the case of a split charter, escrowed funds shall be turned over to a charterer or its assigns only if the carrier's written certification of cancellation of such charter includes a specific representation that either the charter has been canceled by the carrier or, if the charter has been canceled by the charterer, that the carrier has accepted a substitute charterer.

(4) The bank shall maintain a separate accounting for each charter flight.

(5) As used in this section the term "bank" means a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) The escrow agreement required under paragraph (a) shall not be effective until approved by the Board. Claims against the escrow may be made only with respect to the nonperformance of air transportation.

(c) The carrier may elect, in lieu of furnishing an escrow agreement pursuant to paragraph (a) of this section, to furnish and file with the Board a surety bond which guarantees to the United States Government the performance of all charter trips (other than cargo charter trips) originating in the United States and of all overseas military personnel charter trips, as defined in Part 372, to be performed, in whole or in part, by such carrier pursuant to any contracts entered into by such carrier, after the execution date of the bond. The amount of such bond shall be unlimited. Claims under the bond may be made only with respect to the nonperformance of air transportation.

(d) The bond permitted by this section shall be in the form set forth as Appendix A to this part. Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which there is located the office or usual residence of the agent designated by the carrier under section 1005(b) of the Act to receive service of notices, process and other documents issued by or filed with the Board. For the purposes of this section the term "State" includes any territory or possession of the United States, or the District of Columbia. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the foreign charter air carrier by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time limit set forth in the notification, no amounts payable in advance by customers for the subject charter trips shall be accepted by the carrier.

(e) The bond required by this section shall provide that unless the charterer files a claim with the carrier, or, if the carrier is unavailable, with the surety, within 60 days after cancellation of a charter trip with respect to which the charterer's advance payments are secured by the bond, the surety shall be released from all liability under the bond to such charterer for such charter trip. The contract between the carrier and the charterer shall contain notice of this provision.

§ 212.13 Reports of emergency commercial charters for other direct air carriers.

Each foreign air carrier that performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of International Aviation within 30 days following each charter flight, containing the following information:

(a) Name of direct carrier performing the charter and the name of the direct carrier for which the charter was performed;

(b) Date of flight or flights;

(c) Points of origin and destination, and intermediate points, if any;

(d) Number of passengers transported;

(e) Description of circumstances creating the emergency;

(f) Date of initial contact by the chartering carrier regarding the charter;

(g) Reasons why the traffic in question was not or could not be carried by other carriers certificated to serve the particular market.

§ 212.14 [Reserved]

§ 212.15 Waiver.

(a) A waiver of any of the provisions of this part may be granted by the Board upon the submission by a foreign air carrier of a written request therefor not less than 30 days prior to the flight to which it relates, provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

(b) A request for a waiver of any of the provisions of § 212.25 shall be accompanied by a list of the names, addresses, and telephone numbers of all the passengers on the flight to which the request relates.

4. Section 212.20 is amended by removing the words "both on-route and off-route," to read:

§ 212.20 Applicability of subpart.

This subpart sets forth the special rules applicable to pro rata charters.

5. Section 212.22(b) is revised to read:

§ 212.22 Pretrip notification and charter contract.

(a) * * *

(b) The carrier shall attach to its copy of the charter contract a certification by an officer of the chartering organization, or other qualified person, that authorizes the person who executes the contract to do so on behalf of the chartering organization. However, certification is not required where the charter is based on employment in one entity, or on employee or student status at a school. If the charter contract is for the return flight of a one-way charter by the same charter organization, a copy of the passenger list (§ 212.45) of the outbound charter shall be attached to the charter contract.

6. Section 212.24 is revised to refer to the Statement of Supporting Information as Appendix B, as follows:

§ 212.24 Statement of supporting information.

Prior to performing a charter flight, the carrier shall execute, and require the travel agent (if any) and the charterer to execute a Statement of Supporting Information (Appendix B). If a charter contract covers more than one charter flight, only one statement need be filed: *Provided, however,* That separate financial data (see item 13 of statement) shall be filed for each one-way or round-trip flight. The carrier shall require the charterer to annex to the statement copies of all announcements of the charterer in connection with the charter issued after the contract is signed.

§ 212.25 [Amended]

7. The cross-reference in § 212.25(a) is changed to read "§ 212.8(a)" instead of "§ 212.10(b)."

8. Section 212.25(c) is removed and reserved, and § 212.25(d) is amended to remove references to paragraph (c) and to change cross-references, as follows:

§ 212.25 Charter trips originating in the United States.

* * * * *

(c) [Reserved]

(d) Every carrier which has entered into a charter contract covering only one-way foreign air transportation from the United States, to be performed in connection with a pro rata charter trip originating in the United States, must obtain, before performing such departing flight, either written confirmation from the returning carrier (as provided in paragraph (b) of this section), or a waiver granted by the Board pursuant to § 212.15, such waiver to be based either on the grounds set forth in said § 212.15, or on a showing that the arrangements between the chartering organization and the charter participants do not involve the provision of return transportation to the United States.

* * * * *

9. Section 212.26 is revised to read:

§ 212.26 Foreign air carrier to identify enplanements.

The carrier shall make reasonable efforts to assure that no person is enplaned whose name does not appear on the list of passengers supplied by the charterer under § 212.45.

10. Section 212.31 is revised to refer to the Statement of Supporting Information as Appendix B, as follows:

§ 212.31 Statement of supporting information.

Travel agents shall execute, and furnish to foreign air carriers, section A of Part II of the Statement of Supporting Information (Appendix B) at such time as required by the carrier to afford it due time for review thereof.

11. The last sentence of § 212.41 is revised, and the cross-references are changed, to read:

§ 212.41 Passengers on charter flights.

* * * Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, intermingling between flights or reforming of groups shall not be permitted, and each group must move as a unit in both directions, except as provided in § 212.9.

12. Section 212.47 is revised to refer to the Statement of Supporting Information as Appendix B, as follows:

§ 212.47 Statement of supporting information.

Charterers shall execute and file with the foreign air carrier Section B of Part II of the Statement of Supporting Information (Appendix B) at such time as required by the carrier to afford it due time for review thereof.

13. Section 212.53 is revised to refer to the Statement of Supporting Information as Appendix B, as follows:

§ 212.53 Statement of supporting information.

Part I of the Statement of Supporting Information (Appendix B) shall be applicable in the case of single entity charters.

14. The form for Statement of Supporting Information that currently follows Subpart E is designated as Appendix B and placed after Appendix A.

15. CAB Form 433 is designated as Appendix C, and changed to read as shown in the attachment.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

BILLING CODE 6320-01-M

CAB Form 433
(Rev. 1–81)

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD

FOREIGN AIR CARRIER APPLICATION FOR STATEMENT OF AUTHORIZATION

(See Instructions on Reverse Side)

DO NOT WRITE – FOR OFFICIAL USE ONLY

Disposition of Application:

- ☐ Approved.
- ☐ Approved, subject to condition (s) on reverse.
- ☐ Disapproved/Dismissed for reason (s) cited on reverse.

Under delegated authority _____
Effective from _____ to _____.

Director, Bureau of International Aviation

To: Civil Aeronautics Board
Attention: Bureau of International Aviation, B–58
Washington, D.C. 20428

Operations under this authorization shall conform to Part 212 of the Board's Regulations, to the terms, conditions and limitations of the applicant's foreign air carrier permit or exemption, and to Part 129 of the Federal Aviation Regulations.

Application is made for authorization to conduct charter flights under provisions of applicant's foreign air carrier permit and Economic Regulation Part 212 or Board Order.

1. Name of Applicant:

   Nationality:

2. Send Authorization To:
   a. Name and Address

   b. Telephone

3. Name of Charterer:

   Address:

4. Total Charter Price:

5. Dates of Flights Under This Authorization:

6. Aircraft Make, Model, and Capacity:

7. Country in Which Aircraft is Registered:

8. Planned Routing Of Flights (Indicate non–traffic stops by asterisks):

9. No. of Flights____and type: ☐ Passenger ☐ Cargo ☐ Mixed

For passenger flights: available passenger seats____, number of passengers to be carried _____.

If cargo to be carried, weight and description of cargo:

10. If Application is Being Filed Late, State Reasons for Lateness:

11. Description of Chartering Organization and Purpose of Flights:

12. Does the nation which is the domicile of the applicant grant to United States carriers a privilege similar to that requested herein?_____; if so, has the fact of such reciprocity been established with the Civil Aeronautics Board?_____ If the fact has not been established with the Civil Aeronautics Board, provide documentation to establish such reciprocity.

13. Other information requested by the Board:

CERTIFICATION

I hereby certify that the charter flights for which authority is sought herein conform to the requirements of the Economic and Special Regulations and applicable orders of the Civil Aeronautics Board governing charters.

(Date) (Signature and title of authorized officer)

INSTRUCTIONS

1. Prepare an original and two copies of this application according to Section 212.5 of the Board's Regulations, or Order of the Board requiring use of this form. If extra space is required to complete an item, continue on a separate sheet of paper.

2. Send the application to: "Civil Aeronautics Board, Attention: Bureau of International Aviation, B-58, Washington, D.C. 20428 (and if required by regulation or Order to Director of Flight Operations, Federal Aviation Administration, Washington, D.C. 20591).

DO NOT WRITE - FOR OFFICIAL USE ONLY

Exercise of this authorization is subject to the following condition(s):

OR Application is disapproved/dismissed for the following reason (s):

[FR Doc. 81-15599 Filed 5-22-81; 8:45 am]
BILLING CODE 6320-01-C

14 CFR Part 207

[Economic Regulation Amdt. No. 29 of Part 207; Docket 35046; Regulation ER-1221]

Charter Trips and Special Services Updating of Regulations Governing Foreign Carrier Charter Rights

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For reasons discussed in ER-1220, issued simultaneously, the CAB is amending its pro rata charter rules to eliminate some restrictions and reporting requirements that no longer seem necessary. The action is taken on the Board's initiative in conjunction with a revision of charter requirements affecting foreign air carriers.

DATES: Adopted: May 8, 1981. Effective: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5442. Copies of this document may be obtained by calling (202) 673-5432.

The Civil Aeronautics Board amends 14 CFR Part 207, *Charter Trips and Special Services*, as follows:

1. The authority for Part 207 is revised as follows:

Authority: Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 418, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 766, 769, 771, 788, 91 Stat. 1284; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1388, 1482.

2. Sections 207.14 (a)(1) and (b) are removed and reserved, and the word "mean" in § 207.14(a) is replaced by the word "include," to read:

§ 207.14 Substitute transportation in emergencies.

(a) * * *

(1) [Reserved]

* * * * *

(4) * * *

For the purposes of this paragraph, "emergency circumstances beyond the passenger's control" shall include illness or injury to the passenger or a member of his immediate family; death of a member of the passenger's immediate family; or weather conditions or unforeseeable and unavoidable delays in ground transportation or connecting air transportation.

(b) [Reserved]

3. Section 207.22(b) is revised to read:

§ 207.22 Pretrip notification and charter contract.

(a) * * *

(b) The carrier shall attach to its copy of the charter contract a certification by an officer of the chartering organization, or other qualified person, that authorizes the person who executes the contract to do so on behalf of the chartering organization. However, certification is not required where the charter is based on employment in one entity, or on employee or student status at a school. If the charter contract is for the return flight of a one-way charter by the same charter organization, a copy of the passenger list (§ 207.45) of the outbound charter shall be attached to the charter contract.

4. Section 207.24 is revised to refer to the Statement of Supporting Information as Appendix B, as follows:

§ 207.24 Statement of supporting information.

Prior to performing a charter flight, the carrier shall execute, and require the travel agent (if any) and the charterer to execute, a Statement of Supporting Information (Appendix B). If a charter contract covers more than one charter flight, only one statement need be filed: *Provided, however,* That separate financial data (see item 13 of statement) shall be filed for each one-way or roundtrip flight. The carrier shall require the charterer to annex to the statement copies of all announcements of the charterer in connection with the charter issued after the contract is signed.

5. Section 207.26 is revised to read:

§ 207.26 Air carrier to identify enplanements.

The carrier shall make reasonable efforts to assure that no person is enplaned whose name does not appear on the list of passengers supplied by the charterer under § 207.45.

6. Section 207.31 is revised to refer to the Statement of Supporting Information as Appendix B, as follows:

§ 207.31 Statement of supporting information.

Travel agents shall execute, and furnish to foreign air carriers, section A of Part II of the Statement of Supporting Information (Appendix B) at such time as required by the carrier to afford it due time for review thereof.

7. Section 207.47 is revised to refer to the Statement of Supporting Information as Appendix B, as follows:

§ 207.47 Statement of supporting information.

Charterers shall execute and file with the foreign air carrier Section B of Part II of the Statement of Supporting Information (Appendix B) at such time as required by the carrier to afford it due time for review thereof.

8. Section 207.53 is revised to refer to the Statement of Supporting Information as Appendix B, as follows:

§ 207.53 Statement of supporting information.

Part I of the Statement of Supporting Information (Appendix B) shall be applicable in the case of single entity charters.

9. The form for Statement of Supporting Information that formerly followed Subpart E is designated as Appendix B and placed after Appendix A.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15600 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 208

[Economic Regulations Amdt. No. 29 to Part 208; Docket 35046; Regulation ER-1222]

Terms, Conditions, and Limitations of Certificates To Engage in Charter Air Transportation; Updating of Regulations Governing Foreign Carrier Charter Rights

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: For reasons discussed in ER-1220, issued simultaneously, the CAB is amending its pro rata charter rules to eliminate some restrictions and reporting requirements that no longer seem necessary. The action is taken at the Board's initiative in conjunction with a revision of charter requirements affecting foreign air carriers.

DATES: Adopted: May 8, 1981. Effective: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442. Copies of this document may be obtained by calling (202) 673-5432.

The Civil Aeronautics Board amends 14 CFR Part 208, *Terms, Conditions, and Limitations of Certificates to Engage in Charter Air Transportation*, as follows:

1. The authority for Part 208 is revised as follows:

Authority: Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 417, 1002, Pub. Law 85-726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 766, 769, 771, 788, 76 Stat. 145; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1387, 1482.

2. Sections 208.36 (a)(1) and (b) are removed and reserved, and the word "mean" in § 208.36(a) is replaced by the word "include," to read:

§ 208.36 Substitute transportation in emergencies.

(a) * * *

(1) [Reserved]

* * * * * *

(4) * * *

For the purposes of this paragraph, "emergency circumstances beyond the passenger's control" shall include illness or injury to the passenger or a member of his immediate family; death of a member of the passenger's immediate family; or weather conditions or unforeseeable and unavoidable delays in ground transportation or connecting air transportation.

(b) [Reserved]

3. Section 208.201(b) is revised to read:

§ 208.201 Pretrip notification and charter contract.

(a) * * *

(b) The carrier shall attach to its copy of the charter contract a certification by an officer of the chartering organization, or other qualified person, that authorizes the person who executes the contract to so do on behalf of the chartering organization. However, certification is not required where the charter is based on employment in one entity, or on employee or student status at a school. If the charter contract is for the return flight of a one-way charter by the same charter organization, a copy of the passenger list (§ 208.215) of the outbound charter shall be attached to the charter contract.

4. Section 208.202a is revised to refer to the Statement of Supporting Information as Appendix B, as follows:

§ 208.202a Statement of supporting information.

Prior to performing a charter flight, the carrier shall execute, and require the travel agent (if any) and the charterer to execute a Statement of Supporting Information (Appendix B). If a charter contract covers more than one charter flight, only one statement need be filed: *Provided, however,* That separate financial data (see item 13 of statement) shall be filed for each one-way or round-trip flight. The carrier shall require the charterer to annex to the statement copies of all announcements of the charterer in connection with the charter issued after the contract is signed.

5. Section 208.202c is revised to read:

§ 208.202c Air carrier to identify enplanements.

The carrier shall make reasonable efforts to assure that no person is enplaned whose name does not appear on the list of passengers supplied by the charterer under § 208.215.

6. Section 208.204 is revised to refer to the Statement of Supporting Information as Appendix B, as follows:

§ 208.204 Statement of supporting information.

Travel agents shall execute, and furnish to foreign air carriers, section A of Part II of the Statement of Supporting Information (Appendix B) at such time as required by the carrier to afford it due time for review thereof.

7. Section 208.217 is revised to refer to the Statement of Supporting Information as Appendix B, as follows:

§ 208.217 Statement of supporting information.

Charterers shall execute and file with the foreign air carrier Section B of Part II of the Statement of Supporting Information (Appendix B) at such time as required by the carrier to afford it due time for review thereof.

8. Section 208.303 is revised to refer to the Statement of Supporting Information as Appendix B, as follows:

§ 208.303 Statement of supporting information.

Part I of the Statement of Supporting Information (Appendix B) shall be applicable in the case of single entity charters.

9. The form for Statement of Supporting Information that formerly followed Subpart F is designated as Appendix B and placed after Appendix A.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15001 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Part 214

[Economic Regulations Reissuance of Part 214; Docket 35046; Regulation ER-1223]

Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only; Updating of Regulations Governing Foreign Carrier Charter Rights

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In response to a petition by the National Air Carrier Association, the CAB is amending its prior approval requirement for charters by foreign air carriers. Prior approval will normally be required for a charter flight between the U.S. and a country other than the carrier's home country, and regulations governing charters by foreign air carriers will be consolidated into one part of the CFR. The reasons for the changes are discussed in ER-1220, issued simultaneously.

DATES: Adopted: May 8, 1981. Effective: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: David E. Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442. Copies of this document may be obtained by calling (202) 673-5432.

The Civil Aeronautics Board removes and reissues 14 CFR Part 214, *Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only,* so that it reads:

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Sec.

214.1 Applicability.

214.2 Terms of service.

Authority: Sec. 204, 402 of Pub. L. 85-726, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1371.

§ 214.1 Applicability.

This part establishes the terms, conditions, and limitations applicable to charter foreign air transportation pursuant to foreign air carrier permits authorizing the holder to engage in charter transportation only.

§ 214.2 Terms of service.

Charter air transportation under this part shall be performed in accordance with the provisions of Part 212 of this chapter.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15002 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Part 385

[Organization Regulations Amdt. No. 110 to Part 385; Docket: 35046; Regulation OR-180]

Delegations and Review of Action Under Delegation; Nonhearing Matters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB delegates to the Director of its Bureau of International Aviation the authority to grant or deny requests of foreign airlines for approval of their charter flights for which prior

approval is required by CAB rules or orders.

DATES: Adopted: May 8, 1981. Effective: August 20, 1981.

FOR FURTHER INFORMATION CONTACT:
David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: By ER–1220, issued today, the Board changed its rules governing charters by foreign air carriers. Under this rule, these carriers will usually have to obtain approval from the Board before conducting fifth freedom charters. Some carriers, designated by Board order, will have to obtain approval for third and fourth freedom charters as well. ER–1220 establishes the procedures for requesting approval to conduct these flights. This rule amends paragraph (f) of 14 CFR 385.26 to delegate authority to the Director of our Bureau of International Aviation to act on these requests. We are also deleting paragraph (o) of that section as that delegation will be subsumed under the new paragraph (f).

Since this is a rule of agency procedure and practice, the Board finds that notice and public procedure are unnecessary and that the rule may take effect immediately.

Accordingly, the Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation: Nonhearing Matters,* as follows:

1. The authority for Part 385 is revised as follows:

Authority: Secs. 204(a), 1001, Pub. L. 85–726, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324(a) 1481; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note), unless otherwise noted.

2. In § 385.26, paragraph (f) is revised to read:

§ 385.26 Delegation to the Director, Bureau of International Aviation.

The Board delegates to the Director, Bureau of International Aviation, the authority to:

* * * * *

(f) For air carrier operations that are predominantly in foreign air transportation and for foreign air carrier operations, grant or deny applications for authorizations to conduct charter trips for which prior approval is required under (1) any provision of this chapter or (2) an order of the Board. This shall include authority to waive a time limitation for advance filing of an application prescribed in any such order.

* * * * *

§ 385.26 [Amended]

3. Also in § 385.26, paragraph (o) is removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–15603 Filed 5–22–81; 8:45 am]

BILLING CODE 6320–01–M

---

14 CFR Part 399

[Policy Statement Docket: 39616; Amdt. No. 79 to Part 399; PS–103]

Statements of General Policy; Long-Term Wet Leases by U.S. Certificated Airlines to Foreign Airlines; Elimination of Policy Statement

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating an obsolete policy statement about long-term wet leases (leases of aircraft with crew) by U.S. certificated airlines to foreign airlines. This action will eliminate unnecessary regulatory burdens. The CAB is taking this action on its own initiative.

DATES: Adopted: May 8, 1981. Effective: May 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202–673–5442.

SUPPLEMENTARY INFORMATION: Supplementary information about this action appears in EDR–426, a notice of proposed rulemaking adopted simultaneously with this final rule.

Because this rule removes a general statement of policy that has become outdated, the Board finds that notice and public procedure are unnecessary and that the revocation may become effective immediately.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 399, *Policy Statements,* as follows:

1. The authority for Part 399 is revised as follows:

Authority: Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85–726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 767, 768, 789, 770, 771, 782, 788, 797, 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1377, 1378, 1379, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504.

§ 399.19 [Removed]

2. Section 399.19, *Wet leases to foreign air carriers,* is removed.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–15604 Filed 5–22–81; 8:45 am]

BILLING CODE 6320–01–M

CIVIL AERONAUTICS BOARD

14 CFR Parts 245 and 246

[EDR-425; Economic Regulations Docket: 39599]

Reports of Ownership of Stock and Other Interests and Reports of Stock Ownership of Affiliates of Air Carriers

Dated: May 6, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing to exempt officers and directors of air carriers from a reporting requirement of the Federal Aviation Act, because the information provided by the report is no longer needed. This action is at the Board's own initiative.

DATES: Comments by: July 21, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: June 8, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39599, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David Fuss, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5082.

SUPPLEMENTARY INFORMATION: The CAB rules in Subpart A of 14 CFR Part 245 implement the shareholder reporting requirements in section 407(c) of the Federal Aviation Act of 1958 ("the Act"). Section 407(c) requires each officer and director of an air carrier to file annually with the CAB a report describing stock ownership, position, and other interests held in any air carrier, common carrier, or aeronautical enterprise. Section 245.1 defines "air carrier" as it is defined in section 101(3) of the Act, including, in addition, any person who owns 95 percent or more of the outstanding voting securities of such an air carrier. This definition ensures that officials of what is essentially an air carrier's "alter ego" cannot avoid this reporting requirement. Section 245.2 requires the filing of an additional report upon the election or appointment of a new officer or director. CAB Form 2786 is used for filing this information.

The purpose of the report is to disclose the allocation of management responsibility among an air carrier's officials and the extent of their ownership in one or more air carriers or related enterprises. This information enables the CAB to identify violations of the requirement of section 409 of the Act for prior CAB approval of interlocking relationships involving air carriers, or air carriers and common carriers or aeronautical enterprises.

The CAB recently re-evaluated its need for CAB Form 2786 as part of a general review of its data reporting requirements, and concluded that the report has outlived its usefulness. Compliance with section 409 now appears to be an accepted practice in the airline industry. The once-widespread occurrences of unapproved interlocking relationships have diminished to the extent that the CAB did not need to take enforcement action in response to any report filed in 1980. Moreover, fewer reports are filed now, because the CAB has exempted indirect air carriers and air taxis from section 407(c). The diminished value of the information still provided no longer appears to justify the administrative expense or industry burden imposed by this report. Furthermore, much of the information it provides is available from other sources.

We propose to amend Subpart A of 14 CFR Part 245 to exempt officers and directors of air carriers from the section 407(c) reporting requirement and, thus, eliminate further use of CAB Form 2786. The § 245.1 definition of "air carrier" would be retained to avoid confusion as to who would be exempt. Sections 245.2 and 245.3, which set out the time and schedule for reports, and the § 245.1 definition of "persons" would be removed because the proposed exemption would make them unnecessary. We also propose to make conforming amendments to remove the exceptions for airline officials who file section 407(c) reports from the shareholder reporting requirements in 14 CFR Parts 245 (Subpart B) and 246. These conforming changes would subject airline officials to those requirements if they qualify either as a shareholder of 5 percent or more of an air carrier's capital stock under § 245.12

or as an air carrier affiliate under § 246.1. Officials who do not meet these qualifications would no longer have to file any shareholder report. The CAB would continue to receive significant shareholder information from the Subpart B report and the Part 246 report. This proposal is not intended to affect the requirements of section 409 of the Act or the CAB's policy of enforcing those requirements.

The most recent due date for CAB Form 2786 was March 1, 1981. In order to spare airline officials any expense or effort that may prove unnecessary, the CAB, on January 16, 1981, waived the requirement to file CAB Form 2786 on March 1, 1981 pending the outcome of this rulemaking. If the CAB ultimately decides to ratain this report, the officers and directors will be notified and allowed 30 days to file.

Initial Regulatory Flexibility Requirement

The Regulatory Flexibility Act Pub. L. 96–354, which took effect on January 1, 1981, is designed to ensure that agencies consider alternate approaches to regulating small businesses and other small entities that take into account their special needs and problems. It requires the preparation of regulatory flexibility analyses for rules that, if adopted, will have a significant economic impact on a substantial number of small entities.

The CAB certifies that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. 14 CFR 298.11 already exempts air taxis, which include most small air carriers, from the section 407(c) reporting requirement. The proposed rule would eliminate a report for some officials fo certificated air carriers, regardless of size, and would require an alternate report from the rest. This would have a favorable, but insignificant, net economic impact within the purview of the Regulatory Flexibility Act. Therefore, it is not necessary to perform an initial regulatory flexibility analysis in this case.

Accordingly, 14 CFR Chapter II would be amended as follows:

1. In Part 245, *Reports of Ownership of Stock and Other Interests*, Subpart A of the table of contents would be amended by changing the title of § 245.1 and removing §§ 245.2 and 245.3, as follows:

Subpart A—Exemption of Officers and Directors From Section 407(c) of the Act

Sec.
245.1 Exemption
245.2 [Reserved]
245.3 [Reserved]

* * * * *

2. Section 245.1, *Reports required*, would be revised read:

§ 245.1 Exemption.

Each officer and director of each air carrier is exempt from the reporting requirement in section 407(c) of the Act. For the purpose of this subpart, "air carrier" means any citizen of the United States that undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation, including any person that owns 95 percent or more of the outstanding voting securities of any air carrier.

§§ 245.2, 245.3 [Removed]

3. Sections 245.2, *Time for reporting*, and 245.3, *Schedule of data*, would be removed and reserved.

4. § 245.12, *Annual report*, paragraph (a) would be removed to read:

§ 245.12 Annual report.

(a) *Time for reporting.* On or before April 1 of each year, every person owning, either beneficially or as trustee, more than 5 percent of any class of the capital stock or capital, as the case may be, of an air carrier shall file with the Board (Attention, Director, Bureau of Domestic Aviation) a report covering such shares or other interest owned as of December 31 of the preceding year. This section shall not apply to bank or broker insofar as it is a trustee.

* * * * *

§ 246.3 [Amended]

5. In Part 246, *Reports of Stock Ownership of Affiliates of Air Carriers*, paragraph (b) of § 246.3 would be removed.

(Secs. 204, 407, 409, Pub. L. 95–726, as amended; 72 Stat. 743, 766, 768; 49 U.S.C. 1324, 1377, 1379)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–15490 Filed 5–22–81; 8:45 am]

BILLING CODE 6320–01–M

CIVIL AERONAUTICS BOARD

14 CFR Parts 207, 208, 212, and 218

[Economic Regulations Docket 39616; EOR-426]

Proposal To Liberalize Regulation of Wet Lease Agreements

Dated: May 8, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB is proposing to liberalize its existing rules on wet leases (leases of aircraft with crew) between airlines. These proposals are being made because the existing rules are unnecessary barriers to competitive opportunities. The CAB is issuing the proposal on its own initiative. Simultaneously with this proposal, the CAB is eliminating an obsolete policy statement about when it will approve long-term wet leases to foreign airlines.

DATES: Comments by: July 21, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: June 8, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39616, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION:

Background

A "wet lease" of aircraft is an agreement under which the lessor provides both the aircraft and the crew. When the lessor is an airline, the wet lease is technically a charter performed by the lessor. The lessor must have authority to perform charters between the points in question, and the wet lease is also subject to the specific limitations on charter flights that appear in the Board's rules (14 CFR Parts 207, 208, and 212). The lessee might itself be an airline, using the aircraft for either scheduled or charter service, in which case it must also have authority from the Board for whatever service it is providing. This notice of proposed rulemaking addresses the specific limitations on wet leases that appear in the charter rules.

Under Parts 207 and 208 U.S. certificated air carriers are prohibited from chartering their aircraft to other direct U.S. and foreign air carriers, except when the aircraft is used solely for the transportation of company personnel or company property, or for carrying commercial traffic in cases of emergency. In cases of emergency, the carrier chartering its aircraft (the lessor is required to file with the Board a report on the flight within 30 days. A lessor can carry commercial traffic of a lessee air carrier even when there is no emergency, by obtaining a waiver of the emergency condition that appears in § 207.11(a)(2)(i) or § 208.6(a)(2)(i).

In a policy statement appearing at 14 CFR 399.19, the Board has set forth the major factors that it will consider in exercising its jurisdiction over long-term wet leases by a U.S. air carrier to a foreign air carrier. Long-term wet leases are those that last more than 60 days, or that are part of a continuing arrangement lasting over 60 days.

The Board's rules for foreign air carrier lessors are somewhat different. They appear in 14 CFR Part 212, as recently amennded by ER-1220, adopted May 8, 1981.* Unlike U.S carriers, a foreign carrier is permitted to wet-lease its aircraft to other direct carriers when the aircraft is used for the carriage of commercial traffic, whether or not there is an emergency. In non-emergency situations, however, the foreign air carrier must obtain specific authority from the Board, in the form of a statement of authorization. Factors that the Board considers in acting on applications for statements of authorization are set forth in § 212.6(b). In emergencies a statement of authorization is ordinarily not required, but the foreign carrier must file a report like the one required of U.S. carriers.

The Proposal

In the Board's judgment, this close regulation of wet lease arrangements has become unnecessary. It made sense in an environment of pervasive regulation of air service, when routes were awarded only sparingly and vigorous competition was considered as potentially destructive instead of something to be encouraged. But carriers' competitive opportunities are expanding, and should not be hindered by government interference in management decisions unless there is a specific need for the interference. Such close regulation limits the ability of carriers to meet the immediate needs of the public. For these reasons, as amplified below, we are proposing to amend Parts 207, 208, and 212 to substantially liberalize the rules governing wet leases between direct carriers. Only long-term wet leases involving a foreign carrier (as lessor, lessee, or both) would continue to require prior Board approval, and the emergency reporting requirements would be eliminated. Anticompetitive wet lease arrangements would continue to be subject to full scrutiny under the antitrust laws, even where no prior approval is required. The Board's policy statement in § 399.19 for wet leases over 60 days by U.S. carriers to foreign carriers is being rescinded immediately by PS-103, issued along with this proposal.

The need for carriers to enter into a wet lease agreement can arise in a number of ways. One of the most common situations is where an aircraft must be removed from service for a limited time for maintenance or crew relief, and the carrier involved needs to "borrow" aircraft from another carrier to meet its scheduled or charter service commitments. Other situations include the loss of aircraft due to accidents, unusual peak traffic demands, and a carrier's need for assistance to institute new service.

In cases where the wet lease is for a short period and both the carrier-lessor and carrier-lessee hold the requisite operating authority to engage in air transportation in the affected markets, there is no apparent need for the Board to approve each arrangement. This is particularly so since waiver requests (or, for foreign carrier lessors, statements of authorization) for these wet leases have been approved routinely up to now. The wet leases enable the lessee cariers to accommodate consumers, who might find it difficult to obtain service from another carrier on their own. This liberalization would correspond to current Board policy on exemptions for charter service, described in 14 CFR 399.21. Under that policy, offers by an opponent of the exemption to perform the charter service and estimates of revenue or traffic diversion from an incumbent carrier are not, as a general rule, considered in themselves reason enough to deny applications for exemption from carriers seeking to perform charter service. That policy is discussed more fully in PS-78 (43 FR 31885; July 14, 1978).

Even for long-term wet leases, there is no apparent need that would justify

regulatory intervention, as long as only U.S. carriers are involved and both have the necessary operating authority. Where one or both carriers are foreign, however, there are two main reasons to retain special oversight. One is to make sure that a wet lease is not used to circumvent bilateral agreements. Where, for example, an agreement limits market participation by the carriers of each country a long-term wet lease could thwart the limitations to the detriment of U.S. carriers. The other more general reason is to enable the Board to step in when a foreign carrier's homeland does not afford adequate reciprocity. U.S. carriers can argue that reciprocity is inadequate in responding to applications for statements of authorization, and the Board can balance the need to take action against the foreign country against the immediate needs of the carriers and consumers.

In light of these circumstances, we are proposing to amend Parts 207 and 208 to eliminate the restrictions on all wet leases between U.S. carriers, and on short-term wet leases from a U.S. carrier to a foreign carrier. The lessor would still need underlying operating authority to provide the air transportation in question. For example, a carrier that is restricted by its certificate to North American operations would need an exemption to wet lease an aircraft to another carrier for transatlantic service.

Prior approval of long-term wet leases from a U.S. carrier to a foreign one would still be necessary, but it would be obtained through a statement of authorization procedure modeled on Part 212 (§§ 212.4–212.6) instead of through waiver of an emergency requirement. As in Part 212, the lessor should apply for the statement of authorization at least 45 days before the date of the first proposed flight. The application, in letter form, would describe the terms of the wet lease agreement and include information about reciprocity afforded by the lessee carrier's home country. Interested parties would have 7 days to file memoranda supporting or opposing the application. The Board would issue a statement of authorization if it found the wet lease to be in the public interest, with criteria derived from current § 212.6(b) and set out in proposed § 207.10(g).

Similarly, we propose to amend the statement of authorization requirement that appears in § 212.4(b)(2) for foreign carrier lessors, so that it would apply only to long-term wet leases. The lessor would still need to have underlying authority to perform the flights. For example, a were lease for service between the United States and a country other than the lessor's home country would, as a fifth freedom charter flight, need a statement of authorization under § 212.4(b)(1) even if it were for less than 60 days. And a wet lease for service within the United States would still be prohibited cabotage, unless it fell within the emergency exception established by section 13 of the International Air Transportation Competition Act, Pub. L. 96–192.

Also, § 212.5(a) would be amended so that wet lease applications could be submitted in letter form instead of on CAB Form 433, which is required for other statement of authorization requests but not well suited to wet leases. Either way, the application would have to describe the terms of the wet lease agreement. Requirements for the contents of applications (§ 212.5(c)) and criteria for issuing statements of authorization (§ 212.6(b)) would be revised to refer to *lessee* carriers and the reciprocity afforded by their homelands as well as lessor carriers.

Since the exception to the prior approval requirement for wet leases would not be based on the existence of emergency conditions, the post-flight reporting requirements of §§ 207.10, 208.5, and 212.13 and the definition of "emergency" in § 212.4(c) would be eliminated as no longer necessary.

These proposed changes would further the Board's objective of reducing unnecessary regulatory controls and constraints on competition, and reduce administrative burdens on both the Board and the carriers.

Finally, we are proposing to amend Part 218. That part applies to leases of aircraft with crew by foreign air carriers and other non-citizens to other foreign carriers for use in foreign air transportation. It establishes a presumption that the lessor is engaged in foreign air transportation, and a procedure by which the lessor may rebut the presumption and obtain from the Board a disclaimer of jurisdiction. Under § 218.3, the aircraft must not be leased unless the lessor either has authority from the Board or has obtained such a disclaimer. That section would be amended to conform to the changes in Part 212 that were recently made by ER–1220 and the changes proposed above in this notice, and to reflect the Board's power to grant exemptions. As amended, § 218.3 would prohibit the lease unless the lessor holds a section 402 permit and any statement of authorization required by Part 212, or obtains an exemption or disclaimer of jurisdiction. Redundant language in § 218.2 would be removed.

Revocation of policy statement

Wet leases for 60 days or more by a U.S. air carrier to a foreign air carrier are covered by the Board's policy statement in § 399.19 about when that approval will be granted. Each of the criteria in § 399.19 was designed to meet a problem that could, at least theoretically, arise from such arrangements. The policy statement was adopted on April 16, 1965 (PS–27, 30 FR 5625). At that time it represented a far less restrictive approach to such wet leases than the Board had been using in the 10 preceding years. While some of the criteria are still valid considerations in deciding whether the lease should be approved, others have lost their significance. For example, the criteria were designed to ensure that U.S. carriers did not unduly rely on wet leasing for revenues or did not damage their ability to conduct their own operations.

Our experience since adoption of the policy statement has shown little evidence of the problems envisioned in § 399.19. It also indicates that there is no reason to restrict U.S. carriers by requiring that they have an "urgent" or "compelling" need for additional equipment utilization or operating revenues before they can enter into a long-term wet lease. Furthermore, the time limitations specified in the statement in some cases run counter to the needs of the carriers and the public. In light of these circumstances, the policy statement in § 399.19 has outlived its regulatory significance and usefulness. We are therefore revoking it. By eliminating the criterion in paragraph (b)(3) of that section that the wet lease must not involve revenue or profit sharing by the U.S. carrier, however, we do not mean to indicate support for such arrangements. They will continue to be subject to full scrutiny under the antitrust laws.

Regulatory flexibility

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that this rule will not, if adopted as proposed, have a significant economic impact on a subtantial number of small entites. Although some of the carriers that are subject to Parts 207, 208, and 212 are small businesses, they are not the ones that will be the most significantly affected by this proposal to lessen the restrictions on wet leasing.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Parts 207, 208, 212, and 218 as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. A new definition would be added to § 207.1, *Definitions*, as follows:

§ 207.1 Definitions.

* * * * *

"Long-term wet lease" means a lease by which the lessor provides both an aircraft and its crew, which either (a) lasts more than 60 days, or (b) is part of a series of such leases that amounts to a continuing arrangement lasting more than 60 days.

2. Section 207.10, *Reports of emergency commercial charters for other direct carriers*, would be retitled and revised to read:

§ 207.10 Prior authorization of long-term wet leases to foreign air carriers.

(a) A direct air carrier shall not perform any flights for a direct foreign air carrier under a long-term wet lease unless it has obtained a statement of authorization under this section.

(b) Applications for a statement of authorization shall be submitted in letter form in three copies to the civil Aeronautics Board, addressed to the Director, Bureau of International Aviation. A copy of the application shall also be served on the Federal Aviation Administration, addressed to the Director of Flight Operations, and on each certificated air carrier that is authorized to serve the same general area in which the proposed transportation is to be performed.

(c) The application shall describe the purpose and terms of the wet lease agreement. It shall also include documentation to establish the extent to which the country of the lessee's nationality deals with United States air carriers on the basis of reciprocity for similar wet leases, if such wet leases are not subject to a bilateral agreement and—

(1) The Board has not established that the country accords reciprocity;

(2) The Board has found reciprocity defective in the most recent prior approval application involving the country; or

(3) Changes in reciprocity have occurred since the most recent Board finding for the country in question;

(d) Applications for a statement of authorization under this section shall be filed at least 45 calendar days before the date of the first proposed flight.

(e) Any party in interest may file a memorandum supporting or opposing an application. Three copies of each memorandum shall be filed within 7 business days after service of the application, and a copy shall be served on the applicant air carrier. Each memorandum shall set forth the reasons why the application should be granted or denied, accompanied by whatever data, including affidavits, the Board is requested to consider.

(f)(1) Unless otherwise ordered by the Board, each application and memorandum filed in response will be available for public inspection at the Regulatory Affairs Division of the Bureau of International Aviation immediately upon filing. Notice of the filing of all applications will be published in the Board's Weekly List of Applications Filed.

(2) Any person objecting to public disclosure of any information in an application or memorandum must state the grounds for the objection in writing. If the Board finds that disclosure of all or part of the information would adversely affect the objecting person, and that the public interest does not require disclosure, it will order that the injurious information be withheld.

(g) The Board will issue a statement of authorization if it finds that the proposed wet lease is in the public interest. Statements of authorization may be conditioned or limited. In determining the public interest the Board will consider (but not be limited to) the following factors:

(1) The extent to which the authority sought is covered by and consistent with bilateral agreements to which the United States is a party, or should be so covered;

(2) The extent to which the foreign country involved deals with United States carriers on the basis of substantial reciprocity; and

(3) Whether the applicant (lessor) or its agent has previously violated the provisions of this part, or the lessee or its agent has previously violated the provisions of Part 212 or 218 of this chapter.

(h) The Board will publish notice of its actions on applications for statements of authorization in the Status of Charter Applications attachment to the Weekly List of Applications Filed. Interested persons may upon request obtain copies of letters advising applicants of action taken on their applications.

3. In § 207.11, paragraphs (a)(2)(i) and (c) would be revised to read:

§ 207.11 Charter flight limitations.

(a) Passenger charter flights (trips) in air transportation shall be limited to the following:

* * * * *

(2) Air transportation * * * where * * * an aircraft has been engaged * * *

(i) By a person for his or her own use, including a direct air carrier or a direct foreign air carrier, except that long-term wet leases to foreign air carriers are subject to prior authorization under § 207.10.

* * * * *

(c) Cargo charter flights in air transportation are permitted without limitation, except that long-term wet leases to foreign air carriers are subject to prior authorization under § 207.10. Charter cargo may be transported both on scheduled flights carrying individually-ticketed and/or individually-waybilled traffic and on flights carrying charter traffic only.

4. The Table of Contents would be amended accordingly.

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN CHARTER AIR TRANSPORTATION

§ 208.3 [Amended]

1. In § 208.3, *Definitions*, a new paragraph (w) would be added, setting forth the definition of "long-term wet lease" proposed above for § 207.1.

§ 208.5 [Amended]

2. Section 208.5, *Reports of emergency commercial charters for other direct carriers*, would be retitled and revised as proposed above for § 207.10.

3. In § 208.6, *Charter flight limitations*, paragraphs (a)(2)(i) and (c) would be revised to read as proposed above for § 207.11, but with cross-references to § 208.5 instead of § 207.10.

4. The Table of Contents would be amended accordingly.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

1. A new definition would be added to § 212.2, *Definitions*, to read:

§ 212.2 Definitions.

* * * * *

"Long-term wet lease" means a lease by which the lessor provides both an aircraft and its crew, which either (a) lasts more than 60 days, or (b) is part of a series of such leases that amounts to a continuing arrangement lasting more than 60 days.

2. In § 212.3, paragraphs (a)(1)(i) and (c) would be revised to read:

§ 212.3 Charter flight limitations.

(a) Passenger charter flights by foreign air carriers in foreign air transportation shall be limited to the movement of persons or their baggage * * *

(1) Where * * * an aircraft has been engaged * * *

(i) By a person for his or her own use, including a direct air carrier or a direct foreign air carrier whether or not the

charter is a wet lease for the carriage of commercial traffic;

* * * * *

(c) Cargo charter flights in foreign air transportation by a foreign air carrier are permitted without limitation. Charter cargo may be transported both on scheduled flights carrying individually-ticketed and/or individually-way billed traffic and on flights carrying charter traffic only.

3. In § 212.4, paragraph (b)(2) would be revised and paragraph (c) would be removed, so that the section would read:

§ 212.4 Prior authorization requirements.

* * * * *

(b) Foreign air carrier shall obtain a statement of authorization for each—

* * * * *

(1)* * *

(2) Long-term wet lease to a direct air carrier or direct foreign air carrier, or

(3)* * *

(c)[Reserved]

* * * * *

4. In § 212.5, paragraphs (a), (b), (c), and (d)(2) would be revised to read:

§ 212.5 Application for authorization.

(a) Application for a statement of authorization shall be submitted on CAB Form 433 (Appendix C), except that for long-term wet leases the application may be submitted in letter form and shall describe the terms of the wet lease agreement. Applications shall be submitted in three copies to the Civil Aeronautics Board, addressed to the Director, Bureau of International Aviation. Upon a showing of good cause, the application may be transmitted by cablegram or telegram or may be made by telephone.

(b) A copy of the application for a long-term wet lease to a direct air carrier or direct foreign air carrier shall also be served on the Federal Aviation Administration, addressed to the Director of Flight Operations, and on each certificated air carrier that is authorized to serve the same general area in which the proposed transportation is to be performed.

(c) The application shall describe the purpose and terms of the wet lease agreement. It shall also include documentation to establish the extent to which the country of the applicant's nationality (and, in the case of a long-term wet lease, the country of the lessee's nationality) deals with United States air carriers on the basis of reciprocity for similar flights, if such flights are not subject to a bilateral agreement and—

(1) The Board has not established that the country accords reciprocity,

(2) The Board has found reciprocity defective in the most recent prior approval application involving the country, or

(3) Changes in reciprocity have occurred since the most recent Board finding for the country in question.

(d)(1) * * *

(2) Applications for a long-term wet lease to a direct air carrier or direct foreign air carrier shall be filed at least 45 days before the date of the first proposed flight.

* * * * *

5. In § 212.6, paragraphs (b)(2) and (b)(4) would be revised so that the paragraph would read:

§ 212.6 Issuance of authorization.

* * * * *

(b) In determining the public interest the Board will consider (but not be limited to) the following factors:

(1) The extent to which the authority sought is covered by and consistent with bilateral agreements to which the United States is a party.

(2) The extent to which the country of the carrier's nationality (and, in the case of a long-term wet lease, the country of the lessee's nationality) deals with United States air carriers on the basis of substantial reciprocity.

(3) Whether the foreign air carrier or its agent or the charterer or its agent has previously violated the provisions of this part.

(4) Where the application concerns a long-term wet lease—

(i) Whether the foreign air carrier or its agent or the lessee (charterer) or its agent has previously violated the provisions of Part 207, 208, or 218 of this chapter.

(ii) Whether, because of the nature of the arrangement and the benefits involved, the authority sought should be the subject of a bilateral agreement.

(iii) To what extent the applicant owns or controls the lessee.

§ 212.13 [Removed]

6. Section 212.13, *Reports of emergency commercial charters for other direct carriers*, would be removed.

7. The Table of Contents would be amended accordingly.

PART 218—LEASE BY FOREIGN AIR CARRIER OR OTHER FOREIGN PERSON OF AIRCRAFT WITH CREW

§ 218.2 [Amended]

1. The last two sentences of § 218.2, *Applicability*, would be removed.

2. In § 218.3, paragraph (a) would be revised to read:

§ 218.3 Prohibition against unauthorized operations employing aircraft leased with crew.

(a) No foreign air carrier, or other person not a citizen of the United States, shall lease an aircraft with crew to a foreign air carrier for use by the latter in performing foreign air transportation unless either—

(1) The lessor holds a foreign air carrier permit issued under section 402 of the Act and any statement of authorization required by Part 212 of this chapter; or

(2) The Board has issued an exemption under section 416 of the Act specifically authorizing the lessor to engage in the foreign air transportation to be performed under the lease; or

(3) The Board has issued an order under § 218.6 disclaiming jurisdiction over the matter.

* * * * *

(Secs. 101, 204, 401, 402, 403, 404, 407, 411, 416, 417, Pub. L. 85-726, as amended, 72 Stat. 737, 743, 754, 757, 758, 760, 766, 769, 771, 76 Stat. 145; 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1387)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15605 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

CIVIL AERONAUTICS BOARD

[Docket 39613; Order 81-5-41]

Empresa Consolidada Cubana de Aviacion (Cubana); Approval of Charter Operations

In the matter of Empresa Consolidada Cubana de Aviacion (Cubana), Ceskoslovenske Aerolinie (CSA—Czechoslvak Airlines), Transporturile Aeriene Romane (Tarom), General Department of International Air Services (Aeroflot Soviet Airlines), Department of International Affairs, General Administration of Civil Aviation of China d/b/a CAAC.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of May, 1981.

By ER-1220, adopted concurrently, we have revised Parts 212 and 214 of the Board's Economic Regulations (14 CFR 212 and 214) to change the structure under which we regulate the charter air services of foreign air carriers holding permits under section 402 of the Federal Aviation Act, as amended. As described in much greater detail in ER-1220, EDR-394 and in Order 80-3-63 (March 13, 1980), the new system enables foreign air carriers to conduct unlimited charter operations between their home countries and the United States (Third and Fourth Freedom) without prior approval for individual charter operations. Prior approval is required for Fifth Freedom flights. The purpose and effect of this revision is to abolish regulatory burdens—both on foreign air carriers and on our staff—wherever this can be achieved without compromising the public interest.

In the revised regulations we reserve the right to require prior approval even of Third and Fourth Freedom charter flights, whenever we find that it is in the public interest to do so. The three principal public interest considerations that may require us to maintain control over any charter flights are (1) national security considerations, (2) unfair, discriminatory, or restrictive practices by foreign governments of their instrumentalities against U.S. carriers, and (3) uncertain or indefinite reciprocity accorded to U.S. carriers. Order 81-5-44, issued concurrently deals with the latter considerations. We here address retention of control over charter operations for national security reasons.

We have decided to require that the airlines of Cuba, Czechoslovakia, the People's Republic of China, and the U.S.S.R. obtain prior approval for all passenger and cargo charter flights to and from the United States. We will require the airline of Romania to file only notices before operating the first thirty (30) charter flights each calendar year,[1] as determined by diplomatic agreement between the United States and Romania. Approval of any flights in excess of that number shall be obtained in advance as described in this order.

Our decision is based upon recommendations from the Departments of Defense and State,[2] and is taken under § 212.4(f) of the Board's Regulations. Based on the conclusions of the Departments that charter flights of these countries' flag carriers—*i.e.*, Empresa Consolidada Cubana de Aviacion (Cubana), Ceskoslovenske Aerolinie (CSA-Czechoslovak Airlines), Transporturile Aeriene Romane (Tarom) the Department of International Affairs, General Administration of Civil Aviation of China d/b/a CAAC, and General Department of International Air Services (Aeroflot Soviet Airlines)—might in some circumstances be harmful to the national security and defense, we find it is in the public interest to require these carriers to conform to the procedures set forth in this order. Our actions here are independent of considerations of reciprocity and are taken without any aspersion on the quality of our mutual aviation relations with the carrier's governments. In the case of Tarom, we emphasize that the requirement to file a notice does not impose a requirement for prior approval.

Section 102 of the Act requires us to "facilitate adaptation of the air transportation system to the present and future needs of the domestic and foreign commerce of the United States, the Postal Service, and the National Defense." [3] Thus, in discharging our responsibilities under the Federal Aviation Act, we must consider foreign policy and national security and defense factors as elements of the public interest when those factors are relevant.

From time to time the Departments of State and Defense have advised us that certain charter operations which could have adverse foreign policy or national defense implications either should be disapproved in the public interest or, more often, should be required to operate over specified airway routings.

Under the previous foreign air carrier charter regime all charter flights were conducted between specific points named in the carriers' permits ("on-route" charters), or were individually approved as "off-route" charters, and thus, no further regulatory measures were necessary to insure that operations were controlled as required by the Public interest.[4] However, under the new charter rules, Third and Fourth Freedom charters will ordinarily be unrestricted, creating a potential for activities which the Departments of Defense and State believe could be adverse to the national defense. Accordingly, these agencies have asked us to take appropriate measures to control and reduce potential harm to U.S. interests, and we will defer to their expert judgment in this matter. For these reasons we now find it necessary to adopt procedures to give us advance notice and control of charter flights by the named foreign flag carriers to or from points in the United States.[5]

All requests for approval of charter flights shall be submitted on CAB Form 433 and must conform to the requirements of sections 212.4 and 212.5 of the Board's Regulations. Applications shall be filed, not later than 14 days before commencement of the proposed flight,[6] with both the Bureau of

---

[1] Pursuant to a Memorandum of Understanding, April 26, 1978, renewing and amending the bilateral Agreement between Romania and The United States, Romanian air carriers are presently permitted to operate thirty (30) off-route charter flights per year.

[2] These recommendations are contained in a classified letter dated February 16, 1980 from R.W. Komer, Under Secretary of Defense. A copy of this letter will be placed in the non-public section of this docket. The contents of this letter were discussed and endorsed by representatives of the Department of State at an interagency meeting held on August 25, 1980.

[3] 49 U.S.C. 1302(a)(5).

[4] Until recently, all foreign air carriers were obligated to notify the Federal Aviation Administration at least 72 hours before nonscheduled flights, as provided by Annex 9 (Facilitation) to the convention on International Aviation-1944 ("Chicago Convention"). Annex 9 was amended on October 15, 1980 to allow each contracting state to establish requirements for international operations of foreign carriers in the State's air space.

[5] An order is being issued concurrently requiring Polskie Linie Lotnicze (LOT Polish Airlines) only to give notice to the Board 14 days in advance of operation of any charter flights to the United States. This conforms to the January 31, 1979 Exchange of Notes between Poland and the United States which allows each party "to operate passenger and cargo charter air services . . . without requirement for prior approval . . ." See Order 79-12-205, December 31, 1979, and Order 80-6-111, April 17, 1980.

[6] Aeroflot Soviet Airlines presently is required to obtain Board approval before operating any charter trips, or any scheduled service in excess of two weekly round trips. Since that restriction requires all requests be filed with the Board 30 days before the flight, Aeroflot will continue to be subject to the more restrictive 30 day filing provisions of Order 80-3-23, March 5, 1980. Similarly, CAAC would be subject to the provisions of Annex II of the U.S.-P.R.C. Civil Air Transport Agreement and the condition in its foreign air carrier permit (issued by Order 81-1-13) requiring charter applications be filed at least 15 days in advance.

International Aviation of the Civil Aeronautics Board and the Office of International Aviation of the Federal Aviation Administration.[7] Forms must contain all the information called for, specifying in particular the date, time, itemized enroute itinerary of each flight, and a full description of the aircraft to be utilized, including type and registration of aircraft, type of and call signs to be used.[8] To permit resolution of any technical operational problems, the application must contain the name and telephone number of an individual authorized to speak on behalf of the carrier. We may request additional information before we act.[9]

Although Part 212 contains provisions under which the Board can entertain applications on less than the required notice period (upon a showing of good cause), action on late-filed applications cannot be guaranteed, and in no case may a flight be operated which has not, where required, been approved in advance.

It bears repeating that the conditions being imposed by this order do not arise from economic regulatory policy. Rather, they are merely operational procedures similar to those most governments impose on carriers and travelers to provide the reasonable notification and control they find necessary to maintain their national security and defense. In fact, U.S. air carriers already operate under similar approval procedures to some of the affected countries. We anticipate that, as in the past, the vast majority of all applications prior for approval will be granted after a satisfactory aircraft routing has been established. In addition, we expect the responsibilty for administering these controls on charter operations to be assumed at a later date by the Federal Aviation Administration, which has more direct operational responsibility and expertise with respect to aircraft routings.[10]

Accordingly, 1. Effective August 20, 1981, Empresa Consolidada Cubana De Aviacion (Cubana), Ceskoslovenske Aerolinie (CSA-Czechoslovak Airlines), Department of International Affairs, General Administration of China d/b/a CAAC, and General Department of International Air Services (Aeroflot Soviet Airlines) shall not perform any charter trip to or from the United States unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted in advance;

2. Effective August 20, 1981, Transporturile Aeriene Romane (Tarom) shall not perform the first thirty (30) charter flights each calendar year (or any other number determined by appropriate diplomatic agreement) to or from the United States unless a Notice has been filed as provided herein, nor shall Tarom perform any charter flight in excess of the above number unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted in advance; and

3. We shall serve copies of this order on Empresa Consolidada Cubana De Aviacion (Cubana), Ceskoslovenske Aerolinie (CSA-Czechoslovak Airlines), Transporturile Aeriene Romane (Tarom), Department of International Affairs, General Administration of China d/b/a/ CAAC, and the General Department of International Air Services (Aeroflot Soviet Airlines), the Cuban Interests Section of the Embassy of the Czechoslovak Socialist Republic, the Ambassador of the Czechoslovak Socialist Republic, the Ambassador of the Socialist Republic of Romania, the Ambassador of the People's Republic of China, the Ambassador of the Union of Soviet Socialist Republics in Washington, D.C., the Department of Transportation, the Administrator of the Federal Aviation Administration, and the Departments of Defense and State.

This order shall be published in the **Federal Register**.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary

[FR Doc. 81-15459 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

[7] The Notice required of Tarom shall be submitted in the same fashion as a request for approval but need not contain information on the charter price and the status of reciprocity. The notice is also not subject to approval, but will be used merely to enable a satisfactory flight routing to be established.

[8] Applications submitted by CAAC need only contain those items required by Annex II of The Agreement Between the Government of the United States and the Government of the People's Republic of China signed September 8, 1980.

[9] Under section 385.26(f) of the Board's Organization Regulations (14 CFR 385.26(f)), the Director of the Bureau of International Aviation has delegated authority to approve or deny requests for charter trips "for which prior approval is required under an order of the Board."

[10] Under section 103 of the Act (49 U.S.C. 1303) the Secretary of Transportation is obligated to regulate air commerce "to best promote its development and safety and fulfill the requirements of national defense." The Administrator of the FAA has indicated his agency's willingness to accept this function once satisfactory transfer procedures are developed.

[Docket Nos. 29977 and 39615; Order 81-5-43]

Foreign Air Carriers; Order Terminating Blanket Off-Route Charter Statements of Authorization and Inviting Requests for Fifth Freedom Statements of Authorization

In the matter of Foreign Air Carriers, blanket statements of authorization to operate off-route charter flights and Foreign Air Carriers, blanket statements of authorization to operate Fifth Freedom charter flights.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of May, 1981.

The Board exercises control over charters conducted by foreign air carriers by requiring prior authorization for certain types of individual flights. Historically, foreign scheduled air carriers could operate charters between points named in their permits (on-route charters) without prior approval; whereas they could perform off-route charters only after grant of a Statement of Authorization under Part 212 of the Board's Economic Regulations. Foreign charter air carriers could conduct charters only between points or within geographic areas defined in their permits, pursuant to the provisions of Part 214 of the Economic Regulations. Foreign charter carriers needed to obtain exemptions under section 416(b) of the Act to operate charters outside of those defined areas.

For the last several years, the Board has granted various foreign scheduled air carriers blanket Statements of Authorization to operate off-route Third, Fourth and Fifth Freedom charter flights for one calendar year at a time.[1] The Board granted these blanket authorizations primarily because the *ad hoc* applications for off-route charter authority filed by the carriers were granted routinely since they presented no significant reciprocity or other public interest problems. To preserve its ultimate control over the foreign carriers' off-route charter activity, the Board reserved the power to terminate the blanket authorizations of any of the subject carriers on 30 days' notice, where necessary for reciprocity or other public interest reasons.

By ER-1220, issued concurrently with this order, we have revised Parts 212 and 214 of the Board's Economic Regulations (14 CFR 212 and 214) to change the structure under which we

[1] Order 76-10-119 (October 27, 1976), Order 77-10-120 (October 27, 1977), Order 78-12-175 (December 27, 1978), and Order 79-12-205, December 31, 1979, as amended by 80-12-151, December 31, 1980.

regulate the charter air services of foreign air carriers. The new system will consolidate Parts 212 and 214 into a single rule, revised Part 212. The revised rule will permit foreign scheduled and charter airlines to conduct unlimited charter operations between their home countries and the United States (Third and Fourth Freedom charters) without individual prior approval, regardless of whether or not the operation is on-route or off-route or within the geographic area defined in a carrier's foreign air carrier permit. On the other hand, individual prior approval will now be required for all Fifth Freedom charter flights or programs, without regard to points or areas set forth in a foreign airline's permit. The revised regulation also reserves the Board's right to require prior approval of Third and Fourth Freedom charters for carriers whose governments follow restrictive or discriminatory practices.[3]

Under the revised Part 212, the terms "on-route" and "off-route" will no longer be used to differentiate between those charters requiring prior approval and those that do not, and thus those terms will no longer be defined. As a result, the existing blanket Statement of Authorization granting unlimited "off-route" charter authority will be rescinded. We will terminate all effective blanket Statements of Authorization granting off-route charter authority on August 20, 1981, the effective date of ER–1220.

We expect that under the revised charter regulatory system a majority of all foreign air carrier charter flights will be conducted without the need for individual approval, since most such charters are Third and Fourth Freedom flights. Our simple individual approval procedures in Part 212 will give foreign air carriers sufficient flexibility to seek authority for any Fifth Freedom charter opportunities, while, at the same time, enabling us to tailor our action on such requests to the degree of reciprocity exhibited by the applicant's homeland and other public interest considerations. The Fifth Freedom prior approval requirement does not signify that we will necessarily disapprove applications. Rather, we expect to approve such requests after determining that reciprocity and comity are satisfactory.

In some instances a blanket waiver of this prior approval requirement may be appropriate. We invite foreign air carriers to request such a waiver. Carriers for whom this relief is mandated by a bilateral agreement or understanding should cite the relevant documents and provisions. Where reciprocity is claimed but has not been memorialized in any sort of agreement, applicants should describe the administrative procedures followed in their home countries, including evidence that any request for comparable charter authority by any United States air carrier would be granted. These statements and evidence will assist the Board in determining, among other things, whether or not a bilateral obligation or adequate reciprocity exists to justify a blanket Statement of Authorization. We will consider, but not be limited to, the factors noted in new § 212.6 of the Board's Regulations.[3]

Applications for blanket Statements of Authorization shall be filed in Docket 39615 within 30 days after the service date of this order (*i.e.*, by June 22, 1981). A notice of each request will be published in the weekly digest of applications filed with the Civil Aeronautics Board. Persons wishing to submit answers in support of or against a particular request, shall submit comments and evidence not later than 14 days thereafter.[4] Seven days will be permitted for replies to the comments.

Accordingly, 1. Effective August 20, 1981, we terminate the blanket Statement of Authorization presently held by foreign air carriers under Order 79–12–205, as amended by Order 80–12–151;

2. We invite foreign air carriers wishing to request a blanket Statement of Authorization to perform charter air transportation in Fifth Freedom markets without prior approval under § 212.4 of the Board's Economic Regulations (14 CFR 212.4) to file a request as described above;

3. Any interested person having an objection to the grant of a blanket Statement of Authorization to a carrier so requesting, shall file in Docket 39615 and serve upon the affected carrier(s), a statement of objections specifying the basis for its objection, and such evidence relied upon in support of its objections. Any objection shall be filed by July 6, 1981. Replies to comments may be submitted not later than July 13, 1981. Objections and comments filed after that date will be considered only to the extent practicable. The filing of objections or replies with respect to a particular foreign air carrier shall affect only that carrier; and

4. This order will be served on all foreign air carriers holding permits under section 402 of the Act and all U.S. certificated air carriers.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–15460 Filed 5–22–81; 8:45 am]

BILLING CODE 6320–01–M

[3] See § 212.4(e) of the Board's Regulations. By Order 81–5–44, issued concurrently, various foreign air carriers are being required to obtain prior approval of all Third and Fourth Freedom charters, pursuant to this section.

[3] These pertain to: (1) bilaterally agreed rights; (2) reciprocity; and (3) the carrier's compliance history.

[4] This order does not preclude a foreign air carrier from requesting a blanket Statement of Authorization at a later date. However, the Board intends to expedite action on any application submitted under the procedures described in this order.

[Docket No. 37851, et al.; Order 81-5-44]

Foreign Air Carriers, et al.; Order To Show Cause

In the matter of various Foreign Air Carriers, requirement to obtain prior approval of charter flights to or from the United States; Docket 37851.

In the matter of charter authority of Varig, S.A. (Viacao Aerea Rio-Grandense), requirement to obtain prior approval under Part 212; Docket 28202.

In the matter of on-route charter trips of Aerolineas Argentinas; Docket 27407.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of May, 1981.

By Order 80-3-63, March 13, 1980, we directed all interested persons to show cause why we should not require the foreign air carriers of the following ten countries to obtain prior approval of their charter flights between the United States and their home countries: Argentina, Brazil, Colombia, Iran, Ireland, Japan, Peru, the Philippines, the Union of Soviet Socialist Republics, and Venezuela. We tentatively found that U.S. carriers are subjected to unreasonable restrictions in operating charters to the named countries; that adequate charter reciprocity does not therefore exist; and that the public interest requires prior Board approval of those countries airlines' Third and Fourth Freedom charter flights.

Comments and/or objections were filed by Japan Air Lines Company, Ltd., Varig S.A. (Viacao aerea Rio Grandense), Aerlinte Eireann Teoranta, Air Manila, Inc., Philippine Air Lines, Inc., and the National Air Carrier Association (NACA).[1] Reply comments were received from NACA and Scandinavian Airlines System

We have decided to (1) make final our tentative findings and conclusions with respect to the foreign carriers of all the named countries except Ireland and the Philippines, and (2) subject the remaining carriers' Third and Fourth Freedom charter operations to prior approval by the Board. We have also decided to require Scandinavian Airlines System (SAS) to obtain our approval before operating Third and Fourth Freedom charters.

Background

By ER-1220, adopted concurrently, we have changed the structure under which we regulate the charter air services of foreign air carriers. ER-1220 now permits foreign air carriers to operate Third and Fourth Freedom charters without obtaining prior approval for each flight, and permits Fifth Freedom charters only after obtaining our approval.

Because the new regulation expands significantly the ability of foreign carriers to operate charters without obtaining individual Board approval, it is necessary for us to simultaneously restrict the rights of those carriers whose countries restrict similar U.S.-carrier operations. To permit advance notice to all interested persons of the Board's intent to subject these carriers' Third and Fourth Freedom charters to prior approval under § 212.4 of the Board's Economic Regulations, the Board issued Order 80-3-63.

Decision

Upon review of all comments and replies submitted, and all other relevant information, we have decided to finalize our tentative findings and conclusions with respect to the carriers of all countries except Ireland and the Philippines. In particular we find that the public interest requires the foreign air carriers of Argentina, Brazil, Colombia, Iran, Japan, Peru, the Union of Soviet Socialist Republics, and Venezuela to obtain prior individual approval of all charter flights to or from the United States under § 212.4(e) of the Board's Economic Regulations. We also find that the same treatment is warranted for Scandinavian Airlines System. We are vacating our tentative findings on Ireland and the Philippines because the conditions existing at the time of the issuance of Order 80-3-63 have changed. A discussion of the various countries follows.

Brazil

A Statement of Objections was submitted by Varig S.A. asserting, in part, that any disputes between the Governments of the United States and Brazil should be matters for inter-governmental discussion. Varig further states that while it cannot, and does not presume to, speak on behalf of the Government of Brazil, it does not believe the policies of the government discourage the operation of charter flights as alleged by the Board.[2]

Contrary to the assertions of Varig, U.S. carriers are restricted in the Brazil market, particularly in their attempts to conduct charters out of gateway cities such as New York. While we too hope that inter-governmental negotiations will ultimately produce a viable charter regime, until such a regime can be established and U.S. carriers are permitted to operate charters without restrictions, we believe Varig's charter operations must be individually considered by the Board.

On numerous occasions the Board has expressed its desire to minimize the operating restrictions imposed on foreign air carriers, thereby encouraging the expansion of competitive air transportation services. However, in this case, we are unable to conclude that the public interest would be served by permitting Varig to enjoy relatively unlimited market access while U.S. air carriers are denied comparable opportunities, and therefore we make final the tentative findings and conclusions stated in Order 80-3-63 with respect to Varig.

Ireland

Aerlinte filed a response asserting that circumstances have radically changed since Order 80-3-63 was issued. Specifically, Aerlinte points to the Memorandum of Consultations, dated March 29, 1980, in which Delegations of the United States and Ireland agreed to remove the uncertainties and restrictions affecting charter operations between the two countries.[3] We agree with Aerlinte and conclude that the public interest does not require Aerlinte to obtain prior approval of charter flights between Ireland and the United States. We are therefore vacating our tentative findings on air carriers of Ireland.

Japan

Japan Air Lines Company, Ltd. (JAL) filed an objection asserting, in part, that: The policy of its government has been to facilitate and allocate charter opportunities fairly; no prior authorization is required by Japan of designated carriers for on-route charters; unavoidable physical constraints have limited the operation of all desired charters; imposition of a prior approval requirement violates both the letter and spirit of the 1953 Exchange of Notes, and would constitute abrogation of the Agreement; and the Government of Japan's policies toward charter service of U.S. carriers do not qualify as restrictive under the Board's criteria. At a minimum, JAL requests that it be relieved from obtaining prior approval of its on-route charters.

---

[1] NACA submitted comments on behalf of its member carriers, Transamerica Airlines, Inc. and World Airways, Inc.

[2] By petition filed August 21, 1975, in Docket 28202, Trans International Airlines, Inc. (now Transamerica Airlines) requested the Board to require Varig to obtain prior Board approval before operating on-route charter trips in foreign air transportation. Since the action of the Board in this case will essentially grant the request of TIA in Docket 28202, we will dismiss that petition as moot.

[3] See Order 80-5-129, May 19, 1980.

NACA submitted comments in reply, arguing that JAL's objections should be dismissed, and asserting that: The Government of Japan has adopted a discriminatory policy under which only U.S. carriers designated to perform scheduled services are authorized to operate charter flights; the current bilateral agreement between the United States and Japan has no charter clause; the 1953 Exchange of Notes merely reflects the procedures under which reciprocity was accorded at that time; and the 1953 U.S. Note merely informed Japan of a U.S. "practice" and was not a guarantee of that practice.

Upon review of the objections and comments, we conclude that the public interest would best be served by requiring that Japan Air Lines obtain a Statement of Authorization prior to operating any charter flight between the United States and Japan, including those operated over its route system.

We are in essential agreement with the statements of NACA. As discussed in Order 80–3–63, we have on many occasions expressed dissatisfaction with the quality of Japanese reciprocity with respect to charters, and in particular, that government's policies of discriminating against and effectively precluding the operation of charters by carriers such as Transamerica and World. JAL has not disputed that these policies exist. Rather it contends that the Board is obligated by an Exchange of Notes in 1953 to permit JAL to operate any on-route charters, and that the policy of the Government of Japan is permitted by that Exchange and is thus not the basis for a countervailing action by the Board. We disagree. As noted by NACA, the 1953 Exchange of Notes merely reflected a practice followed by the Board, and was based upon considerations existing at that time. We are not bound to continue such a practice when, as here, we find that reciprocity and public interest considerations no longer support it. We will of course review the public interest in light of any changes in air transportation relations which may result from further negotiations.

The Philippines

Objections to the Board's tentative findings and conclusions were filed by both Philippine Airlines, Inc. and Air Manila, Inc. Philippine Airlines asserted, among other things, that: Imposition of a prior approval system will be counterproductive and inimical to aviation relations between the two countries because the 30-day requirement is "draconian" in comparison to the Philippine prior approval requirement, and will not elicit fair treatment of U.S. carriers; no U.S. carrier has ever encountered a delay in excess of forty-eight hours in receiving an approval; since Philippine Airlines does not operate charter flights, any adverse reaction will be borne by U.S. carriers; and, the Government of the Philippines has encouraged rather than obstructed operations of non-Philippine carriers. In turn, Air Manila states that: Since 1972 the Government of the Philippines has not denied requests by United States carriers to operate Third and Fourth Freedom charter flights; Philippine Resolution 3371, which confers first-refusal rights, has never been implemented; imposition of the 30-day requirement would effectively be a denial in advance; Air Manila has no responsibility for, or privity with, the actions of the Philippine Government; and, if the Board does not "particularize" the offending restrictive actions of the Philippine Government, Air Manila cannot respond to any changes in such actions.

NACA asserted in reply comments that: The practice of the Philippine Government is to require the filing of passenger charter flight applications 30 days in advance and cargo charter flight applications 10 days in advance; U.S. carriers must make formal written application to the Philippine Government even for over-flights; and if the Philippine-flag carriers find the Board's prior approval requirements to be objectionable they should request the Philippine Government to remove the operating restrictions which are now placed on U.S. carriers.

We have decided to vacate our tentative findings and conclusions with respect to the carriers of the Philippines.

Subsequent to our issuing Order 80–3–63, the United States and the Philippines signed on October 3, 1980 an *ad referendum* Agreement, which significantly expanded the air service opportunities of carriers of both countries. While the agreement does not address charter services specifically, it provides a generally liberal framework for the provision of competitive U.S. and Philippine carrier services. In keeping with the spirit of this agreement, and the improvement in aviation relations it is intended to foster, we conclude that it would be contrary to the public interest to require Philippine carriers to obtain prior approval of their Third and Fourth Freedom charter flights.

We anticipate that as a result of the new agreements, U.S. carriers should experience few difficulties in conducting charters to and from the Philippines. If significant problems should develop, we would be prepared to reconsider this decision and place the carriers of the Philippines on advance charter flight approval.

Scandinavia

NACA has requested that the Board require the Scandinavian airlines to obtain prior authorizations for all charter flights to and from the United States. In support of its request NACA generally alleges that the Scandinavian countries (Denmark, Norway, and Sweden) have traditionally followed a very strict and discriminatory policy toward charter flight authorizations in transatlantic markets.

On April 28, 1980, SAS replied to NACA, asserting that Scandinavian charter policies are applied equally and in a nondiscriminatory fashion to all carriers, domestic and foreign, scheduled and charter, and that U.S. carriers have the same opportunity to operate charters as do Scandinavian carriers. NACA responded to these assertions on May 12, 1980.

We find that present circumstances warrant requiring Scandinavian Airlines System to obtain our approval before operating any charter flights to or from the United States.[4]

In Order 81–2–57, on review of a staff action taken in Order 79–12–205, we found that various policies of the Scandinavian aviation authorities have denied U.S. carriers effective access to the U.S.-Scandinavian market and have deprived our carriers of a fair and equal opportunity to compete with Scandinavian Airlines System, Scandinavia's scheduled carrier. We cited problems U.S. carriers have encountered in implementing low-cost services, both scheduled and charter, and noted that the Scandinavian authorities require U.S. carriers to obtain prior approval to operate charters in the U.S.-Scandinavian market. Recently, the United States and Scandinavia held talks on these matters, which resulted in a temporary, narrowly drawn understanding. The Scandinavians have approved the then-proposed U.S. air carrier scheduled fares. We have decided to approve a 19-flight charter program of SAS as well as its summer fares. While the U.S. tabled at that time a proposed charter arrangement, substantive talks were deferred until a later date.

The recent accord, while resolving immediate operating problems facing

[4] Section 212.4(e) provides that we will give carriers 30 days' notice of our decision to require them to obtain statements of authorization before operating any charter flights. Since this order does not become effective until 90 days, our announcement today satisfies the notice requirement.

both sides, did not offer a long-term solution to aviation difficulties among the governments. We believe therefore that the general problems cited in Order 81–2–57 remain of concern. Under these circumstances, in light of the substantial operating problems, raised by NACA, that U.S. carriers face in conducting U.S.-Scandinavia charters, and in view of the unrefuted assertion that U.S. carriers must apply in advance to the Scandinavian Government for charter-flight authority, we find that requiring SAS to obtain prior approval for all charter flights between the United States and its homelands is necessary in the public interest.

Remaining Countries

No comments, objections, or replies were submitted with respect to the carriers of Argentina,[5] Colombia, Iran, Peru, the U.S.S.R., and Venezuela, and thus we will make final our tentative findings and conclusions and require those countries' carriers to obtain prior approval of all charter flights between the United States and their home countries.[6] [7]

[5] We note that by Order 75–1–68 (January 15, 1975) we required Aerolineas Argentinas to obtain a Statement of Authorization prior to operating any on-route charter flights. That order is still effective. Since this order will, in effect, provide a more current form of the same restriction, we will rescind Order 75–1–68.

[6] Aerolineas Argentinas (for passenger charters only); Aerocosta, S.A.; Aerolineas Territoriales de Colombia Ltda., "Aerotal"; Aerovias Colombias Limitada (ARCA); Aerovias Condor de Colombia, S.A.; Aerovias Nacionales de Colombia, S.A. (AVIANCA); Sociedad Aeronautica de Medellin Consolidada, S.A. (SAM); Iran National Airlines Corporation (Iran Air); Aeronaves del Peru, S.A.; AeroPeru (Empresa de Transportes Aero del Peru); Compania de Aviacion "Faucett", S.A.; General Department of International Air Services (Aeroflot Soviet Airlines); Transportes Aereos de Carga, S.A. (Transcarga); and Venezolana Internacional de Aviacion, S.A. (VIASA).

[7] Since Order 80–3–63 was issued two additional Colombian carriers—Lineas Aereas del Caribe (LAC) and Transportes Aereos Mercantiles Panamericanos S.A. "TAMPA" S.A.—have prosecuted permit applications to serve the United States. Se Orders 81–4–110 and 81–2–59. We are therefore including these carriers with the other Colombia carriers affected by our decision today.

Our actions in this case do not mean we will necessarily deny requests for individual Statements of Authorization. Rather, they are intended to permit us to monitor more closely aviation charter relations with the countries. We are, of course, prepared to recognize any changes in reciprocity. Meanwhile, we will treat each request for a Statement of Authorization based upon the particular circumstances that exist at that time.

Accordingly, 1. We make final our tentative findings and conclusions set forth in Order 80–3–63 as they pertain to Aerolineas Argentinas (for passenger charters only); "VARIG", S.A. (Viacao Aerea Rio-Grandense); Aerocosta, S.A.; Aerolineas Territoriales de Colombia Ltda, "Aerotal"; Aerovias Colombianas Limitada (ARCA); Aerovias Condor de Colombia, S.A.; Aerovias Nacionales de Colombia, S.A. (AVIANCA); Sociedad Aeronautica de Medellin Consolidada, S.A. (SAM); Iran National Airlines Corporation (Iran Air); Japan Air Lines Company, Ltd.; Aeronaves del Peru, S.A.; AeroPeru (Empresa de Transportes Aero del Peru); Compania de Aviacion "Faucett", S.A.; General Department of International Air Services (Aeroflot Soviet Airlines); Transportes Aereos de Carga, S.A. (Transcarga); and Venezolana Internacional de Aviacion, S.A. (VIASA);

2. Effective August 20, 1981, we require all carriers listed in paragraph 1 and Scandinavian Airlines System, Lineas Aereas del Caribe, and Transportes Aereos Mercantiles Panamericanos S.A. "TAMPA" S.A. to obtain a statement of authorization before operating any charger flight(s) between the United States and their homelands;

3. Applications for statements of authorization shall be submitted on CAB Form 433, at least 30 calendar days before the flight, pursuant to the procedures in §§ 212.5 and 212.6.

4. We vacate our tenative findings, and conclusions set forth in Order 80–3–63 with respect to Aerlinte Eireann Teoranta, Air Manila, Inc., and Philippine Air Lines, Inc.;

5. We rescind Order 75–1–68, January 15, 1975 (Docket 27407) effective August 20, 1981;

6. We dismiss, without prejudice, the request of Trans International Airlines, Inc., in Docket 28202; and

7. We shall serve this order on Aerolineas Argentinas; "VARIG", S.A. (Viacao Aerea Rio-Grandense); Aerocosta, S.A.; Aerolineas Territoriales de Colombia Ltda, "Aerotal"; Aerovias Colombianas Limitada (ARCA); Aerovias Condor de Colombia, S.A.; Aerovias Nacionales de Colombia, S.A. (AVIANCA); Lineas Aereas del Caribe; Transportes Aereos Mercantiles Panamericanos S.A. "TAMPA" S.A.; Sociedad Aeronautica de Medellin Consolidada, S.A. (SAM); Aerlinte Eireann Teoranta; Iran National Airlines Corporation (Iran Air); Japan Air Lines Company, Ltd.; Aeronaves del Peru, S.A.; AeroPeru (Empresa de Transportes Aero del Peru); Compania de Aviacion "Faucett" S.A.; Air Manila, Inc.; Philippine Air Lines, Inc.; General Department of International Air Services (Aeroflot Soviet Airlines); Transportes Aereos de Carga, S.A. (Transcarga); Venezolana Internacional de Aviacion, S.A. (VIASA); Scandinavian Airlines System; the Ambassadors of Algeria (for the Iranian Interests Section), Argentina, Brazil, Colombia, Denmark, Ireland, Japan, Norway, Peru, the Philippines, Sweden, the Union of Soviet Socialist Republics, and Venezuela in Washington, D.C., and the Departments of State and Transportation.

This order shall be published in the **Federal Register**.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[8]

Secretary.

[FR Doc. 81–15462 Filed 5–22–81; 8:45 am]

BILLING CODE 6320–01–M

[8] All Members concurred.

[Docket 39814; Order 81-5-42]

Polskie Linie Lotnicze; Prior Notice of Charter Operations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of May, 1981.

As described in detail in ER-1220 and Order 81-5-41, issued concurrently, we have revised Parts 212 and 214 of the Board's Economic Regulations (14 CFR 212 and 214) to permit foreign airlines to conduct charter operations between their home countries and the United States (Third and Fourth Freedom) without prior approval for the individual operations.[1] The Department of Defense and the Department of State have advised us that this revision might, if universally applied, have serious foreign policy or national defense implications, and they have asked us to adopt procedures to minimize the potential harm to U.S. interests.[2] This order establishes prior notice procedures for the charter operations of Polskie Linie Lotnicze (LOT), consistent with the concerns of the two Departments and with our responsibilities under the terms and conditions of the U.S.-Poland bilateral agreement.

Section 102 of the Act requires us to "facilitate adaptation of the air transportation system to the present and future needs of the domestic and foreign commerce of the United States, the Postal Service, and the National Defense."[3] Thus, in discharging our responsibilities under the Federal Aviation Act, we must consider foreign policy and national security and defense factors as elements of the public interest when those factors are relevant.

From time to time the Departments of State and Defense have advised us that certain charter operations which could have adverse foreign policy or national defense implications either should be disapproved in the public interest or, more often, should be required to operate over specified airway routings.

Under the previous foreign air carrier charter regime, all charter flights were conducted between specific points named in the carriers' permits ("on-route" charters), or were individually approved as "off-route" charters, and thus, no further regulatory measures were necessary to insure that operations were controlled as required by the public interest.[4] However, under the new charter rules, Third and Fourth Freedom charters will ordinarily be unrestricted, creating a potential for activities which the Departments of Defense and State believe could be adverse to the national defense. Accordingly, these agencies have asked us to take appropriate measures to control and reduce potential harm to U.S. interests, and we will defer to their expert judgment in this matter. For these reasons we now find it necessary to adopt procedures to give us advance notice and control of charter flights by the named foreign flag carrier to or from points in the United States.

In Order 81-5-41, we respond to the request of the Departments of Defense and State by requiring certain carriers to obtain our approval before operating any charter flights to or from the United States. As noted in Order 81-5-41, we perceive no conflict between this action and the terms of pertinent bilateral agreements.

However, the situation is slightly different as to LOT, the Polish airline, since by Exchange of Notes with the Government of Poland on January 31, 1979, the right of U.S. and Polish airlines to operate charter flights between the two countries was acknowledged. Under Section 1102 of the Federal Aviation Act, the Board must act consistently with any obligation assumed by the United States in any agreement "that may be in force between the United States and any foreign country. . .". In conformity with Section 1102 and the Exchange of Notes, Order 79-12-205 authorized LOT to operate off-route charter flights without Board approval.[5]

Against this background, we have concluded that it is in the public interest to require LOT to file a notice before operating any charter trip to or from the United States. While these procedures will enable a satisfactory routing to be established, they do not require LOT to obtain our approval before operating charter flights. In our judgment, this approach strikes an appropriate balance between the requirements of section 1102 of the Act and the need to advance the foreign policy, national security, and defense considerations raised by the Departments of Defense and State and included within the scope of our responsibilities under section 102 of the Act. We expect that the responsibility for administering the notice requirement will be assumed by the Federal Aviation Administration at a later date.

All notices of charter flights must conform to the requirements for the filing for prior approval as contained in revised §§ 212.4 and 212.5 of the Board's Regulations, with the following exceptions: First, all notices shall, not later than 14 days before commencement of the proposed flight, be filed with both the Bureau of International Aviation of the Civil Aeronautics Board and the Office of International Aviation of the Federal Aviation Administration. Second, two items can be omitted from the Form 433, even though it still must contain a full description of the operation including the date, time, enroute itinerary of each flight, and a full description of the aircraft to be utilized including type and registration of aircraft, and call signs to be used. The two items that would be relevant to an approval/disapproval decision would be superfluous in a mere notice and need not be included: charter price and status of reciprocity. To permit resolution of technical operational problems the notice must contain the name and number of an individual authorized to speak on behalf of the carrier. As soon as possible after receipt of a notice, we will advise LOT of any flight routing it may be required to follow by returning the notice statement specifying on it any such operational routing.

Accordingly, 1. Effective August 20, 1981, Polskie Linie Lotnicze shall not perform any charter trip to or from the United States unless a Notice has been filed as provided herein; and

2. We shall serve copies of this order on Polskie Linie Lotnicze, the Ambassador of the Polish People's Republic in Washington, D.C., the Federal Aviation Administration, and the Departments of Defense, State and Transportation.

This order shall be published in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15461 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

[1] Prior approval is generally required for Fifth Freedom flights.

[2] This request is contained in a classified letter dated February 18, 1980 from R.W. Komer, Under Secretary of Defense, to the Chairman of the Civil Aeronautics Board. A copy of this letter will be placed in the nonpublic section of this docket. The contents of this letter were discussed and endorsed by representatives of the Department of State at an interagency meeting held on the subject on August 25, 1980.

[3] 49 U.S.C. 1302(a)(5).

[4] Until recently, all foreign air carriers were obligated to notify the Federal Aviation Administration at least 72 hours before nonscheduled flights, as provided by Annex 9 (Facilitation) to the Convention on International Aviation-1944 ("Chicago Convention"). Annex 9 was amended on October 15, 1980 to allow each contracting state to establish requirements for international operations of foreign carriers in the State's air space. Thus, the 14-day advance notice filing requirement is consistent with the convention.

[5] See also Order 80-6-111, April 17, 1980.

[Order 81-5-99]

Yukon Air Service Additional Points Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81-5-99).

SUMMARY: The Board is proposing to award air route authority at Anchorage, Barrow, Kotzebue, Nome and Prudhoe Bay, to Yukon Air Service, Inc. d.b.a Air North and Nenana Air Service under expedited show-cause procedures.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by June 22, 1981, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 39395, which we have entitled the *Yukon Air Service Additional Points Show-Cause Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington. D.C. 20428.

In addition, copies of such filings should be served on Yukon Air Service; Alaska International Air; the mayor and airport manager of each city to which the pleading refers; the Alaska Transportation Commission; and the Alaska Division of Aviation, Department of Public Works.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5198.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-99 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-5-99 to that address.

By the Civil Aeronautics Board: May 18, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15463 Filed 5-22-81; 8:45 am]

BILLING CODE 6320-01-M

Read

INFORMAT

PUBLICAT

Code of Fe
CFR Unit

General inf
Incorporatio
Printing sch

Federal Re
Corrections
Daily Issue
General inf
Public Inspe
Scheduling

Laws
Indexes
Law numbe

Slip law or

Presidential
Executive o
Public Pape
Weekly Co

Privacy Act

United Stat

SERVICES
Agency serv
Automation
Dial-a-Reg
Chicago,
Los Ange
Washingt
Magnetic ta
volumes
Public briefi
What It I
Public Inspe
Regulations
Special Proj
Subscription
Subscription
TTY for the

FEDERAL

24519-24926
24927-25076
25077-25288
25289-25420
25421-25594
25595-26036
26037-26274
26275-26470
26471-26604
26605-26758
26759-27088
27089-27322
27323-27468
27469-27622
27623-27898
27899-28144
28145-28394

Reader Aids

Federal Register

Vol. 46, No. 100

Tuesday, May 26, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MAY

24519-24926.....1
24927-25076.....4
25077-25288.....5
25289-25420.....6
25421-25594.....7
25595-26036.....8
26037-26274.....11
26275-26470.....12
26471-26604.....13
26605-26758.....14
26759-27088.....15
27089-27322.....18
27323-27468.....19
27469-27622.....20
27623-27898.....21
27899-28144.....22
28145-28394.....26

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
305.....26487

3 CFR

Executive Orders:
May 25, 1921
(Revoked in part by PLO 5870).....28164
November 26, 1921
(Revoked in part by PLO 5881).....28167
June 13, 1925
(Revoked in part by PLO 5873).....28165
5105 (Revoked by PLO 5866).....27652
11992 (Revoked by EO 12305).....25421
12059 (Revoked by EO 12305).....25421
12064 (Revoked by EO 12305).....25421
12084 (Revoked by EO 12305).....25421
12097 (Amended by EO 12305).....25421
12258 (Amended by EO 12305).....25421
12304.....24521
12305.....25421

Proclamations:
4843.....24519
4844.....25077
4845.....27899

Administrative Orders:
Presidential Determinations:
No. 81-6
of May 13, 1981.....27623

5 CFR

870.....25595
890.....25595

Proposed Rules:
2422.....26488
2423.....26488
2424.....26488
2429.....26488

7 CFR

28.....24927
250.....26759
273.....27901
800.....27070
802.....28145
905.....27323
907.....25423, 26605, 27625
910.....24523, 25596, 26759, 27902
915.....27469
918.....25423
944.....27469
982.....26037
985.....25424
1032.....24927
1040.....27903
1050.....24927
1068.....28145
1076.....27904
1098.....27089
1133.....27625
1137.....27626
1701.....25079
1809.....28330
1865.....27908
1942.....24523, 27909
1945.....27908, 28330
1951.....27908, 28330

Proposed Rules:
Ch. VI.....28171
57.....28170
271.....27960
272.....27960
273.....27960
419.....24954
930.....26065
953.....25625
981.....27126
982.....25626
993.....26786
999.....25626
1040.....25626
1068.....27501
1701.....25096, 27344, 28170
1076.....26337
2851.....26787
2852.....25097

8 CFR

100.....25425
109.....25079
211.....25597
212.....24929, 25081
214.....25597
242.....25597
244.....25597
245.....25597
248.....25597

Proposed Rules:
235.....26653
251.....26653

9 CFR

73.....25425, 27627
82.....24524, 25599
92.....24930, 26040
303.....26760
331.....24524
381.....26760

Proposed Rules:
92.....26065
381.....26350

10 CFR

Ch. II 27270
30 ..... 26471, 27910
430 27324
455 27862
501 26605

Proposed Rules:

Ch. I 24576
50 26491
212 25315
459 25466
903 25426

12 CFR

201 27090
204 27090
217 27090
335 25204
545 ..... 24526, 24531
584 24526
701 26275
760 26607

Proposed Rules:

Ch. III 26654
210 24576
545 24579
563 24579
571 24579

13 CFR

111 24931
120 25083

Proposed Rules:

Ch. I 24955

14 CFR

21 27092
39 ..... 24931-24936, 25427-25429, 26042, 26043, 26608, 27095-27098, 27628-27630 28146-28149
71 ..... 25430-25433, 26044, 26043, 27099-27101, 27630-27632, 28150, 28151
73 ..... 26045, 27632
75 ..... 27102, 27633
95 ..... 25434, 26045
97 ..... 24937, 26609, 27634
121 28305
135 ..... 28301, 28305
207 ..... 25417, 28378
208 ..... 25418, 28378
212 ..... 25418, 28368
214 28379
221 25418
223 25418
249 25414
375 25419
385 28379
399 28380

Proposed Rules:

Ch. I 25466, 27710
21 ..... 27710, 27712, 27885
39 ..... 26069, 26070, 27715, 27885
71 ..... 24957-24961, 25467, 26071, 27126-27128, 27716-27720, 28171
73 27128
75 25468
91 ..... 27885, 27889
159 ..... 26358, 26656
121 ..... 27893, 27897
135 27897
207 28383
208 28383
212 28383
218 28383
221a 25637
245 28381
246 28381
374 25321

15 CFR

373 26275
376 24532
377 24532
379 26275
385 26275
399 ..... 26275, 27103

Proposed Rules:

930 26658
1001 27501

16 CFR

0 ..... 26284, 27634
1 ..... 26284, 27634
2 ..... 26284, 27634
4 ..... 26284, 26293, 27634
5 ..... 26050, 26284, 27634
13 ..... 24940, 25289, 26611, 27634
305 25290
1145 27910
1307 27910
1500 27910
1700 ..... 26297, 27910

Proposed Rules:

Ch. I 25468
Ch. II 25478, 26262, 27721
13 ..... 25102, 25103, 25476
450 24584
1301 25638
1145 27963
1307 27963
1500 27963
1700 27963

17 CFR

1 ..... 24940, 26000, 26299, 27473
3 ..... 24940, 26299
4 ..... 26004, 26761
15 26472
16 26472
17 26472
18 26472
21 26472
140 ..... 26004, 26761
145 ..... 24940, 26299
147 ..... 24940, 26299

Proposed Rules:

1 25106
3 25106
32 ..... 25106, 25107
210 27344
229 ..... 25638, 26789
240 26789

18 CFR

2 26613
46 25084
131 25084
270 24537
271 ..... 24548-24549, 27635
281 27911
282 ..... 24549, 25599
294 24550
401 ..... 25439, 26638

Proposed Rules:

157 24585
271 ..... 25643, 25644, 27963-27966
282 26352
284 ..... 24585, 27355
292 26352

19 CFR

159 24944
355 26472-26475

Proposed Rules:

Ch. I 28172

20 CFR

401 24551
404 25601

Proposed Rules:

Ch. I 26790
656 26789
676 ..... 25084, 25645, 27462
679 ..... 25645, 27462

21 CFR

5 ..... 26052, 26299
109 24551
146 26300
193 ..... 24945, 26762
430 ..... 25602, 25605
436 ..... 25602, 25605, 25607
440 25602
442 ..... 25605, 25607
444 25607
445 25607
520 ..... 25084, 25085, 25608, 26300
522 ..... 24553, 25085, 26762, 26763, 27913
524 27914
529 27914
546 25086
558 24553
561 ..... 24945, 26764
588 26763

Proposed Rules:

1 26790
166 26790
180 24593
182 24593
351 25107
430 25651
436 25651
440 25651
444 25651
448 25651
452 25651
540 25107
1308 24593

22 CFR

201 27104

23 CFR

Proposed Rule

625 27722

24 CFR

201 25609
203 ..... 25087, 27105
205 27105
207 27105
213 27105
220 27105
221 27105
232 27105
234 ..... 25087, 27105
235 27105
236 27105
241 27105
242 27105
244 27105

Proposed Rules:

235 24594
885 25107

25 CFR

5 26765
105 26475
173 26476
242 26476
700 27915-27919

Proposed Rules:

700 27967

26 CFR

1 ..... 24945, 27635
7a 25291
16A 27636
25 27642
35 24553
601 26053

Proposed Rules:

1 ..... 24594, 27723, 27968
31 ..... 24595, 27357
32 27357
51 ..... 24595, 26660

27 CFR

240 25610

Proposed Rules:

4 24962
5 24962
7 24962

28 CFR

503 24896
524 24896
543 24896
545 24896
547 24896

Proposed Rules:

527 24902
545 24902

29 CFR

1910 ..... 24556, 24558
2530 28151
2602 27328
2610 26765
2670 27330
2671 27330

Proposed Rules:

Ch. XII 25109
530 25108
1910 ..... 25653, 27358

30 CFR

Proposed Rules:

221 27968
226 26681
601 25653
840 24963
841 24963
842 24963
843 24963
844 24963
845 24963

31 CFR

202 28152

203.....28152
535.....26476, 26478
Proposed Rules:
209.....27969

32 CFR

57.....25440
299.....26481
Proposed Rules:
Ch. I.....24596
Ch. V.....24596
Ch. VI.....24596
Ch. VII.....24596
Ch. XVI.....26498
199.....24964

33 CFR

Ch. I.....28153
25.....27107
66.....27642
82.....27643
100.....26638
110.....28154
162.....27644
165.....26055
183.....27644
Proposed Rules:
Ch. II.....24596
89.....26661
95.....27128
165.....26072
320.....26792
321.....26792
322.....26792
323.....26792
324.....26792
325.....26792
326.....26792
327.....26792
328.....26792
329.....26792
330.....26792

34 CFR

78.....27304
104.....25614
300.....25614
735.....26056
776.....26056
778.....26057
797.....26057

36 CFR

Proposed Rules:
Ch. I.....27723
Ch. III.....24596
7.....27969, 27970

37 CFR

201.....25442

38 CFR

3.....27074
36.....25443, 25444, 26482
Proposed Rules:
6.....27361
8.....27361
21.....26499

39 CFR

111.....25090, 25446
601.....26639
Proposed Rules:
111.....25109, 26792, 27970

40 CFR

Ch. I.....27333
35.....26301
52.....24560, 24562, 24946, 25090, 25092, 25294, 25446, 26301-26304, 26484, 26640, 26641, 26767-26769, 27119, 27339, 27923-27932, 28155-28159
60.....27341
61.....27341
62.....27342
66.....27119
81.....25294, 25301, 25446, 26305, 27933
86.....24948, 28160
122.....27473
123.....28161
162.....26305, 27936
173.....26058
180.....24950, 25615, 26770, 26771, 27480, 27936-27939
260.....27473
261.....27473
264.....27119, 27473
265.....27119, 27473
761.....27614, 27615
762.....27120
1501.....25461
1502.....25461
1508.....25461
Proposed Rules:
Ch. I.....24965
35.....27314
50.....25655
51.....24596
52.....24597-24602, 24966, 24967, 25110, 25322, 25323, 25481, 25483, 25485, 25659, 26074, 26353, 26499, 26793, 27129, 27501-27504, 27972 28179
60.....26501, 28180
61.....25113
62.....26504
65.....26075
81.....24604, 25324, 25325, 26355, 26504, 26506, 27131
86.....26076, 26796
123.....24968, 26796, 27132
180.....24605, 25486, 25659, 26663, 26796, 27133, 27973-27975
192.....26356
261.....27363
264.....28314
420.....24606
466.....25114
761.....25411, 25660, 27617-27619

41 CFR

Ch. I.....26061, 26484, 27645
Ch. 101.....27940
5-5.....25615
5A-1.....27122
5A-3.....27122
5A-5.....25615
5A-16.....27122
8-1.....28163
8-1.4.....26643
8-8.2.....26643
8-95.....26644
9-1.....25302
9-2.....25303
9-3.....25303
9-4.....25303
9-5.....25303
9-7.....25303
9-9.....25303
9-10.....25304
9-15.....25304
9-16.....25304
9-23.....25304
9-50.....25304
14-3.....25617
101-37.....25618
105-735.....25305

42 CFR

32.....25622
401.....24551
405.....24564, 25093

43 CFR

Public Land Orders:
739 (Revoked by PLO 5879).....28166
848 (Revoked in part by PLO 5868).....28164
1163 (Revoked by P.L.O. 5864).....27653
3966 (Revoked in part by PLO 5877).....28165
5860.....25619
5861.....26061
5862.....27653
5863.....27651
5864.....27653
5865.....27651
5866.....27652
5867.....28163
5868.....28164
5870.....28164
5873.....28165
5877.....28165
5878.....28165
5879.....28166
5880.....28166
5881.....28167
5893.....28167

44 CFR

9.....24951
64.....26305, 26772, 26774, 27123
65.....26061, 26775-26777 27941
67.....26308-26355, 27942, 27943
70.....26644-26648
Proposed Rules:
67.....26077, 26085, 26797, 26798, 27133, 27139, 27976

45 CFR

500.....26062
531.....26062
Proposed Rules:
Ch. XI.....24969
302.....25660

46 CFR

33.....28167
94.....28167
157.....27654
192.....28167
502.....24565
510.....24565
525.....24575
Proposed Rules:
Ch. I.....26086
Ch. IV.....25328
148.....27724

47 CFR

0.....27654
2.....26485, 26649
22.....27655
73.....25461, 25462, 25620, 26062, 26223, 26485, 26486, 26649, 27706, 27944
74.....27481
81.....26485
83.....25463, 26485
90.....27481, 27707
94.....27953
95.....26778
Proposed Rules:
Ch. I.....24969, 25661, 27508 28183
2.....26507
21.....26507
25.....26798
31.....26356
33.....26356
34.....26356
35.....26356
73.....25487-25489, 25662, 26509-26515, 26663, 26798, 27725-27728
74.....26507
76.....25490
90.....27729

48 CFR

Proposed Rules:
15.....26664
47.....26664

49 CFR

1.....26651
531.....24952
571.....25463
639.....26651
640.....26651
1033.....25094, 25310-25312
1034.....26064, 27709
1039.....27342
1048.....25314
1056.....25621
1064.....27343
1244.....26781
Proposed Rules:
Ch. I.....25491
Ch. X.....26336, 28192
171.....27146
173.....25492, 27146
1002.....25326
1102.....26087
1132.....26799, 26801
1134.....26799, 26801
1201.....25114, 26515
1241.....25114, 26515
1248.....25114
1307.....27732

50 CFR

216.....27056
285.....27482
611.....27483, 27489
658.....27483, 27959
Proposed Rules:
Ch. I.....28171
17.....24607, 26464
23.....28192
651.....27147
653.....25327

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 5, 1981

V 46 M Y 26 81 UMI

5-27-81
Vol. 46 No. 101
Pages 28395-28610

federal register

Wednesday
May 27, 1981

Highlights

28401 **Mortgage Insurance** HUD/FHC publishes interim rule implementing the Secretary's authority requiring repayment by mortgagor of assistance payments made to lower income families.

28560 **Truth In Lending** FRS proposes official staff interpretation. The commentary applies and interprets requirements of Truth in Lending to open-end and closedend consumer credit. (Part II of this issue)

28536 **Grant Programs—Nuclear Energy** NRC awarded grants of financial assistance to two technical societies to coordinate efforts to develop a Procedure Guide for performance of probabilistic analysis of safety of nuclear power plants.

28395 **Natural Gas** ANGTS institutes standards and procedures by which the Office of the Federal Inspector will recover certain costs from the sponsoring companies for the Alaska Natural Gas Transportation System.

28548 **Securities** Treasury/Sec'y announces auction of Series E–1986 notes.

28548 **Securities** Treasury/Sec'y announces interest rate on notes of Series R–1983.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

28465 **Antidumping** Commerce/ITA initiates antidumping investigation to determine whether motorcycle batteries from Taiwan are being sold in the United States at less than fair value.

Privacy Act Documents

28446 DOD/Army
28468 DOD/DIA
28470 DOD/Sec'y
28518 Interior/Sec'y

28551 **Sunshine Act Meetings**

Separate Parts of This Issue

28560 **Part II, FRS**

V 46 M Y 2 7 8 1 UMI

Contents

Federal Register
Vol. 46, No. 101
Wednesday, May 27, 1981

Agriculture Department
See Forest Service.

Alaska Natural Gas Transportation System, Office of Federal Inspector
RULES
28395 Cost recovery from sponsoring companies

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings; advisory committees:
28512 June

Army Department
See also Engineers Corps.
PROPOSED RULES
28446 Privacy Act; implementation

Arts and Humanities, National Foundation
NOTICES
Meetings:
28531 Museum Advisory Panel

Civil Aeronautics Board
NOTICES
Hearings, etc.:
28462 Atlantic Southeast Airlines, Inc., fitness determination
28461 Former large irregular air service investigation et al.
28462 Mid Pacific Airlines, Inc., fitness determination
28462 Ransome Airlines fitness determination

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
28462 District of Columbia
28463 Florida
28463 New Jersey

Commerce Department
See International Trade Administration; National Technical Information Service; Patent and Trademark Office.

Commodity Futures Trading Commission
NOTICES
28551 Meetings; Sunshine Act

Defense Department
See also Army Department; Defense Intelligence Agency; Engineers Corps.
NOTICES
Meetings:
28472 Science Board; location change
28470 Privacy Act; systems of records

Defense Intelligence Agency
NOTICES
28468 Privacy Act; systems of records

Economic Regulatory Administration
NOTICES
Consent orders:
28472 Cibro Gasoline Corp.
28472 Mallard Resources, Inc.
28473 Markob Energy Corp.
28473 OKC Corp.
28473 Oxnard Refinery
28474 Superior Oil Co.
28474 Upham Oil & Gas Co.
Petroleum allocation and price regulations:
28474 Recordkeeping requirements; audits; policy statement withdrawn

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
Consent orders:
28499 Coastal Corp.
Remedial orders:
28498, 28499 Conoco, Inc. (2 documents)

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
28468 Glenwood Canyon, Colo.; construction of Interstate 70 in central portion of Glenwood Canyon

Environmental Protection Agency
RULES
Air pollution; standards of performance for new stationary sources:
28402 Delaware; authority delegation
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
28403 Potassium hydroxide
PROPOSED RULES
Toxic substances:
28446 Polychlorinated biphenyls (PCBs); capacitors, transformers, etc.; restricting use as agricultural pesticide and fertilizer facilities abeyance of proposed rule amendment; correction
NOTICES
Air pollution; standards of performance for new stationary sources:
28508 Delaware; authority delegation
Environmental statements; availability, etc.:
28507 Agency statements; review and comment; report availability
28507 Des Moines, Iowa; 208 Metropolitan areawide waste treatment management plan
Pesticide registration, cancellation, etc.:
28507 Polyflo 2001 A
Toxic and hazardous substances control:
28508 Premanufacture notices; monthly status reports; correction
28503, 28505 Premanufacture notices receipts (2 documents)

Environmental Quality Office, Housing and Urban Development Department
NOTICES
Environmental statements; availability, etc.:
28514 Deerfield Housing Development, Madison County, Miss., et al.
28513 Meadow Woods, South Orange County, Fla., et al.
28514 San Antonio Plaza Redevelopment Project, San Jose, Calif.

Federal Communications Commission
PROPOSED RULES
Common carrier services:
28456 Overseas communications services; international voice and record carriers and AT&T; removal of policy restrictions; extension of time
28457 Policy ruling petition; AT&T offering of new customer-premises equipment filed under tariff during transition period
NOTICES
28551 Meetings; Sunshine Act (2 documents)
28509 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies

Federal Deposit Insurance Corporation
NOTICES
28551, 28552 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency
RULES
Flood elevation determinations:
28418 Arizona et al.
Flood insurance: communities eligible for sale:
28443 Pennsylvania et al.
Flood insurance: special hazard areas; map corrections:
28438 Arizona (2 documents)
28438 Arkansas
28435 Colorado
28434 Connecticut
28434 Idaho
28442 Illinois
28442 Minnesota
28433 Missouri (2 documents)
28432 Montana
28431, 28432 New Jersey (2 documents)
28439 New York
28439 North Carolina
28440 Oklahoma (2 documents)
28437, 28441 Oregon (3 documents)
28437 South Carolina
28436 Texas (2 documents)
28435 Wisconsin
PROPOSED RULES
Flood elevation determinations:
28455 Alabama
28446 Arizona et al.
28455 New York
28454 South Carolina
28456 Vermont

Federal Energy Regulatory Commission
NOTICES
28479 Federal Power Commission Reports (Volume 52); availability
Hearings, etc.:
28475 ANR Storage Co.
28476 El Paso Natural Gas Co.
28477 Faustina Pipe Line Co.
28477 Jacobson, E. R.
28490 Michigan Consolidated Gas Co. et al.
28492 Natural Gas Pipeline Co. of America et al.
28491 Northwest Pipeline Corp.
28493 Palo Verde Irrigation District
28493 Southern California Edison Co.
28494 Transcontinental Gas Pipe Line Corp. et al.
28475 Ukiah, Calif.
28494 United Gas Pipe Line Co.
28495 Utah Power & Light Co.
Natural Gas Policy Act of 1978:
28480 Jurisdictional agency determinations
Small power production facilities; qualifying status; certification applications, etc.:
28478 Browning, H. M.
28478 Miller, James A.
28494 Stieren Farms

Federal Home Loan Bank Board
NOTICES
28553 Meetings; Sunshine Act (2 documents)
Receiver, appointment:
28509 Economy Savings & Loan Association, Chicago, Ill.

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
28401 Home ownership and project rehabilitation; repayment of assistance; interim rules and request for comments

Federal Maritime Commission
NOTICES
28510, 28511 Agreements filed, etc. (2 documents)
Energy and environmental statements; availability, etc.:
28511 Hooker Chemical Properties Cooperation and South Louisiana Port Commission; lease agreement
28510 Port of New Orleans Board of Commissioners and Ryan-Walsh Stevedoring Co.; lease of bulk terminal facilities and other equipment, etc.
28510 Tropical Shipping & Construction Co., Ltd and Birdsall, Inc.; agency agreement, etc.
Freight forwarder licenses:
28510 George M. Leininger Co., Inc.
28511 R.E.N. International Services et al.

Federal Mine Safety and Health Review Commission
NOTICES
28553 Meetings; Sunshine Act

Federal Reserve System
RULES
Authority delegations:
28398 General Counsel; approval of exceptions under Regulation L

PROPOSED RULES
Truth in lending (Regulation Z):
28560 Open-end and closed-end consumer credit; official staff commentary

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
28444 Palm Beach Co.
NOTICES
Premerger notification waiting periods; early terminations:
28512 Terramar Corp.

Forest Service
NOTICES
Forest Service Manual:
28459 Social analysis of programs, resource plans, and projects; proposed policy

Health and Human Services Department
See Alcohol, Drug Abuse, and Mental Health Administration.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
28496 Cases filed
Remedial orders:
28497 Objections filed

Housing and Urban Development Department
See Environmental Quality Office, Housing and Urban Development Department; Federal Housing Commissioner—Office of Assistant Secretary for Housing.

Interior Department
See also Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.
NOTICES
28518 Privacy Act; systems of records

International Trade Administration
NOTICES
Antidumping:
28463 Iron metal castings from India
28465 Motorcycle batteries from Taiwan

Interstate Commerce Commission
PROPOSED RULES
Accounts, uniform system, and reports:
28458 Railroads; cost center accounting and reporting system for class I railroads; proceeding terminated; correction
Tariffs and schedules:
28457 Rail carriers; informational State tariff filings
NOTICES
Agreements under sections 5a and b, applications for approval, etc.:
28525 Western Railroads et al.
Motor carriers:
28527 Permanent authority applications; restrictions removals
Railroad services abandonment:
28525 Burlington Northern Inc.
Rerouting of traffic:
28525, 28526 All railroads (4 documents)
28526 Middletown & Hummelstown Railroad Co.
28526 Missouri-Kansas-Texas Railroad Co.
28527 New York, Susquehanna & Western Railway Corp.

Land Management Bureau
RULES
Public land orders:
28403, 28404 California (2 documents)
28404 Colorado (2 documents)
28405, 28406 Montana (5 documents)
28406-28409 Nevada (5 documents)
28410, 28411 New Mexico (4 documents)
28411-28415 Oregon (14 documents)
28416, 28417 Utah (5 documents)
28417, 28418 Washington (2 documents)
28418 Wyoming
NOTICES
Alaska native claims selections; applications etc.:
28516 Ohgsenakle Corp.
Classification of lands:
28515 Idaho
28517 New Mexico (3 documents)

National Aeronautics and Space Administration
RULES
28399 Freedom of Information Act; implementation

National Mediation Board
NOTICES
Senior Executive Service:
28531 Performance Review Board; membership

National Park Service
NOTICES
Meetings:
28518 Cape Cod National Seashore Advisory Commission
Oil and gas plans of operations; availability, etc.:
28518 Big Cypress National Preserve, Fla.; extension of comment period (2 documents)

National Technical Information Service
NOTICES
28466 Inventions, Government-owned; availability for licensing

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
28531 Carolina Power & Light Co.
28532 Niagara Mohawk Power Corp.
28532 Philadelphia Electric Co. et al.
28533 Public Service Electric & Gas Co. et al.
28533 Virginia Electric & Power Co.

Grants; availability, etc.:
28536 Nuclear power plants; systematic probabilistic risk assessments; meetings
Practice and procedures:
28533 Licensing proceedings, conduct; policy statement

Occupational Safety and Health Review Commission
NOTICES
28553 Meetings; Sunshine Act (3 documents)

Parole Commission
NOTICES
28553, 28554 Meetings; Sunshine Act (2 documents)

Patent and Trademark Office
NOTICES
28467 Automation study of patent, trademark, information dissemination and administrative management programs; inquiry

Securities and Exchange Commission
NOTICES
Hearings, etc.:
28542 Capitol Life Insurance Co. et al.
28544 Consolidated Natural Gas Co. et al.
28538 Middle South Energy, Inc., et al.
28545 National Performance Fund, Inc.
28546 Over-the-counter Securities Fund, Inc., et al.
28539, 28541 Shearson Loeb Rhoades Inc. et al. (2 documents)
28547 21 C Venture Capital Corp.
28554 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
28546 Options Clearing Corp.

Small Business Administration
NOTICES
Applications, etc.:
28548 Heritage Venture Group, Inc.

Surface Mining Reclamation and Enforcement Office
NOTICES
Environmental statements; availability, etc.:
28523 NERCO, Inc.; Antelope Coal Mine; Converse County, Wyo.
28524 Northern Coal Co.; Meeker area mine complex; Moffat and Rio Blanco Counties, Colo.

Treasury Department
NOTICES
Notes, Treasury:
28548 E-1986 series
28548 R-1983 series

MEETINGS ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION
28462 District of Columbia Advisory Committee, Washington, D.C. (open), 6-16-81
28463 Florida Advisory Committee, Tampa, Fla. (open), 6-10-81
28463 New Jersey Advisory Committee, New Brunswick, N.J. (open), 6-18-81

DEFENSE DEPARTMENT
Office of the Secretary—
28472 Defense Science Board Panel to Review MX Missile Basing, Los Angeles, Calif., 5-28, 5-29, and 5-30-81

ENVIRONMENTAL PROTECTION AGENCY
28507 EPA Region VII, Des Moines, Iowa (open), 6-23-81

HEALTH AND HUMAN SERVICES DEPARTMENT
Alcohol, Drug Abuse, and Mental Health Administration—
28512 Minority Advisory Committee, Rockville, Md. (open), 6-18-81

INTERIOR DEPARTMENT
National Park Service—
28518 Cape Cod National Seashore Advisory Commission, South Wellfleet, Mass. (open), 6-12-81

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES
28531 Museum Panel, Washington, D.C. (partially open), 6-15 and 6-16-81

NUCLEAR REGULATORY COMMISSION
28536 Development of a method for systematic probabilistic risk assessments of Nuclear Power Plants, Washington, D.C., 10-25, 10-26, 10-27, and 10-28-81 and 4-4, 4-5, 4-6, and 4-7-82

HEARING

COMMERCE DEPARTMENT
Patent and Trademark Office—
28467 Automation Study, Arlington, Va., 7-23-81

CONSUMER SUBJECT LISTING

The following items have been identified by the issuing agency as documents of particular consumer interest. This listing highlights the broad subject area of consumer concern followed by the specific subject matter of the document, issuing agency, and document category.

CREDIT
28560 Truth in lending, open-end and closed-end consumer credit interpretation; Federal Reserve System; Proposed Rules

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:
March 4, 1896
(Revoked in part by PLO 5906) 28417
July 2, 1910
(Revoked in part by PLO 5885) 28416
July 10, 1910
(Revoked in part by PLO 5885) 28416
August 7, 1916
(Revoked in part by PLO 5921) 28411
September 7, 1917
(Revoked in part by PLO 5913) 28405
February 25, 1919
(Revoked in part by PLO 5869) 28413
June 14, 1921
(Revoked in part by PLO 5875) 28411
November 27, 1922
(Revoked in part by PLO 5911) 28412
November 9, 1923
(Revoked in part by PLO 5872) 28414
November 8, 1930
(Revoked in part by PLO 5910) 28412
November 18, 1938
(Revoked in part by PLO 5896) 28403
1568 (Revoked in part by PLO 5902) 28417
3893 (*See EO* March 4, 1896) .....
4181 (Revoked in part by PLO 5894) 28416
4531 (Revoked in part by PLO 5901) 28409
4654 (Revoked in part by PLO 5907) 28418
5329 (Revoked in part by PLO 5917) 28406
5344 (Revoked in part by 5908) 28412
6019 (Revoked in part by PLO 5892) 28413
6040 (Revoked in part by PLO 5871) 28413
7610 (Revoked in part by PLO 5887) 28414

10 CFR

1530 28395

12 CFR

265 28398

Proposed Rules:
226 28560

14 CFR

1206 28399

16 CFR

Proposed Rules:
13 28444

24 CFR

235 28401

32 CFR

Proposed Rules:
505 28446

40 CFR

60 28402
180 28403

Proposed Rules:
761 28446

43 CFR

Public Land Orders:
49 (Revoked by PLO 5920) 28410
554 (Revoked by PLO 5914) 28405
1095 (Revoked in part by PLO 5919) 28410
1261 (Revoked by PLO 5897) 28416
1555 (Revoked by PLO 5909) 28415
1718 (Revoked in part by PLO 5898) 28407
2920 (Revoked in part by PLO 5912) 28415
4289 (Revoked in part by PLO 5886) 28411
4790 (Revoked in part by PLO 5918) 28410
5011 (Revoked by PLO 5905) 28417
5073 (Revoked in part by PLO 5900) 28409
5327 (Revoked in part by PLO 5917) 28406
5869 28413
5871 28413
5872 28414
5874 28414
5875 28411
5876 28418
5884 28415
5885 28416
5886 28411
5887 28414
5892 28413
5894 28416
5895 28404
5896 28403
5897 28416
5898 28407
5899 28408
5900 28409
5901 28409
5902 28417
5903 28404
5904 28404
5905 28417
5906 28417
5907 28418
5908 28412
5909 28415
5910 28412
5911 28412
5912 28415
5913 28405
5914 28405
5915 28406
5916 28406
5917 28406
5918 28410
5919 28410
5920 28410
5921 28411
5922 28406

44 CFR

64 28443
67 28418
70 (24 documents) 28431–28442

Proposed Rules:
67 (5 documents) 28446–28456

47 CFR

Proposed Rules:
Ch. I (2 documents) 28456, 28457

49 CFR

Proposed Rules:
1102 28457
1201 28458
1241 28458
1300 28457

V
4
6
M
Y
2
7
8
1
UMI

Rule

This secti
contains r
general ap
of which
the Code
published
U.S.C. 15
The Code
by the Su
Prices of
first FEDE
month.

**OFFICE O
FOR THE
TRANSPO**

10 CFR P

Reimburs

AGENCY: O
for the Al
Transport
ACTION: F

SUMMARY:
standards
Office of t
will recov
sponsorin
Natural G
(ANGTS).
ANGTS a
United Sta
certain Fe
rights-of-v

EFFECTIVE
effective M

FOR FURTH
Mr. Ned H
Office of t
(ANGTS),
Building, 1
N.W., Wa
1144.

SUPPLEME

I. Backgro

On Nove
published
73081) a no
concerning
for cost rei
Section 28
(MLA), 30
sponsoring
comments
Gas Trans
Northwest
(NWA) file
December

Rules and Regulations

Federal Register
Vol. 46, No. 101
Wednesday, May 27, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

10 CFR Part 1530

Reimbursement of Costs

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Final rule.

SUMMARY: These rules institute standards and procedures by which the Office of the Federal Inspector (OFI) will recover certain costs from the sponsoring companies for the Alaska Natural Gas Transportation System (ANGTS). The sponsoring companies of ANGTS are obligated to reimburse the United States for costs incurred by certain Federal agencies relative to rights-of-way across federal lands.

EFFECTIVE DATE: These rules are effective May 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Ned Hengerer, General Counsel, Office of the Federal Inspector (ANGTS), Room 3407, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044, (202) 275–1144.

SUPPLEMENTARY INFORMATION:

I. Background

On November 4, 1980, the OFI published for public comment (45 FR 73081) a notice of proposed rulemaking concerning standards and procedures for cost reimbursement, as required by Section 28(1) of the Mineral Leasing Act (MLA), 30 U.S.C. 185. Only the ANGTS sponsoring companies submitted comments on the proposed rule: Pacific Gas Transmission Company (PGT) and Northwest Alaskan Pipeline Company (NWA) filed written comments by December 4, 1980, with Northern Border Pipeline Company sending a letter stating that it concurs with NWA's comments.

The background of cost reimbursement relative to ANGTS, the rationale for the OFI's approach, and a detailed explanation of the standards and procedures all appear in the notice of proposed rulemaking (45 FR 73081). This will not be reiterated, except as discussed in the context of evaluating the specific comments raise by the ANGTS sponsors.

II. Comments and Discussion

A. Percentage Reimbursement Approach

By relying only on Section 28(1) of the MLA for reimbursement authority, the OFI will seek reimbursement just for its costs incurred in enforcing specific Section 28 requirements, those associated with ANGTS crossing federal lands. To avoid the time-consuming, administratively burdensome process of allocating every element of cost between time spent on and off federal lands, these Part 1530 regulations employ a percentage approach, whereby an annually-determined percentage is applied to actual OFI costs.

The sponsors strongly object to this percentage approach, finding it imprecise and lacking adequate documentation. According to PGT, for example, "one should not sacrifice sound accounting practices in the name of expedition." NWA is even more concerned, stating that the percentage approach "has substantial constitutional implications * * *."

While the OFI appreciates the cost-consciousness of the sponsors as they insist on detailed documentation, it cannot accept the proposed changes. The heart of the issue relates to our earlier decision to limit reimbursement to Section 28(1) of the MLA, instead of requiring a greater degree of reimbursement not tied to federal lands. We declined to implement reimbursement under the Independent Offices Appropriations Act (IOAA), 31 U.S.C. 483a, in part because "past implementation of the IOAA has led to a multitude of disputes and lawsuits." 45 FR at 73083. In assessing the percentage approach, this reason not to use the IOAA should be considered.[1]

Alternatively, the sponsors argue that, should the percentage approach be retained, the percentage must either be negotiated with the sponsors or be subject to full and immediate administrative and judicial review. They also object to the annual nature of the percentage, urging instead the opportunity to adjust the percentage throughout any given year if the actual OFI activities in the reimbursable category change: NWA wants the right to renegotiate the percentage if reimbursement billings exceed a pre-established dollar ceiling.

The OFI cannot agree with these comments because § 1530.4(c) adequately protects the sponsors' rights. The OFI will consult closely with them before setting the percentage. This coordination is essential since the sponsors' construction activities (on or off federal lands) are the moving force behind the percentage. But negotiation—to the extent that it requires the sponsors' agreement—is inappropriate. The final decision on the percentage must rest with the OFI. If the sponsors disagree with how the OFI has employed the explicit criteria set forth in § 1530.4(c)(2)(ii), they have adequate legal recourse through the protest procedures of § 1530.6.

Moreover, continuous renegotiation would thwart the main objective of the percentage approach: The OFI would have to keep detailed and burdensome records to allocate between enforcement activities on and off federal lands. Section 1530.4(c)(2)(i) does provide for adjustment of the percentage if "extraordinary and unanticipated events materially and dramatically alter the OFI's reimbursable enforcement activities." Anything more would force the OFI to abandon sole reliance on Section 28(1) of the MLA and to look to the greater level of reimbursement inherent in the IOAA.

B. Protest Procedures

The sponsors assert that the protest procedures deny them due process. They

[1] Whether the OFI could recover 100% of its operating costs under the IOAA, it could recover substantially more than the enforcement costs associated with federal lands. Under the IOAA a federal agency "may recover the *full cost* of providing a service to an identifiable beneficiary, regardless of the incidential public benefits flowing from the provision of that service." *Mississippi Power and Light Co. v. NRC*, 601 F.2d 223, 229 (5th Cir. 1979), *cert. denied*, 444 U.S. 1102 (1980). See also, Department of the Interior interpretation of *Mississippi*, 45 Fed. Reg. 44518, 44522 (July 1, 1980) and 46 Fed. Reg. 5772, 5774 (January 19, 1981).

urge that § 1530.6 be revised (1) to require more detailed billing data upon which the sponsors can formulate a protest, (2) to allow for an agency hearing, and (3) to provide for appeals according to Interior Department procedures (43 CFR Part 4, Subpart E).

The OFI will not amend § 1530.6 as suggested by the sponsors. In the first place the billing procedures of § 1530.4 provide adequate data upon which a sponsor can assess OFI accuracy. More significantly, the percentage reimbursement approach, already reaffirmed, eliminates the need for detailed data accompanying each bill.

Secondly, there is no need for an agency hearing. Of course, the OFI wants to render the most informed decision possible on bill protests, and under § 1530.6(c) the OFI may hold an informal conference. But, contrary to the sponsors' argument, there is no due process right to a hearing: Because no statute requires a hearing in this context and because a protesting sponsor "always has recourse to judicial process for monetary claims against the government * * *" (45 FR at 73082), an evidentiary hearing at the agency level is unnecessary. 5 U.S.C. § 554(a)(1).

Finally § 1530.6 provides more than adequate administrative appeals procedures. Section 1530.6 (b) and (d) affords an initial protest to the OFI Director of Administration. Section 1530.6(e) then affords the right to appeal his adverse decisions to the Federal Inspector or designee. And § 1530.6(g) gives the opportunity of an additional audit, after which the previously mentioned protest and appeals procedures are again available. After accounting for relevant factual differences, such procedures substantially follow the DOI procedures referenced in NWA's right-of-way grant.

PGT raises several detailed objections. It wants greater time to protest bills: 30 instead of 10 days to pay after denial of protest; 90 instead of 75 days to request an audit; and 1 year instead of 90 days to complete an audit. It also wants interest paid on any overpayment subsequently refunded. Finally, it objects to § 1530.6(f), which provides for OFI stopping the processing of approvals associated with non-payment of reimbursement bills.

The OFI will amend § 1530.6(d)(2), first to increase the time for paying contested bills after rejection of protest from ten to thirty calendar days, and second to increase the time after that payment to appeal to the Federal Inspector from five to thirty days. However, as for the time to request and complete an audit in § 1530.6(g), it is more than adequate, having come explicitly from the DOI right-of-way grant to NWA (the sponsor likely to make the greatest reimbursement payments). And PGT's suggestion of interest on overpayment cannot be accepted in light of the substantial payment lag which the sponsors will already be enjoying under Part 1530: Unlike DOI, OFI will not bill until after that quarter's work is done. Finally, OFI processing of approvals should be linked to reimbursement payment when due under these regulations, notwithstanding the fact that the OFI will not rely on reimbursement payments for its own operations. With adequate legal recourse in the event of continuing dispute, there is no justification for withholding payment after protest denial.

C. Miscellaneous

The sponsors question the scope of reimbursable activities, defined in § 1530.2 as costs for "enforcing" right-of-way and permit requirements on federal lands. They point to the statutory language, "costs incurred in monitoring," as somehow being less than costs incurred in "enforcing." NWA takes this reasoning and suggests amending § 1530.3 to limit reimbursement to costs of the OFI field offices, thereby eliminating costs of the OFI offices of Engineering Review, Environmental Review, and Permits and Compliance.

The OFI does not agree. Comparing statutory terms out of context is unpersuasive. Moreover, the OFI must again refer back to its proposed rulemaking, where it declined, to expand reimbursement to include the IOAA: In particular, "the OFI's reimbursement regulation already provides for an adequate level of cost recovery for the U.S." 45 FR at 73083. To adopt the sponsors' comment—and thus to reduce substantially the level of cost reimbursement—would eliminate another reason for declining to implement IOAA reimbursement.[2]

NWA also questions the wording of § 1530.1, to the extent that it does not limit coverage of this Part to holders of rights-of-way and permits for use of federal lands. Section 28(1) of the MLA uses the term "holder." The proposed regulations use "companies sponsoring" segments of ANGTS and facilities necessary or related to ANGTS and their agents. While reading §§ 1530.1 and 1530.2 together makes clear that this Part only covers "holders of rights-of-way and permits" for use of federal lands, the OFI will amend § 1530.1 to track expressly the statutory language.

The sponsors contest the 15% administrative cost allowance included in all reimbursement bills, as per § 1530.3(b)(7). PGT asserts that it should be adjusted periodically to reflect the "actual cost of the specified indirect rate components * * *." NWA adds that this 15% allowance will yield a double recovery in that other reimbursable costs, such as contractors, interagency agreements, and company-provided logistical support, already include an indirect cost factor.

While the OFI does not agree with the sponsors' rationale, it does agree to amend § 1530.3(b)(7). Specifically, while the costs to administer reimbursement will still be an express percentage component, the OFI will set the percentage annually as it consults with the sponsors in setting the annual reimbursement percentage. In that context the OFI will be better equipped to estimate its administrative costs for accounting, billing and protest.[3]

III. Conclusion

The OFI is publishing Part 1530 as a final rule. Based on the comments received, the proposed rule (45 FR 73081) is hereby amended to the limited extent explained above. And unless otherwise modified herein, the rationale expressed in the preamble of the proposed rule remains in effect.[4] Moreover, the OFI is

[2] PGT also challenges a statement in the preamble of the proposed rule that reimbursement is limited to enforcement "primarily" on federal lands. 45 FR at 73082. It argues that OFI reimbursement is limited "exclusively" to federal lands. The OFI need not address this comment because the regulatory language, § 1530.2(a), comports with the statutory reimbursement requirement of Section 28(1) of the MLA.

[3] There are several minor comments which can be treated summarily. PGT wants § 1530.3(b)(2)(iii), including interagency support as a reimbursable cost, to require a detailed invoice. This amendment is unnecessary because the OFI will demand detailed cost justification when compensating other agencies and will in turn make that data available to the sponsors. PGT also wants input into the OFI decisionmaking over leasing or purchasing vehicles and aircraft. The OFI must answer to the Office of Management and Budget and its Congressional appropriations committees in these areas, but not to the sponsors. Finally, NWA suggests that training is not reimbursable, due to the OFI's limited tenure. The OFI cannot agree with this conclusion. If training is needed to equip OFI personnel to enforce Section 28 requirements on federal lands, when it is *ipso facto* reimbursable.

[4] As explained in the notice of proposed rulemaking (45 FR 73082), the OFI has concluded that—due to the uniqueness of OFI monitoring of ANGTS—the Interior Department's reimbursement regulations would be inappropriate here. Accordingly, the OFI acted pursuant to Section 202(c) of the Reorganization Plan as it promulgated its own reimbursement regulations for this single project. In turn Section 1–106 of Executive Order 12142 requires that this decision be reduced to writing, including "a complete factual and legal basis * * *." This was done in the proposed

Continued

issuing this final rule on these reimbursement regulations as a final agency action pursuant to Section 9 of ANGTA and/or as a "decision on enforcement matters" pursuant to Section 202(a) of the Reorganization Plan.

This final rule is not a "major rule" within the meaning of Section 1(b) of Executive Order 12291. And as required by Section 3(g)(1), the OFI explains this conclusion. While the three companies sponsoring ANGTS will reimburse the U.S. Treasury in the aggregate upwards of $10 million annually during pipeline construction, that requirement is mandated by statute (30 U.S.C. 185(1)). This is far below the $100 million threshold. These regulations merely provide a streamlined procedure which will reduce the administrative costs otherwise experienced by agencies when seeking the same kind of cost reimbursement. As a regulated interstate gas pipeline, ANGTS will be allowed to recover these reimbursement costs from the gas consumers, but the resulting increase in gas rates will be minor. Finally, competition, employment, investment, productivity, and innovation are not affected. The OFI has complied with Section 7(f)(2) of the Executive Order in reaching this conclusion.

Nor do the requirements of 42 U.S.C. 4332(2)(c) apply.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, 5 U.S.C. 605(b), the OFI certifies that this final rule has no significant economic impact on a substantial number of small entities. The companies described in § 1530.1, as reimbursing the U.S. under these regulations, are all very large business entities: They have to be to construct ANGTS, the largest privately-financed project in U.S. history.

Under authority of Section 9 of ANGTA, 15 U.S.C. 719g, Sections 102 and 202 of Reorganization Plan No. 1 of 1979, Section 28(1) of the MLA, 30 U.S.C. 185 and 31 U.S.C. 483a, the OFI is now amending Title 10 of the Code of Federal Regulations by adding a new Part 1530, as set forth below.

Dated: May 21, 1981.

John T. Rhett,

Federal Inspector.

---

rulemaking. Because the public comments did not contest this decision, it was not repeated in the final rule. Nevertheless, the OFI is presently forwarding both proposed and final rule to the Executive Policy Board, and the **Federal Register** publication of both documents satisfies the public availability requirement, both required by Section 1–106.

PART 1530—REIMBURSEMENT OF COSTS

Sec.

1530.1 Coverage.
1530.2 Reimbursable activities.
1530.3 Costs to be reimbursed.
1530.4 Billing procedures.
1530.5 Payment procedures.
1530.6 Protest procedures.

Authority: Section 9 of the Alaska Natural Gas Transportation Act, 15 U.S.C. § 719g, Sections 102 and 202 of Reorganization Plan No. 1 of 1979, 44 Fed. Reg. 33663 (made effective by Executive Order 12142 of June 21, 1979, 44 Fed. Reg. 36927). Section 28(l) of Title I of the Mineral Leasing Act, 30 U.S.C. § 185; and 31 U.S.C. § 483a.

§ 1530.1 Coverage.

(a) This Part applies to the companies (or their agents) sponsoring the segments of the Alaska Natural Gas Transportation System (ANGTS) in the United States, as listed in the President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System* and as subsequently restructured, renamed, or otherwise changed, to the extent that they are also holders of rights-of-way or permits for use of federal land.

(b) This Part also applies to companies sponsoring facilities which have been determined to be "necessary or related to" ANGTS, within the meaning of Section 9 of ANGTA, and thereby come within the OFI's enforcement authority, to the extent that they are also holders of rights-of-way or permits for use of federal land.

(c) This Part governs how the OFI will obtain reimbursement from the sponsoring companies described above in paragraphs (a) and (b) of this section for the costs incurred in certain of its ANGTS-related enforcement activities. It does not govern how any other federal agency might seek similar reimbursement from the sponsoring companies for ANGTS-related nonenforcement activities.

§ 1530.2 Reimbursable activities.

(a) The sponsoring companies shall reimburse the United States for the OFI's costs incurred in enforcing ANGTS right-of-way and permit requirements on federal lands, as directly required by Section 28 of the Mineral Leasing Act.

(b) Enforcement, the costs of which are reimbursable under paragraph (a) of this section immediately above, entails monitoring and any other compliance or oversight activities reasonably related to the OFI enforcement process, as established by Section 102 of Reorganization Plan No. 1 of 1979.

§ 1530.3 Costs to be reimbursed.

(a) The OFI will require reimbursement for the activities, defined by § 1530.2 as reimbursable, of the following OFI offices:

(1) Engineering Review;
(2) Environmental Review;
(3) Permits and Compliance; and
(4) Field offices located in
(i) Anchorage, Alaska,
(ii) Fairbanks, Alaska,
(iii) San Francisco, California,
(iv) Irvine, California, and
(v) Omaha, Nebraska.

(b) The specific costs of reimbursable activities are limited to the following:

(1) Employee costs for
(i) Salaries,
(ii) Cost-of-living allowance (but only in Alaska),
(iii) Benefits,
(iv) Travel,
(v) Training, and
(vi) Household moves;
(2) Outside support costs for
(i) Contractors,
(ii) Consultants, and
(iii) Interagency arrangements, whether pursuant to a
(A) Delegation under Section 202(a) of Reorganization Plan No. 1 of 1979, or
(B) Formal cooperative work sharing agreement under the Economy Act;
(3) Office expenses for
(i) Relocation,
(ii) Supplies,
(iii) Rent,
(iv) Utilities,
(v) Communications, and
(vi) Machine rental;
(4) Material and equipment purchase or rental;
(5) Vehicle and aircraft purchase or rental;
(6) Any of the above or other support services provided by the sponsoring companies in the field on a cost recovery basis under logistical support agreements between the OFI and the sponsoring companies; and
(7) Cost to administer this Part equal to a percentage (determined annually by the OFI in the context of § 1530.4(c)(1) of the total costs under paragraphs (b)(1) thru (6) of this section.

§ 1530.4 Billing procedures.

(a) The OFI will present the sponsoring companies with a bill within 30 calendar days of the end of each calendar-year quarter for reimbursable costs incurred over that quarter for that segment of ANGTS or other facilities determined to be related to ANGTS.

(b) The bill will include the following:

(1) Total OFI expenditures incurred for the quarter, broken down by object class per OFI office;

(2) A brief description of reimbursable activities undertaken for the quarter, broken down by OFI office;

(3) The percentage of reimbursable to non-reimbursable activities for that segment of ANGTS, broken down by OFI office; and

(4) A calculation of the reimbursement due for that quarter, computed by multiplying the total OFI expenditures, as per paragraph (b)(1) of this section, by the reimbursable percentage, as per paragraph (b)(3) of this section.

(c) The reimbursable percentage used in paragraph (b)(3) of this section is determined as follows:

(1) Prior to the commencement of each calendar year, the OFI will consult with the sponsoring companies to ascertain their project activities for the coming year, with special identification of activities requiring reimbursable OFI enforcement activities.

(2) The OFI will then determine the reimbursable percentage for each OFI office by project segment.

(i) That percentage will apply for the entire upcoming calendar year. It will not be adjusted unless extraordinary and unanticipated events materially and dramatically alter the OFI's reimbursable enforcement activities.

(ii) The OFI will determine that percentage based upon the following factors:

(A) Amount of federal land to be crossed;

(B) Types of pre-construction or construction activities to be undertaken during that year;

(C) Proportionate amount of time each OFI office will need to monitor those activities; and

(D) Level of intensity for monitoring on federal lands as opposed to non-federal lands.

(3) If a sponsor company intends to contest any of the reimbursable percentages, it may not do so until, but must do so when, it receives its first quarterly bill for the calendar year at issue. It must then follow the procedures set out below in §§ 1530.5 and 1530.6.

§ 1530.5 Payment procedures.

(a) Payment of reimbursable costs should be made, as billed, to the OFI, specifically identified for U.S. Treasury Account Number 2469.

(b) Payment should be made within 30 calendar days of receipt of billing.

(c) The sponsoring company making payment under this Section should simultaneously notify the OFI Director of Financial Management of that payment.

(d) If the sponsoring company contests any part of the bill, rendered pursuant to § 1530.4, it must nonetheless pay the uncontested balance, and then proceed under § 1530.6 immediately below.

§ 1530.6 Protest procedures.

(a) If and when a sponsoring company contests any part of an OFI bill, as per § 1530.5(d) of this part, it shall act pursuant to this Section.

(b) The contesting company must append to its partial payment a petition fully justifying its action, including the following items:

(1) A clear description of the contested amount, with detailed reference, by cost category and office, to the OFI bill;

(2) A full explanation of the legal basis for contesting payment; and

(3) Where relevant, a counterstatement of the facts at issue.

(c) In its sole discretion the OFI may orally or in writing request further support for the petition contesting reimbursement, including convening an informal conference to explore the matter further.

(d) After reviewing the petition, along with any further information, the OFI, through its Director of Administration, will rule on the petition within thirty calendar days, notifying the petitioner in writing of the decision.

(1) If the Director accepts the contesting company's position and thus grants the petition, the partial payment previously rendered under § 1530.5(d) will be deemed to satisfy fully the quarterly bill rendered under § 1530.4.

(2) If the Director rejects the contesting company's position and thus rejects the petition, the petitioner

(i) Shall make payment of the contested and previously withheld amount within thirty calendar days, and

(ii) May within thirty calendar days after payment appeal the Director's adverse finding to the Federal Inspector, pursuant to paragraph (e) of this section.

(e) The Federal Inspector or designee will render a final decision on any appeal of the Director's adverse finding within sixty calendar days of receipt, unless the appellant has failed to make full payment to the OFI, as per paragraph (d)(2)(i) of this section.

(1) If the Federal Inspector or designee grants the appeal, the OFI will either return to the appellant the contested payment within thirty calender days or credit the appellant's next quarterly bill.

(2) If the Federal Inspector denies the appeal, the appellant may institute appropriate judicial action to recover the contested payment.

(f) If and when a contesting company refuses to make full payment following the Director's adverse finding on its petition (in contravention of paragraph (d)(2)(i) of this section, the OFI may stop work on any applications for regulatory approval submitted by the company and pending before the OFI under Reorganization Plan No. 1 of 1979. The schedule and cost consequences will be attributed to the noncompliant company.

(g) Notwithstanding paragraphs (a) thru (f) of this section the company making full payment of reimbursable costs may undertake the following:

(1) Within seventy-five calendar days of receipt of the OFI quarterly bill, as per § 1530.4, the company may request to conduct an audit of the bill.

(2) The company will complete that audit within ninety calendar days of the request and at is own expense.

(3) If, based on that audit, the company contests any part of the bill, it may petition for the return of the contested payments pursuant to the procedures set forth above in paragraphs (b) thru (e) of this section where appropriate.

[FR Doc. 81-15807 Filed 5-26-81; 8:45 am]
BILLING CODE 6820-AW-M

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R-0359]

General Counsel Authority To Approve Exceptions Under Regulation L

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending its Rules Regarding Delegation of Authority in order to delegate to its General Counsel authority to grant certain exceptions to the prohibitions against management interlocks among depository institutions contained in the Depository Institution Management Interlocks Act (12 U.S.C. 3201 *et seq.*). The delegation authorizes the Board's General Counsel to grant the exceptions when the primary federal supervisory agency of the depository organization in need of management service has granted the exception. This action is intended to expedite reviews of requests for exceptions provided in Regulation L (12 CFR 212.3(b)).

EFFECTIVE DATE: May 20, 1981.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason, Senior Counsel (202/452-3564), or Melanie Fein, Attorney (202/452-3594), Legal Division, Board of

Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act ("Interlocks Act"), which generally prohibits management interlocks among certain depository institutions, authorizes the Board of Governors to permit interlocking relationships involving bank holding companies and state member banks that would otherwise be prohibited under the Act. 12 U.S.C. 3206. In § 212.3(b) of its Regulation L (12 CFR 212.3(b)), the Board has provided for such exceptions. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency, § 212.3(b) provides that the management official involved must also obtain the prior approval of that other agency.

The exceptions in § 212.3(b) are generally designed to allow interlocking service when one of the institutions involved in the interlock is in particular need of management expertise. In administering these provisions, it has been the Board's experience that the exceptions available under Regulation L most often relate to the managerial needs of depository institution for which the Board is not the primary federal supervisor, *i.e.* institutions other than State member banks or bank holding companies. In such cases, section 212.3(b) of Regulation L requires the Board to rely on the assessment of the depository institution's primary Federal supervisor in determining whether to grant an exception. In order to expedite review of exception requests when the primary Federal supervisor of the affected institution has approved the exception, the Board is delegating to its General Counsel the authority to grant such exceptions. Under this delegation, exceptions for institutions in need of management expertise for which the Board is the primary supervisor will continue to be considered by the Board.

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date have not been followed in connection with the adoption of this amendment because the change to be effected is procedural in nature and does not constitute a substantive rule subject to the requirements of that section. The Board's extended rulemaking procedures (44 FR 3,957 (1979)) have not been followed because the amendment is a technical one and because it relieves a burden that could obstruct necessary and prompt action that would be in the public interest.

In order to implement this delegation, § 265.2(b) of the Board's Rules Regarding Delegation of Authority is amended by adding subparagraph (9) to read as follows:

§ 265.2 Specific functions delegated to board employees and to Federal Reserve Banks.

* * * * *

(b) * * *

(9) Under the provisions of § 212.3(b) of this chapter (Regulation L relating to interlocking relationships permitted by Board order), to grant exceptions from the prohibitions of Regulation L when the primary Federal supervisor of the depository institution in need of management assistance has approved the exception.

Board of Governors of the Federal Reserve System, May 20, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-15678 Filed 5-26-81; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1206

Availability of Agency Records to Members of the Public

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: Section 7(b) of the Inspector General Act of 1978, Pub. L. 95-452, 5 U.S.C. App. I, provides that the Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of an investigation.

This revision of Part 1206 is to delegate authority to the Office of the Inspector General to make initial and final determinations under the Freedom of Information Act concerning the release of specified records. These procedures should minimize the risk of inadvertent disclosure of confidential sources and in general aid in retention of control of Inspector General investigations within the Office of Inspector General.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Francis P. LaRocca, Attorney-Advisor to the Inspector General, (202) 755-8405.

SUPPLEMENTARY INFORMATION: In order to further protect the identities of confidential sources, a separate system for processing Freedom of Information Act requests for designated documents is established. Requests for records subject to this separate system include requests for audit and investigative documents originating in the Office of the Inspector General, documents from outside the Government related to an audit or investigation, documents prepared in response to a request from or addressed to the Office of the Inspector General, or other documents originating within the Office of the Inspector General. Initial determinations on Freedom of Information Act requests will be made by the Assistant Inspector General for Audit, the Assistant Inspector General for Investigations or their designees. Final determinations will be made by the Inspector General or designee. Since the subject matter of this revision merely implements statutory requirements and pertains to internal rules and procedures for processing Freedom of Information Act requests, notice and public comments thereon are found to be inapplicable and unnecessary under 5 U.S.C. 553(b) (A) and (B). This revision is not considered to be a major rule for the purposes of E.O. 12291.

14 CFR Chapter V, Part 1206 is amended by revising the Table of Contents—Subpart 5—Responsibilities, and § 1206.101 (c) and (d), § 1206.500, § 1206.502(a), § 1206.503, § 1206.504, § 1206.505, § 1206.601(c), § 1206.602(c), § 1206.603(d), § 1206.605 (a), and (b)(1) and (b)(5), § 1206.606, § 1206.607(a), and § 1206.704.

1. Subpart 5—Responsibilities, Table of Contents is revised to read as follows:

* * * * *

Subpart 5—Responsibilities

Sec.

1206.500 Associate Deputy Administrator.
1206.501 General Counsel.
1206.502 Field and component installations.
1206.503 NASA Headquarters.
1206.504 Inspector General.
1206.505 Delegation of authority.

* * * * *

2. In § 1206.101, paragraphs (c) and (d) are revised to read as follows:

§ 1206.101 Definitions.

* * * * *

(c) The term "appeal" means a request by a member of the public to the Administrator or designee, or, in the case of records as specified in § 1206.504, to the Inspector General or designee for reversal of any adverse initial determination the requestor has received in response to a request for an agency record.

(d) The term "final determination" means a decision by the Administrator

or designee, or, in the case of records as specified in § 1206.504, by the Inspector General or designee on an appeal.

* * * * *

3. In § 1206.500, the introductory text is revised to read as follows:

§1206.500 Associate Deputy Administrator.

Except as otherwise provided in § 1206.504, the Associate Deputy Administrator is responsible for the following:

* * * * *

4. In § 1206.500(b), the title "Assistant Administrator for Public Affairs" is changed to "Director, Public Affairs Division."

5. In § 1206.502, paragraph (a) is revised to read as follows:

§ 1206.502 Field and component installations.

(a) Except as otherwise provided in § 1206.504, the Director of each NASA Installation or the Official-in-Charge of each Component Installation is responsible for the following:

* * * * *

6. In § 1206.503, the introductory text of paragraph (a) is revised to read as follows:

§1206.503 NASA Headquarters.

(a) Except as otherwise provided in § 1206.504, the Director, Headquarters Administration Division, is responsible for the following:

* * * * *

7. In § 1206.503(b), the title "Assistant Administrator for Public Affairs" is changed to "Director, Public Affairs Division."

8. Present § 1206.504 is redesignated as new § 1206.505 and a new § 1206.504 is added to read as follows:

§1206.504 Inspector General.

(a) The Inspector General or designee is responsible for making final determinations under § 1206.607 within the time limits specified in Subpart 6 of this part, with respect to audit and investigative documents originating in the Office of the Inspector General, documents from outside the Government related to an audit or investigation, documents prepared in response to a request from or addressed to the Office of the Inspector General, or other documents originating within the Office of the Inspector General, after consultation with the General Counsel or designee on an appeal of an initial determination to the Inspector General.

(b) The Assistant Inspectors General or their designees are responsible for making initial determinations under §§ 1206.603 and 1206.604 with respect to audit and investigative documents originating in the Office of the Inspector General, documents from outside the Government related to an audit or investigation, documents prepared in response to a request from or addressed to the Office of the Inspector General, or other documents originating with the Office of the Inspector General, after consultation with the Attorney-Advisor to the Inspector General.

(c) The Inspector General or designee is responsible for insuring that requests for agency records as specified in paragraphs (a) and (b) of this section are processed and initial determinations are made within the time limits specified in Subpart 6 of this part.

(d) The Inspector General or designee is responsible for determining whether unusual circumstances exist under § 1206.608 as would justify the extension of the time limit for an initial or final determination, for records as specified in paragraphs (a) and (b) of this section.

(e) Records as specified in paragraphs (a) and (b) of this section include any records located at Regional Inspector General Offices as well as records located at the Headquarters' Office of the Inspector General.

9. In § 1206.601, paragraph (c) is revised to read as follows:

§1206.601 Mail requests.

* * * * *

(c) If a fee is chargeable under Subpart 7 of this part for search or duplication costs incurred in connection with a request for an agency record, and the requestor knows the amount of the fee at the time of the request, the request should be accompanied by a check or money order payable in that amount to the "National Aeronautics and Space Administration." Cash or stamps should not be sent by mail. If the amount of the fee chargeable is not known at the time of the request, the requestor will be notified in the initial determination (or in a final determination) of the amount of the fee chargeable (see § 1206.608(c)). For circumstances in which an advance estimate of fees shall be provided to the requestor, see § 1206.701.

10. § 1206.602 is amended by revising paragraph (c) to read as follows:

§ 1206.602 Requests in person.

* * * * *

(c) If the record requested is located at the Information Center or otherwise readily obtainable, it shall be made available to the requestor upon the payment of any fees that are chargeable (see Subpart 7 of this part), which fees may be paid in cash or by a check or money order payable to the "National Aeronautics and Space Administration." If the record requested is not located at the Information Center or otherwise readily obtainable, the request will be docketed at the Information Center and processed in accordance with the procedures in § 1206.603 and § 1206.604, with any fee chargeable being handled in accordance with § 1206.601(c).

11. In § 1206.603, paragraph (d) is revised to read as follows:

§ 1206.603 Procedures and time limits for initial determination.

* * * * *

(d) Any notification of an initial determination that does not comply fully with the request for an agency record shall include a statement of the reasons for the adverse determination, include the name and title of the person making the initial determination, and notify the requestor of the right to appeal to the Administrator, or the Inspector General, as appropriate, under § 1206.605.

12. In § 1206.605, paragraphs (a) and (b) (1) and (5), are revised to read as follows:

§ 1206.605 Appeals.

(a) A member of the public who has requested an agency record in accordance with §§ 1206.601 or 1206.602, and who has received an initial determination which does not comply fully with the request, may appeal such an adverse initial determination to the Administrator, or, for records as specified in § 1206.504, to the Inspector General under the procedures of this section.

(b) The Appeal must:

(1) Be addressed to the Administrator, NASA Headquarters, Washington, DC 20546, or, for records as specified in § 1206.504, to the Inspector General, NASA Headquarters, Washington, DC 20546;

* * * * *

(5) Be sent to the Administrator or the Inspector General, as appropriate, within 30 calendar days of the date of receipt of the initial determination.

* * * * *

13. § 1206.606 is revised to read as follows:

§ 1206.606 Requests for additional records.

If, upon receipt of a record (or portions thereof) following an initial determination to comply with a request, the requestor believes that the materials received do not comply with the request, the requestor may elect either to request additional records under the procedures of §§ 1206.601 or 1206.602, or to file on appeal under the procedures of § 1206.605, in which case the appeal must be sent to the Administrator, or to the Inspector General, in the case of records as specified in § 1206.504, within

30 days of receipt of the record (or portions thereof), unless good cause is shown for any additional delay.

14. In § 1206.607, paragraph (a) is revised to read as follows:

§ 1206.607 Action on appeals.

(a) Except as provided in § 1206.608, the Administrator or designee, or in the case of records as specified in § 1206.504, the Inspector General or designee, shall make a final determination on an appeal and notify the requestor thereof, within 20 working days after the receipt of the appeal.

* * * * *

15. § 1206.704 is revised to read as follows:

§ 1206.704 Form of payment.

Payment by mail shall be made by check or money order payable to the "National Aeronautics and Space Administration" and sent to the NASA Information Center which processed the request.

A. M. Lovelace,

Acting Administrator.

May 4, 1981.

[FR Doc. 81-15753 Filed 5-26-81, 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 235

[Docket No. R-81-916]

Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation; Mortgage Insurance and Assistance Payments for Lower Income Families

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: These changes and modifications are made to comply with the intent of the Housing and Community Development Act of 1980. These regulations will implement the Secretary's authority to require repayment by mortgagor under Section 235(c) of assistance payments made to lower income families.

DATE: May 27, 1981. Comments due date: Comments must be received on or before July 27, 1981.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address. The interim rule may be changed on the basis of comments received.

FOR FURTHER INFORMATION CONTACT: Richard B. Buchheit, Director, Single Family Mortgage Servicing Division, Office of Single Family Housing, Department of Housing and Urban Development, Washington, D.C. 20410, Telephone (202-755-6700) (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Housing and Community Development Act of 1980, which was signed into law on October 8, 1980, amended Section 235 of the National Housing Act to provide for the recapture of all, or a portion of the assistance payments made on behalf of mortgagors who obtain insured financing under Section 235(i). Mortgagors who obtain insured financing pursuant to Section 235(i) and subject to the recapture provisions imposed by Section 235(c) will be required to execute a second mortgage and note to assure repayment to the Secretary of the lesser of the amount of assistance actually received on their behalf or at least 50 percent of the net appreciation of the property. The amount of the second mortgage shall be determined by the maximum amount of assistance that could be expected to be paid over the term of the mortgage.

"Net appreciation" as defined in this part shall mean any increase in the value of the property over the original purchase price, less the reasonable costs of sale, and, less the reasonable costs of improvements made to the property.

The Congress directed the Secretary to provide incentives for the homeowner to maintain the property and, to the extent practicable, structure the regulations consistent with those developed by the Department of Agriculture (FmHA). The Department of Agriculture stated that with a provision for recapture, the amount the mortgagor received in subsidy and net proceeds from the sale after recapture will be equal to or greater than the amount received from a sale by a nonsubsidized mortgagor, which provides a maintenance incentive to the subsidized mortgagor. We concur with the Department of Agriculture that the mortgagor will be encouraged to maintain the property in order to increase the sale price of the property. Recapture shall be required when the mortgagor (a) disposes of the property to a homeowner not qualified to receive assistance payments, or (b) ceases to make payments on the mortgage for a period of 90 continuous days, or (c) has rented the property for more than one year, or (d) requests a release of the Secretary's lien on the property.

The statutory implementation date for this provision is April 9, 1981. Further delay of the publication of this rule will result in the inability of the Field Offices to close those Section 235 mortgages for which the recapture provision is applicable; thus, resulting in hardships upon the home-sellers and home-buyers Accordingly, it is impracticable to provide for public comment prior to the effective date of this rule, however, interested persons are invited to submit comments as provided above. All timely comments received will be considered before adoption of a Final Rule.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR 50, which implement Section 102(2)(c) of the National Environment Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. In addition, the Chairmen and Ranking Minority Members of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives have waived the prepublication review of this rule provided for in Section 7(o)(2) of the Department of Housing and Urban Development Act and the delay of effective date required by Section 7(o)(3) of the Department of Housing and Urban Development Act.

Pursuant to § 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

Section 235 is listed as 14.105 Interest Reduction—Homes for Lower Income Families, in the catalog of Federal Domestic Assistance.

Accordingly, it is proposed that 24 CFR Part 235 be amended by adding a new § 235.12 as follows:

§ 235.12 Recapture of assistance payments.

(a) With respect to any mortgage insured under this part pursuant to a firm commitment issued after the

effective date of these Regulations, the mortgagor shall repay to the Secretary any assistance received under this part in the amount provided in paragraph (b) of this section when the mortgagor:

(1) Disposes of the property to a homeowner not qualified to receive assistance payments, or

(2) Has rented the property for more than one year, or

(3) Requests a release of the Secretary's lien on the property, or

(4) Ceases to make payments on the mortgage for a period of 90 continuous days which period may be extended if the Secretary determines that:

(i) The mortgagor will be able to resume full payments on the insured mortgage within a reasonable period of time, or

(ii) The mortgagor will participate in the Section 230 program.

(b) The amount of assistance to be repaid by the mortgagor shall be the lesser of the amount of assistance actually received under this part (other than handling charges) or 50 percent of the net appreciation of the property.

(c) The term "net appreciation of the property" as used in this section shall mean any increase in the value of the property over the purchase price, as of the time the mortgage is accepted for insurance less the reasonable costs of sale and the reasonable costs of improvements made to the property.

(d) The mortgagor shall execute such documents as the Secretary shall require to assure repayment to the Secretary of the amounts provided in this paragraph.

Authority: The provisions of this Part 235 issued under Section 211 of the National Housing Act (12 U.S.C. 1709, 1715).

Issued at Washington, D.C., April 9, 1981.

George O. Hipps, Jr.,

Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-15812 Filed 5-26-81; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-3-FRL 1823-1]

Standards of Performance for New Stationary Sources; Delegation of Authority to the State of Delaware

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document amends EPA's regulations (40 CFR 60.4) to reflect delegation of authority to the State of Delaware to implement and enforce certain standards of performance for new stationary sources. This delegation is based on a request from the State of Delaware that it be given this enforcement authority.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Ben Mykijewycz, Environmental Engineer, Air Enforcement Branch, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone (215) 597-9387.

SUPPLEMENTARY INFORMATION:

I. Background

On December 23, 1980, the State of Delaware requested delegation of authority to implement and enforce certain standards of performance for new stationary sources for electric utility steam generating units for which construction is commenced after September 18, 1978. The request was reviewed and on April 27, 1981 a letter was sent to John E. Wilson III, Secretary, Department of Natural Resources and Environmental Control, approving the delegation and outlining its conditions. The approval letter specified that if Secretary Wilson or any other representatives had any objections to the conditions of delegation they were to respond within ten (10) days after receipt of the letter. As of this date, no objections have been received.

II. Regulations Affected by This Document

Pursuant to the delegation of authority for Standards of Performance for New Stationary Sources to the State of Delaware, EPA is today amending 40 CFR 60.4, *Address*, to reflect this delegation. A Notice announcing this delegation is published in today's **Federal Register**. The amended § 60.4, which adds the address of the Delaware Department of Natural Resources and Environmental Control, to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, as set forth below.

III. General

The Administrator finds good cause for forgoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on May 11, 1981, and it serves no purpose to delay the technical change of this address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is an administrative change and is not a major rule because it is not likely to result in:

An annual effect on the economy of $100 million or more;

A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7411)

Dated: April 27, 1981.

Thomas C. Voltaggio,

Acting Director, Enforcement Division.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4, paragraph (b) is amended by revising subparagraph (I) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(I) State of Delaware (for fossil fuel-fired steam generators; incinerators; nitric acid plants; asphalt concrete plants; storage vessels for petroleum liquids; sulfuric acid plants; sewage treatment plants; and electric utility steam generating units), Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901.

[FR Doc. 81-15813 Filed 5-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[PH-FRL-1835-2; OPP-300040A]

Tolerances and Exemptions for Tolerances for Chemicals in or on Raw Agricultural Commodities; Potassium Hydroxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends 40 CFR 180.1001(e) by establishing an exemption from the requirement of a tolerance for the inert (or occasionally active) ingredient potassium hydroxide in pesticide fomulations when applied to animals. This regulation was requested by Hopkins Agricultural Chemical Co.

EFFECTIVE DATE: Effective on May 27, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM=2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of February 10, 1981 (46 FR 11681) that Hopkins Agricultural Chemical Co., Box 7532, Madison, WI 53707, had requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish an exemption from the requirement of a tolerance for the inert ingredient potassium hydroxide when applied to animals.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Therefore, it is concluded that the amendment to 40 CFR 180.1001(e) will protect the public health, and it is established as set forth below.

Any person adversely affected by this regulation may, on or before June 26, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulations deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** on May 4, 1981 [46 FR 24950].

Effective on: May 27,1981.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: May 13, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by alphabetically inserting the inert ingredient "potassium hydroxide" in the table under § 180.1001(e) to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

(e) . . .

Inert ingredients	Limits	Uses
Potassium Hydroxide	Meeting Food Chemicals, Codex specifications	Neutralizer

[FR Doc. 81–15820 Filed 5–26–81; 8:45 am]

BILLING CODE 6560–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5896

[CA 2613]

California; Reservoir Site Restoration No. 54; Revocation of Reservoir Site Reserve No. 21

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew 3,039.12 acres for a reservoir site reserve. Of the total acreage, 119.90 acres will be opened to operation of the public land laws; 2,599.17 acres of public lands remain withdrawn from operation of the public land laws, by Public Land Order No. 2693 of June 7, 1962. All of the public lands will be opened to nonmetalliferous mineral location under the mining laws. The remaining 320.05 acres are privately owned lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of November 18, 1938, which created Reservoir Site Reserve No. 21, is hereby revoked in its entirety:

Mount Diablo Meridian

T. 14 N., R. 6 W.,
Sec. 3, fractional W½W½;
Sec. 5, fractional W½NE¼, SE¼NW¼, and N½SW¼;
Sec. 10, NW¼NW¼.
T. 15 N., R. 6 W.,
Sec. 7, fractional S½;
Sec. 8, NE¼, SW¼, and NE¼SE¼;
Sec. 9, E½NE¼, SW¼NE¼, SW¼NW¼, and SE¼;
Sec. 17, SW¼NW¼ and W½SW¼;
Sec. 18, Lots 1 and 2, SE¼NE¼, and NE¼NW¼;
Sec. 20, W½W½;
Sec. 21, SW¼SE¼;
Sec. 28, SE¼NE¼ and E½SE¼;
Sec. 29, E½NW¼ and SW¼;
Sec. 32, NW¼;
Sec. 33, E½E½.
T. 15 N., R. 7 W.,
Sec. 12, N½SW¼, SE¼SW¼, and SE¼.
Sec. 13, NE¼NE¼, S½NE¼, and S½NW¼.

The area described above aggregates approximately 3,039.12 acres in Lake County

2. Of the lands described in paragraph 1, the following are privately owned and not subject to disposition under the public land laws:

Mount Diablo Meridian

T. 15 N., R. 6 W.,
Sec. 7, S½SE¼;
Sec. 18, Lot 1 and NE¼NW¼.
T. 15 N., R. 7 W.,
Sec. 12, E½SE¼, SW¼SE¼, and SE¼SW¼.

3. At 10 a.m., on June 23, 1981, the public lands described as Lot 2, SE¼NW¼, SW¼NE¼, Sec. 5, T. 14 N., R. 6 W., shall be open to operation under the public land laws generally, subject

to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The public lands will be open to location for nonmetalliferous minerals at 10 a.m., on June 23, 1981. They have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metalliferous minerals.

5. All the lands except those described in paragraphs 2 and 3 of this order remain withdrawn from all forms of appropriation under the public land laws by Public Land Order No. 2693 of June 7, 1962, for the Clear Lake National Cooperative Land and Wildlife Management Area.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15777 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5895

[CA-3579]

California; Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This action revokes a Secretarial Order which withdrew 120 acres of land for the Central Valley Project in California, and will simultaneously restore and open the lands to the operation of the public land laws, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916-484-4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order dated March 9, 1937, withdrawing the following described lands for the Central Valley Project, is hereby revoked.

Mount Diablo Meridian

T. 33 N., R. 5 W.,
Sec. 24, N½SW¼, SW¼SW¼.

The area aggregates 120 acres in Shasta County.

2. At 10 a.m. on June 23, 1981, the lands shall be open for operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on June 23, 1981. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, U.S. Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15787 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5903

[82627]

Colorado; Correction of a Departmental Order of November 11, 1943

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This action is necessary to correct an erroneous land description contained in the Departmental Order of November 11, 1943, which revoked a Departmental Order of October 9, 1917, as to Stock Driveway Withdrawals in Colorado.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. Faithful, IV, 202-343-8738 or Rodney Roberts, Colorado State Office, 303-837-3943.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The Departmental Order of November 11, 1943, which erroneously described two tracts of land while revoking a Departmental Order of Withdrawal, Stock Driveway Withdrawal No. 2 dated October 9, 1917, is hereby corrected and such revocation made applicable as to the following described lands:

New Mexico Principal Meridian

T. 46 N., R. 1½ W.,
Sec. 11, S½, (lots 3 and 4);
Sec. 14, N½, (lots 1 and 2).

The area described contains 101.47 acres in Gunnison County, Colorado.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15798 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5904

[C-12818]

Colorado; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes two Secretarial Orders and opens 21,998.87 acres of public land to operation of the public land laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Alvah Q. Whitledge, Colorado State Office, 303-837-5551.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders of May 6, 1942, as amended, and July 13, 1943, withdrawing lands for the Dewey Unit, Colorado River Storage Project, are revoked as to the following described lands:

Ute Meridian

T. 1 N., R. 3 W.,
Sec. 7, Lots 1, 2, 6 thru 9, N½NE¼, SE¼NE¼
Sec. 8, Lot 3, N½NE¼, SW¼NE¼, NW¼, NE¼SW¼, NW¼SE¼;
Sec. 17, Lots 4, S½N½, S½;
Sec. 18, Lots 1 thru 4, E½, E½W½ (all).

Sixth Principal Meridian

T. 10 S., R. 103 W.,
Sec. 5: Lots 1 thru 4, S½N½, S½ (all);
Sec. 6: Lots 1 thru 4, S½N½, S½ (all);
Sec. 7: Lots 1 thru 4, 7, 8, SE¼NE¼, W½NW¼, SE¼;
Sec. 8: Lots 2, 3, 6, 7, E½;
Sec. 9: All;
Sec. 10: Lots 1 thru 4, W½ (all);
Sec. 15: Lots 1 thru 9, N½NW¼, SW¼SW¼ (all);
Sec. 16: Lots 1 thru 4, 6 thru 8, N½N½, S½S½ (all);
Sec. 17: Lots 2, 3, 5 thru 7, NE¼, SW¼SE¼, SE¼SE¼;
Sec. 18: Lots 2, 9 thru 11, E½;
Sec. 19: Lots 1, 3, 4, E½, SE¼NW¼, SW¼;
Sec. 21: All;

Sec. 22: Lots 5 thru 8, W½;
Sec. 27: Lots 1 thru 6, S½NW¼, SW¼.
T. 10 S., R. 104 W.,
Sec. 1: Lots 5 thru 8, S½N½, S½ (all);
Sec. 12: All;
Sec. 13: All;
Sec. 14: All;
Sec. 21: All;
Sec. 22: NE¼NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 23: Lots 1 thru 4, N½N½, SW¼NE¼, SE¼NW¼, SW¼, W½SE¼;
Sec. 24: Lots 1 thru 9, NW¼NE¼, N½NW¼, E½SW¼, SE¼, (all);
Sec. 25: Lot 2, E½, E½W½, SW¼SW¼;
Sec. 26: Lots 1 thru 7, W½NE¼, NW¼;
Sec. 27: Lots 1 thru 9, NE¼, E½NW¼;
Sec. 28: Lots 1 thru 3, W½NE¼, SE¼NE¼, NW¼, NW¼SW¼, W½SE¼;
Sec. 29: SE¼NE¼, W½, NE¼SE¼;
Sec. 30: Lots 5 thru 8, E½, E½W½ (all);
Sec. 31: Lots 5 thru 7, 9 thru 14, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32: Lots 1 thru 3, 4, 7, N½, N½S½;
Sec. 33: Lots 1 thru 12, NW¼NE¼, NW¼ (all);
Sec. 34: Lots 1 thru 4, N½, N½S½ (all);
Sec. 35: Lots 1 thru 4, N½, N½S½ (all).
T. 11 S., R. 104 W.,
Sec. 4: SE¼NE¼, SE¼;
Sec. 5: Lots 1 thru 4, SE¼NE¼, SW¼, N½SE¼, SE¼SE¼;
Sec. 6: Lots 3, 4;
Sec. 7: Lots 1 thru 4;
Sec. 8: E½NE¼, N½NW¼, SW¼NW¼, S½;
Sec. 9: All.

The lands described aggregate approximately 21,998.87 acres in Mesa County.

2. At 10 a.m. on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. These lands were restored to location and entry under the mining laws as published in the **Federal Register** dated August 26, 1954, FR Doc. 54–6685.

Inquiries concerning these lands should be directed to the State Director, Bureau of Land Management, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80228.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81–15799 Filed 5–26–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5913

[M–41650]

Montana; Revocation of Executive Order Dated September 7, 1917

AGENCY: Bureau of Land Management.

ACTION: Public land order.

SUMMARY: This order revokes a withdrawal affecting 40 acres of public land. This action will restore the land to operation of the public land laws generally, including location of nonmetalliferous minerals under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Chief Branch of Lands and Minerals Operations, Montana State Office, 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order dated September 7, 1917, which withdrew the following described lands for the testing of underground water supplies is hereby revoked in its entirety.

Montana Principal Meridian

T. 8 S., R. 25 E.
Sec. 8: SW¼SE¼

The area described contains 40.00 acres in Carbon County.

2. At 10 a.m., on June 23, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the land will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81–15784 Filed 5–26–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5914

[M–069826]

Montana; Revocation of Public Land Order No. 554

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 40.02 acres of public land for research activities. The land has been conveyed to the Missoula County High School.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Chief, Branch of Lands and Minerals Operations, Montana State Office, 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior, by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 554 dated February 7, 1949, which withdrew the following described public land in connection with research activities of the Northern Rocky Mountain Forest and Range Experiment Station is hereby revoked in its entirety.

Principal Meridian

T. 13 N., R. 19 W.,
Sec. 30, SW¼SW¼ (Lot 4)

The area described contains 40.02 acres in Missoula County.

2. The surface estate of the NE¼ and W½ of Lot 4 Section 30, T. 13 N., R. 19 W., has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws.

3. The SE¼ of Lot 4 Section 30, T. 13 N., R. 19 W., has been determined to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. Section 471 (1974), and has been disposed of under the provisions of said Act.

4. The lands will not be opened to applications and offers under the mineral leasing laws because they are within the limits of an incorporated city.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15771 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5915

[M 35970]

Montana; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes the Secretarial Order of August 18, 1902, which withdrew lands for reclamation purposes. This action will not restore the lands to operation of the public land laws as they are embraced in allowed homestead entries.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Chief, Branch of Lands and Minerals Operations, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated August 18, 1902, which withdrew the following described lands for reclamation purposes, is hereby revoked insofar as it affects the following described lands:

Principal Meridian

T. 31 N., R. 35 E.,
Sec. 9, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼.

The area described contains 240 acres in Valley County.

2. The lands will not be opened to the operation of the public land laws generally as they are embraced in allowed homestead entries.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15772 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5916

[M-33115]

Montana; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes the Departmental Order of August 18, 1902, which withdrew lands for reclamation purposes. The lands are embraced in allowed homestead entries.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Chief, Branch of Lands and Minerals Operations, Montana State Office, 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Order dated August 18, 1902, which withdrew lands for reclamation purposes in the Milk River Irrigation Project is hereby revoked insofar as it affects the following described lands:

Principal Meridian

T. 31 N., R. 34 E.
Sec. 25: S½NE¼, N½SE¼.

The area described contains 160.00 acres in Valley County.

2. The lands are embraced in allowed entries under the homestead laws.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15773 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5922

[M-30506]

Montana; Partial Revocation of Reclamation Withdrawal; Restoration of Lands to Flathead National Forest

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes several Departmental Orders which withdrew lands for the Hungry Horse Project in Flathead County, Montana. It restores 850.77 acres of lands to national forest status and opens them to operation of the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Edgar D. Stark, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

1. The Departmental Order of February 28, 1946, and Water and Power Resources Service Orders dated November 29, 1946; September 4, 1947; and June 30, 1948; concurred in by the Bureau of Land Management on December 10, 1946; December 15, 1947; and July 2, 1948; respectively, withdrawing lands for the Hungry Horse Project, are hereby revoked insofar as they affect the following described lands in the Flathead National Forest:

Principal Meridian

T. 30 N., R. 19 W.,
Sec. 8, Lots 1, 2, 5, and S½NE¼;
Sec. 9, Lots 1 and 2, and W½SW¼;
Sec. 16, NE¼NE¼, W½E½, NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, and SW¼SE¼SW¼, unsurveyed;
Sec. 17, Lot 1.

The area described contains 850.77 acres in Flathead County.

2. At 10 a.m. on June 23, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15788 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5917

[N-26776]

Nevada; Partial Revocation of Executive Order No. 5327

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes Executive Order No. 5327 which temporarily withdrew for investigation, examination and classification, lands considered valuable for oil shale. This action will restore approximately 4,280 acres to operation of the public land laws generally.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5327 of April 15, 1930, which temporarily withdrew lands considered valuable for oil shale for the purpose of investigation, examination and classification, is hereby revoked insofar as it affects the following described lands:

Mount Diablo Meridian

T. 35 N., R. 55 E.,
Sec. 28, SE¼SW¼.
T. 34 N., R. 55 E.,
Sec. 2, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 3, N½, W½SW¼, W½E½SW¼, SE¼SE¼SW¼, N½NE¼SE¼, SE¼NE¼SE¼;
Sec. 4, All;
Sec. 8, N½, N½S½;
Sec. 18, All;
Sec. 22, E½SW¼NE¼, SE¼NE¼, N½SE¼, E½SW¼SE¼, SE¼SE¼;
Sec. 24, W½NE¼.

and, a portion of land located within sections 28, 29 and 32, being more particularly described as follows:

Commencing at the section corner common to sections 32 and 33, T. 34 N., R. 55 E., and sections 4 and 5, T. 33 N., R. 55 E., MDM, being Corner No. 1, the Point of Beginning;

thence westerly along the section line common to section 32, T. 34 N., R. 55 E., MDM, and section 5, T. 33 N., R. 55 E., MDM, to the section corner common to sections 31 and 32, T. 34 N., R. 55 E., MDM, and sections 5 and 6, T. 33 N., R. 55 E., MDM, being Corner No. 2;

thence northerly along the section line common to sections 31 and 32, T. 34 N., R. 55 E., MDM to the section corner common to sections 31, 32, 29 and 30, being Corner No. 3;

thence northerly along the section line common to sections 29 and 30 to its intersection with the southerly right-of-way of the Western Pacific Railroad, being Corner No. 4;

thence northeasterly along said right-of-way to its intersection with the S 1/16 section line of said section, being Corner No. 5;

thence easterly along said S 1/16 section line to the SW 1/16 corner of said section, being Corner No. 6;

thence northerly along the W 1/16 section line of said section to its intersection with said right-of-way, being Corner No. 7;

thence northeasterly along said right-of-way to its intersection with the E–W ¼ section line of said section, being Corner No. 8;

thence easterly along said ¼ section line to the C ¼ corner of said section, being Corner No. 9;

thence northerly along the N–S ¼ section line of said section to its intersection with said right-of-way, being Corner No. 10;

thence northeasterly along said right-of-way to its intersection with the N 1/16 section line of said section, being Corner No. 11;

thence easterly along said 1/16 section line to the NE 1/16 corner of said section, being Corner No. 12;

thence northerly along the E 1/16 section line of said section to its intersection with said right-of-way, being Corner No. 13;

thence northeasterly along said right-of-way to its intersection with the section line common to sections 29 and 20, being Corner No. 14;

thence easterly along said section line to the section corner common to sections 20, 21, 28 and 29, being Corner No. 15;

thence southerly along the section line common to sections 28 and 29 to the N 1/16 corner common to sections 28 and 29 being Corner No. 16;

thence easterly along the N 1/16 section line of section 28 to the NE 1/16 corner of said section being Corner No. 17;

thence along a straight line to the E 1/16 corner common to sections 28 and 33, being Corner No. 18;

thence westerly along the section line common to sections 28 and 33 to the section corner common to sections 28, 29, 32 and 33, being Corner No. 19;

thence southerly along the section line common to sections 32 and 33 to the section corner common to sections 32 and 33, T. 34 N., R. 55 E., MDM, and sections 4 and 5, T. 33 N., R. 55 E., MDM, being Corner No. 1, the Point of Beginning.

and, a portion of land located within section 15 and 22, T. 34 N., R. 55 E., being more particularly described as follows:

Commencing at a concrete street monument at the intersection of River and D Streets in the Railroad Addition to the City of Elko, County of Elko, State of Nevada, thence the southeast corner of Section 15, T. 34 N., R. 55 E., M.D.B.&M., bears S 81°13'16" E, 2750.03 feet, running thence S 65°23'30" W, 148.72 feet, to a point on the prolonged center line of River Street; thence S 37°27' E, 43.88 feet to Corner No. 1, the place of beginning, thence S 37°27' E, 455.85 feet to Corner No. 2, thence S 40°55' W, 443.68 feet to Corner No. 3, thence S 37°27' E, 167.43 feet to Corner No. 4, thence S 59°18' W, 188.30 feet to Corner No. 5, thence N 37°27' W, 460.90 feet to Corner No. 6, thence N 57°27' E, 187.69 feet to Corner No. 7, thence N 37°27' W, 183.00 feet to Corner No. 8, thence N 57°27' E, 185.25 feet to Corner No. 9, thence N 37°27' W, 100.00 feet to Corner No. 10, thence N 57°27' E, 150.92 feet to Corner No. 11, thence S 37°27' E, 100.00 feet to Corner No. 12, thence N 57°27' E, 50.00 feet to Corner No. 13, thence N 37°27' W, 100.00 feet to Corner No. 14, thence N 57°27' E, 50.00 feet to Corner No. 1, the place of beginning.

The area described aggregates approximately 4,279.904 acres in Elko County, Nevada.

2. At 10 a.m., on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15765 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

---

43 CFR Public Land Order 5898

[N-043897]

Nevada; Partial Revocation of Public Land Order No. 1718

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will restore 160 acres of lands to national forest status and open them to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702–784–5703.

By virtue of the authority contained in Section 204 the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1718 of August 15, 1958, withdrawing national forest lands as administrative sites, recreation areas, forest camps, and roadside zones, is hereby revoked so far as it affects the following described lands:

Mount Diablo Meridian

Toiyabe National Forest

South Twin River Administrative Site

T. 12 N., R. 41 E. (partially surveyed),
Sec. 32, E½SE¼;
Sec. 33, W½SW¼.

The area described contains 160 acres in Nye County.

2. At 10:00 a.m., on June 23, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15778 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5899

[Nev-047407, Nev-047418, Nev-047419, Nev-047424, and Nev-047425]

Nevada; Partial and Total Revocation of Stock Driveway Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes four stock driveways totally and one stock driveway partially. The order restores 73,732 acres to the operation of the public land laws. The lands have been open to the mining and mineral leasing laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Orders of September 13, 1918, March 11, 1919, June 9, 1919, and June 18, 1919, creating Stock Driveway Withdrawal Nos. 37, 74, 84, and 85, are hereby revoked in their entirety. These orders withdrew the following described land:

Mount Diablo Meridian

(Nev-047407)—Stock Driveway No. 37, Nevada No. 7

T. 34 N., R. 55 E.,
Sec. 6, Lots 1 through 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼.
T. 35 N., R. 55 E.,
Sec. 18, Lots 1 through 4, E½, E½W½;
Sec. 30, Lots 1, 2, 3, 4, NE¼NE¼, S½NE¼, E½W½, SE¼.
T. 35 N., R. 54 E.,
Sec. 12, E½, E½W½, NW¼NW¼, W½SW¼.
T. 36 N., R. 54 E.,
Sec. 12, All;
Sec. 24, E½, E½W½, SW¼NW¼, W½SW¼;
Sec. 36, W½NE¼, W½, SE¼.
T. 37 N., R. 54 E.,
Sec. 12, All;
Sec. 24, W½, SE¼;
Sec. 36, All.

The area described aggregates 6,057.56 acres in Elko County.

(Nev-047418)—Stock Driveway No. 74, Nevada No. 18

T. 43 N., R. 56 E.,
Sec. 21, N½, SW¼, W½SE¼, SE¼SE¼;
Sec. 22, S½N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 23, W½SW¼;
Sec. 24, Lots 3, 4, SW¼, W½SE¼;
Sec. 25, Lots 1, 2, W½NE¼, NW¼;
Sec. 26, N½.
T. 43 N., R. 57 E.,
Sec. 19, Lots 3, 4, E½SW¼, SE¼;
Sec. 20, S½;
Sec. 21, S½;
Sec. 22, S½;
Sec. 27, N½;
Sec. 28, N½;
Sec. 29, N½;
Sec. 30, Lots 1, 2, NE¼, E½NW¼.

The area described aggregates 4,553.02 acres in Elko County.

(Nev-047424)—Stock Driveway No. 84, Nevada No. 24

T. 26 N., R. 56 E.,
Sec. 18, All.
T. 30 N., R. 55 E.,
Sec. 2, All;
Sec. 11, E½;
Sec. 14, All.
T. 31 N., R. 55 E.,
Sec. 2, All;
Sec. 14, All;
Sec. 26, All.
T. 32 N., R. 55 E.,
Sec. 2, All;
Sec. 12, All;
Sec. 24, NE¼, N½SE¼, SE¼SE¼.
T. 32 N., R. 56 E.,
Sec. 18, Lots 3, 4, E½SW¼;
Sec. 30, Lots 1, 2, E½NW¼.
T. 33 N., R. 55 E.,
Sec. 8, All;
Sec. 20, All;
Sec. 26, W½SW¼;
Sec. 28, All;
Sec. 34, N½NE¼.
T. 34 N., R. 55 E.,
Sec. 32, All.

This area described aggregates 8,760.95 acres in Elko County.

(Nev-047425)—Stock Driveway No. 85, Nevada No. 25

T. 38 N., R. 55 E.,
Sec. 10, All;
Sec. 16, All;
Sec. 20, All;
Sec. 30, Lots 1 through 4, E½, E½W½.
T. 39 N., R. 55 E.,
Sec. 2, Lots 1 through 12, S½;
Sec. 11, All;
Sec. 14, All;
Sec. 23, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 26, S½NE¼, W½, SE¼;
Sec. 27, All;
Sec. 34, All.
T. 40 N., R. 55 E.,
Sec. 1, Lots 1 through 16, SW¼, W½SE¼;
Sec. 11, E½SE¼;
Sec. 12, Lot 1, W½NE¼, W½, NW¼SE¼;
Sec. 13, SW¼NE¼, W½, W½SE¼;
Sec. 14, E½E½;
Sec. 22, SE¼;
Sec. 23, N½, SW¼;
Sec. 24, NW¼;
Sec. 26, W½;
Sec. 27, E½;
Sec. 34, E½;
Sec. 35, All.
T. 41 N., R. 55 E.,
Sec. 1, Lots 1 through 14, S½NW¼, SW¼;
Sec. 12, Lots 1 through 12, W½;
Sec. 13, Lots 1 through 12, W½;
Sec. 24, Lots 1 through 12, W½;
Sec. 25, Lots 1 through 12, W½;
Sec. 36, Lots 1 through 12, W½.
T. 42 N., R. 55 E.,
Sec. 1, Lots 1, 2, 3, 4, 7, 8, 9, 12, 13, 14, 15, E½SW¼;
Sec. 12, Lots 2, 3, 4, 5, 8, 9, 10, 11, W½;
Sec. 13, Lots 2, 3, 4, 5, 8, 9, 10, 11, 12, W½;
Sec. 24, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, E½NW¼;
Sec. 25, Lots 1, 2, 5, 6, 7, 8, 10, 11, 12;
Sec. 36, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, E½NW¼;
T. 42 N., R. 56 E.,
Sec. 6, Lots 2, 3, 4, 5, 6.
T. 43 N., R. 56 E.,
Sec. 1, Lots 1, 2, 3, 4, W½NE¼, W½NW¼, SE¼NW¼, SW¼, W½SE¼;
Sec. 2, E½, S½NW¼, SW¼;
Sec. 5, N½NW¼;
Sec. 6, E½, NE¼NW¼, S½NW¼, SW¼;
Sec. 7, All;
Sec. 11, NW¼NE¼, NW¼, S½;
Sec. 14, E½, N½SW¼, SE¼NW¼, SW¼;
Sec. 18, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 19, NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, N½SE¼;
Sec. 23, N½, E½SW¼, SE¼;
Sec. 30, W½, SE¼;
Sec. 31, Lots 1 through 4, N½, N½S½.
T. 44 N., R. 56 E.,
Sec. 18, Lots 9, 10, 11, 12, 13;
Sec. 19, E½;
Sec. 20, All;
Sec. 29, NW¼NE¼, N½NW¼;
Sec. 30, N½NE¼, W½SE¼, SE¼SE¼;
Sec. 32, Lots 4, 5, 6, 7, 10, 11, 12, W½NW¼;
Sec. 35, Lots 8, 9;
Sec. 36, Lots 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, NW¼NE¼.
T. 44 N., R. 57 E.,
Sec. 7, Lot 4, SE¼NE¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 18, Lots 1 through 4, E½, E½W½;
Sec. 19, Lots 2, 3, 4, E½, E½W½;
Sec. 30, Lots 1 through 4, E½, E½W½.

This area described aggregates 30,555.03 acres in Elko County.

2. The Department Order of March 21, 1919, creating Stock Driveway No. 75, is partially revoked as to the following described land:

(Nev-047419)—Stock Driveway No. 75, Nevada No. 19

T. 26 N., R. 55 E.,

Sec. 1, Lots 1 through 4, S½N½, S½;
Sec. 2, Lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 11, E½;
Sec. 12, All;
Sec. 13, All;
Sec. 14, E½.
T. 27 N., R. 55 E.,
Sec. 1, Lots 3, 4;
Sec. 2, SW¼, W½SE¼, SE¼SE¼;
Sec. 3, Lots 1 through 4, S½N½, S½;
Sec. 4, Lot 1, SE¼NE¼, NE¼SE¼;
Sec. 10, N½, SE¼;
Sec. 11, All;
Sec. 13, S½;
Sec. 14, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 23, NE¼, E½NW¼, NE¼SW¼, NW¼SE¼;
Sec. 24, N½, E½SW¼, SE¼;
Sec. 25, N½;
Sec. 26, E½;
Sec. 35, E½, SE¼SW¼;
Sec. 36, S½NW¼, S½.
T. 28 N., R. 55 E.,
Sec. 1, Lots 1, 2, S½NE¼, E½SW¼, SE¼;
Sec. 2, Lots 1, 2, 3, 4, S½N½, SW¼, W½SE¼;
Sec. 11, E½SE¼;
Sec. 12, W½SW¼;
Sec. 13, W½NW¼, SW¼;
Sec. 14, E½, SW¼;
Sec. 22, E½NE¼, SE¼;
Sec. 23, All;
Sec. 24, W½;
Sec. 25, W½;
Sec. 26, E½;
Sec. 27, W½;
Sec. 33, E½E½;
Sec. 34, W½, SE¼;
Sec. 35, NE¼, E½SE¼;
Sec. 36, W½.
T. 29 N., R. 55 E.,
Sec. 13, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 14, All;
Sec. 23, All;
Sec. 24, W½;
Sec. 25, W½W½, SE¼SE¼;
Sec. 26, All;
Sec. 35, All;
Sec. 36, E½NE¼, SE¼.
T. 29 N., R. 56 E.,
Sec. 5, Lots 1 through 4, S½N½, S½;
Sec. 8, All;
Sec. 9, All;
Sec. 16, All;
Sec. 17, All;
Sec. 18, E½;
Sec. 19, Lots 3, 4, E½, E½SW¼;
Sec. 20, All;
Sec. 29, N½;
Sec. 30, Lots 1 through 4, E½, E½W½;
Sec. 31, Lots 1 through 4, E½, E½W½.

This area described aggregates 23,806.08 acres in Elko County.

At 10 a.m., on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 12000, 300 Booth Street, Reno, Nevada 89520.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15779 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5900

[N-4592]

Nevada; Partial Revocation of Public Land Order No. 5073

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order in part as to 130 acres of national forest lands. The lands will be open to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5073 of June 10, 1971, withdrawing national forest lands as campgrounds, a geological area, and a petroglyph cave, is hereby revoked as to the following described lands:

Toiyabe National Forest

Mount Diablo Meridian

Gold Knob Campground

T. 15 N., R. 43 E., (partially surveyed)
Sec. 1, N½NW¼.
T. 16 N., R. 43 E., (partially surveyed)
Sec. 35, SE¼SE¼SE¼;
Sec. 36, S½S½SW¼.

The area described contains 130 acres in Lander County.

2. At 10 a.m., on June 23, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15763 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5901

[Nev-043278]

Nevada; Partial Revocation of Executive Order No. 4531 Hawthorne Ammunition Depot

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive Order which withdrew public lands for the Hawthorne Ammunition Depot. The 2,600 acres involved herein remains withdrawn by Pub. L. 95-265 (92 Stat. 203) of April 24, 1978, for 5 years pending acquisition by Mineral County.

EFFECTIVE DATE: (Date of Publication)

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 4531 of October 27, 1926, withdrawing lands for the Department of the Navy for use as an ammunition depot is hereby revoked so far as it affects the following described lands:

Mount Diablo Meridian

T. 8 N., R. 29 E.,
Sec. 25, E½E½, NW¼NE¼.
T. 7 N., R. 30 E.,
Secs. 21, 27, and 35, those portions lying west of Nevada State Highway 31;
Sec. 28, E½NW¼, NW¼NW¼, and those portions of the NE¼ and the N½SE¼ lying west of Nevada State Highway 31.
Sec. 34, E½NW¼, N½SE¼, and those portions of the NE½ lying southwest of Nevada State Highway 31.
T. 8 N., R. 30 E.,
Sec. 26, W½NW¼, and that portion of the NW¼SW¼ lying north of Nevada State Highway 95;
Sec. 29, All;
Sec. 30, All.

The area described aggregates approximately 2,600 acres in Mineral County.

2. All of the above described lands remain withdrawn from all forms of appropriation under the public land laws generally, including the mining and mineral leasing laws under the provisions of Pub. L. 95–265 which directs the Secretary of the Interior to sell any or all of the lands herein described to Mineral County, Nevada, upon payment of the appraised value plus the costs of appraisal, surveys and extinguishing adverse claims.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15800 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5918

[NM-38783]

New Mexico; Revocation of Public Land Order No. 4790

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew lands for use of the Water and Power Resources Service as a reservoir site. This action will restore 400 acres of lands to operation of the public land laws generally.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505–988–6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 4790 of April 2, 1970, which withdrew the following described public lands for the purpose of constructing Cutter Dam Site is hereby revoked in its entirety:

New Mexico Principal Meridian

T. 29 N., R. 8 W.,
Sec. 32, S½N½, N½SW¼, SE¼.

The area described contains 400 acres in San Juan County.

2. At 10 a.m. on June 23, 1981, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. All of the mineral rights in the described lands belong to the State of New Mexico.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands Section, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15789 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5919

[NM 18123]

New Mexico; Partial Revocation of National Forest Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order in part as to 50 acres of public land withdrawn as an administrative site located in the Santa Fe National Forest. This action opens the land to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505–988–6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1095 of March 15, 1955, which withdrew lands for use as an administrative site is hereby revoked insofar as it affects the following described lands:

Santa Fe National Forest

New Mexico Principal Meridian

Canada Camino Administrative Site

T. 23 N., R. 2 E.,
Sec. 2, S½S½NE¼SE¼ and SE¼SE¼.

The area described contains 50 acres in the Rio Arriba County.

2. At 10 a.m., on June 23, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15790 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5920

[NM 39742]

New Mexico; Revocation of Public Land Order No. 49

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a border patrol withdrawal affecting 635.54 acres of public lands withdrawn for use by the Department of Justice in connection with the training of officers for border patrol. This action will restore the lands to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505–988–6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 49 of October 30, 1942, which withdrew the following described public lands for use of the Department of Justice in connection with the training of officers for border patrol is hereby revoked in its entirety:

New Mexico Principal Meridian

T. 27 S., R. 3 E.,
Sec. 30.

The area described contains 635.54 acres in Dona Ana County.

2. At 10 a.m., on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the lands will be open to location under the United States mining laws. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Lands Section, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15791 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5921

[NM 27227]

New Mexico; Powersite Restoration No. 746; Partial Revocation of Water Power Designation No. 1, and Powersite Reserve No. 548

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes two Executive Orders which withdrew lands for power purposes affecting 240 acres of land in Taos County. This action permits restoration of the lands to operation of the mining laws provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505–988–6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Orders of August 7, 1916, creating Water Power Designation No. 1, and the Executive Order of September 30, 1916, creating Powersite Reserve No. 548, as construed by Interpretation No. 188 of June 16, 1932, are hereby revoked insofar as they affect the following described lands:

New Mexico Principal Meridian

T. 24. N., R. 11 E.,
Sec. 10, NW¼SE¼;
Sec. 15, NW¼NW¼ and NE¼SW¼;
Sec. 16, NE¼SE¼;
Sec. 21, NE¼SW¼;
Sec. 28, SW¼NW¼.

The area described contains 240 acres in Taos County.

2. The surface estate of the lands has been conveyed to the State of New Mexico pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Lands Section, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15782 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5875

[OR 20226]

Oregon; Revocation of Public Water Reserve No. 78

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order as to 160 acres of the land withdrawn for use as a public water reserve. The lands remain segregated from the public land laws generally, including the mining laws, for the Hart Mountain National Antelope Refuge.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of June 14, 1921, which withdrew lands for use as a public water reserve, is hereby revoked in its entirety:

Willamette Meridian

Public Water Reserve No. 78

T. 36 S., R. 25 E.,
Sec. 11, W½NE¼ and E½NW¼.

The area described contains 160 acres in Lake County.

2. The lands remain withdrawn by Proclamation No. 2416 of July 25, 1940, as part of the Hart Mountain National Antelope Refuge, therefore, they remain segregated from operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2).

Inquiries concerning the land should be addresssed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 15, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15786 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5886

[OR 17484]

Oregon; Partial Revocation of Public Land Order No. 4289 and Bureau of Land Management Order of January 24, 1956

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order and a Bureau of Land Management Order in part as to 519.69 acres of lands withdrawn for reclamation purposes. This action will restore the lands to operation of the mining laws

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order 4289 of October 5, 1967, and Bureau of Land Management Order of January 24, 1956, which withdrew certain lands for use by the Water and Power Resources Service (formerly Bureau of Reclamation) for reclamation purposes in connection with the Rogue River Basin Project are hereby revoked so far as they affect the following described lands:

Willamette Meridian

T. 38 S., R. 4 W.,
Sec. 22, Lot 9.
T. 37 S., R. 5 W.,
Sec. 20, NE¼SE¼.
T. 38 S., R. 5 W.,
Sec. 10, SE¼SW¼.
T. 39 S., R. 7 W.,
Sec. 34, NW¼SW¼.
T. 40 S., R. 7 W.,
Sec. 4, Lots 1 and 2, and SE¼SE¼;
Sec. 8, SW¼NW¼.
T. 39 S., R. 8 W.,
Sec. 24, SE¼SE¼SE¼.
T. 40 S., R. 8 W.,
Sec. 10, N½SW¼ and SW¼SW¼;
Sec. 15, NW¼NW¼NW¼;
Sec. 22, Lots 1, 2, and 8 (formerly Lot 5), and NW¼NE¼;
Sec. 24, Lot 3.

The areas described contain 519.69 acres in Jackson and Josephine Counties.

2. At 10 a.m., on June 23, 1981, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

3. The lands are withdrawn for multiple use management by Public

Land Order No. 5490 of February 12, 1975, and therefore remain segregated from operation of the public land laws generally.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior

[FR Doc. 81-15785 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5908

[OR 18997]

Oregon; Partial Revocation of Public Water Reserve No. 131

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 40 acres of public land withdrawn as a public water reserve. This action will restore the land to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5344 of May 8, 1930, which withdrew certain lands for public water reserve purposes, is hereby revoked so far as it affects the following described land:

Willamette Meridian

Public Water Reserve No. 131

T. 38 S., R. 23 E.,
Sec. 32, SW¼NE¼.

The area described contains 40 acres in Lake County, Oregon.

2. At 10 a.m. on June 23, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on June 23, 1981, the land will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior

[FR Doc. 81-15787 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5910

[OR 18999]

Oregon; Partial Revocation of Public Water Reserve No. 133

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 40 acres of public land withdrawn as a public water reserve. This action will restore the land, which has been added to the Fremont National Forest, to such forms of disposition as may by law be made of such lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5478 of November 8, 1930, which withdrew the following described land for public water reserve purposes is hereby revoked insofar as it affects the following described land:

Willamette Meridian

Fremont National Forest

Public Water Reserve No. 133

T. 37 S., R. 16 E.,
Sec. 8, NW¼NW¼.

The area described contains 40 acres in Lake County, Oregon.

2. At 10 a.m. on June 23, 1981, the land which has been added to the Fremont National Forest by Proclamation No. 2143 of October 14, 1935, will be open to such forms of disposition as may by law be made of national forest lands.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior

[FR Doc. 81-15775 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5911

[OR 20232]

Oregon; Partial Revocation of Public Water Reserve No. 85

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 40 acres of public land withdrawn as a public water reserve. This action will restore the land, which has been added to the Fremont National Forest, to such forms of disposition as may by law be made of such lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of November 27, 1922, which withdrew certain lands for public water reserve purposes is hereby revoked insofar as it affects the following described land:

Willamette Meridian

Fremont National Forest

Public Water Reserve No. 85

T. 41 S., R. 17 E.,
Sec. 9, SE¼SW¼.

The area described contains 40 acres in Lake County.

2. At 10 a.m. on June 23, 1981, the land, which has been added to the Fremont National Forest by Proclamation No. 2143 of October 14, 1935, will be open to such forms of disposition as may by law be made of national forest lands.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15774 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5892

[OR 19002-A]

Oregon; Partial Revocation of Public Water Reserve No. 148

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 360 acres of public lands withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 6019 of February 7, 1933, which withdrew certain lands for public water reserve purposes is hereby revoked insofar as it affects the following described public lands:

Willamette Meridian

Public Water Reserve No. 148

T. 40 S., R. 39 E.,
Sec. 32, E½NE¼, E½W½NE¼, and W½NW¼;
Sec. 33, NW¼.

The area described aggregates 360 acres in Malheur County.

2. At 10 a.m. on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on June 23, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15780 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5869

[OR 20221-D]

Oregon; Partial Revocation of Public Water Reserve No. 61

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive Order which withdrew certain lands as a public water reserve. The lands remain withdrawn under the administrative jurisdiction of the Navy Department for the Boardman Bombing Range.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of February 25, 1919, which withdrew the following described public lands for a public water reserve is hereby revoked:

Willamette Meridian

Public Water Reserve No. 61

T. 2 N., R. 25 E.,
Sec. 22, SE¼SW¼ and W½SE¼.

The area described contains 120 acres in Morrow County.

2. The lands remain withdrawn by Executive Order No. 8651 of January 23, 1941, from all forms of appropriation under the public land laws generally, including the mining and mineral leasing laws for the Navy Department's Boardman Bombing Range.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 15, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15781 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5871

[OR-19003]

Oregon; Revocation of Public Water Reserve No. 150

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew 40 acres of public land as a public water reserve. This action will restore the land to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 6040 of February 20, 1933, which withdrew the following described public land for a public water reserve is hereby revoked:

Willamette Meridian

Public Water Reserve No. 150

T. 28 S., R. 37 E.,
Sec. 3, NW¼SE¼.

The area described contains 40 acres in Malheur County.

2. At 10 a.m., on June 20, 1981, the public land described above will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 20, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 20, 1981, the public land described above will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 15, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15782 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5872

[OR 20234]

Oregon; Partial Revocation of Public Water Reserve No. 87

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 60 acres of public lands withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is order as follows:

1. The Executive Order of November 9, 1923, which withdrew certain land for public water reserve purposes is hereby revoked so far as it affects the following described public land:

Willamette Meridian

Public Water Reserve No. 87

T. 31 S., R. 33 E.,
Sec. 20, SW¼SW¼;
Sec. 29, W½NW¼NW¼.

The area described contains 60 acres in Harney County.

2. At 10 a.m., on June 20 1981, the public lands described above will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 20, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 20, 1981, the public lands described above will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 15, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15783 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5887

[OR 19470]

Oregon; Revocation of Executive Order No. 7601

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew 40 acres as a material site for use by the Bureau of Land Management. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 7601 of April 7, 1937, which withdrew the following described public lands for use by the Bureau of Land Management as a material site, is hereby revoked:

Willamette Meridian

T. 41 S., R. 14 E.,
Sec. 5, NE¼SE¼.

The area described contains 40 acres in Klamath County.

2. At 10 a.m. on June 23, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on June 23, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15793 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5874

[OR 20418]

Oregon; Revocation of Recreational Withdrawal No. 14

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial Order which withdrew 77.31 acres of lands for protection of recreational values. This action permits restoration of the lands to operation of the mining laws, provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of August 27, 1928, which withdrew the following described lands for recreational purposes, is hereby revoked in its entirety:

Willamette Meridian

Recreational Withdrawal No. 14

T. 9 S., R. 44 E.,
Sec. 6, Lots 3 and 4.

The area described contains 77.31 acres in Baker County.

2. The surface estate of the above described lands has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869, 869-4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director,

Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97028.

Dated: May 15, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15794 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5884

[OR 20411]

Oregon; Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Secretarial orders which withdrew 275.11 acres of land for use as a stock driveway. This action will restore the lands to operation of the public land laws generally.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders of November 10, 1927, and May 12, 1931, which withdrew the following described public land for a stock driveway, are hereby revoked:

Willamette Meridian

T. 4 S., R. 31 E.,
Sec. 28, W½NE¼;
Sec. 30, Lots 1, 2, and 3, SE¼NW¼, and NE¼SW¼.

The area described aggregates 275.11 acres in Umatilla County, Oregon.

2. At 10 a.m., on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been and continue to be open to location under the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15795 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5909

[ORE 05521]

Oregon; Revocation of Public Land Order No. 1555

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 116.12 acres of public land as an administrative site. This action will restore the lands to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1555 of November 19, 1957, which withdrew the following described public lands for use by the Bureau of Land Management as an administrative site, is hereby revoked:

Willamette Meridian

Lily Lake Administrative Site

T. 33 S., R. 32 ¾ E.,
Sec. 1, Lots 1, 2, and SW¼NE¼.

The area described contains 116.12 acres in Harney County.

2. At 10 a.m., on June 23, 1981, the above described public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the above described public lands will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15801 Filed 5-26-81; 8:46 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5912

[ORE 010767]

Oregon; Revocation of Public Land Order No. 2920

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 80.00 acres for the Garden Clubs Reseeding Project. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 2920 of January 30, 1963, which withdrew the following described public lands for the Garden Clubs Reseeding Project, is hereby revoked:

Willamette Meridian

T. 26 S., R. 13 E.,
Sec. 9, N½NE¼.

The area described contains 80.00 acres in Lake County.

2. At 10 a.m., on June 23, 1981, the lands shall be open to operation of the public land laws generally subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15776 Filed 5-20-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5885

[U-4793]

Utah; Powersite Restoration No. 683 Revocation of Powersite Withdrawals in Whole or in Part

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes two Executive Orders which withdrew about 313,080 acres of land for administrative purposes in connection with powersite reservations affecting the Colorado and San Juan Rivers in Utah. The lands remain withdrawn under the Act of October 27, 1972, 86 Stat. 1311–1313, for the Glen Canyon National Recreation Area under the juridisction of the National Park Service. They are also in a Water and Power Resources Service First Form Withdrawal.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801–524–4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, and pursuant to the determinaton of the Federal Energy Regulatory Commission (formerly the Federal Power Commission) in DA–190–Utah, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Powersite Reserve No. 40 and Executive Order of July 10, 1910, creating Powersite Reserve No. 122, and any interpretations of either, are hereby revoked so far as they affect the following described lands:

Salt Lake Meridian

Powersite Reserve No. 40

Tps. 43 and 44 S., R. 4 E.;
Tps. 42, 43, and 44 S., R. 5, 6, and 7 E.;
Tps. 41, 42, and 43 S., R. 8 E.;
Tps. 39 to 43 S., R. 9 E.;
Tps. 37 to 42 S., R. 10 E.;
Tps. 36 to 41 S., R. 11 E.;
Tps. 34 to 39 S., R. 12 E.;
Tps. 33 to 38 S., R. 13 E.;
Tps. 33 to 37 S., R. 14 E.;
Tps. 33, 34, 36, S., R. 15 E.;
Tps. 32, 33, and 34 S., R. 16 E.;
Tps. 31 to 34 S., R. 17 E.;
Tps. 32 and 33 S., R. 18 E.

Containing approximately 238,200 acres in Wayne, Garfield, Kane, and San Juan Counties.

Powersite Reserve No. 122

Tps. 41 and 42 S., R. 10 E.;
Tps. 40, 41, and 42 S., R. 11 to 15 E.

Containing approximately 74,880 acres in San Juan County.

2. All of the lands are included in the Glen Canyon National Recreation Area, under the jurisdiction of the National Park Service, pursuant to the Act of October 27, 1972, 86 Stat. 1311–1313. They are also withdrawn by the Water Power Resources Service for reclamation purposes. Accordingly, the lands remain closed to disposition under the public land laws, including the mining laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15784 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5894

[U-22010]

Utah; Revocation of Executive Order No. 4181

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive Order which withdrew lands for classification and pending legislation. This action will restore 272 acres of public lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801–524–4245.

By virtue of authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 4181 of March 24, 1925, which temporarily withdrew the following described lands in conjunction with the Zion National Park, is hereby revoked:

Salt Lake Meridian

T. 42 S., R. 10 W., (partially surveyed)
Sec. 3, N½SW¼;
Sec. 10, SW¼.

The area described contains 272 acres in Washington County.

2. At 10 a.m. on June 23, 1981, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands will be open to location under the United States mining laws at 10 a.m. on June 23, 1981. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15796 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5897

[U-43723]

Utah; Revocation of Public Land Order No. 1261

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew lands for use of the U.S. Geological Survey in connection with a sediment testing laboratory site. The lands remain withdrawn under the Act of October 27, 1972, for the Glen Canyon National Recreation Area under the jurisdiction of the National Park Service. They are also in a Water and Power Resources Service First Form Withdrawal.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801–524–4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

Public Land Order No. 1261 of December 14, 1955, which withdrew lands for use of the U.S. Geological Survey as a sediment testing laboratory site, is hereby revoked:

Salt Lake Meridian

T. 34 S., R. 13 E., (partially surveyed)
Sec. 35, S½S½NE¼NE¼;
Sec. 36, Lot 1.

Containing 44.99 acres in Garfield County.

2. The lands are included in the Glen Canyon National Recreation Area under the jurisdiction of the National Park Service, pursuant to the Act of October 27, 1972, 86 Stat. 1311–1313. They are also withdrawn by the Water and Power Resources Service for reclamation purposes. Accordingly, the lands remain closed to disposition under the public land laws generally, including the mining laws.

3. At 10 a.m. on June 23, 1981, the lands will be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15786 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5902

[U-26541]

Utah; Revocation of Executive Order No. 1568, Baker Ranger Station Administrative Site Addition

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a withdrawal of 60 acres of lands as an addition to the Baker Ranger Station Administrative Site. The lands are classified as suitable for leasing under the Recreation and Public Purposes Act; therefore, remain closed to the general public land laws including the mining laws.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801–524–4245.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 1568 of July 23, 1912, which withdrew public lands as an addition to the Baker Ranger Station for the administration of the LaSal National Forest (now the Manti-LaSal National Forest) is hereby revoked in its entirety:

Salt Lake Meridian

T. 33 S., R. 23 E.,
Sec. 26, SW¼SW¼;
Sec. 35, S½NW¼NW¼.

The area described contains 60 acres in San Juan County.

2. The lands described above have been classified under the Recreation and Public Purposes Act of June 14, 1926, as amended, 43 U.S.C. 869; 869–4, and leased to the City of Monticello for the purpose of expanding its water supply. The lands, therefore, will not be subject to other use or disposition under the public land laws, including the mining laws.

The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15802 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5905

[U-11029]

Utah; Revocation of Forest Service Administrative Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew and reserved lands for administrative site purposes by the Department of Agriculture, Forest Service. The subject property has been transferred to the Bureau of Land Management, Department of Interior, pursuant to the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: J. K. Latimer, Utah State Office, 801–524–4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5011 of January 26, 1971, which withdrew the following described lands as an administrative site for use by the Department of Agriculture, Forest Service, is hereby revoked:

Salt Lake Meridian

T. 36 S., R. 3 W.,
Sec. 7, Lots 1 and 2.

The area described contains 68.68 acres in Garfield County, Utah.

2. The lands have been determined to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. Section 471 (1974), and have been disposed of under the provisions of that Act. As such, the lands are no longer subject to operation of the public land laws, including the mining and mineral leasing laws.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15803 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5906

[OR-22186 (Wash.)]

Washington; Revocation of Executive Order Dated March 4, 1896, as Amended, and Modified

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew 125.91 acres of land for military purposes, as amended, and modified by Executive Order No. 3893 of August 13, 1923, to provide for disposition of the lands by the Secretary of the Interior. This action permits restoration of the lands to operation of the mining laws provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of March 4, 1896, which withdrew the following described lands for military purposes, as amended, and modified by Executive Order No. 3893 of August 13, 1923, to provide for disposition of the lands by the Secretary of the Interior, is hereby revoked:

Willamette Meridian

T. 38 N., R. 2 W.,
Sec. 24, Lots 1 through 6, inclusive
Sec. 25, Lot 5;
Sec. 26, Lots 5 and 10;
Sec. 27, Lot 1;
Sec. 36, Lot 1.

The area described aggregates 125.91 acres in San Juan County, Washington.

2. The surface estate of the lands has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15804 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5907

[OR 22208 (Wash.)]

Washington; Revocation of Executive Order No. 4654

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order which withdrew 4.92 acres of land for classification in aid of legislation. This action permits restoration of the lands to operation of the mining laws provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 4654 of May 23, 1927, which withdrew the following described lands for classification in aid of legislation, is hereby revoked:

Willamette Meridian

T. 34 N., R. 1 E.,
Sec. 22, Lot 4;
Sec. 25, Lot 7.

The area described aggregates 4.92 acres in Skagit and Island Counties, Washington.

2. The surface estate of the lands has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15805 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5876

[W-56443]

Wyoming; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Bureau of Reclamation (now Water Power Resources Service) withdrawals affecting 605.52 acres of public lands. This action will restore the lands to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: June 20, 1981.

FOR FURTHER INFORMATION CONTACT: Scott Gilmer, Wyoming State Office, 307–778–2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of August 30, 1956, Public Land Order No. 3061 of May 1, 1963, and Public Land Order No. 3292 of December 13, 1963, which withdrew public lands for use by the Bureau of Reclamation in connection with the Shoshone Extensions Unit of the Pick-Sloan Missouri Basin Program, are hereby revoked insofar as they affect the following described public lands:

Sixth Principal Meridian

T. 51 N., R. 98 W.,
Sec. 29, Lots 4, 5, 11, 13, 18, 28, 29, 30, SW¼NE¼, and NW¼SW¼;
Sec. 30, Lots 16, 25, and 26;
Sec. 31, Lots 25 and 26;
Sec. 32, Lots 29 and 30;
Tracts 86–A, 86–B, 87–A, 87–B, 90–A, 90–B, and 90–C.

The area described contains 605.52 acres in Park County.

2. At 10:00 a.m., on June 20, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on June 20, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10:00 a.m., on June 20, 1981. The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Dated: May 15, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15787 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; Arizona, et al.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the

Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevation

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Superior (town), Pinal County, FEMA–5978	Queen Creek	Intersection of Mary Drive (Ford) and Queen Creek	*2,644
			Intersection of Stansberry Avenue (Ford) and Queen Creek.	*2,760
	Maps available for inspection at Town Clerk's Office, 734 W. Main Street, Superior, Arizona.			
California	Del Rey Oaks (city), Monterey County, FEMA–5978	Arroyo Del Rey	Fremont Boulevard culvert inlet	*29
			Upstream side of Rosita Road over channel	*57
			Upstream side of State Highway 68 over channel	*117
	Maps available for inspection at City Hall, 650 Canyon Del Rey Road, Del Rey Oaks, California.			
California	Salinas (city), Monterey County, FEMA–5978	Gabilan Creek	100 feet upstream of intersection of East Laurel Drive Extension and Gabilan Creek.	*50
		Natividad Creek	100 feet upstream of intersection of East Laurel Drive Extension and Natividad Creek.	*45
		Reclamation ditch	200 feet upstream of intersection of State Highway 183 (North Main Street) and Reclamation Ditch.	*43
		Santa Rita Creek	50 feet downstream of intersection of North Main Street and Santa Rita Creek.	*74
	Maps available for inspection at City Hall, 200 Lincoln Avenue, Salinas, California.			
Georgia	City of Riceboro, Liberty County (FEMA/5927)	Riceboro Creek (flooding controlled by hurricane tides from the coast of Georgia).	Just upstream of Seaboard Coast Line Railroad	*11.0
			Just upstream New State Road 25 (new U.S. Highway 17).	*10.5
	Maps available for inspection at City Hall, Riceboro, Georgia 31323.			
Idaho	Bonneville County (unincorporated areas), FEMA–5978	Snake River	200 feet upstream from center of U.S. Highway 26	*5,246
			100 feet upstream from center of Dam (approximately 2 miles upstream from Idaho Falls corporate limits).	*4,735
		Snake River west channel	200 feet upstream from center of private road	*4,735
		Palisades Creek	100 feet upstream from U.S. Highway 26	*5,362
		Rainey Creek	200 feet upstream from center of Ranger Station Road.	*5,280
		Sand Creek	Intersection of Crowley Road and East 21st Street	#2
			200 feet northwest from intersection of Ammon-Lincoln Road and Township Road.	*4,706
	Maps available for inspection at Bonneville County Courthouse, 605 N. Capitol Avenue, Idaho Falls, Idaho.			
Illinois	(V) Spring Grove, McHenry County (Docket No. FEMA–5978).	Nippersink Creek	Downstream corporate limits	*758
			Approximately 500 feet upstream of Blivin Street	*760
			Upstream corporate limits	*764
		North Spring Creek	At confluence with Nippersink Creek	*761
			About 70 feet downstream of dam	*781
			Just upstream of dam	*791
			Approximately 4,700 feet upstream of dam	*824
		East fork North Spring Creek	At confluence with North Spring Creek	*761
			About 100 feet upstream of private road (first crossing).	*786
			At upstream corporate limits	*789
		South Spring Creek	About 510 feet upstream of mouth	*762
			Just upstream of Hatchery Road	*775
			Just upstream of Highview Street	*785
			About 120 feet upstream of U.S. Route 12	*794
			At the upstream corporate limits	*824
		Shallow flooding (overflow from North Spring Creek).	About 400 feet east of Nippersink Creek and 2,660 feet north of Spring Lake Road.	#1
	Maps available for inspection at the Clerk's Office, Spring Grove, Illinois			
Indiana	(T) Fountain City, Wayne County (Docket No. FEMA–5978)	Nolands Fork	About 350 feet downstream of U.S. Highway 27	*1,089
			Downstream corporate limit	*1,091
			Just downstream of Fountain City Pike	*1,096
			Upstream corporate limit	*1,100
	Maps available for inspection at the City Building, 312 West Main Street, Fountain City, Indiana.			
Indiana	(C) Greenfield, Hancock County (Docket No. FEMA–5973)	Brandywine Creek	About 490 feet downstream Steel Road	*853
			About 600 feet downstream Road 100 South	*859
			Just downstream of Conrail	*866
			About 1000 feet upstream of County Road 100 North	*872
			About 120 feet downstream of Interstate 70	*876
			About 310 feet downstream County Road 300 North	*879
		Little Brandywine Creek	At mouth	*854

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 400 feet upstream County Road 100 South	*871
			About 200 feet downstream of Conrail	*880
			Just upstream of Conrail	*883
			About 200 feet upstream of County Road 100 North	*894
			About 0.17 mile upstream of County Road 400 east (Near Interstate 70).	*907
		Potts Ditch	At mouth	*864
			About 100 feet downstream of Conrail	*869
			About 200 feet upstream of Conrail	*874
			Just downstream of west 4th Street	*884
			Just downstream of County Road 100 North	*893
			About 0.55 mile upstream of County Road 200 North	*904
		Putter Ditch	At mouth	*862
			About 75 feet downstream of State Route 9	*872
			Just upstream of State Route 9	*879
			About 800 feet upstream of State Route 9	*879
Maps available for inspection at the Building Commissioner's Office, Municipal Building, 110 South State Street, Greenfield, Indiana.				
Indiana	(T) Greens Fork, Wayne County (Docket No. FEMA-5978)	Greens Fork	About 200 feet downstream of Norfolk and Western Railway.	*1,002
			About 1000 feet upstream of Pearl Street	*1,006
Maps available for inspection at the Building Inspector's Office, P.O. Box 177, 12 S. Maple Street, Greens Fork, Indiana.				
Kentucky	Unincorporated areas of Harrison County (FEMA-5973)	South fork Licking River	Just upstream of Keller Dam	*707
			Just upstream of Pleasant Street	*713
			Just upstream of Lair Road	*716
			Just upstream of Old Lair Road	*732
		Flat Run	Just upstream of Church Street	*713
			Just upstream of U.S. Highway 62	*730
		Grays Run	At the confluence of tributary "B"	*715
		Tributary "B"	Just upstream of the double 4' x 12' box culvert's inlet.	*719
			Just upstream of U.S. Highways 62 and 27 near intersection with Cornersville Road.	*721
			Just upstream of U.S. Highways 62 and 27 (uppermost upstream crossing near the junction of U.S. Highways 62 and 27).	*730
Maps available for inspection at Harrison County Courthouse, Main Street, Cynthiana, Kentucky 41031				
Maryland	Annapolis, city, Anne Arundel County (Docket No. FEMA-6000).	Chesapeake Bay	Entire shoreline within corporate limits	*7
Maps available for inspection at the Municipal Building, Duke of Gloucester Street, Annapolis, Maryland.				
Maryland	Highland Beach, town, Anne Arundel County (Docket No. FEMA-6000).	Chesapeake Bay	Entire shoreline within corporate limits	*7
Maps available for inspection by contacting Mayor Gary Browne at (202) 727-1851.				
Massachusetts	Palmer, town, Hampden County (Docket No. FEMA-5955)	Chicopee River	50' upstream of Corporate Limits	*281
			3/10 mile downstream of Bridge Street	*289
			Upstream side of Bridge Street	*298
			Approximately 190' upstream of Central Vermont Railroad Bridge.	*301
		Quaboag River	Approximately 50' downstream of Springfield Street	*301
			Upstream side of Palmer Street	*310
			Upstream side of Central Vermont Railroad Bridge	*311
			Upstream side of Massachusetts Turnpike	*312
			Downstream side of Wilbraham Street	*314
			Upstream side of Conrail	*317
			Downstream side of Central Vermont Railroad Bridge	*321
			Upstream side of Lower Palmer Road	*328
			1/5 mile upstream of Lower Palmer Road	*335
			1,585' downstream of U.S. Route 20	*345
			Upstream side of U.S. Route 20	*350
			1 mile downstream of Conrail Bridge	*357
			1,040' downstream of Conrail Bridge	*367
			Upstream side of Conrail Bridge	*373
			Upstream side of Washington Street	*374
			4/5 mile upstream of Washington Street	*384
			Upstream side of Massachusetts Turnpike	*388
			2 1/5 miles upstream of Washington Street	*395
			7/10 mile downstream of the intersection of Boston Road and Warren Road.	*405
			1/2 mile downstream of the intersection of Boston Road and Warren Road.	*415
			1/4 mile south of the intersection of Boston Road and Warren Road.	*426
			400' downstream of the intersection of Boston Road and Warren Road.	*436
			600' upstream of the intersection of Boston Road and Warren Road.	*445
			1,800' upstream of the intersection of Boston Road and Warren Road.	*455
			2,400' upstream of the intersection of Boston Road and Warren Road.	*465
		Ware River	Confluence with Chicopee and Quaboag Rivers	*301
			Confluence of Swift River	*310
			Upstream side of State Route 181	*312

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			3,590' upstream of State Route 181	*322
			318' downstream of Main Street	*332
			Upstream side of Main Street	*333
			Downstream side of downstream dam	*339
			Upstream side of downstream dam	*345
			100' downstream of Church Street	*355
			Upstream side of Church Street	*358
			Downstream side of upstream dam	*361
			Upstream side of upstream dam	*370
			Upstream side of State Street	*377
			First upstream Corporate Limits	*379
			Downstream Corporate Limits	*393
			Second Upstream Corporate Limits	*395
		Swift River	Confluence with Ware River	*310
			Upstream side of Central Vermont Railroad Bridge	*314
			2,138' downstream of River Street	*324
			Upstream side of River Street	*331
			Downstream side of Otis Company Dam	*332
			Upstream side of Otis Company Dam	*343
			Upstream side of Factory Road	*350
			Downstream side of Otis Company Dam	*352
			Upstream side of Otis Company Dam	*366
			Downstream side of Corporate Limits	*366
	Maps available for inspection at the Conservation Commission, Town Hall, Palmer, Massachusetts.			
Michigan	(Twp) Bedford, Monroe County (Docket No. FEMA-5978)	Halfway Creek	About 800 feet downstream U.S. Highway 25	*582
			Just downstream of Chessie Sstem	*586
			Just upstream of Chessie System	*590
			About 1,750 feet downstream of Hickory Hill Road	*605
			Just downstream of Smith Road	*608
			Just upstream of Douglas Road	*611
			Approximately 1,290 feet upstream of Secor Road	*617
			Just downstream of western corporate limits	*633
		Indian Creek	Just upstream of Ann Arbor Railroad	*592
			Just downstream of Lewis Avenue	*606
			Just downstream of Jackman Road	*629
			Just downstream of Douglas Road	*656
			Just downstream of Temperance Road	*659
		Flat Creek	Just upstream of Minx Road	*598
			Just downstream of Temperance Road	*616
			Just upstream of Ann Arbor Railroad	*620
			About 1,500 feet upstream Lewis Avenue	*621
		Kelley-Doty drain	Approximately 1,100 feet downstream of Chessie system.	*591
			Approximately 3,000 feet upstream of Sterns Road	*604
		Salter drain	Confluence with Indian Creek	*620
			Just downstream of Jackman Road	*623
			Approximately 1,900 feet upstream of Jackman Road	*627
		Bragden ditch	Confluence with Indian Creek	*598
			Just downstream of Lewis Road	*601
			Just upstream of Lewis Road	*610
			Just downstream of Bernard Street	*627
			Approximately 1,400 feet upstream of Bernard Street	*631
		Spring Brook	Approximately 950 feet upstream of mouth at Halfway Creek.	*612
			Just upstream of Sterns Road	*625
			Just downstream of Secor Road	*648
			Approximately 1,250 feet upstream of Monroe Road	*660
	Maps available for inspection at the Clerk's Office, Bedford Township Hall, 8100 Jackman Road, Temperance, Michigan.			
Michigan	(C), Hudson, Lenawee County (Docket No. FEMA-5978)	Bean Creek	Downstream corporate limits	*896
			Just upstream Mechanic Street	*900
			Just upstream old railroad grade	*905
			About 7,250 feet upstream old railroad grade	*909
		Shallow flooding	Intersection of Market Street and Park Street	*898
	Maps available for inspection at the Clerk's Office, City Hall, 121 North Church Street, Hudson, Michigan			
Michigan	(C), Livonia, Wayne County (Docket No. FEMA-5978)	Upper Rouge River	At Inkster Road	*630
			Just upstream Inkster Road	*632
			Just downstream Eight Mile Road	*644
		Bell Branch	Just upstream of Inkster Road	*621
			About 1,390 feet downstream Merriman Road	*630
			Just upstream of Merriman Road	*633
			About 240 feet upstream confluence of Tributary No. 1	*647
			Just upstream Ellen Road	*653
		Beitz dram	Just upstream mouth at Bell Branch	*642
			About 950 feet upstream confluence with Bell Branch	*643
			About 2,100 feet upstream 6 mile Road	*656
		Tributary No. 1	Just upstream mouth Bell Branch	*646
			About 0.83 mile upstream Six Mile Road	*681
		Tarabusi Creek	Just upstream mouth at Bell Branch	*623
			Just downstream Middlebelt Road	*630
			About 50 feet upstream Middlebelt Road	*635
			Just downstream Seven Mile Road	*660
			Just upstream Seven Mile Road	*664
			Just downstream of Eight Mile Road	*665
	Maps available for inspection at the Engineering Department, City Hall, 33000 Civic Center Drive, Livonia, Michigan.			

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Minnesota	(C), Oronoco, Olmstead County (Docket No. FEMA-5978)	Middle Fork Zumbro River	At the eastern corporate limit	*945
			Just downstream County Road 18	*948
			Just upstream Shady Lake Dam	*960
			At the western corporate limits	*964
		South Branch Middle Fork Zumbro River.	Confluence with Middle Fork Zumbro River	*961
			At the western corporate limit	*965
	Maps available for inspection at the City Hall, Oronoco, Minnesota.			
Minnesota	(C), Owatonna, Steele County (Docket No. FEMA-5978)	Straight River	At the downstream corporate limit	*1,129
			Just upstream of North Street	*1,132
			At Morehouse Park Dam	*1,137
			At the southern most corporate limit	*1,141
		Maple Creek	At the confluence with Straight River	*1,131
			About 215 feet upstream Cedar Avenue	*1,133
			Just upstream of Dartt's Park Dam	*1,137
			At the confluence with Maple Creek Tributary	*1,148
			Just upstream of Mineral Spring Park Dam	*1,167
			At upstream corporate limit	*1,170
		Maple Creek tributary	About 450 feet downstream of Rose Street	*1,148
			Just downstream of Rose Street	*1,152
			Just upstream Rose Street	*1,156
			About 150 feet downstream Rice Lake Street	*1,159
			Just upstream Rice Lake Street	*1,174
			Just upstream School Street	*1,176
			About 950 feet downstream eastern corporate limit	*1,186
			About 740 feet downstream eastern corporate limit	*1,196
			At eastern corporate limit	*1,197
	Maps available for inspection at the City Hall, 540 West Hills Circle, Owatonna, Minnesota.			
Minnesota	(Unincorporated), Steele County (Docket No. FEMA-5979)	Straight River	Just upstream Township Road at northern county boundary.	*1,069
			Just upstream County Highway 45 (downstream crossing).	*1,079
			About 600 feet downstream Chicago, Rock Island and Pacific Railroad (2d crossing).	*1,098
			Just downstream County Highway 34	*1,126
			About 200 feet downstream of U.S. Highway 14 (westbound).	*1,141
			Just upstream County Highway 18	*1,146
		Crane Creek	Confluence with Straight River	*1,091
			Just downstream County Highway 22	*1,091
		Maple Creek	At City of Owatonna corporate limits	*1,170
			Just upstream County Highway 35 (downstream crossing).	*1,178
			Just upstream County Highway 43	*1,195
	Maps available for inspection at the Steele County Administrative Annex, 590 Dunnell Drive, Owatonna, Minnesota.			
Minnesota	(C), Wanamingo, Goodhue County (Docket No. FEMA-5979).	North Fork Zumbro River	At downstream corporate limits	*1,011
			Just downstream of Main Street	*1,015
			Just upstream of Main Street	*1,020
			At upstream corporate limits	*1,023
		Shingle Creek	Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*1,024
			At upstream corporate limits	*1,040
	Maps available for inspection at the City Hall P.O. Box 224 W. Wanamingo, Minnesota.			
Minnesota	(C), Zumbro Falls, Wabasha County (Docket No. FEMA-5979).	North Fork Zumbro River	At downstream corporate limits	*842
			At upstream corporate limits	
		Buckman Coulee	Just upstream U.S. Highway 63 (downstream corporate limits).	*842
			About 250 feet downstream of Main Steet	*847
			At upstream corporate limits	*858
	Maps available for inspection at the City Hall, P.O. Box 100, Zumbro Falls, Minnesota.			
Montana	Carbon County (unincorporated area) (FEMA-5845)	Yellowstone River	At northeasternmost tip of county at channel (north of U.S. Highways 212 and 310).	*3,286
			At northwest corner of section 1, township 3 south range 23 east.	*3,321
		Rock Creek	Upstream side of Burlington Northern Railroad (near confluence with Clarks Fork Yellowstone River) over the channel.	*3,424
			Upstream side of U.S. Highway 310 crossing the channel (near Rockvale).	*3,483
			Upstream side of County Road crossing the channel (near Montaqua).	*3,572
			Country Road crossing the channel (south of the town of Joliet).	*3,724
			Downstream side of U.S. Highway 212 crossing the channel (west of the town of Joliet).	*3,798
			Downstream side of U.S. Highway 212 crossing the channel (near Selmes).	*4,410
			Downstream side of County Road crossing the channel (approximately 1 mile south of Roberts).	*4,622

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			County Road at Fox crossing the channel	*4,994
			Upstream side of County Road crossing the channel (approximately 1 mile north of the city of Red Lodge)	*5,386
			Upstream side of State Highway 308 crossing the channel (south of the city of Red Lodge)	*5,626
		Clarks Fork Yellowstone River	Downstream side of County Road (east side of the town of Fromberg) crossing the channel	*3,521
			Upstream side of U.S. Highway 310 crossing the channel (south of the town of Bridger)	*3,657
	Maps available at Planning Office, P.O. Box 460, Red Lodge, Montana			
Montana	Fromberg (town), Carbon County (FEMA-5845)	Clarks Fork Yellowstone River	On the north side of River Street approximately 400 feet east of intersection of Lovers Lane and River Street.	*3,520
			Southernmost end of Third Avenue at the corporate limits.	*3,525
	Maps available for inspection at Town Hall, Fromberg, Montana			
New Jersey	Deerfield, township, Cumberland County (Docket No FEMA-5875).	Maurice River	Downstream corporate limits	*36
			Upstream corporate limits	*39
	Maps available for inspection at the Deerfield Municipal Building, Rosenhayn, New Jersey			
New Jersey	East Amwell, township, Hunterdon County (Docket No. FEMA-5811).	Neshanic River	Downstream corporate limits	*103
			Upstream side of Cider Mill Road	*111
			Upstream side of Manners Road	*116
			Upstream corporate limits	*121
		Stony Brook	Downstream corporate limits	*207
			Approximately 1,570' upstream of downstream corporate limits.	*217
			Approximately 4,280' upstream of downstream corporate limits.	*237
			Downstream side of Linvale Road	*292
			Approximately 60' upstream of Linvale Road	*294
		South Fork Third Neshanic River	Downstream corporate limits	*159
			Approximately 60' upstream of Rynearson's Road	*168
			Centerline of Creek Road at upstream corporate limits	*172
		Tributary A	Confluence with Neshanic River	*110
			Downstream side of driveway approximately 2,975' upstream of Back Brook Road.	*126
			Upstream side of driveway approximately 2,975' upstream of Back Brook Road.	*130
			Downstream side of private road approximately 475' downstream of Manners Road	*154
			Downstream side of Manners Road	*158
			Upstream side of Manners Road	*159
		Back Brook	Confluence with Neshanic River	*112
			Downstream side of Van Lieu's Road	*118
			Approximately 8,475' upstream of Van Lieu's Road	*137
			Downstream side of Wertsville Road	*164
			Downstream side of Farm Lane	*176
			Approximately 500' downstream of State Route 202	*187
			Downstream side of County Route 579	*191
			Upstream side of Old York Road	*196
	Maps available for inspection at the Township Clerk's Office, East Amwell, New Jersey.			
New Jersey	Township of Harmony, Warren County (Docket No. FEMA-5875).	Delaware River	Downstream corporate limits	*202
			*4,000 feet upstream of corporate limits	*203
			At Conrail bridge approximately 22,800 feet upstream of corporate limits.	*213
			Confluence of Buckhorn Creek	*220
			At 2d Conrail bridge 42,350 feet upstream of corporate limits.	*228
			1,650 feet upstream of 2d Conrail bridge	*230
		Lopatcong Creek	Downstream corporate limits	*344
			At dam 70 feet upstream of corporate limits	*345
			1,400 feet upstream from corporate limits	*358
			400 feet downstream from County Route 519	*363
			County Route 519 (upstream)	*370
			At private road 1,000 feet upstream of County Route 519	*380
			At private road 2,000 feet upstream of County Route 519.	*391
			1,000 feet downstream of Decker Road	*402
			400 feet downstream of Decker Road	*409
			Upstream side of Decker Road	*417
			800 feet upstream of Decker Road	*425
			Hartman Drive	*437
			800 feet upstream of Hartman Drive	*448
			1,400 feet upstream of Hartman Drive	*457
			1,800 feet upstream of Hartman Drive	*465
			Approximately 1,000 feet downstream of Harmony Brass Castle Road	*474
			Approximately 350 feet downstream of Harmony Brass Castle Road.	*487

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Harmony Brass Castle Road	*497
			Allen's Mill Road	*508
			270 feet upstream from Allen's Mill Road	*513
		Buckhorn Creek	At confluence with Delaware River	*220
			1,000 feet upstream of Hutchison State Road	*228
			2,000 feet upstream of Hutchison State Road	*238
			1,500 feet downstream of Reeder Road	*247
			300 feet downstream of Reeder Road	*256
			At Reeder Road	*265
			1,700 feet upstream of Reeder Road	*276
			2,500 feet upstream of Reeder Road	*286
			Approximately 1,750 feet downstream of Roxburg Station Road.	*295
			At confluence of tributary No. 1 to Buckhorn Creek	*301
			At upstream corporate limits	*303
		Tributary No. 1 to Buckhorn Creek	At confluence with Buckhorn Creek	*301
			200 feet upstream of confluence with Buckhorn Creek	*303
			200 feet downstream of County Route 519	*315
			At County Route 519 and Hill Road	*322
			300 feet upstream of County Route 519	*332
			Approximately 550 feet upstream of County Route 519	*342
			Approximately 635 feet upstream of County Route 519	*351
			Approximately 735 feet upstream of County Route 519	*362
			Approximately 840 feet upstream of County Route 519	*372
			Approximately 935 feet upstream of County Route 519	*381
			Approximately 1,040 feet upstream of County Route 519	*391
			Approximately 1,140 feet upstream of County Route 519	*404
			Approximately 1,236 feet upstream of County Route 519	*418
			Approximately 1,340 feet upstream of County Route 519.	*433
			Approximately 1,435 feet upstream of County Route 519.	*444
			Approximately 1,595 feet upstream of County Route 519	*454
			1,745 feet upstream of County Route 519	*463
			1,880 feet upstream of County Route 519	*472
Maps available for inspection at the Harmony Township School, Harmony, New Jersey				
New Jersey	Kingwood, township, Hunterdon County (Docket No. FEMA-5843)	Delaware River	1,000' upstream of corporate limits	*100
			20,000' upstream of corporate limits	*110
			27,000' upstream of corporate limits	*115
			37,000' upstream of corporate limits	*120
			4,000' downstream of corporate limits	*121
			Upstream corporate limits	*125
		Lockatong Creek	400' above corporate limits	*266
			1,200' above corporate limits	*275
			1,680' above corporate limits	*285
			2,160' upstream of corporate limits	*295
			2,600' upstream of corporate limits	*305
			3,120' upstream of corporate limits	*315
			400' downstream of confluence of tributary A	*325
			520' upstream of confluence of tributary A	*335
			1,400' upstream of confluence of tributary A	*345
			2,200' upstream of confluence of tributary A	*355
			1,320' downstream of Mill Dam	*365
			560' downstream of Mill Dam	*375
			Downstream of Mill Dam	*381
			Upstream of Mill Dam	*391
			Confluence of tributary C	*403
			Confluence of tributary D	*414
			600' upstream of Byram-Kingwood Road	*424
			Confluence of Tributary No. 1	*433
			560' downstream of confluence of tributary F	*443
			Kingwood Road	*456
			Confluence of tributary G	*464
			Thatcher Road	*474
			Confluence of tributary K	*482
			Confluence of tributary N	*490
		Tributary No. 1	Brook Road 80' upstream of confluence with Lockatong Creek.	*433
			80' upstream of Byram-Kingwood Road	*437
			80' downstream of State Route 519	*450
			State Route 519	*460
		Muddy Run	Confluence with Lockatong Creek	*482
			1,950' upstream of Muddy Run Road	*488
			Union Road	*475
			1,200' downstream of Fitzer Road	*486
			At Fitzer Road	*498
		Tributary No. 2	Confluence with Lockatong Creek	*485
			2,800' downstream of Oak Grove Road	*495
			Oak Grove Road	*498
Maps available for inspection at the Kingwood Municipal Building, Thatcher Road, Frenchtown, New Jersey				

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
New York	South Nyack, village, Rockland County (Docket No. FEMA-5966).	Hudson River	Entire shoreline	*8
Maps available for inspection at the South Nyack Village Hall, 282 South Broadway, South Nyack, New York 10960				
North Carolina	Town of Hope Mills, Cumberland County (FEMA-5773)	Rockfish Creek	Just upstream of South Main Street (NC 59)	*91
		Little Rockfish Creek	Just upstream of Legion Road (State Route 1132)	*94
			Just downstream of Lake View Road (Hope Mills Dam)	*95
			Just upstream of Lake View Road (Hope Mills Dam)	*103
Maps available for inspection at Town Hall, 3700 S. Main Street, Hope Mills, North Carolina 29348				
Ohio	(Unincorporated), Butler County (Docket No. FEMA-5978)	Beals Run	About 160 feet upstream confluence with Indian Creek	*619
			About 650 feet upstream State Route 129	*627
		Mill Creek	Just upstream Crescentville Road	*583
			About 100 feet upstream Crescentville Road	*585
			Just upstream Interstate 75 (southbound)	*589
			About 316 feet upstream Interstate 75 (southbound)	*592
			Just upstream Rialto Road	*595
			Just downstream State Route 747	*597
			Just upstream State Route 747	*599
			About 1.2 miles upstream State Route 747	*603
		Gregory Creek	Just upstream mouth at Great Miami River	*621
			Just downstream West Chester Road	*627
			Just upstream West Chester Road	*630
			Just downstream Kyles Station Road	*648
			Just downstream Milliken Road	*667
			Just upstream Milliken Road	*671
			Just downstream Maud Hughes Road	*696
			About 0.47 mile upstream Maud Hughes Road	*703
		Browns Run	Just upstream mouth at Great Miami River	*655
			Just downstream Sloebig Road	*680
			About 265 feet upstream Sloebig Road	*684
			Just downstream Meyers Road	*726
			Just upstream Meyers Road	*729
		Coldwater Creek	Just upstream mouth at Gregory Creek	*625
			About 150 feet downstream Van G Farms Drive	*630
			About 0.22 mile upstream of Van G Farms Drive	*635
		Elk Creek	Just upstream mouth at Great Miami River	*635
			Just upstream Sebald Park Bridge	*707
			About 160 feet downstream State Route 122	*725
			About 160 feet upstream State Route 122	*729
			About 160 feet upstream Elk Creek Road	*748
		Indian Creek	About 1.55 miles downstream State Route 128	*544
			Just downstream State Route 128	*560
			About 210 feet upstream State Route 128	*562
			About 320 feet downstream Hamilton-New London Road	*585
			Just upstream Hamilton-New London Road	*589
			About 370 feet downstream U.S. Route 27	*621
			About 4,170 feet upstream U.S. Route 27	*632
			About 5,500 feet upstream U.S. Route 27	*638
			Just downstream Cochran Road	*662
			Just upstream Cochran Road	*665
			About 211 feet downstream Garner Road	*695
			About 300 feet upstream Garner Road	*698
			About 0.42 mile upstream Garner Road	*711
			About 1.15 miles upstream Garner Road	*718
			About 210 feet downstream Reily-Milltville Road	*741
			Just downstream State Route 732	*747
			Just upstream State Route 732	*753
			About 630 feet upstream State Route 732	*754
		Dry Fork Whitewater River	About 2,140 feet downstream confluence with Camp Run	*617
			About 264 feet downstream Race Lane Road	*626
			Just upstream Race Lane Road	*632
			Just downstream private road	*643
			About 160 feet upstream private road	*645
		Sevenmile Creek	About 1,060 feet upstream Okeana-Drewsburg Road	*654
			About 1.2 miles downstream Taylor School Road	*619
			Just upstream Taylor School Road	*639
			About 310 feet upstream U.S. Route 127	*684
			About 0.58 mile downstream State Road	*698
			About 125 feet downstream State Road	*702
			About 320 feet upstream Hamilton-Eaton Road	*747
			At county boundary	*762
		Great Miami River	Just upstream American Materials Railroad	*560
			About 150 feet upstream American Materials Railroad	*562
			About 3.6 miles upstream American Materials Railroad	*574
			About 2.6 miles downstream confluence with Four Mile Creek	*582
			About 1.1 miles downstream confluence with Four Mile Creek	*586
			About 0.25 mile upstream U.S. Route 127	*595
			Just upstream Woodsdale Road	*615
			About 370 feet upstream State Route 73	*633
			At upstream county boundary	*662

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Four Mile Creek	About 0.35 mile downstream New Miami corporate limits.	*587
			Just downstream New Miami corporate limits	*590
			About 0.27 mile upstream New Miami corporate limits	*602
			Just downstream of Eaton Road	*636
			About 320 feet upstream State Route 177	*704
			Just upstream Darntown Road	*714
			Just upstream Lanes Mill Road	*740
			About 0.39 mile downstream confluence of Lick Run	*771
			About 1,660 feet downstream Bonham Road	*788
			Just upstream Bonham Road	*795
			Just downstream State Road 732	*798
			Just upstream State Road 732	*800
			About 1.5 miles upstream State Route 732	*814
Maps available for inspection at the County Clerk's Office, Butler County Courthouse, 130 High Street, Hamilton, Ohio				
Ohio	(C) Vandalia, Montgomery County (Docket No. FEMA-5978).	Poplar Creek	Just upstream of Interstate 75	*844
			Just downstream of South Dixie Drive	*928
			Just upstream of South Dixie Drive	*941
			Just downstream of private road, upstream of South Dixie Drive.	*944
			Just upstream of private road, upstream of South Dixie Drive.	*952
			About 50 feet downstream of Elva Court	*956
			About 275 feet upstream of Elva Court	*968
Maps available for inspection at the City Clerk's Office, City Hall, 333 James E. Bohanan Drive, Vandalia, Ohio.				
Pennsylvania	Berwick, township, Adams County (Docket No. FEMA-5973).	Beaver Creek	Berwick/Hamilton corporate limits	*478
			Downstream Berwick/Abbottstown corporate limits	*487
			Upstream Berwick/Abbottstown corporate limits	*517
			Approximately 1,200' upstream of the downstream Country Club Road Bridge.	*527
			Approximately 2,200' upstream of the downstream Country Club Road Bridge.	*539
			Approximately 3,200' upstream of the downstream County Club Road Bridge.	*552
			Downstream of the upstream Country Club Road Bridge.	*568
			Approximately 800' upstream of the upstream Country Club Road Bridge.	*580
			Approximately 1,400' upstream of the upstream Country Club Road Bridge.	*591
			Approximately 200' downstream of Maple Grove Road Bridge.	*602
			Maple Grove Road Bridge	*614
		Spring Run	Downstream corporate limits	*508
			Upstream of access road bridge, approximately 600' upstream of downstream corporate limits.	*518
			Upstream of private road bridge	*528
			Approximately 1,000' upstream of downstream corporate limits.	*537
			Upstream of State Route 194 Bridge	*548
			Approximately 1,000' upstream of State Route 194 Bridge.	*557
			Approximately 2,000' upstream of State Route 194 Bridge.	*571
			Approximately 500' downstream of Maple Grove Road Bridge.	*583
			Upstream side of Maple Grove Road Bridge	*596
		Pine Run tributary A	Downstream corporate limits	*522
			Approximately 1,200' upstream of the downstream corporate limits.	*534
			Approximately 2,200' upstream of the downstream corporate limits.	*546
			Approximately 3,000' upstream of the downstream corporate limits.	*554
			Approximately 3,800' upstream of the downstream corporate limits.	*561
		Pine run tributary B	Downstream corporate limits	*537
			Upstream of private road bridge located approximately 900' upstream of the downstream corporate limits.	*543
			Upstream of access road bridge located approximately 1,250' upstream of the downstream corporate limits.	*548
			Approximately 400' downstream of State Route 94 Bridge.	*553
			Upstream corporate limits	*559
Maps available for inspection at the Township Meeting Hall, Greenspongs Gun Hall, Berwick, Pennsylvania.				
Pennsylvania	Hopewell, township, Beaver County (Docket No. FEMA-5979)	Ohio River	Downstream corporate limits	*706
			Upstream corporate limits	*710
		Raccoon Creek	Downstream corporate limits	*767
			Upstream Beaver Valley Expressway	*771
			Upstream corporate limits (second crossing)	*782
			Upstream corporate limits (third crossing)	*790
		Trampmill Run	Confluence with Raccoon Creek	*770
			Upstream Mill Street Culvert	*782

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 940' upstream Mill Street	*788
Maps available for inspection at the Municipal Building, Clark Boulevard, Aliquippa, Pennsylvania.				
Pennsylvania	Marshall, township, Allegheny County (Docket No. FI-5528).	Brush Creek	Downstream corporate limits	*1,024
			Thorn Hill Road upstream	*1,035
			Perry Highway upstream	*1,058
			Northgate Drive upstream	*1,064
			Upstream corporate limits	*1,072
Maps available for inspection by contacting Ms. Maxine Douthett, Marshall Township Secretary, at (412) 935-2911.				
Pennsylvania	McIntyre, township, Lycoming County (Docket No. FEMA-5843).	Lycoming Creek	Downstream corporate limits	*782
			Pleasant Stream Road (downstream side)	*792
			Bodiner Road (extended)	*805
			Approximately 5,500' upstream of Pleasant Stream Road.	*815
			Approximately 1,900' downstream of Middle Conrail crossing.	*825
			Middle Conrail crossing (downstream side)	*831
			Middle Conrail crossing (upstream side)	*839
			Upstream Conrail crossing	*850
			Approximately 3,100' upstream of upstream Conrail crossing.	*859
			Downstream State Route 14 Bridge (downstream side)	*867
			Approximately 2,700' upstream of downstream State Route 14 Bridge.	*877
			Approximately 5,600' upstream of downstream State Route 14 Bridge.	*887
			Upstream State Route 14 (downstream side)	*897
			Approximately 2,300' downstream of upstream corporate limits.	*907
			Upstream corporate limits	*919
		Rock Run	Confluence with Lycoming Creek	*844
			Approximately 1,980' upstream of confluence with Lycoming Creek	*860
Maps available for inspection at the McIntyre Township Building, Ralston, Pennsylvania.				
Pennsylvania	South Middleton, township, Cumberland County (Docket No. FEMA-6000).	Yellow Breeches Creek	Confluence of Boiling Springs Run	*472
			Confluence of Old Town Run	*480
			Upstream side of Whiskey Spring Road	*491
			Approximately 250' upstream of Conrail bridge	*502
			Approximately 1,700' downstream of State Route 34	*512
			Approximately 2,900' upstream of State Route 34	*522
			Upstream corporate limits	*533
		Boiling Springs Run	Confluence with Yellow Breeches Creek	*472
			Downstream side of Macadam Road	*477
			Upstream side of Macadam Road	*481
		Old Town Run	Confluence with Yellow Breeches Creek	*480
			Upstream side of private drive	*491
			Approximately 1,000' upstream of T-529	*501
			Approximately 1,340' downstream of Conrail bridge	*511
			Upstream side of Conrail bridge	*519
		Mountain Creek	Confluence with Yellow Breeches Creek	*504
			Approximately 275' upstream of Ladnor Lane	*514
			Approximately 3,100' upstream of Ladnor Lane	*524
			Upstream corporate limits	*536
			Approximately 150' downstream of Conrail bridge	*538
			Upstream side of Conrail bridge	*544
		Letort Spring Run	Downstream corporate limits	*455
			Approximately 2,850' upstream of Interstate 81 North	*457
Maps available for inspection at the South Middleton Township Building, Mt. Holly Springs, Pennsylvania.				
South Carolina	Town of City View, Greenville County (FEMA-5979)	Reedy River	Just downstream of West Washington Road	*936
			Just downstream of Bramlette Road	*933
Maps available for inspection at City Hall, 1105 Woodside Avenue, City View, South Carolina 29611.				
South Carolina	Unincorporated areas of Richland County (FEMA-5955)	Congaree River	Just downstream of the confluence of Congaree Creek	*138
			Just downstream of Seaboard Coastline Railroad	*153
			Just upstream of Southern Railway	*154
		Mill Creek	Just upstream of Southern Railway	*169
			Just downstream of U.S. Highway 76 and 378	*194
		Reeder Point Branch	Just upstream of State Highway 48, Bluff Road	*196
			Just downstream of Southern Railway	*154
		Gills Creek	Just downstream of White House Road	*140
			Just upstream of Bluff Road	*140
			Just downstream of Garner's Ferry Road U.S. Highway 76 and 378.	*153
			Just downstream of Percival Road	*198
		Eightmile Branch	Just upstream of Baldwin Road	*250
		Jackson Creek	Just upstream of Decker Boulevard	*202
			Just downstream of Pine Tree Lake Dam	*204
			Just downstream of Interstate Highway 20	*225
			Just upstream of Windsor Lake Boulevard	*231
		Little Jackson Creek	Just downstream of O'Neil Court	*220
			Just upstream of Lear and Road	*240
		Lightwood Knot Branch	Approximately 110 feet upstream of Parkland Road	*235
			Just upstream of the Northeastern Expressway	*267

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rocky Branch	Just upstream of Florida Street	*173
			Just upstream of Seaboard Coastline	*173
		Broad River	Just upstream of U.S. Highway 176	*166
			Just downstream of the confluence of Crane Creek	*175
			Just upstream of Interstate Highway 20	*178
		Stoop Creek	Just upstream of St. Andrews Road	*214
			Just downstream of Piney Grove Road	*249
		Smith Branch	Just upstream of Southern Railway	*172
			Approximately 200 feet upstream of Clement Road	*179
		Crane Creek	Just upstream of Interstate Highway 20 Brickyard Road.	*182
		Saluda River	Approximately 1,600 feet downstream of Interstate Highway 26.	*178
			Just downstream of Interstate Highway 26	*180
	Maps available for inspection at Richland County Courthouse, 1701 Main Street, Columbia, South Caroline 29240.			
South Carolina	Unincorporated areas of York County (FEMA-5979)	Steele Creek	Just upstream of State Road 270	*517
			Just upstream of U.S. Highway 21 Bypass	*538
			Just upstream of Interstate Highway I-77	*552
			Just downstream of State Road 22	*563
		Sugar Creek	Just upstream of State Road 36 (Dobys Bridge Road)	*490
			Just upstream of U.S. Highway 160	*509
			Just upstream of Southern Railway	*536
		Blantemanship Branch	Just downstream of Interstate Highway I-77	*552
			Just upstream of Insterstate Highway I-77	*562
			Just downstream of State Road 22	*563
			NC-SC State line	*612
		Jackson Branch	Approximately 100 feet downstream of State Road 22	*575
			Approximately 100 feet upstream of State Road 22	*578
			Just downstream of Interstate Highway I-77	*559
			Just upstream of Interstate Highway I-77	*562
		Johnnytown Branch	Just upstream of State Road 251	*515
		Catawba River	Confluence of Catawba River and Burgis Creek	*491
			Just upstream of Southern Railway	*500
			Just downstream of U.S. Highway 21	*506
			Just upstream of Interstate Highway I-77	*508
			Just downstream of Lake Wylie Dam	*513
		Burgis Creek	Just downstream of State Road 654 (Mac Road)	*559
			Just downstream of State Road 57 (Hope Well Road)	*577
		Manchester Creek	Approximately 200 feet downstream of Interstate Highway I-77	*519
			Approximately 200 feet downstream of Baskins Road	*533
			Just upstream of State Highway 122	*564
		Manchester Creek tributary 1	Just upstream of Interstate Highway I-77	*519
			Just downstream of Evelyn Street	*536
		Big Dutchman Creek	Just downstream of Mt. Gallant Road	*513
			Just downstream of India Hook Road	*521
			Just upstream of Bonny Brook Drive	*527
		Little Dutchman Creek	Just upstream of India Hook Road	*535
			Approximately 150 feet downstream of State Road 161	*556
			Just upstream of State Road 161	*560
		Little Dutchman Creek tributary	Just downstream of Ebingport Road	*549
			Just upstream of Ebingport Road	*562
		Little Dutchman Creek tributary 4	Just downstream of Twin Lakes Road	*565
			Just upstream of Twin Lakes Road	*572
		Stoney Branch	Just upstream of State Highway 243 (Neely Road)	*540
	Maps available for inspection at Planning Department, South Congress Street, York, South Carolina 29745.			
Tennessee	Hendersonville (city), Sumner County (FEMA-5873)	Mansker Creek (Backwater from the Cumberland River).	Intersection of creek and center of Gallatin Pike (U.S. Highway 31E and State Route 6).	*430
		Madison Creek (backwater from the Cumberland River).	Intersection of creek and center of Caldwell Drive	*430
		Madison Creek	100 feet upstream from center of Long Hollow Pike	*449
		Wills Branch	50 feet upsream from center of county road	*459
		Drakes Creek	Intersection of Stop Thirty Road and Callender Lane	*477
			30 feet upstream from center of Long Hollow Pike (County Route 6126).	*516
		Drakes Creek Right Bank tributary No. 1	20 feet upstream from Louisville and Nashville Railroad.	*463
			50 feet upstream from center of New Shackle Island Road.	*497
		Drakes Creek Right Bank tributary No. 2	Intersection of South Burn Drive and Wessington Place.	*464
			50 feet upstream from center of Shackle Island Road (County Route 6127).	*495
		Drakes Creek Right Bank tributary No. 3.	100 feet south of intersection of Yorkside Place and Raindrop Lane.	*475
		Drakes Creek Left Bank tributary No. 1.	30 Feet upstream from center of Callender Lane	*485
			Intersection of Creek and center of Stop Thirty Road	*531
		Station Camp Creek	Intersection of Creek and center of Long Hollow Pike	*489
		Cumberland River	50 feet upstream from center of Old Hickory Dam	*450
			50 feet downstream from center of Old Hickory Dam	*430
	Maps available at P.O. Box 1570, Hendersonville, Tennessee.			
Texas	City of Graham, Young County (FEMA-5966)	Farmers Branch	Pine Street extended	*1,057
			Victory Street extended	*1,055

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Stream GR-2	At the eastern corporate limits	*1,077
			At the northern corporate limits	*1,082
		Shawnee Branch	Brazos Street extended	*1,036
			Just upstream of South Street	*1,036
		Salt Creek	Shawnee Street extended	*1,036
			Just upstream of Farm Market 61	*1,036
			Just upstream of Tesco Village	*1,037
	Maps available for inspection at City Hall, Graham, Texas 76046			
Vermont	Hyde Park, town, Lamoille County (Docket No. FEMA-5979).	Beaver Meadow Brook	Confluence with Gihon River	*856
			Upstream of Town Highway 3	*858
			Approximately 3,300' upstream of Town Highway 3	*859
			Approximately 4,800' upstream of Town Highway 3	*864
			Approximately 650' downstream from Town Highway 26.	*885
			Approximately 100' downstream from Town Highway 26.	*914
			Upstream of Town Highway 26	*931
		Gihon River	Approximately 150' upstream of Town Highway 26	*933
			Downstream corporate limits	*828
			Downstream of State Route 100 C	*833
			Upstream of State Route 100 C	*837
			Approximately 1,300' upstream of State Route 100 C	*840
			Downstream of State Route 100	*848
			Upstream of State Route 100	*851
			Approximately 1,200' upstream of State Route 100	*855
			Approximately 2,750' upstream of State Route 100	*859
			Approximately 5,050' upstream of State Route 100	*868
		Lamoille River	Upstream corporate limits	*870
			Downstream corporate limits	*534
			Approximately 7,200' downstream from Ten Bends Bridge.	*537
			Upstream of Ten Bends Bridge	*542
			Approximately 2,150' upstream of Ten Bends Bridge	*543
			Upstream corporate limits	*545
	Maps available for inspection at the Hyde Park Town Offices, Hyde Park, Vermont.			
Virginia	Pittsylvania County (Docket No. FI-5642)	Roanoke River	Downstream County boundary	*452
			Leesville Dam (downstream)	*560
			Leesville Dam (upstream)	*615
			Smith Mountain Dam (downstream)	*621
			Smith Mountain Dam (upstream)	*803
		Mill Creek	Confluence with Roanoke River	*524
			State Route 633 (upstream)	*617
		Reed Creek	Approximately 1,200' upstream of State Route 633	*630
			Confluence with Roanoke River	*535
			State Route 638 (upstream)	*612
			Confluence of Reed Creek tributary	*660
		Reed Creek Tributary	Approximately 2,800' upstream of State Route 642	*756
			Confluence with Reed Creek	*660
			State Route 642 (downstream)	*695
			State Route 642 (upstream)	*701
		Sycamore Creek	Town of Hurt corporate limits	*537
			U.S. Route 29 (upstream)	*586
			State Route 642 (upstream)	*658
			State Route 643 (upstream)	*731
			Southern Railway (downstream side)	*801
		Little Sycamore Creek	Confluence with Sycamore Creek	*640
			State Route 642 (downstream)	*692
			State Route 642 (upstream)	*697
			State Route 653 (downstream)	*719
		Sycamore Creek Tributary	Confluence with Sycamore Creek	*731
			State Route 930 (downstream)	*737
			State Route 930 (upstream)	*743
			Access Road (downstream)	*790
		Old Womans Creek	Confluence with Roanoke River	*616
			State Route 756 (upstream)	*621
		Tributary to Old Womans Creek	Confluence with Old Womans Creek	*621
			State Route 756 (downstream)	*674
			Approximately 1,600' upstream of State Route 760	*732
		Pigg River	Confluence with Roanoke River	*618
			State Route 40 (downstream)	*646
			Upstream county boundary	*668
		Snow Creek	Confluence with Pigg River	*684
			Upstream county boundary	*694
		Banister River	Downstream county boundary	*407
			State Route 686 (downstream)	*488
			Mill Dam (upstream of State Route 832)	*547
			State Route 694 (upstream)	*596
			State Route 813 (downstream)	*675
		Pudding Creek	Confluence with Banister River	*629
			Approximately 7,700' upstream of State Route 834	*678
		Whitehorn Creek	Confluence with Banister River	*490
			Approximately 2,000' upstream of State Route 683	*497
		Georges Creek	Approximately 3,500' upstream of State Route 685	*558
			State Route 40 (upstream)	*642
			State Route 673 (upstream)	*701

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Dam (downstream)	*779
			Dam (upstream)	*792
		Cherry-stone Creek	Confluence with Banister River	*567
			Soil Conservation Service Dam (downstream)	*643
			Soil Conservation Service Dam (upstream)	*680
		Green Rock Branch	Confluence with Cherrystone Creek	*602
			Approximately 3,000' upstream of State Route 823	*641
		Pole Bridge Branch	Confluence with Cherrystone Reservoir	*680
			State Route 649 (upstream)	*720
			Approximately 2,900' upstream of State Route 795	*780
		Long Branch	Confluence with Cane Creek	*458
			U.S. Route 58 (downstream)	*486
			U.S. Route 58 (upstream)	*494
		Tom Fork	Confluence with Cane Creek	*404
			State Route 655 (downstream)	*436
			State Route 655 (upstream)	*445
		White Oak Creek	Confluence with Banister River	*612
			State Route 718 (upstream)	*626
			Route 834 (downstream)	*671
		Dan River	Downstream county boundary	*375
			Upstream county boundary	*377
			Downstream State boundary	*395
			City of Danville corporate limits (upstream)	*451
			State boundary (1,200 feet upstream of Southern Railway).	*467
			State boundary (8,700 feet upstream of Southern Railway).	*471
			State boundary (at State Route 860)	*491
		Cane Creek	State boundary	*385
			U.S. Route 58 (upstream)	*477
			State Route 730 (upstream)	*529
			Approximately 4,000' upstream of State Route 732	*580
		Fall Creek	Confluence with Dan River	*408
			State Route 695 (upstream)	*468
			State Route 719 (upstream)	*535
			Approximately 2 miles upstream of State Route 719	*650
		Little Fall Creek	Confluence with Fall Creek	*414
			State Route 723 (downstream)	*502
			State Route 723 (upstream)	*522
			Approximately 2 miles upstream of State Route 723	*589
		Lawless Creek	Approximately 2,400' downstream of State Route 719	*537
			Approximately 3,400' upstream of State Route 719	*556
		Sandy Creek	City of Danville corporate limits	*432
			State Route 746 (upstream)	*506
			State Route 866	*618
			Approximately 3 miles upstream of Sandy Creek tributary No. 1.	*710
		Little Sandy Creek	Confluence with Sandy Creek	*484
			State Route 744 (upstream)	*527
			Farm Road (upstream)	*548
		Tributary A to Sandy Creek	Confluence with Sandy Creek	*437
			Beaver Mill Road (downstream)	*504
		Sandy Creek tributary No. 1	Confluence with Sandy Creek	*623
			Approximately 4,000' upstream of State Route 866	*663
			Sandy Creek tributary No. 2	
			Confluence with Sandy Creek	*623
			Approximately 3,400' upstream of confluence of tributary to Sandy Creek tributary No. 2.	*666
		Tributary to Sandy Creek tributary No. 2.	Confluence with Sandy Creek tributary No. 2	*640
			Approximately 2,500' upstream of Sandy Creek tributary No. 2.	*666
		Sandy River	City of Danville corporate limits	*432
			State Route 863 (downstream)	*472
			Dam at State Route 869 (downstream)	*550
			Dam at State Route 869 (upstream)	*559
			State Route 845 (downstream)	*646
			State Route 818 (upstream)	*731
			Approximately 2,500' upstream of State Route 817	*770
		Stewart Creek	Confluence with Sandy River	*572
			State Route 844 (downstream)	*590
			State Route 844 (upstream)	*595
		Sandy River Tributary	Confluence with Sandy River	*732
			Approximately 6,300' upstream of Sandy River	*763
		South Prong Sandy River	Confluence of Tanyard Creek	*708
			State Route 934 (downstream)	*792
			State Route 934 (upstream)	*797
			County boundary	*815
		Tanyard Creek	Confluence with South Prong Sandy River	*708
			Confluence of Glady Fork	*750
		Glady Fork	Confluence with Tanyard Creek	*750
			Approximately 300' upstream of State Route 614	*773
		Pumpkin Creek	Confluence with Dan River	*400
			Confluence of Rutledge Creek	*431
		Jackson Branch	Confluence with Dan River	*401
			City of Danville Corporate limits	*401
		Rutledge Creek	Confluence with Pumpkin Creek	*431
			Elizabeth Street (downstream)	*489
			Elizabeth Street (upstream)	*494

Final Base (100-Year) Flood Elevation—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 1.9 miles upstream of Elizabeth Street	*567
Maps available for inspection at the Office of the Pittsylvania County Building Official, Chatham, Virginia.				
Virginia	Roanoke, city, (Docket No. FEMA-5780)	Roanoke River	Upstream 13th Street Extension	*908
			Upstream Main Street (U.S. 220)	946
			Upstream corporate limit	984
		Tinker Creek	Upstreamside Orange Avenue	*926
			Downstreamside Preston Avenue	*980
		Glade Creek	Upstream Normandy Street	*913
			Downstreamside Berkley Road	*927
		Glade Creek tributary	Upstream State 653	*937
			Upstreamside U.S. 460	*1006
		Lick Run	Upstream 8th Street	*917
			Upstream Orange Avenue	*940
		Trout Run	Upstream 5th Street	*931
			Upstream 7th Street	*941
		Barnhardt Creek	Downstreamside U.S. 11	*997
			Upstream U.S. 11	*1002
			Upstreamside Crestmoor Drive	*1018
		Mudlick Creek	Upstream Mudlick Road	*981
			Upstreamside Grandin Road	*1003
		Carvin Creek	Upstream Hollins Road (State 601)	*963
			Downstream Harshberger Road	*985
		Garnard Branch	Upstream Riverland Road	*918
			Upstream Findlay Road	*958
		Gum Spring Branch	Upstream Garden City Boulevard	*980
			Downstream Tipton Avenue	*1068
		Murray Run	Upstream Brandon Avenue	*940
			Upstream West Drive	*980
			Upstream corporate limits	*1068
		Ore Branch	Upstream Wiley Drive	*936
			Upstream approximately 80' upstream Broadway	*966
		Ore Branch Tributary	At confluence with Ore Branch	*1,066
			Approximately 1,990' upstream of culvert under U.S. Route 220.	*1,140
		Peters Creek	Upstream Norfolk & Western Railway	*967
			Downstream Peachtree Drive	*1,024
Maps available for inspection at the Roanoke Municipal Building, 215 Church Avenue, Roanoke, Virginia.				
Wisconsin	(C) Boscobel, Grant County (Docket No. FEMA-5978)	Wisconsin River	About 500 feet downstream of U.S. Highway 61	*659
			About 3,300 feet upstream of U.S. Highway 61	*660
		Sanders Creek	About 1,600 feet upstream of Elm Street	*659
			About 100 feet upstream of Kansas Street	*669
			About 1,500 feet upstream of Fremont Street	*678
		Crooked Creek	About 400 feet southwest of Madison Street and U.S. Highway 61.	*684
Maps available for inspection at the City Clerk's Office, City Hall, 1031 Wisconsin Avenue, Boscobel, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 7, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15342 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA 5712]

Letter of Map Amendment for the Borough of Riverton, New Jersey, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Riverton, New Jersey. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Riverton, New Jersey, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map

amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 32294, Bethesda, Maryland 20034; Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 340114B, Panel 02, published on October 6, 1980 in 45 FR 66030, indicates that the property located at 707 Tenth Street, Riverton, New Jersey, as recorded in the Deed, Book 2384, Pages 156 through 159, in the Office of the Clerk of Burlington County, New Jersey, is within the Special Flood Hazard Area.

Map Number H & I 340114B, Panel 02, is hereby corrected to reflect that the structure on the above-mentioned property is not within the Special Flood Hazard Area identified on April 15, 1977.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15600 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA 5712]

Letter of Map Amendment for the Borough of Pompton Lakes, New Jersey, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Pompton Lakes, New Jersey. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Pompton Lakes, New Jersey, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 345528C, Panel 01, published on October 6, 1980 in 45 FR 195, indicates that Lot 83, Block 6702 on a map entitled, "Subdivision Map Prepared for Summit Woods, "Borough of Pompton Lakes, New Jersey, dated April 1970 and filed as Map Number 2531, also known as 215 Summit Avenue and recorded in the Passaic County Clerk's Office in Book U-102 of Deeds at Page 444, is within the Special Flood Hazard Area.

Map Number H & I 345528C, Panel 01 is hereby corrected to reflect that the structure on the above-mentioned property is not within the Special Flood Hazard Area identified on October 15, 1976. This structure is located in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15601 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for Lincoln County, Montana; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Lincoln County, Montana. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Lincoln County, Montana, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034; Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 300157 Panel 0620B, published on October 6, 1980, in 45 FR 66111, indicates that a 2.000 acre parcel of land located in Government Lot 3, Section 30, T31N, R31W, P.M.M., Lincoln County, Montana, as recorded on Certificate of Survey No. 873, in the Office of the Clerk and Recorder, Lincoln County, Montana, is within the Special Flood Hazard Area.

Map No. H & I 300157 Panel 0620B is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on August 1, 1980. This structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–15662 Filed 5–26–81; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for St. Louis County, Missouri; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Louis County, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Louis County, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290327 Panel 0150A, published on October 6, 1980, in 45 FR 66107, indicates that Lots 4 and 5, The Woodlands Business Park, St. Louis County, Missouri, as recorded in Book 199, Pages 68 through 71, in the Office of the Recorder, St. Louis County, Missouri, are within the Special Flood Hazard Area.

Map No. H & I 290327 Panel 0150A is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on September 15, 1978. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–15665 Filed 5–26–81; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Blue Springs, Missouri, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Blue Springs, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Blue Springs, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W. Washington, DC 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290169 Panel 0005B, published on October 6, 1980, in 45 FR 66105, indicates that Lot 142, Vienna Woods, 3rd Plat, Blue Springs, Missouri,

recorded as Document No. I240420, in the Office of the Recorder, Jackson County, Missouri, is within the Special Flood Hazard Area.

Map No. H & I 290169 Panel 0005B is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on September 15, 1978. This structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15666 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Bingham County, Idaho; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Bingham County, Idaho. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Bingham County, Idaho, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 160018 Panel 0425B, published on October 6, 1980, in 45 FR 66123, indicates that a 1.0 acre tract of land, located in the Southwest Quarter, Northwest Quarter, Section 22, Township 2 South, Range 34 East, Boise Meridian, Bingham County, Idaho, recorded as Document No. 275485, in the Office of the Recorder, Bingham County, Idaho, is within the Special Flood Hazard Area.

Map No. H & I 160018 Panel 0425B is hereby corrected to reflect that those portions of the above-mentioned property which are at or above the base flood elevation of 4470.0 feet mean sea level are not within the Special Flood Hazard Area identified on November 15, 1979. The portions at or above 4470.0 feet mean sea level are located in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15667 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Town of Plainville, Connecticut; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Plainville, Connecticut. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Plainville, Connecticut, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 090034, Panel 0005B, published December 23, 1980, Vol. 45 in FR 84789, indicates that a parcel of land known as Lot 12A, Granger Lane, Plainville, Connecticut, as recorded in the Deed, Volume 204, Pages 145 and 146 in the Office of the Clerk of the Town of Planville, Connecticut, is within the Special Flood Hazard Area.

Map Number H & I 090034, Panel 0005B, is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on November 19, 1980. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator.)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15608 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Aurora, Colorado, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Aurora, Colorado. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Aurora, Colorado, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 080002 Panel 0015A, published on October 6, 1980, in 45 FR 66109, indicates that Lots 9 and 10, Block 2, Calico Subdivision, Filing No. 1, Aurora, Colorado, as recorded in Book 45, Pages 46 and 47, in the Office of the Recorder, Arapahoe County, Colorado, are not within the Special Flood Hazard Area.

Map No. H & I 080002 Panel 0015A is hereby corrected to reflect that the above mentioned lots are within the Special Flood Hazard Area identified on June 7, 1979. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15609 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the Unincorporated Area of Ozaukee County, Wisconsin; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Unincorporated Area of Ozaukee County, Wisconsin. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Area of Ozaukee County, Wisconsin, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. H&I 550310, Panel No. 11, published on October 6, 1980, in 45 FR 66089, indicates that a 75.40 acre parcel of land, being part of Government Lots Nos. 1 and 2 of the Northwest Fractional Quarter of Section 6, Township 10 North, Range 22 East, and that part of Government Lot No. 1, lying easterly of the Milwaukee River of the Northeast Fractional Quarter of Section 1, Township 10 North, Range 21 East, Town of Grafton, Unincorporated Area of Ozaukee County, Wisconsin, as recorded in Volume 164, Pages 349 and 350, in the Office of the Register of Deeds of Ozaukee County, Wisconsin, is located within the Special Flood Hazard Area.

Map No. H&I 550310, Panel No. 11, is hereby corrected to reflect that the northern one-half of parcel which lies above elevation 753.7 feet National Geodetic Vertical Datum, and that portion of the southern one-half of the parcel which lies above elevation 753.0 feet National Geodetic Vertical Datum including the existing easternmost dwelling located on the above-mentioned property are not within the Special Flood Hazard Area identified on May 16, 1977. The structure is in Zone C.

portions of parcels are in both Zones B and C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 13, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–15717 Filed 5–26–81; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Houston, Texas, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Houston, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Houston, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480296 Panel 0055B, published on October 6, 1980, in 45 FR 66098, indicates that Inwood Greens, Section One, Houston, Texas, as recorded in Volume 295, Page 2 of Map Records, in the Office of the Clerk, Harris County, Texas, is within the Special Flood Hazard Area.

Map No. H & I 480296 Panel 0055B is hereby corrected to reflect that the existing structures located on the above mentioned property are not within the Special Flood Hazard Area identified on December 11, 1979. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–15718 Filed 5–26–81; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Arlington, Texas, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Arlington, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Arlington, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 485454 Panel 0025B, published on October 6, 1980, in 45 FR 66097, indicates that Lot 1, Block 1; Lots 11, 20 through 22 and 26 through 31, Block 3; and Lots 1 through 8 and Tract A, Block 4, proposed Allenwood Estates, being a 19.61 acre tract of land out of a 32.0 acre tract of land in the R. R. Ramey Survey, A–1343, Arlington, Texas, as recorded in Book 5002, Pages 269 through 272, in the Office of the County Clerk, Tarrant County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 485454 Panel 0025B is hereby corrected to reflect that the above mentioned properties are not within the Special Flood Hazard Area identified on June 20, 1980. These properties are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15719 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Greenville County, South Carolina, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Greenville County, South Carolina. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Greenville County, South Carolina that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 450089, Panel 0010, published on October 6, 1980 in 45 FR 66070, indicates that Lots 309, 310, 313, 314, 323, 347 and 360 in Devenger Place, Section Number 13 and shown on the plat entitled "Property of College Properties, Incorporated," dated January 1981, and recorded in Plat Book 8-I at Page 62 in the Office of the County Register of Mesne Conveyance, Greenville, South Carolina, are within the Special Flood Hazard Area.

Map Number H & I 450089 Panel 0010 is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on December 2, 1980. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15720 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Salem, Oregon, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Salem, Oregon. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Salem, Oregon, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 410167 Panel 0005B, published on October 6, 1980, in 45 FR 66124, indicates that Lot 14, Block 6; and Lot 4, Block 9, Battlecreek Estates No. 3, Salem, Oregon, recorded as Instrument No. 23269 in Town Plats Volume 32, Page 29, in the Office of the Recorder, Marion County, Oregon, are within the Special Flood Hazard Area.

Map No. H & I 410167 Panel 0005B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on June 15, 1979. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15721 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of North Little Rock, Ark.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of North Little Rock, Arkansas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of North Little Rock, Arkansas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 050182, Panel 0004B, published on October 6, 1980 in 45 FR 66091, indicates that Lots 3, Block 17, Overbrook Addition, North Little Rock, Arkansas, as recorded in Plat Book A–270, Page 79–30527, in the Office of the Clerk, Pulaski County, Arkansas, is not within the Special Flood Hazard Area.

Map No. H & I 050182, Panel 0004B is hereby corrected to reflect that the above mentioned property is partially within the Special Flood Hazard Area identified on July 16, 1980; However, the existing structure is not within the Special Flood Hazard Areas. This structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15670 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Phoenix, Ariz.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 040051 Panel 0030B, published on October 6, 1980, in 45 FR 66116, indicates that Lots 759, 760, 761, and 766, Deer Valley Village, Unit 6, Phoenix, Arizona, as recorded in Book 222, Page 18, in the Office of the Recorder, Maricopa County, Arizona, are within the Special Flood Hazard Area.

Map No. H & I 040051 Panel 0030B is hereby corrected to reflect that the existing structures located on the above mentioned lots are not within the Special Flood Hazard Area identified on December 4, 1979. These structures are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15671 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Phoenix, Ariz.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying

Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 040051 Panel 0075B, published on October 6, 1980, in 45 FR 66116, indicates that Villa Oeste, Phoenix, Arizona, as recorded in Book 210, Page 37, in the Office of the Recorder, Maricopa County, Arizona, is within the Special Flood Hazard Area.

Map No. H & I 040051 Panel 0075B is hereby corrected to reflect that the existing structures located on the above mentioned property are not within the Special Flood Hazard Area identified on December 4, 1979. These structures are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15672 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Town of Southold, N.Y.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Southold, New York. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Southold, New York that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 360813A, Panel 0085 published on October 6, 1980, in 44 FR 66036 indicates that a parcel of land located in the Town of Southold, Suffolk County, New York, as recorded in the Deed, Liber 7981, Page 21, in the Office of the Clerk of Suffolk County, New York, is within the Special Flood Hazard Area.

Map No. H & I 360813A, Panel 0085 is hereby corrected to reflect that the existing structure on the above-mentioned property is not within the Special Flood Hazard Area identified on March 18, 1980. This structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15681 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of High Point, NC; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of High Point, North Carolina. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of High Point, North Carolina, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related

financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 370113, Panel 0007B, published on October 6, 1980 in 45 FR 66067, indicates that Units A, B, C and D, Building 16; Units A, B, C, D and E, Building 17; Units A, B, C, D and E, Building 18; and Units A, B, C and D, Building 19, Section D of Eastchester Village in the City of High Point, North Carolina, as recorded in Plat Book 1, Page 128 in the Office of the Register of Guilford County, North Carolina, are within the Special Flood Hazard Area.

Map Number H & I 370113, Panel 0007B is hereby corrected to reflect that the structures on the above-mentioned property are not within the Special Flood Hazard Area identified on November 1, 1979. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128): Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 13, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–15682 Filed 5–26–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Tulsa, Okla.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 404381 D Panel 131, published on October 6, 1980, in 45 FR 66095, indicates that Building 1 through 11, Cambridge Square Condominiums, located on Lots 6 and 7, and portions of Lots 2 and 23, Pecan Acres, Tulsa, Oklahoma, recorded as Document No. 808919 in Book 4428, Page 1348, in the Office of the Clerk, Tulsa County, Oklahoma, are within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 131 is hereby corrected to reflect that the above mentioned buildings are not withn the Special Flood Hazard Area identified on August 14, 1979. These buildings are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–15683 Filed 5–26–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Tulsa, Okla.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 405381D Panel 96, published on October 6, 1980, in 45 FR 66095, indicates that Lot 19, Block 4, Wainright Section of Shannon Park, 4th Addition, Tulsa County, Oklahoma, recorded as Document No. 881526 in Book 4483, Page 1623, in the Office of the Clerk, Tulsa, Oklahoma, is within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 96 is hereby corrected to reflect that the above mentioned lot is not within the Special Flood Hazard Area identified on August 14, 1979. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–15684 Filed 5–26–81; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for Marion County, Oreg.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Marion County, Oregon. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Marion County, Oregon, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 410154 Panel 0275B, published on October 6, 1980, in 45 FR 66124, indicates that Lots 31 and 32, Block 1, Kooskooskee, Marion County, Oregon, as recorded in Volume 37 of Town Plats, Page 14, in the Office of the Recorder, Marion County, Oregon, are not within the Special Flood Hazard Area.

Map No. H & I 410154 Panel 0275B is hereby corrected to reflect that portions of the above mentioned lots would be inundated by a flood having a one-percent chance of occurrence in any given year (base flood); however, the existing structures located on the above mentioned lots are not within the Special Flood Hazard Area. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–15685 Filed 5–26–81; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Salem, Oreg; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Salem, Oregon. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Salem, Oregon, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or

broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 410167 Panel 0005B, published on October 6, 1980, in 45 FR 66124, indicates that Lot 13, Block 14, Battlecreek Estates No. 5, Salem, Oregon, as recorded in Book of Town Plats Volume 33, Page 36, in the Office of the Clerk and Recorder, Marion County, Oregon, is within the Special Flood Hazard Area.

Map No. H & I 410167 Panel 0005B is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on July 15, 1979. This structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15686 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the Village of Tinley Park, Ill.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Village of Tinley Park, Illinois. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Village of Tinley Park, Illinois, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 170169, Panel No. 0005B, published on October 6, 1980, in 45 FR 66075, indicates that Lots Nos. 17 through 20 and Lot No. 30, Brementowne South, Village of Tinley Park, Cook and Will Counties, Illinois, recorded as Instrument No. 25139727, in the Office of the Recorder of Cook County, Illinois, are located within the Special Flood Hazard Area.

Map No. 170169, Panel No. 0005B, is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on December 4, 1979. Lot No. 17 is in both Zone B and C. Lots Nos. 18 through 20 and Lot No. 30 are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 11, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15677 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the City of Rochester, Minn.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Rochester, Minnesota. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Rochester, Minnesota, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 275246, Panel No. 0007B, published on October 6, 1980, in 45 FR 66083, indicates that Lots Nos. 1 through

16, Block 10, and Lots Nos. 1 and 2, Block 12, Homestead Trails First Replat, City of Rochester, Olmstead County, Minnesota, as recorded in Book Z of Plats, Page 17, in the Office of the Recorder of Olmstead County, Minnesota, are located within the Special Flood Hazard Area.

Map No. 275246, Panel No. 0007B, is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on February 4, 1981. The lots are in both Zone B and Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 13, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15668 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 64

[Docket No. FEMA 6063]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–8831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Pennsylvania: York County	East Hopewell, township of	422218	810416, emergency, 810416, regular	Dec. 27, 1974
North Dakota: Divide County	Noonan, city of	380191	760326, emergency, 810421, regular	Feb. 21, 1975
Indiana: Porter County	Dune Acres, town of	180205	750606, emergency, 810424, regular	Dec. 28, 1973
Pennsylvania: Franklin County	Antrim, township of	421233	740326, emergency, 810424, regular	Sept. 20, 1974
Pennsylvania: Allegheny County	Munhall, borough of	420056	750306, emergency, 810424, regular	Jan. 1, 1974

Total is 5

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 14, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15727 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 46, No. 101
Wednesday, May 27, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 801 0077]

Palm Beach Company; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Cincinnati, Ohio manufacturer and seller of men's apparel and accessories to cease attempting to fix the resale prices at which its products are advertised or sold, through coercion or otherwise. The order would also prohibit the company from withholding any earned advertising credit or benefit from recalcitrant dealers, and bar the firm from restricting the lawful use of its trademarks and brand names. Additionally, the firm would be precluded from seeking the identity of dealers who deviate from suggested resale prices and from disseminating suggested resale prices for a period of three years, unless such prices are accompanied by a specified disclosure statement.

DATE: Comments should be received on or before July 27, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/CD, Benjamin S. Sharp, Washington, D.C. 20580, (202) 523–3522. Judith D. Ford, Director, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102, (415) 556–1270.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

Palm Beach Co.

[File No. 801 0077]

In the Matter of Palm Beach Company, a corporation, agreement containing Consent Order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Palm Beach Company, a corporation, and it now appearing that Palm Beach Company, a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

If is hereby agreed by and between Palm Beach Company, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Palm Beach Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Maine, with its office and principal place of business located at 400 Pike Street, in the City of Cincinnati, State of Ohio.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint hereto attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Rule 2.34, the Commission may, without further notice to proposed respondent (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and is decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purposes of this Order, the following definitions shall apply:

"Product" is defined as any item of wearing apparel or related accessory which is manufactured, offered for sale or sold by the men's Division of respondent.

"Dealer" is defined as any person, partnership, corporation or firm which sells any product in the course of its business.

"Resale Price" is defined as any price, price floor, price ceiling, price range, or any mark-up, formula or margin of profit used by any dealer for pricing any product. Such term includes, but is not limited to, any suggested,

established or customary resale price as well as the retail price in effect at any dealer.

"Sale Period" is defined as any time during which any dealer offers to sell any product at resale prices lower than those in effect during the usual and ordinary course of said dealer's business; or any suggested, authorized or customary time for selling or advertising any product at prices lower than the suggested, established or customary resale prices.

It is ordered that respondent Palm Beach Company, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I

1. Fixing, establishing, controlling or maintaining, directly or indirectly, the resale price at which any dealer may advertise, promote, offer for sale or sell any product, or the sale period of any dealer.

2. Requesting, requiring or coercing, directly or indirectly, any dealer to maintain, adopt or adhere to any resale price or sale period.

3. Announcing to any dealer that respondent may or will refuse to deal with any dealer who does not abide by any resale price for any product.

4. Requesting or requiring, directly or indirectly, any dealer to report the identity of any other dealer who deviates from any resale price or sale period; or acting on any reports or information so obtained by threatening, intimidating, coercing, or terminating said dealer.

5. Requesting or requiring that any dealer refrain from or discontinue selling or advertising any product at any resale price.

6. Hindering or precluding the lawful use by any dealer of any brand name, trade name or trademark of respondent in connection with the sale or advertising of any product at any resale price.

7. Making any payment or granting any consideration, service or benefit to any dealer because of the resale price at which any other dealer has advertised or sold any product.

8. Conducting any surveillance program to determine whether any dealer is advertising, offering for sale or selling any product at any resale price, where such surveillance program is conducted to fix, maintain, control or enforce the resale price at which any product is sold or advertised.

9. Terminating or taking any other action to restrict, prevent or limit the sale of any product by any dealer because of the resale price at which said dealer has sold or advertised, is selling or advertising, or is suspected of selling or advertising any product.

10. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer, or limiting or restricting the right of any dealer to participate in any cooperative advertising program for which it would otherwise qualify, because of the resale price at which said dealer advertises or sells any product, or proposes to sell or advertise any product.

II

1. For a period of three (3) years from the date of service of this Order, orally suggesting or recommending any resale price or sale period to any dealer.

2. For a period of three (3) years from the date of service of this Order, communicating in writing any resale price or sale period to any dealer, provided, however, that after said three (3) year period, respondent shall not suggest any resale price or sale period on any list, or in any advertising, book, catalogue or promotional material, unless it is clearly and conspicuously stated on each page where any suggested resale price or sale period appears, the following:

"THE [RESALE PRICES OR SALE PERIODS] QUOTED HEREIN ARE SUGGESTED ONLY. YOU ARE FREE TO DETERMINE YOUR OWN [RESALE PRICES OR SALE PERIODS]."

III

It is further ordered that respondent shall:

1. Within thirty (30) days after service of this Order, mail under separate cover a copy of the enclosure set forth in the Attached Exhibit A to each present account of its Men's Division. An affidavit shall be sworn to by an official of the respondent verifying that the attached Exhibit A was so mailed.

2. Mail under separate cover a copy of the enclosure set forth in the Attached Exhibit A to any person, partnership, corporation or firm that becomes a new account of its Men's Division within three (3) years after service of this Order.

IV

It is further ordered that respondent shall forthwith distribute a copy of this order to its Men's Division, and to present or future personnel, agents or representatives of its Men's Division having sales, advertising or policy responsibilities with respect to the subject matter of this order, and that respondent secure from each such person a signed statement acknowledging receipt of said order.

V

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

VI

It is further ordered that respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Exhibit A

Dear Retailer: Without admitting any violation of the law, Palm Beach Company has agreed to the entry of an Order by the Federal Trade Commission regulating certain distribution practices of the Men's Division. In connection therewith, the Company is required to send you this letter describing the Order.

With respect to products of the Men's Division, the Order provides, among other things, as follows:

1. You can advertise and sell Palm Beach Company's Men's Division's products at any price you choose.

2. Palm Beach will not take any action against you, including termination, because of the price at which you advertise or sell Men's Division products.

3. Palm Beach will not suggest retail prices for any product until [3 years from the date of service of the Order].

4. The price at which you sell or advertise Palm Beach Men's Division products will not affect your right to use Palm Beach trademarks or other identification in your sale or advertising of products bearing Palm Beach trademarks or identification.

5. You are free to participate in any cooperative advertising program sponsored by Palm Beach for which you would otherwise qualify, and to receive any advertising credit or allowance allowed thereunder regardless of the price at which you advertise the Palm Beach Men's Division product.

6. If you feel that you have lost sales or been forced to mark down any Palm Beach Men's Division product because of the prices at which another retailer has sold those products, Palm Beach cannot offer any financial assistance to compensate you for such lost sales or markdowns.

If you have any questions regarding the Order or this letter, please call ————————.

————————.

For Palm Beach Company, Men's Division.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Palm Beach Company, a prominent manufacturer of men's tailored clothing.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that Palm Beach Company's Men's Division has restrained trade by fixing the resale prices at which its dealers advertise, offer for sale and sell Men's Division products.

The consent agreement provides as follows:

1. Palm Beach Company cannot fix or othewise control the resale prices at which its Men's Division's products are sold or advertised.

2. As to products which bear any of its trademarks or other identifications, Palm Beach Company cannot restrict any dealer from lawfully using any such trademark or other identification in the sale or advertising of such products.

3. Palm Beach Company's Men's Division cannot suggest retail prices for any product for three years from service of the order.

4. Palm Beach Company's Men's Division may not compensate any account because a competitor has sold Men's Division products at less than any published resale price or at less than a traditional markup, either to facilitate such account's attempt to meet such lower price or to compensate such account for lost sales because of its refusal to meet the lower price.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-15722 Filed 5-26-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340-21]

Personal Privacy and Rights of Individuals Regarding Personal Records

AGENCY: Department of the Army.

ACTION: Notice of proposed rule making—Privacy Act.

SUMMARY: The Army proposes to delete the exemption rules for the Army systems of records A0709.03aDAPE, entitled "United States Military Academy Cadet Files," and A0709.03bDAPE, entitled "United States Corps of Cadets Personnel Records." A0709.03bDAPE was deleted as a system of records and the system notice for A0709.03aDAPE was redesignated and amended on April 27, 1981.

DATES: Comments must be received on or before June 26, 1981.

ADDRESSES: Comments may be submitted to Headquarters, Department of the Army, the Adjutant General's Office (DAAG-AMR-R), Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, telephone: 703/325-6163.

SUPPLEMENTARY INFORMATION: System of records A0709.03bDAPE was deleted as a system of records and the system notice for A0709.03DAPE was amended by FR Doc. 81-12660 (46 FR 23523), April 27, 1981.

Accordingly § 505.9 of 32 CFR 505 will be amended by removing the exemptions for and references to A0709.03aDAPE and A0709.03bDAPE and inserting the following:

§ 595.9 Exemption rules for Army systems of records.

* * * * *

Exempted Record Systems

(Specific Exemptions)

ID—A0709.03DAPE.

System Name—U.S. Military Academy Personnel Cadet Records.

Exemption—All portions of this system of records which fall within 5 U.S.C. 552a(k)(5) or (7) are exempt from the following provision of Title 5 U.S.C. section 552a: (d).

Authority—5 U.S.C. 552a(k)(5) and (7).

Reasons—It is imperative that the confidential nature of evaluation and investigatory material on candidates, cadets, and graduates, furnished to the United States Military Academy under promise of confidentiality, be maintained to insure the candid presentation of information necessary in determinations involving admission to the Military Academy and suitability for commissioned service and future promotion.

* * * * *

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

May 20, 1981.

[FR Doc. 81-15769 Filed 5-26-81; 8:45 am]

BILLING CODE 3710-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS-62003C; TSH-FRL 1820-5]

Polychlorinated Biphenyls (PSBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Proposed Restrictions on Use at Agricultural Pesticide and Fertilizer Facilities, Abeyance of Proposed Rule Amendment

Correction

In FR Doc. 81-13708 appearing on page 25411 in the issue of Wednesday, May 6, 1981, third column, first full paragraph, fourteenth line, "May 9, 1980" should read "May 2, 1980".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6061]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Arizona, et al.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact

stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities.

These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Arizona	Snowflake (Town), Navajo County	Silver Creek	220 feet downstream from center of Lundquist Lane	*5,576
			100 feet upstream from center of Cooper Lane	*5,588
			100 feet upstream from center of Apache Railroad bridge.	*5,593
			300 feet upstream from center of Savage Lane	*5,606
		Cottonwood Wash	Confluence with Silver Creek	*5,575
			100 feet upstream from center of Ramsey Avenue	*5,580
			150 feet upstream from center of Apache Railroad bridge.	*5,593
	Maps available for inspection at Department of Public Works, 1st West & 1st South, Snowflake, Arizona.			
	Send comments to the Honorable Dean Flake, P.O. Box AE, Snowflake, Arizona 85937.			
Arkansas	City of Holly Grove, Monroe County	White River	South Smith Street and Central Avenue	*178
			Northeast Quaddrant Fourth Avenue and Pine Street	*179
	Maps available for inspection at City Hall, 105 South Smith Street, Holly Grove, Arkansas.			
	Send comments to Major Bill Brooks or Mr. Jerry Hooper, City Manager, City Hall, 105 South Smith Street, Holly Grove, Arkansas 72069.			
Arkansas	Town of Montrose, Ashley County	Bayou Bartholomew	West Seventh Street and Hamburg Street	*126
	Maps available for inspection at Town Hall, Montrose, Arkansas 71658.			
	Send comments to Mayor Jack Edwards, City Hall, General Delivery, Montrose, Arkansas 71658.			
Arkansas	City of Wilmot, Ashley County	Bayou Bartholomew	West side of intersection of Curry Street and Missouri Pacific Railroad.	*111
			Southwest Corner of intersection of W. Main Street and Northern Corporate Limits.	*112
	Maps available for inspection at City Hall, Wilmot, Arkansas 71648.			
	Send comments to Mayor Place or Marion Hughs, City Treasurer, City Hall, Wilmot, Arkansas 71676.			
Colorado	Buena Vista (Town), Chaffee County	Cottonwood Creek—North Branch	20 feet upstream from center of Arizona Street	*7,899
			25 feet upstream from center of James Street	*7,976
		Cottonwood Creek—Middle Branch Shallow Flooding.	At the intersection of James Street and Yale Place	*7,976
		Overland Flow Shallow Flooding	At the intersection of Gunnison Avenue and Main Street.	*7,966
		Cotton Creek—South Branch Shallow Flooding.	At the intersection of Pleasant Avenue and Mill Street	*7,995
	Maps available for inspection at Town Hall, 210 E. Main, Buena Vista, Colorado.			
	Send comments to the Honorable Jerome Steinhauer, P.O. Box 2002, Buena Vista, Colorado 81211.			
Colorado	Del Norte (Town), Rio Grande County	Rio Grande River	At intersection of Pine Street and First Street	*7,875
	Maps available for inspection at Town Hall, 140 Spruce, Del Norte, Colorado.			
	Send comments to the Honorable Terry S. Blackmon, Box M, Del Norte, Colorado 81132.			
Colorado	La Junta (City), Otero County	Arkansas River	Intersection of Lewis Avenue and First Street (U.S. Route 50 and State Route 109).	*4,056
		Anderson Arroyo	40 feet upstream of intersection of Fifth Street and Anderson Arroyo.	*4,082
		King Arroyo	10 feet downstream of intersection of Sixth Street and King Arroyo.	*4,066
	Maps available for inspection at Utility Room, City Hall, 6th and Colorado, La Junta, Colorado.			
	Send comments to the Honorable Harold Harper, P.O. Box 469, La Junta, Colorado 81050.			
Colorado	Salida (City), Chaffee County	South Arkansas River	600 feet south from intersection of Palmer Street and U.S. Highway 50.	*7,040
	Maps available for inspection at Land and Survey Inspector's Office, 234 E Street, Salida, Colorado.			
	Send comments to the Honorable Edward Touber, P.O. Box 519, Salida, Colorado 81201.			
Connecticut	Barkhamsted, Town, Litchfield County	West Branch Farmington River	Downstream Corporate Limits	*395
			Confluence of Morgan Brook	*406
			State Route 318 (Upstream side)	*418
			Approximately 8,200' upstream of State Route 318 (Access Road extended).	*442
			Upstream Corporate Limits	*502
		Morgan Brook	Confluence with West Branch Farmington River	*405
			Morgan Brook Drive (Upstream side)	*450
			Approximately 1,100' upstream of Morgan Brook Drive	*476
			State Route 318 (Upstream side)	*524
	Maps available for inspection at the Barkhamsted City Hall, P.O. Box 200, Pleasant Valley, Connecticut.			
	Send comments to the Honorable James Hart, First Selectman of Barkhamsted, Barkhamsted City Hall, P.O. Box 200, Pleasant Valley, Connecticut 06063.			

Proposed Base (100-year) Flood Elevations--Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Connecticut	Harwinton, Town, Litchfield County	Naugatuck River	Downstream Corporate Limits	*496
			Downstream State Route 118	*506
			Upstream Bogue Road	*519
			Upstream Corporate Limits	*521
		Leadmine Brook	Upstream State Route 4	*680
			Upstream Highview Road extended	*694
			Downstream Twin Ponds	*708
	Maps available for inspection at the Town Clerk's Office, Town Office, Harwinton, Connecticut.			
	Send comments to Honorable Lloyd Shanley, First Selectman of Harwinton, Harwinton Town Offices, Harwinton, Connecticut 06791.			
Connecticut	Somers, Town, Tolland County	Scantic River	Corporate Limits	*163
			Maple Street (Upstream side)	*189
			Four Bridges Road	*194
			King Road (Upstream side)	*199
			Corporate Limits	*217
		Abbey Brook	Confluence with Scantic River	*191
			Billings Road (Downstream side)	*202
			475' upstream of North District Road	*210
		Gulf Stream	Confluence with Scantic River	*192
			Ninth District Road (Downstream side)	*203
			State Route 83 (Downstream side)	*245
			550' upstream of Route 83	*248
		Schanade Brook	Confluence with Thrasher Brook	*195
			Turnpike Road (Downstream side)	*205
			2,630' upstream of Turnpike Road	*242
		Thrasher Brook	Confluence with Scantic River	*195
			King Road (Upstream side)	*204
			1,165' upstream of King Road	*209
	Maps available for inspection at the Town Clerk's Office, Somers Town Hall, 606 Main Street, Somers, Connecticut.			
	Send comments to the Honorable Steve Cominski, First Selectman of Somers, Somers Town Hall, 606 Main Street, Somers, Connecticut 06071.			
Idaho	Ferman Lake (City), Kootenai County	Ferman Lake	Approximately 20 feet southeast of the intersection of Theis Lane and Five Firs Drive.	*2,136
	Maps available for inspection at City Clerk's Home, 209 Bruce Drive, Coeur d'Alene, Idaho.			
	Send comments to the Honorable John A. Pierce, 211 Bruce Drive, Coeur d'Alene, Idaho 83814.			
Idaho	Hayden Lake (City), Kootenai County	Hayden Lake	Approximately 400 feet east of the intersection of Easy Street and Hayden Avenue.	*2,243
	Maps available for inspection at City Hall, Lakeview Drive, Hayden Lake, Idaho.			
	Send comments to the Honorable Ted Menzel, P.O. Box 418, Hayden Lake, Idaho 83835.			
Idaho	Kootenai County (Unincorporated Areas)	Spokane River	Upstream side of intersection of Chicago, Milwaukee, St. Paul & Pacific Railroad and channel.	*2,039
			Intersection of Spokane Avenue and the channel	*2,126
			Intersection of Spokane River and Lake Coeur d'Alene	*2,136
		Wolf Lodge Creek	Upstream side of the intersection of U.S. Interstate 90 and channel.	*2,136
			Upstream side of intersection of Meyer Hill Road and channel.	*2,248
		Coeur d'Alene River	Black Lake	*2,136
			Killarney Lake	*2,137
			Rose Lake	*2,139
			Intersection of Dudley Road and Fourth of July Creek Bridge.	*2,142
			Downstream side of intersection of U.S. Interstate 90 and channel.	*2,146
		Latour Creek	The upstream side of intersection of Dudley Road and channel.	*2,146
	Maps available for inspection at Planning & Zoning Department, Kootenai County Courthouse, 501 Government Way, Coeur d'Alene, Idaho.			
	Send comments to the Honorable Glenn R. Jackson, 501 Government Way, Coeur d'Alene, Idaho 83814.			
Idaho	Post Falls (City), Kootenai County	Spokane River	Intersection of Spokane Avenue and channel	*2,126
	Maps available for inspection at Planning & Zoning Department, 408 Spokane, Post Falls, Idaho.			
	Send comments to the Honorable Frank Henderson, P.O. Box 789, Post Falls, Idaho 83854.			
Idaho	Priest River (City), Bonner County	Pend Oreille River	Intersection of center of U.S. Highway 2 (State Highway 200) and Priest River.	*2,070
	Maps available for inspection at City Clerk's Office, City Hall, 209 High Street, Priest River, Idaho.			
	Send comments to the Honorable Arthur Thayer, P.O. Box 415, Priest River, Idaho 83856.			
Idaho	Sand Point (City) Bonner County	Lake Pend Oreille	Intersection of Pacific Street and South Second Avenue.	*2,071
			Intersection of center of Bridge Street and Sand Creek	*2,070
	Maps available for inspection at Engineering Department, City Hall, 110 Main Street, Sand Point, Idaho.			
	Send comments to the Honorable Sally Cupan, 110 Main Street, Sand Point, Idaho 83864.			

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Massachusetts	Leicester, Town, Worcester County	French River	Corporate limits (downstream)	*667
			Downstream of Conrail	*685
			Stafford Street	*689
			Dam (downstream)	*691
			Dam (upstream)	*705
			Pleasant Street	*738
			Greenville Pond Dam (downstream)	*756
		Town Meadow Brook	Greenville Pond Dam (upstream)	*763
			Green Street	*769
			0.27 mile upstream from Green Street	*780
			0.42 mile upstream from Green Street	*795
			0.93 mile downstream from Pine Street	*810
			Pine Street	*820
			Dutton Pond	*839
			0.165 mile upstream of Dutton Pond	*855
			At culvert 0.21 mile downstream of SR 9	*878
			SR 9	*899
			Sargent Pond Dam (downstream)	*904
			Sargent Pond Dam (upstream)	*909
		Lynde Brook	Main Street	*703
			0.12 mile above Main Street	*715
			0.20 mile above Main Street	*725
			0.31 mile above Main Street	*742
			0.38 mile above Main Street	*756
			0.45 mile above Main Street	*771
			0.48 mile above Main Street	*790
			Lynde Brook Reservoir Dam	*825
	Maps available for inspection at the Leicester Planning Board, Washburn Square, Leicester, Massachusetts.			
	Send all comments to Honorable Paul Venditti, Chairman of the Leicester Board of Selectmen, Leicester Town Hall, Washburn Square, Leicester, Massachusetts 01524.			
Massachusetts	Lenox, Town, Berkshire County	Housatonic River	Downstream Corporate Limits	*926
			Upstream of Mill Street	*938
			Upstream of Brown Street extended	*945
			Upstream of Valley Mill Dam	*956
			Upstream of Corporate Limits	*982
		Yokum Brook	Downstream of East Street	*988
			Downstream of Edgewood Drive	*991
			Approximately 500' upstream of Edgewood Drive	*1,002
			Approximately 2,375' upstream of Edgewood Drive	*1,020
			Approximately 3,500' downstream of New Lenox Road	*1,040
			Approximately 2,400' downstream of New Lenox Road	*1,060
			Downstream of New Lenox Road	*1,110
			Downstream of U.S. Routes 7 & 20	*1,120
			Downstream of West Mountain Road (Downstream crossing.	*1,134
			Approximately 2,100' downstream of Lime Kiln Road	*1,152
			Approximately 640' downstream of Lime Kiln Road	*1,190
			Upstream of Lime Kiln Road	*1,218
		Sawmill Brook	Upstream of East Street	*1,020
			Downstream of Sherwood Drive	*1,047
			Upstream of Sherwood Drive	*1,059
			Approximately 120' downstream of Hubbard Street	*1,108
			Upstream of Hubbard Street	*1,119
			Approximately 590' upstream of Hubbard Street	*1,129
			Downstream of U.S. Routes 7 & 20	*1,159
		Marsh Brook	Downstream Corporate Limits	*1,008
			Downstream of Private Road	*1,033
			Downstream of West Street	*1,037
		Sargent Brook	Downstream Corporate Limits	*978
			Upstream of Private Road (extended)	*983
			Downstream of Plunkett Street	*1,030
	Maps available for inspection at the Lenox Town Hall, Walker Street, Lenox, Massachusetts.			
	Send all comments to the Honorable John J. Pignatelli, Chairman of the Lenox Board of Selectmen, Lenox Town Hall, Walker Street, Lenox, Massachusetts 01240.			
Michigan	(C) Alma, Gratiot County	Pine River	At downstream corporate limits	*725
			Just downstream of Superior Street	730
			About 1.0 mile upstream of State Street Dam	*736
	Maps available for inspection at the City Hall, 525 East Superior Street, Alma, Michigan.			
	Send comments to Honorable Henry S. Heleman, Mayor, City of Alma, 525 East Superior Street, Alma, Michigan 48801.			
Michigan	(C) Owoso, Shiawassee County	Shiawassee River	At downstream corporate limits	*719
			About 600 feet upstream of Shiawassee Street	*727
			About 800 feet upstream of Main Street	*729
			About 400 feet upstream of Washington Street	*732
			About 3000 feet upstream of Gould Street	*734
	Maps available for inspection at the Clerk's Office, City Hall, 301 To 307 West Main Street, Owoseo, Michigan.			
	Send comments to Honorable Marvin N. Schoenhals, Mayor, City of Owoseo, 301 To 307 West Main Street, Owoseo, Michigan 48867.			
Minnesota	(C) Brooklyn Park, Hennepin County	Mississippi River	At downstream corporate limits	*818
			Just downstream of Coon Rapids Dam	*827
			Just upstream of Coon Rapids Dam	*832

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			At upstream corporate limits	*834
		Eagle Creek	Within corporate limits	*875
		Shingle Creek	At downstream corporate limits	*846
			Just downstream of Noble Avenue	*853
			Just downstream of 74th Avenue North	*859
			Just upstream of 77th Avenue North (near Brunswich Avenue North).	*868
			About 150 feet downstream of U.S. Highway 52	*870
			Just downstream of Boone Avenue	*875
		Bass Creek	At confluence of Eagle Creek	*875
			Just upstream of Park Road	*881
			Just downstream of 62nd Avenue North	*882
	Maps available for inspection at the City Hall, 5800 85th Avenue, North, Brooklyn Park, Minnesota.			
	Send comments to Honorable James Krautkremer, Mayor, City of Brooklyn Park, City Hall, 5800 85th Avenue, North, Brooklyn Park, Minnesota 55443.			
New Jersey	Bordentown, City, Burlington County	Crosswicks Creek	Downstream corporate limits	*14
			Upstream corporate limits	*14
		Blacks Creek	Downstream corporate limits	*14
			Burlington Street	*14
			Upstream corporate limits	*14
	Maps available for inspection at the Office of the City Clerk, City Hall, 324 Farnsworth Avenue, Bordentown, New Jersey.			
	Send comments to Honorable Josepph R. Maloane, III, Mayor of the City of Bordentown, 324 Farnsworth Avenue, Bordentown, New Jersey 08505.			
New Jersey	Florence, Township, Burlington County	Delaware River	Downstream Corporate Limits	*11
			Upstream Corporate Limits at confluence with Crafts Creek.	*13
		Bustleton Creek	Downstream Corporate Limits	*16
			U.S. Route 130 (Upstream side)	*30
		Crafts Creek	At confluence with Delaware River	*13
			Conrail (Upstream side)	*17
			U.S. Route 130	*17
	Maps available for inspection at the Office of the Town Administrator, 1350 Hornburger Avenue, Roebling, New Jersey.			
	Send comments to Honorable Sharon A. Worrell, Mayor of the Township of Florence, 1350 Hornburger Avenue, Roebling, New Jersey 08554.			
New Jersey	Haddon, Township, Camden County	Cooper River—Eastern Section of Township.	Downstream Corporate Limits	*13
			Upstream Corporate Limits	*14
		Newton Creek—Western Section of Township.	Entire Shoreline	*10
		South Branch Newton Creek—Western Section of Township.	Entire Shoreline	*10
		Newton Creek—Eastern Section of Township.	Downstream Corporate Limits	*11
			West Park Boulevard (Upstream side)	*26
			Upstream Corporate Limits	*44
	Maps available for inspection at the Office of the Township Clerk, Municipal Building, Haddon and Reeve Avenue, Westmont, New Jersey.			
	Send comments to Honorable William G. Rohrer, Mayor of the Township of Haddon, Municipal Building, Haddon and Reeve Avenue, Westmont, New Jersey 08108.			
New York	Orchard Park, Village, Erie County	South branch Smokes Creek	Upstream Freeman Road and Spillway	*863
			Downstream Corporate Limits	*804
			Downstream ECSD Road	*806
			Upstream ECSD Road	*814
			Approximately 560' upstream ECSD Road	*816
			Upstream Spillway	*846
			Upstream South Buffalo Street	*848
			Upstream Corporate Limits	*849
			Jewett-Holmwood Road	*863
		Northwest branch Smokes Creek	Downstream Corporate Limits	*857
			Upstream Forest Drive	*867
			Downstream Highland Avenue	*869
			Upstream Corporate Limits	*870
	Maps available for inspection at the Village Office, 4295 South Buffalo Street, Orchard Park, New York.			
	Send comments to Honorable Scott McFarland, Mayor of Orchard Park, Village Office, 4295 South Buffalo Street, Orchard Park, New York 14127.			
New York	Williamsville, Village, Erie County	Ellicott Creek	Approximately 900' downstream of downstream Corporate Limits.	*607
			Downstream Corporate Limits	*609
			First crossing of upstream Corporate Limits	*675
			Upstream of Wehrle Drive	*679
			Upstream Corporate Limits	*685
	Maps available for inspection at the office of the Village Clerk, Village Hall, 5583 Main Street, Williamsville, New York.			
	Send comments to Honorable Gordon J. Kuzon, Mayor of the Village of Williamsville, Village Hall, 5583 Main Street, Williamsville, New York 14221.			
North Carolina	Unincorporated areas of Cumberland County	Cape Fear River	Just upstream of U.S. Interstate I-95	*90
		Rockfish Creek	Just upstream of Highway 301	*80
			Just upstream of North Carolina 59	*91
			Just upstream of State Road 1255	*103
			Just upstream of Upchurch Dam	*126
		Little Rockfish Creek	Just downstream of State Road 1003	*112
			Just downstream of State Road 1108	*130
			Just downstream of State Road 1104	*139
			Just downstream of U.S. Highway 401	*175
		Buckhead Creek	Just upstream of State Road 1003	*116

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Just upstream of Cumberland Rd	*145
			Just downstream of U.S. Highway 401	*164
		Beaver Creek	Just upstream of Cumberland Road (St. Rd. 1141)	*127
			Just downstream of Morgantown Rd (State Road 1404).	*166
			Just upstream of Santa Fe Drive	*165
		Beaver Creek tributary A	Just upstream of Bingham Drive	*172
			Just upstream of U.S. Highway 401 (Raeford Road)	*192
		Beaver Creek tributary B	Just upstream of breached dam	*133
		Stewarts Creek	Just upstream of Reilly Road	*188
			Just upstream of South Ingleside Drive	*191
		Country Club branch tributary A (flooding effects from Country Club branch).	Just downstream of dam	*147
		Carvers Creek	Just upstream of Norfolk Southern Railroad	*92
			Just upstream of U.S. Highway 401	*111
		Persimmon Creek	Just upstream of Morgantown Road (St. Rd. 1404)	*187
		Bones Creek	Just upstream of U.S. Highway 401 (Raeford Road)	*164
			Just upstream of State Road 1400 (Cliffdale Rd)	*175
		Bones Creek tributary A	Just upstream of State Road 1393	*180
		Mill Creek	Just upstream of private drive	*186
		Blounts Creek	Just upstream of dam	*134
		Cross creek	Just upstream of Shaw Mill Road	*157
		Carvers Creek tributary A	Just upstream of Wolf Point Rd	*125
		Cedar Falls Creek	Just upstream of U.S. Highway 401	*110
		Cedar Falls Creek tributary A	Just upstream of U.S. Highway 401	*111
			Just upstream of earth dam	*149
		Little River	Just downstream of State Highway 210	*142
			Just upstream of Manchester Road (St. Rd. 1451)	*152
			Just downstream of State Highway 87	*152
		Tank Creek	Just downstream of Seaboard Coastline Railroad	*174
	Maps available for inspection at Cumberland County Planning Department, Old County Courthouse, Gillespie Street, Fayetteville, North Carolina 28305.			
	Send comments to Mr. Harry Perkins, County Manager, or Mr. Cliff Strassenburg, Planning Director, P.O. Drawer 1829, Fayetteville, North Carolina 28305.			
North Carolina	Town of Grifton, Pitt and Lenoir Counties	Contentnea Creek	Intersection of Water Street and Main Street	*23
		Contentnea Creek—south tributary	Intersection of Gordon Street and McCrae Street	*30
	Maps available for inspection at Town Hall, West Queen Street, Grifton, North Carolina.			
	Send comments to the Honorable Daivd E. Bosley, P.O. Box 598, Grifton, North Carolina 28530.			
North Carolina	Town of Mount Olive, Wayne and Duplin Counties	Northeast Cape Fear River	Upstream of State Road 1004	*135
		Thunder Swamp	Upstream of State Road 1147	*139
		Thunder Swamp tributary	Downstream of State Road 1141	*142
			Upstream of State Road 1141	*144
		Pasture branch	Downstream of Bell Avenue	*144
			Upstream of Bell Avenue	*148
		Lee branch	Downstream of State Road 1138	*139
			Upstream of State Road 1138	*143
	Maps available for inspection at Town Hall, East James Street, Mount Olive, North Carolina 28365.			
	Send comments to Mayor I. Ray McDonald or Mr. Niel Mallory, Town Administrator, Town Hall, 114 East James Street, Mount Olive, North Carolina 28365.			
North Carolina	Town of Seven Springs, Wayne	Neuce River	Just upstream of Main Street	*55
			At the intersection of State Road 1739 and Simmons Street.	*55
	Maps available for inspection at Town Hall, East Spring Street, Seven Springs, North Carolina 28578.			
	Send comments to Mayor Ora Gray Sutton or Mr. McKinley Griffen, Mayor Pro-Tem, Town Hall, P.O. Box 198, Seven Springs, North Carolina 28578.			
Oklahoma	Town of Gans, Sequoyah county	Onion Creek	Just downstream of Kobel Avenue (low water crossing).	*516
			At confluence with Onion Creek tributary	*524
	Maps available for inspection at Town Hall, Gans, Oklahoma 74936.			
	Send comments to Mayor Joe Crosslin or Ms. Louise Fuller, City Secretary, Town Hall, P.O. Box 116, Gans, Oklahoma 74936.			
Oklahoma	Town of Howe, LeFlore County	Morris Creek	Intersection of Rock Street and North Railroad Street	*476
		Morris tributary	Just upstream of Second Street	*481
			Approximately 300 feet downstream of U.S. Highway 59 (corporate limits).	*487
	Maps available for inspection at City Hall, Howe, Oklahoma 74940.			
	Send comments to Mayor Faulkenberry, or Mrs. Betty Brown, Clerk Treasurer, City Hall, P.O. Box 22, Howe, Oklahoma 74940.			
Oklahoma	Town of Moffett, Sequoyah County	Arkansas River	Just upstream of U.S. Highway 64	*420
	Maps available for inspection at City Hall, Moffett, Oklahoma 74946.			
	Send comments to Mayor Betty Breedlove, City Hall, P.O. Box 41, Moffett, Oklahoma 74946.			
Oklahoma	Town of Piedmont, Canadian County	Soldier Creek	Just upstream of Edmond Road	*1,120
			Just upstream of Sixteenth Street	*1,152
		Soldier Creek south branch	Just upstream of Sixteenth Street	*1,150
		Deer Creek tributary 5	Just downstream of Piedmont Road	*1,171
			Just upstream of Washington Street	*1,180
		Deer Creek tributary 2	Just downstream of Washington Street	*1,199
			Just upstream of dam	*1,216
	Maps available for inspection at Town Hall, Piedmont Road North, Piedmont, Oklahoma 73078.			
	Send comments to Mayor Jim Martin or Mr. Rich Losgrew, Vice Chairman of the Board of Trustees, Town Hall, 415 Piedmont Road North, Piedmont, Oklahoma 73078.			

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Oregon	Tualatin (city), Washington County	Tualatin River	Interstate Highway 5 over the channel	*123
			Southern Pacific Railroad over the channel	*125
		Nyberg slough	Upstream side of southwest 56th Avenue over the channel.	*122
			S.W. Tonka Road over the channel	*124
	Maps available for inspection at City Hall, 18660 SW Martinazzi, Tualatin, Oregon.			
	Send comments to the Honorable Roy Rogers, P.O. Box 369, Tualatin, Oregon 97062.			
Pennsylvania	Bryn Athyn, borough, Montgomery County	Pennypack Creek	Confluence of Southampton Creek	*177
			Upstream Corporate Limits	*185
		Southampton Creek	Upstream Corporate Limits	*177
	Maps available for inspection at the residence of the Borough Secretary, Mrs. Willard Smith, Jr., Bryn Athyn, Pennsylvania.			
	Send comments to Honorable Hyland R. Johns, Jr., Council President of Bryn Athyn, P.O. Box 336, Bryn Athyn, Pennsylvania 19009.			
Pennsylvania	Lower Burrell, city, Westmoreland County	Allegheny River	Confluence of Puckety Creek	*752
			Upstram Corporate Limits	*764
		Allegheny River back channel	Confluence with Allegheny River	*763
			Upstream Corporate Limits	*764
		Puckety Creek	Confluence with Allegheny River	*752
			Approximately 1,000' downstream Crystal Drive	*762
			Approximately 460' downstream confluence of Tributary 1.	*772
			Downstream State Route 366	*782
			Upstream Corporate Limits	*794
		Tributary 1 to Puckety Creek	Confluence with Puckety Creek	*774
			Upstream first Private Drive	*786
			Approximately 170' upstream second Private Drive	*795
			Downstream third Private Drive	*814
			Upstream fifth Private Drive	*825
			Upstream Millers Lane (second crossing)	*835
			Approximately 575' upstream second crossing Millers Lane.	*847
		Little Puckety Creek	Confluence with Puckety Creek	*752
			Corporate Limits (first crossing)	*753
			Corporate Limits second crossing at Falcons Park Road.	*807
			Approximately 1,450' upstream Falcons Park Raod	*817
			Approximately 2,780' upstream Falcons Park Road	*827
			Approximately 4,625' upstream Falcons Park Raod	*837
			Approximately 980' downstream Wildlife Lodge Road	*847
			Upstream Wildlife Lodge Road	*857
			Upstream Milligantown Road	*874
			Approximately 1,330' downstream from upstream Corporate Limits.	*897
			Upstream Corporate Limits	*908
		Chartiers Run	Confluence with Allegheny River	*758
			Downstream Sokol Camp pedestrian walkway	*774
			Upstream Chartiers Creek Road	*787
			Downstream Private Drive	*812
			Approximately 1,755 feet upstram Private Drive	*831
			Approximately 1,340' downstream Hulton Road	*861
			Approximately 500' upstream Hulton Raod	*881
			Upstream Legislative Route 64245	*900
			Upstream State Route 56	*910
			Upstream Corporate Limits	*912
	Maps available for inspection at the City Hall, Bethel and Schreiber Streets, Lowr Burrell, Pennsylvania.			
	Send comments to Honorable William Heavner, Jr., Mayor of Lower Burrell, City Hall, Bethel and Schreiber Streets, Lower Burrell, Pennsylvania 15068.			
South Carolina	City of Goose Creek, Berkeley County	Foster Creek	Just upstream of Pompiant Road (flooding affected by backwater of the stormtide from the Atlantic Ocean at this location).	*7
			Just downstream of Seaboard Coast	*9
		Unnamed tributary of Foster Creek	Just upstream of Jefferson Avenue	*13
			Just upstream of Lafayette Street	*16
		Lindley Branch	Just upstream of U.S. Highway 52	*25
	Maps available for inspection at City Hall, 103 Farm Road, Goose Creek, South Carolina 29445.			
	Send comments to Mayor Michael J. Heitzler or Mr. Dennis C. Harmon, City Administrator, City Hall, P.O. Box 236, Goose Creek, South Carolina 29445.			
Tennessee	City of Memphis, Shelby County	Mississippi River	Just upstream of Shelby County line corporate limits	*222
			Just upstream of Interstate Highway 40	*233
		Wolf River	Just upstream of Interstate Highway 225	*234
			Just upstream of confluence of Harrington Creek	*240
			Just upstream of Germantown Road	*262
		Wolf River lateral A	At the confluence of Wolf River lateral AA	*258
		Wolf River lateral AA	Just upstream of Corsica Drive	*270
		Wolf River lateral "M"	Just upstream of Raleigh-LaGrange Road	*249
			Just upstream of Raleigh-Bartlett Road	*260
		Fletcher Creek	Just upstream of Bartlett Road	*247
			Just upstream of Raleigh-LaGrange Road	*260
		Fletcher Creek lateral "B"	Just upstream of corporate limits	*262
		Harrinton Creek	Just upstream of Covington Pike	*241

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Just upstream of Raleigh-LaGrange Road	*246
			Just upstream of Louisville and Nashville Railroad	*262
		Harrington Creek lateral B	Just upstream of Stage Road	*266
		Cypress Creek	Just upstream of Mitchell Road	*229
			Just upstream of Raines Road	*239
			Just upstream of Neely Road	*255
		Nonconnah Creek	Just upstream of Highway 61	*228
			Just upstream of confluence of Hurricane Creek	*248
			Just upstream of Ridgeway Road	*276
		Days Creek	Just upstream of Brooks Road	*242
			Just upstream of Raines Road	*259
		Hurricane Creek	Just upstream of Democrat Road	*249
			Just upstream of Christine Street	*266
		Tenmile Creek	Just upstream of Knight Arnold Road	*261
			Just upstream of Winchester Road	*278
			Just upstream of Pilot Road	*309
			Just downstream of Getwell Road	*337
		Tenmile Creek lateral A	Just upstream of Winchester Road	*285
		Johns Creek	Just upstream of Cottonwood Road	*269
			Just upstream of Winchester Road	*286
			Just downstream of Raines Road	*294
		Howard Road outfall	Just downstream of Quince Road	*283
			Just upstream of Messick Road	*296
			Just upstream of McVay Road	*306
		Loosahatchie River	Just downstream of Raleigh-Millington Road	*236

Maps available for inspection at City Hall, 125 North Main Street, Memphis, Tennessee 38103.

Send comments to Mayor Wyeth Chandler or Mr. Henry Evan, Chief Administrator, City Hall, 125 North Main Street, Memphis, Tennessee 38103.

Utah	Kaysville (City), Davis County	Holmes Creek	100 feet upstream from center of Union Pacific Railroad.	*4292
			Intersection of Holmes Creek and center of Thornfield Drive.	*4647
			Intersection of Holmes Creek and center of U.S. Highway 89.	*4787
			Intersection of Crestwood Road and U.S. Highway 89	#1
		Holmes Creek Tributary	Intersection of 200 North Avenue and 1st East Street	#2
			150 feet upstream from center of 1st East Street	*4389
		North Fork Holmes Creek	200 feet upstream from center of Interstate Highway 15.	*4311
		Baer Creek	60 feet downstream from center of State Highway 273	*4390

Maps available for inspection at City Administrators Office, 44 North Main Street, Kaysville, Utah.

Send comments to the Honorable Gar Elison, 44 N. Main, Kaysville, Utah 84037.

Vermont	Colchester, Town, Chittenden County	Winooski River	Confluence with Lake Champlain	*102
			City of Winooski Corporate Limits (1st crossing)	*113
			City of Winooski Corporate Limits (2nd crossing)	*167
			Upstream of Dam	*204
			Upstream Corporate Limits	*214
		Lamoille River	Confluence with Lake Champlain	*102
			Upstream Corporate Limits	*106
		Lake Champlain	Entire shoreline within community	*102

Maps available for inspection at the Colchester Municipal Office of Zoning and Administration, Blakely Road, Colchester, Vermont.

Send all comments to the Honorable Francis Taginski, Town Manager of Colchester, Colchester Municipal Offices, P.O. Box 55, Blakely Road, Colchester, Vermont 05445.

Vermont	Middlesex, Town, Washington County	Winooski River	Downstream Corporate Limits State Route 2	*431
			State Route 2	*447
			Approximately 250' downstream of Middlesex Dam	*463
			Upstream of Middlesex Dam	*501
			Confluence with Great Brook	*504
			Confluence with Sunny Brook	*513
			Upstream of Corporate Limits	*517
		Great Brook	Confluence with Winooski River	*504
			Approximately 600' upstream of Interstate Route 89	*515
			Approximately 2,200' upstream of Interstate Route 89	*580
			Point Lookout Road	*621
			Approximately 1,800' upstream of Point Lookout Road	*640
			Approximately 4,400' upstream of Point Lookout Road	*683
		Sunny Brook	Confluence with Winooski River	*513
			Upstream of Sunny Brook Road (Downstream crossing).	*521
			Upstream of Sunny Brook Road (Upstream crossing)	*551
			Approximately 1,200' upstream of Sunny Brook Road (Upstream crossing).	*578

Maps available for inspection at the Middlesex Town Clerk's Office, Municipal Offices, Middlesex, Vermont.

Send all comments to the Honorable Dwight McCullough, Chairman of the Middlesex Board of Selectmen, Middlesex Town Offices, R.D. 3, Montpelier, Vermont 05602.

Washington	Olympia (City), Thurston County	Outlet of Black Lake	Upstream side of Mottman Road Southwest over channel.	*122
			Intersection of channel and southernmost corporate limits.	*125
		Ken Lake	Intersection of Lakemore Drive and overflow outlet of Ken Lake.	*137
		Chambers Lake	Approximately 500 feet northwest of Chehalis Western Railroad and Herman Road intersection.	*198

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Capitol Lake	Intersection of Capitol Lake and Deschutes Parkway	*11
			Intersection of B Avenue and North Columbia Street	*11
		Budd Inlet	Western edge of East Bay Drive approximately 700 feet north of its intersection with San Francisco Avenue.	*11
		Setchfield Lake	Approximately 2100 feet east along Springwood Avenue (extended) from intersection with North Bethel Street.	*168
	Maps available for inspection at City Hall, 8th and Plum, Olympia, Washington.			
	Send comments to the Homorable Lyle T. Watson, P.O. Box 1967, Olympia, Washington 98507.			
Washington	Wilkeson (Town), Pierce County	Wilkeson Creek	75 feet upstream from intersection of Burlington Northern Railroad and Wilkeson Creek.	*796
	Maps available for inspection at Town Hall, Wilkeson, Washington.			
	Send comments to the Honorable Rosemarie Howard, Box 82, Wilkeson, Washington 98396.			
Wisconsin	(V) Elm Grove Waukesha County	Underwood Creek	Downstream corporate limits	*724
			Just upstream of first private bridge below confluence with Unnamed Tributary to Underwood Creek.	*730
			About 425 feet downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad southeast of Wall Street.	*731
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad southeast of Wall Street.	*736
			Just downstream of Wall Street	*737
			Just upstream of Shopping Center Exit Road	*745
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad north of Watertown Plank Road.	*747
			Just downstream of Marcella Street	*750
			Upstream corporate limit	*752
	Maps available for inspection at the Office of the Village Manager, Village Hall, 13600 Juneau Boulevard, Elm Grove, Wisconsin.			
	Send comments to Honorable Thomas Godfrey, Village President, Village of Elm Grove, Village Hall, 13600 Juneau Boulevard, Elm Grove, Wisconsin 53122.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Uran Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: May 7, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15343 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6067]

National Flood Insurance Program; Proposed Base Flood Elevation and Zone Designation for the City of Sumter, South Carolina

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation and zone designation described below.

The proposed base flood elevation and zone designation will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevation and zone designation are available for review at the Mayor's Office, Sumter, South Carolina.

Send comments to: The Honorable W. A. McElveen, Jr., Mayor, City of Sumter, P.O. Box 1449, Sumter, South Carolina 29150.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevation and zone designation (100-year flood) for the City of Sumter, South Carolina in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 400–4128, and 44 CFR 67.4 (a).

The proposed base flood elevation and zone designation together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies

established by other Federal, State or regional entities. The proposed flood elevation and zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevation and zone designation for selected locations are:

Source of flooding	Location	Elevation (feet) (NGVD)
Heathleywood Canal.....	Those land areas upstream of a point 50 feet downstream of Alice Drive.	174

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: May 12, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15673 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

[Docket No. FEMA 6066]

National Flood Insurance Program; Proposed Base Flood Elevations, Zone Designations, and Zone Boundaries for the Town of Falkville, Alabama

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations, zone designations and zone boundaries described below.

The proposed base flood elevations, zone designations and zone boundaries will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevations, zone designations and zone boundaries are available for review at the Mayor's Office, Falkville, Alabama.

Send comments to: The Honorable Homer H. Landrum, Mayor, Town of Falkville, Route 3, P.O. Box 70, Hartselle, Alabama 35640.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations, zone designations and zone boundaries (100-year flood) for the Town of Falkville, Alabama in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed base flood elevations, zone designations and zone boundaries together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations, zone designations and zone boundaries will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation (feet)(NGVD)
Painter Branch.....	Fifth Avenue.....	590
Robinson Creek.....	Westernmost corporate limit.	594
Robinson Creek.....	First Avenue.....	601
Robinson Creek.....	Louisville and Nashville Railroad.	602
Cedar Creek.....	Northwesternmost corporate limit.	590
Cedar Creek.....	Louisville and Nashville Railroad.	591

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 12, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-15674 Filed 5-26-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

[Docket No. FEMA 6065]

National Flood Insurance Program; Proposed Base Flood Elevations, Zone Designations and Delineations for the Town of Mount Pleasant, New York

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations, zone designations and delineations described below.

The proposed flood elevations, zone designations and delineations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevations, zone designations and delineations are available for review at the Town Supervisor's Office, Town of Mount Pleasant, New York. Send comments to: Mr. Michael L. Rovello, Town Supervisor, Town of Mount Pleasant, One Town Hall Plaza, Valhalla, New York 10595.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations, zone designations and delineations for the Town of Mount Pleasant, New York in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234),

87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed base flood elevations, zone designations and delineations together with the floodplain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations, zone designations and delineations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Pocantico River	Pocantico Lake to southern corporate limits of Briarcliff Manor.	230–233 NGVD	A5
Pocantico River	Northern corporate limit of Briarcliff Manor to the limit of detailed study.	240–273	A5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 12, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–15673 Filed 5–26–81; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 67

[Docket No. FEMA 6064]

National Flood Insurance Program; Proposed Base Flood Elevations for the Town of Waitsfield, Vermont

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations described below.

The proposed base flood elevations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevations are available for review at the Selectmens' Office, Town Hall, Waitsfield, Vermont.

Send comments to: Mr. Everett Larrow, Chairman Board of Selectmen, Post Office Box 134–A, Waitsfield, Vermont 05673.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Adminsitrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations (100-year flood) for the Town of Waitsfield, Vermont in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The base flood elevations together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation (feet) NGVD
Mill Brood	Fayston/Waitsfield corporate limits downstream 210 feet	754–756

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 12, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–15676 Filed 5–26–81; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80–632]

Overseas Communications Services; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking; Extension of Comment and reply comment period.

SUMMARY: This document grants request of international record carrier for extension of comments and reply dates in CC Docket No. 80–632 on overseas communications services. The extensions are granted to permit parties to complete and submit detailed studies regarding proposed rulemaking. The intended effect of this action is to provide Commission with most complete and meaningful record possible.

DATES: Comments now due on June 5, 1981. Replies due on July 6, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Stuart Chiron, Common Carrier Bureau, (202) 632–7265.

In the matter of Overseas Communications Services; (45 FR 76498; 11–19–80).

Adopted: May 15, 1981.
Released: May 18, 1981.

By the Common Carrier Bureau:

1. In this proceeding, the Commission is considering whether or not to change its 1964 TAT–4 policy decision, 37 FCC 1151, which created an overseas voice-record dichotomy. As a result of TAT–4, AT&T has not been able to offer overseas record services (other than Dataphone), and the IRCs have not been able to provide overseas voice services (other than Datel). The instituting order, FCC 80–585 (released October 28, 1980), established December 12, 1980, as the date for filing comments and January 16, 1981, as the date for replies. These dates have been subsequently extended twice. Comments are presently due on May 22 and replies on June 19.

2. On May 11, 1981, Western Union International, Inc. (WUI) filed a motion to extend the time for comments and replies for two additional weeks. WUI indicates in its motion that this request is fully supported by counsel for the other IRCs and that counsel for AT&T has no objection.

3. In support of its request WUI states that a thorough study being performed by an economic consultant, which will be submitted to the Commission, is not as yet available. WUI also states that an NTIA study on international communications, previously scheduled for an April release, will not be available before June.

4. We believe that the record will be more complete and meaningful with the inclusion of the IRC and NTIA studies. Since a delay will not harm any cognizable public interest we will grant WUI's request. Accordingly, it is ordered that the date for all interested persons to file comments in CC Docket No. 80–632 is extended from May 22 to June 5, 1981, and that the date for filing replies is extended from June 19 to July 6, 1981.

5. This order is issued under § 0.291 of the Commission's Rules on Delegations of Authority, and is subject to review under § 1.115 of the Rules of Practice and Procedure.

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81–15652 Filed 5–26–81; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Ch. I

Public Notice Regarding Petition for Policy Ruling

AGENCY: Federal Communications Commission.

ACTION: Public Notice Regarding Petition for Policy Ruling.

SUMMARY: The Commission has instituted a pleading cycle for a petition for policy ruling filed by Computer and Business Equipment Manufacturers Association (CBEMA). The petition seeks clarification of the regulatory status of any AT&T offering of new customer-premises equipment (CPE) filed under federal tariff during the transition from regulation to deregulation as set forth in the Second Computer Inquiry, 84 FCC 2d 384, *on reconsideration,* 84 FCC 2d 50 (1980). this period runs from July 18, 1981, the effective date of the Final Decision, to March 1, 1982, when new CPE offered by AT&T must be detariffed and provided only through a fully separate subsidiary.

DATES: Comments on the CBEMA petition for policy ruling must be filed on or before June 26, 1981; reply comments must be filed on or before July 17, 1981.

ADDRESS: Comments should be submitted to The Secretary, Federal Communications Commission, Washington, DC 20554. Interested parties may review the petition in Room 532 at 1919 M Street, NW, Washington, DC on weekdays between 9:00 AM and 5:00 PM.

FOR FURTHER INFORMATION CONTACT: Kathleen B. Levitz, Common Carrier Bureau, Federal Communications Commission, Washington, DC, Telephone No. (202) 653–8187.

SUPPLEMENTARY INFORMATION: May 15, 1981.

Commission Establishes Pleading Cycle on CBEMA Petition for Policy Ruling Concern AT&T Offering of New CPE under Federal Tariff Filed After Second Computer Inquiry Final Decision

In a Petition for Policy Ruling filed April 24, 1981, the Computer and Business Equipment Manufacturers Association (CBEMA) has requested that the Commission clarify the regulatory status of any offering of new CPE by the American Telephone and Telegraph Company (AT&T) under a federal tariff filed after July 18, 1980, the effective date of the Final Decision in the Second Computer Inquiry. In the Second Computer Inquiry, 77 FCC 2d 384, *on reconsideration,* 84 FCC 2d 50 (1980), the Commission had ordered that after March 1, 1982, AT&T offer new CPE only on a detariffed basis and through a separate subsidiary.

In the context of a tariff proceeding relating to AT&T's offering of Comm-Stor*II Communications Service, CBEMA urges the Commission to require that during the transition period preceding the establishment of the AT&T separate subsidiary, all AT&T offerings of new CPE under federal tariff filed after July 18, 1980, be fully unbundled upon the initial filing of the tariff. CBEMA also requests the Commission to order that all costs, direct and indirect, of such CPE offerings be separately treated on AT&T's books of accounts.

The Commisson will adopt the following pleading cycle for the CBEMA petition. Interested parties may file comments on the petition on or before June 26, 1981. Replies may be submitted on or before July 17, 1981. Interested parties may review the petition in Room 532 at 1919 M Street, NW, on weekdays between 9:00 a.m. and 5:00 p.m.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–15742 Filed 5–26–81; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1102 and 1300

[Ex Parte No. 409]

Rail Carrier Informational State Tariff Filings

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Congress has adopted legislation depriving States of intrastate jurisdiction over rail carrier general and inflation-based rate increases and fuel adjustment surcharges. The Commission has initiated this proceeding to consider a petition filed by the National Assocation of Regulatory Utility Commissioners (NARUC) requesting rules that would require rail carriers to provide States with informational tariff filings reflecting these rate changes. If, following review of the comments, the Commission believes that this action is necessary, adoption of rules along the lines proposed by NARUC will be considered.

DATES: Written comments should be filed within 30 days of Federal Register publication of this notice.

ADDRESSES: An original and 15 copies of comments should be sent to Room: 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: Section 214(b) of the Staggers Rail Act of 1980 (SRA) (49 U.S.C. 11501(b)(6)) bars a State authority from exercising any intrastate jurisdiction over general rate increases under 49 U.S.C. 10706, inflation-based rate increases under 49 U.S.C. 10712, or fuel adjustment surcharges.[1] A duly certificated State authority may, however, exercise jurisdiction over other intrastate transportation provided by an ICC regulated rail carrier if the State authority exercises such jurisdiction exclusively in accordance with specified provisions of section 214 of the SRA (49 U.S.C. 11501(b)). In accordance with these provisions, State authorities have requested intrastate ratemaking certification from the Commission. See Ex Parte No. 388, *State Intrastate Rail Rate Authority—Pub. L. 96–448*, served April 22, 1981, 46 FR 23335, April 24, 1981.

In its petition, NARUC states that, because State authorities no longer retain jurisdiction over general and inflation-based rate increases and fuel adjusted surcharges, a number of carriers are no longer filing tariffs notifying the States of these changes. Due to this lack of notification, the States do not have first hand knowledge of the effective rates for railroad transportation within their jurisdictions. Consequently, State authorities, which still retain jurisdiction over other intrastate rates, are unable to disseminate current or accurate rate information to the shipping public. NARUC has proposed specific rules to correct this situation.

We are not now convinced of the need for these rules. A State's interest in these rate changes is limited to their effect on other rates over which it continues to have jurisdiction. The States appear to have adequate authority to require rail carriers to submit all information (including current rate levels reflecting changes not subject to the States' jurisdiction) necessary to exercise State jurisdiction properly. For example, if an Ex Parte No. 290 (Sub-No. 2) increase is not yet reflected in individual rate tariffs, that fact will be noted in those tariffs. To the extent a State may review an individual rate, it would seem it has authority of its own to require that updated rates be presented.

We seek comments on this analysis. We especially request comments from the railroads concerning these alternatives to the rules proposed as well as any others.

If, following review of the comments, we are convinced that there is a need for us to issue rules, we propose to adopt the rules contained in the appendix to this notice. Therefore, comments should discuss the suitability of the proposed rules as well as the need for any rule.

This action does not appear to affect significantly either the quality of the human environment or conservation of energy resources, nor would the rules, if adopted, affect significantly a substantial number of small entities. We invite comment on these issues and will transmit a copy of this notice to the Chief Counsel for Advocacy, Small Business Administration.

(49 U.S.C. 11501, 10321, 5 U.S.C 553)

Decided: May 19, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gresham did not participate due to his membership on the Executive Committee of the National Association of Regulatory Commissioners.

James H. Bayne,

Acting Secretary.

Appendix[1]

§ 1102.1 [Amended]

49 CFR 1102.1 is proposed to be amended by adding paragraph (f) as follows:[2]

* * * * *

§ 1102.1 Application.

* * * * *

(f) *Tariff filing with State Agency.* In accordance with the procedures outlined in 49 CFR 1300.13(f), each carrier shall file (either directly or through a duly authorized tariff-publishing agent) with the regulatory authority of each State in which it operates, all tariffs filed with the Commission in accordance with these procedures.

It is proposed that 49 CFR 1300.13, Filing Tariffs, be amended by adding paragraph (f) to read as follows:

§ 1300.13 Filing Tariffs.

* * * * *

(f) *Filing with State agencies.* A rail carrier shall file (either directly or through a duly authorized tariff-publishing agent) with the regulatory authority of each State in which the carrier operates all tariffs filed with the Commission containing general rate increases or decreases under section 1076 of Title 49 U.S.C., and inflation-based rate increases under section 10712 of Title 49 U.S.C., *provided*, that such filings need only encompass those tariff parts containing rates between points in that State, and rates for traffic originating and terminating within that State. A rail carrier shall be relieved of this filing requirement by obtaining a certified letter from the state regulatory authority stating that such tariff filing is not required; *provided however*, that the State regulatory authority, upon thirty days written notice to the carrier, may rescind a letter previously issued to the carrier.

(49 U.S.C. 11501, 10321, 5 U.S.C. 553)

[FR Doc. 81–15745 filed 5–26–81; 8:45 am]

BILLING CODE 7035–01–M

[1] Fuel costs have been included in the cost index adopted in Ex Parte No. 290 (Sub-No. 2), Railroad Cost Recovery Procedures, served April 20, 1981 (46 FR 22594, April 20, 1981). Separate fuel surcharges are no longer permitted, and need not be considered separately.

[1] Minor technical changes to NARUC's proposal have been made. They do not affect its substance.

[2] NARUC's proposed rules reflect 1102.1 *prior* to its revision in Ex Parte No. 290 (Sub–No. 2), *supra*.

---

49 CFR Parts 1201 and 1241

[No. 37203]

Cost Center Accounting and Reporting System for Class I Railroads; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Termination of proposed rulemaking; Correction.

SUMMARY: This document corrects a termination of proposed rulemaking that appeared at 46 FR 26515 (May 13, 1981). The proposed rulemaking would have considered adoption of a cost center accounting and reporting system for Class I railroads. This action is necessary to correct an inadvertent error in the byline.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275–7448.

SUPPLEMENTARY INFORMATION: The byline in the document appearing at 46 FR 26515 (May 13, 1981) should read as follows:

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–15689 Filed 5–26–81; 8:45 am]

BILLING CODE 7035–01–M

Notices

Federal Register
Vol. 46, No. 101
Wednesday, May 27, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Social Analysis; Proposed Policy

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy.

SUMMARY: This document is proposed for inclusion as a section of Chapter FMS 1970, Economic and Social Analysis, in the Forest Service Manual (FMS). It provides policy and principles for social analysis of programs, resource plans, and projects within the Forest Service. Its purpose is to provide for a level of consistency in analyses and assessment carried out by individual Forest Service management units.

DATE: Comments must be received on or before July 27, 1981.

ADDRESSES: Comments may be mailed to R. Max Peterson, Chief (1960 or PA), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert M. Randall, Policy Analysis, Forest Service, P.O. Box 2417, Washington, D.C. 20013, 202–447–5425.

SUPPLEMENTARY INFORMATION: FSM 1973 was written by Forest Service Sociologists and has received extensive review from all management levels as well as functional areas. FSM 1973 is part of Chapter 1970 which includes policy guidelines for economic efficiency analysis and economic impact assessments. The other sections of 1970 were published in the **Federal Register** on April 17, 1981, page 22404, for a 60-day public review period. Public comments on this proposed addition to the Forest Service Manual are being solicited to the end of the review period on July 27, 1981.

Dated: May 19, 1981.

J. Lamar Beasley,

Deputy Chief, Programs and Legislation.

Contents: 1973—Social Analysis

1973.1 Preliminary investigation.
1973.2 Determination of assessment areas.
1973.3 Selection of assessment sub-areas.
1973.4 Selection of variables.
1973.5 Standards of variable selection and measurement.
1973.6 Establishment of baseline.
1973.61 Available statistical data.
1973.61b Written social data.
1973.61c Observation data.
1973.61d Respondent-contact date.
1973.61e Public participation data.
1973.61f Forest Service personnel.
1973.62 Social overview.
1973.7 Estimation of effects.
1973.8 Comparison and display of alternatives.

1973—Social Analysis

Social analysis in the Forest Service is the determination of how Forest Service policies and actions affect the quality of people's lives or social well-being. The primary goal is to help managers take into account important social concerns in making decisions. Social analysis is accomplished by comparing current social conditions in an area influenced by Forest Service actions with conditions likely to occur as a result of implementing management alternatives. It is to be distinguished from the public participation process. Social analysis is the systematic attempt to predict what will happen to people in a specified locale (assessment area) given various management alternatives. Public involvement is designed to discover people's preferences, concerns, and expectations and to inform them about management and ecological constraints and possibilities.

Social analysis includes:

1. Preliminary investigation, decisions on assessment areas, and selection of assessment variables.

2. Describing and analyzing present social conditions, including their historial context and the projection of a social conditions baseline.

3. Estimating changes in social conditions resulting from alternative Forest Service actions.

4. Comparing the social effects of the alternatives.

There are at least three levels of analysis; local, regional, and national. Selection of variables, assessment areas, and methods should vary with the nature and scope of the Forest Service activity. Refer to FSM 1970.6 regarding scope of analysis. Guidelines are provided by the Forest Service Social Analysis Handbook (forthcoming) concerning the implications of different analysis levels.

Responsible officials should insure that competent individuals are assigned to develop social assessment procedures, specify assessment areas, collect, and analyze social data, interpret findings, write and summarize documents, and participate as a member of interdisciplinary teams, as appropriate. If employment of a social scientist on the team is not warranted or possible, then a member who is capable of overseeing the social analysis should be designated as the social science coordinator.

1973.1—Preliminary Investigation

The purpose of this task is to delineate and become familiar with the assessment area(s), in order to facilitate selection of the social variables to be used in the analysis and determine the types of data needed and available. This investigation should include contacts with people in the study area, including local community leaders (e.g., ministers, teachers) and government officials, about community issues and trends and data sources. A small sample of the data (such as county land-use plans and population figures) should be examined to verify preliminary impressions. Public involvement may be used to provide preliminary information about community issues and trends.

1973.2—Determination of Assessment Areas

Assessment areas should include geographical areas where most of the social effects of a proposed action are expected to occur. The areas may be established by determining which political jurisdiction or cultural geographical units are likely to be significantly affected by Forest Service decisions. Several areas of influence may have to be considered when programs contain a variety of resources. For example, a forest might influence a three-county area based on timber production and water use and a six-county area based on the residence of recreationists. Identification of study areas should not be based solely on products or use patterns, as significant

effects of Forest Service operations may occur in other ways. For example, counties that contain national forest land may be affected by changes in National Forest System receipts or limitations on the amount of land that can be developed. Assessment areas delineated for social and economic assessment should be the same for a given planning action, unless substantiated and documented reasons can be presented to suggest differences (FSM 1970.72).

1973.3—Selection of Assessment Sub-Areas

Forest Service activities will affect people in the assessment area differently, depending on such variables as people's geographical location, dependence on national forests, and socioeconomic position. Geographical units *within* the assessment area which reflect potentially significant cultural differences should be identified in the analysis.

Differences in people's response to Forest Service actions may be used as a basis for selecting assessment sub-areas, but such determination is usually difficult in the absence of extensive prior examination. Cultural differences are more easily distinguishable and generally correlate highly with responses to Forest Service policy.

Sub-areas should vary with the level of analysis. For project-level activity, the geographical assessment unit should generally be localized (one or several communities or other cultural/geographical units). For forest-level planning, the geographical assessment units should be subdivisions of the forest and surrounding area (counties, ranger districts, and larger cultural/geographical units). For regional-level planning, the geographical assessment units should be larger regional subdivisions (states, sub-regions).

Units shall *not* be classified exclusively on the basis of interest or preference groups. Such groups may be transitory and may not necessarily be indicative of what will *happen* in an area (as opposed to what people *want*). They also may not be representative of the entire community.

1973.4—Selection of Variables

Appropriate variables should be selected from each of the following categories:

1. *Lifestyles*, the characteristic ways different segments of a population live. Lifestyle variables include work (employment) and leisure activities and relationships with family, friends, and others. Effects of Forest Service activities on lifestyles will depend on the nature of people's relationship with a national forest or agency practice.

2. *Attitudes, Beliefs, Values*, reflected in people's likes, dislikes, perceptions, hopes, aspirations, and fears. Changes in Forest Service policy may result in practices which significantly affect people's feelings about and understanding of the forest.

A major component of people's perceptions is their sense of freedom and self-sufficiency. Among the effects which should be evaluated are changes in perceived control by outside interests (government, industries, and other interest groups), perceived capability of local governments to meet local needs, and people's sense of whether they can meet their subsistence needs (food, fuel, and shelter) by their own direct knowledge and efforts.

Another component of people's perceptions is their feeling of certainty or uncertainty about the future. These feelings may be related to the rate of change likely to occur in an area as a result of Forest Service management and the predictability of the consequences of the change.

3. *Social organization*. Social organization is the way society and its subunits are structured. Major components to be considered for analysis are: institutions, community cohesion, and community stability.

Social institutions are the systems of customary practices people have developed in a community or society to survive and prosper. Social institutions include the family, the economy, work, leisure/recreation, government and politics, education, and religion.

Community cohesion is the degree of unity and cooperation exhibited by various segments of a community toward realizing certain shared goals or their approach to certain problems.

Community stability is the rate of change with which people can cope without exceeding their capacity to deal with it. The rate of social change and the institutional structure of a community are key variables in the analysis of the effects of Forest Service actions.

Social stability and *economic* stability are not necessarily the same, but both relate to community stability. Economic stability might be retained through full employment, but if there is a rapid change in the *composition* of the employment (e.g., jobs taken by newcomers to the community with different cultural backgrounds) social *instability* might result. Yet stability is not stagnation. Stable communities are usually going through relatively gradual and constant change to adapt to new conditions.

4. *Population variables*. These include the number, distribution, density, and characteristics of people.

Specific pieces of legislation will serve to direct attention to certain variables, such as those concerning civil rights and minorities, historic preservation, and archeological resources.

1973.5—Standards of Variable Selection and Measurement

Variable selection and measurement should be guided by the following criteria:

1. *Relevancy*. Does the variable actually relate, and to what extent, to Forest Service practices?

2. *Significance*. How important is the variable affected by Forest Service practices in terms of the impact on people? Relevancy and significance are the most important criteria and are overriding factors in the variable selection process.

3. *Sensitivity*. To what extent is the measure of the variable affected by Forest Service practices? The measure should clearly register changes resulting from different management alternatives.

4. *Availability*. How available are the data with which to measure the variable?

5. *Accuracy*. How reliable and valid is the measure, does the measure yield consistent results, and does it truly represent the variable?

6. *Efficiency*. To what extent do the variable and its measure eliminate the need for other measures?

Variable measures and indices are provided in the Social Analysis Handbook (forthcoming).

1973.6—Establishment of Baseline

Analysis of the social effects of an alternative continuing current policies and practices will serve as the baseline for estimating the effects of other management alternatives. The procedure is to describe the area's social characteristics and its historical context and project trends into the future based on the continuation of present management policy.

The description of the baseline will be in terms of major variables judged to reflect accurately the area's social life, including variables to be used in the estimation of effects.

1973.61—Data Sources

Derive the description of the baseline from among the following data sources:

1973.61a—Available Statistical Data

Including census reports and other data compiled by various governmental

agencies, such as that found in county courthouses and chambers of commerce.

1973.61b—Written Social Data

Including letters to editors, newspaper articles, written testimonies, histories, graduate theses pertaining to the local area, annual reports, and research studies.

1973.61c—Observation Data

From talking with people in the assessment area and systematically observing variables selected on the basis of the preliminary investigation.

1973.61d—Respondent-Contact Data

From survey methods where interviews or mailed questionnaires are systematically administered. This method is contingent on OMB approval (see FSM 1374.1) and cannot be used without strong justification. Preliminary investigation must precede the survey to validate the selection of questions and the variables the questions represent.

1973.61e—Public Participation Data

Data gathered during the public involvement process. Data may be in any of the above forms.

1973.61f—Forest Service Personnel

Including District Rangers and their staffs, research project leaders, and State and Private Forestry field representatives—as a source for descriptive data for communities within their districts.

1973.62—Social Overview

A social overview should be developed during the inventory phase for decisions having potential for significant social effects. This document is a source of information for the analysis of the management situation. The overview contains an interpretation of data on social issues and trends. It will serve as an information source for the decision process.

The overview should include:

1. A description of historic trends and current conditions and projections of future conditions under unchanged Forest Service management (baseline).

2. Maps depicting areas of influence (and county land-use zones) and a narrative description of the principal economic, social, and cultural ties between the Forest Service area or activity and the people who use and enjoy it. The uniqueness of these ties and the implications of preserving, enhancing, or weakening them should also be discussed.

3. Full documentation, citing data sources, and discussing assumptions underlying analyses and projections.

4. Definitions or interpretations of key variables.

5. Discussion of data reliability, inconsistency, or gaps which might affect the estimation of effects.

The social overview will be based primarily on existing data, except in unusual cases of gaps in essential information (40 CFR 1502.22). Since data are sometimes inconsistent from year to year and place to place, comparability problems exist with data from different jursidictions and years! Projections vary according to method and entity creating the data. Accordingly:

1. Show the range of estimates and data and document the sources; or

2. Select the estimates, or data, judged as most realistic or accurate, and cite the other estimates.

1973.7—Estimation of Effects

In this step estimates should be made of changes in selected social variables resulting from Forest Service actions. A variety of techniques and perspectives is available. No technique should be singled out as preferred, since selection will depend on the training and background of those doing the assessment, availability of data, resources, and the analysis situation. Refer to Social Analysis Handbook (forthcoming) for guidance.

Among the methods available are:

1. *Trend extension*—projection of a trend into the future.

2. *Population multiplier approaches*—the application of a coefficient associating changes in population size with the amount of change in another variable.

3. *Polling local authorities and citizen estimates*—consultation with local authorities (including District Rangers) who are in positions to make judgments about social effects of Forest Service actions.

4. *Institutional analysis*—an analysis of the institutional structure of an area, oncluding the number, composition, and diversity of ways for the delivery of human services.

5. *Quantitative approaches*—procedures whereby key social variables are quantitatively defined and mathematical formulas used to calculate social effects and yield numerical scores.

6. *Comparison communities*—comparison with communities already affected by actions similar to those being considered.

7. *Observation*—talking with people and systematically observing selected variables.

Regardless of the methods used, the relevant social impact assessment literature should be used as a guide and supplement. Forest Service social scientists (e.g., cultural resource specialists and historians) who have researched and written on the subject should be consulted. For complex situations, sociologists and others outside of the Forest Service who are authorities on the subject may be consulted. Information from other agencies (BLM, Corps of Engineers, etc.) directly related to Forest Service concerns may be available, since they have also been developing methods and data bases.

1973.8—Comparison and Display of Alternatives

This process is heavily dependent on the evaluation criteria. The step consists of a narrative description of various alternatives supplemented by quantitative information (e.g., number of jobs in wood products industry, percentage increase in school age populations, and percent of economy based on transfer payments).

A numerical rating system—such as a quantified, ranked summary of social impacts—should not be the sole means used to compare management alternatives, because some important social impacts (for example, neighborhood stability) lose their meaning when translated into a simple five or ten-point rating system. Adding the combined impact of different social variables cannot be undertaken without establishing that the variables are comparable in their significance and what they represent. Any score derived from a rating system must be accompanied by a narrative interpretation of the meaning.

The social scientist or social science coordinator should develop a matrix of the effects of Forest Service alternatives on the social variables selected for study. The matrix should consist of an overview of the projected effects of Forest Service actions for each alternative and should be accompanied by a more detailed narrative summary.

[FR Doc. 81-15743 Filed 5-26-81; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Dockets 33363, 39237, and 39238]

Former Large Irregular Air Service Investigation, Applications of International Air Cargo, Inc.; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on May 26, 1981 (46 FR 27150, May 18, 1981) is postponed until June 3, 1981 at 9:30 a.m. (local time) in Room 1003, Hearing Room "B", 1875

Connecticut Avenue, N.W., Universal North Building, Washington, D.C.

Dated at Washington, D.C., May 21, 1981.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 81-15708 Filed 5-26-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-107]

Fitness Determination of Atlantic Southeast Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-107, Order to Show Cause.

SUMMARY: The Board is proposing to find that Atlantic Southeast Airlines, Inc., is fit, willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determinations shall serve their responses on all persons listed below no later than June 11, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Essential Air Services Divisions, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of the Order.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Boyd, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-107 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-107 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 20, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15707 Filed 5-26-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-109]

Fitness Determination of Mid Pacific Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-109, Order to Show Cause.

SUMMARY: The Board is proposing to find that Mid Pacific Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 4, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-5-109.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-109 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-109 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board; May 20, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15709 Filed 5-26-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-108]

Fitness Determination of Ransome Air, Inc., d.b.a. Ransome Airlines; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-108, Order to Show Cause.

SUMMARY: The Board is proposing to find that Ransome Air, Inc., d.b.a. Ransome Airlines is fit, willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 11, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of the Order.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Boyd, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5348.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-108 is available from out Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-108 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board; May 20, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-15710 Filed 5-26-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

District of Columbia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the District of Columbia Advisory Committee to the Commission will convene at 2:30 pm, and will end at 5:30 pm, on June 16, 1981, at the Potomac Institute, Conference Room, 1501 18th Street, N.W., Washington, D.C., 20036. The purpose of this meeting is to release the Committee's report of its 1980 public forum on police/community relations in the District of Columbia; to consider the Commission's report of its Consultations

on Civil Rights Issues of Handicapped Americans; and to conduct preliminary factgathering on employment discrimination in the construction trades.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Rev. Ernest R. Gibson, 1239 Vermont Avenue, N.W., Room 102, Washington, D.C., 20005, (202) 332–2080, or the Mid-Atlantic Regional Office, 2120 L Street, N.W., Washington, D.C., 20037, (202) 254–6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 22, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–15643 Filed 5–26–81; 8:45 am]

BILLING CODE 6335–01–M

Florida Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory Committee to the Commission will convene at 10:30 a.m., on June 10, 1981, at the Tampa Airport Hotel, Tampa, Florida. The purpose of this meeting is to report on Escambia-Followup; planning strategies for the Miami Hearing Followup; review recommendations discussed with State Governor and other Escambia/Pens cola officials.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Ted Nichols, University of Miami, Coral Gables, Florida, (305) 251–6180– (305) 284–3064, or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 20, 1981.

John Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–15644 Filed 5–26–81; 8:45 am]

BILLING CODE 6335–01–M

New Jersey Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 6:30 p.m., on June 18, 1981, at the Ramada Inn, New Brunswick, New Jersey. The purpose of this meeting is to discuss program planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Clyde C. Allen, 39 Ferry Street, 3rd Floor, Newark, New Jersey, 07115, (609) 989–8888 or the Eastern Regional Office, 26 Federal Office Building, Room 1639, New York, New York, (212) 264–0543.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 20, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–15645 Filed 5–26–81; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Iron Metal Castings From India; Antidumping: Preliminary Determination of Sales at Not Less Than Fair Value

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Determination of Sales at Not Less Than Fair Value.

SUMMARY: Based on an investigation of the sales of seven Indian producers, we have preliminarily determined that certain iron metal castings from India are not being sold in the United States at less than fair value. The seven producers investigated account for an estimated 80 percent of the exports of this merchandise to the United States.

Interested parties are invited to submit oral or written views concerning this preliminary determination. Unless we extend this investigation, we will make our final determination within 75 days of publication of this notice.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Steven S. Lim or Richard Rimlinger, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230 (202–377–1776 or 377–4136).

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based on our investigation and in accordance with section 733(b) of the Tariff Act of 1930, as amended ("the Act"), we have preliminarily determined that there is no reasonable basis to believe that certain iron metal castings from India are being sold in the United States at less than fair value within the meaning of section 731 of the Act. Of the seven companies we investigated, only one—Serampore Industries Pvt., Ltd.—had dumping margins on any sales. However, after taking into account currency fluctuations, Serampore's weighted-average dumping margin was only 0.4 percent, which for the purposes of this investigation is considered to be *de minimis*.

We are publishing this notice in accordance with Section 353.39 of the Commerce Regulations (19 CFR 353.39). Unless we extend this investigation, we will make our final determination within 75 days of publication of this notice.

Case History

On November 19, 1980, we received a petition in proper form from the Pinkerton Foundry of Lodi, California and a coalition of foundries composed of LeBaron Foundry of Brockton, Massachusetts; Vulcan Foundry of Denham Springs, Louisiana; Neenah Foundry of Nenah, Wisconsin; U.S. Foundry and Mfg. Corp. of Miami, Florida; Deeter Foundry of Lincoln, Nebraska; Richard Foundry of Norfolk, Virginia; Alhambra Foundry of Alhambra, California; Flockhart Foundry of Newark, New Jersey; Jordan Iron Works of East Jordan, Michigan; Campbell Foundry of Harrison, New Jersey; Waterbury Foundry of Waterbury, Connecticut; Municipal Castings of Madison, Wisconsin; and Allegheny Foundry of Pittsburgh, Pennsylvania. The petition alleged that certain iron metal castings are being sold in the United States at less than fair value.

After conducting a summary review of the allegations in the petition, as section 732 of the Act requires, we decided that a formal investigation was warranted. Therefore, we notified the U.S. Interntional Trade Commission ("the ITC") of our decision, and on December 12, 1980, we initiated an antidumpting investigation (45 FR 81802).

On January 5, 1981, the ITC found that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, a U.S. industry. The ITC's determination was published on January 14, 1981 (46 FR 3302).

Finally, in response to the petitioner's request on April 10, 1981, we extended the deadline for our preliminary determination from April 28, to May 20, 1981 (46 FR 21403).

Scope of the Investigation

The types of castings covered by this investigation are manhole covers and frames, clean-out covers and frames, and catch-basin grates and frames. Used primarily for draining and access to the water and sanitary systems of public utilities, these casting are currently classified under item 657.09 of the Tariff Schedules of the United States. They are heavy-duty, thick-walled castings that fall within a broader product grouping commonly referred to as "public works castings."

This product was also recently the subject of a countervailing duty investigation. We determined that the Indian Government was subsidizing its manufacturers, producers and exporters of this merchandise and, on October 16, 1980, we published a countervailing duty order.

We investigated the following Indian producers of castings, all located in the Calcuatta vicinity: RSI India Pvt., Ltd.; Gupta Iron and Steel Co.; Govind Steel Co., Ltd.; Basant Udyog; Kejriwal Iron and Steel Works; Serampore Industries Pvt., Ltd.; and Uma Iron and Steel Co. Although we did not initially select Uma for the investigation, we included the company because it voluntarily submitted a response to our antidumping questionnaire. We estimate that the manufacturers investigated account for approximately 80 percent of the United States imports of the castings under investigation from India and therefore form an adequate basis of investigation as set out in section 353.38 of the Commerce Regulations.

This investigation covers sales made between April 1, 1980, and December 31, 1980. We chose a nine-month sales period rather than the normal six-month period because the exporters' sales activity between June 1, 1980, and November 31, 1980, was unusually depressed, resulting in too few sales for an adequate investigation.

Methodology

In this preliminary determination, we have made all fair value comparisons, with one exception, by comparing U.S. price based on purchase price with foreign market value based on the constructed value of the imported merchandise. In the case of Govind, we compared U.S. price based on purchase price with the foreign market value based on sales to Canada.

U.S. Price

For all seven producers we used purchase price, as defined in section 772(b) of the Act, as the U.S. price. We did so because the price of the castings to unrelated United States customers was agreed to before they were imported into the United States.

For six of the seven producers, we calculated purchase price on the basis of the FOB or C&F price to unrelated U.S. importers. In the case of Gupta, we calculated the purchase price on the basis of the ex-factory priced to Kajaria Exports, an unrelated exporter through whom Gupta made all of its U.S. sales of the products under invertigation. This price was used because the merchandise was sold for export to the United States prior to the date of importation and Gupta knew at the time of sale to Kajaria that the goods were sold to the United States. Where appropriate we deducted from the purchase price shipping and other FOB charges. We also added, in accordance with section 772(d)(1)(D) of the Act, the amount of countervailing duty assessed by the United States Government on imports of Indian metal castings. That section limits such adjustment to countervailing duties attributable to the payment of export subsidies. In this particular case, all of the subsidies in question are export subsidies and therefore, the full amount of the countervailing duty was added to purchase price.

Foreign Market Value

For six of the seven companies we used constructed value, as defined in section 773(e) of the Act, to determine the foreign market value of the castings. None of these companies had adequate sales of such or similar merchandise in the home market or in countries other than United States ("third countries"). In the case of Govind, we used third-country sales, in accordance with section 773(a)(1)(B) of the Act, because Govind's sales to Canada were adequate in volume for comparison with U.S. price.

We calculated constructed value by adding the costs of raw materials, fabrication, general expenses, profit and packing. For materials, fabrication and packing costs, we used each firm's actual cost figures. For general expenses, we used each firm's actual, general expenses allocated over its respective castings production.

In cases where the actual, general expenses are less than the statutory amount of 10 percent of the total cost for materials and fabrication, we used 10 percent for general expenses. We calculated profit on the basis of the statutory minimum of 8 percent of materials, fabrication, and general expenses. We have recently reconsidered our method of calculating profit for the purpose of constructed value as defined in section 773(e) of the Act (see strontium nitrate from Italy (46 FR 25498)). The statute, as enacted in 1979, brings constructed value within the definition of "foreign market value." Therefore, in order to calculate profit for purposes of constructed value we look to:

1. Profits on home market sales of comparable merchandise by the individual producer under investigation.
2. Profits on third country sales of comparable merchandise by the individual producer under investigation.
3. Profits on home market sales of comparable merchandise by the industry.

In this case, none of the six firms for which constructed value was used as the basis of comparison had sales of comparable merchandise in the home market or in third countries. We have no evidence of other producers selling comparable merchandise in the home market.

Because we were unable to apply the above hierarchy, we have used the statutory minimum of eight percent for purposes of calculating constructed value. Govind's sales to Canada were made on an FOB basis. We deducted all shipping and FOB charges from the Canadian price. On its sales to the United States, Govind demands payment on presentation of documents to the bank. On its sales to Canada, Govind allows 90 days for payment but adds an interest charge directly to the sales price to cover the cost of extending the payment period. Therefore, we have deducted the interest charge from the Canadian sales price.

The Act requires that fair value comparisons be made absent of any differences in the circumstances of sale. As previously explained, we added to the purchases price the amount of the countervailing duty attributable to export sibsidies assessed by the United States Government on this merchandise.

The Department of Commerce has determined that the export sales of metal castings by Govind to Canada which are being used to calculate foreign market value for that firm also benefit from the same export subsidies.

The rationale for the provision regarding the addition of countervailing duties to U.S. price is set out in the Senate Finance Committee Report (S. Rep. No. 96–249, 1st Sess. 94(1979)), which states:

> The purpose of the amendment regarding additions to purchase price and exporter's sales price with respect to countervailing duties also being assessed because of an export subsidy is designed to clarify that such adjustment is made only to the extent that the exported merchandise, and not the

other production of the foreign manufacturer or producer or other merchandise handled by the seller in the foreign country, benefits from a particular (sic) subsidy. The principal (sic) behind adjustments to the price paid in these instances is to achieve comparability between the price (sic) which are being compared. Where the situation is the same, e.g., both the merchandise examined for the purpose of determining "purchase price" and such or similar merchandise examined for the purpose of determining "foreign market value" benefit from the same subsidy, then no adjustment is appropriate.

Since Govind's exports to both the U.S. and Canada benefit from the same export subsidies, the desired price comparability existed before the addition of the countervailing duty to U.S. price. Therefore, in order to re-establish the necessary comparability between U.S. Price and foreign market value for fair value comparison, we have made an adjustment under section 353.15 of the Commerce Regulations, increasing the price of Govind's sales of metal castings by the export subsidies received on exports of this product to Canada as well as the United States. In Govind's case, the amount of the export subsidies was estimated to be 13.3 percent of the FOB price to Canada.

In calculating foreign market value, we made currency conversions from Indian rupees to US dollars at a certified quarterly exchange rate of the Federal Reserve Bank of New York at the date of purchase of each sale, as required by section 353.56(a)(1) of the Commerce Regulations, for comparisons involving purchase price. In the case of Serampore, margins were found on sales made during a period of sustained changes in prevailing exchange rates. This period involved the second and third quarters of 1980, in which the rupee increased in vlaue against the dollar by approximately six percent. The sales in question were made during the third quarter of 1980. For these sales, we applied a currency conversion adjustment which is authorized by section 353.56(b) of the Commerce Regulations. To allow Serampore a reasonable period of time to take into account price differences resulting from sustained changes in prevailing exchange rate fluctuations, we used the second quarter exchange rate to calculate foreign market value for comparison with purchase price on third quarter sales. There is precedent for this adjustment from the motorcycles from Japan (43 FR 35140) and the melamine in crystal form from the Netherlands (45 FR 29619) antidumping cases.

Counsel for the respondents has indicated that they are unable to separate the costs of producing castings which are outside the scope of this investigation, and are more costly to produce, from the castings under investigation. Therefore, the respondents have claimed that the average cost figures overstate the cost of producing the castings under investigation. Since the respondents are unable to quantify these cost differences and to submit them for verification, we are unable to allow an adjustment to remedy any overstatement.

Counsel for the respondents also contends that an excise tax on pig and scrap iron and payments made through the Cash Compensatory Support Program ("the CCS") should be excluded from our calculation of constructed value in accordance with section 773 of the Tariff Act of 1930. Section 773 indicates that the constructed value should include the cost of materials exclusive of any internal tax levied on the materials but refunded upon exportation. During our countervailing duty investigation we concluded that the CCS payment was a subsidy program which was not a *bona fide* rebate of indirect taxes and is fully countervailable. We concluded, in the same investigation, that the excise tax refund was a valid, non-excessive rebate of an indirect tax. We have, accordingly, excluded the excise tax from our caluclation of constructed value but have not reduced our calculation in the amount of the CCS payment.

Verification

In accordance with section 776(a) of the Act, we verified all information used in making this preliminary determination to the extent possible. We were granted access to the books and records of the foreign producers and Kajaria exports. We used traditional verification procedures, including on-site inspection of the manufacturers' operations and examination of accounting records and randomly selected documents containing relevant information.

Public Comment

To satisfy the requirements of 19 CFR 353.47, we will hold a public hearing to afford interested parties an opportunity to comment orally on this preliminary determination. If requested, this hearing will begin at 9:30 a.m. on June 16, 1981, at the U.S. Department of Commerce, Room 3708, 14 Street and Constitution Avenue, NW, Washington, D.C. 20230. Interested parties who desire such a hearing should inform the Deputy Assistant Secretary for Import Administration, Room 2800, at the same address. This request should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. All requests must be received by the Deputy Assistant Secretary within 10 days of publication of this notice.

Any written views filed in accordance with 19 CFR 353.46(a) should be filed at the above address, in at least 10 copies, and within 30 days of publication of this notice.

Dated: May 20, 1981.

Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-15664 Filed 5-26-81; 8:45 am]

BILLING CODE 3510-25-M

Motorcycle Batteries From Taiwan; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping investigation to determine whether motorcycle batteries from Taiwan are being sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may preliminarily determine whether these imports are materially injuring or threatening to materially injure a U.S. industry.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond G. Busen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (202-377-1777).

SUPPLEMENTARY INFORMATION:

Initiation of Antidumping Investigation

On May 1, 1981, we received a petition from Yuasa-General Battery Corporation, of Reading, Pennsylvania, that complies with the filing requirements of 19 CFR 353.37. Filed on behalf of the U.S. industry producing motorcycle batteries, the petition alleges that various producers in Taiwan are selling this merchandise in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act). It also alleges that these imports are materially injuring a U.S. industry.

Sales at less than fair value generally occur when the prices of the

merchandise exported to the United States are less than the prices of such or similar merchandise sold for consumption in the exporter's home market. Material injury can include actual or potential decline in U.S. output, sales market share, profits, productivity, and return on investments.

Upon examining this petition, we have found that its information reasonably supports its allegations. Therefore, in accordance with section 732 of the Tariff Act of 1930 as amended (the Act), we are initiating an investigation to determine whether this merchandise is being sold at less than fair value within the meaning of section 731 of the Act. If our investigation proceeds normally, we will announce our preliminary determination by October 8, 1981.

Scope of the Investigation

Due to their physical dimensions, terminal configurations, and range of ampere-hour ratings, motorcycle batteries have limited application in garden tractors and certain self-starting lawnmowers. However, for purposes of this investigation, motorcycle batteries mean lead-acid storage batteries, principally dedicated for use in motorcycles, having a nominal output of either 6 or 12 volts, and rated between 2 and 28 ampere-hours (10 hour discharge rate). Motorcycle batteries are currently classified under item 683.10 of the Tariff Schedules of the United States.

Notification of ITC

Section 732 of the Act also requires us to notify the ITC of this determination and to give the ITC a copy of the information we used to arrive at it. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by June 15, 1981, whether there is a reasonable indication that imports of motorcycle batteries from Taiwan are materially injuring or likely to materially injure a U.S. industry. If the ITC's determination is negative, this investigation will terminate; otherwise, it will proceed to its conclusion.

Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

May 20, 1981.

[FR Doc. 81-15618 Filed 5-26-81; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of Agriculture, Program Agreements and Patent Branch, Administrative Service Division Federal Bldg., Science and Education Administration, Hyattsville, MD 20782

Patent application 6,193,862: Stickless Burley Tobacco Curing Frames; filed October 3, 1980.

Patent application 6,202,397: Apparatus for Making No-Twist yarn; filed October 30, 1980.

U.S. Department of Energy, Assistant General Counsel for Patents, Washington, DC. 20545

Patent application 6,058,339: Apparatus for Measuring the Local Void Fraction in a Flowing Liquid Containing a Gas; filed July 17, 1979

Patent application 6,061,114: Servo Control Booster System for Minimizing Following Error; filed July 26, 1979

Patent application 6,064,594: Self-Modulating Pressure Gauge; filed Aug. 7, 1979

Patent application 6,065,033: Combined Hydraulic and Regenerative Braking Systems; filed Aug. 9, 1979

Patent application 6,065,771: Coal-Feeding Mechanism for a Fluidized Bed Combustion Chamber; filed Aug. 13, 1979

Patent application 6,066,107: Laser Pulse Detector; filed Aug. 13, 1979

Patent application 6,067,858: Acceleration Switch; filed Aug. 20, 1979

Patent application 6,070,545: Acceleration Switch; filed Aug. 29, 1979

Patent application 6,070,546: Device for Absorbing Mechanical Shock; filed Aug. 29, 1979

Patent application 6,070,547: Wet Powder Seal for Gas Containment; filed Aug. 29, 1979

Patent application 6,076,644: Apparatus for Controlling the Firing of Rectifiers in Polyphase Rectifying Circuits; filed Sept. 18, 1979

Patent 4,181,882: Corrosion Monitoring Apparatus; filed Jan. 19, 1978, patented Jan. 1, 1980; not available NTIS

Patent 4,184,514: Valve System Incorporating Single Failure Protection Logic; filed Jan. 11, 1978, patented Jan. 22, 1980; not available NTIS

Patent 4,184,536: Heat Rejection System; filed Feb. 22, 1978, patented Jan. 22, 1980; not available NTIS

Patent 4,184,662: Valve for Controlling Solids Flow; filed July 25, 1978, patented Jan. 22, 1980; not available NTIS

Patent 4,187,738: Rim for Rotary Inertial Energy Storage Device and Method; filed May 10, 1978, patented Feb. 12, 1980; not available NTIS

Patent 4,187,764: Fast-Acting Valve Actuator; filed July 12, 1972, patented Feb. 12, 1980; not available NTIS

Patent 4,188,038: Seal Arrangement for Intersecting Conduits; filed Apr. 10, 1968, patented Feb. 12, 1980; not available NTIS.

Patent 4,189,688: Combination Free Electron and Gaseous Laser; filed Sept. 27, 1977, patented Feb. 19, 1980; not available NTIS

Patent 4,189,693: Superconducting Magnet; filed Dec. 28, 1977; patented Feb. 19, 1980; not available NTIS

Patent 4,189,944: Hydrodynamic Ultrasonic Probe; filed Nov. 3, 1978, patented Feb. 26, 1980; not available NTIS

Patent 4,190,160: Accident Resistant Transport Container; filed Mar. 6, 1979, patented Feb. 26, 1980; not available NTIS

Patent 4,191,928: Laser System Using Regenerative Amplifier; filed Jan. 11, 1978, patented Mar. 4, 1980; not available NTIS

Patent 4,193,422: Annualar Flow Diverter Valve; filed Nov. 24, 1978, patented Mar. 18, 1980; not available NTIS

Patent 4,194,170: Shifting of Infrared Radiation Using Rotational Raman Resonances in Diatomic Molecular Gases; filed Nov. 13, 1978, patented Mar. 18, 1980; not available NTIS

Patent 4,195,813: Valve; filed May 15, 1972, patented Apr. 1, 1980; not available NTIS

Patent 4,196,353: Microradiographic Microsphere Manipulator; filed Jan. 24,

1979, patented Apr. 1, 1980; not available NTIS

Patent 4,196,423: Acoustic Emission Intrusion Detector; filed Aug. 9, 1978, patented Apr. 1, 1980; not available NTIS

Patent 4,196,522: Alignment Fixture; filed Apr. 30, 1979, patented Apr. 8, 1980; not available NTIS

Patent 4,196,613: Device for Measuring the Fluid Density of a Two-Phase Mixture; filed Nov. 30, 1978, patented Apr. 8, 1980; not available NTIS

Patent 4,198,740: Method for Forming or Bonding a Liner; filed July 24, 1978, patented Apr. 22, 1980; not available NTIS

Patent 4,202,931: Superconducting Articles of Manufacture and Method of Producing Same; filed Sept. 23, 1974, patented May 13, 1980; not available NTIS

Patent 4,203,303: Torque-Balanced Vibrationless Rotary Coupling; filed July 28, 1978, patented May 20, 1980; not available NTIS

Patent 4,204,882: Thermocouple Split Follower; filed Dec. 3, 1965; patented May 27, 1980; not available NTIS

Patent 4,217,192: Decontamination of Metals Using Chemical Etching; filed June 11, 1979, patented Aug. 12, 1980; not available NTIS

Patent 4,218,908: Device and Method for Shortening Reactor Process Tubes; filed Jan. 24, 1979, patented Aug. 26, 1980; not available NTIS

Patent 4,219,237: Method for Maximizing Shale Oil Recovery from an Underground Formation; filed Sept. 30, 1977, patented Aug. 26, 1980; not available NTIS

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent application 6,217,143: Everting Tube Device with Relative Advance Control; filed Dec. 16, 1980

U.S. Department of the Interior, Branch of Patents, 18th and C Streets, N.W., Washington, D.C. 20240

Patent application 6,177,975: A Method for Clarifying Slimes; filed Aug. 14, 1980

Patent application 6,177,976: Extraction of Metal Ions from Aqueous Solution; filed Aug. 14, 1980

Patent application 6,180,188: Ozone Treatment of Wet-Process Phosphorix Acid; filed Aug. 22, 1980

Patent application 6,186,090: Recovery of Bismuth from Chloride Process Solutions; filed Sept. 11, 1980

Patent application 6,200,110: In situ Tritium Borehole Probe for Measurement of Tritium; filed Oct. 24, 1980

Patent 4,223,014: Spray Immunization of Fish; filed May 8, 1978, patented Sept. 16, 1980; not available NTIS

Patent 4,231,866: Recovery of Organic and Aqueous Phases from Solvent Extraction Emulsions; filed Aug. 24, 1978, patented Nov. 4, 1980; not available NTIS

Patent 4,231,994: Separation of Zirconium from Hafnium by Solvent Extraction; filed Aug. 27, 1979, patented Nov. 4, 1980; not available NTIS

Patent 4,239,547: Recycling Spent Asphaltic Concrete; filed Jan. 12, 1979, patented Dec. 16, 1980; not available NTIS

Patent 4,242,192: Electrolytic Stripping Cell; filed Sept. 6, 1979, patented Dec. 30, 1980; not available NTIS

Patent 4,242,312: Removal of Sodium Sulfate from a Sulfate-Containing Sodium Chloride Solution in a Process for Separating Zirconium and Hafnium; filed Aug. 7, 1979, patented Dec. 30, 1980; not available NTIS

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6,097,480: Case Mounted Mooring System; filed Nov. 26, 1979

Patent application 6,160,880: Self-Aligned Recessed Gate with Low Source Resistance; filed June 16, 1980

Patent application 6,167,886: Flexible Loop Slip Ring Brush; filed July 14, 1980

Patent application 6,174,292: Electronically Simulated Rotating Prism for Ultrasonic Beam Scanning; filed Aug. 1, 1980

Patent application 6,206,403: Method for the Separation of Uranium Isotopes; filed Nov. 3, 1980

Patent application 6,210,188: Multiple Thin Film Absorption of Reflected Substrate Modes in Waveguide System; filed Nov. 26, 1980

Patent application 6,214,926: Refractory Passivated Ion-Implanted Gas Ohmic Contacts; filed Dec. 10, 1980

Patent application 6,216,715: Improved Pseudo-Atmospheric Noise Generator with Control of Temporal Characteristics; filed Dec. 15, 1980

Patent application 6,216,878: Adaptive Digital Communication System; filed Dec. 15, 1980

Patent application 6,217,306: Simplified Fabrication Method for High-Performance FET; filed Dec. 17, 1980

Patent application 6,217,977: High Performance Bipolar Microwave Transistor; filed Dec. 19, 1980

Patent application 6,219,662: Radar Tracking System; filed Dec. 23, 1980

[FR Doc. 81-15705 Filed 5-20-81; 8:45 am]

BILLING CODE 3510-04-M

Patent and Trademark Office

Automation Study

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of automation study.

SUMMARY: The Patent and Trademark Office invites public participation in a study for fully automating the operations of the Office. Such automation efforts are intended to modernize the PTO's patent, trademark, information dissemination and administrative management programs. The final report of this study, which is required by Section 9 of Pub. L. 96-517, will be submitted to the Congress on or before December 12, 1982.

DATES: Written comments must be submitted on or before July 23, 1981; public hearing, July 23, 1981, 9:30 a.m.; requests to present oral comments should be received on or before July 16, 1981.

ADDRESSES: Address written comments and requests to present oral testimony to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The hearing will be held in Room 11C24 of Building 3, Crystal Plaza, located at 2021 Jefferson Davis Highway, Arlington, Virginia. Written comments and a transcript of the public hearing will be available for public inspection in Room 11E10 of Building 3, Crystal Plaza at 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Bradford R. Huther by telephone at (703) 557-1572 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: Section 9 of Pub. L. 96-517 is the basis for the development of the automation plan.

Sec. 9. The Commissioner of Patents and Trademarks shall report to Congress, within two years after the effective date of this Act (December 12, 1980), a plan to identify, and if necessary develop or have developed, computerized data and retrieval systems equivalent to the latest state of the art which can be applied to all aspects of the operation of the Patent and Trademark Office, and particularly to the patent search file, the patent classification system, and the trademark search file. The report shall specify the cost of implementing the plan, how rapidly the plan can be implemented by the Patent and Trademark Office, without regard to funding which is or which may be available for this purpose in the future.

The areas proposed for study include patent automation, trademark automation, information dissemination, integrated resources management, office automation and legal decisions. Public participation is intended to insure the maximum potential for all automation opportunities to be addressed. Following the identification of automation opportunities, alternative approaches to support them will be developed and the feasibility costs and benefits associated with each will be determined.

Dated: May 14, 1981.

Rene D. Tegtmeyer,

Acting Commissioner of Patents and Trademarks.

Approved: May 19, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology, and Innovation.

[FR Doc. 81-15633 Filed 5-26-81; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplemental Environmental Impact Statement (DSEIS)

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to prepare a draft Supplemental Environmental Impact Statement (DSEIS).

SUMMARY: In the matter of intent to prepare a draft Environmental Impact Statement to the Federal Highway Administration (FHWA) Final Environmental Impact/4(f) Statement (FEIS), approved December 12, 1975, for construction of Interstate Highway 70 (I–70) in the central portion of Glenwood Canyon, Garfield County, Colorado.

The State of Colorado, Department of Highways, on July 18, 1980, applied for a Department of the Army permit (No. 7015–A) to allow placement of fill in the Colorado River as required for construction of Interstate 70 in the central portion of Glenwood Canyon. The permit application covered the middle portion of Glenwood Canyon. The application was filed pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

The SEIS will assist the Corps of Engineers (COE) in making the public interest review for Permit Application No. 7015–A pursuant to 33 CFR Parts 320, 323 and 325. The SEIS is being prepared pursuant to 33 CFR Part 230 (COE Policy and Procedures for Implementing the National Environmental Policy Act of 1969).

The Proposed Action involves construction of a divided four-lane highway in Glenwood Canyon which will connect sections of Interstate 70 completed, under construction, or soon to be constructed to the east and west. Generally, the alignment will follow existing U.S. 6 along the north bank of the Colorado River. The proposed highway will be predominantly on retained earth embankment or on elevated bridge structures, except for short tunnel sections.

The Proposed Action includes full and partial interchange facilities that will provide access to recreation areas and adjacent U.S. Forest Service lands. A continuous bikepath/pedestrian trail will provide an alternative means of transportation, continuous river access, and an interconnection with all of the proposed recreation areas in the Canyon.

This DSEIS provides suplemental information to an approved FEIS. A Preferred Alternative has been selected by FHWA/DOT. The numerous alternatives considered during the location and design processes will be presented in the DSEIS, and include the following:

(1) No Build;

(2) 48-foot, two-lane alternative;

(3) 56-foot, three-lane alternative;

(4) 56-foot, four-lane alternative;

(5) 68-foot, four-lane alternative.

Concurrently with this notice, the Sacramento District is issuing a public notice to initiate the scoping process. The public notice will be sent to all known, interested parties, and will request that the reviewers provide comment on the topical scope, alternatives, and major issues to be covered in the EIS. It is intended to accomplish the scoping process in this manner; however, if it is perceived that this method is not adequate, the need for public scoping meetings will be considered.

Significant issues to be analyzed in the DSEIS as they relate to the Proposed Action include:

(1) Traffic capacity;

(2) Safety;

(3) Effects to existing recreation and proposed development of recreational opportunities;

(4) Effects to visual character of the Canyon;

(5) Effects to Canyon vegetation and proposed revegetation of disturbed areas;

(6) Effect to Canyon wetlands and flood plains;

(7) Effects to Colorado River (including impact of proposed fill);

(8) Effect to possible endangered or threatened species in the Canyon;

(9) Effect to National Register and 4(f) properties in the Canyon;

(10) Other social, economic and environmental effects.

We estimate the draft Supplemental EIS will be made available to the public in November 1981.

Questions concerning the Proposed Action and SEIS should be directed to Mr. Jim Gibson, Regulatory Section, U.S. Army Corps of Engineers, 650 Capitol Mall, Sacramento, California 95814, telephone (916) 440–2541 (FTS 448–2541).

Paul F. Kavanaugh,

Colonel, CE District Engineer.

May 15, 1981.

[FR Doc. 81-15696 Filed 5-26-81; 8:45 am]

BILLING CODE 3710-GH-M

Defense Intelligence Agency

Privacy Act of 1974; Notice of Amendment and Deletion of System Notices

SUMMARY: The Defense Intelligence Agency proposes to amend one system notice and delete two others which are subject to the Privacy Act of 1974. The amended system, LDIA 0005, Personnel Management Information System (PMIS) is being amended to reflect more clearly the categories of individuals covered and to otherwise update the system notice. The specific amendments are set forth below followed by the system notice as amended in its entirety.

DATES: This notice shall be amended as proposed without further notice on June 26, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to the System Manager identified in the system notice below.

FOR FURTHER INFORMATION CONTACT: Helen E. Shuford, Chief, Administrative Management Branch, (RTS–1C) Defense Intelligence Agency, B112-Cafritz Building, Washington, D.C. 20301.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register** at:

FR Doc. 81–897 (46 FR 6628) January 21, 1981

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

May 20, 1981.

DELETIONS

LDIA 0330

System Name:

Civilian Payroll, Leave and Travel Disbursement (46 FR 6629) Reason: System no longer maintained by the Defense Intelligence Agency as functions transferred to the Department of the Air Force.

LDIA 0801

System Name:

Defense Attache System Personnel Information File (46 FR 6637) Reason: System actually included in system LDIA 0005.

CHANGES

LDIA 0005

System Name:

Personnel Information System (PMIS).

* * * * *

Categories of Individuals Covered by System:

Delete current entry and enter:

"Current and former military and civilian employees of DIA, to include military and civilian personnel as well as their dependents nominated for assignment of the Defense Attache System."

Categories of Records in System:

Delete current entry and enter:

"This system consists of a variety of personnel and directory data, security, educational, training, financial and health information, location, telephone numbers and employment related records."

Routine Uses (Disclosures) of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

At the end of the current entry add:

"Information collected concerning home phone, address and emergency notification data is used to provide postal and locator service, to identify next-of-kin for emergency notifiation and as a source document to prepare recall and special rosters required for Agency day-to-day operations and emergency functions. At overseas locations information may be provided to host country officials, the Department of State, Department of Justice, Department of the Treasury and the Central Intelligence Agency."

* * * * *

Retention and Disposal:

At the end of the current entry add:

"Directory Service files are destroyed one year after an individual departs DIA. Defense Attache System records are maintained for one year after the individual's tour completion date and destroyed."

System Manager(s) and Address:

Delete current entry and enter:

"Deputy Assistant Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301."

Notification Procedures:

In the first sentence delete the word "Secretariat" and insert, "CAO (PA 1974)." In the last sentence delete "room 3E–215" and insert "room 3E–223."

Records Access Procedures:

In the last sentence delete the words "Secretariat" and "room 3E–315" and substitute "CAO (PA 1974)" and "room 3E–223," respectively.

Contesting Record Procedures:

In the last sentence delete the words "Secretariat" and "room 3E–315" and substitute "CAO (PA 1974)" and "room 3E–223," respectively.

Record Sources Categories:

Delete entire entry and enter:

"Agency officials, Ambassadors, employees, educational institutions, parent services of individuals and immediate supervisors on station and other government officials."

LDIA 0005

SYSTEM NAME:

Personnel Management Information System (PMIS)

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former military and civilian employees of DIA. Military and civilian personnel and their dependents nominated for assignment to the Defense Attache System.

CATEGORIES OF RECORDS IN SYSTEM:

This system consists of a variety of personnel and directory data, security, education, training, financial and health information, location, telephone and employment related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 creating the Defense Intelligence Agency as a separate agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by staff, administrative and operating officials to: prepare individual administrative transactions; make decisions on the rights, benefits, entitlements and the utilization of individuals; provide a data source for the production of reports, statistical surveys, rosters, documentation and studies required for the orderly personnel administration within DIA. Information will be disclosed to such other Federal agencies, state and local governments, as may have a legitimate use for such information and which agree to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained. Information collected concerning home phone, address and emergency notification data is used to provide postal and locator service, to identify next-of-kin for emergency notification and as a source document to prepare recall and special rosters required for the Agency's day-to-day operation and emergency functions. At overseas locations information may be provided to host country, Department of State, Department of Justice, Department of Treasury and the Central Intelligence Agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Automated, maintained on magnetic tape and manual in paper files and cards and microfilms.

RETRIEVABILITY:

By name or social security account number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Paper files are destroyed when employment with the Agency ceases. Temporary microfilm records are destroyed when replaced with an updated film and magnetic tape files are retained indefinitely as permanent record. Directory Service files are destroyed one year after the individual departs the agency. Defense Attache System records are maintained for one year beyond the individual's tour completion date and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistand Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must

include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E–223, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURE:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specific limit. Requests can be mailed to: CAO (PA 1074), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E–223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to CAO (PA 1974), Defense Intelligence Agency, Washington, D.C., or personally delivered to room 3E–223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Agency officials and Ambassadors, employees, educational institutions, parent Service of individuals and immediate supervisor on station and other Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-15762 Filed 5-26-81, 8:45 am]

BILLING CODE 3810-70-M

Office of the Secretary

Privacy Act of 1974; Systems of Records: Amendments and Deletions

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of amendments and deletions to systems of records notices.

SUMMARY: The Office of the Secretary of Defense proposes to amend the system notice for system of records DATSD 01, "Files of Personnel Evaluated for Presidential Support Duties", and deletion of two systems of records: DWHS IO&R01, "Combat Area Casualties" and DWHS IO&R02, "Noncombat Area Casualties", subject to the Privacy Act of 1974. DWHS IO&R01 has been accepted by the National Archives and Records Service (NARS), and DWHS IO&R02 is covered by the Services casualty files system notices. The specific amendments and the system notice as amended are set forth below.

DATES: These actions shall be effective as proposed without further notice on June 26, 1981, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to the System Managers indentified in the system notices.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C–315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register**.

FR Doc. 81–897 (46 FR 6427) January 21, 1981
FR Doc. 81–5568 (46 FR 12772) February 16, 1981
FR Doc. 81–6246 (46 FR 14031) February 25, 1981
FR Doc. 81–6491 (46 FR 14154) February 26, 1981
FR Doc. 81–7597 (46 FR 16114) March 11, 1981
FR Doc. 81–8041 (46 FR 16926) March 16, 1981
FR Doc. 81–8127 (46 FR 17074) March 17, 1981
FR Doc. 81–8281 (46 FR 17243) March 18, 1981
FR Doc. 81–8282 (46 FR 17243) March 18, 1981
FR Doc. 81–10201 (46 FR 20260) April 3, 1981
FR Doc. 81–11473 (46 FR 22257) April 16, 1981
FR Doc. 81–11765 (46 FR 22632) April 20, 1981
FR Doc. 81–12892 (46 FR 23967) April 29, 1981
FR Doc. 81–13225 (46 FR 24620) May 1, 1981
FR Doc. 81–14226 (46 FR 26365) May 12, 1981

These proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of new or altered system reports.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

May 20, 1981.

Amendments

DATSD 01

System name:

Files of Personnel Evaluated for Presidential Support Duties (46 FR 6427, January 21, 1981).

Changes:

Categories of records in the system:

Delete the first paragraph under the above heading, and insert:

"Forwarding memorandum from the originating agency summarizing the case and making recommendations of the personnel nominated for assignment to Presidential support duties.".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the above heading, and insert:

"Routine uses (disclosure) of records maintained in the system, including categories of users and the purpose of such uses:

Internal users, uses, and purposes:".

Also, insert the following under the above heading after the word "located.".

"External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.".

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Delete the above heading, and insert:

"Records management policies and practices:".

Contesting record procedures:

Delete the entry under the above heading, and insert:

"The Agency's rules for access to records and for contesting contents of records and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.".

Systems exempted from certain provisions of the act:

Delete the above heading, and insert:

"Exemptions claimed for the system:"

DATSD 01

SYSTEM NAME:

Files of Personnel Evaluated for Presidential Support Duties.

SYSTEM LOCATION:

Primary System-Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, Washington, D.C. 20301.

Decentralized Segments-Designated security offices within OSD, OJCS, the Services and service units having Presidential support duties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, DOD civilian employees, and DOD contractor personnel nominated for assignment to Presidential support duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forwarding memorandum from the originating agency summarizing the case and making recommendations of the personnel nominated for assignment to Presidential support duties.

Quarterly reports of personnel within the Presidential support program submitted by each agency involved in the program. Reports contain two parts, an alphabetical listing of those persons currently approved for Presidential support and an alphabetical listing of those persons terminated during the current quarter.

Card file of all personnel (active and inactive) in the Presidential support program. Card includes name, grade, Social Security Number, organization, dates of investigations and the dates of forwarding action from the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, to the Military Assistant to the President, and then back to the originating agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S. Code, Section 133.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES:

Nomination files are collected to evaluate the background, character, and qualifications of persons nominated for assignment to Presidential support duties. Files are reviewed within the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, forwarded to the Military Assistant to the President, returned to the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, and then returned to the originating agency.

Quarterly reports are required to insure that only those persons who have been properly cleared are utilized in the Presidential support program. Reports are received in two copies, one is retained in the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, and one is forwarded to the Military Assistant to the President.

Card files provide a complete reference capability of all personnel involved in the Presidential support program. They are used to identify the unit of assignment of each individual and to provide a cross-reference to the dates that the corresponding nomination file was acted upon. From these dates, the appropriate forwarding memorandum can be located.

EXTERNAL USERS, USES, AND PURPOSES:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

RECORDS MANAGEMENT POLICIES AND PRACTICES:

STORAGE:

Paper records in file folders; cards in card files.

RETRIEVABILITY:

Nomination folders are not filed by the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense.

Quarterly reports are filed according to the originating agency.

Card files are filed alphabetically by last name of individual considered for Presidential support duties.

SAFEGUARDS:

Nomination folders are afforded appropriate classified protection at all times and stored in safes authorized for storage of material up to Top Secret.

Quarterly reports are afforded appropriate classified protection at all times and stored in safes authorized for storage of material up to Top Secret.

Card files are stored in metal file cabinets in a locked room.

All records are accessible only to authorized personnel, who are properly trained and cleared on a strict need-to-know basis.

RETENTION AND DISPOSAL:

Nomination files are returned to originator upon selection/nonselection.

Quarterly reports are retained for six months and then destroyed.

Card files are maintained during the entire period an individual is cleared in the program; inactive cards are maintained at least five years after termination.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense.

Written reguests for information should contain the full name of the individual, Social Security Number, and unit of assignment within the Presidential support program.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, military identification card, or civilian employee or building access identification card.

RECORD ACCESS PROCEDURE:

Procedures for gaining access by an individual may be obtained from the following:

Military Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense
Room 3E941, Pentagon, Washington, D.C. 20301
Telephone: 202-695-0028

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents of records and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Nomination files are submitted by the agency at which the individual is nominated for assignment to Presidential support duties.

Quarterly reports are submitted by each agency with a Presidential support mission.

Card files are originated in the Office of the Special Assistant to the Secretary and Deputy Secretary of Defense, extracting pertinent information from the nomination folders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-15770 Filed 5-26-81; 8:45 am]
BILLING CODE 3810-70-M

Defense Science Board Panel To Review MX Missile Basing; Change in Meeting Place

The Defense Science Board Panel to Review MX Missile Basing meeting scheduled for 28–30 May 1981 in San Francisco, California as published in the **Federal Register** (Vol. 46, No. 62, dated Wednesday, April 29, 1981, FR Doc. 81–12858) has been changed to Los Angeles, California. In all other respects, the original notice cited above remains the same.

May 20, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81–15859 Filed 5–26–81; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Cibro Gasoline Corp.; Action Taken on Consent Order

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.199J(b), no Consent Order involving sums in excess of $500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On March 24, 1981, ERA published a Proposed Consent Order which was executed between Cibro Gasoline Corporation and the ERA (45 FR 18334–56, March 24, 1981). With this notice, and in accordance with 10 CFR 205.199J, ERA invited interested persons to comment on the Proposed Consent Order. No one submitted comments on the terms and conditions of the Consent Order. The ERA has concluded that the Consent Order as executed between ERA and Cibro Gasoline Corporation is an appropriate resolution of the compliance proceedings described in the Notice published March 24, 1981, and hereby gives notice that the Consent Order shall become effective as proposed on March 24, 1981.

Issued in Philadelphia, Pennsylvania, this 11th day of May, 1981.

Edward F. Momorella,

District Manager, Northeast District Office of Enforcement.

[FR Doc. 81–15736 Filed 5–26–81; 8:45 am]

BILLING CODE 6450–01–M

Mallard Resources, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and Opportunity for Comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a Proposed Consent Order and provides an opportunity for public comment on the terms and conditions, of the Proposed Consent Order and for potential claims against the refunds deposited in an escrow account pursuant to the Consent Order.

DATE: Comments By: June 26, 1981.

ADDRESS: Send Notices of Claim to: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, U.S. Department of Energy, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, (202) 653–3548.

SUPPLEMENTARY INFORMATION: On April 24, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Mallard Resources, Inc. of Houston, Texas. Under 10 CFR 205.199(b), a Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective no sooner than 30 days after DOE has provided an opportunity for comment with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Mallard Resources, Inc., with its home office located in Houston, Texas, is a refiner, and was subject to the mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212 during the period covered by this Consent Order ("Settlement period"). To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its investigation of Mallard, the Office of Enforcement, ERA, and Mallard entered into a Consent Order, the significant terms of which are as follows:

1. The period of the investigation was from July 1979 through August 1979 and included Mallard's submissions of forms ERA–49.

2. DOE alleges that Mallard, in its form ERA–49 pertaining to the months of July and August 1979, failed to include in its crude oil receipts volumes which had been included by Mallard in its crude oil runs to stills. DOE alleges that, therefore, Mallard in its erroneous filings, violated the provisions of 10 CFR 211.66(b) and (h) and 211.67(j).

3. Mallard agrees to refund $800,000.00, plus interest on the principal balance after the effective date of the Consent Order.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Refunds

A. Disposition of Refunds

In this Consent Order, Mallard agrees to pay in full settlement of any civil liability, excluding civil penalties, with respect to actions which might be brought by the Office of Enforcement ERA arising out of the transactions, the sum of $800,000.00, plus interest as described above. The refund shall be paid in 48 successive monthly installments with the first payment due within 10 days of the effective date of the Consent Order. Refunded amount will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. This amount will remain in a suitable account pending the determination of its proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing system, it is likely that violation amounts have either been passed through as higher prices to subsequent purchasers or offset through the Entitlements Program. In fact, the adverse effects of the reporting errors may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

B. Civil Penalty

Mallard agrees to pay the sum of $1,000.00 as a civil penalty in regard to the above described transactions during the settlement period.

III. Submission of Written Comments

A. Potential Claimants

Interested persons who believed that they have a claim to all or a portion of

the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your written notification of a claim to Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461. You may obtain a free copy of this Consent Order by writing to the same address or by calling Stanley S. Mills, (202) 653–3548.

You should identify your comments or written notification of a claim on the documents you submit with the designation, "Comments on Mallard Resources, Inc. Consent Order." "We will consider all comments we receive by 4:30 p.m., local time, on [30 days after publication] 1981. You should identify any information or data which, in you opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C., on the 20 day of May, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-15737 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-01-M

Marbob Energy Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street NW., Washington, D.C. 20461, Telephone Number (202) 653–3517.

SUPPLEMENTARY INFORMATION: On July 31, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Marbob Energy Corporation (MEC) of Artesia, New Mexico, on June 27, 1979, 44 FR 44925 (1979). Interested persons were invited to submit comments concerning the terms, conditions, and procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by MEC pursuant to the Consent Order were requested to submit notice of their claims to the ERA. The ERA received no claims to the refunds.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, MEC is refunding the sum of $34,000 plus interest by certified checks made payable to the United States Department of Energy in 36 monthly installments. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

Action Taken

The ERA is unable readily to identify the persons entitled to receive the $34,000 plus interest or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on May 18, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 20th day of May, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-15730 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

OKC Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a Consent Order issued as signed.

DATE: Effective date: December 17, 1980. Issue date: May 19, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3548.

SUPPLEMENTARY INFORMATION: On April 3, 1981, 46 FR 20265 (1981), the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a Consent Order with OKC Corporation on December 17, 1980, which was made effective immediately because the Office of Enforcement of the ERA deemed it necessary in the public interest under the terms of 10 CFR § 205.199J(b). Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

Two comments were received. Both commentors recommended that the refunds be effected through the Entitlements Program. The Consent Order does not preclude this remedy and therefore was not modified. The Consent Order was issued as signed on May 19, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-15735 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Oxnard Refinery; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a Consent Order issued as signed.

DATE: Effective date: December 22, 1980. Issue Date: May 19, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement,

2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3548.

SUPPLEMENTARY INFORMATION: On February 6, 1981, 46 FR 11338 (1981), the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a Consent Order with Oxnard Refinery on December 22, 1980, which was made effective immediately because the Office of Enforcement of the ERA deemed it necessary in the public interest under the terms of 10 CFR 205.199J(b). Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

One comment was received. The commenter recommended that the refunds be effected through the Entitlements Program. The Consent Order does not preclude this remedy and therefore was not modified. The Consent Order was issued as signed on May 19, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-15731 Filed 5-26-81: 8:45 am]

BILLING CODE 6450-01-M

Superior Oil Co.; Final Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Final Action taken on a Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy announces final action of a Consent Order.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager, Southwest District Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

SUPPLEMENTARY INFORMATION: On March 20, 1981, the ERA of the DOE executed a Proposed Consent Order with Superior Oil Company of Houston, Texas and a **Federal Register** Notice was published on April 6, 1981. Under 10 CFR 205.199I(c), a Proposed Consent Order becomes effective only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the Proposed Order. At the conclusion of the thirty-day comment period, the ERA had received four notices of claims against the refund amount of the Consent Order and there were no objections received to the Consent Order. Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Superior Oil Company is an appropriate resolution of the compliance proceeding which it described and it shall become final and effective as proposed, without modification, upon publication of this Notice. Procedures and requirements for documenting proof of claim are being developed. Refunded overcharges received, if any, will remain in a suitable government escrow account pending the determination of their proper disposition.

Issued in Dallas, Texas, on the 12th day of May 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-15729 Filed 5-26-81: 8:45 am]

BILLING CODE 6450-01-M

Upham Oil and Gas Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461, (202) 653-3541.

SUPPLEMENTARY INFORMATION: On October 29, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Upham Oil and Gas Company (Upham) of Mineral Wells, Texas on September 18, 1979, 44 FR 61993 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Upham pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, Upham agreed to a settlement of $500,000, including interest. Of the settlement amount, $184,707 had already been refunded to the marketplace, leaving a refundable amount of $315,293. This sum has been received by DOE and has been placed into a suitable account pending determination of its proper distribution.

The ERA received no claims to the refunds.

Action Taken: The ERA is unable to identify readily the persons entitled to receive the $315,293 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on May 18, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 20th day of May 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-15732 Filed 5-26-81: 8:45 am]

BILLING CODE 6450-01-M

Withdrawal of Statement of Policy Regarding Audits Begun After June 30, 1978, To Determine Compliance With the Mandatory Petroleum Price Regulations

Effective immediately, the Economic Regulatory Administration (ERA) is withdrawing its Statement of Policy Regarding Audits Begun After June 30, 1978, to Determine Compliance With the Mandatory Petroleum Price Regulations (audit policy statement) (43 FR 27782, June 27, 1978). This action is being taken because of the recent federal district court decision, *United States of America, et al.* v. *Marshall Tobins, President, Weston Petroleum, Inc.*, No. 80-2064-K (D. Mass., April 20, 1981), in which the court declined to enforce an ERA subpoena on the ground that it was not in compliance with the audit policy statement. Immediately subsequent to the issuance of this decision, other firms filed complaints premised upon the April 20 decision seeking to enjoin ERA

audits. Since it was not ERA's intent to establish an unvarying standard enforceable by third parties, which could frustrate the agency's judgment to undertake an audit, ERA has determined that the withdrawal of the audit policy statement best effectuates its intent leave with the Department of Energy the decision of whether to exercise its prosecutorial discretion to initiate audits.

Issued in Washington, D.C. on the 19th of May 1981.

Gordon W. Harvey,

Director, Office of Enforcement, Economic Regulatory Administration, Department of Energy.

[FR Doc. 81-15728 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP78-432-001]

ANR Storage Co.; Petition To Amend

May 19, 1981.

Take notice that on May 5, 1981, ANR Storage Company (ANR), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP78-432-001 a petition to amend the order of July 23, 1979, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize ANR to drill one additional injection/withdrawal well in the Cold Springs 12 storage reservoir in Kalkasa County, Michigan, all as more fully set forth in the petition to amend and open to public inspection.

By order of July 23, 1979, issued in the instant docket, ANR states that it was authorized to drill eight new wells in the Cold Springs 12 reservoir. However, during the drilling activities, the porosity of the Cold Springs 12 reservoir was found to be less than that which was anticipated, it is said. ANR states that based upon combined drilling and operational data after an entire cycle of operation, April 1, 1980, to March 31, 1981, the additional well is required to achieve the certificated deliverability of the Cold Springs 12 reservoir.

The petition states that the proposed injection-withdrawal well and related gathering pipeline at Cold Spring would be situated at an existing well pad site which is in Cold Springs, Kalkaska County.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15617 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2841-001]

City of Ukiah, California; Application for Major License—Existing Dam

May 19, 1981.

Take notice that the City of Ukiah (Applicant) filed on April 13, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. Sections 791(a)-825(r)] for the proposed Lake Mendocino Power Project, FERC No. 2841, to be located at the base of the U.S. Army Corps of Engineers' (Corps) existing Coyote Dam on the East Fork of the Russian River in Mendocino County, California. The project would use water released from the Lake Mendocino through the existing outlet works. Correspondence with the Applicant should be directed to: Honorable Hays Hickey, Mayor, City of Ukiah, 203 South School Street, Ukiah, California 95482, with a copy to City Manager, City of Ukiah, 203 South School Street, Ukiah, California 95482.

Project Description:—The proposed project would consist of: (1) an existing 12.5-foot diameter concrete tunnel, to be modified by installing a 900-foot long, 12-foot diameter steel penstock and a Howell-Bunger valve to accomodate for power production; (2) a powerhouse to contain one Francis-type, turbine-generating unit with a rated capacity of 3 MW and one Francis or Turgo-type, turbine-generating unit with a rated capacity of 0.5 MW; (3) a 200-foot long riprapped tailrace channel; (4) a switchyard, integral with the powerhouse; and (5) a 12-kV tap line to connect to the existing 12-kV service line to join the powerhouse to the nearby Pacific Gas and Electric Company's (PG&E) distribution system.

Purpose of Project—The power generated by the Lake Mendocino Project would replace the power which the Applicant presently purchases from PG&E for use within its distribution system. Applicant estimates the project would produce about 18.76 GWh annually.

Recreational facilities at Lake Mendocino have been developed by the Corps. Facilities are available for camping, picnicking, swimming, fishing, hiking, and boating. Applicant proposes no additional recreational facilities at the site.

Applicant estimates the total cost of the project to be about $12 million.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for license for Project No. 2841. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory

Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15618 Filed 5-26-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-312-000]

El Paso Natural Gas Co.; Application

May 15, 1981.

Take notice that on May 1, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-312-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the extension of the Clay Basin interim storage arrangements through October 31, 1982, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed extension of the Clay Basin Arrangements would permit the continued preservation of natural gas presently owned by Clay Basin Storage Company (Storage Company) in the Clay Basin storage field for use in the protection of service to Priority 1 and 2 requirements of certain of Applicant's east-of-California (EOC) customers during the 1981-82 winter season. The subject proposal would further permit the preservation of natural gas owned by Storage Company and remaining in the Clay Basin Storage Field after the 1981-82 winter season to be made available for utilization in the Washington Ranch Storage Project.

Applicant further states that in Docket No. RP72-6, *et al.*, the Commission approved a settlement providing for (1) Applicant to serve its total Category B customers; Priority 1 and 2 requirements up to the Control Point defined in the settlement, with supplies allocated such customers as a group and supplemented as necessary by withdrawals from Applicant's storage and/or supplies from other arrangements, (2) the daily exemption from curtailment of all other EOC customers' requirements in all priorities and, for such preferential treatment, the sharing by such exempt Category C customers in the Cost for storage and/or supply arrangements utilized by Applicant for the protection of its Category B customers' Priority 1 and 2 requirements, (3) the authorization of the Clay Basin Arrangements through September 30, 1981, and providing further that any Priority 1 and 2 Protection Gas remaining after April 1, 1982, for Storage Company's account in the Clay Basin Storage Field may be utilized, by displacement, to provide Applicant with equivalent volumes for injection into its Washington Ranch Storage Project, and (4) the certification of the Washington Ranch Storage Project.

Applicant indicates that its Washington Ranch Storage Project would not be operational until after the 1981-82 winter season. Accordingly, Applicant submits that it requires interim load equation prior to April 30, 1982, for protection of its Category B customers' Priority 1 and 2 requirements during the 1981-82 winter season and that the proposed extended Clay Basin Arrangements, together with other further load equation arrangements, would assist Applicant in the protection of service to its Category B customers' Priority 1 and 2 requirements until the Washington Ranch Storage Project is placed in operation.

Applicant asserts that in order to extend the Clay Basin Arrangement through October 31, 1982, Applicant, Storage Company, Northwest Pipeline Corporation (Northwest), Mountain Fuel Resources, Inc. (Resources), Mountain Fuel Supply Company (Mountain Fuel) and certain of Applicant's EOC distributor customers, including Southwest Gas Corporation (Southwest), have entered into various agreements whereby (1) the reduced Clay Basin storage surcharge rate of 12.81 cents per Mcf can be made effective on May 1, 1981, (2) approximately 17,500,000 Mcf of natural gas presently owned by Storage Company can continue to be preserved in the Clay Basin storage field for the protection of Priority 1 and 2 service to Applicant's Category B customers during the 1981-82 winter season, (3) up to 10,300,000 Mcf of natural gas owned by Storage Company in the Clay Basin storage field can be used by Mountain Fuel, as cushion gas, for approximately a one-year period commencing with the effective date of the amendment of Clay Basin interim storage service Rate Schedule S-2 dated as of March 15, 1981, (4) approximately 11,000,000 to 15,000,000 Mcf of natural gas owned by Storage Company and remaining in the Clay Basin storage field after 1981-82 winter season can be exchanged with Northwest or Mountain Fuel prior to November 1, 1982, sold by Storage Company to certain EOC distributor customers and equivalent volumes backed off by Applicant for preservation in the Washington Ranch Storage Project, (5) approximately 1,700,000 Mcf of Southwest's Opinion 800-B payback gas presently stored in the Clay Basin storage field can be used by Southwest to offset curtailment by Applicant through October 31, 1982, and (6) the Clay Basin arrangements would be terminated on October 31, 1982.

Applicant represents that the subject proposal is needed timely to permit it to make effective May 1, 1981, the reduced Clay Basin storage surcharge rate of 12.81 cents per Mcf attributable to (1) the cost sharing now contemplated among Storage Company, Northwest, Mountain Fuel and Resources through October 31, 1982, of the Resources monthly Clay Basin storage field cost of service, and (2) Mountain Fuel's use, as cushion gas, of up to 10,300,000 Mcf of natural gas owned by Storage Company in the Clay Basin storage field. Further, it is asserted that the proposed extension should permit the continued preservation of natural gas presently owned by Storage Company in the Clay Basin storage field for use in the protection of service to Priority 1 and 2 requirements of Applicant's Category B customers during 1981-82 winter season and would permit the preservation of natural gas owned by Storage Company and remaining after the 1981-82 winter season in the Clay Basin storage field to be made available for the Washington Ranch Storage Project.

The proposed extended arrangements contemplate that the purchase and holding of natural gas inventories by Storage Company would be financed primarily, as in the past, through borrowing under a revolving credit agreement with The Chase Manhattan Bank (N.A.).

Any person desiring to be heard or to make any protest with reference to said application should on or before May 26, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15634 Filed 5-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4515-000]

E. R. Jacobson; Application for Preliminary Permit

May 19, 1981.

Take notice that E. R. Jacobson (Applicant) filed on April 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4515 to be known as Jacobson Hydro No. 1 Project located on the Colorado River in Mesa County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. E. R. Jacobson, Box 2162, Grand Junction, Colorado 81502. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would consist of: (1) an existing concrete ogee-crested dam, 26 feet high and 350 feet long; (2) a small impoundment with negligible storage; (3) an existing power canal approximately 900 feet long; (4) a new powerhouse; (5) three new 650-kW turbine/generator units operating under a head of 16 feet; (6) a new 69-kV transmission line approximately 0.75 mile long; and (7) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 17,000,000 kWh.

Purpose of Project—All project power would probably be sold to the Public Service Company of Colorado.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, an economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to rehabilitate and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4515. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15819 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-540]

Faustina Pipe Line Co.; Amendment to Application For Declaration of Exemption

May 19, 1981.

Take notice that on April 27, 1981, Faustina Pipe Line Company (Faustina),

P.O. Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. CP80–540 an amendment to its application for exemption, as supplemented, in the instant docket pursuant to Section 1(c) of the Natural Gas Act and the rules and regulations thereunder so as to reflect two additional natural gas sales and transportation arrangements, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In its application, as supplemented, in the instant docket, Faustina requests exemption from the provisions of the Natural Gas Act and the rules and regulations thereunder of its operations, facilities, and any transportation (or sale for resale) of natural gas performed by Faustina as a result of certain prospective natural gas transactions.

Subsequent to the filing of the application, as supplemented, Faustina states that it has entered into a gas sales agreement dated February 23, 1980, with Northern Natural Gas Company (Northern), whereby Northern has agreed to sell, on an interruptible basis, to Faustina gas derived from and commingled with its general system supply (which supply is traveling in interstate commerce). Northern would deliver the gas to Transcontinental Gas Pipe Line Corporation (Transco) at a point of interconnection between the facilities of Northern and Transco in Cameron Parish, Louisiana,[1] it is said. Faustina states that it is currently arranging for further transportation of the gas by Transco to Faustina's facilities in St. James Parish, Louisiana, pursuant to the provision of Section 311 (a)(1) of the Natural Gas Policy Act of 1978 (NGPA) and the Commission's regulations thereunder.

Additionally, Faustina has entered into a gas service agreement dated March 30, 1981, with Natural Gas Pipeline Company of America (Natural) whereby Natural has agreed to sell, on an interruptible basis to Faustina, natural gas derived from and commingled with its general system supply (which supply is traveling in interstate commerce). Natural would deliver the gas to Stingray Pipeline Company and Louisiana Resource Company (Louisiana Resource) in Cameron Parish,[2] it is said. Faustina states that it has arranged for further transportation by exchange of the gas by Louisiana Resources to Faustina's facilities in St. James Parish, pursuant to the provisions of Section 311 (a)(2) of the NGPA and the Commission's regulations thereunder.

Faustina states that the further transportation (or sale for resale) of gas which it obtains from interstate sources of supply, but for the provisions of Section 1(c) of the Natural Gas Act, would subject it to jurisdiction of the Commission. Faustina asserts that in order to establish its jurisdictional status under the Natural Gas Act prior to commencing the transportation service (or sale for resale) of supplies received from Michigan Wisconsin Pipe Line Company (Mich Wisc) (as previously described in the March 10, 1981, supplement), Northern, Natural or other interstate sources, Faustina requests that the Commission issue, if not earlier, then in conjunction with any order approving the application of Mich Wisc in Docket No. CP81–221, or of Northern in Docket No. CP81–235, or of Natural in Docket No. CP81–303, a declaration of exemption setting forth that neither Faustina, nor its facilities, nor any transportation (or sale for resale) performed by it, would be subject to the jurisdiction of the Commission under the Natural Gas Act by reason of such transactions.

Faustina states that it has met the requirements for exemption as set forth under Section 1(c) of the Natural Gas Act and Part 152 of the Commission's Regulations and that it is therefore entitled to a finding of exemption by the Commission.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–15820 Filed 5–26–81; 8:45 am]

BILLING CODE 6450–85–M

[1] Northern has filed for authorization in Docket No. CP81–235 to make the sale and deliveries to Faustina.

[2] Natural has filed for authorization in Docket No. CP81–303 to make the sale and delivery to Faustina.

[Docket No. QF81–29–000]

H. M. Browning; Application For Commission Certification of Qualifying Status of a Small Power Production Facility

May 19, 1981.

On May 6, 1981, H. M. Browning filed with the Federal Energy Regulatory Commission (Commission) an application to be certified as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is an Enertech 4000 wind system to be located in Port Lavaca, Texas. The facility's primary energy source is wind and has a power production capacity of 4 Kilowatts. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–15821 Filed 5–26–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. QF81–31–000]

James A. Miller; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

May 19, 1981.

On May 8, 1981, James A. Miller, R.R. #2, Box 361–A, Kearney, Nebraska, filed with the Federal Energy Regulatory Commission (Commission) an application to be certified as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a 10 kilowatt Jacobs Wind Energy Conversion System

located at the above address. There are no other such facilities located at the same site and the applicant plans no usage of natural gas, oil, or coal. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15622 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume No. 52]

Availability of Federal Power Commission Reports

May 19, 1981.

Notice is hereby given that Volume No. 52 of the *Federal Power Commission Reports* is available for purchase at the United States Government Printing Office Bookstore. Volume No. 52 contains Federal Power Commission (Federal Energy Regulatory Commission's predecessor) opinions, orders, and precedential procedural orders for the period January 1, 1974 through December 31, 1974. Persons interested in purchasing this two volume set may remit $26.00 for GPO Stock 061-002-00060-0 to the following address: Superintendent of Documents, United States Government Printing Office, Washington, DC 20402.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15635 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

UMI 1 8 1 2 7 M Y 6 4 V

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Dated issued: May 18, 1981.

					FIELD NAME	PRC.	PURCHASER
**********							
OHIO DEPARTMENT OF NATURAL RESOURCES							
**********							
-				RECEIVED: 04/27/81 JA: CH			
R127477		3400922035	103	JEAN S HUBBARD #1	KOME	0.0	
R127477		3400922035	107	D JEAN S HUBBARD #1	KOME	0.0	
-ALTHEIRS OIL INC				RECEIVED: 04/27/81 JA: CH			
R127465		3405922027	103	LUPHER #1	FALLSBURY TWP	5.0	NATIONAL GAS & OIL
-AMERICAN WELL MANAGEMENT COMPANY				RECEIVED: 04/27/81 JA: CH			
R127466		3405922838	103	MCLAUGHLIN #1	CENTER	18.0	
R127466		3405922838	107	MCLAUGHLIN #1	CENTER	18.0	
R127467		3405922839	103	VERNER MCLAUGHLIN #1A	CENTER	18.0	
R127467		3405922839	107	VERNER MCLAUGHLIN #1A	CENTER	18.0	
-AMTEX OIL AND GAS INC				RECEIVED: 04/27/81 JA: CH			
R127473A		3416922126	103	HATFIELD WELL NO 1	CHIPPEWA	250.0	
R127473E		3416922126	107	D HATFIELD WELL NO 1	CHIPPEWA	250.0	
R127472A		3416922200	103	HATFIELD WELL NO 2	CHIPPEWA	250.0	
R127472A		3416922200	107	D HATFIELD WELL NO 2	CHIPPEWA	250.0	
R127468		3407522351	103	JOS J MILLER WELL NO 2A	PAINT	250.0	COLUMBIA GAS TRANSMI
R127468		3407522351	107	JOS J MILLER WELL NO 2A	PAINT	250.0	COLUMBIA GAS TRANSMI
R127471A		3408120418	103	JOY GRABLE WELL NO 1	WAYNE	350.0	
R127471		3408120418	107	D JOY GRABLE WELL NO 1	WAYNE	350.0	
R127470		3407522492	103	M M POULTRY WELL NO 1	CLARK	300.0	
R127470		3407522492	107	M M POULTRY WELL NO 1	CLARK	300.0	
R127469		3407522493	103	M M POULTRY WELL NO 2	CLARK	300.0	
R127469		3407522493	107	M M POULTRY WELL NO 2	CLARK	300.0	
R127474A		3406720374	103	E V & L MADER WELL NO 1	GERMAN	350.0	
R127474		3406720374	107	D E V & L MADER WELL NO 1	GERMAN	350.0	
-APPALACHIAN EXPLORATION INC				RECEIVED: 04/27/81 JA: CH			
R127475		3412720111	103	F MCCLURE #3	THORNVILLE	4.0	NATIONAL GAS & OIL C
R127476		3407122746	103	GARY & MARILYN STEYSKAL #1	MEDFORD	0.0	COLUMBIA GAS TRANSMI
-ATLAS ENERGY GROUP INC				RECEIVED: 04/27/81 JA: CH			
R127487		3415521640	103	BRITT NO 1	VERNON	0.0	COLUMBIA GAS TRANS C
R127481		3415521487	103	CEBULA NO 1	VERNON	0.0	COLUMBIA GAS TRANSMI
R127481		3415521487	107	CEBULA NO 1	VERNON	0.0	COLUMBIA GAS TRANSMI
R127479		3415521163	103	GIGIACOMO NO 1	FOWLER	36.0	COLUMBIA GAS TRANS C
R127479		3415521163	107	GIGIACOMO NO 1	FOWLER	36.0	COLUMBIA GAS TRANS C
R127489		3415521612	103	GALLATIN NO 1	VERNON	8.0	COLUMBIA GAS TRANSMI
R127484		3415521541	103	KEPNER NO 2	HARTFORD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521456	103	LEAVO NO 2	JOHNSTOWN	0.0	COLUMBIA GAS TRANS C
R127482		3415521456	107	LEAVO NO 2	JOHNSTOWN	0.0	COLUMBIA GAS TRANS C
R127484		3415521607	103	MCKAY NO 3	BROOKFIELD	16.0	COLUMBIA GAS TRANS C
R127478		3415521187	107	MONTGOMERY NO 1	BROOKFIELD	12.0	COLUMBIA GAS TRANSMI
R127485		3415521430	103	SPENCER-TAYLOR NO 1	HARTFORD	35.0	COLUMBIA GAS TRANSMI

					FIELD NAME	PRC.	PURCHASER
R127483		3415521510	103	SHULL NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127483		3415521510	107	SHULL NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127480		3415521511	103	SHULL NO 2	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127480		3415521511	107	SHULL NO 2	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482A		3415521512	103	SHULL NO 3	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521512	107	SHULL NO 3	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127486		3415521513	103	SHULL NO 4	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127486		3415521513	107	SHULL NO 4	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482B		3415521514	103	SHULL NO 5	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521514	107	SHULL NO 5	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482C		3415521515	103	SHULL NO 6	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521515	107	SHULL NO 6	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482D		3415521516	103	SHULL NO 7	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521516	107	SHULL NO 7	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482E		3415521517	103	SHULL NO 8	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521517	107	SHULL NO 8	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482F		3415521518	103	SHULL NO 9	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521518	107	SHULL NO 9	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482G		3415521519	103	SHULL NO 10	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521519	107	SHULL NO 10	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482H		3415521520	103	SHULL NO 11	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521520	107	SHULL NO 11	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482I		3415521521	103	SHULL NO 12	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521521	107	SHULL NO 12	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482J		3415521522	103	SHULL NO 13	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521522	107	SHULL NO 13	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482K		3415521523	103	SHULL NO 14	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521523	107	SHULL NO 14	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482L		3415521524	103	SHULL NO 15	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521524	107	SHULL NO 15	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482M		3415521525	103	SHULL NO 16	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521525	107	SHULL NO 16	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482N		3415521526	103	SHULL NO 17	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521526	107	SHULL NO 17	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482O		3415521527	103	SHULL NO 18	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521527	107	SHULL NO 18	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482P		3415521528	103	SHULL NO 19	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521528	107	SHULL NO 19	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482Q		3415521529	103	SHULL NO 20	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521529	107	SHULL NO 20	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482R		3415521530	103	SHULL NO 21	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521530	107	SHULL NO 21	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482S		3415521531	103	SHULL NO 22	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521531	107	SHULL NO 22	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482T		3415521532	103	SHULL NO 23	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521532	107	SHULL NO 23	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482U		3415521533	103	SHULL NO 24	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521533	107	SHULL NO 24	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482V		3415521534	103	SHULL NO 25	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521534	107	SHULL NO 25	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482W		3415521535	103	SHULL NO 26	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521535	107	SHULL NO 26	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482X		3415521536	103	SHULL NO 27	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521536	107	SHULL NO 27	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482Y		3415521537	103	SHULL NO 28	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521537	107	SHULL NO 28	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482Z		3415521538	103	SHULL NO 29	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521538	107	SHULL NO 29	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AA		3415521539	103	SHULL NO 30	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521539	107	SHULL NO 30	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AB		3415521540	103	SHULL NO 31	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521540	107	SHULL NO 31	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AC		3415521541	103	SHULL NO 32	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521541	107	SHULL NO 32	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AD		3415521542	103	SHULL NO 33	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521542	107	SHULL NO 33	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AE		3415521543	103	SHULL NO 34	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521543	107	SHULL NO 34	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AF		3415521544	103	SHULL NO 35	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521544	107	SHULL NO 35	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AG		3415521545	103	SHULL NO 36	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521545	107	SHULL NO 36	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AH		3415521546	103	SHULL NO 37	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521546	107	SHULL NO 37	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AI		3415521547	103	SHULL NO 38	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521547	107	SHULL NO 38	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AJ		3415521548	103	SHULL NO 39	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521548	107	SHULL NO 39	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AK		3415521549	103	SHULL NO 40	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521549	107	SHULL NO 40	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AL		3415521550	103	SHULL NO 41	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521550	107	SHULL NO 41	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AM		3415521551	103	SHULL NO 42	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521551	107	SHULL NO 42	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AN		3415521552	103	SHULL NO 43	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521552	107	SHULL NO 43	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AO		3415521553	103	SHULL NO 44	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521553	107	SHULL NO 44	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AP		3415521554	103	SHULL NO 45	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521554	107	SHULL NO 45	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AQ		3415521555	103	SHULL NO 46	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521555	107	SHULL NO 46	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AR		3415521556	103	SHULL NO 47	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521556	107	SHULL NO 47	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AS		3415521557	103	SHULL NO 48	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521557	107	SHULL NO 48	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AT		3415521558	103	SHULL NO 49	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521558	107	SHULL NO 49	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AU		3415521559	103	SHULL NO 50	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521559	107	SHULL NO 50	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AV		3415521560	103	SHULL NO 51	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521560	107	SHULL NO 51	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AW		3415521561	103	SHULL NO 52	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521561	107	SHULL NO 52	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AX		3415521562	103	SHULL NO 53	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521562	107	SHULL NO 53	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AY		3415521563	103	SHULL NO 54	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521563	107	SHULL NO 54	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482AZ		3415521564	103	SHULL NO 55	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521564	107	SHULL NO 55	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BA		3415521565	103	SHULL NO 56	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521565	107	SHULL NO 56	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BB		3415521566	103	SHULL NO 57	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521566	107	SHULL NO 57	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BC		3415521567	103	SHULL NO 58	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521567	107	SHULL NO 58	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BD		3415521568	103	SHULL NO 59	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521568	107	SHULL NO 59	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BE		3415521569	103	SHULL NO 60	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521569	107	SHULL NO 60	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BF		3415521570	103	SHULL NO 61	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521570	107	SHULL NO 61	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BG		3415521571	103	SHULL NO 62	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521571	107	SHULL NO 62	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BH		3415521572	103	SHULL NO 63	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521572	107	SHULL NO 63	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BI		3415521573	103	SHULL NO 64	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521573	107	SHULL NO 64	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BJ		3415521574	103	SHULL NO 65	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521574	107	SHULL NO 65	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BK		3415521575	103	SHULL NO 66	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521575	107	SHULL NO 66	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BL		3415521576	103	SHULL NO 67	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521576	107	SHULL NO 67	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BM		3415521577	103	SHULL NO 68	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521577	107	SHULL NO 68	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BN		3415521578	103	SHULL NO 69	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521578	107	SHULL NO 69	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BO		3415521579	103	SHULL NO 70	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521579	107	SHULL NO 70	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BP		3415521580	103	SHULL NO 71	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521580	107	SHULL NO 71	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BQ		3415521581	103	SHULL NO 72	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521581	107	SHULL NO 72	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BR		3415521582	103	SHULL NO 73	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521582	107	SHULL NO 73	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BS		3415521583	103	SHULL NO 74	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521583	107	SHULL NO 74	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BT		3415521584	103	SHULL NO 75	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521584	107	SHULL NO 75	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BU		3415521585	103	SHULL NO 76	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521585	107	SHULL NO 76	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BV		3415521586	103	SHULL NO 77	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521586	107	SHULL NO 77	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BW		3415521587	103	SHULL NO 78	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521587	107	SHULL NO 78	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BX		3415521588	103	SHULL NO 79	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521588	107	SHULL NO 79	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BY		3415521589	103	SHULL NO 80	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521589	107	SHULL NO 80	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482BZ		3415521590	103	SHULL NO 81	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521590	107	SHULL NO 81	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CA		3415521591	103	SHULL NO 82	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521591	107	SHULL NO 82	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CB		3415521592	103	SHULL NO 83	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521592	107	SHULL NO 83	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CC		3415521593	103	SHULL NO 84	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521593	107	SHULL NO 84	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CD		3415521594	103	SHULL NO 85	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521594	107	SHULL NO 85	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CE		3415521595	103	SHULL NO 86	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521595	107	SHULL NO 86	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CF		3415521596	103	SHULL NO 87	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521596	107	SHULL NO 87	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CG		3415521597	103	SHULL NO 88	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521597	107	SHULL NO 88	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CH		3415521598	103	SHULL NO 89	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521598	107	SHULL NO 89	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CI		3415521599	103	SHULL NO 90	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521599	107	SHULL NO 90	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CJ		3415521600	103	SHULL NO 91	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521600	107	SHULL NO 91	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CK		3415521601	103	SHULL NO 92	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521601	107	SHULL NO 92	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CL		3415521602	103	SHULL NO 93	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521602	107	SHULL NO 93	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CM		3415521603	103	SHULL NO 94	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521603	107	SHULL NO 94	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CN		3415521604	103	SHULL NO 95	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521604	107	SHULL NO 95	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CO		3415521605	103	SHULL NO 96	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521605	107	SHULL NO 96	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CP		3415521606	103	SHULL NO 97	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521606	107	SHULL NO 97	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CQ		3415521607	103	SHULL NO 98	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521607	107	SHULL NO 98	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CR		3415521608	103	SHULL NO 99	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521608	107	SHULL NO 99	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CS		3415521609	103	SHULL NO 100	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521609	107	SHULL NO 100	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CT		3415521610	103	SHULL NO 101	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521610	107	SHULL NO 101	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CU		3415521611	103	SHULL NO 102	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521611	107	SHULL NO 102	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CV		3415521612	103	SHULL NO 103	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521612	107	SHULL NO 103	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CW		3415521613	103	SHULL NO 104	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521613	107	SHULL NO 104	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CX		3415521614	103	SHULL NO 105	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521614	107	SHULL NO 105	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CY		3415521615	103	SHULL NO 106	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521615	107	SHULL NO 106	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482CZ		3415521616	103	SHULL NO 107	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521616	107	SHULL NO 107	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482DA		3415521617	103	SHULL NO 108	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521617	107	SHULL NO 108	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482DB		3415521618	103	SHULL NO 109	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482		3415521618	107	SHULL NO 109	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127482DC		3415521619	103	SHULL NO 110	BROOKFIELD	0.0

R127483		3415521510	103	SHULL NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127483		3415521510	107	SHULL NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127490		3415521662	102	TOMLINSON NO 1	VERNON	11.0	COLUMBIA GAS TRANSMI
R127488		3415521630	102	WADE NO 1	VERNON	0.0	COLUMBIA GAS TRANSMI
R127480		3415521467	103	YASNICK NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127480		3415521467	107	YASNICK NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
-AZTEC OIL OF OHIO INC				RECEIVED: 04/27/81 JA: CH			
R127491		3411522213	103	RUTH SIPOS #1	YORK	12.6	NATIONAL GAS & OIL C
-BANDS COMPANY INC				RECEIVED: 04/27/81 JA: OH			
R127493A		3411122091	103	HAYES #1	SENECA	20.0	COLUMBIA GAS TRANS C
R127493-		3411122091	107	D HAYES #1	SENECA	20.0	COLUMBIA GAS TRANS C
R127497		3407522651	107	HENRY BENCHY #1	MECHANIC	20.0	COLUMBIA GAS TRANS C
R127492A		3401320322	103	LUTHER ROTHEN #2	SOMERSET	200.0	COLUMBIA GAS TRANSMI
R127492!		3401320322	107	D LUTHER ROTHEN #2	SOMERSET	200.0	COLUMBIA GAS TRANSMI
R127496		3407522303	107	VAN SICKLE #1	MECHANIC	24.0	COLUMBIA GAS TRANS C
R127495		3407522628	103	VAN SICKLE #2	MECHANIC	15.0	COLUMBIA GAS TRANS C
R127494		3407522628	107	VAN SICKLE #2	MECHANIC	15.0	COLUMBIA GAS TRANS C
R127494		3411121987	103	WORKMAN #1	WASHINGTON	5.0	COLUMBIA GAS TRANS C
-BARTLO OIL AND GAS COMPANY				RECEIVED: 04/27/81 JA: CH			
R127498		3405922539	107	H WELLS #3	WILLS	20.0	COLUMBIA GAS TRANSMI
-BEREA OIL AND GAS CORPORATION				RECEIVED: 04/27/81 JA: OH			
R127499		3415521374	102	MEEKER #2	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127501		3415521374	103	MEEKER #2	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
R127500		3415521623	103	SCHUBERT UNIT #1	VIENNA	1.0	EAST OHIO GAS
R127500		3415521623	107	SCHUBERT UNIT #1	VIENNA	1.0	EAST OHIO GAS
-BILL BLAIR INCORPORATED				RECEIVED: 04/27/81 JA: OH			
R127504		3402920804	103	GROVE #2	HOMEWORTH	18.0	EAST OHIO GAS CO
R127504		3402920804	107	GROVE #2	HOMEWORTH	18.0	EAST OHIO GAS CO
R127502		3402920807	103	ROMIGH #1	HOMEWORTH	20.0	EAST OHIO GAS CO
R127502		3402920807	107	ROMIGH #1	HOMEWORTH	20.0	EAST OHIO GAS CO
R127503		3402920810	103	TILTON #1	HOMEWORTH FIELD	23.0	EAST OHIO GAS CO
R127503		3402920810	107	TILTON #1	HOMEWORTH FIELD	23.0	EAST OHIO GAS CO
-BROWN PETROLEUM CORP				RECEIVED: 04/27/81 JA: OH			
R127513		3407522522	107	ABE YODER #2	MECHANIC	68.0	COLUMBIA GAS TRANSMI
R127517A		3407522454	103	HOGARDEF #1	KILLBUCK	1.0	COLUMBIA GAS TRANSMI
R127517-		3407522454	107	D HOGARDEF #1	KILLBUCK	1.0	COLUMBIA GAS TRANSMI
R127518A		3407522401	103	PRUMME #4	KILLBUCK	1.5	COLUMBIA GAS TRANSMI
R127518		3407522401	107	D PRUMME #4	KILLBUCK	1.5	COLUMBIA GAS TRANSMI
R127520A		3407522519	103	PRUMME RA #1	KILLBUCK	17.0	COLUMBIA GAS TRANSMI
R127520'		3407522519	107	D PRUMME RA #1	KILLBUCK	17.0	COLUMBIA GAS TRANSMI
R127521A		3407522518	103	CANTLEBERRY #1	KILLBUCK	27.0	COLUMBIA GAS TRANSMI
R127521-		3407522518	107	D CANTLEBERRY #1	KILLBUCK	27.0	COLUMBIA GAS TRANSMI
R127519A		3407522532	103	CARPENTER #1	KILLBUCK	21.0	COLUMBIA GAS TRANSMI
R127519C		3407522532	107	D CARPENTER #1	KILLBUCK	21.0	COLUMBIA GAS TRANSMI
R127512		3407522340	107	DAN YODER #1	MECHANIC	69.0	COLUMBIA GAS TRANSMI
R127514		3407522415	107	GILLMAN #1	MECHANIC	27.0	COLUMBIA GAS TRANSMI
R127516A		3407522456	103	HUSTON #1	KILLBUCK	28.0	COLUMBIA GAS TRANSMI
R127516		3407522456	107	D HUSTON #1	KILLBUCK	28.0	COLUMBIA GAS TRANSMI
R127515		3407522434	103	PATTERSON #2	KILLBUCK	17.0	COLUMBIA GAS TRANSMI
R127515		3407522434	107	PATTERSON #2	KILLBUCK	17.0	COLUMBIA GAS TRANSMI
R127510		3407522746	103	PHILLIPS #1	MECHANIC	2.0	COLUMBIA GAS TRANSMI
R127510		3407522746	107	PHILLIPS #1	MECHANIC	2.0	COLUMBIA GAS TRANSMI

UMI 1 8 7 2 M Y 6 4 V

VOLUME 46.7 PAGE 003

8127511		3407522654	107		SHERMIT #1	MECHANIC	3.5	COLUMBIA GAS TRANSMI
8127509		3407522810	103		SHERMIT #2	MECHANIC	2.0	COLUMBIA GAS TRANSMI
8127509		3407522810	107		SHERMIT #2	MECHANIC	2.0	COLUMBIA GAS TRANSMI
-BUCKEYE OIL PRODUCING CO					RECEIVED: 04/27/81 JA: CH			
8127522		3411122061	103		#1 OTTO BURKHART SR	MALAGA	12.0	COLUMBIA GAS TRANSMI
8127522		3411122061	107	D	#1 OTTO BURKHART SR	MALAGA	12.0	COLUMBIA GAS TRANSMI
8127539		3407522437	103		ANDREW RABER #1	CLARK	18.0	EAST OHIO GAS CO
8127539		3407522437	107		ANDREW RABER #1	CLARK	18.0	EAST OHIO GAS CO
8127528A		3411122089	103		CLARENCE CHRISTMAN #1	MALAGA	14.0	COLUMBIA GAS TRANSMI
8127528		3411122089	107	D	CLARENCE CHRISTMAN #1	MALAGA	14.0	COLUMBIA GAS TRANSMI
8127524A		3411121960	103		CLYDE LANDEFELD #1	MALAGA	13.0	COLUMBIA GAS TRANSMI
8127526		3411121960	107	D	CLYDE LANDEFELD #1	MALAGA	13.0	COLUMBIA GAS TRANSMI
8127534A		3407522363	103		DANIEL WEAVER #1	PRAIRIE	16.0	COLUMBIA GAS TRANSMI
8127534		3407522363	107	D	DANIEL WEAVER #1	PRAIRIE	16.0	COLUMBIA GAS TRANSMI
8127533A		3407522259	103		HANNA #3	MONROE	13.0	COLUMBIA GAS TRANSMI
8127533		3407522259	107	D	HANNA #3	MONROE	13.0	COLUMBIA GAS TRANSMI
8127537		3407522436	103		HENRY J HERSHBERGER #1	CLARK	19.0	EAST OHIO GAS CO
8127537		3407522436	107		HENRY J HERSHBERGER #1	CLARK	19.0	EAST OHIO GAS CO
8127527A		3411122057	103		LAWRENCE RICER #1	MALAGA	13.0	COLUMBIA GAS TRANSMI
8127527		3411122057	107	D	LAWRENCE RICER #1	MALAGA	13.0	COLUMBIA GAS TRANSMI
8127536		3416522446	103		M BEERY #1	MILTON	16.0	COLUMBIA GAS TRANSMI
8127536		3416522446	107		M BEERY #1	MILTON	16.0	COLUMBIA GAS TRANSMI
8127538		3407522436	103		MENNO YODER #1	CLARK	18.0	EAST OHIO GAS CO
8127538		3407522436	107		MENNO YODER #1	CLARK	18.0	EAST OHIO GAS CO
8127529A		3403123640	103		MILLER UNIT #1	CRAWFORD	60.0	EAST OHIO GAS CO
8127529		3403123640	107	D	MILLER UNIT #1	CRAWFORD	60.0	EAST OHIO GAS CO
8127525A		3411121996	103		OLIVE & CLARENCE ROE #1	SENECA	9.0	COLUMBIA GAS TRANSMI
8127525		3411121996	107	D	OLIVE & CLARENCE ROE #1	SENECA	9.0	COLUMBIA GAS TRANSMI
8127532A		3411122062	103		OTTO BURKHART JR (78) #1	MALAGE	10.0	COLUMBIA GAS TRANSMI
8127532		3411122062	107	D	OTTO BURKHART JR (78) #1	MALAGE	10.0	COLUMBIA GAS TRANSMI
8127531A		3411121959	103		OTTO BURKHART JR (82) #1	MALAGA	10.0	COLUMBIA GAS TRANSMI
8127531		3411121959	107	D	OTTO BURKHART JR (82) #1	MALAGA	10.0	COLUMBIA GAS TRANSMI
8127523A		3411121995	103		PAUL CRUM #1	MALAGA	8.0	COLUMBIA GAS TRANSMI
8127523		3411121995	107	D	PAUL CRUM #1	MALAGA	8.0	COLUMBIA GAS TRANSMI
8127530A		3411121898	103		POLLOCK #1	MALAGA	13.0	COLUMBIA GAS TRANSMI
8127530		3411121898	107	D	POLLOCK #1	MALAGA	13.0	COLUMBIA GAS TRANSMI
8127524A		3411121959	103		REICH #1	MALAGA	10.0	COLUMBIA GAS TRANSMI
8127524		3411121959	107	D	REICH #1	MALAGA	10.0	COLUMBIA GAS TRANSMI
8127535A		3407522508	103		ROY MILLER #3	PRAIRIE	16.0	COLUMBIA GAS TRANSMI
8127535		3407522508	107	D	ROY MILLER #3	PRAIRIE	16.0	COLUMBIA GAS TRANSMI
-CALLANDER & KIMBREL INC					RECEIVED: 04/27/81 JA: CH			
8127540		3403124120	103		PHILIP BROWN #6	BEDFORD	10.0	
-CARBONIT EXPLORATION INC					RECEIVED: 04/27/81 JA: CH			
8127542		3411122287	103		COSS #1	WASHINGTON	0.0	COLUMBIA GAS
8127541		3411100000	103		GALLATIN #1	BETHEL	0.0	COLUMBIA GAS
-CHANSE PETROLEUM CORPORATION					RECEIVED: 04/27/81 JA: CH			
8127559		3400721378	103		A & M CLARK #1	LENOX	4.0	EAST OHIO GAS CO
8127559		3400721378	107		A & M CLARK #1	LENOX	4.0	EAST OHIO GAS CO
8127553		3400721439	103		A C & G P JEROME #1	NEW LYME	5.0	EAST OHIO GAS CO
8127553		3400721439	107		A C & G P JEROME #1	NEW LYME	5.0	EAST OHIO GAS CO
8127556		3400721439	103		A C & G P JEROME #2	NEW LYME	5.0	EAST OHIO GAS CO
8127556		3400721439	107		A C & G P JEROME #2	NEW LYME	5.0	EAST OHIO GAS CO

VOLUME 46.7 PAGE 004

8127550		3400721377	103		O & M BEVINGTON #1	LENOX	4.0	EAST OHIO GAS CO
8127550		3400721377	107		O & M BEVINGTON #1	LENOX	4.0	EAST OHIO GAS CO
8127552		3400721438	103		O C & G P JEROME #1	NEW LYME	5.0	EAST OHIO GAS CO
8127552		3400721438	107		O C & G P JEROME #1	NEW LYME	5.0	EAST OHIO GAS CO
8127554		3400721440	103		O C & G P JEROME #2	NEW LYME	5.0	EAST OHIO GAS CO
8127554		3400721440	107		O C & G P JEROME #2	NEW LYME	5.0	EAST OHIO GAS CO

8127550		3400721377	103	D & M BEVINGTON #1	LENOX	5.0	EAST OHIO GAS CO
8127550		3400721377	107	D & M BEVINGTON #1	LENOX	5.0	EAST OHIO GAS CO
8127548		3400721280	103	HAROLD E CARTER #2	LENOX	3.7	EAST OHIO GAS CO
8127548		3400721280	107	HAROLD E CARTER #2	LENOX	3.7	EAST OHIO GAS CO
8127549		3400721277	103	JAMES & ELLEN CLARK #1	NEW LYME	5.0	EAST OHIO GAS CO
8127549		3400721277	107	JAMES & ELLEN CLARK #1	NEW LYME	5.0	EAST OHIO GAS CO
8127560		3400720995	103	JOHN HARNIST #2	MORGAN	6.0	EAST OHIO GAS CO
8127560		3400720995	107	JOHN HARNIST #2	MORGAN	6.0	EAST OHIO GAS CO
8127545		3400721137	103	LINEK-ROBINSON #2	LENOX	2.0	EAST OHIO GAS CO
8127545		3400721137	107	LINEK-ROBINSON #2	LENOX	2.0	EAST OHIO GAS CO
8127558		3400721077	103	PASQUALE & ROSE MARTUCCIO	LENOX	5.0	EAST OHIO GAS CO
8127558		3400721077	107	PASQUALE & ROSE MARTUCCIO	LENOX	5.0	EAST OHIO GAS CO
8127546		3400721134	103	R & L COTTERMAN #1B	LENOX	5.0	EAST OHIO GAS CO
8127546		3400721134	107	R & L COTTERMAN #1B	LENOX	5.0	EAST OHIO GAS CO
8127552		3400721378	103	R & N HAGERTY #1	LENOX	5.0	EAST OHIO GAS CO
8127552		3400721378	107	R & N HAGERTY #1	LENOX	5.0	EAST OHIO GAS CO
8127547		3400721181	103	ROBINSON-CLARK #2	LENOX	2.0	EAST OHIO GAS CO
8127547		3400721181	107	ROBINSON-CLARK #2	LENOX	2.0	EAST OHIO GAS CO
8127557		3400721215	103	STEPHANIE M MAYLISH #1	JEFFERSON	6.0	EAST OHIO GAS CO
8127557		3400721215	107	STEPHANIE M MAYLISH #1	JEFFERSON	6.0	EAST OHIO GAS CO
8127544		3400721281	103	STEPHANIE M MAYLISH #4	JEFFERSON	3.0	EAST OHIO GAS CO
8127544		3400721281	107	STEPHANIE M MAYLISH #4	JEFFERSON	3.0	EAST OHIO GAS CO
8127551		3400721274	103	STEPHANIE MAYLISH #2	JEFFERSON	5.0	EAST OHIO GAS CO
8127551		3400721274	107	STEPHANIE MAYLISH #2	JEFFERSON	5.0	EAST OHIO GAS CO
8127554		3400721196	103	THOMAS & R P SCOLARO	LENOX	5.0	EAST OHIO GAS CO
8127554		3400721196	107	THOMAS & R P SCOLARO	LENOX	5.0	EAST OHIO GAS CO
8127555		3400721197	103	THOMAS & R P SCOLARO #4	LENOX	2.0	EAST OHIO GAS CO
8127555		3400721197	107	THOMAS & R P SCOLARO #4	LENOX	2.0	EAST OHIO GAS CO
-CLEARFORK OIL CO		RECEIVED: 04/27/81 JA: CH					
8127562		3411121974	107	BEN LARGENT #1	WASHINGTON	30.0	COLUMBIA GAS TRANSMI
8127561		3411121895	107	CLYDE BECKBACHER #1	WASHINGTON	73.0	COLUMBIA GAS TRANSMI
-CLINTON OIL CO		RECEIVED: 04/27/81 JA: CH					
8127566		3403123792	103	DARR #3-501	BEDFORD	70.0	COLUMBIA GAS TRANSMI
8127566		3403123792	107	DARR #3-501	BEDFORD	70.0	COLUMBIA GAS TRANSMI
8127563		3403123649	103	G A DARR #2	BEDFORD	60.0	COLUMBIA GAS TRANSMI
8127563		3403123649	107	G A DARR #2	BEDFORD	60.0	COLUMBIA GAS TRANSMI
8127564		3403123[illegible]	103	GALLAGHER #1-508	BEDFORD	75.0	COLUMBIA GAS TRANSMI
8127564		3403123[illegible]	107	GALLAGHER #1-508	BEDFORD	75.0	COLUMBIA GAS TRANSMI
8127565		3403123[illegible]	103	J MCCONNELL #1-509	WASHINGTON	65.0	COLUMBIA GAS TRANSMI
8127565		3403123[illegible]	107	J MCCONNELL #1-509	WASHINGTON	65.0	COLUMBIA GAS TRANSMI
-CONSOLIDATED RESOURCES OF AMERICA		RECEIVED: 04/27/81 JA: CH					
8127587		3405922613	103	ALBERT & CHERYL OREGA #1	OLD WASHINGTON	22.0	CINCINNATI GAS & ELE
8127587		3405922613	107	ALBERT & CHERYL OREGA #1	OLD WASHINGTON	22.0	CINCINNATI GAS & ELE
8127588		3405922690	103	ALBERT & CHERYL OREGA #2	OLD WASHINGTON	30.0	CINCINNATI GAS & ELE
8127588		3405922690	107	ALBERT & CHERYL OREGA #2	OLD WASHINGTON	30.0	CINCINNATI GAS & ELE
8127591		3405922675	103	ARTHUR AND LAROSE NICHOLS #1	CLAYSVILLE	43.0	COLUMBIA GAS TRANSMI
8127591		3405922675	107	ARTHUR AND LAROSE NICHOLS #1	CLAYSVILLE	43.0	COLUMBIA GAS TRANSMI
8127580		3405922674	103	EUGENE AND VERA HURLESS #1	SENECAVILLE	43.8	COLUMBIA GAS TRANSMI
8127580		3405922674	107	EUGENE AND VERA HURLESS #1	SENECAVILLE	43.6	COLUMBIA GAS TRANSMI
8127574		3405922677	103	EUGENE AND VERA HURLESS #2	SENECAVILLE	43.8	COLUMBIA GAS TRANSMI
8127574		3405922677	107	EUGENE AND VERA HURLESS #2	SENECAVILLE	43.8	COLUMBIA GAS TRANSMI
8127583		3405922651	103	GEORGE LASKO #1	SENECAVILLE	43.8	COLUMBIA GAS
8127583		3405922651	107	GEORGE LASKO #1	SENECAVILLE	43.8	COLUMBIA GAS

UMI 1 8 7 2 7 M Y 6 4 V

VOLUME 46 PAGE 28484

				WELL #	FIELD NAME	FEET	PURCHASER
R127592		3405922649	103	HALL-KELLER-SHIRA UNIT #1	SENECAVILLE	43.8	COLUMBIA GAS
R127592		3405922649	107	HALL-KELLER-SHIRA UNIT #1	SENECAVILLE	43.8	COLUMBIA GAS
R127578		3405922615	103	HOWARD F ARMSTRONG WELL #3	OLD WASHINGTON	8.0	CINCINNATI GAS & ELE
R127578		3405922615	107	HOWARD F ARMSTRONG WELL #3	OLD WASHINGTON	8.0	CINCINNATI GAS & ELE
R127593		3405922667	103	IRENE AND CHARLES WAREHIME #1	SENECAVILLE	43.8	COLUMBIA GAS
R127593		3405922667	107	IRENE AND CHARLES WAREHIME #1	SENECAVILLE	43.8	COLUMBIA GAS
R127570		3405922618	103	JAMES E MALEY #1	KNOX	11.0	CINCINNATI GAS & ELE
R127570		3405922618	107	JAMES E MALEY #1	KNOX	11.0	CINCINNATI GAS & ELE
R127575		3405922643	103	K D HALL AND BRICE KELLER #2	SENECAVILLE	43.8	COLUMBIA GAS
R127575		3405922643	107	K D HALL AND BRICE KELLER #2	SENECAVILLE	43.8	COLUMBIA GAS
R127568		3405922600	103	MARY MCHAFFEY #1	KNOX	30.0	CONSOLIDATED ALUMINI
R127568		3405922600	107	MARY MCHAFFEY #1	KNOX	30.0	CONSOLIDATED ALUMINI
R127569		3405922599	103	MARY MCHAFFEY ET AL #2	KNOX	28.0	CONSOLIDATED ALUMINU
R127569		3405922599	107	MARY MCHAFFEY ET AL #2	KNOX	28.0	CONSOLIDATED ALUMINU
R127577		3405922795	103	MICHAEL AND CYNTHIA FEDORIK #1	CAMBRIDGE	30.0	COLUMBIA GAS
R127577		3405922795	107	MICHAEL AND CYNTHIA FEDORIK #1	CAMBRIDGE	30.0	COLUMBIA GAS
R127571		3405922644	103	R P SMITH #1	SENECAVILLE	43.8	COLUMBIA GAS
R127571		3405922644	107	R P SMITH #1	SENECAVILLE	43.8	COLUMBIA GAS
R127576		3405922754	103	RALPH & CHARLES BRADEN #3	CAMBRIDGE	36.0	COLUMBIA GAS
R127576		3405922754	107	RALPH & CHARLES BRADEN #3	CAMBRIDGE	36.0	COLUMBIA GAS
R127567		3405922752	103	RALPH AND CHARLES BRADEN #1	CAMBRIDGE	36.0	COLUMBIA GAS TRANS C
R127567		3405922752	107	RALPH AND CHARLES BRADEN #1	CAMBRIDGE	36.0	COLUMBIA GAS TRANS C
R127578		3405922753	103	RALPH AND CHARLES BRADEN #2	CAMBRIDGE	36.0	COLUMBIA GAS
R127578		3405922753	107	RALPH AND CHARLES BRADEN #2	CAMBRIDGE	36.0	COLUMBIA GAS
R127582		3405922656	103	RICH-OLIPHANT UNIT #1	SENECAVILLE	43.8	COLUMBIA GAS
R127582		3405922656	107	RICH-OLIPHANT UNIT #1	SENECAVILLE	43.8	COLUMBIA GAS
R127573		3405922750	103	ROBERT ACHAUER /RANDALL LARRICK #2	ADAMS	12.0	EAST OHIO GAS
R127573		3405922750	107	ROBERT ACHAUER /RANDALL LARRICK #2	ADAMS	12.0	EAST OHIO GAS
R127572		3405922734	103	ROBERT ACHAUER/RANDALL LARRICK #1	CAMBRIDGE	8.0	EAST OHIO GAS
R127572		3405922734	107	ROBERT ACHAUER/RANDALL LARRICK #1	CAMBRIDGE	8.0	EAST OHIO GAS
R127581		3405922745	103	WALTER AND DEANNA WICKEM #1	ADAMS	18.0	EAST OHIO GAS
R127581		3405922745	107	WALTER AND DEANNA WICKEM #1	ADAMS	18.0	EAST OHIO GAS
R127590		3405922647	103	WALTER AND MARY DZIEDZIC #1	SENECAVILLE	73.0	COLUMBIA GAS
R127590		3405922647	107	WALTER AND MARY DZIEDZIC #1	SENECAVILLE	73.0	COLUMBIA GAS
R127585		3405922655	103	WILMER TAYLOR #2	NEW CONCORD	21.0	CONSOLIDATED ALUMINU
R127589		3405922655	107	WILMER TAYLOR #2	NEW CONCORD	21.0	CONSOLIDATED ALUMINU
R127585		3405922639	103	WM C DUFF #1	ADAMS	17.0	CONSOLIDATED ALUMINU
R127585		3405922639	107	WM C DUFF #1	ADAMS	17.0	CONSOLIDATED ALUMINU
R127584		3405922650	103	WM E & VERA B SHIRA #1	SENECAVILLE	27.6	COLUMBIA GAS TRANSMI
R127584		3405922650	107	WM E & VERA B SHIRA #1	SENECAVILLE	27.8	COLUMBIA GAS TRANSMI
R127586		3405922602	103	WM ROBERT YURCO JR #1	BYESVILLE	24.0	CONSOLIDATED ALUMINI
R127586		3405922602	107	WM ROBERT YURCO JR #1	BYESVILLE	24.0	CONSOLIDATED ALUMINI
-DERRICK PETROLEUM INC				RECEIVED: 04/27/81 JA: CH			
R127594		3403124134	103	FLOYD E LING #1	MONROE	0.0	
-DISCOVERY OIL LTD				RECEIVED: 04/27/81 JA: CH			
R127595		3407522476	103	ALFRED YODER #1	MECHANIC	1.2	COLUMBIA GAS TRANSMI
R127595		3407522476	107	ALFRED YODER #1	MECHANIC	1.2	COLUMBIA GAS TRANSMI
R127596		3407522472	103	L & F HOCHSTETLER #4	MECHANIC	970.0	COLUMBIA GAS TRANSMI
R127596		3407522472	107	L & F HOCHSTETLER #4	MECHANIC	970.0	COLUMBIA GAS TRANSMI
-DORAN & ASSOCIATES INC				RECEIVED: 04/27/81 JA: CH			
R127597		3407522954	103	ALBERT J MILLER #1	BERLIN	12.0	COLUMBIA GAS TRANSMI
R127598		3407522955	103	PAUL FREY #1	BERLIN	12.0	COLUMBIA GAS TRANSMI
-DRILLEX INC				RECEIVED: 04/27/81 JA: CH			

8127599		3408520258	103	TRESGER INC M COTTER #1	PAINESVILLE	30.0	EAST OHIO GAS CO
8127598		3408520258	107	TRESGER INC M COTTER #1	PAINESVILLE	30.0	EAST OHIO GAS CO
-EDCO DRILLING & PRODUCING INC				RECEIVED: 04/27/81 JA: CH			
8127602		3403123772	103	FRY-3A	PERRY	18.0	
8127601		3408322833	103	KB-4[illegible] GREEN	HARRISON	18.0	
8127600		3408322834	103	KB-4[illegible] GREEN	HARRISON	18.0	
-ENERGY DEVELOPMENT CORP				RECEIVED: 04/27/81 JA: CH			
8127606		3407522507	103	BURKHOLDER WELL #1	BERLIN	18.0	COLUMBIA GAS TRANSMI
8127603A		3415123179	103	D ALLER UNIT WELL #1	OSNABURG	16.0	EAST OHIO GAS CO
8127603[illegible]		3415123179	107	D D ALLER UNIT WELL #1	OSNABURG	16.0	EAST OHIO GAS CO
8127605A		3415123262	103	DEFORD UNIT WELL #1	CANTON	16.0	EAST OHIO GAS CO
8127605[illegible]		3415123262	107	D DEFORD UNIT WELL #1	CANTON	16.0	EAST OHIO GAS CO
8127604A		3415123297	103	MALAVITE WELL #1	PIKE	20.0	COLUMBIA GAS TRANSMI
8127604[illegible]		3415123297	107	C MALAVITE WELL #1	PIKE	20.0	COLUMBIA GAS TRANSMI
-ENTERPRISE GAS & OIL INC				RECEIVED: 04/27/81 JA: OH			
8127613		3405922781	103	BURRIS #2	CENTER	25.5	COLUMBIA GAS TRANSMI
8127613		3405922781	107	BURRIS #2	CENTER	25.5	COLUMBIA GAS TRANSMI
8127623		3401913340	103	ANDERSON #1	ORANGE	36.5	MB OPERATING CO INC
8127623		3401913340	107	ANDERSON #1	ORANGE	36.5	MB OPERATING CO INC
8127618		3405922669	103	DONCHUE #1	CENTER	36.5	COLUMBIA GAS TRANSMI
8127618		3405922665	107	DONCHUE #1	CENTER	36.5	COLUMBIA GAS TRANSMI
8127624		3401921258	103	GARTRELL #4-A	ORANGE	9.1	EAST OHIO GAS CO
8127624		3401921258	107	GARTRELL #4-A	ORANGE	9.1	EAST OHIO GAS CO
8127610		3405922633	103	KEENER #1	RICHLAND	36.5	COLUMBIA GAS TRANSMI
8127610		3405922633	107	KEENER #1	RICHLAND	36.5	COLUMBIA GAS TRANSMI
8127611		3405922710	103	L LARRICK #2	CENTER	25.6	COLUMBIA GAS TRANSMI
8127611		3405922710	107	L LARRICK #2	CENTER	25.6	COLUMBIA GAS TRANSMI
8127612		3405922844	103	LARRICK #3	CENTER	36.5	COLUMBIA GAS TRANSMI
8127612		3405922844	107	LARRICK #3	CENTER	36.5	COLUMBIA GAS TRANSMI
8127609		3405922782	103	LEATHERWOOD VALLEY FARMS #1	WILLS	35.0	COLUMBIA GAS TRANSMI
8127609		3405922782	107	LEATHERWOOD VALLEY FARMS #1	WILLS	35.0	COLUMBIA GAS TRANSMI
8127607		3405922249	103	MARCHNIC #1	CENTER	27.0	COLUMBIA GAS TRANSMI
8127607		3405922249	107	MARCHNIC #1	CENTER	27.0	COLUMBIA GAS TRANSMI
8127608		3405922726	103	MCCONKEY #1	CENTER	36.5	COLUMBIA GAS TRANSMI
8127608		3405922726	107	MCCONKEY #1	CENTER	36.5	COLUMBIA GAS TRANSMI
8127614		3405922637	103	MCKEAN #1	RICHLAND	27.0	COLUMBIA GAS TRANSMI
8127614		3405922637	107	MCKEAN #1	RICHLAND	27.0	COLUMBIA GAS TRANSMI
8127634		3405922411	103	MOLISEE #1	CENTER	18.3	COLUMBIA GAS TRANSMI
8127634		3405922411	107	MOLISEE #1	CENTER	18.3	COLUMBIA GAS TRANSMI
8127635		3405922671	103	MOSSAGE #1	RICHLAND	36.5	ONEAL PRODUCTIONS
8127635		3405922671	107	MOSSAGE #1	RICHLAND	36.5	ONEAL PRODUCTIONS
8127633		3405922630	103	POTTS #4	RICHLAND	27.4	COLUMBIA GAS TRANSMI
8127633		3405922630	107	POTTS #4	RICHLAND	27.4	COLUMBIA GAS TRANSMI
8127622		3405922627	103	PRESTON-NICKLES #2	CENTER	21.9	COLUMBIA GAS TRANSMI
8127622		3405922627	107	PRESTON-NICKLES #2	CENTER	21.9	COLUMBIA GAS TRANSMI
8127617		3405911953	103	PRESTON-NICKLES #3	CENTER	36.5	COLUMBIA GAS TRANSMI
8127617		3405911953	107	PRESTON-NICKLES #3	CENTER	36.5	COLUMBIA GAS TRANSMI
8127620		3405922634	103	ROBERTS #2	SPENCER	0.0	EAST OHIO GAS CO
8127620		3405922634	107	ROBERTS #2	SPENCER	0.0	EAST OHIO GAS CO
8127615		3405922700	103	SAVAGE #1	LIBERTY	18.2	EAST OHIO GAS CO
8127615		3405922700	107	SAVAGE #1	LIBERTY	18.2	EAST OHIO GAS CO
8127625		3405922592	103	SHUGERT #2	WILLS	18.2	COLUMBIA GAS TRANSMI
8127625		3405922592	107	SHUGERT #2	WILLS	18.2	COLUMBIA GAS TRANSMI

8127627		3405922672	103		SHUGERT #2	WILLS	36.5	COLUMBIA GAS TRANSMI
8127627		3405922672	107		SHUGERT #2	WILLS	36.5	COLUMBIA GAS TRANSMI
8127626		3405922670	103		SPROWL #1	RICHLAND	29.2	COLUMBIA GAS TRANSMI
8127626		3405922670	107		SPROWL #1	RICHLAND	29.2	COLUMBIA GAS TRANSMI
8127616		3405922626	103		SHUMAN #1	CENTER	36.5	COLUMBIA GAS TRANSMI
8127616		3405922626	107		SHUMAN #1	CENTER	36.5	COLUMBIA GAS TRANSMI
8127621		3405922720	103		SNIDER #1	CENTER	18.2	COLUMBIA GAS TRANSMI
8127621		3405922720	107		SNIDER #1	CENTER	18.2	COLUMBIA GAS TRANSMI
8127619		3405922711	103		STUPP #1	CENTER	0.0	COLUMBIA GAS TRANS C
8127619		3405922711	107		STUPP #1	CENTER	0.0	COLUMBIA GAS TRANS C
8127632		3405922535	103		V MILLER #1	RICHLAND	36.5	COLUMBIA GAS TRANSMI
8127632		3405922535	107		V MILLER #1	RICHLAND	36.5	COLUMBIA GAS TRANSMI
8127631		3405922683	103		WAGLER-MILLER #1	RICHLAND	36.5	COLUMBIA GAS TRANSMI
8127631		3405922683	107		WAGLER-MILLER #1	RICHLAND	36.5	COLUMBIA GAS TRANSMI
8127628		3405922635	103		WARNE #2	CENTER	18.2	COLUMBIA GAS TRANSMI
8127628		3405922635	107		WARNE #2	CENTER	18.2	COLUMBIA GAS TRANSMI
8127629		3405922544	103		WIGGINGTON #1	CENTER	18.2	COLUMBIA GAS TRANSMI
8127629		3405922544	107		WIGGINGTON #1	CENTER	18.2	COLUMBIA GAS TRANSMI
8127630		3405922658	103		WILSON #1	RICHLAND	18.2	COLUMBIA GAS TRANSMI
8127630		3405922658	107		WILSON #1	RICHLAND	18.2	COLUMBIA GAS TRANSMI
-G W F CORP				RECEIVED: 04/27/81 JA: CH				
8127636A		3400922117	103		BYRON W JAMES #1	BYRON W JAMES #1	0.0	G W F CORP
8127636B		3400922117	107	D	BYRON W JAMES #1	BYRON W JAMES #1	0.0	G W F CORP
8127637A		3400922118	103		JOHN C BERRY #1	JOHN C BERRY #1	0.0	
8127637-		3400922118	107	D	JOHN C BERRY #1	JOHN C BERRY #1	0.0	
-GEO ENERGY INC				RECEIVED: 04/27/81 JA: OH				
8127638		3411925472	103		R MCCALL#22-1	HIGHLAND	12.0	
-H & S OPERATING COMPANY				RECEIVED: 04/27/81 JA: OH				
8127640		3407522904	103		JOHN P MILLER #1	CLARK	20.0	COLUMBIA GAS TRANSMI
8127639		3407522908	103		JOHN P MILLER #2	CLARK	20.0	COLUMBIA GAS TRANSMI
-HADDAD & BROOKS INC				RECEIVED: 04/27/81 JA: OH				
8127641		3416726245	107		C AND G KENDALL #1	LIBERTY	30.0	
8127644		3416726327	107		HARRY LEASURE #1	INDEPENDENCE	35.0	
8127643		3416726276	107		J G REYNOLDS #1	INDEPENDENCE	30.0	
8127647		3411122186	107		NELLIE HALL #1	BETHEL	45.0	
8127642		3411122185	107		NELLIE HALL #2	BETHEL	45.0	
8127646		3411122187	107		NELLIE HALL #3	BETHEL	30.0	
8127645		3416726226	107		VIVIAN J MYERS #2	LIBERTY	40.0	
-HILLTOP DEVELOPMENT CORP				RECEIVED: 04/27/81 JA: OH				
8127663		3411925562	103		DAVID MCCANN #1	JACKSON	15.0	NATIONAL GAS & OIL C
-HORTIN & HUFFMAN				RECEIVED: 04/27/81 JA: OH				
8127676A		3407522299	103		DE C L E & J KICK #1	WASHINGTON	2.0	COLUMBIA GAS TRANSMI
8127676B		3407522299	107	D	DE C L E & J KICK #1	WASHINGTON	2.0	COLUMBIA GAS TRANSMI
8127675A		3407522298	103		DE C L E & J KICK #2	WASHINGTON	0.0	COLUMBIA GAS TRANSMI
8127675B		3407522298	107	D	DE C L E & J KICK #2	WASHINGTON	0.0	COLUMBIA GAS TRANSMI
8127672A		3408923919	103		EDWIN & JOY SPARGROVE #1	FALLSBURG	2.0	NATIONAL GAS & OIL C
8127672B		3408923919	107	D	EDWIN & JOY SPARGROVE #1	FALLSBURG	2.0	NATIONAL GAS & OIL C
8127665		3409921290	103		ESHLER #1	BERLIN	6.0	EAST OHIO GAS
8127665		3409921290	107		ESHLER #1	BERLIN	6.0	EAST OHIO GAS
8127667		3400523261	103		GLADYS SHANE #1	MOHICAN	6.0	COLUMBIA GAS TRANSMI
8127667		3400523261	107		GLADYS SHANE #1	MOHICAN	6.0	COLUMBIA GAS TRANSMI
8127668		3400523346	103		GUY Z & FERN O HUMM #2	MOHICAN	10.0	COLUMBIA GAS TRANSMI
8127668		3400523346	107		GUY Z & FERN O HUMM #2	MOHICAN	10.0	COLUMBIA GAS TRANSMI

8127664		3408523797	103		HAAS-HANNEY NO 3-A			

8127664	3408923747	103		HANES-VANWEY NO 3-A	HANOVER	1.0	NATIONAL GAS CORP
8127671	3408923715	103		HOWARD E & JEANEEL MOODY #1	HANOVER	6.0	COLUMBIA GAS TRANSPI
8127671	3408923715	107	D	HOWARD E & JEANEEL MOODY #1	HANOVER	6.0	COLUMBIA GAS TRANSMI
8127674	3407522726	103		JAMES BAKER #1	CLINTON	8.0	COLUMBIA GAS TRANSPI
8127674	3407522726	107	D	JAMES BAKER #1	CLINTON	8.0	COLUMBIA GAS TRANSMI
8127677	3404520619	103		JOHN K & MARY E SCHMELZER #1	RUSH CREEK	10.0	NATIONAL GAS & OIL C
8127677	3404520619	107	D	JOHN K & MARY E SCHMELZER #1	RUSH CREEK	10.0	NATIONAL GAS & OIL C
8127678	3404520620	103		JOHN K & MARY E SCHMELZER #2	RUSH CREEK	10.0	NATIONAL GAS & OIL C
8127678	3404520620	107	D	JOHN K & MARY E SCHMELZER #2	RUSH CREEK	10.0	NATIONAL GAS & OIL C
8127666	3400523345	103		LARRY G & BARBARA S HOOVER #2	MOHICAN	6.0	COLUMBIA GAS TRANSPI
8127666	3400523345	107		LARRY G & BARBARA S HOOVER #2	MOHICAN	6.0	COLUMBIA GAS TRANSPI
8127670	3400523260	103		MAE LONG #1	HANOVER	2.0	COLUMBIA GAS TRANSMI
8127670	3400523260	107	D	MAE LONG #1	HANOVER	2.0	COLUMBIA GAS TRANSMI
8127669	3400523347	103		VIRGIL KLINE #1	MOHICAN	9.0	COLUMBIA GAS TRANSMI
8127669	3400523347	107	D	VIRGIL KLINE #1	MOHICAN	9.0	COLUMBIA GAS TRANSPI
8127673	3408923697	103		1 EILEEN G OYLER	TOBOSCO	2.0	BOWERSTON SHALE CO
8127673	3408923697	107	D	1 EILEEN G OYLER	TOBOSCO	2.0	BOWERSTON SHALE CO
-IRVIN PRODUCING COMPANY				RECEIVED: 04/27/81 JA: CH			
8127679	3408923908	103		DARRELL IDEN # 2	HOPEWELL	10.0	NATIONAL GAS & OIL C
8127679	3408923908	107	D	DARRELL IDEN # 3	HOPEWELL	10.0	NATIONAL GAS & OIL C
-JAYCO DRILLING CO				RECEIVED: 04/27/81 JA: CH			
8127661	3416725719	103		LAWRENCE SMITH #5	LAWRENCE	40.0	
8127660	3416725720	103		LAWRENCE SMITH #6	LAWRENCE	50.0	
-JOHN C MASON				RECEIVED: 04/27/81 JA: CH			
8127711	3407522231	103		DAVID FINDLEY #1	HARDY	12.0	CINCINNATI GAS & ELE
8127711	3407522231	107		DAVID FINDLEY #1	HARDY	12.0	CINCINNATI GAS & ELE
8127713	3407521533	107		IVAN TROYER UNIT #1	BERLIN	15.0	COLUMBIA GAS TRANS C
8127715	3407522729	103		JOHN JONES #1	HARDY	18.0	COLUMBIA GAS TRANS C
8127715	3407522729	107		JOHN JONES #1	HARDY	18.0	COLUMBIA GAS TRANS C
8127714	3407522728	103		MANELIUS SCHLABACH #1	BERLIN	18.0	COLUMBIA GAS TRANS C
8127714	3407522728	107		MANELIUS SCHLABACH #1	BERLIN	18.0	COLUMBIA GAS TRANS C
8127712	3407521656	107		V J ERB #1	MECHANIC	0.0	
8127716	3407522513	103		VENUS ZUERCHER #1	MECHANIC	25.0	COLUMBIA GAS TRANS C
8127716	3407522513	107		VENUS ZUERCHER #1	MECHANIC	25.0	COLUMBIA GAS TRANS C
-L & M OPERATING INC				RECEIVED: 04/27/81 JA: OH			
8127685	3416725335	107		ALBEDA GUTIERLET #1	LAWRENCE	12.8	COLUMBIA GAS TRANSPI
8127684A	3412724829	103		ROBERT JENKINS #1	READING	12.5	FORAKER GAS CO INC
8127684	3412724829	107	D	ROBERT JENKINS #1	READING	12.5	FORAKER GAS CO
-L & M PETROLEUM INC				RECEIVED: 04/27/81 JA: OH			
8127683	3416724668	107		EDDY/HASLEY #1	NEWPORT	12.8	COLUMBIA GAS TRANSPI
8127682	3416725704	107		OLIVER/MCCAIN # 1	LAWRENCE	12.8	COLUMBIA GAS TRANSMI
-LAKE REGION OIL INC				RECEIVED: 04/27/81 JA: CH			
8127686	3410523950	103		GLEN CROSS #1	SPENCER	10.0	COLUMBIA GAS TRANSMI
-LEADER EQUITIES INC				RECEIVED: 04/27/81 JA: CH			
8127689	3411924043	103		KREPS #1	MADISON	10.0	
8127687	3411924041	103		KREPS #2	MADISON	10.0	
8127697	3411924105	103		KREPS #3	MADISON	10.0	
8127688	3411924102	103		KREPS #4	MADISON	12.0	
8127696	3411924371	103		KREPS #5	MADISON	14.0	
8127695	3411924554	103		KREPS #6	MADISON	12.0	
8127692	3411924102	103		LAIRD LACY #1	CASS	10.0	
8127691	3411924101	103		LAIRD LACY #2	CASS	14.0	

8127690		3411924321	103	LESTER LITTLE #1	MADISON	12.0	
8127693		3411924459	103	LESTER LITTLE #1-A	MADISON	15.0	
8127694		3411924340	103	LESTER LITTLE #2	MADISON	15.0	
-LOMAK PETROLEUM INC				RECEIVED: 04/27/81 JA: CH			
8127696		3416922340	103	ALEXANDER #3	WOOSTER	26.0	COLUMBIA GAS TRANSMI
-MB OPERATING CO INC				RECEIVED: 04/27/81 JA: CH			
8127709		3415123089	103	A KINSLEY UNIT #1	LAKE	14.6	REPUBLIC STEEL CORP
8127709		3415123089	107	D A KINSLEY UNIT #1	LAKE	14.6	REPUBLIC STEEL CORP
8127701A		3415123046	103	FLINTKOTE CO #12	MARLBORO	14.6	REPUBLIC STEEL CORP
8127701		3415123046	107	D FLINTKOTE CO #12	MARLBORO	14.6	REPUBLIC STEEL CORP
8127706A		3415122980	103	FLINTKOTE CO #15	NIMISHILLEN	14.6	REPUBLIC STEEL CORP
8127706		3415122980	107	D FLINTKOTE CO #15	NIMISHILLEN	14.6	REPUBLIC STEEL CORP
8127700A		3415122834	103	FLINTKOTE CO UNIT #10	MARLBORO	7.3	REPUBLIC STEEL CORP
8127700		3415122834	107	D FLINTKOTE CO UNIT #10	MARLBORO	7.3	REPUBLIC STEEL CORP
8127707A		3415123047	103	FLINTKOTE CO UNIT #13	MARLBORO	9.9	REPUBLIC STEEL CORP
8127707		3415123047	107	D FLINTKOTE CO UNIT #13	MARLBORO	9.9	REPUBLIC STEEL CORP
8127702A		3415123080	103	FOSTER UNIT #1	MARLBORO	14.6	REPUBLIC STEEL CORP
8127702		3415123080	107	D FOSTER UNIT #1	MARLBORO	14.6	REPUBLIC STEEL CORP
8127705A		3415123100	103	G MALAVITE #1	CANTON	27.5	REPUBLIC STEEL CORP
8127705		3415123100	107	D G MALAVITE #1	CANTON	27.5	REPUBLIC STEEL CORP
8127703A		3415123018	103	HOL-GIT INC #3	PERRY	100.7	REPUBLIC STEEL CORP
8127703		3415123018	107	D HOL-GIT INC #3	PERRY	100.7	REPUBLIC STEEL CORP
8127708A		3401921282	103	L & A BETTINGER UNIT #1	HARRISON	11.0	REPUBLIC STEEL CORP
8127708		3401921282	107	D L & A BETTINGER UNIT #1	HARRISON	11.0	REPUBLIC STEEL CORP
8127704A		3415123067	103	R YENNY U #1	CANTON	54.9	REPUBLIC STEEL CORP
8127704		3415123067	107	D R YENNY U #1	CANTON	54.9	REPUBLIC STEEL CORP
8127699A		3415123049	103	T THOMAS UNIT #3	SANDY	14.6	REPUBLIC STEEL CORP
8127699		3415123049	107	T T THOMAS UNIT #3	SANDY	14.6	REPUBLIC STEEL CORP
8127710		3415123016	103	W G STIMMEL UNIT #1	LAKE	22.0	REPUBLIC STEEL CORP
8127710		3415123016	107	W G STIMMEL UNIT #1	LAKE	22.0	REPUBLIC STEEL CORP
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED: 04/27/81 JA: CH			
8127506		3405320622	103	LESLEY R SAXTON #1	ADDISON	1.0	COLUMBIA GAS TRANSMI
8127508		3405320624	103	LESLEY R SAXTON #2	ADDISON	1.0	COLUMBIA GAS TRANSMI
8127505		3405320618	103	MOUNTAINEER LAND CO #1	ADDISON	0.0	COLUMBIA GAS TRANSMI
8127507		3405320623	103	MOUNTAINEER LAND CO #2	ADDISON	2.0	COLUMBIA GAS TRANSMI
-THE CARTER JONES LUMBER CO				RECEIVED: 04/27/81 JA: CH			
8127543		3415320834	103	CARTER-JONES #2	TALLMADGE TOWNSHIP	16.0	
-WILLIAM F HILL				RECEIVED: 04/27/81 JA: CH			
8127649A		3407522258	103	BUCKHORN ENERGY CO #1	KNOX	9.0	COLUMBIA GAS TRANSMI
8127649		3407522258	107	D BUCKHORN ENERGY CO #1	KNOX	9.0	COLUMBIA GAS TRANSMI
8127655A		3407522456	103	BYRON E NEISWANGER #1	KNOX	0.0	
8127655		3407522456	107	D BYRON E NEISWANGER #1	KNOX	0.0	
8127658A		3407522257	103	E & R PARSONS #1	KNOX	10.0	COLUMBIA GAS TRANSMI
8127658		3407522257	107	D E & R PARSONS #1	KNOX	10.0	COLUMBIA GAS TRANSMI
8127654A		3407522556	103	FERNANDO MATA #1	KNOX	9.0	
8127654		3407522556	107	D FERNANDO MATA #1	KNOX	9.0	
8127651A		3407522450	103	GLENN LANG #1	KNOX	8.0	COLUMBIA GAS TRANSMI
8127651		3407522450	107	D GLENN LANG #1	KNOX	8.0	COLUMBIA GAS TRANSMI
8127652A		3407522555	103	HAL R FRANKS #1	KNOX	6.0	
8127652		3407522555	107	D HAL R FRANKS #1	KNOX	6.0	
8127662A		3407522404	103	HAROLD TIDBALL ETAL #2	MONROE	8.0	COLUMBIA GAS TRANSMI
8127662		3407522404	107	D HAROLD TIDBALL ETAL #2	MONROE	8.0	COLUMBIA GAS TRANSMI
8127648A		3407522279	103	HOWARD W BALES #1	KNOX	9.0	COLUMBIA GAS TRANSMI
8127648		3407522279	107	D HOWARD W BALES #1	KNOX	9.0	COLUMBIA GAS TRANSMI

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	VOLUME 427	PAGE 210
					FIELD NAME	FACL PURCHASER
8127648-		3407522279	107	D	HOWARD W BALES #1	KNOX 9.0 COLUMBIA GAS TRANSPI
8127660A		3407522277	103		JOHN M HERSHBERGER #1	PRAIRIE 7.0 COLUMBIA GAS TRANSMI
8127660-		3407522277	107	D	JOHN M HERSHBERGER #1	PRAIRIE 7.0 COLUMBIA GAS TRANSPI
8127661A		3407522278	103		KERMIT W DITMARS #1	PRAIRIE 7.0 COLUMBIA GAS TRANSMI
8127661-		3407522278	107	D	KERMIT W DITMARS #1	PRAIRIE 7.0 COLUMBIA GAS TRANSMI
8127657A		3407522280	103		MARY PARSONS #1	KNOX 8.0 COLUMBIA GAS TRANSPI
8127657-		3407522280	107	D	MARY PARSONS #1	KNOX 8.0 COLUMBIA GAS TRANSMI
8127653A		3407522681	103		R & M HAMILTON #1	KNOX 8.0
8127653-		3407522681	107	D	R & M HAMILTON #1	KNOX 8.0
8127650A		3407522386	103		RICHARD FENDRICK #1	MONROE 7.0 COLUMBIA GAS TRANSPI
8127650-		3407522386	107	D	RICHARD FENDRICK #1	MONROE 7.0 COLUMBIA GAS TRANSMI
8127659A		3407522124	103		ROHSKOPF #1	KILLBUCK 6.0 COLUMBIA GAS TRANSPI
8127659-		3407522124	107	D	ROHSKOPF #1	KILLBUCK 6.0 COLUMBIA GAS TRANSMI
8127656A		3407522674	103		THOMAS & MARY COOK #1	KNOX 8.6
8127656-		3407522674	107	D	THOMAS & MARY COOK #1	KNOX 8.0

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 11, 1981.

Please refrence the FERC Control Number (JD No.) in all correspondence related to these determinatons.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15636 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP81-311-000, CP76-254, CP77-274, and CP78-270]

Michigan Consolidated Gas Co. and ANR Storage Co.; Application

May 19, 1981.

Take notice that on April 3, 1981, Michigan Consolidated Gas Company (Consolidated) and ANR Storage Company (ANR), both of One Woodward Avenue, Detroit, Michigan 48226, filed in the above-captioned dockets, pursuant to Section 7(c) of the Natural Gas Act and § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) a joint application for the amendment of existing, and the issuance of new certificates of public convenience and necessity and for a declaratory order, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

First, Applicants propose a change in the method by which gas is transported to the Taggart Storage Field in Mecosta and Montcalm Counties, Michigan. It is stated that currently, gas destined for storage is received by Consolidated's Interstate Storage Division (ISD) from Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) at the Woolfolk and Willow Run delivery points, in Mecosta and Washtenaw Counties, Michigan respectively, and from Panhandle Eastern Pipe Line Company (Panhandle) at the River Rouge delivery point in Wayne County, Michigan, and that the gas is then transported through ISD's facilities and injected into the Taggart Storage Field. Applicants propose instead to inject locally produced gas from the Kalkaska areas in the northern part of the Lower Peninsula of Michigan into the Taggart field. This gas would displace an equivalent volume of gas that would otherwise be transported from Willow Run to Taggart. The displaced gas would instead be transported only as far as Milford Junction in Oakland County, Michigan where it would be delivered to Consolidated's Utility Division (UD), in lieu of the locally produced gas, and be ultimately consumed in the Detroit market area, it is asserted. Applicants request that the certificates issued in Docket Nos. CP76-254, CP77-274 and CP78-270 be amended accordingly.

Applicants state that this change in operations would result in a savings of compressor fuel for Consolidated's UD and ISD customers, and for ANR's storage service customers as well.

Second, Applicants propose that ANR lease from Consolidated and operate, in the modified manner described above, ISD's storage and transmission facilities, all of which are dedicated to interstate commerce and subject to the Commission's jurisdiction. In addition, inasmuch as the locally produced gas injected into the Taggart Storage Field and ultimately transported out of the State of Michigan would be delivered to Taggart through the 30-inch Kalkaska-to-Woolfolk pipeline, Applicants propose to dedicate that 77.3-mile pipeline to interstate commerce. The pipeline which is currently operated by UD is part of the lease property and would therefore be operated by ANR, it is indicated.

The lease of these facilities would be for a period of 25 years, with options for extensions thereafter. Consolidated would receive from ANR, as rent on the property, an amount equivalent to the return allowed on the property by the Commission, similar to that which Consolidated would have received if the property were not leased, plus an amount calculated to compensate Consolidated for depreciation, taxes and other expenses. In addition, the lease agreement has been structured (it is said) so that Consolidated would have the opportunity, but not the obligation, to furnish the capital necessary to maintain and expand the capacity of the leased facilities.

The lease provides that ANR shall become the successor to ISD with regard to all of the storage and transportation services currently being rendered by ISD. Accordingly, applicants request that ANR be authorized to operate the leased facilities and render said storage and transportation services in place of ISD.

Applicants indicate that the lease arrangement would place under ANR, which is an entirely jurisdictional company, a fully integrated transmission and storage system which ANR would use for the present and future storeage and transportation of gas. Applicants state that the lease would simplify the regulation of the services rendered through the facilities and enable ANR to plan and implement storage agreements with other companies in a more efficient manner than is currently the case.

Third, so that Consolidated would continue to have access to its local and interest gas supplies, Applicants propose that ANR be authorized to utilize the leased facilities to transport gas for Consolidated within the State of Michigan. To this end, Applicants show that they have entered into a transportation agreement which provides that ANR would transport up to 125,400,000 Mcf of natural gas per year for Consolidated to and from various delivery and redelivery points along the leased pipeline facilities. The agreement is for a period of 25 years with options for extensions thereafter. Consolidated would pay ANR $411,409 per month for the transportation service.

Applicants state that the transportation agreement incorporates the change in the method of transporting local and interstate gas described above; and that in order to fully realize the fuel savings resulting therefrom, Applicants propose to dedicate the following UD facilities to interstate commerce: a 100.8-mile 24-inch pipeline between Taggert Junction and Milford Junction; a 16.6-mile 24-inch pipeline between Woolfolk and Taggart Junction; two 2.4-mile 24-inch pipelines between Taggert Junction and the Taggert Compressor Station; 9,000 horsepower of compression at the Taggert Compressor Station; and the Milford Junction Station. These facilities would be operated by ANR, under lease from Consolidated, with the current ISD facilities as an integrated whole.

Fourth, Applicants assert that inasmuch as it would continue to be necessary for Consolidated to increase or decrease deliveries of gas from its pipeline suppliers, Michigan Wisconsin

and Panhandle, in order to accomplish the delivery and redelivery of gas to and from ANR for the storage and transportation customers. Applicants have entered into an exchange agreement. It is indicated that pursuant to said agreement, Consolidated would accept deliveries of gas from Michigan Wisconsin and Panhandle, for the account of the storage and transportation customers, during the summer period, and redeliver equivalent volumes to ANR directly or by displacement. During the winter period, Michigan Wisconsin and Consolidated would continue to deliver gas to or for the account of the storage service customers as discussed above. Under the exchange agreement ANR would deliver equivalent volumes of gas through the leased facilities. The delivery and redelivery points involved are set forth in the exchange agreement.

Applicants maintain that the proposed exchange agreement is identical to that which currently exists between UD and ISD and with respect to which the Commission has not asserted jurisdiction over UD's facilities. Therefore, Applicants request that the Commission authorize ANR to exchange gas with Consolidated, but declare that Consolidated's intrastate facilities involved in said exchange continue to be exempt from Commission jurisdiction.

Finally, Applicants state that it is necessary to ensure that the existing non-jurisdictonal gathering and processing facilities belonging either to Consolidated, or another Michigan gas distribution company, or their intrastate suppliers remain free of Commission jurisdiction. Applicants say that such non-jurisdictional facilities include the intrastate gas gathering and production facilities which are commonly referred to as the "Wet-Header System" and which are located in the northern part of the Lower Peninsula of Michigan. Applicants indicate that these facilities would continue to be used exclusively for the purpose of gathering and processing gas which would, by displacement, be distributed within the State of Michigan. Applicants further indicate that these facilities would continue to be regulated by the the Michigan Public Service Commission.

Accordingly, Applicants request that at such time as the Commission issues an order in this proceeding authorizing the proposals described herein, that it also determine that the "Wet-Header System" and associated processing facilities remain free from federal jurisdiction. Applicants further request: That the Commission declare that certain of Consolidated's storage and associated transmission facilities continue to be exempt from the provisions of the Natural Gas Act; that certain gas reserves would not be made subject to the Natural Gas Act nor have their status under the Natural Gas Policy Act (NGPA) affected, in any way, by the proposals herein; that Consolidated's intrastate facilities involved in the exchange of gas with ANR would continue to be exempt from Commission jurisdiction; and that Consolidated's intrastate sales and transportation of natural gas, and the facilities used therefor, would continue to be exempt from the provisions of the Natural Gas Act under Section 1(c) thereof.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15823 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP76-389 and CP79-277-006]

Northwest Pipeline Corp.; Amendment

May 19, 1981.

Take notice that on April 23, 1981, Northwest Pipeline Corporation (Northwest), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket Nos. CP76-389 and CP79-277-006 and amendment to two petitions filed on January 5, 1981, and August 6, 1980 respectively, pursuant to Section 7(c) of the Natural Gas Act so as to defer for one year the proposed expansion of natural gas service pursuant to Northwest's Rate Schedule WS-1 (Winter Service), all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Northwest states that the January 5, 1981, and August 6, 1980, filings contemplated the expansion of its Winter service capability available to Colorado Interstate Gas Company (CIG) from 60,000 Mcf per day and 6,000,000 Mcf seasonally to 135,000 Mcf per day and 20,250,000 Mcf seasonally commencing with the 1981-1982 heating season.

CIG has indicated in a letter to Northwest dated March 19, 1981, that its purchase of expanded Winter Service gas from Northwest was dependent in part on the construction during 1981 of certain new facilities which were a part of the Trailblazer Project. It is asserted that the Commission has yet to authorize the construction and operation of such facilities and CIG indicates that the required construction of facilities cannot be completed prior to the 1982-1983 heating season. Therefore, asserts Northwest, it has become necessary to defer the initiation of the increased level of service to CIG.

The total cushion gas requirements for the 1982-83 heating season have been revised somewhat since the January 6, 1981, filing in CP76-389 and are now proposed to be as follows:

	Volume (Mcf at 14.73 psia)
Base Cushion Gas	25,300,000
Replacement of recoverable Native Gas	5,400,000
Cushion Gas to support El Paso Natural Gas Co.'s participation in Clay Basin	5,000,000
Subtotal	35,700,000
Additional Cushion Gas required to support expanded winter service	11,000,000
Total Cushion Gas required	46,700,000

The estimated cost of the additional cushion gas is $39,740,186 which would be financed from funds on hand or

short-term borrowings pending a permanent form of financing.

As a result of deferring the expansion of Winter Service for one year, the allocation of Winter Service would now be as follows:

Customer	Volume			
	Therms		Mcf at 14.73 psia	
	Daily	Seasonal	Daily	Seasonal
1981-82 season:				
Colorado Interstate Gas Co	630,600	63,060,000	60,000	6,000,000
Washington Natural Gas Co	157,650	15,765,000	15,000	1,500,000
Mountain Fuel Supply Co				
Total	788,250	78,825,000	75,000	7,500,000
1982-83 through 1988-89 season:				
Colorado Interstate Gas Co	1,418,850	212,827,500	135,000	20,250,000
Washington Natural Gas Co	157,650	15,765,000	15,000	1,500,000
Total	1,576,500	228,592,500	150,000	21,750,000

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15624 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP76-278-001, CP77-568-009]

Natural Gas Pipeline Co. of America, et al.; Petition To Amend

May 19, 1981.

Take notice that on May 5, 1981, Natural Gas Pipeline Company (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-278-001 a petition to amend the order of June 26, 1980, issued in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the delivery of natural gas at an additional delivery point and Natural and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-568-009 a petition to amend the order of November 29, 1977, as amended, in said docket so as to authorize the delivery and exchange of gas at an additional delivery point, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

By order of June 26, 1980, Natural was granted authorization in Docket No. CP76-278-000 to transport up to 27,000 Mcf of natural gas per day for Columbia Gas Transmission Corporation (Columbia) and up to 15,000 Mcf of natural gas per day for Texas Eastern from a point of receipt of the gas at the production platform of Kerr-McGee Corporation in West Cameron Block 543, offshore Louisiana (WC 543), to a point of delivery of such gas through Natural's existing 16-inch pipeline to Trunkline Gas Company for the acounts of Columbia and Texas Eastern at the point of connection with the offshore pipeline of Stingray Pipeline Company (Stingray) in West Cameron Block 565, offshore Louisiana (WC 565), pursuant to the terms of a transportation agreement dated January 28, 1976, between the parties, which agreement is on file with the Commission as Rate Schedule X-63 of Natural's FERC Gas Tariff, Second Revised Volume No. 2, it is stated. In order to receive a new supply of gas which it purchased from WC Block 522, Texas Eastern indicates that it would construct a pipeline from the production platform in WC 522 to an existing subsea tap on Natural's 16-inch pipeline in WC 543 pursuant to its current budget-type certificate authorization issued in Docket No. CP80-8. Pursuant to the terms of a transportation agreement dated September 15, 1980, which amends the original transportation agreement dated January 28, 1976, between the parties, Natural proposes under Docket No. CP76-278-001 to transport the additional WC 522 supplies (up to 15,000 Mcf of natural gas per day) through its 16-inch pipeline from the proposed additional delivery point to be built by Texas Eastern in WC 543 and to deliver the gas to Stingray's Pipeline in WC 565. The petition states that said transportation service would be provided subject to availability of capacity sufficient to provide the service without detriment to existing customers, and that upon delivery of these additional volumes at WC 565, Texas Eastern and Natural would exchange equivalent quantities of gas pursuant to the terms of an amendatory exchange agreement dated August 20, 1980.

By order of November 29, 1977, as amended, in Docket No. CP77-568, Texas Eastern and Natural were granted authorization to transport and exchange up to 40,000 Mcf of natural gas per day from Vermilion Block 262 and WC Blocks 437, 537, 551, 552 and 593, offshore Loluisiana, pursuant to the terms of a transportation and exchange agreement dated July 22, 1977, as amended, between Texas Eastern and Natural, which agreement is on file with the Commission as Rate Schedule X-85 of Texas Eastern's FERC Gas Tariff, Original Volume No. 2, and as Rate Schedule X-89 of Natural's FERC Tariff, Second Revised Volume No. 2, it is said. In order to receive a new supply of gas which it has purchased from WC Blocks 552 and 560, it is stated that Texas Eastern has filed jointly with five other parties in Docket No. CP81-120 for authorization to construct pipeline facilities from WC 560 to a subsea tap on Stingray's pipeline in WC 537. Accordingly, Natural and Texas Eastern request authorization herein to transport and deliver under authorization in Docket No. CP77-568-009 gas produced in Blocks 552 and 560 to an existing point of receipt in Block 537, pursuant to the terms of an amendatory exchange agreement dated August 20, 1980, and March 19, 1980, to the existing exchange agreement.

Volume of gas produced from WC 522, 552 and 560 would not necessitate an increase in the maximum volumes of gas presently authorized to be exchanged, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15625 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4582-000]

Palo Verde Irrigation District; Application for Preliminary Permit

May 19, 1981.

Take notice that Palo Verde Irrigation District (Applicant) filed on April 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4582 to be known as Palo Verde Hydroelectric Project located at the United States Department of the Interior, Water and Power Resources Service's (WPRS) Palo Verde Dam on the Colorado River in Riverside County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Dana B. Fisher and Virgil Jones, President and Manager, respectively, Palo Verde Irrigation District, P.O. Box 1199, Blythe, California 92226. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of a powerhouse containing four generating units with a total rated capacity of 9,000 kW and appurtenant facilities.

The Applicant estimates that the average annual energy output would be 50 million kWh.

Purpose of Project—Project energy would be sold to a public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-month permit to prepare a project report including preliminary designs, and results of environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the WPRS and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3899 filed on November 4, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4582. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15626 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 67-005]

Southern California Edison Co.; Application for Amendment of License

May 19, 1981.

Take notice that the Southern California Edison Company (SCE) filed on February 9, 1981, an application for an amendment of license [pursuant to the Federal Power Act and Article 33 of its license] for its constructed Big Creek No. 2A and No. 8 Project, FERC Project No. 67. The project is located on the South Fork San Joaquin River and Big Creek in Fresno County, California. Correspondence with the Applicant should be directed to: Ms. Jennifer Moran, Attorney, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770.

Project Description—SCE has filed a revised recreation plan (Exhibit R) and revised project maps (Exhibit K drawings). The Exhibit R includes proposals for facility development primarily at Florence and Shaver Lakes and Mono Creek Diversion that include camping, boat launching, parking, picnicking, day-use units, and administrative facilities. The previously proposed 100 unit campground on the North Fork San Joaquin River, near Florence Lake, would be moved to a more suitable location farther south. A previously proposed 425 unit day-use area at Shaver Lake, between Stevens Creek and North Fork Stevens Creek, has been deleted and the proposed facilities dispersed to other existing areas around the lake. Camp Edison, at Shaver Lake, would be expanded by the addition of 50 campsites, 25 of which

would be designed for winter camping to accommodate recreationists who want to participate in winter sports and related activities that are available in the area. The Exhibit K drawings show a revised project boundary encompassing all project recreational areas.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR, § 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be filed on or before July 8, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 67–005. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–15627 Filed 5–26–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. QF80–28]

Stieren Farms; Application for Commission Certification of Qualifying Status as a Cogeneration Facility

May 19, 1981.

On May 5, 1981, Stieren Farms of Galesburg, Illinois filed with the Federal Energy Regulatory Commission (Commission) an amendment to its original application, filed on September 26, 1980, to be certified as a cogeneration facility pursuant to § 292.207 of the Commission's rules.

The proposed facility will be located in Northern Montgomery County, Illinois and will be owned entirely by the applicant, a family partnership. The facility will be a topping-cycle cogeneration facility with an installed capacity of 500 kilowatts. The applicant states that the primary energy source of the facility is methane gas from an abandoned coal mine. The reject heat from the power production process will be used either in a commercial greenhouse or for the heating, ventilation and cooling of an on-site hog confinement feeding center.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests must be filed on or before June 11, 1981, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–15628 Filed 5–26–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. RP77–108–013, etc.]

Transcontinental Gas Pipe Line Corporation, et al; Filing of Pipeline Refund Reports and Refund Plans

May 19, 1981.

Take notice that the pipelines listed in the Appendix below have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix below.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 3, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
4/2/81	Transcontinental Gas Pipe Line Corporation.	RP77–108–013.	Report.
5/4/81.	Consolidated Gas Supply Corporation.	RP72–157–043.	Report.
5/8/81.	Columbia Gas Transmission Corporation.	TA80–120–004.	Report.
5/11/81.	Distrigas of Massachusetts Corporation.	CP77–216–007.	Report.

[FR Doc. 81–15629 Filed 5–26–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–310–000]

United Gas Pipe Line Co.; Application

May 19, 1981.

Take notice that on April 29, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81–310–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that a segment of its system in Polk, Angelina, Nacogdoches, Rusk, Shelby, and Panola Counties, Texas (the Carthage-Goodrich Area), is operated so that gas entering it cannot leave the state of production. The gas supplies that are consumed on this segment enter it from Applicant's general interstate system and from purchases from producers located along the segment itself. The application states that most of Applicant's facilities on the segment have been subject to the Commission's jurisdiction inasmuch as such facilities are used to transport and sell gas in interstate commerce, i.e., to deliver to customers on the segment gas

from outside the State of Texas or gas which has been commingled with such gas; however, other facilities on the segment are not certificated because heretofore they have not been used to perform any jurisdictional service, i.e., neither does gas flow from such facilities into interstate commerce nor is gas from outside Texas or gas commingled with such gas transported through the facilities.

Due to its gas purchase activites, Applicant asserts, it anticipates that the operational requirements on this segment will change. Applicant states that it is now actively engaged in negotiations that it anticipates will lead to the acquisition of significant new gas supplies. As a result of such acquisitions, the volumes of producer supplies connected to this segment may exceed volumes needed for deliveries there. Moreover, it is stated, Southland Paper Mills, Inc., is Applicant's largest user of fuel in the area and when its plant is temporarily closed for maintenance purposes, there will be substantial volumes in excess of the needs of other customers on this segment. In order to make this gas available outside the segment under such circumstances, Applicant proposes to change its method of operations on the segment so that gas can be delivered from the segment into Applicant's general pipeline system.

Applicant requests authorization to operate in interstate commerce those gas supply facilities, other than gathering facilities, that are used to transport gas from the points of purchase to Applicant's certificated facilities.[1] Applicant states that it is unable to state with certainty when it will be necessary to change the operation of its Carthage-Goodrich system to permit gas from such system to flow in interstate commerce, since precise information on the timing and flows of its new purchases is not currently available.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

[1] The facilities for which Applicant seeks authorization to operate are those to receive gas in the following purchases:

Field purchase point	Seller	Gas purchase contract No.
Damascus	Woolf & Magee, Inc.	2788
Cameron Hamill	Cotton Petroleum Corporation	7106
Allentown	Pennzoil Producing Company	2659
Nacogdoches	Jones-O'Brien, Inc.	6509
Garrison	Bass Enterprises Production Company.	6444
Garrison	Grace Petroleum Corporation	7157
Northeast Timpson	Pitts Oil Company	6170
Tenaha	Teal Petroleum Corporation	6076
Tenaha	Hou-Tex Oil & Gas Company	6979
New Summerfield	Amoco Production Company	6867

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15630 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4508-000]

Utah Power & Light Co.; Application for Preliminary Permit

May 19, 1981.

Take notice that Utah Power & Light Company (Applicant) filed on April 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4508 to be known as Joes Valley Dam located on Seely Creek in Emery County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sidney G. Baucom, Executive Vice President & General Counsel, 1407 West North Temple, Salt Lake City, Utah 84116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Joes Valley Dam and would consist of: (1) A powerhouse containing two generating units with rated capacities of 1.2 and 1.3 MW, respectively; (2) a tailrace; (3) six miles of 12-kV transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7.6 million kWh.

Purpose of Project—The energy generated by the proposed project would be sold to customers of Utah Power & Light Company.

Proposed Scope and Cost of Studies Under Permit—The proposed term of the preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates the cost of studies to be $15,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it

will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation's Project No. 3824 submitted on December 4, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 19, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4508. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15631 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed; Week of May 1 Through May 8, 1981

During the week of May 1 through May 8, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 20, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of 1 May Through May 8, 1981]

Date	Name and location of applicant	Case No.	Type of submission
May 1, 1981	Ashland Oil, Inc., Washington, D.C.	BER-0124	Request for Modification. If granted: The Decision and Order in *Atlantic Richfield Co.*, 7 DOE ¶ 82, 555 (February 27, 1981) granting discovery to five firms in connection with their statements of Objections to the February 11, 1980 Proposed Decision issued to Ashland Oil Co. would be modified.
May 1, 1981	Little America Refining Company, Washington, D.C.	BET-0110	Request for Temporary Stay. If granted: Little America Refining Company would receive a temporary stay of the April 27, 1981 Decision and Order (Case No. BED-0110) issued to Asamera Oil (U.S.) Inc. regarding the release to Asamera of confidential information relating to Little America Refining Company's crude oil costs.
May 1, 1981	Navajo Refining Company, Dallas Texas	BYX-0204	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Navajo Refining Company during its fiscal year ended January 31, 1981 to determine whether the level of relief accorded the firm was appropriate.
May 4, 1981	Champlin Petroluem Company, Fort Worth, Texas	BER-0126	Request for Modification. If granted: The April 21, 1981 Decision and Order (Case No. BRX-0147) issued to Champlin Petroleum Company by the Office of Hearings and Appeals would be modified.
May 4, 1981	Conoco, Inc., Washington, D.C.	BEH-0023	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections filed by Conoco, Inc. in response to the December 21, 1979 Proposed Decision and Order issued to Union Oil Company of California (Case No. DEE-5748).
May 4, 1981	Garland Exxon, Washington, D.C.	BRW-0098	Proposed Remedial Order Finalization. If granted: The Proposed Remedial Order issued to Garland Exxon on December 1, 1980 would be issued as a final Remedial Order.
May 4, 1981	Isthmus Trading Corporation, Washington, D.C.	BEG-0055, BES-0152, BET-0152.	Petition for Special Redress; Request for Stay; Request for Temporary Stay. If granted: The *subpoena duces tecum* issued to Isthmus Trading Corporation by the Department of Energy on March 24, 1981 would be quashed. The firm's obligation to respond to the subpoena would be stayed pending a final determination on the merits of its Petition for Special Redress.
May 4, 1981	Miller & Chevalier, Washington, D.C.	BFA-0867	Appeal of Information Request Denial. If granted: The April 1, 1981 Information Request Denial issued by the Office of Special Counsel would be rescinded and Miller & Chevalier would receive access to information held by the DOE relating to the pricing practices of Exxon Company, U.S.A.
May 4, 1981	San Joaquin Refining Company, Inc., Newport Beach, California.	BYR-0125	Request for Modification. If granted: The April 20, 1981 Decision and Order (Case No. DEX-0201) issued to San Joaquin Refining Company, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 5, 1981	Caribou Four Corners, Inc., Afton, Wyoming	BYR-0129	Request for Modification. If granted: The April 20, 1981 Decision and Order (Case No. BEX-0082) issued to Caribou Four Corners, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.

List of Cases Received by the Office of Hearings and Appeals—Continued

Date	Name and location of applicant	Case No.	Type of submission
May 5, 1981	Kern County Refinery, Inc., Bakersfield, California	BYR-0128	Request for Modification. If granted: The April 20, 1981 Decision and Order (Case No. BEX-0063) issued to Kern County Refinery, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 5, 1981	La Gloria Oil & Gas Company, Washington, D.C.	BEN-1653	Request for Interim Order. If granted: La Gloria Oil & Gas Company would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. BEE-1653).
May 5, 1981	Laketon Asphalt Refining, Inc., Washington, D.C	BYR-0130	Request for Modification. If granted: The April 20, 1981 Decision and Order (Case No. DEX-0053) issued to Laketon Asphalt Refining, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 5, 1981	Office of Enforcement (Exxon), Washington, D.C.	BRZ-0098	Request for Interlocutory Order. If granted: The Notices of Objections and the Statements of Objections of Gulf Oil Corporation, Chevron USA, Inc., and American Petrofina would be stricken from the record and the firms would be barred from participation in the proceedings in Case No. BRO-1271.
May 5, 1981	Office of Special Counsel (Mobil), Washington, D.C.	BRO-0118	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with Mobil Oil Corporation's Statement of Objections to the Proposed Remedial Order (Case No. BRO-1148) issued to the firm.
May 5, 1981	Saint George Oil Corporation, Los Angeles, California	BEX-0205	Request for Supplemental Order. If granted: The April 30, 1981 Decision and Order (Case No. DEE-3489) issued to Saint George Oil Corporation would be rescinded.
May 6, 1981	Edgington Oil Company, Inc., Washington, D.C.	BYR-0131, BYR-0132, BYR-0133; BES-0153, BES-0154, BES-0155.	Requests for Modification or Rescission and Requests for Stay. If granted: The April 20, 1981 Decision and Order (Case Nos. DEX-0060, DEX-0160 and BEX-0042) issued to Edgington Oil Company, Inc. would be modified with respect to the firm's entitlements purchase obligations. The entitlements purchase obligations ordered in the April 20 Decision would be stayed pending a final determination on the firm's requests for modification.
May 6, 1981	Office of Enforcement (T-C Oil), Washington, D.C.	BEF-0047	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the July 6, 1979 Consent Order entered into with T-C Oil Company.
May 7, 1981	Asamera Oil (U.S.) Inc., Washington, D.C.	BEX-0206	Supplemental Order. If granted: The April 27, 1981 Decision and Order (Case No. BED-0110) issued to Asamera Oil (U.S.) Inc. would be modified.
May 7, 1981	Beacon Oil Company, Washington, D.C.	BEX-0207	Request for Supplemental Order. If granted: The April 22, 1981 Proposed Decision and Order (Case No. DEX-0153) issued to Beacon Oil Company would be modified.
May 7, 1981	Dames and Moore, Burlington, Massachusetts	BFA-0668	Appeal of Information Request Denial. If granted: The April 8, 1981 Information Request denial issued by the Deputy Regional Representative, Region I would be rescinded and Dames and Moore would receive access to a copy of the winning proposal for Contract RFQ DE-AC41-81R110826.
May 7, 1981	Kern County Refinery, Inc., Bakersfield, California	BYR-0134	Request for Modification. If granted: The April 22, 1981 Decision and Order (Case No. DEX-0195) issued to Kern County Refinery, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 7, 1981	Laketon Asphalt Refining, Inc., Washington, D.C	BYR-0136	Request for Modification. If granted: The April 22, 1981 Decision and Order (Case No. BEX-0082) issued to Laketon Asphalt Refining, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 7, 1981	Young Refining Corporation, Washington, D.C	BYR-0135	Request for Modification. If granted: The April 22, 1981 Decision and Order (Case No. DEX-0104) issued to Young Refining Corporation by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 8, 1981	Amoco Oil Company, Chicago, Illinois	BET-0022	Request for Temporary Stay. If granted: Amoco Oil Company would receive a temporary stay of the April 27, 1981 Decision and Order issued to Asamera Oil (U.S.) Inc. (Case No. BED-0110) regarding the release to Asamera of confidential information relating to Amoco's crude oil costs.
May 8, 1981	Burnham & Kohutek Associates, Inc., El Paso, Texas	BFA-0669	Appeal of Information Request Denial. If granted: The April 20, 1981, Information Request Denial issued by the Freedom of Information Officer of the Bonneville Power Administration would be rescinded and Burnham & Kohutek Associates, Inc. would receive access to the winning proposal and evaluation scores for Contract REP DE-RP79-81BP23948.

Notices of Objection Received

[Week of May 1, 1981 to May 8, 1981]

Date	Name and location of applicant	Case No.
May 1, 1981	Beacon Oil Company, Hanford, California	BEE-1647.
May 7, 1981	Chevron USA, Inc., Washington, D.C.	BEE-1632.

[FR Doc. 81-15738 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Week of April 27 Through May 1, 1981

During the week of April 27 through May 1, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed

on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 20, 1981.

Barbaria Shell Service, San Francisco, CA, BRO–1442, motor gasoline

On May 1, 1981, Barbaria Shell Service, 710 El Camino Real, So. San Francisco, CA 94080 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to November 13, 1979, Barbaria Shell Service committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Barbaria Shell Service violation resulted in $1,005.82 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Bob's Broadway, Santa Ana, CA, BRO–1443, motor gasoline

On May 2, 1981, Bob's Broadway, 220 W. 17th Street, Santa Ana, CA 92706 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 26, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to May 7, 1980, Bob's Broadway committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Bob's Broadway violation resulted in $19,996.74 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Chips Chevron Service, Jamestown, CA, BRO–1438, motor gasoline

On May 1, 1981, Chips Chevron Service, 18151 Highway 108, P.O. Box 212, Jamestown, CA 95327 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to January 6, 1981, Chips Chevron Service committee pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Chips Chevron Service violation resulted in $25,256.44 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Franks Airport Chevron, San Francisco, CA, BRO–1436, motor gasoline

On May 1, 1981, Franks Airport Chevron, 300 So. Airport Blvd., So. San Francisco, CA 94080 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to November 13, 1979, Franks Airport Chevron committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Franks Airport Chevron violation resulted in $3,413.61 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Half Moon Bay Exxon, Half Moon Bay, CA, BRO–1441, motor gasoline

On May 1, 1981, Half Moon Bay Exxon, 120 San Mateo Rd., Half Moon Bay, CA 94019 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to October 23, 1979, Half Moon Bay Exxon committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Half Moon Bay Exxon violation resulted in $10,180.18 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Kent Brooks Chevron, San Jose, CA, BRO–1437, motor gasoline

On May 1, 1981, Kent Brooks Chevron, 1971 Camden Ave., San Jose, California filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period June 1, 1980 to November 30, 1980, Kent Brooks Chevron committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Kent Brooks Chevron violation resulted in $15,673.80 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Lee Kreger's Chevron, San Jose, CA, BRO–1434, motor gasoline

On May 1, 1981, Lee Kreger's Chevron, 1699 Saratoga-Sunnyvale Rd., San Jose, CA 95129 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period June 1, 1980 to November 26, 1980, Lee Kreger's Chevron committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Lee Kreger's Chevron violation resulted in $9,741.45 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Lombard Chevron Service, San Francisco, CA, BRO–1435, motor gasoline

On May 1, 1981, Lombard Chevron Service, 1790 Lombard St., San Francisco, CA 94123 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to January 11, 1980, Lombard Chevron Service committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Lombard Chevron Service violation resulted in $4,662.63 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

San Bruno Shell, San Bruno, CA, BRO–1439, motor gasoline

On May 1, 1981, San Bruno Shell, 798 El Camino Real, San Bruno, CA 94066 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to November 13, 1979, San Bruno Shell committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the San Bruno Shell violation resulted in $3,717.24 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Steve's Exxon, Livermore, CA, BRO–1440, motor gasoline

On May 1, 1981, Steve's Exxon, 1253 Portola Avenue, Livermore, CA 94550 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 to November 13, 1979 Steve's Exxon committed pricing violations in the State of California.

According to the PRO the Steve's Exxon violation resulted in $5,470.30 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

[FR Doc. 81–15739 Filed 5–26–81; 8:45 am]

BILLING CODE 6450–01–M

Office of the Special Counsel for Compliance

Conoco, Inc.; Proposed Remedial Order and Opportunity for Objection

AGENCY: Department of Energy.

ACTION: Proposed remedial order to Conoco, Inc., and opportunity for objection.

I. Introduction

Pursuant to 10 CFR § 205.192, the Office of Special Counsel, of the Economic Regulatory Administration

(ERA), Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order issued to Conoco Inc., Stamford, Connecticut. In accordance with that section, a copy of the Proposed Remedial Order with confidential information, if any, deleted, may be obtained from the ERA.

II. The Proposed Remedial Order

Conoco is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products subject to DOE regulations. DOE regulations in effect prior to January 28, 1981, required that a decrease in the quality of an item or substantially the same item marketed by a refiner be accompanied by a price decrease.

On June 7, 1973, Conoco reduced the octane numbers of the regular and premium motor gasoline produced at its Lake Charles, Louisiana refinery. Conoco reduced regular gasoline to 89.0 octane from 90.0 octane and premium gasoline to 95.0 octane from 96.0 octane.

Conoco did not adjust its selling prices for regular and premium gasoline on sales of these products to reflect the reductions in octane. As a result, Conoco charged to the affected customers, or banked for subsequent passthrough, $6,947,712.00 in excess of the amounts permitted under the regulations for the period June 7, 1973 through December 1980.

The DOE proposes that Conoco be required to refund $6,947,712.00 to Conoco's Lake Charles customers within thirty (30) days of the effective date of a final Remedial Order.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals within fifteen (15) days after the date of this publication. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Department of Energy, Office of Hearings and Appeals, 2000 M Street, Northwest, Washington, D.C. 20461.

No confidential information shall be included in a Notice of Objection.

Requests for copies of the Proposed Remedial Order with confidential information deleted should be directed to: Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20850.

Issued in Washington, D.C. May 12, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81-15734 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Conoco, Inc.; Proposed Remedial Order and Opportunity for Objection

AGENCY: Department of Energy.

ACTION: Proposed remedial order to Conoco, Inc., and opportunity for objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order issued to Conoco Inc., Stamford, Connecticut. In accordance with that section, a copy of the Proposed Remedial Order with confidential information, if, any, deleted, may be obtained from the ERA.

II. The Proposed Remedial Order

Conoco Inc., is a refiner engaged in the production of crude oil, in the refining of covered products, and in the marketing of petroleum products. Conoco was therefore subject to the DOE regulations in effect prior to January 28, 1981. Under these regulations the initial step in ascertaining the maximum allowable price for a covered product is the determination of the weighted average May 15, 1973 selling price to the class of purchaser concerned. "Class of purchaser" is defined as a purchaser "to whom a person has charged a comparable price for comparable property or service pursuant to customary price differentials between that purchaser and other purchasers." Price is defined as consideration for the sale of property or services.

Conoco historically determined prices for its Reseller-Sales in Washington, Tennessee, Minnesota, and Wisconsin, with respect to gasoline, and in Alabama, Georgia and Virginia, with respect to No. 2 oils on a terminal by terminal basis. Customary price differentials between purchasers were maintained on this basis. Nonetheless, Conoco improperly placed its Reseller-Sales customers of these products in these states into statewide classes of purchaser and established statewide May 15, 1973 selling prices for gasoline and No. 2 oils. Further, Conoco improperly included state inspection fees, charged to purchasers of No. 2 oils in Tennessee and Alabama, in its May 15, 1973 price computations for these states.

As a result, Conoco overstated its maximum allowable prices for these products and either charged affected customers or banked for subsequent pass-through $399,827.48 in excess of the amounts permitted under the regulations for the period September 1973 through December 1980.

The DOE proposes that Conoco be required to refund $339,827.48 to Conoco's Reseller Sales customers within thirty (30) days of the effective date of a final Remedial Order.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals within fifteen (15) days after the date of this publication. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Department of Energy, Office of Hearings and Appeals, 2000 M Street, Northwest, Washington, D.C. 20461.

No confidential information shall be included in a Notice of Objection.

Requests for copies of the Proposed Remedial Order with confidential information deleted should be directed to: Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20850.

Issued in Washington, D.C. May 12, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81-15733 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

Action on Consent Order With the Coastal Corp.

AGENCY: Department of Energy (DOE).

ACTION: Adoption of proposed consent order as final.

SUMMARY: The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR 205.199J that it has adopted the Consent

Order with The Coastal Corporation (Coastal), executed on January 14, 1981 and published for comment in 46 FR 8098 on January 26, 1981, as a final order of DOE. The Consent Order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations, with the exceptions set forth in the Consent Order, for the period August 19, 1973 through October 31, 1980. To remedy any violations that may have occurred during the period, Coastal has agreed to refunds totalling $17.5 million.

As required by the regulation cited above, OSC received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Eleven comments were received by February 25, 1981, the thirtieth day following publication of the notice of the proposed Consent Order. Three comments were received after that deadline. OSC has considered all comments, including those that were filed late, and determined that the Consent Order should be made final without modification. The Consent Order is effective as an order of the DOE on the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT:
Leslie Wm. Adams, Deputy Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461 (202) 633–9165.

Copies of the Consent Order may be received free of charge by written request to: Coastal Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, NW., Room 3109, Mail Stop 4111, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E–190, Washington, D.C.

SUPPLEMENTARY INFORMATION:

The Consent Order

On January 26, 1981 OSC published notice in the **Federal Register** at page 8098, announcing the execution of a Consent Order between Coastal and OSC. In compliance with DOE regulations, that notice, and a press release issued on January 21, 1981, summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order.

The Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of OSC's audit of Coastal's compliance with the Mandatory Petroleum Price and Allocation Regulations, including the entitlements and mandatory oil import programs, for the period August 19, 1973 through October 31, 1980 (The audit period). With the exception of the matters excluded from the settlement in the Consent Order, the Consent Order resolves all civil issues not previously resolved concerning the allocation and sale of covered products during the audit period.

2. To resolve the issues raised by OSC's audit of Coastal and to remedy any violations that may have occurred during the audit period, Coastal has agreed to approximately $317.5 million in remedies, consisting of $17.5 million in refunds to Coastal's customers and a reduction in Coastal's unrecovered increased costs of approximately $300 million.

3. Under the refund provisions of the Consent Order, Coastal will refund up to $12.5 million to certain of its large volume end/user customers within thirty days of the effective date of the Consent Order and will hold the balance of the $17.5 million in a constructive fund for twelve months from the effective date of the Consent Order. The constructive fund will be used to pay judgments obtained, and settlements negotiated, by Coastal customers that do not receive a refund from the $12.5 million fund.

4. Effective October 31, 1980, Coastal will reduce its ""banks" of unrecovered increased costs for motor gasoline to $75 million and its banks of unrecovered increased costs for propane to $25 million. This reduction represents a decrease of approximately $300 million in Coastal's banked costs.

5. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Coastal's obligation under DOE record keeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Coastal. The Consent Order also provides that Coastal has waived its right to an adminstrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Coastal, or a finding by OSC, of a violation of any federal petroleum price and allocation statutes or regulations.

Comments Received

As noted above, OSC received a total of fourteen comments on the proposed Coastal Consent Order. Twelve of the comments, all of which were addressed specifically to this Consent Order, were filed by or on behalf of various customers, including utilities, regulated transportation companies and independent marketers of petroleum products, of Coastal or its subsidiaries. A law firm accounted for five of these comments by filing separate, but virtually identical, comments on behalf of five independent marketers of products purchased from Coastal. In addition, two organizations, the Transportation Group and the National Consumer Law Center, submitted comments that while generally addressed to all nine of the Consent Orders published for comment on January 26, 1981, raised issues pertinent to, or commented on features present in, this Consent Order.

The Transportation Group is an organization representing four trade associations—the Air Transport Association of America, Inc., the American Bus Association, the American Trucking Association, Inc., and the Association of American Railroads—whose members are major consumers of refined petroleum products. The Transportation Group indicated in its comments its approval of OSC's enforcement efforts and the settlement process that resulted in the Consent Orders announced in the January 26, 1981 **Federal Register** notices. The organization also expressed the following concerns regarding the nine Consent Orders: OSC should endeavor to identify overcharged purchasers or categories of purchasers in order to provide for direct refunds or payments based volumetrically on the amount of petroleum products purchased; transportation firms should receive a larger share of the refunds than they have heretofore; and OSC should provide additional information concerning refund amounts and methods of refund computation.

The Department's aim in structuring remedies is to achieve some form of restitution. In its enforcement actions, the Department attempts to identify individual purchasers or classes or types of purchasers, to the maximum extent possible, and to implement restitutionary remedies.

The audits, however, do not ordinarily result in the identification of specific customers who may have been overcharged for several reasons. First, audits are necessarily conducted on a sample basis and, as such, may not focus on specific purchasers, even where they generally identify aggregate violations regarding specific products to classes of purchasers. Second, these audits focus predominantly on "cost violations" and because of the nature of

the regulations, would require tracing the violation to specific product sales, a difficult task. Third, these violations occurred as much as seven years ago, and given the mobility within the distribution chain, it would be extremely difficult to identify and locate injured customers. Finally, purchasers of products from a major refiner may have resold those products to others, passing on the consequences of any violation to their customers. However, as stated previously, the Department's priority is to seek remedies that provide some form of restitution, wherever possible. In order to achieve an equitable distribution of monies, the refunds have generally been determined according to a volumetric allocation based on the amount of product purchased by the recipient.

The Transportation Group accurately notes that OSC has previously determined that the refunds received by regulated transportation firms will not constitute a "windfall" to the recipients. OSC's review of the operation of the agencies which regulate transportation companies and their applicable regulations indicates that refunds are factored into the fuel cost aspects of their rate making systems. Similarly, OSC is examining the passthrough of refunds by utilities to end users. To that end, OSC has contacted the public service commissions for the states in which the recipient utilities are located as well as a number of utilities themselves. The commissions have assured OSC that utilities receiving refunds will be required to pass those refunds through to their customers. It has been determined that the utility customers will receive the benefit of the refunds by operation of fuel adjustment clauses in which the refund would appear as an offset to fuel costs in the computation of any fuel adjustment factor, or in the reconciliation of current costs or, finally, as a direct credit to customers. OSC has also obtained assurances that the passthrough will be documented either in public records or through the assistance of the staffs of the various utilities and commissions.

Finally, the Transportation Group's comment with regard to the bank reduction remedy, that it is compromised and rendered meaningless with the advent of decontrol, has been dealt with below.

The National Consumer Law Center (NCLC), a non-profit legal organization representing low-income individuals and groups, also submitted comments that were addressed generally to all nine Consent Orders published for comment on January 26, 1981. The NCLC's comments, however, raise several issues that are pertinent to this Consent Order.

Although the NCLC initially recognizes that the "limited flow of information * * * is admittedly somewhat inherent in the nature of the private settlement/public comment process," the NCLC nevertheless complains that the Consent Orders and **Federal Register** notices are "extremely skimpy on relevant detail * * *" The DOE regulations, at 10 CFR 205.199J(a), require that a Consent Order "set forth the relevant facts which form the basis for the Order." The Consent Order itself indicates that, with the exception of the matters explicitly excluded from the settlement in the Consent Order, it settles and finally resolves all "civil and administrative issues, disputes, claims, and causes of action * * * by or between the Department of Energy and The Coastal Corporation or its subsidiaries or affiliates, relating to Coastal's compliance with the federal petroleum price and allocation regulations * * *" Because the Consent Order constitutes neither an admision by the company nor a finding by DOE that Coastal has violated any federal petroleum price or allocation regulation, it would not be appropriate, as the NCLC suggests, to detail and quantify in the Consent Order the preliminary claims and issues that arose in the course of the settlement negotiations and to relate those claims and issues to the terms and conditions of the Consent Order. Further, to reveal how OSC and the company arrived at the dollar figures for the various components of the settlements would breach the considentiality necessarily accorded to the negotiation process and would impinge upon OSC's prosecutorial discretion. Thus, OSC believes that it has provided the necessary information in the Consent Order and **Federal Register** notice to enable the public to comment meaningfully upon this settlement.

The NCLC also maintains that the Consent Orders do not provide adequate benefits, focusing particularly on the bank reduction provisions, and the "heavy reliance" placed on them in these settlements. The NCLC seeks renegotiation of the agreements to convert the bank reductions to some cash value.

In the process that leads to settlement, OSC determines the potential liability of a refiner based on its audit of that refiner. That audit addresses all areas of dispute under the price regulations. As a result, the disputes focus on issues of the determination, recognition, allocation and carry over of costs, which form the basis for the determination of maximum lawful selling prices. Because of the carry over or banking provision, a refiner may have lawful costs available from previous periods to offset disputes in later months. The existence of those legitimate costs militates against the existence of overcharges. In litigation, a refiner is likely to argue that those banks obviate the possibility of overcharge. Thus, in determining a firm's potential liability, two factors are addressed: The legitimacy of the costs claimed and banked and the potential for overcharges, given the existence of banks and a firm's pricing practices. In reaching settlements, OSC has determined the amount of cash refund necessary to reasonably settle any possible overcharges, and the amount of bank reduction appropriate to settle the cost disputes.

Bank reductions are appropriate to remedy certain types of disputes resulting from the audit. OSC intended bank reductions to serve the dual purpose of satisfying the alleged cost violations and of placing some limitations on the refiner's prospective pricing of covered products. Accordingly, in negotiating the bank reduction, OSC sought a reduction to the lowest level consistent with allowing the refiner to maintain, but not increase, prices as a result of the existence of banks. That reduction may have even exceeded the reduction in costs necessary for a satisfactory resolution of the outstanding cost issues. As the NCLC and the Transportation Group point out, decontrol prevents the reduction from having any *prospective* impact on pricing. However, the bank reduction is to be implemented at the close of the audit period. The refiner's pricing practices will be reviewed to determine that no overcharge has occurred as a result of reliance on the banks available before the reduction was implemented. In any event, the amount of refund remedies stands on its own in each case as the result of our negotiation of an appropriate refund, given the disputes raised.

In addition to its comments on the bank reduction components of the settlements, the NCLC also raises several points that are pertinent to this Consent Order concerning the settlements' cash components. The NCLC expresses concern that the refunds to many of the refiners' immediate purchasers may not be passed through to ultimate consumers. Each of these settlements utilizes "conduits" for passing a substantial portion of the refunds through to

ultimate consumers. OSC chose as conduits regulated industries, such as the utility and transportation industries, for which some mechanism exists to assure a passthrough of benefits to their customers, and state and local government entities that purchased petroleum products in their proprietary capacities. Refunds to these conduits are, therefore, intended to provide general restitution to those unidentifiable ultimate consumers who, through their utility, transportation, or tax bills, may have borne any overcharges that did occur.

With respect to the claims funds established in some of the Consent Orders, including this one, the NCLC expresses several concerns. Although the NCLC believes that the existence of the claims funds has not been adequately publicized, the volume of inquiries OSC has received on these Consent Orders indicates that a wide spectrum of the public is aware of these settlements. As administered by a company, a claims fund provides an option for customers of a company who believe they may have been overcharged to negotiate a settlement with the company of their claims against the company. Moreover, as for the claims funds procedures, the Consent Orders provide information to enable interested claimants to file their claims in a timely fashion, but the process for negotiating a settlement of a claim is a matter that is between the company and claimant. In any event, claimants who do not believe that the settlement offered adequately satisfies their claims need not accept the offer and relinquish their rights and claims against the company.

With respect to those Consent Orders, including this one, that provide for payment to the U.S. Treasury of any unclaimed or undistributed funds from the claims funds or from the DOE-administered special refund proceedings, the NCLC contends that the payment of settlement funds into the Treasury is illegal. The NCLC has previously filed similar comments to other Consent Orders which contend that payments to the U.S. Treasury pursuant to settlements are in excess of DOE's authority because there is no express statutory authorization or requirement for payment to the U.S. Treasury. We disagree with the assertion that payments to the U.S. Treasury are legitimate remedies only if there is express statutory authorization or permission. Treasury payments are entirely apposite in the context of resolution of civil and administrative disputes relating to the refiner's compliance with the DOE regulations. As we stated in response to the comment filed by NCLC to the Sun Company, Inc. Consent Order, "(t)he use of a Treasury payment reflects DOE's inability to determine a more appropriate distribution mechanism in the circumstances of this case and our belief that this payment is an appropriate enforcement remedy." 45 FR 80348 (December 4, 1980). Under these Consent Orders, only unclaimed or undistributed funds are subject to payment to the Treasury; furthermore, any such payments will be made only after the funds have been held for a period of time pending distribution in claims or refund proceedings. In any event, particularly in light of the restitution provided for by other remedies in the Consent Orders, OSC believes that the payment of undistributed funds to the Treasury is a reasonable and legal disposition of funds that could otherwise be left in limbo indefinitely.

As already noted, OSC received twelve comments that were specifically addressed to the Coastal Consent Order. These comments raised many of the same issues addressed in the Transportation Group and NCLC comments, such as the need generally for more information about the settlement and the value of the bank reduction provisions in light of decontrol. OSC has addressed these points in its response to the Transportation Group and NCLC comments above, and will focus below on other matters raised in the twelve comments.

Like the NCLC comments, seven other comments assert that OSC should have included more information about the settlement in the Consent Order. The types of information suggested for inclusion, however, involve either confidential or proprietary commercial or financial data (e.g., Coastal's price determinations) or information concerning confidential aspects of the settlement process. Six of these comments allege that OSC's failure to include more information in the Consent Order violated the provision in DOE's regulations, 10 CFR 205.199J(a), requiring that a Consent Order "set forth the relevant facts which form the basis for the Order." In *U.S. Oil Company, Inc. v. Department of Energy*, No. 81–C–196 (E.D. Wisc., March 27, 1981), in which the court refused to enjoin the proposed Consent Order with Koch Industries, Inc. (*see* 46 FR 8100) (January 26, 1981), the court considered the issue of the sufficiency of the information provided in the Consent Order and held that "as a matter of law, the information set forth by DOE in * * * the proposed Consent Order compl(ies) with its own regulations requiring the setting forth of relevant facts upon which the order is based." Slip Op. at 10. Five of the comments—the separate, but virtually identical, comments filed by a law firm on behalf of five independent marketers—also assert that DOE's failure to disclose the audit data on which it relied in reaching the settlement violates fundamental fairness and the Fifth Amendment to the Constitution. Neither the Administrative Procedure Act, nor any other statute, however, requires DOE to provide the public with notice of, or set forth relevant facts regarding, agency Consent Orders.[1] Nor do persons who are not parties to a Consent Order have a "property" or "liberty interest" sufficient to invoke rights to procedural due process under the Fifth Amendment to the Constitution. *See Action on Safety and Health* v. *FTC* 498 F. 2d 757 (D.C. Cir. 1974). In short, the information set forth in the Consent Order complies with all applicable legal requirements.[2]

Finally, one comment complains that without more information about the settlement, the commenter "cannot give an informed, much less voluntary consent, to the proposed order." Contrary to this commenter's belief that "its consent is a required element to the validity and effectiveness of the Consent Order," the consent of third parties is not a prerequisite to the adoption of a proposed Consent Order as a final order of DOE. *Cf. Sam Fox Publishing Co.* v. *United States*, 366 U.S. 683 (1961).

The consent of third parties is not necessary, in part, because the Consent

[1] To the extent that the Notice adopting as final the DOE's Consent Order with Koch Industries, Inc. implies that the Administrative Procedure Act imposes any procedural requirements on DOE regarding the publication of notice of Consent Orders, the Notice is incorrect. The APA is inapplicable to this question.

[2] Moreover, neither case cited in the comments, (*Armstrong* v. *Manzo*, 380 U.S. 545 (1965) and *U.S. Lines* v. *Federal Maritime Commission*, 584 F.2d 519 (D.C. Cir. 1978), supports the commentors' position. In *Armstrong*, the Supreme Court held that in a situation involving an adjudicative hearing concerning a step-father's adoption of his step-daughter, the court must give the natural father prior notice of the hearing so that he may object to the adoption and demonstrate his compliance with the applicable state law. A Consent Order is not analogous to an adjudicative hearing and, in any event, DOE has provided interested persons with notice before taking any final action. In *U.S. Lines*, there was a statutory requirement that the agency hold a hearing before taking any final action, and the court determined that agency action resulting from that hearing must be based upon substantial evidence on the record of that hearing. There are no similar requirements for DOE Consent Orders.

Order settles and resolves only "civil and administrative issues, disputes, claims, and causes of action" *between DOE and Coastal.* It was not intended to resolve all private claims against Coastal nor was it intended to extinguish any private rights of action. Persons who have a pricing or allocation dispute with Coastal may still seek appropriate judicial relief, including declaratory judgments, injunctions, and/or damages under § 210 of the Economic Stablization Act. Thus, because the Consent Order only settles matters between DOE and Coastal and does not extinguish private rights of action, there is no basis for the comment that the settlement is "confiscatory in that it imposes a settlement upon" third parties and "a forfeiture of (third parties') private rights without just compensation or due process * * *" Because the Consent Order does not bar private rights of action, there is no need, as suggested by several of the comments, to modify various provisions of the Consent Order to eliminate any impression that the Consent Order may affect private rights of action.

Related to the comments concerning the effect of the Consent Order on the rights of third parties are comments submitted by the law firm on behalf of the five independent marketers of Coastal's products complaining that the Consent Order "permits the destruction of all records relevant to Coastal's violations * * * (and that) the exemption from the recordkeeping requirement would make it impossible for * * * (an) overcharged purchaser to discover evidence necessary to support its claims and to prosecute a potential action for damages pursuant to Section 210 of the ESA." In paragraph 601, which relieves Coastal of its duty to comply with the record-keeping requirements of 10 CFR 210.92 for the period covered by the Consent Order, OSC has simply exercised the authority conferred by 10 CFR 210.92(d)(2)(B) to remove a requirement, the need for which no longer exists. With the completion of OSC's audit and the settlement of all disputes and claims for the period covered by the Consent Order, the records which were maintained by the company to demonstrate to DOE its compliance with the pricing and allocation regulations are no longer needed. Moreover, as the court in *U.S. Oil, supra,* noted, "(t)he recordkeeping provisions established by DOE were never intended to assist private litigants. They were designed and created to assist the DOE in determining whether the * * * major oil refiners and producers were complying with the price regulations." Slip Op. at 6. Several comments came from purchasers of Coastal's (or its subsidiaries') products who indicated that they believed they may have been overcharged on their purchases from Coastal and that they want to be included among those receiving refunds under the Consent Order. While the customers due to receive a portion of the $12.5 million under ¶402 of the Consent Order have been identified, any Coastal customer who does not receive a refund under that provision may submit a claim for a refund from the claims fund created by ¶401 of the Consent Order. Moreover, as noted above, participating in the claims fund is only one option for customers who believe they have been overcharged since they may elect not to participate in the claims fund and instead pursue their private rights of action.

Having considered all comments submitted, DOE has determined that the proposed Consent Order with Coastal should be made final without modification, effective May 27, 1981.

Issued in Washington, D.C. May 18, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81-15615 Filed 5-26-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51262; TSH-FRL-1837-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of six PMN's and provides a summary of each.

DATE: Written comments by June 21, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: June Thompson, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-529C, 401 M St., SW., Washington, D.C. 20460, (202-755-8660).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA, must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic

name, the generic use(s), and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before June 21, 1981, submit to the Document Control Officer (TS–793) Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51262]" and the specific PMN number. Comments received may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: May 20, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81–194

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. July 21, 1981.

Importer's Identity. American Hoechst Corporation, 202–206 S., Somerville, NJ 08876.

Specific Chemical Identity. Oligomers from 1,6-dimethylnaphthyl sulfonic acid, sodium salt, and formaldehyde.

Use. Claimed confidential business information. Generic use information provided: Open use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	160	350
1983	160	350
1984	160	350

Physical/Chemical Properties. Physical form—liquid.

Toxicity Data. The importer states that the oral toxicity (LD_{50}) in rats of the products in which the new chemical is used ranges from more than 5,000 to more than 15,000 mg/kg, indicating low toxicity.

Exposure. The importer states that at a user's site processing the substance, 30 workers could have skin exposure less than 1 hr/da while using dippers to transfer the PMN substance to a blending container.

Environmental Release/Disposal. The importer states that at a user's site, 10 to 100 kg/yr of the new chemical will be released into the land and that less than .5% of the substance will remain bound to the consumer product.

PMN 81–195

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. July 21, 1981.

Importer's Identity. American Hoechst Corporation, 202–206 S., Somerville, NJ 08876.

Specific Chemical Identity. 2,4,6-Tributylphenol, ethoxylated, acetate.

Use. Claimed confidential business information. Generic use information provided: Open use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	110	250
1983	110	250
1984	110	250

Physical/Chemical Properties. Physical form—liquid.

Toxicity Data. The importer states that the oral toxicity (LD_{50}) in rats of the products in which the new chemical is used ranges from more than 5,000 to more than 15,000 mg/kg, indicating low toxicity.

Exposure. The importer states that at a user's site processing the substance, 30 workers could have skin exposure less than 1 hr/da while using dippers to transfer the PMN substance to a blending container.

Environmental Release/Disposal. The importer states that at a user's site, 10 to 100 kg/yr of the new chemical will be released into the land and that less than .5% of the substance will remain bound to the consumer product.

PMN 81–196

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. July 21, 1981.

Importer's Identity. American Hoechst Corporation, 202–206 S., Somerville, NJ 08876.

Specific Chemical Identity. Ploymer from propylene oxide and ethylene oxide acetylated.

Use. Claimed confidential business information. Generic use information provided: Open use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	50	120
1983	50	120
1984	50	120

Physical/chemical Properties. Physical form—liquid.

Toxicity Data. the importer states that the oral toxicity (LD_{50}) in rats of the products in which the new chemical is used ranges from more than 5,000 to more than 15,000 mg/kg, indicating low toxicity.

Exposure. The importer states that at a user's site processing the substance 30 workers could have skin exposure less than 1 hr/da while using dippers to Transfer the PMN substance to a blending container.

Environmental Release/Disposal. the importer states that at a user's site, 10 to 100 kg/yr of the new chemical will be released into the land and that less than .5% of the substance will remain bound to the consumer product.

PMN 81-197

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. July 21, 1981.

Importer's Identity. American Hoechst Corporation, 202-206 S., Somerville, NJ 08876.

Specific Chemical Identity. Monylphenol, ethoxylated, acetate.

Use. Claimed confidential business information. Generic use information provided: Open use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	50	120
1983	50	120
1984	50	120

Physical/Chemical Properties. Physical form—liquid.

Toxicity Data. The importer states that the oral toxicity (LD_{50}) in rats of the products in which the new chemical is used ranges from more than 5,000 to more than 15,000 mg/kg, indicating low toxicity.

Exposure. The importer states that at a user's site processing the substance, 30 workers could have skin exposure less than 1 hr/da while using dippers to transfer the PMN substance to a blending container.

Environmental Release/Disposal. The importer states that at a user's site, 10 to 100 kg/yr of the new chemical will be released into the land and that less than .5 percent of the substance will remain bound to the consumer product.

PMN 81-198

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. July 21, 1981.

Importer's Identity. American Hoechst Corporation, 202-206 S., Somerville, NJ 08876.

Specific Chemical Identity. Copolymer of *N*-vinyl-*N*-methylacetamide and maleic acid, diisooctyl ester.

Use. Claimed confidential business information. Generic use information provided: Open use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	500	700
1983	800	1,000
1984	1,100	1,300

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted. The importer states that the disperson product is believed to be nontoxic and that its use will present no hazard to health or the environment.

Exposure. The importer states that at a user's site processing the substance, one to two workers could have incidental skin exposure to the PMN substance during transferring, blending, or curing operations. Consumer and commercial exposure to the new chemical will be limited to the cured final product in which it is bound.

Environmental Release/Disposal. The importer states that at a user's site, less than 10 kg/yr of the new substance will be released into the water.

PMN 81-199

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. July 21, 1981.

Importer's Identity. American Hoechst Corporation, 202-206 S., Somerville, NJ 08876.

Specific Chemical Identity. Polymer of vinyl acetate; butyl acrylate; neodecanoic acid, vinyl ester; and vinyl sulfonic acid, sodium salt.

Use. Claimed confidential business information. Generic use information provided: Open use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	25,000	35,000
1983	40,000	50,000
1984	55,000	65,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted. The importer states that the disperson product is believed to be nontoxic and that its use will present no hazard to health or the environment.

Exposure. The importer states that at a user's site processing the substance, one to two workers could have incidental skin exposure to the PMN substance during transferring, blending, or curing operations. Consumer and commercial exposure to the new chemical will be limited to the cured final product in which it is bound.

Environmental Release/Disposal. The importer states that at a user's site, 10 to 100 kg/yr of the new substance will be released into the water.

[FR Doc. 81-15656 Filed 5-26-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51261; TSH-FRL-1837-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to pubish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of three PMN's and provides a summary of each.

DATE: Written comments by June 21, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-190	David Dull	(202-382-2277)	E-229
81-192, 81-193	Carrie Berlin	(202-426-2632)	E-711C

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 20604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of Januray 10, 1979 (44 FR 2242) and October 6, 1979 (44

FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substances, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosue of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review periods ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before June 21, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51261]" and the specific PMN number. Comments received may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

[Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)]

Dated: May 20, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81–190

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 21, 1981.

Manufacturer's Identity. Reichhold Chemicals, Inc., 525 North Broadway, White Plains, NY 10603.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Unsaturated polyester resin.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a destructive use that will release less than 50 kg per year into the environment with very low potential exposure to both chemical and nonchemical industrial employees.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Acid number—<20.
Density at 25°C—1.22 g/cm³.
Water solubility—Negligible.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at two sites three manufacturing workers could have inhalation exposure and five processing workers could have skin and inhalation exposure to the new chemical for 4 to 8 hr/da, 80 to 240 da/yr, at an average concentration of 1 to 10 mg/m³.

Environmental Release/Disposal. The manufacturer states that at the manufacturing site, less than 10 kg/yr will be released to land and less than 10 kg/yr to a publicly owned treatment works (POTW) 24 hr/da, 10 da/yr. At a user's site processing the new substance, the manufacturer states that less than 10 kg/yr may be released into the air, 16 hr/da, 240 da/yr and less than 10 kg/yr to land. None will be released to water.

PMN 81–192

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 21, 1981.

Manufacturer's Identity. Union Carbide Corporation, 270 Park Ave., New York, NY 10017.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Trisubstituted silylalkanolacetate.

Use. the manufacturer states that the PMN substance will be used a as chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/chemical Properties

Physical state—High boiling liquid.
Boiling point, °C (0.3mmHg)—>40.
Density, g/ml (25°C)—>1.0.
Purity, % (VPC)—96–99.
Flash point, °F (Pensky-Martens CC)—>180.
Viscosity, cstks—1.7.
Hydrolysis rate (time, min., 50% hydrolysis)—190.

Toxicity Data

Oral LD_{50} (rat)—>20.0 ml/kg.
Percutaneous LD_{50} (rabbit)—16.0 ml/kg.
Inhalation (rat)—substantially saturated vapor at 24°C, 6 hours, killed 1 of 6.
Uncovered skin irritation (rabbit)—None.
Eye irritation (rabbit)—None.

Exposure. the manufacturer states that nine manufacturing and processing workers could have skin, eye, and inhalation exposure to the new chemical for 8 hr/da, 40 da/64.

Environmental Release/Disposal. The manufacturer states that none of the new substance is anitcipated to be released into the environment. Most of the chemical intermediate will be

consumed when converted to the product; trace amounts of waste will be incinerated, and spills will be flushed to the plant waste treatment system or landfilled.

PMN 81-193

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 21, 1981.

Manufacturer's Identity. Union Carbide Corporation, 270 Park Avenue, New York, NY 10017.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Poly(oxyalkyl-disubstituted silane) aroyl, alkoxy terminated.

Use. the manufacturer states that the PMN substance will be used as an additive in industrial coatings.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical form—viscous liquid.

Specific gravity—>1.1.

Flash point, °F—>120.

Volatiles, vol. %—>1.

Hydrolysis rate (time, min., 50% hydrolysis)—35.

Octanol/water partition coefficient Log P (estimated)—2.75.

Environmental Test Data

Biological oxygen demand (BOD) % of chemical oxygen demand (COD)—5-day—53; 10-day—84; 20-day—88.

Fish, fathead minnows, LC_{50} (mg/1)—6/6.

Toxicity Data

Peroral intubation (rat)—16.0 ml/kg, killed 0 of 6.

Percutaneous (rabbit)—16.0 ml/kg, killed 0 of 6.

Inhalation (rat)—Substantially saturated vapor, 6 hours, killed 0 of 6.

Uncovered skin irritation (rabbit)—Trace.

Eye irritation (rabbit)—None.

Exposure. The manufacturer states that 12 manufacturing workers could have skin, eye, and inhalation exposure to the new chemical for 8 hr/da, 40 da/yr. At the site of a customer, 120 processing workers could have skin, eye, and inhalation exposure for 4 hr/da, 260 da/yr.

Environmental Release/Disposal. The manufacturer states that none of the PMN substance is anticipated to be released into the air and water and only trace amounts of solid wastes into the land of a landfill. Trace amounts of liquid wastes or spills will be disposed of by the plant waste treatment system.

[FR Doc. 81-15655 Filed 5-26-81; 8:45 am]

BILLING CODE 6560-31-M

[ER-FRL-1838-3]

EPA Comments on Environmental Impact Statement and Other Actions Impacting the Environment Availability of Report

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: Pursuant to the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment.

SUMMARY OF NOTICE: A report which identifies EPA's comments on EIS's and other actions impacting the environment which were released during April 1981 has been prepared and is available upon request. To obtain a copy of this report you should contact: Ms. Kathi L. Wilson, Office of Federal Activities (A-104), U.S. Environmental Protection Agency, Washington, D.C. 20460.

This report is also published in the monthly publication entitled, 102 Monitor, which is available through subscription with the Government Printing Office, Superintendent of Documents, Washington, D.C. 20402.

CONTENTS OF REPORT: The report contains the type and title of the document reviewed by EPA, the agency responsible for preparing document, the EPA review control number, the classification of the nature of EPA's comments for draft EIS's and a summary of the EPA's comments is given for final EIS's and other actions.

Dated: May 20, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities

[FR Doc. 81-15653 Filed 5-26-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1837-2]

Intent To Prepare an Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA), Region VII.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS).

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore, issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Bowerman, Environmental Review Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, Telephone: (Commercial) (816) 374-2921 (FTS 758-2921).

SUMMARY: The City of Des Moines, Iowa, has been awarded a Step I grant under Section 201 of the Clean Water Act (P.L. 95-217) for the preparation of a facility plan to update the Des Moines 208 Metropolitan Areawide Waste Treatment Management Plan, which proposed a new sewage treatment facility to serve a multi-jurisdictional area.

The EPA action to be evaluated in the EIS would be approval of the portion of the facility plan and subsequent EPA funding for design and construction of a sludge treatment and disposal system. A third party contract with the City of Des Moines for preparation of the EIS has been awarded to Tenech Environmental Engineers, Inc.

The U.S. EPA Region VII has distributed a detailed Notice of Intent on the Des Moines Sludge Management EIS. Copies of the Notice of Intent are available from the project officer identified above.

SCOPING: The first public meeting will be conducted by EPA Region VII, to identify significant environmental issues and determine the scope of the draft EIS. The public scoping meeting is scheduled for June 23, 1981, at 6:30 p.m., in the Botanical Center, 909 East River Drive, Des Moines, Iowa.

TIMING: EPA estimates that the draft EIS will be available for public revierw and comment about December 1981. All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the list to receive the draft EIS and related public notices.

Dated: May 20, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities

[FR Doc. 81-15656 Filed 5-26-81; 8:45 am]

BILLING CODE 6560-37-M

[OPP-30199; PH-FRL-1837-3]

M. & T. Chemicals Inc.; Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received an application to register the pesticide product POLYFLO 20001 A, containing the new active ingredient tributyltin methyacrylate at 11.3 percent.

DATE: Comments must be received on or before June 26, 1981.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA gives notice that M&T Chemicals, Inc., P.O. Box 1104, Rahway, NJ 07065, has submitted an application to register the pesticide product POLYFLO 2001 A, containing the new active ingredient tributyltin methacrylate at 11.3 percent. Notice of receipt of an application does nto indicate a decision by the agency on the application. The application proposes that the product be registered for general use as an antifouling paint for protecting surfaces (wood, steel, aluminum, and fiberglass) from marine fouling and slime. The product has been as signed EPA File Symbol No. 5204–AU.

Notice of approval or denial of the application will be announced in the **Federal Register**. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819, (7 U.S.C. 136), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register**, if an application is approved.

Interested persons are invited to submit written comments on this application. Comments may be submitted and inquiries directed to the product manager. The comments must be received within 30 days from the date of publication of this notice in the **Federal Register** and should bear a notation indicating the document control number "[OPP–30199]" and the file symbol. Comment received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

Dated: May 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–15057 Filed 5–26–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS–53024A; TSH–FRL–1837–7]

Premanufacture Notices, Monthly Status Report for March 1981; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the chemical identity of two premanufacture notices (PMN) submitted by Du Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898 as required by section 5(a)(1) of the Toxic Substances Control Act (TSCA).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–210, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: EPA issued the Premanufacture Notices Status Report for March 1981 published in the **Federal Register** of May 1, 1981 (46 FR 24677).

In the FR Doc. 81–13186 appearing at page 24680, under "IV. Chemical Substances for Which EPA Has Received a Notice of Commencement to Manufacture", the chemical identification for PMN No. 80–94 is corrected to read, "Generic name: Monosubstitutedbenzenesulfonamide." and the chemical identification for PMN No. 80–95 appearing on page 24681 is corrected to read, "Generic name: Monosubstitutedbenzenesulfonyl chloride."

Dated: May 20, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81–15654 Filed 5–26–81; 8:45 am]

BILLING CODE 6560–31–M

[A–3–FRL–1823–1a]

Standards of Performance for New Stationary Sources; Delegation of Authority to State of Delaware

On June 11, 1979 (44 FR 33613), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of The Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for certain categories of new stationary sources, New Source Performance Standards (NSPS). Section 113(c) directs the Administrator to delegate his authority to implement and enforce NSPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On December 23, 1980, John E. Wilson III, Secretary, Department of Natural Resources and Environmental Control, submitted to the EPA Regional Office a request for delegation of authority. The request was to add electric utility steam generating units for which construction is commenced after September 18, 1978, as a section of Regulation XX, which deals with NSPS. After a thorough review of that request, the Enforcement Director has determined that for the source category set forth in the following official letter to John E. Wilson III, Secretary, Department of Natural Resources and Environmental Control, delegation is appropriate subject to the conditions set forth in paragraphs 1 through 8 of that letter:

Certified Mail—Return Receipt Requested

John E. Wilson III,
Secretary, Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901.

Re: Delegation of Authority of New Source Performance Standards pursuant to Section III(c), Clean Air Act, as amended.

Dear Mr. Wilson: This is in response to your letter of December 23, 1980, requesting delegation of authority for implementation and enforcement for electric utility steam generating units for which construction is commenced after September 18, 1978, under the standards of Performance for New Stationary Sources (NSPS), to the State of Delaware's Department of Natural Resources and Environmental Control (the Department).

We have reviewed the pertinent laws of the State of Delaware and its regulations governing the control of air pollution and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS regulations by the Department. Therefore, we hereby delegate authority to the Department, as follows:

The Department is delegated and shall have authority for all electric utility steam generating units located in the State of Delaware subject to the Standards of Performance for New Stationary Sources promulgated in 40 CFR Part 60.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Department For New Source Performace Standards including:

(A) sources determined to be applicable during that quarter;

(B) applicable sources which started operation during that quarter or which

started operation prior to that quarter which have not been previously reported;

(C) the compliance status of the above, including the summary sheet from the compliance test(s); and

(D) any legal actions which pertain to NSPS sources.

2. Enforcement of the NSPS regulations in the State of Delaware will be the primary responsibility of the Department. Where the Department determines that such enforcement is not feasible and so notifies EPA, or where the Department acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of Delaware subject to NSPS regulations.

3. Acceptance of this delegation of certain promulgated NSPS does not commit the State of Delaware to request or accept delegation of other present or future standards and requirements. A new request for delegation will be required for any additional standards or amendments to previously delegated standards not included in the State's request of December 23, 1980.

4. The Department will not grant a variance from compliance with the applicable NSPS regulations if such variance delays compliance with the Federal Standards (Part 60). Should the Department grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the Department shall also constitute grounds for revocation of delegation by EPA.

5. The Department and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a Department interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the Department.

6. If at any time there is a conflict between a Department regulation and a Federal regulation 40 CFR Part 60, the Federal regulation must be applied if it is more stringent than that of the Department. If the Department does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

7. The Department will utilize the methods specified in 40 CFR Part 60, in performing source tests pursuant to the regulations.

8. If the Enforcement Director determines that a Department program for enforcing or implementing a NSPS regulation is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Department.

A Notice announcing this delegation will be published in the **Federal Register** in the near future. The Notice will state, among other things, that effectively immediately, all reports required pursuant to the above-enumerated Federal NSPS regulations by sources located in the State of Delaware should be submitted to the State of Delaware, Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901, in addition to EPA, Region III. Any original reports which have been or may be received by EPA, Region III, will be promptly transmitted to the Department.

Since this delegation is effective immediately, there is no requirement that the Department notify EPA of its acceptance. Unless EPA receives from the Department written notice of objections within ten (10) days of receipt of this letter, the State of Delaware's Department of Natural Resources and Environmental Control will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

Thomas C. Voltaggio,

Acting Director, Enforcement Division.

Therefore, pursuant to the authority delegated by the Administrator, the Enforcement Director of Region III notified John E. Wilson III, Secretary, Department of Natural Resources and Environmental Control, on May 11, 1981 that authority to implement and enforce certain standards of performance for new stationary sources was delegated to the State of Delaware.

Copies of that request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region III Office, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

Effective immediately, all reports required pursuant to the standards of performance for new stationary sources for electric utility steam generating units for which construction is commenced after September 18, 1978, should be submitted to the Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901 with copies to EPA Region III. However, reports required pursuant to 40 C.F.R. § 60.7(c) (excess emissions and malfunctions) should be sent to the Delaware Department of Natural Resources and Environmental Control, only.

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is an administrative change and is not a major rule because it is not likely to result in:

An annual effect on the economy of $100 million or more;

A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation was sumbitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7411)

Dated: April 27, 1981.

Thomas C. Voltaggio,

Acting Director, Enforcement Division.

[FR Doc. 81-15614 Filed 5-26-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

Petition for Clarification of Actions in Rule Making Proceeding

May 18, 1981.

The following petition for clarification filed in a Commission rulemaking proceeding is published to allow parties an opportunity to comment. Oppositions to this petition for clarification must be filed on or before June 11, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

SUBJECT: Amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies of the Commission's Rules and Regulations with respect to accounting for station connections, optional payment plan revenues and related capital costs, customer provided equipment and sale of terminal equipment. (CC Docket No. 79-105, RM-3017).

FILED BY: Paul Rogers, Charles D. Gray and Deborah A. Dupont, Attorneys for the National Association of Regulatory Utility Commissioners on 4/30/81.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-15466 Filed 5-26-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

Economy Savings and Loan Association, Chicago, Ill.; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2) (1976)),

the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Economy Savings and Loan Association, Chicago, Illinois, effective May 18, 1981.

Dated: May 20, 1981.

J. J. Finn,

Secretary.

[FR Doc. 81-15711 Filed 5-26-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

American Export Lines, Inc.

Danube East Mediterranean Line (DEMLINE); Cancellation

Filing party: Captain Richard H. Ford, Vice President, Farrell Lines, Inc., 1629 K Street, NW., Suite 605, Washington, D.C. 20006.

Agreement No. 9481.

Summary: On May 15, 1981, the Commission received notice of the dormant transshipment agreement between Demline and American Export Lines, Inc., predecessor to Farrell Lines, Inc. in Agreement No. 9481. Since there is no indication that this agreement was ever implemented and as the parties have no further interest in maintaining it, the agreement will be cancelled effective May 15, 1981, the date the above notice was received by the Commisison.

California Association of Terminal Elevators; Cancellation

Filing party: H. Stanton Orser, Esquire, Garrison, Townsend, Hall, Orser and Park, One Market Plaza, 2610 Steuart Tower, San Francisco, California 94120.

Agreement No. 8865.

Summary: On May 14, 1981, the Commission received notice of the cancellation of Agreement No. 8865, California Association of Terminal Elevators, effective March 31, 1981.

Dated: May 20, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-15607 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreements Nos. T-3967 and T-3973]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. T-3967, between the Board of Commissioners of the Port of New Orleans and Ryan-Walsh Stevedoring Company (Ryan-Walsh), provides for the lease to Ryan-Walsh of bulk terminal facilities and related equipment located on the Mississippi River-Gulf Outlet, Orleans Parish, Louisiana, for handling a limited number of dry bulk commodities from contract carriers.

Agreement No. T-3973, between the City of Richmond, California (City) and Hong Kong Islands Shipping Co. (HKIS), is for the use of the City's Terminal 3. In exchange for a minimum 6,000 containers per year, HKIS would receive priority berthing at the terminal until the City enters into a preferential assignment with another carrier.

The Findings of No Significant Impact (FONSI) will become final within 10 days unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-15612 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreements Nos. T-3971 and 10418]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. T-3971, between Tropical Shipping and Construction Co., Ltd. (Tropical) and Birdsall, Inc. (Birdsall), is an agency agreement which provides for Birdsall to manage Tropical's U.S. business activities and act as its U.S. terminal operator at ports in Florida.

Agreement No. 10418, between Lykes Brothers Steamship Co., Inc. (Lykes) and Caldwell Shipping Company (Caldwell), is an agency agreement which provides for Caldwell to act as agent in respect to Lykes intermodal traffic moving to and from Savannah, Jacksonville, Port Everglades and Miami.

The Findings of No Significant Impact (FONSI) will become final within 20 days unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-15613 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 335]

George M. Leininger Co., Inc.; Order of Revocation

On May 11, 1981, George M. Leininger Co., Inc., 512 Gravier Bldg., New Orleans, Louisiana 70130 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 335.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 335 issued to George M. Leininger, be revoked effective May 16, 1981 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 335 issued to George M. Leininger Co., Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon George M. Leininger Co., Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-15610 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the

Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Evelina H. Nunga, d.b.a. R. E. N. International Services, 301 So. Harvard Street, Suite 205, Harvard Office Bldg., Los Angeles, CA 90020

Circle Airfreight Corp., 545 Sansome St., San Francisco, CA 94111; Officers: John H. Robinson, President/Director; Ray C. Robinson, Jr., Vice President/Director; Peter Gibert, Vice President/Director; Martin Collins, Vice President; David Pulk, Vice President

B&D Customhouse Brokers, Inc., 1314 Texas Avenue, Suite 1306, Houston, TX 77002; Officers: Kirby J. Bentsen, President; Janis C. Bentsen, Vice President; Guy C. Bentsen, Secretary/Treasures; Irma Villarreal, Assistant Secretary

Pan World Shipping, Inc., 1025 Royal Lane, P.O. Box 61352, Dallas/Ft. Worth, Texas 75261; Officers: Jerry F. Wales, President; Ann Wales, Vice President/Secretary/Treasurer

Gladis Amstutz, d.b.a. Amstutz International Co., 25831 Timberlake Drive, Woodlands, TX 77380

Jack Ledesma International Forwarder (d.b.a. Emigdio S. Ledesma), 2300 Olinville Avenue, 6C, Bronx, NY 10567

Viking Sea Freight, Inc., One World Trade Center, Suite 8845, New York, NY 10048; Officers: Pasquale Pascarella, President; Nunzio Mastromarino, Secretary/Treasurer; Michael Ono, Vice President; Kazuhiro Kinoshita, Vice President; Masahiro Ono, Director

E. S. D. International Corporation, 17795 J. F. K. Blvd., Suite 227 South, Houston, TX 77025; Officers: Ronald R. Johns, President/Director; Jerome P. Jaskas, Vice President/Director; June E. Adams, Secretary

Dated: May 20, 1981.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-15611 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3969]

Lease Agreement Between Hooker Chemical Properties Cooperation and South Louisiana Port Commission; Availability of Energy Impact Statement and Finding of No Significant Environmental Impact

Upon completion of an energy assessment pursuant to section 382(b) of the Energy Policy and Conservation Act of 1975, 42 U.S.C. 6201 (EPACA) and an environmental assessment pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA), the Federal Maritime Commission's Office of Energy and Environmental Impact (OEEI) has determined that the Commission's decision on Agreement No. T-3969 is a major regulatory action within the meaning of EPACA. The OEEI found that approval of the agreement could conserve approximately 6.4 billion cubic feet of American natural gas annually, equivalent to approximately 1 million barrels of Bunker C fuel oil per year. The OEEI also concluded that the Commission's resolution of this agreement would have no significant adverse impact on the quality of the human environment within the meaning of NEPA. The agreement, between Hooker Chemical Properties Cooperation and South Louisiana Port Commission, involves the lease of dock, wharf and related storage facilities near Taft, Louisiana, to Hooker for the loading, unloading and storing of ammonia and caustic soda products.

The Energy impact statement and related environmental assessment will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b) and are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-15609 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 16, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-3919-1.

Filing party: Antonio Zapater Cajigas, 50 Isabel Street, P.O. Box 1350, Ponce, Puerto Rico 00731.

Summary: Agreement No. T-3919-1 is an extension of a lease executed between Administrative Board of the Municipal Piers of Ponce (Administrative Board) and Trailer Marine Transport Corporation (Lessee) for an additional year from August 1, 1980. The agreement provides for the lease of a two-story cement building 35' wide and 16' deep located in the southern part of the dock area of Ponce along with a parking area of 16,000 sq. ft for 40 containers, and an enclosed yard area of 3,305 sq. ft. The Lessee shall pay the Administrative Board a monthly rental of $1,818.67. The lease shall run for one year.

Agreement No.: 150-70.

Filing party: Mr. Charles F. Warren, 1100 Connecticut Ave., N.W., Washington, D.C. 20006.

Summary: Agreement No. 150-70 modifies the basic agreement of the Trans-Pacific Freight Conference of Japan/Korea by adding an Article 31 to provide for Rate Initiative, a procedure for changing rates in the face of non-conference competition subject to the terms and conditions set forth therein.

Agreement No.: 10419.

Filing party: James P. Black, President, Frederick Richards of Georgia, Inc., 122 West Bay Street, P.O. Box 1246, Savannah, Georgia 31402.

Summary: Agreement No. 10419, between Frederick Richards, Inc. and Frederick Richards of Georgia, Inc., provides that the marketing manager presently employed by Frederick Richards of Georgia, Inc., will solicit cargo, clients and accounts on behalf of Frederick Richards of Georgia, Inc., and Frederick Richards, Inc. Frederick Richards, Inc., is a Charleston, South Carolina based custom house broker and foreign freight forwarder, FMC license 309R, wholly owned by Robert A. Richards. Frederick Richards of Georgia, Inc., is based in Savannah, Georgia, with a branch office in Atlanta, and operates as a custom house broker and foreign freight forwarder, under FMC license 1535, with the stockholders being James P. Black (49 percent) and Robert A. Richards (51 percent). Although the established name, Frederick Richards, is used for both corporations, the two are separate and operate totally independently. The officers of the two firms communicate regarding management matters of Frederick Richards of Georgia, Inc. When necessary, uniform rates will be established for specific customers, and intercommunications between offices established to service and maintain clients of the two firms. Service fees will be standardized upon request by and agreement of a specific account. Frederick Richards, Inc., will pay Frederick Richards of Georgia, Inc., one-third the salary and expenses of the marketing manager employed by Frederick Richards of Georgia, Inc.

Agreement No.: 10420.

Filing party: Robert A. Peavy, Esquire, Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10420 is a proposed charter agreement among five U.S.-flag carriers, i.e., American President Lines, Ltd., Lykes Bros. Steamship Company, Inc., Sea-Land Service, Inc., United States Lines, Inc., and Waterman Steamship Corporation, in the trades between points in and ports on all coasts of the U.S. (including Hawaii and Alaska), the Republic of Panama, Guam, and Canada on the one hand, and points and ports in foreign countries included in U.S. Oceanborne Foreign Trade Routes Nos. 12, 17, 22, and 29 on the other. It permits the parties to transport cargo and/or equipment for other members on a capacity-available basis, with compensation as the parties may from time to time agree. Procedures for booking, documentation, and administrative matters will also be as agreed upon by the parties from time to time. The parties reserve the right to appoint an administrator and/or auditor, and agree to file semi-annual operating reports with the Commission. The agreement also includes specific provisions dealing with *force majeure*, loss or damage responsibility, insurance, and arbitration, and the parties agree not to pay any unlawful remittances, allowances, or rebates under the agreement. The agreement is scheduled to remain in effect as long as membership is maintained by at least two carriers.

Dated: May 20, 1981.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-15608 Filed 5-26-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Terramar Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed merger with Service Machine & Shipbuilding Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Terramar. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commissio, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-15723 Filed 5-26-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Minority Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of June 1981.

MINORITY ADVISORY COMMITTEE, ADAMHA, June 18; 9:30 a.m.—OPEN, Conference Room 17-09B, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland. Contact: Marta Sotomayor, Ph. D., Room 13C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857—(301) 443-3838.

Purpose: The Minority Advisory Committee, ADAMHA advises the Secretary of Health and Human Services, and the Administrator, Alcohol, Drug Abuse, and Mental Health Administration on needs, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Administrator on those matters which relate to the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health.

Agenda: This meeting will be open to the public. The focus of the meeting will be prevention. The Committee will be expected to make followup recommendations to the Administrator in light of the budgetary changes and conference proceedings. The prevention conference discussions can provide an opportunity for members to: (1) identify ADM prevention strategies appropriate to minority population needs and concerns; (2) identify barriers and means to ease them; (3) begin a networking process among minority and non-minority prevention practitioners and organizations; and (4) identify local minority leadership in the field of prevention.

Substantive program information may be obtained from the contact person listed above. Attendance by the public will be limited to space available. Mr. James C. Helsing, Deputy Director, Office of Communications and Public Affairs will furnish on request summaries of the meeting and a roster of the Committee

members. Mr. Helsing is located in Room 6C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857—(301) 443–3783.

Dated: May 21, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-15697 Filed 5-26-81; 8:45 am]

BILLING CODE 4110-88-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI–53]

Intended Environmental Impact Statements; Certain Projects in Florida, Montana, Utah, and Wyoming

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Meadow Woods Planned Unit Development, South Orange County, Florida; Spring Creek Planned Development, Big Horn County, Montana; Westlake 4000 and 5600 Planned Developments, West Valley City, Utah and Brook Hollow Subdivision, Evanston, Wyoming. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., May 18, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on Meadow Woods, South Orange County, Florida

The Department of Housing and Urban Development intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description. The proposed new development, located in South Orange County, and adjacent to the Osceola County Line, will encompass 3000 acres and will include 5557 units over the next 15 years. This project is a Planned Unit Development (PUD) consising of single family homes, row housing, townhouses, and cluster housing. There will also be acreage available for streets, roads, civic, commercial, office, church, shcools and recreational uses.

Needs. An EIA is proposed because this project is located partially within the 100 year floodplain and wetlands, as defined by Executive Order 11988 and Executive Order 11990. Other Environmental issues concerning the proposed project that are now perceived include noise and wastewater treatment.

Scoping. This Notice is part of the process used for scoping the EIS, and any responses received will help determine significant environmental issues and identify data which the EIS should address. A scoping meeting has been planned for Thursday, June 4, 1981, at 10:00 a.m., in Room 297 of the Federal Office Building, located at 80 North Hughey Avenue, Orlando, Florida.

Alternatives Perceived. Alternatives perceived at this point include rejection of project, acceptance as proposed, or acceptance with mitigative conditions.

Comments. Comments concerning this development are invited from all interested parties and should be sent on or before June 17, 1981, to M. Jeanette Porter, Service Office Supervisor, U.S. Department of Housing and Urban Development, Post Office Box 1400, Orlando, Florida 32802. Additional information on the proposal can also be obtained from the above address. The estimated date for completion of this Draft EIS is September 1982.

Appendix—EIS on the Spring Creek Planned Development, Big Horn County, Montana

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the Spring Creek development as described below, and requests information and comments for consideration in the EIS.

Description. Approximately 964 dwelling units will be constructed on 311 acres near the northwest shore of the Tongue River Reservoir in southeastern Big Horn County. The development is about 9 miles north of the Decker, Montana post office and about 30 miles north of Sheridan, Wyoming.

Need. An EIS is required because the total number of dwelling units exceeds a HUD established threshold. The purpose of this development is to provide housing and services for miners employed at coal strip mines in the immediate vicinity of Spring Creek.

Alternatives. The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Big Horn County, Montana.

Comments. Comments should be forwarded on or before June 17, 1981, to: Mr. Carroll F. Goodwin, Area Environmental Clearance Officer, U.S. Department of Housing and Urban Development Area Office, 1405 Curtis Street—Executive Tower Inn, Denver, Colorado 80202. The commercial telephone number is (303) 837–4513 and the FTS number is 837–3103.

Appendix—EIS on the Westlake 4000 and 5600 Planned Developments, West Valley City, Utah

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the master planned area containing the Westlake 4000 and 5600 developments as described below and requests information and comments for consideration in the EIS.

Description. Approximately 7000 dwelling units will be constructed on 1,300 acres. Westlake is located between 3600 to 5600 west and 2400 south to 3300 south in the city of West Valley City, Utah.

Need. An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives. The alternatives are

HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This Notice will also appear in a paper of local circulation in West Valley City, Utah.

Comments. Comments should be forwarded on or before June 17, 1981, to: Mr. Carroll F. Goodwin, Area Environmental Clearance Officer, U.S. Department of Housing and Urban Development Area Office, 1405 Curtis Street—Executive Tower Inn, Denver, Colorado 80202. The commercial telephone number is (303) 837–4513 and the FTS number is 327–3103.

Appendix—EIS on the Brook Hollow Subdivision, Evanston, Wyoming

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the master planned area as described below and requests information and comments for consideration in the EIS.

Description. Approximately 611 dwelling units will be constructed on 160 acres adjacent to the Aspen Groves Development in the southeast portion of the city of Evanston, Wyoming.

Need. An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives. The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate governmental agencies and service organizations. This Notice will also appear in a newspaper of local circulation in Evanston, Wyoming.

Comments. Comments should be forwarded on or before June 17, 1981, to: Mr. Carroll F. Goodwin, Area Environmental Clearance Officer, U.S. Department of Housing and Urban Development Area Office, 1405 Curtis Street—Executive Tower Inn, Denver, Colorado 80202. The commercial telephone number is (303) 837–4513 and the FTS number is 327–3103.

[FR Doc. 81–15637 Filed 5–26–81; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. NI–54]

Intended Environmental Impact Statements; Deerfield Housing Development and Summertree Planned Unit Development, Madison, Miss.

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Deerfield Housing Development, Madison County, Mississippi and Summertree Planned Unit Development, Madison, Mississippi. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register,** then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., May 18, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on Deerfield Housing Development, Madison County, Mississippi

The Jackson Area Office of the U.S. Department of Housing and urban Development intends to prepare an Environmental Impact Statement (EIS) for the housing development described below and solicits comments and information for consideration in the EIS.

Description. Deerfield Housing Development is a phased, long-range development of 1,250 acres in southeastern Madison County, Mississippi. Phase I of the development consists of 159 residential lots on 70.4 acres. The developer, J. D. Rankin, has also constructed a golf course and will soon complete a clubhouse, tennis courts and a swimming pool. Development of Deerfield is expected to occur over a 10–15 year period. HUD participation is requested under the Section 203(b) mortgage insurance program.

Need. An EIS will be prepared for the above project in compliance with HUD regulation 24 CFR Part 50.31 which automatically requires an EIS when there exists the potential and reasonable likelihood that 500 or more lots will be developed in a county which has 50,000 or less population. HUD's action involves review of the application to determine if the development meets prescribed development standards and, if so, to issue commitments for FHA (Section 203(b)) mortgage insurance.

Alternatives Perceived. HUD alternatives include: (1) Approve the project as submitted, (2) approve the project with conditions or modifications, and (3) disapprove the project.

Scoping. This notice will be placed on record and will stand as the date the scoping process required by the Council on Environmental Quality's regulation 40 CFR Part 1501.7 was initiated. No scoping meeting will be held.

Comments. Comments are requested from all agencies, groups or persons on environmental concerns which HUD should address as significant issues in the EIS. Responses will be used to help (1) determine significant environmental issues; (2) identify data which the EIS should address; and (3) identify cooperating agencies. Written comments will be received on or before June 17, 1981, and should be addressed to: Mr. James S. Roland, Area Manager, Jackson Area Office, U.S. Department of Housing and Urban Development, Room 1016 U.S. Federal Building, 100 West Capitol Street, Jackson, Mississippi 39212. The commercial telephone number (601) 960–4702 and FTS 960–4702.

Appendix—EIS on Summertree Planned Unit Development, Madison, Mississippi

The Jackson Area Office of the U.S. Department of Housing and Urban Development intends to prepare an Environmental Impact Statement (EIS) for the housing development described below and solicits comments and information for consideration in the EIS.

Description. Summertree Planned Unit Development (PUD) is located wholly within the city limits of Madison, Mississippi. Development of an 850 acre

tract is expected to occur over a 10–12 year period in four distinct phases. Phase I of the PUD has been named the village of Woodgreen, and 98 residential lots have been platted. Additional residential and some commercial development is also expected for Phase I. HUD participation is requested under the Section 203(b) mortgage insurance program.

Need. An EIS will be prepared for the above project in compliance with HUD regulation 24 CFR Part 50.31 which automatically requires an EIS when there exists the potential and reasonable likelihood that 500 or more lots will be developed in a county which has 50,000 or less population. HUD's action involves review of the application to determine if the development meets prescribed development standards and, if so, to issue commitments for FHA (Section 203(b)) mortgage insurance.

Alternatives Perceived. HUD alternatives include: (1) Approve the project as submitted, (2) approve the project with conditions and/or modifications, and (3) disapprove the project.

Scoping. This notice will be placed on record and will stand as the date the scoping process required by the Council on Environmental Quality's regulation 40 CFR Part 1501.7 was initiated. No scoping meeting will be held.

Comments. Comments are requested from all agencies, groups or persons on environmental concerns which HUD should address as significant issues in the EIS. Responses will be used to help (1) determine significant environmental issues; (2) identify data which the EIS should address; and (3) identify cooperating agencies. Written comments will be received on or before June 17, 1981, and should be addressed to: Mr. James S. Roland, Area Manager, Jackson Area Office, U.S. Department of Housing and Urban Development, Room 1016 U.S. Federal Building, 100 West Capitol Street, Jackson, Mississippi 39212. The commercial telephone number (601) 960–4702 and FTS 960–4702.

[FR Doc. 81–15638 Filed 5–26–81; 8:45 am]
BILLING CODE 4210–01–M

[Docket No. NI–55]

Intended Environmental Impact Statement; San Antonio Plaza Redevelopment Project, Calif.

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under a HUD program as described in the appendix of the Notice: San Antonio Plaza Redevelopment Project, California R–90, Fifth Plan Amendment. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person and address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on the project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., May 19, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on the San Antonio Plaza Redevelopment Project Fifth Plan Amendment, California R–90, in San Jose, California

The Redevelopment Agency of the City of San Jose, California intends to have prepared an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description: The San Antonio Redevelopment Project is a downtown urban renewal project in execution since March 1969. This project is currently being carried out under the HUD Community Development Block Grant Program. Project activities are about 80 percent complete with a pedestrian mall completed and a State Office Building under construction.

An urban renewal plan change calling for the added expenditure of an estimated $7,000,000 is proposed. The plan change involves additional acquisition, street improvements, and relocation of families, individuals and businesses.

The project reuse is proposed for change. The new reuse would call for a hotel, office and parking space, new residential uses, as well as retail space. The current reuse calls for mainly retail uses.

Need: The City in cooperation with HUD has determined that an EIS is necessary due to the scope of the changes and due to environmental regulations and probable impact on transportation systems and city services.

Alternatives Perceived: At this time City alternatives are: High Intensity reuse as proposed, Lower Intensity no change in reuse, or Exclusive Office with no retail, hotel, or residential reuse.

Scoping: This notice is part of the process used for scoping the final EIS, and responses will be used to help determine significant environmental issues; identify data which the EIS should address; and identify cooperating agencies.

Comments: Comments regarding this proposal should be sent as soon as possible from the time of publication in the **Federal Register** to: David K. Boggini, Director Redevelopment Agency of San Jose, 801 North First Street, Room 408, San Jose, California 95110.

[FR Doc. 81–15639 Filed 5–26–81; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Nos. I–2448, I–2834, I–3663]

Idaho; Partial Termination of Classification for Multiple-Use Management

May 18, 1981.

1. Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10526), I hereby terminate the Bureau of Land Management Multple-Use Classifications Orders dated July 2, 1969, December 4, 1970, and November 13, 1970 (Serial Nos. I–2448, I–2834, I–3663) published in the **Federal Register** July 10, 1979, 34 FR 1429, December 11, 1970, and 35 FR 18883 and November 20, 1970, 35 FR 17862, insofar as they affected the lands described below:

Boise, Meridian, Idaho (I–2488)

Reno Diversion Site

T. 8 N., R. 30 E.,
Sec. 3, S½NE¼, N½SE¼.

Reno Ditch Recreation Site

T. 8 N., R. 31 E.,
Sec. 7, SE¼SE¼;
Sec. 17, NW¼NW¼;
Sec. 18, NE¼NE¼.

Pass Creek Recreation Site

T. 9 N., R. 29 E.,
Sec. 3, SW¼SW¼.

Scott Butte, Birch Creek Recreation Sites

T. 9 N., R. 30 E.,
Sec. 21, E½E½;
Sec. 27, SW¼NW¼, NW¼SW¼;
Sec. 28, SE¼NE¼, NE¼SE¼.

Medicine Lodge, Horse Pasture Recreation Sites

T. 11 N., R. 33 E.,
Sec. 2, Lot 4, SW¼NW¼;
Sec. 3, Lot 1, SE¼NE¼;
Sec. 12, MW¼NE¼.

Patelzick Recreation Sites

T. 12 N., R. 35 E.,
Sec. 24, SE¼NE¼NE¼, NE¼SE¼NE¼.
T. 12 N., R. 36 E.,
Sec. 19, SW¼NW¼NW¼, NW¼SW¼NW¼, NE¼SW¼.

The areas described aggregate 598.69 acres in Clark County.

Boise Meridian, Idaho (I-2834)

Ras Canyon Campground

T. 4 N., R. 24 E.,
Sec. 2, NW¼SW¼;
Sec. 3, NE¼SE¼.

School House Canyon Recreation Site

T. 5 N., R. 24 E.,
Sec. 35, Lot 4.

March Canyon Campground

T. 5 N., R. 25 E.,
Sec. 29, NE¼NW¼.

Diversion Campground

T. 6 N., R. 25 E.,
Sec. 14, SW¼NE¼, NW¼SE¼.

The areas described aggregate 239.82 acres in Custer County.

Boise Meridian, Idaho (I-3663)

Sage Junction Interchange Study Area

T. 6 N., R. 36 E.,
Sec. 22, SE¼;
Sec. 27, N½NE¼.

The area described aggregates 240 acres in Jefferson County.

2. The segregative effect on the lands described in this order will terminate upon publication of this notice in the **Federal Register** as provided by the regulations in 43 CFR 2461.5(c)(2).

Robert O. Buffington,

State Director.

[FR Doc. 81-15614 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-6717-A2]

Alaska Native Claims Selection

On December 5, 1975, Ohgsenakle Corporation, for the Native village of Portage Creek, filed selection application AA-6717-A2, under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the Portage Creek area.

On November 14, 1978, the State of Alaska filed general purposes grant selection applications AA-21798, AA-21808, and AA-21813, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b), for certain lands in the Portage Creek area.

The following described lands have been properly selected by Ohgsenakle Corporation. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated,* and *unreserved* public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands;

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-21798

T. 15 S., R. 52 W.
Sec. 26, all;
Secs. 31 to 36, inclusive, all.
Containing approximately 4,470 acres.

State Selection AA-21808

T. 16 S., R. 53 W.
Secs. 1 to 36, inclusive, all.
Containing approximately 23,012 acres.

State Selection AA-21813

T. 17 S., R. 53 W.
Secs. 4 to 9, inclusive, all;
Secs. 16 to 21, inclusive, all;
Secs. 28, 29, 30 and 33, all.
Containing approximately 10,071 acres.
Aggregating approximately 37,553 acres.

The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date. State Selection application AA-21808 is rejected in its entirety and the case file will be closed of record when this decision becomes final.

As to the lands described below, the application submitted by Ohgsenakle Corporation is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(b) of ANCSA, aggregating approximately 60,565 acres, is considered proper for acquisition by Ohgsenakle Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 15 S., R. 52 W.
Sec. 26, all;
Secs. 31 to 36, inclusive, all.
Containing approximately 4,470 acres.
T. 16 S., R. 52 W.
Secs. 1 to 36, inclusive, all.
Containing approximately 23,012 acres.
T. 16 S., R. 53 W.
Secs. 1 to 36, inclusive, all.
Containing approximately 23,012 acres.
T. 17 S., R. 53 W.
Secs. 4 to 9, inclusive, all;
Secs. 16 to 21, inclusive, all;
Secs. 28, 29, 30 and 33, all.
Containing approximately 10,071 acres.
Aggregating approximately 60,565 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Ohgsenakle Corporaton has been reallocated 61,553 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date, approximately 60,565 acres of the 12(b) reallocation have been approved for conveyance. The remaining entitlement of approximately 988 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be granted to the Bristol Bay Native Corporation when conveyance is granted to Ohgsenakle Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies within the described lands considered to be navigable.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week for four (4) consecutive weeks, in the Anchorage Times.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska, 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate; and parties who failed or refused to sign the return receipt shall have until June 26, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501;

Ohgsenakle Corporation, Portage Creek, Alaska 99576;

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81–15680 Filed 5–26–81; 8:45 am]

BILLING CODE 4310–84–M

[NM 10622 and NM 10622, Amdt. 1]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

May 18, 1981.

1. On August 26, 1970 (FR, Vol. 35, No. 166, pages 13587–13589), the public lands described in the notice aggregating approximately 113,595 acres were classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). On December 17, 1970 (FR, Vol. 35, No. 244, page 19137), an additional 9,520 acres were classified and similarly segregated under NM 10622, Amdt. 1.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classifications referred to under paragraph 1 above are hereby terminated. This action will restore the lands to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws. Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81–15702 Filed 5–26–81; 8:45 am]

BILLING CODE 4310–84–M

[NM 2639]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

May 18, 1981.

1. On September 29, 1967 (FR, Vol. 32, No. 189, pages 13673–13674), the public lands described in the notice aggregating approximately 605,200 acres were classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). On October 7, 1970 (FR Vol. 35, No. 195, page 15768), the NE¼SW¼, sec. 20, T. 5 S., R. 18 E., totalling 40 acres, and included in notice of September 29, 1967, was further segregated from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification aggregating approximately 605,160 acres published in FR notice of September 29, 1967, is hereby terminated. This action will restore the lands to the operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws. The 40 acres described under NM 2639, Amdt. 1, remain segregated as specified in the notice.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81–15703 Filed 5–26–81; 8:45 am]

BILLING CODE 4310–84–M

[NM 0560202]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

May 18, 1981.

1. On November 3, 1966 (FR, Vol. 31, No. 214, pages 14085–14086), the public lands described in the notices aggregating approximately 920,000 acres were classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the Homestead, Desert Land, and Allotment Laws (43 U.S.C. parts 7 and 9, and 25 U.S.C. 334), and from sale under 2455 of the Revised Statutes (43 U.S.C. 1171).

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under Item 1 above is hereby terminated. This action will restore the lands to operation of the public land laws generally, subject to valid existing rights and the requirements of

applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-15704 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Availability of Plan of Operations for the Purpose of Oil Drilling; Big Cypress National Preserve; Extension of Comment Period

On April 15, 1981, the National Park Service published in the **Federal Register**, Volume 46, Number 72, Pages 22043–22044, the availability for comment and review of a Plan of Operations submitted by Bass Enterprises Production Company for the purpose of oil drilling in the Turner River Road area of the Big Cypress National Preserve. Notice is hereby given that the comment period will be extended an additional 30 days through June 15, 1981. Copies of the Plan of Operations are available for review during normal business hours at Everglades National Park Headquarters, Route 27, 12 miles south of Homestead, Florida; at Big Cypress National Preserve, 850 Central Avenue, Room 300, Naples, Florida; and the National Park Service, Southeast Regional Office, 75 Spring Street, S.W., Atlanta, Georgia. Comments should be received on or before June 26, 1981. For further information contact Pat Tolle, Management Assistant, Everglades National Park, (305) 247–6211.

Dated: May 20, 1981.

G. W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 81-15699 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-70-M

Availability of Plan of Operations for the Purpose of Oil Drilling; Big Cypress National Preserve; Extension of Comment Period

On April 20, 1981, the National Park Service published in the **Federal Register**, Volume 46, Number 75, Page 22260, the availability for comment and review of a Plan of Operations submitted by Hughes and Hughes for the purpose of oil drilling in the Baxter Island area of the Big Cypress National Preserve. Notice is hereby given that the comment period will be extended an additional 30 days through June 20, 1981. Copies of the Plan of Operations are available for review during normal business hours at Everglades National Park Headquarters, Route 27, 12 miles south of Homestead, Florida; at Big Cypress National Preserve, 850 Central Avenue, Room 300, Naples, Florida; and the National Park Service, Southeast Regional Office, 75 Spring Street, S.W., Atlanta, Georgia. Comments should be received on or before June 26, 1981. For further information contact Pat Tolle, Management Assistant, Everglades National Park, (305) 247–6211.

Dated: May 20, 1981.

G. W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 81-15701 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-70-M

Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with Public Law 92–463, 86 Stat. 770 (5 U.S.C. App. 1 § 10) that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, June 12, 1981 at 1:30 p.m. at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established pursuant to Public Law 91–383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Advisory Commission are as follows:

Dexter M. Keezer, Truro
Francis R. King, Wellfleet
Nathan Malchman, Provincetown
Barbara S. Mayo, Provincetown
Joshua A. Nickerson, Chatham
David F. Ryder, Chatham
Sherrill B. Smith, Jr., Orleans
Clifford H. White, Wrentham
Elizabeth F. Worthing, Eastham
Paul F. Nace, Jr., Woods Hole

At the meeting at 1:30 p.m. the Commission will consider the following matters:

Status of the South Hollow Wellfield Reclamation efforts of the Town of Provincetown.

The afternoon meeting will be preceded by a field trip at 10:30 a.m. to the various wellfields currently supplying water to Provincetown on a permanent or emergency basis.

The meeting is open to the public. It is expected that up to 15 persons will be able to attend the session in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663, Telephone 617–349–3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

May 15, 1981.

[FR Doc. 81-15700 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Privacy Act of 1974; Revision and Update of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. Except as noted below, all changes being published are editorial in nature, and reflect organization changes and other minor administrative revisions which have occurred since the publication of the material in the **Federal Register** on April 11, 1977 (42 FR 18968), and August 21, 1980 (45 FR 55838).

One Departmental system of records titled: Personnel Research Records, Interior—OS–98 (Published at 43 FR 37496), which is no longer maintained as a separate Departmental system of records, is deleted. The records formerly included in OS–98 have been incorporated into a government-wide system of records titled: Personnel Research and Test Validation Records, OPM/GOVT–6, established by the Office of Personnel Management.

A new Departmental system of records titled: Grievance Records—Interior, Office of the Secretary—74 is published in its entirety below. This new system of records applies to Departmental records previously included in a government-wide system titled: Grievance Records, OPM/GOVT–2 formerly maintained by the Office of Personnel Management.

Two separate Departmental systems or records, which include the same types of records, are combined for the

purpose of reducing unnecessary recordkeeping and paperwork. The records system titled: Office Operations Records on Employees, Bureau System—Interior, Office of the Secretary—59 (Published at 42 FR 19025) is deleted. Those records are now included in the Departmental system titled: Office Operations Records on Employees, Department System—Interior, Office of the Secretary—58 (Published at 42 FR 19025).

The following existing system notices are updated and republished in their entirety below:

1. System Name: Library Circulation Control System—Interior, Office of the Secretary—35 (Published at 42 FR 19021).

2. System Name: Office Operations Records on Employees, Department System—Interior, Office of the Secretary—58 (Published at 42 FR 19025).

3. System Name: Applicant Files—Interior, Office of the Secretary—70 (Published at 45 FR 55838).

4. System Name: Personnel Data Files (Automated)—Interior, Office of the Secretary—79 (Published at 42 FR 19031).

5. System Name: Emergency Loan Fund Committee Loan Records—Interior, Office of the Secretary—80 (Published at 42 FR 19031).

6. System Name: Executive and Manager Development Program—Interior, Office of the Secretary—82 (Published at 42 FR 19032).

Additional information regarding this notice may be obtained from the Departmental Privacy Act Officer, Office of Information Resources Management, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202–343–6191.

Dated: May 18, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

INTERIOR/OS–35

SYSTEM NAME:

Library Circulation Control System—Interior, Office of the Secretary—35.

SYSTEM LOCATION:

(1) Center for Information and Library Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Libraries maintained by bureaus and offices of the department. (List of addresses may be obtained from the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Borrowers of library materials from Department of the Interior libraries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Borrowers' name and working address, book call number and due date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 67a, 1456, 1467, 40 U.S.C. 483(b), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is control of library materials. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual card file.

RETRIEVABILITY:

Name, call number, date due.

SAFEGUARDS:

Attended constantly during working hours, library locked thereafter.

RETENTION AND DISPOSAL:

Current year plus one, disposed of in regular trash.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Center for Information and Library Services, Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager with respect to records located in the Center for Information and Library Services, and to individual librarians with respect to records located in the facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager, with respect to records located in the Center for Information and Library Services, and to individual librarians with respect to records located in the facility for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual using library services.

INTERIOR/OS–58

SYSTEM NAME:

Office Operations Records on Employees, Department System—Interior, Office of the Secretary—58.

SYSTEM LOCATION:

All Departmental bureaus and offices including regional and field facilities thereof. (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of the Department of the Interior.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records involving operational relationships between the employee and the office in which the employee works. These records include: workload and productivity records for scheduling purposes; travel activity and budgets; accident and safety records, property accountability; studies and special projects; committee and detail assignments; locator indexes, parking space assignments, and similar records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 5105–5115, 5501–5516, 5701–5709, 31 U.S.C. 66a, 240–243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to administer the employee's relationship to the activities and functions of the office. Disclosures outside the Department of the Interior may be made: (1) to the Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) to

members of Congress in response to an inquiry made at the request of the individual of record.

POLICY AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders or card files, file cabinets, or computer files.

RETRIEVABILITY:

By name or control number assigned to employee.

SAFEGUARDS:

In accordance with the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Retained until completion of work project or activity to which the record pertains, or until separation of the employee, at which time the record is disposed of in accordance with appropriate records schedules.

SYSTEM MANAGER(S) AND ADDRESS:

For the records located in the office in which the individual is (or was) employed, the head of such office. See Appendix for addresses.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the head of the office in which the individual is (or was) employed. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access to records should be addressed to the head of the requester's office at the facility at which he/she is (or was) employed. See 43 CFR 2.61 for submission requirements.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is obtained through internal office procedures with which the individual is involved.

INTERIOR/OS-70

SYSTEM NAME:

Applicant Files—Interior, Office of the Secretary—70.

SYSTEM LOCATION:

(1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (2) Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. (3) Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

CATEGORIES OR INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicants, recommendations, interview notes and other documents utilized to determine eligibility, suitability and qualifications for Federal civilian employment maintained subject to applicable Office of Personnel Management requirements, including Office of Personnel Management Rule VI and Chapter 302 of the Federal Personnel Manual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is for the hiring of applicants. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementating the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIVEING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Current applications retained.

SYSTEM MANAGER(S) AND ADDRESS:

(1) For the Office of the Solicitor: Director of Administration, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. (2) For the Office of Hearings and Appeals: Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. (3) For the Office of Water Research and Technology: Director, Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, NW, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the appropriate systems manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirments of 43 CFR 2.71.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(5), the Department of the Interior has adopted a regulation, 43 CFR 2.79(c), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (1) and (f) to the extent that it consists of investigatory material compiled solely for the purpose of determining suitability, eligiblilty, or qualifications for federal civilian employment. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 28, 1975).

INTERIOR/OS-74

SYSTEM NAME:

Grievance Records—Interior, Office of the Secretary—74.

SYSTEM LOCATION:

These records are located in Departmental personnel or designated offices in which the grievances were filed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Departmental employees who have submitted grievances in accordance with part 771 of Office of Personnel Management regulations (5 CFR 771), or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Department employees under part 771 of Office of Personnel Management regulations. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that the Department may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp. p218.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of any employee, the issuance of a security clearance, the conducting of a security or suitablility investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908.

g. By the agency maintaining the records in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Office of Personnel Management; Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

i. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

The records compiled under 5 CFR 771 are disposed of 3 years after closing of the case. Records compiled under a negotiated procedure are disposed of in accordance with approved records schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel, U.S. Department of the Interior, 18th & C Streets, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the Department personnel or designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their record to be located and identified: name, date of birth, approximate date of closing of the case and kind of action taken, and organizational component involved. See 43 CFR 2.60.

RECORDS ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the Departmental personnel or designated office where the action for their records to be located and identified: name, date of birth, approximate date of closing of the case and kind of action taken, and organizational component involved. Individuals requesting access must also follow the requirements in 43 CFR 2.61.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding. Individuals wishing to request amendment to their records to correct factual errors should contact the Departmental personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified: name, date of birth, approximate date of closing of the case and kind of action taken, and

organizational component involved. See 43 CFR 2.71.

RECORDS SOURCE CATEGORIES:

Information in this system of records is provided by the individual on whom the record is maintained, by testimony of witnesses, by agency officials, by grievance examiners, by arbitrators, and from related correspondence from organizations or persons.

INTERIOR/OS-79

SYSTEM NAME:

Personnel Data Files (Automated)—Interior, Office of the Secretary—79.

SYSTEM LOCATION:

Data processing centers of the Department of the Interior in Wshington, D.C. at U.S. Department of the Interior, Washington, D.C. 20240; Denver, Colorado, at U.S. Bureau of Mines, Denver Federal Center, P.O. Box 25407, Denver, Colorado 80225 and Water and Power Resources Service, Engineering and Research Center, Denver Federal Center, P.O. Box 25007, Denver, Colorado 80225; Albuquerque, New Mexico, at Bureau of Indian Affairs, P.O. Box 2088, Albuquerque, New Mexico 87103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees and recently separated employees of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records relating to individuals employed in the Department and consisting of these categories: BUREAU—biographic, position, transaction and training records. DEPARTMENT—biographical, transaction, and training records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 2951, 4118, 4308, 4506, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950, Executive Order 10561 (September 13, 1954).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are in accordance with, or in addition to the records described by the Office of Personnel Management. These systems are used (a) to provide data for the governmentwide and Departmentwide central personnel files; (b) to produce day-to-day personnel management action, such as notification of personnel actions, automatic notices (e.g. conversion to career tenure, length of service awards, within grade increases) and to provide input to produce payroll and financial management actions; (c) used as an employee locator file and to provide information for organization and position management matters; (d) to provide information on current and potential executive level employees in an executive retrieval system; and (e) as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records were collected and maintained or related personnel management functions or manpower studies. Disclosures outside the Department of the Interior may be made (1) to the Office of Personnel Management to respond to their requests; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to any inquiry from a Congrssional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape, drum, disk, punched cards, and in computer printouts.

RETRIEVABILITY:

Records are indexed by name, date of birth, and social security account number of the employee.

SAFEGUARDS:

Records are located in facilities adequately secure to meet criteria established in 5 CFR 293.109.

RETENTION AND DISPOSAL:

Records are destroyed five years after individual ceases to be employed.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Department System: Director of Personnel, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240. (2) Bureau System: Bureau Personnel Officer. (See Appendix for addresses of bureau headquarters offices.)

NOTIFICATION PROCEDURE:

An individual may inquire whether or not the system contains a record pertaining to him by addresing a written request to: Personnel Officer who services the installation where the employee is (or was) employed.

RECORD ACCESS PROCEDURE:

Current and past Federal employees who wish to gain access to their files should contact: Personnel Officer servicing installation where employe is (or was) employed.

CONTESTING RECORD PROCEDURES:

Current and past Federal employees who wish to contest their files should contact: Personnel Officer servicing installation where employee is (or was) employed.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or in derived from information he supplied.

INTERIOR/OS-80

SYSTEM NAME:

Emergency Loan Fund Committee Loan Records—Interior, Office of the Secretary—80.

SYSTEM LOCATION:

Emergency Loan Fund Treasurers at (1) Office of Secretarial Operations—Fiscal, (2) Bureau of Land Management, (3) Fish and Wildlife Service, (4) Water and Power Resources Service, all at Interior Bldg., 18th and C Streets, N.W., Washington, D.C. 20240, (5) Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, (6) Bureau of Indian Affairs, Interior Bldgs., South, 1951 Constitution Ave., N.W., Washington, D.C. 20240, (7) Headquarters, Geological Survey, 12201 Sunrise Valley Dr., Reston, Va. 22092, (8) National Park Service, 1100 Ohio Drive, S.W., Washington, D.C., (9) Bureau of Mines, Columbia Plaza, 2401 E Street, N.W., Washington, D.C. 20242.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of the Interior who have applied for emergency loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, grade, and organization of person applying for a loan. Contains a statement of need for the loan written by the employee and endorsed by his supervisor. Contains a record of action taken by the Emergency Loan Committee, a schedule of repayments and a history of how repayment was accomplished.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 43 U.S.C. 1457i, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for application, approval, processing and accounting of emergency loans. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by name of borrower.

SAFEGUARDS:

Stored in file cabinets in locked rooms.

RETENTION AND DISPOSAL:

Destroyed one year after the loan is either repaid, or declared uncollectible.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Emergency Loan Fund, Office of Personnel Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Contact the Treasurer of the Emergency Loan Fund servicing your bureau and work location. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Contact the Treasurer of the Emergency Loan Fund which services your bureau and work location. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

Contact the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual and from his supervisor.

INTERIOR/OS-82

SYSTEM NAME:

Executive and Manager Development Program (EMDP)—Interior, Office of the Secretary—82.

SYSTEM LOCATION:

Office of personnel, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) present participants in the EMDP Program; (2) former participants in the program; (3) nominees selected or not selected for the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Nomination documents, reports of training assignments, evaluation statements list of graduates and placement assignments of current participants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301, P.L. 91-616, P.L. 92-255, P.L. 93-262, P.L. 79-658 (5 U.S.C. 7901) OMB Circular A-72.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses are (a) select candidates for the program; (b) to evaluate caliber or assignments; (c) evaluate performance of the participant; (d) determine or assist in placement efforts; (e) track career of graduates to determine success of program. Disclosures outside the Department of the Interior may be made, (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, and, (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained manually in file folders;

RETRIEVABILITY:

Indexed by name and/or by bureau;

SAFEGUARDS:

Participant records are maintained in lockable cabinets;

RETENTION AND DISPOSAL:

In accordance with established disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Employee Development, Office of Personnel, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

A request for access must be presented in person or in writing and signed by the requestor with proof of identity. Individuals may inquire whether or not the system contains a record pertaining to them by contacting the systems manager cited above.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access should contract the systems manager cited above.

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest their records should contact the systems manager cited above.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies, is derived from information supplied by the individual, or comes from agency officials.

[FR Doc. 81-15757 Filed 5-26-81; 8:45 am]
BILLING CODE 4310-10-M

Office of Surface Mining Reclamation and Enforcement

Intent To Prepare an Environmental Impact Statement on a Mining and Reclamation Plan for a Surface Coal Mine Proposed by NERCO, Inc., for the Antelope Coal Mine

[Federal Coal Lease Nos. W-0322255, W-0321780, B-031719]

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of Intent to prepare a draft environmental impact statement on a coal mining and reclamation plan.

SUMMARY: The Office of Surface Mining (OSM) has received a complete application from NERCO, Inc. for a mining and reclamation plan approval and permit pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA), for the proposed Antelope Coal Mine. OSM has determined that the approval or disapproval of this proposed mine is a significant Federal action affecting the human environment thus requiring an environmental impact statement (EIS).

The proposed surface coal mine would be located approximately 65 miles south of Gillette, 55 miles north of Douglas, and 60 miles west of Newcastle, Wyoming. The mine would cover approximately 7,641 acres of State and private surface, and Federal surface within the Thunder Basin National Grasslands. The mine would be in operation for approximately 28 years, with a maximum annual production of 12 million tons of coal.

OSM and the Geological Survey will prepare the EIS with assistance from the Wyoming Department of Environmental Quality (DEQ) and the Forest Service. The EIS will present alternative actions that the Department of Interior and the State of Wyoming could take on the mining and reclamation plan and the environmental impacts of these alternatives. The major alternatives thus far identified for Departmental consideration are:

a. No action

b. Approval of the Mining and Reclamation Plan

c. Disapproval of the Mining and Reclamation Plan

d. Approval of the Mining and Reclamation Plan with design modifications and/or with necessary stipulations to meet the requirements of SMCRA and the Wyoming Environmental Quality Act, and regulations pursuant to these Acts.

The EIS would be limited to a site-specific analysis of the Antelope Coal Mine within the permit area, adjacent areas, and regional areas. Since there are other energy developments, such as the WyCoalGas Gasification Plant, proposed for the same regional area as the proposed Antelope Mine, the cumulative impacts from all known developments will be evaluated using available information.

A public scoping meeting was held in Douglas, Wyoming, on January 28, 1981, to define potentially significant issues to assist OSM in making an EIS determination under the National Environmental Policy Act. The major issues raised at this meeting included ground-water flow, coal train traffic, and impacts to the community of Douglas. Copies of the transcript of the public meeting are available for review at the Office of Surface Mining (at the address below), the Wyoming Department of Environmental Quality (at the address below), and the Converse County Library, Douglas, Wyoming.

The mining and reclamation plan submitted by NERCO Inc., is also available for public review during normal working hours at the Office of Surface Mining, Region V, second floor, Brooks Towers, 1020 15th Street, Denver, Colorado; the State of Wyoming Department of Environmental Quality, 401 West 19th Street, Cheyenne, Wyoming; and at the County Clerk's Office, Converse County, Douglas, Wyoming (307) 358–2244. Comments on the proposed plan and/or significant issues may be submitted to the Regional Director, Office of Surface Mining, at the Denver address for a 30-day period after publication of this notice.

FOR FURTHER INFORMATION CONTACT: Florence Munter-Schaller or Jerome J. Cuzella, Office of Surface Mining, Region V, Brooks Tower, 1020 15th Street, Denver, Colorado 80202.

Dated: May 19, 1981.

Andrew V. Bailey,

Acting Director, Office of Surface Mining.

[FR Doc. 81-15688 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-05-M

[Federal Coal Lease Nos. C-1545, C-28358, C-28359, C-076713, and D-044240; Also Pending Preference Right Lease Application C-0126999]

Intent To Prepare an Environmental Impact Statement on Northern Coal Company's Proposed Meeker Area Mine Complex

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Pursuant to § 1501.4 of Title 40, Code of Federal Regulations, the Office of Surface Mining (OSM) has determined that an environmental impact statement (EIS) is required on Northern Coal Company's proposed Meeker Area Mine complex to be located in Moffat and Rio Blanco Counties, Colorado. Northern Coal Company has submitted a mining and reclamation plan and permit application for the Meeker Area Mines to OSM pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The proposed expansion to two existing mines would be located 7½ miles northwest of Meeker, Colorado and would involve approximately 4,750 acres of Federal and private lands. This complex would expand the Northern No. 1 and Rienau No. 2 Mines operating underground coal mines, and open two new coal mines. The anticipated life of the operation for the four mines is 30 years with a maximum annual production rate of about 5 million tons.

OSM will prepare the EIS with assistance from the State of Colorado, Mined Land Reclamation Division, the U.S. Geological Survey, and the Bureau of Land Management. The EIS will evaluate alternative actions the Department may take on the mining plan and the environmental impacts of these alternatives.

Alternatives which will be evaluated include but are not limited to: disapproval of the applicant's proposal, approval of the applicant's proposal, aproval of the applicant's proposal with modifications, and no action.

The potentially significant environmental impacts associated with this mine which have been identified are wildlife, hydrologic, subsidence, and transportation impacts. The EIS would be limited to a site-specific analysis of the Meeker Area Mines within the permit area, adjacent areas, and regional area.

The Office of Surface Mining held public scoping meetings on April 15, 1981 at Kilowatt Korner and at the Fairfield Center, Meeker Public Library in Meeker, Colorado to assist OSM in identifying potentially significant issues and thereby a determination under the National Environmental Policy Act. At the meeting OSM also solicited comments, pursuant to Section 761 Title 30, Code of Federal Regulations (30 CFR 761.12(d)), on Northern Coal Company's proposal to construct mining facilities within the 100 foot right-of-way of State Highway 13/789. The major issues the public raised at the meeting were transport of coal over the State highway, the potential for water drawdown by the mines, disruption to wildlife, and impacts to the community of Meeker. Copies of the transcript of the public meeting are available for review at the Office of Surface Mining (at the address below) and at the Rio Blanco and Moffat County Courthouses (at the address below).

The mining and reclamation plan submitted by Northern Coal Company is available for review at the Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202; the State of Colorado, Department of

Natural Resources, 1313 Sherman Street, Denver, Colorado 80202; the Rio Blanco County Courthouse, Meeker, Colorado 81641 and Moffat County Courthouse, 221 W. Victory Way, Craig, Colorado 81625. Notice of the complete mining and reclamation plan being available for review was published in the "Meeker Herald" on March 12, 19, 26 and April 2, 1981.

FOR FURTHER INFORMATION CONTACT: Robert Schueneman, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

Dated: May 19, 1981.

Andrew V. Bailey,

Acting Director, Office of Surface Mining.

[FR Doc. 81-15087 Filed 5-26-81; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-85F)]

Burlington Northern, Inc.—Abandonment—Between Wyoming and Lombardville, in Stark County, IL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided May 14, 1981 a finding, which is administratively final, was made by the Commission, Review Board Number 1, that the public convenience and necessity permit the abandonment by Burlington Northern, Inc. (BN) of a line between Wyoming (milepost 18.0) and Lombardville (milepost 6.8), a distance of 11.1 miles in Stark County, IL, subject to the conditions for the protection of employees developed in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979), and provided that BN shall keep intact all of the right-of-way underlying the track, including all bridges and culverts, for a period of 120 days from the date of issuance of the certificate, to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of this line. A certificate of abandonment will be issued to BN based on these findings, unless within 15 days from the date of publication the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) it is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line or railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or the amount of compensation a certificate of abandonment will be issued no later than 50 days after the Notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of a certificate for such time as the agreement (including any extensions of modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15754 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Section 5b Application No. 2 [1]]

Western Railroads—Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of extension of interim approval.

SUMMARY: By decision served March 2, 1981, and noticed in the **Federal Register** March 11, 1981 (46 FR 16150) the Commission extended to May 21, 1981 interim approval or the proposed rate bureau agreements entered October 26, 1976 in Ex Parte No. 297 (Sub-No. 1). Interim approval was conditioned on compliance with our January 21, 1981 decision. The carriers have now filed new rate bureau agreements in order to comply with the January 21, 1981 decision. The new agreements must be examined so that the Commission can determine whether they do in fact comply. Therefore, interim approval of the old agreements is extended until a decision is reached regarding the new agreements, subject to the compliance with the terms of the January 21, 1981 decision. Bureau operations must be consistent with that decision.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: May 19, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis was absent and did not participate.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15606 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[1] This proceeding also embraces Section 5b Application No. 3, Eastern Railroads—Agreement, and Section 5b Application No. 6, Southern Railroads—Agreement.

[Amdt. No. 1 to ICC Order No. 46 Under Service Order No. 1344]

Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 46, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 46 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiraton date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Associaton. A copy of this amendment shall be filed with the Director, Office of the **Federal Register.**

Issued at Washington, D.C., May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15693 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 2 to ICC Order No. 41 Under Service Order No. 1344]

Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 41, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 41 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15694 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 1 to ICC Order No. 49 Under Service Order No. 1344]

Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 49, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 49 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:49 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15695 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 2 to ICC Order No. 5 Under Service Order No. 1344]

Rerouting of Traffic

Upon further consideration of ICC Order No. 5, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 5 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C. May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15696 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 3 to ICC Order No. 3 Under Service Order No. 1344]

Middletown and Hummelstown Railroad Co.; Rerouting of Traffic

Upon further consideration of ICC Order No. 3, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 3 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15691 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 2 to ICC Order No. 29 Under Service Order No. 1344]

Missouri-Kansas-Texas Railroad Company; Rerouting of Traffic

Upon further consideration of ICC Order No. 29, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 29 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15692 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 3 to ICC Order No. 1 Under Service Order No. 1344]

New York, Susquehanna and Western Railway Corp.; Rerouting of Traffic

Upon further consideration of ICC Order No. 1, and the adoption by the Commission of rules permitting carriers to reroute traffic without prior Commission authorization for reasons beyond their control, this order will expire as set forth in paragraph (g).

It is ordered, ICC Order No. 1 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., May 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-15690 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

Office of Proceedings

[Volume No. 87]

Motor Carrier; Permanent Authority Decisions; Restriction Removals; Decision

Decided: May 21, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings:

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

James H. Bayne,

Acting Secretary.

MC 15975 (Sub-49)X, filed May 5, 1981. Applicant: BUSKE LINES, INC., P.O. Box 349, Litchfield, IL 62056. Representative: Howard H. Buske (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 13F, 17F, 20F, 24F, 25F, 27F, 28F, 29F, 30F, 33F, 34F, and 36F certificates to (A) broaden some commodity descriptions: Sub-No. 13, to "such commodities as are dealt in or used by manufacturers and distributors of foodstuffs" from canned and preserved foodstuffs; Sub-Nos. 28 and 29, "such commodities as are dealt in or used by brewers and distributors of malt beverages" from malt beverages; and Sub-Nos. 27 and 34, remove all restrictions in the general commodities authority "except classes A and B explosives"; and eliminate restrictive language "in tank vehicles," "in containers," "except in bulk," and "except size or weight"; (B) remove language restricting service to that originating at and destined to the named shipper facilities, in Sub-Nos. 17, 20, 24, 25, 27, 33, 34, and 36; and also delete exceptions excluding service in AK and HI in Sub-Nos. 17, 24, 27 and 30; and (C) replace one-way service with radial service, and substitute county-wide authority for the facilities and city points, as follows: Sub-No. 13, between (a) Newton County, MO (Neosho, MO), and, points in 11 States, and (b) Newton County, MO (Neosho, MO), and, Bond County, IL (Greenfield, IL); Sub-No. 17, Middlesex County, NJ (Edison, NJ), Erie County, NY (Erie, NY), Frederick and Cecil Counties, MD (Frederick and Elkton, MD), and Effingham and Williamson Counties, IL (Effingham and Herrin, IL), and, points in the U.S.; Sub-No. 20, Allen County, IN (Fort Wayne, IN) and Detroit, MI, and, St. Louis, MO (facilities near St. Louis, MO); Sub-No. 24, Crawford and Sebastian Counties, AR (Fort Smith, AR), Jefferson and Nelson Counties, KY (Bardstown and Louisville, KY), Will and Kendall Counties, IL (Plainfield, IL), New Orleans, LA, and, points in the U.S.; Sub-No. 25, Nelson County, KY (Bardstown, KY), and, points in 11 States; Sub-No. 28, Rockingham County, NC (Eden, NC), Tarrant County, TX (Fort Worth, TX), Peoria County, IL (Peoria, IL), Houston County, GA (Perry, GA), Detroit, MI and Milwaukee, IL, and, Butler, Cape Girardeau, Dunklin, St. Francois and Howell Counties, MO (Bonne Terre, Cape Girardeau, Kennett, Poplar Bluff, and West Plains, MO); Sub-No. 30, Union and Hudson Counties, NJ (Elizabeth, NJ), and, points in the U.S.; Sub-No. 34, St. Charles County, MO (facilities in St. Charles County, MO), and, points in the U.S.

MC 62745 (Sub-11)X, filed May 4, 1981. Applicant: WOOLEYHAN TRANSPORT COMPANY, P.O. Box 1431, Wilmington, DE 19899. Representative: R. K. Fillingame (same as applicant). Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from castings, and machinery and parts to "metal products and machinery" on sheet 4 and from asbestos and equipment, paper products and petroleum products in cases and drums to "building materials, pulp, paper and related products and petroleum products" on sheet 5, (2) remove the "in truckload lots" restriction, and (3) change one-way to radial authority between Philadelphia, PA, and DE and NJ.

MC 64920 (Sub-6)X, filed May 15, 1981. Applicant: THE J. J. VINCI COAL COMPANY, 1000 Newfield Street, Middletown, CT 06457. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-No. 5 permits to (1) broaden the commodity description from liquid petroleum products in the lead and petroleum and petroleum products in bulk in tank vehicles in the Sub-No. 5 to "petroleum products" and (2) broaden the territorial description in both permits to between points in the U.S. under continuing contracts with unnamed shippers.

MC 100666 (Sub-543)X, filed April 24, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 61, 76, 78, 81, 84, 85, 86, 94, 97, 98, 103, 105, 107, 117, 119, 125, 134, 142, 143, 145, 146, 147, 150, 151, 152, 153, 154, 155, 157, 158, 169, 171, 172, 174, 184,

185, 193, 194, 197, 199, 200, 202, 208, 211, 212, 214, 215, 223, 225, 231, 234, 236, 238, 240, 242, 245, 246, 249, 254, 257, 261, 262, 263, 265, 266, 270, 272, 281G, 286, 287, 295, 297, 298, 300, 302, 303, 306, 308, 309, 315, 320, 321, 327, 330, 333, 338, 342, 343, 347, 352, 355, 363, 368, 370, 371F, 376, 378, 380F, 381F, 384F, 386F, 388F, 390F, 393F, 395F, 396F, 398F, 402F, 403F, 404F, 408F, 409, 410F, 411F, 413, 418F, 420F, 421F, 424, 425F, 426F, 430F, 436F, 440F, 447F, 450F, 451F, 464F, 465F, 478F, 485F, 491F, 494F, 495F, 499F, 500F, 506F, 507F, 509F, 510F, 520F, 522F, 523F, 524F, 526F, 530F, 533F, 534F, 535F, 536F certificates and letter notices E5, E7, E8, E10, E11, E12, E13, E14, E16, E19, E21, E23, E24, E26, E55, E64, E67, E103, E105, E106, E107, E137, E139, E145, E192, E199, E200, E204, E215, E217, E226, E227, and E247 to broaden its base commodity descriptions to: (1)(a) in Sub-Nos. 81, 98, 125, 143, 145, 146, 151, 169, 171, 184, 185, 211, 225, 234, 238, 249, 254, 262, 266, 287, 297, 298, 308, 309, 320, 330, 355, 363, 381F, 388F, 396F, 398F, 402F, 403F, 408F, 421F, 424F, 426F, 430F, 440F, 465F, 491F, 499F, 500F, 507F, 522, 523F, 524F, 530F, and letter notices E11, E12, E13, E23, E67 and E215, to "metal products" from various commodities such as iron and steel articles, prefabricated steel buildings, steel bar joists, steel forms, iron and steel tanks, structural steel footwalks, metal, metal articles, fencing, wire, gates, nails, posts, top rails, tubing, pipe, pipe (other than iron and steel), racks, shelving, seating, tables, metal conduit, cans, pails, pipe castings, valves, hydrants, valves and water boxes, fittings, wire rope, aluminum tubing, aluminum articles, aluminum tanks, aluminum ingots, lead, zinc, zinc oxide, zinc dust, slab zinc, zinc alloy, zinc products, refined copper and copper articles; (b) in Sub-Nos. 76, 78, 84, 97, 103, 150, 153, 154, 193, 194, 199, 202, 212, 214, 231, 236, 245, 246, 261, 270, 272, 281G, 302, 315, 321, 343, 370, 371F, 376, 378, 386F, 390F, 410F, 447F, 485F, 494F, and letter notice E5, E7, E8, E10, E14, E16, E19, E55, E64, E103, E105, E106, E107, E139, E226, and E277 to "rubber and plastic products" from various commodities such as plastic, plastic pipe, plastic tubing, plastic conduit, plastic moldings, plastic laminates, plastic articles, extruded or expanded plastic products, valves, fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, hand tools, hydrants, vinyl building products and vinyl plastic siding; (c) in Sub-Nos. 105, 107, 117, 119, 134, 142, 152, 157, 158, 197, 200, 215, 223, 300, 303, 306, 327, 342, 384F, 418F, 450F, 451F, and letter notices E21, E24, E26, E137, E145, E192 and E217, to "pulp, paper and related products" from various commodities such as paper, paper products, paper articles, paper mill products, ground waste paper, scrap paper, gypsum board paper, wood pulp, pulp mill products, pulpboard, glue and linerboard; (d) in Sub-Nos. 147, 172, 263, 347, 368, 395F, 404F, 411F, 413F, 425, 506F, 509F, 510F and E204 letter notice to "clay, concrete, glass or stone products" from various commodities such as ground clay, absorbent ground clay, absorbents, floor sweeping compounds, pottery, plaster products, cement asbestos pipe, cement pipe, cement, fittings, pipe, glass and glass products; (e) in Sub-Nos. 295, 338, 380F, 420F, and 478F, to "petroleum, natural gas and their products" from various commodities such as petroleum, petroleum products, roofing materials, roof coating, asphalt, asphalt compounds, nonasphaltic caulking compounds, sealant, which body sealer, sound deading compounds, filters, lubricating oils and hydraulic fluid; (f) in Sub-Nos. 155, 242, and letter notices E199 and E200 to "chemicals and related products" from agricultural insecticides; (g) in Sub-Nos. 286 and 526F to "food and related products" from pickled food products and canned fruit; (h) in Sub-Nos. 436F and 464F to "ores and minerals" from various commodities such as bentonite clay, lignite coal, drilling mud, clay, gilsonite, lignite and benonite; (i) in Sub-Nos. 533F to "such commodities as are used in, or in connection with the manufacture and/or distribution of building, roofing and insulating materials, pipe, pipe fittings and couplings" from building, roofing and insulating materials, pipe, pipe fittings and couplings; (j) in Sub-Nos. 409 and 536F to "printed matter" from magazines, catalogs, printed parts and sections; (k) in Sub-Nos. 85, 86, 174, 208 and 257 to "feed, grain and feed and grain products" from animal feed, cereal binders, sealing compounds, corn flour, industrial flour, industrial starches and processed grain products; (l) in Sub-Nos. 240, 265 and 333 to "baffling, forms, scaffolding and scaffolding materials" from builder's scaffolding, fiberglass concrete form, baffling, used construction forms, used scaffolding, used scaffolding material and used construction forming material; (m) in Sub-No. 61 to "clay, concrete, glass, or stone products, and rubber and plastic products" from cement asbestos products, plastic and pipe fittings; (n) in Sub-No. 94 to "transportation equipment" from sideboard racks; (o) in Sub-No. 520F to "textile mill products" from wiping cloths; and (p) in Sub-No. 534F "furniture and fixtures" from casual and leisure furniture. (2) remove "Originating at and/or destined to" named points in Sub-Nos. 81, 143, 151, 169, 211, 249, 266, 298, 330, 363, 381, E13, 193, 245, 246, 410, 485, E64, 105, 107, 223, 342, 384, 418, 421, 429, 430, 450, 451, E192, 172, 263, 347, 395, 286, 393, 491, 495, 533, and 333; (e) remove the "in bulk" restriction in Sub-Nos. 81, 169, 254, 381, 403, 421, 424, 465, 500, 97, 154, 245, 343, 370, 371, 376, 378, 386, 390, 410, 485, 494, E10, E14, E16, E19, E26, E55, 105, 117, 134, 152, 197, 200, 215, 223, 303; 306, 342, 384, E21, E192, 172, 263, 347, 368, 395, 425, E5, E7, E204, 295, 338, 380, 420, 478, 286, 464, 393, 495, 533, 85, 86, 208, 61, and 520; (4) remove "in tank or in dump vehicle" restrictions in 403, 408, 370, 371, 390, 410, 485, 215, 223, 343, 380, 420; (5) remove restriction against transportation to AK and HI in Sub-Nos. 145, 169, 184, 185, 234, 254, 297, 308, 309, 320, 363, 421, 430, 491, 499, 500, 522, 524, 84, 153, 154, 199, 202, 212, 214, 245, 246, 270, 315, 321, 343, 370, 371, 376, 390, 410, 447, 485, 152, 215, 223, 303, 384, 368, 411, 509, 510, 286, 495, 533, 409, 536, 240, 333, 502, and 535; (6) remove the restrictions against oil field commodities as described in *Mercer—Extension*, in Sub-Nos. 145, 151, 185, 97, 193, 214, E7, E8, E16, E19, E64, E103, E105, E106, E226, E227; (7) remove the restriction against foreign commerce in Sub-No. 381; (8) remove the restriction against commodities which because of size or weight require special equipment in Sub-Nos. 494, 390, 105, 134, 152, 197, 200, 342, E21, E26, E192, E204, and 61; (9) remove the in bags restriction in Sub-Nos. 147, 155, E199 and E200; (10) remove the restrictions (a) against glass containers in Sub-No. 509, (b) in containers in Sub-Nos. 242, 174, and 172, (c) against frozen foods in Sub-No. 286, (d) against the transportation of newsprint from Herty, TX, to points in KS and OK, in Sub-No. 158, (e) against the transportation of furniture from Morristown, TN, in Sub-No. 393, (f) against animal and poultry feed and feed ingredients and edible flour in Sub-Nos. 208 and 257 and (g) remove the mixed loads restriction in Sub-Nos. 249, 61, and E204, (11) remove plantsite limitations in Sub-Nos. 81, part of Sub-Nos. 105, 107, 119, 152, 223, 303, E145, E192, 211, 266, 330, 381, 440, 465, 78, E14, 212, 420, and 436; in Sub-No. 143 and replace Canton, OH, with Stark County, OH; in Sub-No. 146 and E13 and replace Milwaukee, WI, with Milwaukee County, WI; in Sub-No. 151 and replace Gainesville, TX, with Cooke County, TX; in Sub-No. 157 and replace Elizabeth, LA, with Allen Parish, LA; in Sub-No. 184 and replace Baton Rouge, LA, with East Baton Rouge Parish, LA; in Sub-Nos. 185 and 534 and replace Nacogdoches, TX, with Nacogdoches

County, TX; in Sub-No. 211 and replace Heflin, LA, Corpus Christi and Amarillo, TX, with Webster Parish, LA, and Nueces and Potter Counties, TX; in Sub-Nos. 225 and 286 and replace Greenville, MS, with Washington County, MS; in Sub-No. 238 and E139 and replace Ravenna, OH, with Portage County, OH; in Sub-No. 249 and replace Erie, PA, with Erie County, PA; in Sub-No. 254 and replace Amarillo, TX, with Potter County, TX; in Sub-No. 262 Charleroi, PA, with Washington County, PA; in Sub-Nos. 287 and 500 and replace Midlothian, TX, with Ellis County, TX; in Sub-Nos. 240 and 297 and replace Knoxville, AR, with Johnson County, AR; in Sub-No. 309 and replace Jewett, TX, with Leon County, TX; in Sub-No. 355 and replace Homerville, GA, and Acme, TX, with Clinch County, GA, and Hardman County, TX; in Sub-No. 363 and replace Holt, AL, with Tuscaloosa County, AL; in Sub-No. 396 and replace Hazelwood, MO, and Stauton, IL, with St. Louis County, MO, and McCoupin County, IL; in Sub-No. 398 and replace Alexandria, LA, with Rapids Parish, LA; in Sub-No. 402 and replace Bessmer and Birmingham, AL, with Jefferson County, AL; in Sub-No. 403 and replace Ashland, KY, with Boyd County, KY; in Sub-No. 408 and replace Canfield, Yorkville, Martin Ferry, Steubenville and Mingo Junction, OH, Allenport and Monessen, PA, and Beech Bottom, Benwood, and Wheeling, WV, with Mahoning, Jefferson and Belmont Counties, OH, Washington and Westmoreland Counties, PA, and Brooke, Marshall and Ohio Counties, WV; in Sub-No. 421 and replace Rockwall, TX, with Rockwall County, TX; in Sub-No. 424 and replace Josephtown, PA, with Beaver County, PA; in Sub-No. 426 and replace Milwaukee with Milwaukee County, WI; in Sub-No. 430 and replace Plum, TX, with Fayette County, TX; in Sub-No. 499 and replace St. Joseph, MO, with Buchanan County, MO; in Sub-No. 84 and replace Little Rock, AR, with Pulaski County, AR; in Sub-No. 150 and replace Pryor, OK, with Mayes County, OK; in Sub-No. 199 and replace Slidell and New Orleans, LA, with St. Tammany and Orleans Parishes, LA; in Sub-No. 236 and E226 and replace Newberry, FL, with Alachua County, FL; in Sub-No. 343 and replace Evansville, IN, Danville, IL, and Sylvania, OH, with Vanderburgh County, IN, Vermilion County, IL, and Lucas County, OH; in Sub-No. 370 and replace Grinnell, IA, Rolla, MO, and Hillsboro, TX, with Poweshiek County, IA, Phelps County, MO, and Hill County, TX; in Sub-No. 371 and replace Springfield, KY, Anderson, SC, and Vestal, NY, with Washington County, KY, Anderson County, SC, and Broome County, NY; in Sub-No. 376 and replace Riveria Beach, FL, with Palm Beach County, FL; in Sub-No. 378 and replace Buckhannon, WV, with Upshur County, WV; in Sub-No. 386 and replace Magnolia, AR, Revely, MO, and Hanging Rock, OH, with Columbia County, AR, Jefferson County, MO, and Lawrence County, OH; in Sub-No. 410 and replace Bakersfield, Santa Ana and Sun Valley, CA, Pompano Beach, FL, Social Circle and Stone Mountain, GA, Bristol, IN, Cleveland, OH, and Houston, TX, with Kern, Orange and Los Angeles Counties, CA, Broward County, FL, Walton and DeKalb Counties, GA, Elkhart County, IN, Cuyahoga County, OH, and Harris County, TX; in Sub-No. 447 and replace Pasadena, TX, with Harris County, TX; in Sub-Nos. 494 and 342 and replace Muskogee, OK, with Muskogee County, OK; in Sub-No. 147 and replace Cairo, GA, with Grady County, GA; in Sub-Nos. 263, 347 and 395 and replace Ochlocknee, GA, with Thomas County, GA; in Sub-No. 411 and replace Hillsboro, TX, with Hill County, TX; in Sub-No. 425 and replace Ripley, MS, with Tippah County, MS; in Sub-No. 506 and replace Ragland, AL, with St. Clair County, AL; in Sub-No. 509 and replace Toledo, OH, with Lucas County, OH; in Sub-No. 510 and replace Laurinburg, NC, with Scotland

County, NC; in Sub-No. 380 and replace Westwego, LA, and Beaumont and Houston, TX, with Jefferson Parish, LA, and Jefferson and Harris Counties, TX; in Sub-Nos. 478 and 174 and replace New Orleans, LA, with Orleans Parish, LA; in Sub-Nos. 85 and 86 and replace Golden Meadow and Lockport, LA, with Lafourche Parish, LA; in Sub-No. 534 and replace Brooksville, FL, and Nacogdoches, TX, with Hernando County, FL, and Nacogdoches County, TX; in E64 and replace Louisville, KY, with Jefferson County, KY; and in Sub-No. 526 and replace Brownsville, TX, with Cameron County, TX; in Sub-No. 117, E194(2), E217 and replace Wickliff, KY, with Ballard County, KY; in Sub-No. 158 and E24 and replace Herty and Sheldon, TX, with Angelina and Harris County, TX; in Sub-Nos. 197 and E21, E194(2) and replace Valiant, OK, with McCurtain County, OK; in Sub-No. 200 and replace Ashdown, AR, with Little River County, AR; in Sub-No. 450 and replace Jacksonville, Wilson, Statesville, and Hendersonville, NC, Cedartown and Rossville, GA, and Jacksonville and Miami, FL, with Onslow, Wilson, Iredell and Henderson Counties, NC, Polk and Walker Counties, GA, and Duval and Dade Counties, FL; in Sub-No. 451 and replace Florence, SC, with Florence County, SC; in E26 and replace Elizabeth, LA, with Allen Parish, LA; (12) change city to county-wide authority in Sub-Nos. 96, E11 and E215 Houston, TX, to Harris County, TX; in Sub-No. 125 and E12 Crawfordsville, IN, to Montgomery County, IN, and in Sub-No. 125 and E23 Greenville, MS, to Washington County, MS; in Sub-No. 145 Bossier City, LA, to Bossier Parish, LA; in Sub-No. 169 Newport, AR, to Jackson County, AR; in Sub-No. 171 and E67 Springfield and Nashville, TN, to Robertson and Davidson Counties, TN; in Sub-No. 234, Hope, AR, to Hempstead County, AR; in Sub-No. 320 Gulfport, MS, to Harrison County, MS; in Sub-No. 388 Pulaski, TN, to Giles County, TN; in Sub-No. 491 Conroe, TX, to Montgomery County, TX; in Sub-No. 507 Baytown, TX, to Harris County, TX; in Sub-No. 524 Vicksburg, MS, to Warren County, MS; in Sub-Nos. 76, 281G(1) and E7 and E107 Oklahoma City, OK, to Oklahoma County, OK; in Sub-No. 103 and E10 Terre Haute, IN, to Vigo County, IN; in Sub-No. 97, E16 and E106 Mount Vernon, TX, to Franklin County, TX; in Sub-No. 153 Ft. Smith, AR, to Sebastian County, AR; in Sub-No. 154, E5, E19, E55 and E105 Waco, TX, to McLennan County, TX, and in Sub-Nos. 154, 208 and 257 McPherson, KS, to McPherson County, KS; in Sub-No. 193 and E8 and E103 East Camden, AR, to Ouachita County, AR; in Sub-No. 194 Slocumb, AL, to Geneva County, AL; in Sub-No. 202 Pittsburgh, KS, to Crawford County, KS; in Sub-No. 214 Columbia, MS, to Marion County, MS; in Sub-No. 231 and E227 Bakers, NC, to Union County, NC; in Sub-No. 245 Rollo, MO, to Phelps County, MO; in Sub-No. 246 Louisville, KY, to Jefferson County, KY; in Sub-No. 261 Thomasville, GA, to Thomas County, GA; in Sub-No. 270 Verona, MS, to Lee County, MS; in Sub-No. 272 Footville, WI, to Rock County, WI; in Sub-No. 302 High Spring and Miami, FL, to Alachua and Dade Counties, FL; in Sub-No. 315 Danville, IL, to Vermilion County, IL; in Sub-No. 321 Eads, TN, to Shelby County, TN; in Sub-No. 404 Quality, GA, to Thomas County, GA; in Sub-No. 368 Comanche, TX, and Oxford, MS, to Comanche County, TX, and Lafayette County, MS; in Sub-No. 413 Van Buren, AR, to Crawford County, AR; in E204 and Sub-No. 61 Ragland, AL, to St. Clair County, AL; in Sub-No. 295 Wynnewood, OK, to Garvin County, OK; in Sub-No. 338 Lawrenceville, IL, to Lawrence County, IL; in Sub-No. 155 West Helena, AR, to Phillips County, AR; in Sub-No. 155 and E199 Winnsboro, LA, to Franklin Parish, LA; in Sub-No. 242 and E200 Opelousas, LA, to Saint Landry Parish, LA; in Sub-No. 464 Battle Mountain, NV, Greybull, WY, and

Gascoyne, ND, to Lander County, NV, Big Horn County, WY, and Bowman County, ND; in Sub-No. 285 Ft. Myers, FL, to Lee County, FL; in Sub-No. 94 Lufkin, TX, and Bradentown, FL, to Angelina County, TX, and Manatee County, FL; in Sub-No. 327 Anniston, AL, Medicine Lodge, KS, and Rotan, TX, to Calhoun County, AL, Barber County, KS, and Fisher County, TX; in Sub-No. 418 Charlotte, NC, to Mecklenburg County, NC; and in Sub-No. 384 Monroe, OH, to Butler County, OH; (13) remove exceptions against service at (a) Valentine, NE, in E10, (b) at Crawfordsville, IN, in Sub-Nos. 225 and E11 (c) Henderson, KY, in Sub-No. 125; (14) change one-way to radial authority between various combinations of points throughout the U.S. in all Subs except 430, 343, 370, 371, 376, 390, 485, 494, 105, 152, 223, 393, 495, 533, 536, 333, 520, 534, and 535.

MC 114457 (Sub-588)X, filed May 11, 1981. Applicant: DART TRANSIT COMPANY: 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 587 certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) eliminate the restriction limiting transportation to traffic moving on freight forwarder bill of ladings; and (3) change one-way to radial authority between Chicago, IL, and Minneapolis, MN.

MC 117201 (Sub-54)X, filed May 4, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Applicant seeks to remove restrictions in No. MC-141952 Sub-No. 1 acquired in MC–F–13984 and MC–141952 Sub-No. 2F certificates to (1) broaden the commodity description from wine and malt beverages and such commodities as are dealt in by grocery and food business houses to "such commodities as are dealt in by grocery, food and variety business establishments" in each certificate; (2) remove the "vehicles equipped with mechanical refrigeration" restriction in Sub-No. 2F; (3) eliminate the facilities limitations in each certificate; (4) expand city to county-wide authority from Bremerton and Seattle to Kitsap, King and Snohomish counties, WA, in Sub-No. 1; Los Angeles, Sacramento, Oxnard, and Modesto to Los Angeles, Orange, Sacramento, Ventura, and Stanislaus Counties, CA, in Sub-No. 2F; and (5) change one-way to radial authority between (a) points in CA, and, points in Kitsap, King, and Snohomish Counties, WA, in Sub-No. 1; and (b) points in Los Angeles, Orange, Sacramento, Ventura, and Stanislaus Counties, CA, and, points in OR and WA in Sub-No. 2F.

MC 128520 (Sub-7)X, filed May 11, 1981. Applicant: THE ROBINSON FREIGHT LINES, INC.: 3600 Papermill Road, Knoxville, TN 37912. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions from its lead certificate to (1) allow service at all intermediate points between Cleveland and Greeneville, TN; Chattanooga and Knoxville, TN; Madisonville and Tellico Plains, TN; Chattanooga and Memphis, TN; and Knoxville and Bristol, TN; and (2) change specified off-route points to corresponding counties as follows: Greenland with Hawkins County, TN; Melton Hill Dam Site and points within 5 miles thereof with Anderson and Roane Counties, TN; and off-route pqints within 5 miles of U.S. Hwy 411 between Ocoee and Tennga, TN, with Bradley and Polk Counties, TN, and Murray County, GA.

MC 136343 (Sub-237)X, filed May 15, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Stan C. Geist (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 140F certificate to (1) broaden its commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives)"; (2) replace facilities at or near DuBois, PA, with Clearfield County, PA; and (3) eliminate the originating at or destined to named facilities restriction.

MC 144675 (Sub-8)X, filed May 8, 1981. Applicant: LINCOLN FREIGHT FORWARDING CORP., 537 North Long Beach Road, Rockville Centre, NY 11570. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its Sub-No. 4F certificate to: (1) eliminate all exceptions from its general commodities authority except classes A and B explosives; (2) eliminate the restriction limiting service to transportation of traffic moving on freight forwarder bills of lading; and (3) authorize radial authority in place of its existing one-way authority between a combination of various states in the U.S.

MC 146822 (Sub-5)X, filed May 18, 1981. Applicant: A.T.F. SUNSET, INC., d.b.a. SUNSET TRANSPORT SYSTEMS, 2200 N. Parmalee, Compton, CA 90222. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its Sub-2F and 3 certificates to (1) remove the commodities in bulk exception in Sub-2F; (2) broaden the commodity description from electrical equipment to "machinery" in Sub-3; (3) delete the exceptions of service to AK and HI in Sub-No. 2; and (4) remove the originating at or destined to facilities restriction and change the territorial description to radial authority between the named facilities in the U.S., and, points in the U.S.

MC 149402 (Sub-3)X, filed May 14, 1981. Applicant: R.A.P.T. CORPORATION, 3159 S. 1900 West, Ogden, UT 84401. Representative: Irene Warr, Suite 280, Western Home Bank Bldg., 311 S. State St., Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its No. MC–126104 Sub-No. 3 permit acquired in MC–FC–78384 to (1) broaden its commodity descriptions from industrial and farm conveyors, and farm stack wagons to "machinery"; and from metal mine mats (with exceptions), to "metal products"; and (2) broaden its territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 150141 (Sub-2)X, filed May 11, 1981. Applicant: MN CONSUMER SUPPLY CO., INC., 5720 East River Road, Number 102, Minneapolis, MN 55432. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. Applicant seeks to remove restrictions from its Sub-No. 1F certificate to (1) broaden the commodities description from (a) plastics and stainless steel consoles and modules and proprietary plating solution used in the metal finishing industry and materials, supplies, and accessories used in the manufacture and production thereof; and (b) wines, nonalcoholic beverages and mixes, and malt beverages, to (a) "machinery, rubber and plastic products, metal products, and chemicals and related products," and (b) "food and related products"; (2) delete plantsite facilities restrictions; (3) remove the restrictions against service to or from AK and HI; (4) replace one-way authority with radial authority between specified points located throughout portions of the U.S.; and (5) delete originating at/destined to restrictions.

MC 150211 (Sub-16)X, filed May 1, 1981. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Applicant seeks to remove restrictions to (A)

broaden the commodity description in part (1) of its Sub-No. 1F certificate to "printed matter, and pulp, paper and related products" from printed and advertising matter, (B) broaden the territorial description from the named facilities near Corinth, MS to county-wide authority, and (C) change one-way service to authorize radial service, between Alcorn County, MS, and, points in nine States.

[FR Doc. 81-15755 Filed 5-26-81; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Panel; Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Museum Panel to the National Council on the Arts will be held on June 15-16, 1981, from 9:00 a.m. to 5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St., NW, Washington, D.C. 20506.

A portion of this meeting will be open to the public on June 16, 1981, from 9:00 a.m. to 5:30 p.m. to discuss policy.

The remaining sessions of this meeting on June 15, 1981, from 9:00 a.m. to 5:30 p.m.

Are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: May 15, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-15715 Filed 5-26-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL MEDIATION BOARD

Appointment of Members to Performance Review Board—Senior Executive Service

AGENCY: National Mediation Board.

ACTION: Notice of Appointment of Members to the Performance Review Board.

SUMMARY: Title IV of the Civil Service Reform Act requires agencies to establish a Performance Review Board whose members make recommendations to the Chairman of the Board relating to the performance of senior executive of the National Mediation Board.

The following persons are appointed as members of the Performance Review Board of the SES for a three year term: Robert O. Harris, Chairman; Kenneth E. Moffett, Federal Mediation and Conciliation Service; J. Bryan Atwood, Dean of Academic Affairs, Foreign Service Institute.

The normal term of office for members will run from January 1-December 31. The term of persons appointed expires on December 31, 1983.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Rowland K. Quinn, Jr., Executive Secretary, 1425 K Street, NW., Washington, D.C. 20572, (202) 523-5950.

By direction of the National Mediation Board.

Rowland K. Quinn, Jr.,

Executive Secretary.

[FR Doc. 81-15635 Filed 5-26-81; 8:45 am]

BILLING CODE 7550-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-325 and 50-324]

Carolina Power & Light Co.; Consideration of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee), for operation of the Brunswick Steam Electric Plant (BSEP), Units 1 and 2, located at the licensee's site in Brunswick County, North Carolina.

The proposed amendments would modify the Technical Specifications to increase the combined spent fuel storage capacity from 2392 spaces to 3946 spaces.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. By June 26, 1981, the licensee or any person whose interest may be affected by this action may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularlity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition would specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall

be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or maybe delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Thomas A. Ippolito: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20035, attorneys for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a) (i)–(v) and § 2.714(d).

For further details with respect to this action, see the application for amendments dated April 16, 1981, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Dated at Bethesda, Maryland, this 18th day of May, 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-15748 Filed 5-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp.; Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-63 to Niagara Mohawk Power Corporation (the licensee) which revised the Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to allow modification of the Core Spray System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendement.

For further details with respect to this action, see (1) the application for amendment dated March 2, 1980, (2) Amendment No. 44 to License No. DPR-63, (3) the Commission's related Safety Evaluation, and (4) Order for Modification of License dated April 20, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York 13126. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of May 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-15749 Filed 5-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 78 and 77 to Facility Operating Licenses Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments to the Technical Specifications permit reactor operation with a recirculation loop out of service. Units 2 and 3 shall be limited to 50% power when operating on a single recirculation loop.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission had determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated January 9, 1981, (2) Amendments Nos. 78 and 77 to Licenses

Nos. DPR–44 and DPR–56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of May 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81–15750 Filed 5–26–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–272]

Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co., and Atlantic City Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR–70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised the license for operating of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance and is to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendment adds a license condition to include the Commission-approved Guard Training and Qualification Plan as part of the license.

The licensee's filing, which has been handled by the Commission as an application, compiles with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as requried by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated August 17, 1979, and its revision submitted by letter dated March 13, 1981 are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 36 to License No. DPR–70 and (2) the Commission's related letter to the licensee dated May 12, 1981. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–15751 Filed 5–26–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–280 and 50–281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating license No. DPR–32 and Amendment No. 67 to Facility Operating License No. DPR–37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to ensure redundancy in decay heat removal capability in all modes of operation and to provide a minimum water level above fuel assemblies during refueling operations.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 14, 1980, (2) Amendment Nos. 67 and 67 to License Nos. DPR–32 and DPR–37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–15737 Filed 5–26–81; 8:45 am]

BILLING CODE 7590–01–M

[CLI–81–8]

Statement of Policy on Conduct of Licensing Proceedings

I. Background

The Commission has reviewed the docket of the Atomic Safety and Licensing Board Panel (ASLBP) and the current status of proceedings before its individual boards. In a series of public meetings, the Commission has examined at length all major elements in its licensing procedure. It is clear that a number of difficult problems face the agency as it endeavors to meet its responsibilities in the licensing area.

This is especially the case with regard to staff reviews and hearings, where requested, for applications for nuclear power plant operating licenses.

Historically, NRC operating licensing reviews have been completed and the license issued by the time the nuclear plant is ready to operate. Now, for the first time the hearings on a number of operating license applications may not be concluded before construction is completed. This situation is a consequence of the Three Mile Island (TMI) accident, which required a reexamination of the entire regulatory structure. After TMI, for over a year and a half, the Commission's attention and resources were focused on plants which were already licensed to operate and on the preparation of an action plan which specified changes necessary for reactors as a result of the accident.

Although staff review of pending license applications was delayed during this period, utilities which had received construction permits continued to build the authorized plants. The staff is now expediting its review of the applications and an unprecedented number of hearings are scheduled in the next 24 months. Many of these proceedings concern applications for operating licenses. If these proceedings are not concluded prior to the completion of construction, the cost of such delay could reach billions of dollars. The Commission will seek to avoid or reduce such delays whenever measures are available that do not compromise the Commission's fundamental commitment to a fair and thorough hearing process.

Therefore, the Commission is issuing this policy statement on the need for the balanced and efficient conduct of all phases of the hearing process. The Commission appreciates the many difficulties faced by its boards in conducting these contentious and complex proceedings. By and large, the boards have performed very well. This document is intended to deal with problems not primarily of the boards' own making. However, the boards will play an important role in resolving such difficulties.

Individual adjudicatory boards are encouraged to expedite the hearing process by using those management methods already contained in Part 2 of the Commission's Rules and Regulations. The Commission wishes to emphasize though that, in expediting the hearings, the board should ensure that the hearings are fair, and produce a record which leads to high quality decisions that adequately protect the public health and safety and the environment.

Virtually all of the procedural devices discussed in this Statement are currently being employed by sitting boards to varying degrees. The Commission's reemphasis of the use of such tools is intended to reduce the time for completing licensing proceedings. The guidelines set forth below are not to be considered all inclusive, but rather are to be considered illustrative of the actions that can be taken by individual boards.

II. General Guidance

The Commission's Rules of Practice provide the board with substantial authority to regulate hearing procedures. In the final analysis, the actions, consisent with applicable rules, which may be taken to conduct an efficient hearing are limited primarily by the good sense, judgment, and managerial skills of a presiding board which is dedicated to seeing that the process moves along at an expeditious pace, consistent with the demands of fairness.

Fairness to all involved in NRC's adjudicatory procedures requires that every participant fulfill the obligations imposed by and in accordance with applicable law and Commission regulations. While a board should endeavor to conduct the proceeding in a manner that takes account of the special circumstances faced by any participant, the fact that a party may have personal or other obligations or possess fewer resources than others to devote to the proceeding does not relieve that party of its hearing obligations. When a participant fails to meet its obligations, a board should consider the imposition of sanctions against the offending party. A spectrum of sanctions from minor to severe is available to the boards to assist in the management of proceedings. For example, the boards could warn the offending party that such conduct will not be tolerated in the future, refuse to consider a filing by the offending party, deny the right to cross-examine or present evidence, dismiss one or more of the party's contentions, impose appropriate sanctions on counsel for a party, or, in severe cases, dismiss the party from the proceeding. In selecting a sanction, boards should consider the relative importance of the unmet obligation, its potential for harm to other parties or the orderly conduct of the proceeding, whether its occurrence is an isolated incident or a part of a pattern or behavior, the importance of the safety or environmental concerns raised by the party, and all of the circumstances. Boards should attempt to tailor sanctions to mitigate the harm caused by the failure of a party to fulfill its obligations and bring about improved future compliance. At an early stage in the proceeding, a board should make all parties aware of the Commission's policies in this regard.

When the NRC staff is responsible for the delay of a proceeding the Chief Administrative Judge, Atomic Safety and Licensing Board Panel, should inform the Executive Director for Operations. The Executive Director for Operations will apprise the Commission in writing of significant delays and provide an explanation. The document will be served on all parties to a proceeding and the board.

III. Specific Guidance

A. Time

The Commission expects licensing boards to set and adhere to reasonable schedules for proceedings. The Boards are advised to satisfy themselves that the 10 CFR 2.711 "good cause" standard for adjusting times fixed by the Board or prescribed by Part 2 has actually been met before granting an extension of time. Requests for an extension of time should generally be in writing and should be received by the Board well before the time specified expires.

B. Consolidated Intervenors

In accordance with 10 CFR 2.715a, intervenors should be consolidated and a lead intervenor designated who has "substantially the same interest that may be affected by the proceedings and who raise[s] substantially the same questions . . . ." Obviously, no consolidation should be ordered that would prejudice the rights of any intervenor.

However, consonant with that condition, single, lead intervenors should be designated to present evidence, to conduct cross-examination, to submit briefs, and to propose findings of fact, conclusions of law, and argument. Where such consolidation has taken place, those functions should not be performed by other intervenors except upon a showing of prejudice to such other intervenors' interest or upon a showing to the satisfaction of the board that the record would otherwise be incomplete.

C. Negotiation

The parties should be encouraged to negotiate at all times prior to and during the hearing to resolve contentions, settle procedural disputes, and better define issues. Negotiations should be monitored by the board through written reports, prehearing conferences, and telephone conferences, but the boards should not become directly involved in the negotiations themselves.

D. Board Management of Discovery

The purpose of discovery is to expedite hearings by the disclosure of information in the possession of the parties which is relevant to the subject matter involved in the proceeding so that issues may be narrowed, stipulated, or eliminated and so that evidence to be presented at hearing can be stipulated or otherwise limited to that which is relevant. The Commission is concerned that the number of interrogatories served in some cases may place an undue burden on the parties, particularly the NRC staff, and may, as a consequence, delay the start of the hearing without reducing the scope or the length of the hearing.

The Commission believes that the benefits now obtained by the use of interrogatories could generally be obtained by using a smaller number of better focused interrogatories and is considering a proposed rule which would limit the number of interrogatories a party could file, absent a ruling by the Board that a greater number of interrogatories is justified. Pending a Commission decision on the proposed rule, the Boards are reminded that they may limit the number of interrogatories in accordance with the Commission's rules.

Accordingly, the boards should manage and supervise all discovery, including not only the initial discovery directly following admission of contentions, but also any discovery conducted thereafter. The Commission again endorses the policy of voluntary discovery, and encourages the boards, in consultation with the parties, to establish time frames for the completion of both voluntary and involuntary discovery. Each individual board shall determine the method by which it supervises the discovery process. Possible methods include, but are not limited to, written reports from the parties, telephone conference calls, and status report conferences on the record. In virtually all instances, individual boards should schedule an initial conference with the parties to set a general discovery schedule immediately after contentions have been admitted.

E. Settlement Conference

Licensing boards are encouraged to hold settlement conferences with the parties. Such conferences are to serve the purpose of resolving as many contentions as possible by negotiation. The conference is intended to: (a) have the parties identify those contentions no longer considered valid or important by their sponsor as a result of information generated through discovery, so that such contentions can be eliminated from the proceeding; and (b) to have the parties negotiate a resolution, wherever possible, of all or part of any contention still held valid and important. The settlement conference is not intended to replace the prehearing conferences provided by 10 CFR 2.751a and 2.752.

F. Timely Rulings on Prehearing Matters

The licensing boards should issue timely rulings on all matters. In particular, rulings should be issued on crucial or potentially dispositive issues at the earliest practicable juncture in the proceeding. Such rulings may eliminate the need to adjudicate one or more subsidiary issues. Any ruling which would affect the scope of an evidentiary presentation should be rendered well before the presentation in question. Rulings on procedural matters to regulate the course of the hearing should also be rendered early.

If a significant legal or policy question is presented on which Commission guidance is needed, a board should promptly refer or certify the matter to the Atomic Safety and Licensing Appeal Board or the Commission. A board should exercise its best judgment to try to anticipate crucial issues which may require such guidance so that the reference or certification can be made and the response received without holding up the proceeding.

G. Summary Disposition

In exercising its authority to regulate the course of a hearing, the boards should encourage the parties to invoke the summary disposition procedure on issues where there is no genuine issue of material fact so that evidentiary hearing time is not unnecessarily devoted to such issues.

H. Trial Briefs, Prefiled Testimony Outlines and Cross-Examination Plans

All or any combination of these devices should be required at the discretion of the board to expedite the orderly presentation by each party of its case. The Commission believes that cross-examination plans, which are to be submitted to the board alone, would be of benefit in most proceedings. Each board must decide which device or devices would be most fruitful in managing or expediting its proceeding by limiting unnecessary direct oral testimony and cross-examination.

I. Combining Rebuttal and Surrebuttal Testimony

For particular, highly technical issues, boards are encouraged during rebuttal and surrebuttal to put opposing witnesses on the stand at the same time so that each witness will be able to comment immediately on an opposing witness' answer to a question. Appendix A to 10 CFR Part 2 explicitly recognizes that a board may find it helpful to take expert testimony from witnesses on a round-table basis after the receipt in evidence of prepared testimony.

J. Filing of Proposed Findings of Fact and Conclusions of Law

Parties should be expected to file proposed findings of fact and conclusions of law on issues which they have raised. The boards, in their discretion, may refuse to rule on an issue in their initial decision if the party raising the issue has not filed proposed findings of fact and conclusions of law.

K. Initial Decisions

Licensing proceedings vary greatly in the difficulty and complexity of issues to be decided, the number of such issues, and the size of the record compiled. These factors bear on the length of time it will take the boards to issue initial decisions. The Commission expects that decisions not only will continue to be fair and thorough, but also that decisions will issue as soon as practicable after the submission of proposed findings of fact and conclusions of law.

Accordingly, the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel should schedule all board assignments so that after the record has been completed individual Administrative Judges are free to write initial decisions on those applications where construction has been completed. Issuance of such decisions should take precedence over other responsibilities.

IV. Conclusion

This statement on adjudication is in support of the Commission's effort to complete operating license proceedings, conducted in a thorough and fair manner, before the end of construction. As we have noted, that process has not, in the past, extended beyond completion of plant construction. Because of the considerable time that the staff had to spend on developing and carrying out safety improvements at operating reactors during 1979–1980, in the wake of the Three Mile Island accident, this historical situation has been disrupted. To reestablish it on a reliable basis requires changes in the agency review and hearing process, some of which are the subject of this statement.

As a final matter, the Commission observes that in ideal circumstances operating license proceedings should not

bear the burden of issues that ours do now. Improvement on this score depends on more complete agency review and decision at the construction permit stage. That in turn depends on a change in industrial practice: submittal of a more nearly complete design by the applicant at the construction permit stage. With this change operating license reviews and public proceedings could be limited essentially to whether the facility in question was constructed in accordance with the detailed design approved for construction and whether significant developments after the date of the construction permit required modifications in the plant.

Dated at Washington, D.C., this 20th day of May 1981.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-15747 Filed 5-26-81; 8:45 am]

BILLING CODE 7590-01-M

Development of a Method for Systematic Probabilistic Risk Assessments of Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Announcement of Grant Award and Meeting Schedule.

SUMMARY: The NRC Office of Nuclear Regulatory Research has recently awarded grants of financial assistance to two technical societies to coordinate efforts to develop a Procedures Guide for the performance of probabilistic analysis of the safety of nuclear power plants. Each society will hold a technical conference to provide a public forum for broad technical peer review.

DATES: October 25–28, 1981, IEEE Conference, Washington, D.C.
April 4–7, 1982, ANS Conference.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Bernero, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC, 20555 (Telephone: 301–443–5936).

SUPPLEMENTARY INFORMATION:

Overview

The NRC Office of Nuclear Regulatory Research has recently awarded grants of financial assistance to two technical societies to coordinate efforts to develop a Procedures Guide for the performance of probabilistic analysis of the safety of nuclear power plants. The grants are for $238,000.00 to the Institute of Electrical and Electronics Engineers (IEEE) and $228,000.00 to the American Nuclear Society (ANS). Each of the societies will hold a technical conference to provide a public forum for broad technical peer review and understanding of the procedures guide. The IEEE conference will be held October 25–28, 1981, in Washington, D.C. and the ANS conference will be held April 4–7, 1982.

A number of technical specialists comprise the Technical Working Group. These individuals, from within and from outside the nuclear industry, will participate as authors of the various parts of the procedures guide. A number of peer reviewers, also from within and outside the nuclear industry, will participate on a regular basis to provide broad input to the work. Financial support of these technical specialists is being provided by the NRC, the Department of Energy, the Electric Power Research Institute, and many organizations in the nuclear industry.

A Steering Committee has been formed as an independent group to provide direction and planning for the project. The Steering Committee will be the final approval body for the procedures guide.

The project will produce a procedures guide that can be followed for probabilistic analysis of accident sequences, system failure probabilities, radioactivity release, and accident consequences. The NRC may adopt part or all of this guide later. However, this project will be completed upon publication of the procedures guide following the ANS conference in 1982.

NRC has established a file on this activity in the Public Document Room at 1717 H Street, N.W., Washington, D.C.

The plan and rationale for this activity described below was prepared by interested parties from the NRC, the technical societies and the nuclear industry before the activity was undertaken. This plan was the basis of agreement for this project. It should be noted that this project is intended only to prepare a technically sound procedures guide for probabilistic analysis of nuclear power plants, it is not intended to develop regulatory policy.

Plan

1. Background

Since the completion of the Reactor Safety Study (WASH–1400) the NRC has been exploring ways to systematically apply probabilistic analysis to nuclear power plants. The NRC, in its Interim Reliability Evaluation Program (IREP) which is now underway, is developing and giving trial use to a procedures guide which could be the basis for systematic analysis of all nuclear power plants, a National Reliability Evaluation Program (NREP). Before settling on any procedures guides for such a broad undertaking the NRC is interested in obtaining the advice and particiaption of many competent parties, including the nuclear industry and probabilistic analysis experts from within and without the nuclear industry. Thus the NRC seeks to initiate and support a project to develop a procedures guide, a method for systematic probabilistic risk assessments of nuclear power plants.

2. The Project

The project envisioned is to develop a Procedures Guide for the systematic application of probabilistic and reliability analysis to nuclear power plants. This Procedures Guide is expected to define the acceptable methodology for performance of such studies. The Procedures Guide is expected to address the following subject areas: (1) system reliability analysis, (2) accident sequence classification, (3) frequency assessment for classes of accident sequences, (4) estimation of radiologic release fractions for core melt accident sequences, and (5) consequence analysis. For each of these subject areas, the Procedures Guide should delineate (1) acceptable analytic techniques, (2) acceptable assumptions and modeling approximations including the treatment of statistical data, common cause failures and human errors, (3) treatment of uncertainty, (4) acceptable standards for documentation, and (5) quality control. The Procedures Guide is expected to define a practical scope of analysis for such systematic review conducted in the next few years. Thus, the Procedures Guide might recommend omission, simplification, or postponement of some elements of a complete analysis. If it does, the Procedures Guide may or may not include specific guidance on when or how to address these elements later. The Guide may be adopted and modified under other auspices later, but this project will end with the first publication of the Procedures Guide.

The NRC sees this situation as a unique opportunity to use the resources of two technical societies, the Institute of Electrical and Electronics Engineers (IEEE) and the American Nuclear Society (ANS), to develop and review statements of useful PRA methodology and recommend applications. The technical society activities envisioned are two conferences linked by a series of workshops which will prepare material for the conferences. The IEEE is seen as the principal host of the first of these conferences, the Review Conference, because their membership

and ability to contribute spans not only the nuclear industry but other industries which have used probabilistic and reliability analysis for sometime. The ANS is seen as the principal host of the second of these conferences, the Topical Conference.

The NRC would work directly with each of the two technical societies supporting and cosponsoring activities specifically related to this project. The societies would be expected to use their resources to obtain the attention and participation of technically qualified parties. The NRC, with Steering Committee advice, may select a time or times in the course of this project to make materials available for general public comment through other channels such as publication in the **Federal Register**, etc.

3. Policy Activities

The activity planned to develop a Procedures Guide for probabilistic analyis is premised on the expectation that the use of such a Procedures Guide would be systematically undertaken in the nuclear power industry and that the results of such analyses would be used in regulatory decisionmaking. Neither NRC nor the owners of the nuclear plants can or would delegate their policy setting responsibilities to others. Therefore, the NRC is expected to continue to develop specific policies on the extent and manner in which probabilistic analysis will be used in the regulatory process. The nuclear plant owners are expected to pursue resolution of these policy issues as well, operating individually and through the Atomic Industrial Forum (AIF), through its Policy Committee on Nuclear Regulation and its subordinate committees and subcommittees. The effectiveness of the preparation and use of the Procedures Guide depends heavily on timely policy input to the technical effort. Therefore, it is important that both NRC and the industry pursue resolution of these policy issues through normal channels as well as by dedicating persons to participate in this technical society effort who are significantly involved in resolution of these policy issues.

4. Organization

The organization of this project is intended to enable the NRC and the nuclear industry to work closely with the two technical societies in cosponsoring their activities in a coordinated scheme of action. The project will be directed by a Steering Committee under the joint chairmanship of two representatives of the technical societies, the IEEE and the ANS. The principal work of developing technical documents for the project will be performed by a project Technical Committee. Each of the conferences is expected to have its own conference committee.

The Steering Committee, excluding the two co-chairmen, is drawn from different sources as follows:

Affiliation	Number of members
NRC	3
DOE	1
IEEE	3
ANS	2
AIF	1
Other Nuclear Industry	4

The Steering Committee will set its final membership. At its discretion, it may include in its number the chairman of the project Technical Committee and the chairmen of the conference committees when they have been chosen by their respective professional societies. The chairman and the members of the Technical Committee will be chosen by the Steering Committee. The Technical Committee is expected to include about seven or eight specialists who have strong technical knowledge of both nuclear powerplant analysis and probabilistic and reliability analysis techniques. These experts will be drawn from the nuclear industry, the national laboratories, and the NRC. In addition, as directed by the Steering Committee, the Technical Committee will be augmented from time to time by additional members, drawn from non-nuclear industry and Government experts in risk assessment methodologies. They will be assisting the Technical Committee to develop realistic descriptions and evaluations of candidate probabilistic analysis methods as well as reviews of pertinent experience in the use of probabilistic and reliability analysis for consideration by the Steering Committee and the technical society meetings.

It is expected that, under the Steering Committee's direction, the augmented Technical Committee will review the procedures for PRA which have been or are being used in the nuclear and non-nuclear fields and draft the Procedures Guide described in 2. above. When the Procedures Guide has been sufficiently developed, it will undergo peer review in the IEEE sponsored Review Conference. The Review Conference is expected to draw participants from the nuclear industry, from the research community, from professional societies, and from Government. The Review Conference is expected to use a suitable choice of format to discuss: (1) status reports of recent PRA activities such as the NRC's IREP, the Zion/Indian Point Study, the Oconee/NSAC review, etc., (2) PRA applications and experience in non-nuclear settings, (3) implications of use of PRA, in the regulatory context, and (4) results of the Technical Committee's work on PRA methodologies with special emphasis on new approaches.

From time to time either before or after the Review Conference the Steering Committee may direct that drafts of the Procedures Guide be circulated to other reviewers for technical comment. Similarly, the NRC may choose to circulate drafts of the Procedures Guide to the general public for information and comment at suitable times.

After the Review Conference the Technical Committee will resume drafting of the Procedures Guide. The Procedures Guide, and the bases for its form and methods will be reviewed again at workshops and the Topical Conference sponsored by the ANS. It is expected that the Topical Conference will include reports on many PRA projects, technical issues in PRA, and policy issues in PRA, as well as a suitable format for discussion and review of the Procedures Guide. Presumably, the Steering Committee and the Technical Committee will meet again after the Topical Conference to incorporate the comments obtained there. When the Procedures Guide is finished the project will be completed.

The Procedures Guide is not expected to be an officially endorsed product of either of the technical societies; it will not have gone through the rigorous and usually longer consensus process as would be the case in the development of a national standard. The Procedures Guide will be instead a product of the Steering Committee, an ad hoc group acting in concert with but independent of the two technical societies. The members of the Steering Committee are chosen in part because of their normal professional affiliation but act in the Committee as individuals. The members' acts in Committee do not represent the official positions of their agencies. No agency or organization, by the commitment of resources to this project is considered to be adopting or endorsing the resulting Procedures Guide. At the end of the project the Procedures Guide will be published to ensure its availability for critique and endorsement on its own merits.

5. Support

The two professional societies will act as secretariat for or sponsor the

activities of this project under separate support agreements with the NRC. In general, the IEEE will sponsor and administer the Review Conference, the IEEE participation in the Steering Committee, and the non-nuclear industry contributions to the work of the Technical Committee. The ANS will sponsor and administer the Topical Conference and provide administrative support for the Steering Committee and the Technical Committee, providing meeting rooms, working facilities and whatever other physical support services are required. The final division of responsibility will be made by the Steering Committee.

Persons designated to participate in the Steering Committee and the Technical Committee will be expected to make a substantial commitment of their time. It is expected that the Technical Committee will meet for one week every six to eight weeks during the first six months of this project. The nuclear industry and NRC participants will be expected to devote about 20% of their working time to the project. The chairman of the Technical Committee and technical support staff will likely spend about half time on the project. Consultants will work as required.

6. Participants

The following participants have been tentatively designated:

Steering Committee:
Richard J. Gowen, Co-Chairman, (IEEE), South Dakota School of Mining and Technology
Saul Levine, Co-Chairman (ANS), NUS Corporation
Robert M. Bernero, U.S. Nuclear Regulatory Commission
John Boettger, Public Service Electric & Gas
Kenneth Canady, Duke Power Company
Malcolm L. Ernst, U.S. Nuclear Regulatory Commission
Herbert Feinroth, U.S. Department of Energy
Jack W. Hickman, Exofficio member of the Steering Committee as Chairman of the Technical Committee, Sandia National Laboratories
Irving Howell, South Central Bell Telephone Company
Robert E. Larson, Systems Control, Inc.
James F. Mallay, Nuclear Safety Analysis Center
Edward P. O'Donnell, Ebasco Services, Inc.
Wayne L. Stiede, Commonwealth Edison
Alfred Torri, Pickard, Lowe and Garrick, Inc.
Ian B. Wall, Electric Power Research Institute
Edwin Zebroski, Nuclear Safety Analysis Center

Signed at Silver Spring, Maryland, this 18th day of May 1981.

Robert B. Minogue,
Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-15746 Filed 5-26-81; 8:45 am]
BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22059; 70-6592]

Middle South Energy Inc. et al.; Proposed Increase in Short-Term Borrowing Authorization and Changes in Certain Agreements Related Thereto

Dated: May 20, 1981.

In the matter of Middle South Energy, Inc., P.O. Box 61000, New Orleans, Louisiana 70161; Middle South Utilities, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Arkansas Power & Light Company, P.O. Box 551, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana; Mississippi Power & Light Company, P.O. Box 1640, Jackson, Mississippi 39205; New Orleans Public Service, Inc., 317 Baronne Street, P.O. Box 60340, New Orleans, Louisiana 70160.

Middle South Utilities, Inc., a registered holding company, and five of its wholly-owned subsidiary companies, Middle South Energy, Inc. ("MSEI"), Arkansas Power & Light Company ("AP&L"), Louisiana Power & Light Company ("LP&L"), Mississippi Power & Light Company ("MP&L") and New Orleans Public Service, Inc. ("NOPSI") have filed an application-declaration and an amendment thereto with this Commission pursuant to Sections 6(a), 7 and 12 of the Act and Rule 50 promulgated thereunder.

MSEI is a special-purpose subsidiary whose sole activity is construction of Grand Gulf Unit Nos. 1 and 2, a nuclear-fired generating facility sited near Natchez, Mississippi and having a net generating capacity of 2,500 MW. MSEI presently has a Bank Loan Agreement with a group of banks, with Manufacturers Hanover Trust Company ("MHTC") as agent, which have agreed to lend MSEI up to $808 million through December 31, 1985. As of April 3, 1981, MSEI had borrowed $733 million under the Agreement. It is proposed that the Bank Loan Agreement be amended to increase the total amount available thereunder to not more than $1.4 billion and to extend the maturity date of the loans through December 31, 1986. The interest rate will be increased from 110% of the sum of ¾ of 1% and the MHTC prime rate to 110% of the sum of 1.3% and the MHTC prime rate. Based on a prime rate of 20% the effective cost of such borrowings will be 23.43%. The existing 5% compensating balance requirement will be eliminated and the loans will be prepayable in whole or in part at any time without penalty. Changes will also be made with respect to MSEI's obligation under the agreement to meet a specific loan reduction schedule. Such reductions will essentially reduce the outstanding principal of the loan by $100 million per annum commencing no later than December 31, 1984.

MSEI is currently a party to an Availability Agreement with AP&L, LP&L, MP&L, and NOPSI. Under the Availability Agreement, (i) MSEI agreed to complete the Grand Gulf Plant, to join in the System Agreement, an interconnection agreement among members of the Middle South System, on or before the completion of the first unit and to sell to the parties to the System Agreement power available from the Grand Gulf Plant, and (ii) the system companies agreed to pay to MSEI such amounts as, when added to any other amounts received by MSEI, would at least equal MSEI's operating expenses, such payments to commence on the date on which the first unit was placed in commercial operation, but not later than December 31, 1982. However, if the first unit were in service on such date, such payments were not to commence with respect to the second unit until such unit was placed in commercial operation, but not later than December 31, 1986. The assumed dates for placing the first and second units in commercial operation will be changed to December 31, 1984 and December 31, 1988, respectively. MSEI will amend its Mortgage and Deed of Trust to reflect the change in commercial operation dates.

The banks which are parties to the Bank Loan Agreement will consent to these changes upon the condition that, among other things, MSEI and the system companies enter into a Power Purchase Advance Payment Agreement. This Agreement will provide that if the first unit has not been completed by December 31, 1983, then commencing on January 3, 1984 and continuing on the first business day of each month thereafter until the earlier of (i) the operation date and (ii) December 31, 1984, the system companies will pay MSEI monthly $12.5 million in the aggregate as an advance payment for power to be delivered from the first unit. The system companies are to be severally and not jointly liable for these

payments in the same percentages applicable to the fixed allocation of power under the Availability Agreement as set forth below. MSEI's rights under the Power Purchase Advance Payment Agreement will be assigned to the banks. The system companies' obligation to make such payments will terminate on the earlier of the operation date or December 31, 1984.

Under the System Agreement as presently constituted, Grand Gulf Plant capacity would be allocated to the system companies having a need for capability in proportion to the needs of all system companies needing additional capability. Thus, the amount of capability allocated to each system company would vary from time to time depending not only on each system company's own capability but also on the capabilities and responsibility ratios of the other system companies.

Applicants propose to amend the terms of the Availability Agreement to provide for the firm allocation of MSEI's share of the power and energy from the Grand Gulf Plant to the system companies in stated percentages and to provide for the allocation of the costs and expenses of the Grand Gulf Plant to the system companies in like percentages whether or not either units is placed in commercial operation. Such allocation of power will be as follows: AP&L—17.1%, LP&L—26.9%, MP&L—31.3% and NOPSI 24.7%. The sale of power from the Grand Gulf Plant will be made pursuant to a Power Purchase Agreement which may provide for the allocation of power on a different basis than that set forth in the Availability Agreement. Such reallocation would not change the percentages of entitlement and responsibility set forth in the Availability Agreement.

The application-declaration and amendment thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 12, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will recieve a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15756 Filed 5-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11785/812-4870]

Shearson Loeb Rhoades, Inc., et al.; Filing of Application for an Exemption

Dated: May 20, 1981.

In the matter of Shearson Loeb Rhoades Inc., Shearson Loeb Rhoades Asset Management Corporation, 2 World Trade Center, New York, New York 10048; Bernstein-Macaulay, Inc., 505 Park Avenue, New York, New York 10022; The Dreyfus Corporation, Joseph S. DiMartino, 757 Fifth Avenue, New York, New York 10153.

Notice is hereby given that Shearson Loeb Rhoades Inc. ("Shearson"), its wholly-owned investment adviser subsidiaries Shearson Loeb Rhoades Asset Management Corporation ("Asset Management") and Bernstein-Macaulay Inc. ("Bernstein-Macaulay"), the Dreyfus Corporation ("Dreyfus") and Joseph S. DiMartino (collectively "Applicants"), filed an application on May 7, 1981, requesting an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Mr. DiMartino, Senior Vice President of Dreyfus, from the definition of "interested person" as stated in Section 2(a)(19)(B) of the Act solely for the purpose of Section 15(f)(1)(A) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

American Express Company ("Amexco") and Shearson have agreed in principle to a business combination, which, when effected, will result in Shearson becoming a wholly-owned, independently-operated subsidiary of Amexco. The agreement contemplates that the business combination will be a tax-free reorganization under the Internal Revenue Code of 1954 in which 1.3 shares of Amexco common stock will be exchanged for each share of Shearson common stock outstanding. Under the terms of the agreement Shearson, as an independently-operated subsidiary, will retain its present management and have its own board of directors. In addition, it is contemplated that Berstein-Macaulay and Asset Management are expected to continue as wholly-owned subsidiaries of Shearson with substantially the same officers, employees and responsibilities.

Bernstein-Macaulay is the investment adviser to Shearson Daily Dividend Inc. ("Daily Divident"), Shearson Government and Agencies Inc. ("Government") and Triangle Income Fund Inc. ("Triangle") and Asset Management is the investment adviser to Shearson Managed Municipals Inc. ("Municipals"), all of which are registered under the Act as open-end, diversified management investment companies (collectively, the "Funds"). Dreyfus acts as the sub-adviser and administrator for Daily Dividend, Government and Municipals and acts as administrator for Triangle.

Applicants state that the advisory contracts under which Bernstein-Macaulay and Asset Management render advisory services to the Funds provide for their automatic termination in the event of an assignment as required by Section 15(a)(4) of the Act. Section 2(a)(4) of the Act defines assignment to include "any direct or indirect transfer . . . of the controlling block of the assignor's outstanding voting securities by a security holder of the assignor . . .". Applicants state that because Amexco will acquire all the outstanding common stock of Shearson, there will be a change in the control of Shearson and, indirectly, a change in control of Asset Management and Bernstein-Macaulay. Applicants further state that the change in control can be deemed to be an assignment, thus causing the termination of the advisory contracts between Bernstein-Macaulay, Asset Management and the Funds. Applicants represent that it is contemplated that advisory contracts which are in all material respects identical to the existing contracts will be submitted to the shareholders of the Funds for their approval at special meetings tentatively planned for the week of June 15, 1981. Applicants also state that, pursuant to Section 15(f)(1)(A) of the Act, the acquisition of Shearson by Amexco could be deemed to constitute an amount or benefit received in connection with the sale of an interest in an investment adviser which results in an assignment of an investment advisory contract. While Applicants indicate that the proposed business combination between Shearson and Amexco is not the type of transaction contemplated by Section 15(f)(1)(A) of the Act, they believe it is prudent for Bernstein-Macauley and Asset Management to seek to meet the terms of that section.

Section 15(f)(1)(A) of the Act provides, in pertinent part, that "an investment adviser . . . of a registered investment company . . . may receive any amount or benefit in connection with a sale of securities of, or a sale of any other interest in such investment adviser . . . which results in an assignment of an investment advisory contract with such company . . ., if (A) for a period of three years after the time of such action, at least 75 per centum of the members of the board of directors of such registered company . . . (or successor thereto, by reorganization or otherwise) are not (i) interested persons of the investment adviser of such company . . ., or (ii) interested persons of the predecessor investment adviser . . .". Whether a director is an interested person of an outgong or incoming adviser is determined in accordance with the definition of "interested person" in Section 2(a)(19)(B) of the Act. Applicants state that currently the boards of directors of Daily Dividend and Government are composed of nine directors, three of whom are interested persons of Bernstein-Macaulay or Dreyfus. Applicants further state that the board of directors of Triangle currently has nine directors and that the board of directors of Municipals has ten directors, each of which has four directors who are similarly considered interested persons. Mr. DiMartino is a member of the board of directors of each of the Funds and is considered to be an interested person of the Funds' advisers by reason of his position as Senior Vice President of, and his interest in, Dreyfus, as discussed below.

Applicants state that in order to comply with Section 15(f)(1)(A) of the Act, Dividend and Government would be required to increase the membership of their boards of directors to twelve. According to the application, an interested director of Triangle and an interested director of Municipals will resign from each board, thus reducing the total number of directors to eight and nine members, respectively. Applicants further state that even with those resignations, in order for Municipals and Triangle to comply with Section 15(f)(1)(A), their boards of directors would also have to be increased to twelve members. It is the opinion of the Applicants that an increase in the size of each of the boards of directors would result in each board becoming unwieldy and possibly ineffective and that such a restructuring would cause an undue burden on each of the Funds because of the increase in expenses. Applicants further argue that causing the resignation of certain interested directors would not be in the best interests of the Funds because each interested director is actively involved in the business of the Funds.

Section 2(a)(19)(B), of the Act in pertinent part, defines an interested person of an investment adviser to be: (iii) any person who knowingly has any direct or indirect beneficial interest in . . . any security issued either by such investment adviser . . . or by a controlling person of such investment adviser . . . (v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer, and (vi) any natural person whom the Commission by order shall have determined to be an interested person by reason of having had at any time since the beginning of the last two fiscal years of such investment company a material business or professional relationship with such investment adviser . . . or with the principal executive officer or any controlling person of such investment adviser. . . . Section 2(a)(3)(D) of the Act provides, in pertinent part, that an "affiliated person" of another person means any officer or employee of such other person.

According to the application, Mr. DiMartino is a Senior Vice President of Dreyfus and has as his primary responsibilities general corporate and portfolio management. Applicants state that he serves as President, Director and portfolio manager of Dreyfus Liquid Assets, Inc., as well as Vice President and portfolio manager of Dreyfus Money Market Instruments, Inc., and Dreyfus Government Series. Applicants further state that Mr. DiMartino serves as a director and/or officer of a number of other investment companies managed and/or administered by Dreyfus.

Applicants state that Dreyfus owns $2,500,000 in principal amount of Shearson's 15¼% senior subordinated notes ("Notes") due December 1, 1990, and that these Notes are nonvoting and represent approximately .5% of the total capitalization of Shearson of approximately $477 million on December 31, 1980. Applicants represent that Mr. DiMartino owns directly or indirectly approximately 1% of the outstanding shares of Dreyfus common stock. This includes 7,500 shares of Dreyfus common stock owned outright and 27,000 shares acquired pursuant to a Stock Purchase Rights Plan, which shares may only be sold to Dreyfus at a formula price which is below book value. In addition, Applicants state that Mr. DiMartino has a beneficial interest in 18,879 shares of Dreyfus common stock held in an Employee Stock Ownership Trust which is 70% vested. Applicants state that because of his stock ownership in Dreyfus and the Dreyfus ownership of the Shearson Notes, Mr. DiMartino may be deemed to be an interested person of the Funds' investment advisers under Section 2(a)(19)(B)(iii) of the Act.

Applicants assert, however, that because Mr. DiMartino's indirect interest in Dreyfus' total assets and revenues is relatively small and consequently his interest in the Shearson Notes held by Dreyfus is *de minimis*, Mr. DiMartino's judgment would not be affected by his indirect interest in Shearson's ability to pay the principal and interest on the Notes. Applicants submit that the Dreyfus holding of the Shearson Notes should not cause Mr. DiMartino to be deemed an interested person of the Funds' investment advisers or their controlling persons.

Applicants also state that Dreyfus has as a wholly-owned subsidiary, Dreyfus Service Corporation, a registered broker-dealer under the Securities Exchange Act of 1934 engaged in the business of underwriting Dreyfus-sponsored investment companies and Dreyfus Rainbow Annuity contracts. Applicants further state that, because Mr. DiMartino is an officer of Dreyfus Service Corporation, he is an affiliated person of a registered broker-dealer and, as such, is an interested person of an investment adviser as defined in Section 2(a)(19)(B)(v) of the Act. Applicants argue that because Dreyfus Service Corporation does not engage, nor is it contemplated it will engage in the foreseeable future, in a traditional, public securities business, no conflict of interest exists. Applicants assert that Mr. DiMartino's independence will not by compromised by his affiliation with a registered broker-dealer doing such a limited business.

Applicants also state that Mr. DiMartino, under Section 2(a)(19)(B)(vi), might be deemed to be an interested person of the Funds' advisers by reason of his having a material business or professional relationship with Shearson or its advisory subsidiaries based on Dreyfus' business relationship with the Funds and their investment advisers. Applicants contend, however, that Mr. DiMartino's duties as a Senior Vice President of Dreyfus are diverse and far more extensive than simply overseeing the performance by Dreyfus of its duties under its contracts with the Funds. Applicants state that Dreyfus and its subsidiary companies are responsible for the management of approximately $11.5 billion, and that Dreyfus had

$58,730,081 in gross revenues for the year ended December 31, 1980. Applicants state that while a part of Mr. DiMartino's salary is related to his duties with respect to the Funds, no percentage is ascertainable. Applicants argue that Mr. DiMartino's duties are far more extensive than simply limited to the Funds and that as one of two Senior Vice Presidents of Dreyfus, he maintains significant professional contacts and business activities apart from Shearson.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Accordingly, Applicants request that the Commission issue an order pursuant to Section 6(c) of the act declaring that Mr. DiMartino shall not be deemed to be an interested person as defined in Section 2(a)(19)(B) of the Act solely for the purpose of Section 15(f)(1)(A) of the Act.

Notice is further given that any interested person may, not later than June 15, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaniously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15759 Filed 5-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11786; 812-4877]

Shearson Loeb Rhoades, Inc. et al.; Filing of Application

Dated: May 20, 1981.

In the matter of Shearson Loeb Rhoades, Inc., Shearson Loeb Rhoades Asset Management Corporation, 2 World Trade Center, New York, New York 10048; Isaac B. Grainger, 11 West 51st Street, New York, New York.

Notice is hereby given that Shearson Loeb Rhoades, Inc. ("Shearson"), its wholly-owned investment adviser subsidiary Shearson Loeb Rhoades Asset Management Corporation ("Asset Management") and Isaac B. Grainger (collectively "Applicants"), filed an application on May 14, 1981, requesting an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Mr. Grainger from the definition of "interested person" as stated in Section 2(a)(19)(B) of the Act solely for the purpose of Section 15(f)(1)(A) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

American Express Company ("Amexco") and Shearson have agreed in principal to a business combination, which, when effected, will result in Shearson becoming a wholly-owned, independently-operated subsidiary of Amexco. The agreement contemplates that the business combination will be a tax-free reorganization under the Internal Revenue Code of 1954 in which 1.3 shares of Amexco common stock will be exchanged for each share of Shearson common stock outstanding. Under the terms of the agreement, Shearson, as an independently-operated subsidiary, will retain its present management and have its own board of directors. In addition, it is contemplated that Asset Management is expected to continue as a wholly-owned subsidiary of Shearson with substantially the same officers, employees and responsibilities.

Asset Management is the investment adviser to Shearson Income Fund, Inc. ("Income Fund"), Shearson New Directions Fund, Inc. ("New Directions") and The Shearson Appreciation Fund, Inc. ("Appreciation Fund"), all of which are registered under the Act as open-end, diversified management investment companies (collectively, the "Funds"). Shearson acts as the sub-adviser for the Funds pursuant to a sub-advisory agreement with Asset Management.

Applicants state that the advisory contracts under which Asset Management renders advisory services to the Funds provide for their automatic termination in the event of an assignment as required by Section 15(a)(4) of the Act. Section 2(a)(4) of the Act defines assignment to include "any direct or indirect transfer . . . of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. . .". Applicants state that because Amexco will acquire all the outstanding common stock of Shearson, there will be a change in the control of Shearson and, indirectly, a change in control of Asset Management. Applicants further state that the change in control can be deemed to be an assignment, thus causing the termination of the advisory contracts between Asset Management and the Funds. Applicants represent that it is contemplated that advisory contracts which are in all material respects indentical to the existing contracts will be submitted to the shareholders of the Funds for their approval at special meetings tentatively planned for the week of June 15, 1981. Applicants also state that pursuant to Section 15(f)(1)(A) of the Act, the acquisition of Shearson by Amexco could be deemed to constitute an amount or benefit received in connection with the sale of an interest in an investment adviser which results in an assignment of an investment advisory contract. While Applicants indicate that the proposed business combination between Shearson and Amexco is not the type of transaction contemplated by Section 15(f)(1)(A) of the Act, they believe it is prudent for Asset Management to seek to meet the terms of that section.

Section 15(f)(1)(A) of the Act provides, in pertinent part, that "an investment adviser . . . of a registered investment company . . . may receive any amount or benefit in connection with a sale of securities of, or a sale of any other interest in such investment adviser . . . which results in an assignment of an investment advisory contract with such company . . ., if (A) for a period of three years after the time of such action, at least 75 per centum of the members of the board of directors of such registered company . . . (or successor thereto, by

reorganization or otherwise) are not (i) interested persons of the investment adviser of such company . . ., or (ii) interested persons of the predecessor investment adviser. . .". Whether a director is an interested person of an outgoing or incoming adviser is determined in accordance with the definition of "interested person" in Section 2(a)(19)(B) of the Act.

Applicants state that currently the boards of directors of the Funds are composed of eight directors, two of whom are interested persons of the Funds and Asset Management or Shearson. Mr. Grainger is a member of the board of directors of each of the Funds and is considered to be a disinterested director.

Applicants further state that Mr. Grainger owns 3,200 shares and his wife owns 1,800 shares of Amexco common stock. Because of such ownership, Applicants state that Mr. Grainger will be considered an interested person of Shearson and Asset Management after the consummation of the proposed Shearson-Amexco transaction because of his having a direct interest in the controlling person of an investment adviser.

Section 2(a)(19)(B) of the Act, in pertinent part, defines an interested person of an investment adviser to be: (iii) any person who knowingly has any direct or indirect beneficial interest in . . . any security issued either by such investment adviser . . . or by a controlling person of such investment adviser. . . . Section 2(a)(9) of the Act, in pertinent part, defines control to be "the power to exercise a controlling influence over the management or policies of a company. . .".

Applicants state that in order to comply with Section 15(f)(1)(A) of the Act, following the proposed Amexco-Shearson combination, the Funds would be required to increase their boards of directors to twelve members. It is the opinion of the Applicants that an increase in the size of each of the boards of directors would result in each of the boards becoming unwieldy and possibly ineffective. Applicants contend that such a restructuring would cause an undue burden on the Funds, each of which is small in terms of net assets, because of the increase in expenses. According to the Applicants, each board already has five disinterested directors to protect the interestrs of the shareholders of the Funds.

According to the application, Mr. Grainger is a sophisticated businessman who served as President of Chemical Bank until his retirement. Applicants state that after the acquisition of Shearson by Amexco, it is anticipated that on a pro forma basis approximately 91,610,773 shares of Amexco common stock will be issued and outstanding and that Mr. Grainger's holding of 5,000 shares will equal approximately .0054% of this total. Applicants contend that this small ownership of Amexco common stock by Mr. Grainger should have no effect on his fulfilling his responsibilities to the shareholders of the Funds. Applicants argue that the revenues earned by Asset Management should not have any noticeable effect on revenues earned by Amexco. Applicants state for the year ended December 31, 1980, the Funds paid advisory fees of $114,100 while Amexco had total revenues, on a consolidated basis, or $5,504,000,000. Applicants believe that the income derived by Mr. Grainger from his holdings of Amexco common stock will not be affected in any noticeable degree by the advisory fees paid by the Funds.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption in necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Accordingly, Applicants request that the Commision issue an order pursuant to Section 6(c) of the Act declaring that Mr. DiMartino shall not be deemed to be an interested person as defined in Section 2(a)(19)(B) of the Act solely for the purpose of Section 15(f)(1)(A) of the Act.

Notice is further given that any interested person may, not later than June 15, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaniously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commissions thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15760 Filed 5-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11787; 812-4853]

Capitol Life Insurance Co. and Security First Financial Inc.; Application for an Amended Order for Approval of Certain Offers of Exchange

Dated: May 20, 1981.

In the matter of The Capitol Life Insurance Company, Capitol Life Separate Account A, 1600 Sherman Street, Denver, Colorado 80203 and Security First Financial, Inc., 1800 Avenue of the Stars, Los Angeles, CA 90067.

Notice is hereby given that the Capitol Life Insurance Company, ("Capitol Life"), a stock life insurance company organized under the laws of the State of Colorado, and Capitol Life Separate Account A, ("Separate Account") established by Capitol Life and registered as a unit investment trust under the Investment Company Act of 1940 ("Act") and Security First Financial, Inc. a registered broker-dealer and the principal underwriter for the Separate Account (hereinafter collectively referred to as "Applicants"), filed an Application on March 27, 1981 for an amended order pursuant to Section 11 of the Act, approving certain offers of exchange, and pursuant to Section 6(c) of the Act, exempting the Applicants from the provisions of Sections 26(a) and 27(c)(2) of the Act. The requested order would supplement the exemptive relief previously granted (i) to the extent necessary to include a new Group Single Payment Variable Annuity Contract ("New Contract"), to be issued by Capitol Life and funded in

the Separate Account, in the offer of exchange allowing Accumulation Units of one Series of the Separate Account to be exchanged for those of another series; and (ii) to the extent necessary to include the New Contract in the exemptions underlying the current safekeeping arrangement of the Separate Account, previously granted pursuant to Section 6(c).

All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Separate Account was established by Capitol Life to fund certain variable annuity contracts which are currently being offered and sold to the public pursuant to an effective registration statement under the Securities Act of 1933 (File No. 2–51169). The Separate Account presently consists of four Series, each of which invests solely in the shares of one of the following open-end diversified management investment companies: Security First Legal Reserve Fund, Inc., Security First Variable Life Fund, Inc., T. Rowe Price Growth Stock Fund, Inc., and T. Rowe Price Prime Reserve Fund, Inc. (hereinafter collectively referred to as the "Funds").

The New Contracts are group single payment variable annuity contracts and are designed to provide annuity benefits to persons participating in various types of annuity plans or arrangements. Applicants assert that while the Contracts may be used in connection with retirement plans or individual retirement arrangements which qualify for special tax treatment under the Internal Revenue Code, they are intended primarily for use in connection with plans or arrangements which do not so qualify.

Applicants seek to amend and supplement the orders of September 13, 1974 (Release No. IC–8497), November 30, 1978 (Release No. IC–10502), and July 23, 1980 (Release No. IC–11271), only to the extent necessary to include the New Contract in the offers of exchange approved by such orders pursuant to Section 11, and to include the New Contract in the exemptions from Sections 26(a) and 27(c)(2) previously granted ursuant to Section 6(c).

Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to, and approved by, the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

The order contained in Release No. IC–11271 approved the conversion or transfer of the Contract Accumulation Units from any one of the four Series of the Separate Account to any other Division of the Separate Account then in existence. Applicants propose that this conversion right be extended so as to encompass the New Contract.

Sections 27(c)(2) and 26(a)

Section 27(c)(2), in relevant part, prohibits the issuer of a periodic payment plan certificate and any depositor or underwriter for such issuer from selling such periodic payment plan certificate unless the proceeds of any payments (other than any sales load) are deposited with a qualified bank acting as trustee or custodian, and held under an indenture or agreement containing specified provisions. Section 26(a) requires that such indenture or custodianship agreement must provide, *inter alia*, that the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust subject only to the charges and collections specifically allowed under clauses (A), (B) and (C) of such Section until distribution to the security holders of the trust; (ii) shall not resign until the trust has been liquidated or a successor has been appointed; (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services provided for in the agreement; (iv) shall not allow as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself.

Pursuant to an exemption from the aforementioned provision of the Act granted in Release No. IC–11271, Capitol Life acts as custodian of the Separate Account; however, all such assets are held for safekeeping pursuant to an agreement between Capitol Life and the State Street Bank and Trust Company of Boston, Massachusetts ("Bank"). Insofar as the New Contract proposed to be funded in the Separate Account is not included within the terms of the order issued in Release No. IC–11271, the Applicants request that the order of exemption from Sections 26(a) and 27(c)(2) be amended to the extent necessary to make the requirement of a trust inapplicable to such New Contract.

Applicants have consented that the request for the foregoing exemptions may be made subject to the following conditions: (1) that the deductions for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and the Commission may reserve jurisdiction for such purpose, and (2) that the payment of sums and charges out of the assets of the Separate Account shall not be determined to be exempted from regulation by the Commission by reason of the requested amended order, provided that Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c)

Section 6(c) authorizes the Commission to exempt any person, security or transaction, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested party may, not later than June 11, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of any attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated

under the Act, an order disposing of the application will be issued as of course following June 11, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15781 Filed 5-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22058; 70-6596]

Consolidated Natural Gas Co. et al.; Proposed Issuance and Sale of Notes to Banks and Commercial Paper to Dealer by Holding Company; Intrasystem Financing; Issuance and Sale of Subsidiary Common Stock to Holding Company; Exception From Competitive Bidding

May 19, 1981.

In the Matter of Consolidated Natural Gas Company 100 Broadway New York, New York 10000, CNG Coal Company CNG Development Company Ltd., CNG Producing Company, CNG Research Company, Consolidated Gas Supply Corporation, Consolidated Natural Gas Service Company, Inc., Consolidated System LNG Company, The East Ohio Gas Company, The Peoples Natural Gas Company, The River Gas Company, West Ohio Gas Company

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and certain of its subsidiaries, CNG Coal Company ("Coal Company"), CNG Development Company Ltd., CNG Producing Company ("Producing Company"), CNG Research Company ("Research Company"), Consolidated Gas Supply Corporation ("Gas Supply"), Consolidated Natural Gas Service Company, Inc. ("Service"), Consolidated System LNG Company ("LNG Company"), The East Ohio Gas Company ("East Ohio"), The Peoples Natural Gas Company ("Peoples"), The River Gas Company ("River") and West Ohio Gas Company ("West Ohio") have filed an application-declaration and amendments thereto with this Commission pursuant to Sections 6(a), 6(b), 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45, 50(a)(2) and 50(a)(5) thereunder.

Consolidated proposes to obtain funds for financing the seasonal increase in gas storage inventories of subsidiary companies by issuing up to $125,000,000 of notes to banks from time to time through March 31, 1982. Such notes would mature within 12 months from the date of the first borrowing. There would be no commitment fees, required compensating balances, or closing or related charges. Such notes would bear variable interest at either the prime rate in effect from time to time at the Chase Manhattan Bank, N.A. ("Chase Manhattan") and/or at Consolidated's option, at an increment of three-eighths of one percent (0.375%) over the London Interbank Offered Rate ("LIBOR"), as quoted by Chase Manhattan in London and as adjusted for Federal Reserve requirements. For example, a 16% LIBOR rate would be adjusted for the current reserve requirement to an effective LIBOR rate of 16.12%. Borrowing at prime may be prepaid, in whole or in part, without penalty or premium, upon five days written notice. Borrowings at LIBOR may only be repaid at the end of the LIBOR period. The average of deposits regularly maintained in participating banks by Consolidated and its subsidiaries for normal operating purposes during 1980 amounted to approximately $25,600,000. Assuming compensating balance requirements of 10% of the lines and 10% of average borrowings, the average compensating balances would have amounted to approximately $27,100,000 for 1980. The borrowings are made from time to time as required to finance the subsidiaries' gas storage inventories and will be repaid as gas is withdrawn from storage and sold during the 1981–1982 heating season.

Consolidated, in order to meet working capital requirements proposes to issue and sell commercial paper, in the form of short-term bearer notes, to A. G. Becker Incorporated ("Becker"), a dealer in commercial paper, from time to time through May 31, 1982. The aggregate principal amount of such notes, together with the bank notes as described below, would not exceed $100,000,000 outstanding at any one time. Such commercial paper will have varying maturities of not more than 270 days after date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $5,000,000 directly to Becker, at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturity. The commercial paper will not be payable prior to maturity. Consolidated proposes to sell commercial paper only so long as the discount rate or the effective interest cost on the date of sale does not exceed the equivalent cost of borrowings from a commercial bank. No commission or fee will be payable in connection with the issue and sale of such commercial paper notes. Becker, as principal, will reoffer such notes at a discount not to exceed one-tenth of one per cent per annum less than the prevailing discount rate to Consolidated. Such notes will be reoffered to not more than 200 identified and designated customers in a nonpublic list prepared in advance by Becker and furnished to the Commission. It is anticipated that the commercial paper will be held by customers to maturity; however, if any commercial paper is repurchased by Becker pursuant to a verbal repurchase agreement, such paper will be reoffered only to others in the group of 200 customers.

If the issuance of commercial paper becomes impractical because of market conditions or other factors, Consolidated proposes to issue short-term notes to Chase Manhattan and Citibank, N.A., up to an aggregate outstanding principal amount of $100,000,000 for such notes and commercial paper. Consolidated would borrow up to an aggregate principal amount of $50,000,000 outstanding at any one time from Chase Manhattan from time to time through May 31, 1982. Such borrowings would be at the bank's prime interest rate on the borrowing date. Consolidated would also borrow an aggregate principal amount of up to $50,000,000 outstanding at any one time from Citibank, N.A., from time to time through May 31, 1982. Such unsecured borrowings from Citibank would be charged a commitment fee of one quarter of one percent (0.25%) on the principal amount at Citibank's base rate of interest, the prime rate, on each borrowing date. Borrowings from both banks would be evidenced by notes of Consolidated maturing within 90 days of each borrowing date. The notes may be prepaid, in whole or in part, at any time without prior notice or premium. There will be no closing or related charges with respect to such bank loans. Assuming a 19% prime rate, the effective interest cost of borrowings from Citibank with a commitment fee of .25% on the principal would be 19.25%.

Consolidated seeks to have the 5% limitation in condition (3) of the first sentence of the Section 6(b) exemption from the provisions of Section 6(a) of the Act raised to 12% from the order date in this matter through May 31, 1982. Such

an increase would permit Consolidated to have outstanding at any one time up to $100,000,000 aggregate principal amount of short-term, unsecured bank notes and commercial paper.

Consolidated proposes to make, from time to time up to May 31, 1982, open account advances aggregating up to $279,500,000 to its subsidiary companies for inventory gas financing and working capital. However, these advances will not exceed $225,000,000 at any one time. Such advances would be made as requested by each subsidiary and will be repaid within a year of the first advance to such subsidiary company. Interest would be at substantially the same effective rate of interest as the related gas storage bank loan, sale of commercial paper, and/or bank borrowing by Consolidated. If there is no outstanding short-term debt, the interest rate would be at the prime commercial rate of interest in effect from time to time at Chase Manhattan. Such advances will be made up to the following principal amounts:

Company	Company
CNG Producing Co	$50,000,000
Consolidated Gas Supply Corp	100,000,000
Consolidated System LNG Co	25,000,000
The East Ohio Gas Co	50,000,000
The Peoples Natural Gas Co	50,000,000
The River Gas Co	1,500,000
West Ohio Gas Co	3,000,000
Total	279,500,000

The subsidiary companies propose to issue to Consolidated, and Consolidated proposes to acquire, up to $113,000,000 principal amount of nonnegotiable, long-term notes maturing in the years coinciding with the scheduled retirements of Consolidated's debentures planned for issuance and sale in 1981, or over a period of time to be determined by the officers of Consolidated. In the event Consolidated does sell debentures in 1981 and any such long-term loans will have been made prior thereto, then the rate of interest shall be retoractively adjusted to be substantially equal to the effective cost of money to Consolidated through such sale. If Consolidated does not sell debentures in 1981, the long-term notes would bear interest at 13%, a rate predicted on and substantially equal to the effective cost of money to Consolidated through the issuance and sale by Consolidated of its 12⅞% Debentures due October 1, 2000. Interest shall be paid semi-annually. Such loans would partially finance the subsidiaries' 1981 capital expenditures and would be made up to the following principal amounts:

Company	Company
CNG Producing Co	$27,000,000
Consolidated Gas Supply Corp	83,000,000
Consolidated Natural Gas Service Co., Inc	500,000
The River Gas Co	1,000,000
West Ohio Gas Co	1,500,000
Total	113,000,000

Consolidated proposes to purchase from the four subsidiaries listed below, and such subsidiaries propose to issue and sell to Consolidated, an aggregate of $42,700,000 of capital stock at par value. The sales would be made as needed by the subsidiaries from time to time through May 31, 1982. Consolidated would make such purchases primarily from internal funds. The amounts and number of shares per subsidiary would be as follows:

Subsidiary	Number of shares ($100 par)	Aggregate par value
CNG Coal Co	12,000	$1,200,000
CNG Producing Co	200,000	20,000,000
CNG Research Co	15,000	1,500,000
Consolidated Gas Supply Corp	200,000	20,000,000
Total		42,700,000

Consolidated requests an exception from the competitive bidding requirements of Rule 50(b) pursuant to Paragraph (a)(5) with respect to the sale of commercial paper because such commercial paper will have maturities of nine months or less, current rates for commercial paper for prime borrowers, such as Consolidated, are published daily in financial publications and it is not practical to invite competitive bids for commercial paper. Consolidated also proposes that the Rule 24 certificates of notification regarding the proposed transactions be filed on a quarterly basis.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 11, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the address specified above. Proof of service (by affidavit, or in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15647 Filed 5-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11781; 811-1798]

National Performance Fund, Inc.; Proposal To Terminate Registration

May 19, 1981.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that National Performance Fund, Inc. ("Fund"), c/o William H. Manager, Esquire, 4314 St. Paul Street, Baltimore, MD 21218, registered under the Act as an open-end, non-diversified management investment company, has ceased to be an investment company as defined by the Act.

Information contained in the files of the Commission indicates that the Fund was organized in the state of Delaware on December 28, 1968. According to the Delaware Division of Corporations, that incorporation was declared void on March 1, 1974, for non-payment of franchise taxes. The Fund filed Form N-8A, Notification of Registration, with the Commission on January 14, 1969. The Commission's files indicate tha the Fund's shares were registered under the Securities Act of 1933 and the Act (File No. 2-33832). Furthermore, the files of the Commission disclose that the Fund's officers decided in 1973 to liquidate the Fund, and that subsequently distributions of the Fund's assets were made to its shareholders. The Commission's files reflect that the Fund is presently inactive and has no assets.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of that investment company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 19, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the proposal accompanied by a statement as to the nature of his or her interest, the reasons for such request

and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the proposal herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponments thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–15648 Filed 5–26–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 17810; SR–OCC–80–4]

Options Clearing Corporation ("OCC"); Order Approving Proposed Rule Change

May 19, 1981.

On April 28, 1980, OCC filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b–4 thereunder, a proposed rule change authorizing OCC to (i) disapprove an application for clearing membership if the applcant or person associated with the applicant is subject to a statutory disqualification, and (ii) make certain findings as to whether a person is subject to a statutory disqualification.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16792, May 8, 1980) and by publication in the **Federal Register** (45 FR 32,465, May 16, 1980). No written comments were received by the Commission. OCC made certain modifications in a letter to the Commission staff dated December 10, 1980.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–15649 Filed 5–26–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11780; 812–4820]

Over-the-Counter Securities Fund, Inc., Review Management Corp. and Wellington Management Co./ Thorndike, Doran, Paine & Lewis; Filing of an Application

May 19, 1981.

In the matter of Over-the-Counter Securities Fund, Inc., Review Management Corporation, Plymouth and Walnut Avenues, Oreland, Pennsylvania 19075 and Wellington Management Company/Thorndike, Doran, Paine & Lewis, 28 State Street, Boston Massachusetts 02109.

Notice Is Hereby Given that Over-The Counter Securities Fund, Inc. ("Fund"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, Review Management Corporation ("Review Management"), a Delaware corporation which renders investment advisory and management services to the Fund, and Wellington Management Company/ Thorndike, Doran, Paine & Lewis ("Wellington Management"), which serves as sub-investment adviser to the Fund (collectively "Applicants"), filed an application on February 10, 1981, and an amendment thereto May 8, 1981, for an order pursuant to Section 6(c) of the Act retroactively exempting Applicants from the provisions of Section 15(a) of the Act to the extent necessary to permit Review Management and Wellington Management to have served as investment adviser and sub-investment adviser, respectively, for the period of time from February 26, 1981, when the provisions of Rule 15a–4 expired, until March 24, 1981, when the shareholders approved the new advisory contracts. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicants state that from September 19, 1955, until October 28, 1980, all investment advisory and management services were provided to the Fund by Review Management. During that time, all the outstanding voting securities of Review Management were owned by Mr. Ralph P. Coleman, Jr., the founder of the Fund. Accordingly, Applicants acknowledge that when Mr. Coleman died on October 28, 1980, the investment advisory and management agreement between the Fund and Review Management terminated. Applicants state that at a meeting held on November 1, 1980, a majority of the disinterested directors of the Fund voted to continue in effect the investment advisory agreement with Review Management, which was in existence immediately prior to Mr. Coleman's death, under the same terms and conditions, to continue until new investment advisory arrangements could be decided upon. Thereafter, the board of directors of the Fund conducted a search for an entity or entities to provide investment advisory and management services to the Fund. On December 8, 1980, the Fund entered an investment advisory management agreement ("Advisory Agreement") with Review Management and a sub-investment advisory agreement ("Sub-Advisory Agreement") with Wellington Management.

According to the application, the Advisory Agreement and the Sub-Advisory Agreement were approved by a majority of the disinterested directors of the Fund in person at a meeting held for the purpose of voting on the agreements. Pursuant to the Advisory Agreement, Review Management provides investment advisory services as well as certain management services to the Fund for an annual fee of ½ of 1 percent of the Fund's average net assets, payable quarterly. Applicants represent that the fee being charged is the same as the fee charged the Fund by Review Management since 1975. Under the terms of the Sub-Advisory Agreement, Wellington Management will have the responsibility for determining the securities that should be bought, sold or held in the Fund's portfolio and will have the responsibility for placing orders with broker-dealers for the purchase and sale of portfolio securities. For such services, Applicants state that Review Management pays Wellington Management, on a quarterly basis, an annual fee of .325 of 1 percent of the Fund's average net assets up to $50,000,000; .275 of 1 percent on the next

$100,000,000 and .225 of 1 percent on all assets in excess of $150,000,000.

Section 15(a) of the Act provides, in pertinent part, that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which contract has been approved by the vote of a majority of the outstanding voting securities of such registered company. However, Rule 15a–4 under the Act provides, in general, that notwithstanding the provisions of 15(a) of the Act, a person may act as investment adviser for an investment company pursuant to a written contract which has not been approved by a majority of the outstanding voting securities for a period of up to 120 days after the termination of an investment advisory contract provided that (a) such contract has been approved by the investment company's board of directors including a majority of the directors who are not interested persons; and (b) the compensation to be received under the contract does not exceed the compensation which would have been received under the most recent investment advisory contract that had been approved by the shareholders.

Applicants attempted to bring the Advisory Agreement and the Sub-Advisory Agreement within the safe-harbor provisions of Rule 15a–4. Applicants state that the agreements were approved as required by the rule and that the Advisory Agreement provided for the same fee as the prior investment advisory agreement. The 120-day period following the termination of the prior advisory agreement expired on February 25, 1981. Accordingly, a Special Shareholders' Meeting had been scheduled to be held on February 18, 1981, for the purpose, *inter alia*, of voting on the Advisory Agreement and the Sub-Advisory Agreement. However, Applicants represent that a delay in the preparation of the proxy materials, caused by the need to wait for certain financial information and by problems in getting materials to the Commission's staff, produced an insufficient period of time prior to the scheduled meeting to permit an adequate solicitation of proxies. Therefore, Applicants state that the Fund's board of directors determined to reschedule the Special Shareholders' Meeting to be held on March 3, 1981, and then had to reschedule it again for March 24, 1981. Applicants represent that at that March 24th meeting the Advisory and Sub-Advisory Agreements were approved by a majority of the outstanding voting securities of the Fund. Accordingly, Applicants submit that at all times, Review Management and Wellington Management have served as investment advisers to the Fund in compliance with the provisions of Section 15(a) of the Act and Rule 15a–4 thereunder, except that the agreements pursuant to which they were serving from February 26, 1981, to March 24, 1981, were not approved by a majority of the Fund's outstanding voting securities until the special shareholders' meeting held on March 24, 1981.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an order pursuant to Section 6(c) of the Act to permit the continuation of investment advisory and management services to the Fund by Review Management and Wellington Management pursuant to the terms of the Advisory Agreement and the Sub-Advisory Agreement for the period of time from February 26, 1981 until March 24, 1981. Applicants submit that such an exemptive order, is necessary and appropriate in the public interest and consistent with the protection of investors.

Applicants further submit that given the nature of the Fund's need for continuity of services, interrupting the agreements—which had been found by the board of directors to be in the best interest of the Fund—would have halted the provision of necessary and important services and would have been detrimental to the Fund. Therefore, Applicants request an order of the Commission granting the requested retroactive relief.

Notice is further given that any interested person may, not later than June 15, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–15650 Filed 5–26–81, 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11782; 811–2375]

21 C Venture Capital Corp.; Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that 21 C Venture Capital Corporation ("Fund"), c/o John B. Street, Jr., Esq., Coolidge Bank Building, 65 Main Street, Watertown, MA 02172 registered under the Act as a closed-end, non-diversified, management investment company, has ceased to be an investment company as defined by the Act.

Information contained in the files of the Commission indicates that the Fund was organized on November 22, 1972, and incorporated under the laws of the State of New York. On April 11, 1973, the Fund filed with the Commission Form N–8A, Notification of Registration pursuant to Section 8(a) of the Act. The records of the Commission also show that the Fund is inactive and that no assets of the Fund have been reported to the Commission.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of that investment company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 16, 1981, at 5:30 p.m., submit to the

Commission in writing, a request for a hearing on the proposal accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the proposal herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–15651 Filed 5–26–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Proposal No. 05/05–0154]

Heritage Venture Group, Inc.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1980)) by Heritage Venture Group, Inc. (Applicant), 3375 One Indiana Square, Indianapolis, Indiana 46204, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and their percent of ownership are:

Name and address, title and relationship and percent of ownership

Arthur A. Angotti, 5540 E. 75th St., Indianapolis, IN 46250, President, Treasurer and Director, 10.1

Harry L. Gonzo, 5701 Carrollton Ave., Indianapolis, IN 46220, Secretary and Director, 1.6

Thomas W. Bindford, 501 Lockerbie St. Indianapolis, IN 46204, Director, 4.8 .

No other shareholder will directly or indirectly own 10 percent or more of the Applicant.

The Applicant proposes to begin operations with a capitalization of $2,963,000 and will be a source of equity capital and long-term loans for qualifed small business concerns. The initial capital will be obtained through the sale of common stock to approximately 55 shareholders.

Matters involved in SBA's consideration of the application include, the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of the publication of this Notice, submit written comments on the proposed SBIC to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in Indianapolis, Indiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 20, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81–15744 Filed 5–26–81; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular, Public Debt Series—No. 15–81]

Notes Designated Series R–1983; Interest Rate

May 21, 1981.

The Secretary announced on May 20, 1981, that the interest rate on the notes designated Series R–1983, described in Department Circular—Public Debt Series—No. 15–81, dated May 14, 1981, will be 15⅝ percent. Interest on the notes will be payable at the rate of 15⅝ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81–15687 Filed 5–22–81; 1:55 pm]

BILLING CODE 4810–40–M

[Department Circular, Public Debt Series—No. 16–81]

Treasury Notes of November 15, 1986; Series E–1986

May 21, 1981.

1. Invitation For Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,000,000,000 of United States securities, designated Treasury Notes of November 15, 1986, Series E–1986 (CUSIP No. 912827 LY 6). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated June 3, 1981, and will bear interest from that date, payable on a semiannual basis on November 15, 1981, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature November 15, 1986, and will not be subject to call for redemption prior to maturity. In the event an interest payment date of the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any

possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, May 28, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, May 27, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Non-competitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5 Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; states, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payament guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allocated to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Wednesday, June 3, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, May 29, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an empoyer identification number) is not furnished.

When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-15886 Filed 5-22-81; 1:55 pm]

BILLING CODE 4810-40-M

V 4 6 M Y 2 7 8 1 UMI

Sunsh

This section contains not under the " Act" (Pub. 552b(e)(3).

CONTENTS

Commodity sion .....
Federal Com
Federal Dep tion .....
Federal Hom
Federal Mi Review Co
Occupational Review Co
Parole Comm
Securities an

1

COMMODITY COMMISSIO

"FEDERAL R PREVIOUS A published.

PREVIOUSLY OF THE MEE

CHANGES IN

Postponed un Domestic Exc Option Pilo

[S-6351-01 Filed 5

BILLING CODE

2

FEDERAL CO

Deletion of 1981 closed

The follow at the reque Office of Op list of agend consideratio Closed Mee the Commis 1981.

Agenda, Item

Hearing—1— ALJ's interl Illinois Sect Docket Nos

Additiona this item ma P. Peratino, telephone nu

Issued: May

Sunshine Act Meetings

Federal Register
Vol. 46, No. 101
Wednesday, May 27, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Federal Communications Commission	2, 3
Federal Deposit Insurance Corporation	4, 5
Federal Home Loan Bank Board	6, 7
Federal Mine Safety and Health Review Commission	8
Occupational Safety and Health Review Commission	9, 10, 11
Parole Commission	12, 13
Securities and Exchange Commission	14

1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., May 27, 1981.

CHANGES IN THE MEETING:

Postponed until June 2, 1981, at 10:00 a.m.
Domestic Exchange-Traded Commodity Option Pilot Program.

[S-6351-01 Filed 5-21-81; 4:35 pm]
BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from May 21, 1981 closed meeting

The following item has been deleted at the request of Terry Banks, Chief, Office of Opinions and Review from the list of agenda items scheduled for consideration at the May 21, 1981. Closed Meeting, and previously listed in the Commission's Notice of May 14, 1981.

Agenda, Item No., and Subject

Hearing—1—Authorized Appeal from an ALJ's interlocutory ruling in the Aurora, Illinois Section 307(b) proceeding. (BC Docket Nos. 80-432, 80-433).

Additional information concerning this item may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 21, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-820-81 Filed 5-22-81; 10:30 am]
BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda items from May 21, 1981 open meeting

The following items have been deleted at the request of the Office of Chairman Fowler from the list of agenda items scheduled for consideration at the May 21, 1981 Open Meeting, and previously listed in the Commission's Notice of May 14, 1981.

Agenda, Item No., and Subject

Private Radio—4—*Title:* Amendment of Part 90 of the Commission's rules to designate frequencies in the 806-821 MHz and 851-866 MHz bands for slow-growth land mobile radio systems of certain categories of users; to allocate frequencies in these bands for specific groups of radio services frequency pools; to facilitate authorization of wide-area mobile radio communications systems on frequencies allocated for trunked systems; and to allocate additional frequencies in these bands to loaded Specialized Mobile Relay-Trunked systems located in areas having all presently allocated trunked frequencies assigned (PR Docket Nos. 79-191 and 79-334; RM-3691). *Summary:* The FCC will consider whether to adopt a Further Notice of Proposed Rule Making that acts upon petitions for reconsideration of its Report and Order making special provision for slow-growth private land mobile radio systems in the 806-821 MHz and 851-866 MHz bands for certain categories of radio users (PR Docket No. 79-191, FCC 80-663, released December 10, 1980); whether to allocate frequencies in these bands, which have been in reserve, for specific groups of radio services frequency pools; whether to adopt proposed rules facilitating authorization of wide-area mobile radio communications systems on frequencies in these bands allocated for trunked systems (PR Docket No. 79-334, FCC 79-855, released January 3, 1980); and whether to institute rule making to allocate additional frequencies in these bands to loaded Specialized Mobile Relay-Trunked systems located in areas having all presently-allocated trunked frequencies assigned (RM-3691).

Common Carrier—2—*Title:* Delegation of Authority of Authority to the Chief, Common Carrier Bureau. *Summary:* The Commission will consider whether to delegate authority to the Chief, Common Carrier Bureau to amend the table of assignments for air-ground stations in the Domestic Public Land Mobile Radio Service.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 21, 1981.

Federal Communication Commission.
William J. Tricarico,
Secretary.

[S-821-81 Filed 5-22-81; 10:30 am]
BILLING CODE 6712-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b) notice is hereby given that at 2:30 p.m. on Monday, June 1, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Grove Hall Savings Bank, Boston (Brighton), Massachusetts, an operating noninsured mutual savings bank.
Plymouth Savings Bank, Wareham, Massachusetts, an operating noninsured mutual savings bank.
Mineral Bank of Nevada, a proposed new bank, to be located at 1700 East Charleston Boulevard, Las Vegas, Nevada.
Nevada Banking Company, a proposed new bank, to be located at 259 Kingsbury Road, Stateline, Nevada.
Tennessee Bank and Trust, a proposed new bank, to be located at 7676 Highway 51 North, Millington, Tennessee.

Application for consent to establish a limited service facility:

Bank of Nitro, Nitro, West Virginia, for consent to establish a limited service facility at 1918 19th Street, Nitro, West Virginia.

Application for consent to add a subordinated capital note to the bank's capital structure and for advance consent to the retirement thereof at maturity:

Bank Leumi Trust Company of New York, New York (Manhattan), New York.

Applications for consent to merge and establish a branch:

Bangor Savings Bank, Bangor, Maine, for consent to merge, under its charter and title, with Houlton Savings Bank, Houlton, Maine, and to establish the sole office of Houlton Savings Bank as a branch of the resultant bank.

Community Bank & Trust, Salt Lake City, Utah, for consent to merge, under its charter and with the title "Pioneer Bank," with Pioneer Bank, Salt Lake City, Utah, and for consent to establish the sole office of Pioneer bank as a branch of the resultant bank.

Applications for consent to acquire assets and assume liabilities and establish branches, and for advance consent to retire capital notes:

Santa Ana State Bank, Santa Ana, California, for consent to purchase certain assets of and assume the liability to pay certain deposits made in the Main Office and the Whittier-Vancouver Unit Branch of Pan American National Bank of Los Angeles, Los Angeles, California, and to establish these two offices as branches of the resultant bank, and for advance consent to the retirement provisions of subordinated capital notes to be issued to Pan American National Bank of Los Angeles.

Request for modification of a condition imposed in granting Federal deposit insurance:

Sunrise Bank, Brownsville, Texas.

Request for rescission of a portion of a condition imposed in granting consent to relocate a main office:

Guaranty Bank & Trust Company of Morgan City, Morgan City, Louisiana.

Request for an exemption pursuant to Part 348.6(a)(2) of the Corporation's rules and regulations entitled "Management Official Interlocks":

United Savings Bank of Tecumseh, Tecumseh, Michigan.

Recommendation regarding prepayment of a promissory note payable to the FDIC.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,608–L (Amendment)—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico
Case No. 44,766–L—The Mission State Bank & Trust Company, Mission, Kansas
Case No. 44,780–L—State Bank of Clearing, Chicago, Illinois
Case No. 44,787–L—American Bank & Trust, Orangeburg, South Carolina
Case No. 44,789–SR—Surety Bank & Trust Company, Wakefield, Massachusetts
Case No. 44,790–L—Banco Economias, San German, Puerto Rico
Case No. 44,793–L—First Augusta Bank & Trust Company, Augusta, Georgia
Case No. 44,794–L—Franklin National Bank, New York, New York
Case No. 44,795–L—American Bank & Trust, Orangeburg, South Carolina
Case No. 44,804–L—American Bank & Trust, Orangeburg, South Carolina
Case No. 44,805–L—Franklin National Bank, New York, New York
Memorandum and Resolution re: Surety Bank & Trust Company, Wakefield, Massachusetts
Memorandum and Resolution re: Northern Ohio Bank, Cleveland, Ohio

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Reports of committees and officers:
Report of Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Status of Approved Committee Cases

Reports of the Director, Office of Corporate Audits:

Audit Report re: American City Bank and Trust Company, Milwaukee, Wisconsin.
Audit Report re: Warehouse Operations.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: May 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–822–81 Filed 5–22–81; 10:48 am]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 1, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed merger of First Alabama Bank of Mobile County, Bayou La Batre, Alabama, and The Merchants National Bank of Mobile, Mobile, Alabama.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Hughes, Hubbard & Reed, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver liquidator, or liquidating agent of those assets:

Case No. 44,786–SR—The Farmers State Bank, Protection, Kansas

Memorandum and Resolution re: Amendment to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, and Notices of Acquisition," delegating authority to the Director of the Division of Bank Supervision to enter into memoranda of agreement pursuant to regulations of the Advisory Council on Historic Preservation which implement the National Historic Preservation Act.

Memorandum and Resolution re: Proposed amendments to Part 328 of the Corporation's rules and regulations, entitled "Advertisement of Membership".

Memorandum and Resolution re: Amendments to Delegations of Authority—Liquidation Activities.

Memorandum re: Guidelines for Sale of Securities.

Memorandum re: Contract for printing and distribution of FDIC loose-leaf reporting service.

Memorandum re: Renewal of two-year lease with Storage Technology Corporation for rental and maintenance of computer disk equipment.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.
Report of the General Counsel:
Memorandum re: Reports of Actions Approved Under Delegated Authority—Settlement of Claims and Attorneys' Fees Approved for Payment.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: May 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–823–81 Filed 5–22–81; 10:40 am]

BILLING CODE 6714–01–M

6

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Friday, May 29, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Friday, May 29, 1981.

City of Chicago Home Improvement Loan Program.

No. 489, May 22, 1981.

[S–819–81 Filed 5–22–81; 10:30 am]

BILLING CODE 6720–01–M

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Friday, May 29, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled for Friday, May 29, 1981.

Ownership of Now Accounts
Geographic Restrictions on Remote Service Unite Operations
Charter S Regulations Amendments

No. 490, May 22, 1981.

[S–825–81 Filed 5–22–81; 1:22 pm]

BILLING CODE 6720–01–M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, May 27, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. B. L. Anderson, Inc., Docket No. DENV 79–539–P; (Petition for Discretionary Review; issues include whether operation is subject to jurisdiction of the 1977 Mine Act.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–815–81 Filed 5–22–81; 9:42 am]

BILLING CODE 6820–12–M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on June 18, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634–4015.

Dated: May 22, 1981.

[S–816–81 Filed 5–22–81; 10:30 am]

BILLING CODE 7600–01–M.

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on June 11, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634–4015.

Dated: May 22, 1981.

[S–817–81 Filed 5–22–81; 10:30 am]

BILLING CODE 7600–01–M

11

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on June 4, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634–4015.

Dated: May 22, 1981.

[S–818–81 Filed 5–22–81; 10:30 am]

BILLING CODE 7600–01–M

12

[1P0401]

PAROLE COMMISSION.

TIME AND DATE:
Thursday, June 4, 1981, 9 a.m.–5:30 p.m.
Friday, June 5, 1981, 9 a.m.–5:30 p.m.

PLACE: Room 420–F, Park Place, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of prior meetings.
2. Reports from Chairman and Commissioners.
3. Legal Report.
4. Proposed Salient Factor Score Revision.
5. Proposed Severity Scale Revisions.
a. Murder/Manslaughter.
b. Opiates.
c. Division of the Greatest II offense severity category.
6. Changes in guidelines or related factors—Retroactive or Prospective Application.
7. Dispositional Revocation Hearings and related procedures.
8. Placement in Community Treatment Centers.
9. Parole on the basis of the record.
10. Original Jurisdiction Resignations—Failure to notify inmate.
11. National Appeals Board Decisions—Establishment of Commission policy.
12. Penalty for Parole Violation.
13. Proposed modified form of severity scale.

14. Parolees as Informants.
15. Clarification of rule at 28 C.F.R. § 2.28a(f).
16. Age of offender relating to selection of type of guideline to be applied.
17. Aggregation of sentences.
18. Commissioners conducting local revocation hearings.
19. *Consent Agenda:* The following Consent Agenda items only if specifically requested to be opened for discussion at the meeting. Policy and Procedures Memoranda issued since last meeting:
a. 81/3: Disclosure of Arrest Reports for Local Revocation Hearings.
b. 81/5: Good Cause to go Outside the Guidelines.
c. 81/6: Convictions under 21 U.S.C. § 848 (Engaging in a Continuing Criminal Enterprise).
Regulations:
a. Disallowance of appeal of parole grants at the date of parole eligibility.
b. § 2.28(c) Revision to remove *requirement* for new initial hearing where the behavior leading to the new sentence has already been considered at a rescission hearing at which an effective or presumptive parole date has been granted.
c. Recommendation of no change to voting quorum on appeal of cases originally decided under 28 C.F.R. § 2.24(a).

CONTACT PERSON FOR MORE INFORMATION: Barbara Meierhoefer, Research Office (301) 492–5980.

[S–826–81 Filed 5–22–81; 3:51 pm]

BILLING CODE 4410–01–M

13

[1P0401]

PAROLE COMMISSION.

TIME AND DATE:

Tuesday, June 2, 1981—9 a.m. to 5:30 p.m.
Wednesday, June 3, 1981—9 a.m. to 5:30 p.m.

PLACE: Room 420–F, Park Place, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 20 cases decided by the National Commissioners pursuant to a reference under 28 CFR § 2.17 and appealed pursuant to 28 CFR § 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5926.

[S–827–81 Filed 5–22–81; 3:52 pm]

BILLING CODE 4410–01–M

14

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [46 FR 28981, May 15, 1981.

STATUS: Closed meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, May 12, 1981.

CHANGES IN THE MEETING: Additional meeting. The following items will be considered at a closed meeting scheduled for Thursday, May 21, 1981, following the 10:00 a.m. open meeting:

Formal orders of investigation.
Institution of administrative proceeding of an enforcement nature.
Litigation matter.

Chairman Shad and Commissioners Loomis, Evans, Friedman, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272–2468.

May 20, 1981.

[S–824–81 Filed 5–22–81; 10:48 am]

BILLING CODE 8010–01–M

etings

COMMISSION.
ON OF
46 FR 26981,

Capitol

D: Tuesday,

dditional
will be
ng
y 21, 1981,
meeting:

ceeding of an

nissioners
d Thomas
business
and that no
ssible.
nission
in the
For further
what, if
d, deleted
: Marcia

federal register

Wednesday
May 27, 1981

Part II

Federal Reserve System

Truth In Lending; Proposed Official Staff Commentary

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; TIL-1]

Truth in Lending; Proposed Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed official staff interpretation.

SUMMARY: In accordance with Appendix C to 12 CFR Part 226, the Board's staff is publishing for comment a proposed official staff commentary to Regulation Z, as revised effective April 1, 1981 (46 FR 20848, April 7, 1981). The commentary applies and interprets the requirements of Truth in Lending to open-end and closed-end consumer credit, and is intended to substitute for individual Board and staff interpretations of the regulation. In order to make the final commentary available at the earliest possible time, commenters must submit their comments by July 10, 1981.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Comments should include a reference to TIL–1 and should be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B–2223, 20th and Constitution Avenue, N.W., Washington, D.C., between 8:45 a.m. and 5:15 p.m. To aid in their consideration, comments regarding each section should begin on a separate page. Comments may be inspected in Room B–1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Contact the following attorneys in the Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, at (202) 452–3667 or (202) 452–3867:

Subpart A: Gerald Hurst, Beth Morgan, or Denise Rechter
Subpart B and Appendices: Ruth Amberg, Jesse Filkins, Lynn Goldfaden, Gerald Hurst, Barbara Ranagan, or John Wood
Subpart C and Appendices: Beth Morgan, Denise Rechter, Rugenia Silver, Susan Werthan, Claudia Yarus, or Steve Zeisel
Subpart D and Appendices: Lynn Goldfaden or Susan Werthan

SUPPLEMENTARY INFORMATION: Effective April 1, 1981, the Board substantially revised Regulation Z, which implements the Truth in Lending Act (46 FR 20848, April 7, 1981). The revisions reflect amendments made by the Truth in Lending Simplification and Reform Act (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96–221). Creditors may begin complying with the revised regulation immediately. Compliance does not become mandatory, however, until April 1, 1982. Before that date, creditors may continue to comply with the regulation as it existed prior to those amendments. Board and staff interpretations issued under the prior regulation will remain effective until that date.

The Board's Division of Consumer and Community Affairs is publishing a draft commentary on the revised regulation. The final commentary will be issued as an official staff interpretation, providing creditors with protection under § 130(f) of the Truth in Lending Act. Under that section, creditors acting in conformity with an official staff interpretation have no liability for violations arising from those actions.

The commentary will significantly alter the staff's approach to providing interpretations of the regulation. Under the prior regulation, staff opinions were issued in response to individual inquiries regarding specific fact situations, and were normally limited to those facts. Subsequent variations in those facts were similarly addressed in individual responses tailored to the variations. More than 1500 letters interpreting and applying the prior regulation were issued on this basis.

The commentary is expected to replace Board and staff interpretations as the sole vehicle for interpreting the regulation. The commentary will, however, be more general than the interpretations issued under the prior regulation. Unlike the earlier interpretations, the commentary will not attempt to address and resolve every question regarding the application of the regulation to specific sets of facts. Although originally designed to aid creditors in complying, the longstanding practice of trying to respond in writing to each and every special circumstance has instead created an enormous amount of regulatory material. The cumulative effect of the interpretations has been to complicate, rather than facilitate, compliance by layering one set of distinctions on top of another. Rather than resolving questions, this material in the aggregate has served to generate further questions.

In the past, creditor exposure to civil liability for technical violations of the regulation has also contributed to the demand for staff interpretations that sought to provide certainty in applying the regulation. The reduction in civil liability resulting from the 1980 statutory amendments should reduce the perceived need for written responses to a variety of specific questions.

The commentary focuses on providing general guidance to assist creditors in applying the regulation to specific situations. That guidance may take several forms. The commentary may list examples that comply with a particular regulatory standard, discuss the impact of a regulatory provision on a prevalent type of plan or transaction, or draw together and elaborate on a related group of regulatory requirements.

The commentary does not purport to the exhaustive. It concentrates on material of general application whose inclusion will, in the staff's view, be useful to the widest possible audience. For example, the commentary provides several illustrations of ways in which closed-end credit disclosures may be segregated in accordance with the requirements of § 226.17(a). The examples chosen are those that appear most likely to be utilized by a number of creditors, although other methods may be equally permissible. Similarly, the commentary will address prevalent credit transactions, to the extent that they present important questions under the regulation. It will not, however, attempt to address each credit plan's unique set of facts. The commentary instead identifies several basic factors characterizing that type of transaction. Creditors must then determine whether the discussion applies to their own transactions given their particular variations. The staff expects to update the commentary on an annual basis, or more often as the need arises.

Each paragraph in the commentary is identifed by section and in some cases by subsection. For example the comments for § 226.21 *(Treatment of credit balances)* are designated as comments 21–1 through 21–5, while the comments for § 226.18 *(Content of disclosures)* are further broken down and designated according to the particluar subsection addressed, such as comment 18(b)–1 and 18(r)–1.

The following cross-references to related material appear at the end of each section of the commentary: (1) "Statute"—those sections of the Truth in Lending Act on which the regulatory provision is based; (2) "Other sections"—definitions and other provisions in the regulation relating to that subsection; (3) "Previous regulation"—parallel provisions in Regulation Z as it existed before April 1, 1981; and (4) "1981 changes." This last category is a brief description of the major changes made by the 1981

revisions to Regulation Z. The text of the commentary does not refer to the earlier regulation. However, a comparison to the prior regulation may in some cases be helpful in explaining the amended provision and may be of interest to some users, and the proposed commentary incorporates this information, to a limited extent, in the cross-references. The staff particularly solicits comment on whether this material should be retained.

Comment is welcome both on the substance of the material and on the format in which it is presented. Commenters are encouraged to focus on material of particular interest to them; they need not address every provision. The staff will consider for inclusion in the commentary any material appropriate for a staff interpretation of this scope, but commenters should not expect the commentary to answer every question or remove every possible ambiguity from the regulation. No comments that have the effect of revising or eliminating any requirements of the regulation itself will be considered. To expedite analysis of the comments, commenters are requested to identify portions of the commentary according to section and paragraph numbers and to begin discussion of each section on a separate page.

Comments must be received by Friday, July 10, 1981. After consideration of these comments and possible revision of the commentary, official staff interpretation TIL–1 will be published in final form in the **Federal Register.**

Official Staff Commentary—TIL–1

Subpart A—General

Section 226.1—Authority, purpose, coverage, organization, penalties and liabilities.

1. *Foreign applicability.* The regulation applies to all persons (including branches of foreign banks located in the United States) that extend consumer credit to residents (including resident aliens) of any "state" as defined in § 226.2. The regulation does not apply to a foreign branch of a U.S. bank extending credit to a U.S. citizen residing or visiting abroad or to a foreign national abroad. If an account is located in the United States and credit is extended to a U.S. resident, the transaction is subject to Regulation Z. This will be the case whether or not a particular advance on the account takes place in the United States and whether or not the extender of credit is chartered in the United States or a foreign country. Thus, a U.S. resident's use in Europe of a credit card issued by a bank in the consumer's home town in covered by this regulation.

References

Statute: §§ 102, 105.
Previous regulation: § 226.1.
1981 changes: A paragraph on coverage has been added so that the reader will understand from the start what is subject to the regulation. A paragraph on organization explains the reorganization of the regulation into subparts that group together the provisions relating to general matters, open-end credit, closed-end credit, and miscellaneous rules. (The provisions on consumer leasing have been issued by the Board as a separate regulation, Regulation M, 12 CFR 213.)

Section 226.2—Definitions and rules of construction.

2(a) Definitions.

2(a)(2) Advertisement.

1. *Coverage.* Only commercial messages are advertisements. Messages inviting, offering, or otherwise announcing generally to prospective customers the availability of credit transactions, whether in visual, oral, or print media, are covered by the regulation. Examples include:

- Messages in a newspaper, magazine, leaflet, promotional flyer, or catalog.
- Announcements on radio, television, or public address system.
- Direct mail literature or other printed material on any exterior or interior sign.
- Point-of-sale displays.
- Telephone solicitations.
- Price tags that contain credit information.
- Letters sent to customers as part of an organized solicitation of business.
- Messages on checking account statements offering auto loans at a stated annual percentage rate.

The term does *not* include:

- Direct personal contacts, such as follow-up letters, cost estimates for individual consumers, and oral or written communication relating to the negotiation of a specific transaction.
- Informational material distributed only to business entities.
- Notices required by state law, if state law mandates that a specific notice be displayed and only the information so mandated is included in the notice.
- News articles the use of which is controlled by the news media.
- Market research materials that do not solicit business.

2. *Persons covered.* All "persons" must comply with the advertising provisions in §§ 226.16 and 226.24, not just those that satisfy the "creditor" test of paragraph (a)(17). However, under § 145 of the act, the owner or personnel of the medium in which an advertisement appears, or through which it is disseminated, are not subject to civil liability.

2(a)(3) Arranger of credit.

1. *Coverage.* There can be an arranger of credit only if the credit arranged involves a finance charge or is payable by written agreement in more than four installments *and* the person actually extending the credit is someone who does not meet the definition of "creditor," such as when an intermediary arranges a credit extension from a non-professional lender. For example, a consumer purchases a house and finances 60 percent through a bank and, as arranged by the real estate broker, 40 percent through the seller. The consumer signs two separate notes. In the first transaction the bank is the creditor; the real estate agent is not. In the second transaction, assuming that the seller is not a creditor, the real estate agent is an arranger of credit and thus subject to the regulation.

2. *Counting transactions.* The definition uses the same numerical tests—25 transactions per year or 5 transactions per year when secured by a dwelling—as the definition of "creditor." This test is measured by the number of credit extensions arranged in the preceding calendar year. Once the test is satisfied, all transactions in the succeeding year are covered. If the test was not satisfied in the preceding calendar year, then the current calendar year is the basis for the test. Instances in which credit is offered but not accepted do not count towards satisfaction of the numerical tests. (See the discussion under "creditor" for illustrations of how to count credit extensions.)

3. *Trusts.* A trust and its trustee are considered the same entity for purposes of determining whether a transaction is covered by the regulation. Therefore, a trustee is not an arranger of credit as to loans made on behalf of the trust. See the discussion under "creditor" for an explanation of when a trust is a creditor for purposes of the regulation.

2(a)(4) Billing cycle or cycle.

1. *Intervals.* In open-end credit plans, the billing cycle determines the intervals at which periodic disclosure statements must be sent; these intervals are also used as measuring points for other creditor duties. Typically, billing cycles are monthly, but they may be more or less frequent (but not less frequent than quarterly).

2. *Creditors that do not bill.* The term "cycle" is interchangeable with "billing

cycle" for definitional purposes, since some creditors' cycles do not involve the sending of bills in the traditional sense but only statements of account activity. This is commonly the case with financial institutions where periodic payments are made through payroll deduction or through automatic debit of the consumer's asset account.

3. *Equal cycles.* Although paragraph (a)(4) requires cycles to be "equal," there is a permissible variance to account for weekends, holidays, and differences in the number of days in months. Cycles are considered equal if the actual date of the statement does not vary by more than four days from a fixed "day" (for example, the third Thursday of each month) "date" (for example, the 15th of each month) that the creditor regularly uses. The requirement that cycles be equal applies even if a creditor applies a daily periodic rate to determine the finance charge, since the requirement is intended both to facilitate accurate disclosure of the annual percentage rate and to assure that statements are sent regularly.

4. *Payment reminder.* The sending of a regular payment reminder establishes a cycle for which the creditor must send periodic statements.

2(a)(6) Business day.

1. *Business function test.* There is no precise test for what constitutes "substantially all" of a creditor's business functions. Factors that indicate that the creditor is open for business include the availability of personnel to make loan disbursements, to authorize credit transactions, or to handle credit transaction inquiries. Factors that indicate that the creditor is not fully open for business include the bank's customer service windows being open only for limited purposes, such as deposits and withdrawals, bill paying, and related services.

2. *Rescission rule.* A more precise rule (all calendar days except Sundays and federal legal holidays listed in 5 U.S.C. 6103(a)) applies when the right of rescission is involved.

2(a)(7) Card issuer.

1. *Agent.* An "agent" of a card issuer is considered a card issuer; but as agency relationships are traditionally defined by contract and by state law, the regulation does not define "agent." Merely providing services relating to the production of credit cards or data processing for others, however, does not make one an agent of a card issuer. In contrast, a financial institution may become an agent of a card issuer if an agreement between the institution and the card issuer provides that the cardholder may use a line of credit with the financial institution to pay obligations incurred by use of a credit card.

2(a)(8) Cardholder.

1. *General rule.* A cardholder is a natural person at whose request a card is issued for consumer credit purposes or who is a co-obligor or guarantor for such a card issued to another. The second category does not include an employee who is a co-obligor or guarantor on a card issued to the employer for business purposes, nor does it include a person who is merely the authorized user of a card issued to another.

2. *Limited application of regulation.* For the limited purposes of the sections on issuance of credit cards and liability for unauthorized use, a "cardholder" includes *any* person, including an organization, to whom a card is issued for *any* purpose—including a business, agricultural, or commercial purpose.

3. *Issuance.* See the commentary to § 226.12(a).

4. *Dual-purpose cards.* Some creditors offer dual-purpose cards that are for business as well as consumer purposes. When a card is issued to an individual for consumer purposes, the fact that an organization has guaranteed to pay the debt does not make it business credit. On the other hand, when a card is issued for business purposes, the fact that an individual sometimes uses it for consumer purchases does not subject the card issuer to the provisions on periodic statements, billing error resolution, and other protections afforded to consumer credit. Some card issuers offer dual-card systems—that is, they issue two cards to the same individual, one intended for business use, the other for consumer or personal use. With such a system, the same person may be a cardholder for general purposes when using the card issued for consumer use, and a cardholder only for the limited purposes of the restrictions on issuance and liability when using the card issued for business purposes.

2(a)(9) Cash price.

1. *Components.* The cash price is not a required disclosure, but the amount is a starting point in computing the amount financed under § 226.18(b) for credit sales. Any charges imposed equally in cash and credit transactions may be included in the cash price, or they may be treated as "other amounts financed" under § 226.18(b)(2). The cash price does not include any part of the finance charge.

2. *Service contracts.* "Service contracts" include contracts for the repair or the servicing of goods, such as mechanical breakdown coverage, even if it is characterized as a form of insurance under state law.

3. *Rebates.* Creditors have complete flexibility in the way that they treat rebates for purposes of disclosure and calculation. This is true whether the rebate is given by a seller or a manufacturer. Creditors may make disclosures without taking these amounts into account, or may reflect the rebate in the disclosures. For example, when the seller and consumer agree to apply the amount of a rebate to the price of the goods, that amount may be included, at the creditor's option, in the downpayment disclosed to the consumer.

2(a)(10) Closed-end credit.

1. *General.* The coverage of this term is defined by exclusion. That is, it includes any credit arrangement that does not fall within the definition of "open-end credit." The disclosure rules for closed-end credit are found in Subpart C.

2(a)(11) Consumer.

1. *Scope.* Guarantors, endorsers, and sureties are not generally consumers for purposes of the regulation, but they may be entitled to rescind under certain circumstances.

2. *Rescission rules.* For purposes of rescission under §§ 226.15 and 226.23, a consumer includes any natural person whose home is subject to the risk of loss as a consequence of the security interest taken in a credit transaction. Thus, if a security interest is taken in A's ownership interest in "Fair Oaks" and Fair Oaks is A's principal dwelling, A is a consumer for purposes of rescission, even if A is not liable, either primarily or secondarily, on the underlying credit transaction.

3. *Land trusts.* Credit extended to land trusts, as described in the commentary to § 226.3, is considered consumer credit extended to a consumer for purposes of this regulation.

2(a)(12) Consumer credit.

1. *"Primarily" test.* There is no precise test for what constitutes credit offered or extended for personal, family, or household purposes, nor for what constitutes "primarily." See, however, the discussion of business purposes in the commentary to § 226.3.

2(a)(13) Consummation.

1. *State law governs.* When a contractual obligation on the consumer's part is created is a matter to be determined under state law; Regulation Z does not make this determination. Consummation does not occur merely because the consumer has made some financial investment in the transaction (for example, by paying a nonrefundable

fee) unless, of course, state law holds otherwise.

2. *Credit v. sale.* Consummation does not occur when the consumer becomes contractually committed to a *sale* transaction, unless the consumer also becomes legally obligated to accept a particular credit arrangement. For example, when a consumer pays a nonrefundable deposit to purchase an automobile, a purchase contract may have arisen, but consummation for purposes of the regulation does not occur unless the consumer also contracts for financing at that time.

2(a)(14) Credit.

1. *Exclusions.* The following situations are not considered credit for purposes of the regulation:

- Layaway plans, unless the consumer is contractually obligated to continue making payments. Whether the consumer is so obligated is a matter to be determined under state law. The fact that the consumer is not entitled to a refund of any amounts paid towards the cash price of the merchandise does not bring layaways within the definition.
- Tax liens, tax assessments, and court judgments (including the reaffirmation of a debt discharged in bankruptcy, if approved by a court). However, third-party financing of such obligations (for example, obtaining a bank loan to pay off a tax lien) is credit for purposes of the regulation.
- Insurance premium plans that involve payment in installments with each installment representing the payment for insurance coverage for a certain future period of time.
- Home improvement transactions involving progress payments when the consumer pays, as the work progresses, only for work completed with no contractual obligation to continue payments.
- "Borrowing" against the accrued cash value of an insurance policy or a pension account, where there is no independent obligation to repay.
- The issuance of letters of credit and the execution of option contracts. However, there may be an extension of credit when the letter of credit is presented for payment or the option exercised, if there is a deferral of the payment of a debt at that time.
- Investment plans in which the party extending capital to the consumer risks the loss of the capital advanced. For example, an arrangement with a home purchaser in which the investor pays a portion of the downpayment and of the periodic mortgage payments in return for an ownership interest in the property, and shares in any gain or loss of property value.

2(a)(15) Credit card.

1. *General.* A credit card must be usable "from time to time." This standard contemplates repeated use of a single device and therefore the definition excludes checks, and similar instruments usable only once to obtain a single credit extension.

2. *Examples.* The following are examples of credit cards:

- A card that guarantees checks or similar instruments, if the asset account is also tied to an overdraft line.
- A card that accesses both a credit and an asset account (a combined credit-debit card).
- An identification card that permits a consumer to defer payment on a purchase.
- An identification card indicating loan approval that is presented to a merchant or to the lender, whether or not the consumer signs a separate promissory note for each credit extension.

2(a)(16) Credit sale.

1. *Special disclosure.* Whenever the seller is a creditor in a transaction, the transaction is a credit sale and the special credit sale disclosures, such as the "total sale price" under § 226.18(j), must be given. This applies even when there is more than one creditor in the transaction and the creditor making the disclosures is not the seller.

2. *Arranger of credit.* If the seller of the property of services involved is not a creditor as to that sale, even though the seller may have arranged for financing, the transaction is not a credit sale. Thus, when a seller assists a consumer in obtaining a direct loan from a financial institution to whom the consumer's note is made payable, the transaction is a loan transaction and only the financial institution is a creditor.

3. *Refinancings.* When a credit sale is refinanced within the meaning of § 226.20, the refinancing is not a credit sale, unless a new sale of goods or services is also involved.

4. *Incidental sales.* Some lenders "sell" a product or service—such as credit, property, or health insurance—as part of a loan transaction. Section 226.4 contains the rules on whether credit life or property insurance is in the finance charge. If the insurance is financed, it may be disclosed as a separate credit sale transaction or disclosed as part of the primary transaction; if the latter approach is taken, either loan or credit sale disclosures may be made. (See the commentary to § 226.17(c) for further discussion of this point.)

2(a)(17) Creditor.

1. *General.* The definition sets out five criteria in paragraphs (a)(17)(i) through (v); if any one of them is met, the person is a creditor.

2. *Prerequisites. Paragraph (a)(17)(i)* of this definition contains a frequency standard for determining when a person is a creditor. Two conditions must be met in order for a particular credit extension to be subject to the regulation and for the credit extension to be counted towards satisfaction of the numerical tests.

First there must be either:

- A written, rather than an oral, agreement to pay in more than 4 installments. (A letter sent by the creditor that merely confirms an oral agreement does not constitute a written agreement for purposes of the regulation.) *Or,*
- A finance charge imposed for the credit. (The obligation to pay the finance charge need not be in writing.)

Second, the obligation must be payable to a person who would be a creditor. Thus, a single payment obligation without a finance charge does not count toward the numerical tests, nor is such a credit extension subject to the disclosure requirements of the regulation. The examples discussed below illustrate how the tests are applied. These examples assume that consumer credit with a finance charge or written agreement for more than 4 installments was extended in the years in question and that the person did not extend such credit in 1982.

3. *Counting transactions.* Normally the number of transactions is measured by the preceding calendar year; if the requisite number is met, then the person is a creditor for all transactions in the current year. However, when a person did not meet the test in the preceding year, the number of transactions is measured by the current calendar year. For example, if a person extends consumer credit 26 times in 1983, it is a creditor for purposes of the regulation for all extensions of consumer credit in 1984. On the other hand, if a business begins in 1983 and extends consumer credit 20 times, it is not a creditor for purposes of the regulation in 1983. If it extends consumer credit 75 times in 1984, however, it becomes a creditor for purposes of the regulation (and must begin making disclosures) after the 25th extension of credit in that year.

4. *Effect of satisfying one test.* Once one of the numerical tests is satisfied, the person is also a creditor for the other type of credit. For example, in 1983 a person extends unsecured consumer credit more than 25 times. That person is a creditor for all succeeding credit

extensions, whether they involve credit secured by a dwelling or not.

5. *Relationship between consumer credit in general and credit secured by a dwelling.* Extensions of credit secured by a dwelling are counted towards the 25-extensions test. For example, if in 1983 a person extends unsecured consumer credit 23 times and consumer credit secured by a dwelling twice, it becomes a creditor for the succeeding extensions of credit, whether or not they are secured by a dwelling. On the other hand, the extensions of consumer credit not secured by a dwelling are *not* counted towards the number of credit extensions secured by a dwelling. For example, if in 1983 a person extends credit not secured by a dwelling 8 times and credit secured by a dwelling 3 times, it is not a creditor.

6. *Trusts.* In the case of credit extended by trusts, each individual trust is considered a separate entity for purposes of applying the "creditor" criteria. For example, a bank is the trustee for Trust A which makes 15 extensions of consumer credit annually, Trust B which makes 10 extensions of credit annually, and Trust C which makes 30 extensions of credit annually. Only Trust C is a creditor for purposes of the regulation. The trustee is considered the same entity as the trust extending the credit; therefore, a trustee can never be considered an "arranger of credit."

7. *Arranger of credit. Paragraph (a)(17)(ii)* provides that a person who is an arranger of credit is deemed to be a creditor for purposes of the regulation. (See the commentary to that definition for further guidance.)

8. *Card issuers subject to Subpart B. Paragraph (a)(17)(iv)* makes certain card issuers creditors for purposes of the open-end credit provisions of the regulation. This includes, for example, the issuers of so-called "travel and entertainment" cards that contemplate repayment at the first billing and do not impose a finance charge. As all disclosures are to be made only "as applicable," such card issuers would omit finance charge disclosures. Other provisions of the regulation regarding such areas as scope, definitions, finance charges, Spanish language disclosures, record retention, and use of model forms, also apply to such card issuers.

9. *Card issuers subject to Subparts B and C. Paragraph (a)(17)(v)* includes card issuers extending closed-end credit in which there is a finance charge or an agreement to repay in more than four installments. These card issuers are subject to the appropriate provisions of Subparts B and C, as well as to the general provisions.

2(a)(18) Downpayment.

1. *Allocation.* If a consumer makes a lump-sum payment, partially to reduce the cash price and partially to pay prepaid finance charges, only the portion attributable to reducing the cash price is part of the downpayment.

2. *Pick up payments.* Creditors may treat the deferred portions of the downpayment, often referred to as "pick-up payments," in a number of ways. For example, when the pick-up payment is treated as part of the downpayment:

- It is deducted in arriving at the amount financed under § 226.18(b).
- It is deducted in arriving at the amount financed under § 226.18(b).
- It may, but need not, be reflected in the payment schedule under § 226.18(g).

When the pick-up payment does not meet the definition (for example, if it is payable after the second scheduled payment) or if the creditor chooses not to treat it as part of the downpayment:

- It must be included in the amount financed.
- It must be shown in the payment schedule.

Whichever way the pick-up payment is treated, the total of payments under § 226.18(h) must equal the sum of the payments disclosed under § 226.18(g).

2(a)(19) Dwelling.

1. *Scope.* A dwelling need not be the consumer's *principal* residence to fit this definition and thus could include a vacation or second home. However, for purposes of rescission the dwelling must be the principal residence of the consumer. (See the commentary to §§ 226.15 and 226.23 for further guidance.)

2. *Use as a residence.* Mobile homes, boats, and trailers are included in the definition if they are in fact used as residences, just as are condominiums and cooperatives. Recreational vehicles, campers, and the like not used as residences are not dwellings.

3. *Relation to exemptions.* Any transaction involving a security interest in a dwelling remains subject to the regulation despite the general exemption in § 226.3(b) of credit extensions over $25,000.

2(a)(20) Open-end credit.

1. *General.* This definition describes the characteristics of open-end credit (for which the applicable disclosure and other rules are contained in Subpart B), as distinct from closed-end credit (for which the pertinent rules are in Subpart C). Open-end credit is consumer credit that is extended under a plan and meets all three criteria set forth in the definition.

2. *Existence of a plan.* The definition assumes that there is a "plan," which connotes a contractual arrangement between the creditor and the consumer. Some creditors offer programs containing a number of different credit features. The consumer is deemed to have a single account with the institution that could be accessed repeatedly via a number of sub-accounts established for the different program features and rate structures. Some features of the program might be used repeatedly (for example, an overdraft) while others might be used infrequently (such as the part of the credit line available for secured credit). If the program as a whole is under prescribed terms and otherwise meets the open-end credit definition, such a program would be considered a single, multi-featured plan.

2. *Repeated transactions.* Under this criterion, the creditor must reasonably contemplate repeated transactions. This means that the credit plan must be usable from time to time an the creditor must have a legitimate expectation of repeat business. The definition therefore reflects the view stated in the legislative history that consumers should be given essential closed-end cost disclosures, such as the finance charge and the total of payments, if a creditor makes what is likely to be a one-time credit extension, for example, when the initial transaction is the purchase of a home improvement, an automobile, or an item sold on a door-to-door basis. The creditor must expect repeated dealings with the consumer under the credit plan as a whole, and need not believe the consumer will reuse a particular feature of the plan. A stndard based on "reasonable" belief by a creditor necessarily includes some margin for judgmental error. The fact that a particular consumer does not return for further credit extensions does not prevent a plan from having been properly characterized as open-end. This criterion is a question of fact to be decided in the context of the creditor's type of business, and the creditor's relationship with a consumer. For example:

- It would be more reasonable for a thrift institution chartered for the benefit of its members to contemplete repeated transactions with a member, than for a seller of aluminum siding to make the same assumption about its customers.
- It would be more reasonable for a bank to make advances from a line of credit for the purchase of an automobile than for an automobile

dealer to sell a car under an open-end plan.

3. *Finance charge on outstanding balance.* The requirement that a finance charge may be computed and imposed from time to time on the outstanding balance means that there is not at the outset a specific amount financed for which the finance charge, total of payments, and payment schedule can be calculated. A plan does not meet this criterion if purchases may be added from time to time, and the balance is payable either in full or in installments, with no possibility of a periodic finance charge. In such a case, closed-end series-of-sales disclosures under § 226.17(h) may be appropriate.

4. *Reusable line.* The total amount of credit that may be extended during the existence of an open-end plan is unlimited because available credit is generally replenished as earlier advances are repaid. A line of credit is self-replenishing even though the plan itself has a fixed expiration date, as long as during the plan's existence the consumer may use the line, repay, and reuse the credit without specific approval for each extension (beyond verification of credit information such as the consumer's continued income and employment status). This criterion of unlimited credit distinguishes open-end credit from a series of advances made pursuant to a loan commitment. For example:

- Under a closed-end commitment a creditor might agree to lend a total of $10,000 is a series of advances as needed by the consumer. When a consumer has borrowed the full $10,000, no more is advanced under that particular agreement, even if there has been repayment of a portion of the debt.

This criterion does not mean that the line of credit must always be replenished to its original amount. A creditor may reduce the credit limit or refuse to extend new credit in a particular case due to changes in the economy, the creditor's financial condition, or in the consumer's creditworthiness. While consumers should have a reasonable expectation of obtaining credit as long as they remain current and within any preset credit limits, further extensions of credit need not be an absolute right in order for the plan to meet the replenishing criterion.

5. *Open-end real estate mortgages.* Some credit plans call for negotiated advances under so-called open-end real estate mortgages. Each such plan must be independently measured against the definition of open-end credit, regardless of the terminology used in the industry to describe the plan. The fact that a particular plan is called an "open-end real estate mortgage," for example, does not determine that it is open-end credit under the regulation.

2(a)(21) Periodic rate.

1. *Basis.* The rate may be stated as a percentage (for example), 1½% per month), or as a decimal equivalent (for example, .015 monthly). It may be based on any portion of a year the creditor chooses. Some creditors use ⅓₆₀ of a year as their period. A creditor that uses ⅓₆₀ of a year as a period:

- Would have to apply the rate to the balance to disclose the annual percentage rate with the degree of accuracy required in the regulation i.e., within ⅛ of 1 percentage point based on the actual 365 days in the year).
- May disclose a ⅓₆₀ rate as a "daily" periodic rate, without further explanation, if it is in fact only applied 360 days per year. But if it applies that rate for 365 days, the creditor would have to note that fact and, of course, disclose the true annual percentage rate.

2. *Transaction charges.* A periodic rate does not include initial one-time transaction charges, even if the charge is computed as a percentage of the transaction amount.

2(a)(22) Person.

1. *Scope.* The definition includes joint ventures.

2(a)(23) Prepaid finance charge.

1. *General.* Prepaid finance charges must be taken into account under § 226.18(b) in computing the disclosed amount financed, and must be disclosed if the consumer requests an itemization of the amount financed.

2. *Examples.* Common examples of prepaid finance charges are:

- Buyer's points.
- Service fees.
- Loan fees.
- Finder's fees.
- Loan guarantee insurance.
- Credit investigation fees.

However, in order for these or any other finance charges to be considered prepaid, they must either be paid separately in cash or check or withheld from the proceeds.

3. *Exclusions.* "Add-on" and "discount" finance charges are not prepaid finance charges for purposes of this regulation. Finance charges are not "prepaid" merely because they are precomputed, whether or not a portion of the charge will be rebated to the consumer upon prepayment.

2(a)(24) Residential mortgage transaction.

1. *Relation to other sections.* This term is important in four provisions in the regulation:

- § 226.4(c)(7)—exclusions from the finance charge.
- § 226.18(q)—whether or not the mortgage is assumable.
- § 226.19—special timing rules.
- § 226.23(f)—exemption from the right of rescission.

2. *Lien status.* The definition is not limited to first lien transactions. For example, a consumer might assume a paid-down first mortgage and borrow the balance of the purchase price from a creditor who takes a second mortgage. The second mortgage transaction is a "residential mortgage transaction" if the dwelling purchased is the consumer's principal residence.

3. *Principal dwelling.* A consumer can only have *one* principal dwelling at a time. Thus, a vacation or other second home would not be a "principal" dwelling.

2(a)(25) Security interest.

1. *Scope.* To fall within this definition, an interest in property that secures performance must be recognized as a security interest under State or Federal law. The regulation does not provide such a determination. Security interests include:

- UCC security interests.
- Real estate mortgages.
- Deeds of trust.

2. *Exclusions.* The definition of security interest excludes three groups of interests:

- Incidental interests.
- Interests in after-acquired property.
- Interests that arise solely by operation of law.

Since they are not security interests, they may *not* be disclosed with the disclosures required in closed-end credit. A creditor is not precluded, however, from preserving these rights elsewhere in the contract documents or security agreement, or invoking and enforcing such rights, if it is otherwise lawful to do so.

3. *Incidental interests.* Incidental interests in property that are not security interests include:

- Assignments of rents.
- Condemnation proceeds.
- Accessories.
- Replacements.

The notion of an "incidental interest" does not encompass an explicit security interest in an insurance policy where that policy is the primary collateral for the transaction—for example, in an insurance premium financing

transaction. This would be a disclosable security interest.

4. *Operation of law.* Interests that arise solely by operation of law are excluded from the general definition. However, if a recognized security interest both arises by operation of law and is provided by contract—such as a wage assignment or a right of setoff—there is a disclosable security interest.

5. *Rescission rules.* Security interests that arise solely by operation of law are security interests for purposes of rescission. Examples of such interests are mechanics' and materialmen's liens.

2(b) Rules of construction.

1. *Footnotes.* Footnotes are used extensively in the regulation to provide special exceptions and more detailed explanations and examples. Material that appears in a footnote has the same legal weight as material in the body of the regulation.

References

Statute: § 103.

Previous regulation: §§ *226.2, 226.8, and 226.9.*

1981 changes: This section reflects numerous deletions from, and some additions to, the definitions in the previous regulation. Deleted are separate definitions for period, comparative index of credit cost, real property, organization, residence, real property transaction, discount, and surcharge. The definitions relating specifically to consumer leases are now found in the separate consumer leasing regulation, Regulation M.

Several terms are now defined elsewhere in the regulation or commentary. For example, "finance charge" is described and explained in § 226.4, and "agriculural purpose" is discussed in the commentary to § 226.3. Some terms such as "unauthorized use," are now defined as part of the substantive sections to which they apply. Other terms previously defined, such as "customer" and "organization," are merged into new definitions. This section contains new definitions for arranger of credit, business day, closed-end credit, downpayment, residential morgage transaction, prepaid finance charge, and consumer.

The major changes in the definitions are as follows:

"Arranger of credit" has a significantly different meaning than the term "arrange for the extension of credit" under the previous regulation. The new definition reflect the statutory amendment which limits "arrangers" to those who regularly arrange credit extensions for persons who are not themselves creditors.

"Billing cycle" largely restates the prior definition, but requires cycles to be regular, and allows the four-day variance to be measured from a regular day as well as date. The definition also incorporates an interpretation that cycles may be no longer than quarterly.

"Business day" is new in the sense that the term previously appeared only in a footnote to the rescission provision, but it is now of general applicability. The general rule that it is a day when the creditor is open for business is new, but the rule for rescission purposes is the same as in the previous regulation.

"Cash price" now explicitly permits inclusion of various incidental charges imposed equally in cash and credit transactions.

"Consumer" is generally narrower than the previous definition. It excludes guarantors, sureties, and endorsers from the general definition.

"Consumer credit" reflects the new statutory exemption for agricultural credit.

"Consummation" is a significant departure from longstanding interpretations of the previous definition. It now focuses only on the time the consumer becomes contractually obligated, rather than when the consumer pays a nonrefundable fee or suffers an economic penalty for failing to go forward with the credit transaction.

"Credit" generally parallels the previous definition, but modifies the previous interpretations of the definition by excluding more transactions.

"Creditor" reflects the statutory amendments to the act that were intended pricipally to eliminate the problem of multiple creditors in a transaction. The "regularly" standard is still used, but it is now defined in terms of the frequency of the transactions. The new definition also requires that there be a *written* agreement to pay in more than four installments to trigger that part of the definition, if no finance charge is imposed. Finally, the obligation must be initially payable to a person for that person to be a creditor.

"Downpayment" incorporates the substance of a previous interpretation concerning "pick-up payments."

"Dwelling" reflect the statutory amendment that expanded the scope of the defiition to include *any* residential structure, whether or not it is real property under state law.

"Open-end credit" reflects the amended statutory language that the plan must be one under which the creditor reasonably contemplates repeated transactions. The new defintiion no longer requires the consumer to have the privilege of paying either in installments or in full.

"Periodic rate" combines the previous definitions of "period" and "periodic rate" with clarification in the commentary concerning transaction charges and 360-day year factors.

"Security interest" is much narrower than the previous definition. Reflecting the legislative history of the simplification amendments, incidental interests are expressly excluded from the definition. Except for purposes of rescission, interests that arise solely by operation of law are also excluded.

Section 226.3—Exempt transactions.

3(a) Business, commercial, agricultural or organizational credit.

1. *"Primarily" test.* No hard and fast rule is possible in applying the test of whether the credit is "primarily" for one of the purposes stated in paragraph (a)(1). Each transaction must be looked at and evaluated as a whole to determine whether it constitutes consumer credit requiring disclosures. The creditor itself is normally in the best position to make this determination. If some question exists as to the primary purpose for a credit extension, the creditor is, of course, free to make the disclosures, and the act that disclosures are made under such circumstances is not controlling on the question of whether the transaction was exempt.

2. *factors.* In determining whether credit to finance an invetment—such as securities, antiques, or art—is primarily for business or commercial purposes (as opposed to a consumer purpose), the following factors should be considered:

- Whether the borrower's primary occupation is closely related to the investment. The more closely related, the more likely it is to be business purpose.
- The degree to which the borrower will personally manage the investment. The more personal involvement there is, the more likely it is to be business purpose.
- The ratio of investment income to the total income of the consumer. The higher the ratio, the more likely it is to be business purpose.
- The size of the transaction. The larger the transaction, the more likely it is to be business purpose.

This list is intended to suggest the types of factors that a creditor should consider, since each transaction will merit an individual analysis. Some examples of what may be business-purpose credit are:

- A loan to expand a business, even if it is secured by the borrower's residence or personal property.

- A loan to improve a principal residence by putting in a business office.
- A loan to a real estate broker to buy property for rental purposes.

Examples of what may be consumer-purpose credit are:

- Credit extensions by a company to its employees or agents if the loans are used for personal purposes.
- A loan secured by a mechanic's tools to pay a child's tuition.

3. *Non-owner-occupied rental property.* Credit extended to acquire, improve or maintain rental property (regardless of the number of housing units) that is not owner-occupied is deemed to be for business purposes. This includes, for example, the acquisition of a single-family house that will be rented out to another person. If the owner expects to occupy the property for any portion of the coming year, it cannot be considered non-owner occupied. For example, a beach house that the owner will occupy part of the next year and rent out the rest of the year is owner occupied and therefore not subject to this special rule. Paragraph 4 below discusses other rules relating to rental property.

4. *Owner-occupied rental property.* If credit is extended to acquire, improve or maintain rental property that is or will be owner-occupied within the year, different rules apply:

- Credit extended to acquire such property is deemed to be for business purposes if it contains more than *two* housing units.
- Credit extended for other than acquisition—for example, to improve or maintain the property—is deemed to be for business purposes if it contains more than *four* housing units. This rule reflects the statutory definition of "dwelling" (one to four housing units) and preserves the right of rescission for credit extended for purposes other than acquisition.

Neither of these rules means that an extension of credit for property containing fewer than the requisite number of units is necessarily consumer credit. In such cases, the determination of whether it is business or consumer credit should be made by considering the factors listed in paragraph 2 above.

5. *Agricultural purpose.* An "agricultural purpose" includes the planting, propagating, nurturing, harvesting, catching, storing, exhibiting, marketing, transporting, processing, or manufacturing of food, beverages (including alcoholic beverages), flowers, trees, livestock, poultry, bees, wildlife, fish, or shellfish by a natural person engaged in farming, fishing, or growing crops, flowers, trees, livestock, poultry, bees or wildlife. The exemption also applies to a transaction involving real property that includes a dwelling (for example, the purchase of a farm with a homestead) if the transaction is primarily for agricultural purposes.

6. *Organizational credit.* The exemption in paragraph (a)(2) for transactions in which the principal borrower is not a natural person applies, for example, to loans to corporations, partnerships, associations, churches, unions, and fraternal organizations. The exemption applies regardless of the purpose of the credit extension and regardless of the fact that a natural person may guarantee or provide security for the credit.

7. *Land trusts.* Credit extended to a land trust is considered to be credit extended to a natural person rather than credit extended to an organization. In some jurisdictions, a financial institution financing a residential real estate transaction for a consumer uses a land trust mechanism. Title to the property is conveyed to the land trust for which the financial institution itself is trustee. The underlying installment note is executed by the financial institution in its capacity as trustee and payment is secured by a trust deed, reflecting title in the financial institution as trustee. In some instances, the consumer executes a personal guarantee of the indebtedness. The note indicates that it is payable only out of the property specifically described in the trust deed and that the trustee has no personal liability on the note. These transactions are subject to the regulation since in substance (if not form) consumer credit is being extended.

3(b) Credit over $25,000 not secured by real property or a dwelling.

1. *Coverage.* Since a mobile home is defined as a "dwelling" in § 226.2(a)(19), this exemption does not apply to credit extensions secured by mobile homes (whether or not considered to be real property) even if the credit exceeds $25,000. A loan commitment in excess of $25,000 is exempt even though the amounts actually drawn may never actually reach $25,000. An unsecured loan for over $25,000 is exempt, but if it is later secured by real property or a dwelling, the transaction then becomes subject to the regulation for purposes of both disclosure and the right of rescission.

3(c) Public utility credit.

1. *Examples.* Public utility services that may be exempt under this provision include:

- Gas, water, or electrical services.
- Cable television services.
- Laying a new sewer line or city water line or installing conduits, telephone poles, or metering equipment in an area not already serviced by the utility.

This exemption does *not* apply to extensions of credit:

- To purchase appliances such as gas or electric ranges, grills, or telephones.
- To finance home improvements such as new heating or air conditioning systems.

3(d) Securities or commodities accounts.

1. *Coverage.* This exemption does not apply to a transaction with a state-registered broker, or to a bank loan in which the proceeds are used to purchase securities.

3(e) Home fuel budget plans.

1. *Definition.* Under typical home fuel budget plans, the fuel dealer generally estimates the total cost of fuel for the season, bills the customer for an average monthly payment, and makes an adjustment in the final payment for any difference between the estimated and the actual cost of the fuel. Fuel is delivered as needed, no finance charge is assessed, and the customer may withdraw from the plan at any time. Under these circumstances, the arrangement is exempt from the regulation, even if a charge to cover the billing costs is imposed.

References

Statute: §§ 103 (s) and (t), 104.
Previous regulation: § 226.3.
1981 changes: The business credit exemption has been expanded to include credit for agricultural purposes. The rule of Board Interpretation § 226.302, concerning credit relating to structures containing more than four housing units, has been modified and somewhat expanded by providing more exclusions for transactions involving rental property.

The exemption for transactions above $25,000 secured by real estate has been narrowed; transactions secured by any dwelling (even if not considered real property) are subject to the regulation.

The utility credit exemption now covers the financing of the extension of a utility into an area not earlier served by the utility, in addition to the financing of services.

The securities credit exemption has been extended to broker-dealers registered with the CFTC as well as the SEC.

A new exemption has been created for home fuel budget plans.

Section 226.4—Finance charge.

4(a) Definition.

1. *Charges in comparable cash transactions.* Charges imposed uniformly in cash and credit transactions are not finance charges. In determining whether an item is a finance charge, the creditor should compare the credit transaction in question with an analogous cash transaction. For example, the following items are not finance charges:

- Taxes, license fees, or registration fees paid by both cash and credit customers.
- Discounts that are available to cash and credit customers, such as quantity discounts.
- Discounts available to a particular group of consumers because they are members of an organization or have accounts at a particular financial institution. This is the case even if an individual must pay cash to obtain the discount, provided that credit customers who are members of the group and don't qualify for the discount pay no more than the non-member cash customers.
- Charges for a service policy, auto club membership, or policy of insurance against latent defects offered to both cash and credit customers for the same price.

In contrast, the following items are finance charges:

- Inspection and handling fees for the staged disbursement of construction loan proceeds.
- Fees for preparing a Truth in Lending disclosure statement.
- Charges for a required maintenance or service contract imposed only in a credit transaction.

2. *Costs of doing business.* Charges absorbed by the creditor as a cost of doing business are not finance charges, even though the creditor takes such costs into consideration in determining the interest rates to be charged. However, if the creditor separately imposes a charge on the consumer to cover certain costs, that charge is a finance charge.

3. *Charges by third parties.* Charges imposed by someone other than the creditor for services that are not required by the creditor are not finance charges. An example of this:

- A fee charged by a loan broker to a consumer, provided the creditor does not require the use of a broker.

4(b) Examples of finance charges.

1. *Exclusions.* Charges or fees shown as examples of finance charges in paragraph (b) may be excludable under paragraphs (c), (d), or (e). For example:

- Premiums for credit life insurance, shown as an example of a finance charge under paragraph (b)(7), may be excluded if the requirements of paragraph (d)(1) are met.
- Appraisal fees included under paragraph (b)(4) may be excluded for real property or residential mortgage transactions under paragraph (c)(7).

2. *Checking account charges.* The checking or transaction account charges discussed in *paragraph (b)(2)* include, for example, the following situations:

- An account with an overdraft line of credit has a $4.50 service charge per month while an account without a credit feature has a $2.50 service charge; the $2.00 difference is a finance charge.
- A service charge of $5.00 for each item that triggers an overdraft credit line is a finance charge. However, a charge imposed uniformly for any item that overdraws a checking account, regardless of whether the items are paid or returned and whether the account has a credit feature or not, is not a finance charge.

3. *Assumption fees.* The assumption fees mentioned in *paragraph (b)(3)* are finance charges only when the assumption occurs and the fee is imposed on the new buyer. The assumption fee is a finance charge in the new buyer's transaction.

4. *Credit loss insurance.* Common examples of the insurance against credit loss mentioned in *paragraph (b)(5)* are mortgage guaranty insurance, holder in due course insurance, and repossession insurance. Such premiums must be included in the finance charge only for the period that the creditor requires the insurance to be maintained.

5. *Existing insurance policy.* The insurance discussed in *paragraph (b)(7) and (8)* does not include an insurance policy (such as a whole life or automobile collision insurance policy) that is already owned by the consumer and assigned to or otherwise made payable to the creditor to satisfy an insurance requirement, as long as the insurance was not purchased for use in that credit extension. Such a policy is not "written in connection with" the transaction since it was previously owned by the consumer.

6. *Substitution of life insurance.* The premium for a life insurance policy *purchased* by the consumer *and assigned* to the creditor *to satisfy* a credit life insurance requirement must be included in the finance charge, but only to the extent of the cost of the credit life insurance if purchased from the creditor.

7. *Non-credit life or property insurance.* Fees for required insurance not of the types described in paragraphs (b)(7) and (b)(8) are finance charges and are not excludable. For example:

- The premium for a hospitalization insurance policy, if it is required to be purchased only in a credit transaction, is a finance charge.

8. *Discounts for payment by other than credit.* Discounts to induce payment by other than credit, as mentioned in *paragraph (b)(9)*, include, for example, the following situation:

- A seller of tracts of land offers individual tracts for $10,000 each. If a purchaser pays cash, the price is $9,000, but if the purchaser finances the tract with the seller the price is $10,000. The $1,000 difference is a finance charge for those who buy the tracts on credit.

Certain discounts are excludable from the finance charge under paragraph (c)(8).

4(c) Charges excluded from the finance charge.

1. *Application fees.* An application fee that is excluded from the finance charge under *paragraph (c)(1)* is a charge to recover the costs associated with processing applications for credit. If an application fee is charged only to applicants who receive an extension of credit, the fee is a finance charge.

2. *Late payment charges.* Late payment charges can qualify for the exclusion from the finance charge under *paragraph (c)(2)* whether or not the person imposing the charge continues to extend credit on the account or to provide property or services to the consumer. In determining whether a charge is for actual unanticipated late payment, factors to be considered include:

- The terms of the account. For example, is the consumer required by the account terms to pay the account balance in full each month? If not, the charge may be a finance charge.
- The practices of the creditor in handling the accounts. For example, regardless of the terms of the account, does the creditor allow consumers to pay the accounts over a period of time without demanding payment in full or taking other action to collect? If no effort is made to collect the full amount due, the charge may be a finance charge.

3. *Participation fees.* The participation fees mentioned in *paragraph (c)(4)* do not necessarily have to be formal membership fees, nor are they limited to credit card plans. The provision applies to any credit plan where payment of a fee is a condition of access to the plan itself, but does not apply to fees imposed separately on individual

closed-end transactions. Minimum monthly charges or other charges based on current account activity are not excluded from the finance charge by this provision.

4. *Seller's points.* The seller's points mentioned in *paragraph (c)(5)* include any charges imposed by a creditor upon the seller of property for providing credit to the buyer of the property. These charges are excluded from the finance charge whether or not they are passed on to the buyer in the form of a higher sales price. Seller's points are most often involved in real estate transactions guaranteed or insured by governmental agencies. Buyer's points (that is, points charged to the buyer by the creditor), however, are finance charges.

5. *Lost interest.* Certain federal and state laws mandate a percentage differential between the interest rate paid on a deposit and the rate charged on a loan secured by that deposit. If the creditor reduces the interest rate paid on the account or the certificate of deposit, the consumer loses some of the interest that would have been earned. Under *paragraph (c)(6),* such "lost interest" need not be included in the finance charge. This rule applies only to an interest reduction imposed because a rate differential is required by law. If a bank or other financial institution reduces the interest rate on a savings account or stops paying interest for the term of a credit transaction (including an overdraft on a checking account), and that action is not required by law, the interest lost is a finance charge.

6. *Real estate or mortgage charges.* The list of charges contained in *paragraph (c)(7)* apply both to residential mortgage transactions and to other transactions secured by real estate, including for example, the purchase of a mobile home. The fees are excluded from the finance charge even if the services for which the fees are imposed are performed by the creditor's employees rather than by a third party. In addition, the category of credit report fees includes not only the report itself, but also verification of information in the report. In all cases, the charges must be bona fide and reasonable.

Alternative I for Cash Discounts [1]

7. *Cash discounts—coverage.* The discounts mentioned in *paragraph (c)(8)* are discounts offered to induce consumers to pay for property or services by cash, check, or other means not involving the use of a credit card (whether open-end or closed-end credit is involved). The discount may not exceed 5% of the regular price of the property or service being sold. The regular price of the property or service is (1) the tagged or posted price, if only one price is tagged or posted, or (2) the price paid by consumers using a credit card, if no price is tagged or posted or if two prices are tagged or posted. Payment by a check or other negotiable instrument that results in the debiting of a consumer's credit card account does not constitute payment by use of a credit card for purposes of determining the regular price. A transaction on a credit card plan using only the card or account number, but not the credit card itself (for example, ordering tickets by telephone), is considered a transaction involving the use of a credit card.

8. *Availability of discount.* The discount must be available to consumers whether or not they are cardholders, and the availability of the discount must be disclosed to the consumer before payment for the purchase is made. A merchant might disclose the availability in any of the following ways:

- By posting a sign at the entrances to its store.
- By posting a sign at cash registers or other points of payment.
- Orally when the transaction involves the telephone, provided the oral disclosure is made prior to the time the consumer pays by use of a credit card number.

9. *Advertising a discount.* Advertisements or other solicitations for the sale of property or services that disclose a price that is not available to consumers using a credit card must also disclose that the stated price is so limited.

10. *Limitation of discount to credit card transactions.* A discount described by this paragraph is not a finance charge in a transaction involving a credit card, but the provision is inapplicable to any other type of credit transaction. For example, if a cash discount is unavailable to consumers using credit that does not involve the use of a credit card, the discount is a finance charge as to those transactions.

11. *Relation of state laws to cash discounts.* A discount that is offered in accordance with § 167(b) of the act is not a finance charge or other charge for credit under any state usury or disclosure law relating to credit transactions. (See § 171(c) of the act.)

12. *Cash discount as finance charge.* Any discount that fails to meet any requirement set forth in § 167(b) is a finance charge. For example, if the discount is 7% of the regular price, the entire amount is a finance charge. If the seller offering the discount is a person other than the card issuer, it need only comply with § 226.9(d), "Finance charge imposed at time of transaction." If the seller is also the card issuer, it must comply with all relevant requirements of the regulation.

Alternative II for Cash Discounts [2]

7. *Cash discounts—coverage.* The discounts that may be excluded from the finance charge under *paragraph (c)(8)* are discounts offered to induce consumers to pay for property or services by cash, check, or other means not involving the use of either an open-end credit plan or a credit card (whether open-end or closed-end credit is extended on the card). The discount may be in whatever amount the seller desires, either as a percentage of the regular price of the item or a dollar amount.

8. *Definition of regular price.* For purposes of determining whether the price differential made by a seller is a discount or a surcharge (which is prohibited by § 167(a)(2) of the act), the regular price is defined in § 103(z) of the act as follows:

> [T]he term "regular price" means the tag or posted price charged for the property or service if a single price is tagged or posted, or the price charged for the property or service when payment is made by use of an open-end credit plan or a credit card is either (1) no price is tagged or posted, or (2) two prices are tagged or posted, one of which is charged when payment is made by use of an open-end credit plan or a credit card and the other when payment is made by use of cash, check, or similar means. For purposes of this definition, payment by check, draft, or other negotiable instrument which may result in the debiting of an open-end credit plan or a credit cardholder's open-end account shall not be considered payment made by use of the plan or the account.

9. *Limitation of discount to certain transactions.* A discount described by this paragraph is not a finance charge in a transaction involving an open-end credit plan or a credit card, but the provision does not apply to any other type of credit transaction. For example, if a cash discount is unavailable to consumers paying by use of a closed-end credit plan not involving a credit card, the discount is a finance charge as to those transactions.

---

[1] The provisions on cash discounts are presented in the alternative because of the possibility of statutory change. Alternative I reflects § 167(b) of the act as it was in effect on May 15, 1981. Alternative II reflects § 167(b) as it would be amended by H.R. 3132, the "Cash Discount Act."

[2] The provisions on cash discounts are presented in the alternative because of the possibility of statutory change. Alternative I reflects § 167(b) of the act as it was in effect on May 15, 1981. Alternative II reflects § 167(b) as it would be amended by H.R. 3132, the "Cash Discount Act."

10. *Relation of state laws to cash discounts.* A discount that is offered in accordance with § 167(b) of the act is not a finance charge or other charge for credit under any state usury or disclosure law relating to credit transaction. (See § 171(c) of the act.)

11. *Cash discount as finance charge.* Any discount failing to meet any requirement set forth in § 167(b) is a finance charge. If the seller is a person other than the card issuer, it need only comply with § 226.9(d), "Finance charge imposed at time of transaction." If the seller is also the card issuer, it must comply with all relevant requirements of the regulation.

4(d) Insurance.

1. *Form and location of disclosures.* All disclosures required by this paragraph must be made in writing. The rules on location of insurance disclosures for closed-end transactions are in § 226.17.

2. *Required credit life insurance. Paragraph (d)(1)* permits only *voluntary* credit life, accident, health, or loss-of-income insurance to be excluded from the finance charge. Whether the insurance is in fact required or optional is a factual question. If the insurance is required, the premiums must be included in the finance charge. Credit life insuance is considered to be required even if the creditor also gives the consumer the option of assigning an existing life insurace policy; if the consumer purchases the credit life insurance from the creditor, the premium must be treated as a finance charge. (See paragraph 5 to § 226.4(b), above.)

3. *Other types of voluntary insurance.* Insurance is not credit life, accident, health, or loss-of-income insurance if the creditor or the credit account of the consumer is not the beneficiary of the insurance coverage. If such insurance is not required by the creditor as an incident to or a condition of credit, it is not covered by the finance charge provisions of § 226.4.

4. *Unit-cost disclosures.* One of the transactions of which unit-cost disclosures (such as 50 cents per month on each $100 of the outstanding indebtedness) may be used in place of the total insurance premium involves a particular kind of insurance plan. For example, a consumer with a current indebtedness of $8,000 is covered by a plan of credit life insurance coverage with a maximum of $10,000. The consumer requests an additional $4,000 loan to be covered by the same insurance plan. Since the $4,000 loan exceeds, in part, the maximum amount of indebtedness that can be covered by the plan, the creditor may properly give the insurance cost disclosures on the $4,000 loan on a unit-cost basis.

5. *Property insurance.* To exclude property insurance premiums from the finance charge the creditor must allow the consumer to choose the insurer, and disclose that fact. The premium must be disclosed only if the consumer elects to purchase the insurance from the creditor. In such a case, the creditor must also disclose the term of the property insurance coverate if it is less than the term of the obligation.

6. *Single interest insurance.* Blanket and specific single interest coverage are treated the same for purposes of this regulation. A charge for either type of single interest insurance may be excluded from the finance charge if:

- The insurer waives any right of subrogation.
- The other requirements of paragraph (d)(2) are met. This includes, of course, giving the consumer the option of obtaining the insurance from a person of the consumer's choice. The requirement that an option be given does not require that the required insurance be readily available from other sources. Whether a consumer is able to purchase required property insurance from someone other than the creditor is a factual question the creditor need not answer in the affirmative in order to take advantage of these special rules.

7. *Single interest insurance defined.* "Single interest insurance," as used in the regulation, refers only to the types of coverage traditionally included in the term "vendor's single interest insurance," that is, protection of tangible property against normal property damage, concealment, confiscation, conversion, embezzlement, and skip. Some comprehensive insurance policies may include a variety of additional coverages, such as repossession insurance, holder in due course insurance, and instrument non-filing insurance. These types of coverage do not constitute single interest insurance for purposes of the regulation, and premiums for them do not qualify for exclusion from the finance charge under paragraph (d).

4(e) Certain security interest charges.

1. *Examples.* The charges excludable from the finance charge under *paragraph (e)(1)* include:

- Charges for filing or recording security agreements, mortgages, continuation statements, termination statements, and similar documents.
- Tax stamps.
- Notary fees.

Only sums actually paid to public officials are excludable under this provision.

2. *Itemization.* The various charges described in paragraph (e)(1) may be totalled and disclosed as an aggregate sum, or they may be itemized according to the specific fees and taxes imposed.

3. *Notary fees.* In order for a notary fee to be excluded, all of the following conditions must be met:

- The document to be notarized is one used to perfect, release, or continue a security interest.
- The document is required by law to be notarized.
- A notary is considered a public official under applicable law.
- The amount of the fee is set or authorized by law.

4. *Non-filing insurance.* If the creditor collects and simply retains a fee as a sort of "self-insurance" against non-filing it may not be excluded from the finance charge under *paragraph (e)(2);* the exception applies only where the non-filing insurance is purchased. If the non-filing insurance premium exceeds the amount of the fees excludable from the finance charge by paragraph (e)(1), only the excess is a finance charge.

4(f) Prohibited offsets.

1. *Earnings on deposits or investments.* The rule that the creditor must disregard any earnings by the consumer on deposits or investments applies whether or not the creditor has a security interest in the property.

References

Statute: § 106, 167(b), 171(c).

Previous regulation: § 226.4.

1981 Changes: While generally continuing the rules under the prior regulation, this section reflects amendments to § 106 of the act and makes certain other changes in the rules for determining the finance charge. For example, subparagraph (a) includes the express limitation from the amended act that finance charges do not include charges payable in comparable cash transactions. With respect to various exclusions from the finance charge: application fees imposed on all applicants are no longer finance charges; continuing to extend credit to a consumer is no longer a controlling test for determining whether a late payment charge is bona fide; seller's points are not to be included in the finance charge; and the special exclusions for real estate transactions apply to all "residential mortgage transactions."

Simplified rules for excluding insurance from the finance charge allow unit-cost disclosure in certain closed-

end credit transactions; permit initials as well as signatures on the authorization; permit any consumer to authorize insurance for other consumers; and delete the requirement that the authorization be dated.

Subpart B—Open-End Credit

General

This section deals with open-end credit accounts—such as revolving credit, credit card accounts, overdraft and cash advance loans—and the disclosures required for these types of credit. (The term "open-end credit" is defined in § 226.2.) This section also outlines

- Special rules for credit card accounts.
- The procedures to be followed if errors occur in open-end credit accounts.
- The rules for determining annual percentage rates for open-end accounts.
- Rescission requirements as they apply to open-end credit.
- The rules for open-end credit advertising.

Section 226.5—General disclosure requirements.

5(a) Form of disclosures.

1. *Clear and conspicuous.* Under the "clear and conspicuous" standard in *paragraph (a)(1),* which requires that disclosures be in a reasonably understandable and usable form, creditors

- Need not segregate disclosures from other material (as is the case for closed-end disclosures under § 226.17).
- May pluralize the required terminology (finance charge and annual percentage rate) where appropriate.
- May add to the required disclosures such items as contractual provisions, explanations of contract terms, state law disclosures that are not inconsistent under § 226.28, translations, and promotional material, so long as the required disclosures remain clear and conspicuous.
- Need not present numerical amounts or percentages in figures or in any particular type size.

2. *Integrated document.* Creditors may make both the initial disclosures (§ 226.6) and the periodic statement disclosures (§ 226.7) on more than one page, and use both the front and the reverse sides, so long as the disclosures are made together and the pages constitute an integrated document. This would include, for example:

- Multiple pages that cover related material and are stapled together or otherwise attached.
- A brochure that contains information about a range of services the creditor offers, such as credit, checking account, and electronic fund transfer features.

An integrated document would not include pages that are not attached, pages provided to the consumer at different times, or pages interspersed with unrelated notices, flyers, or promotional material.

3. *When disclosures must be more conspicuous.* The following rules apply to the "more conspicuous" requirement in *paragraph (a)(2)* about the "finance charge" and "annual percentage rate":

- "Finance charge" and "annual percentage rate" must be disclosed more conspicuously when required to be used with a number. For example, on the initial disclosure statement the corresponding annual percentage rate disclosure under § 226.6(a)(2) must conform to the "more conspicuous" rule.
- Neither term need be emphasized when used as part of general informational material or in textual descriptions of other terms, although emphasis is permissible in such cases. For example, when the terms appear as part of the explanations required under § 226.6(a)(3) and (4), they do not have to be more conspicuous.
- The periodic statement disclosure on the corresponding annual percentage rate under § 226.7(d) need not be "more conspicuous" so that the actual APR disclosed under § 226.7(g) will be more conspicuous when they differ.

4. *Making disclosures more conspicuous.* The requirement in *paragraph (a)(2)* that "finance charge" and "annual percentage rate" be stated more conspicuously may be satisfied by:

- Capitalizing the words when other disclosures are printed in lower case.
- Putting them in bold print or a contrasting color.
- Underlining them.
- Setting them off with asterisks.

Only the words "finance charge" and "annual percentage rate" shoud be accentuated. For example, if the term "total finance charge" is used, only "finance charge" should be emphasized.

5(b) Timing of disclosures.

1. *Before the first transaction.* The rule in *paragraph (b)(1)* that the initial disclosure statement must be furnished "before the first transaction" requires delivery of initial disclosures before the consumer makes the first purchase, receives the first advance, or pays a fee under the plan. Initial disclosures are timely even if an advance or membership fee has already been posted to the consumer's account so long as the consumer may, after receiving the disclosures, reject the account and have no further obligation beyond returning money or goods provided by the creditor. An application fee under § 226.4(c)(1) does not trigger disclosures.

2. *Converting closed-end credit to open-end credit.* If an existing closed-end account is converted to open-end under a written agreement with the consumer, the initial disclosurer under § 226.6 must be given before the first transaction under the open-end account. "Transaction" in this context may be a purchase or payment by the consumer or a cash advance to the consumer.

3. *Converting open-end to closed-end credit.* If open-end credit is converted to closed-end credit under a written agreement with the consumer (for example, if the creditor discontinues its open-end plan, or arranges for refinancing or a work-out agreement with a defaulting consumer), the creditor must provide closed-end disclosures on the amount financed, itemization of the amount financed, and finance charge (§ 226.18(b), (c), and (d)). These disclosures must be made before consummation of the closed-end agreement.

4. *Termination of open-end credit privileges.* When an open-end plan is terminated without being converted to closed-end under a written agreement, the creditor must continue to provide periodic statements to those consumers entitled to receive them (for example, while consumers are paying off outstanding balances) and must continue to follow the error resolution procedures of § 226.13.

5. *Reopening terminated account.* If an account has been closed (for example, due to inactivity, cancellation, or expiration) and then is reopened, new initial disclosures are required.

6. *Reactivitation of suspended account.* If an account is temporarily suspended (for example, because the consumer has exceeded a credit limit, or because a credit card is reported lost or stolen) and then is reactivated, no new initial disclosures are necessary.

7. *Periodic statements not required.* Periodic statements need not be sent in the following cases:

- If the creditor unilaterally adjusts a debit balance to zero or automatically refunds a credit balance.
- If a statement was sent and returned as undeliverable. If the consumer later provides a new address, the creditor must resume sending statements.

When a new address is provided, the obligation to send a statement arises if the new address is provided within a reasonable time before sending the statement. Receiving the address at least 20 days before the end of a cycle would be a reasonable amount of time to prepare the statement for that cycle. (See § 226.13(a)(7).)

8. *14-day rule.* The 14 day-rule in *paragraph(b)(2)(ii)* does not apply if charges (for example, transaction or activity charges) are imposed regardless of the timing of a periodic statement. The 14-day rule does apply:

- If current debits retroactively become subject to finance charges if the balance is not paid in full by a specified date.
- If charges other than finance charges will accrue if the consumer does not make timely payments. Such charges include:

—Late payment charges.
—Charges for exceeding a credit balance.
—Fees for vendor's single interest insurance.

9. *14-day rule—exceptions. Footnote 4* does not excuse a creditor from the 14-day oligation if the failure to provide a periodic statement results from computer malfunction.

5(c) Basis of disclosures and use of estimates.

1. *Legal obligation.* The legal obligation is usually that embodied in the written agreement of the parties. For example:

- If the contract provides for payment of a certain amount by the last day of each month, but payments are actually made biweekly under a voluntary payroll deduction plan, the monthly payment term is undoubtedly the legally enforceable contract term, and therefore represents the appropriate basis for disclosures.
- If a creditor-employer offers a preferential employee rate, the correct periodic rate/annual percentage rate disclosure depends on what is legally enforceable. If the higher rate is the binding contract term, however, the creditor may additionally indicate any concession made in that term.

2. *Estimates.* The "reasonably available" standard requires that the creditor, acting in good faith, exercise due diligence in obtaining information. In using estimates, the creditor is not required to disclose the basis for the estimated figures, but may include such explanations as additional information. If the creditor makes estimated disclosures, redisclosure is not required even though more accurate information becomes available before the first transaction. For example, in an open-end plan to be secured by real estate, the creditor may estimate the appraisal fees to be charged; such an estimate might reasonably be based on the prevailing market rates for similar appraisals. No new disclosure is necessary even if the exact appraisal fee is determinable before the consumer receives the first advance under the plan.

5(d) Multiple creditors; multiple consumers.

1. *Providing disclosures.* Under this provision:

- Creditors must choose which of them will make the disclosures.
- Each creditor in the plan is legally responsible for seeing that the disclosures are provided, and any one of them may be subject to liability for violations.
- A single, complete set of disclosures must be provided, rather than partial disclosures from several creditors.

2. *Who must receive disclosures.* While the disclosures may be made to either obligor on a joint account, the disclosure responsibilities are not satisfied by disclosures given only to an authorized user or to a surety or guarantor for a principal obligor.

5(e) Effect of subsequent events.

1. *Events causing inaccuracies.* Inaccuracies in open-end disclosures are not violations if attributable to events occurring after disclosure, such as:

- The consumer's failure to perform his or her obligation to keep collateral insured, where the creditor then provides the coverage and charges the consumer for it.
- An alteration in certain terms, such as the rates or classifications for credit insurance or the availability of a free-ride period.

Although such changes do not make the original disclosure improper, the creditor may be required by § 226.9(c) to provide a new disclosure for the change term.

2. *Use of inserts.* In the case of a term change, creditors may use inserts with outdated disclosure forms. Any insert:

- Should clearly refer to the disclosure provision it replaces.
- Need not be physically attached or affixed to the basic disclosure statement.
- May be used only until the supply of outdated forms is exhausted.

References

Statute: §§ 121 (a), (b), and (c); 122 (a) and (b); 124, 127 (a) and (b); 163(a).

Previous regulation: §§ 226.6 (a), (c), (d), (e), (f), (g), and 226.7 (a), (b), (c).

Other sections: §§ 226.4, 226.6, 226.7, 226.8, 226.9, and 226.14.

1981 changes: This section reflects several amendments to the act and incorporates a number of changes made to simplify the regulation. Type size requirements and all required terminology except "finance charge" and "annual percentage rate" are deleted. Disclosures may be made on more than one page of an integrated statement. The timing rule for initial disclosures has been revised to make clear that they must precede *any* transaction under the plan, including payments by the consumer. The rule for credit plans involving multiple creditors or multiple consumers has been simplified in accordance with the revised statute: only one creditor need make the disclosures, and to only one primarily liable consumer. Section 226.5(c) reflects new rules for the basis of disclosures and use of estimates.

Section 226.6—Initial disclosure statement.

6(a) Finance charge.

1. *General.* The finance charge disclosure must include the information set out in paragraphs (a)(1) through (a)(4). The material required by these paragraphs is closely related and provides one complete finance charge disclosure. For example, a statement that "the finance charge begins on the date of each advance" adequately discloses that there is no free-ride period. In the same fashion, a statement that "finance charges will be imposed on any new purchases only if they are not paid in full within 25 days after the close of the billing cycle" necessarily discloses that there is a free period in the interim.

Paragraph 6(a)(1).

1. *When finance charges accrue.* Creditors may provide a general explanation about finance charges beginning to run and need not disclose a specific date. For example, a creditor may disclose that a consumer has 30 days from the closing date to pay the new balance before finance charges will accrue on any new purchases made on the account.

2. *Free periods.* In disclosing whether or not a free-ride period exists, a creditor need not use "free period," "free-ride period," or any other particular descriptive phrase or term.

Paragraph 6(a)(2).

1. *Variable rate programs.* In addition to disclosing the rates in effect at the time of disclosure, *Footnote 12* requires disclosure of the circumstances under which a periodic rate would increase in a variable rate program. This refers to any specific contractual conditions, such as the expiration of certain time periods

or changes in a particular index. Any limitations on rate increases, such as the maximum increase per year or the maximum increase over the duration of the plan, must also be disclosed (but a creditor need not disclose general rate limitations imposed by law, such as state usury ceilings). As to the effect of an increase, the creditor would disclose, for example, that the rate increase would result in higher monthly payments.

Paragraph 6(a)(3).

1. *Explanation of balance computation method.* Under *paragraph (a)(3),* a shorthand phrase such as "previous balance method" does not suffice. (See Appendix G–1 for model clauses.)

2. *Allocation of payments.* Disclosure about the allocation of payments is not required. For example, a creditor need not disclose that payments are applied first to finance charges, then to purchases, and then to cash advances, or that payments are applied to late charges, overdue balances, and finance charges before being applied to the principal balance.

Paragraph 6(a)(4).

1. *Finance Charges.* Disclosure is required of any other type of finance charge (other than a periodic rate) that may be imposed, such as minimum, fixed, transaction, and activity charges; required insurance; appraisal, investigation, or credit report fees; or any other charge described in the finance charge section (§ 226.4).

6(b) Other charges.

1. *General.* This paragraph requires significant charges (that are not finance charges) to be disclosed.

2. *Other charges.* The followng are examples of other charges:

- Late payment and over-the-credit-limit charges.
- Fees for providing documentary evidence of transactions requested under § 226.13 (billing error procedures).
- Charges imposed in connection with real estate transactions (§ 226.4(c)).
- Taxes and filing or notary fees excluded from the finance charge under § 226.4(e).
- Taxes not imposed but for the credit plan, even if the taxes are imposed by governmental action.
- Fees for membership or participation in a package of services that includes an open-end credit feature, unless the fee is required whether or not the open-end credit feature is included. For example, a membership fee to join a credit union would not be an "other charge," even if membership was a criterion for eligibility in applying for credit.

3. *Exclusions.* The Following are not "other charges":

- Fees charged for documentary evidence of transactions for income tax purposes.
- Amounts payable by a consumer for collection activity after default; attorney's fees, whether or not automatically imposed; foreclosure costs, statutory interest rates, and reinstatement or reissuance fees.
- Premiums for voluntary credit life or disability insurance, or for property insurace that are not part of the finance charge.
- Application fees under § 226.4(c)(1).

6(c) Security interest.

1. *General.* Disclosure is not required about the type of security interest or about the creditor's rights with respect to that collateral. In other words, the creditor need not expand on the term "security interest." Also, since no specified terminology is required, the creditor may designate its interest by using, for example, "pledge," "lien," or "mortgage."

2. *Identification of property.* Identification of the collateral by type is satisfied by stating, for example, "motor vehicle" or "household appliances."

3. *Spreader clause.* The fact that collateral for pre-existing loans with the institution is being used to secure the present obligation constitutes a security interest and must be disclosed. A specific indentification of that collateral is unnecessary but a reminder of the interest arising from the prior indebtedness is required. The disclosure may be accomplished by language such as "collateral securing other loans with us may also secure this loan." At the creditor's option, a more specific description of the property involved may be given.

4. *Additional collateral.* If collateral is required when advances reach a certain amount, the creditor should disclose the information available at the time of the initial disclosures. For example, the creditor would disclose that a security interest would be taken in household goods if the consumer's balance exceeded $1,000. If the creditor requires additional security not covered by the initial disclosures, a change-in-terms notice under § 226.9(c) is necessary.

6(d) Statement of billing rights. See commentary to Appendix G–3.

References

Statute: § 127(a).

Previous regulation: § 226.7(a).

Other sections: §§ 226.2, 226.5, 226.7, 226.9, 226.13, 226.14, 226.16, and Appendix G.

1981 changes: The rules for initial open-end disclosures are changed in several ways from the prior regulation. Whereas the previous regulation required a disclosure only if a free-ride period exists, the new regulation reflects the amended statute by requiring a positive statement that there is *no* free period if that is the case. Disclosures of the Comparative Index of Credit Cost and of the minimum periodic payment are eliminated. Security interest disclosures are reduced simply to an indication that there is a security interest and the property it covers. "Other charges" no longer include voluntary credit life or disability insurance or required property insurance premiums. Disclosure requirements for variable rate programs are now incorporated in the regulation, replacing Board Interpretation § 226.707 which provided optional disclosures. Board Interpretation § 226.706, on the allocation of payments, is incorporated in the commentary. The regulation no longer specifies the exact language to be used for the billing rights notice, although a model notice is provided in the regulatory appendix.

Section 226.7—Periodic statements.

General.

1. *Abbreviations or symbols.* A creditor may use abbreviations or symbols for any required disclosures on the periodic statement, as long as they are readily understandable, or coded, or otherwise explained on the periodic statement.

2. *Multifeatured accounts.* For a plan that involves several different types of credit transactions (such as purchases, loans, cash advances, or overdraft checking), required disclosures are as follows:

- The previous balance (§ 226.7(a)) may be disclosed either as an aggregate balance for the account or as separate balances for each type of transaction. If separate balances are disclosed, a total previous balance is optional.
- Identification of transactions (§ 226.7(b)) may be made by categorizing transactions, such as by grouping together sale transactions separately from cash advances.
- A balance on which the finance charge was computed from a periodic rate (§ 226.7(e)) must be disclosed for each type of transaction to which different periodic rates or different balance computation methods are applied. A total balance for the entire account is optional.
- The *total* amount of the finance charge attributable to the application of periodic rates (§ 226.7(f)) must be

disclosed; an additional separate disclosure for each type of transaction is optional.

- The historical annual percentage rate (§ 226.7(g)) may be separately stated for each type of transaction. If separate rates are given, a composite annual percentage rate for the entire plan is optional.
- A new balance (§ 226.7(i)) may be disclosed for each type of transaction shown on the account. If separate new balances are disclosed, a total new balance is optional.

3. *Accrued finance charges allocated from payments.* If instead of debiting or adding finance charges to an account during a billing cycle, the amount of the finance charge that has accrued since the last payment is allocated from each new payment:

- The previous balance (paragraph (a)) need not reflect finance charges accrued since the last payment.
- No disclosure is required of finance charges (paragraph (f)) that have accrued since the last payment.
- The new balance (paragraph (i)) need not reflect finance charges accrued since the last payment.

7(a) Previous balance.

1. *Credit balances.* If the previous balance is a *credit* balance, it must be disclosed in such a way so as to inform the consumer that it is a *credit* balance, rather than a *debit* balance.

7(c) Payments and credits.

1. *Identification.* The periodic statement must disclose each credit to the account during the cycle, and the disclosure must include both the amount and crediting date and whatever additional information is needed to identify the entry.

2. *Identification.* Generally speaking, the creditor need not describe each credit by type (returned merchandise, rebate of finance charge, etc.). But if a creditor uses the periodic statement to notify the consumer of a billing error correction under § 226.13(e)(2), the credit must be specifically identified as a response to the billing error.

3. *Format.* A creditor may list together (for example, in the same column) credits (payments, rebates, etc.) for the credit portion of an account (overdraft protection) with other types of credits (deposits to the checking account) as long as the entries are identified so as to inform the consumer which type of credit each entry represents.

4. *Date.* The crediting date need not be described as "crediting date," except that if two or more dates are disclosed for a single entry (for example, the posting date and the crediting date) the crediting date must be identified.

7(d) Periodic rates.

1. *Rates required to be disclosed.* Any periodic rate that may be used to compute finance charges and its corresponding annual percentage rate must be disclosed whether or not it is applied during the billing cycle.

2. *Rates required to be disclosed.* The disclosures regarding the rate and type of transaction relate only to rates that *could have* been imposed during the billing cycle. For example:

- If a creditor is changing rates effective on the next billing cycle, the rates required to be disclosed under paragraph (d) are only those in effect during the billing cycle reflected on the statement.
- If the consumer has an overdraft line that might later be expanded upon the consumer's request to include secured advances, the disclosures required by this section for the secured advance feature need not be given until such time as the consumer has requested and received access to the additional feature under the plan.

3. *Multiple rates—same transactions.* If two periodic rates are applied to the same balance for the same type of transaction (for example, if the finance charge consists of a monthly periodic rate of 1.5% and a required credit life insurance component calculated at .1% per month on the outstanding balance) the creditor may either

- Disclose each periodic rate, the range of balances to which it is applicable, and the corresponding annual percentage rate for each periodic rate, or
- Disclose one composite periodic rate (that is, 1.8% per month) along with the applicable range of balances and corresponding annual percentage rate.

4. *Corresponding APR.* In disclosing the annual percentage rate that corresponds to each periodic rate, the creditor may use "corresponding annual percentage rate," "nominal annual percentage rate," "corresponding nonimal annual percentage rate," or similar phrases.

5. *Rate same as historical APR.* When the corresponding rate is the same as the historical APR required to be disclosed (§ 226.7(g)), the creditor need disclose only one annual percentage rate, but must use the phrase "annual percentage rate."

6. *Ranges of balances.* Disclosure of the range of balances to which each periodic rate applies is not required in the case of a single rate account—for example, if 1% per month is applied to all outstanding balances.

7(e) Balance on which finance charge computed.

1. *Limitation to periodic rates.* This requirement is limited to balances on which a periodic rate was applied, and does not apply to balances on which other kinds of finance charges (such as transaction charges) were imposed. For example, if a consumer obtains a $1500 cash advance subject to both a 1% transaction fee and a 1% monthly periodic rate, the creditor need only disclose the balance subject to the monthly rate (which might include portions of earlier cash advances not paid off in previous cycles).

2. *Split rates.* For each type of credit transaction (such as purchases), only one balance amount need be disclosed if split rates were applied to different portions of the balance. For example, a creditor could disclose a balance of $700 even though a periodic rate of 1½% applied to the first $500, and a periodic rate of 1% to the remainder.

3. *Monthly rate on average daily balance.* If a creditor computes a finance charge on the average daily balance by application of a monthly periodic rate or rates, the balance is adequately disclosed if the statement gives the amount of the average daily balance on which the finance charge was computed, and also states how the balance is determined.

4. *Daily periodic rate.* If the finance charge is computed on the balance each day by application of one or more daily periodic rates, the balance on which the finance charge was computed may be disclosed in any of the following ways:

- If a single daily periodic rate is imposed, the balance to which it is applicable may be stated as:
  - —A balance for each day in the billing cycle.
  - —A balance for each day in the billing cycle on which the balance in the account changes.
  - —The sum of the daily balances during the billing cycle.
  - —The average daily balance during the billing cycle, in which case the creditor shall explain that the average daily balance is or can be multiplied by the number of days in the billing cycled and the periodic rate applied to the product to determine the amount of the finance charge.
- If two or more daily periodic rates may be imposed, the balances to which the rates are applicable may be stated as:
  - —A balance for each day in the billing cycle.
  - —A balance for each day in the billing cycle on which the balance in the account changes.
  - —As two or more average daily

balance, each applicable to the daily periodic rates imposed, as long as the creditor explains that the finance charge is or may be determined by (1) multiplying each of the average balances by the number of days in the billing cycle, (2) multiplying each of the results by the applicable daily periodic rate, and (3) adding these products together. For example, if the creditor imposes one daily periodic rate on balances over $500 and another daily periodic rate on balances over $500, the creditor would show average daily balances of $500 and $200 in an account which had a $700 balance of the entire billing cycle.

5. *Explanation of balance computation method.* This disclosure does not require that the consumer be given information sufficient to compute the balance. For example, if the balance computation method includes current purchases from the date they are posted to the account the posting date need not be disclosed. (Also see commentary to § 226.8(a)(3).)

6. *Non-deduction of credits.* In explaining the balance method, the creditor need not specifically include the dollar amount of credits not deducted in computing the finance charge balance. Listing the credits (§ 226.7(c)), together with an explanation of which credits will not be deducted in determining the balance, is sufficient.

7(f) Amount of finance charge.

1. *Itemization.* The itemization of the finance charge must include the *total* amount due to the application of periodic rates. If finance charges are imposed that are not due to the application of periodic rates, a total finance charge for the account is optional.

2. *Itemization—different rates.* Whether different rates are applicable to different types of transactions or to different balance ranges, the creditor need not itemize the finance charge attributable to each rate. For example, if a creditor charges 1½% per month on the first $500 of a balance and 1% per month on amounts over $500, it is not necessary to itemize the two components ($7.50 and $1.00) of the $8.50 charge.

3. *Finance charges not added to account.* A finance charge that is imposed but not included in the new balance because it is payable to a third party (such as required life insurance) must be shown on the statement as a finance charge.

4. *Finance charges other than periodic rates.* See the commentary to § 226.8(a)(4) for examples.

7(g) Annual percentage rate.

1. *Rate same as corresponding APR.* See commentary to § 226.7(d).

7(h) Other charges.

1. *Identification.* In identifying any non-finance charges actually imposed during the billing cycle, the type is adequately described as "late charge" or "membership fee," for example. (See commentary to § 226.6(b) for examples of other charges.)

2. *Date.* The date of imposing or debiting these charges need not be disclosed.

3. *Format.* Other charges may be listed with the transaction disclosures required by § 226.8.

4. *Total.* Disclosure of the total of other charges is optional.

7(i) Closing date of billing cycle; new balance.

1. *Credit balances.* See commentary to § 226.7(a).

7(j) Free-ride period.

1. *Wording.* Although the creditor is required to indicate any period the consumer may have without incurring additional finance charges, no specific wording is required. For example, "To avoid additional finance charges, pay the new balance before ———" would suffice.

7(k) Address for notice billing errors.

1. *Wording.* The periodic statement must contain the address for consumers to use in asserting billing errors under § 226.13. Since all disclosures must be "clear," the statement should indicate the general purpose for the address, although no elaborate explanation or particular wording is required.

2. *Telephone number.* A telephone number may be included, but the address for billing error inquiries, which is the required disclosure, must be clear and conspicuous. One way to assure that the address is still clear and conspicuous is to include a precautionary instruction that telephoning will not preserve the consumer's billing error rights.

References

Statute: § 127(b).
Previous regulation: § 226.7(b)(1).
Other sections: §§ *226.2, 226.4, 226.5, 226.6, 226.8, 226.13, 226.14, and Appendix G.*

1981 changes: This section generally corresponds to the old regulation, but with deletion of disclosures of the Comparative Index of Credit Cost and of minimum charges that may be applicable to the account. As provided in § 226.5, no specified terminology is required except for the terms "finance charge" and "annual percentage rate." The requirement in § 226.7(c) of the previous regulation, as to location of disclosures, is deleted.

There are several changes or clarifications of rules for particular disclosures. Disclosure of creditors to the account no longer have to indicate the type of credit. A short disclosure for variable rate plans must be included on the periodic statement. Disclosures relating to multifeatured accounts have been clarified.

For creditors that deduct accrued finance charges from payments but do not add or debit them to the account balance, the commentary makes clear that neither the previous balance, the balance to which periodic rates are applied, or the new balance need reflect finance charges that accrue from the last payment to the closing date of the cycle.

The regulation now specifically requires on the periodic statement disclosure of "other charges" (non-finance charges related to the plan) that are actually imposed during the billing cycle.

Board Interpretations §§ 226.701, 226.703, and 226.706 have been incorporated, as well as prior staff interpretations on the need to disclose the rates actually applicable during the cycle.

Section 226.8—Identification of transaction.

General.

1. *Which rules apply.* This section deals with the requirement (imposed by § 226.7(b)) for identification of each credit transaction made during the billing cycle. The rules for identifying transactions on periodic statements vary, depending on whether:

- The transaction involves sale credit (purchases) or non-sale credit (cash advances).
- A copy of the credit document reflecting the transaction accompanies the statement (this is the distinction between so-called "country club" and "descriptive" billing).
- The creditor and seller are the same or related persons.

2. *Sale credit.* Sale credit refers to a purchase in which the consumer uses a credit card or otherwise directly accesses an open-end line of credit to obtain goods or services from a merchant, whether or not the merchant is the card-issuer. Examples:

- Premiums for credit insurance whether sold by the card issuer or another person.
- The purchase of funds-transfer services from an intermediary.

3. *"Non-sale credit."* Non-sale credit refers to any form of loan credit. Examples:

- Overdraft checking.
- The use of a "supplemental credit device" in the form of a check or draft.
- Miscellaneous debits to account for mispostings, returned checks, and similar entries.

4. *Debit card with overdraft feature.* When a consumer uses a debit card with an overdraft feature to purchase goods or services, and in doing so activates the overdraft, the credit portion of such a transaction may be viewed as a cash advance and may be disclosed as non-sale credit, even though a purchase is involved.

5. *Actual copy.* An "actual copy" does not include a so-called "facsimile draft" in which the required information is typed in, as opposed to a duplicate, carbon, or photocopy. If a facsimile draft is used, the creditor must comly with the rules applicable when a copy of the credit document is not furnished.

6. *"Same or related persons."* This term refers to:

- Franchised or licensed sellers of a creditor's product or service.
- Sellers who assign or sell open-end customer sales accounts to a creditor or arrange for such credit under a plan that allows the customer to use the credit only in transactions with that seller.

A person is not related to the creditor merely because:

- The person and the creditor have an agreement by which the person is authorized to honor the creditor's credit card under the terms specified in the agreement.
- The person and the creditor have a corporate connection, such as subsidiary-parent, if that connection is not obvious from the names they use. For example, where XYZ card-issuer owns the ABC hotel, the card issuer and the hotel are not "related."

7. *Transactions resulting from promotional material.* Creditors may use either the "related" or "non-related" rules in describing transactions with third-party sellers resulting from promotional material mailed by the creditor.

8(a) Sale credit.

1. *Date—disclosure of only one date.* If only one date is disclosed for a transaction, the creditor need not identify it as the "transaction date." If the creditor discloses more than one date, the creditor must identify each.

2. *Date—disclosure of month and day only.* The month and day is sufficient disclosure of the date on which the transaction took place, unless the posting of the transaction is so long delayed that the year is needed for a clear disclosure to the consumer.

3. *When transaction "takes place."* If the transaction is conducted by the consumer in person or on the phone, the transaction "takes place" on the calendar date the consumer made the purchase or order, or secured the advance. For transactions billed to the account on an ongoing basis (other than installments to pay a precomputed amount), the transaction takes palce on the date the amount is debited to the account. This might include, for example, monthly insurance premiums and auto club dues. For mail orders, a creditor may disclose either the invoice date or the debiting date as the transaction date.

4. *Transactions not billed in full.* If sale transactions are not billed in full on any single statement, but are billed periodically in precomputed installments, the first periodic statement reflecting the transaction may show the full amount of the transaction together with the date the transaction actually took place; *or* the amount of the first installment that was debited to the account. In either event, subsequent periodic statements should reflect each installment due, together with any other identifying information required by this section (such as the seller's name and address in a three-party situation); the debiting date may be used as the date of the transaction.

8(a)(1) Copy of credit document provided.

1. *Format.* The information required by this section may appear either on the sale documents, or on the periodic statement.

8(a)(2) Copy of credit document not provided—creditor and seller same or related persons.

1. *Property identification.* The "brief identification" requirement contemplates some designation that will enable the consumer to reconcile the periodic statement with the consumer's own records.

- It requires reasonable precision but not item-by-item descriptions. For example, "merchandise," "miscellaneous," "second-hand goods," or "promotional items" would not suffice.
- A reference to a department in a sales establishment that accurately conveys the identification of the types of property or services available in the department is sufficient—for example, "jewelry," "sporting goods."
- Identification of the transaction may be by a number or symbol that is related to an identification list printed on the statement.

2. *Small creditors.* Under *Footnote 18,* a further identification alternative is available to a creditor with fewer than 15,000 accounts. The creditor need count only its own accounts, and not those serviced by the same data processor or other shared service provider.

8(a)(3) Copy of credit document not provided—creditor and seller not same or related persons.

1. *Seller's name.* The requirement contemplates that the seller's name will appear on the periodic statement in essentially the same form as it appears on transaction documents provided to the consumer at the time of the sale. The name may also be disclosed as:

- A more complete spelling of a name that was alphabetically abbreviated on the credit document.
- An alphabetical abbreviation of the seller's name on the periodic statement even if the name appears in a more complete spelling on the sales receipt. Terms that merely indicate the form of a business entity, such as "Inc.," "Co.," or "Ltd.," may always be omitted.

2. *Location of transaction.* The disclosure of the location where the transaction took place generally requires an indication of both the city, and the state of foreign country. If a creditor has multiple stores or branches within that city, the creditor need not identify the specific branch at which the sale occurred.

3. *No fixed location.* When no meaningful address is available because the consumer did not make the purchase at any fixed location of the seller, the creditor.

- May omit the address.
- May provide some other identifying designation, such as "aboard plane," "ABC Airways Flight 17," "customer's home," "telephone order," "mail order."

8(b) Nonsale credit.

1. *Date of transaction.* If only one date is disclosed for a transaction, the creditor need not identify it. If the creditor discloses more than one date (for example, transaction date and debiting date) the creditor must identify each.

2. *Amount of transaction.* If credit is extended under an overdraft checking account plan or through a debit card with an overdraft feature, the amount to be disclosed is that of the credit extension, not the face amount of the check or the total amount of the debit/credit transaction.

3. *Amount—disclosure on cumulative basis.* If credit is extended under an overdraft checking account plan or through a debit card with an overdraft feature, the creditor may disclose the amount of the credit extensions on a cumulative daily basis, rather than the amount attributable to each check or each use of the debit card.

4. *Identification of transaction type.* The creditor may identify a transaction by describing the type of advance it represents, such as:

- Cash advance.
- Loan.
- Overdraft loan.
- Any readily understandable trade name for the credit program.

References

Statute: § 127(b)(2).
Previous regulation: § 226.7(k).
Other sections: §§ 226.2, 226.5 and 226.7.

1981 changes: Most of the changes are stylistic and organizational. Much of the specific detail on permissible ways to identify transactions has been deleted from the regulation itself and is now reflected in the commentary. Footnotes 16 and 18 implement the statutory amendment to § 127(b)(2) of the act. For descriptive billing of nonsale transactions, the regulation now permits use of the debiting date in all cases.

Section 226.9—Subsequent disclosure requirements.

9(a)(1) Annual statement of billing rights.

1. *General.* The creditor may provide this annual statement

- By sending it in one billing period per year (for example, July) to each consumer that gets a periodic statement for that period, or
- By sending a copy to all of its account holders sometime during the calendar year but not necessarily all in one billing period (for example, sending the annual notice in connection with renewal cards or when imposing annual membership fees).

2. *Substantially similar.* See commentary to Appendix G–3 and introduction to Appendices G and H.

9(a)(2) Alternative summary statement.

1. *Changing from long-form to short-form notice and visa versa.*

- If a creditor has been sending the long-form annual statement, and subsequently decides to use the alternative summary statement, the first summary statement must be provided not later than the time the next long-form statement would have been required.
- If a creditor has been sending the alternative summary with each periodic statement, and subsequently decides to furnish an annual notice, the first one must be provided with the next periodic statement. Thereafter, the timing of the annual statement is governed by paragraph 9(a)(1).

2. *Substantially similar.* See commentary to Appendix G–4 and introduction to Appendices G and H.

9(b) Disclosures for supplemental credit devices and additional features.

1. *Credit device—examples.* "Credit device" includes, for example, a blank check, payee-designated check, blank draft or order, or authorization form for issuance of a check; it does not include a check issued payable to a consumer representing loan proceeds or the disbursement of a cash advance.

2. *Credit feature—examples.* A new credit "feature" would include, for example, the addition of overdraft checking to an existing account (although the regular checks that could trigger the overdraft feature are not themselves "devices") or the option to activate a Christmas deferred billing plan.

3. *Same finance charge terms.* If the new means of accessing the account is provided on the same finance charge terms as previously disclosed, the creditor

- Need only provide a reminder that the new device or feature is covered by the earlier disclosures. (For example, in mailing special checks that directly access the credit line, the creditor might give a disclosure such as "Use this as you would your XYZ card to obtain a cash advance from our bank."); or
- May make the finance charge disclosures from § 226.6(a) that are relevant to the device or feature.

4. *Different finance charge terms.* The creditor may satisfy the requirement by sending a complete set of new initial disclosures reflecting the terms of the added device or feature.

9(c) Change in terms.

1. *State law issues.* This provision does not address the following issues, which are controlled by state law:

- Types of changes a creditor may make.
- How changed terms affect existing balances, such as when a periodic rate is changed and the consumer does not pay off the entire existing balance before the new rate takes effect.

2. *Change in billing cycle.* Whenever a creditor changes a consumer's billing cycle, it must give a change in terms notice if the change affects any of the initially disclosed terms; for example, the creditor disclosed a 25 day free-ride period on purchases and the consumer will have fewer days during the billing cycle change.

9(c)(1) Written notice required.

1. *Changes not requiring notice.* The following do not require a change-in-terms notice:

- An increase in the consumer's credit limit.
- A change in the name of the credit card or credit card plan.
- The substitution of one insurer for another.
- A termination or suspension of credit privileges.
- Changes arising merely by operation of law; for example, if the creditor's security interest in a consumer's car automatically extends to the proceeds when the consumer sells the car.

2. *Affected consumers.* Change-in-terms notices need only go to those consumers who may be affected by the change. For example, a change in the periodic rate for check overdraft credit need not be disclosed to consumers who do not have that feature on their accounts.

3. *Timing.* The rule that the change in terms notice be provided at least 15 days before the change takes effect permits mid-cycle changes when there is clearly no retroactive effect, such as the imposition of a transaction fee. Any change in the balance computation method, in contrast, would need to be disclosed prior to the billing cycle in which the change is to be implemented.

4. *Timing.* Advance notice is not necessary—that is, a notice of change in terms is required, but it may be sent fewer than 15 days before the effective date of the change—in two circumstances:

- If there is an increased periodic rate or finance charge attributable to the consumer's delinquency or default (for example, if the creditor supplies vendor's single interest insurance coverage because of the consumer's failure to maintain casualty insurance on the collateral).
- If the consumer agrees to the change (for example, an agreed upon addition or substitution of collateral). But a consumer's use of the account, which might imply acceptance of its terms under state law, is not an "agreement" between the consumer and the creditor for purposes of this section.

5. *Form.* A complete new set of the initial disclosures containing the changed term complies with this provision if the change is highlighted in

some way on the disclosure statement, or if the disclosure statement is accompanied by a letter or some other insert that indicates or draws attention to the term change.

9(c)(2) Notice not required.

1. *Skip features.* Where a credit program allows consumers to skip or reduce one or more payments during the year, or involves temporary reductions in finance charges (in effect, terms are changed twice: once by reduction or deferral, and then by resumption of the original terms—for example, a merchant may allow consumers to skip the December payment to encourage holiday shopping, or a teacher's credit union may not require payments during summer vacation) no change in terms is required either prior to the reduction or upon resumption of the higher rates if these features are explained on the initial disclosure statement (including an explanation of the terms upon resumption). Otherwise, the creditor must give notice prior to resuming the original schedule or rate, even though no notice is required prior to the reduction.

References

Statute: § 127(a)(7).

Previous regulation: § 226.7 (d), (e), (f), and (j).

Other sections: §§ 226.4, 226.5, 226.6, 226.7, and Appendix G.

1981 changes: Paragraph (a) reflects the statutory change that now requires the statement of billing rights to be provided only once a year. The provision also changes the prior regulation by permitting the notices to be sent, in certain circumstances, at staggered intervals rather than all in one billing period. The verbatim text of the annual notice is no longer required, and creditors may use any "substantially similar" version. The substance of Board Interpretation § 226.708 has been incorporated in the commentary.

Paragraph (b) corresponds to § 226.7(j) of the prior regulation. It reduces the number and extent of disclosures when supplemental credit devices or new credit features are added to an existing open-end account. Disclosures are required only if the new device or feature is added more than 30 days after the initial disclosures, or if the finance charge terms differ.

Paragraph (c) substantially changes the rules under old § 226.7(f). Change-in-terms disclosures must now be made 15 days before the effective date of the change, rather than 15 days before the billing cycle in which the change will take effect. The kinds of changes that will trigger disclosures are reduced: change in terms notices are no longer required for changes described in § 226.9(c)(2). But the provision reverses Board Interpretation § 226.705, which indicated that certain changes in the balance computation method did not require disclosure because they could result in lowered finance charges; now, any change in the balance computation method requires disclosure.

Paragraph (d) corresponds to prior § 226.7(e), but no longer requires the point-of-sale merchant to disclose the amount financed and annual percentage rate figured in accordance with the closed-end credit provisions. Furthermore, this disclosure may be made orally by the person honoring the card.

Section 226.10—Prompt crediting of payments.

10(a) General rule.

1. *Crediting date.* This paragraph does not require a creditor to post the payment to the consumer's account on a particular date. The creditor is only required, as a general rule, to credit the payment as of the date of receipt.

2. *No impact on finance charge.* A creditor need not credit as of the date of receipt if the failure to do so does not result in additional finance or other charges. For example:

- If a creditor uses the adjusted balance method of computing finance charges, payment at any time before the closing date has the same effect on the amount of the finance charge, and the creditor need not credit payments as of the date of receipt. A payment would have to be credited to the account, however, before the closing date of the cycle so as to avoid additional charges in that or subsequent cycles.

3. *Date of receipt.* Payment is received when the payment instrument or other means of completing the payment reaches the creditor. For example:

- Payment by check is received when the creditor gets it, not when the funds are collected.
- In a payroll deduction plan in which transfers are credited to an asset account from which payments are then made periodically to an open-end credit account, payment is received on the date when it is debited to the asset account (rather than on the date of the deposit), provided the payroll deduction method is voluntary and the consumer retains use of the funds until the contractual payment date.
- If a consumer elects to have payment made by a third-party payor such as a financial institution, through a preauthorized payment or telephone bill-payment arrangement, a payment is received when the creditor gets the third-party payor's check or other transfer medium, such as an electronic fund transfer.

4. *Implied guidelines for payments.* In the absence of specified requirements (§ 226.10(b)) for making payments:

- The "date of receipt" is the date that payment is made at any location where the creditor conducts business, as long as the payment is received before the creditor's close of business.
- Payment may be by cash, money order, draft, or other similar instrument in properly negotiable form.

10(b) Specific requirements for payments.

1. *Payment requirements.* A creditor might, for example:

- Set a cut-off hour for payment to be received, or set different hours for payment by mail and payments made in person.
- Specify that only checks or money orders should be sent by mail.
- Specify that payment is to be made in U.S dollars.
- Specify one particular address for receiving payments

2. *Payment requirements—limitations.* Requirements must be reasonable; it should not be difficult for most consumers to make conforming payments:

- It would not be reasonable to require that all payments be made in person and in cash between 10 a.m. and 11 a.m., since this would require consumers to take time off from their own jobs to deliver payments.

3. *Acceptance of non-conforming payments.* If a creditor accepts a non-conforming payment (for example, payment at a branch office, when it had specified that payment be sent to headquarters), finance charges may accrue for the period between receipt and crediting of payments.

10(c) Adjustment of account.

1. *Charges imposed in error.* If a creditor's failure to credit a payment as required results in the impostion of any charge for that cycle, the creditor must make a compensating adjustment to the consumer's account during the following cycle. For example, if a late payment charge is erroneously imposed in one cycle (because payment was not timely credited), the next periodic statement should reflect a credit in the amount of that late payment charge. If the late posting also resulted in the accrual of additional finance charges, they too must be credited in the subsequent cycle.

References

Statute: § 164.
Pervious regulation: § 226.7(g).
Other sections: §§ 226.2, 226.7.

1981 changes: The general rule set forth in this provision is substantively unchanged from the prior regulation. Much of the explanatory detail has been deleted from the regulation but is reflected in the commentary. Under the prior regulation, the creditor had to credit non-conforming payments promptly, with an outside limit of five days. The revised regulation simply allows five days in which to credit non-conforming payments. The five days in which to credit is available whenever the creditor accepts payment that does not conform to the creditor's disclosed specifications, in contrast to the prior regulation, which only allowed deferred crediting for payments made at the wrong location.

Section 226.11—Treatment of credit balances.

1. *Timing of refund.* Nothing in this section prohibits a creditor from refunding credit balances to the consumer's account in less than 6 months, even in the absence of a request.

2. *Amount of refund.* The amount that must be given to the consumer is the amount of the credit balance on the account at the time the creditor is required to make the refund. The creditor may take into consideration intervening purchases or other debits to the consumer's account (including those that have not yet been reflected on a periodic statement) that decrease or eliminate the credit balance.

3. *Good faith effort to refund.* If any part of a credit balance has remained in the account for more than six months, the creditor must take positive steps to return it to the consumer. This includes making attempts to reach or trace the consumer through the consumer's last known address or telephone number, or both if necessary. The creditor may undertake to return credit balances before six months have expired, but such an attempt does not excuse the creditor from the obligation to make a good faith effort after six months.

5. *Unrefundable credit balances.* This section imposes no further duties on the creditor if a good faith effort to return the balance is unsuccessful. The ultimate disposition of the unrefundable credit balance is to be determined under other applicable state or federal law.

References

Statute: § 165.
Previous regulation: § 226.7(h).
Other sections: § 226.7.

1981 changes: The creditor's duty to refund credit balances under the old regulation applied only to "excess payments"; the revised regulation reflects the amended statute and imposes duties on a creditor whatever the source of the credit balance. The revised regulation also permits the creditor, in computing the refund, to take account of intervening debits, not just the difference between the previous balance and the overpayment (as provided in the old regulation). The revised regulation gives the creditor 7 business days in which to make the refund after receiving the consumer's written request, whereas the old regulation required the creditor to make the refund "promptly," with an outside limit of 5 business days. This provision also implements the amended statute by requiring a good faith effort to refund the credit balance after six months.

Section 226.12—Special credit card provisions.

12(a) Issuance of credit cards.

1. *Scope.* The rules in this paragraph restrict the issuance of unsolicited credit cards, whether the card is intended for consumer, business, or any other purposes. This and the following paragraph are therefore exceptions to the general rule (see §§ 226.1 and 226.3) that the regulation applies only to consumer credit.

12(a)(1) Initial issuance.

1. *Explicit request.* A request or application for a card must be explicit. For example, a request for overdraft privileges on a checking account does not constitute an application for a credit card with overdraft checking features.

2. *Addition of credit features.* If a consumer has a non-credit card, the addition of credit features to the card (for example, the granting of overdraft privileges on a checking account when the account holder already has a check guarantee card) constitutes issuance of a credit card.

3. *Variance of card from request.* The request or application need not correspond exactly to the card that is issued. For example,

- The name of the card requested may be different when issued.
- The card may have different or additional features from those reflected in the request or application.

4. *Permissible form of request.* The request or application may be oral (in response to a telephone solicitation by a card issuer, for example) or written.

5. *Time of issuance.* A credit card may be issued in response to a request made before any cards are ready for issuance (for example, where a new program is established), even if there is some delay in issuance.

6. *Persons to whom cards may be issued.* A card issuer may issue a credit card to the person who requests it, and to anyone else for whom that person requests a card. Cards may be sent to consumer A on A's request, and also (on A's request) to consumers B and C, who will be authorized users on A's account.

- The additional cards may be imprinted in either A's name or in the names of B and C.
- No liability for unauthorized use, not even the $50, may be imposed on B or C since they are merely users and not "cardholders" as that term is defined in § 226.2 and used in § 226.12(b); of course, liability may be imposed on A.
- Whether B and C can be held liable on the account generally is a matter of state law.

7. *Issuance of non-credit cards.* The issuance of an unsolicited device that is not, but may become, a credit card, is not prohibited provided:

- The device has some substantive purpose other than obtaining credit, such as access to non-credit services offered by the issuer;
- It cannot be used as a credit card when issued; and
- A credit capability will be added only on the recipient's request.

For example, a card issuer could send a check guarantee card on an unsolicited basis, but could not add a credit feature to that card without the customer's specific request. The re-encoding of an EFT access device or other existing card that had no credit privileges when issued would be appropriate after the customer has specifically requested a card with credit privileges. Similarly, the card issuer may add a credit feature, for example, by reprogramming the issuer's computer program or automated teller machines, or by a similar program adjustment.

12(a)(2) Renewal and substitution.

1. *Renewal.* "Renewal" generally contemplates the regular replacement of existing cards for security reasons or to implement new technology or systems. It also includes the re-issuance of cards that have been suspended temporarily, but does not include the reactivation of a closed account if the prior card had expired, been cancelled, or was otherwise rendered unusable.

2. *Substitution—examples.* "Substitution" encompasses the replacement of one card with another because the underlying account relationship has changed in some way—such as when the card issuer has:

- Changed its name.

- Changed the name of the card.
- Added new features to the account.

For example, the substitute card might be usable for obtaining cash advances through automated teller machines, in addition to making purchases and obtaining cash advances at teller widows as could be done with the original card. (If the substitute card constitutes an access device, as defined in Regulation E, then the Regulation E issuance rules would have to be followed.)

3. *Substitution—purchases of accounts.* "Substitution" also occurs when a new card issuer purchases the accounts of the original issuer and issues its own card to replace the original one. A permissible substitution exists even if the original issuer retains the existing receivables and the new card issuer acquires the right only to future receivables, provided use of the original card is cut off when use of the new card becomes possible.

4. *Replacement for non-credit card plan.* A credit card that replaces a retailer's open-end credit plan *not* involving a credit card is not considered a substitute for the retailer's plan—even if the consumer used the retailer's plan. The credit card itself must meet the tests for an "accepted credit card." It cannot be issued in these circumstances without a request or application.

5. *Permissible renewals and substitutions.* Both renewals and substitutions of credit cards may be made on an unsolicited basis regardless of whether:

- The card is issued by the same or a successor card issuer.
- The card has credit or other features the same as or different from the original credit card.
- The card issuer substitutes a card user's name on the renewal or substitute card for the cardholder's name appearing on the original card.

6. *One-for-one rule.* An accepted card may be replaced by no more than one renewal or substitute card. For example, a card issuer may not replace a credit card permitting purchases, in-person cash advances and ATM cash advances with two cards, one for the purchases and cash advances and another for the ATM transactions.

7. *One-for-one rule—exception.* The regulation does not prohibit a card issuer from replacing a debit/credit card with one card that could be used for credit purchases and cash advances and another card with only debit functions (or debit functions plus an associated overdraft capability).

8. *Continuity of merchant base.* To qualify as a permissible renewal or substitution, the new card must be honored by at least one of the persons that honored the original card.

9. *Methods of terminating replaced card.* The card issuer need not physically retrieve the original card, provided:

- The issuer includes with the new card a notification that the existing card is no longer valid and should be destroyed immediately.
- The original card contained an expiration date.
- The old card is voided in some other way.

10. *Incomplete replacement.* If Card A is one type of national credit card and Card B is another, replacement of two Card As on an account by one Card A and one Card B is not permissible with regard to card B without a request.

12(b) Liability of cardholder for unauthorized use.

1. *Meaning of "cardholder."* For purposes of this provision, "cardholder" includes any person (including organizations) to whom a credit card is issued for any purpose, including business. When a corporation is the cardholder, required disclosures should be provided to the corporation (as opposed to an employee user).

12(b)(1) Limitation on amount.

1. *meaning of "authority." Footnote 22* defines unauthorized use in terms of whether the user has "actual, implied, or apparent authority." Whether such authority exists must be determined by reference to applicable state law.

2. *Liability limits—dollar amounts.* As a general rule the cardholder's liability for a series of unauthorized uses cannot exceed either $50 or the value obtained through the unauthorized use before the car issuer is notified, whichever is less.

12(b)(2) Conditions of liability.

1. *Disclosure of liability and means of notifying issuer.* This basic disclosure of potential liability need not be given at any particular time or in any particular form. Some of the ways in which it can be given:

- On the credit card itself.
- On periodic statements.
- With the initial disclosures under § 226.6
- At any other time preceding the unauthorized use.

2. *means of identifying cardholder or user.* The issuer must provide some method whereby the cardholder or the auhtorized user can be identified. This could include, for example:

- Signature on the card
- Photograph on the card.
- Fingerprint on the card.
- Electronic or mechanical confirmation.

3. *Identification by magnetic strip.* A magnetic strip on the card that merely verifies the account status is not a proper means of identification. But if the magnetic strip must be used in conjunction with a secret code or the like, a sufficient means of identification exists. Nor is there sufficient identification where a "pool" or group card, issued to a corporation and signed by a corporate agent, is intended to be used by other employees for whom the card provides no means of identification.

4. *Separate identification of each user.* It is not necessary under paragraph (b)(2) for each card issued for an account to be embossed or signed in the name of the individual that will use it, or that each user be separately identifiable. Where, for example, spouse A requests cards for both A and spouse B (making B an authorized user), this requirement is satisfied if B's card permits identification of either A or B (for example, by use of a secret code number unique to A and B).

5. *Transactions not involving card.* A cardholder bears no liability under this section when the card itself is not presented. For example, merchandise may be purchased by telephone, using a credit card account number only, by a person without authority to do so. The cardholder's account number may be widely available. Since the issuer has not provided a means to identify the user under these circumstances, the issuer has not fulfilled one of the conditions for imposing liability.

6. *Issuer's option not to comply.* A card issuer that chooses not to impose any liability for unauthorized use on cardholders need not comply with these notice and identification requirements.

12(b)(3) Notification to card issuer.

1. *To whom notice must be provided.* Notice given in a normal business manner—for example, by mail, telephone, or personal visit—is effective even though it is not given to, or does not reach, some particular person within the issuer's organization. Notice also may be effective even though it is not given to the person, address, or phone number disclosed by the card issuer under § 226.12(b)(2)(ii).

2. *Who must provide notice.* It is not essential, under this provision, that notice of loss, theft, or possible unauthorized use be initiated by the cardholder. Notice from an authorized user, a family member, or anyone else is sufficient so long as it gives the "pertinent information" which would include the name or card number of the

cardholder and an indication that unauthorized use has or may have occurred.

12(b)(5) Business use of credit cards.

1. *Agreement for higher liability for business use cards.* A card issuer may not rely on this provision if the business is clearly not in a position to provide 10 or more cards to employees (for example, if the business has only 3 employees).

12(c) Right of cardholder to assert claims and defenses against card issuer.

1. *Relationship to § 226.13.* This credit card "holder in due course" provision deals with the consumer's right to assert against the card issuer a claim or defense concerning property or services purchased with a credit card, if the merchant has been unwilling to resolve the dispute. Even though certain merchandise disputes, such as non-delivery of goods, may also constitute "billing errors" under § 226.13, that section operates independently of this one. A cardholder whose asserted billing error involves undelivered goods may institute the error resolution procedures of § 226.13; but whether or not the cardholder has done so, the cardholder may assert claims or defenses under paragraph (c). Conversely, a consumer may pay a disputed balance and thus have no further right to assert claims and defenses under this section, but still may assert a billing error under § 226.13 if notice of that billing error is given in the proper time and manner. An assertion that a particular transaction resulted from unauthorized use of the card could also be both a "defense" under this section and a billing error under § 226.13.

2. *Situations excluded and included.* A consumer may assert claims or defenses under this provision only when the goods or services are "purchased with the credit card." This could include:

- Mail or telephone orders, if the purchase is charged to the credit card account.

But it would exclude:

- A purchase made with special cash advance checks.
- Use of a credit card to obtain a cash advance, if the consumer then uses the money to purchase goods or services. Such a transaction would not involve "property or services purchased with the credit card."
- The purchase of goods or services by use of a check accessing an overdraft account and a credit card used solely for identification of the consumer.
- Purchases made by use of a check guarantee card in conjunction with a special cash advance check.
- Purchases effected by use of either a check guarantee card or a debit card when used to draw on overdraft credit lines (see *Footnote* 24).

The debit card exemption under *Footnote 24* applies whether the card accesses an asset account via point-of-sale terminals, automated teller machines, or in any other way, and whether the card qualifies as an "access device" under Regulation E or is only a paper-based debit card. If a card serves both as an ordinary credit card and also as check guarantee or debit card, a transaction will be subject to this rule on asserting claims and defenses when used as an ordinary credit card, but not when used as a check guarantee or debit card.

12(c)(2) Adverse credit reports prohibited.

1. *Scope of prohibition.* Although an amount in dispute may not be reported as delinquent until the matter is resolved:

- That amount may be reported as disputed.
- Nothing in this provision prohibits the card issuer from undertaking its normal collection activities for delinquent accounts.
- This provision does not require a card issuer to correct an adverse credit report if the consumer does not assert a claim or defense until after the report was made.

12(c)(3) Limitations.

1. *Resolution with merchant.* The consumer must have tried to resolve the dispute with the merchant. This does not require any special procedures or correspondence between them, and is a matter for factual determination in each case. When the merchant is in bankruptcy proceedings, this section does not:

- Require the consumer to file a claim in those proceedings.
- Require the consumer to seek satisfaction from the manufacturer of the goods involved.

2. *Amount limitation.* The $50 criterion refers to the total amount of credit extended in any single transaction, even though that total may consist of several items each of which had a price under $50, and even though the dispute relates to only a part of the transaction.

3. *Geographic limitaition.* The question of where a transaction occurs (as in the case of mail or telephone orders, for example) is to be determined under state law.

4. *Merchant honoring card.* The exceptions to the amount and geographic limitations do not apply where the merchant merely honors, or indicates through signs or advertising that it honors, a particular credit card.

12(d)(1) Offsets by card issuer.

1. *"Holds" on accounts.* "Freezing" or placing a hold on funds in a cardholder's deposit account, which is the functional equivalent of an offset, would contravene this rule, unless done in the context of one of the specified exceptions to the offset prohibition. For example, if the terms of a security interest permitted a card issuer to place a hold on the funds subject to the security interest, the hold would not violate the offset rule.

2. *Types of indebtedness; overdraft accounts.* The prohibition applies to any indebtedness arising from consumer credit transactions, including accured finance charges and other charges on the account. It would also include balances arising from transactions not using the credit card itself but taking place under plans that involve credit cards. For example, if a consumer writes a check that accesses an overdraft line of credit, the resulting indebtedness is subject to the prohibition of offsets since it is incurred through a credit card plan, even though the consumer did not use an associated check grarantee or debit card.

3. *When prohibition applies in case of termination of account.* The prohibition against set-off applies even after the card issuer terminates the cardholder's credit card privileges, if the indebtedness was incurred prior to termination. If the indebetedness was incurred after termination, the prohibition does not apply.

4. *Funds intended as deposits.* This provision also would prohibit a card issuer's applying funds tendered by the consumer as a deposit against the consumer's credit card account.

12(d)(2) Exceptions.

1. *Scope of exceptions.* In general, the card issuer may obtain the consumer's deposit-account funds only by using procedures equally available to other creditors. Note that if a card issuer obtains a judgment against a cardholder, and if the terms of the judgment so permit, the creditor may set off the indebtedness against the cardholder's deposit account.

12(d)(3) Automatic payment plans.

1. *Scope of exception; additional exceptions.* This provision permits plans under which the card issuer may—with the cardholder's written, signed or initialed authorization—periodically apply portions of a deposit account to the outstanding credit card indebtedness. This provision does not prohibit

- Debiting on the cardholder's *specific* request rather than debiting the cardholder's deposit account on an *automatic periodic basis (for example, a cardholder might check a box on the credit card bill stub, requesting the issuer to debit the cardholder's account to pay that bill).*
- Automatically deducting charges for participation in a program of banking services (one aspect of which may be a credit card plan).

12(e) Prompt notification of returns and crediting of refunds.

1. *Explanation of provision; when time periods begin to run.* If a merchant (that is not itself the card issuer) generates a credit for a refund, it must send a credit statement to the card issuer within 7 business days after accepting the return or forgiving the debt. The 7-day period only begins to run when the merchant "accepts" the return or "forgives" the debt. The time of acceptance or forgiveness must be determined under applicable state law.

2. *Normal channels.* "Normal channels" refers to any network or interchange system used for the processing of the original charge slips.

References

Statute: §§ 103(1), 132, 133, 135, 162, 166, 167, 169, 170.

Previous regulation: § 226.13.

Other sections: § 226.13.

1981 changes: The issuance rules (paragraph (a)) are substantially unchanged. They make clear that cards may be sent not only to the person making the request but also to any other person for whom a card is requested, except that no liability for unauthorized use may be imposed on persons who are only authorized users.

The principal differences regarding conditions of liability are as follows: the requirement that the cardholder be given a postage-paid, pre-addressed card or envelope for notification of loss or theft has been deleted (corresponding to an amendment to the act); the required disclosure of maximum liability and of means of notification has been simplified; and the required provisions of a means of identification has been relaxed in that the issuer now may provide a means to identify either the cardholder or the authorized user. Finally, anyone may provide the notification to a card issuer, rather than only the cardholder.

The offsets section incorporates the staff position on consensual security interests, which has been modified to provide that the security interest need no longer be limited to an agreed-upon amount. The separate promptness standard, which used to apply in addition to the 7-business-day and 3-business-day standards, has been deleted from the provision governing prompt notification of returns. A staff interpretation concerning the use of clearing accounts is not incorporated in the text of the regulation.

Finally, a cross reference to Regulation E, Electronic Fund Transfer, has been added.

Section 226.13—Billing error resolution.

General

1. *General prohibitions. Footnote 27* prohibits a creditor from responding to a consumer's billing error allegations by accelerating the debt or closing the account, and reflects protections authorized by § 161(d) of the Truth in Lending Act and § 701 of the Equal Credit Opportunity Act. This footnote also alerts creditors that failure to comply with the error resolution procedures may result in the forfeiture of disputed amounts as prescribed in § 161(e) of the act. (Any failure to comply may also be a violation subject to the liability provisions of § 130 of the act.)

2. *Charges for error resolution.* If a billing error occurred, whether as alleged or in a different amount or manner, the creditor may not impose a charge for any aspect of the error resolution process (including any documentation supplied) and must credit the consumer's account if such a charge was assessed pending resolution. The Truth in Lending Act does not address whether a creditor may impose a charge for the investigation of a billing error if no error occurred.

13(a) Definition of billing error.

Paragraph 13(a)(1).

1. *Actual, implied or apparent authority.* Whether use of a credit card is authorized is determined by applicable state law.

Paragraph 13(a)(3).

1. *General.* Paragraph (a)(3) covers disputes about goods or services that are "not accepted" or "not delivered * * * as agreed." For example:

- The appearance on a periodic statement of a purchase, when the consumer had refused to take delivery of goods on grounds they did not comply with the contract.
- Delivery of property or services different from that agreed upon.
- Delivery of the wrong quantity.
- Late delivery.
- Delivery to the wrong location.

It does not include a dispute relating to the quality of property or services that the consumer does accept. Whether goods or services have been accepted is determined by state law.

Paragraph 13(a)(5).

1. *Computational errors.* Paragraph (a)(5) covers periodic statement errors that affect transaction entries or other entries such as the finance charge, payments, or late payment charges. For periodic statements that are combined with other information, the error resolution procedures are triggered only if the consumer asserts a computational billing error in the credit-related portion of the periodic statement. For example:

- If a bank combines a periodic statement reflecting the consumer's credit card transactions with the consumer's monthly checking statement, a computational error in the checking account portion of the combined statement is not a billing error under this section.

Paragraph 13(a)(6).

1. *Requests for clarification—billing errors.* Paragraph (a)(6) includes as billing errors requests for "additional clarification" about credit extensions shown on the periodic statement. This would include requests for copies of transaction documents or for further identification of the particulars of a transaction, when it appears that the consumer is questioning the accuracy of information supplied on the periodic statement. See commentary to § 226.13(b)(3). A creditor may ask about the reason or purpose behind the consumer's documentation request.

2. *Requests for clarification—not billing errors.* No billing error has been alleged if the consumer merely requests copies of documents for purposes such as

- Tax preparation.
- Recordkeeping.

13(b) Billing error notice.

1. *Withdrawal.* The consumer's withdrawal of a billing error notice under *Footnote 28* may be oral or written.

Paragraph 13(b)(1).

1. *Failure to send periodic statement—timing.* If the creditor has failed to send a periodic statement under paragraph (a)(7), the 60 day period runs from the time the statement should have been sent. Once the statement is provided, the consumer has another 60 days to assert any billing errors reflected on it.

2. *Failure to reflect credit—timing.* If the periodic statement fails to reflect a credit to the account, the 60 day period runs from transmittal of the statement on which the credit is expected to appear. For example, if a seller tells a consumer late in the July cycle that a credit is being issued to the account, the consumer might not expect the credit to

be reflected until the September statement.

3. *Transmittal.* Transmittal by the creditor includes the practice, at the consumer's request, of making a periodic statement available for pick-up at the creditor's office.

Paragraph 13(b)(2).

1. *Identity of the consumer.* Although paragraph (b)(2) requires that the consumer's billing error notice permit the creditor to identify the consumer and the account number, it does not require both name and account number to appear in the notice, merely that the information supplied enable the creditor to identify the consumer's name and account.

Paragraph 13(b)(3).

1. *Documentation requests.* Requests for documentation such as receipts or sales slips, unaccompanied by an allegation or error or a request for additional clarification under *paragraph (a)(6),* do not constitute a billing error notice under *paragraph (b)(3).*

13(c) Time for resolution; general procedures.

1. *Temporary or provisional corrections.* A creditor may make a temporary or provisional correction to the consumer's account in response to a billing error notice, but is not excused from complying with the remaining error resolution procedures within this paragraph's time limits.

2. *Correction without investigation.* A creditor is free to correct a billing error in the manner and amount asserted by the consumer without investigation or the determination normally required. The creditor must comply, however, with all other applicable provisions. If a creditor follows this procedure, no presumption is created that a billing error occurred.

Paragraph 13(c)(2).

1. *Time for resolution.* The phrase "two complete billing cycles" means two actual billing cycles occurring subsequent to receipt of the billing error notice, not a measure of time equaling any two billing cycles. For example, if a creditor on a monthly billing cycle receives a billing error notice mid-cycle, it has the remainder of that cycle plus the next two full billing cycles to resolve the error.

13(d) Rules pending resolution.

1. *Disputed amount.* The disputed amount is the specific dollar amount alleged by the consumer as a billing error. When the allegation concerns the description or identification of the transaction (such as the date or the seller's name) rather than a dollar amount, the disputed amount is the amount of the transaction or charge that corresponds to the disputed transaction identification. If the consumer alleges a failure to send a periodic statement under *paragraph (a)(7),* the entire balance owing would be the disputed amount.

2. *Prohibited collection actions.* During the error resolution period, the creditor is prohibited from trying to collect the disputed amount from the consumer. Prohibited collection actions include, for example, instituting court action, taking a lien, or instituting attachment proceedings.

3. *Right to withhold payment.* While the creditor must state on the periodic statement that payment of any disputed amount is not required pending error resolution, this disclosure need not appear in any specific place on the statement and it need not state the specific amount that the consumer may withhold. The creditor may preprint on its periodic statement forms a statement that payment of any disputed amount is not required pending resolution.

4. *Imposition of additional charges on undisputed amounts.* The consumer's withholding of the disputed amount from the total bill cannot subject the undisputed portion to the imposition of *additional* finance or other charges. For example, on an account with a 30-day free-ride period, a consumer who disputed a $2 item out of a total bill of $300 and paid $298 within the free-ride period would not lose the free ride as to the undispute portion, even if the creditor determines later that no billing error occurred.

Paragraph 13(d)(1).

1. *Automatic payment plans.* The coverage of this provision is limited to the card issuer's intra-institutional payment plans. It does not apply to:

- Inter-institutional payment plans that permit a cardholder to pay automatically any crdit card indebtedness from an asset account not held by the card issuer receiving payment.
- Intra-institutional automatic payment plans offered by financial institutions that are not credit card issuers.

Paragraph 13(d)(2).

1. *Report of dispute.* Although *paragraph (d)(2)* prohibits a creditor or its agent from issuing an adverse credit report because the consumer fails to pay the disputed amount or any related charges, the creditor may report that the amount or the account is in dispute. Also, the creditor may report an account as delinquent if undisputed amounts remain unpaid.

2. *"Person."* During the error resolution period, the creditor is prohibited from making an adverse credit report to any person—including employers, insurance companies, other creditors, and credit bureaus.

3. *Creditor's agent.* Whether an agency relationship exists between a creditor and an issuer of an adverse credit report is determined by state law.

13(e) Procedures if billing error occurred as asserted.

1. *Correction of error.* The phrase "as applicable" is used in *paragraph (e)(1)* to make clear that the necessary corrections vary with the type of billing error that occurred. For example, a misidentified transaction is cured by properly identifying the transaction and crediting related finance and other charges. The creditor does not have to cancel the amount of the underlying obligation incurred by the consumer.

2. *Form of correction notice.* In addition to correcting the error, the creditor is required under *paragraph (e)(2)* to provide the consumer with a correction notice. This written notice may take a variety of forms. It may be sent separately, or it may be included with or on a periodic statement that is mailed within the time for resolution. Since all disclosures must be clear and conspicuous, the amount of the billing error must be specifically identified when the creditor uses the periodic statement to satisfy the correction notice requirement. If a separate billing error correction notice is provided, the accompanying or subsequent periodic statement reflecting the corrected amount may simply identify it as "credit."

13(f) Procedures if different billing error or no billing error occurred.

1. *Different billing error.* A "different billing error" would include:

- Differences in the amount of an error (for example, the customer asserts a $55.00 error but the error was only $53.00).
- Differences in other particulars asserted by the consumer (as when a consumer asserts that a particular transaction never occurred, but the creditor determines that only the seller's name was disclosed incorrectly).

2. *Creditor's explanation.* The written explanation under *paragraph (f)(1):*

- May be included on or with a periodic statement that is mailed within the time for resolution. If the explanation is provided on a periodic statement, the general "clear and conspicuous" disclosure requirement continues to apply. For example, if a different billing error occurred, credits of any disputed amount or related finance or other charges reflected on a periodic

statement must be clearly identified as corrections.
- May be sent separately. If a separate explantion is provided, the enclosed or subsequent periodic statement reflecting the corrected amount may simply identify it as a "credit."
- May be combined with the creditor's notice to the consumer of amounts still owing, which is required under *paragraph (g)(1)*, provided it is sent within the time limit for resolution.

Paragraph 13(f)(3).

1. *Correction of error.* See commentary to paragraph § 226.13(e).

13(g) Creditor's rights and duties after resolution.

Paragraph 13(g)(1).

1. *Written notice. Paragraph (g)(1)* requires the creditor to send a written notice informing the consumer of how much is still due and when it is payable. Amounts the consumer still owes may include both minimum periodic payments and related finance and other charges that accrued during the resolution period. See commentary to § 226.13(d).

2. *Notice of amount owed—timing.* While it need not send the notice of amount owed within the time period for resolution, the creditor is under a duty to send the notice promptly after resolution of the alleged error. The notice may be sent:
- Separately.
- On or with a periodic statement.
- Combined with the billing error explanation required under *paragraph (f)(1)*. If the creditor combines the notice of the amount owed with the explanation, the combined notice must be provided within the item limit for resolution.

Paragraph 13(g)(3).

1. *Time for payment. Paragraph (g)(3)* restrictions on the creditor's ability to report the consumer's account as delinquent are contingent on giving the consumer adequate time to pay after the resolution of the billing error. If the creditor in its initial disclosures disclosed a free-ride period greater than 10 days, the consumer cannot be reported as delinquent if the required payment is made at any time within that period. The creditor uses the usual triggering event to toll the time for payment. If no free-ride period is normally given, than the consumer has 10 days to pay (measured from receipt of the notice of the amount owed) before the creditor may issue an adverse credit report.

Paragraph 13(g)(4).

1. *Credit reporting.* Under *paragraphs (g)(4) (i) and (iii)* the creditor's additional credit reporting responsibilities must be accomplished promptly. The creditor need not establish costly procedures to fulfill this requirement. For example, a creditor that reports to a credit bureau on scheduled monthly updates need not transmit corrective information immediately by an unscheduled computer or magnetic tape. It may provide the credit bureau with the correct information by letter or other commerically reasonable means. The creditor is not responsible for ensuring that the credit bureau corrects its information immediately.

2. *Adverse report to credit bureau.* If a creditor made an adverse report to a credit bureau that disseminated the information to other creditors, the creditor need only provide the consumer with the name and address of the credit bureau.

13(i) Relation to EFT Act and Regulation E.

1. *Application to EFT/credit transactions:* This provision is designed to ease compliance for financial institutions that extend credit incident to an electronic fund transfer that is subject to the Board's Regulation E. For example, if a consumer withdraws money at an ATM machine and activates an overdraft credit feature on the checking account.
- An error asserted with respect to the transaction is subject, for error resolution purposes, to the applicable Regulation E provisions (such as timing and notice) for the entire transaction.
- The creditor need not provisionally credit the consumer's account, under § 205.11(c)(2)(i) of Regulation E, for any portion of the unpaid extension of credit.
- The creditor must credit the consumer's account under § 205.11(e), with any finance charges incurred as a result of the alleged error.
- The provisions of § 226.13 (d) and (g) would continue to apply to the credit portion of the transaction.

References

Statute: §§ 161 and 162.

Previous regulation: §§ 226.2(j), 226.2(cc), and 226.14.

Other sections: §§ 226.6, 226.7, and 226.8.

1981 changes: This section reflects a complete restructuring of the error resolution provisions. The new organization of the provisions, for example, arranges the creditor's responsibilities in chronological sequence. There are also several substantive changes from the previous regulation.

Section 226.13(a)(7) implements amended § 161(b) of the act, and provides that the creditor's failure to send a periodic statement to the consumer's current address is a billing error, unless the creditor received written notice of the address change fewer than 20 days (instead of 10 days) before the end of the billing cycle.

Several provisions regarding the creditor's duties after a billing error is alleged have been revised. The old regulation immunized a creditor from liability for inadvertently taking collection action or making an adverse credit report within two days after receiving a billing error notice; these provisions are deleted from the revised regulation. The new regulation also deletes requirements about the location of disclosures "on the face" of the periodic statement for payment of disputed amounts and permits a creditor to pre-print notices on the periodic statement concerning payment of disputed amounts.

The revised section changes the old rule that a card issuer must prevent or restore an automatic debit of a disputed amount if it receives a billing error notice within 16 days after transmitting the periodic statement that reflects the alleged error. Under the new regulation, the card issuer must prevent an automatic debit if it receives a billing error notice up to three days before the scheduled payment date (provided the notice is received within the 60 days that the consumer has to assert the error).

After resolution, the new regulation requires the creditor to allow the greater of 10 days or the free-period previously disclosed in which to pay parts of the disputed amount still owing. The old regulation required a creditor to give the consumer the greater of the *customary* free-ride period or ten days.

The new regulation adds a provision addressing the relationship between the error resolution provisions of Regulation Z and Regulation E (Electronic Fund Transfers).

Former § 226.14(f), which implemented the statutory forfeiture penalty, has been deleted. A reference to the penalty is in *Footnote 27.*

Section 226.14—Determination of annual percentage rate.

14(a) General rule.

1. *Tolerance.* The tolerance of ⅛ of one percentage point above or below the APR applies to any required disclosure of the APR. This includes the disclosure in:
- Initial statements.
- Periodic statements.

- Change in terms notices under § 226.9(c).
- Advertising under § 226.16.

There is not explicit tolerance for any periodic rate as such, and a disclosed periodic rate may vary from precise accuracy only to the extent that its annualized equivalent is within the tolerance permitted by this section.

2. *Rounding.* The provision does not require that the APR be calculated to any particular number of decimal places; rounding is permissible within the ⅛ of one percent tolerance. For example, an exact APR of 14.33333% may be stated as 14.33% or as 14.3%, or even as 14¼%; but it could not be stated as 14.2% or 14%, since either of these vary by more than the permitted tolerance.

3. *Finance charges.* The regulation does not prohibit creditors from assessing finance charges on balances that include prior, unpaid finance charges. However, state law may prohibit imposing new finance charges on prior, unpaid charges.

14(b) APR for initial disclosures, advertising.

1. *Corresponding APR.* For initial disclosures (under § 226.6) and for advertising (under § 226.16) the APR is determined by multiplying the periodic rate by the number of periods in the year. This computation reflects the fact that, in such disclosures, the rate (known as the corresponding APR) is prospective and does not involve any particular finance charge or periodic balance.

14(c) APR for periodic statements.

1. This privision clarifies that, in disclosing the corresponding APR for each periodic rate (under § 226.7(d)), the APR is calculated by simply multiplying each periodic rate by the number of periods per year. This disclosure is like that provided on the initial disclosure statement. The periodic statement also must reflect (under § 226.7(g)) the annualized equivalent of the rate actually applied during a particular cycle (the historical rate); this rate may differ from the corresponding APR because of the inclusion of fixed, minimum, or transaction charges. *Paragraphs (c)(1) through (c)(4) state the computation rules for the historical rate.*

2. *Periodic rates. Paragraph (c)(1)* applies if the only finance charge imposed is by application of a periodic rate to a balance. The creditor may compute the APR either

- By multiplying each periodic rate by the number of periods in the year; or
- By the "quotient" method.

This method refers to a composite APR where different periodic rates apply to different balances. For example, a particular plan may involve a periodic rate of 1½% on balances up to $500, and 1% on balances over $500. If, in a given cycle, the consumer has a balance of $800, the finance charge would consist of $7.50 (500 × .015) plus $3.00 (300 × .01), for a total finance charge of $10.50. The APR for this period may be disclosed either as 18% on $500 and 12% on $300, or as 15.75% on a balance of $800 (the quotient of $10.50 divided by $800, multiplied by 12).

3. *Charges not based on periodic rates. Paragraph (c)(2)* applies if the finance charge imposed includes a charge not due to the application of a periodic rate. For example, if a creditor imposes a minimum $1 finance charge on all balances below $50, and the consumer's balance was $40 in that period, the creditor would disclose an APR of 30% (¼₀ × 12).

4. *No balance. Footnote 32* would apply, for example, to a plan in which no free ride is given for advances even if payment is made in full on a monthly basis. If the consumer pays the balance on May 19 and has no transactions thereafter, the June statement might reflect a finance charge with no balance. No APR can be determined, so none need be disclosed for the June statement.

5. *Transaction charges.* The transaction charges noted in *paragraph (c)(3)* include, for example,

- A loan fee imposed on a particular advance.
- A point-of-sale discount for payment by cash rather than credit card if the discount is a finance charge and the card issuer is not excused from disclosure under § 226.9(d)(2).

The reference to avoiding duplication in the computation requires that the amounts of transactions on which transaction charges were imposed not be included both in the amount of total balances *and* in the "other amounts on which a finance charge was imposed" figure. For further explanation and examples of how to determine the components of this formula, see Appendix F.

6. *Charges related to opening account. Footnote 33* is applicable to both *paragraphs (c)(2) and (c)(3).* The charges involved here do not relate to a specific transaction or activity on the account, but relate solely to the opening of the account. Inclusion of these charges in the APR calculation would result in significant distortions of the APR and delivery of a possibly misleading disclosure to consumers. This rule applies even if the loan fee, points or similar charges are billed on a subsequent periodic statement or withheld from the proceeds of the first advance on the account.

7. *Small finance charges. § 226.14(c)(4)* gives the creditor an aoption to paragraphs (c)(2) and (c)(3) if small (50 cents or less) minimum or fixed fees are involved. For example, while a monthly activity fee of 50 cents on a balance of $20 would produce an APR of 30% under the rule in paragraph (c)(2), the creditor may disclose an APR of 18% if the periodic rate generally applicable to all balances is 11½% per month. This option is consistent with the provision in Footnote 11 to §§ 226.6 and 226.7 permitting a creditor to disregard the effect of minimum charges in disclosing the ranges of balances to which periodic rates apply.

14(d) Calculations where daily periodic rate applied.

1. *Quotient methods.* This provision addresses use of the quotient method to determine the annual percentage rate, and a daily periodic rate(s) to determine some or all of the finance charge. Since the usual quotient formula does not work when a daily rate is being applied to a series of daily balances, this paragraph gives the creditor two alternatives. Either formula produces accurate APRs for purposes of this regulation.

References

Statute: § 107.
Previous regulation: § 226.5(a).
Other sections: §§ 226.6 and 226.7.
1981 changes: The provision reflects the statutory amendment incorporating a ⅛ of one percent tolerance for annual percentage rates. The provision in the prior regulation dealing with finance charges imposed on specified ranges or brackets of balances was deleted. A new footnote clarifies that loan fees, points, or similar charges unrelated to any specific transaction are not to be computed into the APR. Board Interpretations §§ 226.501 and 226.506 are incorporated.

Section 226.15—Right of rescission.

15(a) Consumer's right to rescind.

1. *Coverage.* This section applies to transactions in which:

- A security interest arises from the credit transaction.
- The security interest is taken in a consumer's dwelling.
- The dwelling is that consumer's principal place of residence.

2. *Transactions not covered.* If a credit extension is otherwise exempt from Regulation Z, it does not become subject because of the nature of the collateral securing the credit. For

example, the right of rescission does not apply to a business purpose loan even though the loan is secured by the customer's principal dwelling.

3. *Transactions giving rise to right.* Under an open-end credit plan secured by the consumer's principal dwelling, the general rule is that the right of rescission arises with each transaction on the account, including:

- Each credit extension.
- Opening the account.
- Adding a security interest in the consumer's principal residence to an existing account.
- Increasing the dollar amount of security taken in the dwelling to secure the plan.
- Increasing the credit limit. For example, a consumer may open an account with a $10,000 credit limit, $5,000 of which is initially secured by the consumer's principal dwelling. The consumer has the right to rescind upon opening the account and (except as noted in *paragraph (a)(1)(ii)*) with each extension on the account. Later, if the creditor decides that it wants the credit line fully secured, and increases the amount of its interest in the consumer's dwelling, the consumer again has the right to rescind.

4. *Exceptions.* Although as a general rule the consumer has the right to rescind with each transaction on the account, § 125(e) of the amended act provides that until March 31, 1985, the creditor need not provide the right to rescind at the time of each individual credit extension made under a secured open-end credit plan, if the extensions are made in accordance with a previously established credit limit for the plan. After March 31, 1985, the consumer will have the right to rescind each subsequent extension made under an open-end credit plan secured by the consumer's principal dwelling. Extensions of credit made prior to March 31, 1985, will not be affected by the subsequent rescission rights.

5. *Security interest arising from transaction.* The security interest must be retained as part of the credit transaction, as in the following examples:

- A security interest is acquired by a contractor who is also extending the credit in the transaction.
- A mechanic's lien or materialmen's lien retained by a subcontractor or supplier of a contractor-creditor even when the latter has waived its own security interest in the consumer's home.

The security interest is not retained as part of the credit transaction in the following cases:

- If a materialmen's mechanic's lien is obtained by a contrctor who is not a party to the credit transaction but merely receives the proceeds of the consumer's cash advance.
- If *all* security interests that may arise in connection with the credit transaction are validly waived.
- If the creditor obtains a lien and completion bond that has the effect of automatically satisfying all liens against the consumer's dwelling as a result of the credit transaction.

Although liens arising by operation of law are not considered security interests for disclosure purposes under § 226.2, that section specifically includes them in the definition for purposes of the right of rescission. Thus, even though an interest in the consumer's dwelling is not a required disclosure under § 226.6(c), it may still give rise to the right of rescission.

6. *Consumer.* The right of rescission runs to any consumer whose principal dwelling is subject to the security interest. To be a "consumer" within the meaning of § 226.2, that person need not be a signatory to the credit agreement, but must at least have an ownership interest in the dwelling that would be encumbered by the creditor's security interest. For example, if one spouse enters into a secured plan without the participation of the other spouse, the latter is a "consumer" if the ownership interests of *both* spouses are subject to the security interest.

7. *Principal dwelling.* A dwelling, as defined in § 226.2, can include structures that are classified as personalty under state law. For example, a transaction secured by a mobile home, trailer, or houseboat used as the consumer's principal dwelling may be rescindable. The structure must be the consumer's principal dwelling at the time of the credit transaction. Thus, a transaction secured by a second home that is not currently being used as the consumer's principal place of residence is not rescindable, even if the consumer intends to retire there sometime in the future. Similarly, a vacation home used as collateral—if it is not the consumer's principal dwelling—does not give rise to the right of rescission.

8. *Consumer's exercise of right.* The consumer's exercise of the right of rescission must be in writing but need not be on the form the creditor gives the consumer under *paragraph (b)*. Whether notice of rescission is sent by mail, telegram, or other means, the time period for the creditor's performance under *paragraph (d)(2)* does not begin to run until the notice has been received. The creditor may designate an agent to receive the rescission notice as long as the agent's name and address appear on the notice provided to the consumer under *paragraph (b)*.

9. *Rescission period.* The period within which the consumer must exercise the right to rescind runs for three business days from the last of the following three events:

- The transaction that gives rise to the right of rescission.
- Delivery of *all* material disclosures that are relevant to the plan.
- Delivery of the required rescission notice.

For example, if an account is opened on June 1 and the disclosures and notice were given on May 31, the rescission period expires at midnight of the third business day after June 1. If the disclosures were given and the account opened on June 1 and the rescission notice given on June 3, the rescission right expires at midnight of the third business day after June 3. The consumer must have placed the rescission notice in the mail, filed it for telegraphic transmission, or delivered it to the creditor's place of business within that time in order to exercise the right.

10. *Material disclosures.* The creditor must provide sufficient information to satisfy the requirements of § 226.6 for the listed disclosures. A creditor may satisfy the requirement of providing the material disclosures by giving an initial disclosure statement that complies with the regulation. Failure to give the other required initial disclosures (such as the billing rights statement) does not prevent the running of the rescission period, although that failure may result in civil or administrative sanctions.

11. *Material disclosures—variable rate program.* For a variable rate program, the material disclosures would also include the required information on the circumstances under which a rate may increase, the limitations on the increase, and the effect of an increase.

12. *Unexpired right of rescission.* When the creditor has failed to take the action necessary to start the three-day rescission period running, the right to rescind automatically lapses on the occurrence of the earliest of the following three events:

- Three years after the transaction giving rise to the right of rescission.
- Transfer of all of the consumer's interest in the property.
- Sale of the consumer's interest in the property, including a transaction in which the consumer sells the dwelling and takes back legal title through a purchase money note and mortgage.

A partial transfer of the consumer's interest, such as an intra-family transfer bestowing co-ownership on a spouse, does not terminate the rescission right. Transfer of all the consumer's interest includes such transfers as bequests and gifts. Neither a sale of the property nor a transfer need be voluntary. For example, a foreclosure sale would terminate an unexpired right to rescind. As provided in § 125 of the act, the three-year termination limit may be extended by an administrative proceeding to enforce the provisions of this section.

13. *Joint owners.* If more than one consumer has the right to rescind a transaction, any one of them may exercise the right and cancel the transaction on behalf of all. For example, if a husband and wife have the right to rescind a transaction, either spouse acting alone may exercise the right and both spouses are bound by the rescission.

15(b) Notice of right to rescind.

1. *Who receives notice.* Each consumer entitled to rescind must be given:

- Two copies of the rescission notice.
- The material disclosures.

In a transaction involving joint owners, both of whom are entitled to rescind, both must receive the notices and disclosures. For example, if both spouses are entitled to rescind a transaction, *each* must receive two copies of the rescission notice and one copy of the disclosures. If an agent is acting for the consumer, the creditor need only deliver the material to the agent, so long as state agency law precludes the consumer from acting on his or her own behalf in such circumstances. If state law does not prevent consumers/principals from acting on their own behalf, then the creditor must deliver the material to both the consumer and the agent.

2. *Format.* The information required by the rescission notice may be on a notice that is physically separated from the material disclosures or combined with the material disclosures, as long as the information is set forth in a clear and conspicuous manner. The notices in Appendix G provide models that creditors may use in giving notice, but their use is not required. Creditors may substitute other forms.

3. *Content.* The notice must include all of the information outlined in *paragraphs (b)(1) through (b)(5).* The requirement in *paragraph (b)(5)* that the transaction be identified may be met by providing the date of the transaction. The notice may include additional information related to the required information, such as:

- A description of the property subject to the security interest.
- A statement that joint owners may have the right to rescind and that a rescission by one is effective to all.
- The name and address of an agent of the creditor to receive notice of rescission.

4. *Time of providing notice.* The notice required by paragraph (b) need not be given before the event giving rise to the right of rescission. The creditor may deliver the notice after the event occurs, but the rescission period will not begin to run until the notice is given. For example, if the creditor provides the notice on May 15, but disclosures were given and the credit limit was raised on May 10, the three-business-day rescission period will run from May 15. The creditor must also delay performance for a reasonable time after that period.

15(c) Delay of creditor's performance.

1. *General.* During the three-day rescission period and for a reasonable time thereafter, the creditor may not, either directly or through a third party:

- Disburse advances to the consumer.
- Begin performing services for the consumer.
- Deliver materials to the consumer.

2. *Escrow.* The creditor may disburse advances during the rescission period in a valid escrow arrangement. The creditor may not, however, appoint the consumer as "trustee" or "escrow agent" and distribute funds to the consumer in that capacity during the delay period.

3. *Permissible actions.* Nothing in the provision prevents a creditor from taking other steps during the delay, short of beginning actual performance. These actions may include:

- Preparation of the cash advance check.
- Perfection of the security interest.
- Accruing finance charges during the delay period.

4. *Performance by third party.* The creditor is relieved from liability for failure to delay performance if a third party with no knowledge that the rescission right has been activated provides materials or service, as long as any debt incurred for materials or services obtained by the consumer during the rescission period is not secured by the security interest in the consumer's dwelling. A third party might provide materials, for example, when the consumer makes a credit card purchase below a merchant's floor limit and the card issuer in not contacted for authorization.

5. *Delay beyond rescission period.* The creditor must wait until it is "reasonably satisfied" that the consumer has not rescinded. The creditor may reasonably assure itself by:

- Waiting a reasonable number of days after expiration of the recission period to allow for delivery of a mailed notice.
- Obtaining a written statement from the consumer that the right has not been exercised.

If more than one consumer has the right to rescind, the creditor cannot reasonably rely on the assurance of one consumer only, since other consumers may exercise the right.

15(d) Effects of rescission.

1. *Termination of security interest.* Any security interest giving rise to the right of rescission becomes void when the consumer exercises that right. The rule operates automatically to negate the security interest, regardles of its status and whether or not it was recorded or perfected. Under *paragraph (d)(2),* however, the creditor must take any action necessary to reflect the fact that the security interest no longer exists.

2. *Extent of termination.* Only that portion of the creditor's security interest related to the rescindable transaction becomes void. For example, upon rescission:

- If the consumer's right to rescind was activated by the opening of a plan, any security interest in the dwelling provided for in the plan is void.
- If the right arises due to an increase in the credit limit, the interest is void as to purchase and advances under the increase, but the security interest up to the original limit is unaffected.
- If the right arises with each individual credit extension, then the interest is void as to that extension, and other extensions are unaffected.

3. *Refunds to consumer.* The consumer cannot be required to pay any amount in the form of money or property either to the creditor or to a third party as part of the credit transaction. Any amounts of this nature already paid by the consumer must be refunded. Any amount includes finance charges already accrued, as well as other charges such as application and commitment fees or fees for a title search or appraisal, whether paid to the creditor, paid directly to a third party, or passed on from the creditor to the third party. The fact that these amounts may not represent profit to the creditor is irrelevant. For example:

- If the transaction is the opening of the plan, the creditor must return any membership or application fee paid.

- If the transaction is the increase in a credit limit or the addition of a security interest, the creditor must return any fee imposed for a new credit report or filing fees.
- If the transaction is a credit extension, the creditors must return fees such as application, title, and appraisal or survey fees, as well as any finance charges related to the credit extension.

4. *Amounts not refundable to a consumer.* A creditor need not return money given by the consumer to a third party outside of the credit transaction, such as costs incurred for a building permit or for a zoning variance. Similarly, the term "any amount" does not apply to money or property given by the creditor to the consumer; those amounts must be tendered by the consumer to the creditor under *paragraph (d)(3).*

5. *Reflection of security interest termination.* The creditor must take whatever steps are necessary to show the termination of the security interest. Such steps include the cancellation of documents creating the interest, and the filing of release or termination statements in the public records. In a transaction involving subcontractors or suppliers that also hold interests related to the credit transaction, the creditor must insure that the termination of their interests is also reflected. The 20-day period for the creditor's action refers to the time within which the creditor must begin the process. It does not require all necessary steps to have been completed within that time, but the creditor is responsible for seeing the process through to completion.

6. *Property exchange.* Once the creditor has fulfilled its obligation under *paragraph (d)(2),* the consumer must tender to the creditor any money or property the creditor has already delivered to the consumer. At the consumer's option, property may be tendered at the location of the property but money must be tendered at the creditor's place of business.

- A cash advance is considered money for purposes of this section even if the creditor knows what the consumer intends to purchase with the money.
- In a three-party open-end plan (that is, if the creditor and seller are not the same or related persons), extensions by the creditor that are used by the consumer for purchases from third party sellers are considered to be the same as cash advances for purposes of tendering value to the creditor, even though the transaction is a purchase for other purposes under the regulation. For example, if a consumer exercises the unexpired right to rescind after using a three-party credit card for one year, the consumer would tender the amount of the purchase price for the items charged to the account, rather than tendering the items themselves to the creditor.

7. *Reasonable value.* Rather than returning the property itself, the consumer may offer the creditor its reasonable value, if returning the property would be extremely burdensome to the consumer. For example, if building materials have already been incorporated into the consumer's dwelling, the consumer may pay their reasonable value instead.

8. *Modifications.* The procedures outlined in *paragraph (d)(2) and (d)(3)* may be modified by a court. This could apply, for example, to a situation where a consumer is in bankruptcy proceedings and may be prohibited from returning anything to the creditor, or any situation where the equities dictate that a modification should be made.

15(e) Consumer's waiver of right to rescind.

1. *Need for waiver.* To waive the right to rescind, the consumer must have a bona fide personal financial emergency that must be met before the end of the three-day period. While the consumer must initially determine whether a personal financial emergency exists, the "bona fide" test requires creditors to assure themselves that the reasons given for the waiver or modification are substantial and credible. The existence of the consumer's waiver will not, of itself, automatically insulate the creditor from liability for failing to provide the rescission right.

2. *Procedure.* To waive or modify the right to rescind, the consumer must give a written statement that both specifically waives or modifies the right and includes a brief description of the emergency. Each consumer entitled to rescind must sign the waiver statement. Therefore, in a transaction involving multiple consumers, such as a husband and wife using their home as collateral, the waiver must bear the signatures of both spouses. However, depending on state agency law, a waiver or modification may be executed by a duly appointed agent acting under a valid power of attorney.

15(f) Exempt transactions.

1. *Residential mortgage transaction.* Although residential mortgage transactions would seldom be made on bona fide open-end credit plans (under which repeated transactions must be reasonably contemplated), an advance on an open-end plan could be for a downpayment for the purchase of a dwelling. In such a case, only that particular advance would be exempt from the rescission right that is provided in this paragraph.

2. *Bridge loans.* A bridge loan to purchase another dwelling but secured by the consumer's equity in the consumer's current principal dwelling is rescindable. For example, a homeowner may seek to purchase a new home prior to the sale of the current residence, and obtain an advance secured by the equity in the current residence. In such a case, although the funds are used to acquire a dwelling, the proceeds of that loan are not secured by that dwelling but by the consumer's equity in the present residence.

3. *State creditors.* Cities and other political subdivisions of states acting as creditors are not exempted from this section.

4. *Spreader clause.* When the creditor holds a mortgage or deed of trust on the consumer's principal dwelling and that mortgage or deed of trust contains a "spreader clause," subsequent credit extensions are subject to the right of rescission. Such extensions are rescindable unless the creditor effectively waives its security interest under the spreader clause with respect to the subsequent transactions.

References

Statute: §§ 113, 125, and 130.
Previous regulation: § 226.9.
Other sections: §§ 226.2, 226.23, 226.25, and Appendix G.

1981 changes: This section reflects the statutory amendments of 1980. It provides for a limited right of rescission for a three-year trial period when individual credit extensions are made in accordance with a previously established credit limit for an open-end credit plan. The rescission right arises only when a security interest is taken in property used as the consumer's principal dwelling at the time the security interest is retained, rather than also including property expected to be used as a consumer's principal dwelling in the future. The rescission right applies to the consumer's principal dwelling even if the dwelling is not characterized as real property under relevant state law. It does not apply to any "residential mortgage transaction," regardless of the lien status of the security interest taken.

Under the property exchange provisions, the regulation extends from 10 to 20 days the time in which the creditor must return a consumer's money or property and take necessary action to terminate the security interest. It also extends from 10 to 20 days the

time the creditor has to take possession of money or property tendered by the consumer. The regulation also reflects the amended statute in providing that a court may modify exchange procedures outlined in the regulation.

Section 226.16—Advertising.

1. *Coverage.* An advertisement includes any commercial message in any communication medium that promotes, directly or indirectly, any consumer credit transaction. Responsibility for complying with the advertising rules is not limited to creditors but includes *any* advertiser. Thus, brokers, merchants and others who are not themselves extenders of credit are bound by these rules when they advertise credit terms.

2. *Media.* These rules apply to advertisement of credit terms using any media including radio and television advertisements. A promotional letter sent to prospective customers may qualify as an advertisement; however, educational material containing hypothetical transactions that could not reasonably be construed as an offer of credit is not an advertisement. The media through which advertisements are disseminated are not liable for violations of these provisions.

. 3. *Clear and conspicuous standard.* This section is subject to the general "clear and conspicuous" standard for this subpart but prescribes no specific rules for the format of the necessary disclosures. The credit terms need not be printed in a certain type size nor need they appear in any particular place in the advertisement.

16(a) Actually available terms.

1. *General rule.* To the extent an advertisement mentions "specific credit terms" it may state only those terms that the creditor is actually prepared to offer. For example, a creditor may not advertise a very low annual percentage rate that will not in fact be available at any time. This provision is not intended to inhibit the promotion of new credit programs, but to bar the advertising of terms that are not and will not be available. Thus a creditor may advertise terms that will be offered for only a limited time, or terms that will become available at a future date.

2. *Specific credit terms.* The specific terms to which this rule applies are not limited to those that must be disclosed under §§ 226.6 or 226.7, but would include specific components of a credit plan such as the minimum amount of periodic payments, or points in a plan secured by real estate. This disclosure in an advertisement of a minimum periodic payment is not a triggering term.

16(b) Advertisement of terms that require additional disclosures.

1. *Must state positive terms.* An advertisement must state a credit term as a positive number in order to trigger additional disclosures. For example, "no annual membership fee" would not trigger the required additional disclosures.

2. *Term may be implicit.* This provision applies even if the triggering term is not stated explicitly, but may be readily determined from the advertisement. For example, a statement that "the equity in your home becomes spendable with an XYZ line of credit" implicitly states that the creditor will take a security interest in the consumer's home.

3. *Membership fees.* The requirement that any membership fee be disclosed under this section does not extend to those situations where such a fee is required for participation in the plan whether or not an open-end credit feature is attached. See § 226.6(b) of this commentary for further discussion of this point.

16(c) Catalogs and mulitple-page advertisements.

1. *General rule.* The mulitple-page advertisements to which this section refers are advertisements consisting of a series of sequentially numbered pages, for example, a supplement to a newspaper. Thus, a mailing consisting of several separate flyers or pieces of promotional material in a single envelope does not constitute a single multiple-page advertisement for purposes of this paragraph.

2. *Cross-referencing credit terms.* These forms of commercial messages will be considered single advertisements (requiring a single set of credit cost disclosures) if the advertisement contains a table, chart, or schedule clearly stating sufficient information for the consumer to determine the disclosures required under § 226.6. In addition to the table, chart or schedule, any mention of a triggering term elsewhere in the catalog or multiple-page advertisement must clearly refer to the specific page where the table, chart, or schedule begins. This rule permits creditors to put credit information together in one place in a catalog or multiple-page advertisement, so long as the information reflects the range of credit transactions actually offered. The rule applies only if the catalog or multiple-page advertisement contains one or more of the disclosures set forth in § 226.6. A list of different annual percentage rates applicable to different balances, for example, would not trigger further disclosures under paragraph (b) and so would not be covered by paragraph (c).

2. *Representative examples of typical extensions of credit.* A table or schedule must reflect amounts of credit actually offered, up to and including the higher-priced items. This does not mean the chart must make disclosures for the single most expensive item the advertiser offers, but only that the chart cannot be limited to information about less expensive sales when the advertiser commonly offers a distinct level of more expensive goods or services. The range of transactions shown in the table or schedule in a particular catalog or multiple page advertisement need not exceed the range of transactions actually offered in that advertisement.

References

Statute: §§ 141, 143.

Previous regulation: § 226.10 (a), (b), and (c).

Other sections: §§ 226.2, 226.6.

1981 changes: The section substantially restates the prior regulation, but reflects the statutory changes to § 143 of the act which reduce both the triggering terms and the additional disclosures required by the use of those terms. Membership or participation fees are included among the additional disclosures required when a trigger term is used. The substance of Board Interpretation § 226.1002, requiring disclosure of representative amounts of credit in catalogs and multiple-page advertisements, has been incorporated in simplified form in paragraph (c).

Subpart C—Closed-End Credit

Section 226.17—General disclosure requirements.

17(a) Form of disclosures.

1. *Clear and conspicuous.* This standard requires that disclosures be in a reasonably understandable and usable form. For example, while the regulation requires no particular mathematical progression or format, the disclosures must be presented in a way that does not obscure the relationship of the terms to each other. In addition, although no minimum type size is mandated, the disclosures must be legible, whether typewritten, handwritten, or printed by computer.

2. *Segregation of disclosures.* The disclosures may be grouped together and segregated from other information in a variety of ways. For example, the disclosures:

- May appear on a separate sheet of paper.
- May be set off from other information on the contract document by outlining them in a box.

- May be separated from the contract provisions with bold print dividing lines, a different color background, or a different style of type.

3. *Location.* The segregated disclosures may appear on a separate disclosure statement or on the front or back of another document, such as the contract or note. They need not appear entirely on one page, and may begin on one page and continue on the next.

4. *Directly related.* The segregated disclosures may not be accompanied by any information that is not "directly related" to those disclosures. This means that they may not include any information beyond that called for by §226.18, even if the information elaborates on a required disclosure, such as:

- A description of the type of security interest taken in the transaction.
- An explanation of the type of rebate method applied in the event of prepayment.
- Specific conditions for imposition of a prepayment penalty.

5. *Permissible additions. Footnote 37* permits the following items to appear with the segregated disclosures, even though not "directly related" to those disclosures:

- An acknowledgment of receipt.
- The date of the transaction.
- The consumer's name, address and account number.

6. *Segregation exceptions.* The itemization of the amount financed under § 226.18(c) *must* appear separate from the segregated disclosures. It may appear on a separate document or on the same document as the segregated disclosures, so long as it is not included in the area reserved for those disclosures. The following disclosures *may* appear with the other disclosures or elsewhere, at the creditor's option:

- The creditor's identity.
- The variable rate example.
- Credit life or property insurance premiums.
- Certain security interest charges.

7. *More conspicuous.* The terms "finance charge" and "annual percentage rate" must be shown more conspicuously only in relation to the other disclosures required by § 226.18. For example, where the disclosures are included on the contract document, those two terms need not be more conspicuous as compared to the heading on the contract document or information required by state law. In addition, those terms need not be made more conspicuous except as part of the finance charge and annual percentage rate disclosures under §§ 226.18(d) and (e). The term need not be highlighted when used as part of other required disclosures, such as a prepayment penalty under § 226.18(k) or a required deposit under § 226.18(r). The terms may be made more conspicuous in any way that highlights them in relation to the other required disclosures. For example, they may be:

- Underlined.
- Printed in a contrasting color.
- Printed in larger type.
- Set off with asterisks.
- Printed in capital letters when other disclosures are printed in capital and lower case.

8. *Creditor's identity.* An exception to the "more conspicuous" rule is made for disclosure of the creditor's identity. Even though it is a required disclosure, the creditor's name may be more prominently displayed than the finance charge and annual percentage rate, so long as those two terms are more conspicuous than the remaining disclosures.

17(b) Time of disclosures.

1. *Consummation.* As a general rule, disclosures must be made before "consummation" of the transaction, the time at which the consumer becomes contractually liable on the credit obligation, as determined by applicable law. The payment of a nonrefundable fee prior to that time does not constitute consummation unless this legally obligates the consumer on the credit transaction. The disclosures need not be given by any particular time before consummation, except in certain mortgage transactions under § 226.19.

17(c) Basis of disclosures and use of estimates.

1. *Legal obligation.* The creditor must base its disclosures on the terms of the legal obligation between the parties. Normally, that obligation is reflected in a single note or contract. In some cases, however, an agreement between the creditor and a third party or between the consumer and a third party appears to affect the terms of the obligation. For example, a consumer and a creditor agree to a mortgage loan with an interest rate of 15%, which is reflected in the note between the parties. In a separate agreement with the consumer, the seller of the property agrees to subsidize the consumer's payments for the first two years, giving the consumer an effective rate of 12% for that period. The note between the creditor and consumer does not refer to or reflect the seller agreement in any way and the consumer is legally bound to the 15% rate for the entire term. In this case, the subsidy is not part of the legal obligation between the consumer and the creditor; the disclosures must reflect the 15% rate only.

2. *Obligation reflected in multiple documents.* While the legal obligation is normally embodied in a single note or contract, in rare circumstances the parties may have agreed to two separate obligations that between them reflect a single legal obligation. For example, in a mortgage transaction, the lender and consumer agree to a note specifying a 14% interest rate. However, in a separate document signed by both parties, the consumer agrees to pay four points to the lender at consummation, in return for a reduction in the interest rate to 12% for a portion of the mortgage term. If the "buy-down" agreement forms part of a single legal obligation, overriding any conflicting provisions in the note, it must be reflected in the disclosures given for the mortgage.

3. *Modification of obligation.* If the parties informally agree to a modification of the legal obligation, the modification should not be reflected in the disclosures unless it rises to the level of a change in the terms of the legal obligation. For example, disclosures should reflect the schedule of monthly payments specified in the written contract, even though payments are actually made on a voluntary payroll deduction plan or an informal principal reduction agreement. Similarly, a creditor whose written contract calls for regular monthly payments may not reflect in its disclosures that it customarily permits consumers to defer payments from time to time, such as over holiday seasons or to reflect seasonal employment.

4. *Basis for estimates.* Disclosures may be estimated if the exact information is unknown at the time disclosures are made. The estimates must be made on the basis of the best information reasonably available at the time the disclosures are made. The "reasonably available" standard requires that the creditor, acting in good faith, exercise due diligence in obtaining information. For example, the creditor must at a minimum utilize generally accepted calculation tools, but need not invest in the most sophisticated computer program to make a particular calculation. The creditor normally may rely on the consumer's representations as to the time of consummation and the amount to be financed, subject to factors in the creditor's control. The creditor may utilize estimates in making disclosures even though the creditor knows that more precise information will be available by the point of consummation. However, new

disclosures may be required under § 226.17(f) or § 226.19.

5. *Labelling estimates.* Estimates must be designated as such in the segregated disclosures. Generally, only the particular disclosure for which the exact information is unknown is labelled as an estimate. However, where several disclosures are affected because of the unknown information, the creditor has the option of labelling either every affected disclosure or only the disclosure primarily affected. For example, when the finance charge is unknown because the date of consummation is unknown, the finance charge is labelled as an estimate. The creditor may also label as estimates the total of payments and the payment schedule. No further explanation of the basis for the estimates may be included with the segregated disclosures, although an explanation may appear as additional information apart from the disclosures.

6. *Minor variations. Paragraph (c)(3)* allows creditors to disregard certain factors in making disclosures. These factors produce very slight variations in disclosed terms and taking account of those variations may create substantial computation difficulties.

- Creditors may ignore the effects of collecting payments in whole cents. Since payments cannot be collected in fractional cents, it is often difficult to amortize exactly an obligation with equal payments; the amount of the last payment must often be adjusted slightly to account for the rounding of the other payments to whole cents.
- Creditors may ignore the fact that payments scheduled for a day they are not open must be made on a different day.
- Creditors may base their disclosures on calculation tools that assume that all months have an equal number of days, even if their practice is to take account of the variations in months for purposes of collecting interest.
- Creditors may ignore the fact that leap years contain an extra day.

7. *Payment schedule irregularities.* When one or more payments in a transaction differ from the others because of a long or short first period, the variations may be ignored in disclosing the payment schedule, finance charge, annual percentage rate, and other terms. For example, a 36-month auto loan might be consummated on June 8 with payments due on July 1 and the first of each succeeding month. The creditor may base its calculations on a payment schedule that assumes 36 equal intervals and 36 equal installment payments, even though a precise computation would produce slightly different amounts on account of the shorter first period. By contrast, in the same example, if the first payment were not scheduled until August 1, the irregular first period would exceed the limits in paragraph (c)(4); the creditor could not use the minor irregularity rule and would have to take account of the long odd days in the first period in calculating its disclosures.

8. *Measuring odd periods.* In determining whether a transaction may take advantage of the rule in *paragraph (c)(4),* the creditor must measure the variation against a regular period, which is the most common payment interval in the transaction. In measuring the length of that period, the creditor looks to the next regular period following the irregularity and, as a general rule, measures it based on the actual number of days. In transactions involving payment intervals of a month, semimonth, or multiple of a month, however, the creditor may use either the actual number of days or an assumed 30-day month in measuring the regular and irregular periods.

9. *Demand disclosures.* Disclosures for demand obligations are to be based on an assumed one-year term, unless an alternate maturity date is stated in the legal obligation. Whether an alternate maturity date is stated in the legal obligation is determined by applicable law. An alternate maturity date is not inferred from an informal principal reduction agreement or a similar understanding between the parties. However, where the note itself specifies a principal reduction schedule (for example, "payable on demand or $2,000 plus interest quarterly"), an alternate maturity is stated and disclosures must reflect that date.

10. *Future event as maturity date.* An obligation whose maturity date is determined by a future event is not a demand obligation. For example, a loan may be payable on the sale of property. Since no demand feature is contained in the obligation, demand disclosures under § 226.18(i) are inapplicable. The disclosures should be based on the creditor's estimate of the time at which the specified event will occur.

11. *Demand transactions.* Most demand transactions contain a demand feature which may be exercised at any point during the term, but certain transactions convert to a demand feature only after a fixed period. For example, in states prohibiting due-on-sale clauses, the Federal National Mortgage Association (FNMA) requires mortgages that it purchases to include a call option rider that may be exercised after seven years. These mortgages are generally written as long-term obligations, but contain a demand feature which may only be exercised within a thrity-day period at seven years. The disclosures for these transactions should be based upon the legally agreed-upon maturity date. Thus, if a mortgage containing the seven-year FNMA call option is written as a twenty-year obligation, the disclosures should be based on the twenty-year term.

12. *Balloon mortgages.* Balloon payment mortgages, in which payments are based on a long-term amortization schedule but with a final payment due after a shorter term, are not demand obligations because no demand feature is provided in the contract. For example, a mortgage with a term of five years and a payment schedule based on twenty years would not be treated as a mortgage with a demand feature, in the absence of any contractual demand provisions.

13. *Number of transactions. Paragraph (c)(6)* provides flexibility for handling transactions that have, or may have, multiple stages. For example:

- When a creditor finances the credit sale of a radio and a television on the same day, the creditor may disclose the transactions as either one or two credit sale transactions.
- When a creditor finances a loan along with a credit sale of health insurance, the creditor may disclose in one of several ways: a single credit sale transaction, a single loan transaction, or a loan and a credit sale transaction.
- The separate financing of a downpayment in a credit sale transaction may but need not be disclosed as two transactions (a credit sale and a separate loan for the downpayment).

14. *Series of advances. Paragraph (c)(6)(i)* deals with a series of advances under an agreement to extend credit up to a certain amount. A creditor may treat all of the advances as a single transaction or disclose each advance as a separate transaction. If these transactions are treated as one transaction and the timing and amounts of advances are unknown, creditors must make disclosures based on estimates, as provided in paragraph (c)(2).

15. *Construction loans. Paragraph (c)(6)(ii)* provides a flexible rule for disclosure of construction loans that may be permanently financed. These transactions have two distinct phases, similar to two separate transactions. The construction loan may be for initial construction or subsequent construction,

such as rehabilitation or remodelling. The construction period usually involves several disbursements of funds at times and in amounts that are unknown at the beginning of that period and the consumer generally pays only accrued interest until construction is completed. Unless the obligation is paid at that time, the loan then converts to permanent financing in which the loan amount is amortized just as in a standard mortgate transaction. Paragraph (c)(6)(ii) permits the creditor to give either one combined disclosure for both the construction financing and the permanent financing, or a separate set of disclosures for the two phases. This rule is available whether the consumer is initially obligated to accept construction financing only or is obligated to both construction and permanent financing from the outset. If the consumer is obligated on both phases and the creditor chooses to give two sets of disclosures, both sets must be given to the consumer initially, because both transactions would be consummated at that time.

16. *Multipe-advance construction loans. Paragraph (c)(6) (i) and (ii)* are not mutually exclusive. For example, in a transaction that finances the construction of a dwelling that may be permanently financed by the same creditor, the construction phase may consist of a series of advances under an agreement to extend credit up to a certain amount. In these cases, the creditor may disclose the construction phase as either one or more than one transaction and also disclose the permanent financing as a separate transaction.

17. *Wrap-around financing.* "Wrap-around" loans involve a creditor's "wrapping" the outstanding balance on an existing loan and advancing additional funds to a borrower. The borrower makes a single payment to the new creditor, who makes the payments on the pre-existing loan to the original creditor. Wrap-around loans are considered new transactions, with the disclosures made as they would be for a refinancing.

17(d) Multiple creditors; multiple consumers.

1. *Multiple creditors.* If a credit transaction involves more than one creditor, the creditors must choose which of them will make the complete set of disclosures. Regardless of the arrangement made between creditors, each creditor in the transaction is legally responsible for seeing that the disclosures are provided and any one of them may be subject to liabiity for violations. When one of the creditors is a seller, the creditor making the disclosures must make credit sale disclosures, even though the disclosing creditor is not the seller. For example, when an automobile dealer and a bank financing the sale of a car both meet the creditor definition, the total sale price under § 226.18(j) must be disclosed, even though the creditors have agreed that the non-seller bank will make the disclosures.

2. *Multiple consumers.* If a credit transaction involves more than one consumer, the disclosures may be given to any consumer who is primarily liable on the obligation. Thus, when two consumers are joint obligors on an obligation, the disclosures may be given to either one of them. If one consumer is merely a surety or guarantor, the disclosures must be given to the principal debtor. In rescindable transactions, however, separate disclosures must be given to each consumer who has the right to rescind under § 226.23. Whether delivery of disclosures to a consumer's attorney or other representative is suffient is a matter of applicable agency law.

17(e) Effect of subsequent events.

1. *Subsequent events.s* A disclosure that is made inaccurate because of an event occurring after the transaction is consummated is not in itself a violation of the regulation. But the creditor may be required to give the consumer updated disclosures, as outlined in §§ 226.17(f), 226.19 and 226.20.

17(f) Early disclosures.

1. *Change in rate.* No redisclosure is required for changes that occur between the time disclosures are made and consummation, unless the annual percentage rate in the consummated transaction exceeds the limits prescribed in the regulation (⅛ of 1 percentage point in regular transactions and ¼ of 1 percentage point in irregular transactions). To illustrate:

- If disclosures are delivered in a regular transaction on July 1, the transaction is consummated on July 15, and the actual APR varies by more than ⅛ of 1 percentage point from the disclosed APR, then the creditor must either redisclose the changed terms or furnish a complete set of new disclosures before consummation. This is true even if the disclosures made on July 1 are based on estimates and marked as such.

2. *Variable rate.* The addition of a variable rate feature to the credit terms, after early disclosures are given, requires new disclosures.

3. *Special rules.* In certain residential mortgage transactions, the creditor must redisclose if, between the delivery of the required early disclosures and consummation, the annual percentage rate changes by more than a stated tolerance. Where subsequent events occur *after* consummation, new disclosures are required only if there is a refinancing or an assumption within the meaning of § 226.20.

17(g) Mail or telephone orders—delay in disclosures.

1. *Conditions for use.* When the creditor receives a mail or telephone request for credit, the creditor may delay making the disclosures until the first payment is due if the following conditions are met:

- The credit request is initiated without face-to-face or direct telephone solicitation. (Creditors may, however, use the special rule when credit requests are solicited by mail.)
- The creditor has supplied the specified credit information about its credit terms either to the individual consumer or to the public generally. That information may be distributed through advertisements, catalogs, brochures, special mailers, or similar means.

2. *Insurance.* The location requirements for the insurance disclosure under § 226.18(n) permit them to appear apart from the other disclosures. Therefore, a creditor may mail an insurance authorization to the consumer and then prepare the other disclosures to reflect whether or not the authorization is completed by the consumer. Creditors may also disclose the insurance cost on a unit-cost basis, if the transactions meet the requirements of paragraph (g).

17(h) Series of sales—delay in disclosures.

1. *Applicability.* The creditor may delay the disclosures for individual credit sales in a series of such sales until the first payment is due on the current sale, assuming the conditions in *paragraphs (h)(1) and (h)(2)* are met. If those conditions are not met, the general timing rules in § 226.17(b) apply.

17(i) Interim student credit extensions.

1. *Definition.* Student credit plans involve extensions of credit for education purposes where the repayment amount and schedule are not known at the time credit is advanced. Creditors in interim student credit extensions need not disclose certain items at the time the credit is actually extended, but must make complete disclosures (except for total sale price) at the time the creditor and consumer agree upon the repayment schedule for the total obligation. At that time, a new

set of disclosures must be made of all applicable items under § 226.18.

2. *Basis of disclosures.* The disclosures given at the time of execution of the interim note should reflect two annual percentage rates, one for the interim period and one for the repayment period. Interest subsidies, such as payments made by either a state or the federal government on an interim loan, must be excluded in computing the annual percentage rate on the interim obligation, where the consumer has no contingent liability for payment of those amounts. A loan guarantee fee that is paid separately by the student at the outset or withheld from the proceeds of the loan is a prepaid finance charge. That sum is deducted from the loan proceeds to determine the amount financed and included in the calculation of the finance charge.

3. *Loan vs. credit sale.* The credit extended in these transactions may be in the form of a loan or a sale of goods or services. When the student receives the funds directly and may use them as the student sees fit for expenses related to attendance at the institution, loan disclosures are appropriate. Where the funds are credited to the student's account with the institution extending the credit and the student receives goods and services from that institution, the transaction is a credit sale.

4. *Consolidation.* Consolidation of the interim loans through a renewal note with a set repayment schedule is a refinancing within the meaning of § 226.20. Any unearned portion of the finance charge must be reflected in the new finance charge and is not added to the new amount financed.

References

Statute: §§121, 122, 124, and 128.
Other sections: §§ 226.2 and Appendix H.
Previous regulation: §§ 226.6 and 226.8.
1981 changes: With a few exceptions, the disclosures must now appear apart from all other information, and may not be interspersed with that information. The disclosures must be based on the legal obligation between the parties, rather than any side agreement. The assumed maturity period for demand loans has been increased from six months to one year. Also, any alternate maturity date must be stated in the legal obligation rather than inferred from the documents. In multiple-advance transactions, a series of advances up to a certain amount and construction loans that may be permanently financed may be disclosed, at the creditor's option, as a single transaction or as several transactions. Appendix D is applicable only to multiple advanced for the construction of a dwelling, whereas its predecessor, Board Interpretation § 226.813, could be used for all multiple advance transactions. In the case of disclosures made before the date of consummation, the creditor need not provide updated disclosures at consummation unless the annual percentage rate has changed beyond certain limits.

Section 226.18—Content of disclosures.

General.

1. *As applicable.* The disclosures required by this section need be made only as applicable. Any disclosure not relevant to a particular transaction may be eliminated entirely. For example:

- In a loan transaction, the creditor may delete any disclosure of the total sale price.
- In a credit sale requiring disclosure of the total sale price under paragraph (j), the creditor may delete any reference to a downpayment where no downpayment is involved.

Where the amounts of several numerical disclosures are the same, the "as applicable" language also permits creditors to combine the terms, so long as it is done in a clear and conspicuous manner. For example:

- If in a particular transaction the amount financed equals the total of payments, the creditor may disclose "amount financed/total of payments," together with descriptive language, followed by a single amount.
- However, if the terms are separated on the disclosure statement and separate space is provided for each amount, both disclosures must be completed, even though the same amount is entered in each space.

2. *Appendix H.* The format to be used in making these disclosures, as well as acceptable modifications, is discussed in the commentary to Appendix H.

18(a) Creditor.

1. *Creditor identity.* The creditor making the disclosures must be indentified. Use of the creditor's name is sufficient, but the creditor may at its option include an address or telephone number. As noted in the commentary to § 226.17(d), in transactions where there are multiple creditors, any one of them may make the disclosures; the one doing so must be identified.

18(b) Amount financed.

1. *Amount financed.* The net amount of credit extended must be disclosed using the term "amount financed" and a descriptive explanation similar to the phrase in the regulation. The discriptive explanation may be further revised to reflect a variable rate feature.

2. *Add-on or discount charges.* Under paragraph (b), all finance charges must be deducted from the amount of credit in calculating the amount financed. If the principal loan amount reflects finance charges that meet the definition of a prepaid finance charge in § 226.2, those charges would be included in the paragraph (b)(1) amount and deducted under paragraph (b)(3). However, if the principal loan amount includes finance charges that do not meet the definition of a prepaid finance charge (such as add-on or discount interest added to the face amount of the obligation), the amount referred to in paragaph (b)(1) must exclude those finance charges. The following examples illustrate the application of paragraph (b) to these types of transactions. Each example assumes a loan request of $1000 for one year, subject to a 6% precomputed interest rate, with a $10 loan fee collected at consummation.

- The creditor assesses add-on interest of $60 which is added to the $1000 in loan proceeds for an obligation with a face amount of $1060. The principal for purposes of paragraph (b)(1) is $1000; no amounts are added under paragraph (b)(2), and the $10 loan fee (a prepaid finance charge) is deducted under paragraph (b)(3). The amount financed is $990.
- The creditor assesses discount interest of $60 and distributes $940 to the consumer, who is liable for an obligation with a face amount of $1000. The principal under paragrph (b)(1) is $940, which results in an amount financed of $930, after deduction of the $10 prepaid finance charge under paragraph (b)(3).
- The creditor assesses $60 in discount interest by increasing the face amount of the obligation to $1060, with the consumer receiving $1000. The principal under paragraph (b)(1) is thus $1000 and the amount financed $990, after deducting the $10 prepaid finance charge under paragraph (b)(3).

3. *Downpayments.* "Downpayment" includes any pick-up payment that meets the § 226.2 definition of downpayment. A creditor has the option of treating a deferred downpayment as part of the downpayment if that deferred payment meets the criteria set forth in the definition. Deferred downpayments that are not treated as part of the downpayment (either because they do not meet the definition or because the creditor simply chooses not to treat them as downpayments) are included in the amount financed. Deferred downpayments that meet the definition and that are treated as such

are not part of the amount financed under paragraph (b)(1).

4. *Rebates and loan premiums.* In a loan transacton, the creditor may offer a premium in the form of cash or merchandise to prospective borrowers. Similarly, in a credit sale transaction, a seller's or manufacturer's rebate may be offered to purchasers of the creditor's goods or services. Amounts such as these need not be reflected in the amount financed but they may, at the creditor's option, be include in the Truth in Lending disclosures. If the creditor chooses to reflect them in the disclosures, rather than disregarding them, they may be treated in any manner. To illustrate, if a consumer decides to apply a seller's rebate to the price of the goods, the creditor may, for example, include the amount in the downpayment disclosed as part of the total sale price, although it need not reflect the rebate in the disclosures at all.

5. *Adding other amounts. Paragraph (b)(2)* refers to fees or other charges that are not part of the finance charge, to the extent that the consumer decides to finance them rather than pay them separately at consummation of the transaction. Typical examples are real estate settlement charges and premiums for voluntary credit life and disability insurance excluded from the finance charge under § 226.4. Paragraph (b)(2) does not include any amounts already accounted for under paragraph (b)(1), such as taxes, tag and title fees, or the cost or accessories or service policies that the creditor includes in the cash price.

6. *Prepaid finance charges. Paragraph (b)(3)* requires the deduction of any prepaid finance charge from the amount financed. This computational step should not duplicate any subtraction accounted for under paragraph (b)(1).

18(c) Itemization of amount financed.

1. *Creditor option.* A written itemization of the amount financed must be provided at the consumer's request. Creditors may provide a written itemization of the amount financed as a matter of course, without awaiting a request from the consumer. If the creditor chooses not to provide an itemization as a matter of course, the disclosures must include a statement of the consumer's right to receive the itemization.

2. *Categories.* The categories described in paragraph (c) provide general guidance for the information required by that paragraph.

- Each category may be further itemized.
- Categories need not be labelled using the specific language in paragraph (c).
- Categories are not mutually exclusive. At the creditor's option, an amount may be shown more than once in the itemization, so long as properly identified. For example, a credit report fee may be both a prepaid finance charge under paragraph (c)(1)(iv) and an amount paid to a third person under paragraph (c)(1)(iii).

3. *Amounts paid to consumer. Paragraph (c)(1)(i)* encompasses funds given to the consumer in the form of cash or a check, as well as funds placed in an asset account. It may include money in an interest-bearing account even if that amount is considered a required deposit under paragraph (r). For example, in a transaction with total loan proceeds of $500, the consumer receives a check for $300 and $200 is required by the creditor to be put into an interest-bearing account. Whether or not the $200 is a required deposit, it is part of the amount financed. At the creditor's option, it may be broken out and labelled in the itemization of the amount financed.

4. *Amounts credited to consumer's account. Paragraph (c)(1)(ii)* includes amounts such as a credit sale balance with the creditor or an unpaid balance on a prior loan with that creditor. The term "consumer's account" refers only to a debt account and not to an asset account.

5. *Amounts paid to others. Paragraph (c)(1)(iii)* includes, for example, tag and title fees; amounts paid to insurance companies for credit life and disability insurance premiums; security interest fees, and amounts paid to credit bureaus, appraisers or public officials. Third parties must be identified by name, except as footnote 40 provides. Under that footnote, public officials or government agencies, credit reporting agencies, appraisers and insurance companies may be generically identified with phrases such as "credit bureau" or "state agency."

6. *Prepaid finance charge. Paragraph (c)(1)(iv)* requires disclosure of prepaid finance charges, as defined in § 226.2. The prepaid finance charges must be shown as a total amount but may, at the creditor's option, also be further itemized and described. All amounts must be reflected in this total, even if portions of the prepaid finance charge are also reflected elsewhere. For example, if at consummation the creditor collects interim interest of $30 and a credit report fee of $10, a total prepaid finance charge of $40 must be shown. At the creditor's option, the credit report fee paid to a third party may also be shown elsewhere as a paragraph (c)(1)(iii) amount. The creditor may also further describe the two components of the prepaid finance charge, although no itemization of this element is required by paragraph (c)(1)(iv).

7. *Additional information.* This paragraph establishes only a minimum standard for the itemization of the amount financed. The creditor may include information in the itemization reflecting payments that are not part of the amount financed. For example, certain insurance premiums that are paid by the consumer to the creditor may not be financed. At the creditor's option, more information may be included in the itemization, such as additional categories or a mathematical progression that depicts the arithmetic relationship of the terms. Appendix H contains a model form for the itemization of the amount financed.

8. *RESPA transactions.* The Real Estate Settlement Procedures Act (RESPA) requires creditors to provide good faith estimates of closing costs similar to the amount financed itemization. Transactions subject to RESPA are exempt from the requirements of paragraph (c), so long as the creditor complies with the good faith estimates requirement of RESPA.

18(d) Finance charge.

1. *Disclosure required.* The creditor must disclose the finance charge as a dollar amount, using the term "finance charge," and must include a brief description similar to that in paragraph (d). The creditor may further modify the descriptor for variable rate transactions. The finance charge may be shown on the disclosures only as a total amount; the elements of the finance charge may not be itemized in the segregated disclosures.

2. *Tolerance.* A tolerance for the finance charge is provided in footnote 41. The disclosed finance charge will be considered accurate if it is not more than $5 above or below the exact finance charge in a transaction involving an amount financed of $1,000 or less, or not more than $10 above or below the exact finance charge where the amount financed exceeds $1,000.

18(e) Annual percentage rate.

1. *Disclosure required.* The creditor must disclose the cost of the credit as an annual rate, using the term "annual percentage rate," plus a brief descriptive phrase comparable to that used in paragraph (e). For variable rate transactions, the descriptor may be further modified. Under § 226.17(b), disclosures of the annual percentage rate and finance charge must be more

conspicuous than the other required disclosures.

2. *Exception. Footnote 42* calls attention to an exception for certain transactions involving maximum finance charges of $5 or $7.50 and amounts financed up to, or over, $75, respectively. No annual percentage rate disclosure is required for these transactions.

18(f) Variable rate.

1. *Coverage.* The requirements of this paragraph apply to all transactions in which the credit contract allows the creditor to increase the rate orginally disclosed to the consumer during the term of the loan. The provisions, however, do not apply to increases resulting from delinquency (including late payment), default, assumption, acceleration or transfer of the collateral.

2. *Basis for disclosures.* For transactions subject to the requirements of this paragraph the disclosures must be given for the full term of the transaction and must be based on the rate in effect at the time of consummation.

3. *Circumstances, limitations, effects.* The "circumstances," referred to in *paragraph (f)(1),* under which the rate may increase would include identification of any index to which the rate is tied, as well as any conditions or events on which the increase is contingent. The "limitations" called for by *paragraph (f)(2)* refer to any maximum imposed on the amount of an increase at any time, as well as any maximum on the total increase over the life of the transaction. They do not include legal limits in the nature of usury or rate ceilings under state of federal statutes or regulations. Disclosure of the effect of an increase under *paragraph (f)(3)* refers to an increase in the number or amounts of payments or an increase in the final payment.

4. *Hypothetical example.* The hypothetical increase required in *paragraph (f)(4)* must be given in all variable rate transactions. At the creditor's option, the disclosed hypothetical may be either general or transaction-specific—that is, the creditor may provide a standard example that represents the general type of credit offered by the creditor or an example that directly reflects the terms and conditions of the particular transaction. The model forms in Appendix H provide examples of the disclosures required by this paragraph.

5. *Other variable rate regulations.* Transactions in which the creditor is required to comply with and has complied with variable rate regulations of other federal agencies are exempt from the requirements of this paragraph. Those regulations include the adjustable mortgage loan instrument regulation issued by the Federal Home Loan Bank Board (12 CFR Part 545.6–4(a)) and the adjustable-rate mortgage regulation issued by the Comptroller of the Currency (12 CFR Part 29).

6. *Examples of variable rate mortgages.* The following mortgage transactions constitute variable rate transactions:

- Renegotiable rate mortgage instruments that involve a series of short-term loans secured by a long-term mortgage, where the lender is obligated to renew the short-term loans at the consumer's option. At the time of renewal, the lender has the option of increasing the interest rate. Disclosures must be given for the term of the mortgage with all disclosures calculated on the basis of the rate in effect at the time of consummation of the transaction.
- "Shared equity" or "shared appreciation" mortgages that bear a fixed rate of interest and contingent interest based on the consumer's equity in the mortgage property. The contingent interest is payable in a lump sum at a specified time. Disclosures must be based on the fixed interest rate; the shared appreciation feature, including the conditions for its imposition, the time at which it would be collected, and the limitation on the creditor's share, must be described under paragraph (f). (As discussed in § 226.2, other types of shared-equity arrangements are not considered "credit" and are not subject to Regulation Z.)

Graduated payment mortgages and step-rate mortgages are *not* considered variable rate transactions.

18(g) Payment schedule.

1. *Amounts included in repayment schedule.* For purposes of this paragraph, the repayment schedule should reflect all components of the finance charge, not merely the portion attributable to interest. The payments may include amounts beyond the amount financed and finance charge. For example, the disclosed payments may, at the creditor's option, reflect certain insurance premiums where the premiums are not part of either the amount financed or the finance charge, as well as real estate escrow amounts such as taxes added to the payment in mortgage transactions.

2. *Demand obligations.* Under *paragraph (g)(1),* in demand obligations with no alternate maturity date, the creditor has the option of disclosing only the due dates or periods of scheduled interest payments in the first year. A disclosure of "interest payable quarterly" or "interest due the first of each month" would satisfy the requirements of paragraph (g)(1). Other disclosures required by this paragraph need not be given for those transactions.

3. *Abbreviated disclosure. Paragraph (g)(2)* permits creditors to disclose an abbreviated payment schedule where the amount of each regularly scheduled payment (other than the first or last payment) includes an equal amount to be applied on principal and a finance charge computed by application of a rate to the decreasing unpaid balance. This option is also available where mortgage guarantee insurance premiums, included in the finance charge, create variations in the amount of the scheduled payments. The mortgage insurance premiums, paid either monthly or annually, cause variations in the amount of the payments scheduled, reflecting the annual decrease in the premium due. In the abbreviated payment schedule, the creditor must disclose the dollar amount of the highest and lowest payments and a reference to the variation in payments

4. *Combined payment schedule disclosures.* Creditors may combine the *paragraph (g)(2)* option with the general payment schedule requirements in transactions where only a portion of the payment schedule meets the conditions of paragraph (g)(2). For example, in a graduated payment mortgage where payments rise sharply for five years and then decline over the 25 years because of decreasing mortgage insurance premiums, the first five years would be disclosed under the general rule in paragraph (g) and the next 25 years according to the abbreviated schedule in paragraph (g)(2).

5. *Effect on other disclosures. Paragraph (g)(2)* applies only to the payment schedule disclosure. The actual amounts of payments must be taken into acount in calculating an disclosing the finance charge and the annual percentage rate.

6. *Downpayment/pickup payments.* As discussed in § 226.2, deferred downpayments or "pick-up payments" that meet the conditions set forth in the difinition of downpayment may be created as part of the downpayment. Even if treated as a downpayment, that amount may nevertheless be disclosed as part of the payment schedule, at the creditor's option.

18(h) Total of payments.

1. *Calculation of total of payments.* The total of payments is the sum of the payments disclosed under paragraph (g). For example, if the creditor disclosed a

deferred portion of the downpayment as part of the payment schedule, that payment must be reflected in the total disclosed under this paragraph.

2. *Descriptor.* The descriptive phrase required for the total of payments may be revised to reflect a variable rate feature.

3. *Exception.* Footnote 44 permits creditors to omit disclosure of the total of payments in single-payment transactions. This exception does not apply to a transaction calling for a single payment of principal combined with periodic payments of interest.

4. *Demand obligations.* In demand obligations with no alternate maturity date, if the payment schedule is disclosed under paragraph (g)(1), the creditor is not required to disclose the total of payments.

18(i) Demand feature.

1. *Disclosure requirements.* In demand obligations where the disclosures are based on an assumed maturity of one year under § 226.17(c)(5), that fact must also be stated. The disclosure requirements of this provision apply not only to transactions payable on demand from the outset but also to transactions that are not payable on demand at the time of consummation but convert to a demand status after a stated period.

2. *Covered demand features.* The type of demand feature triggering the disclosures required by paragraph (i) is intended to include only those demand features contemplated by the parties as part of the agreement. For example, this provision does not apply to transactions which convert to a demand status as a result of the consumer's default.

3. *Relationship to payment schedule disclosures.* As provided in paragraph (g)(1), in demand obligations with no alternate maturity date, the creditor need only disclose the due dates or payment periods of any scheduled interest payments for the first year. If the demand obligation states an alternate maturity, however, the disclosed payment schedule must reflect that stated term; the special rule in paragraph (g)(1) is not available.

18(j) Total sale price.

1. *Disclosure.* In a credit sale transaction, the "total sale price" must be disclosed using that term along with a descriptive explanation similar to the one in the regulation. The figure to be disclosed is the sum of the cash price, other charges calculated under paragraph (b)(2), and the finance charge disclosed under paragraph (d). The reference to a downpayment may be eliminated in transactions calling for no downpayment.

18(k) Prepayment.

1. *Disclosure.* The disclosure requirements in paragraph (k) apply to any prepayment, whether voluntary or involuntary, as in the case of prepayments resulting from acceleration. If a penalty or refund is possible for any type of prepayment, even though not for all, a positive disclosure is required. Any difference in rebate or penalty policy, depending on whether prepayment is voluntary or not, may not be disclosed with the segregated disclosures.

2. *Penalty. Paragraph (k)(1)* includes only those transactions in which the interest calculation takes account of each reduction in principal. In simple interest transactions, the creditor must indicate either that prepayment is subject to a penalty, or that it is not. The term "penalty" as used here encompasses only those charges that are assessed strictly because of the prepayment in full of the obligation, as an addition to all other amounts. Items which are *not* penalties include:

- Prepaid finance charges assessed at the outset of the transaction, such as points in a mortgage loan.
- Use of Rule of 78's method to determine rebate.

However, a minimum finance charge in a simple interest transaction is a penalty.

3. *Rebate of finance charge. Paragraph (k)(2)* applies to any finance charges that do not involve the application of a rate to a declining balance. It includes not only typical precomputed finance charges such as add-on rates, but also charges that take account of some but not all reductions in principal. For example, certain mortgage insurance premiums are assessed on the basis of an annual outstanding balance, although payments are made and principal reduced monthly. Thus, they are calculated on the basis of a declining annual principal balance, but they do not take into account each monthly reduction in principal. As in paragraph (k)(1), the creditor must indicate either that the consumer may or may not receive a rebate of finance charge upon prepayment. No description of the method of computing earned or unearned finance charges is required or permitted as part of the segregated disclosures under this section, although such information may be povided elsewhere in the contract.

4. *Rebate-penalty disclosure.* Some transactions involve both a precomputed finance charge and a finance charge computed by application of a rate to the unpaid balance. In these cases, disclosures about both prepayment rebates and penalties are required. Examples of this type of transaction are simple interest student loans with loan guarantee insurance, and mortgages with mortgage guarantee insurance, if the insurance premiums are not computed strictly by application of a rate to a declining balance, disclosures under paragraph (k)(2) are required with regard to that portion of the obligation, while a prepayment penalty must be disclosed for the simple interest porttion under paragraph (k)(1)

18(1) Late payment.

1. *Definition.* This paragraph refers only to charges added to individual dilinquent installments by a creditor who otherwise considers the transaction ongoing on its original terms. Late payment charges do not include:

- The right of acceleration.
- Fees imposed for actual collection costs, such as repossession charges or attorney's fees assessed prior to maturity.
- Deferal and extension charges.
- The continued accrual of simple interest at the contract rate after the payment due date.

2. *Alternative disclosure.* Many state laws permit the assessing of late charges on the basis of a percentage, not to exceed a certain dollar limit. This alternative approach may be used in complying with paragraph (1). For example, stating that the charge in the event of a late payment is 5% of the late amount, not to exceed $5.00, is sufficient.

18(m) Security interest.

1. *Purchase money transactions.* The property covered by the security interest must be identified. If the collateral is the item purchased as part of, or with the proceeds of, the credit transaction, paragraph (m) requires only a general identification such as "the property purchased in this transaction." Any tranaction in which the credit is being used to purchase the collateral is considered a purchase money transaction and the more abreviated property identification disclosure required for these types of transactions may be used, whether the obligation is considered a loan or a credit sale.

2. *Non-purchase money transactions.* In non-purchase money transactions, the property subject to the security interest must be identified by "item or type." This disclosure is satisfied by a general disclosure of the category of property subject to the security interest, such as "household goods," "motor vehicles, " or "securities." At the creditor's option, however, a more precise identification of the goods may be provided.

3. *Mixed collateral.* In some transactions in which the credit is used to purchase collateral, the creditor may also take other property of the consumer as security. A combination of the general identification of the property purchased in the transaction, and more specific identification of the other collateral should be provide.

4. *After-acquired property.* After-acquired property clauses are not security interests and are not to be disclosed under paragraph (m).

5. *Spreader clause.* The fact that collateral for pre-existing credit with the institution is being used to secure the present obligation constitutes a security interest and must be disclosed. A specific identification of that collateral is unnecessary but a reminder of the interest arising from the prior indebtedness is required. The disclosure can be accomplished by language such as "collateral securing other loans with us may also secur this loan." At the creditor's option, a more specific description of the property involved may be given.

18(n) Insurance.

1. *Location.* This disclosure is one of four terms in § 226.18 that may appear apart from the other disclosures. It may appear with any other information, including the amount financed itemization, any information prescribed by state law, or other supplementary material. If this information is disclosed with the other segregated disclosures, however, no additional explanatory material may be included.

18(o) Certain security interest charges.

1. *Format.* No special format is required for these disclosures; under § 226.4(e), taxes and fees paid to government officials with respect to a security interest may be aggregated, or may be broken down by individual charge. Like the disclosures called for in paragraphs (a), (f), and (n) of this section, this disclosure is one of four which may appear, at the creditor's option, apart from the other required transactional disclosures.

18(p) Contract reference.

1. *Content.* Creditors may substitute, for the phrase "appropriate contract document," a reference to specific transaction documents in which the additional information is found, such as "promissory note" or "retail installment sale contract."

18(q) Assumption policy.

1. *Policy statement.* Since a creditor's assumption policy may be based on a variety of circumstances not determinable at the time the disclosure is made, the creditor may use phrases such as "subject to conditions" or under certain circumstances" in complying with paragraph (q). The provision requires only that the consumer be told whether or not a subsequent purchaser might be allowed to assume the obligation on its original terms and does not contemplate any explanation of the criteria of conditions for assumability.

2. *Original terms.* "Original terms" for purposes of paragraph (q) would not preclude the imposition of an assumption fee, but a modification of the basic credit agreement, such as a change in the contract interest rate, would represent different terms.

18(r) Required deposit.

1. *Definition.* This provision requires creditors to inform consumers of the presence of a required deposit and its potential effect on the cost of credit, but eliminates the requirement that the deposit be included in calculation of the annual percentage rate. The footnote to this paragraph sets forth three types of deposits that need not be considered required deposits subject to the disclosure. Use of the phrase "need not" permits creditors to include the disclosure required by paragraph (r) even in cases where there is doubt as to whether the deposit constitutes a "required deposit" within the meaning of the paragraph.

2. *Escrow accounts.* The first exception is not limited to real estate transactions, nor is it restricted to escrows for taxes and insurance. For example, the escrow account may be for maintenance fees (such as condominium fees) or for repairs, as in the case of completion escrows.

3. *Savings accounts.* The second exception is for deposits that earn at least 5 per cent per year. Where the consumer receives more than nominal interest on the deposit, that amount need not be viewed as a required deposit. This exception applies whether the deposit is held by the creditor itself or by a third party.

4. *Morris Plan transactions.* The third exception is for Morris Plan transactions. This is a deposit balance that will be wholly applied toward satisfaction of the consumer's obligation in the transaction.

5. *Examples.* The following situations need *not* be treated as required deposits:

- Requirement that a borrower be a customer or a member even if there is a fee or a minimum balance involved.
- Deposits that are immediately available to the consumer.
- Required property insurance escrow on a mobile home transaction.
- Refund of interest when the obligation is paid in full.
- Escrow of condominium fees.
- Funds deposited with the creditor to be disbursed (for example, for construction) before the loan proceeds are advanced.
- Escrow of loan proceeds to be released when the repairs are completed.

This list is not intended to be all-inclusive but rather to give guidance in determining whether a deposit is a required deposit for purposes of this paragraph.

6. *Certificate of deposit.* "Loophole" accounts, where a portion of the funds necessary for the purchase of a certificate of deposit is advanced to the consumer by the issuing institution, are not required deposits. This assumes that the portion contributed by the consumer is subject to an interest rate of more than 5 percent.

References

Statute: § 128.

Other sections: §§ 226.2; 226.17, and Appendix H.

Previous regulation: §§ 226.4 and 226.8.

1981 changes: Five of the required disclosures must be explained to the consumer in a manner similar to the descriptive phrases shown in the regulation. A written itemization of the amount financed need not be provided unless the consumer requests it. The finance charge must be provided in all transactions, including real estate transactions. The finance charge may not and must not be itemized as part of the required disclosures. The disclosed finance charge is considered accurate if it is within the $5 or $10 tolerance provided according to the size of the transaction.

The variable rate hypothetical is required in all transactions and may be either general or transaction-specific. The penalty and rebate disclosures in the event of prepayment have been modified and combined. The requirement of an explanation of how the rebates or penalties are computed has been eliminated. The late payment disclosure has also been narrowed to include only late charges imposed before maturity, excluding deferral and extension charges.

The information required in the security interest disclosure has been decreased. The type of security interest is no longer required and the property description requirement has been reduced.

Two disclosure requirements have been added. The disclosures must refer to the contract documents for additional information not contained in the body of the disclosure. The creditor must

provide a general statement of its assumption policy in a residential mortgage transaction.

The disclosure of the required deposit is limited to a statement that the annual percentage rate does not reflect the required deposit. The required deposit no longer is used in the computation of the annual percentage rate.

Section 226.19—Certain residential mortgage transaction.

19(a) Time of disclosure.

1. *Coverage.* This section requires early disclosure of credit terms in residential mortgage transactions that are also subject to the Real Estate Settlement Procedures Act (RESPA) and its implementing Regulation X, administered by the Department of Housing and Urban Development (HUD). To be covered by this section, a transaction must be both a "residential mortgage transaction" under § 226.2 and a "federally related mortgage loan" under RESPA.

2. *Timing and use of estimates.* Truth in Lending disclosures must be given within three business days after the creditor's receipt of a consumer's written application or by consummation, whichever is earlier. The three-day period for disclosing credit terms coincides with the time period within which creditors subject to RESPA must provide good faith estimates of settlement costs. If a creditor does not know the precise credit terms, the creditor must base the disclosures on the best information reasonably available and indicate that the disclosures are estimates under § 226.17(c)(2). If all of the disclosures are estimates, the creditor may include a statement to that effect, instead of separately labelling each estimate. The creditor may provide on a separate document or on the same document (but separate from the required disclosures) explanatory material concerning the estimates and the contingencies that may affect the actual terms.

3. *Written application.* Creditors should look to RESPA and Regulation X (including any interpretations issued by HUD) in deciding whether a "written application" has been received. Depending on HUD interpretations, committing any information to writing may be enough to constitute a "written application"—for example, writing down information received by telephone from or about an applicant. But, subject to HUD interpretations, a mere telephone or other oral inquiries is not an application if the creditor puts nothing in writing. If a creditor uses written applications, the creditor receives an application when it reaches the creditor in any of the ways applications are normally transmitted—by mail, hand-delivery, or through an intermediary agent of broker.

4. *Exceptions.* If the creditor knows within the three-day period that no credit transaction will occur, the creditor need not make the disclosures under this section. For example, if a consumer applies for a type or amount of credit which the creditor does not offer, or if the consumer's application cannot be approved, no purpose would be served by credit cost disclosures. If, however, the creditor fails to provide early disclosures and the transaction is later consummated, the creditor will be in violation of this provision.

5. *Itemization of amount financed.* In many residential mortgage transactions, the itemization of the amount financed required by § 226.18(c) will contain items that also must be disclosed as part of the good faith estimates of settlement costs required under RESPA. Typical settlement costs, such as origination fees or points, would be disclosed under both RESPA and this regulation. In order to eliminate these duplicative disclosures, creditors furnishing the RESPA good faith estimates need not give consumers an itemization of the amount financed, either with the disclosures provided three days after application or with the disclosures given at consummation or settlement.

19(b) Rediscloure required.

1. *Conditions for redisclosure.* Creditors must make new disclosures if the annual percentage rate at consummation changes from that originally disclosed by more than ⅛ of one percentage point in regular transactions or ¼ of one percentage point in irregular transactions, as defined in § 226.22. A creditor must also redisclose if a variable rate feature is added to the credit terms after the original disclosures have been made.

2. *Content of new disclosures.* If redisclosure is required, the creditor may provide a complete set of new disclosures, or may redisclose only the terms that have changed. If the creditor chooses to disclose only the changed terms, all the terms that have changed must be included in the new disclosures. For example, a change in the annual percentage rate will almost always produce changes in the finance charge, and often in the schedule of payments; these changes would have to be disclosed. If, in addition, changes have occurred in any unrelated terms, such as the amount financed or prepayment penalty, these would also have to be disclosed. However, no new disclosures are required if the *only* changes involve terms other than the annual percentage rate or the addition of a variable rate feature.

3. *Timing.* Redisclosures, when necessary, must be given before "consummation or settlement," whichever is later. "Consummation" is defined in § 226.2, and "settlement" is subject to any interpretations issued under RESPA and Regulation X.

References

Statute: § 128(b)(2).

Other sections: §§ 226.2; 226.17 and 226.22.

Other regulatory provisions: Real Estate Settlement Procedures Act (12 U.S.C. 2802) and Regulation X (24 CFR § 3500.2(a) and 3500.5).

Previous regulation: None.

1981 changes: This section is new, to implement the "early disclosure" amendment in § 128(b)(2) of the act.

Section 226.20—Subsequent disclosure requirements.

20(a) Refinancings.

1. *Definition.* A "refinancing" is a new transaction requiring a complete new set of disclosures. Whether a refinancing has occurred is determined by reference to whether the original obligation has been satisfied or extinguished and replaced by a new obligation, based on the parties' contract and applicable law. The refinancing may involve the consolidation of several existing obligations, disbursement of new money to the consumer or on the consumer's behalf, or the rescheduling of an existing payment obligation. In any form, the new obligation must completely replace the prior one. Thus, changes in the terms of an existing obligation, such as the deferral of individual installments, will not constitute a refinancing unless accomplished by the cancellation of that obligation and the substitution of a new obligation. Under the same test, however, a substitution of agreements that meets the refinancing definition will require new disclosures, even if the substitution does not substantially alter the prior credit terms.

2. *Exceptions.* A transaction is subject to this paragraph only if it meets the general definition of a refinancing. Paragraph (a)(1) through (5) lists five events which are not to be considered refinancings, even though they may otherwise meet the general definition.

3. *Renewal.* In determining whether the original terms apply to a renewal under *paragraph (a)(1),* the creditor may disregard the addition of accrued unpaid interest to the principal balance and changes in the term of renewal resulting from the factors listed in § 226.17(c)(3), such as the occurrence of leap year or

the varying number of days in months. This exception is available only if Truth in Lending disclosures were made on the earlier transaction.

4. *Annual percentage rate reduction. Paragraph (a)(2)* exempts a reduction in the annual percentage rate with a corresponding change in the payment schedule. If the rate is subsequently increased, even though it remains below its original level, new disclosures must then be made, if the increase is effected in a way that meets the general refinancing definition.

5. *Court agreements.* The exception under *paragraph (a)(3)* includes, for example, agreements approved by a court and reaffirmations of debts discharged in bankruptcy.

6. *Workout agreements. Paragraph (a)(4)* excepts workout agreements other than those in which the annual percentage rate is increased or additional credit advanced beyond amounts already accrued plus insurance premiums.

7. *Insurance renewal. Paragraph (a)(5)* exempts the renewal of optional insurance added to an existing credit transaction, assuming that appropriate Truth in Lending disclosures were provided for the initial purchase of the insurance.

8. *Variable rate.* If a variable rate feature was properly disclosed under the regulation, a rate change in accord with those disclosures is not a refinancing. For example, a renegotiable rate mortgage that was disclosed as a variable rate transaction is not subject to new disclosure requirements when the variable rate feature is invoked. However, if the variable rate feature was not previously disclosed, a later change in the rate is considered a new transaction subject to new disclosures.

9. *Unearned finance charge.* In a transaction involving precomputed finance charges, the creditor must include in the finance charge on the refinanced obligation any unearned portion of the original finance charge that is not rebated to the consumer or credited against the underlying obligation. For example, in a transaction with an add-on finance charge, a creditor advances new money to a consumer in a fashion that extinguishes the original obligation and replaces it with a new one. The creditor neither refunds the unearned finance charges on the original obligation to the consumer nor credits it to the remaining balance on the old obligation. Under these circumstances, the unearned finance charge must be included in the finance charge on the new obligation and reflected in the annual percentage rate disclosed on refinancing.

20(b) Assumptions.

1. *General definition.* An assumption as defined in this paragraph is a new transaction and new disclosures must be made to the subsequent consumer. An assumption under the regulation requires the following three elements:

- A residential mortgage transaction.
- An express acceptance of the subsequent consumer by the creditor.
- A written agreement.

2. *Express agreement.* "Expressly agrees" means that the creditor's agreement must relate to the specific new debtor, and must unequivocally accept that debtor as a primary obligor. The following events are not construed to be express agreements between the creditor and the subsequent consumer:

- Approval of creditworthiness.
- Notification of a change in records.
- Mailing the subsequent consumer a coupon book.
- Acceptance of payments from the new consumer.

3. *Retention of original consumer.* The retention of the original consumer as an obligor in some capacity doe not prevent the change from constituting an assumption under this provision, provided the new consumer becomes a primary obligor. But the mere addition of a guarantor to an obligation for which the original consumer remains primarily liable does not give rise to an assumption.

4. *Status of parties.* Paragraph (b) applies only if the previous debtor was a consumer and the obligation is assumed by another consumer. It does not apply, for example, when an individual takes over the obligation of a corporation.

5. *Assumption fee.* The imposition of additional charges does not by itself exclude a transaction from the assumption definition. For example, an assumption fee may be charged and the assumption may remain subject to this paragraph.

6. *Disclosures.* For transactions that are assumptions within this provision, the creditor must make disclosures based on the "remaining obligation."

- The amount financed is the remaining principal balance plus any arrearages of other accrued charges from the original transaction.
- If the finance charge is computed from time to time by application of a percentage rate to an unpaid balance, in determining the amount of the finance charge and the annual percentage rate to be disclosed, the creditor should disregard any prepaid finance charges paid by the original obligor, but must include in the finance charge any prepaid finance charge, such as an assumption fee or transfer fee, imposed in connection with the assumption.
- If the creditor requires the assuming consumer to pay any charges as a condition of the assumption. Those sums are prepaid finance charges as to that consumer.

If a transaction involves add-on or discount finance charges, the creditor may make abbreviated disclosures, as outlined in *paragraph (b)(1) through (5).*

References

Statute: None.
Other sections: § 226.2.
Previous regulation: § 226.8(j), (k) and (l), Interpretation §§ 226.807, 226.811, 226.814, and 226.817.
1981 changes: Where the previous regulation treated virtually any change of terms as a refinancing requiring new disclosures, this regulation limits refinancings to transactions in which the entire original obligation is extinguished and replaced by a new one. Redisclosure is no longer required for deferrals or extensions.

The assumption provision retains the substance of the rule under the previous regulation, but coverage is limited to residential mortgage transactions.

Section 226.21—Treatment of credit balances.

1. *Credit balance.* A "credit balance" arises whenever the creditor receives or holds funds in an account in excess of the total balance due from the consumer on that account. It may come about from overpayment by the consumer, from the crediting of rebates of unearned finance charges or insurance premiums, or from other amounts owed to or held for the consumer with respect to that account, such as credits for returned merchandise. With respect to closed-end credit, this could result from the debtor's paying off a loan by transmitting funds in excess of the total balance owed on the account, and the early payoff of a loan entitling the consumer to a rebate of insurance premiums and finance charges.

2. *Total balance due.* The phrase "total balance due" refers to the total outstanding balance. Thus, this provision does not apply where the consumer has simply paid an amount in excess of the installment payment or the minimum payment due for a given period.

3. *Relation to other law.* Whether the creditor in fact owes or holds sums for the consumer must be determined under the contract between the parties or by local law. For example, if a creditor has no obligation to rebate any portion of precomputed finance charges on

prepayment, the consumer's early payoff may not create a credit balance with respect to those charges. Similarly, nothing in this provision interferes with any rights the creditor may have under the contract or under state law with respect to set-off, cross collaterization, or similar provisions. For example, a lender may be entitled by state law to apply an overpayment on one account against a delinquent balance on another account; those rights are not preempted by this provision.

4. *Time of refund.* If a credit balance remains in the account for more than six months, the creditor must make a good faith effort to return it to the consumer. No request from the consumer is necessary to trigger this duty. "Good faith effort" requires reasonable but not extraordinary effort; the provision contemplates that when the consumer's current location is not known by the creditor, the minimum tracing requirement will include use of the consumer's last known address and telephone number. Thus, a creditor would be expected to try to reach the consumer by mail and by telephone before considering the consumer untraceable. The creditor may voluntarily refund the credit balance before the six months have run, but if efforts to do so have been unsuccessful, the creditor must still make the required good faith tracing effort after six months.

5. *Unclaimed balance.* If the consumer cannot be traced, the disposition of the credit balance remaining in the account after six months is a matter of state or other applicable law. The law may require those sums to escheat to the state, or may permit the creditor to retain them, or require some other disposition. Nothing in this provision authorizes the creditor to treat any credit balance (even one less than $1) as income or otherwise appropriate it.

References

Statute: § 165.
Other sections: None.
Previous regulation: None.
1981 changes: This section implements § 165 of the Act, which was expanded by the 1980 statutory amendments to apply to closed-end as well as open-end credit.

Section 226.22—Determination of the annual percentage rate.

22(a) Accuracy of the annual percentage rate.

1. *Calculation method.* The regulation recognizes both the actuarial method and the United States Rule Method (U.S. Rule) as measures of an exact annual percentage rate. Both methods yield the same annual percentge rate when payment intervals are equal. They differ in their treatment of unpaid accrued interest.

2. *Actuarial method.* When no payment is made, or when the payment is insufficient to pay the accumulated finance charge, the actuarial method requires that the unpaid finance charge be added to the amount financed and thereby capitalized. Interest is computed on interest since in succeeding periods the interest rate is applied to the unpaid balance including the unpaid finance charge. Appendix J provides instructions and examples for calculating the annual percentage rate using the actuarial method.

3. *U.S. Rule.* The U.S. Rule produces no compounding of interest in that any unpaid accrued interest is accumulated separately and is not added to principal. In addition, under the U.S. Rule, no interest calculation is made until a payment is received.

4. *Tolerances.* The annual percentage rate must be disclosed either as an exact figure or as one which varies, in either direction, by no more than the tolerances set forth in *paragraph (a)(2) and (3).*

5. *Regular transactions. Under paragraph (a)(2),* an annual percentage rate for a regular transaction is considered accurate if it varies in either direction by not more then ⅛ of 1 percentage point from the actual annual percentage rate. For example, when the exact annual percentage rate is determined to be 10⅛%, adisclosed annual percentage rate from 10% to 10¼%, or the decimal equivalent, is deemed to comply with the regulation.

6. *Irregular transactions. Paragraph (a)(3)* permits a ¼ of 1 percentage point tolerance for irregular transactions. This tolerance is intended for more complex transactions that do not call for a single advance and a regular series of equal payments at equal intervals. The ¼ of 1 percentage point tolerance may be used, for example, in a construction loan where advances are made as construction progresses, or in a transaction where payments vary to reflect the consumer's seasonal income. It may also be used in transactions with graduated payment schedules where the contract commits the consumer to several series of payments in different amounts. It does not apply, however, to loans with variable rate features where the initial disclosures are based on a regular amortization schedule over the life of the loan, even though payments may later change because of the variable rate feature.

7. *Relation to § 226.17(c)(4).* Under § 226.17(c)(4), creditors may disregard certain irregular first periods and any irregular payments resulting from those periods. Transactions in which the only irregularity is an odds first period are not considered "irregular" for purposes of the ¼ of 1 percentage point tolerance. If the only irregularities in a payment stream consist of an odd first period and odd payments flowing from that period, of the type described in § 226.17(c)(4), the transaction is considered regular and the annual percentage rate will be measured against the ⅛ of 1 percentage point standard.

8. *Basis for calculations.* When a transaction involves "step rates" or "split rates"—that is, different rates applied at different times or to different portions of the principal balance—a single composite annual percentage rate must be calculated and disclosed for the entire transaction. Only the finance charge imposed on the consumer should be taken into account in computing the annual percentage rate. Thus, interest charges that are refunded for timely payment, or that are paid by the government on interim student loans, are not to be reflected in the rate.

22(b) Computation tools.

1. *Board tables.* Volumes I and II of the Board's Annual Percentage Rate Tables provide a means of calculating annual percentage rates for regular and irregular transactions, respectively. An annual percentage rate computed in accordance with the instructions in the tables is deemed to comply with the regulation, even where use of the tables produces a rate that falls outside the general standard of accuracy. To illustrate:

- Volume I may be used for single advance transactions with completely regular payment schedules or with payment schedules that are regular save for an odd first payment. Odd first period or odd final payment. When used for a transaction with a large final balloon payment, Volume I may produce a rate that is considerably higher than the exact rate produced using a computer program based directly on Appendix J. However, the Volume I rate—produced using certain adjustments in that volume—is considered to be in compliance.

2. *Other calculation tools.* Creditors need not use the Board tables in calculating the annual percentage rates. Any computation tools may be used, so long as they produce annual percentage rates within ⅛ or ¼ of 1 percentage point, as applicable, of the precise actuarial or U.S. Rule annual percentage rate.

22(c) Single add-on rate transactions.

1. *General rule.* Creditors applying a single add-on rate to all transactions up to 60 months in length may disclose the same annual percentage rate for all those transactons, although the actual annual percentage rate varies according to the length of the transaction. Creditors utilizing this provision must show the highest of those rates.

- *Example:* An add-on rate of 10% converted to an annual percentage rate produces the following actual annual percentage rates at various maturities: at three months, 14.94%; at 21 months, 18.18%; and at 60 months, 17.27%. The creditor may disclose an annual percentage rate of 18.18% (the highest annual percentage rate) for any transaction up to five years, even though that rate is precise only for a transaction of 21 months.

22(d) Certain transaction involving ranges of balances.

1. *General rule.* Creditors applying a fixed dollar finance charge to all balances within a specified range of balances may understate the annual percentage rate by up to 8% of that rate, by disclosing for all those balances the annual percentage rate computed on the median balance within that range.

- *Example:* If a finance charge of $9 applies to all balances between $91 and $100, an annual percentage rate of 10% (the rate on the median balance) may be disclosed as the annual percentage rate for all balances, even though a $9 finance charge applied to the lowest balance ($91) would actually produce an annual percentage rate of 10.7%.

References

Statute: § 107.

Other sections: § 226.17(c)(4).

Previous regulation: § 226.5(b) through (e).

1981 changes: The section now provides a larger tolerance (¼ of 1 percentage point) for irregular transactions. It also eliminates, as of April 1, 1982, the special protection against liabiflty for creditors using faulty calculation tools.

Section 226.23—Right of rescission.

23(a) Consumer's right to rescind.

1. *Coverage.* This section applies to transactions in which:

- A security interest arises from the credit transaction.
- The security interest is taken in n consumer's dwelling.
- The dwelling is that consumer's principal place of residence.

2. *Transactions not covered.* If a credit extension is otherwise exempt from Regulation Z, it does not become subject to the regulation because of the nature of the collateral securing the credit. For example, the right of rescission does not apply to a business purpose loan, even though the loan is secured by the customer's principal dwelling.

3. *Security interest arising from transaction.* The security interest must be retained as part of the credit transaction, as in the following examples:

- A security interest is acquired by a contractor who is also extending the credit in the transaotion.
- A mechanic's or materialmen's lien is retained by a subcontractor or supplier of the contractor-creditor, even where the latter has waived its own security interest in the consumer's home.

The security interest is not retained as part of the credit transaction in the following cases:

- If a materialmen's or mechanic's lien is obtained by a contractor who is not a party to the credit transaction but merely receivces the proceeds of the consumer's unsecured bank loan.
- If all security interests that may arise in connection with the credit transaction are validly waived.
- If the creditor obtains a lien and completion bond that has the effect of automatically satisfying all liens against the consummer's dwelling as a result of the credit transaction.

Although liens arising by operation of law are not considered security interests for disclosure purposes under § 226.2, that section specifically includes them in the definition for purposes of the right of rescission. Thus, even though an interest in the consumer's dwelling is not a required disclosure under § 226.18(m), it may still give rise to the right of rescission.

4. *Consumer.* The right of rescission runs to any consumer whose principal dwelling is subject to the secrity interest. To be a "consumer" within the meaning of § 226.2, that person need not be a signatory to the credit agreement, but must at least have an ownership interest that is encumbered by the creditor's security interest. For example, if one spouse signs a credit contract withoug the participation of the other spouse, the latter is a "consumer" if the ownership interests of *both* spouses are subject to the security interest.

5. *Principal dwelling.* A dwelling, as defined in § 226.2, can include structures that are classified as personalty under state law. For example, a transaction secured by a mobile home, trailer or houseboat used as the consumer's principal residence may be rescindable. The structure must be the consumer's principal dwelling at the time of the credit transaction. Thus, a transaction secured by a second home that is not currently being used as the consumer's principal place of residence is not rescindable, even if the consumer intends to retire there sometime in the future. Similarly, a vacation home used as collateral—if it is not the consumer's principal dwelling—does not give rise to the right of rescission.

6. *Consumer's exercise of right.* The consumer's exercise of the right of rescission must be in writing but need not be on the form the creditor gives the consumer under paragraph (b). Whether notice of rescission is sent by mail, telegram or other means, the time period for the creditor's performance under paragraph (d)(2) does not begin to run until the notice has been received. The creditor may designate an agent to receive the notice so long as the agent's name and address appear on the notice provided to the consumer under paragraph (b).

7. *Rescission period.* The period within which the consumer may exercise the right to rescind runs for three business days from the last of the following three events:

- Consummation of the transaction.
- Delivery of all material disclosures.
- Delivery of the required rescission notice.

For example, if a transaction is consummated on June 1 and the disclosures and notice were given on May 31, the rescission period will expire at midnight of the third business day after June 1. If the disclosures were given and the transaction consummated on June 1 and the rescission notice given on June 3, the rescission period will expire at midnight of the third business day after June 3. The consumer must have placed the rescission notice in the mail, filed it for telegraphic transmission, or delivered it to the creditor's place of business within that time in order to exercise the right.

8. *Material disclosures. Footnote 48* lists the material disclosures that must be provided before the rescission period can begin in run. Failure to provide information regarding the annual percentage rate also includes the failure to inform the consumer of the existence of a variable rate feature. Failure to give the other required disclosures does not prevent the running of the rescission period, although that failure may result in civil or administrative sanctions.

9. *Unexpired right of rescission.* Where the creditor has failed to take the action necessary to start the three-day

rescission period running, the right to rescind automatically lapses on the occurrence of the earliest of the following three events:

- Three years after consummation of the transaction.
- Transfer of all the consumer's interest in the property.
- Sale of the consumer's interest in the property, including a transaction in which the consumer sells the dwelling and takes back legal title through a purchase money note and mortgage.

A partial transfer of the consumer's interest, such as an intra-family transfer bestowing co-ownership on a spouse, does not terminate the rescission right. Transfer of all the consumer's interest includes such transfers as bequests and gifts. Neither a sale of the property nor a transfer need be voluntary. For example, a foreclosure sale would terminate an unexpired right to rescind. As provided in § 125 of the Act, the three-year termination limit may be extended by an administrative proceeding to enforce the provisions of this section.

10. *Joint owners.* Where more than one consumer has the right to rescind a transaction, any one of them may exercise the right and cancel the transaction on behalf of all. For example, if a husband and wife have the right to rescind a transaction, either spouse acting alone may exercise the right and both spouses are bound by the rescission.

11. *Addition of a security interest.* Under *footnote 47*, the addition of a security interest to a pre-existing obligation rescindable. The right of rescission applies only to the added security interest, however, and not to the original obligation. In those situations, only the paragraph (b) notice need be delivered, not new material disclosures; the rescission period will begin to run from the delivery of the notice.

23(b) Notice of right to rescind.

1. *Who receives notice.* Each consumer entitled to rescind must be given:

- Two copies of the rescission notice.
- The material disclosures.

In a transaction involving joint owners, both of whom are entitled to rescind, both must receive the notices and disclosures. For example, if both spouses are entitled to rescind a transaction, each must receive two copies of the rescission notice and one copy of the disclosures. If an agent is acting for the consumer, the creditor need only deliver the material to the agent, so long as state agency law precludes the consumer from acting on his or her own behalf in such circumstances. If state law does not prevent consumer/principals from acting on their own behalf, then the creditor must deliver the material to both the consumer and the agent.

2. *Format.* The notice must be on a separate piece of paper. No minimum type size or other technical requirements are imposed on the form, but the material must be presented clearly and conspicuously. The notices in Appendix H provide models that creditors may use in giving the notice, but their use is not required. Creditors may substitute other forms.

3. *Content.* The notice must include all of the information outlined in paragraph (b)(1) through (5). The requirement in *paragraph (b)(5)* that the transaction be identified may be met by providing the date of the transaction. The notice may include additional information related to the required information, such as:

- A description of the property subject to the security interest.
- A statement that joint owners may have the right to rescind and that a rescission by one is effective for all.
- The name and address of an agent of the creditor to receive notice of rescission.

4. *Time of providing notice.* The notice required by paragraph (b) need not be given before consummation of the transaction. The creditor may deliver the notice after the transaction is consummated, but the rescission period will not begin to run until the notice is given. For example, if the creditor provides the notice on May 15, but disclosures were given and the transaction was consummated on May 10, the three-business day rescission period will run from May 15. The creditor must also delay performance for a reasonable time after that period.

23(c) Delay of creditor's performance.

1. *General rule.* During the three-day rescission period and for a reasonable time thereafter, the creditor may not, either directly or through a third party:

- Disburse loan proceeds to the consumer.
- Begin performing services for the consumer.
- Deliver materials to the consumer.

2. *Escrow.* The creditor may disburse loan proceeds during the rescission period in a valid escrow arrangement. The creditor may not, however, appoint the consumer as "trustee" or "escrow agent" and distribute funds to the consumer in that capacity during the delay period.

3. *Permissible actions.* Nothing in paragraph (c) prevents the creditor from taking other steps during the delay, short of beginning actual performance. These steps may include:

- Preparation of the loan check.
- Perfection of the security interest.
- Preparations for discounting or assigning the contract to a third party.
- Accruing finance charges during the delay period.

4. *Delay beyond rescission period.* The creditor must wait until it is "reasonably satisfied" that the consumer has not rescinded. The creditor may reasonably assure itself by:

- Waiting a reasonable period after expiration of the rescission period to allow for delivery of a mailed notice.
- Obtaining a written statement from the consumer that the right has not been exercised.

When more than one consumer has the right to rescind, the creditor cannot reasonably rely on the assurance of one consumer only, since other consumers may exercise the right.

23(d) Effects of rescission.

1. *Termination of security interest.* Any security interest giving rise to the right of rescission becomes void when the consumer exercises that right. The rule operates automatically to negate the security interest, regardless of its status and whether or not it was recorded or perfected. Under *paragraph (d)(2)*, however, the creditor must take any action necessary to reflect the fact that the security interest no longer exists.

2. *Refunds to consumer.* The consumer cannot be required to pay any amount in the form of money or property either to the creditor or to a third party as part of the credit transaction. Any amounts of this nature already paid by the consumer must be refunded. "Any amount" includes finance charges already accrued, as well as other charges such as application and commitment fees or fees for a title search or appraisal, whether paid to the creditor, paid directly to a third party, or passed on from the creditor to the third party. The fact that these amounts may not represent profit to the creditor is irrelevant.

3. *Amounts not refundable to consumer.* Creditors need not return any money given by the consumer to a third party outside of the credit transaction, such as costs incurred for a building permit or for a zoning variance. Similarly, the term "any amount" does not apply to any money or property given by the creditor to the consumer; those amounts must be tendered by the consumer to the creditor under *paragraph (d)(3)*.

4. *Reflection of security interest termination.* The creditor must take whatever steps are necessary to show the termination of the security interest. Such steps include the cancellation of documents creating the interest, and the filing of release or termination statements in the public record. In a transaction involving subcontractors or suppliers that also hold interests related to the credit transaction, the creditor must insure that the termination of their interests is also reflected. The 20-day period for the creditor's action refers to the time within which the creditor must begin the process. It does not require all necessary steps to have completed within that time, but the creditor is responsible for seeing the process through to completion.

5. *Property exchange.* Once the creditor has fulfilled its obligations under paragraph (d)(2), the consumer must tender to the creditor any property or money the creditor has already delivered to the consumer. At the consumer's option, property may be tendered at the location of the property. For example, if lumber or fixtures have been delivered to the consumer's home, the consumer may tender them to the creditor by making them available for pick-up at the home, rather than physically returning them to the creditor's premises. But money already given to the consumer must be tendered at the creditor's place of business.

6. *Reasonable value.* Rather than returning the property itself, the consumer may offer the creditor its reasonable value, if returning the property would be extremely budensome to the consumer. For example, if building materials have already been incorporated into the consumer's dwelling, the consumer may pay their reasonable value instead.

7. *Modifications.* The procedures outlined in paragraph (d) (2) and (3) may be modified by a court. This could apply, for example, to a situation where a consumer is in bankruptcy proceedings and may be prohibited from returning any thing to the creditor or in any situation where the equities dictate that a modification should be made.

23(e) Consumer's waiver of right to rescind.

1. *Need for waiver.* To waive the right to rescind, the consumer must have a bona fide personal financial emergency that must be met before the end of the three-day period. While the consumer must initially determine whether a personal financial emergency exists, the "bona fide" test requires creditors to assure themselves that the reasons given for the waiver or modification are substantial and credible. The existence of the consumer's waiver will not, of itself, automatically insulate the creditor from liability for failing to provide the rescission right.

2. *Procedure.* To waive or modify the right to rescind, the consumer must give a written statement that both specifically waives or modifies the right and includes a brief description of the emergency. Each consumer entitled to rescind must sign the waiver statement. Therefore, in a transaction involving multiple consumers, such as a husband and wife using their home as collateral, the waiver must bear the signatures of both spouses. However, depending on state agency law, a waiver or modification may be executed by a duly appointed agent acting under a valid power of attorney.

23(f) Exempt transactions.

1. *Residential mortgage transaction.* Any transaction to construct or acquire a principal dwelling, whether considered real or personal property, is exempt. For example, a credit transaction to acquire a mobile home or houseboat to be used as the consumer's home would not be rescindable.

2. *Lien status.* The lien status of the mortgage is irrelevant for purposes of the exemption in *paragraph (f) (1);* the fact that a loan has junior lien status does not by itself preclude application of this exemption. For example, a home buyer may assume the existing first mortgage and create a second mortgage to finance the balance of the purchase price. Such a transaction would not be rescindable.

3. *Combined-purpose transaction.* A loan to acquire a dwelling and make improvements to that dwelling is exempt if treated as one transacton. If, on the other hand, the loan for the acquisition of the dwelling and the subsequent advances for improvements are treated as more than one transaction, then only the transaction financing the acquisition of the dwelling is exempt.

4. *Bridge loans.* A bridge loan to purchase another dwelling but secured by the equity in the consumer's current principal dwelling is rescindable. For example, a homeowner may seek to purchase a new home prior to the sale of the current residence, and obtains a loan secured by the equity. In such a case, although the loan is used to acquire a dwelling, the proceeds of that loan are not secured by that dwelling but by the consumer's equity in the present residence.

5. *New advances.* The exemption in *paragraph (f)(2)* applies only to refinancings or consolidations by the original creditor. If the transaction involves the advance of new money, then only the amount of the new money is rescindable. For example, if the sum of the outstanding principal balance plus the earned finance charge is $1,000 and the new amount financed is $1,000, then the refinancing would be exempt. On the other hand, if the new amount financed exceeds $1,000, then the amount in excess of that $1,000 would be rescindable. A model rescission notice applicable to transactions involving new money appears in Appendix H.

6. *State creditors.* Cities and other political subdivisions of states acting as creditors are not exempted from this section.

7. *Multiple advances.* Just as new disclosures need not be made for subsequent advances when treated as one transaction, no new rescission rights arise so long as the appropriate notice and disclosures are given at the outset of the transaction. For example, the creditor extends credit for home improvements secured by the consumer's principal dwelling, with advances made as repairs progress. As permitted by § 226.17(c)(6), the creditor makes a single set of disclosures at the beginning of the construction period, rather than separate disclosures for each advance. The right of rescission does not arise with each advance. However, if the advances are treated as separate transactions, the right of rescission applies to each advance.

8. *Spreader clauses.* When the creditor holds a mortgage or deed of trust on the consumer's principal dwelling and that mortgage or deed of trust contains a "spreader clause," subsequent loans made are separate transactions and are subject to the right of rescission. Such loans are rescindable unless the creditor effectively waives its security interest under the spreader clause with respect to the subsequent transactions.

References

Statute: §§ 113, 125, 130.

Other sections: § 226.2 and Appendix H.

1981 changes: The right to rescind applies not only to real property used as the consumer's principal dwelling, but to personal property as well. The regulation provides no specific text or format for the notice of the right to rescind.

When a consumer exercises the right to rescind the creditor now has 20 days to return a consumer's money or property and take the necessary action to terminate the security interest. The creditor has 20 days to take possession of the money or property after the consumer's tender before the consumer may keep it without further obligation.

The lien status of the mortgage is irrelevant for purposes of the residential mortgage transaction exemption. The exemption for agricultural loans from the right to rescind has ben omitted. The consumer may waive the right to rescind if necessary to meet a bona fide personal financial emergency.

Section 226.24—Advertising.

General.

1. *Coverage.* An advertisement includes any commercial message in any communication medium that promotes, directly or indirectly, a consumer credit transaction. Responsibility for complying with the advertising rules is not limited to creditors but includes *any* advertiser. This would include, for example, a broker or seller of real estate whose advertisements state credit terms that may be arranged with third-party creditors.

2. *Media.* These rules apply to advertisement of credit terms using any medium, including radio and television advertisements. A promotional letter sent to prospective customers may qualify as an advertisement; however, educational material containing hypothetical transactions that could not reasonably be construed as an offer of credit is not an advertisement. The media through which advertisements are disseminated are not liable for violations of these provisions.

3. *Clear and conspicuous standard.* This section is subject to the general "clear and conspicuous" standard for this subpart but prescribes no specific rules for the format of the necessary disclosures. The credit terms need not be printed in a certain type size nor need they appear in any particular place in the advertisement. For example, a merchandise tag that is an advertisement under the regulation complies with this section if the necessary credit terms are on both sides of the tag, so long as each side is accessible to the consumer.

24(a) Actually available terms.

1. *General rule.* To the extent that an advertisement mentions specific credit terms, it may state only those terms that the creditor is actually prepared to offer. For example, a creditor may not advertise a very low annual percentage rate that will not in fact be available at any time. This provision is not intended to inhibit the promotion of new credit programs, but to bar the advertising of terms that are not and will not be available. Thus, a creditor may advertise terms that will be offered for only a limited period, or terms that will become available at a future date.

24(b) Advertisement of rate of finance charge.

1. *Annual percentage rate.* Advertised rates must be stated in terms of an "annual percentage rate," as defined in § 226.22. Even though state or local law permits the use of add-on, discount, time-price differential, or other methods of stating rates, advertisements must state them as annual percentage rates. Unlike the transactional disclosure of the annual percentage rate in § 226.18(e), the advertised annual percentage rate need not include a descriptive explanation of the term. The advertisement must state that the rate is subject to increase after consummation if that is the case, but the advertisement need not describe the rate increase, its limits, or how it would affect the payment schedule. As in § 226.18(f), relating to disclosure of a variable rate, the rate increase disclosure requirement in this provision does not apply to any rate increase due to delinquency (including late payment), default, acceleration, assumption, or transfer of collateral.

2. *Simple or periodic rates.* The advertisement may not simultaneously state any other rate, except that a simple annual rate or periodic rate applicable to an unpaid balance may appear along with (but not more conspicuously than) the annual percentage rate. For example:

- In an advertisement for real estate, a simple interest rate may be shown in the same type size as the annual percentage rate for the advertised credit.

3. *Legal obligation.* As in § 226.17(c), relating to the basis of transactional disclosures, advertised rates must be based on the legal obligation between the parties.

- In some cases, an agreement between the creditor and a third party may affect the terms of the obligation. For example, a builder may agree to buy the consumer's interest rate down from 15% to 12% for the first three years of a 30-year mortgage term. If the "buy-down" agreement between the builder and creditor is not reflected in the note which establishes the legal obligation between the consumer and the creditor, the advertised annual percentage rate and simple interest rate must be determined and disclosed without regard to the interest subsidy provided by the "buy-down" agreement. If, however, the legal obligation between the buyer and the creditor incorporates the "buy-down" agreement between the creditor and the builder, the subsidy may be reflected in the advertised annual percentage rate and the advertisement may indicate that the subsidy produces a 12% simple interest rate for the first three years, provided the advertisement also indicates the simple interest rate applicable to the balance of the 30-year term.
- While the legal obligation is normally embodied in a single note or contract, in rare instances, the parties may have agreed to two separate documents that between them reflect a single legal obligation. For example, in a mortgage transaction, the lender and consumer agree to a note specifying a 14% interest rate. However, in a separate document signed by both parties, the consumer agrees to pay four points to the lender at consummation, in return for a reduction in the interest rate to 12% for a portion of the mortgage term. When a creditor's promotional program envisions such a transaction, if the "buy-down" agreement is to form a part of a single legal obligation, overriding any conflicting provisions in the note, it must be reflected in the advertised annual percentage rate. The creditor may advertise the reduced simple interest rate as well, provided the advertisement shows the limited term to which the reduced rate applies and states the simple interest rate applicable to the balance of the term.

24(c) Advertisement of terms that trigger additional disclosures.

1. *General rule.* Under *paragraph (c)(1),* whenever certain triggering terms appear in credit advertisements, the additional credit terms enumerated in *paragraph (c)(2)* must also appear. These provisions apply even if the triggering term is not stated explicitly, but may be readily determined from the advertisement. For example, an advertisement may state "80% financing available," which is in fact indicating that a 20% downpayment is required.

2. *Downpayment.* The dollar amount of a downpayment or a statement of the downpayment as a percentage of the price requires further information. By virtue of the definition of "downpayment" in § 226.2, this triggering term is limited to credit sale transactions. It includes such statements as:

- "Only 5% down."
- "As low as $100 down."
- "Total move-in costs of $800."

This provision applies only if a downpayment is actually required; statements such as "no downpayment" or "no trade-in required" do not trigger the additional disclosures under this paragraph.

3. *Payment period.* The number of payments required or the total period of repayment includes such statements as:

- "48-month payment terms."
- "Thirty-year mortgage."
- "Repayment in as many as thirty-six monthly installments."

But it does not include such statements as "pay weekly," "monthly payment terms arranged," or "take years to repay," since these statements do not indicate a time period over which a loan may be financed.

4. *Payment amount.* The dollar amount of any payment includes statements such as:

- "Payable in installments of $103."
- "$25 weekly."
- "$1,200 balance payable in ten equal installments."

In the last example, the amount of each payment is readily determinable, even though not explicitly stated. But statements such as "monthly payments to suit your needs" or "regular monthly payments" are not covered.

5. *Finance charge.* The dollar amount of the finance charge or any portion of it includes statements such as:

- "$500 total cost of credit."
- "$2 monthly carrying charge."
- "$50,000 mortgages, two points to the borrower."

In the last example, the $1,000 prepaid finance charge can be readily determined from the information given. Statements of the annual percentage rate or statements that there is no particular charge for credit (such as "no closing costs") are not triggering terms under this paragraph.

6. *Disclosure of downpayment.* Under *paragraph (c)(2)(i),* the total downpayment as a dollar amount or percentage must be shown, but the word "downpayment" need not be used in making this disclosure. For example, "10% cash required from buyer" or "credit terms require minimum $100 trade-in" would suffice.

7. *Disclosure of repayment terms.* While the phrase "terms of repayment" generally has the same meaning as the "payment schedule" required to be disclosed under § 226.18(g), *paragraph (c)(2)(ii)* provides greater flexibility to creditors in making this disclosure for advertising purposes. Repayment terms may be expressed in a variety of ways in addition to an exact repayment schedule; this is particularly true for advertisements that do not contemplate a single specific transaction. For example:

- A creditor may use a unit-cost approach in making the required disclosure, such as "48 monthly payments of $27.83 per $1,000 borrowed."
- In an advertisement for credit secured by a dwelling, when any series of payments varies because of a graduated payment feature or because of the inclusion of mortgage insurance premiums, a creditor may state the number and timing of payments, the amounts of the largest and smallest of those payments, and the fact that other payments will vary between those amounts.

8. *Annual percentage rate.* Under *paragraph (c)(2)(iii),* as under paragraph (b), the advertisement must also state, if applicable, that the annual percentage rate is subject to increase after consummation.

9. *Use of examples. Footnote 49* authorizes the use of illustrative credit transactions to make the necessary disclosures under paragraph (c)(2), that is, where a range of possible combinations of credit terms is offered, the advertisement may use examples of typical transactions, so long as each example contains all of the applicable terms required by paragraph (c). The examples must be labelled as such and must reflect representative credit terms that are made available by the creditor to present and prospective customers.

24(d) Catalogs and multiple-page advertisements.

1. *General rule.* The multiple-page advertisements to which this section refers are advertisements consisting of a paginated series of pages—for example, a supplement to a newspaper. A mailing consisting of several separate flyers or pieces of promotional material in a single envelope does not constitute a single multiple-page advertisement for purposes of paragraph (d).

2. *Cross-referencing credit terms.* These forms of commercial messages wil be considered single advertisements (requiring a single set of credit cost disclosures) if they contain a table, chart, or schedule clearly stating sufficient information for the consumer to determine the disclosures required under paragraph (c)(2). In addition to the table, chart or schedule, any mention of the triggering term elsewhere in the catalog or multiple-page advertisement must clearly refer to the specific page where the table, chart, or schedule begins. This rule permits creditors to put credit information together in one place in a catalog or multiple-page advertisement, so long as that information reflects the range of credit transactions actually offered. The rule applies only if the catalog or multiple-page advertisement contains one or more of the triggering terms from paragraph (c)(1). A list of different annual percentage rates applicable to different balances, for example, does not trigger further disclosures under paragraph (c)(2) and so is not covered by paragraph (d).

3. *Representative examples.* The table or schedule must state all the necessary information for a representative sampling of amounts of credit. This must reflect amounts of credit the creditor actually offers, up to and including the higher-priced items. This does not mean that the chart must make the disclosures for the single most expensive item the seller offers, but only that the chart cannot be limited to information about less expensive sales when the seller commonly offers a distinct level of more expensive goods or services. The range of transactions shown in the table or schedule in a particular catalog or multiple-page advertisement need not exceed the range of transactions actually offered in that advertisement.

References

Statute: §§ 141, 142, 144, and 145.

Other sections: §§ 226.2; 226.4, and 226.22.

Previous regulation: § 226.10(a), (b), (d).

1981 changes: This section retains the advertising rules in a form very similar to the previous regulation, but with certain changes to reflect the 1980 statutory amendments. For example, if triggering terms appear in any advertisement, the additional disclosures required no longer include the cash price. The special rule for FHA § 235 financing has been eliminated, as well as the rule for advertising credit payable in more than four installments with no identified finance charge. Board Interpretation § 226.1002, requiring disclosure of representative amounts of credit in catalogs and multiple-page advertisements, has been incorporated in simplified form in paragraph (d).

Unlike the previous regulation, if the advertised annual percentage rate is subject to increase, that fact must now be disclosed.

Subpart D—Miscellaneous

Section 226.25—Record retention.

25(a) General rule.

1. *Evidence of required actions.* Creditors must retain evidence that they performed required actions as well as made the required disclosures. This includes, for example, evidence that the creditor properly handled adverse credit reports in connection with amounts subject to a billing dispute under § 226.13, and the refunding of credit balances under §§ 226.11 and 226.21.

2. *Methods of retaining evidence.* Adequate evidence of compliance does not require actual paper copies of disclosure statements or other business records. The evidence may be retained on microfilm, microfiche, or by any other method designed to reproduce records accurately (including computer programs). The creditor need retain only enough information to reconstruct the required disclosures or other records. Thus, for example, creditors need not retain each open-end periodic statement, so long as the information can be retrieved.

References

Statute: § 105.
Previous regulation: § 226.6(i).
1981 changes: The revised regulation substitutes the uniform two-year record-retention rule in place of the previous requirement that certain creditors retain records through at least one compliance examination.

Section 226.26—Use of annual percentage rate in oral disclosures.

1. *Application of rules.* The restrictions of this section apply only if the creditor chooses to respond orally to a consumer's request for credit cost information. Nothing in the provision requires creditors to supply rate information orally. If a creditor volunteers information by making oral solicitations (including rate information) that are directed generally to prospective customers, as through a telephone solicitation, those communications may be advertisements subject to the rules in §§ 226.16 and 226.24.

26(a) Open-end credit.

1. *Information that may be given.* Creditors may state periodic rates in addition to the required APR, but they need not do so. If the APR is unknown because transaction charges, loan fees, or similar finance charges may be imposed, the creditor should give the corresponding APR (that is, the periodic rate multiplied by the number of periods in a year, as described in § 226.6(a)(2)). The creditor may, but need not, also give the consumer information about other finance charges or other charges.

26(b) Closed-end credit.

1. *Information that may be given.* Creditors are free to state other annual or periodic rates that are applied to an unpaid balance, along with the required APR. This rule permits disclosure of a simple interest rate, for example, but not an add-on, discount, or similar rate. If the creditor cannot give a precise APR in its oral response because of variable in the transaction, it must five the APR for a comparable hypothetical transaction; in this case, other cost information may, but need not, be given. For example, a creditor may be unable to state a precise APR for a mortgage loan without knowing the exact amount to be financed, the amounts of loan fees or mortgage insurance premiums, or similar factros. In this situation, the creditor should state an APR that reflects a standard transaction; it may also provide information, such as the contract interest rate and points, about the consumer's specific case.

References

Statute: § 146.
Previous regulation: Board Interpretation § 226.101.
Other sections: § 226.2 definition of periodic rate.
1981 changes: This section implements amended § 146 of the act, which added a provision dealing with oral disclosures, and also incorporates Board Interpretation § 226.101.

Section 226.27—Spanish language disclosures.

1. *Permissible uses.* If foreign language disclosures are required by state, federal, or local law, other than in Puerto Rico, they are not inconsistent per se with disclosures under this regulation and may be provided as additional information. If the foreign language disclosures are not required, but a creditor wishes, for example, to give Spanish translations of English disclosures to Spanish-speaking consumers, this also may be given as additional information. In both cases, the English language disclosures must be clear and conspicuous, and the closed-end disclosures in English must be properly segregated in accordance with § 226.17(a)(1).

References

Statute: None.
Previous regulation: § 226.6(a).
Definitions: § 226.2 definitions of creditor, consumer, and advertisement.
1981 changes: No substantive change.

Section 226.28—Effect on state laws.

28(a) Inconsistent disclosure requirements.

1. *General.* There are three sets of preemption criteria: one applies to the general disclosure and advertising rules of the regulation, and two apply to the credit billing provisions. The regulation also provides for Board determinations of preemption.

2. *Rules for chapters 1, 2, and 3.* The standard under which state laws that cover the types of requirements in chapters 1 (General provisions), 2 (Credit transactions), and 3 (Crediting advertising) of the act are judged inconsistent, and therefore preempted, is contradiction of the federal law. Examples of laws that would be preempted are:

- A state law that requires use of the term "finance charge," but defines the term to include fees that the federal law excludes, or to exclude fees the federal law includes.
- A state law that requires a label such as "nominal annual interest rate" to be based for what the federal law calls the "annual percentage rate."

3. *Laws not contradictory.* Generally, state law requirements that call for the disclosure of items of information not covered by the federal law, or that require more detailed disclosures, will not contradict the federal requirements. Examples of laws that are not preempted include:

- A state law that requires disclosure of the minimum periodic payment for open-end credit, even though not required by § 226.7.
- A state law that requires contracts to contain warnings such as: "Read this contract before you sign. Do not sign if any spaces are left blank. You are entitled to a copy of this contract."

Similarly, a state law requiring itemization of the amount financed would not automatically contradict the permissive itemization under § 226.18(c); but a state law would be inconsistent if it required the itemization to appear with the disclosure of the amount financed in the segregarted closed-end credit disclosures.

4. *Creditor's options.* Before the Board makes a determination about a specific state law, a creditor has certain options. Since the prohibition against giving the state disclosures does not apply until the Board makes its determination, the creditor may choose to give state disclosures until the Board formally determines that the state law is inconsistent. (The Board will provide sufficient time for creditors to revise forms and procedures as necessary to conform to its determinations.)

- Under this approach, as in all cases, the federal disclosures must be clear and conspicuous, and the closed-end disclosures must be properly grouped togethr in accordance with § 226.17(a)(1).
- This ability to give state disclosures relieves any uncertainty that a creditor might have prior to Board determinations of inconsistency.

Alternatively, the creditor may apply the preemption standards to a state law, conclude that it is inconsistent, and choose not to give the state-required disclosures. However, nothing in this

provision provides a creditor with any immunity for violations of state law if the creditor choose *not* to make state disclosures and the Board later determines that the state law is not preempted.

5. *Rules for correction of billing errors and regulation of credit reports.* The Preemption criteria for the fair credit billing provisions set forth in *paragraph (a)(2)* have two parts. With respect to the rules on correction of billing errors and on regulation of credit reports (§ 226.13 of the regulation), *paragraph (a)(2)(i)* provides that a state law is inconsistent and preempted if its requirements are different from the federal law. An exception is made, however, for state laws that allow the consumer to inquire about an open-end credit account and require the creditor to respond to such inquiries beyond the time limits in the federal law. Such a state law is not preempted with respect to the extra time period. For example, Regulation Z requires the consumer to submit a written notice of billing error within 60 days after transmittal of the periodic statement showing the alleged error. If a state law allows a consumer a longer period, such as 90 days after receipt of the periodic statement, the state law remains in effect to provide the extra 30 days. Any state law disclosures concerning this extended state time limit must reflect the qualifications and format specified in subparagraph (a)(2)(i).

Examples of laws that would be preempted include:

- A state law that has a narrower or broader definition of "billing error."
- A state law that requires the creditor to take different steps to resolve errors.
- A state law that provides different timing rules for error resoluton (subject to the exception discussed above.)

6. *Rules for other fair credit billing provisions.* The second part of the criteria relate to the other rules implementing chapter 4 of the Act (addressed in §§ 226.4(c)(8), 226.5(b)(2)(ii), 226.6(d), 226.7(k), 226.9(a), 226.10, 226.11, 226.12(b)(4) and (c) through (f), 226.13, and 226.21. *Paragraph (a)(2)(ii)* provides that the test of inconsistency is whether the creditor can comply with state law without violating federal law. For example:

- If a state law allows a card issuer to offset a consumer's credit card indebtedness against funds held by the card issuer, that state law would be preempted, since § 226.12(d) of this regulation prohibits such action.
- A state requirement that periodic statements be sent *more* than 14 days before the end of a free-ride period would not be preempted.
- A state law that permits consumers to assert claims and defenses against a card issuer without regard to the $50 and 100-mile limitations of § 226.12(c)(3)(ii) would not be preempted.

In the last two cases, compliance with state law would involve no violation of the federal law.

7. *Who may request a chapter 4 determination.* Under *paragraph (a)(2)(iii)*, only states (through their authorized officials) may ask for determinations on inconsistency with respect to the fair credit billing provisions.

28(b) Equivalent disclosure requirements.

1. *General.* A state disclosure may be substituted for the federal only *after* the Board has made a finding of substantial similarity. Thus, a creditor may not unilaterally choose to make a state disclosure in place of a federal disclosure, even if it believes that the state disclosure is substantially similar. Since this rule does not extend to any requirement relating to the finance charge or APR, no state provision on computation, description, or disclosure of these terms may be substituted for the federal disclosure.

References

Statute: §§ 111, 171(a) and (c).
Previous regulation: § 226.6(b) and (c).
1981 changes: Statutory changes to § 111 of the act are implemented in paragraphs (a)(1) and (b) of this provision. The test for preemption of state laws relating to disclosure and advertising is now whether the state law "contradicts" the federal, rather than whether state requirements are "different."

The new regulation contains no counterpart to previous § 226.6(c) on placement of inconsistent disclosures.

Section 226.29—State exemptions.

29(a) General rule.

1. *Classes eligible.* The state determines the clases of transactions for its exemption and makes its application for those classes. Classes might be, for example, all open-end credit transactions; all open-end and closed-end transactions; or all transactions where the creditor is a bank.

2. *Substantial similarity.* The substantially similar standard requires that state statutory or regulatory provisions and state interpretations of those provisions must be generally the same as the federal act and Regulation Z. This includes the requirement that state provisions for reimbursement to consumers for overcharges must be at least equivalent to those required in § 108 of the act. A state will be eligible for an exemption even if its law covers classes of transactions not covered by the federal law. For example, if a state's law covers agricultural credit, this will not prevent the Board from granting an exemption for consumer credit, even though agricultural credit is not covered by the federal law.

3. *Adequate enforcement.* The standard requiring adequate provision for enforcement generally means that appropriate state officials are authorized to enforce the state law through procedures and sanctions comparable to those available to federal enforcement agencies. Furthermore, state law must make adequate provision for enforcement of the reimbursement rules.

29(b) Civil liability.

1. *Not eligible for exemption.* The provision that an exemption may not extend to §§ 130 and 131 assures that consumers retain access to both federal and state courts in seeking damages or civil penalties for violations, while creditors retain the defenses specified in those sections.

References

Statute: §§ 123, 171(b).
Previous regulation: § 226.12.
1981 changes: The procedures that states must follow to seek exemptions are now located in an appendix. Exemptions under the old regulation will be automatically revoked on April 1, 1982, when compliance with the new regulation is mandatory.

Appendix A—Effect on State Laws

1. *Who may make requests.* This appendix sets forth the procedures for preemption determinations. As discussed in § 226.28, which contains the standards for preemption, a request for a determination of whether a state law is inconsistent with the requirements of chapters 1, 2, or 3 may be made by a creditor, state, or any interested party. However, only states may request determinations in connection with the fair credit billing provisions of chapter 4.

References

Statute: §§ 111, 171(a).
Previous regulation: §§ 226.6(b), 226.70 (Supplement V, Section II).
1981 changes: The procedures in this appendix were largely adapted from Supplement V of the current regulation (§ 226.70), with changes made to streamline the procedures.

Appendix B—State Exemptions

1. *General.* This appendix sets forth the procedures for exemption applications. The exemption standards are found in § 226.29 and are discussed in the commentary to that section./

References

Statute: §§ 123, 171(b).
Previous regulation: §§ 226.12, 226.50 (Supplement II), 226.60 (Supplement IV), and 226.70 (Supplement V, Section I).
1981 changes: The procedures set forth in this section represent a combination and streamlining of the procedures set forth in these supplements.

Appendix C—Issuance of Staff Interpretations

1. *General.* This commentary is mentioned as the primary vehicle for issuing official staff interpretations. In most circumstances, interpretations will not be issued separately from the commentary.

References

Statute: §§ 105, 130(f).
Previous regulation: § 226.1(d).
1981 changes: This provision reflects the Board's intention to use this commentary as the primary vehicle for interpreting the regulation rather than issuance of individual interpretive letters.

Appendix D—Multiple Advance Construction Loans

1. *General Rule.* Appendix D provides a special procedure that creditors may use, at their option, to estimate and disclose the terms of multiple advance construction loans when the amounts and timing of advances are unknown at consummation of the transaction. This appendix reflects the approach taken in § 226.17(c)(6)(ii), which permits creditors to provide separate or combined disclosures for the construction period and for the permanent financing, if any; i.e., the construction phase and the permanent phase may be treated as one transaction or more than one transaction.

References

Statute: None.
Other sections: §§ a226.17 and 226.22.
Previous regulations: Interpretation § 226.813.
1981 changes: The use of Appendix D is limited to multiple-advance loans for construction purposes.

Appendix E—Rules for Card Issuers that Bill on a Transaction-By-Transaction Basis

Statute: None.
Previous regulation: Interpretation § 226.709.
Other sections: §§ 226.6 through 226.13, and 226.15.
1981 changes: The rules in this appendix have been streamlined and clarified to indicate how certain card issuers that bill on a transaction basis may comply with the requirements of Subpart B.

Appendix F—Annual Percentage Rate Computations for Certain Open-End Credit Plans

References

Statute: None.
Previous regulation: § 226.5(a)(3)(ii), footnote 5(a).
Other sections: § 226.14.
1981 changes: This appendix incorporates a sixth example in which the transaction amount exceeds the amount of the balance subject to the periodic rate.

Appendices G and H—Open-End and Closed-End Model Forms and Clauses

1. *Permissible changes:* Although use of the model forms is not required, creditors using them properly will be deemed to be in compliance with the regulation. Creditors may make certain changes in the format or content of the forms and may delete any disclosures that are inapplicable to a transaction or a plan without losing the act's protection from liability. However, revised forms must be substantially similar to the model forms in order to insulate creditors against civil liability. The rearrangement of the model forms may not be so extensive as to affect the substance, clarity, or meaningful sequence of the forms. Creditors making revisions with that effect will lose their protection from civil liability. Examples of acceptable changes under the substantially similar standard include:

- Using the first person, instead of the second person, in referring to the borrower.
- Using "borrower" and "creditor" instead of pronouns.
- Rearranging the sequence of the disclosures.
- Not using bold type for headings.
- Incorporating certain state "plain English" requirements.
- Deleting inapplicable disclosures by whiting out, filling in "N/A" (not applicable) or "o", crossing our, leaving blanks, checking a box for applicable items, or circling applicable items. (This should permit use of multi-purpose standard forms.)
- Substituting appropriate references, such as "bank," "we," or a specific name, for "creditor" in the initial open-end disclosures.
- Using a vertical, rather than a horizontal, format for the boxes in the closed-end disclosures.

Appendix G—Open-End Model Forms and Clauses

1. *Model G–1.* The model disclosures in G–1 (different balance computation methods) may be used in both the initial disclosures under § 226.6 and the periodic disclosures under § 226.7. As is clear from the models given, "short hand" descriptions of the balance computation methods are not sufficient. The phrase "a portion of" the finance charge should be included if the total finance charge includes other amounts, such as transaction charges, that are not due to the application of a periodic rate. In addition, if unpaid finance charges are subtracted in calculating the balance, that fact must be stated so that the disclosure of the computation method is accurate. Only Model G–1(b) contains a final sentence appearing in brackets which reflects the total dollar amount of payments and credits received during the billing cycle. The other models do not contain this language because they reflect plans in which payments and credits received during the billing cycle are subtracted. If this is not the case, however, the language relating to payments and credits should be changed, and the disclosure of the dollar amount should be added.

2. *Model G–2.* This model contains the notice of liability for unauthorized use of a credit card.

3. *Model G–3 and G–4.* These set out models for the long form billing error rights statement (for use with the initial disclosures and as an annual disclosure) and the alternative billing error rights statement (for use with each periodic statement), respectively. Creditors must provide the billing error rights statements in a form substantially similar to the models in order to comply with the regulation. The models may, however, be modified by deleting inapplicable information, such as:

- The paragraph concerning stopping a debit in relation to a disputed amount, if the creditor does not have the ability to debit automatically the consumer's savings or checking account for payment.
- The rights stated in the special rule for credit card purchases and any limitations on those rights.

These notices also contain optional language that creditors may use. For example, the creditor may:

- Include a statement to the effect that notice of a billing error must be

submitted on something other than the payment ticket or other material accompanying the periodic disclosures.
- Insert its address or refer to the address that appears elsewhere on the bill.

Additional information may be included on the notice as long as it does not detract from the required disclosures. For instance, information concerning the reporting of errors in connection with a checking account may be included on a combined statement.

4. *Models G–5 through G–9.* These models set out notices of the right to rescind that would be used at different times in an open-end plan. The last paragraph of each of the rescission model forms contains a blank for the date by which the consumer's notice of cancellation must be sent or delivered. A parenthetical is included to address the situation in which the consumer's right to rescind the transaction exists beyond three business days following the date of the transaction, for example, where the notice or material disclosures are delivered late or where the date of the transaction in (1) of the notice is an estimate. The language of the parenthetical is not optional.

Appendix—H—Closed-End Model Forms and Clauses

1. *Models H–1 and H–2.* Creditors may make several types of changes to closed-end model forms H–1 (credit sale) and H–2 (loan) and still be deemed to be in compliance with the regulation, provided that the required disclosures are made clearly and conspicuously. Permissible changes include the addition of the information permitted by § 226.17:
- The creditor's address or telephone number.
- The consumer's name.
- The consumer's address.
- The consumer's account number.
- The date of the transaction.
- An acknowledgment of receipt.

The creditor may also delete inapplicable disclosures, such as:
- The itemization of the amount financed option (See Samples H–12 through H–15).
- The credit life and disability insurance disclosures (See Samples H–11 and H–12).
- The property insurance disclosures (See Samples H–10 through H–12, and H–14).
- The "filing fees" and "non-filing insurance" disclosures (See Samples H–11 and H–12).
- The prepayment penalty and rebate disclosures (See Samples H–12 and H–14).

Other permissible changes include:
- Combining required terms where several numerical disclosures are the same, for instance, if the "total of payments" equals the "total sale price."
- Rearranging the sequence or location of the disclosures—for instance, by placing the descriptive phrases outside the boxes containing the corresponding disclosures, or by grouping the descriptors together as a glossary of terms in a separate section of the "federal box".
- By changing the order of the disclosures in the boxes, including the annual percentage rate and finance charge boxes.
- Using brackets, instead of checkboxes, to indicate alternative disclosures.
- Using a line for the consumer to initial, rather than a checkbox, to indicate an election to receive an itemization of the amount financed.
- Adding or deleting captions for disclosures.
- Using a symbol, such as an asterisk, for estimated disclosures, instead of an "e".
- Adding a signature line to the insurance disclosures to reflect joint policies.
- Separately itemizing the filing fees.
- Revising the late charge disclosure to reflect the fact that the lesser of two charges may be imposed or that charges are subject to a maximum limit, or to briefly describe what constitutes a late payment (for instance, "any payment received 15 days after the due date").

2. *Model H–3.* Creditors have considerable flexibility in filling out Model H–3 (itemization of the amount financed) since the categories listed are not mutually exclusive. Any prepaid finance charge, however, must be listed in that category although it also may be listed as a fee paid to third parties if applicable. In the category of "amount paid to you directly", creditors may include checks that are payable jointly to a consumer and a third party. Appropriate revisions may be made to this form without loss of protection from civil liability for proper use of the model forms. For example, creditors may:
- Rearrange the sequence of the disclosures.
- Present the disclosures in a mathematical progression—for example by showing the sum of the "amount paid directly to you", "amount paid on your account" and "amounts paid to others" as a subtotal, from which is subtracted the prepaid finance charge, to reach the amount financed.
- Include additional categories, such as cash price and downpayment.
- Identify certain third party payees (public officials, government agencies, credit bureaus, appraisers, and insurance companies) by names, rather than in generic or other general terms.

3. *Model H–4.* This model contains the variable rate model clauses and is intended to give creditors considerable flexibility in structuring variable rate disclosures to fit individual plans. Clauses are shown for hypothetical examples based on the specific amount of the transaction and based on a representative amount. Creditors may preprint the variable rate disclosures based on a representative amount for similar types of transactions, instead of constructing an individualized example for each transaction. In both representative examples and transaction-specific examples, creditors may refer either to the incremental change in rate, payment amount, or number of payments, or to the resulting rate, payment amount, or number of payments. For example, creditors may state that the rate will increase by 2%, with a corresponding $150 increase in the payment, or creditors may state that the rate will increase to 16%, with a corresponding payment of $850.

4. *Model H–5.* This contains the demand feature clause.

5. *Model H–6. This contains the assumption clause.*

6. *Model H–7. This contains the required deposit clause.*

7. *Models H–8 and H–9.* These models contain the rescission notices for a typical closed-end transaction and a refinancing, respectively. The last paragraph of each model form contains a blank for the date by which the consumer's notice of cancellation must be sent or delivered. A parenthetical is included to address the situation in which the consumer's right to rescind the transaction exists beyond three business days following the date of the transaction, for example, where the notice or material disclosures are delivered late or where the date of the transaction in (1) of the notice is an estimate. The language of the parenthetical is not optional.

8. *Sample H–10.* This sample illustrates an automobile credit sale. The cash price is $7,500 with a downpayment of $1,500. There is an 8% add-on interest rate and a term of 3 years, with 36 equal monthly payments. The credit life insurance premium and the filing fees are financed by the creditor. There is a $25 credit report fee paid by the consumer before

consummation, which is a prepaid finance charge.

9. *Sample H–11.* This sample illustrates an installment loan. The amount of the loan is $5,000. There is a 12% simple interest rate and a term of 2 years. The date of the transaction is expected to be April 15, 1981, with the first payment due on June 1, 1981. The first payment amount is labelled as an estimate since the transaction date is uncertain. The odd days' interest ($26.67) is collected with the first payment. The remaining 23 monthly payments are equal.

10. *Sample H–12.* This sample illustrates a refinancing and consolidation loan. The amount of the loan is $5,000. There is a 15% simple interest rate and a term of 3 years. The date of the transaction is April 1, 1981, with the first payment due on May 1, 1981. The first 35 monthly payments are equal, with an odd final payment. The credit disability insurance premium is financed. In calculating the annual percentage rate, the U.S. rule has been used. Since an itemization of the amount financed is included with the disclosures, the statement regarding the consumer's option to receive an itemization is deleted.

11. *Samples H–13 through H–15.* These samples illustrate various mortgage transactions. They assume that the mortgages are subject to the Real Estate Settlement Procedures Act (RESPA). As a result, no option regarding the itemization of the amount financed has been included in the samples, because providing the good faith estimates of settlement costs required by RESPA satisfies Truth in Lending's amount financed itemization requirement. (See footnote 39 to § 226.18(c).)

12. *Sample H–13.* This sample illustrates a mortgage with a demand feature. The loan amount is $44,900, payable in 360 monthly installments at a simple interest rate of 14.75%. The fifteen days of interim interest ($294.34) is collected as a prepaid finance charge at the time of consummation of the loan (April 15, 1981). In calculating the disclosure amounts, the minor irregularities provision in § 226.17(c)(4) has been used. The property insurance premiums are not included in the payment schedule. This disclosure statement could be used for notes with the seven-year call option required by the Federal National Mortgage Association (FNMA) in states where due-on-sale clauses are prohibited.

13. *Sample H–14.* This sample illustrates a variable rate mortgage. The loan amount is $44,900, payable in 360 monthly installments at an initial interest rate of 14.75%. All payment periods are regular. Two points ($898) have been imposed and included in the prepaid finance charge. The note provides that the interest rate may vary with the lender's prime rate, with a maximum permissible increase of 5% over the term of the mortgage. The interest rate may not vary more frequently than once a year, and may not increase by more than 1% annually. Rate fluctuations will be reflected in the monthly payment amount.

14. *Sample H–15.* This sample illustrates a graduated payment mortgage with a five-year graduation period and a 7½ percent yearly increase in payments. The loan amount is $44,900, payable in 360 monthly installments at a simple interest rate of 14.75%. Two points ($898), as well as an initial mortgage guarantee insurance premium of $225.00, are included in the prepaid finance charge. The mortgage guarantee insurance premiums are calculated on the basis of ¼ of 1% of the outstanding principal balance under an annual reduction plan. The abbreviated disclosure permitted under § 226.18(g)(2) is used for the payment schedule for years 6 through 30. The prepayment disclosure refers to both penalties and rebates because information about penalties is required for the simple interest portion of the obligation and information about rebates is required for the mortgage insurance portion of the obligation.

References

Statute: §§ 105, 130.

1981 changes: The model forms and clauses have no counterpart in the old regulation.

Appendix I—Federal Enforcement Agencies

Statute: § 108.

Appendix J—Annual Percentage Rate Computations for Closed-End Credit Transactions

1. *Use of Appendix J.* Appendix J sets forth the actuarial equations and instructions for calculating the annual percentage rate in closed-end credit transactions. While the formulas contained in this appendix may be directly applied to calculate the annual percentage rate for an individual transaction, they may also be utilized to program calculators and computers to perform the calculations.

2. *Relation to Board tables.* The Board's Annual Percentage Rate Tables also provide creditors with a calculation tool which applies the technical information in Appendix J. An annual percentage rate computed in accordance with the instructions in the tables is deemed to comply with the regulation. Volume I of the tables may be used for credit transactions involving equal payment amounts and periods, as well as for transactions involving any of the following irregularities: odd first period, odd first payment and odd last payment. Volume II of the tables may be used for transactions which involve any type of irregularities. These tables may be obtained from any Federal Reserve Bank or from the Board in Washington, D.C. 20551, upon request.

References

Statute: § 107.

Other sections: § 226.22.

Previous regulation: § 226.40 (Supplement I).

1981 changes: Paragraph (b)(2) has been revised to clarify that the term of the transaction never begins earlier than consummation of the transaction. Paragraph (b)(5)(vi) has been revised to permit creditors in all cases where the transaction term equals a whole number of months, to use either the 12-month method or the 365-day method to compute the number of unit-periods per year.

Board of Governors of the Federal Reserve System, May 20, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81–15640 Filed 5–21–81; 11:59 am]

BILLING CODE 6210–01–M

Reader Aids

Federal Register

Vol. 46, No. 101

Wednesday, May 27, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MAY

24519-24926.....1
24927-25076.....4
25077-25288.....5
25289-25420.....6
25421-25594.....7
25595-26036.....8
26037-26274.....11
26275-26470.....12
26471-26604.....13
26605-26758.....14
26759-27088.....15
27089-27322.....18
27323-27468.....19
27469-27622.....20
27623-27898.....21
27899-28144.....22
28145-28394.....26
28395-28610.....27

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
305.....26487

3 CFR

Executive Orders:
March 4, 1896 (Revoked in part by PLO 5906).....28417
July 2, 1910 (Revoked in part by PLO 5885).....28416
July 10, 1910 (Revoked in part by PLO 5885).....28416
August 7, 1916 (Revoked in part by PLO 5921).....28411
September 7, 1917 (Revoked in part by PLO 5913).....28405
February 25, 1919 (Revoked in part by PLO 5869).....28413
May 25, 1921 (Revoked in part by PLO 5870).....28164
June 14, 1921 (Revoked in part by PLO 5875).....28411
November 26, 1921 (Revoked in part by PLO 5881).....28167
November 27, 1922 (Revoked in part by PLO 5911).....28412
November 9, 1923 (Revoked in part by PLO 5872).....28414
June 13, 1925 (Revoked in part by PLO 5873).....28165
November 8, 1930 (Revoked in part by PLO 5910).....28412
November 18, 1938 (Revoked in part by PLO 5896).....28403
1568 (Revoked in part by PLO 5902).....28417
3893 (*See EO* March 4, 1896).....
4181 (Revoked in part by PLO 5894).....28416
4531 (Revoked in part by PLO 5901).....28409
4654 (Revoked by PLO 5907).....28418
5105 (Revoked by PLO 5866).....27652
5329 (Revoked in part by PLO 5917).....28406
5344 (Revoked in part by 5908).....28412
6019 (Revoked in part by PLO 5892).....28413
6040 (Revoked by PLO 5871).....28413
7610 (Revoked by PLO 5887).....28414
11992 (Revoked by EO 12305).....25421
12059 (Revoked by EO 12305).....25421
12064 (Revoked by EO 12305).....25421
12084 (Revoked by EO 12305).....25421
12097 (Amended by EO 12305).....25421
12258 (Amended by EO 12305).....25421
12304.....24521
12305.....25421

Proclamations:
4843.....24519
4844.....25077
4845.....27899

Administrative Orders:
Presidential Determinations:
No. 81-6 of May 13, 1981.....27623

5 CFR

870.....25595
890.....25595

Proposed Rules:
2422.....26488
2423.....26488
2424.....26488
2429.....26488

7 CFR

28.....24927
250.....26759
273.....27901
800.....27070
802.....28145
905.....27323
907.....25423, 26605, 27625
910.....24523, 25596, 26759, 27902
915.....27469
918.....25423
944.....27469
982.....26037
985.....25424
1032.....24927
1040.....27903
1050.....24927
1068.....28145
1076.....27904
1098.....27089
1133.....27625

1137.....27626
1701.....25079
1809.....28330
1865.....27908
1942.....24523, 27909
1945.....27908, 28330
1951.....27908, 28330

Proposed Rules:
Ch. VI.....28171
57a.....28170
271.....27960
272.....27960
273.....27960
419.....24954
930.....26065
953.....25625
981.....27126
982.....25626
993.....26786
999.....25626
1040.....25626
1068.....27501
1701.....25096, 27344, 28170
1076.....26337
2851.....26787
2852.....25097

8 CFR

100.....25425
109.....25079
211.....25597
212.....24929, 25081
214.....25597
242.....25597
244.....25597
245.....25597
248.....25597

Proposed Rules:
235.....26653
251.....26653

9 CFR

73.....25425, 27627
82.....24524, 25599
92.....24930, 26040
303.....26760
331.....24524
381.....26760

Proposed Rules:
92.....26065
381.....26350

10 CFR

Ch. II.....27270
30.....26471, 27910
430.....27324
455.....27862
501.....26605
1530.....28395

Proposed Rules:
Ch. I.....24576
50.....26491
212.....25315
459.....25466
903.....25426

12 CFR

201.....27090
204.....27090
217.....27090
265.....28398
335.....25204
545.....24526, 24531
584.....24526
701.....26275
760.....26607

Proposed Rules:
Ch. III.....26654
210.....24576
226.....28560
545.....24579
563.....24579
571.....24579

13 CFR

111.....24931
120.....25083

Proposed Rules:
Ch. I.....24955

14 CFR

21.....27092
39.....24931–24936, 25427–25429, 26042, 26043, 26608, 27095–27098, 27628–27630 28146–28149
71.....25430–25433, 26044, 26043, 27099–27101, 27630–27632, 28150, 28151
73.....26045, 27632
75.....27102, 27633
95.....25434, 26045
97.....24937, 26609, 27634
121.....28305
135.....28301, 28305
207.....25417, 28378
208.....25418, 28378
212.....25418, 28368
214.....28379
221.....25418
223.....25418
249.....25414
375.....25419
385.....28379
399.....28380
1206.....28399

Proposed Rules:
Ch. I.....25466, 27710
21.....27710, 27712, 27885
39.....26069, 26070, 27715, 27885
71.....24957–24961, 25467, 26071, 27126–27128, 27716–27720, 28171
73.....27128
75.....25468
91.....27885, 27889
159.....26358, 26656
121.....27893, 27897
135.....27897
207.....28383
208.....28383
212.....28383
218.....28383
221a.....25637
245.....28381
246.....28381
374.....25321

15 CFR

373.....26275
376.....24532
377.....24532
379.....26275
385.....26275
399.....26275, 27103

Proposed Rules:
930.....26658
1001.....27501

16 CFR

0.....26284, 27634
1.....26284, 27634
2.....26284, 27634
4.....26284, 26293, 27634
5.....26050, 26284, 27634
13.....24940, 25289, 26611, 27634
305.....25290
1145.....27910
1307.....27910
1500.....27910
1700.....26297, 27910

Proposed Rules:
Ch. I.....25468
Ch. II.....25478, 26262, 27721
13.....25102, 25103, 25476, 28444
450.....24584
1301.....25638
1145.....27963
1307.....27963
1500.....27963
1700.....27963

17 CFR

1.....24940, 26000, 26299, 27473
3.....24940, 26299
4.....26004, 26761
15.....26472
16.....26472
17.....26472
18.....26472
21.....26472
140.....26004, 26761
145.....24940, 26299
147.....24940, 26299

Proposed Rules:
1.....25106
3.....25106
32.....25106, 25107
210.....27344
229.....25638, 26789
240.....26789

18 CFR

2.....26613
46.....25084
131.....25084
270.....24537
271.....24548–24549, 27635
281.....27911
282.....24549, 25599
294.....24550
401.....25439, 26638

Proposed Rules:
157.....24585
271.....25643, 25644, 27963–27966
282.....26352
284.....24585, 27355
292.....26352

19 CFR

159.....24944
355.....26472–26475

Proposed Rules:
Ch. I.....28172

20 CFR

401.....24551
404.....25601

Proposed Rules:
Ch. I.....26790
656.....26789
676.....25084, 25645, 27462
679.....25645, 27462

21 CFR

5.....26052, 26299
109.....24551
146.....26300
193.....24945, 26762
430.....25602, 25605
436.....25602, 25605, 25607
440.....25602
442.....25605, 25607
444.....25607
445.....25607
520.....25084, 25085, 25608, 26300
522.....24553, 25085, 26762, 26763, 27913
524.....27914
529.....27914
546.....25086
558.....24553
561.....24945, 26764
588.....26763

Proposed Rules:
1.....26790
166.....26790
180.....24593
182.....24593
351.....25107
430.....25651
436.....25651
440.....25651
444.....25651
448.....25651
452.....25651
540.....25107
1308.....24593

22 CFR

201.....27104

23 CFR

Proposed Rules:
625.....27722

24 CFR

201.....25609
203.....25087, 27105
205.....27105
207.....27105
213.....27105
220.....27105
221.....27105
232.....27105
234.....25087, 27105
235.....27105, 28401
236.....27105
241.....27105
242.....27105
244.....27105

Proposed Rules:
235.....24594
885.....25107

25 CFR

5.....26765
105.....26475
173.....26476
242.....26476
700.....27915–27919

Proposed Rules:
700.....27967

26 CFR

1.....
7a.....
16A.....
25.....
35.....
601.....

Proposed
1.....
31.....
32.....
51.....

27 CFR

240.....

Proposed
4.....
5.....
7.....

28 CFR

503.....
524.....
543.....
545.....
547.....

Proposed
527.....
545.....

29 CFR

1910.....
2530.....
2602.....
2610.....
2670.....
2671.....

Proposed R
Ch. XII.....
530.....
1910.....

30 CFR

Proposed R
221.....
226.....
601.....
840.....
841.....
842.....
843.....
844.....
845.....

31 CFR

202.....
203.....
535.....

Proposed Ru
209.....

32 CFR

57.....
299.....

Proposed Ru
Ch. I.....
Ch. V.....
Ch. VI.....
Ch. VII.....
Ch. XVI.....
199.....
505.....

26 CFR

1 ..... 24945, 27635
7a 25291
16A 27636
25 27642
35 24553
601 26053

Proposed Rules:

1 ..... 24594, 27723, 27968
31 ..... 24595, 27357
32 27357
51 ..... 24595, 26660

27 CFR

240 25610

Proposed Rules:

4 24962
5 24962
7 24962

28 CFR

503 24896
524 24896
543 24896
545 24896
547 24896

Proposed Rules:

527 24902
545 24902

29 CFR

1910 ..... 24556, 24558
2530 28151
2602 27328
2610 26765
2670 27330
2671 27330

Proposed Rules:

Ch. XII 25109
530 25108
1910 ..... 25653, 27358

30 CFR

Proposed Rules:

221 27968
226 26661
601 25653
840 24963
841 24963
842 24963
843 24963
844 24963
845 24963

31 CFR

202 28152
203 28152
535 ..... 26476, 26478

Proposed Rules:

209 27969

32 CFR

57 25440
299 26481

Proposed Rules:

Ch. I 24596
Ch. V 24596
Ch. VI 24596
Ch. VII 24596
Ch. XVI 26498
199 24964
505 28446

33 CFR

Ch. I 28153
25 27107
66 27642
82 27643
100 26638
110 28154
162 27644
165 26055
183 27644

Proposed Rules:

Ch. II 24596
89 26661
95 27128
165 26072
320 26792
321 26792
322 26792
323 26792
324 26792
325 26792
326 26792
327 26792
328 26792
329 26792
330 26792

34 CFR

78 27304
104 25614
300 25614
735 26056
776 26056
778 26057
797 26057

36 CFR

Proposed Rules:

Ch. I 27723
Ch. III 24596
7 ..... 27969, 27970

37 CFR

201 25442

38 CFR

3 27074
36 ..... 25443, 25444, 26482

Proposed Rules:

6 27361
8 27361
21 26499

39 CFR

111 ..... 25090, 25446
601 26639

Proposed Rules:

111 ..... 25109, 26792, 27970

40 CFR

Ch. I 27333
35 26301
52 ..... 24560, 24562, 24946, 25090, 25092, 25294, 25446, 26301-26304, 26484, 26640, 26641, 26767-26769, 27119, 27339, 27923-27932, 28155-28159
60 ..... 27341, 28402
61 27341
62 27342
66 27119
81 ..... 25294, 25301, 25446, 26305, 27933
86 ..... 24948, 28160
122 27473
123 28161
162 ..... 26305, 27936
173 26058
180 ..... 24950, 25615, 26770, 26771, 27480, 27936-27939, 28403
260 27473
261 27473
264 ..... 27119, 27473
265 ..... 27119, 27473
761 ..... 27614, 27615
762 27120
1501 25461
1502 25461
1508 25461

Proposed Rules:

Ch. I 24965
35 27314
50 25655
51 24596
52 ..... 24597-24602, 24966, 24967, 25110, 25322, 25323, 25481, 25483, 25485, 25659, 26074, 26353, 26499, 26793, 27129, 27501-27504, 27972 28179
60 ..... 26501, 28180
61 25113
62 26504
65 26075
81 ..... 24604, 25324, 25325, 26355, 26504, 26506, 27131
86 ..... 26076, 26796
123 ..... 24968, 26796, 27132
180 ..... 24605, 25486, 25659, 26663, 26796, 27133, 27973-27975
192 26356
261 27363
420 24606
466 25114
761 ..... 25411, 25660, 27617-27619, 28446

41 CFR

Ch. I 26061, 26484, 27645
Ch. 101 27940
5-5 25615
5A-1 27122
5A-3 27122
5A-5 25615
5A-16 27122
8-1 28163
8-1.4 26643
8-8.2 26643
8-95 26644
9-1 25302
9-2 25303
9-3 25303
9-4 25303
9-5 25303
9-7 25303
9-9 25303
9-10 25304
9-15 25304
9-18 25304
9-23 25304
9-50 25304
14-3 25617
101-37 25618
105-735 25305

42 CFR

32 25622
401 24551
405 ..... 24564, 25093

43 CFR

Public Land Orders:

49 (Revoked by PLO 5920) 28410
554 (Revoked by PLO 5914) 28405
739 (Revoked by PLO 5879) 28166
848 (Revoked in part by PLO 5868) 28164
1095 (Revoked in part by PLO 5919) 28410
1163 (Revoked by P.L.O. 5864) 27653
1261 (Revoked by PLO 5897) 28416
1555 (Revoked by PLO 5909) 28415
1718 (Revoked in part by PLO 5898) 28407
2920 (Revoked in part by PLO 5912) 28415
3966 (Revoked in part by PLO 5877) 28165
4289 (Revoked in part by PLO 5886) 28411
4790 (Revoked in part by PLO 5918) 28410
5011 (Revoked by PLO 5905) 28417
5073 (Revoked in part by PLO 5900) 28409
5327 (Revoked in part by PLO 5917) 28406
5860 25619
5861 26061
5862 27653
5863 27651
5864 27653
5865 27651
5866 27652
5867 28163
5868 28164
5869 28413
5870 28164
5871 28413
5872 28414
5873 28165
5874 28414
5875 28411
5876 28418
5877 28165
5878 28165
5879 28166
5880 28166
5881 28167
5884 28415
5885 28416
5886 28411
5887 28414
5892 28413
5893 28167
5894 28416
5895 28404
5896 28403
5897 28416
5898 28407
5899 28408
5900 28409
5901 28409
5902 28417
5903 28404
5904 28404

5905.....28417
5906.....28417
5907.....28418
5908.....28412
5909.....28415
5910.....28412
5911.....28412
5912.....28415
5913.....28405
5914.....28405
5915.....28406
5916.....28406
5917.....28408
5918.....28410
5919.....28410
5920.....28410
5921.....28411
5922.....28406

44 CFR

9.....24951
64.....26305, 26772, 26774, 27123, 28443
65.....26061, 26775–26777 27941
67.....26308–26355, 27942, 27943, 28418
70.....26644–26648, 28431–28442

Proposed Rules:
67.....26077, 26085, 26797, 26798, 27133, 27139, 27976, 28446–28456

45 CFR

500.....26062
531.....26062

Proposed Rules:
Ch. XI.....24969
302.....25660

46 CFR

33.....28167
94.....28167
157.....27654
192.....28167
502.....24565
510.....24565
525.....24575

Proposed Rules:
Ch. I.....26086
Ch. IV.....25326
148.....27724

47 CFR

0.....27654
2.....26485, 26649
22.....27655
73.....25461, 25462, 25620, 26062, 26223, 26485, 26486, 26649, 27706, 27944
74.....27481
81.....26485
83.....25463, 26485
90.....27481, 27707
94.....27953
95.....26778

Proposed Rules:
Ch. I.....24969, 25661, 27506, 28183, 28456, 28457
2.....26507
21.....26507
25.....26798
31.....26356
33.....26356
34.....26356
35.....26356
73.....25487–25489, 25662, 26509–26515, 26663, 26798, 27725–27728
74.....26507
76.....25490
90.....27729

48 CFR

Proposed Rules:
15.....26664
47.....26664

49 CFR

1.....26651
531.....24952
571.....25463
639.....26651
640.....26651
1033.....25094, 25310–25312
1034.....26064, 27709
1039.....27342
1048.....25314
1056.....25621
1064.....27343
1244.....26781

Proposed Rules:
Ch. I.....25491
Ch. X.....26336, 28192
171.....27146
173.....25492, 27146
1002.....25326
1102.....26087, 28457
1132.....26799, 26801
1134.....26799, 26801
1201.....25114, 26515, 28458
1241.....25114, 26515, 28458
1248.....25114
1300.....28457
1307.....27732

50 CFR

216.....27056
285.....27482
611.....27483, 27489
658.....27483, 27959

Proposed Rules:
Ch. I.....28171
17.....24607, 26464
23.....28192
651.....27147
653.....25327

V 4 6 M Y 2 7 8 1 UMI

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of May 31 through June 6, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

19817 4–1–81 / Change in disease status of the Channel Islands and Great Britain (England, Scotland, Wales, and Isle of Man), because of foot-and-mouth-disease; comments by 6–1–81

Federal Grain Inspection Service—

19699 3–31–81 / U.S. standards for rough rice, brown rice for processing and milled rice; comments by 6–1–81

Food Safety and Quality Service—

25097 5–5–81 / U.S. standards for grades of canned ripe olives; comments by 6–4–81

Rural Electrification Administration—

19500 3–31–81 / Revision of REA Bulletin 80–11, "Reports of Progress of Construction and Engineering Sevices"; comments by 6–1–81

19500 3–31–81 / Revision of REA Specification DT–5C:PE–9, "Wood Poles, Stubs, and Anchor Logs and the Preservative Treatment of These Materials"; comments by 6–1–81

CIVIL AERONAUTICS BOARD

20563 4–6–81 / Liberalization of rules for indirect cargo air carriers; comments by 6–5–81

DEFENSE DEPARTMENT

Office of the Secretary—

24964 5–4–81 / Implementation of the Civilian Health and Medical Program of the Uniform Services; comments by 6–3–81

EDUCATION DEPARTMENT

19000 3–27–81 / Review of regulations and interpretations; comments by 5–31–81

ENERGY DEPARTMENT

25302 5–6–81 / Procurement regulations; comments by 6–5–81

Economic Regulatory Administration—

25315 5–6–81 / Tertiary incentive program in the Crude oil price regulations; comments by 6–5–81

Federal Energy Regulatory Commission—

25643, 25644 5–8–81 / High-cost natural gas produced from tight formations; price; Colorado (2 documents); comments by 6–3–81

17023 3–17–81 / Revision of Commission Rules of Practice; comments by 6–1–81

ENVIRONMENTAL PROTECTION AGENCY

24596 5–1–81 / Air pollution; stack height emission limitation control additional technical information; comments by 6–1–81

24597 5–1–81 / Air quality Connecticut State Implementation Plan; fuels with higher sulfur content; comments by 6–1–81

[Corrected at 46 FR 25659, 5–8–81]

20235 4–3–81 / Air quality, Iowa; designation of acres for planning purposes; comments by 6–2–81

24601 5–1–81 / Air quality, Maryland State Implementation Plan, amendments, comments by 6–1–81

24604 5–1–81 / Air quality, Missouri; redesignation of areas for planning purposes; comments by 6–1–81

25324 5–6–81 / Designation of areas for air quality planning purposes; Attainment status designations—Nevada and California; comments by 6–5–81

25325 5–6–81 / Designation of areas for air quality planning purposes; ozone attainment status—Utah; comments by 6–5–81

25322 5–6–81 / Georgia: Bubble action of the ITT Rayonier, Inc. in Jesup, Ga.; comments by 6–5–81

24948 5–4–81 / High-altitude emission standards for 1982 and 1983 model year light-duty motor vehicles; final rule; comments by 6–3–81

24968 5–4–81 / Kansas application for Interim Authorization, Phase I, Hazardous Wastes Management Program; comments by 6–3–81

25113 5–5–81 / National emission standards for hazardous air pollutants; Benzene emissions from Ethylbenzene/Styrene plants; comments by 6–1–81

24966 5–4–81 / Ohio State Implementation Plan; sulfur dioxide (502) for Lucas County; comments by 6–3–81

24605 5–1–81 / Pesticides; ammonium miocyanate; exemption from tolerance requirements when used for cotton and soybeans; comments by 6–1–81

24214 4–30–81 / Redesignation of attainment status for the District of Columbia; comments by 6–1–81

24967 5–4–81 / Revisions to New Hampshire State Implementation Plan; comments by 6–3–81

19829 4–1–81 / Revision to the New York State implementation plan; comments by 6–1–81

FEDERAL COMMUNICATIONS COMMISSION

152976 3–5–81 / Competitive common carrier services and facilities authorizations; rates and deregulatory approaches; reply comments period extended to 6–5–81
[*See also* 46 FR 10924, 2–5–81]

26509 5–13–81 / FM broadcast station in Ansley, Ala., change in table of assignments; comments extended to 6–3–81
[*See also* 46 FR 17809, 3–20–81]

22006 4–15–81 / FM broadcast Station in Bay City, Tex., changes in table of assignments; comments by 6–1–81

22008 4–15–81 / FM broadcast Stations in Beaumont, Lake Jackson and Port Lavaca, Tex., changes in table of assignments; comments by 6–1–81

26798 5–15–81 / FM broadcast stations in Fort Bragg and Mendocino, Calif.; reply comments by 6–5–81
[*See also* 46 FR 17810, 3–20–81]

22769 4–21–81 / FM Broadcast Station in Freeport, Texas; changes in table of assignments; comments by 6–1–81

22770 4–21–81 / FM Broadcast Station in Lockhart, Texas; changes in table of assignments; comments by 6–1–81

22400 4–17–81 / FM broadcast stations in Montpelier, Stowe, Vergenores, and Waterbury, Vermont; and Marish and Port Henry, N.Y.; changes in table of assignment; comments by 6–2–81

8048 1–26–81 / Petition to reallocate VHF–TV Channel 9 from New York, N.Y. to a city within the city grade contour of station WOR–TV; reply comments by 6–5–81

16692 3–13–81 / Radio services, special marine stations; Safety of Life at Sea Convention; operational standards; reply comments by 6–1–81

22624 4–20–81 / Talk-around in the Private Land Mobile Radio Services on shared conventional channels above a specific frequency band; comments by 6–4–81

19267 3–30–81 / TV broadcast stations in Arcata and Eureka, Calif.; changes in table of assignments; reply comments by 6–4–81

26663 5–14–81 / TV broadcast station in Santa Barbara, Calif.; changes in table of assignments; reply comment period extended to 6–5–81
[*See also* 45 FR 28770, 4–11–80]

19269 3–30–81 / TV broadcast station in Orchard, Nebr.; changes in table of assignments; reply comments by 6–4–81

19005 3–27–81 / TV broadcast station in Conder, Wyo.; changes in table of assignments; reply comments by 6–1–81

INTERIOR DEPARTMENT

Indian Affairs Bureau—

16916 3–16–81 / Tribal regulation of reserved waters on Indian reservations; comment period extended to 6–6–81
[Originally published at 46 FR 944, 1–5–81]

Land Management Bureau—

24139 4–29–81 / Amendment to provide segregation for States indemnity lands; comments by 6–1–81

INTERSTATE COMMERCE COMMISSION

25326 5–6–81 / Changes in the fee schedule; comments by 6–5–81

JUSTICE DEPARTMENT

Attorney General—

24213 4–30–81 / Exemption of records systems under the Privacy Act; comments by 6–1–81

Drug Enforcement Administration—

24593 5–1–81 / Schedules of controlled substances; placement of fenethylline into schedule I; comments by 6–2–81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

22764 4–21–81 / Reevaluation and reconsideration of the occupational health standards regulating exposure to lead; comments by 6–1–81

Wage and Hour Division, Employment Standards Administration—

25108 5–5–81 / Employment of homeworkers in certain industries; comments by 6–4–81

NATIONAL CREDIT UNION ADMINISTRATION

22003 4–15–81 / Federal Credit Union insurance and group purchasing activities; comments by 6–1–81

PERSONNEL MANAGEMENT OFFICE

20213 4–3–81 /Displaced employee program; revision and updating of basic provisions; comments by 6–2–81

POSTAL SERVICE

25109 5–5–81 / Third-class bulk rate merchandise samples; comments by 6–4–81

SECURITIES AND EXCHANGE COMMISSION

21020 4–8–81 / Financial statement requirements applicable to insurance companies, proposed revision; comments by 6–1–81

15178 3–4–81 / Records not obtained by the Commission; comments by 6–1–81

Deadlines for Comments on Proposed Rules for the Week of June 7 through June 13, 1981

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

26487 5–13–81 / Separation of functions in agency proceedings; draft recommendations; comments by 6–12–81

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

21143 4–9–81 / Gypsy moth regulated areas list; final rule; comments by 6–8–81

21148 4–9–81 / Pink bollworm regulated areas list; final rule; comments by 6–8–81

Rural Electrification Administration—

21367 4–10–81 / Electric and telephone borrowers; Telecommunications program (Bulletin 345–3); acceptance of standards, specifications equipment contract forms, etc.; comments by 6–9–81

CIVIL AERONAUTICS BOARD

21185 4–7–81 / Air carriers; amendment of fuel cost, and consumption reporting provisions; comments by 6–8–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

27147 5–18–81 / Fishery management plan for Atlantic Sea Scallops, (Placopecten magellanicus prepared by New England Fishery Management Council; comments by 6–11–81

23958 4–29–81 / Mid-Atlantic Fishery Management Council. Fishery Management Plan; comments by 6–8–81

COMMODITY FUTURES TRADING COMMISSION

20679 4–7–81 / Proficiency examinations for associated persons; delegation of authority; comments by 6–8–81

CONSUMER PRODUCT SAFETY COMMISSION

26262 5–11–81 / Chain saws and their components and replacement parts; proceeding to develop a consumer product safety standard; comments by 6–10–81

ENERGY DEPARTMENT

Conservation and Renewable Energy, Office of the Assistant Secretary—

25466 5–7–81 / Residential energy efficiency program; compliance with the Regulatory Flexibility Act; comments by 6–8–81

Federal Energy Regulatory Commission—

26353 5–12–81 / Request for a declaratory order from the Commonwealth of Massachusetts clarifying the method of calculation of avoided cost of an all requirements utility; comments by 6–11–81

ENVIRONMENTAL PROTECTION AGENCY

1165 1–5–81 / Air pollutants, hazardous; national emission standards for benzene fugitive emissions; comments by 6–8–81

[Comment period extended at 46 FR 9960, 1–29–81]

26506 5–13–81 / Air quality control regions, criteria and control techniques; attainment status designations: Ohio; comments by 6–12–81

25485 5–7–81 / Air quality revision of the Virginia State Implementation Plan; comments by 6–8–81

26074 5–11–81 / Approval and promulgation of State Implementation plans; Arkansas submission of volatile organic compound (VOC) regulation for Set II Control Technique Guideline Sources; comments by 6–10–81

26504 5–13–81 / Approval and promulgation of State plans for designated facilities and pollutants; Idaho; comments by 6–12–81

26504 5–13–81 / Designation of areas for air quality planning purposes; attainment status designations: Minnesota; comments by 6–12–81

20698 4–7–81 / Lead-in-gasoline test procedure; comments by 6–8–81

26355 5–12–81 / Massachusetts; designations of areas for air quality planning purposes; redesignation of attainment areas—primary and secondary sulfur dioxide standards; comments by 6–11–81

21769 4–14–81 / Performance of new stationary sources: Coal preparation plants, review of standards; comments by 6–15–81

26499 5–13–81 / Revision of the Pennsylvania State Implementation plan; comments by 6–12–81

26075 5–11–81 / State and Federal Administrative Enforcement of Implementation Plan requirements after statutory deadlines; administrative order issued by New Jersey Department of Environmental Protection to Owens-Illinois, Inc.; comments by 6–10–81

21396 4–10–81 / Water pollution, pulp, paper, paperboard and builders paper and roofing felt, point source categories effluent limitations guidelines, pretreatment standards, and new source performance standards; comment period extended to 6–9–81

[*See also* 46 FR 1430, 1–6–81, and 46 FR 15287, 3–5–81]

FEDERAL COMMUNICATIONS COMMISSION

22215 4–16–81 / Amendments to registration standards; comments by 6–12–81

17233 3–18–81 / Automation of the use of measurement data for AM broadcast stations; reply comments extended to 6–8–81

[*See also* 45 FR 82973, 12–17–80]

23498 4–27–81 / FM broadcast station in Brownsville, Edinburg, Harlingen, Raymondville, Rio Grande City, Texas; changes in table of assignments; comments by 6–9–81

23496 4–27–81 / FM broadcast station in Gurdon, Arkansas; changes in table of assignments; comments by 6–9–81

23497 4–27–81 / FM broadcast station in Milan, Georgia; changes in table of assignments; comments by 6–9–81

22910 4–22–81 / FM broadcast stations in Mountain Home and Marshall, Ark., and Thayer, Mo.; reply comments extended to 6–11–81

[*See also* 46 FR 15298, 3–5–81]

23774 4–28–81 / FM broadcast station; Weed, Calif.; change in table of assignments; comments by 6–8–81

FEDERAL LABOR RELATIONS AUTHORITY

26488 5–13–81 / Case processing; representation, unfair labor practice, negotiability, and arbitration cases and procedural requirements for parties in cases before authority; comments by 6–12–81

FEDERAL TRADE COMMISSION

21019 4–8–81 / Children's advertising, proposed termination of proceeding; comments by 6–8–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

25602 5–8–81 / Antibiotic drugs; bacampicillin hydrochloride certification; comments by 6–8–81

25604 5–8–81 / Antiboitic drugs; sterile cefotaxime sodium certification; comments by 6–8–81

25607 5–8–81 / Antibiotic drugs certification; corrections and technical changes; comments by 6–8–81

[*See also* 39 FR 18922, 5–30–74]

INTERIOR DEPARTMENT

Mines Bureau—

25653 5–8–81 / Helium, sales and rental of containers from the Bureau of Mines; comments by 6–10–81

National Park Service—

23389 4–24–81 / Integral vistas associated with visibility protection for Federal class I areas, identification; guideline availability and preliminary list; reopening of comment period; comments by 6–8–81

[*See also* 46 FR 3646, 1–15–81]

Surface Mining Reclamation and Enforcement Office—

20688 4–7–81 / Abandoned mine land reclamation program; comments by 6–8–81

22902 4–22–81 / Interim and permanent regulatory modifications; comments by 6–8–81

INTERSTATE COMMERCE COMMISSION

22911 4–22–81 / Practices of motor common carriers of passengers—checked baggage prohibitions and liability exemptions; comments by 6–8–81

LABOR DEPARTMENT

Employment and Training Administration—

27462 5–19–81 / Comprehensive Employment and Training Act; Amendments to Title VII and Public service employment base average annual wage provisions; comments by 6–8–81

[*See also* 46 FR 25645, 5–8–81]

Occupational Safety and Health Administration—

23740 4–28–81 / Access to employee exposure and medical records; constructive industry; administrative stay; comments by 6–12–81

PERSONNEL MANAGEMENT OFFICE

21355 4–10–81 / Life insurance, Federal employees; basic and optional plans, correction; participation requirement for continuation of life insurance during receipt of workers' compensation; comments by 6–9–81

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—

21634 4–13–81 / Installation of a single center, high-mounted stoplamp on passenger cars, in addition to the stoplamp presently required; comments by 6–10–81

[*See also* 46 FR 2132; 1–8–81]

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

21197 4–9–81 / Consideration of establishment of a viticultural area in Mendocino County, Calif.; comments by 6–8–81

21194 4–9–81 / Consideration of establishment of a viticultural area in San Luis Obispo County, Calif.; comments by 6–8–81

21623 4–13–81 / Designation of a viticultural area in Amador County, Calif. to be known as "Shenandoah Valley," comments by 6–12–81

Customs Service—

21194 4–9–81 / Amendments to "country of origin" determination provisions; comments by 6–8–81

Internal Revenue Service—

26660 5–14–81 / Proposed excise tax regulations under the Crude Oil Windfall Profit Tax Act of 1980; comments by 6–8–81

VETERANS ADMINISTRATION

26499 5–13–81 / Veterans education; Advance payment of educational assistance allowance; comments by 6–12–81

Next Week's Meetings

ARTS AND HUMANITIES, NATIONAL FOUNDATION

26718 5–14–81 / Expansion Arts Panel, Washington, D.C. (partially open), 6–3 through 6–5–81

26957 5–15–81 / Humanities panel, Washington, D.C. (closed), 6–1, 6–2, 6–4 and 6–5–81

27206 5–18–81 / Literature Panel, Washington, D.C. (partially open), 6–4 and 6–5–81

26718 5–14–81 / Theater Panel (Intermediate Companies Section), Washington, D.C. (partially open), 6–4 and 6–5–81

27206 5–18–81 / Visual Arts Panel, Washington, D.C. (closed), 6–4 and 6–5–81

CIVIL RIGHTS COMMISSION

27150 5–18–81 / Georgia Advisory Committee, Atlanta, Ga. (open), 6–5–81

27150 5–18–81 / Illinois Advisory Committee, Chicago, Ill. (open), 6–1–81

27150 5–18–81 / Virginia Advisory Committee, Norfolk, Va. (open), 6–4–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

26672 5–14–81 / National Climate Program Advisory Committee, Washington, D.C. (open), 6–4 and 6–5–81

DEFENSE DEPARTMENT

Army Department—

25336 5–6–81 / Army Science Board (ASB), Washington, D.C. (closed), 6–2 and 6–3–81

Navy Department—

22256 4–16–81 / Board of Advisors to the President, Naval War College, Newport, R.I. (open), 6–4–81

23283 4–24–81 / Board of Visitors for National Defense University and Defense Intelligence School, Nation Defense University Panel, Washington, D.C. (open), 6–2–81

Office of the Secretary—

22025 4–15–81 / Defense Intelligence Agency Advisory Committee, Washington, D.C. (closed), 6–2 and 6–3–81

22923 4–22–81 / Wage Committee, Washington, D.C. (closed), 6–2–81

EDUCATION DEPARTMENT

23525 4–27–81 / Black Higher Education and Black Colleges and Universities, National Advisory Committee, Houston, Tex. (open), 6–1 and 6–2–81

ENERGY DEPARTMENT

26807 5–15–81 / Inactive Uranium Mill Tailings Site and Vicinity Properties in and near Canonsburg, Pa.; Compliance with the National Environmental Policy Act, Pennsylvania (open), 6–3 and 6–4–81

ENVIRONMENTAL PROTECTION AGENCY

23982 4–29–81 / National Air Pollution Control Techniques Advisory Committee, Alexandria, Va. (open), 6–2 and 6–3–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse and Mental Health Administration—

26695 5–14–81 / Epidemiologic and Services Research Review Committee, Washington, D.C. (partially open), 6–1 through 6–4–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

26561 5–13–81 / Federal Activities for Alcohol Abuse and Alcoholism, Treatment and Rehabilitation Work Group Interagency Committee, Rockville, Md. (open), 6–2–81

Food and Drug Administration—

26869 5–15–81 / Consumer Exchange meeting, Detroit, Mich., and Pittsburgh, Pa. (open), 6–4–81

26869 5–15–81 / Miscellaneous Internal Drug Products Panel, Rockville, Md. (open), 6–5–81

National Institute for Occupational Safety and Health—

24998 5–4–81 / Chemical Protective Clothing, Rockville, Md. (open), 6–3–81

National Institutes of Health—

24301 4–30–81 / Animal Resources Review Committee, Bethesda, Md. (partially open), 6–3 and 6–4–81

26873 5–15–81 / Board of Scientific Counselors, Division of Resources, Centers, and community Activities, Bethesda, Md. (open), 6–4 and 6–5–81

28015 5–22–81 / Biomedical Library Review Committee, Bethesda, Md. (partially open), 6–10 and 6–11–81

24302 4–30–81 / Board of Scientific Counselors, National Institute of Arthritis, Diabetes and Digestive and Kidney Diseases, Bethesda, Md. (partially open), 6–4 through 6–6–81

21449 4–10–81 / Dental Research National Advisory Council, Bethesda, Md. (partially open), 6–4 and 6–5–81

22463 4–17–81 / Environmental Health Sciences National Advisory Council, Bethesda, Md. (partially open), 6–1 and 6–2–81

24302 4–30–81 / General Medical Sciences National Advisory Council, Bethesda, Md. (partially open), 6–4 and 6–5–81

24714 5–1–81 / Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Cancer Review Subcommittee), Schiller Park, Ill. (partially open), 6–1 and 6–2–81

24715 5–1–81 / Large Bowel and Pancreatic Cancer Review Committee, Pancreatic Cancer Review Subcommittee, New Orleans, La. (partially open), 6–4 and 6–5–81

28018 5–22–81 / National Advisory Eye Council Vision Research Program Planning Subcommittee, Bethesda, Md. (partially open), 6–1 through 6–3–81

24303 4–30–81 / National Arthritis, Diabetes and Digestive and Kidney Diseases Advisory Council, Bethesda, Md. (partially open), 6–1 and 6–2–81

24712 5–1–81 / Research Grants Division, Bacteriology & Mycology Study Section, Bethesda, Md. (partially open), 6–4 through 6–6–81

24712 5–1–81 / Research Grants Division, Behavioral Medicine Study Section, Washington, D.C. (partially open), 6–3 through 6–5–81

24712 5–1–81 / Research Grants Division, Biomedical Sciences A Study Section, Bethesda, Md. (partially open), 6–4 through 6–6–81

24712 5–1–81 / Research Grants Division, Cell Biology Study Section, Bethesda, Md. (partially open), 6–4 through 6–6–81

24712 5–1–81 / Research Grants Division, Experimental Immunology Study Section, Washington, D.C. (partially open), 6–4 through 6–6–81

24712 5–1–81 / Research Grants Division, Immunobiology Study Section, Bethesda, Md. (partially open), 6–3 through 6–5–81

24712 5–1–81 / Research Grants Division, Metabolism Study Section, Bethesda, Md. (partially open), 6–4 through 6–6–81

24712 5–1–81 / Research Grants Division, Molecular Biology Study Section, Georgetown, D.C. (partially open), 6–4 through 6–6–81

24712 5–1–81 / Research Grants Division, Pharmacology Study Section, Bethesda, Md. (partially open), 6–2 through 6–4–81

24712 5–1–81 / Research Grants Division, Surgery, Anesthesiology & Trauma Study Section, Arlington, Va. (partially open), 6–1 through 6–2–81

22465 4–17–81 / Sickle Cell Disease Advisory Committee, Bethesda, Md. (open), 6–1 and 6–2–81

24300 4–30–81 / Transplantation Biology and Immunilogy Committee, Bethesda, Md. (partially open), 6–1–81

INTERIOR DEPARTMENT

Land Management Bureau—

23997 4–29–81 / Idaho Falls District Grazing and Advisory Board, Idaho Falls, Idaho (open), 6–4–81

23998 4–29–81 / Miles City District Advisory Council, Broadus, Mont. (open), 6–5–81

21248 4–9–81 / Prineville District Advisory Council, Prineville, Oreg. (open), 6–4–81

25566 5–7–81 / Socorro District Graving Advisory Board, Socorro, N. Mex. (open), 6–2–81

23818 4–28–81 / Use of helicopters to gather wild horses, Battle Mountain, Nevada (open), 6–3–81

24716 5–1–81 / Wilderness in Royal Gorge and San Luis Resource Areas, Colorado; management framework plan amendments, Alamosa, Calif. (open), 6–2–81

23125 4–23–81 / Winnemucca District Multiple Use Advisory Council, Gerlach, Nev. (open), 6–4 and 6–5–81

JUSTICE DEPARTMENT

26945 5–15–81 / Violent Crime, Attorney General's Task Force on, Los Angeles, Calif. (open), 6–2 and 6–3–81

LABOR DEPARTMENT

Employment and Training Administration—

27417 5–19–81 / Apprenticeship Federal Committee on, Acme, Mich. (open), 6–3 through 6–5–81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

27423 5–19–81 / NASA Advisory Council, Aeronautics Advisory Committee, Washington, D.C. (open), 6–3, 6–4, and 6–5–81

25378 5–6–81 / NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Materials and Structures, Washington, D.C. (open), 6–2 and 6–3–81

25378 5–6–81 / Space and Terrestrial Applications Steering Committee (STASC), Proposal Evaluation Advisory Subcommittee, Greenbelt, Md. (closed), 6–1 through 6–5–81

NATIONAL SCIENCE FOUNDATION

25733 5–8–81 / Engineering and Applied Science Advisory Committee, Earthquake Hazards Mitigation Subcommittee, Washington, D.C. (open), 6–1 and 6–2–81

NUCLEAR REGULATORY COMMISSION

26203 5–11–81 / Decontamination of Three Mile Island Advisory Panel, Unit 2, Lancaster, Pa. (open), 6–4–81

26958 5–15–81 / Reactor Safeguards Advisory Committee, Nuclear Safety Research Program Subcommittee, Washington, D.C. (partially open), 6–3–81

26958 5–15–81 / Reactor Safeguards Advisory Committee, Reliability and Probabilistic Assessment Subcommittee, Washington, D.C. (partially open), 6–3–81

24337 4–30–81 / Safety Goal Project, Garden Grove, Calif. (open), 6–4–81

[Rescheduled at 46 FR 26721, 5–14–81]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIP

26209 5–11–81 / Annual Selection for White House Fellows, Washington, D.C. (closed), 6–4 through 6–8–81

RAILROAD RETIREMENT BOARD

25379 5–6–81 / Actuarial Advisory Committee, Chicago, Ill. (open), 6–3–81

STATE DEPARTMENT

Office of the Secretary—

25746 5–8–81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Carriage of Dangerous Goods Working Group, Washington, D.C. (open), 6–4–81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

26211 5–11–81 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 136-Installation of Emergency Locator Transmitters (ELT) in Aircraft, Washington, D.C. (open), 6–2 and 6–3–81

National Highway Traffic Safety Administration—

7123 1–22–81 / Safety Standards International Harmonization; Group of Reporters on Safety Provisions for Motor Coaches and Buses, Twenty-fifth Sessions, Frankfurt, Germany, 6–1 through 6–4–81

Next Week's Public Hearings

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

27147 5–18–81 / Fishery management plan for Atlantic Sea Scallops (Placopecten magellanicus) prepared by the New England Fishing Management Council.

6–4–81, Mantea, N.C.

6–5–81, Morehead City, N.C.

26093 5–11–81 / St. Thomas National Marine Sanctuary, draft environmental impact statement, St. Thomas, Virgin Islands, 6–3–81

COMMODITY FUTURES TRADING COMMISSION

23101 4–23–81/National Futures Association ("NFA"); application for registration as a registered futures association, Washington, D.C., 6–4–81

DEFENSE DEPARTMENT

Navy Department—

27749 5–21–81 / Feral Burro Management a the Naval Weapons Center, China Lake, Calif., Kern County, Calif., 6–3–81

DEFENSE DEPARTMENT

Navy Department—

19969 4–2–81 / Naval Discharge Review Board, Boston, Mass. and Dallas, Tex. 6–1 through 6–5–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

24585 5–1–81 / Natural gas; sales and transportation by interstate pipelines and distributors; Washington, D.C., 6–5–81

Western Area Power Administration—

19808 3–31–81 / Power allocation applications; power marketing plan; draft plan recommendations, Sacramento, Calif., 6–2–81

ENVIRONMENTAL PROTECTION AGENCY

24968 5–4–81 / Kansas application for interim authorization, Phase I, Hazardous Wastes Management Program; Topeka, Kan., 6–3–81

Health and Human Services Department Food and Drug Administration—

24551 5–1–81 / Polychlorinated Biphenyls CPCB's in fish and shellfish, Rockville, Md., 6–3–81

(*See also* 44 FR 3830, 6–29–79, and 44 FR 57389, 10–5–79)

INTERNATIONAL TRADE COMMISSION

17311 3–18–81 / Optic liquid-level sensing systems from Canada, Washington, D.C., 6–3–81

TREASURY DEPARTMENT

Internal Revenue Service—

22395 4–17–81 / Withholding exemption certificates, Washington, D.C., 6–2–81

List of Public Laws

Last Listing May 5, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 730 / Pub. L. 97–11 To ensure necessary funds for the implementation of the Federal Crop Insurance Act of 1980. (May 22, 1981; 95 Stat. 13) Price: $1.50.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

Deadlines for Comments on Proposed Rules

27314 5–18–81 / EPA—Grants for construction of treatment works; comments by 7–2–81

APPLICATIONS DEADLINES

27986 5–22–81 / Commerce/MBDA—Financial Assistance Application Announcement; apply by 6–22–81

27152 5–18–81 / Commerce/MBDA—Program to operate one San Francisco Region project for a twelve month period; apply 6–18–81

27608 5–20–81 / HHS/HDSO—Projects of national significance in developmental disabilities; apply by 7–20–81

MEETINGS

27181 5–18–81 / HHS/NIOSH—Safety and Occupational Health Study Section, Rockville, Md. (closed), 6–10 and 6–11–81

28015 5–22–81 / HHS/NIH—Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Applications, Bethesda, Md. (partially open), 6–10 through 6–11–81

27181 5–18–81 / HHS/NIH—National Cancer Advisory Board Subcommittee on Centers and Construction, Bethesda, Md. (closed), 5–18–81

27206 5–18–81 / NFAH—Literature Panel (Residences for Writers Section); Washington, D.C. (partially open), 6–4 through 6–5–81

27206 5–18–81 / NFAH—Visual Arts Panel (Forums Section), Washington, D.C. (closed), 6–4 and 6–5–81

Other Items of Interest

ENVIRONMENTAL PROTECTION AGENCY

27175 5–18–81 / EPA—Womens' Business Enterprise Policy for the Construction Grants Program; date of applicability deferred.

28057 5–22–81 / OPM—Intergovernmental Personnel Act Grant Program; reduced allocations of grant funds for fiscal year 1981.

al Health
6-11-81
w
v of
la, Md.

y Board
hesda, Md.

for Writers
through

ection).

olicy for the
ity

Act Grant
fiscal year

Just Released

Code of Federal Regulations

Revised as of October 1, 1980

Quantity	Volume	Price	Amount
_____	Title 46-Shipping (Parts 140–155)	$6.00	$_____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps) Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

5-28-81
Vol. 46 No. 102
Pages 28611-28632

federal register

Thursday,
May 28, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in Washington, D.C., see announcement in the Reader Aids section at the end of this issue.

28660 **"NOW" Accounts** FDIC proposes interpretation to clarify rules concerning class of depositors eligible to maintain Negotiable Order of Withdrawal (NOW) accounts.

28747 **Cigarettes** FTC publishes tar, nicotine and carbon monoxide content of domestic cigarettes.

28632 **Washington National Airport** DOT/FAA issues final rule prohibiting carriers from flying nonstop into or out of Washington National Airport beyond a 650-mile perimeter.

28680 **Hazardous Waste Disposal Facilities** EPA announces availability of four additional draft Technical Resource Documents providing information on hazardous waste land disposal technologies and on techniques for evaluating facility designs and potential performance.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

28665 **Clothing Textiles and Vinyl Plastic Film** CPSC proposes rules implementing standards for flammability in order to explain how test results should be interpreted and how the standards should be applied to multilayer fabrics.

28623 **Foreign Exchange Visitors** Justice/INS issues rule concerning requirements for aliens desiring to participate in programs under which they will receive graduate medical education and training.

28691 **Tempered Sheet Glass from Japan** Commerce/ITA issues preliminary results of administrative review of antidumping finding and of tentative determination to revoke.

28677 **Income Tax** Treasury/IRS proposes amendments regarding use of property that has been valued under Section 2032A to satisfy a pecuniary bequest.

28673 **Countervailing and Antidumping Duties** ITC proposes to revise procedures for the conduct of investigations of whether injury to domestic industries results from imports sold at less than fair value or from subsidized exports to the U.S.

28630 **Nuclear Power Plants** NRC amends regulations to provide that alternative sites will not be considered in operating license reviews under the National Environmental Policy Act.

28648 **Probation and Parole** Justice/PARCOM issues criteria presently used in determining supervision standards.

28679 **Veterans Educational Assistance** VA proposes regulation setting a time limit for a veteran to submit mitigating circumstances concerning withdrawal from courses.

28800 **Sunshine Act Meetings**

Separate Parts of This Issue

28804 **Part II, Interior/BLM**

Contents

Federal Register
Vol. 46, No. 102
Thursday, May 28, 1981

Agricultural Marketing Service
RULES
Milk marketing orders:
28611 Southwestern Idaho-Eastern Oregon
28611 Oranges (navel) grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Science and Education Administration; Soil Conservation Service.

Commerce Department
See also Economic Development Administration; International Trade Administration; National Oceanic and Atmospheric Administration; National Telecommunications and Information Administration.
NOTICES
Committees; establishment, renewals, terminations, etc.:
28690 Caribbean, South Atlantic, and North Pacific Fishery Management Councils, Advisory Panels

Commodity Futures Trading Commission
NOTICES
28800 Meetings; Sunshine Act

Consumer Product Safety Commission
PROPOSED RULES
Flammable fabrics:
28665 Clothing textiles and vinyl plastic film; interpretations, clarifications, and exemption

Defense Department
See also Engineers Corps.
NOTICES
Meetings:
28695 Electron Devices Advisory Group

Economic Development Administration
NOTICES
Import determination petitions:
28690 LaVenta Corp. et al.

Economic Regulatory Administration
NOTICES
Natural gas exportation or importation petitions:
28696 Tennessee Gas Pipeline Co.

Education Department
NOTICES
Grant applications and proposals, closing dates:
28695 Training of interpreters for deaf individuals program
Meetings:
28696 Vocational Education National Advisory Council

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
28697 European Atomic Energy Community, Canada, and Portugal

Engineers Corps
RULES
28649 Water resources planning regulations; CFR Parts removed

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
28650 Ohio
PROPOSED RULES
Hazardous waste:
28680 Disposal facilities, design and evaluation; technical resource documents; availability
Pesticide programs:
28680 State primary enforcement responsibility for pesticide use violations; procedure clarification; notification to Agriculture Department Secretary
NOTICES
Motor vehicle fuel economy, evaluation of retrofit devices:
28740 Autosaver
28740 Gas Meiser I
Pesticide programs:
28739 Registration standard cases; availability of bibliographies
Pesticides; temporary tolerances:
28739 Elanco Products Co.; fluridone

Equal Employment Opportunity Commission
NOTICES
28800 Meetings; Sunshine Act

Federal Aviation Administration
RULES
Airports, Metropolitan Washington:
28632 Aircraft, operational restrictions and limitations, flights into or out of Washington National Airport
Airworthiness directives:
28632 McDonnell Douglas

Federal Communications Commission
RULES
Common carrier services:
28656 Telephone companies; uniform system of accounts; station connections; etc.; correction
PROPOSED RULES
Radio stations; table of assignments:
28681 Maine; extension of time
Television broadcasting:
28681 Remote control operation; vertical interval test signal requirements removed
28684 Television towers, common use of; proceeding terminated

NOTICES
Hearings, etc.:
28741 AAA Anserphone, Inc.—Jackson
28742 Moore's Service et al.
Meetings:
28742 Radio Broadcasting Advisory Committee; cancellation
28742 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies

Federal Deposit Insurance Corporation
PROPOSED RULES
Interest on deposits:
28660 NOW account eligibility; class of depositors

Federal Election Commission
NOTICES
28800 Meetings; Sunshine Act

Federal Emergency Management Agency
RULES
Flood elevation determinations:
28656 Alabama et al.; correction
NOTICES
Meetings:
28743 National Fire Academy Board of Visitors

Federal Energy Regulatory Commission
PROPOSED RULES
Natural Gas Policy Act of 1978:
28672 Incremental pricing; definition of agricultural use; hearing
28672 Incremental pricing; single-tier alternative fuel price ceiling; extension of time
NOTICES
Hearings, etc.:
28727 Arkansas Louisiana Gas Co.
28728 Beaver Valley Power Co.
28729 Clear Creek Community Services District
28714 Columbia Gas Transmission Corp.
28715 Columbia Gulf Transmission Co.
28729 Columbia Gulf Transmission Co. et al.
28715 Coronado Transmission Co.
28716 Cosumnes River Water and Power Authority
28718 Dow Intrastate Gas Co.
28730 El Paso Natural Gas Co.
28731 El Paso Natural Gas Co. et al.
28719 Hat Creek Hydro, Inc.
28731 Hydro Light, Inc.
28720 Imperial Irrigation District
28720 Industrial Rehab Partnership
28732 Long Lake Energy Corp.
28717 McGrew, Dennis V., et al.
28722 Montana Power Co. et al.
28723 Mountain Fuel Resources, Inc.
28724 Mountain Fuel Supply Co.
28732 Niagara Mohawk Power Corp.
28725 Northeastern Minnesota Municipal Power Agency
28726 Northern Natural Gas Co. et al.
28733, 28734 Northwest Pipeline Corp. (2 documents)
28735 Pacific Power & Light Co.
28735 Rust Hydro Generation Co.
28721 Sanchez, Jorges
28719 Schwemm, Henry C., Jr.
28714 Tallahassee, Fla.
28726, 28736 Tennessee Gas Pipeline Co. (2 documents)
28726 Young, Robert C.
Natural Gas Policy Act of 1978:
28699, 28707 Jurisdictional agency determinations (2 documents)

Federal Highway Administration
NOTICES
Meetings:
28795 Traffic control device, development; self-powered vehicle detector

Federal Home Loan Bank Board
NOTICES
28800 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
28800 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Applications, etc.:
28743 Affiliated Bankshares of Colorado, Inc.
28743 Binger Agency
28745 Central Bancorp, Inc.
28745 Citicorp.
28745 Commercial Security Bancorporation
28745 First Bancshares of Seguin, Inc.
28745 First Foster Bancshares, Inc.
28746 Lorenzo Bancshares, Inc.
28746 Lyon Bancorp, Inc.
28746 Manufacturers Bancorp, Inc.
28746 Security Pacific Corp.
28747 Woodstock State Bancorp., Inc.
Bank holding companies; proposed de novo nonbank activities:
28743 Citicorp et al.
28801 Meetings; Sunshine Act

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
28661 Zale Corp.
NOTICES
Cigarettes:
28747 "Tar," nicotine and carbon monoxide content of smoke of domestic cigarettes; listing

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
28798 Iowa National Mutual Insurance Co.

Fish and Wildlife Service
NOTICES
28694 Marine mammal and endangered and threatened species permit applications

Health and Human Services Department
See National Institutes of Health; Public Health Service.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
28737 Decisions and orders

Housing and Urban Development Department
RULES
Low income housing:
28638 Fair market rents for new construction and substantial rehabilitation (Section 8); various States

Immigration and Naturalization Service
RULES
28624 Fines, imposition and collection; application for mitigation or remission of fine
28625 Forms, immigration and nationality; current edition dates
Nonimmigrants: documentary requirements; waivers, etc.:
28623 Aliens coming to U.S. to obtain graduate medical education and training; requirements

Interior Department
See Fish and Wildlife Service; Land Management Bureau.

Internal Revenue Service
PROPOSED RULES
Income taxes:
28677 Pecuniary bequests, property use

International Trade Administration
RULES
Export licensing:
28637 Validated and short supply controls: agricultural commodities and products, and petroleum and petroleum products; correction
NOTICES
Antidumping:
28691 Tempered sheet glass from Japan

International Trade Commission
PROPOSED RULES
28673 Investigations; procedural rules
NOTICES
Import investigations:
28770 Wet motor circulating pumps and components
28770 Wheel locks and components

Interstate Commerce Commission
RULES
Motor carriers:
28658 Commercial zones; expansion of Charleston, S.C., into Dorchester County
Rail carriers:
28658 Market dominance determinations and consideration of product competition; policy statement
NOTICES
Motor carriers:
28755 Finance applications
28757 Lease and interchange of vehicles
28758 Permanent authority applications; restriction removals
28764 Temporary authority applications
Railroad operation, acquisition, construction, etc.:
28757 Baltimore & Ohio Railroad Co. et al.; railroad car service pooling applications
28758 Railroad service abandonment:
Baltimore and Ohio Railroad Co.

Justice Department
See Immigration and Naturalization Service; Parole Commission.

Land Management Bureau
RULES
Public land orders:
28651-28655 California (6 documents)
28655 Montana
28655, 28656 Oregon (2 documents)
NOTICES
Alaska native claims selections; applications, etc.:
28753 Cook Inlet Region, Inc.
Authority delegations:
28755 Lands and Minerals Operations Branch, Chief; filings and void claims located on lands unavailable for mineral location
Classification of lands:
28754 New Mexico
Meetings:
28754 Albuquerque District Advisory Council
28755 Roseburg District Advisory Council
Organization and functions:
28755 Lewistown District Office, Mont.; mailing address change
Outer Continental Shelf; oil and gas lease sales:
28804, 28828 Gulf of Alaska (2 documents)
Withdrawal and reservation of lands, proposed; etc.:
28752 Idaho; correction
28753 New Mexico

National Aeronautics and Space Administration
NOTICES
Meetings:
28771 Aeronautics Advisory Committee
28771 Space Systems and Technology Advisory Committee

National Highway Traffic Safety Administration
RULES
28657 Defect and noncompliance notification; inclusion in manufacturer letters of agency's toll free auto safety hotline number; correction
NOTICES
Motor vehicle defect proceedings; petitions, etc.:
28795 Everett, James L., Jr.; (1979) Fiat X1/9 car; carburetor hesitation; petition denied

National Institutes of Health
NOTICES
Meetings:
28752 Biotechnology Resources Review Committee
28752 Pharmacological Sciences Review Committee
28752 President's Cancer Panel

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal and endangered and threatened species permit applications, etc.:
28694 National Museum of Natural History
Marine mammal permit applications, etc.:
28694 Lambertsen, Dr. Richard H.
28693 Marineland of New Zealand

Meetings:
28693 Mid-Atlantic Fishery Management Council
28693 Regional Fishery Management Councils
Outer Continental Shelf:
28692 Fisherman's Contingency Fund; claim recommendation

National Science Foundation
NOTICES
Meetings:
28772 Advisory Council

National Telecommunications and Information Administration
NOTICES
Meetings:
28695 Frequency Management Advisory Council

National Transportation Safety Board
NOTICES
28772 Accident reports, safety recommendations and responses, etc.; availability

Nuclear Regulatory Commission
RULES
Environmental protection; licensing and regulatory policy and procedures:
28630 Alternative site reviews; procedures and performance criteria
Practice rules:
28627 Power reactor operating licenses review procedures; immediate effectiveness rule
PROPOSED RULES
28660 Rulemaking petitions; issuance of quarterly report; availability
NOTICES
Abnormal occurrence reports:
28773 Reactor containment building flooding, etc.
Applications, etc.:
28774 Northeast Nuclear Energy Co. et al.
28774 Portland General Electric Co.
28774 Public Service Electric & Gas Co. et al.
28801 Meetings; Sunshine Act

Parole Commission
RULES
Federal prisoners; paroling, recommitting, and supervising:
28648 Parole supervision termination guidelines

Postal Rate Commission
NOTICES
Mail classification schedules:
28775 ZIP plus 4 first-class subclasses
Post office closing; petitions for appeal:
28777 Oswego, S.C.

Postal Service
NOTICES
28801 Meetings; Sunshine Act

Public Health Service
NOTICES
Medical technology scientific evaluations:
28752 Ambulatory blood pressure monitoring using semiautomatic portable recording device for hypertension patients with cardiovascular disease

Research and Special Programs Administration, Transportation Department
RULES
Hazardous materials:
28657 International Maritime Dangerous Goods Code; incorporations by reference

Saint Lawrence Seaway Development Corporation
NOTICES
28795 National Environmental Policy Act; implementation

Science and Education Administration
NOTICES
Meetings:
28686 Food and Agricultural Sciences Joint Council

Securities and Exchange Commission
NOTICES
Meetings:
28778 Shareholder Communications Advisory Committee
28801 Meetings; Sunshine Act
Self-regulatory organizations; unlisted trading privileges:
28778 Boston Stock Exchange, Inc.

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
28687 Buckhannon-Upshur Intermediate and Academy School Grounds RC&D Measure, W. Va.
28687 Canton Athletic Area Land Drainage RC&D Measure Oxford County, Maine
28688 Crow Creek-Optimist Park Water Based Recreation RC&D Measure, Wyo.
28688 Daviess County Lions Club Park RC&D Measure Plan, Ky.
28688 Johnson Creek Watershed, Wash.
28689 Kinkaid Lake RC&D Measure, Ill.
28686 Lake Vernon Spillway Park Critical Area Treatment, La.
28689 Milbridge Ballfield Land Drainage RC&D Measure, Maine
28686 Public School Lands, Critical Area Treatment, P.R.
28690 Putnam County Fair & 4-H Club Association, Inc. Land Drainage RC&D Measure, Ind.
28687 Roadbank Stabilization Critical Area Treatment RC&D Measure, Pa.

State Department
RULES
Visas:
28637 Nonimmigrants; immediate family and officials of foreign governments; definition
NOTICES
Meetings:
28778, 28779 Shipping Coordinating Committee (2 documents)

Trade Representative, Office of United States
NOTICES
Generalized System of Preferences:
28779 Articles eligible for duty-free treatment; results of review of petitions

Transportation Department
See Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department; Saint Lawrence Seaway Development Corporation.

Treasury Department
See Fiscal Service; Internal Revenue Service.

Veterans Administration
PROPOSED RULES
Vocational rehabilitation and education:
28679 Educational assistance allowance; time limit to submit mitigating circumstances for course withdrawal

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Science and Education Administration—
28686 Joint Council on Food and Agricultural Sciences Executive Committee, (open), 6–10–81

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
28693 Regional Fishery Management Councils; Council Chairpersons, Homer, Ala. (closed), 6–22 through 6–24–81 and Council Executive Directors, Homer, Ala. (closed), 6–21–81
National Telecommunications and Information Administration—
28695 Frequency Management Advisory Council Washington, D.C., (open), 6–19–81

DEFENSE DEPARTMENT
Office of the Secretary of Defense—
28695 DOD Advisory Group on Electron Devices, Working Group A, Arlington, Va. (closed), 7–1 and 7–2–81

FEDERAL EMERGENCY MANAGEMENT AGENCY
28743 Board of Visitors for the National Fire Academy, Emmitsburg, Md. (open), 6–4 and 6–5–81

HEALTH AND HUMAN SERVICES DEPARTMENT
National Institutes of Health—
28752 Biotechnology Resources Review Committee, Bethesda, Md. (open), 6–5–81
28752 Pharmacological Sciences Review Committee, Bethesda, Md. (partially open), 6–9 and 6–10–81
28752 President's Cancer Panel, Bethesda, Md. (open), 6–12–81

INTERIOR DEPARTMENT
Bureau of Land Management—
28754 Albuquerque District Advisory Council, Farmington, N. Mex. (open), 7–1–81
28755 Roseburg District Advisory Council, Roseburg, Oreg. (open), 6–16–81

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION
28696 Washington, D.C., (open), 6–18–81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
28771 NASA Advisory Council, Aeronautics Advisory Committee, Informal Executive Subcommittee

NATIONAL SCIENCE FOUNDATION
28772 NSF Advisory Council, Task group #19, Washington, D.C. (open), 6–16–81

SECURITIES AND EXCHANGE COMMISSION
28778 Shareholders Communications Advisory Committee, New York, N.Y. (open), 6–17–81

STATE DEPARTMENT
28778, 28779 Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Washington, D.C. (open), 6–10 and 6–23–81 (2 documents)

TRANSPORTATION DEPARTMENT
Federal Highway Administration—
28795 Development of self-powered vehicle detector, Washington, D.C. (open), 6–17–81

CANCELLED MEETING

FEDERAL COMMUNICATIONS COMMISSION
28742 Radio Broadcasting Advisory Committee, Washington, D.C. (open), originally scheduled for 5–27–81

HEARINGS

ENERGY DEPARTMENT
Federal Energy Regulatory Commission—
28672 Incremental Pricing Regulations, Washington, D.C., 6–9–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:
February 8, 1923
(Revoked in part by PLO 5888) 28655
September 25, 1925
(Revoked in part by PLO 5891) 28656
April 17, 1926
(Revoked in part by PLO 5925) 28655
February 23, 1928
(Revoked in part by PLO 5928) 28652

7 CFR
907 28611
1135 28611

8 CFR
214 28623
280 28624
299 28625
449 28625

10 CFR
2 28627
51 28630

Proposed Rules:
Ch. I 28660

12 CFR

Proposed Rules:
329 28660

14 CFR
39 28632
159 28632

15 CFR
376 28637
377 28637

16 CFR

Proposed Rules:
13 28661
1610 28665
1611 28665

18 CFR

Proposed Rules:
282 (2 documents) 28672

19 CFR

Proposed Rules:
201 28673
207 28673

22 CFR
41 28637

24 CFR
888 28638

26 CFR

Proposed Rules:
1 28677
7 28677

28 CFR
2 28648

33 CFR
252 28649
264 28649
275 28649
278 28649
341 28649

38 CFR

Proposed Rules:
21 28679

40 CFR
52 28650

Proposed Rules:
Ch. I 28680
264 28680
265 28680
267 28680

43 CFR

Public Land Orders:
2225 (Revoked in part by PLO 5932) 28652
5888 28655
5891 28656
5923 28652
5925 28655
5928 28652
5929 28651
5932 28652
5935 28654
5936 28655

44 CFR
67 28656

47 CFR
31 28656

Proposed Rules:
73 (3 documents) 28681, 28684

49 CFR
171 28657
577 28657
1048 28658
1109 28658

Rules

This section contains reg general app of which ar the Code o published u U.S.C. 1510 The Code c by the Sup Prices of ne first FEDER month.

DEPARTMI

Agricultura

7 CFR Part

[Navel Oran 523, Amdt. 1

Navel Oran Designated Limitation

AGENCY: Ag USDA.

ACTION: Fin

SUMMARY: T quantity of navel orang market duri June 4, 1981 of such oran during the t 28, 1981. Su provide for navel orang due to the m confronting

DATES: This effective Ma amendment May 22, 198

FOR FURTHE William J. D

SUPPLEMEN

This rule ha USDA proc 12291 and h significant" regulation a under the m amended, a amended (7 handling of Arizona an California. effective un Marketing A

Rules and Regulations

Federal Register
Vol. 46, No. 102
Thursday, May 28, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 524; Navel Orange Reg. 523, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period May 29, 1981–June 4, 1981, and increases the quantity of such oranges that may be so shipped during the the period May 22, 1981–May 28, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective May 29, 1981, and the amendment is effective for the period May 22, 1981–May 28, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.*

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and is not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on May 26, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 907.824 is added as follows:

§ 907.824 Navel Orange Regulation 524.

The quantities of navel oranges grown in Arizona and California which may be handled during the period May 29, 1981, through June 4, 1981, are established as follows:

(1) District 1: 1,200,000 cartons;
(2) District 2: unlimited cartons;
(3) District 3: unlimited cartons;
(4) District 4: unlimited cartons.

2. Section 907.823 Navel Orange Regulation 523 (46 FR 2725), is hereby amended to read:

§ 907.823 Navel Orange Regulation 523.

* * * * *

(1) District 1: 1,400,000 cartons;
(2) District 2: unlimited cartons;
(3) District 3: unlimited cartons;
(4) District 4: unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: 00–00–00

———,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–16184 Filed 5–27–81; 11:39 am]

BILLING CODE 3410–02–M

7 CFR Part 1135

[Docket No. AO–380]

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Order Regulating the Handling of Milk

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes a Federal milk order to regulate the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area. The milk order was proposed by three cooperative associations at a public hearing held December 5–8, 1978, and at a later reopening of the hearing on February 5–8, 1980. An analysis of the hearing evidence developed at both hearings indicates that dairy farmers are experiencing disorderly marketing conditions to an extent that warrants the adoption of a milk order for the area. The order, which has been approved by more than the required two-thirds of the producers voting in a referendum, is necessary to assure orderly marketing in the area.

EFFECTIVE DATE: Sections 1135.1 through 1135.45 shall be effective on and after June 1, 1981, and all remaining provisions shall be effective on and after July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of

Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Notice of Hearing: Issued October 19, 1978; published October 24, 1978 (43 FR 49704).

Correction: Published October 27, 1978 (43 FR 50187).

Correction: Published November 13, 1978 (43 FR 52496).

Extension of time for filing briefs: Issued February 23, 1979; published February 28, 1979; (44 FR 11236).

Recommended decision: Issued August 13, 1979; published August 16, 1979 (44 FR 48128).

Extension of time for filing exceptions: Issued September 14, 1979; published September 19, 1979 (44 FR 54307).

Notice of reopened hearing: Issued November 27, 1979; published November 30, 1979 (44 FR 68835).

Notice of rescheduling of reopened hearing: Issued December 19, 1979; published December 27, 1979 (44 FR 76551).

Revised recommended decision: Issued October 21, 1980; published October 27, 1980 (45 FR 71198).

Extension of time for filing exceptions: Issued November 26, 1980; published December 2, 1980 (45 FR 79819).

Final Decision: Issued April 6, 1981; published April 14, 1981 (46 FR 21944).

Findings and Determinations

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed tentative marketing agreement and a proposed order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feed, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1135.85.

(b) Additional findings. It is necessary in the public interest to make this order partially effective not later than June 1, 1981, and fully effective not later than July 1, 1981. Any delay beyond that date would tend to unduly delay the establishment of orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The revised recommended decision of the Deputy Administrator, Marketing Program Operations, was issued October 21, 1980 and the decision of the Assistant Secretary containing all the provisions of this order was issued April 6, 1981. The provisions of the order, other than those relating to prices and payments, must become effective prior to the fully effective date of the order to provide handlers the opportunity to adjust their operational and accounting procedures to the order provisions.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective June 1, 1981 and fully effective July 1, 1981, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order:

Title 7 of the Code of Federal Regulations is amended by adding a new Part 1135 to read as follows:

PART 1135—MILK IN THE SOUTHWESTERN IDAHO–EASTERN OREGON MARKETING AREA

Subpart—Order Regulating Handling

General Provisions

Sec.

1135.1 General provisions.

Definitions

1135.2 Southwestern Idaho-Eastern Oregon marketing area.
1135.3 Route disposition.
1135.4 Plant.
1135.5 Distributing plant.
1135.6 Supply plant.
1135.7 Pool plant.
1135.8 Nonpool plant.
1135.9 Handler.
1135.10 Producer-Handler.
1135.11 [Reserved]
1135.12 Producer.
1135.13 Producer milk.
1135.14 Other source milk.
1135.15 Fluid milk product.
1135.16 Fluid cream product.
1135.17 Filled milk.
1135.18 Cooperative association.

Handler Reports

1135.30 Reports of receipts and utilization.
1135.31 Payroll reports.
1135.32 Other reports.

Classification of Milk

1135.40 Classes of utilization.
1135.41 Shrinkage.
1135.42 Classification of transfers and diversions.
1135.43 General classification rules.
1135.44 Classification of producer milk.
1135.45 Market administrator's reports and announcements concerning classification.

Class Prices

1135.50 Class prices.
1135.51 Basic formula price.
1135.52 [Reserved]
1135.53 Announcement of class prices.

1135.54 Equivalent price.

Uniform Price

1135.60 Handler's value of milk for computing uniform price.
1135.61 Computation of uniform price.
1135.62 Announcement of uniform price and butterfat differential.

Payments for Milk

1135.70 Producer-settlement fund.
1135.71 Payments to the producer-settlement fund.
1135.72 Payments from the producer-settlement fund.
1135.73 Payments to producers and to cooperative associations.
1135.74 Butterfat differential.
1135.75 [Reserved]
1135.76 Payments by a handler operating a partially regulated distributing plant.
1135.77 Adjustments of accounts.
1135.78 Charges on overdue accounts.

Administrative Assessment and Marketing Service Deduction

1135.85 Assessment for order administration.
1135.86 Deduction for marketing services.

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

General Provisions

§ 1135.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1135.2 Southwestern Idaho-Eastern Oregon marketing area.

"Southwestern Idaho-Eastern Oregon marketing area," hereinafter called the "marketing area," means all territory within the boundaries of the following Idaho and Oregon counties, including all reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed counties:

Idaho

Ada	Gooding
Adams	Jerome
Blaine	Lincoln
Boise	Minidoka
Camas	Owyhee
Canyon	Payette
Cassia	Twin Falls
Elmore	Valley
Gem	Washington

Oregon

Baker	Malheur
Grant	Union
Harney	

§ 1135.3 Route disposition.

"Route disposition" means any delivery of a fluid milk product classified as Class I milk from a plant to a retail or wholesale outlet (including any delivery through a distribution point or a vender and disposition from a plant store or through a vending machine) except a delivery to another plant.

§ 1135.4 Plant.

"Plant" means the buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit or used only for reloading milk from one tank truck to another for transshipment shall not be a "plant" under this definition.

§ 1135.5 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted regulatory agency for the handling of Grade A milk and at which fluid milk products are processed or packaged and from which there is route disposition in the marketing area during the month.

§ 1135.6 Supply plant.

"Supply plant" means a plant that is approved by a duly constituted regulatory agency for the handling of Grade A milk and from which fluid milk products are transferred during the month to a pool distributing plant.

§ 1135.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) A distributing plant from which there is:

(1) Route disposition (except filled milk) in the marketing area during the month equal to not less than 10 percent of the Grade A fluid milk products received at such plant (including milk diverted from such plant by the plant operator pursuant to § 1135.13); and

(2) Total route disposition (except filled milk) during the month equal to not less than 40 percent of such receipts.

(b) A supply plant from which during the month the volume of fluid milk products, except filled milk, transferred to pool distributing plants is 40 percent or more of the Grade A milk received at the plant from dairy farmers (including producer milk diverted from the plant by the plant operator but excluding producer milk diverted to the plant pursuant to § 1135.13), subject to the following conditions:

(1) Any supply plant that has qualified as a pool plant in each of the immediately preceding months of September through February shall be a pool plant in each of the following months of March through August unless written request for nonpool status for any such month is filed by the plant operator with the market administrator prior to the first day of any such month. In such case, nonpool status will be effective until the plant again qualifies as a pool plant by meeting the transfer requirements; and

(2) The volume of fluid milk products included as qualifying shipments to a distributing plant pursuant to this paragraph shall be reduced by the volume of any fluid milk products transferred or diverted by such pool distributing plant operator to the supply plant or to any other plant under the control of the supply plant operator.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A distributing plant qualified pursuant to paragraph (a) of this section that also meets the pool plant requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, was disposed of as route disposition during the month in such other Federal marketing area than was disposed of as route disposition in this marketing area, and which is fully subject to the classification and pricing provisions of such other order;

(3) A distributing plant qualified pursuant to paragraph (a) of this section that also meets the pool plant requirements of another Federal order on the basis of route disposition in such other marketing area, and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month as route disposition in this marketing area than is disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order;

(4) A supply plant qualified pursuant to paragraph (b) of this section that also meets the pool plant requirements of another Federal order and from which greater qualifying transfers are made during the month to plants regulated under such other order than are made to plants regulated under this order, unless during the months of March through August the transfers to the other order plant are classified as Class II or Class III milk and the operator of the supply plant elects to retain automatic pooling under this part;

(5) A distributing plant from which less than an average of 300 pounds of Class I milk per day, except filled milk, is disposed of in the marketing area during the month; or

(6) Milk receiving and storage facilities that are on the same premises as a pool plant and are not approved by any regulatory agency for the receiving,

processing or packaging of any fluid milk product for Grade A disposition.

§ 1135.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a distributing plant that does not qualify as a pool plant and is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(d) "Unregulated supply plant" means a supply plant that does not qualify as a pool supply plant and is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(e) "Exempt distributing plant" means a distributing plant defined in § 1135.7(c)(5).

§ 1135.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of a producer that is diverted pursuant to § 1135.13 for the account of the cooperative association;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples;

(d) Any person, except a cooperative association, with respect to milk that it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such person and which is delivered during the month for the account of such person to the pool plant of another handler or diverted pursuant to § 1135.13, subject to the following conditions:

(1) Such person (who, if qualified pursuant to this paragraph, shall be known as a "proprietary bulk tank handler") must operate a plant located in the marketing area at which milk is processed only into Class II or Class III products; and

(2) Prior to operating as a handler pursuant to this paragraph, such person must submit to the market administrator a statement signed by the applicant and the operator of the pool plant to which the milk will be delivered specifying that the applicant will be the responsible handler for the milk;

(e) Any person in his capacity as the operator of a partially regulated distributing plant;

(f) Any person defined as a producer-handler;

(g) Any person in his capacity as the operator of another order plant described in § 1135.7(c) (2) and (3);

(h) Any person in his capacity as the operator of an unregulated supply plant; and

(i) Any person in his capacity as the operator of an exempt distributing plant.

§ 1135.10 Producer-handler.

"Producer-handler" means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant at which Grade A milk of his own production is processed and packaged, and from which there is route disposition in the marketing area;

(b) Receives no milk or fluid milk products from any source other than pool plants, other order plants, and bulk tank handlers described in § 1135.9 (b) and (d);

(c) Such receipts do not exceed the lesser of 5 percent of his Class I utilization during the month or 5,000 pounds;

(d) Does not reconstitute or convert milk products into fluid milk products except to increase by the addition of nonfat dry milk the nonfat milk solids content of its own farm production or of fluid milk products received from other sources; and

(e) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1135.11 [Reserved]

§ 1135.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1135.9 (b), (c) or (d); or

(3) Diverted from a pool plant in accordance with § 1135.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person who produces milk that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1135.44(a)(8)(iii) and the corresponding step of § 1135.44(b); or

(3) Any person who produces milk that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order or the other order designates such person as a producer under such order.

§ 1135.13 Producer milk.

"Producer milk" means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received at a pool plant from a handler described in § 1135.9(c);

(c) Received by a handler described in § 1135.9(c) in excess of the quantity delivered to pool plants;

(d) Received by a handler described in § 1135.9(d) that is not diverted pursuant to paragraph (f) of this section;

(e) Diverted from a pool plant for the account of the handler operating such plant to another pool plant; or

(f) Diverted from a pool plant to a nonpool plant by a pool plant operator or a handler described in § 1135.9 (b) or (d), subject to the following conditions:

(1) Milk of a dairy farmer who was not a "producer" in the preceding month shall not be eligible for diversion until one day's production of milk of such dairy farmer is physically received at a pool plant;

(2) During each of the months of September through February milk of a dairy farmer shall not be eligible for diversion unless during the month one day's production of milk of such dairy farmer is physically received as producer milk at a pool plant;

(3) The total quantity of milk diverted by a cooperative association during the

month may not exceed 60 percent in the months of September through February, and 70 percent in other months, of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of the producer milk which the associations cause to be delivered to pool plants or diverted from pool plants during the month if each association has filed a request in writing with the market administrator on or before the first day of the month the agreement is to be effective. This request shall specify the basis for assigning over-diverted milk to the producer deliveries of each cooperative according to a method approved by the market administrator;

(4) The total quantity of milk diverted during the month by a proprietary bulk tank handler described in § 1135.9(d) may not exceed 60 percent in the months of September through February, and 70 percent in other months, of the producer milk that the handler causes to be delivered to or diverted from pool plants during the month;

(5) The operator of a pool plant may divert for its account any milk that is not under the control of a cooperative association or a proprietary bulk tank handler that diverts milk during the month pursuant to subparagraph (f) (3) or (4) of this section. The total quantity so diverted during the month may not exceed 60 percent in the months of September through February, and 70 percent in other months, of the producer milk received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator; and

(6) Any milk diverted in excess of the limits prescribed in subparagraph (f) (3), (4), and (5) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk. Otherwise, the total milk diverted by the handler on the last day of the month, then the second-to-last day, and so on in daily allotments will be excluded until all of the over-diverted milk is accounted for.

§ 1135.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk fluid cream products from any source other than producers, handlers described in § 1135.9 (c) and (d), pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1135.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1135.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1135.40(b)(1)) for which the handler fails to establish a disposition.

§ 1135.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1135.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1135.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1135.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the cooperative association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk for its members; and

(c) To have its entire activities under the control of its members.

Handler Reports

§ 1135.30 Reports of receipts and utilization.

On or before the seventh day after the end of the month, each handler shall report to the market administrator, in the detail and on the forms prescribed by the market administrator, the following information for such month:

(a) Each handler, with respect to each of its pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1135.9(c);

(3) Receipts of milk from handlers described in § 1135.9 (d);

(4) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(5) Receipts of other source milk;

(6) Inventories at the beginning and end of the month of fluid milk products specified in § 1135.40(b)(1); and

(7) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1135.9 (b), (c), and (d) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1135.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1135.9 (a), (b), (c), and (d) shall report to the market administrator, in the detail prescribed by the market administrator, the following information showing for each producer for such month:

(1) His/her name and address;

(2) The number of days on which milk was received from such producer;

(3) The total pounds of milk received from such producer;

(4) The average butterfat content of his/her milk;

(5) In the case of cooperative associations, the identity of producers for whom the cooperative association is authorized to collect payment pursuant to § 1135.73; and

(6) The amount and nature of any deductions authorized in writing by the producer to be made from payments due such producer for milk delivered.

(b) Each handler operating a partially regulated distributing plant who elects to make payments pursuant to § 1135.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1135.32 Other reports.

In addition to the reports required pursuant to §§ 1135.30 and 1135.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Classification of Milk

§ 1135.40 Classes of utilization.

Except as provided in § 1135.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1135.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1135.15; and

(6) In shrinkage assigned pursuant to § 1135.41(a) to the receipts specified in § 1135.41(a)(2) and in shrinkage specified in § 1135.41 (b) and (c).

§ 1135.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1135.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from handlers described in § 1135.9 (c) and (d));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from handlers described in § 1135.9 (c) and (d) and in milk diverted to such plant from another pool plant, except that, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except

that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be zero:

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handlers; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in subparagraphs (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1135.9 (b) or (c) or a proprietary bulk tank handler is the handler pursuant to § 1135.9(d), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage for the cooperative association or the proprietary bulk tank handler shall be zero.

§ 1135.42 Classification of transfers and diversions.

(a) *Transfers and diversions (including deliveries by a handler described in § 1135.9(d)) to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant or from a handler described in § 1135.9(d) to a pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk, and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computation pursuant to § 1135.44(a)(12) and the corresponding step of § 1135.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1135.44(a)(7) and the corresponding step of § 1135.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1135.44(a) (11) or (12) or the corresponding steps of § 1135.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or transferred in the form of a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustments when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1135.40.

(c) *Transfers and diversions to producer-handlers and to exempt distributing plants.* Skim milk or butterfat in the following forms that is transferred or diverted by a handler described in § 1135.9(a), (b), or (d) to a producer-handler under this or any other Federal order or to an exempt distributing plant shall be classified:

(1) As Class I milk, if moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or transferred in the form of a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in subparagraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in subparagraphs (d)(2) (ii) through (viii) of this section;

(a) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1135.30 for the month within which such transaction occurred; and

(b) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(b) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(d) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(b) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(a) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(b) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants to the extent possible, first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this paragraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this paragraph.

§ 1135.43 General classification rules.

In determining the classification of producer milk pursuant to § 1135.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1135.30 and shall compute separately for each pool plant, and for each handler pursuant to § 1135.9 (b), (c), and (d) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1135.40, 1135.41, and 1135.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk of a handler pursuant to § 1135.9 (b), (c), or (d) shall be determined separately from the operations of any pool plant operated by such handler.

§ 1135.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1135.9(a) for each of the handler's pool plants separately and of each handler described in § 1135.9 (b), (c), and (d) by allocating the handler's receipts of skim milk and butterfat to its utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1135.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from another order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1135.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1135.40(b)(1) that were in inventory at the beginning of the month in package form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1135.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk

remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1135.40(b)(1) that were not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section; and

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from an exempt distributing plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to subparagraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount;

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to subparagraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to subparagraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1135.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to subparagraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (a)(1) of this section;

(11) Subject to the provisions of subparagraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (a)(2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received.

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph (a)(1) exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to subparagraph (a)(7)(vi) and (8)(iii) of this section;

(i) Subject to the provisions of subparagraphs (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1135.45(a) or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all

pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in subparagraph (a)(12)(ii) of this section, should the computations pursuant to subparagraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes the pounds of skim milk in Class II and Class III combined shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in subparagraph (a)(12)(ii) of this section, should the computation pursuant to subparagraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant and from 9(d) handlers according to the classification of such products pursuant to § 1135.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to subparagraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1135.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1135.44(a)(12) and the corresponding step of § 1135.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from another order plant, the class to which such receipts are allocated pursuant to § 1135.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler as described in § 1135.9 (a), (b) and (d) who has shipped fluid milk products or bulk fluid cream products to another order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) Report to each cooperative association that so requests, on or before the 12th day after the end of each month, the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handlers.

Class Prices

§ 1135.50 Class prices.

The class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* For the first 18 months this order is effective, the Class I price shall be the basic formula price for the second preceding month plus $1.50.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1135.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1135.52 [Reserved]

§ 1135.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month:

(a) The Class I price for the following month.

(b) The Class II and Class III prices for the preceding month.

§ 1135.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

§ 1135.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1135.9 (b), (c), and (d) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1135.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to

§ 1135.44(a)(14) and the corresponding step of § 1135.44(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II purusant to § 1135.44(a)(9) and the corresponding step of § 1135.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1135.44(a)(7) (i) through (iv) and the corresponding step of § 1135.44(b), excluding receipts of bulk fluid cream products from another order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1135.44(a)(7) (v) and (vi) and the corresponding step of § 1135.44(b); and

(f) Add the amount obtained from multiplying the Class I price by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1135.44(a)(11) and the corresponding step of § 1135.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1135.61 Computation of uniform price

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1135.60 for all handlers who filed reports prescribed by § 1135.30 for the month and who made the payments pursuant to § 1135.71 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(c) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1135.60(f); and

(d) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price."

§ 1135.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The 5th day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1135.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit the appropriate payments made by handlers pursuant to §§ 1135.71, 1135.76, 1135.77 and 1135.78 and out of which he shall make all payments due handlers pursuant to §§ 1135.72 and 1135.77. Payments due from the fund shall be offset by payments due from such handler.

§ 1135.71 Payments to the producer-settlement fund.

(a) On or before the 13th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1135.60.

(2) The sum of:

(i) The value at the uniform price of such handler's receipts of producer milk; and

(ii) The value at the uniform price of other source milk for which a value is computed pursuant to § 1135.60 (f).

§ 1135.72 Payments from the producer-settlement fund.

On or before the 15th day after the end of the month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1135.71(a)(2) exceeds the amount computed pursuant to § 1135.71(a)(1). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1135.73 Payments to producers and to cooperative associations.

Each handler shall pay for milk received from producers and cooperative associations as follows:

(a) On or before the last day of the month, each handler shall pay to each producer from whom milk was received during the first 15 days of the month not less than the Class III price per hundredweight for the preceding month.

(b) On or before the 18th day of the following month, each handler shall pay to each producer from whom milk was received during the month, the uniform price per hundredweight as adjusted pursuant to § 1135.74, less:

(1) Payments made pursuant to paragraph (a) of this section;

(2) Deductions for marketing services pursuant to § 1135.86; and

(3) Other proper deductions authorized by such producer in writing.

(c) On or before the second day prior to the dates specified in paragraphs (a) and (b) of this section, each handler shall pay a cooperative association for milk from producers who market their milk through the cooperative and who have authorized the cooperative to collect payments on their behalf an amount equal to the sum of the individual payments otherwise payable to such producers pursuant to paragraphs (a) and (b) of this section.

(d) In the event a handler has not received full payment from the market administrator pursuant to § 1135.72 by the 18th day of the month, the handler may reduce pro rata the payments to producers pursuant to paragraphs (b) and (c) of this section by not more than the amount of such underpayment. Following receipt of the balance due from the market administrator, the handler shall complete payments to producers not later than the next payment date provided under this paragraph.

(e) In making payments to individual producers as required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The month involved, and the identity of the handler and the producer;

(2) The total pounds and the average butterfat content of the milk received from the producer;

(3) The minimum rate at which payment is required pursuant to this order;

(4) The rate used in making payment, if such rate is other than the applicable minimum;

(5) The amount (or rate) per hundredweight of each deduction

claimed by the handler, including any deduction claimed under § 1135.86, together with a description of the respective deductions; and

(6) The net amount of the payment to the producer.

§ 1135.74 Producer butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth of one percent variation from 3.5 percent by a butterfat differential rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1135.75 [Reserved]

§ 1135.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1135.30(b) and 1135.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants, handlers pursuant to § 1135.9 (b) and (d), and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price; and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1135.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant, a handler described in § 1135.(b) and (d), and an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to subparagraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1135.60 shall be priced at the uniform price of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest Class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1135.60 for such handler shall include, in lieu of the value of other source milk specified in § 1135.60(f) less the value of such other source milk specified in § 1135.71(a)(2)(ii), a value of milk determined pursuant to § 1135.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1135.7(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1135.30(b) and 1135.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1135.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to subparagraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1135.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If subparagraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1135.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if subparagraph (b)(1)(iii) of this section applies.

§ 1135.77 Adjustments of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in money due the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1135.78 Charges on overdue accounts.

Any unpaid obligation pursuant to §§ 1135.71, 1135.76, 1135.77, 1135.78, 1135.85, and 1135.86, shall be increased 1 percent each month beginning with the day following the date such obligation was due under the order. Any remaining amount due shall be increased at the same rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation and shall include any unpaid charges previously made pursuant to this section. For the purpose of this section, any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

Administrative Assessment and Marketing Service Deduction

§ 1135.85 Assessment for order administration.

As his pro rata share of the expenses of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1135.44(a) (7) and (11) and the corresponding steps of § 1135.44(b), except such other source milk that is excluded from the computations pursuant to § 1135.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1135.76(a)(2).

§ 1135.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers (other than himself) pursuant to § 1135.73, shall deduct 7 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 13th day after the end of such month. Such moneys shall be expended by the market administrator to provide for market information and to verify the weights, samples, and tests of milk of producers who are not receiving such services from a cooperative association.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 16th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

Effective date: Sections 1135.1 through 1135.45 shall be effective on and after June 1, 1981, and all remaining provisions shall be effective on and after July 1, 1981.

Dated: May 21, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-15756 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes; Requirements for Aliens Desiring To Participate in Programs Under Which They Will Receive Graduate Medical Education and Training

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: Foreign Exchange visitors coming to the United States to obtain graduate medical education and training are required by law to meet certain requirements. An exemption may be granted for some of these requirements if it is established that a substantial disruption in health services would result because the alien was not permitted to participate in a medical residency or other exchange program. Public Laws 95-83 and 96-538 have amended the law which provides for the exemption. This document amends the related regulation in order to conform to present law. The rule becomes effective immediately because all regulatory changes result directly from the amending legislation.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536, Telephone: (202) 633-3048.

For Specific Information: Thomas W. Simmons, Adjudications Division, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536, Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: The Health Professions Educational Assistance Act of 1976 Public Law 94-484 (90 Stat. 2300) created a number of requirements in order for an alien exchange visitor to qualify for a nonimmigrant visa for the purpose of participating in a program of graduate medical education and training. These requirements were added as subparagraphs (A) through (D) of section 212(j)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(j)(1)). The Health Professions Educational Assistance Act also provided a waiver of these requirements if compliance with them would cause substantial disruption in the health services rendered in a training program if the alien physician was not permitted to enter the United States (8 U.S.C. 1182(j)(L)(A)). Granting of the exemption was conditioned upon a finding that approving it would not increase the total number of aliens participating in a program of graduate medical education and training to a level greater than that participating on January 10, 1977. The exemption was available only until December 31, 1980.

On August 1, 1977, Public Law 95-83 (91 Stat. 394) amended the Health Professions Educational Assistance Act of 1976. The substantial disruption exemption was changed to apply only to subparagraphs A and B of section 212(j)(1) of the Immigration and Nationality Act and the effective date of section 212(j) was changed to January 10, 1978. The latter modification caused the limit on the number of exemptions permitted to change to a number that would not exceed the level of aliens participating in such programs on January 10, 1978. Public Law 96-538 (94 Stat. 3183) extended the substantial disruption exemption provision until December 31, 1981 by amending section 212(j)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(j)(2)(A)).

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and

effective date is not required because the rule is editorial in nature and merely reflects date changes mandated by Public Laws 95–83 and 96–538.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule is exempt from the requirements of Executive Order 12291 as provided for by Section 8(a)(2) because the editorial date changes are mandated by statute.

For the reasons stated in the preamble, Title 8 of the Code of Federal Regulations is amended as set forth below:

PART 214—NONIMMIGRANT CLASSES

In § 214.2, paragraphs (j)(2) (i) and (ii) are revised to read as follows:

§ 214.2 Special requirements for admission, extension and maintenance of status.

* * * * *

(j) * * *

(2) *Eligibility requirements for section 101(a)(15)(J) classification for aliens desiring to participate in programs under which they will receive graduate medical education or training*—(i) *Requirements.* Any alien coming to the United States as an exchange visitor to participate in a program under which he/she will receive graduate medical education or training, or any alien seeking to change his/her nonimmigrant status to that of an exchange visitor on Form I–506 for that purpose, must have passed parts I and II of the National Board of Medical Examiners Examination (or an equivalent examination as determined by the Secretary of Health and Human Services), and must be competent in oral and written English; and shall submit a valid Form IAP–66, completely executed.

(ii) *Exemptions.* From January 10, 1978 until December 31, 1981, any alien who seeks to come to the United States as an exchange visitor to participate in an accredited program of graduate medical education or training, or any alien who seeks to change his/her nonimmigrant status for such purpose, may be admitted to participate in such program without regard to the requirements stated in subparagraphs (A) and (B) of section 212(j)(1) of the Act if there would be substantial disruption in the health services provided in such program because the alien was not permitted to enter the United States or change his/her nonimmigrant status to participate in the program on account of his/her inability to comply with such requirements: *Provided* that an exemption will not increase the total number of aliens then participating in such programs to a level greater than that participating on January 10, 1978.

* * * * *

(Secs. 103 and 214; 8 U.S.C. 1103 and 1184)

Dated: May 15, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81–15925 Filed 5–27–81; 8:45 am]

BILLING CODE 4410–10–M

---

8 CFR Part 280

Imposition and Collection of Fines; Application for Mitigation or Remission of Fine

AGENCY: Immigration and Naturalization, Justice.

ACTION: Final rule.

SUMMARY: The Service is amending its rule regarding filing applications for relief from administrative fines imposed under the Immigration and Nationality Act. The rule allows an applicant to file for relief from the fine imposed whether or not the applicant previously responded to the Service's notice of intent to impose a fine. This clarifies the former ambiguity regarding the right to file for relief.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information—Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536. Telephone: (202) 633–3048

For specific information—Alvin Braunstein, Immigration Inspector, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536. Telephone: (202) 633–2725

SUPPLEMENTARY INFORMATION: Sections 239, 254, 255, 256, 271, and 273 of the Immigration and Nationality Act, 8 U.S.C. 1229, 1284, 1285, 1286, 1321 and 1323 provide for the relief from administrative fines imposed upon owners, masters, commanding officers, agents, charterers, and consignees of vessels or aircraft where they are found to be in violation of the Act. The procedures for the imposition, collection, and relief from such administrative fines are set out in 8 CFR Part 280. Specifically, 8 CFR 280.12 prescribes the procedures to be used in responding to the Service's notice of intent to fine; and 8 CFR 280.51 describes the application procedure for mitigation or remission of the fine once imposed by the district director.

8 CFR 280.51(a), was unclear as to whether the application for relief from the imposition of an administrative fine could be filed if the applicant had not previously responded to the Service's notice of intent to impose a fine. This final rule clarifies the ambiguity by setting out the procedures which an applicant may follow in applying for relief:

(1) The applicant may file for relief at the time a response is made to the Notice of Intention to Fine per 8 CFR 280.12; or

(2) the applicant may file for relief within 30 days after receiving the district director's decision to impose a fine, whether or not the applicant previously responded to the notice of intent to impose the fine.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the rule is an interpretative rule promulgated to clarify a former ambiguity in the regulation.

This rule is not a major rule as defined by subsection 1(b) of E.O. 12291 and is not subject to a regulatory impact analysis.

Certification

In accordance with 5 U.S.C. 605(b), the Acting Commissioner of Immigration and Naturalization certifies that the rule will not have significant economic impact on a substantial number of small entities.

Accordingly, the following amendment is made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 280—IMPOSITION AND COLLECTION OF FINES

In § 280.51, paragraph (a) is revised to read as follows:

§ 280.51 Application for mitigation or remission.

(a) *When application may be filed.* An application for mitigation or remission of a fine may be filed as provided under § 280.12 of this part; or, within 30 days after the date of receipt of the district director's decision to impose a fine whether or not the applicant responded to the Notice of Intention to Fine.

* * * * *

(Sec. 103, 239, 254, 255, 256, 271, 273 and 280; 8 U.S.C. 1103, 1229, 1284, 1285, 1286, 1321, 1323 and 1330)

Dated: May 11, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-15943 Filed 5-27-81; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Parts 299, 499

Immigration Forms and Nationality Forms; Revised Issue Dates

AGENCY: Immigration and Nationalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule updates the edition dates of the various prescribed forms used by the Immigration and Naturalization Service and the public. It serves as a notice to the public of the most recent edition dates of the forms currently in use.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION:

For General Information—Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, Telephone (202) 633-3048

For Specific Information—Hunter Kenney, Jr., Management Analyst, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, Telephone (202) 633-3295

SUPPLEMENTARY INFORMATION: The Service is publishing revised edition dates of the various prescribed forms currently in use for the general information of the public. Parts 299 Immigration Forms, and 499, Nationality Forms are revised to show the current edition dates of the prescribed forms.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is not required because the rule is editorial in nature and merely revises the edition dates of the forms in use.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities because the rule merely makes editorial changes in edition dates of Service forms.

This final rule is not a major rule within the definition of Executive Order 12291 and it merely makes editorial date changes to existing enumerated forms of the Service.

Accordingly, chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 299—IMMIGRATION FORMS

Section 299.1 is revised to read as follows:

§ 299.1 Prescribed forms.

The forms listed below are hereby prescribed for use in compliance with the provisions of Subchapter A of this chapter and this Subchapter B. To the maximum extent feasible the forms used should bear the edition date shown or a subsequent edition date.

Form No., title and description

AR-4 (8-30-72)—Alien Registration Fingerprint Chart.
AR-11 (3-21-79)—Alien's Change of Address Card.
CDC 4.417 (11-74)—(Formerly HSM-240 or PHS-124) (Medical Certificate).
IAP-66 (10-78)—Certificate of Eligibility for Exchange Visitor Status.
FD-258 (4-25-72)—Applicant Card.
OF-157 (5-78)—Medical Examination of Applicants for United States Visas.
G-27 (10-13-76)—Request for Recognition to Represent before the Board of Immigration Appeals and the Immigration and Naturalization Service.
G-28 (10-25-79)—Notice of Entry of Appearance as Attorney or Representative.
G-296 (9-12-58)—Report of Violation.
G-297 (5-28-70)—Order to Seize Aircraft.
G-298 (9-12-58)—Public Notice of Seizure.
G-325A (6-18-80)—Biographic information.
G-325C (5-1-79)—Biographic information.
G-639 (6-20-80)—Application for a Search of the Records of the Immigration and Naturalization Service Under the Freedom of Information Act (5 U.S.C. 552).
G-641 (6-20-80)—Application for Verification of Information from Immigration and Naturalization Records.
G-652 (2-1-78)—Affidavit of Identity.
G-657 (6-15-80)—Privacy Act Information Request.
G-658 (11-1-75)—Record of Information Disclosure (Privacy Act).
I-17 (6-20-80)—Petition for Approval of School for Attendance by Nonimmigrant Alien Students.
I-20AB (12-15-79)—Certificate of Eligibility (For Nonimmigrant "F-1" Student Status).
I-38 (7-25-77)—Decision of the Immigration Judge.
I-39 (9-22-78)—Decision of the Immigration Judge.
I-53 (1-1-81)—Alien Address Report.
I-67 (9-18-58)—Inspection Record (Hungarian Parolee).
I-68 (2-10-70)—Canadian Border Boat Landing Card.
I-79 (5-15-70)—Notice of Intention to Fine under Immigration and Nationality Act.
I-90 (4-4-80)—Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-551.
I-92 (6-1-73)—Aircraft/Vessel Report.
I-94 (6-1-79)—Arrival-Departure Record.
I-95AB (9-1-64)—Crewman's Landing Permit.
I-99 (8-28-58)—Notice of Revocation and Penalty.
I-102 (12-15-79)—Application by Nonimmigrant Alien for Replacement of Arrival Document.
I-122 (5-4-79)—Notice to Applicant for Admission Detained for Hearing before Special Inquiry Officer.
I-126 (6-26-78)—Report of Status by Treaty Trader or Investor.
I-129B (2-25-76)—Petition to Classify Nonimmigrant as Temporary Worker or Trainee.
I-129F (2-28-80)—Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa.
I-130 (10-26-79)—Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa.
I-131 (10-25-79)—Application for Issuance or Extension of Permit to Reenter the United States.
I-134 (9-30-80)—Affidavit of Support.
I-138 (11-5-70)—Subpoena.
I-140 (6-20-80)—Petition to Classify Preference Status of Alien on Basis of Profession or Occupation.
I-141 (4-21-69)—Medical Certificate.
I-147 (1-26-56)—Notice of Temporary Exclusion from the United States.
I-151 (7-1-72)—Alien Registration Receipt Card.
I-171C (9-1-77)—Notice of Approval of Nonimmigrant Visa Petition or of Extension of Stay of H or L Alien.
I-175 (4-1-75)—Application for Nonresident Alien Canadian Border Crossing Card.
I-180 (9-1-71)—Notice of Voidance of Form I-186.
I-181 (11-26-79)—Memorandum of Creation of Record of Lawful Permanent Residence.
I-184 (4-1-58)—Alien Crewman Landing Permit and Identification Card.
I-185 (1-1-75)—Nonresident Alien Canadian Border Crossing Card.
I-186 (6-1-72)—Nonresident Alien Mexican Border Crossing Card.
I-190 (3-1-75)—Application for Nonresident Alien Mexican Border Crossing Card.
I-191 (6-20-80)—Application for Advance Permission to Return to Unrelinquished Domicile.
I-192 (6-20-80)—Application for Advance Permission to Enter as Nonimmigrant.
I-193 (1-25-80)—Application for Waiver of Passport and/or Visa.
I-196 (10-26-79)—Application for U.S. Citizen Identification Card.
I-197 (5-1-76)—U.S. Citizen Identification Card.
I-202 (Rev. 11-15-79)—Authorization for Removal.
I-212 (Rev. 11-18-79)—Application for Permission to Reapply for Admission into the United States after Deportation or Removal.
I-221 (71-1-73)—Order to Show Cause and Notice of Hearing.
I-221S (8-1-77)—Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien.
I-243 (9-27-75)—Application for Removal.
I-246 (6-20-80)—Application for Stay of Deportation.
I-256A (6-20-80)—Application for Suspension of Deportation.
I-259 (10-1-69)—Notice to Detain, Deport, Remove or Present Aliens.
I-259A (2-12-55)—Agreement by Transportation Line to Assume

Responsibility for Removal of Aliens. (One-time basis.)
I-259B (4-1-70)—Agreement by Transportation Line to Assume Responsibility for Removal of Aliens. (Continuing basis.)
I-260 (6-1-73)—Notice to Take Testimony of Witness.
I-284 (12-20-66)—Notice to Transportation Line Regarding Deportation and Detention Expenses of Detained Alien.
I-286 (4-1-79)—Notification to Alien of Conditions of Release or Detention.
I-287 (4-10-72)—Special Care and Attention for Alien.
I-288 (2-20-62)—Notice to Transportation Line Regarding Deportation Expenses of Alien Completely Ready for Deportation.
I-290A (10-31-79)—Notice of Appeal to the Board of Immigration Appeals.
I-290B (1-15-80)—Notice of Appeal to Regional Commissioner.
I-290C (9-30-66)—Notice of Certification.
I-292 (10-20-79)—Decision.
I-296 (3-15-76)—Notice to Alien Ordered Excluded by Immigration Judge.
I-305 (5-1-76)—Receipt of Immigration Officer—United States Bonds or Notes, or Cash, Accepted as Security on Immigration Bond.
I-310 (4-16-62)—Bond for Payment of Sums and Fines Imposed under Immigration and Nationality Act (Term or Single Entry).
I-312 (4-15-76)—Designation of Attorney in Fact.
I-323 (3-15-77)—Notice—Immigration Bond Breached.
I-328 (6-5-74)—Order on Motion to Reopen.
I-342 (4-25-79)—Determination of the Immigration Judge with Respect to Custody.
I-351 (6-1-74)—Bond Riders.
I-352 (10-14-76)—Immigration Bond.
I-356 (9-27-75)—Request for Cancellation of Public Charge Bond.
I-391 (3-14-77)—Notice—Immigration Bond Cancelled.
I-408 (9-21-78)—Application to Pay off or Discharge Alien Crewman.
I-410 (5-1-75)—Receipt for Crew List.
I-418 (7-1-74)—Passenger List—Crew List.
I-420 (3-15-67)—Agreement (land-border) Between Transportation Line and United States.
I-421 (6-29-58)—Agreement (overseas) Between Transportation Line and United States.
I-425 (3-24-77)—Agreement for Preinspection at Places Outside United States.
I-426 (5-1-65)—Immediate and Continuous Transit Agreement Between a Transportation Line and United States of America (special direct transit procedure).
I-444 (8-18-80)—Mexican Border Visitors Permit.
I-485 (11-26-79)—Application for Status as Permanent Resident.
I-485A (11-26-79)—Application by Cuban Refugee for Permanent Residence.
I-485C (10-26-79)—Application for Creation of a Record of Lawful Admission for an Indochina Refugee.
I-486A (12-29-79)—Medical Examination and Immigration Interview.
I-506 (10-22-79)—Appliation for Change of Nonimmigrant Status.
I-508 (9-27-75)—Waiver of Rights, Privileges, Exemptions, and Immunities.
I-508F (6-1-70)—Waiver of Rights, Privileges, Exemptions, and Immunities (Under Sec. 247(b) of the Act and under the Convention between the United States of America and the French Republic with respect to Taxes on Income and Property).
I-509 (8-1-70)—Notice to Alien of Proposed Change from Lawfully Admitted for Permanent Residence to Nonimmigrant.
I-510 (7-24-67)—Guarantee of Payment.
I-512 (6-15-79)—Authorization for Parole or Conditional Entry of an Alien into the United States.
I-526 (12-22-79)—Request for Determination that Prospective Immigrant is an Investor.
I-538 (10-1-80)—Application by Nonimmigrant Student (F-1) for Extension of Stay, School Transfer or Permission to Accept or Continue Employment.
I-539 (10-15-80)—Application to Extend Time of Temporary Stay.
I-551 (Jan. 77)—Alien Registration Receipt Card.
I-566 (9-21-79)—Application for Employment by a (G-4) Spouse or Unmarried Son or Daughter of an Official of an International Organization.
I-570 (12-18-79)—Application for Issuance or Extension of Refugee Travel Document.
I-571 (11-1-79)—Refugee Travel Document.
I-589 (9-1-74)—Request for Asylum in the United States.
I-590 (5-1-80)—Registration for Classification as Refugee.
I-591 (5-1-80)—Assurance by a United States Sponsor in Behalf of an Applicant for Refugee Status.
I-600 (11-20-79)—Petition to Classify Orphan as an Immediate Relative.
I-601 (6-20-80)—Application for Waiver of Grounds of Excludability under Section 212 (g), (h), or (i) of the Immigration and Nationality Act.
I-612 (6-20-80)—Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, as amended.
ICAO—International Civil Aviation Organization's General Declaration.
MA 7-50 (4-70)—Application for Alien Employment Certification. (Part I—Statement of Qualifications of Aliens (MA 7-50A)). (Part II—Job Offer for Alien Employment (MA 7-50B)).
7507 (3-69)—Bureau of Customs' General Declaration.

PART 499—NATIONALITY FORMS

Section 499.1 is revised to read as follows:

§ 499.1 Prescribed forms.

The forms listed below are hereby prescribed for use in compliance with the provisions of this Subchapter C to the maximum extent feasible the forms used should bear the edition date shown or a subsequent edition date.

Form No., title and description

G-639 (6-20-80)—Application for a Search of the Records of the Immigration and Naturalization Service Under the Freedom of Information Act (5 U.S.C. 552).
G-641 (1-31-80)—Application for Verification of Information from Immigration and Naturalization Records.
G-652 (2-1-78)—Affidavit of Identity.
G-657 (6-15-80)—Privacy Act Information Request.
G-658 (11-1-75)—Record of Information Disclosure (Privacy Act).
I-138 (11-5-70)—Subpoena.
N-3 (3-1-80)—Requisition for Forms and Binders.
N-4 (2-1-71)—Monthly Report—Naturalization Papers Forwarded.
N-5 (12-24-52)—Continuation Sheet of Monthly Report—Naturalization Papers Forwarded.
N-7 (9-18-69)—Quarterly Abstract of Collections of Naturalization Fees.
N-12 (6-1-72)—Penalty Envelope (to be addressed to any office of Service).
N-13 (9-1-72)—Penalty Envelope (Large—to be addressed to any office of Service).
N-300 (10-15-79)—Application to File Declaration of Intention.
N-305 (3-15-79)—Form Letter Notifying Alien That Form N-300 has been Forwarded to the Clerk of the Court.
N-315 (3-1-80)—Declaration of Intention.
N-350 (9-27-75)—Application to Renounce Danish Citizenship.
N-351 (12-24-52)—Renunciation of Danish Citizenship.
N-400 (11-1-80)—Application to File Petition for Naturalization.
N-400A (8-1-68)—Supplement to Application to file Petition for Naturalization (under Sec. 324(a) or 327, Immigration and Nationality Act).
N-400B (1-1-66)—Supplement to Application to File Petition for Naturalization (by a seaman, under Sec. 330 of the Immigration and Nationality Act).
N-401 (9-27-75)—Preliminary Form to take Oath of Allegiance (by woman formerly a citizen, under Sec. 324(c) of the Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N-402 (3-30-80)—Application to File Petition for Naturalization in Behalf of a Child (under Sec. 322, Immigration and Nationality Act).
N-403 (12-24-52)—Request to have Petition for Naturalization marked "Void."
N-404 (8-1-65)—Request for Withdrawal of Petition for Naturalization.
N-405 (11-27-78)—Petition for Naturalization (under general provisions of the Immigration and Nationality Act).
N-407 (10-1-78)—Petition for Naturalization (in behalf of a child, under Sec. 322, Immigration and Nationality Act).
N-408 (4-5-79)—Application to take Oath of Allegiance and Form of such Oath (by a woman formerly a citizen, under Sec. 324(c), Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N-410 (11-26-79)—Motion for Amendment of Petition (application).
N-414 (12-15-44)—Acknowledgment of Filing Petition for Naturalization.
N-414a (7-15-65)—Acknowledgment of Filing Petition for Naturalization and Index Card.

N–425 (6–1–70)—Notice to Petitioner of Proposed Recommendation of Denial of Petition for Naturalization.
N–426 (5–12–77)—Certification of Military or Naval Service.
N–440 (3–15–61)—Certificate of Examination.
N–445 (5–6–76)—Notice to Petitioner to Appear in Court for Final Hearing on Petition for Naturalization, and Questionnaire to be Submitted by Petitioner at the Final Hearing.
N–445B (9–27–75)—Notice to Petitioner to Appear in Court for Final Hearing on Petition for Naturalization Filed in Behalf of his Natural or Adopted Child, and Questionnaire to be Submitted by Petitioner at the Final Hearing.
N–451 (9–27–75)—Affidavits of Witnesses (to petition for naturalization).
N–455 (12–1–78)—Application for Transfer of Petition for Naturalization.
N–458 (9–27–75)—Application to Correct Certificate of Naturalization.
N–459 (12–15–58)—Authorization to Clerk of Court to Correct Certificate of Naturalization.
N–460 (6–1–65)—Notice to take Depositions.
N–462A (6–6–78)—Interrogatories in Depositions of Witnesses.
N–470 (11–27–79)—Application to Preserve Residence for Naturalization Purposes (under Sec. 316(b) or 317, Immigration and Nationality Act).
N–472 (4–28–72)—Approval of Application to Preserve Residence for Naturalization Purposes.
N–480 (2–5–68)—Naturalization Petitions Recommended to be Granted (and) Order of Court Granting Petitions for Naturalization.
N–481 (9–20–67)—Naturalization Petitions Recommended to be Granted. (Continuation Sheet)
N–484 (2–5–68)—Naturalization Petitions Recommended to be Denied (and) Order of Court Denying Petitions for Naturalization.
N–485 (2–5–68)—Naturalization petitions Recommended to be Granted (on behalf of children) (and) Order of Court Granting Petitions for Naturalization.
N–550 (12–1–69)—Certificate of Naturalization.
N–565 (11–26–79)—Application for New Naturalization or Citizenship Paper.
N–568 (8–15–56)—Form Letter Stating Special Certificate of Naturalization has been Forwarded.
N–576 (9–27–75)—Supplemental Affidavit to be Submitted with Applications of Japanese Renunciants.
N–577 (11–27–79)—Application for a Special Certificate of Naturalization to Obtain Recognition as a Citizen of the United States by a Foreign State.
N–578 (10–3–62)—Special Certificate of Naturalization.
N–600 (11–26–79)—Application for Certificate of Citizenship.

(Sec. 103; 8 U.S.C. 1103)

Dated: May 14, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81–15930 Filed 5–27–81; 8:45 am]

BILLING CODE 4410–10–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Commission Review Procedures for Power Reactor Operating Licenses; Immediate Effectiveness Rule

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission hereby amends its review procedures for Licensing Board decisions granting nuclear power reactor operating license applications by requiring direct Commission review of those decisions to determine whether their effectiveness should be delayed pending normal agency appellate review. The amendment eliminates the Atomic Safety and Licensing Appeal Board review directed by Appendix B to Part 2 of the Commission's rules of practice. The amendment is intended to reduce the length of time between a Licensing Board decision permitting fuel loading and low-power testing or full-power operation and the Commission's decision on whether to permit the Licensing Board's decision to become effective.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Martin G. Malsch, Esq., Deputy General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (202–634–1465).

SUPPLEMENTARY INFORMATION: Appendix B to Part 2 was adopted some one-and-one-half years ago as an interim response to the Three Mile Island (TMI) accident in order to increase Commission supervision of adjudicatory licensing decisions involving power reactors. Under Appendix B, an initial decision by an Atomic Safety and Licensing Board favoring grant of a nuclear power reactor construction permit or operating license did not become effective until both the Atomic Safety and Licensing Appeal Board and the Commission had reviewed that decision and decided whether it should become effective. The review process contained in Appendix B nominally postponed the issuance of licenses for close to three months beyond a favorable Licensing Board decision.

Following the Three Mile Island accident, the Commission reassigned most of the staff who had been reviewing applications seeking authorization to construct or operate nuclear power reactors to other tasks, such as investigating the causes of the accident and developing new regulations based on the lessons learned. As a direct result of these reassignments construction of a number of plants will be finished prior to any effective decision by the Commission on the issuance of an operating license. On April 3, 1981, the Commission published in the **Federal Register** proposed alternative modifications of Appendix B designed to expedite the review process. 46 FR 20215. Two alternatives were set out for public comment: Option A, which retained a period of deferred effectiveness pending expedited Commission review of favorable Licensing Board decisions; and Option B, which would grant immediate effectiveness to favorable Licensing Board decisions while retaining the Appeal Board and Commission review process of Appendix B. The alternatives were designed to reduce or eliminate the delay between completion of construction and issuance of an operating license following a favorable Licensing Board decision.

Approximately 90 comments on the proposed rule were received from interested individuals and organizations, divided along two distinct lines which may be characterized as intervenor- and nuclear industry-oriented positions. Intervenors, over two-thirds of the commenters, favored retention of Appendix B, generally citing concerns that elimination of Appendix B reviews would provide less assurance that TMI-related policy concerns would be included in decisions. Nuclear industry commenters, meanwhile, favored Option B of the proposed alternative modifications, generally citing the thoroughness of the review process before Appendix B takes hold. These commenters often stated a strong preference for full reinstatement of the immediate effectiveness rule. Several industry commenters also urged reinstatement of the immediate effectiveness rule for construction permits, a matter that is the subject of another, separate rulemaking.[1]

SECY 81–307, a brief analysis of the public comments, was prepared for the Commissioners by the Office of the General Counsel and, along with a copy

[1] See 45 FR 34279 (May 22, 1980).

of all comments received, is available for public inspection at the NRC Public Document Room, located at 1717 H Street, NW., Washington, D.C.

The Commission has reassessed its Appendix B process in light of the need for expedited decisions in a number of pending operating license cases. It has concluded that the full Appendix B reviews of operating license decisions are not necessary. Therefore, some changes to Appendix B are warranted in order to avoid unwarranted and expensive delays.

The commission has decided to adopt the proposed Option A. This decision is based upon a balancing of two competing factors: (1) The benefit of direct Commission consideration of nuclear power reactor operating licenses; and (2) the costs associated with postponing operation of completed plants.

This amendment does not compromise the Commission's commitment to the protection of public health and safety or to a fair hearing process. Thorough technical safety reviews of license applications by the NRC staff and the Advisory Committee on Reactor Safeguards, the availability of public hearings on license applications, and the Commission's inherent supervisory authority form the basis of the network of procedural safeguards intended to implement this commitment to a fair decision process and public health and safety. These are all unaffected by the instant rule change. When warranted, stays of effectiveness remain available pursuant to the standard procedure and criteria of 10 CFR 2.788. The Commission review provided for in this amendment will focus narrowly on significant policy issues. The Commission does not intend to review the entire record developed during the licensing proceeding.

Because these amendments relate solely to procedural matters and serve to relieve procedural restrictions on licensees, the Commission has determined to make them effective upon publication in the **Federal Register**.

Finally, the format of the rule has been revised to conform to **Federal Register** guidance on proper format, removing Appendix B and incorporating the Appendix B procedures, as amended, into 10 CFR 2.764.

Commissioner Ahearne's Dissenting Views

The Appendix B procedures were developed so that the Commission could decide issues for which no guidance had been given because the TMI-related reviews had not been completed. Modification of the Appendix B procedure for operating licenses is now appropriate because of the progress which the NRC has made in incorporating into its safety requirements lessons learned from review of the accident at Three Mile Island.[2]

For areas in which the Commission has provided clear guidance to the Boards, I believe that short Commission review is not necessary and serves only to provide the appearance of Commission involvement. For areas in which the Commission has not provided such guidance, a short review will not suffice for reaching a Commission conclusion and I expect a lengthy period to elapse between Board decision and Commission decision. Consequently, I find little real value in adopting a version of the Appendix B procedure which requires the Commission to formally grant the license based on a brief review. Although the Commission's addition of a provision allowing parties to comment is helpful because it should focus the Commission's attention on areas of concern, I still do not support Option A.

Since the Commission has addressed TMI-related requirements, I would have reinstated the immediate effectiveness of Licensing Board decisions for operating licenses. I continue to support a procedure which would provide the Commission an opportunity to examine a decision relatively soon after a decision is issued. This would allow the Commission to address any major misunderstanding of its guidance as well as to identify any substantial weaknesses in the Licensing and Appeal Boards' decisions.

Therefore, I would have adopted Option B which would have restored immediate effectiveness to Licensing Board decisions for operating licenses while retaining the Appeal Board and Commission stay review under current Appendix B procedures.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule affects the Commission's Rules of Practice and procedures by permitting expedition of the licensing process.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of the United States Code, notice is hereby given of the adoption of the following amendments to 10 CFR Part 2.

[2] The Commission itself provided guidance on TMI-related requirements for operating licenses (45 FR 41738 (June 20, 1980); 45 FR 85236 (Dec. 24, 1980)) and currently public comment is being requested on a proposed rule codifying those requirements (46 FR 26491 (May 13, 1981)).

Appendix B to Part 2 [Removed]

1. 10 CFR Part 2 is amended by removing Appendix B.

2. 10 CFR 2.764 is amended by revising paragraphs (a) and (b) to read as follows and by adding new paragraphs (e) and (f).

§ 2.764 Immediate effectiveness of certain initial decisions.

(a) Except as provided in paragraphs (c) through (f) of this section, an initial decision directing the issuance or amendment of a construction permit, a construction authorization, or an operating license shall be effective immediately upon issuance unless the presiding officer finds that good cause has been shown by a party why the initial decision should not become immediately effective, subject to the review thereof and further decision by the Commission upon exceptions filed by any party pursuant to § 2.762 or upon its own motion.

(b) Except as provided in paragraphs (c) through (f) of this section, the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, notwithstanding the filing of exceptions, shall issue a construction permit, a construction authorization, or an operating license, or amendments thereto, authorized by an initial decision, within ten (10) days from the date of issuance of the decision.

* * * * *

(e) Construction Permits

(1) Atomic Safety and Licensing Boards

(i) Atomic Safety and Licensing Boards shall hear and decide all issues that come before them, indicating in their decisions the type of licensing action, if any, which their decision would authorize. The Boards' decisions concerning construction permits shall not become effective until the Appeal Board and Commission actions outlined below in paragraphs (2) and (3) have taken place.

(ii) In reaching their decisions the Boards should interpret existing regulations and regulatory policies with due consideration to the implications for those regulations and policies of the Three Mile Island accident. In this regard it should be understood that as a result of analyses still under way the Commission may change its present regulations and regulatory policies in

[1] Such moti... CFR 2.788. No... Licensing Boa... Board. Cf. Pub... Hampshire (S... ALAB-338, 4 ... has been sele... allowing time ... days may elap... the stay paper... may find it ne...

important respects and thus compliance with existing regulations may turn out to no longer warrant approval of a license application. As provided in paragraph (e)(3) of this section, in addition to taking generic rulemaking actions, the Commission will be providing case-by-case guidance on changes in regulatory policies in conducting its reviews in adjudicatory proceedings. The Boards shall, in turn, apply these revised regulations and policies in cases then pending before them to the extent that they are applicable. The Commission expects the Licensing Boards to pay particular attention in their decisions to analyzing the evidence on those safety and environmental issues arising under applicable Commission regulations and policies which the Boards believe present serious, close questions and which the Boards believe may be crucial to whether a license should become effective before full appellate review is completed. Furthermore, the Boards should identify any aspects of the case which in their judgment, present issues on which prompt Commission policy guidance is called for. The Boards may request the assistance of the parties in identifying such policy issues but, absent specific Commission directive, such policy issues shall not be the subject of discovery, examination, or cross-examination.

(2) Atomic Safety and Licensing Appeal Boards

(i) Within sixty days of the service of any Licensing Board decision that would otherwise authorize issuance of a construction permit, the Appeal Board shall decide any stay motions that are timely filed.[1] For the purpose of this policy, a "stay" motion is one that seeks to defer the effectiveness of a Licensing Board decision beyond the period necessary for the Appeal Board and Commission action described herein. If no stay papers are filed, the Appeal Board shall, within the same time period (or earlier if possible), analyze the record and construction permit decision below on its own motion and decide whether a stay is warranted. It shall not, however, decide that a stay is warranted without giving the affected parties an opportunity to be heard.

(ii) In deciding these stay questions, the Appeal Board shall employ the procedures set out in 10 CFR 2.788. However, in addition to the factors set out in 10 CFR 2.788(e), the Board will give particular attention to whether issuance of the permit prior to full administrative review may: (A) Create novel safety or environmental issues in light of the Three Mile Island accident; or (B) prejudice review of significant safety or environmental issues. In addition to deciding the stay issue, the Appeal Board will inform the Commission if it believes that the case raises issues on which prompt Commission policy guidance, particularly guidance on possible changes to present Commission regulations and policies, would advance the Board's appellate review. If the Appeal Board is unable to issue a decision within the sixty-day period, it should explain the cause of the delay to the Commission. The Commission shall thereupon either allow the Appeal Board the additional time necessary to complete its task or take other appropriate action, including taking the matter over itself. The running of the sixty-day period shall not operate to make the Licensing Board decision effective. Unless otherwise ordered by the Commission, the Appeal Board will conduct its normal appellate review of the Licensing Board decision after it has issued its decision on any stay request.

(3) Commission

(i) Reserving to itself the right to step in at any earlier stage of the proceeding, the Commission will, upon receipt of the Appeal Board decision on whether the effectiveness of a Licensing Board construction permit decision should be further delayed, review the matter on its own motion, applying the same criteria. The parties shall have no right to file pleadings with the Commission with regard to the Appeal Board's stay decision unless requested to do so.

(ii) The Commission will seek to issue a decision in each construction permit case within 20 days of receipt of the Appeal Board's stay decision. If the Commission does not act finally within that time, it will state the reason for its further consideration and indicate that time it anticipates will be required to reach its decision. In such an event, if the Appeal Board has not stayed the Licensing Board's decision, the initial decision will be considered stayed pending the Commission's decision.

(iii) In announcing the result of its review of any Appeal Board stay decision, the Commission may allow the proceeding to run its ordinary course or give whatever instructions as to the future handling of the proceeding it deems appropriate (for example, it may direct the Appeal Board to review the merits of particular issues in expedited fashion; furnish policy guidance with respect to particular issues; or decide to review the merits of particular issues itself, bypassing the Appeal Board). Furthermore, the Commission may in a particular case determine that compliance with existing regulations and policies may no longer be sufficient to warrant approval of a license application and may alter those regulations and policies.

(f) Operating Licenses

(1) Atomic Safety and Licensing Boards

(i) Atomic Safety and Licensing Boards shall hear and decide all issues that come before them, indicating in their decisions the type of licensing action, if any, which their decision would authorize. The Board's decisions concerning fuel loading and low-power testing operating licenses or full-power operating licenses shall not become effective until the Commission actions outlined below in paragraph (f)(2) of this section have taken place.

(ii) In reaching their decisions the Boards should interpret existing regulations and regulatory policies with due consideration to the implications for those regulations and policies of the Three Mile Island accident. In this regard it should be understood that as a result of analyses still under way the Commission may change its present regulations and regulatory policies in important respects and thus compliance with existing regulations may turn out to no longer warrant approval of a license application. As provided in paragraph (f)(2) of this section, in addition to taking generic rulemaking actions, the Commission will be providing case-by-case guidance on changes in regulatory policies in conducting its reviews in adjudicatory proceedings. The Boards shall, in turn, apply these revised regulations and policies in cases then pending before them to the extent that they are applicable. The Commission expects the Licensing Boards to pay particular attention in their decisions to analyzing the evidence on those safety and environmental issues arising under applicable Commission regulations and policies which the Boards believe present serious, close questions and which the Boards believe may be crucial to whether a license should become effective before full appellate review is completed. Furthermore, the Boards should identify any aspects of the case which in their judgment, present issues on which prompt Commission policy guidance is called for. The Boards may request the assistance of the parties in identifying such policy issues but,

[1] Such motions shall be filed as provided by 10 CFR 2.788. No request need be filed with the Licensing Board prior to filing with the Appeal Board. Cf. Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-338, 4 NRC 10 (1976). The sixty-day period has been selected in recognition of two facts: first, allowing time for service by mail, close to thirty days may elapse before the Appeal Board has all the stay papers before it; second, the Appeal Board may find it necessary to hold oral argument.

absent specific Commission directive, such policy issues shall not be the subject of discovery, examination, or cross-examination.

(2) Commission.

(i) Reserving the power to step in at an earlier time, the Commission will, upon receipt of the Licensing Board decision authorizing issuance of an operating license, review the matter on its own motion to determine whether to stay the effectiveness of the decision. An operating license decision will be stayed by the Commission if it determines that it is in the public interest to do so, based on a consideration of the gravity of the substantive issue, the likelihood that it has been resolved incorrectly below, the degree to which correct resolution of the issue would be prejudiced by operation pending review, and other relevant public interest factors.

(ii) For fuel loading and low power operating license decisions, the parties shall have no right to file pleadings with the Commission with regard to this Commission review unless requested to do so by the Commission, except that no extensive stay shall be issued without giving the affected parties an opportunity to be heard.

(iii) For full power operating license decisions, consistent with the target schedule set forth below, the parties may file brief comments with the Commission pointing out matters which, in their view, pertain to the immediate effectiveness issue. To be considered, such comments must be received within 10 days of the Board decision. However, the Commission may dispense with comments by so advising the parties. No extensive stay shall be issued without giving the affected parties an opportunity to be heard.

(iv) The Commission intends to issue a decision regarding each fuel loading and low power testing license within 10 days of receipt of the Licensing Board's decision and regarding each full power operating license within 30 days of receipt of the Licensing Board's decision. The Licensing Board's initial decision will be considered stayed pending the Commission's decision.

(v) In announcing a stay decision, the Commission may allow the proceeding to run its ordinary course or give instructions as to the future handling of the proceeding (for example, it may direct the Appeal Board to review the merits of particular issues in expedited fashion; furnish policy guidance with respect to particular issues; or decide to review the merits of particular issues itself, bypassing the Appeal Board). Furthermore, the Commission may in a particular case determine that compliance with existing regulations and policies may no longer be sufficient to warrant approval of a license application and may alter those regulations and policies.

(vi) In operating license cases, the Commission's review under this section is without prejudice to Appeal Board or other Commission decisions, including decisions on stay requests filed under 10 CFR 2.788.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841))

Dated at Washington, D.C., this 22d day of May, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-15906 Filed 5-27-81; 8:45 am]

BILLING CODE 7590-01-M

---

10 CFR Part 51

Alternative Site Issues in Operating License Proceedings

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations in 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," to provide that, for National Environmental Policy Act (NEPA) purposes, alternative sites will not be considered in operating license reviews for nuclear power plants and need not be addressed by operating license applicants in their environmental reports submitted to the NRC at the operating license stage. After review of public comment the Commission has concluded that by the time the operating license application has been submitted to the NRC staff for review, the alternative of siting the nuclear power plant elsewhere is no longer likely to be a reasonable alternative for the purposes of NEPA.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce A. Berson, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492-7678.

SUPPLEMENTARY INFORMATION: On April 9, 1980, the Nuclear Regulatory Commission published in the **Federal Register** (45 FR 24168) a proposed amendment to its regulations, 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," to provide procedures and performance criteria for the review of alternative sites for nuclear power plants under the National Environmental Policy Act of 1969 (NEPA). The proposed rule specified (1) information requirements for applying for an alternative site review by the Commission, (2) the timing of Commission review, (3) the region of interest to be considered in selecting sites, (4) criteria for the selection of sites, (5) criteria for comparing a proposed site with alternative sites, and (6) requirements for reopening an alternative site decision. Minor conforming amendments to 10 CFR Parts 2 and 50, "Rules of Practice for Domestic Licensing Proceedings" and "Domestic Licensing of Production and Utilization Facilities," respectively, were also proposed. Interested persons were invited to submit written comments on the proposed amendments by June 9, 1980.

Twenty-seven letters of public comment were received on the proposed amendments. The Commission has carefully considered the comments regarding the proposed requirements for reopening the alternative site question after a favorable decision at the construction permit or early site review stage (Item 6 above) and has decided to take final action on this issue, insofar as it relates to operating license (OL) proceedings, while the staff continues working on the other issues raised in the notice of proposed rulemaking. For the reasons discussed below, the Commission has determined that alternative site issues decided by the Commission and its adjudicatory tribunals (Atomic Safety and Licensing Boards and Atomic Safety and Licensing Appeal Boards) as part of construction permit (CP) or early site review proceedings may not be reopened at the operating license stage.[1] The proposed rule has been revised accordingly. In addition, a minor conforming amendment to 10 CFR 51.21 makes clear that applicants for operating licenses need not address alternative sites in environmental reports submitted to the NRC at the operating license stage.

Paragraph VIII.1 of the proposed Appendix A to 10 CFR Part 51 provided that "[A] reopening and reconsideration of the alternative site decision after a final limited work authorization or construction permit will be permitted only upon a reasonable showing that there exists significant new information

[1] The Commission will address the standards for reopening the alternative site issue prior to the OL stage when it considers the remainder of the proposed rule.

that could substantially affect the earlier decision." [2] The rationale and discussion supporting this aspect of the proposed rule provided that:

At some point after issuance of the CP, the alternative of siting the nuclear power plant elsewhere likely will no longer be a reasonable alternative for the purposes of NEPA. That is, there is a point where comparative forward costs and the temporal proximity to the provision of needed (or desirably substitutable) power so favor the partially constructed site that, there likely is no real possibility that the nonsafety-related considerations at an alternative site would be obviously superior to the proposed site. At that point, the reconsideration of alternative sites likely would not be required, unless the proposed site has been judged unsuitable for some safety or environmental reason.

Of the twenty-seven commenters, six, all representing the nuclear industry, addressed this particular aspect of the proposed rule in their letters. Two commenters recommend that the proposed rule be clarified to provide that the "new information" required to support a reopening of the alternative site decision should be limited to new information pertinent to the proposed site and not include information relating to an alternative site. Two other commenters called for more explicit guidance as to what constitutes "a reasonable showing that there exists significant new information that could substantially affect the initial decision." One of these commenters recommends that the alternative site issue should be reopened only when there is *definite* evidence showing there exists significant new information. The fifth and sixth commenters also call for more stringent criteria for reopening the inquiry. The fifth commenter recommends that the criteria in 10 CFR 2.606(b)(2) for reopening a partial initial decision on site suitability issues be followed and the sixth commenter would prohibit reopening unless the person seeking reopening makes a *prima facie* case, based upon new information, that the previously approved site is unsuitable.

The Commission agrees with the general thrust of these comments, and, indeed, now believes it clear that once the operating license stage has been reached, the alternative site question should not be an issue. This conclusion is grounded in the rationale and basis supporting the proposed rule, i.e., that at some point after issuance of the CP, the alternative of siting the nuclear power plant elsewhere is no longer likely to be a reasonable alternative for the purpose of NEPA.[3] The Commission believes that this point has clearly been reached, if not passed, by the time the OL application has been submitted to the NRC staff for review. Typically, an operating license application is submitted to the NRC staff within 3 years of the estimated construction completion date. Construction is usually about 35-65 percent complete at this time (depending upon the number of units to be built at the site) and a corresponding portion of the total construction costs have already been incurred. Major construction related environmental impacts have already occurred at the site and by the time the staff has completed its review of the application and the operating license hearings begin,[4] the plant will be even further along. Given this factual background, the Commission cannot readily conceive of a situation where new information concerning the proposed site could be of such significance as to tilt the cost-benefit balance in favor of an alternative site. (In any event, 10 CFR 2.758 of the Commission's regulations would permit an exception to or waiver of the rule in particular cases if special circumstances are shown.)

These practical considerations have also met the test of experience. Since 1972 the Commission has commenced or completed more than 50 operating license proceedings. During this time, neither the Commission nor its adjudicatory tribunals have been called upon to resolve in an OL proceeding an issue regarding alternative sites and the Commission is unaware that any party to an OL proceeding has even raised the issue as a possible contention; no contentions on alternative sites are now pending before the Commission or its licensing boards in on-going operating license proceedings.

Since the Commission finds that new information at the operating license stage is very unlikely to upset the prior conclusions concerning alternative sites, the Commission finds it appropriate, for the reasons stated above, to resolve this issue through rulemaking. Accordingly, the Commission is revising the proposed rule to preclude consideration of alternative site issues in operating license proceedings.[5] The standards for reopening the alternative site issue at an earlier stage of the Commission's adjudicatory process will be considered when action on the remainder of the proposed rule is taken. In addition, a minor conforming amendment to 10 CFR 51.21 makes clear that applicants for operating licenses need not address alternate sites in environmental reports submitted to the NRC at the operating license stage. Application of the revised rule to operating license proceedings may be waived only in accordance with the procedures set forth in 10 CFR 2.758 of the regulations, "Consideration of Commission rules and regulations in adjudicatory proceedings."

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 51, are published as a document subject to codification:

10 CFR Part 51 is amended as follows:

1. The authority citation for Part 51 is revised to read as follows:

---

[2] 45 FR 24177, column 3 (April 9, 1980). The remainder of proposed paragraph VIII.1 and paragraph VIII.2 address questions pertaining to the treatment of the costs of delay and of moving to another site. Proposed paragraph VIII.3 pertains to the procedures applicable when two sites within a region have received a favorable NRC decision on alternative sites. These particular issues are inextricably interwoven with other aspects of the proposed rule. The Commission will consider these questions when the remainder of the rule is before it. Hence, the Commission expresses no view on the merits of these issues at this time.

[3] Judicial precedent makes clear that NEPA requires agency decisionmakers to only consider reasonable alternatives. *Friends of the Earth v. Coleman*, 513 F. 2d 295 (9th Cir. 1975); *Natural Resources Defense Council v. Morton*, 458 F. 2d 827 (D.C. Cir. 1972). This "rule of reason" has been recognized by the Commission. See *Public Service Company of New Hampshire* (Seabrook Station, Units 1 and 2), CLI-77-8, 5 NRC 503, 540 (1977).

[4] Hearings are not required at the operating license stage unless the license applicant or a person whose interest may be affected by the proceeding requests a hearing. In recent years, hearings have usually been requested.

[5] Promulgation of this final rule does not affect the Commission's earlier denial of a petition for rulemaking, PRM-51-4, submitted by Boston Edison Company, et al. See 45 FR 10492 (February 15, 1980). That petition would have excluded consideration of such matters as need for the plant, need for power, alternative sites, and alternative energy sources at the operating license stage. The denial of the petition was grounded largely on the petitioners' erroneous assumption concerning the scope of an operating license safety review. However, the Commission specifically noted in the denial that it was considering proposed rules on alternative site issues (the proposed rule under discussion here) and that as a result of the rulemaking might limit the scope of alternative site reviews in OL proceedings if as a practical matter there can be no significant new information as to alternative sites at the OL stage.

Authority: Sec. 161h., i., o., Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201 (h), (i), and (o)); Sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); Sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242; Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 5841)

2. 10 CFR 51.21 is revised to read as follows:

§ 51.21 Applicant's environmental report—operating license stage.

Each applicant for a license to operate a production or utilization facility covered by § 51.5(a) shall submit with its application the number of copies, as specified in § 51.40, of a separate document, to be entitled "Applicant's Environmental Report—Operating License Stage," which discusses the same matters described in § 51.20 but only to the extent that they differ from those discussed or reflect new information in addition to that discussed in the final environmental impact statement prepared by the Commission in connection with the construction permit. The "Applicant's Environmental Report—Operating License Stage" may incorporate by reference any information contained in the Applicant's Environmental Report or final environmental impact statement previously prepared in connection with the construction permit. With respect to the operation of nuclear reactors, the applicant, unless otherwise required by the Commission, shall submit the "Applicant's Environmental Report—Operating License Stage" only in connection with the first licensing action that would authorize full power operation of the facility. No discussion of alternative sites for the proposed plant is required in the report.

3. The existing text of 10 CFR 51.53 is redesignated paragraph (a) and a new paragraph (b) is added to read as follows:

§ 51.53 Hearings—operating licenses.

* * * * *

(b) Presiding officers shall not admit contentions proffered by any party concerning alternative sites for the proposed plant in operating license hearings and shall not raise such issues *sua sponte*.

Dated at Washington, D.C., this 20th day of May, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81–15984 Filed 5–27–81; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79–CE–22–AD]

Airworthiness Directives; McDonnell Douglas Models DC–9 and DC–10, Lockheed L–1011 and Groupment d'Interet Economique Airbus Industrie Model 300 Airplanes, and to any Others on Which Collins Model 860F–1 Radio Altimeters are Installed

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of emergency airworthiness directive.

SUMMARY: This action withdraws an Emergency Airworthiness Directive (AD) issued by airmail letter dated December 21, 1979. The Emergency AD, applicable to those airplanes on which Collins Model 860F–1 radio altimeters are installed, required placarding of affected aircraft prior to further flight to prohibit use of automatic controlled approaches involving use of radio altimeter data and modification of affected radio altimeters by July 1, 1980. This action was deemed necessary to prevent an unwanted landing maneuver if the radio altimeter failed without any indication thereof to the crew. Soon after the Emergency AD letter was issued, corrective action by the manufacturers and aircraft operators eliminated the need for the airworthiness directive thereby rendering further rulemaking action unnecessary. Accordingly, the Emergency AD letter is hereby withdrawn.

FOR FURTHER INFORMATION CONTACT: David Warner, Federal Aviation Administration, Engineering and Manufacturing Branch, Room 1659A, Federal Building, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374–6940.

SUPPLEMENTARY INFORMATION: During routine testing of its Model 860F–1 radio altimeter, Collins (Collins Air Transport Division/Rockwell International) discovered a failure which resulted in a constant indication of 30.5 feet regardless of the actual radio altitude without a failure flag being displayed. Subsequent analysis of this failure by airframe manufacturers and the FAA on aircraft in which this radio altimeter was installed resulted in the determination that a potentially unsafe condition existed and that timely corrective action was necessary. Accordingly, the airframe manufacturers immediately issued alert service bulletins to all affected operators explaining the problem and advising against automatic approaches to landing or automatic landings in those aircraft that incorporated the Collins Model 860F–1 radio altimeter as an integral part of the automatic landing system. Concurrently, the FAA issued an airmail letter Emergency AD dated December 21, 1979, the contents of which are explained in the Summary of this document. Subsequently, Collins developed a corrective modification for the equipment.

Prior to **Federal Register** publication, it was determined that the need for corrective action had been eliminated by expeditious industry action and compliance with the airmail letter Emergency AD. Since the potentially unsafe condition has been satisfactorily resolved, the end result is that no safety problem now exists and final processing of the Emergency AD as a final rule in the **Federal Register** is now moot. Therefore, it has been determined that in the public interest the emergency airmail letter AD should be withdrawn.

The Withdrawal

For the reasons stated above, airmail letter Emergency Airworthiness Directive (AD) issued December 21, 1979, against McDonnell Douglas Models DC–9 and DC–10, Lockheed L–1011 and Groupment d'Interet Economique Airbus Industrie Model 300 airplanes, and to any others on which Collins Model 860F–1 radio altimeters are installed is hereby withdrawn.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Issued in Kansas City, Missouri, on May 15, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–15724 Filed 5–27–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 159

[Docket No. 21725; Amendment No. 159–25]

Metropolitan Washington Airports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment codifies current practice that turbojet air carrier aircraft may not be operated into or out of Washington National Airport on scheduled nonstop flight segments of

more than 650 statute miles except for nonstop flights operating to or from certain cities historically excepted from the 650-mile limitation. This amendment is necessary in order to maintain operational restrictions that have been in existence for approximately 15 years at National Airport while the Metropolitan Washington Airports Policy and implementing regulations are reviewed by the Secretary of Transportation in accordance with Executive Order 12291 as announced in a previous rulemaking action.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Assistant Chief Counsel (AGC–200), Regulations and Enforcement Division, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426–3073.

SUPPLEMENTARY INFORMATION: On May 8, the Department of Transportation issued a Notice of Proposed Rulemaking (46 FR 26358; May 12, 1981 and 46 FR 26656; May 14, 1981) which proposed to formally adopt the existing practice of limiting nonstop flights to and from National Airport to 650 miles, except for seven cities. The notice was issued in response to representation by several air carriers that they were contemplating immediate departure from this practice before the Secretary could complete his review of the previously adopted regulations on this issue.

On May 5, 1981, R. L. Crandall, President of American Airlines, advised the Federal Aviation Administration (copy of the letter is in the docket) that on June 11, 1981, American Airlines would commence new nonstop service between Dallas/Fort Worth (DFW) and Washington National Airport (DCA). Since receiving that letter, the FAA has been advised that Braniff Airlines announced it intends to begin similar service on June 1 and Pan Am intends to conduct nonstop flights to and from Houston. These air carriers have been extensively advertising this proposed nonstop service. For example, on May 14, 1981, Pan Am placed a full-page ad in *The Washington Post* to announce its proposed new nonstop service from DCA to Houston while on the same date, in the same paper, American advertised its proposed service to DFW from National. In American's letter to the FAA, Mr. Crandall states the following:

> There are no rules, regulations or operational considerations that preclude a nonstop operation of Boeing 727–200 aircraft between Washington National and Dallas/Fort Worth Airports. Perimeter rules, such as the one that was briefly adopted by carrier agreement in the mid-1960's and the one more recently proposed by the FAA during the Carter Administration, would serve to preclude such a service, but would at the same time exacerbate the competitive inequities already noted.

Although there is no Federal Aviation Regulation setting forth a mileage limitation for operations into and out of National Airport, such a restriction has existed by agreement and understanding for approximately 15 years. It has been articulated repeatedly in FAA publications and there can be no question of the air transport industry's awareness of and adherence to this practice. In fact, no air carrier has during the past decade and a half attempted to or conducted flights that were not consistent with this accepted practice.

Since 1966, there have been numerous regulatory and policy documents (including several in which the public has been given ample opportunity to comment) which have made it clear that the 650-mile nonstop limitation at Washington National Airport was in existence and adhered to by all carriers.

On May 25, 1966, the Civil Aeronautics Board approved an agreement submitted by the Air Transport Association (ATA) on behalf of 12 air carriers, including American Airlines, in which the air carriers agreed that they would not operate turbojets into and out of DCA on nonstop segments of more than 650 statute miles, except on those nonstop route segments of more than 650 statute miles and less than 1,000 statute miles being operated by any parties thereto on a nonstop basis by schedules in effect December 1, 1965 (the seven "grandfathered" cities).

On July 27, 1966, the Director of the Bureau of National Capital Airports issued Notice of Proposed Rulemaking 66–29 (31 FR 10199; July 28, 1966) in which it was stated that the FAA was considering methods of affecting limitations on the number of air carrier operations at Washington National Airport as part of the general policy to provide the maximum service to the flying public. Included in the NPRM was a 650-mile limitation.

On February 2, 1972, the Acting Manager of National Capital Airports withdrew Notice 66–29 (37 FR 3059; February 11, 1972) stating that the agency had determined that the proposed rulemaking action was no longer appropriate since the objective of that notice had been accomplished by air carrier agreement and the high density air traffic rules.

Although not formally codified, the perimeter practice has been uniformly understood by the carriers. In fact, because it is a condition affecting operations at Washington National Airport, the FAA has clearly set forth this practice in the Notices to Airmen since 1974. The Notices to Airmen issued by the FAA have stated the following:

> Turbojet aircraft described in paragraph B (9–13), may not be operated into or out of airport on flight segments of more than 650 statute miles except for nonstop flights of less than 1,000 miles operating to or from the following cities:
>
> Miami, Florida; Memphis, Tennessee; Minneapolis, Minnesota; Orlando, Florida; St. Louis, Missouri; Tampa, Florida; and West Palm Beach, Florida.

Notices to Airmen (NOTAMs) are distributed by the FAA to notify airmen of changes in navigational or procedural rules, operating conditions, and information vital to flight safety. Class Two NOTAMs, such as the one used to state the 650-mile limitation at Washington National, are distributed on a biweekly basis to all FAA facilities, and to a large number of interested private subscribers, including air carriers. As part of their preflight planning, pilots are trained to check the NOTAM publications for information relating to their planned flight.

Because of its longstanding nature and because it was known to all for a number of years, publication of the perimeter was transferred from the NOTAM system to another FAA publication, *Graphic Notices and Supplemental Data*. This publication receives the same dissemination as the NOTAMs, but is published on a quarterly basis.

The Metropolitan Washington Airports Policy draft Environmental Impact Statement issued in March 1978, reiterated the understanding that Washington National Airport was designated as the area's short-haul airport with nonstop flights limited to a radius of 650 miles, except for seven cities. These cities had nonstop services with propeller aircraft prior to 1966 and are still provided nonstop services under the provisions of a "grandfather" clause.

On January 21, 1980, the FAA issued an NPRM (45 FR 4314; January 21, 1980) which proposed to adopt rules to implement the DOT/FAA policies to guide the future operations and development of Washington National and Dulles International Airports. One of the proposals contained in the NPRM dealt with nonstop service restrictions to and from Washington National Airport. The NPRM contained the following paragraph:

The FAA believes that for the time being a perimeter restriction is necessary to preserve National Airport's "medium" and "short haul" and local service role and keep it distinct from the "long haul" and international role of Dulles Airport. FAA views the perimeter restriction on National as an important element to an effective managed growth policy at National.

The preamble further discussed the effects of limitation of the perimeter rule and, in fact, specifically talked about nonstop service from Washington to DFW. The NPRM proposed extension of the perimeter rule to 1,000 miles. Although numerous comments were submitted concerning the proper extent of any perimeter requirement, all comments recognized the existence of the current 650-mile limitation. On September 15, 1980, a final rule was issued by the Administrator which established the nonstop perimeter at DCA at 1,000 statute miles.

This rule was to become effective on January 5, 1981. The Congress, in the DOT and Related Agency's Appropriation Act of 1981, Pub. L. 96–400, mandated a delay in certain aspects of the policy. The effective date of the entire policy, including the perimeter, was postponed until April 26, 1981, because the policy components are interrelated and should be treated as a package and not in a piecemeal fashion.

On February 27, 1981, the Secretary of Transportation proposed a further delay of the effective date for the Metropolitan Washington Airports Policy and implementing regulations. The proposed change in the effective date was necessary to ensure compliance with Executive Order 12291 (46 FR 13193; February 19, 1981), which provided new government-wide standards for the promulgation of rules. In addition, the change in the effective date was necessary to complete the Department's permanent rulemaking on slot allocations at Washington National Airport, and was consistent with both a request by the Senate Commerce Committee to the Secretary that the policy be reviewed and with Congressional concerns expressed in the action that led to the initial delay of the policy until April 26.

Therefore, on March 24, 1981, in order to provide adequate time to review the Metropolitan Washington Airports Policy, the effective date of the regulation was postponed by the Secretary until October 25, 1981 (46 FR 19225; March 30, 1981). The Secretary stated that after the policy was reviewed, any changes to it that might be developed would be published in July.

The perimeter limitation has been discussed in detail in rulemaking actions taken within the Department of Transportation during the past several years. In each case, the public has been given extensive opportunity to comment on the subject of proposed changes to the perimeter restrictions. A major element of the policy delayed by the Secretary of Transportation was the establishment of a 1,000 statute mile perimeter rule for National Airport. It should also be noted that the nonstop service planned by American, Braniff, and Pan Am from DFW and Houston to DCA would violate this 1,000-mile restriction which is currently being reviewed. Therefore, the proposed service by American, Braniff, and Pan Am would not only overturn practices of 15 years duration relating to the character of service available at National Airport, but would also interfere with the orderly review process announced by the Secretary.

Therefore, the FAA is inserting into the Federal Aviation Regulations this longstanding 650-mile limitation with specific exceptions pending review of the entire Metropolitan Washington Airports Policy.

This amendment is not intended to be an ultimate resolution of the type of service to be provided to National Airport nor does it reflect a final Departmental decision on whether there should be a perimeter of the extent of any decided upon restriction. Rather, it is merely intended as an interim measure to preserve the character of current operations at National Airport while permitting the Department of Transportation the opportunity to consider fully all the interrelated aspects of a potential policy for the Metropolitan Washington Airports.

Public Comment

Approximately 150 comments were received on the NPRM. These included comments from air carriers, community groups, local government bodies, representatives of pilots and aircraft owners, as well as several Congressmen.

The overwhelming number of commenters supported the proposal contained in the NPRM. The commenters who have made submittals in opposition to the NPRM have basically restated positions previously taken in litigation and in comments received and considered by the Department during the development of the now being reviewed Metropolitan Washington Airports Policy.

Those supporting the NPRM include the Commonwealth of Virginia, the State of Maryland, Dulles Policy Task Force, Commuter Airline Association, Indianapolis Airport Authority, Air Line Pilots Association, the Aircraft Owners and Pilots Association, and the majority of all air carriers which submitted comments.

Several commenters questioned the duration of this regulation. The Metropolitan Washington Airports Policy implementing regulations include a Section 159.60, which in accordance with the Secretary's decision of March 24, 1981, is now scheduled to become effective on October 26, 1981. Thus on that date (unless other rulemaking occurs) the perimeter provision contained in that rule will, by law, supersede and replace the interim perimeter provision contained in this amendment. Therefore, there is no reason to put terminating language directly into the interim rule. It must be noted that any action to change the October 25 effective date established by the Secretary or the policy and implementing regulations scheduled to go into effect on that date would be accomplished only after notice and an opportunity for public comment. Therefore, the public would be assured full participation if any additional rulemaking is needed in this area.

Those submitting comments opposed to the notice primarily raised issues relating to the policy implications and the agency's legal authority to issue a perimeter rule. While many of these commenters prepared detailed comments on these issues, the proper forum for comments concerning such broad issues is in the docket pertaining to the Metropolitan Washington Airports Policy, not the docket for this rulemaking, the objective of which is to maintain the status quo pending the resolution of the broad policy and legal issues. The Department appreciates this input and will place the comments in FAA Docket Nos. 19948 and 19950, which are the dockets being reviewed in accordance with the Secretary's decision to review the Metropolitan Washington Airports Policy.

It is interesting to note that the three carriers directly opposed to this interim rule (Braniff, American, and Pan Am) never did file comments regarding the perimeter during the long regulatory development of the Metropolitan Washington Airports Policy. Comments on the draft policy were submitted by ATA on behalf of member carriers operating at National Airport, including the three mentioned above.

ATA's April 14, 1980, entire comment on the proposed 1,000-mile perimeter rule reads as follows:

The 15 ATA member airlines now serving National Airport are not of a single view concerning the nonstop perimeter rule proposed for that airport. The majority are opposed to any limit; however, in the event a limit is to be established, of that majority 11 would favor the 1,000-mile alternative, while 1 airline would favor the current policy. Three other member airlines prefer maintaining the current operating policy restricting nonstop flight to 650 miles with the exception of the seven "grandfather cities" within 1,000 miles of the airport.

It is clear from this comment that the air carrier community recognized the "current operating policy" of a 650-mile restriction.

It is evident that comments addressing the legality and appropriateness of a perimeter should have been filed during the comment periods for the Environmental Impact Statement (March 1980) or for the Airports Policy (January 1980). Hundreds of other comments were filed during these comment periods which resulted in a final rule which established a 1,000-mile perimeter for National Airport.

American, Braniff, and Pan American would have the Department ignore the timely comments submitted by the public, representatives of local and state governments, and various segments of industry which were fully considered during the development of the perimeter rule. They would ask that the long public process which culminated in the issuance of a final rule be ignored because of recently developed beliefs. Such an action would be totally inconsistent with the Department's responsibility to the public.

Several opposing comments were raised in connection with this proposal which must be addressed. Perhaps the most egregious comment filed by those in opposition to the proposal is one made by Pan American. In its comment, Pan American states that the proposed rule:

Now threatens a new service as to which Pan American has prudently planned and has begun to advertise and accept reservations. Promulgation of this rule on such short notice will deprive the public of a valuable service, inconvenience thousands of travellers and cause Pan American substantial and irreparable harm.

This comment ignores the history of this limitation and is inconsistent with recent actions taken by Pan American. Pan American talks about its "prudent plan," yet this limitation has been in existence for 15 years and for the first time, several weeks ago, Pan American announced its decision to ignore this historical limitation. As stated above, Pan American failed to make comments on the perimeter during the public comment process. Pan American also stated that it has begun advertising and accepting reservations. This fact cannot be denied. However, it must be recognized that any inconvenience to Pan American or to the public is Pan American's responsibility. Although the NPRM proposing to formalize the perimeter as a regulation was issued on May 8, 1981, and was published in the **Federal Register** on May 12, Pan American's advertising campaign (including a full-page in *The Washington Post* on May 20, 1981 the day after this comment period closed) never suggested to the public that its authority to operate the proposed nonstop operations might be voided by government regulations. If, in fact, the public is inconvenienced, it will be by Pan American's precipitious actions, not the Department's. This Department regrets any public inconvenience attendant to the promulgation of this rule. At the same time, the ultimate source of that inconvenience is the carrier which persisted in the promotion and sale of these flights during the pendency of this rulemaking.

Several commenters have stated that the proposed action would not maintain the status quo but would change it. As previously discussed, this perimeter limitation has existed for 15 years without any carrier attempting to or actually conducting an operation in violation of this limitation. Over 3½ million operations have been conducted by air carriers since this limitation was first established; each one consistent with it. As to the existence of such a limitation, we note the following statement contained in Eastern Airlines' comments in support of the rule:

As Notice No. 81-7 points out, the perimeter rule with its exceptions was established by a 1966 agreement of carriers, including American, Braniff and National, which agreement was ratified by CAB and has been regularly followed and applied since such date. Because of this agreement, no formal rulemaking was deemed necessary by the FAA. Since American was one of the original parties to the 1966 agreement, it is a remarkable exercise in sudden forgetfullness for American to contend now that it is free to violate the rule.

Similarly, TWA stated:

TWA does not now take a position with respect to the substantive merits of any perimeter rule. In our view, however, a significant departure from present operating practices, like that proposed by American in disregarding the informal perimeter rule, presents a change in the status quo that may adversely impact communities presently receiving nonstop service to National—perhaps irrevocably—and would unduly affect the Administrator in his consideration of the rules pending with respect to Washington airports policy and National Airport's place in the national air transport system.

Clearly, the status quo is a 650-mile perimeter with a 1,000-mile perimeter effective on October 26, 1981, pending Secretarial review of the entire policy. Any argument that a different status quo exists ignores 15 years of practice and rulemaking.

Several commenters stated that they believed that the issuance of a regulation as proposed in the notice is inconsistent with Executive Order 12291 in that it proposes a regulation where one does not currently exist. It has been the Department's hope all along that it would not be necessary to issue a regulation codifying the 650-mile perimeter. Only when it became apparent that these carriers would not refrain from instituting this new service was it necessary to promulgate a regulation. In this connection, we note the following comments submitted by Eastern Airlines on this point:

Not only does Eastern consider FAA's action to be sound, but Eastern also considers the method by which FAA acted to be appropriate. With little more than a month's notice, American, Braniff and Pan American have informed the FAA of their respective intentions to violate an understanding of 15 years duration. The actions of these carriers, if unchecked, will likely cause other carriers, for competitive reasons, to attempt to institute service beyond the perimeter.

We also note the following comments submitted by the Washington National Commuter Airlines Association:

Regulatory agencies themselves cannot summarily reverse longstanding industry practices, without substantial evidence and a reasoned decision to support such a change.

Similarly, an individual entity in an industry should not be able to destroy an industry practice acquiesced in by the pertinent regulatory agency, without equally substantial regulatory support and procedural due process.

Although there is no regulation which prevented operations beyond 650 miles, there can be no argument that it was a limitation which had been strictly observed for 15 years. For this reason this rulemaking is consistent with Executive Order 12291.

The City of Houston stated in its comments that the NPRM failed to provide adequate time for comments. It appears, however, from the breadth of the comments, as well as their length, that other parties had ample opportunity to respond. It should be noted that no party asked for an extension of the comment period as provided for in 14 CFR Part 11. It should also be noted that the attorneys for the City of Houston, as

well as other parties, were notified prior to the time of publication of the NPRM in the **Federal Register** to give them as much notice as possible. The fact cannot be ignored, however, that the time period given for comment on the NPRM was dictated by the limited amount of notice provided by American, Braniff, and Pan American of their proposed institution of service which would break a 15-year record of cooperation. Because the carriers intended to commence service beginning on June 1, it was not possible to give additional time for comments. It is essential that this issue be resolved as quickly as possible so that the public has sufficient notice as to whether this service will be available or not. Under these circumstances the issue has been sufficiently aired; any additional delay would cause needless public confusion.

Several of the airline commenters question the need for a perimeter to maintain service at Dulles Airport. They contend either that Dulles does not need the protection of the perimeter or that decreases in Dulles activity are due to market forces which should not be disrupted. Unquestionably, the perimeter at DCA does affect operations at Dulles. If this regulation were not issued, it is likely that some carriers would commence service, not only to the Texas markets proposed by Pan American, American, and Braniff, but also to other cities outside the current perimeter now served by nonstop service to and from Dulles. In addition, competing carriers would likely be forced to move from Dulles to DCA. For example, in comments filed in this proceeding, Continental Airlines stated:

> Continental takes no position per se on whether the existing 650-mile perimeter rule should or should not be modified at this time. However, in the event that the perimeter rule is lifted, we would be compelled to shift some or all of our Dulles operations to Washington National Airport.

Similarly, US Air stated:

> Another equally compelling reason supports immediate adoption of the present National perimeter rule as an FAR. Unless the FAA maintains the status quo, long-haul services at National will proliferate, thereby diverting traffic from Dulles to National.

Clearly, the perimeter is integrally related to the efforts to establish a Metropolitan Washington Airports Policy. A sudden change in the practices of the past 15 years would be inconsistent with this Department's efforts to place reasonable limts on the spiraling use of National Airport. It coul l be inconsistent with efforts to achieve a more balanced use of the fine facilities at Dulles and Baltimore-Washington International Airports. It could place added pressure on the already stressed slot availability issue of National, and a shift in a large number of long-haul flights to DCA, with its limited number of slots, could supplant service via National to smaller, closer-in cities. This integral relationship demands that the perimeter be considered in the context of the overall airport policy which is what the Department has undertaken to do.

While the Department is most sensitive to arguments that free market forces should be permitted to work without government intervention, the Secretary is charged by law with "operating and maintaining" Dulles and National Airports. Their continuing economic viability, the services they provide to the travelling public, and their impact on the community are all the proper concerns of this Department. These concerns will be addressed in the review of the Metropolitan Washington Airports Policy. One of the decisions to be reviewed is whether the practice of limiting nonstop flights at National should be maintained, and if so, at what distance. This decision will be made in light of all of the comments and arguments advanced in the past year and a half of rulemaking. It would be inappropriate to allow the alteration of a major component of the policy before our review is completed.

Violation of This Section

In addition to the penalty provisions contained in the Federal Aviation Act, the public should be aware that any individual who violates this provision is subject to arrest and criminal penalties under Sec. 4 of the Act of June 29, 1940, 54 Stat. 686; as amended by the Act of May 15, 1947, 61 Stat. 94; and the Federal Aviation Act of 1958 as amended, 49 U.S.C. 1301, et seq.

Effective Date

This regulation responds to an emergency situation and good cause exists for making this rule effective in less than 30 days after publication. It will become effective on May 26, 1981. This effective date is necessary to ensure that announced nonstop operations which would be inconsistent with this amendment do not go into effect. It is also needed to lessen the inconvenience to the public. As a result of actions taken by the air carriers proposing this service, it is essential that this rule become effective as soon as possible so that the public will be informed that such nonstop service is not available and the carriers and the public can make other travel arrangements.

As discussed earlier in this document, the rules implementing the Metropolitan Washington Airports Policy (which is scheduled to become effective on October 25, 1981) contain a 1,000-mile perimeter rule. Absent further rulemaking action, on that date, the 1,000-mile rule will replace the 650-mile provision in this amendment.

The Amendment

Accordingly, Part 159 of the Federal Aviation Regulations (14 CFR 159) is amended by adding a new § 159.60 to read as follows:

§ 159.60 Nonstop operations.

No person may operate an air carrier aircraft nonstop between Washington National Airport and any airport that is more than 650 statute miles away from Washington National Airport, except for nonstop flights to or from the following cities: Miami, Florida; Memphis, Tennessee; Minneapolis/St. Paul, Minnesota; Orlando, Florida; St. Louis, Missouri; Tampa, Florida; or West Palm Beach, Florida.

(Secs. 103, 307 (a), (b) and (c), 313(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1303, 1348 (a), (b) and (c), and 1354(a)); Secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94; Sec. 4 of the Second Washington Airport Act, 64 Stat. 770; Sec. 6 of the Department of Transportation Act (49 U.S.C. 1655))

Note.—Since this rulemaking does nothing more than retain a current operating restriction at DCA for a short period of time pending review of the overall Metropolitan Washington Airports Policy, the Department has determined that: (1) It is not a major regulation under Executive Order 12291; (2) It is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) It does not warrant preparation of a regulatory evaluation as the impact is so minimal; and (4) It will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 26, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-16018 Filed 5-26-81; 11:35 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 376 and 377

Agricultural Commodities and Products Subject to Validated Licensing and Petroleum and Petroleum Products Subject to Short Supply Licensing Controls

Correction

In FR DOC. 81–13189, appearing at page 24532 in the issue of Friday, May 1, 1981, please make the following change:

1. On page 24536, in the chart marked "Supplement No. 2", under the 3rd quarter column, the figure "10,927" for the country of New Zealand should be corrected to read "1,041".

2. On page 24536, in the chart marked "Supplement No. 2", under the 4th quarter column, for the country of New Zealand, where there are now dots, there should appear the figure, "1,220".

BILLING CODE 1505-01-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[Departmental Regulation 108.807]

Visas; Documentation of Nonimmigrants

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department is amending its regulations in Part 41 regarding the documentation of nonimmigrants under the Immigration and Nationality Act. Amendments are made to the definitions section and also to the regulations covering officials of foreign governments. These amendments are necessary so that the Bureau can specify with greater precision the classes of aliens covered by these rules. The purpose of these amendments is to establish more effective control over the classification of nonimmigrants qualifying under section 101(a)(15)(A) of the Immigration and Nationality Act in order to ensure that persons who are documented under this provision are clearly entitled to the status provided by these regulations.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Gerald M. Brown, Chief, Legislation and Regulations Division, Visa Services, Washington, D.C. 20520, (202) 632–1900.

SUPPLEMENTARY INFORMATION: These amendments to § 41.1 and § 41.20 specify with greater precision the classes of aliens covered by, and clearly entitled to the status provided by these sections.

Section 41.20 further incorporates the statutory requirements relating to accreditation procedures.

On December 8, 1980 the Department published for comment in the **Federal Register** (45 FR 80834) a proposed rule containing revisions to the definition of "Immediate Family" as that term is used in section 101(a)(15)(A), 101(a)(15)(G) and 212(d)(8) of the Immigration and Nationality Act and with reference to classification under the symbols NATO–1, NATO–2, NATO–3, NATO–4, and NATO–5.

In addition, the proposed rule spelled out the criteria required for A–1, or A–2 status, and addressed statutory requirement for acceptance by the President or by the Secretary of State of an applicant's accreditation before a visa may be issued.

Since no written comments have been received the regulations are adopted as proposed.

Dated: April 16, 1981.

Robert E. Fritts,

Acting Assistant Secretary, Bureau of Consular Affairs.

1. In § 41.1, the definition of "Immediate Family" is revised to read:

§ 41.1 Definitions.

* * * * *

"Immediate Family", as used in sections 101(a)(15)(A), 101(a)(15)(G), and 212(d)(8) of the Act and with reference to classification under the symbols NATO–1, NATO–2, NATO–3, NATO–4, and NATO–5, includes the spouse and unmarried sons and daughters, whether by blood or adoption, who are not members of some other household, and who will reside regularly in the household of the principal alien. "Immediate Family" also includes, upon individual authorization by the Department, other close relatives who are members of the immediate family by blood, marriage, or adoption, who are not members of some other household, who will reside regularly in the household of the principal alien, and who are recognized as dependents by the sending Goverment as demonstrated by their eligibility for all rights and benefits, such as the issuance of a diplomatic or official passport and travel and other allowances, which would be granted to the spouse and children of the principal alien.

2. Section 41.20 is revised to read:

§ 41.20 Officials of foreign governments.

(a) *Criteria for classification of foreign government officials.* An alien shall be classifiable under section 101(a)(15)(A) (i) or (ii) of the Act if, in the case of the principal alien, (1) he has been accredited by a foreign government recognized de jure by the United States, (2) he intends to engage solely in official activities for said foreign government while in the United States, and (3) he has been accepted by the President, or by the Secretary of State, or by a consular officer acting on behalf of the Secretary of State. A member of the immediate family of a principal alien shall be classifiable under section 101(a)(15)(A) (i) or (ii) if the principal alien is classifiable under section 101(a)(15)(A) (i) or (ii).

(b) *Classification of status under section 101(a)(15)(A).* If an alien is entitled to classification under section 101(a)(15)(A) of the Act he shall be classified under this section even if he is eligible for another nonimmigrant classification.

(c) *Classification of attendants, servants, and personal employees.* An alien shall be classifiable as a nonimmigrant under the provisions of section 101(a)(15)(A)(iii) of the Act if he establishes to the satisfaction of the consular officer that he qualifies under that section of the Act.

(d) *Referral of certain cases to the Department.* In any case in which there is uncertainty about the applicability of these regulations to a principal alien applicant requesting nonimmigrant status, the matter shall immediately be referred to the Department for consideration as to whether acceptance of accreditation shall or shall not be granted.

(e) *Change of nonimmigrant status to that of a foreign government official.* In the case of an alien in the United States seeking a change of nonimmigrant classification pursuant to section 248 of the Act to a classification under section 101(a)(15)(A) (i) or (ii), the question of acceptance of accreditation shall be determined by the Department.

(f) *Termination of status.* The Department may, in its discretion, cease to recognize as entitled to nonimmigrant status under section 101(a)(15)(A) (i) or (ii) any alien who has such status.

(g) *Classification of foreign government officials for entry other than diplomatic.* A foreign government official or employee who seeks to enter the United States temporarily in a status other than that of a representative or employee of a foreign government shall

not be classifiable under the provisions of section 101(a)(15)(A).

[FR Doc. 81-15946 Filed 5-27-81; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-81-918]

Section 8 Housing; Fair Market Rents for New Construction and Substantial Rehabilitation

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This Rule establishes revised Section 8 Fair Market Rents applicable to New Construction and Substantial Rehabilitation for the States of New Hampshire, Rhode Island, and Virginia, as well as for Market Areas within the States of Kansas, Louisiana, Michigan, North Carolina, and Pennsylvania, in compliance with the requirements of Section 8(c)(1) of the U.S. Housing Act of 1937. Section 8 Fair Market Rents are published annually in the **Federal Register**. HUD published the last annual revision of the Fair Market Rents applicable to New Construction and Substantial Rehabilitation on August 29, 1980, effective on October 1, 1980.

These revised Fair Market Rents reflect the changes which have occurred in the general levels of market rents for recently completed or newly constructed dwelling units of modest design within each market area since their last annual revision.

EFFECTIVE DATE: June 25, 1981.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Multifamily Housing Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-5743. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: HUD gave notice on August 29, 1980 at 45 FR 58040 that it was proposing to amend Title 24 of the Code of Federal Regulations by incorporating in Part 888, Subpart A, a revised Schedule A, "Fair Market Rents for New Construction and Substantial Rehabilitation (including Housing Finance and Development Agencies Program) for all Market Areas." The deadline for submitting comments was September 29, 1980. To ensure that the final rents were effective by the required anniversary date October 1, 1980, the August 29, 1980 publication stated that the rents in that publication would take effect automatically on October 1, 1980, unless HUD published a notice to the contrary. Today's publication modifies certain of the rents published August 29 in response to the comments received.

HUD received 36 comments by the deadline. After consideration of comments received from HUD Field Offices and from the public as a result of this publication, HUD has decided to modify the Schedule A rents for 13 market areas in the following states: Kansas, market area of Wichita; Louisiana; market area of New Orleans; Michigan, market areas of Bay City, Flint, and Saginaw; New Hampshire, Statewide; Pennsylvania, market area of Philadelphia; Rhode Island, Statewide; and Virginia, market areas of Harrisonburg, Stauton, Warrenton, Waynesboro, and Winchester. These modified Fair Market Rent Schedules are based upon supporting documentation.

Ten additional comments were received after the deadline. After consideration of additional comments received from HUD Field Office and from the public as a result of this publication, HUD has decided to modify the Schedule A rents for 21 other market areas in the following states: North Carolina, market area of Elizabeth City; Virginia, market areas of Bristol, Chesapeake, Charlottesville, Culpepper, Danville, Emporia, Franklin, Fredericksburg, Hampton, Lynchburg, Martinsville, Newport News, Norfolk, Portsmouth, Richmond, Roanoke, Suffolk, South Boston, South Hill, and Virginia Beach.

Proposals involving combinations of structural types and unit sizes by bedroom count for which Fair Market Rents have not been published for effect may not be approved until publication of the applicable Fair Market Rents as a Final Rule.

For all products where the Fair Market Rents are revised upward after the date of processing stage specified above, the revised Fair Market Rents shall apply to all subsequent processing in reviewing Contract Rents.

Since the amendments contained in this Final Rule are to apply to the Fiscal Year 1981 program, it is necessary that the Rule become effective as soon as possible, so that applications can be submitted and acted upon prior to the end of the Fiscal Year.

Accordingly, this Rule becomes effective immediately on the date set forth above.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the address set forth above.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The Catalog of Federal Domestic Assistance program number and title is 14.156, Lower Income Housing Assistance program (Section 8).

Accordingly, Schedule A of Part 888 is amended as set forth below:

Authority: Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., April 21, 1981.

George O. Hipps, Jr.,

Acting Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These schedules of Fair Market Rents have been trended ahead to October 1, 1982, to update the current Fair Market Rent schedules which these revised Schedules will replace.

Note.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2 bedrooms for the elderly, multiplied by 1.05 rounded to the nearest whole dollar, (2) congregate housing dwelling units are the same as for noncongregate units, and (3) single room occupancy dwelling units are those for zero bedroom units of the same type.

BILLING CODE 4210-01-M

AREA/INSURING OFFICE MANCHESTER, N.H. REGION I BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW HAMPSHIRE (STATEWIDE)	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty		442			
	5 + Sty		491			
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA OFFICE Providence, R.I. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RHODE ISLAND (Statewide)	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty	324	441	565		
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA/INSURING OFFICE PHILADELPHIA, PA. REGION III- PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHILADELPHIA	DETACHED			599	680	758
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA/INSURING OFFICE Richmond, VA REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RICHMOND	DETACHED			434	503	595
	SEMI-DETACHED/ROW		338	391	458	497
	WALKUP	287	331	382	452	493
	ELEVATOR-2-4 Sty	355	399	450		
	5 + Sty	553	614	741		
BRISTOL	DETACHED			425	469	510
	SEMI-DETACHED/ROW		306	379	422	466
	WALKUP	256	294	364	413	454
	ELEVATOR-2-4 Sty	324	362	432		
	5 + Sty	459	511	636		
CHESAPEAKE* EMPORIA FRANKLIN NORFOLK PORTSMOUTH SUFFOLK VA. BEACH *	DETACHED			432	511	576
	SEMI-DETACHED/ROW		349	419	468	512
	WALKUP	300	338	400	468	505
	ELEVATOR-2-4 Sty	368	406	487		
	5 + Sty	515	573	692		
CHARLOTTESVILLE CULPEPPER FREDERICKSBURG *	DETACHED			449	519	593
	SEMI-DETACHED/ROW		365	432	514	547
	WALKUP	317	356	412	493	518
	ELEVATOR-2-4 Sty	386	424	480		
	5 + Sty	527	577	674		
HAMPTON* NEWPORT NEWS	DETACHED			417	507	555
	SEMI-DETACHED/ROW		325	376	469	508
	WALKUP	258	290	350	419	467
	ELEVATOR-2-4 Sty	326	358	418		
	5 + Sty	473	521	636		
DANVILLE* LYNCHBURG MARTINSVILLE ROANOKE SO. BOSTON SO. HILL *	DETACHED			408	480	540
	SEMI-DETACHED/ROW		330	402	458	492
	WALKUP	276	311	373	432	466
	ELEVATOR-2-4 Sty	344	379	441		
	5 + Sty	456	499	606		

*Market areas are not combined. FMRs are identical for these market areas.

AREA OFFICE Richmond, VA REGION III - Philadelphia

(10-1-80 to 10-1-82)

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HARRISONBURG, STAUNTON, WARRENTON, WAYNESBORO, WINCHESTER *	DETACHED			-	-	-
	SEMI-DETACHED/ROW		330	384	448	497
	WALKUP	257	304	378	435	482
	ELEVATOR-2-4 Sty	325	372	446		
	5 + Sty	439	496	617		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

* Market Areas are not combined, FMRs are identical for these market areas.

AREA OFFICE GREENSBORO, N.C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ELIZABETH CITY	DETACHED			480	546	613
	SEMI-DETACHED/ROW		380	445	505	565
	WALKUP	332	380	445	505	565
	ELEVATOR-2-4 Sty	359	407	472		
	5 + Sty	450	505	602		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA/INSURING OFFICE DETROIT, MICHIGAN REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BAY CITY/ FLINT/ SAGINAW *	DETACHED SEMI-DETACHED/ROW WALKUP ELEVATOR-2-4 Sty 5 + Sty			477		
	DETACHED SEMI-DETACHED/ROW WALKUP ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED SEMI-DETACHED/ROW WALKUP ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED SEMI-DETACHED/ROW WALKUP ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED SEMI-DETACHED/ROW WALKUP ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED SEMI-DETACHED/ROW WALKUP ELEVATOR-2-4 Sty 5 + Sty					

*Market areas are not combined. FMRs are identical for these market areas.

AREA/INSURING OFFICE NEW ORLEANS, LA. REGION VI- DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW ORLEANS	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty	469	517			
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

[FR Doc. 81-1
BILLING CO

AREA/INSURING OFFICE KANSAS CITY, MO. REGION VII-KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WICHITA, KAN	DETACHED SEMI-DETACHED/ROW WALKUP ELEVATOR-2-4 Sty 5 + Sty	287				
	DETACHED SEMI-DETACHED/ROW WALKUP ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED SEMI-DETACHED/ROW WALKUP ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED SEMI-DETACHED/ROW WALKUP ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED SEMI-DETACHED/ROW WALKUP ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED SEMI-DETACHED/ROW WALKUP ELEVATOR-2-4 Sty 5 + Sty					

[FR Doc. 81-15871 Filed 5-27-81; 8:45 am]
BILLING CODE 4210-01-C

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The United States Parole Commission is adopting a regulation codifying the criteria that it presently uses in determining how long a prisoner released on parole shall remain under parole supervision before such supervision is normally terminated. These criteria were originally developed by the Commission's Office of Research so that the termination decisions required by statute could be placed upon an equitable and empirically justified basis. The regulation provides that jurisdiction over parolees initially placed in the most favorable parole prognosis category will normally be terminated after two years of difficulty-free supervision. Jurisdiction over other parolees will normally be terminated after three years of difficulty-free supervision.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Meierhoefer, Office of Research, U.S. Parole Commission, 5550 Friendship Blvd., Bethesda, Maryland 20015, (301) 492-5980.

SUPPLEMENTARY INFORMATION:

Background

On September 12, 1980, the U.S. Parole Commission published in the **Federal Register** (FR 60427) an interim rule, with request for public comment, setting forth the Commission's criteria for the early termination of parole supervision.

The Commission is required under 18 U.S.C. 4211 (1976) to conduct a review of the status of each prisoner who is released on parole supervision two years after release on parole and at least annually thereafter. The Commission is empowered, in its discretion, to grant early termination of supervision, in addition to modifying conditions of parole and levels of supervisory contact.

In addition, the statute requires termination of supervision after five continuous years of supervision unless the Commission finds that there is a likelihood that the parolee will engage in conduct violating any criminal law.

The concern in termination of supervision decisions is whether or not the released prisoner continues to present a risk of further criminal behavior. Having compiled data on the post-release behavior of federal releasees, the Commission decided to utilize the available information to develop empirically based guidelines to assist in termination decisions.

The research was aimed at discovering at what point there seems to be a significant decline in the arrest rate of releasees which would justify the termination of supervision, and thus the Commission's jurisdiction over the parolee. Using the four parole prognosis (risk) categories which the Commission utilizes in making release decisions (see 28 CFR § 2.20—Salient Factor Score), releasees grouped by risk category were followed for six years from date of release from prison. Briefly, the research indicated that there was not a significant decline in arrest rate until after completion of a three year "difficulty-free" period for all groups except those who started out in the "very good" risk category. These "very good" risk offenders experienced a decline in arrest rate after a two year "difficulty-free" period. (See, Hoffman and Stone-Meierhoefer, "Post-Release Arrest Experiences of Federal Prisoners", *Journal of Criminal Justice*, V. 7, No. 3, pp. 193–216).

Based on this research, the Commission adopted criteria under which releasees with salient factor scores of 9–11 (very good risk category) should normally be terminated after two years of difficulty-free supervision; and that all others should normally be terminated after three years of difficulty-free supervision. These supervision periods state customary Commission policy, which may be overridden for good cause.

The interim rule specified the general conditions which could constitute "good cause" to override these termination guidelines. Decisions above the guidelines (i.e., decisions to continue on supervision for a longer period of time) may be rendered if case-specific factors indicate a continuing risk of new criminal conduct.

Decisions to terminate below the three year guidelines are permitted for case-specific factors showing that the parolee is a better risk than indicated by the salient factor score. However, a decision to terminate prior to two years will not be made in *any* case, regardless of salient factor score, absent a finding that further supervision would be counterproductive to successful community adjustment.

It should be noted that background factors may be used to override the supervision guidelines regardless of whether these factors were explicitly cited in making the parole release determination.

Public Comment

Comment was received from three federal judges, four Chief Probation Officers, two additional probation officers and one prisoner. The majority of the comment cited the need for a means to consider the severity and type of the commitment offense in making termination of supervision decisions. Specifically, the comment provided examples of large scale drug offenders, and other types of large scale "white collar" and organized criminal conspiracy cases which they felt should not be terminated after two years regardless of salient factor score or performance under supervision because of their continued risk to the community.

Other comments suggested less reliance on the salient factor score, with one suggesting that the Commission should rely heavily on the recommendations of the probation officers, asserting that the probation officer was in the best position to assess the case. One Chief Probation Officer mentioned that the guidelines should assist the probation officers in making termination recommendations and should eliminate the need to carry a case under supervision longer than necessary.

Changes From the Proposal

1. In response to comment received, the final rule clarifies that the guidelines for termination of supervision set forth the Commission's customary policy which may be overriden by case specific factors. It is specified that these factors may relate either to the parolee's behavior while under supervision, or to factors in the parolee's background which indicate that continued supervision is in the best interests of the public. Further, specific examples of meaningful case-specific circumstances are presented in the regulation itself.

In further response, it is noted that under 28 CFR § 2.42 probation officers are required to furnish a case supervision report which contains a request for a recommendation to the Commission and any reasons for departing from the Commission's guidelines.

2. Certain sections have been consolidated so that one subsection combines all information relating to youthful offenders.

Therefore, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR § 2.43 (entire text) is revised and set forth below.

§ 2.43 Early termination.

(a)(1) Upon its own motion or upon request of the parolee, the Commission may terminate supervision, and thus jurisdiction, over a parolee prior to the expiration of his maximum sentence.

(2) A committed youth offender may be granted an early termination of jurisdiction (unconditional discharge) not earlier than after one year of continuous supervision on parole. When termination of jurisdiction prior to the expiration of sentence is granted in the case of a youth offender, his conviction shall be automatically set aside. A certificate setting aside his conviction shall be issued in lieu of a certificate of termination.

(b) Two years after release on supervision, and at least annually thereafter, the Commission shall review the status of each parolee to determine the need for continued supervision. In calculating such two-year period there shall not be included any period of release on parole prior to the most recent release, nor any period served in confinement on any other sentence. A review will also be conducted whenever early termination is recommended by the supervising probation officer.

(c)(1) Five years after release on supervision, the Commission shall terminate supervision over such parolee unless it is determined, after a hearing conducted in accordance with the procedures prescribed in 18 U.S.C. 4214(a)(2), that such supervision should not be terminated because there is a likelihood that the parolee will engage in conduct violating any criminal law. Such hearing may be conducted by a hearing examiner or other official designated by the Regional Commissioner. In calculating such five-year period, there shall not be included any period of release on parole prior to the most recent release or any period served in confinement on any other sentence.

(2) If supervision is not terminated under paragraph (c)(1) of this section the parolee may request a hearing annually thereafter, and a hearing shall be conducted with respect to termination of supervision not less frequently than biennially.

(3) A parolee may appeal an adverse decision under paragraphs (c)(1) or (2) of this section pursuant to §§ 2.25, 2.26, or 2.27 as applicable.

(d) The Regional Commissioner in the region of supervision shall have authority to make decisions under this section pursuant to the guidelines set forth below; except that in the case of a parolee classified under the provisions of § 2.17, an affirmative decision to terminate supervision under paragraph (b) of this section, or a decision to terminate or continue supervision under paragraph (c) of this section shall be made pursuant to the provisions of § 2.17.

(e) *Early termination guidelines:* In determining whether to grant early termination from supervision, the Commission shall apply the following guidelines:

(1) Absent case-specific factors to the contrary, termination of supervision shall be considered indicated when:

(i) A parolee originally classified as a very good risk (salient factor score of 9 or more) has completed two continuous years of supervision free from any indication of new criminal behavior or serious parole violation; and

(ii) A parolee originally classified as less than a very good risk (salient factor score of less than 9) has completed three continuous years of supervision free from any indication of new criminal behavior or serious parole violation.

Note.—As used in this section, an indication of new criminal behavior includes a new arrest if supported by substantial evidence of guilt, even if no conviction or parole revocation results.

(2) Decisions to continue the parolee under supervision past the period indicated above may be made where case-specific factors justify a conclusion that continued supervision is needed to protect the public welfare. Such case-specific factors may relate to the current behavior of the parolee (for example, a parolee whose behavior begins to deteriorate as the normally expected time for termination approaches) or to the parolee's background (for example, a parolee with a history of repetitive assaultive conduct or substantial involvement in large scale or organized criminal activity). In such cases, an additional period of supervision prior to termination of jurisdiction may be warranted.

(3) Decisions to terminate supervision prior to completion of the three year period specified in paragraph (e)(1)(ii) of this section may be made where it appears that the parolee is a better risk than indicated by the salient factor score as originally calculated. However, termination of supervision prior to the completion of two years of difficulty-free supervision will not be granted unless case-specific factors clearly indicate that continued supervision would be counterproductive.

(4) Cases with pending criminal charges shall not be terminated from supervision until disposition of such charge(s) is known.

(5) After five continuous years of supervision, decisions to terminate will be made in accordance with subsection (c) of this rule.

I certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: May 21, 1981.

Cecil C. McCall,

Chairman, Parole Commission.

[FR Doc. 81-15969 Filed 5-27-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Parts 252, 264, 275, 278, 341

Internal Water Resources Planning Regulations; Audit Results

AGENCY: Corps of Engineers, DOD.

ACTION: Final rule; revocation.

SUMMARY: On March 27, 1981, the Civil Works Planning Division, Office of the Chief of Engineers completed an audit of all of its internal water resources planning regulations as a first phase of a Regulation Reform Action Program (RRAP). The objectives of RRAP are to streamline and consolidate planning guidance. As a result of the audit the U.S. Army Corps of Engineers, DOD hereby gives notice that its regulations covering framework and basin studies programs, urban studies programs, wastewater collection and treatment, separable recreation lands—completed lake projects and evaluation of beneficial contributions to National economic development for flood plain management plans are revoked and removed.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert D. Wolff, Planning Division, Directorate of Civil Works, U.S. Army Corps of Engineers, HQDA(DAEN-CWP), WASH, D.C. 20314, telephone (202) 272-0146.

SUPPLEMENTARY INFORMATION: 33 CFR Part 252, Framework and Basin Study Programs (Level A and Level B Studies) contains general guidance for the Corps of Engineers participation in multiagency studies. A review of the regulation has determined a regulation covering this general informational guidance is unnecessary. Corps field offices will operate under policies and procedures adopted by the U.S. Water Resources Council.

33 CFR Part 264, Urban Studies Program, provides policy and procedures for studies conducted under the Urban Studies Program. Separate

guidance on this subject is no longer required since the studies under this program are being completed. The subject is adequately covered by the Water Resources Council Principles and Standards, 18 CFR Part 711.

33 CFR Part 275, Wastewater Collection and Treatment Policy, provides guidance on water quality standards, goals and deadlines to be used in developing wastewater management plans. The regulation is out of date. Current guidance is available from the Environmental Protection Agency.

33 CFR Part 278, Separable Recreation Lands: Completed Lake Projects, provides guidance for land acquisition for a separable recreation purpose at completed projects. This regulation was developed to implement an opinion of the OCE Chief Counsel that Section 4 of the 1944 Flood Control Act does not give the Corps authority to acquire separable recreation lands. That opinion has been subsequently revised by the OCE Chief Counsel and, therefore, the regulation is no longer required.

33 CFR Part 341, Evaluation of Beneficial Contributions to National Economic Development for Flood Plain Management Plans prescribes the principles, standards, procedures and measurement techniques for evaluating beneficial contributions to National Economic Development for flood damage reduction. This guidance has been replaced by Water Resources Council procedures, 18 CFR Part 713. A separate Corps regulation is no longer required.

PARTS 252, 264, 275, 278 and 341 [Reserved]

Therefore, 33 CFR Parts 252, 264, 275, 278, and 341 are hereby removed, revoked, and reserved.

Dated: May 14, 1981.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81-15920 Filed 5-27-81; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AD-FRL-1778-5]

Approval and Promulgation of Implementation Plans; Ohio Revised Stack Height Policy

AGENCY: Environmental Protection Agency.

ACTION: Notice of policy revision and stay of regulation.

SUMMARY: On January 12, 1979 (44 FR 2608), EPA proposed stack height regulations to implement Section 123 of the Clean Air Act. Those regulations generally allowed sources automatic credit for stack heights up to a good engineering practice height, as determined by an EPA formula. On June 24, 1980 (45 FR 42279), as part of a rulemaking promulgating emission limitations for two power plants owned by the Cleveland Electric Illuminating Company (CEI), EPA revised its stack height policy to require existing sources seeking stack height increases to perform fluid modeling or field studies to justify stack height increases up to a good engineering practice height as calculated by the formula. The notice also promulgated two sets of emission limitations for the CEI plants, one based on credit for the new tall stacks and one based on the old stacks. The second set of limits was to be effective in one year unless CEI demonstrated through fluid modeling or field studies that it was entitled to credit for the new stacks. At the time, EPA expected to publish final stack height regulations incorporating the revised policy within a few months.

Unanticipated difficulties have significantly delayed promulgation of the stack height regulations. EPA has, therefore, determined to withdraw the requirement for fluid modeling or field studies to justify stack height increases up to good engineering practice formula height. In view of the change in policy, EPA is also staying the second set of emission limitations for the CEI plants.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Lanny M. Deal, Control Programs Development Division, Office of Air Quality Planning and Standards, MD-15, Research Triangle Park, North Carolina 27711, (919) 541-5516 (FTS 629-5516).

SUPPLEMENTARY INFORMATION: On January 12, 1979, EPA proposed regulations to implement the stack height provisions of Section 123 of the Clean Air Act. *See* 44 FR 2608. EPA's proposed stack height regulations generally allowed sources automatic credit for stack heights up to a good engineering practice height, as determined by an EPA formula. *See* 44 FR 2610, col. 2. During 1979 and 1980, however, EPA became increasingly concerned that stack height increases allowed under the proposed regulations might contribute to long-range transport of pollutants and acid deposition. Accordingly, EPA decided to modify its stack height proposal. The revised policy required certain sources seeking to raise existing stacks to demonstrate through fluid modeling or field studies that the increased stack height was necessary to avoid excessive concentrations due to downwash, wakes, or eddies.

EPA announced this policy change as part of its final action promulgating sulfur dioxide (SO_2) emission limitations for the Avon Lake and Eastlake power plants owned by the Cleveland Electric Illuminating Company. *See* 45 FR 42279, June 24, 1980. EPA applied its revised policy in developing the emission limitations for the CEI plants. EPA determined it was appropriate to apply this new policy to CEI because CEI had replaced old stacks at each of the two plants with new taller stacks.

As a result of the policy revision, EPA promulgated two sets for emission limitations of the CEI plants: 4.10/4.65 lbs sulfur dioxide (SO_2) per million Btu (MBtu) (depending on the sulfur content of fuel burned) for Avon Lake and 5.64 lbs SO_2 per MBtu for Eastlake, based on modeling which included stack height credit for the new tall stacks (which qualify as good engineering practice height stacks under EPA's formula in the proposed stack height regulations); and 3.43/3.93 lbs SO_2 per MBtu for Avon Lake and 3.04 lbs SO_2 per MBtu for Eastlake based on modeling using the old stacks and assuming no credit for the new taller stacks. The first set of limitations was made immediately effective. The second set of limits was made effective one year later to provide CEI with an opportunity to demonstrate through fluid modeling or field studies that the new tall stacks were necessary to avoid excessive concentrations due to downwash, wakes, or eddies.

CEI and other parties petitioned EPA to provide an opportunity to comment on these new emission limitations and to reconsider the limitations in light of the comments received. CEI also requested EPA to stay the effectiveness of both sets of emission limitations during reconsideration. On January 27, 1981, EPA granted the request for an opportunity to comment. *See* 46 FR 8581. EPA denied the requests for a stay of the first set of emission limitations, but deferred action on any stay of the second set of emission limitations, which were based on the revised stack height policy. EPA hoped to resolve issues related to the policy change in the context of final action on the stack height regulations. However, EPA announced that it intended to rule on the requested stay of the second set of emission limitations well before their effective date of June 24, 1981, even if

the final stack height regulations were not yet promulgated.

At the time EPA adopted the CEI limitations, it expected to promulgate within a few months final stack height regulations which would incorporate the new stack height policy. The need for an expanded regulatory analysis, however, has delayed promulgation of those regulations. In view of the extended delay in issuing final stack height regulations which include a fluid modeling or field studies requirement, EPA has concluded that it is inappropriate to require sources to conduct fluid modeling or field studies at this time. Therefore, EPA is today withdrawing the requirement for fluid modeling or field studies by existing sources seeking credit for stack height increases up to good engineering practice height as determined by EPA's proposed formula. If EPA's final stack height regulations include a requirement for fluid modeling or field studies, all sources subject to the requirement will have at least one year to conduct the necessary fluid modeling or field studies. As provided in the proposed stack height regulations, fluid modeling or field studies continue to be required for sources seeking stack height credit above the height calculated by the formula.

In view of the withdrawal of the fluid modeling policy, CEI will no longer be required to perform fluid modeling or field studies to justify stack height credit for its new tall stacks, since those stacks are good engineering practice height as determined by EPA's formula. Due to the policy change, EPA believes it is appropriate to grant the requested stay for the second set of emission limitations that were scheduled to go into effect in June 1981. Those limits were based on air quality modeling which allowed stack height credit only for the old stacks. Since CEI is now entitled to credit for the new tall stacks, emission limitations for the plants should be based on modeling which provides credit for those stacks. The currently effective emission limitations promulgated in June 1980 allow credit for those stacks. Therefore, those limitations will remain in effect and will be the only limitations applicable to the plants. If the final stack height regulations incorporate a requirement for fluid modeling or field study by sources seeking stack height credit for increases up to EPA's good engineering practice formula, CEI, like other sources, would have one year to perform the necessary modeling for field studies.

EPA is taking these actions without first providing notice and opportunity to comment. The withdrawal of the fluid modeling policy for existing sources merely changes a general statement of policy which is not subject to the notice and comment requirements of the Administrative Procedure Act. (5 U.S.C. 551 *et seq.*) Similarly, EPA is not required to provide opportunity to comment on the stay of the second set of CEI emission limitations. The stay suspends, but does not alter or withdraw these requirements. EPA has already solicited public comment on these emission limitations in its January 27, 1981 notice of additional comment period. EPA will provide additional opportunities for comment, as appropriate, prior to taking final action to change or eliminate these emission limitations.

EPA also finds that it has good cause to make this action immediately effective in order to relieve CEI of the need either to comply with the stricter emission limitations or to justify its stack height increases.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is not expected to result in increased costs for any member of the regulated community or for consumers. This action preserves the status quo for CEI's plants, allowing them to continue to operate under the emission limitations that became effective on June 24, 1980. This action also relieves other existing sources affected by the June 24, 1980 policy change of the need to perform fluid modeling or field studies to justify stack height increases.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: May 20, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81-15821 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5929

[CA-3536]

California; Partial Revocation of Reclamation Project Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will partially revoke Bureau of Reclamation (now Water and Power Resources Service) orders which withdrew 673.25 acres of lands for the Central Valley Project in California. All of the lands involved remain subject to the withdrawal made by the Act of November 8, 1965 (79 Stat. 1295; 16 U.S.C. 460q.) from location, entry and patent under the mining laws for the Whiskeytown-Shasta-Trinity National Recreation Area.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Marie Getsman, California State Office, 916-484-4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The order of the Secretary of the Interior dated November 16, 1932, as well as the orders of the Bureau of Reclamation dated July 14, 1948, February 19, 1952, and November 10, 1955, concurred in by the Bureau of Land Management on August 10, 1948, February 27, 1952, and March 12, 1956, withdrawing lands for the Central Valley Project, California, are hereby revoked so far as they affect the following described lands:

Mount Diablo Meridian

T. 32 N., R. 6 W.,
  Sec. 8, NW¼NE¼;
  Sec. 9, Lots 1, 2, and 3, N½NE¼, and SW¼NE¼;
  Sec. 20, Lots 1, 4, 5, and 7;
  Sec. 21, Lot 1.
T. 35 N., R. 7 W.,
  Sec. 18, NE¼NE¼NE¼.
T. 36 N., R. 7 W.,
  Sec. 10, NW¼NW¼NE¼.
T. 35 N., R. 8 W.,
  Sec. 24, NE¼NE¼, SW¼NE¼, S½SE¼, and E½NE¼SE¼.

The area aggregates approximately 673.25 acres in Shasta and Trinity Counties.

2. The lands described are within the Whiskeytown-Shasta-Trinity National Recreation Area established by the Act of November 8, 1965 (79 Stat. 1295; 16 U.S.C. 460q.), and are subject to the provisions of the statute and regulations attendant thereto.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-15900 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5923

[CA-3643]

California; Partial Revocation of Reclamation Project Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will partially revoke a Bureau of Reclamation (now Water and Power Resources Services) Order which withdrew 903.93 acres of land for the Central Valley Project in California. All of the lands involved remain subject to the withdrawal made by Presidential Proclamation of October 3, 1905, for the Tahoe National Forest and all except 36.84 acres remain withdrawn by the Federal Energy Regulatory Commission from location, entry and patent under the mining laws for licensed Power Project 2079.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The order of the Bureau of Reclamation dated February 19, 1952, concurred in by the Bureau of Land Management, February 26, 1952, withdrawing lands for the American River Division, Central Valley Project, is hereby revoked so far as it affects the following described land:

Mount Diablo Meridian

T. 15 N., R. 13 E.,
Sec. 24, Lots 3, 4, 7, 8, 13, 14, 18, and 19;
Sec. 25 SE¼SW¼;
Sec. 36, Lots 1 through 14, inclusive, and Lot 19.

The area described aggregates approximately 903.93 acres in Placer County.

2. The lands described are within the Tahoe National Forest established by Presidential Proclamation October 3, 1905, and are subject to the provisions of that proclamation and regulations attendant thereto. All of the lands except Lot 19, Section 24, T. 15 N., R. 13 E., are within licensed Power Project 2079, withdrawn for the Federal Energy Regulatory Commission and remain closed from location, entry and patent under the mining laws, 30 U.S.C. Ch. 2.

3. At 10 a.m., on June 23, 1981, Lot 19, Section 24, T. 15 N., R. 13 E., shall be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 18, 1981
[FR Doc. 81-15903 Filed 5-27-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5928

[CA-8649]

California; Partial Revocation of Public Water Reserve No. 114

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive Order which withdrew certain lands as a public water reserve. The lands will be opened to operation of the public land laws generally, and to location under the nonmetalliferous mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of February 23, 1928, which withdrew the following described public lands for a public water reserve is hereby revoked insofar as it affects the following described lands:

San Bernardino Meridian

Public Water Reserve No. 114

T. 9 S., R. 12 E.,
Sec. 28, S½SW¼, SE¼.

The area described contains 240 acres in Imperial County.

2. At 10 a.m. on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received therafter shall be considered in the order of filing.

3. At 10 a.m. on June 23, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 18, 1981.
[FR Doc. 81-15901 Filed 5-27-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order No. 5932

[CA-3046]

California; Partial Revocation of Reclamation Project Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes five orders which withdrew lands from all forms of disposition under the public land laws, including the mining laws. This action will restore 1,027 acres of public lands to operation of the public land laws, including the mining laws; 7,864 acres remain withdrawn from operation of the public land laws, including the mining laws, for the Whiskeytown-Shasta-Trinity National Recreation Area; and 6,394 acres of Forest Service land will be open to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is orderd as follows:

1. The Orders of the Bureau of Reclamation (now the Water and Power Resources Service) dated November 10, 1932, February 19, 1952, September 25, 1954, and November 10, 1955, concurred in by the Secretary of the Interior on November 16, 1932, February 27, 1952, October 21, 1955, and March 12, 1956, respectively, and Public Land Order No. 2225, dated December 16, 1960, which withdrew public lands for reclamation project sites, are hereby revoked insofar as they affect the following described lands:

Mount Diablo Meridian

T. 32 N., R. 6 W.,
Sec. 2, Lots 6 and 10 and S½SE¼;
Sec. 6, Lot 1 and SE¼NE¼;
Sec. 10, Lot 4;

Sec. 12, Lots 1, 2, and 3, S½NW¼, and W½SE¼.
T. 33 N., R. 6 W.,
Sec. 31, N½NE¼SE¼ and N½N½NW¼SE¼.
T. 33 N., R. 7 W.,
Sec. 34, S½NE¼.
T. 35 N., R. 7 W.,
Sec. 2, SE¼;
Sec. 4, Lots 1, 6, and 8, and N½SW¼;
Sec. 6, Lots 2 and 9 and W½ Lot 7;
Sec. 8, SW¼NE¼, NE¼NW¼, NE¼NW¼NW¼, S½NW¼NW¼, N½SW¼NW¼, NE¼NE¼SW¼, S½NE¼SW¼, and N½S½SW¼;
Sec. 16, S½N½NW¼NE¼, S½NW¼NE¼, S½N½N½NW¼, and S½N½NW¼;
Sec. 18, W½ Lot 1, W½ Lot 2, and N½ Lot 3;
Sec. 20, SW¼NE¼, N½NW¼, N½SW¼SW¼, and SE¼SW¼;
Sec. 30, NW¼NE¼ and S½NE¼.
T. 36 N., R. 7 W.,
Sec. 1, NE¼SW¼NE¼ and W½SE¼SW¼NE¼;
Sec. 10, NE¼NW¼NE¼, N½NW¼, SW¼NW¼, W½SE¼NW¼, W½NE¼SE¼NW¼, SE¼NE¼SE¼NW¼, SE¼SE¼NW¼, and NW¼SW¼;
Sec. 12, NE¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, NW¼NE¼SW¼, NE¼NW¼SW¼, S½N½SW¼, and NW¼SE¼;
Sec. 14, NE¼SW¼ and S½NW¼SW¼;
Sec. 20, W½NE¼, W½SE¼SW¼, NW¼SE¼, and N½SW¼SE¼;
Sec. 22, NE¼NE¼, SE¼NW¼NE¼, SE¼SE¼NW¼, and E½E½SW¼;
Sec. 28, S½NE¼NE¼, E½SW¼NE¼, SE¼NE¼, and E½SE¼SW¼;
Sec. 32, NE¼NW¼, W½SE¼NW¼, and NW¼NE¼SW¼;
Sec. 34, SE¼NW¼.
T. 37 N., R. 7 W.,
Sec. 20, Lot 4, E½NW¼NE¼, and NE¼SW¼NE¼;
Sec. 28, E½SW¼SW¼;
Sec. 29, W½SW¼NW¼ and W½NE¼SW¼;
Sec. 32, W½W½NE¼;
Sec. 36, S½NW¼ and SW¼.
T. 33 N., R. 8 W.,
Sec. 4, SW¼NE¼, NE¼NE¼SW¼, S½NE¼SW¼, and S½SW¼;
Sec. 6, W½NE¼;
Sec. 8, N½NE¼, NE¼SW¼NE¼, N½SE¼NE¼, and SE¼SE¼NE¼;
Sec. 14, Lots 1, 2, 3, and 7, NW¼NE¼, N½NW¼, SW¼SW¼, and E½SE¼;
Sec. 15, NE¼ and S½NW¼.
T. 34 N., R. 8 W.,
Sec. 2, E½ Lot 2 and S½S½NW¼;
Sec. 5, S½S½NW¼, NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½E½SW¼, NE¼NE¼SW¼, SE¼SE¼SW¼, NW¼NE¼SE¼, and NW¼SE¼;
Sec. 6, S½SE¼NE¼, NE¼NE¼SW¼, S½ of Lot 6, S½NE¼SW¼, Lot 7, SE¼SW¼, N½SE¼, SW¼SE¼, and N½SE¼SE¼;
Sec. 7, S½NE¼NE¼, W½NE¼, N½SE¼NE¼, Lots 1 and 2, E½NW¼, N½NE¼SW¼, N½ and SW¼ Lot 3, NW¼ and S½ Lot 4, and S½S½SE¼;
Sec. 8, S½SW¼NE¼, SE¼NE¼, E½SW¼, and S½SW¼SW¼;
Sec. 18, E½, W½ Lot 1, W½ Lot 2, W½ and SE¼ Lot 3, Lot 4, NE¼NE¼SW¼, S½NE¼SW¼, and SE¼SW¼;
Sec. 19, All;
Sec. 21, E½SW¼, N½NW¼SE¼, and SW¼NW¼SE¼;
Sec. 27, W½NW¼ and Lot 8;
Sec. 28, S½SE¼NE¼, E½NW¼, W½NE¼SW¼, SW¼SW¼, NE¼SE¼, SE¼NW¼SE¼, and SW¼SE¼;
Sec. 30, All;
Sec. 31, SW¼ and SW¼SE¼;
Sec. 32, E½NE¼, E½NW¼, Lots 1 and 6, W½E½SE¼, and SE¼SE¼SE¼;
Sec. 33, Lot 9;
Sec. 34, Lots 5, 6, and 11, and N½SW¼.
T. 35 N., R. 8 W.,
Sec. 12, NE¼NE¼NE¼NE¼, S½NE¼NE¼NE¼, and S½NE¼NE¼;
Sec. 16, W½NE¼, NE¼SW¼, W½NW¼SE¼, and W½E½NW¼SE¼;
Sec. 19, N½SW¼SE¼, SW¼SW¼SE¼, and SE¼SE¼;
Sec. 20, E½E½ and E½W½SE¼;
Sec. 21, S½NE¼NE¼SE¼ and SE¼NE¼SE¼;
Sec. 22, SW¼NE¼ and NW¼SE¼;
Sec. 24, NW¼NE¼, NE¼NW¼, N½SW¼NW¼, and SE¼SW¼NW¼;
Sec. 26, SW¼NE¼, NE¼SW¼, and N½SE¼SW¼;
Sec. 27, SE¼SW¼;
Sec. 28, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, and NW¼SE¼NW¼;
Sec. 29, E½NE¼, E½W½NE¼, and W½NW¼SW¼;
Sec. 32, W½SW¼NE¼ and E½SE¼NW¼;
Sec. 34, N½S½NE¼, SW¼SW¼NE¼, N½SW¼, SW¼SW¼, and W½SE¼SW¼;
Sec. 36, S½S½NE¼NE¼, S½NW¼NE¼, NE¼NE¼SW¼, and S½S½SW¼.
T. 34 N., R. 9 W.,
Sec. 1, S½;
Sec. 2, W½ Lot 4, W½SW¼NE¼, S½NW¼, and S½;
Sec. 3, Lots 1, 2, 3, and 4, and S½N½;
Sec. 10, All;
Sec. 12, All;
Sec. 13, S½;
Sec. 14, All;
Sec. 15, All;
Sec. 24, All.
T. 35 N., R. 9 W.,
Sec. 24, NW¼NE¼NE¼, S½NE¼NE¼, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 26, All;
Sec. 34, NE¼ Lot 1, S½NE¼NW¼, W½NW¼, Lots 3, 7, 8, and 9, and those portions of M.S. 4359 lying within the SW¼, within the NW¼SE¼, and within the SW¼SE¼of said Section 34.

Aggregating approximately 15,285 acres in Shasta and Trinity Counties.

2. The following described lands remain withdrawn from all forms of appropriation under the public laws, including the mining laws, for the Whiskeytown-Shasta-Trinity National Recreation Area administered by the National Park Service:

Mount Diablo Meridian

T. 32 N., R. 6 W.,
Sec. 6, SE¼NE¼.
T. 35 N., R. 7 W.,
Sec. 4, Lots 1, 6, and 8, and N½SW¼;
Sec. 6, Lots 2 and 9, and W½ Lot 7;
Sec. 8, SW¼NE¼, NE¼NW¼, NE¼NW¼NW¼, S½NW¼NW¼, N½SW¼NW¼, NE¼NE¼SW¼, S½NE¼SW¼, and N½S½SW¼;
Sec. 16, S½N½NW¼NE¼, S½NW¼NE¼, S½N½N½NW¼, and S½N½NW¼;
Sec. 18, W½ Lot 1, W½ Lot 2, and N½ Lot 3;
Sec. 20, SW¼NE¼, N½NW¼, N½SW¼SW¼, and SE¼SW¼;
Sec. 30, NW¼NE¼ and S½NE¼.
T. 36 N., R. 7 W.,
Sec. 1, NE¼SW¼NE¼ and W½SE¼SW¼NE¼;
Sec. 10, NE¼NW¼NE¼, N½NW¼, SW¼NW¼, W½SE¼NW¼, W½NE¼SE¼NW¼, SE¼NE¼SE¼NW¼, SE¼SE¼NW¼, and NW¼SW¼;
Sec. 12, NE¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, NW¼NE¼SW¼, NE¼NW¼SW¼, S½N½SW¼, and NW¼SE¼;
Sec. 14, NE¼SW¼ and S½NW¼SW¼;
Sec. 20, W½NE¼, W½SE¼SW¼, NW¼SE¼, and N½SW¼SE¼;
Sec. 22, NE¼NE¼, SE¼NW¼NE¼, SE¼SE¼NW¼, and E½E½SW¼;
Sec. 28, S½NE¼NE¼, E½SW¼NE¼, SE¼NE¼, and E½SE¼SW¼;
Sec. 32, NE¼NW¼, W½SE¼NW¼, and NW¼NE¼SW¼;
Sec. 34, SE¼NW¼.
T. 37 N., R. 7 W.,
Sec. 20, Lot 4, E½NW¼NE¼, and NE¼SW¼NE¼;
Sec. 28, E½SW¼SW¼;
Sec. 29, W½SW¼NW¼ and W½NE¼SW¼;
Sec. 32, W½W½NE¼;
Sec. 36, S½NW¼ and SW¼.
T. 33 N., R. 8 W.,
Sec. 4, SW¼NE¼, NE¼NE¼SW¼, S½NE¼SW¼, and S½SW¼;
Sec. 6, W½NE¼;
Sec. 8, N½NE¼, NE¼SW¼NE¼, N½SE¼NE¼, and SE¼SE¼NE¼.
T. 34 N., R. 8 W.,
Sec. 2, E½ Lot 2 and S½S½NW¼;
Sec. 5, S½S½NW¼, NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½E½SW¼, NE¼NE¼SW¼, SE¼SE¼SW¼, NW¼NE¼SE¼, and NW¼SE¼;
Sec. 6, S½SE¼NE¼, NE¼NE¼SW¼, S½ of Lot 6, S½NE¼SW¼, Lot 7, SE¼SW¼, N½SE¼, SW¼SE¼, and N½SE¼SE¼;
Sec. 7, S½NE¼NE¼, W½NE¼, N½SE¼NE¼, Lots 1 and 2, E½NW¼, N½NE¼SW¼, N½ and SW¼ Lot 3, NW¼ and S½ Lot 4, and S½S½SE¼;
Sec. 8, S½SW¼NE¼, SE¼NE¼, E½SW¼, and S½SW¼SW¼;
Sec. 18, E½, W½ Lot 1, W½ Lot 2, W½ and SE¼ Lot 3, Lot 4, NE¼NE¼SW¼, S½NE¼SW¼, and SE¼SW¼;
Sec. 21, E½SW¼, N½NW¼SE¼, and SW¼NW¼SE¼;
Sec. 28, E½SW¼SW¼;
Sec. 29, W½SW¼NW¼ and W½NE¼SW¼;
Sec. 32, W½W½NE¼;
Sec. 36, S½NW¼ and SW¼.
T. 33 N., R. 8 W.,
Sec. 4, SW¼NE¼, NE¼NE¼SW¼, S½NE¼SW¼, and S½SW¼;
Sec. 6, W½NE¼;
Sec. 8, N½NE¼, NE¼SW¼NE¼, N½SE¼NE¼, and SE¼SE¼NE¼.
T. 34 N., R. 8 W.,
Sec. 2, E½ Lot 2 and S½S½NW¼;
Sec. 5, S½S½NW¼, NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½E½SW¼, NE¼NE¼SW¼, SE¼SE¼SW¼, NW¼NE¼SE¼, and NW¼SE¼;
Sec. 6, S½SE¼NE¼, NE¼NE¼SW¼, S½ of Lot 6, S½NE¼SW¼, Lot 7, SE¼SW¼, N½SE¼, SW¼SE¼, and N½SE¼SE¼;
Sec. 7, S½NE¼NE¼, W½NE¼, N½SE¼NE¼, Lots 1 and 2, E½NW¼, N½NE¼SW¼, N½ and SW¼ Lot 3, NW¼ and S½ Lot 4, and S½S½SE¼;
Sec. 8, S½SW¼NE¼, SE¼NE¼, E½SW¼, and S½SW¼SW¼;
Sec. 18, E½, W½ Lot 1, W½ Lot 2, W½ and SE¼ Lot 3, Lot 4, NE¼NE¼SW¼, S½NE¼SW¼, and SE¼SW¼;
Sec. 21, E½SW¼, N½NW¼SE¼, and SW¼NW¼SE¼;

Sec. 27, W½NW¼ and Lot 8;
Sec. 28, S½SE¼NE¼, E½NW¼, W½NE¼SW¼, SW¼SW¼, NE¼SE¼, SE¼NW¼SE¼, and SW¼SE¼;
Sec. 33, Lot 9;
Sec. 34, Lots 5, 6, and 11, and N½SW¼.
T. 35 N., R. 8 W.,
Sec. 12, NE¼NE¼NE¼NE¼, S½NE¼NE¼NE¼, and S½NE¼NE¼;
Sec. 16, W½NE¼, NE¼SW¼, W½NW¼SE¼, and W½E½NW¼SE¼;
Sec. 21, S½NE¼NE¼SE¼ and SE¼NE¼SE¼;
Sec. 22, SW¼NE¼ and NW¼SE¼;
Sec. 24, NW¼NE¼, NE¼NW¼, N½SW¼NW¼, and SE¼SW¼NW¼;
Sec. 26, SW¼NE¼, NE¼SW¼, and N½SE¼SW¼;
Sec. 27, SE¼SW¼;
Sec. 28, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, and NW¼SE¼NW¼;
Sec. 29, E½NE¼, E½W½NE¼, and W½NW¼SW¼;
Sec. 32, W½SW¼NE¼ and E½SE¼NW¼;
Sec. 34, N½S½NE¼, SW¼SW¼NE¼, N½SW¼, SW¼SW¼, and W½SE¼SW¼;
Sec. 36, S½S½NE¼NE¼, S½NW¼NE¼, NE¼NE¼SW¼, and S½S½SW¼.
T. 34 N., R. 9 W.,
Sec. 1, S½;
Sec. 2, W½ Lot 4, W½SW¼NE¼, S½NW¼, and S½;
Sec. 3, Lots 1, 2, 3, and 4, and S½N½.
T. 35 N., R. 9 W.,
Sec. 26, S½;
Sec. 34, NE¼ Lot 1, S½NE¼NW¼, W½NW¼, Lots 3, 7, 8, and 9, and those portions of M.S. 4359 lying within the SW¼, within the NW¼SE¼, and within the SW¼SE¼ of said Section 34.

The area aggregates approximately 7,864 acres.

3. At 10 a.m., on June 23, 1981, the following described national forest lands, which lie within the boundaries of the Shasta-Trinity National Forest, shall be open to such forms of disposition as may be law by made of national forest land:

Mount Diablo Meridian

T. 35 N., R. 7 W.,
Sec. 2, SE¼.
T. 34 N., R. 8 W.,
Sec. 19, All;
Sec. 30, All;
Sec. 31, SW¼ and SW¼SE¼.
T. 35 N., R. 8 W.,
Sec. 19, N½SW¼SE¼, SW¼SW¼SE¼, SE¼SE¼;
Sec. 20, E½E½ and E½W½SE¼.
T. 34 N., R. 9 W.,
Sec. 10, All;
Sec. 12, All;
Sec. 13, S½;
Sec. 14, All;
Sec. 15, All;
Sec. 24, All.
T. 35 N., R. 9 W.,
Sec. 24, NW¼NE¼NE¼, S½NE¼NE¼, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 26, N½.

The area aggregates approximately 6,394 acres.

4. At 10 a.m., on June 23, 1981, the following described public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Mount Diablo Meridian

T. 32 N., R. 6 W.,
Sec. 2, Lots 6 and 10, and S½SE¼;
Sec. 6, Lot 1;
Sec. 12, Lots 1, 2, and 3, S½NW¼, and W½SE¼.
T. 33 N., R. 6 W.,
Sec. 31, N½SE¼SE¼ and N½N½NW¼SE¼.
T. 33 N., R. 8 W.,
Sec. 14, Lots 1, 2, 3, and 7, NW¼NE¼, N½NW¼, SW¼SW¼, and E½SE¼;
Sec. 15, NE¼ and S½NW¼.

The area aggregates approximately 1,027 acres.

5. At 10 a.m., on June 23, 1981, the public lands described in paragraph 4 will be open to location under the United States mining laws. All the lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81–15905 Filed 5–27–81; 8:45 am]

BILLING CODE 4310–84–M

---

43 CFR Public Land Order 5935

[CA–371]

California; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will partially revoke two Departmental Orders which withdrew 1,027.83 acres of land for the Shasta Division of the Central Valley Project in California. This action restores the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Orders of November 6, 1947, and October 21, 1955, which withdrew lands for the Shasta Division, Central Valley Project, are hereby revoked insofar as they affect the following described lands:

Mount Diablo Meridian

T. 33 N., R. 5 W.,
Sec. 19, lot 1, SE¼NW¼, NW¼SE¼;
Sec. 20, lots 1, 2, 3, 4, 5, and E½NW¼.
T. 33 N., R. 6 W.,
Sec. 24, All, excepting therefrom that portion thereof lying within the boundaries of Mineral Surveys 3937, 5231, 5441, 5595, and 5597.
Sec. 25, NE¼, E½NW¼, NW¼NW¼, E½SW¼, SE¼ excepting therefrom those portions thereof lying within the boundaries of Mineral Surveys 3937, 5595, and 5597.

The area described aggregates approximately 1,027.83 acres in Shasta County.

The lands are located about 9 miles northwest of Redding, California. The primary use of these lands is recreation.

2. At 10 a.m. on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on June 23, 1981. They have been open to applications and offers under the mineral and geothermal leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81–15899 Filed 5–27–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5936

[LA-0167426]

California; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes the Departmental Orders which withdrew 2,080 acres of lands for the Colorado River Project. This action will restore 774 acres to operation of the public land laws, including the mining laws. The 1,306 acres of lands patented to the Metropolitian Water District pursuant to the Act of June 18, 1932, reserving all minerals to the United States will remain segregated from the mining and mineral leasing laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Orders of August 26, 1902 and September 8, 1903, withdrawing lands for the Colorado River Project, California, are hereby revoked insofar as they affect the following described lands:

San Bernardino Meridian

T. 2 N., R. 27 E.,
Sec. 5, All;
Sec. 6, All;
Sec. 7, N½ and SW¼;
Sec. 8, N½.

The area aggregates 2,080 acres in San Bernardino County.

The lands are located in the extreme eastern part of the State at the edge of the Whipple Mountains near Parker Dam and the Colorado River. The topography of the lands vary from relatively flat to extremely steep slopes. Vegetation consists of scattered creosote, bursage, ironwood, palo verde, cholla, beaver tail and ephemeral forbs.

2. Of the lands listed in paragraph 1, the following described public lands shall at 10 a.m. on June 23, 1981, be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered in the order of filing.

San Bernardino Meridian

T. 2 N., R. 27 E.,
Sec. 5, N½SE¼NE¼, those portions of NE¼NE¼ not included in MWD patent;
Sec. 6, S½SW¼, SW¼SE¼;
Sec. 7, W½NE¼, SE¼NE¼, and W½;
Sec. 8, S½NW¼, SE¼NE¼, those portions of the SW¼NE¼ not included in MWD patent.

The area aggregates approximately 774 acres in San Bernardino County.

3. All the lands described in paragraph 2 will be open to location under the United States mining laws at 10 a.m. on June 23, 1981. They have been and continue to be open to applications and offers under the mineral leasing laws.

4. Of the lands described in paragraph 1, those lands patented to the Metropolitan Water District with minerals reserved to the United States remain segregated from the mining and mineral leasing laws pursuant to the Act of June 18, 1932, 47 Stat. 324.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81–15902 Filed 5–27–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5925

[M–40963]

Montana; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive Order and a Secretarial Order as to 160 acres of lands withdrawn as public water reserves. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Chief, Branch of Lands and Minerals Operations, Montana State Office 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Order of January 18, 1935, as Interpretation No. 212, is hereby revoked insofar as it affects the following described lands.

Principal Meridian

T. 5 N., R. 48 E.,
Sec. 12, NW¼NE¼.
T. 6 N., R. 45 E.,
Sec. 26, S½NE¼.
T. 5 N., R. 52 E.,
Sec. 20, NW¼NW¼.

The area described contains 160 acres in Custer County.

2. At 10 a.m. on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter, shall be considered in order of filing.

3. The lands will be open to nonmetalliferous mineral location under the United States mining laws at 10 a.m. June 23, 1981. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81–15904 Filed 5–27–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5888

[OR 20233]

Oregon; Partial Revocation of Public Water Reserve No. 86

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive Order in part as to 240 acres of public lands withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat.

2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of February 8, 1923, which withdrew certain lands for public water reserve purposes, is hereby revoked so far as it affects the following described public lands:

Willamette Meridian

Public Water Reserve No. 86

T. 39 S., R. 43 E.,
Sec. 11, SW¼SW¼.
T. 39 S., R. 44 E.,
Sec. 3, SE¼SE¼;
Sec. 11, E½NE¼NW¼ and W½NW¼NW¼;
Sec. 14, NW¼NE¼;
Sec. 24, E½NE¼.

The area described contains 240 acres in Malheur County.

2. At 10 a.m., on June 23, 1981, the public lands described above will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the public lands described above will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-15811 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5891

[OR 20237]

Oregon; Revocation of Public Water Reserve No. 94

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive Order which withdrew 160 acres of public land as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of September 25, 1925, which withdrew the following described public lands for public water reserve purposes is hereby revoked.

Willamette Meridian

Public Water Reserve No. 94

T. 20 S., R. 39 E.,
Sec. 22, N½NE¼ and NE¼NW¼;
Sec. 23, NW¼NW¼.

The area described contains 160 acres in Malheur County.

2. At 10 a.m., on June 23, 1981, the public lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15810 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6062]

National Flood Insurance Program; Final Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final Rule; Correction.

SUMMARY: In the Federal Register, FR Doc. 81-11032, appearing at pages 21605 thru 21617 in the issue of April 13, 1981, the heading above the table for the Final Base Flood Elevations is incorrect. The heading reads: Final Base (10-year) Flood Elevations. It should be corrected to the following:

Final Base (100-year) Flood Elevations.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E. National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 13, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15716 Filed 5-27-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 31

[CC Docket No. 79-105; RM-3017]

Accounting for Station Connections, Optional Payment Plan Revenues and Related Capital Costs, Customer Provided Equipment and Sale of Terminal Equipment; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule, correction.

SUMMARY: The Commission has adopted amendments to its rules prescribing a uniform system of accounts for telephone companies. The Federal Communications Commission published these amendments at 46 FR 19481, March 31, 1981. This document makes necessary corrections because of omissions and inaccuracies which occurred in the preparation and printing of these amendments.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael Wilson, Common Carrier Bureau, (202) 632-3863.

Adopted: May 18, 1981.

Released: May 18, 1981.

In the matter of an amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone

Companies, of the Commission's Rules and Regulations with respect to accounting for station connections, optional payment plan revenues and related capital costs, customer provided equipment and sale of terminal equipment, CC Docket No. 79-105, RM-3017, errata.

On March 31, 1981, the Commission released the First Report and Order in the above-captioned proceeding (46 FR 19481; March 31, 1981). A number of inadvertent errors were contained in the rule revisions in Part 31 of the Commission's Rules, as set forth in the Appendix. The following items should be corrected to read as indicated.

On page 19490, in item 5, the Note in § 31.124 should have the words "customer provided" added after the word "connect".

On page 19491, in item 7, the second sentence of Note A in § 31.232 should have the word "not" added so that the sentence reads: "The cost of cables used in installing equipment includable in account 234, 'Large private branch exchanges,' shall be included in that account and shall *not* be included in whole or in part in account 232." Note C in this item should have the first word changed from "Provision" to "Provisional".

On page 19492, in item 11, the word "customer" in the third item in the items list in § 31.316 should be changed to "custom" and the word "same" in the fourth item should be changed to "sale".

On page 19492, in item 13, in paragraph (b) of § 31.6-61 the words "does not include" should replace the words "also includes" and the word "provided" should replace the word "owned" so that the sentence reads as follows: "The cost of repairs does not include expenses associated with the provision of repair services on customer provided telecommunications equipment. (Note also account 316)."

On page 19492, item 16, paragraph (c) of § 31.605 should have the word "disconnecting" added so that the sentence reads: "This account shall include also the cost of disconnecting or removing station apparatus and disconnecting inside wiring."

(Secs. 4, 220, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-15690 Filed 5-27-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. HM-22; Amdt. No. 62]

International Maritime Dangerous Goods Code; Matter Incorporated by Reference

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to update the reference in 49 CFR 171.7 to the International Maritime Dangerous Goods Code (IMCO Code) in order to recognize Amendments 17-79 and 18-79 to the IMCO Code. This document has been approved for incorporation by reference by the Director of the Office of the Federal Register.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos (202-426-0656), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are 8:00 a.m. to 4:30 p.m. Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau finds it necessary in the public interest to amend regulations in 49 CFR 171.7 to recognize Amendments 17-79 and 18-79 to the IMCO Code which have recently been published by the Inter-Governmental Maritime Consultative Organization (IMCO). These amendments promulgate numerous miscellaneous changes to the IMCO Code and address such matters as listing, classification, labeling, packaging and documentation. IMCO has established June 1, 1981, as the implementation date for these amendments. Since this rule does not impose additional requirements, notice and public procedure thereon are considered unnecessary.

In consideration of the foregoing, Title 49, Code of Federal Regulations, § 171.7(d)(17), is revised to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(17) "International Maritime Dangerous Goods Code" (IMCO Code), Volumes I, II, III and IV, 1977 Edition, and Amendments 14-76, 15-77, 16-78, 17-79 and 18-79 thereto.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that, since this rule does not impose additional requirements, the document will not result in a "major rule" under the terms of Executive Order 12291, nor is it a "significant regulation" under DOT's regulatory policy and procedures (44 CFR 11034). Furthermore, this rule does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on May 20, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-15685 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 577

[Docket No. 80-17; Notice 2]

Defect and Noncompliance Notification

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule, correction.

SUMMARY: On January 22, 1981 (46 FR 6971), the agency published a final rule amending 49 CFR 577.5(g)(1)(vii) to require the use of the agency's toll free telephone number in all defect and noncompliance notification letters. As the result of a typographical error, one of the digits in the telephone number published in the January notice was incorrect. This notice corrects that telephone number to 800-424-9393.

FOR FURTHER INFORMATION CONTACT: Roger Tilton, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-9511).

(Secs. 108, 112, and 119, Pub. L. 89-563; 80 Stat. 718; Secs. 102, 103, and 104, Pub. L. 93-492; 88 Stat. 1470 (15 U.S.C. 1397, 1401, 1408, and 1411-1420); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on May 21, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-15809 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1048

[Ex Parte No. MC-37 (Sub. No. 34]

Charleston, SC, Commercial Zone

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: By petition filed November 17, 1980, the Charleston Trident Chamber of Commerce seeks redefinition and extension of the Charleston, SC, commercial zone limits which have been defined individually as set forth in 49 CFR 1048.3. Petitioner proposed to extend the partial exemption under 49 U.S.C. 10526(b)(1) of the Interstate Commerce Act to include points in Dorchester County. The present zone includes all points within 8 miles of Charleston, points in Charleston County, and a portion of Berkeley County. No statements in opposition to the petition were filed. The regulation set forth below is promulgated pursuant to the Commission's action on the evidence.

EFFECTIVE DATE: June 29, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Rue (202) 275–7919 or Edward E. Guthrie (202) 275–7691.

SUPPLEMENTARY INFORMATION: This regulation is issued under the authority of 49 U.S.C. 10321 and 49 U.S.C. 10526(b)(1) (the Interstate Commerce Act) and 5 U.S.C. 553 (the Administrative Procedure Act).

§ 1048.3 [Amended].

Accordingly, Part 1048 of Chapter X of Title 49 of the Code of Federal Regulations is amended by removing the period and inserting a semicolon at the end of paragraph 1048.3(c) and adding to the existing description the words "and all points in Dorchester County, SC".

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15986 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1109

[Ex Parte No. 320 (Sub-No. 2)]

Market Dominance Determinations and Consideration of Product Competition

AGENCY: Interstate Commerce Commission.

ACTION: Decision.

SUMMARY: This proceeding covers two issues—revision of our market dominance regulations and possible consideration of product (including geographic) competition as an issue in rail rate cases. The proceeding stems from provisions in the Staggers Rail Act of 1980. The issue of product competition in rate reasonableness determinations must, under the terms of the Staggers Act, be resolved by May 18, 1981. As a result, the two issues have been separated for decision.

The Commission has determined not to consider product competition in determining rail rate reasonableness. A decision on the other matters raised in our **Federal Register** Notice of December 18, 1980, 45 FR 83342—namely, those with regard to revision of our market dominance regulations including the issue of product competition in this context—will be issued separately.

EFFECTIVE DATE: This action is effective June 29, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: In our notice in this rulemaking (45 FR 83342, 12–18–80 and 46 FR 10181, 2–2–81) we proposed to do two things: 1) amend our existing market dominance regulations (49 CFR 1109.1) and 2) determine to what extent and in what context we should consider "product competition" in a rate challenge. A proceeding to resolve this second issue was mandated by Section 205 of the Staggers Rail Act of 1980. Section 205 defines product competition such that it encompasses geographic competition as well. We did the same in the notice.

The Staggers Act requires that we issue a decision on product competition by May 18, 1981. In view of the May 18th deadline, we are deciding the product competition issue in advance of other matters raised in the notice.

We have carefully considered all the comments filed. Issues and arguments not discussed here have been analyzed and found unjustified or their discussion not necessary to resolve the limited issues addressed here.[1] We have concluded that product competition should not be considered as part of our rate reasonableness analysis. Its inclusion in our market dominance determinations will be addressed in the later decision in this proceeding.[2]

General Discussion

Product competition is defined in Section 205 of the Staggers Act as:

> [T]he availability to the consignee, at a competitive delivered cost and in sufficient quantities, of products or commodities which are of the same type as the commodity or product to which the rate in question applies, without regard to whether such products or commodities are available from the same or different origin as those to which the rate applies.[3]

In our notice, we indicated that, while we had declined to elevate evidence of product competition to the level of a rebuttable presumption of market dominance, we nevertheless had recognized it was a factor to consider in determining the extent to which railroads could exercise market power.[4] We also noted, and we continue to believe, that evidence on this subject is critical in certain cases. A finding of effective competition (i.e., the absence of market dominance) may depend on the shipper's ability to substitute one source or product for another. The shipper's ability to use alternative carriers or modes through access to substitute products or alternative geographic sources of supply may substantially affect a carrier's pricing decisions.[5]

We have two main reasons for concluding that product competition should not be a factor in our reasonableness determinations. First, as noted above, it bears on the question of effective competition—our jurisdictional limitation—and thus it is more appropriate to analyze it at this threshold stage. Second, we believe including it as a factor in a rate reasonableness determination would be inapposite and impractical because of the manner in which we currently assess a rate to be reasonable or unreasonable. Such assessments are based primarily on a comparison between the challenged rate and the cost of the movement to which it applies. In most instances, rates should be as close to costs as possible to insure efficient and

---

[1] The responses to our notice contained various motions, including requests to terminate the proceeding. As these motions were addressed to the market dominance issue, they will be resolved in the separate decision on that question.

[2] Concerns raised by the parties regarding practical application of the concept will also be addressed in the later decision.

[3] This definition thus includes geographic competition.

[4] "While certain evidence is not germane to computing market share, proponents of a rate may introduce evidence of potential competition, competition from private carriage, alternative product competition or geographic competition to show that effective competition exists." Special Proc. for Findings of Market Dominance, 359 I.C.C. 735, 736 (1979).

[5] See Railroad comments, V.S. of R.M. VanHook.

equitable pricing. Thus, our approach in prescribing maximum reasonable rates has been first to ascertain the cost of service and then to prescribe rates in terms of their relationship to cost. See Ex Parte No. 347 (Sub-No. 1), Coal Rate Guidelines—Nationwide, served November 18, 1980, and *Aggregate Volume Rate on Coal, Acco, Utah to Moapa, Nevada,* —— I.C.C. ——, served February 9, 1981.

Given the manner in which a rate is assessed, consideration of product competition would be difficult to quantify and would provide no additional insight since it has little, if any, bearing on the costs of a movement. Further, it would be of little or no use in evaluating those situations where rates in excess of costs are justified on efficiency grounds (e.g. common cost allocation). While the railroad commenters urge that it should be included, they offer no suggestions as to how it would relate to rate reasonableness based on cost analysis or how it could be quantified, and we cannot at his point develop a conceptual and practical framework for considering it.

There appears to be some confusion among the commenters regarding this issue. Bethlehem Steel Corp. and FMC Corp., for example, consider the product competition factor analogous to rate comparisons used in the past to judge reasonableness. The Bethlehem Steel Corp. argues that "the significance of product competition is a reaffirmation of the traditional concept that the primary standard for determining . . . reasonableness . . . is the comparison of rates applicable for similar traffic in the same territory". FMC Corp. suggests that the theory of product competition would compel us to equalize rates from different sources to the same destination. This interpretation is not germane to the issue of rate reasonableness as it applies to the concept of efficient and equitable (as opposed to equal) pricing. While it is true that product or source competition will restrain excessive pricing by railroads, this in no way implies that rates from different sources to the same destination would or should be equalized.

Product competition, as properly interpreted, would be of some relevance if rate comparison evidence were used to gauge the reasonableness of a rate. However, we have rejected use of rate comparisons as the primary test of reasonableness in favor of cost analysis. The 4R Act and the Staggers Act require us to consider railroad revenue need. Rate comparisons, standing alone, fail to reflect this consideration as they do not indicate whether rates are sufficiently high to cover costs. In a rate comparison, rates subject to product or any other form of competition could, theoretically be used as a standard to evaluate a challenged rate, the assumption being that such rates are, by definition, reasonable. Such an analysis, however, would tell us nothing about the adequacy of rates in terms of the revenue needs of a railroad. A rate could be competitive and, therefore, reasonable and, at the same time, insufficient to cover the costs of the movement to which it applies. Since cost analysis serves both purposes, its general usage is not only more practical but helps insure consistency between rate reasonableness and revenue need determinations.

Based on the foregoing, we conclude that product competition should not be included in our analysis of the reasonableness of a challenged rate. We are unable to develop a conceptual and practical framework to reflect the manner in which the existence of substitute products or alternative sources of supply relate to the relationship between a challenged rate and the cost of the movement to which it applies. In view of our tentative conclusions in Ex Parte No. 347 (Sub-No. 1), *supra,* and the record developed here, we conclude that consideration of product competition would be unsuitable for rate reasonableness determinations.

This decision will not significantly affect the quality of the human environment or conservation of energy resources.

(Section 205, Staggers Rail Act of 1980, 49 U.S.C. 10321, 10709, 5 U.S.C. 553.)

Dated: May 14, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15161 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 102
Thursday, May 28, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Issuance of Quarterly Report on Proposed Rules

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Quarterly Report.

SUMMARY: The Nuclear Regulatory Commission has issued the April 30, 1981, Quarterly Report on Proposed Rules. The Report, which is a quarterly summary of proposed rules that are pending final action, is issued to provide the public with information regarding NRC's rulemaking activities.

ADDRESSES: A copy of this report, designated NRC Status of Proposed Rules—April 30, 1981, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Requests for single copies of the report, or a request to be placed on an automatic distribution list for single copies of future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Office of Administration, Telephone 301–492–7086.

Dated at Bethesda, Maryland this 20th day of May 1981.

For the Nuclear Regulatory Commission.

J. M. Felton,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 81-15981 Filed 5-27-81; 8:45 am]
BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 329

NOW Account Eligibility

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed interpretation.

SUMMARY: The FDIC is requesting comment from the public on a proposal made by the Board of Governors of the Federal Reserve System. This proposal seeks to clarify the rules concerning the class of depositors eligible to maintain Negotiable Order of Withdrawal (NOW) accounts. This proposed interpretation is prompted by requests from nonmember banks and their customers for rulings and opinions concerning the eligibility for NOW accounts.

DATE: Comments must be received by June 29, 1981.

ADDRESS: Comments should be addressed to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Counsel (202/389–4261), or Kathy A. Johnson, Attorney (202/389–4384), Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: The Consumer Checking Account Equity Act of 1980 (Title III of Pub. L. 96–221) ("Act") authorizes depository institutions (except credit unions which are authorized to offer share draft accounts) nationwide, effective December 31, 1980, to permit the owner of a deposit or account on which interest or dividends are paid, to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties (12 U.S.C. 1832(a)(1)). Presently, under Part 329, insured nonmember banks may offer NOW accounts to (1) individuals, (2) organizations operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit, and (3) public units operated primarily for charitable, educational, or other similar purposes.

The FDIC has received a significant number of requests from insured nonmember banks and their customers for rulings and opinions concerning NOW account eligibility since the enactment of the Act. In many instances these requests have required the consideration of subtle distinctions that are not altogether practical for application on a uniform basis by a large number of depository institutions. In order to alleviate problems that have risen among insured nonmember banks concerning the class of depositors eligible to hold NOW accounts, the FDIC believes it is appropriate at this time to simplify and clarify the rules concerning NOW account eligibility.

The Federal Reserve has issued a proposed interpretation of Regulation Q which would clarify the eligibility requirements for NOW accounts. (Regulation Q authorizes member banks to offer NOW accounts.) This interpretation would provide that the following depositors are eligible to hold NOW accounts: (1) individuals, if the funds are not used primarily for business purposes, (2) nonprofit organizations described in Section 501(c) (3) through (13) and (19) and Section 528 of the Internal Revenue Code, and (3) public units, if the funds are funds of schools, colleges, universities, libraries, or hospitals. Under this interpretation, all businesses that are operated for profit, including sole proprietorships (which would also be excluded from eligibility for Automatic Transfer Service accounts (ATS accounts)), partnerships, corporations, and other organizations, and most public units would not be permitted to maintain NOW accounts. The Federal Reserve has also proposed a phaseout of all NOW and ATS accounts opened prior to April 8, 1981 which were eligible for those accounts at that time, but which would become ineligible upon the adoption of the proposed interpretation. These accounts could be maintained until December 31, 1981. These proposals were published in a notice on pages 22600–22602 of the **Federal Register** of April 20, 1981, and reference should be made to that notice for a more detailed explanation of the interpretation, its basis, and purpose.

Since the FDIC believes that clarification of the eligibiity requirements for NOW accounts is necessary, it is inviting interested parties to comment on the Federal Reserve's proposed interpretation and would also be interested in comments

on any alternative interpretations which would facilitate the determination of eligibiity for NOW accounts under Part 329 in an equitable manner. Any comments on the exclusion of sole proprietorships from ATS account eligibility and the proposed phaseout are also requested.

It should be noted that the FDIC does not propose to change the existing policy concerning eligibility for traditional passbook and statement savings accounts. Comments will assist the FDIC in the coordination of its NOW account eligibility policy with the other Federal financial institution regulatory agencies.

By order of the Board of Directors, May 18, 1981.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-15824 Filed 5-27-81; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 782 3052]

Zale Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, that a Dallas, Texas retailer cease, in connection with the extension of open end credit, failing to comply with the billing error resolution procedures required by federal law. The firm would be required to send a prescribed "Billing Complaint Form" to specified customers and upon receipt of such forms, investigate each billing error claim and either refund or credit the amount in error, or provide the customer with proof that the claim was incorrect; take reasonable steps to correct any erroneous credit report; and pay all unpaid credit balances which existed after April 1, 1975, plus daily interest. The order would also require the firm to include a specified disclosure on all future periodic statements which reflect a credit balance, and pay all credit balances upon written request, or automatically after 7 months if no request has been made.

DATE: Comments must be received on or before July 27, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: FTC/P, James H. Sneed, Washington, D.C. 20580, (202) 523-3727.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 782 3052]

Zale Corp., a Corporation, Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Zale Corporation, a corporation, and it now appearing that Zale Corporation, a corporation, hereinafter sometimes referred to as respondent or proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Zale Corporation, by its duly authorized officer and attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Zale Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Texas, with its office and principal place of business located at 3000 Diamond Park Drive, in the City of Dallas, State of Texas.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of 60 days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist ("Order") in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders of the Commission. The Order shall become final upon service. Delivery by the U.S. Postal Service of the compliant and decision containing the Order, to proposed respondent's address as stated in this agreement, shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or in this agreement may be used to vary or contradict the terms of the Order.

7. Proposed respondent has read the proposed complaint and Order. It understands that once the order has been served (1) it will be required to file two or more compliance reports showing it has fully complied with the Order and

(2) it may be liable for civil penalties in the amount provided by law for each violation of the Order.

Order

I

It is ordered, That respondent Zale Corporation, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of "open end credit," including "consumer credit" extended on an account by use of a "credit card," as those terms are defined in Regulation Z (12 CFR Part 226), the implementing regulation of the Truth in Lending Act (15 U.S.C. 1601 et seq., as amended), do forthwith cease and desist from:

A. Failing, within 30 days after receipt of any proper written notification of a billing error (as defined in Regulation Z), to mail or deliver a written acknowledgment thereof to the customer's current designated address, as prescribed by § 226.14(a)(1) of Regulation Z, 12 CFR 226.14(a)(1), unless:

1. the customer has agreed, within such 30-day period, that the periodic statement is correct; or

2. respondent has taken the applicable action specified in Paragraph I.B.1–3 of this Order within such 30-day period.

B. Failing, not later than two complete billing cycles (and in no event more than 90 days) from the date of receipt of any proper written notification of a billing error, to resolve the dispute by:

1. Correcting the customer's account in the full amount indicated by the customer to have been erroneously billed, and mailing or delivering to the customer a written notification of correction(s) in the manner prescribed by § 226.14(a)(2)(i) of Regulation Z, 12 CFR 226.14(a)(2)(i); or

2. Correcting the customer's account by an amount different from that indicated by the customer as being erroneously billed, and mailing or delivering to the customer a written explanation of the change(s), accompanied by copies of documentary evidence of the customer's indebtedness if such evidence is requested by the customer, in the manner prescribed by § 226.14(a)(2)(ii) of Regulation Z, 12 CFR 226.14(a)(2)(ii); or

3. Mailing or delivering to the customer, after having conducted a reasonable investigation, a written explanation or clarification which sets forth the reason(s) why respondent believes the periodic statement is correct, and, if the customer requests, furnishing copies of documentary evidence of the customer's indebtedness, in the manner prescribed by § 226.14(a)(2)(iii) of Regulation Z, 12 CFR 226.14(a)(2)(iii).

Provided, however, That respondent need not perform the actions specified in this Paragraph I.B if the customer has agreed, not later than two complete billing cycles (and in no event more than 90 days) from the date of respondent's receipt of the proper written notification of a billing error, that the periodic statement is correct.

C. Taking or causing any action, prior to the time the dispute has been resolved as provided in Paragraph I.B. of this Order, to collect:

1. any portion of an amount indicated in the customer's notification as being a billing error; or

2. any finance charge, late payment charge, or other charge computed on such disputed amount.

D. Failing, in each instance where respondent has not complied with any requirement of § 226.14 of Regulation Z, 12 CFR 226.14, to forfeit the right to collect from the customer the amount indicated to be a billing error, including corresponding finance and other charges, up to $50 (the "forfeited amount"), as required by § 226.14(f)(1) of Regulation Z, 12 CFR 226.14(f)(1); and

1. If the customer pays or has paid all or part of the forfeited amount, to either credit that amount to the customer's account or refund it to the customer, and notify the customer as to why the credit or refund has been made; or

2. If the customer has not paid all or part of the forfeited amount, to act in a manner consistent with such forfeiture, including, but not limited to, continuing to reflect such amount in periodic statements, taking any collection action, or reporting nonpayment to any third party, and include an explanation, where appropriate, of what action has been taken.

E. Failing to comply with any requirement of § 226.14 of Regulation Z, as amended, 12 CFR 226.14, as amended.

F. Failing to mail or deliver to each customer who has an open end credit account, for each billing cycle at the end of which there is an outstanding debit or credit balance in excess of $1.00 in that account or with respect to which a finance charge is imposed, a statement which the customer may retain and which:

1. Sets forth the amount of the outstanding balance in the account at the beginning and closing dates of the billing cycle, and appropriately identifies any credit balance as such, as required by § 226.7(b)(1) (i) and (ix) of Regulation Z, 12 CFR 226.7(b)(1) (i) and (ix);

2. Sets forth the amounts and dates of crediting to the account during the billing cycle, as required by § 226.7(b)(1)(iii) of Regulation Z, 12 CFR 226.7(b)(1)(iii);

3. Sets forth an address to be used by respondent for the purpose of receiving billing inquiries from customers, preceded by the caption "Send Inquiries To:" indicating that the address is the proper location to send such inquiries, as required by § 226.7(b)(1)(x) of Regulation Z, 12 CFR 226.7(b)(1)(x); and

4. Sets forth all other items required by § 226.7(b) of Regulation Z, 12 CFR 226.7(b), in the manner prescribed by Section 226.7(c) of Regulation Z, 12 CFR 226.7(c).

G. Failing to comply with any requirement of § 226.7(a)(9), (d), (g), and (h) of Regulation Z, 12 CFR 226.7(a)(9), (d), (g), and (h).

II

It is further ordered, That respondent:

A. Shall prepare a form (hereinafter referred to as Billing Complaint Form) in exactly the wording set forth in Attachment A of this Order (except that the name of the issuing entity may change as appropriate), printed clearly and conspicuously in 10-point, .075 inch computer or larger type. This form shall be mailed in duplicate, accompanied by a pre-addressed return envelope, with no additional information to the contrary or in mitigation thereof, within 120 days after service upon it of this Order:

1. To each person to whom a periodic statement is mailed or delivered at any time during either of two consecutive billing cycles within the aforesaid 120-day period;

2. To each other person whose open end credit account has been administered by or assigned to respondent's Zale Division Central Credit Offices in Seattle, Washington, and Portland, Oregon, at any time between October 28, 1975, and the date of service of this Order: *Provided,* That where an account has been maintained in the names of more than one person, respondent may send one Billing Complaint Form; and

3. To each other person who makes a written complaint, other than a proper written notification of a billing error (as defined in Regulation Z), about a billing error that occurred on or after October 28, 1975, but before the date of service of this Order upon respondent: *Provided,* That if respondent receives such a written complaint more than 120 days after service upon it of this order,

respondent must mail the Billing Complaint Form within 30 days of receiving such complaint.

B. Shall send to all of respondent's retail store and credit center personnel, within 10 days from the date of publication in the **Federal Register** of the agreement containing this Order, a bulletin which instructs them that in the event they receive an oral complaint about a billing error that occurred on or after October 28, 1975, but before the date of service of this Order upon respondent, each such complainant is to be advised (1) to make the complaint in writing, and (2) to whom such complaint is to be mailed or otherwise delivered.

C. Shall, within 60 days after receipt of each Billing Complaint Form:

1. Conduct and complete a reasonable investigation of the claimed billing error(s).

2. If the claimed billing error(s) is (are) incorrect, mail or deliver a written explanation to the customer setting forth the reason(s) why respondent believes the customer was mistaken, and furnish copies of all documents which support respondent's conclusion.

3. If the claimed billing error(s) is (are) correct in whole or part, or if respondent does not have documentary evidence showing that such claim(s) is (are) incorrect:

a. Mail a check to the customer in the amount of the billing error(s); or

b. If an account for the customer exists, make a credit to the customer's account in the amount of the billing error(s); or

c. Open an account for the customer if no account exists therefore at that time, if the customer consents in writing to an account being opened, and make a credit to that account in the amount of the billing error(s).

4. If respondent makes a payment or credit pursuant to Paragraph II.C.3 of this Order, and the customer has indicated on the Billing Complaint Form that a disputed account has been reported to any third party as delinquent, correct respondent's records to show that the account was paid as agreed, and take reasonable steps to insure that the report to any third parties is corrected: *Provided,* The customer submits his/her address and account number or other information to enable respondent to identify such party (parties).

5. Notify the customer in writing of the action(s) taken pursuant to this Paragraph II.C. For purposes of this subparagraph, respondent may place the required writing, *inter alia,* on a check, payment voucher attached to a check, or on the front or reverse of a periodic statement.

III

It is further ordered, That respondent Zale Corporation, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in the handling of credit balances arising subsequent to service of this Order, on open end credit accounts created or maintained in connection with the sale of merchandise or services to the public, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall:

A. Include the following disclosure clearly and conspicuously in 10-point, .075 inch computer or larger type, separated from any other written matter, entirely on the front side of each periodic statement reflecting a credit balance, and accompanied by a pre-addressed return envelope:

To get your credit balance now, write "I want a refund" on this statement. Mail it back to us in the enclosed envelope.

B. Refund the full amount of each credit balance within 30 days after a customer requests a refund by mail, except to the extent that such amount has already been refunded or credited against further purchases on that account.

C. Refund the full amount of each credit balance in excess of $1.00 no later than 30 days after the end of the sixth consecutive month during which a credit balance existed. The amount to be refunded shall be the credit balance existing at the end of the sixth month.

D. Refrain from writing off, deleting or transferring any credit balance in excess of $1.00 until a refund has been made or until the customer has made a fully offsetting purchase, unless respondent has taken all applicable actions required by Parts III and V.B of this Order with respect to that account.

E. Refrain from writing off, deleting or transferring any credit balance of $1.00 or less until:

1. The customer has made a fully offsetting purchase; or

2. The credit balance has existed for seven consecutive months and the customer has been advised at least once in writing that such credit balance will be forfeited after it has existed for seven months unless a refund is requested by the customer.

F. Send to all of respondent's retail store and credit center personnel, within 10 days from the date of publication in the **Federal Register** of the agreement containing this Order, a bulletin which instructs them that in the event they receive a request for a refund of a credit balance they are to advise the person requesting such refund (1) to make the request in writing, and (2) to whom such request is to be mailed or otherwise delivered.

IV

It is further ordered, That respondent shall, with respect to each customer whose open end account had a credit balance in excess of $1.00 at any time between April 1, 1975, and the date of service of this Order (if such balance has not been refunded, no fully offsetting purchase has been made, or the attempts to locate the customer described in Part V.B of this Order have not been made):

A. Mail a check to the customer in the amount of the credit balance, including daily interest on such amount from the date of its creation, computed at an annual rate of 6 percent (simple) interest, no later than 90 days after the service of this Order.

Provided, however, That respondent need not pay interest on any credit balance for which a refund check in the amount of the credit balance was mailed by respondent to the customer prior to August 4, 1978.

B. Notify the customer in writing that the check represents a refund of the credit balance, plus interest on the credit balance (if any). This notification must be placed on the check, on the payment voucher attached to the check, or on a notice sent with the check.

C. Refrain from writing off, deleting or transferring any such credit balance until a refund has been made or the customer has made a fully offsetting purchase, unless respondent has taken all applicable actions required by Parts IV and V.B of this Order with respect to that account.

V

It is further ordered, That:

A. Each payment required by this Order shall be given to the customer in person or by mailing a check payable to the order of the customer.

B. Each check, Billing Complaint Form, disclosure, or notice required by this Order shall be sent by First Class mail in an envelope which clearly states that it is from respondent (or the entity of respondent which the customer did business with), to the customer's last address shown in respondent's records. Each check required to be sent by this Order, and each Billing Complaint Form required to be sent by Paragraphs II.A.2 and II.A.3. of this Order, shall include the notation "Address Correction Requested" on the envelope. In the event that any such check, disclosure or

notice concerning a credit balance or payment in the amount of $10 or more is returned to respondent undelivered, respondent shall obtain from a credit bureau the most current address(es) available for the customer by means of an in-file report or other report on information then existing in the credit bureau's files. If a new address is obtained, respondent shall then resend such check, disclosure, or notice by First Class mail to the customer at the most current address obtained.

C. For each credit balance refund unpaid despite performance of the steps set out in Paragraph V.B of this Order, respondent:

1. Shall, except as provided in Paragraph V.C.2 of this Order, make available to the customer as a credit to his/her account the full amount of the credit balance for one year from the date on which the most recent mailing was returned; and

2. Shall refund the full amount of the credit balance within 30 days of any subsequent oral or written request therefor by the customer.

VI

It is further ordered, That responent shall maintain complete business records relative to the manner and form of its continuing compliance with this Order, including but not limited to (1) the data enumerated in Paragraph VII.E of this Order; (2) the number and dollar amount of credit balances refunded, on an annual basis; and (3) the name and address of each customer who requested a refund of a credit balance but whose request was refused, the date and amount of the request, and the date and reason(s) for the refusal. With respect to Paragraphs I.A–I.D of this Order, such records shall include every written notification of billing error respondent received, copies of all notices, corrections and correspondence mailed or delivered in response thereto, documentation of "reasonable investigations," and all other evidence of compliance. Respondent shall retain all such records and data for at least three years and shall, upon reasonable notice, make them available for examination and copying by representatives of the Federal Trade Commission.

VII

It is further ordered, That:

A. For the purposes of this Order, every reference to the Truth in Lending Act or Regulation Z are understood to mean "as amended." "As amended" includes substantive as well as nonsubstantive (such as organizational) revisions to the current Act and Regulation.

B. Respondent shall forthwith distribute a copy of this Order to each of its operating divisions, and to all present and future personnel having policy responsibilities with respect to the subject matter of this Order, including but not limited to the manager of each central credit office and the manager of each retail store which handles its own billings or receives billing complaints.

C. Respondent shall notify the Commission at least 30 days prior to:

1. Any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation; and

2. Any other change in the corporation, including the creation or dissolution of subsidiaries, which may affect compliance obligations arising out of this Order.

D. Respondent shall file with the Commission, within 60 days after service of this Order, a written report setting forth in detail the manner and form in which it has complied with this Order.

E. Respondent shall file with the Commission, within 180 days after service of this Order, a written report setting forth all of the following data for each of its operating divisions:

1. The number and dollar amounts of credit balances which, pursuant to Paragraph IV of this Order, were:

a. Refunded;

b. Offset by further purchases made on the customer's account; and

c. Retained by respondent because the customer could not be located.

2. The number of Billing Complaint Forms received from customers pursuant to Part II of this Order.

3. The number and dollar amounts of payments made to customers and credits made to customers' accounts pursuant to Part II of this Order.

4. The number of Billing Complaint Forms received from customers pursuant to Part II of this Order for which no payments were made to customers and no credits were made to customers' accounts.

5. The number of Billing Complaint Forms received from customers pursuant to Part II of this Order which indicated that a disputed account has been reported to any third party as delinquent, and the names and addresses of all third parties respondent contacted pursuant to Part II of this Order.

Attachment A to Zale Corporation Order; Important Notice

This notice deals with mistakes we may have made in your bills since October 28, 1975. If you wrote to us about possible billing errors, we may not have handled your complaint as we should have under federal law.

If there was a mistake and we have not yet corrected it, we will do so now. We may also owe you money.

Please fill in the accompanying form. Be sure to include your name, account number and address. After you fill in the form, sign it, date it and send it back to us in the attached envelope. A copy of the form is also attached for your records. Please send copies of all letters, bills and other papers dealing with any billing errors. Keep the originals.

But be sure to send us this form even if you don't have other papers. If you can't remember the exact dates or amounts, please estimate.

1. My bill of ———— contained a mistake or month/year $——— which was never corrected.
The mistake was ————

(If we made more than one mistake, list the others on another piece of paper and explain in detail. Be sure to put your name on each piece of paper.)

2. If you think this mistake hurt your credit rating, we will tell the credit bureau that Zale settled the dispute in your favor.

Please provide as much of the following information as you can:

The city and state you lived in when the mistake on your bill occurred.

The location of the Zale store or Zale credit office involved.

The name and address of the credit bureau in that area, if you know.

Signature X ————
Name:————
(Please Print)
Address: ————

Account Number (if known) ————
Date: ————

Attachment A to Zale Corporation Order Important Notice

This notice deals with mistakes we may have made in your bills since October 28, 1975. If you wrote to us about possible billing errors, we may not have handled your complaint as we should have under federal law.

If there was a mistake and we have not yet corrected it, we will do so now. We may also owe you money.

Please fill in the accompanying form. Be sure to include your name, account number and address. After you fill in the form, sign it, date it and send it back to us in the attached envelope. A copy of the form is also attached for your records. Please send copies of all letters, bills and other papers dealing with any billing errors. Keep the originals.

But be sure to send us this form even if you don't have other papers. If you can't

remember the exact dates or amounts, please estimate.

1. My bill of _____ month/year contained a mistake of $_____ which was never corrected.
The mistake was _____
_____

(If we made more than one mistake, list the others on another piece of paper and explain in detail. Be sure to put your name on each piece of paper.)

2. IF YOU THINK THIS MISTAKE HURT YOUR CREDIT RATING, we will tell the credit bureau that Zale settled the dispute in your favor.

Please provide as much of the following information as you can:

The city and state you lived in when the mistake on your bill occurred.

_____

The location of the Zale store or Zale credit office involved.

_____

The name and address of the credit bureau in that area, if you know.

_____

Signature X _____
Name: _____
(Please Print)
Address: _____

_____

_____

Account Number (if known) _____
Date: _____

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Zale Corporation of Dallas, Texas.

The proposed complaint and consent order have been placed on the public record for 60 days to receive comments by interested persons. Comments received during this period will become part of the public record. After 60 days, the Commission will review the agreement and any comments received, and decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint charges that Zale, a nationwide retailer of jewelry, footwear, sundries, and sporting goods, violated the billing error resolution procedures required by the Fair Credit Billing Act amendments to the Truth in Lending Act. The Act requires a creditor, after receipt of a consumer letter that claims a billing error, to conduct a reasonable investigation and to resolve the dispute within 30 days; or to acknowledge the letter within 30 days, conduct a reasonable investigation and resolve the dispute within two billing cycles.

The complaint also alleges that Zale did not always mail periodic statements to customers when their accounts had credit balances; and that Zale kept credit balances unless customers requested a refund. The first two charges allege violations of the Truth in Lending Act and the Federal Trade Commission Act; the third charge alleges violations of the Federal Trade Commission Act.

The proposed order requires Zale to correct these practices in the future and to take steps to ensure that instances of past violations are corrected. To remedy past failures to correct billing errors, Zale must send a "Billing Complaint Form" to customers asking if Zale ever failed to correct any mistakes on their bills. Zale will mail the Billing Complaint Form to three groups of people: (1) To all current, active accounts; (2) to people whose accounts were handled at any time after October 28, 1975 by Zale's credit offices in Seattle, Washington, and Portland, Oregon (where the alleged violations came to light); and (3) to anyone who writes to Zale about a billing error that occurred before this order becomes final. The Billing Complaint Form also asks whether an uncorrected billing error hurt the customer's credit rating.

Upon receipt of a Billing Complaint Form, Zale must investigate each claim about an uncorrected billing error. If the customer's claim is correct, or Zale does not have documentary evidence showing the claim to be incorrect, Zale must refund or credit the amount of the error. If Zale has documentary evidence that the customer's claim is incorrect, Zale must inform the customer in writing and include copies of the supporting documents.

Where Zale makes a payment or credit and the customer has indicated on the Billing Complaint Form that the dispute with Zale hurt his or her credit rating, Zale must correct its own records to show the account was paid as agreed. Zale must also take reasonable steps to correct any report of the dispute which may have been made to any third party, such as a credit bureau.

Zale must correct past failures to pay credit balances by paying all unpaid credit balances which existed at any time after April 1, 1975, plus daily interest. In the future, Zale will include the following message on all periodic statements that reflect a credit balance: "To get your credit balance now, write 'I want a refund' on this statement. Mail it back to us in the enclosed envelope." Zale must also pay all future credit balances upon written request or automatically after the credit balance has existed for 7 months.

The purpose of this analysis is to encourage and facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify their terms in any way.

Carol M. Thomas,

Secretary.

[FR Doc. 81-15929 Filed 5-27-81; 8:45 am]
BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1610 and 1611

Standards for the Flammability of Clothing Textiles and Vinyl Plastic Film; Proposed Interpretations, Clarifications, and Exemption

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend the regulations implementing the standards for the flammability of clothing textiles and vinyl plastic film to explain how test results should be interpreted and how the standards should be applied to multilayer fabrics, especially fabrics with an exposed layer of film. The Commission is proposing this rule because it has received a number of inquiries about how these flammability standards should be applied and interpreted. The proposal would also exempt the outer layer of film or coated fabric of disposable diapers from the requirement of these standards that this layer be tested separately from the remainder of the diaper. Thus, the flammability tests of these standards would be performed only on the full thickness of the disposable diaper. This exemption is being proposed in response to a petition from the Procter & Gamble Company for a flammability standard applicable specifically to disposable diapers. The exemption would ensure that unwarranted and expensive changes to presently produced disposable diapers will not be required as a result of the Commission's proposed interpretation of the applicability of these standards.

DATES: Interested persons may submit written data, views, or arguments concerning the proposal by July 27, 1981.

If requested, there will be an opportunity for the oral presentation of data, views, or arguments on July 7, 1981. Persons who wish to present oral comments must notify Richard Danca in the Office of the Secretary, Consumer Product Safety Commission, third floor, 1111 18th Street NW., Washington, D.C. 20207 by June 30, 1981 (telephone: 202-634-7700). The oral presentation will be held in the third floor conference room at the above address.

The amendments are proposed to become effective 60 days after publication of any final amendments in the **Federal Register.**

ADDRESSES: Comments should be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Copies of the staff briefing package and any other documents relating to the proposal may be obtained from, or inspected at, the Office of the Secretary, Consumer Product Safety Commission, third floor, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:
Harleigh Ewell, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634–7770.

SUPPLEMENTARY INFORMATION:

A. Background

The Flammable Fabrics Act as originally enacted became effective July 1, 1954 (Pub. L. 83–88, 67 Stat. 111–15), and incorporated the flammability requirements of Commercial Standard 191–53 and Commercial Standard 192–53 as mandatory flammability standards for wearing apparel and fabric intended for use in wearing apparel. These standards are intended to prohibit fabrics and articles of wearing apparel that have rapid and intense burning characteristics.

CS 191–53 was a voluntary commercial standard entitled "Flammability of Clothing Textiles," and CS 192–53 was a voluntary commercial standard entitled "General Purpose Vinyl Plastic Film." The flammability requirements of these standards became mandatory by virtue of the Flammable Fabrics Act.

As amended in 1967 by Pub. L. 90–189 (81 Stat. 568–574), the Flammable Fabrics Act (FFA), 15 U.S.C. 1191–1204, no longer specifically refers to CS 191–53 or CS 192–53. However, Pub. L. 90–189 contains a "savings clause" (section 11) which continues the applicability of any standard in effect under the original Act until the standard is superseded or modified. Since neither CS 191–53 nor CS 192–53 has been superseded or modified since the Flammable Fabrics Act was amended in 1967, CS 191–53 and CS 192–53 continue to be mandatory flammability standards for wearing apparel and fabric intended for use in wearing apparel.

CS 191–53 is now codified at 16 CFR Part 1610, Subpart A, and CS 192–53 is codified at 16 CFR Part 1611, Subpart A. Since the text of the original Flammable Fabrics Act contains flammability standards that are continued in effect by the "savings clause" of Pub. L. 90–189, the text of the original Act, as amended in 1954, has been codified at 16 CFR Part 1609.

Part 1610 (CS 191–53) is applicable to "textile fabric," which is defined as any coated or uncoated material subject to the Act, except "film" and fabrics with a nitro-cellulose fiber, finish, or coating. Part 1611 is applicable to film, which is defined in § 1611.31(i), and to fabrics having a nitro-cellulose fiber, finish, or coating. Coated fabrics, except those with a nitro-cellulose coating, may be tested under either Part 1610 or 1611.

A general description of Parts 1610 and 1611 is given below.

Part 1610 (CS 191–53). This Part requires 5 specimens, each 6 in. by 2 in., for each test. The samples to be tested have the long dimension of the specimens parallel with the lay of the surface fibers for textiles having a raised-fiber surface, and have the long dimension in the most rapidly burning direction for other textiles. If, in preliminary tests, the fabric does not ignite, is very slow burning, or should have a fire-retardant finish, the fabric should be tested both in its original condition and after a specified dry cleaning and washing procedure. The specimens are than cut, placed in a specimen holder, and conditioned by being heated in an oven for 30 minutes at 221°F (105°C) and then placed in a dessicator until cool.

The test apparatus holds the specimen holder at a 45 degree angle and applies a gas flame to the bottom portion of the specimen for 1 second. The aparatus starts a stopwatch when the flame is applied to the specimen, and the time required for the flame to burn along the specimen and then through a stop cord that stops the stopwatch is recorded.

The Flammable Fabrics Act, as enacted in 1953 and amended in 1954, prohibits the manufacturer for sale, offering for sale, importation, or distribution in commerce of any article of wearing apparel, or any item of fabric intended for use in wearing apparel, exhibits "rapid and intense burning" when tested in accordance with Part 1610. The standard classifies results as "rapid and intense burning" (that is, failing) when testing of a plain surface fabric yields a time of flame spread of less than 3.5 seconds, or when testing of a raised surface yields a time of flame spread of less than 4 seconds with ignition of the base fabric.

Section 1610.4(g)(7) states that the results shall be calculated as follows.

> The time of flame spread of the textile is taken as an average time for 5 specimens * * *. If the time of flame spread is less than 4.0 [3.5 for plain-surface fabrics] seconds or if the specimens do not burn, test 5 additional specimens. The time of flame spread is then taken to be the average time for the 10 specimens or for as many of them as burn. (Footnote omitted.)

Regulations implementing this standard (16 CFR 1610.35(a)) provide that any fabric which in its normal and customary use as wearing apparel would not be dry cleaned or washed need not be tested after being dry cleaned or washed, but if not so tested, the fabric or article of wearing apparel must be labeled "Fabric will be dangerously flammable if dry cleaned or washed."

Part 1611 (CS 192–53). Part 1611 uses 3 in. by 9 in. specimens, 5 of which are taken lengthwise, and 5 of which are taken transverse, to the direction of processing of the film or coated fabric. The test appartatus is somewhat similar to that of Part 1610, except that the bottom portion of the specimenholder is bent so that it is vertical and the flame impinges on the vertical surface. The burning rate is determined by a stop clock operated through microswitches mounted on the specimenholder rack. The clock is started when the flame burns through a first thread and is stopped when the flame burns through a second thread, located 6 inches from the first thread at the top of the holder.

Part 1611 provides that "[t]he rate of burning shall not exceed 1.2 in/sec as judged by the average of five determinations lengthwise and five determinations transverse." A procedure is also provided that eliminates doubtful test results that differ by a wide margin from the other test results.

Over the years, the Commission has received a number of inquiries about how Parts 1610 and 1611 should be applied and interpreted, especially in relation to multilayer fabrics with an outer layer of film, such as disposable diapers which commonly incorporate an outer layer of plastic film over a thick absorbent layer. These questions can be summarized as follows:

1. In evaluating the results of these tests by computing an "average" burning rate, should specimens that do not ignite, or that ignite but extinguish before burning through the stop cord, be counted, and, if so, how?

2. In Part 1611, which calls for taking "the average of five determinations lengthwise and five determinations transverse, should the lengthwise and transverse determinations be averaged separately (so that if the rate of burning in the direction that burns the quickest is in excess of 1.2 in/sec, the sample fails); or, should all ten determinations be averaged together?

3. In multilayer fabrics or garments, such as disposable diapers, where there is a layer of film over other material, is the fabric subject to part 1610 or 1611?

4. In multilayer fabrics and articles of wearing apparel, should only the full thickness of the fabric or the article be tested? Or should the item of fabric or article of wearing apparel be prepared for testing so that only the uncovered or exposed layer(s) will be separately tested? Or should both the full thickness of such an item of fabric or article of apparel and the uncovered or exposed

layer(s) of the fabric or article of apparel be tested?

5. Where Part 1610 is applicable to a fabric or article of wearing apparel, but the fabric would be damaged by the 221°F (105°C) conditioning temperature of Part 1610, is the fabric nonetheless subject to testing under that standard?

These problems resulted in a petition to the Commission from the Procter & Gamble Company (P&G), Petition No. FP 79–1, asking that the Commission issue a suggested standard applicable to disposable diapers. P&G's suggested standard is based on Part 1610, with modifications to accommodate the problems discussed above. The major changes to Part 1610 suggested by P&G are:

1. Washing and dry cleaning requirements are omitted as inapplicable to single-use products which are discarded after use.

2. The sample to be tested is specified as a swatch from the full thickness of the product. P&G argues that it is not appropriate to test the outer layer of film because it is unlikely that this film will be separately marketed and because full-thickness testing would more closely approximate the product's condition in use. P&G further alleges that changes in the outer film that might be necessary in order to pass a test of the outer layer alone would not improve the flammability characteristics of the entire diaper, since if the diaper ignites, the film merely melts and shrinks away from the advancing flame. P&G also submitted test data purporting to show that tests at different laboratories of identical films supposedly performed according to the standard produced different results. From this, P&G contends that the tests are not reproducible when the outer layer of a disposable diaper is tested separately.

3. The conditioning procedure would be to heat the sample at 150°F (65.5°C) for 1 hour in order to prevent damage to the film layer that would occur at the conditioning temperature of 221°F (105°C) provided in Part 1610.

4. In order to reduce the number of specimens that do not ignite with the 1 second ignition time provided in Part 1610, the ignition time would be increased to 3 seconds.

5. Specimens that did not ignite, or that took more than 60 seconds to reach the stop cord, would be counted as a 60 second burn time. P&G based this figure on its observations that burn times usually varied between 25 and 60 seconds. P&G reasoned that a value of longer than 60 seconds would give undue weight to a particular reading and that less than 60 seconds could lead to recording non-burn results as being faster than true burn times.

The Commission denied P&G's petition because it did not appear that action on a standard applicable only to disposable diapers would be a reasonable use of the Commission's resources since any uncertainty associated with the application of the standards in Parts 1610 and 1611 to disposable diapers can be alleviated by issuing a regulation clarifying how these standards apply. In addition, the features of P&G's suggested standard that would assign a value to nonburn results had a potential for reducing the stringency of the standard. The Commission's staff concluded that the test data submitted by P&G, using their suggested standard, did not establish any improvements over Part 1611 in repeatability or reproducibility.

However, the disposable diaper industry submitted data indicating that changes to the outer layer of the diaper that might be necessary to ensure that the layer could pass the tests of 1610 or 1611 when tested separately from the remainder of the diaper could result in a 10 percent increase in the price of the diaper, or an increase in the cost to consumers of 50–75 million dollars per year. Furthermore, it is not clear whether changes to the outer layer would increase the safety of the product and avoid introduction of additional hazards which might be associated with thicker films or with chemical flame retardants. Disposable diapers are not a major source of burn injury. In flammability incidents known to the Commission where disposable diapers have been involved, other products are usually the items first ignited and contribute more to the severity of the injuries than do the diapers themselves. Moreover, in view of the extensive use of disposable diapers today, the small number of incidents reported through CPSC data sources indicates that burns resulting from the ignition of disposable diapers are not a frequently occurring injury. Also, the outer layer or film on these diapers is never used as an article of wearing apparel in the separated state.

B. The Proposal

After considering all these factors, the Commission preliminarily finds that it is not necessary to test the outer plastic film layer of diposable diapers separately in order to adequately protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage. Therefore, the Commission decided to propose to exempt the outer layer of disposable diapers containing a plastic film from the requirements of Parts 1610 and 1611 that the uncovered fabric be separately tested. In view of the uncertainty that exists about how these standards apply to multilayer fabrics, the Commission also concluded that it is desirable to propose amendments to the regulations implementing both standards which will state explicitly the manner in which these existing standards will be applied and interpreted.

The Commission preliminarily concludes that these amendments are necessary and proper for the administration and enforcement of the flammable Fabrics Act. The Commission also preliminarily finds that the proposed amendments to Parts 1610 and 1611 will result in standards that are reasonable, technologically practicable, and appropriate and are stated in objective terms and limited to the fabrics, related materials, and products that present unreasonable risks of the occurrence of fire leading to death, injury, or significant property damage.

The way that the Commission proposes to interpret and apply the requirements of the FFA and Parts 1610 and 1611 to multilayer fabrics with a film or coating on the exposed layer is explained below.

1. *Full-thickness or outer layer.* The original FFA prohibits various acts in relation to any article of wearing apparel or fabric that does not comply with the applicable standard and also prohibits such acts in relation to articles of wearing apparel made of fabric which does not comply. CS 191–53 and CS 192–53 also contain language that make it clear that the standards are intended to apply to both the finished article of wearing apparel and to the individual fabrics used in the article. However, the original FFA also specified that the Act did not apply to fabric intended as an interlining between an outer shell and lining. Also, the FFA states that the flammability standards shall apply only to the uncovered or exposed parts of the article of wearing apparel.

The Commission interprets the Flammable Fabrics Act and Parts 1610 and 1611 as requiring that both the full thickness of the product and the outer layer of fabric of film must be able to meet all requirements of the applicable standard. Experience gained in testing under the two standards indicates that failures are more likely to result from separately testing an uncovered or exposed layer of fabric or film than from testing the full thickness of a multilayer fabric or article of wearing apparel. However, the Commission concludes that as a matter of law, both the full

thickness and any uncovered or exposed layer of fabric or film must yield passing results when tested for compliance with the applicable standard.

Additionally, the Commission interprets the Act as requiring the inner layer to be tested if the article of wearing apparel is constructed so that the inner layer of the fabric or film might be exposed to flame or other means of ignition during normal wear.

Therefore, the Commission proposes to revise § 1610.32 of the regulation implementing the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) to state explicitly that:

(a) The standard is applicable to items of fabric used or intended for use in articles of wearing apparel, and to articles of wearing apparel; and

(b) When testing an article of wearing apparel for compliance with the standard, the fabric of each uncovered, or outer, surface of the article shall be tested separately; the fabric of any other surfaces which could be exposed when the article is worn shall be tested separately; and the full thickness of the garment shall be tested with the outer surface exposed to flame. If another surface could be exposed to flame, the full thickness of the garment would also be tested with that surface exposed to the flame.

Similar provisions appear in the proposed revision of § 1611.32, applicable to film and coated fabrics and to garments made from film or coated fabrics which are subject to the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611).

Additionally, the Commission proposes to revoke existing §§ 1610.34 and 1611.34, which state that only uncovered and exposed surfaces of articles of wearing apparel shall be tested for compliance with the applicable standard. The substantive provisions of these two sections appear in proposed §§ 1610.32(b) and 1611.32(b).

For the reasons discussed in the preceding section of this notice, new §§ 1610.36(f)(3) and 1611.36(f)(3) exempt the outer layer of plastic film on disposable diapers from the requirement of proposed §§ 1610.32(b)(1) and 1611.32(b)(1) that the fabric, film, or coated fabric of the uncovered, or outer, surface of an article of wearing apparel be tested.

2. *Which standard applies.* To resolve the issue of which standard shall be applied to garments which are made from a multilayer fabric with a film or coating on the uncovered or exposed surface, the Commission proposes to amend §§ 1610.36 and 1611.36 by adding specific provisions addressing such products. Proposed §§ 1610.36(f) and 1611.36(f) state that when a specimen to be tested is cut from the article of wearing apparel, and an outer layer of film readily separates from the article, the film shall be tested under Part 1611, which is applicable to film. If the outer layer adheres to all or a portion of one or more layers of the underlying fabric, the adhered layers constitute a "coated fabric" which would ordinarily be acceptable if it met the requirements of either Part 1610 or 1611 (see §§ 1610.33 and 1611.33). However, if the "coated fabric" product would be damaged, or its physical characteristics changed, by the conditioning process of Part 1610, than 1610 cannot be applied to that product, and the product must be tested under 1611.

The proposed amendments to §§ 1610.36 and 1611.36 provide that the full-thickness product shall be tested according to the nature of the exposed layer(s) and with the exposed layer(s) facing the flame.

3. *How should specimens that do not ignite or burn the stop cord be counted.* Part 1610 specifically limits the results to those specimens that burn. Part 1611 does not address the computation of the average burn time, but it is apparent that only specimens that burn the stop cord under either Part 1610 or Part 1611 can be counted in computing an "average," since items that do not actuate the stop watch have, under the procedure of these standards, an undefined burn time. In addition, the consistent application of these standards from the time of adoption of the original FFA has been to exclude results of specimens that do not burn the stop cord from computation of the average burn time or burn rate.

The requirement that there be an "average" of results that is contained in both Part 1610 and Part 1611 implies that at least two specimens must burn the stop cord in order to compute the average. This raises the question of what should be done if only 1 specimen out of the 5 tested burns the stop cord. Part 1610 provides for the testing of another 5 specimens if "the time of flame spread is less than [the times established for the prohibited class of fabrics], or if the specimens do not burn." The Commission believes that the same procedure should be applicable to tests under Part 1611.

Therefore, provisions of proposed § 1610.32(c) and proposed § 1611.32(c)(2) state that the results of tests conducted under both standards should be interpreted in the following way:

(a) If 2 or more specimens burn to the stop cord, the "average" is computed from the results of these specimens that burn the stop cord.

(b) If no specimens burn, the fabric or film passes.

(c) If only one specimen burns, with passing results, the fabric or film passes.

(d) If only one specimen burns, with failing results, test another 5 specimens. If at least one more specimen burns, use the average of the specimens that burn the stop cord. If no more burn, the test is inconclusive. Depending on the probable cause of the failing result, it may be appropriate to do more testing, but the original failing result would not be averaged with the results of subsequent tests.

The Commission realizes that this interpretation can lead to the somewhat anomalous result that a product with 2 failing specimens and 8 specimens that did not ignite would fail the test, but that a product with 2 failing specimens and a number of specimens that burned with passing results could pass if its "average" was passing. Thus, a "passing burn" specimen can contribute to a product's passing the test, while a specimen that does not ignite will not. However, these test methods were designed primarily to prevent the marketing of fabrics that burn rapidly and intensely *if ignited* and not to serve as a measure of the ease with which the fabric would ignite. The degree to which a fabric resists initial ignition cannot be accounted for without a significant change in these test methods. However, no practical need for a standard addressing ease of ignition has been shown, and, in any event, the present standard should be clarified even if additional standards were being developed.

4. *When testing under Part 1611, should the lengthwise and transverse results be separately averaged.* The Commission has consistently interpreted the requirement of Part 1611 for averaging of the lengthwise and transverse directions as meaning that the directions should be averaged separately and that the average for the direction with the higher average rate of burning should be used to determine if the film or fabric complies with the standard.

This interpretation is set forth explicitly in § 1611.32(c)(1) of the regulations proposed below. The interpretation expressed in proposed § 1611.32(c)(1) is consistent with the intent of the Act to prevent marketing of film or fabrics that exhibit "rapid and intense burning." Although the literal wording of the standard can support an interpretation that both directions should be averaged together, the original

text of the proposed Commerical Standard contained additional punctuation that makes it apparent that the intent of the standard is to require separate averaging. This interpretation is supported further by the procedure provided in Part 1610, which requires testing in the direction with the most rapid rate of burning. The safety purpose of the standard, that of eliminating film and fabrics that are highly flammable, is better served by a specified maximum allowable rate of burning than by allowing different maximum rates of burning that could vary according to the rate of burning in another direction.

5. *Whether disposable products should be labeled to state that they will be flammable if dry cleaned or washed.* Provisions of existing §§ 1610.35(a) and 1611.35(a) state that if a fabric or article of wearing apparel subject to the requirements of Part 1610 would not ordinarily be dry cleaned or washed in its customary or normal use, samples taken from such fabric or article need not be subjected to the dry cleaning or washing procedures in §§ 1610.4(d) and 1610.4(e) when tested for compliance with Part 1610. However, existing §§ 1610.35(a) and 1611.35(a) further require that in such a case the article must be labeled with the statement: "Fabric will be dangerously flammable if dry cleaned or washed."

The petition from Procter & Gamble points out that fabrics and articles of wearing apparel intended for a one-time use, such as disposable diapers and disposable hospital or surgical gowns in adult sizes, are not dry cleaned or washed in customary or normal use. While the provisions of §§ 1610.35(a) and 1611.35(a) that excuse items intended for a one-time use from the dry cleaning and laundering provisions of §§ 1610.4 (d) and (e) are appropriate, the labeling provisions of §§ 1610.35(a) and 1611.35(a) should not be applied to disposable items.

Therefore, the Commission proposes to amend § 1610.35(a) by adding language to state that items of fabric and articles of wearing apparel intended for one-time use shall not be subjected to the dry cleaning or washing requirements of §§ 1610.4 (d) and (e) when tested for compliance with Part 1610, and need not be labeled to state that they will be dangerously flammable if dry cleaned or washed. The proposal would delete § 1611.35(a) since its provisions are already in § 1610.35(a) and are not applicable to Part 1611.

6. *How the Standards should be applied to articles of wearing apparel in small sizes.* The petition from Procter & Gamble also raised the question of how the flammability standards for clothing textiles and vinyl plastic film should be applied to diapers in sizes so small that specimens cannot be cut in both the lengthwise and transverse directions.

Existing § 1610.35(d) states that when testing for compliance with the clothing textile standard, if an item of fabric is less than six inches wide, it shall be tested in a lengthwise direction only. This provision is necessary because § 1610.4(a)(1) of that Standard states that specimens for testing shall have dimensions of six inches by two inches, and § 1610.4(a)(2) requires that fabrics without a raised fiber surface shall be tested in the direction in which they burn most rapidly.

The Commission believes, however, that existing § 1610.35(d) could be expressed more clearly, and in terms which would leave no doubt that the standard in Part 1610 is applicable to articles of wearing apparel as well as to the fabric from which they are constructed. Therefore, the Commission has proposed to modify the language of § 1610.35(d) in the amendments proposed below.

The regulations in Part 1611 implementing the flammability standard for vinyl plastic film have no provision analogous to § 1610.35(d). Section 1611.4(b) states that specimens for testing under Part 1611 shall have dimensions of nine inches by three inches. As noted earlier, § 1611.3 of that Standard requires testing of five specimens transverse to the direction of processing, and five specimens lengthwise.

Because smaller sizes of children's garments made from film or coated fabric, such as disposable diapers, may be less than nine inches wide, the Commission proposes to revise § 1611.35 to provide that any article of wearing apparel made of film or coated fabric subject to that Standard which is less than nine inches in width shall be tested in the lengthwise direction only.

Additionally, in the proposed revision of § 1611.35, the Commission has removed all existing provisions in that section relating to testing fabrics for compliance with Part 1610. All of those provisions now appear in § 1610.35 of the regulations implementing the flammability standard for clothing textiles.

The amendments to the regulations described above are proposed to become effective 60 days after any final amendments are published in the **Federal Register**.

The amendments described above are to the 1980 Edition of the Code of Federal Regulations. Additional amendments to these regulations were proposed by the Commission on October 17, 1978 (43 FR 47952). Since these previously proposed regulations contain editorial and clarifying amendments to the existing regulations and may become final before the amendments proposed below become final, when the amendments proposed below are issued, the text may contain additional editorial changes to conform to the editorial format of the previously proposed amendments.

Potential Economic Effects

The FFA does not require manufacturers of fabrics and articles of wearing apparel subject to Parts 1610 and 1611 to test their production unless they issue a guaranty under section 8 of the Act. Therefore, unless a guaranty is issued, the Act requires only that such products be capable of meeting the standard. However, even those manufacturers who do not issue guaranties probably test a portion of their production to assure themselves that the products meet the requirements of the applicable standard. To the extent that manufacturers may not have been testing in the past (because they did not view the standards as applicable to their product), or to the extent that they have not been testing both the exposed layers and the full thickness of the garment (because they did not interpret the standard as requiring this), additional costs for testing may be incurred as a result of the issuance of the Commission's clarification and interpretation of the standards. However, these additional costs are not expected to be unduly burdensome.

The Commission solicits comment on the potential economic effects of its proposed interpreting and clarifying regulation.

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (94 Stat. 1164; Sept. 19, 1980), contains a number of provisions intended to reduce the adverse impact on rule making proceedings on small businesses, small organizations, and small governmental jurisdictions. One of these requirements is for a regulatory flexibility analysis that would examine the compliance burden on the small entities and explore alternatives that could accomplish the objectives of the rule while minimizing the impact of the rule on the small entities. However, under 5 U.S.C. 605(b), the requirement for a regulatory flexibility analysis does not apply if the agency certifies that the rule will not, if promulgated, have a significant economic effect on a substantial number of small entities. After considering the potential economic effects of the proposed rule, the

Commission has concluded that the requirement for a regulatory flexibility analysis should not apply to this proposal.

In the first place, the rule is not intended to have an adverse economic impact on any manufacturer. The portion of the rule which merely clarifies the existing requirements of Parts 1610 and 1611 is not expected to result in any substantial change in existing practices. Furthermore, to the extent that publication of this proposal may result in manufacturers concluding that they had previously been misinterpreting the requirements, the Commission is not aware of any product which would have to be modified as a result of the change in the manufacturers' interpretation.

The major effect of the proposal is to relieve the manufacturers of disposable diapers from the requirement to test the outer plastic layer of their product while it is separated from the remainder of the diaper. This action would relieve these manufacturers from an existing requirement, and thereby lessen the cost imposed by these standards.

Most producers of disposable diapers are subsidiary firms or divisions of large manufacturers. However, from time to time smaller firms may enter the market with production accounting for very small market shares. There tend to be few, if any, of these smaller entities in the market at any given time.

Therefore, the Commission certifies that the amendments proposed below, if promulgated, will not have a significant economic effect on a substantial number of small entities. However, the Commission invites comments on any potential effects of the proposal on small businesses and on alternatives that may minimize such effects.

Conclusion

Accordingly, under the authority of sections 4 and 5 of the Act (15 U.S.C. 1193, 1194), the Commission proposes to amend Title 16, Chapter II, Subchapter D, of the Code of Federal Regulations as follows:

1. Section 1610.32 is revised to read as follows:

§ 1610.32 Flammability requirements.

(a) *General requirement.* No item of fabric which is subject to the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610), and no article of wearing apparel subject to the Standard which is made of such fabric, shall be marketed or handled if such item of fabric or article of wearing apparel exhibits rapid and intense burning when tested in accordance with § 1610.3 of that Standard.

(b) *Uncovered surfaces, exposed surfaces, and full thickness of articles of apparel subject to testing.* When testing an article of wearing apparel subject to the Standard, the following parts of the article of wearing apparel shall be individually tested:

(1) The fabric of the uncovered, or outer, surface of the article of wearing apparel, with the flame applied to the uncovered surface;

(2) The fabric of any other surface which could be exposed when the article of wearing apparel is worn, with the flame applied to the exposed surface; and

(3) The full thickness of the article of wearing apparel, with the flame applied to the uncovered or exposed surface(s).

(c) *Interpretation of test results.* The provisions of § 1610.4(g)(7) of the Standard for the Flammability of Clothing Textiles, relating to results of testing, shall be applied to tests of fabrics and articles of wearing apparel subject to the Standard. To compute the average time of flame spread for each set of five specimens, at least two of the specimens must ignite and burn the stop cord for the specimen. However, if fewer than two specimens of any given set of five ignite and burn the entire length of the specimen, test results shall be interpreted according to the provisions of paragraph (c)(1) through (c)(4) of this section.

(1) If no specimen ignites and burns the stop cord, the results of that test shall be regarded as Class 1 (passing).

(2) If only one specimen of the five ignites and burns the stop cord with Class 1 results (see § 1610.3(a)(1)), the results of that test shall be regarded as Class 1 (passing).

(3) For raised-fiber surface fabrics, if only one specimen of the five ignites and burns the stop cord with a time of 4 to 7 seconds, both inclusive, the results of that test shall be regarded as Class 1 (passing), regardless of whether the base fabric ignites or fuses. See §§ 1610.3(a)(2) and 1610.4(g)(7)(ii).

(4) If only one specimen ignites and burns the stop cord in less than 3.5 seconds for plain-surface fabrics or less than 4.0 seconds for raised-surface fabrics where the base fabric ignites or fuses, test another set of five specimens. If one or more of the second set of specimens ignite and burn the stop cord, average the results from all specimens which ignited and burned the stop cord. See §§ 1610.3(a)(3) and 1610.4(g)(7). If no specimen from the second set of five ignites and burns the stop cord, the test is inconclusive, and the Commission will take no enforcement action on the basis of that test. The Commisson may conduct additional testing of the fabric or article of wearing apparel, but the results of any inconclusive test shall not be averaged with results obtained from any other test.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

2. Section 1610.34 is revoked, removed, and reserved.

§ 1610.34 [Removed].

3. The heading in § 1610.35 and paragraph (a) are revised to read as follows:

§ 1610.35 Procedures for testing special types of textile fabrics under the standard.

(a) *Fabric not customarily washed or dry cleaned.*

(1) Except as provided in paragraph (a)(2) below, any textile fabric or article of wearing apparel which, in its normal and customary use as wearing apparel, would not be dry cleaned or washed, need not be dry cleaned or washed as prescribed in §§ 1610.4(d) and 1610.4(e) when tested under the standard if such fabric or article of wearing apparel, when marketed or handled, is marked in a clear and legible manner with the statement: "Fabric will be dangerously flammable if dry cleaned or washed." An example of the type of fabric referred to in this paragraph is bridal illusion.

(2) Section 1610.4(a)(4), which requires that certain samples shall be dry cleaned or washed before testing, shall not apply to fabrics and garments intended for one-time use, such as disposable diapers and disposable hospital or surgical gowns in adult sizes. Additionally, such fabrics and garments intended for one-time use shall not be subject to the labeling requirements set forth in paragraph (a)(1) of this section.

* * * * *

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

4. Section 1610.35(d) is revised to read as follows:

* * * * *

(d) *Items less than six inches wide.* Any article of wearing apprarel subject to the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) which is less than six inches in width shall be tested for compliance with the Standard in a lengthwise direction only.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571,. 90 Stat. 515 (15 U.S.C. 1193, 1194))

5. Section 1610.35 is amended by adding a new paragraph (f), as follows:

§ 1610.36 Application of act to particular types of products.

* * * * *

(f) *Multilayer fabric and wearing apparel with a film or coating on the uncovered or exposed surface.* The following procedure shall be used to determine whether the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) applies to multilayered fabrics which have a film or coating on a surface which will be uncovered or exposed when the fabric is used in wearing apparel, and to garments made of such fabric:

(1) If the uncovered or exposed surface is a film that completely separates from other layers or parts of the multilayered fabric when the specimens are cut and prepared for testing, test the separated uncovered or exposed film layer of the fabric or garment, and the full thickness of the fabric or garment, in accordance with the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). See § 1611.32 for application of the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) to the uncovered or exposed layer of film from such fabric and garments, and to the full thickness of such fabric or garments. When testing the full thickness of the fabric or garment, the item shall be tested with the uncovered or exposed layer facing the flame.

(2) If the uncovered or exposed layer of the fabric or garment has a film or coating (other than a nitrocellulose coating) which adheres to other layers or parts of the multilayer fabric or garment when the speciments are cut and prepared for testing, the adhered uncovered or exposed layers of the fabric or garment, and the full thickness of the garment, comply with the act if they meet the flammability requirements of either the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). See §§ 1610.33 and 1611.33. In testing under either standard, the uncovered or exposed adhered film or coating of the fabric or garment, and the full thickness of the garment, will be tested with the flame applied to the exposed or uncovered surface(s) When testing under Part 1610, the uncovered or exposed adhered film or coating of the fabric or garment, and the full thickness of the garment, will be considered a coated fabric. See § 1610.35(b). However, if the conditioning procedures required by § 1610.4(f) of the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) would damage, or alter the physical characteristics of, the film or coating, both the uncovered or exposed layer and the full thickness of the garment shall be tested in accordance with the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611).

(3) Disposable diapers constructed with an outer layer of plastic film are exempt from the requirement of §§ 1610.32(b)(1) and 1611.32(b)(1) that the fabric or film of the uncovered surface of an article of wearing apparel must be tested separately in addition to being tested as part of the assembled article.

(Secs. 4, 6, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

6. Section 1611.32 is revised to read as follows:

§ 1611.32 Flammability requirements.

(a) *General requirement.* No item of film or coated fabric which is subject to the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611), and no article of wearing apparel subject to the Standard which is made of such film or coated fabric, shall be marketed or handled if, when tested in accordance with that Standard, it does not meet the requirements of § 1611.3 of that Standard.

(b) *Uncovered surfaces, exposed surfaces, and full thickness of articles of apparel subject to testing.* When testing an article of wearing apparel subject to the Standard, the following parts of the article of wearing apparel shall be individually tested:

(1) The film or coated fabric of each uncovered, or outer, surface of the article of wearing apparel with the flame applied to the uncovered surface;

(2) The film or coated fabric of any other surface which could be exposed when the article of wearing apparel is worn, with the flame applied to the exposed surface; and

(3) The full thickness of the article of wearing apparel, with the flame applied to the uncovered or exposed surface(s).

(c) *Test results.* (1) In the application of the requirements of § 1611.3 of the Standard to any item of film, coated fabric, or wearing apparel, compute the average burn rate from five specimens burned transverse to the direction of processing and the average burn rate from an additional five specimens burned lengthwise to the direction of processing. If either the average burn rate from the five specimens burned transverse or the average burn rate from the five specimens burned lengthwise exceeds 1.2 inches per second, the test results shall be interpreted as a failure.

(2) To compute the average burn rate for each set of five specimens, at least two of the specimens must ignite and burn the stop cord for the specimen. However, if fewer than two specimens of any given set of five specimens ignite and burn the stop cord for the specimen, the test results shall be interpreted according to the provisions of paragraphs (c)(2)(i) through (c)(2)(iii) of this section:

(i) If no specimen ignites and burns the stop cord, the test results of that set of specimens shall be regarded as passing.

(ii) If only one specimen of the set of five specimens ignites and burns the stop cord with passing results, the results of that set of specimens will be regarded as passing.

(iii) If only one specimen of the set of five specimens ignites and burns the stop cord with failing results, test another set of five specimens from the same direction of processing. If one or more specimens from the second set of five specimens ignite and burn the stop cord, average the results from all specimens of the two sets which ignited and burned the stop cords. If no specimen of the second set of five specimens ignites and burns the stop cord, the test is inconclusive and the Commission will take no enforcement action based on the results of that test. The Commission may conduct additional testing of the film, coated fabric, or article of wearing apparel, but the results of any inconclusive test shall not be averaged with results obtained from any other test.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

7. Section 1611.34 is revoked, removed, and reserved.

§ 1611.34 [Removed]

8. Section 1611.35 is revised to read as follows:

§ 1611.35 Testing certain classes of fabric and film.

An item subject to the Standard which is less than nine inches in width shall be tested for compliance with the Standard in a lengthwise direction only.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

9. Section 1611.36 is amended by adding a new paragraph (f), as follows:

§ 1611.36 Application of act to particular types of products.

* * * * *

(f) *Multilayer fabric and wearing apparel with a film or coating on the uncovered or exposed surface.* The following procedure shall be used to

determine whether the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) applies to multilayered fabrics which have a film or coating on a surface which will be uncovered or exposed when the fabric is used in wearing apparel, and to garments made of such fabric:

(1) If the uncovered or exposed surface is a film that completely separates from other layers or parts of the multilayered fabric when the specimens are cut and prepared for testing, test the separated uncovered or exposed film layer of the fabric or garment, and the full thickness of the fabric or garment, in accordance with the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). See § 1611.32 above for application of the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) to the uncovered or exposed layer of film from such fabric and garments and to the full thickness of such fabric or garments. When testing the uncovered or exposed film or coating or the full thickness of the fabric or garment, the item shall be tested with the uncovered or exposed surface facing the flame.

(2) If the uncovered or exposed layer of the fabric or garment has a film or coating (other than a nitro-cellulose coating) which adheres to other layers or parts of the multilayer fabric or garment when the specimens are cut and prepared for testing, the adhered uncovered or exposed layer of the fabric or garment and the full thickness of the garment shall meet the flammability requirements of either the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). See §§ 1610.33 and 1611.33. In testing under either standard, the uncovered or exposed adhered film or coating of the fabric or garment, and the full thickness of the garment, will be tested with the flame applied to the exposed or uncovered surface(s). When testing under Part 1610, the uncovered or exposed adhered film or coating of the fabric or garment, and the full thickness of the garment, will be considered a coated fabric. See § 1610.35(b). However, if the conditioning procedures required by § 1610.4(f) of the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) would damage, or alter the physical characteristics of, the film or coating, the uncovered or exposed layer and the full thickness of the garment shall be tested in accordance with the Standard for the Flammability of Vinyl Plastc Film (16 CFR Part 1611).

(3) Disposable diapers constructed with an outer layer of plastic film are exempt from the requirement of §§ 1610.32(b)(1) and 1611.32(b)(1) that the fabric or film of the uncovered surface of an article of wearing apparel must be tested separately in addition to being tested as part of the assembled article.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

Effective date: The Commission proposes that these amendments shall become effective 60 days after the final amendments are published in the **Federal Register.**

Dated: May 11, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-15859 Filed 5-27-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM81-27]

Incremental Pricing: Adoption of Single-Tier Alternative Fuel Price Ceiling; Extension of Time for Comments

May 21, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking; extension of comment period.

SUMMARY: On April 22, 1981, the Commission issued a Notice of Proposed Rulemaking involving incremental pricing and the adoption of a single-tier alternative fuel price ceiling (46 FR 23947, April 29, 1981). The comment period is being extended at the request of The Process Gas Consumers Group, The American Iron and Steel Institute and The Georgia Industrial Gas Group.

DATE: Comments must be submitted on or before May 29, 1981.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15931 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 282

[Docket No. RM81-17]

Definition of Agricultural Use in the Commission's Incremental Pricing Regulations

May 21, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Informal Public Hearing.

SUMMARY: The Commission hereby notifies the public that an informal public hearing is scheduled to consider the Notice of Proposed Rulemaking issued on April 20, 1981, in the above-identified docket. Specifically, the rulemaking proposes to expand the list of agricultural uses of natural gas set forth in § 282.202(a)(1)(iii), which are exempt from incremental pricing, by adding certain stages in the manufacture of gelatin, glue and carboxy methyl cellulose. 46 FR 23487 (April 27, 1981).

DATE: An informal public hearing will be held at 9:30 a.m. on Tuesday, June 9, 1981.

ADDRESS: Federal Energy Regulatory Commission, Room 8402, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Colette Bohatch, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8140.

Robert Fleishman, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8270.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15983 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

INTERNATIONAL TRADE COMMISSION

19 CFR Parts 201 and 207

Conduct of Investigations of Whether Injury to Domestic Industries Results From Imports Sold at Less Than Fair Value or From Subsidized Exports to the United States

AGENCY: United States International Trade Commission.

ACTION: Proposed revisions of procedural rules.

SUMMARY: The proposed rules sets forth changes and clarifications for the conduct of Commission investigations under section 303 of Title VII of the Tariff Act of 1930 (19 U.S.C. 1303 and 2501 *et seq.*) and sections 102 through 107 of the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144). Several of the proposed changes in the procedural rules would affect the conduct of all investigations under the Commission's jurisdiction, including investigations carried out pursuant to the Tariff Act of 1930, the Agricultural Adjustment Act, and the Trade Act of 1974.

Comments are requested on any and all aspects of the rules for conducting antidumping and countervailing duty investigations and, especially, on the proposed changes set forth.

DATE: Comments on the proposed revisions to the procedural rules must be submitted on or before July 13, 1981.

ADDRESS: Comments and suggestions concerning the proposed revisions should be submitted to the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0350.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144) approves and implements trade agreements negotiated by the United States in the Tokyo round of Multilateral Trade Negotiations. Upon acceptance by the United States of the negotiating instruments relating to subsidies and countervailing measures and to dumping and antidumping measures, the Trade Agreements Act has brought about extensive changes in U.S. countervailing duty and antidumping duty laws, primarily through amendment of the Tariff Act of 1930.

In order to implement procedures to carry out the provisions of the Trade Agreements Act, the U.S. International Trade Commission published proposed procedural rules in the **Federal Register** of October 15, 1979 (44 FR 59392). Following an analysis of the comments received, the Commission promulgated procedural rules effective January 1, 1980, and published a notice thereof in the **Federal Register** of December 26, 1979 (44 FR 76458). On August 27, 1980, the Commission published a notice in the **Federal Register** (45 FR 57148) that, on the basis of the administrative experience since January 1, the Commission was considering proposing amendments to specific portions of the rules. The notice requested public comments suggesting changes in the rules. Those comments are discussed below.

In order to present the proposed changes, whether suggested by the Commission and its staff or by public comment, a discussion by subject matter rather than a section-by-section analysis is most appropriate. Each proposal is discussed below.

Number of Copies of Complaint or Petition

It is proposed that the number of copies of the complaint or petition filed with the Commission be changed from 19 to 14. It is also proposed that an additional copy be served on each person named in the complaint as engaging in the act complained of. With recent experience in these investigations as a guide, compliance with this rule should entail no more than four or five additional copies, under normal circumstances. These changes will be carried out by amending §§ 201.8(d) and 210.10(a).

Filing of Documents

In order to eliminate confusion about public and confidential versions of a document, it is proposed that the requirement of an original and 14 copies refer specifically to the confidential version. The submitter of a document would be required to submit at least one copy, with confidential information deleted, for public inspection. The petition will not be considered "properly filed" until, among other requirements, the requisite number of copies is filed. These changes will be carried out by amending §§ 207.10 and 201.8(d).

Certificate of Service

The Commission proposes that a certificate of service be required for each document. Any document submitted to the Secretary which does not contain a certificate of service would not be accepted for filing. These changes will be carried out by adding a new subsection 201.16(b)(3) and by amending subsection 201.16(c).

Parties

Since the Commission proposes to require certificates of service, it is necessary to define "party." It is proposed to define "party" as any person with a proper interest in the subject matter of the investigation, including an "interested party" as used in Title VII, who files a notice of participation with the Secretary. The notice must state that the person has an interest in the subject matter of the investigation and intends to file a brief therein. It is hoped that by limiting the term "party" in this way, only those persons who have a direct interest in the investigation will become parties. All notices would be screened by the Chairman or other person to preside at the hearing.

It is proposed that the notices must be received at least 3 weeks prior to the date set for a hearing, or 3 weeks prior to the date on which prehearing briefs are due, or on the date a prehearing conference is scheduled, whichever occurs first. The Secretary would then prepare a service list containing the names and addresses of all the parties or their representatives. A late-filing provision is also proposed.

To accomplish these purposes, a new definition of "party" would be added as § 201.2(i) and § 207.2(i) would be deleted. § 201.13 would be redrafted in its entirety to relate to participation in investigations. The material currently in § 201.13 relating to hearings, as discussed *infra*, would be amended and moved to § 201.12.

Statements, Briefs, and Testimony

It is proposed that the term "statement" not be used in the rules, and that the terms "brief" and "testimony" be used exclusively. The proposed changes would occur in §§ 207.15, 207.22, 207.23, 207.24, and 210.12(d).

It is also proposed that prehearing briefs in 120-day final dumping or countervailing duty investigations be filed 10 days after service of the prehearing staff report. The current provision for 15 days appears to consume too large a portion of the final 45 days of an investigation. It further appears that, given their knowledge of the facts and issues in each case, the change should cause relatively little hardship on the parties. This change would be reflected in § 207.22.

Prepared Testimony

Given the apparently redundant nature of prepared testimony, as that term is currently used in Commission practice, the Commission is proposing to abolish prepared testimony in antidumping and countervailing duty cases. Although parties would be encouraged to have carefully prepared remarks ready for the Commission's hearing, a prohibition on prepared testimony would do away with lengthy documents, which could not be covered during the course of a hearing and which appear to be more like an additional prehearing brief rather than testimony.

The Commission is also proposing an exception to the rule to permit participants in a hearing to present graphs or other explanatory material to illustrate an argument or to clarify a matter in contention. A limit of five double-spaced pages is proposed.

Finally, it is proposed that each party submit a list of the witnesses it plans to call to testify at the hearing at least 3 business days before the hearing.

These changes would be accomplished by amendments to § 201.12(d).

Date of Institution of Final Investigation

It is proposed that the date established by the Trade Agreements Act for the institution of final countervailing duty or antidumping investigations be deemed the date on which the transmittal from the administering authority is recevied by the Secretary or the date on which the determination is published in the **Federal Register**, whichever occurs first. This proposal would be made by adding a new § 207.20(a) and redesignating the current § 207.20(a) as § 207.20(b).

Appearance at Hearings

The Commission proposes that, to eliminate ambiguity, the material regarding hearings in § 201.13 be revised and relocated in § 201.12(d). It is also proposed to state explicitly that the Chairman or the presiding officer at the hearing may determine who may appear. In cases where persons other than parties wish to appear, the Chairman could decide whether a sufficient showing of interest has been made. In certain cases—the appearance of Members of Congress, representatives of other Government agencies, and interested parties—this sufficient interest should be presumed. This proposal will be carried out by adding a new § 201.12(j) based on the current language in § 201.13.

Recommendation by the Director of Operations

The Commission proposes to amend § 207.16, which specifies that the Director of Operations will make a recommendation in preliminary antidumping and countervailing duty investigations. The rule was originally drafted because a recommendation was thought useful, since the Director of Operations conducts the preliminary investigation and is closest to it. The Commission no longer believes the formal recommendation is necessary. Thus, the proposed rule would only require the Director of Operations to prepare for the Commission a written summary of the information and arguments submitted by the parties at, or prior to, the conference, if one is held. This procedure will retain the advantage of having the person closest to the conference highlight the issues and the critical facts of record, without the need to form preliminary legal conclusions for the Commission. No comments were received regarding this proposal.

However, several comments urged the Commission to retain the general delegation to the Director of Operations of the duty to conduct preliminary investigations. The comments argued that due to the professionalism of the Commission's staff, the short time limits involved, and the fact that the preliminary determination of reasonable indication of injury does not result in fianl Commission action, the procedure is appropriate and efficient. In general, the Commission finds these comments persuasive and does not now propose to change the general delegation to the Director of Operations.

Service of Determinations

It is proposed that sections §§ 207.18 and 207.28 be amended to require that the Secretary "serve" all parties with copies of Commission actions.

Protective Orders; In-House Counsel

Section 777 of the Tariff Act of 1930 (19 U.S.C. 1677f) deals with confidential business information. Subsection (b) provides that information submitted to the Commission in confidence may not be released by the Commission without the consent of the submitter. Subsection (c), however, permits the release of confidential information under protective order, and authorizes the Commission to establish such requirements as it may determine by regulation to be appropriate to control such disclosure. Pursuant to this authority, the Commission promulgated § 207.7 of its rules of Practice and proceudre (19 CFR 207.7). This section has functioned very well, except for extensive criticism of the provision limiting access to confidential information to retained counsel.

Section 207.7 is designed to provide carefully limited access to confidential information by attorneys representing parties to Title VII investigations. The underlying purpose of § 207.7 is to permit counsel to present arguments to the Commission based on certain confidential price infomation, in addition to the information available in the public record. The Commission sought to preserve the integrity of that confidential information by insuring that it not be made available to the business competitors of the submitter. That is, the information would be made available to the attorney but not to the client. Therefore, in order to insure an "arm's length" relation between attorney and client, the Commission elected to prohibit the disclosure of information under protective order to "in-house counsel"—not because of distrust, but because the attorney may be, by virtue of his corporate position, the client. In addition, the Commission believes that shielding the confidential business information of a submitter from its competitors encourages voluntary compliance with Commission questionnaires and other requests for information.

The limitation was criticized by law departments of many corporations and several bar associations. Many comments stated that all attorneys, whether employed by corporations or by law firms, are members of the bar. All attorneys are subject to the highest standards of professional responsibility, and are subject to disciplinary proceedings by the appropriate licensing authorities for any breach of those standards. Failure to abide by the provisions of a protective order is clearly a ground for instituting disciplinary proceedings.

These comments are very persuasive. The Commission, in originally proposing and promulgating § 207.7, did not mean to imply that corporate consel are in any way less trustworthy or professional than retained counsel. It meant no disparagement of attorneys who are staff employees of corporations. As several comments stated, this is a distinguished segment of the bar, and many of the foremost attorneys in this country are emplyees of respected corporations.

As a result of those comments, the Commission has undertaken a search for a workable alternative to the current language. In its notice of August 27, 1980 (45 FR 57148), the Commission proposed

a new standard for release of information under protective order, one which eliminatd the distinction between in-house and retained counsel. It was proposed to limit disclosure to those counsel, corporate or retained, who do not advise "operating departments."

This proposal was criticized as vague and unworkable, since the term "operating departments" does not provide meaningful guidance; there would be inevitable disputes over what constitutes an operating department. The Commission has found this argument persuasive, and for this reason has not proceeded with the proposal. As a result, the Commission did not need to evaluate the merits of other objections to the proposed rule, and is exploring alternatives.

In so doing, the Commission's goals remain unchanged: (i) To gather the confidential business information needed in the course of its investigations; (ii) to scrupulously protect that confidentiality; and (iii) to encourage the voluntary submission of such information. In addition, because the time limits imposed by statute for these investigations are so short, usually 45 or 120 days, the rule should be self-executing. The Commission fears that it might not have time to conduct a proceeding and reach an informed, reasoned determination as to who should have access to confidential information under a protective order. Most important, the final formulation must insure that persons who have access to the information will not, even inadvertently, permit confidential information to be made available to their clients.

Thus, the issue faced by the Commission has nothing to do with the professionalism, trustworthiness, and ethics of one segment of the legal profession as compared with another; rather, the central issue is how best to guard against potential improper use of information. The Commission's task, therefore, is one of separating two distinct functions: that of legal advisor and that of corporate official. When the attorney is acting as an official of the client, instead of its legal advisor, the efficiency of the protective order is greatly diminished or nullified. Since no person can completely compartmentalize relevant information, it would be illusory to expect any person with access to confidential business data of another to be able to disregard that information when giving advice. Even the refusal to give advice could be a meaningful statement.

In this context, several comments noted that the very fact that corporate attorneys are employed full time by their clients lends itself to potential misuse of critical information. In-house counsel meet regularly with the personnel of the corporation on day-to-day matters and may, no matter how inadvertently, use the information in a context other than that of antidumping or countervailing duty investigations. This problem may reach critical proportions when in-house counsel, after receiving a competitor's confidential pricing information, is consulted on his own firm's pricing decisions.

Therefore, the Commission proposes a protective order rule with permits access to confidential information under protective order by any attorney, whether corporate counsel or retained counsel, who certifies under oath to the Commission that, in addition to the other protective order restrictions, he does not participate in the determination of the price of his client's products nor give advice regarding the pricing of his client's products. Because the confidential information generally released in these investigations relates to domestic prices, access to pricing information under protective order would be inconsistent with the protection of confidential information when the attorney advises on pricing decisions.

This formulation appears to offer several advantages. First, it is self-executing. Second, it is directed specifically at shielding that information which is actually released by the Commission under protective order and which is considered most sensitive—prices. Finally, it is an unambiguous formulation, providing a bright-line distinction that is immediately understood. The specific language appears in the proposal.

The Commission is considering three alternatives to this proposal. Depending on comments from the public and its own analysis, the Commission will select one of the four for its final rule. For ease of discussion, we will refer to the Commission's proposal as alternative A. The others will be denominated alternative B, alternative C, and alternative D.

Alternative B. This alternative would retain the current prohibition on the release of confidential business information to in-house counsel. The only change would be to redesignate "in-house counsel" as "corporate counsel." In other words, current practice would be retained.

Alternative C. This alternative would eliminate the phrase "except in-house counsel." Any attorney would be entitled to access to confidential business information under protective order without regard to his relation to his client.

Alternative D. This alternative, even though it does not appear to conform to the goal of being self-executing, was suggested in a written submission to the Commission by an attorney representing numberous corporate counsel. It would permit access to confidential business information by any attorney unless a submitter of information objected. The person resisting disclosure would need to make clear showing of a particular competitive injury resulting from disclosure, in which case the Commission may impose additional conditions upon disclosure. This proposal would be carried out by amending § 207.7(a), adding § 207.7(c), and by redesignating §§ 207.7(c)–(e), as §§ 207.7(d)–(f), as follows:

§ *207.7 Limited Disclosure* * * *

(a) *In general.* Upon request of an attorney of record of a party to the investigation . . . which describes with particularity the information requested, . . . the Secretary will make available confidential information concerning the domestic price and cost of production of the like product submitted by the petitioner or an interested party in support of the petitioner to such attorney under a protective order described in paragraph (b), subject to such restrictions as the Commission may impose under paragraph (c). Such requests shall name every attorney and every person described in subsection (1)(iv) of paragraph (b) to whom such information will be disclosed, and a copy of such request shall be served upon the petitioner or interested party whose confidential information is requested in the manner prescribed in § 201.16. Upon filing with the Secretary of an agreement * * *

* * * * *

(c) *Additional restrictions on disclosure.* Within five days of the date of service of a request for disclosure of confidential information under paragraph (a), the petitioner or interested party whose confidential information is sought may petition the Commission for an order denying disclosure of specifically identified information to any individual named in the request. If the party resisting disclosure makes a clear showing that it risks a particularized competitive injury as a result of disclosure of such specifically identified information to the challenged individual, and the Commission find the provisions of paragraph (b) to be inadequate as to such individual, the Commission may deny, limit, or impose additional

conditions upon the disclosure of such information to such individual.

The Commission specifically requests public comments on each of the four proposals in light of the criteria set forth above.

PART 201—RULES OF GENERAL APPLICATION

1. Section 201.2 is amended by adding paragraph (i) to read as follows:

§ 201.2 Definitions.

* * * * *

(i) Except for adjudicative investigations under subchapter C of this chapter, "party" means any person whose notice of appearance has been accepted pursuant to § 201.13 (a) or (c). The person who files a complaint or petition on the basis of which an investigation is instituted is hereby deemed a party.

2. In § 201.8, paragraph (d) is revised to read as follows:

§ 201.8 Filing of documents.

* * * * *

(d)(1) *Number of copies.* Except as provided in § 210.10(a), a signed original and fourteen (14) copies of each document shall be filed. In the event that confidential treatment of the document is requested under § 201.6, at least one additional copy shall be filed, in which copy the confidential business information shall have been deleted and which shall have been marked conspicuously "nonconfidential" or "public inspection." The name of the person signing the original shall be typewritten or otherwise reproduced on each copy.

(2) Except as provided in § 210.10(a), a copy of a petition or complaint, or a nonconfidential version thereof, shall also be served by messenger or by first-class mail on each person alleged therein to be committing the acts complained of. Such service shall be attested by a certificate of service as required in § 201.16 (b) and (c).

3. Section 201.12 is amended by revising paragraph (d) and by adding paragraph (j) to read as follows:

§ 201.12 Conduct of nonadjudicative hearings.

* * * * *

(d) *Witness lists and prepared testimony*—(1) *Parties. List of Witnesses.* Each party shall file with the Secretary a list of the witnesses it intends to call to testify at the hearing not less than three (3) business days prior to the hearing, unless the Commission establishes a different date for such submission in its notice of hearing.

(2) *Nonparties.* Persons other than parties who wish to testify at a hearing are requested to so notify the Secretary.

(3) *Supplementary material.* Up to five double-spaced pages of supplementary material, other than remarks read into the record, will be accepted for the record. Supplementary material exceeding five pages may be accepted upon a showing of such cause as may be deemed sufficient by the Chairman or other presiding official at the hearing.

* * * * *

(j) *Appearance at a hearing*—(1) *Who may appear.* A party may appear at the hearing, either in person or by representative. A nonparty who has testimony or arguments that may aid the Commission's deliberations may also appear, under such conditions as may be established by the Chairman or presiding officer at the hearing.

(2) *Requests to appear.* Requests to appear shall be filed with the Secretary. Requests shall be filed at least three (3) days in advance of the date set for hearing or by the date set in the notice of the investigation for a preliminary conference, whichever shall first occur, except that the Chairman, or presiding officer at the hearing, may waive this requirement for good cause. Witnesses on behalf of persons requesting to appear need not file separate requests to appear.

4. Section 201.13 is revised to read as follows:

§ 201.13 Participation in an investigation as a party.

(a) *Who may participate.* Any interested person may participate in an investigation as a party, either in person or by representative, by filing a notice of participation with the Secretary. Each notice of participation shall (1) state briefly the nature of person's interest in the subject matter of the investigation and (2) state the person's intent to file briefs with the Commission regarding the subject matter of the investigation. Each notice of participation shall be forwarded to the Chairman or other person designated to conduct the investigation, who shall promptly determine whether the person submitting the notice of participation has a proper interest in the investigation. If it is found that a person does not have a proper interest in the investigation, that person shall be so notified by the Secretary.

(b) *Time for filing.* Each notice of participation must be filed (1) not later than twenty-one (21) days prior to the date of the hearing, or (2) not later than twenty-one (21) days prior to the date established for filing the first prehearing brief, or (3) in the event that the Commission schedules a prehearing conference, not later than such conference or at such conference, whichever shall first occur.

(c) *Late filing.* Any notice of participation filed with the Secretary after the filing date established in paragraph (b) of this section shall be referred to the Chairman, who shall determine whether to accept such notice for good cause shown by the person desiring to file the notice. The Secretary shall promptly notify the submitter of the decision.

5. In § 201.16, paragraph (b)(3) is added and paragraph (c) is revised to read as follows:

§ 201.16 Service of process and other documents.

* * * * *

(b) *By a party other than the Commission.* * * *

(3) When service is by mail, it is complete upon mailing of the document.

(c) *Proof of service; certificate.* Each document served by a party shall include a certificate of service, setting forth the manner and date of such service. The certificate of service shall be deemed proof of service of the document. In the event a document is not accompanied by a certificate of service, the Secretary shall not accept such document for filing and shall promptly notify the offering party.

* * * * *

PART 207—INVESTIGATIONS OF WHETHER INJURY TO DOMESTIC INDUSTRIES RESULTS FROM IMPORTS SOLD AT LESS THAN FAIR VALUE OR FROM SUBSIDIZED EXPORTS TO THE UNITED STATES

§ 207.2 [Amended]

6. In § 207.2, paragraph (i) is removed and paragraph (j) is redesignated as paragraph (i).

7. In § 207.7, paragraph (a) is revised to read as follows:

§ 207.7 Limited disclosure of certain confidential information under a protective order.

(a) Upon request of an attorney of an interested party to the investigation, who certifies under oath that he does not participate in the determination of the prices of his client's products and that he does not give advice regarding the pricing of his client's products, which request (1) describes with particularity the information requested, (2) sets forth the reasons for the request, (3) demonstrates a substantial need for the information in the preparation of his case, and (4) demonstrates that he is unable without undue hardship to obtain

the substantial equivalent of the information by other means, the Secretary will make available confidential information concerning the domestic price and cost of production of the like product submitted by the petitioner or by an interested party in support of the petitioner to such attorney under a protective order described in paragraph (b).

* * * * *

8. Section 207.10 is revised to read as follows:

§ 207.10 Filing of petition with Commission.

Any interested party who files a petition with the administering authority pursuant to section 702(b)(1) or 732(b)(1) of the Act shall, in accordance with section 702(b)(2) or 732(b)(2) of the Act, file copies of the petition, pursuant to § 201.8, with the Secretary on the same day the petition is filed with the administering authority. If the petition complies with the provisions of § 207.11, it will be deemed to be properly filed on the date on which the requisite number of copies of the petition is received by the Secretary. The Secretary shall notify the administering authority of that date.

9. Section 207.16 is revised to read as follows:

§ 207.16 Summary of Conference.

The Director shall prepare for the Commission a summary of the information and arguments submitted by the parties in connection with the conference, if one is held.

10. Section 207.15 is revised to read as follows:

§ 207.15 Written briefs and conference.

Any person may submit to the Commission on or before a date specified in the notice of investigation issued pursuant to § 207.12 a written brief containing information and arguments pertinent to the subject matter of the investigation.

11. Section 207.18 is revised to read as follows:

§ 207.18 Notice of preliminary determination.

The Secretary shall serve copies of the Commission's preliminary determination under section 703(a) or 733(a) of the Act and of the facts and conclusions of law upon which the determination is based on the petitioner, other parties to the investigation, and the administering authority. The Secretary shall publish a notice of such determination in the **Federal Register.**

12. Section 207.20 is amended by redesignating the present text as paragraph (b) and adding paragraph (a) to read as follows:

§ 207.20 Institution of investigation; notice.

(a) Notice from the administering authority of an affirmative preliminary determination under section 703(b) or 733(b) of the Act and notice from the administering authority of an affirmative final determination under section 705(a) or section 735(a) of the Act shall be deemed to occur on the date on which the transmittal letter of such determination is received by the Secretary from the administering authority or the date on which notice of such determination is published in the **Federal Register** whichever shall first occur.

* * * * *

13. Section 207.22 the section heading and introductory text are revised to read as follows:

§ 207.22 Prehearing brief.

Within ten (10) days after the date of service of the public portion of the staff report by the Commission to the parties, each party may submit to the Commission a prehearing brief. A prehearing brief shall, to the extent possible, refer to the record and shall include:

* * * * *

14. In § 207.23, paragraph (b) is revised to read as follows:

§ 207.23 Hearing.

* * * * *

(b) *Procedures.* Any such hearing shall be conducted after notice published in the **Federal Register.** The hearing shall not be subject to the provisions of subchapter II, chapter 5, title 5, United States Code, or to section 702 of that title. Each party shall limit its presentation at the hearing to a nonconfidential summary of the information and arguments contained in its prehearing brief, to a nonconfidential analysis of the information and arguments contained in the prehearing briefs required by § 207.22, and to information not available at the time its prehearing brief was filed.

* * * * *

15. Section 207.24 is revised to read as follows:

§ 207.24 Posthearing briefs.

Posthearing briefs concerning the information reduced at the hearing may be filed with the Secretary within a time specified by the official presiding at the hearing, provided that no such posthearing brief shall exceed ten (10) pages of textual material, double spaced, on stationery measuring 8½ x 11 inches. In addition, the presiding official may permit persons to file within a specified time answers to questions or requests made by the Commission at the hearing. The Secretary shall not accept for filing posthearing briefs or answers which do not comply with this rule.

16. Section 207.28 is revised to read as follows:

§ 207.28 Publication of notice of determination.

Whenever the Commission makes a final determination under section 303 or title VII of the Act, the Secretary shall serve the determination and the facts and conclusions of law upon which the determination is based on the petitioner, other parties to the investigation, and the administering authority. The Secretary shall publish notice of such determination in the **Federal Register.**

17. In § 210.10, paragraph (a) is revised to read as follows:

§ 210.10 Commencement of proceedings.

(a) *Upon receipt of complaint.* A proceeding is commenced by filing with the Secretary to the Commission the original and fourteen (14) true copies of a complaint, plus one copy for each person named in the complaint as violating section 337 of the Tariff Act.

* * * * *

By order of the Commission.

Issued: May 20, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-15982 Filed 5-27-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 7

[CC:LR-214-76]

Income Tax; Use of Property That Has Been Valued Under Section 2032A To Satisfy a Pecuniary Bequest

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the Income Tax Regulations relating to the satisfaction of a pecuniary bequest with property that has been valued under section 2032A. The regulations would affect and provide guidance to trustees of trusts and executors of estates who satisfy a pecuniary bequest with property that has been valued under section 2032A.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 20, 1981. The amended regulations are proposed to be effective for decedents dying after December 31, 1976.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Stephen J. Small of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Attention: CC:LR:T, 202–566–3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1040 of the Internal Revenue Code of 1954 (Code). these amendments are proposed to conform the regulations to section 401 (c)(2)(A) of the Crude Oil Windfall Profit Tax Act of 1980 (94 Stat. 300) which provides rules relating to the use of property that is valued under section 2032A to satisfy a pecuniary bequest and are to be issued under the authority contained in section 7805 of the code (68A Stat. 917; 26 U.S.C. 7805).

This document deletes the temporary regulations found at §§ 7.1023(b)(3)–1 and 7.1023 (h)–1 (26 CFR Part 7). These temporary regulations are deleted rather than revoked because they continue to be applicable for the estates of certain decedents whose executors or administrators elected carryover basis treatment for assets acquired or passing from decedents by filing Form 5970–A, election of Carryover Basis.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605 (b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this Notice of Proposed Rulemaking as it will not have a significant economic impact on a substantial number of small entities. The proposed rules do not impose a significant economic burden on taxpayers. The rules affect only trustees of trusts and executors of estates who satisfy a pecuniary bequest with property that has been valued under section 2032A.

Drafting Information

The principal author of this regulation is Kyllikki Kusma of the Legislation and Regulations Division of the Office of chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendment to the Regulations

The proposed amendments to 26 CFR Part 1 and Part 7 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. There is added immediately after § 1.1039–1 the following new section:

§ 1.1040–1 General Rule.

(a) *Recognition of gain*—(1) *Estates.* If the executor of an estate satisfies the right of a qualified heir to receive a pecuniary bequest with property with respect to which an election was made under section 2032A (section 2032A valuation), the estate will recognize gain only to the extent that, on the date of the exchange, the fair market value of the property exceeds the fair market value such property had on the date of death or alternative valuation date, if applicable, determined without regard to section 2032A. See section 2032 for rules relating to the election of the alternative valuation date, section 2032A (e)(1) for the definition of qualified heir, and section 2203 for the definition of executor. For purposes of this paragraph (a)(1), the date of exchange is the earlier of the date the property is actually distributed or credited to the beneficiary.

(2) *Trusts.* If, by reason of the death of the decedent—

(i) A qualified heir has the right to receive from a trust a specific dollar amount which is the equivalent of a pecuniary bequest, and

(ii) The trustee of the trust satisfies such right with property with respect to which an election was made under section 2032A,

the trust will recognize gain only to the extent that the fair market value of the property on the date of the exchange exceeds the fair market value such property had on the date of death or the alternative valuation date, if applicable, determined without regard to section 2032A. For purposes of this paragraph (a)(2), the date of exchange is the earlier of the date the property is either actually distributed or credited to the beneficiary.

(3) *Scope.* If the fair market value of the property on the date of exchange is less than the fair market value the property had on the date of death or alternative valuation date, if applicable, determined without regard to section 2032A, but greater than the section 2032A valuation, the trust or estate will not recognize either a gain or loss on the exchange. A loss is recognized only if the fair market value of the property on the date of exchange is less than the section 2032A valuation. If a specific bequest of property is not satisfied with the specifically bequeathed property but, rather, is satisfied with property that has been valued under section 2032A, section 1040 will not apply to the transaction. See § 1.661 (a)–2 (f) for rules relating to distributions in kind. If the property used to satisfy the pecuniary bequest is subject to an allowance for amortization or depreciation and such deductions were taken by the estate or trust, see section 1245 and 1250 for the treatment of gain realized on the exchange, as determined under those sections.

(4) *Basis.* The basis of property acquired in an exchange in which gain realized is not recognized under section 1040 (a) and (b), is the basis of the property immediately before the exchange increased by the amount of the gain recognized to the estate or trust on the exchange.

(b) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). C established a revocable inter vivos trust on February 14, 1978, which provided that D, a qualified heir, was to receive $150,000 of the corpus upon C's death and all of the income of the trust thereafter for life. Upon D's death, the remainder passes to E, a qualified heir. C died on August 15, 1982. During the 1984 taxable year, the trustee satisfied the $150,000 bequest with property which had been valued under section 2032A. At the time of C's death, the property had a fair market value for purposes of chapter 11 (determined without regard to section 2032A) of $140,000 and a section 2032A valuation of $80,000. On the date the bequest was satisfied, the property had a fair market value of $150,000. The trust must recognize a gain of $10,000 ($150,000 − $140,000) on the exchange.

D's basis in the property received is $90,000 ($80,000 (section 2032A valuation) + $10,000 (gain recognized by the trust)).

Example (2). H established a revocable inter vivos trust on April 20, 1977, which provided that upon H's death, P, a qualified heir, was to receive $25,000 yearly for life with the remainder being distributable to certain named qualified heirs. Any excess income was payable to J, a qualified heir. H died on June 23, 1980. The corpus of the trust consisted of property which was valued under section 2032A. The trust income for the 1985 fiscal year was only $17,000, which was not sufficient to satisfy the bequest of $25,000. Consequently, the trustee transferred to P property that had been valued under section 2032A. The property had a fair market value of $8,000 on the date of the transfer. On the date of death, the property had a fair market value for purposes of chapter 11 (determined without regard to section 2032A) of $5,000 and a section 2032A valuation of $3,000. The trust must recognize a gain of $3,000 ($8,000−$5,000) on the exchange. P's basis in the property received is $6,000 [$3,000 (section 2032A valuation) + $3,000 (gain recognized by the trust)].

Example (3). F died testate on January 3, 1980, leaving G, a qualified heir, a pecuniary bequest of $100,000, which the executor satisfied on June 14, 1982, with $20,000 in cash and property that had been valued under section 2032A. On the date of death the property had a fair market value for purposes of chapter 11 (determined without regard to section 2032A) of $90,000 and a section 2032A valuation of $60,000. On the date of the exchange the property had a fair market value of $80,000. The estate will not recognize a gain under these circumstances because the fair market value of the property on the date of exchange ($80,000) does not exceed the $90,000 fair market value the property had for purposes of chapter 11 (determined without regard to section 2032A). Additionally, the estate will not recognize a loss because the fair market value of the property on the date of exchange ($80,000) is not less than the section 2032A valuation of the property ($60,000). G's basis in the property is $60,000.

Example (4). A died testate on March 6, 1977, leaving B, a qualified heir, a pecuniary bequest of $500,000, which the executor satisfied on August 8, 1980, with property that had been valued under section 2032A and with cash of $150,000. On the date of death, the property had a fair market value for purposes of chapter 11 (determined without regard to section 2032A) of $250,000 and a section 2032A valuation of $100,000. On the date of the exchange, the property had a fair market value of $350,000. Under these circumstances, the estate will recognize a gain of $100,000 ($350,000−$250,000) on the exchange. B's basis in the property received is $200,000 [$100,000 (section 2032A valuation) + $100,000 (gain recognized by the estate)].

Example (5). The decedent, A, died testate on January 3, 1977. A's will established a trust in which B, a qualified heir, received the income of the trust for life. B also had a testamentary special power of appointment over the corpus of the trust which was exercisable in favor of C, D, and E. The potential appointees were also qualified heirs. The corpus of the trust consisted of property that was valued under section 2032A. B died on September 1, 1983. Pursuant to B's exercise of the special power of appointment, C received $200,000, D received one-third of the corpus and E received the residue of the corpus. The trustee satisfied C's right by distributing property that had been valued under section 2032A. On the date of the exchange, the property distributed to C had a fair market value of $200,000. On the date of A's death, the property had a fair market value for purposes of chapter 11 (determined without regard to section 2032A) of $75,000 and a value under section 2032A of $50,000. The trust must recognize a gain of $150,000 ($200,000−$50,000) on the exchange. Section 1040 does not apply to the exchange because C's right to receive $200,000 by virtue of B's exercise of the special power of appointment is not a right arising by reason of the death of A.

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

§§ 7.1023(b)(3)-1 and 7.1023(h)-1 [Deleted but not Revoked]

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

[FR Doc. 81-15964 Filed 5-27-81; 8:45 am]
BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Time Limit To Submit Mitigating Circumstances

AGENCY: Veterans Administration.

ACTION: Proposed Regulation.

SUMMARY: The proposed regulation sets a time limit for a veteran to submit mitigating circumstances surrounding a withdrawal from a course or receipt of a nonpunitive grade which does not count toward meeting graduation requirements. The veteran must do this in order to receive educational assistance allowance for these courses. In assuring the orderly administration of benefits, the Veterans Administration may require a measure of diligence from the veteran. This proposal does this.

DATE: Comments must be received on or before July 27, 1981. It is proposed to make this proposal effective the date of final approval.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A); Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until August 6, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: Section 21.4136 is amended to require a veteran to report within 1 year mitigating circumstances surrounding a withdrawal from a course or receipt of a nonpunitive grade which does not count toward meeting the requirements for graduation.

The agency has determined that this proposed regulation is nonmajor in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until August 6, 1981. Any person visiting Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office, and furnished the address and the above room number.

Approved: May 8, 1981.

Rufus H. Wilson,
Acting Administrator.

The Veterans Administration proposes to amend 38 CFR Part 21 as follows:

In § 21.4136, paragraph (k) is revised as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

* * * * *

(k) *Mitigating circumstances.* (1) The Veterans Administration will not pay benefits to any veteran for a course from which the veteran withdraws or

receives a nonpunitive grade which is not used in computing the requirements for graduation unless—

(i) There are mitigating circumstances, and

(ii) The veteran submits the circumstances in writing to the Veterans Administration within 1 year from the date the veteran withdraws or the date he or she completes the course for which the nunpunitive grade is given.

(2) The following circumstances are representative of those which the Veterans Administration considers to be mitigating provided they prevent the veteran or eligible person from pursuing the program of education continuously. This list is not all-inclusive.

(i) An illness of the veteran or other eligible person,

(ii) An illness or death in the veteran's or eligible person's family,

(iii) An unavoidable geographical transfer resulting from the veteran's or eligible person's employment,

(iv) An unavoidable change in the veteran's or eligible person's conditions of employment.

(v) Immediate family or financial obligations beyond the control of the veteran or eligible person which require him or her to suspend pursuit of the program of education to obtain employment.

(vi) Discontinuance of a course by the school,

(vii) Unanticipated active duty military service, including active duty for training.

(3) If the student fails to complete satisfactorily a course under subchapter V, chapter 34, title 38, United States Code, without fault, the Veterans Administration will consider the circumstances which caused the failure to be mitigating. This will be the case even if the circumstances were not so severe as to preclude continuous pursuit of a program of education. (38 U.S.C. 1780(a))

[FR Doc. 81-15696 Filed 5-27-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[ENH-FRL-1839-1]

Pesticides Enforcement: Proposed Rule Interpreting Sections 26 and 27 of FIFRA; Notification to the Secretary of Agriculture

AGENCY: Office of Enforcement, Environmental Protection Agency (EPA).

ACTION: Notification to the Secretary of Agriculture of a Proposed Regulation.

SUMMARY: Notice is hereby given, as required by section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 *et seq.*), as amended, that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a copy of EPA's Proposed Rule interpreting sections 26 and 27 of FIFRA. The Rule clarifies several of the operative terms in these sections relating to State primary enforcement responsibility for pesticide use violations.

FOR FURTHER INFORMATION CONTACT: Steve Leifer (EN-342), Pesticides and Toxic Substances Enforcement Division, Office of Enforcement, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-0970.

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of FIFRA states that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the **Federal Register**. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall publish in the **Federal Register** (with the proposed regulation) the comments of the Secretary, if requested, and the response thereto of the Administrator. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign such regulation for publication in the **Federal Register** any time after such 30-day period.

Pursuant to FIFRA section 25(a)(3), a copy of this proposed Rule has also been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate. The Rule has also been submitted to the FIFRA Scientific Advisory Panel as required by section 25(d).

(Section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 *et seq.*)

Dated: May 19, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-15915 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-33-M

40 CFR Parts 264, 265, and 267

[SWH-FRL-1838-4]

Hazardous Waste Disposal Facilities; Availability of Information

AGENCY: Environmental Protection Agency

ACTION: Notice of availability of information and request for comments

SUMMARY: On December 17, 1980, the Environmental Protection Agency noticed in the **Federal Register** drafts of four Technical Resource Documents providing design and evaluation information related to hazardous waste disposal regulations promulgated by the Agency. These documents were noticed for public comment on the accuracy and usefulness of the information presented. The purpose of today's notice is to announce the availability of four additional draft Technical Resource Documents.

DATES: Comments on these reports are due on or before August 26, 1981.

ADDRESSES: Comments should be addressed to Deborah Villari, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C., 20460. Communications should identify the document title, (e.g., "Closure of Hazardous Waste Surface Impoundments", SW-873).

Copies of these reports are available for reading at the EPA Library Public Information Reference Unit (Room 2404) and Subtitle C Docket Room (Room 2711), both located at 401 M Street, SW, Washington, D.C., and at all Regional Office Libraries during the hours of 9:00 a.m. to 4:30 p.m., Monday through Friday.

Copies of all the draft Technical Resource Documents are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22161. The following is a list of currently available draft Technical Resource Documents with publication numbers:

	NTIS publication No.
1. Evaluating Cover Systems for Solid and Hazardous Waste (SW-867).	PB-81-166-340.
2. Hydrologic Simulation on Solid Waste Disposal Sites (SW-868).	PB-81-166-332.
3. Landfill and Surface Impoundment Performance Evaluation (SW-869).	PB-81-166-357.
4. Lining of Waste Impoundment and Disposal Facilities (SW-870).	PB-81-166-365.
5. Management of Hazardous Waste Leachate (SW-871).	PB-81-189-359.
6. Guide to the Disposal of Chemically Stabilized and Solidified Waste (SW-872).	PB-81-161-505.

	NTIS publication No.
7. Closure of Hazardous Waste Surface Impoundments (SW-873).	PB-81-166-894.
8. Hazardous Waste Land Treatment (SW-874).	PB-81-162-107.

The first four Technical Resource Documents were noticed December 17, 1980 and the comment period closed May 6, 1981. The last four documents are being noticed for availability today.

FOR FURTHER INFORMATION CONTACT: Les Otte, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C., 20460, (202-755-9125).

SUPPLEMENTARY INFORMATION: EPA has promulgated a number of regulations for hazardous waste managment facilities under the authority of Section 3004 of RCRA. Regulations included in 40 CFR Parts 264, 265, and 267, addressing land disposal of hazardous waste have been promulgated on several dates beginning with May 19, 1980. While some of these regulations apply to interim status facilities (i.e., those in existence on November 19, 1980 which have complied with certain RCRA administrative requirements), others apply to facilities seeking a RCRA facility permit, either new or existing. Common to all these regulations are many technical requirements needing interpretation on a case-by-case basis. Information and guidance is needed both by the regulated facility owner or operator and by the state or Federal official making permit decisions. To provide this information and guidance the Agency has under development a series of Technical Resource Documents. Drafts of four of these documents were made available for public comment on December 17, 1980. The Agency is today making four additional draft documents available for public comment. In the future the Agency will notice the availability of still more such documents.

The Technical Resource Documents provide information on hazardous waste land disposal technologies and on techniques for evaluating facility designs and potential performance. They represent the current state of the art on these topics. Comments are requested on the accuracy and completness of the information presented, and usefulness of the information to state or Federl permit officials and facility owners or operators. Where inaccuracy or incompleteness is identified, commenters are requested to provide suggested remedies.

Dated: May 21, 1981.

Gary Dietrich,

Acting Deputy Assistant Administrator.

[FR Doc. 81-15923 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-30-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-168; RM-3561; RM-3608]

FM Broadcast Stations in Ellsworth, Farmington, Lewiston, and Skowhegan, Maine; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comments and reply comments period.

SUMMARY: Action taken herein extends the time for filing comments in a proceeding concerning the proposed assignment of FM channels in Ellsworth, Farmington, Lewiston and Skowhegan, Maine. Petitioner, Robert Harris, states that additional time is required to complete its preclusion study.

DATE: Comments must be filed on or before May 22, 1981, and reply comments on or before June 12, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 19, 1981.

Released: May 20, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), table of Assignments, FM Broadcast Stations. (Ellsworth, Farmington, Lewiston, and Skowhegan, Maine), BC Docket No. 81-168, RM-3561, RM-3608, (46 FR 18743; 3-26-81), order extending time for filing comments.

1. On March 13, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 18743, published March 26, 1981, concerning the above-entitled proceeding. The date for filing comments expired on May 12, 1981, and reply comments are due June 1, 1981.

2. On May 14, 1981, counsel for Robert Harris ("Harris") filed a request for extension of time to and including May 22, 1981, in which to file supporting comments here. Counsel states that Harris' engineer has been engaged in other matters before the Commission, and therefore, completion of its preclusion study has been delayed. Additional time is now requested to permit its engineer to complete the required study. Counsel states that all parties to this proceeding have indicated no objection to the requested extension of time.

3. Section 1.46 of the Commission's Rules states that extension requests must be filed seven days in advance of the filing deadline. However, since the Commission feels it would be in the public interest to have this material available to it in arriving at a decision in this proceeding, we will grant the additional time.

4. Accordingly, it is ordered, That the time for filing comments and reply comments in BC Docket No. 81-168, are extended to and including May 22, and June 12, 1981, respectively.

5. This action is taken pursuant to authority contained in 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-15933 Filed 5-27-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-239; RM-2859; FCC 81-170]

Amendment of Part 73, Subpart E of the Commission's Rules and Regulations Concerning the Operation of Television Broadcast Stations by Remote Control

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed amending its rules to delete the requirement for TV broadcast stations operated by remote control to transmit, and log observations of, vertical interval test signals (VITS). Such a deletion should permit greater operating flexibility and reduce costs for these TV systems.

DATES: Comments are due on or before July 20, 1981 and replies on or before August 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Herbert Zeiler, Broadcast Bureau, (202) 632-9660.

Adopted: April 9, 1981.

Released: April 22, 1981.

By the Commission: Chairman Ferris not participating.

In the matter of an amendment of Part 73, Subpart E of the Commission's Rules and Regulations concerning the operation of television broadcast stations by remote control, BC Docket No. 81-239, RM-2859, notice of proposed rulemaking.

1. The Commission has before it a petition for rulemaking (RM-2859) filed by the American Broadcasting Companies, Inc. (ABC). The petition requests the amendment of §§ 73.676(f) and 73.699 of the Rules. Comments in response to the petition were filed by CBS, Inc. (CBS); Consumer Electronics Group of the Electronic Industries Association (EIA); Joint Committee on Inter-Society Coordination Ad Hoc Committee on Television Ancillary Signals (JCIC); National Broadcasting Company, Inc. (NBC); and the Public Broadcasting Service (PBS). Late comments were filed by the National Association of Broadcasters (NAB).

2. The rule modifications sought by ABC concern the particular test signals, commonly referred to as VITS (vertical interval test signals), that must be transmitted by television broadcast stations operated by remote control. Specifically, ABC proposes amending the rules to specify only two vertical interval test signals, the configuration and characteristics of which are different from the ones required under the present rules.[1] The proposal would reduce the space in the vertical blanking interval used for VITS from two lines to one. ABC also proposes to amend the rules to specifically allow the use of automatic measuring equipment to monitor and log signal observations.

3. The proposed test signals are presently used by the four major networks and AT&T to assess the quality of the video signals distributed through transmission facilities leased from the Bell System. The use of these test signals by TV stations would conform remote control operations to present network test signal practices. In further support of the proposal, ABC claims that these test signals can measure the same relevant transmission and transmitter performance characteristics as those presently prescribed by the rules as well as permit additional measurements to be made. Another advantage of the two test signal concept, it argues, is that the broadcaster can put a signal generator operating at line 18 at the transmitter, monitor both the composite and combination signals, and compare the results to the same signals inserted on line 17 at the control center. Finally, petitioner notes that the proposed test signals are in agreement with the International Radio Consultative Committee (CCIR) draft recommendations.[2]

4. With regard to automatic measuring equipment, ABC argues that automatic vertical interval transmission analyzers were not available when the rules governing these test signals were adopted. Such equipment, however, is available today that will automatically monitor the remote transmitter and transmission link as well as log the information. ABC states that it and others have had considerable experience in the use of such equipment over the past few years with favorable results.

5. All comments filed in response to the petition supported the proposal. CBS, NAB, and JCIC stated that the proposal would make available additional space in the vertical blanking interval that could be used to meet future requirements. Several parties argued that if licensees were permitted to transmit the same test signals used by the networks, an incentive would be provided for the further development of automatic VITS monitoring and correction equipment.

6. The Commission has reviewed the ABC petition and the responses to it. Rather than propose the rule changes sought, we believe that stations operated by remote control should no longer be required to transmit vertical interval test signals. Consequently, our proposal is to delete the present rule sections requiring VITS transmission and those specifying the particular VITS to be transmitted. Our rationale for this proposal follows.

7. The current rules requiring stations operating by remote control to transmit prescribed vertical interval test signals were adopted in 1971 in Docket 18425, *Second Report and Order* (31 F.C.C. 2d 391). That proceeding permitted the operation of VHF-TV stations by remote control and unified the rules governing the remote operation of UHF-TV stations with those adopted for VHF stations. At that time the Commission believed that continuous transmission of the VITS, *i.e.*, simultaneous with regular program transmissions, was necessary to supervise the performance of the television system on a continuous basis. The Commission felt that the VITS to be transmitted should be specified by its rules to encourage licensee's use and reliance on the test signals, to promote simplicity in test equipment, and since the VITS were to be transmitted continuously, to limit the possibility of their interferring with regular program material. The Commission was also concerned that distortion and noise inherent in the monitoring process could be minimized if particular test signals were used. To insure licensees would take advantage of the continuous tranmission of the VITS, observations were required at a minimum of every half hour. The rule amendments adopted in the *Second Report and Order* were reconsidered by the Commission in a *Memorandum Opinion and Order* released on December 13, 1971, and with one non-germane exception retained.

8. Now some ten years later, VITS are extensively used by broadcast stations even where there are no Commission requirements. The VITS used include both those contained in the Commission's rules and others, such as those suggested by ABC. Equipment is available that will generate a variety of vertical interval test signals and analyzers are available that will analyze particular test signals.

9. In the same time period, the Commission itself has undergone changes in its regulatory philosophy. Today we place greater emphasis on the inherent working of the broadcast marketplace to regulate licensee behavior and conduct and on deregulation to lessen the number of rules licensees must obey. With these twin goals the Commission's review of the ABC request and the requirements of the present rules suggests that specific VITS requirements may no longer be necessary.

10. Firstly, we now question the need for VITS to be transmitted continuously with program material. The rules requiring monitoring of the VITS on a half-hourly basis to insure proper supervision of the transmission system were modified 14 months after they became effective to require observation every three hours. From experience, the Commission has found that the observations performed by station employees are quite cursory. (Station operating logs reflect this. After inspection of the VITS, a common practice is to check a block in the operating log indicating "VITS OK.") We have found that VITS are used in a meaningful manner at most stations only during maintenance and testing periods when the whole transmission system is evaluated. Most aberrations in the TV station's transmitted signal occur with the program source, such as variations

[1] The proposed test signals consist of a composite signal on field 1, line 17, and a combination signal on field 2, line 17; while the present rules require a multiburst on field 1, line 17, color bars on field 2, line 17, composite signal on field 1, line 18, and a fourth signal, either a composite or other suitable test signal, on field 2, line 18.

[2] CCIR Recommendation 473-2 for 525 line systems, Volume XII, 1978.

in the color burst and in the synchronization pulses. Since the VITS are intended to only indicate malfunctions in the studio output to transmitting antenna portion of a station's equipment, observations of the VITS do not detect defects in the program source signal.

11. Secondly, the broadcast industry has through its comments in response to the ABC petition, indicated that there is agreement on the type of vertical interval test signal that should now be used. Each of the major networks filed comments supporting the ABC proposal. This industry agreement on standardization of VITS has arisen because of use in common carrier transmission facilities (see para. 3, *supra),* independent of our rules for certain broadcasting facilities. Thus, in view of the industry agreement, there may no longer be any need for Commission rules to achieve standardization.

12. Thirdly, the present rules require that the VITS be added to the program signal at the transmitter remote control location. This requirement was based on the assumption of a typical TV station having the remote control point at a nearby studio location from which all programs would originate or be route to the transmitter. Many complex TV station operations, particularly statewide public broadcast systems, do not follow this assumed station plan. Programs may originate from a central studio location and be distributed by microwave relay directly to several transmitter sites. The statewide system may be divided into regions each having a common remote control point for several transmitters. Extensive duplication of equipment and microwave circuits may be required for such systems to comply with the existing rules. The Commission has granted waivers to some statewide public television systems where effective alternative measurement procedures can be used. Deleting the present remote control VITS requirements would permit much greater operating flexibility and operating economies for many such TV systems.

13. Finally, the Commission recognizers that the rules place different requirements on licensees who operate by remote control and those who don't. Those who do must now transmit VITS continuously with regular program material and observe them every three hours. Licensees who do not operate by remote control and yet are under the same broadcast quality transmission standards as those licensees who do, are under no obligation to transmit vertical interval test signals except as necessary to determine if the transmitter is functioning properly. The VITS used by remotely controlled stations are not used by the Commission's Field Operations Bureau in its enforcement efforts. They may be used to see if there are any readily identifiable problems with a particular licensee's equipment buy they are not used as the basis for violation notices. The Commission now feels that the licensees as a group should be held responsible for the quality of their transmissions. This places the responsibility for the station's proper operation, whether it includes remote control links or not, directly on their shoulders. We no longer desire to separate those who operate by remote control from those who don't and to impose greater burdens on the former category. It is not unreasonable, in our opinion, to expect licensees of stations operated by remote control, as we do with other television operations, to employ on their own whatever measures are necessary to insure quality transmissions. After all, it is to the licensee's benefit to provide a high quality broadcast signal. We are proposing, therefore, to delete § 73.676(f) requiring stations operated by remote control to transmit test signals in the vertical interval along with § 73.699, Figures 13, 14 and 15.

14. By proposing to delete the VITS standards and the mandatory transmission requirements, it is not our intention to encourage laxity on the part of licensees with respect to monitoring system performance. Nor are we proposing in any way to relieve the licensee of its responsibility to take appropriate measures to insure a quality transmission. Elimination of these requirements, we believe, merely increases the licensee's flexibility in monitoring system performance. Thus, under this approach, when and how often test signals are transmitted, how often they are observed, and their exact characteristics and configurations will be left up to the licensee. We expect, however, all licensees to perform tests and observations as necessary to insure proper performance and the test signal characteristics to be such as to not cause interference.

15. ABC states that automatic VITS analyzers are now available and requests amendment of the rules to provide for such equipment. Our present rules, however, do not restrict the usage of such equipment by TV stations. On the contrary, § 73.1820 permits the use of automatic measuring devices to record entries into the operating log. We see no reason, therefore, to modify our rules to expressly allow the use of specific types of equipment which are otherwise permitted.

16. *Regulatory Flexibility Act Initial Analysis.*

I. *Reason for action.* The Commission believes that the mandatory requirement that television stations operated by remote control continuously transmit Commission specified test signals during the vertical blanking interval may no longer be necessary.

II. *The objective.* The objective is to lessen the regulatory burden on television stations operated by remote control and allow, to a greater extent, the broadcast marketplace to regulate licensee conduct.

III. *Legal basis.* Action is proposed in accordance with Sections 303 (g) and (r) of the Communications Act of 1934 as amended which charges the Commission to encourage the more effective use of radio in the public interest.

IV. *Description, potential impact and number of small entities affected.* The proposed rule change would have its direct effect on television stations operated by remote control (approximately 600 stations) by eliminating the additional Commission requirements now placed on such stations. Under this proposal when and how often test signals are transmitted, how often they are observed, and their exact characteristics and configurations would be left up to the licensee.

V. *Recording, record keeping and other compliance requirements.* The proposal would delete certain record keeping requirements and introduce no new ones.

VI. *Federal rules which overlap, duplicate or conflict with this rule.* None.

VII. *Any significant alternative minimizing impact on small entities and consistent with stated objectives.* The Commission's alternatives are to maintain the status quo or to propose to adopt the VITS suggested by ABC.

17. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and/formal oral arguments) between a person

outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

18. This action is taken pursuant to authority found in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested parties may file comments on or before July 20, 1981, and reply comments on or before August 19, 1981. All relevant and timely comments will be considered by the Commission before further action is taken in this proceeding.

20. In accordance with the provisions of Section 1.419 of Commission's Rules and Regulations, an original and five copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comment may file an additional six copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that the docket number is specified. Such informal participating who wish members of the staff to have a personal copy and to have an extra copy available for the Commission's may file an additional five copies. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M Street NW.).

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

§ 73.676 [Amended]

1. It is proposed to amend § 73.676 by removing paragraph (f) in its entirety.

§ 73.699 [Amended]

2. It is proposed to amend § 73.699 by removing Figures 13, 14, and 15.

§ 73.1820 [Amended]

3. It is proposed to amend § 73.1820 by removing paragraph (a)(4)(i)(C) in its entirety.

[FR Doc. 81-15920 Filed 5-27-81; 8:45 am]
BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 78-155; RM-2809; FCC 81-171]

Common Use of TV Towers

AGENCY: Federal Communications Commission.

ACTION: Denial of proposed rule (proceeding terminated).

SUMMARY: FCC terminates proceeding without issuing a Notice of Proposed Rule Making, as requested, which would have required that construction permits involving towers of VHF television stations be conditioned on permitting UHF television stations, at their request and expense, to place their antenna on the VHF's tower. It is concluded that the present rule adequately covers the matter and that the record in the proceeding does not support further consideration of the proposed rule.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane or Philip Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

Adopted: April 9, 1981.

Released: April 21, 1981.

By the Commission: Chairman Ferris not participating.

In the matter of Common Use of TV Towers, BC Docket No. 78-155, RM-2809, Report and Order, (Proceeding Terminated).

1. The Commission has under consideration its *Notice of Inquiry* adopted May 18, 1978, in the above captioned matter (FCC 78-351; 68 F.C.C. 2d 634) and the comments and reply comments filed in response to that *Notice.*

2. The *Notice of Inquiry* was adopted as a result of a petition for rule making filed by Triangle Telecasters, Inc.[1] It is requested the amendment of § 73.635 of the rules (Use of common antenna site) "to require that grants of construction permits for new or changed facilities for VHF television stations which involve construction or modification of a tower, be conditioned to permit UHF-TV stations, upon request and at their own expense, to place their antenna on the tower." Section 73.635 now provides:

§ 73.635 Use of common antenna site.

No television license or renewal of a television license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for television broadcasting in a particular area and (a) the site is not available for use by other television licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of television stations that can be authorized in a particular area or would unduly restrict competition among television stations.

3. The Commission stated that "Triangle's proposal appears to warrant * * * investigation. Thus, although we are not fully persuaded that the petitioner has made a case for incorporating it [the proposal] in specific language in the rules, we are adopting this *Notice of Inquiry* to explore the proposal further." The Commission then asked a number of specific questions and asked interested parties to comment on them. Finally, the Commission expressed "its willingness to consider the proposition and if the record in the *Inquiry* supports consideration of a rule, specific proposals will be examined in a subsequent rule making proceeding." Twelve comments and one reply comment were filed. Nine were in opposition and three were in support.[2]

4. Petitioner and supporters of the change propose a rule which would read as follows:

* * * designate existing § 73.635 of the Commission's Rules as § 73.635(a), and add Subsections (b) and (c) to § 73.635 as follows:

(b) No construction permit will be granted for a new VHF television station or for a change in the facilities of an existing VHF

[1] Predecessor in interest to American Telecasters, Inc., who filed comments and the only reply comment in response to the *Notice.*

[2] See Appendix for list of commenters.

television station involving construction of a new or modified tower, except upon the condition that the VHF applicant allow placement on the tower to be used by it of the antenna of any existing or proposed UHF television station requesting such placement and making provision for payment of reasonable additional costs resulting from the adaptation or change, if any, in the tower design to permit the placement of such UHF antenna(s).

(c) Any UHF licensee or applicant seeking to place a UHF antenna on the tower of a VHF licensee or applicant pursuant to Subsection (b) of this Section, may be required to pay reasonable rental based upon allocation to such UHF licensee or permittee of a pro rata cost of construction or alteration of the tower and support facilities, except to the extent that provision for payment of such pro rata costs has otherwise been made as provided in Subsection (b) of this Section. The allocation of costs shall be made by dividing the incremental costs incurred for construction or alteration of the tower and support facilities to accommodate UHF antennas, by the total number of UHF antennas to be placed on the tower.

5. Such a rule, it was alleged, would result in "substantial public interest benefits," by affording existing UHF–TV stations a facilities-improvement "opportunity," or "provide for an additional UHF station in a community" by making such venture a financial possibility as a result of cost savings due to tower sharing. The proposed rule would allow the UHF–TV station common usage of the VHF station's tower for an expenditure of the amount equal only to "reasonable additional costs resulting from adaptation or change;" [3] and further would allow the pay-off to be based on a "reasonable rental." The rule change, it was stated, would "[equalize] UHF service with VHF service." It was purported to further the aims of the Commission and the Congress in encouraging UHF growth and likened it to such governmentally mandated equalization measures as the "All-Channel Receiver Law and the Comparable Tuning Regulations."

6. Initially, we note that arrangements for the sharing of antenna towers are desirable. Such agreements can reduce individual station costs, thereby making a better program product possible. Moreover, they also may permit utilization of more advantageous transmitter sites which can improve signal quality in the area to be served.[4] In this regard, supporters of the proposed rule could cite only one instance of a refusal to consider the joint use of a tower.[5] This leads us to believe that the economic forces which seem to compel licensee consideration of such sharing arrangements are working as we would expect.

7. We continue to believe that the public interest is furthered by the institution of new television service, UHF and VHF, and we will continue to seek means by which any inequalities between those services can be resolved. However, the proposal before us goes so far as to favor UHF over VHF in bearing the cost of any new construction. Even if the rule did not attempt to apportion the additional costs of modifying the new tower, the creation of a regulatory right of access to the tower skews the negotiations of the parties. In this regard, the record indicates that individual licensees have, in all but one case, adequately negotiated these matters without Commission intervention.

8. Under these circumstances, it does not appear that any further regulatory intrusion into this area is necessary. In fact, we believe that our current restriction strikes the proper balance between the exercise of a licensee's business judgment and the Commission's responsibility to regulate the broadcast industry in the public interest. That is, we would intrude in this area only in situations where the exclusive use of a unique site results in limitations of service to the public. Therefore, having considered the proposal, comments in support thereof and in opposition thereto, we conclude that there is insufficient reason to proceed to a Notice of Proposed Rule Making in this matter.

9. In view of the foregoing, it is ordered, That this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parties filing comments and reply comments:

Comments

McGraw-Hill Broadcasting Company, Inc.
Wometco Blonder-Tongue Broadcasting Corp.
John H. Phipps Broadcasting Stations, Inc.
National Association of Broadcasters
American Broadcasting Companies, Inc.
Joint filing by:
  Spanish International Communications Corp.
  Bahia De San Francisco Television Co.
  Legend of Cibola Television Co.
CBS, Inc.
Fletcher, Heald and Hildreth, Law Firm
Corinthian Broadcasting Corp.
American Telecasters, Inc.
Radio Broadcasting Company
American Subscription Television Companies

Reply Comment

American Telecasters, Inc.

[FR Doc. 81–15927 Filed 5–27–81; 8:45 am]
BILLING CODE 6712–01–M

[3] Rather than *equally* sharing the total construction or reconstruction costs.

[4] The Federal Aviation Administration also favors the co-location of broadcast towers to minimize air traffic hazards.

[5] This information was supplied in response to one of the *Notice's* specific questions.

Notices

Federal Register
Vol. 46, No. 102
Thursday, May 28, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Science and Education Administration

Joint Council on Food and Agricultural Sciences Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Science and Education Administration announces the following meeting:

Name: Executive Committee of the Joint Council on Food and Agricultural Sciences.
Date: June 10, 1981.
Time and Place: 8:30 a.m.–4:00 p.m., Room 3109, South Building, USDA, Washington, D.C.
Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.
Comments: The public may file written comments before or after the meeting with the contact person below.
Purpose: Review results of GAO study *Long Range Planning for U.S. Agricultural Research and Development;* discuss Joint Council/Users Advisory Board interaction; hear reports from the Committee on Minority Affairs and the Study Group on Increasing Public Understanding of Agricultural Science and Education.
Contact Person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351–A, Administration Building, Washington, D.C. 20250, telephone (202) 447–6651.

Done at Washington, D.C., this 18th day of May 1981.

John G. Stovall,
Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81–15980 Filed 5–27–81; 8:45 am]
BILLING CODE 3410–03–M

Soil Conservation Service

Critical Area Treatment on Public School Lands, Puerto Rico

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Ivan R. Emmanuelli, Director, Caribbean Area, Soil Conservation Service, Room 609, Federico Degetau Federal Building and U.S. Courthouse, Carlos Chardon Avenue, Hato Rey, Puerto Rico 00918, telephone number (809) 753–4206.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Critical Area Treatment on Public School Lands, RC&D Measure, Puerto Rico.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Ivan R. Emmanuelli, Director, Caribbean Area, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include land treatment measures such as shaping, liming, fertilizing, seeding to permanent vegetation of disturbed areas, and installation of temporary fences to protect treated areas. Sidewalks will be installed in selected school locations.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Ivan R. Emmanuelli. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable.

Dated: May 20, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81–15983 Filed 5–27–81; 8:45 am]
BILLING CODE 3410–16–M

Lake Vernon Spillway Park Critical Area Treatment, Louisiana

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318–473–7751.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lake Vernon Spillway Park Critical Area Treatment RC&D Measure, Vernon Parish, Louisiana.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the stabilization of four acres of critically eroding land along Lake Vernon in the Lake Vernon Spillway Park. One segment of shoreline will be shaped and seeded to grass. Planned structures include a retainer wall, steps, and traffic barriers.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum. The FNSI has been sent to

various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable.)

Dated: May 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15961 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

Roadbank Stabilization Critical Area Treatment RC&D Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Argiculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone number (717) 782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Counsel on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an enviromental impact statement is not being prepared for the Roadbank Stabilization Critical Area Treatment RC&D Measures, Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pennsylvania

The environmental assessment of this federally-assisted action indicates that the measures will not cause significant impact on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that preparation and review of an environmental impact statement are not needed for these measures.

The measures concern plans for critical area treatment. The planned works of improvement include soil and water conservation practices to stabilize bare eroding roadbanks, slips and roadbanks subject to meandering high velocity streams. Practices include grading, subsurface drains, riprap gabions, short sections of retaining walls and vegetative treatment with lime, fertilizer, seed shrubs, and mulch.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable.)

Dated: May 20, 1981.

Joseph W. Haas.

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15962 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-16-M

Buckhannon-Upshur Intermediate and Academy School Grounds R.C. & D. Measure; West Virginia

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Morgantown, West Virginia 26505, telephone 304-599-7151.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Buckhannon-Upshur Intermediate and Academy School Grounds RC&D Measure, Upshur County, West Virginia.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns plans for the revegetation of about 2 acres of critical areas at the two school sites. A combination of structural and vegetative practices are necessary to establish adequate vegetation on the critical areas. Included in the planned works of improvement are vegetative practices, subsurface drains, and diversion.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

Dated: May 20, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15972 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

Canton Athletic Area Land Drainage R.C. & D. Measure; Oxford County, Maine

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone (207) 866-2132.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Canton Athletic Area Land Drainage RC&D Measure, Oxford County, Maine.

The environmental assessment of this federally-assisted action indicates that

the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Billy R. Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for subsurface drainage on an athletic field in the town of Canton, Maine. The planned works of improvement consists of installation of an underground tile drainage system to collect and dispose of subsurface water, surface grading, and seeding the area.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Billy R. Abercrombie. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: May 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–15973 Filed 5–27–81: 8:45 am]

BILLING CODE 3410–16–M

Crow Creek—Optimist Park Water Based Recreation R.C. & D. Measure; Wyoming

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Frank S. Dickson, Jr., State Conservationist, Soil Conservation Service, Federal Building, 100 East B Street, P.O. Box 2440, Casper, Wyoming 82602, telephone number (307) 265–5550.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Crow Creek—Optimist Park Water Based Recreation RC&D Measure, Laramie County, Wyoming.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Frank S. Dickson, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure plan includes installation of 1,000 feet of concrete bikeway-walkway, curbing, parking lot, drain pipe, underground irrigation system, picnic shelter, and picnic tables. Also included are grading and shaping, grass seeding, tree plantings, fencing, and cleanup of Crow Creek along the park development area.

The project area is 2.5 acres in size and will be open to the public. Crow Creek runs for a distance of about 600 feet through the planned park.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Frank S. Dickson, Jr. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: May 20, 1981.

[FR Doc. 81–15974 Filed 5–27–81: 8:45 am]

BILLING CODE 3410–16–M

Daviess County Lions Club Park RC&D Measure Plan, Kentucky

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Eddie L. Wood, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40504, telephone (606) 233–2749.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Daviess County Lions Club Park RC&D Measure Plan, Daviess County, Kentucky.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Eddie L. Wood, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage, water disposal areas, and vegetative cover. The planned works of improvement include critical area treatment, underground tile drainage, open ditch drainage, a riprap chute, a grass waterway, a diversion channel, and some land smoothing.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Eddie L. Wood. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects as applicable)

Dated: May 20, 1081.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–15975 Filed 5–27–81: 8:45 am]

BILLING CODE 3410–16–M

Johnson Creek Watershed; Washington

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Lynn A. Brown, State Conservationist, Soil Conservation Service, 360 U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, telephone (509) 456–3711.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Johnson Creek Watershed, Whatcom County, Washington.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Lynn A. Brown, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for the accelerated application of water quality measures to reduce discharge of dairy waste into watershed streams. The water quality measures to be installed by individual farm owners and/or operators include rainwater handling facilities such as rain gutters, downspouts and diversion pipes, animal waste storage facilities, including ponds, concrete tanks and glass lined steel tanks, animal waste distribution facilities such as pipelines and risers, animal waste handling facilities including concrete curbs and slabs, roofs over dry stacked animal wastes, and fencing of stream corridors in selected reaches.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Lynn A. Brown, State Conservationist. The FNSI has been sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 18, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15076 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

Kinkaid Lake R.C. & D. Measure; Illinois

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, Springer Federal Building, 301 North Randolph Street, Champaign, Illinois 61820, telephone (217) 398–5267.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; The Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); The Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Kinkaid Lake RC&D Measure, Jackson County, Illinois.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Warren J. Fitzgerald, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water based outdoor recreation facilities. The planned works of improvement include picnic tables, grills, picnic shelters, water wells, sanitary accommodations, roads and parking, overlook, boat launch ramp, canoe landings, primitive campsites, bicycle rack, and signs.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Warren J. Fitzgerald. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: May 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15077 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

Milbridge Ballfield Land Drainage R.C. & D. Measure, Maine

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone 207–866–2132.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Milbridge Ballfield Land Drainage RC&D Measure, Washington County, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Billy R. Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for surface and subsurface water control and disposal on an athletic field in the town of Milbridge, Maine. The planned works of improvement consists of installation of surface ditches and an underground conduit system to collect, convey, and dispose of surface and subsurface water, and seeding the area disturbed by construction.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Billy R.

Abercrombie. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15978 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

Putnam County Fair and 4-H Club Association, Inc., Land Drainage R.C. & D. Measure; Indiana

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone number (317) 269-6515.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Putnam County Fair & 4-H Club Association, Inc. Land Drainage RC&D Measure, Putnam County, Indiana.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Robert L. Eddleman, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage. The planned works of improvement include construction of a surface drain 1,700 feet in length, a diversion of 3,000 feet and a subsurface drain of 1,500 feet. Also, approximately 3.8 acres of seeding, fertilizing, and mulching to be done after construction is completed.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by contacting Robert L. Eddleman. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: May 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15971 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Advisory Panels for the Caribbean, South Atlantic and North Pacific Fishery Management Councils; Reestablishment

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA, the Department has determined that the reestablishment of the Advisory Panels (APs) for the Caribbean, South Atlantic, and North Pacific Fishery Management Councils (FMPs) are in the public interest in connection with the performance of duties imposed on the Department by law.

The Magnuson Fishery Conservation and Management Act (MFCMA), signed on April 13, 1976 mandated the establishment of eight Regional Fishery Management Councils to serve as the instruments of Federal-State-private interaction in the conduct of fishery management in the U.S. Fishery Conservation Zone (FCZ). The Act also authorized the establishment of such advisory panels (APs) as are deemed necessary in assisting the Councils in carrying out their functions.

Each of the Advisory Panels was first established in April 1977. They will continue with a balanced representation of members, who are appointed by the parent Council. The purpose of each Panel is to advise the respective Council in the assessments and specifications contained in the fishery management plans (FMPs) for fisheries within the Councils' geographic area of concern, with particular regard to (1) the extent to which the fishing vessels of the United States will harvest the resources considered in FMPs; (2) the effect of such FMPs on local economies and social structures; (3) potential conflicts between user groups of a given fishery resource; and (4) enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources.

Inquiries or comments regarding this notice may be addressed to Mr. Donald Humphries, Committee Liaison Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852, telephone: (301) 443-8731, or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-4217.

Dated: May 26, 1981.

Hugh L. Brennan,

Director, Office of Organization and Management Systems.

[FR Doc. 81-16050 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-17-M

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) LaVenta Corporation, P.O. Box 1207, Bloomington, Indiana 47402, producer of belt buckles, belts, and wallets (accepted May 7, 1981); (2) J.E. Streater & Son, Route 2, Bloomsburg, Pennsylvania 17815, producer of cut flowers, potted plants and corn (accepted May 8, 1981); (3) Beroc, Inc., One Alden Road, Nanticoke, Pennsylvania 18634, producer of bakery equipment (accepted May 8, 1981); (4) Great Lakes Juice Company, P.O. Box 47, North East, Pennsylvania 16428, producer of grape juice and wine (accepted May 8, 1981); (5) Metalworks Manufacturing Corporation, 5800 W. Road 46, Bloomington, Indiana 47401, producer of heating stoves and

agricultural spray equipment (accepted May 8, 1981); (6) The Mica Corporation, 10900 Washington Boulevard, Culver City, California 90230, producer of plastic laminates (accepted May 11, 1981); (7) Princeton Gardens, Petersburg Road, Princeton, Indiana 47670, producer of cut flowers and potted plants (accepted May 12, 1981); (8) Moon Farm, 2615 Tacoma Road, Tacoma, Washington 98371, producer of raspberries and rhubarb (accepted May 12, 1981); (9) TACTEC Systems, Incorporated, Country Club Road, Meadow Lands, Pennsylvania 15347, producer of mobile two-way radio equipment (accepted May 18, 1981); (10) Lambertville Ceramic & Mfg. Company, Inc., P.O. Box 128, Lambertville, New Jersey 08530, producer of ceramic machinery and electronic parts (accepted May 18, 1981); (11) Ginther Farms, 1115 Benston Drive, N.E., Puyallup, Washington 98371, producer of raspberries and rhubarb (accepted May 19, 1981); and (12) Lake King Rod Company, Inc., 3530 S.E. 21st Street, Topeka, Kansas 66605, producer of fishing rods (accepted May 20, 1981).

The petitions were submitted pursuant to Section 251 of the Trade act of 1974 (P.L. 93–618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business June 7, 1981.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81–15866 Filed 5–27–81; 8:45 am]

BILLING CODE 3510–24–M

International Trade Administration

Tempered Sheet Glass From Japan; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination To Revoke

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke.

SUMMARY: As the result of an administrative review of the antidumping finding on tempered sheet glass from Japan the Department of Commerce has tentatively determined to revoke the finding. With the exception of one sale with a *de minimis* margin, all sales by the sole exporter, Asahi Glass Company, Ltd., were made at not less than fair value from September 25, 1971, through September 12, 1975, and there were no shipments to the U.S. for the 2-year period from September, 1978 through August, 1980. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur N. DuBois, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3814).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 25, 1971, a dumping finding with respect to tempered sheet glass from Japan was published in the **Federal Register** as Treasury Decision 71–247 (36 FR 10913). A "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise was published by the Department of the Treasury on September 12, 1975 (40 FR 42378). Treasury's investigations indicated that, with the exception of one sale with a *de minimis* margin, all sales by the sole exporter, Asahi Glass Company, Ltd., were made at not less than fair value for a period of four years from the finding of dumping. Reasons for the tentative determination were given in the notice and interested parties were given an opportunity to present written and oral views. Both sides presented arguments; however, Treasury took no further action on the proposed revocation.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on tempered sheet glass from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Merchandise covered by this review is tempered sheet glass in patio door sizes, currently classifiable under item 544.3100 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only one Japanese producer or exporter of tempered sheet glass covered by this finding to the United States, Asahi Glass Company, Ltd.

Since more than five years have elapsed since the original tentative revocation, we decided to inquire whether sales at less than fair value recurred since that time. Therefore, we requested that Asahi furnish data for the two-year period from September 1, 1978 to August 31, 1980. Their response indicated no shipments to the United States for this period.

Review of Prior Comments

The domestic producers objected to Treasury's proposed revocation for the following reasons:

First, they contended that the scope of the finding is not limited to tempered sheet glass in patio door sizes, but encompasses such glass for automotive purposes, shower/tub enclosures, etc. However, the original complaint received on September 9, 1969, was limited to tempered sheet glass in patio door sizes, as were the subsequent fair value investigation, the less than fair value determination, the injury investigation and determination, and subsequent appraisement instructions ("master lists").

Second, they contended that foreign market value should be based on home market sales rather than third country sales. However, the Custom Service ruled on June 30, 1979, that the proper basis of comparison should continue to be third country sales (Canada), as the sales in Japan were not of "such or similar merchandise", that is, tempered sheet glass in patio door sizes. We agree with that position.

Third, they contended that, in addition to Asahi, other Japanese firms were exporting this product to the United States. Our review indicates that Asahi Glass Company, Ltd. was and is the sole exporter of such merchandise and did not sell tempered sheet glass at less than fair value during that period of review, that is, from date of the finding, September 25, 1971, through September 12, 1975, a period of four years.

Preliminary Results of the Review

With the exception of one sale which resulted in *de minimis* duties being assessed, there is no record of any sales at less than fair value between the date of the finding, September 25, 1971, and September 12, 1975, and no shipments from September 1, 1978 to August 31, 1980, for a combined period of six years.

As provided for in § 353.54(e) of the Commerce Regulations, Asahi has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that tempered sheet glass used in patio doors thereafter imported into the United States is being sold at less than fair value.

Tentative Determination

As a result of our review, we tentatively determine to revoke the finding on tempered sheet glass from Japan. If this finding is revoked, it shall apply to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after September 12, 1975. Interested parties may submit written comments on these preliminary results on or before June 29, 1981 and may request disclosure and/or a hearing within 15 days of the date of publication. A request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review, tentative determination to revoke and notice are in accordance with section 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and § 353.54(e) of the Commerce Regulations (19 CFR 353.54(e)).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

May 21, 1981.

[FR Doc. 81-15867 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

50 CFR Part 296

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Agency Recommendation on Claim Filed Under Title IV, Outer Continental Shelf Lands Act Amendments of 1978 (Title IV).

SUMMARY: Notice is given that the Agency intends to recommend to the NOAA Office of Administrative Law Judges, which will decide the matter, that Title IV Claim No. FCF-63-79 be denied. Interested persons have 15 days to request the Administrative Law Judge (ALJ) to conduct an oral hearing concerning the claim or to request to be admitted as parties to any hearing on the claim.

DATES: Requests for oral hearing or to be admitted as a party must be received on or before June 12, 1981.

ADDRESS: Send requests to: NOAA Office of General Counsel (GCEL), Room 275, Page One Building, 2001 Wisconsin Avenue, NW, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Harry Feehan (address above). Telephone: (202) 254-8350.

SUPPLEMENTARY INFORMATION: Title IV, 43 USC 1841, established the Fishermen's Contingency Fund (Fund) to compensate commercial fishermen for vessel and gear damage and lost profits caused by items associated with oil or gas activities on the Outer Continental Shelf (OCS). On July 23, 1979, Claim No. FCF-63-79 was filed. The claim seeks compensation from the Fund of $6,164.60 for loss of a complete shrimp trawling rig and $14,256.00 for lost profits caused by Claimant's catching his gear on an obstruction on July 17, 1979, at coordinates 28°44.4' N and 91°37.6' W. As required by the 50 CFR Part 296 regulations implementing Title IV, notice of the claim was published on June 16, 1980 (45 FR 40632). This notice gave interested persons, as defined in 50 CFR 296.2, 30 days to advise the Chief of the National Marine Fisheries Service's Financial Services Division (FSD) that they wished to submit evidence concerning the claim or to be admitted as parties at any hearing held in respect to the claim. No response was received. This notice also advised that FSD may forward to NOAA General Counsel a proposed agency recommendation concerning the claim. FSD has done so in this case, with the proposal that the Agency recommend to the ALJ that the claim be paid in an amount agreed upon between Claimant and FSD. This was $9,335.48, consisting of $6,164.60 for damage to fishing gear and $3,170.88 for lost profits. The proposed settlement of a claim between a claimant and FSD is authorized by 50 CFR 296.8(c).

As provided by 50 CFR 296.8(d)(3), the Agency published notice in the **Federal Register** on October 27, 1980, that it had determined that this proposal would be the official Agency recommendation in this matter (45 FR 70956). However, since then, the Agency has obtained additional information which required reconsideration of the recommendation. This has led the Agency to the conclusion that Claimant's damage was caused by a sunken dredge not associated with oil and gas activities on the OCS.

Accordingly, pursuant to 50 CFR 296.8(d)(3), notice is given that NOAA General Counsel has determined that the claim should be denied, and will so recommend to the ALJ.

Any interested person who objects to this recommendation, or Claimant, may request that the ALJ who will be assigned to the case conduct an oral hearing concerning the claim. Any interested person may also request to be admitted as a party to any hearing concerning the claim. In either event, the request must be in writing and must be filed with General Counsel at the address and by the date set out above. If the request is for an oral hearing, the request must state the reasons why an oral hearing should be held. If the request is to be admitted as a party, the request must state why it was not filed in a timely manner under 50 CFR 296.8(a)(3)(v). The ALJ will rule on all such requests under 50 CFR 296.10(a)(3). Any interested person may obtain a copy of such portions of the claim as are disclosable by law by writing General Counsel at the above address.

No sooner than the close of the 15-day period referred to at the beginning of this notice, General Counsel will refer the claim, together with the agency recommendation and any requests received in response to this notice, to the NOAA Office of Administrative Law

Judges for adjudication. It is the present intention of the General Counsel to request the ALJ to decide this claim without oral hearing; but the General Counsel does not expect to have objection to a hearing if one is requested by Claimant or any interested party.

Final regulations governing the Title IV Program were published on January 24, 1980 (45 FR 6062), and July 2, 1980 (45 FR 44942).

Signed at Washington, D.C., this 21st day of May 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 81-15928 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-22-M

Marineland of New Zealand; Issuance of Permit

On September 3, 1980, Notice was published in the **Federal Register** (45 FR 58389), that an application had been filed with the National Marine Fisheries Service by The Marineland of New Zealand for a permit to take three (3) California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that on May 21, 1981, and as authorized ty the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Public display Permit for the above taking to The Marineland of New Zealand, subject to certain conditions set forth therein.

The permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 21, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-15948 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's Squid, Atlantic Mackerel, and Butterfish Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established a Squid, Atlantic Mackerel, and Butterfish Subpanel, which will meet to discuss amendment #3 to the Squid, Mackerel and Butterfish Fishery Management Plans. The meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

DATES: The public meeting will convene on Tuesday, June 30, 1981, at approximately 10 a.m., and will adjourn at approximately 4 p.m.

ADDRESS: The meeting will take place at the Best Western Philadelphia Airport Inn, Philadelphia International Airport, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: May 21, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-15949 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-22-M

Regional Fishery Management Councils, Chairpersons and Executive Directors; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The eight Regional Fishery Management Councils were established by Section 302 of the Magnuson Fishery Conservation and Management Act (MFCMA), Pub. L. 94–265. The Council Chairpersons and Executive Directors will hold public meetings.

Council Chairpersons' Proposed Agenda

The Council Chairpersons will meet with the Assistant Administrator for Fisheries, NMFS, and with NOAA/NMFS legal and administrative representatives on the following:

1. MFCMA Amendments

General discussion and attempt to arrive at uniform Council policy on amendments necessary to increase the efficiency of the Magnuson Act, speed the development and amendment of fishery management plans (FMPs) and reduce paperwork and costs of developing and implementing plans.

2. Alternate Approaches to the FMP Process

General discussion of the current FMP process; consideration of other approaches to compliance with the Magnuson Act than the formal implementation of FMPs; definition of fishery management units; determination of the need for management of a fishery resource; avenues for increased cooperation with State fishery management systems; cooperative State/Federal law enforcement with NOAA.

3. Determination of Fishery Conservation Zone Boundaries

In several places around the U.S., there are areas now defined as being within the fishery conservation zone that are completely enclosed by State waters. A solution is needed for jurisdiction and management of those areas.

4. Council Funding and NOAA Budget

A review of the Council budget process, an estimate of funding available through the next budgeting cycles (3 years); similar review of NOAA/NMFS budgets with particular reference to research and resource survey programs. Anticipated NMFS personnel reductions under new administration; new directions and policies of new administrators.

5. Ancillary Acts to the MFCMA

Jurisdiction of other acts, executive orders, and regulations as related to the Magnuson Act; ways to improve performance through amendment of the Act; administrative relief or other alternatives; classification of FMPs under Executive Order 12291 and discussion of approach to development of cost/benefit ratio.

6. Environmental Affairs and Fisheries Development

Role of the regional councils in environmental affairs and fishery development programs; jurisdiction of the councils; need to get involved; general role of the councils in these areas.

7. Reduction of Foreign Fishing in the Fishery Conservation Zone

Phaseout of foreign fishing off the U.S. as provided by the American Fisheries Promotion Act and in the original MFCMA.

8. Fish 'n Chips Policy

Status of the policy, current overtures from foreign governments; summary of decisions made to date, and future of the policy.

9. Joint Venture Status Report

Present joint venture activity; what is a joint venture? future of joint ventures in the American fishing industry; short-term influence, long-term influence—are these influences good or bad?

10. Status Report on U.S. Fishing Industry

Financing problems in the industry for boats, shore plants, operating money

(pack financing); effect of increased fuel costs; quality control of U.S. fishery products. Where is it? Where is it going? Will voluntary progress work or will mandatory quality standards eventually be necessary?

11. Implementation of American Fisheries Promotion Act

Seed funding for an expanded observer program; schedule for expanded observer coverage; foreign fishing phaseout; implementation of the developing aspects of the Act, including Saltonstall-Kennedy monies, use of foreign fishing fees, etc.

12. Review of Previous Council Chairpersons' Meeting—Unfinished Business

A number of business items have been included in the past Chairpersons' meetings where further reports were promised or expected. Those that have not been completed should be reviewed and answered insofar as possible.

Council Executive Directors' Proposed Agenda

The Council Executive Directors will meet with NOAA/NMFS administrators and legal counsel for a general discussion of matters pertaining to the Councils.

DATES: The Council Chairpersons' meeting will convene on Monday, June 22, 1981, at approximately 9 a.m., and will adjourn on Wednesday, June 24, 1981, at approximately 5 p.m., at the Elks Hall, Homer, Alaska. The Council Executive Directors' meetings will convene on Sunday, June 21, 1981, at approximately 1 p.m., and will adjourn at approximately 8 p.m., at the Lands Inn, Homer, Alaska. These meetings may be lengthened or shortened depending upon progress on the agendas.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

Dated: May 22, 1981.

Terry L. Leitzell,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81–15950 Filed 5–27–81; 8:45 am]

BILLING CODE 3510–22–M

Richard H. Lambertsen; Issuance of Permit To Import Endangered Marine Mammals

On April 8, 1981, Notice was published in the **Federal Register** (46 FR 21052), that an application had been filed with the National Marine Fisheries Service by Dr. Richard H. Lambertsen, Woods Hole, Massachusetts, for a Scientific Research and Scientific Purposes permit to import an unspecified number of specimens from various cetacean species for scientific research.

Notice is hereby given that on May 19, 1981, the National Marine Fisheries Service issued a Scientific Research and Scientific Purposes Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) to Dr. Richard H. Lambertsen subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the suject of this Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to Parts 220–222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: May 19, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–15947 Filed 5–27–81; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

National Museum of Natural History, Smithsonian Institution; Issuance of Permit To Import Marine Mammals and Endangered Species

On March 23, 1981, notice was published in the **Federal Register** (46 FR 18065), that an application has been filed with the National Marine Fisheries Service by the National Museum of Natural History, Smithsonian Institution, Washington, D.C. 20560 for a Scientific Research Permit to import specimen material from dugongs and cetaceans including some species listed as endangered.

Notice is hereby given that on May 21, 1981, the National Marine Fisheries Service and the Fish and Wildlife Service jointly issued a Scientific Research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) to the National Museum of Natural History, subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973.

This permit was also issued in accordance with, and is subject to Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits and Part 17 of Title 50 CFR, the Fish and Wildlife Service regulations governing endangered species.

In conjunction with this Permit, the Fish and Wildlife Service has issued a CITES permit to import specimen materials listed on the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora subject to Part 23 of Title 50 CFR.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;
Director, Fish and Wildlife Service, 1717 H Street, NW., Washington, D.C. 20240; and
Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930

Dated: May 21, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–15951 Filed 5–27–81; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Frequency Management Advisory Council;

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet from 9:30 a.m. to 3:30 p.m. on June 19, 1981, in the Aspen Room at the National Telecommunications and Information Administration, 1325 "G" Street, NW., Washington, D.C. (Public entrance to the building is on "G" Street, between 13th Street and 14th Street, NW.)

The Council was established on July 19, 1965. The objective of the Council is to advise the Secretary of Commerce on radio frequency spectrum allocation matters and means by which the effectiveness of Federal Government frequency management may be enhanced. The Council consists of 15 members whose knowledge of telecommunications is balanced in the functional areas of manufacturing, analysis and planning, operations, research, academia and international negotiations.

The agenda items for the meeting will be:

(1) Current developments within NTIA—Mr. Donald M. Jansky, Chairman.

(2) ITU Technical Assistance and Training of Foreign Personnel—Mr. John C. Hansen, NTIA.

(3) Discussion of FMAC Views on the Relationship of the USA with the ITU and on Preparations for the 1982 ITU Plenipotentiary Conference.

(4) Discussion of National Long Range Spectrum Planning.

(5) Any Procedural Business of the Council.

(6) Scheduling of the next meeting.

The meeting will be open to public observation; and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before June 17, 1981. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 15 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Council Control Officer, Mr. Charles L. Hutchison, National Telecommunications and Information Administration, Room 268, 1325 "G" NW., Washington, D.C. 20005, telephone 202–724–3301.

Dated: May 22, 1981.

Cloyd C. Dodson,

Committee Liaison Officer, National Telecommunications and Information Administration.

[FR Doc. 81-15968 Filed 5-27-81 8:45 am]

BILLING CODE 3510-60-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DoD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on July 1–2, 1981 at the Palisades Institute for Research Services, AGED, 1925 N. Lynn St., Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

May 22, 1981.

[FR Doc. 81-15966 Filed 5-27-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Special Education and Rehabilitative Services; Rehabilitation Long-Term Training—Training of Interpreters for Deaf Individuals

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of noncompeting continuation applications for Fiscal Year 1981.

Applications are invited for noncompeting continuation projects under the Training of Interpreters for Deaf Individuals Program.

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to any public or private non profit agency or organization or postsecondary institution.

The purpose of this program is to train skilled interpreters available for employment in public and private agencies involved in the provision of health, education, welfare, rehabilitation, employment and related services to deaf people.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award must be mailed or hand delivered by July 1, 1981.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.129W, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand delivered must

be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time), daily except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: Approximately $900,000 is currently expected to be available for support of noncompeting continuation projects in Fiscal Year 1981. The President has proposed a budget rescission to the Congress that may eliminate part or all of the funds for this program. However, the deadline established in this notice will not be extended, applicants should prepare and submit applications pending further notification.

Application Forms: Application forms and program information packages will be mailed to grantees who have been conducting interpreter training progams during the 1980–1981 academic year and who are eligible to apply for noncompeting continuation grant support under this Notice.

Applications must be prepared and submitted in accordance with the instructions and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 15 pages in length. The Secretary also urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Rehabilitation Long-Term Training Program (34 CFR Parts 385 and 386); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

Further Information: Paul R. Ackerman, Acting Deputy Assistant Secretary for External Affairs, OSERS, U.S. Department of Education, Room 3113, Mary E. Switzer Building, 330 C. Street, SW., Washington, D.C. 20201, Telephone: (202) 245–0341.

(Catalog of Federal Domestic Assistance No. 84.129W, Rehabilitation Long-Term Training Program)

Dated: May 18, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-15970 Filed 5-27-81; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Vocational Education; Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend.

DATE: June 18, 1981.

ADDRESS: The Capital Hilton Hotel, 16th and K Streets NW., Washington, D.C., Executive Club Room, Lobby Level.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90–576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The meeting of the National Advisory Council on Vocational Education, in conjunction with the Annual Joint Meeting of National and State Advisory Councils on Vocational Education, is open to the public, and the proposed agenda is as follows:

Thursday, June 18, 1981; 1:00 p.m. to 5:00 p.m.

Discussion of Positions on the Reauthorization of the Vocational Education Act:

—Council of Chief State School Officers
—National School Boards Association
—National Governors' Association
—Council of the Great City Schools

NACVE Committee Reports:

—Legislative
—Federal Programs
—Special Populations
—Technical Assistance

Discussion of NACVE Comprehensive Policy Statement Prior to the Council meeting, the following Committees will meet:

Legislative: Caucus I Room—8:00 to 10:00 a.m.

Discussion of reauthorization issues and drafting preliminary recommendations.

Federal Programs: Caucus I Room—10:00 to Noon

Discussion of vocational education and employment training programs, and impact on reauthorization of the Vocational Education Act.

Special Populations: California Room—10:00 to Noon

Discussion of various issues regarding services to special populations; discussion of possible recommendations from the *Study of Vocational Education in Correctional Institutions.*

Records are kept of the Council's proceedings, and are available for public inspection at the office of the National Advisory Council on Vocational Education from 9:00 a.m. to 5:00 p.m., 425 13th Street N.W., Suite 412, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: Viriginia Solt, NACVE Staff, at above address. Telephone (202) 376–8873.

Signed at Washington, D.C., on May 21, 1981.

Raymond C. Parrott,

Executive Director, National Advisory Council on Vocational Education.

[FR Doc. 81-15822 Filed 5-27-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81-24-NG]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Application for Authorization to Import Natural Gas From Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy gives notice of receipt on April 22, 1981, of an application from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) for authorization to import natural gas from Canada. Tennessee proposes to purchase and import up to 300,000 Mcf of natural gas per day from TransCanada Pipelines Limited

(TransCanada) pursuant to the terms of two Precedent Agreements and Gas Purchase Contracts. This first agreement provides for the sale and purchase of up to 100,000 Mcfd, with deliveries commencing on November 1, 1981, or as soon as possible thereafter, for an initial period of five years, and an option to extend the contract for an additional five year period, subject to agreement by buyer and seller. The second agreement provides for the sale and purchase of up to 200,000 Mcfd, with deliveries commencing on November 1, 1982, or as soon as possible thereafter, and a contract term consisting of a single ten-year period. The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and the Secretary of Energy's Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed on or before June 29, 1981.

FOR FURTHER INFORMATION CONTACT:

John W. Glynn or C. Eric Hager (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, RG–55, Washington, D.C. 20461 (202) 653–3286

Sue D. Sheridan (Office of General Counsel), Department of Energy, 1000 Independence Avenue, S.W., Room 5E–074, GC–15, Washington, D.C.20585 (202) 252–2900.

SUPPLEMENTARY INFORMATION: Under its two agreements with TransCanada, Tennessee will be entitled to purchase a total daily quantity of 300,000 Mcf of natural gas for resale. With respect to the 100,000 Mcfd contract, the natural gas will be delivered to Tennessee at the international border near Niagara Falls, New York. The 200,000 Mcfd contract authorizes the delivery of natural gas to other points along the international border in addition to the Niagara Falls location. Both contracts provide that TransCanada may, in its sole discretion and on a best efforts basis, sell to Tennessee such volumes of gas in excess of its daily contract quantities, but under no circumstances can the volumes sold exceed the total contract quantities.

The primary term of the natural gas purchase contract of 100,000 Mcfd is five years (November 1, 1981 thru October 31, 1986), with an optional give year extension to October 31, 1991, pending agreement between the seller and buyer on or before May 1, 1985. The primary term of the 200,000 Mcfd contract is ten years from the date deliveries commerce. Both contracts have provisions allowing an additional year for the delivery of contract quantities of gas not delivered during the primary contract term.

Each contract provides that the gas will be sold at the international border price established by the National Energy Board of Canada (NEB) for natural gas exports, currently U.S. $4.94 per MMBtu. Both contracts require Tennessee to take and pay for, or nevertheless pay for, an annual quantity of gas equal to seventy-five percent (75%) of the total daily contract quantity (300,000 Mcf) times the number of days in the contract year, less any volumes requested by Tennessee, but not delivered by TransCanada.

Tennessee will own and operate all facilities needed to provide transportation of the imported natural gas. Tennessee is also filing at this time a related application with the Federal Energy Regulatory Commission (FERC) requesting authority to construct and operate additional facilities needed for receipt and marketing of the volumes of gas proposed to be imported.

Tennessee cites several bases for requesting the authority to import natural gas from Canada, including supportive market data and analysis. Among the specific reasons listed by Tennessee are the firm's past inability to meet its customer requirements, the expectation that its supply deficiencies will continue throughout the proposed import term, and the need for additional supplies to enable Tennessee to meet winter peak day and seasonal demands and thereby minimize its customers' reliance on imported fuel oil.

Other Information

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make a protest with reference to the petitions should file a protest with the ERA. All protests filed with ERA will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

All petitions or protests are to be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8 and 1.10). Such petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., June 29, 1981.

A hearing will not be held unless a motion for a hearing is made by any party or persons seeking intervention and is granted by ERA, or if the ERA on its own motion believes that a hearing is required. If a hearing is required, due notice will be given.

A copy of Tennessee's petition is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, NW., Washington, D.C. 20461 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on May 20, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81–15819 Filed 5–27–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreements for Cooperation Between the Government of the United States of America and the Governments of Canada and Portugal Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of contractual arrangements for supply of materials as follows:

Contract Number S–EU–688, for 10 milligrams of uranium, enriched to 99.68% in U–236, for use as a standard for mass spectrometry for the study of rock chronology at the Office des Rayonnements Ionisants, France.

Contract Number S–CA–308, for 10 milligrams of thorium-230, for use in the mass spectrometric analysis of thorium-uranium oxide fuels from CANDU and research reactors by Atomic Energy of Canada, Ltd.

Contract Number S–PO–6, for 100 milligrams of uranium, enriched to 99.9% in U–235, to be used for determination of isotopic composition of uranium samples by the Laboratorio Nacional de Engenheria y Tecnologia Industrial, Portugal.

Contract Number S–PO–7, for 1 milligram of uranium-233, to be used for determination of uranium in organo-compounds by the Laboratorio

Nacional de Engenheria y Tecnologia Industrial, Portugal.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 21, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-15818 Filed 5-27-81 8:45 am]

BILLING CODE 6450-01-M

V 46 M Y 28 8 1 UMI

Federal Energy Regulatory Commission

[Volume 429]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Date Issued: May 18, 1981

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Date Issued: May 18, 1981.

JD NO	JA DKT	API NO	SEC C WELL NAME	FIELD NAME	PROC	PURCHASER
KANSAS CORPORATION COMMISSION						
-ADAIR OIL CO			RECEIVED: 04/29/81 JA: KS			
8128106	K 81-0083	1502500000 108	YORK B #1	SITKA	17.5	NORTHERN NATURAL GAS
-AMOCO PRODUCTION CO			RECEIVED: 04/29/81 JA: KS			
8128009	K 80-0860	1508120187 103	SEVER GAS UNIT NO 2	PANOMA	72.4	CITIES SERVICE GAS C
-AMOCO PRODUCTION CO			RECEIVED: 04/30/81 JA: KS			
8128121	K 81-0223	1505520407 103	CRAWFORD GAS UNIT A NO 3	PANOMA	44.0	CITIES SERVICE GAS C
8128155	K 81-0267	1517520457 103	EDNA SCOTT NO 3	LEMERT	124.6	ANADARKO PRODUCTION
8128120	K 81-0224	1508120176 103	HARRIET HOFFMANN NO 2	LEMON NW	17.5	NORTHERN NATURAL GAS
8128122	K 81-0222	1509320701 103	ROHLMAN GAS UNIT A /CG/ NO 2	PANOMA - COUNCIL GROVE	36.0	CITIES SERVICE GAS C
8128119	K 81-0225	1508120196 103	TATON GAS UNIT NO 2	PANOMA COUNCIL GROVE	44.0	CITIES SERVICE GAS C
-ANADARKO PRODUCTION COMPANY			RECEIVED: 04/29/81 JA: KS			
8128004	K 80-1087	1512920448 102	GREGG D NO 1	WILBURTON	883.0	PANHANDLE EASTERN PI
8128043	81-0024	1512920469 103	INTERSTATE C NO 1	INTERSTATE	13.0	PANHANDLE EASTERN PI
8128109	K 81-0079	1512920454 103	INTERSTATE F NO 3	INTERSTATE	15.0	PANHANDLE EASTERN PI
8128110	K 81-0078	1512920455 103	INTERSTATE F NO 4	INTERSTATE	22.0	PANHANDLE EASTERN PI
8128019	K81-0200	1512920404 103	INTERSTATE G NO 4	INTERSTATE	42.0	PANHANDLE EASTERN PI
8128111	K 81-0077	1512920473 103	INTERSTATE NO 14	INTERSTATE	25.0	PANHANDLE EASTERN PI
8127978	K 81-0091	1518920519 103	JENKINS B NO 1	PANOMA COUNCIL GROVE	34.0	PANHANDLE EASTERN PI
8128084	K 81-0099	1512920485 103	LIGHT J NO 1	PANOMA	37.0	PANHANDLE EASTERN PI
8128068	K-81-0218	1512920465 103	LINSCOTT A NO 4	INTERSTATE	60.0	PANHANDLE EASTERN PI
8128047	K-81-0168	1512920466 103	LINSCOTT B NO 4	INTERSTATE	110.0	PANHANDLE EASTERN PI
8127994	K 81-0209	1512920467 103	LINSCOTT B NO 5	INTERSTATE	10.0	PANHANDLE EASTERN PI
8128001	K 81-0075	1518920420 108	SMITH N NO 1	GENTZLER	14.0	PANHANDLE EASTERN PI
-ANADARKO PRODUCTION COMPANY			RECEIVED: 04/30/81 JA: KS			
8128144	K 81-0229	1512920470 103	INTERSTATE C NO 12	INTERSTATE	18.0	PANHANDLE EASTERN PI
8128124	K 81-0219	1512920483 103	KNELLER F NO 1	PANOMA COUNCIL GROVE	37.0	CIMARRON-QUINQUE A D
8128123	K 81-02200	1512920487 103	KNELLER G NO 1	PANOMA COUNCIL,GROVE	37.0	CIMARRON-QUINQUE A D
-AURORA INC			RECEIVED: 04/30/81 JA: KS			
8128132	K 81-0193	1504720724 103	SHANNON ESTATE WELL NO 1	EAST MCCLANAHAN	110.0	NORTHERN NATURAL GAS
-BARTLING OIL CO			RECEIVED: 04/29/81 JA: KS			
8128041	K 81-0033	1507120209 103	#1 WATSON FARMS	BYERLY	80.0	SUNFLOWER ELECTRIC C
-BENSON MINERAL GROUP			RECEIVED: 04/29/81 JA: KS			
8128065	K 79-1857	1512522152 108	COTHER #4-29	JEFFERSON - SYCAMORE	18.9	UNION GAS SYSTEMS IN
8127985	K 81-0181	1504720775 102	GALLUP #2-9	WIL	0.0	PANHANDLE EASTERN PI
8127981	K 81-0136	1514520701 102	LEWIS #1-10	BRYANT	365.0	NORTHERN NATURAL GAS
8128028	K 81-0182	1514520726 102	MOE #1-15	BRYANT	168.3	NORTHERN NATURAL GAS
8128015	K80-0524	1503522022 108	OLMSTEAD #1-1	WALNUT BEND	14.6	COLONIAL CORP
8128016	K80-0523	1503522123 108	OLMSTEAD #2-1	WALNUT BEND	14.6	COLONIAL CORP
8128064	K 79-1960	1512521985 108	ROBERTS #1-31	JEFFERSON - SYCAMORE	4.7	UNION GAS SYSTEMS IN
8128100	K 81-0130	1504720711 102	SCHULTZ F #1-15	WIL EXTENSION	0.0	PANHANDLE EASTERN PI
8127982	K 81-0135	1514520702 102	SMITH #1-13	BRYANT	985.5	NORTHERN NATURAL GAS

UMI 1 8 8 2 M Y 6 4 V

VOLUME 429 PAGE 002

JD NO	JA DKT	API NO	SEC	T	WELL NAME	FIELD NAME	PROD	PURCHASER
8127980	K 81-0137	1514520736	102		THOMPSON A #1-16	BRYANT	365.0	NORTHERN NATURAL GAS
8128063	K 79-1970	1512522145	108		WALLACE #1-24	JEFFERSON - SYCAMORE	5.1	UNION GAS SYSTEMS IN
8128061	K 80-0522	1503522117	108		WALTON #1-1	WALNUT BEND	2.9	COLONIAL CORP
8128062	K 80-0521	1503522118	108		WALTON #2-1	WALNUT BEND	2.9	COLONIAL CORP
-BENSON MINERAL GROUP					RECEIVED: 04/30/81 JA: KS			
8128163	K 81-0244	1514520724	102		BATCHMAN #1-10	BRYANT	113.9	NORTHERN NATURAL GAS
-BEREN CORPORATION					RECEIVED: 04/30/81 JA: KS			
8128138	K 81-0239	1500720871	103		BLACKSTOCK #5	HARDTNER	10.9	KANSAS GAS SUPPLY CO
8128162	K 81-0243	1507720625	103		DRAKE #1	SPIVEY GRABS	6.2	KANSAS GAS SUPPLY CO
-BLAIK OIL COMPANY					RECEIVED: 04/30/81 JA: KS			
8128139	K 81-0238	1511920070	108		MERKLE #1	ADAMS RANCH	16.0	COLORADO INTERSTATE
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 04/29/81 JA: KS			
8128031	K 81-0175	1500700000	108		DAVIS RANCH V NO 1	AETNA	1.0	CITIES SERVICE GAS C
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 04/30/81 JA: KS			
8128133	K 81-0192	1505520356	103		GARDEN C-10	PANOMA	200.0	KANSAS NEBRASKA NATU
8128134	K 81-0191	1509320458	103		UNREIN NO 2	PANOMA	21.0	KANSAS NEBRASKA NATU
-CITIES SERVICE COMPANY					RECEIVED: 04/29/81 JA: KS			
8127992	K 81-0277	1512920449	102		HARMAN B NO 1	WINTER MIDDLE MORROW OIL	14.0	
8127991	K 81-278	1512920479	102		HARMAN B NO 2	NORTH WINTER	11.0	
8128103	K 81-0228	1512920464	102		WEATHERFORD B NO 1	WINTER MIDDLE MORROW OIL	51.0	
8127993	K 81-0276	1512920492	102		WEATHERFORD C-2	WINTER MIDDLE MORROW OIL	100.0	
-CLARKE CORP					RECEIVED: 04/29/81 JA: KS			
8128080	K 81-0103	1500700000	108		CD WILLIAMS #1	RHODES	11.0	CITIES SERVICE GAS C
8128081	K 81-0102	1500700000	108		EARLYA #1	RHODES	9.0	CITIES SERVICE GAS C
8128078	K 81-0105	1500700000	108		GEHLEN #1	MCGUIRE - GOEMANN	8.0	CITIES SERVICE GAS C
8128077	K 81-0106	1500700000	108		GRAVES UNIT #2	HARDTNER	16.0	CITIES SERVICE GAS C
-CONTINENTAL ENERGY					RECEIVED: 04/29/81 JA: KS			
8128097	K 81-0085	1509300000	108		GRAY #1	HUGOTON	17.2	NORTHERN NATURAL GAS
8128096	K 81-0086	1505500000	108		MARTZ #1	GUGOTON	8.9	NORTHERN NATURAL GAS
8128095	K 81-0087	1505500000	108		TREKELL #2	HUGOTON	6.2	NORTHERN NATURAL GAS
-COOT OIL CO					RECEIVED: 04/29/81 JA: KS			
8128079	K 81-0104	1500720312	108		CLINE-MILLS #1	DEGEER - AE	12.0	CITIES SERVICE GAS C
-DNB DRILLING INC					RECEIVED: 04/29/81 JA: KS			
8127989	K 81-282	1507100000	103		RAUCH #1	BYERLY	109.5	
-DOME PETROLEUM CORP					RECEIVED: 04/29/81 JA: KS			
8128056	K 79-1861	1507520272	103		SIMMONDS #1	BRADSHAW	135.0	SUNFLOWER ELECTRIC C
8128055	K 79-1860	1507520241	103		WELTON #1	BRADSHAW	30.6	SUNFLOWER ELECTRIC C
8128054	K 79-1862	1507520289	103		WOOD #4	BRADSHAW	443.8	SUNFLOWER ELECTRIC C
-DONALD C GREEN & ELOISE S WALKER					RECEIVED: 04/29/81 JA: KS			
8128067	K 79-1290	1512500000	108		STEWART #2	JEFFERSON-SYCAMORE	7.3	BENSON MINERAL GROUP
8128066	K 79-1292	1512500000	108		STEWART #3	JEFFERSON-SYCAMORE	7.3	BENSON MINERAL GROUP
-EARL M KNIGHTON					RECEIVED: 04/29/81 JA: KS			
8128102	K 81-0227	1515120831	103		HEALY NO 1	PRATT	127.8	CENTRAL STATES GAS C
-EARL M KNIGHTON					RECEIVED: 04/30/81 JA: KS			
8128143	K 81-0230	1518500000	108		KIPP 2A	KIPP	16.4	CENTRAL STATES GAS C
-EARL M KNIGHTON OIL & GAS PROPERTIE					RECEIVED: 04/30/81 JA: KS			
8128142	K 81-0231	1518521007	103		KIPP NO 3A	KIPP	12.8	CENTRAL STATES GAS C
-EDMISTON OIL CO INC					RECEIVED: 04/29/81 JA: KS			
8127975	K 81-0094	1500720824	103		HARDTNER #1	HARDTNER	12.0	KANSAS GAS SUPPLY CO
8127972	K 81-0097	1500720721	103		HASKARD D #1	HARDTNER	7.2	KANSAS GAS SUPPLY CO
8128085	K 81-0098	1500720724	103		HASKARD D #2	HARDTNER	7.2	KANSAS GAS SUPPLY CO
8127973	K 81-0096	1500720767	103		HASKARD D #3	HARDTNER	7.2	KANSAS GAS SUPPLY CO

VOLUME 429 PAGE 003

JD NO	JA DKT	API NO	SEC	T	WELL NAME	FIELD NAME	PROD	PURCHASER
8127974	K 81-0095	1500720869	103		HASKARD D #4	HARDTNER	7.2	KANSAS GAS SUPPLY CO
8128046	K 81-0169	1500700000	108		MCGUIRE #1			

JD NO	JA ...T	API NO	SEC D	WELL NAME
8127974	K 81-0095	1500720869	103	HASKARD D #4
8128046	K 81-0169	1500700000	108	MCGUIRE #1
8127977	K 81-0092	1500720859	103	PIERSALL #1
8127976	K 81-0093	1500720866	103	PLATT #1
-ELDON J SCHIERLING				RECEIVED: 04/29/81 JA: KS
8128116	K 81-0148	1507720607	103	OSCAR SMITH #1
-F & M OIL CO INC				RECEIVED: 04/30/81 JA: KS
8128137	K 81-0188	1515520506	102	ELWARD #2
-F G HOLL				RECEIVED: 04/29/81 JA: KS
8127971	K 81-0139	1504720697	103	CUDNEY A NO 3-4
8127979	K 81-0138	1504720670	103	MAYHEW A NO 2-4
8128104	K 81-0157	1504720682	102	TWITCHELL NO 1-2
-FOURTH NATL BANK & TRUST FOR BEN F				RECEIVED: 04/30/81 JA: KS
8128136	K 81-0189	1500700000	108	BAIER - BOWMAN #1
-FRENCH & WINTERSCHEID INC				RECEIVED: 04/30/81 JA: KS
8128156	K 81-0266A	1503120799	103	BEYER #1
-GATOR OIL CO				RECEIVED: 04/29/81 JA: KS
8128113	K 81-0151	1512522273	102	MCCONNELL EAST #1
8128112	K 81-0152	1512522274	102	MCCONNELL EAST #2
8128114	K 81-0150	1512522275	102	MCCONNELL EAST #3
8128052	K 81-0153	1512522276	102	MCCONNELL EAST #4
8128115	K 81-0149	1512521900	102	MCCONNELL NORTH B-2
-GEORGE A ANGLE				RECEIVED: 04/29/81 JA: KS
8128101	K 81-0129	1516500000	108	ROTHE #1
-GRAHAM-MICHAELIS CORP				RECEIVED: 04/29/81 JA: KS
8128076	K 81-01007	1511900000	108	ADAMS D #2
-GRAVES DRILLING CO INC				RECEIVED: 04/29/81 JA: KS
8128086	K 81-0187	1500721017	103	GIBSON NO 1
-GRAVES DRILLING CO INC				RECEIVED: 04/30/81 JA: KS
8128140	K 81-0237	1507720562	103	WARREN NO 1
-GULF OIL CORPORATION				RECEIVED: 04/30/81 JA: KS
8128146	K 81-0264	1500721038	103	SCHOOL TRUST #4-4
-HAROLD J MILBURN				RECEIVED: 04/29/81 JA: KS
8128083	K 81-0100	1507920495	103	ADRIAN #I
-HAWKINS OIL & GAS INC				RECEIVED: 04/30/81 JA: KS
8128141	K 81-0232	1500721024	103	MONTGOMERY #1-2E
-HELMERICH & PAYNE INC				RECEIVED: 04/29/81 JA: KS
8128051	K 81-0163	1508100000	108	YOUNT NO 1
-IMPERIAL OIL COMPANY				RECEIVED: 04/30/81 JA: KS
8128164	K 81-0073	1504720772	102	ROENBAUCH #6-27
-INTERNORTH INC				RECEIVED: 04/29/81 JA: KS
8128092	K 81-0090	1502520208	103	THEIS W #1-5
8128093	K 81-0089	1502520191	103	THEIS W 1-9
-J MARK RICHARDSON				RECEIVED: 04/29/81 JA: KS
8128034	K 81-0172	1509720420	103	CATE #1
8128045	K 81-0170	1509720604	103	ELLER B #2
8128088	K 81-0183	1509720448	108	NELSON #2
8128044	K 81-0171	1509720560	103	WHEELER #1-C
8128033	K 81-0173	1509720550	103	WHEELER B #1
-J-W OPERATING COMPANY				RECEIVED: 04/29/81 JA: KS
8128030	K 81-0176	1502320151	102	A ZWEYGARDT #6
8127988	K 81-0178	1502320138	102	J CULWELL #1

FIELD NAME	PROD	PURCHASER
HARDTNER	7.2	KANSAS GAS SUPPLY CO
RHODES N E	8.0	CITIES SERVICE GAS C
HARDTNER	12.0	KANSAS GAS SUPPLY CO
HARDTNER	12.0	KANSAS GAS SUPPLY CO
WC	60.0	PEOPLES NAT GAS
ELWARD	30.0	PANHANDLE EASTERNPIP
WIL	270.0	CENTRAL STATES GAS C
WIL	80.0	CENTRAL STATES GAS C
MASSEY	150.0	NORTHERN NATURAL GAS
AETNA	12.0	CITIES SERVICE GAS C
BEYER	25.0	PHILLIPS PETROLEUM C
JEFFERSON SYCAMORE	912.5	UNION GAS SYSTEMS IN
JEFFERSON SYCAMORE	912.5	UNION GAS SYSTEMS IN
JEFFERSON/SYCAMORE	912.5	UNION GAS SYSTEMS IN
JEFFERSON/SYCAMORE	912.5	UNION GAS SYSTEMS IN
JEFFERSON/SYCAMORE	912.5	UNION GAS SYSTEMS IN
REICHEL	20.0	KANSAS-NEBRAKSA NATU
ADAMS RANCH	18.0	COLORADO INTERSTATE
BLOOMER	21.6	CITIES SERVICE GAS
SPIVEY - GRABS	18.0	CITIES SERVICE CO
HARDTNER	53.0	CITIES SERVICE GAS C
BURRTON NORTHEAST	20.0	PEOPLES NATURAL GAS
	72.0	PEOPLES NATURAL GAS
HUGOTON 337687	12.0	CITIES SERVICE GAS C
PULL	730.0	KANSAS-NEBRASKA NATU
MCKINNEY	90.0	INTERNORTH INC
MCKINNEY	112.0	INTERNORTH INC
FRALICK W	20.0	PANHANDLE EASTERN PI
ALFORD	500.0	KANSAS GAS SUPPLY CO
FRALICK SOUTH	10.0	PANHANDLE EASTERN PI
ALFORD EXT	200.0	KANSAS GAS SUPPLY CO
ALFORD	400.0	KANSAS GAS SUPPLY CO
CHERRY CREEK	72.3	CITIES SERVICE GAS C
CHERRY CREEK	29.2	CITIES SERVICE GAS C

UMI 1 8 8 2 M Y 6 4 V

VOLUME 429 PAGE 004

JD NO	DA NBR	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8128029	K 81-0177	1502320143	102	ROBERT WALTER A-4	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8127987	K 81-0179	1502320130	102	RUDOLPH WALTER #7	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-KANSAS OIL CORP				RECEIVED: 04/30/81 JA: KS			
8128145	K 81-0266	1500720841	103	PROUSE NO 1	AETNA MISSISSIPPI GAS PO	126.0	CITIES SERVICE GAS C
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED: 04/29/81 JA: KS			
8128048	K 81-0167	1509320963	103	LEE 12-2	PANOMA-COUNCIL GROVE	87.0	KANSAS-NEBRASKA NATU
8128049	K 81-0166	1509320652	103	LEE 26-2	PANOMA-COUNCIL GROVE	87.0	KANSAS-NEBRASKA NATU
8128003	K 80-1098	1509320671	103	WIATT 1-2	PANOMA COUNCIL GROVE	87.0	KANSAS-NEBRASKA NATU
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED: 04/30/81 JA: KS			
8128166	K 81-0070	1507500000	108	0620-A GOULD #1	BRADSHAW	22.0	
-KBW OIL & GAS CO				RECEIVED: 04/29/81 JA: KS			
8128032	K 81-0174	1500720987	103	PLATT NO 2		36.0	KANSAS GAS SUPPLY CO
-KENNETH LUFF INC				RECEIVED: 04/29/81 JA: KS			
8127984	K 81-0133	1511920146	108	NO 1 MOHLER	ADAMS RANCH	8.0	COLORADO INTERSTATE
-LEBEN OIL CORP				RECEIVED: 04/29/81 JA: KS			
8128002	K 81-0074	1511920081	108	KOEHN #1	STEVENS	14.8	PANHANDLE EASTERN PI
-LEE BANKS				RECEIVED: 04/29/81 JA: KS			
8128005	K 80-1030	1505720146	108	FLETCHER #1	PLEASANT VALLEY	12.8	NORTHERN NATURAL GAS
-LEEMAN ENERGY CORP				RECEIVED: 04/29/81 JA: KS			
8128038	81-0257	1509720685	103	ROBBINS RANCH #2-22A		91.0	KANSAS GAS SUPPLY CO
-LIEBL - SCHIERLING				RECEIVED: 04/29/81 JA: KS			
8128117	K 81-0147	1509500000	103	ALTA #1		100.0	CENTRAL STATES GAS C
-MAY PETROLEUM INC				RECEIVED: 04/30/81 JA: KS			
8128154	K 81-0268	1500720959	103	STERNBERGER #1	AETNA GAS AREA	274.0	KANSAS GAS SUPPLY CO
-MCCOY PETROLEUM CORP				RECEIVED: 04/29/81 JA: KS			
*8128006	K 80-1006	1509520965	103	DIRKS B #1	SPIVEY-GRABS	75.0	NORTHERN NATURAL GAS
*8128007	K 80-1005	1509520971	103	WESTERMAN A #1	SPIVEY-GRABS	100.0	NORTHERN NATURAL GAS
-MCKELVY OPERATING CORP				RECEIVED: 04/29/81 JA: KS			
8127995	K 81-0208	1505500000	108	GANO #35	HUGOTON	16.0	NORTHERN NATURAL GAS
8127996	K 81-0207	1505500000	108	HARMS #6	HUGOTON	0.0	CITIES SERVICE GAS C
8127997	K 81-0206	1505500000	108	R GREATHOUSE #1	HUGOTON	6.0	NORTHERN NATURAL GAS
-MESA PETROLEUM				RECEIVED: 04/29/81 JA: KS			
8128091	K 80-0613	1511920388	102	ADAMS #4-18	CIMMARON BEND	20.0	KANSAS POWER & LIGHT
8128008	K 80-0986	1506720577	103	J E NOVOTNY 2-35	PANOMA COUNCIL GROVE	60.0	CITIES SERVICE GAS C
-MOBIL OIL CORP				RECEIVED: 04/29/81 JA: KS			
8128059	K 81-0251	1509320668	103	H G WITT UNIT NO 1	PANOMA	70.0	CITIES SERVICE GAS C
8128058	K 81-0252	1512920430	103	L T JOHNSON UNIT NO 2	PANOMA	70.0	NORTHERN NATURAL GAS
8128057	K 81-0253	1518920507	103	STELLA I SIMPSON UNIT NO 1	PANOMA	70.0	NORTHERN NATURAL GAS
-MOBIL OIL CORP				RECEIVED: 04/30/81 JA: KS			
8128161	K 81-0245	1509320663	103	FRANK BLESS UNIT NO 1	PANOMA	70.0	CITIES SERVICE GAS C
8128160	K 81-0246	1518920506	103	SHERWOOD-WINTER UNIT NO 1	PANOMA	70.0	NORTHERN NATURAL GAS
-NORTHERN NATURAL GAS PRODUCING CO				RECEIVED: 04/29/81 JA: KS			
8128060	K 81-0250	1518920508	103	HARRISON UNIT NO 2	PANOMA	70.0	NORTHERN NATURAL GAS
8128053	K 81-0254	1518920518	103	LEMERT UNIT NO 3	PANOMA	70.0	NORTHERN NATURAL GAS
8128040	K 81-0255	1518920526	103	LOUIS PROIDO UNIT NO 1	PANOMA	70.0	NORTHERN NATURAL GAS
-NORTHERN NATURAL GAS PRODUCING CO				RECEIVED: 04/30/81 JA: KS			
8128158	K 81-0248	1518920525	103	ARTHUR TAYLOR UNIT NO 1	PANOMA	70.0	NORTHERN NATURAL GAS
8128159	K 81-0247	1518920524	103	N J MADDEN UNIT NO 1	PANOMA	70.0	NORTHERN NATURAL GAS
8128157	K 81-0249	1518920523	103	THOMAS T HOLT UNIT NO 1	PANOMA	70.0	NORTHERN NATURAL GAS
-PAN EASTERN EXPLORATION COMPANY				RECEIVED: 04/29/81 JA: KS			
8128000	K 81-0076	1512900000	108	DAVIS #1-3	HUGOTON	18.0	PANHANDLE EASTERN PI
8128094	K 81-0088	1512900000	108	EAGLEY #1-2	HUGOTON	18.0	PANHANDLE EASTERN PI

VOLUME 429 PAGE 005

JD NO	DA NBR	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-PAN EASTERN EXPLORATION COMPANY				RECEIVED: 04/30/81 JA: KS			
8128165	K 81-0273	1512700000	108	HUELSKAMP #1-3	HUGOTON	18.0	PANHANDLE EASTERN PI
-PANHANDLE EASTERN PIPE LINE CO				RECEIVED: 04/29/81 JA: KS			
8128009	K 81-0178	1502320131	102	ROBERT WALTER A-5	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128010	K 81-0180	1502320132	102	RUDOLPH WALTER #8	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128011	K 81-0181	1502320133	102	ROBERT WALTER A-6	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128012	K 81-0182	1502320134	102	RUDOLPH WALTER #9	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128013	K 81-0183	1502320135	102	ROBERT WALTER A-7	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128014	K 81-0184	1502320136	102	RUDOLPH WALTER #10	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128015	K 81-0185	1502320137	102	ROBERT WALTER A-8	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128016	K 81-0186	1502320138	102	RUDOLPH WALTER #11	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128017	K 81-0187	1502320139	102	ROBERT WALTER A-9	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128018	K 81-0188	1502320140	102	RUDOLPH WALTER #12	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128019	K 81-0189	1502320141	102	ROBERT WALTER A-10	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128020	K 81-0190	1502320142	102	RUDOLPH WALTER #13	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128021	K 81-0191	1502320144	102	ROBERT WALTER A-11	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128022	K 81-0192	1502320145	102	RUDOLPH WALTER #14	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128023	K 81-0193	1502320146	102	ROBERT WALTER A-12	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128024	K 81-0194	1502320147	102	RUDOLPH WALTER #15	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128025	K 81-0195	1502320148	102	ROBERT WALTER A-13	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128026	K 81-0196	1502320149	102	RUDOLPH WALTER #16	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128027	K 81-0197	1502320150	102	ROBERT WALTER A-14	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128028	K 81-0198	1502320151	102	RUDOLPH WALTER #17	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128030	K 81-0199	1502320152	102	ROBERT WALTER A-15	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128031	K 81-0200	1502320153	102	RUDOLPH WALTER #18	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128033	K 81-0201	1502320154	102	ROBERT WALTER A-16	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128034	K 81-0202	1502320155	102	RUDOLPH WALTER #19	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128035	K 81-0203	1502320156	102	ROBERT WALTER A-17	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128036	K 81-0204	1502320157	102	RUDOLPH WALTER #20	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128037	K 81-0205	1502320158	102	ROBERT WALTER A-18	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128039	K 81-0206	1502320159	102	RUDOLPH WALTER #21	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128041	K 81-0207	1502320160	102	ROBERT WALTER A-19	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128042	K 81-0208	1502320161	102	RUDOLPH WALTER #22	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128043	K 81-0209	1502320162	102	ROBERT WALTER A-20	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128044	K 81-0210	1502320163	102	RUDOLPH WALTER #23	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128045	K 81-0211	1502320164	102	ROBERT WALTER A-21	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128046	K 81-0212	1502320165	102	RUDOLPH WALTER #24	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128047	K 81-0213	1502320166	102	ROBERT WALTER A-22	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128050	K 81-0214	1502320167	102	RUDOLPH WALTER #25	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128051	K 81-0215	1502320168	102	ROBERT WALTER A-23	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128052	K 81-0216	1502320169	102	RUDOLPH WALTER #26	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128054	K 81-0217	1502320170	102	ROBERT WALTER A-24	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128055	K 81-0218	1502320171	102	RUDOLPH WALTER #27	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128056	K 81-0219	1502320172	102	ROBERT WALTER A-25	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128061	K 81-0220	1502320173	102	RUDOLPH WALTER #28	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128062	K 81-0221	1502320174	102	ROBERT WALTER A-26	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128063	K 81-0222	1502320175	102	RUDOLPH WALTER #29	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128064	K 81-0223	1502320176	102	ROBERT WALTER A-27	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128065	K 81-0224	1502320177	102	RUDOLPH WALTER #30	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128066	K 81-0225	1502320178	102	ROBERT WALTER A-28	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128067	K 81-0226	1502320179	102	RUDOLPH WALTER #31	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128068	K 81-0227	1502320180	102	ROBERT WALTER A-29	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128069	K 81-0228	1502320181	102	RUDOLPH WALTER #32	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128070	K 81-0229	1502320182	102	ROBERT WALTER A-30	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128071	K 81-0230	1502320183	102	RUDOLPH WALTER #33	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128072	K 81-0231	1502320184	102	ROBERT WALTER A-31	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128073	K 81-0232	1502320185	102	RUDOLPH WALTER #34	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128074	K 81-0233	1502320186	102	ROBERT WALTER A-32	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128075	K 81-0234	1502320187	102	RUDOLPH WALTER #35	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128076	K 81-0235	1502320188	102	ROBERT WALTER A-33	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128077	K 81-0236	1502320189	102	RUDOLPH WALTER #36	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128078	K 81-0237	1502320190	102	ROBERT WALTER A-34	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128079	K 81-0238	1502320191	102	RUDOLPH WALTER #37	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128080	K 81-0239	1502320192	102	ROBERT WALTER A-35	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128081	K 81-0240	1502320193	102	RUDOLPH WALTER #38	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128082	K 81-0241	1502320194	102	ROBERT WALTER A-36	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128083	K 81-0242	1502320195	102	RUDOLPH WALTER #39	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128084	K 81-0243	1502320196	102	ROBERT WALTER A-37	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128085	K 81-0244	1502320197	102	RUDOLPH WALTER #40	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128086	K 81-0245	1502320198	102	ROBERT WALTER A-38	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128087	K 81-0246	1502320199	102	RUDOLPH WALTER #41	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128088	K 81-0247	1502320200	102	ROBERT WALTER A-39	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128089	K 81-0248	1502320201	102	RUDOLPH WALTER #42	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128090	K 81-0249	1502320202	102	ROBERT WALTER A-40	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128092	K 81-0250	1502320203	102	RUDOLPH WALTER #43	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128093	K 81-0251	1502320204	102	ROBERT WALTER A-41	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128095	K 81-0252	1502320205	102	RUDOLPH WALTER #44	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128096	K 81-0253	1502320206	102	ROBERT WALTER A-42	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128097	K 81-0254	1502320207	102	RUDOLPH WALTER #45	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128098	K 81-0255	1502320208	102	ROBERT WALTER A-43	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128099	K 81-0256	1502320209	102	RUDOLPH WALTER #46	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128100	K 81-0257	1502320210	102	ROBERT WALTER A-44	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128101	K 81-0258	1502320211	102	RUDOLPH WALTER #47	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128102	K 81-0259	1502320212	102	ROBERT WALTER A-45	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128103	K 81-0260	1502320213	102	RUDOLPH WALTER #48	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128104	K 81-0261	1502320214	102	ROBERT WALTER A-46	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128105	K 81-0262	1502320215	102	RUDOLPH WALTER #49	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128106	K 81-0263	1502320216	102	ROBERT WALTER A-47	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128107	K 81-0264	1502320217	102	RUDOLPH WALTER #50	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128108	K 81-0265	1502320218	102	ROBERT WALTER A-48	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128109	K 81-0266	1502320219	102	RUDOLPH WALTER #51	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128110	K 81-0267	1502320220	102	ROBERT WALTER A-49	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128111	K 81-0268	1502320221	102	RUDOLPH WALTER #52	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128112	K 81-0269	1502320222	102	ROBERT WALTER A-50	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128113	K 81-0270	1502320223	102	RUDOLPH WALTER #53	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128114	K 81-0271	1502320224	102	ROBERT WALTER A-51	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128115	K 81-0272	1502320225	102	RUDOLPH WALTER #54	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128116	K 81-0273	1502320226	102	ROBERT WALTER A-52	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128118	K 81-0274	1502320227	102	RUDOLPH WALTER #55	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128119	K 81-0275	1502320228	102	ROBERT WALTER A-53	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128120	K 81-0276	1502320229	102	RUDOLPH WALTER #56	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128121	K 81-0277	1502320230	102	ROBERT WALTER A-54	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128122	K 81-0278	1502320231	102	RUDOLPH WALTER #57	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128123	K 81-0279	1502320232	102	ROBERT WALTER A-55	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128124	K 81-0280	1502320233	102	RUDOLPH WALTER #58	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128125	K 81-0281	1502320234	102	ROBERT WALTER A-56	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128126	K 81-0282	1502320235	102	RUDOLPH WALTER #59	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128127	K 81-0283	1502320236	102	ROBERT WALTER A-57	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128128	K 81-0284	1502320237	102	RUDOLPH WALTER #60	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128129	K 81-0285	1502320238	102	ROBERT WALTER A-58	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128130	K 81-0286	1502320239	102	RUDOLPH WALTER #61	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128131	K 81-0287	1502320240	102	ROBERT WALTER A-59	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128132	K 81-0288	1502320241	102	RUDOLPH WALTER #62	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128133	K 81-0289	1502320242	102	ROBERT WALTER A-60	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128134	K 81-0290	1502320243	102	RUDOLPH WALTER #63	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128135	K 81-0291	1502320244	102	ROBERT WALTER A-61	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128136	K 81-0292	1502320245	102	RUDOLPH WALTER #64	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128137	K 81-0293	1502320246	102	ROBERT WALTER A-62	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128138	K 81-0294	1502320247	102	RUDOLPH WALTER #65	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128139	K 81-0295	1502320248	102	ROBERT WALTER A-63	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128140	K 81-0296	1502320249	102	RUDOLPH WALTER #66	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128141	K 81-0297	1502320250	102	ROBERT WALTER A-64	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128142	K 81-0298	1502320251	102	RUDOLPH WALTER #67	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128143	K 81-0299	1502320252	102	ROBERT WALTER A-65	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128144	K 81-0300	1502320253	102	RUDOLPH WALTER #68	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128146	K 81-0301	1502320254	102	ROBERT WALTER A-66	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128147	K 81-0302	1502320255	102	RUDOLPH WALTER #69	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128148	K 81-0303	1502320256	102	ROBERT WALTER A-67	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128149	K 81-0304	1502320257	102	RUDOLPH WALTER #70	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128150	K 81-0305	1502320258	102	ROBERT WALTER A-68	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128151	K 81-0306	1502320259	102	RUDOLPH WALTER #71	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128152	K 81-0307	1502320260	102	ROBERT WALTER A-69	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128153	K 81-0308	1502320261	102	RUDOLPH WALTER #72	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-PETROLEUM PROPERTIES INC				RECEIVED: 04/29/81 JA: KS			
8128155	K 81-0309	1502320262	102	ROBERT WALTER A-70	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8128156	K 81-0310	1502320263	102	RUDOLPH

JD NO	JA NO	API NO	SEC & WELL NAME
-PAN EASTERN EXPLORATION COMPANY			RECEIVED: 04/30/81 JA: KS
8128165	K 81-0072	1517500000 108	HARNDEN #1-34
-PETROLEUM ENTERPRISES			RECEIVED: 04/29/81 JA: KS
8128012	K80-0636	1503521811 108	CHAPIN #1
8128011	K80-0637	1503522225 108	CHAPIN #2
8128014	K80-0629	1503502180 108	HITTLE #1
8128013	K80-0633	1503522162 108	MABEL #1
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 04/29/81 JA: KS
8128018	K81-0202	1500700000 108	GILBERT AB #1
8128073	K 81-0211	1507920432 103	GOERING B #1
8128098	K 81-0132	1511900000 108	HERMAN A #1
8128071	K 81-0213	1507700000 108	PILLAR A #2
8128072	K 81-0212	1507920384 108	SCHRAG A #1
8127998	K 81-0205	1507920426 103	SCHRAG B #1
8128017	K81-0203	1507920427 103	SCHRAG C #1
8127999	K 81-0204	1507020424 103	WEDEL A #1
-RANGE OIL COMPANY INC			RECEIVED: 04/29/81 JA: KS
8128105	K 81-0084	1503522657 102	MOSLER #1
-RAYMOND OIL COMPANY INC			RECEIVED: 04/29/81 JA: KS
8128026	K80-0693	1509520920 103	BERRY NO 1
-RESOURCES INVESTMENT CORPORATION			RECEIVED: 04/29/81 JA: KS
8128039	K 81-0256	1502520071 108	BERAS G003
-RINCON OPERATING CO			RECEIVED: 04/30/81 JA: KS
8128168	K 81-0047	1517520481 103	WHITNEY #1 API 15-175-20481
-RINE DRILLING CO			RECEIVED: 04/29/81 JA: KS
8127986	K 81-0180	1502520335 103	BARBY #2-21
8128089	K 81-0280	1502520425 102	BARBY #3-21
-RINE DRILLING CO			RECEIVED: 04/30/81 JA: KS
8128126	K 81-0128	1502520395 103	SHUPE-HARPER #1-15-A
-SOUTHLAND ROYALTY CO			RECEIVED: 04/29/81 JA: KS
8127990	K 81-0279	1511920378 103	ADAMS 6-11
8128070	K 81-0215	1506720583 103	SULLIVAN 1-26A
-SOUTHLAND ROYALTY CO			RECEIVED: 04/30/81 JA: KS
8128125	K 81-0226	1518920419 103	MAHONEY #1-2
-STERLING DRILLING & PROD CO INC			RECEIVED: 04/30/81 JA: KS
8128129	K 81-0111	1505320447 102	MALIR #1
8128130	K 81-0110	1505320280 102	NIENKE #1
8128131	K 81-0109	1505320312 102	THIELEN #1
-TENNECO OIL COMPANY			RECEIVED: 04/30/81 JA: KS
8128128	K 81-0116	1519121110 102	STRUNK 1-29
-TEXAS ENERGIES INC			RECEIVED: 04/29/81 JA: KS
8128050	K 81-0165	1515120774 103	COMPS NO 1
-TEXAS OIL & GAS CORP			RECEIVED: 04/29/81 JA: KS
8128082	K 81-0101	1509720655 103	FANKHAUSER D #1
8128075	K 81-0108	1505720189 103	KIRKPATRICK 2X
8128090	K 81-0185	1500721049 102	WALKER F #2
-THE MAURICE L BROWN COMPANY			RECEIVED: 04/29/81 JA: KS
8128107	K 81-0082	1517120147 108	GLADYS MARTIN #1
8128108	K 81-0081	1509720639 103	YOST #1
-TOMLINSON OIL CO INC			RECEIVED: 04/30/81 JA: KS
8128135	K 81-0190	1518520422 108	HARKNESS #5
-TRIGG DRILLING COMPANY INC			RECEIVED: 04/29/81 JA: KS

FIELD NAME	PROD	PURCHASER
HUGOTON	18.0	PANHANDLE EASTERN PI
POSEY	0.5	COLONIAL CORP
POSEY	1.0	COLONIAL CORP
POSEY	4.5	COLONIAL CORP
POSEY	3.6	COLONIAL CORP
GILBERT	3.9	KANSAS POWER & LIGHT
HARMAC	328.8	
STEVENS MORROW	14.0	PANHANDLE EASTERN PI
SPIVEY - GRABS	9.0	KANSAS POWER & LIGHT
HARMAC	14.3	PHILLIPS PIPELINE CO
HARMAC	152.0	
HARMAC	255.0	
HARMAC	154.0	
WILDCAT	118.6	CITIES SERVICE GAS C
SPIVEY GRABS	15.8	
MCKINNEY	17.4	NORTHERN NATURAL GAS
HUGOTON (MORROW)	200.0	COLORADO INTERSTATE
SNAKE CREEK - BARBY #2-2	128.0	NORTHERN NATURAL GAS
SNAKE CREEK - BARBY #3-2	11.0	NORTHERN NATURAL GAS
SNAKE CREEK - SHUPE-HARP	128.0	NORTHERN NATURAL GAS
CIMARRON BEND	91.0	COLORADO INTERSTATE
HUGOTON	320.0	PANHANDLE EASTERN PI
	75.0	NORTHERN NATURAL GAS
GRUBB EXT	180.8	GARFIELD GAS GATHERI
GRUBB	180.0	GARFIELD GAS GATHERI
GRUBB	180.0	GARFIELD GAS GATHERI
	36.0	
SAWYER	7.3	CENTRAL STATES GAS C
WELLSFORD	73.0	PANHANDLE EASTERN
PLEASANT VALLEY	255.5	DELHI CORP
UNNAMED	146.0	DELHI
	16.0	KANSAS-NEBRASKA NATU
ALFORD EXTENSION	182.0	KANSAS GAS SUPPLY
MACKSVILLE	11.0	KANSAS NEBRASKA NATU

JD NO	JA DKT	API NO	SEC	T	WELL NAME	FIELD NAME	PROD	PURCHASER
8128042	K 81-0028	1502520339	103		EWY 1-36		40.0	NORTHERN NATURAL GAS
-VINCENT OIL CORP					RECEIVED: 04/29/81 JA: KS			
8128024	K81-0194	1507920492	103		DLS UNIT #1	EXT/BURTON NE	20.0	PEOPLES NATURAL GAS
8128069	K 81-0216	1515120756	102		FRUIT #2	FRUIT	22.4	PANHANDLE EASTERN PI
8128087	K 81-0186	1500721014	103		LANDWEHR #1	EXT/SHARON N W	0.0	CITIES SERVICE GAS C
8128074	K 81-0210	1500720924	103		MCGUIRE #1	MCGUIRE-GOEMANN EXT	40.0	PANHANDLE EASTERN PI
8128023	K81-0195	1507920487	103		SEEDLE #1	EXT/BURRTON N/E	80.0	PEOPLES NATURAL GAS
-W R ALLAM					RECEIVED: 04/29/81 JA: KS			
8128022	K 81-0196	1507900000	103		EVELYN DICK #2	NORTH BURRTON	109.5	PEOPLES NATURAL GAS
-W R MURFIN D/B/A MURFIN DRILLING CO					RECEIVED: 04/29/81 JA: KS			
8128025	K80-0697	1502320060	108		DAMKROGER #1-6 GAS UNIT	CHERRY CREEK	18.0	PEOPLES NATURAL GAS
8128010	K 80-0685	1502320029	108		LEACH #1-29 GAS UNIT	CHERRY CREEK	11.0	PEOPLES NATURAL GAS
8128027	K 80-0686	1502321061	108		NELLIE JENKINS #1-31 GAS UNIT	CHERRY CREEK	13.0	PEOPLES NATURAL GAS
-WAYMAN W BUCHANAN					RECEIVED: 04/29/81 JA: KS			
8127983	K 81-0134	1507120169	103		ROSS NO 1	WILDCAT	109.5	SUNFLOWER ELECTRIC C
8128099	K 81-0131	1507120172	103		ROSS NO 2	WILDCAT	109.5	SUNFLOWER ELECTRIC C
-WAYMAN W BUCHANAN					RECEIVED: 04/30/81 JA: KS			
8128127	K 81-0127	1507120168	103		BRUNSWIG A #1	NORTH BYERLY	182.5	SUNFLOWER ELECTRIC C
-WELLS ENERGY CO					RECEIVED: 04/29/81 JA: KS			
8128021	K81-0197	1505720167	103		VICE WELL #1	PLEASANT VALLEY FIELD	183.0	KANSAS GAS SUPPLY CO
8128020	K81-0198	1505720184	103		VICE WELL #2	PLEASANT VALLEY FIELD	365.0	KANSAS GAS SUPPLY CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/29/81 JA: KS			
8128037	K 81-0258	1501921958	103		OKLA LAND & CATTLE CO (E RANCH) #10	PERU SEDAN	0.0	COOKSON HILLS GAS CO
8128035	K 81-0260	1501921989	103		OKLA LAND & CATTLE CO (E RANCH) #5	PERU SEDAN	9.1	COOKSON HILLS GAS CO
8127970	K-81-0141	1501921950	103		OKLA LAND & CATTLE CO (E RANCH) #6	PERU SEDAN	18.0	COOKSON HILLS GAS CO
8128036	K 81-0259	1501921991	103		OKLA LAND & CATTLE CO (E RANCH) #7	PERU SEDAN	9.1	COOKSON HILLS GAS CO
8127968	K 81-0143	1501921841	103		OKLA LAND & CATTLE CO #1A	COOKSON HILLS	0.0	COOKSON HILLS GAS CO
8127966	K-81-0145	1501921851	103		OKLA LAND & CATTLE CO #1B	COOKSON HILLS	18.0	COOKSON HILLS GAS CO
8127969	K 81-0142	1501921861	103		OKLA LAND & CATTLE CO #11B	COOKSON HILLS	18.0	COOKSON HILLS GAS CO
8128118	K 81-0146	1501921853	103		OKLA LAND & CATTLE CO #3B	COOKSON HILLS	18.0	COOKSON HILLS GAS CO
8127967	K 81-144	1501921857	103		OKLA LAND & CATTLE CO #7B	COOKSON HILLS	18.0	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128153	K 81-0269	1501922110	103		BOLLN #20	COOKSON HILLS	18.5	COOKSON HILLS GAS CO
8128152	K 81-0270	1501922103	103		BOLLN #6	COOKSON HILLS	11.0	COOKSON HILLS GAS CO
8128147	K 81-0263	1501922036	103		OKLA LAND & CATTLE CO (E RANCH) #14	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128149	K 81-0261	1501921992	103		OKLA LAND & CATTLE CO (E RANCH) #8	PERU SEDAN	9.1	COOKSON HILLS GAS CO
8128148	K 81-0262	1501921993	103		OKLA LAND & CATTLE CO (E RANCH) #9	PERU SEDAN	5.5	COOKSON HILLS GAS CO
8128150	K 81-0272	1501921960	103		WALTER MOORE #27	PERU SEDAN	5.5	COOKSON HILLS GAS CO
8128151	K 81-0271	1501921961	103		WALTER MOORE WELL #28	PERU SEDAN	5.5	COOKSON HILLS GAS CO
-WOOLSEY PETROLEUM CORP					RECEIVED: 04/30/81 JA: KS			
8128167	K 81-0069	1505520333	103		#1 MORRIS	HUGOTON FIELD	24.5	KANSAS NEBRASKA NATU
**********								
MICHIGAN DEPARTMENT OF NATURAL RESOURCES								
**********								
-MICHIGAN OIL COMPANY					RECEIVED: 04/30/81 JA: MI			
8128191		2104500000	102		MULKEY-VERMELLE ET AL #1-7	EATON RAPIDS 7	265.0	CONSUMERS POWER CO
8128192		2106500000	102		VFW NATIONAL HOME-MILLER #1-18	ONONDAGA 18	0.0	CONSUMERS POWER CO
-MILLER BROTHERS					RECEIVED: 04/30/81 JA: MI			
8128193		2110133780	102		MARVIN HADAWAY ET AL-#5-2	MANISTEE 28-22N-16W	10.0	CONSUMERS POWER CO
-REEF PETROLEUM CORP					RECEIVED: 04/30/81 JA: MI			
8128195		2106533982	102		GLENN E WALKER #1-29B	WHITE OAK 29	54.0	CONSUMERS POWER CO
8128194		2112534002	102		MAX CHICOREL ETAL #1-17	LYON 17	36.0	MICHIGAN CONSOLIDATE

JD NO	JA DKT	API NO	SEC	T	WELL NAME	FIELD NAME	PROD	PURCHASER
**********								
OKLAHOMA CORPORATION COMMISSION								
**********								
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128146	K 81-0264	1501922037	103		OKLA LAND & CATTLE CO (E RANCH) #15	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128145	K 81-0265	1501922038	103		OKLA LAND & CATTLE CO (E RANCH) #16	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128144	K 81-0266	1501922039	103		OKLA LAND & CATTLE CO (E RANCH) #17	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128143	K 81-0267	1501922040	103		OKLA LAND & CATTLE CO (E RANCH) #18	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128142	K 81-0268	1501922041	103		OKLA LAND & CATTLE CO (E RANCH) #19	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128141	K 81-0273	1501922042	103		OKLA LAND & CATTLE CO (E RANCH) #20	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128140	K 81-0274	1501922043	103		OKLA LAND & CATTLE CO (E RANCH) #21	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128139	K 81-0275	1501922044	103		OKLA LAND & CATTLE CO (E RANCH) #22	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128138	K 81-0276	1501922045	103		OKLA LAND & CATTLE CO (E RANCH) #23	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128137	K 81-0277	1501922046	103		OKLA LAND & CATTLE CO (E RANCH) #24	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128136	K 81-0278	1501922047	103		OKLA LAND & CATTLE CO (E RANCH) #25	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128135	K 81-0279	1501922048	103		OKLA LAND & CATTLE CO (E RANCH) #26	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128134	K 81-0280	1501922049	103		OKLA LAND & CATTLE CO (E RANCH) #27	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128133	K 81-0281	1501922050	103		OKLA LAND & CATTLE CO (E RANCH) #28	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128132	K 81-0282	1501922051	103		OKLA LAND & CATTLE CO (E RANCH) #29	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128131	K 81-0283	1501922052	103		OKLA LAND & CATTLE CO (E RANCH) #30	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128130	K 81-0284	1501922053	103		OKLA LAND & CATTLE CO (E RANCH) #31	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128129	K 81-0285	1501922054	103		OKLA LAND & CATTLE CO (E RANCH) #32	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128128	K 81-0286	1501922055	103		OKLA LAND & CATTLE CO (E RANCH) #33	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128126	K 81-0287	1501922056	103		OKLA LAND & CATTLE CO (E RANCH) #34	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128125	K 81-0288	1501922057	103		OKLA LAND & CATTLE CO (E RANCH) #35	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128124	K 81-0289	1501922058	103		OKLA LAND & CATTLE CO (E RANCH) #36	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128123	K 81-0290	1501922059	103		OKLA LAND & CATTLE CO (E RANCH) #37	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128122	K 81-0291	1501922060	103		OKLA LAND & CATTLE CO (E RANCH) #38	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128121	K 81-0292	1501922061	103		OKLA LAND & CATTLE CO (E RANCH) #39	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128120	K 81-0293	1501922062	103		OKLA LAND & CATTLE CO (E RANCH) #40	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128119	K 81-0294	1501922063	103		OKLA LAND & CATTLE CO (E RANCH) #41	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128117	K 81-0295	1501922064	103		OKLA LAND & CATTLE CO (E RANCH) #42	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128116	K 81-0296	1501922065	103		OKLA LAND & CATTLE CO (E RANCH) #43	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128115	K 81-0297	1501922066	103		OKLA LAND & CATTLE CO (E RANCH) #44	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128114	K 81-0298	1501922067	103		OKLA LAND & CATTLE CO (E RANCH) #45	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128113	K 81-0299	1501922068	103		OKLA LAND & CATTLE CO (E RANCH) #46	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128112	K 81-0300	1501922069	103		OKLA LAND & CATTLE CO (E RANCH) #47	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128111	K 81-0301	1501922070	103		OKLA LAND & CATTLE CO (E RANCH) #48	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128110	K 81-0302	1501922071	103		OKLA LAND & CATTLE CO (E RANCH) #49	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128109	K 81-0303	1501922072	103		OKLA LAND & CATTLE CO (E RANCH) #50	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128108	K 81-0304	1501922073	103		OKLA LAND & CATTLE CO (E RANCH) #51	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128107	K 81-0305	1501922074	103		OKLA LAND & CATTLE CO (E RANCH) #52	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128106	K 81-0306	1501922075	103		OKLA LAND & CATTLE CO (E RANCH) #53	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128105	K 81-0307	1501922076	103		OKLA LAND & CATTLE CO (E RANCH) #54	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128104	K 81-0308	1501922077	103		OKLA LAND & CATTLE CO (E RANCH) #55	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128103	K 81-0309	1501922078	103		OKLA LAND & CATTLE CO (E RANCH) #56	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128102	K 81-0310	1501922079	103		OKLA LAND & CATTLE CO (E RANCH) #57	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128101	K 81-0311	1501922080	103		OKLA LAND & CATTLE CO (E RANCH) #58	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128100	K 81-0312	1501922081	103		OKLA LAND & CATTLE CO (E RANCH) #59	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128098	K 81-0313	1501922082	103		OKLA LAND & CATTLE CO (E RANCH) #60	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128097	K 81-0314	1501922083	103		OKLA LAND & CATTLE CO (E RANCH) #61	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128096	K 81-0315	1501922084	103		OKLA LAND & CATTLE CO (E RANCH) #62	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128095	K 81-0316	1501922085	103		OKLA LAND & CATTLE CO (E RANCH) #63	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128094	K 81-0317	1501922086	103		OKLA LAND & CATTLE CO (E RANCH) #64	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128093	K 81-0318	1501922087	103		OKLA LAND & CATTLE CO (E RANCH) #65	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128092	K 81-0319	1501922088	103		OKLA LAND & CATTLE CO (E RANCH) #66	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128091	K 81-0320	1501922089	103		OKLA LAND & CATTLE CO (E RANCH) #67	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128090	K 81-0321	1501922090	103		OKLA LAND & CATTLE CO (E RANCH) #68	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128089	K 81-0322	1501922091	103		OKLA LAND & CATTLE CO (E RANCH) #69	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128088	K 81-0323	1501922092	103		OKLA LAND & CATTLE CO (E RANCH) #70	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128087	K 81-0324	1501922093	103		OKLA LAND & CATTLE CO (E RANCH) #71	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128086	K 81-0325	1501922094	103		OKLA LAND & CATTLE CO (E RANCH) #72	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128085	K 81-0326	1501922095	103		OKLA LAND & CATTLE CO (E RANCH) #73	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128084	K 81-0327	1501922096	103		OKLA LAND & CATTLE CO (E RANCH) #74	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128083	K 81-0328	1501922097	103		OKLA LAND & CATTLE CO (E RANCH) #75	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128082	K 81-0329	1501922098	103		OKLA LAND & CATTLE CO (E RANCH) #76	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128081	K 81-0330	1501922099	103		OKLA LAND & CATTLE CO (E RANCH) #77	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128080	K 81-0331	1501922100	103		OKLA LAND & CATTLE CO (E RANCH) #78	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128079	K 81-0332	1501922101	103		OKLA LAND & CATTLE CO (E RANCH) #79	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128078	K 81-0333	1501922102	103		OKLA LAND & CATTLE CO (E RANCH) #80	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128077	K 81-0334	1501922104	103		OKLA LAND & CATTLE CO (E RANCH) #81	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128076	K 81-0335	1501922105	103		OKLA LAND & CATTLE CO (E RANCH) #82	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128075	K 81-0336	1501922106	103		OKLA LAND & CATTLE CO (E RANCH) #83	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128073	K 81-0337	1501922107	103		OKLA LAND & CATTLE CO (E RANCH) #84	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128072	K 81-0338	1501922108	103		OKLA LAND & CATTLE CO (E RANCH) #85	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128071	K 81-0339	1501922109	103		OKLA LAND & CATTLE CO (E RANCH) #86	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128070	K 81-0340	1501922111	103		OKLA LAND & CATTLE CO (E RANCH) #87	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128068	K 81-0341	1501922112	103		OKLA LAND & CATTLE CO (E RANCH) #88	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128067	K 81-0342	1501922113	103		OKLA LAND & CATTLE CO (E RANCH) #89	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128066	K 81-0343	1501922114	103		OKLA LAND & CATTLE CO (E RANCH) #90	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128065	K 81-0344	1501922115	103		OKLA LAND & CATTLE CO (E RANCH) #91	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128064	K 81-0345	1501922116	103		OKLA LAND & CATTLE CO (E RANCH) #92	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128063	K 81-0346	1501922117	103		OKLA LAND & CATTLE CO (E RANCH) #93	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128062	K 81-0347	1501922118	103		OKLA LAND & CATTLE CO (E RANCH) #94	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128061	K 81-0348	1501922119	103		OKLA LAND & CATTLE CO (E RANCH) #95	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128060	K 81-0349	1501922120	103		OKLA LAND & CATTLE CO (E RANCH) #96	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128059	K 81-0350	1501922121	103		OKLA LAND & CATTLE CO (E RANCH) #97	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128058	K 81-0351	1501922122	103		OKLA LAND & CATTLE CO (E RANCH) #98	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128057	K 81-0352	1501922123	103		OKLA LAND & CATTLE CO (E RANCH) #99	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128056	K 81-0353	1501922124	103		OKLA LAND & CATTLE CO (E RANCH) #100	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128055	K 81-0354	1501922125	103		OKLA LAND & CATTLE CO (E RANCH) #101	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128054	K 81-0355	1501922126	103		OKLA LAND & CATTLE CO (E RANCH) #102	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128053	K 81-0356	1501922127	103		OKLA LAND & CATTLE CO (E RANCH) #103	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128052	K 81-0357	1501922128	103		OKLA LAND & CATTLE CO (E RANCH) #104	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128051	K 81-0358	1501922129	103		OKLA LAND & CATTLE CO (E RANCH) #105	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128050	K 81-0359	1501922130	103		OKLA LAND & CATTLE CO (E RANCH) #106	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128049	K 81-0360	1501922131	103		OKLA LAND & CATTLE CO (E RANCH) #107	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128048	K 81-0361	1501922132	103		OKLA LAND & CATTLE CO (E RANCH) #108	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128047	K 81-0362	1501922133	103		OKLA LAND & CATTLE CO (E RANCH) #109	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128046	K 81-0363	1501922134	103		OKLA LAND & CATTLE CO (E RANCH) #110	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128045	K 81-0364	1501922135	103		OKLA LAND & CATTLE CO (E RANCH) #111	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128044	K 81-0365	1501922136	103		OKLA LAND & CATTLE CO (E RANCH) #112	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128043	K 81-0366	1501922137	103		OKLA LAND & CATTLE CO (E RANCH) #113	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128041	K 81-0367	1501922138	103		OKLA LAND & CATTLE CO (E RANCH) #114	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128040	K 81-0368	1501922139	103		OKLA LAND & CATTLE CO (E RANCH) #115	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128039	K 81-0369	1501922140	103		OKLA LAND & CATTLE CO (E RANCH) #116	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128038	K 81-0370	1501922141	103		OKLA LAND & CATTLE CO (E RANCH) #117	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128034	K 81-0371	1501922142	103		OKLA LAND & CATTLE CO (E RANCH) #118	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128033	K 81-0372	1501922143	103		OKLA LAND & CATTLE CO (E RANCH) #119	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128032	K 81-0373	1501922144	103		OKLA LAND & CATTLE CO (E RANCH) #120	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128031	K 81-0374	1501922145	103		OKLA LAND & CATTLE CO (E RANCH) #121	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128030	K 81-0375	1501922146	103		OKLA LAND & CATTLE CO (E RANCH) #122	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128029	K 81-0376	1501922147	103		OKLA LAND & CATTLE CO (E RANCH) #123	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128028	K 81-0377	1501922148	103		OKLA LAND & CATTLE CO (E RANCH) #124	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128026	K 81-0378	1501922149	103		OKLA LAND & CATTLE CO (E RANCH) #125	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128018	K 81-0379	1501922150	103		OKLA LAND & CATTLE CO (E RANCH) #126	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128017	K 81-0380	1501922151	103		OKLA LAND & CATTLE CO (E RANCH) #127	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128016	K 81-0381	1501922152	103		OKLA LAND & CATTLE CO (E RANCH) #128	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128015	K 81-0382	1501922153	103		OKLA LAND & CATTLE CO (E RANCH) #129	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128014	K 81-0383	1501922154	103		OKLA LAND & CATTLE CO (E RANCH) #130	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128013	K 81-0384	1501922155	103		OKLA LAND & CATTLE CO (E RANCH) #131	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128012	K 81-0385	1501922156	103		OKLA LAND & CATTLE CO (E RANCH) #132	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128011	K 81-0386	1501922157	103		OKLA LAND & CATTLE CO (E RANCH) #133	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128009	K 81-0387	1501922158	103		OKLA LAND & CATTLE CO (E RANCH) #134	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128008	K 81-0388	1501922159	103		OKLA LAND & CATTLE CO (E RANCH) #135	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128007	K 81-0389	1501922160	103		OKLA LAND & CATTLE CO (E RANCH) #136	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128006	K 81-0390	1501922161	103		OKLA LAND & CATTLE CO (E RANCH) #137	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128005	K 81-0391	1501922162	103		OKLA LAND & CATTLE CO (E RANCH) #138	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128004	K 81-0392	1501922163	103		OKLA LAND & CATTLE CO (E RANCH) #139	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC					RECEIVED: 04/30/81 JA: KS			
8128003	K 81-0393	1501922164	103		OKLA LAND & CATTLE CO (E RANCH) #140	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128002	K 81-0394	1501922165	103		OKLA LAND & CATTLE CO (E RANCH) #141	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128001	K 81-0395	1501922166	103		OKLA LAND & CATTLE CO (E RANCH) #142	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128000	K 81-0396	1501922167	103		OKLA LAND & CATTLE CO (E RANCH) #143	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8127999	K 81-0397	1501922168	103		OKLA LAND & CATTLE CO (E RANCH) #144	PERU SEDAN	14.6	COOKSON HILLS GAS CO
-WELLS-BATTELST

JD NO	JA TKT	API NO	SEC T WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION						
-ALAMO PETROLEUM COMPANY			RECEIVED: 04/28/81 JA: OK			
8128171	8432	3515321016 103	SCHESSOW NO 1	WILDCAT	300.0	PANHANDLE EASTERN PI
-AMOCO PRODUCTION CO			RECEIVED: 04/28/81 JA: OK			
8128183	8451	3513900000 108	EAST GAS UNIT A NO 1 (2ND FILING)	GUYMON - HUGOTON	19.0	PHILLIPS PETROLEUM C
-ANADARKO PRODUCTION COMPANY			RECEIVED: 04/28/81 JA: OK			
8128189	7903	3502500000 108	MARTIN NO 1-28	KEYES	3.0	PANHANDLE EASTERN PI
-ARAPAHO PETROLEUM INCORPORATED			RECEIVED: 04/28/81 JA: OK			
8128175	08297	3504722127 103	MILACEK 1-13	SOONER TREND	0.0	PANHANDLE EASTERN PI
-BETTIS BOYLE & STOVALL			RECEIVED: 04/28/81 JA: OK			
8128188	08292	3500721530 103	ALBERT NO 3A	KNOWLES COUNCIL GROVE	110.0	CITIES SERVICE GAS C
-BLUE QUAIL ENERGY INC			RECEIVED: 04/28/81 JA: OK			
8128186	8445	3501721673 103	HAYMAKER #2	N-YUKON CSWNW SEC 3-T12N	185.0	PHILLIPS PETROLEUM C
-CHAMPLIN EXPLORATION INC			RECEIVED: 04/28/81 JA: OK			
8128182	8459	3504722233 103	FUKSA #1	SOONER TREND	75.0	WELLHEAD ENTERPRISES
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 04/28/81 JA: OK			
8128185	08446	3504722119 103	GLADYS HAYDEN NO 2	ENID	57.3	CHAMPLIN PETROLEUM C
8128184	08447	3500320699 103	RUTH B DAVIS NO 2	E CHANEY DELL	64.9	CHAMPLIN PETROLEUM C
-HAMM PRODUCTION CO			RECEIVED: 04/28/81 JA: OK			
*8128170	8436	3507322624 103	CHOATE #1	S W LACEY	2616.0	PHILLIPS PETROLEUM C
-JET OIL COMPANY			RECEIVED: 04/28/81 JA: OK			
8128180	08510	3511921189 103	GRAY B #1	COYLE	0.0	EASON OIL CO
-L & T OIL & GAS INC			RECEIVED: 04/28/81 JA: OK			
8128173	8369	3507322626 103	SPAHN 16 NO 3	SOONER TREND	46.0	CITIES SERVICE CO
-P-T LTD 80			RECEIVED: 04/28/81 JA: OK			
8128172	8403	3504772231 103	EATON #35-1	SOONER TREND	48.0	WELLHEAD ENTERPRISES
-RESOURCES INVESTMENT CORPORATION			RECEIVED: 04/28/81 JA: OK			
8128174	8342	3502720360 103	WARD-PREBLE #1-10	NW NORMAN	124.0	SUN GAS CO
-RICKS EXPLORATION CO			RECEIVED: 04/28/81 JA: OK			
8128181	08469	3501520891 102	STOVER #1	WILDCAT	729.0	ARKANSAS LOUISIANA G
8128181	08469	3501520851 103	STOVER #1	WILDCAT	729.0	ARKANSAS LOUISIANA G
-W C PAYNE			RECEIVED: 04/28/81 JA: OK			
8128190	08484	3507300000 108	STREIT NO 1	SOONER TREND	0.0	CONOCO INC
8128169	08483	3508300000 108	VANCUREN NO 1	SOONER TREND	0.0	CONOCO INC
8128178	08481	3508300000 108	VINCENT NO 1	SOONER TREND	0.0	CONOCO INC
8128177	08480	3507300000 108	WAKEMAN NO 1	SOONER TREND	0.0	CONOCO INC
8128176	08479	3508300000 108	WILLSON NO 1	SOONER TREND	0.0	CONOCO INC
8128179	08478	3507300000 108	WRIGHT NO 1	SOONER TREND	0.0	CONOCO INC
-WOODS PETROLEUM CORPORATION			RECEIVED: 04/28/81 JA: OK			
8128187	08443	3503920338 103	DECKER #23-1	S THOMAS	365.0	TRANSOK PIPE LINE CO
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK						
-H & W DRILLING INC			RECEIVED: 05/01/81 JA: OK B			
8128196		3511300000 103	A-9		18.0	AJAX OIL & GAS CORP
-WESTERN RESOURCE DEVELOPMENT LTD			RECEIVED: 05/01/81 JA: OK B			
8128197		3511300000 108	WOOLAROC #67	WOOLAROC - 4424	0.0	NATIONAL ZINC CO INC
P128198		3511300000 108	WOOLAROC #92	WOOLAROC - 4424	0.0	NATIONAL ZINC CO INC
R128199		3511300000 108	WOOLAROC #93	WOOLAROC - 4424	0.0	NATIONAL ZINC CO INC

OTHER PURCHASERS VOLUME NO :429

8128006 PEOPLES NATURAL GAS
8128007 PEOPLES NATURAL GAS
8128170 CITIES SERVICE GAS CO

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen [15] days after the date of publication of this notice in the Federal Register.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15857 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-01-M

[Volume 428]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Date Issued: May 18, 1981.

V 46 M Y 28 81 UMI

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Date Issued: May 18, 1981.

JD NO	JA DKT	API NO	SEC	T	WELL NAME	FIELD NAME	PROD	PURCHASER
********** OHIO DEPARTMENT OF NATURAL RESOURCES **********								
-C W RIGGS INC			RECEIVED: 04/27/81 JA: OH					
8127861		3416724775	107		A EDWARDS & W WITTEN #1	RENO	3.5	COLUMBIA GAS TRANS C
8127823		3416725350	107		ALBERT RAY #1	RENO	14.0	COLUMBIA GAS TRANS C
8127890		3416724650	107		ALVA SCHNEIDER #1	RENO	27.0	COLUMBIA GAS TRANS C
8127800		3416725024	107		AUSTIN PRITCHETT #1	RENO	13.0	COLUMBIA GAS TRANS C
8127826		3416725460	107		BARBER RIGGS #2	RENO	40.0	COLUMBIA GAS TRANS C
8127825		3416724807	107		C & C RAWSON	RENO	10.0	COLUMBIA GAS TRANS C
8127829		3416725555	107		CHAUNCEY RINARD #2	RENO	11.0	COLUMBIA GAS TRANS C
8127851		3416724836	107		CHAUNCEY RINARD #3	RENO	14.5	COLUMBIA GAS TRANS C
8127850		3416724835	107		CHAUNCEY RINARD #4	RENO	18.0	COLUMBIA GAS TRANS C
8127852		3416725553	107		CHAUNCY RINARD #1	RENO	22.0	COLUMBIA GAS TRANS C
8127841		3416724627	107		CHELLA THORNILEY #3A	RENO	29.0	COLUMBIA GAS TRANS C
8127901		3416724368	107		CHELLA THORNILEY #3B	RENO	16.5	COLUMBIA GAS TRANS C
8127862		3416724628	107		CHELLA THORNILEY #4-A	RENO	6.0	COLUMBIA GAS TRANS C
8127907		3416724368	107		CHELLA THORNILEY #4-B	RENO	29.0	COLUMBIA GAS TRANS C
8127902		3416724370	107		CHELLA THORNILEY #6B	RENO	22.0	COLUMBIA GAS TRANS C
8127877		3416725593	107		COMER HAUGHT #1	RENO	12.0	COLUMBIA GAS TRANS C
8127834		3416724657	107		D & F THORNILEY #1	RENO	20.0	COLUMBIA GAS TRANS C
8127858		3416724548	107		D MCKAY #2	RENO	11.0	COLUMBIA GAS TRANS C
8127816		3416724258	107		DALE SATTERFIELD #1	RENO	9.0	COLUMBIA GAS TRANS C
8127903		3416724660	107		DAN ULLMAN #1	RENO	18.0	COLUMBIA GAS TRANS C
8127848		3416725036	107		DAN ULLMAN UNIT #2	RENO	7.0	COLUMBIA GAS TRANS C
8127804		3416724884	107		DAVID ZOLLER #1	RENO	22.0	COLUMBIA GAS TRANS C
8127864		3416725065	107		DEAN SECOY #1	RENO	7.5	COLUMBIA GAS TRANS C
8127836		3416724918	107		DEAN SECOY #2	RENO	11.5	COLUMBIA GAS TRANS C
8127899		3416724532	107		DENNIS WILSON #1	RENO	16.0	COLUMBIA GAS TRANS C
8127855		3416724531	107		DENNIS WILSON #2	RENO	15.0	COLUMBIA GAS TRANS C
8127856		3416724541	107		DENNIS WILSON #3	RENO	17.0	COLUMBIA GAS TRANS C
8127807		3416724542	107		DENNIS WILSON #4	RENO	14.5	COLUMBIA GAS TRANS C
8127894		3416725918	107		DONALD MARTIN #1	RENO	47.0	COLUMBIA GAS TRANS C
8127819		3416724535	107		E MCKITRICK #3	RENO	17.5	COLUMBIA GAS TRANS C
8127818		3416724534	107		E MCKITTRICK #2	RENO	22.0	COLUMBIA GAS TRANS C
8127797		3416724475	107		EDWARD THEOBALD #1	RENO	20.0	COLUMBIA GAS TRANS C
8127886		3416724476	107		EDWARD THEOBALD #2	RENO	18.0	COLUMBIA GAS TRANS C
8127815		3416724604	107		ELMER SANDFORD #1	RENO	7.5	COLUMBIA GAS TRANS C
8127871		3416724795	107		ERNEST & SARAH BECKER #1	RENO	11.0	COLUMBIA GAS TRANS C
8127831		3416724537	107		EVERETT MCKITRICK #1	RENO	7.0	COLUMBIA GAS TRANS C
8127879		3416725286	107		F A THOMAS #1	RENO	14.5	COLUMBIA GAS TRANS C
8127840		3416724872	107		FORD STARKEY #1	RENO	9.0	COLUMBIA GAS TRANS C
8127838		3416724871	107		FORD STARKEY #2	RENO	10.0	COLUMBIA GAS TRANS C
8127837		3416725541	107		FRANCIS STEVENS #1	RENO	10.0	COLUMBIA GAS TRANS C

UMI 1 8 8 2 8 M Y 6 4 V

VOLUME 428 PAGE 002

JD NO	JA DAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127882		3416725067	107		GALE STRICKLER #1	RENO	4.0	COLUMBIA GAS TRANS C
8127817		3416724185	107		GEO SAVER-R GUINN #4	RENO	55.0	COLUMBIA GAS TRANS C
8127809		3416724591	107		GEORGE SAUER #2	RENO	14.5	COLUMBIA GAS TRANS C
8127860		3416724568	107		GORDON PAPE #2	RENO	7.3	COLUMBIA GAS TRANS C
8127865		3416725377	107		GORDON PAPE #4	RENO	4.0	COLUMBIA GAS TRANS C
8127801		3416724401	107		HAROLD SCHRAMM #5	RENO	9.0	COLUMBIA GAS TRANS C
8127808		3416724403	107		HAROLD SCHRAMM #6	RENO	6.0	COLUMBIA GAS TRANS C
8127889		3416724404	107		HAROLD SCHRAMM #7	RENO	10.0	COLUMBIA GAS TRANS C
8127842		3416724427	107		HAROLD SCHRAMM #8	RENO	13.5	COLUMBIA GAS TRANS C
8127843		3416724430	107		HAROLD SCHRAMM #9	RENO	12.0	COLUMBIA GAS TRANS C
8127876		3416725713	107		HELEN MCMAHAN #1	RENO	23.0	COLUMBIA GAS TRANS C
8127820		3416725055	107		HENRY MILLER #1	RENO	25.0	COLUMBIA GAS TRANS C
8127821		3416725629	107		HENRY MILLER #2	RENO	12.0	COLUMBIA GAS TRANS C
8127812		3416724636	107		J F POLING #1	RENO	11.0	COLUMBIA GAS TRANS C
8127875		3416726162	107		J RILEY & F SMITH #1	RENO	8.5	COLUMBIA GAS TRANS C
8127880		3416724974	107		JOHN PRITCHETT #1	RENO	14.0	COLUMBIA GAS TRANS C
8127857		3416725363	107		JOHN THOMAS #1	RENO	17.0	COLUMBIA GAS TRANS C
8127805		3416725296	107		JOHN YOST #1	RENO	17.0	COLUMBIA GAS TRANS C
8127814		3416724580	107		JOSEPHINE RILEY #1	RENO	3.3	COLUMBIA GAS TRANS C
8127900		3416724838	107		KENNETH WEST #1	RENO	16.5	COLUMBIA GAS TRANS C
8127896		3416725070	107		KENNETH WEST #2	RENO	13.0	COLUMBIA GAS TRANS C
8127897		3416725143	107		KENNETH WEST #3	RENO	6.0	COLUMBIA GAS TRANS C
8127898		3416725546	107		KENNETH WEST #4	RENO	2.0	COLUMBIA GAS TRANS C
8127870		3416724460	107		KESSELRING #8	RENO	11.0	COLUMBIA GAS TRANS C
8127863		3416725073	107		KESSELRING #9	RENO	11.0	COLUMBIA GAS TRANS C
8127866		3416724589	107		LARRY HOCKENBERRY #1	RENO	10.5	COLUMBIA GAS TRANS C
8127802		3416724349	107		LLOYD VAN FOSSEN #1	RENO	25.5	COLUMBIA GAS TRANS C
8127893		3416724552	107		LLOYD VAN FOSSEN #2A	RENO	22.0	COLUMBIA GAS TRANS C
8127827		3416724494	107		LOVELLA PAPE #1	RENO	4.0	COLUMBIA GAS TRANS C
8127846		3416725689	107		MARCIA SMITH #1	RENO	9.0	COLUMBIA GAS TRANS C
8127849		3416725994	107		MARGARET MC CORMACK #1	RENO	14.5	COLUMBIA GAS TRANS C
8127824		3416724279	107		OLIVE SANDFORD #1	RENO	11.0	COLUMBIA GAS TRANS C
8127885		3416724780	107		OLIVE SANDFORD #2	RENO	14.0	COLUMBIA GAS TRANS C
8127839		3416725315	107		ORLIS STALNAKER UNIT #1	RENO	16.8	COLUMBIA GAS TRANS C
8127868		3416725997	107		PATRICIA HUPP #1	RENO	11.5	COLUMBIA GAS TRANS C
8127867		3416724608	107		PAUL SMITH #1	RENO	6.8	COLUMBIA GAS TRANS C
8127847		3416724609	107		PAUL SMITH #2	RENO	15.0	COLUMBIA GAS TRANS C
8127832		3416724347	107		PEARL THEOBALD #1	RENO	18.0	COLUMBIA GAS TRANS C
8127887		3416724347	107		PEARL THEOBALD #2	RENO	22.0	COLUMBIA GAS TRANS C
8127888		3416724605	107		POLING-EARTH UNIT #1	RENO	7.0	COLUMBIA GAS TRANS C
8127859		3416724994	107		R MILLER-P HALL UNIT #1	RENO	9.8	COLUMBIA GAS TRANS C
8127806		3416725026	107		RALPH VAN WEY #1	RENO	13.5	COLUMBIA GAS TRANS C
8127884		3416724361	107		RAYMOND SCHWARTZ #3	RENO	36.5	COLUMBIA GAS TRANS C
8127845		3416724362	107		RAYMOND SCHWARTZ #6	RENO	55.0	COLUMBIA GAS TRANS C
8127844		3416724363	107		RAYMOND SWARTZ #5	RENO	55.0	COLUMBIA GAS TRANS C
8127835		3416724391	107		RICK SCHRAMM #2	RENO	27.0	COLUMBIA GAS TRANS C
8127878		3416725295	107		ROBERT GODDARD #1	RENO	11.5	COLUMBIA GAS TRANS C
8127822		3416724492	107		ROBERT MILLER #1	RENO	8.0	COLUMBIA GAS TRANS C
8127905		3416724806	107		ROBERT THEOBALD #1	RENO	12.0	COLUMBIA GAS TRANS C
8127906		3416725100	107		ROBERT THEOBALD #3	RENO	23.0	COLUMBIA GAS TRANS C
8127833		3416725392	107		ROBERT THEOBALD #4	RENO	15.0	COLUMBIA GAS TRANS C
8127873		3416724967	107		ROGER FRENCH #1	RENO	11.5	COLUMBIA GAS TRANS C

VOLUME 428 PAGE 003

JD NO	JA DAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127872		3416725313	107		ROMA SMITH UNIT #1	RENO	5.0	COLUMBIA GAS TRANS C
8127799		3416724652	107		RUTH L SCHNEIDER #1	RENO	10.5	COLUMBIA GAS TRANS C

JD NO	JA DAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127872		3416725313	107		ROMA SMITH UNIT #1	RENO	5.0	COLUMBIA GAS TRANS C
8127799		3416724652	107		RUTH L SCHNEIDER #1	RENO	14.5	COLUMBIA GAS TRANS C
8127811		3416724653	107		RUTH SCHNEIDER #2	RENO	16.5	COLUMBIA GAS TRANS C
8127813		3416725037	107		SALTZWEDEL UNIT #1	RENO	10.0	COLUMBIA GAS TRANS C
8127810		3416724371	107		SAUER-GUINN #5	RENO	10.0	COLUMBIA GAS TRANS C
8127798		3416724635	107		SAUER-GUINN #7	RENO	4.0	COLUMBIA GAS TRANS C
8127828		3416724633	107		SAVER-GUINN #6	RENO	4.0	COLUMBIA GAS TRANS C
8127895		3416725810	107		SHOOK-GREATHOUSE UNIT #1	RENO	11.0	COLUMBIA GAS TRANS C
8127881		3416724805	107		STEVENS UNIT #1	RENO	13.0	COLUMBIA GAS TRANS C
8127883		3416724837	107		STRICKLER UNIT #1	RENO	14.0	COLUMBIA GAS TRANS C
8127869		3416725537	107		TICE-HAUGHT #3	RENO	22.0	COLUMBIA GAS TRANS C
8127904		3416725461	107		TOM & ROD SEEVERS #1	RENO	6.0	COLUMBIA GAS TRANS C
8127892		3416725342	107		USA-HILLE #1	RENO	7.0	COLUMBIA GAS TRANS C
8127891		3416725672	107		USA-RUDOLPH #1	RENO	12.0	COLUMBIA GAS TRANS C
8127803		3416724951	107		VALLEY VIEW BAPTIST CHURCH #1	RENO	13.0	COLUMBIA GAS TRANS C
8127830		3416724656	107		W MCKINNEY #1	RENO	11.0	COLUMBIA GAS TRANS C
8127853		3416725292	107		WARREN WINLAND #1	RENO	4.0	COLUMBIA GAS TRANS C
8127854		3416724778	107		WILLIAM WULFERT #1	RENO	14.5	COLUMBIA GAS TRANS C
8127874		3416724926	107		ZEDACK & ALICE PETHTEL #1	RENO	7.0	COLUMBIA GAS TRANS C
-CHARLES L WOOD					RECEIVED: 04/27/81 JA: OH			
8127965		3405922746	103		HICKENBOTTOM #1	CLINTON FORMATION	12.0	
8127965		3405922746	107		HICKENBOTTOM #1	CLINTON FORMATION	12.0	
-DAVID SHAFER OIL PRODUCERS INC					RECEIVED: 04/27/81 JA: OH			
8127938		3410322559	103		RAYMOND C FIRESTONE #5	GRANGER	5.0	COLUMBIA GAS TRANSMI
8127939		3410322560	103		RAYMOND C FIRESTONE #6	GRANGER	5.0	COLUMBIA GAS TRANSMI
-H I SMITH OIL & GAS INC					RECEIVED: 04/27/81 JA: OH			
8127944A		3407522359	103		ABE MILLER #1	PRAIRIE	12.0	COLUMBIA GAS TRANS C
8127944B		3407522359	107	D	ABE MILLER #1	PRAIRIE	12.0	COLUMBIA GAS TRANS C
8127945A		3407522634	103		ABE MILLER #2	PRAIRIE	12.0	COLUMBIA GAS TRANS C
8127945B		3407522634	107	D	ABE MILLER #2	PRAIRIE	12.0	COLUMBIA GAS TRANS C
8127946		3407522937	103		J STERLING #3	PRAIRIE	12.0	COLUMBIA GAS TRANSMI
-JAMES R SMAIL					RECEIVED: 04/27/81 JA: OH			
8127943		3416922327	103		RAYMOND R HUNSBERGER #1	RIPLEY	10.0	COLUMBIA GAS TRANSMI
8127943		3416922327	107		RAYMOND R HUNSBERGER #1	RIPLEY	10.0	COLUMBIA GAS TRANSMI
-JOHN C MASON					RECEIVED: 04/27/81 JA: OH			
8127729A		3403123380	103		ALICE BICKLE #1	MONROE	15.0	NATIONAL GAS CORP
8127729B		3403123380	107	D	ALICE BICKLE #1	MONROE	15.0	NATIONAL GAS CORP
8127719		3407522514	103		ANDY & MARY ERB #1	MECHANIC	25.0	COLUMBIA GAS TRANS C
8127719		3407522514	107		ANDY & MARY ERB #1	MECHANIC	25.0	COLUMBIA GAS TRANS C
8127720		3407522516	103		ANDY & MARY ERB #3	MECHANIC	24.0	COLUMBIA GAS TRANS C
8127720		3407522516	107		ANDY & MARY ERB #3	MECHANIC	24.0	COLUMBIA GAS TRANS C
8127721		3407522703	103		ANDY & MARY ERB #4	MECHANIC	30.0	COLUMBIA GAS TRANS C
8127721		3407522703	107		ANDY & MARY ERB #4	MECHANIC	30.0	COLUMBIA GAS TRANS C
8127723		3407522702	103		ANDY & MARY ERB #5	MECHANIC	30.0	COLUMBIA GAS TRANS C
8127723		3407522702	107		ANDY & MARY ERB #5	MECHANIC	30.0	COLUMBIA GAS TRANS C
8127728A		3403122719	103		CLEMENT J WEIL #1	MONROE	12.0	CINCINNATI GAS & ELE
8127728B		3403122719	107	D	CLEMENT J WEIL #1	MONROE	12.0	CINCINNATI GAS & ELE
8127731A		3403123591	103		ELVIN R & WALTER BRILLHART 1A	MONROE	20.0	COLUMBIA GAS TRANS C
8127731B		3403123591	107	D	ELVIN R & WALTER BRILLHART 1A	MONROE	20.0	COLUMBIA GAS TRANS C
8127726		3407522517	103		GRACE MAXWELL #2	MECHANIC	25.0	COLUMBIA GAS TRANS C
8127726		3407522517	107		GRACE MAXWELL #2	MECHANIC	25.0	COLUMBIA GAS TRANS C
8127730A		3403123859	103		HENRY & RICHARD % JOHNSON #1	MONROE	20.0	CINCINNATI GAS & ELE

UMI 1 8 2 8 M Y 6 4 V

VOLUME 428 PAGE 004

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127730B		3403123899	107	D	HENRY & RICHARD N JOHNSON #1	MONROE	20.0	CINCINNATI GAS & ELE
8127722		3407522652	103		JONAS M & DORA SCHLABACH #1	HARDY	20.0	COLUMBIA GAS TRANS C
8127722		3407522652	107		JONAS M & DORA SCHLABACH #1	HARDY	20.0	COLUMBIA GAS TRANS C
8127724		3407522512	103		LESTER ERB #1	MECHANIC	20.0	COLUMBIA GAS TRANS C
8127724		3407522512	107		LESTER ERB #1	MECHANIC	20.0	COLUMBIA GAS TRANS C
8127725		3407522511	103		LESTER ERB #2	MECHANIC	18.0	COLUMBIA GAS TRANS C
8127725		3407522511	107		LESTER ERB #2	MECHANIC	18.0	COLUMBIA GAS TRANS C
8127718		3407522671	103		MERLE HOOD 2A	HARDY	15.0	COLUMBIA GAS TRANS C
8127718		3407522671	107		MERLE HOOD 2A	HARDY	15.0	COLUMBIA GAS TRANS C
8127717		3407522232	103		PAUL MILLER #2	HARDY	0.0	
8127717		3407522232	107		PAUL MILLER #2	HARDY	0.0	
8127732A		3403123759	103		RACHEL EHRICH #1	MONROE	24.0	CINCINNATI GAS & ELE
8127732B		3403123759	107	D	RACHEL EHRICH #1	MONROE	24.0	CINCINNATI GAS & ELE
8127727A		3407522267	103		RAYMOND F PATTERSON #2	MONROE	18.0	CINCINNATI GAS & ELE
8127727B		3407522267	107	D	RAYMOND F PATTERSON #2	MONROE	18.0	CINCINNATI GAS & ELE
8127733A		3403123584	103		RUSSELL MCGRADY #1	MONROE	18.0	CINCINNATI GAS & ELE
8127733B		3403123584	107	D	RUSSELL MCGRADY #1	MONROE	18.0	CINCINNATI GAS & ELE
-L A MOORE & SON INC.					RECEIVED: 04/27/81 JA: OH			
8127735		3412725117	103		HENDERSON #1	READING	6.0	COLUMBIA GAS TRANS C
-NATIONAL PETROLEUM CORP					RECEIVED: 04/27/81 JA: OH			
8127737		3411122184	107		D & R CHRISTMAN #1	MALAGE	15.0	TEXAS EASTERN TRANSM
-NEW FRONTIER EXPLORATION INC					RECEIVED: 04/27/81 JA: OH			
8127745		3403124147	103		DIXON-LANHAM UNIT #1	WASHINGTON	22.0	
8127745		3403124147	107		DIXON-LANHAM UNIT #1	WASHINGTON	22.0	
8127746		3405922550	103		ENOS UNIT #1	CAMBRIDGE	37.0	COLUMBIA GAS TRANSMI
8127746		3405922550	107		ENOS UNIT #1	CAMBRIDGE	37.0	COLUMBIA GAS TRANSMI
8127747		3405922983	103		EUGENE TAYLOR #1	CENTER	15.0	COLUMBIA GAS TRANSMI
8127747		3405922983	107		EUGENE TAYLOR #1	CENTER	15.0	COLUMBIA GAS TRANSMI
8127751		3403124191	103		HAROLD DICKERSON #1	WASHINGTON	18.0	
8127751		3403124191	107		HAROLD DICKERSON #1	WASHINGTON	18.0	
8127750		3403124148	103		HENRY LANHAM #1	WASHINGTON	22.0	
8127750		3403124148	107		HENRY LANHAM #1	WASHINGTON	22.0	
8127743A		3401320359	103		JOHN G BROWN #1	SOMERSET	12.0	
8127743B		3401320359	107	D	JOHN G BROWN #1	SOMERSET	12.0	
8127738A		3401320360	103		JOHN G BROWN #2	SOMERSET	28.0	
8127738B		3401320360	107	D	JOHN G BROWN #2	SOMERSET	28.0	
8127739A		3401320361	103		NORMAN STEPHENS #1	SOMERSET	12.0	
8127739B		3401320361	107	D	NORMAN STEPHENS #1	SOMERSET	12.0	
8127741A		3401320362	103		NORMAN STEPHENS #2	SOMERSET	12.0	
8127741B		3401320362	107	D	NORMAN STEPHENS #2	SOMERSET	12.0	
8127742A		3401320363	103		NORMAN STEPHENS #3	SOMERSET	12.0	
8127742B		3401320363	107	D	NORMAN STEPHENS #3	SOMERSET	12.0	
8127740A		3401320364	103		NORMAN STEPHENS #4	SOMERSET	12.0	
8127740B		3401320364	107	D	NORMAN STEPHENS #4	SOMERSET	12.0	
8127744A		3415123389	103		R BOUGHMAN #2	BETHLEHEM	30.0	
8127744B		3415123389	107	D	R BOUGHMAN #2	BETHLEHEM	30.0	
8127748		3403124149	103		ROBERT DIXON #2	BEDFORD	18.0	
8127748		3403124149	107		ROBERT DIXON #2	BEDFORD	18.0	
8127749		3405922824	103		SHARROCK-ROYSEL UNIT #1	SPENCER	32.0	
8127749		3405922824	107		SHARROCK-ROYSEL UNIT #1	SPENCER	32.0	
-NOBLE OIL CORP					RECEIVED: 04/27/81 JA: OH			
8127752		3413321247	103		GEIB #1	EDINBURG	20.0	GENERAL ELECTRIC CO

VOLUME 428 PAGE 005

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127754		3413322150	103		KING #1	PALMYRA	28.0	GENERAL ELECTRIC CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127754		3413322150	103		KING #1	PALMYRA	20.0	GENERAL ELECTRIC CO
8127755		3413322171	103		MANN-VILLERS #1	PALMYRA	20.0	GENERAL ELECTRIC CO
8127753		3413322365	103		POWERS #1	DEERFIELD	20.0	REPUBLIC STEEL CORP
8127756		3413322149	103		RUGGLES #1	PALMYRA	20.0	GENERAL ELECTRIC CO
-OHIO NATURAL FUEL CO		RECEIVED: 04/27/81 JA: OH						
8127761A		3407522240	103		CARROLL #1	KNOX	16.0	COLUMBIA GAS TRANSMI
8127761B		3407522240	107	D	CARROLL #1	KNOX	16.0	COLUMBIA GAS TRANSMI
8127759A		3407522238	103		CHARVAT #1	KNOX	16.0	COLUMBIA GAS TRANSMI
8127759B		3407522238	107	D	CHARVAT #1	KNOX	16.0	COLUMBIA GAS TRANSMI
8127764		3416922102	103		CLIFFORD & EILEEN EICK #2	PLAIN	14.0	COLUMBIA GAS TRANSMI
8127760A		3407522539	103		GARBER #1	KNOX	27.0	COLUMBIA GAS TRANSMI
8127760B		3407522539	107	D	GARBER #1	KNOX	27.0	COLUMBIA GAS TRANSMI
8127762		3416922542	103		M & C GRINDSTAFF #1	PLAIN	9.0	COLUMBIA GAS TRANSMI
8127758A		3407522158	103		NEDOMA #1	KNOX	29.0	COLUMBIA GAS TRANSMI
8127758B		3407522158	107	D	NEDOMA #1	KNOX	29.0	COLUMBIA GAS TRANSMI
8127763		3407522769	103		ROMAN & AMANDA MILLER #1	SALT CREEK	5.0	COLUMBIA GAS TRANSMI
-OHIO PARTNERS OIL CO		RECEIVED: 04/27/81 JA: OH						
8127765		3413322493	103		BROOKSHIRE UNIT #1	WINDHAM	20.0	COLUMBIA GAS TRANSMI
-OHIO TITAN ENERGY CO		RECEIVED: 04/27/81 JA: OH						
8127766		3407522430	103		#4 ATLEE MILLER	MECHANIC	900.0	COLUMBIA GAS TRANSMI
8127766		3407522430	107		#4 ATLEE MILLER	MECHANIC	900.0	COLUMBIA GAS TRANSMI
-OMEGA OIL CORP		RECEIVED: 04/27/81 JA: OH						
8127757		3412122526	107		DANIELS #1	ELK	36.5	
-OXFORD OIL CO		RECEIVED: 04/27/81 JA: OH						
8127775		3403124170	103		AMMAN-REED UNIT #1	CLARK	10.0	
8127775		3403124170	107		AMMAN-REED UNIT #1	CLARK	10.0	
8127774		3403123910	103		COSHOCTON CO DOG CLUB #1	BEDFORD	10.0	COLUMBIA GAS TRANS
8127774		3403123910	107		COSHOCTON CO DOG CLUB #1	BEDFORD	10.0	COLUMBIA GAS TRANS
8127767A		3408923859	103		GARDNER UNIT #1	PERRY	10.0	NATIONAL GAS & OIL C
8127767B		3408923859	107	D	GARDNER UNIT #1	PERRY	10.0	NATIONAL GAS & OIL C
8127773		3412724754	103		PAUL THOMPSON #2	HARRISON	10.0	COLUMBIA GAS TRANS
8127773		3412724754	107		PAUL THOMPSON #2	HARRISON	10.0	COLUMBIA GAS TRANS
8127770		3411521836	103		ROBERT REED #1	BLOOM	10.0	COLUMBIA GAS TRANS C
8127770		3411521836	107		ROBERT REED #1	BLOOM	10.0	COLUMBIA GAS TRANS C
8127769		3411522061	103		ROBERT SMITH #3	DEERFIELD	10.0	COLUMBIA GAS TRANS
8127769		3411522061	107		ROBERT SMITH #3	DEERFIELD	10.0	COLUMBIA GAS TRANS
8127768		3411521525	103		RUSSELL MSNEAL #1	YORK	9.0	NATIONAL GAS & OIL C
8127768		3411521525	107		RUSSELL MSNEAL #1	YORK	9.0	NATIONAL GAS & OIL C
8127772		3411925199	103		TAYLOR MERRY UNIT #1	PERRY	8.0	COLUMBIA GAS TRANS
8127772		3411925199	107		TAYLOR MERRY UNIT #1	PERRY	8.0	COLUMBIA GAS TRANS
8127771		3411925190	103		VIOLET BLACKFORD #1	SALT CREEK	10.0	COLUMBIA GAS TRANS
8127771		3411925190	107		VIOLET BLACKFORD #1	SALT CREEK	10.0	COLUMBIA GAS TRANS
-PETROLEUM ENERGY DEVELOPMENT CORP		RECEIVED: 04/27/81 JA: OH						
8127776A		3403124064	103		ALBERT R HAINES #2	TIVERTON	30.0	
8127776B		3403124064	107	D	ALBERT R HAINES #2	TIVERTON	30.0	
-REPUBLIC MINERAL CORP		RECEIVED: 04/27/81 JA: OH						
8127781		3416723321	108		C JOHNSON #1	SIMMONS GAS FIELD	7.0	COLUMBIA GAS TRANSMI
8127779		3416723330	108		C JOHNSON #2	SIMMONS GAS FIELD	8.7	COLUMBIA GAS TRANSMI
8127786		3416723333	108		DEAN RUPPER #1	SIMMONS GAS FIELD	3.8	COLUMBIA GAS TRANSMI
8127793		3416724722	108		DONNA LANG WELL #1	SIMMONS GAS FIELD	3.7	COLUMBIA GAS TRANSMI
8127782		3416723331	108		E GRESHAER #1	SIMMONS GAS FIELD	4.2	COLUMBIA GAS TRANSMI
8127785		3416723328	108		FRANCIS SCHILLING #1	SIMMONS GAS FIELD	5.5	COLUMBIA GAS TRANSMI
8127789		3416723334	108		HAROLD HOLLISTER #1	SIMMONS GAS FIELD	5.2	COLUMBIA GAS TRANSMI

UMI 1 8 8 2 8 M Y 6 4 V

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127792		3416723275	108		HARRY WENZEL #1	SIMMONS GAS FIELD	4.0	COLUMBIA GAS TRANSMI
8127788		3416723327	108		J CARNA #1	SIMMONS GAS FIELD	1.6	COLUMBIA GAS TRANSMI
8127787		3416723324	108		JOHN RECKER #1	SIMMONS GAS FIELD	3.0	COLUMBIA GAS TRANSMI
8127784		3416722599	108		LAKE FLORENCE #1	SIMMONS GAS FIELD	5.4	COLUMBIA GAS TRANSMI
8127791		3416723281	108		LAKE FLORENCE #2	SIMMONS GAS FIELD	1.4	COLUMBIA GAS TRANSMI
8127794		3416724720	108		MARTIN WELL #2	SIMMONS GAS FIELD	3.0	COLUMBIA GAS TRANSMI
8127790		3416723280	108		MARVIN SHOCK #3	SIMMONS GAS FIELD	3.9	COLUMBIA GAS TRANSMI
8127783		3416723300	108		ROBERT FLORENCE #1	SIMMONS GAS FIELD	3.4	COLUMBIA GAS TRANSMI
8127780		3416723329	108		W P POLLYSON #1	SIMMONS GAS FIELD	3.9	COLUMBIA GAS TRANSMI
8127795		3416724516	108		WILLIAM LANG 1-P	SIMMONS GAS FIELD	2.3	COLUMBIA GAS TRANSMI
8127796		3416724311	108		WILLIAM LANG 1-C	SIMMONS GAS FIELD	3.4	COLUMBIA GAS TRANSMI
-RICHARD C MEYER INC			RECEIVED: 04/27/81 JA: OH					
8127734		3403123678	103		HAZEL MYERS NO 1	BLISSFIELD-NORTH	3.0	COLUMBIA GAS TRANSMI
8127734		3403123678	107		HAZEL MYERS NO 1	BLISSFIELD-NORTH	3.0	COLUMBIA GAS TRANSMI
-RICHARD C POLING			RECEIVED: 04/27/81 JA: OH					
8127778		3412724920	103		COFFMAN #1	JACKSON TWP	5.0	
8127777		3408924014	103		WRIGHT #1	PERRY	5.0	
-RIMCO OPERATING INC			RECEIVED: 04/27/81 JA: OH					
8127908		3416922547	103		THOMPSON #1	PLAIN	12.0	COLUMBIA GAS TRANS
-ROBERT E SHERRY			RECEIVED: 04/27/81 JA: OH					
8127940		3412724858	103		CURRY #1A	HOPEWELL	50.0	
-ROVI RESOURCES CORP			RECEIVED: 04/27/81 JA: OH					
8127915		3411522048	103		C DAILEY #2	MORGAN	9.0	TENNESSEE GAS PIPELI
8127918		3411522047	103		C DAILEY #3	MORGAN	9.0	TENNESSEE GAS PIPELI
8127919		3411522049	103		C DAILEY #4	MORGAN	9.0	TENNESSEE GAS PIPELI
8127920		3411522044	103		CORY #1	BLOOM	9.0	TENNESSEE GAS PIPELI
8127914		3411522043	103		CORY #2	BLOOM	9.0	TENNESSEE GAS PIPELI
8127916		3411521932	103		L & M HANSON #1	BLOOM	9.0	TENNESSEE GAS PIPELI
8127917		3411521930	103		L & M HANSON #2	BLOOM	9.0	TENNESSEE GAS PIPELI
8127921		3411521929	103		L & M HANSON #3	BLOOM	9.0	TENNESSEE GAS PIPELI
8127909		3411521928	103		L & M HANSON #4	BLOOM	9.0	TENNESSEE GAS PIPELI
8127910		3411521931	103		L & M HANSON #5	BLOOM	9.0	TENNESSEE GAS PIPELI
8127911		3411521812	103		NEEDHAM #2	MORGAN	9.0	TENNESSEE GAS PIPELI
8127912		3411521938	103		NEEDHAM #3	MORGAN	9.0	TENNESSEE GAS PIPELI
8127913		3411521939	103		NEEDHAM #4	BLOOM	9.0	TENNESSEE GAS PIPELI
-ROWLEY & BROWN PETROLEUM CORP			RECEIVED: 04/27/81 JA: OH					
8127922A		3407522409	103		BRUMME #3	KILLBUCK	47.0	COLUMBIA GAS TRANSMI
8127922B		3407522409	107	D	BRUMME #3	KILLBUCK	47.0	COLUMBIA GAS TRANSMI
8127924		3407522341	103		DAN S YODER #2	MECHANIC	30.0	COLUMBIA GAS TRANSMI
8127924		3407522341	107		DAN S YODER #2	MECHANIC	30.0	COLUMBIA GAS TRANSMI
8127925		3407522321	103		ELLIOT #1	MECHANIC	39.0	COLUMBIA GAS TRANSMI
8127925		3407522321	107		ELLIOT #1	MECHANIC	39.0	COLUMBIA GAS TRANSMI
8127927		3407522306	103		HICKORY LAKE #2	MECHANIC	64.0	COLUMBIA GAS TRANSMI
8127927		3407522306	107		HICKORY LAKE #2	MECHANIC	64.0	COLUMBIA GAS TRANSMI
8127928		3407522307	103		HICKORY LAKE #3	MECHANIC	65.0	COLUMBIA GAS TRANSMI
8127928		3407522307	107		HICKORY LAKE #3	MECHANIC	65.0	COLUMBIA GAS TRANSMI
8127926		3407522346	103		HICKORY LAKE #5	MECHANIC	59.0	COLUMBIA GAS TRANSMI
8127926		3407522346	107		HICKORY LAKE #5	MECHANIC	59.0	COLUMBIA GAS TRANSMI
8127923		3407522345	103		STARKER #1	MECHANIC	52.0	COLUMBIA GAS TRANSMI
8127923		3407522345	107		STARKER #1	MECHANIC	52.0	COLUMBIA GAS TRANSMI
-SENECA ENERGY CORP			RECEIVED: 04/27/81 JA: OH					
8127931		3403123559	103		AMES #2	MILLCREEK	36.0	COLUMBIA GAS TRANSMI
8127931		3403123559	107		AMES #2	MILLCREEK	36.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127929		3403123470	103		CONKLE #1	CLARK	196.0	COLUMBIA GAS TRANSMI
8127930		3403123470	107		CONKLE #1	CLARK	196.0	COLUMBIA GAS TRANSMI
8127933		3403123560	103		CONKLE #2	CLARK	196.0	COLUMBIA GAS TRANSMI
8127933		3403123560	107		CONKLE #2	CLARK	196.0	COLUMBIA GAS TRANSMI
8127932		3403123561	103		CONKLE #3	CLARK	196.0	COLUMBIA GAS TRANSMI
8127932		3403123561	107		CONKLE #3	CLARK	196.0	COLUMBIA GAS TRANSMI
8127935		3403123562	103		CONKLE #4	CLARK	196.0	COLUMBIA GAS TRANSMI
8127935		3403123562	107		CONKLE #4	CLARK	196.0	COLUMBIA GAS TRANSMI
8127934		3403123563	103		CONKLE #5	CLARK	196.0	COLUMBIA GAS TRANSMI
8127934		3403123563	107		CONKLE #5	CLARK	196.0	COLUMBIA GAS TRANSMI
8127936		3403123564	103		CONKLE #6	CLARK	196.0	COLUMBIA GAS TRANSMI
8127936		3403123564	107		CONKLE #6	CLARK	196.0	COLUMBIA GAS TRANSMI
8127937		3403123565	103		CONKLE #7	CLARK	196.0	COLUMBIA GAS TRANSMI
8127937		3403123565	107		CONKLE #7	CLARK	196.0	COLUMBIA GAS TRANSMI
8127938		3403123566	103		CONKLE #8	CLARK	196.0	COLUMBIA GAS TRANSMI
8127938		3403123566	107		CONKLE #8	CLARK	196.0	COLUMBIA GAS TRANSMI
8127939		3403123567	103		CONKLE #9	CLARK	196.0	COLUMBIA GAS TRANSMI
8127939		3403123567	107		CONKLE #9	CLARK	196.0	COLUMBIA GAS TRANSMI
-SHELL OIL CO			RECEIVED: 04/27/81 JA: OH					
8127941		3412724859	103		BOWERSOX #1	HOPEWELL	50.0	
-SOUTHEASTERN OHIO OIL CO			RECEIVED: 04/27/81 JA: OH					
8127942		3412724860	103		BOWERSOX #1	HOPEWELL	50.0	
-STEPHENS OIL CO			RECEIVED: 04/27/81 JA: OH					
8127943		3412724861	103		BOWERSOX #1	HOPEWELL	50.0	
-TEXACO INC			RECEIVED: 04/27/81 JA: OH					
8127944		3412724862	103		BOWERSOX #1	HOPEWELL	50.0	
-THE OHIO OIL GAS CO			RECEIVED: 04/27/81 JA: OH					
8127945		3412724863	103		BOWERSOX #1	HOPEWELL	50.0	
-TRANSFUEL INC			RECEIVED: 04/27/81 JA: OH					
8127946		3412724864	103		BOWERSOX #1	HOPEWELL	50.0	
-UNION OIL CO OF CALIFORNIA			RECEIVED: 04/27/81 JA: OH					
8127947		3412724865	103		BOWERSOX #1	HOPEWELL	50.0	
-VIKING RESOURCES CORP			RECEIVED: 04/27/81 JA: OH					
8127948		3412724866	103		BOWERSOX #1	HOPEWELL	50.0	
-WILLIAM PENN OIL CO			RECEIVED: 04/27/81 JA: OH					
8127949		3412724867	103		BOWERSOX #1	HOPEWELL	50.0	

JD NO	JA DKT	API NO	SEC	C	WELL NAME	FIELD NAME	PROD	PURCHASER
8127929		3403123470	103		CONKLE #1	CLARK	196.0	COLUMBIA GAS TRANSMI
8127929		3403123470	107		CONKLE #1	CLARK	196.0	COLUMBIA GAS TRANSMI
8127932		3403123807	103		FENDER #1	MILLCREEK	37.0	COLUMBIA GAS TRANSMI
8127932		3403123807	107		FENDER #1	MILLCREEK	37.0	COLUMBIA GAS TRANSMI
8127936		3403123808	103		FENDER #2	MILLCREEK	37.0	COLUMBIA GAS TRANSMI
8127936		3403123808	107		FENDER #2	MILLCREEK	37.0	COLUMBIA GAS TRANSMI
8127935		3403122153	103		H J LOWE #1	MECHANIC	0.0	COLUMBIA GAS TRANSMI
8127935		3403122153	107		H J LOWE #1	MECHANIC	0.0	COLUMBIA GAS TRANSMI
8127930		3403123818	103		HOLMES LIMESTONE #1	MILLCREEK	38.0	COLUMBIA GAS TRANSMI
8127930		3403123818	107		HOLMES LIMESTONE #1	MILLCREEK	38.0	COLUMBIA GAS TRANSMI
8127934		3403122281	103		HOMER J LOWE #2	MECHANIC	109.0	COLUMBIA GAS TRANSMI
8127934		3403122281	107		HOMER J LOWE #2	MECHANIC	109.0	COLUMBIA GAS TRANSMI
8127937		3403123993	103		HUGHES #1	CLARK	49.0	COLUMBIA GAS TRANSMI
8127937		3403123993	107		HUGHES #1	CLARK	49.0	COLUMBIA GAS TRANSMI
8127933		3403123824	103		MYERS #2	CLARK	58.0	COLUMBIA GAS TRANSMI
8127933		3403123824	107		MYERS #2	CLARK	58.0	COLUMBIA GAS TRANSMI
-SKY PETROLEUM CORP					RECEIVED: 04/27/81 JA: OH			
8127941		3403124124	103		BRINK-MELROSE #1	WASHINGTON	0.0	
8127941		3403124124	107		BRINK-MELROSE #1	WASHINGTON	0.0	
8127942		3403124123	103		CHARLES GRAHAM #1	WEST BEDFORD	0.0	
8127942		3403124123	107		CHARLES GRAHAM #1	WEST BEDFORD	0.0	
-STRATA EXPLORATION INC LTD					RECEIVED: 04/27/81 JA: OH			
8127947		3407522764	103		#1 JOE M HERSHBERGER	MECHANIC	950.0	COLUMBIA GAS TRANSMI
8127947		3407522764	107		#1 JOE M HERSHBERGER	MECHANIC	950.0	COLUMBIA GAS TRANSMI
8127948		3407522763	103		#1 WAYNE L RABER	MECHANIC	1000.0	COLUMBIA GAS TRANSMI
8127948		3407522763	107		#1 WAYNE L RABER	MECHANIC	1000.0	COLUMBIA GAS TRANSMI
-SUMMA OIL INVESTORS LTD					RECEIVED: 04/27/81 JA: OH			
8127949		3416725468	103		GEORGE EDGAR #3	INDEPENDENCE	70.0	
-SUPERIOR PETROLEUM INC					RECEIVED: 04/27/81 JA: OH			
8127950A		3401921350	103		M W C D #2-E	MONROE	20.0	M & B OPERATING INC
8127950B		3401921350	107	D	M W C D #2-E	MONROE	20.0	M & B OPERATING INC
8127951A		3401921347	103		M W C D #5-E	MONROE	20.0	M & B OPERATING INC
8127951B		3401921347	107	D	M W C D #5-E	MONROE	20.0	M & B OPERATING INC
8127952		3401921388	103		M W C D 4-E	MONROE	0.0	M B OPERATING INC
-THE MUTUAL OIL & GAS COMPANY					RECEIVED: 04/27/81 JA: OH			
8127736		3411122194	103		R HINES M-1	FRANKLIN	10.0	COLUMBIA GAS TRANSMI
-TIGER OIL INC					RECEIVED: 04/27/81 JA: OH			
8127955		3405922852	103		KAPOLKA #3-A		0.0	COLUMBIA GAS TRANSMI
8127955		3405922852	107		KAPOLKA #3-A		0.0	COLUMBIA GAS TRANSMI
8127954		3405922522	103		SZUBER #1	VALLEY	0.0	COLUMBIA GAS TRANSMI
8127954		3405922522	107		SZUBER #1	VALLEY	0.0	COLUMBIA GAS TRANSMI
8127953		3405922674	103		SZUBER #1B	VALLEY	20.0	COLUMBIA GAS TRANSMI
8127953		3405922674	107		SZUBER #1B	VALLEY	20.0	COLUMBIA GAS TRANSMI
8127956		3412122566	107		ULLMAN-BECKER-SCHRAMM #1	ELK	0.0	COLUMBIA GAS TRANSMI
-WHITACRE OIL CO					RECEIVED: 04/27/81 JA: OH			
8127957		3411121938	107		ARNETT WHITACRE #1	WASHINGTON	40.0	COLUMBIA GAS TRANSMI
8127958		3411122088	107		ROY WHITACRE #1	WASHINGTON	45.0	COLUMBIA GAS TRANSMI
-WHITNAM OIL & GAS CORP					RECEIVED: 04/27/81 JA: OH			
8127959		3416725952	107		DOAK #5	FAIRFIELD	10.0	
8127963		3416726028	107		EDDY HEIRS #1	INDEPENDENCE	15.0	
8127961		3416725866	107		FLY #1	DECATUR	12.0	
8127964		3410522045	107		REED #2	OLIVE	12.0	
8127962		3416726330	107		REYNOLDS #1	GRANDVIEW	15.0	
8127960		3416725861	107		SMITH-MYERS #1	DECATUR	12.0	

BILLING CODE 6460-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated Annual production (PROD) is in million cubic feed (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the receord on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 175.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days after the date of publication of this notice in the **Federal Register.**

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15858 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2891-001]

City of Tallahassee, Florida; Application for license (Major)

May 21, 1981

Take notice that the City of Tallahassee, Florida (Applicant) filed on February 25, 1981, an application for a major license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the Jackson Bluff Dam Project No. 2891 located on the Ochlockonee River in Leon, Liberty, and Gadsden Counties, Florida. Correspondence with the Applicant should be directed to: Mr Kenneth W. Morgan, Director, Electric Department, City of Tallahassee, 2602 Jackson Bluff Road, Tallahassee, Florida 32301 and Mr. James V. Williams, R. W. Beck and Associates, Tower Building, 7th Avenue at Olive Way, Seattle, Washington 98101.

Project Description—The Jackson Bluff Dam Project would consist of: (1) an existing reservoir with a storage capacity of 150,000 acre-feet and a surface area of 10,200 acres at normal power pool elevation of 68.5 feet m.s.l.; (2) an existing earth embankment dam approximately 3,600 feet long with a maximum height of approximately 60 feet; (3) an existing powerhouse which consists of a brick superstructure and reinforced concrete substructure. The powerhouse is approximately 132 feet long and 33 feet wide, and will contain generating units having a total installed capacity of 10,900 kW; (4) an existing 69-kV transmission line; and (5) appurtenant facilities. The estimated average annual energy output of the proposed project would be 22,637,000 kWh.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (b) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 13, 1981. The Commisssion's address is: 825 North Capitol Street, NE, Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15830 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-317-000]

Columbia Gas Transmission Corp.; Application

May 22, 1981.

Take notice that on May 4, 1981, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81-317-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional compressor unit at its Seneca Compressor Station (Seneca) in Pendleton County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia Gas requests authorization to construct and operate a 13,750 horsepower gas turbine driver-centrifugal compressor unit at Seneca. Columbia Gas states that Seneca is located at a critical point on Columbia Gas' B System which partially supplies its Eastern Market Area, including the Washington-Baltimore Area, and that it is essential that this station have a high degree of reliability to permit operation at a high load factor during the winter period. Columbia Gas indicates that during winter/day design operations it would use the proposed 13,750 horsepower unit in firm service and the existing Seneca units, which consist of one 6,200 and two 3,165 horsepower units, in standby service.

Columbia Gas states that it would purchase a surplus GE Frame 3 turbine compressor unit from Columbia Gulf Transmission Company (Columbia Gulf), an affiliate, which can be upgraded to 13,750 horsepower. Such unit is currently at Columbia Gulf's Stanton Compressor Station and that the abandonment of said unit is currently pending before the Commission in Docket No. CP81-161-000, it is stated. Columbia Gas states that it also intends to purchase a surplus auxiliary equipment at its Seneca Compressor Station.

The application states that on February 26, 1981, a failure occurred in the regenerative unit of the existing 6,200 horsepower Seneca compressor unit, and that it has been estimated that this unit, which was installed in 1953, cannot be made operational until approximately November 1, 1981. Columbia Gas contends that without the availability of this unit, it would experience an approximate 113,000 Mcf per day reduction in the capability of the B System on a design day during the

1981–82 winter period. Additionally other major accessory components of the existing 6,200 horsepower unit are obsolete and efforts to keep the unit in condition have required repairs using material not specifically designed for the application, it is said. It is stated that a failure in one of the major components could render the compressor unit inoperable for periods of months, up to two years. The two existing 3,165 horsepower compressor units at Seneca are light duty Allison units primarily installed for peaking service, it is said.

Columbia Gas indicates that it intends to make every effort to complete installation of the Stanton unit at Seneca by November 1, 1980, in order to assure design day capabilities of the B system during the 1981–82 winter period.

Columbia Gas indicates that it would purchase the proposed facility from Columbia Gulf at its original cost less depreciation for an estimated net out-of-pocket cost of $861,831. The estimated total capital cost for installing and upgrading the proposed 13,750 horsepower compressor unit at Seneca would be $7,190,000 which cost would be financed from internally generated funds, Columbia Gas states.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15670 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-330-000]

Columbia Gulf Transmission Co., Southern Natural Gas Co.; Application

May 22, 1981.

Take notice that on May 11, 1981, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81–330–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 3.76 miles of 12-inch pipeline in the South Pass Area, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that they have acquired the right to purchase gas reserves underlying Blocks 57 and 58 in the South Pass Area. In order to attach such reserves to a 26-inch pipeline in South Pass Block 77 owned by Columbia Gulf and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Applicants propose to construct the subject facilities between the production platform in Block 57 and the 26-inch pipeline. The proposed 12-inch pipeline would have a design capacity of 100,000 Mcf of gas per day.

Columbia Gulf proposes to construct the facility. The application states that Columbia Gulf has requested Tennessee to operate it.

The proposed facility is estimated to cost approximately $5,000,000. Financing by Columbia Gulf would be with funds on hand. Financing by Southern would be initially by funds on hand or short-term obligations.

Ownership of the subject facility would be 80 percent by Columbia Gulf and 20 percent by Southern, which is said to be their approximate interests in the reserves to be attached. Reserves are estimated at 53,910,000 Mcf proven, 100,213,000 Mcf proven and shallow potential, and 125,213,000 Mcf proven and shallow/deep potential.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15631 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-36-000]

Coronado Transmission Co.; Application for Adjustment

May 22, 1981.

Take notice that on May 11, 1981, Coronado Transmission Company (Applicant), 8561 Long Point Road, Houston Texas 77035, filed in Docket No. SA81–36–000 an application pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 for an adjustment to permit Applicant to elect, pursuant to Section 284.123(b)(1)(ii) of the Commission's Regulations (18 CFR 284.123(b)(1)(ii)), to use an existing rate for intrastate service, other than a city-

gate rate, for service rendered Southern Natural Gas Company (Southern) under Section 311(a) of the Natural Gas Policy Act of 1978, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has commenced the gathering, compression, and transportation of natural gas for Southern, said to be reported pursuant to Section 284.126 of the Commission's Regulations (18 CFR 284.126) concurrently with the instant application, at a rate below that previously approved by the Alabama Public Service Commission for transportation services rendered by Applicant but which rate Applicant believes does not comport with the requirements of Section 284.123, because it is not for city-gate service. Applicant requests that an adjustment be granted so that the rate on file with the Alabama Public Service Commission may be used as the basis for the rate currently to be collected from Southern, pending Applicant's obtaining a determination by the Alabama Public Service Commission that Applicant's existing transportation rate is just and reasonable by a cost-based methodology under Alabama substantive law.

Applicant states that within 30 days after an affirmative order regarding the instant application would be issued, Applicant would file a request with the Alabama Public Service Commission for the purpose of obtaining from that Commission an order that Applicant's transportation rate is just and reasonable. Applicant states that it would file with that Commission all necessary and appropriate documentation to justify its rate on a cost basis. Applicant agrees to be bound by whatever order or determination the Alabama Public Service Commission issues, which order would be filed with this Commission.

Applicant submits that the Alabama Public Service Commission is familiar with Applicant and the services Applicant renders in Alabama and that an adjustment is required to prevent hardship, inequity, or an unfair distribution of burdens. Further, Applicant submits that this Commission's review of the rate methodology for the instant service would result in unnecessary, dual agency review.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15832 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4510-000]

Cosumnes River Water and Power Authority; Application for Preliminary Permit

May 21, 1981.

Take notice that Cosumnes River Water and Power Authority (Applicant) filed on April 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4510 to be known as the Cosumnes River Water and Power Project located on the Cosumnes River in Amador and El Dorado Counties, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Harold E. Colburn, Chairman of Board, Cosumnes River Water and Power Authority, Box 126, Plymouth, California 95669, with a copy to Mr. Joe Flynn, Vice Chairman, Cosumnes River Water and Power Authority, 330 Fair Lane, Placerville, California 95667. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 295-foot high by 1,800-foot long earth and rock fill structure, designated Pi-Pi Dam, to impound the Middle Fork Cosumnes River, creating a reservoir with a surface area of 445 acres and a storage capacity of 70,000 acre-feet; (2) the Pi-Pi Mini Hydroelectric Power Plant with an installed capacity of approximately 375 kW; (3) approximately 18,600 feet of pipeline to convey water to the Dogtown Creek Reservoir; (4) a 100-foot high by 500-foot long earthfill structure, designated Sopiago Dam, to impound the Sopiago Creek, creating a reservoir with a surface area of 150 acres and a capacity of 7,000 acre-feet; (5) an 80-foot high concrete gravity structure designated Dogtown Creek Diversion Dam, to impount the Dogtown Creek, creating a reservoir with a surface area of 5 acres and a capacity of 200-feet; (6) the Dogtown Power Plant with an installed capacity of 1,178 kW; (7) a 9,000-foot long, 60-inch diameter pipeline; (8) a 5,000-foot long, 8-foot diameter tunnel; (9) a 2,500-foot long, 60-inch diameter penstock serving; (10) the Clear Creek Power Plant with an installed capacity of 3,150 kW; (11) a 335-foot high, 1,800-foot long rock fill structure, designated Steely Dam, to impound the Steely Creek, creating a reservoir with a surface area of 475 acres and a storage capacity of 80,000 acre-feet (12) a 4,100-foot long, 9-foot diameter tunnel; (13) a 4,600-foot long, 84-inch diameter penstock serving; (14) the Steely Power Plant with an installed capacity of 41,200 kW; (15) a 190-foot high by 1,100-foot long earth and rock fill structure, designated Big Canyon Diversion Dam, to impound the Big Canyon Creek, creating a reservoir with a surface area of 210 acres and a capacity of 10,000 acre-feet; (16) a 130-foot high by 650-foot long earthfill dam, designated Camp Creek Diversion Dam, to impound the Camp Creek, creating a reservoir with a surface area of 40 acres and a capacity of 2,000 acre-feet; (17) a 6,500-foot long, 96-inch diameter tunnel diverting water to the Baker Ford Reservoir; (18) a 285-foot high by 1,550-foot long earthfill structure, designated Baker Ford Dam, to impound the Middle Fork Cosumnes River, creating a reservoir with a surface area of 1,400 acres and a storage capacity of 185,000 acre-feet; (19) the Baker Ford Mini Hydroelectric Power Plant with an installed capacity of 375 kW; (20) a 19,000-foot long, 10-foot diameter tunnel; (21) a 3,000-foot long, 8-foot diameter pipeline; (22) a 168-inch diameter surge tank; (23) a 2,000-foot long, 84-inch by 78-inch penstock leading to; (24) the Spanish Creek Power Plant with an installed capacity of 23,000 kW; (25) a 75-foot high by 500-foot long concrete gravity structure designated the Spanish Creek Diversion Dam, to impound the Middle Fork Cosumnes River, creating a reservoir with a surface area of 20 acres and a capacity of 140 acre-feet; (26) a 15,600-foot long, 120-inch tunnel; (27) a 2,000-foot long, 96-inch diameter steel penstock serving; (28) the Nashville Power Plant No. 1 with an installed capacity of 10,760 kW; (29) a 20-foot high by 300-foot long concrete gravity structure, designated the Nashville

Regulating Dam, to impound the Middle Fork Cosumnes River, creating a reservoir with a surface area of 10 acres and a capacity of 100 acre-feet; (30) a 215-foot high by 800-foot long structure, designated the Cape Cod Dam, to impound the Cosumnes River, creating a reservoir with a surface area of 2,340 acres and a storage capacity of 300,000 acre-feet; (31) the Cape Cod Power Plant with an installed capacity of 9,000 kW; (32) a 190-foot high by 800-foot long earthfill dam, designated the Scotts Creek Dam, to impound the Scotts Creek, creating a reservoir with a surface area of 180 acres and a storage capacity of 16,400 acre-feet; (33) a 40-foot high by 400-foot long concrete structure, designated the Aukum Diversion Dam, to impound the South Fork Cosumnes River, creating a reservoir with a surface area of 25 acres and a capacity of 160 acre-feet; (34) the Dry Creek Power Plant No. 1 with an installed capacity of 1,125 kW; (35) a 165-foot high by 750-foot long earthfill structure, designated Dry Creek Dam, to impound the Dry Creek, creating a reservoir with a surface area of 2,000 acres and a storage capacity of 17,000 acre-feet; (36) the Dry Creek Power Plant No. 2 with an installed capacity of 1,675 kW; (37) a 185-foot high by 1,880-foot long rolled earth, sand, and gravel structure, designated the Irish Hill Dam, to impound the Dry Creek, creating a reservoir with a surface area of 2,000 acres and a storage capacity of 100,000 acre-feet; and approximately 55 miles of transmission line beginning from the Pi-Pi reservoir to the existing Folsom Dam Switch Yard. The proposed project would have a total installed capacity of 91.8 MW.

The Applicant estimates that the average annual energy output would be 372.3 million kWh.

Purpose of Project—Applicant states that the power produced by the project would be marketed to either a publicly-owned or an investor-owned utility.

Proposed Scope and Cost of Studies under Permit—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 36 months, during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about $1.9 million. No new road construction would be required to conduct the studies. The impact upon the environment by preliminary field studies would be minor and temporary. Any land disturbed while conducting test pits, field surveys, and borings would be returned to its original condition upon completion of the preliminary studies.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 10, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before July 10, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4510. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15833 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4586-000]

Dennis V. McGrew, Tom M. McMaster, and Kenneth R. Koch; Application for Preliminary Permit

May 20, 1981.

Take notice that Dennis V. McGrew, Tom M. McMaster, and Kenneth R. Koch (Applicant) filed on April 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4586 to be known as Swamp Creek Project located on Swamp Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Dennis V. McGrew, P.E., 2623 Yew Street, Bellingham, Washington 98225. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements

specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 5-foot high concrete diversion weir and intake structure; (2) a 3,600-foot long and 36-inch diameter concrete pipeline; (3) a surge tank; (4) a 2,000-foot long and 30-inch diameter steel penstock; (5) a powerhouse containing one generating unit rated at 3.7 MW; and (6) a 6-mile long transmission line. The Applicant estimates that the average annual energy output would be 22 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering and geotechnical studies, perform preliminary designs, conduct environmental studies, make an economic and feasibility analysis, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $190,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the aplication may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 30, 1981.

Filing and Service of Responsive Documents—Any comments notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4586. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15825 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-268-000]

Dow Intrastate Gas Co.; Application

May 22, 1981.

Take notice that on May 5, 1981, Dow Intrastate Gas Company (Applicant), Route 1, Box 35, Plaquemine, Louisiana 70764, filed in Docket No. ST81-268-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 for authorization to transport 50,000 Mcf of natural gas per day in interstate commerce for Natural Gas Pipeline Company of America (Natural) for 365 days, unless extended, from Lafayette to Iberville Parishes, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that under authorization sought in Docket No. CP81-302-000, Natural would deliver gas to Texas Gas Transmission Corporation (Texas Gas) at Henry, Louisiana, and that under authorization to be sought by Texas Gas, Texas Gas would deliver gas to Applicant at a connection to be established where their pipelines cross in Lafayette Parish. Applicant would redeliver the gas to Natural's customer, The Dow Chemical Company, at its plant near Plaquemine in Iberville Parish.

Applicant proposes to charge a transportation rate of 15 cents per million Btu equivalent of gas. This rate is said to be the same as that contained in a transportation rate schedule now effective for intrastate service on file with the Louisiana Conservation Commission, which covers service comparable to that to be performed for Natural. Applicant states that it will file an application for approval of this rate pursuant to Section 284.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)).

Applicant states that it believes that the instant service may be accomplished on a self-implementing basis within the contemplation of Section 284.122 of the Commission's Regulations (18 CFR 284.122); however, if specific authorization is required, Applicant requests such authorization.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will

be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15834 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4595-000]

Hat Creek Hydro, Inc.; Application for Preliminary Permit

May 20, 1981.

Take notice that Hat Creek Hydro, Inc. (Applicant) filed on April 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4595 to be known as Hat Creek Power Project located on Hat Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Floyd Bidwell, Box 547, Cassel, California 96016. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 5-foot high, 60-foot long natural fill and concrete diversion structure; (2) a 52-inch diameter, 1,800-foot long penstock; (3) a powerhouse containing a single-generating unit with a rated capacity of 1,500 kW; and (4) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 12.5 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4595. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15826 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1895-001]

Henry C. Schwemm, Jr.; Application

May 20, 1981.

The filing individual submits the following:

Take notice that on May 7, 1981, Henry C. Schwemm, Jr. filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice-President, Atlantic City Electric Company
Vice-President and Director, Deepwater Operating Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before June 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party

must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15835 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4540-000]

Imperial Irrigation District; Application for Preliminary Permit

May 21, 1981.

Take notice that Imperial Irrigation District (Applicant) filed on April 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4540 to be known as the All American Canal Drop No. 1 Project located on the All American Canal in Imperial County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Leroy Edwards, President, Imperial Irrigation District, P.O. Box 937, 333 E. Main Street, Imperial, California 92251. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a channel diverting flows from the Water and Power Resources Service's existing All American Canal 170 feet upstream of Drop No. 1; (2) a powerhouse containing two generating units with a total rated capacity of 3.6 MW; (3) a tailrace channel discharging into the canal 200 feet downstream of Drop No. 1; and (4) associated electrical and transmission equipment. The Applicant estimates that the average annual energy output would be 28,900 MWh.

Purpose of Project—Project energy would be used by Applicant.

Proposed Scope and Cost of Studies under Permit—Applicant has already determined that the project would be technically and economically feasible. Further studies would be conducted to determine the financial and environmental feasibility of the project. Applicant estimates that the studies conducted under a permit would cost $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3773 filed on December 21, 1980, and Energenics Systems, Inc.'s Project No. 3949 filed on January 9, 1981, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 25, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4540. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15836 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4534-000]

Industrial Rehab Partnership; Application for Preliminary Permit

May 20, 1981.

Take notice that Industrial Rehab Partnership (Applicant) filed on April 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4534 to be known as the Stillwater Hydroelectric Project located on the Clear River in the Town of Burrillville, Providence County, Rhode Island. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Industrial Rehab Partnership, 50 New River Road, Manville, Rhode Island 02838. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) a dam, 135 feet long and 23 feet high; (2) a reservoir with a surface elevation of 340 feet m.s.l. and 180 acre-feet of storage; (3) an intake structure leading to a headrace, 200 feet long and 15 feet wide; (4) a tailrace about 75 feet long, and new project works to include; (5) a headrace extension about 25 feet long; (6) a powerhouse having units with an installed capacity of 115 kW; and (7) other appurtenances.

The Applicant estimates that the average annual energy output would be about 707,000 kWh.

Purpose of Project—Project energy would be utilized by the Applicant's facilities at the site for internal

commercial or industrial manufacturing purposes or sold to the Blackstone Valley Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform hydraulic, construction planning, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for a FERC license. Applicant estimates cost of studies under the permit would be $43,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4534. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15827 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3852-000]

Jorges Sanchez; Application for Preliminary Permit

May 21, 1981.

Take notice that Jorges Sanchez (Applicant) submitted on December 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the proposed Structure 77, Moore Haven Lock, Project No. 3582 to be located at the U.S. Army Corps of Engineers' Moore Haven Lock, a flood control project, on the Caloosatchee River, Moore Haven, Glades County, Florida. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jorges Sanchez, 239 Southland Road, Palm Beach, Florida 33480. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' Lock Project and would consist of: (1) a proposed powerhouse located on the Northern bank of the river; (2) a proposed penstock extending 40 feet in length; (3) transmission lines owned by Florida Power & Light Company; (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 3.95 MW. The proposed project is located on Federal lands. The Applicant estimates that the average annual energy output would be 10.0–14.2 x 10^6 kWh.

Purpose of Project—Energy produced at the proposed site would be sold to Florida Power and Light Company or other industrial users.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies estimated to be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be

made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 2, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capitol letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3852. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15837 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-282-000]

Montana Power Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Waiver of Notice, Denying Request for Rejection, Granting Intervention, and Establishing Procedures

Issued: May 19, 1981

On March 20, 1981, Montana Power Company (Montana) completed its filing of a proposed rate increase [1] for firm power service to Big Horn Electric Cooperative (Big Horn) and Central Montana Electric Generation and Transmission Cooperative, Inc., (Central Montana).[2] Based on the Period I test year ending December 31, 1979, the revised rates would increase revenues to Montana by approximately $178,591.[3] In its March 20 submittals, Montana requested waiver of the notice requirements to permit the rates to become effective on March 15, 1981.

Notice of Montana's filing was issued on February 26, 1981, with responses due on or before March 20, 1981. On March 20, 1981, Central Montana filed a petition to intervene and protest, followed by a supplementary protest on April 10, 1981, concerning Montana's completed filing.

Central Montana asserts that Montana's rate proposals should be rejected because only some of the cost support required by the Commission's filing regulations has been submitted. Alternatively, Central Montana objects to Montana's request for waiver of the notice requirements and the proposed effective date. Central Montana asks that the Commission suspend the rates for the full five-month statutory period. In support of its requests, Central Montana raises various cost of service issues including the price of coal purchased by Montana from a wholly-owned subsidiary, the company's requested working cash allowance, and the determination of Central Montana's demand cost responsibility.

Discussion

Initially we find that Central Montana's participation in this proceeding is in the public interest and, accordingly, the cooperative's petition to intervene will be granted.

We shall deny Central Montana's request to reject the filing because we find that Montana's submittal, as supplemented on March 20, 1981, substantially complies with our filing requirements. *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971). We shall also deny Montana's request for waiver of the notice requirements because good cause for such waiver has not been demonstrated.

Particularly in view of the substantive matters raised by Central Montana, we find that the proposed rates submitted by Montana have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as directed below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. While Central Montana has raised issues which are appropriate matters to be considered at an evidentiary hearing, our preliminary review indicates that the filing may not yield excessive revenues. Under these circumstances, a nominal suspension and a refund obligation should provide adequate protection to the affected customers pending the outcome of the hearing. We

---

[1] Montana initially tendered its revised rates on February 17, 1981. By letter dated March 3, 1981, Montana was informed that its filing was deficient.

[2] *See* Attachment A for rate schedule designations.

[3] The abbreviated filing requirements of § 35.13(a)(2) of the Commission's regulations apply in this instance because the proposed rates reflect an annual increase of less than $200,000.

[4] *E.g., Boston Edison Company*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Company*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

shall therefore suspend Montana's submittal for one day from sixty days after completion of the filing to become effective thereafter on May 21, 1981, subject to refund.

The Commission orders:

(A) Central Montana's request for rejection of Montana's filing is hereby denied.

(B) Montana's request for waiver of the notice requirements is hereby denied.

(C) Montana's rate schedules tendered for filing on March 20, 1981, are hereby accepted for filing and suspended for one day, to become effective on May 21, 1981, subject to refund.

(D) Central Montana's petition to intervene is hereby granted subject to the rules and regulations of the Commission, *provided, however,* that participation by Central Montana shall be limited to matters set forth in its petition to intervene and *provided, further,* that the admission of Central Montana shall not be construed as recognition by the Commission that the cooperative might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of Montana's rates.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Such conference shall be held for purposes of expediting discovery, establishing procedural dates, including the filing of testimony and exhibits by Montana, and resolving other appropriate matters. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Montana Power Company, Docket No. ER81-282-000

Rate Schedule Designations

Supplement No. 10 to Rate Schedule FPC No. 39 (Supersedes Supplement No. 9); Central.

Supplement No. 5 to Rate Schedule FPC No. 40 (Supersedes Supplement No. 3); Big Horn.

[FR Doc. 81-15836 Filed 5-27-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-325-000]

Mountain Fuel Resources, Inc.; Application

May 20, 1981.

Take notice that on May 8, 1981, Mountain Fuel Resources, Inc. (Resources), Suite 1540, 36 South State Street City, Salt Lake, Utah 84111, filed in Docket No. CP81-325-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) storage service from the Clay Basin Storage Project, Daggett County, Utah, for Mountain Fuel Supply Company (Mountain Fuel), (2) expanded storage service to Nortwest Pipeline Corporation (Northwest), (3) the construction and operation of 18 new injection/withdrawal wells, two 2,600 horsepower compressors (4) installation of valves, meters, and appurtenances at the Kastler compressor station, and (5) the extension of the 1980-81 Clay Basin interim storage arrangements to provide continued storage service to Clay Basin Storage Company (Storage Company) through the 1981-82 heating season, all as more fully set forth in the application which is on file with Commission and open to public inspection.

Resources has developed and desires to continue to develop the potential gas storage capabilities of the Dakota formation of the Clay Basin field. In the instant docket Resources proposes the following.

(1)The use of existing and proposed facilities to render storage service to Mountain Fuel and in so doing to inject for Mountain Fuel's account up to a maximum of 300,000 Mcf of gas per day for no more than 225 days during any injection period and to withdraw and deliver to Mountain Fuel up to a maximum of 75,000 Mcf per day for no more than 150 days during any withdrawal period. Such storage service is required to provide base load storage service for Mountain Fuel's firm distribution.

(2) The use of existing and new facilities to render expanded storage service to Northwest and in so doing to inject for Nortwest's account up to a maximum of 225,000 Mcf of gas per day for no more than 225 days during the 1982 injection period and thereafter and to withdraw and deliver to Northwest up to a maximum of 225,000 Mcf per day for no more than 150 days during the 1982-83 withdrawal period and thereafter.

(3) The use of existing facilities to extend 1980-81 Clay Basin interim storage arrangements between Resources, Northwest, El Paso Natural Gas Company (El Paso) and Storage Company (Resources' Rate Schedule S-2, as amended) through the 1981-82 winter season in order to provide another year of storage protection for El Paso's East of California (EOC) customers.

It is indicated that Resources is currently authorized to inject for Northwest a maximum of 225,000 Mcf of gas per day for a minimum of 150 days and withdraw a maximum of 150,000 Mcf of gas per day for a maximum of 150 days. A 20,000,000 Mcf maximum annual total withdrawal has also been approved. Further, Resources indicated that it is currently authorized to inject on a best efforts basis for the account of Storage Company the maximum volume of gas which can be injected through existing facilities in excess of those volumes delivered by Northwest and to withdraw and deliver to Northwest on the best efforts basis for the account of Storage Company the maximum volume of gas which can be withdrawn in excess of those volumes withdrawn for Northwest's account utilizing existing facilities.

Resources provides storage service to Nothwest under an agreement between Resources and Northwest, dated June 8, 1976, as amended (S-1 agreement) and for El Paso, through Storage Company, under Resources' Clay Basin Interim Storage Service Rate Schedule, dated March 15, 1978 (S-2). Clay Basin has potential natural gas storage capability beyond that currently being utilized, it is asserted; therefore, Resources has entered into the Clay Basin Storage Service Rate Schedule S-3 (S-3 agreement) which provides for Mountain Fuel's participation in the Clay Basin storage operations of Resources. It is asserted further that Resources, Northwest, Storage Company, El Paso, and Mountain Fuel have amended the S-2 agreement to (1) extend the term of the S-2 agreement to October 31, 1982,

(2) permit Mountain Fuel to become a party to the S–2 agreement, (3) allow Mountain Fuel the right to use as cushion gas, for approximately one year commencing May 1, 1981, a maximum of 10,300,000 Mcf of gas owned by Storage Company, and (4) allow Mountain Fuel to take title to such cushion gas commencing after April 30, 1982, in return for which Mountain Fuel would exchange equivalent volumes prior to November 1, 1982.

Resources states that the total estimated cost of the proposed new facilities is $22,689,120 which cost would be financed from funds on hand, as supplemented by short-term borrowing, if necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15828 Filed 5-27-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-326-000]

Mountain Fuel Supply Co.; Application

May 20, 1981.

Take notice that on May 8, 1981, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP81–326–000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to operate under a natural gas storage agreement with Mountain Fuel Resources, Inc. (Resources), construct and operate certain interstate transmission facilities, use certain volumes of gas through an agreement with Clay Basin Storage Company (Storage Company), and exchange natural gas with Storage Company and for permission and approval to abandon certain interstate transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following:

(1) The operation under a storage agreement with Resources to effectuate the receipt by Applicant of 3,600,000 Mcf of gas from Resources' storage facility utilizing the Dakota formation of the Clay Basin Field in Dagget County, Utah, at a rate up to 75,000 Mcf of gas per day for a period not to exceed 150 days during the 1981–82 heating season.

(2) The operation under a storage agreeement with Resources, which agreement provides for the delivery of up to 300,000 Mcf of gas per day to Resources for storage at Clay Basin for a period not less than 150 days nor more than 225 days and for the redelivery by Resources of such stored gas to Applicant at the rate of up to 75,000 Mcf per day for not more than 150 days.

(3) The construction of 38.5 miles of 20-inch pipeline for injections and withdrawals at Clay Basin. The 20-inch line would replace 16.60 miles of 10-inch pipeline and be connected to 4.08 miles of existing 20-inch pipeline for a total length of 42.58 miles from Clay Basin to Applicant's Nightingale compressor station in Sweetwater County, Wyoming. Applicant states that the 16.60 miles of 10-inch line would no longer be useful as transmission line and due to its age and inaccessibility would not be salvaged.

(4) The abandonment of the 16.60 miles of 10-inch pipeline.

(5) The use of 10,300,000 Mcf of natural gas in place through an agreement with Storage Company for a period of one year commencing May 1, 1981.

(6) The exchange of 10,300,000 Mcf of gas with Storage Company during the summer of 1982.

Resources provides storage service to Northwest Pipeline Corporation (Northwest) under an agreement between Resources and Northwest, dated June 8, 1976, as amended (S–1 agreement), and for El Paso Natural Gas Company (El Paso), through Storage Company, under Resources' Clay Basin Interim Storage Service Rate Schedule, dated March 15, 1978 (S–2). Clay Basin has potential natural gas storage capability beyond that currently being utilized, it is asserted; therefore, Resources has entered into the Clay Basin Storage Service Rate Schedule S–3 (S–3 agreement) which provides for Applicant's participation in the Clay Basin storage operations. It is asserted further that Resources, Northwest, Storage Company, El Paso and Applicant have amended the S–2 agreement to (1) extend the term of the S–2 agreement to October 31, 1982, (2) permit Applicant to become a party to the S–2 agreement, (3) allow Applicant the right to use as cushion gas, for approximately one year commencing May 1, 1981, a maximum of 10,300,000 Mcf of gas owned by Storage Company, and (4) allow Applicant to take title to such cushion gas commencing after April 30, 1982, in return for which Applicant would exchange equivalent volumes prior to November 1, 1982.

Applicant states that it is in immediate need of natural gas storage capacity to balance its available supply of natural gas with the seasonal requirements of its existing distribution customers and that it has therefore contracted with Resources for service at Clay Basin.

Applicant estimates the cost of the 20-inch pipeline and appurtenant facilities would be $10,833,400 which would be financed through funds on hand, as supplemented by short-term borrowing, if necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a

proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commissioner on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-15829 Filed 5-27-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4323-000]

Northeastern Minnesota Municipal Power Agency; Application for Preliminary Permit

May 21, 1981.

Take notice that Northeastern Minnesota Municipal Power Agency (Applicant) filed on March 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4323 to be known as Mississippi River Lock and Dam No. 2 located on Mississippi River in the Dakota County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Norman G. Schroeder, Chairman, Northeastern Minnesota Municipal Power Agency, c/o City of Staples, Staples, Minnesota 56479. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located adjacent to the riverward lock, containing generating units having a total installed capacity of 5,200 kW; (2) proposed 69,000-volt transmission lines; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. The Applicant estimates that the average annual energy output would be 35,000,000 kWh.

Purpose of Project—Energy produced at the project would be used by the Applicant to replace capacity and energy purchased under wholesale purchase contracts and to supplement existing coal-fired generations of Applicant's electric system.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time studies would be made to determine the engineering, economic, and environmental feasibility of the project. In addition, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project. Applicant estimates the cost of the studies under the permit would be $53,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc. Project No. 3650, filed on November 3, 1980. Anyone desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4323. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15840 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-305-000]

Northern Natural Gas Company, Division of InterNorth, Inc., and Natural Gas Pipeline Co. of America; Application

May 22, 1981.

Take notice that on April 24, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603 (Applicants) filed in Docket No. CP81-305-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities necessary to attach a new offshore gas supply, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants indicate that they have contracted to purchase all of the natural gas reserves in West Delta Area Blocks 137 and 138 (Block 137 or Block 138), offshore Louisiana.[1] In order to attach these natural gas reserves, Applicants propose to construct and operate approximately 9.5 miles of 10-inch pipeline extending from the producer's platform in Block 138 to a subsea valve on Trunkline Gas Company's (Trunkline) existing 16-inch pipeline in Grand Isle Area Block 82,[2] and metering facilities and appurtenances. Such facilities would provide a capacity of 39,000 Mcf of gas per day, which capacity is needed to transport the estimated maximum daily volumes that are expected to be available to the Applicants, it is stated. Applicants estimate that proved reserves and potential gas supply attributable to Block 137 and Block 138 is approximately 26,989,000 Mcf. These reserves, which are expected to be ready for production this summer, are said to be in the federal offshore domain and would be transported in interstate commerce.

The application states that the proposed facilities would be constructed by Northern and owned jointly by Applicants pursuant to a construction and ownership agreement, which agreement is being negotiated at this time. The cost, ownership, and capacity entitlement of the proposed facilities would be based on the estimated deliverability of 36,000 Mcf per day from Northern's Block 138 reserves and 3,000 Mcf per day from Natural Block 137 reserves, it is said.

Applicants estimate that the total cost of construction of the proposed facilities would be $8,820,000, which cost Applicants would finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15839 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1957-000]

Robert C. Young; Application

May 20, 1981.

The filing individual submits the following:

Take notice that on May 12, 1981, Robert C. Young filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director—Vermont Electric Power Company

Director—Vermont Yankee Nuclear Power Corporation

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before June 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15841 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-320-000]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Application

May 22, 1981.

Take notice that on May 5, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), filed in Docket No. CP81-320 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for El Paso Natural Gas Company (El Paso), all as more fully set forth in the application on file with the Commission and open to public inspection.

[1] It is stated that Northern has the right to purchase 100 percent of the gas reserves underlying Block 138, and that Natural has the right to purchase 100 percent of the gas reserves underlying Block 137. Production of gas volumes attributable to both Block 137 and Block 138 would be performed at the producer's platform in Block 138, it is said.

[2] It is stated that Applicants are negotiating transportation agreements with Trunkline to effectuate delivery of their Block 138 and Block 137 gas onshore into their respective systems or into the system of another pipeline company for further transportation.

Pursuant to the terms of an existing gas transportation agreement dated December 31, 1980, between Tennessee and El Paso, Tennessee would receive daily, as permitted in its sole opinion by operating conditions on its system up to the lesser of 20,000 Mcf of natural gas per day or 50 percent of the daily deliverability of the South Marsh Island Block 60, offshore Louisiana, source, not to exceed a total volume of 30,000,000 Mcf during the term of the agreement at a point of interconnection between Tennessee's existing pipeline facilities and Tenneco Oil Company's (TOC) platform in South Marsh Island Block 60 (SMI 60 Receipt Point); and up to 8,000 Mcf per day of gas from the point of interconnection (at Subsea Valve 504A-1301) of the existing Vermilion Block 241 20-inch pipeline owned by Tennessee and Michigan Wisconsin Pipeline Company and a line to be built by El Paso extending from East Cameron Block 237, offshore Louisiana, to such point of interconnection (EC 237 Receipt Point). Tennessee proposes to transport and redeliver such gas less volumes for its fuel use requirements for El Paso's account at a point of delivery in Cocodrie, Terrebonne Parish, Louisiana (Cocodrie Delivery point); and at Tennessee's option, for deliveries not requested at the Cocodrie Delivery point, at the Sabine Delivery Point [1] or at an existing interconnection between El Paso and Natural Gas Pipe Line Company of America (Natural) in southeastern New Mexico (Jal Delivery point).

The application states that El Paso would construct the afore-mentioned line extending from East Cameron Block 237 to the existing Vermilion Block 241 20-inch pipeline at subsea valve 509A-1301 owned by Tennessee and Michigan Wisconsin Pipe Line Company under its current budget-type certificate authorization in order to facilitate the proposed transportation service. El Paso has agreed to reimburse Tennessee for all cost incurred by Tennessee in establishing the point of receipt, it is stated.

For providing the proposed transportation service, Tennessee indicates that El Paso would pay Tennessee each month a volume charge equal to 7.16 cents per Mcf, with provision for a minimum monthly bill.

Tennessee states that the proposed transportation and delivery of gas to the Cocodrie Delivery Point as proposed herein is dependent upon receipt of requested authorization in Docket No. CP75-23-008 to add Cocodrie as a new receipt point, and for the exchange of gas between El Paso and TOC as proposed in Docket No. CP81-243. TOC would make gas available to Tennessee at Cocodrie through a proposed exchange agreement between TOC and El Paso, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15842 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[1] The Sabine Delivery point is the existing interconnection of the facilities of Tennessee with the facilities of Channel Industries-Houston Pipeline Company in Newton County, Texas, it is stated. The application states that Tennesee has no existing arrangements with Natural whereby Natural could deliver gas to El Paso at Jal for Tennessee's account. Such deliveries, however, would be initiated under Order 60 authorizations or as a result of subsequent Section 7(c) authorizations, it is said.

[Docket No. CP80-503-001]

Arkansas Louisiana Gas Co.; Petition To Amend

May 21, 1981.

Take notice that on May 4, 1981, Arkansas Louisiana Gas Company (Arkansas), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP 80-503-001 a petition to amend the order of April 27, 1981, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of 24 additional taps on its jurisdictional pipeline system and related delivery facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Arkansas indicates that the order of April 27, 1981, granted it authorization to construct and operate tap facilities in order to provide natural gas service to 80 residential and commercial customers. Subsequently, 24 additional customers have requested that Arkansas provide similar natural gas service to them. The proposed customers and their locations are as follows:

Name and Location

Wilson Johnson, Pittsburg County, Oklahoma
Jim Phillips, Pittsburg County, Oklahoma
Charles Warren, Latimer County, Oklahoma
Tracy M. Johnson, Latimer County, Oklahoma
Eugene Lee Coplen, Haskell County, Oklahoma
Jeanette M. Hlavaty, Stephens County, Oklahoma
Alber J. Marsh, Pontotoc County, Oklahoma
Bod Cody, Atokoa County, Oklahoma
Truman J. Ely, Pittsburg County, Oklahoma
Wilbur S. Ellerbe, Latimer County, Oklahoma
Gene Boyd Adams, Pittsburg County, Oklahoma
James H. Hall, Atokoa County, Oklahoma
Randal Prince, Phillips County, Arkansas
Richard King, Columbia County, Arkansas
Jim Agee, Jefferson County, Arkansas
Sam L. Popham, Jr., Faulkner County, Arkansas
James R. Woodward, Logan County, Arkansas
B. C. Smith, Clairborne Parish, Louisiana
Pilgrim Farms, Camp County, Texas
R. M. Ferguson, Caddo Parish, Louisiana
Matlack Pipeline, Morehouse Parish, Louisiana
Flenwood Baptist Church, Upshur County, Texas
Ron Mason, Clairborne Parish, Louisiana
Dennis Mix, Morris County, Texas

Arkansas states that the construction and operation of the proposed 24 taps would be similar to the taps and service previously authorized hereunder, and that they would enable it to provide natural gas service to these 24 customers who are outside of Arkansas' distribution system, but along Arkansas'

pipeline to receive needed gas service. All of these customers would receive residental or small commercial service of less than 300 Mcf per day, it is said. Arkansas indicates that deliveries for a residential tap service on days of peak day sales are estimated to be 1 Mcf and deliveries for commercial tap on days of peak day sales are estimated to be 3 Mcf, with deliveries for average day sales being 1.1 Mcf. Arkansas states that the gas supply for service to the proposed customers would be provided from its system supply. The 24 customers would be classified in priorities 1.1 and 1.2 categories for curtailment purposes, it is stated.

Arkansas states that the total estimated cost of construction of each tap would be $720, which cost Arkansas would finance from cash on hand.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15843 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3519-001]

Beaver Valley Power Co.; Application From Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

May 20, 1981.

Take notice that the Beaver Valley Power Company filed with the Federal Energy Regulatory Commission on March 23, 1981, an application for exemption for it's Patterson Hydro Project No. 3519-001 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Beaver River in Beaver County, Pennsylvania. Correspondence with the Applicant should be directed to: Mr. L. Gerald Tarantino or Mr. Robert Gonze, Beaver Valley Power Company, P.O. 561, Sixth Street and Second Avenue, Beaver Falls, Pennsylvania 15010.

Project Description—The proposed project would be run-of-the-river utilizing existing facilities and would consist of: (1) an existing dam, approximately 700 feet long and 19 feet high, constructed of rock-filled timber cribs with masonry buttresses and concrete facings; (2) a reservoir having negligible pondage and normal water surface elevation of 718.4 feet m.s.l.; (3) an old intake structure with three headgates at the entrance of (4) a forebay channel approximately 500 feet long; (5) a new powerhouse containing three horizontal quadruplex turbines and generators having a total rated capacity of 3,000 kW (a possible 1,500 kW capacity may be added in the future); (6) a tailrace; (7) new transmission lines; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 20,000,000 kWh.

Purpose of Project—Project energy would be sold to the Duquesne Light Company and possibly to the nearby Mayer China Company and Republic Steel Company.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than November 6, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3519. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the

---

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-15844 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4559-000]

Clear Creek Community Services District; Application for Preliminary Permit

May 20, 1981.

Take notice that Clear Creek Community Services District (Applicant) filed on April 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4559 to be known as Rainbow Lake Power Project located on North Fork of Cottonwood Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Arlan W. Tift, General Manager, Clear Creek Community Services District, 5880 Oak Street, Anderson, California 96007. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing hydraulic fill dam with a 92 acre reservoir impounding appoximately 3,600 acre-feet; (2) a 3,500-foot long penstock with a 36-inch diameter carrying water from the outlet to a tunnel; (3) a 7,000-foot long tunnel with a 5-foot by 6-foot horseshoe section carrying water to a penstock; (4) an 18,500-foot long penstock with 36-inch diameter carrying water from the tunnel to the power plant; (5) a powerhouse containing a total installed capacity of 3.5 MW; (6) a switchyard containing a 3,750 kVA step-up transformer, line side disconnects and transmission line pull-off to boost the voltage to 12-kV; and (7) a one-half mile long 12-kV transmission line to connect with an existing 12-kV transmission line of the serving utility. The Applicant estimates that the average annual energy output would be 20.4 million kWh.

Purpose of Project—The energy produced by this project would be sold to the Pacific Gas and Electrical Company, the City of Redding or other northern California distribution systems.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, geotechnical, economic and environmental studies, negotiate an agreement with the servicing utility for wheeling arrangement for the power generated, prepare State Water rights permits application, and prepare FERC license application. Field studies to rehabilitate the spillway and outlet structure of this existing dam include dynamic analysis of construction materials. No new roads would be required to conduct the studies. The cost of studies to be performed under this preliminary permit would be $20,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4559. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15845 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-318-000]

Columbia Gulf Transmission Co.; Application

May 21, 1981.

Take notice that on May 4, 1981, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-318-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and appurtenant facilities offshore Louisiana, all as more fully set forth in

the application which is on file with the Commission and open to public inspection.

It is indicated that Columbia Gulf's affiliate is negotiating for the right to purchase natural gas in Block 99 in the South Marsh Area, offshore Louisiana. In order to attach these gas supplies, Columbia Gulf says it is proposing to construct and operate approximately 7.6 miles of 16-inch pipeline and related measurement facilities to connect the production platform A in South Marsh Island Block 99 to an underwater side-tap on the existing 36-inch pipeline in South Marsh Island Block 74 owned by Columbia Gulf and Tennessee Gas Pipeline Company, a Division of Tenneco Inc., known as the Blue Water Project.

The estimated total cost of the proposed facilities is $6,514,000, which cost will be financed by Columbia Gulf, it says, from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15846 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-313-000]

El Paso Natural Gas Co.; Application

May 21, 1981.

Take notice that on May 1, 1981, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-313-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain existing meter facilities, with appurtenances, in order to provide natural gas service to Salt River Project Agricultural Improvement and Power District (Salt River) at its Agua Fria Power Plant in Maricopa County, Arizona,[1] all as more fully set forth in the application on file with the Commission and open to public inspection.

El Paso indicates that pursuant to the order of June 3, 1957, in Docket No. G-10808, it constructed and operated, among other things, the Agua Fria meter station in order to measure certain quantities of natural gas sold and delivered by it to Arizona Public Service Company (APS) for resale to Salt River for electric power generation at Salt River's Agua Fria Power Plant. El Paso further states that in 1974, Salt River advised it that Salt River was undertaking the installation at its Agua Fria Power Plant of two Westinghouse ECONO-PAC 501-B1 gas turbine-powered electric generators and one Westinghouse ECONO-PAC 501-B3 gas turbine-power electric generator to be used for intermittent peaking operations, so as to offset peak electrical system loads that occur in Salt River's service area. El Paso also states that it was informed by Salt River that all three gas turbine-power generators would be operated on distillate fuel oil, and that volumes of natural gas would be required for use as an alternate fuel source. El Paso indicates that it agreed at such time to install a new meter run at the Agua Fria Meter Station, after receipt of any necessary regulatory approval, in order to provide APS on behalf of Salt River with sales in interstate commerce of natural gas for resale to be used for the operation of the three turbines. It is indicated that shortly thereafter, however, Salt River reexamined its needs for natural gas supplies as an alternative fuel source in order to operate its three gas turbine-powered generators and such reexamination concluded that the alternative high pressure fuel source at its Agua Fria Power Plant should not be pursued at that time; therefore, the high pressure meter run was no longer necessary to provide a jurisdictional service, it is said. El Paso states that prior to notification of such reexamination, its field personnel installed the high pressure meter run in March, 1974.[2] Because the new meter run was not presently intended to provide a jurisdictional service and would not affect jurisdictional rates, El Paso states that filing an application with the Commission was not necessary. El Paso further states that field personnel were instructed that the high pressure meter facilities could not be operated, unless and until any necessary regulatory authorization was received.

The application states that Salt River recently requested El Paso to provide high pressure natural gas for utilization in its gas turbine-powered generators on a continuous basis. Salt River advised El Paso that the utilization of natural gas in lieu of distillate fuel oil in its gas turbine-powered generators is more advantageous for consumers directly served by Salt River. Consequently, El Paso requests authorization to operate the aforementioned high pressure meter facilities, with appurtenances, in order to provide volumes of high pressure natural gas as required for the operation of Salt River's gas turbine-power electric generators. El Paso avers that there would be no increases in deliveries above those quantities previously authorized at the Agua Fria Power Plant delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All

[1] The facilities which El Paso proposes to operate is a 12-inch dual orifice meter run, with appurtenances, at Salt River's Agua Fria Power Plant as milepost 4.5 on El Paso's 16-inch O.D. Agua Fria Power Plant pipeline, in Maricopa County, it is stated.

[2] El Paso states that at the time it agreed to install the new meter run at the Agua Fria Power Plant, Section 157.7(c) of the Commission's Regulations permitted interstate pipelines that complied with certain requirements of said regulation to add sales meters for existing customers under their budget-type certificate authorization.

protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commision's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.k

Under the procedure provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15846 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-312-000, etc.]

El Paso Natural Gas Co., et al.; Public Conference

May 18, 1981.

In the matter of El Paso Natural Gas Company (Docket No. CP81-312-000), Clay Basin Storage Company (Docket No. CP81-314-000), Mountain Fuel Resources, Inc. (Docket No. CP81-325-000), Mountain Fuel Supply Company (Docket No. CP81-326-000), and Northwest Pipeline Corporation (Docket No. CP79-277); Public Conference

Take notice that on May 27, 1981, a public conference will be held to discuss issues raised by the applications of EL Paso Natural Gas Company, Clay Basin Storage Company, Mountain Fuel Resources, Inc., Mountain Fuel Supply Company and Northwest Pipeline Corporation, for certificates of public convenience and necessity in the above captioned proceedings. All of the above proceedings relate in some manner to the operation by Mountain Fuel Resources, Inc. of the Clay Basin gas storage field in Dagget County, Utah.

The conference will be held at 10:00 a.m. at the Commission's offices at 825 N. Capital Street, Washington, D.C., in a room to be announced.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15847 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4547-000]

Hydro Light, Inc.; Application for Preliminary Permit

May 20, 1981.

Take notice that Hydro Light, Incorporated (Applicant) filed on April 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4547 to be known as Madden Creek Power Project located Madden Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. C. Donald Nelson, 50 Wilshire Drive, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a six-foot high concrete wall to divert the water into the outlet structure; (2) a 5,000-foot long, 42-inch low pressure pipe for transporting the water to the head of the penstocks; (3) a 2,600-foot long, 42-inch diameter penstock to the powerhouse; (4) surging facilities; (5) a powerhouse containing a total installed capacity of 2.4 MW; (6) a one-mile long 12.5-kV transmission line to connect with an existing Pacific Gas & Electric transmission line. The Aplicant estimates that the average annual energy output would be 10.5 million kWh.

Purpose of Project—The energy produced by this project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, economic, and environmental studies, conduct property surveys, prepare State water rights permit applications, negotiate with Pacific Gas and Electric Company, and prepare an FERC license application. No new roads are expected to be required to conduct the studies. This project does not involve construction of a dam or a reservoir. The cost of studies to be completed for preliminary permit is estimated to be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or

petition to intervene must be received on or before July 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4547. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15849 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4332-000]

Long Lake Energy Corp.; Application for Preliminary Permit

May 20, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on March 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4332 known as the Chateaugay High Falls Project located on the Chateaugay River in Franklin County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer, Long Lake Energy Corporation, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would consist of: (1) an existing 44-foot high masonry dam, having a crest length of 700 feet; (2) an existing reservoir with negligible storage capacity; (3) and existing intake structure with headgates; (4) an existing penstock leading to; (5) a new powerhouse having units with an installed generating capacity of 2,140 kW; (6) an existing tailrace; (7) new transmission lines and switchyard equipment; and (8) appurtenant works. The existing project facilities are owned by the New York State Electric and Gas Corporation. The Applicant estimates that the average annual energy output would be 9,860,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit to be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 30, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than September 28, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15850 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4472-000]

Niagara Mohawk Power Corp.; Application for Preliminary Permit

May 20, 1981.

Take notice that Niagara Mohawk Power Corporation (Applicant) filed on April 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4472 to be known as the Saranac Project located on the Saranac River in the Towns of Black Brook, Franklin, and St. Armand in Essex, Franklin, and Clinton Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John H. Terry, Esquire, Niagara Mohawk River Corporation, 300 Erie Boulevard West, Syracuse, New York 13202. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would redevelop the existing Applicant-owned facilities and would consist of two developments:

A. The Union Falls Development at river-mile 38 comprising: (1) a 151-foot long and 24-foot high dam having a spillway with crest elevation 1,408.5 m.s.l.; (2) an integral 36-foot long intake structure at the dam's left (west) side; (3) a reservoir having a surface area of 1,630 acres at pool elevation 1,409.5 m.s.l.; (4) an 11-foot diameter 1,433-foot long pipeline; (5) a new surge tank; (6) a powerhouse containing two new

generating units having a total rated capacity of 3,500-kW; (7) a new substation; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 11,600,000 kWh.

B. The Franklin Falls Development at river-mile 45 comprising: (1) a 148-foot long and 45-foot high dam having crest elevation 1,463.2 m.s.l.; (2) an integral 28-foot long intake structure at the dam's right (south) side; (3) a reservoir having a surface area of 485 acres at pool elevation 1,465.2 m.s.l.; (4) a 10.5-foot diameter 300-foot long pipeline; (5) a surge tank; (6) two short 10-foot diameter penstocks; (7) a powerhouse containing two new rebuilt generating units having a total rated capacity of 2,485-kW; (8) a substation; and (9) appurtenant facilities. The Applicant estimates that the average annual energy output would be 10,500,000 kWh.

Purpose of Project—Project energy would be sold to Applicant's customers within its service area.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would review its completed feasibility study, refine the economic feasibility, assess the environmental impact, collect additional data, consult with Federal, State, and local agencies, and prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $210,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions, to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4472. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15851 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-307-000]

Northwest Pipeline Corp.; Application

May 21, 1981.

Take notice that, on April 28, 1981, Northwest Pipeline Corporation (Northwest), 315 East 200 South, Salt Lake City, Utah 84111, filed in Docket No. CP81-307-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern) and Transwestern Pipeline Company (Transwestern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest states that its total, present and projected gas supply available to its transmission system exceeds present system requirements on most days during the calendar year. This excess supply, it says, is attributable to reduced sales requirements due to a loss of certain industrial loads with alternate fuel capability and gas supply in excess of its on-system requirements due to increased domestic deliverability and the continued availability of Canadian gas supplies at levels currently authorized for export by the National Energy Board of Canada. Northwest proposes to maximize its purchases from Westcoast Transmission Company Limited (Westcoast) at the international boundary near Sumas, Washington, during the term of an agreement among it, Texas Eastern and Transwestern entered into on March 27, 1981. Northwest says that when it has a total gas supply in excess of its total requirements, inclusive of, but not limited to, all sales requirements under all presently effective rate schedules, direct sales requirements, exchange balancing, storage injections and line pack requirments, it then would tender the gas for sale and delivery to Texas Eastern and Transwestern.

Northwest states that the March 27, 1981 agreement provides for the sale by Northwest, on an as available basis, of volumes of natural gas to Texas Eastern and Transwestern during the three-year

period commening on the date of any authorization granted herein, and then year to year thereafter. Northwest says that the agreement provides for a volumetric limitation of up to 200 million Btu equivalent of gas per day. However, it says there is no obligation, firm or otherwise, on the part of Northwest to sell and deliver to Texas Eastern or Transwestern a specified volume of natural gas during the term of the agreement or on any day thereof. According to Northwest, Texas Eastern and Transwestern are obligated only to accept volumes which either or both determine they would be able to accept. Northwest says the volumes to be sold and delivered may be utilized by either Texas Eastern or by Transwestern as the requirements on their respective systems dictate.

Northwest says that it is presently negotiating a long-term sales contract with Texas Eastern and Transwestern which would provide for the firm sale and delivery of natural gas through October 31, 1989. Northwest also says that, upon execution of the firm contract, it would make the requirement applications to the Commission for the necessary authorization to effectuate the firm sale to Texas Eastern and Transwestern, and that the sale pursuant to the March 27, 1981 agreement would terminate upon the initiation of such firm sale to Texas Eastern and Transwestern.

To the extent that Northwest has volumes of natural gas available for sale, it states that such volumes would be delivered to El Paso Natural Gas Company (El Paso) for the account to Texas Eastern and Transwestern for subsequent transportation and redelivery at a point or points to be agreed upon between El Paso and Texas Eastern and Transwestern. Northwest states that deliveries to El Paso by it would be at an existing point of interconnection between the facilities of Northwest and El Paso in the vicinity of Ingnacio, La Plata County, Colorado, and that no new facilities would be required by it to effectuate the proposal herein. Northwest says that deliveries by it can commence immediately upon the grant of the authorization requested herein.

Northwest says that it proposes to charge Texas Eastern and Transwestern for all gas delivered to El Paso for their accounts a rate consisting of the following components: (a) an amount equal to the price per million Btu paid by Northwest (currently $4.94 per million Btu U.S.) for Canadian gas delivered to Northwest by Westcoast at the Canadian border and (b) 20.34 cents per Mcf of gas delivered which is equal to Northwest's presently effective direct mainline transportation charge currently set forth in Sheet 2 of its FERC Gas Traiff, Original Volume No. 2; and (c) a charge for compressor fuel utilized in the transportation of the volumes of natural gas sold and delivered hereunder based on a current fuel usage of one percent for volumes transported. Compressor fuel would be priced at Northwest's overall system average gas purchase cost. The estimated initial cost of gas delivered to El Paso for the account of Texas Eastern and Transwestern would be approximately $5.17 per million Btu, Northwest says. These charges are set forth in the agreement dated March 27, 1981, and are subject to change as authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rule of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take futher notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules and Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate authorizing the sale and delivery of natural gas is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, of if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15852 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-546-005]

Northwest Pipeline Corp.; Petition To Amend

May 21, 1981.

Take notice that on May 7, 1981, Northwest Pipeline Corporation (Northwest), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP78-546-005 a petition to amend the order of April 5, 1979, as amended November 9, 1979, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize Northwest to transport natural gas for Southwest Gas Corporation (Southwest) from additional wells located on additional specified acreage in Uintah County, Utah, Grand County, Utah, and Garfield County, Colorado, as listed and described in Exhibit C to the transportation agreement dated September 12, 1978, as amended, between Southwest and Northwest and to grant authority to transport natural gas for Southwest from areas accessible to its Bar X and Grand Valley Gathering System which may be added to Exhibit C, all as more fully set forth in the petition to amend.

Northwest states that by order of April 5, 1979, as amended November 9, 1979, in the instant docket it was granted authorization to transport up to 20,000 Mcf of natural gas per day for Southwest's account from wells located on specified acreage in Uintah County, Utah, Grand County, Utah, Garfield County, Colorado, and Mesa County, Colorado, as listed and described in Exhibit A to the transportation agreement, to Southwest at either the point of interconnection between Southwest and Northwest on the Idaho-Nevada border in Owyhee County, Idaho, or the point of interconnection between El Paso Natural Gas Company (El Paso) and Northwest in La Plata County, Colorado, pursuant to the terms of a gas purchase, gathering and transportation agreement dated September 12, 1978, as amended April 24, 1979, between Northwest and Southwest.

By the instant amendment, Northwest requests authorization to transport volumes of gas for Southwest from the expanded area in Uintah County, Grand County and Garfield County, described in Exhibit C to the transportation

agreement, as amended May 12, 1980, August 14, 1980, and March 19, 1981. Additionally, Northwest requests authorization to transport gas for Southwest from areas accessible to its Bar X and Grand Valley Gathering Systems which may be added to Exhibit C by future amendments, it is said. Northwest states that the instant proposal would permit the timely connection of volumes of natural gas acquired by Southwest in the vicinity of Northwest's facilities and would obviate the need for Northwest to file for petitions to amend each time Exhibit C is amended to make additional acreage subject to the transportation agreement.

Northwest states that it would continue to transport Southwest's gas to either the redelivery point in Owyhee County, Idaho, or the redelivery point in La Plata County, Colorado. However, from the acreage not listed on Exhibit A but which is listed on Exhibit C of the transportation agreements, Northwest states that it would transport Southwest's gas to only the La Plata County, Colorado redelivery point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance wtih the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15853 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4441-000]

Pacific Power and Light Co., Agent; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

May 20, 1981.

Take notice that on March 30, 1981, Pacific Power and Light Company, Agent (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2706 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed Skookumchuck small hydroelectric project (FERC Project No. 4441) would be located at the existing Skookumchuck Dam on the Skookumchuck River in Thurston County, Washington. Correspondence with the Applicant should be directed to: Leighton and Sherline, 1701 K Street, N.W., Washington, D.C. 20006; and Mr. Dexter Martin, Esq., Stoel, Rives, Fraser and Wyse, 2200 Georgia-Pacific Building, 900 S.W. Fifth Avenue, Portland, Oregon 97204. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing 160-foot high and 1,340-foot long earthfilled embankment Skookumchuck Dam with an ungated sided channel spillway and fish trapping facilities, and impounding a reservoir with a storage capacity of 35,000 acre-feet; (2) a steel-lined concrete outlet conduit; (3) a powerhouse to be located at the foot of the dam containing one generating unit rated at 980 kW; and (4) a 1.9-mile long three-phase transmission line.

Purpose of Project—The energy generated by the project would be banked with the Puget Sound Power and Light Company.

Agency Comments—The U.S. Fish and Wildlife Service and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Pacific Hydro, Inc. and the City of Tenino's preliminary permit application for Project No. 3654-000 filed on November 3, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 4441. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15854 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4555-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

May 20, 1981.

Take notice that Rust Hydro Generation Company (Applicant) filed on April 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4555 to be known as Potem Creek Power Project

located on Potem Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terrance A. Rust, Rust Hydro Generation Company, 2315 N. Bechelli, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 3–foot high natural rock-fill diversion dam creating negligible impoundment; (2) a 3,400-foot long, 36-inch diameter penstock; (3) a powerhouse containing a total installed capacity of 500 kW; and (4) a 12-kV transmission line to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy output would be 4.25 million kWh.

Purpose of Project—The energy produced by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, and environmental studies, apply for State water rights permit, negotiate with Pacific Gas and Electric Company, conduct property line survey, and prepare FERC license. No new roads would be required for these studies. The cost of the studies to be performed under the preliminary permit is estimated to be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4555. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15855 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket CP81-331-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

May 21, 1981.

Take notice that on May 12, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81–331–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation of natural gas in interstate commerce for United Gas Pipe Line Company (United) from Colorado County, Texas, to Ouachita Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon the transportation of 10,000 Mcf of gas per day for United at the request of United. The service was authorized in Docket No. CP78–248 to be made pursuant to Applicant's Rate Schedule T–65.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the

Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15856 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of April 13 Through 17, 1981

During the week of April 13 through 17, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Borton, Petrini & Conron, 4/16/81, BFA-0636

Borton, Petrini & Conron (Borton) filed an Appeal from a denial by the Assistant Administrator for Energy Operations of the Energy Information Administration of a request for information that the firm had submitted pursuant to the Freedom of Information Act (FOIA). Borton has requested data concerning the prices charged during a particular period by refiners and resellers of butane and propane in specified areas in Region IX. In considering the Appeal, the DOE found that (i) none of the data contained on Form FEA-P302-M-1, Form FEA-P314-M-0, EIA-14 and FEO-96 were responsive to Borton's request and (ii) the Office of Special Counsel, the Office of Enforcement, and the Special Investigations Division of the Office of General Counsel might have documents responsive to the request. Accordingly, the DOE determined that the request should be forwarded to these offices for a determination whether they have any responsive material.

Consumers Power Company, 4/14/81, BEA-0612, BES-0612

Consumers Power Company filed an Appeal from a denial by the ERA to include the firm in the Entitlements Program for the period February 1, 1976 through June 16, 1976. The firm also filed an Application for Stay of the January 1981 Entitlements Notice. The DOE denied the Appeal because it determined that the ERA action was neither erroneous in fact or in law, nor arbitrary or capricious. Since Consumer's Appeal was decided on the merits in the decision, its Application for Stay was no longer necessary and was therefore dismissed.

Engelhard Minerals & Chemicals Corporation, 4/17/81, BFA-0633

Engelhard Minerals & Chemicals Corporation (Engelhard) filed an Appeal from a denial by the Chief Enforcement Counsel to the Northeast District Office of Enforcement of the Economic Regulatory Administration of a request for information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the documents and portions of documents withheld by the Chief Enforcement Counsel are properly exempt from mandatory disclosure pursuant to Exemptions 5 and 7(A) of the FOIA, and furthermore, that public interest considerations do not warrant their release. However, the DOE also found that the Chief Enforcement Counsel failed to search the files of the Office of General Counsel and the Offices of Regional Counsel for Regions II and III for documents responsive to Engelhard's request. Accordingly, the DOE determined that the Engelhard Appeal should be granted in part and that the Chief Enforcement Counsel should conduct a search of the General and Regional Counsels' files for reponsive documents and either release such documents to Engelhard or issue a determination explaining why release would be inappropriate.

Hudson, Creyke, Koehler, Tacke & Bixler, 4/16/81, BFA-0620

Hudson, Creyke, Koehler, Tacke & Bixler filed an Appeal from a denial by the Acting Manager of the Idaho Operations Office of a request for information which the firm had submitted under the Freedom of Information Act. In considerating the Appeal, the DOE determined that the Acting Manager correctly whitheld the requested documents pursuant to the qualified privilege for government-generated confidential, commercial information incorporated by Exemption 5. The DOE also determined that the documents were exempt from mandatory disclosure pursuant to the Exemption 5 privilege for predecisional memoranda.

Indian Wells Oil Company, Inc., 4/16/81, BFA-0631

Indian Wells Oil Company, Inc. filed an Appeal from a partial denial by the District Manager of the Economic Regulatory Administration's Central Enforcement District of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the OHA found that certain of the documents which were initially withheld under Exemption 5 contained factually segregable material which should be released to the firm. In addition, the District Manager was directed to search for responsive documents generated subsequent to December 1979 and if any are found, to identify them and make a determination regarding their release. In all other respects, the Appeal was denied.

Standard Oil Company of Ohio (Sohio), 4/14/81, BEA-0203

The Standard Oil Company of Ohio (Sohio) filed an Appeal of a Temporary Exception issued to Energy Cooperative Inc. (ECI) on January 21, 1980. In considering Sohio's request, the DOE noted that Temporary Exceptions are not appealable. Sohio's Appeal was therefore dismissed. However, its submission was incorporated into the objection stage of the ECI proceeding related to the January 21 Temporary Exception.

Request for Modification and/or Rescission

Mid-Continent Systems, Inc., 4/16/81, BRR-0120

Mid-Continent Systems, Inc., filed a document styled as a "motion for reconsideration" of a final Decision and Order issued by the Office of Hearings and Appeals of the Department of Energy. The DOE found that Mid-Continent had failed to proffer any reasons why a final Decision and Order issued over twenty months prior to the filing of its motion should be reconsidered. Accordingly, the firm's request was denied.

Requests for Exception

Kentucky Oil & Refining, Inc., 4/15/81, BEE-0565

Kentucky Oil & Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought entitlement exception relief under the *Delta* standards. In considering the request, the DOE found that exception relief was necessary to relieve the firm of its net entitlement purchase obligation in its 1980 fiscal year.

Ramona Public Works Authority, 4/13/81, BEE-1288

Ramona Public Works Authority filed an Application for Exception in which the municipality sought an exemption from the requirement that if file Form EIA-50 with the DOE. In considering the request, the DOE found that the municipality had failed to demonstrate that it would suffer an unfair or onerous administrative burden if it were required to complete Form EIA-50. Accordingly, the exception relief was denied.

Sentry Refining, Inc., 4/13/81, BEE-1339

Sentry Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought additional entitlements for crude oil purchased for use in its expanded refinery. In considering the request, the DOE found that the firm had failed to demonstrate that any additional volumes of crude oil purchased by the firm were connected with an increased crude oil inventory for its expanded refinery capacity. Accordingly, exception relief was denied.

Warrior Asphalt Company of Alabama, Inc., 4/13/81, BXE-1052, BXE-1477

Warrior Asphalt Company of Alabama, Inc. filed Applications for Exception from the provisions of 10 CFR 211.67 in which the firm requested that it be excused from fulfilling its obligation under the DOE Crude Oil Entitlements Program. In considering the request, the DOE found that exception relief was appropriate under the *Delta* standards to

relieve Warrior of its net entitlement purchase obligation. Accordingly, exception relief was granted.

Witco Chemical Corporation, 4/16/81, BEE-1308

Witco Chemical Corporation filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought entitlements relief which would bring the firm's crude oil acquisition costs into substantial parity with those of other refiners. In considering the request, the DOE found that the firm had not demonstrated that any crude oil acquisition cost disparity which it was experiencing was attributable to the DOE regulatory programs. Accordingly, exception relief was denied.

Request for Stay

Independent Terminal Operators Association, 4/17/81, BES-0149

ITOA filed an Application for Stay of the provisions of an agreement entered into by the Office of Enforcement and the National Oil Jobbers Council on March 23, 1981. The Department of Energy concluded that ITOA had not convincingly demonstrated that it was likely to succeed on the merits of an Appeal of the March 23 agreement or that a stay was warranted on any other grounds. Accordingly, the Application for Stay was denied.

Motion for Discovery

Earl E. Wall, 4/15/81, DRD-0188, DRH-0188

On June 18, 1979, Earl E. Wall filed a Motion for Discovery and a Motion for Evidentiary Hearing with the Office of Hearings and Appeals of the Department of Energy. These Motions were filed in connection with a Proposed Remedial Order which was issued to Wall. In his Motion for Discovery, Wall requested the identity of all documents and persons involved in the enforcement proceedings against Wall and in the promulgation of certain regulatory definitions and records of all communications between DOE personnel and Congress regarding enforcement actions involving the petroleum price regulations. In his Motion for Evidentiary Hearing, Wall states that evidentiary hearing is necessary for him to present the testimony of Joseph Sheldon, a petroleum geologist, of himself, and of any other expert witness deemed necessary.

In considering the Motion for Discovery, the DOE found that a substantial amount of the material requested by Wall was publicly admissible and therefore available to him. The DOE also determined that the requested material would be of little help in resolving issues involved in the PRO proceeding. Consequently, the Motion was denied. In considering the Motion for Evidentiary Hearing, the DOE found that Wall had not presented any factual disputes in his Motion, and therefore, pursuant to 10 CFR 205.64, determined that an evidentiary hearing would be inappropriate. Consequently, the Wall Motion for Evidentiary Hearing was also denied.

Interlocutory Order

Murphy Oil Corporation; Marathon Oil Company, 4/15/81, BRZ-0094, BRZ-0095

Murphy Oil Corporation and Marathon Oil Company filed similar Motions to Strike submissions filed by the Office of Special Counsel (OSC) in connection with Proposed Orders of Disallowance issued to the firms by OSC. Specifically, the firms requested that the Office of Hearings and Appeals strike Motions for Discovery filed by OSC on the ground that memoranda accompanying the discovery motions allegedly failed to demonstrate the relevance or materiality of the information sought. In considering the Motions to Strike, we stated that Motions to Strike materials in the record of an enforcement proceeding would be granted only upon a showing of prejudice to the moving party. Since the firms could not demonstrate prejudice resulting from consideration of the OSC discovery motions, the Motions to Strike were denied.

Supplemental Orders

Husky Oil Company of Delaware, 4/17/81, DEX-0007

On April 17, 1981, the Department of Energy issued a Supplemental Decision and Order which determined that the level of exception relief previously granted to Husky Oil Company of Delaware under the *Delta* standards should be reduced. Under the *Delta* standards as applied to Husky's 1976 fiscal year, the controlling test for calculating the appropriate level of exception relief was the firm's net entitlement purchase obligation. However, the DOE concluded that Husky had received exception relief in excess of its net purchase obligation and that Husky should therefore purchase entitlements worth $840,768.38 to repay the relief which resulted in a net entitlement sale obligation for the firm's 1976 fiscal year.

Husky Oil Company of Delaware, 4/17/81, BEX-0179

Pursuant to an order of the U.S. District Court for the District of Wyoming and an order of the Temporary Emergency Court of Appeals, the Husky Oil Company of Delaware was issued a Supplemental Order which reconsiders the method used to calculate the amount of entitlements exception relief granted in previous decisions issued to the firm on December 15, 1976 and June 2, 1977. The Supplemental Order provides that Husky be relieved of its obligation to purchase any entitlements during the period January 1977 through March 1978. The Order further provides that any obligations to purchase entitlements incurred by Husky during the period April 1978 through December 1980 be stayed, and that Husky be required to submit financial and operating data to enable the DOE to evaluate Husky's eligibility for entitlements exception relief for that period.

Laketon Asphalt Refining, Inc., 4/14/81, DEX-0097

The DOE reconsidered a portion of a Decision and Order issued to Laketon denying the firm's request for entitlement exception relief. Specifically, the DOE reconsidered whether the data used to calculate Laketon's historical profitability should be adjusted to account for an expansion of the firm's refinery facility and whether the "Net Sales" figure which Laketon reported for its 1975 fiscal year should be recalculated. The DOE determined that the expansion of the Laketon's refining facility did not meet the criteria of the *OKC* precedent for an adjustment to a firm's historical financial measurements and that Laketon's "Net Sales" figure for its 1975 fiscal year had been properly calculated.

Navajo Refining Company, 4/13/81, BEX-0189

On its own motion, the Department of Energy issued a Supplemental Order to Navajo Refining Company which relieved the firm of its total entitlement purchase obligation for the period August 1980 through January 1981.

Texas City Refining, Inc., 4/15/81, BEX-0192

The DOE issued a Supplemental Order to Texas City Refining, Inc. in which it rescinded a stay issued to the firm on June 22, 1978 (DES-0071) because it found that the basis for the stay was no longer present.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Decision and Order which determined that the request be granted.

Company Name and Case No.

Colstrip Town Pump, DEE-5883

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued Decisions and Orders which determined that the requests be dismissed:

Company Name and Case No.

Dennis McMillen, BEO-0674
Wolff Development, Inc., BEE-1498

Dismissals

The following submission was dismissed:

Company Name and Case No.

Mosbacher Production Company, BRO-1336

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 21, 1981.

[FR Doc. 81-15965 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PH-FRL-1836-6; OPP-30035A]

Bibliographies for Registration Standard Cases; Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Office of Pesticide Programs (OPP), EPA, has prepared preliminary bibliographies of relevant published and unpublished technical data for each of the 27 pesticide chemicals listed in the "SUPPLEMENTARY INFORMATION" section of this notice. These bibliographies are publicly available to assist those interested in submitting additional relevant data. The Agency published the notice in the **Federal Register** of April 18, 1980 (45 FR 26370), initially listing the pesticide chemicals for which registration standards are being prepared. The notice solicited public comments and data, and announced that bibliographies for the pesticide chemicals were being prepared.

DATE: Requests for a bibliography should be made by July 27, 1981. To obtain a copy of a bibliography, send requests to the contact person named below.

FOR FURTHER INFORMATION CONTACT: Marcia Edwards, Information Services Section (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (703-557-7155).

SUPPLEMENTARY INFORMATION: The first step in developing a registration standard is the compilation of a comprehensive data base to support science and regulatory reviews. EPA initiates this effort by assembling summaries of the following information into a consolidated bibliography: (1) Data submitted to EPA and its predecessor agencies in support of past regulatory decisions, (2) selections from the published technical literature, and (3) other relevant data from EPA or other agency files.

When this step is completed, the resulting preliminary consolidated bibliographies are sent to all affected registrants and, by request, to interested persons.

This notice announces the availability of consolidated bibliographies for the registration standards cases listed below. These materials are available to assist in the submission of additional documents that should be considered in the development of a regulatory position concerning each chemical case.

0042 acephate (*O,S*-Dimethyl acetylphosphoramidothioate)
0041 bromacil & salts (5-Bromo-3-*sec*-butyl-6-methyluracil) (includes: lithium, sodium, and dimethylamine salts of bromacil)
0051 chlorobromuron (3-(4-Bromo-3-chlorophenyl)-1-methoxy-1-methylurea)
0040 chloropicrin (Trichloronitromethane)
0048 chloroxuron (3-(*p*-(Chlorophenoxy)phenyl)-1,1-dimethylurea)
0038 cycloheximide (3-(2-(3,5-Dimethyl-2-oxocyclohexyl)-2-hydroxyethyl)glutarimide)
0035 dicrotophos (Dimethyl phosphate ester with 3-hydroxy-*N,N*-dimethyl-ciscrotonamide)
0046 diuron (3-(3,4-Dichlorophenyl)-1,1-dimethylurea)
0049 fluometuron (1,1-Dimethyl-3-(alpha, alpha, alpha-trifluoro-*m*-tolyll)urea)
0029 hypochlorites (includes: calcium, lithium, and sodium hypochlorites)
0056 karbutilate (*tert*-Butylcarbamic acid, ester with 3-(*m*-hydroxyphenyl)-1,1-dimethylurea)
0047 linuron (3-(3,4-Dichlorophenyl)-1-methoxy-1-methylurea)
0043 methamidophos (*O,S*-Dimethyl phosphoromidothioate)
0034 methidathion (*O,O*-Dimethyl-*S*-2-methoxy-1,3,4-thiadiazol-5(4H)-onyl-4-methyl-dithiophosphate)
0028 methomyl (*S*-Methyl *N*-((methylcarbamoyl)oxy) thioacetimidate)
0030 methoprene (Isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate)
0050 metobromuron (3-(*p*-Bromophenyl)-1-methoxy-1-methylurea)
0045 monuron (3-(*p*-Chlorophenyl)-1,1-dimethylurea) (includes: Monuron and monuron trichloracetate)
0052 neburon (1-Butyl-3-(3,4-dichlorophenyl)-1-methylurea)
0055 norea (3-Hexahydro-4,7-methanoindan-5-yl)-1,1-dimethylurea)
0044 OBPA (includes: 10,10'-Oxybisphenoxarsine, 10,10' Oxybisphenoxarsine, phenarsazine chloride)
0027 phosalone (*S*-(6-Chloro-3-(mercaptomethyl)-2-benzoxasolinone)*O-O*-diethyl phosphorodithioate)
0053 siduron (1-(2-Methylcyclohexyl)-3-phenylurea)
0031 sulphur
0054 tebuthiuron (*N*-5-(1,1-Dimethylethyl)-1,3,4-thiadiazol-2-yl)-*N,N'*-dimethylurea)
0039 terbacil (3-*tert*-Butyl-5-chloro-6-methyluracil)
0026 zinc phosphide

Persons who have technical documents that they wish the Agency to consider in developing a standard should request a copy of the appropriate bibliography. They should review the bibliography to determine if the Agency already has the document(s) in its collection. Any non-duplicate documents submitted will be added to the EPA collection and, if received on time, will be given full consideration in the standards development process.

When requesting bibliographies, refer to this notice's control number "[OPP-30035A]" and specify whether the bibliography is desired on microfiche or hard copy. The Agency encourages the use of microfiche because it costs less to produce and may be provided more quickly.

The mention of trade or proprietary names does not imply an endorsement by the Environmental Protection Agency or any other Federal Agency.

Dated: May 18, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-15908 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-1838-7; PP 9G2160/T298]

Fluridone; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for residues of the herbicide fluridone [1-methyl-[3-phenyl-5-(3-trifluoromethyl) phenyl]-4(1H)-pyridinone] in or on the raw agricultural commodity fish at 0.1 part per million (ppm).

DATE: This temporary tolerance expires June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of October 28, 1980 (45 FR 71422), that Elanco Products Co., A Div. of Eli Lilly and Co., P.O. Box 1750, Indianapolis, IN 46206, had submitted a pesticide petition (PP 9G2160). The petition proposed that a tolerance be established for residues of fluridone in or on fish at 0.1 part per million.

Elanco Products Co. has requested an extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (1471-EUP-67) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended

(92 Stat. 819; 7 U.S.C. 136). A food additive regulation (FAP 9H5202) has been extended for residues of fluoridone in potable water resulting from the use of the pesticide under the experimental use.

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance is extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Elanco Products Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 1, 1983. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: April 20, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-15907 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-32-M

[AMS-FRL-1840-1]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Autosaver"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Autosaver" Device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) the effect of any retrofit device on fuel economy;

(2) the effect of any such device on emissions of air pollutants; and

(3) any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

Origin of Request for Evaluation

On April 16, 1980, the EPA received a request from Mr. Y. Mori for evaluation of a fuel saving device termed "Autosaver." This Device is designed for use on conventional, contact point, ignition systems. This Device is claimed to save fuel and reduce pollution by instantaneously providing the high voltage to the spark plugs in an "ideal" manner.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Autosaver Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-81-3 consisting of 33 pages including all attachments.

Copies of this report may be obtained from the National Technical Information Service by using the above report number. Address requests to:

National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737-4650, Commercial 703-487-4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the Device manufacturer in the Application. The evaluation of the Autosaver Device was based on that information.

The Applicant submitted no valid data to support the claim for improved fuel economy or reduced emissions. The Applicant was advised by letter on several occasions of EPA's requirement that the Applicant submit valid test data following the proper EPA test procedures.

Therefore, there is no technical basis to support any claims for a fuel economy improvement due to the use of the "Autosaver" Device.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313-668-4299.

Dated: May 20, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-15922 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-26-M

[AMS-FRL-1839-8]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Gas Meiser I"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Gas Meiser I" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) the effect of any retrofit device on fuel economy;

(2) the effect of any such device on emissions of air pollutants; and

(3) any other information which the Administrator determines to be relevant in evaluating such device"

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

Origin of Request for Evaluation

On December 17, 1980, the EPA received a request from Gas Meiser Corporation for evaluation of a fuel saving device termed "Gas Meiser I." This Device is claimed to ". . . increase fuel economy by pre-heating the fuel." The Device consists principally of a gasoline hose wrapped around the vehicle's upper radiator hose.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Gas Meiser I under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–81–1 consisting of 18 pages including all attachments.

Copies of this report may be obtained from the National Technical Information Service by issuing the above report number. Address requests to:

National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737–4650, Commercial 703–487–4650.

Summary of Evaluation

The stated method of operation of the "Gas Meiser I" is that the "Gas Meiser I" is designed to preheat the fuel and thereby increase a vehicle's fuel economy.

The Applicant submitted no test data with the application for evaluation. Analysis of the information submitted by the Applicant did not *prove* that use of the "Gas Meiser I" would enable a vehicle operator to improve a vehicle's fuel economy.

Previous EPA testing of another device that preheated the fuel showed that preheating the fuel gave no emissions or fuel economy beneifts.

Thus, there is no technical basis to support any claims for a fuel economy improvement due to the use of the "Gas Meiser I" devise.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: May 20, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 15921 Filed 5–27–81; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81–342; File No. 21778–CD–P–(01)–80]

AAA Anserphone, Inc.—Jackson; Designating Application for Hearing on Stated Issues

Memorandum Opinion and Order

Adopted May 15, 1981.

Released May 19, 1981.

By the Common Carrier Bureau:

1. Presently before the Chief, Mobile Services Division, pursuant to delegated Authority, is the above-captioned application of AAA Anserphone, Inc.—Jackson (AAA).

2. The only issue for our consideration is whether the Applicant has demonstrated a sufficient public need for the proposed facility.

3. AAA operates two-way Station KSW215, at Brookhaven, Mississippi, offering service to 30 mobile units and 51 one-way paging units. AAA proposes to transfer the 51 paging units to a new one-way facility to be operated on frequency 158.700 MHz in Brookhaven. Pursuant to 22.501(d)(2) of the Rules, an applicant who already provides two-way service must, provide "full information" to show why paging could not be provided in connection with the base station facilities used for two-way communications. *Airsignal International, Inc.*, 46 FCC 2d 1, 29 RR 2D 1303 (Rev. Bd. 1974). AAA has not provided information as to why it cannot continue to serve its one-way users on its two-way facility. AAA has not shown that it is holding any orders for additional units, and the loading study provided by AAA, pursuant to § 22.516 of the Rules, for its existing facility does not show sufficient loading to justify the grant of another frequency. Consequently, AAA has not justified the grant of the facilities proposed in the referenced application.

4. Accordingly, it is ordered, that the above-referenced application of AAA Anserphone, Inc.—Jackson, File No. 21778–CD–P–(01)–80 is designated for hearing, pursuant to Section 309(e) of the Communications Act of 1934, as amended, upon the following issue:

(a) To determine whether the applicant has demonstrated a sufficient public need for the proposed facility.

5. It is further ordered, that the hearing be held at the Commission offices at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

6. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

7. It is further ordered, that the applicant may avail itself of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register**.

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81–15919 Filed 5–27–81; 8:45 am]

BILLING CODE 6712–01–M

Advisory Committee on Radio Broadcasting; Canceled Meeting

May 20, 1981.

At the May 12, 1981, meeting of the Advisory Committee on Radio Broadcasting, it was decided to recess and to reconvene the meeting on May 27, 1981, if subsequent developments indicated that it would be useful to resume discussions on that date.

Mr. Henry L. Baumann, Chairman of the Advisory Committee has announced that a review of the scheduling of preparations for the forthcoming Second Session of the I.T.U. Administrative Conference on AM Radio Broadcasting in Region 2, has indicated that the resumption of the Advisory Committee meeting on May 27, 1981, may not be useful given the short period of time between the May 12 meeting and the scheduled date. Accordingly, Mr. Baumann has announced that the meeting tentatively scheduled for May 27, 1981, will not be held. The next meeting of the Advisory Committee will be announced upon the call of the Committee Chairman.

Copies of additional studies of adjacent channel daytime and nighttime interference completed by the Commission staff, will be available for inspection in Room 8010–D, 2025 M Street, N.W., Washington, D.C. by 9 a.m. Thursday, May 28, 1981. Further information may be obtained by contacting William Hassinger at 632–6460.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–15918 Filed 5–27–81; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1288]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

May 21, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: An Inquiry into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System. (BC Docket No. 78–253.)

Filed by: Howard J. Braun & Russell C. Balch, Attorneys for Bogner Broadcast Equipment Corp., on May 12, 1980; Leon T. Knauer, Robert B. McKenna & Kenneth E. Satten, Attorneys for National Translator Association on May 12, 1980; and Erwin G. Krasnow & Valerie G. Schulte, Attorneys for National Association of Broadcasters on May 13, 1980.

Subject: Amendment of Parts 2, 21, 87, and 90 of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems for the Provision of digital communications services. (Gen Docket No. 79–188, RM–3247.)

Filed by: Philip Handler, President for National Academy of Sciences on May 15, 1981; Janice E. Kerr, J. Calvin Simpson & Peter G. Fairchild, Attorneys for the People of the State of California and the Public Utilities Commission of the State of California on May 18, 1981; and John A. Dudley, Attorney for Contemporary Communications Corporation on May 18, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–15917 Filed 5–27–81; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket Nos. 81–338—81–341; File Nos. 20416–CD–P–79, etc.]

Moore's Service, et al.; Consolidated Hearing on Stated Issues

In re applications of Allen C. Moore d/b/a Moore's Service [1] for a construction permit to establish additional facilities for one-way Station KLF592 to operate on frequency 158.70 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at Fort Wayne, Indiana, CC Docket No. 81–338, File No. 20416–CD–P–79; Better Beepers, Inc., for a construction permit to modify facilities of one-way Station KWT926 operating on frequency 158.70 MHz in the DPLMRS at Marion, Indiana, CC Docket No. 81–339, File No. 20854–CD–P–79; South Shore Radio-Telephone, Inc., for a construction permit to establish a new one-way station to operate on frequency 158.70 MHz in the DPLMRS at Fort Wayne, Indiana, CC Docket No. 81–340, File No. 20857–CD–P–79; Noah Corporation, for a construction permit to establish a new one-way station to operate on frequency 158.70 MHz in the DPLMRS at Fort Wayne, Indiana, CC Docket No. 81–341, File No. 20865–CD–P–79.

Adopted: May 14, 1981.

Released: May 19, 1981.

1. Presently before the Chief, Common Carrier Bureau, acting pursuant to delegated authority, are the above-captioned applications for construction permits for one-way facilities to operate on frequency 158.70 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) in Fort Wayne and Marion, Indiana. South Shore Radio-Telephone, Inc., (South Shore) and Allen C. Moore d/b/a Moore's Service (Moore) each filed pleadings protesting the applications of the other and of Noah Corporation (Noah). Responsive pleadings were also filed. By a separate order released today, we denied the petitions and informal objections, found each applicant to be qualified, and determined that a comparative hearing will have to be held since the applications are electrically mutually exclusive. *Allen C. Moore d/b/a Moore's Service,* —— FCC 2d ——, Mimeo 000944, adopted May 14, 1981; released May 19, 1981.

2. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended,[2] the above-referenced applications of Allen C. Moore d/b/a Moore's Service, File No. 20416–CD–P–79, Better Beepers, Inc., File No. 20854–CD–P–79, South Shore Radio-Telephone, Inc., File No. 20857–CD–P–79, and Noah Corporation, File No. 20865–CD–P–79, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in § 22.504(a) of the Commission's rules,[3] and to determine and compare the need for the proposed services in said areas; and

---

[1] The Commission recently granted consent to the *pro forma* assignment of Moore's Stations KLF592 and KSJ628, at Fort Wayne, to Better Beepers of Fort Wayne, Inc., which Moore controls (File No. 20229–CD–AL–2–81). *Public Notice*, Report No. 48–A, released December 31, 1980. The assignee is unrelated to Better Beepers, Inc. the Marion applicant. For the sake of clarity, we shall continue to refer to the assignee as Moore.

[2] 47 U.S.C. 309(e).

[3] Section 22.504(a) describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way signaling service. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F (50,50) for the facilities involved in this proceeding.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience, and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, that the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the respective applicants with respect to each issue.

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. It is further ordered, that the Secretary shall cause a copy of this Memorandum Opinion and Order to appear in the Federal Register.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-15916 Filed 5-27-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Fire Administration

Board of Visitors for the National Fire Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Fire Academy
Date of meeting: June 4-5, 1981
Place: National Fire Academy, 16825 South Seton Avenue, Emmitsburg, Maryland 21727
Time: 9:30 a.m. to 5:00 p.m.

Proposed Agenda

June 4: Superintendent's Report/Overview of Academy Operations, Budget FY-1981, Budget FY-1982, Administrator's Report/U.S. Fire Administration, Board of Visitors Annual Report, and such other items that may be of interest to the Board.

June 5: Uncompleted Agenda and Administrative Items.

The meeting will be open to the public with approximately ten seats available on a first-come first-serve basis. Members of the general public who plan to attend the meeting should contact Mr. Clem R. Lakin, National Fire Academy, 16825 South Seton Avenue, Emmitsburg, Maryland 21727 (phone: 301/447-6771) on or before May 28, 1981.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Superintendent's Office, National Fire Academy, Emmitsburg, Maryland. Copies of the minutes will be available upon request thirty days after the meeting.

Joseph A. Moreland,

Acting Administrator, United States Fire Administration.

May 19, 1981.

[FR Doc. 81-15617 Filed 5-27-81; 8:45 am]

BILLING CODE 6718-04-M

FEDERAL RESERVE SYSTEM

Affiliated Bankshares of Colorado, Inc.; Acquisition of Bank

Affiliated Bankshares of Colorado, Inc., Boulder, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First Colorado Bank, National Association, Colorado springs, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 19, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15873 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Binger Agency; Acquisition of Bank

Binger Agency, Inc., Binger, Oklahoma, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51.6 percent or more of the voting shares of Binger Community Bank, Binger, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15877 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation

would not suffice in liew of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be agrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 15, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, New York (consumer finance, insurance and industrial loan company activities; Washington): to engage through a *de novo* office of its indirect subsidiary, Citicorp Washington Industrial Loan Company, to be located in Lacey, Washington, in the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Washington Industrial Loan Company, to the extent permissible under applicable state insurance laws and regulations; and the originating, for its own account or for the account of others, of first mortgage loans secured by residential or commercial properties. The service area of the *de novo* office would be comprised of the entire state of Washington. Citicorp also wishes to expand the previously approved service area of the existing office of Citicorp Washington Financial Center, Inc., at the same location in Lacey, Washington, to include the entire state of Washington. The previously approved activities of that office include all the aforementioned activities. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Washington Financial Center, Inc., and Citicorp Washington Industrial Loan Company.

B. Citicorp, New York, New York, (consumer finance, insurance and industrial loan company activities; Washington: to engage through a *de novo* office of its indirect subsidiary, Citicorp Washington Industrial Loan Company, to be located in Federal Way, Washington, in the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Washington Industrial Loan Company, to the extent permissible under applicable state insurance laws and regulations; the originating, for its own accout or for the account of others, of first mortgage loans secured by residential or commercial properties. The serviuce area of the *de novo* office would be comprised of the entire state of Washington. Citicorp also wishes to expand the previously approved service area of the existing office of Citicorp Washington Financial Center, Inc., at the same location in Federal Way, Washington, to include the entire state of Washington. The previously approved activities of that office include all the aforementioned activities. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Washington Financial Center, Inc., and Citicorp Washington Industrial Loan Company.

C. Citicorp, New York, New York (consumer finance, insurance activities; California) to expand the activities of an approved office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., located at San Jose, California, engaged in the following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extensions of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required. The new activity in which the office proposes to engage *de novo* is: the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissible under applicable state insurance laws and regulations. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. The previously approved service area of the office is comprised of San Mateo, Santa Clara, and Alameda Counties.

B. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

The Wachovia Corporation (mortgage banking, North Carolina): a bank holding company, proposes to engage through a subsidiary known as Wachovia Mortgage Company in the following activities: Providing mortgage banking services, including the origination and processing of residential, construction, development, and income property mortgage loans, the purchase and sale or placement of mortgage loans, the administration and servicing of mortgage loans, the management and sale of properties acquired through foreclosure or transfers in lieu of foreclosure, and acting as agent for credit life and accident and health insurance and for property and casualty insurance related to extensions of credit. Such activities will be conducted at an office in the following locations: 400 East Main Street, Elizabeth City, North Carolina 27909; 1505 South York Road, Gastonia, North Carolina 28052; 139 West Walnut Street, Goldsboro, North Carolina 27530; and would service the cities in which these offices are located,

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

U.S. Bancorp, Portland, Oregon (financing and leasing activities, Kansas, Missouri, Oklahoma): to engage, through its subsidiary, U.S. Bancorp Financial, Inc., in the making, acquiring, and servicing of loans and other extensions of credit, either secured or unsecured, for its own account or for the account of others, including, but not limited to, commercial, rediscount, installment sales contracts and other

forms of receivables, and leasing of personal property and equipment in conformance with the provisions of section 225.4(6)(a) of the Board's Regulation Y. These activities would be conducted from an office in Kansas City, Missouri, serving Kansas, Missouri, and northeastern Oklahoma.

D. *Other Fedral Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15872 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Central Bancorp, Inc.; Formation of Bank Holding Company

Central Bancorp, Inc., Nashville, Tennessee, has applied for the Board's approval under section 3(a) of the Bank Holding Company Act (12 U.S.C. 1842(a)) to become a bank holding company by acquiring 93.14 percent of the voting shares of Citizens Central Bank, Murfreesboro, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15879 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Citicorp; Proposed Check Guarantee and Check Authorization Activities

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843)c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to expand the activities of its subsidiary, Citicorp Financial Inc., Towson, Maryland.

Applicant states that the existing subsidiary would engage in the additional activities of retail check guarantees and check authorizations. These activities would be performed from offices of Applicant's existing subsidiary in Towson, Maryland, and the geographic areas to be served are Maryland, Pennsylvania, Virginia, Delaware, and the District of Columbia. Such activities have been approved by the Board as permissable for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 21, 1981.

Board of Governors of the Federal Reserve System, May 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15878 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial Security Bancorporation; Acquisition of Bank

Commercial Security Bancorporation, Ogden, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Box Elder County Bank, Brigham City, Utah. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15880 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

First Bancshares of Seguin, Inc.; Formation of Bank Holding Company

First Bancshares of Seguin, Inc., Seguin, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of The First National Bank of Seguin, Seguin, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15880 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

First Foster Bancshares, Inc.; Formation of Bank Holding Company

First Foster Bancshares, Inc., Buna, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of East Texas State Bank, Buna, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15881 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Lorenzo Bancshares, Inc.; Formation of Bank Holding Company

Lorenzo Bancshares, Inc., Lorenzo, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Lorenzo State Bank at Lorenzo, Lorenzo, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of facts that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15882 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Lyon Bancorp, Inc.; Formation of Bank Holding Company

Lyon Bancorp, Inc., Eddyville, Kentucky, has applied for the Board's approval under section 3(a) of the Bank Holding Company Act (12 U.S.C. 1842(a)) to become a bank holding company by acquiring 80.88 percent or more of the voting shares of The Bank of Lyon County, Eddyville, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15874 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Bancorp, Inc.; Acquisition of Bank

Manufacturers Bancorp, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to First State Bank of Union, Union, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15875 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Security Pacific Corp.; Proposed Acquisition of A. J. Armstrong Co., Inc.

Security Pacific Corporation, Los Angeles, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of A. J. Armstrong Co., Inc., New York, New York.

Applicant states that the proposed subsidiary would (perform) (engage in) the activities commercial finance and factoring, as well as arranging letters of credit for use in international trade, and holding a full pay-out lease. These activities would be performed from offices of Applicant's proposed subsidiary located in New York, New York, serving the northeastern region of the United States; Chicago, Illinois, Southfield, Michigan, and Cleveland, Ohio, serving the midwest region; Minnesota, serving the north central region; and Beverly Hills, California, serving the western region. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 20, 1981.

Board of Governors of the Federal Reserve System, May 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15878 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Woodstock State Bancorp., Inc.; Formation of Bank Holding Company

Woodstock State Bancorp., Inc., Woodstock, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent, less directors' qualifying shares, of the voting shares of the successor by merger to The State Bank of Woodstock, Woodstock, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15884 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

"Tar", Nicotine and Carbon Monoxide Content of the Smoke of 187 Varieties of Cigarettes

AGENCY: Federal Trade Commission.

ACTION: Publication of "Tar", Nicotine and Carbon Monoxide Content of the Smoke of 187 Varieties of Cigarettes.

SUMMARY: The Federal Trade Commission publishes the "Tar", Nicotine and Carbon Monoxide Content of domestic cigarettes.

FOR FURTHER INFORMATION CONTACT: Matthew L. Myers, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202-724-1490) or Harold Pillsbury, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202-523-3559).

SUPPLEMENTARY INFORMATION: The Federal Trade Commission's Laboratory has determined the "tar" (dry particulate matter), total alkaloid (reported as nicotine) and carbon monoxide content of 187 varieties of cigarettes. The laboratory utilized the Cambridge filter method with the following specifications as set forth in the Commission's announcement of July 31, 1967:

1. Smoke cigarettes to a 23 mm. butt length, or to the length of the filter and overwrap plus 3 mm. if in excess of 23 mm.

2. Base results on a test of approximately 100 cigarettes per brand, or type.

3. Cigarettes to be tested will be selected on a random basis, as opposed to "weight selection".

4. Determine particulate matter on a "dry" basis employing the gas chromatography method published by C. H. Sloan and B. J. Sublett in Tobacco Science 9, page 70, 1965, as modified by F. J. Schultz' and A. W. Spears' report published in Tobacco Vol. 162, No. 24, page 32, dated June 17, 1966, to determine the moisture content.

5. Determine and report the "tar" content after subtracting moisture and alkaloids (as nicotine) from particulate matter.

6. Carbon Monoxide is determined by non-dispersal infrared spectrophotometer.

Concerning the 187 varieties tested, 18 were capable of being smoked to 23 mm. The butt length of the other 169 varieties tested ranged from 24.5 mm. to an average of between 47.8 and 48.5 mm. The butt lengths of 146 of the 187 varieties tested exceed 30 mm.

The samples used were obtained by attempting to purchase two packages of each variety of cigarettes as distributed by domestic cigarette manufacturers during October and November 1979 in each of 50 geographic locations throughout the country. All varieties of cigarettes were not available in each of the 50 geographic locations and in these instances, one or more additional packages of cigarettes were purchased in those geographic locations where respective varieties were available. The samples utilized in the tests were representative of the 187 varieties of cigarettes as available throughout the country at the time of purchase.

Due to the initiation of the carbon monoxide testing program, the length of the time between the pick up of the cigarettes tested for this report and the publication of the test results has been longer than normal. Every year some cigarette brands are reformulated, introduced or withdrawn from the market during the testing period. In light of the duration of the current testing period, the number of cigarette brands included in this report which have been reformulated since the cigarettes tested were picked up in late 1979 is higher than normal. The retesting of these brands prior to the issuance of this report would have resulted in a substantial delay in both the issuance of this report and the preparation and issuance of the next report later this year. However, to insure that both consumers and competitors are aware that some of the cigarettes tested for this report have been reformulated, this report also includes a list of those cigarettes which the manufacturers informed the Commission both have been reformulated and now have lower levels of "tar" and/or nicotine according to tests conducted by their manufacturer. Accordingly, consumers and cigarette manufacturers should note that the "tar," nicotine and carbon monoxide figures in the tables of this report for the following brands are based on tests conducted by the FTC on cigarettes which we are advised have subsequently been reformulated. the FTC has not independently verified the statements by the cigarette manufacturers that these brands have been reformulated or the test results submitted by the cigarette manufacturers and, therefore, by the publication of the list of reformulated cigarettes below, the Commission does not attest to the accuracy of the cigarette manufacturers' test results:

Camel, Regular size, non-filter
Camel, King size, filter
Camel Lights, King size, filter
Carlton, King size, filter
Chesterfield, Regular size, non-filter
Chesterfield, King size, non-filter
Chesterfield, King size, filter
Chesterfield, 100mm., filter
Half and Half, King size, filter
Kool Milds, King size, filter, menthol
Kool Super Lights, King size, filter, menthol
L&M, King size, filter
L&M, 100mm., filter
Lark, King size, filter
Lark, 100mm., filter
Marlboro Lights, King size, filter
Merit, King size, filter
Oasis, King size, filter, menthol
Pall Mall Lights, 100mm., filter
Salem, King size, filter, menthol
Salem, 100mm., filter, menthol
Salem Lights, King size, filter, menthol
St. Moritz, 100mm., filter
Tareyton Lights, King size, filter
Tareyton Long Lights, 100mm., filter
Vantage, King size, filter
Vantage, King size, filter, menthol

Vantage, 100mm., filter
Virginia Slims Lights, 100mm., filter, menthol
Winston, King size, filter
Winston, 100mm., filter
Winston Lights, King size, filter

The degree of change in the reported "tar," nicotine and carbon monoxide level of those brands listed above varies from brand to brand. In some cases the change as reported by the respective cigarette manufacturer is only 1 milligram tar and/or .1 of a milligram nicotine. In other cases the change is larger. To obtain information on the current "tar" and nicotine levels of these cigarettes according to the manufacturer, consumers and cigarette manufacturers should check the most current advertisements for those brands.

In this table the varieties of cigarettes are arranged in alphabetical order with "tar" and carbon monoxide values rounded to the nearest whole milligram and nicotine values rounded to the nearest tenth of a milligram.

We were informed that the formulation of two varieties of True and two varieties of Golden Lights cigarettes were changed and samples were collected according to the prescribed procedure. Results yielded by the new formulation appear in the body of the tables. The results yielded from the old discontinued formulation are as follows:

Brand and type	TPM dry milligram per cigarette	Nicotine milligram per cigarette	Carbon monoxide milligram per cigarette
True, 100mm, filter	9.1	0.69	12.0
True, 100mm, filter menthol	9.7	.70	13.1
Golden Lights 100's, 100mm, filter	8.6	.79	9.3
Golden Lights 100's filter menthol	8.5	.80	10.2

BILLING CODE 6750-01-M

Alpine
America
America
Arctic Li
Arctic Li
Aspen
Aspen
Belair
Belair
Benson
Benson
Benson
Benson
Benson
Benson
Benson
Benson
Brookwo
Bull Durh
Camel*
Camel*
Camel Li
Camel Lo
Carlton
Carlton*
Carlton
Carlton
Carlton
Carlton
Chesterfi
Chesterfi
Chesterfi
Chesterfi
Decade
Decade
Decade
Doral
Doral
Doral II
Doral II
DuMaurie
English O
English O
Eve
Eve
Eve
Eve
Fatima
Galaxy
Golden Li
Golden Li
Golden Li
Golden Li
Half & Ha
Herbert Ta
Home Run
Iceberg 10
Kent Micr
Kent Micr
Kent III

* These cig
* TPM dry (
* Milligrams

TAR[1], NICOTINE[2] and CARBON MONOXIDE CONTENT of ONE-HUNDRED EIGHTY-SEVEN (187) VARIETIES of DOMESTIC CIGARETTES

BRAND	TYPE	TAR (mg/cig)	NICOTINE (mg/cig)	CARBON MONOXIDE (mg/cig)
Alpine	king size, filter, menthol	15	1.0	16
American Lights	120 mm, filter	8	0.7	9
American Lights	120 mm, filter, menthol	9	0.8	10
Arctic Lights	king size, filter	8	0.7	10
Arctic Lights	100 mm, filter, menthol	8	0.7	11
Aspen	king size, filter, menthol	9	0.8	11
Aspen	100 mm, filter, menthol	9	0.8	10
Belair	king size, filter, menthol	9	0.8	11
Belair	100 mm, filter, menthol	8	0.7	10
Benson & Hedges	reg. size, filter, (hard pack)	1	0.1	1
Benson & Hedges	king size, filter, (hard pack)	16	1.3	14
Benson & Hedges 100's	100 mm, filter, (hard pack)	15	1.1	17
Benson & Hedges 100's	100 mm, filter, menthol, (hard pack)	16	1.1	18
Benson & Hedges 100's	100 mm, filter	16	1.1	18
Benson & Hedges 100's	100 mm, filter, menthol	16	1.1	18
Benson & Hedges Lights	100 mm, filter	10	0.8	14
Benson & Hedges Lights	100 mm, filter, menthol	10	0.8	13
Brookwood	king size, filter, menthol	7	0.7	8
Bull Durham	king size, filter	27	1.8	26
Camel*	reg. size, non-filter	25	1.9	18
Camel*	king size, filter	19	1.4	21
Camel Lights*	king size, filter	10	0.9	12
Camel Long Lights	100 mm, filter	12	1.0	16
Carlton	king size, filter, (hard pack)	<0.5	0.1	1
Carlton*	king size, filter	1	0.1	2
Carlton	king size, filter, menthol	1	0.1	1
Carlton	100 mm, filter	4	0.4	6
Carlton	100 mm, filter, menthol	4	0.4	6
Chesterfield*	reg. size, non-filter	23	1.4	16
Chesterfield*	king size, non-filter	27	1.7	20
Chesterfield*	king size, filter	15	1.0	17
Chesterfield*	101 mm, filter	16	1.1	18
Decade	king size, filter	5	0.4	4
Decade	king size, filter, menthol	4	0.4	3
Decade	100 mm, filter	9	0.7	8
Doral	king size, filter	12	0.9	12
Doral	king size, filter, menthol	12	0.9	12
Doral II	king size, filter	5	0.4	4
Doral II	king size, filter, menthol	5	0.4	5
DuMaurier	king size, filter, (hard pack)	14	1.0	19
English Ovals	reg. size, non-filter, (hard pack)	22	1.7	13
English Ovals	king size, non-filter, (hard pack)	28	2.3	16
Eve	100 mm, filter	15	1.1	17
Eve	100 mm, filter, menthol	15	1.1	16
Eve	120 mm, filter, (hard pack)	14	1.1	14
Eve	120 mm, filter, menthol, (hard pack)	12	1.0	12
Fatima	king size, non-filter	26	1.7	20
Galaxy	king size, filter	16	1.0	18
Golden Lights	king size, filter	8	0.8	9
Golden Lights	king size, filter, menthol	8	0.7	9
Golden Lights 100's	100 mm, filter	9	0.7	9
Golden Lights 100's	100 mm, filter, menthol	8	0.7	9
Half & Half*	king size, filter	20	1.6	18
Herbert Tareyton	king size, non-filter	27	1.7	20
Home Run	reg. size, non-filter	21	1.3	21
Iceberg 100's	100 mm, filter, menthol	3	0.3	5
Kent Micronite II	king size, filter, (hard pack)	12	1.0	13
Kent Micronite II	king size, filter	12	1.0	14
Kent III	king size, filter	3	0.3	4

* These cigarette brands have been reformulated. See accompanying text.

[1] TPM dry (tar)—milligrams total particulate matter less nicotine and water.

[2] Milligrams total alkaloids reported as nicotine.

BRAND	TYPE	TAR (mg/cig)	NICOTINE (mg/cig)	CARBON MONOXIDE (mg/cig)
Kent Micronite II	100 mm, filter	15	1.1	15
Kent Micronite II	100 mm, filter, menthol	14	1.2	15
Kent III	100 mm, filter	4	0.5	7
Kool	reg. size, non-filter, menthol	18	1.1	15
Kool	king size, filter, menthol, (hard pack)	16	1.3	18
Kool	king size, filter, menthol	15	1.2	19
Kool Milds*	king size, filter, menthol	12	0.9	14
Kool Super Lights*	king size, filter, menthol	7	0.6	9
Kool	100 mm, filter, menthol	15	1.1	19
Kool Milds 100's	100 mm, filter, menthol	12	1.0	15
Kool Super Lights	100 mm, filter, menthol	8	0.7	11
Kool International	100 mm, filter, menthol, (hard pack)	9	0.7	11
L & M	king size, filter, (hard pack)	15	1.0	17
L & M*	king size, filter	15	1.0	17
L & M Lights	king size, filter	8	0.7	6
L & M*	100 mm, filter	16	1.1	18
L & M Lights	100 mm, filter	8	0.7	6
L & M	100 mm, filter, menthol	16	1.1	18
Lark*	king size, filter	16	1.1	17
Lark II	king size, filter	8	0.6	8
Lark Lights	king size, filter	8	0.6	8
Lark*	100 mm, filter	17	1.2	19
Lark Lights 100's	100 mm, filter	7	0.6	8
Long Johns	120 mm, filter	16	1.3	19
Long Johns	120 mm, filter, menthol	14	1.2	18
Lucky Strike	reg. size, non-filter	23	1.3	19
Lucky Ten	king size, filter	8	0.6	11
Lucky 100's	100 mm, filter	3	0.3	5
Marlboro	king size, filter, (hard pack)	16	1.0	16
Marlboro	king size, filter, menthol, (hard pack)	15	1.0	15
Marlboro	king size, filter	16	1.1	18
Marlboro Lights*	king size, filter	11	0.8	14
Marlboro	king size, filter, menthol	14	0.9	16
Marlboro	100 mm, filter, (hard pack)	16	1.1	17
Marlboro	100 mm, filter	16	1.1	18
Marlboro Lights	100 mm, filter	11	0.8	15
Max	120 mm, filter	17	1.5	18
Max	120 mm, filter, menthol	18	1.5	19
Merit*	king size, filter	8	0.6	12
Merit	king size, filter, menthol	7	0.5	11
Merit	100 mm, filter	9	0.7	12
Merit	100 mm, filter, menthol	10	0.8	13
Montclair	king size, filter, menthol	16	1.0	18
More	120 mm, filter	22	1.7	26
More	120 mm, filter, menthol	22	1.8	26
Multifilter	king size, filter	11	0.8	12
Multifilter	king size, filter, menthol	12	0.8	13
Newport	king size, filter, menthol, (hard pack)	15	1.2	18
Newport	king size, filter, menthol	17	1.3	19
Newport Lights	king size, filter, menthol	10	0.9	12
Newport	100 mm, filter, menthol	20	1.6	23
Now	king size, filter, (hard pack)	2	0.2	3
Now	king size, filter	2	0.3	3
Now	king size, filter, menthol, (hard pack)	2	0.2	3
Now	king size, filter, menthol	2	0.2	3
Oasis*	king size, filter, menthol	16	1.1	17
Old Gold Straights	king size, non-filter	25	1.6	19
Old Gold Filters	king size, filter	17	1.3	19
Old Gold Lights	king size, filter	9	0.8	11
Old Gold 100's	100 mm, filter	18	1.5	20
Pall Mall	king size, non-filter	24	1.5	19
Pall Mall	king size, filter	17	1.1	19
Pall Mall Extra Lights	king size, filter	7	0.6	8
Pall Mall	100 mm, filter	17	1.3	19
Pall Mall Lights*	100 mm, filter	11	0.9	13

* These cigarette brands have been reformulated. See accompanying text.

BRAND	TYPE	TAR (mg/cig)	NICOTINE (mg/cig)	CARBON MONOXIDE (mg/cig)
Pall Mall Lights	100 mm, filter, menthol	12	1.0	13
Parliament Lights	king size, filter, (hard pack)	8	0.6	10
Parliament Lights	king size, filter	9	0.7	11
Parliament Lights 100's	100 mm, filter	11	0.9	12
Philip Morris	reg. size, non-filter	22	1.5	14
Philip Morris Commander	king size, non-filter	25	1.7	17
Philip Morris International	100 mm, filter, (hard pack)	17	1.2	20
Philip Morris International	100 mm, filter, menthol, (hard pack)	17	1.1	19
Picayune	reg. size, non-filter	22	1.4	22
Piedmont	reg. size, non-filter	22	1.3	15
Players	reg. size, non-filter, (hard pack)	24	1.9	15
Raleigh	king size, non-filter	23	1.4	19
Raleigh	king size, filter	15	1.0	19
Raleigh Lights	king size, filter	9	0.7	11
Raleigh	100 mm, filter	16	1.1	20
Raleigh Lights 100's	100 mm, filter	8	0.8	12
Real	king size, filter	10	0.9	12
Real	king size, filter, menthol	9	0.8	10
St. Moritz*	100 mm, filter	15	1.1	16
St. Moritz	100 mm, filter, menthol	14	1.1	15
Salem	king size, filter, menthol, (hard pack)	16	1.2	19
Salem*	king size, filter, menthol	16	1.1	19
Salem Lights*	king size, filter, menthol	11	0.9	14
Salem*	100 mm, filter, menthol	19	1.5	20
Salem Lights	100 mm, filter, menthol	11	1.0	13
Saratoga	120 mm, filter, (hard pack)	15	1.1	18
Saratoga	120 mm, filter, menthol, (hard pack)	15	1.1	17
Silva Thins	100 mm, filter	13	1.1	12
Silva Thins	100 mm, filter, menthol	11	0.9	11
Spring 100's	100 mm, filter, menthol	19	1.1	19
Tall	120 mm, filter	16	1.3	21
Tall	120 mm, filter, menthol	15	1.2	18
Tareyton	king size, filter	14	0.9	17
Tareyton Lights*	king size, filter	7	0.6	9
Tareyton Ultra Low Tar	king size, filter, menthol	1	0.2	2
Tareyton	100 mm, filter	14	1.0	16
Tareyton Long Lights*	100 mm, filter	7	0.6	9
Tempo	king size, filter	7	0.6	9
Triumph	king size, filter	3	0.4	4
Triumph	king size, filter, menthol	3	0.4	3
True	king size, filter	5	0.4	6
True	king size, filter, menthol	5	0.4	6
True	100 mm, filter	8	0.6	10
True	100 mm, filter, menthol	7	0.6	10
Twist	100 mm, filter, lemon/menthol	16	1.2	18
Vantage*	king size, filter	10	0.8	17
Vantage*	king size, filter, menthol	10	0.8	17
Vantage Ultra Lights	king size, filter	6	0.5	9
Vantage*	100 mm, filter	11	0.9	16
Viceroy	king size, filter	15	1.0	19
Viceroy Rich Lights	king size, filter	8	0.7	11
Viceroy	100 mm, filter	15	1.1	20
Viceroy Rich Lights 100's	100 mm, filter	8	0.7	12
Virginia Slims	100 mm, filter	15	1.0	16
Virginia Slims	100 mm, filter, menthol	14	1.0	16
Virginia Slims Lights	100 mm, filter, (hard pack)	8	0.6	10
Virginia Slims Lights*	100 mm, filter, menthol, (hard pack)	9	0.7	11
Winston	king size, filter, (hard pack)	18	1.3	18
Winston*	king size, filter	19	1.4	21
Winston Lights*	king size, filter	13	1.1	15
Winston 100's*	100 mm, filter	18	1.4	20
Winston Lights 100's	100 mm, filter	13	1.0	17
Winston 100's	100 mm, filter, menthol	17	1.3	18

* These cigarette brands have been reformulated. See accompanying text.

BILLING CODE 6750-01-C

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-15726 Filed 5-26-81; 11:03 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Biotechnology Resources Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biotechnology Resources Review Committee, Division of Research Resources, June 5, 1981, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland 20014.

This meeting will be open to the public from 8:00 a.m. to approximately 11:00 a.m. June 5 for discussion of the Biotechnology Resources Program activities in 1981, discussion of the recent meeting of Principal Investigators, and to plan future Committee activities for 1981 and 1982. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from approximately 11:00 a.m. to adjournment on June 5 for review of 1981 funding plans and the review, discussion, and evaluation of individual research prospectuses submitted by organizations seeking access to PROPHET System services. These prospectuses and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the prospectuses, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Bldg. 31, Rm. 5B-13, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301 496-5545, will provide summaries of meetings and rosters of committee members.

Dr. Charles L. Coulter, Executive Secretary, Biotechnology Resources Review Committee, Division of Research Resources, Bldg. 31, Rm. 5B-41, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301-496-5411, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.371, Biotechnology Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 21, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15801 Filed 5-27-81; 8:45 am]

BILLING CODE 4110-08-M

Pharmacological Sciences Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pharmacological Sciences Review Committee, National Institute of General Medical Sciences, National Institutes of Health, July 9-10, 1981, Building 31C, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on July 9 from 8:45 a.m. to 10:00 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public for approximately 12 hours for the review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on July 9, from approximately 10:00 a.m. to 5:00 p.m. and on July 10, from 9:00 a.m. to adjournment. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A10, Bethesda, Maryland 20205, Telephone: 301, 496-7301, will provide a summary of the meeting and a roster of committee members. Substantive program information may be obtained from Dr. Anthony Demsey, Executive Secretary, Pharmacological Sciences Review Committee, Westwood Building, Room 950, Bethesda, Maryland, Telephone: 301, 496-7125.

(Catalog of Federal Domestic Assistant Program 13-859, Pharmacology-Toxicology Research, National Institute of General Medical Sciences, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: May 21, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15800 Filed 5-27-81; 8:45 am]

BILLING CODE 4110-08-M

President's Cancer Panel; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, June 12, 1981, in conjunction with the Board of Scientific Counselors, Division of Cancer Treatment, in the Lobby Room, at the Holiday Inn, 5520 Wisconsin Avenue, Bethesda, Maryland 20014.

The entire meeting of the Panel will be open to the public from 8:30 a.m. to adjournment. The meeting will include a discussion of the Division of Cancer Treatment Toxicology Testing Protocol. Attendance by the public will be limited to space available.

Mrs. Winfred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of Panel members, upon request.

Dr. Richard A. Tjalma, Executive Secretary, National Cancer Institute, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5854) will furnish substantive program information.

Dated: May 21, 1981.

Thomas E. Malone,

Thomas E. Malone, Deputy Director.

[FR Doc. 81-15862 Filed 5-27-81; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evalution of what is known of the safety and clinical effectiveness of ambulatory blood pressure monitoring using a semiautomatic portable recording device for evaluation of hypertension in patients with evidence of cardiovascular disease.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center

with information relevant to this evaluation should do so in writing no later than August 26, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Stephen P. Heyse, M.D., M.P.H., Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: May 20, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-15823 Filed 5-27-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-27284]

Alaska Native Claims Selection

This document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Pub. L. (Pub. L.) 94–204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95–178 (91 Stat. 1369) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance and to issue immediately thereafter a revised conveyance reflecting such reservation.

On July 24, 1979, Patent No. 50–79–0124 and Interim Conveyance No. 216 were issued to Cook Inlet Region, Inc., for approximately 214.30 and 3,118.08 acres respectively, of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands conveyed pursuant to Secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704, 715; 43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of Pub. L. 94–204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95–178 (91 Stat. 1369) and are described as follows:

Patent Number 50–79–0124 of July 24, 1979

Seward Meridian, Alaska

T. 13 N., R. 4 W.
Sec. 3, Lots 6, 11, 12, and 19, SW¼NW¼, W½SE¼NW¼, NW¼NW¼SW¼;
Sec. 4, Lots 14 and 17, E½SE¼SE¼SE¼.
Containing 98.65 acres.

T. 14 N., R. 4 W.
Sec. 35, E½NW¼SW¼;
Sec. 36, Lot 1,
Containing 57.90 acres.

T. 15 N., R. 4 W.
Sec. 26, Lot 2, NW¼SW¼.
Containing 57.75 acres.
Aggregating 214.30 acres.

Interim Conveyance No. 216 of July 24, 1979

Seward Meridian, Alaska (Surveyed)

T. 14 N., R. 4 W.
Tract C–2 excluding N½N½ of Sec. 9;
Tract 1–C, Terrane Terrace Alaska Subdivision;
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Block 4, Terrane Terrace Alaska Subdivision;
Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 5, Terrane Terrace Alaska Subdivision;
Sec. 16, that portion of the NE¼ easterly of Block 5, Terrane Terrace Alaska Subdivision.
Containing approximately 515.09 acres.

T. 15 N., R. 4 W.
Those portions of Tract "A" more particularly described as (protracted):
Sec. 4, that portion westerly of the Tract "A" survey line;
Sec. 28, SE¼SE¼;
Those portions of Tract "B" more particularly described as (protracted):
Secs. 5 and 6, all;
Sec. 8, all;
Sec. 17, NE¼;
Sec. 33, E½ portion of Tract A–1, and Block 1, Terrane Terrace Alaska Subdivision.
Containing approximately 2,602.99 acres.
Aggregating approximately 3,118.08 acres.

There are no easements to be reserved pursuant to Sec. 17(b) of ANCSA. When this decision becomes final, revised conveyance documents will be issued to Cook Inlet Region, Inc., for the above-described lands with no Sec. 17(b) easements reserved. The revised conveyance documents will remain subject to all other rights, terms, conditions, and covenants contained in Patent No. 50–79–0124 and Interim Conveyance No. 216, respectively.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Daily News. Any party known or unknown who is adversely affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until June 29, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is:

Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-15889 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

Application for Public Land Withdrawal; Public Hearing

May 15, 1981.

Notice is hereby given that public hearings will be held on Tuesday, July 14, 1981 and on Wednesday, July 15, 1981, for the purpose of obtaining public testimony on an application for public land withdrawal. The hearings will be held as follows:

Tuesday, July 14, 1981—Picuris Room, Albuquerque Convention Center, 2nd Street NW., Albuquerque, New Mexico, sessions begining at 10:00 a.m., 1:00 p.m. and 7:00 p.m.

Wednesday, July 15, 1981—Civic Center Auditorium, National Park Highway, Carlsbad, New Mexico, sessions beginning at 1:00 p.m. and 7:00 p.m.

On November 7, 1980, the U.S. Department of Energy filed application

number NM–43012 to withdraw approximately 8,960 acres of public land from settlement, sale, location or entry under the general land laws, including the Mining and Mineral Leasing Laws and the Geothermal Steam Act of 1970. It was published in the Federal Register on November 17, 1980. The lands are described as follows:

New Mexico Principal Meridian, New Mexico

T. 22 S., R. 31 E.,
Sec. 15;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
Sec. 19, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
Sec. 20;
Sec. 21;
Sec. 22;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
Sec. 31, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
Sec. 33;
Sec. 34.

The area described contains approximately 8,960 acres in Eddy County, New Mexico.

The Department of Energy requests that this land be reserved for the exclusive use of the DOE for the purposes of protecting the geological integrity of the site for the research and development of a Waste Isolation Pilot Project and performing a Site and Preliminary Design Validation Program. The site is in Eddy County, New Mexico, approximately 25 miles southeast of Carlsbad.

Persons who wish to comment on the proposed land withdrawal may do so by presenting public testimony at one of the above hearing sessions or they may submit their written comments for the record to the State Director, Bureau of Land Management, Santa Fe. Comments must be received by July 31, 1981 in order to be considered.

Persons who wish to testify at one of the hearing sessions should contact the State Director (912) at the address below and indicate the preferred time and place of their testimony. Every attempt will be made to schedule testimony so that all may be heard at the approximate time requested. Oral presentations will be limited to a 10 minute summation of key points.

Complete written testimony may be made a part of the record at the hearings by submitting a copy to the legal reporter at the time of testimony.

Persons who do not make an advance request to present their testimony will be allowed to speak providing there is time remaining. The persons must register at the beginning of each hearing period and will be placed within the schedule if time allows. Persons are urged to make advance registrations to speak.

The testimony taken must relate only to the withdrawal question as that is the issue to be decided by the Bureau of Land Management. Comments on the feasibility of the nuclear program in general, or other issues outside of the responsibility of the BLM and the Department of the Interior will not be heard. The hearings will be conducted by an administrative law judge of the Department of the Interior and all comments both oral and written will be made a part of the record used to make the final decision on the withdrawal.

All requests for information or scheduling for this project should be addressed to the undersigned, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Charles W. Luscher,

State Director.

[FR Doc. 81–15713 Filed 5–27–81; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. I–16383]

Idaho; Proposed Withdrawal and Reservation of Lands; Correction

May 19, 1981.

In FR 81–11689, filed April 16, 1981, and appearing on page 22467 of the issue for April 17, 1981, the following correction should be made:

The legal description should read:

Boise Meridian

T. 11 S., R. 16 E.,
Sec. 5, SW¼SE¼SE¼;
Sec. 8, E½NE¼;
Sec. 22, SW¼SW¼SE¼;
Sec. 35, (S½N½NE¼SW¼SW¼, S½NE¼SW¼SW¼, and SE¼SW¼SW¼ except the east 50' thereof); NW¼SE¼SW¼, N½SW¼SE¼SW¼, SE¼SW¼SE¼SW¼.
T. 12 S., R. 16 E.,
Sec. 14, S½NE¼;
Sec. 24, NE¼NW¼, S½NW¼.
T. 11 S., R. 17 E.,
Sec. 33, S½NE¼SE¼SE¼, SE¼SE¼SE¼, E½SW¼SE¼SE¼.
T. 12 S., R. 17 E.,
Sec. 4, S½NE¼;
Sec. 7, W½SE¼NW¼;
Sec. 11, NE¼SW¼, S½SE¼NW¼.
T. 12 S., R. 18 E.,
Sec. 1, N½SE¼;
Sec. 4, SE¼Ne¼;
Sec. 6, Lot 7.

William E. Ireland,

Acting Chief, Branch of L. & M. Operations.

[FR Doc. 81–15909 Filed 5–27–81; 8:45 am]

BILLING CODE 4310–84–M

New Mexico; Albuquerque District, N. Mex.; District Advisory Council Meeting

The Albuquerque District Advisory Council will meet July 1, 1981, at The Inn, 700 Scott Avenue, Farmington, New Mexico, from 9 a.m. until 3 p.m. The morning session will be a joint meeting with the San Juan River Regional Coal Team, during which both groups will receive a briefing on the BLM Farmington Resource Area's Planning Update of Coal.

The public is welcome to attend all portions of the District Advisory Council meeting which is expected to formulate coal-related recommendations to the Albuquerque District Manager during the afternoon session. Statements by the public may be made to the council at 1 p.m. A time limit may be imposed for each statement depending on the number of people wishing to speak to the Council.

The agenda will include: a joint briefing with the Regional Coal Team on the BLM Farmington Resource Area Office's coal-related land use recommendations; comments from individual Advisory Council members to the Regional Coal Team; comments from the public to the Advisory Council; discussion of protection mechanisms available for valuable archeological sites located in regions of high coal potential and Bureau policy mitigating displacement of Native Americans for surface mining; and recommendations by the Advisory Council to the Albuquerque District Manager concerning the BLM Farmington Resource Area's land use recommendations.

Minutes of the meeting will be prepared and made available for review within 30 days following the meeting.

L. Paul Applegate,

District Manager.

May 18, 1981.

[FR Doc. 81–15912 Filed 5–27–81; 8:45 am]

BILLING CODE 4310–84–M

[NM–929]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

May 18, 1981.

1. On March 9, 1967 (FR Vol. 32, No. 46, pages 3894–3895), the public lands described in the notice aggregating approximately 1,053,000 acres were classified for multiple use management under the Act of September 19, 1964, and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7

and 9, and 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under Item 1 above is hereby terminated. This action will restore the lands to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws.

Inquires concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-15714 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

Roseburg District Advisory Council Meeting

Notice is hereby given that in accordance with Section 309 of the Federal Land Policy and Management Act (as amended), the Roseburg District Advisory Council will meet June 16, 1981. The meeting will convene at 9 a.m. in the conference room at the Roseburg District Office, 777 NW Garden Valley Blvd., Roseburg, OR. Focus of the meeting will be the four land use alternatives recently drafted and published in summary form.

All Council meetings are open to the general public and news media. Interested persons or organizations may make oral statements to the Council at 11:15 a.m., or they may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager by June 9, 1981. Depending upon the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of each Council meeting will be maintained in the Roseburg District Office and will be available for public inspection and photocopying during regular business hours within 30 days following the meeting.

For additional information, contact Gary Majors, Public Information Officer, telephone (503) 672-4491.

Dated: May 18, 1981.

Melvin D. Berg,

Acting District Manager.

[FR Doc. 81-15910 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Redelegation of Authority by State Director

Pursuant to the authority contained in Section 1.1 of BLM Order No. 701 dated July 23, 1964, as amended, authority to take action under Section 2.6(K) as to mining claim instruments filed for record with BLM under 43 CFR 3833 was redelegated to the Chief, Branch of Records and Data Management (FR Doc. 77-25067 filed August 29, 1977: 8:45 am).

The above redelegation (effective August 30, 1977) is revoked as follows: "The authority to reject filings and void claims located on lands not available for mineral location on the dates of location."

The authority to take action on the item above is hereby redelegated to the Chief, Branch of Lands and Minerals Operations.

Dated: May 15, 1981.

Dean Stepanek,

Acting State Director.

[FR Doc. 81-15913 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

Montana; Mailing Address Change

AGENCY: Bureau of Land Management, Lewistown District.

ACTION: Mailing Address Change.

SUMMARY: This notice is for a mailing address change only. No change in office location has occurred.

ADDRESS: Bureau of Land Management, Lewistown District Office, Airport Road, Lewistown, Montana 59457.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown District, Airport Road, Lewistown, Montana 59457 (406/538-7461).

Dated: May 18, 1981.

David E. Little,

Acting District Manager.

[FR Doc. 81-15911 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931, and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules. This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-FC-79111. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to PREMIER HOMES, INC., of Bozeman, MT, of Certificate No. MC-124790 issued April 7, 1970, to Premier Homes, Inc., of Bozeman, MT, authorizing the transportation of *mobile homes and house trailers*, between Bozeman, MT, and West Yellowstone, MT, serving no intermediate points: from Bozeman over U.S. Highway 191, to West Yellowstone, and return over the same route; and mobile homes and house trailers between points in Yellowstone National Park, located in Idaho, Montana, and Wyoming. Applicant's representative is: James J. Screnar, Attorney, 215 West Mendendenhall—P.O. Box 1122, Bozeman, MT. 59715. TA application has not been filed. Transferee presently holds no authority from the Commission.

MC–FC–79116. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to SCOTT'S TRUCKING, INC. of Permit No. MC–139247 (Sub-No. 1) issued March 3, 1977 to Cooper Brothers, Inc. authorizing the transportation of *such merchandise* as is used, sold, or dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk), from points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Michigan, Indiana, Alabama, Ohio, Georgia, Florida, New York, Pennsylvania, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, New Jersey, and District of Columbia, to the warehouse, storage, and distribution facilities of Colonial Stores, Inc., at Atlanta and Thomasville, GA, Columbia, SC, Raleigh, NC, and Norfolk, VA, under continuing contract(s) with Colonial Stores, Inc. of Atlanta, GA. Note: (1) Transferee is a non-carrier (2) An application for temporary authority has not been filed. Applicant's representative: Jack K. Huff, 1776 W. Peachtree St. NW, Atlanta, GA 30309.

MC–FC–79117. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and transfer rules at 49 CFR, Review Board Number 3 approved the transfer to BROWN TRANSPORT, INC., West Alexander, OH of Permit MC–144211 (Sub 2F issued May 17, 1979 and MC–144211 Sub 3) issued March 16, 1981 to Brown & Sons, Inc. authorizing (1) the transportation of slag (except scrap metal), in bulk, in dump vehicles, from Middletown, OH, to Gas City, Marion, Winchester, and Dunkirk, IN, under continuing contract(s) with the Calumite Company, of Trenton, NJ, and (2) the transportation of scrap metal, in dump vehicles, between points in OH, IN, KY, WV, MI, and PA, under continuing contract(s) with The David J. Joseph Co. of Cincinnati, OH. Applicant's representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. Transferee holds authority under No. MC–146893 and Subs. TA lease is not sought.

MC–FC–79120. By decision of April 30, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to SELBY INVESTMENTS, INC. of Certificate No. MC–42710 (Sub-No. 1F) issued August 12, 1980 to Normadic Enterprises, Inc. authorizing the transportation of passengers and their baggage and camping equipment, in special operations, in camping tours between specified points in ME, NH, CT, RI, CA, NY, MA, NJ, GA, FL, LA, TX, MI, CO, WA, MN, OR, AK, NM and DC on the one hand, and, on the other points in the United States including AK but excluding HI restricted at Logan International Airport, MA to transportation having a prior or subsequent movement by air. Applicant's representative is: David M. Marshall, Esq., Marshall & Marshall, 101 State Street, Suite 304, Springfield, MA 01103.

MC–FC–79121. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to JOHN J. VETERI LEASING CORP., West Paterson, NJ of Certificate No. MC–7680 (Sub-No. 5F) issued on February 23, 1981 to Bowman Bros. Trucking Co., Inc., West Paterson, NJ authorizing the transportation of flat glass and glass glazing units from Cinnaminson and Pansauken, NJ; Stone Mountain, GA; and Miami, FL; Lancester, OH; St. Louis and Truesdale, MO; Carson and Fullerton, CA; to points in the U.S. (except AK and HI). Applicant's representative is: Joseph Veteri, 48 Harding Ave., Totowa, NJ 07512. Transferee is not a carrier. Transferee is not seeking TA lease authority.

MC–FC–79122. By decision of April 30, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to D.M.R. TRANSPORT (1975) LTD., of Grindrod, B.C., Canada, of Certificate No. MC–143415 (Sub-No. 1F) issued December 19, 1978 to Wholesale Delivery Service (1972) LTD., of Burnaby, B.C., Canada, authorizing the transportation, by irregular routes, of *general commodities* (except motor vehicles, commodities in bulk, classes A and B explosives, household goods as defined by the Commission, articles of unusual value, and commodities which because of size or weight require the use of special equipment), between the port of entry on the International Boundary line between the United States and Canada at or near Blaine, WA, on the one hand, and, on the other, Blaine, WA, subject to the restrictions that the traffic has a prior or subsequent movement in foreign commerce and it either originates at or destined to Blaine, WA, or Vancouver, British Columbia, Canada. Applicant's representative is: Ben R. Brown, P.O. Box 68927, Riverton, Heights Br., Seattle, WA 98188.

MC–FC–79123. By decision of May 1, 1981, issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR Part 1133, Review Board Number 3 approved the transfer to ALL WORLD TRAVEL, INC. d.b.a. ALL WORLD TOURS of Sulphur Springs, TX 75482 of License No. MC–130305 issued to Louise K. Whitefield d.b.a. Travel Sophisticates of Dallas, TX 75238 authorizing *Passengers and their baggage*, in sightseeing and pleasure tours, beginning and ending at Dallas, TX, and extending to points in the United States (including Alaska and Hawaii), engaging in brokerage operations at Dallas, TX. Applicant's representative: James E. Pulis, Jr., 4700 First International Bldg., Dallas, TX 75270. Transferee is not a carrier.

MC–FC–79126. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to SUE ROBERTS and ROBERT K. DIEHL, d.b.a. GEORGE F. ROBERTS TRUCKING, of Walnutport, PA, of Certificate No. MC–22611 issued September 21, 1942 and April 9, 1943 to George F. Roberts, of Walnutport, PA, authorizing the transportation of (1) *slate and slate products*, from Slatington, PA, and points within 15 miles of Slatington, to New York, NY, Washington, D.C., points in Connecticut and New Jersey, and points within 10 miles of Washington, D.C.; (2) *Empty barrels*, from Lehigh Gap, PA, to Jersey City, NJ; and (3) *Chemicals*, in truck loads, from Bayonne, Grasselil, and Jersey City, NJ, to Lehigh Gap, PA. Applicants' representative: William A. Steckel, 1036 Main Street, Slatington, PA, 215–767–3861.

MC–FC–79129. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to PARKER BROTHERS TRUCKING CORPORATION, of Lake City, MI, of Permit No. MC–146574 (Sub-No. 2F) issued December 15, 1980 to Orin Gray Trucking Co., of Lake City, MI, authorizing the transportation over irregular routes, transporting (1) *raw forgings*, from the facilities of Lake City Manufacturing Co., at or near Lake City, MI, to Allentown, PA, Louisville, KY, and Fort Wayne and Mishawaka, IN; (2) *steel*, from Cleveland and Canton, OH, Lackawanna and Buffalo, NY, Gary, IN, and Johnstown, PA, to the facilities of Lake City Manufacturing Co., at or near Lake City, MI, under continuing contract(s) in (1) and (2) with Lake City Manufacturing Co., of Lake City, MI; and (3) *steel*, from the facilities of Republic Steel Corporation at or near (a) Buffalo, NY, (b) Canton, Cleveland, and Youngstown, OH, (c) Chicago, IL, and

(d) Gary, IN, to the facilities of Lake City Manufacturing Co., at or near Lake City, MI, under continuing contract(s) with Republic Steel Corporation, of Cleveland, OH. Transferee holds no authority from this Commission. No application for temporary authority was filed. Applicant's representative is: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 489-5724.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15838 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte MC 43]

Lease and Interchange of Vehicles by Motor Carrier

Decided: May 19, 1981.

Road Rail Transport, Ltd. (No. MC-151037) has filed a petition for waiver of paragraph (d)(1) of § 1057.12 of the Lease and Interchange of Vehicle Regulations (49 CFR Part 1057) with respect to equipment augmentation between petitioner and various non-petitioner authorized carrier lessors, including any potential authorized carrier lessors, who have agreed to be, or will become, agents of petitioner in performing pickup and delivery services in conjunction with subsequent or prior rail movement.

Findings

1. The evidence presented does not warrant granting the waiver requested between petitioners and authorized carrier lessors, including future authorized carrier lessors, who are not parties to this petition.

It is ordered

1. The petition of Road Rail Transport, Ltd., for waiver of paragraph (d)(1) of Section 1057.12 is denied.

By the Commission, Motor Carrier Leasing Board, Board Members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15839 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Notice Finance Docket No. 29653]

Railroad Car Service Pooling Application; Filing and Proposed Special Rules of Procedure

May 21, 1981.

An application, as summarized below, has been filed by certain railroad companies (in their own names or through Trustees) under 49 U.S.C. 11342(a) for authority to enter into an agreement for the pooling of car service with respect to multi-level cars ("pooling agreement") and (b) for approval of said agreement. The railroads listed as applicants are:

The Baltimore and Ohio Railroad Company
Burlington Northern Incorporated
The Chesapeake and Ohio Railway Company
Chicago and North Western Transportation Company
Consolidated Rail Corporation
The Denver & Rio Grande Western Railroad
Detroit, Toledo & Ironton Railroad Company
Member Railroads of the Family Lines Rail System (Seaboard Coast Line Railroad Company, Louisville and Nashville Railroad Company and Subsidiary Railroads)
Florida East Coast Railway Company
Grand Trunk Western Railroad Company
Illinois Central Gulf Railroad Company
Missouri Pacific Railroad Company
Norfolk and Western Railway Company
Richard B. Ogilvie, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor
St. Louis Southwestern Railroad Company
Southern Pacific Transportation Company
Southern Railway Company
Union Pacific Railroad Company
Western Pacific Railroad Company

The Application and the pooling agreement propose to enable the applicants to pool multi-level car service to the extent specified by the pooling agreement and subject to its terms and limitations. The applicants seek to improve distribution of multi-level railroad cars utilized to transport motor vehicles in order to achieve greater efficiency consistent with equitable treatment of participating railroads, satisfy customer and public needs, and minimize unproductive empty car mileage and unproductive fleet investment. The applicants also seek to collect such information and conduct such research and development projects and experiments as may further improve the design, acquisition, assignment, distribution and use of multi-level cars.

Under the proposed pooling agreement, the applicants will agree with each other (a) to establish and implement means for distributing multi-level cars in a more cost-efficient manner than could be achieved by action of individual railroads, (b) to permit the employment of individuals or companies with management experience in car utilization in order to achieve the more cost-efficient distribution of multi-level cars assigned to shippers, (c) to collect information and conduct research and development in order to improve the design, acquisition, assignment, distribution and use of multi-level cars, and (d) to share the costs and expenses associated with the Pooling Agreement.

Participation in the pool will not be limited to the railroads which have joined in the filing of the application, but will be open to other United States railroads who become signatories to the pooling agreement and comply with its provisions. If the Application is approved, applicants have requested that a period of 180 days following the effective date of the Commission's order to be provided for this purpose.

A copy of the Application is on file and can be examined in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. In addition, applicants have offered to mail each interested party a copy of the Application upon receiving a request therefor addressed to counsel for the Applicants: Michael Boudin, Esq., Covington & Burling, 888 Sixteenth Street, N.W., Washington, D.C. 20006.

Any person desiring the participate in the proceedings with respect to the Application may file a pleading stating the nature of its interest and its position with respect thereto, within 30 days after this notice is published in the **Federal Register**, with a copy to be served on Applicants' counsel, Michael Boudin, at the address stated above.

In the opinion of applicants, the requested Commission action will not constitute a major regulatory action within the meaning of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6201 *et seq.*) and the Commission's regulations (49 CFR 1106.1 *et seq.*) nor will it constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (49 U.S.C. 4321 *et seq.*) and the Commission's regulations (49 CFR Parts 1108 *et seq.*). Any protest may include a statement indicating the presence or absence of any impact of the requested Commission action on energy conservation, energy efficiency or the environment. If any such impacts are alleged, the statement shall be accompanied by supporting data indicating the nature and degree of the anticipated impact and, if alleging the presence of a significant impact on the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, shall include the data required by the Commission's regulations (49 CFR 1108.12(e)).

The Commission has adopted the following Special Rules of Procedure for this proceeding:

1. Evidence will be gathered through the submission of written verified statements in accordance with the following provisions: (1) Applicants'

verified statements are those accompanying their application; (b) other verified statements in support of the application shall be due 20 days after this notice is published in the **Federal Register**; (c) any protests submitted shall be filed with the Commission 30 days after this notice is published; (d) verified reply statements by all parties shall be due 20 days thereafter; and (e) no oral hearing is contemplated.

2. If the application is approved, a period of 180 days following the effective date of the Commission's order shall be provided during which other carriers of property by railroad shall be authorized to join the pooling agreement.

By the Commission.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15986 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-No. 52)]

Baltimore & Ohio Railroad Co.—Discontinuance of Operations and Abandonment Between Copperweld and Fairport Harbor, OH; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated May 26, 1981, the Commission, Review Board Number 3, found that the public convenience and necessity require or permit abandonment or discontinuance of operations by the Baltimore and Ohio Railroad Company of its line of railroad known as the Lake Branch, in Trumbull, Geauga and Lake Counties, OH. The segments of line proposed for abandonment line between Copperweld, OH (milepost 94.38) and Painesville, OH (milepost 136.34), and between milepost 137.38 and milepost 139.01 at Fairport Harbor, OH. Discontinuance of operations is proposed between milepost 136.34 and milepost 137.38 at Fairport Harbor, OH. The abandonment and discontinuance of operations are subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued permitting this abandonment unless within 15 days from the date of this publication, the Commission also finds that:

(1) a financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) it is likely that:

(a) if a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) if a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 C.F.R. 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16119 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 88]

Motor Carrier; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 22, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 88747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings: We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

James H. Bayne,

Acting Secretary.

MC 19550 (Sub-11)X, filed May 13, 1981. Applicant: THE OBSERVER TRANSPORTATION CO., 1001 Pressley Rd., P.O. Box 34245, Charlotte, NC 28234. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-No. 9 certificate to broaden the commodity description from (a) newspapers, magizines, periodicals, and other publications to "printed matter" and (b) general commodities, with exceptions to "general commodities (except classes A and B explosives)" and remove the general commodity weight restriction.

MC 23618 (Sub-66)X, filed May 7, 1981. Applicant: McALISTER TRUCKING COMPANY, d.b.a. MATCO, P.O. Box 2377, Abilene, TX 79604. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. Applicant seeks to remove restrictions in its Sub-Nos. 10, 24F, 39F and 54F certificate by broadening the commodity descriptions from earth drilling machinery and equipment and machinery, equipment materials, supplies and pipe in Sub-No. 10, part 3 of Sub-Nos. 24F, 39F and Sub-No. 54F to "machinery and metal products."

MC 32882 (Sub-166)X, filed May 11, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-Nos. 128 and 149 certificates to (1) broaden the commodity description from tractors (except tractors used in connection with highway trailers), lift trucks, excavators, motor graders, scrappers, engines, generators, road rollers, pipe layers, and dump trucks, designed for off-highway use, parts, attachments, and accessories to "machinery and transportation equipment" in Sub-No. 128; (2) eliminate the facilities limitation and expand one-

way to radial authority between Vermillion, Macon, Tazewell, Coles, Peoria, and Sangamon Counties, IL, Scott County, IA, and Lake County, OH, and, points in OR, WA, ID, MT, WY, CO, UT, NV, AZ, and CA in Sub-No. 128; and (3) remove the restrictions "except commodities in bulk, automobiles, trucks, and buses", "except on traffic moving in foreign commerce", and against traffic having a prior or subsequent movement by rail or water in Sub-No. 149.

MC 46200 (Sub-4)X, filed May 11, 1981. Applicant: NEEDLES MOVING & STORAGE COMPANY, P.O. Box 7855, Cambers Station, St. Louis, MO 63106. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Applicant seeks to remove restrictions in its lead and Sub-No. 2 certificates to broaden the commodity description from household goods to "household goods and furniture and fixtures" in each certificate.

MC 69107 (Sub-15)X, filed May 14, 1981. Applicant: ALL STATES ASHPHALT, INC., Amherst Road, Route 116, P.O. Box 91, Sunderland, MA 01375. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its lead and Sub-Nos. 13 and 14 certificates to: (1) broaden the commodity descriptions to "petroleum, natural gas, and their products", from petroleum products and heating oils; (2) remove the "in bulk" restrictions in Sub-Nos. 13 and 14; (3) replace county-wide authority of Hartford, New Haven, and Middlesex Counties, CT, Hampden and Hampshire Counties, MA, and Rensselaer and Albany Counties, NY, for the specific point authority of Hartford, East Hartford, New Haven, Wethersfield, Middletown, Portland, Glastonbury, and Rocky Hill, CT, Springfield and Holyoke, MA, and Rensselaer, NY wherever they appear in the above numbered authorities; and (4) authorize radial service in lieu of one-way authority between the above named counties, and, NH, VT and 4 counties in MA.

MC 95876 (Sub-401)X, filed May 15, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 328 certificate in order to (1) broaden the commodity description in part (1) from iron and steel articles to "metal products" (2) eliminate the AK and HI exception, and (3) delete the in bulk restriction.

MC 107064 (Sub-150)X, filed May 8, 1981. Applicant: STEERE TANK LINES, INC., P.O. Box 220998, Dallas, TX 75222. Representative: Hugh T. Matthews, 555 Griffin Square, Suite 850, Dallas, TX 75222. Applicant seeks to remove restrictions in its Sub-Nos. 125F, 126F, 128F certificates to (1) remove the restriction limiting service to the transportation of traffic originating at and/or destined to named points, in Sub-Nos. 125F and 128F, (2) replace facility or city-wide authority with county-wide authority: (a) facilities at or near Port Neches, Conroe and Austin, TX, with Jefferson, Montgomery and Travis Counties, TX, in Sub-No. 125F, (b) facilities at or near Pasadena, TX, with Harris County, TX, in Sub-No. 126F, and (c) facilities at or near Texas City, TX, with Galveston County, TX, in Sub-No. 128F, (3) authorize radial authority to replace existing one-way service between specified coutnies in TX and points in various combinations of States throughout the U.S., in Sub-Nos. 125F and 128F and (4) remove the exceptions of AK, HI and the origin State of TX in Sub-No. 126F.

MC 110144 (Sub-23)X, filed May 11, 1981. Applicant: JACK C. ROBINSON d.b.a. ROBINSON FREIGHT LINES, 3600 Papermill Road, Knoxville, TN 37912. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 7, 9, 11F, 13, 14, and 15 certificates, and in Sub-No. 19 which was issued pursuant to MC–F–12963 in which no certificate has yet been issued, to (1) remove general commodity restrictions, except Class A and B explosives, (2) remove the restriction in Sub-No. 11F, which is restricted to the transportation of traffic received from or delivered to connecting carriers at Memphis, TN and Jackson, MS, (3) allow service at all intermediate points on its regular-route authority as follows: between Chattanooga and Memphis, TN; Calderwood, TN and junction TN 58 and I–40 near Kingston, TN; Knoxville and Kyles Ford, TN; and between junction TN hwy 33 and U.S. hwy 25E and Morristown, TN; (4) delete "serving junction I–40 and TN hwy 40 for joinder only" in Sub-No. 9; and (5) change off-route points to county-wide authority as follows: Holiday Industrial Park to DeSoto County, MS, in Sub-No. 13; Tennga to Murray County, GA, in Sub-No. 14.

MC 112304 (Sub-259)X, filed May 5, 1981. Applicant: ACE DORN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: A Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its certificates in various Sub-Nos. mentioned below to (1) broaden the commodity descriptions from (a) used contractor's equipment, modular mausoleum crypt systems, precast reinforced concrete trenching systems, and parts and accessories, cement asbestos pipe and fittings, beams, piling, rails, railway track accessories, bridge railing, highway railing pipe drivers, and pipe extractors to "contractors' equipment, materials and supplies, and parts and accessories therefor" in Sub-Nos. 1, 94, 112, 122, 178F and 198F; (b) uncrated new office and institutional furniture, fixtures, and equipment, uncrated cooling or freezing boxes and refrigerators, with or without freezing apparatus, and other uncrated new store fixtures and equipment to "office, institutional and store furniture, fixtures and equipment, and cooling and refrigeration equipment" in Sub-No. 1; (c) cooling towers and fluid coolers and parts and accessories, heat exchangers and equalizers for air, gas, or liquids, machinery and equipment, blast, open hearth or electric furnace machinery, equipment and parts, foundry machinery, equipment and parts, valves, and machinery parts, electrical substations, self-propelled hydraulic cranes, lift trucks, hoist, refrigeration, air conditioning, and heating systems, industrial storage batteries, cranes, pipe making machinery, vehicle lifts, material handling equipment, tractor and agricultural machinery parts and attachments, fireplace air heaters and ventilators, and parts and accessories, pollution control equipment, and pollution control products, and grain, milling and processing machinery, components and supplies to "machinery" in Sub-Nos. 6, 42, 56, 69, 82, 84, 86, 87, 97, 103, 104, 121, 123, 137F, 146F, 162F, 189F, and 244F; (d) iron and steel and iron and steel articles, guard rail, prefabricated steel buildings, aluminum and aluminum products, aluminum tubing when shipped in mixed loads, structural steel, iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing, and wire in coils, lead, lead alloys, fabricated aluminum products, copper articles, scrap aluminum, pipe, fittings, valves, hydrants, castings, zinc, zinc alloy, zinc products, fabricated metal products, ferro alloys, zinc alloy ingots and aluminum ingots, metal buildings and component parts of metal buildings, steel pipe, couplings, well castings, well screens and tubing, metal roofing and siding, nickel iron chromium alloys, cast iron valves and hydrants, aluminum billets and aluminum ingots to "metal products" in Sub-Nos. 7, 11, 17,

25, 27, 32, 33, 37, 40, 41, 43, 45, 49, 50, 51, 52, 53, 57, 62, 65, 87, 97, 106, 107, 109, 117, 118, 121, 127, 128, 130F, 131F, 138F, 139F, 140F, 141F, 150F, 152F, 154F, 158, 159, 162F, 166F, 168F, 170F, 174F, 175F, 176F, 178F, 181F, 185F, 186F, 187F, 189F, 192F, 194F, 196F, 203F, 206, 207F, 211, 217F, 218F, 224F, 233F, 234F, 235F, 236F, 239F, 240F, and 243F; (e) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in Sub-Nos. 23, 71, 105, 116 and 179F; (f) truck cabs, railway track materials, tractor, motor vehicle parts and motor vehicle accessories, railway materials, railway equipment, and railway accessories, railway car wheels, locomotive wheels, railway axles, and railway bearings to "transportation equipment" in Sub-Nos. 27 (page 2), 88, 146F, 155F, 169F and 184F; (g) plywood, hardboard, and lumber to "lumber and wood products" in Sub-Nos. 35, 38, and 156F; (h) refractories and refractory products to "clay and refractory products" in Sub-Nos. 44, 58, 61, 70, and 198F; (i) silicon carbide and brick to "clay, concrete, glass or stone products" in Sub-Nos. 54 and 237F; (j) plastic pipe, and hydrants, valves, fittings, couplings, to "plastic and metal products" in Sub-Nos. 55, 76, and 113; (k) plastic conduit, plastic or iron fittings and connections, valves, hydrants and gaskets to "plastic, rubber and metal products" in Sub-Nos. 68, 110, and 125; (l) electric precipitators and parts of electric precipitators to "pollution control equipment" in Sub-Nos. 59 and 87; (m) buildings, building panels, building parts, metal buildings, complete, knocked down, or in sections to "metal products and building materials" in Sub-Nos. 72, 73, and 74; (n) lead oxide and litharge to "chemicals and related products" in Sub-No. 97; (o) brick facing and bricking facing mounted on panels, and equipment, materials and supplies used in the installation and sale of the foregoing commodities to "building materials" in Sub-Nos. 100 and 120; (p) buildings, building panels, building parts, and materials, accessories and supplies to "metal products and building materials" in Sub-Nos. 102 and 134F; (q) reinforced fiberglass, plastic and fabricated metal articles to "fiberglass and fiberglass products, plastic and plastic products, and metal articles" in Sub-No. 101; (r) asbestos fibre cement pipe and concrete cylinder pipe to "pipe" in Sub-Nos. 163F and 195F; (s) sweeping machines, power brooms, power sweepers, road maintenance equipment, and road materials handling equipment to "machinery, self-propelled vehicles and equipment, and parts attachments and accessories" in Sub-No. 180; (t) electric light poles and electric wire poles, parts, accessories and supplies to "electrical equipment" in Sub-No. 214F; (u) storage and warehouse pallet racks, bins and shelving to "lumber and metal products, and equipment, materials, and supplies" in Sub-No. 219F; (v) wood pulp, and wood pulp and paper products to "lumber, wood and paper products" in Sub-No. 245; (w) water heaters, boilers, glass-lined tanks, and garbage disposals to "heaters, boilers, tanks and machinery" in Sub-No. 136F; and (x) ferro alloys, silico maganese, silicon metal, and scrap metal to "alloys, ores and metal products" in Sub-No. 147F; (2) eliminate the facilities limitations in Sub-Nos. 6, 7, 17, 23, 27, 35, 38, 40, 41, 42, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 62, 68, 71, 72, 73, 74, 82, 84, 87, 88, 101, 102, 103, 105, 107, 109, 110, 111, 113, 116, 118, 121, 122, 123, 124, 125, 126, 127, 128, 130F, 131F, 134F, 135F, 136F, 138F, 139F, 140F, 141F, 142F, 143F, 144F, 145F, 146F, 147F, 150F, 152F, 153F, 154F, 155F, 156F, 158F, 159F, 160F, 162F, 163F, 166F, 168F, 169F, 170F, 174F, 175F, 177F, 178F, 179F, 180F, 181F, 184F, 185F, 186F, 189F, 192F, 194F, 195F, 196F, 197F, 203F, 206, 207F, 211F, 214F, 217F, 218F, 219F, 220F, 234F, 235F, 236F, 239F, 240F, and 244F; (3) change one-way to radial authority between points in numerous States; (4) replace city with county-wide authority wherever it appears from Norwood, OH and points within 3 miles of Norwood to Hamilton County, OH, and Campbell and Kenton Counties, KY; Louisville to Jefferson County, KY; Evansville to Vanderburgh County, IN; Flint to Genesee County, MI; Winchester to Clark County, KY; Hickman to Fulton County, KY; Lima to Allen County, OH; New Albany to Floyd County, IN; Springfield to Washington County, KY; New Orleans to Orleans Parish, LA; Wilimington to New Hanover County, NC; Hawesville to Hancock County, KY; Bowling Green to Wayne County, KY; Benton to Marshall County, KY; Eminence to Henry County, KY; Kokomo to Howard County, IN; Carrollton to Carroll County, KY; Hicksville to Defiance County, OH; Murphysboro to Jackson County, IL; Buckhannon to Upshur County, WV; South Strabane Township to Washington County, PA; Indiana Oaks to Kankaka County, IL; Goose Lake to Grundy County, IL; East Greenville to Stark County, OH; Warren to Trumball County, OH; Adrian to Lenawee County, MI; Springdale to Washington County, AR; Galesburg to Knox County, IL; Birmingham to Jefferson County, AL; Portland to Summer County, TN; Davison to Genesee County, MI; Port Washington to Ozaukee County, WI; Beardstown to Cass County, IL; Danville to Vermilion County, IL; Kankakee to Kankakee County, IL; Fort Smith to Sebastian County, AR; Herculaneum to Jefferson Co., MO; St. Paul to Ramsey County, MN; Joplin to Jasper County, MO; Dallas to Dallas County, TX; Annville to Lebanon County, PA; Owensboro to Daviess County, KY; Glover to Iron County, MO; Bristol to Elkhart County, IN; Pell City and Ragland to St. Clair County, AL; Coshocton to Coshocton County, OH.; Hazeton to Luzerne County, PA; Rensselaer to Jasper County, IN; Paducah to McCracken County, KY; Pulaski to Giles County, TN; Wharton to Morris County NJ; Perryman to Harford County, MD; Columbia to Richland County, SC; Lacooche to Pasco County, FL; Kansas City to Wyandotte County, KS; South Beloit to Winnebago County, IL; Solon to Cuyahoga County, OH; Romeo to Macomb County, MI; Madison to Jefferson County, IN; Waynesboro to Franklin County, PA; Buckeystown to Frederick County, MD; New Madrid to New Madrid County, MO; Lancaster to Lancaster County, PA; Magnolia to Columbia County, AR; Rockwall to Rockwall County, TX; Hawesville to Hancock County, KY; Ferndale to Whatcom County, WA; Alexandria to Douglas County, MN; Lawrence to Essex County, MA; Taunton to Bristol County, MA; Indianapolis to Marion County, IN; Georgetown and Andrews to Georgetown County, SC; Lenoir City to Loudon County, TN; Birmingham to Jefferson County, AL; Springfield to Clark County, OH; New Bremen to Auglaize County, OH; Louisville to Jefferson Co., KY; Houston, TX to Harris County, TX; Wilton to Muscatine County, IA; Phillipsburg to Warren County, NJ; Rock Island and East Moline to Rock Island County, IL; Rock Falls and Sterling to Whiteside, County, IL; Calvert City to Charleston County, SC; Eagan to Ramsey County, MN; Hagerstown to Washington County, MD; Fresno to Fresno County, CA; San Jose to Santa Clara County, CA; Thomson to McDuffie County, GA; Darlington to Darlington County, SC; Steubenville, Mingo Junction, and Yorkville to Jefferson County, OH; Martins Ferry to Belmont County, OH; Canfield to Mahoning County, OH; Allenport to Washington County, PA; Monessen to Westmoreland, PA; Benwood to Marshall County, WV; Wheeling to Ohio County, WV; Beech Bottom and Follansbee to Brooke County, WV; Shreveport to Caddo County, LA; Fullerton to Orange County, CA; Union City to Obion County, TN; Waukegan to Lake County, IL; Ravenswood to

Jackson County, WV; East Liverpool to Columbiana County, OH; Atchinson to Atchinson County, KS; St. Joseph to Buchanan County, MO; Maple Heights to Cuyahoga County, OH; New Johnsonville to Humphreys County, TN; Jewett to Leon County, TX; La Porte to La Porte County, IN; Parkersburgh and Washington to Wood County, WV; Hickman to Fulton County, KY; Newport to Washington, County, MN; Keokuk to Lee County, IA; Lubbock to Lubbock County, TX; Coalton to Boyd County, KY; Huntington to Cabell County, WV; Gridley to McLean County, IL; Jackson to Butts County, GA; Idabel to McCurtain County, OK; Longview to Gregg County, TX; Bagdad to Armstrong County, PA; Brackenbridge to Allegheny County, PA; Coatesfille to Chester County, PA; West Leechburg to Westmoreland County, PA; New Castle to Henry County, IN; Conroe to Montgomery County, TX; Grand Prairie to Dallas County, TX; Victoria to Victoria County, TX; Springfield to Green County, MO; Rockwall to Rockwall County, TX, Rainsville to Dekalb County, AL; Newport and Wilker to Campbell County, KY; Monroe to Monroe County, MI; Beaumont to Jefferson County, TX; Quincy to Adams County, IL; Franklin Park to Cook County, IL; Abingdon to Knox County, IL; Burlington to Des Moines County, IA; Bettendorf to Scott County, IA; Devault to Chester County, PA; Aberdeen to Moore County, NC; Bellevue to Huron County, OH; Wagoner to Wagoner County, OK; New Orleans to Orleans Parish, LA; Milwaukee to Milwaukee County, WI; Cullman to Cullman County, AL; Coatesville to Chester County, PA; Conshohocken to Montgomery County, PA; Stanton to Powell County, KY; Ashville to St. Clair County, AL; Toledo to Lucas County, OH; Alton and Madison to Madison County, IL; Hammond and East Chicago to Lake County, IN; Marietta to Lancaster County, PA; Russellville to Franklin County, AL; Anniston to Calhoun County, AL; Sebree to Webster County, KY; Chalmette to Saint Bernard Parish, LA; Frederick to Frederick County, MD; Coldwater to Branch County, MI; Parlin and New Brunswick to Middlesex County, NJ; Sandusky to Erie County, OH; Phoenix to Maricopa County, AZ; Burlington to Alamance County, NC; Winton to Hertford County, NC; Amarillo to Potter and Randell Counties, TX; and West Point to King William County, VA; (5) remove the following restrictions (a) in truckloads in Sub-No. 1; (b) on trailers in Sub-Nos. 5, 90, 98, and 198; (c) except in dump vehicles in Sub-Nos. 130F, 142F and 147F; (d) originating at or destined to in Sub-Nos. 7, 17, 23, 27, 40, 41, 42, 43, 45, 50, 52, 55, 56, 57, 61, 62, 68, 71, 72, 73, 74, 76, 84, 86, 88, 101, 102, 103, 118, 124, 130F, 131F, 135F, 138F, 139F, 142F, 143F, 144F, 146F, 150F, 153, 169F, 177F, 179F, 180F, and 197F; (e) in bulk in Sub-Nos. 17, 30, 38, 40, 43, 44, 57, 58, 68, 70, 72, 73, 102, 103, 104, 111, 117, 123, 125, 127, 131F, 134F, 138F, 139F, 144F, 147F, 150F, 152F, 160F, 168F, 169F, 170F, 174F, 175F, 178F, 180F, 186F, 189F, 230F, 206, 207F, 211F, 214F, 219F, 233F, 234F, 235F, 236F, and 240F. (f) AK and HI in Sub-Nos. 33, 38, 42, 59, 71, 72, 73, 76, 84, 87, 88, 104, 106, 117, 123, 124, 135F, 137F, 139F, 147F, 152F, 153F, 162F, 169F, 174F, 179F, 180F, 181F, 184F, 185F, 186F, 187F, 189F, 196F, 197F, 203F, 214F, 218F, 219F, 233F, 236F, and 244F; (g) ex-water in Sub-Nos. 38, 105, and 116; (h) ex-rail in Sub-Nos. 105 and 116; (i) except Mercer commodities in Sub-Nos. 45 and 68; (j) size and weight restriction in Sub-Nos. 5, 42, 81G, 87, 97, 98, 106, 117, 148, and 198F; (k) in containers in Sub-No. 54; (l) in foreign commerce in Sub-Nos. 71, 84, and 138F; (m) in bulk, in tank vehicles in Sub-Nos. 77, 185F, 194F, 196F and 197F; (n) restriction against shipments moving to points in Canada in Sub-No. 84; (o) HI and Sub-Nos. 97, 101, 111, 112, 113, 194F and 198F; and (p) except pig iron and scrap and metal, in dump vehicle in Sub-No. 159F.

MC 112588 (Sub-37)X, filed April 29, 1981, previously noticed in the **Federal Register** of May 12, 1981 republished as corrected in this issue. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Appliant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 5, 6, 7, 9, 11, 13, 14, 15, 17, 18, 20, 22, 24, 26, 27, 30F, 31F, 32F, 34F, 35F, and 36F certificates to (1) broaden the commodity description to (a) "clay, concrete, glass or stone products" from cement in lead and Sub-Nos. 4, 5, 6, 7, 9, 14, and 18, plaster in Sub-No. 3, gypsum and gypsum products in Sub-Nos. 11, 13, 24, and 26, insulating materials in Sub-No. 22, mineral fiber products in Sub-No. 26, and cement and mortar in Sub-No. 27; (b) "building materials" from plasterboard, plasterboard joint system and gypsum block plank in Sub-No. 3, roofing materials in Sub-Nos. 15, 17, and 22, composition board and gypsum board paper in Sub-No. 26, prefabricated metal building products, ventilators, ventilator parts, air louvers, and prefabricated building metal work in Sub-No. 36F; (c) "metal products" from fabricated metal products and iron and steel coils and sheets in Sub-No. 20, steel pipe in Sub-No. 32F, pipe in Sub-No. 35F, iron and steel articles in Sub-Nos. 30F, 31F, and 34F, (d) "chemicals and related products" from adhesives and paint products in Sub-No. 26; (2) replace facilities limitations and specific point authority with citywide or county-wide authority to (a) Erie County, OH, from Baybridge, OH in lead, facilities at Avery, OH in Sub-Nos. 15 and 17, (b) Ottawa County, OH from facilities at Gypsum, OH in Sub-Nos. 3, 13, and 26, (c) Lawrence County, PA, from Wampum, PA, in Sub-Nos. 4, 5, 7, 9, 14, and 18, (d) Martin County, IN for facilities at Shoals, IN in Sub-No. 11, (e) Trumbull County, OH for facilities at Warren, OH in Sub-No. 20, (f) Granville County, NC for facilities at Granville County, NC in Sub-No. 22, (g) River Rouge, MI for facilities at River Rouge, MI in Sub-No. 24, (h) Muskingum County, OH for East Fultonham, OH in Sub-No. 27, (i) Putnam County, WV for Nitro, WV in Sub-No. 27, (j) Allegheny County, PA for McKeesport, PA in Sub-No. 32F, (k) Lorain County, OH for Lorain, OH in Sub-No. 32F, (l) Mahoning County, OH for Youngstown, OH in Sub-No. 32F, (m) Beaver County, PA for Ambridge, PA in Sub-No. 36F, (n) Fayette County, IN for Connersville, IN in Sub-No. 36F, (o) Clermont County, OH for Batavia, OH in Sub-No. 36F, (p) Beaver County, PA for facilities at Aliquippa, PA in Sub-No. 30F, (q) Allegheny County, PA for facilities at Pittsburgh, PA in Sub-No. 30F, (r) Warren, MI for facilities at Warren, MI in Sub-No. 30F, (s) Stark County, OH for facilities at Louisville, OH in Sub-No. 31F, (t) Cleveland, OH for facilities at Cleveland, OH in Sub-No. 31F, (u) Mahoning County, OH for facilities at Youngstown, OH in Sub-No. 31F, (v) Trumbull County, OH for facilities at Warren, OH in Sub-No. 31F; (w) Lawrence County, PA for facilities at Ellwood City, PA in Sub-No. 34F; (3) replace existing one-way authority with radial authority between cities and counties named in (2) above and points in several States throughout the U.S; (4) delete restrictions (a) prior movement by rail in Sub-No. 6, (b) in bags or in bulk, in tank vehicles, in Sub-Nos. 5 and 7, (c) commodities in bulk, cement in packages and stone in Sub-No. 11, (d) iron and steel, portland cement and commodities in bulk in Sub-Nos. 15 and 17, (e) originating at and destined to facilities in Sub-No. 20, (f) iron and steel articles in Sub-No. 22, and (g) commodities in bulk in Sub-Nos. 22, 24, and 26. The purpose of this republication is to correct part 2(s) from Louisville, KY, to Louisville, OH, in Stark County, OH, and remove restrictions from Sub-

No. 34F omitted from original application.

MC 115491 (Sub-145)X, filed May 7, 1981. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, P.O. Drawer 67, Auburndale, FL 33823. Representative: M. Craig Massey, 215 East Lime Street, P.O. Drawer 1109, Lakeland, FL 33802. Applicant seeks to remove restrictions in its lead and Sub-Nos. 27, 89, 109, 111, 112, 113, 114, 116, 117, 118, 120, 122, 125, 126, 128, 129, 131, 132, 133, 134, 136F, 138F, 140F, and 141F certificates and Subs E–1, E–2, and E–3 E–letter notices to (1) authorize radial operations in place of existing one-way authorities in all of the authorities except Sub-Nos. 54, 59, 125, 132 and 142F; (2) remove the facilities limitations in Sub-Nos. 112, 125, 126, 129, 132, 134, 136F, 140F, and 141F; (3) replace authority to serve named points with country wide authority as follows: in the lead and Sub-Nos. 112, 117, 128, 131, 140F and 141F, Tampa with Hillsborough County, FL; in Sub-No. 27, Tampa and St. Marks, with Hillsborough and Wakulla Counties, FL; in Sub-No. 111 Bartow and Kathleen with Polk County, FL; in Sub-No. 113, Waycross with Ware County, GA; in Sub-No 116, Lowell with Marion County, FL; Tifton with Tift County, GA; Davenport with Polk County, FL and Tampa with Hillsborough County, FL; in Sub-No. 118, Bradenton with Manatee County, FL; in Sub-No. 22, Davenport and Lynne with Polk and Marion Counties, FL; Dade City and Lake Wales with Pasco and Polk Counties, FL; Port Manatee and Tampa with Manatee and Hillsborough Counties, FL and Madison and Winter Haven with Madison and Polk Counties, FL; in Sub-No. 126, Chamblee and Morrow with Dekalb and Clayton Counties, GA; in Sub-No. 129, Plant City Bonnie, Noralyn and Tampa with Hillsborough and Polk Counties, FL and Lowell with Marion County, FL; in Sub-No. 131, Plant City with Hillsborough County, FL; in Sub-No. 134, Mobile with Mobile County, AL and Moss Point with Jackson County, MS; in Sub-No. 136F, New Wales with Polk County, FL and Mobile with Mobile County, AL; and in Sub-No. 138F, Albany with Dougherty County, GA; (4) remove the restriction limiting transportation to traffic originating at or destined to specific points or by a specific prior or subsequent movement by water, in the lead and Sub-Nos. 118, 125, 126, 128, 132 and 142F; and (5) remove restrictions as to type of equipment or type of commodity within the class of commodities granted in Sub-Nos. 27, 54, 89, 116, 117, 122, 125, 126, 131, 132, 133, 134F, E–2 and E–3.

MC 119552 (Sub-15)X, filed May 12, 1981. Applicant: J.T.L., INC., 49 Rosedale St., Providence, RI 02903. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW, Washington, DC 20036. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5F, 7F, 8F, 9F, 10, 11, and 12 permits to (1) remove all exceptions from its general commodity authorities except classes A and B explosives, in the lead (sheet 2), and Sub-Nos. 9F, 10, 11, 12; (2) broaden its commodity description to "pulp, paper and related products" from paper and paper products, and materials, equipment, and supplies in Sub-No. 7F; and (3) broaden its territorial authorities to between points in the U.S., under continuing conrtract(s) with named shippers. A grant of authority in the lead (sheet 2) subsumes the authorities in the lead (sheet 1) and Sub-Nos. 5F and 8-F.

MC 127193 (Sub-4)X, filed May 8, 1981. Applicant: LEONARD BROS. MOVING & STORAGE CO, 7060 West Fort Street, Detroit, MI 48209. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to replace Detroit, MI, and points within 3 miles of Detroit, with Wayne, Oakland, and Macomb Counties, MI.

MC 129031 (Sub-9)X, filed May 14, 1981. Applicant: KLAUSNER TRANSPORTATION CO., INC., 101 N. Avenue 18, Los Angeles, CA 90031. Representative: William Davidson, 5501 Pacific Blvd., Huntington Park, CA 90255. Applicant seeks to remove restriction in its Sub-Nos. 4F, 6F, and 8F permits to broaden its territorial authority to between points in the U.S., under coninuing contract(s) with a named shipper, in all of the above sub-numbers.

MC 136013 (Sub-5)X, filed May 4, 1981. Applicant: BAKERSFIELD EXPRESS, INC., Suite 11, 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions to (A) broaden the commodity description in its Sub-Nos. 1 and 3 permits to "such commodities as are dealt in by manufacturers of plastic articles" from plastic articles, and in its Sub-No. 4F permit to "such commodities as are dealt in by manufacturers of insulation products and related materials" from insulation products and materials and flexible air ducts (except commodities in bulk); and (B) broaden the territorial description in all three permits to authorize service between points in the U.S., under continuing contract(s) with the named shippers.

MC 138469 (Sub-272)X, filed May 8, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, 205 W. Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-Nos. 8, 13, 21, 24, 36, 39, 42, 49, 53, 59, 61, 63, 66, 75, 101, 118, 123, 135, 149, 150, 151, 203, 212, 226, 227, 231, 237, 240, 241, 248 and 257 certificates to (1) broaden the commodity descriptions to (A) "food and related products" from (a) meat, meat by-products, etc., in Sub-No. 8, (b) canned goods in Sub-No. 13, (c) infant and children foods and water in Sub-No. 21, (d) food products in Sub-Nos. 36 and 150, (e) cranberry products, fruit juices and table sauces in Sub-No. 42, (f) foodstuffs in Sub-Nos. 53, 151, 226, 231, 240 and 241, (g) frozen foods in Sub-Nos. 59, 66, 118 and 227, (h) fresh boxed meat in Sub-No. 61, (i) confectionery in Sub-No. 135, (j) bananas in Sub-No. 149, (k) alcoholic liquors in Sub-No. 212, (l) alcoholic beverages and wine in Sub-No. 248 and (m) alcoholic beverages in Sub-No. 257; (B) "chemicals and related products" from (a) drugs and medicines in Sub-No. 21, (b) toilet preparations, household and industrial cleaning products, insect repellants and medicated sprays in Sub-No. 36, (c) spray paint in Sub-No. 49, (d) animal and poultry drug supplements in Sub-No. 53 and (d) chemicals in Sub-No. 203; (c) "rubber and plastic products" from rubber and plastic articles in Sub-Nos. 21, and 150, (b) plastic strappings, plastic bands in Sub-Nos. 24 and 101, (c) plastic sets and dispensers and accessories thereto in Sub-No. 39, (d) plastic articles and molding in Sub-No. 49, (e) plastic and plastic articles in Sub-No. 203, and (f) plastic and plastic products in Sub-No. 226; (D) "clay, concrete, glass and stone products" from (a) glass specimen bottles in Sub-No. 21, (b) mirrors in Sub-No. 49, (c) glass products and table and kitchen ware in Sub-No. 150 and (d) glassware in Sub-No. 226; (E) "machinery" from (a) vaporizers and can openers in Sub-No. 21, (b) mechanical hand tools in Sub-Nos. 24 and 101, (c) items used in the installation of doors, frames, mirrors and automobile accessories in Sub-No. 49, (d) electric motors, grinders, buffers, dental lathes and dust collectors in Sub-No. 75, (e) television and cathode ray tubes in Sub-No. 150 and (f) heating and air-conditioning equipment in Sub-No. 237; (F) "metal products" from (a) feeding sets, dispenser stands and can openers in Sub-No. 21 (b) steel strappings, steel bands and cold rolled steel in Sub-Nos. 24 and 101, (c) automobile parts, metal vehicle

accessories and meat hangers in Sub-No. 49, (d) gas cylinders in Sub-No. 63 and (e) pedestals and machinery parts, accessories and attachments in Sub-No. 75; (G) "pulp, paper and related products" from (a) gummed tape in Sub-Nos. 24 and 101, paper and paper products in Sub-Nos. 39 and 150; (H) "lumber and wood products" from doors and frames in Sub-No. 49; (I) "furniture and fixtures" from office and household fixtures and furnishings in Sub-No. 123; (J) "transportation equipment" from automotive parts and accessories in Sub-No. 150; (K) "building materials" from floor coverings and accessories in Sub-No. 150; and (L) "textile mill products" from gloves in Sub-No. 150: (2) remove the restriction against the transportation of bulk products, hides and other restrictions limiting vehicle use in Sub-Nos. 8, 36, 39, 42, 53, 59, 61, 63, 66, 75, 135, 149, 150, 151, 203, 212, 226, 227, 231, 237, 240, 241, 248 and 257: (3) broaden the territorial scope by replacing named plantsite and city-wide authority with county-wide authority: Cactus, TX, with Moore and Sherman Counties, TX in Sub-No. 8; (a) Medera, CA, with Madera County, CA, (b) Modesto, CA with Stanislaus County, CA, (c) Stockton, CA, with San Joaquin County, CA and (d) Volta, CA with Merced County, CA, in Sub-No. 13, (a) Springfield, MO with Greene County, MO, and (b) Cabool, MO, with Texas County, MO in Sub-No. 21; (a) Leeds, AL with Jefferson County, AL, (b) Des Plaines, IL with Cook County, IL in Sub-Nos. 24 and 101; Great Bend, KS with Barton County, KS in Sub-No. 36; Muskogee, OK with Muskogee County, OK in Sub-No. 39; (a) Kenosha, WI with Kenosha County, WI and (b) North Chicago, IL with Lake County, IL in Sub-No. 42; Dothan, AL, with Houston County, AL, in Sub-No. 49; Decatur, IL with Macon County, IL, in Sub-No. 53; Montezuma, GA with Macon County, GA in Sub-No. 59; from Denver—no change—in Sub-No. 61; Enid, OK with Garfield County, OK in Sub-No. 63; Plover, WI with Portage County, WI in Sub-No. 66; Ft. Smith, AR—no change, in Sub-No. 75; Cleveland, OH with Cuyahoga County, OH in Sub-No. 118; Atlanta, GA—no change, in Sub-No. 123; Chicago, IL—no change, in Sub-No. 135; Port Huenema, CA with Ventura County, CA in Sub-No. 149; Ft. Worth, TX—no change, in Sub-No. 150; Kankakee and Momence, IL with Kankakee County, IL in Sub-No. 151; (a) Tuscola, IL with Douglas County, IL, (b) Indianapolis, IN with Marion County, IN, (c) Houston, TX, with Houston County, TX, (d) Deer Park with Harris County, TX in Sub-No. 203; (a) Bardstown, KY with Nelson County, KY and (b) Plainfield, IL with Will County, IL, in Sub-No. 212; San Antonio, TX with Bexar County, TX in Sub-No. 226; (a) Frankfort, MI with Benzie County, MI, (b) Allentown, PA with Lehigh County, PA and (c) Chambersburg, PA with Franklin County, PA in Sub-No. 227; Stroud, OK with Lincoln County, OK in Sub-No. 231; (a) New Braunfels, TX with Comal County, TX and (b) Wichita, KS with Sedgwick County, in Sub-No. 237; LaPorte, IN with LaPorte County, IN in Sub-No. 241; and (a) Little Rock, AR with Pulaski County, AR, (b) Phoenix, AZ with Maricopa County, AZ, (c) Tucson, AZ with Pima County, AZ, (d) Harahan, LA with Jefferson County, LA, (e) Lafayette, LA with Lafayette County, LA, (f) Amarillo, TX with Potter County, TX, (g) El Paso, TX with El Paso County, TX, (h) Odessa, TX with Ector County, TX and (i) San Antonio, TX with Bexar County, TX in Sub-No. 248; (4) change the one-way to radial authorities in Sub-Nos. 8, 13, 21, 24, 36, 42, 49, 53, 59, 61, 66, 101, 118, 123, 135, 149, 150, 151, 226, 227, 231, 240 and 257; (6) remove the restriction to the transportation of traffic originating at or destined to facilities in Sub-Nos. 8, 13, 21, 24, 36, 39, 42, 49, 61, 63, 66, 101, 118, 135, 203, 226, 227, and 237; and (7) remove the restriction in Sub-No. 149F against the transportation of traffic having a prior movement by water.

MC 140205 (Sub-11)X, filed May 19, 1981. Applicant: MOUW TRANSPORTATION, INC., 307 Maple Drive, Sibley, IA 51249. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 6F certificates to (1) broaden the commodity descriptions from paper bags to "pulp, paper, and related products" in both Sub-Nos.; (2) expand cities to county-wide authority: Sibley, IA, with Osceola County, IA, in both Sub-Nos.; (3) authorize radial service in lieu of existing one-way service in both Sub-Nos. between Osceola County, IA, and points in various States.

MC 141033 (Sub-19)X, filed May 11, 1981. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 61 certificate to (1) broaden the commodity description by removing exceptions to general commodities (except classes A and B explosives); (2) replace one-way with radial authority between AL and TN (except Memphis and Nashville), and, CA and UT, and (b) CA, and, several southern States and (3) remove a restriction requiring traffic to move on freight forwarder bills of lading.

MC 144557 (Sub-24)X, filed May 11, 1981. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks removal of restrictions in its Sub-No. 20F certificate to (1) eliminate the exceptions of commodities in bulk from the "such commodities" description, (2) broaden one-way authority to radial authority between points in the U.S. and points in AL, and (3) eliminate the exception of AK and HI from authority to serve points in the U.S.

MC 146880 (Sub-8)X, filed May 11, 1981. Applicant: DENTON CARTAGE COMPANY, INC., 7322 West 90th Street, Bridgeview, IL 60455. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from "general commodities (with exceptions)" to "general commodities (except Classes A & B explosives)" and (2) remove restriction to shipments having a prior or subsequent movement by rail or water.

MC 146990 (Sub-6)X, filed May 11, 1981. Applicant: J. R. PORTER, INC., Route 5, Box 589, South Point, OH 45680. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions in its Sub-No. 5X certificate to (1) broaden the commodity description from metal products, and materials, supplies and equipment used in the manufacture thereof to "iron and steel articles and metal products, and materials, supplies and equipment used in the manufacture thereof"; and (2) change Boyd County, KY, to Ashland, KY, as originally in Sub-No. 3F, to authorize service between Ashland, KY, and points in WV, OH, NJ, NY, MD, MI, IN and PA.

MC 148389 (Sub-3)X, filed May 11, 1981. Applicant: MILBAX TRUCKING, INC., 807 Rathbone Ave., Aurora, IL 60506. Representative: William H. Towle, 180 N. LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description in part (1) from metal cutting fluids and soaps to "chemicals and related products"; (2) change St. Charles, IL, to Kane County, IL.

MC 148016 (Sub-1)X, filed May 11, 1981. Applicant: OLIVER BROWN TRUCKING CO., INC., 700 South Avenue, Middlesex, NJ 08846.

Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its lead certificate to (1) broaden the commodity description from refrigerated walk-in coolers, freezer cases, condensing units, evaporator coils, display cases, gondolas, cutting tables, checkout counters and parts and accessories therefor to "machinery, metal products, lumber and wood products, furniture and fixtures, and rubber and plastic products", (2) eliminate the size or weight restriction, and (3) remove restriction against service to AK and HI in connection with its authority to serve between New York, NY, and points in NJ (except those points in NJ within the NY, NY commercial zone), and points in the U.S.

MC 150398 (Sub-5)X, filed May 14, 1981. Applicant: BLUE EXPRESS, INC., P.O. Box 292, Canton, SD 57013. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave. NW., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 3 permit to broaden the commodity description from meats, meat products, meat by-products, and articles distributed by meat-packing houses, to "food and related products."

[FR Doc. 81-15940 Filed 5-27-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application; Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an applicantion may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. F-123]

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 146328 (Sub-II-2TA), filed May 18, 1981. Applicant: ALLIED DELIVERY SYSTEM CO., 6200 Roland Ave., Cleveland, OH 44127. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Office products and supplies,* between Cleveland and Columbus, OH, on the one hand, and, on the other, pts in WV. Supporting shipper: Boise Cascade, Office Products Division, 12021 Centron Pl., Cincinnati, OH 45246.

MC 13134 (Sub-II-18TA), filed May 18, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representive: James M. Burtch, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. *Metal products* between points in Peoria County, IL, Jackson County, MO, and Georgetown County, SC, on the one hand, and, on the other, points in Fairfield County, OH for 270 days.

MC 2202 (Sub-II-25TA), filed May 18, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representive: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):* Between Lebanon, TN and points in its commercial zone on the one hand and on the other Nashville, TN for 270 days. Applicant proposes to tack the authority sought herein with its regular routes at Nashville, TN. Applicant proposes to interline at existing gateways throughout its system. An underlying ETA seeks 120 days authority. Supporting shippers: Lebanon Woolen Mills, P.O. Box 190, Lebanon, TN 37087; Texas Boot Company, Industrial Drive, Lebanon, TN 37087; Toshiba, America, Inc., 1420 Toshiba Drive, Lebanon, TN 37087.

MC 149043 (Sub-II-9TA), filed May 18, 1981. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Drive, Dayton, OH 45411. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, 22030. Liquid sweeteners in bulk in tank vehicles: (1) betweeen points in OH on the one hand, and, on the other, Fort Wayne, Muncie and Gary, IN; Chicago, IL and Keokuk, IA; and (2) between Fort Wayne, Muncie, and Gary, IN; Chicago, IL and Keokuk, IA on the one hand, and, on the other, points in IN, OH, KY, MI, VA, MD, PA and NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Process Supply Co., P.O. Box 1271, Muncie, IN 47305.

MC 2202 (Sub-II-24TA), filed: May 18, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Common, irregular: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):* Between the facilities of Kinney Shoe Corp. at Camp Hill, PA, on the one hand, and, on the other, points in the United States, for 270 days. Applicant proposes to tack the authority sought herein with its existing regular-route authority. Supporting shipper: Kinney Shoe Corp., Post Office Box 2437, Harrisburg, PA 17105.

MC 138068 (Sub-II-5TA), filed May 18, 1981. Applicant: WAREHOUSE TRANSPORTATION COMPANY, INC., P.O. Box 84, Urbana OH 43078. Representative: Robert E. Tucker, 750 W Third Ave, Cincinnati, OH 45203. Drug and Grocery items and such commodities as are dealt in, used, or distributed by retail and wholesale department, hard-ware, drug, and food stores, and materials, equipment, and supplies used in the conduct of the business described above from points in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, PA, RI, SC, TN, TX, VT, VA, WA, WV, and WI to the facilities of Big Bear Stores Co. and its subsidiary Hart Stores, Inc. located in Ohio and West Virginia, under continuing contract for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) Big Bear Stores Co. and subsidiary Hart Stores, Inc., 770 W Goodale, Columbus, OH 43212.

MC 138438 (Sub-II–30TA), filed May 18, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Paper and paper products, and material, supplies and equipment used in the manufacture or distribution thereof,* between Palatka, FL, on the one hand, and on the other, points in and east of ND, SD, NE, KS, OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Central States Diversified, Inc., 1400 Reid Street, Palatka, FL 32077.

MC 138438 (Sub-II–31TA), filed May 18, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Paper and paper products and plastic and plastic products and materials, equipment and supplies used in the manufacture or distribution thereof,* between Palatka, FL, St. Louis, MO, and San Antonio, TX, on the one hand, and on the other, points in the United States, for 270 days. Supporting shipper: Central States Diversified, Inc., 1400 Reid Street, Palatka, FL 32077.

MC 138438 (Sub-II–32TA), filed May 18, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Industrial chemicals,* between all points in and east of MI, IL, KY, TN and AL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Eagle Chemical Company, 125 Whitman Road, Reading, PA 19605.

MC 155944 (Sub-II–1TA), filed May 18, 1981. Applicant: CORNETT TRANSPORTATION CO., INC., 618 Old Philadelphia Rd., Aberdeen, MD 21001. Representative: Thomas P. Kimmitt, Jr., 2000 First Maryland Bldg., 25 S. Charles St., Baltimore, MD 21201. *Plastic material or products; glass bottles; cans for soda; and beverages in plastic and glass bottles and cans,* between points in the states of MD, DE, VA, NC, SC, NJ, PA, WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Harco Distributors, Inc., 618 Old Philadelphia Rd., Aberdeen, MD 21001; Pepsi Cola Bottling Co. of Wilmington, DE, 3501 Governor Printz Blvd., Wilmington, DE 19809; Pepsi Cola Bottling Co. of Kecksburg, RD 5, Box 400, MT. Pleasant, PA 15666.

MC 142823 (Sub-II–3TA), filed May 18, 1981. Applicant: CROSBY TRUCKING SERVICE, INC., P.O. Box 125, New Hope Rd., Staunton, VA 24401. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411–D Backlick Rd., Springfield, VA 22151. *Such commodities as are dealt in or used by manufacturers and distributors of iron and steel articles,* between Harrisonburg and Winchester, VA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Maphis Chapman Corp., P.O. Box 151, Harrisonburg, VA 22801; Cives Steel Co., P.O. Box 2778, Winchester, VA 22601.

MC 155510 (Sub-II–1TA), filed May 18, 1981. Applicant: ORANGE DISTRIBUTION, INC., Post Office Box 486, Orange, VA 22960. Representative: David L. Bolyard, Post Office Box 1240, Arlington, VA 22210. *Such commodities as are dealt in or utilized by a manufacturer of film,* between facilities of Klockner-Pentaplast of America, Inc., in Louisa County, VA, ont the one hand, and, on the other, points in CA, CT, FL, GA, IL, MN, NV, NJ, NC, OK, PA, TN and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Klockner-Pentaplast of America, Inc., Post Office Box 500, Gordonsville, VA 22972.

MC 149484 (Sub-II–22TA), filed May 18, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same address as applicant). *General commodities (except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value and those requiring the use of special equipment,* between the facilities of NCR Corp., Systemedia Group at Miamisburg, OH on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: NCR Corporation, Systemedia Group, 9095 Washington Church Rd., Miamisburg, OH 45342.

MC 115181 (Sub-II–14TA), filed May 14, 1981. Applicant: HAROLD M. FELTY, INC., R.D. #1, Box 148, Pine Grove, PA 17963. Representative: Lee E. High, P.O. Box 8551, Reading, PA 19603. *Petroleum Coke,* from Delaware City, DE, to Camden, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Palmco Corp., 1976 MacArthur Blvd., Irvine, CA 92715.

MC 155945 (Sub-II–1TA), filed May 14, 1981. Applicant: L. W. STRAHLER, INC., P.O. Box 449, Route, 2, Marietta OH 45750. Representative: Michael Spurlock, 275 E. State St., Columbus OH 43215. *Concrete products and equipment, materials and supplies used in the manufacture and distribution thereof,* between Marietta, OH and its commercial zone, on the one hand, and, on the other, points in KY, WV, PA, IN, MD, NY, TN, IL, VA, GA, NC, SC, and FL for 270 days. Supporting shipper: Marietta Concrete Co., P.O. Box 669, Marietta, OH 45750.

MC 107012 (Sub-II–166TA), filed May 14, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *General commodities (except class A & B explosives)* from Longview, WA and Portland, OR to points in and east of MN, IA, NE, CO, OK and TX (except FL and ME) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: ONAN Consolidation, Inc., 911 Western Ave., P.O. Box 3363, Seattle, WA 98114.

Note.—Common control may be involved.

MC 512672 (Sub-II–6TA), filed May 14, 1981. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Road, Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. *Petroleum products, packaged lube oils, greases, oil filters, and vehicle body sealer and sound deadening compounds* between the facilities utilized by Quaker State Oil Refining Corp., at: Buffalo and North Tonawanda, NY, North Warren, Elmenton, Farmers Valley, Titusville, Creighton, New Kensington and Bakerstown, PA, Los Angeles, CA, St. Louis, MO, Portland, OR, Congo and St. Marys, WV and Vicksburg, MS on the one hand, and, on the other, points in the US for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Quaker State Oil Refining Corp., P.O. Box 189, Oil City, PA 16301.

MC 155884 (Sub-II–1TA), filed May 12, 1981. Applicant: BIG WHEEL, INC., 700 Markley St., Norristown, PA. Representative: Thomas N. Willess, 1000 Sixteenth St., NW., Suite 502, Solar Bldg., Washington, DC 20036. Contract, irregular: *tires, tubes, flaps and auto parts and accessories,* between points in PA, DE, NJ, OH, WV, MD, VA, NC, SC, GA, AL, FL, TX, TN and MS, under continuing contract(s) with Lee Tire & Rubber Co., Hoffman Tire Co., Inc., International Tire Warehouse, Inc., and Laramie Tire Distributors, Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Lee Tire & Rubber Co., 1100 E. Hector St., Conshohocken, PA 19428; Hoffman Tire Co., Inc., Montgomeryville, PA 18936; International Tire Warehouse, Inc., 700 E. Main St., Norristown, PA 19401;

Laramie Tire Distributors, Inc., 700 Markley St., Norristown, PA 19401.

MC 148637 (Sub-II–2TA), filed May 12, 1981. Applicant: YANKEE REFRIGERATED XPRESS, INC., 5500 Tacony St., Philadelphia, PA 19137. Representative: Eugene D. Anderson, 910 Seventeenth St. NW., Suite 428, Washington, DC 20006. *Meat and packinghouse products* from Liberal, Wichita and Dodge City, KS, to points on and east of IL, MS, and TN, for 270 days. Supporting shipper(s): National Beef Packing Co., Inc., P.O.B. 978, Liberal, KS 67901; Hyplains Dressed Beef, Inc., P.O.B. 539, Dodge City, KS 67801; MBPXL Corporation, P.O.B. 2519, Wichita, KS 67201.

MC 147313 (Sub-II–1TA), filed May 13, 1981. Applicant: JOHN PFROMMER, INC., Box 307, Douglassville, PA 19518. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Iron ore, in bulk, in dump vehicles,* from Mount Hope, NJ to Frazier, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Foote Minerals, Inc., Route 100, Exton, PA 19341.

MC 155731 (Sub-II–1TA), filed May 13, 1981. Applicant: WILLIAM J. NOLL, JR., d.b.a. SEA N AIR TRANSPORT, R.D. 3, Ohara Drive, Box 257, Noscow, PA 18444. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. *General commodities (except Class A and B explosives),* from Lackawanna County, PA to points in NY, PA, MD and DE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): T–R Associates, Inc., P.O. Box 116, Archbald, PA 18403.

MC 150080 (Sub-II–7TA), filed May 14, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Plastic articles,* between the facilities of Thompson Industries Co. located at Renton, WA; City of Industry, CA; Phoenix, AZ; Shrevesport, LA; Higginsville, MO; Des Plaines, IL; Monroeville and Mt. Sterling, OH; Alexandria, VA; Tinton Falls and Milford, NJ; Stone Mountain, GA; San Antonio and El Campo, TX, on the one hand, and, on the other, points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Thompson Industries Co., 2501 E. Magnolia St., Phoenix, AZ 85034.

MC 150185 (Sub-II–3TA), filed May 14, 1981. Applicant: STAM–WIN, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Contract carrier, irregular routes, transporting: *Metal products,* between the Commercial Zone of Cleveland, OH, on the one hand, and, on the other, the Commercial Zones of Chicago, IL, Detroit, MI, and Buffalo and Rochester, NY, under continuing contract(s) with Atlas Alloys, Inc., for 270 days. Supporting shipper: Atlas Alloys, Inc., 7900 Hub Parkway, Cleveland, OH 44125.

MC 150339 (Sub-2–37TA), filed May 13, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: General commodities, except household goods as defined by the Commission and classes A & B explosives,* from Canton, OH, to points in the United States, under continuing contract(s) with Danner Press Corporation, 1250 Camden Avenue, S.W., Canton, OH 44711 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Danner Press Corporation, 1250 Camden Avenue, S.W., Canton, OH 44711.

MC 150339 (Sub-2–38TA), filed May 14, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: Furniture and fixtures, and materials and supplies used in the manufacture thereof,* between Richmond, VA, and points in the United States, under continuing contract(s) with Miller Mfg., Co., Inc., 1356, Richmond, VA 23211, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Miller Mfg. Co., Inc., P.O. Box 1356, Richmond, VA 23211.

MC 155913 (Sub-11–1TA), filed May 13, 1981. Applicant: SELDEN & SPENCER, INC., Route 661, Chance, VA 22439. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Contract,* irregular: *(1) Lumber, plywood and wood products and (2) materials, suppplies and equipment used in the manufacture, distribution and sales of commodities in (1) above,* between points in Carolina County, VA, on the one hand, and, on the other, points in CT, DE, GA, IL, IN, KY, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV and DC, for 270 days under continuing contract with Hoover Universal, Inc., Milford, VA. An underlying ETA seeks 120 days authority. Supporting shipper: Hoover Universal, Inc., Wood Perserving Division, P.O. Box 290, Milford, VA 22514.

MC 128672 (Sub-II–1TA), filed May 13, 1981. Applicant: TIMBER TRUCKING CO., INC., P.O. Box 231, Ripley, WV 25271. Representive: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Contract,* Irregular: *Iron and steel products, metal and metal products as described in STCC Groups 33 and 34, and materials supplies and equipment used in their manufacture, production and sales,* between Crittenden County, AR and Rockingham County, VA, on the the one hand, and on the other points in the U.S. in and east of MN, IA, MO, AR, and LA for 270 days. Underlying ETA for 120 days filed. Under continuing contract with Maphis Chapman, Harrisonburg, VA. Shpporting shipper: Maphis Chapman, P.O. Box 151, Harrisonburg, VA 22801.

MC 146820 (Sub-II–10TA), filed May 10, 1981. Applicant: B & G TRUCKING, INC., P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Contract: Irregular; Plastic products* between Ashland, Upper Sandusky and Worthington, OH; Baltimore, MD; Kansas City, MO; and Thorofare, NJ, on the one hand, and, on the other, points in IN, IL, KY, MD, MO, PA, OH, TN, WV and WI, for 270 days. Under continuing contract(s) with Liqui-Box Corporation. Supporting shipper: Liqui-Box Corporation, 6950 Worthington-Galena Rd., P.O. Box 494, Worthington, OH 43085.

MC 145230 (Sub-II–2TA), filed March 30, 1981. Originally published in **Federal Register** dated April 20, 1981. Applicant: BRAMCO TRANSPORT, INC., 5600 Lewis Rd., Sandston, VA 23150. Representative: P. Owen Dean (same address as applicant). Contract, Irregular—*malt liquor, and materials, supplies and equipment used in the manufacture, sale and distribution of malt liquor and malt-liqquor products,* between James City County, VA, on the one hand, and, on the other, points in VA, MD, DE, NJ, PA, NC, WV, SC, GA, NY, MA, CT and FL, under continuing contract(s) with Anheuser Busch Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Anheuser Busch Inc., Williamsburg, VA. The purpose of this re-publication is to show the state of FL and malt liquor products which were omitted in the first publication.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 67024 (Sub-5–1TA), filed May 18, 1981. Applicant: SERVICE COACH LINE, INC., 1500 Jackson Street, Dallas, TX 75201. Representative: George W. Hanthorn (same as applicant). Common;

regular. *Passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between Millen and Augusta, GA: from Millen over U.S. hwy 25 to Waynesboro, thence over GA hwy 56 to Augusta and return over the same route, serving all intermediate points between Waynesboro and Augusta, having prior movement by motor. Supporting shippers: There are nine supporting shippers.

Note.—Applicant intends to tack and interline.

MC 97279 (Sub-5–1TA), filed May 18, 1981. Applicant: INTER CITY TRANSIT COMPANY, INC., 512 Magnolia Street, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Such commodities as are dealt in or used by wholesale, retail discount, variety and department stores (except in bulk),* between the facilities of Target Stores in Pulaski, County, AR, on the one hand, and on the other, points in the U.S.

MC 100666 (Sub-5–20TA), filed May 18, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same as applicant). (1) *Such commodities as are dealt in or used by manufacturers and dealers of agricultural equipment and machinery, industrial equipment and machinery and lawn and leisure products, (except commodities in bulk), and (2) Materials, equipment and supplies used in the manufacturing and distribution of the commodities described in part (1) above, (except commodities in bulk)* (a) from Amarillo and Lubbock, TX to points in NM, OK and TX, (b) from Dallas and Houston, TX to points in TX, (c) from Oklahoma City, OK to points in OK and (d) from Baton Rouge, LA to points in LA, restricted to traffic having a prior movement by rail. Supporting shipper: Ford Tractor Operations, 2500 East Maple Road, Troy, MI 48084.

MC 119399 (Sub-5–68TA), filed May 18, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (same as applicant). *STARCH, NOI; Chemicals and Related Products used in the manufacture of Cleaning Compounds (except commodities in bulk),* From Spruce Pine, NC to Kansas City, MO, Supporting shipper: Faultless Starch-Bon-Ami Company, Kansas City, MO 64101.

MC 119399 (Sub-5–69TA), filed May 18, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (same as applicant). *Malt beverages,* from Cincinnati, OH to Tulsa, OK and from Belleville, IL to Rolla, MO. Supporting shippers: Sooner Suds, Inc., Tulsa, OK 74145; Fred Voss Enterprises, Inc., Rolla, MO 65401.

MC 119399 (Sub-5–70TA), filed May 18, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (same as applicant). *Chemicals and related products and articles used in the manufacture and distribution thereof (except commodities in bulk and Class A and B explosives)* between Facilities used by Thompson-Hayward Chemical and points in the U.S. Restricted to traffic originating at or destined to Thompson-Hayward Chemical. Supporting shipper: Thompson-Hayward Chemical, Kansas City, KS 66106.

MC 119399 (Sub-5–71TA), filed May 18, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (same as applicant). Footwear and related goods and accessories sold in retail shoe stores from Topeka, KS to Detroit, MI. Supporting shipper: Volume Shoe Corporation, Topeka, KS 66601.

MC 119800 (Sub-5–1TA), filed May 18, 1981. Applicant: PHILIP THOMAS TRUCKING, INC., P.O. Box 248, Wynnewood, OK 73098. Representative: T. M. Brown, P.O.Box 1540, Edmond, OK 73034. *Asphalt,* between Oklahoma City, OK, on the one hand, and, on the other, Irving, TX. Supporting shipper: Trumbull Asphalt, 209 North Nursery Road, Irving, TX 75061.

MC 121385 (Sub-5–1TA), filed May 18, 1981. Applicant: LITTLE DIXIE XPRESS, LTD., P.O. Box 95252 (927 S.W. Sixth), Oklahoma City, OK 73109. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *(1) Iron or Steel Buildings, KD, and their components parts and (2) Materials, Equipment and Supplies, used in the manufacturing of (1) above,* between points in AL, AR, CA, CO, GA, IA, ID, IL, IN, KS, LA, MS, MO, OK, NE, ND, NM, OR, SD, TX, WA, WY, for the account of Star Manufacturing Co., located at Oklahoma City, OK. Supporting shipper: Star manufacturing Company, 8600 S. Interstate 35, Oklahoma City, OK 73109.

MC 123476 (Sub-5–9TA), filed May 18, 1981. Applicant: CURTIS TRANSPORT, INC., #23 Grandview Ind. Ct., Arnold, MO 63010. Representative: David G. Dimit (same as applicant). *Building materials, (except in bulk in tank vehicles)* from points in KS, IL, KY, and TN to all points in MO. Supporting shipper: Wener Bros., Inc., 9th and Delmar, Festus, MO 63028.

MC 135015 (Sub-5–1TA), filed May 18, 1981. Applicant: SOUTHERN TRANSIT COMPANY, INC., 1211 South 9th Street, P.O. Box 3586, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. Common regular: *General commodities, except Classes A and B Explosives and household goods as defined by the Commission, and harzardous materials and commodities in bulk,* between New Boston, TX and Texarkana, TX, over U.S. Hwy 82, serving all intermediate points. Applicant intends to tack this authority with existing authority, and to interline freight with other carriers. Supporting shipper: Central Freight Lines, Waco, TX.

MC 136816 (Sub-5–2TA), filed May 18, 1981. Applicant: THE UNIVERSE COMPANY, INC., 3523 "L" Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Food and related products,* between Omaha, NE on the one hand, and on the other, Pts in IA, WI and MN. Supporting shipper: Cornhusker Packing Company, 4436 Dahlman Ave., Omaha, NE 68107.

MC 139587 (Sub-5–4TA), filed May 18, 1981. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, Oklahoma City, OK 73112. Contract; Irregular. *General commodities (except Classes A and B Explosives),* between points in the U.S. Supporting shipper(s): Mid-America Farms, Inc. and/or Mid-America Dairymen, Inc., P.O. Box 1837, Springfield, MO 65805.

MC 139923 (Sub-5–7TA), filed May 18, 1981. Applicant: MILLER TRUCKING CO., INC., 105 South 8th, Stroud, OK 74079. Representative: Ed Handlin (same as above). *Plastic Resin, in boxes,* from Oklahoma City, OK to San Marcus, CA. Supporting shipper: Houston Independent Plastic Company, 2300 Wilcrest, #208, Houston, TX 77042.

MC 142672 (Sub-5–25TA), filed May 18, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Carpets and Materials, Equipment and Supplies used in the manufacture thereof* between the facilities of Trend Carpets, Inc., at or near Floyd County,

GA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Trend Carpets, Inc., Post Office Box 162, Rome, GA 30161.

MC 145632 (Sub-5–2TA), filed May 18, 1981. Applicant: OTTUMWA TRANSIT LINES, INC., 1414 West Second St., Ottumwa, IA 52501. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Passengers and their baggage,* between pts in the Missouri Counties of Randolph, Carroll and Chariton, on the one hand, and, on the other, pts in the U.S. Supporting shipper: MidMissouri Travel Agency, P.O. Box 455, Lancaster, MO 63548.

MC 147289 (Sub-5–2TA), filed May 18, 1981. Applicant: GEM CITY STORAGE & TRANSFER, INC., Carbide Lane, P.O. Box 786, Keokuk, IA 52632. Representatives: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *General Commodities (except classes A & B explosives and household goods)* between pts in IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NV, NJ, NY, OH, OK, PA, SC, TX, WV, WI and WY. Supporting shippers: Sheller Globe Corporation, 3200 Main St., Keokuk, IA 52632, Keokuk Steel Castings, a Division of Kast Metals Corp., 600 Morgan St., Keokuk, IA 52632, Midwest Carbide Corporation, P.O. Box 607, Keokuk, IA 52632.

MC 148143 (Sub-5–4TA), filed May 18, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same as applicant). *Food and Related Products, and Materials, Equipment, and Supplies used in the manufacture of Food and Related Products* between Los Angeles County, CA, Fulton County, GA, and Hamilton County, OH, on the one hand, and on the other, points in the U.S. Supporting shipper: Serv-A-Portion, Inc., 9140 Lurline, Chatsworth, CA 91311.

MC 150740 (Sub-5–5TA), filed May 18, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Rd., Raytown, MO 64133. Representative: Charles Dixon, 6311 Raytown Rd., Raytown, MO 64133. Contract, Irregular. *Corrugated Boxes,* from North Kansas City, MO to points in NE and KS. Supporting shipper: Owens Illinois, Inc., 1401 Iron Street, North Kansas City, MO 64116.

MC 151383 (Sub-5–5TA), filed May 18, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Rahal & Anderson, a Professional Corporation, Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract Irregular: *(1) Iron and steel articles; burner parts, pipe; heat exchangers; and such articles as are used in the construction of petrochemical facilities;* between points in the U.S. under continuing contract(s) with Litwin Engineers and Constructors, Inc. of Houston, TX; *(2) Pipe, engines, pumps, pumping units, sucker rods, and such commodities as are used in the discovery and production of oil and natural gas,* between points in the U.S. under continuing contract(s) with Freeman Pump & Supply Co. of Garden City, KS; *(3) Iron and steel articles and pumping units,* between points in the U.S., under continuing contract(s) with Supreme Mfg. Inc. of Garden City, KS; and *(4) air cooled and shell and tube heat exchangers, and iron and steel articles,* between points in the U.S. under continuing contract(s) with Con-Rad industries, Inc. of Sand Springs, OK. Supporting shipper(s): 4.

MC 153913 (Sub-5–3TA), filed May 18, 1981. Applicant: MISSOURI ALCOHOL FUEL, INC., 408 Thompson Building, Tulsa, OK 74103. Representative: Robert J. Wiruth (same as above). *Liquefied petroleum gas* between points in KS and MO. Supporting shipper(s): 4.

MC 154092 (Sub-5–1TA), filed May 18, 1981. Applicant: SUGARLAND EXPRESS, INC., P.O. Box 266, Iola, KS 66749. Representative: 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *PETROLEUM AND PETROLEUM PRODUCTS, in packages and containers,* Between points in that portion of KS within the Kansas City, MO Commercial Zone, on the one hand, and, on the other, points in MO. Supporting shipper: Phillips Petroleum Company, 734 Adams Building, Bartlesville, OK 74004.

MC 154678 (Sub-5–1TA), filed May 18, 1981. Applicant: HAYNES MOTOR LINES, INC., 8475 Florida Boulevard, Baton Rouge, LA 70806. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *General commodities,* except Classes A and B explosives, between points in LA and MS. NOTE: Applicant intends to interline. Supporting shippers: There are 10 supporting shippers.

MC 155803 (Sub-5–1TA), filed May 18, 1981. Applicant: WARREN PAYNE, INC., Route 1—Box 154–B, Linwood, KS 66052. Representative: Donald J. Quinn, Commerce Bank Building, Suite 232, Kansas City, MO 64114. *General commodities (except class A and B explosives and household goods as defined by the Commission),* between points in AL, AZ, AR, CA, CO, GA, IL, IA, IN, KS, KY, MI, MD, MN, MO, NE, NV, NJ, NY, NC, OH, OK, PA, SC, TN, TX, WA, WV and WI. Supporting shipper: Packer Plastics, Inc., 619 Packer Rd., Lawrence, KS 66044; Miner Container, Inc., Lenexa, KS.

MC 155864 (Sub-5–1TA), filed May 18, 1981. Applicant: NOLA DELIVERY INC., 830 Robert E. Lee, New Orleans, LA 70113. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. Contract; irregular; *general commodities except commodities, in bulk, in tank vehicles, under a continuing contract with Sears, Roebuck & Company,* between points in Jefferson Parish and New Orleans, LA, on the one hand, and, on the other, points in Harrison County, MS. Supporting shipper: Sears, Roebuck & Company, 675 Ponce de Leon Ave., N.E., Annex 95, Atlanta, GA. 30395.

MC 156006 (Sub-5–1TA), filed May 18, 1981. Applicant: KELLY'S OF KEARNEY, INC., P.O. Box 1069, Kearney, NE 68847. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Passengers and their baggage, in round trip charter or special operations,* beginning or ending in NE and extending to pts in the U.S. Supporting shipper: Travel Chain of Nebraska, 706 E. 25th St., Kearney, NE 68847.

MC 156009 (Sub-5–1TA), filed May 18, 1981. Applicant: KENNY STEVENS, d.b.a. STEVENS TRUCKING, 1010 S.W. 70th Street, Oklahoma City, OK 73139. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. *Oil field commodities, in hot shot service,* between points in Beckham, Cleveland, Grady and Oklahoma Counties, OK on the one hand, and, on the other, points in AR, CO, KS, LA, NM, TX and WY. Supporting shipper(s): There are 5 supporting shippers.

MC 156013 (Sub-5–1TA), filed May 18, 1981. Applicant: WILSON FREIGHT LINES, INC., 729 South Jupiter, Garland, TX 75042. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Building and construction materials,* between CA, OR, and WA, on the one hand, and, on the other, CO, OK, and TX, restricted to traffic originating or destined to the facilities of P. E. O'Hair. Supporting shipper: P. E. O'Hair & Co., 2112 Loveridge Rd., Pittsburgh, CA 94565.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 155926 (Sub-6–1TA), filed May 11, 1981. Applicant: HOWARD EQUIPMENT CORP., d.b.a. ATS TRANSPORTATION SERVICES, Box 82537, San Diego, CA 92138.

Representative: David N. Nissenberg, 7855 Ivanhoe Ave., Suite 224, La Jolla, CA 92037. *Passengers and their baggage in the same vehicle in special and charter operations* between San Diego County, CA and points in NV, AZ, UT, OR, and WA for 180 days. Supporting shippers: There are six shippers. Their statements may be examined at the Regional office listed.

MC 5267 (Sub-6–2TA), filed May 13, 1981. Applicant: ATWOOD TRUCK LINE, INC., 9151 Welby Road, Thornton, CO. 80229. Representative: Leslie R. Kehl, 1660 Lincoln St., 1600 Lincoln Center, Denver, CO 80264. *Cement, in bulk,* from Laramie (Albany County), WY to Roosevelt (Duchesne County), UT, for 270 days. Supporting shipper: Monolith-Portland Cement Co., 2480 W. 26th Ave., Denver, CO 80211.

MC 139895 (Sub-6–1TA), filed May 11, 1981. Applicant: BAYLINER MARINE CORP., Rt, 5 Arlington Airport, Arlington, WA 98223. Representative: Wallace B. Farbo, 1298 5th Tee Burlingtion, WA 98233. *Boats, boat molds, boat trailers, and boat accessories,* between WA, GA, AZ, CA, CT, FL, IL, IN, LA, MA, MI, MN, NC, OH, OR, PA, SC, TX, UT, VA, MD & WI for 270 days. Supporting shippers: Grady-White Boats, Inc., P.O. Box 1527, Greenville, NC 27834; Bertram Yacht/ Div of Whittaker Corp, 3663 NW 21st St. Miami, FL 33152.

MC 155934 (Sub-6–1TA), filed May 11, 1981. Applicant: C.J.'S TRUCKING & HOTSHOT, a division of C.J.'S WELDING SERVICE, INC., P.O. Box 1031 Evanston, WY 82930. Representative: C.J. Reece (same as applicant). *Equipment, materials, and supplies used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and (2) materials, equipment, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof,* between points in UT, ID, VN, CO, TX, ND, MT, NM, AZ, OK, SD, LA, and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Oilfield/ Leed Rental Services, Star Route 2 Box 147–C, Evanston, WY 82930; Oncor Corporation, Box 732, Evanston, WY 82930.

MC 145054 (Sub-6–10TA), filed May 13, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. *Containers, container closures, container components, and packaging products;* between Springfield, MO on the one hand, and, on the other, points in CO for 270 days. An uderlying ETA seeks 120 days authority. Supporting shipper: Lily Division of Owens Illinois, Inc., National Bank Building, 606 Madison Avenue P.O. Box 1035, Toledo, OH 43666.

MC 124679 (Sub-6–45TA), filed May 12, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 W 2100 S., Salt Lake City, UT 84119. Representative: Robert H. Cannon (same as applicant). *Paper and paper products* from Menands and Mechanicsville, NY. to OR, WA, CA, UT, AZ, and CO for 270 days. Supporting shipper: Tagson Papers, Inc., P.O. Box 1989, Albany, NY. 12201.

MC 155954 (Sub-6–1TA), filed May 14, 1981. Applicant: GREGG E. HERIFORD d.b.a. G & H SAND AND GRAVEL, 5312 N.E. 66th, Vancouver, WA 98661. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258. *Building Materials:* between points in OR, WA, ID, and CA for 270 days. Supporting shipper: Cascade West Materials, Inc., P.O.B. 1586, Lake Oswego, OR 97034.

MC 155935 (Sub-6–1TA), filed May 13, 1981. Applicant: HUTCHINSONS TRUCKING LTD., 6033–30 St., Edmonton, Alberta CD T6C 4J5. Representative: Ronald Ticknor (same as applicant). *Oilfield equipment and related supplies, such as drilling rigs, modular housing (camp) units, drill pipe and all equipment required in operation of a drilling rig,* (1) between U.S.-Canada border at Sweetgrass, Coutts, Regway, MT; Emerson, Portal, ND; on the one hand, and, on the other, points in MT, ND, SD, CO, WY, KS, OK, TX, NM, NE, and MO, (2) between U.S.-Canada border at Tok, AK, on the one hand, and, on the other, points in AK, for 270 days. An underlying ETA seeks 120 days. Supporting shippers: There are eight shippers. Their statements may be examined at the Regional Office listed.

MC 119639 (Sub-6–5TA), filed May 14, 1981. Applicant: INCO EXPRESS, INC., 3600 So. 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. (1) *Tobacco and related products;* (2) *Toiletries, cosmetics and perfume;* (3) *Alcoholic beverages; and* (4) *Equipment, materials and supplies* used in the manufacture and distribution of the above commodities, between points in OR, CA, WA, AZ and NV for 270 days. Supporting shippers: Fairn & Swanson, Inc., 1035–22nd Ave., Oakland, CA 94606; I.S.S. Inc., 510 East "D" St., Wilmington, CA 90744; Kansas Packing Co. Inc., 1505 E. 14th St., Oakland, CA 94606.

MC 151428 (Sub-6–3TA), filed May 12, 1981. Applicant: J & H TRUCKING, INC., 12425 Telephone, Chino, CA 91710. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract Carrier,* Irregular routes: *Frozen prepared meats,* from Los Angeles County, CA to points in FL, LA, MS, TN and TX, for 270 days. Supporting shipper: Best Western, Inc., 3425 E. Vernon Ave., Los Angeles, CA 90058.

MC 155957 (Sub-6–1TA), filed May 14, 1981. Applicant: NATIONWIDE DRIVEAWAY, INC., 3400 So. Federal Blvd., Englewood, CO 80110. Representative: Steven E. Napper, 718—17th St., Suite 1700, Denver, CO 80202. (1) *Automobiles, Trucks,* and *Motor Homes* in a secondary driveaway service between points in CO on the one hand and points in the U.S. (except HI) on the other, for 270 days. Supporting shippers: There are six shippers. Their statements may be examined at the Regional office listed.

MC 155988 (Sub-6–1TA), filed May 14, 1981. Applicant: OREGON FREIGHTWAYS, INC., 2706 David Lane, Medford, OR 97501. Representative: John Paul Fischer, 256 Montgomery St, 5th Floor, San Francisco, CA 94104. *General Commodities* (except commodities in bulk, those requiring special equipment, commodities of unusual value, classes A & B explosives, and household goods as defined by the Commission) between points in Clark County, WA; Multnomah, Washington, Clackamas, Marion, Linn, Lane, Douglas, Coos, Klamath, Jackson, and Josephine Counties, OR; and Del Norte and Humboldt Counties, CA, for 270 days. Applicant seeks authority to interline freight with other carriers under the authority. An underlying ETA seeks 120 days authority. There are 21 supporting shippers. Their statements may be examined at the Regional Office listed.

MC 151155 (Sub-6–2TA), filed May 15, 1981. Applicant: PHILLIPS TRUCKING COMPANY, 100 Edison Ave., Alamosa, CO 81101. Representative: Nancy P. Bigbee, 1600 Sherman St, Suite 450, Denver, CO 80203. *General commodites,* between points in AZ, CA, CO, ID, NE, NM, NV, TX, UT and WY, for 270 days. Supporting shippers: Malouff's High Valley Paving Co., P.O. Box 120, Alamosa, CO 81101; Energy Xpress, Etc., 2115 South Standard Avenue, Santa Ana, CA 92707; J.M.C. Development,

Inc., 2115 South Standard Avenue, Santa Ana, CA 92707; and Grefco, Inc., Antonito, CO division.

MC 125561 (Sub-6–4TA), filed May 13, 1981. Applicant: SUNNYSIDE TRANSFER, INC., P.O. Box 526, Sunnyside, WA 98944. Representative: James M. Peterson, 520 Franklin, Richland, WA 99352. *General Commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, hazardous wastes and commodity which, because of size or weight, require special equipment) between Benton, Franklin, and Yakima Counties, WA, and Clackamas, Multnomah, and Washington Counties, OR, for 270 days. Supporting shipper: (a) There are 18 shippers. Their statements may be examined at the Regional Office listed.

MC 127738 (Sub-6–1TA), filed May 11, 1981. Applicant: TWA SERVICES, INC., Yellowstone National Park, WY 82190. Representative: Michael McCarty, P.O. Box 550, Cody, WY 82414. *Contract Carrier,* Irregular routes: *Persons and their baggage in the same vehicle in charter and special operations* to and from points in Salt Lake, Davis and Morgan Counties, UT, to and from points in Yellowstone National Park, Grand Teton National Park, and Park and Teton Counties, WY, and to and from the City and County of Denver, Jefferson County, Arapahoe County and Adams County, Co, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Grand Targhee Resort, Alta, WY 83422; Old West Tours, P.O. Box 3322, Jackson, WY 83001; California Parlor Car Tours, 1101 Van Ness Ave., San Francisco, CA 94109.

MC 155733 (Sub-6–1TA), filed May 14, 1981. Applicant: TRAIL BLASERS, INC., 7990 Overland Rd., Boise, ID 83709. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Hides, green salted,* from points in ID to CA, OR and WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Southwest Hide Company, P.O.B. 7946, Boise, ID 83707.

MC 155743 (Sub-6–1TA), filed May 14, 1981. Applicant: VENEER CHIP TRANSPORT, INC., 7117 40th West #7, Tacoma, WA 98466. Representative: Jim Pitzer, 15 S. Grady Way—Suite 321, Renton, WA 98055. *Sawdust, in bulk* from Tacoma, WA to St. Helens, OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: West Coast Lumber Operations Co., 4215 East—West Rd., Tacoma, WA 98421.

MC 153628 (Sub-6–3TA), filed May 12, 1981. Applicant: JIM LARSEN d.b.a. WIND RIVER TRUCKING, 215 First Ave., S.W., Park City, MT 59063. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Contract carrier,* irregular routes, *lumber, lumber products and wood products,* from points in WA, OR, ID, and MT, to points in IA, IL, IN, OH, KY, MI, and WI, for 270 days, restricted to traffic moving under a continuing contract or contracts with Prentice Lumber Co., Inc. An ETA seeks 120 days authority. Supporting shipper: Prentice Lumber Co., Inc., P.O. Box 4125, Missoula, MT 59806.

MC 155811 (Sub-6–1TA), filed May 5, 1981. Applicant: TOM McCARTY TRUCKING, 436 Alcazar S.E., Albuquerque, NM 87108. Representative: Thomas D. McCarty (same as applicant). *Refractories,* from IN & MO to: WA, OR, CA, NV, UT, MT, WY, AZ, for 270 days. Supporting shipper: Harbison Walker, #2 Gateway Center, Pittsburgh, PA 15222.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15941 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-94]

Certain Wet Motor Circulating Pumps and Components Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9 a.m. on June 29, 1981, in the Dodge Center, Room 201, 1010 Wisconsin Avenue NW., Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the **Federal Register.**

Issued: May 21, 1981.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81-15987 Filed 5-27-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-102]

Certain Wheel Locks and Components Thereof; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 16, 1981 and amended on May 4, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of McGard, Inc., 852 Kensington Avenue, Buffalo, New York 14215. The complaint alleges unfair methods of competition and unfair acts in the importation of certain wheel locks and components thereof into the United States, or in their sale, by reason of alleged (1) infringement by said wheel locks of the claims of U.S. Letters Patent 3,241,408, (2) palming off, and (3) false designation of origin. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation; conduct an expedited hearing to determine whether there is reason to believe that there is a violation of section 337; upon the conclusion of said expedited hearing, issue a temporary cease and desist order and a temporary exclusion order prohibiting importation of the articles in question into the United States, except under bond, during this investigation; and, after a full investigation, issue an exclusion order prohibiting the importation of said articles from entry into the United States and a cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's rules of practice and procedure.

Scope of the investigation: Having considered the complaint, the U.S. International Trade Commission, on May 13, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is reason to believe that there is a violation and whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain wheel lock combinations and components thereof into the United States, or in their sale, by reason of (1) alleged infringement by said wheel lock combinations and the wheel locks

themselves of the claims of U.S. Letters Patent 3,241,408, (2) alleged palming off, and (3) alleged false designation of origin, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

McGard, Inc., 852 Kensington Avenue, Buffalo, New York 14215

(b) The respondents are the following persons, alleged to be in violation of section 337, and are parties upon whom the complaint is to be served:

Kyo-Ei Industrial Corp., 41 Nishi-Shimizumachi, Minami-Ku, Osaka, Japan
Mackin Industries, 17727 Susana Road, Compton, California 90221
Superior Industries, International Inc., 7800 Woodley Avenue, Van Nuys, California 91405
Custom Plating Corp., C–P Auto Production Division, 1636 Bonnie Beach, Los Angeles, California 90063

(c) M. Brooke Murdock, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation;

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

(4) With respect to the complainant's request for expedition of the temporary relief hearing, action on such request is deferred to the presiding officer.

The phrase "wheel lock combinations" has been used in paragraph (1) above on the basis that the claims 1–4 in U.S. Letters Patent 3,241,408 are directed to a wheel lock and claims 5–8 of said patent are directed to the wheel lock in combination with a wrench that cooperates therewith. The latter combination is referred to as "wheel lock combinations."

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's rules of practice and procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: M. Brooke Murdock, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0113.

Issued: May 22, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–15908 Filed 5–27–81; 8:45 am]

BILLING CODE 7020–02–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 81–51]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Executive Subcommittee.

DATE AND TIME: June 16, 1981, 8:30 a.m. to 5 p.m.; June 17, 1981, 8:30 a.m. to 2:30 p.m.

ADDRESS: National Aeronautics and Space Administration, 600 Independence Ave., Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. C. Robert Nysmith, National Aeronautics and Space Administration, Code R, Washington, DC 20546 (202/755–3238).

SUPPLEMENTARY INFORMATION: The Informal Executive Subcommittee was established to provide overall guidance and direction to the space research and technology activities of the Space Systems and Technology Advisory Committee. The Subcommittee, chaired by Mr. Robert L. Johnson, is comprised of seven members.

The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and participants).

Type of Meeting: Open
Agenda:

June 16, 1981

8:30 a.m.—Chairperson's Remarks
9 a.m.—Current Status of NASA FY 1982 Budget and Long Range Planning Activities
9:30 a.m.—Subcommittee Chairperson's Reports
5 p.m.—Adjourn

June 17, 1981

8:30 a.m.—Discussion and Consolidation of Subcommittee Reports
12:30 p.m.—NASA Project Management Study
1:30 p.m.—General Discussion of NASA Policy and Program Status
2:30 p.m.—Adjourn

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

May 20, 1981.

[FR Doc. 81–15816 Filed 5–27–81; 8:45 am]

BILLING CODE 7510–01–M

[Notice 81–50]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Executive Subcommittee.

DATE AND TIME: June 18, 1981, 8:30 a.m. to 5 p.m.; June 19, 1981, 8:30 a.m. to 4:30 p.m.

ADDRESS: NASA Headquarters, 600 Independence Ave., Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. C. Robert Nysmith, Executive Secretary of the Subcommittee, National Aeronautics and Space Administration,

Code R, Washington, DC 20546 (202/755-3238).

SUPPLEMENTARY INFORMATION: The Informal Executive Subcommittee was established to provide overall guidance and direction to the discipline and vehicle class oriented activities of the Aeronautics Advisory Committee. The Subcommittee, chaired by Dr. Robert Loewy, is comprised of eleven members.

The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and participants).

Type of Meeting: Open
Agenda:

June 18, 1981

8:30 a.m.—Chairperson's Remarks
9 a.m.—Current Status of NASA FY 1982 Budget and Long Range Plan
9:30 a.m.—Subcommittee Chairperson's Reports
5 p.m.—Adjourn

June 19, 1981

8:30 a.m.—Discussion and Consolidation of Subcommittee Reports
12:30 p.m.—Discussion of Subcommittees' Review of NASA Technology Demonstration and Validation Programs
2:30 p.m.—Office of Aeronautics and Space Technology Facility Productivity Improvement Program
4:30 p.m.—Adjourn

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

May 20, 1981.

[FR Doc. 81-15815 Filed 5-27-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

NSF Advisory Council, Task Group #19; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group #19 of the NSF Advisory Council
Place: Room 543, National Science Foundation 1800 G Street, N.W., Washington, D.C. 20550
Date: Tuesday, June 16, 1981
Time: 9:00 a.m. to 5:00 p.m.
Type of meeting: Open
Contact person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, N.W., Washington, D.C. 20550. Telephone: 202/357-9433

Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary minutes: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to consider the needs of organizations requiring policy research and analysis and to survey those NSF programs providing it. This will involve questions of coordination, possible overlap, and policy-making procedures as well as those of substance. In addition, the Council is asked to provide suggestions for the future development of NSF's science and technology policy resources.

M. Rebecca Winkler,

Committee Management Coordinator.

May 22, 1981.

[FR Doc. 81-15885 Filed 5-27-81; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-22]

Sunshine Skyway Bridge; Reports, Recommendations, Responses; Availability

• *Marine Accident Report—Ramming of the Sunshine Skyway Bridge by the Liberian Bulk Carrier SUMMIT VENTURE, Tampa Bay, Florida, May 9, 1980 (NTSB-MAR-81-3).*—As a result of its investigation of this accident, the Board reiterates recommendation M-80-78, issued to the U.S. Coast Guard following collision of two vessels in Tampa Bay, Fla., Jan. 22, 1980: Reevaluate the proposed level of vessel traffic service (VTS) in Tampa Bay and determine if a higher level of VTS is needed. (Ref. 45 FR 63583, Sept. 25, 1980.) Further, on April 22, 1981, the Board recommended that—

U.S. Coast Guard: Improve navigational aids for vessels passing under the Sunshine Skyway Bridge. (M-81-11)

Prohibit ships from meeting near the Sunshine Skyway Bridge. (M-81-12)

In cooperation with local port and bridge authorities, determine the feasibility of installing nonstructural bridge protection devices for the Sunshine Skyway Bridge. (M-81-13)

Seek legislation to allow the Coast Guard to act against a pilot's Federal license for acts committed while serving under the authority of his State license. (M-81-14)

In cooperation with the Federal Highway Administration, develop standards for the design, performance, and location of structural bridge pier protection systems which consider that the impact from an off-course vessel can occur significantly above as well as below the water surface. (M-81-15)

In cooperation with the Federal Highway Administration, conduct a study to determine which existing Bridges over the navigable waterways of U.S. ports and harbors are not equipped with adequate structural pier protection. (M-81-16)

Distribute a copy of the results of the Coast Guard's studies regarding bridge and pier protection systems to each appropriate member of the American Association of State Highway and Transportation Officials. (M-81-17)

Federal Highway Administration: Develop standards for the design, performance, and installation of bridge span failure detection and warning systems. (M-81-18)

Establish criteria to evaluate the need for installing bridge span failure detection and warning systems on existing and proposed bridges. (M-81-19)

In cooperation with the U.S. Coast Guard, develop standards for the design, performance, and location of structural bridge pier protection systems which consider that the impact from an off-course vessel can occur significantly above as well as below the water surface. (M-81-20)

In cooperation with the U.S. Coast Guard, conducts a study to determine which existing bridges over the navigable waterways of U.S. ports and harbors are not equipped with adequate structural pier protection. (M-81-21)

Use the results of the study conducted under recommendation M-81-21 to advise appropriate bridge authorities of the benefits of installing additional pier protection systems. (M-81-22)

State of Florida: Provide structural pier protection for the cantilever arm piers and the anchor arm piers of the Sunshine Skyway Bridge. (M-81-23)

National Weather Service: Establish a program to disseminate the contents of all convective SIGMETs which pertain to coastal areas to mariners by NWS weather radio broadcasts and by other appropriate means as the severity of the weather may require. (M-81-24)

Tampa Bay Pilots Association: Provide radio equipment capable of receiving NWS weather radio broadcasts at the Egmont Key pilot station. (M-81-25)

Instruct member pilots regarding the importance of complying with Article 15 of the Inland Rules of the Road which states, in part: "In fog, mist, falling snow, or heavy rainstorms, whether by day or night . . . a steam vessel under way shall sound, at intervals of not more than one minute, a prolonged blast." (M-81-26)

• *Railroad Accident Report—Rear-End Collision of Union Pacific Railroad Company Freight Trains Near Hermosa, Wyoming, October 16, 1980 (NTSB-RAR-81-3).*—As a result of its investigation, the Board on April 22 recommended that—

Union Pacific Railroad Company: Establish rules and procedures which require enginecrews to communicate fixed signal aspects to conductors while trains are en route on signalized track. (R-81-41)

Amend and clarify rules to require dispatchers and train crewmembers to communicate with each other about conditions affecting the movement of their train. (R-81-42)

Expand the rules and instructions governing the use of the dynamic brake to

include conditions of when to apply the dynamic brake on a descending grade, at what speeds the brake is most effective, and what action to take when the dynamic brake has failed prior to or while being applied. (R-81-43)

Improve training, evaluation, and examination of train crewmembers so that they become and remain proficient in the train handling and special instruction aspects of their territories. (R-81-44)

Modify event recorders to record activation of the cab signal acknowledging lever. (R-81-45)

Relocate event recorders so as to lessen the likelihood of their becoming damaged in an accident. (R-81-46)

Provide the cabs of locomotives with emergency power so that emergency lights, radios, and event recorders continue to operate when normal power is lost. (R-81-47)

Association of American Railroads: Encourage member railroads to establish rules that require enginecrews to communicate fixed signal aspects to conductors while trains are en route on signalized track. (R-81-48)

Encourage member railroads to have event recorders which record activation of cab signal, automatic train stop, or other similar safety system devices. (R-81-49)

Encourage member railroads to install or relocate event recorders so as to lessen the likelihood of their becoming damaged in an accident. (R-81-50)

Encourage member railroads to provide the cabs of locomotives with emergency power so that emergency lights, radios, and event recorders continue to operate when normal power is lost. (R-81-51)

In addition, the Board reiterates and reemphasizes the importance of the following recommendations issued to the *Federal Railroad Administration* as a result of other train collisions:

Promulgate rules to require engine crews to communicate fixed signal aspects to conductors while trains are en route on signalized track. (R-76-50)

Promulgate regulations which require an adequate backup system for mainline freight trains that will insure that a train is controlled as required by the signal system in the event that the engineer fails to do so. (R-76-3)

Promulgate regulations to require locomotives used in trains on main tracks outside of yard limits to be equipped with operating event recorders. (R-78-44)

Each of the above-noted recommendations is designated "Class II, Priority Action."

• *Recent Recommendation Responses from the Federal Aviation Administration—*

A-75-51 (May 11).—FAA is evaluating need for dynamic testing of seats in ongoing crashworthiness program. (Ref. 44 FR 23394, Apr. 19, 1979.)

A-79-44 (May 11).—FAA last fall formed a committee of NTSB, TSC, and FAA representatives to identify human factors/exposure data. FAA's Office of Aviation Safety is assessing an analytical study of General Aviation Safety and will soon inform the full committee. (Ref. 44 FR 53319, Sept. 13, 1979.)

A-81-12 and -13 (May 11).—A research program is underway to evaluate the detection, extinguishment, and flammability of cargo compartment liners. (Ref. 46 FR 13053, Feb. 19, 1981.)

A-81-18 (May 11).—FAA holds that established programs have regulatory control over the weight and balance procedures approved for U.S. certificate holders and that additional action is not needed. (Ref. 46 FR 22296, Apr. 16, 1981.)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

May 22, 1981.

[FR Doc. 81-15934 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued the periodic report to Congress on abnormal occurrences (NUREG-0090, Vol. 3, No. 4). The release date is May 21, 1981.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

This report to Congress is for the fourth calendar quarter of 1980. The report identifies the occurrences or events that the Commission determined were significant and the remedial action that was undertaken. The report indicates that the following incidents or events were determined by the Commission to be significant and reportable:

(a) There was one abnormal occurrence at the nuclear power plants licensed to operate. The event involved significant flooding of a reactor containment building. The event was determined reportable during report preparation and therefore has not previously been noticed in the **Federal Register**. Using the abnormal occurrence criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950), the incident satisfies Example I.D.3 ("For all Licensees") of Appendix A: serious deficiency in management or procedural controls in major areas. In addition, Example II.B.1 ("For Commercial Nuclear Power Plants") of Appendix A notes that discovery of a major condition not specifically considered in the Safety Analysis Report (SAR) or Technical Specifications that requires immediate remedial action can be considered an abnormal occurrence.

(b) There were no abnormal occurrences at the fuel cycle facilities (other than nuclear power plants).

(c) There were no abnormal occurrences at other licensee facilities.

(d) There were no abnormal occurrences reported by the Agreement States.

The report to Congress also contains updating information on some abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW, Washington, D.C. or at any of the more than 120 local Public Document Rooms throughout the country. Single copies of the report, designated NUREG-0090, Vol. 3, No. 4, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, on or about June 5, 1981.

A year's subscription to the NUREG-0090 series publication, which consists of four issues for $8.00, is available from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Washington, D.C., this 21st day of May, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-15965 Filed 5-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Company, et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-65 issued to the Northeast Nuclear Energy Company, the Connecticut Light and Power Company, the Hartford Electric Light Company, and the Western Massachusetts Electric Company (the licensee), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications with respect to decay heat removal capability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 17, 1980, (2) Amendment No. 69 to License No. DPR-65, and (3) the Commission's letter dated May 19, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Wshington, D.C., and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of May, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-15956 Filed 5-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344; DD-81-6]

Portland General Electric Company (Trojan Nuclear Plant); Issuance of Director's Decision Under 10 CFR 2.206

On April 20, 1981, the Trojan Decommissioning Alliance requested the Nuclear Regulatory Commission (NRC) to order the immediate shutdown and launch an investigation of the Trojan Nuclear Plant of the Portland General Electric (PGE) Company. Concern regarding certain electrical problems experienced at the plant formed the basis for the request. After evaluating the request and related information, I have determined not to grant the relief requested. Accordingly, pursuant to 10 CFR 2.206 the requested action is denied.

The reasons for this decision are stated fully in the "Director's Decision Under 10 CFR 2.206," which is available for public inspection in the Commission's public document room at 1717 H Street, NW., Washington, DC 20555. The decision is also available for inspection in the local public document room for the Trojan facility, which is located at Multnomah County Library, Social Science & Science Department, 801 SW 10th Avenue, Portland, Oregon 97205. A copy will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

As provided in 10 CFR 2.206(c), this Decision will become the final action of the agency twenty-five (25) days after issuance, unless the Commission, on its own motion, institutes review of this action within that time.

Dated at Bethesda, Maryland, this 21st day of May 1981.

For the Nuclear Regulatory Commission.

James H. Sniezek,

Acting Director, Office of Inspection and Enforcement.

[FR Doc. 81-15967 Filed 5-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-311]

Public Service Electric and Gas Co. et al.; Notice of Issuance of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. DPR-75, issued to the Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and the Atlantic City Electric Company, which authorizes operation of the Salem Nuclear Generating Station, Unit 2 at reactor core power levels not in excess of 3411 megawatts thermal (100% power) in accordance with the provisions of the license and the Technical Specifications.

The Salem Nuclear Generating Station, Unit 2 is a pressurized water nuclear reactor located at the licensees' site in Salem County, New Jersey. The license is effective as of its date of issuance.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was issued in the **Federal Register** on October 20, 1972 (37 FR 22637).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by this license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. DPR-75, complete with Technical Specifications; (2) License for Fuel Load and Low Power Testing dated April 18, 1980 and amendments thereto; (3) the reports of the Advisory Committee on Reactor Safeguards dated February 15, February 22 and August 14, 1979; (4) the Commission's Safety Evaluation Report (NUREG-0517) dated October 1974, Supplement 1 dated June 1976, Supplement 2 dated August 1976, Supplement 3 dated December 1978, Supplement 4 dated April 1980, Supplement 5 dated January 1981, and Supplement 6 dated May 1981; and (5) the Final Safety Analysis Report, docketed August 1971 and amendments thereto; (6) the Environmental Report prepared by Public Service Electric & Gas Company dated June 30, 1970, as supplemented and amended; (7) the Commission's Final Environmental Statement dated April 1973; (8) the NRC Flood Plain Review of the Salem Nuclear Generating Station Site dated April 18, 1980; and (9) the Discussion of

the Environmental Effects of the Uranium Fuel Cycle dated May 20, 1981.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room in the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of item (1) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation. Copies of Supplements 3, 4, 5 and 6 of NUREG–0517 may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders can call 301–492–9530.

Dated at Bethesda, Maryland, this 20th day of May, 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-15956 Filed 5-27-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC81-3; Order No. 377]

Mail Classification Schedule, 1981 ZIP + 4 First-Class Subclasses; Order Granting Petitions for Intervention and Allowing Participation, Designating OOC, Establishing Procedural Schedule and Denying in Part Postal Service's Motion for Waiver

May 22, 1981.

On April 24, 1981, this Commission issued a Notice[1] stating that the United States Postal Service had filed a Request for a Recommended Decision on establishing two new subclasses of first class, ZIP + 4 letters and ZIP + 4 cards. The Notice directed those desiring to participate in the proceeding to file, on or before May 15, 1981, petitions for leave to intervene,[2] or requests to be heard as a limited participant.[3] In addition, persons wishing to express their views informally, but not desiring to become a party or limited participant, were permitted to file comments.[4]

In response to the Notice, this Commission has received ten petitions to intervene. These parties are listed in Attachment A. In addition, eight requests to be heard as limited participators were received. These parties are listed in Attachment B.

Any answers to such petitions are to be filed by May 26, 1981. In order to advise those filing petitions of their status at the earliest possible date, and to establish an initial service list for this proceeding, we have decided to rule on the petitions at this time, subject to reconsideration on the basis of any answers which may yet be filed.

The petitioners listed in Attachments A and B are either users of the mail or have otherwise demonstrated an interest in this proceeding. Accordingly, their requests for participation will be granted.[5]

Concurrent with the issuance of this Order, the Secretary is transmitting a service list to be employed by all parties, whether full or limited participants, in making filings in the proceeding. The Postal Service, pursuant to section 65 of our rules of practice [6] will be required to serve copies of its Request and its prepared direct evidence upon the parties identified in Attachments A and B, and upon the Officer of the Commission.

Where service upon more than one representative has been requested in the petition to intervene or leave to be heard as a limited participator, the service will be required only on the first two named representatives in the petition.[7]

The Officer of the Commission (OOC) designated to represent the interest of the general public in this proceeding will be Gerald E. Cerasale. During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor such personnel will participate in or advise as to any Commission decision in this case.[8] The OOC will supply, for the record, at the appropriate time the names of all Commission personnel assigned to assist him in this case. In this proceeding, the OOC shall be separately served with three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice.[9]

Procedural Schedule. We have established a tentative schedule, which balances the goal of expedition and the time necessary for adequate consideration of a proposal of such significance. The schedule is attached to this order as Attachment C.

Postal Service Motion for Waiver. On April 21, 1981, the Postal Service filed a motion for a waiver of certain provisions of the Commission's rules of practice and procedure. In our April 24, 1981 Notice we gave the parties until June 1, 1981, to address the Postal Service's motion. Upon further consideration of the motion we have decided at this time to deny the Postal Service's request for a temporary waiver of Rule 64(g).[10]

Performance data. In its motion, the Postal Service requests that the workpaper documentation requirement of Rule 64(g) be waived until the Service has completed its contracting procedure. The Postal Service does not want to produce the data gathered in its tests of the automated equipment—Optical Character Reader-Channel Sorters and Bar Code Sorters—it is procuring until the contracts have been awarded. These test data, however, are the bases for the amount of the proposed discount. Therefore they are of primary importance in this case.

We respect the Postal Service's interest in preserving competition in its procurement process. However, because these data are of primary importance in the Postal Service's case, the parties and the Commission should have access to them without delay. If the Commission is to accomplish its goal of expeditious consideration of this case, the Postal Service must cooperate by producing the relevant material.

We note that in R80–1, we used protective conditions to safeguard the Postal Service's interest with regard to material that was undeniably relevant but also deemed by the Postal Service to be inappropriate for general release.[11] We believe that the protective conditions worked well in R80–1 and are appropriate for this situation also.[12] We note that the Postal Service has no

[1] Published in the **Federal Register** on April 29, 1981 (46 FR 24060–61).

[2] 39 CFR 3001.20

[3] 39 CFR 3001.19a.

[4] 39 CFR 3001.19b.

[5] One petitioner requesting limited participant status, Tide-Mar, Inc., filed three days late. We are allowing this late filing, subject to reconsideration, since we do not believe any party's interests have been injured by the untimely filing.

[6] 39 CFR 3001.65.

[7] *See* sections 12 (c) and (d) of the rules of practice (39 CFR 3001.12(c) and 3001.12(d)).

[8] *See* 39 CFR 3001.8.

[9] 39 CFR 3001.10(c).

[10] Postal Service Motion, pp. 4–5.

[11] PRC Order No. 348

[12] The Postal Service, in another situation, found production of these data, with protective conditions, an acceptable balancing of its need to protect its contracting process and a decision-making body's need for information. The Postmaster General in a March 26, 1981, hearing offered to make these test results available, in executive session, to the House Subcommittee on Government Information and Individual Rights.

objection to providing this information after its procurement process is completed. Production of the information under protective conditions will protect the Service's interests in the integrity of its procurement process while assisting in the expedition of this case, since parties and the Commission can begin their analyses at an earlier time.

In R80–1, the Postal Service argued that it should not be required to produce certain requested information because one of the parties was a competitor who might be able to use the information to gain an unfair advantage. In response to that argument, we limited access to that information to outside consultants and attorneys. We do not have the same situation here because none of the parties appear to have any interest in the outcome of the procurement. However, to make certain that the production of the data will not affect the Postal Service's procurement process, any person requesting access to the information must include in the affidavit a statement that he or she has no personal or financial interest in the procurement. None of the parties granted intervention appear to be involved in the procurement. If anyone so involved petitions for late intervention, we will require that access be limited to outside consultants and attorneys of that party.

In its motion, the Postal Service requests limiting the production of test data to that of the particular equipment procured rather than that for all the equipment tested and found acceptable. We are denying this request for limitation at this time. As the procurement has not been completed, no one knows which equipment will be procured. The parties and the Commission can use the data in the same manner as the Postal Service witnesses as giving a range for the expected performance. When the Postal Service witnesses developed the proposal, they did not know which companies would be awarded the contracts. The parties and the Commission need the same data for an adequate analysis of the Postal Service's proposal. After the Postal Service has notified the Commission that it has completed its procurement process, the Commission will entertain any motions regarding the relevance of the test data for equipment not purchased.

The protective conditions are necessary only until the procurement process is completed. The Commission therefore anticipates that it will remove the conditions then, unless some supervening cause for continued confidentiality is shown.

The Commission Orders:

(1) Each of the petitioners identified in Attachment A to this Order is hereby permitted to intervene in this proceeding, subject to the provisions of paragraph (C), below.

(2) Each of the petitioners identified in Attachment B to this Order is hereby permitted to become a limited participator in this proceeding, subject to the provisions of paragraph (C), below.

(3) The participation of the intervenors and limited participators permitted by paragraphs (A) and (B), above, is subject to the rules and regulations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene and requests to become limited participators: *And provided, further,* That the admission of such intervenors and limited participators shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(4) The Postal Service shall serve copies of its Request and its prepared direct evidence upon representatives of petitioners permitted to intervene and the representatives of the limited participators. For purposes of such service, where service upon more than one representative has been requested in the petition to intervene or in a request for leave to be heard as a limited participator, including those petitions and requests filed jointly and severally by two or more persons, only the first two named representatives in the petition need be served.

(5) The Officer of the Commission (OOC) designated to represent the interest of the general public in this proceeding will be Gerald E. Cerasale. During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor such personnel will participate in or advise as to any Commission decision in this case. The OOC will supply, for the record, at the appropriate time the names of all Commission personnel assigned to assist him in this case. In this proceeding, the OOC shall be separately served with three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice.

(6) The procedural schedule, Attachment C, is tentatively established.

(7) The Postal Service's Motion for waiver with regard to 64(g) is denied. The material is to be filed within seven days of the issuing of this Order. Unless and until the Commission orders otherwise, access to this material will be subject to the following conditions:

a. Inspection and analysis of this material is permitted solely for purposes of this proceeding. The material is to be kept confidential.

b. Prior to receipt of any materials, each party shall file with the Commission affidavits by each of the individuals who will be given access; such affidavits shall follow the format prescribed in Attachment D to this Order.

(8) The Postal Service will notify the Commission when it has awarded the contract(s) for purchase of Optical Character Reader-Channel Sorters. Any motion concerning the protective conditions or relevance of the test data provided concerning the Optical Character Reader-Channel Sorters is to be filed within seven days of that notice.

(9) The Postal Service will notify the Commission when it has awarded the contract(s) for the purchase of Bar Code Sorters. Any motion concerning the protective conditions or relevance of the test data provided concerning the Bar Code Sorters is to be filed within seven days of that Notice.

By the Commission.

David F. Harris,

Secretary.

Attachment A

Intervenors

American Bankers Association (ABA)
American Postal Workers Union, AFL–CIO
Council of Public Utility Mailers (CPUM)
Direct Mail/Marketing Association, Inc. (DMMA)
March of Dimes Birth Defects Foundations (March of Dimes)
Magazine Publishers Association, Inc. (MPA)
National Wildlife Federation
J. C. Penney Company, Inc.
Reader's Digest Association, Inc.
Time Incorporated (Time, Inc.)

Attachment B

Limited Participators

Association of American Publishers, Inc. and Recording Industry Association of America, Inc. (AAP–RIAA)
American Retail Federation (ARF)
Bell & Howell Corporation
Classroom Publishers Association (CPA)
Envelope Manufacturers Association (EMA)
Mail Advertising Service Association (International), Inc. (MASA)
National Association of Greeting Card Publishers (NAGCP)
Tide-Mar, Inc. (TMi)

Attachment C

Tentative Hearing Schedule for Proceedings—ZIP + 4 Subclass, Docket MC81–3

Month/date/year:

06–10–81—Prehearing Conference.
07–03–81—Completion of all discovery directed to the Postal Service.
08–03–81—Beginning of hearings, *i.e.*, cross-examination of the Postal Service's case-in-chief.
08–17–81—Filing of the case-in-chief of each participant (including that of OOC).
09–08–81—Completion of all discovery directed to the intervenors.
09–24–81—Beginning of evidentiary hearings as to the case-in-chief of other participants.
10–19–81—Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)
11–09–81—Beginning of evidentiary hearings on rebuttal evidence.
11–23–81—Initial briefs filed.
12–03–81—Reply briefs filed.
12–10–81—Oral argument (if scheduled).

Attachment D

Affidavit

I, ————, am a [*position title*] employed by [*Employer*], and retained/employed by [*PRC Intervenor*] for the purpose of consultation/counsel *re* Postal Rate Commission Docket No. MC81–3. I have read fully Postal Rate Commission Order No. —— and agree to comply with its terms. I understand the materials being produced by the Postal Service pursuant thereto are confidential and may contain valuable information relating to a procurement process. I agree not to disclose the aforesaid materials, or any information relating to their substance, to anyone not permitted access thereto under Order No. ——. I have no personal or financial interest in the Postal Service's procurement of Optical Character Reader-Channel Sorters and/or Bar Code Sorters. I understand that the Commission, by a subsequent Order, may remove the restriction on disclosure of some or all of this material.

[Address] ————————————

Subscribed and sworn to before me this —— day of ——, 1981.

My Commission Expires.

Notary Public.

[FR Doc. 81–15979 Filed 5–27–81; 8:45 am]
BILLING CODE 7715–01–M

[Docket No. A81–3; Order No. 378]

Catherine W. Brown, Petitioner; Notice and Order of Filing of Appeal

Issued: May 22, 1981.

On May 15, 1981 the Commission received a letter from Catherine W. Brown (hereinafter "Petitioner") concerning alleged United States Postal Service plans to close the Oswego, South Carolina post office.

Although petitioner does not expressly refer to the Postal Reorganization Act (39 U.S.C. 101 *et seq.*) and does not attach a copy of the Postal Service's written determination, we believe her letter should be construed as a petition for review pursuant to section 404(b) of the Act to preserve her right to appeal and in light of Commission rules of practice that call for liberal construction to secure a just and speedy determination of issues.[1]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing to "ensure that such persons will have an opportunity to present their views."[2] The petition requests that the Oswego post office be kept open. From the face of the petition it is not clear whether any hearings have been held and whether a determination has been made under 39 U.S.C. 404(b)(3).

The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[3]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural reas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[4]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.[5]

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. Did the Postal Service consider the effect of this post office closing on the community it served, in conformance with section 404(b)(2)(A)?

2. Did the Postal Service consider whether this closing is consistent with the policy of the Government that the Postal Service provide a maximum degree of effective and regular postal services to rural areas, communities and small towns where post offices are not self-sustaining, in conformance with section 404(b)(2)(C)?

Additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79–1, *et al.* (May 7, 1979) and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above and/or any further issues of law disclosed by the determination made in this case.

In the event the Commission finds a memorandum necessary to explain or clarify the Service's legal position or interpretation of any issue, it will, within 20 days of receiving the determination and record pursuant to section 113 of the rules of practice (39 CFR 3001.113) make a request by order and specify the issues to be addressed. If a request is issued, the Postal Service's memorandum shall be due within 20 days and the Service shall serve a copy of the memorandum on Petitioner. In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases[6] and none is appointed. The Commission orders that:

(A) The letter received May 15, 1981 from Catherine W. Brown of Oswego, South Carolina be construed as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)).

[1] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94–421 (September 24, 1976), 90 Stat. 1310–11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 U.S.C. 404(b) (1).

[3] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipts of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[4] 39 U.S.C. 101(b).

[5] 42 FR 59079–85 (11/17/77); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[6] In the Matter of Gresham, S.C., Route #1, Docket No. A78–1 (May 11, 1978).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(C) The Postal Service shall file the administrative record in this case on or before June 1, 1981, pursuant to the Commission's rules of practice (39 CFR 3001.113(a)).

By the Commission.

David F. Harris,

Secretary.

Appendix

May 15, 1981—Filing of Petition.
May 22, 1981—Notice and Order of Filing of Appeal.
June 1, 1981—Filing of record by Postal Service (*see* 39 CFR 3001.113(a)).
June 4, 1981—Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).
June 15, 1981—Petitioner's initial brief (*see* 39 CFR 3001.115(a)).
June 30, 1981—Postal Service answering brief (*see* 39 CFR 3001.115(b)).
July 15, 1981—(1) Petitioner's reply brief, should petitioner choose to file (*see* 39 CFR 3001.115(c)).

(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

September 14, 1981—Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 81-15980 Filed 5-27-81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 21, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Apache Petroleum Company Depository Units, No Par Value (File No. 7-5917)
Barnett Banks of Florida, Inc. Common Stock, $2 Par Value (File No. 7-5918)
Cray Research, Inc. Common Stock, $1 Par Value (File No. 7-5919)
Deluxe Check Printers, Inc. Common Stock, $1 Par Value (File No. 7-5920)
Galveston-Houston Company Common Stock, $.33⅓ Par Value (File No. 7-5921)
MacMillan-Bloedel Ltd. Common Stock, No Par Value (File No. 7-5922)
Modular Computer Systems, Inc. Common Stock, $.05 Par Value (File No. 7-5923)
Moore Corporation Ltd. Common Stock, No Par Value (File No. 7-5924)
Noble Affiliates, Inc. Common Stock, $3.33⅓ Par Value (File No. 7-5925)
Permian Basin Royalty Trust Shares of Beneficial Interest, No Par Value (File No. 7-5926)
Recognition Equipment Inc. Common Stock, $.25 Par Value (File No. 7-5927)
Sullair Corporation Common Stock, No Par Value (File No. 7-5928)
Toys R Us, Inc. Common Stock, $1 Par Value (File No. 7-5929)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 12, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-15891 Filed 5-27-81; 8:45 am]

BILLING CODE 8010-01-M

Advisory Committee on Shareholder Communications; Meeting

This is to give public notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Shareholder Communications will conduct a meeting on June 17, 1981, at the American Stock Exchange, 86 Trinity Place, New York, New York, in the boardroom, 13th floor, beginning at 10:00 a.m. This meeting will be open to the public.

This will be the second meeting of the Advisory Committee. The purposes of the meeting are to: hear the reports of Subcommittees, review a draft release soliciting public comment and consider other issues related to communicating with the beneficial owners of securities registered in the name of a broker-dealer, bank or other nominee.

Further information on this matter may be obtained by contacting: Gregory H. Mathews, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2589.

Dated: May 22, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15952 Filed 5-27-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/410]

Shipping Coordinating Committee, Safety of Life at Sea Subcommittee; Meeting

The U.S. SOLAS Working Group on International Multimodal Transport and Containers will conduct an open meeting on June 10, 1981, at 9:30 a.m., in Room 4234 of the Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. 20590.

The purpose of this meeting is to discuss matters germane to multimodal transport and containers. The following specific issues will be addressed:

1. De-briefing and discussion on the 22nd Session of the IMCO Subcommittee on Containers and Cargoes which was held in London on January 26-30, 1981.

2. De-briefing and discussion on the 44th Session of the IMCO Maritime Safety Committee which was held in London on March 30-April 1, 1981 on matters concerning the 22nd Session of the IMCO Subcommittee on Containers and Cargoes.

3. Comments on the Report on the Convention on International Multimodal Transport of Goods.

4. Discussion of the U.S. position for the meeting of the Group of Experts on Combined Transport (GECT) to be held June 15-19, 1981, in Geneva.

5. Other matters.

For further information concerning this meeting contact Mr. Charles Hochman, U.S. Coast Guard (202) 426-1577 or Mr. Paul B. Larsen, Department of Transportation (202) 426-4710.

Dated: May 13, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81-15864 Filed 5-27-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/411]

Shipping Coordinating Committee, Safety of Life at Sea Subcommittee; Meeting

The open meeting of the SOLAS Working Group on the Carriage of Dangerous Goods originally scheduled for June 4, 1981, has been postponed. The meeting will now take place on June 23, 1981, at 9:30 a.m., in Room 3201 of the Coast Guard Headquarters Building, 2100 Second Street SW., Washington, D.C. 20593.

The purpose of this meeting will be to:

—Discuss the report of the XXXII Session of the IMCO Subcommittee on the Carriage of Dangerous Goods;

—Discuss progress of IMCO activities of a continuing nature such as implementation of the IMDG Code.

Requests for further information on the meeting should be directed to Lieutenant Kevin J. Eldridge, U.S. Coast Guard (G-MHM-2), 2100 Second Street SW., Washington, D.C. 20593. Telephone: (202) 426-1577.

Dated: May 13, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81-15865 Filed 5-27-81; 8:45 am]

BILLING CODE 4710-07-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Generalized System of Preferences (GSP) Subcommittee; Results of Reviews of Petitions Requesting Changes in the List of Articles Eligible for Duty-Free Treatment Under the GSP

This publication describes results of the 1980 annual review of petitions requesting changes in the list of imported articles eligible for duty-free treatment under the U.S. Generalized System of Preferences (GSP). The GSP is provided for in the Trade Act of 1974 (88 Stat. 2066-2071, 19 U.S.C. 2461-2465). The review was conducted pursuant to regulations codified at 15 CFR Part 2007. Results of the review were implemented as of March 31, 1981, by Executive Order No. 12302 of April 1, 1981 (46 FR 19901). The disposition of the petitions accepted for review by the GSP Subcommittee of the Trade Policy Staff Committee (TPSC) and matters considered by the TPSC on its own motion are set forth in Annex I of this notice. Petitions that remain pending are listed in Annex II.

BILLING CODE 3190-01-M

Annex 1

Case Reviews Completed

Part 1: Petitions

Case No.	TSUS or TSUBA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
78-24	192.18	Fresh cut roses	Dominican Republic Center for Export Promotion, Dominican Republic, Government of Panama	Petition Denied
78-122	687.58	Other electronic tubes	Government of Argentina	Petition Granted (in part; see below)
78-123	687.70	Transistors, with a dissipation rating of less than 1 watt	Government of Malaysia, Government of Singapore	Petition Granted
78-124	687.70	Transistors, with a dissipation rating of 1 watt or greater	Government of Malaysia Government of Singapore	Petition Granted
78-125	687.75	Integrated circuits, monolithic, linear	Government of Malaysia	Petition Denied
78-126	687.75	Integrated circuits, bipolar, memory	Government of Malaysia	Petition Denied
78-126	687.75	Integrated circuits, bipolar, transistor-transistor logic	Government of Malaysia	Petition Denied
78-127	687.75	Integrated circuits, bipolar, emitter coupled logic	Government of Malaysia	Petition Denied
78-128	687.75	Integrated circuits, bipolar, other	Government of Malaysia	Petition Denied
78-129	687.75	Integrated circuits of metal oxide silicon, memory, random access, less than 9,000 bits	Government of Malaysia	Petition Denied
78-129	687.75	Integrated circuits of metal oxide silicon, memory, random access, 9,000 bits and greater	Government of Malaysia	Petition Denied
78-129	687.75	Integrated circuits of metal oxide silicon, memory, other than random access	Government of Malaysia	Petition Denied
78-129	687.75	Integrated circuits of metal oxide silicon, microprocessor	Government of Malaysia	Petition Denied
78-129	687.75	Other integrated circuits of metal oxide silicon	Government of Malaysia	Petition Denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202)

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUBA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
78-130	687.75	Other integrated circuits, other than of metal oxide silicon	Government of Malaysia	Petition Denied
78-131	687.75	Other integrated circuits, other than monolithic	Government of Malaysia	Petition Denied
78-132	687.65	Photo-sensitive diodes and rectifiers, solar cells	Government of Malaysia	Petition Granted
78-132	687.65	Photo-sensitive diodes and rectifiers, other	Government of Malaysia	Petition Granted
78-133	687.65	Zener diodes and rectifiers	Government of Malaysia	Petition Granted
78-134	687.65	Microwave diodes and rectifiers	Government of Malaysia	Petition Granted
78-135	687.65	Diodes and rectifiers, thyristors	Government of Malaysia	Petition Granted
78-136	687.65	Other diodes and rectifiers, with a maximum current of 0.500 amperes or less	Government of Malaysia	Petition Granted
78-137	687.65	Other diodes and rectifiers	Government of Malaysia	Petition Granted
78-138	687.75	Mounted piezo-electric crystals	Government of Singapore	Petition Denied
78-139	687.75	Other, including parts not specifically provided for, or electronic tube mounts	Government of Singapore	Petition Denied
79-6	130.45	Oats, hulled or not hulled	Government of Colombia	Petition Granted
79-8	141.98	Other vegetables including Nopalitos (tender cactus)	Herdez USA Corp., Vernon, California	Petition Granted
79-10	146.78	Other frozen berries, except boysenberries, including frozen blackberries	Government of Chile	Petition Granted

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202)

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
79-11	147.77	Grapes, otherwise prepared or preserved, including grape must	Government of Argentina	Petition Denied
79-13	148.44	Green olives, packed in airtight containers	Hazayith of Israel	Petition Denied
79-14	148.50	Olives, pitted or stuffed	Hazayith of Israel	Petition Denied
79-15	148.56	Olives, otherwise prepared or preserved	Hazayith of Israel	Petition Denied
79-16	148.60	Fresh papaya	Government of Panama	Petition Denied
79-19	170.67	Other non-paper wrapped cigarettes, including bidis	Government of India	Petition Granted
79-21	175.36	Poppy seed	Government of Romania	Petition Granted
79-22	141.98	Other vegetables, including pre-cooked rice	Government of Colombia	Petition Granted
79-24	307.66	Yarns of wool, handspun and hand-dyed	Manos del Uruguay, Montevideo, Uruguay	Petition Denied
79-24	307.68	Yarns, blends of wool or hair, handspun and hand-dyed	Manos del Uruguay, Montevideo, Uruguay	Petition Denied
79-25	315.80	Jute cordage, not bleached, colored or treated, with singles yarn under 720 yards per pound	Government of Bangladesh, Government of India	Petition Granted
79-26	315.85	Jute cordage, not bleached, colored, or treated, with singles yarn 720 yards or over per pound	Government of Bangladesh	Petition Granted
79-27	315.90	Jute cordage, bleached, colored, or treated, with singles yarn under 720 yards per pound	Government of Bangladesh, Government of India	Petition Granted
79-28	315.95	Jute cordage, bleached, colored, or treated, with singles yarn 720 yards or over per pound	Government of Bangladesh	Petition Granted

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Case No.
79-29
79-30
79-32
79-33
79-34
79-36
79-39
79-44
79-57
79-58

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
79-29	337.40	Silk fabric, jacquard-figured, degummed, bleached, or colored	Government of Thailand	Petition Granted (Hong Kong and Republic of Korea not designated for GSP on this product)
79-30	355.81	Vinyl-coated fabrics	Government of Korea	Petition Granted (Taiwan not designated for GSP on this product)
79-32	361.43	Certified hand-loomed and folklore wool floor coverings, not woven on a power driven loom, valued over 30 cents per square foot	Manos del Uruguay, Montevideo, Uruguay	Petition Granted
79-33	364.21	Certified hand-loomed and folklore tapestries of wool, including mohair, and needlework display motifs	Government of Lesotho	Petition Granted
79-34	385.45	Bags and sacks of vegetable fibers, except cotton, not bleached, or colored	Government of Bangladesh	Petition Granted
79-36	389.6245	Nylon sleeping bags	Noam-Urim, Israel	Petition Denied
79-39	427.88	Ethyl alcohol for non-beverage use	Government of Argentina	Petition Denied
79-44	533.22	Fine-grained earthenware, over $12 and not over $38 per set	Government of Romania	Petition Denied
79-57	610.3265	Spiral-welded steel pipe, over 16 inches in outside diameter	Grand Bahama Steel & Pipe Company, Ltd., Freeport, Bahamas	Petition Denied
79-58	618.02	Unwrought aluminum, other than alloys	Government of Romania	Petition Granted

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
79-59	618.06	Other aluminum alloys	Government of Romania	Petition Granted
79-60	624.0330	Unwrought lead, alloyed	Government of Mexico	Petition Denied
80-1	112.21	Sardines in tomato sauce, cans 8 oz. and over and under 15 lb.	Toluca Corporation, Salt Lake City, Utah	Petition Granted
80-2	112.34	Other tuna	Government of Malaysia, Government of Morocco	Petition Denied
80-3	112.86	Sardines in oil, skinned or boned	Government of Peru	Petition Denied
80-4	117.8875	Other nonquota cheeses, including goat's milk cheese	Government of Portugal	Petition Denied
80-5	121.50 or 121.50 pt.	Pig and hog leather or Pig and hog leather in sheets of at least 5 square feet	Industrija Usnja Vrhnika, Yugoslavia, Tovarna Usnja Kamnik, Yugoslavia	Petition Denied
80-6	121.64	Fancy goat and kid leather	Florsheim Shoe Company, Chicago, Illinois	Petition Granted
80-7	135.61 or 135.61 pt.	Other vegetables, fresh, chilled or frozen or Fresh celery	AGREXCO, Israel	Petition Withdrawn
80-8	136.20	Eggplant entered April 1 to November 30	Government of Morocco	Petition Denied
80-9	136.22	Eggplant, other	Government of Morocco	Petition Denied
80-10	137.10	Peppers	AGREXCO, Israel	Petition Withdrawn
80-11	137.84	Frozen water chestnuts	La Choy Food Products, Archbold, Ohio	Petition Granted
80-12	138.4510	Other fresh or chilled vegetables, including Chinese leaves	AGREXCO, Israel	Petition Withdrawn
80-13	138.40	Frozen water chestnuts and bamboo shoots	La Choy Food Products, Archbold, Ohio	Petition Granted
80-14				
80-15				
80-16				
80-17				
80-18				
80-19				
80-20				
80-21				
80-22				
80-23				
80-25				
80-26				
80-27				
80-28				

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
80-14	140.70	Potato flour	Guatemala Export Promotion Center	Petition Granted
80-15	141.78	Bamboo shoots in airtight containers	La Choy Food Products, Archbold, Ohio	Petition Granted
80-16	145.50	Shelled pecans	Government of Mexico	Petition Granted
80-17	145.58 or 145.58 pt.	Other edible nuts, shelled or Macadamia nuts	Government of Malawi	Petition Denied
80-18	146.58	Strawberries entered June 15 to September 15	Government of Morocco	Petition Denied
80-19	146.60	Strawberries entered any other time	Government of Morocco	Petition Denied
80-20	148.25	Watermelons, entered December 1 to March 31, inclusive	Government of Honduras	Petition Granted
80-21	148.52	Dried olives, not ripe	Government of Morocco	Petition Granted
80-22	148.54	Dried olives, ripe	Government of Morocco	Petition Denied
80-23	150.05	Other mixtures of two or more fruits, prepared or preserved, including citrus salad	Narex-Middle East Co., Israel	Petition Denied
80-25	169.13 pt.	Cachaca	Government of Brazil	Petition Withdrawn
80-26	170.63	Clove cigarettes	Government of Indonesia	Petition Granted
80-27	182.49	Shrimp chips	Government of Indonesia	Petition Granted
80-28	184.51	Rapeseed oil cake and oil-cake meal	Government of Argentina	Petition Granted

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
80-29	184.53	Other oil cake and oil-cake meal, excluding soybean and cottonseed oil cake and oil-cake meal	Government of Argentina	Petition Granted
80-30	240.17 or 240.17 pt.	Plywood with a face ply of Philippine mahogany or Plywood with a face ply of meranti	Government of Indonesia, Government of Malaysia	Petition Denied
80-31	353.5012	Woven ornamented fabrics, in the piece, not specially provided for, of cotton by weight	Kashmir Valley Arts, Sante Fe Springs, Ca.	Petition Denied
80-32	360.04	Certified hand-loomed and folklore floor coverings in which pile is hand-inserted or hand-knotted, over 50 percent by weight of pile being hair of the alpaca, guanaco, huarizo, llama, misti, suri, or any combination of these	Government of Bolivia, Government of Morocco, Government of Peru	Petition Granted
80-33	361.23	Floor coverings composed in chief weight of vegetable fibers, except cotton	Government of Morocco	Petition Granted
80-34	361.26	Floor coverings composed in chief weight of the named material	Government of Morocco	Petition Granted
80-35	367.28	Certified hand-loomed and folklore wool pillow covers	Artesanias Titicaca, Ltda., Bolivia	Petition Granted
80-36	367.31	Certified hand-loomed and folklore wall hangings of wool	Artesanias Titicaca, Ltda., Bolivia Kashmir Valley Arts, Santa Fe Springs, Ca.	Petition Granted
80-37	386.0430 or 386.0430pt.	Other lace or net articles or Hand-woven hammocks	Government of El Salvador	Petition Denied
80-38	386.5040 or 386.5040pt.	Other articles of cotton or Hand-woven hammocks	Government of El Salvador	Petition Denied
80-39	387.25	Coir cordage	Government of India	Petition Granted
80-40	411.60 pt.	Ampicillin trihydrate	Fermentaciones y Sintesis, S.A., Mexico, Government of Mexico	Petition Denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
80-42	412.22	Certain drugs including naproxen and naproxen sodium	Syntex USA Inc., San Francisco, Ca.	Petition Granted
80-43	425.9940 or 425.9940pt.	Other carboxylic acids or Monobromo acetic acid	Bromine Compounds, Ltd., Israel	Petition Denied
80-44	472.12	Barium sulfate, ground	Government of Mexico	Petition Granted
80-45	490.12	Stearic acid	Government of Colombia	Petition Granted
80-46	533.64	Household ware of nonbone chinaware or subporcelain in specified sets	Government of Argentina	Petition Denied
80-47	533.76	Household ware of nonbone chinaware, not available in specified sets	Government of Argentina	Petition Denied
80-48	533.78	Household ware of nonbone chinaware, not available in specified sets	Government of Argentina	Petition Denied
80-49	546.64	Glassware, cut or engraved, valued over $5 each	B.Z.T. Ltd., Israel	Petition Denied
80-50	546.68	Glassware, other, valued over $5 each	B.Z.T. Ltd., Israel	Petition Denied
80-51	650.47	Barbecue forks with wooden handles	Government of Colombia	Petition Granted
80-52	650.48	Table forks (including table serving forks) with handles of wood or base metal other than stainless steel	Government of Malaysia	Petition Granted
80-53	705.8540 or 705.8540pt.	Disposable gloves or Disposable surgical and medical gloves	H.G. Pollak (International) Ltd., Israel	Petition Denied
80-54	706.25	Flat goods of vegetable fibers other than cotton	Government of Malta	Petition Granted
80-55	706.27	Flat goods of textile materials other than cotton and other vegetable fibers	Kmart Corporation, Troy, Michigan, Government of Malta	Petition Granted (Hong Kong and Taiwan not designate for GSP on this product)

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
80-56	706.31	Flat goods of reinforced or laminated plastics	Government of Malta	Petition Granted
80-57	706.61	Flat goods of certain other materials	Kmart Corporation, Troy, Michigan,	Petition Granted (Hong Kong and Taiwan not designated for GSP on this product)
80-58	715.55	Time locks	Government of Argentina	Petition Granted
80-59	727.11	Rattan furniture	Government of Thailand	Petition Granted (Hong Kong and the Philippines not designated for GSP on this product)

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences		
80-60	117.65	Cheese made from sheep's milk	Cheese Importers Group of the Italy-America Chamber of Commerce, Inc., New York, New York	Petition Denied
80-61	117.67	Pecorino cheese	Cheese Importers Group of the Italy-America Chamber of Commerce, Inc., New York, New York	Petition Denied
80-62	732.3875	Bicycle caliper brakes	Dia-Compe, Inc., Fletcher, N.C.	Petition Withdrawn
80-63	774.55 or 774.55pt.	Other articles of rubber or plastics or Shopping bags of rubber or plastics	Amko Plastics, Inc., Cincinnati, Ohio	Petition Denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Country Affected	Action taken
		C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences			
80-64	642.16	Steel wire rope	Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers, Washington, D.C.	Republic of Korea	Petition Granted
80-65	690.15	Railroad and railway rolling stock	AFL-CIO, Washington, D.C., Brotherhood of Railway Carmen of the United States and Canada, Washington, D.C., International Union, Transport Workers Union of America, Washington, D.C.	Mexico	Petition Denied
80-66	708.47	Eyeglass frames and mountings, and parts thereof	International Union of Electrical, Radio, and Machine Workers, Washington, D.C., Optical Manufacturers Association, Arlington, Va.	Hong Kong	Petition Granted
80-67	737.9535 or 737.9535pt.	Toys of rubber or plastic, inflatable or Toy balloons	National Latex Products Company, Ashland, Ohio, Oak Rubber Company, Ravenna, Ohio	Mexico	Petition Denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		D. Petitions to subdivide a TSUS item currently designated as an eligible article for the Generalized System of Preferences		
80-68	653.94	Stainless steel cooking and kitchen ware	Metal Cookware Manufacturers Association, Walworth, Wisconsin	Petition Granted
80-72	734.2040	Hand-held electronic game machines	Interstate Industries, Inc., Mundelein, Illinois	Petition Denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		E. Petitions to determine eligible articles as not like or directly competitive with any article produced in the United States on January 3, 1975, in order to avoid loss of GSP duty-free treatment under the provisions of section 504(c)(1)(B) of the Trade Act of 1974.		
80-69	121.55	Buffalo leather	Florsheim Shoe Company, Chicago, Illinois	Article found to be produced in the U.S.
80-70	121.62	Non-fancy goat and kid leather	Florsheim Shoe Company, Chicago, Illinois	Article found to be produced in the U.S.
80-71	141.70	Water chestnuts	La Choy Food Products, Archbold, Ohio	Article found not to be produced in the U.S.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Part 2: Matters being considered on TPSC's Own Motion

Case No.	TSUS or TSUSA 1/ item No.	Article	Action taken
		Articles considered for removal from the list of eligible articles for the Generalized System of Preferences	
80-73	748.45	Coats, jackets and vests of down	Item removed from GSP product list

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex II

Case Reviews Pending

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
79-17	170.10	Cigar wrapper tobacco, not stemmed	Government of Nicaragua, Cigar Association of America, Inc., Washington, D.C.
79-18	170.15	Cigar wrapper tobacco, stemmed	Cigar Association of America, Inc., Washington, D.C.
79-20	170.69	Cigars and cheroots, each valued 15 cents and over	Government of Mexico, Government of Nicaragua
79-31	360.15	Floor coverings, hand-inserted pile, valued over 66-2/3 cents per square foot	Pande Cameron & Company, New York, New York, Government of Bangladesh, Government of India, Government of Turkey, Manos del Uruguay, Montevideo, Uruguay
80-24	161.07	Capers	Everett Trading Company, New York, New York, Government of Morocco
80-41	412.68 or 412.68pt.	Other products provided for in the Chemical Appendix to the Tariff Schedules or Catheter lubrication jelly	H.G. Pollak (International) Ltd., Israel

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Ann H. Hughes,
Chairman, Trade Policy Staff Committee.

[FR Doc. 81-15953 Filed 5-27-81; 8:45 am]
BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Development of Traffic Control Device: Self-Powered Vehicle Detector (SPVD); Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This document is to announce a meeting to discuss, with representatives of industry, the status of development and implementation activities concerning the self-powered vehicle detector (SPVD). The meeting is also being held to determine the level of interest among the manufacturers in picking up the SPVD concept and offering similar equipment to agencies with traffic control responsibility. All interested persons are invited to attend and participate in this meeting.

MEETING DATE: June 17, 1981.

TIME: 9 a.m.–Noon.

ADDRESS: Nassif Building, Room 7200, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Stockfisch, Office of Development, 202–426–9211; or Mr. Wil Baccus, Office of the Chief Counsel, 202–426–0786, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The SPVD, which was developed by the Federal Highway Administration, is an electronic device that detects the presence of vehicles which pass over it and transmits radio signals to a roadside receiver without the need for pysical wire interconnection. These radio signals can be used for intersection traffic control, surveillance or data collection purposes. Minimal installation costs are required. The meeting will include a demonstration of the equipment, presentations relative to the research accomplishments, detailed description of components, operational details, results of field testing, etc. Copies of the research report will be available for distribution.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued: May 19, 1981.

L. P. Lamm,

Executive Director.

[FR Doc. 81-15706 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Denial of Petition on Motor Vehicle Defects and Hearings

This notice sets forth the reasons for the denial of a petition relating to safety-related defects in a motor vehicle.

On February 25, 1981, James L. Everett, Jr. of Miami Springs, Florida, asked NHTSA to determine whether Fiat Motors of North America had met its responsibility to correct a safety-related defect in his 1979 Fiat XL/9 car with respect to "carburetor hesitation." Mr. Everett had experienced delays with his dealer who had no repair parts. After inquiry by NHTSA, Fiat informed the agency that repairs had been effected on April 23, 1981. Since no hearing was necessary to resolve the problem, Mr. Everett's petition was denied on May 5, 1981.

(Sec. 156, Pub. L. 93–492, 38 Stat. 1470 (15 U.S.C. 1416); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on May 22, 1981.

Lynn Bradford,

Associate Administrator for Enforcement.

[FR Doc. 81-15945 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-59-M

Saint Lawrence Seaway Development Corporation

National Environmental Policy Act (NEPA) Implementing Procedures

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Notice.

SUMMARY: This final order revises the Saint Lawrence Seaway Development Corporation procedures for considering environmental impacts to conform with the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act, issued November 29, 1978.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: M. Kirkey, Office of the Chief Engineer, Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, N.Y. 13662, (315) 764–3254.

SUPPLEMENTARY INFORMATION:

1. Background

On November 29, 1978, the Council on Environmental Quality (CEQ) published regulations on the implementation of the National Environmental Policy Act (NEPA) (43 FR 55978). The CEQ regulations direct Federal Agencies to adopt procedures to implement the regulations (40 CFR 1507.3). The Department of Transportation (DOT) published DOT Order 5610.1C, October 1, 1979, (44 FR 56420), thereby providing implementing procedures for all elements within the DOT. This order, designated as SLSDC 10–5610.1C, sets forth specific responsibilities and instructions for Corporation implementation of the CEQ regulations. These implementing procedures outline only these Corporation-specific actions needed for compliance with the NEPA process and must be read in conjunction with the CEQ regulations and DOT Order 5610.1C. This order is an internal directive.

2. Response To Comment

The proposed Order and request for public comment was published on July 10, 1980. Comments were received from two federal agencies, one state agency, and one private environmental organization.

3. Principal Comment

Paragraph 6.b., Categorical Exclusions

The provision for categorical exclusion of several routine items caused concern in that the commenters felt that the excluded activities contained several items which could constitute major federal actions resulting in significant impacts on the environment.

As stated in the Corporation's proposed Order, under Supplemental Information, 1. Background, paragraph 2, the proposed Corporation's procedures must be read in conjunction with the DOT Order 5610.1C and the CEQ Regulations (40 CFR 1500–1508). Both the DOT Order and the CEQ Regulations contain language requiring that an environmental assessment or an EIS be prepared for any action which would otherwise be classified as categorically excluded, but which is likely to involve significant impacts on the environment, or substantial controversy (40 CFR 1508.4) (DOT 5610.1C, 20.b. 2). However, to further alleviate this concern, a statement has been added to Paragraph 6.b. (second sentence), which allows the actions listed under "Categorical Exclusions" to be performed as part of routine maintenance and construction, while insuring that should these activities be undertaken as part of a

major program, an environmental assessment or EIS will be prepared. This added statement should make it very clear that the items listed are not contemplated as part of the Great Lakes-St. Lawrence Seaway Navigation Season Extension Program. In addition to the aforementioned clarifying statement, categorically excluded Items 9. (Icebreaking) and 10. (Maintenance Dredging) have been further defined and limited.

The Advisory Council on Historic Preservation commented that a section should be included in the final regulations concerning compliance with Section 106 of the National Historic Preservation Act. It is felt that this is adequately covered in the DOT Order 5610.1C.

In consideration of the foregoing, the Saint Lawrence Seaway Development Corporation Order 10–5610.1C "Procedures for Considering Environmental Impacts" is promulgated to read as appears below.

Issued in Washington, D.C., on April 13, 1981.

David W. Oberlin,

Administrator, Saint Lawrence Seaway Development Corporation.

Department of Transportation

Saint Lawrence Seaway Development Corporation

Order—SLS 10–5610.1C

Procedures for Considering Environmental Impacts

1. *Purpose.* DOT Order 5610.1C establishes procedures for consideration of environmental impacts in decision making on proposed DOT actions. The Order provides that information on environmental impacts of proposed actions will be made available to public officials and citizens through environmental impact statements, environmental assessments or findings of no significant impact. These documents serve as the single vehicle for environmental findings and coordination. These procedures provide guidance for implementation of DOT Order 5610.1C.

2. *Cancellation.* SLS 10–5610.1B, Procedures for Implementation of DOT Order 5610.1B, issued March 31, 1975.

3. *Background.* The Council on Environmental Quality (CEQ) issued regulations for Implementing the Procedural Provisions of the National Environmental Policy Act on November 29, 1978 (43 FR 55978–56007). The CEQ regulations apply uniformly and are binding on all Federal agencies and direct agencies to adopt implementing procedures which relate the CEQ regulations to the specific needs of each agency's programs and operating procedures.

DOT Order 5610.1C implements NEPA and the CEQ regulations within the Department of Transportation and replaces Order DOT 5610.1B of 9–30–74. The Order provides instructions for implementation of relevant environmental laws and executive orders in addition to NEPA.

DOT Order 5610.1C provides that an operating administration may rely on the Order as its implementing procedures, with issuance of supplementary guidance applying the environmental process to the Administration's programs. Therefore, this notice presents the final SLSDC Order SLS 10–5610.1C, "Procedures for Considering Environmental Impacts", as guidelines for implementation of NEPA procedures, under DOT Order 5610.1C, within the Corporation.

4. *Definitions.* a. The term "Assistant Secretary" means the Assistant Secretary for Policy and International Affairs, Office of the Secretary, U.S. Department of Transportation, and his authorized representatives.

b. The term "Corporation" means the Saint Lawrence Seaway Development Corporation.

c. The term "Chief Engineer" means the Chief, Office of Engineering, Saint Lawrence Seaway Development Corporation and his authorized representatives.

d. The term "General Counsel" means the General Counsel, Saint Lawrence Seaway Development Corporation.

e. The term "Office Heads" includes the Director, Office of Program Review; Comptroller; General Counsel; Director, Office of Comprehensive Planning; Director, Office of Systems & Economic Analysis; Chief Engineer; Director, Office of Procurement & Supply; Director, Office of Administration; Chief, Office of Marine Services; Chief, Office of Maintenance and Chief, Office of Lock Operations, and their authorized representatives, Saint Lawrence Seaway Development Corporation.

5. *Scope.* These guidelines provide instructions for implementation of Section 102(2) of the National Environmental Policy Act of 1969 (Pub. L. 91–190, hereinafter "NEPA") and the Regulations for Implementing NEPA issued by the Council on Environmental Quality, 11–29–79 (40 CFR 1500–1508); Sections 2(b) and 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 1653, hereinafter "the DOT Act"); Sections 309 and 176 of the Clean Air Act, as amended (42 U.S.C. 7401 et seq.); Section 106 of the National Historic Preservation Act of 1966 (Pub. L. 89–665, hereinafter "the Historic Preservation Act"); Sections 303 and 307 of the Coastal Zone Management Act of 1972 (Pub. L. 92–583); Section 2 of the Fish and Wildlife Coordination Act (Pub. L. 85–624); Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1533); the Federal Water Pollution Control Act, as amended (33 U.S.C. 1314 et seq.); and the various Executive Orders relating to environmental impacts.

6. *Environmental Processing Choice.*

a. *Environmental Impact Statements.* An EIS shall be prepared for any proposed major Federal action significantly affecting the environment. (See also: CEQ 1508.27, paragraphs 7 and 10.) Listed below are types of Corporation actions which normally require the preparation of an EIS:

1. Legislation. A Legislative EIS will be prepared to accompany a bill or legislative proposal to Congress, recommended by the Corporation, significantly affecting the quality of the human environment.

2. Construction Projects (major) involving significant disturbances to earth, air or water.

b. *Categorical Exclusions.* The following actions are not major Federal actions with a significant impact on the environment, and do not require either an environmental assessment or an environmental impact statement. In case of extraordinary circumstances whereby any of the following items, which are normally excluded, may have a significant effect on the environment, or cause substantial controversy, an environmental assessment or EIS will be prepared.

1. Administrative procurements (e.g. general supplies) and contracts for personal services;

2. Personnel Actions (e.g. promotions, hirings);

3. Project amendments (e.g. increases in costs) which do not significantly alter the environmental impact of the action;

4. Issuance of vessel passage permits as a matter of routine Seaway procedures;

5. Amendments to the Seaway Regulations;

6. Reconstruction, repair and maintenance of existing navigation aids and construction of new fixed aids;

7. De-icing equipment and measures at the locks and lock approaches;

8. Modifications to the Saint Lawrence Seaway Tariff of Tolls;

9. Icebreaking: Icebreaking activity is limited to the intermediate pool and approximately three miles above Eisenhower Lock (vicinity of Metropolitan Petroleum Co.) and one-

half mile below Snell Lock (training dike area.)

10. Maintenance dredging: In some areas, the river bottom has high spots caused by silting in from the banks, anchor dragging and/or river current. In these areas, Maintenance dredging is required to maintain our congressionally mandated 27 ft. waterway. No other dredging will be allowed under this category. Our maintenance dredging is performed under specific permit conditions approved by the New York State Department of Environmental Conservation and the U.S. Army, Corps of Engineers.

11. Modifications to and maintenance of lock operating equipment, vessel traffic control equipment, buildings, grounds, floating plant, and existing facilities;

12. Equipment purchases and operating expenses;

13. Grants of leases, licences, permits or easements for use of Corporation-owned property.

c. *Environmental Assessment.* An environmental assessment is a document concisely describing the need for the proposal, the environmental impacts of a proposed action, its alternatives and a list of agencies and persons consulted. If a decision has not been made to prepare an EIS and a proposed action has not been classified as a categorical exclusion, an environmental assessment shall be prepared. The assessment will be the basis for the Corporation's determination to prepare an EIS or to publish a finding of no significant impact (FONSI). (See CEQ 1508.9)

d. *Finding of No Significant Impact (FONSI).* 1. If the environmental assessment reveals that the proposed action will not have a significant impact on the environment, a FONSI shall be prepared and attached to the environmental assessment. The FONSI will not be coordinated outside the Corporation, except as set forth in Paragraph (2) below. Notice of availability will be provided to the public in accordance with CEQ 1506.6.

2. If the proposed action is similar to one which normally requires and EIS, the nature of the action is one without precedent, or the action is likely to have more than minimal impact on properties protected by Section 4 (f) and Section 106 of the Historic Preservation Act or is inconsistent with any Federal, State or local law or administrative determination relating to the environment, a copy of the environmental assessment shall be provided to the Assistant Secretary for Policy and International Affairs (Assistant Secretary), and the documents made available to the public (including state and areawide clearing houses) for a period of 30 days before the FONSI is made and the action is implemented. Consultation with other Federal agencies as suggested in DOT 5610.1C shall be accomplished during the 30-day period.

7. *Corporation Decision Making Procedures.* a. All Office Heads shall forward a description of proposed major programs or actions to the Chief Engineer for review at the time of initial technical studies.

b. All such proposed programs received by the Chief Engineer will be reviewed and a determination made, under these procedures, as to whether the program is one which (1) normally requires an EIS or (2) normally does not require an EIS or an environmental assessment (categorical exclusion). If the action is not covered by either of the foregoing, the Chief Engineer shall prepare an environmental assessment within 30 days of receipt of the document.

8. *Preparation and Processing of Draft Environmental Statements.* a. *Responsibility.* The Chief Engineer is responsible for the preparation and processing of Draft Environmental Impact Statements. Professional services for this preparation may be obtained from other Federal, State, or local agencies, universities, or consulting firms; however, the Chief Engineer must review and evaluate the documents. The Corporation's General Counsel shall review all Corporation environmental statements for legal sufficiency.

b. *Timing.* The Chief Engineer shall commence preparation of the draft EIS at the earliest practical time after receipt of notification of the proposed action and determination that the action will significantly affect the quality of the human environment. As soon as a decision to prepare a draft EIS has been made, the Chief Engineer shall undertake the scoping process identified in CEQ 1501.7. For construction projects directly undertaken by the Corporation, the EIS shall be prepared at the feasibility stage, and supplemented at a later date, if necessary.

c. *Preparation of Draft.* The Corporation will follow the Format and Content shown as Attachment 2 to DOT Order 5610.1C. See also CEQ Part 1502.

d. *Inviting Comments on the Draft EIS.* The Chief Engineer shall circulate the draft EIS for comment to (1) all Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved; (2) interested parties; (3) EPA Office of Federal Activities, and (4) the Assistant Secretary.

9. *Ensuring Environmental Documents are Actually Considered in Agency Decision Making.* Section 1505.1 of the NEPA regulations contains requirements to ensure adequate consideration of environmental documents in agency decision making. To implement these requirements, Corporation officials shall:

1. Consider all relevant environmental documents in evaluating proposals for agency action;

2. Make all relevant environmental documents, comments and responses part of the record in formal rule making or adjudicatory proceedings;

3. Ensure that all relevant environmental documents, comments and responses accompany the proposal through existing agency review processes;

4. Consider only those alternatives encompassed by the range of alternatives discussed in the relevant environmental documents when evaluating proposals for agency action;

5. Where an EIS has been prepared, consider the specific alternatives analyzed in the EIS when evaluating the proposal which is the subject of the EIS.

For each of the Corporation's principal programs, the following chart identifies the point at which the NEPA process begins, the point at which it ends, and the key agency officials or offices required to consider environmental documents in their decision making.

Principal Program	Start of NEPA process	Completion of NEPA process	Key officials or offices required to consider environmental documents
Construction Projects (major, involving sig. disturbances to earth, air or water).	When description of proposed project is received	At the time the Project is approved or denied.	Chief Engineer, General Counsel.

Mitigation measures identified in the EIS will be included in the construction contract with requirement for compliance by the Contractor. This requirement shall be monitored and enforced by the Project Officer for the project.

10. *Citizen Involvement.* As soon as the Chief Engineer decides that an Environmental Statement is to be prepared, the Chief Engineer shall solicit citizen comments by any or all of the following means: conducting hearings, making personal contact with interested parties, issuing press releases, placing notices in newspapers, and publishing a notice of intent in the **Federal Register.** The Chief Engineer shall develop lists of interested parties at the national, state and local levels. Citizen involvement and environmental issues raised in the public commenting process will be documented in the environmental statement. The Chief Engineer shall determine whether a public hearing is required and shall consider the following factors in making this determination: the magnitude of the costs, environmental impact, degree of interest evidenced by the public, the complexity of the issue and the extent to which public involvement has been achieved through other means. If a public hearing is to be held, the Office of the Chief Engineer shall make the draft EIS or environmental assessment available to the public at least 30 days prior to the hearing.

Interested persons may obtain information on Corporation environmental procedures and on the status of EISs issued by the Corporation from the Office of the Chief Engineer, Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662, telephone 315–764–3254.

11. *Final Environmental Impact Statement.* a. *Preparation.* The draft statement shall be revised as appropriate, reflecting comments received, issues raised, preferred alternatives, and measures to mitigate adverse impacts. The final statement shall reflect consultation and efforts made to resolve issues raised, including an explanation of why any remaining issues have not been resolved.

b. *Legal Review.* All Corporation final environmental statements shall be reviewed for legal sufficiency by the Corporation's General Counsel or his designee. The legal review should be completed within 30 days after receipt of the statement. When the review is complete, the General Counsel will return the statement to the Office of the Chief Engineer for final processing, as outlined in paragraph d. below.

c. *Internal Processing.* Final environmental impact statements may be approved by the Administrator or a designee originating the action, but only after concurrence of the Assistant Secretary. The Assistant Secretary after review of a draft EIS for a proposed action may decide that the final EIS may be processed without prior concurrence. (See DOT 5610.1C, para. 11. d. (6)). Concurrence of both the Assistant Secretary and the DOT General Counsel is required for actions which involve a 4(f) determination.

d. *Final Processing.* Two copies of final environmental statements, together with all comments received on the draft from responsible Federal, State and local agencies and private organizations shall be submitted to the Assistant Secretary, by the Chief Engineer, for concurrence. The final statement may be deemed to be concurred in by the Assistant Secretary unless, within two weeks after its receipt, the Assistant Secretary notifies the Chief Engineer to the contrary or requests an extension of the review period or unless it is a statement including a section 4(f) determination. Final statements for actions with section 4(f) involvement may be deemed concurred in by the Assistant Secretary and the DOT General Counsel after 30 days, unless the Assistant Secretary notifies the Chief Engineer to the contrary or requests an extension of the review period.

e. *Availability pending approval.* Proposed final statements, with a notation that the statement is not approved and filed, should be made available to the public and Federal, State or local agencies prior to final approval and filing with EPA.

f. *Availability of Statements to EPA and the Public.* After approval, copies of final statements shall be transmitted to EPA and commenting agencies and made available to the public as described in DOT 5610.1C, h. and CEQ 1506.9.

g. *Record of Decision.* The Office of the Chief Engineer shall prepare a draft record of decision which shall accompany the proposed final EIS through the approval process (See DOT 5610.1C, paragraph 11.i, and CEQ 1502.2.)

12 *Proposals for Legislation.* An EIS shall be prepared for any Corporation originated legislative proposal or when the Corporation develops the Departmental position on the report on proposed legislation for which DOT is primarily responsible. (See DOT 5610.1C, paragraph 15).

13. *Timing of Corporation Actions.* No decision shall be made on a proposed action sooner than the later of the following dates:

a. Thirty (30) days after a final EIS covering the action has been submitted to EPA, as measured from the date the EPA publishes a notice of the final EIS's availability in the **Federal Register**; or

b. Ninety (90) days after a draft EIS has been made available to the public, as measured from the date the EPA publishes a notice of the draft EIS's availability in the **Federal Register.**

When Corporation officials believe it is necessary to shorten the prescribed time periods for EIS processing, consultation with EPA through the Assistant Secretary is required.

Where emergency circumstances make it necessary to take on action with significant environmental impacts without observing the provisions of this Order, DOT 5610.1C and the CEQ requlations, the Chief Engineer shall consult with CEQ through the Assistant Secretary.

[FR Doc. 81-15893 Filed 5-27-81; 8:45 am]
BILLING CODE 4910-61-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 24]

Surety Companies Acceptable on Federal Loans

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $4,695,000 has been established for the company.

Name of Company:
Iowa National Mutual Insurance Company
Business Address:
518 Second Ave., S. E.
Cedar Rapids, Iowa 52406
State of Incorporation:
Iowa

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as

to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1980 Revision, at page 44507 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: May 20, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-15690 Filed 5-27-81; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 102
Thursday, May 28, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Equal Employment Opportunity Commission	2
Federal Election Commission	3
Federal Home Loan Bank Board	4
Federal Maritime Commission	5
Federal Reserve System (Board of Governors)	6
Nuclear Regulatory Commission	7
Postal Service (Board of Governors)	8
Securities and Exchange Commission	9

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, June 5, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C. eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-832-81 Filed 5-26-81; 11:31 am]

BILLING CODE 6351-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-805-81.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, May 26, 1981.

CHANGE IN THE MEETING: The following item was added to the closed portion of the agenda:

The transfer of cases from General Counsel to the Office of Systemic

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change:
J. Clay Smith, Jr., Acting Chair
Daniel E. Leach, Vice Chair
Armando M. Rodriguez, Commissioner

Opposed:
None

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued May 26, 1981.

[S-835-81 Filed 5-26-81; 3:53 pm]

BILLING CODE 6750-06-M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, June 2, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, June 4, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public (fifth floor).

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certification
Advisory opinions:
Draft AO 1981-19: Robert H. Fry, Director, The Louisiana State Medical Society Political Action Committee (LAMPAC)
Draft AO 1981-20: Dale V. Cunningham, General Counsel, Sunkist Growers, Inc.
Draft AO 1981-21: Barbara Koirtyohann, Secretary/Treasurer, Hallmark Policital Action Committee (HALLPAC)
Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-836-81 Filed 5-26-81; 3:59 pm]

BILLING CODE 6715-01-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, June 4, 1981.

PLACE: 1700 G Street N.W., Board Room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: The following items will be on the open portion of the Bank Board meeting scheduled for Thursday, June 4, 1981.

Trust Department Application—First Federal Savings & Loan Association of Chicago, Chicago, Illinois (Federal Mutual)
Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance and Transfer of Stock—First Federal Savings & Loan Association of Martin, Martin, Tennessee (Mutual Association) *into* First Federal Savings & Loan Association of Union City, Tennessee (Mutual Association)
Increase in Accounts of an Insurable Type (Merger); Cancellation of Membership and Insurance and Transfer of Stock—Monroe Savings & Loan Association of Newark, Newark, New Jersey (Mutual) *into* Nutley Savings & Loan Association, Nutley, New Jersey (Mutual)
Service Corporation Application—Alaska Federal Savings & Loan Association of Juneau, Juenau, Alaska
Concurrent Branch Office Applications—(1) Local Federal Savings & Loan Association, Oklahoma City, Oklahoma, (2) MidAmerica Federal Savings & Loan Association, Tulsa, Oklahoma, (3) Frontier Federal Savings & Loan Association, Ponca City, Oklahoma
Change of Corporate Title—First Federal Savings & Loan Association of Greenville, Greenville, South Carolina
Application for Bank Membership and Insurance of Accounts—Standard Savings & Loan Association (Stock), Los Angeles, California
Trust Department Application—Hennipen Federal Savings & Loan Association (Mutual) Minneapolis, Minnesota
Service Corporation Activity—First Federal Savings & Loan Association of Chicago (Mutual) Chicago, Illinois

No. 491, May 26, 1981.

[S-830-81 Filed 5-26-81; 9:50 am]

BILLING CODE 6720-07-M

5

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 28062, May 22, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., open session, 2 p.m. closed session, May 27, 1981.

CHANGES IN THE MEETING: Withdrawal of the following item from the open session:

8. Docket No. 80–69: Archie Peltzman v. American Maritime Association, et al.—Consideration of Appeal from Order of Dismissal.

Addition of the following item to the open session:

9. Docket No. 80–56—Temporary Tariff Filing Regulations Applicable to Carriers and Conferences of Such Carriers in the Foreign Commerce of the United States—Consideration of comments.

Withdrawal of the following item from the closed session:

3. Intermodal Legislation.

[S–829–81 Filed 5–26–81; 9:50 am]

BILLING CODE 6730–01–M

6

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, June 1, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of computer equipment within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: May 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[S–834–81 Filed 5–26–81; 2:02 pm]

BILLING CODE 6210–01–M

7

NUCLEAR REGULATORY COMMISSION.

DATE: Week of May 25, 1981 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Tuesday, May 26:

2 p.m.: (1) Discussion of Revised Licensing Procedures (previously announced for May 26, 10 a.m.)

Wednesday, May 27:

2:30 p.m.: (1) Discussion of Policy on Proceeding with Pending CP and ML Applications (previously announced for May 26)

Thursday, May 28:

2 p.m.: (1) Discussion of Revisions to Reactor Operator Qualifications (previously announced for May 27), (2) Affirmation/Discussion Session. Affirmation and/or Discussion and Vote:

a. Request for a Hearing (In the Matter of Consumers Power Co.)
b. Approval to grant Access to Restricted Data to Designated Members of Congress
c. Amendments to 10 CFR 19 to Establish Staff Authority to Call Meetings with Licensees
d. Revised TMI–1 Restart Order
e. Financial Protection for TMI Units 1 and 2 (delayed from May 21)
f. Commission Review of ALAB–603, St. Lucie (delayed from May 21)
g. Motion for Stay of Certain Aspects of Final Rule on Fire Protection for Operating Nuclear Power Plants (delayed from May 21)
h. Proposed Response to Honicker Petition (delayed from May 21)

ADDITIONAL INFORMATION: Discussion and Possible Vote on Full-Power License for Sequoyah-2, announced for Thursday, May 28, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Dated: May 21, 1981.

Walter Magee,

Office of the Secretary.

[S–828–81 Filed 5–22–81; 4:38 pm]

BILLING CODE 7590–01–M

8

POSTAL SERVICE.

(Board of Governors)

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 8:00 A.M. on Tuesday, June 2, 1981, in Conference Room 1101, Chicago Main Post Office, 433 West Van Buren Street, Chicago, Illinois. Except as indicated in the following paragraphs, this meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632.

At its meeting of May 4, 1981, the Board of Governors of the United States Postal Service voted to close to public observation portions of its next meeting which is expected to be attended by the following persons: Governors Babcock, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary to the Board Cox; and Counsel to the Governors Califano.

The closed session will include a briefing on possible deferral of certain capital investments in view of prospective appropriations reductions and other revenue deficiencies. A portion of the meeting to be closed will involve a discussion of a proposed filing with the Postal Rate Commission concerning Red Tag mail. Another portion of the meeting to be closed will involve a continuation of the discussion of the Postal Service's labor relations strategies and positions.

Agenda

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.
   (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Adjustments of Certain Officers Salaries.
   (The Board will discuss adjustments in the compensation of certain officers.)
4. Report of Regional Postmaster General.
   (Mr. Carlin, Regional Postmaster General, will report on postal conditions in the Central Region.)
5. Report of Chief Postal Inspector.
   (The Board will consider a report on the Postal Inspection Service.)
6. Multi-Position Flat Sorting Machine Procurement.
   (The Board will consider a proposed capital investment for the purchase of 166 Model 775 Flat Sorting Machines.)
7. PRC Filing on Proposal for Attached Mailings.
   (The Board will consider a filing with the Postal Rate Commission on the rates to be paid for attached mail, where a host piece is accompanied by a piece or pieces from another class.)
8. Phasing Rates for Bulk or 3rd-Class Non-Profit, Carrier Route Presort Mail.
   (The Governors will consider possible actions in the light of the May 5, 1981, U.S. Court of Appeals (D.C. Circuit) Decision *National Easter Seal Society for Crippled Children and Adults* v. *U.S.P.S.*)
9. Report of Committee on Corporate Responsibility.
   (The Board will discuss the Committee's report in regard to Postal Service policy on equal employment opportunity and affirmative action.)

As stated in the Notice of Meeting, the part of the meeting that includes the

following matters will be closed to public observation.

10. Briefing on Possible Deferral of Capital Items.
(The Board will be briefed on the possible deferral of capital investment projects as a means of dealing with appropriations reductions and other revenue deficiencies.)
11. Red Tag Mail.
(The Board will consider a filing with the Postal Rate Commission on Red Tag mail.
12. Discussion of Labor Relations Strategies and Positions in connection with Anticipated Bargaining Negotiations.
(The Board will continue its discussion of the Postal Service's possible labor relations strategies and positions.)

Louis A. Cox,

Secretary.

[S-833-81 Filed 5-26-81; 11:40 am]

BILLING CODE 7710-12-M

9

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting/open meeting.

PLACE: Room 825, 500 North Capital Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: May 18, 1981.

CHANGES IN THE MEETING: Rescheduling/additional items.

The following item will not be considered at a closed meeting scheduled for Tuesday, May 26, 1981, at 10:00 a.m., but has been rescheduled for consideration at the closed meeting on Wednesday, May 27, 1981, following the 10:00 a.m. open meeting:

Litigation matter.

The following item will not be considered at the closed meeting scheduled for Wednesday, May 27, 1981:

Institution of injunctive action.

The following additional item will be considered at the open meeting scheduled for Wednesday, May 27, 1981, at 10:00 a.m.:

Consideration of whether to approve an application by the National Association of Investment Clubs for an extension of its exemption from the broker-dealer registration requirement of Section 15(a) of the Securities Exchange Act of 1934. For further information, please contact Joel M. Bludman at (202) 272-2847.

The following additional item will be considered at the closed meeting scheduled for Wednesday, May 27, 1981, following the 10:00 a.m. open meeting:

Litigation matter.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2468.

May 22, 1981.

[S-831-81 Filed 5-26-81; 9:54 am]

BILLING CODE 8010-01-M

federal register

Thursday
May 28, 1981

Part II

Department of the Interior

Bureau of Land Management

Outer Continental Shelf, Gulf of Alaska; Oil and Gas Lease Sale No. RS-1; Leasing Systems

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf, Gulf of Alaska
Oil and Gas Lease Sale No. RS-1

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, Alaska Outer Continental Shelf (OCS) Office, Bureau of Land Management, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510. Bids may be delivered, either by mail or in person, to the above address until June 29, 1981, 4:30 p.m., or by personal delivery to Federal Building, 701 C Street, Room C-117, Anchorage, Alaska, between the hours of 8:30 a.m., a.h.s.t., and 9:30 a.m., a.h.s.t., June 30, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., a.h.s.t., June 30, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR 22270, April 16, 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., a.h.s.t., June 30, 1981," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft or certified

check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental of $8 per hectare or fraction thereof. Leases awarded under 4(a) and (c) will provide for a minimum royalty of $8 per hectare or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on tracts R-55-138, R-55-139, R-55-159, R-55-160, R-55-161, R-55-162, R-55-182, R-55-183, R-55-184, R-55-185, R-55-195, R-55-196, R-55-206, R-55-207, R-55-208, R-55-218, R-55-219, R-55-230, R-55-231, R-55-326, R-55-327, R-55-328, R-55-329, R-55-330, R-55-341, R-55-342, R-55-343, R-55-344, and R-55-345 must be submitted on a cash bonus bid basis with the percent royalty due, in amount or value of production saved, removed or sold, fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $22.300636 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $22.300637 million, but less than or equal to $4793.351779 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b(\ln (Vj/S))$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved removed or sold in quarter j

b = 9.0

ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

When the adjusted quarterly value of production is equal to or greater than $4793.351780 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.17612 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 26.372765 millions of dollars).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

UMI 1 8 2 8 M Y 4 6 V

Figure 1
Form of the Sliding Scale Royalty Schedule

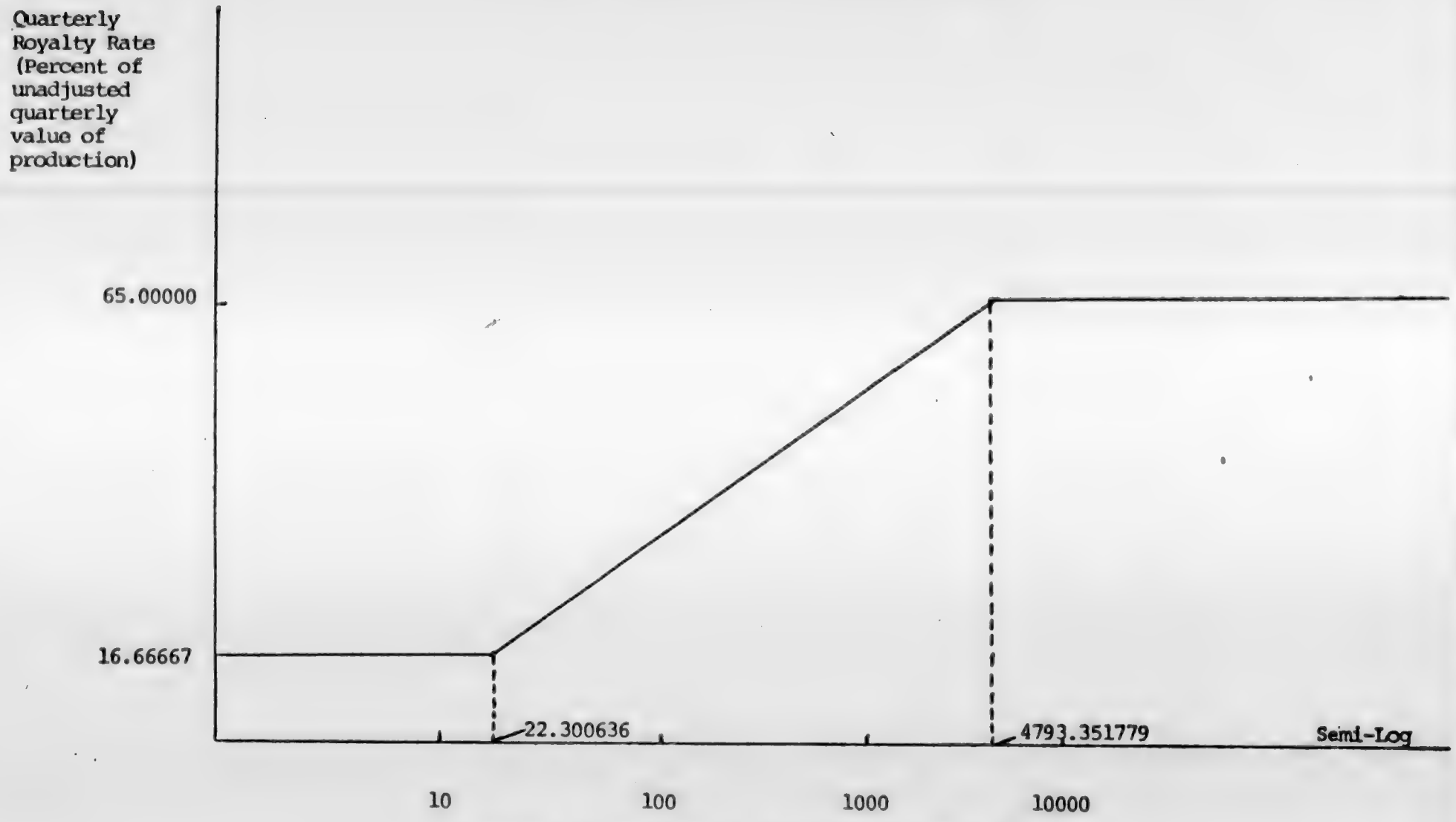

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of	(B) GNP Fixed Weighted	(C) Inflation Factor	(D) Adjusted Value of	(E)	(F)

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	16.74677	5.024031
90.000000	200.0	4/3	67.500000	26.63428	23.970852
270.000000	200.0	4/3	202.500000	36.52179	98.608833
810.000000	200.0	4/3	607.500000	46.40930	375.915330
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	16.66667	5.000001
90.000000	250.0	5/3	54.000000	24.62599	22.163391
270.000000	250.0	5/3	162.000000	34.51350	93.186450
810.000000	250.0	5/3	486.000000	44.40101	359.648181

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).
2 Column (A) divided by Inflation Factor.
3 Column (A) times Column (E) divided by 100. All values are rounded for display purposes only.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

(b) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts R-55-78, R-55-79, R-55-80, R-55-106, R-55-131, R-55-132, R-55-152, R-55-163, R-55-164, R-55-186, R-55-187, R-55-188, R-55-211, R-55-212, R-55-220, R-55-221, R-55-234, R-55-235, R-55-251, R-55-252, R-55-253, R-55-267, R-55-268, R-55-269, R-55-283, R-55-284, R-55-285, R-55-288, R-55-289, R-55-290, R-55-291, R-55-292, R-55-293, R-55-294, R-55-295, R-55-296, R-55-297, R-55-298, R-55-299, R-55-300, R-55-301, R-55-304, R-55-305, R-55-306, R-55-307, R-55-308, R-55-309, R-55-310, R-55-311, R-55-312, R-55-313, R-55-314, R-55-315, R-55-316, R-55-317, R-55-320, R-55-321, R-55-322, R-55-323, R-55-324, R-55-325, R-55-331, R-55-332,

R-55-333, R-55-335, R-55-336, R-55-337, R-55-338, R-55-339, R-55-340, R-55-346, and R-55-347 must be submitted on a cash bonus basis with a fixed net profit share rate of 40 percent and a 1.5 capital recovery factor. The net profit share payment shall be calculated according to the Department of Energy regulation in 10 CFR 390 (45 FR 36784, May 30, 1980).

(c) Bonus Bidding with a Fixed Constant Royalty. Bids on the remaining tracts must be on a cash bonus basis with a fixed royalty of 16-2/3 percent.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., a.h.s.t., June 30, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971). See Section 14 below, "Information to Lessees."

6. Bid Opening. Bids will be opened on June 30, 1981, beginning at 10 a.m., a.h.s.t., at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, June 30, 1981, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510, at $2 each.

V 4 6 M Y 2 8 8 1 UMI

(a) Outer Continental Shelf Official Protraction Diagram NO 7-2, Yakutat (approved 10/31/74)

(b) Outer Continental Shelf Official Protraction Diagram NO 7-4, Alsek Valley (approved 9/22/75)

12. Tract Descriptions. The tracts offered for bid are as follows:

NOTE--There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice. For administrative reasons, the tract prefix has been changed to R-55- from R1-55-, which latter prefix appeared in the Proposed Notice of Sale.

OCS OFFICIAL PROTRACTION DIAGRAM, YAKUTAT NO 7-2
(Approved 10/31/74)

Tract No.	Block No.	Description	Hectares
R-55-75	798	All	2304.00
R-55-76	799	All	2304.00
R-55-77	800	All	2304.00
R-55-78	801	All	2304.00
R-55-79	802	All	2304.00
R-55-80	803	All	2304.00
R-55-81	804	All	2304.00
R-55-82	805	All	2304.00
R-55-83	806	All	2304.00
R-55-84	807	All	2304.00
R-55-106	847	All	2304.00
R-55-107	848	All	2304.00
R-55-108	849	All	2304.00
R-55-109	850	All	2304.00
R-55-110	851	All	2304.00
R-55-111	852	All	2304.00
R-55-131	890	All	2304.00
R-55-132	891	All	2304.00
R-55-133	892	All	2304.00
R-55-134	893	All	2304.00
R-55-135	894	All	2304.00
R-55-136	895	All	2304.00
R-55-137	896	All	2304.00
R-55-138	897	All	2304.00
R-55-139	898	All	2304.00
R-55-152	934	All	2304.00
R-55-154	936	All	2304.00
R-55-155	937	All	2304.00
R-55-156	938	All	2304.00

V 46 M Y 28 8 1 UMI

OCS OFFICIAL PROTRACTION DIAGRAM, YAKUTAT NO 7-2, continued

Tract No.	Block No.	Description	Hectares
R-55-157	939	All	2304.00
R-55-158	940	All	2304.00
R-55-159	941	All	2304.00
R-55-160	942	All	2304.00
R-55-161	943	All	2304.00
R-55-162	944	All	2304.00
R-55-163	945	All	2304.00
R-55-164	946	All	2304.00
R-55-172	975	All	2304.00
R-55-177	980	All	2304.00
R-55-178	981	All	2304.00
R-55-179	982	All	2304.00
R-55-180	983	All	2304.00
R-55-181	984	All	2304.00
R-55-182	985	All	2304.00
R-55-183	986	All	2304.00
R-55-184	987	All	2304.00
R-55-185	988	All	2304.00
R-55-186	989	All	2304.00
R-55-187	990	All	2304.00
R-55-188	991	All	2304.00
R-55-195	1019	All	2304.00
R-55-196	1020	All	2304.00
R-55-201	1025	All	2304.00
R-55-202	1026	All	2304.00
R-55-203	1027	All	2304.00
R-55-206	1030	All	2304.00
R-55-207	1031	All	2304.00
R-55-208	1032	All	2304.00
R-55-211	1035	All	2304.00
R-55-212	1036	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM NO 7-4
(Approved 9/22/75)

Tract No.	Block No.	Description	Hectares
R-55-218	7	All	2304.00
R-55-219	8	All	2304.00
R-55-220	9	All	2304.00
R-55-221	10	All	2304.00
R-55-224	13	All	2304.00
R-55-225	14	All	2304.00
R-55-226	15	All	2304.00
R-55-230	19	All	2304.00
R-55-231	20	All	2304.00
R-55-234	23	All	2304.00
R-55-235	24	All	2304.00
R-55-240	54	All	2304.00
R-55-241	55	All	2304.00
R-55-242	56	All	2304.00
R-55-243	57	All	2304.00
R-55-244	58	All	2304.00
R-55-245	59	All	2304.00
R-55-246	60	All	2304.00

V 4 6 M Y 2 8 8 1 UMI

OCS OFFICIAL PROTRACTION DIAGRAM NO 7-4, continued

Tract No.	Block No.	Description	Hectares
R-55-249	63	All	2304.00
R-55-250	64	All	2304.00
R-55-251	65	All	2304.00
R-55-252	66	All	2304.00
R-55-253	67	All	2304.00
R-55-254	68	All	2304.00
R-55-255	69	All	2304.00
R-55-256	98	All	2304.00
R-55-257	99	All	2304.00
R-55-258	100	All	2304.00
R-55-259	101	All	2304.00
R-55-260	102	All	2304.00
R-55-261	103	All	2304.00
R-55-262	104	All	2304.00
R-55-263	105	All	2304.00
R-55-264	106	All	2304.00
R-55-265	107	All	2304.00
R-55-266	108	All	2304.00
R-55-267	109	All	2304.00
R-55-268	110	All	2304.00
R-55-269	111	All	2304.00
R-55-270	112	All	2304.00
R-55-271	113	All	2304.00
R-55-272	142	All	2304.00
R-55-273	143	All	2304.00
R-55-274	144	All	2304.00
R-55-275	145	All	2304.00
R-55-276	146	All	2304.00
R-55-277	147	All	2304.00
R-55-278	148	All	2304.00
R-55-279	149	All	2304.00
R-55-280	150	All	2304.00
R-55-281	151	All	2304.00
R-55-282	152	All	2304.00
R-55-283	153	All	2304.00
R-55-284	154	All	2304.00
R-55-285	155	All	2304.00
R-55-286	156	All	2304.00
R-55-287	157	All	2304.00
R-55-288	186	All	2304.00
R-55-289	187	All	2304.00
R-55-290	188	All	2304.00
R-55-291	189	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM NO 7-4, continued

Tract No.	Block No.	Description	Hectares
R-55-292	190	All	2304.00
R-55-293	191	All	2304.00
R-55-294	192	All	2304.00
R-55-295	193	All	2304.00
R-55-296	194	All	2304.00
R-55-297	195	All	2304.00
R-55-298	196	All	2304.00
R-55-299	197	All	2304.00
R-55-300	198	All	2304.00
R-55-301	199	All	2304.00
R-55-302	200	All	2304.00
R-55-303	201	All	2304.00
R-55-304	230	All	2304.00
R-55-305	231	All	2304.00
R-55-306	232	All	2304.00
R-55-307	233	All	2304.00
R-55-308	234	All	2304.00
R-55-309	235	All	2304.00
R-55-310	236	All	2304.00
R-55-311	237	All	2304.00
R-55-312	238	All	2304.00
R-55-313	239	All	2304.00
R-55-314	240	All	2304.00
R-55-315	241	All	2304.00
R-55-316	242	All	2304.00
R-55-317	243	All	2304.00
R-55-318	244	All	2304.00
R-55-320	274	All	2304.00
R-55-321	275	All	2304.00
R-55-322	276	All	2304.00
R-55-323	277	All	2304.00
R-55-324	278	All	2304.00
R-55-325	279	All	2304.00
R-55-326	280	All	2304.00
R-55-327	281	All	2304.00
R-55-328	282	All	2304.00
R-55-329	283	All	2304.00
R-55-330	284	All	2304.00
R-55-331	285	All	2304.00
R-55-332	286	All	2304.00
R-55-333	287	All	2304.00
R-55-335	318	All	2304.00
R-55-336	319	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM NO 7-4, continued

Tract No.	Block No.	Description	Hectares
R-55-337	320	All	2304.00
R-55-338	321	All	2304.00
R-55-339	322	All	2304.00
R-55-340	323	All	2304.00
R-55-341	324	All	2304.00
R-55-342	325	All	2304.00
R-55-343	326	All	2304.00
R-55-344	327	All	2304.00
R-55-345	328	All	2304.00
R-55-346	329	All	2304.00
R-55-347	330	All	2304.00

13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, Alaska Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with fixed sliding scale royalty, listed in paragraph 4(a), Form 3300-1 will be amended as follows:

Sec. 6. Royalty on Production. The lessee agrees to pay the lessor a royalty of that percent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to $22.300636 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $22.300637 million, but less than or equal to $4793.351779 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b(\ln (Vj/S))$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 9.0

ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

When the adjusted quarterly value of production is equal to or greater than $4793.351780 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.17612 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 26.372765 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(b) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, listed in paragraph 4(b), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Fixed Net Profit Share. The lessee agrees to pay a net profit share rate of 40 percent with a 1.50 capital recovery factor, calculated pursuant to 10 CFR 390.

(c) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term DCM refers to the Deputy Conservation Manager, Field Operations, Alaska Region, U.S. Geological Survey and the term Manager refers to the Manager of the Alaska OCS Office of the Bureau of Land Management.

Stipulation No. 1.

If the DCM, having reason to believe that a site, structure, or object of historical or archaeological significance, hereinafter referred to as a "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline or platform placement, hereinafter in this stipulation referred to as "operation", the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys, as well as other pertinent natural and cultural environmental data, shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by such lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and the Manager for review.

If such cultural resource indicators are present, the lessee shall (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM either that such operation shall not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager, for their review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the lease area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation No. 2.

The lessee shall include in any exploration and development plans submitted under 30 CFR 250.34 a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the DCM. The program shall be designed to inform each person working on the project of specific types of environmental, social, and cultural concerns which relate to the individual's job. The program shall be formulated and implemented by qualified instructors experienced in pertinent fields of study, and shall employ effective methods to insure that personnel understand and use techniques necessary to preserve archaeological, geological, and biological resources including bird and sea mammal rookeries, and insuring avoidance and non-harassment of wildlife resources. - The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating.

The lessee shall also submit for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Stipulation No. 3.

Pipelines will be required, (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of any intergovernmental coordinating committee.

All pipelines, including both flow lines and gathering lines for oil and gas, shall be designed and constructed to provide for adequate protection from water currents, storms, geohazards, and other hazards as determined on a case-by-case basis.

Following the development of sufficient pipeline capacity, no crude oil will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DCM.

Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972, as amended (46 U.S.C. 391a).

Stipulation No. 4.

(a) Wells: Subsea well-heads and temporary abandonments, or suspended operations that leave protrusions above the sea floor, shall be protected, if feasible, in such a manner as to allow commercial trawl gear to pass over the structure without snagging or otherwise damaging the structure or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the DCM. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with accuracy of at least ± 50 ft. (15.25 m) at 200 mi. (322 kms).

(b) Pipelines: All pipelines, unless buried, including gathering lines, shall have a smooth-surface design. In the event that an irregular pipe surface is unavoidable due to the need for valves, anodes or other protrusions, they shall be shielded in such a manner as to allow trawl gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

Stipulation No. 5.

(To be included only in the leases resulting from this sale for the sliding scale royalty tracts listed in paragraph 4 of this notice)

(a) The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, U.S. Geological Survey, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been under way for one year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production saved, removed or sold from the lease area may be taken as royalty in amount, except as provided in sec. 15(d): the royalty on any portion of the production saved, removed or sold from the lease in excess of 16-2/3 percent may only be taken in value of the production saved, removed or sold from the lease area.

Stipulation No. 6

No underwater blasting using high velocity explosives for the purposes of seismic exploration may be conducted. As used in this stipulation, "high velocity explosives" are those explosives with a burning rate

greater than 4,500 fps or creating a pressure curve with a sharp spike and rise time of less than 6 milliseconds. This stipulation is intended to protect marine life and the marine environment by precluding the use of conventional, high velocity explosives, such as dynamite, for seismic exploration. The stipulation is not intended to preclude U.S. Geological Survey approval of geophysical energy sources such as air guns, sparkers, sleeve exploders, and similar devices.

Stipulation No. 7

(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraph 4(b) of this notice).

The net profit share payment specified in Section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production saved, removed, or sold from the lease area may be taken as a net profit share payment in amount, except as provided in Sec. 15(d); additional net profit share payments shall be calculated to include the value of such production in excess of 16-2/3 percent.

14. Information to Lessees. Bidders are advised that during the conduct of all activities related to leases issued as a result of this lease sale, the lessee and its agents, contractors and subcontractors will be subject to the provisions of the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, as amended, and International Treaties. The lessee should contact the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, as appropriate, regarding potential impacts of lease activities with regard to these laws.

To reduce the impacts of aircraft disturbance at seabird colonies and marine mammal rookeries along the coast, a distance of at least one-half mile from the coastline and an altitude of 1,500 feet should be maintained from Yakutat Bay to Dry Bay during the period of May 1 to September 15. To provide similar protection to waterfowl nesting and staging in Yakutat Bay and on the Yakutat forelands, a 1,500-foot altitude should be maintained over these areas during April 1 to October 31. The DCM shall identify the critical areas in the Yakutat forelands to lessees

and operators. The lessee is advised that all violations may be reported to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or the Alaska Department of Fish and Game, as appropriate, for disposition. Human safety will take precedence over the provisions of these restrictions.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes which may be established, among other reasons, for the purpose of protecting commercial fisheries. Bidders are advised that the United States reserves the right to designate necessary fairways through leased tracts pursuant to the Ports and Waterways Safety Act of 1972, as amended.

Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a

different royalty rate or a royalty rate based on a sliding scale, or a fixed net profit share.

Bidders for these tracts should recognize that the Department of Energy is authorized under section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been assigned a deferred effective date of June 29, 1981, pending review of those regulations (see Federal Register of April 28, 1981, at 46 F.R. 23742). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in section 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1) regarding the aggregate value of contracts over a 12-month period (see the Federal Register of December 30, 1980, at 45 F.R. 86231-86232).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Alaska Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Ed Hastey

Date: MAY 22 1981

Associate Director, Bureau of Land Management

Approved:

Donald Paul Hodel

Under Secretary of the Interior

[FR Doc. 81-15889 Filed 5-27-81; 8:45 am]
BILLING CODE 4310-84-C

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf, Gulf of Alaska

Notice of Leasing Systems, Sale No. RS-1

Sec. 8(a)(8) (43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf (OCS) Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

(A) identifying the bidding systems to be used and the reasons for such use; and

(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. Bidding systems to be used. In OCS Sale No. RS-1, tracts will be offered under the following three bidding systems as authorized by Sec. 8(a)(1) (43 U.S.C. 1337 (a)(1)): (1) bonus bidding with a fixed net profit share on 72 tracts, (2) bonus bidding with a sliding scale royalty on 29 tracts, and (3) bonus bidding with a fixed 16-2/3 percent royalty on 74 tracts.

(1) Bonus Bidding with a Fixed Net Profit Share. This system is authorized by Sec. 8(a)(1)(D) of the OCS Lands Act, as amended. This system was established by Department of Energy (DOE) regulations effective May 14, 1980. OCS Sales A62, 55, and 62 included an offering of a total of 150 tracts under this system. The profit share system designed for this sale may increase competition by generating greater contingency payments to the Government and thereby reducing the initial cash bonus. It may also increase the volume of production, because certain allowable capital costs can be deducted prior to any liability for profit share payments. In addition, the profit share system may foster the development of marginal fields when compared to a royalty system since the Government shares more of the risk and the lessees' incremental costs are lower in the presence of a capital recovery.

A profit share system which uses cash bonus as the bid variable avoids percentage bids at high levels which would make future development either economically inefficient or simply uneconomic. In addition, it is easier to administer and unitize adjacent tracts with similar profit share rates. Furthermore, a fixed profit share better assures that firms who can produce at lower costs are more likely to obtain leases than would be the case if it were possible for less efficient firms to simply bid away higher percentages of lower profits.

Firms will be permitted to recover a factor of 1.50 over their actual allowable costs before any profit share payments are due. The profit share rate selected for this sale is 40 percent. These parameters were selected on the basis of DOE and DOI studies regarding the effect on bonuses, profit-share payments, government receipts, gross production, minimal economic tract sizes, and particularly on the incentive to alter the production profile.

(2) Bonus Bidding with Sliding Scale Royalty. This system is authorized by Sec. (8)(a)(1)(c) of the OCS Lands Act, as amended. The use of the sliding scale royalty system was introduced in OCS Sale 43 (March 28, 1978) and used again in the last 12 OCS lease sales.

The sliding scale is designed to establish higher royalty rates for larger reservoirs with higher production rates. As such, the expected bonus is reduced compared to a fixed one-sixth royalty system. This may improve competition for leases, and also tends to reduce the likelihood of production losses that could result if higher royalty rates are set by other means, such as royalty bidding, prior to reservoir delineation and production. The sliding scale formula provided for Sale RS-1 is based on the current assumed range of costs and well-head prices for this area.

The sliding scale used in Sales 43 and 45 was linear in form. Although this form is easy to describe it has three disadvantages which may affect the

socially optimal level of production. At certain levels of production, a linear schedule causes erratic fluctuations in the royalty charged on increments in output which may lead producers to make socially non-optimal production decisions in order to minimize these royalty impacts on net revenues. Marginal royalty rates also can reach very high levels even though the average rates are low. In addition, because production costs are non-linear it can be shown that the royalty rate schedule should conform more closely to the functional form of these costs in order to minimize production losses from non-development of otherwise profitable tracts.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $22.300636 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $22.300637 million, but less than or equal to $4793.351779 million, the royalty percent due on the unadjusted value is given by the formula

$$Rj = b(Ln\ (Vj/S))$$

Where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 9.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

When the adjusted quarterly value of production is equal to or greater than $4793.351780 million, a royalty of 65.00000 percent in amount or value of

production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be modified to account for the effects of inflation by dividing the actual value of production by an inflation correction factor. The inflation correction factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the "Survey of Current Business," by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold.

(3) Bonus Bidding with a 16-2/3 Percent Royalty. This system is authorized by Sec. 8(a)(1)(A) of the OCS Lands Act, as amended. This relatively low royalty rate system has been used extensively since the passage of the OCS Lands Act in 1953 and imposes greater risks on the lessee, but may yield more rewards (i.e., lower contingency payments to the Government) if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration. The use of this system will provide data to compare the performance of the alternative systems.

B. Designation of Tracts. The selection of tracts to be offered under the three systems was based on the following factors:

(1) Lease terms on adjacent tracts were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.

(2) A sufficient number of tracts was needed to permit valid statistical analysis while limiting the risks of losses caused by unforeseen problems which could arise in the use of any new bidding system. The number of tracts must also be consistent with the requirements of Sec. 8(a)(5)(B) of the OCS Lands Act, as amended.

(3) The range and distribution of the characteristics of tracts were to be comparable for statistical purposes. Such characteristics include estimated resources, water depth, structure depth, favorable vs. unfavorable location of tracts on structures, and the location of tracts across trends.

The specific tracts to be offered under each system are as follows.

(a) Bonus Bidding with Sliding Scale Royalty—Tracts R-55-138, R-55-139, R-55-159, R-55-160, R-55-161, R-55-162, R-55-182, R-55-183, R-55-184, R-55-185, R-55-195, R-55-196, R-55-206, R-55-207, R-55-208, R-55-218, R-55-219, R-55-230, R-55-231, R-55-326, R-55-327, R-55-328, R-55-329, R-55-330, R-55-341, R-55-342, R-55-343, R-55-344, and R-55-345.

(b) Bonus Bidding with a Fixed Net Profit Share—Tracts R-55-78, R-55-79, R-55-80, R-55-106, R-55-131, R-55-132, R-55-152, R-55-163, R-55-164, R-55-186, R-55-187, R-55-188, R-55-211, R-55-212, R-55-220, R-55-221, R-55-234, R-55-235, R-55-251, R-55-252, R-55-253, R-55-267, R-55-268, R-55-269, R-55-283, R-55-284, R-55-285, R-55-288, R-55-289, R-55-290, R-55-291, R-55-292, R-55-293, R-55-294, R-55-295, R-55-296, R-55-297, R-55-298, R-55-299, R-55-300, R-55-301, R-55-304, R-55-305, R-55-306, R-55-307, R-55-308, R-55-309, R-55-310, R-55-311, R-55-312, R-55-313, R-55-314, R-55-315, R-55-316, R-55-317, R-55-320, R-55-321, R-55-322, R-55-323, R-55-324, R-55-325, R-55-331, R-55-332, R-55-333, R-55-335, R-55-336, R-55-337, R-55-338, R-55-339, R-55-340, R-55-346, and R-55-347.

(c) Bonus Bidding with 16-2/3 Percent Royalty—All remaining tracts.

Ed Hastey

Associate Director, Bureau of Land Management

Approved:

Donald Paul Hodel

Under Secretary of the Interior

MAY 22 1981

[FR Doc. 81-15868 Filed 5-27-81; 8:45 am]
BILLING CODE 4310-84-C

Reader Aids

Federal Register

Vol. 46, No. 102

Thursday, May 28, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3406
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MAY

24519-24926.....1
24927-25076.....4
25077-25288.....5
25289-25420.....6
25421-25594.....7
25595-26036.....8
26037-26274.....11
26275-26470.....12
26471-26604.....13
26605-26758.....14
26759-27088.....15
27089-27322.....18
27323-27468.....19
27469-27622.....20
27623-27898.....21
27899-28144.....22
28145-28394.....26
28395-28610.....27
28611-28832.....28

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
305.....26487

3 CFR

Executive Orders:
March 4, 1896
(Revoked in part by PLO 5906).....28415
July 2, 1910
(Revoked in part by PLO 5885).....28416
July 10, 1910
(Revoked in part by PLO 5885).....28416
August 7, 1916
(Revoked in part by PLO 5921).....28411
September 7, 1917
(Revoked by PLO 5913).....28405
September 30, 1916
(Revoked by PLO 5921).....28411
February 25, 1919
(Revoked in part by PLO 5869).....28413
May 25, 1921
(Revoked in part by PLO 5870).....28164
June 14, 1921
(Revoked in part by PLO 5875).....28411
November 26, 1921
(Revoked in part by PLO 5881).....28167
November 27, 1922
(Revoked in part by PLO 5911).....28412
February 8, 1923
(Revoked in part by PLO 5888).....28655
November 9, 1923
(Revoked in part by PLO 5872).....28414
June 13, 1925
(Revoked in part by PLO 5873).....28165
September 25, 1925
(Revoked in part by PLO 5891).....28656
April 17, 1926
(Revoked in part by PLO 5925).....28655
February 23, 1928
(Revoked in part by PLO 5928).....28652
November 18, 1938
(Revoked in part by PLO 5896).....28403
1568 (Revoked in part by PLO 5902).....28417
3893 (*See EO* March 4, 1896)
4181 (Revoked in part by PLO 5894).....28416
4531 (Revoked in part by PLO 5901).....28409
4654 (Revoked by PLO 5907).....28418
5105 (Revoked by PLO 5866).....27652
5329 (Revoked in part by PLO 5917).....28406
5344 (Revoked in part by 5908).....28412
5478 (Revoked in part by 5910).....28412
6019 (Revoked in part by PLO 5892).....28413
6040 (Revoked by PLO 5871).....28413
7610 (Revoked by PLO 5887).....28414
11992 (Revoked by EO 12305).....25421
12059 (Revoked by EO 12305).....25421
12064 (Revoked by EO 12305).....25421
12084 (Revoked by EO 12305).....25421
12097 (Amended by EO 12305).....25421
12258 (Amended by EO 12305).....25421
12304.....24521
12305.....25421

Proclamations:
4843.....24519
4844.....25077
4845.....27899

Administrative Orders:
Presidential Determinations:
No. 81-6 of May 13, 1981.....27623

5 CFR

870.....25595
890.....25595

Proposed Rules:
2422.....26488
2423.....26488
2424.....26488
2429.....26488

7 CFR

28.....24927
250.....26759
273.....27901
800.....27070
802.....28145
905.....27323

907.....25423, 26605, 27625, 28611
910.....24523, 25596, 26759, 27902
915.....27469
918.....25423
944.....27469
982.....26037
985.....25424
1032.....24927
1040.....27903
1050.....24927
1068.....28145
1076.....27904
1098.....27089
1133.....27625
1135.....28611
1137.....27626
1701.....25079
1809.....28330
1865.....27908
1942.....24523, 27909
1945.....27908, 28330
1951.....27908, 28330

Proposed Rules:

Ch. VI.....28171
57.....28170
271.....27960
272.....27960
273.....27960
419.....24954
930.....26065
953.....25625
981.....27126
982.....25626
993.....26786
999.....25626
1040.....25626
1068.....27501
1701.....25096, 27344, 28170
1076.....26337
2851.....26787
2852.....25097

8 CFR

100.....25425
109.....25079
211.....25597
212.....24929, 25081
214.....25597, 28623
242.....25597
244.....25597
245.....25597
248.....25597
280.....28624
299.....28625
449.....28625

Proposed Rules:

235.....26653
251.....26653

9 CFR

73.....25425, 27627
82.....24524, 25599
92.....24930, 26040
303.....26760
331.....24524
381.....26760

Proposed Rules:

92.....26065
381.....26350

10 CFR

Ch. II.....27270
2.....28627
30.....26471, 27910
51.....28630
430.....27324
455.....27862
501.....26605
1530.....28395

Proposed Rules:

Ch. I.....24576, 28660
50.....26491
212.....25315
459.....25466
903.....25426

12 CFR

201.....27090
204.....27090
217.....27090
265.....28398
335.....25204
545.....24526, 24531
584.....24526
701.....26275
760.....26607

Proposed Rules:

Ch. III.....26654
210.....24576
226.....28560
329.....28660
545.....24579
563.....24579
571.....24579

13 CFR

111.....24931
120.....25083

Proposed Rules:

Ch. I.....24955

14 CFR

21.....27092
39.....24931-24936, 25427-25429, 26042, 26043, 26608, 27095-27098, 27628-27630, 28146-28149, 28632
71.....25430-25433, 26044, 26043, 27099-27101, 27630-27632, 28150, 28151
73.....26045, 27632
75.....27102, 27633
95.....25434, 26045
97.....24937, 26609, 27634
121.....28305
135.....28301, 28305
159.....28632
207.....25417, 28378
208.....25418, 28378
212.....25418, 28368
214.....28379
221.....25418
223.....25418
249.....25414
375.....25419
385.....28379
399.....28380
1206.....28399

Proposed Rules:

Ch. I.....25466, 27710
21.....27710, 27712, 27885
39.....26069, 26070, 27715, 27885
71.....24957-24961, 25467, 26071, 27126-27128, 27716-27720, 28171
73.....27128
75.....25468
91.....27885, 27889
159.....26358, 26656
121.....27893, 27897
135.....27897
207.....28383
208.....28383
212.....28383
218.....28383
221a.....25637
245.....28381
246.....28381
374.....25321

15 CFR

373.....26275
376.....24532, 28637
377.....24532, 28637
379.....26275
385.....26275
399.....26275, 27103

Proposed Rules:

930.....26658
1001.....27501

16 CFR

0.....26284, 27634
1.....26284, 27634
2.....26284, 27634
4.....26284, 26293, 27634
5.....26050, 26284, 27634
13.....24940, 25289, 26611, 27634
305.....25290
1145.....27910
1307.....27910
1500.....27910
1700.....26297, 27910

Proposed Rules:

Ch. I.....25468
Ch. II.....25478, 26262, 27721
13.....25102, 25103, 25476, 28444, 28661
450.....24584
1301.....25638
1145.....27963
1307.....27963
1500.....27963
1610.....28665
1611.....28665
1700.....27963

17 CFR

1.....24940, 26000, 26299, 27473
3.....24940, 26299
4.....26004, 26761
15.....26472
16.....26472
17.....26472
18.....26472
21.....26472
140.....26004, 26761
145.....24940, 26299
147.....24940, 26299

Proposed Rules:

1.....25106
3.....25106
32.....25106, 25107
210.....27344
229.....25638, 26789
240.....26789

18 CFR

2.....26613
46.....25084
131.....25084
270.....24537
271.....24548-24549, 27635
281.....27911
282.....24549, 25599
294.....24550
401.....25439, 26638

Proposed Rules:

157.....24585
271.....25643, 25644, 27963-27966
282.....26352, 28672
284.....24585, 27355
292.....26352

19 CFR

159.....24944
355.....26472-26475

Proposed Rules:

Ch. I.....28172
201.....28673
207.....28673

20 CFR

401.....24551
404.....25601

Proposed Rules:

Ch. I.....26790
656.....26789
676.....25084, 25645, 27462
679.....25645, 27462

21 CFR

5.....26052, 26299
109.....24551
146.....26300
193.....24945, 26762
430.....25602, 25605
436.....25602, 25605, 25607
440.....25602
442.....25605, 25607
444.....25607
455.....25607
520.....25084, 25085, 25608, 26300
522.....24553, 25085, 26762, 26763, 27913
524.....27914
529.....27914
546.....25086
558.....24553, 26763
561.....24945, 26764

Proposed Rules:

1.....26790
166.....26790
180.....24593
182.....24593
351.....25107
430.....25651
436.....25651
440.....25651
444.....25651
448.....25651
452.....25651
540.....25107
1308.....24593

22 CFR

41.....28637
201.....27104

23 CFR

Proposed Rules:

625.....27722

24 CFR

201.....
203.....
205.....
207.....
213.....
220.....
221.....
232.....
234.....
235.....
236.....
241.....
242.....
244.....
888.....

Proposed

235.....
885.....

25 CFR

5.....
105.....
173.....
242.....
700.....

Proposed

700.....

26 CFR

1.....
7a.....
16A.....
25.....
35.....
601.....

Proposed

1.....

7.....
31.....
32.....
51.....

27 CFR

240.....

Proposed

4.....
5.....
7.....

28 CFR

2.....
503.....
524.....
543.....
545.....
547.....

Proposed

527.....
545.....

29 CFR

1910.....
2530.....
2602.....
2610.....
2670.....
2671.....

Proposed

Ch. XII.....
530.....
1910.....

24 CFR

201.....25609
203.....25087, 27105
205.....27105
207.....27105
213.....27105
220.....27105
221.....27105
232.....27105
234.....25087, 27105
235.....27105, 28401
236.....27105
241.....27105
242.....27105
244.....27105
888.....28638

Proposed Rules:

235.....24594
885.....25107

25 CFR

5.....26765
105.....26475
173.....26476
242.....26476
700.....27915–27919

Proposed Rules:

700.....27967

26 CFR

1.....24945, 27635
7a.....25291
16A.....27636
25.....27642
35.....24553
601.....26053

Proposed Rules:

1.....24594, 27723, 27968, 28677
7.....28677
31.....24595, 27357
32.....27357
51.....24595, 26660

27 CFR

240.....25610

Proposed Rules:

4.....24962
5.....24962
7.....24962

28 CFR

2.....28648
503.....24896
524.....24896
543.....24896
545.....24896
547.....24896

Proposed Rules:

527.....24902
545.....24902

29 CFR

1910.....24556, 24558
2530.....28151
2602.....27328
2610.....26765
2670.....27330
2671.....27330

Proposed Rules:

Ch. XII.....25109
530.....25108
1910.....25653, 27358

30 CFR

Proposed Rules:

221.....27968
226.....26661
601.....25653
840.....24963
841.....24963
842.....24963
843.....24963
844.....24963
845.....24963

31 CFR

202.....28152
203.....28152
535.....26476, 26478

Proposed Rules:

209.....27969

32 CFR

57.....25440
299.....26481

Proposed Rules:

Ch. I.....24596
Ch. V.....24596
Ch. VI.....24596
Ch. VII.....24596
Ch. XVI.....26498
199.....24964
505.....28446

33 CFR

Ch. I.....28153
25.....27107
66.....27642
80.....28153
82.....27643
84.....28153
85.....28153
86.....28153
87.....28153
88.....28153
90.....28153
91.....28153
94.....28153
97.....28153
98.....28153
100.....26638
110.....28154
162.....27644
163.....28153
165.....26055
183.....27644
252.....28649
264.....28649
275.....28649
278.....28649
341.....28649

Proposed Rules:

Ch. II.....24596
89.....26661
95.....27128
165.....26072
320.....26792
321.....26792
322.....26792
323.....26792
324.....26792
325.....26792
326.....26792
327.....26792
328.....26792
329.....26792
330.....26792

34 CFR

78.....27304
104.....25614
300.....25614
735.....26056
776.....26056
778.....26057
797.....26057

36 CFR

Proposed Rules:

Ch. I.....27723
Ch. III.....24596
7.....27969, 27970

37 CFR

201.....25442

38 CFR

3.....27074
36.....25443, 25444, 26482

Proposed Rules:

6.....27361
8.....27361
21.....26499, 28679

39 CFR

111.....25090, 25446
601.....26639

Proposed Rules:

111.....25109, 26792, 27970

40 CFR

Ch. I.....27333
35.....26301
52.....24560, 24562, 24946, 25090, 25092, 25294, 25446, 26301–26304, 26484, 26640, 26641, 26767–26769, 27119, 27339, 27923–27932, 28155–28159, 28650
60.....27341, 28402
61.....27341
62.....27342
66.....27119
81.....25294, 25301, 25446, 26305, 27933
86.....24948, 28160
122.....27473
123.....28161
162.....26305, 27936
173.....26058
180.....24950, 25615, 26770, 26771, 27480, 27936–27939, 28403
260.....27473
261.....27473
264.....27119, 27473
265.....27119, 27473
761.....27614, 27615
762.....27120
1501.....25461
1502.....25461
1508.....25461

Proposed Rules:

Ch. I.....24965, 28680
35.....27314
50.....25655
51.....24596
52.....24597–24602, 24966, 24967, 25110, 25322, 25323, 25481, 25483, 25485, 25659, 26074, 26353, 26499, 26793, 27129, 27501–27504, 27972, 28179
60.....26501, 28180
61.....25113
62.....26504
65.....26075
81.....24604, 25324, 25325, 26355, 26504, 26506, 27131
86.....26076, 26796
123.....24968, 26796, 27132
180.....24605, 25486, 25659, 26683, 26796, 27133, 27973–27975
192.....26356
261.....27363
264.....28680
265.....28680
267.....28680
420.....24606
466.....25114
761.....25411, 25660, 27617–27619, 28446

41 CFR

Ch. I.....26061, 26484, 27645
Ch. 101.....27940
5–5.....25615
5A–1.....27122
5A–3.....27122
5A–5.....25615
5A–16.....27122
8–1.....28163
8–1.4.....26643
8–8.2.....26643
8–95.....26644
9–1.....25302
9–2.....25303
9–3.....25303
9–4.....25303
9–5.....25303
9–7.....25303
9–9.....25303
9–10.....25304
9–15.....25304
9–18.....25304
9–23.....25304
9–50.....25304
14–3.....25617
101–37.....25618
105–735.....25305

42 CFR

32.....25622
401.....24551
405.....24564, 25093

43 CFR

Public Land Orders:

49 (Revoked by PLO 5920).....28410
554 (Revoked by PLO 5914).....28405
739 (Revoked by PLO 5879).....28166
848 (Revoked in part by PLO 5868).....28164
1095 (Revoked in part by PLO 5919).....28410
1163 (Revoked by P.L.O. 5864).....27653
1261 (Revoked by PLO 5897).....28416
1555 (Revoked by PLO 5909).....28415
1718 (Revoked in part by PLO 5898).....28407

2225 (Revoked in part by PLO 5932)....28652
2693 (*See* PLO 5896)....28403
2920 (Revoked in part by PLO 5912)....28415
3061 (Revoked in part by PLO 5876)....28418
3292 (Revoked in part by PLO 5876)....28418
3966 (Revoked in part by PLO 5877)....28165
4289 (Revoked in part by PLO 5886)....28411
4790 (Revoked in part by PLO 5918)....28410
5011 (Revoked by PLO 5905)....28417
5073 (Revoked in part by PLO 5900)....28409
5860....25619
5861....26061
5862....27653
5863....27651
5864....27653
5865....27651
5866....27652
5867....28163
5868....28164
5869....28413
5870....28164
5871....28413
5872....28414
5873....28165
5874....28414
5875....28411
5876....28418
5877....28165
5878....28165
5879....28166
5880....28166
5881....28167
5884....28415
5885....28416
5886....28411
5887....28414
5888....28655
5891....28656
5892....28413
5893....28167
5894....28416
5895....28404
5896....28403
5897....28416
5898....28407
5899....28408
5900....28409
5901....28409
5902....28417
5903....28404
5904....28404
5905....28417
5906....28417
5907....28418
5908....28412
5909....28415
5910....28412
5911....28412
5912....28415
5913....28405
5914....28405
5915....28406
5916....28406
5917....28406
5918....28410
5919....28410
5920....28410
5921....28411
5922....28406
5923....28652
5925....28655
5928....28652
5929....28651
5932....28652
5935....28654
5936....28655

44 CFR

9....24951
64....26305, 26772, 26774, 27123, 28443
65....26061, 26775–26777, 27941
67....26308–26355, 27942, 27943, 28418, 28656
70....26644–26648, 28431–28442

Proposed Rules:

67....26077, 26085, 26797, 26798, 27133, 27139, 27976, 28446–28456

45 CFR

500....26062
531....26062

Proposed Rules:

Ch. XI....24969
302....25660

46 CFR

33....28167
94....28167
157....27654
192....28167
502....24565
510....24565
525....24575

Proposed Rules:

Ch. I....26086
Ch. IV....25326
148....27724

47 CFR

0....27654
2....26485, 26649
22....27655
31....28656
73....25461, 25462, 25620, 26062, 26223, 26485, 26486, 26649, 27706, 27944
74....27481
81....26485
83....25463, 26485
90....27481, 27707
94....27953
95....26778

Proposed Rules:

Ch. I....24969, 25661, 27506, 28183, 28456, 28457
2....26507
21....26507
25....26798
31....26356
33....26356
34....26356
35....26356
73....25487–25489, 25662, 26509–26515, 26663, 26798, 27725–27728, 28681, 28684
74....26507
76....25490
90....27729

48 CFR

Proposed Rules:

15....26664
47....26664

49 CFR

1....26651
171....28657
531....24952
571....25463
577....28657
639....26651
640....26651
1033....25094, 25310–25312
1034....26064, 27709
1039....27342
1048....25314, 28658
1056....25621
1064....27343
1109....28658
1244....26781

Proposed Rules:

Ch. I....25491
Ch. X....26336, 28192
171....27146
173....25492, 27146
1002....25326
1102....26087, 28457
1132....26799, 26801
1134....26799, 26801
1201....25114, 26515, 28458
1241....25114, 26515, 28458
1248....25114
1300....28457
1307....27732

50 CFR

216....27056
285....27482
611....27483, 27489
658....27483, 27959

Proposed Rules:

Ch. I....28171
17....24607, 26464
23....28192
651....27147
653....25327

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 5, 1981

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: June 12, 1981, at 9 a.m.

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202–523–5235.

V
4
6
M
Y
2
8
8
1
UMI

V
4
6
M
Y
2
8
8
1
UMI

Just Released

Code of Federai Regulations

Revised as of January 1, 1981

Quantity	Volume	Price	Amount
_____	Title 1-General Provisions	$4.50	$ _____
_____	Title 6-Economic Stabilization	3.50	_____
		Total Order	**$** _____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

5-29-81
Vol. 46 No. 103
Pages 28833-29238

federal register

Friday
May 29, 1981

Highlights

28833 **Extension of Credit to Romania** Presidential determination.

29190 **Social Security** HHS/SSA changes rules for administering the disability determination function. (Part V of this issue)

28885 **Food Stamps** USDA/FNS intends to sponsor demonstration projects on alternative methods of delivering food stamp benefits.

28845 **Occupational Noise Exposure** Labor/OSHA defers the effective date of amendments to the hearing conservation programs.

28845 **Occupational Exposure to Lead** Labor/OSHA defers until 7–1–81, the effective date of new trigger levels for medical removal protection for primary smelters and secondary smelters.

28842 **Occupational Safety and Health** Labor/OSHA revokes walkaround compensation regulation.

28841 **Housing Loans—Elderly and Handicapped** HUD/FHC lowers interest rates.

29220 **Incorporation by Reference** OFR announces final approval of March 31, 1981 extensions. (Part VI of this issue)

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

28865 **Regulatory Agenda** DOD/Sec'y.

28895 **Grant Programs—Education** ED invites applicants for new projects under the International Understanding Program.

28892 **Grant Programs—Minority Businesses** Commerce/MBDA seeks applicants for its Specified Consultant Services Program.

28839 **Natural Gas** DOE/FERC publishes incremental pricing acquisition cost threshold prices for the month of June 1981.

29066 **Waste Treatment and Disposal** EPA publishes inventory of open dumps. (Part II of this issue)

29152 **Minimum Wages** Labor/ESA publishes minimum wages for Federal and federally assisted construction. (Part III of this issue)

29176 **Inventions and Patents** Commerce/PTO provides procedures for reexamination of patents. (Part IV of this issue)

28938 **Motor Vehicle** EPA publishes conclusions of the fuel economy retrofit device evaluation for automotive cylinder deactivator system.

28881 **Migratory Birds** Interior/FWS proposes to delete certain import and export permit requirements.

Privacy Act Documents

28949 HHS/PHS
28893 DOD/Navy

29022 **Sunshine Act Meetings**

Separate Parts of This Issue

29064 **Part II, EPA**
29152 **Part III, Labor/ESA**
29176 **Part IV, Commerce/PTO**
29190 **Part V, HHS/SSA**
29220 **Part VI, OFR**

V 46 2 9 8 1 M Y UMI

Contents

Federal Register
Vol. 46, No. 103
Friday, May 29, 1981

The President
ADMINISTRATIVE ORDERS
28833 Romania; extension of credit (Presidential Determination No. 81-7 of May 20, 1981)

Executive Agencies

Agricultural Marketing Service
RULES
28835 Lemons grown in Ariz. and Calif.
28835 Nectarines grown in Calif.; interim
PROPOSED RULES
28859 Carrots grown in 48 contiguous States; consumer-sized carrot bags and master containers; proceeding terminated

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Food Safety and Quality Service; Forest Service; Rural Electrification Administration.

Alaska Natural Gas Transportation System, Office of Federal Inspector
NOTICES
28939 Equal employment opportunity responsibilities; discrimination complaint handling and information sharing procedures; memorandum of understanding with EEOC

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings; advisory committees:
28945 June (2 documents)

Animal and Plant Health Inspection Service
PROPOSED RULES
Animal and poultry import restrictions:
28860 Horses, mares over 731 days of age, from countries affected with CEM

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
29004 National Finance Adjusters, Inc.

Blind and Other Severely Handicapped, Committee for Purchase From
NOTICES
28892, 28893 Procurement list, 1981; additions and deletions (2 documents)

Civil Aeronautics Board
NOTICES
28890 Foreign air freight forwarders; revocation of foreign air carrier permits
Hearings, etc.:
28888 Air Chicago fitness investigation (2 documents)
28889 Air Wisconsin addition of Akron/Canton proceeding
28889 Cape Smith Air Service, Inc.; fitness determination
28889 Eldoaire, Inc.; fitness determination
28889 Rio Airways, Inc.; fitness determination
28890 Suburban Airlines; fitness determination

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration; National Technical Information Service; Patent and Trademark Office.

Copyright Office, Library of Congress
RULES
28846 Works of sounds, images, or both; advance notice of potential infringement

Defense Department
See also Navy Department.
PROPOSED RULES
28865 Regulatory agenda

Drug Enforcement Administration
RULES
28840 Nomenclature and address changes

Economic Regulatory Administration
NOTICES
Consent orders:
28896 Encorp, Inc.
28897 Phillips Oil Operating Co.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
28898 General Motors Corp.

Education Department
NOTICES
Grant applications and proposals; closing dates:
28895 International understanding program
Meetings:
28894 Financing Elementary and Secondary Education Advisory Panel

Employment and Training Administration
NOTICES
29008 Employment transfer and business competition determinations; financial assistance applications
Environmental statements; availability, etc.:
29008 Miami, Fla.; proposed Job Corps Center at Ada Merritt Junior High School

Employment Standards Administration
NOTICES
29152 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ariz., Calif., Colo., Conn., Fla., Hawaii, Minn., Miss., Nev., Oreg., Pa.)

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.

Environmental Protection Agency
RULES
Hazardous waste programs; interim authorizations; various States:
28850 Rhode Island
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
28871 Maryland
Air quality planning purposes; designation of areas:
28872 Texas
Water pollution; effluent guidelines for point source categories:
28873 Coal mining; corrections and availability of development documents, etc.
NOTICES
Air quality; prevention of significant deterioration (PSD):
28936, 28937 Nonapplicability determinations (2 documents)
28936 Permit approvals (2 documents)
Environmental statements; availability, etc.:
28937 Agency statements; weekly receipts
28939 Indianapolis, Ind.; sludge management plan
Motor vehicle fuel economy, evaluation of retrofit devices:
28936 Automotive cylinder deactivator system
Waste management, solid:
28938 Open dumps; inventory

Equal Employment Opportunity Commission
NOTICES
28939 Equal employment opportunity responsibilities; discrimination complaint handling and information sharing procedures; memorandum of understanding with Office of Federal Inspector of Alaska Natural Gas Transportation System

Federal Communications Commission
NOTICES
Meetings:
28942 International Telegraph and Telephone Consultative Committee; address change

Federal Deposit Insurance Corporation
NOTICES
29022 Meetings; Sunshine Act

Federal Election Commission
NOTICES
29022 Meetings; Sunshine Act
28942 Pennsylvania special election; filing dates

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
28839 Incremental pricing; acquisition cost thresholds
NOTICES
Hearings, etc.:
28900 Central Maine Power Co.
28900 Coleman, William T., Jr.
28901 Consolidated Hydroelectric, Inc.
28902 Dayton Power & Light Co.
28903 El Paso Natural Gas Co. et al.
28904 Georgia Power Co.
28904 Gulf States Utilities Co.
28905 Kansas Gas & Electric Co.
28906 Kansas Power & Light Co.
28907 Missouri Edison Co.
28907 National Fuel Gas Supply Corp.
28907 Tennessee Gas Pipeline Co. et al.
28908 Texas Gas Pipe Line Corp.
28908 Texas-New Mexico Power Co.
28908 Transcontinental Gas Pipe Line Corp.
29022 Meetings; Sunshine Act
Natural Gas Policy Act of 1978:
28909, 28917 Jurisdictional agency determinations (2 documents)

Federal Home Loan Bank Board
NOTICES
29022, 29023 Meetings; Sunshine Act (2 documents)

Federal Home Loan Mortgage Corporation
NOTICES
29023 Meetings; Sunshine Act (2 documents)

Federal Maritime Commission
RULES
28858 Meetings; Sunshine Act; implementation
NOTICES
Energy and environmental statements; availability, etc.:
28943 Frederick Richards, Inc. and Frederick Richards of Georgia, Inc.; marketing manager agreement
28943 Hong Kong, Taiwan, and Macao to Pacific Coast ports of U.S.; all-water trades, rate-making agreement
Tariff cancellations:
28943 California Freight Specialists

Federal Register Office
RULES
29220 Incorporations by reference, approval and corrections

Federal Reserve System
NOTICES
Applications, etc.:
28944 Eldorado Bancorp
28944 United Michigan Corp.
29023 Meetings; Sunshine Act

Fish and Wildlife Service
PROPOSED RULES
28881 Migratory birds, importation or exportation of; deletion of permit requirement
NOTICES
28960, 28961 Endangered and threatened species permit applications (3 documents)
28961 Marine mammal permit applications

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
28840 Pyrantel tartrate
29220 Incorporations by reference, approval and corrections, *See* entry under Federal Register Office.

28839 Pineapple, canned; identity standards; effective date confirmed

NOTICES

28947 GRAS or prior sanctioned ingredients; comprehensive safety review; hearings

Medical devices:

28946 Gonorrhea antibody test kits (GAT's); premarket approval; hearing on petition to withdraw

28948 Tomato juice; identity standards deviation; temporary permits for market testing

Food and Nutrition Service

NOTICES

Food stamp program:

28885 Demonstration project; alternative methods of delivering benefits

Food Safety and Quality Service

RULES

Meat and poultry inspection, mandatory: special provisions for designated States:

28837 Idaho

PROPOSED RULES

28859 Peanuts, shelled; grade standards; withdrawn

Forest Service

NOTICES

Meetings:

28888 Uinta National Forest Grazing Advisory Board

General Accounting Office

NOTICES

28944 Regulatory reports review; proposals, approvals, violations, etc. (NRC)

General Services Administration

See Federal Register Office

Geological Survey

NOTICES

Coal lease areas; maximum economic recovery and fair market value:

28961 China Butte and Red Rim tracts, Green River-Hams Fork Coal Region, Wyoming; inquiry

Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:

28962 Mesa Petroleum Co.

Health and Human Services Department

See Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; Public Health Service; Social Security Administrations.

Hearings and Appeals Office, Energy Department

NOTICES

Applications for exception:

28926 Cases filed

28933, 28935 Decisions and orders (2 documents)

28929 Special refund procedures; implementation and inquiry

Housing and Urban Development Department

RULES

29220 Incorporations by reference, approval and corrections. *See* entry under Federal Register Office.

Low income housing:

28841 Elderly or handicapped housing; interest rate determination

Interior Department

See Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service.

International Convention Advisory Commission

NOTICES

28963 Meetings

International Trade Administration

NOTICES

Antidumping:

28891 Stainless steel wire rods from France

Interstate Commerce Commission

NOTICES

Agreements under sections 5a and b, applications for approval, etc.:

29004 Western Railroads et al.

Environmental statements; availability, etc.:

29003 Mt. Vernon Terminal Railway Inc.; Whatcom County, Wash.; construction and operation

Motor carriers:

28975 Finance applications

29001 Intercorporate hauling operations; intent to engage in

28963, 28964, 28977, 28978, 28993 Permanent authority applications (6 documents)

29004 Permanent authority applications; correction

28999 Permanent authority applications; operating rights republication

28980 Permanent authority applications; restriction removals

Rail carriers:

29002 OKC Corp. v. Missouri-Kansas-Texas Railroad Co. et al.; undercharges on iron ore movement; exemption

Railroad services abandonment:

28999 Atchison, Topeka & Santa Fe Railway Co.

29000, 29001 Chesapeake & Ohio Railway Co. (3 documents)

29003, 29004 Seaboard Coast Line Railroad Co. (2 documents)

Justice Department

See Antitrust Division; Drug Enforcement Administration.

Labor Department

See also Employment and Training Administration; Employment Standards Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.

NOTICES

Adjustment assistance:

29011 Ball & Socket Plastics, Inc.

29012 E. M. Richmond Co.

Land Management Bureau

RULES

Public land orders:

28851-28856 California (12 documents)

28857 Montana
28857, Oregon (3 documents)
28858

NOTICES
Applications, etc.:
28954, Wyoming (2 documents)
28955
Classification of lands:
28958 Colorado
28953, New Mexico (3 documents)
28958
28954 Wyoming
Coal leases, exploration licenses, etc.:
28955– Alabama (3 documents)
28957
Conveyance of lands:
28954 New Mexico
Environmental statements; availability, etc.:
28951 Outer Continental Shelf; offshore Southern California; oil and gas lease sale
Exchange of public lands for private land:
28959 Idaho
Meetings:
28953 Medford District Advisory Council
28959 Outer Continental Shelf Advisory Board
28959 San Juan River Regional Coal Team
28953 Susanville District Grazing Advisory Board
Wilderness areas; characteristics, inventories, etc.:
28952 Arizona
28954 New Mexico
Withdrawal and reservation of lands, proposed, etc.:
28955 Wyoming

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
29009 Amax Lead Co. of Missouri
29010 Consolidation Coal Co.
29010 Occidental Oil Shale, Inc.

Minority Business Development Agency
NOTICES
28892 Financial assistance application announcements

National Aeronautics and Space Administration
NOTICES
Meetings:
29012 Wage Committee

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
28883 Billfish fisheries, Western Pacific; hearings

National Park Service
RULES
Special regulations:
28846 Glacier Bay National Park and Preserve; humpback whale protection; deferral of effective date and request for comments

National Technical Information Service
NOTICES
Patent licenses, exclusive:
28892 Nuclear Associates

National Transportation Safety Board
NOTICES
29023 Meetings; Sunshine Act

Navy Department
NOTICES
Meetings:
28893 Education and Training Advisory Board
28893 Privacy Act; systems of records

Nuclear Regulatory Commission
RULES
Nuclear material, special; domestic licensing:
28838 Emergency planning; correction
NOTICES
Applications, etc.:
29012, Carolina Power & Light Co. (2 documents)
29013
29013 Mallinckrodt, Inc.
29015 Pennsylvania Power & Light Co. et al.
Environmental statements; availability, etc.:
29013 General Electric Co.; test reactor
29012 Texas Utilities Generating Co.; Comanche Peak Electric Station, Units 1 and 2

Occupational Safety and Health Administration
RULES
Health and safety standards:
28845 Lead; occupational exposure standards; trigger levels for medical removal protection; deferral of effective date
28845 Occupational noise exposure; hearing conservation program; deferral of effective date
Inspections, citation, and proposed penalties:
28842 Walkaround pay; revoked
PROPOSED RULES
28864 Marine terminals; health and safety standards; extension of time
NOTICES
Variance applications:
29010 Interlake Stamping Corp.

Patent and Trademark Office
RULES
Patent cases:
29176 Reexamination proceedings

Pension and Welfare Benefit Programs Office
NOTICES
Meetings:
29011 Employee Welfare and Pension Benefit Plans Advisory Council

President's Economic Policy Advisory Board
NOTICES
29015 Meetings

Public Health Service
NOTICES
28949 Privacy Act; systems of records

Rural Electrification Administration
RULES
Electric borrowers:
28836 National Electrical Safety Code-ANSI C2, 1981 edition, revision (Bulletin 40–7)
NOTICES
Environmental statements; availability, etc.:
28888 Wabash Valley Power Association, Inc.; financing assistance

Securities and Exchange Commission
NOTICES
Hearings, etc.:
29015 American Electric Power Service Corp. et al.
29016 Connecticut Yankee Atomic Power Co.
29020 West Texas Utilities Co.
Self-regulatory organizations: proposed rule changes:
29016 Municipal Securities Rulemaking Board
Self-regulatory organizations; unlisted trading privileges:
29016 Cincinnati Stock Exchange
29019 Philadelphia Stock Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
29020 Grocers Capital Co., Inc.
Small business investment companies:
29020 Maximum annual cost of money to small business concerns; Federal Financing Bank rate

Social Security Administration
RULES
Social security benefits and supplemental security income:
29190 Disability determinations

Veterans Administration
NOTICES
Environmental statements; availability, etc.:
29020 New York, N.Y.; rehabilitation engineering and outpatient clinic
Meetings:
29021 Educational Allowances Station Committee

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
28888 Uinta National Forest Grazing Advisory Board, Woodland, Utah (open), 6–17–81

DEFENSE DEPARTMENT
Navy Department—
28893 Education and Training Advisory Board, Newport, R.I. (open), 7–16 and 7–17–81

EDUCATION DEPARTMENT
28894 Financing Elementary and Secondary Education Advisory Panel, Berkeley, Calif. (open), 6–30 and 7–1–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Alcohol, Drug Abuse, and Mental Health Administration—
28945 Alcohol Human Resource Development Review Committee, Rockville, Md. (partially open), 6–4 and 6–5–81
28945 Community Alcoholism Services Review Committee, Rockville, Md. (partially open), 6–17 through 6–22–81
28945 Federal Activities for Alcohol Abuse and Alcoholism Interagency Committee, Washington, D.C. (open), 6–9–81

INTERIOR DEPARTMENT
Land Management Bureau—
28953 Medford District Advisory Council, Subcommittee meeting, Medford, Oreg. (open), 6–12–81
28959 Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group, Anchorage, Alaska (open), 6–24 and 6–25–81
28953 Susanville District Grazing Advisory Board, Susanville, Calif. (open), 6–9–81

INTERNATIONAL CONVENTION ADVISORY COMMISSION
28963 Meeting, Washington, D.C. (open), 6–30–81

LABOR DEPARTMENT
Pension and Welfare Benefit Programs Office—
29011 Advisory Committee, Washington, D.C. (open), 6–30–81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
29012 NASA Wage Committee, Washington, D.C. (closed), 6–26–81

PRESIDENT'S ECONOMIC POLICY ADVISORY BOARD
29015 Meeting, Washington, D.C. (closed), 6–11–81

CHANGED MEETING

FEDERAL COMMUNICATIONS COMMISSION
28942 International Telegraph and Telephone Consultative Committee (CCITT), Study Group A of the U.S. Organization, Washington, D.C. (open), 5–28–81 (location change)

HEARINGS

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
28883 Western Pacific Fishery Management Council, Honolulu, Hawaii, 6–16; Hilo, Hawaii, 6–17; Kona, Hawaii, 6–18; Pago Pago, American Samoa, 6–25; Lihue, Kauai, 6–29; Kahului, Maui, 6–30 and Agana, Guam, 7–13–81

EDUCATION DEPARTMENT
28894 Financing Elementary and Secondary Education Advisory Panel, San Francisco and Berkeley, Calif., 6–29 and 6–30–81 respectively

INTERIOR DEPARTMENT
Land Management Bureau—
28959 New Mexico and Colorado San Juan River Regional Coal Team, Albuquerque, N. Mex., 7–13–81 and Farmington, N. Mex., 7–16–81
28951 Outer Continental Shelf Offshore Southern California, availability of a draft environmental impact statement, proposes oil and gas lease sale No. 68, Santa Barbara, Calif., 7–28 and 7–29–81 and Long Beach, Calif., 7–30 and possibly 7–31–81

VETERANS ADMINISTRATION
29021 Educational Allowances on Station Committee, Tacoma, Wash., 7–2–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

1 CFR
51 29220

3 CFR
Executives Orders:
February 21, 1913 (Revoked in part by PLO 5938) 28854
January 24, 1914 (Revoked in part by PLO 5937) 28854
June 14, 1921 (Revoked in part by PLO 5924) 28857
November 9, 1923 (Revoked in part by PLO 5882) 28857
June 13, 1925 (Revoked in part by PLO 5890) 28858
3412 (Revoked by PLO 5934) 28854
4202 (Revoked by PLO 5941) 28855
6798 (Revoked by PLO 5939) 28854
7026 (Revoked by PLO 5940) 28855
9101 (Revoked by PLO 5926) 28851
Administrative Orders:
Presidential Determinations:
No. 81-7 of May 20, 1981 28833

7 CFR
910 28835
916 28835
1701 28836
Proposed Rules:
Ch. IX 28859
2851 28859

9 CFR
331 28837
Proposed Rules:
92 28860

10 CFR
50 28838

18 CFR
282 28839

20 CFR
404 29190
416 29190

21 CFR
145 28839
558 28840
701 29220
1301 28840
1303 28840
1304 28840
1308 28840
1311 28840
1312 28840

24 CFR
200 29221
885 28841
3280 29232

29 CFR
1903 28842
1910 (2 documents) 28845
Proposed Rules:
1910 28864
1918a 28864

32 CFR
Proposed Rules:
Ch. I 28865
Ch. V 28865
Ch. VI 28865
Ch. VII 28865

33 CFR
Proposed Rules:
Ch. II 28865

36 CFR
7 28846
Proposed Rules:
Ch. III 28865

37 CFR
1 29176
201 28846

40 CFR
123 28850
Proposed Rules:
52 28871
81 28872
434 28873

43 CFR
Public Land Orders:
431 (Amended in part by PLO 5942) 28856
1385 (Revoked by PLO 5933) 28853
1442 (Revoked by PLO 5889) 28857
2724 (Revoked by PLO 5931) 28853
3342 (Revoked in part by PLO 5927) 28852
5882 28857
5889 28857
5890 28858
5924 28857
5926 28851
5927 28852
5930 28852
5931 28853
5933 28853
5934 28854
5937 28854
5938 28854
5939 28854
5940 28855
5941 28855
5942 28856

46 CFR
503 28858

50 CFR
Proposed Rules:
13 28881
21 28881
682 28883

V 46 M Y 29 81 UMI

Federal Register
Vol. 46, No. 103
Friday, May 29, 1981

Presidential Documents

Title 3—

The President

Presidential Determination No. 81–7 of May 20, 1981

Determination under Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended—Socialist Republic of Romania

Memorandum for the Secretary of State

Pursuant to Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended, I determine that it is in the national interest for the Export-Import Bank of the United States to extend a credit in the amount of $120,742,500 to the Socialist Republic of Romania in connection with its purchase of two nuclear steam turbine generators and related services and spare parts.

On my behalf, please transmit this determination to the Speaker of the House and the President of the Senate.

This determination shall be published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
Washington, May 20, 1981.

[FR Doc. 81–16217
Filed 5–27–81; 2:29 pm]
Billing code 3195–01–M

V
4
6
M
Y
2
9
8
1
UMI

Rules

This sectio
contains n
general ap
of which
the Code
published
U.S.C. 151
The Code
by the Su
Prices of
first FEDE
month.

DEPARTM

Agricultu

7 CFR Pa

[Lemon Re

Lemons G
Arizona; L

AGENCY: A
USDA.

ACTION: F

SUMMARY:
the quanti
lemons th
during the
Such actio
orderly m
this perio
situation

EFFECTIVE

FOR FURTH
William J.

SUPPLEME
This rule
USDA pro
12291 and
significant
regulation
agreement
910, as am
regulating
in Californ
agreement
the Agricu
Act of 193
674). The
recommen
submitted
Committee
informatio
action wil
declared p

This act
marketing
marketing
the commi

Rules and Regulations

Federal Register
Vol. 46, No. 103
Friday, May 29, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 307]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period May 31–June 6, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: May 31, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on May 26, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of reviews. They shall not become effective until such time as clearance by the OMB has been obtained.

Section 910.607 is added as follows:

§ 910.607 Lemon Regulation 307.

The quantity of lemons grown in California and Arizona which may be handled during the period May 31, 1981, through June 6, 1981, is established at 320,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 28, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–16341 Filed 5–28–81; 11:42 am]

BILLING CODE 3410–02–M

7 CFR Part 916

[Nectarine Reg. 13]

Nectarines Grown in California; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule.

SUMMARY: This regulation sets minimum grade and size requirements for shipments of specified varieties of fresh California nectarines for the period June 1, 1981, through August 15, 1981. Such action is designed to promote orderly marketing of suitable quality and sizes of fresh California nectarines in the interest of producers and consumers.

DATE: Interim rule effective June 1, 1981; comments which are received by June 29, 1981 will be considered.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of fresh nectarines grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Nectarine Administrative Committee, established under the order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on May 7, 1981, to consider supply and market conditions and other factors affecting the need for

regulation. The committee estimates fresh shipments of California nectarines for 1981 at 16,206,000 packages, compared with 15,677,000 packages last season. The committee reports that the 1981 California nectarine crop is sizing normally and is of good quality.

The grade and size requirements are necessary to prevent the shipment of California nectarines of a lower grade or smaller size than specified and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) shipment of the current crop of nectarines is in progress and this regulation should be applicable to all shipments during the season; (2) the current California nectarine regulation (45 FR 32308; 45252) will expire May 31, 1981; (3) the California nectarine regulation was recommended by the committee following discussion at a public meeting; (4) California nectarine handlers have been apprised of these requirements and the effective date; and (5) the requirements are essentially the same as those currently in effect.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, a new § 916.355 is added to read as follows: (§ 916.355 expires August 15, 1981, and will not be published in the annual Code of Federal Regulations).

§ 916.355 Nectarine Regulation 13.

(a) During the period June 1, 1981, through August 15, 1981, no handler shall handle:

(1) Any package or container of any variety of nectarines unless such nectarines meet the requirements of U.S. No. 1 grade: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service: *Provided further,* That nectarines 2 inches in diameter or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided further,* That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Mayred variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 105 nectarines.

(3) Any package or container of Aurelio Grand, Mayfair, Maybelle, or Royal Delight variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more thatn 108 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (3) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 98 nectarines.

(4) Any package or container of Apache, Armking, Arm Queen, Crimson Gold, Early Star, Gee Red, June Belle, June Grand, May Grand, Red June, Spring Grand, 73–40, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (4) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 90 nectarines.

(5) Any package or container of Autumn Grand, Bob Grand, Clinton-Strawberry, Early Sun Grand, Ed's Red, Fairlane, Fantasia, Firebrite, Flamekist, Flavortop, Flavortop I, Gold King, Granderli, Hi-Red, Independence, Kent Grand, Late Le Grand, Le Grand, Moon Grand, Niagara Grand, Red Diamond, Red Free, Red Grand, Regal Grand, Richards Grand, Royal Giant, Royal Grand, Ruby Grand, September Grand, Tasty Free, Tom Grand, Honey Gold, Larry's Grand, Son Red, Spring Red, Star Grand, Summer Grand, Sun Grand, or Sun King variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 84 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than specified in subdivision (i) of this subparagraph (5) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 75 nectarines.

(b) As used herein, "U.S. No. 1" and "standard pack" mean the same as defined in the United States Standards for Grades of Nectarines (7 CFR 2851.3145–3160); "No. 22D standard lug box" means the same as defined in Section 1380.19(17) of the "Regulations of the California Department of Food and Agriculture."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 27, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-16235 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends Appendix A—REA Bulletins to provide for a revision of REA Bulletin 40–7, "National Electrical Safety Code—ANSI C2, 1981 Edition." The revision changes the standards to which all REA-financed construction must comply from the 1977 edition of the National Electrical Safety Code to the 1981 edition.

EFFECTIVE DATE: May 19, 1981.

FOR FURTHER INFORMATION CONTACT: James C. Dedman, telephone (202) 447–7040. A Final Impact Statement has been prepared and is available from the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270–S, U.S.

Department of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: REA regulations are issued pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.). REA hereby amends Appendix A–REA Bulletins to provide for a revision of REA Bulletin 40–7, "National Electrical Safety Code—ANSI C2, 1981 Edition." A Notice of Proposed Rulemaking was published in the **Federal Register** on February 3, 1981, Volume 46, No. 22. However, no public comments were received in response to this notice.

This final action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major."

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: May 19, 1981.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 81-15806 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-15-M

Food Safety and Quality Service

9 CFR Part 331

[Docket Number 81-018F]

Designation of the State of Idaho Under the Federal Meat Inspection Act

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of Idaho under section 301(c)(3) of the Federal Meat Inspection Act. The Governor of the State of Idaho has advised this Department that the State of Idaho is no longer in a position to continue administering a State meat inspection program after June 30, 1981. Accordingly, effective July 1, 1981, all establishments operating under the Idaho meat inspection program shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act. By this designation, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Idaho, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State.

The provisions concerning designated States are found in Part 331, Subchapter A, Chapter III, Title 9 of the Code of Federal Regulations.

EFFECTIVE DATES: Effective date of this notice: May 31, 1981. Effective date of the application of the regulations will be July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Joe Blair, Director, Federal-State Relations Branch, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–6313.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is isued in conformance with Executive Order 12291, and has been determined to be not a "major rule." The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Idaho, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This action is being taken because the State of Idaho indicated it was no longer in a position to enforce requirements with respect to said establishments at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Consequently, it should not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Dr. Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that this action will not have a significant impact on a substantial number of small entities. As stated above, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Idaho, of administering the meat inspection program with respect to establishments operating, and operations and transactions, wholly within that State. This action will affect approximately 75 heretofore State inspected establishments in Idaho, most, if not all, of which may be presumed to be small businesses. However, this is not a substantial number of establishments given the approximately 10,000 small meat establishments nationwide, which are either federally or State inspected. Additionally, the application of certain Federal facility and other requirements to such establishments will be flexible insofar as each facility will be reviewed with regard to the circumstances peculiar to that establishment. Furthermore, it is not anticipated that significant costs will be incurred by these Idaho establishments as a result of this action. Those specific establishments for which some upgrading of facilities is indicated will be provided up to 36 months, in which to make such changes.

Background

The Governor of the State of Idaho has advised this Department that the State of Idaho is no longer in a position to continue administering the State meat inspection program after June 30, 1981, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Idaho had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act. However, such titles contemplate a continuous, ongoing program, and in view of the termination date now applicable to the Idaho program, it is hereby determined that Idaho is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act.

On July 1, 1981, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Federal Meat Inspection Act, and any establishment

in the State which conducts any slaughtering or preparation of carcasses or parts or products thereof, as described above, must have Federal meat inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after June 30, 1981, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment: Dr. R. B. Albritton, Acting Director, Western Region, Meat and Poultry Inspection Program, U.S. Department of Agriculture, Building 2C, 620 Central Avenue, Alameda, California 94501, (415) 273–7402.

Accordingly, Part 331 is amended as follows:

1. The authority citation for Part 331 reads as follows:

Authority: Secs. 21 and 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

§ 331.2 [Amended]

2. The table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

In the "State" column, "Idaho" is added immediately below "Guam".

In the "Effective date of application of Federal provisions" column, "July 1, 1981," is added on the line with "Idaho".

Dr. Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that it is necessary to designate the State of Idaho immediately, in accordance with section 301(c) of the Federal Meat Inspection Act, in order to carry out the Secretary's responsibilities under the Act.

Therefore, it does not appear that additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, DC, on: May 6, 1981.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 81-16148 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning; Correction.

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission is making two minor corrections to its emergency planning rules that appeared in the **Federal Register** of Tuesday, August 19, 1980 [45 FR 55402]. The two corrections are designed to bring the language of the rule into conformity with the Commission's intent.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mark E. Chopko, Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, 202–634–3224.

SUPPLEMENTARY INFORMATION: In approving the text of the final rules on emergency planning on July 23, 1980, the Commission gave considerable attention to whether the overall standard to be used in judging emergency preparedness should be "whether the state of onsite and offsite emergency preparedness provides reasonable assurance that *appropriate* protective measures can and will be taken in the event of a radiological emergency" or some other standard. *See* SECY–80–275, Encl. B at 1, Vol. 14 of Administrative Record of Emergency Planning Rulemaking (PR–50 (44 FR 75167)) [emphasis added]. After extensive debate, the Commission settled upon "adequate" instead of "appropriate." The final rule, with two inadvertent exceptions, reflects that change. 45 FR 55402 (August 19, 1980), Transcript of July 23, 1980 Meeting, 20–48 (Vol. 9 of Record, *supra*). As the record makes clear, the Commission specifically intended in its public deliberations that the word "appropriate" was to be changed accordingly, especially in the rules. *Id.* at 47–48, 123–124. Indeed, the Supplementary Information uses the intended formulation "adequate protective measures" with respect to both new licenses and operating facilities in describing the final rules. 45 FR at 55403. However, one passage in 10 CFR 50.54(s)(2) [45 FR at 55410] and one passage in Appendix E, § III [45 FR at 55411] had been inadvertently overlooked in editing the final rule for publication last July. These minor corrections will conform the passages noted to the Commission's intent by replacing "appropriate" with "adequate" in the phrase "reasonable assurance that . . . protective measures can and will be taken" in 10 CFR 50.54 and making a similar change in Appendix E, § III.

Because the change is of a minor nature to conform the rules to the Commission's intent as stated in the public record of the rulemaking and does not signal any change in the standards applied under the rule or any other change in NRC practice, the Commission finds good cause to publish the rule without advance notice and public comment thereon as unnecessary. For the same reasons, these corrections shall be effective as a final rule upon publication in the **Federal Register.**

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50, are published as documents subject to codification:

1. Section 50.54 is amended by revising paragraph (s)(2) as follows:

§ 50.54 Conditions of licenses.

* * * * *

(s) * * *

(2) For operating power reactors, the licensee, State, and local emergency response plans shall be implemented by April 1, 1981, except as provided in Section IV, D.3 of Appendix E of this Part. If, after April 1, 1981, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency and if the deficiencies are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate. In determining whether a shutdown or other enforcement action is appropriate, the Commission shall take into account, among other factors, whether the licensee can demonstrate to the Commission's satisfaction that the deficiencies in the plan are not significant for the plant in question, or that adequate interim compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation.

2. Part 50, Appendix E is amended by revising the heading, and also revising the second paragraph of paragraph III, as follows [footnotes omitted]:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities

* * * * *

III. The Final Safety Analysis Report

* * * * *

The plans submitted must include a description of the elements set out in Section IV for the Emergency Planning Zones (EPZs) to an extent sufficient to demonstrate that the plans provide reasonable assurance that adequate protective measures can and will be taken in the event of an emergency.

(Sec. 161b., i., and o., Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242, Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 5341))

Dated at Washington, DC, this 22d day of May, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-16145 Filed 5-28-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79–14]

Order of the Director, OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357–8500.

Order of the Director, OPPR

Issued: May 22, 1981

Publication of prescribed incremental pricing acquisition cost threshold of the NGPA of 1978. Docket No. RM79–14.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of June 1981, is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Table I.—*Incremental pricing acquisition cost threshold prices*

	Calendar year 1980												Calendar year 1981					
	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June
Incremental pricing threshold	$1.702	$1.736	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877	$1.891	$1.906	$1.925	$1.942	$1.954	$1.967
NGPA section 102 threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640	2.667	2.696	2.729	2.761	2.787	2.813
NGPA section 109 threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943	1.957	1.975	1.993	2.011	2.024	2.037
130% of No. 2 fuel oil in New York City threshold	7.170	7.280	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580	7.610	[1]7.960	8.260	9.010	9.510	9.430

[1] The $7.960 figure reflects the correct pricing threshold for high cost natural gas, effective February 1, 1981.

[FR Doc. 81-16146 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 145

[Docket No. 76P-0026]

Canned Pineapple; Amendment of Standard of Identity; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final Rule; Confirmation of Effective Date.

SUMMARY: The Food and Drug Administration (FDA) confirms the effective date for compliance with the amendment to the standard of identity for canned pineapple to provide for previously canned pineapple as an optional ingredient.

DATE: Effective July 1, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun July 29, 1980.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: FDA published a final rule in the **Federal Register** of July 10, 1979 (44 FR 40276) amending the U.S. standard of identity for canned pineapple. That standard required, in part, that canned pineapple be prepared from fresh pineapple. Except for provisions that may have been subsequently stayed by the filing of proper objections, the final rule had an effective date of July 1, 1981.

After considering the objections and requests for a hearing received, in the **Federal Register** of June 27, 1980 (45 FR 43389), FDA confirmed the July 1, 1981 effective date for compliance with all provisions of the amended U.S. standard of identity except for a further amendment of § 145.180(a)(1) (21 CFR 145.180(a)(1)) to provide for previously

canned pineapple as an optional ingredient. Any person who would be adversely affected by the further amendment could have, at any time on or before July 28, 1980, filed written objections and requested a hearing. No objections or requests for a hearing were filed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that 21 CFR 145.180(a)(1), as amended in the **Federal Register** of June 27, 1980 (45 FR 43389), will become effective July 1, 1983. Voluntary compliance may have begun July 29, 1980.

Dated: May 20, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-15932 Filed 5-28-81; 8:45 am]

BILLING CODE 4110-03-M

---

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Pyrantel Tartrate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Cadco, Inc., providing for safe and effective use of 9.6- and 19.2-gram-per-pound pyrantel tartrate premixes for making complete swine feeds.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Cadco Inc., P.O. Box 3599, Des Moines, IA 50322 is the sponsor of NADA 119-062 submitted on its behalf by Pfizer, Inc. The NADA provides for use of premixes containing 9.6 and 19.2 grams of pyrantel tartrate per pound for making complete swine feeds used (1) as an aid in prevention of migration and establishment of large roundworm (*Ascaris suum*) infections, (2) as an aid in prevention of establishment of nodular worm (*Oesophagostomum*) infections, and (3) for removal and control of large roundworm (*Ascaris suum*) and nodular worm (*Oesophagostomum*) infections.

Approval of this application relies on safety and effectiveness data contained in Pfizer's approved NADA 43-290. Use of the data in NADA 43-290 to support this application has been authorized by Pfizer. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy, published in the **Federal Register** of December 23, 1977 (42 FR 64367), the approval of this NADA has been treated as would an approval of a Category II supplement and did not require reevaluation of the safety and effectiveness data in NADA 43-290.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the freedom of information provisions of 21 CFR Part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) (formerly 21 CFR 5.1, see 46 FR 26052; May 11, 1981), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.485 by adding paragraph (a)(8) to read as follows:

§ 558.485 Pyrantel tartrate.

(a) * * *

(8) To 011490: 9.6 and 19.2 grams per pound, paragraph (e)(1) through (3) of this section.

* * * * *

Effective date. May 29, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 20, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-15725 Filed 5-28-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1301, 1303, 1304, 1308, 1311 and 1312

Change of Address and Nomenclature Changes

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule changes office designations and addresses which are currently listed in 21 CFR Part 1300 to End to accurately reflect changes in the Drug Enforcement Administration's organizational structure. No substantive changes in any of the regulations are included in this action. Therefore no comments are solicited and this action is issued as a final rule.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537; Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: Sections of 21 CFR Part 1300 to End make reference to the Distribution Audit Branch of DEA as the designated office to which various documents should be sent. Reorganizations within DEA have transferred the function of the Distribution Audit Branch to other elements of the agency. In order to

ensure that the applications, reports and other correspondence required by the regulations in 21 CFR Part 1300 to End reach their proper destination as expeditiously as possible, certain of the DEA office designations must be changed. Additionally, the Department of Health, Education and Welfare has been renamed the Department of Health and Human Services, thus requiring a nomenclature change to any reference to this Department in 21 CFR Part 1300 to End.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR 0.100), the Administrator hereby orders that Title 21 of the Code of Federal Regulations, Part 1300 to End be amended as follows:

§ 1301.26 [Amended]

21 CFR 1301.26(e) is amended by removing the words "Distribution Audit Branch" and inserting, in their place, the words "Compliance Division."

§ 1301.71 [Amended]

21 CFR 1301.71(d) is amended by removing the words "Compliance Investigations Division" and inserting, in their place, the words "Compliance Division."

§§ 1303.12, 1303.22, 1303.27, 1304.35 and 1308.24 [Amended]

21 CFR 1303.12 (b) and (d), 1303.22, 1303.27, 1304.35(a) and 1308.24(d) are amended by removing the words "Distribution Audit Branch" and inserting, in their place, the words "Regulatory Control Division."

§ 1304.37 [Amended]

21 CFR 1304.37(a) is amended by removing the words "Distribution Audit Branch, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537" and inserting, in their place, the words "ARCOS Unit, P.O. Box 28293, Central Station, Washington, D.C. 20005."

§§ 1304.37, 1308.39 and 1304.41 [Amended]

21 CFR 1304.37(b), 1304.39(d) and 1304.41(d) are amended by removing the words "Distribution Audit Branch" and inserting, in their place, the words "ARCOS Unit."

§ 1304.42 [Amended]

21 CFR 1304.42(a) is amended by removing the words "Regulatory Investigations Section" and inserting, in their place, the words "Regulatory Control Division."

§ 1308.04 [Amended]

21 CFR 1308.04(a) is amended by removing the words "Assistant Director for Scientific Support, Attention: Label Project, Drug Enforcement Administration, Department of Justice, Washington, D.C. 28083" and inserting, in their place, the words "Regulatory Support Division, Attention: Project Label, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537."

§ 1308.23 [Amended]

21 CFR 1308.23(b) is amended by removing the ZIP code number "28083" and inserting, in its place, the number "20537."

§ 1301.74 [Amended]

21 CFR 1301.74(k) is amended by removing the words "Secretary of Health, Education, and Welfare" and inserting, in their place, the words "Secretary of Health and Human Services."

§§ 1311.53 and 1312.15 [Amended]

21 CFR 1311.53(c) and 1312.15(b) are amended by removing the word "Bureau" and inserting, in its place, the word "Administration."

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

May 20, 1981.

[FR Doc. 81-15824 Filed 5-28-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 885

[Docket No. R-81-897]

Loans for Housing for the Elderly or Handicapped (Interest Rate Determination)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule changes the formula by which the interest rates for direct loans for housing for the elderly or handicapped will be calculated. The effect of this change will be lower interest rates.

Experience indicates that the level of default and resulting administrative costs for these loans are quite low. Accordingly, the Secretary has determined to reduce the charge for administrative costs and probable losses for purposes of establishing the interest rates for Section 202 loans. Instead of the present charge of 1 percent per annum during the construction period and ½ of 1 percent per annum during the permanent loan period; the charge will be ¼ of 1 percent per annum for both periods.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: George O. Hipps, Jr., Director, Office of Multifamily Housing Development, 451 7th Street SW., Room 6128, Washington, D.C. 20410, telephone (202) 755-5720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 202 of the National Housing Act authorizes loans to encourage construction of housing for the elderly and handicapped. The interest rate for these loans is based on two factors: (1) a rate determined by the Secretary of the Treasury, taking into account the average interest rate on all interest-bearing obligations of the United States forming a part of the public debt and computed as of the end of the preceding fiscal year, and (2) a charge for administrative costs and probable losses determined by the Secretary of HUD.

Because of the remedial nature of the section 202 interest rate change and in order to avoid further delay in processing projects presently in development, the Department has determined that there is good cause for making this Rule effective as soon as possible.

The Catalog of Federal Domestic Assistance Program title and number is Housing for the Elderly or Handicapped, 14.157.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. In addition, the Chairmen and Ranking Minority Members of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives have waived the delay of effective date required by

section 7(o)(3) of the Department of Housing and Urban Development Act.

Pursuant to section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

Accordingly, 24 CFR 885.410(g) (1) and (2) is revised to read as follows:

§ 885.410 Amount and terms of financing.

* * * * *

(g) The loan shall bear interest at a rate established by the Secretary by adding:

(1) A rate determined by the Secretary of the Treasury to be the average interest rate on all interest-bearing obligations of the United States then forming a part of the public debt computed at the end of the fiscal year immediately prior to the date on which the loan is made; plus

(2) An allowance to cover administrative costs and probable losses under the program, which allowance has been determined by the Secretary of HUD to be one-fourth of one percent (.25%) per annum for both the construction and permanent loan periods.

* * * * *

(Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., April 27, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-16094 Filed 5-28-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1903

[Docket No. W-005A]

Revocation of Walkaround Compensation Regulation

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Revocation of a regulation.

SUMMARY: This document revokes 29 CFR 1903.8(e), a regulation scheduled to become effective on May 30, 1981, which requires employers to compensate employee representatives who accompany OSHA inspectors during inspections ("walkarounds") and employees who engage in other inspection-related activities. The agency has concluded that the record does not establish that the regulation is necessary in order for the Secretary to conduct effective compliance inspections.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. H. Berrien Zettler, Office of Field Coordination, Occupational Safety and Health Administration, Room N-3603, U.S. Department of Labor, Washington, D.C. 20210 (Tel. 202-523-7725).

SUPPLEMENTARY INFORMATION:

I. Background

A. Introduction

On January 16, 1981, the Occupational Safety and Health Administration ("OSHA") promulgated a walkaround compensation regulation requiring employers to compensate employee representatives who participate in OSHA walkaround inspections and employees who engage in related activities, such as speaking with OSHA compliance officers during inspections. 46 FR 3852. The regulation was scheduled to go into effect on February 17, 1981, but on February 6, 1981, the effective date was delayed until March 30, 1981. Subsequently, the President issued Executive Order 12291, 46 FR 13193 (February 19, 1981), which, in part, required agencies to review regulations promulgated but not in effect as of the date of the order. Pursuant to that order, on March 27, 1981, OSHA published in the **Federal Register** a notice which further delayed the effective date of the walkaround compensation regulation until May 30, 1981, and proposed to revoke the regulation. 46 FR 18999.

The agency invited the public to submit written data, views, and arguments with respect to the proposed revocation and all issues involved therein. Comments were to be postmarked on or before April 30, 1981. The agency has received a number of comments from businesses, unions, trade associations, public interest groups and others. All timely submissions were made part of the record and were duly considered. In addition all comments and exhibits previously submitted on the regulation were re-evaluated and reconsidered.

B. Statutory Framework

Section 8(a) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 *et. seq.* (the "Act" and the "OSH Act") authorizes the Secretary of Labor ("Secretary") to conduct inspections and investigations of workplaces in order to determine whether or not violations of the Act are present. With respect to inspections section 8(e) of the Act provides:

> Subject to regulations issued by the Secretary, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where there is no authorized employee representative, the Secretary or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

In addition section 8(g)(2) of the Act provides:

> The Secretary and the Secretary of Health, Education and Welfare shall each prescribe such rules and regulations as he may deem necessary to carry out their responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

C. History of Walkaround Compensation Regulation

In 1973, the Assistant Secretary of Labor for Occupational Safety and Health, relying in part upon the Solicitor of Labor's opinion that walkaround time was not "hours worked" under the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. 203(o) (1976), concluded that an employer's failure to pay employees for the time spent with the OSHA inspector was not a *per se* violation of section 11(c) of the Act. *See* 28 FR 2684 (January 29, 1973) (codified at 29 CFR 1977.21(a)) (1975). Generally, that section provides that no person may discharge or discriminate against any employee because of the employee's exercise of his rights under the Act.

In 1974, a federal district court upheld the Department of Labor's interpretation in a civil action brought by employees to recover wages lost because of participation in an OSHA inspection. *Leone* v. *Mobil Oil Corp.*, 377 F. Supp. 1302 (D.D.C. 1974), *aff'd* 523 F.2d 1153 (D.C. Cir. 1975). In 1975, the U.S. Court of Appeals for the District of Columbia Circuit affirmed the district court's decision and held that because walkaround time primarily benefits employees and because the walkaround is conducted beyond the employer's control, walkaround time does not constitute "hours worked" under the FLSA. *Leone, supra*, 523 F.2d 1153, 1163-64. Furthermore, the court held that a walkaround payment requirement could not be inferred from the provisions of the Occupational Safety and Health Act. *Id.* at 1159-61.

In 1977, the Solicitor of Labor re-evaluated the original legal position and in September 1977, issued a new opinion which stated that walkaround time was "hours worked" under the FLSA, that an employer's failure to pay employees for that time chilled the exercise of the employees' walkaround right, and that therefore the failure to pay was discrimination prohibited by section 11(c)(1) of the Act. On September 20, 1977, the Assistant Secretary promulgated a rule declaring that "an employer's failure to pay employees for time during which they are engaged in walkaround inspections is discriminatory under section 11(c)." 42 FR 47344. Because the rule was considered "an interpretive rule and general statement of policy," 42 FR 47344, public participation was not provided in accordance with the provisions of the Administrative Procedure Act ("APA"). 5 U.S.C. 553.

In 1978, a federal district court, in an action challenging the validity of the new regulation, concluded that the regulation was interpretive and therefore exempt from the notice-and-comment procedures of the APA. *Chamber of Commerce of the United States of America* v. *OSHA*, 465 F. Supp. 10 (D.D.C. 1978), *rev'd* 636 F.2d 464 (D.C. Cir. 1980). The court helt that OSHA did not exceed its statutory authority in issuing the new regulation. On appeal, the U.S. Court of Appeals for the District of Columbia Circuit reversed the judgment of the district court and remanded the case to that court with instructions to vacate the regulation. *Chamber of Commerce of the United States of America* v. *OSHA*, 636 F.2d 464 (D.C. Cir. 1980). The Court of Appeals held that walkaround time did not constitute "hours worked" within the meaning of the FLSA because the employer did not select or regulate the employee representative during the walkaround, nor was the employer the primary beneficiary of the walkaround. The court also held that the Act itself neither prohibited nor compelled pay for walkaround time. Therefore, according to the court, the regulation was not interpretive but legislative. Because OSHA did not comply with the notice-and-comment procedures of the APA for the promulgation of legislative rules, the court concluded that the walkaround pay regulation was invalid and should be vacated.

On remand, the district court vacated the regulation. On October 31, 1980, the Assistant Secretary deleted the regulation, 45 FR 72118, and instructed OSHA field staff to cease enforcing its provisions.

On November 14, 1980, the Assistant Secretary proposed regulations requiring walkaround compensation. 45 FR 75232. The agency invited the public to submit written data, views, and arguments on the proposed regulations by December 29, 1981. Many comments were received. On January 16, 1981, the Assistant Secretary promulgated a walkaround compensation regulation at 29 CFR 1903.8(e). It was scheduled to become effective on February 17, 1981.

On January 29, 1981, the President issued a memorandum requiring agencies to delay for sixty days the effective date of regulations which had been promulgated and which were scheduled to become effective within sixty days from the date of the memorandum. 46 FR 11227. Pursuant to that memorandum, on February 6, 1981, the Acting Secretary of Labor delayed the effective date of the OSHA walkaround compensation regulation until March 30, 1981. 46 FR 11253. On February 17, 1981, the President issued Executive Order 12991, 46 FR 13193, which required agencies to review regulations promulgated but not in effect as of the date of the order. In reviewing regulations agencies were required, to the extent permitted by law, to base administrative decisions ". . . on adequate information concerning the need for and consequences of proposed government action" [section 2(a)] and not to undertake regulatory action "* * * unless the potential benefits to society for the regulation outweigh the potential costs to society" [section 2(b)], *inter alia*.

Pursuant to that executive order, on March 27, 1981, OSHA published in the **Federal Register** a notice which delayed the effective date of the walkaround compensation regulation until May 30, 1981, and proposed to revoke the regulation. 46 FR 18999. The agency invited the public to submit written comments with respect to the proposed revocation by April 30, 1981. A number of comments were received and they, as well as the comments and exhibits previously submitted on the regulation, were considered.

II. Basis and Purpose of the Revocation

A. Introduction

On the basis of a careful re-evaluation of the previous record and consideration of the new comments, the Secretary has determined that the walkaround compensation regulation is not necessary to carry out his responsibilities under the Act. Therefore, pursuant to sections 8(e) and 8(g)(2) of the Act, the Secretary revokes the regulation.

The rule, when promulgated, was based primarily on the theory that failure to compensate for time spent on the walkaround would chill employee participation in the inspection process. However, on the basis of the record, the agency finds that a walkaround compensation regulation would have only a negligible effect on the number of employees who participate in OSHA inspections and on the Secretary's enforcement efforts. As noted in the January 16, 1981 **Federal Register**, a considerable number of inspections are conducted in establishments in which there are no employee representatives and the OSHA inspector consults with a reasonable number of employees, in accordance with Section 8(e). *See* 46 FR 3588. In those cases in which an employee representative accompanies the OSHA inspector on the walkaround, the record indicates that the vast majority of representatives are in fact compensated for their time. Furthermore, in those cases in which compensation is not available, the record does not establish that the lack of pay operates as a significant disincentive to employee participation. Thus, it appears that a walkaround compensation regulation will encourage only a few employee representatives to participate in the walkaround. And, even where there is no walkaround representative, in accordance with the requirements of Section 8(e), the compliance officer consults with individual employees at the worksite. In view of its minimal impact on employee participation and on the Secretary's ability to effectively enforce the Act, the agency finds that the regulation is not a necessary exercise of his rulemaking authority.

B. Current Walkaround Compensation Practices

The record establishes that the vast majority of employee representatives are in fact compensated for time spent on walkaround. Throughout its ten-year enforcement history, the agency has found that a substantial percentage of employee representatives are paid for time during which they accompany or otherwise assist OSHA compliance officers during inspections. This experience is substantiated by memoranda submitted for the record by various OSHA compliance personnel. Several compliance officers stated that they had never encountered an instance in which an employee was denied walkaround compensation. *See* Exhibits 3–10 at p. 3; 3–11 at p. 1; 3–12 at p. 1; 3–13; 3–30 at pp. 8 and 21; 3–35. Other compliance officers noted that in general

they had experienced no difficulties with respect to compensation for employee representatives. *See* Exhibits 3–4 at p. 6; 3–5; 3–12 at p. 1; 3–18 at p. 1. Many inspectors noted specific instances of compensation by either the employer or a union. *See* Exhibits 3–9 at pp. 4, 5, 11, 12; 3–21; 3–25 at p. 2; 3–26 at p. 2; 3–27 at p. 3; 3–28 at pp. 1 and 2. On the other hand, although numerous memoranda were submitted for the record by compliance officers, area directors and regional administrators, only approximately 10 instances of non-payment were documented. *See* Exhibits 3–6 at p. 8; 3–7 at p. 2; 3–19 at pp. 7 and 11; 3–26; 3–28 at p. 1; 3–31 at pp. 3 and 5; 3–38. Indeed, it is not even clear from these submissions whether these employees were totally denied walkaround pay or were not paid by their employers but compensated by their unions. Thus, the agency's experience and the supporting evidence clearly establish that non-payment of walkaround compensation occurs only in limited, isolated instances and that the substantial majority of representatives are in fact paid. Furthermore, so far as appears from the record, there is no evidence that employees are not paid for time during which they are engaged in other inspection-related activities.

The agency's finding regarding compensation practices is supported by the paucity of non-payment cases submitted by the general public. Since November 1980, the agency has received over 400 comments on the walkaround compensation regulation. Of those comments which addressed the issue of compensation, several noted instances in which either the employer or the union paid the employee representative for time spent on the walkaround. *See* Exhibits 2–40; 2–145; 2–202; 2–209; 4–34. However, only a few comments noted specific instances in which no compensation was available from any source and the employee did not participate in the inspections. *See* Exhibits 2–276; 2–310. This further supports the agency's conclusion that an overwhelming majority of employees are compensated and that there is no need for the regulation.

The above conclusion is also supported by a study, sponsored by a labor organization, that was referred to by some commentors and cited by the U.S. Court of Appeals for the District of Columbia in *Leone* v. *Mobil Oil Corporation*, 523 F.2d 1153, 1161 (D.C. Cir. 1975). *See* Zalusky, "The Worker Views the Enforcement of Safety Laws," 26 Labor L.J. 224 (1975). This study revealed that, of the employee representatives responding to a survey, 93% of those who participated in the walkaround were paid by the employer and 4% were paid by the union. The remaining 3% included cases in which the employee received full pay, part of it from the union and part from the employer, and one instance in which the employee representative was not working and participated in the walkaround on his own time. Zalusky, *supra* at 230. The study also pointed out that an inspection often followed a grievance and that collective bargaining agreements often provide pay for employee time spent investigating grievances. *Id.* Based on the empirical data contained in the study, and in the absence of any body of evidence to the contrary, we believe that the study supports the conclusion that compensation is available to a substantial majority of employee representatives.

In reaching this conclusion, the agency is not unmindful of the commentors who expressed concern that employers would not provide walkaround compensation in the absence of a regulation requiring them to do so. *See* Exhibits 4–31; 6–2; 6–14; 6–34; 6–43; 6–49. However, this claim is belied by the results of the Zalusky study, *supra*, which showed that 93% of employee walkaround representatives who responded to the survey were paid walkaround compensation by the employer at a time when it was the Secretary's position that such compensation was not required by the Act. Moreover, aside from speculation, there is no evidence to indicate that employers who have paid walkaround compensation in the past will change their practice as a result of the revocation of the regulation.

C. Lack of Disincentive

We have discussed the question of whether there is a significant need for a walkaround compensation regulation in view of evidence that a considerable majority of employees are in fact paid for time spent on the walkaround. Quite apart from this question is the issue of whether the regulation would encourage employee participation in the inspection process. As noted in the preamble to the January 16, 1981 rule, the promulgation of the regulation was based to a large extent on the assumption that the loss of pay or other benefits operates as a significant disincentive to employee participation in an inspection. 46 FR 3855–56. After careful reevaluation of the previous record and consideration of the new comments, the agency finds that the record does not adequately support this assumption. Indeed, comments submitted by agency personnel and the general public note fewer than 10 instances in which an employee representative did not participate in the walkaround because of non-payment. *See* Exhibits 3–6 at p. 8; 3–19 at p. 11; 3–26 at p. 2; 3–38; 2–276; 2–310. On the other hand, OSHA compliance officers noted several instances in which employee representatives participated in an inspection despite the knowledge that they would not be compensated for the time involved. *See* Exhibits 3–19 at p. 7; 3–21; 3–26 at p. 1; 3–31 at pp. 3 and 5. Several employees stated that they had participated in a walkaround even though they were not paid. *See* Exhibits 2–252; 2–302. Other employees indicated that their participation in an inspection would not be discouraged by a lack of compensation. *See* Exhibit 6–45.

Based on the extremely small number of non-participation cases resulting from non-payment, and on the evidence that a substantial number of employee representatives take part in the inspection process, the record does not adequately establish that lack of compensation is in fact a significant disincentive to employee participation in the walkaround. Moreover, even to the limited extent that the lack of pay might discourage a few employees from participating in the inspection, the agency finds that a walkaround compensation regulation is not necessary since it would not have a significant effect on the Secretary's overall ability to conduct effective and efficient workplace inspections. In those limited cases in which an employee representative does not participate because he is not paid, the OSHA inspectors can rely on consultations with individual employees at the worksite, as provided Section 8(e) of the Act. Indeed, as noted earlier, a considerable number of workplace inspections are conducted in establishments in which there is no employee representative on the walkaround. In such cases, pursuant to the Act and OSHA instructions, compliance officers are required to consult with a reasonable number of employees at the worksite. Accordingly, on this record, the agency has decided not to require employers to pay for time spent on the walkaround. Rather, we conclude that the issue of walkaround compensation is best left to voluntary arrangements between employers and employees. In reaching this conclusion, the agency notes that its concern for securing employee participation in the walkaround is satisfied in an overwhelming percentage of inspections in which employee representatives have

been designated. Absent evidence that this rate of participation will decline substantially, the agency believes that the policies of the Act would best be effectuated if the parties negotiate payment arrangements between themselves.

Some commentors expressed the view that leaving walkaround compensation to collective bargaining is an inadequate solution in light of the fact that only approximately 20 percent of the U.S. workforce is unionized; thus, the vast majority of workers do not have access to collective bargaining and cannot obtain walkaround benefits. *See* Exhibits 6–14; 6–28; 6–45; 6–48. However, inspections of non-union establishments are typically conducted without the participation of employee representatives since none exists. As we have noted in the preamble to the original rule, the selection of employee representatives in non-union establishments would entail complex and time-consuming procedures that would seriously delay the conduct of inspections and effective and efficient enforcement of the Act. *See* 46 FR 3855. Thus, the issue of walkaround compensation generally does not arise in non-union establishments.

D. Conclusion

For approximately seven of the ten years of OSHA's existence, walkaround compensation was not required by the agency. During that period, OSHA generally conducted effective and efficient inspections, finding occupational hazards and issuing citations when violations were discovered. In view of this experience and the record in this case, the agency concludes that a walkaround compensation regulation is not necessary. Absent the need for the agency to require compensation to encourage employee participation in the walkaround, there is no need to discuss the related issue, discussed in the original rule at 46 FR 3856–57, of who should properly bear the burden of paying walkaround compensation.

III. Regulatory Assessment

Pursuant to Executive Order 12291, the costs of a regulation must not outweigh its benefits. Since this revocation relieves employers of the obligation to pay walkaround compensation, this agency action imposes no costs and therefore it meets the requirements of the Executive Order. Furthermore, because of the absence of an economic impact, no Regulatory Impact Analysis is required.

IV. Effective Date

The revocation of the walkaround compensation regulation is effective May 29, 1981. This effective date is permitted by 5 U.S.C. 553(d)(1), which provides that a substantive rule need not be published at least 30 days before its effective date if it "relieves a restriction." Since this revocation relieves employers of the obligation to pay walkaround compensation, the 30-day requirement need not be followed.

V. Authority

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Ave., N.W., Washington, D.C. 20210.

Accordingly, pursuant to sections 8(e) and 8(g)(2) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(e) and 657(g)(2)), 5 U.S.C. 553, and Secretary of Labor's Order 8–76 (41 FR 25059), OSHA amends Part 1903 of Title 29 of the Code of Federal Regulations by removing paragraph (e) of § 1903.8, as set forth below.

Signed at Washington, D.C., on this 27th day of May, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

§ 1903.8 Representatives of employers and employees.

* * * * *

(e) *Walkaround compensation.* [Removed].

(Secs. 8(e) and 8(g)(2), 84 Stat. 1600, 1603 (29 U.S.C. 657(e) and 8(g)(2)); 5 U.S.C. 553; Secretary of Labor's Order 8–76 (41 FR 25059))

[FR Doc. 81–16236 Filed 5–28–81; 9:12 am]

BILLING CODE 4510–26–M

---

29 CFR Part 1910

[Docket No. H–004M]

Occupational Exposure to Lead, New Trigger Levels for Medical Removal Protection; Deferral of Effective Date

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of further deferral of effective date of new trigger levels for medical removal protection for primary smelters and secondary smelters.

SUMMARY: For primary and secondary smelters only, OSHA is delaying the effective date of the new trigger levels for medical removal protection under the lead standard (29 CFR 1910.1025(k)) from the June 1, 1981 date previously announced in the **Federal Register** (46 FR 24558; May 1, 1981) to July 1, 1981. The background and basis in the record for the further delay of the effective date as to primary and secondary smelters are discussed in that prior notice. This action is taken to allow the Agency more time to complete its efforts to fashion appropriate relief for the involved lead industries; while at the same time providing necessary protection for employees.

DATES: For primary and secondary lead smelters, the temporary stay of the new trigger levels is extended to July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert P. Beliles, Occupational Safety and Health Administration, Room N–3718, U.S. Department of Labor, Washington, D.C. 20210; telephone (202) 523–7081.

Signed at Washington, D.C., this 22nd day of May, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–15988 Filed 5–28–81; 8:45 am]

BILLING CODE 4510–26–M

---

29 CFR Part 1910

Occupational Noise Exposure; Hearing Conservation Amendment; Deferral of Effective Date

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; deferral of effective date.

SUMMARY: On January 16, 1981 (46 FR 4078), OSHA published an amendment to its standard for occupational noise exposure (29 CFR 1910.95). The amendment set forth specific requirements for hearing conservation programs including monitoring of employee exposure, audiometric testing and use of hearing protectors. The amendment was to become effective on April 15, 1981, with various provisions being phased in over the next two years.

Following the publication of the amendment, the Agency received numerous requests for interpretation, petitions for administrative reconsideration of various provisions of the amendment, and petitions for administrative stay.

On April 10, 1981, the Agency deferred the effective date of the hearing conservation amendment until June 1, 1981 (46 FR 21365) so that the Agency could analyze all of the requests and petitions that had been submitted on the hearing conservation amendment. In view of the large number of requests and petitions received and the complexity of the issues raised, the

Agency needs more time to adequately consider these documents.

Accordingly, by this notice the Agency defers the effective date for the hearing conservation amendment until August 1, 1981. This action should allow the Agency to complete the analysis of the comments received to date. In view of this further deferral of the effective date, appropriate adjustments will be made, as necessary, in the effective dates of the various provisions of the standard which were scheduled to be phased in over time.

The need for further consideration of the public submissions constitutes good cause for the deferral of the effective date. Due to the short deferral period, notice and opportunity to comment on the deferral is impractical and unnecessary within the meaning of 5 U.S.C. 553 and 29 U.S.C. 655(b).

EFFECTIVE DATE: The effective date of § 1910.95 (c)–(s) and Appendixes A–I is deferred until August 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Room N–3641, Office of Public Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, Telephone: (202) 523–8151.

Signed at Washington, D.C. this 22d day of May, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–15987 Filed 5–28–81; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Special Regulations, Areas of the National Park System; Glacier Bay National Park and Preserve

AGENCY: National Park Service, Department of Interior.

ACTION: Deferral of effective date of final rule with request for comments.

SUMMARY: The National Park Service is further postponing the effective date of a final rule concerning protection of humpback whales in Glacier Bay National Park and Preserve which was previously postponed until May 29, 1981. This rule was published in the **Federal Register** on December 30, 1980 (45 FR 85741), and was scheduled to become effective on January 29, 1981. On the day a memorandum was issued by the President which, among other things, directed executive agencies to postpone for 60 days the effective dates of regulations which had been issued but were scheduled to become effective during that 60-day period.

In a notice published February 17, 1981 (46 FR 12496), the National Park Service postponed the effective date of this rule until March 30, 1981. Executive Order 12291, issued by the President on February 17, 1981 (46 FR 13193) directed agencies to suspend or postpone the effective dates of all rules that had been promulgated in final form but not yet become effective to the extent necessary to permit reconsideration of the rules in accordance with the Executive Order.

The Department of the Interior on March 30, 1981 (46 FR 19233) and the National Park Service on April 30, 1981 (46 FR 24178) issued notices delaying the effective date of the Glacier Bay regulations.

The interim rule for small vessels entering Glacier Bay during whale season (June 1—August 31) published in the **Federal Register** on May 15, 1981 (45 FR 32234) restricts entries to 520 on the basis that this represented the small boat entry level in the 1976 season. As further explained in the May 15, 1981 **Federal Register**, 1976 small boat entry level are required for protection of humpback whales. The final rule published on December 30, 1980, revised this number to 339 on the basis of new information as to the 1976 entry level. Further inquiries indicate that this number may be inaccurate. Accordingly, in order to permit the National Park Service time to redetermine the 1976 entry level for small boats, the effective date of this regulation is further extended to July 15, 1981. The interim rule calling for the 520 entry level remains in effect until the rule is finalized.

In addition to the above, the National Park Service is still conducting its review of these regulations under the criteria of E.O. 12291.

DATES: The new effective date for these final rules is July 15, 1981. Comments on this new effective date and on the 1976 Glacier Bay small boat entry level must be received on or before June 30, 1981.

ADDRESS: Written comments should be sent to Associate Director, Management and Operations, National Park Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Maureen Finnerty, Division of Ranger Activities and Protection, National Park Service, Washington, D.C. 20240. Telephone: 202–343–4874.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81–16319 Filed 5–28–81; 9:30 am]

BILLING CODE 4310–70–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket RM 80–1]

General Provisions; Works Consisting of Sounds, Images, or Both: Advance Notice of Potential Infringement

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulation.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting a new final regulation designed to implement paragraph (b) of section 411 of the Copyright Act of 1976, Title 17 of the United States Code, as amended by Pub. L. 94–553. This paragraph provides for the service of advance notices of potential infringement for the purpose of preventing the unauthorized use of certain works that are being transmitted "live" at the same time that they are being fixed in tangible form for the first time. The effect of the final regulation is to establish requirements governing the content and manner of service of the advance notices.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287–8380.

SUPPLEMENTARY INFORMATION: Section 411(b) of the Copyright Act of 1976 [Act of October 19, 1976, 90 Stat. 2541] concerns the unauthorized use of works consisting of sounds, images, or both, that are fixed for the first time simultaneously with their transmission. It provides generally that the copyright owner may institute an action for infringement under section 501 of the Act, either before or after the first fixation takes place, and seek any or all of the remedies provided for by sections 502 through 506 and sections 509 and 510 of the Act so long as certain requirements are met.

In discussing the purpose of this provision, the Reports of the Judiciary Committees of the House of Representatives and the Senate [H.R.

Rep. 94–1476, 94th Cong., 2d Sess. (1976) at 157 and S. Rep. 94–473, 94th Cong. 1st Sess. (1975) at 140, respectively] state:

> Section 411(b) is intended to deal with the special situation presented by works that are being transmitted "live" at the same time they are being fixed in tangible form for the first time. Under certain circumstances, where the infringer has been given advance notice, an injunction could be obtained to prevent the unauthorized use of the "live" transmission.

Under the statute, this Advance Notice must be served on the person responsible for the potential infringement at least ten days but not more than thirty days before the first fixation of the work and must identify the work and specify the time and source of its first transmission. The Advance Notice must also include a declaration of "an intention to secure copyright in the work." Section 411(b) further provides that the Advance Notice must comply "with the requirements that the Register of Copyrights shall prescribe by regulation."

On July 31, 1980, the Copyright Office published in the **Federal Register** (45 FR 50823) a proposal to adopt a new regulation § 201.22 establishing requirements governing the content and manner of service of the Advance Notices. A total of six initial and reply comments were received in response to the Notice of Proposed Rulemaking.

A majority of these comments focused on the use of the Advance Notice procedure in connection with the rules of the Federal Communications Commission (FCC) governing retransmission by cable television systems of sports programing (47 CFR § 76.67). In general, under these FCC rules, the holder of broadcast rights to certain sporting events may request a cable television system to delete carriage of the event upon timely notification. The FCC rules require the notification to include: the name and address of the party requesting deletion, the date, time and expected duration of the sports event and, in some cases, the call letters of the television broadcast station(s) televising the event. Carriage by a cable television system in violation of these rules may be considered a violation of the system's compulsory license under section 111(c)(2)(A) of the copyright law possibly providing a basis for an infringement action under section 411 (a) or (b) of the Copyright Act. Section 111(c)(2) also provides, however, that the secondary transmission must be "willful or repeated" in order to give rise to copyright liability.

After careful consideration of all of the comments, and those comments concerning application of the provision in connection with the FCC sports exclusivity rules in particular, the Copyright Office has decided to adopt the proposed regulation with several changes. A discussion of the major substantive comments appears below.

1. Definition of Copyright Owner

Because section 411(b) requires the service of an Advance Notice before fixation of a work, no statutory copyright will exist at the time it must be served. As a result, the Copyright Office proposed in § 201.22(a)(2) to define a "copyright owner" in part as:

> The person who will be considered the author of the work upon its fixation (including, in the case of a work made for hire, the employer or other person for whom the work was prepared), or a person or organization that has obtained ownership of an exclusive right, initially owned by the person who will be considered the author of the work upon its fixation.

A comment submitted on behalf of a cable television system questioned the legitimacy of an Advance Notice served by a purported "copyright owner" as defined in the regulation. The comment suggested that the term "copyright owner" be limited to "all who have ownership in the work" and that reference to one who "has obtained ownership of an exclusive right" be eliminated.

The Copyright Office considers these suggestions contrary to the principles of copyright divisibility and ownership as set forth in sections 101 and 201 of the Copyright Act and, therefore, has not adopted them. Any questions arising as to the propriety of a particular Advance Notice should be resolved by the courts.

2. Authorship

Comments submitted on behalf of several professional sports leagues questioned the necessity of introducing the concept of authorship in the regulation on the ground that it complicates the advance notification procedure. While the Copyright Office is aware that questions of authorship and copyright ownership of televised sporting events have arisen between broadcasters and sports interests, the Office does not believe that identification of one author complicates the Advance Notice, and we have retained the requirement.

Under the Copyright Act, copyright vests initially in the author(s) of the work. Anyone who wishes to claim rights under the Act must be either the author or someone who obtains the rights from the author. Since section 411(b) requires that a copyright owner who brings an infringement action under that section make registration for the work within three months after its first transmission, it would ordinarily be necessary to identify the author at the time of registration. The Office therefore believes it is appropriate to include the information in the Advance Notice. However, the Office has modified paragraph (c)(1)(v) of the regulation to clarify that identification of "at least one person or entity that will be considered the author of the work upon its fixation" is sufficient.

3. Expected Duration of First Transmission

A comment submitted on behalf of a cable television system requested that an Advance Notice include the expected duration of the first transmission of a work. The comment notes that this information would permit a potential infringer closely to monitor its activities in order to reduce the possibility of unintentional infringements. The Copyright Office believes that a copyright owner should have within his or her knowledge the approximate duration of the first transmission of a work and should be able to include it in an Advance Notice without any burden; this is especially true with respect to copyright owners of sporting events since this information, as noted earlier, is required to be given as part of the FCC sports exclusivity notification procedure. Accordingly, the Office has accepted this request and has so revised paragraph (c)(1)(ii) of the regulation.

4. Identification of Primary Transmitters

A comment submitted on behalf of a cable television system proposed that an Advance Notice include the identity of the primary transmitter or transmitters of the work so that a potential infringer will be in a better position to comply with the Notice. This proposal was opposed by copyright owners of sporting events as being too burdensome; instead, they suggested that the identification of a particular network of stations to whom the rights have been sold should be sufficient.

The identification of a particular primary transmitter or transmitters could probably be justified as within the "identification of source" requirement of section 411(b)(1) and such identification is encouraged. However, the Copyright Office has decided not to require such specific identification at this time. If a potential infringer needs further information with respect to the particular transmitter or transmitters of the work subject to the Advance Notice, he or she may contact the copyright

owner or his or her duly authorized agent as identified in the notice.

5. Identification of the Copyright Owner

Paragraph (c)(1)(vi) of the proposed regulation requires an Advance Notice to include the identification of the copyright owner. A comment submitted on behalf of a cable television system suggested that this provision be amended to require in addition the address of the copyright owner, author, agent and primary transmitter of the work in order to facilitate clarification of a vague or incomplete notice.

The Copyright Office has not adopted this suggestion. Paragraph (d)(2) of the regulation specifies that an Advance Notice include the "full name, address, and telephone number" of the person signing the notice; this person either will be the copyright owner or his or her duly authorized agent. The Office believes that a potential infringer should be able to resolve any questions regarding a notice through this individual, particularly since the notice must be served at least ten days before a potential infringement.

6. Rights and Activities

Under paragraphs (c)(1)(vii) and (viii) of the proposed regulation, an Advance Notice had to describe the "nature of the rights" which might be infringed and the "relevant unauthorized activities" which would result in an infringement. A comment submitted on behalf of a cable television system urged that the regulation require that these descriptions be fully and precisely set forth. On the other hand, another commentator believed that the requirements as proposed place an unfair burden on copyright owners using the advance notification procedure and should be deleted.

The Copyright Office believes that general descriptions of the activities relating to a potential infringement are necessary and pertinent elements of an Advance Notice. The regulation, however, should not require such extensive and specific descriptions as to place an unfair burden on a copyright owner serving a notice. We have decided to delete clause (vii) as unnecessary and to retain and renumber clause (viii). If a potential infringer need further information with respect to the particular rights or activities addressed in an Advance Notice, he or she may contact the copyright owner or his or her duly authorized agent as identified in the notice. The Office intends that where the copyright owner gives a general description of potential infringing activities within his or her knowledge, any failure to specify other activities not within the copyright owner's knowledge will not constitute a waiver of such infringement claims.

7. Captioning

A comment submitted on behalf of a cable television system noted the large amounts of mail that cable television systems and other potential infringers ordinarily may receive. Because of this, the commentator proposed that an Advance Notice and the envelope containing an Advance Notice be captioned "ADVANCE NOTICE OF POTENTIAL INFRINGEMENT" so that the personnel of the potential infringer will be alerted to the importance of the notice and forward it promptly to the proper persons.

The Office agrees that such captioning would seem to be beneficial and has decided to require in paragraph (c)(1) of the final regulation that an Advance Notice be "clearly and prominenty captioned 'ADVANCE NOTICE OF POTENTIAL INFRINGEMENT'" so that it can be given prompt attention. Although similar captioning of the envelope containing a notice is strongly encouraged, the final regulations do not require it; since an envelope containing an Advance Notice must be served at least ten days before a potential infringement, a potential infringer should have adequate time to ascertain its contents.

8. Warning about unauthorized Activities

Under paragraph (c)(2)(i) of the proposed regulation, an Advance Notice must include a warning that "a failure to cease the unauthorized activities may subject the person responsible to further liability for copyright infringement." As discussion earlier, sports teams have declared an intention to use Advance Notices in connection with the FCC sports exclusivity notification procedure. Comments submitted on behalf of several sports leagues contend that when so used, it is difficult to impute "unauthorized activity" on the part of a cable system until a demand for protection under the FCC rules has been made; thus, they argue, it would be improper to address the consequences from a failure to "cease" these "unauthorized" activities.

The Copyright Office agrees that the reference to "unauthorized" activities raises unnecessary complications and has revised the warning to alert a potential infringer that the "relevant activities may, if carried out, subject the person responsible to liability for copyright infringement." Correspondingly, reference to "unauthorized" activities in paragraph (c)(1) of the regulation has been deleted.

9. Signature and Identification

Paragraph (d) of the proposed regulation requires an Advance Notice to contain the actual handwritten signature of the copyright owner or his or her duly authorized agent. Comments submitted on behalf of several professional sports leagues contend that this requirement creates an unfair, onerous burden since, they assert, a substantial number of Advance Notices are likely to be sent to various cable systems during the course of a team's playing season in connection with the FCC's sports exclusivity notification procedure. They further contend that this burden would be compounded if the regulation restricts an Advance Notice to one particular work.

Because of the important legal implications accompanying the filing of an Advance Notice and the greater assurance of validity provided by requiring an actual handwritten signature, the Copyright Office has decided to adopt paragraph (d) of the regulation as originally proposed. Moreover, the Office does not make the assumption that a substantial number of Advance Notices will be mailed each sports season. Another view is that section 411(b) constitutes an exceptional procedure that will be invoked sparingly. It clearly establishes an alternative procedure to 17 U.S.C. 411(a) for bringing a suit for copyright infringement. As such, the Office does not assume that section 411(b) will be invoked with greater frequency than section 411(a).

10. Types of Works Covered by the Advance Notice

Section 411(b) refers to "a work consisting of sounds, images or both." This concept has been incorporated in the definitions found in paragraph (a) of the proposed regulation. In the proposed rulemaking, the Office asked whether the regulation "should define more specifically the works that it covers, for example in terms of the types of works of authorship set forth in section 102(a) of the Copyright Act?" Several comments suggested that the regulation should be more specific in this respect; another comment felt that specificity would be useful for illustrative purposes only. In addition, comments submitted on behalf of sports leagues indicated that any list should include specific reference to copyrighted telecasts of live sporting events.

After careful consideration, the Copyright Office has decided not to

specify further the types of copyrighted works that may be the subject of an Advance Notice. In enacting section 411(b), Congress consciously determined that the Advance Notice provision should be applicable only to works "consisting of sounds, images, or both." The Office has concluded that further refinement of this term in particular situations should, if necessary, be left to the courts in infringement actions brought under this section. It should be noted, however, that the types of "live" transmissions that commonly will be the subject of an Advance Notice include sporting events, concerts, theatrical presentations and news and public affairs programs.

11. Multiple Works

Each Advance Notice, as contemplated in the proposed regulation, was limited to one particular work. Since it may be possible for a given transmission to contain multiple works, the Office asked whether the regulation should "permit an advance notice to accommodate more than one work, particularly where multiple copyright owners are involved?"

A comment submitted on behalf of a cable television system encouraged the Office to retain the singular work requirement as proposed. Comments submitted on behalf of sports interests, however, argued that the filing of a single notice covering multiple works not only would be beneficial to the particular copyright owner involved but also to potential infringers who otherwise might be inundated with notices. This contention, they asserted, is particularly true with respect to Advance Notices served in conjunction with the FCC sports exclusivity notification procedure. Furthermore, the sports interests argued that a singular work requirement would add enormous costs to the notification procedure and could render section 411(b) ineffective.

When the "multiple works" question was posited as part of the proposed rulemaking, the Copyright Office envisioned occasions where multiple works are included in a single transmission program rather than instances of multiple transmissions of different copyrighted works, such as different sporting event programs. The Copyright Office considers the Advance Notice procedure to be an important mechanism for protecting the rights of copyright owners whose works are first fixed simultaneously with their transmission. At the same time, the Office recognizes that this provision is unique and unprecedented in the copyright law. Under section 411(b) service of an Advance Notice of Potential Infringement is a prelude to court action and a probable request for an injunction to prohibit retransmission of programs in advance of their broadcast.

For these reasons, the Office believes that the regulation governing Advance Notices should permit service on reasonable terms but should not encourage indiscriminate service. The final regulation in paragraph (c)(1) modifies the proposed regulation by permitting service of a single notice with respect to all of the works of the copyright owner embodied in a specific "transmission program" using the definition of that term in 17 U.S.C. 101. However, separate Advance Notices must be served with respect to works embodied in different transmission programs.

12. Registration as a Condition Subsequent

In addition to service of an Advance Notice, section 411(b) further requires a copyright owner instituting an infringement action to make "registration for the work within three months after its first transmission." With respect to this requirement, the Copyright Office asked whether the mandate given the Register under section 411(b) authorizes him to compel registration for the work and/or provide certain penalties for a failure to register.

All of the comments responsive to this question urged the Office generally to forego imposition of penalties for failure to register. Comments submitted on behalf of the professional sports interests, for example, argued that the registration requirement is triggered only if the author or copyright owner proceeds to file an action for infringement. They indicated that they do not intend to register every work that is mentioned in an Advance Notice, but will of course register the works if an infringement action is brought. If registration is not made in such cases, they state the Register would have the authority to compel registration and to provide certain financial penalties for a failure to register timely.

The Copyright Office has decided not to promulgate any regulations on this point at this time. Since, under section 411(b), registration clearly is a condition subsequent to the institution of judicial proceedings, it is within the authority of the court to compel registration and/or provide certain penalties for a delay in meeting this statutory requirement.

The Office has therefore decided that it is not necessary to impose any penalties in a regulation and has also deleted the reference to registration in paragraph (c)(2)(ii) of the regulation. This provision would have required the copyright owner to declare in an Advance Notice that he or she intends "to make registration of the copyright claim for the work within three months from the date of its first transmission." Under the regulation as adopted, however, the copyright owner will be required to declare that he or she "intends to secure copyright in the work upon its fixation." This declaration tracks the statutory language and is intended to assure that the copyright owner does not plan to place the work in the public domain.

Final Regulation

Part 201 of 37 CFR Chapter II is amended by adding a new § 201.22 to read as follows:

§ 201.22 Advance notices of potential infringement of works consisting of sounds, images, or both.

(a) *Definitions.* (1) An "Advance Notice of Potential Infringement" is a notice which, if served in accordance with section 411(b) of title 17 of the United States Code, and in accordance with the provisions of this section, enables a copyright owner to institute an action for copyright infringement either before or after the first fixation of a work consisting of sounds, images, or both that is first fixed simultaneously with its transmission, and to enjoy the full remedies of said title 17 for copyright infringement, provided registration for the work is made within three months after its first transmission.

(2) For purposes of this section, the "copyright owner" of a work consisting of sounds, images, or both, the first fixation of which is made simultaneously with its transmission, is the person or entity that will be considered the author of the work upon its fixation (including, in the case of a work made for hire, the employer or other person or entity for whom the work was prepared), or a person or organization that has obtained ownership of an exclusive right, initially owned by the person or entity that will be considered the author of the work upon its fixation.

(3) A "transmission program" is a body of material that, as an aggregate, has been produced for the sole purpose of transmission to the public in sequence and as a unit.

(b) *Form.* The Copyright Office does not provide printed forms for the use of persons serving Advance Notices of Potential Infringement.

(c) *Contents.* (1) An Advance Notice of Potential Infringement shall be clearly and prominently captioned "ADVANCE

NOTICE OF POTENTIAL INFRINGEMENT" and must clearly state that the copyright owner objects to the relevant activities of the person responsible for the potential infringement, and must include all of the following:

(i) Reference to title 17, U.S.C. section 411(b) as the statutory authority on which the Advance Notice of Potential Infringement is based;

(ii) The date, specific time, and expected duration of the intended first transmission of the work or works contained in the specific transmission program;

(iii) The source of the intended first transmission of the work or works;

(iv) Clear identification, by title, of the work or works. A single Advance Notice of Potential Infringement may cover all of the works of the copyright owner embodied in a specific transmission program. If any work is untitled, the Advance Notice of Potential Infringement shall include a detailed description of that work;

(v) The name of at least one person or entity that will be considered the author of the work upon its fixation;

(vi) The identity of the copyright owner, as defined in paragraph (a)(2) of this section. If the copyright owner is not the person or entity that will be considered the author of the work upon its fixation, the Advance Notice of Potential Infringement also shall include a brief, general statement summarizing the means by which the copyright owner obtained ownership of the copyright and the particular rights that are owned; and

(vii) A description of the relevant activities of the person responsible for the potential infringement which would, if carried out, result in an infringement of the copyright.

(2) An Advance Notice of Potential Infringement must also include clear and prominent statements:

(i) Explaining that the relevant activities may, if carried out, subject the person responsible to liability for copyright infringement; and

(ii) Declaring that the copyright owner intends to secure copyright in the work upon its fixation.

(d) *Signature and Identification.* (1) An Advance Notice of Potential Infringement shall be in writing and signed by the copyright owner, or such owner's duly authorized agent.

(2) The signature of the owner or agent shall be an actual handwritten signature of an individual, accompanied by the date of signature and the full name, address, and telephone number of that person, typewritten or printed legibly by hand.

(3) If an Advance Notice of Potential Infringement is initially served in the form of a telegram or similar communication, as provided by paragraph (e)(2)(iii) of this section, the requirement for an individual's handwritten signature shall be considered waived if the further conditions of said paragraph (e) are met.

(e) *Service.* (1) An Advance Notice of Potential Infringement shall be served on the person responsible for the potential infringement at least ten days but not more than thirty days before the first fixation and simultaneous transmission of the work as provided by 17 U.S.C. 411(b)(1).

(2) Service of the Advance Notice may be effected by any of the following methods:

(i) Personal service;

(ii) First-class mail; or

(iii) Telegram, cablegram, or similar form of communication, if: (A) the Advance Notice meets all of the other conditions provided by this section; and (B) before the first fixation and simultaneous transmission take place, the person responsible for the potential infringement receives written confirmation of the Advance Notice, bearing the actual handwritten signature of the copyright owner or duly authorized agent.

(3) The date of service is the date the Advance Notice of Potential Infringement is received by the person responsible for the potential infringement or by any agent or employee of that person (17 U.S.C. 411, 702).

Dated: May 18, 1981.

David Ladd,

Register of Copyrights.

Approved:

William J. Welsh,

Acting Librarian of Congress.

[FR Doc. 81-16052 Filed 5-28-81; 8:45 am]

BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-1-FRL 1831-4]

Hazardous Waste Management Program: Phase I Interim Authorization for Rhode Island

AGENCY: Environmental Protection Agency (EPA); Region I.

ACTION: Authorization of State hazardous waste program.

SUMMARY: The State of Rhode Island has applied for interim authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act and EPA guidelines for the approval of State hazardous waste programs (40 CFR Part 123). EPA has determined that the State's program meets all applicable statutory and regulatory requirements and is granting Phase I interim authorization to Rhode Island to operate a hazardous waste program in its jurisdiction in lieu of Phase I of the Federal hazardous waste program.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Wenger, Waste Management Branch, U.S.E.P.A., Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203; telephone (617) 223-5775.

SUPPLEMENTARY INFORMATION:

I. Introduction

Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), requires EPA to establish a comprehensive Federal program to assure the safe management of hazardous waste. Once a Federal program is established, EPA is authorized under Section 3006 of RCRA to approve State hazardous waste programs to operate in lieu of the Federal program in their jurisdictions.

Two types of State program approvals are authorized under RCRA. The first, "final authorization," is a permanent approval which may be granted to States whose programs are "equivalent to" and "consistent with" the Federal program and provide adequate enforcement. The second, "interim authorization," is a temporary approval for States which cannot meet the requirements of final authorization but whose programs are "substantially equivalent" to the Federal program. RCRA contemplates that States receiving interim authorization will use the interim authorization period to make the changes in their regulations and statutes necessary to qualify for final authorization.

On May 19, 1980, EPA published the first phase of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and guidelines for authorizing State hazardous waste programs under Section 3006 of RCRA (40 CFR Part 123).

These guidelines set forth the requirements for interim authorization and the procedures which EPA will follow in acting on State applications for interim authorization. They also provide that EPA will grant interim authorization in two major phases (Phase I and Phase II), corresponding to the two major phases of the Federal program.

The State of Rhode Island submitted a draft application for Phase I interim authorization on August 22, 1980. In its comments on the draft application, EPA identified several issues in the State's program description, memorandum of agreement, and Attorney General's statement which required further clarification or amendment. Most of these issues were addressed in the final application submitted to EPA on December 17, 1980, and the application was determined to be complete on that date.

In accordance with EPA guidelines, EPA provided public notice of receipt of the State's application and opportunity for comment on it. [46 FR 2120 (January 8, 1981)]. A hearing was held on the application on February 12, 1981, at the Cannon Building Auditorium in Providence, Rhode Island. All timely comments, whether presented at the hearing or in writing, were considered in reaching a decision on Rhode Island's application.

II. Major Issues

None of the issues raised by commenters on Rhode Island's application were major. A discussion of these issues and EPA's response thereto is contained in EPA's responsiveness summary to comments received on the Rhode Island application. The responsiveness summary is available at the EPA Region I Office in Boston (see "For Further Information Contact", above) and at EPA Headquarters in Washington, D.C.

III. Decision

EPA has reviewed the State of Rhode Island's complete application for Phase I interim authorization and determined that the state program is "substantially equivalent" to the Phase I Federal program as defined in 40 CFR Part 123. In accordance with Section 3006(c) of RCRA, the State of Rhode Island is hereby granted interim authorization to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in Rhode Island will be subject to the State of Rhode Island hazardous waste management program in lieu of the Phase I Federal hazardous waste management program (40 CFR Parts 260–263 and 265) and will not again be subject to the Phase I Federal program unless (1) the state fails to obtain final authorization by the deadline specified in 3006(c) of RCRA and implementing regulations or (2) authorization is withdrawn for cause by EPA.

IV. Compliance With Executive Order 12291

Under Executive Order 12291, EPA must prepare a Regulatory Impact Analysis on "major regulations." A "major regulation" is defined as any regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA's decision to approve Rhode Island's Phase I hazardous waste program is not a major regulation because its effect is to suspend the applicability of certain Federal regulations in the State of Rhode Island. In the absence of this decision, persons handling hazardous waste in Rhode Island would have to comply with Parts 260–263 and 265 of Title 40 of the Code of Federal Regulations in addition to all Rhode Island hazardous waste management regulations. For this reason it is virtually inconceivable that this regulation would result in the significant impacts that characterize a "major regulation."

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

V. Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. §§ 6912(a), 6926, and 6974(b).

Dated: April 27, 1981.

Leslie A. Carothers,

Acting Regional Administrator.

[FR Doc. 81-16141 Filed 5-28-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5926

[CA-7804]

California; Revocation of Executive Order No. 9101

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew lands in aid of legislation affecting approximately 163.34 acres of which 160 acres are privately owned. This action will restore 3.64 acres to operation of the public land laws generally, and to nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Celia Anderson, California State Office 916–484–4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 9101 of March 16, 1942, which withdrew the following described lands in aid of legislation, is hereby revoked in its entirety:

San Bernardino Meridian

T. 6 S., R. 22 E.,
Sec. 31, NE¼, that part of the NE¼SE¼ lying north of the north line of State Highway Route No. 64.

The area described aggregates approximately 163.64 acres in Riverside County.

2. Of the lands described in paragraph 1, the NE¼ (160 acres) is privately owned and not subject to disposition under the public land and mineral laws.

3. At 10 a.m. on June 23, 1981, the public land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on June 23, 1981, the land will be open to nonmetalliferous mineral location under the United States mining laws. The land has been open to applications and offers under the mineral leasing laws and to metalliferous mineral location under the United States mining laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-16023 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5927

[CA-3394]

California; Partial Revocation of Public Land Order No. 3342

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will partially revoke a Public Land Order which withdrew lands in the Eldorado National Forest for use as administrative sites and campgrounds. The lands will be open to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office 916-484-4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows: 1. Public Land Order No. 3342 of March 2, 1964, withdrawing certain national forest lands from prospecting, location, entry and purchase under the mining laws of the United States for the Department of Agriculture, Forest Service, is hereby revoked insofar as it affects the following described lands:

Eldorado National Forest

Mount Diablo Meridian

Administrative Sites

Haypress Meadows

T. 12 N., R. 17 E.,
Sec. 28, SW¼SE¼.

Stony Ridge

T. 13 N., R. 17 E.,
Sec. 18, SE¼NE¼.

Campground Areas

Crag Lake

T. 13 N., R. 16 E.,
Sec. 12, Lot 5.

Velma Lake

T. 13 N., R. 17 E.,
Sec. 31, Lot 9.

Fire Camp

T. 11 N., R. 18 E.,
Sec. 6, S½ of Lot 11.

Alpine

T. 11 N., R. 18 E.,
Sec. 17, S½NW¼SW¼, and N½SW¼ SW¼.

The areas described aggregate approximately 195.88 acres in El Dorado County.

2. At 10 a.m., on June 23, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-16024 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5930

[CA 3589]

California; Revocation of Reclamation Project Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will revoke a Departmental Order which withdrew 4,132.15 acres of land for the Iron Canyon Project in California. This action will restore 3,534.75 acres of land to the operation of the public land laws generally, including the mining laws. In addition, 279.11 acres are being restored to the mining laws only as they remain segregated from the public land laws for Federal Energy Regulatory Commission Project 2041. Of the balance, 18.85 acres remain withdrawn from the operation of the public land laws and the mining laws by Public Land Order No. 2719 of July 6, 1962, for recreation purposes under the administrative jurisdiction of the Bureau of Land Management and 299.44 acres are in private ownership and are not affected by this action.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916-484-4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Order of November 3, 1913, withdrawing lands for the Iron Canyon Project, is hereby revoked in its entirety.

Mount Diablo Meridian

T. 28 N., R. 2 W.,
Sec. 6, lots 1 to 7, SE¼NW¼, NE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 8, NW¼SW¼, SE¼SW¼, SE¼SE¼;
Sec. 18, lots 1 and 3, NW¼NE¼, SE¼NE¼, SE¼NW¼, SE¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 20, NW¼NE¼, NW¼NW¼, SE¼NW¼, NW¼SW¼.
T. 29 N., R. 2 W.,
Sec. 18, S½SE¼;
Sec. 20, SE¼NE¼, N½NW¼, SE¼SW¼, SE¼;
Sec. 30, lots 3 and 4, SE¼NE¼, NE¼SW¼, N½SE¼.
T. 27 N., R. 3 W.,
Sec. 2, lot 1, NW¼NE¼, S½NE¼.
T. 28 N., R. 3 W.,
Sec. 10, N½NE¼, SW¼NE¼, and E½NW¼;
Sec. 12, lots 1 and 2, N½NE¼, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 14, NE¼NE¼;
Sec. 16, lots 1, 2, and 3, and W½SE¼;
Sec. 20, SW¼NW¼;
Sec. 24, NW¼NE¼, SE¼NE¼, NW¼, NW¼SW¼, SE¼SW¼, SE¼;
Sec. 26, N½NE¼, SE¼NE¼;
Sec. 32, SW¼SW¼ and SE¼SE¼.
T. 29 N., R. 3 W.,
Sec. 10, lots 3 and 9 (Goat Island);
Sec. 12, S½NW¼;
Sec. 22, lot 7;
Sec. 24, NW¼NW¼, NE¼SE¼, S½SE¼;
Sec. 26, NW¼NE¼, SW¼, NW¼SE¼, S½SE¼.
T. 29 N., R. 4 W.,
Sec. 12, S½SW¼.

The area described aggregates 4,132.15 acres in Tehama and Shasta Counties.

2. At 10 a.m. on June 23, 1981, the following described lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Mount Diablo Meridian

T. 28 N., R. 2 W.,
Sec. 6, lots 1 to 7, SE¼NW¼, NE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 8, NW¼SW¼, SE¼SW¼, SE¼SE¼;
Sec. 18, lots 1 and 3, NW¼NE¼, SE¼NE¼, SE¼NW¼, SE¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 20, NW¼NE¼, NW¼NW¼, SE¼NW¼, NW¼SW¼.
T. 29 N., R. 2 W.,
Sec. 18, S½SE¼;
Sec. 20, SE¼NE¼, N½NW¼, SE¼SW¼, SE¼;
Sec. 30, lot 4, NE¼SW¼, N½SE¼.
T. 27 N., R. 3 W.,
Sec. 2, lot 1, NW¼NE¼, S½NE¼.
T. 28 N., R. 3 W.,
Sec. 10, E½NW¼ and NW¼NE¼;
Sec. 12, lots 1 and 2, N½NE¼, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 14, NE¼NE¼;
Sec. 24, NW¼NE¼, SE¼NE¼, NW¼, NW¼SW¼, SE¼SW¼, SE¼;

Sec. 26, E½NE¼;
Sec. 32, SW¼SW¼.
T. 29 N., R. 3 W.,
Sec. 12, S½NW¼;
Sec. 22, lot 7;
Sec. 24, NW¼NW¼, NE¼SE¼, S½SE¼;
Sec. 26, NW¼NE¼, NW¼SE¼, S½SE¼.
T. 29 N., R. 4 W.,
Sec. 12, S½SW¼.

The area described aggregates 3,534.75 acres.

3. At 10 a.m. on June 23, 1981, the lands described in paragraph 2 will be open to location under the United States mining laws. They have been and continue to be open to applications and offers under the mineral leasing laws.

4. The following described lands remain withdrawn from all forms of appropriation under the public land laws for Federal Power Project purposes. They will be open to location under the United States mining laws at 10 a.m. on June 23, 1981:

Mount Diablo Meridian

T. 29 N., R. 2 W.,
Sec. 30, lot 3 and SE¼NE¼.
T. 28 N., R. 3 W.,
Sec. 10, NE¼NE¼ and SW¼NE¼;
Sec. 20, SW¼NW¼;
Sec. 28, NW¼NE¼;
Sec. 32, SE¼SE¼.
T. 29 N., R. 3 W.,
Sec. 10, lot 3.

The area described aggregates 279.11 acres.

5. The following described lands remain withdrawn from all form of appropriation under the public land laws, including the mining laws, for recreation purposes by Public Land Order No. 2719 of July 6, 1962, and Federal Power Project purposes:

Mount Diablo Meridian

T. 29 N., R. 3 W.,
Sec. 10, lot 9 (Goat Island).

The area described aggregates 18.85 acres.

6. Of the lands described in paragraph 1, the following are privately owned and not subject to disposition under the public land laws:

Mount Diablo Meridian

T. 28 N., R. 3 W.,
Sec. 16, lots 1, 2, and 3, and W½SE¼.
T. 29 N., R. 3 W.,
Sec. 26, SW¼.

The area described aggregates 299.44 acres.

The lands described in paragraphs 4 and 5 have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-16156 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5931

[CA 4006]

California; Revocation of Public Land Order No. 2724

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order

SUMMARY: This order will restore 650.50 acres of public lands to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Managment Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 2724 of July 17, 1962, which withdrew the following described public lands for use by the Department of the Army for military training purposes, is hereby revoked:

San Bernardino Meridian

T. 5 S., R. 8 E.,
Sec. 6.

The area aggregates 650.50 acres in Riverside County.

2. At 10 a.m. on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981 shall be considered as simultaneously filed at the time. Those received thereafter shall be considered in order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on June 23, 1981. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands shall be addressed to the Bureau of Land Management, U.S. Department of the Interior, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-16157 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5933

[S-2344]

California; Revocation of Public Land Order No. 1385

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew land for use by the Department of the Army as a radio station site. This action will restore the land to operation of the public land laws, including the mining and mineral leasing laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office 916–484–4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1385 of January 24, 1957, which withdrew the following described public land for use in connection with the U.S. Strategic Communications Command, CONUS Facility, Middletown, California, is hereby revoked in its entirety:

Mount Diablo Meridian

T. 11 N., R. 6 W.,
Sec. 27, Lot 1.

The area described contains 16.47 acres in Lake County.

2. At 10 a.m. on June 23, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to applications and offers under the mineral leasing laws and to location under the United States mining laws at 10 a.m. on June 23, 1981.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Room E–2841

Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-16028 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5934

[CA 2455]

California; Revocation of National Forest Administrative Site Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This action revokes an Executive Order which withdrew public lands for use as a Forest Service ranger station and opens the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916-484-4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 3412 of February 25, 1921, withdrawing public land as a Forest Service administrative site, is hereby revoked:

Hayden Hill Lookout; Mount Diablo Meridian

T. 37 N., R. 10 E.,
Sec. 31, Lots 2 and 3.

The area described aggregates 77.22 acres in Lassen County.

2. At 10 a.m., on June 23, 1981, the lands shall be open to location and entry under the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the lands will be open to location under the United States mining laws. They have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, U.S. Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-16029 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5937

[CA-3718]

California; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will partially revoke an Executive Order of January 24, 1914, withdrawing certain lands in California as Public Water Reserve No. 14.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Marie Getsman, California State Office, 916-484-4431.

By virtue of the authority vested in the Secretary of the Interior pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751 (43 U.S.C. 1714), it is ordered as follows:

1. The Executive Order of January 24, 1914, creating Public Water Reserve No. 14 is hereby revoked insofar as it affects the following described lands:

San Bernardino Meridian

T. 5 S., R. 20 E.,
Sec. 16, All land within one-quarter mile of McCoy Spring;
Sec. 17, All land within one-quarter mile of McCoy Spring.
T. 8 S., R. 17 E.,
Sec. 16, All land within one-quarter mile of Chuckwalla Spring.

The areas described aggregate 185 acres more or less in Riverside County.

Title to those portions of aforedescribed lands which lie within Section 16, T. 5 S., R. 20 E., and Section 16, T. 8 S., R. 17 E., S.B.M., shall immediately vest in the State of California.

The land in Section 17, T. 5 S., R. 20 E., continues to be segregated from disposition under the public land laws, including the mining laws, by Public Land Order No. 5224 of July 5, 1972.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-16159 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5938

[CA 4441]

California; Partial Revocation of Potash Reserve No. 2

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes Executive Order of February 21, 1913, which withdrew lands in California for Potash Reserve No. 2. Upon revocation, title will immediately vest in the State of California pursuant to the Act of May 2, 1932; 47 Stat. 140; 43 U.S.C. 870.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916-484-4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order dated February 21, 1913, creating Potash Reserve No. 2, is hereby revoked insofar as it affects the following described lands:

Mount Diablo Meridian

T. 26 S., R. 43 E.,
Sec. 16.

The area contains 640 acres in San Bernardino County.

2. Upon promulgation of this order, title to the lands shall vest in the State of California as school grant land pursuant to the Act of May 2, 1932; 47 Stat. 140; 43 U.S.C. 870.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-15894 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5939

[S 5574]

California; Revocation of Executive Order No. 6798

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This action will revoke an Executive Order which withdrew certain lands in California for use for lookout station purposes in connection with cooperative forest protection work. The lands will be opened to the mining laws; however, they remain segregated from the public land laws. The Bureau of Land Management will administer the

area as a part of the Clear Lake National Cooperative Land and Wildlife Management Area.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 6798 of July 27, 1934, which withdrew and reserved public land for lookout station purposes in connection with cooperative forest protection work, is hereby revoked.

Mount Diablo Meridian

T. 9 N., R. 3 W.,
Sec. 4, Lot 2.

The area aggregates 39.94 acres in Napa County.

The land is located on the west slope of Berryessa Peak in the Vaca Mountains on the central east side of Napa County and about 41 air miles west-northwesterly of Sacramento, California.

2. The lands are withdrawn from all forms of appropriation under the public land laws by Public Land Order No. 2693 of June 7, 1962, for the Clear Lake National Cooperative Land and Wildlife Management Area and will remain so withdrawn.

3. The lands will be open to location under the United States mining laws at 10 a.m., on June 23, 1981. They have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81–15805 Filed 5–28–81; 8:45 am]

BILLING CODE 4310–84–M

---

43 CFR Public Land Order 5940

[CA 7442]

California; Revocation of Executive Order No. 7026

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a withdrawal affecting 40 acres of land withdrawn in connection with Federal and State cooperative forest-protection work. This action will restore the land to the operation of the public land laws, including the location of nonmetalliferous minerals under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Celia Anderson, California State Office, 916–484–4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 7026 of April 30, 1935, which withdrew the following described lands from settlement, location, sale or entry, for use as a lookout station in connection with Federal and State cooperative forest-protection work, is hereby revoked in its entirety:

San Bernardino Meridian

T. 18 S., R. 3 E.,
Sec. 28, NW¼NW¼.

The area described contains 40 acres in San Diego County.

2. At 10:00 a.m., on June 23, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10:00 a.m., on June 23, 1981, the land will be open to nonmetalliferous mineral location under the United States mining laws. The land has been open to applications and offers under the mineral leasing laws and to metalliferous mineral location under the United States mining laws.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Room E–2841, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81–15806 Filed 5–28–81; 8:45 am]

BILLING CODE 4310–84–M

---

43 CFR Public Land Order 5941

[CA–7370]

California; Revocation of Executive Order No. 4202

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive Order which withdrew lands in aid of legislation. The action will restore approximately 2,113 acres of land to the operation of the public land laws generally, including location of nonmetalliferous minerals under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Celia Anderson, California State Office, 916–484–4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 4202 of April 14, 1925, which withdrew the following described lands pending enactment of proposed legislation, is hereby revoked in its entirety:

San Bernardino Meridian

T. 7 N., R. 3 E.,
Sec. 2, lots 3 and 4, S½NW¼.
T. 17 S., R. 9 E.,
Sec. 32, S½.
T. 18 S., R. 9 E.,
Sec. 4, all;
Sec. 5, all;
Sec. 8, lots 3 to 6, inclusive, N½N½;
Sec. 9, lots 1 to 4, inclusive.

The area described aggregates 2,113.42 acres in Imperial and San Bernardino Counties.

2. At 10 a.m. on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on June 23, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. They have been open to applications and offers under the mineral leasing laws and to metalliferous mineral location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E–2841, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81–15807 Filed 5–28–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5942

[CA-4706]

California; Modification of Public Land Order No. 431 to Make Lands Available for Leasing Under the Geothermal Steam Act of 1970

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order modifies Public Land Order No. 431 which withdrew lands for the China Lake Naval Weapons Center by making lands available for leasing of geothermal steam and associated geothermal resources under the provisions of the Geothermal Steam Act of 1970. This order also identifies those lands withdrawn by Executive Order No. 6206 which are and have been open to geothermal leasing on both a competitive and noncompetitive bid basis.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Walt Holmes, California State Office 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2751, 43 U.S.C. 1714), it is ordered as follows:

1. Public Land Order No. 431 of December 19, 1947, withdrew public lands from appropriation under the public land laws, including the mining and mineral leasing laws, for use of Navy as a naval ordnance testing center and proving range. That order is hereby modified, but only to the following extent: the hereinafter described lands are restored and opened to leasing of the geothermal steam and associated geothermal resources under the provisions of the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and the Act of February 28, 1958 (43 U.S.C. 155 et seq.). Such leasing will be only upon terms and conditions agreed to by the Secretary of the Interior and the Secretary of the Navy. The lands shall otherwise remain withdrawn from appropriation under all other public land laws including, but not limited to, the mining and remaining mineral leasing laws, for use by the Department of the Navy.

Navy Weapons Testing Center and Proving Range

China Lake, California

Mount Diablo Meridian

T. 21 S., R. 38 E.,
Sec. 24, All;
Sec. 25, All.
T. 22 S., R. 38 E.,
Secs. 1 through 4;
Secs. 9 through 15;
Secs. 21 through 28;
Secs. 33 through 35.
T. 23 S., R. 38 E.,
Secs. 1 through 4;
Secs. 9 through 12.
T. 21 S., R. 39 E.,
Secs. 19 through 21;
Sec. 22, W½;
Sec. 27, W½;
Secs. 28 through 32;
Sec. 33, NE¼, W½, N½SE¼, and SW¼SE¼.
T. 22 S., R. 39 E.,
Sec. 4, Lots 2, 3, and 4;
Sec. 5, Lots 1, 2, 3, and 4, S½N½, and N½S½;
Sec. 6, Lots 1 through 7, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 7, Lots 1 through 4 and E½W½;
Sec. 18, W½;
Sec. 19 through 21;
Sec. 22, W½;
Sec. 27, W½;
Secs. 28 through 33;
Sec. 34, W½.
T. 23 S., R. 39 E.,
Secs. 5 through 7.
Aggregating approximately 37,228 acres.

2. Executive Order No. 6206 of July 16, 1933, withdrew public lands from settlement, sale, location, or entry in aid of legislation for the protection of the water supply of the city of Los Angeles. The lands described below which were withdrawn by this Executive Order have always been and will continue to be open to applications and offers for the leasing of the geothermal steam and associated geothermal resources under the provisions of the Geothermal Steam Act of 1970.

T. 21 S., R. 37 E.,
Sec. 25, All;
Sec. 26, E½E½;
Sec. 27, NW¼NW¼, S½N½, and S½;
Secs. 34 and 35.
T. 22 S., R. 37 E.,
Sec. 1, All;
Sec. 2 Lots 1 and 2 of NE¼, Lots 1 and 2 of NW¼, and SW¼;
Sec. 3 Lots 1 and 2 of NE¼, Lots 1 and 2 of NW¼, and E½SW¼, and SE¼;
Secs. 11 through 13;
Sec. 24, All;
Sec. 25, N½, N½S½, SW¼SW¼, and SE¼SE¼;
Sec. 36, E½NE¼, W½NW¼, and S½.
T. 21 S., R. 38 E.,
Sec. 21, All;
Secs. 27 through 35.
T. 22 S., R. 38 E.,
Secs. 1 through 5;
Sec. 6, Lots 1 and 2 of NE¼, E½ of Lots 1 and 2 of NW¼, Lots 1 of SW¼, and SE¼;
Sec. 7 through 15;
Sec. 17, All;
Sec. 19, S½ of Lots 1 and 2 of NW¼, Lots 1 and 2 of SW¼, and SE¼;
Sec. 20, N½, N½S½, SE¼SW¼, and S½SE¼;
Secs. 21 through 35.
T. 23 S., R. 38 E.,
Secs. 1 through 4;
Sec. 5, Lots 1, 2, 3, and 4, S½N½, E½SW¼, and SE¼;
Secs. 9 through 12.
Aggregating approximately 20,373.89 acres.

3. Of the lands heretofore identified in paragraphs 1 and 2, the following described lands are situated within the limits of the Coso Hot Springs Known Geothermal Resources Area (KGRA). The Geothermal Steam Act specifies that public lands within a KGRA shall be leased by competitive bidding under regulations formulated by the Secretary of the Interior (43 CFR 3220). Those portions of the following described lands which are identified in paragraph 1 are hereby opened to such competitive bid leasing. Those portions of the following described lands which are identified in paragraph 2 have been and will continue to be open to such competitive bid leasing.

T. 21 S., R. 37 E.,
Sec. 27, NW¼NW¼, S½N½, and S½;
Secs. 34 and 35.
T. 22 S., R. 37 E.,
Sec. 1, All;
Sec. 2, Lots 1 and 2 of NE¼, Lots 1 and 2 of NW¼, and SW¼;
Sec. 3, Lots 1 and 2 of NE¼, Lots 1 and 2 of NW¼, and E½SW¼, and SE¼;
Sec. 12, All;
Sec. 25, N½, N½S½, SW¼SW¼, and SE¼SE¼;
Sec. 36, E½NE¼, W½NW¼, and S½.
T. 21 S., R. 38 E.,
Sec. 21, All;
Sec. 24, All;
Sec. 25, All;
Secs. 27 through 35.
T. 22 S., R. 38 E.,
Secs. 1 through 5;
Sec. 6, Lots 1 and 2 of NE¼, E½ of Lots 1 and 2 of NW¼, Lot 1 of SW¼, and SE¼;
Secs. 8 through 15;
Sec. 17, All;
Sec. 19, S½ of Lots 1 and 2 of NW¼, Lots 1 and 2 of SW¼, and SE¼;
Sec. 20, N½, N½S½, SE¼SW¼, and S½SE¼;
Secs. 21 through 35.
T. 23 S., R. 38 E.,
Secs. 1 through 4;
Sec. 5, Lots 1, 2, 3, and 4, S½N½, E½SW¼, and SE¼;
Secs. 9 through 12.
T. 21 S., R. 39 E.,
Secs. 19 through 21;
Sec. 22, W½;
Sec. 27, W½;
Secs. 28 through 32;
Sec. 33, NE¼, W½, N½SE¼, and SW¼SE¼.
T. 22 S., R. 39 E.,
Sec. 4, Lots 2, 3, and 4;
Sec. 5, Lots 1, 2, 3, and 4, S½N½, and N½S½;
Sec. 6, Lots 1 through 7, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;

Sec. 7, Lots 1 through 4 and E½W½;
Sec. 18, W½;
Secs. 19 through 21;
Sec. 22, W½;
Sec. 27, W½;
Secs. 28 through 33;
Sec. 34, W½.
T. 23 S., R. 39 E.,
Secs. 5 through 7.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81–16028 Filed 5–28–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5924

[M–41590]

Montana; Partial Revocation of Public Water Reserve No. 76

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 40 acres of land withdrawn as a public water reserve. This action will restore the land to operation of the public land laws generally, including nonmetalliferous minerals under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Chief, Branch of Lands and Minerals Operations, Montana State Office, 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior, by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order dated June 14, 1921, which withdrew certain lands for public water reserve purposes is hereby revoked insofar as it affects the following described land:

Public Water Reserve No. 76

Principal Meridian

T. 7 S., R. 11 W.,
Sec. 19, NW¼SE¼.
The area described contains 40 acres in Beaverhead County.

2. At 10 a.m. on June 23, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. The land will be open to nonmetalliferous mineral location under the United States mining laws at 10 a.m. on June 23, 1981. It has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81–16027 Filed 5–28–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5882

[OR–20234–A]

Oregon; Partial Revocation of Public Water Reserve No. 87

AGENCY: Bureau of Land Management.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 160 acres of public land withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of November 9, 1923, which withdrew certain lands for public water reserve purposes is hereby revoked so far as it affects the following described lands:

Willamette Meridian

Public Water Reserve No. 87

T. 34 S., R. 42 E.,
Sec. 14, NW¼SW¼.
T. 35 S., R. 44 E.,
Sec. 26, NE¼NW¼.
T. 37 S., R. 44 E.,
Sec. 17, SE¼NW¼ and NE¼SW¼.

The areas described aggregate 160 acres in Malheur County.

2. At 10 a.m., on June 23, 1981, the public lands described above shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the public lands described above will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81–16029 Filed 5–28–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5889

[ORE–05274]

Oregon; Revocation of Public Land Order No. 1442

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 40 acres of land for use by the U.S. Air Force. The land and mineral estate have been determined to be unsuitable for return to the public domain and have been reported to the General Services Administration for disposition as excess property.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order 1442 of July 5, 1957, which withdrew the following described land for use by the U.S. Air Force is hereby revoked:

Willamette Meridian

Falcon Heights, Kingsley Field

T. 39 S., R. 9 E.,
Sec. 34, SW¼NW¼.
The area described contains 40 acres in Klamath County.

2. The land described above has been reported to the General Services Administration for disposition as excess property and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-16003 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

---

43 CFR Public Land Order 5890

[OR-20236-B]

Oregon; Partial Revocation of Public Water Reserve No. 91

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 339.89 acres of lands withdrawn as a public water reserve. This action will restore 279.89 acres to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws. Sixty acres remain segregated from operation of the public land laws, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of June 13, 1925, which withdrew certain lands for public water reserve purposes, is hereby revoked so far as it affects the following described public lands:

Willamette Meridian

Public Water Reserve No. 91

T. 18 S., R. 39 E.,
Sec. 14, NW¼SW¼;
Sec. 18, SW¼SE¼;
Sec. 19, NW¼NE¼ and NE¼NW¼.
T. 28 S., R. 44 E.,
Sec. 21, NW¼SW¼ and N½SW¼SW¼.
T. 31 S., R. 43 E.,
Sec. 6, SE¼NW¼.
T. 34 S., R. 45 E.,
Sec. 7, Lots 10 and 11.

The areas described aggregate 339.89 acres in Malheur County.

2. The public land in T. 28 S., R. 44 E., is included in proposed protective withdrawal ORE 017370 and remains segregated from operation of the public land laws generally, including the United States mining laws.

3. At 10 a.m., on June 23, 1981, the public lands described in paragraph 1, except as provided in paragraph 2, will be open to operation of the public lands laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. At 10 a.m., on June 23, 1981, the public lands described in paragraph 1, except as provided in paragraph 2, will be open to nonmetalliferous mineral location under the United States mining laws. The public lands described in paragraph 1, except as provided in paragraph 2, have been and continue to be open to metalliferous mineral location under the United States mining laws. All the lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-16030 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL MARITIME COMMISSION

46 CFR Part 503

[General Order 22; Amdt. 11]

Public Observation of Federal Maritime Commission Meetings and Public Access to Information Pertaining to Commission Meetings; Public Information

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This amendment eliminates the current two week advance request requirement applicable to agency personnel for closure of items to be scheduled for "Sunshine" meetings. This change will provide greater flexibility to scheduling meetings, while still conforming to the notice requirements of the Sunshine Act.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L St. NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission's current rule regarding requests by agency personnel to close items to be scheduled for a "Sunshine" meeting requires such requests to be submitted to the Secretary not later than two weeks prior to the Commencement of the meeting (46 CFR 503.74(a)). The purpose of the requirement is to allow the Secretary to schedule and accomplish a vote by the Commission on any such request to close in sufficient time to publish notice of the meeting within the seven day time restriction imposed by the Sunshine Act. Experience under this rule has shown that the two week advance request requirement is unnecessarily long and unduly restricts agency flexibility in scheduling items for meetings and in determining whether items can be closed to public observation.

To remedy this situation the Commission has determined to amend this rule to eliminate the rigid two-week requirement and to provide a more flexible procedure. Notice and public participation on this amendment are not required because the rule in question pertains solely to internal agency procedures, not affecting the public. For the same reason the requirements of the Regulatory Flexibility Act do not apply.

Therefore, pursuant to 5 U.S.C. 533(b)(A), paragraph (a) of § 503.74, Title 46 CFR is revised to read as follows:

§ 503.74 Procedures for closing a portion or portions of a meeting or a portion or portions of a series of meetings on agency initiated requests.

(a) Any member of the agency, the Managing Director, or the General Counsel of the agency may request that any portion or portions of a meeting or any portion or portions of a series of meetings be closed to public observation for any of the reasons provided in § 503.73 of this Subpart by submitting such request in writing to the Secretary of the agency in sufficient time to allow the Secretary to schedule a timely vote on the request pursuant to paragraph (b) of this section.

* * * * *

By the Commission May 13, 1981.[1]

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-16023 Filed 5-28-81; 8:45 am]

BILLING CODE 6730-01-M

[1] *Commissioner Daschbach dissenting.* Closure of agenda items deprives the public of its right to view the deliberations leading to agency actions which have a significant impact upon the public interest. Agenda items should therefore be closed only under *exceptional* circumstances, and provisions permitting such closures should be tightened rather than relaxed.

Proposed Rules

Federal Register
Vol. 46, No. 103
Friday, May 29, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Ch. IX

[Docket No. AO-379]

Carrots Grown in the Forty-Eight Contiguous States; Termination of Proceedings on Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document terminates the proposed marketing agreement and order for carrots grown in the 48 contiguous States. The proposal would primarily have authorized regulation of consumer-sized carrot bags and master containers. Considering the lapse of time, the record is so dated that there is no clear showing of a need for the program and its various provisions.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued September 13, 1976, and published September 16, 1976 (41 FR 39772)

Notice of Recommended Decision—Issued November 30, 1977, and published December 6, 1977 (42 FR 61599)

Preliminary Statement

A public hearing was held upon a proposed marketing agreement and order for carrots grown in the forty-eight contiguous States at Los Angeles, California, November 2, 1976, and continued at Dallas, Texas, on November 10, 1976.

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and the applicable rules of practice (7 CFR Part 900). The Notice of Recommended Decision was issued November 30, 1977, and published December 6, 1977 (42 FR 61599).

However, because of the extensive time that has elapsed since the hearings and apparent lack of interest on the part of much of the industry, the Secretary hereby finds that the proposed marketing agreement and order are currently not in the public interest, and the proceedings are hereby terminated.

Signed at Washington, D.C., on May 22, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-16149 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Quality Service

7 CFR Part 2851

[Docket No. 81-022N]

U.S. Standards for Grades of Shelled Peanuts; Withdrawal of Proposed Rule

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: This notice withdraws a December 14, 1979, notice of proposed rulemaking which would have combined the three current U.S. grade standards for shelled Virginia, Runner, and Spanish type peanuts into a single U.S. Standard for Grades of Shelled Peanuts. The proposed U.S. grade standards include additional kernel size classifications and changes in various tolerances for split kernels, defects, undersize and oversize kernels, and provisions to facilitate export trading. A Solicitation of Information, published Februrary 3, 1981, in the **Federal Register**, sought information from the public concerning several technical points of industry disagreement on the proposed U.S. standards for shelled peanuts.

The Agency received comments from the four major peanut sheller associations, the candy and peanut butter manufacturers' association, and individual manufacturers, shellers, and international brokers. The comments indicate the original areas of disagreement have not been resolved and the Food Safety and Quality Service (FSQS) alternate proposals presented are not acceptable to the shelled peanut industry. Therefore, FSQS has determined to withdraw the proposed U.S. Standards for Grades of Shelled Peanuts.

The Agency will consider proposing U.S. standards for shelled peanuts at another time if it receives a request to do so by a group representative of all segments of the peanut industry.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Michael A. Canon, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2093.

SUPPLEMENTARY INFORMATION: On December 14, 1979, the Agency published in the **Federal Register** (44 FR 72599-72602) a proposed rule, U.S. Standards for Grades of Shelled Peanuts. The Southeastern Peanut Association, the Southwestern Peanut Sheller Association, and the Virginia-Carolina Peanut Association requested revision of the standards to bring them in line with current marketing practices and to promote uniformity of requirements in the standards. The comments received differed widely among various industry sheller associations and manufacturer associations on the proposed rule and on alternate proposals presented in a Solicitation of Information, published in the **Federal Register** February 3, 1981 (46 FR 10498). Although considerable effort has been made by associations representing different segments of the industry, peanut shellers and the candy and peanut butter manufacturers, all parties remain in disagreement on several technical details. Therefore, the current standards, U.S. Standards for Grades of Shelled Runner Type Peanuts, U.S. Standards for Grades of Shelled Spanish Type Peanuts, and U.S. Standards for Grades of Shelled Virginia Type Peanuts, will remain in effect.

In consideration of the foregoing, the proposed U.S. Standard for Grades of Shelled Peanuts, published in the **Federal Register** on December 14, 1979, (44 FR 72599-72602), is hereby withdrawn.

Done in Washington, DC, on May 20, 1981.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 81-15679 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-DM-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Importation of Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposal would permit the importation of mares over 731 days of age into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met. This action is needed to provide an additional means of importing such mares into the United States from CEM-affected countries when this can be done without undue risk to livestock of the United States. The effect of this action would be to permit the importation of mares over 731 days of age into the United States from CEM-affected countries when specified requirements are met.

DATE: Comments on or before July 28, 1981.

ADDRESSES: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 815, Hyattsville, MD 20782, (301) 436-8170.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule" because, if this proposed rule is adopted, the annual effect on the economy would be less than $100 million and should result in no increase in costs to consumers, individual industries, Federal, State or local governmental agencies or geographic regions. This action should have no adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. If finalized, the proposal would lift restrictions that were imposed in the fall of 1977 on the importation of certain horses from France, Ireland, and the United Kingdom, as well as restrictions added later on Australia, Belgium, Italy, the Federal Republic of Germany, and Japan. During that period of time any mares originating in any one of these countries had to spend at least one year in a CEM-free country in order to enter the United States.

It is anticipated that from 50 to 200 importers will bring in an additional 1 to 4 mares annually, making a maximum of 800 horses per year. There will probably be an initial heavy influx of mares in the fall in order for them to be acclimated prior to next spring's breeding season. The total number of horses of all classes imported into the United States from all countries during Fiscal Year 1980 was 14,666.

To the best of our knowledge, through the years the number of small entities involved in the importation of mares from the countries involved has been extremely limited because of factors such as the volume of animals sold; stallion fees ranging from $5,000 to $50,000; stallions syndicated up to $32,000,000 and the international operations involved. The average cost to import a horse is from $5,000 to $7,000, including preembarkation testing and treatment, the cost of transportation and post entry quarantine. Further, this rule would not affect many other small entities which import mares from other countries not affected by the rule.

Notice is hereby given in accordance with the Administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended; and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

Section 92.2(i)(1) of the regulations prohibits the importation of certain horses into the United States from the countries of Australia, Belgium, Ireland, Italy, Federal Republic of Germany, France, Japan, the United Kingdom, and the Isle of Man, because of the existence of CEM in these countries.

Sections 92.2(i)(2)(ii), 92.2(i)(2)(iii), 92.2(i)(2)(iv) and 92.2(i)(2)(v) of the regulations provide for the importation into United States from countries in which CEM exists, of certain horses under certain specified conditions. Presently, the importation for permanent entry into the United States of mares over 731 days of age from countries in which CEM exists is prohibited.

The Department has conducted studies of horses affected with CEM organisms which have included the development and evaluation of surgical removal of the clitoral sinuses (clitoral sinusectomy) of mares over 731 days of age, swabbing and culture techniques, serological tests, and the effectiveness of treatment. These studies are available by contacting Dr. R. C. Knowles, USDA, APHIS, VS, Federal Building, Room 739, Hyattsville, MD 20782. Based on these studies, the Department believes that clitoral sinusectomy and certain topical treatments would be effective in freeing mares over 731 days of age from the contagion of CEM. Therefore, this proposal would provide a method for the importation into the United States of such mares under specified conditions which the Department believes will prevent the introduction of CEM into the United States.

This proposal would redesignate § 92.2(i)(2)(v) as § 92.2(i)(2)(vi) and would designate the requirements for the importation of mares over 731 days of age from countries in which CEM exists in this proposal as § 92.2(i)(2)(v) to provide better continuity and readability of the regulations regarding the importation of horses from CEM-affected countries.

Specifically, proposed § 92.2(i)(2)(v) would provide for the importation of any mare over 731 days of age if such mare is accompanied by an import permit as required in § 92.4 and if such mare is accompanied by a certificate which contains the information required by § 92.17, and is signed by a salaried veterinary officer of the national government of the country of origin. In addition, the certificate would state: (1) that all of the procedures which would be required by proposed § 92.2(i)(2)(v), discussed below, have been conducted under the direct supervision of the salaried veterinary officer of the national government of the country of origin who is signing the certificate; (2) the dates on which the surgery, treatment and cultures required by § 92.2(i)(2)(v) are performed; (3) the results of all cultures required by § 92.2(i)(2)(v) and the name of the laboratory conducting such cultures, and (4) that, except as provided in proposed § 92.2(i)(2)(v)(G), all specimens required to be cultured are found negative for CEM. This information would be required so that the Department can be assured that the procedures considered necessary to assure that mares over 731

days of age do not introduce CEM into the United States have been performed.

Experience in England and the United States has shown that the clitoral sinuses and the clitoral fossae are the most common sites for harboring CEM bacteria after the acute disease has subsided. Due to the minute size of the clitoral sinuses, it is difficult to obtain satisfactory specimens for culturing by swab, as well as difficult to adequately treat such areas for CEM. However, the Department believes that there will not be risk of spread of CEM by the importation of mares over 731 days of age if the clitoral sinuses are removed and their external genitalia and vaginal vestibule and clitoral fossa are cleaned and washed and treated as discussed below.

Proposed § 92.2(i)(2)(v)(D) would require that for 5 consecutive days, beginning the seventh day after removal of the clitoral sinuses, a licensed veterinarian shall clean and wash (scrub) the external genitalia and vaginal vestibule including the clitoral fossa with a solution of not less than 2 percent chlorhexidine in a detergent base. The clitoral fossa shall be filled and the external genitalia and vaginal vestibule shall be coated (packed) with an ointment of not less than 0.2 percent nitrofurozone. The 5 consecutive days postsurgical treatment is necessary to remove any contamination or possible spread of the CEM organism during the surgical procedure, and such treatment should provide reasonable assurance that the mare so treated will be free of the contagion of CEM. The postsurgical treatment must be postponed until 7 days after surgery to allow the mare to heal.

In addition, certain tests would be required to assure that the mare is free of CEM before it is imported into the United States.

Proposed § 92.2(i)(2)(v)(B) would require that a specimen (swab) be collected by a licensed veterinarian from the clitoral sinus of the mare within two hours prior to the removal of the clitoral sinuses and submitted by the licensed veterinarian to a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin. The collection of these specimens and their culture appears to be necessary to identify those mares which are still harboring the CEM bacteria and which would, therefore, not be eligible to be exported to the United States.

Proposed § 92.2(i)(2)(v)(E) would require postsurgical cultures to provide further evidence that the mare is free of CEM. After an interim of 7 days following the fifth consecutive day of scrubbing the external genitalia and vaginal vestibule and filling the clitoral fossa, 3 separate specimens would be required to be collected by a licensed veterinarian from the clitoral fossa, at intervals of not less than 7 days between the collection of each set of specimens, and each such specimen would be required to be submitted by a licensed veterinarian to a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin.

Proposed § 92.2(i)(2)(v)(E) would require that for nonpregnant mares an additional specimen also shall be collected by a licensed veterinarian from the endometrium of the uterus during estrus and all specimens shall be submitted by the veterinarian to a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin.

Mares with any positive culture for CEM of specimens collected pursuant to these procedures would not be certified for export to the United States, except as provided in proposed § 92.2(i)(2)(v)(G). A negative finding for all of the specimens is necessary because any positive result would indicate that the mare is affected with CEM. Proposed § 92.2(i)(2)(v)(G) does provide a procedure whereby mares with one or more positive cultures may be imported into the United States. The Department believes that this procedure would insure that even those mares which have had one or more positive cultures are free of CEM. To import such mares into the United States, a licensed veterinarian would be required to collect three additional separate sets of specimens from the clitoral fossa at not less than 7 day intervals, with the first set collected not less than one year from the date of the last positive culture. One set shall be collected from the endometrium of the uterus during estrus and the last set shall be collected within 30 days prior to the date of export. If the three additional sets of specimens are found negative for CEM, at a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin, the mare may be certified for export to the United States.

Experience has shown that many mares will cleanse themselves of the CEM organism, and this one year time period from the date of the last positive culture has generally been found to be sufficient to free the mare of CEM.

The Department would impose the requirement that the test be performed in a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin to ensure the accuracy of the tests.

Intervals of not less than 7 days between the topical treatment and the first collection of specimens and between each set of specimens are necessary to allow any CEM organisms which may exist to grow, so that they may be detected. The department is requiring 3 separate sets of specimens because swabbing to collect specimens is not a precise technique. The experience of equine practitioners in Kentucky who have tested horses affected with CEM indicates that 3 separate sets of specimens collected from the prescribed anatomical areas at an interval of at least seven days between each set provide a sufficient diversity of specimens so that a test of such specimens for CEM is considered accurate.

Proposed § 92.2(i)(2)(v)(E) would require that the last of the 3 sets of specimens, which would be required by this procedure to be collected, be cultured negative within 30 days of the date of export of the mare to the United States. This requirement would be imposed to reduce the likelihood of a mare becoming affected with CEM after the last test and prior to exportation. The Department believes that requiring exportation within 30 days of the last test for CEM provides an importer with a reasonable time in which to arrange for the importation and does not constitute a great risk that the mare may become affected with CEM since the date of the last test.

Proposed § 92.2(i)(2)(v)(F) would require that a mare not be bred from the time the treatment described in § 92.2(i)(2)(v) was begun through the date of export. This requirement would ensure that the mare does not become affected with CEM by such breeding at any time from the start of the required procedures through the date of exportation.

As stated above, the certificate accompanying the mare must, among other things, state that the salaried veterinary officer of the National Government of the country of origin directly supervise the surgery, topical treatment and specimen collection procedures set forth in § 92.2(i)(2)(v); the Department intends that such veterinary officer be physically present to supervise the clitoral sinusectomy, topical treatment and specimen collection procedures as required. The Department would require this certification to ensure that the procedures in § 92.2(i)(2)(v) have in fact been complied with.

Section 92.17 of the regulations requires, among other things, that horses imported from any part of the world be

accompanied by a certificate showing that such horses have not been in any country listed in § 92.2(i)(1) as affected with CEM during the 12 months immediately prior to their importation into the United States. Horses which are imported from countries listed in § 92.2(i)(1) under the exemptions in §§ 92.2(i)(2) (i), (ii), (iii) and (iv) are presently exempt from that requirement.

This proposal would provide that mares over 731 days of age imported from countries listed in § 92.2(i)(1) for permanent entry under the exemptions in proposed § 92.2(i)(2)(v) would also be exempt from the requirement that the certificate accompanying them show that the horses have not been in any country listed in § 92.2(i)(1) during the last 12 months immediately prior to their importation into the United States.

The reason that such horses should be exempt from that requirement is that they appear to present no risk of introducing CEM into the United States. Therefore, there does not appear to be any reason for prohibiting the importation of such mares on the grounds that the certificate accompanying them indicates that they have been in a country listed in § 92.2(i)(1) during the last 12 months immediately prior to their importation into the United States.

As in the case of stallions over 731 days of age imported from CEM-affected countries, (see 9 CFR section 92.4(a)(5), (6), and (7); 45 FR 1003–1006), this amendment would provide additional procedures for mares over 731 days of age following their importation from CEM-affected countries into the United States. These procedures which are described below, are believed necessary to provide further assurance that CEM will not be disseminated in the United States.

Proposed § 92.4(a)(8) would also require that any mare over 731 days of age from a CEM-affected country, for which a permit is requested pursuant to § 92.2(i)(2)(v) of the regulations, must be consigned to a State which the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has approved to receive such mares. Import permits would only be issued for such mares if such a State is indicated as the place to which the mare is consigned. Proposed § 92.4(a)(8)(ii) would list those States which have been approved to receive mares over 731 days of age pursuant to § 92.2(i)(2)(v). Proposed § 92.4(a)(9) would require the State to have laws or regulations in effect to require additional inspection, treatment and testing of such mares to further insure their freedom from CEM. This proposal would establish the minimum standards which a State must meet in order to be approved to receive mares over 731 daysof age imported from CEM-affected countries for permanent entry. These standards contain treatment, testing and handling procedures which are believed necessary to ensure that such mares being imported into the United States are free of the contagion of CEM.

For a State to be approved to receive mares from CEM-affected countries pursuant to § 92.2(i)(2)(v) the State would be required to enter into a written agreement with the Deputy Administrator, Veterinary Services, whereby the State would agree to enforce State laws and regulations to control contagious equine metritis and to abide by the conditions of approval established by the regulations in Part 92.

This procedure is believed necessary to provide added assurance that a State will control the movement of mares over 731 days of age imported from CEM-affected countries to ensure that CEM is not disseminated in the United States.

Further, to be approved, the State would be required to quarantine mares over 731 days of age from CEM affected countries imported pursuant to § 92.2(i)(2)(v) of the regulations until the mare has been treated and found free of CEM in accordance with the provisions of proposed § 92.4(a)(9). The quarantine of such mares is deemed to be necessary to ensure that the mares, if infected with CEM, do not transmit this disease to other horses in the United States. To be approved, a State would be required to have laws and regulations to ensure that mares over 731 days of age from CEM affected countries imported pursuant to § 92.2(i)(2)(v) of the regulations are treated as follows: on 5 consecutive days, an accredited veterinarian shall aseptically clean and wash the external genitalia, vaginal vestibule and clitoral fossa, with a solution of not less than 2 percent chlorhexidine in a detergent base and then coat the external genitalia and vaginal vestibule with an ointment of not less than 0.2 percent nitrofurozone insuring that the clitoral fossa is filled. After an interim of 7 days following the fifth consecutive day of scrubbing the external genitalia and vaginal vestibule and filling the clitoral fossa, for pregnant mares, an accredited veterinarian would collect 3 separate specimens from the clitoral fossa at intervals of not less than 7 days between the collection of each set of specimens. The specimens would then be submitted to a State or Federal animal disease diagnostic laboratory for culture. Seven days after foaling, an accredited veterinarian would be required to collect one specimen from the endometrium of the uterus of the mare and one specimen from the foal. If the foal is female, this specimen would be collected from the vaginal vestibule; and, if a male, the specimen would be collected from the prepuce. Each of these specimens would be required to be submitted to a State or Federal animal disease diagnostic laboratory for culture.

For nonpregnant mares, an accredited veterinarian would be required to collect 3 separate sets of specimens from the clitoral fossa at an interval of not less than 7 days between the collection of each set of specimens with one additional specimen collected from the endometrium of the uterus during estrus. All such specimens would be required to be submitted to a State or Federal animal disease diagnostic laboratory for culture.

If any specimen required by proposed § 92.4(a)(9) were positive for CEM the mare would not be released from quarantine. To obtain release from quarantine, three additional sets of negative cultures on specimens collected from the clitoral fossa by an accredited veterinarian at an interval of not less than 7 days would be required. The first set of cultures would be required to be collected not less than one year from the date of the last positive culture, and one additional set of specimens would be collected during estrus from the endometrium of the uterus. Experience has shown that many mares will cleans themselves of the CEM organism and this one-year time period is believed to be a necessary adjunct to antibiotic therapy.

Proposed § 92.1 (x) and (y) would define the terms "accredited veterinarian" and "licensed veterinarian" to clarify the meaning of those two terms as used in this proposal and Part 92.

Accordingly, Part 92, Title 9, Code of Federal Regulations, would be amended in the following respects:

1. The authority citation for Part 92 would be amended to read as follows:

Authority: Sec. 203, 60 Stat. 1087, as amended, secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 5, 11, 76 Stat. 129, 130, 132, sec. 1, 84 Stat. 202, (7 U.S.C. 1622, 19 U.S.C. 1306, 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f and 135).

2. In § 92.1, new paragraphs (x) and (y) would be added to read:

§ 92.1 Definitions.

* * * * *

(x) *Accredited Veterinarian.* A veterinarian approved by the Deputy Administrator in accordance with the provisions of Part 161 of the title to perform functions specified in Parts 1, 2, 3, and 11 of Subchapter A, and Subchapters B, C, and D of this chapter, and to perform functions required by cooperative State-Federal disease control and eradication programs.

(y) *Licensed veterinarian.* Any person licensed by any country or political subdivision thereof to practice veterinary medicine.

3. In § 92.2, paragraph (i)(2)(v) would be redesignated (i)(2)(vi) and a new paragraph (i)(2)(v) would be added to read:

* * * * *

§ 92.2 General prohibitions; exceptions.

(i) * * *

(2) * * *

(v) Any mare over 731 days of age imported, if:

(A)(*1*) The mare is accompanied by an import permit as required in § 92.4, and

(*2*) The mare is accompanied by a certificate, which contains the information required by § 92.17, is signed by a salaried veterinary officer of the national government of the country of origin and, in addition, states:

(*i*) That the salaried veterinary officer of the national government of the country of origin directly supervised the surgery, topical treatment and specimen collection required by paragraphs (i)(2)(v)(B), (i)(2)(v)(C), (i)(2)(v)(D), (i)(2)(v)(E) and (i)(2)(v)(G) of this section.

(*ii*) The dates on which the surgery, treatment and cultures required by paragraphs (i)(2)(v)(B), (i)(2)(v)(C) (i)(2)(v)(D) (i)(2)(v)(E) and (i)(2)(v)(G) of this section were performed.

(*iii*) The results of all cultures required by paragraph (i)(2)(v) of this section and the name of the laboratory that conducted such cultures.

(*iv*) That, except as provided in paragraph (i)(2)(v)(E) of this section, all specimens required to be cultured have been found negative for CEM; and

(B) A licensed veterinarian collects a specimen from the clitoral sinus of the mare within two hours prior to surgery required by paragraph (i)(2)(v)(C) of this section, and submits such specimen to a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin; and

(C) A licensed veterinarian removes surgically the clitoral sinuses of the mare and submits such clitoral sinuses to a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin; and

(D) For 5 consecutive days, beginning the seventh day after removal of the clitoral sinuses, a licensed veterinarian aseptically cleans and washes (scrubs) the external genitalia and vaginal vestibule, including the clitoral fossa with a solution of not less than 2 percent chlorhexidine in a detergent base and then fills the clitoral fossa and coats the external genitalia and vaginal vestibule with an ointment of not less than 0.2 percent nitrofurozone; and

(E) After an interim of 7 days following the 5th consecutive day of scrubbing the external genitalia and the vaginal vestibule and filling the clitoral fossa, a licensed veterinarian collects three separate specimens from the clitoral fossa, at an interval of not less than 7 days between the collection of each specimen, and each specimen is cultured with negative results for CEM at a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin. For any nonpregnant mare, a licensed veterinarian collects an additional specimen during estrus from the endometrium of the uterus and the specimen is cultured with negative results for CEM at a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin. The last of the three sets of specimens collected during this procedure is collected within 30 days of the date of export of the mare described on the certificate; and

(F) The mare described on the certificate is not bred from the time treatment required by this paragraph was begun through the date of export; and

(G) Any specimen required by paragraphs (i)(2)(v)(B), (i)(2)(v)(C), (i)(2)(v)(D), or (i)(2)(v)(E) of this section is found to be positive for CEM, and a licensed veterinarian collects three additional separate sets of specimens from the clitoral fossa at not less than 7-day intervals, with the first set collected not less than 1 year from the date of the last positive culture and each additional specimen is cultured with negative results at a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin. One set shall be collected from the endometrium of the uterus during estrus and the last set shall be collected within 30 days prior to the date of export.

4. In § 92.4, new paragraphs (a)(8) and (a)(9) would be added to read:

§ 92.4 Import permits for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds, and for animal specimens for diagnostic purposes.

(a) * * *

* * * * *

(8)(i) For mares over 731 days of age from countries listed in § 92.2(i)(1) and for which a permit is requested pursuant to § 92.2 (i)(2)(v), a permit will be issued only if the mare for which the permit is to be issued is consigned to a State which the Deputy Administrator, Veterinary Services, has approved to receive mares over 731 days of age in accordance with the provisions of paragraphs (a)(9) of this section.

(ii) The following States have been approved to receive mares over 731 days of age pursuant to § 92.2(i)(2)(v):

(9) In order for a State to be approved to receive mares over 731 days of age pursuant to § 92.2(i)(2)(v), the following conditions must be met:

(i) The State must enter into a written agreement with the Deputy Administrator, Veterinary Services, whereby the State agrees to enforce its laws and regulations to control contagious equine metritis and to abide by the conditions of approval established by the regulations in this part; and

(ii) The State must agree to quarantine all mares over 731 days of age imported from countries listed in § 92.2(i)(1), pursuant to § 92.2 (i)(2)(v), until such mares have been treated in accordance with the provisions of this paragraph; and

(iii) The State must have laws and regulations to insure that mares over 731 days of age imported from countries listed in § 92.2(i)(1), pursuant to § 92.2(i)(2)(v), have been treated and handled in the following manner:

(A) For 5 consecutive days, an accredited veterinarian shall aseptically clean and wash (scrub) the external genitalia and vaginal vestibule, including the clitoral fossa with a solution of not less than 2 percent chlorhexidine in a detergent base and then fill the clitoral fossa and coat the external genitalia and vaginal vestibule with an ointment of not less than 0.2 percent nitrofurozone.

(B) After an interim of 7 days following the 5th consecutive day of scrubbing the external genitalia and vaginal vestibule and filling the clitoral fossa:

(*1*) For any pregnant mare over 731 days of age, an accredited veterinarian shall collect three separate specimens from the clitoral fossa, at an interval of not less than 7 days between the

collection of each set of specimens, and shall submit each specimen to a State or Federal animal disease diagnostic laboratory for culture. Seven days after foaling, an accredited veterinarian shall collect one specimen from the endometrium of the uterus of the mare and one specimen from the foal, and each specimen shall be submitted by the accredited veterinarian to a State or Federal animal disease diagnostic laboratory for culture. If the foal is female, this specimen shall be collected from the vaginal vestible; and, if male, the specimen shall be collected from the prepuce.

(2) For any nonpregnant mare over 731 days of age, an accredited veterinarian shall collect three separate sets of specimens from the clitoral fossa, at an interval of not less than 7 days between the collection of each set of specimens, with one additional specimen collected from the endometrium of the uterus during estrus, and shall submit each specimen to a State or Federal animal disease diagnostic laboratory for culture.

(C) If any specimen required by this section is found to be positive for CEM, the mare shall not be released from State quarantine except as provided in this paragraph. For such mare, an accredited veterinarian shall collect three additional separate sets of specimens from the clitoral fossa at not less than 7 day intervals between each set, with the first set collected not less than 1 year from the date of the last positive culture; and, one additional set of specimens shall be collected from the endometrium of the uterus during estrus. If the additional sets of specimens are negative for CEM, the mare may be released from quarantine.

5. In § 92.17, that part of the first sentence after the fourth semicolon and before the fifth semicolon would be amended to read:

§ 92.17 Horses, certification, and accompanying equipment.

* * *; and, except as provided in § 92.(i)(2) (i), (ii), (iii), (iv), and (v), the horses have not been in any country listed in § 92.2(i)(1) as affected with CEM during the 12 months immediately prior to their importation into the United States; * * *

All written submissions made pursuant to this proposed rule will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, MD., during regular hours of business (8 a.m. to 430 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 22d day of May 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-16147 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1918a

[Docket No. S-506]

Marine Terminals; Extension of Comment Period

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Extension of time for submission of comments.

SUMMARY: This notice extends the period for written comments concerning the rulemaking proceeding for marine terminals (29 CFR Part 1918a). In response to the requests made by several parties attending the public meeting on April 28, 1981 to have the comment period extended, OSHA has decided to grant an extension of time, until August 15, 1981.

As provided in the notice of January 16, 1981, interested persons may also file objections to the proposal and request that OSHA hold an informal public hearing to discuss these objections.

DATES: Written comments and any requests for a hearing must be postmarked on or before August 15, 1981.

ADDRESS: Written comments and requests for a hearing should be submitted to the Docket Officer, Docket No. S-506, Occupational Safety and Health Administration, Room S-6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: Mr. Basil Needham, Director, Office of Maritime Safety Standards, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3471, Washington, D.C. 20210, (202) 523-7234.

SUPPLEMENTARY INFORMATION: The Occupational Safety and Health Administration published a Notice of Proposed Rulemaking concerning the establishment of a new Part 1918a, for safety and health regulations covering marine terminals, on January 16, 1981 (46 FR 4182). Interested persons were given until May 15, 1981, to submit comments with respect to the proposal and to file objections and request a hearing. OSHA also provided these persons with the opportunity to attend informal public meetings in Washington, D.C. from April 28-30, 1981, to express their views on the contents of the proposal.

Several parties present at the public meeting held on April 28, 1981 indicated that they needed more time to analyze the proposal and submit their comments to the Agency. OSHA believes that the length and complexity of the proposal warrants approval of the requested extension. Therefore, OSHA has decided to extend the comment period until August 15, 1981.

As provided in the Notice of Proposed Rulemaking, interested persons may, in addition to submitting written comments also file objections to the proposal and request an informal public hearing with respect to those objections, in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked on or before August 15, 1981, and submitted to the Docket Office;

(3) The objections must specify with particularity the provisions of the proposed rule to which objection is taken, and must state the ground therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the requested hearing.

All written comments and requests for a hearing must be postmarked on or before August 15, 1981, and submitted to the Docket Officer, Docket No. S-506, Room S-6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655), Sec. 41, 44 Stat. 1444 (33 U.S.C. 941); 29 CFR Part 1911, and Secretary of Labor's Order No. 8-76 (41 FR 25059))

Signed at Washington, D.C. this 21st day of May, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-16160 Filed 5-28-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Department of Defense.

ACTION: Publication of the Department's semiannual agenda of regulations under review or development by the Department of Defense and its components.

SUMMARY: The Department of Defense is publishing its sixth semiannual agenda of regulations for public information and comments. Initiated under E.O. 12044 in November of 1978 and voluntarily implemented throughout the Department under the DoD Regulatory Improvement Plan, this agenda continues the intent and purposes of those original objectives now part of the Department's rulemaking process. This agenda is the first under the new E.O. 12291, "Federal Regulations," and contains many of the provisions and objectives of the previous E.O. It also incorporates those objectives determined applicable under the new E.O. As experience is gained and the scope of the new E.O. broadened, future agendas may be modified to include additional rulemaking areas deemed relevant and appropriate to the revised objectives. Although the next agenda's official publication date under E.O. 12291 is scheduled for October of 1981, a supplemental, separate, or combined agenda may be published earlier if determined significant and relevant.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD Regulatory Improvement and general semiannual agenda information, contact Colonel Peter H. Karalus, telephone 202-695-4281 or write: Directorate for Organizational and Management Planning, OASD(C), Pentagon, Washington, D.C. 20301.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy and Air Force. As in previous agendas the regulations contained herein are not major regulations that impact significantly upon the public, the economy, nor state or private institutions as defined under the E.O. The regulations selected for publication were chosen to increase public knowledge of DoD actions in common areas of interest and allow for comment and participation in the Department's rulemaking process. This initial agenda under E.O. 12291, while continuing the review and comment process originated under the previous E.O., also contains additional items desired under the new E.O. Its format has also been modified to allow each DoD Component to incorporate the desired rulemaking information into their administrative reporting process. Each DoD Component's report should generally include the following information:

- Proposed regulations they have issued or expect to issue.
- Current effective rules under review pursuant to E.O. 12291, if applicable.
- Summary and nature of each rule being considered.
- Objectives and legal basis for issuance of each rule.
- Approximate schedule for completing action.
- List of existing regulations to be reviewed.
- Name and telephone number of knowledgeable official for rules published.
- Statement indicating whether the rule is major.

Although not a regulatory agency, the Department will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary burdens upon the public. Comments and recommendations are invited and should be addressed to the DoD Component representatives published in each section.

Individual component reporting variations of the above agenda requirements may be found within each section due to the separate mission, functions and responsibilities of the reporting components.

Included in this agenda is the initial regulatory report from the US Army, Corps of Engineers, whose civil works functions fall under the reporting requirements of the new E.O. Their agenda will reflect these requirements and be followed by further reporting actions determined necessary under the E.O.

This agenda is published voluntarily by the Department of Defense, consistent with Executive Order No. 12291, Federal Regulation, February 17, 1981, for the guidance and the interest of the public, notwithstanding the inapplicability of section 553 of title 5, United States Code, or any other legal requirement for such publication. The provisions of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, therefore, do not apply.

D. O. Cooke,

Deputy Assistant Secretary of Defense.

May 27, 1981.

Office of the Secretary—Improving Government Regulations: Semiannual Agenda

ACTION: Semiannual Agenda of Regulatory and Procedural Documents Under Development or published by the Office of the Secretary of Defense (OSD).

SUMMARY: The charts below list the DoD policy documents that were published during the period December 1, 1980 through May 29, 1981. This is the sixth semiannual agenda and the first submitted under E.O. 12291.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact that individual. For other information on the Agenda, contact Mrs. Margarete S. Healy, telephone 202-697-4111, or write to Directives Division, C&D, WHS, Room 2A286, Pentagon, Washington, D.C. 20301.

SUPPLEMENTARY INFORMATION: The impact and philosophy of E.O. 12291 as compared with E.O. 12044 have changed the direction of government regulation agenda requirements. Whereas E.O. 12044 focused on improving government regulations, strengthening agency head oversight, and providing opportunities for public participation in general terms, E.O. 12291 is specific in addressing the more far-reaching effect federal regulations may have on the U.S. economy.

In our previous agenda preambles, we maintained that the regulatory documents issued by the Office of the Secretary of Defense (OSD) are defense mission-directed, that the OSD is not considered a regulatory agency, and that OSD is largely exempt from the provisions of E.O. 12044. We agreed voluntarily, however, to participate in the effort to increase public knowledge on DoD implementation of laws and statutes.

In this agenda, we continue to list OSD regulatory documents, proposed and final, that were issued during the period December 1, 1980, and May 29, 1981.

None of the regulatory documents is a "major rule", nor does the Regulatory

Flexibility Act of 1980 apply; the documents have been published to comply with the provisions of 5 U.S.C. 552 and subsection (b) of 5 U.S.C. 553.

No major rules are presently under development.

Office of the Secretary Defense Regulations Published During Period Dec. 1, 1980, Through Apr. 30, 1981

CFR No.	Title	DOD directive/ instruction	Comments
32 CFR Part 41	Enlisted Administrative Separations	1332.14	Published 46 FR 9571, January 29, 1981, this was a reissuance of this Part (41 FR 9068), and incorporates 2 changes. Another revision of this part is now in coordination within the Department and will be published in the FEDERAL REGISTER as a proposed rule in June 1981. Contact official: LTC R. F. Baker, OASD(MRA&L) MPP, Washington, D.C. 20301, 202-697-9525.
32 CFR Part 46	Federal Voting Assistance Program	1000.4	Published 45 FR 84766, December 23, 1980. This rule implements E.O. 10646, The Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975. Contact official: Mr. H. Valentino, FVAP, WHS, Washington, D.C. 20301, 202-695-9300.
32 CFR Part 57	Hearings Required by the Education for All Handicapped Children Act of 1975.	6060.xx	This Part was published as an interim rule with request for comments, 46 FR 25440, May 7, 1981, pending issuance of a proposed rule to implement the Education for All Handicapped Children Act of 1975, and the Defense Dependants' Education Act of 1978. Contact official: Mr. Paul S. Koffsky, OGC, DoD, Washington, D.C. 20301, 202-695-3657.
32 CFR Part 59	Voluntary Military Pay Allotments	7330.1	Published 46 FR 10908, February 5, 1981, this reissuance updates policies that implement 37 U.S.C. Chapter 13 and governs voluntary allotments of pay and allowances for active duty and retired members. Contact official: Mr. J. Jasinski, OASD(C), Washington, D.C. 20301, 202-697-0536.
32 CFR Part 62a	Education and Training in Alcohol and Drug Abuse Prevention.	1010.5	Published 45 FR 84995, December 24, 1980, this rule establishes the DoD education and training policy in execution of 32 CFR Part 62, "Alcohol and Drug Abuse by DoD Personnel," which, in turn, implements standards in Pub. L. 92-255, as amended; 91-616, as amended; 92-129, as amended; and the FPM Sup. 792-2, February 1980. Contact official: Dr. John F. Mazzuchi, OASD(HA), Washington, D.C., 202-695-6800.
32 CFR Part 142	DoD Policy on Organizations That Seek to Represent or Organize Members of the Armed Forces in Negotiation or Collective Bargaining.	1354.1	Published 45 FR 84055, December 22, 1980, this reissuance incorporates the provisions of 10 U.S.C. 976, Pub. L. 95-610. A proposed rule (45 FR 43436) was published June 27, 1980, and comments solicited. Contact official: Colonel J. L. Fugh, OASD(MRA&L) MPP, Washington, D.C. 20301, 202-697-9283.
32 CFR Part 159	DoD Information Security Program	5200.1, 5200.1-R	Published 45 FR 79759, December 2, 1980, this regulation supplements Part 159 (5200.1)(44 FR 12670) published March 8, 1979, and implements section 5-402 of E.O. 12065. Contact official: Mr. Arthur F. Van Cook, ODUSDP, Washington, D.C., 202-695-2289.
32 CFR Part 166	Defense Contracting Reporting Procedure on Defense Related Employment.	7700.15	An amendment to this rule published 45 FR 83486, December 19, 1980, is the FY 80 update of the section listing DoD contractors receiving negotiated contract awards of $10 million or more, in compliance with provisions of Section 410, Pub. L. 91-121. Contact official: Ms. C. V. Springer, ODIO&R, WHS, Washington, D.C., 202-694-5614.
32 CFR Part 199	Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).	6010.8, 6010.8-R	A statement of policy published 46 FR 19818, April 1, 1981, gives public notice of a benefit policy decision on radial keratotomy, a surgical procedure to correct nearsightedness (myopia), as an experimental procedure. A technical change and statement of policy published 46 FR 21992, April 15, 1981, deletes the definition of conjoint therapy from the regulation, and announces a policy for payment of claims for collateral visits and conjoint therapy. Contact official: Ms. Lorraine F. Carpenter, OASD (HA), Washington, D.C. 20301, 202-697-5185.
32 CFR Part 201	Sale of Surplus Military Equipment to State and Local Law Enforcement and Firefighting Agencies.	4160.23	Published 46 FR 12494, February 17, 1981, this reissuance updates DoD policy and procedures governing the sale of certain DoD-owned surplus personal property to state and local law enforcement and firefighting agencies pursuant to title 10, U.S.C., Section 2576 (Pub. L. 90-500). Contact official: Mr. J. Marcus, OASD(MRA&L), Washington, D.C. 20301, 202-697-9196.
32 CFR Part 286	DoD Freedom of Information Act Program	5400.7, 5400.7-R	Published 45 FR 80502, this regulation supplements and revises Part 286 (5400.7) (45 FR 28323) published April 29, 1980, and prescribes uniform procedures in implementing the Freedom of Information Act (5 U.S.C. 552). Contact official: Colonel R. Farris, OASD(PA), Washington, D.C. 20301, 202-697-1180.

Department of the Army—Regulatory Agenda

AGENCY: Department of the Army.

ACTION: Publication of the Department of the Army's regulatory agenda of regulations as required by Pub. L. 96-354.

SUMMARY: The Department of the Army continues to receive and evaluate the need for existing regulations and to improve the quality of those deemed necessary. The Regulatory Agenda is a summary of regulations proposed or published by the Department during the last six months. The Regulatory Review List is a semiannual summary of existing or proposed regulations under internal review and coordination for revocation or revision. This review, however, is a continuing process under Army's directives management program; independent of Pub. L. 96-354; and only reflects those rules affecting the public.

SUPPLEMENTARY INFORMATION: The Agenda and Review List include regulations, which support the National Defense effort as well as the civil works activities of the Corps of Engineers, published in Titles 32 and 33 of the Code of Federal Regulations. The Agenda and Review List reflect the Department's efforts to conform with the spirit and intent of new legislation and an Executive Order recently promulgated.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires the designation of those regulations for which a regulatory flexibility analysis is prepared which would have an effect on a substantial number of small entities. With the exception of the civil works activities of the Corps of Engineers, Department of the Army regulations are essentially procedural and administrative and do not impose substantial requirements or costs on small entities or substantially alter their legal rights.

Review List

The Review List provided by the Army contains no regulation which would have a significant economic impact on small entities.

DEPARTMENT OF THE ARMY—SEMIANNUAL AGENDA

(Period December 1, 1980–April 30, 1981)

Part I—Status of Regulations Reviewed (Agenda November 30, 1980)

CFR No.	Title	Public comments	Status	Contact officer
32 CFR Parts 552.30 thru 552.36.	Acquisition of Real Property and Interests Therein (AR 405–10). 43 USC 315q and r 10 USC 2331, 2237, 3038.		Proposed Rule, 43 FR 59328, Dec. 19, 1978. No date for publication of Final Rule has been established.	Mr. Deimens, COE, Tel. (202) 272–0492.
32 CFR Part 553	Visitors Rules for Arlington National Cemetery, 24 USC Ch 7.	Two comments were received and considered.	Final Rule published. Item will be deleted from next Agenda.	Major J. P. King, Tel. (202) 695–0482.

Part II—Army Regulations Under Development

Description	Citation	Additional information
Obtaining Information from Financial Institutions (AR 190–xx).	32 CFR 504	*Summary.* To establish policy and procedures governing access to and disclosure of financial records maintained by financial institutions during the conduct of Army investigations or inquiries. It specifies that it is Department of the Army policy to seek consent of the customer in order to obtain a customer's financial records from a financial institution unless doing so would compromise or harmfully delay a legitimate law enforcement inquiry. If obtaining consent is not possible or if the customer declines to grant access, the proposed regulation details alternate means by which Army investigative elements may seek such access under the law. *Objective.* To comply with the Right to Financial Privacy Act of 1978. *Legal Basis.* 12 U.S.C. 3401. *Knowledgeable Official.* Major Hackett, DCSPER, Tel. (703) 756–1697. *Status.* Proposed Rule published February 10, 1981 (46 FR 11672) with a Final Rule to be published by mid-1981.
Private Organizations on Department of Army Installations.	32 CFR 556	*Summary.* Proposal to implement DoD Instruction 1000.15, "Private Organizations on Military Installations." This regulation would be applicable to all private organizations on Army installations except those under special Department of Defense sanction as set forth in separate agreements or regulations. *Objective.* To clarify the issues that private organizations are private and self-sustaining; are not officially affiliated with the United States Government or its instrumentalities; and are subject to state and local ordinances. *Legal Basis.* 10 U.S.C. 3102. *Knowledgeable Official.* Ms Terri Slocomb, TAGO, Tel. (202) 325–9370. *Status.* Proposed Rule published January 15, 1981 (46 FR 3561) with a Final Rule to be published by mid-1981.

Part III—Army Regulations Under Review

Summary: The following 10 Army Directives will be reviewed for elimination, consolidation, simplification, or addition to 32 CFR with the spirit of the Regulatory Flexibility Act and EO 12291.

Objective: To provide the Department of the Army staff and field operating agencies policies and procedures for implementing the captioned planning activity. These are non-significant regulations which impose no regulatory burden and are internal procedural documents. To keep requirements operationally current, only the CFR part, Army regulation number, summary (caption), and the identity of a contact officer are listed.

Description	Regulation	Summary (caption)	Knowledgeable official
32 CFR (new part, number unassigned)	AR 1–xx	Administering Appointed and Contracted Consultants and Experts for Supporting Army Studies.	Dr. Metzger, Tel. (202) 697–0026.
32 CFR (new part, number unassigned)	AR 190–24	Armed Forces Disciplinary Control Boards and Off-Installation Military Enforcement Service.	MAJ Case, Tel. (703) 756–1896.
32 CFR 518.51	AR 310–4	Publication of Rules Affecting the Public	Mr. Roach, Tel. (202) 325–6163.
32 CFR 518.1	AR 340–17	Release of Information and Records from Army Files	Mr. Walker, Tel. (202) 325–6163.
32 CFR 552.30 thru 552.74	AR 405–10	Acquisition of Real Property and Interests Therein	Mr. Deimens, Tel. (202) 272–0492.
32 CFR (new part, number unassigned)	AR 405–20	Federal Legislative Jurisdiction	Mr. Pracacek, Tel. (202) 272–0523.
32 CFR 645	AR 405–25	Real Estate Annexation	Mr. Pracacek, Tel. (202) 272–0523.
32 CFR 643	AR 405–80	Granting Use of Real Estate	Mr. Pracacek, Tel. (202) 272–0523.
32 CFR 652	AR 420–74	Natural Resources: Land, Forest, and Wildlife Management	Mr. Bandel, Tel. (202) 272–0592.
32 CFR 644	EP 405–1–2 Chapters 8 and 10.	Real Estate Handbook	Mr. Pracacek, Tel. (202) 272–0523.

Department of the Army—Corps of Engineers—Regulatory Agenda

AGENCY: U.S. Army Corps of Engineers.

SUMMARY: In response to Public Law 96–354, the "Regulation Flexibility Act," and Executive Order 12291, "Federal Regulation," the Army is publishing for public information a list of regulations pertaining to civil functions of the Department. These Civil Works regulations are either under development or under review.

FOR FURTHER INFORMATION CONTACT: The person designated as knowledgeable official at the telephone number listed, or write the official c/o Civil Works Directorate, Office of the Chief of Engineers, Washington, D.C. 20314. Inquiries can also be directed to Major (P) James Paul King, Office of the Assistant Secretary of the Army (Civil Works), telephone (202) 695–0482.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) and E.O. 12291 require semiannual publication, in April and October, of an agenda of regulations that are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agenda currently effective rules that are (or, in the case of the RFA after July 1, 1981, will be) under agency review. The following is the first semiannual agenda, for its Civil Works program, to be published by Army under the RFA and E.O. 12291. None of the regulations listed meet the standards required of a "major" regulation specified in E.O. 12291 or the economic impact specified in RFA.

Part I—Civil Works Regulations Under Development

Description	Citation	Additional information
Proposal to Amend Permit Regulations of the U.S. Corps of Engineers.	33 CFR 320–330	*Summary.* Proposal is to amend permit regulations published July 19, 1977, for controlling certain activities in waters of the United States, as required by law. Regulations were revised to reduce unnecessary regulatory burdens on the public by significantly expanding the nationwide permit program and to simplify procedures. *Objective.* Update to conform to laws, Executive Orders and judicial decisions which have occurred since current regulations were published (42 FR 37122–37164) and add section on nation-wide permits (33 CFR 330). *Legal Basis.* 33 USC 401 et seq., 33 USC 1344, 33 USC 1413. *Knowledgeable Official.* Mr. Goode, (202) 272–0200. *Status.* Proposed rules published September 19, 1980 (45 FR 62732–62777). Public comments received through December 1, 1980, and are under review. Final regulations scheduled to be published in late 1981 or early 1982.
Modification of Completed Projects	(Proposed)	*Summary.* Will coalesce policy on use of existing authorities for study and accomplishment of modifications to completed projects. *Objective.* Simplify existing guidance. *Legal Basis.* Sec. 216, P.L. 91–611. *Knowledgeable Official.* Mr. Teeters, (202) 272–0116. *Status.* Proposed rule scheduled for publication September 1981.
Implementation of E.O. 11990: Protection of Wetlands.	33 CFR 235	*Summary.* Provides instructions for implementing wetland protection (Engineer Regulation 1165–2–401). *Objective.* Clarifies Presidential guidance. *Legal Basis.* E.O. 11990. *Knowledgeable Official.* Mr. Teeters, (202) 272–0116. *Status.* Proposed rule published June 10, 1980. Comment period closed July 24, 1980. Final Rule scheduled for publication May 1981.
Use of Nonstructural Measures in Planning for Flood Damage Reducton.	(Proposed)	*Summary.* Will provide policies on formulation of plans incorporating nonstructural measures (Engineer Regulation 1165–2–122). *Objective.* Promote consistent formulation. *Legal Basis.* 33 USC 701b–11. *Knowledgeable Official.* Mr. Teeters, (202) 272–0116. *Status.* Proposed rule scheduled for publication August 1981.
Establishment of Wetlands in Connection with Dredging.	33 CFR 232	*Summary.* Provides guidance on establishing wetlands at water resources projects (Engineer Regulation 1165–2–27). *Objective.* Achieve uniform implementation. *Legal Basis.* Sec. 150, P.L. 94–587. *Knowledgeable Official.* Mr. Teeters, (202) 272–0116. *Status.* Proposed rule published October 24, 1979. Comments received to December 31, 1979. Final rule scheduled for publication June 1981.
Requirements for Local Participation	(Proposed)	*Summary.* Will set forth policies and procedures for ascertaining requirements of local cooperation to recommend to Congress (Engineer Regulation 1165–2–29). *Objective.* Achieve consistency from reporting officers. *Legal Basis.* 33 USC 547. *Knowledgeable Official.* Mr. Teeters, (202) 272–0116. *Status.* Proposed rule scheduled for publication July 1981.
Appendix C. Procedures for the Protection of Historic and Cultural Properties.	33 CFR 325	*Summary.* This appendix, jointly drafted by the Corps of Engineers and the President's Advisory Council on Historic Preservation was published for comment on April 3, 1980 (45 CFR 22112). Twenty-four letters of comment were received. The Corps and the Advisory Council will jointly draft the final regulation. *Objective.* To insure consistency in Corps' planning. *Legal Basis.* 16 USC 469. *Knowledgeable Official.* Mr. Goode, (202) 272–0200. *Status.* Currently on hold. Final rule to be published late 1981.

PART II—Civil Works Regulations Under Review

The following 22 Corps of Engineers' Engineer Regulations (ERs) appearing in 33 CFR will be reviewed for elimination, consolidation, or simplification within the spirit of E.O. 12291. For all of them, the following items of additional information apply:

Objective: Provide to Corps of Engineers' field operating agencies policies and procedures for implementing the captioned planning activity. The ERs are not regulations which themselves impose regulatory burdens. They are internal procedure documents.

Legal Basis: 10 USC 3036.

Knowledgeable Official: Dr. Wolff (202) 272–0146.

Description	Regulation	Summary (caption)
33 CFR 305	ER 1105–2–11	Identification and Administration of Cultural Resources.
33 CFR 252	ER 1105–2–14	Framework and River Basin Study Programs (Level A and Level B Studies).
33 CFR 264	ER 1105–2–22	Urban Studies Program.
33 CFR 263	ER 1105–2–50	Continuing Authorities Program.
33 CFR 265	ER 1105–2–81	Planning Assistance to States.
33 CFR 266	ER 1105–2–82	Project Deauthorization Review Program.
33 CFR 275	ER 1105–2–180	Wastewater Collection and Treatment Policy.
33 CFR 290	ER 1105–2–200	Planning Process: Multiobjective Planning Framework.
33 CFR 291	ER 1105–2–210	Planning Process: Plan Development Stages.
33 CFR 292	ER 1105–2–220	Planning Process: Problem Identification (TASK 1).
33 CFR 293	ER 1105–2–230	Planning Process: Evaluation of Alternatives (TASK 2).
33 CFR 294	ER 1105–2–240	Planning Process: Impact Assessment (TASK 3).
33 CFR 295	ER 1105–2–250	Planning Process: Evaluation (TASK 4).
33 CFR 341	ER 1105–2–351	Evaluation of Beneficial Contributions to National Economic Development for Flood Plain Management Plans.
33 CFR 209	ER 1105–2–502	Public Meetings.
33 CFR 380	ER 1105–2–800	Public Involvement: General Policies.
33 CFR 384	ER 1105–2–811	A–95 Clearinghouse Coordination.
33 CFR 393	ER 1105–2–921	Feasibility Reports: System of Accounts.
33 CFR 257	ER 1105–2–32	Approval of Phase I General Design Memorandum.
33 CFR 271	ER 1105–2–111	Flood Damage Prevention: Level of Protection for Urban Areas.
33 CFR 278	ER 1105–2–166	Separable Recreation Lands: Completed Lake Projects.
33 CFR 279	ER 1105–2–165	Resources Use: Establishment of Objectives.

Department of the Navy—Improving Government Regulations; Semiannual Agenda

ACTION: Semiannual agenda of regulatory information under review or development by the Navy Department as required by the DoD plan for Improving Government Regulations.

SUMMARY: The Department of the Navy published its first regulatory agenda in November 1978, and subsequent agendas thereafter, in compliance with Executive Order 12044 and the DoD plan for Improving Government Regulations. This agenda provides status of regulations that were previously reported under that Executive Order.

The Department of the Navy has no major regulations under development which meet the criteria of the new Executive Order 12291. Since Navy regulations are primarily directed toward supporting the Navy mission and its people, they do not normally impact upon the public directly.

The Navy will continue to voluntarily apply regulatory reform actions, including the agenda, to the regulatory process in compliance with Executive Order 12291.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information contact Ms. Alcinda P. Wenberg, telephone 202–695–1921, or write to Chief of Naval Operations, OP–09B15, Department of the Navy, Washington, D.C. 20350.

Part I. Status of Regulations Previously Reviewed (Agenda Nov. 30, 1978)

Department of the Navy—*Regulatory Agenda*

[Nov. 30, 1980 through May 30, 1981]

CFR No.	Title	Status	Contact officer
32 Part 725	Disposition of cases Involving Physical Disability.	Under revision due to change in basic requirements. Will be forwarded to the Office of Federal Register by 1 September 1981*.	LCDR M. W. Kirkpatrick, NCPB, Tel: 696–4366.
32 Part 730	Administrative Discharges and Related Matters Concerning Separations from the Naval Service.	Awaiting issuance of DOD Directive, same subject. To be forwarded to the Office of Federal Register by 1 March 1981*.	Mr. Minick, NMPC, Tel: 694–3613.

Status of regulations previously under development (agenda Nov. 30, 1979)

CFR No.	Title	Status	Contact officer
32 Part 701.1	Availability to the Public of Department of the Navy Records.	Being revised to implement a DOD Regulation. Will be forwarded to the Office of Federal Register by 1 December 1981*.	Mr. Donald Carr, OPNAV, Tel: 697–2004.
32 Part 701.100	Personal Privacy and Rights of Individuals Regarding Their Personal Records.	To be forwarded to the Office of Federal Register by 1 August 1981*	Ms. Gwen Rhoads, OPNAV, Tel: 694–2004.

*Approximate completion date.

Part II. Regulations Under Development

The Department of the Navy has no major regulations under development that meet the criteria of the new Executive Order 12291.

Part III

The Department of the Navy has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to these Rules and that the provisions under subsection (b) of section 553 of title 5 of the United States Code does apply.

Department of the Air Force—Semiannual Agenda

December 1, 1980–May 30, 1981

ACTION: Publication of the Department of the Air Force sixth semiannual agenda of regulations under review.

SUMMARY: The agenda is submitted to voluntarily comply with Executive Order 12291, Federal Regulations, and contains the information formerly required by Executive Order 12044, Improving Government Regulations, and the DOD Implementation Plan. The agenda lists those regulations under review within the Department of the Air Force and the status of those regulations previously reported. These regulations are not "Major Rules" as expressed in Executive Order 12291 but are "in-house" in nature, and are listed to voluntarily comply with the Executive Order. There are no existing regulations to be reviewed as of this date; any forthcoming regulations will be listed in future agendas. The Department of the Air Force has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to these rules and that the provisions under subsection (b) of section 553 of Title 5 of the United States Code do apply.

FOR FURTHER INFORMATION CONTACT:
Where a contact person is indicated, contact that individual. For other information concerning the agenda, contact Mrs. Carol M. Rose, telephone (202) 697–1861 or write, Department of the Air Force, AS/DASJR, Pentagon, Washington, DC 20330.

Part I—Status of Regulations Previously Reported

Department of the Air Force Semiannual Agenda

[Dec. 1, 1980–May 30, 1981]

CFR No.	Title	Status	Approximate schedule for completing action
32 CFR 803	Disposition of Personal Property	Revision in draft status	January 1982.
32 CFR 806	Air Force Freedom of Information Act Program.	First coordination completed; expected to go to editors in early June	October 1981.
32 CFR 822	Information Audiovisual (AV) Activities	Revision in draft status	Fall 1982.
32 CFR 827a	Release of information on Accidents	Revision in draft status	Fall 1982.
32 CFR 837	Support of Nongovernment Groups	Revision in draft status	Fall 1982.
32 CFR 842	Claims Manual	Revision in draft status	May 1982.
32 CFR 865 (Subpart B)	Personnel Review Boards (AF Discharge Review Board).	Awaiting publication of DOD Directive 1332.28	Cannot estimate until DOD Directive is out.
32 CFR 892	Part-Time Career Employment	Published in the FR as proposed rule 21 March 1980 (45 FR 18405). Final manuscript being processed.	July 1981.
32 CFR 954	Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense.	Revision in coordination process	Awaiting determination/interpretation of policy issues by OSD.
32 CFR 989	Environmental Impact Analysis Process	Published in the FR as proposed rule 26 July 1979 (44 FR 44119). Due to various changes, rule will go in FR again as proposed.	July 1981.
32 CFR (Part No. not assigned).	Real Property Management, Acquisition of Real Property.	Due to limited applicability to the general public, this regulation will not be published in the FR.	
32 CFR 834	Selecting Architect Firms for Professional Service by Negotiated Contracts.	Revision in coordination process	December 1981.
32 CFR 851	The United States AF Resources Protection Program.	Air Staff coordination completed; expected to go to editors by end of May	October 1981.
32 CFR 855	Use of USAF Installations by other than US DOD Aircraft.	Revision in coordination process	February 1982.
32 CFR (Part No. Not Assigned).	Environmental Impact Analysis Process (EIAP) Overseas.	Regulation in final review stages	July 1981.
32 CFR 860	Contractor's Flight Operations	Joint Regulation-services have not yet met to review need for revision—temporarily removing from the Agenda until revision gets underway.	
32 CFR 888e	Disposition of Conscientious Objectors	Revision in coordination process	November 1981.

Part II—Regulations Under Review

[Dec. 1, 1980–May 30, 1981]

CFR No.	Title	Purpose	Legal basis	Approximate schedule for completing action	Contact person
32 CFR 802	Air Force Technical Order System	Revision replaces the TO Council Charter for centralized Technical Order Management Group; clarifies job site criteria for critical tasks as nuclear or conventional weapon delivery systems; redefines JNWPs management; and explains the relationship.	10 U.S.C. 8012	October 1981	Mr. W. J. Stiegmann, AF/LEYE, 697-9179.
32 CFR 890	Filling Positions	Sets basic AF policy for filling positions, and specifies the priorities and restrictions that must be observed.	5 U.S.C. 301	December 1981	Mr. Peter Sharp, AF/MPKS, 694-2579.

The Department of the Air Force has no regulations under review which would require a Regulatory Impact Analysis since the Department does not normally promulgate Major Rules under the criteria expressed in E.O. 12291.

[FR Doc. 81-16209 Filed 5-28-81; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1829-3]

State of Maryland; Proposed Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Maryland has submitted a proposed revision of its State Implementation Plan (SIP) for sulfur content limitations for fuels and sulfur content limitations for coke ovens. This revision is a result of action by the Maryland Legislature removing the authority of the Secretary of Health and Mental Hygiene to establish more restrictive standards for pollutants for which National Ambient Air Quality Standards already exist. In addition, existing regulations were required to be amended to be no more restrictive than necessary to attain and maintain ambient air quality standards, provided that there is no conflict with Federal Requirements. A previous **Federal Register** notice proposed changes to the ambient air quality standards, total suspended particulate regulations, and other changes. This notice deals with the changes to the sulfur content in fuel regulations only. The following regulations have been amended by the State and proposed to EPA for inclusion in the State Implementation Plan:

Control and Prohibition of Gas and Vapor Emissions
(COMAR 10.18.02, .03, .06, .07)
(COMAR 10.18.04, .05)

This revision was accompanied by a demonstration from the State intended to show that National Ambient Air Quality Standards for sulfur oxides will not be violated as a result of these amendments and describing the techniques used in making this demonstration.

DATE: Comments must be submitted on or before June 29, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Sheridan.

Air Quality Programs, State of Maryland, 201 W. Preston Street, Baltimore, MD 21201, Attn: Mr. George Ferreri, Administrator.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall) Washington, D.C. 20460.

All comments on the proposed revision submitted on or before 30 days from the publication of this notice will be considered and should be directed to: Mr. James E. Sydnor, Chief, DC, MD, VA Section, Air Programs Branch (3AH11), Air, Toxics and Hazardous Materials Division, U.S. Environmental Protection Agency, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: AH023bMD.

FOR FURTHER INFORMATION CONTACT: Gregory Ham (3AH12), U.S. Enviromental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, tel. no. (215) 597-2745.

SUPPLEMENTARY INFORMATION: On October 24, 1979, Governor Harry Hughes submitted to EPA, Region III the proposed amendments to the Maryland Air Quality Control Regulations. Hearings were held on June 4, 5, and 8, 1979, and the regulations were adopted on October 9, 1979.

Description of the Regulation Changes

The Department of Health and Mental Hygiene (DHMH) has proposed amendments to Regulation .04, Control and Prohibition of Gas and Vapor Emissions in Areas I through VI. These changes are discussed in the following paragraphs.

For Areas I, II, V, and VI, Section B, Sulfur Content Limitations for Fuel, Subsection (2) has been changed to allow use of residual fuel oil with a sulfur content by weight not to exceed 2.0 percent. The previous federally approved regulation limited sulfur content to 1.0 percent.

Section D, Exceptions, Subsection (5), has been added, which sets emission standards of 1.8 lbs/mmBtu actual heat input per hour for solid fuel-burning sources, or limits sulfur content in residual oil to 1.0 percent by weight, for those sources in Area I which the Department determines would otherwise cause or exacerbate a violation of the National Ambient Air Quality Standards or Prevention of Significant Deterioration of Air Quality increments under the revised regulations. This is the level at which these sources are currently operating. The Department has indentified five sources to which this exception will apply. These sources are:

Celanese Corporation
Kelly-Springfield Tire Company
Potomac Edison Company
Fairchild Republic
Mack Trucks, Inc.

Any changes occurring in this list must be submitted to EPA as a revision to the Maryland SIP.

For Areas III and IV, the requirement in Regulation .04, Section B, Sulfur Content Limitations of Fuel, Subsection (4), that sulfur content in residual fuel be limited to 0.5 percent by weight on and after July 1, 1980, has been deleted. This allows a continuation of the existing limitations of 1 percent sulfur by weight in residual oil.

Subsection (5), Sulfur Content Limitations for Coke Ovens, has been renumbered Subsection (4) and has been changed to delete the requirement for a plant-wide average in any 2-hour period of the sulfur content by weight of coke oven gas used as fuel from coke ovens constructed before the effective date of this regulation not to exceed that permitted in residual fuel oils. This requirement was to have begun after June 30, 1983. Therefore, existing regulations remain in effect after this date.

The demonstration of air quality impacts resulting from this regulation consisted of developing concentration estimates using emission rates based on the proposed emission limitations. Because of the large area affected by this revision, several methods were used in this demonstration. The impact analyses for isolated sources were performed according to the *Guidelines for Air Quality Maintenance and Planning*, Vol. 10, Sec. 4.3. For most of the premises where more than one source was emitting, a modified CRSTER model was used. In addition, four sources had previously been modeled using the Valley model, and these results were adopted for this demonstration. Multi-source models capable of evaluating multisource interaction in urban areas were used in areas of high source density, and nearby major sources were included. One of

these models was the State's Multiple Source Dispersion Model, used for Frederick and Hagerstown. A version of EPA's model, C9M3D, was used for the Cumberland analysis. Major sources identified in the screening procedure used in this analysis as potentially causing or contributing to a violation of National Ambient Air Quality Standards or PSD increments under the revised regulations will be required to remain at emission levels required under existing regulations. Five sources are to be included in this exception for sulfur oxides. One major power plant is included in this exception. This is the only source to which the CEI evaluation criteria might apply. As this source is not included in this revision, EPA has determined that the CEI evaluation criteria does not apply to this revision. Concentrations resulting from other major sources and smaller interacting sources were estimated at levels less than those causing or exacerbating air quality standards or increments.

The modeling approach used in this demonstration has been reviewed by the Regional Office and was found to be consistent with modeling guidelines. Modeling in accordance with EPA's Modeling Guideline shows that these emission limits would not cause or contribute to a violation of the NAAQS for sulfur dioxide and would not cause significant degradation of air quality, in any other State. This emission limit, therefore, meets the requirements of Section 110(a)(2)(E) of the Clean Air Act, 42 U.S.C. 7410(a)(2)(E).

The State of Maryland submitted proof that public hearings were held in Hagerstown, Baltimore, and Salisbury, Maryland, on June 4, 5, and 8, 1979, respectively, in accordance with the requirements of 40 CFR 51.4.

Based on the foregoing, it is the tentative decision of the Administrator to approve the proposed revision of the Maryland SIP.

The public is invited to submit to the address above comments on whether the amendments of the State's regulations should be approved as a revision of the Maryland State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the amendment meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709 (January 27, 1981)). The attached rule, if promulgated, would constitute a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This rule is not "major" because it will not have an annual effect of $100 million or more or any other adverse impact on the economy. To the contrary, as noted above, this action will relieve financial burdens. Moreover, under the Clean Air Act, federal inquiry into the economic reasonableness of State SIP changes would serve no practical purpose and could well be improper.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7401–642)

Dated: March 11, 1981.

Jack Schramm,

Regional Administrator.

[FR Doc. 81-16144 Filed 5-28-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 81

[A-6-FRL-1826-7]

Designation of Areas for Air Quality Planning Purposes; State of Texas

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice proposes to reaffirm the attainment designation for ozone (O_3) for McLennan County. This proposal is necessitated by the decision of the U.S. Court of Appeals for the Fifth Circuit remanding to EPA its (EPA's) redesignation of McLennan County from nonattainment to attainment for ozone. This proposed action, if made final, will reaffirm the ozone attainment designation for McLennan County. EPA solicits public comment on the proposed reaffirmation.

DATE: Comments must be submitted within on or before June 29, 1981.

ADDRESSES: Comments should be directed to Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767–1518.

Information pertinent to the proposed designation is available for public inspection during normal business hours at the EPA Region VI office and at the following location: Publication Information Reference Unit, Room 2404 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Estela Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION:

Introduction

Section 107(d)(1) of the Clean Air Act required the States to submit to the Administrator a list identifying, among other things, all air quality control regions, or portions thereof, that had not attained the National Ambient Air Quality Standards (NAAQS). Section 107(d)(2) required the Administrator to promulgate this list with such modifications as he deemed necessary. On March 3, 1978 (43 FR 9037) the Administrator promulgated designations for the State of Texas, including a nonattainment designation for ozone for McLennan County, Texas. These designations were effective immediately and public comment was solicited. On September 11, 1978 (43 FR 40412), in response to comments received, the Administrator revised certain of the original designations. The Administrator did not revise at that time the ozone nonattainment designation for McLennan County.

Pursuant to Section 107(d)(5), on April 6, 1979, the State of Texas submitted revisions to its original designation list to EPA. On October 12, 1979, (44 FR 58922), EPA proposed to revise the ozone designations for Travis and McLennan Counties from nonattainment to attainment in response to the State's request. EPA solicited public comment on this proposal. No comments were received, and by order signed April 8, 1980, EPA took final action modifying these two ozone designations to attainment (45 FR 25063, April 14, 1980).

However, on June 26, 1980, the United States Court of Appeals for the Fifth Circuit set aside the nonattainment ozone designation for McLennan County promulgated by EPA on March 3, 1978. The Court found that EPA had violated the notice and comment requirements of

the Administrative Procedure Act, 5 U.S.C. 553 (d) and (c), by failing to provide notice and opportunity to comment prior to taking final action on the original McLennan County nonattainment designation. The court also found that the revision to attainment promulgated on April 8, 1980, did not necessarily moot the controversy because, on the basis of the record before it, it could not find that a further redesignation of McLennan County to nonattainment was not imminent.

EPA believes that the ozone attainment designation promulgated on April 8, 1980, accurately reflects the most recent available ozone monitoring data for McLennan County. In addition, EPA complied with notice and comment requirements prior to promulgating this designation. Consequently, EPA believes that this April 8, 1980, designation moots the case before the Fifth Circuit. However, to satisfy the Court's remand order, EPA is today proposing to reaffirm the ozone attainment designation for McLennan County and is soliciting comments on this proposal.

Technical Basis for Designation

In February 1979, EPA relaxed the ozone NAAQS from 0.08 parts per million (ppm), maximum hourly average concentration, to 0.12 ppm (44 FR 8218, Feb. 8, 1979). EPA also promulgated a new method for determining violations of the O_3 standard. In this method, EPA averages the number of exceedances of the standard recorded at a particular monitoring site during the most recent three calendar years. As long as the average remains less than or equal to 1, the area is considered to be in compliance with the ozone standard. (See Appendix H to 40 CFR 50 (1979)). An exceedance is any monitored hourly average reading of over 0.12 ppm. If there are gaps in the daily data for a particular year or ozone season, the missing data can be estimated from existing data through the use of a mathematical formula.

To determine the status of McLennan County, EPA examined the most recent data submitted by Texas in support of its redesignation request. This data consisted of incomplete data for the calendar years 1977 and 1978.[1] EPA estimated the O_3 readings for the missing dates. For purposes of clarity in the following chart, the term "exceedance" is used to describe a daily maximum hourly average ozone measurement that is greater than the level of the standard. Therefore, the expected number of days with maximum hourly average ozone concentrations above the level of the standard may be simply stated as the "expected number of exceedances." The expected exceedances relate to accounting for incomplete sampling and the expected number is basically an arithmetic average.

Year	Highest reading (ppm)	2d highest reading (ppm)	Expected exceedances
1977	0.126	0.117	1.2
1978	.120	.120	0

EPA then averaged the number of exceedances for the two years to arrive at an average expected exceedance value of 0.6. Because this value is less than 1, EPA believes that McLennan County should properly be designated as attainment for ozone under the relaxed 0.12 ppm standard.

Proposed Action

EPA hereby proposes to reaffirm the ozone attainment status designation for McLennan County, Texas. EPA solicits public comment on this proposal.

EPA has determined that a thirty day comment period is sufficient because EPA has already provided an earlier thirty day comment period for consideration of these issues and this data. *See* 44 FR 58922 (October 12, 1979).

Pursuant to the provisions of 5 U.S.C. 605(b), EPA hereby certifies that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only reaffirms an area air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is Major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely proposes to approve State actions. It imposes no new regulatory requirements. This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at The Environmental Protection Agency, Region 6, Dallas, Texas 75270.

(Sec. 107(d), 171(2), and 301(a) of the Clean Air act, as amended, 42 U.S.C. 7407(d), 7501(2) and 7601(a))

Dated: April 8, 1981.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 81-16142 Filed 5-28-81; 8:45 am]

BILLING CODE 6560-38-M

[1] Texas did not supply EPA with O_3 data for 1979. Convinced that McLennan County had attained the standard, Texas relocated the McLennan County O_3 monitor to another area of the state for which additional monitoring data was needed.

---

40 CFR Part 434

[WH-FRL 1814-6]

Coal Mining Point Source Category, Effluent Limitations Guidelines and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Changes to proposed rulemaking; notice of availability of development documents; initiation of the comment period; and corrections to the proposed regulation.

SUMMARY: On January 13, 1981, the EPA proposed regulations under the Clean Water Act to limit the discharge of effluents to waters of the United States from coal mining and preparation facilities (46 FR 3136).

Copies of the *Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Coal Mining Point Source Category* and *Economic Impact Analysis of Proposed Effluent Limitations Guidelines, New Source Performance Standards* and *Pretreatment Standards for the Coal Mining Point Source Category* are available from EPA on request.

One substantive change to the January 13, 1981 publication and corrections to typographical and grammatical errors are identified below.

DATE: Comments on the proposed regulation for the coal mining point source category must be submitted to the EPA by July 28, 1981.

ADDRESS: Send comments on all aspects of the proposed regulation to: Mr. William A. Telliard, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Attention: EGD Docket Clerk, Coal Mining. The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Unit, Room 2922 (EPA Library). The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Technical information and copies of technical documents may be obtained from Mr. William A. Telliard at the above address, (202) 426-2724. The economic analysis documents may be

obtained from Ms. Sandra Jones, Office of Analysis and Evaluation (WH-586), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 426-2617.

SUPPLEMENTARY INFORMATION: On January 13, 1981, EPA proposed effluent limitations guidelines and new source performance standards under the Clean Water Act, 33 U.S.C. 1251 et seq, for the coal mining point source category, 40 CFR Part 434, 46 FR 3136. These proposed limitations contain alternate effluent limitations that apply during precipitation events. See, *e.g.*, § 434.63. Since proposal of the regulation, the Agency has reconsidered the treatment facility design volume necessary to qualify for alternate effluent limitations during precipitation events. The storm exemption language in the January 13 proposal (*e.g.*, 434.63(c)(1)) required that treatment facility design, construction, operation, and maintenance be based upon water volumes from all surface water draining into it, including waters from the undisturbed (virgin) area and inactive (reclaimed) area, in addition to the active mining area. Today's proposal modifies the basis for the design volume by excluding from consideration waters from undisturbed areas which drain into the treatment facility. The Agency has received information that significant additional capital and operating costs are incurred in sizing a treatment facility to contain drainage from undisturbed areas and that such costs are unwarranted. Furthermore, safety considerations may preclude the sizing and placement of a facility large enough to contain all surface drainage, especially in steep-slope mining areas.

The Agency proposed to retain the requirement that in order to obtain the alternate limitations for the storm exemption the treatment facility must be designed to contain water volumes from the active and reclaimed mining areas. Collected drainage from the reclaimed area is often a source of significant amounts of sediment. A pond designed to contain drainage from the active and reclaimed areas assures adequate detention time for the sedimentation process and reasonable storage capacity for the entrained sediment.

In addition, the commingling provision, which has been rewritten for purposes of clarity in the January 13, 1981 proposal, explicitly includes coverage of drainage collected from reclamation areas (*e.g.*, § 434.61). For instance, commingled drainage from reclamation areas and acidic drainage from an active mining area would be subject to effluent limitations as follows:

Dry weather	Precip. < 10 yr [1]	Precip. > 10 yr [1]
(Base) condition	24 hr event	24 hr event
TSS, 35 mg/l avg	SS 0.5 ml/l max	pH 6 to 9.
Fe, 3.5 mg/l avg	pH 6 to 9	
Mn, 2.0 mg/l avg		
pH, 6 to 9		

[1] Where the treatment facility is designed, constructed, operated and maintained to contain the volume of water from the 10-year, 24-hour event draining from active mining areas and reclamation areas. Otherwise, effluent limitations for dry weather conditions apply.

For the purpose of regulating a commingled discharge, limitations for settleable solids need not be imposed when TSS limitations are applicable, as in the "Dry Weather" example above.

Regulatory Flexibility Analysis and Regulatory Impact Analysis: The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., requires that EPA prepare an Initial Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities.

In addition, Executive Order 12291 requires that EPA prepare a Regulatory Impact Analysis for each major rule. The Order defines a "major rule" as any regulation that is likely to result in:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

These analyses may be done in conjunction with or as a part of any other analysis conducted by the Agency.

This notice merely corrects errors in the January 13, 1981 proposed regulation and, by reducing the volume of water which a facility must contain in order to qualify for the 10-year, 24-hour storm exemption, *decreases* any burden which earlier regulation may have imposed on industry. Therefore, this notice does not have a significant impact on a substantial number of small entities and is not a major rule. Accordingly, it does not trigger the requirements for a Regulatory Flexibility Analysis or Regulatory Impact Analysis.

This Notice was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Solicitation of Comments

EPA invites and encourages public participation in this rulemaking. The Agency asks that any deficiencies in the record supporting this proposal be pointed to with specificity and that suggested revisions or corrections be supported by data or other relevant information.

For the purpose of clarity, the entire January 13, 1981 proposed regulation is being published as part of today's notice. However, a substantial portion of the BPT requirements remain unaffected by today's proposal and are not being reproposed today; accordingly, comments addressed to these requirements are not appropriate to this rulemaking. EPA solicits comments only on those portions of BPT which change the prior BPT regulation—that is, the proposals covering post-mining discharges, the revised storm provision and the inclusion of western mines.

EPA is particularly interested in receiving comments and data on the following issues:

(1) Industry and other sources are invited to submit any data from pilot or commercial scale studies of the performance of flocculant addition or granular media filtration, particularly on the effectiveness of toxic metals removal. Although the Agency has undertaken a variety of treatability studies to address these technologies, EPA is aware of the possible variation of technology performance given the diverse characteristics of raw wastewaters extant in the coal mining industry.

(2) The Agency solicits comments on its proposal to establish national regulations until bond release, and on the need for establishing national regulations for existing and new mines beyond bond release.

(3) The Agency invites comments on the revised storm exemption language, particularly the requirement that treatment facility design be based upon water volumes from active mining areas and reclamation areas but not the undisturbed or virgin areas draining into the treatment facility. The Agency is interested in receiving additional case-specific examples which demonstrate the feasibility or infeasibility of designing a treatment facility to accommodate all such waters, i.e., active, reclaimed and undisturbed, with respect to containing the water volume from a 10-year, 24-hour precipitation event. This includes site-specific information on:

- Land availability for locating and constructing such a facility;
- Size of the total drainage area involved for the treatment facility;
- Ratios (or other similar expressions) of undisturbed areas, reclamation areas, and active mining areas comprising the total drainage area;
- Wastewater treatment capital and operating cost comparisons assuming:

(1) water volumes for only the active mining area; (2) water volumes from reclamation areas and active mining areas; and (3) water volumes from the entire drainage area;

• Capital and operating costs and benefits associated with diversion ditching/diking to eliminate or minimize commingling of waters from undisturbed areas with waters from active mining areas and reclamation areas;

• Effluent reduction benefits attributable to treatment facilities sized to accommodate the entire drainage area;

• Safety Safety considerations in construction and operation of the treatment facility to contain waters from the entire drainage area;

• Local geographical and geological factors affecting the location, design, performance and operation of the treatment facility; and

• Planned life of the treatment facility for: (1) the active mining phase and (2) the reclamation phase.

In order to properly assess the economic impacts of any such case-specific examples, the Agency would appreciate receiving the following related information:

• Present drainage diversion efforts;

• Current yearly production;

• Identification of market (contract or spot);

• Estimated remaining life of the mine;

• Age of the mine;

• Total annual mine operating costs, exclusive of wastewater treatment;

• Total annual wastewater treatment costs;

• F.O.B. price per short ton of coal; and

• Number of employees at the mine.

Corrections

Referring to the preamble in the January 13, 1981 **Federal Register** Notice (46 FR 3136):

1. Page 3139, column 2, line 63, "regional state" is corrected to read "regional and state".

2. Page 3140, column 1, line 20, "miles" is corrected to read "mines".

3. Page 3140, column 1, line 46, "will continue" is corrected to read "continued".

4. Page 3140, column 1, line 53, "estblish" is corrected to read "establish".

5. Page 3149, column 1, line 32, "prtovision" is corrected to read "provision".

Numerous typographical errors appeared in the regulation section of the January 13, 1981 publication. Most notably, the concentration units in the effluent limitations tables were incorrect. Additionally, a grammatical error in § 434.63, paragraph (c)(2) resulted in an incorrect reference to effluent limitations. These and numerous other typographical errors are corrected in the regulation appearing below.

Dated: May 20, 1981.

Walter C. Barber,

Acting Administrator.

It is hereby proposed to revise Part 434 of Title 40 as follows:

PART 434—COAL MINING POINT SOURCE CATEGORY, BPT, BAT, BCT LIMITATIONS AND NEW SOURCE PERFORMANCE STANDARDS

Subpart A—General Provisions

Sec.

434.10 Applicability.
434.11 General Definitions.

Subpart B—Coal Preparation Plants and Coal Preparation Plant-Associated Areas

434.20 Applicability.
434.21 [Reserved]
434.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available [BPT].
434.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable [BAT].
434.24 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology [BCT].
434.25 New Source Performance Standards [NSPS].

Subpart C—Acid or Ferruginous Mine Drainage

434.30 Applicability; description of the acid or ferruginous mine drainage subcategory.
434.31 [Reserved]
434.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
434.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
434.34 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).
434.35 New Source Performance Standards (NSPS).

Subpart D—Alkaline Mine Drainage

434.40 Applicability; description of the alkaline mine drainage subcategory.
434.41 [Reserved]
434.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
434.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
434.44 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).
434.45 New Source Performance Standards [NSPS].

Subpart E—Post-Mining Areas

434.50 Applicability.
434.51 [Reserved]
434.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
434.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
434.54 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).
434.55 New Source Performance Standards (NSPS).

Subpart F—Miscellaneous Provisions

434.60 Applicability.
434.61 Commingling of Waste Streams.
434.62 Alternate Effluent Limitations for pH.
434.63 Effluent Limitations During Precipation Events.
Appendix—Determination of Settleable Solids.

Authority: Sections 301, 304(b), (c), (e), and (g), 306(b) and (c), 307(b) and (c), and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977), (the "Act"); 33 U.S.C. 1311, 1314(b), (c), (e), and (g), 1316(b) and (c), 1317(b) and (c), and 1361; 86 Stat. 816, Pub. L. 92–500; 91 Stat. 1567, Pub. L. 95–217.

Subpart A—General Provisions

§ 434.10 Applicability.

This part applies to discharges from any coal mine at which the extraction of coal is taking place or is planned to be undertaken.

§ 434.11 General definitions.

(a) The term "acid or ferruginous mine drainage" means mine drainage which, before any treatment, either has a pH of less than 6.0 or a total iron concentration equal to or more then 10 mg/l.

(b) The term "active mining area" means the areas, on and beneath land,

used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term excludes coal preparation plants, coal preparation plant-associated areas and post-mining areas.

(c) The term "alkaline mine drainage" means mine drainage which, before any treatment, has a pH equal to or more than 6.0 and a total iron concentration of less than 10 mg/l.

(d) The term "bond release" means the time at which the appropriate regulatory authority returns a reclamation or performance bond based upon its determination that reclamation work (including, in the case of underground mines, mine sealing and abandonment procedures) has been satisfactorily completed.

(e) The term "coal preparation plant" means a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded for transit to a consuming facility.

(f) The term "coal preparation plant—associated areas" means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.

(g) The term "coal preparation plant water circuit" means all pipes, channels, basins, tanks, and all other structures and equipment that convey, contain, treat, or process any water that is used in coal preparation processes within a coal preparation plant.

(h) The term "mine drainage" means any drainage, and any water pumped or siphoned, from an active mining area or a post-mining area.

(i) The abbreviation "ml/l" means milliliters per liter.

(j) The term "new source coal mine" means a coal mine (excluding coal preparation plants and coal preparation plant-associated areas):

(1) The construction of which is commenced after May 29, 1981; or

(2) Which is determined by the EPA Regional Administrator to constitute a "major alteration." In making this determination, the Regional Administrator shall take into account the occurrence of one or more of the following events, in connection with the mine for which the NPDES permit is being considered, after the date of proposal of applicable new source performance standards:

(i) A mine operation initiates extraction of a coal seam not previously extracted by that mine;

(ii) A mine operation discharges into a drainage area not previously affected by wastewater discharges from the mine;

(iii) A mine operation causes extensive new surface disruption;

(iv) A mine operation initiates construction of a new shaft, slope, or drift;

(v) A mine operation acquires additional land or mineral rights;

(vi) A mine operation makes significant capital investment in additional equipment or additional facilities; and

(vii) Such other factors as the Regional Administrator deems relevant.

(k) The term "post-mining area" means: (1) a reclamation area or (2) the underground workings of an underground coal mine after the extraction, removal, or recovery of coal from its natural deposit has ceased and prior to bond release.

(l) The term "reclamation area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.

(m) The term "settleable solids" is that matter measured by the volumetric method specified in the Appendix.

(n) The term "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

(o) The terms "treatment facility" and "treatment system" mean all stuctures which contain, convey, and as necessary, chemically treat coal mine drainage, coal preparation plant process wastewater, or drainage from coal preparation plant associated areas, which remove pollutants regulated by this Part from such waters. This includes all pipes, channels, ponds, basins, tanks and all other equipment serving such structures.

Subpart B—Coal Preparation Plants and Coal Preparation Plant-Associated Areas

§ 434.20 Applicability.

The provisions of this Subpart are applicable to discharges from coal preparation plants and coal preparation plant-associated areas, as indicated, including discharges which are pumped, siphoned, or drained from the coal preparation plant water circuit and coal storage, refuse storage, and ancillary areas related to the cleaning or beneficiation of coal of any rank including, but not limited to, bituminous, lignite, and anthracite.

§ 434.21 [Reserved]

§ 434.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

(a) Except as provided in 40 CFR 125.30–125.32, and sections 434.61, 434.62 and 434.63 of this Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant-associated areas subject to the provisions of this Subpart after application of the best practicable control technology currently available if discharges from such point sources normally exhibit a pH of less than 6.0 prior to treatment:

BPT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/1	
Iron, total	7.0	3.5
Manganese, total	4.0	2.0
TSS	70	35
pH—Within the range of 6.0 to 9.0 at all times.		

(b) Except as provided in 40 CFR 125.30–125.32, and §§ 434.61 and 434.63 of this Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant-associated areas subject to the provisions of the subpart after application of the best practicable control technology currently available if discharges from such point sources normally exhibit a pH equal to or greater than 6.0 prior to treatment:

BPT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/1	
Iron, total	7.0	3.5
TSS	70	35
pH—Within the range of 6.0 to 9.0 at all times.		

§ 434.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the appliction of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30–125.32, and §§ 434.61, 434.62 and 434.63 of this Part 434, the following

limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant-associated areas subject to the provisions of the Subpart after application of the best available technology economically achievable if discharges from such point sources normally exhibit a pH of less than 6.0 prior to treatment:

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5
Manganese, total	4.0	2.0

(b) Except as provided in 40 CFR 125.30–125.32, and §§ 434.61 and 434.63 of this Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant-associated areas subject to the provisions of this Subpart after application of the best available technology economically achievable if discharges from such point sources normally exhibit a pH equal to or greater than 6.0 prior to treatment:

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5

§ 434.24 Effluent limitations guidelines representing the degee of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–125.32, and §§434.61, 434.62 (in the case of discharges normally exhibiting a pH of less than 6.0 prior to treatment) and 434.63, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant-associated areas subject to the provisions of this Subpart after application of the best conventional pollutant control technology (BCT):

BCT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
TSS	70.0	35.0
pH—Within the range 6.0 to 9.0 at all times.		

§ 434.25 New Source Performance Standards (NSPS).

The following new source performance standards (NSPS) shall be achieved by any new source coal preparation plant and coal preparation plant-associated areas, as indicated:

(a) For new source coal preparation plants, there shall be no discharge of process wastewater pollutants from the coal preparation plant water circuit to surface waters.

(b) Except as provided in sections 434.61, 434.62 and 434.63 of this Part 434, the following new source performance standards shall apply for discharges from new source coal preparation plant-associated areas:

NSPS Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5
Manganese	4.0	2.0
TSS	70.	35.
pH—Within the range 6.0 to 9.0 at all times.		

Subpart C—Acid or Ferruginous Mine Drainage

§ 434.30 Applicability; description of the acid or ferruginous mine drainage subcategory.

The provisions of this subpaart are applicable to acid or ferruginous mine drainage from an active mining area resulting from the mining of coal of any rank including, but not limited to, bituminous, lignite, and anthracite.

§ 434.31 [Reserved]

§ 434.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30–125.32, and §§ 434.61, 434.62 and, with respect to mine drainage from surface areas of a coal mine but not drainage from the underground workings of underground mines, § 434.63 of this Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this Subpart after application of the best practicable control technology currently available:

BPT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5
Manganese	4.0	2.0
TSS	70.	35.
pH—Within the range 6.0 to 9.0 at all times.		

§ 434.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30–125.32, and §§ 434.61, 434.62 and, with respect to mine drainage from surface areas of a coal mine but not drainage from the underground workings of underground mines, § 434.63 of this Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this Subpart after application of the best available technology economically achievable:

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5
Manganese, total	4.0	2.0

§ 434.34 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–125.32, and §§ 434.61 434.62 and, with respect to mine drainage from surface areas of a coal mine but not drainage from the underground workings of underground mines, § 434.63 of this Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by

a point source subject to the provisions of this Subpart after application of the best conventional pollutant control technology (BCT):

BCT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/1	
TSS	70.0	35.0
pH—Within the range 6.0 to 9.0 at all times.		

§ 434.35 New Source Performance Standards (NSPS).

Except as provided in §§ 434.61, 434.62 and, with respect to mine drainage from surface areas of a coal mine but not drainage from the underground workings of underground mines, § 434.63 of this Part 434, the following new source performance standards shall be achieved for any discharge from a new source subject to this Subpart:

NSPS Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/1	
Iron, total	7.0	3.5
Manganese, total	4.0	2.0
TSS	70.	35.
pH—Within the range 6.0 to 9.0 at all times.		

Subpart D—Alkaline Mine Drainage

§ 434.40 Applicability; description of the alkaline mine drainage subcategory.

The provisions of the Subpart are applicable to alkaline mine drainage from an active mining area resulting from the mining of coal of any rank including, but not limited to, bituminous, lignite, and anthracite.

§ 434.41 [Reserved]

§ 434.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30–125.32, § 434.61 and, with respect to mine drainage from surface areas of a coal mine but not drainage from the underground workings of underground mines, § 434.63 of this Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this Subpart after application of the best practicable control technology currently available:

BPT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/1	
Iron, total	7.0	3.5
TSS	70.	35.
pH—Within the range 6.0 to 9.0 at all times.		

§ 434.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30–125.32, § 434.61 and, with respect to mine drainage from surface areas of a coal mine but not drainage from the underground workings of underground mines, § 434.63 of this Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this Subpart after application of the best available technology economically achievable:

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5

§ 434.44 Effluent limitatios guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–125.32, § 434.61 and, with respect to mine drainage from surface areas of a coal mine but not drainage from the underground workings of underground mines, § 434.63 of this Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this Subpart after application of the best conventional pollutant control technology (BCT):

BCT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/1	
TSS	70.0	35.0
pH—Within the range 6.0 to 9.0 at all times.	—	

§ 434.45 New Source Performance Standards (NSPS).

Except as provided in § 434.61 and, with respect to mine drainage from surface areas of a coal mine but not drainage from the underground workings of underground mines, § 434.63 of this Part 434, the following new source performance standards shall be achieved for any discharge from a new source subject to this Subpart:

NSPS Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5
TSS	70.	35.
pH—Within the range 6.0 to 9.0 at all times.		

Subpart E—Post-Mining Areas.

§ 434.50 Applicability.

The provisions of this subpart are applicable to discharges from post-mining areas.

§ 434.51 [Reserved]

§ 434.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

(a) Reclamation Areas

The limitations in this subsection apply to discharges from reclamation areas until bond release.

(1) Except as provided in 40 CFR 125.30–125.32, and § 434.61 of this Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this subsection after application of the best practicable control technology currently available:

BPT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Settleable solids	0.5 ml/l	
pH—Within the range 6.0 to 9.0 at all times.		

(2)(i) Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of the limitations set forth in paragraph (a)(1) of this section:

BPT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
pH—Within the range 6.0 to 9.0 at all times.		

(ii) The alternate limitations provided in paragraph (a)(2)(i) of this section shall apply only if:

(A) The treatment facility is designed, constructed, operated and maintained to contain the volume of water which would drain into the treatment facility from active mining areas and reclamation areas during a 10-year, 24-hour or larger precipitation event (or snowmelt of equivalent volume);

(B) The treatment facility is designed, constructed, operated and maintained to achieve the effluent limitations set forth in paragraph (a)(1) of this section at all times except during precipitation events greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume); and

(C) The pH in the final effluent remains in the range of 6.0 to 9.0 during the precipitation event (or snowmelt).

The operator shall have the burden of proof that the preceding conditions have been met in order to qualify for the alternate limitations in paragraph (a)(2)(i) of this section.

(b) Underground Mine Drainage.

The limitations in this subsection apply to discharges from the underground workings of underground mines until bond release.

(1) Except as provided in 40 CFR 125.30–125.32, and §§ 434.61 and 434.62 of this Part 434, the following limitations establish the concentration or quality of pollutants in acid or ferruginous mine drainage subject to the provisions of this subsection after application of the best practicable control technology currently available:

BPT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5
Manganese, total	4.0	2.0
TSS	70.	35.
pH—Within the range 6.0 to 9.0 at all times.		

(2) Except as provided in 40 CFR 125.30–125.32, and § 434.61 of this Part 434, the following limitations establish the concentration or quality of pollutants in alkaline mine drainage subject to the provisions of this subsection after application of the best practicable control technology currently available:

BPT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5
TSS	70.	35.
pH—Within the range 6.0 to 9.0 at all times.		

§ 434.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

(a) Reclamation Areas.

The limitations of this subsection apply to discharges from reclamation areas until bond release.

(1) Except as provided in 40 CFR 125.30–125.32, and § 434.61 of this Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this subsection after application of the best available technology economically achievable:

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Settleable solids	0.5 ml/l	
pH—Within the range 6.0 to 9.0 at all times.		

(2)(i). Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of the limitations set forth in paragraph (a)(1) of this section:

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
pH—Within the range 6.0 to 9.0 at all times.		

(ii) The alternate limitations provided in paragraph (a)(2)(i) of this section shall apply only if:

(A) The treatment facility is designed, constructed, operated and maintained to contain the volume of water which would drain into the treatment facility from active mining areas and reclamation areas during a 10-year, 24-hour or larger precipitation event (or snowmelt of equivalent volume);

(B) The treatment facility is designed, constructed, operated and maintained to achieve the effluent limitations set forth in paragraph (a)(1) of this section at all times except during precipitation events greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume); and

(C) The pH in the final effluent remains in the range of 6.0 to 9.0 during the precipitation event (or snowmelt).

The operator shall have the burden of proof that the preceding conditions have been met in order to qualify for the alternate limitations in paragraph (a)(2)(i) of this section.

(b) Underground Mine Drainage

The limitations in this subsection apply to discharges from the underground workings of underground mines until bond release.

(1) Except as provided in 40 CFR 125.30–125.32, and §§ 434.61 and 434.62 of this Part 434, the following limitations establish the concentration or quality of pollutants in acid or ferruginous mine drainage subject to the provisions of this subsection after application of the best available technology economically achievable:

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5
Manganese, total	4.0	2.0

(2) Except as provided in 40 CFR 125.30–125.32, and § 434.61 of this Part 434, the following limitations establish the concentration or quality of

pollutants in alkaline mine drainage subject to the provisions of this subsection after application of the best available technology economically achievable:

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5

§ 434.54 effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) Reclamation Areas. The limitations of this subsection apply to discharges from reclamation areas through bond release. Except as provided in 40 CFR 125.30–125.32 and § 434.61 of the Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this subsection after application of the best conventional pollutant control technology (BCT):

BCT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
pH—Within the range 6.0 to 9.0 at all times.		

(b) Underground Mine Drainage. The limitations of this subsection apply to discharges from the underground workings of underground mines until bond release. Except as provided in 40 CFR 125.30–125.32, and §§ 434.61 and 434.62 of this Part 434, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this subsection after application of the best conventional pollutant control technology:

BCT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
TSS	70.0	35.0
pH—Within the range 6.0 to 9.0 at all times.		

§ 434.55 New Source Performance Standards (NSPS).

The following new source performance standards shall apply to the post-mining areas of all new source coal mines:

(a) *Reclamation Areas.* The standards of this subsection apply to discharges from reclamation areas at new source coal mines until bond release. (1) Except as provided in § 434.61 of this Part 434, the following new source performance standards shall be achieved for a discharge subject to the provisions of this subsection:

NSPS Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Settleable solids	0.5 ml/l	
pH—Within the range 6.0 to 9.0 at all times.		

(2)(i). Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within a 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of the limitations set forth in paragraph (a)(1) of this section:

NSPS Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
pH—Within the range 6.0 to 9.0 at all times.		

(ii) The alternate limitations provided in paragraph (a)(2)(i) of this section shall apply only if:

(A) The treatment facility is designed, constructed, operated and maintained to contain the volume of water which would drain into the treatment facility from active mining areas and reclamation areas during a 10-year, 24-hour or larger precipitation event (or snowmelt of equivalent volume);

(B) The treatment facility is designed, constructed, operated and maintained to achieve the effluent limitations set forth in paragraph (a)(1) of this section at all times except during precipitation events greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume); and

(C) The pH in the final effluent remains in the range of 6.0 to 9.0 during the precipitation event (or snowmelt).

The operator shall have the burden of proof that the preceding conditions have been met in order to qualify for the alternate limitations in paragraph (a)(2)(i) of this section.

(b) *Underground Mine Drainage.* The standards in this subsection apply to discharges from the underground workings of new source underground mines until bond release.

(1) Except as provided in §§ 434.61 and 434.62 of this Part 434, the following new source performance standards shall be achieved for the discharge of any acid or ferruginous mine drainage subject to this subsection:

NSPS Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5
Manganese, total	4.0	2.0
TSS	70.	35.
pH—Within the range 6.0 to 9.0 at all times.		

(2) Except as provided in § 434.61 of this Part 434, the following new source performance standards shall be achieved for the discharge of any alkaline mine drainage subject to this subsection:

NSPS Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Concentration in mg/l	
Iron, total	7.0	3.5
TSS	70.	35.
pH—Within the range 6.0 to 9.0 at all times.		

Subpart F—Miscellaneous Provisions

§ 434.60 Applicability.

The provisions of this Subpart F apply to this Part 434 as specified in Subparts B, C, D and E.

§ 434.61 Commingling of Waste Streams.

Where waste streams from any facility covered by this Part are combined for treatment or discharge with waste streams from another facility, the concentration of each pollutant in the combined discharge may not exceed the most stringent limitations for the pollutant applicable to any component waste stream of the discharge.

§ 434.62 Alternate Effluent Limitation for pH.

Where the application of

neutralization and sedimentation treatment technology results in inability to comply with the otherwise applicable manganese limitations, the permit issuer may allow the pH level in the final effluent to exceed 9.0 to a small extent in order that the manganese limitations can be achieved.

§ 434.63 Effluent Limitations During Precipitation Events.

(a) Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of the otherwise applicable limitations:

Effluent Limitations During Precipitation

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Settleable solids	0.5 ml/l	
pH—Within the range of 6.0 to 9.0 at all times.		

(b) Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of the otherwise applicable limitations:

Effluent Limitations During Precipitation

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
pH—Within the range of 6.0 to 9.0 at all times.		

(c) The alternate limitations provided in paragraphs (a) and (b) of this section shall apply only if:

(1) The treatment facility is designed, constructed, operated and maintained to contain at a minimum the volume of water which would drain into the treatment facility from active mining areas and reclamation areas during the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume);

(2) The treatment facility is designed, constructed, operated and maintained to consistently achieve the effluent limitations set forth in § 434.22 (a), § 434.22 (b), § 434.23 (a), § 434.23 (b), § 434.24 (a), § 434.25 (b), § 434.32 (a), § 434.33 (a), § 434.34 (a), § 434.35 (a), § 434.42 (a), § 434.43 (a), § 434.44 (a), or § 434.45 (a) of this Part during periods of no precipitation (or snowmelt); and

(3) The pH in the final effluent remains in the range of 6.0 to 9.0 during the precipitation event (or snowmelt).

The operator shall have the burden of proof that the preceding conditions have been met in order to qualify for the alternate limitations in paragraphs (a) and (b) of this section:

Appendix—Determination of Settleable Solids

The following procedure is used to determine settleable solids:

Fill an Imhoff cone to the one-liter mark with a thoroughly mixed sample. Allow to settle undisturbed for 45 minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for 15 minutes longer. Record the volume of settled material in the cone as milliliters per liter. Where a separation of settleable and floating materials occurs, do not include the floating material in the reading.

[FR Doc. 81-10053 Filed 5-28-81; 8:45 am]

BILLING CODE 6560-29-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13 and 21

Deletion of the Permit Requirement To Import or Export Migratory Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed Rule.

SUMMARY: The Service would amend 50 CFR Part 21, which is promulgated under authority of the Migratory Bird Treaty Act, to delete the import and export permit requirement found at 50 CFR 21.21. Importers and exporters of lawfully possessed migratory birds, including parts and products, would no longer be required to obtain a permit from the Service, but still would have to comply with other applicable provisions of State and Federal law. The import and export permit requirement was established in 1961, before a number of statutes were enacted which collectively restrict or prohibit the importation or exportation of most migratory birds. Also, the possession of migratory birds is now highly regulated. The combined effect on migratory birds of the other import and export controls and the Service's own enforcement of the possession prohibitions enables the Service to maintain effective enforcement of the Migratory Bird Treaty Act without the import and export permit requirement.

DATES: Comments on the proposed rule must be received on or before June 29, 1981.

ADDRESSES: The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations. Comments may be mailed to Director (LE), Fish and wildlife Service, P.O. Box 28006, Washington, D.C. 20005, or delivered weekdays to the Division of Law Enforcement, Fish and Wildlife Service, 3rd Floor, 1375 K Street, N.W., Washington, D.C. 20005, between 7:45 a.m. and 4:15 p.m. Comments should bear the identifying notation REG 21-02-12. All materials received may also be inspected weekdays during normal business hours at the Service's Division of Law Enforcement, 3rd Floor, 1375 K Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343-9242.

SUPPLEMENTARY INFORMATION:

Background

Among the various wildlife laws enforced by the Service is the Migratory Bird Treaty Act, 16 U.S.C. 703-712. The purpose of the Migratory Bird Treaty Act (hereinafter "MBTA") is to implement four bilateral treaties which the United States has signed with Canada, Mexico, Japan, and the Soviet Union for the conservation of migratory birds. Section 2 of the MBTA (16 U.S.C. 703) lists the comprehensive prohibitions developed to implement those treaties, and reads in part as follows:

Unless and except as permitted by regulations made as hereinafter provided in this subchapter, *it shall be unlawful at any time, by any means or in any manner, to* pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, *import*, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, *or export any migratory bird*, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof * * * [Emphasis added.]

In response to these prohibitions, Federal regulations have been promulgated to authorize activities with migratory birds which otherwise are prohibited. These regulations now appear in 50 CFR Parts 20 and 21, and initially were published under the authority of 16 U.S.C. 704, but now are also published under the authority of 16 U.S.C. 712. These regulations authorize a number of activities without a Service permit, such as migratory game bird hunting. However, since 1918 a permit has been required to import or export all but a few migratory birds which are not killed while hunting. Until 1961 authority to import or export migratory birds was routinely authorized by standard form permits issued for propagating and scientific collecting. A separate permit to import or export migratory birds distinct from the other standard form permits was not created until November 29, 1961 (26 FR 11247). This import and export permit requirement is now found at 50 CFR 21.21. The other standard form permits found in 50 CFR Part 21 no longer routinely authorize import and export of migratory birds.

Need for the Amendment

Rules appearing at 50 CFR Part 21 now require a Service permit issued under 50 CFR 21.21 to import or export lawfully possessed migratory birds. The term "migratory bird" is broadly defined by 50 CFR 10.12 as follows:

> "Migratory bird" means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in 10.13, or which is a mutation or a hybrid of any such species, including any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof.

This permit requirement, which is not mandated by the MBTA, would be eliminated in favor of other existing controls which regulate the importation or exportation of certain species of migratory birds. For instance, Service regulations promulgated under authority of the Endangered Species Act of 1973 (50 CFR Part 17), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (50 CFR Part 23), and the Eagle Protection Act (50 CFR Part 22) would continue to restrict or prohibit the importation or exportation of particular species of migratory birds. Further, Department of Agriculture regulations (9 CFR Parts 92 and 94) would continue to regulate the importation of live poultry (which includes some migratory birds) and other live birds (which includes the remaining migratory birds), and the importation of the carcasses, parts, products, and eggs of poultry, game birds, and other birds. Finally, the Tariff Classification Act of 1962 (16 U.S.C. 1202) would continue to prohibit the importation of most migratory bird feathers and skins.

The Service's enforcement effort under the MBTA would also remain effective. It now concentrates upon the taking, possession, and commercial use of migratory birds, and not upon their importation or exportation. Of these, reliance upon the Service's regulation of possession would be an effective substitute for the import/export permit. Generally, a valid permit is required to lawfully possess a migratory bird. Exceptions to this requirement include the possession of: (1) migratory game birds taken while hunting, (2) migratory birds lawfully acquired prior to the effective date of Federal protection under the Migratory Bird Treaty Act, and (3) captive-reared and properly marked mallard ducks and other migratory waterfowl. While no figures are available on the number of possession permits outstanding, during 1980 only 92 import or export permits were issued under 50 CFR 21.21. Even some of these permits were joint permits issued under the authority of both the MBTA and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Because there is now little enforcement value to the migratory bird import/export permit, this requirement has been identified by the Department as excessive, unnecessary, and burdensome.

Description of the Proposed Rule

Where necessary the Service would amend 50 CFR Part 21 to allow the importation or exportation of lawfully possessed migratory birds (as defined by 50 CFR 10.12) without an import or export permit issued by the Service under 50 CFR 21.21. This action would not affect the other prohibitions applicable to migratory birds. Therefore, in most instances a permit is still required to lawfully possess any migratory bird. Also, it would not affect the restrictions, conditions, or requirements placed by 50 CFR Part 20 on the importation or exportation of migratory game birds taken while hunting.

Determinations of Effects

Executive Order 12291 "Federal Regulation"—Is this a "major" rule?

This action would have no economic effect and no expected increases in costs or prices for consumers, individual industries, Federal, State, or local governments, agencies, or geographic regions. The commercial use of migratory birds is severely limited by regulations promulgated under the Migratory Bird Treaty Act (50 CFR Parts 20 and 21). Restricted commercial uses are authorized only for the feathers of migratory waterfowl killed by hunting and for captive-reared, properly marked mallard ducks and other migratory waterfowl. As noted above, the importation of most migratory bird feathers would remain prohibited by the Tariff Classification Act of 1962. However, lawfully possessed feathers could be exported without a migratory bird export permit. Waterfowl propagators could import or export properly marked waterfowl, whether alive or dead, without a migratory bird import or export permit, thereby eliminating some previous restrictions.

Also, this action would have no adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in export markets that were previously closed because of export prohibitions. However, restriction on the lawful possession of migratory birds will not make the converse true. Foreign-based enterprises would be given no edge in domestic markets by eliminating the import permit requirement.

Therefore, in accordance with Executive Order 12291, the Department of the Interior has determined that the proposed rule described above is not major.

Regulatory Flexibility Act and 43 CFR Part 14—Will this rule have a significant economic effect on a substantial number of small entities?

The small entities likely to be affected by the deletion of the import/export permit requirement are waterfowl propagators, migratory bird researchers, and falconers. These are the same small entities who have obtained import/export permits. During 1980, 92 permits were issued as follows: approximately 65 to waterfowl propagators, approximately 18 to migratory bird researchers, and approximately 9 to falconers. However, the percentage of each group of small entities affected is very low. There are approximately 5,000 waterfowl propagators and between 2,000 and 3,000 falconers in the United States. No figures are available on the number of migratory bird researchers. Except for waterfowl propagators the economic effect of this action would be incidental, because the migratory birds are not possessed for commercial activity. For waterfowl propagators this action would eliminate existing

administrative burdens for a small number of them in those instances where current rules prohibit the importation or exportation of captive-bred migratory waterfowl without a permit. Even for waterfowl propagators the economic effect is minimal. Most of the waterfowl propagators are hobbyists and only a small percentage of the migratory waterfowl possessed by them are for commercial purposes. Because of the very limited lawful commercial uses of migratory birds and the few small entities affected by this action, in accordance with the Regulatory Flexibility Act and 43 CFR Part 14, the Department of the Interior has certified that the proposed rule described above will not have a significant economic effect on a substantial number of small entities.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Division of Law Enforcement 1375 K Street, N.W., Suite 300, Washington, D.C. 20005, and may be examined during regular business hours. Single copies also are available upon request. Comments on the draft environmental assessment should be mailed or delivered to the address given at the beginning of this proposal during the comment period on the proposed rule.

Public Comments Invited

As noted above, the policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Interested persons are invited to submit written comments regarding the proposed rule or the draft environmental assessment. These comments and any additional information received will be considered by the Departement in adopting a final rule. Correspondence should be mailed or delivered to the address given at the beginning of this proposal.

The primary author of this proposed rule is John T. Webb, Division of Law Enforcement, U.S. Fish and Wildlife Service.

Regulation Promulgation

For the reason set out in the preamble, Subchapter B, Chapter I of Title 50, *Code of Federal Regulations* is proposed to be amended as follows:

PART 13—GENERAL PERMIT PROCEDURES

1. The authority citation for Part 13 reads as follows:

Authority: Lacey Act, 62 Stat. 687, as amended, 63 Stat. 89, 74 Stat. 753, and 83 Stat. 281 (187 U.S.C. 42–44); Black Bass Act, sec. 5, 44 Stat. 576, as amended, 46 Stat. 846 (16 U.S.C. 852c); Migratory Bird Treaty Act, sec. 3, 40 Stat. 755 (16 U.S.C. 704); Bald Eagle Protection Act, sec. 2, 54 Stat. 251 (16 U.S.C. 668a); Tariff Classification Act of 1962, 19 U.S.C. 1202, "Schedule 1, Part 15D, Headnote 2(d), Tariff Schedules of the United States," 76 Stat. 72, Endangered Species Act of 1973, section 11(f), 87 Stat. 884; Fish and Wildlife Act of 1956, sec. 13(d), 86 Stat. 905 amending 85 Stat. 480 (16 U.S.C. 742j–1); Marine Mammal Protection Act of 1972, sec. 112(a), 86 Stat. 1042 (16 U.S.C. 1382); Act of August 31, 1951, Ch. 376, Title 5, section 501, 65 Stat. 290 (31 U.S.C. 483a).

§ 13.12 [Amended]

2. Amend § 13.12(b) by removing the entry "Import or export . . . 21.21" under Migratory bird permits on the list of types of permits.

PART 21—MIGRATORY BIRD PERMITS

3. Revise the authority citation for Part 21 to read as follows:

Authority: Migratory Bird Treaty Act, Sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 704); Sec 3(h)(3), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712).

4. Amend the Table of Contents by removing the entry "Import and export permit" after § 21.21 and replacing it with the entry "[Reserved]."

§ 21.1 [Amended]

5. Amend § 21.1 by removing the words "imported, exported" immediately after the word "barter" and immediately before the word "banding."

§ 21.2 [Amended]

6. Amended § 21.2(a) by removing the words "imported, exported" immediately after the word "be" and immediately before the word "purchased."

7. Amend § 21.2 by adding a new paragraph (d) to read as follows:

§ 21.2 Scope of regulations.

* * * * *

(d) Migratory birds, their parts, nests or eggs which are lawfully possessed may be imported or exported without a Federal migratory bird permit.

§ 21.11 [Amended]

8. Amend § 21.11 by removing the words "export or import" immediately after the word "barter" and immediately before the word "any."

21.13 [Amended]

9. Amend the introductory paragraph of § 21.13 by removing the phrase "exported (but not imported)" immediately after the word "transported" and immediately before the words "and disposed."

§ 21.21 [Removed]

10. § 21.21 is removed and reserved.

Dated: May 11, 1981.

C. F. Layton,

Acting Deputy, Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-16155 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 682

Western Pacific Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Public Hearings.

SUMMARY: The Western Pacific Fishery Management Council announces a series of hearings to receive comments on a proposed fishery management program for billfish fisheries of the Western Pacific Region as described in the Draft Environmental Impact Statement/Fishery Management Plan (DEIS/FMP). A concise summary of the proposed billfish management program will be provided at each public hearing. These hearings are being held in accordance with Section 302(h)(3) of the Magnuson Fishery Conservation and Management Act and Section 1506.6(c) of the Council on Environmental Quality's National Environmental Policy Act regulations. Comments received at these hearings and on the DEIS/FMP, as well as any written comments received, will be taken into account and addressed in the preparation of the Final Environmental Impact Statement/Fishery Management Plan.

DATES: Comments must be received on or before July 13, 1981. Individuals or organizations wishing to comment on the DEIS/FMP may do so at public hearings to be held as follows:

June 16, 1981 Honolulu, Hawaii
June 17, 1981 Hilo, Hawaii
June 18, 1981 Kona, Hawaii
June 25, 1981 Pago Pago, American Samoa
June 29, 1981 Lihue, Kauai
June 30, 1981 Kahului, Maui
July 13, 1981 Agana, Guam

ADDRESS: Send comments to: Chairman, Western Pacific Fishery Management Council, 1164 Bishop Street, Honolulu, Hawaii 96813.

Public hearing locations:

June 16, 1981 West Room, Pagoda Hotel, 1525 Rycroft Street, Honolulu, Hawaii 7:00 p.m.
June 17, 1981 Hilo County Council Room, 25 Aupuni Street, Hilo, Hawaii 7:00 p.m.
June 18, 1981 Kona, Hawaii 5:30 p.m. (site to be announced)
June 25, 1981 Conference Center, Rainmaker Hotel, Pago Pago, American Samoa 7:00 p.m.
June 29, 1981 Lihue Library, 4344 Hardy Street, Lihue, Kauai 6:30 p.m.
June 30, 1981 Kahului, Maui 6:30 p.m. (site to be announced)
July 13, 1981 Guam Reef Hotel, Tumon Bay, Agana, Guam 7:00 p.m.

Copies of the DEIS/FMP are available at the Council office as well as the following locations:

Guam: Division of Aquatic and Wildlife Resources, Government of Guam, P.O. Box 2367, Guam, M.I. 96921
American Samoa: Office of Marine Resources, Government of American Samoa, P.O. Box 3730, Pago Pago, American Samoa 96799
Honolulu: Division of Fish and Game, Hawaii Department of Land and Natural Resources, 1151 Punchbowl Street, Honolulu, Hawaii 96813
Terminal Island: Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731.

FOR FURTHER INFORMATION CONTACT:

Mr. Svein Fougner, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1608, Honolulu, Hawaii 96813, (808) 523–1368

or

Mr. Doyle Gates, Western Pacific Program Office, Southwest Region, NMFS, P.O. Box 3830, Honolulu, Hawaii 96812, (808) 946–2181.

SUPPLEMENTARY INFORMATION: The Western Pacific Fishery Management Council and the National Oceanic and Atmospheric Administration propose to adopt and implement an FMP for Billfish Fisheries of the Western Pacific. The FMP recommends a conservation and management program for harvesting billfish in the fishery conservation zone (FCZ) of the central and western Pacific Ocean. The FMP presents management measures and reporting requirements to regulate the take of billfish by foreign longline vessels in the FCZ surrounding Hawaii, Guam, and American Samoa. The FMP recommends continuation and strengthening of State and Territorial reporting requirements to better monitor domestic participation in the billfish fisheries. The proposed conservation and management program is intended to achieve the optimum yield (OY) for the various billfish fisheries conducted in the FCZ of the Western Pacific Region. A complementary management program is proposed for consideration and adoption by the Department of Commerce for the longline fisheries conducted by foreign vessels in the FCZ around U.S. island possessions in the Pacific Ocean.

Dated: May 26, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-16150 Filed 5-28-81; 8:45 am]

BILLING CODE 3510-22-M

V 4 6 M Y 2 9 8 1 UMI

Notic

This sectio
contains do
proposed r
public. Not
investigation
decisions a
authority, fi
applications
organization
of docume

DEPARTM

Food and

Food Stan
Project, A
Delivering

AGENCY: F
USDA.

ACTION: N

SUMMARY:
Departme
sponsor d
methods o
benefits, u
Subsectio
Stamp Ac
benefits e
of state fo
household
retail food
include: re
of coupon
accountab
and maint
participat
distributio
coupon is
ultimately
The Depa
from inter
innovativ
of the issu
local proj
is placed
alternativ
reduce ad
operation
and secur
improving

EFFECTIVE

FOR FURT
Marilyn C
Research
Developm
Programs
USDA, W
Telephon

Notices

Federal Register
Vol. 46, No. 103
Friday, May 29, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Stamp Program; Demonstration Project, Alternative Methods of Delivering Benefits

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of Intent.

SUMMARY: This Notice announces the Department of Agriculture's intention to sponsor demonstrations of alternative methods of delivering food stamp benefits, under the authority of Subsections 17 (a) and (b) of the Food Stamp Act of 1977. "Delivery" of benefits encompasses the entire process of state food stamp issuance to eligible households and their redemption at retail food stores. These activities include: requisitioning by and delivery of coupons to the state agency; accountability and storage; generation and maintenance of household participation files; production and distribution of authorization cards; coupon issuance and transaction; and, ultimately, reconciliation and reporting. The Department solicits applications from interested state agencies with innovative methods involving all or part of the issuance process at the state or local project level. Particular emphasis is placed in this demonstration on alternative methods which seek to reduce administrative costs, streamline operations, and improve accountability and security, while maintaining or improving service to recipients.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Marilyn Carpenter, Chief, Program Research and Analysis Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. Telephone (202) 447–8332.

SUPPLEMENTARY INFORMATION: Currently, Food Stamp Program benefits are distributed to participating households through a variety of different issuance systems or methods—each administered by state and local agencies. There are three basic systems: (1) manual household issuance record (HIR) system in which an HIR card maintained in a local issuance office documents each certified household's eligibility to obtain, and its receipt, of food coupons; (2) an authorization to participate (ATP) system in which an ATP card showing a household's authorized allotment is mailed to or picked up by the participant and surrendered to local issuance agents in exchange for coupons; and (3) mail issuance of coupons directly to certified households.

Numerous variables exist within each of these systems. This has the effect of creating many different systems, most of which are unique to the state, project area, or geographical location it serves. Inherent in these systems, and accounting for the degree of variability, are numerous sub-processes and activities necessary to their successful operation. These sub-functions include requisitioning by and delivery of coupons to the state agency; accountability and storage; generation and maintenance of household participation files; production and distribution of authorization cards; coupon issuance and transaction; and ultimately, reconciliation and reporting.

With the sharp increase in program participation experienced over the past decade, the Department has become increasingly aware of the need to creatively develop an issuance system which both meets the needs of participants and maintains an acceptable level of service quality and accountability. The increasing emphasis on fiscal restraints has sharpened the focus on reducing potential losses resulting from the design and operation of current food stamp issuance systems. The Department is hereby seeking suggestions for refining and improving existing systems, and for developing alternative approaches.

Currently several Food Stamp State Agencies have submitted suggestions for innovative issuance procedures. Others have implemented corrective actions designed to improve the operations of current systems. Because of the activities in this area and its potential for program improvement, the Department is proposing to undertake a unified effort to coordinate these projects and thereby expand program knowledge and the general state of the art related to coupon issuance operations. Therefore, to more effectively tap this potential, and in recognition of the limited availability of state funds to support project development, the Department announces its intent to aid the development of alternative issuance ideas which may have application either to the program as a whole or to special areas (e.g., urban, high crime, etc.). Such assistance will take the form of grants to the state agencies involved or, if applicable, their counterpart at the local agency level. The following Notice of Intent solicits applications from interested state agencies or their local counterparts.

Notice of Intent

Subsection 17(a) of the Food Stamp Act of 1977 permits the Department of Agriculture to undertake research that will "* * * improve the administration and effectiveness of the Food Stamp Program in delivering nutrition-related benefits." Accordingly, the Department announces its intention to provide grants to state welfare agencies to conduct research or developmental activities that will improve the issuance of food stamp benefits to eligible households.

The types of alternative issuance projects known to the Department encompass a wide-ranging variety of techniques and procedures. Examples of some of the large/scale efforts suggested to FNS, under consideration, or being demonstrated include:

- A direct delivery program which requires participants in areas with historically high loss rates to travel to designated issuance sites to collect their authorization-to-purchase (ATP) cards and redeem them for coupons. The direct delivery system permits some control over the schedule of ATP redemption to reduce crowds at issuance sites, reduces the number of lost or stolen ATPs, and decreases the likelihood of fraudulent acquisition of coupons.
- Automated issuance of food coupons by an electronic teller machine similar to those now provided by banks

for cash transactions. This procedure, if feasible, would permit closer control of the amount of coupons issued to households, eliminate the need for separate distribution of ATPs (relying instead on special identification cards), and reduce issuance staffing.

• Adaptation of an electronic funds transfer system to provide benefits for special categories of Food Stamp Program participants, such as the elderly and SSI recipients, at participating banks.

• Replacement of ATPs and coupons by a credit authorization system permitting households to present a credit card at the retail food store and obtain food products. Direct computer links between the retailer and state agency food stamp files would permit rapid verification of entitlement and authorization of food purchase by store personnel.

Although most of these examples have a technological orientation requiring new equipment and machinery, FNS is equally interested in less radical changes to current issuance procedures, for example, state and local agencies are encouraged to submit proposals to examine alternative means of identification or new approaches to reconcile issuance transactions, identify and investigate possibly fraudulent redemptions, process claims, and initiate prosecution when appropriate.

Requirements for Alternative Issuance Systems

An issuance system must attempt to satisfy a number of basic operational and service requirements. For alternative issuance projects, the requirements to be met will vary according to the extent to which the suggested alternatives would replace the existing issuance system. Complete satisfaction of every item listed below may be inappropriate or impossible for certain alternatives. the following list contains the basic requirements which the Department would like the alternatives to address, as appropriate:

1. The alternative issuance system should maintain at least the same level of access and equality of treatment now afforded participants in receiving their coupons and obtaining food from retail outlets.

2. System access should be limited, as under current guidelines, to only those participants authorized to receive benefits and those employees necessary to provide the benefits.

3. Current guidelines for separation of responsibilities should be followed. No one person or group should create and maintain household issuance records *and* provide benefits to households.

4. The system should be able to handle peak demands for service without breakdown or delay. For example, in a computerized delivery system, numerous simultaneous inquiries must be possible without overloading equipment or imposing lengthy access delays.

5. The system should contain appropriate back-up procedures for use during mechanical system failures or natural disasters to maintain timely and accurate benefit delivery. Descriptions of the back-up system should be included in any application for Federal assistance.

6. The alternative issuance system should maintain at least the same level of accountability for program funds now required of state agencies, and should provide readily accessible records which identify households and the amount of benefits received through the alternative system provided.

7. The system should be able to quickly identify and follow-up on system input or participant errors which come to the agency's attention.

8. Households entitled to expedited service would have to be provided benefits in accordance with § 274.2(g) of the Food Stamp Program Regulations.

9. Households moving to other project areas would have to be provided benefits on a timely basis as stipulated in § 273.19 of the Food Stamp Program Regulations. For alternative systems which substitute other forms of benefits for coupons, the state agency must provide coupons before the household departs the project area, so that benefits may continue uninterrupted in project areas outside of the demonstration.

Contractor Negotiations

Except as noted below, selection of a contractor to operate or assist in the operation of the alternative issuance system shall be the responsibility of the state agency or the local counterpart delegated this responsibility. Selection shall be in accordance with prescribed state agency contracting procedures. Applicants should not however begin contract negotiations prior to notification from FNS that their full application has been approved.

Applications

Who Can Apply

State welfare agencies or their local counterparts responsible for the administration of the Food Stamp Program may seek assistance from FNS for alternative issuance demonstration projects. All applications shall be submitted in accordance with all appropriate requirements as established under Office of Management and Budget (OMB) Circular A–95 and must be signed by the representative with the authority to commit the sponsor to the demonstration project. To ensure that no commitment is made without the advice and consent of appropriate officials, the following requirements must be met before the Department will consider the application:

(1) If any local administrative unit (e.g., county or district) submits an application to conduct an issuance demonstration, written concurrence from the state central office must accompany the application.

(2) If other state agencies or units/functions within the state agency will be involved in this project (e.g., in the delivery of benefits or notification of participants about the demonstration), their willingness to participate must be documented as well.

How to Apply

State agencies seeking FNS' assistance for an alternative issuance project should initially contact FNS with a letter describing the basic design of the proposed system and providing a rationale for its implementation.

Some estimation of the feasibility and cost-effectiveness of the system planned should be provided, including a rough estimate of the differences in costs associated with the innovation and the system it replaces. If the system involves the use of machinery, equipment, or other technical services which are not currently available commercially, the state agency should be quite specific about how they plan to procure these services.

The letter shall be submitted to: Director, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Room 658 GHI Building, Washington, D.C. 20250. If the letter originates at a level below the state agency (e.g., a local project wishes to try a new automated issuance program), then the endorsement of an appropriate state agency official shall be included. The letter should also contain the name, address, and telephone number of the person(s) to contact about the idea. The deadline for submission of the letter shall be 90 days from the date of this notice; letters postmarked after that date may not be considered.

After screening of the initial ideas, and within 60 days of the deadline cited above, selected state and local agencies will be asked to submit a complete application for assistance. Applicants shall use the Application for Federal Assistance Form (Standard Form AD–

623), prescribed by the OMB Circular A–102, for this purpose. Application kits containing AD–623 and other pertinent materials will be available from FNS by contacting the Program Development Division at (202) 447–8332. Any questions about the project may also be directed to that office. Completed applications shall be submitted in one original and two copies within 60 days of notification to the: Director, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Room 658, GHI Building, Washington, D.C. 20250. *Attention:* Alternative Issuance Demonstration Project.

What Must be Included on the Application

Full applications should be submitted only after the sponsor has received preliminary approval from the Department of the Initial letter. Sponsor applications must include as a minimum, the information outlined below:

I. Background

A. Description of proposed test site(s), including:

1. Demographic and socioeconomic characteristics of general population and food stamp participants.

2. Number of participants and value of issuance, both currently and historically.

B. Description of current issuance procedures.

C. Rationale for modification of current procedure (include magnitude of specific issuance problems, e.g., replacement ATPs, deficient reconciliation, restricted service).

D. Brief overview of proposed system or modifications including proposed duration of the project. (Present rationale for the time-period chosen, especially for those which exceed twelve-months duration.)

II. Description of Proposed System

A. Detailed description of proposed issuance procedures noting any:

1. Revisions to state or local program guidelines, instructions, and procedures.

2. Data processing or other equipment needs.

B. Identification of waivers of Food Stamp Program Regulations, as needed. (State agencies are responsible for providing the Department with appropriate waiver requests.)

C. Anticipated effects.

III. Work Plan

A. Description of implementation requirements, including:

1. Plans for transition to new system, including contingency plans in the event that "start-up" problems encountered delay the placement of households on the new program or provision of benefits.

2. Plans for informing participants, both current and potentially eligible, prior to project initiation and termination.

3. Any proposed contractual agreements with private firms, local service agencies, clearly contrasting responsibilities of the state or local agency with those of the contractor and other agencies.

4. Staffing needs.

a. Hire or assign project staff.

b. Staff training.

5. Acquisition of facilities or equipment.

6. Revision of guidelines, handbooks, instructions.

B. Discussion of foreseeable problems and potential solutions.

C. Schedule for development and implementation.

D. Staffing patterns (including designation of project director).

IV. Budget

Detailed budget information should be provided as prescribed on Form AD–623. Pertinent explanations of cited budget items should be provided, if their inclusion is not self-explanatory.

Departmental Responsibilities

The Department's Food and Nutrition Service (FNS) will monitor the operation of the demonstration as provided under "Monitoring" (below). FNS will provide funding for the demonstration project based on the budget negotiated with the State agency. FNS will, under separate contract, provide for an evaluation of selected projects, in order to assess cost-effectiveness and suitability for large scale replication. (Appendix A of the Statement of Work contained in the Department's RFP for this evaluation contract, provides a conceptual framework for the development of criteria to assess alternative food stamp issuance systems. Interested parties may find this a useful aid in developing their projects. Copies will be available upon request from the same office as application kits.)

Records

All records pertaining to this demonstration shall be available to FNS representatives or their designees upon request for purposes of inspection and verification. Such records shall be maintained for a period of three (3) years from the date of project completion.

Federal Financial Participation

During the time period established for the demonstration by the state agency and FNS, FNS shall pay 100 percent of those approved administrative costs specifically associated with the test of the alternative issuance system, *to the extent* that these costs exceed such costs as are usual and customary for coupon issuance operations. A determination of usual and customary issuance costs shall be made by FNS, using an average of the issuance-related expenditures available for the six month period immediately preceding the initiation of the alternative issuance service. For statewide projects, this will likely involve the use of a monthly Standard Form SF–269 (Food Stamps), Quarterly Expenditure Report.

Funding for the demonstration shall be provided through the established state agency program Letter of Credit for costs incurred in conducting the demonstration.

Should the state agency elect to continue operating the experimental system beyond the time-period authorized for the demonstration, the level of Federal financial participation would be reduced to the established level of funding appropriate to ongoing operations for that state.

Monitoring

Although the conduct of the demonstration of alternative issuance will be the responsibility of the state agency, FNS will review project operations on a schedule negotiated by the state agency and FNS.

In addition, FNS is planning a comprehensive assessment of the operational, performance, and cost characteristics of food stamp issuance systems. Under a separate contract, FNS will evaluate the effects and responsibility of selected issuance demonstration projects. This may require the sponsoring state or local agency to compile and maintain information about the system's effectiveness, accountability, feasibility, and efficency.

Specific recordkeeping and reporting requirements will be determined in consultation with FNS, state and local agencies, and the evaluation contractor. Such records would have to be made available to Departmental representatives, upon request.

Selection of Sites

A panel of FNS representatives will

review and select applications for assistance by state agencies or their local counterparts proposing to engage in research or development of alternative issuance procedures.

Selections will be made on the basis of the following criteria:

1. Relevancy to FNS' objectives of improved service, lower costs, and greater accountability.

2. Potential applicability of demonstration to other areas.

3. Prospects for providing more effective, accountable, feasible, and efficient issuance.

4. Adequacy, clarity, and completeness of work plans, including extent to which it identifies and offers solutions to procedural problems that may be encountered.

5. The qualifications of key personnel and the applicants' accessibility to adequate facilities and other resources.

6. Cost and potential cost-effectiveness.

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance, Program No. 10.551 Food Stamps)

Dated: May 20, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

[FR Doc. 81-15740 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Uinta National Forest Grazing Advisory Board; Meeting

The Uinta National Forest Grazing Advisory Board will meet at 9 a.m. on Wednesday, June 17, 1981, at the general store in Woodland, Utah.

The purpose of this meeting is to have a field review of the current allotment management plans and proposed criteria for the planning and utilization of the Range Betterment Fund.

The meeting will be open to the public. Those who participate will need to supply their own saddle horse and equipment. Persons who wish to attend should notify Ward F. Savage, Uinta National Forest Supervisor's Office, P.O. Box 1428, Provo, Utah 84601, telephone 801–377–5780. Written statements may be filed with the Board before or after the meeting.

Dated: May 22, 1981.

Don T. Nebeker,

Forest Supervisor.

[FR Doc. 81-16008 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Wabash Valley Power Association, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need to prepare an Environmental Impact Statement in connection with proposed financing assistance by REA to Wabash Valley Power Association, Inc., (WVPA) of Indianapolis, Indiana. The financing assistance will be used by WVPA for their proposed purchase of 25 percent (156 MW) undivided ownership interest in Unit 5 of the Gibson Generating Station from the Public Service Company of Indiana. Unit 5 is a 625 MW (net) coal-fired steam electric generating unit presently under construction at an existing 5,000 acre (2,024 hectare) site in Gibson County, Indiana. As of August 1980, Unit 5 was 30 percent complete with completion scheduled for 1982. The Gibson Site has four operating coal-fired units. Unit 5 will complete the development of the site. WVPA has prepared a Borrower's Environmental Report concerning the proposed participation. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmland, archaeological and historic sites, wetlands and floodplains and other potential impacts of the Unit 5 addition are adequately considered in the environmental evaluations prepared by WVPA and REA.

REA's independent evaluation of the proposed action leads it to conclude that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of WVPA's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with Section IV.B and IV.D of REA Bulletin 20–21:320–21, Part 1.

Various alternatives to the proposed participation arrangement were reviewed by WVPA and REA. The alternatives include no action, energy conservation and load management and construction of WVPA's own generation facilities. The proposed purchase of 25 percent undivided ownership of Gibson Unit 5 is the most viable alternative that would provide power for the existing and future loads of WVPA's members.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and WVPA's Borrower's Environmental Report may be reviewed in the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, and at the offices of Wabash Valley Power Cooperative, Inc., 700 North High School Road, P.O. Box 24700, Indianapolis, Indiana 46224.

(This Federal Assistance Program is listed in the Catalog of Federal Domestic Assistance as 10.850-Rural Electrification Loans and Loan Guarantees).

Dated at Washington, D.C., this 22nd day of May, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-16099 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Docket 39643]

Air Chicago Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., May 21, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-16100 Filed 5-28-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39643]

Air Chicago Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 5, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned.

In the instituting order, Order 81–5–104, the Board saw no need for an evidence request in this proceeding and directed all interested persons to file requests for additional evidence and requests to intervene no later than June 1, 1981. Comments or replies to any such requests shall be filed on June 3, 1981. Any pleadings filed on June 1 or June 3 shall be delivered to the undersigned on the day of filing.

Dated at Washington, D.C., May 22, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-16101 Filed 5-28-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-127]

Air Wisconsin Addition of Akron/Canton Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (81-5-127).

SUMMARY: The Board is instituting the *Air Wisconsin Addition of Akron/Canton Proceeding* and is proposing to grant unrestricted authority to Air Wisconsin at Akron/Canton under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing the proposed authority shall file, and serve on all persons listed below, no later than June 5, 1981, a statement of objections, together with a summary of the testimony, statistical data and other material expected to be relied upon to support the stated objections.

ADDRESS: Objections to the issuance of a final order should be filed in Docket 39556, which we have entitled the *Air Wisconsin Addition of Akron/Canton Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon all parties in the service list to Order 81-5-127.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5384.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-127 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-5-127 to that address.

By the Bureau of Domestic Aviation: May 22, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16102 Filed 5-28-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-120]

Fitness Determination of Cape Smythe Air Service, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-120, Order to Show Cause.

SUMMARY: The Board is proposing to find that Cape Smythe Air Service, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 15, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSESS: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-5-120.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-120 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-120 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16103 Filed 5-28-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-120]

Fitness Determination of Eldoaire, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-119, Order to Show Cause.

SUMMARY: The Board is proposing to find that Eldoaire, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 15, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSESS: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-5-119.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-119 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-119 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc 81-16105 Filed 5-28-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-118]

Fitness Determination of Rio Airways, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-5-118, order to show cause.

SUMMARY: The Board is proposing to find that Rio Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination

shall serve their responses on all persons listed below no later than June 12, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Room 929, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–5–118.

FOR FURTHER INFORMATION CONTACT: Mrs. Phyllis C. Solomon, B–72, Legal Processing Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. (202) 673–5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–5–118 is available from the Distribution Section, Room 516 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–5–118 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Phyllis T. Taylor,

Secretary.

[FR Doc. 81–16106 Filed 5–28–81; 8:45 am]

BILLING CODE 6320–01–M

[Order 81–5–117]

Fitness Determination of Suburban Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81–5–117, order to show cause.

SUMMARY: The Board is proposing to find that Reading Aviation Service, Inc., d.b.a. Suburban Airlines, is fit, willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service confrom to applicable saftey standards. The complete text of this order is available, as noted below.

DATES: All interested persons wishing to repond to the Board's tentative fitness determination shall serve their responses on all presons listed below no later than June 12, 1981, together with a summary of the testimony, statistcial data and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–5–117.

FOR FURTHER INFORMATION CONTACT: Mrs. Ava Kleinman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5345.

SUPPLEMENTARY INFORMATION: The complete test of Order 81–5–117 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–5–117 to the Distribution Section, Civil Aeronautic Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–16107 Filed 5–28–81; 8:45 am]

BILLING CODE 6320–01–M

[Order 81–5–97]

Foreign Air Carriers; Issued to Various Foreign Air Freight Forwarders

In the matter of Foreign Air Carrier Permits issued to various foreign air freight forwarders under section 402 of the Federal Aviation Act of 1958, as amended; adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of March 1981; Order.

The Board, by ER–1159, effective January 3, 1980 (44 FR 69633, December 4, 1979) adopted simplified procedures to grant operating authority to foreign air freight forwarders.[1] These procedures, set forth in Part 297 of the Board's Economic Regulations (14 CFR Part 297), were patterned after the deregulation of U.S. air freight forwarders in ER–1094 (44 FR 6634, January 31, 1979) and provide a simplified registration system in place of the previous formal hearing procedures under section 402 of the Act.

Under a heading entitled "Termination of Existing Permit Authority," and subtitled "Important Notice," the Board stated in ER–1159 that it planned to issue an order terminating all existing permit authority held by foreign air freight forwarders under section 402. The Board further admonished all foreign air freight forwarders holding section 402 permits to apply for registration under Part 297 by January 28, 1980, to avoid a gap in authority. A copy of the rule was served on all foreign air freight forwarders, and those forwarders which did not later submit an application for registration were notified by certified letter of the necessity to apply and the Board's intention to terminate then existing section 402 permit authority. All of the carriers listed in Appendix A, except for Daetwyler Airfreight Corp. (Swiss), d.b.a. Interamerican Air Freight Corp. (U.S.A.), have applied for and received a foreign freight forwarder registration under Part 297.[2]

We therefore conclude that no purpose would be served by allowing the Foreign Air Carrier Permits shown in Appendix A to continue to exist, and pursuant to section 402(f)(1) of the Act, we find that it is in the public interest to revoke the named permits. It should be emphasized that this action will not withdraw forwarding authority from any operating foreign air carrier. Rather we are simply canceling an outdated, redundant form of authority, permitting each carrier to continue to operate under the new form of authority.

Accordingly,

1. We revoke the section 402 foreign air carrier permits issued to the 19 foreign air freight forwarders listed in Appendix A;

2. Unless disapproved by the President of the United States under section 801(a) of the Act, this order shall become effective on the 61st day after the submission to the President,[3] or upon the date of receipt of advice from the President that he does not intend to disapprove the Board's order under that section, whichever is earlier; and

3. We are serving this order on all the carriers named in the appendix to this order, and on the U.S. Departments of State and Transportation.

This order shall be published in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–16104 Filed 5–28–81; 8:45 am]

BILLING CODE 6320–01–M

---

[1] The original regulation was proposed May 29, 1979 (EDR–378, 44 FR 30694, May 29, 1979).

[2] In addition to a copy of ER–1159 Daetwyler Air Freight Corp. (Swiss), d.b.a. Interamerican Air Freight Corp. (U.S.A.) was specifically notified of the Board's intention to cancel its permit by certified letter on September 2, 1980. No response has been received. Daetwyler Airfreight Corp. has been sold to new owners. (See Order 79–4–31, April 6, 1979 and Order 79–6–81, May 3, 1979).

[3] This order was submitted to the President on March 30, 1981. We received notification that the President did not intend to disapprove the Board's order on May 18, 1981.

DEPARTMENT OF COMMERCE

International Trade Administration

Stainless Steel Wire Rods From France; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on stainless steel wire rods from France. This review covers the one known manufacturer/exporter of this merchandise covered by the finding and consecutive periods from January, 1974 through June, 1980. This review indicates the existence of dumping margins during certain periods.

As a result of this review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between foreign market value and United States price on shipments occurring during those periods. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis U. Askey, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4793).

SUPPLEMENTARY INFORMATION:

Procedural Background

On August 28, 1973, a dumping finding with respect to stainless steel wire rods from France was published in the **Federal Register** as Treasury Decision 73–243 (38 FR 9094). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on stainless steel wire rods from France. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of stainless alloy steel wire rods, tempered, treated, or partly manufactured, currently classifiable under item 607.4300 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of two manufacturers/exporters of stainless steel wire rods to the United States. One firm, Creusot-Loire, was excluded from the original finding. This review covers the other known exporter, Ugine Aciers, and all time periods from January, 1974 through June, 1980 during which shipments of stainless steel wire rods may have been made to the United States and for which appraisement instructions ("master lists") have not been issued. The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by such master lists, is under review. Liquidation has been suspended pending disposition of this issue.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act and section 203 of the 1921 Act, since all sales were made to an unrelated U.S. purchaser. Purchase price was calculated on the basis of delivered prices with deductions, where applicable, for ocean freight, marine insurance, French inland freight and loading charges, and a commission to an unrelated party. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 773 of the Tariff Act and section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Ugine Aciers sold at least 28% of its total sales in the home market, and home market sales were at least 56% of all sales for export to countries other than the U.S. during the total period covered. The home market prices were based on delivered prices and an adjustment was made for inland freight. An adjustment was also made for differences in credit terms in accordance with sections 153.10 of the Customs Regulations and 353.15 of the Commerce Regulations. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following weighted average margins exist:

Time Period	Margin (Percent)
1974	2.62
1975	0.87
1976	0.039
1977	0.765
Jan. 1, 1978 to June 30, 1978	4.33
July 1, 1978 to Dec. 31, 1978	0.50
1979	1.95
Jan. 1, 1980 to June 30, 1980	

Interested parties may submit written comments on these preliminary results on or before June 29, 1981 and may request disclosure and/or a hearing on or before June 15, 1981. Any request for an administrative protective order must be made no later than June 3, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of stainless steel wire rods entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

(Sec. 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53))

May 26, 1981.

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81–16051 Filed 5–28–81; 8:45 am]

BILLING CODE 3510–25–M

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is seeking applications under its Specialized Consultant Services Program to operate one project for a 12 month period beginning October 1, 1981 within the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas and Nebraska.

The project will operate at a cost not to exceed $320,000 and the project I.D. Number is 05–10–25774–00.

Program Description

The Specialized Consultant Services Program of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "Not for Profit" or Commercial Entities). These firms must be capable of providing such services as:

—feasibility studies
—financial management
—production management
—personnel management
—marketing

and a broad range of other business services excluding legal services.

Eligibility Requirements

Any for-profit or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Application Materials

An application kit for these projects may be requested in writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 East Monroe Street, Suite 1440, Chicago, IL 60603, Attn: LaVenia Webb, Grant Technician, Tel. (312) 353–0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite forwarding of your application kit. When requesting an application kit, the applicant must specify its profit status; i.e., State or local government, federally recognized Indian Tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process

All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date

Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of July 10, 1981. Applications received after July 10, 1981 will not be considered.

Pre-Application Conference

A pre-application conference for all interested applicants will be held at 10:30 a.m., June 19, 1981 at the John C. Kluczynski Building, 230 S. Dearborn, Room 349, Chicago, IL.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance. This program is not subject to the requirements of OMB Circular A–95)

Dated: May 21, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81–16058 Filed 5–28–81; 8:45 am]

BILLING CODE 1350–53–M

National Technical Information Service

Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Nuclear Associates a limited exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Contrast Resolution Tissue Equivalent Ultrasound Test Object."

The invention is protected by U.S. Patent Application No. 186,381 (dated September 11, 1980). Copies of the application may be purchased from NTIS, Springfield, VA 22161 at five dollars per copy. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention has been transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the **Federal Register** (46 FR 15308, March 5, 1981); *Government Inventions for Licensing* (March 3, 1981); and the Patent and Trademark Office's *Official Gazette* (March 31, 1981). To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under this patent. The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of the license agreement. The terms and conditions of the license will comply with 35 U.S.C. 209 (Pub. L. 96–517) and 41 CFR 101–4.1.

The proposed license may be granted unless, within sixty days from the date of publication of this Notice, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed limited exclusive license must be submitted to the Office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Dated: May 18, 1981.

Melvin S. Day,

Director.

[FR Doc. 81–16011 Filed 5–28–81; 8:45 am]

BILLING CODE 3510–04–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OFFER SEVERELY HANDICAPPED

Procurement List 1981; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1981 a commodity to

be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: May 29, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On January 30, 1981, the Committee for Purchase from the Blind an Other Severely Handicapped published a notice (46 FR 9982) of proposed addition to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the revelant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat 77.

Accordingly, the following commodity hereby added to Procurement List 1981:

Class 1660

Harness Assembly
1660–00–066–2078

C. W. Fletcher,

Executive Director.

[FR Doc. 81–16047 Filed 5–28–81; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1981; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1981 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 1, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1981, november 12, 1980 (45 FR 74836):

Class

Kit, Suture Removal
6515–00–690–6911

C. W. Fletcher,

Executive Director.

[FR Doc. 81–16048 Filed 5–28–81; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Navy

Secretary of the Navy's Advisory Board on Education and Training; Notice of Meeting

Pursuant to section 10, paragraph (a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given of an open meeting of the Secretary of the Navy's Advisory Board on Education and Training (SABET) to be held July 16–17, 1981. The July 16 session will begin at 7:30 a.m. and continue until 3:00 p.m. The July 17 session will begin at 8:45 a.m. and continue until 12:00 noon. The Board will meet at the Naval War College and the Naval Education and Training Center in Newport, Rhode Island.

As part of the meeting, the Board will tour the Officer Accession Programs and Officer Specialized Training Programs and attend the Officer Candidate School Pass in Review. Briefings will concern the Navy Post Graduate and Professional Development Education Plans and Policies and the Naval War College Curriculum. Matters of continuing interest to be included at the SABET working session are the report on initiatives of the Naval Education and Training Command to reduce attrition at the Surface Warfare Officers School and a committee report on future plans.

Dated: May 19, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81–15998 Filed 5–28–81; 8:45 am]

BILLING CODE 3810–71–M

Privacy Act of 1974; Addition of New System of Records

AGENCY: Department of the Navy (DON).

ACTION: Addition of one new system of records.

SUMMARY: The Department of the Navy proposes to add one new system of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notice for this system of records is set forth below.

DATES: The proposed action will be effective without further notice on June 29, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the action proposed should be addressed to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP–09B1P), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone 202/694–2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93–579; 88 Stat. 1897, et seq.) have been published in the **Federal Register** at:

FR Doc. 81–897 (46 FR 6696) January 21, 1981
FR Doc. 81–3277 (46 FR 9693) January 29, 1981
FR Doc. 81–13803 (46 FR 25337), May 6, 1981
FR Doc. 81–14113 (46 FR 26094), May 11, 1981

The Navy submitted a new system report for this system under the provisions of 5 U.S.C. 552a(o) on April 17, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

May 26, 1981.

SYSTEM NAME:

USN/USMC Nuclear Test Personnel Review Program.

SYSTEM LOCATION:

Primary Navy System exists at the Project Manager's Office, Navy Nuclear Test Personnel Review, Room 756, Commonwealth Building, 1300 Wilson Boulevard, Arlington, VA 22209. Automated segments exist at Navy Regional Data Automation Center, Washington Navy Yard, Washington, D.C. 20374 and J. A. Young Corporation, 205 South Whiting Street, Alexandria, VA 22304. The entire Marine Corps system exists at the Project Coordinator's Office, Marine Corps Nuclear Test Personnel Review, Records Branch, Personnel Services Division, Headquarters Marine Corps, Washington, D.C. 20380. Extracts of individualized records of both Navy and Marine Corps reside at Headquarters, Defense Nuclear Agency, Washington, D.C. 20305.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps military and civilian personnel and/or contractor personnel in support of the Navy and Marine Corps who may have been exposed to radiation as the direct result of government sponsored atmospheric nuclear detonations occurring between 1945 and 1962.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank/grade, service number, social security account number, currrent or last known address, dates of test participation, radiation exposure (if any) and dose data, Navy and Marine Corps unit/office of assignment at time of exposure, current medical status, next-of-kin data, and extracts of service medical data such as CBC's, bioassay data and radiation sickness sequellae.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031;

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Navy to identify personnel who either were exposed to or participated in the atmospheric nuclear detonation program and to collect radiation exposure information so as to determine appropriate government-provided medical treatment, and to answer inquiries.

By the Veterans Administration to process/adjudicate claims in which service-connected disabilities resulting from radiation exposure are alleged.

By the Department of Defense components—For the purpose of preparing histories of atmospheric nuclear test participation and for use in litigation between test participants or their representatives and the Department of Defense.

By the Defense Nuclear Agency Contractors—For the purpose of assisting DoD components in preparation of histories of atmospheric nuclear test participation, to reconstruct individual dosimetry data based on research and application of mathematical factors and responding to the inquiries and concerns of individuals who may have participated in the test programs and/or their representatives.

By the National Research Council and the Center for Disease Control—For the limited purpose of conducting epidemiological studies of the effects of ionizing radiation from the atmospheric nuclear weapons tests on DoD participants in those tests.

By the Department of Energy—For the limited purpose of identifying AEC and AEC-contractor personnel exposed to ionizing radiation during nuclear testing and for conducting epidemiological studies of radiation effects of individuals so identified; and for use in litigation between the DoD and any of the individuals so identified.

By the Department of Transportation—For the limited purpose of identifying DOT and DOT-affiliated personnel exposed to ionizing radiation during nuclear testing and for use in litigation between the DOT and any of the individuals so identified.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes, disks, and computer printouts.

RETRIEVABILITY:

By individual's name and/or service number/SSAN, or listed in conjunction with a unit (ship, air squadron, etc.) associated with atmospheric nuclear testing.

SAFEGUARDS:

Access is limited to properly cleared personnel having need for the information in the performance of official duties. Paper records are maintained in an office which is locked during non-working hours. The building in which both offices are located maintains continuous security guard surveillance during non-working hours. Magnetic tapes and disks are stored in secured computer areas, access to which is controlled by password.

RETENTION AND DISPOSAL:

Paper records are retained after data is transferred to magnetic tapes. Personnel and health records are retained by the National Personnel Records Center, St. Louis, Missouri. Other paper records will be retired to Naval and Marine Corps Historical Offices after completion of Nuclear Test Personnel Review effort. Magnetic tapes and disks are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESSES:

Program Manager, Navy Nuclear Test Personnel Review, Room 756, Commonwealth Building, 1300 Wilson Boulevard, Arlington, VA 22209 and Project Coordinator, Marine Corps Nuclear Test Personnel Review, Commandant of the Marine Corps, (MSRB–60), Washington, D.C. 20380.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information pertinent to them shall either write or visit the system manager. Signed letters or proper identification are required.

RECORD ACCESS PROCEDURES:

Individuals may access records pertaining to them by furnishing full name and SSAN and/or service number. Additional information such as unit to which assigned at time or radiation exposure as well as place and approximate dates of exposure expedite recovery of desired records.

CONTESTING RECORDS PROCEDURES:

The agencies' rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the respective system manager.

RECORD SOURCE CATEGORIES:

From the individual; Navy and Marine Corps organizational, personnel, and medical records; the Veterans Administration, Department of Energy, Defense Nuclear Agency and other military departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-16085 Filed 5-28-81; 8:45 am]
BILLING CODE 3810-71-M

DEPARTMENT OF EDUCATION

Advisory Panel on Financing Elementary and Secondary Education; Hearing and Meeting

AGENCY: Advisory Panel on Financing Elementary and Secondary Education.

ACTION: Notice of Hearing and Meeting.

SUMMARY: This notice is to inform the general public of its opportunity to attend and participate in the forthcoming hearing and meeting of tP.O. Box he Advisory Panel on Financing Elementary and Secondary Education. The notice sets forth the schedule and proposed agenda for the hearing and meeting and describes the functions of the Advisory Panel. Notice of the hearing and meeting is required under the Federal Advisory Committee Act, Section 10(a)(2).

TENTATIVE SCHEDULE: June 29, 1981, Hearing, 9:00 a.m.–5:00 p.m., Federal Office Building, Room 209, 50 United Nations Plaza, San Francisco, California.

June 30, 1981, Hearing, 9:00 a.m.–Noon, Federal Office Building, Room 209, 50 United Nations Plaza, San Francisco, California. Meeting, 3:00 p.m.–5:00 p.m.,

Faculty Club Library, University of California, Berkeley, California.

July 1, 1981, Meeting, 9:00 a.m.–5:00 p.m., Faculty Club Library, University of California, Berkeley, California.

FOR FURTHER INFORMATION CONTACT: Will S. Myers, Executive Director, Advisory Panel on Financing Elementary and Secondary Education, P.O. Box 19128, Washington, D.C. 20036, (202) 653–8278.

SUPPLEMENTARY INFORMATION: The Advisory Panel on Financing Elementary and Secondary Education was established by Section 1203, Title XII of the Education Amendments of 1978 (Pub. L. 95–561). The Panel provides the Secretary and the Congress with advice and counsel concerning public policies on raising and distributing revenues to support elementary and secondary education. The Advisory panel also provides advice to the Secretary concerning the conduct of studies authorized by Section 1203. The Advisory Panel will make interim reports to the President and the Congress in 1981 and 1982 and a final report in 1983. The Advisory Panel will also provide recommendations for legislation or other appropriate action to Congress.

Agenda

The proposed agenda includes:

Hearing

Testimony by invited witnesses and other persons from the State, local, academic, and nonpublic school communities on the prospects for adequate State-local financing of schools in the 1980's and the effects on schools of the diverse sources of Federal financial support.

Meeting

Report by the Chairman and Executive Director, Adequacy of State-local school support systems, State-local respose to changes in Federal support for schools, Alternative proposals for public support for private schools. Development of policy recommendations, Agenda items for the next Panel meeting and hearing.

Persons are invited to submit written testimony for the hearing record. Those interested in presenting oral testimony should contact the Executive Director no later than June 9, 1981. The Advisory Panel asks that testimony, either oral or written, be directed to the topic of the hearing. Both the hearing and meeting of the Advisory Panel are open to the public.

Records are kept of all Advisory Panel proceedings and are available for public inspection at the office of the Advisory Panel on Financing Elementary and Secondary Education located at 1200 19th Street N.W., Suite 725, Washington, D.C.

Signed at Washington, D.C. on May 22, 1981.

Will S. Myers,

Executive Director, Advisory Panel on Financing Elementary and Secondary Education.

[FR Doc. 81-16012 Filed 5-28-81; 8:45 am]

BILLING CODE 4000-01-M

Office of Postsecondary Education

International Understanding Program; Application Notice for New Projects for Fiscal Year 1981

Applications are invited for new projects under the International Understanding Program.

Authority for this program is contained in Part N of Title III of the Elementary and Secondary Education Act of 1965 (Pub. L. 89–10) as amended by the Education Amendments of 1980.

This program issues awards to any public or private agency or organization including, but not limited to, institutions of higher education, State and local educational agencies, professional associations, educational consortia, and organizations of teachers.

The purpose of the awards is to stimulate, at all levels of education, programs to increase the understanding of students and the public in the United States about the cultures, actions and interconnections of nations and peoples to enable the students and public to better evaluate the international and domestic impact of major policies and actions of the United States.

Effective Date: Unless Congress takes certain adjournments, the priorities included in this notice will take effect July 13, 1981. If you want to know if there has been a change in the effective date of these priorities, call or write the Department of Education contact person. At a future date the Secretary will publish a notice in the **Federal Register** stating the effective date of these priorities.

Closing date for transmittal of applications: Applications for awards must be mailed or hand-delivered by July 20, 1981.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.095, International Understanding Program, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturday, Sunday, or Federal holidays. Applications that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Regulations governing evaluation and eligibility requirements for the International Understanding Program were published in the **Federal Register** on December 31, 1980, 45 FR 86883–86884.

Funds under this program may be used to carry out the following activities:

(1) The in-service training of teachers and other educational personnel with regard to the cultures, actions and interconnections of nations and peoples.

(2) The develoment of materials to link language learning to international studies.

(3) The compilation of existing information and resources pertaining to the purpose of the International Understanding Program in forms useful to various types of educational programs.

(4) The dissemination of information and resources pertaining to the cultures, actions and interconnections of nations.

(5) The introduction, by local educational agencies, of instruction in foreign languages designated by the

Secretary as having critical importance to the nation which have not been offered by the schools of the local educational agencies in the three academic years preceding 1981. Language projects proposed by local educational agencies must focus on instruction in major world languages except Spanish, French, or German.

Available funds and program priorities: Under the Second Continuing Resolution, Pub. L. 96–536, in effect through June 5, 1981, $2,000,000 is available for this program for fiscal year 1981. However, as part of the President's Economic Recovery Plan, $500,000 of this amount is proposed for rescission. The revised funding level for the program would provide for between 20 and 35 grants ranging from $5,000 to $100,000. If the Congress does not accept the President's proposed rescission, there will be an increase in the number of grants awarded.

These estimates, however, do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

For all levels of funding, priority will be given to those projects which propose new programs or modify existing programs to increase students' and the public's understanding about (1) the cultures, actions and interconnections of nations and peoples, or (2) issues of global concern which will enhance students' and the public's ability to make informed judgments with respect to the politics and actions of the United States.

Specifically, priority will be given to those projects which:

(a) Provide in-service training to those teachers and other educational personnel who have participated or will participate in a program of teaching abroad in order to maximize the impact of this experience on increasing the international awareness of students;

(b) Involve State or local education leaders such as principals, superintendents, and school board members and/or State education department officials, in training and dissemination activities;

(c) Use electronic or print media; or

(d) Conduct programs related to community, adult, continuing or cooperative education programs.

Applications for all grants will be evaluated competitively under the funding criteria in 34 CFR 655.31 and 667.31.

There are no continuation grants in the International Understanding Program. Awards will be made for a one-year period.

Application forms:

Application forms and program information packages are expected to be ready for mailing by June 5, 1981. They may be obtained by writing the International Studies Branch, Division of International Services and Improvement, Office of International Education, U.S. Department of Education (Room 3669, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the International Understanding Program (34 CFR Parts 655 and 667) published in the **Federal Register** on December 31, 1980.

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75 and 77). See 45 CFR Parts 100a and 100c published in the **Federal Register** on April 3, 1980.

Further information: For further information contact Mr. Steven G. Pappas, Office of International Education, U.S. Department of Education (Room 3669, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245–2794.

(20 U.S.C. 3064(b)(1))

(Catalog of Federal Domestic Assistance No. 84.095 International Understanding Program)

Dated: May 21, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–16057 Filed 5–28–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Encorp, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy..

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Effective date: May 8, 1981. Comments by: June 29, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone 214/767–7745.

SUPPLEMENTARY INFORMATION: On May 8, 1981, the Office of Enforcement of the ERA executed a Consent Order with Encorp, Inc. of Abilene, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Encorp, Inc. wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Encorp, Inc. effective as of the date of its execution by the DOE and Encorp, Inc.

I. Consent Order

Encorp, Inc. with its home office in Abilene, Texas is a firm engaged in the resale of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. The Office of Enforcement of the Economic Regulatory Administration (ERA) and Encorp, Inc. entered into a Consent Order to resolve certain civil actions which could be brought by ERA as a result of its audit of the crude oil resales by Encorp, Inc. The significant terms of the Consent Order with Encorp, Inc. are as follows:

1. This Consent Order concerns the sale of certain volumes of crude oil sold by Encorp, Inc. during the period January 1, 1978 through February 1979, and is intended by Encorp, Inc. and DOE to resolve only those matters set forth in this Consent Order.

2. Encorp, Inc. allegedly applied the provisions of 10 CFR 212.185(c) and 212.186 incorrectly when determining the prices to be charged for certain domestic crude oil.

3. The Consent Order constitutes neither an admission by Encorp that DOE regulations have been violated nor a finding by the DOE that Encorp has violated DOE regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In the Consent Order, Encorp, Inc. agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum or $5,000, including interest, on or before 30 days after the effective date of this Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected person, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

Other Comments: The ERA invites persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Encorp, Inc.'s Consent Order." We will consider all comments we receive by 4:30 p.m., local time, within 30 days after this publication. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas, on the 19th day of May 1981.

Wayne I. Tucker,

District Manager of Enforcement, Southwest District Office, Economic Regulatory Administration.

[FR Doc. 81-15999 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-01-M

Phillips Oil Operating Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: May 11, 1981.

COMMENTS BY: June 29, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On May 11, 1981 the Office of Enforcement of the ERA executed a Consent Order with Phillips Oil Operating Company of Enid, Oklahoma. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of $500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Phillips wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Phillips effective as of the date of its execution by the DOE and Phillips.

I. The Consent Order

Phillips Oil Operating Company is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Phillips the Office of Enforcement, ERA and Phillips entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through January 27, 1981 Phillips allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Phillips and the DOE have agreed to a settlement of $43,000. This amount will be refunded by Phillips on or before June 10, 1981. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Phillips.

3. This Consent Order constitutes neither an admission by Phillips that ERA regulations have been violated nor a finding by the ERA that Phillips has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Phillips agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcemet, ERA arising out of the transactions specified in I.1. above, the sum of $43,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse affects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199l(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claims to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other climants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the term, conditions, or procedural aspects of this Consent Order. You should send your comments or written notificaton of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notificaiton of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Phillips Oil Operating Company Consent Order". We will consider all comments we received by 4:30 p.m., local time (30 days after publication). You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the Procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 19th day of May 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-16000 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-01-M

[OFC Case Nos. 55119-9193-01-12, 55119-9193-02-12, and 55119-91933-03-12; Docket No. ERA-FC-81-005]

Powerplant and Industrial Fuel Uses; General Motors Corp.; Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Availability of Tentative Staff Analysis..

SUMMARY: On December 4, 1980, General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) for an order which would exempt three new major fuel burning installations (MFBI's) from the prohibitions of the Powerplant Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.), (FUA or the Act). Title II of FUA prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's unless an exemption has been granted by ERA. Criteria for petitioning for exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501, and 10 CFR Part 503, published on June 6, 1980, at 45 FR 38276 and 38302 respectively. This rule became effective August 5, 1980.*

Under the provisions of 10 CFR 503.38(d), GM petitioned for a permanent fuels mixture exemption for each of three new boilers to be installed at GM's Assembly Division, Shreveport, Louisiana plant.

ERA accepted the petition on March 27, 1981, and published notice of its acceptance in the **Federal Register** on April 3, 1981, at 46 FR 20267. The Notice of Acceptance provided for a 45-day comment period during which interested persons could submit written comments and request a public hearing on the petition for exemption. That period expired on May 18, 1981. No comments were received nor was a public hearing requested.

Based upon the ERA staff's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been completed which recommends that ERA issue an order which would grant the requested exemption. Pursuant to 10 CFR § 501.64, notice of the availability of the Tentative Staff Analysis is hereby issued and interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments on the Tentative Staff Analysis are due on or before June 12, 1981. A request for public hearing must also be made within the same 14-day comment period.

ADDRESSES: Fifteen copies of written comments or a request for public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, DC 20461.

Docket Number ERA–FC–81–005 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128–M, Washington, D.C. 20461, Phone (202) 653–3934.

Allan J. Stein, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–2967.

ERA will issue a final order granting or denying GM's petition for permanent exemption within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension, will be published in the **Federal Register.**

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B–110, 2000 M Street NW., Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: The MFBI's for which the petition exemption has been filed are three new field-erected boilers (identified as boilers Nos. 1, 2, and 3), each having a design heat input rate of approximately 177 million Btu's per hour with a steam generating capacity of 150,000 pounds per hour. Each boiler is designed to burn coal, natural gas, or oil. GM, in its petition, seeks a permanent exemption

to burn a mixture of coal and natural gas, alternately, in each unit. GM has certified that the amount of natural gas which will be used in the mixture for each of the three boilers will not exceed 25 percent of the total annual Btu heat input rate of the primary energy sources of each boiler.

Eligibility and evidentiary requirements governing the permanent fuels mixture exemption, as authorized under section 212(d) of FUA, are set forth at 10 CFR 503.38. Under subsection (d) of that section, a certification alternative is available for MFBI's which will use a mixture containing less than 25 percent petroleum or natural gas, providing simplified evidentiary requirements for such facilities. GM has petitioned for a permanent exemption from the prohibitions of Title II of FUA for each of its boiler Nos. 1, 2 and 3, under 10 CFR 503.38(d), based upon use of a mixture containing less than 25 percent natural gas in each unit and has included in its petition, as amended by letter dated March 2, 1981, the following information and duly executed certifications:

(1) The amount of natural gas to be used in the fuels mixture in each boiler identified in its petition will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each installation;

(2) Pursuant to 10 CFR 503.15(b), GM will, prior to operating the boilers which are the subject of its petition, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, and the Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CR 503.15(b); and

(4) That it will, upon grant of the requested exemptions, agree to the terms and conditions specified in 10 CFR 503.38(e).

In addition, pursuant to 10 CFR 503.38(d)(3), GM provided a description of the fuels mixture, component elements and percentages and quantity of each component to be utilized in each boiler. The ERA staff reviewed the description of the fuels mixture and is satisfied that the percentage and quantity of each component of the fuels mixture projected to be used annually in each boiler identified in its petition is consistent with GM's certifications that the amounts of natural gas to be used in each of the boilers will not exceed 25 percent of the total annual Btu heat input of that unit's primary energy sources. GM did not include a request for an exemption to use petroleum in the units identified in its petition.

The ERA staff has examined the certifications made by GM in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.38(d). The ERA staff also finds that the amount of natural gas proposed to be used by GM in each unit would not exceed the minimum percentage of the total annual Btu heat input of the primary energy sources needed to maintain operational reliability of the unit consistent with maintaining a reasonable level of fuel efficiency. Accordingly, the ERA staff has completed a Tentative Staff Analysis which recommends that an order be issued, subject to the terms and conditions specified below, which would grant GM the requested exemptions for its three boilers.

TERMS AND CONDITIONS: Section 214(a) of FUA gives ERA the authority to attach appropriate terms and conditions to any order granting an exemption under Title II of the Act. By petitioning for exemption under the provisions of 10 CFR 503.38(d), GM, in accordance with 10 CFR 503.38(e), agreed, upon grant of each exemption, to the standard terms and conditions specified in that subsection. Based upon its review of the record in this matter, ERA staff recommends that the following terms and conditions be attached to any order which would grant GM's requested exemption.

(1) The amount of natural gas to be used in a mixture with alternate fuel in each of the boilers will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each unit.

(2) Prior to operating each of the boilers, GM will secure all applicable environmental permits and approvals pursuant to, but not limited to the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

REPORTING REQUIREMENTS: In addition to the above terms and conditions, GM must, pursuant to 10 CFR 503.38(g), upon grant of this exemption, certify to ERA the date each of the three boilers is first operated under the provisions of this order, and must, annually thereafter at not later than 30 days after each anniversary of that date, file with ERA a certification that the amount of natural gas used in each boiler during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of GM.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification in which the use of petroleum or natural gas in a mixture with an alternate fuel(s) will not exceed 25 percent of the exempted MFBI's total annual Btu heat input of its primary energy sources, were identified as classes of actions which normally do not require the preparation of an Environmental Impact Statement or an Environmental Assessment.

This classification raises a rebuttable presumption that the granting or denial of these exemptions will not significantly affect the quality of the human environment. GM has certified that it will secure all applicable permits and approvals prior to commencement of operation of each new MFBI under exemption. The Environmental Checklist completed and certified to by GM pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel, and it has been determined that GM's responses to the questions therein indicate that the operation of each of the three boilers under this exemption will have no significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to these FUA actions. No contrary information has come to the attention of ERA; therefore, unless substantial questions regarding the categorical exclusion in this instance are raised during the proceeding on GM's petition which would indicate otherwise, no additional environmental review is deemed to be required.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on this Tentative Staff Analysis.

Issued in Washington, D.C., on May 21, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-16001 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4503-000]

Central Maine Power Co.; Application for Preliminary Permit

May 22, 1982.

Take notice that Central Maine Power Company (Applicant) filed on April 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4503 to be known as the Cold Stream Project located on the Kennebec River in Somerset County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Elwin W. Thurlow, President, Central Maine Power Company, Edison Drive, Augusta, Maine 04336. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new 200-foot high, 1,400-foot long, zoned earth embankment or rock-fill dam; (2) a 250-foot long concrete spillway; (3) a reservoir with a surface area of 835 acres with a gross storage capacity of 66,343 acre feet at elevation 800 feet m.s.l.; (4) a 1,000-foot long power canal; (5) a 32-foot diameter, 200-foot long penstock; (6) a powerhouse containing a single 83-MW turbine-generator unit initially and space available for two additional 83-MW turbine-generator units; (7) a 3.7-mile long, 115-kV transmission line and (8) appurtenant facilities. The Applicant estimates that the average annual energy output initially would be 250,000,000 kWh and might be increased to a maximum of 295,000,000 kWh through the addition of additional units.

Purpose of Project—Energy produced at the project would be fed into the Applicant's system.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has requested a preliminary permit term of three years. The cost of the studies under the preliminary permit has been estimated by the Applicant to be $1,000,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 10, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interest person to file the competing application no later than October 9, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or §1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 10, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions, to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4503. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16034 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1956-000]

William T. Coleman, Jr.; Filing

May 21, 1981.

The filing individual submits the following:

Take notice that on May 11, 1981, William T. Coleman, Jr. filed a petition for a declaratory order pursuant to section 1.7(c) of the Commission's regulations that INA Corporation (INA) is not a firm authorized by law to underwrite or participate in the marketing of securities of a public utility within the meaning of section 305(b) of the Federal Power Act, and, thus, that the holding of the positions of director of the Philadelphia Electric Company (PEC) and director of INA does not fall within the purview of section 305(b) of the Federal Power Act.

Mr. Coleman states that PEC is a public utility as defined by § 45.2(b)(1) of the Commission's regulations. Mr. Coleman states that INA's principle businesses include property-casualty insurance, life insurance, and health care. Mr. Coleman states that INA engages in investment activities and through two wholly-owned subsidiaries owns capital stock in Paine Webber Incorporated (Paine). Mr. Coleman states that Paine has several subsidiaries which are authorized by law to underwrite or participate in the marketing of public utility securities as defined by § 45.2(b)(2) of the Commission's regulations. Mr. Coleman asks that the Commission declare that INA does not constitute a firm authorized by law to underwrite or participate in the marketing of securities of a public utility within the meaning of section 305(b) of the Federal Power Act and that the holding of the positions of director of PEC and director of INA does not fall within the purview of section 305(b) of the Federal Power Act.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (1.8 CFR 1.8, 1.10).

All such petitions or protests should be filed on or before June 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16054 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4329-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

May 22, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 12, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4329 to be known as The Willow Creek Tehama Power Project located on the Willow Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 140-foot long, 5-foot high concrete and rock diversion structure; (2) a 10,000-foot long diversion conduit or channel; (3) a 1,200-foot long, 44-inch diameter steel penstock; (4) a powerhouse containing generating units with a total rated capacity of 4,580 kW; and (5) a 13-mile long 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 16 million kWh.

Purpose of Project—The project energy would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, and economic feasibility studies and prepare an FERC license application. No new roads will be required to conduct these studies. The cost of conducting these studies and preparing an FERC license application has been estimated to be between $80,000 and $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 10, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 9, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 10, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4329. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of

any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16035 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-353-000, ER81-354-000, and ER81-381-000]

Dayton Power and Light Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Motions, Denying Waiver of Notice, Granting Intervention, Consolidating Dockets, and Establishing Price Squeeze and Hearing Procedures

Issued: May 22, 1981.

On March 24, 1981, in Docket No. ER81-354-000, Dayton Power and Light Company (Dayton) filed increased rates for firm power service to 14 municipal customers served under its present electric tariff. Dayton concurrently filed, in Docket No. ER81-353-000, proposed rates for partial requirements and transmission services not previously offered to Dayton's wholesale customers. Although there are no customers currently taking the partial requirements or transmission services, Dayton states that it has been informed by a number of municipal customers that purchases from third parties are imminent. Thus, the company desires to have this alternate tariff on file at this time. Dayton also filed, on March 31, 1981, in Docket No. ER81-381-000, increased rates for firm power service to its remaining wholesale customer, the City of Piqua, Ohio (Piqua), which is served under a separate interconnection agreement.[1]

The proposed rates applicable to these 15 municipal customers would result in increased revenues of approximately $6,452,566 (40.52%) for the twelve months ending March 31, 1982. Dayton requests an effective date of sixty days after filing for the respective rate changes, *i.e.*, May 23, 1981, for the 14 municipals served under the tariff and May 30, 1981, for Piqua. Dayton also requests waiver of the notice requirements to permit the new partial requirements and transmission service tariff to become effective as of the filing date, March 24, 1981.

Notices of the filings were issued on March 31, 1981, in docket Nos. ER81353-000, and ER81-354-000, and on April 7, 1981, in Docket No. ER81-381-000, with responses in all three dockets due on or before April 20, 1981. On April 20, 1981, the municipal customers currently served under Dayton's electric tariff (Municipals) filed a protest, motion to reject, and petition to intervene in Docket No. ER81-354-000.[2] Municipals protest the rate increase as being excessive, seek rejection of the submittal asserting that it violates the Commission's filing requirements, and, alternatively, request a five month suspension. Municipals further contend that Dayton has used a number of improper cost of service procedures or allocations, and that the proposed rates will create a price squeeze.

On April 20, 1981, Piqua filed a protest and petition to intervene in Docket No. ER81-381-000. Piqua raises no independent objections, but states that it incorporates by reference the protest filed by the Municipals in Docket No. ER81-354-000.

Also on April 20, 1981, the Municipals filed a protest and petition to intervene in Docket No. ER81-353-000. Municipals state that they desire to have the partial requirements and transmission tariff available for immediate use, but that the customers should not be penalized by having to pay an excessive rate for such services. Therefore, Municipals request that the Commission grant waiver of the notice requirements and suspend the terms and conditions of the partial requirements and transmission tariff for one day, but suspend the *rates* for five months, allowing them to become effective subject to refund on the same date as the full requirements rates. In addition, Municipals request that Dayton be required to compute and file partial requirements and transmission rates based on the same cost data used to derive its present rates for firm service. Under the Municipals' proposal, these rates would then be collected during the interim period prior to the effective date of the proposed rates for partial requirements and transmission services. Municipals further request that any rate charged for the transmission of power and energy from Buckeye Power, Inc., be collected subject to refund pending the outcome of a complaint filed by the City of St. Marys in Docket No. EL81-14-000.[3] Municipals also object to proposed partial requirements and transmission service tariff.

Discussion

Municipals' motion to reject the filing is based on the allegation that Dayton has failed to file sufficiently detailed testimony and sufficient support for certain Period II estimates and cost of service adjustments. The Commission finds that Dayton has substantially complied with the requirements of section 35.13 of the regulations, and therefore the motion to reject will be denied.[4]

Muncipals' request for Dayton to compute and file interim partial requirements and transmission rates based on cost data used in the derivation of their present rates is inappropriate and will be denied. Dayton's choice of a test period is consistent with section 35.13 of the regulations and the Commission will not require Dayton to use historical data to derive rates for services to be rendered in the future.[5]

Our analysis of Dayton's filings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore we shall accept the rates for filing and suspend them as directed below.

In a number of suspension orders,[6] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. As noted, Dayton's last general rate increase to its wholesale customers became effective in 1976. Moreover, according to our

---

[1] *See* Attachment A for rate schedule designations.

[2] The cities and villages are Arcan, Celina, Eldorado, Jackson Center, Lakeview, Mendon, Minister, New Bremen, New Knoxville, St. Marys, Tipp City, Versailles, Waynesfield, and Yellow Springs.

[3] On April 16, 1981, the City of St. Marys and American Municipal Power-Ohio, Inc. filed a complaint against Dayton alleging that Dayton's refusal to transmit power from Buckeye Power to St. Marys is in violation of its obligations under the Buckeye Power Delivery Agreement. No action has been taken in Docket No. EL81-14-000 to date.

[4] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

[5] We note that Dayton's last general rate increase to its wholesale customers became effective in November of 1976.

[6] *E.g., Boston Edison Company*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-218 (August 22, 1980) (one-day suspension).

review, the full requirements rates, including the rates to Piqua, may not yield substantially excessive revenues. Under these circumstances, a nominal suspension and a refund obligation should provide adequate protection to the affected customers pending the outcome of a hearing. Accordingly, the Commission will suspend these full requirements rates for one day to become effective, subject to refund, on May 24, 1981, for all customers except Piqua, and on May 31, 1981, for Piqua.

The partial requirements and transmission rates cover services not previously offered to Dayton's wholesale customers. As noted above, Dayton has requested waiver of the notice requirements to allow the proposed partial requirements and transmission tariff to become effective on March 24, 1981. Although the intervening customers have supported the request for waiver with respect to the tariff terms and conditions, their support is premised on their further request that the Commission suspend the associated rates for the full five months. However, for the reasons stated with regard to the full requirements rates, we believe that a one day suspension is appropriate as to the remaining rates as well. Moreover, it does not appear that any customer has arranged for the subject services and, since the 60-day period following the filing will elapse shortly, denial of waiver should pose no obstacle to customers who may desire partial requirements or transmission service. We find that good cause does not exist to grant waiver and we shall therefore suspend the partial requirements transmission tariff and rates for one day to become effective, subject to refund, on May 24, 1981.

Since Docket Nos. ER81–353–000, ER81–354–000 and ER81–381–000 present common questions of law and fact, we shall consolidate those dockets for purposes of hearing and decision.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79–339, order issued August 6, 1979, we shall phase the price squeeze issue. This procedure will allow a decision first to be reached on the cost of service, capitalization and rate of return issues. If, in view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission finds that participation in this proceeding by each of the petitioners is in the public interest. Accordingly, the petitions to intervene will be granted.

The Municipals have requested that any rate charged for the transmission of power and energy from Buckeye Power, Inc. be collected subject to refund pending the outcome of the complaint proceeding in Docket No. EL81–14–000. The transmission rates currently proposed by Dayton are being suspended and set for hearing by this order. Consequently, the rate that Dayton would charge for transmission, including that involving Buckeye Power, Inc., will be collected subject to refund, irrespective of the proceedings in Docket No. EL81–14–000. Docket No. EL81–14–000 is at a very early stage, with comments and protests being due on May 22, 1981. We shall decline to take further action at this time pending consideration of the complaint.

The Commission orders:

(A) The Municipals' motion to reject is hereby denied.

(B) The Municipals' request to require Dayton to file interim rates for partial requirements and transmission service is hereby denied.

(C) Dayton's general rate increase for firm service and the increase to the City of Piqua are hereby accepted for filing and suspended for one day to become effective May 24, 1981, and May 31, 1981, respectively, subject to refund.

(D) Dayton's request for waiver of the notice requirements to allow the partial requirements and transmission service tariff to become effective as of the filing date is hereby denied, and such tariff and rates are hereby accepted for filing and suspended for one day from sixty days after filing to become effective May 24, 1981, subject to refund.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of Dayton's rates.

(F) The petitioners are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act: *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in the petitions to intervene; and, *provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(G) Docket Nos. ER81–353–000, ER81–354–000 and ER81–381–000 are hereby consolidated for purposes of hearing and decision.

(H) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Commission staff shall serve top sheets in this proceeding on or before May 24, 1981.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(K) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Dayton Power and Light Company

Docket No. ER81–353–000—Other Party: No one taking service at this time.

Designation:

(1) FERC Electric Tariff, Original Volume No. 2 (Original Sheets 1 through 28).

(2) Exhibit A to (1) above (Electrical Emergency Procedures).

Effective: May 24, 1981, subject to refund.

Docket No. ER81–354–000—Other party: Municipals served under FPC Electric Tariff, Original Volume No. 1.

Designation	Supersedes
(1) 10th Revised Sheet No. 4	9th Revised Sheet No. 4.
(2) 1st Revised Sheet No. 4–A	Original Sheet No. 4–A.
(3) 8th Revised Sheet No. 5	7th Revised Sheet No. 5.
(4) 4th Revised Sheet No. 5–A	3rd Revised Sheet No. 5–A.
(5) 2nd Revised Sheet No. 8	1st Revised Sheet No. 8.
(6) Original Sheet No. 8	

Effective: May 24, 1981, subject to refund.

Docket No. ER81-381-000—Other Party: City of Piqua.

Designation: Supplement No. 16 to Rate Schedule FPC No. 34 (Supersedes Supplement No. 13).

Effective: May 31, 1981, subject to refund.

[FR Doc. 81-16036 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-121-000]

El Paso Natural Gas Co. and Amoco Production Co.; Renotice of Application

May 22, 1981.

Take notice that on December 29, 1980, El Paso Natural Gas Company (El Paso), P.O. Box 1492, EL Paso, Texas 79978, and Amoco Production Company (Amoco), P.O. Box 3092, Houston, Texas 77001, filed in Docket No. CP81-121-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso states that it sells and delivers quantities of return residue gas to Amoco which are in excess of casinghead gas quantities which El Paso has purchased from Amoco pursuant to a casinghead gas contract and letter agreement. It is stated that Amoco uses this gas in association with the production of oil and gas in the Bakke Field located in Andrews County, Texas. It is further stated that since the residue gas has been reclassified to Priority 3 delivery, Amoco is concerned that production in the Bakke Field could be seriously affected as a result of the extensive periods of total or partial curtailment of Priority 3 deliveries which have occurred and are expected to continue to occur on El Paso's interstate transmission system.

In consideration of Amoco's concern, Applicants state they have entered into a gas exchange agreement dated May 1, 1980, which supersedes the previous letter agreement and which provides for Amoco to utilize its own source of natural gas supply for assurance of reliability of natural gas service required to maintain the production of oil and gas reserves attributable to the Bakke Field. Pursuant to the agreement, it is stated that El Paso has acquired a new source of natural gas supply from Amoco's Lansdale "D" Federal Com. No. 1 well located in Lea County, New Mexico. It is further stated that Amoco has dedicated 75 percent of its natural gas reserves produced from the well to El Paso and reserved the right to receive in kind up to the remaining 25 percent of the production for use in its operation of the Bakke Field facilities. Applicants state that Amoco would deliver to El Paso noncommitted quantities of in-kind takes and that El Paso would deliver equivalent quantities of natural gas on a volumetric basis to Amoco at existing delivery points located in Andrews County, Texas. It is stated that the exchange arrangement can be accomplished by use of existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16019 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER 80-327 and ER80-328]

Georgia Power Co.; Compliance Report

May 21, 1981.

The filing company submits the following:

Take notice that on May 11, 1981, Georgia Power Company (GPC) filed a Compliance Report for Docket Nos. ER80-327 and ER80-328 ordered to be filed by the Commission's order of April 21, 1981, which approved the settlement agreements filed and approved by the Commission in the above-mentioned dockets.

GPC states that it has refunded to the Oglethorpe Power Corporation (OPC), the Municipal Electric Authority of Georgia (MEAG), and to the City of Dalton, Georgia (Dalton) a total of $4,459,942.89 in settlement of the PR-5 rate. This amount included a principal refund of $4,346,823.00 and interest in the amount of $113,119.89. This total refund was made in Docket No. ER80-328 for the partial requirements customers.

GPC also refunded to the Cities of Acworth and Hampton, Georgia a total of $33,942.43 in settlement of the FR-3 rate which is embodied in Docket No. ER80-327. These cities are full requirements customers. This amount included a principal refund of $33,285.22 and interest in the amount of $657.21.

Any person desiring to be heard or to make any protest with reference to said Compliance Report should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestant a party to the proceeding. Any person wishing to become a party must file a petition of Intervention in accordance with the Commission's Rules of Practice and Procedure.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16037 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-46-000]

Gulf States Utilities Co.; Application

May 21, 1981.

Take notice that on May 13, 1981, Gulf States Utilities Company (Applicant)

filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of 588,000 Shares of Additional Common Stock.

The Applicant proposes to issue the new securities in exchange for all of the outstanding capital stock of the Prudential Drilling Company, a Texas corporation which is in the business of oil and gas exploration and development. The Applicant then proposes to continue and expand the exploration and development program of such subsidiary.

Any person desiring to be heard or to make any protest with reference to said Application should on or before June 3, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16038 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-259, ER80-793-000, ER80-793-001, ER81-355-000, ER81-356-000, and ER81-357-000]

Kansas Gas and Electric Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Intervention, Waiving Filing Requirements, Denying Motions To Reject, Consolidating Proceedings, and Establishing Price Squeeze and Hearing Procedures

Issued: May 26, 1981.

On March 24, 1981, Kansas Gas and Electric Company (KG&E) tendered for filing three unexecuted service agreements [1] providing for an increase in rates for service to the Cities of Wellington (Docket No. ER81-355-000), Winfield (Docket No. ER81-356-000), and Girard (Docket No. ER81-357-000), Kansas collectively referred to as Cities) to supersede existing agreements between KG&E and each city.[2] The new agreements incorporate rates for service to the Cities which are identical to those proposed by KG&E and currently subject to investigation in Docket Nos. ER80-259, *et al.*[3] KG&E indicates that the rates will be modified to reflect the Commission's conclusions in the prior dockets.

KG&E's submittals reflect an increase in revenues from Wellington of $240,446 and from Winfield of $43,006 for the 12-month period ending May 31, 1981. The increase to Girard represents additional revenues of $141,163 for the 12-month period ending June 30, 1981. With respect to Wellington and Winfield, KG&E requests acceptance of its filing as of May 31, 1981, in order to permit the rates to commence, after a one day suspension, on June 1, 1981, subject to refund. With respect to Girard, KG&E requests acceptance as of June 30, 1981, to permit that rate to commence, after a one day suspension, on July 1, 1981, subject to refund. These dates represent the day after termination of the respective agreements.

KG&E asserts that its filings in these dockets contain agreements in all respects similar to the one filed in Docket No. ER80-793 for service to the City of Burlington, Kansas (Burlington), which was amended in Docket No. ER80-793-001. As in the instant filings, the rates for Burlington were the same rates as those proposed in Docket No. ER80-259. By orders issued November 28, 1980, and March 4, 1981, the Commission, *inter alia*, waived the filing requirements, accepted for filing and suspended the submittals applicable to Burlington for one day, and consolidated those proceedings with Docket No. ER80-259. KG&E requests similar treatment for the instant submittals.

Notices of the filings were issued on March 31, 1981, with comments, protests, or petitions to intervene due on or before April 20, 1981. On April 16, 1981, Wellington filed in Docket No. ER81-356-000, a petition to intervene, which was withdrawn by petition filed April 20, 1981. On April 20, 1981, Wellington, Winfield, and Girard filed petitions to intervene, protests, motions to reject, and alternative requests for five-month suspension and consolidation. In support of their motions to reject, Cities assert that the filings (1) fail to comply with Commission orders, (2) are not supported by cost data, and (3) are excessive, unreasonable, anticompetitive, discriminatory, and would create a price squeeze. Alternatively, Cities urge a five-month suspension period to be compatible with the Commission's general policy for maximum suspension of rate filings inasmuch as they assert that no special circumstances warrant a departure from that policy. KG&E filed answers to the protests on May 5, 1981.

Discussion

Initially, we find that participation by Cities in this proceeding is in the public interest. Consequently, we shall grant the petitions to intervene.

As noted above, in Docket No. ER80-793-000, the proposed rates were the same as those submitted in Docket No. ER80-259, and KG&E's cost of service in the earlier docket included the costs of providing service to Burlington. We, therefore, granted KG&E's request for waiver of the filing requirements and test period time constraints of our regulations. The circumstances presented by the instant filings are identical and, therefore, the rationale stated in our November 28, 1980 order is equally applicable here. As a result, we shall grant KG&E's requests for waiver in Docket Nos. ER81-355-000, ER81-356-000, and ER81-357-000, and permit the use of the cost of service data filed in Docket No. ER80-259 to support the rates currently proposed.

Further, we do not believe that the remaining arguments made by Cities provide an adequate basis for rejecting KG&E's filings. Those issues should be resolved together with the issues raised in the Docket No. ER80-259 proceeding. We shall therefore deny the motions to reject KG&E's filings and we shall grant the requests to consolidate the dockets for purposes of hearing and decision.

Our analysis of KG&E's filings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the

---

[1] *See* Attachment A for rate schedule designations.

[2] On May 3, 1978, the requisite written notice of contract termination was served on each city.

[3] In its filing in Docket No. ER80-259, KG&E acknowledged that the Commission's prior orders in Docket No. ER77-578 held that increases in firm power rates to seven of its partial requirements municipal customers (Burlington, Chanute, Coffeyville, Fredonia, Girard, Iola, and Winfield) were subject to the stricter *Sierra* burden of proof in requesting rate changes. *(United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. (1956) and *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956)). Thus, increases to those customers were not proposed in Docket No. ER80-259. However, the cost of providing firm service to those customers was included in KG&E's cost of service. KG&E's contract with Wellington has been interpreted as permitting only prospective rate changes but under the just and reasonable burden of proof. *(See Kansas Gas & Electric Company*, Docket No. ER77-578, order issued February 1, 1978; *see also* Opinion No. 80, Docket No. ER77-578, issued March 19, 1980).

proposed agreements for filing and suspend them as ordered below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspension periods may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. With respect to the increased rates to Burlington in Docket No. ER80–793–000, we imposed a one-day suspension. In our order of November 28, 1980, we fully explained our reasons for concluding that it would be unfair to KG&E to suspend the same rates for an extended period each time they become applicable to a new customer by reason of a contract termination. The same rationale applies to the instant filings. Consequently, we shall suspend the rates for one day, permitting them to take effect subject to refund as hereinafter ordered.

Generally, the Commission provides that price squeeze issues should be phased in accordance with the policy established in *Arkansas Power and Light Company*, Docket No. ER79–339 (August 6, 1979). However, in the order issued in Docket No. ER80–259 on May 30, 1980, we elected not to phase this issue because the proceeding involved in part an application for increased rates that could not become effective until the Commission determined the lawful rate. The Commission did, however, permit the judge to exercise discretion in this matter. With respect to the price squeeze allegations raised by Cities we shall authorize the presiding judge previously designated in Docket Nos. ER80–259, *et al.* to establish such procedures are are deemed appropriate for consideration of this issue in light of any procedural schedule previously adopted.

The Commission orders:

(A) The motions to reject the filing submitted by Cities are hereby denied.

(B) KG&E's rates tendered for filing in Docket Nos. ER81–355–000 and ER81–356–000 are hereby accepted for filing and suspended for one day, to become effective on June 1, 1981, subject to refund; KG&E's rates tendered for filing in Docket No. ER81–357–000 are hereby accepted for filing and suspended for one day, to become effective, subject to refund, on July 1, 1981.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the lawfulness of the rates filed by KG&E.

(D) Cities' petitions to intervene are hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(E) Docket Nos. ER80–259, ER80–793–000, ER80–793–001, ER81–355–000, ER81–356–000, and ER81–357–000, are hereby consolidated for purposes of hearing and decision.

(F) The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as modified by Commission orders.

(G) The administrative law judge previously designated to preside in Docket Nos. ER80–259, *et al.* shall determine and implement such procedures as are necessary to accommodate consolidation of the instant dockets with the pending proceeding, including those related to the price squeeze issue.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Kansas Gas & Electric Company Rate Schedule Designations

Designation and Description

Docket No.: ER81–355–000

Other Party: City of Wellington, Kansas

Rate Schedule FERC No. 145 (Supersedes Rate Schedule FPC No. 98 as supplemented)—Electric Service Agreement

Supplement No. 1 to Rate Schedule FERC No. 145—Service Schedule A Firm Power Service

Supplement No. 2 to Rate Schedule FERC No. 145—Service Schedule B Emergency Service

Supplement No. 3 to Rate Schedule FERC No. 145—Service Schedule C Supplement Energy Service

Supplement No. 4 to Rate Schedule FERC No. 145—Fuel Adjustment Clause

Docket No.: ER81–356–000

Other Party: City of Winfield, Kansas

Rate Schedule FERC No. 146 (Supersedes Rate Schedule FPC No. 110 as supplemented)—Electric Service Agreement

Supplement No. 1 to Rate Schedule FERC No.146—Service Schedule A Firm Power Service

Supplement No. 2 to Rate Schedule FERC No. 146—Service Schedule B Emergency Service

Supplement No. 3 to Rate Schedule FERC No. 146—Service Schedule C Supplement Energy Service

Supplement No. 4 to Rate Schedule FERC No. 146—Fuel Adjustment Clause

Docket No.: ER81–357–000

Other Party: City of Girard, Kansas

Rate Schedule FERC No. 147 (Supersedes Rate Schedule FPC No. 110 as supplemented)—Electric Service Agreement

Supplement No. 1 to Rate Schedule FERC No.147—Service Schedule A Firm Power Service

Supplement No. 2 to Rate Schedule FERC No. 147—Service Schedule B Emergency Service

Supplement No. 3 to Rate Schedule FERC No. 147—Service Schedule C Supplement Energy Service

Supplement No. 4 to Rate Schedule FERC No. 147—Fuel Adjustment Clause

[FR Doc. 81–16039 Filed 5–28–81; 8:45 am]

BILLING CODE 6450–85–M

[4] E.G., *Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.*, (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

[Docket No. ER81–460–000]

The Kansas Power & Light Co.; Filing

May 21, 1981.

The filing Company submits the following:

Take notice that on May 11, 1981, The Kansas Power and Light Company (Kansas) tendered for filing an amendment dated March 16, 1981, to that Certain Contract dated September 21, 1973, with Leavenworth-Jefferson Electric Cooperative, Inc. for wholesale service to that Cooperative. Kansas states that this is a supplement to a contract dated September 1, 1973, and designated KPL Rate Schedule FPC No. 157. This amendment will provide for the deletion of one delivery point known as 'New Oskaloosa', and the change in maximum capacity for the delivery point known as "New Tonganoxie". The

proposed effective date is March 16, 1981 and Kansas requests that the Commission waive the notice requirements as allowed in Section 35.11 of its regulations. According to Kansas, the net billing for the twelve months succeeding the proposed change in agreements is $1,182,441.53. In addition, Kansas states that copies of the agreement have been mailed to Leavenworth-Jefferson Electric Cooperative, Inc. and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16040 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-461-000]

Missouri Edison Co.; Filing

May 21, 1981.

The filing Company submits the following:

Take notice that Missouri Edison Company (Missouri) on May 12, 1981 tendered for filing a new increased FERC Electric Service Tariff to replace its current Electric Service Tariff No. 3. The proposed changes would increase revenues from its Wholesale Municipal Customer by $26,266 based on the twelve-month period ended June 30, 1981.

Missouri Edison Company's proposed increase in rates is due primary to wholesale power cost increases incurred by the Company.

A copy of the filing was served upon the City of Clarksville and the Missouri Public Service Commission has been notified of the proposed tariff and rate schedule changes.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16041 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-62-000]

National Fuel Gas Supply Corp.; Revision to FERC Gas Tariff

May 21, 1981.

Take notice that on May 13, 1981, National Fuel Gas Supply Corporation ("National Fuel"), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. RP81-62-000 its Revision to FERC Gas Tariff to Clarify Interest Period, through its FERC Gas Tariff, Original Volume No. 1, Second Revised Sheet No. 36D. The filing seeks to clarify the point in time when carrying charges on supplier refunds are required, all as more fully set forth in the revision which is on file with the Commission and is open for public inspection.

National Fuel states that on November 30, 1980, it was required by the Commission to pay carrying charges on its suppliers' refunds from the date of receipt to the date of disbursements although the cash refunds, which are isolated in a separate account, are analogous to refunds that would flow through Account No. 191. National Fuel further states that it was recently informed by the Commission Staff that its interest period is inconsistent with the treatment of carrying charges by other pipelines. National Fuel has, therefore, requested authorization of Second Revised Sheet No. 36D which conforms the interest treatment of National Fuel's refunds to the interest treatment accorded to refunds which flow through Account No. 191.

National Fuel states that although it is unaware of any waivers necessary for the Commission to make this tariff sheet effective as proposed, National Fuel respectfully requests that the Commission grant such waivers as it deems necessary.

Finally, National Fuel states that this filing will not result in any increase in National Fuel's revenues and is necessitated by the amount of time involved in processing its supplier refunds. National Fuel proposes that this filing become effective May 14, 1981.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 157.79). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no petition to intervene is filed within the time required herein, if the Commission on its own review of permission and approval for the proposed revision are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion belives that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Petitioner to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16042 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP80-97, etc.]

Tennessee Gas Pipeline Co. et al.; Informal Settlement Conference

May 21, 1981.

In the matter of Tennessee Gas Pipeline Co., Docket No. RP80-97; Michigan Wisconsin Pipe Line Co., Docket No. RP80-100; Southern Natural Gas Co., Docket No. RP80-102; Natural Gas Pipe Line Company of America, Docket No. RP80-107; Transcontinental Gas Pipe Line Corp., Docket No. RP80-117; United Gas Pipe Line Co., Docket No. RP80-121; Trunkline Gas Co.,

Docket No. RP80–106; Columbia Gulf Transmission Co., Docket No. RP80–145; Columbia Gas Transmission Corp.; Docket No. RP80–146; Sea Robin Pipeline Co., Docket Nos. RP80–55 & RP80–118; Florida Gas Transmission Co., Docket No. RP81–7; High Island Offshore System, Docket No. RP81–18; U–T Offshore System, Docket No. RP81–20.

Take notice that on June 1, 1981, at 1:30 p.m., and if necessary on June 2, 1981, at 10:00 a.m., there will be an informal conference of all interested persons for the purposes of discussing settlement of issues pertaining to the allocation of transmission costs between the transportation of natural gas and liquids and liquefiable hydrocarbons. Such issues appear to arise in the above-captioned dockets, which while not consolidated, will be the subject of joint discussions as a matter of convenience and to assure consistency in the resolution of these issues to the extent possible.

The meeting place for this conference will be at the offices of the Federal Energy Regulatory Commission, Hearing Room A, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers, those retaining an interest in the subject liquids and liquefiable hydrocarbons and other interested persons will be permitted to attend this conference, but if such persons have not previously been permitted to intervene in any of the above-captioned dockets by order of the Commission or of a Presiding Administrative Law Judge attendance will not be deemed to authorize intervention as a party in any of these proceedings nor will attendance by a person granted intervention in one or more of the above-captioned proceedings be deemed to authorize intervention in any other docket.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in those proceedings in which they have a pertinent and cognizable interest and to make commitments with respect to such issues and to any offer of settlement or stipulations discussed at the conference.

Interested persons may contact Lawrence Acker or Norma Rosner at (202) 357–8565 for additional information.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–16044 Filed 5–28–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TA81–2–58–000 (PGA 79–4)]

Texas Gas Pipe Line Corp.; Tariff Sheet Filing

May 21, 1981.

Take notice that on May 11, 1981, Texas Gas Pipe Line Corporation, pursuant to § 154.38 of the Commission Regulations under the Natural Gas Act, filed a Third Revised Sheet No. 4a to its FERC Tariff, Second Revised Volume No. 1. Texas Gas states that the filed Tariff Sheets relate to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in section 12 and the Incremental Pricing Surcharge Provision contained in section 13 of the General Terms and Conditions of the Tariff. More specifically, Third Revised Sheet No. 4a reflects a net increase under that currently being collected to 25.30¢ per Mcf (at 14.65 psia) to be effective June 1, 1981.

Any person desiring to be heard and to make protest with reference to said filing should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission rules. Texas Gas' Tariff filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–16043 Filed 5–28–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ES81–45–000]

Texas-New Mexico Power Co.; Application

May 21, 1981.

Take notice that on May 13, 1981, Texas-New Mexico Power Company (formerly Community Public Service Company) (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authority to negotiate for the placement of not more than $20,000,000 of First Mortgage Bonds, 250,000 shares of Common Stock, par value of $10 per share, and 80,000 shares of Cumulative Preferred Stock, $100, par value.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspeciton.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–16045 Filed 5–28–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP80–117]

Transcontinental Gas Pipe Line Corp.; Informal Settlement Conference

May 21, 1981.

Take notice that an informal settlement conference of all interested parties to this proceeding will be held on July 8 and 9, 1981, at 10:00 a.m. in Hearing Room C of the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–16046 Filed 5–28–81; 8:45 am]

BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 21, 1981.

JD	DOCKET	FERC GAS RRC / WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION					
-ATLANTIC OIL CO		RECEIVED: 04/29/81 JA: CA			
8128369	80-6-0035	0406720160 102 UPHAM 2 - API NO 067-20160	SHERMAN ISLAND	300.0	PACIFIC GAS & ELECTR
-BUTTES RESOURCES CO		RECEIVED: 04/29/81 JA: CA			
8128370	80-6-0041	0401120152 102 POUNDSTONE 13-1	GRIMES GAS FIELD	2963.0	PACIFIC GAS & ELECTR
FLORIDA DEPARTMENT OF NATURAL RESOURCES					
-EXXON CORPORATION		RECEIVED: 04/28/81 JA: FL			
*8128249		0911320189 107 A E KELLY NO 7-7	JAY/LEC	1300.0	FLORIDA GAS TRANSMIS
LOUISIANA OFFICE OF CONSERVATION					
-ACE DRILLING SERVICES INC		RECEIVED: 04/30/81 JA: LA			
8126290	81-819	1711122698 107 GIBSON ESTATE #10	MONROE	16.0	WEST MONROE GAS GATH
8126289	81-818	1711122699 107 GIBSON ESTATE #11	MONROE	14.0	WEST MONROE GAS GATH
8126288	81-817	1711121379 107 HOPKINS ESTATE #3	MONROE	16.0	WEST MONROE GAS GATH
8128287	81-816	1711122194 107 JARMON ESTATE #1	MONROE	11.0	WEST MONROE GAS GATH
8128286	81-815	1711122195 107 JARMON ESTATE #2	MONROE	11.0	WEST MONROE GAS GATH
8128285	81-814	1711122196 107 JARMON ESTATE #3	MONROE	4.0	WEST MONROE GAS GATH
8128284	81-813	1711122198 107 JARMON ESTATE #5	MONROE	11.0	WEST MONROE GAS GATH
8128291	81-820	1711122199 107 JARMON ESTATE #6	MONROE	4.0	WEST MONROE GAS GATH
8128283	81-812	1711122201 107 JARMON ESTATE #8	MONROE	16.0	WEST MONROE GAS GATH
8128293	81-822	1711122700 107 PEARSON ESTATE #1	MONROE	16.0	WEST MONROE GAS GATH
8128292	81-821	1711122728 107 WINES #1	MONROE	15.0	WEST MONROE GAS GATH
-CALDWELL-WHITE		RECEIVED: 04/30/81 JA: LA			
8128254	81-783	1707321628 103 KOLLITZ #1	MONROE GAS	18.0	UNITED GAS PIPELINE
8128255	81-784	1707321629 103 KOLLITZ #2	MONROE GAS	19.0	UNITED GAS PIPELINE
8128256	81-785	1707321632 103 KOLLITZ #3	MONROE GAS	20.0	UNITED GAS PIPELINE
-CEKA GAS CORP		RECEIVED: 04/30/81 JA: LA			
8128296	81-825	1707320946 108 EXXON ARCO 76 NC 4	MONROE GAS FIELD	0.1	INTERNATIONAL MINERA
8128272	81-801	1711122771 108 HSD #5	MONROE GAS FIELD	0.1	INTERNATIONAL MINERA
8128271	81-800	1711122770 108 HSD NO 4	MONROE GAS FIELD	0.1	INTERNATIONAL MINERA
8128273	81-802	1711122773 108 HSD NO 6	MONROE GAS FIELD	0.1	INTERNATIONAL MINERA
-ERGON INC		RECEIVED: 04/30/81 JA: LA			
8128351	81-880	1711122291 107 COY SMITH NO 1	MONROE (6824)	8.7	TEXAS GAS TRANSMISSI
8128354	81-883	1711122607 107 HATTIE MATTHEWS ET AL NC 1	MONROE (6824)	16.8	TEXAS GAS TRANSMISSI
8128350	81-879	1711122596 107 MATTHEW W TAYLOR ET AL NO 5	MONROE (6824)	10.9	TEXAS GAS TRANSMISSI
8128353	81-882	1711122303 107 MCCERMOTT ESTATE NO 1	MONROE (6824)	12.4	TEXAS GAS TRANSMISSI
8128355	81-884	1711122496 107 R L LONG NO 3	MONROE (6824)	4.7	TEXAS GAS TRANSMISSI
8128349	81-878	1711122217 107 VUM C W WHEELER NO 2	MONROE (6824)	8.7	TEXAS GAS TRANSMISSI
8128349	81-878	1711122490 107 VUO CLEVELAND WAYAE NO 1	MONROE (6824)	7.8	TEXAS GAS TRANSMISSI

UMI 1 8 9 2 9 M Y 6 4 V

VOLUME 430 PAGE 002

[illegible]	[illegible]	[illegible]	[illegible]	WELL NAME	FIELD NAME	PROD	PURCHASER
8128252	81-881	1711122457	107	W T MILLER NO 4	MONROE (6824)	9.3	TEXAS GAS TRANSMISSI
-FRANK SPOONER				RECEIVED: 04/30/81 JA: LA			
8128270	81-794	1711120122	108	MID LOUISIANA GAS CO NO 1	MONROE	18.0	MID LOUISIANA GAS CO
-HADDOX PETROLEUM CORP				RECEIVED: 04/30/81 JA: LA			
8128251	81-780	1711123012	103	MANVILLE 748 #1	MONROE	0.0	IMC PIPELINE CO INC
8128252	81-781	1711123013	103	MANVILLE 748 #2	MONROE	0.0	IMC PIPELINE CO INC
8128300	81-829	1711123045	103	MOBIL-IP #5	MONROE	0.0	MID LOUISIANA GAS CO
8128301	81-830	1711123046	103	MOBIL-IP #6	MONROE	0.0	MID LOUISIANA GAS CO
8128302	81-831	1711123047	103	MOBIL-IP #7	MONROE	0.0	MID LOUIISIANA GAS C
-IMC EXPLORATION COMPANY				RECEIVED: 04/30/81 JA: LA			
8128280	81-809	1711122714	108	LA GAS LANDS #26	MONROE	10.0	IMC PIPELINE CO INC
8128274	81-803	1711122506	108	LOVE #14	MONROE	16.0	IMC PIPELINE CO INC
8128275	81-804	1711122702	108	LOVE #16	MONROE	16.0	IMC PIPELINE CO
8128276	81-805	1711122726	108	REPPOND #6	MONROE	4.0	IMC PIPELINE CO INC
8128281	81-810	1711122703	108	ROBERSON #F-329	MONROE	17.0	IMC PIPELINE CO INC
8128278	81-807	1706721572	108	TENSAS DELTA # F-328	MONROE	12.0	IMC PIPELINE CO INC
8128279	81-808	1706721571	108	TENSAS DELTA #F-327	MONROE	12.0	IMC PIPELINE CO INC
8128277	81-806	1706721551	108	TENSAS DELTA #F-330	MONROE	7.0	IMC PIPELINE CO INC
8128282	81-811	1711122506	108	TRAYLOR #2	MONROE	15.0	IMC PIPELINE CO INC
-PELICAN DRILLING				RECEIVED: 04/30/81 JA: LA			
8128253	81-782	1707321408	103	CULPEPPER ET AL #1	MONROE	9.2	MID LOUISIANA GAS CO
-PRIMOS PRODUCTION				RECEIVED: 04/30/81 JA: LA			
8128305	81-834	1711122832	103	PETRO-LEWIS UNION POWER #8	MONROE	16.4	PETRO-LEWIS FUNDS IN
-PRIMOS PRODUCTION CO				RECEIVED: 04/30/81 JA: LA			
8128321	81-850	1707321618	103	PETRO LEWIS DARBONNE #1	MONROE	10.3	PETRO LEWIS FUNDS IN
8128322	81-851	1711122433	103	PETRO LEWIS E NICHOLS #4	MONROE	12.3	PETRO LEWIS FUNDS IN
8128262	81-791	1711122883	103	PETRO LEWIS FROST LUMBER #13	MONROE GAS	12.3	PETRO LEWIS FUNDS IN
8128261	81-790	1711122828	103	PETRO LEWIS FROST LUMBER #21	MONROE GAS	15.4	PETRO LEWIS FUNDS IN
8128260	81-789	1711122917	103	PETRO LEWIS FROST LUMBER #24	MONROE GAS	14.4	PETRO LEWIS FUNDS IN
8128263	81-792	1711122881	103	PETRO LEWIS FROST LUMBER #4	MONROE	13.3	PETRO LEWIS FUNDS IN
8128304	81-833	1711122787	103	PETRO LEWIS IMPERIAL #1	MONROE	13.3	PETRO LEWIS LUNCLS I
8128264	81-793	1711122830	103	PETRO LEWIS MARY D WHEELER #1	MONROE GAS	24.7	PETRO LEWIS FUNDS IN
8128320	81-849	1711122873	103	PETRO LEWIS UNION PROD #1	MONROE	14.4	PETRO LEWIS FUNDS IN
8128303	81-832	1707321617	103	PETRO LEWIS WALL #3	MONROE	11.3	PETRO LEWIS LUNDS IN
8128319	81-848	1711122431	103	PETRO-LEWIS E NICHOLS #1	MONROE	4.1	PETRO LEWIS FUNDS IN
8128318	81-847	1711122432	103	PETRO-LEWIS E NICHOLS #3	MONROE	9.2	PETRO LEWIS FUNDS IN
8128317	81-846	1711122782	103	PETRO-LEWIS E NICHOLS #5	MONROE	14.4	PETRO LEWIS FUNDS IN
8128259	81-788	1711122923	103	PETRO-LEWIS FROST LUMBER #25	MONROE GAS	14.4	PETRO-LEWIS FUNDS IN
8128258	81-787	1711122924	103	PETRO-LEWIS FROST LUMBER #26	MONROE GAS	8.2	PETRO-LEWIS FUNDS IN
8128306	81-835	1711122936	103	PETRO-LEWIS FROST LUMBER #27	MONROE	10.3	PETRO LEWIS FUNDS IN
8128257	81-786	1711122937	103	PETRO-LEWIS FROST LUMBER #29	MONROE GAS	14.4	PETRO-LEWIS FUNDS IN
8128307	81-836	1711122463	103	PETRO-LEWIS FROST LUMBER #6	MONROE	14.4	PETRO LEWIS FUNDS IN
8128313	81-842	1707321623	103	PETRO-LEWIS S R WALL #1	MONROE	12.3	PETRO LEWIS FUNDS IN
8128312	81-841	1707321624	103	PETRO-LEWIS S R WALL #2	MONROE	12.3	PETRO LEWIS FUNDS IN
8128311	81-840	1711122814	103	PETRO-LEWIS UNION PROD FEE 113 #1	MONROE	15.4	PETRO LEWIS FUNDS IN
8128310	81-839	1711122815	103	PETRO-LEWIS UNION PROD FEE 113 #2	MONROE	12.3	PETRO LEWIS FUNDS IN
8128309	81-838	1711122816	103	PETRO-LEWIS UNION PROD FEE 113 #3	MONROE	14.4	PETRO LEWIS FUNDS IN
8128308	81-837	1711122886	103	PETRO-LEWIS UNION PROD FEE 113 #9	MONROE	16.4	PETRO LEWIS FUNDS IN
8128316	81-845	1711122781	103	PETRO-LEWIS W B MCKINNIE #1	MONROE	14.4	PETRO LEWIS FUNDS IN
8128315	81-844	1711122757	103	PETRO-LEWIS W B MCKINNIE #5	MONROE	15.4	PETRO LEWIS FUNDS IN
8128314	81-843	1711122758	103	PETRO-LEWIS W B MCKINNIE #6	MONROE	15.4	PETRO LEWIS FUNDS IN
-RELIANCE TR-JV				RECEIVED: 04/30/81 JA: LA			

VOLUME 430 PAGE 003

[illegible]	[illegible]	[illegible]	[illegible]	WELL NAME	FIELD NAME	PROD	PURCHASER
8128338	81-867	1711122922	107	GARRON #1	MONROE	15.0	TEXAS GAS TRANSMISSI

J.D. #	API WELL #	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8128338	81-867	1711122922 107	BARRON #1	MONROE	15.0	TEXAS GAS TRANSMISSI
8128341	81-870	1711122697 107	D C HUDSON #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8128330	81-859	1711122961 107	D H MCVICKER NO 2	MONROE	13.0	TEXAS GAS TRANSMISSI
8128329	81-858	1711122962 107	D H MCVICKER NO 3	MONROE	0.0	TEXAS GAS TRANSMISSI
8128328	81-857	1711122963 107	D H MCVICKER NO 4	MONROE	13.0	TEXAS GAS TRANSMISSI
8128346	81-875	1711122288 107	F JOHNSON #2	MONROE	9.0	TEXAS GAS TRANSMISSI
8128323	81-852	1711122766 107	G ODOM NO 1	MONROE	13.0	TEXAS GAS TRANSMISSI
8128340	81-869	1711122928 107	H D GREEN #2	MONROE	15.0	TEXAS GAS TRANSMISSI
8128331	81-860	1711123016 107	H D GREEN NO 5	MONROE	13.0	TEXAS GAS TRANSMISSI
8128332	81-861	1711123027 107	H D GREEN NO 7	MONROE	13.0	TEXAS GAS TRANSMISSI
8128339	81-868	1711122871 107	J H CASKEY #2	MONROE	15.0	TEXAS GAS TRANSMISSI
8128345	81-874	1711122824 107	OLINKRAFT #21	MONROE	15.0	TEXAS GAS TRANSMISSI
8128336	81-865	1711122929 107	OLINKRAFT #22	MONROE	13.0	TEXAS GAS TRANSMISSI
8128337	81-866	1711122930 107	OLINKRAFT #23	MONROE	15.0	TEXAS GAS TRANSMISSI
8128299	81-828	1711122159 108	OLINKRAFT NO 4	MONROE	2.0	TEXAS GAS TRANSMISSI
8128344	81-873	1711122735 107	R E SAVAGE #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8128343	81-872	1711122610 107	STEELE ET AL #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8128342	81-871	1711122581 107	W WAYNE ESTATE #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8128347	81-876	1711122933 107	W WAYNE ESTATE #4	MONROE	13.0	TEXAS GAS TRANSMISSI
8128327	81-856	1711123018 107	W WAYNE ESTATE NO 5	MONROE	13.0	TEXAS GAS TRANSMISSI
8128326	81-855	1711123019 107	W WAYNE ESTATE NO 6	MONROE	13.0	TEXAS GAS TRANSMISSI
8128325	81-854	1711123031 107	WHEELER NO 2	MONROE	13.0	TEXAS GAS TRANSMISSI
8128324	81-853	1711123032 107	WHEELER NO 3	MONROE	13.0	TEXAS GAS TRANSMISSI
-RELIANCE TRUSTS			RECEIVED: 04/30/81 JA: LA			
8128297	81-826	1711122838 108	T L JAMES NO 1	MONROE	10.0	TEXAS GAS TRANSMISSI
8128298	81-827	1711122614 108	T L JAMES NO 3	MONROE	4.0	TEXAS GAS TRANSMISSI
-ROBERSON WELL SERVICE			RECEIVED: 04/30/81 JA: LA			
8128294	81-823	1707321477 108	W A SMITH #1	MONROE	7.3	UNITED GAS PIPELINE
8128295	81-824	1707321478 108	W A SMITH #2	MONROE	7.3	UNITED GAS PIPELINE
-SHADRACK PRODUCTION CO			RECEIVED: 04/30/81 JA: LA			
8128335	81-864	1711122751 107	R S ALLEN #1	MONROE	11.0	WEST MONROE GAS GATH
8128334	81-863	1711122752 107	R S ALLEN JR ET AL #1	MONROE	11.0	WEST MONROE GAS GATH
8128333	81-862	1711122859 107	W T MILLER #1	MONROE	9.0	WEST MONROE GAS GATH
-TEXACO INC			RECEIVED: 04/30/81 JA: LA			
8128357	81-886	1709720508 103	ROTARY BAY LBR CO MIN FEE TR-1 175	PORT BARRE	15.0	CONSOLIDATED ALUMINU
8128358	81-887	1709720526 103	ROTARY BAY LBR CO MIN FEE TR-2 121	PORT BARRE	5.0	CONSOLIDATED ALUMINU
8128356	81-885	1709720527 103	ROTARY BAY LBR CO MIN FEE TR-2 122	PORT BARRE	10.0	CONSOLIDATED ALUMINU
-VARN PETROLEUM CO			RECEIVED: 04/30/81 JA: LA			
8128265	81-794	1706720400 108	NAVARRO MILES #1	MONROE GAS FIELD	3.8	IMC PIPELINE CO INC
8128266	81-795	1706720401 108	NAVARRO MILES #2	MONROE GAS FIELD	3.8	IMC PIPELINE CO INC
8128267	81-796	1706720402 108	NAVARRO MILES #3	MONROE GAS FIELD	3.8	IMC PIPELINE CO INC
8128268	81-797	1706720403 108	NAVARRO MILES #4	MONROE GAS FIELD	3.8	IMC PIPELINE CO INC
8128269	81-798	1706720423 108	NAVARRO MILES #5	MONROE GAS FIELD	3.8	IMC PIPELINE CO INC
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-ADAMS EXPLORATION CO			RECEIVED: 05/04/81 JA: NM			
8128428		3001500000 103	SRC STATE #1-Y	WILDCAT	18.0	EL PASO NATURAL GAS
-AMERADA HESS CORPORATION			RECEIVED: 04/30/81 JA: NM			
8128375		3002507465 108	MCKINLEY M D #5	BOWERS	1.5	PHILLIPS PETROLEUM C
-AMINOIL USA INC			RECEIVED: 04/30/81 JA: NM			
8128397		3001523259 103	KIRKES #1	UNDESIGNATED MALAGA MORR	851.0	EL PASO NATURAL GAS

VOLUME 430 PAGE 004

JOINT	JOINT	API NO	SEC T WELL NAME	FIELD NAME	PROD	PURCHASER
-AMOCO PRODUCTION CO			RECEIVED: 04/30/81 JA: NM			
8128396		3004524084	103 DAVIS GAS COM F NO 1E (CHACRA)	BLOOMFIELD CHACRA	8.0	EL PASO NATURAL GAS
8128395		3004524084	103 DAVIS GAS COM F NO 1E (DAKOTA)	BASIN DAKOTA	37.0	EL PASO NATURAL GAS
8128377		3004509134	108 DUFF GAS COM C WELL NO 1 (2ND)	BASIN (DAKOTA)	21.5	EL PASO NATURAL GAS
8128384		3004524364	103 ELLIOTT GAS COM S NO 1E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8128378		3004507951	108 GALLEGOS CANYON UNIT NO 150	BASIN DAKOTA	18.0	EL PASO NATURAL GAS
8128401		3002526698	103 STATE IA #1	AIRSTRIP WOLFCAMP	0.4	WARREN PETROLEUM CO
-ARCO OIL AND GAS COMPANY			RECEIVED: 04/30/81 JA: NM			
8128409		3002509183	108 MCDONALD STATE WN #9	JALMAT (YATES - SEVEN R)	4.8	EL PASO NATURAL GAS
-CITIES SERVICE COMPANY			RECEIVED: 04/30/81 JA: NM			
8128371		3001523421	102 VILLA 6 COM 1	UND N LOVING ATOKA	639.0	EL PASO NATURAL GAS
-DELTA DRILLING CO			RECEIVED: 05/04/81 JA: NM			
8128434		3001500000	102 SOUTH CULEBRA BLUFF #6	UNDESIGNATED SOUTH CULEB	0.0	EL PASO NATURAL GAS
8128435		3001500000	102 SOUTH CULERA BLUFF #4	SOUTH CULEBRA BLUFF (BON	365.0	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY			RECEIVED: 04/30/81 JA: NM			
8128415		3004523663	103 JACQUEZ #2	BLANCO PICTURED CLIFFS	75.0	EL PASO NATURAL GAS
8128414		3004523642	103 JACQUEZ #3	BLANCO PICTURED CLIFFS	90.0	EL PASO NATURAL GAS
8128407		3003920057	108 SAN JUAN 28-5 UNIT #69	BASIN - DAKOTA	20.0	EL PASO NATURAL GAS
8128392		3004524199	103 SAN JUAN 32-9 UNIT #61A	BLANCO MESAVERDE	165.0	EL PASO NATURAL GAS
8128411		3004524195	103 SAN JUAN 32-9 UNIT #64A	BLANCO MESAVERDE	180.0	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY			RECEIVED: 05/04/81 JA: NM			
8128426		3003906766	108 RINCON UNIT #31	BLANCO SOUTH - PICTURED	22.0	EL PASO NATURAL GAS
8128432		3003920488	108 SAN JUAN 27-5 UNIT #136	TAPACITO - PICTURED CLIF	18.0	EL PASO NATURAL GAS
8128427		3003907983	108 SAN JUAN 32-5 UNIT #10	BLANCO-MESAVERDE GAS	22.0	EL PASO NATURAL GAS
-ELK OIL COMPANY			RECEIVED: 05/04/81 JA: NM			
8128423		3002526946	102 N E KEMNITZ #5	KEMNITZ MORROW	270.0	NORTHERN NATURAL GAS
-HNG OIL COMPANY			RECEIVED: 05/04/81 JA: NM			
8128422		3002526945	102 SAN SIMON 6 STATE COM #1 (LG 3609)	UND MORROW	30.6	TEXACO INC
-J GREGORY MERRION&ROBERT L BAYLESS			RECEIVED: 04/30/81 JA: NM			
8128374		3004500000	108 FAWKES #1	WEST KUTZ	10.0	SOUTHERN UNION GAS C
-JOHN H HENDRIX CORP			RECEIVED: 04/30/81 JA: NM			
8128406		3002500000	108 STATE X #1	EUNICE MONUMENT (G-SA)	20.0	EL PASO NATURAL GAS
8128380		3002500000	108 STATE Y #1	EUNICE MONUMENT (G-SA)	20.0	EL PASO NATURAL GAS
8128405		3002500000	108 STATE Y #2	EUNICE MONUMENT (G-SA)	20.0	EL PASO NATURAL GAS
-KENAI OIL AND GAS INC			RECEIVED: 04/30/81 JA: NM			
8128390		3001500000	103 BLACKSHIELD #1-L-3645	ARTESIA Q-G-SA	16.0	PHILLIPS PETROLEUM C
8128388		3001500000	103 GULF STATE #1 - E-2123	ARTESIA Q-G-SA	14.0	PHILLIPS PETROLEUM C
8128389		3002500000	103 MCNEIL NO 1	NADINE DRINKARD-ABO	13.0	PHILLIPS PETROLEUM C
8128391		3002500000	103 TERRY NO 1	NADINE DRINKARD - ABO	109.0	PHILLIPS PETROLEUM C
-MADDOX ENERGY CORPORATION			RECEIVED: 04/30/81 JA: NM			
8128383		3001500000	103 EARL GUITAR NO 1	MALAGA MORROW	456.0	EL PASO NATURAL GAS
-MARALO INC			RECEIVED: 04/30/81 JA: NM			
8128421		3000520566	102 CHAVELEA-CARSON	CARSON-MORROW	360.0	
-MARATHON OIL COMPANY			RECEIVED: 04/30/81 JA: NM			
8128412		3002500000	103 MCDONALD STATE A/C 2 WELL NO 34	DRINKARD	15.0	GETTY OIL CO
-MILLARD DECK			RECEIVED: 04/30/81 JA: NM			
8128379		3002500000	108 MAY A NO 2	LANGLIE MATTIX	13.0	EL PASO NATURAL GAS
8128408		3002525039	108 STATE WE BB NO 1	EUMONT YATES SEVEN RIVER	13.4	PHILLIPS PETROLEUM C
8128403		3002525040	108 STATE WE BB NO 2	EUMONT YATES SEVEN RIVER	20.4	PHILLIPS PETROLEUM C
8128404		3002524934	108 STATE WE E A NO 2	EUMONT YATES SEVEN RIVER	5.6	PHILLIPS PETROLEUM C
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 05/04/81 JA: NM			
8128433		3003907472	108 SAN JUAN 29-5 #38	BLANCO MESAVERDE	18.4	EL PASO NATURAL GAS

VOLUME 430 PAGE 005

JOINT	JOINT	API NO	SEC T WELL NAME	FIELD NAME	PROD	PURCHASER
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 04/30/81 JA: NM			

JURIS	JOINT	API #	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 04/30/81 JA: NM			
8128413		3002526926	103	EAST VACUUM GB/SA UNIT TRACT 3127	VACUUM GB/SA	87.6	EL PASO NATURAL GAS
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 05/04/81 JA: NM			
8128431		3002523553	103	PHILMEX #11	MALJAMAR GB/SA	2.5	EL PASO NATURAL GAS
-R C BENNETT				RECEIVED: 04/30/81 JA: NM			
8128376		3001522234	108	LONE TREE NO 1 WELL #K-6289	PENASCO DRAW- (MORROW)	22.2	EL PASO NATURAL GAS
-SOUTHLAND ROYALTY CO				RECEIVED: 04/30/81 JA: NM			
8128381		3002525441	108	STATE AP #1	ANTELOPE RIDGE	4.0	GAS CO OF NEW MEXICO
8128382		3001522653	108	STATE 23 COM #1	TURKEY TRACK	13.0	EL PASO NATURAL GAS
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 05/04/81 JA: NM			
8128429		3002526588	103	A B REEVES NO 6	EUMONT	127.0	PHILLIPS PETROLEUM C
-SUPERIOR OIL CO				RECEIVED: 04/30/81 JA: NM			
8128372		3001522928	102	OSCAR STATE NO 1	WILDCAT	0.0	
-TENNECO OIL COMPANY				RECEIVED: 04/30/81 JA: NM			
8128386		3004524446	103	BRUCE SULLIVAN COM B #1	CHACRA	500.0	EL PASO NATURAL GAS
8128387		3004524446	103	BRUCE SULLIVAN COM B #1	BLANCO MESAVERDE	500.0	EL PASO NATURAL GAS
8128398		3004524431	103	BUNCE COM #1	BLANCO MESAVERDE	500.0	EL PASO NATURAL GAS
8128417		3004524437	103	MARQUIS G EATON A 1-E	BLOOMFIELD CHACRA	500.0	EL PASO NATURAL GAS
8128410		3004524444	103	PAYNE A #1-E	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8128416		3004524444	103	PAYNE A #1E		500.0	EL PASO NATURAL GAS
8128393		3001523428	103	STATE JL 36 #1	TURKEY TRACK MORROW	365.0	
8128385		3004524432	103	SULLIVAN FRAME A #1-E	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8128420		3004524432	103	SULLIVAN FRAME A 1-E	BLOOMFIELD CHACRA	500.0	EL PASO NATURAL GAS
8128399		3004524438	103	SULLIVAN FRAME COM B #1	BLOOMFIELD CHACRA	500.0	EL PASO NATURAL GAS
8128400		3004524438	103	SULLIVAN FRAME COM B #1	BLANCO MESAVERDE	500.0	EL PASO NATURAL GAS
-TENNECO OIL COMPANY				RECEIVED: 05/04/81 JA: NM			
8128430		3004524431	103	BUNCE COM #1	BLOOMFIELD CHACRA	500.0	EL PASO NATURAL GAS
8128424		3001527428	102	STATE JL 36 #1	TURKEY TRACK MORROW	365.0	TRANSWESTERN PIPELIN
8128425		3002527137	102	STATE LF-30 #1	KEMNITZ ATOKA-MORROW	2900.0	TRANSWESTERN PIPELIN
-UNION OIL COMPANY OF CALIF				RECEIVED: 04/30/81 JA: NM			
8128373		3002526529	102	MADURO UNIT #2	UNDESIGNATED (GEM MORROW	400.0	LLANO INC
-YATES PETROLEUM CORPORATION				RECEIVED: 04/30/81 JA: NM			
8128418		3001523566	103	ARNOLD GP STATE COM #1	UND MORROW	0.0	TRANSWESTERN PIPELIN
8128419		3001523463	103	PENASCO IW STATE COM #7	UND PENASCO DRAW MORROW	0.0	TRANSWESTERN PIPELIN
8128402		3001523496	103	RIO PENASCO OJ COM #1	UND BOYD MORROW	0.0	TRANSWESTERN PIPELIN
8128394		3001523641	103	ZUMWALT PT #1	WILDCAT SAN ANDRES	0.0	TRANSWESTERN PIPELIN
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY							
-PHILADELPHIA OIL COMPANY				RECEIVED: 04/28/81 JA: VA			
8128250		450512035P	103	J H COCHRAN - NC P-106	NORA	0.0	KENTUCKY WEST VIRGIN
WEST VIRGINIA DEPARTMENT OF MINES							
-SWIFT ENERGY CO				RECEIVED: 05/04/81 JA: WV			
8128359		4702103629	107	ADAMS #1-A	GLENVILLE NORTH	50.0	
8128364		4704102905	107	BEALL #1	GLENVILLE NORTH	50.0	
8128365		4704102906	107	BEALL #2	GLENVILLE NORTH	50.0	
8128360		4702103631	107	BEALL #4	GLENVILLE NORTH	50.0	
8128368		4702103566	107	BEALL NO 3	GLENVILLE NORTH	50.0	
8128363		4702103567	107	DAVIS A #1	GLENVILLE NORTH	50.0	
8128367		4702103635	107	DAVIS A #2	GLENVILLE NORTH	50.0	
8128366		4702103569	107	SANDY #1-A	GLENVILLE NORTH	0.0	

VOLUME 430 PAGE 006

JC NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8128361		4702103639	107	SANDY #2-A	GLENVILLE NORTH	50.0	
8128362		4702103640	107	SANDY #3-A	GLENVILLE NORTH	50.0	
** U.S. GEOLOGICAL SURVEY - METAIRIE,LA							
-AMOCO PRODUCTION CO				RECEIVED: 04/28/81 JA: LA 3			
*8128202	CO-1756	1771040828	102	OCS G-2113 WELL NO A-5	EUGENE ISLAND	2000.0	TENNESSEE GAS PIPELI
*8128201	GO-1755	1771040769	102	OCS G-2606 WELL NO A-3	EUGENE ISLAND	1500.0	TENNESSEE GAS PIPELI
8128210	G1-1850	1770240617	102	OCS-G-3385 WELL NO B-8	WEST CAMERON	2100.0	
-AMOCO PRODUCTION CO				RECEIVED: 05/01/81 JA: LA 3			
*8128225	GO-1754	1771040742	102	OCS G-2606 WELL NO A-2	EUGENE ISLAND	3600.0	TENNESSEE GAS PIPELI
*8128226	GO-1757	1771040795	102	OCS-G-2113 WELL NO A-10	EUGENE ISLAND	3000.0	TENNESSEE GAS PIPELI
-CONOCO INC				RECEIVED: 05/01/81 JA: LA 3			
8128234	GO-1808	1771740118	102	WELL NO A-6 OCS-G 1054 GI 63	GRAND ISLE	365.0	TENNESSEE GAS PIPELI
-DAVIS OIL COMPANY				RECEIVED: 04/28/81 JA: LA 3			
*8128209	G1-1849	1770040464	102	DAVIS OIL CO NO 2 OCS G-4194	WEST CAMERON	3650.0	TENNESSEE GAS PIPELI
-DAVIS OIL COMPANY				RECEIVED: 05/01/81 JA: LA 3			
*8128242	G1-1848	1770040458	102	DAVIS OIL CO NO 1 OCS G-4194	WEST CAMERON	3650.0	TENNESSEE GAS PIPELI
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 04/28/81 JA: LA 3			
8128205	G1-1825	1772540189	102	MAIN PASS BLOCK 114 WELL NO 2-U	MAIN PASS AREA	120.0	SOUTHERN NATURAL GAS
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 05/01/81 JA: LA 3			
8128236	G1-1824	1772540189	102	MAIN PASS BLOCK 114 WELL NO 2-L	MAIN PASS AREA	120.0	SOUTHERN NATURAL GAS
-EXXON CORPORATION				RECEIVED: 04/28/81 JA: LA 3			
8128216	G1-1870	1770240631	102	OCS-G 4097 NO A-13	WEST CAMERON	4000.0	
-FOREST OIL CORPORATION				RECEIVED: 04/28/81 JA: LA 3			
*8128208	G1-1844	1770840451	102	SOUTH MARSH ISLAND BLOCK 143 B-5D	SOUTH MARSH ISLAND	630.0	COLUMBIA GAS TRANSMI
-FOREST OIL CORPORATION				RECEIVED: 05/01/81 JA: LA 3			
*8128239	G1-1840	1770840438	102	SOUTH MARSH ISLAND BLOCK 143 B-2	SOUTH MARSH ISLAND	420.0	COLUMBIA GAS TRANSMI
*8128240	G1-1842	1770840441	102	SOUTH MARSH ISLAND BLOCK 143 B-3D	SOUTH MARSH ISLAND	420.0	COLUMBIA GAS TRANSMI
*8128241	G1-1843	1770840451	102	SOUTH MARSH ISLAND BLOCK 143 B-5	SOUTH MARSH ISLAND	420.0	COLUMBIA GAS TRANSMI
-KERR-MCGEE CORPORATION				RECEIVED: 05/01/81 JA: LA 3			
8128235	G1-1819	1771140539	102	OCS 0829 WELL NO K-1	SHIP SHOAL	321.0	TRANSCONTINENTAL GAS
-MARATHON OIL COMPANY				RECEIVED: 05/01/81 JA: LA 3			
8128227	GO-1773	1771040888	102	EUGENE ISLAND BLOCK 349 WELL NO B-8	EUGENE ISLAND	91.3	TEXAS EASTERN TRANSM
-OCEAN PRODUCTION CO				RECEIVED: 04/28/81 JA: LA 3			
8128215	G1-1867	1771140535	102	OCS-042 NO 19C	SHIP SHOAL	130.0	TRANSCONTINENTAL GAS
-PENNZOIL OIL & GAS INC				RECEIVED: 04/28/81 JA: LA 3			
*8128214	G1-1863	1770440475	102	PENNZOIL COMPANY OCS-G 2439 C-6D	EAST CAMERON AREA SOUTH	2000.0	SEA ROBIN PIPELINE C
-PENNZOIL OIL & GAS INC				RECEIVED: 05/01/81 JA: LA 3			
*8128244	G1-1862	1770440475	102	PENNZOIL CO OCS-G 2439 335 C-6	EAST CAMERON AREA SOUTH	2000.0	SEA ROBIN PIPELINE C
-PLACID OIL COMPANY				RECEIVED: 05/01/81 JA: LA 3			
8128248	G1-1896	1770740348	107	OCS-G-2600 WELL #E-10	SOUTH MARSH ISLAND	2727.5	TRUNKLINE GAS CO
-SHELL OIL CO				RECEIVED: 04/28/81 JA: LA 3			
8128207	G1-1830	1770840297	102	OCS-G 2280 A-40A	SOUTH MARSH ISLAND	30.0	TRANSCONTINENTAL GAS
8128206	G1-1829	1770840117	102	OCS-G 2280 A-8	SOUTH MARSH ISLAND	70.0	TRANSCONTINENTAL GAS
8128204	G1-1817	1770840212	102	OCS-G 2280 C-19	SOUTH MARSH ISLAND	0.0	TRANSCONTINENTAL GAS
8128203	G1-1812	1770840290	102	OCS-G 2280 C-30	SOUTH MARSH ISLAND 130	2555.0	TRANSCONTINENTAL GAS
-SHELL OIL CO				RECEIVED: 05/01/81 JA: LA 3			
8128237	G1-1831	1770840120	102	OCS-G 2280 C-3	SOUTH MARSH ISLAND	0.0	TRANSCONTINETAL GAS
8128238	G1-1834	1770840166	102	OCS-G 2280 G-14	SOUTH MARSH ISLAND	939.6	TRANSCONTINENTAL GAS
-SONAT EXPLORATION COMPANY				RECEIVED: 04/28/81 JA: LA 3			
8128211	G1-1853	1770340213	102	OCS-G-3537 WELL #B-6D	EAST CAMERON	1500.0	SOUTHERN NATURAL GAS

VOLUME 430 PAGE 007

JC NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8128212	G1-1854	1770440468	102	OCS-G-4100 WELL #B-10	EAST CAMERON	4600.0	SOUTHERN NATURAL GAS

JD NO	JA PKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8128212	G1-1854	1770440468	102		OCS-G-4100 WELL #B-10	EAST CAMERON	4600.0	SOUTHERN NATURAL GAS
8128213	G1-1855	1770440469	102		OCS-G-4100 WELL #B-11D	EAST CAMERON	1500.0	SOUTHERN NATURAL GAS
-SUPERIOR OIL CO					RECEIVED: 04/28/81 JA: LA 3			
8128223	G1-1918	1773140012	102		BLOCK NO 9 WELL NO 5	SABINE PASS	0.0	NATURAL GAS PIPELINE
-SUPERIOR OIL CO					RECEIVED: 05/01/81 JA: LA 3			
8128228	G0-1775	1770740343	102		OCS-G-2596 A NO 11	SOUTH MARSH ISLAND	1900.0	
-TENNECO OIL COMPANY					RECEIVED: 05/01/81 JA: LA 3			
8128243	G1-1851	1770540295	102		VERMILION 218 B-2 ST	VERMILION	480.0	TENNESSEE GAS PIPELI
-TEXOMA PRODUCTION CO					RECEIVED: 05/01/81 JA: LA 3			
*8128233	G0-1793	1771040854	102		BLOCK 321 WELL #A-2	EUGENE ISLAND	1825.0	NATURAL GAS PIPELINE
-TRANSCO EXPLORATION COMPANY					RECEIVED: 04/28/81 JA: LA 3			
8128222	G1-1898	1770840360	102		A-3 SIDETRACK #2	SOUTH MARSH ISLAND	1250.0	TRANSCONTINENTAL GAS
-UNION TEXAS PETROLEUM					RECEIVED: 05/01/81 JA: LA 3			
8128232	G0-1791	1771040822	102		OSC-G-2329 WELL A-3	EUGENE ISLAND	3.1	NORTHERN NATURAL GAS
-MCMORAN OFFSHORE EXPLORATION CO					RECEIVED: 04/28/81 JA: TX 3			
8128218	G1-1881	4270940578	102		OCS-G 2690 #A-5	HIGH ISLAND	1465.0	TRANSCONTINENTAL GAS
8128221	G1-1895	4270940589	102		OCS-G 2690 #A-6	HIGH ISLAND	1460.0	TRANSCONTINENTAL GAS
8128217	G1-1875	4270940576	102		OCS-G 2690 WELL #A-4	HIGH ISLAND	1465.0	TRANSCONTINENTAL GAS
-MCMORAN OFFSHORE EXPLORATION CO					RECEIVED: 05/01/81 JA: TX 3			
8128245	G1-1865	4270950565	102		OCS-G 2690 #A-1	HIGH ISLAND	1460.0	
8128246	G1-1866	4270940571	102		OCS-G 2690 #A-2	HIGH ISLAND	1460.0	
-MOBIL PROD TEXAS & NEW MEXICO INC					RECEIVED: 04/28/81 JA: TX 3			
*8128200	G0-1752	4270940342	102		A-15A	HIGH ISLAND	29.4	NATURAL GAS PIPELINE
-MOBIL PROD TEXAS & NEW MEXICO INC					RECEIVED: 05/01/81 JA: TX 3			
*8128224	G0-1747	4270940175	102		A-7A	HIGH ISLAND	1405.0	NATURAL GAS PIPELINE
*8128230	G0-1789	4270940250	102		OCS-G-2393 NO A-11A	HIGH ISLAND	463.6	NATURAL GAS PIPELINE
*8128231	G0-1790	4270940380	102		OCS-G-2393 NO A-19A	HIGH ISLAND	810.3	NATURAL GAS PIPELINE
*8128229	G0-1788	4270940186	102		OCS-G-2757 NO A-9A	HIGH ISLAND	2476.9	NATURAL GAS PIPELINE
-TENNECO OIL COMPANY					RECEIVED: 04/28/81 JA: TX 3			
8128219	G1-1882	4270440018	102		BRAZOS A-17 A-1 WELL	BRAZOS	5.5	TENNESSEE GAS PIPELI
8128220	G1-1883	4270440031	102		BRAZOS A-17 A-2 WELL	BRAZOS	5.5	TENNESSEE GAS PIPELI
-TENNECO OIL COMPANY					RECEIVED: 05/01/81 JA: TX 3			
8128247	G1-1884	4270440033	102		BRAZOS A-17 A-3 WELL	BRAZOS	5.5	TENNESSEE GAS PIPELI

OTHER PURCHASERS VOLUME NO :430

8128200	TRANSCONTINENTAL GAS PIPELINE CORP
8128201	FLORIDA POWER & LIGHT CO
8128202	FLORIDA POWER & LIGHT CO
8128208	TEXAS EASTERN TRANSMISSION CORP
8128209	NORTHERN NATURAL GAS CO
8128214	UNITED GAS PIPELINE CO
8128224	TRANSCONTINENTAL GAS PIPELINE CORP
8128225	FLORIDA POWER & LIGHT CO
8128226	FLORIDA POWER & LIGHT CO
8128229	TRANSCONTINENTAL GAS PIPELINE CORP
8128230	TRANSCONTINENTAL GAS PIPELINE CORP
8128231	TRANSCONTINENTAL GAS PIPELINE CORP
8128233	CONSOLIDATED NATURAL GAS CO
8128239	TEXAS EASTERN TRANSMISSION CORP
8128240	TEXAS EASTERN TRANSMISSION CORP
8128241	TEXAS EASTERN TRANSMISSION CORP
8128242	NORTHERN NATURAL GAS CO
8128244	UNITED GAS PIPELINE CO
8128249	ST REGIS PAPER CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16055 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 431]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of

Issued: May 21, 1981.

V 4 6 M Y 2 9 8 1 UMI

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 21, 1981.

[illegible]	[illegible]	[illegible]	[illegible]	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES						
-A & Z PRODUCTION			RECEIVED: 05/01/81 JA: OH			
8128504	3408328560	103	WILPUR F MCDONALD #1	CLAY	3.5	COLUMBIA GAS TRANS C
-ALMCO INC			RECEIVED: 05/01/81 JA: OH			
8128505	3413322346	103	TEXAS EASTERN TRANS CORP #1	AURORA	20.0	
-AMERICAN GAS PRODUCERS			RECEIVED: 05/01/81 JA: OH			
8128506	3400721534	103	C & J RHOADES #2	AMBOY GAS FIELD CLINTON	5.0	EAST OHIO GAS CO
-AMERICAN WELL MANAGEMENT COMPANY			RECEIVED: 05/01/81 JA: OH			
8128509	3408923962	103	HELEN RICHTER NO 1	BOWLING GREEN	18.0	
8128507	3408923967	103	WARREN MEARS NO 1	HANOVER	18.0	
8128508	3408923973	103	WARREN MEARS NO 2	HANOVER	18.0	
-AMTEX OIL AND GAS INC			RECEIVED: 05/01/81 JA: OH			
8128513	3415123035	103	DOMINIC MEDURE WELL NO 1	TUSCARAWAS	250.0	COLUMBIA GAS TRANSMI
8128513	3415123035	107	DOMINIC MEDURE WELL NO 1	TUSCARAWAS	250.0	COLUMBIA GAS TRANSMI
8128512	3407522351	103	JOS J MILLER WELL NO 2A	PAINT	250.0	COLUMBIA GAS TRANSMI
8128512	3407522351	107	JOS J MILLER WELL NO 2A	PAINT	250.0	COLUMBIA GAS TRANSMI
8128510	3407522492	107	M M POULTRY WELL NO 1	CLARK	300.0	
8128510	3407522492	103	M M POULTRY WELL NO 1	CLARK	300.0	
8128511	3407522493	103	M M POULTRY WELL NO 2	CLARK	300.0	
8128511	3407522493	107	M M POULTRY WELL NO 2	CLARK	300.0	
-ATLAS ENERGY GROUP INC			RECEIVED: 05/01/81 JA: OH			
8128556	3415521172	103	ALLEGRET DEMATHEWS UN NO 1	FOWLER	21.0	COLUMBIA GAS TRANSMI
8128558	3415521172	107	ALLEGRET DEMATHEWS UN NO 1	FOWLER	21.0	COLUMBIA GAS TRANSMI
8128540	3415521023	103	BOGGS SINGER NO 1	FOWLER	28.0	COLUMBIA GAS TRANSMI
8128540	3415521023	107	BOGGS SINGER NO 1	FOWLER	28.0	COLUMBIA GAS TRANSMI
8128541	3415521267	103	BOSSCHER NO 1	FOWLER	18.0	COLUMBIA GAS TRANSMI
8128541	3415521267	107	BOSSCHER NO 1	FOWLER	18.0	COLUMBIA GAS TRANSMI
8128532	3415521052	103	C JONES NO 1	FOWLER	8.0	COLUMBIA GAS TRANSMI
8128532	3415521052	107	C JONES NO 1	FOWLER	8.0	COLUMBIA GAS TRANSMI
8128565	3415520517	103	CALLAHAN UNIT NO 1	BAZETTA	102.0	COLUMBIA GAS TRANSMI
8128565	3415520517	107	CALLAHAN UNIT NO 1	BAZETTA	102.0	COLUMBIA GAS TRANSMI
8128552	3415520489	107	COE NO 1	BAZETTA	17.0	COLUMBIA GAS TRANSMI
8128533	3415520884	103	CORTLAND FUEL NO 1	FOWLER	39.0	COLUMBIA GAS TRANSMI
8128533	3415520884	107	CORTLAND FUEL NO 1	FOWLER	39.0	COLUMBIA GAS TRANSMI
8128534	3415520892	103	CORTLAND FUEL NO 2	FOWLER	27.0	COLUMBIA GAS TRANSMI
8128534	3415520892	107	CORTLAND FUEL NO 2	FOWLER	27.0	COLUMBIA GAS TRANSMI
8128522	3415521177	103	DENOVCHEK UNIT NO 1	BAZETTA	36.0	COLUMBIA GAS TRANSMI
8128522	3415521177	107	DENOVCHEK UNIT NO 1	BAZETTA	36.0	COLUMBIA GAS TRANSMI
8128535	3415521054	103	DEWITT NO 1	FOWLER	18.0	COLUMBIA GAS TRANSMI
8128535	3415521054	107	DEWITT NO 1	FOWLER	18.0	COLUMBIA GAS TRANSMI
8128574	3415521051	103	DEWITT NO 2	FOWLER	21.0	COLUMBIA GAS TRANSMI
8128574	3415521051	107	DEWITT NO 2	FOWLER	21.0	COLUMBIA GAS TRANSMI

UMI 1 8 9 2 9 M Y 6 4 V

VOLUME 431 PAGE 002

[illegible]	[illegible]	API	SEC	WELL NAME	FIELD NAME	PRCL	PURCHASER
8128544		3415520324	107	FINEGOLD NO 1	HOWLAND	15.0	COLUMBIA GAS TRANSMI
8128566		3415520415	103	FURRY MANNING UNIT NO 1	BAZETTA	19.0	COLUMBIA GAS TRANSMI
8128566		3415520415	107	FURRY MANNING UNIT NO 1	BAZETTA	19.0	COLUMBIA GAS TRANSMI
8128524		3415521348	103	GIBSON NO 1	HOWLAND	19.0	COLUMBIA GAS TRANSMI
8128524		3415521348	107	GIBSON NO 1	HOWLAND	19.0	COLUMBIA GAS TRANSMI
8128564		3415520510	103	GLEASON NO 1	BAZETTA	28.0	COLUMBIA GAS TRANSMI
8128564		3415520510	107	GLEASON NO 1	BAZETTA	28.0	COLUMBIA GAS TRANSMI
8128538		3415521049	103	GLEASON NO 2	BAZETTA	30.0	COLUMBIA GAS TRANSMI
8128538		3415521049	107	GLEASON NO 2	BAZETTA	30.0	COLUMBIA GAS TRANSMI
8128528		3415521269	103	HOFMANN NO 1	FOWLER	26.0	COLUMBIA GAS TRANSMI
8128528		3415521269	107	HOFMANN NO 1	FOWLER	26.0	COLUMBIA GAS TRANSMI
8128520		3415520418	103	HOWLAND BOARD OF EDUCATION NO 1	HOWLAND	24.0	COLUMBIA GAS TRANSMI
8128520		3415520418	107	HOWLAND BOARD OF EDUCATION NO 1	HOWLAND	24.0	COLUMBIA GAS TRANSMI
8128547		3415520246	107	HOWLAND BOARD OF EDUCATION NO 2	HOWLAND	57.0	COLUMBIA GAS TRANSMI
8128536		3415520855	103	J & G JONES NO 1	FOWLER	26.0	COLUMBIA GAS TRANSMI
8128536		3415520855	107	J & G JONES NO 1	FOWLER	26.0	COLUMBIA GAS TRANSMI
8128531		3415521053	103	J & G JONES NO 2	FOWLER	30.0	COLUMBIA GAS TRANSMI
8128531		3415521053	107	J & G JONES NO 2	FOWLER	30.0	COLUMBIA GAS TRANSMI
8128523		3415521167	103	J & G JONES NO 3	FOWLER	21.0	COLUMBIA GAS TRANSMI
8128523		3415521167	107	J & G JONES NO 3	FOWLER	21.0	COLUMBIA GAS TRANSMI
8128563		3415520490	103	KANE NO 1	BAZETTA	19.0	COLUMBIA GAS TRANSMI
8128563		3415520490	107	KANE NO 1	BAZETTA	19.0	COLUMBIA GAS TRANSMI
8128568		3415521327	103	KUJALA RUDGE NO 1	FOWLER	35.0	COLUMBIA GAS TRANSMI
8128568		3415521327	107	KUJALA RUDGE NO 1	FOWLER	35.0	COLUMBIA GAS TRANSMI
8128562		3415521017	103	LOSEN NO 1	BAZETTA	27.0	COLUMBIA GAS TRANSM
8128562		3415521017	107	LOSEN NO 1	BAZETTA	27.0	COLUMBIA GAS TRANSM
8128561		3415521018	103	LOSEN NO 2	BAZETTA	19.0	COLUMBIA GAS TRANSMI
8128561		3415521018	107	LOSEN NO 2	BAZETTA	19.0	COLUMBIA GAS TRANSMI
8128569		3415520254	103	MAFFITT NO 2	HOWLAND	8.0	COLUMBIA GAS TRANSMI
8128569		3415520254	107	MAFFITT NO 2	HOWLAND	8.0	COLUMBIA GAS TRANSMI
8128545		3415520226	107	MAFFITT UNIT NO 1	HOWLAND	47.0	COLUMBIA GAS TRANSMI
8128514		3415520384	103	MANNING NO 1	BAZETTA	24.0	COLUMBIA GAS TRANSMI
8128514		3415520384	107	MANNING NO 1	BAZETTA	24.0	COLUMBIA GAS TRANSMI
8128567		3415520685	103	MARY HURL NO 1	BAZETTA	24.0	COLUMBIA GAS TRANSMI
8128567		3415520685	107	MARY HURL NO 1	BAZETTA	24.0	COLUMBIA GAS TRANSMI
8128519		3415520637	103	MAY KNIGHT UNIT NO 1	BAZETTA	23.0	COLUMBIA GAS TRANSMI
8128519		3415520637	107	MAY KNIGHT UNIT NO 1	BAZETTA	23.0	COLUMBIA GAS TRANSMI
8128548		3415520953	103	METROPOLITAN HOMES INVEST CORP NO 1	BAZETTA	18.0	COLUMBIA GAS TRANSMI
8128548		3415520953	107	METROPOLITAN HOMES INVEST CORP NO 1	BAZETTA	18.0	COLUMBIA GAS TRANSMI
8128556		3415521227	103	MICHETTI NO 1	FOWLER	19.0	COLUMBIA GAS TRANSMI
8128556		3415521227	107	MICHETTI NO 1	FOWLER	19.0	COLUMBIA GAS TRANSMI
8128557		3415521263	103	MICHETTI NO 2	FOWLER	11.0	COLUMBIA GAS TRANSMI
8128557		3415521263	107	MICHETTI NO 2	FOWLER	11.0	COLUMBIA GAS TRANSMI
8128526		3415520584	103	MORABITO UNIT NO 1	FOWLER	27.0	COLUMBIA GAS TRANSMI
8128526		3415520584	107	MORABITO UNIT NO 1	FOWLER	27.0	COLUMBIA GAS TRANSMI
8128573		3415520843	103	MORABITO UNIT NO 2	FOWLER	17.0	COLUMBIA GAS TRANSMI
8128573		3415520843	107	MORABITO UNIT NO 2	FOWLER	17.0	COLUMBIA GAS TRANSMI
8128559		3415520762	103	MOSKO NO 1	BAZETTA	27.0	COLUMBIA GAS TRANSMI
8128559		3415520762	107	MOSKO NO 1	BAZETTA	27.0	COLUMBIA GAS TRANSMI
8128525		3415521286	103	NEWTON FALLS VILLAGE NO 1	NEWTON	28.0	COLUMBIA GAS TRANSMI
8128525		3415521286	107	NEWTON FALLS VILLAGE NO 1	NEWTON	28.0	COLUMBIA GAS TRANSMI
8128527		3415521250	103	POPOWICH UNIT NO 1	FOWLER	27.0	COLUMBIA GAS TRANSMI
8128527		3415521250	107	POPOWICH UNIT NO 1	FOWLER	27.0	COLUMBIA GAS TRANSMI

VOLUME 431 PAGE 003

[illegible]	[illegible]	API	SEC	WELL NAME	FIELD NAME	PRCL	PURCHASER
8128529		3415521264	103	R JONES NO 1	FOWLER	17.0	COLUMBIA GAS TRANSMI

JF NO	JA NT	FI N	SEC D	WELL NAME	FIELD NAME	ENCL	PURCHASER
8128529		3415521264	103	R JONES NO 1	FOWLER	17.0	COLUMBIA GAS TRANSMI
8128529		3415521264	107	R JONES NO 1	FOWLER	17.0	COLUMBIA GAS TRANSMI
8128530		3415521265	103	R JONES NO 2	FOWLER	21.0	COLUMBIA GAS TRANSMI
8128530		3415521265	107	R JONES NO 2	FOWLER	21.0	COLUMBIA GAS TRANSMI
8128551		3415520391	107	ROMAN NO 1	BAZETTA	12.0	COLUMBIA GAS TRANSMI
8128537		3415521200	103	RUBINS NO 1	FOWLER	18.0	COLUMBIA GAS TRANSMI
8128537		3415521200	107	RUBINS NO 1	FOWLER	18.0	COLUMBIA GAS TRANSMI
8128543		3415520234	107	RUMMELL NO 1	HOWLAND	47.0	COLUMBIA GAS TRANSMI
8128550		3415521445	103	SLOAS UNIT #2	HOWLAND	28.0	COLUMBIA GAS TRANSMI
8128550		3415521445	107	SLOAS UNIT #2	HOWLAND	28.0	COLUMBIA GAS TRANSMI
8128546		3415520218	107	SLOAS UNIT NO 1	HOWLAND	75.0	COLUMBIA GAS TRANSMI
8128549		3415521421	103	SLOAS UNIT NO 3	HOWLAND	30.0	COLUMBIA GAS TRANSMI
8128549		3415521421	107	SLOAS UNIT NO 3	HOWLAND	30.0	COLUMBIA GAS TRANSMI
8128554		3415520414	107	STEIN NO 1	BAZETTA	26.0	COLUMBIA GAS TRANSMI
8128553		3415520321	107	STEIN NO 2	BAZETTA	43.0	COLUMBIA GAS TRANSMI
8128560		3415521186	102	THOMAS NO 1	BROOKFIELD	14.0	COLUMBIA GAS TRANSMI
8128560		3415521186	107	THOMAS NO 1	BROOKFIELD	14.0	COLUMBIA GAS TRANSMI
8128518		3415520686	103	TOBIN NO 1	BAZETTA	29.0	COLUMBIA GAS TRANSMI
8128518		3415520686	107	TOBIN NO 1	BAZETTA	29.0	COLUMBIA GAS TRANSMI
8128521		3415521171	103	TOBIN NO 2	BAZETTA	39.0	COLUMBIA GAS TRANSMI
8128521		3415521171	107	TOBIN NO 2	BAZETTA	39.0	COLUMBIA GAS TRANSMI
8128542		3415520509	107	TOBIN UNIT NO 1	BAZETTA	18.0	COLUMBIA GAS TRANSMI
8128570		3415521228	103	WEDGEWOOD NO 1	FOWLER	26.0	COLUMBIA GAS TRANSMI
8128570		3415521228	107	WEDGEWOOD NO 1	FOWLER	26.0	COLUMBIA GAS TRANSMI
8128571		3415521229	103	WEDGEWOOD NO 2	FOWLER	31.0	COLUMBIA GAS TRANSMI
8128571		3415521229	107	WEDGEWOOD NO 2	FOWLER	31.0	COLUMBIA GAS TRANSMI
8128555		3415520303	107	WILLIAMS NO 1	BAZETTA	19.0	COLUMBIA GAS TRANSMI
8128517		3415520304	103	WILLIAMS NO 2	BAZETTA	26.0	COLUMBIA GAS TRANSMI
8128517		3415520304	107	WILLIAMS NO 2	BAZETTA	26.0	COLUMBIA GAS TRANSMI
8128515		3415520501	103	WINCH KING UNIT NO 1	BAZETTA	19.0	COLUMBIA GAS TRANSMI
8128515		3415520501	107	WINCH KING UNIT NO 1	BAZETTA	19.0	COLUMBIA GAS TRANSMI
8128516		3415521007	103	WINCH NO 1	BAZETTA	19.0	COLUMBIA GAS TRANSMI
8128516		3415521007	107	WINCH NO 1	BAZETTA	19.0	COLUMBIA GAS TRANSMI
8128572		3415520960	103	YOUNT NO 1	BAZETTA	18.0	COLUMBIA GAS TRANSMI
8128572		3415520960	107	YOUNT NO 1	BAZETTA	18.0	COLUMBIA GAS TRANSMI
8128539		3415521050	103	ZERVOS NO 1	FOWLER	15.0	COLUMBIA GAS TRANSMI
8128539		3415521050	107	ZERVOS NO 1	FOWLER	15.0	COLUMBIA GAS TRANSMI
-BANDS COMPANY INC				RECEIVED: 05/01/81 JA: CH			
8128575		3407522691	107	HENRY BENCHY #1	MECHANIC	20.0	COLUMBIA GAS
8128575		3407522691	103	HENRY BENCHY #1	MECHANIC	20.0	COLUMBIA GAS
8128576		3407522303	103	VAN SICKLE #1	MECHANIC	24.0	COLUMBIA GAS
8128576		3407522303	107	VAN SICKLE #1	MECHANIC	24.0	COLUMBIA GAS
8128577		3407522628	103	VAN SICKLE #2	MECHANIC	15.0	COLUMBIA GAS
8128577		3407522628	107	VAN SICKLE #2	MECHANIC	15.0	COLUMBIA GAS
-BARTLO OIL AND GAS COMPANY				RECEIVED: 05/01/81 JA: CH			
8128582		3410322287	103	ANTHONY MARRONE #1	SHARON	30.0	
8128582		3410322287	107	ANTHONY MARRONE #1	SHARON	30.0	
8128579		3410322496	103	GILBERT DILLEY #3	SHARON	10.0	
8128579		3410322496	107	GILBERT DILLEY #3	SHARON	10.0	
8128576		3405922539	107	H WELLS #3	WILLS	20.0	COLUMBIA GAS TRANSMI
8128578		3405922539	103	H WELLS #3	WILLS	20.0	COLUMBIA GAS TRANSMI
8128581		3410322317	103	JOHN STROPOLI #1	SHARON	15.0	
8128581		3410322317	107	JOHN STROPOLI #1	SHARON	15.0	

UMI 1 8 2 9 M Y 4 6 V

JOB NO.	PERMIT	API NO.	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8128580		3410322318	103	VALLEY VIEW LAKE PARK #1	SHARON	6.0	
8128580		3410322318	107	VALLEY VIEW LAKE PARK #1	SHARON	6.0	
-BECK OIL & GAS CO				RECEIVED: 05/01/81 JA: CH			
8128586		3415123282	103	MARKER WELL NO II	PLAIN	0.0	COLUMBIA GAS OF OHIO
8128586		3415123282	107	MARKER WELL NO II	PLAIN	0.0	COLUMBIA GAS OF OHIO
8128585		3415123281	103	MARKER WELL NO 1	PLAIN	0.0	COLUMBIA GAS OF OHIO
8128585		3415123281	107	MARKER WELL NO 1	PLAIN	0.0	COLUMBIA GAS OF OHIO
-BEREA OIL AND GAS CORPORATION				RECEIVED: 05/01/81 JA: CH			
8128589		3411924824	103	BRILL #2	RICH HILL	0.0	COLUMBIA GAS TRANSMI
8128589		3411924824	107	BRILL #2	RICH HILL	0.0	COLUMBIA GAS TRANSMI
8128591		3415521311	103	GONEZ #4	VIENNA	10.4	EAST OHIO GAS
8128591		3415521311	107	GONEZ #4	VIENNA	10.4	EAST OHIO GAS
8128588		3415521373	103	MEEKER #1	BROOKFIELD	10.0	COLUMBIA GAS TRANSMI
8128588		3415521373	107	MEEKER #1	BROOKFIELD	10.0	COLUMBIA GAS TRANSMI
8128587		3415521624	103	SCHUBERT UNIT #2	VIENNA	1.0	EAST OHIO GAS CO
8128587		3415521624	107	SCHUBERT UNIT #2	VIENNA	1.0	EAST OHIO GAS CO
8128590		3411925553	103	WICKHAM #1	RICH HILL	0.0	COLUMBIA GAS TRANSMI
8128590		3411925553	107	WICKHAM #1	RICH HILL	0.0	COLUMBIA GAS TRANSMI
-BROWN PETROLEUM CORP				RECEIVED: 05/01/81 JA: OH			
8128599		3407522522	103	ABE YODER #2	MECHANIC	68.0	COLUMBIA GAS TRANSMI
8128599		3407522522	107	ABE YODER #2	MECHANIC	68.0	COLUMBIA GAS TRANSMI
8128600		3407522340	103	DAN YODER #1	MECHANIC	69.0	COLUMBIA GAS TRANSMI
8128600		3407522340	107	DAN YODER #1	MECHANIC	69.0	COLUMBIA GAS TRANSMI
8128598		3407522419	103	GILLMAN #1	MECHANIC	27.0	COLUMBIA GAS TRANSMI
8128598		3407522419	107	GILLMAN #1	MECHANIC	27.0	COLUMBIA GAS TRANSMI
8128603		3403123740	103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8128603		3403123740	107	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8128597		3407522434	103	PATTERSON #2	KILLBUCK	17.0	COLUMBIA GAS TRANSMI
8128597		3407522434	107	PATTERSON #2	KILLBUCK	17.0	COLUMBIA GAS TRANSMI
8128602		3403124219	103	ROSS #1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8128602		3403124219	107	ROSS #1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8128601		3407522654	103	SHERNIT #1	MECHANIC	3.5	COLUMBIA GAS TRANSMI
8128601		3407522654	107	SHERNIT #1	MECHANIC	3.5	COLUMBIA GAS TRANSMI
-BUCKEYE CRUDE EXPLORATION INC				RECEIVED: 05/01/81 JA: OH			
8128604		3400922062	103	JOHNSON #1	AMES	1.5	COLUMBIA GAS TRANSMI
8128605		3400922180	103	JOHNSON #12	AMES	4.3	COLUMBIA GAS TRANSMI
8128608		3400922060	103	JOHNSON #3	AMES	4.3	COLUMBIA GAS TRANSMI
8128607		3400922128	103	JOHNSON #7	AMES	3.6	COLUMBIA GAS TRANSMI
8128609		3400922127	103	JOHNSON #8	AMES	3.6	COLUMBIA GAS TRANSMI
8128606		3400922129	103	JOHNSON #9	AMES	12.0	COLUMBIA GAS TRANSMI
-BUCKEYE OIL PRODUCING CO				RECEIVED: 05/01/81 JA: OH			
8128610		3407522437	107	ANDREW RABER #1	CLARK	18.0	EAST OHIO GAS CO
8128610		3407522437	103	ANDREW RABER #1	CLARK	18.0	EAST OHIO GAS CO
8128612		3407522436	107	HENRY J HERSHBERGER #1	CLARK	19.0	EAST OHIO GAS CO
8128612		3407522436	103	HENRY J HERSHBERGER #1	CLARK	19.0	EAST OHIO GAS CO
8128611		3407522438	107	MENNO YODER #1	CLARK	18.0	EAST OHIO GAS CO
8128611		3407522438	103	MENNO YODER #1	CLARK	18.0	EAST OHIO GAS CO
8128613		3407522038	108	WOLGAMOT 38 #1		3.0	COLUMBIA GAS TRANSMI
8128614		3407522056	108	WOLGAMOT 38 #2		3.0	COLUMBIA GAS TRANSMI
-CALLANDER & KIMBREL INC				RECEIVED: 05/01/81 JA: OH			
8128619		3403124008	107	DALE & DAVID HEDRICK #1	BEDFORD	6.0	COLUMBIA GAS TRANSMI
8128619		3403124008	103	DALE & DAVID HEDRICK #1	BEDFORD	6.0	COLUMBIA GAS TRANSMI

JOB NO.	PERMIT	API NO.	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8128618		3403124066	107	DALE & DAVID HEDRICK #2	BEDFORD	12.0	COLUMBIA GAS TRANSMI
8128618		3403124066	103	DALE & DAVID HEDRICK #2	BEDFORD	12.0	COLUMBIA GAS TRANSMI

JOB NO.	JA PT	API NO.	SEQ	S	WELL NAME	FIELD NAME	PROD	PURCHASER
8128618		3403124066	107		DALE & DAVID HEDRICK #2	BEDFORD	12.0	COLUMBIA GAS TRANSMI
8128618		3403124066	103		DALE & DAVID HEDRICK #2	BEDFORD	12.0	COLUMBIA GAS TRANSMI
8128617		3403124067	107		DALE & DAVID HEDRICK #3	BEDFORD	6.0	COLUMBIA GAS TRANSMI
8128617		3403124067	103		DALE & DAVID HEDRICK #3	BEDFORD	6.0	COLUMBIA GAS TRANSMI
8128620		3403124068	107		KENNETH KANUCKLE #4	BEDFORD	4.0	
8128620		3403124068	103		KENNETH KANUCKLE #4	BEDFORD	4.0	
8128615		3403124121	107		PHILIP BROWN #5	BEDFORD	3.0	COLUMBIA GAS TRANSMI
8128615		3403124121	103		PHILIP BROWN #5	BEDFORD	3.0	COLUMBIA GAS TRANSMI
8128616		3403124120	107		PHILIP BROWN #6	BEDFORD	12.0	
8128616		3403124120	103		PHILIP BROWN #6	BEDFORD	12.0	
-CAMERON & KINCAID					RECEIVED: 05/01/81 JA: OH			
8128629		3411925296	103		GRACE MORRISON ETAL 1-A	BRUSH CREEK	10.0	NATIONAL GAS & OIL
8128629		3411925296	107		GRACE MORRISON ETAL 1-A	BRUSH CREEK	10.0	NATIONAL GAS & OIL
-CAMERON BROS					RECEIVED: 05/01/81 JA: OH			
8128621		3411924886	103		HERB YOUNG #1	WASHINGTON	9.0	COLUMBIA GAS TRANS
8128621		3411924886	107		HERB YOUNG #1	WASHINGTON	9.0	COLUMBIA GAS TRANS
8128625		3411925281	103		J W MCCLELLAN #1	NEWTON	15.0	COLUMBIA GAS TRANS
8128625		3411925281	107		J W MCCLELLAN #1	NEWTON	15.0	COLUMBIA GAS TRANS
8128627		3411924763	103		LAWRENCE W LONGSHORE #1	WAYNE	9.0	NATIONAL GAS & OIL
8128627		3411924763	107		LAWRENCE W LONGSHORE #1	WAYNE	9.0	NATIONAL GAS & OIL
8128626A		3411924785	103		MARVIN STEPHENS #1		9.0	NATIONAL GAS & OIL
8128626B		3411924785	107		MARVIN STEPHENS #1		9.0	NATIONAL GAS & OIL
8128623		3411925277	103		OHIO DISTRICT COUNCIL IAC #1	WASHINGTON	10.0	COLUMBIA GAS TRANS
8128623		3411925277	107		OHIO DISTRICT COUNCIL IAC #1	WASHINGTON	10.0	COLUMBIA GAS TRANS
8128622		3411924738	103		ROBERT HICKS #1	PERRY	9.0	NATIONAL GAS & OIL
8128622		3411924738	107		ROBERT HICKS #1	PERRY	9.0	NATIONAL GAS & OIL
8128624		3411925278	103		ROBERT POLLOCK #1	WASHINGTON	12.0	COLUMBIA GAS TRANS
8128624		3411925278	107		ROBERT POLLOCK #1	WASHINGTON	12.0	COLUMBIA GAS TRANS
8128628		3411924812	103		ROSS JOHNSTON #3	PERRY	9.0	COLUMBIA GAS TRANS
8128628		3411924812	107		ROSS JOHNSTON #3	PERRY	9.0	COLUMBIA GAS TRANS
-CHANSE PETROLEUM CORPORATION					RECEIVED: 05/01/81 JA: OH			
8128630		3400721510	103		JAMES & ELLEN CLARK #2	NEW LYME	5.0	
-CHESTNUT MEADOWS DEVELOPMENT CO					RECEIVED: 05/01/81 JA: OH			
8128631		3410322218	103		CHESTNUT MEADOWS #3	WADSWORTH	2.0	EAST OHIO GAS CO
8128631		3410322218	107		CHESTNUT MEADOWS #3	WADSWORTH	2.0	EAST OHIO GAS CO
-CLAY COUNTY PRODUCTION CO INC					RECEIVED: 05/01/81 JA: OH			
8128634		3412724253	103		LEWIS-LEACH #1	CLAYTON	6.0	FORAKER GAS CO INC
8128634		3412724253	107		LEWIS-LEACH #1	CLAYTON	6.0	FORAKER GAS CO INC
8128635		3412724559	103		LEWIS-LEACH #2	CLAYTON	6.0	FORAKER GAS CO INC
8128635		3412724559	107		LEWIS-LEACH #2	CLAYTON	6.0	FORAKER GAS CO INC
8128633		3412724623	103		MARIE SNYDER #1	CLAYTON	7.0	FORAKER GAS CO INC
8128633		3412724623	107		MARIE SNYDER #1	CLAYTON	7.0	FORAKER GAS CO INC
8128632		3412724622	103		MARIE SNYDER #2	CLAYTON	7.0	FORAKER GAS CO INC
8128632		3412724622	107		MARIE SNYDER #2	CLAYTON	7.0	FORAKER GAS CO INC
-CLINE OIL & GAS CO					RECEIVED: 05/01/81 JA: OH			
8128636		3412122017	103		GREENLEES #1	JEFFERSON	18.0	COLUMBIA GAS TRANSMI
8128636		3412122017	107		GREENLEES #1	JEFFERSON	18.0	COLUMBIA GAS TRANSMI
-CLINTON OIL CO					RECEIVED: 05/01/81 JA: OH			
8128642		3411925250	103		A JONES #1-507	CLAY	60.0	COLUMBIA GAS TRANSMI
8128642		3411925250	107		A JONES #1-507	CLAY	60.0	COLUMBIA GAS TRANSMI
8128651		3411924870	103		ARCHER #1	CASS	65.0	COLUMBIA GAS TRANSMI
8128651		3411924870	107		ARCHER #1	CASS	65.0	COLUMBIA GAS TRANSMI
8128643		3411925008	103		BALLOU #1-502	CLAY	70.0	COLUMBIA GAS TRANSMI
8128643		3411925008	107		BALLOU #1-502	CLAY	70.0	COLUMBIA GAS TRANSMI

UMI 1 8 2 9 M Y 6 4 V

VOLUME 431 PAGE 006

JD NO	JA NAT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
R128667		3413322236	103	BRUGMAN #1-504	MANTUA	70.0	TIMKEN CO
R128667		3413322236	107	BRUGMAN #1-504	MANTUA	70.0	TIMKEN CO
R128640		3415723283	103	D & S IMMEL #2-619	WAYNE	75.0	
R128640		3415723283	107	D & S IMMEL #2-619	WAYNE	75.0	
R128666		3413322507	103	DACZKO UNIT #1-587A	MANTUA	100.0	
R128666		3413322507	107	DACZKO UNIT #1-587A	MANTUA	100.0	
R128650		3411924066	103	DAILEY #2	UNION	60.0	TIMKEN CO
R128650		3411924066	107	DAILEY #2	UNION	60.0	TIMKEN CO
R128653		3411925370	103	DON MERKER #1-606	CASS	100.0	
R128653		3411925370	107	DON MERKER #1-606	CASS	100.0	
R128659		3413321325	103	E G PROEHL & F RICKENBACHER #1	ROOTSTOWN	50.0	TIMKEN CO
R128659		3413321325	107	E G PROEHL & F RICKENBACHER #1	ROOTSTOWN	50.0	TIMKEN CO
R128657		3411925253	103	ED ARCHER #2-511	CASS	100.0	
R128657		3411925253	107	ED ARCHER #2-511	CASS	100.0	
R128637		3403124000	103	GALLAGHER #2-530	BEDFORD	200.0	
R128637		3403124000	107	GALLAGHER #2-530	BEDFORD	200.0	
R128661		3413321759	103	GUYETTE #2	MANTUA	75.0	TIMKEN CO
R128661		3413321759	107	GUYETTE #2	MANTUA	75.0	TIMKEN CO
R128668		3413322235	103	HOUSE #1-506	ROOTSTOWN	74.0	TIMKEN CO
R128668		3413322235	107	HOUSE #1-506	ROOTSTOWN	74.0	TIMKEN CO
R128652		3411924868	103	HUTSON #1	CLAY	70.0	COLUMBIA GAS TRANSMI
R128652		3411924868	107	HUTSON #1	CLAY	70.0	COLUMBIA GAS TRANSMI
R128638		3403123999	103	J & R MCCONNELL #4-533	WASHINGTON	0.0	COLUMBIA GAS TRANSMI
R128638		3403123999	107	J & R MCCONNELL #4-533	WASHINGTON	0.0	COLUMBIA GAS TRANSMI
R128639		3415723295	103	J IMMEL #1	WAYNE	65.0	COLUMBIA GAS TRANSMI
R128639		3415723295	107	J IMMEL #1	WAYNE	65.0	COLUMBIA GAS TRANSMI
R128649		3411924872	103	J YOST #2	NEWTON	55.0	COLUMBIA GAS TRANSMI
R128649		3411924872	107	J YOST #2	NEWTON	55.0	COLUMBIA GAS TRANSMI
R128655		3411924880	103	LOUNSBURY #2	CLAY	0.0	NATIONAL GAS & OIL C
R128655		3411924880	107	LOUNSBURY #2	CLAY	0.0	NATIONAL GAS & OIL C
R128646		3411924792	103	M FOSTER #3	CLAY	74.0	NATIONAL GAS & OIL C
R128646		3411924792	107	M FOSTER #3	CLAY	74.0	NATIONAL GAS & OIL C
R128647		3411924869	103	M FOSTER #4	CLAY	60.0	NATIONAL GAS & OIL C
R128647		3411924869	107	M FOSTER #4	CLAY	60.0	NATIONAL GAS & OIL C
R128645		3411924793	103	M SCHWEITZER #3	CASS	70.0	COLUMBIA GAS TRANSMI
R128645		3411924793	107	M SCHWEITZER #3	CASS	70.0	COLUMBIA GAS TRANSMI
R128648		3411924863	103	M SCHWEITZER #4	CASS	70.0	COLUMBIA GAS TRANSMI
R128648		3411924863	107	M SCHWEITZER #4	CASS	70.0	COLUMBIA GAS TRANSMI
R128644		3411925252	103	MCBRIDE #1-503	CASS	70.0	COLUMBIA GAS TRANSMI
R128644		3411925252	107	MCBRIDE #1-503	CASS	70.0	COLUMBIA GAS TRANSMI
R128662		3413322418	103	OSCAR BRUGMANN SAND & GRAVEL #2-557	SHALERSVILLE	224.0	
R128662		3413322418	107	OSCAR BRUGMANN SAND & GRAVEL #2-557	SHALERSVILLE	224.0	
R128656		3411924873	103	R DOZER #1	NEWTON	200.0	NATIONAL GAS & OIL C
R128656		3411924873	107	R DOZER #1	NEWTON	200.0	NATIONAL GAS & OIL C
R128654		3411924866	103	R SWINGLE #2	CLAY	150.0	NATIONAL GAS & OIL C
R128654		3411924866	107	R SWINGLE #2	CLAY	150.0	NATIONAL GAS & OIL C
R128660		3413321750	103	RIDDLE #3	RAVENNA	70.0	TIMKEN CO
R128660		3413321750	107	RIDDLE #3	RAVENNA	70.0	TIMKEN CO
R128641		3411925254	103	RUCKER-STOTTS #1-505	CASS	70.0	COLUMBIA GAS TRANSMI
R128641		3411925254	107	RUCKER-STOTTS #1-505	CASS	70.0	COLUMBIA GAS TRANSMI
R128658A		3413322009	103	STREETSBORO UNIT #1	STREETSBORO	100.0	TIMKEN CO
R128658		3413322009	107	STREETSBORO UNIT #1	STREETSBORO	100.0	TIMKEN CO

VOLUME 431 PAGE 007

JD NO	JA NAT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
R128665		3413322010	103	STREETSBORO UNIT #3	STREETSBORO	75.0	TIMKEN CO
R128665		3413322010	107	STREETSBORO UNIT #3	STREETSBORO	75.0	TIMKEN CO

JOB NO	OPERATOR	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8128665		3413322010	103	STREETSBORO UNIT #3	STREETSBORO	75.0	TIMKEN CO
8128665		3413322010	107	STREETSBORO UNIT #3	STREETSBORO	75.0	TIMKEN CO
8128664		3413322011	103	STREETSBORO UNIT #4	STREETSBORO	125.0	TIMKEN CO
8128664		3413322011	107	STREETSBORO UNIT #4	STREETSBORO	125.0	TIMKEN CO
8128663		3413322008	103	STREETSBORO UNIT #7	STREETSBORO	100.0	TIMKEN CO
8128663		3413322008	107	STREETSBORO UNIT #7	STREETSBORO	100.0	TIMKEN CO
-CONSOLIDATED RESOURCES OF AMERICA				RECEIVED: 05/01/81 JA: OH			
8128670		3412122240	103	CHARLES AND MARTHA SMITH #1	SHARON	24.0	EAST OHIO GAS CO
8128670		3412122240	107	CHARLES AND MARTHA SMITH #1	SHARON	24.0	EAST OHIO GAS CO
8128669		3405922651	103	GEORGE LASKO #1	SENECAVILLE	43.8	COLUMBIA GAS TRANSMI
8128669		3405922651	107	GEORGE LASKO #1	SENECAVILLE	43.8	COLUMBIA GAS TRANSMI
8128671		3412122335	103	JENKINS #1	NOBLE	0.0	EAST OHIO GAS CO
8128671		3412122335	107	JENKINS #1	NOBLE	0.0	EAST OHIO GAS CO
-DISCOVERY OIL LTD				RECEIVED: 05/01/81 JA: OH			
8128673		3407522476	103	#1 ALFRED YODER	MECHANIC	1250.0	COLUMBIA GAS TRANSMI
8128673		3407522476	107	#1 ALFRED YODER	MECHANIC	1250.0	COLUMBIA GAS TRANSMI
8128674		3407522472	103	#4 L & E HOCHSTETLER	MECHANIC	970.6	COLUMBIA GAS TRANSMI
8128674		3407522472	107	#4 L & E HOCHSTETLER	MECHANIC	970.6	COLUMBIA GAS TRANSMI
-DORAN & ASSOCIATES INC				RECEIVED: 05/01/81 JA: OH			
8128676		3412725107	103	HOMER ALBERT #1	HOPEWELL	12.0	NATIONAL GAS & OIL C
8128675		3407522993	103	NORMAN MILLER #1	BERLIN	12.0	COLUMBIA GAS TRANSMI
-DRILLEX INC				RECEIVED: 05/01/81 JA: OH			
8128677		3408520296	103	EDWARD F TRESGER #5	PAINESVILLE	20.0	EAST OHIO GAS CO
-EARTH RESOURCES EXPL DEV CORP				RECEIVED: 05/01/81 JA: OH			
8128679		3413322240	103	SCHNEEBERGER #1	FREEDOM	25.0	EAST OHIO GAS CO
8128679		3413322240	107	SCHNEEBERGER #1	FREEDOM	25.0	EAST OHIO GAS CO
8128678		3413322241	103	SCHNEEBERGER #2	FREEDOM	25.0	EAST OHIO GAS CO
8128678		3413322241	107	SCHNEEBERGER #2	FREEDOM	25.0	EAST OHIO GAS CO
-EDCO DRILLING & PRODUCING INC				RECEIVED: 05/01/81 JA: OH			
8128693		3403124204	103	BL-1A KAMM FARMS	CLARK	18.0	
8128693		3403124204	107	BL-1A KAMM FARMS	CLARK	18.0	
8128680		3407521420	103	BL-1D TROYER	PAINT	18.0	
8128688		3403123765	107	BL-5A GAMERTSFELDER	CLARK	18.0	
8128688		3403123765	103	BL-5A GAMERTSFELDER	CLARK	18.0	
8128699		3403123755	103	ED-1G JONES	BETHLEHEM	18.0	
8128699		3403123755	107	ED-1G JONES	BETHLEHEM	18.0	
8128696		3403123706	103	MO-2A GAMERTSFELDER	CLARK	18.0	
8128696		3403123706	107	MO-2A GAMERTSFELDER	CLARK	18.0	
8128697		3403123436	103	MO-2A SMAILES	CLARK	18.0	
8128697		3403123436	107	MO-2A SMAILES	CLARK	18.0	
8128694		3403123688	103	MO-3D MILLER	CLARK	18.0	
8128694		3403123688	107	MO-3D MILLER	CLARK	18.0	
8128687		3403123705	107	MO-4A GAMERTSFELDER	CLARK	18.0	
8128687		3403123705	103	MO-4A GAMERTSFELDER	CLARK	18.0	
8128689		3403123784	107	SM-1A DUNCAN	BETHLEHEM	18.0	
8128689		3403123784	103	SM-1A DUNCAN	BETHLEHEM	18.0	
8128701		3403123702	103	SM-1A SMAILES	CLARK	18.0	
8128701		3403123702	107	SM-1A SMAILES	CLARK	18.0	
8128692		3403123773	103	SM-1A WELKER	WASHINGTON	18.0	
8128692		3403123773	107	SM-1A WELKER	WASHINGTON	18.0	
8128681		3403123680	107	SM-1C DUNCAN	BETHLEHEM	18.0	
8128681		3403123680	103	SM-1B DUNCAN	BETHLEHEM	18.0	
8128698		3403123760	103	SM-1F SHRIMPLIN	BETHLEHEM	18.0	
8128698		3403123760	107	SM-1F SHRIMPLIN	BETHLEHEM	18.0	

UMI 1 8 8 2 9 2 9 MAY 4 6 V

JC NO	JC PT	API NO	SEC T	WELL NAME	FIELD NAME	PROD	PURCHASER
8128700		3403123769	103	SM-1G SHRIMPLIN	BETHLEHEM	18.0	
8128700		3403123769	107	SM-1G SHRIMPLIN	BETHLEHEM	18.0	
8128695		3403123786	103	SM-2A DUNCAN	BETHLEHEM	18.0	
8128695		3403123786	107	SM-2A DUNCAN	BETHLEHEM	18.0	
8128682		3403123767	107	SM-2B DUNCAN	BETHLEHEM	18.0	
8128682		3403123767	103	SM-2B DUNCAN	BETHLEHEM	18.0	
8128684		3403123783	107	SM-2B HARMON	BETHLEHEM	18.0	
8128684		3403123783	103	SM-2B HARMON	BETHLEHEM	18.0	
8128686		3403123704	107	SM-2D MILLER	CLARK	18.0	
8128686		3403123704	103	SM-2D MILLER	CLARK	18.0	
8128683		3403123703	107	SM-3A GAMERTSFELDER	CLARK	18.0	
8128683		3403123703	103	SM-3A GAMERTSFELDER	CLARK	18.0	
8128691		3403123763	103	SM-3A RICHCREEK	BEDFORD	18.0	
8128691		3403123763	107	SM-3A RICHCREEK	BEDFORD	18.0	
8128702		3403123701	103	SM-3A SMAILES	CLARK	18.0	
8128702		3403123701	107	SM-3A SMAILES	CLARK	18.0	
8128703		3403123700	103	SM-4A SMAILES	CLARK	18.0	
8128703		3403123700	107	SM-4A SMAILES	CLARK	18.0	
8128685		3403123739	107	SM-5A HUFF	BETHLEHEM	18.0	
8128685		3403123739	103	SM-5A HUFF	BETHLEHEM	18.0	
8128690		3403123699	107	SM-5A SMAILES	CLARK	18.0	
8128690		3403123699	103	SM-5A SMAILES	CLARK	18.0	
-ENERGY DEVELOPMENT CORP				RECEIVED: 05/01/81 JA: OH			
8128706		3410322467	103	BIL-JAC FOODS INC WELL #1	GRANGER	20.0	COLUMBIA GAS TRANSMI
8128706		3410322467	107	BIL-JAC FOODS INC WELL #1	GRANGER	20.0	COLUMBIA GAS TRANSMI
8128708		3400721530	103	BREZNAI UNIT WELL #1	NEW LYME	18.0	ANCHOR HOCKING CORP
8128708		3400721530	107	BREZNAI UNIT WELL #1	NEW LYME	18.0	ANCHOR HOCKING CORP
8128714		3400721530	103	BREZNAI UNIT WELL #1	NEW LYME	18.0	ANCHOR HOCKING CORP
8128704		3407522507	103	BURKHOLDER WELL #1	BERLEN	18.0	COLUMBIA GAS TRANSMI
8128704		3407522507	107	BURKHOLDER WELL #1	BERLEN	18.0	COLUMBIA GAS TRANSMI
8128710		3416922565	103	CANANKAMP UNIT WELL #4	PLAIN	20.0	COLUMBIA GAS TRANSMI
8128712		3416922366	103	CANANKAMP WELL #2	PLAIN	20.0	COLUMBIA GAS TRANSMI
8128711		3416922368	103	CANANKAMP WELL #3	PLAIN	20.0	COLUMBIA GAS TRANSMI
8128707		3400721565	103	EDELMAN WELL #1	NEW LYME	18.0	ANCHOR HOCKING CORP
8128707		3400721565	107	EDELMAN WELL #1	NEW LYME	18.0	ANCHOR HOCKING CORP
8128715		3400721565	103	EDELMAN WELL #1	NEW LYME	18.0	ANCHOR HOCKING CORP
8128709		3400721498	103	SCHWANDT WELL #3	NEW LYME	18.0	ANCHOR HOCKING CORP
8128709		3400721498	107	SCHWANDT WELL #3	NEW LYME	18.0	ANCHOR HOCKING CORP
8128713		3400721498	103	SCHWANDT WELL #3	NEW LYME	18.0	ANCHOR HOCKING CORP
8128705		3410322387	103	WOODLING WELL #1	GRANGER	20.0	COLUMBIA GAS TRANSMI
8128705		3410322387	107	WOODLING WELL #1	GRANGER	20.0	COLUMBIA GAS TRANSMI
-ENERGY RECOVERY CO				RECEIVED: 05/01/81 JA: OH			
8128716		3407322254	103	DALE FISHER #3	MARION	18.0	PARAMOUNT TRANSMISSI
8128717		3412724554	103	DANISON #4	MONDAY CREEK	18.0	PARAMOUNT TRANSMISSI
-ENTERPRISE GAS & OIL INC				RECEIVED: 05/01/81 JA: OH			
8128723		3416322630	103	B DAVIS #3	SWAN	36.5	COLUMBIA GAS TRANSMI
8128723		3416322630	107	B DAVIS #3	SWAN	36.5	COLUMBIA GAS TRANSMI
8128730		3411924952	103	ECK #1	RICH HILL	36.5	COLUMBIA GAS TRANSMI
8128730		3411924952	107	ECK #1	RICH HILL	36.5	COLUMBIA GAS TRANSMI
8128729		3411925017	103	ECK #2	RICH HILL	27.0	COLUMBIA GAS TRANSMI
8128729		3411925017	107	ECK #2	RICH HILL	27.0	COLUMBIA GAS TRANSMI
8128728		3411925110	103	ELLIOTT #1	RICH HILL	27.4	COLUMBIA GAS TRANSMI
8128728		3411925110	107	ELLIOTT #1	RICH HILL	27.4	COLUMBIA GAS TRANSMI

JC NO	JC PT	API NO	SEC T	WELL NAME	FIELD NAME	PROD	PURCHASER
8128719		3412724445	103	LEWIS #3	CLAYTON	36.5	FORAKER GAS CO
8128719		3412724445	107	LEWIS #3	CLAYTON	36.5	FORAKER GAS CO

CO SO	OPERAT	API #	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8128719		3412724445	103	LEWIS #3	CLAYTON	36.5	FORAKER GAS CO
8128719		3412724445	107	LEWIS #3	CLAYTON	36.5	FORAKER GAS CO
8128727		3412724559	103	LEWIS #5	CLAYTON	27.4	FORAKER GAS CO
8128727		3412724559	107	LEWIS #5	CLAYTON	27.4	FORAKER GAS CO
8128726		3412724600	103	LEWIS #6	CLAYTON	0.0	FORAKER GAS CO
8128726		3412724600	107	LEWIS #6	CLAYTON	0.0	FORAKER GAS CO
8128722		3412122196	103	MESSICK #2	NOBLE	36.5	CORNING GLASS WORKS
8128722		3412122196	107	MESSICK #2	NOBLE	36.5	CORNING GLASS WORKS
8128731		3411925081	103	PATTON #1	UNION	36.5	COLUMBIA GAS TRANSMI
8128731		3411925081	107	PATTON #1	UNION	36.5	COLUMBIA GAS TRANSMI
8128724		3412724394	103	RANDOLPH #1	CLAYTON	36.5	FORAKER GAS CO
8128724		3412724394	107	RANDOLPH #1	CLAYTON	36.5	FORAKER GAS CO
8128721		3412724426	103	RANDOLPH #2	CLAYTON	36.5	FORAKER GAS CO
8128721		3412724426	107	RANDOLPH #2	CLAYTON	36.5	FORAKER GAS CO
8128718		3415123223	103	SCHNEIDER #1-B	MARLBORO	0.0	EAST OHIO GAS CO
8128718		3415123223	107	SCHNEIDER #1-B	MARLBORO	0.0	EAST OHIO GAS CO
8128720		3412724327	103	SWEENEY #1	CLAYTON	36.5	NATIONAL GAS & OIL C
8128720		3412724327	107	SWEENEY #1	CLAYTON	36.5	NATIONAL GAS & OIL C
8128725		3412724384	103	SWEENEY #2	CLAYTON	36.5	NATIONAL GAS & OIL C
8128725		3412724384	107	SWEENEY #2	CLAYTON	36.5	NATIONAL GAS & OIL C
-FORAKER PRODUCING COMPANY INC				RECEIVED: 05/01/81 JA: CH			
8128733		3400921993	103	STILLWELL AND ROSS #1	ROME	8.0	COLUMBIA GAS TRANSMI
8128733		3400921993	107	STILLWELL AND ROSS #1	ROME	8.0	COLUMBIA GAS TRANSMI
-GASEARCH INC				RECEIVED: 05/01/81 JA: CH			
8128736		3415521534	103	STEHLIK #1	MESAPOTAMIA	20.0	COLUMBIA GAS TRANSMI
8128736		3415521534	107	STEHLIK #1	MESAPOTAMIA	20.0	COLUMBIA GAS TRANSMI
8128750		3415521448	103	HAGOOD UNIT #1	VIENNA	20.0	EAST OHIO GAS CO
8128750		3415521448	107	HAGOOD UNIT #1	VIENNA	20.0	EAST OHIO GAS CO
8128751		3415521446	103	HAGOOD UNIT #2	VIENNA	20.0	EAST OHIO GAS CO
8128751		3415521446	107	HAGOOD UNIT #2	VIENNA	20.0	EAST OHIO GAS CO
8128752		3415521444	103	HAGOOD UNIT #3	VIENNA	20.0	EAST OHIO GAS CO
8128752		3415521444	107	HAGOOD UNIT #3	VIENNA	20.0	EAST OHIO GAS CO
8128749		3415521535	103	HAWKINS UNIT #1	WEATHERFIELD	20.0	COLUMBIA GAS TRANSMI
8128749		3415521535	107	HAWKINS UNIT #1	WEATHERFIELD	20.0	COLUMBIA GAS TRANSMI
8128741		3415521437	103	HERROCK-PANNUNZIO #1	VIENNA	20.0	EAST OHIO GAS CO
8128741		3415521437	107	HERROCK-PANNUNZIO #1	VIENNA	20.0	EAST OHIO GAS CO
8128742		3415521181	103	SACCLICK UNIT #1	WEATHERSFIELD	20.0	COLUMBIA GAS TRANSMI
8128742		3415521181	107	SACCLICK UNIT #1	WEATHERSFIELD	20.0	COLUMBIA GAS TRANSMI
8128743		3415521522	103	SCOTT #1	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128743		3415521522	107	SCOTT #1	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128735		3413322027	103	SPOLARICH #1	NELSON	20.0	COLUMBIA GAS TRANSMI
8128735		3413322027	107	SPOLARICH #1	NELSON	20.0	COLUMBIA GAS TRANSMI
8128734		3415521721	103	TOCHTENHAGEN #1	WEATHERSFIELD	20.0	EAST OHIO GAS CO
8128734		3415521721	107	TOCHTENHAGEN #1	WEATHERSFIELD	20.0	EAST OHIO GAS CO
8128740		3415521470	103	YOUNGSTOWN AIRPORT #10	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128740		3415521470	107	YOUNGSTOWN AIRPORT #10	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128739		3415521578	103	YOUNGSTOWN AIRPORT #11	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128739		3415521578	107	YOUNGSTOWN AIRPORT #11	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128738		3415521484	103	YOUNGSTOWN AIRPORT #12	FOWLER	20.0	COLUMBIA GAS TRANSMI
8128738		3415521484	107	YOUNGSTOWN AIRPORT #12	FOWLER	20.0	COLUMBIA GAS TRANSMI
8128744		3415521521	103	YOUNGSTOWN AIRPORT #2	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128744		3415521521	107	YOUNGSTOWN AIRPORT #2	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128745		3415521472	103	YOUNGSTOWN AIRPORT #3	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128745		3415521472	107	YOUNGSTOWN AIRPORT #3	VIENNA	20.0	COLUMBIA GAS TRANSMI

UMI 1 8 9 2 9 M Y 6 4 V

API NO	PERMIT	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8128746		3415521520 103	YOUNGSTOWN AIRPORT #4	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128746		3415521520 107	YOUNGSTOWN AIRPORT #4	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128747		3415521471 103	YOUNGSTOWN AIRPORT #5	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128747		3415521471 107	YOUNGSTOWN AIRPORT #5	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128748		3415521523 103	YOUNGSTOWN AIRPORT #8	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128748		3415521523 107	YOUNGSTOWN AIRPORT #8	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128737		3415521525 103	YOUNGSTOWN AIRPORT #9	VIENNA	20.0	COLUMBIA GAS TRANSMI
8128737		3415521525 107	YOUNGSTOWN AIRPORT #9	VIENNA	20.0	COLUMBIA GAS TRANSMI
-H LESLIE BOWER			RECEIVED: 05/01/81 JA: OH			
8128592		3410321962 103	BOWES #1 1962	SHARON	0.0	COLUMBIA GAS TRANS
8128592		3410321962 107	BOWES #1 1962	SHARON	0.0	COLUMBIA GAS TRANS
-JOHN G FORAKER			RECEIVED: 05/01/81 JA: OH			
8128732		3400922061 103	JOHNSON #6	AMES	12.0	COLUMBIA GAS TRANSMI
-OSCAR F DAVIDSON			RECEIVED: 05/01/81 JA: OH			
8128672		3403124163 103	OSCAR B JOHNS #1	PERRY	0.0	NATIONAL GAS & OIL C
-PETER A BARTLO			RECEIVED: 05/01/81 JA: OH			
8128583		3415723137 103	CENTRAL CATHOLIC UNIT #1	GOSHEN	20.0	LIBBEY-OWENS-FORD CO
8128583		3415723137 107	CENTRAL CATHOLIC UNIT #1	GOSHEN	20.0	LIBBEY-OWENS-FORD CO
8128584		3415723169 103	T LARKIN #1	GOSHEN	20.0	LIBBEY-OWENS-FORD CO
8128584		3415723169 107	T LARKIN #1	GOSHEN	20.0	LIBBEY-OWENS-FORD CO
-R GENE BRASEL DBA BRASEL & BRASEL			RECEIVED: 05/01/81 JA: OH			
8128593		3405320610 103	JAMES MINK #2	ADDISON	0.0	COLUMBIA GAS TRANSMI
8128595		3405320571 103	ROUSH PROPERTY #1	ADDISON	1.0	COLUMBIA GAS TRANSMI
8128596		3405320574 103	SHAVER #2	ADDISON	0.0	COLUMBIA GAS TRANSMI
8128594		3405320518 103	THOMAS C MCKINNEY #1	ADDISON	1.0	COLUMBIA GAS TRANSMI
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES						
-ADOBE OIL & GAS CORPORATION			RECEIVED: 05/01/81 JA: PA			
8128477	6707	3706324711 108	DONALD J BURNS #1	BURNSIDE	8.0	CONSOLIDATED GAS SUP
8128498	6799	3706324711 103	DONALD J BURNS #1	BURNSIDE	8.0	CONSOLIDATED GAS SUP
8128497	6798	3706324751 103	JOHN BAKER #3	BURNSIDE	12.0	CONSOLIDATED GAS SUP
8128499	6800	3700522173 103	W E POWERS #3	RURAL VALLEY	21.0	T W PHILLIPS
8128496	6797	3706325307 103	WOODROW DUNLAP #1	BURNSIDE	25.0	CONSOLIDATED GAS SUP
-CENTER BAR GAS CO			RECEIVED: 05/01/81 JA: PA			
8128438	6723	3703920896 103	SERBIAN ORTHODOX #80-31 20896	CONNEAUT	0.0	COLUMBIA GAS TRANSMI
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 05/01/81 JA: PA			
8128466	5311	3706323099 108	ALBERT PEFFER WN-1437	BIG RUN 063423	21.0	GENERAL SYSTEM PURCH
-DORAN & ASSOCIATES INC			RECEIVED: 05/01/81 JA: PA			
8128489	6790	3706325799 103	J GETTY #1-K-A-63	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8128468	6594	3706323743 108	R PALMER #1 K-L-7	UPPER DEVONIAN SANDS	20.0	INDUSTRIAL GAS SALES
-ENERGY QUEST INC			RECEIVED: 05/01/81 JA: PA			
8128502	6814	3706325795 103	MURRAY C KNUPP #2	CLYMER	30.0	COLUMBIA GAS TRANSMI
8128501	6813	3706325887 103	WILLIAM C HOUSER JR 159 A #2	CLYMER	30.0	COLUMBIA GAS TRANSMI
-ENVIROGAS INC			RECEIVED: 05/01/81 JA: PA			
8128492	6793	3704921201 103	#2 A SCHULTZ	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS SU
8128491	6792	3704921142 103	#4 X MEEHL	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS SU
-GOE PRO INC			RECEIVED: 05/01/81 JA: PA			
8128503	6818	3704921160 103	ALBION SPORTSMAN CLUB #1-ERI-21160	ALBION-WEST	0.0	NATIONAL FUEL GAS DI
-J & J ENTERPRISES INC			RECEIVED: 05/01/81 JA: PA			
8128500	6802	3703321032 103	W R HEVENER #1 (98A)	BURNSIDE	0.0	CONSOLIDATED GAS SUP
-KALTSAS OIL CO			RECEIVED: 05/01/81 JA: PA			
8128475	6693	3704920811 103	LENT & GERALD OKTON SN E-2	VENANGO	25.6	COLUMBIA GAS TRANSMI
-MERIDIAN EXPLORATION CORP			RECEIVED: 05/01/81 JA: PA			
8128490	6791	3704921064 102	R ROBERTSON #1-531	EDINBORO NORTH	30.0	NATIONAL FUEL GAS SU
-MID-EAST OIL CO			RECEIVED: 05/01/81 JA: PA			
8128459	2589	3706323532 108	JAMES AND FRANK CAMPBELL #1	BRUSH VALLEY	12.0	NATIONAL FUEL GAS SU

API NO	PERMIT	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8128460	2590	3706323530 108	JAMES AND FRANK CAMPBELL #2	BRUSH VALLEY	10.0	NATIONAL FUEL GAS SU
8128461	2592	3706323558 108	JAMES AND FRANK CAMPBELL #4	BRUSH VALLEY	2.5	NATIONAL FUEL GAS SU

8128475	6693	3704920811	103	LENT & GERALD OKTON SN E-2	VENANGO	25.6	COLUMBIA GAS TRANSMI
-MERIDIAN EXPLORATION CORP				RECEIVED: 05/01/81 JA: PA			
8128490	6791	3704921064	102	R ROBERTSON #1-531	EDINBORO NORTH	30.0	NATIONAL FUEL GAS SU
-MID-EAST OIL CO				RECEIVED: 05/01/81 JA: PA			
8128459	2589	3706323532	108	JAMES AND FRANK CAMPBELL #1	BRUSH VALLEY	12.0	NATIONAL FUEL GAS SU
8128460	2590	3706323530	108	JAMES AND FRANK CAMPBELL #2	BRUSH VALLEY	10.0	NATIONAL FUEL GAS SU
8128461	2592	3706323558	108	JAMES AND FRANK CAMPBELL #4	BRUSH VALLEY	2.5	NATIONAL FUEL GAS SU
8128462	2594	3706323582	108	JAMES AND FRANK CAMPBELL #6	BRUSH VALLEY	16.0	NATIONAL FUEL GAS SU
8128463	2734	3706323629	108	JOHN S SIMPSON ET AL #1	BRUSH VALLEY	10.0	NATIONAL FUEL GAS SU
8128464	2735	3706323630	108	JOHN S SIMPSON ET AL #2	BRUSH VALLEY	3.5	NATIONAL FUEL GAS SU
8128465	2736	3706323648	108	JOHN S SIMPSON ET AL #3	BRUSH VALLEY	2.5	NATIONAL FUEL GAS SU
-PENN STATE JOINT VENTURE				RECEIVED: 05/01/81 JA: PA			
8128457	6767	3705392138	108	K 1422	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128455	6765	3705321949	108	KJG1401	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128444	6770	3705321953	108	KJG1405	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128458	6771	3705321954	108	KJG1406	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128442	6749	3705321950	108	KJ61402	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128456	6766	3705321951	108	KJ61403	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128443	6750	3705321952	108	KJ61404	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128446	6755	3705321867	108	K1407	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128447	6756	3705321833	108	K1410	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128449	6758	3705321832	108	K1411	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128445	6754	3705321831	108	K1412	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128440	6746	3705321829	108	K1414	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128448	6757	3705321695	108	K1416	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128441	6748	3705322135	108	K1419	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128478	6772	3705322144	108	K1428	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128480	6774	3705322145	108	K1429	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128450	6759	3705322147	108	K1431	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128451	6760	3705300000	108	K1438	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128452	6761	3705322430	108	K1439	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128439	6747	3705322427	108	K1440	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128453	6762	3705322410	108	K1443	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128479	6773	3705322411	108	K1444	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128481	6775	3705322412	108	K1445	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128454	6764	3705322413	108	K1447	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128483	6777	3705321181	108	10JV	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128484	6778	3705321183	108	12JV	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128486	6780	3705321224	108	3JV	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128487	6781	3705321174	108	3JV	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128482	6776	3705321175	108	4JV	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128488	6782	3705321224	108	6JV	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
8128485	6779	3705321180	108	9JV	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL REF
-PETROLEUM DEVELOPMENT CORP				RECEIVED: 05/01/81 JA: PA			
8128436	6711	3712521244	103	KREK-FLEEMER #1	CANONSBURG	8.0	COLUMBIA GAS TRANSMI
-POI ENERGY INC				RECEIVED: 05/01/81 JA: PA			
8128476	6698	3703920895	102	ALLEN #1	SPARTA	20.0	COLUMBIA GAS TRANSMI
8128474	6691	3703920894	102	DORN #1 CRA 20884	SPARTA	20.0	COLUMBIA GAS TRANSMI
-TORCAL RESOURCES INC/GOE PRO INC				RECEIVED: 05/01/81 JA: PA			
8128437	6712	3704921020	103	HARRISON #1-ERI-21020	NEW IRELAND	0.0	COLUMBIA GAS TRANSMI
-UNION DRILLING INC				RECEIVED: 05/01/81 JA: PA			
8128470	6685	3704921226	102	ANNA PANTYZEL ESTATE #1 0687	UNION TOWNSHIP	0.0	COLUMBIA GAS TRANSMI
8128472	6685	3704921232	102	DAVID A COOPER #1 0689	UNION TOWNSHIP	8.0	COLUMBIA GAS TRANSMI
8128469	6670	3704921176	102	DORIS D WESTER #1 0696	WATERFORD TOWNSHIP	0.0	COLUMBIA GAS TRANSMI
8128471	6686	3704921224	102	HAROLD & BARBARA GOODWILL #1 0685	UNION TOWNSHIP	0.0	COLUMBIA GAS TRANSMI
8128473	6690	3704921225	102	JIMMY DOWNOR #1 0686	UNION TOWNSHIP	0.0	COLUMBIA GAS TRANSMI
-VICTORY DEVELOPMENT CO				RECEIVED: 05/01/81 JA: PA			
8128493	6794	3703321033	103	BRINTON-GRIMMINGER #1 - CLE - 21033	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRANSMI
8128494	6795	3703321034	103	BRINTON-GRIMMINGER #3 - CLE - 21034	W PA UPPER DEVONIAN SAND	8.0	COLUMBIA GAS TRANSMI
8128495	6796	3703321035	103	BRINTON-GRIMMINGER #4 - CLE - 21035	W PA UPPER DEVONIAN SAND	286.0	COLUMBIA GAS TRANSMI
-ZETA S T JOINT VENTURE #0				RECEIVED: 05/01/81 JA: PA			
8128467	6548	3706522200	103	NOLA ZOLTMAN #1		25.0	NATIONAL FUEL GAS SU

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16056 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearing and Appeals

Cases Filed; Week of May 8 through May 15, 1981

During the week of May 8 through May 15, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 21, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of May 8 through May 15, 1981]

Date	Name and location of applicant	Case No.	Type of Submission
May 8, 1981	Chevron USA Inc., Washington, D.C	BES-0157	Request for Stay. If granted: Chevron USA Inc. would receive a stay of the April 27, 1981 Decision and Order (Case No. BED-0110) issued to Asamera Oil (U.S.) Inc. by the Office of Hearings and Appeals.
May 8, 1981	Little America Refining Co., Washington, D.C	BES-0158	Request for Stay. If granted: Little America Refining Co. would receive a stay of the April 27, 1981 Decision and Order (Case No. BED-0110) issued to Asamera Oil (U.S.) Inc. by the Office of Hearings and Appeals.
May 8, 1981	Masonite Corp., Chicago, Ill	BEA-0670; BES-0670	Appeal of the Entitlements Notice and Request for Stay. If granted: The March 1981 Entitlements Notice would be modified with respect to Masonite Corp.'s participation in the Entitlements Program. Masonite Corp. would receive a stay of the provisions of 10 CFR 211.67 pending a final determination on its Appeal.
May 8, 1981	Office of Enforcement (Gorco), Washington, D.C	BRX-0208	Request for Supplemental Order. If granted: The May 16, 1977 Decision and Order (Case No. FES-4105) issued to Guam Oil and Refining Co. would be rescinded.
May 8, 1981	Public Systems, Washington, D.C	BRZ-0099 through BRZ-0103.	Interlocutory Order. If granted: Public Systems would be provided with unexpurgated copies of all pleadings in remedial order processings involving Atlantic Richfield Company, Gulf Oil Corporation, Standard Oil Co. of California, Standard Oil Co. (Ohio), and Texaco, Inc. (Case Nos. DRO-0193, DRO-0194, DRO-0196, DRO-0197, and DRO-0199, respectively) and would be made a party to all protective orders.
May 11, 1981	A. O. Smith Corp., Milwaukee, Wis	BEE-1661; BEL-1661	Exception and Temporary Exception from the Energy Conservation Program for Consumer Products. If granted: A. O. Smith Corp. would not be required to perform energy efficiency tests of its gas-fired water heaters equipped with thermal compensating dip tubes.
May 11, 1981	Husky Oil Co., Denver, Colo	BEX-0210	Supplemental Order. If granted: The Office of Hearings and Appeals would review the financial information submitted by Husky Oil Co. for the period March 1978 through January 1981 to determine the appropriate level of entitlements exception relief for the firm.
May 11, 1981	Michelle Pailthorp, Seattle, Wash	BFA-0671	Appeal of Information Request Denial. If granted: The Information Request Denial issued by the Bonneville Power Administration would be rescinded, and Michelle Pailthorp would receive access to certain DOE information.
May 11, 1981	Texaco, Inc., White Plains, N.Y	BES-0156	Request for Stay. If granted: Texaco, Inc. would receive a stay of the April 27, 1981 Decision and Order (Case No. BED-0110) issued to Asamera Oil (U.S.) Inc. by the Office of Hearings and Appeals.
May 11, 1981	Tricentennial Corp., Washington, D.C	BEE-1662	Exception to Reporting Requirements. If granted: Tricentennial Corp. would not be required to file Form EIA-9A ("No. 2 Distillate Price Monitoring Report").
May 12, 1981	Atlantic Richfield Co., Los Angeles, Calif	BRR-0127	Motion for Modification/Rescission. If granted: The January 30, 1981 Decision and Order (Case Nos. BRD-1247 and BRH-1247) issued to Atlantic Richfield Co. by the Office of Hearings and Appeals would be rescinded.
May 12, 1981	Kern County Refinery, Inc., Bakersfield, Calif	BES-0159	Request for Stay. If granted: Kern County Refinery, Inc. would receive a stay of the April 22, 1981 Decision and Order (Case No. DEX-0195) regarding its entitlements purchase obligation.
May 12, 1981	Uncle Ben's Foods, Inc., Houston, Tex	BEA-0672; BES-0672	Appeal of the Entitlements Notice and Request for Stay. If granted: The March 1981 Entitlements Notice would be modified with respect to Uncle Ben's Foods, Inc.'s participation in the Entitlements Program. The firm would receive a stay of the provisions of 10 CFR 211.67 pending a final determination on its Appeal.
May 12, 1981	Warrior Asphalt Co. of Alabama, Tuscaloosa, Ala	BYR-0137	Request for Modification. If granted: The April 20, 1981 Decision and Order (Case No. DEX-0211) issued to Warrior Asphalt Co. of Alabama by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 13, 1981	Cranston Oil Service Co., Providence, R.I	BEX-0209	Supplemental Order. If granted: The Office of Hearings and Appeals would direct the disbursement of an escrow account containing overcharge refunds of the Cranston Service Co.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of May 8 through May 15, 1981]

Date	Name and location of applicant	Case No.	Type of Submission
May 13, 1981	Little America Refining Co./Chevron USA Inc., Washington, D.C.	BEJ-0196	Protective Order. If granted: Little America Refining Co. and Chevron USA Inc. would enter into a Protective Order regarding the exchange of proprietary information in connection with Little America Refining Co.'s, Application for Exception (Case No. BEE-1084).
May 13, 1981	Miller & Chevalier, Washington, D.C.	BFA-0673	Appeal of Information Request Denial. If granted: The April 9, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Miller & Chevalier would receive access to documents relating to the 341 Tract Unit of the Citronelle Field.
May 13, 1981	Office of Enforcement (J & C Drilling Company), Corpus Christi, Tex.	BEF-0050	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the July 25, 1979 Consent Order entered into by J & C Drilling Co.
May 13, 1981	Office of Enforcement (Perry Gas Processors, Inc.), Odessa, Tex.	BEF-0048	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the August 13, 1979 Consent Order entered into by Perry Gas Processors, Inc.
May 13, 1981	Office of Enforcement (Worldwide Energy Corporation), Denver, Colo.	BEF-0049	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the February 26, 1980 Consent Order entered into by Worldwide Energy Corp.
May 15, 1981	Marcum Oil Co., Savannah, Mo.	BRR-0138	Request for Modification or Rescission. If granted: The December 18, 1978 Decision and Order (Case No. DRO-0214) issued to Marcum Oil Co. by the Office of Hearings and Appeals would be rescinded.

Notices of Objection Received

[Week of May 8 through May 15, 1981]

Date	Name and location of applicant	Case No.
April 17, 1981	Texas City Refining, Inc., Washington, D.C.	BEE-1419.
May 12, 1981	Clark Oil & Refining Corporation, Washington, D.C.	BEE-1582.
May 12, 1981	Marlex Oil & Refining, Inc., Los Angeles, California	BEE-1481.

[FR Doc. 81-16081 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $4,436,679.97 obtained by the DOE under the terms of consent orders entered into with four natural gas processors. The funds were provided by the four firms in order to settle enforcement proceedings brought by the Office of Enforcement in the matters of Belridge Oil Company ($95,821.49), Texas Oil and Gas Corporation ($4,200,000), Triton Oil and Gas Corporation ($78,358.48), and Liquid Products Recovery, Inc. ($62,500).

DATE AND ADDRESS: Comments must be filed on or before June 29, 1981, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461. All comments should display conspicuously a reference to case numbers BEF-0014, BEF-0027, BEF-0038, and BEF-0029.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Acting Deputy Director, Office of Hearing and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to adversely affected parties a total of $4,436,679.97 obtained by the DOE under the terms of consent orders entered into with four natural gas processors: Belridge Oil Company ($95,821.49), Texas Oil and Gas Corporation ($4,200,000.00), Triton Oil and Gas Corporation ($78,358.48), and Liquid Products Recovery, Inc. ($62,500). The funds were provided to the DOE by the four firms in order to settle all claims and disputes between the firms and the DOE regarding the first sales prices of natural gas liquids (NGLs) charged by each of the firms during differing periods between September 1973 and August 1979. In each of the four consent orders, the parties stipulated that the funds were to be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V.

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated in order to distribute the contents of the escrow accounts funded by the four firms. The DOE has tentatively decided that Applications for Refund should be accepted from the seventeen initial purchasers of NGLs from the four firms during the covered periods. In addition, the DOE determined that Applications for Refund also should be accepted from persons who bought products produced with or from the NGLs sold by Belridge, TOGCO, Triton, or LPR during the relevant time periods. The Proposed Decision and Order states that in order to be entitled to receive any portion of the settlement funds, a purchaser must furnish the DOE with evidence that the claimant was injured by the alleged unlawful prices for NGLs charged by the natural gas processors, including specific documentation concerning the date, place, price, and volume of product purchased, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered.

The Proposed Decision and Order also provides for the distrubution of any funds remaining after all valid claims are paid. The Proposed Decision and Order states DOE's view that the

remainder of the consent order funds should be distributed through the seventeen initial purchasers to persons or groups of persons who are likely to have been injured by the alleged unlawful sales price for NGLs charged by Belridge, TOGCO, Triton, or LPR. The DOE therefore invites those seventeen firms to develop and submit plans for distributing the funds to the parties who likely paid increased prices as a result of the alleged overcharges. The DOE also solicits proposals from other interested parties as well.

In the Proposed Decision and Order the DOE recognizes that in some cases a firm may not be inclined to spend the time and resources necessary to develop and implement an effective restitution plan. This is particularly the case where the costs associated with developing and administering a restitution plan exceed the fund available for distribution. Therefore, the DOE is proposing that any remaining funds which would otherwise go undistributed be deposited in the Treasury of the United States. It should be pointed out that until final procedures are adopted, no claims for refunds will be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted on or before June 29, 1981 and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on May 22, 1981.

George B. Breznay,

Director, Office of Hearing and Appeals.

Department of Energy,
Washington, D.C.
May 22, 1981.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Belridge Oil Company, Texas Oil and Gas Corporation, Triton Oil and Gas Corporation, and Liquid Products Recovery, Inc.

Dates of Filing: December 5, 1980, January 7, 1981, March 16, 1981, January 29, 1981.

Case Numbers: BEF–0014, BEF–0027, BEF–0036, BEF–0029.

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds to injured persons in order to remedy the effects of alleged violations of the DOE regulations. See 10 CFR, Part 205, Subpart V.

In accordance with these regulatory provisions, the OE recently filed Petitions for the Implementation of Special Refund Procedures in connection with Consent Orders entered into with Belridge Oil Company (Belridge), Texas Oil and Gas Corporation (TOGCO), Triton Oil and Gas Corporation (Triton), and Liquid Products Recovery, Inc. (LPR). Under the terms of these Consent Orders, the four firms agreed to make refunds for their alleged violations of the DOE price regulations in the following amounts: $95,821.49 (Belridge), $4,200,000 (TOGCO), $78,358.48 (Triton), and $62,500 (LPR). The funds have been paid to the DOE and are now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the Office of Hearings and Appeals regarding their final distribution.

I. Background

Belridge, TOGCO, Triton, and LPR are all "gas plant operators" as that term is defined in 10 CFR § 212.162. During the relevant time periods, they were therefore subject to the Mandatory Petroleum Price Regulations set forth in 6 CFR, Part 150, Subpart L and 10 CFR, Part 212, Subparts E and K. Those regulations governed the maximum prices that could lawfully be charged in the first sales of natural gas liquids and products (NGLs). As a part of its enforcement activities, the OE conducted audits of a number of these firms' natural gas processing plants. The funds involved in these proceedings were obtained as a result of consent orders agreed to in settlement of alleged overcharges in the sales of NGLs by the four firms.

An audit of Belridge's natural gas processing plants revealed possible pricing violations with respect to the firm's first sales of NGLs during the period August 1, 1975 through July 31, 1979. Included among Belridge's first purchasers at that time were the Standard Oil Company of California (Chevron) and Coast Gas, Inc. (Coast). In order to settle all claims and disputes between Belridge and the DOE regarding Belridge's first sale prices of NGLs, Belridge and the DOE entered into a Consent Order on July 10, 1980, in which Belridge agreed to refund $95,821.49 to the DOE. The parties further agreed that the funds remitted by Belridge would be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V. Notice of the Consent Order was published in the **Federal Register** on August 28, 1980. *See* 45 FR 57520 (1980). Interested parties were invited to submit written notice to the DOE of potential claims against the settlement fund. On September 24, 1980, Chevron notified the DOE that it intended to file a claim against the settlement fund.

The OE audit of TOGCO's natural gas processing plants also revealed possible pricing violations with respect to TOGCO's first sales of NGLs during the period September 1973 to March 1976. TOGCO's first purchasers during this period included Conoco, Inc., Mobil Oil Corporation (Mobil), the Coastal Corporation (Coastal), Koch Oil Company (Koch), Warren Petroleum Corporation (Warren), Wanda Petroleum Company (Wanda), and UPG, Inc. (UPG). On March 12, 1980, TOGCO and the DOE entered into a Consent Order in order to settle all claims and disputes between the parties arising from TOGCO's first sales of NGLs during the audit period. Under the terms of the Consent Order, TOGCO agreed to remit $4,200,000 to the DOE. The parties further stipulated that these funds would be distributed by the DOE in accordance with 10 CFR Part 205, Subpart V. The terms of the Consent Order were published in the **Federal Register** on April 8, 1980, *see* 45 FR 23720 (1980), and interested parties were invited to comment on the terms of the Consent Order and to submit written notice of claims against the settlement fund. Mobil, Koch, Coastal, and Conoco responded and identified themselves as potential claimants.

In its audits of Triton's gas plants, the OE found possible violations with respect to Triton's first sales of NGLs during the period September 1, 1973 to July 31, 1976. Triton sold the NGLs to four companies: Tenneco Oil Company (Tenneco), American Oil Company, Cities Service Oil Company (CITGO), and Dorchester Gas Processing Company (Dorchester). On June 27, 1979, the DOE and Triton entered into a Consent Order under which Triton agreed to refund $78,358.48 to the DOE in settlement of all claims and disputes between the parties arising from the audits of Triton's gas plants. The parties also stipulated that the funds were to be distributed by the DOE pursuant to 10 CFR Part 205, Subpart V. The terms of the final consent order were published in the **Federal Register** on July 11, 1979. *See* 44 FR 40548 (1979). Interested parties were given an opportunity to comment on the terms of the Consent Order and to submit written notice of potential claims against the refund account. The DOE received no claims in response to that notice.

The DOE's audit of LPR revealed possible overcharges with respect to first sales of NGLs during the period September 1, 1973 through June 30, 1976. In order to settle all claims and disputes between the parties regarding the firm's first sales of NGLs, LPR and the OE entered into a Consent Order in which LPR agreed to pay $62,500 to the DOE. The parties further agreed that this sum would be distributed by the DOE pursuant to 10 CFR Part 205, Subpart V. Notice of the Consent Order was published in the **Federal Register** on September 11, 1979. *See* 44 FR 52862 (1979). Interested persons were provided an opportunity to comment on the terms of the Consent Order and to submit notice of potential claims against the settlement funds. No claims or comments were received by the DOE.

Tables listing the firms which were the first purchasers of NGLs from Belridge, TOGCO, Triton, and LPR and the amounts of their respective purchases expressed as a percentage of the total sales from the plants during the periods covered by the Consent Orders, appear in the Appendix to this Proposed Decision and Order.

II. Subpart V Jurisdiction and Authority to Fashion Refund Procedures

In an Interlocutory Order issued on April 6, 1981, the Office of Hearings and Appeals determined that the jurisdictional prerequisites had been satisfied in each of the cases presently before us. *Office of Enforcement, Economic Regulatory Administration: In The Matters of National Helium,* 8 DOE ¶——, No. BRZ–0091 (April 6, 1981).

In several recent decisions we have considered Petitions for the Implementation of Special Refund Procedures under 10 CFR Part 205, Subpart V. *See, e.g., Office of Enforcement,* No. DFF–0006 (February 27, 1981) (proposed decision), 46 FR 15320 (1981) (hereinafter referred to as *Vickers*); *Office of Enforcement,* No. BEF–0021 (March 13, 1981) (proposed decision), 46 FR 17639 (1981) (hereinafter referred to as *Alcoa*); *Office of Enforcement,* No. BEF–0030 (May 1, 1981), 46 FR 25535 (1981) (hereinafter referred to as *Fagadau*). Subpart V authorizes the Office of Hearings and Appeals, upon request by the appropriate enforcement official, to fashion special procedures to distribute refunds obtained as part of settlement agreements. 10 CFR 205.281, 205.282. The special refund procedures are part of an overall regulatory program which is intended to implement several different statutes. Congress provided for the mandatory allocation and pricing of crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. § 751 *et seq.* (1976). Natural gas liquids are included within the definition of petroleum products and were therefore subject to the provisions of the DOE price regulations during the periods covered by the consent orders. *Mobil Oil Corp. v. FEA,* 566 F.2d 87 (Temp. Emer. Ct. App. 1977).

The authority to enforce regulations issued under the EPAA was granted by the Economic Stabilization Act (ESA), 12 U.S.C. 1904 note (1970). EPAA, § 5(a), 15 U.S.C. 754(a). The statutory authority to enforce the regulations governing the allocation and pricing of petroleum products was delegated to the Administrator of the Federal Energy Administration and subsequently to the Secretary of Energy. Federal Energy Administration Act (FEAA), § 5, 15 U.S.C. 765 (1974); Department of Energy Organization Act (DOE Act), § 201(a), 42 U.S.C. 7151(a) (1979). To carry out these statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "remedial order").

In order to implement these statutory and regulatory goals, the DOE's enforcement process is designed to accomplish two independent purposes: disgorgement of the fruits of a regulatory violation from the wrongdoers, and restitution to persons injured by the regulatory violation. *See generally Vickers,* slip op. at 4; *Sauder* v. *DOE,* —— F.2d ——, No. 10–25 (Temp. Emer. Ct. App. April 24, 1981). The latter objective—restitution to overcharged persons—furthers the specific EPAA goal of providing for the "equitable distribution of . . . refined petroleum products at equitable prices . . . among all users." 15 U.S.C. 753(b)(1)(F).

III. Proposed Refund Procedures

In view of the objectives expressed in the statutes and regulations discussed above, and the Consent Orders themselves, the procedures to be implemented in these four cases should, to the maximum extent practicable, provide for the distribution of the refund amounts to parties on whose behalf the settlements were negotiated.

As we have stated before, restitution is the primary focus of Subpart V, which authorizes the Office of Hearings and Appeals to formulate and implement a process "pursuant to which refunds may be made to injured persons in order to remedy the effects of a violation" of DOE regulations. 10 CFR 205.280; *see Alcoa, Vickers.* It offers a means of compensating many individuals who, because they either lack the resources or do not have a substantial financial stake in the outcome to institute their own private lawsuits under Section 210 of the ESA, have suffered injuries which would otherwise go unredressed. The Subpart V process is also an efficient administrative mechanism for returning overcharges to injured parties because it eliminates the need for long and costly court actions.

The distribution of funds to overcharged persons should generally take place in two primary ways: (i) payment to persons and firms who file applications for refunds and prove they are entitled to a portion of the funds held in trust, and (ii) payment on behalf of injured persons to entities which are in a position to devise and implement compensatory measures which effectuate the restitutionary purposes discussed above. *Fagadau,* slip op. at 6; *Alcoa,* slip op. at 6; *Vickers,* slip op. at 6. Finally, in the event that implementation of the methods discussed above would not accomplish its intended objectives or fails to exhaust all of the settlement fund, Section 205.288(c) provides that "any remaining funds . . . shall bne deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in Section 205.282(c)." 10 CFR 205.288(c).

A. Refunds to Identifiable Purchasers

As a first step, the consent order funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by the alleged overcharges in sales of NGLs by Belridge, TOGCO, Triton, or LPR. While we recognize that it is likely that the first purchasers listed in the Appendix to this Decision and Order passed on some portions of the alleged overcharges to their own customers, they will of course be given an opportunity to demonstrate that they were in fact injured and the extent of that injury. To the extent that any of these firms can establish that it absorbed the overcharges rather than passed them on to its customers, it will be entitled to a *pro rata* share of the consent order funds. In order to qualify for a refund, however, a first purchaser will be required to demonstrate that during the period covered by the relevant Consent Order it could have kept its prices at the same level had it experienced a cost reduction equal to the amount of the refund claimed. In other words, a firm must demonstrate that at the time it purchased covered products from its supplier it had unrecovered product costs which were at least equal to the amount of the refund claimed, and that market conditions would not permit it to increase its prices to pass through the higher costs. In addition, the firm must have maintained a "bank" of unrecovered costs during each month thereafter in order to demonstrate that it did not subsequently recover these costs by increasing its prices. The amount of the refund will be limited to the amount of unrecovered costs available to the claimant for recovery through price increases. *See Office of Special Counsel for Compliance,* 4 DOE ¶ 82,511 (1979). If the initial purchasers are able to make these showings, the entire amount of the funds at issue in this proceeding will be disbursed to them. In the event they are unable to make a satisfactory showing, the next group of persons who will be entitled to receive a portion of these funds are those firms and individuals who purchased NGLs from the first purchasers.

In order to establish entitlement to a refund, any person claiming to be an injured party must satisfactorily demonstrate that it purchased, during the relevant time period, a specific quantity of products which were produced with or from the NGLs sold by Belridge, TOGCO, Triton, or LPR. Privity with either the firm or one of its first purchasers need not be established; evidence need only be presented that the products purchased by the claimants flowed through a chain of distribution leading back to one of the natural gas processors. In addition, unless the purchaser is an ultimate consumer, it must demonstrate that it did not pass through any cost increases resulting from the alleged overcharges to its own customers. For example, purchasers who resold the identified product must show that market conditions did not permit them to raise prices charged to downstream customers, and that consequently they were forced to absorb any cost increase incurred. In the absence of that showing, we must conclude that the claimant was not injured in a monetary sense by the alleged overcharge. *See Vickers,* slip. op. at 8; *Office of Special Counsel for Compliance,* 4 DOE ¶ 82,511 at 85,043–44. Refunds to first purchasers who establish their entitlement to a refund would be made on a volumetric basis—i.e., the refund would be based on the proportion of NGLs purchased by the applicant to the total amount of NGLs sold by its supplier during the relevant period.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 C.F.R. § 205.283. Applications should provide all relevant information necessary to establish a claim, including specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs, and the extent of any injury alleged.

Detailed procedures for filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received as a result of the consent orders involved in this proceeding, we intend to widely publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing notice in the **Federal Register**, notice will be provided in trade journals and in other publications in the areas in which the first purchasers identified in the Appendix marketed their respective products during the period covered by the Consent Orders. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers also will be considered. Applications that are submitted on behalf of groups of purchasers will be evaluated on a case-by-case basis.

B. Distribution of the Remainder of the Refund Amount

After all of the claims of parties identifying themselves as adversely affected purchasers of the NGLs sold by Belridge, TOGCO, Triton and LPR have been filed and the share of the settlement fund to which they are entitled has been determined, the settlement fund provided by each firm pursuant to its Consent Order, while diminished, is not likely to be exhausted. In view of the relatively small sums of money likely to be involved in many ultimate consumer claims, and the improbability that such consumers will possess the detailed records necessary to establish their claims, we anticipate that only a limited number of persons will be able to prove that they are entitled to receive refunds. *See Vickers*, slip. op. at 7. The fact that claims to specific refunds may not have been proven, however, does not mean that injuries to ultimate consumers have not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the difficulty such parties encounter in establishing a valid claim for a portion of the consent order funds.

As discussed above, the remainder of the funds should be distributed in accordance with the goals set forth in the DOE's enabling legislation and implementing regulations. Consequently, the remaining funds should, if administratively and economically feasible, be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by Belridge, TOGCO, Triton and LPR. This conclusion was reached in our recent decision in *Vickers*, in which we proposed to return unclaimed portions of the consent order funds to ultimate consumers through public utilities which are required by law to pass through to their customers the benefits of any cost reductions. In that proposed decision we stated our belief that the class of customers of public utilities in the affected area was likely to bear a close relationship to the class of customers, *viz.*, persons who purchased gasoline through independent retail outlets, who were adversely affected by Vickers' pricing policies. *See Vickers*, slip. op at 8–10.

However, in *Alcoa* we recognized that the marketing and distribution of NGLs differs significantly from the marketing of motor gasoline through independent retail outlets in a particular geographic region. It is very possible that a significant portion of the NGLs involved in these cases were purchased for processing into other types of products. Moreover, nothing in the record indicates that the impact of any unlawful price increase was confined to an identifiable geographic area, and it is likely that these products were quite widely distributed.

In *Alcoa* and *Fagadau* we observed that the first purchasers of NGLS are in the best position to assist the DOE in identifying and distributing refunds to those persons who were injured by the alleged overcharges. *Alcoa*, slip op. at 9; *Fagadau*, slip op. at 9. In this case as well, we believe that the first purchasers of NGLs from Belridge, TOGCO, Triton, and LPR can most effectively assist the DOE in channeling the remaining consent order funds to persons who are most likely to have been injured by the overcharges. Consequently, we propose that after payments are made to successful claimants, any remaining funds be distributed through the first purchasers listed in the Appendix. We invite those firms to develop and submit to this Office a plan for returning these funds to the parties who likely paid increased prices as a result of the alleged overcharges. The plans should identify the end-users, or groups of end-users, who were most likely to have been adversely affected by the alleged unlawful conduct of Belridge, TOGCO, Triton, and LPR. To this end, each firm should take into account its distribution and marketing system and its method of calculating prices during the relevant period. To the extent that product purchases from particular gas plants can be isolated in the appropriate distribution system, the plans should limit the proposed refunds to customers who were downstream purchasers of the NGLs covered by the Consent Orders. The plans should also be designed to exclude from participation in this stage of the refund proceeding any purchasers who recovered a portion of the consent order funds during the prior distribution to successful claimants. In developing the plans, first purchasers should give paramount consideration to the cost efficiency and administrative ease of any proposed refund plan. For example, to the extent that the NGLs were used by agricultural producers, the plan may propose to distribute funds through agricultural cooperatives in the affected areas rather than to individuals. *See Fagadau*, slip op. at 10; *Alcoa*, slip op. at 9.

Although the primary aim of the Subpart V process is to distribute the consent order funds to the parties who were injured as a result of alleged unlawful activity, we recognize that in some cases a firm would not be inclined to spend the time or resources necessary to develop and implement an effective restitutionary plan and thus, in several instances injuries may go unredressed. For example, the funds to be distributed by a particular firm may be so small in relation to the number of parties entitled to share in the proceeds that the economic costs to the firm would far outweigh the intended benefits of the plan. In this regard, we note that preliminary data supplied by the OE indicates that four of LPR's first purchasers, Forest Oil Company, Petro Lewis Corporation, Koch Oil Company, and Sun Oil Company, would have available for distribution the following amounts: $56.25, $43.75, $518.75, and $537.50. It may very well be the case that the costs associated with administering a plan which any of these firms proposed would actually exceed the fund available for distribution. In such circumstances, the firm would have to absorb the administrative costs if the intended purpose of making whole the parties who were injured by the alleged overcharge is to be accomplished. The greater likelihood, however, is that a firm would not be inclined to develop and implement a restitutionary plan unless it be permitted to recoup its administrative costs from the fund, in which case the injured parties will not receive the full amount of the refund to which they are entitled.

In view of these considerations, we are proposing that the portion of the settlement fund which, because of prohibitive administrative costs, would otherwise go undistributed, be deposited in the Treasury of the United States. Subpart V regulations specifically sanction this course of action, *see* 10 C.F.R. § 205.288(c), and direct payments to the Treasury may well be appropriate in those cases where other remedies would be ineffectual or administratively burdensome. *See Citronelle-Mobile Gathering, Inc.* v. *O'Leary*, 499 F. Supp. 871 (S. D. Ala. 1980); *Golden Eagle Oil Company*, 6 DOE ¶83,005 at 86,065 (1980). *Cf. Chana's Auto Service Center*, 8 DOE ¶ ——, No. BRO–0458 (April 20, 1981).

Although we believe that the first purchasers of Belridge, TOGCO, Triton, and LPR are, in the present cases, uniquely situated to develop and implement an effective plan for distributing the settlement funds to the parties who absorbed the overcharges, nothing contained herein should be interpreted to suggest that we are discouraging the submission by other parties of proposals containing alternative distribution schemes. We will fully consider any plan submitted and we encourage any party interested in submitting such a plan to do so.

It is therefore ordered that:

The settlement funds provided by Belridge, TOGCO, Triton, and LPR in the amounts of $95,821.49, $4,200,000, $78,358.48, and $82,500, respectively, will be distributed in accordance with this Decision.

Appendix

Table I.—*Belridge Oil Company, Settlement Fund: $95,821.49*

Name of first purchaser	Percentage of NGLs[1]
Coast Gas, Inc.	18.7684
Standard Oil Company of California (Chevron)	81.2336

[1] Bought by first purchaser.

Table II.—*Texas Oil and Gas Corporation, Settlement Fund: $4,200,000*

Name of first purchaser	Percentage of NGLs[1]
Continental Oil Company	.06
The Coastal Corporation	1.44
Koch Oil Company	36.06
Mobil Oil Corporation	41.21
UPG	2.59
Wanda Petroleum Company	12.79
Warren Petroleum Company	3.32

[1] Bought by first purchaser.

Table III.—*Triton Oil and Gas Corporation, Settlement Fund: $78,358.48*

Name of first purchaser	Percentage of NGLs[1]
American Oil Company	36.0436
Cities Service Oil Company	10.1640
Dorchester Gas Processing Company	42.6789
Tenneco Oil Company	10.5845

[1] Bought by first purchaser.

Table IV.—*Liquid Products Recovery, Inc., Settlement Fund: $62,500*

Name of first purchaser	Percentage of NGLs[1]
Forest Oil Company	.09
Koch Oil Company	.83
Petro Lewis Corporation	.07
Sun Oil Company	.86
Texas Petro Gas	18.20
Wanda Petroleum Company	80.13

[1] Bought by first purchaser.

[FR Doc. 81-16056 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of April 20 Through April 24, 1981

During the week of April 20 through April 24, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Ephraim and Flint, 4/20/81, BFA-0623

The law firm of Ephraim and Flint filed an Appeal from a partial denial by the Director of Contract Execution Division "A" of the Office of Procurement Operations of the DOE of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that certain of the documents which were initially withheld under exemptions 4 and 6 should be released to the public. Important issues that were considered in the Decision and Order were whether exemption 4 protects from mandatory disclosure the names of employees designated as key employees on DOE contracts and whether release of the names of such persons would constitute a clearly unwarranted invasion of privacy.

Larkin, Hoffman, Daly & Lindgren, 4/22/81, BFA-0634

Larkin, Hoffman, Daly & Lindgren filed an Appeal from a denial by the Disclosure Officer, Office of Special Counsel for Compliance, of a request for information submitted by the firm under the Freedom of Information Act. The DOE found that although the documents contained material exempt from public disclosure pursuant to 10 CFR 1004.10(b) (4) and (5), certain portions of the documents relating to the history of the audited firm and to the fact that an audit had been conducted contained reasonably segregable factual information which should be released to the public. The DOE ordered these portions of the documents released. In addition, the DOE found that the request required further identification of the records being sought. Accordingly, the DOE remanded this matter to the Disclosure Officer to clarify the scope of the request pursuant to 10 CFR 1004.4(c)(2) and to determine the releasability of any documents found responsive to the clarified request.

Pester Refining Company, 4/21/81, BEA-0370

Pester Refining Company filed an Appeal from a denial by the Economic Regulatory Administration of an application the firm had filed under § 211.65(c)(2) of the DOE Crude Oil Buy/Sell Program. In considering the Appeal, the DOE found that the ERA Order denying the application did not contain sufficient findings to support its determinations with respect to whether Pester's application contained statements explaining why the firm believed it had exhausted all supply possibilities, whether the firm's effort to secure crude oil supplies was sufficient, and whether the prices offered Pester were significantly in excess of the range of prices being paid for most crude oil purchased on the world market. The DOE therefore rescinded the ERA Order and remanded the matter to the ERA for appropriate Action.

Rock Island Refining Corporation, 4/20/81, BEA-0383

Rock Island Refining Corporation filed an Appeal from a denial by the Economic Regulatory Administration of an application the firm had filed under § 211.65(c)(2) of the DOE Crude Oil Buy/Sell Program. In considering the Appeal, the DOE found that the ERA Order denying the application did not contain sufficient findings to support its determination with respect to whether the prices for crude oil offered to Rock Island were significantly in excess of the range of prices being paid for most crude oil purchased on the world market. The DOE therefore rescinded the ERA Order and remanded the matter to the ERA for appropriate action.

Thriftway Company, 4/22/81, BEA-0585

Thriftway Company filed an Appeal from a Decision and Order issued to the firm on December 10, 1980, by the Economic Regulatory Administration. That Order denied an application for a buy/sell allocation of crude oil that Thriftway had sought for its Bloomfield, New Mexico, refinery. On April 22, 1981, the Office of Hearings and Appeals issued a Decision and Order which upheld the ERA's denial of Thriftway's buy/sell application and denied the firm's Appeal.

Remedial Orders

Chana's Auto Service Center, 4/20/81, BRO-0458

Chana's Auto Service Center objected to a Proposed Remedial Order which the Western District Office of Enforcement of the ERA issued to the firm on October 12, 1979. In the Proposed Remedial Order, the ERA found that Chana had violated the provisions of 10 CFR 212.93 by selling motor gasoline to its retail customers at prices which exceeded the firm's maximum lawful selling price. After considering the firm's objections, the DOE concluded that the Proposed Remedial Order should be issued as a final Order of the Department of Energy. The important issues resolved in the Decision and Order include (i) whether Section 324 of the Clean Air Act Amendments, 42 U.S.C. 7624, supercedes the DOE's fixed cents per gallon markup rule embodied in 10 CFR 212.93 and (ii) whether the provisions in the PRO requiring Chana to implement a price roll-back in order to refund to its retail customers the amounts by which they had been overcharged by Chana should be modified, in light of Executive Order 12287, to require Chana to make restitution directly to the United States Treasury.

Remedial Order

In the following case involving a Proposed Remedial Order and/or Interim Remedial Order for Immediate Compliance, no Statement of Objections was filed. The DOE therefore issued the order in final form.

Company Name and Case No.

West Ashley Exxon (Montgomery), BRW-0094

Requests for Exception

American Agri-Fuels Corporation, 4/20/81, BXE-1255

American Agri-Fuels Corporation filed an Application for Exception in which it sought an extension of exception relief previously granted in *American Agri-Fuels Corp.*, 4 DOE ¶81,139 (1979). In the prior proceeding the firm had been granted an allocation of unleaded motor gasoline for the purpose of blending and marketing gasohol. The DOE tentatively granted the firm's request on September 3, 1980 and issued an Interim Order immediately implementing the exception

relief. Three of the assigned suppliers filed Statements of Objections to the grant of exception relief. In considering the matter, the DOE noted that because of the Executive Order decontrolling petroleum products, the Interim Order no longer had any current effect. The DOE found that only one of the objecting parties, Getty Refining and Marketing Company, had supplied ACF with any unleaded motor gasoline prior to the Executive Order and was therefore the only party with a material interest in the proceeding. Since Getty raised no new issues in its Statement of Objections that had not been considered in the Proposed Decision, the DOE concluded that the Proposed Decision should be issued as a final Order.

Dunigan Operating Company, Inc., 4/24/81, BEE-1233

Dunigan Operating Company, Inc. filed an application for Exception from the provisions of 10 CFR Part 212 in which the firm sought to classify the M. B. Davis Lease as a stripper well property. In considering the request, the DOE found that the firm was not experiencing a financial hardship or gross inequity as a result of the lease's classification. Accordingly, exception relief was denied.

National Pest Control Association, 4/22/81, BEE-1522

The National Pest Control Association filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought first priority status for structural pest control operators in the allocation of motor gasoline. In considering the request, the DOE found that the applicant's concern was purely speculative and that it related not to any adverse affect of DOE regulations on the current operations of its members but to the potential effect that future restrictions might have on its members in the event of a future motor gasoline shortage. Accordingly, the exception relief was dismissed.

Northern Arizona Gas Service, Inc., 4/21/81, BEE-0438

Northern Arizona Gas Service, Inc., filed an application for Exception from the provisions of 10 CFR Part 211 in which the firm requested that it be assigned a new base period supplier of propane. Northern requested that the DOE proceed with its consideration of the application for Exception notwithstanding the January 28, 1981 executive order that immediately exempted motor gasoline, crude oil and propane from the provisions of the DOE Mandatory Petroleum Price and Allocation Regulations. The firm stated that it believes that the Mandatory Petroleum Price and Allocation Regulations will be revived by a judicial ruling or an executive order. The DOE concluded that the possibility that these regulations will be reinstituted is extremely unlikely at this time, and that any opinion which might be issued on the merits of the case would be purely advisory. The firm's request for further consideration of its exception was therefore denied.

Motion for Discovery

Atlantic Richfield Company, 4/23/81, BRD-0193

Atlantic Richfield Company (ARCO) filed a Motion for Depositions in connection with its objections to a Proposed Remedial Order which the DOE Office of Special Counsel issued to the firm on May 1, 1979. In considering the motion, the DOE determined that deposition discovery could not be granted until ARCO identified specific factual disputes at issue in the enforcement proceeding. Accordingly, ARCO's Motion for Depositions was denied, but the firm was provided with an opportunity to file a revised Motion for Depositions after it filed its Statement of Factual Objections.

Supplemental Orders

Beacon Oil Company, 4/22/81, DEX-0153

On April 22, 1981, the DOE issued a Decision and Order to Beacon Oil Company that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1978 fiscal year. The Decision and Order determined that Beacon received excessive relief during its 1978 fiscal year.

Beacon Oil Company, 4/22/81, BEX-0051

On April 22, 1981, the DOE issued a Decision and Order to Beacon Oil Company that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1979 fiscal year. The Decision and Order determined that Beacon received insufficient relief during its 1979 fiscal year.

Robert E. Brain, Cooper & Brain, Inc., 4/21/81, BEX-0188

On April 21, 1981 the DOE issued a Supplemental Order modifying certain provisions of a December 3, 1980 Decision and Order issued to Robert E. Brain and Cooper & Brain, Inc. The Supplemental Order modified a provision ordering the Director of the DOE Division of FOI and Privacy Acts Activities to refund to petitioners a portion of charges they had been assessed because both parties had subsequently discovered that the charges had not been paid.

Caribou Four Corners, Inc., 4/20/81, BEX-0082

On April 20, 1981, the DOE issued a Decision and Order to Caribou Four Corners, Inc. that reviewed the firm's exception relief from purchasing entitlements as required by 10 C.F.R. § 211.67 during its 1980 fiscal year. The Decision and Order determined that Caribou received excessive relief during its 1980 fiscal year.

Champlin Petroleum Company, 4/21/81, BRX-0147

Champlin Petroleum Company filed a Motion to Clarify the terms of a stay of the requirements of a Modified Remedial Order granted the firm by Decisions and Orders issued November 21 and December 22, 1980. In its motion, Champlin sought to be relieved of any present obligation to file certain calculations that the Modified Remedial Order directed the firm to submit. In considering the Motion, the DOE determined that the requirement that Champlin prepare such calculations was not inconsistent with an earlier Decision and Order issued to Champlin in this enforcement proceeding, that Champlin's disregard of prior directives of the Office of Hearings and Appeals to submit the calculations militated against the approval of its request for equitable relief, and that the public interest strongly favored an expeditious resolution of the Champlin enforcement proceeding. Consequently, the Champlin Motion to Clarify was denied.

Charter Oil Company, 4/20/81, DEX-0152

On April 20, 1981, the DOE issued a Decision and Order to Charter Oil Company that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1978 fiscal year. The Decision and Order determined that Charter received excessive relief during its 1978 fiscal year.

Edgington Oil Company, 4/20/81, DEX-0160

On April 20, 1981, the DOE issued a Decision and Order to Edgington Oil Company that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1978 fiscal year. The Decision and Order determined that Edgington received insufficient relief during its 1970 fiscal year.

Edgington Oil Company, 4/20/81, BEX-0042

On April 20, 1981, the DOE issued a Decision and Order to Edgington Oil Company that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1979 fiscal year. The Decision and Order determined that Edgington received excessive relief during its 1979 fiscal year.

Edgington Oil Company, 4/20/81, DEX-0060

On April 20, 1981, the DOE issued a Decision and Order to Edgington Oil Company that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1977 fiscal year. The Decision and Order determined that Edgington received excessive relief during its 1977 fiscal year.

Kern County Refinery, Inc., 4/20/81, BEX-0083

On April 20, 1981, the DOE issued a Decision and Order to Kern County Refinery, Inc. that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1980 fiscal year. The Decision and Order determined that Kern received insufficient relief during its 1980 fiscal year.

Kern County Refinery, Inc., 4/22/81, DEX-0195

On April 22, 1981, the DOE issued a Decision and Order to Kern County Refinery, Inc. that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1979 fiscal year. The Decision and Order determined that Kern received excessive relief during its 1979 fiscal year.

Laketon Asphalt Refining, Inc., 4/20/81, DEX-0155

On April 20, 1981, the DOE issued a Decision and Order to Laketon Asphalt Refining, Inc. that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1978 fiscal year. The Decision and Order

determined that Laketon received excessive relief during its 1978 fiscal year.

Laketon Asphalt Refining, Inc., 4/22/81, BEX-0062

On April 22, 1981, the DOE issued a Decision and Order to Laketon Asphalt Refining, Inc. that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1979 fiscal year. The Decision and Order determined that Laketon received insufficient relief during its 1979 fiscal year.

Laketon Asphalt Refining, Inc., 4/20/81, DEX-0053

On April 20, 1981, the DOE issued a Decision and Order to Laketon Asphalt Refining, Inc. that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1977 fiscal year. The Decision and Order determined that Laketon received excessive relief during its 1977 fiscal year.

Lunday-Thagard Oil Company, 4/20/81, BEX-0002

On April 20, 1981, the DOE issued a Decision and Order to Lunday-Thagard Oil Company that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1979 fiscal year. The Decision and Order determined that Lunday-Thagard received insufficient relief during its 1979 fiscal year.

Newhall Refining Company, Inc., 4/20/81, DEX-0133

On April 20, 1981, the DOE issued a Decision and Order to Newhall Refining Company, Inc. that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1978 fiscal year. The Decision and Order determined that Newhall received excessive relief during its 1978 fiscal year.

Sage Creek Refining Company, Inc., 4/20/81, BEX-0144

On April 20, 1981, the DOE issued a Decision and Order to Sage Creek Refining Company, Inc. that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1980 fiscal year. The Decision and Order determined that Sage Creek received excessive relief during its 1980 fiscal year.

San Joaquin Refining Company, 4/20/81, DEX-0201

On April 20, 1981, the DOE issued a Decision and Order to San Joaquin Refining Company that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1979 fiscal year. The Decision and Order determined that San Joaquin received excessive relief during its 1979 fiscal year.

Southwestern Refining Company, Inc., 4/22/81, BEX-0091

On April 22, 1981, the DOE issued a Decision and Order to Southwestern Refining Company, Inc. that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1980 fiscal year. The Decision and Order determined that Southwestern received excessive relief during its 1980 fiscal year.

Warrior Asphalt Company of Alabama, Inc., 4/20/81, DEX-0211

On April 20, 1981, the DOE issued a Decision and Order to Warrior Asphalt Company that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1979 fiscal year. The Decision and Order determined that Warrior received insufficient relief during its 1979 fiscal year.

Young Refining Corporation, 4/20/81, BEX-0080

On April 20, 1981, the DOE issued a Decision and Order to Young Refining Corporation that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1980 fiscal year. The Decision and Order determined that Young received excessive relief during its 1980 fiscal year.

Young Refining Corporation, 4/20/81, DEX-0190

On April 20, 1981, the DOE issued a Decision and Order to Young Refining Corporation that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1979 fiscal year. The Decision and Order determined that Young received excessive relief during its 1979 fiscal year.

Young Refining Corporation, 4/22/81, DEX-0104

On April 22, 1981, the DOE issued a Decision and Order to Young Refining Corporation that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1978 fiscal year. The Decision and Order determined that Young received excessive relief during its 1978 fiscal year.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued a Decision and Order which determined that the request be dismissed:

Company Name and Case No.

Mountain View Coach Lines, Inc., BEO-1013

DISMISSALS

The following submissions were dismissed:

Company Name and Case No.

Amoco Oil Company, BEL-0045
Arizona Fuels Corporation, BEX-0050
Husky Oil Company of Delaware, DXE-0079
J. J. Doherty and Co., Inc., BEE-0739
O. K. Petroleum Products Corporation, BEA-0559
Oklahoma Refining Company, BEL-0925

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 21, 1981.

[FR Doc. 81-16085 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Period of May 4 Through May 15, 1981

During the period May 4 through May 15, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

May 21, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Golden Gate Petroleum Co., Emeryville, California, BEE-1644 Reporting Requirements

Golden Gate Petroleum Co. filed an Application for Exception from the reporting requirements of Form EIA-9A ("No. 2 Distillate Price Monitoring Report"). The

exception request, if granted, would relieve Golden Gate of the obligation to prepare and submit Form EIA–9A. On May 11, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be denied.

Oasis Petro Energy Corp., Culver City, California, DEE–7983 crude oil

Oasis Petro Energy Corp. filed an Application for Exception from the provisions of 10 CFR 212.183. The exception request, if granted, would permit Oasis to apply a portion of the crude oil reseller price rules applicable to resellers that did not sell crude oil prior to December 1, 1977 in calculating its maximum legal selling prices for the period January 1979 through November 1980. On May 11, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted.

Placid Refining Company, Washington, D.C., BEE–1352 crude oil

Placid Refining Company filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlement Program). The exception request, if granted, would permit Placid to receive additional entitlements benefits for the crude oil the firm purchased to establish a starting inventory for its Mount Belview refinery. On May 15, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be denied.

Ross Oil Company, Holden, Missouri, BEE–1592 reporting requirements

Ross Oil Company filed an Application for Exception from the reporting requirements of Form EIA–172 ("Sales of Fuel Oil and Kerosene"). The exception request, if granted, would relieve Ross of the obligation to complete and file Form EIA–172 for calendar year 1979. On May 11, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that exception relief should be granted.

Shell Oil Company, Houston, Texas, BEE–0889; BEE–1307 crude oil

Shell Oil Company filed two Applications for Exception from the provisions of 10 CFR 212.75. The exception requests, if granted, would permit the firm to establish the base production control level and to calculate the volumes of imputed stripper and upper tier crude oil for the North Hobbs and the South Wasson Units in a manner different from that set forth under 212.75. On May 11, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that exception relief should be denied.

[FR Doc. 81–16086 Filed 5–28–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[A–7–FRL–1839–4]

Approval of PSD Permit to American Modern Food Energy Systems, Inc., Ames, Iowa

Notice is hereby given that the Environmental Protection Agency (EPA) has issued a construction permit under the Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21) as amended August 7, 1980 (45 FR 52735) to: American Modern Food Energy Systems, Inc.

On April 15, 1981, the EPA formally approved, with conditions, a proposal by the American Modern Food Energy Systems, Inc. to construct a new anhydrous ethanol plant to be located in Ames, Iowa. The facility is considered a major source of air pollution because it will have potential emissions of sulfur dioxide (SO_2) and nitrogen oxides (NO_x) both in excess of 100 tons per year. All other applicable pollutant emissions will each be controlled to less than 100 tons per year.

Under Section 307(b)(1) of the Clean Air Act, as amended in August 1977, judicial review of the above action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, as amended in August 1977, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

In this case, the appropriate court is the Eighth Circuit Court of Appeals. A petition for review must be filed with this court on or before July 28, 1981.

Copies of this permit and related information are available for public inspection at: U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Dated: May 18, 1981.

William W. Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 81–16109 Filed 5–28–81; 8:45 am]

BILLING CODE 6560–38–M

[A–7–FRL–1839]

Non-Applicability of PSD Regulation to Cargill Inc., Wichita, Kansas

Notice is hereby given that the Environmental Protection Agency (EPA), on April 2, 1981, pursuant to the regulations for the prevention of significant deterioration, 40 CFR 52.21, as amended August 7, 1980, at 45 FR 52735, issued a non-applicability determination to Cargill Inc. for the modification of their edible oil refinery located in Wichita, Kansas.

The modification will consist of two boilers with a total heat input of about 44 million BTU's per hour. Emissions of all pollutants will be less than the de minimis level qualifying the project as a major modification as defined in 40 CFR 52.21(b)(2), as amended, under Section 307(b)(1) of the Clean Air Act, as amended in August 1977, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

In this case, the appropriate court is the Tenth Circuit Court of Appeals. A petition for review must be filed with this court on or before July 28, 1981.

This determination and related background information are available for public inspection at: U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Dated: May 18, 1981.

William W. Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 81–16110 Filed 5–28–81; 8:45 am]

BILLING CODE 6560–38–M

[A–7–FRL–1839–6]

Approval of PSD Permit to General Motors, Kansas City, Kansas

Notice is hereby given that the Environmental Protection Agency (EPA) has issued a construction permit under the Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21) as amended August 7, 1980 (45 FR 52735) to: General Motors Corporation.

On April 13, 1981, the EPA formally approved, with conditions, a proposal to construct a new passenger car assembly plant in Kansas City, Kansas. The proposed plant is subject to PSD review because it will have the potential to emit the following pollutants in excess of 100 tons per year: sulfur dioxide (SO_2), nitrogen oxides (NO_x), carbon monoxide (CO), and particulate matter. The major pollution emitting components of the source will be proposed coal-fired boiler units (and related coal handling operations), auto painting facilities, and gas-fired paint curing ovens.

Under Section 307(b)(1) of the Clean Air Act, as amended in August 1977, judicial review of the above action is available *only* by the filing of a petition

for review in the United States Court of Appeals for the appropriate circuit within 60 days from today. Under Section 307(b)(2) of the Clean Air Act, as amended in August 1977, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

In this case, the appropriate court is the Tenth Circuit Court of Appeals. A petition for review must be filed with this court on or before July 28, 1981.

Copies of this permit and related information are available for public inspection at: U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Dated: May 18, 1981.

William W. Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 81-16111 Filed 5-28-81; 8:45 am]

BILLING CODE 6560-38-M

[A-7-FRL-1839-5]

Nonapplicability of PSD Regulations to Gulf Coast Grain Inc., Commanche, Iowa, et al.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that construction proposals by the above companies are not subject to the review requirements of the Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21), as amended August 7, 1980, (45 FR 52735).

On March 4, 1981, the EPA issued a non-applicability determination to Gulf Coast Grain Incorporated, Commanche, Iowa. This determination is based on calculations showing that the emissions will not qualify the facility as a major stationary source, as defined in 40 CFR 52.21(b)(1), as amended.

On April 9, 1981, the EPA issued a non-applicability determination to Union Carbide Corporation, Centerville, Iowa, for the proposed expansion in Centerville, Iowa. The emissions of all applicable pollutants will not exceed amounts qualifying the project as a major modification, as defined in 40 CFR 52.21(b)(2), as amended.

On March 17, 1981, the EPA issued a non-applicability determination to Van Buren County Alcohol Incorporated in Bonaparte, Iowa. This determination of non-applicability was based on a determination that emissions from the source in compliance with emission limitations established standards in the permit they received from the Iowa Department of Environmental Quality, will not exceed amounts qualifying the project as a major stationary source as defined in 40 CFR 52.21(b)(1), as amended. Under Section 307(b)(1) of the Clean Air Act, as amended in 1977, judicial review of any of these determinations is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

In these cases, the appropriate court is the Eighth Circuit Court of Appeals. A petition for review must be filed with this court on or before July 28, 1981.

These determinations and related background information are available for public inspection at: U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Dated: May 18, 1981.

William W. Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 81-16112 Filed 5-28-81; 8:45 am]

BILLING CODE 6560-38-M

(ER-FRL-1841-2)

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of May 18, 1981 to May 22, 1981.

REVIEW PERIODS: The 45-day review period for Draft EISs' listed in this notice is calculated from May 29, 1981 and will end on July 13, 1981. The 30-day review period for Final EISs' as calculated from May 29, 1981 will end on June 29, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the orginating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

Dated: May 26, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

FS: Final—Taos Ski Valley Master Plan, Carson National Forest, Taos County, New Mexico (EIS Order #810401).

Army Corps of Engineers

Draft—Brush Creek and Tributaries Flood Control Plan, Jackson County, Missouri and Johnson and Wyandotte Counties, Kansas (EIS Order #810389).

Draft—Lafourche Parish Sand Dredging Operations, Louisiana (EIS Order #810390).

Draft Supplement—San Juan Harbor Navigation Improvement, Puerto Rico (EIS Order #810392).

Final—Redwood River Flood Control Project, Lyon County, Minnesota (EIS Order #810385).

Department of Commerce

NOAA: Draft—Western Pacific Billfish Fishery Management Plan, Pacific Ocean (EIS Order #810399).

Department of Interior

BLM: Final—Mid-Atlantic OCS Oil and Gas Lease Sale, No. 59 (EIS Order #ι810396).

Department of Transportation

FHWA: Draft—TH-610/TH-552 Construction and Reconstruction, Anoka and Hennepin Counties, Minnesota; the review period for this EIS has been extended until July 24, 1981 (EIS Order #ι810402).

FHWA: Final—Route 129 Improvement, Wilmington to Reading, Middlesex County, Massachusetts (EIS Order #810391).

FHWA: Final—US 50/Choptank River Crossing Improvement, Talbot and Dorchester Counties, Maryland (EIS Order #810393).

Delaware River Basin Commission

Final—Delaware River Basin Level B Study, Delaware, New Jersey, New York, and Pennsylvania (EIS Order #810386).

Environmental Protection Agency

EPA2: Draft—Lojas-Boqueron 201 Facilities Plan, Grant, Puerto Rico (EIS Order #810394).

EPA6: Final—Gibbons Creek Lignite Project, NPDES Permit, Grimes County, Texas (EIS Order #810395).

EPA9: Final—South Shore Lake Tahoe Basin Wastewater Treatment Facilities, NDPES Permit, Douglas County, Nevada and Alpine and El Dorado Counties, California (EIS Order #810400).

Department of Housing and Urban Development

Draft—Country Meadow Subdivision, Mortgage Insurance, Chambers County, Texas (EIS Order #810384).

Final—Parkwood Meadows Residential Development, Mortgage Insurance, Tulare County, California (EIS Order #810388).

104H: Draft—Times Square Hotel, UDAG, New York City, New York (EIS Order #810398).

Nuclear Regulatory Commission

Draft—Comanche Peak Steam Electric Station Units 1 and 2, Licences, Somervell County, Texas (EIS Order #810403).

Veterans' Administration

Draft—New York VA Medical Center Addition, Rehabilitation, Engineering and Outpatient Clinic, New York (EIS Order #810397).

[FR Doc. 81-16151 Filed 5-28-81; 8:45 am]
BILLING CODE 6560-37-M

[AMS-FRL-1840-4]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Automotive Cylinder Deactvator System"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Automotive Cylinder Deactoivator System" Device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

BACKGROUND INFORMATION: Section 511(b)(1) and section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emmissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

Origin of request for evaluation: On October 2, 1979, the EPA received a request from ACDS, Inc. for evaluation of a fuel saving device termed "Automotive Cylinder Deactivator System (ACDS)." This Device is designed to deactivate engine cylinders as a means of increasing a vehicle's fuel economy.

Availability of Evaluation Report: An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Automotive Cylinder Deactivator System (ACDS) Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-81-7 consisting of 97 pages including all attachments.

EPA also tested the Automotive Cylinder Deactivator System (ACDS) Device. The EPA testing is described completely in the report "Emissions and Fuel Economy of the Automotive Cylinder Deactivator System (ACDS)," EPA-AA-TEB-81-7, consisting of 40 pages. This report is contained in the preceding Automotive Cylinder Deactivator System (ACDS) 511 Evaluation as an attachment.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737-4650, Commercial 703-487-4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the Device manufacturer in the Application. The evaluation of the "Automotive Cylinder Deactivator System (ACDS)" Device was based on that information and the results of the EPA test program.

Test data submitted by the Applicant did indicate the ACDS system could significantly improve fuel economy. However, the data did not quantify the amount of improvement.

The Applicant did not clearly identify either the device model/models to be marketed or their design.

The suitability of the ACDS system for engines with valve rocker shafts is unknown. ACDS does claim to have developed hardware for these engines.

The suitability of the ACDS hydraulic cylinder deactivation system is unknown since detailed information on this hardware was not provided.

Installation of the ACDS system would require the skills of a trained mechanic. Activation and deactivation of cylinders (manual system) may require similar skills.

The EPA evaluation of the ACDS system included vehicle testing by the Federal Test Procedure (FTP) urban driving cycle and the Highway Fuel Economy Test (HFET) highway driving cycle. During these tests, measurements were made of the fuel economy (FE) and the emissions of hydrocarbon (HC), carbon monoxide (CO), carbon dioxide (CO_2), and oxides of nitrogen (NO_x).

The testing performed by EPA showed:

A. The operation of an 8 cylinder engine on 4 cylinders through the use of the ACDS hardware caused an increase in vehicle CO and NO_x emissions to levels exceeding the 1979 standards. FTP CO emissions were typically increased several times to levels near or above the standards. FTP NO_x emissions were typically twice the standard. HC emissions were relatively unaffected. These emission increases violate the tampering provisions of the Clean Air Act. (See "F" below).

B. The operation of an 8 cylinder engine on 4 cylinders through the use of the ACDS hardware did improve vehicle fuel economy 5 to 16% for the FTP and 3 to 20% for the HFET for the vehicles tested, but with the associated emission increases described in "A" above.

C. The vehicles tested had poor driveability when using the ACDS to operate an 8 cylinder engine on 4 cylinders.

D. Vehicle acceleration times were substantially increased when the 8 cylinder vehicles were operated with 4 cylinders using ACDS. Acceleration times were typically double the comparable times for 8 cylinder operation.

E. The operation of a vehicle on 4 cylinders caused a serious loss of braking power assist under some driving conditions.

F. Because EPA tests showed that use of this Device on the vehicles tested caused emissions to exceed applicable

standards, the installation of this Device by a person in the business of servicing, repairing, selling, leasing, or trading motor vehicles, fleet operators, or new car dealers will be considered a violation of section 203(a)(3), the Federal prohibition against tampering with emission control systems. That is, there is currently no reasonable basis for believing that the installation or use of this Device will not adversely affect emission performance. This determination does not preclude the use of the ACDS device on a different vehicle or vehicles than those tested by EPA if Federal Test Procedure tests performed on such vehicles clearly establish that emission performance on such vehicles is not adversely affected.

Many state laws prohibit the operation or registration for use on public highways of a motor vehicle on which the emission control device has been removed or rendered inoperative. EPA has concluded that this Device will render inoperative an element of design of the emission control devices or systems of a motor vehicle on which it is installed. Therefore, the installation or use of this Device by individuals may be prohibited under some state laws.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: May 20, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–16143 Filed 5–28–81; 8:45 am]

BILLING CODE 6560–26–M

[ER–FRL–1840–6]

Intent To Prepare a Draft Environmental Impact Statement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to prepare a draft environmental impact statement (EIS).

PURPOSE: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Gene Wojcik, Environmental Engineering Branch (5WEE), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone: (Commercial) 312/353–2157, (FTS) 8–353–2157.

SUMMARY:

Description of Proposed Action: The EPA action would be the approval of a sludge management plan and the issuance of grant monies for the implementation of a cost-effective and environmentally sound plan located in the City of Indianapolis, Marion County, Indiana.

Scoping: Region V will hold a scoping meeting to discuss the alternatives and the scope of the draft EIS. The meeting will be held on June 10, 1981, at 7:00 pm at the Public Assembly Room of the City-County Building in Indianapolis, Indiana. Full participation by interested Federal, State and local agencies as well as other interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

Timing: EPA estimates the draft EIS will be available for public review and comment around June 1982 or approximately one month following the release of the draft sludge management plan being developed by the City of Indianapolis. All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the distribution list for the draft EIS and related public notices.

Dated: May 21, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A–104).

[FR Doc. 81–16152 Filed 5–28–81; 8:45 am]

BILLING CODE 6560–37–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Memorandum of Understanding Establishing Discrimination Complaint Handling and Information Sharing Procedures

AGENCIES: Equal Employment Opportunity Commission and Office of the Federal Inspector.

ACTION: Final notice.

SUMMARY: This document sets forth a Memorandum of Understanding between the Equal Employment Opportunity Commission (EEOC) and the Office of the Federal Inspector (OFI) of the Alaska Natural Gas Transportation System (ANGTS) for the handling of complaints of employment discrimination and for the sharing of information. Both agencies have equal employment opportunity responsibilities and wish to administer these responsibilities in a manner that promotes efficiency and eliminates conflict, competition, duplication and inconsistency in the operation of their programs.

EFFECTIVE DATE: This Memorandum of Understanding is effective May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Francesta E. Farmer, Director, Office of Interagency Coordination, Equal Employment Opportunity Commission, 2401 "E" Street, N.W., Room 4208, Washington, D.C. 20506, Area Code (202) 634–6916, or John Alexander, Director, Office of Equal Employment Opportunity and Minority Business Enterprise, Alaska Natural Gas Transportation System, Room 3212, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044, Area Code (202) 275–0582.

SUPPLEMENTARY INFORMATION: On September 11, 1980, the EEOC and the OFI published for comment a proposed memorandum of understanding (MOU). See 45 FR 60368. The purpose of the MOU is to establish procedures for handling complaints of employment discrimination within the jurisdiction of both agencies which may be filed during the construction of the Alaska Natural Gas Transportation System in a manner which promotes efficiency and eliminates conflict, competition, duplication and inconsistency between the agencies.

The EEOC and the OFI have adopted the MOU which appears below. The final MOU differs in a number of respects from the proposal which appeared in the **Federal Register**. In large part, the changes have been adopted in response to public comment received concerning the proposal.

Summary of Comments Received and Changes Made

The agencies received two comments on the proposal. The State of Alaska Human Rights Commission favored the proposal, "because it represents an orderly and rational division of workload between the EEOC and the Federal Inspector and will make appropriate use of the EEOC's expertise in processing discrimination complaints under Title VII (of the Civil Rights Act of 1964)." The State recommended a number of modifications to its worksharing arrangements with EEOC which do not affect this MOU.

The project sponsors, i.e. the three companies which are financing and will

own the pipeline, felt that the proposal provided "help in clarifying the possible overlap in functions between the EEOC and the OFI." Nevertheless, they raised a number of concerns. Their principal problems are summarized below. They are addressed in an order which corresponds sequentially to the final memorandum.

1. *Exchange of Information.* The project sponsors had several objections to the section on exchange of information. Their major concern was that the restrictions on the sharing of information "provide little or no indication of what restriction on information sharing and release will be placed on the EEOC." They believed that information collected by one agency should remain subject to that agency's confidentiality requirements. They recommended, therefore, that the MOU "provide that EEOC will not disclose to third parties information which it has obtained from the OFI; rather the EEOC should refer such requests for information back to the OFI." In addition, they argued that the MOU should limit types of information that the OFI shares with the EEOC to information directly related to a specific charge of employment discrimination and that the nature of the information to be shared should be specifically enumerated in the memorandum.

The section dealing with the exchange of information has been rewritten, and responds to some of the concerns raised by the sponsors.

The EEOC and OFI are bound by the confidentiality provisions of their respective statutes and regulations. The agencies see no need to reiterate such requirements in this memorandum. The OFI is not bound by the confidentiality requirements of Title VII when the EEOC investigates a complaint on the OFI's behalf, because the information received by the EEOC during the course of such an investigation is obtained pursuant to the Alaska Natural Gas Transportation Act (ANGTA) and its implementing regulations, as well as pursuant to Title VII. The final MOU makes explicit that the OFI is, therefore, entitled to use information collected by the EEOC in an ANGTA enforcement proceeding.

The EEOC and the OFI do not believe that the Freedom of Information Act allows them to fail to respond to requests made to them by third parties, notwithstanding that the information requested was initially collected by another federal agency. The policy of the EEOC is to coordinate requests for information which originated in another federal agency with the originating agency and to honor its decision with respect to such data. 29 CFR 1610.6 (1980). The proposed policy of the OFI is similar.

Finally, the EEOC and the OFI reject the project sponsors' assertion that the MOU should definitively state the type of information that the OFI will make available to the EEOC and that such information should be directly relevant to a specific charge of employment discrimination. The MOU lists examples of the types of information that will be exchanged. It also makes clear the intent to exchange information relevant to the concurrent jurisdiction of the agencies. The EEOC and the OFI believe, however, that they need the flexibility in sharing information. The EEOC may need pre-charge access to employment information possessed by the OFI to assist the Commission's systemic unit in making informed recommendations for the initiation of systemic cases. During the course of processing a charge, the EEOC may become aware of information possessed by the OFI which is relevant to a charge, but which is not enumerated in the memorandum. The EEOC needs the flexibility to request and receive such information from the OFI. The MOU allows such flexibility.

2. *Standards of Liability.* The project sponsors questioned the assertion in Part II of the MOU that the standard governing employment discrimination for ANGTS is substantially similar under the governing statutes of the OFI and the EEOC. They argued that the MOU "should take into consideration the fact that the coverage and procedures under (Title VII and Section 17 of ANGTS) will not always coincide."

The EEOC and the OFI do in fact recognize differences in coverage and procedures. This MOU, for instance, does not give EEOC any authority to monitor compliance by the sponsors and then contractors of their affirmative action obligations. With respect to the standards for determining, and the remedies to cure, employment discrimination, however, the EEOC and the OFI simply cannot ignore the existence of nearly two decades of case law under Title VII, nor the expertise of EEOC in the area. EEOC cannot ignore its responsibilities under Executive Order 12067 "to maximize effort, promote efficiency, and eliminate conflict, competition, duplication and inconsistency among the operations, functions and jurisdictions" of federal agencies with responsibility to enforce equal employment opportunity statutes. In addition, the sponsors, their contractors and the general public have a need and a right to know the standards by which their actions will be judged. The EEOC and the OFI believe that this MOU meets the needs of both agencies and provides certainty as to the standards which will be applicable under Section 17. Finally, the MOU makes an effort to mesh the procedures of the two agencies in order to avoid duplicative or inconsistent efforts by each.

3. *Third Party, Systemic and Commission Charges.* The project sponsors pointed out that the proposed MOU failed to deal with third party charges, systemic charges and charges brought by an EEOC Commissioner. As to third party charges and charges alleging systemic discrimination, the memorandum provides at Section III(B)(4) that EEOC will process compaints that it receives under the memorandum according to its normal procedures. Therefore, no special procedures need be adopted in the memorandum.

As to an EEOC Commissioner charge, a new Section III(B)(5) has been added. The new section sets up special procedures for EEOC Commissioner charges to avoid any delays that might be attendant on charges processed under Section III(B)(4) and III(C). More specifically, with respect to an EEOC Commissioner charge, the OFI will utilize its authority to assist the EEOC in all stages of the processing of the charge. Because of the OFI's involvement in the processing of a Commissioner charge, it will be unnecessary to provide the OFI additional time to attempt to conciliate the charge when it appears that EEOC's own efforts may fail.

Signed at Washington, D.C. this 22nd day of May, 1981.

For the Equal Employment Opportunity Commission.

J. Clay Smith, Jr.,

Acting Chairman.

For the Office of the Federal Inspector.

John T. Rhett,

Federal Inspector, Alaska Natural Gas Transportation System.

Memorandum of Understanding

This Memorandum of Understanding between the Office of the Federal Inspector (OFI) and the Equal Employment Opportunity Commission (EEOC) is being implemented to further the objectives of both agencies in assuring against employment discrimination during the construction of the Alaska Natural Gas Transportation System (ANGTS). According to Reorganization Plan No. 1 of 1979, the OFI has exclusive responsibility for

enforcement of Section 17 of the Alaska Natural Gas Transportation Act of 1976 (ANGTS), Condition No. 11 of the President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System* (the President's *Decision*), the regulations (45 FR 31,095) (May 12, 1980) (to appear at 43 CFR Part 34) and terms and conditions established pursuant to Section 17 and Condition 11, and all other Federal statutes which related in any manner to the pre-construction, construction, and initial operation of ANGTS.

The EEOC, pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sec. 2000e, is responsible for the elimination of discriminatory employment policies and practices. It has adopted guidelines, rules and procedures designed to assure equal employment opportunities to all persons without regard to their race, color, religion, natural origin, or sex. In addition, the EEOC has jurisdiction over complaints alleging violations of the Equal Pay Act of 1963 (EPA), 29 U.S.C. Sec. 206(d) and the Age Discrimination in Employment Act (ADEA), 29 U.S.C. Sec. 621.

I. Exchange of Information

The EEOC and OFI shall make available to appropriate officials from the other agency information which may assist each agency in carrying out its responsibilities. This information will relate to the employment policies and practices of the ANGTS sponsors, contractors, sub-contractors or other ANGTS-related persons, including corporations, associations, firms, partnerships, joint stock companies, labor unions, employment agencies and individuals. Such information shall include, but shall not necessarily be limited to, affirmative action programs, annual employment reports, complaints, investigative files, conciliation or compliance agreements, and compliance review reports and files.[1] Additionally, the EEOC will send to the OFI *quarterly reports* to keep the OFI informed of all charges against ANGTS related persons. To the extent that the EEOC provides to the OFI information gathered by the EEOC pursuant to OFI's authority, the OFI shall treat such information in accordance with its own confidentiality requirements as set forth in the OFI's regulations governing, gathering, handling, and disclosing information. — FR — (to be codified at 10 CFR Part 1504). The OFI may use information collected by the EEOC in enforcement proceedings brought under ANGTS.

All requests by third parties for disclosure of information shall be coordinated with the agency which initially collected the information.

II. Complaint Procedures

The standard governing employment discrimination for ANGTS is substantially similar under the governing statutes of the OFI and the EEOC. Thus, while there are certain differences in terms of coverage, sanctions, and procedures, most instances of employment discrimination would be actionable by either the OFI or the EEOC. The EEOC and OFI share the common goal of assuring against discriminatory employment policies and practices during the pre-construction, construction and the initial operation of ANGTS. In pursuit of this common goal, and to promote efficiency and to eliminate potential conflict, competition, duplication, and inconsistency the EEOC and OFI hereby agree as follows:

A. Filing Discrimination Complaints

A complaint received by either agency alleging violations actionable under both Section 17 and Title VII shall be deemed a charge filed with both. For the purpose of determining the timeliness of the charge (under any statute within the jurisdiction of the EEOC) which is first received by the OFI, the date that the matter was received by the OFI shall be deemed the date it was received by EEOC.

B. Processing Discrimination Complaints

If a charge is filed with either the EEOC or the OFI alleging discrimination in employment by an ANGTS related person, the EEOC and the OFI will proceed as follows:

(1) The agency receiving the complaint shall:

(a) date stamp the complaint;

(b) notify the complainant of its receipt; and

(c) notify the ANGTS respondent(s) named in the complaint that such a complaint has been received, and, in the event that the complaint is forwarded by the receiving agency to the other, so notify both the complainant and the ANGTS respondent. In every instance, the OFI and the EEOC will inform each other of ANGTS complaints initially received.[2]

(2) If the EEOC receives a discrimination complaint which does not fall within the jurisdiction of either the EEOC or a State or local agency to which the EEOC must defer pursuant to Section 706 of the Civil Rights Act of 1964, the EEOC shall forward the complaint to the OFI. The OFI shall process such complaints in accordance with its own rules, policies and procedures. Upon request, the EEOC shall provide technical advice and guidance to the OFI in its investigation of such complaint.

(3) If the OFI receives an employment discrimination complaint which does not fall within the jurisdiction of the OFI as prescribed by ANGTS, the President's *Decision*, and Reorganization Plan No. 1 of 1979, the OFI shall forward it to the EEOC. The EEOC shall process such complaints according to its normal procedures, which may include referral to an appropriate State or local agency. An example of a complaint contemplated by this subsection is one which alleges a violation of the Age Discrimination in Employment Act.

(4) If the EEOC or the OFI receives a discrimination complaint, other than a charge filed by an EEOC Commissioner, which falls within the jurisdiction of both the EEOC and the OFI, the complaint shall be processed by the EEOC or the Section 706 agency according to its normal procedures, except as provided below in Section C.

(5) If a charge filed by an EEOC Commissioner falls within the jurisdiction of both the EEOC and the OFI, it will be processed by EEOC in accordance with EEOC procedures applicable to Commissioner charges, except as follows:

(a) The EEOC will forward a copy of the charge to the OFI, and will notify the OFI of any reasonable cause determination, conciliation agreement, or contemplated enforcement action relating to the charge.

(b) Upon agreement of the EEOC and the OFI, the OFI will utilize its authority to assist the EEOC in the investigation, conciliation, and/or enforcement of the Commissioner charge.

---

[1] It is the intent of the OFI and the EEOC to exchange information relevant to matters of concurrent jurisdiction. Therefore, for example, the EEOC will not provide the OFI with information relating to claims of age discrimination. The OFI will not ordinarily provide EEOC with information relating to its minority and female business enterprise programs.

[2] The procedures outlined above do not apply to EPA complaints or ADEA complaints or charges. Potentially aggrieved individuals will be counseled that they have the option of filing confidential EPA and ADEA complaints, whereby the respondent is not notified that a complaint has been received. The individual also has a right to file an ADEA charge which is a written statement which identifies the respondent and generally describes the unlawful practices. Filing an ADEA charge assures the individual's right to file a private suit. EEOC or an appropriate Section 706 agency will notify the respondent of receipt of an ADEA charge.

C. Action on Discrimination Complaints

(1) The EEOC will notify the OFI by letter of all reasonable cause determinations on discrimination charges involving an ANGTS respondent and, upon specific request, will provide the OFI with any additional information regarding the determination. However, nothing herein is intended to prevent an ANGTS respondent from entering into a conciliation agreement with EEOC, if the ANGTS respondent so desires.

(2) When the EEOC determines that an ANGTS respondent is in violation of employment discrimination laws, but appears unable to resolve the matter by conciliation, it shall so notify the OFI. In those cases processed under Section B(4) of the Memorandum of Understanding, the OFI may then attempt to resolve the matter by conciliation. EEOC shall allow the OFI thirty (30) days to attempt such conciliation. If the OFI's conciliation efforts resolve the matter to the satisfaction of the OFI and the EEOC, the terms of the agreement shall be reduced to writing and signed by the designated representatives of both agencies.

(3) If the OFI and the EEOC's efforts are unable to resolve the matter, the EEOC shall take appropriate action according to its normal procedures.

(4) For those cases of employment discrimination acted upon by EEOC under Subsection C(3) the OFI shall consult with the EEOC before taking further actions as deemed appropriate by the OFI pursuant to the OFI's enforcement authorities (Section 11 of the ANGTS and Section 102(h)(1) of the Reorganization Plan).

III. Liaison and Monitoring

To provide for complete exchange of information, so that both agencies will be utilized to the maximum effectiveness in the public interest, each agency will designate a liaison officer to serve as the primary contact. These liaison officers will be responsible for informing each other of proposed proceedings and of developments in areas of joint concern. Additionally, the parties shall review implementation of this agreement to assure proper effectuation. Meetings between appropriate senior officials of both agencies (to exchange views on matters of common interest and responsibility) shall be held from time to time, as determined by such laision officers to be necessary.

Designated liaison officers:

(a) Equal Employment Opportunity Commission—The Executive Director or his designee.

(b) The Office of the Federal Inspector—The EEO/MBE Director or his designee.

IV. Amendment and Termination

This agreement, when signed by both parties, shall continue in effect. It may be modified by or expanded with the mutual consent of both parties, or it may be terminated by either party upon thirty (30) days' advance written notice. As provided in Section 203(a) of the Reorganization Plan No. 1 of 1979, however, this agreement shall not exceed the first anniversary of the date of the initial operation of ANGTS or the abolishment of the Office of the Federal Inspector on that date. All cases filed with, and in the processing, investigation or resolution stages with EEOC will continue to be the responsibility of the EEOC.

Approved and accepted for the Equal Employment Opportunity Commission.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

Approved and accepted for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

John T. Rhett, Jr.,

Federal Inspector, Alaska Natural Gas Transportation System.

Signed at Washington, D.C. this 22nd day of May, 1981.

[FR Doc. 81-16069 Filed 5-28-81; 8:45 am]

BILLING CODE 6820-AW-M

FEDERAL COMMUNICATIONS COMMISSION

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Address Change of Public Meeting

May 21, 1981.

In the April 15, 1981 FCC Public Notice of the meeting of Study Group A of the U.S. CCITT National Committee (46 FR 23531), it was stated that the next meeting of this Study Group would be held on May 28, 1981, at the offices of the FCC.

This notice is to advise that the meeting will take place as scheduled, but in Room 856, at 1919 M Street, NW., at the original time of 10:00 a.m. on May 28.

As indicated, members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman.

Requests for further information should be directed to Earl S. Barbely, Federal Communications Commission, Washington, D.C., telephone number (202) 632-3214.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-16222 Filed 5-28-81; 8:45 am]

BILLING CODE 6712-02-M

FEDERAL ELECTION COMMISSION

[Notice 1981-7]

Filing Dates for Pennsylvania Special Election

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for Pennsylvania special election.

SUMMARY: Committees required to file reports in connection with the special election to be held in the 3rd Congressional District of Pennsylvania on July 21, 1981 must file the 12-day pre-election report by July 9, 1981 and the 30-day post-election report by August 20, 1981.

The semi-annual report is waived for committees involved in the special election.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Corley, Public Information Office, 1325 K Street, N.W., Washington, D.C. 20463, Tel. (202) 523-4068, Toll-free: (800) 424-9530.

Notice of Filing Dates for Special General Election, 3rd Congressional District, Pennsylvania

All principal campaign committees of candidates in the special election and all other political committees not filing monthly that support candidates in this special election shall file a 12-day pre-election report due on July 9, 1981, with coverage dates from date of candidacy, or last report, through July 1, 1981 and a 30-day post-election report due on August 20, 1981, with coverage dates from July 2, 1981 through August 10, 1981.

The semi-annual report is waived for committees involved in the special election.

Dated: May 22, 1981.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 81-16062 Filed 5-28-81; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 10419]

Agreement Between Frederick Richards, Inc. and Frederick Richards of Georgia, Inc.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10419 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The agreement, between Frederick Richards, Inc., and Frederick Richards of Georgia, Inc., is for the purpose of allowing a marketing manager presently employed by Frederick Richards of Georgia to solicit cargo and clients for Frederick Richards, Inc.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81–15089 Filed 5–28–81; 8:45 am]

BILLING CODE 6730–01–M

[Agreement No. 10107–10]

Application for Approval of Intermodal Authority; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10107–10 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*; and that preparation of an environmental impact statement is not required. The agreement is a rate-making agreement covering the all-water trades from Hong Kong, Taiwan and Macao to Pacific Coast ports of the United States. Members of the agreement desire to enlarge its scope to include intermodal authority.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 C.F.R. 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81–16002 Filed 5–28–81; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 81–34]

California Freight Specialists, West Coast/Puerto Rico Tariff FMC–F No. 2; Order To Show Cause

The domestic offshore tariff files of the Federal Maritime Commission contain Tariff FMC–F No. 2, which was filed with this Commission by California Freight Specialists (CFS), a nonvessel operating common carrier, on March 3, 1980, and became effective April 2, 1980. This publication holds out service for commodities from Los Angeles, California to San Juan, Puerto Rico.

The underlying carriers proposed to be utilized by CFS are the Puerto Rico Maritime Shipping Authority, Sea-Land Service, Inc., and Trailer Marine Transport Corporation, all of which offer only intermodal rail/water and truck/water service from the West Coast to Puerto Rico. Such intermodal service from the mainland United States to Puerto Rico is within the exclusive jurisdiction of the Interstate Commerce Commission. *Trailer Marine Transport Corporation* v. *FMC*, 602 F. 2d 379 (D.C. Cir. 1979); *Puerto Rico Maritime Shipping Authority* v. *ICC*, D.C. Cir. No. 79–2228 March 27, 1981. The Federal Maritime Commission, therefore, does not have jurisdiction over nonvessel operating common carriers, such as CFS, participating in this form of through intermodal movement. There presently is no all-water, FMC-regulated service from the West Coast to Puerto Rico. Should a carrier institute such a service in the future, CFS could utilize that carrier and file an appropriate tariff with the FMC; however, at this time, CFS's tariff is "inactive" with respect to all-water service. See *Publication of Inactive Tariffs by Carriers in Foreign Commerce*, 20 F.M.C. 433 (1978).

Since August 12, 1980, correspondence and phone advice have been directed to CFS explaining the apparent lack of Federal Maritime Commission jurisdiction and advising that CFS's Tariff FMC–F No. 2 appears to reflect inaccurate information to the shipping public and serves no useful purpose in the Commission's files. However, the numerous attempts by the Commission's staff to obtain voluntary cancellation by CFS of its tariff have proven unsuccessful. It is, therefore, necessary to institute formal proceedings and require CFS to show cause why its tariff should not be cancelled.

Now, therefore, it is ordered, That pursuant to sections 18(a) and 22 of the Shipping Act, 1916, and section 2 of the Intercoastal Shipping Act, 1933, California Freight Specialists be named respondent in this proceeding, and be ordered to show cause why its Tarriff FMC–F No. 2 indicating rates for the common carriage of commodities from Los Angeles, California to San Juan, Puerto Rico, should not be cancelled;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Investigation and Enforcement shall be a party to this proceeding;

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law and replies thereto pursuant to the following schedule:

By the close of business June 26, 1981, affidavits of fact and memoranda of law shall be filed by respondent and served upon all parties.

By the close of business July 24, 1981 reply affidavits and memoranda shall be filed by the Commission's Bureau of Investigation & Enforcement and served upon all parties.

By the close of business July 31, 1981 all parties must file requests for evidentiary hearing and/or discovery, if desired, which requests must be accompanied by a statement setting forth in detail the facts to be proven or developed, their relevance to the issues in this proceeding and why such proof cannot be submitted through further affidavit.

Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission;

It is further ordered, That a notice of this Order be published in the **Federal Register** and that a copy thereof be served upon respondent;

It is further ordered, That persons other than those already parties to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 72 of the Commission's Rule of Practice and Procedure (46 CFR 502.72) no later than close of business on June 1, 1981.

It is further ordered, That persons permitted to intervene in support of Respondent's position shall conform to the filing schedule assigned to California Freight Specialists; and, that persons permitted to intervene in opposition to Respondent's position shall conform to the filing schedule assigned to the Commission's Bureau of Investigation and Enforcement.

It is further ordered, That all documents submitted by any party of record in this proceedings shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and fifteen copies as well as being mailed directly to all parties of record.

By the Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-16010 Filed 5-28-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Eldorado Bancorp; Formation of Bank Holding Company

Eldorado Bancorp, Tustin, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Eldorado Bank, Tustin, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16092 Filed 5-28-81; 8:45 am]

BILLING CODE 6210-01-M

United Michigan Corporation; Formation of Bank Holding Company

United Michigan Corporation, Flint, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by being the successor by merger to a Delware bank holding company, United Michigan Corporation, and thus acquiring Genesee Merchants Bank & Trust Co., Flint, Michigan, and The Peoples State Bank of Caro, Caro, Michigan, and Community State Bank of Fowlerville, Fowlerville, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

United Michigan Corporation, Flint, Michigan, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 2254.4(2)), for permission to acquire voting shares of United Michigan Mortgage Corporation, Flint, Michigan.

Applicant states that the proposed subsidiary would engage in the activities of originating and servicing all types of mortgages. These activities would be performed from offices of Applicant's subsidiary in Flint, Michigan, and the geographic areas to be served are Flint, Michigan and the vicinity. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the pubic, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than June 20, 1981.

Board of Governors of the Federal Reserve System, May 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 18003 Filed 5-28-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Information Requests Issued Under Generic Clearance R0072 by the Nuclear Regulatory Commission

The following information requests used to collect information from operating licensees, permit holders, and applicants for license were issued by the NRC under a special generic clearance B-180225 (R0072) during the period November 26, 1980, through March 31, 1981. This generic clearance was granted by GAO to permit NRC to make information collections without additional clearance in instances where a health or safety incident at one licensee's plant indicated an immediate potential for occurrence at other licensees' plants having the same type system or equipment.

The purpose of publishing this notice in the **Federal Register** is to inform the public of the uses made of this generic clearance from the last issuance by GAO on November 26, 1980, to the time GAO's clearance activities were transferred to OMB by the Paperwork Reduction Act of 1980 on April 1, 1981. This notice is intended only to show the instances in which NRC cited the generic clearance as authority for information collections. It is not intended to imply either concurrence or nonconcurrence with the conditions of the generic clearance agreement. One case of nonconcurrence was the subject of a **Federal Register** notice. (See 46 FR 24299.)

The following table identifies the individual information requests and respondent burden data for each use of the generic clearance made by NRC during the period November 26, 1980, through March 31, 1981.

Information Requests Issued Under Generic Clearance R0072

[During the period Nov. 26, 1980, through Mar. 31, 1981]

Date of issue	Title	Number	Type of respondent	Number of respondents	Average staff hour burden	Total staff hour burden
IE Bulletin						
Dec. 18, 1980	Operating Problems with Target Rock Safety Relief Valves at BRW's.	I & E 80-25	Operating Licensees	71	19	1,350
Generic Letters						
Dec. 22, 1980	Control of Heavy Loads	NA	Operating Licensees, Applicants, and Permit Holders.	98	16	1,560
Feb. 16, 1981	Implementation of NUREG-0313, Rev. 1, "Technical Report on Material Selection and Processing Guidelines for BWR Coolant Pressure Boundary Piping".	81-03	Applicant for License and Permit Holders for BWR's.	26	102	2,652
Feb. 25, 1981	Emergency Procedures and Training for Station Blackout Events.	81-04	Operating Licensees and Applicants	31	40	1,240
Feb. 18, 1981	Post TMI Requirements for the Emergency Operations Facility	81-10	Operating Licensees and Permit Holders	46	40	1,840
Feb. 10, 1981	Seismic Qualification of Auxiliary Feedwater Systems	81-14	Operating PWR Licensees	43	320	13,760

Norman F. Heyl,

Regulatory Reports, Review Officer.

[FR Doc. 81-15944 Filed 5-28-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Federal Employee Alcoholism Programs Work Group; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of June 1981.

The Federal Employee Alcoholism Programs Work Group of the Interagency Committee on Federal Activities For Alcohol Abuse and Alcoholism

June 9; 1:00–4:00 p.m. Open
Conference Room 4131, North Building, Department of Health and Human Services, 330 Independence Avenue, SW., Washington, D.C. 20201
Contact: Ms. Lisa Teems, Room 509–F, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201 202–245–7153

Purpose: The Federal Employee Alcoholism Programs (FEAP) Work Group: (1) evaluates the adequacy and technical soundness of all internal programs dealing with employee alcoholism within all Federal military and civilian organizations of 1,000 employees or more; (2) provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities; (3) seeks to coordinate efforts among Federal agencies for internal employee alcoholism programs; and (4) submits reports and recommendations to the Interagency Committee as necessary in order to perform the above functions.

Agenda: The meeting will consist of a discussion on future activities for the FEAP Work Group and possible appointment of a subcommittee to address this issue, a study of consortia and standards for their development, a report on regional FEAP activities, and reports by Federal agencies.

The Notice was delayed because of late plans to convene the Work Group prior to a meeting of the Interagency Committee on June 23, 1981.

Substantive program information may be obtained from the contact person listed above. Summary of the meeting and roster of Committee members may be obtained from Mrs. Helen Garrett, Committee Management Officer, Room 16C–21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 301–443–2860.

Dated: May 26, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-16084 Filed 5-28-81; 8:45 am]

BILLING CODE 4110-88

Alcohol Human Resource Development Review Committee et al.; Notice of Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of June 1981.

Alcohol Human Resource Development Review Committee

June 4–5; 6:30 p.m.
Bethesda Marriott Hotel, The Gaithersburg Room, 5151 Pooks Hill Road, Bethesda, Maryland 20014
Open—June 4; 6:30–10:00 p.m.
Closed—June 5; 9:00 a.m.—Adjournment
Contact: Ms. Doris L. Banks, Room 14C–17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 301–443–4640

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, relating to manpower and training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 6:30–10:00 p.m., June 4, the meeting will be open for discussion of administrative announcements, and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Community Alcoholism Services Review Committee

June 17–22; 7:00 p.m.
Key Bridge Marriott Hotel, 1401 Lee Highway, P.O. Box 9191, Arlington, Virginia 22209
Open—June 17; 7:00–9:30 p.m.
Closed—Otherwise
Contact: Mr. Phillip Dawes, Room 16C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 301–443–2473

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, relating to alcoholism service activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 7:00–9:30 p.m., June 17, the meeting will be open for reports and discussion of administrative and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and

Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix 1).

The Secretary of Health and Human Services recently approved a charter for the Alcohol Human Resource Development Review Committee and the Community Alcoholism Services Review Committee. The notification of the scheduled meetings had to be delayed until authority for the Committees' continuation was given.

Substantive program information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained from Mrs. Helen Garrett, Committee Management Officer, Room 16C–21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 301–443–2860.

Dated: May 26, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81–16083 Filed 5–28–81; 8:45 am]

BILLING CODE 4110–88–M

Food and Drug Administration

[Docket No. 80P–0234/P]

Hearing on Petition of the Health Research Group To Withdraw Premarket Approval for Gonorrhea Test Kits (GAT's)

AGENCY: Food and Drug Administration.

ACTION: Notice of Hearing.

SUMMARY: The Food and Drug Administration (FDA) announces that a public hearing will be held on the petition of the Health Research Group requesting FDA to withdraw premarket approval of gonorrhea antibody test kits (GAT's). In preparing a final response to the petition, FDA will consider the administrative record of the hearing along with all comments and other information received.

DATES: The time, date, and place of the hearing will be announced in the **Federal Register** in the near future. Written notices of participation must be filed by June 29, 1981; Applications for reimbursement by June 23, 1981.

ADDRESS: Written notices of participation or applications for reimbursement should be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Tenny Neprud, Office of Regulatory Affairs (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: FDA announced in the **Federal Register** of June 13, 1980 (45 FR 40234 and 40235), the approval of three gonorrhea antibody test kits (GAT's). FDA also announced that summaries of safety and effectiveness data relating to the approved devices were available to the public under the authority of section 520(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(h)). Further, FDA announced an opportunity for interested persons to seek review of the approval orders in accordance with section 515(d) of the act (21 U.S.C. 360e(d)). Prior to this action, on July 18, 1979, FDA approved the three devices by orders delivered to Fisher Scientific Co., Bioquest, and Organon Diagnostics, the manufacturers of the GAT's.

On June 5, 1980, the Health Research Group petitioned FDA to require the agency to remove the products from the market on the grounds that the approval orders were illegally issued, that the approval orders should be rescinded if effective, that the products should be seized as misbranded and adulterated, and that the summaries of safety and effectiveness data were inadequate.

The petition was amended on July 13, 1980, to include a request for a hearing. The petitioner waived its right to a formal evidentiary hearing under section 515(g) of the act and Part 12 (21 CFR Part 12). The waiver was made on the condition that FDA grant an informal public hearing before either the Commissioner of Food and Drugs under Part 15 (21 CFR Part 15), or the Microbiology Section of the Immunology and Microbiology Devices Panel (an FDA scientific advisory committee), expanded to include recognized experts who have not previously addressed the issue.

By letter of May 22, 1981, FDA, in part, denied the petition and, in part, reserved final decision on the petition. For the reasons stated in the May 22, 1981 response, FDA accepted petitioner's waiver of its right to the formal hearing under section 515(g) of the act and Part 12 and granted petitioner an informal hearing under 21 CFR Part 15. FDA believes that a public discussion of whether there is a basis for FDA to initiate proceedings to withdraw approval of these products is in the public interest. Pending the outcome of this hearing, FDA is reserving decision on the petitioner's request that FDA initiate proceedings to withdraw approval of the GAT's. FDA denied all other portions of the petition. The petition and the May 22, 1981 response to the petition are on file in the Dockets Management Branch (address above), and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

The procedures governing the hearing are those applicable to a public hearing before the Commissioner under Part 15. The parties to the hearing will be the Health Research Group and the Bureau of Medical Devices. The time, date, and place of the hearing and the designation of the presiding officer will be announced in the **Federal Register** in the near future. The hearing will be confined to scientific and factual matters related to whether FDA should initiate proceedings under section 515(e) of the act to withdraw approval of the devices. The Health Research Group, as petitioner, will have the burden of coming forward with evidence sufficient to require FDA to initiate such proceedings and the burden of persuasion in whether sufficient evidence has been presented.

The parties, and other interested persons who wish to participate, must file a notice of participation, on or before June 29, 1981, in the Dockets Management Branch, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. All notices submitted should be identified with the docket number found in brackets in the heading of this notice and should contain the name, address, telephone number, any business affiliation of the person desiring to make a presentation, a brief summary of the presentation, and the approximate amount of time requested for the presentation.

Groups having similar interests are requested to consolidate their comments and present them through a single representative. FDA may require joint presentations by persons with common interests. After reviewing the notices of participation, FDA will notify each participant of the schedule and time allotted to each person.

FDA has established a pilot program for financial assistance to participants in certain agency proceedings, including hearings under Part 15. This program is described in 21 CFR Part 10, Subpart C. Subject to the availability of funds and other factors, FDA may reimburse participants meeting the criteria set forth in these regulations for certain costs of participating in this proceeding. Applications for reimbursement must be filed by June 23, 1981 in accordance with § 10.210(a) (21 CFR 10.210(a)). For more information regarding the

reimbursement program, contact Alexander Grant, Office of Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006.

The administrative record will remain open for 15 days after the hearing to allow comment on matters raised at the hearing.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 515, 90 Stat. 552–559 (21 U.S.C. 360e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: May 21, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81–16080 Filed 5–28–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81N–0140]

Safety of Certain Food Ingredients; Opportunity for Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces an opportunity for public hearing on the safety of diferrous, dipotassium ferrous and potassium ferrocyanides, sodium metasilicate, and sodium zinc metasilicate to determine whether they are generally recognized as safe (GRAS) or subject to a prior sanction. This action accords with procedures of a comprehensive safety review that the agency is conducting. Interested persons are invited to give their views on the safety of these substances.

DATE: Requests to make oral presentations to the public hearing must be postmarked on or before June 29, 1981.

ADDRESSES: Written requests to the Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014, and to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. .

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–8950.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 26, 1973 (38 FR 20053), FDA issued a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (the Select Committee) about the safety of ingredients used in food to determine whether they are GRAS or subject to a prior sanction. The agency now announes that the Select Committee is prepared to conduct a public hearing on diferrous, dipotassium ferrous and potassium ferrocyanides, sodium metasilicate, and sodium zinc metasilicate as direct and indirect food ingredients. The public hearing will provide an opportunity for interested persons to present to the Select Committee scientific data, information, and views on the safety of these substances.

The Select Committee has reviewed all the available data and information on the food ingredients listed above and has reached one of the following five tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when the substance is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when the substance is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. (This finding does not apply to the substances covered by this notice.)

3. Although no evidence in the available information demonstrates a hazard to the public when the substance is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted. (This finding does not apply to the substances covered by this notice.)

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when the substance is used at levels that are now current and in the manner now practiced. (This finding does not apply to the substances covered by this notice.)

5. The information available is not sufficient to make a tentative conclusion.

The Select Committee will evaluate the information received at the public hearing and use it in reaching its conclusion.

The following table lists the ingredients, the Select Committee's tentative conclusions (keyed to the five types of conclusions listed above), and the available information on which the Select Committee reached its conclusions:

Substance	Select committee tentative conclusion	Order no., price code, price[1]		Other information
		Scientific literature review	Animal study report	
Diferrous, dipotassium ferrous and potassium ferrocyanides.	1	PB 289–591; A04; $8.00		1. Committee on GRAS List Survey—Phase III. The 1977 survey of industry on the use of food additives. (PB 113418; E19; $50.50) 2. Letter, February 6, 1979, P. L. Crantz, Finer Filter Products, Newark, CA, to F. R. Senti, FASEB, Bethesda, MD. 3. Letter, June 1, 1959, J. L. Harvey, FDA, Washington, DC, to D. E. Avis, U.S. Treasury Department, Washington, DC. 4. Letter, February 7, 1979, R. S. Scott, Scott Laboratories, Inc., San Rafael, CA, to F. R. Senti, FASEB, Bethesda, MD. 5. Subcommittee on Review of the GRAS List—Phase II. A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS) (PB 221–921 through PB 221–949 or PB 221–920 for the set; E99; $173.00.)
Sodium metasilicate and sodium zinc metasilicate.	5 5	PB 287–766; A03; $6.50	Toxicology report L & H 56333 on sodium metasilicate 1961, by Philadelphia Quartz Co.	1. Letter, July 29, 1968, L. E. Buckley, FDA, Washington, DC, to H. E. Crotty, Food, Beverage, & Dairy Products Laboratory, Sharonville, OH. 2. Letter, October 2, 1962, F. A. Cassidy, FDA, Washington, DC to W. R. Day, Wyandotte Chemical Corp., Wyandotte, MI.

Substance	Select committee tentative conclusion	Order no., price code, price[1] Scientific literature review	Animal study report	Other information
				3. Technical bulletins on anhydrous sodium metasilicate and pentahydrate sodium metasilicate (1978), Philadelphia Quartz Co., Valley Forge, PA. 4. Memorandum, September 2, 1975, W. M. Schaefer, FDA, Washington, DC. 5. Evaluation of the health aspects of certain silicates as food ingredients. (SCOGS–61) (PB 301–402; A03; $6.50.) 6. Subcommittee on Review of the GRAS List—Phase II. A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS), Table 1, Part A. (PB 221–921; A02; $5.00.)

[1] Price subject to change.

Reports in the table with "PB" prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22161.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented its reviews, where appropriate, with specific information from specialized sources as announced in a previous hearing opportunity notice published in the **Federal Register** of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on diferrous, dipotassium ferrous and potassium ferrocyanides, sodium metasilicate and sodium zinc metasilicate are available for review at the Dockets Management Branch (HFA–305), Food and Drug Administration, (address above), and also at the Public Information Office, Food and Drug Administration, Rm. 3807, 200 C St. SW., Washington, DC 20204. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review at the Dockets Management Branch.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend and the time required to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall inform the Select Committee in writing addressed to the Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. A copy of each request shall be sent to the Dockets Management Branch, Food and Drug Administration. All requests will be placed on public display in the Dockets Management Branch. Any such request must be received by or postmarked on or before June 29, 1981. Requests shall state the substances on which an opportunity to present oral views is requested and how much time is being requested for the presentation. As soon as possible after the request deadline, a notice announcing the date, time, and place of scheduled presentations for any public hearing that has been requested will be published in the **Federal Register**.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information, already contained in the scientific literature reviews and in the tentative Select Committee reports shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations it receives, the Select Committee may reduce the time requested for any presentation. Because of time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person, in lieu of an oral presentation, may submit written views, which shall be considered by the Select Committee. Three copies of such written views, identified with the docket number found in brackets in the heading of this notice shall be addressed to the Select Committee at the address noted above and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Dockets Management Branch, Food and Drug Administration, and will be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service. A transcript of each hearing may be purchased directly from the reporting service and will be placed on public display in the Dockets Management Branch, Food and Drug Administration.

Dated: May 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–16009 Filed 5–28–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81P–0143]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a temporary permit has been issued to California Canners and Growers to market test tomato juice from concentrate to which ascorbic acid is added to attain a vitamin C level of 3.5 milligrams per fluid ounce. The purpose of this temporary permit is to permit the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced into or caused to be introduced into interstate commerce, but no later than August 27, 1981. The permit, however, may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after such negative ruling on the proposal.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods

deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to California Canners and Growers, San Francisco, CA 94106. The permit covers limited interstate marketing tests of tomato juice that deviates from the standard of identity prescribed for tomato juice under § 156.145 (21 CFR 156.145). The product is prepared from tomato paste that complies with the requirements of § 155.191(a)(1) (21 CFR 155.191(a)(1)). The test product is equivalent to a single-strength tomato juice normally found in the marketplace. The finished produce contains not less than 5.5 percent tomato-soluble solids. In addition, ascorbic acid is added to attain a level of 3.5 milligrams per fluid ounce of vitamin C in the finished product. The permit provides for the temporary marketing of 167,000 cases of twelve 46-ounce cans, 42,000 cases of forty-eight 6-ounce cans, 13,000 cases of twenty-four 18-ounce cans, 2,000 cases of twenty-four 12-ounce cans, and 5,000 cases of twelve 32-ounce glass containers per month in all States, the District of Columbia, and the Commonwealth of Puerto Rico.

The test product is to be packed at California Canners and Growers Plant 4 in San Jose, CA, and Plant 6 in Thornton, CA; Juice-Bowl Products, Inc., Lakeland, FL; Hanover Brands, Hanover, PA, and Keystone Packing in Northeast, PA.

The principal display panel of the label states the product's name as "tomato juice from concentrate". Each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101, except that the tomato ingredient complying with the requirements of § 155.191(a)(1) is declared as "tomato concentrate". This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than August 27, 1981. The permit, however, may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978. If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after such negative ruling on the proposal.

Dated: May 21, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-15863 Filed 5-28-81; 8:45 am]

BILLING CODE 4110-03-M

Public Health Service

Privacy Act of 1974; New System Notice

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of a proposed new system of records, "Records of Subjects in Certification, Testing and Safety Studies of Personal Protective Devices for Hazardous Work Environments," HHS/CDC/NIOSH, 09-20-0159.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to establish a new system of records to permit acquisition of information related to certification of personal protective equipment, hazard-measuring devices, and safety research studies. The information acquired will be used to develop performance standards for instruments and equipment utilized in the workplace to protect workers or to identify hazardous work environments. The system of records will be maintained by the National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC). PHS invites interested persons to submit comments on the proposed routine uses on or before June 29, 1981.

DATES: PHS has sent a report of the new system to the Congress and to the Office of Management and Budget (OMB) on May 20, 1981. The system of records will be effective 60 days from the date submitted to OMB unless PHS receives comments on the routine uses which would result in a contrary determination.

ADDRESS: Comments should be addressed to: Director, Division of Safety Research, National Institute for Occupational Safety and Health, Room S-117, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505. Comments received will be available for inspection at that address from 8:00 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: James H. Cavender, Program Management Officer, DSR/NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, (304) 599-7595.

SUPPLEMENTARY INFORMATION: The purpose of this system is to assist in the development of performance standards for instruments and equipment utilized in the workplace to protect workers and to identify hazardous work environments and work tasks, allowing rigorous scientific studies to be carried out as a part of the Division of Safety Research's (DSR) injury epidemiology program. The use of human subjects for research and evaluation of both personal protective devices and hazard-measuring instruments requires the establishment and maintenance of subject "pools." Case-control studies of injured workers and their non-injured co-workers will require that the system of records be developed in a way that allows for scientific testing and validation of previously gathered data.

Name, assigned number, plant name, and year tested are some of the indices used to retrieve records from these systems. Other retrieval methods are utilized as individual research dictates. Two or more safeguards will be selected from the following list, as appropriate to the type of records to be secured: locked buildings, locked rooms, locked file cabinets, personnel screening, locked computer room and computer tape vaults, 24-hour guard service, and limited access only to authorized personnel.

NIOSH has examined a number of alternative means of accomplishing these investigations, including the option to maintain no Privacy Act system of records. The Institute concluded that maintenance of a system of records is necessary for the investigations, and that the relatively minor risk to personal privacy involved in furnishing NIOSH researchers with individually identifiable medical records is outweighed by the potential improvement in worker well-being which will be derived from the research.

A variety of individuals will be covered by this system of records. Included are individuals exposed to hazardous work environments and individuals selected as control groups. Additionally, the system pertains to individuals selected to test the interaction between personal protection or safety equipment, users of such equipment, and identification of hazardous work environments. Some examples include: individuals selected to perform respirator facepiece fit tests, to evaluate hearing protectors, lifting and manual handling studies, strength test studies, and hand speed tests.

The records will be retained for use solely within the agency unless releases are made in conjunction with the routine uses or which are otherwise permitted under Section 552a(b) of the Privacy Act. The proposed releases outlined in

the routine use section will allow the Institute to effectively perform the proposed research, and ensure that no releases are made for purposes which are not the same or compatible with those for which the information is originally collected, without the individual's permission.

Dated: May 20, 1981.

Peter J. Bersano,

Acting Director, Office of Management.

09-20-0159

SYSTEM NAME:

Records of Subjects in Certification, Testing and Safety Studies of Personal Protective Devices for Hazardous Work Environments—HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Safety Research (DSR), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Data are also occasionally located at field worksites and contractor sites as studies are developed, data collected and reports written. A list of field and contractor sites where individually identifiable data are currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals exposed to hazardous work environments and individuals selected as control groups will be covered by this system. Additionally, the system pertains to individuals selected to test the interaction between people, personal protection or safety equipment, users of such equipment, and a hazardous environment. Some examples include individuals selected to: perform respirator facepiece fit tests, evaluate hearing protectors, perform lifting and manual materials handling studies, perform strength test studies, and perform hand speed tests.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system will contain such records as physical examinations, questionnaires, results of laboratory test (physiological acceleration measures, and performance tests), workplace performance records, results of hearing tests, occupational histories, medical histories, demographic data, and related medical information. The specific types of records to be collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act, Section 301 (42 U.S.C. 241); the Occupational Safety and Health Act, Section 20 (29 U.S.C. 669); and the Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951).

PURPOSE OF SYSTEM:

The purpose of this system is to permit acquistion of information related to certification of personal protective equipment, hazard-measuring devices, and safety research studies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosures may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office, made at the the requrest of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Portions of records (name, Social Security number if known, date of birth, and last known address) may be disclosed to one or more sources selected from those listed in Appendix I. This may be done to determine if the individual has died so that a death certificate can be obtained. Knowing the cause of death will enable NIOSH to evaluate whether excess occupationally-related mortality is occurring.

Records subject to the Privacy Act will be disclosed to private firms for data entry, computer systems analysis, and computer programming services. The contractors will promptly return all data entry records, and all computer work will be done on Government-owned computers. The contractors will be required to maintain Privacy Act safeguards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files, computer tape, microfilm, computer cards, index audiogram files, audiograms, questionnaire forms.

RETRIEVABILITY:

Name, assigned number, plant name, and year tested are some of the indices used to retrieve records from these systems. Other retrieval methods are utilized as individual research dictates.

SAFEGUARDS:

Locked buildings, locked rooms, locked file cabinets, personnel screening, locked computer room and computer tape vaults, 24-hour guard service, limited access only to authorized personnel. The particular safeguards used are selected as appropriate for the type of records covered by an individual study. For computerized records, safeguards are in accordance with Part 6, ADP Systems Security, of the HHS/ADP Systems Manual. Safeguards for non-automated records are in accordance with the NIOSH Sensitive Data Security Program Briefing Booklet.

RETENTION AND DISPOSAL:

Records will be maintained from three to twenty years in accordance with retention schedules. Personal identifiers will be stripped from records, and records will be destroyed when they are no longer needed. All paper records which are disposed of will be shredded or burned and computer tapes will be erased.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO), Division of Safety Research, NIOSH, 944 Chestnut Ridge Road, Morgantown, WV 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records will be informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, Division of Safety Research, NIOSH, 944 Chestnut Ridge Road, Morgantown, WV 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information needed is obtained either directly from the individual, or from employee records whenever possible. Other sources may include those listed in Appendix I.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I: Potential Sources for Determination of Vital Status

Military Records
Appropriate State Motor Vehicle Registration Departments
Appropriate State Drivers' License Departments
Appropriate State Government Divisions of: Assistance Payments (Welfare), Social Services, Medical Services, Food Stamp Program, Child Support, Board of Corrections, Aging, Indian Affairs, Workers' Compensation, Disability Insurance
Retail Credit Association Follow-up
Veterans' Administration Files
Appropriate Employee Union or Association Records
Appropriate Company Pension or Employment Records
Company Group Insurance Records
Appropriate State Vital Statistics Offices
Life Insurance Companies
Railroad Retirement Board
Area Nursing Homes
Area Indian Trading Posts
Mailing List Correction Cards (U.S. Postal Service)
Letters and Telephone Conversations with Relatives
Letters and Telephone Conversations with Former Employees of the Same Establishment as Subject(s) Member
Appropriate Local Newspaper (Obituaries)
Social Security Administration
Internal Revenue Service

[FR Doc. 81-15886 Filed 5-27-81; 8:45 am]
BILLING CODE 4110-87-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Outer Continental Shelf Offshore Southern California; Availability of Draft Environmental Impact Statement and Locations and Dates of Public Hearings Regarding Proposed Oil and Gas Lease Sale No. 68

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 218 tracts consisting of 445,190 hectares (1,112,975 acres) of submerged Federal lands off the coast of southern California.

Single copies of the draft environmental impact statement can be obtained from the Office of the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 1340 West 6th Street, Los Angeles, California 90017, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240. Copies of the draft statement will also be available for review at the following public libraries:

W. Valley Reg. Branch Library, 19036 Vanowen Street, Reseda, CA 91335
San Bernardino County Free Library, 104 W. 4th Street, San Bernardino, CA 92401
University of California Library, Government Publications Dept., P.O. Box 5900, Riverside, CA 95207
San Diego County Library, 5555 Overland Avenue, San Diego, CA 92123
Riverside Public Library, P.O. Box 468, Riverside, CA 92506
Anaheim Public Library, 500 West Broadway, Anaheim, CA 92805
San Diego State University, Malcolm A. Love Library, Government Publications Dept., San Diego, CA 92182
Culver City Library, 4975 Overland Avenue, Culver City, CA 90230
San Diego County Law Library, 1105 Front Street, San Diego, CA 92101
Calif. State Polytechnical Univ., Library, Documents Section, San Luis Obispo, CA 93401
Santa Ana Public Library, Documents Section, 26 Civic Center Plaza, Santa Ana, CA 92701
Calif. Lutheran College Library, Mountclef Village, Thousand Oaks, CA 91360
Bodkin, McCarthy, Sargent & Smith, 707 Wilshire Blvd., 51st Fl., Los Angeles, CA 90071
California State University Library, Documents Section, P.O. Box 4150, Fullerton, CA 92634
County of Los Angeles Library, Government Publications Unit, 320 W. Temple, Los Angeles, CA 90012
Long Beach Public Library, Government Publications Dept., Ocean and Pacific, Long Beach, CA 90802
San Diego Public Library, Science and Industry Dept., 820 "E" Street, San Diego, CA 92101
Downey City Library, 8490 E. 3rd Street, Downey, CA 90241
Pepperdine University Library, 8035 S. Vermont, Los Angeles, CA 90044
California Institute of Technology, Millikan Memorial Library, Pasadena, CA 91124
Pasadena Public Library, 285 E. Walnut Street, Pasadena, CA 91101
Business & Economics Dept., Los Angeles Public Library, 630 W. 5th Street, Los Angeles, CA 90071
California State University, Oviatt Library, Government Document, 18111 Nordhoff Street, Northridge, CA 91220
County of Ventura Library Service, Documents Section, P.O. Box 771, Ventura, CA 93001
Loyola University, School of Law Library, 1440 W. 9th Street, Los Angeles, CA 90015
Santa Barbara Public Library, Reference Section, P.O. Box 1019, Santa Barbara, CA 93102
Santa Monica Public Library, 1343 6th Street, Santa Monica, CA 90401
University of California, Water Resources Center Archives, 2081 Engineering I, Los Angeles, CA 90024
University of California, SERIALS, SIO Library, C-075C, La Jolla, CA 92093
University of Southern California, Government Documents Dept., P.O. Box 77963, Los Angeles, CA 90007
The Sea Library, 408 Sycamore Road, Santa Monica, CA 90402
University of California, Government Publication Dept., General Library, P.O. Box 19557, Irvine, CA 92713

University of California, The Library, Government Publications Dept., Santa Barbara, CA 93106
Pomona College Documents Collection Honnold Library, 222 E. 9th Street, Claremont, CA 91711

In accordance with 43 CFR 3314.1, public hearings on the draft environmental impact statement will be held in Santa Barbara, California at the Santa Barbara High School, 700 Anapamu Street, on July 28, 1981, from 8:00 a.m. to 10:00 p.m., and on July 29, 1981, from 8:00 a.m. to 1:00 p.m., and in Long Beach, California at the Long Beach Convention Center, 300 East Ocean Boulevard on July 30, 1981, from 8:00 a.m. to 10:00 p.m. and, if necessary, on July 31, 1981 from 8:00 a.m. to 1:00 p.m.

The hearings will provide the Secretary of the Interior with information from government agencies, public and private groups to help evaluate the potential effects of the proposed offering. Comments are solicited concerning effects of exploration, development and production resulting from the proposed sale on marine, cultural, recreational and other resources of the southern California region.

Interested individuals, representatives or organizations, and public officials wishing to testify at the public hearings are requested to contact the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, at the above address by 4:00 p.m., July 24, 1981. Written comments from those unable to attend the hearing also should be addressed to the Manager, Pacific Outer Continental Shelf, Bureau of Land Management at the above address. The Bureau will accept written testimony and comments on the draft environmental impact statement until August 7, 1981. This will allow those unable to testify at the hearings to make their views known, and those presenting oral testimony to submit supplemental materials. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to a hearing official at the time of presentation. To the extent that time is available after presentation of oral statements by those who have given advance notice, others present will be given opportunity to be heard.

After all testimony and comments have been received and considered, a final environmental impact statement will be prepared.

Ed Hastey,

Associate Director, Bureau of Land Management.

Approved:

Cecil S. Hoffmann,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 81-16020 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Wilderness Inventory Appeals

This announcement is to release the results of the appeal period for the Arizona Wilderness Study Area Final Decision and the Hualapai Aquarius and the Palo Verde-Devers Special Inventories.

The following units that were identified as Wilderness Study Areas (WSAs) have been appealed:

Unit name	Unit No.
Ferry Swale	AZ-010-006A.
Judd Hollow	AZ-010-006B.
Paria Rim	AZ-010-006C.
Cedar Mountain	AZ-010-006D.
Paria Plateau	AZ-010-006A/19.
Overlook	AZ-010-006B.
Emmett Wash	AZ-010-009.
Kanab Creek	AZ-010-031.
Hack Canyon (A)	AZ-010-033A.
Robinson	AZ-010-034.
Cottonwood Point	AZ-010-041.
Toroweap	AZ-010-050.
Mt. Logan	AZ-010-051.
Mt. Trumbull	AZ-010-052.
Poverty Mountain	AZ-010-091.
Parashaunt	AZ-010-093.
Damsil Canyon	AZ-010-096A.
Grassy Mountain	AZ-010-096C.
Andrus Canyon	AZ-010-096D.
North Dellenbaugh	AZ-010-097.
G&F	AZ-010-099.
Salt House	AZ-010-104A.
Mustang Point	AZ-010-104B.
Last Chance	AZ-010-111.
Purgatory	AZ-010-132.
Mt. Emma	AZ-010-136.
Nevershine Mesa	AZ-010-105A.
Snap Point	AZ-010-105B.
Tincanebitts	AZ-010-105C.
Pigeon Canyon	AZ-010-109.
Grand Wash Cliffs	AZ-010-112.
Phoenix District	
Mt. Wilson	AZ-020-001A.
Van Deeman	AZ-020-007.
Mockingbird	AZ-020-008.
Black Mountains N	AZ-020-009.
Burns Spring	AZ-020-010.
Mt. Tipton	AZ-020-012/042.
Grapevine Wash	AZ-020-014.
Grand Wash Cliffs	AZ-020-015.
Mt. Davis	AZ-020-021.
Mt. Nutt	AZ-020-024.
Warm Springs	AZ-020-028/029.
Peoples Canyon	AZ-020-068.
Buckskin Mountains	AZ-020-071.
Harcuvar Mountains	AZ-020-075.
Hassayampa River Canyon	AZ-020-083.
Big Horn Mountains	AZ-020-099.
Hummingbird Springs	AZ-020-100.
Hells Canyon	AZ-020-119.
New Water Mountains	AZ-020-125.
Little Horn Mountains W	AZ-020-126A.
Face Mountain	AZ-020-136.
Signal Mountain	AZ-020-136.
Woolsey Peak	AZ-020-142/144.
N. Maricopa Mtns	AZ-020-157.
Sierra Estrella	AZ-020-160.
S. Maricopa Mtns	AZ-020-163.
Butterfield Stage Memorial	AZ-020-164.
Table Top Mtn	AZ-020-172.
South Bradshaws	AZ-020-064A.
White Canyon	AZ-020-187.
Picacho Mtns	AZ-020-194.
Ragged Top	AZ-020-197.
Coyote Mtns	AZ-020-202.
Baboquivari Peak South	AZ-020-203B.
Ives Peak	AZ-020-204.
Tres Alamos	AZ-020-205.
Palo Verde-Devers Special Inventory	
Little Horn Mtns	AZ-020-127.
Eagletail Mtn	AZ-020-128.
East Clanton Hills	AZ-020-129.
Hualapai-Aquarius Special Inventory	
Wabayuma Peak	AZ-020-037/043.
Planet	AZ-020-053.
Aubrey Peak	AZ-020-054.
Black Mesa	AZ-020-056.
Rawhide Mtns	AZ-020-058.
Arrastra Mtn	AZ-020-059.
Lower Burro Creek	AZ-020-060.
Upper Burro Creek	AZ-020-062.
Safford District	
Needles's Eye	AZ-040-001A.
Black rock	AZ-040-008.
Fishhooks	AZ-040-014.
Day Mine	AZ-040-016.
Gila Box	AZ-040-022/023/024A.
Turtle Mtn	AZ-040-022/023/024B.
Javelina Peak	AZ-040-048.
Peloncillo Mtns	AZ-040-060.
Happy Camp Canyon	AZ-040-065.
Apache Box	AZ-040-076.
Hoverrocker	AZ-040-077.
Yuma District	
Needles Eastern Addition	AZ-050-005B.
Crossman Peak	AZ-050-007B.
Mohave Wash	AZ-050-007C/5-48/2-52.
Gibraltar Mtn	AZ-050-012.
Planet Peak	AZ-050-013.
Cactus Plain	AZ-050-014A/B.
Swansea	AZ-050-015A.
E. Cactus Plain	AZ-050-017.
S. Trigo Mtns	AZ-050-023A.
Trigo Mtns	AZ-050-023B.
Kofa Unit 3 S	AZ-050-031.
Kofa Unit 4 N	AZ-050-033.
Kofa Unit 4 S	AZ-050-034.

The following units that were identified to be dropped from wilderness consideration have been appealed:

Unit name	Unit No.
Phoenix District	
Painted Rocks S	AZ-020-155A.
Painted Rocks N	AZ-020-155B.
Sikort Chuapo	AZ-020-176.
Safford District	
Gila Box (adjacent lands)	AZ-040-22/23/24A.

The units identified as WSAs will continue to be studied according to the Bureau's wilderness study schedule.

Units identified to be dropped will not be studied, unless the decision is reversed through the appeal process.

All of the listed units, both WSAs and dropped units, that have been appealed, will continue to be managed under the

Bureau's wilderness interim management policy.

FOR FURTHER INFORMATION CONTACT: Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Tom Allen,

Acting State Director.

May 19, 1981.

[FR Doc. 81-15995 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

Medford District Advisory Council; Notice of Meeting

Notice is hereby given in accordance with 43 CFR 1780 that a sub-committee meeting of the Medford District Advisory Council will be held on Friday, June 12.

The meeting will begin at 9 AM and will continue until 3 PM in the Oregon Room of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon.

The agenda for the meeting will include:

1. A discussion of BLM's "Program Priority Guides for Oregon and Washington, Fiscal Years 1982–1989."
2. A discussion of BLM's "Draft Wilderness Management Policy" and BLM's "Wilderness Study Policy."

The meeting is open to the public and news media. Summary minutes of the Council meeting will be maintained at the District Office and be available for public inspection and reproduction at the cost of duplication.

Hugh Shera,

District Manager.

May 19, 1981.

[FR Doc. 81-15994 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

Susanville District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 (FLPMA) that a meeting of the Susanville District Grazing Advisory Board will be held on June 9, 1981.

The meeting will begin at 10:00 a.m. in the Susanville District Office of the Bureau of Land Management, Susanville, California.

The agenda for the meeting will include:

1. RCD Participation in Range Improvements.
2. Cowhead/Massacre Consultation.
3. Contributions for Range Improvement Projects.
4. Other Comments.
5. Public Comments.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:30 p.m. and 4:30 p.m., or file a written statement for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California, 96130, by June 4, 1981. Depending on the number of persons wishing to make oral statements, a per person list limit may be established.

Summary minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

C. Rex Cleary,

District Manager.

[FR Doc. 81-16064 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 929, Amdt. 1]

New Mexico; Classification Partially Terminated; Lands Open to Entry

May 21, 1981.

1. On April 22, 1970 (FR, Vol. 35, No. 78, page 6444) lands listed under paragraphs 3 and 4 of said notice were segregated from all forms of appropriation under the public land laws, including the general mining, but not the mineral leasing laws. Lands described under paragraph 4 were further segregated from issuance of rights-of-way.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification is hereby terminated as to the following described land:

New Mexico Principal Meridian

T. 10 S., R. 30 E.,
  Sec. 26, SW¼ and that part of the S½NW¼ lying south of the U.S. Highway 380;
  Sec. 27, S½ and that part of S½N½ lying south of U.S. Highway 380;
  Sec. 28, S½ and that part of S½N½ lying south of U.S. Highway 380;
  Sec. 33, all;
  Sec. 34, W½;
  Sec. 35, E½.
T. 11 S., R. 30 E.,
  Sec. 1, lots 1, 2, 3, 4 and S½;
  Secs. 11, 12, 13, 14, 23 and 24;
  Sec. 25, N½N½;
  Secs. 26 and 35.
T. 11 S., R. 31 E.,
  Sec. 6, lots 3, 4, 5, 6 and E½SW¼;
  Sec. 7, lots 1, 2, 3, 4 and E½W½;
  Sec. 19, lots 1, 2, 3, 4 and E½W½;
  Sec. 30, lot 1, N½NE¼ and NE¼NW¼.
T. 12 S., R. 30 E.,
  Sec. 23, SW¼NE¼ and S½NW¼;
  Sec. 24, SW¼NE¼ and S½NW¼.
T. 12 S., R. 31 E.,
  Sec. 19, lot 2, SW¼NE¼ and SE¼NW¼.

The areas described aggregate 9,177 acres, more or less.

3. At 10:00 a.m., on June 22, 1981, the lands described under paragraph 2 above will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on June 22, 1981 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands will also be open to location under the United States mining laws at 10:00 a.m. on June 22, 1981.

Inquiries concerning these lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-16004 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 929, Amdt. 2]

New Mexico; Classification Partially Terminated; Lands Open to Entry

May 19, 1981.

1. On August 27, 1970 (FR, Vol. 35, No. 167, page 13670) the following described lands were classified for multiple use management under the Act of September 19, 1964 and segregated from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws:

New Mexico Principal Meridian

T. 10 S., R. 30 E.,
  Sec. 1, lots 1, 2, S½NE¼, and N½SE¼.
T. 10 S., R. 31 E.,
  Sec. 6, lots 4, 5 and 6.

The areas described aggregate 362.34 acres in Chaves County.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification is hereby partially terminated as to the following described lands:

New Mexico Principal Meridian

T. 10 S., R. 30 E.,
  Sec. 1, N½SE¼.
T. 10 S., R. 31 E.,
  Sec. 6, lot 6.

Aggregating approximately 120.80 acres.

Subject to valid existing rights, and the requirements of applicable law, at 10:00 a.m. on June 22, 1981, the public lands described under paragraph 2 of this notice shall be open to the operation of the public land laws generally, including the mining and mineral leasing laws. For oil and gas leasing, the land must first be made available on the simultaneous lands available list.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-15997 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 40314]

New Mexico; Notice of Conveyance

May 20, 1981.

Notice is hereby given that pursuant to sections 206 and 208 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716, 1718) and the regulations in 43 CFR 2201.7(a), a patent issued to Lauro Guaderrama and Jose M. and Magdalena A. Acosta on May 20, 1981 for the following described land in Dona Ana County:

New Mexico Principal Meridian, New Mexico

T. 26 S., R. 3 E.,
Sec. 11, lots 22 to 25, inclusive;
Sec. 14, lots 4 to 9, inclusive, lots 15 to 18, inclusive, lots 26 to 28, inclusive and lot 42.

Containing 44.95 acres.

A warranty deed issued to the U.S. for the following land, which becomes public land subject to administration by the Bureau of Land Management, New Mexico State Office:

T. 22 S., R. 4 E.,
Sec. 20, N½N½NE¼SE¼, S½NE¼SE¼, NW¼SE¼ and N½N½S½SE¼.

Containing 90.00 acres.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-16075 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Release of Wilderness Study Areas New Mexico

May 22, 1981.

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice of Release of Wilderness Study Areas From Further Wilderness Consideration.

SUMMARY: Notice is hereby given of the release of the following New Mexico Wilderness Study Areas from further wilderness consideration:

BLM district	Name	Number	Total acreage
Las Cruces	Sacramento Escarpment	NM-030-104	3,510
Las Cruces	Guadaloupe Escarpment	NM-030-114	7,053

The BLM areas were identified as areas to receive further wilderness study in the November 14, 1980, Federal Register ("Notice of Final Intensive Wilderness Inventory Decisions," pp. 75590–75593).

Both of the BLM areas are divided into several parcels. Each parcel contains less than 5,000 acres of contiguous BLM-administered public land. The BLM areas were slated for wilderness study because they were contiguous with U.S. Forest Service RARE II areas, West Face of the Sacramento Mountains (3–072) and Little Dog and Pup Canyons (3–074), recommended for further planning. Neither of the BLM areas satisfy the size criterion for wilderness in the Wilderness Act of 1964 without consideration of the above contiguous Forest Service RARE II areas.

The New Mexico Wilderness Act (Pub. L. 96–550) which was signed into law December 19, 1980, released the RARE II areas (3–072 and 2–074) from management restrictions to protect wilderness suitability. The Act also specified that such areas received adequate wilderness review and shall not be evaluated for wildeness prior to revision of the Forest Service initial land management plans and in no case before 1985.

Since the BLM areas no longer satisfy the size criterion for wilderness, they are dropped from the Wilderness Review Process and are no longer protected by interim management restrictions. The final decision announced in this notice will become effective upon publication in the Federal Register. There is no public comment period on this decision.

ADDRESS: Send inquiries to: State Director (932), Bureau of Land Management, United States Post Office and Federal Building, South Federal Place, P.O. Box 1449, Santa Fe, New Mexico 87501.

FURTHER INFORMATION CONTACT: Dan Wood at the above Santa Fe, New Mexico address or call (505) 988–6227.

Larry L. Woodard,

Acting State Director.

[FR Doc. 81-16005 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

[W-33229]

Wyoming; Termination of Classification

May 20, 1981.

On June 29, 1972 a classification decision was issued classifying the following described lands in Fremont County, Wyoming as suitable for lease or purchase under the Recreation and Public Purposes Act of June 14, 1926, 43 U.S.C. 869 et seq. (1976). This classification action was taken in response to a petition-application filed by the Wyoming Recreation Commission who subsequently withdrew their application October 23, 1980. It has been determined by the responsible Resource Area Manager with concurrence of the District Manager that the classification is no longer necessary.

Accordingly, pursuant to 43 CFR 2450.6, Notice of Classification, Wyoming 33229, affecting the following described lands, is hereby terminated in its entirety:

Sixth Principal Meridian, Wyoming

T. 32 N., R. 100 W.,
Sec. 17, E½NE¼, SE¼SW¼, SE¼.

The area described contains 280 acres, in Fremont County, Wyoming.

At 10:00 a.m. on June 22, 1981 the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at, or prior to, 10:00 a.m. on June 22, 1981, shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

The lands will be open to location under the United States mining laws at 10:00 a.m. on June 22, 1981. They have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-16086 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

[W-74551]

Wyoming; Application

May 21, 1981.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Company of Oklahoma City, Oklahoma, filed an application for a right-of-way to construct 4½ inch pipelines for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 17 N., R. 95 W.,
Sec. 18.
T. 17 N., R. 96 W.,
Secs. 14, 20, 24, 30 & 32.
T. 16 N., R. 97 W.,
Secs. 6, 18 & 20.
T. 17 N., R. 97 W.,
Sec. 32.
T. 15 N., R. 98 W.,
Sec. 12.
T. 16 N., R. 98 W.,
Secs. 10, 22, 28 & 34.

The proposed pipelines will serve to transport natural gas as additions to Cities Service Gas Company's gathering system within Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-16070 Filed 5-28-81; 8:45 am]
BILLING CODE 4310-84-M

[W-74570]

Wyoming; Application

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Company of Oklahoma City, Oklahoma, filed an application for a right-of-way to construct 4½ inch pipelines for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 22 N., R. 93 W.,
Sec. 4, SE¼SW¼, S½SE¼;
Sec. 8, N½NE¼, NE¼NW¼, S½NW¼;
Sec. 16, NW¼NE¼, S½NE¼;
Sec. 18, lot 3;
Sec. 30, lot 2, SE¼NW¼.
T. 22 N., R. 94 W.,
Sec. 2, lots 2, 3, S½NE¼, NE¼SE¼;
Sec. 12, S½NE¼, E½NW¼, SE¼SE¼;
Sec. 24, W½W½;
Sec. 36, N½NE¼, SE¼NE¼.

The proposed pipelines will serve to transport natural gas as additions to Cities Service Gas Company's gathering system within Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third St., P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-16072 Filed 5-28-81; 8:45 am]
BILLING CODE 4310-84-M

[W-14982]

Wyoming; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior proposes to continue the existing withdrawal of the following public lands made by Public Land Order 4752, for a 20-year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2751; 43 U.S.C. 1714):

Sixth Principal Meridian, Wyoming

T. 17 N., R. 86 W.,
Sec. 17, N½, SW¼, and N½SE¼;
Sec. 18;
Sec. 19, Lots 1, 3 and 4, NW¼NE¼, NE¼NW¼, E½SW¼, and SE¼;
Sec. 20, E½NE¼, SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 21, N½NW¼, and SW¼NW¼;
Sec. 29, NW¼NW¼;
Sec. 30, Lots 1 to 4, incl., NE¼, E½W½, and NW¼SE¼.
T. 17 N., R. 87 W.,
Secs. 13, 14, 22 and 23;
Sec. 24, S½N½, and S½;
Sec. 25;
Sec. 26, N½, N½S½, and SE¼SE¼.

The areas described aggregate 6,899.02 acres in Carbon County, Wyoming.

The purpose of the withdrawal is to protect the Stratton Sagebrush Hydrology Study Area which is operated by the U.S. Forest Service under a cooperative agreement with the Bureau of Land Management and the State of Wyoming.

Comments, suggestions, or objections to this proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Managment, on or before July 6, 1981.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned before July 6, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings are scheduled and conducted in accordance with BLM Manual, Section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigations to determine the existing and potential demands for the land and its resources and review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be sent to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-16067 Filed 5-28-81; 8:45 am]
BILLING CODE 4310-84-M

Alabama; Coal Lease Offerings by Sealed Bid; Southern Appalachian Federal Coal Production Region

U.S. Department of the Interior, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304. Notice is hereby given that certain coal resources in the tracts described below in Alabama will be offered for competitive lease by sealed bid of $25.00 or more per acre to the qualified bidder submitting the highest bonus bid in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 2:00 p.m., June 25, 1981, at the State Capitol, House Chambers, Montgomery, Alabama. All bids must be submitted to BLM, Tuscaloosa District Office, 1315 McFarland Boulevard, East,

Tuscaloosa, Alabama 35401. No bids received after 4:00 p.m., June 24, 1981, will be considered.

Coal Offfered: Goodwin Creek Tract, ES 26900

The strippable coal resource to be offered is included in one coal bed in the following land located approximately 12 miles northeast of Winfield in Marion County, Alabama:

Huntsville Meridian (Walker County)

T. 12 S., R. 10 W.,
Sec. 19, SE¼SE¼;
Sec. 30, SW¼NE¼, W½NW¼, SE¼NW¼.

Containing 201.21 Acres.

Resources have been calculated for surface mining. In place mineable reserves are estimated to be 466,000 tons. The coal should average 14,257 Btu/lb. with 3.2% ash and 1.2% sulfur. This would classify the coal as high volatile "A" bituminous.

Coal Offered: North River Tract, ES 26901

The coal resource to be offered is included in one coal bed in the following land located approximately five miles south of Berry, Fayette County, Alabama:

Huntsville Meridian (Tuscaloosa County)

T. 17 S., R. 10 W.,
Sec. 3, NE¼, E½SE¼;
Sec. 4, N½SW¼, SW¼NW¼;
Sec. 5, E½SE¼, NE¼SW¼, E½NW¼;
Sec. 10, NW¼NE¼, NE¼NW¼;
Sec. 12, SE¼SE¼;
Sec. 13, E½SE¼;
Sec. 15, N½NE¼, SE¼NE¼;
Sec. 17, SE¼NE¼, W½SE¼;
Sec. 21, SW¼NE¼, NW¼SE¼;
Sec. 22, N½NE¼, SW¼SW¼.

Containing 1,197.50 Acres.

Resources have been calculated for undergound mining. In place mineable reserves are estimated at 5.9 million tons.

The coal should average 12,225 Btu/lb. with 13.0% ash and 2.4% sulfur. This would classify the coal as high volatile "A" bituminous.

Coal Offered: Upper North River Tract, ES 26902

The coal resource to be offered includes one coal bed in the following lands, located approximately two miles south of Berry, Fayette County, Alabama:

Huntsville Meridian (Fayette County)

T. 16 S., R. 10 W.,
Sec. 28, NW¼SW¼.

Containing 40.05 Acres.

Resources have been calculated for undergound mining. In place mineable reserves are estimated to be 338,000 tons. The coal should average 11,908 Btu/lb. with 13.8% ash and 2.0% sulfur. This would classify the coal as high volatile "A" bituminous.

Coal Offered: Rock Springs Church Tract, ES 27072

The coal resource to be offered is in two beds, the upper and lower Blue Creek beds in the following lands, located approximately 16 miles southeast of Berry, Fayette County, Alabama:

Huntsville Meridian (Tuscaloosa County)

T. 17 S., R. 9 W.,
Sec. 2, NW¼SE¼, NW¼SW¼;
Sec. 3, SW¼SE¼, SW¼;
Sec. 4, NE¼NE¼, S½NE¼, S½SW¼;
Sec. 9, E½, SW¼;
Sec. 10, NW¼SE¼, N½, SW¼;
Sec. 11, SE¼SE¼, W½NW¼;
Sec. 12, E½SE¼;
Sec. 13, N½NE¼, N½SW¼;
Sec. 14, E½NE¼, N½SE¼, SE¼SE¼, E½NW¼;
Sec. 15, W½NE¼, NW¼SE¼, NW¼SW¼, NW¼;
Sec. 22, E½SE¼, NE¼NW¼;
Sec. 23, S½NE¼, NE¼SE¼;
Sec. 24, E½SE¼, SW¼NW¼;
Sec. 25, NE¼NE¼, NE¼SE¼, E½SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, NE¼NE¼;
Sec. 36, E½, NE¼SW¼.

Containing 3,479.98 Acres.

Resources have been calculated for underground mining. In place mineable reserves are estimated to be 30.9 million tons. The coal should average 12,337 Btu/lb. with 16.6% ash and 2.3% sulfur. This would classify the coal as high volatile "A" bituminous.

Rental and Royalty: Leases issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre and a royalty payable to the United States of 12.5 percent of the value of coal produced by strip or auger mining methods and 6.6 percent of the value of coal produced by underground mining methods. The value of coal shall be determined in accordance with 30 CFR 211.63. The Department of Interior recognizes that the Federal royalty for surface-mined coal may be inconsistent with local prevailing rates. By order of the Secretary, the Department will, after lease issuance, immediately entertain applications for surface mining royalty reductions to the level of the prevailing market rate in the area. The Department does not guarantee that any applications for a royalty reduction will be granted.

Roger L. Hildebeidel,

Eastern States Director.

[FR Doc. 81-16060 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

Alabama; Small Business Set-Aside Coal Lease Offering by Sealed Bid; Southern Appalachian Federal Coal Production Region

U.S. Department of the Interior, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304. Notice is hereby given that certain coal resources in the tracts described below in Walker and Fayette Counties, Alabama will be offered for competitive lease by sealed bid of $25.00 or more per acre to the qualified bidder submitting the highest bonus bid in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 2:00 p.m., June 25, 1981, at the State Capitol House Chambers, Montgomery, Alabama. No bids received after 4:00 p.m., June 24, 1981, will be considered. All bids must be submitted to BLM, Tuscaloosa District Office, 1315 McFarland Boulevard, East, Tuscaloosa, Alabama 35401.

Coal Offered: Upper Sulfur Springs Church Tract (SBA), ES 26904

The coal resource to be offered its limited to coal recoverable by surface mining methods in the following land located approximately 10 miles southeast of Berry, Fayette County, Alabama.

Huntsville Meridian

T. 16 S., R. 9 W.,
Sec. 34, all of the NE¼SE¼ excepting that portion of a tract (one acre more or less) described in Deed Book 100, Page 477 on file in the Fayette County Court House, Fayette, Alabama.

Containing 38.94 acres.

Three surface mineable beds occur in the tract. In place mineable reserves are estimated to be 48,900 tons.

The coal quality is expected to average 14,005 Btu/lb. with 5.1% ash and 1.6% sulfur.

Coal Offered: Elm Grove Tract, ES 27220

The coal resource to be offered is limited to coal recoverable by surface mining methods in the following lands located approxiately 2 miles southwest of Carbon Hill.

Huntsville Meridian

T. 14 S., R. 10 W.,
Sec. 4, SW¼SW¼;
Sec. 5, NE¼SE¼.

Containing 79.40 acres.

One surface mineable bed occurs in this tract. In place mineable reserves are estiumated to be 69,000 tons.

The coal quality is expected to average 12,270 Btu/lb. with 14.7% ash and 2.0% sulfur.

Rental and Royalty: A lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre and a royalty payable to the United States of 12.5 percent of the value of coal mined by surface methods. The value of coal shall be determined in accordance with 30 CFR 211.63. The Department of the Interior recognizes that the Federal royalty for surface-mined coal may be inconsistent with local prevailing rates. Therefore, by order of the Secretary, after lease issuance we will immediately entertain applications for surface mining royalty reductions to the level of the prevailing market rate in the area. However, we do not guarantee that any application for a royalty reduction will be granted.

Special Bidder Qualifications: This tract is being offered for competitive lease under the small business set-aside provision of the Federal Coal Management Program. Bidders must meet the small business qualification requirements established by the Small Business Administration in addition to meeting the Federal coal lease qualification requirements of the Federal Coal Management Program.

Notice of Availability: Bidding instructions and bidder qualifications are included in the Detailed Statement of the Lease Sale. Copies of the Statement and of the proposed coal leases are available at the Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304 and the Tuscaloosa District Office. Case file documents are available for public inspection only at the Eastern States Office.

Note.—The Harris Cemetery Tract will not be offered on June 25, 1981, because of lack of surface owner consent.

Roger L. Hildebeidel,

Eastern States Director.

[FR Doc. 16091 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

Alabama; Lease Sale Schedule for Federal Coal in the Southern Appalachian Federal Coal Production Region, Alabama Subregion

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of regional lease sale schedule.

SUMMARY: In accordance with 43 CFR 3420.7–1 and in compliance with 40 CFR 1502.2, this notice contains the Secretary of the Interior's decision for a regional lease sale schedule, as announced on April 22, 1981, for Federal coal lease tracts in the Alabama Subregion of the Southern Appalachian Federal Coal Production Region.

DATES: The first sale is scheduled for June 5, 1981. Subsequent sale dates, see the Supplementary Information section.

ADDRESSES: The June 1981 lease sale will be held at the Alabama State Capitol, Montgomery, Alabama. The location of the remaining sale will be announced at a later date.

FOR FURTHER INFORMATION CONTACT: Roger Hildebeidel, Director, Easter States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 235–2833.

SUPPLEMENTARY INFORMATION: This notice, as required by 43 CFR 3420.7–1 and 40 CFR 1505.2, is to inform the public that the Secretary of the Interior has selected 13 tracts located in the Alabama Subregion of the Southern Appalachian Federal Coal Production Region and has announced the schedule for the competitive sale of those tracts. The legal descriptions for the tracts to be offered for sale are listed at the end of this notice.

The tracts to be offered have been scheduled in two sales. The first sale will be on June 25, 1981, with the second sale no later than December 1981. If the competitive interest shown at the two sales is significant, additional tracts beyond the 13 will be considered for lease offering at a third sale to be held as soon as possible in Calendar Year 1982.

The 13 tracts for sale in 1981 have been scheduled as follows:

First Sale—June 25, 1981

Upper North River
North River
Goodwin Creek
Harris Cemetery
Upper Sulfur Springs Church
Rock Springs Church
Elm Grove

Second Sale—No Later Than December 1981

Wiley
Dividing Ridge
Jess Creek
Windham Springs
Piney Woods Church
Howard

As part of the Secretary's decision, the Geological Survey (GS) has been directed to examine the royalty rates for non-Federal coal mined by both surface and underground methods in Alabama. The GS is to report its findings to the Secretary so an appropriate royalty rate for the Federal coal can be determined prior to the lease sales for the underground tracts in Alabama. For the surface mineable coal tracts, the Department will, after lease issuance, entertain applications for a royalty reduction, *if justified under the standards in Section 39 of the Mineral Leasing Act, 30 U.S.C. 209,* to the prevailing market rate in Alabama.

A total of 26 tracts were analyzed in the regional lease sale environmental impact statement (EIS). The 13 tracts being offered for sale contain an estimated 109 million tons of Federal mineable reserves that could result in 8 million tons of new annual coal production in the Alabama Subregion by 1987. For some of the 13 recommended tracts, the Secretary's decision allows a "phased-in leading" approach that will ensure a higher degree of protection to the quality of the water supply for the City of Tuscaloosa. The EIS, released in January 1981, showed a possible significant environmental impact could occur to the water quality for Tuscaloosa if all the coal tracts were developed around the same time.

Three of the 13 tracts to be offered may prevent the bypass of Federal coal or will provide for maintenance of present production levels at existing mines. Three other tracts (Harris Cemetery, Upper Sulfur Springs Church, and Elm Grove) will be set aside for bidding by small businesses at the June 1981 sale.

The Secretarial Issue Document that includes the Secretary's decision and discusses the alternatives for leasing and the national policies considered in reaching the decision is available upon request from the Eastern States Director at the above address.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

Approved:

David C. Russell,

Assistant Secretary, Land and Water Resources.

May 22, 1981.

1. Legal Description of Federal Coal in Upper North River Tract.

T. 16 S., R. 10 W., Huntsville Principal Meridian
Sec. 28. NW¼SW¼.
Containing approximately 40 acres in Fayette County.

2. Legal Description of Federal Coal in North River Tract.

T. 17 S., R. 10 W., Huntsville Principal Meridian
Sec. 3. NE¼; E½SE¼;
Sec. 4. N½SW¼; SW¼NW¼;
Sec. 5. E½SE¼; NE¼SW¼; E½NW¼;
Sec. 10. NW¼NE¼; NE¼NW¼;
Sec. 12. SE¼SE¼;
Sec. 13. NE¼NE¼; E½SE¼;
Sec. 15. N½NE¼; SE¼NE¼;
Sec. 17. SE¼NE¼; W½SE¼;
Sec. 21. SW¼NE¼; NW¼SE¼;
Sec. 22. N½NE¼; SW¼SW¼.
Containing approximately 1,197.5 acres in Tuscaloosa County.

3. Legal Description of Federal Coal in Goodwin Creek Tract.

T. 12 S., R. 10 W., Huntsville Principal Meridian
Sec. 19. SE¼SE¼;
Sec. 30. SW¼NE¼; SE¼NW¼; W½NW¼.
Containing approximately 201.2 acres in Walker County.

4. Legal Description of Federal Coal in Harris Cemetery Tract.

T. 14 S., R. 10 W., Huntsville Principal Meridian
Sec. 5. SE¼SW¼.
Containing approximately 40 acres in Fayette County.

5. Legal Description of Federal Coal in Upper Sulfur Springs Church Tract.

T. 16 S., R. 9 W., Huntsville Principal Meridian
Sec. 34. All of the NE¼SE¼ except that portion of a tract (one acre more or less) described in Deed Book 100, page 477, on file in the Fayette County Courthouse, Fayette, Alabama.
Containing approximately 38.94 acres in Fayette County.

6. Legal Description of Federal Coal in Rock Springs Church Tract.

T. 17 S., R. 9 W., Huntsville Principal Meridian
Sec. 2. NW¼SE¼; NW¼SW¼;
Sec. 3. SW¼SE¼; SW¼;
Sec. 4. NE¼NE¼; S½NE¼; S½SW¼;
Sec. 9. E½; SW¼;
Sec. 10. NW¼SE¼; N½; SW¼;
Sec. 11. SE¼SE¼; W½NW¼;
Sec. 12. E½SE¼;
Sec. 13. N½NE¼; N½SW¼;
Sec. 14. E½NE¼; N½SE¼; SE¼SE¼; E½NW¼;
Sec. 15. W½NE¼; NW¼SE¼; NW¼SW¼; NW¼;
Sec. 22. E½SE¼; NE¼NW¼;
Sec. 23. S½NE¼; NE¼SE¼;
Sec. 24. E½SE¼; SW¼NW¼;
Sec. 25. NE¼NE¼; NE¼SE¼; E½SW¼;
Sec. 26. NW¼NW¼;
Sec. 27. NE¼NE¼;
Sec. 36. E½; NE¼SW¼; E½NW¼.
Containing approximately 3,479.98 acres in Tuscaloosa County.

7. Legal Description of Federal Coal in Elm Grove Tract.

T. 14 S., R. 10 W, Huntsville Principal Meridian
Sec. 4. SW¼SW¼;
Sec. 5. NE¼SE¼.
Containing approximately 79.9 acres in Fayette County.

8. Legal Description of Federal Coal in Wiley Tract.

T. 17 S., R. 9 W., Huntsville Principal Meridian
Sec. 30. E½SE¼;
Sec. 31. NE¼NE¼; S½NE¼; SE¼NW¼;
Sec. 32. E½NE¼; W½SW¼; SE¼NW¼; W½NW¼.
T. 17 S., R. 10 W.
Sec. 25. NW¼SW¼;
Sec. 26. NE¼SE¼; NW¼SW¼;
Sec. 27. W½NW¼;
Sec. 28. SE¼NE¼;
Sec. 34. NE¼SE¼;
Sec. 35. NW¼NE¼; SE¼NE¼; E½SW¼; NE¼NW¼;
Sec. 36. SE¼NE¼; N½SW¼; SE¼NW¼.
T. 8 S., R. 9 W.
Sec. 6. SW¼NE¼; W½SW¼; S½NW¼; NE¼NW¼;
Sec. 7. S½NE¼; N½NW¼.
T. 18 S., R. 10 W.
Sec. 1. N½SE¼; SW¼SE¼; SE¼SW¼; NE¼NW¼;
Sec. 11. E½NE¼;
Sec. 12. NW¼NE¼; SE¼SW¼.
Containing approximately 1,919.73 acres in Tuscaloosa County.

9. Legal Description of Federal Coal in Dividing Ridge Tract.

T. 16 S., R. 9 W., Huntsville Principal Meridian
Sec. 15. NW¼SW¼;
Sec. 21. E½NE¼; NW¼NE¼; NE¼SE¼;
Sec. 22. S½N½; N½S½; NW¼NW¼;
Sec. 23. W½SW¼.
Containing approximately 638 acres in Fayette County.

10. Legal Description of Federal Coal in Jess Creek Tract.

T. 14 S., R. 9 W., Huntsville Principal Meridian
Sec. 7. W½NE¼;
Sec. 17. NE¼; E½SE¼; W½SW¼;
Sec. 18. SE¼; S½NE¼; NW¼NE¼; E½W½;
Sec. 19. NE¼; W½SE¼; E½SW¼;
Sec. 20. W½SE¼; NW¼; SW¼NE¼; E½SW¼;
Sec. 21. SE¼; E½SW¼; NW¼SW¼; NW¼.
Containing approximately 1,960 acres in Walker County.

11. Legal Description of Federal Coal in Windham Springs Tract.

T. 18 S., R. 9 W., Huntsville Principal Meridian
Sec. 17. SW¼SW¼;
Sec. 18. N½SE¼; SE¼NW¼;
Sec. 19. S½; SW¼NW¼;
Sec. 20. SW¼SW¼;
Sec. 21. NE¼SE¼;
Sec. 22. S½NE¼; S½; SE¼NW¼; NW¼NW¼;
Sec. 27. W½NE¼; S½; NW¼;
Sec. 28. N½S½; SW¼NW¼;
Sec. 29. N½SE¼; S½SW¼;
Sec. 31. All;
Sec. 32. S½S½;
Sec. 33. N½; NE¼SE¼; S½SW¼; NE½SW¼;
Sec. 34. N½; N½S½; S½SE¼;
Sec. 35. E½E½; W½W½; NW¼NE¼; SW¼SE¼; NE¼NW¼.
T. 18 S., R. 10 W.,
Sec. 13. NW¼SE¼; NE¼SE¼; S½S½;
Sec. 14. SE½SE¼;
Sec. 24. N½; N½SE¼; SW¼SE¼; NE¼SW¼;
Sec. 25. NW¼NE¼; SW¼SE¼; N½SW¼; E¼NW¼;
Sec. 26. N½; N½SE¼;
Sec. 27. SE¼NE¼; NE¼SE¼;
Sec. 36. W½NE¼; SE¼NE¼; NE¼NW¼.
Containing approximately 7,439.1 acres in Tuscaloosa County.

12. Legal Description of Federal Coal in Piney Woods Church Tract.

T. 18 S., R. 9 W., Huntsville Principal Meridian
Sec. 29. N½SE¼, that portion west of Crabbe Road; S½SW¼;
Sec. 30. S½SE¼;
Sec. 31. N½N½.
T. 18 S., R. 10 W., Huntsville Principal Meridian
Sec. 25. SW¼SE¼;
Sec. 36. NW¼NE¼; NE¼NW¼.
Containing approximately 481.33 acres in Tuscaloosa County.

13. Legal Description of Federal Coal in Howard Tract.

T. 14 S., R. 10 W., Huntsville Principal Meridian
Sec. 2. SW¼NE¼; S½SE¼; NW¼SE¼; S½SW¼;
Sec. 11. W¼NE¼; partial NE¼NE¼; partial SE¼NE¼; SW¼SE¼; SW¼; E½SW¼NW¼; E½NW¼.
Containing approximately 815 acres in Fayette County.

[FR Doc. 81-16108 Filed 5-28-81; 8:45 am]
BILLING CODE 4310-84-M

[Colorado 3656 WR]

Multiple Use Classification: Partial Termination

May 21, 1981.

1. Pursuant to authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple Use Classification Order dated June 4, 1968 (Serial No. C 3656), published in the **Federal Register** June 13, 1968, Vol. 33, No. 115, p. 8682, is hereby terminated as to the following described lands:

Sixth Principal Meridian

Crowford Site

T. 15 S., R. 91 W.
Section 31, Lot 1, NE¼SW¼, N½NE¼.
Containing 160.52 acres in Delta County.

2. At 7:45 a.m. on July 2, 1981 the lands shall be open to the public land laws, including the U.S. mining laws, subject to any valid rights and the provisions of existing withdrawals.

3. The lands have been and remain open to filing under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the undersigned, Attention: Alvah Q. Whitledge, Acting Chief, Withdrawal Section, Bureau of Land Management, 2000 Arapahoe Street, Denver, Colorado 80205.

George C. Francis,
State Director.

[FR Doc. 81-16079 Filed 5-28-81; 8:45 am]
BILLING CODE 4310-84-M

[Colorado 8085 WR]

Multiple Use Classification: Partial Termination

1. Pursuant to authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple Use Classification Order dated February 19, 1969 (Serial No. C 8085), published in the **Federal Register** February 27, 1969, Vol. 34, No. 39, p. 2676, is hereby terminated as to the following described lands:

New Mexico Principal Meridian

Elk Park Site

T. 42 N., R. 7 W.
Section 20, NE¼NE¼

Kendall Ski Area

T. 41 N., R. 7 W.
Section 16, S½NW¼SW¼, N½SW¼SW¼
Section 17, S½NE¼SE¼, N½SE¼SE¼, NE¼SW¼SE¼
Excluding patented lands
Containing approximately 130 acres in San Juan County.

2. At 7:45 a.m. on July 2, 1981 the lands shall be open to the public land laws, including the U.S. mining laws, subject to any valid rights and the provisions of existing withdrawals.

3. The lands have been and remain open to filing under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the undersigned, Attention: Alvah Q. Whitledge, Acting Chief, Withdrawal Section, Bureau of Land Management, 2000 Arapahoe Street, Denver, Colorado 80205.

George C. Francis,

State Director.

[FR Doc. 81-15993 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico & Colorado San Juan River Regional Coal Team Meeting

May 22, 1981.

AGENCY: Bureau of Land Management.

ACTION: Public Hearing and Opening of a Comment Period.

SUMMARY: The New Mexico State Office of the Bureau of Land Management advises the public that hearings will be held to receive oral and written comments in order to assist the Secretary of the Interior through the San Juan River Regional Coal Team, in his review of the Federal coal production goals for the San Juan River Coal Production Region. The hearings will be held in Albuquerque and Farmington, New Mexico. Individuals wishing to comment orally at the public hearings are asked to provide written copies of their remarks if possible. Oral and written comments will be accepted at the public hearings. Written comments should be addressed to the New Mexico State Director at the address given below.

DATE: Written comments will be accepted until close of business, August 17, 1981. Public hearings will be held in Albuquerque, New Mexico on July 13, 1981 and in Farmington, New Mexico on July 16, 1981. The hearings will start at 10:00 a.m.

ADDRESS: Written comments on the production goals should be addressed to Bureau of Land Management, New Mexico State Director, P.O. Box 1449, Santa Fe, New Mexico 87501. The public hearing will be held in Albuquerque, New Mexico, in the Cochiti-Taos Rooms, Albuquerque Convention Center and in Farmington, New Mexico, at The Inn, 700 Scott Ave.

FOR FURTHER INFORMATION CONTACT: Gene Day, San Juan River Project Manager, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Telephone (505) 988-6226.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) issued updated national and regional coal production goals on January 26, 1981. These coal production goals are intended to guide the Department of the Interior (DOI) and the Regional Coal Team (RCT) in setting a Federal leasing target for the San Juan River Federal Coal Production Region

DOE Final Production Goals San Juan River Region

(Million tons annually)

	1990	1995
Low	54.5	57.8
Medium	57.6	61.2
High	58.9	63.7

The coal production goals developed by DOE are provided at three levels of energy consumption growth rates—low, medium and high. Due to the uncertainties regarding coal consumption over the next 10–15 years, especially for electric utilities and synthetic fuels, the range in the goals is substantial. The DOE final production goals have been provided to the San Juan River RCT.

The Federal Coal Management Regulations (43 CFR 3420.3–2(d)) require that the RCT consider the regional situation and recommend adjustments to the regional production goals based on such factors as: (1) public comment received in writing or in hearing(s) held by the team in the region, (2) State Government, Bureau of Land Management State Office, Indian Tribe and regional development policies, (3) administrative capacity to satisfy the indicated level of leasing based on the final production goals, and (4) other information available to the Regional Coal Team which they believe should receive consideration by the Secretary in his review of the final regional production goals.

The purpose of this notice is to call for public comment on the production goals in order to assist the RCT in formulating its recommendations to the Secretary.

Larry L. Woodard,

Associate State Director.

[FR Doc. 81-16077 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

[3350-1]

Outer Continental Shelf Advisory Board; Alaska Regional Technical Working Group Committee; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-643.

The Alaska Regional Technical Working Group Commitee of the National Advisory Board will hold a meeting on June 24–25, 1981, beginning at 9 a.m. in Mountainview Conference Room, Alaska OCS Office, 620 East 10th Avenue, Anchorage, Alaska.

The meeting will cover the following principal subjects:

—The proposed April 1981 OCS leasing schedule
—The supplemental EIS on the April 1981 proposed schedule
—The planning unit concept
—The streamlining process
—Fiscal year 1982 technical development plans for studies
—Fiscal year 1983 Regional Studies Plan
—Scale 60 proposed notice of sale
—NERBC study products

The meeting is open to the public. Public attendance may be limited by the space available. Summary minutes of the meeting will be available at the Alaska OCS Office for public inspection and copying 3 weeks after the meeting.

For further information, contact Gordy Euler at the Alaska OCS Office, (907) 276-2955.

Dated: May 19, 1981.

Robert J. Brock,

Acting Manager, Alaska OCS Office.

[FR Doc. 81-16074 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

Shoshone and Benewah Counties, Idaho; Realty Action, Exchange of Public Lands

May 22, 1981.

The following described lands have been examined and determined through the public land use planning process to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716:

B.M.—Shoshone County, Idaho

T. 48 N., R. 3 E.,
Sec. 10—lot 2, NW¼SW¼.
70.25 acres.

The public lands are hereby segregated from all forms of appropriation under the public land laws including the mining laws for a period of two (2) years.

The classification decision of May 24, 1978 as it affects Lot 2, Sec. 10, T. 48 N., R. 3 E., B.M. is hereby ammended to allow the transfer of title by exchange under Sec. 206 of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976.

In exchange for these lands, the Federal Government will acquire a tract of private land in Benewah County, Idaho described as follows:

B.M—Benewah County, Idaho

T. 47 N., R .1 W.,
Sec. 31—SE¼NE¼, NE¼SE¼, Lot 11.
110.42 acres.

The purpose of this exchange is to allow various actions as follows:

1. Allow the Sunshine Mining Company to obtain fee title to lands they partially developed as part of a Golf and Tennis Club facility as authorized under Recreation and Public Purposes Lease I-14403 for the Shoshone Golf and Tennis Club, Inc.

2. Make possible the fee title transfer of the land and facilities thereon to the Shoshone Golf and Tennis Club, Inc. as agreed upon by the Sunshine Mining Co.:

3. Make possible for transfer of the roads constructed to county acceptance standards to Shoshone County as agreed upon with the Shoshone County Commissioners;

4. Allow the development, maintenance, management and control of a water system which will serve the Shoshone Golf and Tennis Club, the executive housing for the Sunshine Mine, and the mines metal processing facilities and offices; and

5. Allow for the full development of the lands adjacent to this golf course and mine properties without repeated applications and grants of rights-of-way and other permits which may be required by the Bureau of Land Management.

Construction of this golf course replaced the course now occupied by the Sunshine Mining Company's tailings impoundment.

The Shoshone Golf and Tennis Club, Inc. is a non-profit organization which is supported by the local mining industry and other private and county organizations.

The Shoshone Golf and Tennis Club, Inc. desires and needs a new locations for a water storage facility and waterlines in the NE¼SW¼, Sec. 10, T. 48 N., R. 3 E., B.M. to provide adequate water for fire protection and domestic use for the club's facilities. The Sunshine Mining Company has agreed to construct these facilities in accord with Public Health and Safety Standards to provide sufficient water for domestic and fire protection use.

Examination of the public land records and the public land involved revealed there are mining claims of record. The Sunshine Mining company is attempting to deal with all claimants equitably. All claimants of record should contact the Bureau of Land Management and the Sunshine Mining company to resolve any claim to minerals that may be in these lands.

The public interest will be well served by making this exchange. The terms and conditions applicable to the exchange are:

1. The exchange will be for fee title transfer for all lands involved on an equal value basis with monetary equalization if necessary. Preliminary value estimates indicate the lands involved are near equal value.

2. The public lands selected and proposed to be patented will be subject to the following reservations:

a. A ditches and canals reservation common to all patents issued.

b. A right-of-way for 50 feet on either side of the centerline of the existing Washington Water Power transmission line as authorized under Serial No. I-09108 and Federal Power Commission (FPC) license for Power Project 1072 as withdrawn by FPC Order of December 3, 1941.

c. A right-of-way for 25 feet on either side of the centerline at the existing Washington Water Power natural gas pipeline as authorized under Serial Number I-016691.

d. A road right-of-way as surveyed for 30 feet on either side of its centerline from the intersection with the road to be transferred to Shoshone County along the existing ridge road southerly to the south boundary of the NW¼SW¼, Sec. 10, T.48N., R.3E., B.M.

The lands the Sunshine Mining Company proposes to deed to the United States in exchange would not be affected by any reservations other than the ditches and canal reservation originally reserved by the United States.

The publication of this notice in the **Federal Register** will segregate the public lands described above from appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted and shall be returned to the applicant.

Detailed information concerning the exchange, including the environmental assessment and the record of public discussions, is available for review at the Coeur d'Alene District Office, P.O. Box 1889, 1808 North 3rd, Coeur d'Alene, Idaho 83814. For a period of 45 days interested parties may submit comments to the District Manager, Coeur d'Alene District Office, Bureau of Land Management, at the above address.

Any adverse comments will be evaluated by the authorized officer who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this realty action will become the final determination of the department.

Wayne Jinne,

Acting District Manager.

[FR Doc. 81-16008 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct various activities with Endangered Species:

Applicant: Louisiana Department of Wildlife and Fisheries, New Orleans, LA; PRT 2-7994

The applicant requests a permit to capture, handle, mark, radio-tag, relocate and release American alligators (*Alligator mississippiensis*) for the purpose of scientific research in the state of Louisiana.

Applicant: Terry Lilley, Morro Bay, CA; PRT 2-7998

The applicant requests a permit to import five (5) Jamaican boas (*Epicrates subflavus*) from the Hope Zoo, Kingston, Jamaica to Morro Bay, California for enhancement of propagation and scientific research.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before June 29, 1981, by submitting written data, views, or arguments to the Director at the above address.

Dated: May 21, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-16095 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct various activities with endangered Species:

Applicant: Knoxville Zoological Park, Knoxville, TN; PRT 2-7737

The applicant requests a permit to be authorized to receive and possess injured or orphaned endangered birds brought to the zoo by private citizens for enhancement of survival, rehabilitation, and release to the wild.

Applicant: Tennessee Valley Authority, Norris, TN; PRT 2-4252

The applicant requests a permit to take up to ten (10) gravid Cumberland monkeyface pearly mussels *(Quadrula intremedia)* per year in 1981 and 1982 from the Powell River in Virginia and Tennessee to obtain glochidia to be used for scientific research to determine the fish host(s).

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before June 29, 1981, by submitting written data, views, or arguments to the Director at the above address.

Dated: May 26, 1981.

Steve Funderburk,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-16096 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: San Diego Zoological Gardens, San Diego, CA.

The applicant requests a permit to import urine samples from brown hyenas (*Hyaena brunnea*) from the Assiniboine Park Zoo, Winnipeg, Manitoba, Canada for scientific research.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8013. Interested persons may comment on this application on or before June 29, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: May 26, 1981.

Steven L. Funderburk,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-16097 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-55-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for an amendment to his Permit to take sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant:
   a. Name: Donald B. Siniff and John R. Tester.
   b. Address: University of Minnesota, Minneapolis, MN 55455.
2. Type of permit: Scientific Research.
3. Name and Number of Animals: 300 sea otters (*Enhydra lutris*).
4. Type of Activity: capture for tagging and extraction of premolar.
5. Location of Activity: 100 otters will be taken at Amchitka Island, AK; 200 in Prince William Sound.
6. Period of Activity: until 31 July 1982.

The purpose of this application is to (1) gather data on population dynamics and social behavior (2) investigate use of premolars in aging technique and (3) determine feasibility of using a capture pistol for territorial males.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-4114. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, on or before June 29, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: May 21, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-16098 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Request for Public Comment on Maximum Economic Recovery and Fair Market Value

AGENCY: Geological Survey, Department of the Interior.

The U.S. Geological Survey has delineated two tracts, one known as the China Butte tract and the other as the Red Rim tract, as candidates for possible lease sale in the Green River-Hams Fork coal production region in Wyoming. These two tracts are currently under consideration for leasing by the Department of the Interior. Each tract lies within a checkerboard ownership pattern as a result of a Federal railroad land grant. The Federal acreages included in the China Butte tract, if offered, will be offered for lease singly, i.e., not in conjunction with the interspersed private tracts.

The U.S. Department of the Interior is currently attempting to reach a cooperative agreement with the holder of the interspersed private coal sections in the Red Rim tract. If such a cooperative agreement is reached, the private coal sections would be offered in conjunction with the Federal Red Rim sections. The results of those negotiations cannot be determined at this time; however, the U.S. Geological Survey is requesting comments on fair market value for the Federal coal, whether the Red Rim tract is offered for lease sale with or without a cooperative agreement.

A description of the two tracts is contained in Table I. More complete geologic data on these tracts are available in the tract delineation reports and the economic recovery potential analysis report for each tract. These reports are available for public inspection at the Office of the Deputy Conservation Manager for Resource Evaluation, North Central Region, Conservation Division, U.S. Geological Survey, 100 East "B" Street, Room 2001, Casper, Wyoming 82601. Additional

data on these tracts are available from the Final Environmental Impact Statement (FEIS). Copies of the FEIS are available from the Bureau of Land Management (BLM) State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

The public is invited to submit written comments on the fair market value of the listed tracts to the U.S. Geological Survey. Comments should address, but not necessarily be limited to, the following:

1. The quantity and quality of the coal resource for each tract by seam(s).
2. The mining method or methods which would achieve maximum economic recovery of the coal, including specification of seams to be mined on each tract and the most desirable timing and the rate of production.
3. The demonstrated and recoverable reserves of coal on each tract by seam(s).
4. Which of the tracts, if any, should be evaluated as part of a larger mining unit (i.e., those tracts which do not in themselves form a logical mining unit).
5. The configuration of the larger mining unit of which the tract may be a part.
6. Restrictions to mining which may affect coal recovery.
7. The price that the mined coal would bring in the marketplace.
8. The cost of producing the coal including mining and reclamation costs.
9. The percentage rate at which anticipated income streams should be discounted, either in the absence of inflation or including inflation, in which case the anticipated rate of inflation should be given.
10. Depreciation and other accounting factors.
11. The value of the surface estate where privately held.
12. Documented information on the terms and conditions of recent and similar coal land transactions in the lease sale area.

If information submitted is considered to be proprietary, the information should be so labeled in the first page of any written comment(s). The U.S. Geological Survey will treat any submitted information as being confidential if so requested by any person(s), firm(s), or organization(s) and if authorized by the exemption provisions of the Freedom of Information Act. Comments should be sent to the Conservation Manager, North Central Region, Conservation Division, U.S. Geological Survey, 100 East "B" Street, Room 4130, Casper, Wyoming 82601. Comments should be received no later than 30 days after publication of this notice.

This request for comments should not be interpreted as a firm commitment by the Federal Government to lease either of the tracts listed herein. Any decision to offer for public lease sale either or both of these tracts will be made in a public notice of sale issued by the BLM not less than 30 days prior to any sale. These procedures are in accordance with the procedures specified in the 43 CFR 3400 series, Federal Coal Management Regulations.

In addition to the information regarding reserves (Table I), the Departmental policy calls for release of all nonproprietary data which are used as input in the discounted cash flow evaluation model. Under this policy, we are releasing for public comment and review our initial estimates of: (1) "the coal selling price," which is an estimate of the range of current market prices and is based upon the quality of the coal; (2) "the unit mining cost," which is an estimate of the range of all operating costs used to produce the coal; and (3) a discount rate of 10 percent and a nine percent inflation factor.

It should be noted that these values are current estimates only and may or may not change as a result of comments received from the public and/or changes in market conditions between now and when any final evaluations are completed.

Table I—*Description of possible lease tracts in the Green River-Hams Fork Wyoming coal region*

Tract name	County, township and range	Acreage	Demonstrated reserve base estimate (millions of tons)	Probable mine type	As received Btu/per pound	Sulfur content (percent)	ash content (percent)
Red Rim	Carbon, T. 19–20–21 N.; Sweetwater, R. 89–90–91 W.	9,715.49	40.5	Surface	8,560	0.45	9.30
China Butte	Carbon, T. 17–18–19 N., R. 91 W.	5,974.09	73.9	Surface	8,800	0.56	7.35

Our geologic reports and reports on preliminary economic data are on file and available for public inspection and review at the U.S. Geological Survey office cited in this public notice.

Dwayne E. Hull,

Conservation Manager, North Central Region.

[FR Doc. 81-16059 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-31-M

Oil, Gas and Sulphur Operations in the Outer Continental Shelf; Mesa Petroleum Co.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Mesa Petroleum Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3588, Block 12, portion, South Pelto Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested

parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 22, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-15982 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-31-M

INTERNATIONAL CONVENTION ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, that a meeting of the International Convention Advisory Commission will be held on Tuesday, June 30, 1981, 9:30 p.m., Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C.

The Commission will consider a report on vertebrate species in trade, a report on trade in parrots, and miscellaneous other business.

For further information contact Dr. William Y. Brown, Executive Secretary, International Convention Advisory Commission, Suite 220, 1010 Wisconsin Avenue, NW., Washington, D.C. 20007, telephone 202/343-7407. Opportunity will be given for oral or written presentations provided that appointments are made with Dr. Brown by 5:00 p.m., June 26, 1981.

Dated: May 26, 1981.

William Y. Brown,

Executive Secretary, International Convention Advisory Commission.

[FR Doc. 81-16022 Filed 5-28-81; 8:45 am]

BILLING CODE 4310-68-M

INTERSTATE COMMERCE COMMISSION

[Volume No. OP1-155]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: May 21, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtain from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdiction problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the qualify of the human environment nor does it appear to quality as a major regulatory action under the Energy Policy and Conservation Act of 1975.

We also find that the transaction is consistent with the public interest, will enable the rail carrier to use motor carrier transportation to public advantage in its operation, and will not unreasonably restrain competition.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, it the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC-F-14625, filed April 30, 1981. PACIFIC MOTOR TRUCKING COMPANY (PMT) (1766 El Camino Real, Burlingame, CA 94010)—Continuance in control—LOUIS HELLER, INCORPORATED (Heller) (1235 Glendale Rd., Sparks, NV 89431). Representatives: Lloyd M. Roach, 7600 South Central Expressway, P.O. Box 226187, Dallas, TX 75266; John MacDonald Smith, Southern Pacific Bldg., Room 813, One Market Plaza, San Francisco, CA 94105. PMT seeks authority to continue in control of Heller upon the institution by Heller of operations, in interstate or foreign commerce, as a motor contract carrier. Southern Pacific Transportation Co. (SPT), the sole stockholder of PMT, and in turn, Southern Pacific Company, a publicly held non-carrier and the sole stockholder of SPT, seek authority to acquire control of said rights and property through the transaction. PMT is a motor carrier pursuant to authority issued in MC-78786 and MC-78787. SPT, a rail carrier, controls Southern Pacific Transportation of Texas and Louisiana (MC-30319), Pacific Motor Transport Company (MC-54696), Southern Pacific Marine Transport, Inc., a freight forwarder (FF-514), and controls through 99.87% stock ownership, St. Louis Southwestern Railroad Company, a rail carrier which controls by 100% stock ownership, Southwestern Transportation Company (MC-59488). Condition: Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by officers of Southern Pacific Company and Southern Pacific Transportation Co. stating that they are persons in control of Heller and that they join in this application.

Note.—A directly related application has been filed and docketed MC–152491 and published in this same **Federal Register** issue.

[FR Doc. 81-15936 Filed 5-28-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP1-156]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: May 21, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the applications to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requierments of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Parker, Chandler and Fortier.

Agatha L. Mergenovich,
Secretary.

MC 152491, filed April 30, 1981. Applicant: LOUIS HELLER, INCORPORATED, 1766 El Camino Real, Burlingame, CA 94010. Representatives: Lloyd M. Roach, 7600 South Central Expressway, P.O. Box 226187, Dallas, TX 75266, (214) 376–4423; John MacDonald Smith, Southern Pacific Bldg., Rm. 813, One Market Plaza, San Francisco, CA 94105, (415) 362–1212 (Ext. 21354). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with St. Louis Southwestern Railway Company, of San Francisco, CA.

Note.—This application is directly related to MC–F–14625, published in this same **Federal Register** issue.

[FR Doc. 81-15937 Filed 5-28-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–151

Decided: May 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 10321 (Sub-7), filed May 11, 1981. Applicant: J. A. CARMAN TRUCKING CO., INC., One Anderson Dr., P.O. Box 11–530, Albany, NY 12211. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575–7700. Transporting *petroleum, natural gas and their products,* between Philadelphia, PA, New York, NY, points in MA, and VT, those in Suffolk County, NY, and those in NY in and east of St. Lawrence, Herkimer, Otsego, Delaware, Sullivan, Orange, and Rockland Counties.

MC 123111 (Sub-11), filed May 11, 1981. Applicant: QUEENSWAY TANK LINES, LIMITED, 635 Industrial Ave., Ottawa, Ontario, Canada K1G 0Z1. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004, (202) 628–4600. Transporting *commodities in bulk,* between ports of entry on the international boundary line between the U.S. and Canada in NY and VT, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 128190 (Sub-18), filed May 12, 1981. Applicant: FREMONT CONTRACT CARRIERS, INC., 1520 Railroad St., P.O. Box 489, Fremont, NW 68025. Representative: Wendell Bruner (same address as applicant), (402) 721–3020. Transporting *such commodities* as are dealt in by lumber yards, between points in the U.S., under continuing contract(s) with Braun, Ray Bros. & Finley Co., of Omaha, NE.

MC 143280 (Sub-24), filed May 4, 1981. Applicant: SAFE TRANSPORTATION COMPANY, a corporation, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *general commodities* (except classes A and B explosives), between St. Louis, MO, on the one hand, and, on the other, points in OH, MI, IA, IL, NE, ND, SD, WY, MT, KS, IN, MN, KY, TN, AR, and OK.

MC 147811 (Sub-9), filed May 4, 1981. Applicant: FLO–JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson (same address as applicant), (207) 397–2757. Transporting *pulp, paper and related products, and rubber and plastic articles,* between points in the U.S., under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

MC 148620 (Sub-12), filed May 11, 1981. Applicant: K.G.L. CONTRACTING SERVICE, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., N.E., Atlanta, GA 30303, (404) 685–8045. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Technologies Corporation, Essex Group, Inc., of Fort Wayne, IN.

MC 152610 (Sub-2), filed April 28, 1981. Applicant: RAVEN DISTRIBUTORS, INC., 6705 E. Marginal Way South, Seattle, WA 98108. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055 (206) 235–1111. Transporting *food and related products, and institutional materials, equipment, and supplies,* between points in WA, OR, CA, and ID.

MC 152691, filed May 13, 1981. Applicant: SANTOS RICO, d.b.a. AUTO TRANSPORTES, 1102 E. Francis, Corona, CA 91720. Representative: Santos Rico (same address as applicant), (706) 568–3353. Transporting *machinery,* between points in the U.S., under continuing contract(s) with (a) Certron Corporation of Anaheim, CA, and (b) Beckman Instruments, Inc., of Fullerton, CA.

MC 152961, filed May 13, 1981. Applicant: TRAVELAND BUS COMPANY, 4925 Preakness Way, Virginia Beach, VA 23464. Representative: Alfred West Shelton III (same address as applicant), (804) 467–3450. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in VA, and extending to points in the U.S.

MC 154571, filed May 6, 1981. Applicant: SOUTHERN INTERIOR HOLDINGS LTD., Southern Interior Express, 212 Collis Road, P.O. Box 1519, Creston, B.C. Canada VOB IGO. Representative: Herb Rennich (same address as applicant), (604) 223–8410. Transporting *lumber and wood products,* between points in the U.S., under continuing contract(s) with Sunwest Energy, of Lynnwood, WA.

MC 154621 (Sub-1), filed May 11, 1981. Applicant: MONROE WAREHOUSE COMPANY, INC., P.O. Box 2525, Monroe, LA 71207. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International Minerals & Chemical Corporation of Mundelein, IL.

MC 154751 (Sub-2), filed May 7, 1981. Applicant: SUN COAST TRANSPORT CORPORATION, 4608 N. Coopr Place, Tampa, FL 33684. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. Transporting *food and related products,* between points in FL.

MC 155341, filed May 4, 1981. Applicant: PIONEER EXPRESS, INC., 1715 S.E. Skyline Drive, Oklahoma City, OK 73129. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Over regular routes, transporting *general commodities* (except classes A and B explosives), betwen Oklahoma City, OK, and Shamrock, TX, over U.S. Hwy 66 and Interstate Hwy 40, serving all intermediate points and serving Arapaho, Bessie, Cordell and Burns Flat, OK, as off-route points.

MC 155901, filed May 12, 1981. Applicant: THE McMURRAY MOTOR FREIGHT COMPANY, INC., 1010 Woodend Road, Woodbury, CT 06798. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, and RI, on the one hand, and, on the other, points in CT, MA, RI, NY, NJ, and PA.

MC 155911, filed May 13, 1981. Applicant: FREIGHT MASTERS, INC., 7500 23rd Ave., South, Minneapolis, MN 55450. Representative: Robert L. Cope, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Transportation Systems International, Inc., of Bloomington, MN.

MC 155920, filed May 11, 1981. Applicant: NORMAN G. MAGA & LUCILLE A. MAGA, P.O. Box 225, Winnemucca, NV 89445. Representative: Irene Warr, Ste. 280 Western Home Bank Bldg., 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting *machinery,* between points in Humboldt County, NV, on the one hand, and, on the other, points in AZ, CA, OR, UT, and WA.

MC 155950, filed May 13, 1981. Applicant: TWIN'S EXPRESS INC., 34 Dorwin Drive, West Springfield, MA 01089. Representative: Edward T. Smart, Jr., (same address as applicant), (413) 737–7491. Transporting *general commodities* (except classes A and B explosives), between points in MA, CT, and RI.

MC 155951, filed May 12, 1981. Applicant: STEVE BOYD d.b.a. BOYD & SONS TRUCKING, Route 3, Washington, IN 47501. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635-2339. Transporting lumber and wood products, between points in IN, IL, MI, OH, and WI, on the one hand, and, on the other, points in AL, AR, GA, LA, and MS.

Volume No OP1-153

Decided: May 20, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF-551, filed May 6, 1981. Applicant: COSMOPOLITAN FORWARDERS, LTD., 6715 Backlick Road, Suite 203, Springfield, VA 22150. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036, (202) 887-5868. As a *freight forwarder*, in connection with the transportation of *household goods*, between points in the U.S.

MC 40971 (Sub-6), filed May 13, 1981. Applicant: UTAH-WYOMING FREIGHT LINE, INC., 2818 W. 2700 S., Salt Lake City, UT 84119. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *general commodities* (except classes A and B explosives), between points in UT and WY.

MC 48441 (Sub-73), filed May 12, 1981. Applicant: R. M. E., INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 Mclachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001, (202) 628-9243. Transporting (1) *containers and container closures*, between the facilities of Continental Group and Ball Corporation in those points in the U.S. in and east of MT, WY, CO, and NM, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM, (2) *pulp, paper and related products*, between the facilities of Continental Group and Clevepak Corporation in the U.S., on the one hand, and, on the other, points in the U.S., and (3) *building materials*, between the facilities of Continental Group in the U.S. on the one hand, and, on the other, points in the U.S.

MC 52460 (Sub-329), filed May 14, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St. P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant), (918) 446-4434. Transporting *petroleum, natural gas and their products*, between points in Wyandotte County, KS, and Jackson County, MO, on the one hand, and, on the other, points in CO, UT, and WY.

MC 67450 (Sub-116), filed May 13, 1981. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *clay, concrete, glass or stone products*, between points in AL and GA, on the one hand, and, on the other, points in IL, IN, IA, and WI.

MC 119961 (Sub-9), filed May 11, 1981. Applicant: MARSHALL MOTOR COACH, INC., 1409 East Anton, Marshalltown, IA 50158. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in Hardin, Hamilton, Webster, Calhoun, Carroll, Greene, Audubon, Guthrie, Dallas, Cass, Adair, Madison, and Warren Counties, IA, and extending to points in the U.S. (except HI).

MC 121420 (Sub-24), filed May 12, 1981. Applicant: DART TRUCKING COMPANY, INC., 61 Railroad St., Canfield, OH 44406. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting (1) *commodities in bulk*, (2) *clay, concrete, glass or stone products*, (3) *metal products*, (4) *ores and minerals*, (5) *Building materials*, and (6) *chemicals and related products*, between points in AL, IL, IN, KY, MD, MS, NY, NJ, OH, PA, TN, VA, GA, MO, WV, MI, DE, WI, and DC.

MC 128290 (Sub-18), filed May 13, 1981. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339, (404) 434-3381. Transporting *food and related products*, between points in Lincoln County, NC, on the one hand, and, on the other, points in AL, AR, DE, GA, FL, KY, LA, MD, MS, NJ, NY, NC, OK, PA, SC, TN, TX, VA, WV, and DC.

MC 136511 (Sub-108), filed May 11, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main Street, Altavista, VA 24517. Transporting *textile mill products*, between points in the U.S.

MC 138861 (Sub-29), filed May 13, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036, (201) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Washburn Wire Company of East Providence, RI.

MC 144350 (Sub-2), filed May 14, 1981. Applicant: JOHN B. TE SLAA, d.b.a. SLAA TRUCKING, Box 391, Hull, IA 51239. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104, (712) 255-3127. Transporting *food and related products*, between Sioux City, IA, and points in Buena Vista, Cherokee, O'Brien, Sioux, and Webster Counties, IA, on the one hand, and, on the other, points in the U.S.

MC 146421 (Sub-2), filed May 12, 1981. Applicant: WYATT TRANSFER, INC., P.O. Box 2-N, Richmond, VA 23204. Representative: Harry C. Ames, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001, (202) 628-9243. Transporting *general commodities* (except classes A and B explosives), between points in NC and VA.

MC 146701 (Sub-10), filed May 11, 1981. Applicant: WEAVER TRUCKING CO., INC., P.O. Box 45, Eton, GA 30724. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 695-9421. Transporting *food and related products*, between points in Adams, Arapahoe, Denver, Jefferson, Logan, and Morgan Counties, CO, on the one hand, and, on the other, points in AL, FL, GA, KY, MS, NC, SC, TN, VA, CT, MD, MA, NY, PA, and DC.

MC 146950 (Sub-3), filed May 12, 1981. Applicant: JOSEPH C. HALL, INC., 148 Kent St., Albany, NY 12206. Representative: Bertrand F. Gould, 112 State St., Albany, NY 12207, (518) 462-2200. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Schenectady, NY.

MC 149081 (Sub-1), filed May 13, 1981. Applicant: SUBURBAN TRAILS, INC., 750 Somerset St., New Brunswick, NJ 08901. Representative: Edward F. Bowes, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575-7700. Over regular routes, transporting *passengers and their baggage, and express and newpapers*, in the same vehicle with passengers, (1) between Plainsboro, NJ and New York, NY, from junction U.S. Hwy 1 and Princeton-Plainsboro Rd in the Township of Plainsboro, NJ, over Princeton-Plainsboro Rd. to junction Plainsboro-Cranbury Rd., then over Plainsboro-Cranbury Rd. to junction Maplewood Ave. in the Township of Cranbury, NJ, then over Maplewood Ave to junction Half Acre Rd., then over Half Acre Rd. to junction Forsgate Dr.

(NJ Hwy 32) in the Township of South Brunswick, NJ, then over Forsgate Dr. to NJ Turnpike, then over the NJ Turnpike to junction Interstate Hwy 495 in Secaucus, NJ, then over Interstate Hwy 495, via the Lincoln Tunnel, to New York, NY, and return over the same route, (2) between South Brunswick and Plainsboro, NJ, from junction U.S. Hwy 1 and Ridge Rd. (Middlesex County Hwy 522) in the Township of South Brunswick, NJ, over Ridge Rd. to junction Shalks Crossing Rd., then over Shalks Crossing Rd. to junction Plainsboro-Cranbury Rd. in the Township of Plainsboro, NJ, and return over the same routes, (3) between Cranbury and South Brunswick, NJ, from junction of U.S. Hwy 130 and Cranbury-South River Rd. (Middlesex County Hwy 535) in the Township of Cranbury, NJ, over Cranbury-South River Rd., to junction Forsgate Drive in the Township of South Brunswick, NJ, and return over the same routes, and (4) between New Brunswick and East Brunswick, NJ, over NJ Hwy 18, serving all intermediate points in routes (1) through (4) above.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 151511 (Sub-3), filed May 13, 1981. Applicant: TOM O'CONNOR, d.b.a. KERRY MOTOR SERVICE, 4433 South Halsted St., Chicago, IL 60609. Representative: Tom O'Connor (same address as applicant), (312) 538–0700. Transporting *chemicals and related products, petroleum, natural gas and their products, and coal and coal products,* between Chicago, IL on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC.

MC 152441, filed May 11, 1981. Applicant: WILSON LEASING, INC., P.O. Box 6946, Rochester, MN 55901. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402, (612) 339–4546. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in AR, CA, FL, GA, IA, IL, IN, KA, MI, MN, MO, ND, NE, NJ, NY, OH, PA, SC, SD, TN, TX, VA and WI, on the one hand, and, on the other, points in the U.S.

MC 152621 (Sub-6), filed May 12, 1981. Applicant: RUSH TRANSPORT, INC., 163 Main Street, Route 131, Sturbridge, MA 01566. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives), between points in NH, on the one hand, and, on the other, points in the U.S.

MC 153491, filed May 11, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 41265, Chicago, IL 60641. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL. (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IN, OH, and WI.

MC 153581, filed May 13, 1981. Applicant: CENTURY STAGES, INC., d.b.a. RAZ TRANSPORTATION CO., 1660 SW. Bertha Blvd., Portland, OR 97219. Representative: Jerry R. Woods, Suite 1600, One Main Pl., 101 SW. Main St., Portland, OR 97204, (503) 224–5525. Transporting *passengers and their baggage,* in charter and special operations, in the same vehicle with passengers, between points in Clark County, WA, and Clackamas, Multnomah, and Washington Counties, OR, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 155640, filed April 28, 1981. Applicant: BOARDWALK TOURS, INC., Black Horse Pike and Delilah Rd., McKee, NJ 08330. Representative: Herbert Somerson, Suite 1300, 1401 Arch St., Philadelphia, PA 19102, (215) 569–3030. As a *broker* at McKee City, NJ, in arranging for the transportation of *passengers and their baggage,* between points in PA, MD, DE, NY and DC, on the one hand, and, on the other, points in NJ.

MC 155910, filed May 13, 1981. Applicant: STEPHEN D. GIFT, d.b.a STEPHEN D. GIFT TRUCKING, P.O. Box 829, Scappoose, OR 97056. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. Transporting (1) *lumber and wood products,* and (2) *building materials,* between points in OR, WA, ID and NV.

Volume No. OPY–2–079

Decided: May 15, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 77972 (Sub-48), filed May 7, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: James R. Holt, P.O. Box 523, Collierville, TN 38017, (901) 853–7208. Transporting *food and related products,* between points in Lee County, MS, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the authority sought with its existing regular-route authority in Docket No. MC–77972 and subs thereto.

MC 77972 (Sub-49), filed May 7, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: James R. Holt, P.O. Box 523, Collierville, TN 38017, (901) 853–7208. Transporting *metal products,* between points in Choctaw County, MS, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the authority sought with its existing regular-route authority in Docket No. MC–77972 and subs thereto.

MC 136343 (Sub-235), filed May 7, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, Esq., P.O. Box 1166, Harrisburg, PA 17108, 717–232–8000. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 138792 (Sub-4), filed May 7, 1981. Applicant: CHANDALAR TRANSPORTATION, INC., P.O. Box 484, Canton, IL 61520. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (A) *general commodities* (except classes A and B explosives), under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN, and (b) *furniture and fixtures,* under continuing contract(s) with Lundia, Myers Industries, Inc., of Jacksonville, IL, between points in the U.S.

MC 144953 (Sub-9), filed May 11, 1981. Applicant: MULLEN TRUCKING, LTD., P.O.B. 8009, Station F, Calgary, Alberta, Canada T2J 4B4. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202, (303) 892–6700. Transporting *Mercer commodities,* between points in WA, ID, MT, and ND, on the one hand, and, on the other, those points in the U.S. in and west of ND, SD, NE, KS, OK, and TX.

MC 144953 (Sub-10), filed May 11, 1981. Applicant: MULLEN TRUCKING, LTD., P.O.B. 8009, Station F, Calgary, Alberta, Canada T2J 4B4. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202, (303) 892–6700. Transporting *lumber and wood products and building materials,* between points in WA, ID, and MT, on the one hand, and, on the other, those points in the U.S. in and west of MT, WY, CO, OK, and TX.

MC 146473 (Sub-6F), filed May 7, 1981. Applicant: C.L.D. TRANSPORTATION CO., INC., 751 Broadway, Bayonne, NJ 07002. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201) 322–5030. Transporting *passengers and their baggage,* in the

same vehicle as passengers, in charter operations, between points in the U.S., under continuing contract(s) with Domenico Tours, Inc., of Bayonne, NJ.

MC 149123F, filed May 6, 1981. Applicant: BOAZ PRODUCE COMPANY, P.O. Box 220, Boaz, AL 35957. Representative: Eugene D. Anderson, 910 17th Street, NW., Suite 428, Washington, DC 20006, (202) 296–2550. Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, MS, NC, TN, VA, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, WV, WI, and DC.

MC 152803F, filed May 1, 1981. Applicant: SAM LATTNER DISTRIBUTING CO., INC., 114 South Ellis, P.O. Box 351, Groesbeck, TX 76642. Representative: A. William Brackett, 623 So. Henderson, 2nd Floor, Fort Worth, TX 76104. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United States Gypsum Company of Chicago, IL, and its subsidiaries.

MC 153723 (Sub-3), filed May 11, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *general commodities* (except classes A and B explosives), between the facilities of The Essex Group, a subsidiary of United Technologies Corp., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153932 (Sub-1), filed May 12, 1981. Applicant: RONALD L. WADE, d.b.a. WADE TRUCKING, 14167 Foothill Blvd., San Fernando, CA 91342. Representative: Fred H. Mackensen c/o Murchison & Davis, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067, (213) 879–5955. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Monolith Portland Cement Company, of Tehachapi, CA.

MC 154773 (Sub-1), filed May 19, 1981. Applicant: WAXMAN INDUSTRIES, INC., 24460 Aurora Rd., Bedford Heights, OH 44146. Representative: John Lawrence, (same address as applicant), 216–439–1830. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing contract(s) with Quality Brands Incorporated, of Cleveland, OH.

MC 155602 (Sub-1), filed May 5, 1981. Applicant: WINKEL WHEELS, INC., 1585 Holcomb Bridge Rd., Roswell, GA 30076. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Fitzgerald Foods, Inc., of Fitzgerald, GA, (b) Cathcart Allied Storage Co., Inc., of Chamblee, GA, and (c) Consolidated Cargo Carriers, Inc., of Rosewell GA.

MC 155782, filed May 4, 1981. Applicant: REEDSBURG FOOD CORPORATION, P.O. Box 270, Reedsburg, WI 53959. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601; (608) 788–2000. Transporting *Food and related products*, between points in La Crosse County, WI, on the one hand, and, on the other, points in FL, MO, TN, IL, IN, OH, KS, and MI.

MC 155802, filed May 7, 1981. Applicant: EDWARD A. WATERS, trading and doing business as EDWARD A. WATERS MOVING & STORAGE COMPANY, 3300 Collins Street, Philadelphia, PA 19134. Representative: Edwin L. Scherlis, Esquire, Suite 420, 1315 Walnut Street, Philadelphia, PA 19107, (215) 732–3838. Transporting *houshold goods* between points in PA, NJ, and DE, on the one hand, and, on the other, points in ME, VT, NH, MA, CT, RI, NY, NJ, PA, MD, DE, VA, OH, NC, SC, GA, AL, FL, KY, TN, and WV.

Volume No. OPY–2–08

Decided: May 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 1893 (Sub-11), filed May 11, 1981. Applicant: SPOKANE-ST. MARIES AUTO FREIGHT, INC., Building N–7, 3808 North Sullivan, Spokane, WA 99216. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Over regular routes, transporting *general commodities* (except clases A and B explosives), (1) between Spokane, WA, and Lewiston, ID, over U.S. Hwy 195, (2) between Spokane, WA, and Grangeville, ID: from Spokane over Interstate Hwy 90 to Coeur d'Alene, ID, then over U.S. Hwy 95 to Grangeville, and return over the same route, (3) between Lewiston and Grangeville, ID: from Lewiston over U.S. Hwy 12 to junction ID Hwy 13, then over ID Hwy 13 Grangevelle, and return over the same route, (4) between junction Interstate Hwy 90 and WA Hwy 27, and junction ID Hwy 58 and U.S. Hwy 95: from junction WA Hwy 27 and Interstate Hwy 90, over WA Hwy 27 to junction unnumbered WA Hwy, then over unnumbered WA Hwy to the WA–ID State line, then over ID Hwy 58 to junction U.S. Hwy 95, and return over the same route, (5) between junction U.S. Hwy 95 and ID Hwy 5, and, St. Maries, ID, over ID Hwy 5, (6) between Coeur d'Alene, ID, and junction U.S. Hwy 95 and Alternate U.S. Hwy 95, over Alternate U.S. Hwy 95, (7) between Pullmand, WA, and Moscow, ID: from Pullman over WA Hwy 270 to the WA–ID State line, then over ID Hwy 8 to Moscow, and return over the same route, and (8) serving all intermediate points, and points in Kootenai, Benewah, Latah, Nez Perce, Lewis, Clearwater and Idaho Counties, ID, and Spokane, Whitman and Asotin Counties, WA, as off-route points in connection with routes (1) through (7) above.

Note.—Applicant intends to tack the authority sought with the authority it presently holds.

MC–6992 (Sub-19), filed May 11, 1981. Applicant: AMERICAN RED BALL TRANSIT CO., INC., 1335 Sadlier Circle, East Dr., Indianapolis, IN 46239. Representative: Andrus E. Bates (same address as applicant). 317–353–8331. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with MTS Systems Corp., of Eden Prairie, MN.

MC 56853 (Sub-10), filed April 30, 1981. Applicant: B AND B LINES, INC., 1002 North Owasso, Tulsa, OK 74106. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting over regular routes, *general commodities* (except classes A and B explosives), (1) Between Oklahoma City and Ardmore, OK, over Interstate Hwy 35, (2) Between Ardmore and Duncan: from Ardmore over Interstate Hwy 35 to junction OK Hwy 7, then over OK Hwy 7 to Duncan, and return over the same route, (3) Between Duncan and Oklahoma City, OK: from Duncan over U.S. Hwy 81 to junction H.E. Bailey Turnpike, then over H.E. Bailey Turnpike to Oklahoma City, and return over the same route, (4) Between Perry, OK, and Wichita, KS, over Interstate Hwy 35, (5) Between Bartlesville, OK, and Coffeyville, KS: from Bartlesville over U.S. Hwy 75 to junction KS Hwy 96, then over KS Hwy 96 to U.S. Hwy 169, then over U.S. Hwy 169 to Coffeyville, and return over the same route, (6) Between Chelsea, OK and Joplin, MO over U.S. Hwy 66, (7) Between Chelsea, OK and Pittsburg, KS: from Chelsea over U.S. Hwy 66 to junction U.S. Hwy 69, then over U.S. Hwy 69 to Pittsburg, and return over the same route, (8) serving

all intermediate points in connection with routes (1) thru (7) above.

Note.—Applicant intends to tack the above territory with its existing authority, at Oklahoma City, Perry, Bartlesville and Chelsea, OK and Coffeyville, KS.

MC 107912 (Sub-44), filed May 8, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Rd., Memphis, TN 38118. Representative: A. Doyle Cloud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *rubber and plastics products*, between points in Copiah County, MS, on the one hand, and, on the other, points in Memphis, TN.

MC 115122 (Sub-9), filed May 12, 1981. Applicant: MARIANO BROTHERS, INC., Shelter Rock Rd., Danbury, CT. 06810. Representative: Paul J. Goldstein, 109 Church St., New Haven, CT 06510. Transporting *commodities* requiring the use of special equipment (1) between points in ME, NH, VT, MA, CT, RI, NY, NJ, and PA, and (2) between points in ME, NH, VT, MA, CT, RI, NY, NJ and PA, on the one hand, and, on the other, points in DE, MD, VA, NC, WV, OH, IN, IL, MO, WI, MI, SC, GA, FL, and DC.

MC 118612 (Sub-15), filed May 12, 1981. Applicant: COLUMBIA TRUCKING, INC., 700 131st Pl., Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601. Transporting *coal and coal products, and petroleum, natural gas and their products* between points in Lake County, IN and points in MI.

MC 124213 (Sub-13), filed May 11, 1981. Applicant: SWIFTLINES, INC., 7878 I St., Omaha, NE 68127. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *food and related products*, between Omaha, NE, Chicago, IL, points in Henry County, OH, Johnson and Dodge Counties, NE, Martin and Nobles Counties, MN, Emmet and Woodbury Counties, IA, and Minnehaha County, SD, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KS, LA, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, OK, PA, RI, SD, TX, VT, VA, WV, WI, and DC.

MC 138902 (Sub-22), filed May 8, 1981. Applicant: ERB TRANSPORTATION CO., INC., P.O. Box 65, Crozet, VA 22932. Representative: Harry C. Ames, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001, (202) 628–9243. Transporting *food and related products*, between those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 139482 (Sub-190), filed May 11, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073, 507–354–8546. Transporting *printed matter, pulp paper and related products*, between points in the U.S.

MC 145472 (Sub-3), filed May 8, 1981. Applicant: HOWARD L. AND M. ELAINE KIME, d.b.a. K & K TRANSPORT, P.O. Box 4906, Eureka, CA 95501. Representative: M. Elaine Kime (same address as applicant), 707–443–8735. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Samoa, CA.

MC 147452 (Sub-8), filed May 8, 1981. Applicant: W.D.W. TRUCKING, INC., 2620 S.W. 66th Terrace, Miramar, FL 33023. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd. NE, Atlanta, GA 30326, 404–262–7855. Transporting *general commodities (except classes A and B explosives)*, between points in the U.S., under continuing contract(s) with Amstar Corporation, of New York, NY.

MC 147632 (Sub-6), filed May 11, 1981. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63823. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge OH 44440, 216–652–5181. Transporting *ice cream*, between points in Middlesex County, NJ, on the one hand, and, on the other, points in the U.S.

MC 149462 (Sub-2), filed May 11, 1981. Applicant: BERNARD PAVELKA TRUCKING, INC., 1215 East "J" St., Hastings, NE 68901. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *meats, meat products and meat by-products, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business*, between points in the U.S., under continuing contract(s) with (1) Peck Meat Packing Corp. of Milwaukee, WI, and (2) Gibbon Packing, Inc., of Gibbon, NE.

MC 150592 (Sub-6F), filed May 8, 1981. Applicant: SUNFLOWER CARRIERS, INC., 12th & Academy, P.O. Box 561, York, NE 68467. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501, 402–475–4414. Transporting *automotive care products*, between points in CA and OH, on the one hand, and, on the other, points in the U.S.

MC 155183, filed May 11, 1981. Applicant: EVERETT TRENT AND MARION TRENT, d.b.a. J. H. TRENT & SONS, 2302 Fairlawn Dr., Carthage, MO 64836. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804, (417) 883–7311. Transporting *sand, lime, limestone, stone products, and calcium products*, between points in OK, on the one hand, and, on the other, points in MO.

MC 155692F, filed May 11, 1981. Applicant: DON PASCUZZO TRUCKING, 7153 Nada St., Downey, CA 90242. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting *metal products and building materials*, between points in Los Angeles, Orange, Riverside and San Bernardino Counties, CA, on the one hand, and, on the other, points in AZ, CO, ID, NV, OR, and UT.

Volume No. OPY–2–082

Decided: May 20, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Taylor.

MC 32122 (Sub-5F), filed May 11, 1981. Applicant: PAZEN TRANSFER LINES, INC., P.O. Box 243, Waukau, WI 54980. Representative: Edward J. Gerrity, 601 W. College Avenue, P.O. Box 914, Appleton, WI 54912, 1–414–734–5608. Transporting *pulp, paper and related products*, between points in Winnebago County, WI, on the one hand, and, on the other, points in the U.S.

MC 107912 (Sub-43F), filed May 8, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood, Memphis, TN 38118. Representative: Mark Allen, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5800. Transporting *general commodities* (except classes A and B explosives), between points in St. Landry County, LA, on the one hand, and, on the other, Baton Rouge, LA.

Note.—Applicant proposes to tack this authority sought with its existing authority.

MC 121673 (Sub-5), filed May 11, 1981. Applicant: WESTERN MOTOR FREIGHT, INC., 1430 W. Sheridan, P.O. Box 82065, Oklahoma City, OK 73148. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, 405–528–3884. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Oklahoma City, OK and Gainesville, TX, over Interstate Hwy. 35, serving Pauls Valley and Ardmore, OK as intermediate points.

Note.—Applicant intends to tack this authority with its presently held authority at Oklahoma City, OK.

MC 138563 (Sub-4), filed May 11, 1981. Applicant: J.M.J. PROJECTS, INC., 2109

West 50th Street, Shawnee Mission, KS 66205. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, 913–234–0565. Transporting *such commodities* as the dealt in or used by manufacturers and distributors of batteries, electric storage batteries, and lead ingots, between the facilities of Gould, Inc., at points in the U.S., on the one hand, and, on the other, points in AR, CO, IA, IL, KS, NE, MO, and TX.

MC 141312 (Sub-12), filed May 11, 1981. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *chemicals and related products,* between points in Cass County, NE, on the one hand, and, on the other, points in SD, MN, WI, IA, IL, KS, MO, IN, OH, KY, ND, NE, MT, AR, CO, and WY.

MC 142423 (Sub-15), filed May 8, 1981. Applicant: BIG D CARTAGE, INC., 28091 Kingsberry Dr., Mt. Clemens, MI 48045. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084, 313–649–6650. Transporting *such commodities* as are dealt in or used by manufacturers of containers and container ends, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 150592 (Sub-7), filed May 8, 1981. Applicant: SUNFLOWER CARRIERS, INC., 12th & Academy, P.O. Box 561, York, NE 68467. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501, (402) 475–9521. Transporting *pulp, paper, and related products,* between points in Adams County, NE, on the one hand, and, on the other, points in the U.S.

MC 155123, filed May 11, 1981. Applicant: HIGHTOWER TRUCKS, INC., Highway 61 West, Fort Madison, IA 52627. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *chemicals and related products,* between points in Lee County, IA, on the one hand, and, on the other, points in IL and MO.

MC 155792, filed May 7, 1981. Applicant: MONTANA TRUCKING, INC., 960 West Montana St., Milwaukee, WI 53215. Representative: Leonard J. Lewenshon, 235 West Dean Road, Milwaukee, WI 53217, 414–351–0511. Transporting *general commodities* (except classes A and B explosives), between points in IA, IL, MN, ND, SD, WI, and those points in the Upper Peninsula of Michigan.

MC 155852, filed May 8, 1981. Applicant: DOE WELDON TRUCKING, INC., 904 S. Commercial St., Mingo Junction, OH 43938. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *commodities in bulk,* between points in OH, PA, and WV.

MC 155872, filed May 11, 1981. Applicant: P & B TRANSPORTATION, INC., P.O. Box 179, Apollo, PA 15613. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities,* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Allegheny Ludlum Steel Corporation, of Pittsburgh, PA.

Volume No. OPY–3–077

Decided: May 20, 1981.

By the Commission, Review Board No. 2, Members Carlton, Fisher, and Williams.

MC 344 (Sub-3), filed May 8, 1981. Applicant: RED OAK TRANSFER AND STORAGE CO., INC., 506 Market St., Red Oak, IA 51566. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001, (319) 557–1320. Transporting *general commodities* (except classes A and B explosives), serving points in Adams, Cass, Fremont, Mills, Montgomery, Page, Pottawatomie and Taylor Counties, IA, and Douglas County, NE, as off-route points in connection with applicant's otherwise authorized regular route operations.

MC 1395 (Sub-15), filed May 11, 1981. Applicant: ALVAN MOTOR FREIGHT, INC., 3600 Alvan Rd., Kalamazoo, MI 49001. Representative: Martin J. Leavitt, 22375 Harrerty Rd., P.O. Box 400, Northville, MI 48167 (313) 349–3980. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Detroit, MI, and Chicago, IL, (a) over Interstate Hwy 94, and (b) from Detroit, over Interstate Hwy 94 to junction with U.S. Hwy 23, then south to Hwy 90 to Chicago, and return over the same route, (2) between points in the lower peninsular of MI as off-route points in connection with the carriers presently authorized regular route operations.

MC 1585 (Sub-13), filed May 8, 1981. Applicant: BARNES TRUCK LINE, 1320 Hwy 13 North, Columbia, MS 39429. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205 (601) 948–5711. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Pearl River, LA, and Meridian, MS, (a) over U.S. Hwy 11, and (b) over Interstate Hwy 59, (2) between Columbia, MS and Lumberton, MS, over MS Hwy 13, (3) between Columbia, MS and Hattiesburg, MS, over U.S. Hwy 98, (4) between Hattiesburg, MS and Mendenhall, MS, over U.S. Hwy 49, (5) between Vicksburg, MS and Meridian, MS, (a) over U.S. Hwy 80 and (b) over Interstate Hwy 20, (6) between Jackson, MS and Meridian, MS, from Jackson over U.S. Hwy 51 or Interstate Hwy 55 to Canton, MS, and return over the same route, and then over MS Hwy 16 to Philadelphia, MS, then over MS Hwy 19 to Meridian, and (7) between Philadelphia, MS and Newton, MS, over MS Hwy 15, serving in (1) through (7) above, points in MS on and south of U.S. Hwy 82 as off-route points.

MC 36745 (Sub-6), filed May 8, 1981. Applicant: BENNIE M. ANDERSON TRUCKING CO., INC., 51 E. Main St., Falconer, NY 14733. Representative: Ronald W. Malin, Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701 (716) 664–5210. Transporting *furniture and fixtures,* between points in Chautauqua and Cattaraugus Counties, NY, and Crawford, Erie, Forest, McKean, and Warren Counties, PA, on the one hand, and, on the other, points in CT, ME, MD, MA, NJ, NY, NH, OH, PA, RI, VT, and DC.

MC 44735 (Sub-57), filed May 11, 1981. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th St., Kansas City, MO 64126. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601 (913) 234–0565. Transporting (1) *building materials* and (2) *construction materials,* between points in Posey County, IN, Will County, IL, Madison County, MO, Hennepin County, MN, Jackson County, MO, Marinette County, WI, St. Louis, MO, Dallas, TX, Denver, CO, New Orleans, LA, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, KY, LA, MN, MO, NE, OK, TN, TX, and WI.

MC 53965 (Sub-190), filed April 6, 1981, previously noticed in the Federal Register issue of April 23, 1981. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Box 1387, Salina, KS 67401. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601 (913) 234–0565. Transporting *general commodities* (except classes A and B explosives), between points in Shawnee County, KS, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the territorial description.

MC 58944 (Sub-4), filed May 11, 1981. Applicant: STAATS EXPRESS, INC., 507 South St., Rensselaer, NY 12144. Representative: Neil D. Breslin, 600 Broadway, Albany, NY 12207 (518)–465–3391. Transporting *general commodities*

(except classes A and B explosives), between points in Albany, Columbia, Rensselaer and Schenectady Counties, NY, on the one hand, and, on the other, points in Berkshire, Franklin, Hampshire and Hampton Counties, MA.

MC 109595 (Sub-26), filed May 11, 1981. Applicant: REX TRANSPORTATION COMPANY, Suite 207 Clausen Bldg., 1520 North Woodward Ave., Bloomfield Hills, MI 48013. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684 (616)–941–5313. Transporting *clay, concrete, glass or stone products,* between points in CT, DE, IL, IN, IA, KY, MD, MN, MI, MO, NJ, NY, NC, ND, OH, PA, SD, TN, VA, WV, WI and DC.

MC 116325 (Sub-91), filed May 11, 1981. Applicant: JENNINGS BOND d.b.a. BOND ENTERPRISES, P.O. Box 8, Lutesville, MO 63762. Representative: Jennings Bond (same address as applicant) (314)–238–2601. Transporting *general commodities* (except classes A and B explosives), between the facilities of (1) Pillsbury Company; and (2) Westvaco Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 119974 (Sub-234), filed February 9, 1981. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance Street, Green Bay, WI 54304. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *such commodities* as are dealt in by grocery and food business houses, drug stores and department stores, between points in NE, KS, MN, IA, MO, WI, IL, MI, IN, KY, TN, OH, PA, NY, ND, SD and NJ.

MC 140665 (Sub-138), filed May 11, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266 (216) 296–2877. Transporting (1) *malt beverages,* and (2) *empty containers,* between points in Jefferson County, CO, on the one hand, and, on the other, points in TN, LA, MS, MO, WA, CA, and TX.

MC 142734, filed May 8, 1981. Applicant: NITTSU NEW YORK, INC., 19–19 37th Street, Long Island City, NY 11105. Representative: Alvin Altman, 888 Seventh Avenue, New York, NY 10106, (212) 245–7700 Transporting used *household goods,* between Baltimore, MD and Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, NJ, PA, VA and DC.

MC 145664 (Sub-29), filed May 11, 1981. Applicant: STALBERGER, INC., 223 South 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson (same address as applicant), (218) 624–3641. Transporting *building materials,* between the facilities of GAF Corporation, at Minneapolis, MN, on the one hand, and, on the other, point in IA, MT, ND, and WI.

MC 145664 (Sub-30), filed May 11, 1981. Applicant: STALBERGER, INC., 223 South 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson (same address as applicant) (218) 624–3641. Transporting *building materials,* between points in the U.S.

MC 145715 (Sub-18), filed May 11, 1981. Applicant: BELL TRUCKING, INC., P.O. Box 165, Van Buren, AR t2956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701 (501) 521–8121. Transporting *such commodities* as are dealt in or used by variety and grocery stores, between the facilities of Wal-Mart Stores, Inc., in AL, AR, IL, KS, KY, LA, MS, MO, OK, TN, and TX, on the one hand, and, on the other, points in the U.S.

MC 147165 (Sub-1), filed May 11, 1981. Applicant: RUIZ TRANSPORT, INC., 324 Suffolk St., Lowell, MA 01852. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting (1) *such commodities* as are dealt in or used by (a) automotive service stations, and (b) automotive supply dealers, and (2) *petroleum products,* between points in the U.S.

MC 151095 (Sub-1), filed May 8, 1981. Applicant: BLUE & WHITE EXPRESS, INC., Route 1, Box 27BD, Richmond, KY 40475. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101, (502)–781–4446. Transporting *metal products,* between points in OH, KY, IL, IN, TN, MI, MS, MO and GA.

MC 151205 (Sub-3), filed May 11, 1981. Applicant: ROY RIPLEY AND R. F. CAMPBELL d.b.a. R & C ENTERPRISES, P.O. Box 2492, Johnson City, TN 37601. Representative: R. Cameron Rollins, 124 Commerce St., Kingsport, TN 37660, (615)–247–7136. Transporting *general commodities* (except classes A and B explosives), between points in Sullivan, Washington, Carter and Hawkins Counties, TN, on the one hand, and, on the other, points in the U.S.

MC 152195, filed May 8, 1981. Applicant: LEO PETRILLO, 3465 Bowman St., Philadelphia, PA 19129. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting *building materials,* between points in PA, DE, MD, NJ, and NY.

MC 152244, filed May 11, 1981. Applicant: TOTE, INC., Box 753, Sioux Falls, SD 57101. Representative: Thomas J. Simmons, 5301 North Cliff, P.O. Box 480, Sioux Falls, SD 57101, (605) 339–3629. Transporting *malt beverages, carbon dioxide gas* and *containers,* between points in the U.S., under continuing contract(s) with Madison Grain Belt, Inc., of Madison, SD.

MC 152285 (Sub-2), filed May 8, 1981. Applicant: PACKERLAND TRANSPORT INC., 2580 University Ave., P.O. Box 1184, Green Bay, WI 54305. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238–3119. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Packerland Packing Company, Inc., of Green Bay, WI.

MC 154115, filed May 8, 1981. Applicant: SERVICE TRUCKING, INC., 502 Parke, Pratt, KS 67124. Representative: Kenneth E. Roberts (same address as applicant) (316) 672–7212. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contracts with (1) Mud-Co, Inc., and (2) Chem Serv, Inc., both of Wichita, KS.

MC 154535, (Sub-1), filed May 8, 1981. Applicant: JAN PACKAGING INC., P.O. Box 448, Harrison St., Dover, NJ 07801. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ. 07006 (201) 575–7700. Transporting *general commodities* (except classes A and B explosives), between New York, NY and points in NJ, on the one hand, and, on the other, points in the U.S.

MC 155135, filed May 11, 1981. Applicant: JOHN A. DeVries, R.R. 2, Oregon, IL 61061. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603 (312) 236–0548. Transporting *chemicals and related products,* between points in IL, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, and WI.

MC 155594, filed May 8, 1981. Applicant: SATAN TRUCKING, INC., Route 2, Box 119, Stonewall, OK 74871. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036 (405) 262–1322. Transporting *malt beverages,* between St. Louis, Mo, on the one hand, and, on the other, points in Pontotoc County, OK.

Volume No. OPY–3–079

Decided: May 20, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher and Williams.

MC 53965 (Sub-194), filed May 11, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Avenue, 26th Floor, Detroit,

MI 48226 (913) 965–2577. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Houston, TX and University Park, NM, over Interstate Hwy 10; (2) between Dallas, TX and junction Interstate Hwys 20 and 10 near Kent, TX, over Interstate Hwy 20; (3) between University Park, NM and Pueblo, CO, over Interstate Hwy 25; (4) between Amarillo, TX and Albuquerque, NM, over Interstate Hwy 40, (5) between El Paso, TX and Dalhart, TX, over U.S. Hwy 54, (6) between Texarkana, TX and Alamogordo, NM, Over U.S. Hwy 82; (7) between Tularosa, NM and Little Rock, AR, over U.S. Hwy 70; (8) between Sanderson, TX and Santa Fe, NM, over U.S. Hwy 285, (9) between Brownsville, TX and Dallas, TX, over U.S. Hwy 77, (10) between Laredo, TX and Waco, TX over Interstate Hwy 35, (11) between Laredo, TX and Houston, TX, over U.S. Hwy 59, (12) between Liberal, KS and Brownsville, TX, over U.S. Hwy 83; (13) between Victoria, TX and Raton, NM, over U.S. Hwy 87, (14) between El Paso, TX and Fayetteville, AR, over U.S. Hwy 62; (15) between junction U.S. Hwy 60 and Interstate Hwy 25 near Bernardo, NM and Springfield, MO, over U.S. Hwy 60, (16) between Greensburg, KS and Refugio, TX, over U.S. Hwy 183, (17) between San Antonio, TX and Van Horn, TX, over U.S. Hwy 90; (18) between Carrizo Springs, TX and Wichita Falls, TX, over U.S. Hwy 277, (19) between Corsicana, TX and Port Arthur, TX, over U.S. Hwy 287, (20) between Woodville, TX and Denison, TX, over U.S. Hwy 69; (21) between Wichita Falls, TX and San Juan, TX, over U.S. Hwy 281; (22) between Roswell, NM and Greenville, TX, over U.S. Hwy 380, (23) between junction U.S. Hwys 177 and 70 near Dickson, OK and junction U.S. Hwys 177 and 60 near Ponca City, OK over U.S. Hwy 177; (24) between Corpus Christi, TX and junction U.S. Hwy 77 and Interstate Hwy 37 near Callalen, TX over Interstate Hwy 37; (25) between Boise City, OK and Ft. Stockton, TX over U.S. Hwy 385; (26) between Dallas, TX and Alpine, TX over U.S. Hwy 67, and over (B) irregular routes, between points in KS, NE, MO, CO, TX, IA, OK, and NM.

Note.—Applicant intends to tack this authority with its existing authority.

MC 58035 (Sub-36), filed May 14, 1981. Applicant: TRANS-WESTERN EXPRESS, LTD., 5231 Monroe St., Denver, CO 80216. Representative: David E. Driggers, 1660 Lincoln Center, 1660 Lincoln St., Denver, CO 80264 (303) 861–4028. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 60325 (Sub-11), filed May 13, 1981. Applicant: JEFFERSON LINES, INC., 1206 Currie Avenue, Minneapolis, MN 55403. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309 (515) 244–2329. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip special or charter operations, beginning and ending at points in Carroll, Greene, Sac, Calhoun, Webster, Cherokee, Buena Vista, Pocahontas, Humboldt, Palo Alto, Kossuth, Dickinson, and Emmet Counties, IA, and entending to points in the U.S. (including AK but excluding HI).

MC 72495 (Sub-26), filed May 14, 1981. Applicant: DON SWART TRUCKING, INC., P.O. Box 49, Route 2, Wellsburg, WV 26070. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *clay, concrete, glass or stone products*, between Gary, IN, and points in Merrimack County, NH, Marshall County, WV, Hudson County, NJ, and Muhlenberg County, KY, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VA, WV, and DC.

MC 96855 (Sub-8), filed May 12, 1981. Applicant: REFRIGERATED DELIVERY SERVICE, INC., P.O. Box 50247, Tulsa, OK 74150. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112 (405) 848–7946. Transporting *food and related products*, between points in Benton, Crawford, Sebastian, and Washington Counties, AR, on the one hand, and, on the other, points in OK.

MC 118534 (Sub-3), filed May 14, 1981. Applicant: TOK DISTRIBUTING SERVICES, INC., 1250 Oklahoma Ave., Anchorage, AK 95510. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457–6889. Transporting *general commodities* (except classes A and B explosives), between points in MN, on the one hand, and, on the other, points in AK.

MC 136275 (Sub-30), filed May 14, 1981. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 777 Executive Blvd., El Paso, TX 79922. Representative: Dann L. Drewery (same address as applicant) (915) 532–2691. Transporting (1) *building materials;* and (2) *metal products*, between points in AL, AR, AZ, CA, CO, KS, LA, MO, MS, NE, NM, NV, OK, TX, UT and WY.

MC 138505 (Sub-16), filed May 1, 1981. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 6000 South Ulster Street, Suite 206, Englewood, CO 80111. Representative: Kenny Cunningham (same address as applicant) (303) 773–8883. Transporting *such commodities* as are dealt in by wholesale drug distributors, between points in the U.S., under continuing contract(s) with McPike, Inc., of Kansas City, MO.

MC 141964 (Sub-2), filed May 14, 1981. Applicant: AMERICAN INTERSTATE MOTOR FREIGHT, P.O. Box 211, West Patterson, NJ 07425. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NY 07410 (201) 791–2270. Transporting *metal products*, between New York, NY, and points in Hartford County, CT, on the one hand, and, on the other, points in DE, MD, PA, VA, NC, SC, GA, FL, AL, AR, MS, LA, TN and DC.

MC 143394 (Sub-24), filed May 13, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant) (717) 249–2425. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with East-West Shippers Association, Inc., Westmont, IL.

MC 144504 (Sub-1), filed May 12, 1981. Applicant: DELTA CHARTER SERVICE, INC., 4900 E. Mariposa, Stockton, CA 95206. Representative: Eldon M. Johnson, 650 California St., San Francisco, CA 94108 (415) 986–8696. Transporting *passengers and their baggage, in the same vehicle with passengers*, in special and charter operations, beginning and ending at points in San Joaquin County, CA and extending to points in the U.S.

MC 145955 (Sub-24), filed May 8, 1981. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Transporting *such commodities* as are dealt in by manufacturers and distributors of containers, and related items, between the facilities of Stone Container Corporation, in the U.S. on the one hand, and, on the other, points in the U.S.

MC 146865 (Sub-5), filed May 13, 1981. Applicant: M. T. SERVICES, INC., d.b.a. BRENNAN EXPRESS, P.O. Box 18402, Baltimore, MD 21237. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850, (301) 424–2420. Transporting *printed matter*, between points in the U.S., under continuing contract(s) with Random House, Inc., of Westminster, MD.

MC 150954 (Sub-32), filed May 11, 1981. Applicant: TRAVIS

TRANSPORTATION, INC., 6013 Rittiman Plaza, San Antonio, TX 78218. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, D.C. 20005, (202) 783–7900. Transporting *such commodities* as are dealt in or used by retail and mail order houses, between points in the U.S. under continuing contract(s) with T. G. & Y. Stores Co., of Oklahoma City, OK.

MC 155815, filed May 7, 1981. Applicant: MONKEY GRIP RUBBER COMPANY, 5320 Harry Hines Blvd., Dallas, TX 75235. Representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, TX 75202, (214) 741–6263. Transporting *general commodities*, (1) between points in LA, AR, OK, NM, and that part of TX on and north of Interstate Hwy. 10, on the one hand, and, on the other, points in the U.S., (2) between points in GA, TN, SC, NC, VA, WV, and KY, on the one hand, and, on the other, points in the U.S. and east of ND, SD, NE, CO, and NM.

Note.—To the extent the authority granted herein authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance.

MC 155775, filed May 6, 1981. Applicant: NORTHWESTERN MICHIGAN TRUCKING, INC., 9196 Eleven Mile Rd., Bear Lake, MI 49614. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941–5313. Transporting *food and related products*, between points in the U.S.

MC 155804, filed May 14, 1981. Applicant: OILFIELD HEAVY HAULERS, INC., P.O. Box 39, Church Point, LA 70525. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024 (713) 688–6110. Transporting (1) *Mercer Commodities* and (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in AL, AR, FL, LA, MS, OK, and TX.

Volume No. OPY–4–140

Decided: May 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 57698 (Sub-29), filed May 6, 1981. Applicant: LESTER SMITH TRUCKING, INC., 2645 East 51st Ave., Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217 (503) 285–0481. Transporting *general commodities* (except classes A and B explosives), (1) between points in CA, OR, WA, and AZ, on the one hand, and, on the other, points in CO, NM, WY, ND, SD, NE, KS, MO, IA, MN, IL, IN, and WI, and (2) between points in ID, NV, MT, UT, NM, CO, WY, ND, SD, NE, KS, MO, IA, MN, WI, IL, and IN.

MC 83517 (Sub-2), filed May 8, 1981. Applicant: ROBERT L. BROWNING d.b.a. BROWNING VAN & STORAGE, 938 N. Fourth, P.O. Box 289, Clinton, MO 64375. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102 314/635–7166. Transporting *household goods*, between points in MO, on the one hand, and, on the other, points in the U.S.

MC 128007 (Sub-166), filed May 11, 1981. Applicant: HOFER, INC., 20th and 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601 (913) 234–0565. Transporting (1) *rubber and plastic products*, and (2) *waste or scrap materials not identified by industry producing*, between points in the U.S., under continuing contract(s) with Able Plastics, a Division of Alexander Plastics, of Dallas, TX.

Volume No. OPY–4–143

Decided: May 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 152406 (Sub-3), filed May 8, 1981. Applicant: TEXAS WESTERN EXPRESS, INC., 5713 Azle Ave., Fort Worth, TX 76114. Representative: Billy R. Ried, 1721 Carl St., Fort Worth, TX 76103 (817) 332–4718. Transporting *food and related products*, between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S.

MC 154376, filed May 8, 1981. Applicant: BOBBY R. HODGSON, 556 Roxbury Dr., Riverdale, GA 30274. Representative: Bobby R. Hodgson (same address as applicant) (404) 478–5486. Transporting *food and related products*, between points in GA, on the one hand, and, on the other, points in SC, NC, FL, AL, MS, LA, and TX.

MC 155366, filed May 6, 1981. Applicant: JOSEPH H. AYOUB d.b.a. SAWAYA TRUCKING COMPANY, 6935 Commerce, El Paso, TX 79915. Representative: Joseph H. Ayoub (same address as applicant) (915) 772–7900. Transporting (1) *food and related products*, (2) *tobacco products*, (3) *household appliances*, and (4) *such commodities* as are dealt in by discount stores, between points in the U.S., under continuing contract(s) with Border Tobacco Company, Inc., and Ayoub Exports, Inc., both of El Paso, TX.

MC 155776, filed May 7, 1981. Applicant: NYLON CAPITAL LIMOUSINE SERVICE, R.D. 3, Box 302, Seaford, DE 19973. Representative: Richard A. O'Bier (same address as applicant) (302) 629–7339. Transporting *passengers and their baggage*, between points in Sussex County, DE, and Wicomico, Caroline, Dorchester, and Talbot Counties, MD, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–145

Decided: May 21, 1981.

The Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 29886 (Sub-386), filed May 6, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC (202) 347–3987. Transporting *machinery and metal products*, between the facilities of Clark Equipment Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 109026 (Sub-32), filed May 13, 1981. Applicant: MANNING MOTOR EXPRESS, INC., P.O. Box 685, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004 (202) 347–8862. Transporting *general commodities* (except classes A and B explosives), between points in Metcalfe County, KY, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack to its existing authority.

MC 109376 (Sub-23), filed May 12, 1981. Applicant: SKINNER TRANSFER CORP., P.O. Box 284, Reedsburg, WI 53959. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238–3119. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Penda Corp., of Portage, WI.

MC 117786 (Sub-135), filed May 5, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85014. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, (3) *textile mill products*, and (4) *metal products*, between points in the U.S.

MC 143986 (Sub-2), filed May 11, 1981. Applicant: ROBERT L. WILLEY, d.b.a. WILLEY FREIGHTWAYS, P.O. Box 58,

Dolton, IL 60419. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *building materials*, between points in Cook County, IL and Lake County, IN, on the one hand, and, on the other, points in OH.

MC 144776 (Sub-14), filed May 11, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner St., SW, Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6266. Transporting *rubber and plastic products*, between the facilities of Dixie Bag Company, Inc. in the U.S., on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 147876 (Sub-4), filed May 13, 1981. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: K. Edward Wolcott, Suite 1200 Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303, (404) 522–2322. Transporting *transportation equipment*, between points in Wayne County, MI, on the one hand, and, on the other, points in the U.S.

MC 155466, filed May 14, 1981. Applicant: B.C. VACUUM SERVICE, INC., P.O. Box 1057, Nederland, TX 77672. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701 (713) 823–3270. Transporting *waste or scrap materials not identified by industry producing*, between points in LA, on the one hand, and, on the other, points in TX.

Volume No. OPY–4–146

Decided: May 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 146846 (Sub-146), filed May 8, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209 (205) 942–9116.Transporting *carpet and carpet backing*, between the facilities of Trend Carpet/Roxbury Carpet/Divisions of WWG Industries, Inc., at points in GA and SC, on the one hand, and, on the other, points in the U.S.

MC 147766 (Sub-5), filed May 12, 1981. Applicant: COLORADO-DENVER/ WAREHOUSE-DELIVERY, INC., 4902 Smith Rd., Denver, CO 80216. Representative: Russell R. Sage, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312 (703) 750–1112.Transporting *general commodities* (except classes A and B explosives), between points in CO and UT. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC–97186 (Sub-No. 4).

MC 151556 (Sub-3), filed May 11, 1981. Applicant: ALLSTATE TRANSPORTATION COMPANY, 10700 Lyndale Ave. South, Minneapolis, MN 55420. Representative: Marvin M. Mueller (same address as applicant) (612) 890–2141.Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with Munsingwear Corporation, of Minneapolis, MN.

MC 153196 (Sub-2), filed May 8, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole St., Green Bay, WI 54303. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705 (608) 238–3119. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Packerland Packing Company, Inc., of Green Bay, WI.

MC 155906, filed May 11, 1981. Applicant: GUS CASELLA, d.b.a. T. BURGESS MOVING & EXPRESS, 221 E. 88 St., NY, NY 10028. Representative: Gus Casella (same address as applicant). Transporting *household goods*, between points in NY, NJ, CT, RI, MA, VT, NH, ME, PA, MD, DE, VA, WV, OH, and DC.

Volume No. OPY–4–148

Decided: May 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 70557 (Sub-53), filed May 11, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting (1) *forest products*, (2) *textile mill products*, (3) *furniture and fixtures*, (4) *pulp, paper and related products*, and (5) *rubber and plastic products*, between the facilities of Scott Paper Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107107 (Sub-495), filed May 11, 1981. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42d Ave., Opa Locka, FL 33054. Representative: Sidney Alterman (same address as applicant) (305) 688–3571. Transporting *such commodities* as are dealt in or used by department stores, between points in AL, FL, GA, MS, NC, SC, TN, VA, WV, and KY.

MC 119787 (Sub-11), filed May 11, 1981. Applicant: F. W. GROVES TRUCKING COMPANY, Route 4, Box 89, Leland, NC 28451. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602 (919) 828–0731. Transporting *metal products*, between the facilities of Carolina Steel Corporation, at points in the U.S., on the one hand, and, on the other, points in NC, SC, and TN.

MC 123157 (Sub-50), filed May 11, 1981. Applicant: CTI, a corporation, P.O. Box 397, Rillito, AZ 85246. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014 (602) 264–4891. Transporting *commodities in bulk*, between points in AZ, CA, CO, NM, NV, TX, and UT.

MC 127187 (Sub-55), filed May 11, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402 (612) 340–0808. Transporting *lumber and wood products*, between points in the U.S. under continuing contract(s) with (1) T.W. Hager Lumber Company, of Grand Rapids, MI, (2) Schaberg Lumber Company, of Lansing, MI (3) Gibbs Lumber Company, of Lake Elmo, MN, and (4) Lake Elmo Hardwood Lumber Company, Inc., of Fargo, ND and Lake Elmo, MN.

MC 148187 (Sub-5), filed May 14, 1981. Applicant: VIERON, INC., 1700 Cherry Hill Rd., Baltimore, MD 21230. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910 (301) 587–8656. Transporting *hazardous waste materials*, between points in the U.S., under continuing contract(s) with American Recovery Company, Inc., of Baltimore, MD.

MC 155937, filed May 13, 1981. Applicant: INTERNATIONAL BUS SERVICES, INC., 262–268 Monitor St., Brooklyn, NY 11222. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021. Transporting *passengers and their baggage* in charter and special operations, beginning and ending at New York, NY and extending to point in the U.S., including AK and HI.

MC 155947, filed May 11, 1981. Applicant: MISSIE, INC., 3400 McIntosh Road, Port Everglades, Fort Lauderdale, FL 33316. Representative: Richard M. Davis, Suite 710, Barnett Bank Bldg., Tallahassee, FL 32301 (904) 224–4926. Transporting *general commodities* (except classes A and B explosives), between point in Broward and Palm Beach Counties, FL, Jefferson County, KY, Spartanburg County, SC,

Mecklenburg and Durham Counties, NC, and Erie County, NY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16017 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-FC-78620, filed May 16, 1980 (supplemental publication) (previously published in the **Federal Register** on July 16, 1980), BLUE RIBBON TRUCKING, INC. (BLUE RIBBON) (167 Fairfield Road, Fairfield, NV 07006). (Transferee—Red Arrow Trucking Co. (Red Arrow) (611 Tonnele Avenue, Jersey City, NJ 07307) Representative: Michael R. Werner, Esq., P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006). The purpose of this supplemental publication is to include in the scope of authority which Blue Ribbon proposes to acquire the authority recently issued to Red Arrow in certificate No. MC-44523 (Sub-No. 4) on March 24, 1981. This certificate authorizes transportation, as a motor common carrier, in interstate or foreign commerce, over irregular routes of (1) commodities as are dealt in or used by grocery stores, department stores, between Crawford, NJ and Philadelphia, PA.

MC-FC-78869. By decision of March 30, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to CAPITAL MOVERS, INC., Dover, Delaware of certificate No. MC-133536 Sub 1 and Sub 2 issued July 24, 1970 to Dover Moving and Storage, Inc., Dover, Delaware authorizing the common carrier transportation over irregular routes: Sub-1 *used household goods*, between points in Delaware, points in Northhampton and Accomack Counties, VA, and points in Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, MD; Sub 2 *household goods*, as defined by the Commission, between points in Delaware on the one hand, New York, New Jersey, Maryland, Pennsylvania, Virginia, and the District of Columbia. Applicant's representative is J. Richard Berry, President, Capitol Movers, Inc., 773 N. DuPont Highway, Dover, Delaware 19901.

MC-FC-78893 (supplemental). By decision of April 23, 1981, Review Board Number 3 granted reopening of this proceeding and substitution of BAKER TRUCK LEASING & SALES, INC., of Wilson, NC, as transferee in lieu of Carolina Agricultural Distributors, Inc. By decision of December 19, 1980, which was published in the **Federal Register** on January 16, 1981, Review Board Number 5 approved the transfer to Carolina Agricuiltural Distributors, Inc., of certain operating rights held by Pantego Distributing Co., Inc., of Pantego, NC, in Certificate No. MC-145928 and (Sub-Nos. 2, 4, and 5) as described in the prior publication. Baker and Carolina are non-carrier affiliates. Representative: Peter A. Greene, 1920 N St., N.W., Washington, D.C. 20036.

MC-FC-78901, filed December 11, 1980. (Supplemental publication). Previously published in the **Federal Register** issue of April 1, 1981. CRETEWAYS TRANSPORTATION, INC., Crete, NE—Transferee and Texas Continental Express, Inc., Joseph W. Colvin, Trustee, Ft. Worth, TX. Representative: Max H. Johnson, Box 6597, Lincoln, NE 68506. The purpose of this supplemental publication is to remove the condition requiring the cancellation of the outstanding lease of the identical authority by Caravan Refrigerated Cargo, Inc. The authority to be transferred herein is listed in the previous publication.

MC-FC-78946. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to McBURNEY TRANSPORT LIMITED of Hagersville, Ontario, Canada, of Certificate No. MC-119133 issued March 15, 1960 to Cronkwright Transport Ltd., Simcoe, Ontario, Canada, authorizing the transportation by irregular routes of *frozen fruits, frozen berries,* and *frozen vegetables,* between points on the International Boundary between the United States and Canada, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia, through ports of entry at or near the Detroit, Niagara, St. Clair, St. Mary's and St. Lawrence Rivers, restricted (a) against the transportation of shipments from Detroit or Port Huron, MI, to the International Boundary on the Detroit or St. Clair Rivers, and (b) to shipments moving to or from points in Canada. Applicant's representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202.

MC-FC-79039. By decision of March 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. Review Board Number 3 approved the transfer to O'NEAL, JERRY and MIKE MELTON d.b.a. O'NEAL MELTON & SONS of Certificate No. MC-146010 (Sub-No. 2F) issued December 4, 1980 to Freeman Cole and Billy G. Hall, a partnership, d.b.a. Cole and Hall Trucking Co. of Camden, TN authorizing the transportation of *silica sand and natural bonded molding sand,* in bulk, in dump and tank vehicles, from points in Benton County, TN, to points in Alabama, Arkansas, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Mississippi, Ohio, Pennsylvania, Tennessee, Texas, and Wisconsin. Applicant's representative is: Abraham A. Diamond, 29 South La Salle St., Chicago, IL. TA application has been filed.

Note.—Republish to show territory left out in publication issue of April 10, 1981.

MC–FC–79114. By decision of May 1, 1981 issued under 49 U.S.C. 10928 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to JOHNSON TRUCK LINE, INC., of Osborne, KS, of Certificate No. MC–140241 (Sub-Nos. 12F, 17F, and 26F) issued June 5, 1979, June 21, 1979, and November 5, 1979, respectively, to DALKE TRANSPORT, INC. (Ernest McRae, Trustee in Bankruptcy) of Wichita, KS, authorizing the transportation of *Wrought Iron Pipe*, from the facilities of Unarco-Leavitt, at Blue Island, Evanston, and Chicago, IL to points in Iowa, Nebraska, Kansas, Oklahoma and Texas, restricted to the transportation of traffic originating at the above named origin facilities: (1) *Bentonite Clay and Lignite coal* (except in bulk), (a) from the facilities of American Colloid Company in Phillips County, MT to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, and (b) from the facilities of American Colloid Company in Big Horn and Crook Counties, WY to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming (except from the facilities of American Colloid Company in Big Horn County, WY, to points in Washington); and (2) *Lignite coal* (except in bulk), from the facilities of American Colloid Company in Bowman County, ND, to points in Arizona, California, Louisiana, New Mexico, Oklahoma, and Texas; *iron and Steel Articles*, from the facilities of Northwestern Steel and Wire Company, at or near Sterling, IL and Rock Falls, IL to points in Kansas, Missouri, Nebraska, Iowa, Oklahoma, Arkansas, and Texas, restricted to the transportation of traffic originating at the named facilities. Transferee holds authority from the Commission in No. MC—105774. Application for temporary authority has not been filed. Applicant's representative is: William B. Barker, Attorney, P.O. Box 1979, 641 Harrison Street, Topeka, KS 66601, (913) 234–0565.

MC–FC–79115. By decision of April 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to FREIGHT MASTERS, INC. of Certificate No. MC–146949 (Sub-Nos. 1, 2, 3, 4, 5, and 6), all issued December, 1979, to McINVALE TRUCK LINES, INC., authorizing the transportation of (1)(a) *plastic dinnerware*, from the facilities of National Home Products, Inc., at or near Port Gibson, MS, to points in Connecticut, New York, North Carolina, and Massachusetts, and (b) *plastic materials* (except expanded plastic materials and commodities in bulk, in tank vehicles), from Wallingford, CT, Florence, MA, and Midland, MI, to the origin facilities of (a) above, (2)(a) *sleeping bafs and comforters*, from the facilities of N.H. Manufacturing Co., at or near Pelahatchie and Jackson, MS, to points in Connecticut, Massachusetts, New Jersey, New York, Ohio, and Pennsylvania, and (b) *alcoholic beverages* (except in bulk, in tank vehicles from points in New Jersey and New York, to points in Mississippi, (3)(a) *household appliances* (1) from the facilities of National Presto Industries, Inc., at or near Canton and Jackson, MS, to points in California, Florida, Georgia, New Jersey, New Mexico, New York, North Carolina, and Texas, and (2) from Mt. Airy, NC, to the facilities of National Presto Industries, Inc., at or near Canton, MS; and (b) *household appliances and materials, equipment, and supplies* used in the manufacture of household appliances (except commodities in bulk, in tank vehicles), from Alamogorodo, NM, and Abilene, TX, to the origin facilities of National Presto Industries, Inc., at or near Canton, MS, (4) *new furniture*, from Senatobia, MS, to points in Arizona, California, Colorado, Nevada, Oregon, Utah, and Washington, (5)(a) *new furniture, from the facilities of Madison furniture Industries, Inc., at or near Canton, MS, to points in Arizona, California, Colorado, Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Texas, and (b) materials, equipment, and supplies* used in the manufacture of new furniture, (except commodities in bulk, in tank vehicles), from points in Arizona, California, Colorado, Connecticut, Massachusttts, New Jersey, New York, Pennsylvania, Rhode Island, and Taxas, to the facilities of Madison Furniture Industries, Inc., at or near Canton, MS, and (6) *stainless steel cookware*, from Flora, MS, to points in Massachusetts and Georgia. Applicants' representative: Robert L. McArty, P.O. box 22628, Jackson, MS 39205.

Notes.—(1) an application for temporary authority has been filed. (2) Transferee is a non-carrier.

MC–FC–79118. By decision of April 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Bord Number 3 approved the transfer to BLUE RIDGE TRANSPORTATION COMPANY of Certificate No. MC–106373 (lead and Sub-Nos. 8, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24 and 30 issued THE SERVICE TRANSPORT CO. authorizing the transportation over regular and irregular routes of general commodities, with exceptions in Michingan, Ohio, Pennsylvania and New York, and certain specified commodities in Michigan, Ohio, Pennsylvania, New York, New Jersey, Maryland, West Virginia, Indiana, and Illinois. Applicant's representative is: A. Charles Tell, Esq., Baker & Hostettles, 100 East Broad Street, Columbus, OH 43215.

MC–FC–79119. By decision of April 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Bord Number 3 approved the transfer to DON FRAME TRUCKING INC., of Fredonia, New York of Permit No. MC–150878F issued February 10, 1981 to HOWARD MARTIN TRUCKING, INC., Cassadaga, New York authorizing the transportation of *Malt beverages and containers for malt beverages*, between points in the United States, under continuing contract(s) with Arther Green Co., of Jamestown, NY. applicant's representative is: Kenneth J. Johnson and Ronald W. Malin, bankers Trust Building, Jamestown, N.Y. 14701. Transferee is not a carrier. Transferee is not seeking TA lease authority.

MC–FC–79125. By decision of April 29, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Bord Number 3 approved the transfer to RAYMOND L. SHAFFER, d.b.a, RAYMOND L. SHAFFER TRUCKING of Quarryville, PA 17566 of Permit No. MC–144440 (sub-No. 2F and Sub-No. 3F) issued to RICHARD D. DOMBACH of Millersville, PA 17551 (sub-No. 2F) authorizing transportation of *Asphalt sealing coating*, from the facilities of Chevron U.S.C., Inc., near Baltimore, MD, to the facilities of Henry S. Breneman, at Lancaster, PA, under contract with Henry S. Breneman, of Lancaster, PA. (Sub-No. 3F) authorizing transportation of *agricultural chemicals* from the facilities of Lebanon Chemical Corporation, near (1 Baltimore, MD, to Millersville, PA, and points in Chester, Columbia, Cumberland, Dauphin, Lebanon, Snyder, and York counties, PA, and (2) Allentown, PA, to Baltimore, MD, under continuing contract with Lebanon chemical corporation, of Lebanon, PA. Applicant's representative: Georgelis & Solodky, Eight North Queen Street, P.O. Box 1543,

Lancaster, PA 17603. TA lease is sought. Transferee is a carrier.

Supplementary "Federal Register" Summary

MC–FC–78919. By decision of April 16, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 3 approved the transfer to INCORPORATED CARRIERS, INC., Nevada, Missouri of Certificate No. NC–138553 and Sub 3, Sub 4, and Sub 1 issued July 18, 1973, April 30, 1980, and December 31, 1979, respectively. To M AND N GRAIN COMPANY, Nevada, MS. Authorizing the common carrier transportation of *Hides and pelt*, from Butler, MO to Los Angeles and San Francisco, CA, Chicago, IL, Cedar Rapids, IA, Middlesboro, KY, New Orleans, LA, South Paris, ME, Danversport and Peabody, MA, Detroit, MI, Omaha, NE, Newark, NJ, Brooklyn & New York, NY, Brownsville, Houston and Laredo, TX, Norfolk, VA, Fond du Lac, Hartford, Green Bay, Kenosha, Milwaukee and Weyauwega, WI with no transportation for compensation on return except as otherwise authorized. From Fort Smith, AR, Denver, Greeley, Larmar, Monte Vista, Rocky Ford and Stratton, CO, Chicago, Joliet and Milan, IL, Cedar Rapids, Centerville, Des Moines and Marshalltown, IA, Andale, Dodge City, Ellis, Garden City, Pratt, Seneca, Solomon and Wichita, KS, Darr, Gibbon, Omaha and Scottsbluff, NE, Albuquerque, NM, Bismarck, Dickinson, Fargo, Nettinger, Jamestown, Minot and Williston, ND, Enid and Oklahoma City, OK, Mitchell, Rapid City, Sioux Falls and Yankton, SD, Amarillo, Fort Smith, Hamilton, McKinney, Palestine, Paris, San Angelo And San Antonio, TX, Green Bay and Weyauwega, WI and Casper and Worland, WY to Butler, MO with no transportation for compensation on return except as otherwise authorized. Sub 3: *Hides* from Chicago, Hampshire, Mason City and Rockford, IL, Evansville, Fort Wayne and Indianapolis, IN, Cedar Rapids, Denison, Spencer and Tama, IA, Solomon and Wichita, KS, Louisville, KY, Detroit, MI, Minneapolis and St. Cloud, MN, Meridian and Tupelo, MS, Joplin, Kansas City, Rock Port and Springfield, MO, Chadron, NE, Dakota City, Gibbon, McCook and Omaha, NE, Cincinnati, Cleveland, Columbus and Toledo, OH, Rapid City, SD, Memphis, TN and Chippewa Falls, Green Bay, and Milwaukee, WI to Laredo, TX. Sub 4: *Hides* (1) from Los Angeles, CA, Macon, GA, Hampshire, IL, Springfield, MO, Newark, NJ, Philadelphia, PA, Bellingham and Seattle, WA, and Milwaukee and Muskego, WI, to Laredo, TX, (2) from Springfield, MO, North Platte and Omaha, NE, Lubbock, TX and Muskego, WI to Los Angeles, CA and (3) from North Platte, NE to Oakland and San Francisco, CA. Sub 1F: *Hides and pelts*, (1) from Little Rock and Searcy, AR, Belmond and Waterloo, IA, McCook and Norfolk, NE, Columbus, OH, Texarkana and Tyler, TX, and Muskego, WI, to Butler, MO, (2) from Butler, MO to Phoenix, AZ, Woburn, MA, Hartland, ME, St. Paul, MN, Manchester and Penacook, NH, Buffalo, Gloversville and Johnston, NY, and Memphis, TN, (3) From Columbus, OH to Danversport, MA, Hartland, ME and Milwaukee, WI, (4) From Great Bend, KS to Los Angeles, CA, Manchester, NH, and Laredo, TX and (5) from Muskego, WI to Danversport, MA and Laredo, TX. Applicant's representative is: Tom B. Kretsinger, Kretsinger and Kretsinger, 20 East Franklin, Liberty, MO 64068.

Note.—The purpose of this supplemental publisaction is to include certain authority inadvertently omitted in the original application. The operating authority described represent all of the authority being tranferred.

MC–FC–79083. By decision of April 16, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132 Review Board Number 3 approved the transfer to H. L., BARRERA, FWDG. CO. of Eagle Pass, TX d/b/a H. L. BARRERA of Certificate No. MC–96552 issued December 24, 1974, to SATIAGO ALFARO of Eagle Pass, TX authorizing the transportation of General Commodities, except those requiring special equipment, between the United States-Mexico Boundary line at Eagle Pass, TX and points in Eagle Pass, TX. Applicant's representative is: H. L. Barrera, 801 Maine Street, Eagle Pass, TX 78852.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16014 Filed 5–28–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant as demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3–233

Decided: May 21, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 152134 (Sub-3), filed January 19, 1981, previously noticed in the **Federal Register** of February 24, 1981. Applicant: BESTWAY TRANSPORT CO., a corporation, Route #2, Willard, OH 44890. Representative: Lewis S. Witnerspoon, 88 East Broad Street, Columbus, OH 43215. Transporting *food*

and related products, between the facilities used by Chef's Pantry, Inc., in and east of MN, IA, MO, AR, and TX.

Note.—This republication clarifies the territorial description.

Volume No. OP3–234

Decided: May 21, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 135444 (Sub-7), filed January 29, 1981, previously published in the **Federal Register** issue of March 5, 1981. Applicant: SOUTHERN OHIO TRUCK LINES, INC., 3585 Hamilton Trenton Rd., Hamilton, OH 45011. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between Cleveland, OH, and points in Lake County, OH, on the one hand, and, on the other, points in KY and IN.

Note.—This republication corrects the territorial description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16126 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–152

Decided: May 19, 1981.

By the Commission, Review Board No. 1 Members Parker, Chandler and Fortier.

MC 150141 (Sub-3), filed May 11, 1981. Applicant: MINNESOTA CONSUMER SUPPLY CO., INC., 5720 East River Rd., Apt. 102, Minneapolis, MN 55432. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155930, filed May 11, 1981. Applicant: EAGLE EXPRESS MESSENGER, INC., 136 Patrick Road, Norwalk, CT 06851. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103, (203) 728–0700. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 155931, filed May 11, 1981. Applicant: DARRELL W. BOWMAN, d.b.a. AERODYNE EXPRESS, 740 River Loop #2, Eugene, OR 97404. Representative: Darrell W. Bowman (same address as applicant), (503) 688–0660. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155960, filed May 6, 1981. Applicant: JOSEPH S. SYLVIA, d.b.a. IVY MEADOWS FARM, 408 Sodom Road, Westport, MA 02790. Representative: Joseph S. Sylvia, Long Point Road, Lakeville, MA 02346, (617) 947–7760. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPI–154

Decided: May 20, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 152071, filed May 14, 1981. Applicant: BERNARD E. ROCHE, d.b.a. EDDIE ROCHE'S MOBILE HOMES MOVING AND SERVICE, 438 Barcelona Lane, Virginia Beach, VA 23452. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627–0070. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155941, filed May 14, 1981. Applicant: DROKE BROTHERS TRUCKING, INC., Route No. 1, Hornersville, MO 63885. Representative: E. Lewis Coffey, 26 Kingspark Drive,

Maumelle, AR 72118, (501) 851–3208. Transporting *general commodities* (except classes A and B explosives), between Cardwell, Arbyrd, and Hornersville, MO, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 155980, filed May 13, 1981. Applicant: NSTS CORPORATION, 273 Hanover St., Hanover, MA 92339. Representative: John M. Kane, Jr. (same address as applicant), (617) 826–5378. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–2–080

Decided: May 19, 1981

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 115092 (Sub-131), filed May 11, 1981. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Dr., St. Charles, IL 60174. Transporting *general commodities,* between Alexander, IA; De Luz, Fallbrook, Kett, and Matheson, CA; Lake Kapowsin, WA; Allison, Briscoe, Dougherty, Laketon, Mobettle, Paducah and Roaring Springs, TX; Caney, Cedar Vale, Sedan and Dexter, KS; Strong City, Hammon, Stafford, Cheyenne and Reydon, OK, on the one hand, and, on the other points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail service.

MC 147032 (Sub-6), filed May 8, 1981. Applicant: GENERAL MOTOR LINES, INC., P.O. Box 9583, Baltimore, MD 21237. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, 301–739–4860. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155823, filed May 8, 1981. Applicant: SCOTT W. BUCK d.b.a. BUCK'S MILL TRANSPORT, P.O. Box 188, Davis, IL 61019. Representative: R. Jerome Pfister, 900 Camelot Tower, 1415 East State St., Rockford, IL 61108, 815–987–4071. Transporting *food and other edible products and byproducts intended for human consumption,* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–3–078

Decided: May 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 151455 (Sub-2), filed May 11, 1981. Applicant: T & T TRUCKING INC., 351 Attucks St., St. Louis, MO 63122. Representative: Charles L. Thornton (same address as appliant), (314) 966–4224. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–3–080

Decided: May 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 155834, filed May 8, 1981. Applicant: A & T TRUCKING, INC., Star Route, Ferndale, AR 72211. Representative: Charley Tennyson (same address as applicant), (501) 821–3569. Transporting *general commodities* (except classes A and B explosives), between Primrose and Luthersville, GA, Cardwell, Arbyard, Hornersville, Edna, Lewistown, Hurdland and Ewing, MO, McHenery, ND, Narcisso, Russellville, Roaring Springs, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe and Allison, TX, Raymond, Oakley, Adams and Myles, MS, Snyder and Hamburg, AR, Holly Springs and Stokedale, NC, Radcliff, Aurora, Ellsworth and Lawn Hill, IA, Henery and Clark, SD, Esmond, Astoria, Teheran, Biggs, Easton and Richmond, IL, Shell Lake, Cumberland, Gillett, Green Valley, Lake Geneva and Genoa City, WI, Elgin, NE, Benton, Barlow, La Center, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville, Edgoten and Lewisburg, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia and Riverside, TN, Reydon, Cheyenne, Strong City, Hammon and Butler, OK, McDonald, OH, and Paris and Paris Crossing, IN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 155904, filed May 12, 1981. Applicant: DANIEL F. YOUNG, INC., 17 Battery Place North, New York, NY 10004. Representative: John V. Corcoran (same address as applicant), (212) 248–1700. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155925, filed May 11, 1981. Applicant: A.A. LAW MOVERS, INC., d.b.a. PETER FERRARO MOVING & STORAGE CO., 186 Prospect Avenue, Bergenfield, NJ 07621. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904, (201) 572–5551. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–4–144

Decided: May 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 155836, filed May 8, 1981. Applicant: ALLEN JONES, R–1, Box 12, Lockwood, MO 65682. Representative: Allen Jones (same address as applicant), (417) 232–4328. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–147

Decided: May 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 155946, filed May 14, 1981. Applicant: R.C.P. TRUCKING CO., INC., P.O. Box 186, (30375 Richmond Terrace), Staten Island, NY 10303. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–4–152

Decided May 20, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 155777, filed May 7, 1981. Applicant: LaFLEUR'S TRUCKING SERVICES, INC., 8 So. River Rd., Bedford, NH 03102. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108 (617) 742–3530. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155827, filed May 8, 1981. Applicant: SCHLEP COURIER, INC., 3831 Appian Way, Glenview, IL 60025. Representative: Joseph Winter, 29 So. LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package

exceeds 100 pounds, between points in the U.S.

Volume No. OPY–4–153

Decided: May 22, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 155986, filed May 14, 1981. Applicant: FREDERICK RICHARDS OF GEORGIA, INC., 122 West Bay St., Savannah, GA 31402. Representative: James P. Black, 210 Commodore Drive, Savannah, GA 31410, (912) 897–2674. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16129 Filed 5–28–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 89]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 22, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 31438 (Sub-17)X, filed April 21, 1981. Applicant: ROY O. WETZ, d.b.a. R. O. WETZ TRANSPORTATION, 212 Pike Street, Marietta, OH 45750. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 7, 10, 11, 12, 14, 16F certificates and Sub E–1 letter notice to (1) broaden the commodity descriptions to "food and related products" from farm products, evaporated milk, farm produce and agricultural commodities, in part of the lead and Sub-No. E–1; from canned evaporated milk, in Sub-No. 5; from general commodities (with exceptions) to "general commodities (except classes A and B explosives)," in part of the lead; to "metal products" from ferro alloys, in Sub-Nos. 10 and 11; from mine roof bolts, plates and wedges, and expansion shells, and iron and steel articles, in Sub-No. 16F; from mine roof bolts, plates and wedges, expansion shells and ferro alloys, in Sub-No. E–1; to "contractors equipment, materials and supplies" from precast concrete products and materials, parts and accessories moving with such products and used in erecting or assembling such products, in Sub-No. 7; from precast concrete products and materials, parts and accessories moving with such products, in Sub-No. E–1; to "plastic and lumber products, and containers" from pallets and empty containers, in Sub-Nos. 10 and 11; to "chemicals and related products" from silica, in Sub-No. 14; to "containers" from empty containers, in Sub-No. 16F; and to "lumber and wood products" from lumber (except plywood and veneer), (2) broaden the territorial description by substituting county-wide for city-wide authority and named facilities: Washington County, OH (for Marietta, Waterford, Waterford Township and the plantsite in Waterford Township, in the lead and Sub-Nos. 4, 5, 7, 10, 11, 14, 16 and E–1; and Onandaga County, NY (for Solvay, NY), in Sub-No. 4, (3) replace one-way with radial authority in the lead and Sub-Nos. 4, 5, 7, 10, 11, 12, 14, 16F and E–1, (4) remove the "in bulk" restrictions in Sub-Nos. 10 and 14 and (5) remove the "in containers" limitations in Sub-No. 7; weight limitations, and the size and weight restriction, in the lead.

MC 45134 (Sub-14)X, filed May 11, 1981. Applicant: COLLINS TRUCK LINES, INC., 1229 Osborne Rd., Minneapolis, MN 55432. Representative: John B. Van De North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. Applicant seeks to remove restrictions in its lead and Sub-Nos. 11 and 13 to (1) broaden the commodity description by removing exceptions of automobiles and household goods from its general commodities authority and removing "dry, in bags" from manufactured fertilizer in its lead; and remove exceptions of iron and steel, in bulk and size and weight commodities from building, roofing, and insulation materials in Sub-No. 11; (2) remove facilities limitations at St. Paul-Minneapolis, MN, in its lead, and Scott County, MN, in Sub-No. 11; (3) remove an originating at restriction in Sub-No. 11; (4) remove for delivery or pick up only and joinder only restrictions on its regular and alternate routes, authorize service at all intermediate points, only in its regular routes and authorize two-way service on its regular and alternate routes in MN and ND in its lead; and (5) replace one-way with radial authority between St. Paul-Minneapolis, MN, and, MT and ND in the irregular route portion of the lead, between Scott County and 15 western and midwestern States in Sub-No. 11, and between Wahpeton, ND, and ND in Sub-No. 13F.

MC 67450 (Sub-115)X, filed April 22, 1981. Applicant: PETERLIN CARTAGE CO., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 22, 30, 31, 36, 42, 44, 45, 46, 53, 62, 64, 71F, 73F, 76F, 77F, 78F, 83F, 84F, 85F, 90F, 91F, 92F, 97F, and 100F certificates and E19, E20, E36, E37, E40, E41, E42, E43, E44, E45, E46, E47, E48, E49, E50, E51, E52, E53, E54, E55, E56, E58, E60, E67, E68, E69, E72, E73, E77, E85, E87, E90, and E91 letter-notices, to (1) broaden the commodity description to "food and related products" from starch and blends thereof, and corn products, in Sub-No. 30, food, foodstuffs, food preparations, cooking oils, shortening, advertising matter, and materials, equipment and supplies used by persons engaged in the manufacture, sale, and distribution of the foregoing commodities in, Sub-No. 31, flour in Sub-Nos. 44, E36, E37, E40, E41, E42, E43, E44, E45, E46, E47, E48, E49, E50, E51, E52, E53, E54, E55, E56, E58, E60, E67, E68, E69, E72, E73, E77, E85, E87, E90, and E91, foodstuffs and food preparations in Sub-No. 46 in part, products of corn in Sub-No. 53, from foodstuffs and materials, equipment and supplies used in the manufacture or distribution of foodstuffs in Sub-No. 73F, foodstuffs, prepared animal feed, and materials and supplies used in the manufacture and

distribution of those commodities in Sub-No. 77F, animal feed and materials, equipment and supplies used in the manufacture and distribution of animal feed in Sub-No. 76F, grain products in Sub-No. 83F, malt beverages in Sub-No. 84F, dextrine, corn sugar, corn starch, and products of corn and blends thereof in Sub-No. 85F, from sugar in Sub-Nos. 90F, 91F, and 92F, bakery goods in Sub-No. 100F, and liquid sugar and blends thereof in Sub-Nos. E19 and E20; to "such commodities as are dealt in or used by grocery and food business houses" from food, foodstuffs, food preparations, cooking oils, shortening, and matches, and such materials, supplies and equipment as are used by persons engaged in the manufacture, selling, and distribution of the foregoing commodities in Sub-No. 22; to "pulp, paper and products" from paper and paper products in Sub-No. 62; to "metal products" from wire and wire products in Sub-No. 64; to "ores and minerals, and chemicals and related products" from silica and silica sand in Sub-No. 71F; (2) broaden the territorial description by substituting county-wide or city-wide authority for named facilities as follows: Lucas County, OH, Erie County, NY and DuPage and Kane Counties, IL for facilities at Toledo, OH, Buffalo, NY, St. Charles, and West Chicago, IL, in Sub-No. 22; Linn, Clinton, Muscatine, and Lee Counties, IA from facilities at Cedar Rapids, Clinton, Muscatine, and Keokuk, IA and their commercial zones, in Sub-No. 36; Kane County, IL from Elgin, IL in Sub-No. 42; Polk County, IA, Cumberland County, PA, Passaic County, NJ, Allegany County, MD, Branch County, MI, Randolph County, IL, Marion and Clark Counties, OH, and Erie County, NY from Des Moines, IA, Camp Hill, PA, Clifton, NJ, Cumberland, MD, Quincy, MI, Chester, IL, Marion and Springfield, OH, and Buffalo, NY in Sub-No. 44; Kane County, IL from Elgin, IL in Sub-No. 45; Knox County, IL from facilities at Galesburg, IL in Sub-No. 46; Chicago, IL and points in Tazewell County, IL from facilities at Chicago and Pekin, IL in Sub-No. 53; Chicago, IL from facilities at Chicago, IL in Sub-No. 62; Erie County, NY for facilities at Tonawanda, NY in Sub-No. 64; Alexander and LaSalle Counties, IL from facilities at Tamms and Wedron, IL in Sub-No. 71F; Chicago, IL and DuPage, Kane and Knox Counties, IL, Lucas, and Seneca Counties, OH, Erie County, NY, Fairfield County, CT, Hamilton County, TN, Dallas, TX, Kansas City, MO, Minneapolis, MN and Linn County, IA from facilities at Chicago, West Chicago, St. Charles, and Galesburg, IL, Toledo and Fostoria, OH, Buffalo, NY, Bridgeport, CT, Chattanooga, TN, Dallas, TX, Kansas City, MO, Minneapolis, MN, and Cedar Rapids, IA in Sub-No. 73F; Warren County, IL from Monmouth, IL in Sub-No. 76F; Orange, Santa Clara, and Alameda Counties, CA, Denver, CO, Jacksonville, FL, Atlanta, GA and Meriwether County, GA, DuPage County, IL, Shelby County, IN, Norfolk and Middlesex Counties, MA, Minneapolis, MN, Erie, Ontario, and Niagara Counties, NY, Mechlenburg County, NC, Franklin and Lucas Counties, OH, Portland, OR, Cumberland County, PA, and Dallas and Houston, TX from facilities at Buena Park, San Jose, and San Leandro, CA, Denver, CO, Jacksonville, FL, Atlanta and Woodbury, GA, Naperville, IL, Morristown, IN, Foxboro and Waltham, MA, Minneapolis, MN, Buffalo, Geneva and Niagara Falls, NY, Charlotte, NC, Columbus and Toledo, OH, Portland, OR, Mechanicsburg, PA, and Dallas and Houston, TX in Sub-No. 77F; Cullman, Lee and Talladega Counties, AL, Lassen and Siskiyou Counties, CA, Cook, and Gilmer Counties, GA, Whiteside County, IL, Montgomery County, MD, Ingham County, MI, Sussex and Passaic Counties, NJ, Chowan County, NC, Crawford, Logan, Lucas, and Clark Counties, OH, Lancaster County, PA and Knox County, TN from Cullman, Opelika, and Sylacauga, Al, Susanville and Yreka, CA, Adel and Whitestone, GA, Morrison, IL, Wheaton, MD, Mason, MI, Newton, West Milford and Sussex, NJ, Edenton, NC, Crestline, Bellefontaine, Toledo and S. Charleston, OH, Lancaster, PA, and Knoxville, TN, in Sub-No. 78F; Vanderburgh County, IN and LaCrosse County, WI from Evansville, IN and LaCrosse, WI, in Sub-No. 84F; Randolph County, IL and Perry County, MO from Chester and Steeleville, IL and Perryville, MO, in Sub-No. 97F; Cook County, IL from Morton Grove and Niles, IL in Sub-No. 100F; Erie County, NY from facilities at Buffalo, NY in Sub-No. E19, Allen County, IN from Fort Wayne, IN, in Sub-Nos. E36 and E37; Noble County, IN from Ligonier, IN in Sub-Nos. E58, E60 and E91; Scott and Polk Counties, IA from Davenport and Des Moines, IA, in Sub-Nos. E67, E68 and E69; (3) replace one-way authority with radial authority between various combinations of states throughout the United States, in Sub-Nos. 22, 36, 44, 45, 46, 53, 62, 64, 71F, 76F, 77F, 78F, 83F, 84F, 85F, 90F, 91F, 92F, 100F, E19, E20, E36, E37, E40, E41, E58, E60, E67, E68, E69, E72, E73, E77, E85, E87, E90 and E91; (4) authorize service at all intermediate points in connection with its regular-route operations, in Sub-No. 31; (5) remove restrictions limiting services to or from named facilities in Sub-Nos. 22, 31, 36, 42, 45, 46, 53, 62, 64, 71F, 73F, 77F, and E19; (6) remove "except containers and commodities in bulk" restriction in Sub-No. 22, "except frozen food, meat and commodities in bulk" restriction in Sub-No. 31, "except commodities in bulk" restrictions in Sub-Nos. 62, 71F, 73F, 76F, 77F, 78F, 84F, 85F, 92F, and 97F, "except corn oil" restriction in Sub-No. 53, "in bulk" restrictions in Sub-Nos. 30, 36, 44, 53, 83F, E19, E20, E36, E37, E40, E41, E42, E43, E44, E45, E46, E47, E48, E49, E50, E51, E52, E53, E54, E55, E56, E58, E60, E67, E68, E69, E72, E73, E77, E85, E87, E90, and E91, "in tank vehicles" restriction in Sub-Nos. 22, 44, 53, 73F, E19, E20, E40, E72, E73, E85, and E87, "in tank or hopper-type vehicles" restriction in Sub-No. 44, and "in containers" restriction in Sub-No. 46; (7) remove restrictions to shipments having prior movement by rail in Sub-Nos. 30 and 44, and restriction to traffic having prior movement by motor, rail or water carrier in Sub-No. 62; (8) remove "originating at and/or destined to" restrictions in Sub-Nos. 31, 36, 42, 45, 46, 71F, 73F, and 77F; (9) remove "except AK and HI" restrictions in Sub-Nos. 36, 78F, 83F, and 85F, "restricted against service from and to Delaware, OH, and points in its commercial zone as defined by the Commission" restriction in Sub-No. 30, "restricted against the transportation of potato flour from ME", "except from St. Louis, MO, to points in IL" and "except that no service is authorized from points in VA, to Harrisburg, Lancaster, York, or Reading, PA" restrictions in Sub-No. 44.

MC 93186 (Sub-13)X, filed May 11, 1981. Applicant: EUDELL WATTS III d.b.a. WATTS TRANSFER CO., 825 First Avenue, Rock Island, IL 61201. Representative: Thomas M. O'Brien, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, and 10F certificates to (1) broaden the commodity descriptions from (a) wheels, rims, hubs, and spindles and materials and supplies used in the manufacture and distribution of the above named commodities in Sub-No. 1F to "such commodities as are dealt in or used by manufacturers and distributors of wheels, rims hubs, and spindles"; (b) motorcycle parts and automobile parts, agricultural implement parts, iron and steel foundry products, and wheels and rim to "such commodities as are dealt in or used by manufacturers and distributors of motorcycle parts and automobile parts, agricultural implement parts, iron and

steel foundry products, and wheels and rims" in Sub-No. 10F; (2) eliminate the facilities limitations in Sub-Nos. 1F and 3F; (3) expand city-wide authority to county-wide authority (a) from Walcott, IA to Scott County, IA in Sub-No. 1F; (b) from Washington, IA to Washington County, IA in Sub-No. 3F; (c) from Cedar Rapids, IA to Linn County, IA; from Clinton, IA to Clinton County, IA; from Davenport and Walcott, IA to Scott County, IA; from Dubuque, IA to Dubuque County, IA; from Iowa City, IA to Johnson County, IA; from Ottumwa, IA to Wapello County, IA; from Muscatine and Wilton Junction, IA to Muscatine County, IA; from Sioux City, IA to Woodbury County, IA; from Washington, IA to Washington County, IA; and from Waterloo, IA to Black Hawk County, IA in Sub-No. 10F; (4) broaden the territorial descriptions to allow radial service (a) between points in Scott County, IA, on the one hand, and, on the other, points in WI west of U.S. Highway 45 and south of U.S. Highway 10 (except the LaCrosse and Milwaukee, WI Commercial Zones) and IL (except the Chicago, IL Commercial Zone) in Sub-No. 1F; and (b) between points in Washington County, IA, on the one hand, and, on the other, points in IL, IN, MI, and WI in Sub-No. 3F; and (5) remove originating at or destined to restrictions in Sub-Nos. 1F and 3F.

MC 109397 (Sub-538)X, filed May 13, 1981. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacob, P.O. Box 113, Joplin, MO 64801 Applicant seeks to remove restrictions in its Sub-Nos. 508F and 519 certificates to (1) remove the restriction excepting HI in Sub-No. 508F and (2) remove the restriction excepting household goods as defined by the Commission in Sub-No. 519 in its general commodities authorities between points in the U.S.

MC 114301 (Sub-113)X, filed May 15, 1981. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 89, 93 and 94F certificates to (a) broaden the commodity descriptions from plastic pellets (Sub-No. 89), granular plastic (Sub-No. 93) and dry plastic materials (Sub-No. 94) to "chemicals and related products," (b) in Sub-No. 89 broaden, Pawtucket, RI to Providence County, RI; Elkton, MD, to Cecil County, MD; New Brunswick, NJ, to Middlesex County, NJ; Sycamore, IL, to DeKalb County, IL; Tarboro, NC, to Edgecombe County, NC; Hazelhurst, MS, to Copiah County, MS; Miami, FL, to Dade County, FL; and Westfield, MA, to Hampden County, MA; and in Sub-Nos. 93 and 94 broaden Leominster, MA, to Worcester County, MA; (c) broaden its one-way to radial authority between the counties named above and points in various States, in all referenced Sub-Nos; (d) to eliminate the plantsite restriction in Sub-No. 93; (e) delete an "in bulk" restrictions in all of the above Sub-Nos.

MC 115669 (Sub-205)X, filed May 8, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, NE 68933. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 136, 140, 141, 143, 149, 151, 154, 156, 157, 158, 161, 164, 167F, 168F, 173F, 174F, 175F, 187F, 192F, 198F, 199F, certificates and E-letter notices 2, 3, 7, 16, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 36, 39, 40 and 41 to (A) broaden the commodity description from (1) fertilizer, insecticides, dry earth paint, chelates, salt, salt products, and, materials and supplies, dry feed grade urea, liquid fertilizer solutions, dicalsium phosphate, anhydrous ammonia, agricultural chemicals and potash to "chemicals and related products," in Sub-Nos. 136, 140, 141, 143, 154, 157, 158, 161, 164, 168F, 173F, 174F, 175F, 187F, 192F, 198F, 199F, and E2, E3, E7, E16, E20, E21, E26, E27, E28, E29, E30, E31, E32, E33, E36, E39, E40, and E41, (2) materials and supplies used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries to "commodities used by agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries," in Sub-Nos. 161 and 192F, (3) bentonite clay and foundry molding sand treating compounds, water impedance boards, and processed clay to "clay, concrete, glass, or stone products," in Sub-Nos. 136, 140, 149, 151, 156, and 167F, (4) used synthetic alumina catalyst, dry petroleum pitch, and lignite coal to "petroleum, natural gas and their products, and, coal and coal products," in Sub-Nos. 140, 149, and 167F, and (5) limestone to "ores and minerals," in Sub-No. 157; (B) eliminate the (1) commodities "in bulk" and/or "in bags" restriction, in Sub-Nos. 149, 151, 154, 156, 168F, E26, E28, E29, E30, E31, E32, E33 and E36, (2) "mixed load" restriction, in Sub-No. 192F, and (3) "in tank vehicles" restriction, in Sub-Nos. 154 and 168F; (C) remove the plantsite restriction in Sub-Nos. 136, 140, 143, 149, 151, 154, 156, 158, 168F, 173F, 174F, 192F, 199, and E41; (D) remove the restriction limiting service to the transportation of traffic originating at named points, in Sub-No. 140 (Hastings, NE) and E2 (Eddy County, MN); (E) remove the restriction prohibiting the transportation of specified commodities, in Sub-Nos. 149, 151, 187F and E7; (F) authorize county-wide authority to replace existing city-wide service: (1) Adams County, NE for Hastings, NE, in Sub-Nos. 136, 140, and 173F, (2) Butte County, SD for Belle Fourche, SD, in Sub-Nos. 136, 140, and 149, (3) Weston County, WY for Upton, WY, in Sub-Nos. 146, 149, and 151 (4) Gage County, NE, for Beatrice, NE, in Sub-Nos. 158, 168F, and 187F, (5) Scottsbluff County, NE, for Scottsbluff, NE, in Sub-No. 140, (6) Montgomery County, KS, for Coffeyville, KS, in Sub-No. 140, (7) McPherson County, KS, for McPherson, KS, in Sub-No. 130, (8) Phillips County, KS, for Phillipsburg, KS, in Sub-No. 140, (9) Reno County, KS, for Hutchinson, KS in Sub-Nos. 141, 154, 161, and 192F, (10) Douglas County, KS, for Lawrence, KS, in Sub-Nos. 143 and E36, E39, and E40 (11) Big Horn County, WY, for Lovell, WY, in Sub-No. 149, (12) Crook County, WY, for Colony, WY, in Sub-No. 151, (13) Richardson County, NE, for Falls City, NE, in Sub-Nos. 154 and 164, (14) Shelby County, TN, for Woodstock, TN, in Sub-No. 154, (15) Cass County, NE, for Weeping Water, NE, in Sub-Nos. 154 and 157, (16) Jefferson County, NE, for Fairbury, NE, in Sub-No. 175F, (17) Hamilton County, NE, for Aurora, NE, in Sub-No. 187F, (18) Rice County, KS, for Lyons, KS, in Sub-No. 192F, (19) Tooele County, UT, for Solar, UT, in Sub-No. 192F, (20) Weber County, UT for Ogden, UT, in Sub-No. 192F, (21) Box Butte County, UT for Saline, UT, in Sub-No. 192F, (22) Rogers County, OK, for Port of Catoosa, OK, in Sub-No. 198F, (23) Salt Lake County, UT, for Saltair, UT, in Sub-No. 199F, (24) Carroll County, IA, for Carroll, IA, in Sub-No. E7, (25) Dallas County, IA, for Perry, IA, in Sub-No. E16, (26) Greene County, IA, for Jefferson, IA, in Sub-No. E20, (27) Black Hawk County, IA, for Waterloo, IA, in Sub-No. E21, (28) Sarpy County, NE for LaPlatte, NE, in Sub-Nos. E26, E27, E28, E29, E30, E31, and E32, (29) Ector County, TX, for Odessa, TX, in Sub-No. 173F, (30) Finney County, KS, for Garden City, KS, in Sub-No. 173F, and (31) Chariton County, MO, for Brunswick, MO, in Sub-No. 174F; (G) authorize radial authority to replace existing one-way service between points in various combinations of generally central States, in Sub-Nos. 136, 140, 141, 143, 149, 151, 154, 156, 157, 158, 164, 167F, 168F, 173F, 174F, 175F, 187F, 192F part (d), 198F, E2, E3, E7, E16, E20, E21, E26, E27, E28, E29, E30, E31, E32, E33, E36, E39, E40 and E41.

MC 124141 (Sub-54)X, filed May 4, 1981. Applicant: JULIAN MARTIN, INC.,

P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22107. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F, 3F, 4F, 6F, 7F, 10F, 11F, 19F, 21F, 24F, 29F, 30F, 34F, 38F, 39F, 40F, 41F, 42F, 44F and 45F certificates and lead permit in MC-140717 and Sub-Nos. 1, 2, 3, 4, 7F, 8F, 9F, 10F, 13F, 18F, 19F, 21, 25M1F and 26F to (1) broaden the commodity descriptions to "lumber and wood products" from lumber in the lead certificate, from rough dimension stock lumber in Sub-No. 7F certificate; to "machinery" from electric motors, grinders, buffers, dental lathes, dust collectors, pedestals, parts, accessories and attachments in the base part of Sub-No. 2F certificate, from household and electrical appliances in Sub-No. 44F certificate; to "machinery and electrical equipment" from various commodities such as electric lamps, Christmas tree lamps, electric cord sets, dry cell batteries, lamp ballasts, portable battery chargers in Sub-No. 10 certificate; to "chemicals and related products and rubber and plastic products" from glues, adhesives, caulks, specialty chemicals, and empty plastic caps and containers in Sub-No. 19F certificate; to "chemicals and related products" from plastic materials (except in bulk) in Sub-No. 21F certificate; to "food and related products" from foodstuffs (except in bulk) in Sub-No. 3 certificate, from pickles and pickle products in Sub-No. 4 certificate, from canned goods in Sub-No. 6 certificate, from foodstuffs in Sub-No. 24 certificate, and Sub-No. 25M1F permit from confectionery and confectionery products in Sub-No. 29 certificate, from margarine and margarine products (except in bulk), in Sub-No. 34 certificates, from alcoholic liquors (except in bulk) in the base authority in Sub-No. 38 certificate, from meat, meat products, and meat by-products (except hides and commodities in bulk) in Sub-No. 39 certificate, and Sub-Nos. 7, 8, 9, 10, 13, 18, 19, 21 permits, from canned foods and frozen fruits and vegetables in Sub-No. 45 certificate, from pork, pork products and pork by-products in the lead permit, from beef and beef products (except in bulk) in Sub-No. 4 permit, from pork and pork products (except in bulk) in Sub-No. 3 permit, from malt beverages in Sub-No. 41 certificate, from malt beverage and materials and supplies in Sub-No. 42 certificate; to "chemicals and related products" from shampoo in Sub-No. 26 permit; to "food and related products and pulp, paper and related products" from coffee and coffee filters in Sub-No. 40 certificate; to "rubber and plastic products" from plastic sheeting in Sub-Nos. 1 and 2 permits, (2) change city to county-wide authority (a) in the lead certificate from Harrisburgh, AR and Memphis, TN to Poinsett County, AR and Crittenden, AR, DeSoto County, MS and Shelby, Fayette and Tipton Counties, TN, (b) in Sub-No. 4 certificate from Bridgeport, Imlay City and Memphis, MI, Millsboro, DE and Greenville, MS to Saginaw, Lapeer, and St. Clair Counties, MI, Bath County, DE to Washington County, MS, (c) in Sub-No. 6 from Athens, AL to Limestone County, AL, (d) in Sub-No. 21 from Houston, TX to Brazoria, Waller, Ft. Bend, Chambers, Harris and Montgomery Counties, TX, (e) in Sub-No. 24 from Hershey, Lancaster, and Mechanicsburgh, PA to Dauphin, Lancaster, Lebanon and Cumberland Counties, PA, (f) in Sub-No. 29 from Bethlehem, PA to Bucks, Lehigh, and Northampton Counties, PA, (g) in Sub-No. 34 from Osceola, AR to Mississippi County, AR, (h) in Sub-No. 38 from Ft. Smith, AR, Bardstown, KY, and Plainfield, IL, to Sebastian County, AR, Nelson County, KY and Will County, IL, and (i) in Sub-No. 39 from Palestine, TX to Anderson County, TX (3) remove facilities limitation (a) in Sub-No. 2 certificate and replace Ft. Smith, AR with Sebastian County, AR, (b) in Sub-No. 3 certificate and replace Dunkirk, NY, Erie, PA, Atlanta, GA and Dallas, TX with Chautauqua County, NY, Erie County, PA, Fulton County, GA and, Dallas County, TX, (c) in Sub-No. 7 and replace Vicksburg, MS and Nashua, NH with Warren County, MS and Hillsboro County, NH, (d) in Sub-No. 10 certificate and replace Belleville, Bucyrus, Circleville, Cleveland, Ravenna, Warren and Youngstown, OH; Lexington, KY; Matoon and Danville, IL and St. Louis, and Fenton, MO with Huron, Crawford, Pickaway, Cuyahoga, Portage, Trumbull, Mahoning Counties, OH, Fayette County, KY; Coles and McLean Counties, IL; and St. Louis City and St. Louis County, MO, (e) in Sub-No. 11 certificate and replace Bentonville and Searcy, AR with Benton and White Counties, AR, (f) in Sub-No. 19 certificate and replace Columbus, Oh with Franklin Clunty, OH, (g) in Sub-No. 40 certificate, (h) in Sub-No. 44 and replace Little Rock, AR with Pulaski County, AR, (4) change territorial description in all permits to "between points in the US, under continuing contract(s) with named shippers, (5) remove the "originating at and/or destined to" named facilities restrictions in Sub-Nos. 3, 34 and 38 certificates, (6) remove in tank vehicle restrictions in Sub-No. 38 certificate, (7) remove in bulk restriction in Sub-Nos. 2, 3, 11, 19, 21, 24, 30, 34, 38, 39, 40, certificates and the lead permit and Sub-Nos. 3, 4, 7, 8, 9, 10, 13, 18, 19, 21, and 25 M1F permits, (8) remove "in mechanically refrigerated equipment" restriction in Sub-Nos. 7 and 19 certificates, and (9) change one-way to radial authority between various combinations of points throughout the US in all certificates except Sub-Nos. 2, and 38.

MC 124170 (Sub-165)X, filed May 11, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, P.C., 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks in its Sub 139 F certificate to (1) remove the restriction against transportation of commodities in bulk, in tank vehicles; (2) remove facilities limitations; (3) remove the restriction against service to AK and HI; and (4) authorize county-wide authority in place of named facilities as base points in its radial authority between these points and points in the U.S.: Knox County for Niobrara, NE; Custer County for Broken Bow, NE; Platte County for Columbus, NE; and Phelps County for Holdrege, NE; Litchfield County for North Canaan, CT; Sumter County for Sumter, SC; Lagrange County for Shipshewana, IN; Delaware County for Hancock, NY; Morris County for Parsippany, NJ; Essex County for Fairfield, NJ; and Hudson County for Jersey City, NJ; Coshocton County for Coshocton, OH; Knox County for Mount Vernon, OH; and Stark County for Canton, OH; Santa Clara County for Los Gatos, CA; Los Angeles County for Cerritos, CA; Ventura County for Oxnard, CA; and Solano County for Benicia, CA; Dallas County for Irving, TX; Claiborne Parish for Haynesville, LA; Marion County for Ocala, FL and Baltimore County for Cockeysville, MD.

MC 126018 (Sub-5)X, filed May 11, 1981. Applicant: PREM-PAK, INC., 1 Exeter Road, North Hampton, NH 03862. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 2 certificates to (1) broaden in Sub-No. 1 the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) broaden in Sub-No. 1 the commodity descriptions to (a) "pulp, paper, and related products" from paper pulp and paper products; (b) "metal products", and "clay, concrete, glass, or stone products", from pipe and plumbing supplies; (c) "metal products" from skid chains and hardware; (d) "food and

related products" from non-alcoholic beverages; (e) "pulp, paper and related products" and "leather and leather products" from paperboard, fibre board and leather board innersoling and innersoles; (f) "chemicals and related products" from anti-freeze solutions; and (g) in Sub-No. 2 broaden to "pulp, paper, and related products" from paper products; (3) in Sub-No. 1, replace specific point authority of: Malden, MA with county-wide authority of Middlesex County, MA; Boston, MA with county-wide authority of Suffolk, Norfolk, Middlesex, Essex, and Plymouth Counties, MA; Dover, Claremont, and Rochester, NH with county-wide authority of Strafford and Sullivan Counties, NH; Melrose and Wakefield, MA with county-wide authority of Middlesex County, MA; and (4) authorize radial operations in lieu of one-way operations in both Sub-Nos.

MC 136343 (Sub-236)X, filed May 15, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Stan C. Geist, P.O. Box 355, Milton, PA 17847. Applicant seeks to remove restrictions in its Sub-No. 229F certificate to: broaden the commodity description from toilet preparations and cleaning products in part (1) to "chemicals and related products" and in part (2) from materials, equipment and supplies used in the manufacture and distribution of toilet preparations and cleaning products to "materials, equipment, and supplies used in the manufacture and distribution of chemicals and related products."

MC 139023 (Sub-15)X, filed May 11, 1981. Applicant: 2–G TRANSPORTATION, INC., 12589 Rhode Island Ave. So., Savage, MN 55378. Representative: Stanley C. Olsen Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 6, 7F, 8F, 12F and 13F certificates, and its MC–134469 permit, to (1) broaden the commodity descriptions from glass containers and closures for glass containers and corrugated cardboard cartons, fiberboard dividers and carriers, and wooden pallets to "such commodities as are dealt in or used by manufacturers and distributors of containers" in Sub-No. 2; from insulation and insulation materials to "such commodities as are dealt in or used by manufacturers of insulation and insulation materials" and from fertilizer and fertilizer ingredients and ice melters to "chemicals and related products" in Sub-No. 3; from iron and steel articles to "metal products" in Sub-No. 6F; from malt beverages, beverages and water to "food and related products" in Sub-Nos. 7F, 12F, and 13 (parts 3, 4, 5, and 6); from malt beverage dispensing equipment, oil and grease dispensing equipment, hydraulic system components, and used bluegrass stripping machines to "machinery" in Sub-Nos. 7F, 13, and MC–134469; from containers and containers ends, and materials, equipment and supplies used in the manufacture and distribution of containers and container ends to "such commodities as are dealt in or used by manufacturers and distributors of containers and container ends" in Sub-No. 8F; from bags for bluegrass strippings and seeds to "pulp, paper and related products" in Sub-No. 13 (part 2); and from anti-freeze and lubricating oils, and greases and oils to "petroleum, natural gas, and their products"; from agricultural crop spray, cleansing agents and solvents to "chemicals and related products" in MC–134469; (2) remove the restrictions in bulk, in tank vehicles in Sub-Nos. 3, 6F, and 8F; except tank or hopper containers in Sub-No. 8F; and the seasonal restriction in Sub-No. 13F; (3) eliminate the facilities limitation in Sub-Nos. 2 and 6F; (4) change city to county-wide authority in Sub-No. 2 from Shakopee MN, to Scott County, MN; in Sub-No. 3 from Kenosha and Union Grove WI, to Kenosha and Racine Counties, WI; in Sub-No. 6F from Sterling and Rock Falls, IL, to Whiteside County, IL; in Sub-No. 7F from Evansville and Fort Wayne, IN, to Vanderberg and Allen Counties, IN, from Newport KY, to Campbell County, KY, from LaCrosse, WI, to LaCrosse County, WI, and from Champaign, Redmon, Alton and Mattoon, IL, to Champaign, Edgar, Madison, and Cole Counties, IL; in Sub-No. 13F from Barnesville, MN, to Clay County, MN, from Wahpeton, ND to Witchland County, ND, from Belleville, IL, to St. Claire County, IL, and from Olympia, WA, to Thurston County, WA; (5) expand one-way to radial authority between numerous points throughout the U.S. in Sub-Nos. 2, 3, 6F, 7F, 12F and 13; (6) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper in MC–134469.

MC 139495 (Sub-539)X, filed April 3, 1981. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 818 Connecticut Ave. NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead, and 328 different sub-numbered certificates to (1) broaden the commodity descriptions, as follows: (a) to "food and related products" from foodstuffs, canned, preserved, prepared, and bottled in Sub-Nos. 7, 25, 39, 103, 118, 133, 221, 267, 299, 317, 350, 357, 371, 375, 411, 412, 468, 496, 501, 503, 529, and 534, from frozen foodstuffs in Sub-Nos. 168, 273, 303, 342, 394, 406, 467, and 523, from confectionery, and confectionery products in Sub-Nos. 10 and 235, from frozen pizzas in Sub-No. 17, from pickle products in Sub-No. 20, from wine in Sub-Nos. 36 and 81, from alcoholic beverages in Sub-Nos. 128, 218, 290, 354, 355, 432, 520, and 530, from pretzels in Sub-No. 37, from sugar, refined, in Sub-Nos. 64, 109, and 398, from canned foodstuffs and pet and animal foods in Sub-Nos. 73, 124, 112, and 393, from cheese and cheese products in Sub-No. 123, from canned fruits and vegetables, and frozen fruits, vegetables, berries, potatoes, juices, concentrates and bakery products, and juice, juice concentrates, and apple sauce in Sub-No. 130, from meat, fresh, meat products and by-products, and articles distributed by meat packinghouses in Sub-Nos. 144, 425, 502, 513, 515, 522, and 528, from malt beverages in Sub-Nos. 151, 159, and 423, from frozen ice cream and novelties in Sub-No. 208, from wheat germ and granola in Sub-No. 210, from cooking oil and coconut oil bars in Sub-No. 232, from peanut butter, and agricultural commodities in mixed loads with peanut butter in Sub-No. 238, from prepared flour and frosting mixes in Sub-No. 268, from potato products in Sub-No. 296, from vegetable oils, shortening, and oleomargarine in Sub-No. 321, from doughnut mix, flour, sugar, shortening, yeast, fruit filling, and juices in Sub-Nos. 344 and 422, from bakery products in Sub-Nos. 388 and 405, from dry beverage preparations, malt and cocoa products, candy and popcorn in Sub-No. 429, from bananas, and agricultural commodities when moving in mixed loads with bananas in Sub-No. 460, from coffee and coffee products in Sub-No. 465, from beverage and dessert preparations in Sub-No. 499, and from flour, corn meal, and flaked potatoes in Sub-No. 519; (b) to "farm products, and food and related products", from prepared animal and poultry feed in Sub-No. 234; (c) to "machinery, metal products, and rubber and plastic products", from oilers, safety, oily waste, and lab cans, safety cabinets and oil and gasoline containers in Sub-Nos. 3, 75, 76; (d) to "chemicals and related products", from sodium bicarbonate and carbonate, and laundry detergents, in Sub-Nos. 13 and 275, from soap in Sub-Nos. 19 and 347, from chemicals, medicines, and toilet preparations in Sub-No. 53, from drugs, medicines, and toilet preparations in Sub-No. 60, from toilet preparations in

Sub-Nos. 67 and 233, from drugs, medicines, and chemicals in Sub-Nos. 88 and 270, from cleaning, scouring and washing compounds, and soap in Sub-Nos. 138 and 274, from cleaning products, drugs, medicines, and toilet preparations in Sub-Nos. 181 and 396, from insecticides, deodorants, chemicals and dispensers in Sub-No. 323, from drugs, toilet preparations, cosmetics, shampoos, and washing compounds in Sub-No. 339, from drugs, toilet preparations and food canning, preserving and seasoning compounds in Sub-No. 378, from water treatment and cleaning compounds, chemicals, and activated carbons in Sub-No. 439, and from pesticides and chemicals in Sub-No. 441; (e) to "petroleum, natural gas, and their products", from petroleum products (in containers), in Sub-No. 15, from petroleum products and lubricating oils (in containers), in Sub-No. 184; and from petroleum products in Sub-No. 475; (f) to "chemicals and related products, and instruments and photographic goods", from drugs, toilet preparations, medical instruments, and chemicals in Sub-No. 34, from medical care products, and materials, equipment, and supplies in Sub-Nos. 77, 314, and 430, from surgical and hospital supplies in Sub-No. 96, from medical care devices and products in Sub-No. 183, from health, hygienic, medical, and surgical care products in Sub-No. 228, from diagnostic products, drugs, sunglasses, and dental supplies in Sub-No. 230, from intravenous solutions, drugs and medical supplies in Sub-Nos. 285 and 289, from chemicals, laboratory instruments and kits in Sub-No. 293, and from food, cosmetic, drug, industrial and scientific chemicals, and related laboratory instruments and kits in Sub-No. 316; (g) to "rubber and plastic products, and metal products", from reflective traffic marking products in Sub-No. 43, and from paint rollers and paint tray sets in Sub-No. 472; (h) "metal products", from non-ferrous metal slab or ingots in Sub-No. 51, from copper wire in Sub-No. 80, from chilled shot and iron sand in Sub-No. 440, and from barbeque grills in Sub-No. 201; (i) to "clay, concrete, glass or stone products", from clay in Sub-Nos. 56, 147, 166, and 341, from red clay pottery, flower pots and saucers in Sub-No. 94, from earthenware in Sub-No. 129, from pottery and pottery products in Sub-No. 152, from glass containers in Sub-No. 170, and from crayon plaster in Sub-No. 237; (j) to "machinery", from oil filter cartridges in Sub-No. 57, from electric storage batteries in Sub-No. 74, from vacuum cleaners, and floor polishers, vacuum cleaner bags and parts for such products in Sub-No. 120, from lamps in Sub-Nos. 162 and 172, from motors, generators, controllers, power transmission equipment, machinery, and scales in Sub-Nos. 180, 246, 278, and 320, from lighting fixtures and parts in Sub-No. 300, from household appliances Sub-No. 318, from fans and defusers in Sub-No. 319, from gas and electrical appliances, parts in Sub-No. 382, from flashlights and batteries in Sub-No. 451, from wiring equipment, electrical and lighting equipment in Sub-No. 479, and from heating and air conditioning equipment in Sub-No. 532; (k) to "printed matter", from paper labels in Sub-No. 61; (l) to "pulp, paper and related products", from paper and paper products in Sub-No. 155, from printing paper in Sub-No. 386, from bags and scrap paper in Sub-No. 64, from corrugated cases in Sub-No. 237, and from paper and paper products in Sub-Nos. 381, 427, and 524; (m) to "textile mill products, lumber and wood products, rubber and plastic products, clay, concrete, and glass or stone products, metal products, and building materials", from carpeting, hard surface floor covering, wallboard, wall and ceiling panels, floor screens, insulation material, and materials and accessories used in the installation of the foregoing commodities, in Sub-Nos. 69 and 335; (n) to "building materials", from floor coverings in Sub-Nos. 89, 187, 305, 453, and 521; (o) to "metal products, and machinery", from barbeque grills, and accessories in Sub-Nos. 72 and 365, from electrical wire and cable in Sub-No. 226, from steel wire and springs (except size and weight commodities) components of fire prevention and sprinkler systems, and pipe fittings, connectors, hangers, castings, and valves in Sub-No. 277, from valves, hydrants, pipe fittings, connectors, hangers, indicator posts and castings in Sub-No. 284, from metal conduit and aluminum strips (except size and weight commodities), and scrap aluminum in Sub-No. 292, from aluminum, aluminum articles, and products, and magnesium products in Sub-Nos. 325 and 327, from water heaters, boilers, glass-lined water storage tanks, and garbage disposals in Sub-No. 336; (p) to "food and related products, chemicals and related products, and rubber and plastic products", from foodstuffs, drugs, and plastic and rubber articles in Sub-Nos. 78 and 442; (q) to "food and related products, and rubber and plastic products", from trays and foodstuffs in Sub-No. 379; (r) to "chemicals and related products, and food and related products", from soda ash, cleaning compounds, bath salts, fabric softeners, drugs, toilet preparations, and feed, and malted milk in Sub-No. 91, from toilet preparations, buffing, polishing and sweetening compounds, and foodstuffs, and fertilizer and fertilizing compounds in Sub-Nos. 95 and 283, from animal and poultry feed, bath salts, cleaning compounds, drugs, fabric softeners, food preserving and seasoning compounds, malted milk, modified soda ash, and toilet preparations in Sub-No. 426, and from canned and bottled foodstuffs, drinks, mixes, and mouthwashes in Sub-No. 444 part (1); (s) to "machinery, metal products, and rubber and plastic products", from insulated wire, electrical plug and cord sets, power supply cords, pipe fittings, and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves, castings, water motor alarms, cement, joint compounds, automatic sprinkler heads, fire protection and prevention systems, air heaters, blowers, and parts, facings and gaskets, and lighting fixtures in Sub-Nos. 97 and 351, and from rotary mower and chain saw, materials and supplies in Sub-No. 171; (t) to "chemicals and related products, rubber and plastic products, textile mill products, lumber and wood products, and metal products", from toilet preparations, household and industrial cleaning products, insect control products, air fresheners, starches, brooms, brushes, mops, germicides, and promotional materials in Sub-No. 98; (u) to "pulp, paper, and related products, and lumber and wood products", from cartons and boxes in Sub-No. 101, and boxes and crates (except paper and paper products) in Sub-No. 141; (v) to "machinery, pulp, paper, and related products, and chemicals and related products", from typewriters, printing paper, and ink materials in Sub-No 104; (w) to "chemicals and related products, and food and related products", from drugs, medicines, toilet preparations, disinfectants, toothbrushes, candy, confectionery, beverage preparations, anti-acid mints, chewing gum, store display racks, or stands, and packaging materials, diagnostic products, sunglasses, and dental supplies and materials in Sub-No. 111; (x) to "rubber and plastic products", from plastic and rubber materials in Sub-No. 113, from crude rubber and hoses in Sub-No. 116, from plastic pipe fittings and connectors in Sub-No. 165, from hose in Sub-No. 182, from molded plastic articles in Sub-No. 186, from plastic flower pots and plastic articles in Sub-No. 189, from plastic and rubber articles in Sub-Nos. 251 and 358, from plastic articles in Sub-

No. 287, and from plastic articles and artificial Christmas trees in Sub-No. 446; (y) to "coal and coal products", from charcoal briquettes in Sub-No. 117; (z) to "lumber and wood products, and building materials", from cedar shakes and shingles in Sub-No. 119; (aa) to "furniture and fixtures", from furniture, in cartons, and parts and materials in Sub-No. 143, from bean bag chairs in Sub-No. 146, from lawn and patio furniture in Sub-Nos. 203 and 315, from shelving in Sub-Nos. 207 and 362, from curtain rods, shelving, and bath accessories in Sub-No. 259, from new furniture in Sub-Nos. 261 and 390, from redwood furniture in Sub-No. 356, and from bed frames, beds, and minor supports in Sub-No. 395; (bb) to "textile mill products", from blankets in Sub-No. 158, and from yarn and wool in Sub-No. 360; (cc) to "textile mill products, and rubber and plastic products", from carpets in Sub-No. 160, from carpeting, cushioning, and lining in Sub-No. 231 and from textiles, rugs, and carpeting in Sub-No. 338; (dd) to "rubber and plastic products, and clay, concrete, glass or stone products", from tile in Sub-No. 177; (ee) to "lumber and wood products, rubber and plastic products, metal products, clay, concrete, glass or stone products, and building materials", from doors, shutters, blinds, and accessories in Sub-No. 178, and from doors, and door hardware and accessories and parts in Sub-Nos. 301 and 302; (ff) to "building materials", from insulating materials in Sub-Nos. 199 and 288; (gg) to "machinery, rubber and plastic products, metal products, and instruments and photographic goods", from electric household, kitchen and bathroom, and oral hygiene appliances and equipment, hydrotherapy equipment, sink and shower fixtures, smoke alarms, food processing machines and filters in Sub-No. 200; (hh) to "clay, concrete, glass or stone products, rubber and plastic products, and machinery", from lenses and reflectors, and glass tubing in Sub-No. 229; (ii) to "textile mill products, and machinery", from finished knit cloth, garments, and sewing mill machinery in Sub-No. 240; (jj) to "lumber and wood products", from wooden mouldings in Sub-No. 247 and fireplace logs in Sub-No. 488; (kk) to "chemicals and related products, metal products, lumber and wood products, clay, concrete, glass or stone products, and building materials", from adhesives, sealants, solvents, stains, wood preservatives, and accessories, equipment and supplies used in the installation, maintenance and distribution of floors, floor coverings, walls, and wall coverings in Sub-Nos. 258 and 359; (ll) to "rubber and plastic products, and lumber and wood products", from plastic and wooden mouldings in Sub-No. 289; (mm) to "pulp, paper and related products, and building materials", from fibreboards and sheets in Sub-No. 294; (nn) to "rubber and plastic products, pulp, paper and related products, metal products, and building materials", from vinyl and plastic siding, clapboard siding, plastic and paper articles, building materials, and accessories and supplies in Sub-No. 471; (oo) to "clay, concrete, glass or stone products, and rubber and plastic products", from clay and plastic products in Sub-No. 306; (pp) to "chemicals and related products, rubber and plastic products, petroleum, natural gas and their products, clay, concrete, glass or stone products, and building materials", from adhesives sealants, glues, weather stripping, caulking compounds, cements, and sound deadeners in Sub-No. 337; (qq) to "pulp, paper and related products", from bags, paper, plastic and paper and plastic combined in Sub-No. 352; (rr) to "lumber and wood products, rubber and plastic products, and metal products", from mops, brooms and brushes in Sub-No. 361; (ss) to "chemicals and related products, and manufactured products", from chemicals, cleaning and janitorial products and supplies in Sub-No. 364; (tt) to "textile mill products, rubber and plastic products, and leather and leather products", from footwear, footwear accessories, and display cases in Sub-Nos. 372 and 373; (uu) to "machinery, and chemicals and related products", from batteries, battery fluids, chargers, and rectifiers in Sub-No. 376; (vv) to "textile mill products, chemicals and related products, rubber and plastic products, and pulp, paper, and related products", from synthetic fibers and yarns, fiber waste, plastic materials, and resin in Sub-No. 380; (ww) to "clay, concrete, glass or stone products, chemicals, and related products, rubber and plastic products, metal products, machinery, and building materials", from tile, clay, earthenware, bathroom fixtures, and adhesives, in Sub-No. 385; (xx) to "rubber and plastic products, chemicals and related products and petroleum, natural gas and their products", from adhesives, coatings and sealants in Sub-No. 397, and from petroleum and petroleum products, vehicle body sealer and sound deadener compounds in Sub-No. 478; (yy) to "chemicals and related products, pulp, paper, and related products, and food and related products", from cleaning componds, disinfectants, paint, varnish, wax, animal food supplements, paper towels, and toilet tissue in Sub-No. 407; (zz) to "general commodities" (except Classes A and B explosives), from general commodities in the usual exceptions in Sub-No. 410; (aaa) to "chemicals and related products, rubber and plastic products, and machinery", from chemicals, cleaning and defoaming compounds (except chemicals), plastic liquid and sheeting, ink, and laminating machinery and parts in Sub-No. 431; (bbb) to "clay concrete, glass or stone products, and machinery", from glassware, ceramic ware, and electric appliances, parts and accessories in Sub-No. 456; (ccc) to "machinery, and instruments and photographic goods", from audio products, clocks, personal care appliances, and portable household appliances in Sub-No. 463; (ddd) to "furniture and fixtures, pulp, paper, and related products, and printed matter", from display racks, stands and cases, stationery, pens, pencils, and markers in Sub-No. 469; (eee) to "rubber and plastic products, metal products, and transportation equipment", from tires, tubes, and rims in Sub-No. 505; (fff) to "ordnance and accessories", from hunting ammunition in Sub-No. 517; (ggg) to "textile mill products, lumber and wood products, pulp, paper and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products, and building materials", from carpeting, hard surface floor covering, wallboard, wall panels, floor screens, ceiling panels, and insulation materials, and materials, accessories and supplies in Sub-No. 525; (hhh) to "pulp, paper and allied products, miscellaneous products of manufacture, textile mill products, printed matter, furniture and fixtures, instruments and photographic goods, metal products and lumber and wood products" for school, art and hobby supplies, in Sub-Nos. 21, 367, and 428; (iii) to "miscellaneous freight, clay, concrete, glass or stone products and metal products", from aquariums and aquarium supplies in Sub-Nos. 31 and 135; (jjj) to "miscellaneous products of manufacture, chemicals and allied products, rubber and plastic articles, food and related products, and miscellaneous shipments", from toys and games in Sub-Nos. 47 and 419, and toys, games, children's vehicles and related parts and accessories in Sub-No. 308; (kkk) to "miscellaneous products of manufacture", from toy guns and holsters in Sub-No. 107, and swimming pools in Sub-No. 191; (lll) to "such commodities as are used in or dealt by manufacturers of distributors of personal care products", from personal care products in Sub-Nos. 111 and 156;

(mmm) to "lumber and wood products, metal products, rubber and plastic products and textile mill products", from ladders in Sub-No. 324; (nnn) to "transportation equipment and miscellaneous products of manufacture", from canoes and camping supplies in Sub-No. 326, and canoes, camping equipment, outdoor recreational equipment and cartop carriers in Sub-No. 538; (ooo) to "metal products, lumber and wood products and machinery", from hard agricultural implements and hard tools in Sub-No. 537; (ppp) to "chemical and related products and such articles as are dealt in or used by manufacturers or distributors of pet supplies", from toilet preparations and pet supplies in Sub-No. 62; (qqq) to "food and related products and such commodities as are used in or dealt by manufacturers or distributors of personal care products", from personal care products and chewing gum in Sub-Nos. 153 and 254; (rrr) to "printed matter, rubber and plastic articles, miscellaneous products of manufacture, chemicals and allied products, food and related products, miscellaneous products, clay, concrete, glass or stone products, furniture and fixtures, and instruments and photographic goods", from printed matter, plastic articles, games, toys, puzzles, playing cards, pencils, crayons, writing slates, paints, brushes, paste, store display racks, telescopes and microscopes in Sub-No. 243; (sss) to "chemicals and related products, such commodities as are dealt in or used by manufacturers and distributors of personal care products, machinery, rubber and plastic products, and food and related products", from drugs, medicines, personal care products, electrical appliances, plastic articles, confectionery and disinfectants in Sub-No. 255; (ttt) to "instruments and photographic goods, such commodities as are dealt in or used by manufacturers and distributors of personal care products and food and related products", from sunglasses, personal care products and chewing gum in Sub-No. 276; and (uuu) to "such commodities as are dealt in or used by manufacturers and distributors of personal care products, instruments and photographic goods, food and related products and chemicals and related products", from personal care products, sunglasses, chewing gum, diagnostic products and dental supplies and materials in Sub-No. 298; (2) remove all exceptions on commodity descriptions such as commodities in bulk, in tank vehicles, in tank hopper vehicles, in vehicles equipped with mechanical refrigeration, in containers, in packages and bags, in cartons, windows, doors, iron and steel articles, lumber, plywood, meat, meat products, meat by Sub-products, frozen foodstuffs, soda ash, petrochemicals, foodstuffs, those the transportation of which because of size and weight require the use of special equipment, paper and paper products, chemicals, printer's ink, vegetable oils, vegetable oil products, brick, building and construction materials, commodities of unusual value, hides, household goods as defined by the Commission, and commodities requiring special equipment, wherever they appear in each of the aboveSub-numbered certificates; (3) eliminate the named facilities or plantsite restrictions wherever they appear in each of the aboveSub-numbered certificates; (4) replace specific point authority with countySub-wide authority in the aboveSub-numbered certificates as follows: *lead* certificate, Barton, Sedgwick, and Seward Counties, KS (Great Bend, Wichita, and Liberal, KS); Sub-No. 3, Brooke County, WV (Wellsburg, WV); Sub-No. 6, Union, Franklin, and Erie Counties, OH (facilities near Marysville, Columbus and Vermilion, OH); Sub-No. 7, Jefferson County, KY (facilities near Louisville, KY); Sub-No. 10, Tipton County, TN (facilities near Covington, TN); Sub-No. 13, Sweetwater County, WY (facilities in Sweetwater, WY); Sub-No. 15, Cook County, IL (facilities near Cicero, IL), Crittenden County, AR (facilities near West Memphis, AR); Sub-No. 17, Anoka County, MN (facilities at Fridley, MN); Sub-No. 19, Kent County, RI (West Warwick, RI), Washoe County, NV (Reno, NV); Sub-No. 20, Washington County, MS (facility near Greenville, MS); Sub-No. 21, Northampton County, PA (facilities near Easton, PA) Cowley County, KS (Winfield, KS); Sub-No. 23, Chicago, IL (plantsite near Chicago, IL), Lake County, IN (Hammond, IN); Sub-No. 25, Santa Clara County, CA (facilities at San Jose, CA); Sub-No. 31, Cherokee County, GA (Canton, GA); Sub-No. 34, Elkhart County, IN (facilities near Elkhart, IN), New Haven, CT (West Haven, CT); Sub-No. 36, Elkhart County, IN (Elkhart, IN); Sub-No. 37, Berks County, PA (Reading, PA), Wells County, IN (Bluffton, IN); Sub-No. 39, St. Martin Parish, LA (St. Martinville, LA); Sub-No. 40, Hampshire County, MA (facilities near Easthampton, MA), Los Angeles County, CA (Torrance, CA), Denver County, CO (Denver, CO), Dallas and Bexar Counties, TX (Irving and San Antonio, TX), King County, WA (Renton, WA); Sub-No. 43, Hinds County, MS (Jackson, MS); Sub-No. 47, Hampden County, MA (facilities near East Longmeadow, MA), Albany County, NY (Voorheesville, NY); Sub-No. 50, Adams County, IL (Quincy, IL), Rock County, WI (Beloit, WI), Polk County, AR (Mena, AR), Adams County, WA (Othello, WA); Sub-No. 51, Los Angeles County, CA (Long Beach, CA); Sub-No. 53, Sussex County, DE (Lewes, DE); Sub-No. 56, Limestone County, TX (facilities near Kosse, TX); Sub-No. 57, Lancaster County, PA (Lancaster, PA); Sub-No. 60, Simpson County, KY (facilities near Franklin, KY), Dallas County, TX (Dallas, TX), Douglas County, KS (Lawrence, KS), Los Angeles and Alameda Counties, CA (La Mirada and Oakland, CA), Multnomah County, OR (Portland, OR); Sub-No. 61, Orleans Parish, LA (New Orleans, LA); Sub-No. 62, Middlesex County, NJ (facilities near Cranbury, NJ); Sub-No. 64, Saint James Parish, LA (Gromercy, LA); Sub-No. 67, Carter County, TN (Elizabethton, TN); Sub-No. 69, Lancaster and Beaver Counties, PA (facilities in Lancaster County, PA, and Beaver Falls, PA); Sub-No. 72, Muscogee County, GA (Columbus, GA); Sub-No. 73, Atlanta, GA (facilities near Atlanta, GA), Maricopa and Pima Counties, AZ (Phoenix and Tuscon, AZ), Alameda and Los Angeles Counties, CA (Haywood and Vernon, CA), Bernalillo and Santa Fe Counties, NM (Albuquerque and Santa Fe, NM); Sub-No. 74, Saline County, KS (Salina, KS); Sub-No. 75, Brooke County, WV (Wellsburg, WV); Sub-No. 76, Brooke County, WV (Wellsburg, WV); Sub-No. 77, Weber County, UT (Ogden, UT), Dallas County, TX (Dallas, TX), Hamilton County, TN (Chattanooga, TN), Weber County, UT (Ogden, UT), Los Angeles and Alameda Counties, CA (City of Industry, Bereley, and San Lorenzo, CA), King County, WA (Tukwila, WA); Sub-No. 78, Saint Joseph County, MI (facilities near Sturgis, MI); Sub-No. 80, Luzerne County, PA (Hazelton, PA), Cheyenne County, NE (Sidney, NE), Los Angeles County, CA (El Segundo, CA); Sub-No. 81, Stanislaus, Santa Clara, and Madera Counties, CA (Modesto, San Jose, and facilities near Mader, CA); Sub-No. 88, Elkhart County, IN (facilities near Elkhart, IN); Sub-No. 89, Chicago, IL (facilities near Chicago, IL); Sub-No. 91, Bucks County, PA (facilities near Morrisville, PA), Wayne County, MI (Rockwood, MI), Norfolk County, MA (Foxboro, MA), Cabell County, WV (Huntington, WV), Shelby County, TN (Memphis, TN); Chatham County, GA (Savannah, GA), Duval, Orange, Hillsborough, Polk, and Dade Counties, FL (Jacksonville, Orlando, Tampa, Lakeland, and Miami, FL), Dallas County, TX (Dallas, TX); Denver

County, CO (Denver, CO), Davis County, UT (Clearfield, UT), Cook County, IL (facilities near Niles, IL), Norfolk County, MA (Foxboro, MA), Cabell County, WV (Huntington, WV), Shelby County, TN (Memphis, TN), Clayton County, GA (Forest Park, GA), Duval, Orange, Hillsborough, Polk, and Dade Counties, FL (Jacksonville, Orlando, Tampa, Lakeland, and Miami, FL), Tarrant County, TX (Arlington, TX), Denver County, CO (Denver, CO), Davis County, UT (Clearfield, UT); Sub-No. 94, Harris County, TX (Houston, TX); Sub-No. 95, Cook County, IL (facilities near Melrose Park, IL); Washoe County, NV (facilities near Reno, NV), Multnomah County, OR (Portland, OR), King County, WA (Seattle, WA); Sub-No. 96, Middlesex County, MA (facilities at Billerica, MA), Union County, NJ (Murray Hill, NJ), Cheshire County, NH (Fitzwilliam, NH), Newton County, GA (Covington, GA), San Bernadina and Los Angeles Counties, CA (Upland and Los Angeles, CA), Douglas County, KS (Lawrence, KS), Dallas County, TX (Dallas, TX), DuPage County, IL (Itasca, IL), Wayne County, MI (Detroit, MI), and Providence County, RI (Providence, RI); Sub-No. 97, Providence County, RI (facilities at Rumford, RI), Washington County, RI (facilities near West Kingston, RI), Lancaster and York Counties, PA (Columbia and Wrightsville, PA) and Chemung County, NY (facilities at Elmira, NY), Caldwell County, KY (facilities at Princeton, KY), Chester County, TN (Henderson, TN), Chemung County, NY (facilities at Elmira, NY), Bulloch County, GA (plantsite near Clito, GA), Washington County, RI (facilities near West Kingston, RI), Lancaster and York Counties, PA (Columbia and Wrightsville, PA) Chemung County, NY (facilities at Elmira, NY), Trumbull County, OH (facilities near Warren, OH), Washington County, RI (facilities near West Kingston, RI), Lancaster and York Counties, PA (Columbia and Wrightsville, PA) and Chemung County, NY (facilities at Elmira, NY), Marion County, IN (Indianapolis, IN), Shelby County, TN (Memphis, TN), Mercer County, PA (facilities at Mercer, PA), Erie County, OH (facilities near Vermilion, OH), De Soto County, MS (Southaven, MS), Erie County, OH (plantsites near Vermilion, OH), De Soto County, MS (plantsites near Southaven, MS); Sub-No. 98, Barton County, KS (Great Bend, KS); Sub-No. 101, Atlanta, GA (facilities near Atlanta, GA); Sub-No. 103, Wilson County, NC (Wilson, NC); Sub-No. 104, Cortland County, NY (facilities near Cortland, NY), Chester and Luzerne Counties, PA (Phoenixville and Hazelton, PA), Los Angeles County, CA (Paramount, CA), Tarrant County, TX (Arlington, TX), Montgomery County, OH (Dayton, OH), and Washoe County, NV (Reno, NV); Sub-No. 107, Cherokee County, TX (Jacksonville, TX), Hudson County, NJ (Jersey City, NJ), New Haven County, CT (New Haven, CT); Sub-No. 109, Terrebonne Parish, LA (facilities at Houma, LA), Potter and El Paso Counties, TX (Amarillo and El Paso, TX), Randolph County, MO (Moberly, MO), Reno County, KS (Hutchinson, KS); Sub-No. 111, Lancaster County, PA (Lititz, PA), Cook and Winnebago Counties, IL (Elk Grove Village and Rockford, IL), Queens County, NY, (facilities near Long Island City, NY), Hudson County, NJ (North Bergen, NJ), Franklin County, OH (Columbus, OH), Tarrant County, TX (Arlington, TX), Orange County, CA (Anaheim, CA), Clackamas County, OR (Milwaukee, OR), Morris County, NJ (facilities near Morris Plains, NJ), Peoria County, IL (Peoria, IL), Dallas County, TX (Dallas, TX), Los Angeles County, CA (Los Angeles, CA), Suffolk County, MA (Chelsea, MA), Peoria County, IL (Peoria, IL), Dallas County, TX (Dallas, TX), Los Angeles County, CA (Los Angeles, CA), Peoria County, IL (Peoria, IL), Dallas County, TX (Dallas, TX), and Los Angeles County, CA (Los Angeles, CA), Orange County, CA (facilities near Anaheim, CA), Middlesex County, NJ (South Brunswick, NJ), Fulton County, GA (Atlanta, GA), Cook County, IL (Elk Grove Village, IL), Dallas County, TX (Grand Prairie, TX); Sub-No. 112, Chicago, IL (facilities near Chicago, IL), Allegan County, MI (Hamilton, MI); Sub-No. 113, Marshall County, Il (facilities near Henry, IL); Sub-No. 116, Bucks County, PA (facilities near Cornwells, PA), Box Butte and Red Willow Counties, NE (Alliance and McCook, NE); Sub-No. 117, Cherokee County, TX (Jacksonville, TX), Logan County, AR (Paris, AR); Sub-No. 118, Saint Martin Parish, La (Cade, LA); Sub-No. 120, Fairfield County, CT (facilities near Old Greenwich, CT), Polk County, IA (Des Moines, IA), Salt Lake County, UT (Salt Lake City, UT), Washoe County, NV (Reno, NV); Sub-No. 123, Cashe County, UT (Logan, UT); Sub-No. 124, Alameda County, CA (facilities near Oakland, CA); Sub-No. 127, Plymouth and Worcester Counties, MA (facilities near Brockton and Auburn, MA); Los Angeles, San Francisco, and Alameda Counties, CA (Los Angeles, La Mirada, San Francisco, and Oakland, CA); Sub-No. 129, Hinds County, MS (Jackson, MS); Gentry, Saline, Pettis and Marion Counties, MO (Albany, Sweet Springs, Sedalia, and Hannibal, MO); Sub-No. 130, Marion and Lane Counties, OR (facilities near Salem and Eugene, OR), Benton County, WA (facilities near Prosser and Kennewick, WA), Marion County, OR (Salem, Brooks, and Stayton, OR), Benton County, WA (facilities near Prosser, WA); Sub-No. 135, Saginaw County, MI (facilities near Saginaw, MI); Sub-No. 138, Beaver County, PA (facilities near Frisco, PA), Alameda and Los Angeles Counties, CA (Hayward and City of Industry, CA), Denver County, CO (Denver, CO), Fulton County, GA (Atlanta, GA), Orleans Parish, LA (New Orleans, LA), St. Louis County, MN (Duluth, MN), Mecklenburg County, NC (Charlotte, NC), Harris County, TX (Bayport and Houston, TX), Salt Lake County, UT (Salt Lake City, UT), King County, WA (Seattle, WA), and Mercer County, WV (Bluefield, WV); Sub-No. 141, Lee County, AL (facilities near Auburn, AL); Sub-No. 143, San Diego County, CA (facilities at National City, CA), Fulton County, GA (Atlanta, GA), Harris County, TX (Houston, TX), and Mercer County, NJ (Trenton, NJ); Sub-No. 144, Seward County, KS (plantsite near Liberal, KS), Kansas City, KS (plantsite at Kansas City, KS), Morgan and Logan Counties, CO (Fort Morgan and Sterling, CO), Seward County and Kansas City, KS (plantsites near Liberal and Kansas City, KS); Sub-No. 146, Dallas County, TX (Irving, TX); Sub-No. 147, Kern County, CA (Taft and McKittrick, CA); Sub-No. 151, Bexar County, TX (facilities at San Antonio, TX); Sub-No. 152, Harrison and Anderson Counties, TX (Marshall and Palestine, TX); Sub-No. 153, Orange County, CA (facilities near Anaheim, CA), New Haven County, CT (facilities near Milford and West haven, CT), Winnebago County, IL (Rockford, IL), New York, NY (Long Island City, NY), Lancaster County, PA (Lititz, PA); Sub-No. 155, Washington and West Feliciana Parishes, LA (plantsites in Washington and West Feliciana Parishes, LA); Sub-No. 156, New Haven County, CT (facilities near Milford and Orange, CT), Lancaster County, PA (facilities near Lititz, PA) and Cook County, IL (Elk Grove village, IL); Sub-No. 158, Brown County, TX (Brownwood, TX), Sub-No. 159, Milwaukee County, WI (Milwaukee, WI); Sub-No. 160, Cumberland County, PA (facilities near Carlisle, PA); Sub-No. 162, Elk County, PA (St. Marys, PA), Woodford County, KY (Versailles, KY), Dyer County, TN (Dyersburg, TN), Cook County, IL (Elk Grove Village, IL); Sub-No. 164, Orange County, TX (Orange, TX), Jefferson County, AL (Birmingham, AL), Fulton County, GA (Atlanta, GA), Cook County, IL (Chicago, IL), Sedgwick

County, KS (Wichita, KS), Boone and Jefferson Counties, KY (Florence and Louisville, KY), Orleans Parish, LA (New Orleans, LA), Hudson County, NJ (Secaucus, NJ), Erie and Monroe counties, NY (Buffalo and Rochester, NY), Cuyahoga County, OH (Cleveland, OH), Philadelphia and Allegheny Counties, PA (Philadelphia and Pittsburgh, PA), Dane and Milwaukee Counties, WI (Madison and Milwaukee, WI), Jackson County, MO (Kansas City, MO), St. Louis, MO, and Oklahoma County, OK (Oklahoma City, OK); Sub-No. 165, Bell County, TX (Temple, TX); Sub-No. 166, Jefferson County, GA (facilities near Wrens, GA); Sub-No. 170, Okmulgee County, OK (facilities near Henryetta, OK); Sub-No. 171, Tattnall County, GA (Glenville, GA); Sub-No. 172, Essex County, MA; Sub-No. 177, Gonzales County, TX (Gonzales, TX); Sub-No. 178, Kaufman County, TX (Terrell, TX); Sub-No. 180, Cuyahoga County, OH (facilities near Cleveland, OH); Sub-No. 181, Logan County, IL (facilities near Lincoln, IL), Lucas County, OH (Toledo, OH); Sub-No. 182, Young County, TX (Olney, TX), Los Angeles County, CA (Los Angeles, CA), DuPage County, IL (Elmhurst, IL), Bucks County, PA (Cornwell Heights, PA); Sub-No. 184, Kansas City, KS (facilities near Kansas City, KS); Sub-No. 186, Tarrant County, TX (Keller, TX); Sub-No. 187, Greenville and Spartanburg Counties, SC (Greenville and Landrum, SC), Chattanooga County, GA (Lyerly, GA); Sub-No. 189, Cherokee County, TX (Jacksonville, TX); Sub-NO. 191, Phillips, County, AR (West Helena, AR); Sub-No. 193, Union, Franklin, and Erie Counties, OH (plantsites near Marysville, Columbus and Vermilion, OH); Sub-No. 195, St. Paul, MN (plantsite near St. Paul, MN); Sub-No. 199, Mesa County, CO (Fruita, CO); Sub-No. 201, Kaufman County, TX (Mabank, TX); Sub-No. 202, Cherokee County, GA (Canton, GA); Sub-No. 203, Nacogdoches County, TX (Nacogdoches, TX); Sub-No. 207, Monmouth and Cumberland Counties, NJ (facilities near Tinton Falls and Vineland, NJ); Sub-No. 208, Douglas County, NE (Millard, NE), Ford and Seward Counties, KS (Dodge City and Liberal, KS); Sub-No. 210, Riley County, KS (facilities near Manhattan, KS), Saginaw County, MI (facilities near Carrollton, MI), Riley County, KS (facilities near Manhattan, KS), Saginaw County, MI (Carrollton, MI); Sub-No. 221, Champaign County, IL (facilities at Champaign, IL); Sub-No. 226, Providence County, RI (Lincoln and Pawtucket, RI), Hillsboro County, NH (Milford, NH), Worcester County, MA (Worcester, MA); Sub-No. 228, Greenwood County, SC (facilities near Greenwood, SC); Sub-No. 229, Darke County, OH (Greenville, OH), Boyle County, KY (Danville, KY), Essex County, MA (Lynn, MA); Sub-No. 230, Morris County, NJ (facilities near Morris Plains, NJ), Kent County, MI (Grand Rapids, MI); Sub-No. 231, Lowndes County, MS (facilities near Columbus, MS); Sub-No. 232, Saint Landry Parish, LA (Opelousas, LA); Sub-No. 233, Carter County, TN (Elizabethton, NJ); Sub-No. 234, Muscatine County, IA (plantsite at Muscatine, IA); Sub-No. 235, Cook County, IL (facilities near Chicago, IL); Sub-No. 237, Marshall County, KS (Blue Rapids, KS), Northampton County, PA (Easton, PA), Cowley County, KS (Winfield, KS); Sub-No. 238, Wayne County, MI (Livonia, MI), Fulton County, GA (Atlanta, GA); Sub-No. 240, Cameron County, TX (facilities near Harlingen, TX), Wilkerson and Tate Counties, MS (Centreville and Senatobia, MS), Lamar and Spaulding Counties, GA (Barnesville and Griffin, GA); Sub-No. 242, Chemung County, NY (facilities near Elmira, NY); Sub-No. 243, Montgomery County, KS (Coffeyville, KS); Sub-No. 246, Anderson County, KY (Lawrenceburg, KY); Sub-No. 247, Shasta County, GA (Cottonwood, CA), Washoe County, NV (Reno, NV); Sub-No. 248, Harrison and Anderson Counties, TX (Marshall and Palestine, TX); Sub-No. 249, Worcester County, MA (Oxford, MA), Hartford County, CT (Milldale, CT), Lee County, MS (Tupelo, MS); Sub-No. 251, Wayne County, OH (facilities near Wooster, OH); Sub-No. 253, Seward County, KS (facilities near Liberal, KS), Oklahoma County, OK (Oklahoma City, OK); Sub-No. 254, Winnebago and Cook Counties, IL (Rockford and Elk Grove Village, IL), Middlesex County, NJ (South Brunswick, NJ), Fulton County, GA (Atlanta, CA), Shelby County, TN (Memphis, TN); Sub-No. 255, Queens County, NY (facilities at Long Island City, NY), Lancaster County, PA (Lititz, PA), Middlesex and Hudson Counties, NJ (South Brunswick and North Bergen, NJ), Clayton County, GA (facilities at Morrow, GA); Sub-No. 256, Middlesex County, NJ (facilities near South Brunswick, NJ), Multnomah County, OR (facilities at Milwaukee, OR), Orange County, CA (Anaheim, CA), Dallas County, TX (Grand Prairie, TX), Cook and Winnebago Counties, IL (Rockford and Elk Grove Village, IL); Sub-No. 257, York County, PA (facilities near York, PA); Sub-No. 258, Montgomery and Miami Counties, OH (facilities at Dayton and Piqua, OH), Kalamazoo County, MI (facilities at Kalamazoo, MI), Montgomery County, PA (warehouse at Huntingdon Valley, PA), Rockdale, GA (Conyers, GA), McLennan County, TX (Waco, TX), Los Angeles County, CA (City of Industry and Monrovia, CA), Clark County, WA (Vancouver, WA); Sub-No. 259, Saint Joseph County, MI (facilities near Sturgis, MI); Sub-No. 261, Floyd County, GA (Rome, GA); Sub-No. 263, Wayne County, MI (plantside near Detroit, MI); Sub-No. 266, Chatham County, GA (Savannah, GA); Sub-No. 267, Kansas City, KS (facilities at Kansas City, KS), Sub-No. 268, Washtenaw County, MI (Chelsea, MI); Sub-No. 269, Elkhart, IN (facilities near Middlebury, IN); Sub-No. 270, Elkhart County, IN (facilities near Elkhart, IN), Montgomery County, OH (facilities near Dayton, OH); Sub-No. 272, Guilford County, NC (facilities near Greensboro, NC), Jefferson County, KY (Lousiville, KY); Sub-No. 273, Portage County, WI (facilities at Plover, WI); Sub-No. 274, San Francisco and Alameda Counties, CA (facilities near San Francisco and Union City, CA); Sub-No. 275, Onodaga County, NY (facilities near Syracuse, NY); Sub-No. 276, Suffolk County, MA (facilities near Chelsea, MA), New Haven County, CT (Milford and Orange, CT), Clayton County, GA (facilities near Morrow, GA), Middlesex, NJ (South Brunswick, NJ), Winnebago and Cook Counties, IL (Elk Grove Village and Rockford, IL), Dallas County, TX (Grand Prairie, TX), Orange County, CA (Anaheim, CA), Multnomah County, OR (Milwaukee, OR), Queens County, NY (Long Island City, NY), Lancaster County, PA (Lititz, PA); Sub-No. 277, Bulloch County, GA (facilities near Clito, GA); Sub-No. 278, Anderson County, KY (Lawrenceburg, KY); Sub-No. 283, Cook County, IL (facilities near Melrose Park, IL), Los Angeles County, CA (facilities near Los Angeles, CA), Cook County, IL (Melrose Park, IL); Sub-No. 284, Chemung County, NY (facilities at Elmira, NY); Sub-No. 285, Memphis, TN (facilities near Memphis, TN), San Francisco County, CA (San Francisco, CA), King County, WA (Seattle, WA), Maricopa County, AZ (Phoenix, AZ), Denver County, CO (Denver, CO), Yellowstone County, MT (Billings, MT), Polk County, IA (Des Moines, IA); Sub-No. 287, Bell County, TX (Temple, TX); Sub-No. 288, Lincoln Parish, LA (plantsite near Gramblin, LA); Sub-No. 289, Memphis, TN (facilities near Memphis, TN), Bristol County, MA (Mansfield, MA), Hamilton and Cuyahoga Counties, OH (Lockland and Cleveland, OH), Wayne County, MI (Melvindale, MI), Erie County, NY (Buffalo, NY), Marion County, IN (Indianapolis, IN), Cook County, IL (Morton Grove, IL), Hennepin County, MN (Minneapolis, MN), Allegheny

County, PA (McKees Rocks, PA); Sub-No. 290, Multnomah County, OR (Portland, OR); Sub-No. 292, Los Angeles County, CA (Los Angeles, CA); Sub-No. 293, Bourbon County, KY (facilities near Paris, KY), Macon County, IL (Deacatur, IL), St. Louis, MO (facilities near St. Louis, MO); Sub-No. 294, Placer County, CA (Rocklin, CA); Sub-No. 296, Dodge County, WI (facilities near Beaver Dam, WI); Sub-No. 298, Orange County, CA (facilities near Anaheim, CA); Sub-No. 299, Monroe and Wayne Counties, NY (facilities near Hamlin and Williamson, NY), Adams County, PA (facilities near Aspers, PA); Sub-No. 300, Rockdale and Bleckley Counties, GA (facilities near Conyers and Cochran, GA), Montgomery County, IN (Crawfordsville, IN); Sub-No. 301, Escambia County, FL (Century, FL); Sub-No. 302, Lycoming County, PA (Williamsport, PA); Sub-No. 303, Carroll, Saline, Macon, and Randolph Counties, MO (Carrollton, Marshall, Macon, and Moberly, MO); Sub-No. 305, Fresno County, CA (Fresno, CA); Sub-No. 306, Allen County, KS (Humboldt, KS); Sub-No. 308, Los Angeles County, CA (Carson, CA); Sub-No. 314, Weber County, UT (Ogden, UT), Hamilton County, TN (Chattanooga, TN); Sub-No. 315, Franklin County, NC (Louisburg, NC); Sub-No. 316, Bourbon County, KY (facilities near Paris, KY), Macon County, IL (Decatur, IL); Sub-No. 317, Morgan County, IL (Jacksonville, IL); Sub-No. 318, Baltimore, MD (facilities at Baltimore, MD); Sub-No. 319, Broward County, FL (Fort Lauderdale, FL); Sub-No. 320, Saint Joseph and Bartholomew Counties, IN (Mishawaka and Columbus, IN), Anderson County, KY (Lawrenceburg, KY), Hawkins County, TN (Rogersville, TN); Sub-No. 321, St. Louis, MO (facilities near St. Louis, MO); Sub-No. 323, Los Angeles County, CA (Cerritos and Long Beach, CA); Sub-No. 324, Dyer County, TN (Newbern, TN); Sub-No. 325, Shelby County, MO (Shelbina, Mo); Sub-No. 326, Sedgwick County, KS (Wichita, KS); Sub-No. 327, Osceola County, MI (Reed City, MI); Sub-No. 331, Hampshire and Hampden Counties, MA (facilities near Easthampton and Westfield, MA); Sub-No. 333, Elkhart County, IN (Elkhart, IN); Sub-No. 334, Cook County, IL (facilities near Chicago, IL); Sub-No. 335, Beaver County, PA (Beaver Falls, PA); Sub-No. 336, Kankakee County, IL (Kankakee, IL); Sub-No. 337, Kankakee County, IL (Kankakee, IL); Sub-No. 338, Whitfield and Catoosa Counties, GA (facilities near Dalton and Ringgold, GA), Fayette County, TN (Winchester, TN); Sub-No. 339, Baltimore County, MD (Cockeysville, MD); Sub-No. 340, Los Angeles County, CA (facilities in Los Angeles County, CA); Sub-No. 341, Limestone County, TX (facilities near Kosse, TX); Sub-No. 342, Scott County, MS (facilities near Forest, MS); Sub-No. 343, Reno County, KS (Hutchinson, KS); Sub-No. 344, Los Angeles County, CA (facilities at La Mirada, CA), Tarrant County, TX (Arlington, TX), Hennepin County, MN (Bloomington, MN), DuPage County, IL (Itasca, IL), Denver County, CO (Denver, CO), Multnomah County, OR (Portland, OR), Kansas City, MO; Sub-No. 347, Omaha, NE (facilities at Omaha, NE); Sub-No. 350, Saint Joseph, IN (facilities near South Bend, IN); Sub-No. 351, Trumbull County, OH (facilities near Warren, OH), Lancaster County, PA (facilities near Columbia, PA); Sub-No. 352, Pulaski County, AR (Jacksonville, AR); Sub-No. 356, San Diego County, CA (National City, CA), Portage County, OH (Kent, OH), Milwaukee County, WI (Milwaukee, WI); Sub-No. 357, Delta County, CO (facilities near Delta, CO); Sub-No. 358, Dallas County, TX (Irving, TX); Sub-No. 359, Los Angeles County, CA (facilities in Los Angeles County, CA); Sub-No. 360, Beaufort, Duplin, and Columbus Counties, NC (facilities near Washington, Beulaville, Whiteville, and Warsaw, NC); Sub-No. 361, Pitt County, NC (Greenville, NC); Sub-No. 362, Monmouth County, NJ (facilities near Tinton Falls, NJ); Sub-No. 363, McCracken County, KY (facilities near Paducah, KY); Sub-No. 364, Dallas and Harris Counties, TX (facilities at Dallas and Houston, TX); Sub-No. 365, Muscogee County, GA (Columbus, GA); Sub-No. 367, Northampton County, PA (Easton, PA), Cowley County, KS (Winfield, KS); Sub-No. 368, Shelby County, IL (Shelbyville, IL); Sub-No. 369, Tarrant County, TX (facilities at Fort Worth, TX); Sub-No. 372, Clayton County, GA (facilities near Morrow, GA); Sub-No. 373, Huntington County, IN (facilities near Huntington, IN); Sub-No. 375, DuPage County, IL (facilities near Downers Grove, IL); Sub-No. 376, Madison County, KY (facilities near Richmond, KY); Wake County, NC (Raleigh, NC), Sumter County, SC (Sumter, SC); Sub-No. 378, Aiken County, SC (Aiken, SC); Sub-No. 379, Chester, Lancaster and Lehigh Counties, PA (facilities at Dowingtown, New Holland, and Fogelsville, PA), Sussex County, DE (Milford, DE); Sub-No. 381, Tift County, GA (facilities near Tifton, GA); Sub-No. 382, Vanderburgh County, IN (facilities at Evansville, IN); Sub-No. 383, Hudson County, NJ (North Bergen, NJ); Sub-No. 385, Cattaraugus County, NY (facilities near Olean, NY, Bucks and Montgomery Counties, PA (Quakertown and Landsdale, PA), Hancock and Breckinridge Counties, KY (Lewisport and Cloverport, KY), Madison County, TN (Jackson, TN); Sub-No. 386, Worcester County, MA (facilities near Fitchburg, MA); Sub-No. 387, Cook County, IL (Chicago, IL); Sub-No. 388, Richmond, VA (facilities near Richmond, VA); Sub-No. 390, Appomattox and Campbell Counties, VA (facilities near Appomattox and Brookneal, VA); Davidon, Guilford, Caldwell, Catawba and Forsyth Counties, NC (facilities near Thomasville, Pleasant Garden Lenoir, Hickory and Winston-Salem, NC); Sub-No. 391, Jefferson County, TX (facilities in Jefferson County, TX); Sub-No. 393, San Diego County, CA (San Diego, CA); Sub-No. 395, Dallas County, TX (Dallas, TX); Sub-No. 396, Logan County, IL (facilities near Lincoln, IL), Somerset County, NJ (facilities in Hillsborough Township, NJ); Sub-No. 397, Essex and Suffolk Counties, MA (Andover and Boston, MA), Essex County, MA (Middleton, MA); Sub-No. 398, Saint James and Assumption Parishes, LA (plantsities at Gramercy and Supreme, LA); Sub-No. 405, Calhoun County, MI (facilities near Battlecreek, MI), Union County, SD (North Sioux City, SD); Sub-No. 406, Rutherford and Davidson Counties, TN (facilities near Murfreesboro and Nashville, TN); Sub-No. 407, Washington County, NY (facilities at Greenwich, NY), Bergen County, NJ (Tenafly, NJ), Chester and Washington Counties, PA (Coatsville and Eightyfour, PA), Cuyahoga County, OH (Cleveland, OH), Cook County, IL (Chicago, IL), Dallas County, TX (Dallas, TX), Los Angeles County, CA (Los Angeles, CA); Sub-No. 409, Los Angeles County, CA (Long Beach, CA), Tulsa County, OK (Oklahoma City and Tulsa, OK), Lubbock and Harris Counties, TX (Lubbock and Houston, TX), Caddo Parish, LA (Shreveport, LA); Sub-No. 410, Los Angeles County, CA (Los Angeles, CA), Denver County, CO (Denver, CO), Dallas County, TX (Dallas, TX), Cook County, IL (La Grange, IL), Clayton County, GA (Morrow, GA), Franklin County, OH (Columbus, OH), Pittsburgh, PA, Hudson County, NJ (North Bergen, NJ), and Suffolk County, MA (Boston, MA); Sub-No. 411, Orleans Parish, LA (facilities at New Orleans, LA); Sub-No. 412, Iberia and Lafayette Parishes, LA (New Iberia and Lafayette, LA); Sub-No. 419, Hampden County, MA (facilities near East Longmeadow, MA), Albany County, NY (facilities near Voorheesville, NY); Sub-No. 420, Hamilton and Butler Counties, OH (facilities near Cincinnati and Hamilton,

OH), Lawrence County, AL (Courtland, AL); Sub-No. 422, Wyandotte County, KS (Bonner Springs, KS); Sub-No. 424, Morris County, NJ (facilities near Morris Plains, NJ) Bexar County, TX (San Antonio, TX); Sub-No. 425, Finney County, KS (Garden City, KS); Sub-No. 426, Passaic County, NJ (facilities near Clifton, NJ); Sub-No. 427, West Feliciana and Washington Parishes, LA (facilities in West Feliciana and Washington Parishes, LA); Cuyahoga, Summit, Montgomery, Butler, Franklin, and Delaware Counties, OH (Cleveland, Akron, Dayton, Middletown, Columbus, and Delaware, OH), Milwaukee County, WI (Milwaukee, WI); Sub-No. 428, Northampton County, PA (facilities near Easton, PA), Cowley County, KS (Winfield, KS); Sub-No. 429, DuPage County, IL (facilities near Villa Park, IL); Sub-No. 430, Weber County, UT (Ogden, UT); Sub-No. 431, Orange County, CA (Tustin and Orange, CA); Sub-No. 439, Passaic County, NJ (facilities near Hawthorne, NJ), Boyd County, KY (Catlettsburg, KY), Cabell County, WV (Huntington, WV), Allegheny County, PA (Pittsburg, PA); Sub-No. 449, Wayne County, MI (Westland and Detroit, MI), Medina and Cuyahoga Counties, OH (Wadsworth and Cleveland, OH); Sub-No. 442, Campbell County, VA (facilities near Altavista, VA); Sub-No. 443, Kay County, OK (Ponca City, OK); Sub-No. 444, Marshall County, MS (facilities at Byhalia, MS); Sub-No. 450, York County, PA (facilities near York, PA); Sub-No. 451, Bradley County, TN (facilities near Cleveland, TN), Lancaster County, SC (Lancaster, SC), New Haven and Fairfield Counties, CT (Waterbury and Bethel, CT), Carbon County, PA (Palmerton, PA), Winnebago County, IL (Rockford, IL), Trumbull County, OH (Warren, OH); Sub-No. 452, St. Louis, MO and Cape Girardeau County, MO (facilities near Cape Girardeau and St. Louis, MO), Brown County, WI (Green Bay, WI); Sub-No. 456, Franklin County, PA (facilities near Greencastle, PA); Sub-No. 457, Kansas City, KS (facilities near Kansas City, KS); Sub-No. 458, Suffolk County, MA (Boston, MA), Mecklenburg County, NC (Charlotte, NC), Whitfield County, GA (Dalton, GA), Kansas City, KS (facilities near Kansas City, KS); Sub-No. 459, Suffolk County, MA (facilities near Boston, MA); Sub-No. 460, Ventura County, CA (Port Hueneme, CA); Sub-No. 461, Kansas City, KS (facilities near Kansas City, KS); Sub-No. 463, Johnson County, KS (Lenexa, KS); Sub-No. 464, Wayne County, MI (facilities near Detroit, MI); Sub-No. 465, Grayson County, TX (facilities near Sherman, TX); Sub-No. 466, Norfolk, VA (facilities near Norfolk, VA), Boone County, IN (Lebanon, IN), and Lackawanna County, PA (Scranton, PA); Sub-No. 467, Albermarle County, VA (facilities near Crozet, VA), White and Pope Counties, AR (Searcy and Russellville, AR); Sub-No. 468, Muscatine and Johnson Counties, IA (facilities near Muscatine and Iowa City, IA); Sub-No. 469, Los Angeles County, CA (facilities near La Mirada, CA), Cook County, IL (La Grange Park, IL), Essex County, MA (Andover, MA); Sub-No. 470, King William County, VA (West Point, VA); Sub-No. 471, Nelson County, KY (facilities at Bardstown, KY); Sub-No. 472, Roanoke, VA (facilities near Roanoke, VA); Sub-No. 478, Pleasants and Hancock Counties, WV (facilities near St. Marys and Newell, WV), McKean, Venango and Warren Counties, PA (Bradford, Emlenton, and North Warren, PA), Erie and Niagara Counties, NY (Buffalo and North Tonawanda, NY); Sub-No. 479, Wood County, WV (facilities near Parkersburg, WV); Sub-No. 481, Bernalillo County, NM (facilities near Albuquerque, NM), Potter, El Paso, and Lubbock Counties, TX (Amarillo, El Paso, and Lubbock, TX), Yellowstone County, MT (Billings, MT), Ada County, ID (Boise, ID), El Paso, Denver, Mesa, and Pueblo Counties, CO (Colorado Springs, Denver, Grand Junction, and Pueblo, CO), Salt Lake County, UT (Salt Lake City, UT); Sub-No. 484, St. Louis, MO (facilities near St. Louis, MO); Sub-No. 485, Los Angeles County, CA (Long Beach and Los Angeles, CA); Sub-No. 488, Imperial County, CA (Brawley, CA); Sub-No. 496, Adair County, OK (Stillwell, OK); Sub-No. 499, DuPage County, IL (facilities near West Chicago, IL); Sub-No. 501, Cook County, IL (facilities near Franklin Park, IL), Los Angeles County, CA (Los Angeles, CA); Sub-No. 502, Eau Claire County, WI (facilities near Eau Claire, WI); Sub-No. 503, Saint Croix, Fond du Lac, Waukesha, Marinette, Calumet, Shawano, and Oconto Counties, WI (facilities near Richmond, Oakfield, Eden, Sussex, Coleman, Chilton, Shawano, and Gillett, WI); Sub-No. 505, Dallas and Tarrant Counties, TX (Fort Worth and Dallas, TX); Sub-No. 513, Anderson County, TX (Palestine, TX); Sub-No. 515, Carroll, Crawford, Hardin, Mills, Polk, and Webster Counties, IA (Carroll, Denison, Iowa Falls, Sioux City, Des Moines, and Fort Dodge, IA), Saline, Douglas, and Lancaster Counties, NE (Crete, Lincoln, and Omaha, NE); Sub-No. 517, Butte County, CA (Oroville, CA); Nez Perce County, ID (Lewiston, ID); Sub-No. 519, Morgan County, AL (Decatur, AL), Grayson County, TX (Sherman, TX); Sub-No. 520, Sebastian County, AR (Fort Smith, AR), Nelson and Jefferson Counties, KY (Bardstown and Louisville, KY), Orleans Parish, LA (New Orleans, LA), Will County, IL (Plainfield, IL); Sub-No. 521, Mercer County, NJ (Trenton, NJ), Delaware County, PA (Marcus Hook, PA); Sub-No. 522, Saline County, MO (Marshall, MO), Douglas County, NE (Omaha, NE); Sub-No. 523, Finney County, KS (Garden City, KS), and Potter County, TX (Amarillo, TX); Sub-No. 524, Mobile County, AL (facilities near Mobile, AL); Sub-No. 528, Freeborn County, MN (Albert Lea, MN), Linn County, IA (Cedar Rapids, IA); Sub-No. 529, Greene County, TN (Greenville, TN); Sub-No. 530, Daviess County, KY (Owensboro, KY); Sub-No. 532, Sedgwick County, KS (Wichita, KS); Sub-No. 534, Cuyahoga County, OH (facilities near Solon, OH); Sub-No. 535, Richland County, OH (facilities near Mansfield and Shelby, OH); Sub-No. 536, McKean County, PA (Port Allegany, PA), Pettis County, MO (Sedalia, MO); Sub-No. 537, Chautauqua County, NY (Dunkirk, NY), Ashtabula County, OH (Saybrook, OH); and Sub-No. 538, Comal County, TX (New Braunfels, TX); (5) replace one-way service with authority to provide radial service between points located throughout the US wherever one-way service appears in each of the above-numbered certificates; (6) remove the exclusion of AK and HI from authority to otherwise serve points in the US or a significant portion thereof wherever such exclusion appears in each of the above-numbered certificates; (7) remove the exclusion of cities from authority to otherwise serve the entire state such as Springfield, Carthage, and Neosho, MO in Sub-Nos. 7 and 10, Great Bend, Liberal, and Wichita, KS in Sub-No. 97, Beaumont and Houston, TX in Sub-No. 97, Ogden and Clearfield, UT in Sub-No. 133, Davenport, Clinton, and Council Bluffs, IA in Sub-No. 162, Topeka, KS in Sub-No. 162, Kansas City, MO Sub-Nos. 162 and 249, Omaha, Lincoln, and Hastings, NE in Sub-No. 162 and Milwaukee, WI in Sub-No. 162, and (8) remove restrictions to traffic originating at or destined to named facilities or points in Sub-Nos. 7, 10, 31, 36, 39, 69, 73, 78, 81, 89, 91, 95, 97, 98, 104, 109, 111, 113, 119, 124, 130, 133, 144, 151, 155, 156, 165, 181, 183, 184, 186, 187, 195, 202, 221, 235, 238, 242, 246, 251, 253, 254, 255, 256, 257, 263, 265, 266, 267, 284, 287, 293, 303, 308, 316, 317, 320, 333, 334, 335, 338, 342, 346, 350, 354, 355, 358, 363, 368, 375, 379, 380, 381, 383, 385, 387, 395, 396, 397, 405, 406, 407, 410, 411, 420, 422, 425, 427, 428, 429, 431, 439, 441, 443, 444, 450, 457, 458, 459, 464, 467, 468, 481, 484, 502, 503, 520, 521, 522, 528, and 534.

MC 143512 (Sub-6)X, filed May 18, 1981. Applicant: ALL CORPS, 838 Hutchison St., Vista, CA 92083. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 4F permits to (1) broaden its commodity descriptions: in Sub-Nos. 3F and 4F part (1), from bakery goods and frozen bread, to "food and related products"; and (2) broaden the territorial description to between points in the United States, under continuing contract(s) with a named shipper, in both permits.

MC 144953 (Sub-11)X, filed May 15, 1981. Applicant: MULLEN TRUCKING, LTD., P.O. Box 8009, Station F, Calgary, Alberta, Canada T2J 4B4. Representative: Steven K. Kuhlman, 717 17th Street, Denver, CO 80202. Applicant seeks to remove restrictions in its Sub-Nos. 1, 4, 5, 6, and 8 certificates to (1) broaden the commodity descriptions from bentonite, barite, lignite, and drilling mud additives to "ores and minerals, coal and coal products, and chemicals and related products" in Sub-Nos. 1 and 6; from railroad ties, lumber and wood products, roofing materials, and fibreboard sheathing to "forest products, lumber and wood products, and building materials" in Sub-Nos. 4, 5, and 8; (2) delete the restrictions against the transportation of bulk commodities in Sub-Nos. 1 and 6, and concerning the transportation of traffic moving in foreign commerce in Sub-Nos. 1 and 8; (3) authorize radial service in lieu of existing one-way authority between the ports of entry on the International Boundary line between the US and CN in named States and several western and mid-western states in Sub-Nos. 1, 4, 5, and 8; and (4) delete the "in bulk" restrictions in Sub-Nos. 1 and 6.

MC 145468 (Sub-46)X, filed May 13, 1981. Applicant: KSS TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-No. 13F certificate to (1) broaden commodity description from marshmallows to "food and related products"; and (2) replace one-way authority with radial authority between Chicago, IL and points in the U.S., and eliminate restrictions against service to AK and HI.

MC 146166 (Sub-5)X, filed May 18, 1981. Applicant: TRIANGLE TRANSPORT CO., INC., 74 Sulyma Street, Cumberland, RI 02864. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) broaden the commodity descriptions from cushions, pads, webbing, hammocks, grill covers, decorations, and ornaments, materials, equipment, supplies, parts and accessories to "textile mill products, rubber and plastic products, and furniture and fixtures"; (2) delete the exceptions of service to AK and HI, and (3) authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 146176 (Sub-11)X, filed May 8, 1981. Applicant: J & L TRANSPORTS, INC., Route 1, Box 306, Almond, WI 54909. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 5F, 6F, 8F, and 9F certificates to (1) broaden the commodity descriptions in Sub-Nos. 3F and 5F from paper and paper products to "pulp, paper, and related products," (2) remove bulk restrictions in Sub-Nos. 6F, 8F and 9F; (3) replace facilities with county-wide authority as follows: in Sub-No. 3F, Outagamie, Winnebago, and Calumet Counties for Appleton and Combined Locks, WI; in Sub-No. 5F Outagamie, Winnebago, and Calumet Counties for Appleton, WI; in Sub-No. 8F Winnebago County for Neenah and Oshkosh, WI; and in Sub-No. 9F Winnebago County for Menasha, WI; (4) remove restrictions in Sub-Nos. 3F, 5F, 8F and 9F limiting transportation to traffic originating at or destined to named facilities; and (5) in all subs replace one way with radial authority.

MC 147013 (Sub-5)X, filed May 14, 1981. Applicant: RDL, INC., P.O. Box 286, Gambrills, MD 21054. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 4 certificates to (1) broaden the commodity description from canned and preserved foodstuffs and confectionery to "food and related products" in each certificate; (2) eliminate the facilities limitations in Sub-No. 4; (3) change city to county-wide authority from Timberville to Rockingham County, VA, Martinsburg to Berkeley County, WV, and Lincolnton to Lincoln County, NC, in Sub-No. 2F, and Hackettstown to Warrent County, NJ, Cockeysvill to Baltimore County, MD, Elizabethtown to Lancaster County, PA, and Waco to McLennan County, TX, in Sub-No. 4; and (4) expand one-way to radial authority between (a) Winchester, VA, Rockingham County, VA, Berkeley County, WV, and Lincoln County, NC, and, points in TX, LA, AL, AR, GA, OK, TN, MS, and FL in Sub-No. 2F; and (b) Warren County, NJ, Chicago, IL, Baltimore County, MD, Lancaster County, PA, and McLennan County, TX, and, points in NJ, IL, PA, LA, OK, AR, TX, CA, OR, MO, CO, OH and GA in Sub-No. 4.

MC 147196 (Sub-14)X, filed May 11, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 2F, 7F, 8F, 9F, 10F, 11F amd 12F permits to (1) broaden the commodity description from paper and paper products to "pulp, paper and related products" in Sub-Nos. 2F and 7F; from bread crumbs, breading, batter, and cake mixes in Sub-No. 8F, non-alcoholic carbonated beverages in Sub-No. 9F, and sugar in Sub-No. 11F, to "food and related products"; from lignosulfonate in Sub-No. 10F to "chemicals and related products" and from iron and steel pipe, casings, fittings, and accessories in Sub-No. 12F, to "metal products" and (2) broaden the territorial description to points in the U.S., under continuing contract(s) with named shippers.

MC 149307 (Sub-1)X, filed May 13, 1981. Applicant: FREIGHT EXPRESS, INC., One North LaSalle Street, Suite 2225, Chicago, IL 60602. Representative: David R. Kugler (same address as applicant). Applicant seeks to remove restrictions in its lead certificate by removing facilities limitations at Troy, MI and Hot Springs, AR and replacing those base points with county-wide authority to authorize service between points in Oakland County (Troy), MI and Garland County (Hot Springs), AR and points in the U.S. and by removing the HI exception in connection with its authority to transport general commodities, with exceptions.

MC 150865 (Sub-6)X, filed May 11, 1981. Applicant: ATLANTIC & WESTERN TRANSPORTATION CO., INC. and RICHARDS & ASSOCIATES, INC., 3934 Thurman Road, Forest Park, GA 30051. Representative: Ronald J. Turner (same as applicants). Applicants seek to remove restrictions in MC-108467 (Sub-No. 1) permit to (1) broaden the commodity description from materials and equipment used in or in connection with the construction, operation, repair, maintenance, or dismantling of telephones and telegraph lines to "ores and minerals, coal and coal products, petroleum, natural gas and their products, lumber and wood products, furniture and fixtures,

chemicals and related products, paints and related materials, rubber and plastic products, clay, concrete, glass, or stone products, metal products, machinery, transportation equipment, instruments and photographic goods, and those commodities which because of their size and weight require special handling or equipment, and (2) broaden the territorial description to between points in the United States.

[FR Doc. 81-16130 Filed 5-2-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practices, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as longs as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate in applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor cantract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-4-149

Decided: May 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 33807 (Sub-7), filed May 6, 1981. Applicant: NASHUA MOTOR EXPRESS, INC., 270 Amherst St., Nashua, NH 03063. Representative: Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155, (617) 396-4090. Transporting *general commodities* (except classes A and B explosives), (1) serving points in MA and NH as intermediate and off-route points in connection with carrier's existing regular route operations, and (2) between points in MA and NH, on the one hand, and, on the other, points in RI, CT, and VT.

MC 128927 (Sub-7), filed May 8, 1981. Applicant: MARTIN TRUCKING COMPANY, INC., Box 406, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Part, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *malt beverages*, between points in Waukesha County, WI, on the one hand, and, on the other, points in St. Clair County, IL, Vanderburgh County, IN, Campbell County, KY, and Saginaw County, MI.

MC 154607, filed May 8, 1981. Applicant: NIXON TRANSPORTATION, INC., 206 N. Hull, Fort Branch, IN 47648. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Red Spot Paint & Varnish Co., Inc., of Evansville, IN.

MC 155577, filed May 5, 1981. Applicant: CAMELOT DISTRIBUTING COMPANY, a corporation, 400 Fisk Dr. S.W., Atlanta, GA 30336. Representative: Clifford G. McGehee III (same address as applicant), (404) 349-7680. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Sonoco Products Co., of Hartsville, SC.

MC 155807, filed May 5, 1981. Applicant: ELITE MOVING & STORAGE, INC., 11 New Plant Court, Owings Mills, MD 21117. Representative: Robert J. Gallagher, 100 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 463-6044. Transporting *household goods*, (1) between points in MA, RI, CT, NY, NJ, PA, MD, DE, VA, WV, NC, SC, GA, FL, and DC, and (2) between points in (1) above, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, CO, OK, and TX.

MC 155817, filed May 7, 1981. Applicant: SPATARO MOVING & STORAGE, INC., 1848 No. 4th St., Milwaukee, WI 53212. Representative: Lawrence P. Kahn, 161 W. Wisconsin Ave., Suite 5170, Milwaukee, WI 53203, (414) 271-9958. Transporting *general commodities* (except classes A and B explosives), between points in Racine, Kenosha, Milwaukee, Waukesha, and Ozaukee Counties, WI, on the one hand, and, on the other, Chicago, IL.

MC 155837, filed May 8, 1981. Applicant: MARVIN AND ROGER EINCK, d.b.a. EINCK TRUCKING, 850-16th St., Primghar, IA 51245. Representative: Marvin Einck (same address as applicant), (712) 757-6225. Transporting *food and related products*, between points in O'Brien County, IA, on the one hand, and, on the other, points in the U.S.

Volume No. OPY-4-150

Decided: May 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 136087 (Sub-9), filed May 11, 1981. Applicant: J. C. TRUCKING, INC., 5085 Harlan, Denver, CO 80212. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264, (303) 861-4028. Transporting *iron and steel articles*, between points in CO, on the one hand, and, on the other, points in CO, KS, NM, MT, UT, and WY.

MC 139587 (Sub-26), filed May 12, 1981. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848–7946. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mid-America Farms, Inc. and Mid-America Dairymen, Inc., both of Springfield, MO.

MC 144377 (Sub-4), filed May 8, 1981. Applicant: FACTORY & STEEL TRANSPORTATION, INC., Rt. 1, Box 66–B, Waverly, TN 37185. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 347–8862. Transporting *chemicals and related products*, between points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 144757 (Sub-8), filed May 11, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 412 Oshkosh, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Masonite Corp. of Bloomington, MN.

MC 145557 (Sub-14), filed May 11, 1981. Applicant: LIBERTY TRANSPORT, INC., P.O. Box 9182, Kansas City, MO 64168. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *food and related products*, between points in Seward County, KS, on the one hand, and, on the other, points in the U.S.

MC 149157 (Sub-6), filed May 11, 1981. Applicant: STYLE CRAFT TRANSPORT, INC., Hwy 71 So., Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502, (712) 323–9124. Transporting *such commodities* as are dealt in or used by home furnishing outlets, between points in the U.S., under continuing contract(s) with Nebraska Furniture Mart, Inc. of Omaha, NE.

MC 153757, filed May 11, 1981. Applicant: THOMAS R. HUSTON, d.b.a. HUSTON TRUCK LINE, RFD 3, Airport Rd., Benson, MN 56215. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *machinery*, between points in the U.S., under continuing contract(s) with Davis Equipment Company, of Des Moines, IA; Stevens County Implement, of Morris, MN; Ag Systems, Inc., of Hutchinson, MN; and Bertas, Inc.; Jacobson-Peterson, Inc.; Benson Machine Company, and Lor-Al Corporation, all of Benson, MN, and (2) *metal products*, between points in the U.S., under continuing contract(s) with Dokken Machine Works, of Benson, MN.

MC 155737, filed May 12, 1981. Applicant: DONALD J. MITRZYK, d.b.a. PAUL DEE COMPANY, 2949 Hillcrest Rd., West Branch, MI 48661. Representative: Donald J. Mitrzyk (same address as applicant), (517) 345–1588. Transporting *food and related products*, between points in MN, on the one hand, and, on the other, points in MI.

MC 151747 (Sub-4), filed May 11, 1981. Applicant: WALTER BROTHERS TRUCKING, INCORPORATED, 1266 North Franklin St., Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *food and related products*, between points in Cumberland County, PA, on the one hand, and, on the other, points in NY and NJ.

MC 155207, filed May 11, 1981. Applicant: TRANS EAST, INC., R.R. #4, Box 154, Rockport, MO 64482. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141 (816) 842–8600. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Armour and Company, of Phoenix, AZ.

MC 155357, filed May 8, 1981. Applicant: WILLIAM N. ECONOMOS & JOSEPH W. BUCHALO d.b.a. WEB TRANSPORT, 1918 West Devon Ave., Elk Grove Village, IL 60007. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603 (312) 236–0548. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Web Services Ltd., of Elk Grove Village, IL.

MC 155897, filed May 11, 1981. Applicant: WILLIAM S. GRAY, 1959 Colfax St., Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Transporting *sand and gravel*, between points in De Soto County, MS, on the one hand, and, on the other, points in Shelby, Fayette, Hardeman, McNairy, and Hardin Counties, TN.

MC 155907, filed May 8, 1981. Applicant: MUSTANG DISTRIBUTING COMPANY, INC., 23505 Northeast Halsey, Trontdale, OR 97060. Representative: Robert L. Cope, 1730 M St., N.W., Suite 501, Washington, DC 20036 (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Seaport Cooperative, Inc., of Portland, OR.

MC 155917, filed May 11, 1981. Applicant: THRIFTY TRANSPORT, INC., P.O. Box 2087, Sebastian, FL 32958. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518 (215) 385–6086. Transporting *general commodities* (except classes A and B explosives), between points in Camden County, NJ, on the one hand, and, on the other, points in DE, MD, NJ, NY, PA, and DC.

Volume No. OPY–4–151

Decided: May 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 133937 (Sub-36), filed May 11, 1981. Applicant: CAROLINA CARTAGE CO., INC., 1638 E. Vesta Ave., College Park, GA 30337. Representative: Zoe Ann Page, Suite 2373, One World Trade Center, New York, NY 10048 (212) 432–0940. Transporting *such commodities* as are dealt in or used by mail order houses and department stores, between Los Angeles, Ontario, San Diego and San Francisco, CA, Chicago, IL, New Orleans, LA, Baltimore, MD, Boston, MA, Detroit, MI, Kansas City and St. Louis, MO, Cincinnati, Cleveland, Columbus and Dayton, OH, Portland, OR, Dallas, Fort Worth and Houston, TX, Milwaukee, WI, New York, NY, and points in Washoe County, NV, King County, WA, Hudson, Bergen, Essex, Union, Passaic, Morris, Somerset and Middlesex Counties, NJ, and points in Al, FL, GA, MS, NC, SC, TN and DC.

Note.—Applicant intends to tack to its existing authority.

MC 146927 (Sub-25), filed May 11, 1981. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210 (703) 525–4050. Transporting *food and related products*, between points in Assumption Parish, LA, on the one hand, and, on the other hand, points in and east of ND, SD, NE, KS, OK and TX.

MC 147547 (Sub-16), filed May 11, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Rd., Lauderdale Industrial Pk., Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37217 (615) 244–8101. Transporting *general commodities* (except classes A and B explosives), between the facilities of Uvalde Rock Asphalt Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147747 (Sub-1), filed May 11, 1981. Applicant: A.L. MILICAN d.b.a. ROYAL TRUCKING COMPANY, P.O. Box 387, West Point, MS 39773. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701 (601) 335–3576. Transporting (1) *clay, concrete, glass and stone products,* (2) *metal products* and (3) *machinery,* between points in the U.S., under continuing contract(s) with The Babcock & Wilcox Company of Barberton, OH.

MC 148007 (Sub-2), filed May 12, 1981. Applicant: RAPID HOLDING LTD. d.b.a. RAPID TRANSFER, P.O. Box 518, Oliver, B.C., Canada VOH ITO. Representative: David W. Wiley, 1100 Norton Bldg., Seattle, WA 98104 (206) 622–4067. In *foreign commerce* only, transporting (1) *lumber and wood products,* (2) *building materials* and (3) *machinery,* between points in the U.S., under continuing contract(s) with Lignum Sales Ltd., of Vancouver, B.C., Cascade Imperial Mills Ltd., of Burnaby, B.C. and Weyerhaeuser Company of Tacoma, WA.

Volume No. OPY–4–154

Decided: May 22, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 151916 (Sub-2), filed May 15, 1981. Applicant: BARON TRANSPORT, INC., One Perimeter Way, Suite 455, Atlanta, GA 30339. Representative: Eugene D. Anderson, 910 Seventeenth St., NW, Suite 428, Washington, DC 20006 (202) 296–2550. Transporting (1) *pulp, paper and related products,* and (2) *clay, concrete, glass or stone products,* between points in NY, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, SC, and TN.

MC 152586 (Sub-1), filed May 15, 1981. Applicant: REED MACHINERY & TRANSPORTATION CO., INC., P.O. Box 1105, 712 N. Farnsworth Ave., Aurora, IL 60507. Representative: Leslieann G. Maxey, 907 S. Fourth St., Springfield, IL 62703, (217) 528–8476. Transporting (1) *machinery and machinery parts,* and (2) *metal products,* between points in IL, on the one hand, and, on the other, points in IN, MI, IA, MO, and WI.

MC 155996, filed May 15, 1981. Applicant: J. P. TRANSPORT, INC., P.O. Box E, Western Springs, IL 60558. Representative: Bernard J. Kompare, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *such commodities* as are dealt in or used by manufacturers of building and sound-deadening materials, between points in the U.S., under continuing contract(s) with Blobe Industries, of Chicago, IL.

Volume No. OPY–4–155

Decided: May 22, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and William.

MC 42487 (Sub-1041), filed May 11, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: W. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities,* between points in the U.S., under continuing contract(s) with Union Carbide Corporation, of New York, N.Y. Condition: To the extent the permit granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 103937 (Sub-9), filed May 12, 1981. Applicant: ANTHRA TRANS, INC., R.D. No. 3, Moscow, PA 18444. Representative: Ronald N. Cobert, 1730 M St., NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities,* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Scrapco, Inc., of West Haven, CT.

MC 114177 (Sub-4), filed May 14, 1981. Applicant: CONSOLIDATED DUMP TRANSPORTATION COMPANY, 3220 E. 95th St., Chicago, IL 60617. Representative: Joseph P. Murdock, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–8655. Transporting (1) *commodities in bulk,* and (2) *chemicals and related products,* between points in IL, IN, MI, IA, WI, and MO.

MC 128837 (Sub-37), filed May 14, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62626, (217) 544–5468. Transporting *brick and cement,* between points in AL, AR, GA, IA, IL, IN, KS, MO, MS, NE, NC, OH, OK, PA, and TN.

MC 136077 (Sub-30), filed May 15, 1981. Applicant: REBER CORPORATION, 2216 Old Arch Rd., Norristown, PA 19401. Representative: Richard L. Thurston, One Franklin Plaza, Philadelphia, PA 19102, (215) 854–6444. Transporting (1) *gypsum and gypsum products,* (2) *building materials,* (3) *paper and paper products,* (4) *chemicals* and (5) *plastic products,* between the facilities of Georgia Pacific Corporation in and east of OH, KY, TN and AL.

MC 149497 (Sub-10), filed May 15, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant), (715) 359–2907). Transporting *malt beverages and malt beverage products,* between points in IL, IN, MI, MN, MO and WI.

MC 153147, filed May 15, 1981. Applicant: BAYSIDE WASTE HAULING & TRANSFER, INC., d.b.a. BAYSIDE DISPOSAL, 7201 W. Marginal Way SW, Seattle, WA 98101. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *hazardous waste,* between points in OR and WA.

Volume No. OPY–5–67

Decided: May 20, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 41098 (Sub-59), filed May 4, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006, (202) 833–8884. Transporting *vending machines,* between points in the U.S.

Note.—The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5, Room 6370.

MC 105269 (Sub-95), filed February 18, 1981. Published initially in the **Federal Register** on March 20, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616–459–6121. Transporting *general commodities* (except classes A and B explosives), between the facilities of Roberts Consolidated Industries, Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—This application is republished to modify the authority as shown above.

MC 109449 (Sub-60), filed May 4, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th St., Winona, MN 55987. Representative: Francis Cisewski, (same address as applicant), (507) 462–1032. Transporting *general commodities,* (except classes A and B explosives), between the facilities of Ralston Purina Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 115078 (Sub-9), filed May 4, 1981. Applicant: SINDALL TRANSPORT, INC., 102 N. Custer Ave., New Holland, PA 17557. Representative: Jeremy Kahn, Suite 733—Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783–

3525. Transporting *lumber and wood products*, between the ports of entry on the international boundary line between the United States and Canada at points in MI, NY, VT, NH, and ME, and points in ME, on the one hand, and, on the other, points in, PA, DE, MD, VA, NY, NJ, WV, OH, NC, SC, VT, IN, ME, NH, MA, RI, MI, IL, and DC.

MC 135989 (Sub-23), filed May 4, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, (303) 320–6100. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Kendall/Amalie and Sonneborn Divisions, Witco Chemical Corporation, of Bradford, PA.

MC 142059 (Sub-170), filed May 7, 1981. Applicant: CARDINAL TRANSPORT, INC., 1230 North Illinois Drive, Channahon, IL 60410. Representative: Fred H. Daly, 2550 M Street, NW., Suite 475, Washington, DC 20037, 202–293–3204. Transporting *electrical machinery, equipment or supplies*, between the facilities of General Electric Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143739 (Sub-52), filed May 4, 1981. Applicant: SHURSON TRUCKING CO., INC. P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson (same address as applicant), (507) 465–3235. Transporting *food and related products*, (1) between points in Vermilion and Peoria Counties, IL, on the one hand, and, on the other, points in AL, AR, IN, IA, KS, KY, LA, MN, MS, MO, ND, OK, SD, TN, TX, and WI; and (2) between points in Dodge County, WI, on the one hand, and on the other, points in AL, AR, IL, IN, IA, KS, KY, LA, MN, MS, MO, ND, OK, SD, TN, and TX.

MC 146078 (Sub-42), filed May 4, 1981. Applicant: CAL–ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 14 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753, (501) 846–2185. Transporting *furniture parts, metal products*, and *paper products*, between points in MO, KY, TX, OK, AZ, CO, IL, MA, MN, GA, CA, OH, FL, TN, AL, LA, UT, OR, NJ, KS, MI, WA, NC, AR, MS and WI, on the one hand, and, on the other, points in the U.S.

MC 146149 (Sub-21), filed May 8, 1981. Applicant: KENNEDY FREIGHT LINES, INC., 4989 Vulcan Ave., Columbus, OH 43228. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, 614–228–8575. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company and its subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146419 (Sub-3), filed May 8, 1981. Applicant: SCHWANEBECK FREIGHT LINES, INC., Box 342 C, Rural Route #3, Mauston, WI 53948. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Sanna, a Subsidiary of Beatrice Foods Company, of Chicago, IL.

MC 146608 (Sub-2), filed May 4, 1981. Applicant: BOARD TRUCKING COMPANY, INC., Big Spring, KY 40106. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40602, (502) 875–3493. Transporting *such commodities* as are dealt in or used by wholesalers and retailers of building materials and supplies, between points in the U.S., under continuing contract(s), with The Wickes Corporation, of Saginaw, MI.

MC 146638 (Sub-2), filed May 7, 1981. Applicant: CLYDE HOSTUTLER, d.b.a. CLYDE'S TRANSFER, 604 Aquarius Drive, Mechanicsville, VA 23111. Representative: Calvin F. Major, 200 West Grace St., Richmond, VA 23220, (804) 649–7591. Transporting *such commodities* as are used by the manufacturers of precast and prestressed concrete, between points in MD, and VA, on the one hand, and, on the other, points in DE, MD, NC, PA, VA, and D.C.

MC 147948 (Sub-9), filed May 7, 1981. Applicant: A.J. ROSS ENTERPRISES, INC., 225 Smith Street, Keasbey, NJ 08832. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting (1) *construction equipment, materials, and supplies and* (2) *metal products*, between points in NJ, NY, PA and CT, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, MD, DE, VA, OH, WV, IN, IL, ME, NH, VT, KY, TN, AL, NC, SC, GA, FL, MI, WI, MS, and DC.

MC 149269 (Sub-2), filed May 7, 1981. Applicant: PALMER INDUSTRIES, INC., P.O. Box 839, Macon, GA 31202. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6266. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of malt beverages, between points in Houston County, GA, on the one hand, and, on the other, points in AL, AR, OH, MS, and TN.

MC 150189 (Sub-3), filed May 7, 1981. Applicant: R.G. BERRY, Box 8 Shawneetown, IL 62984. Representative: Robert T. Lawley, 300 Reisch Bldg. Springfield, IL 62701, (217) 544–5468. Transporting *food and related products*, between points in Madison County, IL, on the one hand, and, on the other, points in AL, FL, GA, NC, SC, and TN.

MC 150339 (Sub-29), filed May 8, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd. Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant) (301) 673–7151 Transporting *metal products*, between points in the U.S., under continuing contract(s) with Defiance Welding Co., of Defiance, OH.

MC 150618 (Sub-1), filed April 20, 1981. Applicant: AVION TRANSPORT, INC., 43 East Hollis St., Nashua, NH 03060. Representative: Robert G. Parks, 20 Walnut St., Ste. 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of plastic articles, between points in the U.S., under continuing contract(s) with Composite Container Corporation, of Medford, MA.

MC 150898 (Sub-53), filed May 7, 1981. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Ave., Kearney, NJ 07032. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with W. R. Grace & Co., of Cambridge, MA.

MC 152789, filed May 4, 1981. Applicant: S. R. MEROLA, d.b.a. MEROLA ENTERPRISES, 51 Bay Harbor Blvd., Bricktown, NJ 08723. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080, (201) 757–3478. Transporting *hazardous waste materials*, between points in the U.S., under continuing contract(s) with Browning-Ferris Industries, Inc., of Elizabeth, NJ.

MC 155059, filed May 1, 1981. Applicant: ZIP TRUCK LINES, INC., P.O. Box 337, Moses Lake, WA 98837. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453–0312. Transporting (1) *ores and minerals*, and (2) *machinery*, (a) between the ports of entry on the international boundary line between the United States and Canada, at points in WA and ID, on the one hand, and, on the other, points in Shoshone County, ID, and Pierce County, WA, and (b) between points in Pershing County, NV, on the one hand,

and, on the other, points in Shoshone County, ID, Pierce County, WA, Multnomah County, OR, and Salt Lake County, UT.

MC 155818, filed May 7, 1981. Applicant: LOYD SHORES TRUCKING COMPANY, INC., Route 1, Box 532, Baxter, TN 38544. Representative: Michael E. Clift, 46 North Jefferson Ave., Cookeville, TN 38501, 615–526–3311. Transporting (1) *general commodities* (except classes A and B explosives), between points in Putnam County, TN, on the one hand, and, on the other, points in AL, FL, GA, IN, KS, KY, MI, MS, OH, OK, PA, TX, and VA, and (2) *lumber and wood products*, between points in TN on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX, VA and WV.

MC 155819, filed May 8, 1981. Applicant: R.C.L. TRUCKLINE, INC., 104 Arlette Drive, Lafayette, LA 70503. Representative: Gene Fournier (same address as applicant), 318–984–3785. Transporting *Mercer commodities* between points in TX, on the one hand, and, on the other, points in LA and OK.

Volume No. OPY–5–68

Decided: May 21, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 5888 (Sub-60), filed May 11, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th St., Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, 312–236–9375. Transporting *general commodities* (except classes A and B explosives), between points in IA, IL, IN, KS, KY, MI, MN, MO, OH and WI.

MC 12918 (Sub-2), filed May 11, 1981. Applicant: ALLAN S. KRAFT, d.b.a. KRAFTOURS, 7992 E. 41st St., Tulsa, OK 74145. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005, 202–783–7900. To operate as a *broker*, in interstate or foreign commerce, at Tulsa, OK, arranging for the transportation by motor vehicle of passengers and their baggage, in special and charter operations, between points in the U.S.

MC 19778 (Sub-117), filed May 8, 1981. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 10800 Franklin Ave., Franklin Park, IL 60131. Representative: Robert F. Munsell (same address as applicant), 312–860–4878. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Bostrum-Warren, Inc. of Seattle, WA.

MC 19778 (Sub-118), filed May 8, 1981. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 10800 Franklin Ave., Franklin Park, IL 60131. Representative: Robert F. Munsell (same address as applicant), 312–860–4878. Transporting *machinery*, between points in Iowa County, IA on the one hand, and, on the other, points in TX, OK and AZ.

MC 19778 (Sub-119), filed May 8, 1981. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 10800 Franklin Ave., Franklin Park, IL 60131. Representative: Robert F. Munsell (same address as applicant), 312–860–4878. Transporting *machinery*, between points in Iowa County, IA on the one hand, and, on the other, points in MT.

MC 78118 (Sub-60), filed May 11, 1981. Applicant: W. H. JOHNS, INC., 35 Witmer Rd., Lancaster, PA 17602. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, 717–236–9318. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Sonoco Products Company of Hartsville, SC.

MC 85788 (Sub-12), filed May 11, 1981. Applicant: JACOBSEN TRANSFER, INC., P.O. Box 47, Fairmont, NE 68354. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *food and related products*, between points in San Mateo County, CA, on the one hand, and, on the other, points in the U.S. in and east of MT, WY, UT, and NM.

MC 98658 (Sub-9), filed May 8, 1981. Applicant: DONALD L. KERBS, d.b.a. C & R TRUCK LINE, 400 North Seventh St., Salina, KS 67401. Representative: Donald L. Kerbs (same address as applicant), (913) 825–1345. Transporting *general commodities* (except classes A and B explosives) serving Delavan, KS as an off-route point in connection with applicant's otherwise authorized regular route operations.

MC 106748 (Sub-15), filed May 8, 1981. Applicant: GODDARD'S TRANSPORTATION, INC., Route 4A, Fair Haven, VT 05743. Representative: John P. Monte, Box 568, Barre, VT 05641, (802) 476–6671. Transporting *chemicals and related products*, between points in Fairfield County, CT, on the one hand, and, on the other, points in Rutland County, VT.

MC 110878 (Sub-49), filed May 11, 1981. Applicant: ARGO TRUCKING COMPANY, INC., P.O. Box 955, Elberton, GA 30635. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. Transporting *building materials*, between points in Elbert County, GA, on the one hand, and, on the other, points in the U.S.

MC 112989 (Sub-144), filed May 11, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy 99 S., Eugene, OR 97405. Representative: John T. Morgans (same address as applicant), (503) 747–1283. Transporting *rubber and plastic products*, between points in Snohomish County, WA, on the one hand, and, on the other, Carson City, NV.

MC 113658 (Sub-53), filed May 11, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20036, (202) 223–5900. Transporting *food and related products*, between points in Jefferson County, CO, on the one hand, and, on the other, points in TN, LA, and MS.

MC 135989 (Sub-25), filed May 12, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, 303–320–6100. Transporting *building materials*, between points in the U.S. under continuing contract(s) with Phillips Industries, Inc. of Cucamonga, CA.

MC 135989 (Sub-26), filed May 12, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, 303–320–6100. Transporting *textile mill products*, between points in the U.S. Under continuing contract(s) with TFI, Division of Kas Tex Corp., of Los Angeles, CA.

MC 138469 (Sub-273), filed May 11, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068, 312–698–2235. Transporting *general commodities* (except classes A and B explosives), between the facilities used by The Kroger Co., at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 141369 (Sub-8), filed May 11, 1981. Applicant: V. I. P. LIMOUSINE, INC., 11 Brownhouse Rd., Stamford, CT 06902. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006, 202–833–8884. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in non-scheduled door-to-door service, limited to the

transportation of not more than 15 passengers (not including the driver) in any one vehicle at any one time between points in CT, on the one hand, and, on the other, points in MA, NJ, NY, PA and RI.

MC 142059 (Sub-172), filed May 11, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant) 815–729–3805. Transporting (1) *pulp paper and related products*, (2) *forest products*, (3) *lumber and wood products*, (4) *building materials*, between the facilities of Champion International Corp. at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 144428 (Sub-14), filed May 5, 1981. Applicant: TRUCKADYNE INC., Route 16, P.O. Box 308, Mendon, MA 01756. Representative: Joseph A. Reed (same address as applicant) 1–800–982–4723. Transporting (1) *petroleum, natural gas and their products*, (2) *coal and coal products*, and (3) *clay, concrete, glass and stone products*, between points in the U.S. under continuing contract(s) with Dry Mix Concrete Co., of Franklin Park, IL.

MC 146148 (Sub-19), filed May 11, 1981. Applicant: B–RIGHT TRUCKING CO., 7087 West Blvd., Suite 8, Youngstown, OH 44512. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. *Such commodities* as are dealt in by grocery and food business houses, between points in the U.S., under continuing contract(s) with Brothers Trading Co., of Dayton, OH, and Wilco Trading Co., Inc., of Lakewood, NJ.

MC 146659 (Sub-7), filed May 11, 1981. Applicant: GOLDSTON TRANSFER, INC., P.O. Box 1059, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant), 919–627–7115. Transporting *malt beverages* between points in the U.S. in and east of TX, OK, MO, IA, and MN.

MC 147169 (Sub-3), filed May 8, 1981. Applicant: SERVICEWAY MOTOR FREIGHT, INC., P.O. Box 243, Alcoa, TN 37701. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transporting (1) *pulp, paper and related products*, and (2) *rubber and plastic products*, between points in TN, on the one hand, and, on the other, points in NC.

MC 147228 (Sub-4), filed May 11, 1981. Applicant: ROBERT D. BOWHAY d.b.a. BOWHAY TRUCK LINE, P.O. Box 150, Summerfield, KS 66541. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601, 913–234–0565. Transporting *chemicals and related products*, between points in Gage County, NE, on the one hand, and, on the other, points in CO, IA, KS, MN, MO, ND, OK, and SD.

MC 147279 (Sub-3), filed May 11, 1981. Applicant: LEROY O. SALO d.b.a. SALO TRUCKING, Route 1, Box 49, Gilbert, MN 55741. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, 612–927–8855. Transporting (1) *food and related products*, between points in St. Louis County, MN, on the one hand, and, on the other, Omaha, NE, St. Louis, MO, and points in IL and WI, and (2) *metal products and machinery*, between points in St. Louis County, MN, on the one hand, and, on the other, points in the U.S.

MC 151428 (Sub-3), filed May 11, 1981. Applicant: J & H TRUCKING, INC., 12425 Telephone, Chino, CA 91710. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Best Western, Inc., of Los Angeles, CA.

MC 151819 (Sub-3), filed May 11, 1981. Applicant: CARGO MASTERS, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *pulp, paper and related products*, between Dallas, TX, and points in Lafourche Parish, LA, and McMinn County, TN, on the one hand, and, on the other, points in the U.S.

MC 154989, filed April 17, 1981. Applicant: WILLIAM S. LEE, d.b.a. WILLIAM S. LEE TRUCKING, Rt. 10, Box 249, McMinnville, TN 37110. Representative: Robert L. Baker, Sixth floor—United American Bank, Nashville, TN 37219, (615) 244–8100. Transporting *such commodities* as are dealt in by grocery stores, between points in Davidson and Rutherford Counties, TN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 155478, filed May 4, 1981. Applicant: R. A. MONCADA, d.b.a. LOS ANGELES-TIJUANA EXPRESS, 421 South Mesita Ave., West Covina, CA 91791. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Over regular routes, transporting *passengers and their baggage*, between Los Angeles, CA, and the port of entry between the United States and the Republic of Mexico at or near San Ysidro, CA, from Los Angeles over Interstate Hwy 5 to junction Interstate Hwy 805 north of San Diego, then over Interstate Hwy 805 to junction Interstate Hwy 5 near San Ysidro, then over Interstate Hwy 5 to the port of entry between the United States and the Republic of Mexico at or near San Ysidro, CA, and return over the same route, serving intermediate and off route points beginning at the intersection of the Los Angeles-Alhambra city limits at or near Interstate Hwy 10 and extending north along the Los Angeles-Alhambra city limits to Main Street, then easterly on Main Street to junction CA Hwy 19, then southerly on CA Hwy 19 to junction Florence Avenue, then westerly on Florence Avenue to the Los Angeles city limits, then northerly and easterly along the Los Angeles city limits to the point of beginning.

MC 155808, filed May 7, 1981. Applicant: DISTRIBUTION TECHNOLOGY, INC., d.b.a. PDC TRUCKING COMPANY AND SHENANDOAH DISTRIBUTION CENTERS TRUCKING COMPANY, 11425 Granite St., Charlotte, NC 28217. Representative: Kenneth M. Colvin (same address as applicant), 704–588–2867. Transporting *general commodities* (except classes A and B explosives), between points in GA, NC, SC, TN and VA.

Volume No. OPY–5–69

Decided: May 2, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce and Dowell.

MC 109449 (Sub-62), filed May 8, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th Street, Winona, MN 55987. Representative: Francis Cisewski (same address as applicant), (507) 452–1032. Transporting *printed matter*, between points in Montgomery County, OH, on the one hand, and, on the other, points in IL, IA, MN, MO, NE, ND, SD, and WI.

MC 119099 (Sub-39), filed May 11, 1981. Applicant: BJORKLUND TRUCKING, INC., First Ave., N.E. and 8th St., Buffalo, MN 55313. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting (1) *ores and minerals*, and (2) *chemicals and related products*, between points in Reno County, KS, on the one hand, and, on the other, points in MN.

MC 144969 (Sub-34), filed May 4, 1981. Applicant: WHEATON CARTAGE COMPANY, 3rd and "G" Sts., Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, (609) 825–1400 ext. 2414. Transporting *general commodities* (except classes A and B explosives), between the facilities of All States

Warehousing, Inc. and their customers, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149388 (Sub-7), filed May 11, 1981. Applicant: FEPCO TRUCKING, INC., 3458 Moreland Ave., Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting *pulp, paper and related products,* between points in Troup County, GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 150398 (Sub-4), filed May 13, 1981. Applicant: BLUE EXPRESS, INC., P.O. Box 292, Canton, SD 57013. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island, N.W., Washington, DC 20036, 202–223–5900. Transporting *food and related products,* between points in Seward County, KS, on the one hand, and, on the other, points in the U.S.

MC 154678 (Sub-1), filed May 11, 1981. Applicant: HAYNES MOTOR LINES, INC., 8475 Florida Blvd., Baton Rouge, LA 70806. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *general commodities* (except classes A and B explosives), between points in LA and MS.

MC 155778, filed May 4, 1981. Applicant: ALWAYS TRANSIT, INC., P.O. Box 514, Bristol, IN 46507. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *transportation equipment,* between points in St. Joseph, Elkhart and Lagrange Counties, IN, and St. Joseph and Cass Counties, MI, on the one hand, and, on the other, points in the U.S.

MC 155809, filed May 7, 1981. Applicant: PULLENS, INC., 320 North Point Blvd., Baltimore, MD 21214. Representative: Robert L. Cope, 1730 M St. NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Parish Division, Dana Corp., of Reading, PA.

MC 155948, filed May 14, 1981. Applicant: JOHN CASSIDY & SONS, INC., 7301 NW 36th Ct., Miami, FL 33147. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, 305–592–0036. Transporting *general commodities* (except classes A and B explosives), between points in Broward, Dade, Martin, Palm Beach and St. Lucie Counties, FL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16128 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 426]

Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broader grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 138144 (Sub-56F) (republication), filed January 14, 1980, published in the Federal Register issue of April 17, 1980, and republished this issue. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. A decision of the Commission, Review Board Number 2, decided April 13, 1981, and served April 22, 1981, finds that the performance by applicant of the service described will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hides and pelts,* between points in CO, KS, MN, MO, NV, IA, IL, ND, and SD, on the one hand, and, on the other, points in IL, and WI; that applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative regulations. The purpose of this republication is to reflect applicant's actual grant of authority.

MC 138415 (Sub-22) (republication), filed June 24, 1980, published in the Federal Register issue of August 7, 1980, and republished this issue. Applicant: TRAILER EXPRESS, INC., Box #327, Topeka, IN 46571. Representative: Michael M. Yoder, Box #157, Topeka, IN 46571. A decision of the Commission, Review Board Number 3, decided April 1, 1981, and served April 30, 1981, finds that the performance by applicant of the service described will serve a useful public purpose, responsive to a public demand or need to operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *mobile homes* and *buildings in sections,* from the facilities of Redman Homes, Inc., at Topeka, IN, to points in OH, WV, KY, WI, MI, IL, MO, and PA; and (2) *materials* used in the manufacture of mobile homes, from points in GA, NC, MN, and IA, to the facilities in (1) above, under continuing contract(s) in (1) and (2) with Redman Homes, Inc., of Topeka, IN; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to include buildings in sections in the commodity description in (1) above.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16127 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-52 (Sub 14F)]

Atchison, Topeka & Santa Fe Railway Co.—Abandonment—Between Williams and Grand Canyon, AZ; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided May 22, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for (1) the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen,* 360 I.C.C. 91 (1979); (2) the public use condition; and (3) historic resources condition, the present and future public convenience and necessity permit the abandonment by the Atchison, Topeka and Santa Fe Railway Company of a line of railroad known as the Grand Canyon District of the Albuquerque Division, extending from milepost 0.0 at Williams to milepost 63.79 at Grand Canyon, all in Coconino County, AZ. A certificate of public convenience and necessity permitting abandonment was issued to the Atchison, Topeka and Santa Fe

Railway Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on Santa Fe with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16124 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-18 (Sub-30F)]

Chesapeake & Ohio Railway Co.—Abandonment—Between Malden and Hy Tower, in and Discontinuance of Service Over Erie-Lackawanna Railroad at Griffith, IN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided May 21, 1981, an administratively final decision was made by the Commission, Division 2, Acting as an Appellate Division, that the public convenience and necessity permit the abandonment of a segment of rail line known as the Wabash Subdivision between milepost 230.95 near Malden, IN, and milepost 260.62 at Hy Tower, IN, a distance of 29.67 miles, including .04 mile of trackage rights over property owned by Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the property of Erie-Lackawanna Railway Company, Debtor, all in Porter and Lake Counties, IN, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Chesapeake and Ohio Railway Company based on this finding unless within 15 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commisssion so finds, the effectiveness of the certificate of abandonment will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be effective on the 50th day after this notice is published. Upon notification to the Commission of the execution of an assistance of acquisition and operating agreement, the Commission shall postpone the effectiveness of the certificate for such a period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16121 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-18 (Sub-36F)]

Chesapeake and Ohio Railway Co.; Abandonment in Mason County, MI and Manitowoc County, WI; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided May 22, 1981, a finding, which is administratively final, was made by the Administrative Law Judge stating that, the public convenience and necessity permit the abandonment by the Chesapeake and Ohio Railway Company or car ferry operations between Ludington, Michigan and Manitowoc, Wisconsin and abandonment of 3.56 miles of yard and terminal tracks, and one (1) slip used in support of the car ferry route and operation in Ludington, Mason County, Michigan. Abandonment is subject to the conditions for the protection of employees discussed in *Oregon Short Line Railroad Co.—Abandoment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Chesapeake Ohio Railway Company based on the above-described finding, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Mrs. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, not later than 10 days from publication or this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all of any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of any offer, and no request is make of the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance

of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 CFR 1121 as revised by Ex Parte No. 274 (Sub-No. 6), *Abandonment of Railroad Lines and Discontinuance of Service*, 45 FR 75144 (November 25, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16016 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-18 (Sub-35F)]

Chesapeake and Ohio Railway Co.; Abandonment—Near South Haven and Hartford in Van Buren County, MI; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided May 8, 1981, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, the public convenience and necessity permit the abandonment by the Chesapeake and Ohio Railway Company of the portion of a line of railroad between Milepost 0.78 at or near South Haven and Milepost 15.07 at or near Hartford in Van Buren County, MI, a distance of 14.29 miles. Abandonment is subject to the conditions for the protection of employees discussed in *Oregon Short Line Railroad Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Chesapeake and Ohio Railway Company based on the above-described finding, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of any offer, and no request is made of the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 CFR 1121 as revised by Ex Parte No. 274 (Sub-No. 6), *Abandonment of Railroad Lines and Discontinuance of Service*, 45 FR 75144 (November 25, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16015 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. *Parent corporation:* AFG Industries, Inc., P.O. Box 929, Kingsport, Tennessee 37662.

2. *Wholly-owned subsidiaries which will participate in the operations:* New Jersey Float Glass, Inc.—a Delaware corporation; Piedmont Mining Company—a Tennessee corporation; AFG International, Inc.—a Delaware corporation.

1. Parent corporation and address of principal office: Bemis Company, Inc., 800 Northstar Center, Minneapolis, MN 55402 (incorporated in the State of Missouri).

2. Wholly-owned subsidiaries which will participate in the operations, and state of incorporation:

I. Curwood, Inc., 718 High Street, New London, Wisconsin 54961, (incorporated in the State of Delaware).

II. Bemis Specialty Films Co., a Division of Bemis Company, Inc., P.O. Box 2968, Oshkosh, Wisconsin 54903.

III. Custom Resins, a Division of Bemis Company, Inc., Henderson, Kentucky 42420.

IV. Flock Fibers, Inc., North Walpole, New Hampshire 05101 (incorporated in the State of New Hampshire).

V. Hayssen Manufacturing Company, Highway 42 North, Sheboygan, Wisconsin 53081 (incorporated in the State of Delaware).

VI. Hayssen Manufacturing Company, Flex-Vac Division, 788 Bloomfield Ave., Clifton, New Jersey 07012 (incorporated in the State of Delaware).

VII. Louisiana Plastics, Highway 54 West, Louisiana, Missouri 63353 (incorporated in the State of Delaware).

VIII. Lustour Corporation, 19th and Wall Streets, Murphysboro, Illinois 62966 (incorporated in the State of Delaware).

IX. MacKay Engraving Company, a division of Bemis Company, Inc., 339 East Bloom Street, Louisville, Kentucky 40217.

X. Mankato Corporation, 1301 Third Avenue, Mankato, Minnesota 56001 (incorporated in the State of Delaware).

XI. Perry Industries, Inc., 121 New South Road, Hicksville, New York 11802 (incorporated in the State of Delaware).

XII. Perval Industries, Inc., Plainfield, Connecticut 06374 (incorporated in the State of Delaware).

XIII. Ross & Roberts, Inc., 1299 West Broad Street, Stratford, connecticut 06497 (incorporated in the State of Delaware).

XIV. Sackner Products, Inc., 901 Ottawa Ave., N.W., Grand Rapids, Michigan 49503 (incorporated in the State of Delaware).

XV. Sackner Products, Inc., 2850 East 46th Street, Los Angeles, California 90058 (incorporated in the State of Delaware).

XVI. Sackner Products, Inc., Route 6, Box 178A, Statesville, North Carolina 28677 (incorporated in the State of Delaware).

XVII. Sackner Products, Inc., 220 Midway Avenue, Verona, Mississippi 38779 (incorporated in the State of Delaware).

XVIII. Western Litho Plate & Supply Company, 3433 Tree Court Industrial Blvd., St. Louis, Missouri 63122 (incorporated in the State of Delaware).

XIX. Western Litho Plate & Supply Company, U.S. 69 North, Jacksonville, Texas 75766 (incorporated in the State of Delaware).

XX. Western Litho Plate & Supply Company, Route 10, Springfield, Missouri 65803 (incorporated in the State of Delaware).

XXI. Arnoldware Rogers, Inc., 1200 Arnoldware Ave., Panama City, Florida 32401 (incorporated in the State of Vermont).

XXII. American Packaging Machinery Company, a Division of Bemis Company, Inc., P.O. Box 4300, 1163 Glory St., Ashwaubenon, Wisconsin.

XXIII. Gravure Systems, a Division of Bemis Company, Inc., 7435 Empire Drive, Florence, Kentucky 41042.

1. Parent Corporation: Colonial Foods, Inc., 400 Broadway, Freehold, NJ 07728.

2. Wholly-owned subsidiaries which will participate in the operations:

Transport Enterprises, Inc., 400 Broadway, Freehold, NJ 07728 (a Delaware Corporation).

Eggspress, Inc., 400 Broadway, Freehold, NJ 07728 (a New Jersey Corporation).

1. Parent corporation and address of principal office: Dewitt Wholesale Grocery, Inc., 1600 Jamesville Ave., P.O. Box 250, Syracuse, NY 13205.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: DWG Transport, Inc. (New York).

1. Parent corporation and address of principal offices: Emhart Corporation (a Virginia Corporation), 426 Colt Highway, Farmington, CT 06032.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

Emhart Industries, Inc. (a Connecticut Corporation), 426 Colt Highway, Farmington, CT 06032.

USM Corporation (a New Jersey Corporation), 181 Elliott Street, Beverly, MA 01915.

Corbin Co. (a Delaware Corporation), 426 Colt Highway, Farmington, CT 06032.

Fellows Corporation (a Delaware Corporation), Precision Park, North Springfield, VT 05150.

Mallory Components Sales Corporation (a Delaware Corporation), 3029 East Washington Street, Indianapolis, IN 46206.

Notifier Company (a Connecticut Corporation), 560 Alaska Avenue, Torrance, CA 90503.

Safe Hardware Corporation (a Pennsylvania Corporation), North Plum & Elizabeth Streets, Lancaster, PA 17601.

Broadview Chemical Corporation (an Illinois Corporation), 2910 South 18th Avenue, Broadview, IL 60153.

Warren Fastener Corporation (a Michigan Corporation), 26750 23 Mile Road, Mt. Clemens, MI 48043.

Woodmont Products, Inc. (a Pennsylvania Corporation), County Line and New Roads, Huntingdon Valley, PA 19006.

1. Parent Corporation: Fisher Scientific Company, 711 Forbes Avenue, Pittsburgh, PA 15219.

2. Wholly-owned Subsidiaries which will Participate:

Conco Industries, Inc., West Haven, Connecticut, Incorporated in State of Connecticut.

Hi-Pure Chemicals, Inc., Nazareth, Pennsylvania, Incorporated in State of Pennsylvania.

Pfeiffer Glass, Inc., Rochester, New York, Incorporated in State of New York.

Rochester Scientific Company, Inc., Rochester, New York, Incorporated in State of New York.

Fisher Scientific, Limited, Ottawa, Canada, Incorporated in Province of Ontario (Domestic haulage in U.S. to border points only).

1. Parent Corporation: Harvey Hubbell, Incorporated, 584 Derby Milford Road, Orange, CT 06477.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

(a) The Ohio Brass Company, 380 North Main Street, Mansfield, OH 44902.

(b) The Kerite Company, 49 Day Street, Seymour, CT 06483.

(c) RACO Inc., 3902 W. Sample Street, South Bend, IN 46619.

1. Parent corporation and address of principal office: Hastings Irrigation Pipe Co., East on Hwy. 6, Hastings, Nebraska 68901.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

(a) Hastings Transportation, Inc., East on Hwy. 6, Hastings, Nebraska 68901.

(b) Hastings Pipe International, Inc., East on Hwy. 6, Hastings, Nebraska 68901.

1. Parent corporation and address of principal office: Liberty Diversified Industries, Inc., 5600 North County Road 18, Minneapolis, MN 55428.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Liberty Carton Company, 5600 N. County Road 18, Minneapolis, MN 55428.

(b) Fidelity Products Company, 5600 N. County Road 18, Minneapolis, MN 55428.

(c) Safco Products Company, 5600 N. County Road 18, Minneapolis, MN 55428.

(d) Shamrock Industries, Inc., 5600 N. County Road 18, Minneapolis, MN 55428.

(e) Valley Craft, Inc., 5600 N. County Road 18, Minneapolis, MN 55428.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16125 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

[No. 37064]

OKC Corp. v. Missouri-Kansas-Texas Railroad Co., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Exemption from the application of Subtitle IV of Title 49 of the United States Code is granted under 49 U.S.C. 10505 to permit waiver of undercharges on iron ore movements by complainant between February 6, 1976 and June 11, 1978.

EFFECTIVE DATE: The exemption was effective May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By notice published March 27, 1981 (46 FR 19109), the Commission sought comments on its proposal to use its exemption powers under 49 U.S.C. 10505 to permit waiver of undercharges on iron ore movements by complainant, OKC Corporation, between February 6, 1976 and June 11, 1978. Defendant railroads requested that they be permitted to waive collection of charges they agree are unreasonably high. Absent use of section 10505, this relief would be unavailable because market dominance (49 U.S.C. 10709) was not proven.

In the notice, we indicated our belief that use of 49 U.S.C. 10505 was appropriate in the special circumstances presented. However, because this was the first time our authority under that section has been used in this manner, the exemption was made provisional. The exemption was to become effective in 60 days (May 26, 1981) unless we issued an order before that day disapproving the exemption in light of the filed comments. We issued no such order.

No adverse comments were filed on behalf of any shippers or carriers. The Section of Enforcement of the Commission's Office of Consumer Protection expressed concern as to whether Congress intended the exemption authority to be applied retroactively. However, we found

nothing in the Staggers Rail Act to preclude exemptive relief in these limited special circumstances.

As emphasized in the notice, the carriers would not be taking advantage of OKC or any other shipper by not assessing the published rate. In fact, the shipper would be granted relief from what the parties consider to be an unreasonably high rate. Application of contrary provisions in the Act would be an unreasonable burden on the parties. More importantly, the issue is of extremely limited scope, and it is obvious that in this situation regulation is not necessary to protect OKC from an abuse of market power.

An exemption from the application of Subtitle IV will apply on OKC shipments moving from Cushing, TX to Pryor, OK between February 5, 1976 and June 11, 1978. Under the terms of our notice defendants were authorized to waive collection of undercharges after May 26, 1981.

This decision will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: May 21, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gresham dissented. Acting Chairman Alexis and Commissioner Gilliam were absent and did not participate in the disposition of this proceeding.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16120 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29615]

Mt. Vernon Terminal Railway Inc.; Construction and Operation of a Line of Railroad in Whatcom County, WA

AGENCY: Interstate Commerce Commission (ICC), Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

Notice is hereby given that, in accordance with the National Environmental Policy Act (NEPA) of 1969, the Interstate Commerce Commission's Energy and Environment Branch, acting as joint lead agency in cooperation with the State of Washington Department of Ecology, intends to prepare an Environmental Impact Statement (EIS) addressing the proposed construction of a rail line for which Commission authorization is required. The purpose of the rail line is to transport bulk commodities between the port and industrial complex of Cherry Point and an interconnect with the Canadian Pacific Railway Co. at Sumas, in Whatcom County, WA. Applicant, the Mt. Vernon Terminal Railway Company Inc., is giving initial consideration to selection of its proposed alignment.

The EIS will identify and examine the potential environmental impacts of the rail line proposed by the applicant and of all feasible alternative rail routes. The potential impact area as presently defined includes western Whatcom Co. from the City of Bellingham north to the Canadian Border. Alternatives tentatively identified include:

Construction of a completely new line of railroad north of the Nooksack River connecting Sumas to Cherry Point.

Construction of a new line of railroad paralleling the former Milwaukee Road line to a point south of the Nooksack River and then westerly to Cherry Point.

Utilization of existing and/or abandoned railroads to the extent practicable coupled with segments of rail rehabilitation and new construction.

Upon completion of the Draft EIS, its availability will be announced in the **Federal Register** and local newspaper, at which time public comments will be invited.

The Energy and Environment Branch's preparation of an EIS is preliminary to the Commission's adjudication process, at which time other substantive issues will be addressed. Additional opportunities for public input are anticipated. Notice of such opportunities will be provided.

The Commission has taken steps to initiate the scoping process as defined in the current Council on Environmental Quality (CEQ) regulations. Pursuant to this, a public scoping meeting will be held at 7:00 p.m. on Tuesday, June 16, at Fisher Elementary School, 501 North 14th Street, Lynden, Washington. All interested agencies, organizations, and indivudials are invited to attend this meeting, the purpose of which is to determine the scope of issues to be addressed in the EIS, to identify the significant environmental issues related to the proposed action, and to set forth the role of cooperating agencies in the preparation of the EIS.

FOR FURTHER INFORMATION CONTACT: Mr. Paul S. Mushovic, Energy and Environment Branch, Room 5380, Interstate Commerce Commission, 12th and Constitution Avenue, NW Washington, D.C. 20423, Telephone: (202) 275-7916.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16013 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-50F)]

Seaboard Coast Line Railroad Co.—Abandonment—Between Palatka and Interlachen, FL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided May 22, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of a portion of a line of railroad known as the Palatka Subdivision extending from railroad milepost AS-701.0 near Palatka, FL to milepost AS-715.4 at Interlachen, FL, a distance of 14.4 miles, in Putnam County, FL. A certificate of public convenience and necessity permitting abandonment was issued to the Seaboard Coast Line Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on SCL, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment

shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16123 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-45F)]

Seaboard Coast Line Railroad Co.—Abandonment—Between Scotland Neck and Parmele, NC; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided May 11, 1981 a finding which is administratively final, was made by the Commission, Review Board Number 3, stating that the public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of the portion of a line of railroad which extends from milepost AA-110.50 near Scotland Neck, NC to milepost AA-134.77 at Parmele, NC in Halifax and Martin Counties, NC, a total distance of 24.27 miles, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

A certificate of abandonment will be issued to Seaboard Coast Line Railroad Company based on the above-described finding of abandonment, 30 days after publication, unless within 15 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies of Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16122 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Section 5b Application No. 2[1]]

Western Railroads—Agreement; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of acceptance of implementation plans.

SUMMARY: In a decision served January 21, 1981 and noticed in the **Federal Register** January 25, 1981 (46 R 9218) the Commission ordered the rate bureaus to comply with its decision by filing, by March 7, 1981, amended agreements and plans phasing in the direct connectors definition of practicable participation in a joint-line movement (49 U.S.C. 10706(a)(3)(iii)). In a decision served March 2, 1981 and noticed in the **Federal Register** March 11, 1981 (46 FR 16150) the carriers were given an extension until April 6, 1981.

The implementation plans were filed in a timely fashion and have been found to conform with our January 21 decision. Therefore, the Commission finds the plans acceptable. This decision approves the implementation plans only; action on the newly-filed agreements will be by separate decision.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

[1] This proceeding also embraces Section 5b Application No. 3, Eastern Railroads—Agreement, and Section 5b Application No. 6, Southern Railroads—Agreement.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis was absent and did not participate.

Dated: May 19, 1981.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15042 Filed 5-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-10789, published on page 21253 on Thursday, April 9, 1981, in the third column in paragraph "MC 33641 (Sub-163)" in the last line "between two points in the U.S." should be corrected to read "between points in U.S."

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. National Finance Adjusters, Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS) have been filed with the United States District Court for the Eastern District of Michigan in *United States* v. *National Finance Adjusters, Inc.*, Civil Action No. 81-70005. The Complaint in this case alleged that National Finance Adjusters ("NFA"), a national association of repossessors, and its co-conspirators engaged in a combination and conspiracy to fix prices, restrict territories and limit membership in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1. The proposed Consent Judgment enjoins the defendant from fixing, advertising and publishing any prices for repossession services; participating in any communications with representatives of other repossessor associations that relate to prices for repossession services; engaging in any conduct the effect of which is to influence the formulation of prices for repossession services; and expelling any NFA member or denying or delaying any NFA applicant membership on the basis of population or other demographic information, or on the basis of the number of NFA members who operate or may operate in that service area. Further, the proposed

Judgment enjoins the defendant from any activity the purpose or foreseeable effect of which is to allocate, restrict or otherwise influence the service area or territory in which any of its members operate, and from establishing or maintaining unreasonable fees for NFA membership. The defendant is required to publish certain information in its publications; to eliminate any restrictions on NFA members concerning the manner or extent of advertising their service area; to eliminate certain NFA membership requirements; and to admit any applicant for NFA membership who meets certain requirements. The defendant also is required to establish an antitrust compliance program which must include annual reporting to the Department of Justice and notification of this Judgment to each of its officers, directors, employees and members.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to John W. Poole, Jr., Chief, Special Litigation Section, Room 7216, Antitrust Division, Department of Justice, Washington, D.C. 20530, (Telephone: (202) 633–2426).

Joseph H. Widmar,

Director of Operations.

United States District Court, Eastern District of Michigan

United States of America, *Plaintiff,* v. National Finance Adjusters, Inc., *Defendant;* Civil No. 81–70005, file: May 19, 1981.

Stipulation

It is stipulated by the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form attached may be filed and entered by the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that the plaintiff has not withdrawn its consent, which it may do any time before the entry of the proposed Final Judgment by serving notice on defendant and by filing that notice with the Court.

2. If the plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

For the Plaintiff:
William F. Baxter,
Assistant Attorney General.
Mark Leddy,
John W. Poole, Jr.,
Judy Whalley,
Catherine G. O'Sullivan,
Attorney, U.S. Department of Justice.
Charles Jerome Ware,
Terrence F. McDonald,
Steven B. Kramer,
Attorneys, Antitrust Division, U.S. Department of Justice, 10th & Pennsylvania Ave., N.W., Washington, D.C. 20530, Telephone: (202) 633–2438.

For the Defendant:
E. Thomas W. Stahl,
Ralph C. Schwartz,
Phillip M. Sutley.

National Finance Adjusters, Inc.:
By: Derrell Biddy,
President.

Final Judgment

The plaintiff, United States of America, having filed its complaint on January 5, 1981, and the plaintiff and the defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party with respect to any issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is

Ordered, adjudged and decreed, as follows:

I

This Court has jurisdiction over the subject matter of this action and over each of the parties. The complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

(A) "Repossessor" or "adjuster" means any individual, partnership, corporation, association, firm, or any other business or legal entity which provides repossession services for banks, credit unions or other lenders that seek to recover merchandise sold under security agreements where the debtor has forfeited possessory rights by defaulting on loan terms.

(B) "Repossession services" includes, but is not limited to, tracing of property, collection and adjustment of loans, as well as repossession, sale or return of collateral.

III

This final Judgment applies to the defendant National Finance Adjusters, Inc. ("NFA") and to its officers, directors, members, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with the defendant who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

The defendant, whether acting unilaterally or in concert with any other person, is enjoined from, directly or indirectly:

(1) Fixing, establishing, or maintaining any price schedule or list for repossession services;

(2) Advocating, urging, recommending or suggesting any price schedule or list for repossession services;

(3) Publishing or distributing any price schedule or list for repossession services;

(4) Participating in any conversations, discussions or other communications with representatives of other repossessor associations that in any way relate to any price, price schedule or list for repossession services; or

(5) Engaging in any other conduct the purpose or foreseeable effect of which is to influence the formulation of any price schedule or list for repossession services.

V

The defendant is ordered to publish in a prominent manner in the prefatory section of each NFA membership directory or other similar publication, the following statement:

In conformity with a consent decree entered into with the United States Department of Justice, National Finance Adjusters, Inc., has discontinued publishing and disseminating fee schedules. All schedules contained in prior editions are, in their entirety, null and void. National finance Adjusters makes no suggestion whatsoever concerning fees or prices for repossession services and does not restrict or limit the right of any of its members to determine, in accordance with his or her individual business judgment, the fees to charge for repossession services.

VI

The defendant is prohibited from publishing any other reference to prices or fees for repossession services in its directory or other publications; *provided however,* that nothing in this Judgment shall:

(1) Limit the ability of NFA to urge prospective purchasers of repossession services to negotiate in advance with members as to prices or fees; or

(2) Limit the ability of NFA to allow individual NFA members to advertise in the NFA directory, or other NFA listings, his or her individual prices or fees for repossession services.

VII

The defendant is enjoined from expelling any member from NFA membership or from denying or delaying any application for NFA membership, in whole or in part, on the basis of:

(1) The population or other demographic information of a member's or an applicant's service area; or

(2) The number of other NFA members or applicants who operate or may operate in that service area.

VIII

The defendant is ordered and directed to eliminate any restrictions on NFA members

concerning the manner or extent of advertising their service area in any advertisement, directory or other publication.

IX

The defendant, whether acting unilaterally or in concert with any other person, is enjoined from any activity the purpose or foreseeable effect of which is to allocate, protect, limit, or otherwise influence the service area or territory in which any of its members operate or advertise that they operate.

X

Defendant is ordered and directed to eliminate the following NFA membership requirements:

(a) Any time period of experience in the repossession business that is greater than one year.

(b) Full-time repossession business;

(c) United States citizenship; or

(d) Any requirements based on any evaluation or determination of an applicant's financial condition, personal character or morals, or local referral business.

XI

Defendant is ordered and directed to admit any applicant for NFA membership who meets the following requirements:

(1) Ability to obtain and retain, in the commercial market, reasonable fidelity bonds;

(2) Applicant is licensed under all applicable state and local licensing laws;

(3) Certification that he or she has not been convicted of a felony within a period of up to ten years prior to his or her application for membership;

(4) One year of experience as an active repossessor; and

(5) Maintains a principal office location specifically for his or her repossession business during NFA membership.

XII

The defendant is enjoined from establishing or maintaining unreasonable fees for NFA membership.

XIII

The defendant is ordered to publish in the prefatory section of each NFA membership directory, or other similar publication, the address to which applications for NFA memberships should be forwarded. Within fifteen (15) days of receiving any application for membership, the defendant shall furnish to each applicant a written response stating when the application will be reviewed, whether the applicant is complete, and if the application is not complete, a written itemization of any document or information necessary to complete the application. NFA shall convene at least two meetings per yaer at which membership applications shall be reviewed. All applications completed before any NFA meeting shall be reviewed at that meeting. Within ten (10) days after reviewing any membership application, the defendant shall furnish a written notice to each applicant indicating whether the applicant was accepted for NFA membership, and, if the applicant was not accepted, a written statement of reasons why the applicant was not accepted for membership.

XIV

The defendant is ordered and directed:

(A) To furnish within sixty (60) days after entry of this Final Judgment a copy thereof to each of its officers, directors, employees and members engaged in the repossession business;

(B) To furnish a copy of this Final Judgment to each person who in the ten (10) years after entry of this Final Judgment, becomes an officer, director, employee or member engaged in the repossession business within thirty (30) days after such person is employed by or becomes associated with the defendant;

(C) To direct each person to whom a copy of this Final Judgment is furnished pursuant to subparagraphs XIV(A) and XIV(B) hereof to retain such copy as long as he or she is employed by or associated with the defendant;

(D) To require each person to whom a copy of this Final Judgment is furnished pursuant to subparagraphs XIV(A) and XIV(B) hereof to sign and submit to the defendant a certificate in substantially the following form; and the defendant shall retain such certificates as long as this Final Judgment is in effect and for one year thereafter:

The undersigned hereby (1) acknowledges receipt of a copy of the 1981 antitrust Final Judgment, (2) represents that the undersigned has read and understands such Final Judgment, and (3) acknowledges that the undersigned has been advised and understands that non-compliance with the Final Judgment may result in conviction for contempt of court and imprisonment and/or fine.

(E) At least once each year, during the ten (10) years after entry of this Judgment, to call to the attention of each of its officers, directors, employees and members engaged in the repossession or finance adjustment business the limitations imposed upon them by this Final Judgment, and of the sanction that may be imposed for non-compliance therewith;

(F) To file with the court and serve upon the plaintiff, within ninety (90) days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subsection XIV(A) hereof; and

(G) To furnish the plaintiff within thirty (30) days after each anniversary date of the entry of this Final Judgment, for a period of ten (10) years, an affidavit as to the fact of and manner of securing and ascertaining compliance with, the provisions of Sections IV, V, VI, VII, VIII, IX, X, XI, XII, XIII and subsections XIV(B), XIV(C), XIV(D), and XIV(E) of this Final Judgment.

XV

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the defendant made to its principal office, be permitted:

(1) Access during the office hours of the defendant to inspect and copy all books, ledgers, account, correspondence, memoranda, and other records and documents in the possession or under the control of the defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers, directors, employees, agents, or members of the defendant, who may have counsel present, regarding any such matters.

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to the defendant's principal office, the defendant shall submit such written reports, under oath if required, with resepct to any of the matters contained in this Final Judgment as may be requested. No information or documents obtained by the means provided in this Section XIV shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by the defendant to plaintiff, the defendant represents and identifies in writing the material in any such information or documents for which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the defendant markes each pertinent page of such material, "Subject to Claim of Protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to the defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

XVI

Jurisdiction is retained by the Court for purposes of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or implementation of this Final Judgment, for the modification of any of the provisions thereof, for the enforcement or compliance therewith, and the punishment of violations hereof.

XVII

This Final Judgment shall remain in effect until ten (10) years from date of entry.

XVIII

Entry of this Final Judgment is in the public interest.

———— ————,

United States District Judge.

Competitive Impact Statement

This competitive impact statement, relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding, is filed by the United States pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b) (1976).

I Nature and Purpose of the Proceeding

On January 5, 1981, the United States filed a civil antitrust Complaint alleging that National Finance Adjusters, Inc. ("NFA"), a national association of repossessors located in Detroit, Michigan, and its co-conspirators had conspired to fix prices, restrict territories and limit membership in violation of Section 1 of the Sherman Act, 15 U.S.C. 1 (1976).

The Complaint alleges that, beginning at least as early as 1975, and continuing to the date of the filing of the complaint in the action, the defendant and various co-conspirators engaged in a nationwide combination and conspiracy to agree on, prepare, publish in defendant's directory, disseminate and encourage members to adhere to, fee schedules for repossession services; to restrict membership to one or few members in certain geographic areas; to restrict the area in which each of defendant's members could advertise its repossession services; and to establish arbitrary and unreasonable membership restrictions.

The Complaint asks the Court to enjoin and restrain the defendant from such activities in the future.

Entry by the Court of the proposed Final Judgment will terminate this litigation. The Court will retain jurisdiction for possible future proceedings which might be required to interpret, modify or enforce the provisions of the proposed Final Judgment.

II Nature of the Alleged Violation

Repossessors, or adjusters as they are sometimes called, provide services for banks, credit unions and other lenders that seek to recover merchandise sold under a security agreement. During the period covered by the Complaint the defendant had member-repossessors located throughout the United States.

The Complaint alleges that the defendant and co-conspirators agreed to eliminate price and other forms of competition in the trade and commerce of providing repossession services. The Complaint alleges further that they did, among other things, the following: (a) agreed to, prepared, published in the NFA directory, disseminated and encouraged members to adhere to fee schedules for repossession services; (b) restricted membership in NFA to one or few members in certain geographic areas; (c) restricted the area for which each NFA member could advertise its services; and (d) established arbitrary and unreasonable membership restrictions.

III Explanation of the Proposed Final Judgment

The United States and the defendant have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (1976). The proposed Final Judgment states that it constitutes no admission by any party with respect to any issue of fact or law.

Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed Final Judgment is in the public interest. Accordingly, Section XVIII of the proposed Final Judgment states that entry of this Final Judgment is in the public interest.

The proposed Final Judgment contains two principal forms of relief. First, the defendant is enjoined from engaging in the behavior that constituted the conspiracy alleged in the Complaint. Second, the proposed Final Judgment places affirmative burdens on the defendant directed toward preventing such behavior.

A. Prohibited Conduct

Under Section IV of the proposed Final Judgment the defendant is restrained from (1) fixing any price schedule or list for repossession services; (2) advertising any price schedule or list for repossession services; (3) publishing any price schedule or list for repossession services; (4) participating in any communications with representatives of other repossessor associations that relate to any price schedule or list for repossession services; or (5) engaging in any conduct the effect of which is to influence the formulation of any price schedule or list for repossession services.

Under Section VI of the proposed Final Judgment the defendant is prohibited, with two exceptions, from publishing any other reference to prices or fees for repossession services in its directory or other publications.

Under Section VII of the proposed Final Judgment the defendant is enjoined from expelling any member from NFA membership or from denying or delaying any application for NFA membership on the basis of (1) the population or other demographic information of a member's or an applicant's service area, or (2) the number of other NFA members or applicants who operate or may operate in that service area.

Under Section IX of the proposed Final Judgment the defendant is enjoined from any activity the purpose or foreseeable effect of which is to allocate, protect, limit or otherwise influence the service area or territory in which any of its members operate or advertise that they operate.

Under Section XII of the proposed Final Judgment the defendant is enjoined from establishing or maintaining unreasonable fees for NFA membership.

B. Defendant's Affirmative Obligations

Under Section V of the proposed Final Judgment the defendant is required to publish in a prominent manner in the prefatory section of each NFA membership directory or other similar publication, a statement of conformity with the prices or fees provisions of the consent decree.

Under Section VIII of the proposed Final Judgment the defendant is required to eliminate any restrictions on NFA members concerning the manner or extent of advertising their service area in any advertisement publication.

Under Section X of the proposed Final Judgment the defendant is required to eliminate certain prior NFA membership requirements.

Under Section XI of the proposed Final Judgment the defendant is ordered to admit any applicant for NFA membership who meets the following requirements: (1) ability to obtain and retain, in the commercial market, reasonable fidelity bonds; (2) licensure under all applicable state and local licensing laws; (3) certification that he or she has not been convicted of a felony within a period of up to ten years prior to his or her application for membership; (4) one year of experience as an active repossessor; and (5) a principal office location specifically for his or her repossession business during NFA membership.

Under Section XIII of the proposed Final Judgment the defendant is ordered to publish in the prefatory section of each NFA membership directory or other similar publication, certain information regarding the membership application process.

Sections XIV and XV of the proposed Final Judgment require the defendant to establish an antitrust compliance program which must include annual reporting to the Department of Justice and notification of this Judgment to each of its officers, directors, employees and members.

Under Section XVI of the proposed Final Judgment, jurisdiction is retained by the Court for purposes of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or implementation of this Final Judgment, for the modification of any of the provisions, for the enforcement or compliance, and the punishment of violations. Further, under Section XVII, the proposed Final Judgment shall remain in effect until ten (10) years from the date of entry.

C. Scope of the Proposed Judgment

The proposed Final Judgment applies to the defendant and to its officers, directors, members, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with the defendant who have received actual notice of this Final Judgment by personal service or otherwise.

D. Effect of the Proposed Judgment on Competition

The terms of Sections IV and VI of the Judgment are designed to ensure that the defendant's members will act independently in determining the prices or fees to charge for repossession services. Accordingly, the affirmative obligations of Sections V and XIV are directed toward informing the defendant's clients, members, employees and others of this Final Judgment and their obligations under the decree not to engage in the type of behavior alleged in the Complaint.

The terms of Sections VII and IX of the Judgment are designed to ensure that the defendant will not unfairly or unreasonably restrict NFA memberships and geographic territories in which any of its members operate or advertise that they operate. Accordingly, the affirmative obligations of Sections VIII, X, XI, XIII, and XIV are directed toward the establishment of fair, reasonable and objective criteria for admission to membership in any geographic area, and advertising by members.

Compliance with the proposed Final Judgment should prevent collusion among the defendant, its members and competitors in determining the prices or fees to charge for repossession services and in unreasonably restricting NFA memberships and geographic territories in which NFA members operate or advertise that they operate.

IV Remedies Available to Potential Private Plaintiffs

After entry of the proposed Final Judgment, any potential private plaintiff that might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable relief that it may have had if the Final Judgment had not been entered. The Final Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(b).

V Procedures Available for Modification of the Proposed Consent Judgment

The proposed Final Judgment is subject to a stipulation between the Government and the defendant which provides that the Government may withdraw its consent to the proposed Judgment any time before the Court has found that entry of the proposed Judgment is in the public interest. By its terms, the proposed Judgment provides for the Court's retention of jurisdiction of this action in order to permit any of the parties to apply to the Court for such orders as may be necessary for the modification of the Final Judgment.

As provided by the Antitrust Procedures and Penalties Act (15 U.S.C. 16), any person wishing to comment upon the proposed Judgment may, for a sixty-day period subsequent to the publishing of this document in the **Federal Register**, submit written comments to the United States Department of Justice, Attention: John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, Washington, D.C. 20530. Such comments and the Government's response to them will be filed with the Court and published in the **Federal Register**. The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Judgment.

VI Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial on the merits and on relief. The Division considers the proposed Final Judgment to be of sufficient scope and effectiveness to make a trial unnecessary because it provides for all the relief prayed for in the Complaint.

VII Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Consequently, none are being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Respectfully submitted,

Charles Jerome Ware,

Terrence F. McDonald,

Steven B. Kramer,

Attorneys, Antitrust Division, Department of Justice, Washington, D.C. 20530, (Telephone: (202) 633-2438).

[FR Doc. 81-16083 Filed 5-28-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive Commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 26th day of May 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending May 30, 1981

Name of applicant and location of enterprise	Principal product or activity
The Telluride Co., Telluride, Colorado	Ski resort.

[FR Doc. 81-16033 Filed 5-28-81; 8:45 am]

BILLING CODE 4510-30-M

Job Corps; Determination of Negative Environment Impact

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice-finding of negative environmental impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act (NEPA) that the establishment of a Job Corps center at the Ada Merritt Junior High School in Miami, Florida does not constitute a

major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION CONTACT: Richard A. Jaffe, Director, Office of Job Corps and Young Adult Conservation Corps, Room 6100, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213. Telephone (202) 376–6995.

SUPPLEMENTARY INFORMATION: Title IV, Part B of the Comprehensive Employment and Training Act (CETA), as amended, Pub. L. 95–524, 29 U.S.C. 923 *et seq.* directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 16 through 21. The Secretary has issued regulations published at 20 CFR Part 684, implementing Title IV, Part B of CETA. Pursuant to his authority, the Secretary is planning to establish a Job Corps center provided an agreement can be reached on acquisition of the facilities.

Pursuant to the NEPA Regulations at 40 CFR 1501.3 and 1501.4(b) and the Department's NEPA Regulations at 29 CFR 11.10(b), the Department of Labor conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR Part 1508. The proposed Job Corps center will be a training center with residential, nonresidential and educational facilities for approximately 210 disadvantaged youth, men and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 70 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for residential living and education.

The center will be a self-contained facility except for Medical/Dental Services which will be contracted for off-center. The center will be located one mile from the heart of downtown Miami: at 550 S.W. Third Street, Miami, between S.W. Seventh and S.W. Sixth Avenues. The site surveyed for use by Job Corps consists of three buildings on 2 to 2½ acres of land. These buildings will be renovated in order to make them suitable for housing the Job Corps center.

Water and sanitary services are provided by the Miami-Dade Water and Sewer Authority. Electric power is supplied by the Florida Power and Light Company. Natural gas is provided by Florida Gas. With regard to fire protection, fire hydrants are located at the end of every block in this section of the city. There are two fire hydrants directly adjacent to the site. The nearest fire department is located at N.W. 20th Street and 12th Avenue, N.W. with an estimated response time of ten minutes.

The proposed Job Corps center will be operated in compliance with the Job Corps Environmental Standards published at 20 CFR 684.125 and with applicable Federal, State and local regulations concerning environmental health. The proposed Job Corps center will comply with the water quality and related standards of the State and local government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, with Executive Order 11752, and with regulations and guidelines of the United States Environmental Protection Agency.

The center installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752.

My determination is that the establishment and operation of the Center will have no adverse impact upon traffic, transportation systems, pedestrian or vehicular congestion, police protection services, public safety, legal services, or upon the aesthetics or residential quality of the nearby area. I further determine that the establishment and operation of the Center will have no adverse effects upon ecological systems, population distribution, air or water pollution, municipal services, or health or life support systems. Accordingly, I hereby determine that the establishment of the Job Corps center will not have a significant adverse impact upon the quality of the human environment of the nearby area, or the greater Miami community.

The Job Corps center will be operated with the pass-leave procedures required by Job Corps regulations and operational procedures. I find that in light of the enrollment level and utilization of the pass-leave procedures, that congestion in the area will not increase.

There will be no material impact upon transportation or traffic within the area.

It is further determined that the establishment and operation of the Center is not likely to have a significant adverse impact upon use of police services or the public safety. Adequate provisions are planned to carefully screen prospective enrollees so as to minimize the possibility of disciplinary problems, or problems with possible Center related public safety.

Adequate staffing personnel and protection will be provided at the Miami Job Corps Center in accordance with Job Corps' operating procedures and regulations.

I further find that fire protection services in the area will not be adversely affected and that systems in the facilities will be upgraded to further reduce risk of fire from the present risk level.

In conclusion, it is my determination, after careful review and consideration of the nature of Job Corps' proposed action, in light of Job Corps' purposes, objectives and operational procedures, that the impact of the establishment of the center at the site upon the surrounding community, will not be significant and that the environmental assessment conducted by the Department of Labor clearly indicates that preparation of an environmental impact statement is not required because the establishment of the Job Corps Center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR Part 1508.

Signed at Washington, D.C., this 13th day of May 1981.

Richard A. Jaffe,

Director, Office of Job Corps and Young Adult Conservation Corps.

[FR Doc. 81-16140 Filed 5-28-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-3-M]

AMAX Lead Company of Missouri; Petition for Modification of Application of Mandatory Safety Standard

AMAX Lead Company of Missouri, Boss, Missouri 65440 has filed a petition to modify the application of 30 CFR 57.4–61A (installation of ventilation doors) to its Buick Mine located in Iron County, Missouri. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that ventilation doors be installed at or near shaft stations or intake shafts.

2. The mine's intake ventilation shafts are 18 feet in diameter and concrete lined.

3. Petitioner states that the absence of combustible materials within the intake ventilation shaft negates the need for ventilation doors and further states that

installation of such doors would not provide any increase in safety for the miners affected.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1981. Copies of the petition are available for inspection at that address.

Dated: May 21, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-16137 Filed 5-28-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-114-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Renton Mine located in Allegheny County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return air courses be examined in their entirety on a weekly basis.

2. The roofs of the return entries have deteriorated and fallen in some areas; these entries have also experienced water accumulation.

3. Petitioner states that examinations of these air courses would expose miners to hazardous conditions.

4. As an alternate method, petitioner proposes to establish and maintain specified air monitoring stations and record the results of examinations in a book at each location. Weekly air readings and methane testings will be made by a certified person at each location; any increase in methane content of 0.5 percent over the last reading will be immediately investigated. In addition, a 10 percent reduction in the air quantity will be immediately investigated.

5. Petitioner states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 29, 1981. Copies of the petition are available for inspection at that address.

Dated: May 20, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-16138 Filed 5-28-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-24-M]

Occidental Oil Shale, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Occidental Oil Shale, Inc., Post Office Box 2687, Grand Junction, Colorado 81502 has filed a petition to modify the application of 30 CFR 57.4-58 (underground fires; requirements) to its Logan Wash Operations located in Garfield County, Colorado. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fires shall not be built underground.

2. Petitioner is under contract with the U.S. Department of Energy (DOE) for engineering development and technical feasibility demonstration of a vertical modified in situ oil shale retorting process (MIS process) at the mine.

3. As an alternate method, petitioner proposes to operate Mini Retort No. 1 using a number of safeguards, including monitoring for various gases such as nitrogen, hydrogen and methane; ventilation proposals; rescue equipment and training; and evacuation and contingency plans.

4. Based on extensive experience over the years, petitioner states that all anticipated relevant factors have been taken into account to guarantee the greatest degree of safety during retort operations and that these will provide miners the same degree of safety as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These

---

Occupational Safety and Health Administration

[V-78-5]

Interlake Stamping Corp.; Experimental Variance Extension

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Extension of variance.

SUMMARY: This notice announces the extension of an experimental variance to Interlake Stamping Corporation from the standards prescribed in 29 CFR 1910.217 concerning mechanical power presses.

DATES: The effective date of the extension is May 29, 1981.

FOR FURTHER INFORMATION CONTACT: James J. Concannon, Director, Office of Variance Determination, U.S. Department of Labor—OSHA, Third Street and Constitution Avenue, N.W., Room N-3662 Washington, D.C. 20210, Telephone: (202) 523-7144; or the following Regional and Area Offices:

U.S. Department of Labor—OSHA, 32nd Street-Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604

U.S. Department of Labor—OSHA, Federal Office Building, Room 847, 1240 East Ninth Street, Cleveland, Ohio 44199

I. Background

The experimental variance granted to Interlake Stamping Corporation under section 6(b)(6)(C) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655), was previously extended for six months on September 9, 1977 (42 FR 45389) and for two years on March 6, 1979 (44 FR 12288). The experimental variance was originally granted on August 31, 1976 (41 FR 36702) from the standards prescribed in 29 CFR 1910.217(c)(3)(iii)(*b*) which prohibits the

use of a presence sensing device for tripping a mechanical power press.

The facility affected by this application is: Interlake Stamping Corporation, 4732 East 355th Street, Willoughby, Ohio 44094.

The initial purpose of this experiment was to collect information to aid in determining whether the OSHA standard should be modified to permit the tripping of mechanical power presses with presence sensing devices.

To date, the comparison record for malfunctions and productivity between the pressses using automatic tripping and those using conventional tripping means show that the presses with automatic tripping have fewer malfunctions and higher productivity.

As information has been collected from Interlake and other sources during this experimental period, it has become apparent that additional information is needed before a final decision can be made on whether to modify the standard and, if so, what requirements and/or restrictions should be included in the new standard.

In order to obtain the necessary information the National Institute for Occupational Safety and Health awarded a contract to Purdue Research Foundation in West Lafayette, Indiana for a fafety study of OSHA's experimental variance on self-tripping of mechanical power pressesl specifically Purdue shall;

1. Observe and evaluate the self tripping experiment at Interlake Stamping Corporation;

2. Research the design and application practices which would probably develop if the experiment were expanded or if § 1910.217(c)(3)(iii)(*b*) was modified; and

3. Develop design and performance criteria approval procedures, and continuing research strategies.

II. Decision

The Purdue study of OSHA's experimental variance on self-tripping of power presses will provide the data and evidence necessary to make a determination on whether to modify the standard. Moreover, the continuing use of the presses in an automatic trip mode will provide continuing comparison data on different methods of actuating presses. This information provides a base against which to evaluate the information obtained through other means. Continuation of the experimental variance will provide an opportunity for Purdue Research Foundation to complete its safety study of the presence sensing device while it is being used under the terms of the experimental variance. In addition, while the experiment may later be expanded to other worksites, it is valuble to have a location in which to observe the system in use.

Therefore, for the above reasons, it has been determined that is is essential that the experimental variance be extended for a period not to exceed one year.

III. Order

Pursuant to authority in section 6(b)(6)(C) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 8–76 (41 FR 25059) it is ordered that Interlake Stamping corporation be, and it is hereby, authorized to continue its experiment for up to one year under the terms of the order granting the experimental variance of August 31, 1976 (41 FR 36702). In addition, Interlake shall obtain, within two weeks of the date of this extension, new statements from all operators as required under item 5(b) of the original order granting the variance. In addition, item 17 of the original order shall be modified to read;

17. This variance shall continue in effect for a period not to exceed one year.

As soon as possible Interlake Stamping Corporation shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. this order shall become effective on May 29, 1981 and shall remain in effect until modified or revoked in accordance with section 6(b)(6)(C) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 21st day of May 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

FR Doc. 81–16134 filed 5–28–81; 8:45 am]

BILLING CODE 4510–28–M

Office of Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. 1142, a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9:30 a.m. on Tuesday, June 30, 1981, in Room S–4215C, U.S. Department of Labor, Third and Constitution Avenue, N.W., Washington, D.C.

The purpose of the meeting is to discuss the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Department of Labor Progress Report.

2. Council Work Group Reports:

Portability Work Group
Communications Work Group
Legislative Work Group
Reporting, Disclosure and Recordkeeping Work Group
Collective Bargaining Work Group

3. Statements from the Public.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA, by submitting 30 copies on or before June 29, 1981, to the Administrator, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room S–4522, Third and Constitution Avenue, N.W., Washington, D.C. 20216.

Persons desiring to address the Council should notify Edward F. Lysczek, Executive Secretary of the Advisory Council, in care of the above address or by calling (202) 523–8753.

Signed at Washington, D.C., this 26th day of May 1981.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs.

[FR Doc. 81–16071 Filed 5–28–81; 8:45 am]

BILLING CODE 4510–28–M

Office of the Secretary

[TA–W–11,983]

Ball & Socket Plastics, Incorporated, Waldoboro, Maine; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 31, 1980, in response to a workers petition received on December 23, 1980, which was filed on behalf of workers at Ball & Socket Plastics, Inc., Waldoboro, Maine.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 21st day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–16135 Filed 5–28–81; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-11,854]

E. M. Richmond Company, Hinton, West Virginia; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 8, 1980, in response to a worker petition received on November 24, 1980, which was filed on behalf of the workers at E. M. Richmond Company, Hinton, West Virginia.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 21st day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-16136 Filed 5-28-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-52)]

NASA Wage Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Wage Committee.

DATE AND TIME: June 26, 1981, 1:30 p.m. to 4:30 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 226B, Federal Building 10B, 600 Independence Avenue SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah C. Green, Code NPM-28, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-8520).

SUPPLEMENTARY INFORMATION: The Committee's primary responsibility is to consider and make recommendations to the NASA Director of Personnel on all matters involved in the development and authorization of a Wage Schedule for the Cleveland, Ohio, wage area, pursuant to Pub. L. 92-392. The Committee, Chaired by Mr. William Dey, consists of 11 members. During this meeting the Committee will consider wage survey data, local reports, recommendations, and statistical analyses and proposed wage schedules reviewed therefrom. Discussions of these matters in a public session would constitute release of confidential commercial and financial information obtained from private industry. Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(4), it has been determined that this meeting will be entirely closed to the public. However, members of the public who may wish to do so, are invited to submit material in writing to the Chairperson concerning matters felt to be deserving of the Committee's attention.

TYPE OF MEETING: Closed.

PURPOSE OF MEETING: The NASA Wage Committee will recommend to the NASA Wage Fixing Authority the proposed wage schedule to be adopted.

May 22, 1981.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

[FR Doc. 81-15900 Filed 5-28-81; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-445, 50-446]

Availability of Draft Environmental Statement for Comanche Peak Steam Electric Station, Units 1 and 2

Notice is hereby given that a Draft Environmental Statement (NUREG-0775) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Comanche Peak Steam Electric Station, Units 1 and 2, by the Texas Utilities Generating Company. The station is located in Somervell County, Texas.

This Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurrence and their consequences. Finally, the statement presents an updated discussion of a need for the facility based on information available in 1980.

This DES is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Somervell County Public Library, On the Square, P.O. Box 1417, Glen Rose, Texas 76043. The Draft Environmental Statement is also being made available at the North Central Texas Council of Governments, P.O. Drawer COG, Arlington, Texas 76011. Requests for copies of the DES (NUREG-0775) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this DES for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES (local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Somervell County Public Library. After consideration of comments submitted with respect to the DES, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the Federal Register. Comments are due by July 13, 1981.

Comments on this report from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 22d day of May 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-16118 Filed 5-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2 (the facility), located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to incorporate additional fire protection Limiting Conditions for Operation and Surveillance requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 17, 1979, as supplemented June 7, 1979, October 15, 1980 and December 3, 1980, (2) Amendment No. 57 to License No. DPR-23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 15th day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-16114 Filed 5-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-70]

General Electric Co. and General Electric Test Reactor; Availability of Applicant's Environmental Report and Notice of Intent To Publish an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, General Electric has filed an environmental report as part of their application for renewal of the operating license for General Electric Test Reactor located at the Vallecitos Nuclear Center near Pleasanton, California. The original request for renewal was submitted on October 21, 1975, and notice of Proposed Renewal of Facility License was published in the **Federal Register** on September 15, 1977 (42 FR 46427). The report, which discusses environmental considerations related to the continued operation of the facility is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Copies of the report are also being made available at the Office of the Governor, Office of Planning and Research, 400 Tenth Street, Sacramento, CA 95814 and Association of Bay Area Governments, Hotel Claremont, Berkeley, CA 94705.

In order to determine the scope of the issues to be addressed in the EIS and to identify the significant issues related to the proposed license renewal, an open scoping meeting will be held in the Little Theatre at the Granada High School, 685 Las Positas Boulevard, Livermore, CA 94550 at 9:30 AM on June 13, 1981.

After the environmental report has been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register** a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and Local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will issue a final environmental statement, the availability of which will be published in the **Federal Register.**

Any questions regarding the proposed license renewal or the environmental impact statement should be addressed to James R. Miller, Chief, Standardization & Special Projects Branch, Division of Licensing, Office of Nuclear Reactor Regulation, Washington, D.C. 20555, (301) 492-7014.

Dated at Bethesda, Md., this 22d day of May 1981.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 81-16115 Filed 5-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to clarify certain specifications related to testing Primary Coolant System check valves. This change is an administrative change.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 5, 1981, (2) Amendment No. 56 to License No. DPR-23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2) and (3) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 14th day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-16113 Filed 5-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-0000]

Order To Incorporate a Radiological Contingency Plan in Materials License No. 24-04206-01, Mallinckrodt, Inc.

AGENCY: United States Nuclear Regulatory Commission.

ACTION: Order to Mallinckrodt, Inc., to Modify License To Incorporate a New or Upgraded Radiological Contingency Plan.

Order To Modify License

I

Mallinckrodt Incorporated of St. Louis, Missouri ("the licensee"), with facilities located at 2703 Wagner Place, Maryland Heights, Missouri, is the holder of Materials License No. 24–04206–01 issued by the Nuclear Regulatory Commission ("the Commission"). The license authorizes the possession of any byproduct materials, in any form, having atomic numbers 1–83, inclusive. The license authorizes the use of the materials for the development and production of radiopharmaceuticals, radiochemicals and sources, and distribution to authorize recipients. The current license was issued on January 13, 1981, and is due to expire on December 31, 1985.

II

Before the issuance of this license, the staff reviewed the application and determined that the licensee could operate the facility in a safe manner. Nonetheless, based on the lessons learned from the accident at Three Mile Island and new perspectives on emergency preparedness and planning, the Commission has reevaluated the emergency preparedness requirements for its fuel cycle and materials licensees. The Commission has decided that significant improvements need to be made promptly to ensure that adequate onsite emergency response actions will be taken by licensees with major operations in cases where, even though unlikely, potentially serious radiation accidents could occur. The operations licensed to be carried our pursuant to Materials License No. 24–04206–01 appear to fall in this category and require the development of a comprehensive onsite radiological contingency plan. Specifically, considerations are needed to ensure: (1) That the plant contains adequate engineered safety features and is otherwise designed to limit releases of radioactive materials and radiation exposures in the event of an accident; (2) that a capability exists for measuring and assessing the significance of accidental releases of radioactive materials; (3) that appropriate emergency equipment and planning are provided onsite to protect workers against radiation hazards that might be encountered following an accident; (4) that notifications are made promptly to federal, state, and local government agencies; and (5) that necessary recovery actions are taken in a timely fashion to return the plant to a safe condition following an accident.

The information to be developed and documented is described in the enclosed "Standard Format and Content for Radiological Contingency Plans for Fuel Cycle and Materials Facilities" (Enclosure 1). In summary, the information to be submitted to NRC for review includes a: (1) Description of plant systems important to safety; (2) characterization of classes of credible emergencies that might occur; (3) description of radiological contingency measures for each class of emergency; (4) designation of authorities and responsibilities of key individuals and groups employed by the licensee; and (5) a description of equipment and facilities designated for use during radiation emergencies. The plan is to be directed toward mitigating the consequences of radiological emergencies and providing reasonable assurance that appropriate measures will be taken during an emergency to assure protection of the public and minimize adverse environmental impacts. In preparing the plan, consideration should be given to a set of credible accidents ranging from almost everyday occurrences of small consequence through highly improbable, but not impossible, accidents such as those resulting from severe natural phenomena, human error, multiple equipment failures, and sabotage.

III

In addition to onsite radiological contingency planning, as discussed in Section II above, offsite emergency response planning is also highly important. Offsite planning requirements for fuel cycle and materials facilities are being developed separately and will be considered in a proposed rulemaking to be published in the coming months. Within the framework of that rulemaking, NRC will carry out extensive coordination with state governments and the Federal Emergency Management Agency (FEMA) concerning applicable requirements.

The Commission believes that it is prudent and necessary to require the licensee to develop and submit within 120 days of the effective date of this Order, an onsite radiological contingency plan, as discussed in Section II above, applicable to operations licensed pursuant to Materials License No. 24–04206–01. Such a plan can be developed and effectively implemented apart from offsite emergency response planning, which necessarily involves state and local government emergency planning actions. The onsite radiological contingency plan is a necessary extension of protective actions taken by the licensee during normal operations. Such planning is essential to ensure that proper plans are made by the licensee to protect the public from accidents that could result from the licensed operations. A less learned from the Three Mile Island accident is that accidents thought to be highly improbable can and will occur, and that proper emergency preparedness is required to mitigate radiological consequences.

The reporting and recordkeeping requirements contained in this Order affect fewer than 10 persons and are required by law an therefore, are not subject to Office of Management and Budget clearance as required by Pub. L. 96–511.

V

Accordingly, pursuant to sections 81, 161b and 161o of the Atomic Energy Act of 1954, as amended, § 30.34(e) of 10 CFR Part 30, and § 2.204 of 10 CFR Part 2, it is hereby ordered that within 120 days of the effective date of this Order, the licensee shall submit:

1. A radiological contingency plan in accordance with Enclosure 1 of this Order, "Standard Format and Content for Radiological Contingency Plans for Fuel Cycle and Materials Facilities," and an application for license amendment to incorporate such plan as approved as a condition of the license; *or alternatively,*

2. An application for license amendment to reduce the possession limits for radioactive materials below those specified in Enclosure 2 of this Order.

VI

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order within 20 days of its issuance. A request for a hearing shall be submitted to the Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which that interest is affected by this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order

designating the time and place of the hearing.

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

VII

If a hearing is held, the issue to be considered at the hearing shall be whether the licensee (1) shall submit a radiological contingency plan which complies with Enclosure 1 of this Order, "Standard Format and Content for Radiological Contingency Plans for Fuel Cycle and Materials Facilities," or (2) if a plan is not submitted as required in Section V(1) of the Order, should an application for a license amendment to reduce its possession limits for radiaactive materials below those specified in Enclosure 2 of this Order be submitted.

FOR FURTHER INFORMATION CONTACT: Dr. Fred D. Fisher, or Mr. Ralph G. Page, Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4135 or 427–4309.

SUPPLEMENTARY INFORMATION: Enclosures 1 and 2 to the Order may be found at 46 FR 12569 and 12576 (February 17, 1981).

Signed in Silver Spring, Md., this 22d day of May 1981.

For the Nuclear Regulatory Commission.

Richard E. Cunningham,

Director Division of Fuel Cycle and Material Safety.

[FR Doc. 81-16116 Filed 5-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-387, 50-388]

Pennsylvania Power and Light Co. and Allegheny Electric Cooperative, Inc.; Finding of no Significant Antitrust Changes and Time for Filing of Requests for Reevaluation

The Director of Nuclear Reactor Regulation has made an initial finding in accordance with Section 105c(2) of the Atomic Energy Act of 1954, as amended, that no significant (antitrust) changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review of the Susquehanna Nuclear Units 1 and 2 by the Attorney General and the Commission. The finding is as follows:

Section 105c(2) of the Atomic Energy Act of 1954, as amended, provides for an antitrust review of an application for an operating license if the Commision determines that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review. The Commission has delegated the authority to make the "significant change" determination with respect to nuclear reactors to the Director, Office of Nuclear Reactor Regulation. Based upon examination of events that have transpired since issuance of the Susquehanna 1 and 2 construction permits to the Pennsylvania Power & Light Company and the Allegheny Electric Power Cooperative, Inc., the staffs of the Office of Nuclear Reactor Regulation and the Office of the Executive Legal Director, hereafter referred to as the "staff," have jointly concluded, after consulting with the Department of Justice, that the changes that have occurred since the antitrust construction permit review are not "significant" in an antitrust context to require a second antitrust review at the operating license stage of the application for licenses; i.e., the changes which have occurred either are not reasonably attributable to the licensees or do not have antitrust implications that would likely warrant some Commission remedy.

In reaching this conclusion, the staff considered the structure of the electric utility industry in Central and Eastern Pennsylvania, the events relevant to the Susquehanna 1 and 2 construction permit antitrust review, and the events that have occurred subsequent to that permit review.

The conclusion of the staff's analysis is as follows:

Staff has reviewed the changes and proposed changes in the activities of the Applicants (i.e., PP&L and AE) of the Susquehanna plant since their respective construction permit antitrust reviews.

In order to conduct this operating license review, staff has obtained information from PP&L, FERC, SEC, and from other electric utilities that deal with the Applicants. The information received was evaluated using the criteria that the Commission set forth in its June 30, 1980 Memorandum and Order in *summer* upon which to base a significant change determination.

As a result of the analysis of the information obtained, staff finds that the activities and proposed activities of PP&L and AE since the CP review, taken individually and collectively, do not warrant a significant change determination.

The Department of Justice has reviewed a draft analysis by the staff along with other material and has concurred in the staff's finding.

Based on the staff's analysis, it is my finding that an operating license antitrust review of the Pennsylvania Power and Light Company and the Allegheny Electric Power Cooperative, Inc., with respect to the Susquehanna Nuclear Units 1 and 2 is not required.

Signed on May 18, 1981 by Harold R. Denton, Director Office of Nuclear Reactor Regulation.

Any person whose interest may be affected pursuant to this initial determination may file with full particulars a request for reevaluation with the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555 by July 28, 1981.

For the Nuclear Regulatory Commission.

Argil Toalston,

Acting Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 81-16117 Filed 5-28-81; 8:45 am]

BILLING CODE 7590-01-M

PRESIDENT'S ECONOMIC POLICY ADVISORY BOARD

Meeting

May 27, 1981.

The President's Economic Policy Advisory Board will meet on June 11, 1981 at The White House, Washington, D.C. from 10 a.m. to 3:30 p.m. The purpose of this meeting is to review the current state of the national and international economy.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraphs (1), (4), (8) and (9) thereof, and will be closed to the public.

For further information please contact the Office of Policy Development, The White House at (202) 456–6515.

Martin Anderson,

Assistant to the President for Policy Development.

[FR Doc. 81-16232 Filed 5-28-81; 8:45 am]

BILLING CODE 3115-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22062; 70-6603]

American Electric Power Service Corp. and American Electric Power Company, Inc.; Proposed Issuance of Note to Bank by Service Corporation and Guaranty by Holding Company

May 22, 1981.

American Electric Power Company, Inc. ("American"), a registered holding company, and its subsidiary service company, American Electric Power Service Corporation ("Service Corporation"), 2 Broadway, New York, New York 10004, have filed a declaration with this Commission pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder.

Pursuant to a building loan agreement between Service Corporation and Irving Trust Company, Service Corporation proposes to issue a building loan note

maturing December 31, 1987, to evidence advances of up to $100,000,000 from Irving Trust Company. The principal amount of the advances will bear interest at Irving Trust Company's published prime rate. American proposes to guarantee repayment of such loan and interest thereon and performance of certain other obligations of Service Corporation in connection with such loan. The proceeds will be used by Service Corporation to acquire land and construct a 31-story office building in Columbus, Ohio, to serve as a new headquarters for American and Service Corporation. It is anticipated that the loan will be repaid with the proceeds of a sale-leaseback transaction.

The fees and expenses related to the proposed transactions are estimated not to exceed $60,000. It is stated that no state or federal commission, other than this Commission has jurisdiction over the proposed transactions.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 19, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16090 Filed 5-28-81; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 22, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Allied Corporation, Common Stock, $1 Par Value (File No. 7-5931).

Signal Companies, Inc., Common Stock, $2 Par Value (File No. 7-5932).

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 15, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16131 Filed 5-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22063; 70-6598]

Connecticut Yankee Atomic Power Co.; Proposed Issuance and Sale of Notes to Banks

Connecticut Yankee Atomic Power Company ("Yankee"), P.O. Box 270, Hartford, Connecticut 06101, a subsidiary of Northeast Utilities and the New England Electric System, registered holding companies, has filed an application-declaration and an amendment thereto with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 (a)(2) thereunder.

Yankee proposes to issue and sell notes to banks from time to time through June 30, 1982. The aggregate principal amount of notes outstanding at any one time would not exceed $25,000,000. The notes would be dated as of the date of issue, would have maximum maturity dates of nine months, and would bear interest at the prime rate. The notes would be prepayable at any time without premium. Under the lines of credit yankee must maintain compensatory balances of 5% of the line of credit and 15% of actual borrowings. Assuming an 18% prime rate and full usage of the line of credit, the effective interest cost of borrowings under such balance requirements would be 21.60%.

The funds to be derived from the borrowing would be used to repay outstanding notes, to finance construction and to purchase nuclear fuel. Yankee estimates construction expenditures of $29,000,000 in 1981 and $27,000,000, in 1982, as well as nuclear fuel costs of $20,000,000 in 1981 and $41,000,000 in 1982.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 15, 1981, to the Secretary, Securities and exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

May 22, 1981

[FR Doc. 81-16089 Filed 5-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17813; File No. SR-MSRB-81-5]

Municipal Securities Rulemaking Board; Self-Regulatory Organizations; Proposed Rule Changes

Proposed Rule Changes By Municipal Securities Rulemaking Board, relating to proposed rule changes to Rule G-7 relating to information concerning associated persons, Rule G-8 concerning recordkeeping, Rule G-26 concerning administration of accounts, and Rule G-27 concerning supervision. Comments requested on or before June 19, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 13, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange

Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The Municipal Securities Rulemaking Board is filing herewith amendments to rule G–7 relating to information concerning associated persons, rule G–8 concerning recordkeeping, rule G–26 concerning administration of accounts, and rule G–27 concerning supervision (hereafter referred to as the "proposed rule changes.") The text of the proposed rule changes is as follows: [1]

Rule G–7. Information Concerning Associated Persons

(a) No associated person (as hereinafter defined) of a municipal securities broker or municipal securities dealer shall be qualified for purposes of rule G–2 of the Board unless such associated person meets the requirements of this rule. The term "associated person" as used in this rule means (i) a municipal securities principal, (ii) *a municipal securities sales principal,* [(ii)] *(iii)* a financial and operations principal and *(iv)* a municipal securities representative.

(b) through (e) No change.

(f) Every municipal securities broker and municipal securities dealer shall maintain and preserve a record of the name and residence address of each associated person, designated by the category of function performed (whether municipal securities principal, *municipal securities sales principal,* municipal securities representative, or financial and operations principal) and indicating whether such person has taken and passed the qualification examination for municipal securities principals or *municipal securities sales principals* or municipal securities representatives or financial and operations principals presecribed by the Board or was exempt from the requirement to take and pass such examination, indicating the basis for such exemption, until at least three years after the association person's employment or other associated with such municipal securities broker or municipal securities dealer has terminated.

(g) through (i) No change.

[1] Italics indicate new language; [brackets] indicate deletions.

Rule G–8. Books and Records To Be Made by Municipal Securities Brokers and Municipal Securities Dealers

(a) Description of Books and Records Required To Be Made. Except as otherwise specifically indicated in this rule, every municipal securities broker and municipal securities dealer shall make and keep current the following books and records, to the extent applicable to the business of the municipal securities broker or municipal securities dealer:

(i) through (x) No change.

(xi) Customer Account Information. A record for each customer, other than an institutional account, setting forth the following information to the extent applicable to such customer:

(A) through (F) No change.

(G) Signature of municipal securities representative or general securities representative introducing the account and signature of a municipal securities principal, *municipal securities sales principal* or general securities principal indicating acceptance of the account;

(H) with respect to discretionary accounts, customer's written authorization to exercise discretionary power or authority with respect to the account, written approval of municipal securities principal *or municipal securities sales principal* who supervises the account, and written approval of municipal securities principal *or municipal securities sales principal* with respect to each transaction in the account, indicating the time and date of approval;

(I) through (J) No change.

(xii) No change.

(b) through (g) No change.

Rule G–26. Administration of Discretionary and Other Accounts

(a) No change.

(b) Discretionary Account Authorization. No broker, dealer, or municipal securities dealer shall effect a transaction in municipal securities with or for a discretionary account except to the extent clearly permitted by the prior written authorization of the customer and accepted in writing by a municipal securities principal *or municipal securities sales principal* on behalf of the broker, dealer, or municipal securities dealer.

(c) Review of Transactions. A municipal securities principal *or municipal securities sales principal* shall promptly review and approve in writing each transaction in municipal securities effected with or for a discretionary account introduced or carried by the broker, dealer or municipal securities dealer, and shall review at regular and frequent intervals all customer accounts introduced or carried by the broker, dealer, or municipal securities dealer in which transactions in municipal securities are effected, in order to detect and prevent irregularities and abuses.

Rule G–27. Supervision

(a) No change.

(b) Designation of Supervisors. Each municipal securities broker and municipal securities dealer shall designate one or more municipal securities principals and financial and operations principals as responsible for supervising the activities and business referred to in section (a) of this rule and for enforcing the supervisory procedures referred to in section (c) of this rule. Nothing contained in this rule shall require municipal securities brokers and municipal securities dealers to designate or have associated with them a financial and operations principal unless required by rule G–3 of the Board. A financial and operations principal shall not be designated to supervise non-financial activities. *Each municipal securities broker and municipal securities dealer (other than a bank dealer) may also designate a duly qualified municipal securities sales principal as responsible for the direct supervision of sales to and purchases from customers of municipal securities.*

(c) Written Procedures. Each municipal securities broker and municipal securities dealer shall establish, maintain, and enforce written supervisory procedures adopted by the municipal securities broker or municipal securities dealer to assure compliance with the rules and regulations thereunder. Such procedures shall provide, at a minimum, for

(i) the designation of at least one duly qualified municipal securities principal as responsible for supervising the activities with respect to municipal securities of the associated persons of the municipal securities broker or municipal securities dealer and at least one duly qualified municipal securities principal as responsible for supervising the activities with respect to municipal securities of each branch office or other location or unit in which an associated person engages in any of the activities set forth in rule G–3(a)(iii) of the Board, [;] *provided, however, that a duly qualified municipal securities sales principal may be designated as responsible for the direct supervision of sales to and purchases from customers of municipal securities;*

(ii) the prompt review and written approval by the designated municipal

securities principal (or by a general securities principal if specifically authorized by rule of the Board) *or (to the extent that the following relate to sales and purchases from customers) by the designated municipal securities sales principal,* of:

(A) through (D) No change.

(E) other matters required by rule of the Board to be reviewed or approved by a municipal securities principal or general securities principal *or a municipal securities sales principal;* and

(iii) the regular and frequent examination by the designated municipal securities principal *or the designated municipal securities sales principal* of customer accounts introduced or carried by the municipal securities borker or municipal securities dealer, in which transactions in municipal securities are effected, in order to detect and prevent irregularities and abuses.

No change in remainder of text.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes

A. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes

On March 19, 1981, the Board filed with the Commission proposed amendments to rule G–3 concerning professional qualifications. If approved, the proposed amendments will, in part, establish a new professional qualification category of municipal securities sales principal. As defined under the proposed amendments to rule G–3, a municipal securities sales principal would be a person associated with a securities firm whose activities as they relate to municipal securities are limited to supervising customer sales and purchases.

The adoption of the municipal securities sales principal classification would require a conforming amendment to Board rule G–7. Rule G–7 requires municipal securities brokers and municipal securities dealers to record certain background information concerning their associated persons. The proposed rule changes would expand the definition of "associated person" in rule G–7(a) to include a municipal securities sales principal, in order to insure that municipal securities brokers and municipal securities dealers maintain adequate records regarding such persons. In addition, the proposed rule changes amend rule G–7(f) requiring municipal securities brokers and municipal securities dealers to maintain a record of each associated person's professional qualification examination status and any examination exemptions accorded such person by extending this requirement to include the professional qualification records of municipal securities sales principals.

As discussed in the Board's October 15, 1980 notice concerning the draft amendments to rule G–3, in developing the municipal securities sales principal category the Board contemplated that the full municipal securities principal would continue to have general supervisory responsibility for customer sales and purchases but that certain direct supervisory functions could be delegated to municipal securitieds sales principals.

The proposed rule changes are intended to permit municipal securities sales principals to perform certain supervisory functions which Board rules currently require full municipal securities principals to perform, as follows:

Rule G–8

Rule G–8 enumerates the specific records to be made and maintained by municipal securities brokers and municipal securities dealers. Rule G–8(a)(xi) lists the customer account information to be recorded for each customer. Rule G–8(a)(xi)(G) requires that each customer account information record shall set forth, among other information, the signature of the municipal securities principal or general securities principal indicating acceptance of the account. The purpose of the proposed rule change to this is to permit municipal securities sales principals to record acceptance of customer accounts as part of the customer account information record required by rule G–8.

Rule G–8(a)(xi)(H) provides that customer account information records shall include, with respect to discretionary accounts, the written approval of the municipal securities principal who supervises the account and the written approval of the municipal securities principal with respect to each transaction in the account. The purpose of the proposed rule change to this section of rule G–8 is to make explicit the municipal securities sales principal's authorization to approve discretionary accounts and discretionary account transaction.

Rule G–26

Rule G–26(b) concerning the administration of discretionary accounts provides that no broker, dealer, or municipal securities dealer shall effect a transaction in municipal securities with or for a discretionary account except to the extent clearly permitted by the prior written authorization of the customer and accepted in writing by a municipal securities principal on behalf of the broker, dealer, or municipal securities dealer.

Insofar as rule G–26(b) reflects the requirement of rule G–8(a)(xi)(H) that written acceptance of discretionary accounts be retained in the customer account information records, the proposed change to rule G–8(a)(xi)(H) permitting municipal securities sales principals to provide written acceptance of such accounts will require a conforming change to rule G–26(b).

Rule G–26(c) relating to review of transactions provides that a municipal securities principal shall promptly review and approve in writing each transaction in municipal securities effected with or for a discretionary account, and shall review at regular and frequent intervals all customer accounts in which transactions in municipal securities are effected, in other to detect and prevent irregularities and abuses. The purpose of the proposed change to rule G–26(c) is to make explicit that a municipal securities sales principal's supervisory authority with respect to customer sales and purchases of municipal securities may include the performance of required reviews of transactions in discretionary and other customer accounts.

Rule G–27

Rule G–27 concerning supervision requires all municipal securities brokers and municipal securities dealers to supervise the activities of their associated persons and the conduct of their municipal securities business. Rule G–27(b) requires that each municipal securities broker or municipal securities dealer shall designate one or more municipal securities principals and financial and operations principals as responsible for supervising such activities. The proposed rule change will, if approved, amend rule G–27(b) to permit municipal securities brokers and municipal securities dealers to designate a duly qualified municipal securities sales principal as responsible for the direct supervision of sales to and purchases from customers of municipal securities.

Rule G–27(c) requires that the written supervisory procedures required by the rule provide for the designation of at least one municipal securities principal as responsible for supervising the municipal securities activities of the associated persons of the municipal securities broker or municipal securities

dealer and at least one municipal securities principal as responsible for supervising the municipal securities activities of each branch office or other location or unit in which an associated person performs municipal securities activities.

The purpose of the proposed rule change to rule G–27(c)(i) is to permit designation of a municipal securities sales principal as responsible for directly supervising customer sales and purchase activities in each branch office or other unit in which any associated person engages in such activities. Rule G–27(c)(ii) currently provides for the prompt review and written approval by the designated municipal securities principal (or by a general securities principal if specifically authorized by rule of the Board) of:

(A) The opening of each customer account introduced or carried by the municipal securities broker or municipal securities dealer, in which transactions in municipal securities may be effected,

(B) Each transaction in municipal securities,

(C) The handling of all written customer complaints pertaining to transactions in municipal securities,

(D) All correspondence pertaining to the solicitation or execution of transactions in municipal securities, and

(E) Other matters required by rule of the Board to be reviewed or approved by a municipal securities principal or general securities principal.

The purpose of the proposed change to rule G–27(c)(ii) is to establish the authority of a municipal securities sales principal to review and approve the items and activities described as they relate to customer sales and purchases of municipal securities.

Rule G–27(c)(iii) requires written supervisory procedures for the regular and frequent examination by the designated municipal securities principal of customer accounts in which municipal securities transactions are effected. The purpose of the proposed change to rule G–27(c)(iii) is to permit the municipal securities sales principal, rather than the full principal, to perform the regular review of customer accounts. This proposed rule change is also intended to conform rule G–27(c) to rule G–26(c) concerning review of transactions as it is proposed to be amended.

The Board has adopted the proposed rule changes pursuant to Section 15B(b)(2)(A) of the Securities Exchange Act which directs the Board to adopt rules to

> * * * provide that no municipal securities broker or municipal securities dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security unless such municipal securities broker or municipal securities dealer * * * and every natural person associated with [it] meets such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors * * *

and pursuant to Section 15B(b)(2)(G) of the Securities Exchange Act which directs the Board to adopt rules to

> * * * prescribe records to be made and kept by muinicipal securities brokers and municipal securities dealers * * *

As indicated above, the Board believes that the proposed rule changes would clarify the authority of a municipal securities sales principal to perform certain supervisory functions, and would insure adequate recordkeeping relating to the background and designated functions of such persons.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board believes that the proposed rule changes will have no significant impact on competition. The proposed rule changes merely adjust the recordkeeping and supervisory procedures with which all municipal securities brokers and municipal securities dealers are required to comply to reflect the newly-proposed qualification category of municipal securities sales principal.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Changes Received from Members, Participants, or Others

The Board neither solicited nor received comments on the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before July 6, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before June 19, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 21, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–16132 Filed 5–28–81; 8:45 am]

BILLING CODE 8010–01–M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

May 22, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commisison pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlimited trading privileges in the common stock of:

National Medical Enterprises, Inc. Common Stock, $.05 Par Value (File No. 7–5930)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to sumit on or before June 15, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the commission will approve

the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16133 Filed 5-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22061; 70-6605]

West Texas Utilities Co.; Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

May 22, 1981.

West Texas Utilities Company ("West Texas"), 301 Cypress, Abilene, Texas 79604, an electric utility subsidiary of Central and South West Corporation, Inc., a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

West Texas proposes to issue and sell up to $25,000,000 principal amount of its first mortgage bonds. The terms will be determined by competitive bidding. The bonds will be issued under West Texas' Mortgage dated August 1, 1943, as amended and as to be further amended. The proceeds will be used to repay short-term borrowings incurred or expected to be incurred to finance construction expenditures.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 19, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16091 Filed 5-28-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0184]

Grocers Capital Company, Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company (Grocers) 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004(1981)) for approval of several conflict of interest transactions.

Grocers proposed to loan $40,000 to Emil and Lee De Angelis, 19009 Laurel Park Road, Dominguez Hills, California 90220; $28,000 to Freedman & Smith, d.b.a. Best Foods Market, 5425 Long Beach Boulevard, Long Beach, California 90805; $260,000 to K. V. Mart, Inc., d.b.a. Top Value Market, 15870 E. Amar Road, City of Industry, California 91744; and $140,000 to McCowan's Foods, Inc., d.b.a. McCowan's Market, 1932 Walker Street, San Pedro, California 90731.

The proceeds of these loans will be used to purchase either capital goods or inventory from Grocers Equipment Company (GEC). All of Grocers' stock is owned by subsidiaries of Certified Grocers of California, Ltd. (certified), a retailer owned grocery cooperative. GEC, a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by Section 107.3 of the SBA Rules and Regulations. As a result, Grocers financing of Emil and Lee De Angelis, Best Foods Market, Top Value Market, and McCowan's Market fall within the purview of Section 107.1004(b)(5) of the SBA Regulations.

Grocers' loans to these concerns require the prior written approval of SBA.

Notice is hereby given that any person may not later than 15 days from the date of publication of this Notice, submit written comments to the Associate Adminstrator for Investment, Small Business Administration, 1441 "L" Street, N.W. Washington, D.C. 20416.

A similar Notice concerning the transactions shall be published in a newspaper of general circulation in the Los Angeles, California area.

(Catalog of Federal Domestic Assistance Programs No. 95.001, Small Business Administration)

Dated: May 20, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-16082 Filed 5-28-81; 8:45 am]

BILLING CODE 8025-01-M

Small Business Investment Co.; Maximum Annual Cost of Money to Small Business Concerns

13 CFR Section 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.31(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to Section 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR Section 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective June 1, 1981, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pusuant to 13 CFR Section 107.301(c) is 13.925% per annum.

Dated: May 26, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[FR Doc. 81-16081 Filed 5-28-81; 8:45 am]

BILLING CODE 8025-01-M

VETERANS ADMINISTRATION

Rehabilitation Engineering and Outpatient Clinic; New York, N.Y.; Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Impact Statement, for the Rehabilitation Engineering and Outpatient Clinic, Veterans Administration Medical Center New York, New York," dated May 1981, has been prepared as

required by Section 102(2)(C) of the National Environmental Policy Act of 1969.

The preferred alternative proposes to construct a multilevel addition to the existing Veterans Administration Medical Center (VAMC) in New York (Manhattan). The new structure would contain space for the VA Rehabilitation Engineering Center and consolidate outpatient facilities at the VAMC from their satellite location at 252 7th Avenue, New York. Some functions would stay at the 7th Avenue location to include the VA Department of Veterans Benefits, the prosthetics manufacturing center and the metadone drug program. The VA investigated alternative project actions, but through examination concluded that the only other viable alternate was a No Action Alternative. This alternative leaves existing facilities in place with no significant changes.

The Draft Environmental Impact Statement Discusses the potential environmental impacts that may be associated with the Construction Alternative. The No Action Alternative would not alter the existing physical conditions. The document is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, NW, Washington, DC (202) 389–2526. Single copies of the Draft Statement may be obtained on request to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW, Washington, DC 20420.

Dated: May 21, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-16021 Filed 5-28-81; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Education Allowances that on July 2, 1981 at 8:30 a.m. DST the Seattle Veterans Administration Regional Office Station Committee on Educational Allowances shall at Hearing Room 1186, Federal Building, 915 Second Avenue, Seattle, Washington 98174, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in KNAPP BUSINESS COLLEGE, 1001 North J Street, Tacoma, Washington 98403, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: May 20, 1981.

Richard F. Murphy,

Director, VA Regional Office.

[FR Doc. 81-16079 Filed 5-28-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 103
Friday, May 29, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Deposit Insurance Corporation	1
Federal Election Commission	2
Federal Energy Regulatory Commission	3
Federal Home Loan Bank Board	4, 5
Federal Home Loan Mortgage Corporation	6
Federal Reserve System (Board of Governors)	7
National Transportation Safety Board	8

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation will meet in partially open/partially closed session at 11:30 a.m. on Thursday, May 28, 1981.

The following matter will be considered in open session:

Memorandum and resolution proposing the adoption of a policy statement on the disposition of income from the sale of credit life insurance.

The following matters will be considered in closed session pursuant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)):

Recommendations regarding the liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assests:
Case No. 44,816-L—Livingston State Bank, Livington, New Jersey
Case No. 44,816-L—Livinston State Bank, Livingston, New Jersey
Case No. 44,819-L—Franklin National Bank, New York, New York

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 27, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-839-81 Filed 5-27-81; 10:53 am]

BILLING CODE 6714-01-M

2

[FR 797]

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, May 28, 1981 at 10 a.m.

CHANGE IN MEETING: The following matter has been added to the agenda of the open meeting:

Request for 2nd Resubmission of Rejected Contributions from Resubmissions 02, 03, 04 by Kennedy for President Committee.

* * * * *

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, May 28, 1981 following open meeting.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit—continued from the Executive Session of May 27, 1981.

PERSON TO CONTACT FOR IMFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-841-81 Filed 5-27-81; 2:57 pm]

BILLING CODE 6715-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 28274, May 26, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 27, 1981.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAP-9. Project Nos. 4307-000, 4305-000, 4321-000, and 4322-000, Northeastern Minnesota Municipal Power Agency: Mississippi Lock and Dam No. 5A Hydroelectric Project and Mississippi Lock and Dam No. 5 Hydroelectric Project
RP-5 RP80-101, Texas Gas Transmission Corporation
CP-6(A). CP80-430 and CP81-144-000, Columbia Gas Transmission Corporation
CP-6(B). CP81-20-000, Columbia Gas Transmission Corporation and Transcontinental Gas Pipe Line Corporation
CP-7(C). CP79-206-001, Columbia Gas Transmission Corporation

Kenneth F. Plumb,

Secretary,

[S-837-81 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

4

FEDERAL HOME LOAN BANK BOARD.

[No. 493]

May 27, 1981.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 28553, May 27, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 29, 1981.

PLACE: 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the agenda for the open meeting:

Geographical Restrictions on Remote Service Unit Operations

[S-842-81 Filed 5-27-81; 3:20 pm]

BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD.
[No. 492]

May 27, 1981.

TIME AND DATE: 10 a.m., June 4, 1981.

PLACE: 1700 G Street, N.W., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Credit life policy statement
Geographical restrictions on remote service unit operations

[S–843–81 Filed 5–27–81; 3:29 pm]
BILLING CODE 6720–01–M

6

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: 10 a.m., Tuesday, May 26, 1981.

PLACE: 1776 G Street, N.W., fourth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Maud Mater (202) 789–4730.

MATTERS TO BE CONSIDERED: ARM Pilot Purchase Program

May 22, 1981.

[S–840–81 Filed 5–27–81; 2:18 pm]
BILLING CODE 6720–02–M

7

FEDERAL RESERVE SYSTEM.

BOARD OF GOVERNORS.

TIME AND DATE: 10 a.m., Wednesday, June 3, 1981.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: May 26, 1981.

James McAfee,
Assistant Secretary of the Board.

[S–838–81 Filed 5–27–81; 10:52 am]
BILLING CODE 6210–01–M

8

NATIONAL TRANSPORTATION SAFETY BOARD.
[NM–81–18]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 27439, May 19, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Wednesday, May 27, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: The first 3 items will be open to the public; item 4 will be closed to the public under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Continental Airlines/Air Micronesia, Inc., Boeing 727, N18479, Yap, Western Caroline Islands, November 21, 1980.
2. *Recommendation* to the Federal Aviation Administration regarding Flight Attendant Training and Ventral Airstair Door Control Markings on Boeing 727–100 Models.
3. *Railroad Accident Report*—Head-on Collision Between Baltimore & Ohio Railroad Company Train No. 88 and Brunswick Helper 7603–7545 near Germantown, Maryland, February 9, 1981, and *Recommendations* to the Baltimore & Ohio Railroad Company.
4. *Opinion and Order*—Petition of Abrams, Dkt. SM–2538.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–382–6525.

May 27, 1981.

[S–844–81 Filed 5–27–81; 3:35 pm]
BILLING CODE 4910–58–M

V
4
6
M
Y
2
9
8
1
UMI

federal register

Friday
May 29, 1981

Part II

Environmental Protection Agency

Solid Waste Disposal; Inventory of Open Dumps

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL 1799-2]

Solid Waste Disposal; Inventory of Open Dumps

AGENCY: Environmental Protection Agency.

ACTION: Publication of inventory of open dumps.

SUMMARY: This notice provides the first annual installment of the inventory of open dumps. The Resource Conservation and Recovery Act (RCRA or the Act) requires that the Administrator of the Environmental Protection Agency (EPA) publish an inventory of open dumps.

For purposes of the inventory, the Act defines "open dumps" as facilities which do not comply with "Criteria for Classification of Solid Waste Disposal Facilities" (40 CFR 257). This inventory resulted from the evaluation of disposal facilities by State solid waste management agencies. Facilities were evaluated against the Criteria, and those found to fail one or more of the Criteria are included in the inventory.

The facility evaluations were conducted by State agencies as part of their effort to develop and implement State solid waste management plans in accordance with the Act. The inclusion of a facility in the inventory is not an administrative determination by EPA that any particular party is engaging in prohibited acts of open dumping.

ADDRESSES: See Appendix I for persons from State solid waste management agencies. Single copies of the Open Dump Inventory are available from Ed Cox, Solid Waste Information, U.S. Environmental Protection Agency, 26 West St. Clair Street, Cincinnati, Ohio 45268 (513)684–5362.

FOR FURTHER INFORMATION CONTACT: Martha A. Madison, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (202)382–2210.

SUPPLEMENTARY INFORMATION:

Structure of Subtitle D Planning Program

Subtitle D of the Resource Conservation and Recovery Act (RCRA or the Act) provides for a voluntary program through which participating States receive Federal financial support to develop and implement solid waste management plans. EPA's role in the program is to publish guidelines for States to follow in developing their plans, provide funds for the States, and approve those State plans which meet the requirements of the Act.

On July 31, 1979, EPA published "Guidelines for Development and Implementation of State Solid Waste Management Plans" (40 CFR 256, 44 *FR* 45066–45086). The Guidelines are based on Section 4003 of the Act, which lists the requirements with which State plans must comply. Section 4007 of the Act provides for EPA approval of State plans meeting the requirements.

Role of the Inventory

One requirement listed in the Act and addressed in the Guidelines is that "The plan shall provide for the closing or upgrading of all existing open dumps within the State * * *." To aid the States in satisfying this requirement, EPA has funded State efforts to identify all open dumps so that they can plan to provide for their closure or upgrading.

In furtherance of this planning effort, the act requires that EPA publish an inventory of all open dumps. Publication of the inventory will serve to inform the Congress and the public of those facilities which the States have found to be open dumps. The true pervasiveness of open dumps could be known only after evaluation of the entire universe of all disposal facilities to determine which are, indeed, open dumps. However, this first publication of the inventory reflects the initial efforts of the States in evaluating a small portion of that total universe of facilities, and the first list represents only a fraction of the total number of open dumps likely to exist.

Classification Criteria

For purposes of state planning and the inventory, the act defines the term open dump to mean "* * * any facility or site where solid waste is disposed of which is not a sanitary landfill which meets the criteria promulgated under section 4004 and which is not a facility for disposal of hazardous waste."

As required by Section 4004 of the Act, EPA has published "Criteria for Classification of Solid Waste Disposal Facilities and Practices" (40 CFR 257). The Criteria appeared in the **Federal Register** on September 13, 1979 (44 FR 53438–53464) and consist of eight major elements: Floodplains; Endangered Species; Surface Water; Ground Water; Application to Land Used for the Production of Food Chain Crops; Disease; Air; and Safety. In accordance with the Act's definition, open dumps are those solid waste disposal facilities which do not meet the Criteria. Thus, for purposes of the State plans and the inventory, any facility which fails to comply with any one element of the Criteria is an open dump.

Open Dumping

In addition to establishing a mechanism whereby States, with EPA assistance, provide control over *facilities* which are found to be open dumps, RCRA prohibits the *practice* of open dumping of solid waste as matter of Federal law.

The Federal prohibition may be enforced in Federal District court through the citizen suit provisions in Section 7002 of RCRA. The Act does not give EPA authority to take legal action against parties that may violate the open dumping prohibition. Whether specific acts of specific individuals constitute the prohibited practice is a matter for the Federal courts to determine in the context of particular cases after *de novo* review of the facts in each case.

The open dumping prohibition is a provision of Federal law which stands on its own, separate from the State planning program. The inventory of oper dumps is a publication of State findings from State planning efforts to satisfy the requirement of Section 4003 of the Act. The inclusion of a facility in the list of open dumps is not an administrative determination by EPA that any particular parties are engaging in the prohibited act of open dumping.

A determination for purposes of the open dump inventory need not precede an open dumping suit. However, before the results of the inventory may be used to support a legal determination that open dumping has occurred, the court would have to determine that the classification was a correct application of the criteria and that the defendant was responsible for actions violating the criteria. The court would be obliged to review the sufficiency of the State's classification of a facility and not simply defer to the State's decision.

Development of the Inventory

State/Federal Role

The identification of open dumps is an adjunct of the State planning process of Subtitle D of RCRA. The statutory inten of Subtitle D of RCRA is that the States, rather than the Federal Government, plan for and manage the disposal of solid wastes. The States, not EPA, have authority to inspect facilities in order to determine whether they are open dumps. Also, it is the States' role, Not EPA's, to plan for the closure or upgrading of open dumps. An active EPA role in identifying open dumps would undermine the "State" nature of Subtitle D. Therefore, EPA's role in the inventory process has been to develop the Criteria which are to be used by the

States to determine which facilities are open dumps and to provide funds to the States for their efforts.

In order to identify which facilities are open dumps and are to be listed in the inventory, the States must evaluate the entire universe of disposal facilities to determine which facilities fail any element of the Criteria. The Act defines open dump on the basis of the Federal Criteria, rather than State facility standards or criteria. Thus, it is the Federal Criteria against which States must evaluate facilities. Based on their evaluations of the facilities, the States identify to EPA those facilities which fail any element(s) of the Criteria. EPA then lists these facilities in the inventory of open dumps which it publishes.

Time-Phasing

EPA has estimated that there may be as many as 360,000 disposal facilities in the United States. In order to develop and publish a complete inventory of all open dumps in the nation, each of these many facilities will have to be evaluated against the Federal Criteria to identify those facilities which do not comply. Depending on facility-specific conditions, the facility evaluations are likely to be technically complex, costly, and time-consuming. Due to the large number of facilities to be evaluated and the effort involved in the evaluations, it will be some time before the States can evaluate all facilities.

In order to accommodate these complexities while providing for publication of the inventory, EPA intends to publish the inventory in annual installments. Each year, beginning with Fiscal Year 1980, the States will conduct evaluations to the extent of their ability. Those facilities found during the year to be open dumps will be included in the next installment of the inventory which EPA publishes. Thus, States will be time-phasing their facility evaluation efforts. EPA's planning Guidelines (40 CFR 256.23) provide that phasing is to be based on :

(1) The potential health and environmental impact of the facility;

(2) The availability of State regulatory powers; and

(3) The availability of Federal and State resources for this purpose.

This time-phasing is likely to vary among States and is to be addressed in the solid waste management plans which participating States will be submitting to EPA. The States will be identifying open dumps at different time rates and through various approaches described in their plans. However, in all cases open dumps will be identified on the basis of the Federal Criteria.

Actions on Facilities

Because the inventory lists facilities which pose a reasonable probability of adverse effects on health or the environment, participating States will be planning for the closure or upgrading of these facilities pursuant to State authority. Specific actions may vary, including issuance of a State administrative order or the gathering of additional data. In some cases, States already have placed listed open dumps on compliance schedules for closure or upgrading prior to publication of this list. Interested parties may wish to contact the State solid waste management agencies concerning the current status of any of these open dumps and the responsibilities they have under State law.

All such actions are to be taken under State law and through State regulatory and administrative procedures. RCRA does not provide States with authority which they would not otherwise have.

Open Dump Reporting

For each facility found to fail any element(s) of the Criteria, the State completed an Open Dump Inventory Report form. This form is shown in Appendix II. The form identifies the facility, its location, and the element(s) of the Criteria with which it does not comply. The States mailed their forms to the U.S. Bureau of the Census for data processing. Near the end of the fiscal year, the Bureau of the Census provided each State with a summary of data which has been submitted by the State over the year. The summaries were provided to allow the States opportunity to verify the information which would be published in the inventory.

Following verification, the States returned the corrected summaries to the Bureau of the Census. The Bureau then used the State-verified summaries to prepare the inventory which EPA is today publishing.

Description of Inventory

State Approaches

As required by EPA's planning Guidelines, the plans of participating States are to provide for an orderly time-phasing of the evaluation of disposal facilities to determine which facilities are open dumps. Thus, there is considerable flexibility for the States to structure their programs to evaluate facilities over time. This flexibility is tempered by the three factors identified in 40 CFR 256.23 as discussed under "Time-Phasing", above. The structuring of these State programs is part of the State plans subject to the public participation provisions of 40 CR 256.60. Also, each year's facility evaluation plans are part of the States' annual work programs, and consultation with the public is required by 40 CFR 256.61.

Reflecting variables resources, authorities, and knowledge of facilities, the States have taken differing approaches in prioritizing facilities for evaluation and in conducting evaluations. For example, where States had at hand extensive, previously-gathered data on facilities, prioritizations or noncompliance determinations could more readily be made. Otherwise, resources had to be expended in locating facilities and gathering information, and fewer determinations would be likely over the year. Also, some States, pursuant to eisting State authority, have already proceeded to establish compliance schedules for facilities found to be open dumps. Such schedules can provide for development of additional data on the facilities, for facility closure, or for facility upgrading.

Most participating States provided the Agency with brief descriptions of actions and approaches they have taken in evaluating facilities, as an adjunct of their planning process, for this first installment of the inventory. Those descriptions are summarized in Appendix III.

Explanation of Inventory Tables

The first installment of the inventory of open dumps is presented below in tabular form. The table displays information which was provided by the State agencies on Open Dump Inventory Report forms. A form was completed and submitted for each facility which the State found to fail one or more elements of the Federal Criteria. Appendix IV provides summary tabulations of forms submitted by the States.

Open dumps are identified in the table by political subdivision (State, county, and city where applicable), common name, location (mailing address or description of location), and geographic coordinates or survey grid description. Open dumps listed under "Balance of County" are those which are not located in cities or city-equivalents within the county.

For each open dump, the table indicates "Noncompliance Category Codes". These codes identify the particular part or parts of the Federal Criteria which the State agency found the facility to fail. Not all facilities reported were evaluated for all parts of the Criteria; failure to comply with any part of the Criteria results in

classification of the facility as an open dump as defined by the Act.

Subsequent installments of the inventory will include additions to and deletions from the table. As the State agencies evaluate additional facilities, those which are found to fail the Criteria will be added. Where State agencies subsequently find that listed facilities no longer fail the Criteria, those facilities will be deleted. This latter situation may arise from (1) proper closing or upgrading of the facility, or (2) further examination of the facility or new information on the facility.

Compliance With Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The inventory is not a "major" rule because it is not a rule at all. The inventory is essentially an EPA report to Congress and the public about State decisions made in applying the Criteria to particular facilities. EPA does not have authority under RCRA to add or remove particular facilities from the inventory on its own initiative.

This inventory was submitted to the Office of Management and Budget for review under Executive Order 12291. Since the inventory does not reflect an EPA decision, no public comments are being sought on it.

Dated: May 20, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

BILLING CODE 6560-29-M

V 46 M Y 29 8 1 LMI

INVENTORY OF OPEN DUMPS

INVENTORY OF OPEN DUMPS

INFORMATION FORMAT

BELOW IS AN EXAMPLE OF THE INFORMATION FORMAT USED IN THIS REPORT AND AN EXPLANATION OF THE INDIVIDUAL INFORMATION ITEMS

1.	2.	3.	4.	5.	6.	7.
	NORTHUMBERLAND	MT. CARMEL	MOUNT CARMEL LANDFILL	1.5 MI WEST OF MT. CARMEL BORO ON PDH RT =49017 THEN 800 FT. NW	40 47 25 076 26 10	01 06 08 09 11

1. STATE ABBREVIATION
2. COUNTY NAME (IF APPLICABLE)
3. CITY NAME (IF APPLICABLE)
4. FACILITY NAME
5. FACILITY LOCATION
6. COORDINATES (LATITUDE-LONGITUDE) OR SURVEY GRID DESCRIPTION (RANGE-TOWNSHIP-SECTION)
7. NONCOMPLIANCE CATEGORY CODES, WHERE:

   01 = FLOOD PLAINS
   02 = ENDANGERED SPECIES
   03 = SURFACE WATER
   04 = GROUND WATER
   05 = APPLICATION TO FOOD-CHAIN CROPLAND
   06 = DISEASE
   07 = AIR
   08 = GASES
   09 = FIRES
   10 = BIRD/AIRCRAFT HAZARD
   11 = ACCESS

AL	DEKALB		NOT APPLICABLE	FORT PAYNE SANITARY LANDFILL		
WEST OF US11 TO STATE 35 GO .5 MILES TURN RT ON CITY DUMP RD				9E	7S	7	03 06 09
AL	JACKSON		NOT APPLICABLE	CROW MOUNTAIN SANITARY		LANDFILL
APPROX 2 MILES SE OF CEMETARY	ON UNNUMBERED RD ON RIGHT			6E	2S	32	03 06 08 09 11
AL	LAWRENCE		NOT APPLICABLE	JOHNSON'S LANDFILL		
WEST FROM TRINITY ON SHEATS	CHAPEL RD 1.5 MILES TURN LEFT			6W	5S	25	04 07 09
AL	MORGAN		NOT APPLICABLE	OLD MOLTON ROAD SANITARY		LANDFILL DECATUR ALABAMA
SIX MILES WEST OF DECATUR ON	OLD MOLTON ROAD			5W	6S	8	03 08
AL	MORGAN		NOT APPLICABLE	DECATUR MORGAN COUNTY SANITARY LANDFILL		
.25 W OF US 31 ON DEER SPRINGS ROAD				4W	6S	20	03
AK	BARROW-NORTH SLOPE CENSUS DIV		BARROW	BARROW DUMP		
SOUTH SALT LAGOON				71 18 00	156 47 00		03 06 07 09 11
AK	BETHEL CENSUS DIVISION		BETHEL	BETHEL LANDFILL		
BETHEL CENSUS DIVISION				60 48 00	161 43 00		06 09
AK	FAIRBANKS NORTH STAR BOROUGH		FAIRBANKS	THE FAIRBANKS NORTH STAR		BOROUGH LANDFILL
FAIRBANKS NORTH STAR BOROUGH				64 48 20	147 41 15		06
AK	KETCHIKAN CENSUS DIVISION		KETCHIKAN	CITY OF KETCHIKAN LANDFILL		
DEER MOUNTAIN ROAD				91E	75S	29	07 09
AK	KOBUK CENSUS DIVISION		KOTZEBUE	THE KOTZEBUE LANDFILL		
2 MILES SOUTHWEST OF KOTZEBUE				66 52 00	162 33 00		03 06 07 09 10 11
AK	KODIAK ISLAND BOROUGH		NOT APPLICABLE	KODIAK COAST GUARD LANDFILL		
KODIAK ISLAND BOROUGH				R20W	T28S	9	10
AK	OUTSIDE BOROUGH AREAS		CORDOVA	CORDOVA LANDFILL		
MILE 0.5 WHITSHED RD				60 32 10	145 45 46		06 07 09
AK	SKAGWAY-YAKUTAT CENSUS DIV		HOONAH	HOONAH DUMP		
SITE ROAD				R61E	T43S	28	06 07 09 11
AK	SOUTHEAST FAIRBANKS CENSUS DIV		NOT APPLICABLE	NORTHWAY LANDFILL		
1/4 MILE NORTHWEST OF THE	NORTHWAY AIRFIELD			63 01 00	141 45 00		03 07 09 10 11
AK	UPPER YUKON CENSUS DIVISION		EAGLE VILLAGE	EAGLE VILLAGE LANDFILL		
UPPER YUKON CENSUS DIVISION				64 51 00	141 14 00		07 09 10
AK	UPPER YUKON CENSUS DIVISION		NOT APPLICABLE	CIRCLE CITY LANDFILL		
TWO MILES SOUTH OF CIRCLE CITY				65 48 00	144 05 00		06
AK	WRANGELL-PETERSBURG CENSUS DIV		PETERSBURG	CITY OF PETERSBURG LANDFILL		
E AND WITHIN 1 MI OF CITY OF	PETERSBURGS AIRPORT RUNWAY			R79E	T58S	35	07
AK	WRANGELL-PETERSBUPG CENSUS DIV		WRANGELL	WRANGELL MUNICIPAL LANDFILL		
WRANGELL-PETERSBURG CENSUS DIV				R83E	T62S	24	06 07 09 10
AZ	APACHE		CHAMBERS	CHAMBERS LANDFILL		
.25 MI S OF I-40 E ON CHAMBERS EXIT TO RR	TRN E .25 MI TO END			35 11 23	109 25 26		01 03 06 09 11
AZ	APACHE		NAVAJO	NAVAJO LANDFILL		
.5 MI S OF I-40 ON NAVAJO EXIT RD PAST RR	TRACK ON W SIDE			35 07 21	109 32 10		01 06 09 11
AZ	APACHE		SANDERS	SANDERS LANDFILL		
0.2 MI S OF I-40 E AT SANDERS	EXIT 0.4 MI E TO SITE			35 58 03	109 19 28		01 03 06 09 11
AZ	COCONINO		CLINTS WELL	CLINTS WELL LANDFILL		
.1 MI W OF AZ 486 S ON W SIDE				34 33 37	111 19 13		06
AZ	COCONINO		FLAGSTAFF	CINDER LAKE LANDFILL		
5.5 MI N OF I 40 E ON AZ 89 N	ON E SIDE 2.3 MI			35 10 33	111 31 50		06 09

AZ COCONINO .1 MI W OF AZ 486 S ON W SIDE	CLINTS WELL .	CLINTS WELL LANDFILL 34 33 37	111 19 13 06
AZ COCONINO 5.5 MI N OF I 40 E ON AZ 89 N	FLAGSTAFF ON E SIDE 2.3 MI	CINDER LAKE LANDFILL 35 18 33	111 31 58 06 09
AZ COCONINO 2 MI N OF AZ 260 E ON END OF	FOREST LAKES CANYON DR.	FOREST LAKES LANDFILL 34 21 10	110 49 22 06 11
AZ COCONINO 1.5 MI E OF US ALT 89 ON END	FREDONIA OF PRATT ST	FREDONIA LANDFILL 36 56 46	112 30 00 06 09 11
AZ COCONINO 1.1 MI W OF AZ 64 N ON RD 2.1	GRAND CANYON MI N OF PARK BOUNDARY	SOUTH RIM LANDFILL 36 02 04	112 07 38 06 11
AZ COCONINO 4 MI N OF ALT US 89 N ON LEES	LEES FERRY FERRY RD ON W SIDE	LEES FERRY LANDFILL 36 52 03	111 37 10 06
AZ COCONINO .7 MI W OF AZ 486 S ON N SIDE	MORMON LAKE OF MORMON LAKE RD	MORMON LAKE LANDFILL 34 59 11	111 27 25 06 11
AZ COCONINO .9 MI W OF I-17 N ON N SIDE OF	MUNDS PARK WILLARD SPRING RD	MUNDS PARK LANDFILL 34 58 20	111 41 23 06 11
AZ COCONINO 1.2 MI W OF AZ 67 S ON END OF	NORTH RIM WIDFORSS PT RD	NORTH RIM LANDFILL, HARVEY MEADOW 36 14 45	112 04 45 01 06 11
AZ COCONINO 2.4 MI E OF AZ 64 N ON N SIDE	TUSAYAN OF TEN-X RD	TUSAYAN LANDFILL 35 55 00	112 10 00 06 11
AZ MARICOPA INTERSECTION OF US 80 W AND	AVONDALE THE AGUA FRIA RIVER ON N SIDE	AVONDALE LANDFILL 33 24 00	112 21 00 01 11
AZ MARICOPA INTERSECTION OF AZ 93 N AND	EL MIRAGE THE AGUA FRIA RIVER ON S SIDE	EL MIRAGE LANDFILL 33 35 00	112 20 00 01
AZ MARICOPA ON N SIDE OF W GLENDALE AVENUE	GLENDALE AND E SIDE OF AGUA FRIA RIVER	GLENDALE LANDFILL 33 32 10	112 17 50 01
AZ MARICOPA 1.5 MI E OF I-17 N ON END OF	PHOENIX GREENWAY RD ON N SIDE	SARTORIS LANDFILL 33 37 40	112 05 25 01
AZ MARICOPA 1 MI S OF I 10 E ON 16 TH ST	PHOENIX ON W SIDE	16 TH ST. LANDFILL (DEL RIO) 33 24 56	112 03 14 01 06 08
AZ MARICOPA 1 MI S OF I 10 E ON 19 TH AVE	PHOENIX ON E SIDE	19TH AVE LANDFILL 33 25 00	112 04 00 01 04 08
AZ MARICOPA S OF I 10 W ON 19 TH AVE, TRN	PHOENIX W ON L. BUCKEYE RD TO 27 AVE	27 TH AVE LANDFILL 33 25 12	112 07 07 01 06
AZ MARICOPA 1.3 MI N OF APACHE BLVD ON	TEMPE HAYDEN RD, TRN R ON PIMA ST	RRCA LANDFILL 33 26 01	111 54 06 01
AZ NAVAJO 5.5 MI S OF I 40 E ON AZ 77 S	HOLBROOK ON W SIDE	HOLBROOK SOUTH LANDFILL 34 49 30	110 09 00 06 11
AZ NAVAJO 6.9 MI N OF US 60 ON AZ 77 N	HOLBROOK TRN W 1.7 MI ON LONE PINE DAM	LONE PINE LANDFILL 34 20 00	110 10 00 06 09 11
AZ NAVAJO 8.5 MI N OF I 40 E ON N. PARK	WINSLOW DR ON W SIDE	WINSLOW LANDFILL 35 10 00	110 40 00 06 09 11

AZ	YUMA		BOUSE	BOUSE LANDFILL		
1 MI S.W. OF AZ 72 ON PLOMOSA	RD THEN .4 MI W			33 55 00	114 10 00	06 09
AZ	YUMA		DATELAND	DATELAND LANDFILL		
2.8 MI N OF I-8 ON EXIT 67	THEN 2 MI W			32 50 00	113 45 00	06 09 11
AZ	YUMA		DOME	DOME LANDFILL		
4 MI N OF U.S. 80 ON DOME ROAD	THEN E 1 MI			32 45 00	114 30 00	06 09 11
AZ	YUMA		EHRENBERG	EHRENBERG LANDFILL		
FROM I-10 EXIT 1 TO S FRONTAGE RD	1.1 MI E AND S THEN .3 MI W			33 31 00	114 20 00	06 09 11
AZ	YUMA		MARTINEZ LAKE	MARTINEZ LAKE LANDFILL		
1.4 MI N.E. OF FISHERS LANDING	AT N END OF AIRSTRIP			32 59 00	114 25 00	06 09
AZ	YUMA		NORTH GILA VALLEY	NORTH GILA VALLEY LANDFILL		
4 MI N OF AZ 95 ON AVE 7E	THEN 1.5 MI E			32 45 00	114 25 00	06 11
AZ	YUMA		QUARTZSITE	QUARTZSITE LANDFILL		
2.5 MI N OF I-10 ON AZ 95	THEN .1 MI W			33 45 00	114 15 00	06 09 11
AZ	YUMA		ROLL	ROLL LANDFILL		
6 MI N OF U.S. 80 ON EXIT 38 E				33 45 00	113 58 00	06 09 11
AZ	YUMA		SALOME	SALOME LANDFILL		
.3 MI N OF US 60 ON CENTER ST	2.4 MI. W.	1 MI N .3 MI W		33 45 00	113 40 00	06 09
AZ	YUMA		SAN LUIS	SAN LUIS LANDFILL		
2.75 MI E OF AZ 95 ON COUNTY	23 STREET			32 30 00	114 45 00	06 09 11
AZ	YUMA		VICKSBURG	VICKSBURG LANDFILL		
.4 MI N OF VICKSBURG JCT	THEN .3 MI W			33 45 00	113 50 00	06
AZ	YUMA		WENDEN	WENDEN LANDFILL		
1.8 MI E OF POST OFFICE ON US	60 THEN 1.5 MI S			33 45 00	113 30 00	06
AR	BENTON		GRAVETTE	GRAVETTE DUMP		
.5 MI N OF GRAVETTE ON AR HWY	59 W SIDE OF HWY			36 27 45	094 27 15	03 04 09
AR	CRAIGHEAD		MONETTE	MONETTE CITY DUMP		
.75 MI SOUTH .5 MI WEST ON	COUNTY RD OFF HIGHWAY 18E			35 52 55	090 21 20	06 07 09
AR	CRITTENDEN		EARLE	EARLE CITY DUMP		
1.5 MI NW OF EARLE OFF HWY 184				35 16 54	090 29 18	03 06 07 09 11
AR	DALLAS		FORDYCE	FORDYCE DUMP		
2.5 MI W OFF HWY 79S				33 49 06	092 28 58	06 07 09
AR	DALLAS		PATERSON STATION	SPARKMAN CITY DUMP		
1.1 MILE NE OF HWY 7, 4 MILES	NORTH OF SPARKMAN			33 58 32	092 51 48	03 06 07 09
AR	FRANKLIN		CHARLESTON	CHARLESTON DUMP		
2 MI N OF CHARLESTON ON 217	.75 MI E ON 60	THEN .5 MI S		35 19 42	093 59 36	06 09
AR	GARLAND		NOT APPLICABLE	JESSIEVILLE DUMP		
1 MILE NORTH OF JESSIEVILLE	ON HIGHWAY 7 NORTH			34 42 55	093 03 30	06 07 09
AR	GRANT		SHERIDAN	SHERIDAN CITY DUMP		
SOUTHWEST CITY LIMITS OFF ARK	HWY 46			13W	5S 9	03 06 07 09 11
AR	HEMPSTEAD		FULTON	FULTON DUMP		
1 MI EAST FROM CENTER OF	FULTON PARALLEL TO RAILROAD			33 37 03	093 48 12	03 06 07 09 11

AR	HEMPSTEAD		HOPE	ROCKY MOND DUMP		
1.2 MI NORTH OF HWY 73 EAST OF HOPE	AT ROCKY MOUND TOWNSHIP			33 40 49	093 31 07	06 07 09 11
AR	HOWARD		DIERKS	DIERKS DUMP		
1 MI NE OF DIERKS	APPROX 0.8	MI E OFF HWY 70 NORTH		34 08 03	094 00 24	06 07 09 11

AR	HEMPSTEAD 1.2 MI NORTH OF HWY 73 EAST OF HOPE AT ROCKY MOUND TOWNSHIP	HOPE	
AR	HOWARD 1 MI NE OF DIERKS APPROX 0.8 MI E OFF HWY 70 NORTH	DIERKS	
AR	INDEPENDENCE NW OF BATESVILLE JUST OFF HWY 69	BATESVILLE	
AR	INDEPENDENCE 1 MI W ON COUNTY RD OFF HWY 167N AT COUNTY LINE	CAVE CITY	
AR	JACKSON 1 MI E OF DIAZ OFF HWY 18 EAST	DIAZ	
AR	LEE 2.5 MI S ON 44 FROM BUS 1 THEN LEFT ON DIRT RD 2.4 MI	MARIANNA	
AR	LINCOLN 1.5 MI SOUTH ON WHY 11 OFF HWY 81	STAR CITY	
AR	LITTLE RIVER 1.5 MI NORTH OF ASHDOWN ON HWY 234	ASHDOWN	
AR	LONOKE SOUTH OF CARLISLE ADJACENT TO ARK STATE HWY 13	CARLISLE	
AR	LONOKE 1 MILE SOUTH OF ENGLAND OFF ARK STATE HWY 256	ENGLAND	
AR	LONOKE 1 MI SOUTH US 70 1.5 MI WEST ARK 31	LONOKE	
AR	MADISON 3 MI W OF WHY 68 AND 2 MI N OF HWY 23 NW OF HUNTSVILLE	HUNTSVILLE	
AR	MISSISSIPPI 2.25 MI N ON FRANKLIN ST THEN .5 MI EAST	BLYTHEVILLE	
AR	MONROE .9 MI SOUTH ON 86 FROM 79 TURN LEFT .3 MI EAST ON COUNTY ROAD	CLARENDON	
AR	PHILLIPS EAST ST (SE CORNER OF MARVELL)	MARVELL	
AR	PIKE .5 MILE OFF HWY 70 ON HWY 369 4 MILES WEST OF DAISY	DAISY	
AR	PIKE 0.7 MI SOUTH OFF HIGHWAY 70 WEST 0.5 MI WEST OF GLENWOOD	GLENWOOD	
AR	PIKE 1 MI NORTH ON TIMBER ACCESS RD 3 MI NORTH OF JCT HWY 26 ON 27	MURFREESBORO	
AR	PULASKI 1 MI E OF SALINE COUNTY LINE OFF ARK HWY 5	LITTLE ROCK	
AR	UNION 1.25 MI SOUTH OF SMACKOVER	SMACKOVER	
AR	VAN BUREN 2 MI N OF CLINTON ADJACENT TO US HWY 65	CLINTON	

ROCKY MOND DUMP 33 40 49	093 31 07	06 07 09 11	
DIERKS DUMP 34 08 03	094 00 24	06 07 09 11	
BATESVILLE CITY DUMP 35 48 02	091 40 22	03 06 09	
CAVE CITY DUMP 35 56 15	091 33 53	06 07 09 11	
DIAZ CITY DUMP 35 38 08	091 13 19	06 07 09 11	
MARIANNA CITY DUMP 34 44 25	090 41 38	06 09 11	
STAR CITY DUMP 33 54 36	091 51 30	03 06 07 09	
ASHDOWN CITY DUMP 33 41 15	094 07 24	06 07 09 11	
CARLISLE CITY DUMP 34 46 27	091 45 09	01 03 06 07 09 11	
ENGLAND CITY DUMP 34 32 20	091 58 25	03 06 07 09 11	
LONOKE CITY DUMP 34 45 01	091 56 27	01 03 06 07 09 11	
HUNTSVILLE DUMP 36 09 29	093 46 37	07 09	
BLYTHEVILLE CITY DUMP 35 57 00	089 48 24	06 09	
CLARENDON CITY DUMP 34 41 06	091 21 15	06 07 09 11	
MARVELL CITY DUMP 34 32 38	090 54 00	03 07 09	
NEWHOPE, DAISY, KIRBYS AND 34 15 00	093 48 30	LANGLEY CITY DUMP 03 06 07 09	
GLENWOOD DUMP 24W 055	09	06 07 09 11	
MURFREESBORO DUMP 34 06 42	093 39 30	06 07 09 11	
MILLER DEMOLITION DUMP 13W 19	8	01 03 09	
SMACKOVER DUMP 33 20 18	092 44 09	03 07 09 11	
CLINTON CITY DUMP 35 38 00	092 27 18	03 06 07 09 11	

AR	YELL		DANVILLE	DANVILLE CITY DUMP	
1.2 MI SOUTH ON COUNTY ROAD	OFF OF HWY 10 EAST		35 03 09	093 21 30	07 09 11
CA	ALAMEDA		ALAMEDA	CITY OF ALAMEDA LANDFILL	
NORTH SIDE OF DOOLITTLE DR	ADJACENT TO SAN LEANDRO BAY		37 45 00	122 14 00	06
CA	CONTRA COSTA		NOT APPLICABLE	ACME LANDFILL	
N END OF ARTHUR RD OFF HWY 680			38 02 00	122 04 00	03 06
CA	INYO		NOT APPLICABLE	INDEPENDENCE DISPOSAL SITE	
RD. EAST OFF HWY 395 ABOUT ONE MILE S TOWN			36 47 00	118 11 00	07
CA	INYO		NOT APPLICABLE	LONE PINE DISPOSAL SITE	
CEMETARY RD EAST OF TOWN			36 36 00	118 02 00	07 09 11
CA	INYO		NOT APPLICABLE	HOMEWOOD CANYON DISPOSAL SITE	
NORTH OF HOMEWOOD CANYON RD.			35 53 00	117 21 00	06 07 11
CA	LOS ANGELES		MONTEREY PARK	OPERATING INDUSTRIES, INC.	
1000 POTRERO GRANDE DRIVE			34 02 00	118 05 00	06 07 08 11
CA	LOS ANGELES		WILMINGTON	HARBOR DISPOSAL	
1322 EAST LOMITA BLVD			33 47 00	118 15 00	08
CA	LOS ANGELES		NOT APPLICABLE	THREE POINTS DISPOSAL SITE	
AVENUE A-8 SOUTH OF KERN	COUNTY LINE		34 49 00	118 35 00	01 03 06 07 09 11
CA	LOS ANGELES		NOT APPLICABLE	155TH STREET DISPOSAL SITE	
NEAR 155TH STREET AND AVENUE H			34 43 00	117 50 00	01 03 06 07 09 11
CA	LOS ANGELES		NOT APPLICABLE	75TH ST. EAST AND LITTLE ROCK DISPOSAL SITE	
75TH ST. EAST AND LITTLE ROCK	CREEK EAST OF LANCASTER		34 31 00	118 00 00	01 03 06 07 09 11
CA	MARIN		NOT APPLICABLE	REDWOOD SANITARY LANDFILL	
4MI NW NOVATO BTW. S. ANTONIO	AND RR		38 10 00	122 34 00	06
CA	MODOC		ALTURAS	ALTURAS	
INTERSECTION OF COUNTY ROS. 54 AND 60			41 27 00	120 34 00	06 11
CA	MODOC		NOT APPLICABLE	CEDARVILLE DISPOSAL SITE	
HWY 299 SIX MILES EAST OF	CEDERVILLE		41 32 00	120 03 00	06 07 09 11
CA	MODOC		NOT APPLICABLE	EAGLEVILLE DISPOSAL SITE	
COUNTY RD 38 FOUR MILES EAST	OF EAGLEVILLE		41 18 30	120 02 30	06 11
CA	MODOC		NOT APPLICABLE	LAKE CITY DISPOSAL SITE	
6 MILES SE OF LAKE CITY OFF RD 15B			41 37 00	120 07 00	11
CA	MODOC		NOT APPLICABLE	LOOKOUT DISPOSAL SITE	
COUNTY ROAD 98 ONE MILE N.W.OF LOOKOUT			41 13 00	121 10 00	06 07 09 11
CA	PLACER		ROSEVILLE	BERRY STREET MALL - FINGER	LANDFILL
BERRY STREET			38 46 00	121 16 00	06 09 11
CA	PLACER		NOT APPLICABLE	NORTH TAHOE SANITARY LANDFILL	
2 MILES SOUTH OF I80 HALF MILE WEST OF HIGHWAY 89			37 17 00	120 12 00	06 11
CA	PLUMAS		PORTOLA	CITY OF PORTOLA LANDFILL	
OFF HWY 70 1.5 MILES NE OF	PORTOLA		39 49 00	120 27 00	06 11
CA	RIVERSIDE		RIVERSIDE	RIVERSIDE CITY SANITARY	LANDFILL
5253 TEQUESQUITE AVENUE			33 58 00	117 24 00	06

CA	SACRAMENTO		NOT APPLICABLE	WHITE ROCK ROAD DISPOSAL SITE (ABANDONED)	
INTERSECTION OF WHITE ROCK	ROAD AND GRANT LINE ROAD		38 36 00	121 12 00	03 06 09 11
CA	SAN BERNARDINO		UPLAND	CITY OF UPLAND SANITARY	LANDFILL SITE
BETWEEN 14TH AND 15TH STREETS	NEAR CAMPUS AVENUE		34 07 00	117 38 00	03 08 11

CA SACRAMENTO INTERSECTION OF WHITE ROCK	NOT APPLICABLE ROAD AND GRANT LINE ROAD	WHITE ROCK ROAD DISPOSAL SITE (ABANDONED) 38 36 00 121 12 00 03 06 09 11
CA SAN BERNARDINO BETWEEN 14TH AND 15TH STREETS	UPLAND NEAR CAMPUS AVENUE	CITY OF UPLAND SANITARY LANDFILL SITE 34 07 00 117 38 00 03 08 11
CA SAN BERNARDINO 1.5 MILES SOUTH OF BLACK	NOT APPLICABLE MEADOW RESORT	BLACK MEADOW LANDING RESORT DISPOSAL SITE 34 20 00 114 12 00 03 06 07 11
CA SAN MATEO SAND HILL ROAD OFF HILLSIDE	COLMA BLVD	COLMA HILLSIDE DISPOSAL SITE 37 41 00 122 26 30 06 08
CA SANTA CLARA HWY 237 AND GOLD STREET	ALVISO	MARSHLAND DISPOSAL SITE 37 25 00 122 00 00 06 09
CA SANTA CLARA 850 SINGLETON RD	SAN JOSE	SAN JOSE MUNIPAL 37 18 00 121 49 00 06 09 11
CA SANTA CLARA ON LOS ESTEROS RD, ALVISO	NOT APPLICABLE	NIME PAR DISPOSAL SITE 37 26 00 121 57 00 06
CA SANTA CRUZ END OF NEWELL CREEK ROAD	NOT APPLICABLE	BEN LOMOND SOLID WASTE DISPOSAL SITE 37 05 00 122 04 00 03 06 11
CA SANTA CRUZ TWO & HALF MILES WEST OF	NOT APPLICABLE WATSONVILLE	BUENA VISTA DISPOSAL SITE 36 54 00 121 48 00 03 06
CA VENTURA 2501 NORTH VENTURA ROAD	OXNARD	BAILARD SANITARY LANDFILL 34 13 00 119 14 00 01 06 09 11
CO ADAMS 72ND AVENUE AND QUEBEC	COMMERCE CITY	ROCKY MOUNTAIN ARSENAL 67W 02S 26 03 04
CO ADAMS GLOBE PLANT 495 EAST 51ST AVE.	DENVER	AMERICAN SMELTER AND REFINING COMPANY 67W 02S 15 03
CO ALAMOSA 1 MI EAST OF HOOPER	HOOPER	HOOPER SOLID WASTE DISPOSAL FACILITY 10E 40N 03 09 11
CO ARAPAHOE 1 MI NORTHWEST OF DEER TRAIL	DEER TRAIL ON 1ST STREET EXTENSION	DEER TRAIL SOLID WASTE DISPOSAL SITE 60W 05S 12 09 11
CO ARCHULETA 2.1 MI SOUTH OF INTERSECTION	PAGOSA SPRINGS HIGHWAY 160 AND 8TH STREET	PAGOSA SPRINGS SOLID WASTE DISPOSAL SITE 02W 35N 26 09 11
CO BOULDER WEST FOOTHILLS HIGHWAY US 36	BOULDER	BEECH AIRCRAFT CORPORATION 70W 01N 01 03
CO CLEAR CREEK 1 MI NORTH OF EMPIRE ON US HWY 40	EMPIRE	EMPIRE LANDFILL 74W 03S 21 09 11
CO ELBERT 3.8 MI SOUTH OF ELIZABETH ON	KIOWA COUNTY ROAD 17	WESTERN ELBERT COUNTY SANITARY LANDFILL 64W 08S 33 09
CO HUERFANO 1MI SOUTHEAST OF GARDNER	GARDNER	GARDNER SOLID WASTE DISPOSAL SITE 69W 26S 19 11
CO LARIMER 1 MI WEST OF ESTES PARK ON US	ESTES PARK HIGHWAY 34	ESTES PARK SANITARY LANDFILL 73W 05N 22 08
CO LOGAN 2.5 MI NORTHWEST OF STERLING	STERLING	STERLING MERINO LANDFILL 52W 07N 02 06

CO	PUEBLO			PUEBLO						
5 MI SOUTHWEST OF PUEBLO ON			COLORADO HIGHWAY 76							
CO	RIO GRANDE COUNTY			MONTE VISTA						
2 MI SOUTH OF MONTE VISTA			HIGHWAY 15							
CO	ROUTT			HAYDEN						
ADJACENT TO HAYDEN RACEWAY ONE MI SOUTH OF US HIGHWAY 40										
CO	SAGUACHE			CENTER						
10 MI WEST OF CENTER										
CO	SAN JUAN			SILVERTON						
0.5 NORTHEAST OF SILVERTON										
CO	TELLER			CRIPPLE CREEK						
1 MI NORTH OF CRIPPLE CREEK										
CO	TELLER			VICTOR						
1 MI SOUTHWEST OF VICTOR										
CO	WELD			LONGMONT						
.5 MI SOUTH OF COLORADO STATE			HIGHWAY 119 EAST OF LONGMONT							
CT	FAIRFIELD			BRIDGEPORT						
CEDAR CREEK DRIVE, SEASIDE			PARK							
CT	FAIRFIELD			SHELTON						
ROUTE 110 .2 MILE NORTH OF			STRATFORD TOWN LINE							
CT	FAIRFIELD			WESTON						
GODFREY ROAD .5 MILE SOUTH			WEST FROM VALLEY FORDGE ROAD							
CT	HARTFORD			BROADBROOK						
NORTH ROAD .5 MILES WEST OF			ROUTE 191							
CT	HARTFORD			EAST GRANBY						
STATE ROUTE 20 1.5 MILES EAST			OF ROUTES 10 AND 202							
CT	LITCHFIELD			LITCHFIELD						
LITTLE PITCH RD (OLD PITCH RD) AT END OF			PAVED PORTION							
CT	LITCHFIELD			THOMASTON						
END OF CHAPEL STREET										
CT	MIDDLESEX			EAST HAMPTON						
BEAR SWAMP ROAD,END OF PAVED			ROADWAY							
CT	MIDDLESEX			MIDDLEFIELD						
CHERRY HILL ROAD AT THE DURHAM TOWN LINE										
CT	NEW HAVEN			DERBY						
OFF OF PINE STREET 600 FEET			EAST OF MARSHALL LANE							
CT	NEW HAVEN			HAMDEN						
REAR 2891 STATE STREET										
CT	NEW HAVEN			HAMDEN						
REAR 2891 STATE STREET										
CT	NEW HAVEN			WALLINGFORD						
SOUTH OF MERIDEN CITY LINE ON			EVANSVILLE AVENUE							

PUEBLO SOUTH SOLID WASTE								DISPOSAL SITE		
65W	21S	18	08 09 11							
MONTE VISTA SOLID WASTE								DISPOSAL SITE		
07E	38N	15	09 11							
HAYDEN PROMISCUOUS DUMP										
88W	06N	22	11							
CENTER SOLID WASTE DISPOSAL								SITE		
07E	41N	31	09 11							
SILVERTON SANITARY LANDFILL										
07W	41N	16	09							
CRIPPLE CREEK LANDFILL										
70W	15S	12	09 11							
VICTOR LANDFILL										
69W	15S	31	09 11							
LONGMONT SANITARY LANDFILL										
68W	02N	08	01							
BRIDGEPORT SEASIDE PARK								DISPOSAL AREA		
41 09 20	073 12 40		06 07 09 11							
SHELTON MUNICIPAL LANDFILL										
41 15 45	073 05 35		08							
WESTON MUNICIPAL LANDFILL										
41 14 35	073 21 55		04							
KEMENT PARK LANDFILL										
41 55 45	072 33 05		03 09							
EAST GRANBY DISPOSAL AREA										
41 56 45	072 46 00		03 04							
TOWN OF LITCHFIELD DISPOSAL								AREA		
41 43 28	073 10 50		03 09							
THOMASTON MUNICIPAL DISPOSAL								AREA		
41 39 50	073 04 30		03							
TOWN OF EAST HAMPTON DISPOSAL								AREA		
41 35 17	072 28 52		06 09 11							
DURHAM-MIDDLEFIELD SANITARY								LANDFILL		
41 29 40	072 41 28		08 09							
DERBY MUNICIPAL LANDFILL										
41 19 20	073 02 52		06 09							
HAMDEN TIRE SALVAGE TIRE POND										
41 21 40	072 53 05		03 09							
LAND FILL ASSOCIATES - BULKY								WASTE DISPOSAL PIT AREA		
41 21 25	072 53 13		03 06 07 09							
MERIDEN MUNICIPAL DISPOSAL								AREA		
41 30 30	072 49 25		03 08 10							

CT	NEW LONDON			MONTVILLE						
STATE ROUTE 163 3.0 MILES			NORTH OF ROUTE 52							
CT	NEW LONDON			NORWICH						
ROGERS ROAD AT INTERSECTION OF CHASE ROAD										

TOWN OF MONTVILLE DISPOSAL								AREA		
41 27 50	072 09 30		04							
ROGERS ROAD SANITARY LANDFILL										
41 32 30	072 07 15		03 04							

LMI 1 8 6 9 2 M Y 6 4 V

CT	NEW LONDON STATE ROUTE 163 3.0 MILES	NORTH OF ROUTE 52	MONTVILLE	TOWN OF MONTVILLE DISPOSAL AREA 41 27 50 072 09 30 04
CT	NEW LONDON ROGERS ROAD AT INTERSECTION OF CHASE ROAD		NORWICH	ROGERS ROAD SANITARY LANDFILL 41 32 30 072 07 15 03 04
CT	TOLLAND STATE ROUTE 140 .5 MILES NORTH OF DEPOT STREET		ELLINGTON	REFUSE GARDENS 41 55 45 072 30 30 04 08
CT	TOLLAND OFF OF NORTH EAGLEVILLE ROAD	BEHIND SEWAGE TREATMENT PLANT	STORRS	UNIVERSITY OF CONNECTICUT DISPOSAL AREA 41 48 45 072 16 05 03
DE	NEW CASTLE I-495 EXIT RT. 9A MARINE TERM. 1.1 MILES TO PIGEON POINT		WILMINGTON	NEW CASTLE COUNTY SANITARY LANDFILL PIGEON POINT 39 41 56 075 31 57 03 06 08 09
DE	SUSSEX HART TRACT COUNTY RT. NO. 288A		NOT APPLICABLE	SUSSEX COUNTY DISPOSAL SITE NO. 3 ANGOLA 38 40 47 075 12 24 04 08
FL	BAY HIGHWAY 77		NOT APPLICABLE	SOUTHPORT LANDFILL 30 18 18 085 38 24 11
FL	CALHOUN MUSGROVE ROAD		ALTHA	ALTHA LANDFILL 30 33 00 085 10 00 06 07 09 11
FL	CALHOUN STATE ROAD 69		BLOUNTSTOWN	BLOUNTSTOWN LANDFILL 30 25 32 085 03 27 03 07 09
FL	CALHOUN STATE ROAD 20		BLOUNTSTOWN	CHIPOLA RIVER LANDFILL 30 26 04 085 10 31 06 07 09 11
FL	CALHOUN SR 20		NOT APPLICABLE	CALHOUN CO SANITARY LANDFILL 30 25 03 085 07 53 06 09 11
FL	CALHOUN SR 275 AT FLANDERS		NOT APPLICABLE	HALL LANDFILL 30 33 00 085 15 30 06 09 11
FL	CALHOUN SHULER PIT ROAD		NOT APPLICABLE	SHULER LANDFILL 30 29 03 085 07 36 06 09 11
FL	CALHOUN INTERNATIONAL PAPER COMPANY RD		NOT APPLICABLE	FRINK LANDFILL 30 22 25 085 12 20 06 09 11
FL	CALHOUN STATE ROAD 286		NOT APPLICABLE	LINSEY REED LANDFILL 30 36 00 084 58 00 03 06 09 11
FL	CALHOUN STATE ROAD 286		NOT APPLICABLE	OCHEESEE LANDFILL 30 36 00 085 00 20 06 09 11
FL	CALHOUN STATE ROAD 392		NOT APPLICABLE	PITT'S MILL LANDFILL 30 17 47 085 13 27 06 09 11
FL	CALHOUN SR 71 SOUTH		NOT APPLICABLE	SCOTT'S FERRY LANDFILL 30 17 30 085 08 00 03 06 09 11
FL	DADE 8831 N W 58 STREET		MIAMI	MAIN COUNTY LANDFILL 40E 53S 16 04
FL	DUVAL 110 STREET -MORSE AVENUE		JACKSONVILLE	MORSE AVENUE LANDFILL 30 13 04 081 46 11 08
FL	DUVAL 5363 PICKETTVILLE ROAD		PICKETVILLE	JACKSONVILLE SHIPYARD DUMP 30 22 15 081 44 20 03

FL ESCAMBIA JAMESVILLE ROAD		PENSACOLA	BEULAH SLUDGE DISPOSAL SITE 30 30 54 087 20 41 01 03 06	
FL GULF INDUSTRIAL ROAD		PORT ST. JOE	PORT ST. JOE LANDFILL 29 50 22 085 17 26 11	
FL INDIAN RIVER RANGE LINE ROAD		VERO BEACH	INDIAN RIVER COUNTY LANDFILL 27 35 00 080 29 00 03	
GA APPLING US HWY 341 EAST		BAXLEY	FRP MONSANTO 31 46 09 082 19 45 09 11	
GA CAMDEN PO BOX 428		WOODBINE	UNION CARBIDE CORP 30 57 00 081 32 22 01	AGRICULTURAL PRODUCTS DIVISION
GA CHATHAM DEPTFORD TRACT		SAVANNAH	AMERICAN CYANAMID 32 05 02 081 01 24 01 03	
GA DOUGHERTY FRONT STREET		ALBANY	DOUGHERTY COUNTY SANITARY LAND FILL 31 33 38 084 08 51 03 04	
GA GLYNN BENEDICT ROAD		BRUNSWICK	HERCULES TOXAPHENE DISPOSAL 31 12 29 081 29 13 03	SITE
GA WALKER SOUTH MARBLE TOP ROAD AND	STATE ROAD 143	LAFAYETTE	MATHIS BROTHERS MARBLE TOP 34 48 12 085 22 39 03	ROAD SITE
GA WHITFIELD BROOKER DRIVE		DALTON	CITY OF DALTON SANITARY 34 48 0E 084 55 43 03	LANDFILL
HI HONOLULU OAHU STREET SCHOFIELD BARRACKS		NOT APPLICABLE	SCHOFIELD ARMY SOLID WASTE 21 30 22 158 04 48 04	DISPOSAL FACILITY
ID ADAMS 0.25 MILES SOUTH OF COUNCIL ON U.S. 95		NOT APPLICABLE	COUNCIL LANDFILL R 1 W T 16 N 15 06 07 09 11	
ID ADAMS 1.5 MILES W OF INDIAN VALLEY	POST OFFICE	NOT APPLICABLE	INDIAN VALLEY LANDFILL R 1 W T 14 W 9 06 07 09 11	
ID ADAMS 0.75 MILES WEST OF NEW MEADOWS ON US95		NOT APPLICABLE	NEW MEADOWS LANDFILL R 1 E T 19 N 14 06 07 09 11	
ID BINGHAM 1.25 MILES EAST OF ABERDEEN		ABERDEEN	ABERDEEN SANITARY LANDFILL 42 56 00 112 47 00 06 09 11	
ID BINGHAM .75 MILE NORTH OF ATOMIC CITY		ATOMIC CITY	ATOMIC CITY DUMP 43 26 17 112 47 50 06 07 09 11	
ID BLAINE 4 MI WEST 1/8 MILE SOUTH OF	CAREY	NOT APPLICABLE	CAREY MODIFIED LANDFILL 20E 1S 36 07 09	
ID BUTTE 2 MILES EAST OF MOORE IDAHO		MOORE	MOORE MODIFIED LANDFILL 43 44 10 113 18 21 06 07 09 11	
ID BUTTE .75 MILE WEST OF SUMMIT CR RD	ON PASS CR RD	NOT APPLICABLE	CLYDE MODIFIED LANDFILL 44 11 02 113 15 20 06 07 09 11	
ID BUTTE .75 MILE NORTHEAST OF HOWE		NOT APPLICABLE	HOWE MODIFIED LANDFILL 43 47 45 113 00 52 06 07 09 11	
ID CASSIA 3 MILES SOUTHEAST .5 MILE EAST		ALBION	ALBION SOLID WASTE SITE 25E 12S 15 07 09 11	
ID CASSIA 650 SOUTH 250 EAST		BURLEY	CASSIA COUNTY LANDFILL 23E 11S 27 06 09 11	
ID CASSIA EAST 1.5 MILE ON SUBLETT ROAD	.5 MILE NORTH .25 MILE EAST	MALTA	MALTA LANDFILL 27E 13S 5 07 09	

ID 650 SOUTH 250 EAST	CASSIA	BURLEY	CASSIA COUNTY LANDFILL 23E 11S 27	06 09 11
ID EAST 1.5 MILE ON SUBLETT ROAD	CASSIA .5 MILE NORTH .25 MILE EAST	MALTA	MALTA LANDFILL 27E 13S 5	07 09
ID 4.1 MILES EAST OF RUPERT CITY	CASSIA CENTER	RUPERT	JACKSON LANDFILL 25E 9S 21	07 09 11
ID 1 MILE SOUTH OF ALMO	CASSIA	NOT APPLICABLE	ALMO LANDFILL 24E 15S 26	07 09
ID 1 MILE EAST	CASSIA	NOT APPLICABLE	ELBA LANDFILL 25E 13S 33	07 09
ID WEST OF HWY 28 ABOUT .5 MILE	CLARK NORTH OF BLUE DOME	BLUE DOME	BIRCH CREEK DISPOSAL SITE NEAR BLUE DOME 30E 10N 30	07 09 11
ID .5 MILE WEST OF DUBOIS	CLARK	DUBOIS	CLARK COUNTY MODIFIED LANDFILL NEAR DUBOIS 36E 10N 20	07 11
ID 3 MI SOUTH OF IDMAN ALONG HWY	CLARK A2	KILGORE VIA SPENCER	KILGORE REFUSE DISPOSAL AREA NO. 1 38E 11N 1	07 09 11
ID 7 MI NORTH OF DUBOIS ON OLD	CLARK HWY 91	SPENCER	SPENCER REFUSE DISPOSAL AREA 36E 11N 20	07 09 11
ID .5 MI WEST OF HWY 93 AND 1 MI	CUSTER SOUTH OF CHALLIS	CHALLIS	CHALLIS SANITARY LANDFILL 19E 13N 4	06 07 09 11
ID 2 MI EAST OF CLAYTON	CUSTER	CLAYTON	CLAYTON DISPOSAL SITE 18E 11N 29	06 07 09 11
ID 3.5 MI EAST OF MACKAY	CUSTER	MACKAY	MACKAY MODIFIED LANDFILL 25E 7N 30	06 07
ID 5.5 MI NW OF STANLEY ON HWY 21	CUSTER	STANLEY	STANLEY SANITARY LANDFILL 12E 11N 23	06 07
ID 2 MI N AND 1 MI E OF INTERSECT OF HWY 93A	CUSTER 3.5 MI S OF CHALLIS	NOT APPLICABLE	ROUND VALLEY MODIFIED LANDFILL 20E 14N 31	06 07 09 11
ID PORTION OF SW 1/4 SEC 23 T3S	ELMORE R6E NW OF SAWTOOTH LUMBER CO.	MOUNTAIN HOME	MOUNTAIN HOME LANDFILL 6E BM 3 S 23	07
ID 4 MI N OF ASHTON ON HWY 20-191	FREMONT	ASHTON	ASHTON REFUSE DISPOSAL AREA 43E 9N 7	06 07 09 11
ID .5 MI S ON LANDFIL RD .25 MI W OF INC HWY	FREMONT 20-191 AND CY RD A2	ISLAND PARK	ISLAND PARK SANITARY LANDFILL 43E 13N 15	06 11
ID ONE MILE NORTH OF ST ANTHONY	FREMONT	ST ANTHONY	ST ANTHONY REFUSE DISPOSAL AREA 41E 8N 30	06 07 09 11
ID 0.8 MILE NW OF INC HWY 88 AND	JEFFERSON 28 WEST OF MUD LAKE ON HWY 28	MUD LAKE	MUD LAKE REFUSE DISPOSAL AREA 34E 6N 18	06 07 09 11
ID 2 MI SOUTH OF RIGBY ON WEST	JEFFERSON MILO ROAD THEN 1.5 MILES EAST	RIGBY	JEFFERSON COUNTY SANITARY LANDFILL AT RIGBY 39E 4N 28	06 11
ID 3 MI EAST AND .25 MI NORTH OF	JEROME HAZELTON	HAZELTON	EDEN HAZELTON MODIFIED SANITARY LANDFILL 20E 9S 35	06 07 09 11

ID	JEROME		JEROME	JEROME SANITARY LANDFILL		
4 MI EAST AND .75 MI NORTH OF	JEROME CITY CENTER			17E	8S	14	07 09
ID	LEMHI		LEADORE	LEADORE MODIFIED LANDFILL		
2.7 MILES NORTHEAST OF LEADORE				27E	16N	25	06 07 11
ID	LEMHI		SALMON	SALMON SANITARY LANDFILL		
1.5 MILE NORTHEAST OF SALMON				22E	22N	33	06
ID	LEMHI		NOT APPLICABLE	LEMHI MODIFIED LANDFILL		
5 MILES EAST OF LEMHI ON	NORTHEAST			24E	18N	33	06 07 09 11
ID	LEMHI		NOT APPLICABLE	TENDOY MODIFIED LANDFILL		
1.7 MI EAST OF TENDOY AND .2	MI NORTH OF AGENCY CREEK ROAD			24E	19N	28	06 07 09 11
ID	LINCOLN		DIETRICH	DIETRICH DUMP		
1 MILE NORTH OF DIETRICH				18E	6S	1	06 07 09 11
ID	LINCOLN		RICHFIELD	RICHFIELD DUMP		
1 MILE EAST OF RICHFIELD				20E	4S	30	06 07 09 11
ID	LINCOLN		SHOSHONE	SHOSHONE LANDFILL		
1.5 MI NORTH AND .25 MI WEST	OF SHOSHONE CITY CENTER			17E	5S	26	06 07 09 11
ID	ONEIDA		MALAD	ONEIDA COUNTY SANITARY		LANDFILL
1.5 MILES NORTHEAST OF MALAD				42 12 15	112 13 20		06 07 09 11
ID	OWYHEE		NOT APPLICABLE	BRUNEAU - GRANDVIEW LANDFILL		
2 MILES SOUTH OF HIGHWAY 78 ON	MORMON ROAD			R 4 E	T 6 S	14	07 09
ID	POWER		AMERICAN FALLS	POWER COUNTY SANITARY LANDFILL		
1 MILE SOUTHWEST OF AMERICAN	FALLS			42 45 54	112 53 38		06 07 09 11
ID	TWIN FALLS		FILER	FILER DUMP		
5.25 MI SOUTH AND .25 MI EAST	OF FILER			16E	11S	8	07 09
ID	TWIN FALLS		MURTAUGH	TWIN FALLS COUNTY EAST		LANDFILL
3 MI WEST AND 1 AND 1/8 MILES	SOUTH OF MURTAUGH CITY CENTER			19E	11S	10	07 09
ID	TWIN FALLS		NOT APPLICABLE	ROGERSON DUMP		
.5 MI NORTH AND 1 MI EAST OF	ROGERSON			16E	14S	10	06 11
IL	CHRISTIAN		TAYLORVILLE	TAYLORVILLE/TAYLORVILLE		LANDFILL
RT. 104				30 34 15	089 22 28		06 09 11
IL	COLES		HUMBOLT	HUMBOLT/KAUFMAN		
9 MILES NORTH OF MATTOON,	2 MILES WEST OF HUMBOLT			39 37 00	088 22 00		03
IL	JACKSON		DE SOTO	DE SOTO/ALLEN NO. 2		
ROCK ROAD				37 50 30	089 19 20		06
IL	KNOX		GALESBURG	GALESBURG/KNOX CONSTRUCTION		
EAST KNOX RD RR NO. 4				40 57 00	090 21 00		07 09
IL	LAKE		DEERFIELD	DEERFIELD/METRO DISPOSAL CO.		
LAKE-COOK RD. EAST OF RT 41				42 27 04	087 51 55		03 11
IL	LAKE		WAUKEGAN	WAUKEGAN/MUNICIPAL NO. 1		
MC AREE AND YORKHOUSE ROADS				42 24 23	087 51 49		03 11
IL	LAKE		WAUKEGAN	WAUKEGAN/YEOMAN CREEK		
LEWIS AVE. SOUTH OF SUNSET				42 22 33	087 53 45		03 11

IL	MACOUPIN	VIRDEN	VIRDEN/MUNICIPAL		
DEAN ROAD WEST OF VIRDEN			39 29 50	089 47 30	03 06 07 09 11
IL	MADISON	GRANITE CITY	CHOUTEAU ISLAND/CHAIN OF ROCKS		
OLD CHAIN OF ROCKS RD RR NO. 1			38 45 15	090 09 10	01

IL MACOUPIN DEAN ROAD WEST OF VIRDEN		VIRDEN	VIRDEN/MUNICIPAL 39 29 50 089 47 30 03 06 07 09 11
IL MADISON OLD CHAIN OF ROCKS RD RR NO. 1		GRANITE CITY	CHOUTEAU ISLAND/CHAIN OF ROCKS 38 45 15 090 09 10 01
IL PEORIA CREEK ROAD		PEORIA	PEORIA/JANSON 40 40 40 089 39 12 06 07 09
IL ROCK ISLAND 20 TH AVENUE		EAST MOLINE	EAST MOLINE/MUNICIPAL 41 32 40 090 23 00 06
IL WARREN 11 TH STREET		MONMOUTH	MONMOUTH/MUNICIPAL 40 55 00 090 37 00 03
IL WILLIAMSON 3/4 MILE EAST OF CAMBRIA RD.	NORTH OF RT. 13	CARTERVILLE	CARTERVILLE/ALLEN 37 46 25 089 06 23 06
IL WILLIAMSON RT. 148		HERRIN	HERRIN/MUNICIPAL 37 46 50 089 00 10 06
IN GREENE HWY 57 AND W FORK OF WHITE	RIVER	NEWBERRY	GREENE CO CONTAINER SITE 6W 6N 25 06 07 09 11
IN LAKE SOUTH OF 15TH AVE BETWEEN BURR ST AND COLFAX ST- 1900 BURR ST		GARY	CITY OF GARY DUMP 9W 36N 12 06 09
IN LAPORTE CO RD 600 E AND CO RD 750 N		ROLLING PRAIRIE	MROZINSKI DUMP 31W 38N 30 06 09 11
IN LAWRENCE 0.25 MI WEST OF SR 37 ON	PATTON HILL ROAD	OOLITIC	PATTON HILL ROAD OPEN DUMP 1W 5N 5 06 09 11
IN SULLIVAN 3 MILES S OF LEWIS ON RD 975 N .25 MILES W. OF RD 800E		LEWIS	LEWIS DUMP 8W 9N 14 06 07 09 11
IN VANDERBURG BEHIND GRIMM LUMBER NO. 2	PLANT OFF N EVANS ST.	EVANSVILLE	BRENNER DUMP 11W 6S 20 06 09 11
IN VANDERBURG 3200 S. WEINBACH ST.		EVANSVILLE	HUFF DUMP 11W 7S 10 06 09 11
IN VANDERBURGH 900 BLOCK FRANK STREET		EVANSVILLE	FRANK STREET DUMP 11W 6S 27 06 09
IN VANDERBURGH 7800 OLD BOONEVILLE HIGHWAY		EVANSVILLE	YOUNG'S SOLID FILL SITE 9W 6S 6 06 09 11
IN VIGO BEHIND RACETRACK AT VIGO CO.	FAIRGROUNDS	TERRE HAUTE	VIGO CO. FAIRGROUNDS DUMP 9W 11N 4 06 11
IA BUTLER 8 MI NORTH 1 MI WEST .5 MI	NORTH OF PARKERSBURG	PARKERSBURG	BUTLER COUNTY SANITARY LANDFILL 42 42 30 092 49 10 06
IA MILLS OAK TWP. RR 3		GLENWOOD	RUCKMAN OPEN DUMP 41 06 00 095 47 30 05 06 07 09 11
IA MILLS COUNTY SAINT MARYS TWP RR1		COUNCIL BLUFFS	GREAT PLAINS BEEF (SCHEIDLE) DUMP SITE-MILLS COUNTY 41 07 20 095 51 57 03 06 09 11
IA UNION COUNTY PLATTE TWP		KENT	TRASH CITY 40 53 55 094 21 30 01 06 07 11

KS	DOUGLAS		LAWRENCE	CITY OF LAWRENCE SANITARY LAND FILL	
1.5 MI W AND 2 MI N OF US 59	AND 24 JCT			39 00 00 095 16 00	03
KS	WYANDOTTE		KANSAS CITY	WHITES LAND IMPROVEMENT	DEMOLITION LANDFILL
4420 SORTER DRIVE				39 10 00 094 41 00	03
KY	DAVIESS		NOT APPLICABLE	GREEN RIVER DISPOSAL, INC.	
ON CEMETARY ROAD 1.5 MILES	FROM GRANDVIEW ROAD			37 53 19 086 58 16	03
KY	FLOYD		NOT APPLICABLE	STUMBO HOLLOW DUMP	
2.5 MILES FROM DRIFT KY UP	STONECOAL BRANCH			37 29 41 082 43 57	06 07 09 11
KY	FLOYD		NOT APPLICABLE	MIDDLE CREEK DUMP	
1 MILE NORTH OF KY 404 ON BLUE	RIVER BRANCH			37 38 25 082 49 43	06 07 09 11
KY	GREENUP		RUSSELL	ARMCO STEEL CORPORATION	
ARMCO STEEL CORP ASHLAND WORKS				38 30 30 082 40 00	01
KY	JEFFERSON		SHIVELY	LEE'S LANE LANDFILL	
BEYOND THE END OF LEE'S LANE	AT OHIO RIVER			38 11 42 085 52 50	01 03 06
KY	MARSHALL		CALVERT CITY	AIRCO CARBIDE/AIR PRODUCTS AND CHEMICALS INC	
BETWEEN KY 1523 AND TENNESSEE	RIVER UP FROM MILE PT 18			37 03 00 088 19 40	01
KY	MARTIN		NOT APPLICABLE	CITY OF INEZ DUMP	
EAST OF INEZ OFF KY 40 .5 MI.	NORTH UP SWEETWATER BRANCH			37 50 30 082 28 28	06 11
KY	MCCLEAN		NOT APPLICABLE	DOUG BRANTLEY AND SONS , INC.	LANDFILL
.25 MILES WEST OF ISLAND ON KY	5			37 26 42 087 09 18	03 11
KY	MEADE		NOT APPLICABLE	MEADE COUNTY--CITY OF	BRANDENBURG DUMP
NORTHEAST OF GUSTON ON KY710	BEYOND L&N RAIL CROSSING			37 54 20 086 12 25	03
KY	PIKE		NOT APPLICABLE	CITY OF PIKEVILLE DUMP	
.25 MILE NE OFF KY 1428	BEYOND TITAN SIDING			37 28 25 082 32 30	06 07 09
KY	SHELBY		NOT APPLICABLE	SOLID WASTE COMMISSION (WADDY)	
1.6 MILES EAST ON KY 637 FROM	WADDY			38 07 25 085 03 08	03 06 07 09
LA	AVOYELLES PARISH		PLAUCHEVILLE	PLAUCHEVILLE DUMP	
HWY 1181 WEST WARD 8				30 58 54 091 58 35	03 06 07 09 11
LA	AVOYELLES PARISH		SIMMESPORT	SIMMESPORT DUMP	
0.6 MI NE OF CENTER OF	SIMMESPORT			30 58 41 091 48 18	03 06 11
LA	BOSSIER PARISH		NOT APPLICABLE	BOSSIER CITY SANITARY LANDFILL	
OFF HWY 72 W NE OF BOSSIER	CITY NEAR RED RIVER			32 31 00 093 44 30	01 06
LA	CADDO PARISH		MOORINGSPORT	MOORINGSPORT SANITARY LANDFILL	
1/2 MI W OF HWY 1 ON HWY 169				32 41 15 093 57 00	03 06
LA	CADDO PARISH		NOT APPLICABLE	BAGLEY ROAD LANDFILL	
OFF HWY 1 SOUTH				32 24 30 093 41 00	03 06
LA	CALCASIEU PARISH		LAKE CHARLES	LAKE CHARLES CITY DUMP	BROAD STREET
4331 E BROAD STREET				30 14 12 093 07 36	06 11
LA	CALCASIEU PARISH		LAKE CHARLES	LAKE CHARLES CITY DUMP	SHATTUCK ST.
SHATTUCK ST.				30 15 45 093 11 48	03 06 07 09 11
LA	CAMERON PARISH		NOT APPLICABLE	CAMERON DUMP	
N SIDE OF HWY 82, 4 MI W OF	OAK GROVE			29 47 18 093 11 00	03 06 07 09
LA	CATAHOULA PARISH		HARRISONBURG	HARRISONBURG CITY DUMP	
OFF GRAVEL RD W OF LA 124	ABOUT 1 MI W OF HARRISOSNBURG			31 46 13 091 54 49	03 06
LA	EAST BATON ROUGE PARISH		SCOTLANDVILLE	DEVIL'S SWAMP LANDFILL	
HWY 61, SW OF BAKER				30 32 32 091 12 14	03 06 11

LA OFF GRAVEL RD W OF LA 124	CATAHOULA PARISH	ABOUT 1 MI W OF HARRISOSNBURG	HARRISONBURG	HARRISONBURG CITY DUMP 31 46 13	091 54 49 03 06
LA HWY 61, SW OF BAKER	EAST BATON ROUGE PARISH		SCOTLANDVILLE	DEVIL'S SWAMP LANDFILL 30 32 32	091 12 14 03 06 11
LA LEVEE RD IN NE LAKE PROVIDENCE	EAST CARROLL PARISH OVIDENCE		LAKE PROVIDENCE	LAKE PROVIDENCE CITY DUMP 32 48 20	091 10 00 03 06 07 09 11
LA 0.25 MI. SE OF INTERSECTION OF LA HWY 15 AND 865	FRANKLIN PARISH		WINNSBORO	WINNSBORO CITY DUMP 32 08 36	091 42 38 06
LA ABOUT 1 1/2 MI E OF DELCAMBRE	IBERIA PARISH ON PARISH RD 707		NEAR DELCAMBRE	DELCAMBRE CITY DUMP 29 55 43	091 58 35 06 08 09 10 11
LA OFF LA HWY 31 ABOUT 0.5 MI S	IBERIA PARISH OF ST MARTIN PARISH LINE		NEW IBERIA	NEW IBERIA CITY DUMP 30 01 55	091 49 36 06
LA HWY 1-2 MI SW OF CAMINADA PASS	JEFFERSON PARISH		GRAND ISLE	GRAND ISLE CITY DUMP 29 11 22	090 04 43 03 06 08 11
LA SO. KENNER RD. JEFFERSON - ST. CHARLES PH. BORDER.	JEFFERSON PARISH		WEST OF KENNER	GREATER NEW ORLEANS LANDFILL 29 55 40	090 16 18 03 06 11
LA 9601 LA PALCO BLVD	JEFFERSON PARISH		WESTWEGO	WASTE DISPOSAL SANITARY LANDFILL 29 53 13	090 10 31 03 06 11
LA SOUTH END OF CENTRAL AVENUE	JEFFERSON PARISH		WESTWEGO	WESTWEGO CITY DUMP 29 53 25	090 08 58 03 07 09
LA LA HWY 61 1 MI. E OF LA 50	JEFFERSON PARISH		NOT APPLICABLE	DISPOSAL SERVICE INC. 29 53 08	090 13 42 03 06 07 09 10 11
LA LARRAGEE PIT ROAD	LAFAYETTE PARISH LANDFILL DISPOSAL		LAFAYETTE	CITY OF LAFAYETTE LANDFILL DISPOSAL 30 15 20	091 58 00 03 06 07 09 11
LA LA 3185 ACROSS FROM PARISH	LAFOURCHE PARISH PRISON		THIBODAUX	THIBODAUX CITY DUMP 29 45 52	090 50 45 03 06 11
LA HWY 90 HWY 3198 INTERSECTION	LAFOURCHE PARISH		NOT APPLICABLE	RACELAND DUMP PARISH LANDFILL 29 40 57	090 38 30 03 06
LA LA 1032	LIVINGSTON PARISH		DENHAM SPRINGS	DENHAM SPRINGS DUMP 30 26 15	090 58 12 01 03 06
LA E OF BASTROP, HWY. 2, SE OF	MOREHOUSE PARISH BASTROP		NEAR BASTROP	BASTROP DUMP 32 46 03	091 50 48 03 06
LA 17000 CHEF MENTEUR HWY	ORLEANS PARISH		NEW ORLEANS	RECOVERY 1 30 02 54	089 53 00 03 06 11
LA HWY 116E APPROX 2 MI NE OF	RAPIDES PARISH ALEXANDRIA		ALEXANDRIA	ALEXANDRIA LANDFILL 31 22 10	092 22 39 03 06
LA HWY 61, 0.7 MI N OF LA 50	ST CHARLES PARISH		NOT APPLICABLE	CITY OF KENNER LANDFILL (JEFFERSON DISPOSAL) 29 58 50	090 19 04 03 06 09 10 11
LA HIGHWAY 61 0.9 MI N OF LA 50	ST CHARLES PARISH		NOT APPLICABLE	PELICAN STATE LANDFILL 29 59 02	090 19 46 03 06
LA APPROX. 2 MI NE ON HWY 47 FROM HWY 39.	ST. BERNARD PARISH		NOT APPLICABLE	ST. BERNARD LANDFILL SOUTHERN WASTE DISPOSAL INC. 29 58 10	089 57 30 03 06 11

LA	ST. JOHN THE BAPTIST PARISH		NOT APPLICABLE	LAPLACE DUMPSITE
0.4 MILE ON PARISH ROAD OFF LA 51 APPROX 4 MILES N OF LAPLACE				30 06 06 090 25 56 03 06 07 09 11
LA	ST. JOHN THE BAPTIST PARISH		NOT APPLICABLE	TROSCLAIR INC. DISPOSAL
N OF HWY 61 0.5 E OF LA 53				30 05 00 090 32 40 03
LA	ST. MARY PARISH		FRANKLIN	FRANKLIN CITY DUMP
PARISH ROAD 0.5 MI SW OF LA	HWY 3052			29 46 15 091 31 00 03 06 07 09 11
LA	TERREBONNE PARISH		WOODLAWN	HOUMA LANDFILL CITY DUMP
WOODLAWN RANCH ROAD				29 33 12 090 39 19 03 06 11
LA	VERMILION PARISH		ABBEVILLE	ABBEVILLE CITY DUMP
OFF HIGHWAY 167 N	NORTH OF ABBEVILLE			30 02 46 092 06 35 03 06 11
LA	VERMILION PARISH		ABBEVILLE	VERMILION PARISH SOLID WASTE PLANT
0.5 MI W OF US HWY 167 BETWEEN LA 696 AND 697				30 02 49 092 08 20 03 06 11
LA	VERMILION PARISH		NOT APPLICABLE	NUNEZ DUMP
0.2 MI S ON PARISH RD FROM LA	14, 2 MI E OF KAPLAN			29 59 20 092 14 38 03 06 07 09
LA	VERMILION PARISH		NOT APPLICABLE	TAN ROMERO DUMP
LA HWY 335 APPROX 4 MI W OF LA	HWY 35			29 56 45 092 26 10 03 06
LA	VERNON PARISH		LEESVILLE	LEESVILLE CITY DUMP
1.5 MI OFF US HWY 171 W OF	LEESVILLE ON PARISH ROAD			31 05 31 093 17 51 03 06 07 09 11
LA	WEST BATON ROUGE PARISH		NOT APPLICABLE	WEST BATON ROUGE PARISH LANDFILL
HWY 76, 10.5 MI. W OF PORT	ALLEN			31 28 02 092 21 02 07 09 11
LA	WEST CARROLL PARISH		OAKGROVE	OAKGROVE CITY DUMP
NW TIP OF OAKGROVE, 0.2 MI N	OF LA 2 E OF GRAVEL ROAD BRDG.			32 51 45 091 23 47 06 08 09 11
LA	WINN PARISH		WINNFIELD	WINNFIELD LANDFILL
OFF HWY 167S 1.5 MI SE OF	WINNFIELD			31 54 22 092 36 37 03 06 07 09 11
ME	ANDROSCOGGIN		AUBURN	CITY OF AUBURN SOLID WASTE DISPOSAL FACILITY
GREENLAWN RD				44 07 27 070 14 18 04 06 08
ME	ANDROSCOGGIN		SABATTUS	TOWN OF SABATTUS SOLID WASTE DISPOSAL FACILITY
ROUTE 132				44 07 07 070 05 09 04 06 07
ME	AROOSTOOK		MADAWASKA	TOWN OF MADAWASKA SOLID WASTE DISPOSAL FACILITY
GAGNON ROAD				47 20 23 068 18 00 03 06 07 09
ME	AROOSTOOK		MAPLETON	CITY OF PRESQUE ISLE SOLID WASTE DISPOSAL FACILITY
OFF ROUTE 163				46 41 05 068 03 30 03 04 06 09
ME	HANCOCK		SOUTHWEST HARBOR	WORCESTER LANDFILL
OFF LONG POND ROAD				44 17 30 068 20 57 03 04
ME	KENNEBEC		WINTHROP	SAVAGE LANDFILL
ANNABESSACOOK LAKE				44 16 30 069 59 20 03 04 06
ME	KENNEBEC		WINTHROP	WINTHROP LANDFILL
ANNABESSACOOK LAKE ROAD				44 16 34 069 59 18 03 04 06
ME	KNOX		ST. GEORGE	TOWN OF ST. GEORGE SOLID WASTE DISPOSAL FACILITY
OFF ROUTE 131 TENANTS HARBOR				43 58 27 069 13 60 03 06 07 09 11
ME	LINCOLN		BRISTOL	TOWN OF BRISTOL SOLID WASTE DISPOSAL FACILITY
OFF ROUTE 130 PEMAQUID				43 54 07 069 29 44 03 09

ME	OXFORD		NORWAY	NORWAY SOLID WASTE DISPOSAL FACILITY
OFF ROUTE 26				44 12 24 070 31 18 03 04
ME	OXFORD		OXFORD	TOWN OF OXFORD SOLID WASTE DISPOSAL FACILITY
OFF SKEETFIELD ROAD				44 49 10 070 30 09 03 04

ME OXFORD OFF ROUTE 26	NORWAY	NORWAY SOLID WASTE DISPOSAL FACILITY 44 12 24 070 31 18 03 04	
ME OXFORD OFF SKEETFIELD ROAD	OXFORD	TOWN OF OXFORD SOLID WASTE DISPOSAL FACILITY 44 49 10 070 30 09 03 04	
ME OXFORD OFF HIGH STREET	SOUTH PARIS	TOWN OF PARIS SOLID WASTE DISPOSAL FACILITY 44 14 46 070 32 18 03 04 06	
ME OXFORD ROUTE 232 BRYANT POND	WOODSTOCK	WOODSTOCK LANDFILL 44 25 05 077 38 47 03 07 09	
ME PENOBSCOT PHINNEY ROAD	CORINNA	TOWN OF CORINNA SOLID WASTE DISPOSAL FACILITY 44 58 45 069 13 35 03 04 06	
ME PENOBSCOT UPPER GARLAND ROAD	DEXTER	TOWN OF DEXTER SOLID WASTE DISPOSAL FACILITY 45 01 16 069 16 10 03	
ME PENOBSCOT ROUTE 222	LEVANT	STETSON LANDFILL 44 54 00 069 01 55 01 03 06 07 09	
ME SAGADAHOC CARDIN MACHINE ROAD	BOWDOINHAM	TOWN OF BOWDOINHAM SOLID WASTE DISPOSAL FACILITY 44 03 24 069 50 07 03 07	
ME SOMERSET THE HORSEBACK ROAD	PITTSFIELD	TOWN OF PITTSFIELD SOLID WASTE DISPOSAL FACILITY 44 46 15 069 21 25 03 04 06 09	
ME WALDO BACK SEARSPORT ROAD	SEARSPORT	SEARSPORT SOLID WASTE DISPOSAL FACILITY 44 28 24 068 56 14 03 04 06 07 09	
ME WASHINGTON SOUTH LUBEC ROAD	LUBEC	TOWN OF LUBEC SOLID WASTE DISPOSAL FACILITY 44 48 37 066 48 64 03 07 09 11	
ME WASHINGTON ROUTE 1A	MILBRIDGE	TOWN OF MILBRIDGE SOLID WASTE DISPOSAL FACILITY 44 33 68 067 51 38 03 06 07	
ME YORK OFF ROUTE 111	BIDDEFORD	CITY OF BIDDEFORD SOLID WASTE DISPOSAL FACILITY 43 28 55 070 31 48 03 04 06	
ME YORK PINE HILL ROAD	LEMINGTON	TOWN OF LIMINGTON SOLID WASTE DISPOSAL FACILITY 42 44 06 070 41 25 03	
ME YORK OFF TURKEY STREET	NORTH BERWICK	NORTH BERWICK SOLID WASTE DISPOSAL FACILITY 43 19 54 070 45 32 03 04 07	
MD DORCHESTER COUNTY THOMAS' CORNER RD (MD.RT.14)	SECRETARY	SECRETARY SANITARY LANDFILL 38 34 10 076 58 00 06 08 09	
MD FREDERICK COUNTY CUMMINGS DRIVE	BRUNSWICK	BRUNSWICK SANITARY LANDFILL 39 19 00 077 36 40 06 08 11	
MA BARNSTABLE FLINT STREET	BARNSTABLE	BARNSTABLE SANITARY LANDFILL 41 39 37 070 23 54 06	
MA BARNSTABLE MACARTHUR BLVD	BOURNE	BOURNE SANITARY LANDFILL 41 43 50 070 34 30 06	
MA BARNSTABLE OFF ROUTE 134	DENNIS	DENNIS SANITARY LANDFILL 41 41 30 070 09 00 06	
MA BARNSTABLE ASHER'S PATH	MASHPEE	MASHPEE SANITARY LANDFILL 41 37 50 070 28 48 06	

MA BARNSTABLE RACE POINT ROAD	PROVINCETOWN	PROVINCETOWN SANITARY LANDFILL 42 03 40 070 11 52 06	
MA BARNSTABLE UNION STREET	YARMOUTH	YARMOUTH SANITARY LANDFILL 41 41 12 070 13 32 06	
MA BERKSHIRE WEST ROAD	CLARKSBURG	CLARKSBURG TOWN DUMP 42 43 30 073 06 30 06 09 11	
MA BERKSHIRE ORE BED ROAD 1 MILE NORTH OF BALANCE ROCK ROAD	LANESBOROUGH	LANESBOROUGH LANDFILL 42 31 16 073 15 52 06 09	
MA BERKSHIRE GOULD ROAD 1000 FEET NORTH OF CURTIS ROAD	MONTEREY	MONTEREY LANDFILL 42 10 37 073 15 47 06	
MA BERKSHIRE SOUTH SANDISFIELD ROAD 1.5 MILES EAST OF ROUTE 57	NEW MARLBOROUGH	NEW MARLBOROUGH DUMP 42 06 22 073 10 57 06 09 11	
MA BERKSHIRE AVENUE E OFF WEST SHAFT ROAD	NORTH ADAMS	NORTH ADAMS DUMP 42 40 05 073 05 44 06 09	
MA BERKSHIRE CHAPEL ROAD OFF LOOP ROAD	SAVOY	SAVOY TOWN DUMP 42 34 46 073 00 00 06 07 09 11	
MA BERKSHIRE BARNUM ROAD 1 MILE SOUTH OF SALISBURY ROAD	SHEFFIELD	SHEFFIELD DUMP 42 05 06 073 22 30 06 07 09	
MA BERKSHIRE MONTEREY ROAD .6 MILE SOUTH OF MAIN ROAD	TYRINGHAM	TYRINGHAM DUMP 42 13 28 073 11 50 06 09	
MA BRISTOL N MAIN STREET	ACUSHNET	ACUSHNET SANITARY LANDFILL 41 42 30 070 53 42 06	
MA BRISTOL LEONARD STREET	ACUSHNET	BATISTA LANDFILL 41 43 30 070 53 36 06 11	
MA BRISTOL INDUSTRIAL PARK ROAD	FALL RIVER	FALL RIVER SANITARY LANDFILL 41 41 21 071 06 07 06	
MA BRISTOL 1103 SHAWMUT AVE	NEW BEDFORD	NEW BEDFORD SANITARY LANDFILL 41 39 51 070 57 28 06	
MA BRISTOL HIXBRIDGE ROAD	WESTPORT	WESTPORT SANITARY LANDFILL 41 34 21 071 04 25 06	
MA DUKES TABOR HOUSE ROAD	CHILMARK	CHILMARK SANITARY LANDFILL 41 21 50 070 43 30 06	
MA DUKES SOUTH ROAD	GAY HEAD	GAY HEAD LANDFILL 41 20 20 070 48 06 06	
MA DUKES COUNTY ROAD	OAK BLUFFS	OAK BLUFFS SANITARY LANDFILL 41 26 10 070 34 30 06	
MA DUKES VINEYARD HAVEN ROAD	TISBURY	TISBURY SANITARY LANDFILL 41 26 30 070 36 48 06	
MA DUKES VINEYARD HAVEN ROAD	WEST TISBURY	WEST TISBURY SANITARY LANDFILL 41 24 30 070 40 00 06	
MA ESSEX ROUTES 150 AND 110 AND SUMMIT AVE.	AMESBURY	ST. JOSEPH'S DEMOLITION LANDFILL 42 50 30 071 57 42 06 09	

MA ESSEX OFF BRIMBALL ADJ TO ROUTE 128	BEVERLY	BRIMBAL AVENUE LANDFILL 42 34 27 070 52 37 06	
MA ESSEX POPES LANE OFF EAST COAST RD	DANVERS	DANVERS SANITARY LANDFILL 42 33 36 070 59 14 06	
MA ESSEX	ESSEX	ESSEX SANITARY LANDFILL	

MA ESSEX OFF BRIMBALL ADJ TO ROUTE 128	BEVERLY	BRIMBAL AVENUE LANDFILL 42 34 27	070 52 37	06
MA ESSEX POPES LANE OFF EAST COAST RD	DANVERS	DANVERS SANITARY LANDFILL 42 33 36	070 59 14	06
MA ESSEX OFF LANDING ROAD	ESSEX	ESSEX SANITARY LANDFILL 42 37 40	070 47 10	06
MA ESSEX OFF WESTERN AVE RT 127	GLOUCESTER	GLOUCESTER SANITARY LANDFILL 42 35 45	070 42 30	06
MA ESSEX PINE STREET	MANCHESTER	MANCHESTER SANITARY LANDFILL 42 36 30	070 47 30	06
MA ESSEX OFF HUNTINGTON AVENUE	METHUEN	HUNTINGTON AVENUE LANDFILL 42 43 30	071 11 30	06 11
MA ESSEX OFF MAIN STREET	ROCKPORT	ROCKPORT SANITARY LANDFILL 42 38 30	070 37 30	06
MA ESSEX OFF OLD BOSTON ROAD	ROWLEY	ROWLEY SANITARY LANDFILL 42 45 30	070 52 30	06
MA ESSEX OFF OLD COUNTY ROAD	SALISBURY	SALISBURY LANDFILL 42 51 30	070 50 30	06
MA FRANKLIN BUCKLAND ROAD OFF RT 112	ASHFIELD	ASHFIELD TOWN DUMP 42 33 11	072 48 16	06 09
MA FRANKLIN OFF MAPLE STREET	ERVING	ERVING DUMP 42 35 59	072 23 16	06 07 09
MA FRANKLIN OFF MAIN STREET	GILL	GILL DUMP 42 40 09	072 29 26	06 07 09
MA FRANKLIN BARRINGTON ROAD	HEATH	HEATH-HAWLEY-CHARLEMONT DUMP 42 38 16	072 48 56	06 07 09
MA FRANKLIN RANDALL ROAD	MONTAGUE	MONTAGUE OLD DUMP SITE 42 35 09	072 33 31	06 07 09
MA FRANKLIN WENDELL ROAD	NEW SALEM	NEW SALEM DUMP 42 30 37	072 20 38	06 07 09
MA FRANKLIN PARKER AVE	NORTHFIELD	NORTHFIELD DUMP 42 41 17	072 27 48	01 06 07
MA FRANKLIN JONES ROAD	ORANGE	ORANGE DUMP 42 35 28	072 17 45	06 07
MA FRANKLIN STRAITS ROAD	WHATELY	WHATELY TOWN DUMP 42 27 16	072 36 24	07 09
MA HAMPDEN HOLYOKE STREET 1500 FEET WEST OF WEST STREET	LUDLOW	LUDLOW LANDFILL 42 10 55	072 30 48	06
MA HAMPDEN OFF ROUTE 20	SOUTHWICK	SOUTHWICK WOOD AND DEMOLITION DUMP 42 02 30	072 46 59	07 09
MA HAMPDEN DUNSTABLE ROAD	TYNGSBORO	CHARLES GEORGE LAND RECLAIMATION TRUST 42 40 10	071 26 15	06 09

MA	HAMPSHIRE	CHESTERFIELD	CHESTERFIELD TOWN DUMP		
WILLICUT ROAD			42 25 00	072 50 28	06 07 09 11
MA	HAMPSHIRE	CUMMINGTON	CUMMINGTON TOWN DUMP		
WEST CUMMINGTON ROAD			42 29 05	072 56 24	07 09 11
MA	HAMPSHIRE	SOUTH HADLEY	SOUTH HADLEY DUMP		
INDUSTRIAL DRIVE			42 13 19	072 33 31	06 09 11
MA	HAMPSHIRE	WILLIAMSBURG	WILLIAMSBURG TOWN DUMP		
MOUNTAIN ROAD			42 22 53	072 41 19	06 07 09
MA	MIDDLESEX	BILLERICA	SHAFFER'S LANDFILL		
OFF POND STREET			42 35 30	071 15 00	06
MA	MIDDLESEX	CHELMSFORD	CHELMSFORD SANITARY LANDFILL		
OFF SWAIN ROAD			42 38 22	071 24 19	06 11
MA	MIDDLESEX	CONCORD	CONCORD SANITARY LANDFILL		
OFF WALDEN ST ROUTE 126			42 26 30	071 20 30	06
MA	MIDDLESEX	HOPKINTON	TOWN OF HOPKINTON SANITARY		LANDFILL
RTE 135 HOPKINTON ROAD EAST OF	WESTBORO TOWN LINE		42 15 12	071 35 10	06 09
MA	MIDDLESEX	NATICK	NATICK SANITARY LANDFILL		
WEST STREET OFF RT 27			42 16 15	071 21 46	06
MA	MIDDLESEX	SHIRLEY	TOWN OF SHIRLEY SANITARY		LANDFILL
LEOMINSTER ROAD			42 32 20	071 41 15	06 09
MA	MIDDLESEX	SUDBURY	SAND HILL SANITARY LANDFILL		
OFF BOSTON POST ROAD ROUTE 20			42 22 09	071 25 34	06
MA	MIDDLESEX	WOBURN	WOBURN DUMP		
OFF MERRIMAC STREET			42 31 20	071 08 42	06 07 11
MA	NORFOLK	BRAINTREE	BRAINTREE SANITARY LANDFILL		
OFF UNION STREET			42 12 13	071 00 00	06
MA	NORFOLK	COHASSET	COHASSET REFUSE DISPOSAL		FACILITY
OFF CEDAR STREET			42 14 50	070 50 13	06
MA	NORFOLK	FOXBOROUGH	FOXBOROUGH SANITARY LANDFILL		
EAST BELCHER STREET			42 03 10	071 13 52	06
MA	NORFOLK	FRANKLIN	FRANKLIN MUNICIPAL SANITARY		LANDFILL
BEAVER STREET			42 04 57	071 25 19	06
MA	NORFOLK	MEDWAY	MEDWAY TOWN LANDFILL		
BROAD ST EXTENSION			42 08 50	071 24 00	06 09
MA	NORFOLK	MILLIS	MILLIS SANITARY LANDFILL		
OFF ISLAND ROAD			42 10 58	071 20 50	06
MA	NORFOLK	MILTON	MILTON SANITARY LANDFILL		
OFF RANDOLPH AVENUE			42 14 04	071 04 20	06
MA	NORFOLK	NEEDHAM	NEEDHAM SOLID WASTE DISPOSAL		AREA
OFF CENTRAL AVENUE			42 16 41	071 15 44	06 11
MA	NORFOLK	NORFOLK	NORFOLK SANITARY LANDFILL		
OFF OLD MEDWAY BRANCH			42 07 32	071 20 15	06
MA	NORFOLK	QUINCY	QUINCY RUBBISH DISPOSAL		FACILITY
RICCIUTI DRIVE OFF WILLARD ST			42 14 30	071 03 05	06
MA	PLYMOUTH	BRIDGEWATER	BRIDGEWATER MCI		
BEDFORD STREET			41 56 30	070 57 30	06 11

MA	NORFOLK		QUINCY	QUINCY RUBBISH DISPOSAL		FACILITY
RICCIUTI DRIVE OFF WILLARD ST				42 14 30	071 03 05	06
MA	PLYMOUTH		BRIDGEWATER	BRIDGEWATER MCI		
BEDFORD STREET				41 56 30	070 57 30	06 11
MA	PLYMOUTH		HALIFAX	HALIFAX SANITARY LANDFILL		
OFF HEMLOCK STREET				41 59 45	070 51 42	06
MA	PLYMOUTH		HULL	HULL SANITARY LANDFILL		
OFF LOGAN AVENUE				42 20 00	070 53 00	06 09
MA	PLYMOUTH		PLYMOUTH	MANOMET SANITARY LANDFILL		
BEAVER DAM ROAD				41 53 34	070 34 51	06
MA	WORCESTER		BOLTON	TOWN OF BOLTON SANITARY		LANDFILL
FORBUSH ROAD				42 26 18	071 39 00	06 09
MA	WORCESTER		CHARLTON	TOWN OF CHARLTON SANITARY		LANDFILL
APPROX 0.9 MILE SOUTH ON	GUELPHWOOD	RD OR FLINT RD		42 07 10	071 58 35	06 09 11
MA	WORCESTER		CLINTON	TOWN OF CLINTON SANITARY		LANDFILL
NORTH OF RAILROAD TRACK OFF	SOUTH MEADOW	ROAD		42 24 35	071 43 00	06 09
MA	WORCESTER		EAST BROOKFIELD	TOWN OF EAST BROOKFIELD		SANITARY LANDFILL
SOUTHERLY END OF CONNIE MACK	ROAD			42 13 20	072 03 15	07 09
MA	WORCESTER		GARDNER	GARDNER SANITARY LANDFILL		
WEST OF ST JOHNS CEMETERY OFF	RTE 68 WEST	STREET		42 35 15	072 01 35	06 09
MA	WORCESTER		LEICESTER	TOWN OF LEICESTER SANITARY		LANDFILL
APPROX 1 MILE SOUTH ON	MANVILLE	STREET		42 15 35	071 53 55	06 09
MA	WORCESTER		NORTH BROOKFIELD	TOWN OF NORTH BROOKFIELD		SANITARY LANDFILL
APPROX 2 MILES NORTH ON EAST	BROOKFIELD	ROAD		42 14 45	072 04 25	06 09
MA	WORCESTER		NORTHBRIDGE	TOWN OF NORTHBRIDGE SANITARY		LANDFILL
QUAKER ROAD				42 07 40	071 39 55	06 09
MA	WORCESTER		WEBSTER	TOWN OF WEBSTER SANITARY		LANDFILL
APPROX 0.7 MILE NORTH ON	CUDWORTH	ROAD		42 04 15	071 51 40	06 09
MI	ALGER		BURT TWP	BURT TOWNSHIP DISPOSAL AREA		
LOCATED ON H58 3 MILES EAST OF	STATE HWY 77 ON S SIDE OF RD			13W	49N	10 06 07 09
MI	ALGER		ROCK RIVER	ROCK RIVER TOWNSHIP		
ONE MILE EAST AND ONE MILE	NORTH OF THE VILLAGE CHATHAM			21W	46N	26 06 07 09
MI	ALPENA		ALPENA	ALPENA CITY DUMP		
M-32 HIGHWAY,3.3 MI WEST OF	BAGLEY ST			07E	31N	26 03 06 10
MI	ALPENA		HERRON	WILSON TOWNSHIP DUMP-RAYBURN		PIT
.7 MILES NORTH OF TAYLOR-HAWKS	ROAD ON RAYBURN RD			06E	31N	35 06 09
MI	ALPENA		HUBBARD LAKE	OSSINEKE TOWNSHIP DUMP		
END OF NICHOLSON HILL ROAD,.5	MILES WEST OF KISSAU ROAD			06E	29N	14 06 07 09 11
MI	ANTRIM		CENTRAL LAKE	CENTRAL LAKE DUMP		
M 88 HIGHWAY NORTH OF CENTRAL	LAKE			08W	31N	15 03 06 07 09
MI	ARENAC		AU GRES TWP	AU GRES TOWNSHIP DUMP		
ONE HALF MILE NORTH OF US-23	ON SWENSEN RD			6E	19N	15 06 09

MI	ARENAC		AUGRES	SIMS WHITNEY TOWNSHIP DUMP						
THREE QUARTERS OF A MILE EAST		OF US 23 ON BESSINGER ROAD		7E	20N	35	04 06 09 11			
MI	ARENAC		OMER	SKIDWAY DISPOSAL SERVICE						
3 MI S OF RIDGE RD ON BISHOP,		ONE MI EAST ON KNIGT		4E	20N	26	04 06			
MI	ARENAC		STANDISH	STANDISH LINCOLN DUMP						
2.5 MI E OF US 23 ON PALMER RD				5E	18N	07	06 09			
MI	BAY		BAY CITY	BAY CITY DUMP						
LAFAYETTE AVENUE TO MIDDLE		GROUNDS ISLE THEN SOUTH 1 MI		5E	14N	32	06 10			
MI	BAY		ESSEXVILLE	ESSEXVILLE CITY DUMP						
WOODSIDE EAST TO PINE, NORTH		.25 MI TO JARMAN ST 90 EAST		5E	14N	13	06			
MI	BERRIEN		THREE OAKS	SOUTHWEST BERRIEN COUNTY				LANDFILL		
FOREST LAWN RD-FROM US12 GO S		ON BASSWOOD TO FOREST LAWN GOW		20W	8S	17	10			
MI	CHARLEVOIX		BOYNE CITY	BOYNE CITY DUMP						
OLD HORTON BAY ROAD				06W	33N	15	06 07			
MI	CHARLEVOIX		BOYNE CITY	BOYNE CITY OLD NORTH DUMP						
COURT AT ESCAPE STREETS				06W	33N	27	06 09 11			
MI	CHARLEVOIX		BOYNE CITY	C H SMITH DISPOSAL SITE						
OLD HORTON BAY RD,NORTH OF		BOYNE CITY		06W	33N	23	06 09			
MI	CHARLEVOIX		BOYNE FALLS	BOYNE FALLS DUMP						
.3 MILES WEST OF US 131 ON		ADDIS ROAD		05W	32N	09	06			
MI	CHARLEVOIX		BOYNE FALLS	BOYNE MOUNTAIN RESORT DUMP						
BOYNE MOUNTAIN SKI RESORT				05W	32N	16	06 07 09			
MI	CHARLEVOIX		EAST JORDAN	CITY OF EAST JORDAN DUMP						
END OF NICHOLS ST				07W	32N	24	03 06 07			
MI	CHARLEVOIX		EAST JORDAN	EAST JORDAN IRON WORKS FILL				AREA		
DIVISION STREET				07W	32N	14	03 08			
MI	CHARLEVOIX		IRONTON	CHARLEVOIX GARBAGE SERVICE				LANDFILL		
.5 MILES WEST OF SEQUONATA		ROAD ON DUMP ROAD		07W	33N	19	06			
MI	CHEBOYGAN		CHEBOYGAN	ALOHA TOWNSHIP DUMP						
ALOHA DUMP ROAD .7 MILES NORTH		OF MANN SCHOOL ROAD		01W	36N	14	06 07 09			
MI	CHEBOYGAN		CHEBOYGAN	BENTON THP DUMP ALVERNO SITE						
2.3 MILES EAST OF ALVERNO ON		ORCHARD BEACH ROAD		01E	37N	32	06 07 09 11			
MI	CHEBOYGAN		CHEBOYGAN	BENTON THP DUMP CORDWOOD ROAD						
CORDWOOD ROAD,1.2 MILES SOUTH		OF US 23		01E	38N	32	06 07 09 11			
MI	CHEBOYGAN		CHEBOYGAN	CITY OF CHEBOYGAN DUMP						
EASTERN AVENUE,.8 MILES SOUTH		OF US 23		01W	37N	04	03 06 11			
MI	CHEBOYGAN		CHEBOYGAN	INVERNESS THP DUMP						
INVERNESS DUMP RD				2W	37N	27	06			
MI	CHEBOYGAN		DORIVA BEACH	GRANT TOWNSHIP DUMP - DORIVA				BEACH		
DORIVA BEACH ROAD,1.5 MILES		SOUTH OF TWIN LAKES ROAD		01E	36N	14	06 07 09 11			
MI	CHEBOYGAN		DOUGLAS LAKE AREA	MUNRO TWP. - BRANT RD.						
BRANT RD.				3W	37N	31	06 09			

MI	CHEBOYGAN		INDIAN RIVER	KOEHLER TWP DUMP						
ONAWAY RD.				2W	35N	21	06 09			
MI	CHEBOYGAN		INDIAN RIVER	TUSCARORA TWP. DUMP						
BRUNDY RD.				2N	35N	31	06 09			

MI	CHEBOYGAN		INDIAN RIVER	KOEHLER TWP DUMP		
ONAWAY RD.				2W	35N	21	06 09
MI	CHEBOYGAN		INDIAN RIVER	TUSCARORA TWP. DUMP		
BRUNDY RD.				2N	35N	31	06 09
MI	CHEBOYGAN		TOPINABEE	EAST BURT LAKE DISPOSAL SITE		
CRUMP RD				3W	36N	12	06 07 09
MI	CHEBOYGAN		TOPINABEE	MULLET TWP NO. 1		
.3 M OFF BENNET RD ON MULLET		TWP DUMP RD TO END		2W	36N	19	06 07 09
MI	CHEBOYGAN		TOWER	FOREST TOWNSHIP DUMP		
ON TOWER DUMP ROAD,2.3 MI S		AND .4 MILES WEST, OF M-68		01E	34N	20	06 07 09 11
MI	CHEBOYGAN		WOLVERINE	WOLVERINE VILL. DUMP		
PEET RD.				3W	33N	11	06 07 09
MI	CHIPPEWA		DETOUR VILLAGE	DETOUR VILLAGE DISPOSAL AREA		
1MI W ON N CARIBOU FROM INTER-		SECTION OF N CARIBOU RD/HWY134		04E	42N	28	06 07 09
MI	CHIPPEWA		RABER TOWNSHIP	RABER TOWNSHIP DISPOSAL AREA		
ON MI HWY 48 3MI W,1MI N OF		GOETZVILLE ON S		02E	42N	02	06 07 09
MI	CLARE		CLARE	SHERIDAN TWP DUMP		
2 MILES EAST OF OLD 27 THEN		0.5 MI N ON CORNWELL		R3W	17N	6	06 09
MI	CLARE		FARWELL	GARFIELD TOWNSHIP DUMP		
TWO AND ONE HALF MILES NORTH		OF US 10 ON LAKE STATION AVE		6W	17N	3	06 09
MI	CLARE		FARWELL	GRANT TOWNSHIP DUMP		
US27 TO SURREY RD 3 MILE WEST		ON SURREY THEN 1000 FT NORTH		4W	17N	18	09
MI	CLARE		FARWELL	SURREY TOWNSHIP DUMP		
4000 FT NORTH OF OS10 ON OLD		STATE AVENUE		5W	17N	12	06 09
MI	CLARE		HARRISON	CITY OF HARRISON DUMP		
CLARENCE ROAD EAST OF SPRUCE		SOUTH OF BUSINESS 27		4W	19N	29	06
MI	CLARE		HARRISON	FRANKLIN TOWNSHIP DUMP		
ONE MILE WEST OF M18 ON		MERIDITH GRADE ROAD		3W	20N	14	06 09 11
MI	CLARE		HARRISON	HAMILTON TOWNSHIP DUMP		
ONE AND ONE HALF MILE NORTH OF		M61 ON RODGERS AVENUE		3W	19N	30	06 09
MI	CLARE		HARRISON	SUMMERFIELD TOWNSHIP DUMP		
FIVE AND ONE HALF MILES NORTH		OF M61 ON OLD STATE AVENUE		5W	20N	23	06 09 11
MI	DICKINSON		BREEM TOWNSHIP	BREEM TOWNSHIP DUMP		
0.5 MI SOUTH OFF CO RD 569 ON		JOE ROBINETTE RD-EAST SIDE		27W	41N	09	06 07 09
MI	EMMET		ALANSON	LITTLEFIELD TOWNSHIP DUMP		
MOORE ROAD .8 MILES FROM POWER		ROAD		04W	35N	17	04 06 07 09
MI	EMMET		CARP LAKE	CARP LAKE DUMP		
FROM US 31 GO N ON WHEELING		ROAD .35 MILES TO THE DUMP		04W	38N	02	06 07 09
MI	EMMET		ELLSWORTH	SPRINGVALE TOWNSHIP DUMP		
ELLSWORTH ROAD,1.2 MILES FROM		MITCHELL ROAD		04W	34N	02	06 07
MI	EMMET		HARBOR SPRINGS	CITY OF HARBOR SPRINGS AND		WEST TRAVERSE TOWNSHIP DUMP	
HUGHSTON ROAD,1.7 M OF STATE		ROAD		06W	35N	02	06 07 09

UMI 1 8 6 2 9 M Y 6 4 V

MI	EMMET		HARBOR SPRINGS	LITTLE TRAVERSE TOWNSHIP DUMP						
PLEASANTVIEW ROAD .65 MILES	NORTH OF HATHAWAY ROAD			05W	35N	10	06			
MI	EMMET		LEVERING	MCKINLEY TOWNSHIP DUMP						
1.8 MILES EAST OF US 31 ON	LEVERING ROAD			04W	37N	01	06	07	09	
MI	EMMET		MACKINAW CITY	MACKINAW CITY DUMP						
GO .9 MILES WEST FROM M-108 ON	TRAILS END ROAD (NEXT TO KOA)			04W	39N	13	06	07	11	
MI	EMMET		PETOSKEY	PETOSKEY LANDFILL						
HOWARD STREET,.4 MILE SOUTH OF	RIVER ROAD			05W	34N	08	03	06	07	
MI	GLADWIN		ALGER	CLEMENT TOWNSHIP DUMP						
ONE HALF MILE EAST OF M30 ON	INDIAN LAKE RD			1E	16N	16	06	09		
MI	GLADWIN		BEAVERTON	BILLINGS TOWNSHIP DUMP						
ESTEY RD THREE AND ONE HALF	MILES EAST OF M30			1E	17N	13	06	09		
MI	GLADWIN		BEAVERTON	D & B DISPOSAL SERVICE						
4 MI W OF M30 ON HOWARD ROAD	THEN 1/4 MI ON HAWKI			1W	18N	28	06			
MI	GLADWIN		BEAVERTON	TOBACCO TOWNSHIP DUMP						
VAN DYKE RD FIVE AND ONE HALF	MILES EAST OF M18			1W	17N	13	04	06		
MI	GLADWIN		GLADWIN	BUCKEYE TOWNSHIP DUMP						
M30 TO WINEGARS RD THEN 3 MILE	WEST,ONE EIGHTH MILE NORTH			1W	18N	15	06			
MI	GLADWIN		GLADWIN	GLADWIN CITY DUMP						
SOUTH ANTLER STREET 2 BLOCKS	SOUTH OF MAIN STREET			2W	18N	1	06	10		
MI	GLADWIN		GLADWIN	GLADWIN TOWNSHIP DUMP						
THREE AND THREE QUARTER MILES	EAST OF M18 ON RIDGE ROAD			1W	19N	21	06			
MI	GLADWIN		MERIDITH	SHERMAN TOWNSHIP DUMP						
OFF MERIDITH GRADE ROAD ONE	HALF MILE EAST OF M18			2E	20N	18	06	09	11	
MI	GLADWIN		RHODES	BENTLEY TWP DUMP						
SEVEN AND ONE HALF MILES EAST	OF M30 ON ESTEY ROAD			2E	17N	15	06	09		
MI	GOGEBIC		BESSEMER	CITY OF BESSEMER DUMP						
0.8 MI N OF US-2 ON UNNAMED CO	RD-WEST SIDE OF ROAD			46W	47N	03	06	07	09	11
MI	GOGEBIC		ERWIN TOWNSHIP	ERWIN TOWNSHIP						
1.8 MI W OF CO RD 513 ON BLACK	RIVER RD - SOUTH SIDE			46W	46N	05	06	07	09	11
MI	GOGEBIC		IRONWOOD	CITY OF IRONWOOD DUMP						
S OFF US-2 ON LK ST TO MCLEAD	AVE, 0.2 MI, SOUTH SIDE OF RD.			47W	47N	23	03	06		
MI	GOGEBIC		IRONWOOD TWP	AIRPORT SITE (IRONWOOD TWP)						
4 MI N OF US-2 ON CO RD 505, E	2 MI ON CO RD 204, S ON JARVEY			46W	48N	31	06	07	10	
MI	GOGEBIC		IRONWOOD TWP	LITTLE GIRL'S POINT (IRONWOOD)						
14.3 MILES NORTH OF US-2 ON CO	RD 505 - EAST SIDE OF ROAD			48W	48N	2	06	07	09	11
MI	GOGEBIC		MARENISCO TWP	MARENISCO TWP DUMP						
USFS ROAD, 1.4 MI NORTH OF	GREAT LAKES ROAD			44W	47N	21	06	07	09	11
MI	GOGEBIC		RAMSAY	BESSMER TOWNSHIP DUMP						
2 MI SOUTH OF RAMSAY ON SOUTH	RIDER RD-EAST SIDE OF ROAD			46W	47N	25	06	07	09	11
MI	GOGEBIC		WAKEFIELD	CITY OF WAKEFIELD DUMP						
2 MILES NORTH ON M-28 FROM	CITY LIMIT-NORTH SIDE OF ROAD			45W	48N	35	06			

MI	HOUGHTON		EAGLE RIVER	EAGLE RIVER DUMP (HOUGHTON TOWNSHIP)						
0.1 MI SOUTH OF EAGLE RIVER,	THEN 0.4 MILE ON DIRT TRAIL			31W	58N	30	06	07	09	11
MI	HOUGHTON		LAIRD TWP.	LAIRD TOWNSHIP DISPOSAL AREA						
3.5 MI E OF NISULA ON M-38, S	0.6 MI ON CO. RD TO DISP. AREA			35W	50N	4	06	07	09	11

MI	HOUGHTON			EAGLE RIVER				EAGLE RIVER DUMP (HOUGHTON TOWNSHIP)			
0.1 MI SOUTH OF EAGLE RIVER,		THEN 0.4 MILE ON DIRT TRAIL						31W	58N	30	06 07 09 11
MI	HOUGHTON			LAIRD TWP.				LAIRD TOWNSHIP DISPOSAL AREA			
3.5 MI E OF NISULA ON M-38, S		0.6 MI ON CO. RD TO DISP. AREA						35W	50N	6	06 07 09 11
MI	IOSCO			NATIONAL CITY				SHERMAN TOWNSHIP DUMP			
2 MILES SOUTH OF NATIONAL CITY ON NATIONAL CITY ROAD								6E	21N	16	06
MI	IOSCO			WHITTEMORE				WHITTEMORE BURLEIGH TOWNSHIP DUMP			
ONE MILE EAST OF M65 AT PUTNAM AND ALABASTER ROADS								5E	21N	22	06
MI	IRON			BATES TWP				BATES TOWNSHIP DUMP			
1 MI S OF US-2 ON BATES-GASTRA RD, ON EAST SIDE OF ROAD								34W	43N	29	06 07 09
MI	IRON			CRYSTAL FALLS				CITY OF CRYSTAL FALLS DUMP			
.56 MI N OF M-69 ON WAGNER ST, .3 MI ON KELSO-GATE ON W SIDE								32W	43N	21	06 07 09
MI	IRON			HEMATITE TOWNSHIP				HEMATITE TWP DUMP			
0.15 MI E ON CORRAL, OFF US141 TO OLD US141, .3 MI S-W SIDE								33W	44N	04	06 07 09
MI	IRON			IRON RIVER TWP				IRON RIVER TWP DUMP			
1.4 MI N OF US-2 ON CO RD 675		ACROSS FROM TWP HALL-W SIDE RD						35W	43N	16	06 07 09
MI	KALKASKA			MANCELONA				ANTRIM-KALKASKA LANDFILL			
CEMETARY ROAD .5 MILES N OF		PLUM VALLEY ROAD						07W	28N	3	06
MI	KEWEENAW			COPPER HARBOR				COPPER HARBOR (GRANT TOWNSHIP)			
0.65 MI SE OF COPPER HARBOR ON LEFT SIDE OF LAKE MANGANESE RD								28W	58N	04	06 07 09 11
MI	KEWEENAW			EAGLE HARBOR				EAGLE HARBOR DUMP			
0.4 MI S EAGLE HARBOR, RT SIDE OF EAGLE HARBOR CUT-OFF ROAD								30W	58N	07	06 07 09 11
MI	KEWEENAW			LAC LA BELLE				LAC LA BELLE(GRANT TOWNSHIP)			
1.9 MI S OF LAC LA BELLE-TRAIL ON RIGHT SIDE, 0.4 MI TO DUMP								29W	57N	6	06 11
MI	KEWEENAW			SHERMAN TWP				GAY DUMP (SHERMAN TOWNSHIP)			
APPROX 1/4 MI NORTH OF GAY		DUMP ON CO RD, RT SIDE OF RD.						30W	56N	30	06 07 09
MI	LENAWEE			ADRIAN				LENAWEE DISPOSAL SERVICE			
OGDEN HWY.4 MILE NORTH OF		DEERFIELD RD						4E	7S	6	03 04
MI	LUCE			LAKEFIELD TWP				LAKEFIELD TOWNSHP DISPOSAL			
0.5 MI S OF THE INTERSECTION		OF M-98 AND M-35 (E SIDE)						11W	45N	29	06 07 09
MI	LUCE			NEWBERRY VILLAGE				NEWBERRY VILLAGE DISPOSAL SITE			
2.25MI E OF M-123 ON C-462		LOCATED ON SOUTH SIDE OF ROAD						09W	46N	29	06 07 09
MI	MACKINAC			CLARK TWP				CLARK TOWNSHIP DISPOSAL AREA			
STATE HIGHWAY I34 N .5 MI ON		BLIND LN RD W .5 MILE ON STATE						1W	42N	26	04 06 07 09
MI	MACOMB			UTICA				HAMLIN DEVELOPMENT CO			
HAMLIN RD EAST OF DEQUINPRE		2925 HAMLIN RD						12E	03N	19	06 08
MI	MARQUETTE			POWELL TWP				POWELL TOWNSHIP DISPOSAL AREA			
0.75 MILE WEST OF THE TOWN OF		BIG BAY OFF OF CO RD 550						27W	51N	16	06 07 09
MI	MENOMINEE			CEDARVILLE TWP				CEDARVILLE TOWNSHIP DUMP			
WEST ON RD JUST NORTH OF CEDAR RIVER ON M-35, 0.8 MI TO DUMP								25W	35N	13	06 07
MI	MENOMINEE			DAGGETT				VILLAGE OF DAGGETT DUMP			
0.4 MI WEST OF US 41 ON CO RD		358, SOUTH 0.2 MI TO DUMP GATE						27W	35N	02	06 07

MI	MENOMINEE		FAITHORN TOWNSHIP	FAITHORN TOWNSHIP DUMP				
1 MI SOUTH OF FAITHORN COUNTY	RD 577 ON WEST SIDE OF ROAD			28W	38N	22	06 07	
MI	MENOMINEE		HARRIS TOWNSHIP	HARRIS TOWNSHIP DUMP				
3.5 MI N OF US-2 ON CO RD 551,	E 0.6 MI ON CO RD-N SIDE OF RD			25W	39N	23	06 07	
MI	MENOMINEE		HOLMES TOWNSHIP	HOLMES TOWNSHIP DUMP				
1.7 MI NORTH FROM STAR CORNERS	ON CO RD 577-WEST SIDE OF ROAD			28W	36N	25	06 07	
MI	MENOMINEE		INGALLSTON TWP	INGALLSTON TOWNSHIP DUMP				
1.2 MI W FROM JCT OF JIM TOWN	RD AND CO RD 346 N SIDE OF RD			26W	34N	01	06 07	
MI	MENOMINEE		INGALLSTON TWP	MENOMINEE-INGALLSTON DUMP				
1.6 MI W ON CO RD 320 OFF M-35	S 0.2 MI ON CO RD 571-E SIDE			26W	32N	06	06 07	
MI	MENOMINEE		MEYER TOWNSHIP	MEYER TOWNSHIP DUMP				
NORTH OF US-41 AT HERMANSVILLE	GATE, 0.75 MILE ON TRAIL			27W	38N	02	06 07	
MI	MENOMINEE		NADEAU TOWNSHIP	NADEAU TOWNSHIP DUMP				
2.8 MI WEST OF NADEAU ON CO RD	374 - NORTH SIDE OF ROAD			27W	37N	23	06 07	
MI	MENOMINEE		SPALDING TWP	SPALDING TOWNSHIP DUMP				
0.25 MI SOUTH OF US-2 ON CO RD	563 - WEST SIDE OF ROAD			26W	38N	15	06 07	
MI	MENOMINEE		STEPHENSON	CITY OF STEPHENSON				
0.25 MI W OF US-41 ON RIVER RD	N ON CO RD-DUMP ON WEST SIDE			27W	35N	15	06 07	
MI	MENOMINEE		WALLACE, MELLEN TWP	MELLEN TOWNSHIP DUMP				
0.6 MILES NORTH OF WALLACE ON	US-41 ON WEST SIDE OF ROAD			27W	34N	15	06 07	
MI	MISSAUKEE		DINCA	AETNA TOWNSHIP DUMP				
9 MILE ROAD 0.9 MILE NORTH OF	WORKMAN			06W	22N	22	06 07 09	
MI	MISSAUKEE		LUCAS	RICHLAND TOWNSHIP DUMP				
0.2 MI WON CAVANAGH ROAD TO	GATE NORTH 400 YDS			8W	21N	17	09 11	
MI	MISSAUKEE		MCBAIN	MCBAIN DISPOSAL GARDENS				
DECKER STREET				07W	21N	19	07 09	
MI	MISSAUKEE		MERRITT	ENTERPRISE TOWNSHIP DUMP				
1/8 MI SW OF CORNER OF GILLOW	AND BOWMAN ROAD			R5W	T23N	4	06 07 11	
MI	MISSAUKEE		MOORESTOWN	NORWICH TOWNSHIP DUMP				
NELSON ROAD				24N	5W	7	06 07 09	
MI	MISSAUKEE		PIONEER	PIONEER TOWNSHIP DUMP				
MCGEE ROAD 0.7 MI N OF M66				7W	24N	20	11	
MI	MISSAUKEE		VOGEL CENTER	CLAM UNION TOWNSHIP DUMP				
8 MILE ROAD 0.9MI N OF VOGEL	CENTER			6W	21N	21	07 09	
MI	NEWAYGO		BROOKSIDE/REEMAN	SHERIDAN TOWNSHIP LANDFILL				
OSBORN ROAD				14N	12N	26	06 09	
MI	OCEANA		SHELBY	SHELBY TOWNSHIP LANDFILL				
FISH ROAD				R17W	14N	26	06	
MI	OGEMAN		HALE	LOGAN TOWNSHIP DUMP				
M55 TO CLARK RD THEN NORTH ONE	AND QUARTER MILES TO SITE GATE			4E	22N	16	06 09	
MI	OGEMAN		LUPTON	SHORTS SANITARY LANDFILL				
M33 TO SAGE LAKE, RD E 9 MILES	THEN 2 MI N ON TOWN HALL			4E	23N	14	06 08	
MI	OGEMAN		ROSE CITY	CUMMING TOWNSHIP DUMP				
ONE AND ONE HALF MILES EAST	OF M33 ON SAGE LAKE ROAD			3E	23N	20	06	
MI	ONTONAGON		BERGLAND	BERGLAND TOWNSHIP DUMP				
2 MI N OF BERGLAND ON M-64 TO	JOHNSON RD		W ON SAID RD 1/4 MI	42W	49N	20	06 07 09	

UMI 1 8 1 2 9 6 2 M Y 8 1 V 4 6

MI	OGEMAW	ROSE CITY	
ONE AND ONE HALF MILES EAST OF M33 ON SAGE LAKE ROAD			
MI	ONTONAGON	BERGLAND	
2 MI N OF BERGLAND ON M-64 TO	JOHNSON RD	W ON SAID RD 1/4 MI	
MI	ONTONAGON	GREENLAND TOWNSHIP	
0.5 MILE NORTH OF MASS ON US-	45 ON EAST	SIDE OF ROAD	
MI	ONTONAGON	HAIGHT TWP	
3.5 MI S OF BRUCES CROSSING ON US-45, E 0.5 MI ON HOLOMBO RD			
MI	ONTONAGON	ONTONAGON	
2.5 MILES SOUTH OF M-64 ON	EAST SIDE OF	NORWICH ROAD	
MI	ONTONAGON	ROCKLAND	
0.8 MI W OF ROCKLAND ON CO. RD	DISPOSAL AREA	ON RT SIDE OF RD	
MI	ONTONAGON	SILVER CITY	
2.4 MI SOUTH OF SILVER CITY ON M-64	ON EAST	SIDE OF ROAD	
MI	ONTONAGON	TROUT CREEK	
1.6 MILES SOUTH OF TROUT CREEK	ON EAST	SIDE OF MILL POND ROAD	
MI	PRESQUE ISLE	ALPENA	
RAYBURN ROAD, 1.0 MILE EAST OF US 23			
MI	PRESQUE ISLE	HAWKS	
WARD BRANCH ROAD,1.0 MILES	NORTH OF	NOFZE ROAD	
MI	PRESQUE ISLE	MILLERSBURG	
BIG CUT ROAD 1.6 MILES EAST OF	MILLERSBURG		
MI	PRESQUE ISLE	NEAR GRAND LAKE	
US 23 AT 638 HIGHWAY			
MI	PRESQUE ISLE	OCQUEOC	
.75 MILES NORTH OF BLUFFS	HWY		
MI	PRESQUE ISLE	OCQUEOC	
CHEBOYGAN PLAINS ROAD,EAST OF	OCQUEOC ROAD		
MI	PRESQUE ISLE	ONAWAY	
COUNTY ROAD 634,0.5 MILES EAST OF	M33		
MI	PRESQUE ISLE	POSEN	
NORTH GRAND LAKE HIGHWAY,0.7	MILES FROM	M-65(WEST OF M-65)	
MI	PRESQUE ISLE	PRESQUE ISLE	
EAST GRAND LAKE ROAD (0.6 MI.	EAST)		
MI	PRESQUE ISLE	ROGERS CITY	
CHURCH ROAD,1.0 MI. W OF US 23			
MI	VANBUREN	KENDALL	
27TH STREET -1/2 MILE SOUTH OF	THE VILLAGE	OF KENDALL ON 27TH	
MN	BECKER	PONDSFORD	
ONE QUARTER MILE NE OF	PONDSFORD		
MN	BECKER	TOAD LAKE TWP	
FIVE MILES W OF SNELLMAN MN ON	HWY NO 34		

CUMMING TOWNSHIP DUMP			
3E	23N	20	06
BERGLAND TOWNSHIP DUMP			
42W	49N	20	06 07 09
MASS DUMP (GREENLAND TOWNSHIP)			
38W	51N	36	06 07 09
TRI TOWNSHIP DUMP			
39W	47N	10	06 07 09 11
VILLAGE OF ONTONAGON			
40W	51N	14	01 03 06 07 09 11
ROCKLAND TOWNSHIP DUMP			
39W	50N	16	01 03 06 07 09 11
CARP LAKE TOWNSHIP DUMP			
42W	51N	25	06 07 09 11
TROUT CREEK DUMP(INTERIOR TWP)			
38W	47N	24	06 07 09
PRESQUE ISLE TWP NO. 2 DUMP			
08E	33N	21	06 07 09
BISMARCK TOWNSHIP DUMP			
04E	34N	23	06 07 09 11
CASE TOWNSHIP DUMP			
03E	34N	12	06 07 09 11
KRAKOW TOWNSHIP DUMP			
07E	34N	22	03 06 07 09
BEARINGER-NORTH ALLIS TOWNSHIP DUMP			
02E	36N	28	06 07 09 11
OCQUEOC TOWNSHIP DUMP			
03E	36N	33	06 07 09 11
ONAWAY DUMP			
02E	33N	21	06 07 09 11
POSEN DUMP			
06E	33N	09	06 07 09
PRESQUE ISLE #1 DUMP			
08E	33N	04	06 07 09
ROGERS CITY DUMP			
05E	35N	20	03 06 07 09
GEORGE WESTCOTT DUMP SITE			
13W	15	27	06 09 11
PONDSFORD-PINEPOINT TOWNSHIP DUMP			
46 59 00	095 22 00		03 04 06 07 09 11
TOAD LAKE TRI-TOWNSHIP LANDFILL			
46 53 00	095 31 00		03 04 06 09 11

MN	BECKER		WOLF LAKE	WOLF LAKE TOWNSHIP DUMP	
ONE MILE N OF VILLAGE OF WOLF	LAKE MN			46 49 00 095 21 00	03 04 06 09
MN	BELTRAMI		BEMIDJI	KUMMER SANITARY LANDFILL	
.5MILES N OF BEMIDJI ALONG CO.	ROAD 22			47 31 00 094 55 00	04
MN	BELTRAMI		PINEWOOD	ROOSEVELT TOWNSHIP DUMP	
1 MILE EAST OF DEBS MN. ON	UNNUMBERED	TWP RD		47 44 00 095 06 00	03 04 06 09 11
MN	BELTRAMI		NOT APPLICABLE	RED LAKE INDIAN RESERVATION DUMP	
3 MILES SOUTH OF RED LAKE	ALONG HWY 89			47 51 00 095 02 00	06 07 09 11
MN	BIG STONE		CLINTON	CLINTON DUMP	
.2 MI NORTH OF CSAH 11 AND .3	MI WEST OF	US 75		R46W T123N 16	03 06 07 09 11
MN	BIG STONE		CORRELL	CORRELL DUMP	
.5 MI SOUTH OF JCT STATE HIWAY 7	AND CSAH	25		45 14 00 096 10 00	03 06 07 09 11
MN	CHIPPEWA		CLARA CITY	CLARA CITY DUMP	
.7 MI EAST OF CSAH 2 AND .2 MI	NE OF TOWN			45 25 00 095 22 00	06 07 09 11
MN	CHIPPEWA		MILAN	MILAN DUMP	
.2 MI SOUTHWEST JCT US 59 AND	STATE HIWAY	40		45 06 00 095 54 00	06 07 09 11
MN	COOK		TOFTE	TOFTE DUMP	
NORTH OF CO. RD 33 AND WEST OF	HWY. 2			47 36 00 090 51 00	03 06
MN	COOK		NOT APPLICABLE	GRAND PORTAGE RESERVATION DUMP	
NORTH OF GRAND PORTAGE ON	NORTH SIDE	OF U.S. HWY. 61		47 59 00 089 41 00	06 11
MN	COTTONWOOD		WESTBROOK	WESTBROOK DUMP	
.5 MI WEST OF CSAH 7 ON STATE	HIWAY 30			44 03 00 095 23 00	03 06 07 09 11
MN	FILLMORE COUNTY		WHALAN	PROMISCUOUS DUMP NORTH OF WHALAN	
ON EAST SIDE OF CO RD NORTH OF	WHALAN			43 45 00 091 55 00	11
MN	HOUSTON COUNTY		BROWNSVILLE	BROWNSVILLE DUMP	
NORTHWEST EDGE OF TOWN ON	NORTH SIDE	OF CO RD 18		43 42 00 091 18 00	03 11
MN	HUBBARD		AKELEY	AKELEY CITY DUMP	
1.3 MILES NW OF AKELEY ALONG	CO RD 25			47 02 00 094 44 00	06 07 09 11
MN	ITASCA		BALSAM TWP	SUNRISE LAKE DUMP	
SOUTH OF THE INTERSECTION OF	CR 326 AND	HWY 49		47 29 00 093 32 00	06 11
MN	ITASCA		BIGFORK	BIGFORK DUMP	
WEST OF CITY OF BIGFORK ON THE	SOUTH SIDE	OF CO. RD. 225		47 44 30 093 42 00	03 06 07 09 11
MN	ITASCA		BIGFORK	LONG LAKE DUMP	
ON NORTH SIDE OF CSAH 7				47 35 00 093 24 00	03 06 11
MN	ITASCA		CALUMET	CALUMET DUMP	
SOUTH OF CSAH 12 NEAR A GRAVEL	PIT			47 16 00 093 15 00	06 07 09 11
MN	ITASCA		DEER LAKE	DEER LAKE RESORT DUMP	
ON THE EAST SIDE OF ST. FOREST	ROLLER COASTER RD			47 51 00 093 20 00	06 11
MN	ITASCA		DEER RIVER	DEER RIVER DUMP	
NORTH OF C.R. 129, NORTH OF	HWY 46			47 25 00 093 57 00	06 07 09 11
MN	ITASCA		DORA LAKE	KINGHURST DUMP	
NORTH OF HWY 29 ON THE EDGE OF	CHIPPEWA	NATIONAL FOREST		47 43 00 094 10 00	06 11

MN	ITASCA		EFFIE	EFFIE DUMP	
NORTH OF HWY 1 ON THE EDGE OF	THE EFFIE CITY LIMITS			47 51 00 093 38 00	06 07 09 11
MN	ITASCA		GOODLAND	GOODLAND DUMP	
4 MILES NORTH OF GOODLAND ON	THE EAST SIDE	OF STATE HWY 65		47 14 00 093 10 00	06 07 09 11

MN	ITASCA	EFFIE	EFFIE DUMP		
NORTH OF HWY 1 ON THE EDGE OF	THE EFFIE CITY LIMITS		47 51 00	093 38 00	06 07 09 11
MN	ITASCA	GOODLAND	GOODLAND DUMP		
4 MILES NORTH OF GOODLAND ON	THE EAST SIDE OF STATE HWY 65		47 14 00	093 10 00	06 07 09 11
MN	ITASCA	KEEWATIN	KEEWATIN DUMP		
ON THE SOUTH SIDE OF U.S. HWY. 169			47 24 00	093 04 30	06 07 09 11
MN	ITASCA	MARBLE	MARBLE DUMP		
SOUTH OF U.S. HWY 169, WEST OF	MUD LAKE		47 19 00	093 16 00	06 07 09 11
MN	ITASCA	NASHWAUK	NASHWAUK CITY DUMP		
SOUTH OF HWY.169, SE OF THE	CITY OF NASHWAUK		47 22 00	093 10 00	03 06 07 09 11
MN	ITASCA	NASHWAUK	NASHWAUK TOWNSHIP DUMP		
NORTH SIDE OF AN UNNUMBERED	COUNTY ROAD NW OF NASHWAUK		47 24 30	093 14 50	06 11
MN	ITASCA	NASS	CARPENTER DUMP		
SOUTH OF STATE HWY.65 WEST OF	THE TOWN OF NASS		47 07 00	093 08 00	06 07 09 11
MN	ITASCA	PENGILLY	PENGILLY DUMP		
SOUTH OF U.S. HWY. 169 BEYOND	THE BASEBALL FIELDS		47 20 00	093 14 00	06 07 09 11
MN	ITASCA	SWAN RIVER	SAGO-SWAN RIVER DUMP		
NORTH OF COUNTY ROAD 433 IN A	GRAVEL PIT AREA		47 05 00	093 14 00	06 07 09 11
MN	ITASCA	WAWINA	WAWINA DUMP		
ON THE WEST SIDE OF CSAH 25			47 04 30	093 06 00	03 06 07 09
MN	ITASCA	NOT APPLICABLE	SUOMI DUMP		
ON THE SOUTH SIDE OF HWY 48,	1 MILE WEST OF HWY 38		47 31 00	093 39 00	06 11
MN	ITASCA	NOT APPLICABLE	INGER DUMP		
NORTH OF INGER ON THE EAST	SIDE OF HWY 35		47 34 00	093 59 00	06 07 09 11
MN	ITASCA	NOT APPLICABLE	BUCK LAKE DUMP		
SOUTH FO BUCK LAKE ON THE WEST	SIDE OF STATE HWY 65		47 31 00	093 11 00	06 07 09 11
MN	JACKSON	HERON LAKE	HERON LAKE		
ADJACENT TO SEWAGE TREATMENT	LAGOONS		43 47 00	095 18 00	03 07 09 11
MN	KANDIYOHI	HOLLAND TWP	PRINSBURG		
1.5 MI SOUTH OF TOWN EAST OF	CEMETERY		44 55 00	095 11 00	06 07 09
MN	KITTSON	KARLSTAD	CITY OF KARLSTAD SANITARY		LANDFILL
1.7 MILES WEST OF THE CITY OF	KARLSTAD ALONG HWY#11		48 35 00	096 34 00	03 06 11
MN	KOOCICHING	NORTHOME	NORTHOME DUMP		
SOUTH OF NORTHOME,WEST SIDE OF	HWY 46		47 51 00	094 16 00	03 06 07 09 11
MN	LAC QUI PARLE	PERRY TWP	BELLINGHAM		
.5 MI SE OF JCT US 75 AND CSAH 30			45 07 00	096 17 00	06 07 09 11
MN	LAKE OF THE WOODS	NOT APPLICABLE	NORTHWEST ANGLE INLET LANDFILL		
.7 MILES SW OF ANGLE INLET			49 21 00	095 05 00	06 09 11
MN	LYON	BALATON	BALATON INCINERATOR AND DUMP		
.4 MI EAST OF JCT CSAHS 5 AND	27 ON CO RD 63		44 14 00	095 53 00	03 07 09
MN	MAHNOMEN	NAYTAHWAUSH	NAYTAHWAUSH DUMP		
.5 MILES NW OF THE CITY			47 16 00	095 39 00	03 04 06 07 08 09 11

UMI
1 8 9 2 9 M Y 6 4 V

MN	MEEKER	WATKINS	WATKINS VILLAGE DUMP	
.5 MI WEST OF TOWN ON TWP RD	AND .5 MI NO OF STATE HIWAY 55	44 14 00	094 26 00	03 07 09 11
MN	MILLE LACS	ISLE HARBOR TWP	PROMISCUOUS DUMP IN ISLE	HARBOR TOWNSHIP
ONE MILE SOUTH OF WAHKON, WEST	OF C.S.A.H. 17	46 06 00	093 31 00	11
MN	MORRISON	LITTLE FALLS TWP	PROMISCUOUS DUMP THREE MILES	EAST OF LITTLE FALLS
THREE MILES EAST OF LITTLE	FALLS NORTH OF HWY. 27	45 58 00	094 16 00	03 11
MN	MORRISON	RANDALL	RANDALL CITY DUMP	
ON THE NORTHEAST EDGE OF TOWN,	ONE HALF MILE NORTH OF HWY.115	46 06 00	094 29 00	03 06
MN	MOWER COUNTY	ADAMS	ADAMS SANITARY LANDFILL	
1.0 MILE EAST OF ADAMS, SOUTH	OF STATE HIGHWAY 56	43 34 00	092 41 00	03 06
MN	NICOLLET COUNTY	NICOLLET	NICOLLET DUMP	
2 MI NORTHEAST OF NICOLLET,	BETWEEN MIDDLE AND LITTLE LAKE	R28W	T110N 36	06 11
MN	NICOLLET COUNTY	NICOLLET TOWNSHIP	PROMISCUOUS DUMP	
SOUTH OF COUNTY RD, 0.1 MI	WEST OF CO HWY 66	44 12 00	094 09 00	06 11
MN	NOBLES	LISMORE TWP	KENNETH MODIFIED LANDFILL	
3 MI EAST OF KENETH ON CSAH 16	NOBLES COUNTY	43 45 00	096 10 00	06
MN	OTTER TAIL	HENNING	HENNING DUMP	
2 MILES SE OF HENNING MN ALONG	AN UNNUMBERED TOWNSHIP ROAD	46 18 00	095 25 00	06 07 09
MN	OTTER TAIL	OTTER TAIL	OTTER TAIL TOWNSHIP DUMP	
2.5MILES SW OF THE CITY OF	OTTER TRAIL ON HWY NO. 55	46 24 00	095 34 00	04 06 07 09 11
MN	OTTER TAIL	PARKERS PRAIRIE	PARKERS PRAIRIE DUMP	
.5MILES W.OF PARKERS PRAIRIE	ON HWY 46	46 08 00	095 18 00	03 04 06 07 09
MN	PINE	KERRICK	KERRICK DUMP GROUNDS	
ONE MILE NORTH OF KERRICK,	JUST WEST OF HWY. 23.	46 22 00	092 34 00	06 09
MN	PINE	MARKVILLE	ARNA TOWNSHIP DUMP	
EAST OF MARKVILLE, JUST SOUTH	OF COUNTY ROAD 25	46 05 00	092 19 00	03
MN	PIPESTONE	EDGERTON	EDGERTON	
.5 MI WEST OF TOWN ON STATE	HIWAY 268	43 52 00	096 09 00	03 06 07 09
MN	REDWOOD	LAMBERTON TWP	LAMBERTON CITY DUMP	
1 MI EAST OF LAMBERTON .5 MI	SO OF US 14	44 14 00	095 14 00	03 06 07 09 11
MN	RENVILLE	RENVILLE	RENVILLE CITY DUMP	
.5 MI WEST OF CSAH 6 AND .3 MI	NORTH OF US 212	44 47 00	095 14 00	03 06 07 09 11
MN	RENVILLE	SACRED HEART TWP	SACRED HEART	
1.5 MI SOUTH OF US 212 ON CSAH 12		44 46 00	095 17 45	03 06 07 09 11
MN	RENVILLE	TROY TWP	DANUBE	
1 MI NORTH OF US 212 ON CSAH 1		44 47 00	097 05 30	06 07 09 11
MN	SAINT LOUIS	ANGORA	ANGORA TOWNSHIP DUMP	
1 MILE WEST OF SHERMAN CORNER	ON SOUTH SIDE OF CSAH 22	47 47 00	092 40 40	06
MN	SAINT LOUIS	COOK	COOK CITY DUMP	
1 MILE NORTH OF COOK ON WEST	SIDE OF CSAH 24	47 54 00	092 40 00	03 06
MN	SAINT LOUIS	COOK	FIELD TOWNSHIP DUMP	
5MILES WEST OF COOK ON NORTH	SIDE OF CO. RD. 500	47 51 00	092 49 00	03 06
MN	SAINT LOUIS	MCKINLEY	MCKINLEY SANITARY LANDFILL	
SOUTH OF MCKINLEY ON EAST SIDE OF CSAH 20		47 30 30	092 24 00	06
MN	SAINT LOUIS	NOT APPLICABLE	CRANE LAKE DUMP	
3 MILES SOUTH OF CRANE LAKE ON EAST SIDE OF CSAH 24		48 14 00	092 28 00	06 11

MN	SAINT LOUIS			MCKINLEY	MCKINLEY SANITARY LANDFILL			
SOUTH OF MCKINLEY ON EAST SIDE OF CSAH 20					47 30 30	092 24 00	06	
MN	SAINT LOUIS			NOT APPLICABLE	CRANE LAKE DUMP			
3 MILES SOUTH OF CRANE LAKE ON EAST SIDE OF CSAH 24					48 14 00	092 28 00	06 11	
MN	SAINT LOUIS			NOT APPLICABLE	NETT LAKE DUMP			
EAST OF TOWN OF NETT LAKE,	SOUTH OF CO. RD. 793				48 06 00	093 04 00	06 11	
MN	SAINT LOUIS			NOT APPLICABLE	ELEPHANT-BLACKDUCK LAKE DUMP			
SOUTH OF ELEPHANT LAKE ON EAST SIDE OF NAT.FOREST ROAD					48 10 00	092 45 00	06 11	
MN	STEARNS			SARTELL	SARTELL CITY DUMP			
NORTH OF SARTELL JUST WEST OF	C.S.A.H. 1				45 38 00	094 17 00	09 11	
MN	ST. LOUIS			DULUTH	DULUTH SLF			
NORTH OF THE CITY OF DULUTH,	WEST OF HWY 4				46 52 00	092 10 00	03 04 10	
MN	ST. LOUIS			HIBBING	HIBBING SLF			
NORTH OF HWY 169 AND SW OF THE CITY OF HIBBING					47 24 00	092 59 00	03	
MN	ST. LOUIS			HIBBING	KITZVILLE-HIBBING DUMP			
EAST OF HIBBING ON THE WEST OF AN UNNAMED	CO. RD.				47 26 00	092 51 00	03 06	
MN	ST.LOUIS			TOWER	COUNTY ROAD 77 DUMP			
ADJACENT TO GRAVEL PIT ON	SOUTHSIDE OF CO. RD. 77				47 51 00	092 24 00	06	
MN	ST.LOUIS			NOT APPLICABLE	PORTAGE DUMP			
3MI.SW OF BUYCK ON THE NORTH	SIDE OF HWY.23				48 06 00	092 35 00	03 06 11	
MN	SWIFT			APPLETON TWP	APPLETON CITY DUMP			
1.5 MI NE OF TOWN ON US 59					45 13 00	095 59 00	01 03 06 07 09 11	
MN	SWIFT			BENSON	BENSON SANITARY LANDFILL			
.5 MI WEST OF CSAH 25 ON STATE HIWAY #9					45 20 00	096 35 00	06	
MN	SWIFT			MOYER TWP	HOLLOWAY			
1 MI WEST OF US 59 ON CO RD 60					45 15 00	096 54 00	06 07 09 11	
MN	WASECA COUNTY			JANESVILLE	JANESVILLE DUMP			
ON WEST SIDE OF CO. RD. 53	.5 MILE NORTH OF JANESVILLE				44 08 00	093 43 00	03 07 09	
MN	WILKIN			KENT	KENT CITY DUMP			
1 MILE SW OF THE CITY OF KENT	ALONG THE RED RIVER BANK				46 26 00	096 42 00	01 03 06 07 09 11	
MN	WRIGHT			MAPLE LAKE TWP.	SILVER CREEK TOWNSHIP DUMP			
EAST OF CO. RD. 8, SOUTH OF	CO. RD. 39.				45 18 00	093 59 00	03 06 07 09 11	
MN	YELLOW MEDICINE			CANBY	CANBY CITY DUMP			
1 MI WEST OF US 75 JUST SOUTH	OF AIRPORT				44 40 00	096 15 30	06 07 09	
MN	YELLOW MEDICINE			CLARKFIELD	CLARKFIELD DUMP			
SE CORNER OF TOWN SO OF RR	RIGHT OF WAY				44 47 00	095 45 00	03 06 07 09 11	
MN	YELLOW MEDICINE			STONY RUN TWP	LENZEN SANITARY LANDFILL			
JCT OF US HIWAY 212 AND CSAH 5					44 52 00	095 37 00	06 11	
MS	AMITE			CROSBY	CROSBY DUMP			
AIRPORT ROAD					2E	4N	22	01 06 07 09 10 11
MS	AMITE			LIBERTY	LIBERTY DUMP			
HIGHWAY 48					4E	2N	8	01 03 06 07 09 11

MS	ATTAIA BURCHFIELD ROAD	ETHEL	ETHEL GARBAGE DUMP 9E	15N	19	06 07 09 11
MS	BENTON 3 MI N OF TOWN OFF HWY 370	ASHLAND	ASHLAND DUMP R1E	T2S	35	06 07 09 11
MS	BENTON OLD HWY 78 EAST	HICKORY FLAT	HICKORY FLAT DUMP R2E	T5S	31	06 07 09 11
MS	BENTON HWY 4 EAST	NOT APPLICABLE	SNOW LAKE DUMP R1E	T3S	18	06 07 09 11
MS	CALHOUN BIG CREEK RD	BIG CREEK	BIG CREEK DUMP 9E	23N	19	01 06 07 09 11
MS	CALHOUN 5 MI NE OF TOWN OFF HWY 32	BRUCE	BRUCE DUMP 1W	12S	23	06 07 09
MS	CALHOUN DOWNTOWN PITTSBORO	PITTSBORO	PITTSBORO DUMP 9E	24N	19	06 07 09
MS	CALHOUN 2 MI N OF DERMA OFF HWY 8	VARDAMAN	VARDAMAN DUMP 1E	14S	27	06 07 09
MS	CALHOUN 4 MI N OF TOWN OFF HWY 9	NOT APPLICABLE	NORTH CALHOUN COUNTY DUMP 2W	12S	13	06 07 09
MS	CALHOUN COUNTY 3 MI N OF TOWN OFF OF HWY 9	CALHOUN CITY	CALHOUN CITY DUMP 1W	14S	6	06 07 09 11
MS	CARROLL 2 MI E OF TOWN OFF HWY 35	CARROLLTON	CARROLLTON - NORTH CARROLLTON DUMP 04E	19N	17	06 07 09 11
MS	CARROLL TUCKERSVILLE ROAD	VAIDEN	VAIDEN DUMP 05E	17N	23	06 07 09 11
MS	CARROLL INTERSECTION OF HUMPHREYS HWY. AND BLACK HAWK RD.	NOT APPLICABLE	HUMPHREYS HWY DUMP 02E	18N	21	06 07 09 11
MS	CLARKE RT 2	ENTERPRISE	ENTERPRISE DISPOSAL SITE 15E	4N	16	06 07 09 11
MS	CLARKE HIGHWAY 18	PACHUTA	PACHUTA DISPOSAL SITE 14E	3N	31	06 07 09 11
MS	CLARKE HIGHWAY 513	QUITMAN	QUITMAN DISPOSAL SITE 15E	3N	22	06 07 09 11
MS	CLARKE HWY 45 SOUTH	SHUBUTA	SHUBUTA GARBAGE DISPOSAL SITE 15E	1N	25	06 07 09 11
MS	CLARKE HIGHWAY 511E RT 4 BOX 15B	NOT APPLICABLE	CHANCELLOR DISPOSAL SITE 16E	2N	14	06 07 09 11
MS	CLARKE HIGHWAY 18	NOT APPLICABLE	HARMONY DUMP #1 15E	2N	29	06 07 09 11
MS	CLARKE HIGHWAY 18 2 MI W OF TOWN	NOT APPLICABLE	HARMONY DUMP #2 14E	2N	24	06 07 09 11
MS	CLARKE HIGHWAY 511E	NOT APPLICABLE	INDIAN MOUND DISPOSAL SITE 17E	2N	28	06 07 09 11
MS	CLARKE HWY 514 EAST	NOT APPLICABLE	MIDDLETON GARBAGE DISPOSAL SITE 17E	4N	6	06 07 09 11
MS	CLARKE HIGHWAY 18 EAST	NOT APPLICABLE	TUSCAHAUMA DISPOSAL SITE			

MS CLARKE HWY 514 EAST		NOT APPLICABLE	MIDDLETON GARBAGE DISPOSAL SITE 17E	4N	6	06	07	09	11
MS CLARKE HIGHWAY 18 EAST		NOT APPLICABLE	TUSCAHAUMA DISPOSAL SITE 18E	3N	30	06	07	09	11
MS CLARKE HWY 18		NOT APPLICABLE	SYKES DISPOSAL SITE 17E	3N	7	06	07	09	11
MS COPIAH EAST OF BEAUREGARD STORE		WESSON	BEAT 2 DUMP 8E	9N	25	06	07	09	11
MS COVINGTON MCDONALD RD		COLLINS	COLLINS 16W	8N	25	06	07	09	
MS COVINGTON HIGHWAY 37		HOT COFFEE	TAYLORSVILLE GARBAGE DISPOSAL SITE 14W	10N	11	06	07	09	11
MS COVINGTON HWY 35 EAST		MT OLIVE	BEAT 5 15W	9N	5	06	07	09	
MS COVINGTON HWY 35 WEST		MT OLIVE	MT OLIVE 17W	9N	13	06	07	09	
MS COVINGTON HWY 590 SEMINARY		SEMINARY	BEAT 2 14W	7N	16	06	07	09	
MS COVINGTON RT 2 COLLINS		SEMINARY	SEMINARY DUMP . 15W	7N	13	06	07	09	
MS FORREST RT 9		HATTIESBURG	BEAT 2 14W	5N	16	07	09	11	
MS FORREST CITY HALL FORREST ST		HATTIESBURG	HATTIESBURG DUMP 13W	5N	14	06			
MS FORREST RT 6		HATTIESBURG	MCLAWRIN 12W	2N	16	06	07	09	
MS FORREST RT5		HATTISBURG	BEAT 3 T5N	R12W	16	06	07	09	
MS GEORGE 2 MI NORTH OF RED LIGHT OFF	HWY 57	NOT APPLICABLE	BENNDALE DUMP SITE 8W	2S	16	06	07	09	11
MS GEORGE 1MI NORTH ON BEAVER DAM ROAD		NOT APPLICABLE	CITY OF LUCEDALE DUMP 6W	1S	21	06	07	09	11
MS GEORGE 2 MI OFF HWY 26W ON RIVER ROAD		NOT APPLICABLE	RIVER ROAD DUMP 7W	2S	16	06	07	09	11
MS GEORGE 2MI EAST OF ROCKY CREEK SCHOOL		NOT APPLICABLE	ROCKY CREEK DUMP 5W	1S	16	06	07	09	11
MS GEORGE 10 MI SOUTH OF LUCEDALE OFF	HWY 635 AT BROOKS GARAGE	NOT APPLICABLE	16TH SECTION BARTONVILLE DUMP 6W	3S	16	06	07	09	11
MS GEORGE 2 MI EAST OF HWY 635 OFF	BARTON-AGRICOLA ROAD	NOT APPLICABLE	BARTONVILLE DUMP SITE 6W	3S	23	06	07	09	11
MS GREENE HWY 63 2MI E OF LEAKESVILLE		LEAKESVILLE	LEAKESVILLE DUMP ,LEAKESVILLE 6W	T2N	17	06	07	09	

MS GREENE ROUTE 1		MCLAIN	MCLAIN R-8W	T-2N	16	06	07	09		
MS GREENE ROUTE 4		RICHTON	SANDHILL 7W	5N	16	06	07	09		
MS GREENE RURAL ROUTE		STATELINE	STATELINE R-5W	T-5N	22	06	07	09		
MS HANCOCK FENTON-DEDEAUX ROAD NE OF	FIRETOWER ROAD CROSSING	KILN	FENTON-ROCKYHILL DUMP BEAT #5 R14W	T7S	2	06	07	09	11	
MS HANCOCK LEE TOWN-ANNA RD RT3 PICAYUNE		NECAISE	ANNA DUMP BEAT #2 R15W	T5S	16	06	07	09	11	
MS HANCOCK HWY 53 JUST EAST HWY603	RR PERKINGSTON	NECAISE	NECAISE CROSSING DUMP BEAT #3 R14W	T5S	16	06	07	09	11	
MS HANCOCK HWY 604		PEARLINGTON	PEARLINGTON DUMP BEAT #1 R16W	T9S	16	06	07	09	11	
MS HANCOCK C.MARTIN ROAD - STANDARD		STANDARD-KILN	C. MARTIN ROAD DUMP BEAT #3 R14W	T6S	16	06	07	09	11	
MS HINDS CANNADA CROSSING ROAD		NOT APPLICABLE	CANNADA DISPOSAL SITE 5E	15N	25	03	06	07	09	11
MS HINDS CHICHESTER RD		NOT APPLICABLE	EDWARDS DISPOSAL SITE 4W	6N	32	06	07	09	11	
MS HOLMES NORTH EAST SECTION OF TOWN		CRUGER	CRUGER PUBLIC GARBAGE SITE 1E	17N	19	06	07	09	11	
MS HOLMES HIGHWAY 51 SOUTH		GOODMAN	GOODMAN PUBLIC GARBAGE DUMP 3 E	12 N	19	06	07	09	11	
MS HOLMES HWY 12		TCHULA	TCHULA PUBLIC GARBAGE DUMP 2 E	16 N	12	06	07	09	11	
MS HOLMES HIGHWAY 51		WEST	WEST PUBLIC GARBAGE DUMP 5 E	16 N	21	06	07	09	11	
MS HOLMES HWY 14 EAST		NOT APPLICABLE	EBENEZER PUBLIC GARBAGE DUMP 2E	12N	16	06	07	09	11	
MS HOLMES HIGHWAY 49 SOUTH		NOT APPLICABLE	MILESTON PUBLIC GARBAGE DUMP 1 W	15 N	27	06	07	09	11	
MS ITAWABA 1.5 MILES WEST HWY 371 ON	RATLIFF-CENTERVILLE RD	MANTACHIE	J. D. TURNER DUMP R8E	T8S	17	06	09	11		
MS JASPER HWY 15		BAY SPRINGS	BAY SPRINGS GARBAGE DISPOSAL SITE 10E	2N	19	06	07	09	11	
MS JEFFERSON DAVIS CARSON RT 1		CARSON	CARSON DUMP 18W	7N	34	06	07	09		
MS JEFFERSON DAVIS BEAT #4		PRENTISS	BEAT#4 DUMP 18W	9N	16	06	07	09	11	
MS JEFFERSON DAVIS RFD		PRENTISS	PROGRESSDUMP 19W	7N	16	06	07	09		

MS JEFFERSONDAVIS RT#1		PRENTISS	DAVIS DUMP 17W	7N	7	06	07	09	11	
MS KEMPER 1 MI NORTH OF DEKALB HWY 39N		DEKALB	DEKALB DISPOSAL SITE 16E	11N	21	06	09			

MS	JEFFERSONDAVIS			PRENTISS					
RT#1									
MS	KEMPER			DEKALB					
1 MI NORTH OF DEKALB HWY 39N									
MS	KEMPER			SCOOBA					
OLD SCOOBA ROAD 1 MILE WEST OF E. M. J. C.									
MS	KEMPER			NOT APPLICABLE					
S. OF DAMASCUS OFF HWY 495 S.		1 MI S. OF		MT. PLEASANT CHURCH					
MS	KEMPER			NOT APPLICABLE					
HWY 39 S. FIRST PAVED RD ON		LFT S. OF		DEKALB 1 MI ON RT					
MS	KEMPER			NOT APPLICABLE					
.25 MI OFF TOWNSEND RD 2 MI W		OFF HWY 45		SOUTH					
MS	LAFAYETTE			OXFORD					
ROUTE 2 BOX 27 HIGHWAY 6 W									
MS	LAFAYETTE			TAYLOR					
4 MILES SOUTH OF 7 & 9 INTER-		SECTION ON		BLACKTOP ROAD					
MS	LAFAYETTE			TAYLOR					
2.5 MI NE OF TAYLOR ON GRAVEL		ROAD,RIGHT		FORK					
MS	LAWRENCE			NOT APPLICABLE					
NEW HERRON-MILL ROAD									
MS	LAWRENCE			NOT APPLICABLE					
OFF HIGHWAY 43 NE OF OAKVALE									
MS	LAWRENCE			NOT APPLICABLE					
NORTH WEST OF ALLEN ACRES		SUB-DIVISION							
MS	LAWRENCE			NOT APPLICABLE					
27 HIGHWAY NORTH									
MS	LEFLORE			SIDON					
1.5 MI SOUTHWEST OF SIDON OFF		HIGHWAY 49S							
MS	LEFLORE			NOT APPLICABLE					
2 MI EAST OF MINTER CITY									
MS	MADISON			FLORA					
MT. LEOPARD RD OFF OLD		POCAHONTAS		RD					
MS	MADISON			NOT APPLICABLE					
OFF HWY 16E AT FARMHAVEN		COMMUNITY							
MS	MADISON			NOT APPLICABLE					
KEARNEY PARK									
MS	MARION			COLUMBIA					
HIWAY 35 NORTH									
MS	MARION			COLUMBIA					
HIWAY 44 NORTH									
MS	MARION			COLUMBIA					
HIWAY 98 EAST									

DAVIS DUMP				
17W	7N	7	06 07 09 11	
DEKALB DISPOSAL SITE				
16E	11N	21	06 09	
SCOOBA DISPOSAL SITE				
18E	11N	6	06 07 09 11	
DISTRICT 3 DISPOSAL SITE				
15E	9N	7	06 09 11	
FIRETOWER ROAD DISPOSAL SITE				
16E	10N	2	06 07 09 11	
CHAPEL HILL DISPOSAL SITE				
17E	10N	24	06 09 11	
MOBILE CITY TRAILER PARK DUMP				
R4W	T8S	25	06 09	
SOUTH ANCHOR DUMP				
2W	10S	15	06 07 09 11	
TAYLOR DUMP				
4W	9S	13	06 07 09 11	
NEW HEBRON DISTRICT 4 GARBAGE DISPOSAL SITE				
12E	9N	34	07 09	
OAKVALE BEAT 5 GARBAGE DISPOSAL SITE				
12E	6N	36	07 09 11	
SILVER CREEK GARBAGE DISPOSAL SITE				
12E	8N	28	07 09	
WANILLA BEAT 2 GARBAGE DISPOSAL SITE				
11E	8N	18	07 09 11	
SIDON PROMISCUOUS DUMP				
1 E	18 N	35	06 07 09 11	
SISLOFF JUNCTION PROMISCUOUS DUMP				
1E	22N	19	06 07 09 11	
FLORA DUMP				
1W	8N	22	06 07 09 11	
BEAT 4 DUMP				
5E	10N	27	06 07 09 11	
BEAT 2 DUMP KEARNEY PARK				
1W	9N	29	06 07 09 11	
BUNKER HILL				
18W	5N	34	09	
IMPROVE				
17W	4N	9	09	
KENO				
17W	4N	32	09	

MS MARION PURVIS ROAD			COLUMBIA	LAMPTON 18W	3N	23	09	
MS MARION OLD HIWAY R RIVER SOUTH			FOXWORTH	BROWN 19W	3N	23	09	
MS MARSHALL E J. VINSON RD.			BYHALIA	BYHALIA DUMP 5.W	2.S	34	06 07 09 11	
MS MARSHALL HWY 309 NORTH - BARTON RD			BYHALIA	GEM DUMP 5W	2S	26	06 07 09 11	
MS MARSHALL HWY 78 E			HOLLY SPRINGS	HOLLY SPRINGS DUMP R2W	T4S	8	06 07 09 11	
MS MARSHALL HWY 7 SOUTH			NOT APPLICABLE	WALL DOXEY STATE PARK R3W	T5S	12	06 07 09 11	
MS MONTGOMERY END OF MARION AVE.PAST	CEMETARY		DUCK HILL	DUCK HILL DUMP 05E	20N	36	06 07 09 11	
MS MONTGOMERY SIBLETON - LODI RD			KILMICHAEL	SIBLETON LANDFILL 07E	19N	2	06 07 09 11	
MS MONTGOMERY BLUFF SPRINGS RD			WINONA	WINONA LANDFILL 05E	19N	26	06 07 09 11	
MS MONTGOMERY TORN S OFF HWY 404 1 MILE W OF ALVA, 100 YARDS OFF HWY			NOT APPLICABLE	ALVA DUMP 07E	21N	35	06 07 09 11	
MS MONTGOMERY 2 MI S OF LODI			NOT APPLICABLE	LODI DUMP 07E	19N	12	06 07 09 11	
MS MONTGOMERY N. OFF HWY 407 ON POORHOUSE RD .5 MILE ON RT			NOT APPLICABLE	POORHOUSE RD DUMP 06E	19N	32	06 07 09 11	
MS NESHOBA 5 MI HWY 491 N 5TH RD ON RT			NOT APPLICABLE	BOGUE CHITTO DISPOSAL SITE 19E	11N	12	06 07 09 11	
MS NESHOBA HWY 21 S. 2ND RD TO RT PASSED	A & B GRO 1 MI ON RT		NOT APPLICABLE	DIXON DISPOSAL SITE 10E	9N	21	06 07 09 11	
MS NESHOBA OLD STOCKYARD RD LFT AT MAY'S	VET CLINIC 1/4 MI ON ROADSIDES		NOT APPLICABLE	EAST PHILADELPHIA DISPOSAL SITE 12E	11N	29	06 07 09 11	
MS PANOLA 4 MI E OF COMO. TURN S, OFF	HWY 310 AT		COMO LIBERTY HIH CH.	COMO DUMP 6W	7S	10	06 09 11	
MS PANOLA 1 MILE EAST OF COURTLAND ON	JOHNSON CREEK.		COURTLAND	POPE-COURTLAND 7W	10S	3	01 06 07 09 11	
MS PANOLA 4 MILES EAST OF ASKEW, MS.			CRENSHAW	CRENSHAW DUMP 9W	6S	10	06 09	
MS PANOLA 4 MILES NORTH OF TENN GAS	PUMPING STATION, ON HIWAY 6		CURTIS STATION	BLUFF DUMP 8W	8S	33	06 09 11	
MS PANOLA 4 MILES SOUTH OF SARDIS			SARDIS	SARDIS LANDFILL 7W	8S	10	06 09	
MS PANOLA NORTH OF HIWAY 6,NEAR HOTOPHIA	WATER ASSN,STORAGE TOWER		NOT APPLICABLE	PANOLA COUNTY,EAST 5W	8S	9	06 09 11	

MS PEARL RIVER CARRIERE ROAD 4 MI EAST			NOT APPLICABLE	CARRIERE EAST 16 W	5S	10	06 07 09 11	
MS PEARL RIVER 3 MILES EAST CARRIERE	OFF CARRIERE RD		NOT APPLICABLE	CARRIERE EAST CROWN				

MS PEARL RIVER CARRIERE ROAD 4 MI EAST		NOT APPLICABLE	CARRIERE EAST 16 W	5S	10	06 07 09 11
MS PEARL RIVER 7 MILES EAST CARRIERE	OFF CARRIERE RD	NOT APPLICABLE	CARRIERE EAST CROWN 17W	5S	11	06 07 09 11
MS PEARL RIVER 2 MILES E OF OLD HENLEYFIELD	SCHOOL	NOT APPLICABLE	HENLEYFIELD 18	4S	22	06 07 09 11
MS PEARL RIVER LUMBERTON WEST 3 MILES		NOT APPLICABLE	NORTH CO LINE 15W	1S	31	06 07 09
MS PEARL RIVER 2 MI E OF MILLARD		NOT APPLICABLE	MILLARD 16W	4S	10	06 07 09 11
MS PEARL RIVER 1 MI SE OF TOWN OFF HWY 43		NOT APPLICABLE	BEAT 4 17W	6S	35	07 09
MS PEARL RIVER 3 MILES EAST OFF HWY 53	22 MILES SE POPLARVILLE	NOT APPLICABLE	BARTH 14 W	4 S	10	06 07 09 11
MS PEARL RIVER 6 MILES EAST HWY 53 BARTH ROAD	23 MILES SE POPLARVILLE	NOT APPLICABLE	BEAT 3 14 W	4 S	18	06 07 09 11
MS PEARL RIVER 26 HWY EAST 14 MILES	POPLARVILLE	NOT APPLICABLE	COUNTY LINE 14W	2S	24	06 07 09 11
MS PEARL RIVER HWY 26 EAST 6 MILES EAST	POPLARVILLE	NOT APPLICABLE	EAST HWY 26 15 W	2 S	26	06 07 09 11
MS PEARL RIVER FORDS CREEK SOUTH		NOT APPLICABLE	FORD CREEK SOUTH 16W	1S	31	06 07 09
MS PEARL RIVER LUMBERTON 8 MI SOUTH		NOT APPLICABLE	HILDSDALE 15W	1S	30	06 07 09 11
MS PEARL RIVER SPRINGHILL ROAD 11 MILES NORTH	POPLARVILLE	NOT APPLICABLE	SPRINGHILL 15W	1S	5	06 07 09 11
MS PEARL RIVER CROSSROADS NORTH 6 MILES	43 HIGHWAY	NOT APPLICABLE	16TH SEC CROSSROADS NORTH 17W	2S	17	06 07 09
MS PEARL RIVER PROGRESS ROAD 8 MI EAST OF HWY 59		NOT APPLICABLE	PROGRESS 14 W	3 S	6	06 07 09 11
MS PEARL RIVER HY 26 10 MILES OF POPLARVILLE		NOT APPLICABLE	WHITESAND 16W	3S	12	06 07 09 11
MS PIKE 2 MI W OF OSYKA OFF HWY 584		OSYKA	OSYKA DUMP R-7-E	T-1-N	28	06 07 09 11
MS PIKE LEVI TEMPLE RD		NOT APPLICABLE	BALL DUMP R-8-E	T-1N	10	06 07 09 11
MS QUITMAN 1 MILE SOUTHWEST OF LAMBERT		LAMBERT	LAMBERT DUMP 10W	27N	21	01 09
MS QUITMAN ROGER ROAD		MARKS	MARKS DUMP 1WW	28N	35	01 09
MS QUITMAN BEAL STREET ROAD		MARKS	MARKS DUMP NORTH 10W	9S	16	01 09

MS	QUITMAN			NOT APPLICABLE	QUITMAN CO DUMP						
BEAR LAKE ROAD					10W	9S	16	01 09			
MS	RANKIN			NOT APPLICABLE	RANNIN DUMP BEAT 2						
HWY 471 NORTH					4E	7N	7	06 07 09 11			
MS	RANKIN			NOT APPLICABLE	EBENEZER ROAD DUMP BEAT 3						
RURAL ROUTE 4					2E	4N	5	06 07 09 11			
MS	RANKIN			NOT APPLICABLE	PELEHATCHIE DUMP BEAT 4						
OFF HWY 43N 3 MILES NORTH OF	PELEHATCHIE				5E	6N	16	06 07 09 11			
MS	SIMPSON			NOT APPLICABLE	HARRISVILLE DUMP BEAT 5						
OFF HWY 469N					2E	2N	20	06 07 09 11			
MS	SIMPSON			NOT APPLICABLE	BUSHTOWN DUMP BEAT 4						
USHTOWN RD 1/2 MILE WEST OF	PINOLA				3E	1N	35	06 07 09 11			
MS	SMITH			MIZE	MIZE GARBAGE DISPOSAL SITE						
2 MI W OF TOWN OFF HWY 28					7E	1N	34	06 07 09 11			
MS	SMITH			RALEIGH	RALEIGH GARBAGE DISPOSAL SITE						
HWY 35					15W	2N	17	06 07 09 11			
MS	STONE			NOT APPLICABLE	PERKINSTON DUMP						
SE CORNER OF PERKINSTON JUNIOR COLLEGE CAMPUS					12W	3S	24	06 07 09 11			
MS	STONE			NOT APPLICABLE	CITY OF WIGGINS DUMP						
NORTH EAST WIGGINS					11W	2S	20	06 07 09			
MS	STONE			NOT APPLICABLE	PROJECT ROAD DUMP BEAT 2						
10 MILES WEST OF WIGGINS ON	PROJECT RD				12W	2S	16	06 07 09 11			
MS	STONE			NOT APPLICABLE	RED CREEK DUMP						
5 MILES SOUTH OF WIGGINS OFF	HWY 49				11W	3S	18	03 06 07 09 11			
MS	STONE			NOT APPLICABLE	SUNFLOWER DUMP						
4 MILES EAST OF HWY 495 IN	SUNFLOWER	COMMUNITY			11W	3S	36	06 07 09 11			
MS	STONE			NOT APPLICABLE	WHITE CROSSING DUMP						
12 MI EAST OF WIGGINS ON HWY	26				10W	2S	30	06 07 09 11			
MS	SUNFLOWER			INVERNESS	INVERNESS SOLID WASTE DUMP						
CHARLES WILLIAMS FARM					R4W	18-N	19	06 07 09 11			
MS	TALLAHATCHIE			CASCILLA	CASCILLA PITCH IN TRENCH						
MI PAST CASCILLA TOWARD	ROSEBLOOM				3E	23N	16	06 09 11			
MS	TALLAHATCHIE			CHARLESTON	CARVER HILL DISPOSAL SITE						
MI SOUTH ON HWY 35 - MI EAST	ON CARVER HILL RD				2E	24N	10	06 09 11			
MS	TALLAHATCHIE			CHARLESTON	CHARLESTON DISPOSAL SITE						
DOWNTOWN CHARLESTON					2E	25N	26	06 07 09 11			
MS	TALLAHATCHIE			SUMNER	TERRY ROEBUCK DISPOSAL SITE						
5 MI NORTH OF SUMNER					2W	25N	24	06 07 09 11			
MS	UNION			MYRTLE	CITY OF MYRTLE DUMP						
2 MI. SOUTH OF HWY 78 ON	SPRINGDALE	LAKE ROAD			R2E	T6S	18	06 07 09 11			
MS	WARREN			NOT APPLICABLE	EAGLE LAKE DUMP						
HWY 465					2E	18N	36	01 03 06 07 09 11			
MS	WARREN			NOT APPLICABLE	JEFF DAVIS DUMP						
1 MI W OF JEFF DAVIS					3E	14N	16	01 06 09 11			
MS	WASHINGTON			LELAND	DELTA EXP FORREST DUMP						
W OF LELAND 2 MI N OF MS	FORREST				R7W	T19N	35	03 06 07 09 11			

MS	WARREN			NOT APPLICABLE	JEFF DAVIS DUMP				
1 MI W OF JEFF DAVIS					3E	14N	16	01 06 09 11	
MS	WASHINGTON			LELAND	DELTA EXP FORREST DUMP				
W OF LELAND 2 MI N OF MS		FORREST			R7W	T19N	35	03 06 07 09 11	
MS	WASHINGTON			NOT APPLICABLE	GLEN ALLEN DUMP				
SOUTH OF GLEN ALLEN					8W	14N	1	06 07 09 11	
MS	WAYNE			BUCKATUNNA	BUCKATUNNA				
45 SOUTH					5W	7N	9	06 07 09 11	
MS	WAYNE			WAYNESBORO	BEAT 5 DUMP				
CAMP 8 RD					8W	7N	16	06 07 09 11	
MS	WAYNE			WHISTLER	WHISTLER				
BEAT 4					8W	T9N	33	06 07 09 11	
MS	YALOBUSHA			OAKLAND	OAKLAND DISPOSAL SITE				
DOWNTOWN OAKLAND					7 W	25 N	6	06 07 09 11	
MS	YALOBUSHA			TILLATOBA	TILLATOBA DISPOSAL SITE				
3 MILES SOUTH OF TILLATOBA ON		HIGHWAY 51			4 E	24 N	16	06 07 09 11	
MS	YALOBUSHA			WATER VALLEY	PUBLIC-PRIVATE DUMP SITE				
OTOUCALOFA CREEK BRIDGE LOCATD		3 MILES S/E ON SOUTH STREET			R-5W	11-S	9	03 06 11	
MS	YALOBUSHA			WATER VALLEY	WATER VALLEY BRUSH DISPOSAL SITE				
ON STEPHENS ST 1/8 MI SO OF		MARTIN ST JUNCTION			4 W	11S	4	06 07 09 11	
MS	YAZOO			NOT APPLICABLE	LINWOOD DUMP BEAT 2				
OFF HWY 16 EAST ON LINWOOD RD		4 MILES EAST OF BENTON			1E	11N	16	06 07 09 11	
MO	MARIES			DIXON	M AND M SANITATION SANITARY LANDFILL				
1ST COUNTY RD SO OF RT HH OFF		HWY 133			11 W.	38 N.	14	03 06	
MO	SCOTT			BENTON	SCOTT COUNTY LANDFILL				
3.0 MI SOUTH ON HWY 61 OF		BENTON, MO			13 E.	28 N.	28	06 09	
MT	BEAVERHEAD			NOT APPLICABLE	WISE RIVER REFUSE DISPOSAL SITE				
2.5 MILES EAST OF WISE RIVER		ON HIGHWAY 43			10W	1S	6	06 11	
MT	BLAINE			CHINOOK	CITY OF CHINOOK LANDFILL				
1.2 MILES SOUTH OF CHINOOK ON		HIGHWAY 240			19E	33N	35	01 06	
MT	CHOUTEAU			GERALDINE	TOWN OF GERALDINE REFUSE DISPOSAL SITE				
EAST OF GERALDINE ON HIGHWAY		80			11E	21N	1	06 09 11	
MT	CUSTER			MILES CITY	CUSTER DISPOSAL COMPANY				
NORTH OF AIRPORT ON SHEFFIELD		ROAD			46E	08N	25	10	
MT	DANIELS			SCOBEY	CITY OF SCOBEY REFUSE DISPOSAL SITE				
.5 MILES SOUTH OF SCOBEY					48E	35N	14	06 09 11	
MT	GARFIELD			JORDAN	TOWN OF JORDAN REFUSE DISPOSAL SITE				
1 MILE NW OF JORDAN					38E	18N	7	06 09	
MT	GOLDEN VALLEY			LAVINA	TOWN OF LAVINA REFUSE DISPOSAL SITE				
1 MILE SOUTH OF LAVINA ON		HIGHWAY 3			22E	6N	11	06 09	
MT	LEWIS AND CLARK			NOT APPLICABLE	CRAIG REFUSE DISPOSAL SITE				
1.5 MILES NW OF CRAIG ON SEVEN		MILE ROAD			3W	15N	4	06 09	

MT	LEWIS AND CLARK 1 MILE NORTHEAST OF MARYSVILLE	NOT APPLICABLE	MARYSVILLE REFUSE DISPOSAL SITE 6W 12N 36 06 11	
MT	MADISON 3 MILES SE OF SHERIDAN	SHERIDAN	SHERIDAN REFUSE DISPOSAL SITE 05W 05S 12 06 09 11	
MT	PHILLIPS 1 MILE SOUTH OF SACO	SACO	SACO REFUSE DISPOSAL SITE 34E 31N 18 06 09 11	
MT	RICHLAND 1 MILE NORTH OF SAVAGE	SAVAGE	SAVAGE REFUSE DISPOSAL SITE 58E 20W 28 06 09 11	
MT	RICHLAND .25 MILES EAST OF LAMBERT	NOT APPLICABLE	LAMBERT REFUSE DISPOSAL SITE 55E 22N 12 06 09 11	
MT	TETON 5 MILES SOUTH OF DUTTON ON I15	DUTTON	TOWN OF DUTTON REFUSE DISPOSAL SITE 1W 24N 36 06 09	
MT	TOOLE 1 MILE EAST OF SUNBURST	SUNBURST	SUNBURST REFUSE DISPOSAL SITE 02W 36N 17 06 09 11	
MT	VALLEY 1 MILE WEST OF NASHUA ON HWY 2	NASHUA	TOWN OF NASHUA REFUSE DISPOSAL SITE 42E 27N 36 06 09 11	
MT	VALLEY 1 MILE NE OF OPHEIM	OPHEIM	TOWN OF OPHEIM REFUSE DISPOSAL SITE 41E 36N 19 06 09	
NE	CASS WEST END OF P ST	WEEPING WATER	RICHARD BAUER LANDFILL 11E 10N 2 03 06 07	
NE	GAGE 1 MILE NORTH AND THREE QUATERS EAST OF BEATRICE	BEATRICE	BEATRICE LANDFILL 6E 4N 27 08 11	
NE	HAMILTON ONE MILE EAST OF AURORA	AURORA	AURORA LANDFILL 6W 10N 3 01 03 06 07	
NE	JEFFERSON FROM FAIRBURY 1 MILE WEST ONE NORTH AND ONE HALF WEST	FAIRBURY	FAIRBURY LANDFILL 2E 2N 8 11	
NE	KEITH THREE QUARTERS OF A MILE WEST ON BURMA ROAD OFF OF HWY 61	LAKE MCCONAGHY	GAME AND PARKS SITE 38 14 10 03	
NE	WEBSTER 2 MILES SOUTH ON WEST SIDE OF HIWAY 281	RED CLOUD	RED CLOUD LANDFILL 11W 1N 14 03 07	
NV	CHURCHILL 10 N OF FALLON	FALLON	FALLON CITY COUNTY LAND FILL POPULATION 8000 R-28E T20N 23S 09	
NV	ELKO 1 MI N OF TOWN	CARLIN	CARLIN LAND FILL POP 1300 R 52 E T 33 N 27 09 11	
NV	ELKO 2 MI S OF TOWN	CURRIE	CURRIE LAND FILL POP LESS THAN 50 R 64 E T 28 N S36 09 11	
NV	ELKO 1 MI N OF TOWN	JACKPOT	JACKPOT LAND FILL POP 900 R 65E T-47N S-6 09 11	
NV	ELKO 1 MI N OF TOWN	JARBIDGE	JARBIDGE LAND FILL POP LESS THAN 50 R 58 E T 46 N S-4 09 11	
NV	ELKO 1 MI SW OF TOWN	LAMOILLE	LAMOILLE LAND FILL POP 200 R-56 T-24 S24 09 11	
NV	ELKO 1 MI N OF TOWN	MONTELLO	MONTELLO LAND FILL POP 200 R-69 T-39 S17 09 11	
NV	ELKO 1 MI NW OF CITY	MOUNTAIN CITY	MOUNTAIN CITY LAND FILL POP 150 R53 46N S25 09 11	

V 46 N 103 MAY 29 1981 JMI 1 8 2 9

NV ELKO 1 MI N OF TOWN	MONTELLO	MONTELLO LAND FILL POP 200 R-69 T-39 S17 09 11	
NV ELKO 1 MI NW OF CITY	MOUNTAIN CITY	MOUNTAIN CITY LAND FILL POP 150 R53 46N S25 09 11	
NV ELKO 2 MI S OF RYNDON	RYNDON	RYNDON LAND FILL POP 150 R 57 E T 36 N S33 09 11	
NV ELKO 1 MI N OF TOWN	NOT APPLICABLE	JACK CREEK POP LESS THAN 50 R 52 E T 42 N S35 09 11	
NV ELKO 10 MI SE OF ELKO	NOT APPLICABLE	SPRING CREEK POP 300 R 56 E T 33 N S14 09 11	
NV ESMERALDA 1/2 MI W OF TOWN	COALDALE JUNCTION	COALDALE JUNCTION LAND FILL POPULATION LESS THAN 50 R37E T2N S17 09 11	
NV ESMERALDA 1 MI SW OF TOWN	SILVER PEAK	SILVER PEAK LAND FILL POP 250 R-39 E T2-S S27 09 11	
NV ESMERALDA 11 MI N OF DYER	NOT APPLICABLE	FISH LAKE #1 LAND FILL POP LESS THAN 50 35E 1S 29 11	
NV ESMERALDA 1 MI W OF DYER	NOT APPLICABLE	FISH LAKE #2 LAND FILL POPULATION LESS THAN 50 R-35E T2S S29 11	
NV ESMERALDA 3 MI S OF DYER	NOT APPLICABLE	FISH LAKE #3 LAND FILL POPULATION LESS THAN 50 R35E T3S 36 09	
NV EUREKA 3 MI S OF TOWN	BEOWOWE	BEOWOWE LAND FILL POP 150 R-49E T31 N S7 09 11	
NV EUREKA 1/2 MI E OF TOWN	CRESENT VALLEY	CRESENT VALLEY LAND FILL POP LESS THAN 50 R 49 E T 31 N S19 09 11	
NV EUREKA 2 MI N OF TOWN	EUREKA	EUREKA LAND FILL POP 450 R-53E T 19 N S 1 09 11	
NV EUREKA 13 NW OF EUREKA	NOT APPLICABLE	DIAMOND VALLEY LAND FILL POP 110 R-53E T21-N 20 09 11	
NV HUMBOLDT 1 MI N OF TOWN	DENIO	DENIO LAND FILL POP 50 R 30-E T 47 N S10 09	
NV HUMBOLDT 1 MI S OF TOWN	GOLCONDA	GOLCONDA LAND FILL POP 175 R 40 E T35-N S-4 09	
NV HUMBOLDT 3 MI W OF TOWN	OROVADA	OROVADA LAND FILL POP 225 37 E 43 N 29 09	
NV HUMBOLDT 7 MI SW OF TOWN	PARADISE HILLS	PARADISE HILLS POP 50 R-38 E T40N S35 09	
NV HUMBOLDT 1 MI W OF TOWN	PARADISE VALLEY	PARADISE VALLEY LAND FILL POP 125 R.39E T.42N S27 09	
NV HUMBOLDT 1 MI W OF TOWN	VALMY	VALMY LAND FILL POP 50 R 43 E T 33 N S 4 09	
NV HUMBOLDT 5 MI NW OF WINNEMUCCA	WINNEMUCCA	WINNEMUCCA CITY LAND FILL POP 7500 R37E T36N S1 11	

NV	LANDER	AUSTIN	AUSTIN LAND FILL POP 500	
5 MI NW OF AUSTIN			R 43E T 19 N 14	09 11
NV	LINCOLN	ALAMO	ALAMO LAND FILL POP 1000	
1 MI W OF TOWN			R 60 E T 6 S S-7	09 11
NV	LINCOLN	ALAMO	ASH SPRINGS LAND FILL POP 75	
7 MI N OF ALAMO			61 E 6 S 5	09 11
NV	LINCOLN	CALIENTE	CALIENTE LAND FILL POP 1000	
1 MI N OF TOWN			R-67E T 3 S S27	09 11
NV	LINCOLN	PANACA	PANACA LAND FILL POP 600	
1 MI S OF TOWN			R-68 E T-2-S S22	09 11
NV	LINCOLN	PIOCHE	PIOCHE LAND FILL POP 600	
1 MI E OF TOWN			R-67 E T1N S13	09 11
NV	LYON	SMITH	SMITH LAND FILL POP 175	
2 MI N OF TOWN			R 24 E T 11 N S 5	09 11
NV	LYON	SMITH	SMITH S.E.POP 200	
4 MI SE OF SMITH			R 24E T-11N S-5	09 11
NV	LYON	WELLINGTON	WELLINGTON LAND FILL POP 200	
1 MI SE OF TOWN			R24E T10N 3	09 11
NV	LYON	YERINGTON	SCHURZ LAND FILL POP 300	
3 MI E OF YERINGTON			R 26 E T14E S36	09 11
NV	LYON	YERINGTON	YERINGTON LAND FILL POP 2000	
1 MI SE OF TOWN			R25E T13-N S25	11
NV	LYON	NOT APPLICABLE	CAMPBELL RD LAND FILL POP 300	
6 MI N OF YERINGTON			R26E T14N 36	09 11
NV	NYE	BEATTY	BEATTY LAND FILL POP 690	
2 MI W OF TOWN			R-46E T 12 S S13	09 11
NV	NYE	IONE	IONE LANDFILL POP LESS THAN 50	
1 MI S OF TOWN			R-39E T13N S32	09
NV	NYE	LATHRUP WELLS	LATHRUP WELLS LAND FILL POP 340	
5 MI S OF TOWN			R 50E T 15 S S19	09 11
NV	NYE	MANHATTAN	MANHATTAN LAND FILL POP 100	
1 MI W OF TOWN			R-43E T8N S20	09 11
NV	NYE	PAHRUMP	PAHRUMP LAND FILL POP 2900	
3 MI N OF TOWN			R-7-E T20S S 2	09 11
NV	NYE	ROUND MOUNTAIN	ROUND MOUNTIAN LAND FILL POP 490	
1 MI N OF ROUND MTN			R44E T10N S17	09 11
NV	NYE	ROUNDMOUNTAIN	CARVERS LAND FILL POP 240	
8 MI NW OF ROUND MTN			43 E 11 N 30	07 09 11
NV	NYE	TONOPAH	TONOPAH AIRPORT LANDFILL POP 200	
5 MI E OF TOWN			R42E T2N S12	09 11
NV	NYE	TONOPAH	TONOPAH LAND FILL POP 2450	
1 MI S OF TOWN			R43E T3N S32	09 11
NV	NYE	NOT APPLICABLE	CURRANT LAND FILL POP 100	
1 MI S OF TOWN			R-58 E T10N S17	09 11
NV	PERSHING	IMLAY	IMLAY LAND FILL POP 300	
1 MI W OF TOWN			34E 32N 5	09 11

NV	NYE 1 MI S OF TOWN	NOT APPLICABLE	CURRANT LAND FILL POP 100 R-58 E T10N S17 09 11	
NV	PERSHING 1 MI W OF TOWN	IMLAY	IMLAY LAND FILL POP 300 34E 32N 5 09 11	
NV	PERSHING 2 MI W OF LOVELOCK	LOVELOCK	LOVELOCK LAND FILL POP 1500 R 31 T 27 N S29 07 09 11	
NV	PERSHING 2 MI N OF DERBY FIELD	NOT APPLICABLE	LOVELOCK LOWER VALLEY LANDFILL POP 700 30E 26N 36 04 09 11	
NV	WHITE PINE 2 MI S OF TOWN	BAKER	BAKER LANDFILL POP 200 R 70 E T 13 N 22 09 11	
NV	WHITE PINE 1/2 MI S OF TOWN	LUND	LUND LANDFILL POP 500 R 62 E T 11 N 4 09 11	
NV	WHITE PINE 1/2 MI S OF TOWN	NOT APPLICABLE	LAGES STATION LANDFILL POP LESS THAN 50 R 65 E T 25 N 10 09 11	
NV	WHITE PINE 1/2 MI W OF TOWN	NOT APPLICABLE	PRESTON LANDFILL POP 200 R 61 E T 12 N 11 09 11	
NV	WHITE PINE 1 MI E OF TOWN	NOT APPLICABLE	SCHELLBOURNE LANDFILL POP 100 R 64 E T22N 10 09 11	
NH	CARROLD 1.7 MI. N. OF NH RTE 16B OFF	JACKSON WILDCAT RIVER RD.	JACKSON DUMP 44 11 40 071 11 40 06 07 09 11	
NH	CARROLL ON SNOW RD. 0.3 MI.E. OF	EFFINGHAM CTR. EFFINGHAM GRANGE	EFFINGHAM DUMP 43 44 30 071 00 10 06 07	
NH	CARROLL ON MADISON BLDR. RD. 0.3 MI W	MADISON OF NH RTE 113	MADISON DUMP 43 55 40 071 09 20 06	
NH	CARROLL 0.8 MI SW OF MTN. VIEW RR STA.	OSSIPEE ON BACK RD. TO WATER VILL.	OSSIPEE DUMP 43 44 00 071 09 10 06 07 09	
NH	CHESHIRE OFF SURRV RD. 1.3 MI. W. OF NH RTE. 10	GILSUM	GILSUM LANDFILL 43 02 35 072 17 40 03 06 09 11	
NH	CHESHIRE ON WALKER RD. 0.3 MI. W. OF	HARRISVILLE DUBLIN-HARRISVILLE RD	HARRISVILLE DUMP 42 56 15 072 05 40 03 06 09 11	
NH	CHESHIRE ON NH RTE. 123 1.6 MI W. OF	MARLOW JUNC. WITH NH RTE. 10	MARLOW DUMP 43 12 50 072 13 30 06 11	
NH	CHESHIRE 0.9 MI. W. OF STODDARD-ANTRIM	STODDARD TOWN LINE ON NH RTE. 9	STODDARD DUMP 43 04 00 072 03 45 06 09	
NH	CHESHIRE ON LONDON RD. 0.4 MI. NO. OF	WESTMORELAND NH RTE 12	WESTMORELAND DUMP 42 59 00 072 23 00 06 09	
NH	COOS DALTON-WHITEFIELD RD 1.0 MI	DALTON EAST OF RT135	TOWN OF DALTON DUMP 44 25 50 071 39 55 03 06 07	
NH	COOS RT 26 1.2 MI WEST OF	ERROL INTERSECTION WITH RT16	TOWN OF ERROL DUMP 44 47 25 071 09 30 06	
NH	COOS RT116 0.5MI SOUTH OF	JEFFERSON INTERSECTION WITH RT2	TOWN OF JEFFERSON DUMP 44 25 10 071 29 15 06 07	

NH	COOS	PITTSBURG	TOWN OF PITTSBURG DUMP		
BACK LAKE ROAD 1.9 MI NORTH	FROM RT 3 IN PITTSBURG TOWN	45 04 25	071 22 00	06 07	
NH	COOS	RANDOLPH	TOWN OF RANDOLPH DUMP		
VALLEY RD 0.5 MI WEST OF	INTERSECTION WITH RT2	44 21 30	071 22 15	03 06 07	
NH	COOS	SHELBURNE	TOWN OF SHELBURNE DUMP		
OFF RT2 2.0 MI EAST OF	SHELBURNE VILLAGE	44 23 30	071 02 45	06	
NH	COOS	STARK	TOWN OF STARK DUMP		
DIRT RD N OF AMMONUSUC RIVER	1.8 MI EAST OF PERCY	44 37 30	071 21 45	03 06 07	
NH	COOS	NOT APPLICABLE	WENTWORTH'S LOCATION DUMP		
2.1 MI NORTH OF WENTWORTH'S	LOCATION-ERROL TOWN LINE RT 16	44 50 45	071 03 30	03 06 07 09 11	
NH	GRAFTON	GROTON	GROTON DUMP		
ON N. GROTON RD. 3.0 MI. NO.	OF GROTON PUBLIC LIBRARY	43 44 30	071 51 00	06 07 09	
NH	GRAFTON	ORFORD	ORFORD DUMP		
ON ORFORD-ORFORDVILLE RD.	0.5 MI. FROM NH RTE. 25A	43 54 10	072 07 30	06 07 09	
NH	GRAFTON	PIERMONT	TOWN OF PIERMONT DUMP		
ON \DUMP RD \ 0.3 MI W. OF	TOWN CEMETARY ON NH RTE. 10	43 58 00	072 04 30	06 07 09 11	
NH	GRAFTON	RUMNEY	RUMNEY DUMP		
ON NO. RIVER RD. 3.0 MI W. OF	RUMNEY VILLAGE	43 48 40	071 46 30	06 07	
NH	GRAFTON	WARREN	WARREN DUMP		
ON PINE HILL RD. 0.9 MI. W. OF	NH RTES. 25 AND 118	43 56 30	071 54 00	06 07	
NH	GRAFTON	WENTWORTH	WENTWORTH DUMP		
ON TURNER RD. 0.1 MI. E. OF	NH RTE. 25	43 51 00	071 54 30	06 07 09 11	
NH	SULLIVAN	ACWORTH	ACWORTH DUMP		
ON RD. TO BERYL MT. 1.1 MI. SO	.OF NH RTE. 123A	43 10 50	072 17 00	06 07 09 11	
NH	SULLIVAN	CROYDON	CROYDON DUMP		
OFF NH RTE. 10 0.2 MI. N. OF	CROYDON VILLAGE SCHOOL	43 27 40	072 09 20	06 07	
NH	SULLIVAN	GOSHEN	GOSHEN DUMP		
ON RAND PD. RD. 3.3 MI. E. OF	GOSHEN VILLAGE	43 19 10	072 06 00	06 07 09 11	
NH	SULLIVAN	GRANTHAM	GRANTHAM DUMP		
ON SPRINGFIELD RD. 2.1 MI. E.	OF NH RTE. 10	43 29 30	072 06 00	06 09	
NH	SULLIVAN	LEMPSTER	LEMPSTER DUMP		
0.5 MI. NO. OF NH RTE 10 ON	BACK RD. FROM MARLOW TO VIL.	43 11 40	072 12 30	03 06 07 09 11	
NH	SULLIVAN	WASHINGTON	WASHINGTON DUMP		
ON NH RTE. 31 2.6 MI. N. OF	WASHINGTON-WINDSOR TOWN LINE	43 09 20	072 04 30	03 06 07 09 11	
NJ	BERGEN	NORTH ARLINGTONBORO	P&M SANITATION		
BELLEVILLE PIKE		40 46 37	074 07 08	06 11	
NJ	BURLINGTON	PEMBERTON TWP	PEMBERTON TWP SLF		
WHITES BOGS-PASADENA ROAD		39 55 55	074 28 35	04 06	
NJ	BURLINGTON	SOUTHAMPTON TWP	BIG HILL SLF		
BIG HILL ROAD		39 53 33	074 41 40	04 08	
NJ	GLOUCESTER	HARRISON TWP	HENRY HARRIS LANDFILL		
BRIDGETON PIKE		39 42 18	075 12 17	04 06 08	

NJ	GLOUCESTER	MANTUA TWP	KRAMER SANITARY LANDFILL		
JESSUP MILL ROAD			39 46 50	075 12 00	04 06 08
NY	CORTLAND	SOLON	CORTLAND COUNTY LF		
TOWN LINE RD			42 37 40	075 04 07	06

NJ GLOUCESTER JESSUP MILL ROAD		MANTUA TWP	KRAMER SANITARY LANDFILL 39 46 50 075 12 00 04 06 08
NY CORTLAND TOWN LINE RD		SOLON	CORTLAND COUNTY LF 42 37 40 075 04 07 06
NY ESSEX MCKENZIE POND RD		SARANAC LAKE	SARANAC LAKE VILLAGE LANDFILL 44 18 30 074 06 30 03 06
NY FRANKLIN LAKE OZONIA RD. WEST SIDE ONE	MI SOUTH OF STATE RTE 72	TOWN OF WAVERLY	TOWN OF WAVERLY SANITARY LANDFILL 44 38 47 074 34 27 03 06 07 09 11
NY GENESEE HARLOFF RD 1000 FEET WEST OF	KELSEY ROAD	BATAVIA	TOWN OF BATAVIA SANITARY LANDFILL 43 01 10 078 15 20 03
NY KINGS OFF SHORE PARKWAY		BROOKLYN	FOUNTAIN AVENUE LANDFILL 40 38 50 073 52 10 03 04 06
NY NIAGARA AT THE END OF RICHFIELD STREET		LOCKPORT	NIAGARA COUNTY REFUSE DISPOSAL DISTRICT SANITARY LANDFILL 43 09 26 078 43 18 04
NY ONEIDA LEE CENTER-TABERG RD		LEE CENTER	NORTHERN ONEIDA COUNTY SLF (NOCO) 43 18 27 075 34 17 03 04
NY ONEIDA TANNERY RD		ROME	CITY OF ROME LANDFILL 43 14 23 075 32 19 03 06
NY ONONDAGA SMORAL RD		KELLYS CORNERS	ONONDAGA LANDFILL SYSTEMS 43 01 27 076 15 00 03 06
NY QUEENS OFF ALMEDA AVENUE		ROCKAWAY	EDGEMERE LANDFILL 40 36 20 073 46 50 01 03 04 06
NY RICHMOND OFF ARTHUR KILL ROAD		STATEN ISLAND	BROOKFIELD LANDFILL 40 33 55 074 09 45 03 04 06
NY RICHMOND MULDOON AVENUE		STATEN ISLAND	FRESH KILLS LANDFILL 40 34 35 074 11 50 03 04 06
NY ROCKLAND ROUTE 303		CLARKSTOWN	CLARKSTOWN LANDFILL 41 05 20 073 57 20 03 06
NY ROCKLAND TORNE BROOK ROAD		RAMAPO	TORNE VALLEY LANDFILL 41 08 28 074 09 38 04 06
NY SARATOGA WEIBEL AVE, 2000 FT NORTH OF	RTE 29, WESTERN SIDE	SARATOGA SPRINGS	SARATOGA SPRINGS LANDFILL 43 05 27 073 44 50 03 06
NY SCHENECTADY BARHYDT ROAD, NORTH SIDE,	APPROX 3 MI WEST OF SCOTIA	SCOTIA	TOWN OF GLENVILLE SANITARY LANDFILL 42 51 27 074 00 25 03 06
NY ST. LAWRENCE REYNOLDS RD		POTSDAM	TOWN OF POTSDAM LANDFILL 44 44 07 074 58 36 03 04 06
NY ST. LAWRENCE HERMON-PYRITES RD		PYRITES	TOWN OF CANTON LF 44 31 05 075 12 55 03 06
NY SUFFOLK BLYDENBURGH ROAD		ISLIP	HAUPPAUGE LANDFILL (UNLINED AREA) 40 49 05 073 11 00 06 08
NY SUFFOLK GLEAM STREET		WEST BABYLON	BABYLON LANDFILL 40 44 05 073 23 05 03 06 08 10

NY	SULLIVAN		HARROWBURG	CORTESE LANDFILL	
ROUTE 97				41 35 30 074 04 00	02 04 06
NC	ANSON		RED HILL	RED HILL COMMUNITY	
5.0 M NW OF ANSONVILLE ON	SR 1619			35 08 00 080 10 00	06 09 11
NC	AVERY		NOT APPLICABLE	AVERY COUNTY LANDFILL	
1.0 MI. EAST OF SR 1190 ON	SR 1101			35 57 00 081 59 00	06 09 11
NC	BURKE		MORGANTON	BURKE COUNTY LANDFILL	MORGANTON
0.5 MI. N OF US 70-64 WEST ON	KIRSEY DRIVE			35 40 30 081 39 00	06 09 11
NC	BURKE		RHODHISS	BURKE COUNTY LANDFILL RHODHISS	SITE
2 MI EAST OF US 321 ON SR 1611				35 47 00 081 27 00	06 09 11
NC	CAMDEN		NOT APPLICABLE	CAMDEN COUNTY LANDFILL	
0.1 MI. NORTH OF NC 343 ON	SR 1107			36 17 00 076 02 00	06 07 09 11
NC	CURRITUCK		NOT APPLICABLE	CURRITUCK COUNTY LANDFILL	
US 158 AT INTERSECTION WITH	SR 1246			36 24 00 076 01 00	06 09 11
NC	HYDE		NOT APPLICABLE	UNAUTHORIZED DUMP	
1.0 MI. E OF ENGLEHARD ON	US 264			35 31 00 075 59 00	06 09 11
NC	HYDE		NOT APPLICABLE	UNAUTHORIZED DUMP	
1.5 MI. N OF US 264 ON SR 1300				35 36 00 076 32 00	06 09 11
NC	HYDE		NOT APPLICABLE	UNAUTHORIZED DUMP	
0.5 MI N OF OYSTER CREEK	LANDING ON	SR 1127		35 24 00 076 18 00	06 09 11
NC	LENOIR		LAGRANGE	LAGRANGE LANDFILL	
EAST KING STREET				35 19 00 077 46 30	06 09
ND	BURKE		COLUMBUS	CITY OF COLUMBUS OPEN DUMP	
3 MILES SOUTH AND 1 MILE WEST				R93W T162N 19	06 11
ND	EMMONS		HAZELTON	CITY OF HAZELTON OPEN DUMP	
1 MILE WEST OF CITY				77W 135N 36	06
ND	EMMONS		LINTON	THE CITY OF LINTON OPEN DUMP	
1.0 MILE SOUTH AND 1.0 MILE	WEST OF CITY			77W 132N 12	06
ND	EMMONS		STRASBURG	CITY OF STRASBURG OPEN DUMP	
.5 MILE WEST AND .5 MILE SOUTH				76W 131N 35	06
ND	MCINTOSH		ASHLEY	CITY OF ASHLEY SANITARY	LANDFILL
1.0 MILE NORTH OF THE CITY OF	ASHLEY			69W 130N 19	06
ND	RICHLAND		MANTADOR	CITY OF MANTADOR OPEN DUMP	
1.5 MILES WEST OF CITY				50W 131N 18	01 06
OH	ADAMS		TIFFIN TWP	ADAMS COUNTY LANDFILL	
1 MI SOUTH ON PUMPKIN RIDGE RD	FROM WEST UNION			38 46 20 083 32 55	03 06 11
OH	ATHENS		CARTHAGE TWP	COZART LANDFILL	
4 MI NORTHEAST ON TWP RD 135	FROM STE RTE 50			39 13 50 081 51 21	03 06
OH	ATHENS		YORK TWP	691 LANDFILL	
3 MI SOUTH ON STATE ROUTE 691	FROM US RTE 33	INTERSECTION		39 24 10 082 12 10	03 06
OH	BELMONT		RICHLAND TWP	BUCKEYE RECLAMATION COMPANY	
0.5 MI SOUTH ON STE RTE 214	FROM INTERSTATE 70			40 02 50 080 52 10	03
OH	BROWN		PLEASANT TWP	OHIO WASTE SERVICE INC	LANDFILL
1 MI WEST ON SUNSHINE RD FROM	US RTE 68			38 53 51 083 54 38	03 06 09
OH	COLUMBIANA		HANOVER TWP	LAKE SANITARY LANDFILL	
1 MI SOUTH ON HOFFE RD FROM	STE RTE 172	INTERSECTION		40 47 00 080 52 15	06

OH	BROWN		PLEASANT TWP	OHIO WASTE SERVICE INC	LANDFILL
1 MI WEST ON SUNSHINE RD FROM	US RTE 68			38 53 51	083 54 38	03 06 09
OH	COLUMBIANA		HANOVER TWP	LAKE SANITARY LANDFILL	
1 MI SOUTH ON HOFFE RD FROM	STE RTE 172 INTERSECTION			40 47 00	080 52 15	06
OH	CUYAHOGA		GLENWILLOW	GLENWILLOW WORKS	
PETTIBONE RD IMMEDIATELY EAST	OF COCHRAN RD			41 21 12	081 28 08	06
OH	CUYAHOGA		WESTLAKE	WESTLAKE LANDFILL	
0.1 MI SOUTHEAST ON BASSETT RD	FROM CROCKER RD INTERSECTION			41 28 34	081 56 14	06
OH	DELAWARE		GLENDA TWP	SOLID WASTE MANAGEMENT SYSTEMS INC	
0.38 MI SOUTH ON WORTHINGTON	GALENA RD FROM FREEMAN RD			40 10 07	082 55 57	03
OH	ERIE		KELLEYS ISLAND	KELLEYS ISLAND VILLAGE	
0.4 MI NORTH ON BROOKERMAN RD	FROM CAMERON RD			41 36 26	082 43 13	06 07
OH	FAYETTE		UNION TWP	FAYETTE COUNTY LANDFILL #3	
0.1 MI EAST ON ROBINSON RD	FROM OLD CHILLICOTHE RD			39 31 36	083 24 32	03
OH	GUERNSEY		JACKSON TWP	FULTZ LANDFILL	
1 MI NORTH ON CO RD 52 FROM	BYESVILLE			39 58 56	081 32 17	03 06
OH	GUERNSEY		WESTLAND TWP	ACE DISPOSAL CO LANDFILL (IWD)	
1 MI EAST ON STE RTE 40 FROM	NEW CONCORD			40 00 07	081 43 24	03 06 11
OH	HAMILTON		HARRISON TWP	VILLAGE OF HARRISON LANDFILL	
0.9 MI SOUTHEAST ON CAMPBELL	RD FROM STATE ST INTERSECTION			39 14 28	084 48 17	01
OH	JEFFERSON		CROSS CREEK TWP	STEUBENVILLE CITY LANDFILL	
2 MI SOUTHEAST ON FERNWOOD RD	FROM US RTE 22			40 21 10	080 41 43	03 10
OH	LAKE		EASTLAKE	CITY OF EASTLAKE LANDFILL	
1 MI WEST ON REEVES RD FROM	LOST NATION RD INTERSECTION			41 39 25	081 24 57	01
OH	MARION		BIG ISLAND TWP	MARION CITY LANDFILL	
STE RTE 95 AT TWP RD 97				40 35 20	083 11 19	01
OH	MEDINA		MONTVILLE TWP	MEDINA COUNTY LANDFILL	MONTVILLE
0.3 MI SOUTHEAST ON STE RTE 57	FROM STE RTE 162			41 05 58	081 49 44	06
OH	MEIGS		SALISBURY TWP	MEIGS COUNTY SANITARY LANDFILL	
1 MI NORTH ON STE RTE 143 FROM	STE RTE 7			39 02 48	082 04 24	03 06
OH	MORGAN		MORGAN TWP	MORGAN COUNTY LANDFILL	
1 MI EAST ON STE RTE 60 FROM	MCCONNELSVILLE			39 39 25	081 50 00	03
OH	MUSKINGUM		BRUSH CREEK TWP	RIVERSIDE SANITARY LANDFILL	
1 MI NORTHWEST ON CO RD 6 FROM	STE RTE 555			39 53 00	081 59 20	03 06
OH	MUSKINGUM		WASHINGTON TWP	MUSKINGUM SANITATION SERVICE	
1 MI WEST ON ADAMSVILLE RD	FROM STE RTE 93			39 58 15	081 58 07	03
OH	PAULDING		LATTY TWP	WILLIAMS LANDFILL	
2 MI SOUTH ON CO RD 123 FROM	STE RTE 613 INTERSECTION			41 04 15	084 32 23	01 06 07
OH	PIKE		JACKSON TWP	PIKE SANITATION COMPANY	
2 MI SOUTH ON STE RTE 220 FROM	US RTE 23			39 06 05	082 58 07	03 06
OH	PORTAGE		ATWATER TWP	WEIBUSH LANDFILL	
0.5 MI SOUTH ON STE RTE 225	FROM STE RTE 224			41 01 06	081 06 20	06

UMI 1 8 6 9 2 M Y 6 4 V

OH	ROSS		BUCKSKIN TWP	THE TRIANGLE COMPAY			
2 MI NORTHEAST ON SALEM RD	FROM STE RTE 41			39 19 00	083 19 00	03 06	
OH	ROSS		CHILLICOTHE	CITY OF CHILLICOTHE LANDFILL			
0.5 MI WEST ON NARROWS RD FROM	MARIETTA RD			39 21 15	082 57 50	03 06	
OH	SCIOTO		VERNON TWP	SCIOTO SANITATION INC LANDFILL			
NORTH OF LYRA RD AT LICK RUN				38 43 15	082 47 40	03 06	
OH	STARK		BEACH CITY	BEACH CITY LANDFILL			
1 MI NORTH ON JUSTUS AVE FROM	STE RTE 212			40 39 25	081 34 34	01	
OH	TUSCARAWAS		GOSHEN TWP	SLATERS LANDFILL			
1.5 MI EAST ON STE RTE 39 FROM	NEW PHILADELPHIA			40 29 55	081 23 10	03 06	
OH	WYANDOT		CRAWFORD TWP	WYANDOT COUNTY LANDFILL			
1.2 MI EAST ON CO RD 4E FROM	US RTE 23			40 54 31	083 19 34	06	
OK	CANADIAN		NOT APPLICABLE	CANADIAN COUNTY SOLID WASTE		DISPOSAL AUTHORITY	
5 MI SOUTH OF EL RENO, OK. 0.5	MILES WEST OF HWY 81			7W	11N	10	06
OK	CARTER		ARDMORE	ARDMORE MUNICIPAL SANITARY		LANDFILL	
4 MILES EAST HWY 70 ONE HALF	MILE NORTH			2E	4S	24	03 09
OK	CARTER		ARDMORE	ARDMORE MUNICIPAL SANITARY		LANDFILL	
NORTHEAST SECTION OF CITY	ONE MILE NORTH HIGHWAY 70			2E	4S	20	03 06 09 11
OK	CHEROKEE		TAHLEQUAH	TAHLEQUAH DUMP			
ONE HALF MILE E AND TWO MILES	N OF TAHLEQUAH			22E	17N	22	06 07 09 11
OK	CIMARRON		NOT APPLICABLE	BOISE CITY DUMP			
3 MILES SOUTH OF BOISE CITY				5E	2N	3	01 03 06 09 11
OK	CIMARRON		NOT APPLICABLE	BOISE CITY PUBLIC WORKS		AUTHORITY	
3 MILES SOUTH OF BOISE CITY				5E	2N	3	06 07 09 11
OK	CREEK		SAPULPA	CITY OF SAPULPA LANDFILL			
NORTHEAST OF CITY				11E	18N	24	03 06 09
OK	CREEK		NOT APPLICABLE	JOHN MOORE			
HILTON ROAD EAST OF HIGHWAY 66				11E	18N	24	01 03 06 09 11
OK	CREEK		NOT APPLICABLE	J M BLAGG			
6512 S 69 W AVENUE				12E	18N	6	03 09 11
OK	CREEK		NOT APPLICABLE	ROSENCUTTER BROS CONSTRUCTION			
8400 S 33 W AVENUE				12E	18N	21	01 03
OK	CREEK		NOT APPLICABLE	TULSA SAPULPA UNION RAILWAY CO			
SW OF 65 W AVE AND HIGHWAY 66				12E	18N	6	03 06 09
OK	JACKSON		NOT APPLICABLE	ALTUS MUNICIPAL LANDFILL			
62 HIGHWAY WEST OF ALTUS				21W	2N	15	01 03 06
OK	KAY		NEWKIRK	CITY OF NEWKIRK			
SOUTH OF CITY				2E	28N	26	06 09
OK	KAY		PONCA CITY	SOBERBROTHERS CONSTRUCTION		DUMP	
ROUTE 2 BOX 35				2E	26N	23	01 06 09 11
OK	LATIMER		NOT APPLICABLE	WILBURTON OPEN DUMP			
4 MILES NORTH OF CITY				19E	5N	7	03 06 07 09 11

OK	LOGAN		GUTHRIE	CITY OF GUTHRIE LANDFILL			
ONE MILE WEST AND ONE MILE	NORTH OF GUTHRIE			3W	16N	1	03 06 09
OK	MCCLAIN		NORMAN	NORMAN ASPHALT LANDFILL			
CHATAUGA STREET SOUTH OF	STATE HIGHWAY 9			2W	8N	18	01 03 06
OK	MCCLAIN		PURCELL	PURCELL OPEN DUMP			

OK	LOGAN		GUTHRIE	CITY OF GUTHRIE LANDFILL					
ONE MILE WEST AND ONE MILE		NORTH OF GUTHRIE		3W	16N	1	03 06 09		
OK	MCCLAIN		NORMAN	NORMAN ASPHALT LANDFILL					
CHATAUGA STREET SOUTH OF STATE HIGHWAY 9				2W	8N	18	01 03 06		
OK	MCCLAIN		PURCELL	PURCELL OPEN DUMP					
NORTH BANK WALNUT CREEK				2W	6N	13	01 06 07 09 11		
OK	MUSKOGEE		NOT APPLICABLE	MUSKOGEE LANDFILL					
SOUTH 54TH STREET				18E	14N	6	03 06 09 11		
OK	OKLAHOMA		DEL CITY	DELCITY SANITARY LANDFILL					
3 MILES EAST OF OKLAHOMA CITY		ON 10TH STREET		2W	12N	32	01 03 04 06 07 09 11		
OK	OKLAHOMA		OKLAHOMA CITY	CUSTOM EQUIPMENT COMPANY			SANITARY LANDFILL		
72ND SOUTH BRYANT				3W	11N	25	03 06		
OK	OSAGE		NOT APPLICABLE	SHELL CREEK LANDFILL					
177 WEST AVENUE				10E	20N	36	03 06 09 10		
OK	OTTAWA		MIAMI	MIAMI MUNICIPAL LANDFILL					
H STREET SE SOUTH OF CITY				23E	28N	31	01 03		
OK	OTTAWA		NOT APPLICABLE	M AND M LANDFILL					
ROUTE 1				23E	29N	14	03 06 09 11		
OK	POTTAWATOMIE		SHAWNEE	SHAWNEE MUNICIPAL SANITARY			LANDFILL		
SOUTH SIDE OF CITY				4E	10N	30	01 06 09		
OK	TILLMAN		DAVIDSON	DAVIDSON MUNICIPAL LANDFILL					
1.5 MILES SOUTH OF DAVIDSON ON HIGHWAY 183				18W	4S	10	06 09 11		
OK	TILLMAN		NOT APPLICABLE	FREDERICK MUNICIPAL LANDFILL					
5 MILES NORTH FREDERICK WEST		OF HIGHWAY 183		17W	1 SOUTH	31	03 06 07 09 11		
OK	TULSA		COLLINSVILLE	COLLINSVILLE					
NORTH OF CITY				12E	22N	20	03 06 09 11		
OK	TULSA		TULSA	SPARTON LANDFILL					
NORTH YALE				13E	20N	22	06 07 09 11		
OK	WAGONER		BROKEN ARROW	CITY OF BROKEN ARROW LANDFILL					
3 MILES EAST OF TULSA COUNTY		LINE ON 51	STREET	15E	19N	32	03 06		
OK	WAGONER		NOT APPLICABLE	D & N SANITARY LANDFILL					
EAST 41ST STREET				15E	19N	29	03 06 09 11		
OK	WASHINGTON		BARTLESVILLE	BARTLESVILLE LANDFILL					
N OF TOWN				13E	26N	6	01 03 06 09		
OR	BENTON		MONROE	MONROE DEMOLITION SITE					
1/2 MI EAST OF MONROE OFF HWY		U.S. 99W		44 18 50		123 17 20	04		
OR	CLATSOP		ASTORIA	ASTORIA LANDFILL					
WILLIAMSPORT				46 10 35		123 48 55	06		
OR	CLATSOP		CANNON BEACH	CANNON BEACH LANDFILL					
HIGHWAY 101				45 54 29		123 56 36	06 07		
OR	CLATSOP		ELSIE	ELSIE LANDFILL					
SUNSET HIGHWAY 26				45 52 20		123 36 10	06 07		

OR	CLATSOP LEWIS AND CLARK RD	SEASIDE	SEASIDE LANDFILL 46 00 37	123 52 48	06 07
OR	CLATSOP SW 9TH AND RIDGE ROAD	WARRENTON	WARRENTON LANDFILL 46 09 45	123 56 45	04
OR	COLUMBIA HONEYMAN ROAD	SCAPPOOSE	SANTOSH LANDFILL 45 37 35	122 50 48	03 04
OR	COOS WOODWARD CREEK	POWERS	POWERS DISPOSAL SITE 42 54 05	124 04 10	07
OR	HOOD RIVER MID-VALLEY ROAD	PARKDALE	HOOD RIVER LANDFILL 45 35 00	121 33 45	03
OR	JACKSON FISH LAKE RD	BUTTE FALLS	BUTTE FALLS LANDFILL 43 32 10	122 33 35	06 07
OR	LAKE OREGON HIGHWAY 140	ADEL	ADEL DISPOSAL SITE 42 10 00	119 45 00	07
OR	LAKE COUNTY ROAD NO. 5-14C	CHRISTMAS VALLEY	CHRISTMAS VALLEY DISPOSAL SITE 17E 26S 28		07
OR	LAKE FORT ROCK HIGHWAY	FORT ROCK	FORT ROCK DISPOSAL SITE 14E 26S 5		07
OR	LAKE COUNTY ROAD NO. 4-20	PAISLEY	PAISLEY DISPOSAL SITE 42 42 20	120 32 30	07
OR	LAKE PLUSH CUTOFF ROAD	PLUSH	PLUSH DISPOSAL SITE 42 24 40	119 54 20	07
OR	LAKE OREGON HIGHWAY 31	SILVER LAKE	SILVER LAKE DISPOSAL SITE 43 07 40	121 01 30	07
OR	LAKE OREGON HIGHWAY 31	SUMMER LAKE	SUMMER LAKE DISPOSAL SITE 42 58 15	120 46 45	07
OR	LANE OFF I-5	COTTAGE GROVE	COTTAGE GROVE LANDFILL 43 47 50	123 01 30	10
OR	LANE CLOVERDALE RD	CRESWELL	CRESWELL LANDFILL 43 55 00	122 59 30	04
OR	LINCOLN COUNTY ROAD 108B-1	LINCOLN CITY	NORTH LINCOLN DISPOSAL SITE 44 55 55	123 58 15	06
OR	LINCOLN HIGHWAY 101	NEWPORT	AGATE BEACH DISPOSAL SITE 44 41 50	124 03 23	03 06
OR	LINCOLN WACONDA BEACH RD	WALDPORT	WALDPORT DISPOSAL SITE 44 23 45	124 04 05	03 06
OR	MALHEUR STATE HIGHWAY 450	ADRIAN	ADRIAN LANDFILL 43 43 43	117 04 43	06 09 11
OR	MALHEUR HIGHWAY 26	BROGAN	BROGAN-JAMIESON 44 12 20	117 28 40	06 09 11
OR	MALHEUR CROWLY ROAD	HARPER	HARPER LANDFILL 43 51 00	117 36 20	06 07 09 11
OR	MALHEUR HIGHWAY 20	JUNTURA	JUNTURA LANDFILL 43 45 00	118 04 40	06 07 09 11
OR	MALHEUR 9TH AVE W	WILLOW CREEK	WILLOW CREEK LANDFILL 44 06 45	117 24 15	06 09 11
OR	MARION	SALEM	BROWN'S ISLAND LANDFILL		

OR MALHEUR HIGHWAY 20	JUNTURA	JUNTURA LANDFILL 43 45 00	118 04 40	06 07 09 11
OR MALHEUR 9TH AVE W	WILLOW CREEK	WILLOW CREEK LANDFILL 44 06 45	117 24 15	06 09 11
OR MARION HOMESTEAD ROAD	SALEM	BROWN'S ISLAND LANDFILL 44 55 15	123 05 00	04 08
OR POLK RIVER BEND ROAD	SALEM	FOWLER'S DEMOLITION SITE 44 59 00	123 02 55	04
OR UMATILLA SPARKS ROAD	PILOT ROCK	PILOT ROCK NORTH CANYON 45 32 30	118 47 55	03 09
OR WHEELER COUNTY ROAD	FOSSIL	FOSSIL LANDFILL 45 00 00	120 12 25	07
PA ALLEGHENY ROUTE 30	FINDLAY TWP	MAZZARO LANDFILL 40 28 23	080 17 20	08
PA BERKS LINCOLN ROAD EXETER TWP	BIRDSBORO	FR&S SANITARY LANDFILL 40 16 30	075 48 50	03 08 09
PA BERKS ROUTES 724 & 176 CUMRU TWP	BIRDSBORO	WESTERN BERKS DISPOSAL FACILTY 40 18 06	075 54 30	08
PA BERKS WHEATFIELD RD SPRING TWP	SINKING SPRING	BERKS LANDFILL CORP 40 17 39	076 02 02	03 08
PA BRADFORD ONE MILE OFF L.R. 08124	NEW ALBANY	BELL'S SANITARY LANDFILL 41 38 08	076 23 19	06
PA CLEARFIELD 2 MILES SOUTH OF OSCEOLA MILLS ON ROUTE 53	OCSEOLA MILLS	KEPHART LANDFILL 40 50 40	078 17 39	11
PA DAUPHIN EISENHOWER BLVD	HARRISBURG	SWATARA DEMOLITION LANDFILL 40 13 51	076 48 06	06
PA DELAWARE PAPERMILL ROAD	SPRINGFIELD TWP.	SPRINGFIELD TOWNSHIP BULK WAST E LANDFILL 39 55 10	075 21 30	03
PA FRANKLIN R D #1	CHAMBERSBURG	R & A BENDER LANDFILL 39 58 09	076 33 22	06
PA FRANKLIN RT 3	MERCERSBURG	MONTGOMERY TOWNSHIP LANDFILL 39 43 20	077 54 30	06 07 09
PA JEFFERSON TOWNSHIP ROAD 448 WEST OF ANIT A PA MCCALMONT TOWNSHIP	ANITA	WAZELLE BROTHERS LANDFILL 40 59 54	078 58 59	06
PA LANCASTER ROUTE 322	HONEYBROOK	LANCHESTER CORPORATION SANITAR Y LANDFILL 40 06 40	075 57 09	06 09
PA LANCASTER MT PLEASANT ROAD	PARADISE	BART TOWNSHIP LANDFILL 39 54 10	076 04 53	06 07 09
PA LEHIGH RD#1 S. WHITEHALL TWP	ALLENTOWN	NOVAK SANITARY LANDFILL 40 37 52	075 33 42	08
PA MCKEAN HIGH STREET	LEWIS RUN BOROUGH	LEWIS RUN BOROUGH LANDFILL 41 52 10	078 39 02	06 07 09 11

PA	NORTHUMBERLAND	MT CARMEL	MOUNT CARMEL LANDFILL		
1.5 MI WEST OF MT CARMEL BORO	ON PDH RT 49017 THEN 800 FT NW	40 47 25	076 26 10	01 06 08 09 11	
PA	NORTHUMBERLAND	SHAMOKIN	SHAMOKIN-COAL TWP SANITARY		LANDFILL
.5 MI NE OF SHAMOKIN BOYD IN	FORMER SUSQUEHANNA COAL PIT	40 48 00	076 31 45	06 07 08 09	
PA	PERRY	NEW BLOOMFIELD	PERRY COUNTY LANDFILL		
R D 1		40 12 05	077 10 04	06 11	
PA	SOMERSET	CONEMAUGH TOWNSHIP	SOUTHERN ALLEGHENIES DISPOSAL		SERVICE LANDFILL
.75 MILES NORTHEAST OFF LR	55100 AT RTE 219 OVERPASS	40 14 04	078 53 58	03	
PA	TIOGA	ARNOT	BLOSS TWP. DISPOSAL SITE		
1.2 MILES OFF L.R. 58038		41 40 26	077 07 56	06	
PA	TIOGA	WELLSBORO	WELLSBORO LANDFILL		
MEADE STREET		41 43 53	077 18 16	06 11	
PA	VENANGO	SENECA	SUPERIOR REFUSE LANDFILL		
EAST STATE ROAD RD#1		41 22 20	079 40 00	03 06	
PA	WARREN	WARREN	WARREN GENERATING STATION		
PENNSYLVANIA AVENUE WEST-ROUTE #6		41 50 16	079 11 35	04 11	
PA	WESTMORELAND	PENN TWP	LCR LANDFILL		
L.R. 64238		40 23 30	079 40 10	03 06 07	
PA	YORK	YORK	MODERN TRASH REMOVAL LANDFILL		
RD 9 LEGISLATIVE ROUTE 66004		39 57 34	076 35 24	08	
RI	BRISTOL	BRISTOL	TOWN OF BRISTOL SANITARY		LANDFILL
MINTURN ROAD		41 40 45	071 15 30	03 04	
RI	PROVIDENCE	CRANSTON	SANITARY LANDFILL INC.		
PONTIAC AVE.		41 44 00	071 27 45	04	
RI	PROVIDENCE	CUMBERLAND	J. M. MILLS INC.		
MENDON ROAD		41 55 00	071 25 00	01	
RI	PROVIDENCE	NORTH PROVIDENCE	TOWN OF NORTH PROVIDENCE		SANITARY LANDFILL
SMITHFIELD ROAD		41 52 00	071 28 45	03	
RI	WASHINGTON	NEW SHOREHAM	TOWN OF NEW SHOREHAM		SANITARY LANDFILL
WEST BEACH ROAD	SANITARY LANDFILL	41 12 30	071 34 30	01 07 11	
RI	WASHINGTON	NORTH KINGSTOWN	TOWN OF NORTH KINGSTOWN		SANITARY LANDFILL
HAMILTON ALLENTON ROAD		41 33 00	071 27 30	03	
SC	CHARLESTON	HOLLYWOOD	W L SIRES PROPERTY		
SC HWY 162		32 44 05	080 14 30	03 06 09 11	
SC	YORK	ROCK HILL	FERGUSON PROPERTY		
HWY 5 NORTH		34 56 30	081 04 15	09 11	
SD	DAY	GREENVILLE	THE GREENVILLE SOLID		WASTE FACILITY
1.0 MI N ON COUNTY RD H		55W 123N 13		04 06	
SD	DAY	ROSLYN	THE ROSLYN SOLID		WASTE FACILITY
0.5 MI E ON COUNTY RD D	0.2 MI S ON COUNTY RD H	56 W 123 N 06		04 06	
SD	HAAKON	PHILIP	THE PHILIPS SOLID		WASTE FACILITY
1 MI S OF PHILIP ON ACCESS RD		20E 01N 23		01	

SD	MC COOK	BRIDGEWATER	THE BRIDGEWATER SOLID		WASTE FACILITY
2.5 MI S ON COUNTY RD E		56W 102N 35		06	
SD	MC COOK	SPENCER	THE SPENCER SOLID		WASTE FACILITY

SD	MC COOK		BRIDGEWATER	THE BRIDGEWATER SOLID			WASTE FACILITY
2.5 MI S ON COUNTY RD E				56W	102N	35	06
SD	MC COOK		SPENCER	THE SPENCER SOLID			WASTE FACILITY
1 MI S ON HIGHWAY H				56W	104N	08	04 06
TN	RUTHERFORD		LAVERGNE	JOHN WILKERSON DUMP			
OLD JEFFERSON PIKE AT US 41-A		AND SAM RIDLEY PARKWAY		36 00 00	086 32 30		06 07 09 11
TN	SULLIVAN		BRISTOL	TOM KNOLL DUMP			
US 11-W 3 MILES WEST OF I-81				36 34 52	082 19 18		06 07 09 11
TX	BELL		BELTON	BELTON LANDFILL			
SE OF BELTON 0.5 MILE SE OF		IH 35 1 MILE NE OF FM 436		31 02 45	097 26 48		01 04
TX	BRAZORIA		NOT APPLICABLE	TX DEPT OF CORRECTIONS RAMSEY UNIT 2 ROSHARON TX			
RAMSEY PRISON FARM UNIT 2 ADJ		TO OYSTER CREEK AT OTEY		29 17 00	095 33 15		04
TX	CAMERON		NOT APPLICABLE	BROWNSVILLE LANDFILL			
3 MILES NE OF BROWNSVILLE 1.3		MI NE OF INT OF SH4 AND FM511		25 56 09	097 23 24		01
TX	HARRIS		HOUSTON	WESTERN REFUSE OF TEXAS INC.			
12712 CHURCH ST.				29 46 37	095 12 35		01 03 04 08
TX	TARRANT		FORT WORTH	FORT WORTH SOUTHEAST LANDFILL			
0.25 MILE S OF US 287 W OF		DICK PRICE ROAD		32 38 51	097 14 21		01
UT	WASHINGTON		HURRICANE	HURRICANE DUMP			
1.5 MILES NORTH OF TOWN				13 W	41 S	25	06 07 09 11
UT	WASHINGTON		ST GEORGE	ST GEORGE CITY LANDFILL			
2 MILES NORTHEAST OF ST GEORGE				12 W	42 S	17	07 09 11
VT	BENNINGTON		RUPERT	RUPERT TOWN DUMP			
2.5 MILES WEST OF WEST RUPERT		VILLAGE		43 14 45	073 15 50		03 06 09
VT	CALEDONIA		HARDWICK	HARDWICK DISPOSAL FACILITY			RICHARD TOWNS OWNER
TOWN HIGHWAY 45				44 28 50	072 19 36		03 04
VT	CALEDONIA		PEACHAM	PEACHAM TOWN DUMP			
EAST PEACHAM RD				44 20 15	072 09 31		03 09
VT	ORANGE		TUNBRIDGE	TUNBRIDGE TOWN DUMP			
RUSSELL RD				43 51 20	072 30 47		06
VT	RUTLAND		DANBY	CASELLA DISPOSAL FACILITY			
US RT 7 DANBY				43 22 50	073 00 09		03 04
VT	RUTLAND		FAIR HAVEN	FAIR HAVEN TOWN DUMP			
.3 MI FROM WEST ST AND 0.6 MI		FROM WEST ST. AND RTE 4		43 35 42	073 16 30		03 06 09
VA	NOT APPLICABLE		NORFOLK	CAMPOSTELLA ROAD LANDFILL			
CAMPOSTELLA ROAD				36 49 27	076 15 23		01 03 06 07 09
VA	NOT APPLICABLE		NORFOLK	LAMBERTS POINT LANDFILL			
44TH STREET BORDERING		ELIZABETH RIVER		36 53 01	076 19 15		01 03 06 07 09
WA	BENTON		PROSSER	A2W LANDFILL			
5 MI N OF RTE 12 ON COUNTYLINE RD AND 1 MI. E. ON SHELLER RD.				46 19 25	119 51 30		06 07 09
WA	CHELAN		NOT APPLICABLE	DRYDEN LANDFILL			
1 MI W OF DRYDEN ON SOUTH SIDE OF HWY RTE 97				47 32 45	120 34 25		04 06 11

WA	DOUGLAS		WATERVILLE	OLD WATERVILLE DUMP	
2 MI W OF WATERVILLE THEN 1 MI N. OF HWY.			RTE. 2 IN PINE CANY	47 40 05 120 07 00	06 07 09 11
WA	DOUGLAS		NOT APPLICABLE	OLD ORONDO DUMP	
7 MI N OF ORONDO IN DRAW ON	WEST SIDE OF HWY RTE 151			47 43 03 120 12 10	06 07 09 11
WA	FERRY		REPUBLIC	TORBOY SANITARY LANDFILL	
5 MILES NORTH OF REPUBLIC				33 E 37 N 30	06 09 11
WA	FERRY		NOT APPLICABLE	BOYDS SITE	
300 YARDS WEST OF STATE ROAD	395 AT BOYDS			37 E 37 N 17	06 07 09 11
WA	FERRY		NOT APPLICABLE	CURLEW DUMP	
3 MILES EAST OF CURLEW ON THE	BOULDER CREEK ROAD			34 E 39 N 07	06 09 11
WA	FERRY		NOT APPLICABLE	DANVILLE SITE	
TWO MILES EAST OF DANVILLE ON	THE EAST DANVILLE ROAD			34 E 40 N 09	06 09 11
WA	GRAYS HARBOR		ABERDEEN	ABERDEEN SANITATION DISPOSAL SITE	
4201 OLYMPIC HWY				46 58 33 123 44 59	03
WA	KING		SKYKOMISH	SKYKOMISH LANDFILL	
ONE MILE EAST OF SKYKOMISH ON	OLD CASCADE HIGHWAY			47 42 47 121 20 25	03 06 09 11
WA	KLICKITAT		NOT APPLICABLE	WISHRAM DUMP	
1 MI EAST OF WISHRAM ABOVE BN	RR TRACKS ALONG COLUMBIA RIVER			45 39 45 120 56 52	01 03 06 07 09 11
WA	LINCOLN		WILBUR	NORTHWEST LINCOLN COUNTY SANITARY LANDFILL	
600 FEET SOUTHWEST OF GOVAN				32 E 26 N 20	06
WA	OKANOGAN		NESPELEM	NESPELEM DUMP	
1 MI WEST OF RTE 155 AND NORTH OF	NESPELEM RIVER RD			48 08 20 119 00 15	06 07 09 11
WA	OKANOGAN		OMAK	OMAK LAKE DUMP	
7 MI SOUTH OF RTE 155 ON UPPER	OMAK LAKE RD NEAR OMAK LAKE			48 19 10 119 27 00	06 07 09 11
WA	OKANOGAN		NOT APPLICABLE	SOAP LAKE DUMP	
1 MI EAST OF RTE 97 ON SOAP	LAKE ROAD 8 MI NO OF BREWSTER			48 10 10 119 39 00	06 07 09 11
WA	OKANOGAN		NOT APPLICABLE	DISAUTEL DUMP	
1 MI NORTH OF RTE 155 ON OMAK	MOUNTAIN ROAD			48 22 40 119 14 55	06 07 09 11
WA	OKANOGAN		NOT APPLICABLE	ELLISFORD LANDFILL	
3 MI NORTH OF ELLISFORD ON OLD	HWY RTE 97			48 50 10 119 24 00	03 06 11
WA	PACIFIC		NASELLE	NASELLE	
0.8 MI. EAST OF NASELLE ON HWY	830			46 23 03 123 48 56	06 07 09
WA	PACIFIC		TOKELAND	NORTH COVE	
1.5 MI. WEST OF TOKELAND	TURNOFF ON HWY 105			46 43 45 124 03 03	01 03 06 07 09
WA	PEND ORIELLE		NEWPORT	DIAMOND LAKE SITE	
10 MILES SOUTHWEST OF NEWPORT	ON HIGHWAY 2			45 E 30 N 6	06 07 09
WA	PEND ORIELLE		NOT APPLICABLE	SACHEEN LAKE DUMP	
8 MILES NORTH OF INTERSECTION	OF STATE HIWAY 195 AND 311			43 E 31 N 24	06 09 11
WA	SNOHOMISH		ARLINGTON	OSO LANDFILL	
31705 LAKE CAVENAUGH ROAD				48 16 46 121 56 20	03 06 07 08 09 11
WA	SNOHOMISH		LAKE STEVENS	LAKE STEVENS LANDFILL	
ONE MILE EAST OF LAKE STEVENS				47 59 54 122 03 14	03 04 06 08 09 10
WA	STEVENS		MARCUS	MARCUS SITE	
IN THE TOWN OF MARCUS				38 E 37 N 33	06 09
WA	STEVENS		NORTHPORT	NORTHPORT LANDFILL	
34 MILES NORTH OF INTERSECTION	OF HIWAY 25 AND HIWAY 395			40 E 39 N 05	06 07 09 11

WA	STEVENS IN THE TOWN OF MARCUS	MARCUS	MARCUS SITE 38 E 37 N 33	06 09
WA	STEVENS 34 MILES NORTH OF INTERSECTION OF HIWAY 25 AND HIWAY 395	NORTHPORT	NORTHPORT LANDFILL 40 E 39 N 05	06 07 09 11
WA	STEVENS 1 MILE SOUTH OF FORD ON HWY231 HALF MILE EAST OF ROAD 1407	NOT APPLICABLE	FORD III 40 E 28 N 37	06 07 09 11
WA	STEVENS 3 MILES SOUTH OF CITY OF HUNTERS ON HIWAY 25	NOT APPLICABLE	HUNTERS SITE 37 E 30 N 19	06 07 09 11
WA	WAHKIAKUM 1.0 MI. EAST OF CATHLAMET ON OCEAN BEACH HWY	CATHLAMET	CATHLAMET 46 11 30 123 21 42	03 06 07 09
WA	WAHKIAKUM 0.75 MI. S.E. OF ROSBURG	ROSBURG	GRAYS RIVER 46 19 56 123 37 35	01 03 06 07 09 11
WA	YAKIMA 2 MI S OF EMERALD ON SO. EMERALD RD AT YAKIMA RIVER	GRANGER	NEWHOUSE DUMP 1 (ALFRED) 46 14 40 120 05 10	01 03 06 07 09 11
WA	YAKIMA 2 MI WEST OF EMERALD ON THE EMERALD-GRANGER RD. AT YAKIMA	GRANGER	NEWHOUSE DUMP 2 (MELVIN) 46 18 30 120 07 25	01 03 06 07 09 11
WV	BERKELEY 2 MILES EAST OF MARTINSBURG ON GRAPEVINE ROAD	NOT APPLICABLE	MARTINSBURG-BERKELEY COUNTY LANDFILL 39 25 57 077 56 03	03
WV	BRAXTON 2.5 MILES SOUTHEAST JUNCTION OF US 119 AND WV 4 ON CO 17/2	NOT APPLICABLE	BRAXTON COUNTY LANDFILL 38 38 05 080 41 15	03 06
WV	BROOKE 2.6 MILES OFF WV 2 ON CO 6	NOT APPLICABLE	VALERO LANDFILL 40 22 06 080 35 00	06
WV	CABELL DEITZ HOLLOW	HUNTINGTON	HUNTINGTON CITY LANDFILL 38 25 23 082 24 22	03 06
WV	CLAY 1 MILE NE OF CLAY ON CO 26	NOT APPLICABLE	CLAY COUNTY DUMP 38 28 05 081 05 37	03 06 07 09 11
WV	GREENBRIER .75 MILES NORTH OF WV20 ON CO. 44/2	NOT APPLICABLE	GREENBRIER WESTERN LANDFILL 38 03 07 080 43 30	03
WV	HARRISON 1 MILE OF US 50 ON GREGORYS RUN	CLARKSBURG	CLARKSBURG LANDFILL 39 17 47 080 21 44	03 06
WV	HARRISON 6 MILES SOUTH OF CLARKSBURG ON US 19	NOT APPLICABLE	S AND S LANDFILL 39 13 23 080 24 29	06
WV	JACKSON 2.5 MILES NORTH OF US 33 ON CO 5/7	NOT APPLICABLE	JACKSON COUNTY LANDFILL 38 50 29 081 43 50	03 06
WV	JEFFERSON .25 MILES NORTH OF CO 15 ON CO 15/1	NOT APPLICABLE	JEFFERSON COUNTY LANDFILL 39 20 15 077 54 35	03 06
WV	KANAWHA MISSION HOLLOW ABNEY PARK	CHARLESTON	CHARLESTON LANDFILL 38 19 00 081 37 00	03
WV	KANAWHA ON CRAIG BRANCH OF KANAWHA TWO MILE CREEK	NOT APPLICABLE	DONS DISPOSAL LANDFILL 38 25 35 081 38 00	03
WV	KANAWHA 561 MUNDY HOLLOW ROAD	NOT APPLICABLE	FLEMING LANDFILL 38 27 20 081 40 40	03 06

UMI 1 8 9 2 9 M Y 6 4 V

WV KANAWHA 2 MILES EAST OF CROSSLANES		NOT APPLICABLE	KANAWHA COUNTY LANDFILL 38 25 00	081 45 35	03 06
WV MARION .8 MILES SOUTH OF FARMINGTON	ON WV 218	NOT APPLICABLE	MARION COUNTY LANDFILL 39 32 39	080 15 39	03
WV MCDOWELL HUNTINGSHIRT BRANCH 10 MILES	WEST OF WELCH	NOT APPLICABLE	MCDOWELL COUNTY LANDFILL 37 27 45	081 40 41	03
WV MINGO 3.6 MILES NORTH OF WILLIAMSON	ON US52	NOT APPLICABLE	MINGO COUNTY LANDFILL 37 41 36	082 13 02	03
WV MONONGALIA .5 MILE EAST OF CO 857 ON 62/1		MORGANTOWN	MORGANTOWN LANDFILL 39 38 23	079 55 15	03 06
WV MORGAN ON CO 9/14 NEAR WIGGINS RUN		NOT APPLICABLE	MORGAN COUNTY LANDFILL 39 34 32	078 21 32	03
WV NICHOLAS 1 MILE FROM RICHWOOD ON LUMBER MILL ROAD		NOT APPLICABLE	RICHWOOD DUMP 38 13 22	080 34 25	01 03 06
WV OHIO OFF US 40 NEAR EAST END OF	VALLEY GROVE	VALLEY GROVE	MEREDITH LANDFILL 40 06 07	080 33 21	03 06
WV OHIO 1 MILE N OF US40 OFF MOUNT	WOOD ROAD	WHEELING	WHEELING LANDFILL 40 05 17	080 42 42	03
WV PUTNAM 2.7 MILES SOUTH OF US 60 ON CO 50		NOT APPLICABLE	SOWARDS LANDFILL 38 24 10	082 01 35	03 06
WV RALEIGH END OF CO 8/1		NOT APPLICABLE	RALEIGH COUNTY LANDFILL 37 49 50	081 08 45	03
WV WETZEL .5 MILES OFF WV 180 ON 28/1		NOT APPLICABLE	ELLER LANDFILL 39 40 03	081 51 57	03
WI DOUGLAS WISCONSIN POINT		SUPERIOR	CITY OF SUPERIOR SANITARY 46 40 44	091 57 36	LANDFILL-WISCONSIN POINT 03
WI MARATHON NORTHWESTERN AVE		TOWN OF WESTON	HOLTZ-KRAUSE,INC LANDFILL 44 56 00	089 36 30	03
WI OUTAGAMIE 1604 CROOKS AVE		KAUKAUNA	KAUKAUNA LANDFILL INC. 44 15 30	088 16 00	03 08
WI RACINE 824 MILWAUKEE AVE		BURLINGTON	CITY OF BURLINGTON SANITARY 42 41 30	088 16 35	LANDFILL 08
WI ROCK WALTERS ROAD		BELOIT	THE TOWNSHIP OF BELOIT 42 34 08	089 02 43	SANITARY LANDFILL 01
WI WAUKESHA 19980 WEST CAPITOL DRIVE		BROOKFIELD	MASTER DISPOSAL LANDFILL INC. 43 05 51	088 09 11	01
WY UINTA 2 MI N OF INTERSECTION OF I-80	AND HWY 412	NOT APPLICABLE	BRIDGER VALLEY SOLID WASTE R115 W T16 N	10	DISPOSAL DISTRICT LANDFILL 06
WY WASHAKIE 1 MI NW OF INTERSECTION OF HWY	433 AND 16	WORLAND	WASHAKIE COUNTY SOLID WASTE 93W 47N	23	DISPOSAL DISTRICT LANDFILL 06
AS MANUATECE FAGAMALO STREET		TAU MANUA	FAGAMALO LANDFILL 14 14 40	169 30 30	03
AS MANUATELE BETWEEN FITIUTA AND AIRPORT		FITIUTA MANUA	ANAULI LANDFILL 14 16 35	169 29 25	03
AS MANUATELE FATUAGA STREET BETWEEN THE	AIRPORT AND IOAGA	OFU MANUA	FATUAGA LANDFILL 14 20 30	169 39 30	03

AS	MANUATELE BETWEEN FITIUTA AND AIRPORT		FITIUTA MANUA
AS	MANUATELE FATUAGA STREET BETWEEN THE	AIRPORT AND TOAGA	OFU MANUA
AS	MAOPUTASI BETWEEN HIGHWAY NO. 1 AND PAGO	PAGO HARBOR	ANASOSOPO
AS	TUALATAI FUTIGA ROAD		FUTIGA
AS	TUALAUTA OTTOVILLE ROAD		TAFUNA
GU	GUAM MARINE DRIVE WAR DOG CEMETERY		DEDEDO
GU	GUAM ROUTE 4 BORROW PIT		NOT APPLICABLE
GU	GUAM SAN CARLOS STREET		NOT APPLICABLE
CM	MARIANA ISLANDS DISTRICT TWO MILES NORTH OF SONGSONG	VILLAGE	ROTA
CM	MARIANA ISLANDS DISTRICT PUERTO RICO		SAIPAN
CM	MARIANA ISLANDS DISTRICT ONE MILE NORTH OF SAN JOSE	VILLAGE	TINIAN
PR	AGUAS BUENAS STATE ROAD PR-173 KM 6 HM 0	SUMIDERO WARD	AGUAS BUENAS
PR	AIBONITO STATE ROAD PR-14 KM 53 HM 4	EL ROBLE WARD	AIBONITO
PR	ANASCO STATE ROAD PR - 402 KM 2 HM 6	MARIAS WARD	ANASCO
PR	ARECIBO STATE ROAD PR - 682 KM 10 HM 7	FACTOR WARD	ARECIBO
PR	BARCELONETA STATE ROAD PR - 665 KM 3 HM 2	TOZAS WARD	BARCELONETA
PR	BARRANQUITAS STATE ROAD PR-719 KM 1 HM 3	HELECHAL WARD	BARRANQUITAS
PR	BAYAMON STATE ROAD PR - 167 KM 12 HM 8	BUENA VISTA WARD	BAYAMON
PR	CAGUAS STATE ROAD PR 172 KM 1 HM 0	TURABO WARD	CAGUAS
PR	CAMUY STATE ROAD PR 119 KM 7 HM 9	PIEDRA GORDA WARD	CAMUY
PR	CAROLINA STATE ROAD PR 874 KM 7 HM 3	HOYO MULA WARD	CAROLINA

ANAULI LANDFILL 14 16 35	169 29 25	03
FATUAGA LANDFILL 14 00 00	169 30 00	01
ANASOSOPO LANDFILL 14 17 25	170 39 47	01 08 11
FUTIGA LANDFILL 14 22 00	170 46 00	11
TAFUNA SLUDGE DISPOSAL SITE 14 20 00	170 44 00	04 11
DEDEDO SOLID WASTE TRANSFER STATION 13 31 15	144 51 04	06 07 09
MALOJLOJ SOLID WASTE TRANSFER STATION 13 18 45	144 45 55	06 07 09
ORDOT LANDFILL 13 27 10	144 44 55	03 06 07 09 11
ROTA OPEN DUMP 14 09 30	145 09 30	06 09
PUERTO RICO OPEN DUMP 15 13 30	145 44 00	03 06 07 09
TINIAN OPEN DUMP 14 59 00	145 37 00	06 09
AGUAS BUENAS MUNICIPAL LANDFILL 18 12 32	066 08 50	01 03 06
AIBONITO MUNICIPAL LANDFILL 18 08 46	066 15 04	03 06 07 09 11
ANASCO MUNICIPAL LANDFILL 18 18 55	067 08 38	03
ARECIBO MUNICIPAL LANDFILL 18 27 30	066 37 30	01 06 11
BARCELONETA MUNICIPAL LANDFILL 18 24 30	066 33 04	06 07 09 11
BARRANQUITAS MUNICIPAL LANDFILL 18 11 00	066 18 25	03 06 07 09 11
BAYAMON FORMER SANITARY LANDFILL 18 19 34	066 11 54	03
CAGUAS MUNICIPAL LANDFILL 18 12 40	066 03 57	01 03 06 09 11
CAMUY FORMER OPEN DUMP 18 25 14	066 53 03	06 11
CAROLINA MUNICIPAL LANDFILL 18 24 39	065 56 23	03 06 09 11

UMI 1 8 9 2 Y M 6 4 V

PR CAYEY STATE ROAD PR-184 KM 5 HM 0	CAYEY BEATRIZ WARD	CAYEY MUNICIPAL LANDFILL 18 09 00 066 06 12	03 06 11
PR CIALES STATE ROAD PR KM 1 HM 1	CIALES HATO VIEJO WARD	CIALES OPEN BURNING DUMP 18 21 12 066 29 17	06 07 09 11
PR CIDRA STATE ROAD PR - 734 KM 2 HM 7	CIDRA ARENAS WARD	CIDRA MUNICIPAL LANDFILL 18 08 30 066 08 50	03 06 11
PR FLORIDA STATE ROAD PR - 642 KM 10 HM 7	FLORIDA FLORIDA ADENTRO WARD	FLORIDA MUNICIPAL LANDFILL 18 59 44 066 34 45	06 11
PR GUANICA STATE ROAD PR - 331 KM 2 H 1	GUANICA FUIG WARD	GUANICA MUNICIPAL OPEN BURNING DUMP 17 59 44 066 55 45	06 07 09 11
PR GUAYAMA STATE ROAD PR - 713 KM 5 HM 8	GUAYAMA JOBOS WARD	GUAYAMA FORMER OPEN DUMP 17 59 04 066 10 49	01 03 11
PR GUAYAMA STATE ROAD PR - 711 KM 2 HM 0	GUAYAMA POZO HONDO WARD	GUAYAMA MUNICIPAL LANDFILL 17 59 10 066 08 20	03 06 09 11
PR GUAYNABO STATE ROAD PR - 1 KM 21 HM 7	GUAYNABO LA MUDA WARD	GUAYNABO MUNICIPAL LANDFILL 18 19 05 066 06 05	06 09 11
PR GURABO STATE ROAD PR - 189 KM 4 HM 8	GURABO RINCON WARD	GURABO MUNICIPAL OPEN BURNING DUMP 18 15 09 065 59 51	06 07 09 11
PR HATILLO STATE ROAD PR - 487 KM 1 HM 8	HATILLO BUENA VISTA WARD	HATILLO MUNICIPAL OPEN DUMP 18 24 43 066 48 06	06 07 09 11
PR ISABELA STATE ROAD PR 112 KM 9 HM 0	ISABELA ARENALES ALTO WARD	ISABELA MUNICIPAL FORMER OPEN BURNING DUMP 18 25 30 067 02 05	06 11
PR JAYUYA STATE ROAD PR - 527 KM 3 HM 3	JAYUYA SALIENTE WARD	JAYUYA MUNICIPAL LANDFILL 18 11 41 066 33 59	06 11
PR JUANA DIAZ STATE ROAD PR 510	JUANA DIAZ	JUANA DIAZ MUNICIPAL OPEN BURNING DUMP 18 02 30 066 31 00	01 03 06 07 09 11
PR LARES STATE ROAD PR 453 KM 1 HM 2	LARES CALLEJONES WARD	LARES MUNICIPAL OPEN DUMP 18 18 24 066 52 00	06 07 09 11
PR MANATI STATE ROAD PR 149 KM 4 HM 2	MANATI SABANA SECA WARD	MANATI MUNICIPAL OPEN BURNING DUMP 18 24 34 066 29 34	06 07 09 11
PR MAUNABO STATE ROAD PR 759 KM 2 HM 5	MAUNABO PALO SECO WARD	MAUNABO MUNICIPAL LANDFILL 18 00 54 066 55 25	01 06 11
PR NAGUABO STATE ROAD PR 31 KM 2 HM 0	NAGUABO	NAGUABO MUNICIPAL LANDFILL 18 13 12 065 43 24	03 06
PR QUEBRADILLAS STATE ROAD PR 480 KM 2 HM 2	QUEBRADILLAS CACAO WARD	QUEBRADILLAS MUNICIPAL OPEN BURNING DUMP 18 27 02 066 57 22	06 07 09 11
PR RIO GRANDE STATE ROAD PR 186 KM 2 HM 0	RIO GRANDE JIMENEZ WARD	RIO GRANDE FORMER OPEN DUMP 18 21 12 065 49 47	01 03 06 09 11
PR SAN JUAN STATE ROAD P R - 2 KM 1 HM 4	SAN JUAN	SAN JUAN MUNICIPAL LANDFILL 18 26 06 066 04 44	01 03 06 09
PR SAN LORENZO STATE ROAD P R - 931 KM 2 HM 2	SAN LORENZO QUEBRADA WARD	SAN LORENZO FORMER OPEN BURNING DUMP 18 13 12 065 58 17	09

PR SAN SEBASTIAN STATE ROAD PR-119 KM 36 HM 6	SAN SEBASTIAN CALABAZAS WARD	SAN SEBASTIAN OPEN BURNING DUMP 18 19 16 066 59 12	06 07 09 11
PR SANTA ISABEL STATE ROAD PR 1 KM 2 HM 1	SANTA ISABEL	SANTA ISABEL MUNICIPAL OPEN BURNING DUMP 17 58 32 066 25 12	01 03 06 07 09 11

PR STATE ROAD PR-119 KM 36 HM 6	SAN SEBASTIAN CALABAZAS WARD	SAN SEBASTIAN	SAN SEBASTIAN OPEN BURNING 18 19 16	DUMP 066 59 12 06 07 09 11
PR STATE ROAD PR 1 KM 2 HM 1	SANTA ISABEL	SANTA ISABEL	SANTA ISABEL MUNICIPAL OPEN 17 58 32	BURNING DUMP 066 25 12 01 03 06 07 09 11
PR STATE ROAD 523 KM 1 HM 5	UTUADO	UTUADO	UTUADO MUNICIPAL OPEN DUMP 18 15 36	066 42 36 03 06 11
VI KINGSHILL	ST CROIX	NOT APPLICABLE	HOVIC LANDFILL 17 42 20	064 44 40 06
VI CANEEL BAY CRUZ BAY APTS	ST JOHN	NOT APPLICABLE	CANEEL BAY CRUZ BAY APTS. 18 20 40	064 00 52 03
VI ESTATE SUSANNABERG	ST JOHN	NOT APPLICABLE	ST JOHN LANDFILL 18 20 27	064 46 30 07 11
VI DONOE	ST THOMAS	NOT APPLICABLE	DONOE MUNICIPAL SEWAGE 18 20 43	TREATMENT PLANT 064 53 53 03 04 06 11
VI NADIR	ST THOMAS	NOT APPLICABLE	NADIR MUNICIPAL SEWAGE 18 19 11	TREATMENT PLANT 064 52 52 03 11
VI NEW TUTU	ST THOMAS	NOT APPLICABLE	NEW TUTU MUNICIPAL SEWAGE 18 19 11	TREATMENT PLANT 064 52 52 03 04
VI OLD TUTU	ST THOMAS	NOT APPLICABLE	OLD TUTU MUNICIPAL SEWAGE 18 20 17	TREATMENT PLANT 064 53 06 03 04
VI ESTATE BOVONI	ST THOMAS	NOT APPLICABLE	ST THOMAS LANDFILL 18 18 52	064 53 07 03 06 07 09 11
VI FLAMINGO BAY	WATER ISLAND	NOT APPLICABLE	WATER ISLAND LANDFILL 18 18 46	064 57 30 01 06 07 09 11

BILLING CODE 6560-29-C

Appendix I—State Contacts For Open Dump Inventory

Alabama

Alfred S. Chipley, Director, Division of Solid and Hazardous Waste, State Department of Public Health, State Office Building, Montgomery, Alabama 36104, (205) 832–6728

Alaska

Dick Williams, Alaska Department of Environmental Conservation, Pouch O, Juneau, Alaska 99811, (907) 465–2672

Arizona

James Angell, Arizona Department of Health Services, 1740 West Adams Street, Phoenix, Arizona 85007, (602) 255–1130

Arkansas

Paul Means, Manager, Enforcement Branch, Arkansas Department of Pollution Control & Ecology, P.O. Box 9583, Little Rock, Arkansas 72215, (501) 371–1701

California

John Boss, Chief, Open Dump Inventory Branch, Solid Waste Management Board, 1020 Ninth Street, Sacramento, California 95814, (916) 322–1769

Colorado

Barbara Bogema, Radiation & Hazardous Waste Control Div., Colorado Department of Health, 4210 E. 11th Avenue, Denver, Colorado 80220, (303) 320–8333

Connecticut

Thomas Pregman, Principal Environmental Analyst, Solid Waste Management, Conn. Dept. of Environmental Protection, 165 Capitol Avenue, Hartford, Connecticut 06115, (203) 566–3672

Delaware

Kenneth Weiss, Supervisor, Solid Waste Management Branch, Department of Natural Resources and Environmental Control, Division of Environmental Control, P.O. Box 1401, Edward Tatnall Building, Dover, Delaware 19901, (302) 678–4764

Florida

John Reece, Florida Department of Environmental Regulations, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301, (904) 488–0300

Georgia

Moses N. McCall III, Chief, Land Protection Branch, Environmental Protection Division, 270 Washington Street, SW., Atlanta, Georgia 30334, (404) 656–2833

Hawaii

Melvin K. Koizumi, Deputy Director for Enviromental Health, Hawaii State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801, (808) 548–4139

Idaho

Jerome Jankowski, Idaho Department of Health and Welfare, Division of Environment, Statehouse, Boise, Idaho 83720, (208) 384–4108

Illinois

Mike Nechvatal, Division of Land/Noise Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706, (217) 782–6760

Indiana

George Oliver, Solid Waste Management Section, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206, (317) 633–0176

Iowa

Charles C. Miller, Director, Air and Land Quality Division, Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand Street, 3rd Floor, Des Moines, Iowa 50319 (515) 281–8853

Kansas

Charles H. Linn, Chief, Solid Waste Management Section, Department of Health and Environment, Forbes Field, Building 321, Topeka, Kansas 66620, (913) 862–9390 Ext. 297

Kentucky

Carolyn Patrick Haight, Division of Hazardous Materials and Waste Management, Department for Natural Resources and Environmental Protection, Pine Hill Plaza, Frankfort, Kentucky 40610, (502) 564–6716

Louisiana

Gerald Healy, Acting Administrator, Solid Waste Management Division, Office of Environmental Affairs, Louisiana Department of Natural Resources, P.O. Box 44066, Baton Rouge, Louisiana 70805, (504) 342–1227

Maine

Ron Howes, Division of Solid Waste Management Control, Bureau of Land Quality, Department of Environmental Protection, State House, Augusta, Maine 04333, (207) 289–2111

Maryland

Arthur N. Caple, Acting Chief, Municipal Waste Division, Waste Management Administration, Office of Environmental Programs, Department of Health and Mental Hygiene, 201 Preston Street, Baltimore, Maryland 21201, (301) 383–3123

Massachusetts

Mr. Ken Morton, Division of Air and Hazardous Materials, Department of Environmental Quality Engineering, 600 Washington Street, Room 320, Boston, Massachusetts 02111 (617) 727–2658

Michigan

Tim Wright, Environmental Protection Bureau, Michigan Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909, (517) 373–1818

Minnesota

Tom Clark, Division of Solid Waste, Minnesota Pollution Control Agency, 1935 West County Road B–2, Roseville, Minnesota 55113, (612) 297–2710

Mississippi

Johnny Biggert, Division of Solid Waste Management, Mississippi State Board of Health, Post Office Box 1700, Jackson, Mississippi 39205, (601) 982–6317

Missouri

Robert M. Robinson, Director, Solid Waste Management Program, Department of Natural Resources, State Office Building, P.O. Box 1368, 1915 South Ridge, Jefferson City, Missouri 65102, (314) 751–3241

Montana

John Geach, Montana Solid Waste Management Bureau, Cogswell Building, Room A201, Helena, Montana 59620, (406) 449–2821

Nebraska

Jay Ringenberg, Chief, Permit and Enforcement Division, Department of Environmental Control, P.O. Box 94877, Lincoln, Nebraska 68509, (402) 471–2186

Nevada

H. LaVerne Rosse, P.E., Program Director, Waste Management, Division of Environmental Protection, 201 S. Fall Street, Capitol Complex, Room 120, Carson City, Nevada 89710, (702) 885–4670

New Hampshire

Paul Sanborn, Bureau of Solid Waste, Department of Health and Welfare, State Laboratory Building, Hazen Drive, Concord, New Hampshire 03301, (603) 271–4610

New Jersey

Lino F. Pereira, Director, Solid Waste Administration, New Jersey Department of Environmental Protection, P.O. Box 1390, Trenton, New Jersey 08625, (609) 292–9120

New York

Norman H. Nosenchuck, P.E., Director, Division of Solid Waste Management, New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233, (518) 457–6603

North Carolina

O. W. Strickland, Head, Solid and Hazardous Waste Management Branch, Department of Human Resources, Division of Health Services, P.O. Box 2091, Raleigh, North Carolina 27602, (919) 733–2178

North Dakota

Jay Crawford, Director, Division of Environmental Waste Management and Research, North Dakota State Department of Health, 1200 Missouri Avenue, Bismarck, North Dakota 58505, (701) 224–2366

Ohio

Tim Krichbaum, Ohio EPA, Office of Land Pollution Control, P.O. Box 1049, Columbus, Ohio 43216, (614) 466–8934

Oklahoma

Richard Thompson, Director, Solid Waste Division, Oklahoma Department of Health, P.O. Box 53551, 1000 Northeast 10th Street, Oklahoma City, Oklahoma 73152, (405) 271–7053

Oregon

Mark Hope, Oregon Department of Environmental Quality, Solid Waste Division, P.O. Box 1760, Portland, Oregon 97207, (503) 299–5060

Pennsylvania

William F. Pounds, Chief, Surveillance and Monitoring Section, Division of Operations, Bureau of Solid Waste Management, P.O. Box 2063, Harrisburg, Pennsylvania 17120, (717) 787–9870

Rhode Island

Frank Stevenson, Solid Waste Management Program, Department of Environmental Management, 204 Cannon Building, 75 Davis Street, Providence, Rhode Island 02908, (401) 277–2802

South Carolina

Earl Williams, Jr., P.E., Director, Division of Compliance and Evaluation, Bureau of Solid and Haz. Waste Management, Department of Health Environmental Control, J. Marion Sims Building, 2600 Bull Street, Columbia, South Carolina 29201

South Dakota

Joel Smith, Director, Air Quality and Solid Waste Program, 217 Joe Foss Building, Pierre, South Dakota 57501, (605) 733–3329

Tennessee

Bobby Morrison, Bureau of Environmental Services, Tennessee Department of Public Health, Capitol Hill Building, Suite 320, Nashville, Tennessee 37219, (615) 741–3424

Texas

Wiley Osborne, Chief, Plans and Programs Branch, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458–7271

Jay Snow, Chief, Solid Waste Section, Texas Department of Water Resources, P.O. Box 13887, Capitol Station, Austin, Texas 78711, (512) 475–2041

Utah

Dr. Dale Parker, Director, Bureau of Solid Waste Management, P.O. Box 2500, Salt Lake City, Utah 89110, (801) 533–4145

Vermont

Al Fillip, Air and Solid Waste Programs, Agency of Environmental Conservation, State Office Building, Montpelier, Vermont 05600, (802) 828–3395

Virginia

Kenton Chestnut, Virginia Department of Health, 109 Governor Street, Richmond, Virginia 23260, (804) 788–5271

Washington

Brad Everson, Washington State Department of Ecology, Solid Waste Division, PY–11, Olympia, Washington 98504, (206) 753–2800

West Virginia

Dale Parson, Director, Solid Waste Division, West Virginia State Department of Health, 1800 Washington Street, East, Charleston, West Virginia 25305, (304) 348–2987

Wisconsin

Mark Giesfeldt, Bureau of Waste Management, Wisconsin Department of Natural Resources, Box 7921, Madison, Wisconsin 53707, (608) 267–7572

Wyoming

Charles A. Porter, Supervisor, Solid Waste Management Program, Equality State Bank Building, 401 West 19th Street, Cheyenne, Wyoming 82002, (307) 777–7752

American Samoa

Pati Faiai, Executive Secretary, Environmental Quality Commission, Office of the Governor, Pago Pago, American Samoa 96799, Overseas Operator: 633–4116

Commonwealth of the Northern Marianna Islands

Carl Goldstein, Environmental Engineer, Division of Environmental Quality Commonwealth of the Northern Marianna Islands, P.O. Box 1115, Saipan, Marianna Islands, Overseas Operator: 6984

District of Columbia

Kenneth Laden, D.C. Department of Environmental Services, 5000 Overlook Ave., S.W., Room 410, Washington, D.C. 20032, (202) 767–8181

Guam

Dan Crytser, Solid Waste Program Director, Guam Environmental Protection Agency, P.O. Box 2999, Agana, Guam 96910, Overseas Operator: 646–8863

Puerto Rico

Jaime L. Ortiz, Director, Solid, Toxic and Hazardous Waste Program, Environmental Quality Board, Box 11785, Santurce, Puerto Rico 00910, (809) 725–8992

Virgin Islands

Morris Nicholson, Solid Waste Planner, Solid Waste Planning Office, Department of Public Works, Government of the Virgin Islands, Charlotte Amalie, St. Thomas, Virgin Islands 00801, (809) 774–7880

BILLING CODE 6560-29-M

APPENDIX II

FORM EPA-2 (12-13-79)

Form Approved: O.M.B. No. 158-S79017

EPA

U.S. ENVIRONMENTAL PROTECTION AGENCY

OPEN DUMP INVENTORY REPORT

Section I – GENERAL INFORMATION

1. Date of determination. Enter month, day, and year — Month | Day | Year

2a. Is this an update of a previous form? Mark (X) one — 1 ☐ Yes 2 ☐ No

2b. Is this form being submitted to remove the facility from the open dump inventory? — 1 ☐ Yes 2 ☐ No

3. Facility Identification Number — State | Cnty/City | Place | Assigned Site No. | Assigned Facility No.

4. EPA Surface Impoundment Assessment No. if applicable — State | Cnty/City | Place | Category | Site | Impoundment

5. State Facility Identification Number if applicable

6. Name of facility

7. Facility location — Street, road, or other location description; City, town, or place; State; ZIP code; County name

8. Coordinates of facility location — Latitude: Degrees | Minutes | Seconds; Longitude: Degrees | Minutes | Seconds

9. Other legal description *If applicable* — Range | Township | Section

10. Land owner — Name; Mailing address; City, town, or place; State; ZIP code

11. Operator — Name; Mailing address; City, town, or place; State; ZIP code

EPA Form T8700-14 (3-80)

Name

Agency

Mailing

EPA Form

BILLING CO

Section I – GENERAL INFORMATION – Continued

1 ☐ Landfill
2 ☐ Surface impoundment
3 ☐ Land spreading
4 ☐ Other – *Explain* _____

1 ☐ Municipal solid waste
2 ☐ Domestic sewage sludge
3 ☐ Industrial solid waste
4 ☐ Agricultural solid waste
5 ☐ Mining solid waste
6 ☐ Other – *Explain* _____

Section II – NONCOMPLIANCE WITH FEDERAL CRITERIA

01 ☐ Floodplains
02 ☐ Endangered species
03 ☐ Surface water
04 ☐ Ground water
05 ☐ Application to food-chain cropland
06 ☐ Disease
07 ☐ Air
08 ☐ Gases
09 ☐ Fires
10 ☐ Bird/aircraft hazard } Safety
11 ☐ Access

Section III – RESPONSIBLE STATE OFFICIAL

Name			
Agency			Area code / Number
Mailing address *(Number and street)*	City	State	ZIP code

Comments

EPA Form T8700-14 (3-80) REVERSE FORM EPA-2 (12-13-79)
BILLING CODE 6560-29-C

Appendix III—State Actions and Approaches to the Inventory

The following summaries are based on information provided to EPA by the States:

Alabama

A total of 20 landfills were inventoried in FY 80. These 20 sites were selected as having been listed in the Eckardt Report or having a known leachate problem. Of the 20 sites inventoried, six were classified as open dumps. The groundwater criterion was only addressed on two of the 20 sites. The groundwater criterion on the 18 remaining sites will be included in FY 81.

Alaska

The Alaska Department of Environmental Conservation is conducting the open dump inventory through its three regional offices. Due extreme weather conditions and the vast size of the State, most of the site visits can be done only in the summer months. Priority sites have been established as those facilities in population centers with greater than 1,000 people and those situated on the Alaskan road system. The Alaska Department of Environmental Conservation has found the inventory process beneficial in promoting and shaping their solid waste disposal program.

Arizona

Arizona's open dump inventory activities were coordinated by a Bureau of Waste Control staff team consisting of a coordinator, a landfill inspector and planning, administration, and technical support. This team accomplished data collection, assessment, field investigations and analysis, and recommended appropriate actions to be taken. For FY 80, the State focused on land disposal facilities receiving municipal waste.

A preliminary assessment of all land disposal facilities receiving municipal wastes was conducted to determine the areas that posed the greatest potential health risk. In general, the approach used to conduct the inventory was organized on a county-priority basis. Factors which ranked counties were: greatest number of problem sites, population size, and sites involved in legal action.

A series of public workshops was presented at various locations around the State for the purpose of orienting landfill owners/operators to the inventory. Following inspections, if a facility was classified as an open dump, a classification form was completed and the facility was notified by letter of their status. The State intends to enter into negotiations with these noncompliant parties in an effort to close or upgrade the facility through a compliance schedule mechanism.

It is anticipated that all open dump facilities receiving municipal waste will be operating under a compliance schedule by early FY 82.

In FY 81 reinspections for all facilities will be accomplished. The remaining disposal facilities receiving municipal wastes and industrial landfills will be inventoried.

Arkansas

The Arkansas Department of Pollution Control & Ecology (ADPC&E) focused on sites with a history of operational problems. Sites with numerous citizens' complaints and/or ADPC&E enforcement actions were chosen to be inventoried. Twenty-seven of these sites were evaluated and classified as open dumps.

California

California has developed an extensive program for the conduct of the open dump inventory based on two staff units: one specializing in data gathering and record searches, and an engineering unit conducting field inspections. Operators are notified at least 14 days before the field visits are made. Within 21 days of the field visit, the operator is notified of any deficiencies. The operator has up to three months to correct the deficiencies. If the operator claims that the facility has come into compliance, a re-inspection of the site is made. If the operator has not corrected the deficiencies and not come into compliance, the facility's name is referred to the Board, in open session, for inclusion on the list of open dumps which are forwarded to EPA.

Colorado

The Colorado inventory is conducted at two levels. The State agency conducts its inventory in accordance with a set of priorities based on the potential hazard a facility has on public health and the environment. Local Health Officers maintain a closer watch on all disposal sites in their jurisdictions. When a local official thinks it is warranted, he requests the State to inspect a site with the intention of action being taken. When the State receives a local request, they may alter their priority to include the local site in the State inventory procedure.

A special Colorado problem which influences their inventory is caused by the extreme cold of the Rocky Mountain climate. Inclement weather prevents ready access to inspectors because of closing of both the local roadway and the highways leading to the area. Some facilities require a one-way trip of over 300 miles.

A second aspect of winter conditions is the inability to cover the working face on a daily basis. Severe season-long freezing to depths of several feet make the storage of cover material impossible. Inventory of these sites provides some allowance for these conditions.

Spring thaws add to the difficulty of inventory judgement. Inspection of a facility during the typical dry conditions will not detect the surface or underground water pollution which exists during that short period of spring thaw when the water table is high. Shallow soils increase the briefness of this period.

In fiscal year 1980, the State conducted 47 detailed site inspections of which 19 were listed as open dumps and 28 were found in compliance to those Federal criteria for which inspected. Five sites were closed during the year, including some of which are in the listing.

Connecticut

The inventory started in July following State Attorney General and EPA approval of an implementation plan on file with the DEP in Hartford. Due process as per State Administrative Procedures Act will be followed on any enforcement action. All mixed waste community disposal site operators were notified of the program prior to initiation and all parties—owner, operator, town administration, and health officials are invited to attend each field review. Monthly staff meetings of all responsible State agencies make final decisions on findings, violators are notified, enforcement schedules are drafted and open dumps reported.

Enforcement actions through orders, agreements, notices, permits hearings or legal actions will be taken at the time decisions are made on each site. Most sites listed are already on one such compliance schedule for upgrading or closure. Priority on inventory has been set for mixed and bulky waste sites with available data, long life and worst cases given priority. Prioritization recommendations in EPA's classification manual are also considered.

Florida

During fiscal year 1980 46 solid waste disposal facilities and two surface impoundments were investigated with respect to the open dump inventory. Of those facilities investigated, 18 were

classified as Open Dumps with a total of 46 violations of State criteria which are equivalent to Federal standards. Twenty facilities were only partially evaluated due to the absence of groundwater monitoring wells. Of these facilities, 12 were classified as open dumps for reasons other than groundwater violations. Only one facility was classified as an open dump due to groundwater contamination. Impending laboratory analysis and/or field resampling will be accomplished to make a determination. Two industrial surface impoundments were also subjected to preliminary field investigation. Both facilities show high potential to be classified as open dumps.

Sixteen of the facilities classified as open dumps are under enforcement proceedings. Two are not on a formal compliance schedule but they are taking voluntary corrective measures.

Georgia

Georgia used the Eckardt report to establish the 41 priority sites evaluated in fiscal year 1980. Some were on-site industrial facilities. A total of seven open dumps were found. All facilities were not evaluated for the groundwater and gas; however, these criteria will be completed at some of these facilities in fiscal year 1981.

Georiga will evaluate approximately 75 facilities in fiscal year 1981, including some on-site industrial facilities. The groundwater and gas criteria will be evaluated at some of these facilities.

Hawaii

Hawaii has developed its open dump inventory through the use of a multi-agency Technical Advisory Committee. The Committee, which is composed of the United States Corps of Engineers, Fish and Wildlife Service, Federal Aviation Administration, and Geological Survey and the Hawaii Departments of Health and Land and Natural Resources, has completed its assessment of 29 sites for nine of the 11 criteria. Disease and explosive gases are still being evaluated and should be completed by February 1981. One site, the Schofield Barracks facility, was officially classified as an open dump in October 1980.

Hawaii's Department of Health has been utilizing the public participation process as part of the open dump inventory and has held public meetings at all sites including a 30-day comment period for the benefit of owners and operators of the facilities.

Idaho

The Idaho Department of Health and Welfare has contracted out the field inspecting responsibilities of the open dump inventory to Idaho's seven health districts. Under the direction of the Department, the health districts have focused their attention on the municipal facilities, with the major ones having priority. Industrial disposal facilities are being located and sites will be inventoried beginning in 1981. The Department is using the inventory as a planning tool and has found it to be beneficial in locating significant hazards associated with land disposal.

Illinois

The 1980 Illinois open dump inventory efforts were primarily directed towards evaluating permitted operating facilities. However, a significant proportion of the efforts were expended in evaluating unpermitted operating sites and unpermitted non-operating sites. Not all waste disposal facilities were evaluated with respect to all criteria; no explosive gas monitoring was performed at any facility and the groundwater criterion remains unevaluated at many sites. The Illinois open dump inventory list is viewed as a changing list that may grow or diminish with subsequent publication.

Indiana

FY 80 was primarily a year of planning and data gathering for State Board of Health (ISBOH). A contract was signed with Indiana University to identify unpermitted dump sites throughout the State, and prioritize them according to size, waste type, and frequency of use. Despite very limited resources during the early part of their FY 80 inventory, ISBOH evaluated 33 solid waste disposal facilities. Ten of these sites were unpermitted and found to be open dumps; all of the Federal criteria were applied to 23 licensed facilities, and these were classified as "sanitary landfills". During FY 81, ISBOH will be evaluating 5–10% of those unpermitted sites identified through the study as being a high priority, and 50 additional licensed landfills.

Iowa

In the years since the State's program was implemented, all major municipal dumps have been closed in Iowa. Through regionalization the number of facilities in the State has also been reduced. As a result, the inventory in the State of Iowa concentrated on large permitted facilities and non-permitted facilities at which surveillance and enforcement actions were required. Small promiscuous dumps were not included in the inventory but remained a part of the State's enforcement program. Iowa places particular importance on the groundwater criteria. Information gathered through the inventory will also play a role in permit renewal.

Kansas

The State of Kansas used available information to rank sites according to potential health and environmental need. Many of the State's open dumps have been closed in the last few years; as a result, the number of sites in Kansas has been reduced and the inventory concentrated on evaluation of currently permitted facilities. Small promiscuous dumps were not included in the inventory. Results have been generally successful as only four open dumps were found in 1980.

Kentucky

The Kentucky Department for Natural Resources and Environmental Protection has performed 15 complete partial evaluations during FY 80 and ten complete partial evaluations in the first quarter of FY 81. Groundwater monitoring will be completed during FY 81 for these sites. So far 14 sites have met requirements. In the remainder of FY 81 55 complete full evaluations, 76 complete partial evaluations, and 21 completions will be performed. Eighty sites are required to submit a plan by January 1, 1981, detailing how the groundwater determination will be achieved on their respective sites.

The Department for Natural Resources and Environmental Protection notifies each site operator prior to being inventoried, obtains a release for monitoring, notifies each operator of the preliminary decision, and notifies the operator that the site will be published in the **Federal Register** by EPA.

Louisiana

Field investigations for the open dump inventory were conducted by Department of Natural Resources (DNR) personnel and a consulting firm. Actual classifications were made by DNR.

Initial site inspections were made at about 1,500 solid waste disposal sites; 42 of these were classified as open dumps. The information gathered in this initial survey will be used to evaluate and classify sites in succeeding years.

Maine

Maine is dealing with over 300 solid waste sites that need to be inventoried. To facilitate the process the State inventoried those sites with the worst environmental impact first. This year the State had a formal prioritization workshop where points were assigned to each facility based on expected or documented environmental impact. The top 24 sites on the list were inventoried

by the State of Maine. Based on State inspections and geohydrologic impacts recommendations were made to the Board of Environmental Protection. After due notice the board made official determination of the 24 facilities inventoried this year.

In that the worst sites were dealt with, all were found to be open dumps. Following formal designation, the Board directed the State staff to enter negotiations with towns for upgrading and/or closing of these sites. The same procedures will be followed for the next four years.

Massachusetts

Massachusetts plans to incorporate the open dump inventory into its on-going enforcement program. During the Spring of 1980, all solid waste disposal facilities were prioritized by evaluating them for compliance with both State regulations and new Federal guidelines. Past history of enforcement actions coupled with current status of the facility were used in selecting priority facilities for final open dump inventory inspections.

These priority facilities were then inspected to determine compliance with floodplain, disease, air, fire, and access criteria. Inspections to assure compliance with regulations pertaining to groundwater, surface water, and all other criteria will be performed when the State sanitary landfill regulations are revised to conform with Federal guidelines.

Michigan

The Resource Recovery Division of the Michigan Department of Natural Resources is the Agency responsible for conducting the open dump inventory. In FY 80, 225 general refuse sites were evaluated; 137 were determined to be open dumps, 79 facilities were classified as "indeterminant", and 9 were found to be in compliance. Emphasis was placed on inventorying facilities which had known environmental problems and where enforcement action to close or upgrade a site had already been initiated. In FY 81, the remaining general refuse sites will be inventoried, and evaluation of industrial sites will begin.

Minnesota

The Minnesota Pollution Control Agency (MPCA) submitted the names of 84 solid waste disposal sites to the U.S. Bureau of Census for publication as open dumps in the **Federal Register**. These sites were submitted because it is believed that they are locationally unsound for the disposal of solid wastes or have operational problems as defined by Federal Criteria and Minnesota's Solid Waste Rules. In addition, many of the listed sites present either documented cases of pollution of an environmental resource or a high potential for such pollution. Most of these sites are located in rural, low-population areas of the State where solid waste management is not well developed. Names of eight Agency-permitted sanitary landfills are included among those on the Minnesota list. Improved operational practices and proper engineering design may adequately minimize pollution potential at some of these sites to the point where they may be permitted to upgrade and continue operation, but others will probably have to close as alternative solid waste disposal sites are provided.

Mississippi

During FY 80 all designated dumps in the State were evaluated against all criteria except air and groundwater. One hundred and seventy-four sites in 42 counties were identified as open dumps.

In August 1980 owners/operators of these sites were notified in person or by certified mail that their site would be included in the January 1981 inventory and that they should propose (for State Board of Health approval) compliance schedules to close or upgrade their site. Follow-up action by the State will be conducted in January 1981.

Missouri

Since 1972, Missouri has closed the majority of its open dumps. Consequently, the inventory concentrated on surveillance of existing permitted facilities. The small number of open dumps found in Missouri reinforces the effectiveness of the existing permitting and enforcement program. Through consolidation and regionalization the total number of disposal facilities has been reduced in the State. With respect to the criteria, emphasis was placed on groundwater contamination, methane migration and general overall operations.

Montana

The Montana Solid Waste Management Bureau conducts a State inventory for State purposes. The additional Federally supported inventory uses the Federal Criteria in addition to the State regulations for waste disposal.

Fifty-one sites were inventoried in FY 80, of which 17 were found to be open dumps.

Nebraska

In conducting the inventory, the Department of Environmental Control concentrated on permitted facilities in cities of the first class. The groundwater criterion was given first priority in Nebraska.

Nevada

Initially, Nevada's open dump inventory activities began with a review of the criteria and data obtained from past site inspections.

Next, the State conducted field inspections of over 109 sites throughout Nevada. After an analysis of the criteria and data collected, the State initially classified over 60 sites as open dumps. Operators were notified of the classifications and given 30 days to correct the deficiency. If the site operator did not come into compliance within the 30-day period, the facility was classified and referred to EPA as an open dump.

New Hampshire

The State of New Hampshire has prioritized for open dump inventory purposes over 300 solid waste disposal facilities based upon data gathered from field inspections. The open dump inventory process is being integrated with the State's enforcement program. Failure to comply with one or more Federal criteria implies a concurrent violation of one or more State rules which will result in an enforcement action to upgrade a facility in deficient areas so that it will comply with State rules or in an action to close out a facility where compliance cannot be achieved.

New Jersey

The Department of Environmental Protection identified 33 priority disposal sites within the State to be evaluated in FY 80. New Jersey elected to evaluate these sites for all eight Environmental Protection Agency (EPA) Criteria, as promulgated in the **Federal Register** of September 13, 1979.

Each site was placed in an "indeterminate" status for its surface water criterion evaluation, pending the putting into place of New Jersey Pollution Discharge Elimination System (NJPDES) regulations. As such, no sites were classified as open dumps which failed to meet the EPA surface water criterion as of September 30, 1980.

Once the NJPDES regulations are put into place—in early to mid-1981—these sites will be taken out of the "indeterminate" category and classified one way or the other. The State will then be in a better position to enforce closures or compliance schedules for sites classified as "open dumps" in FY

V 46 M 29 8 1 UMI

80 and thereafter under RCRA Section 4005(c) provisions.

New Mexico

(Did not participate in the Subtitle D RCRA program)

New York

Facilities were examined for open-dumping violations of 40 CFR Part 257 in all eight Criteria categories, and 33 sites Statewide were the subjects of a one-year groundwater study by an independent geotechnical consulting firm. Further, to ensure a current but representative data base for judging compliance, review of a facility's performance record was limited to its most recent two years of operation. Also, file data was corroborated in all cases by on-site inspection and testing. Lastly, because New York State feels strongly that citation as an open dump nears legal implications, the owners of each non-complying site were notified of the fact in a face-to-face meeting and invited to upgrade or close under a State-issued compliance schedule in accordance with Section 4005(c) of RCRA. Negotiation of such schedules is currently underway for most of the 21 open dumps listed in the initial printing of the inventory.

North Carolina

North Carolina has programmed the open dump classification work for its 170 permitted solid waste disposal sites over the 4-year period of 1980–1983. The largest number of sites (64) will be visited and evaluated during FY 81. Landfills were visited and evaluated for all criteria with the exception of groundwater because those sites permitted prior to 1979 were not required to include monitoring wells. Surface water samples are taken annually at all sites. Classification procedures followed EPA's *Guidance Manual for the Classification of Solid Waste Disposal Facilities.*

A help to the North Carolina survey was that quarterly inspections now being made under State rules and new permitting procedures cover most evaluation criteria (i.e., floodplains, ground water, etc.) outlined in the EPA Guidance Manual. The only criterion not covered is that of endangered species. The Department of Human Resources has coordinated with the Department of Natural Resources and Community Development to cover the endangered species criterion.

North Dakota

The North Dakota Division of Environmental Health conducts a State survey of waste disposal sites in two stages. Aerial photographs are taken of each significant site twice annually; priority sites are photographed four times annually. Evidence of violations of a State standard is highlighted on the photograph and sent to the operator with instructions that it be corrected. Follow up visits verify the violation or its correction.

The Federal inventory is conducted according to priorities for sites which have been adopted by the State. This priority listing may be changed by a visit to a site as a follow-up to the evidence in an aerial photo. Also, information from either local officials or private citizens can result in an inspection and inventory visit not in conformance with the established priorities. Federal inventory information was considered valid only after an on-site inspection.

A severe winter climate causes a frost line several feet deep. Storage of cover material is impractical in these conditions, the use of compacted snow to cover the working face may be judged as acceptable, except where methane generation problems may result due to increased moisture.

A total of 464 site reviews resulted in the inventory of 139 facilities. Six facilities were listed as open dumps, 84 showed no violations of the criteria as reviewed, 38 additional classifications are pending and 11 sites have been closed or upgraded.

Ohio

Ohio open dump inventory activities in FY 80 involved evaluation and classification of 230 licensed solid waste disposal facilities against all but two of the Federal criteria. Many facilities could only be ranked according to the potential for methane migration and groundwater contamination. For this reason, 180 facilities were given an indeterminant status. These sites will be further classified when gas and groundwater can be monitored. Initially, 41 sites were in noncompliance with one or more of the criteria; ten of these sites have subsequently been closed or upgraded, and removed from the list. The FY 81 inventory will center on evaluating industrial facilities, and bringing the remaining 31 facilities into conformance.

Oklahoma

The Oklahoma State Department of Health (OSDH) classified 27 sites as open dumps and 5 as sanitary landfills. The sites inventoried serve approximately 60% of Oklahoma's population.

Oregon

The Oregon Department of Environmental Quality is the lead agency in conducting the open dump inventory in Oregon. Field inspections have been carried out by personnel in the ten DEQ regional offices. Other government agencies have also been cooperative in their respective areas of expertise. Oregon has found the inventory useful in conjunction with their existing program to upgrade land disposal facilities. Specifically, Oregon had viewed the inventory as a planning tool and an opportunity to gather necessary information.

Pennsylvania

Pennsylvania began its evaluation process in the late spring of 1980, shortly after the EPA-sponsored training session in Baltimore, Maryland. As a result, only 70 solid waste disposal sites were evaluated by the September 30, 1980 deadline. Of the 70 disposal sites evaluated, 25 sites were determined to be "open dumps" (failed at least one criterion). The remaining sites were found to be in compliance with all the criteria evaluated with the exception of the groundwater criterion. Although groundwater monitoring systems are required for all permitted facilities, the ground water evaluations have not been totally completed due to a lack of sampling data and are pending further analysis since most of the parameters in Appendix I of the groundwater criterion are not routinely monitored. However, one site has been listed as non-compliance for ground water. This was due to a more extensive sampling program at this site.

Pennsylvania has notified the responsible officials of all the facilities listed as open dumps. Pennsylvania is currently in the process of developing compliance schedules for these sites. The Commonwealth is developing these schedules based on its general statutory authority to issue the kind of compliance schedules anticipated under Section 4005(c) of RCRA.

Rhode Island

The State of Rhode Island is conducting the Open Dump Inventory in three phases.The facilities included in this first publication of the open dump inventory are the result of the completed portion of phase I activities. The State's 22 refuse landfills were the only facilities investigated during this phase and in most cases were not investigated for the groundwater or gas criteria.

Investigation of the refuse landfills will be completed along with complete investigations of the State's 12 sewage

sludge disposal facilities (phase II) prior to the second publication of the open dump inventory.

All other solid waste facilities will be investigated thereafter (phase III).

South Carolina

The South Carolina approach to the open dump inventory was to first develop a prioritized listing of sites to be examined and evaluated. The sites to be evaluated first were those sites listed in the Eckardt Report and any known problem sites in the State where a high potential of groundwater contamination existed. The permitted sites in the State would hold the next priority. All sites visited were evaluated against all the criteria listed in EPA's Guidance Manual. Additionally, some preliminary review and evaluation was accomplished on a number of the lower priority sites.

Prior to an examination, the owner/operator was notified in writing concerning the site evaluation. If it was determined that the site did not meet the criteria, then the owner/operator was given the opportunity to rebut the finding. If the rebuttal was unfounded, the owner/operator had the opportunity to enter into a compliance schedule.

South Dakota

The South Dakota inventory is conducted in accordance with a priority system based on State and Federal needs. Approximately 40 visits at 21 sites resulted in the listing of five sites as open dumps, and the finding of ten sites as in compliance to Federal Criteria, with six sites pending further evaluation. Completion of groundwater monitoring wells is one cause for placing a site in the pending category. Seven additional sites upgraded or closed in FY 80 are not included in the 21 sites inventoried in FY 80.

In the past year additional on-site disposal facilities were found by use of colored and infrared aerial photos. Findings from the photos may cause revisions in the priority assigned to a disposal site.

Tennessee

The strategy utilized by Tennessee in conducting the open dump inventory differed somewhat from that listed in EPA's *Guidance Manual for the Classification of Solid Waste Disposal Facilities*. The strategy consisted of looking at every permitted facility that was listed in the Eckardt Report as having received hazardous waste and all permitted sites having monitoring wells to allow an evaluation using all the inventory criteria.

Sixteen sites were evaluated under the above strategy; incomplete evaluations were done on two obvious open dump sites for a total of 18 sites evaluated.

Texas

In Texas, the open dump inventory was conducted jointly by the Texas Department of Health (TDH) and the Texas Department of Water Resources (TDWR). Municipal solid waste sites were classified by TDH; industrial (non-hazardous) sites were classified by TDWR. Although only five sites were classified as open dumps, approximately 150 sites were evaluated, and the majority classified as sanitary landfills. Also, deficiencies at several sites were corrected immediately, and the sites were classified as sanitary landfills rather than open dumps.

Factors used to determine which sites would be inventoried were (1) the population served, (2) the type of waste received, (3) whether the site was in an environmentally sensitive area, (4) location in relation to aquifers, (5) safety, (6) the annual rainfall, and (7) the remaining life of the site. A site inventoried was evaluated for all eight EPA Criteria before being classified as an open dump or a sanitary landfill. Groundwater compliance was determined using a soil resistivity survey, a process where electrical resistance of the soil is used to determine potential for leachate movement. This method will eliminate the need for monitoring wells in instances where there is low potential for groundwater contamination by leachate.

Utah

The review of solid waste disposal sites in Utah is conducted at two levels. The local health official is responsible for the condition of solid waste facilities and in this capacity serves as an early warning method for the State agency. The Bureau of Solid Waste Management conducts the inventory in accordance with a set of priorities which meet State and Federal needs. Reports from the local level can alter these priorities. Distance between sites and remoteness of sites from the offices of the Bureau limit the number of sites which can be reviewed. Depths of 300 feet to groundwater have reduced the urgency of hydrologic information in some locations.

Inclusion of local efforts in the inspection process resulted in a total of 220 inventory visits to landfills. Because only the Bureau can classify, only 23 existing sites were officially inventoried. Two sites are listed as open dumps, six sites were classified as landfills and two sites have decisions pending. In addition to these sites, four sites have been upgraded and nine have been closed after an inventory visit. These latter 13 sites are not listed in the inventory.

Virginia

The State of Virginia inventoried a total of 93 facilities. Of the 93 inventoried, seven received complete evaluations. The remaining sites were not evaluated for gas and/or groundwater monitoring. The State intends to complete the gas monitoring determinations during the spring of 1981.

Washington

The Washington State Department of Ecology is conducting the open dump inventory through their four regional offices. A priority for site inspections has been established based on the severity of threat to public health and safety. The inventory of municipal solid waste facilities will be completed in 1981 with the industrial disposal facility inventory progress running close behind.

West Virginia

Thirty disposal sites were inventoried between July and October of 1980. Sites were chosen on the basis of waste volume received, suspected problems and the local resources available to correct these problems. Only three of these sites met all of the criteria. Twenty-five of the inventoried sites have received compliance schedules ranging from 10 days to one year. Several of the sites inventoried are expected to comply with the criteria with little difficulty due to the easily correctible nature of the violations.

The surface water criterion was the most complicated violation with 26 citations while inadequate daily cover accounted for 14 citations. Thirty-two additional sites are scheduled to be inventoried in FY 81.

Wisconsin

Wisconsin views the open dump inventory as an administrative planning tool, and an opportunity to look at the State program, assess its needs and define what directions should be taken to improve the State's waste management practices. During FY 80, 1,200 licensed disposal facilities were inspected and worksheets completed. Only a few sites with obvious violations were actually classified during FY 80. The problems at the remaining sites are being compiled to develop a prioritized list for completion of the inventory. This time-phased approach will result in many more classifications for FY 81 and

FY 82, and will meet the State's planning needs.

Wyoming

The State of Wyoming is characterized by the remoteness of many of its inhabitants. The remoteness necessitates a high cost per site inspection because of distances between facilities. One-way travel from the State office may be 500 miles or more. Influencing the judging of sites is the extremely low water table in certain areas of the State. Depths of over 1,300 feet may be found. The possibility of pollution compared to the cost to monitor combine to reduce the priority of the sites in regions of low rainfall to very low levels. A third factor affecting the Wyoming inventory is the large number of sites on Federally-managed lands. State control of these sites is indirect. Because a site on private land is more directly controlled by the State, these sites will give quicker results and are placed higher on the priority list.

Approximately 63 site visits were made at 30 waste facility sites. Six facilities have been upgraded or closed and two facilities were classified as open dumps. Of those remaining, six classifications are pending results from groundwater monitoring wells.

American Samoa

The inventory was conducted by local sanitarians of sites that have traditionally been used by the islanders over long periods of time. Little hazardous waste exists in American Samoa due to a very small industrial presence and no military installations. Clean-up of present facilities and site selection of new facilities is being incorporated into the Territories Solid Waste Management Plan.

Commonwealth of the Northern Marianna Islands

CNMI has one facility located on each of the three major islands of the island chain. Facility upgrading and, if necessary, new site selection is being accomplished through the development of the Commonwealth Solid Waste Management Plan.

District of Columbia

The District of Columbia does not possess a serious problem of open dumping or unregulated land disposal of solid waste. The District is a largely developed and urban area with limited sites available for landfill activities. In 1980 the District government examined the three known active land disposal sites located in the District of Columbia. Two of the site received complete evaluations and the third, a partial evaluation. All the EPA criteria applied to the sites were met.

In 1981 the District of Columbia intends to complete the classification of the remaining facilities and begin assessments of five land disposal facilities which have been closed for eight to ten years

Guam

Guam Environmental Protection Agency developed its inventory in two sections. The first section analyzed waste management facilities presently in operation and satisfied the requirements of RCRA. Three of the five facilities on Guam failed the criteria. The second section will identify the location and characteristics of illegal and promiscuous dumps on Guam. A strategy for cleanup of these areas will be part of Guam's Solid Waste Management Plan.

Puerto Rico

Puerto Rico performed the open dump inventory by adopting EPA forms related to the criteria under the RCRA guidelines. Contacts were made with each municipality and with appropriate public officials to prepare them for the inspection. After compilation of the data, a final decision was made and a classification made for each facility. The classification was provided to the owner of each facility and then submitted to the Department of Interior.

Virgin Islands

All disposal facilities, sewage treatment plants with sludge drying beds or polishing ponds were identified from the Department of Public Works records. The Guidance Manual for Classifying Solid Waste Disposal Facilities and the criteria in **Federal Register** on September 13, 1979 (Vol. 44 No. 179 pp. 53438–53468) were used for on-site field evaluation which reflects the current operational and physical condition of the facility.

This work was done by the Civil Engineer and/or Environmental Specialist. Where necessary, air pollution agency, water agency and FAA personnel were contacted.

BILLING CODE 6560-29-M

Appendix IV

Table 1. **Number of Open Dumps by Specific Criteria Violations by EPA Regions and States**

	No. of open dumps reported	Criteria violated										
									Safety			
		Flood-plains	[illegible]	[illegible]	[illegible]	Application to food-chain crop land	Disease	Air	[illegible]	Fires	Road with daily hazard	[illegible]
U.S. TOTAL	1,209	96	1	342	80	1	897	501	48	708	22	580
REGION I, TOTAL	163	4	-	47	23	-	127	49	5	70	1	29
CONNECTICUT	17	-	-	9	5	-	4	2	4	8	1	2
MAINE	24	1	-	22	14	-	14	10	1	9	-	2
MASSACHUSETTS	81	1	-	-	-	-	77	16	-	34	-	13
NEW HAMPSHIRE	29	-	-	8	-	-	29	20	-	16	-	11
RHODE ISLAND	6	2	-	3	2	-	-	1	-	-	-	1
VERMONT	6	-	-	5	2	-	3	-	-	3	-	-
REGION II, TOTAL	69	11	1	39	16	-	56	17	5	23	1	35
NEW JERSEY	5	-	-	-	4	-	6	-	3	-	-	1
NEW YORK	21	1	1	16	9	-	18	1	2	1	1	1
PUERTO RICO	34	9	-	17	-	-	30	13	-	20	-	28
VIRGIN ISLANDS	9	1	-	6	3	-	4	3	-	2	-	5
REGION III, TOTAL	56	4	-	32	2	-	34	8	12	12	-	8
DELAWARE	2	-	-	1	1	-	1	-	2	1	-	-
MARYLAND	2	-	-	-	-	-	2	-	2	1	-	1
PENNSYLVANIA	25	1	-	6	1	-	15	5	8	7	-	6
VIRGINIA	2	2	-	2	-	-	2	2	-	2	-	-
WEST VIRGINIA	25	1	-	23	-	-	14	1	-	1	-	1
REGION IV, TOTAL	215	16	-	27	3	-	177	147	3	191	1	153
ALABAMA	5	-	-	4	1	-	2	1	2	3	-	1
FLORIDA	18	1	-	6	1	-	11	3	1	11	-	12
GEORGIA	7	2	-	5	1	-	-	-	-	1	-	1
KENTUCKY	11	3	-	5	-	-	6	4	-	4	-	4
MISSISSIPPI	160	10	-	6	-	-	145	136	-	158	1	122
NORTH CAROLINA	10	-	-	-	-	-	10	1	-	10	-	9
SOUTH CAROLINA	2	-	-	1	-	-	1	-	-	2	-	2
TENNESSEE	2	-	-	-	-	-	2	2	-	2	-	2
REGION V, TOTAL	276	12	-	79	15	-	232	129	6	147	7	109
ILLINOIS	14	1	-	6	-	-	7	3	-	4	-	5
INDIANA	10	-	-	-	-	-	10	2	-	9	-	8
MICHIGAN	131	2	-	12	6	-	123	78	3	83	5	35
MINNESOTA	84	2	-	39	9	-	71	44	1	50	1	59
OHIO	31	5	-	19	-	-	21	2	-	1	1	2
WISCONSIN	[illegible]	2	-	3	-	-	-	-	2	-	-	-
REGION VI, TOTAL	109	20	-	73	5	-	91	45	4	72	4	60
ARKANSAS	31	3	-	15	1	-	25	25	-	31	-	18
LOUISIANA	41	2	-	34	-	-	38	13	3	16	3	25
OKLAHOMA	32	11	-	23	1	-	28	7	-	25	1	17
TEXAS	5	4	-	1	3	-	-	-	1	-	-	-
REGION VII, TOTAL	14	2	-	8	-	1	8	5	1	3	-	5
IOWA	4	1	-	1	-	1	4	2	-	2	-	3
KANSAS	2	-	-	2	-	-	-	-	-	-	-	-
MISSOURI	2	-	-	1	-	-	2	-	-	1	-	-
NEBRASKA	6	1	-	4	-	-	2	3	1	-	-	2
REGION VIII, TOTAL	51	4	-	3	4	-	30	2	2	26	1	24
COLORADO	19	1	-	3	1	-	1	-	2	11	-	11
MONTANA	17	1	-	-	-	-	16	-	-	13	1	10
NORTH DAKOTA	6	1	-	-	-	-	6	-	-	-	-	1
SOUTH DAKOTA	5	1	-	-	3	-	4	-	-	-	-	-
UTAH	2	-	-	-	-	-	1	2	-	2	-	2
WYOMING	2	-	-	-	-	-	2	-	-	-	-	-
REGION IX, TOTAL	136	18	-	15	4	-	61	16	7	66	-	93
AMERICAN SAMOA	6	2	-	2	1	-	-	-	1	-	-	3
ARIZONA	36	12	-	2	1	-	30	-	2	16	-	21
CALIFORNIA	30	4	-	9	-	-	25	10	4	11	-	20
GUAM	3	-	-	1	-	-	3	3	-	3	-	1
HAWAII	1	-	-	-	1	-	-	-	-	-	-	-
NEVADA	57	-	-	-	1	-	-	2	-	53	-	48
NORTHERN MARIANAS	3	-	-	1	-	-	3	1	-	3	-	-
REGION X, TOTAL	120	5	-	19	8	-	81	83	3	78	7	64
ALASKA	13	-	-	3	-	-	8	9	-	9	5	4
IDAHO	45	-	-	-	-	-	30	39	-	36	-	33
OREGON	31	-	-	5	6	-	13	15	1	6	1	5
WASHINGTON	31	5	-	11	2	-	30	20	2	27	1	22

V 4 6 M Y 2 9 8 1 UMI

Table 2. Number of Landfills Which are Open Dumps by Specific Criteria Violations by EPA Regions and States

Areas	Total landfill open dumps	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/aircraft hazard	Access
U.S. TOTAL	929	82	1	289	76	-	646	305	48	477	21	378
REGION I. TOTAL	135	4	-	39	23	-	99	29	5	54	1	18
CONNECTICUT	17	-	-	9	5	-	6	2	4	8	1	2
MAINE	24	1	-	22	14	-	18	[illegible]	1	9	-	2
MASSACHUSETTS	81	1	-	-	-	-	77	16	-	34	-	13
NEW HAMPSHIRE	1	-	-	-	-	-	1	-	-	-	-	-
RHODE ISLAND	6	2	-	3	2	-	-	1	-	-	-	-
VERMONT	6	-	-	5	2	-	3	-	-	3	-	1
REGION II. TOTAL	64	11	1	34	13	-	56	17	5	23	1	33
NEW JERSEY	5	-	-	-	4	-	6	-	3	-	-	1
NEW YORK	21	1	1	16	9	-	18	1	2	1	1	1
PUERTO RICO	34	9	-	17	-	-	30	13	-	20	-	28
VIRGIN ISLANDS	4	1	-	1	-	-	3	3	-	2	-	3
REGION III. TOTAL	54	3	-	30	2	-	32	7	12	11	-	7
DELAWARE	2	-	-	1	1	-	1	-	2	1	-	-
MARYLAND	2	-	-	-	-	-	2	-	2	1	-	1
PENNSYLVANIA	25	1	-	6	1	-	15	5	8	7	-	6
VIRGINIA	2	2	-	2	-	-	2	2	-	2	-	-
WEST VIRGINIA	23	-	-	21	-	-	12	-	-	-	-	-
REGION IV. TOTAL	50	5	-	19	3	-	25	12	3	29	-	26
ALABAMA	5	-	-	4	1	-	2	1	2	3	-	1
FLORIDA	17	-	-	5	1	-	10	3	1	11	-	12
GEORGIA	7	2	-	5	1	-	-	-	-	1	-	1
KENTUCKY	11	3	-	5	-	-	6	4	-	4	-	4
MISSISSIPPI	3	-	-	-	-	-	-	3	-	3	-	2
NORTH CAROLINA	7	-	-	-	-	-	7	1	-	7	-	6
REGION V. TOTAL	203	11	-	51	15	-	169	92	6	101	7	53
ILLINOIS	14	1	-	6	-	-	7	3	-	4	-	5
MICHIGAN	131	2	-	12	6	-	123	78	3	83	5	35
MINNESOTA	21	1	-	11	9	-	18	9	1	13	1	11
OHIO	31	5	-	19	-	-	21	2	-	1	1	2
WISCONSIN	6	2	-	3	-	-	-	-	2	-	-	-
REGION VI. TOTAL	106	19	-	72	5	-	90	45	4	71	4	59
ARKANSAS	31	3	-	15	1	-	25	25	-	31	-	18
LOUISIANA	41	2	-	34	-	-	38	13	3	16	3	25
OKLAHOMA	31	10	-	22	1	-	27	7	-	24	1	16
TEXAS	5	4	-	1	3	-	-	-	1	-	-	-
REGION VII. TOTAL	12	2	-	7	-	-	6	4	1	1	-	3
IOWA	2	1	-	-	-	-	2	1	-	-	-	1
KANSAS	2	-	-	2	-	-	-	-	-	-	-	-
MISSOURI	2	-	-	1	-	-	2	-	-	-	-	-
NEBRASKA	6	1	-	4	-	-	2	3	1	1	-	2
REGION VIII. TOTAL	51	4	-	3	4	-	30	2	2	26	1	24
COLORADO	19	1	-	3	1	-	1	-	2	11	-	11
MONTANA	17	1	-	-	-	-	16	-	-	13	1	10
NORTH DAKOTA	6	1	-	-	3	-	6	-	-	-	-	1
SOUTH DAKOTA	5	1	-	-	-	-	4	-	-	-	-	-
UTAH	2	-	-	-	-	-	1	2	-	2	-	2
WYOMING	2	-	-	-	-	-	2	-	-	-	-	-
REGION IX. TOTAL	132	18	-	15	3	-	59	14	7	83	-	91
AMERICAN SAMOA	5	2	-	2	-	-	-	-	1	-	-	2
ARIZONA	36	12	-	2	1	-	30	-	2	16	-	21
CALIFORNIA	30	4	-	9	-	-	25	10	4	11	-	20
GUAM	1	-	-	1	-	-	1	1	-	1	-	1
HAWAII	1	-	-	-	-	-	-	-	-	-	-	-
NEVADA	56	-	-	-	1	-	-	2	-	52	-	47
NORTHERN MARIANAS	3	-	-	1	-	-	3	1	-	3	-	-
REGION X. TOTAL	120	5	-	19	8	-	81	83	3	78	7	64
ALASKA	13	-	-	3	-	-	8	9	-	9	5	4
IDAHO	45	-	-	-	-	-	30	39	-	36	-	33
OREGON	31	-	-	5	6	-	13	15	1	6	1	5
WASHINGTON	31	5	-	11	2	-	30	20	2	27	1	22

Table 3. **Number of Surface Impoundments Which are Open Dumps by Specific Criteria Violations by EPA Regions and States**

Areas	Total surface impoundment open dumps	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to flood-plain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	[illegible]
U.S. TOTAL	6	1	-	5	4	-	2	-	-	-	-	3
REGION II, TOTAL	4	-	-	4	3	-	1	-	-	-	-	2
VIRGIN ISLANDS	4	-	-	4	3	-	1	-	-	-	-	2
REGION IV, TOTAL	1	1	-	1	-	-	1	-	-	-	-	-
FLORIDA	1	1	-	1	-	-	1	-	-	-	-	-
REGION IX, TOTAL	1	-	-	-	1	-	-	-	-	-	-	1
AMERICAN SAMOA	1	-	-	-	1	-	-	-	-	-	-	1

- Represents zero.

Table 4. **Number of Land Spreading Facilities Which are Open Dumps by Specific Criteria Violations by EPA Regions and States**

Areas	Total land spreading [illegible]	[illegible]										
		Flood-plains	Endangered species	[illegible] water	Ground [illegible]	Application to flood-plain cropland	[illegible]	[illegible]	[illegible]			
									[illegible]	[illegible]	[illegible]	
U.S. TOTAL	1	-	-	1	-	-	1	-	-	1	-	1
REGION VII, TOTAL	1	-	-	1	-	-	1	-	-	1	-	1
IOWA	1	-	-	1	-	-	1	-	-	1	-	1

- Represents zero.

Table 5. **Number of Facilities Classified as "Other" Which are Open Dumps by Specific Criteria Violations by EPA Regions and States**

Areas	Total "Other" open dumps	[illegible]										
		[illegible] plains	Endangered species	[illegible] water	Ground [illegible]	Application [illegible] flood-plain cropland	Disease	Air	[illegible]			
									[illegible]	[illegible]	[illegible]	[illegible]
U.S. TOTAL	273	13	-	47	-	1	248	196	-	230	1	198
REGION I, TOTAL	28	-	-	8	-	-	28	20	-	16	-	11
NEW HAMPSHIRE	28	-	-	8	-	-	28	20	-	16	-	11
REGION II, TOTAL	1	-	-	1	-	-	-	-	-	-	-	-
VIRGIN ISLANDS	1	-	-	1	-	-	-	-	-	-	-	-
REGION III, TOTAL	2	1	-	2	-	-	2	1	-	1	-	1
WEST VIRGINIA	2	1	-	2	-	-	2	1	-	1	-	1
REGION IV, TOTAL	164	10	-	7	-	-	151	135	-	162	1	127
MISSISSIPPI	157	10	-	6	-	-	145	133	-	155	1	120
NORTH CAROLINA	3	-	-	-	-	-	3	-	-	3	-	3
SOUTH CAROLINA	2	-	-	1	-	-	1	-	-	2	-	2
TENNESSEE	2	-	-	-	-	-	2	2	-	2	-	2
REGION V, TOTAL	73	1	-	28	-	-	63	37	-	46	-	56
INDIANA	10	-	-	-	-	-	10	2	-	9	-	8
MINNESOTA	63	1	-	28	-	-	53	35	-	37	-	48
REGION VI, TOTAL	1	1	-	1	-	-	1	-	-	1	-	1
OKLAHOMA	1	1	-	1	-	-	1	-	-	1	-	1
REGION VII, TOTAL	1	-	-	-	-	1	1	1	-	1	-	1
IOWA	1	-	-	-	-	1	1	1	-	1	-	1
REGION IX, TOTAL	3	-	-	-	-	-	2	2	-	3	-	1
GUAM	2	-	-	-	-	-	2	2	-	2	-	-
NEVADA	1	-	-	-	-	-	-	-	-	1	-	1

- Represents zero.

Table 6. **Number of Specific Criteria Violations Reported by Facilities Receiving Municipal Solid Waste by EPA Region and States**

Areas	Total open dumps receiving municipal solid waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Hard air pollutant hazard	[illegible]
U.S. TOTAL	1,095	86	1	307	72	-	828	445	45	633	22	921
REGION I. TOTAL	158	4	-	45	23	-	123	47	5	67	1	28
CONNECTICUT	15	-	-	7	5	-	3	1	4	6	1	2
MAINE	24	1	-	22	14	-	14	10	1	9	-	2
MASSACHUSETTS	79	1	-	-	-	-	75	16	-	33	-	12
NEW HAMPSHIRE	28	-	-	8	-	-	28	19	-	16	-	11
RHODE ISLAND	6	2	-	3	2	-	-	1	-	-	-	1
VERMONT	6	-	-	5	2	-	3	-	-	3	-	-
REGION II. TOTAL	63	11	1	34	13	-	54	17	5	23	1	33
NEW JERSEY	5	-	-	-	4	-	4	-	3	-	-	1
NEW YORK	21	1	1	16	9	-	18	1	2	1	1	1
PUERTO RICO	34	9	-	17	-	-	30	13	-	20	-	28
VIRGIN ISLANDS	3	1	-	1	-	-	2	3	-	2	-	3
REGION III. TOTAL	53	4	-	31	1	-	33	8	12	12	-	7
DELAWARE	2	-	-	1	1	-	1	-	2	1	-	-
MARYLAND	2	-	-	-	-	-	2	-	2	1	-	1
PENNSYLVANIA	22	1	-	5	-	-	14	5	8	7	-	5
VIRGINIA	2	2	-	2	-	-	2	2	-	2	-	-
WEST VIRGINIA	25	1	-	23	-	-	14	1	-	1	-	1
REGION IV. TOTAL	151	13	-	19	2	-	130	99	3	135	1	117
ALABAMA	4	-	-	4	-	-	2	-	2	2	-	1
FLORIDA	17	1	-	5	1	-	11	3	1	11	-	12
GEORGIA	2	-	-	2	1	-	-	-	-	-	-	-
KENTUCKY	9	2	-	4	-	-	6	4	-	4	-	3
MISSISSIPPI	108	10	-	4	-	-	100	90	-	107	1	91
NORTH CAROLINA	10	-	-	-	-	-	10	1	-	10	-	9
TENNESSEE	1	-	-	-	-	-	1	1	-	1	-	1
REGION V. TOTAL	259	11	-	72	15	-	226	126	4	142	7	90
ILLINOIS	13	1	-	6	-	-	7	2	-	3	-	5
INDIANA	8	-	-	-	-	-	8	2	-	8	-	6
MICHIGAN	129	2	-	11	6	-	122	78	2	83	5	35
MINNESOTA	74	2	-	34	9	-	68	42	1	47	1	51
OHIO	31	5	-	19	-	-	21	2	-	1	1	2
WISCONSIN	4	1	-	2	-	-	-	-	1	-	-	-
REGION VI. TOTAL	100	15	-	66	4	-	86	43	3	65	4	55
ARKANSAS	29	2	-	14	1	-	24	24	-	29	-	17
LOUISIANA	40	2	-	33	-	-	37	12	3	15	3	24
OKLAHOMA	27	8	-	19	1	-	25	7	-	21	1	14
TEXAS	4	3	-	-	2	-	-	-	-	-	-	-
REGION VII. TOTAL	10	2	-	5	-	-	6	4	1	1	-	3
IOWA	2	1	-	-	-	-	2	1	-	-	-	1
KANSAS	1	-	-	1	-	-	-	-	-	-	-	-
MISSOURI	2	-	-	1	-	-	2	-	-	1	-	-
NEBRASKA	5	1	-	3	-	-	2	3	1	-	-	2
REGION VIII. TOTAL	49	8	-	1	3	-	30	2	2	26	1	24
COLORADO	17	1	-	1	-	-	1	-	2	11	-	11
MONTANA	17	1	-	-	-	-	16	-	-	13	1	10
NORTH DAKOTA	6	1	-	-	-	-	6	-	-	-	-	1
SOUTH DAKOTA	5	1	-	-	3	-	4	-	-	-	-	-
UTAH	2	-	-	-	-	-	1	2	-	2	-	2
WYOMING	2	-	-	-	-	-	2	-	-	-	-	-
REGION IX. TOTAL	132	17	-	15	3	-	59	16	7	84	-	91
AMERICAN SAMOA	5	2	-	2	-	-	-	-	1	-	-	2
ARIZONA	35	11	-	2	1	-	30	-	2	16	-	21
CALIFORNIA	29	4	-	9	-	-	24	10	4	10	-	19
GUAM	3	-	-	1	-	-	3	3	-	3	-	1
HAWAII	1	-	-	-	1	-	-	-	-	-	-	-
NEVADA	57	-	-	-	1	-	-	2	-	53	-	46
NORTHERN MARIANAS	2	-	-	1	-	-	2	1	-	2	-	-
REGION X. TOTAL	120	5	-	19	8	-	81	83	3	78	7	64
ALASKA	13	-	-	3	-	-	8	9	-	9	5	4
IDAHO	45	-	-	-	-	-	30	39	-	36	-	33
OREGON	31	-	-	5	6	-	13	15	1	6	1	5
WASHINGTON	31	5	-	11	2	-	30	20	2	27	1	22

- Represents zero.

Table 7. Number of Specific Criteria Violations Reported by Facilities Receiving Domestic Sewage Sludge by EPA Regions and States

Areas	Total open dumps receiving domestic sewage sludge	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	104	2	-	28	10	-	39	16	9	67	4	58
REGION I. TOTAL	9	-	-	3	3	-	8	1	2	2	1	2
CONNECTICUT	2	-	-	1	-	-	1	1	1	1	1	1
MAINE	3	-	-	2	3	-	3	-	1	-	-	-
MASSACHUSETTS	4	-	-	-	-	-	4	-	-	1	-	1
REGION II. TOTAL	9	-	-	8	3	-	5	-	1	-	1	2
NEW YORK	4	-	-	3	-	-	4	-	1	-	1	-
VIRGIN ISLANDS	5	-	-	5	3	-	1	-	-	-	-	2
REGION III. TOTAL	7	-	-	5	-	-	3	1	3	2	-	-
PENNSYLVANIA	3	-	-	1	-	-	1	1	3	2	-	-
WEST VIRGINIA	4	-	-	4	-	-	2	-	-	-	-	-
REGION IV. TOTAL	6	1	-	2	-	-	5	4	-	4	-	-
FLORIDA	2	1	-	2	-	-	1	-	-	-	-	-
MISSISSIPPI	4	-	-	-	-	-	4	4	-	4	-	-
REGION V. TOTAL	7	-	-	2	-	-	6	2	-	1	-	-
MICHIGAN	2	-	-	1	-	-	1	1	-	1	-	-
MINNESOTA	4	-	-	1	-	-	4	1	-	-	-	-
WISCONSIN	1	-	-	-	-	-	1	-	-	-	-	-
REGION VI. TOTAL	3	-	-	2	1	-	2	-	-	-	-	1
ARKANSAS	2	-	-	1	1	-	2	-	-	-	-	1
LOUISIANA	1	-	-	1	-	-	-	-	-	-	-	-
REGION VII. TOTAL	1	1	-	-	-	-	-	-	-	-	-	-
NEBRASKA	1	1	-	-	-	-	-	-	-	-	-	-
REGION VIII. TOTAL	1	-	-	-	-	-	-	-	-	-	-	-
COLORADO	1	-	-	-	-	-	-	-	-	-	-	-
REGION IX. TOTAL	54	-	-	1	1	-	2	-	48	48	-	1
CALIFORNIA	2	-	-	-	-	-	-	-	-	-	-	-
NEVADA	52	-	-	1	1	-	2	-	48	48	-	1
REGION X. TOTAL	7	-	-	1	2	-	7	3	-	-	-	2
ALASKA	1	-	-	-	-	-	1	-	-	-	-	-
IDAHO	3	-	-	-	-	-	3	2	-	-	-	2
WASHINGTON	3	-	-	1	2	-	3	1	-	-	-	-

- Represents zero.

Table 8. **Number of Specific Criteria Violations Reported by Facilities Receiving Industrial Solid Waste by EPA Regions and States**

Areas	Total open dumps receiving industrial solid waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird aircraft hazard	Access
U.S. TOTAL	220	17	-	73	21	1	108	59	19	133	4	108
REGION I. TOTAL	30	-	-	12	10	-	23	4	3	10	1	2
CONNECTICUT	5	-	-	2	-	-	2	1	2	2	1	1
MAINE	11	-	-	10	10	-	7	1	1	1	-	-
MASSACHUSETTS	14	-	-	-	-	-	14	2	-	7	-	1
REGION II. TOTAL	4	-	-	2	-	-	3	-	1	-	-	-
NEW YORK	3	-	-	2	-	-	2	-	1	-	-	-
VIRGIN ISLANDS	1	-	-	-	-	-	1	-	-	-	-	-
REGION III. TOTAL	12	2	-	7	2	-	6	2	5	4	-	1
DELAWARE	2	-	-	1	1	-	1	-	2	1	-	-
PENNSYLVANIA	7	-	-	3	1	-	2	-	3	1	-	1
VIRGINIA	2	2	-	2	-	-	2	2	-	2	-	-
WEST VIRGINIA	1	-	-	1	-	-	1	-	-	-	-	-
REGION IV. TOTAL	42	4	-	11	2	-	24	21	2	29	-	25
ALABAMA	5	-	-	4	1	-	2	1	2	3	-	1
FLORIDA	5	-	-	2	1	-	1	1	-	1	-	2
GEORGIA	5	2	-	3	-	-	-	-	-	1	-	1
KENTUCKY	3	2	-	2	-	-	1	-	-	-	-	1
MISSISSIPPI	16	-	-	-	-	-	12	16	-	16	-	13
NORTH CAROLINA	6	-	-	-	-	-	6	1	-	6	-	5
TENNESSEE	2	-	-	-	-	-	2	2	-	2	-	2
REGION V. TOTAL	32	4	-	18	1	-	20	12	3	13	1	13
ILLINOIS	5	1	-	1	-	-	3	-	-	1	-	1
MICHIGAN	8	-	-	6	1	-	6	1	1	-	1	1
MINNESOTA	13	1	-	8	-	-	11	11	-	12	-	11
WISCONSIN	6	2	-	3	-	-	-	-	2	-	-	-
REGION VI. TOTAL	30	2	-	19	2	-	23	14	2	21	2	16
ARKANSAS	16	1	-	6	1	-	11	11	-	16	-	6
LOUISIANA	12	-	-	11	-	-	11	3	1	4	2	8
OKLAHOMA	1	-	-	1	-	-	1	-	-	1	-	-
TEXAS	1	1	-	1	1	-	-	-	1	-	-	-
REGION VII. TOTAL	3	-	-	1	-	1	2	1	1	2	-	3
IOWA	2	-	-	1	-	1	2	1	-	2	-	2
NEBRASKA	1	-	-	-	-	-	-	-	1	-	-	1
REGION VIII. TOTAL	2	-	-	2	1	-	-	-	-	-	-	-
COLORADO	2	-	-	2	1	-	-	-	-	-	-	-
REGION IX. TOTAL	59	5	-	-	3	-	2	2	2	49	-	44
AMERICAN SAMOA	1	-	-	-	-	-	-	-	-	-	-	-
ARIZONA	6	5	-	-	1	-	2	-	2	1	-	1
NEVADA	52	-	-	-	1	-	-	2	-	48	-	43
REGION X. TOTAL	6	-	-	1	-	-	5	3	-	5	-	4
IDAHO	4	-	-	-	-	-	4	2	-	4	-	4
WASHINGTON	2	-	-	1	-	-	1	1	-	1	-	-

- Represents zero.

Table 9. **Number of Specific Criteria Violations Reported by Facilities Receiving Agricultural Solid Waste by EPA Regions and States**

Areas	Total open dumps receiving agricultural solid waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird aircraft hazard	Access
U.S. TOTAL	163	4	-	26	3	-	84	75	-	142	-	124
REGION I. TOTAL	6	-	-	-	-	-	6	1	-	4	-	-
MASSACHUSETTS	5	-	-	-	-	-	5	-	-	4	-	-
NEW HAMPSHIRE	1	-	-	-	-	-	1	1	-	-	-	-
REGION IV. TOTAL	24	1	-	4	1	-	20	9	-	20	-	19
FLORIDA	14	-	-	3	1	-	10	2	-	10	-	12
MISSISSIPPI	7	1	-	1	-	-	7	7	-	7	-	4
NORTH CAROLINA	3	-	-	-	-	-	3	-	-	3	-	3
REGION V. TOTAL	26	1	-	12	-	-	22	22	-	22	-	18
MICHIGAN	4	-	-	-	-	-	3	3	-	3	-	2
MINNESOTA	22	1	-	12	-	-	19	19	-	19	-	16
REGION VI. TOTAL	8	-	-	6	-	-	7	5	-	6	-	5
ARKANSAS	3	-	-	1	-	-	2	2	-	3	-	2
LOUISIANA	5	-	-	5	-	-	5	3	-	3	-	3
REGION IX. TOTAL	58	-	-	1	1	-	1	2	-	53	-	49
CALIFORNIA	1	-	-	1	-	-	1	-	-	-	-	1
NEVADA	57	-	-	-	1	-	-	2	-	53	-	48
REGION X. TOTAL	41	2	-	3	1	-	28	36	-	37	-	33
IDAHO	30	-	-	-	-	-	17	27	-	28	-	23
WASHINGTON	11	2	-	3	1	-	11	9	-	9	-	10

- Represents zero.

Table 10. Number of Specific Criteria Violations Reported by Facilities Receiving Other Waste by EPA Regions and States

Areas	Total open dumps receiving other waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	153	11	-	41	1	1	121	82	-	117	-	93
REGION I. TOTAL	7	-	-	3	-	-	5	2	-	4	-	2
CONNECTICUT	3	-	-	3	-	-	1	1	-	3	-	-
MASSACHUSETTS	4	-	-	-	-	-	4	1	-	1	-	2
REGION III. TOTAL	3	-	-	1	-	-	2	-	-	-	-	-
PENNSYLVANIA	2	-	-	1	-	-	1	-	-	-	-	-
WEST VIRGINIA	1	-	-	-	-	-	1	-	-	-	-	-
REGION IV. TOTAL	71	1	-	6	1	-	59	55	-	65	-	46
FLORIDA	8	1	-	3	1	-	4	-	-	3	-	5
MISSISSIPPI	59	-	-	2	-	-	52	53	-	58	-	37
SOUTH CAROLINA	2	-	-	1	-	-	1	-	-	2	-	2
TENNESSEE	2	-	-	-	-	-	2	2	-	2	-	2
REGION V. TOTAL	34	2	-	16	-	-	24	19	-	22	-	24
ILLINOIS	1	-	-	-	-	-	-	1	-	1	-	-
INDIANA	2	-	-	-	-	-	2	-	-	1	-	2
MICHIGAN	4	-	-	1	-	-	4	1	-	3	-	2
MINNESOTA	25	1	-	14	-	-	18	17	-	17	-	20
WISCONSIN	2	1	-	1	-	-	-	-	-	-	-	-
REGION VI. TOTAL	14	6	-	9	-	-	10	5	-	12	-	10
ARKANSAS	3	1	-	1	-	-	2	2	-	3	-	2
LOUISIANA	2	-	-	2	-	-	2	1	-	1	-	2
OKLAHOMA	9	5	-	6	-	-	6	2	-	8	-	6
REGION VII. TOTAL	4	-	-	3	-	-	2	1	-	2	-	2
IOWA	2	-	-	1	-	-	2	1	-	2	-	2
KANSAS	1	-	-	1	-	-	-	-	-	-	-	-
NEBRASKA	1	-	-	1	-	-	-	-	-	-	-	-
REGION IX. TOTAL	20	2	-	3	-	-	19	-	-	12	-	9
ARIZONA	14	2	-	-	-	-	13	-	-	10	-	7
CALIFORNIA	5	-	-	3	-	-	5	-	-	1	-	2
NORTHERN MARIANAS	1	-	-	-	-	-	1	-	-	1	-	-

- Represents zero.

Table 11. Number of Specific Criteria Violations Reported by Landfill Facilities Receiving Municipal Solid Waste by EPA Regions and States

Areas	Total landfill open dumps receiving municipal solid waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/aircraft hazard	Access
U.S. TOTAL	891	72	1	268	72	-	633	300	45	462	21	368
REGION I. TOTAL	131	4	-	37	23	-	96	28	5	51	1	17
CONNECTICUT	15	-	-	7	5	-	3	1	4	6	1	2
MAINE	24	1	-	22	14	-	14	10	1	9	-	2
MASSACHUSETTS	79	1	-	-	-	-	75	16	-	33	-	12
NEW HAMPSHIRE	1	-	-	-	-	-	1	-	-	-	-	-
RHODE ISLAND	6	2	-	3	2	-	-	-	-	-	-	-
VERMONT	6	-	-	5	2	-	3	-	-	3	-	-
REGION II. TOTAL	63	11	1	34	13	-	56	17	5	23	1	33
NEW JERSEY	5	-	-	-	4	-	4	-	3	-	-	1
NEW YORK	21	1	1	16	9	-	18	1	2	1	1	1
PUERTO RICO	34	9	-	17	-	-	30	13	-	20	-	28
VIRGIN ISLANDS	3	1	-	1	-	-	2	3	-	2	-	3
REGION III. TOTAL	51	3	-	29	1	-	31	7	12	11	-	6
DELAWARE	2	-	-	1	1	-	1	-	2	1	-	-
MARYLAND	2	-	-	-	-	-	2	-	2	1	-	1
PENNSYLVANIA	22	1	-	5	-	-	14	5	8	7	-	5
VIRGINIA	2	2	-	2	-	-	2	2	-	2	-	-
WEST VIRGINIA	23	-	-	21	-	-	12	-	-	-	-	-
REGION IV. TOTAL	41	2	-	14	2	-	25	11	3	27	-	24
ALABAMA	4	-	-	4	-	-	2	-	2	2	-	1
FLORIDA	16	-	-	4	1	-	III	3	1	11	-	12
GEORGIA	2	-	-	2	1	-	-	-	-	-	-	-
KENTUCKY	9	2	-	4	-	-	6	-	-	6	-	3
MISSISSIPPI	3	-	-	-	-	-	-	3	-	3	-	2
NORTH CAROLINA	7	-	-	-	-	-	7	1	-	7	-	6
REGION V. TOTAL	198	10	-	49	15	-	168	91	4	100	7	53
ILLINOIS	13	1	-	6	-	-	7	2	-	3	-	5
MICHIGAN	129	2	-	11	6	-	122	78	2	83	5	35
MINNESOTA	21	1	-	11	9	-	18	9	1	13	1	11
OHIO	31	5	-	19	-	-	21	2	-	1	1	2
WISCONSIN	4	1	-	2	-	-	-	-	1	-	-	-
REGION VI. TOTAL	99	14	-	65	4	-	85	43	3	64	4	54
ARKANSAS	29	2	-	14	1	-	24	24	-	29	-	17
LOUISIANA	40	2	-	33	-	-	37	12	3	15	3	24
OKLAHOMA	26	7	-	18	1	-	24	7	-	20	1	13
TEXAS	4	3	-	-	2	-	-	-	-	-	-	-
REGION VII. TOTAL	10	2	-	5	-	-	6	4	1	1	-	3
IOWA	2	1	-	-	-	-	2	1	-	-	-	1
KANSAS	1	-	-	1	-	-	-	-	-	-	-	-
MISSOURI	2	-	-	1	-	-	2	-	-	1	-	-
NEBRASKA	5	1	-	3	-	-	2	3	1	-	-	4
REGION VIII. TOTAL	49	4	-	1	3	-	30	2	2	26	1	24
COLORADO	17	1	-	1	-	-	1	-	2	11	-	11
MONTANA	17	1	-	-	-	-	16	-	-	13	1	10
NORTH DAKOTA	6	1	-	-	-	-	6	-	-	-	-	1
SOUTH DAKOTA	5	1	-	-	3	-	4	-	-	-	-	-
UTAH	2	-	-	-	-	-	1	2	-	2	-	2
WYOMING	2	-	-	-	-	-	2	-	-	-	-	-
REGION IX. TOTAL	129	17	-	15	3	-	57	14	7	81	-	90
AMERICAN SAMOA	5	2	-	2	-	-	-	-	1	-	-	2
ARIZONA	35	11	-	2	1	-	30	-	2	16	-	21
CALIFORNIA	29	4	-	9	-	-	24	10	4	10	-	19
GUAM	1	-	-	1	-	-	1	1	-	1	-	1
HAWAII	1	-	-	-	1	-	-	-	-	-	-	-
NEVADA	56	-	-	-	1	-	-	2	-	52	-	47
NORTHERN MARIANAS	2	-	-	1	-	-	2	1	-	2	-	-
REGION X. TOTAL	120	5	-	19	8	-	81	83	3	78	7	64
ALASKA	13	-	-	3	-	-	8	9	-	9	5	4
IDAHO	45	-	-	-	-	-	30	39	-	36	-	33
OREGON	31	-	-	5	6	-	13	15	1	6	1	5
WASHINGTON	31	5	-	11	2	-	30	20	2	27	1	22

- Represents zero.

UMI 1 8 9 2 9 M Y 6 4 V

Table 12. **Number of Specific Criteria Violations Reported by Landfill Facilities Receiving Domestic Sewage Sludge by EPA Regions and States**

Areas	Total landfill open dumps receiving domestic sewage sludge	Criteria violated											
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety				
									Gases	Fires	Bird/ aircraft hazard	Access	
U.S. TOTAL	89	1	-	20	7	-	29	8	9	58	4	51	
REGION I. TOTAL	9	-	-	3	3	-	8	1	2	2	1	2	
CONNECTICUT	2	-	-	1	-	-	1	1	1	1	1	1	
MAINE	3	-	-	2	3	-	3	-	1	-	-	-	
MASSACHUSETTS	4	-	-	-	-	-	4	-	-	1	-	1	
REGION II. TOTAL	4	-	-	3	-	-	4	-	1	-	1	-	
NEW YORK	4	-	-	3	-	-	4	-	1	-	1	-	
REGION III. TOTAL	7	-	-	5	-	-	3	1	3	2	-	-	
PENNSYLVANIA	3	-	-	1	-	-	1	1	3	2	-	-	
WEST VIRGINIA	4	-	-	4	-	-	2	-	-	-	-	-	
REGION IV. TOTAL	1	-	-	1	-	-	-	-	-	-	-	-	
FLORIDA	1	-	-	1	-	-	-	-	-	-	-	-	
REGION V. TOTAL	3	-	-	1	-	-	2	-	1	-	1	-	
MICHIGAN	2	-	-	1	-	-	2	-	-	-	1	-	
WISCONSIN	1	-	-	-	-	-	-	-	1	-	-	-	
REGION VI. TOTAL	3	-	-	2	1	-	2	-	-	2	-	1	
ARKANSAS	2	-	-	1	1	-	2	-	-	2	-	1	
LOUISIANA	1	-	-	1	-	-	-	-	-	-	-	-	
REGION VII. TOTAL	1	1	-	-	-	-	1	-	1	-	-	-	
NEBRASKA	1	1	-	-	-	-	1	-	1	-	-	-	
REGION VIII. TOTAL	1	-	-	-	-	-	-	-	-	-	-	-	
COLORADO	1	-	-	-	-	-	-	-	-	-	-	-	
REGION IX. TOTAL	53	-	-	1	1	-	2	2	1	47	3	51	
CALIFORNIA	2	-	-	1	1	-	2	2	1	2	3	2	
NEVADA	51	-	-	-	-	-	-	-	-	45	-	49	
REGION X. TOTAL	7	-	-	3	2	-	7	3	1	1	-	-	
ALASKA	1	-	-	-	-	-	-	1	-	-	-	-	
IDAHO	3	-	-	-	-	-	3	-	-	-	-	-	
WASHINGTON	3	-	-	2	2	-	3	2	1	1	-	-	

- Represents zero.

Table 13. Number of Specific Criteria Violations Reported by Landfill Facilities Receiving Industrial Solid Waste by EPA Regions and States

Areas	Total landfill open dumps receiving industrial solid waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	190	16	-	64	20	-	83	33	19	104	4	81
REGION I. TOTAL	30	-	-	12	10	-	23	4	3	10	1	2
CONNECTICUT	5	-	-	2	-	-	2	1	2	2	1	1
MAINE	11	-	-	10	10	-	7	1	1	1	-	-
MASSACHUSETTS	14	-	-	-	-	-	14	2	-	7	-	1
REGION II. TOTAL	4	-	-	2	-	-	3	-	1	-	-	-
NEW YORK	3	-	-	2	-	-	2	-	1	-	-	-
VIRGIN ISLANDS	1	-	-	-	-	-	1	-	-	-	-	-
REGION III. TOTAL	12	2	-	7	2	-	6	2	5	4	-	1
DELAWARE	2	-	-	1	1	-	1	-	2	1	-	-
PENNSYLVANIA	7	-	-	3	1	-	2	-	3	1	-	1
VIRGINIA	2	2	-	2	-	-	2	2	-	2	-	-
WEST VIRGINIA	1	-	-	1	-	-	1	-	-	-	-	-
REGION IV. TOTAL	27	4	-	11	2	-	10	6	2	14	-	12
ALABAMA	5	-	-	4	1	-	2	1	2	3	-	1
FLORIDA	5	-	-	2	1	-	1	1	-	1	-	2
GEORGIA	5	2	-	3	-	-	-	-	-	1	-	1
KENTUCKY	3	2	-	2	-	-	1	-	-	-	-	1
MISSISSIPPI	3	-	-	-	-	-	-	3	-	3	-	2
NORTH CAROLINA	6	-	-	-	-	-	6	1	-	6	-	5
REGION V. TOTAL	21	3	-	10	1	-	11	2	3	2	1	3
ILLINOIS	5	1	-	1	-	-	3	-	-	1	-	1
MICHIGAN	8	-	-	6	1	-	6	1	1	-	1	1
MINNESOTA	2	-	-	-	-	-	2	1	-	1	-	1
WISCONSIN	6	2	-	3	-	-	-	-	2	-	-	-
REGION VI. TOTAL	30	2	-	19	2	-	23	14	2	21	2	16
ARKANSAS	16	1	-	8	1	-	11	11	-	16	-	8
LOUISIANA	12	-	-	11	-	-	11	3	1	4	2	8
OKLAHOMA	1	-	-	1	-	-	1	-	-	1	-	-
TEXAS	1	1	-	1	1	-	-	-	1	-	-	-
REGION VII. TOTAL	1	-	-	-	-	-	-	-	1	-	-	1
NEBRASKA	1	-	-	-	-	-	-	-	1	-	-	1
REGION VIII. TOTAL	2	-	-	2	1	-	-	-	-	-	-	-
COLORADO	2	-	-	2	1	-	-	-	-	-	-	-
REGION IX. TOTAL	57	5	-	-	2	-	2	2	2	48	-	42
ARIZONA	6	5	-	-	1	-	2	-	2	1	-	-
NEVADA	51	-	-	-	1	-	-	2	-	47	-	42
REGION X. TOTAL	6	-	-	1	-	-	5	3	-	5	-	4
IDAHO	4	-	-	-	-	-	4	2	-	4	-	4
WASHINGTON	2	-	-	1	-	-	1	1	-	1	-	-

- Represents zero.

Table 14. Number of Specific Criteria Violations Reported by Landfill Facilities Receiving Agricultural Solid Waste by EPA Regions and States

Areas	Total landfill open dumps receiving agricultural solid waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	132	2	-	13	3	-	57	49	-	113	-	101
REGION I. TOTAL	5	-	-	-	-	-	5	-	-	4	-	-
MASSACHUSETTS	5	-	-	-	-	-	5	-	-	4	-	-
REGION IV. TOTAL	14	-	-	3	1	-	10	2	-	10	-	12
FLORIDA	14	-	-	3	1	-	10	2	-	10	-	12
REGION V. TOTAL	7	-	-	-	-	-	6	3	-	4	-	3
MICHIGAN	4	-	-	-	-	-	3	3	-	3	-	2
MINNESOTA	3	-	-	-	-	-	3	1	-	1	-	1
REGION VI. TOTAL	8	-	-	6	-	-	7	5	-	6	-	5
ARKANSAS	3	-	-	1	-	-	2	2	-	3	-	2
LOUISIANA	5	-	-	5	-	-	5	3	-	3	-	3
REGION IX. TOTAL	57	-	-	1	1	-	1	2	-	52	-	48
CALIFORNIA	1	-	-	1	-	-	1	-	-	-	-	1
NEVADA	56	-	-	-	1	-	-	2	-	52	-	47
REGION X. TOTAL	41	2	-	3	1	-	28	36	-	37	-	33
IDAHO	30	-	-	-	-	-	17	27	-	28	-	23
WASHINGTON	11	2	-	3	1	-	11	9	-	9	-	10

- Represents zero.

Table 15. Number of Specific Criteria Violations Reported by Landfill Facilities Receiving Other Waste by EPA Regions and States

Areas	Total landfill open dumps receiving other waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	61	9	-	22	1	-	44	9	-	35	-	28
REGION I. TOTAL	7	-	-	3	-	-	5	2	-	4	-	2
CONNECTICUT	3	-	-	3	-	-	1	1	-	3	-	-
MASSACHUSETTS	4	-	-	-	-	-	4	1	-	1	-	2
REGION III. TOTAL	3	-	-	1	-	-	2	-	-	-	-	-
PENNSYLVANIA	2	-	-	1	-	-	1	-	-	-	-	-
WEST VIRGINIA	1	-	-	-	-	-	1	-	-	-	-	-
REGION IV. TOTAL	7	-	-	2	1	-	3	-	-	3	-	5
FLORIDA	7	-	-	2	1	-	3	-	-	3	-	5
REGION V. TOTAL	8	1	-	2	-	-	5	2	-	4	-	2
ILLINOIS	1	-	-	-	-	-	-	1	-	1	-	-
MICHIGAN	4	-	-	1	-	-	4	1	-	3	-	2
MINNESOTA	1	-	-	-	-	-	1	-	-	-	-	-
WISCONSIN	2	1	-	1	-	-	-	-	-	-	-	-
REGION VI. TOTAL	14	6	-	9	-	-	10	5	-	12	-	10
ARKANSAS	3	1	-	1	-	-	2	2	-	3	-	2
LOUISIANA	2	-	-	2	-	-	2	1	-	1	-	2
OKLAHOMA	9	5	-	6	-	-	6	2	-	8	-	6
REGION VII. TOTAL	2	-	-	2	-	-	-	-	-	-	-	-
KANSAS	1	-	-	1	-	-	-	-	-	-	-	-
NEBRASKA	1	-	-	1	-	-	-	-	-	-	-	-
REGION IX. TOTAL	20	2	-	3	-	-	19	-	-	12	-	4
ARIZONA	14	2	-	-	-	-	13	-	-	10	-	2
CALIFORNIA	5	-	-	3	-	-	5	-	-	1	-	-
NORTHERN MARIANAS	1	-	-	-	-	-	1	-	-	1	-	-

- Represents zero

Table 16. Number of Specific Criteria Violations Reported by Surface Impoundment Facilities Receiving Municipal Solid Waste by EPA Regions and States

Areas	Total surface impoundment open dumps receiving municipal solid waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	1	1	-	1	-	-	1	-	-	-	-	-
REGION IV. TOTAL	1	1	-	1	-	-	1	-	-	-	-	-
FLORIDA	1	1	-	1	-	-	1	-	-	-	-	-

- Represents zero

Table 17. Number of Specific Criteria Violations Reported by Surface Impoundment Facilities Receiving Domestic Sewage Sludge by EPA Regions and States

Areas	Total surface impoundment open dumps receiving domestic sewage sludge	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	5	1	-	5	3	-	2	-	-	-	-	2
REGION II. TOTAL	4	-	-	4	3	-	1	-	-	-	-	2
VIRGIN ISLANDS	4	-	-	4	3	-	1	-	-	-	-	2
REGION IV. TOTAL	1	1	-	1	-	-	1	-	-	-	-	-
FLORIDA	1	1	-	1	-	-	1	-	-	-	-	-

- Represents zero.

Table 18. Number of Specific Criteria Violations Reported by Surface Impoundment Facilities Receiving Industrial Solid Waste by EPA Regions and States

Areas	Total surface impoundment open dumps receiving industrial solid waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	1	-	-	-	1	-	-	-	-	-	-	1
REGION IX, TOTAL	1	-	-	-	1	-	-	-	-	-	-	1
AMERICAN SAMOA	1	-	-	-	1	-	-	-	-	-	-	1

- Represents zero.

Table 19. Number of Specific Criteria Violations Reported by Surface Impoundment Facilities Receiving Other Waste by EPA Regions and States

Areas	Total surface impoundment open dumps receiving other waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	1	1	-	1	-	-	1	-	-	-	-	-
REGION IV, TOTAL	1	1	-	1	-	-	1	-	-	-	-	-
FLORIDA	1	1	-	1	-	-	1	-	-	-	-	-

- Represents zero.

Table 20. Number of Specific Criteria Violations Reported by Land Spreading Facilities Receiving Industrial Solid Waste by EPA Regions and States

Areas	Total land spreading open dumps receiving industrial solid waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	1	-	-	1	-	-	1	-	-	1	-	1
REGION VII, TOTAL	1	-	-	1	-	-	1	-	-	1	-	1
IOWA	1	-	-	1	-	-	1	-	-	1	-	1

- Represents zero.

Table 21. Number of Specific Criteria Violations Reported by Land Spreading Facilites Receiving Other Waste by EPA Regions and States

Areas	Total land spreading open dumps receiving other waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	1	-	-	1	-	-	1	-	-	1	-	1
REGION VII, TOTAL	1	-	-	1	-	-	1	-	-	1	-	1
IOWA	1	-	-	1	-	-	1	-	-	1	-	1

- Represents zero.

Table 22. Number of Specific Criteria Violations Reported by Other Facilities Receiving Municipal Solid Waste by EPA Regions and States

Areas	Total "other" open dumps receiving municipal solid waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/aircraft hazard	Access
U.S. TOTAL	203	13	-	38	-	-	194	145	-	171	1	153
REGION I. TOTAL	27	-	-	8	-	-	27	19	-	16	-	11
NEW HAMPSHIRE	27	-	-	8	-	-	27	19	-	16	-	11
REGION III. TOTAL	2	1	-	2	-	-	2	1	-	1	-	1
WEST VIRGINIA	2	1	-	2	-	-	2	1	-	1	-	1
REGION IV. TOTAL	109	10	-	4	-	-	104	88	-	108	1	93
MISSISSIPPI	105	10	-	4	-	-	100	87	-	104	1	89
NORTH CAROLINA	3	-	-	-	-	-	3	-	-	3	-	3
TENNESSEE	1	-	-	-	-	-	1	1	-	1	-	1
REGION V. TOTAL	61	1	-	23	-	-	58	35	-	42	-	46
INDIANA	8	-	-	-	-	-	8	2	-	8	-	6
MINNESOTA	53	1	-	23	-	-	50	33	-	34	-	40
REGION VI. TOTAL	1	1	-	1	-	-	1	-	-	1	-	1
OKLAHOMA	1	1	-	1	-	-	1	-	-	1	-	1
REGION IX. TOTAL	3	-	-	-	-	-	2	2	-	3	-	1
GUAM	2	-	-	-	-	-	2	2	-	2	-	-
NEVADA	1	-	-	-	-	-	-	-	-	1	-	1

- Represents zero.

Table 23. Number of Specific Criteria Violations Reported by Other Facilities Receiving Domestic Sewage Sludge by EPA Regions and States

Areas	Total "other" open dumps receiving domestic sewage sludge	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/aircraft hazard	Access
U.S. TOTAL	10	-	-	3	-	-	8	8	-	9	-	5
REGION II. TOTAL	1	-	-	1	-	-	-	-	-	-	-	-
VIRGIN ISLANDS	1	-	-	1	-	-	-	-	-	-	-	-
REGION IV. TOTAL	4	-	-	-	-	-	4	4	-	4	-	-
MISSISSIPPI	4	-	-	-	-	-	4	4	-	4	-	-
REGION V. TOTAL	4	-	-	2	-	-	4	4	-	4	-	-
MINNESOTA	4	-	-	2	-	-	-	-	-	1	-	1
REGION IX. TOTAL	1	-	-	-	-	-	-	-	-	1	-	1
NEVADA	1	-	-	-	-	-	-	-	-	1	-	1

- Represents zero.

Table 24. Number of Specific Criteria Violations Reported by Other Facilities Receiving Industrial Solid Waste by EPA Regions and States

Areas	Total "other" open dumps receiving industrial solid waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/aircraft hazard	Access
U.S. TOTAL	28	1	-	8	-	1	24	26	-	28	-	25
REGION IV. TOTAL	15	-	-	-	-	-	14	15	-	15	-	13
MISSISSIPPI	13	-	-	-	-	-	12	13	-	13	-	11
TENNESSEE	2	-	-	-	-	-	2	2	-	2	-	2
REGION V. TOTAL	11	1	-	8	-	-	9	10	-	11	-	10
MINNESOTA	11	1	-	8	-	-	9	10	-	11	-	10
REGION VII. TOTAL	1	-	-	-	-	1	1	1	-	1	-	1
IOWA	1	-	-	-	-	1	1	1	-	1	-	1
REGION IX. TOTAL	1	-	-	-	-	-	-	-	-	1	-	1
NEVADA	1	-	-	-	-	-	-	-	-	1	-	1

- Represents zero.

Table 25. Number of Specific Criteria Violations Reported by Other Facilities Receiving Agricultural Solid Waste by EPA Regions and States

Table 25. Number of Specific Criteria Violations Reported by Other Facilities Receiving Agricultural Solid Waste by EPA Regions and States

Areas	Total "other" open dumps receiving agricultural solid waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	31	2	-	13	-	-	27	26	-	29	-	23
REGION I. TOTAL	1	-	-	-	-	-	1	1	-	-	-	-
NEW HAMPSHIRE	1	-	-	-	-	-	1	1	-	-	-	-
REGION IV. TOTAL	10	1	-	1	-	-	10	7	-	10	-	7
MISSISSIPPI	7	1	-	1	-	-	7	7	-	7	-	4
NORTH CAROLINA	3	-	-	-	-	-	3	-	-	3	-	3
REGION V. TOTAL	19	1	-	12	-	-	16	18	-	18	-	15
MINNESOTA	19	1	-	12	-	-	16	18	-	18	-	15
REGION IX. TOTAL	1	-	-	-	-	-	-	-	-	1	-	1
NEVADA	1	-	-	-	-	-	-	-	-	1	-	1

- Represents zero.

Table 26. Number of Specific Criteria Violations Reported by Other Facilities Receiving Other Waste by EPA Regions and States

Areas	Total "other" open dumps receiving other waste	Criteria violated										
		Flood-plains	Endangered species	Surface water	Ground water	Application to food-chain cropland	Disease	Air	Safety			
									Gases	Fires	Bird/ aircraft hazard	Access
U.S. TOTAL	90	1	-	17	-	1	75	73	-	81	-	64
REGION IV. TOTAL	63	-	-	3	-	-	55	55	-	62	-	41
MISSISSIPPI	59	-	-	2	-	-	52	53	-	58	-	37
SOUTH CAROLINA	2	-	-	1	-	-	1	-	-	2	-	2
TENNESSEE	2	-	-	-	-	-	2	2	-	2	-	2
REGION V. TOTAL	26	1	-	14	-	-	19	17	-	18	-	22
INDIANA	2	-	-	-	-	-	2	-	-	1	-	2
MINNESOTA	24	1	-	14	-	-	17	17	-	17	-	20
REGION VII. TOTAL	1	-	-	-	-	1	1	1	-	1	-	1
IOWA	1	-	-	-	-	1	1	1	-	1	-	1

- Represents zero.

[FR Doc. 81-15682 Filed 5-28-81; 8:45 am]
BILLING CODE 6560-25-C

V
4
6
M
Y
2
9
8
1
UMI

federal register

Friday
May 29, 1981

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California:	
CA81-5113	May 1, 1981.
CA81-5119	May 15, 1981.
Colorado:	
CO80-5137	Oct. 24, 1980.
CO80-5139	Do.
Connecticut: CT81-3032	May 15, 1981.
Florida: FL77-1060	May 20, 1977.
Hawaii: HI81-5106	Mar. 6, 1981.
Nevada:	
NV81-5102	Feb. 6, 1981.
NV81-5104	Feb. 20, 1981.
NV81-5111	May 1, 1981.
Oregon: OR80-5145	Nov. 21, 1980.
Pennsylvania:	
PA78-3037	Apr. 21, 1978.
PA79-3006	Mar. 30, 1979.
PA80-3010	Apr. 4, 1980.
PA80-3011	Feb. 22, 1980.
PA80-3012	Feb. 15, 1980.
PA80-3033	Oct. 3, 1980.
PA80-3058	Do.
PA80-3059	Do.
PA80-3074	Dec. 12, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Arizona: AZ81-5101 (AZ81-5124)	Jan. 30, 1981.
Minnesota: MN77-2040 (MN81-2026)	Apr. 22, 1977.
Mississippi:	
MS81-1159 (MS81-1238)	Jan. 6, 1981
MS81-1155 (MS81-1237)	Do

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 22d day of May 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

UMI 1 8 9 2 6 9 MAY 6 4 V

Modification Page 1

DECISION NO. CA81-5113 - Mod. #1
(46 FR 24803 - May 1, 1981)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$17.74	$1.30	$1.45	$1.00	.07
Brick Tenders	11.23	1.25	2.90	1.20	.12
Laborers:					
Area 1:					
Group 1	10.62	1.25	2.90	1.20	.12
Group 2	10.78	1.25	2.90	1.20	.12
Group 3	10.98	1.25	2.90	1.20	.12
Group 4	11.28	1.25	2.90	1.20	.12
Group 5	11.48	1.25	2.90	1.20	.12
Gunnite Laborers:					
Group 1	12.62	1.25	2.90	1.20	.12
Group 2	11.97	1.25	2.90	1.20	.12
Group 3	10.91	1.25	2.90	1.20	.12
Area 2:					
Group 1	12.63	1.25	2.90	1.20	.12
Group 2	12.78	1.25	2.90	1.20	.12
Group 3	12.98	1.25	2.90	1.20	.12
Group 4	13.28	1.25	2.90	1.20	.12
Group 5	13.48	1.25	2.90	1.20	.12
Gunnite Laborers:					
Group 1	14.62	1.25	2.90	1.20	.12
Group 2	13.97	1.25	2.90	1.20	.12
Group 3	12.91	1.25	2.90	1.20	.12
Soft Floor Layers:					
Area 1	13.47	.91	1.70	1.30	.15
Omit:					
Soft Floor Layers:					
Area 3 - Rates and Descriptions					
Add:					
Soft Floor Layers:					
Area 3	14.09	.95	.95	1.25	.09
Descriptions:					
Kern, Inyo, and Mono Counties					

Modification Page 2

DECISION NO. CA81-5119 - Mod. #1
(46 FR 27017 - May 15, 1981)
Alameda, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tuolumne, Yolo, and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Plasterers:					
All Areas					
Add:					
Plasterers:					
Area 1	$14.32	$1.20	$2.80		.03
Area 2	16.08	1.15	3.90		.06
Area 3	14.21	1.21	2.85	1.00	.03
Area 4	13.10	1.13	1.50	1.50	.01
Area 5	14.97	1.31	2.20		.06
Area 6	12.40	1.45	1.75	1.75	
Area 7	12.75	1.20	2.75	2.00	

AREA DEFINITIONS

Plasterers:
Area 1: Alameda and Contra Costa Counties
Area 2: San Francisco and San Mateo Counties
Area 3: Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Yolo, and Yuba Counties
Area 4: Del Norte, Humboldt, Marin, Napa, Solano, and Sonoma Counties
Area 5: Santa Clara, San Benito, and Santa Cruz Counties
Area 6: Monterey County
Area 7: Mariposa, Merced, and Tuolumne Counties

Modification Page 3

Modification Page 4

Modification Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CO80-5137 - Mod. #5 (45 FR 70577 - Oct. 24, 1980) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado					
CHANGE:					
Roofers:					
Remaining Counties, including northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	$13.32	.85	.50		.08
DECISION NO. CO80-5139 - Mod. #5 (45 FR 70686 - October 24, 1980) Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado					
CHANGE:					
Electricians:					
Electricians	$14.85	1.00	3%+.50		1%
Cable Splicers	15.10	1.00	3%+.50		1%
OMIT:					
Roofers as issued					
ADD:					
Roofers:					
Garfield, Mesa & Pitkin Counties	13.32	.85	.50		.08
Remainder of Counties	11.41	.59	.40		

Modification Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CT81-3032 - MOD. #1 (46 FR 27040 - May 15, 1981) Hartford, Middlesex, New Haven, New London and Tolland Counties, Connecticut					
CHANGE: Area Descriptions Below					

PLUMBERS:
Area 1: HARTFORD COUNTY: Avon, Bloomfield, Burlington, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, and Windsor Locks Townships; MIDDLESEX COUNTY: Cromwell, East Haddam, East Hampton, Haddam, Middlefield, Middletown, and Portland Townships; TOLLAND COUNTY: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Tolland, Union, Vernon, and Willington Townships

PLUMBERS; Steamfitters:
Area 1: NEW HAVEN COUNTY: Milford Township
Area 2: HARTFORD COUNTY: Berlin, Bristol, New Britain, Plainville, Southington, and parts of Newington, Farmington, & West Hartford Townships (Newington south of Cedar Street, west of Berlin Turnpike, north along New Haven Railroad to South Main Street to Route 6, west on Route 6 to Bristol town line) MIDDLESEX COUNTY: Durham Township; NEW HAVEN COUNTY: Cheshire, Meridan and Wallingford Townships
Area 3: HARTFORD COUNTY: Berlin, Bristol, East Berlin, New Britain, Plainville, and remainder of Newington and Farmington Townships
Area 4: MIDDLESEX COUNTY: Chester, Clinton, Deep River, Killingworth, and Westbrook Townships; NEW HAVEN COUNTY: Branford, Derby, East Haven, Guilford, Hamden, Madison, New Haven, North Branford, North Haven, Orange, West Haven, and Woodbridge Townships
Area 5: MIDDLESEX COUNTY: Essex, Old Saybrook, and Saybrook Townships; NEW LONDON COUNTY: Bozrah, Colchester, East Lyme, Franklin, Griswold, Groton, Lebanon, Ledyard (excluding U. S. Sub Base and 2½ acres of land on Gallup Hill Road known as Groton Piping Prefab Shop), Lisbon, Lyme, Montville (north of Oxoboxo Brook), New London, North Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown, and Waterford Townships
Area 6: NEW HAVEN COUNTY: Ansonia, Beacon Falls, Bethany, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, and Wolcott Townships; HARTFORD COUNTY: Hartland Township

UMI 1 8 9 2 6 M Y 6 4 V

Modification Page 5

DECISION NO. CT81-3032 - MOD. #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LABORERS (Building Construction):					
Laborer	10.00	.65	.80		.10
Asphalt rakers, concrete & power buggy ops, concrete saw ops, chain saw ops, fence & guard rail erectors, form setters, pipelayers, dry stone wall builders, mason tenders, pneumatic drill ops, pneumatic gas & electric drill ops, powdermen & wagon drill operators & precast erectors	10.25	.65	.80		.10
Air track operators, block pavers & curb setters, sandblasters, wagon drill operators	10.50	.65	.80		.10
Open air caisson, cylindrical work & boring crew:					
Top man	10.00	.65	.80		.10
Bottom man	10.50	.65	.80		.10
PLUMBERS & STEAMFITTERS Area 6	13.50	.88	.80	s	.05

Modification Page 6

DECISION NUMBER FL77-1060-Mod. #6 (42 FR 26093 - May 20, 1977) Polk County, Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians					
Industrial Manufacturing production facilities (exclu. retail food establishments); Hospitals (over 50 beds) excluding nursing homes and clinics shopping malls with over 10 businesses; and any business complex with elevator or escalator system					
Wiremen	12.75	5.5%	6%	4%	.10
Cable Splicer	13.25	5.5%	6%	4%	.10
Commercial					
Wiremen	11.32	5.5%	6%	4%	.10
Cable Splicers	11.82	5.5%	6%	4%	.10
DECISION NUMBER HI81-5106 Mod. #3 (46 FR 15650 - March 6, 1981)					
STATEWIDE, HAWAII					
CHANGE:					
Plasterers	$12.34	1.45	2.30	.70	.21

Modification Page 7

DECISION NO. NW81-5103 - Mod. #2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Power equipment operators:					
Group 1	11.00	.65	.80		.10
Group 2	11.25	.65	.80		.10
Group 3	11.50	.65	.80		.10
Group

DECISION NO. NV81-5102 - Mod. #2
(46 FR 11482 - February 6, 1981)
Clark County (does not include the Nevada Test Site), Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement Masons:					
Cement Masons	$13.50	$1.40	$1.50		.13
Cement Floor Finishing Machine; Color Work	13.85	1.40	1.50		.13
Elevator Constructors:					
Elevator Constructors	16.62	1.195	.95	a	.035
Helpers	11.63	1.195	.95	a	.035
Helpers (Prob.)	8.31				
Plasterers	14.10	1.40	1.50		.13
Plumbers; Steamfitters	18.75	1.25	2.50		.08
Truck Drivers:					
Group 1	12.97	.74	1.26		
Group 2	13.08	.74	1.26		
Group 3	13.13	.74	1.26		
Group 4	13.29	.74	1.26		
Group 5	13.47	.74	1.26		
Group 6	13.97	.74	1.26		

DECISION #NV81-5104 - Mod. #2
(46 FR 13482-February 20, 1981)
Washoe County, Nevada

Change:					
Asbestos Workers	$20.11	$1.25	$1.45		.11
Carpenters	13.80	1.17	1.69	$1.10	.11
Drywall Installers	14.05	1.17	1.69	1.10	.11
Electricians:					
Washoe County, does not include Lake Tahoe Area:					
Electricians; Technicians	19.63	1.09	3%+2.09		.14
Cable Splicers	21.59	1.09	3%+2.09		.14
Lake Tahoe Area:					
Electricians; Technicians	20.63	1.09	3%+2.09		.14
Cable Splicers	22.59	1.09	3%+2.09		.14
Roofers	18.52	1.00	1.00		.05

DECISION NO. NV81-5111 - Mod. #2
(46 FR 24837 - May 1, 1981)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Area 2:					
Electricians; Technicians	$19.63	$1.09	3%+2.09		.14
Cable Splicers	21.59	1.09	3%+2.09		.14
Area 3:					
Electricians; Technicians	20.63	1.09	3%+2.09		.14
Cable Splicers	22.59	1.09	3%+2.09		.14
Line Construction Workers:					
Area 2:					
Groundman	13.63	.45	3%+1.50		1%
Line Equipment Operators	16.35	.45	3%+1.50		1%
Lineman	18.17	.45	3%+1.50		1%
Cable Splicers	19.44	.45	3%+1.50		1%
Area 3:					
Groundman	14.63	.45	3%+1.50		1%
Line Equipment Operators	17.35	.45	3%+1.50		1%
Lineman	19.17	.45	3%+1.50		1%
Cable Splicers	20.44	.45	3%+1.50		1%
Plumbers; Steamfitters:					
Area 1	18.75	1.25	2.50		.08
Roofers:					
Area 2	18.52	1.00	1.00		.05
Truck Drivers:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	12.97	.74	1.26		
Group 2	13.08	.74	1.26		
Group 3	13.13	.74	1.26		
Group 4	13.29	.74	1.26		
Group 5	13.47	.74	1.26		
Group 6	13.97	.74	1.26		

DECISION NO. OR80-5145 - Mod #9
(45 FR 77321 - Nov. 21, 1980)
Statewide Oregon

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Line Construction: (Fringe benefits only) Group 7		.45	3% + 1.10	.10	1/2%
CHANGE:					
Glaziers	$14.34	.81	1.00		.03
Plumbers: Area 4	20.08	1.55	1.85		.20
Tile Setters: Area 1	16.38	1.80	1.45		.35

DECISION NO. PA78-3037 - MOD. #11
(43 FR 17239 - April 21, 1978)
Blair County, Pennsylvania

DECISION NO. PA79-3006 - MOD. #9
(44 FR 19099 - March 30, 1979)
Franklin County, Pennsylvania

DECISION NO. PA80-3010 - MOD. #7
(45 FR 23270 - April 4, 1980)
Bedford, Cambria, Cameron Clarion, Clearfield, Jefferson, Crawford, Venango Counties, Pennsylvania

DECISION NO. PA80-3011 - MOD. #8
(45 FR 12118 - February 22, 1980)
Greene, Somerset & Potter Counties, Pennsylvania

DECISION NO. PA80-3012 - MOD. #8
(45 FR 10595 - February 15, 1980)
Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland Counties, Pennsylvania

DECISION NO. PA80-3033 - MOD. #3
(45 FR 65891 - October 3, 1980)
Elk, Forest, McKean & Warren Counties, Pennsylvania

DECISION NO. PA80-3058 - MOD. #3
(45 FR 65898 - October 3, 1980)
Lawrence and Mercer County, Pennsylvania

DECISION NO. PA80-3059 - MOD. #3
(45 FR 65895 - October 3, 1980)
Erie County, Pennsylvania

DECISION NO. PA80-3074 - MOD. #3
(45 FR 81981 - December 12, 1980)
Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
HEAVY & HIGHWAY CONSTRUCTION					
Piledrivermen	$14.09	6%	10%		
LABORERS					
CLASS I					
ZONE 1	10.26	10%	10%		
ZONE 2	10.15	10%	10%		
CLASS II					
ZONE 1	10.42	10%	10%		
ZONE 2	10.33	10%	10%		
CLASS IV					
ZONE 1	11.80	10%	10%		
ZONE 2	11.90	10%	10%		

LABORERS CLASSIFICATION DEFINITIONS

CLASS I - Heavy & Highway Construction Laborers (Including Craft Tenders, handling Salamanders L. P. Gas Heaters or similar, etc.); Asphalt Curb Sealer; Asphalt Tamper; Batchman (weigh); Blaster's Helper; Boatman; Brakeman; Change House Attendant; Coffer Dam; Concrete Curing Pitman; Puddler; Drill Runner's Helper, (Including Drill Mounted on Truck, Track, or similar and Davey Drill - Spots-clean-up & Helps to maintain); Electric Brush and or Grinder; Fence Construction (including Fence Machine Operator); Form Stripper and Mover; Gabion (Erectors and Placers); Hydro Jet Claster Nozzleman; Manually moved Emulsion Sprayer; Radio Actuated Traffic Control Operator; Rip Rap Work, Scaffolds and Runways; Sheeters and Shorers; Structural Concrete Top Surfacer; Walk Behind Street Sweeper; Welder's Helper (pipeline); Wood Chipper

LABORERS (CONT'D)

CLASS II - Air Tool Operator (all types); Asphalt, Batch & Concrete Plant Operator (manually operated) Asphalt Rakers; Burner; Caisson Men (open air); Carryable Pumps; Chain Saw Operator (Including attachments); Cribbing (Concrete or Steel); Curb Machine Operator (asphalt or concrete - walk behind); Diamond Head Core Driller; Drill Runner's Helper (Tunnel); Fork Lift (walk behind); Form Setter (Road Forms Line Man); Highway Slab Reinforcement Placers (Including Joint and Basket Setters); Hydraulic Pipe Pusher; Liner Plates (Tile or Vitrified Clay); Mechanical Compacting Equipment Operators; Mechanical Joint Sealer, Dope Pot and Tar Kettle; Mortar Mixer (hand or machine); Muckers, Brakemen & All Other Labor (Includes installation of Utility Lines); Pipe Layers (Regardless of material); Portable Single Unit Conveyor; Post Hole Auger (2 or 4 cycle-hand Operated); Power Wheelbarrows and Buggies; Rail Porter or Similar; Sand Blaster; Vibrator Operator, All Rail Road Track Work To Include The Following: Adzing Machine, Ballast Router; Bolting Machine; Power Jacks; Rail Drill; Railroad Brakeman; Rail Saw; Spike Drivers (Manually or handheld tool); Spike Pullers; Tamping Machine; Thermitweld

CLASS IV - Welder (pipeline); High Burner (any burning not done from deck)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
HEAVY & HIGHWAY CONSTRUCTION					
CLASS I					
ZONE I	13.94	7.5%	8.25%		1%
ZONE II	13.68	7.5%	8.25%		1%
CLASS 3					
ZONE 1	11.31	7.5%	8.25%		1%
ZONE 2	11.06	7.5%	8.25%		1%
CLASS 5					
ZONE 1	10.71	7.5%	8.25%		1%
ZONE 2	10.46	7.5%	8.25%		1%

UMI 1 8 9 2 Y M 6 4 V

Modification Page 13

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

CLASS I - Autograder (C.M.I. & similar); Backfiller; Backhoe - 360° Swing; Cableway; Caisson Drill (similar to Hugh Williams); Central Mix Plant; Cooling Plant; Concrete Paving Mixer; Concrete Pump (self-propelled); Cranes; Cranes (Boom or mast 101 ft. or over up to & including 150 ft. inclusive of jib + $.25 ; Boom or mast over 150 ft. up to & including 200 ft. inclusive of jib + $.50; Boom or mast over 200 ft. inclusive of jib + $.75; Tower-Stationary-Climbing Tower Crane); Derrick; Derrick Boat; Dozer (D-6 & over); Dragline; Dredge; Dredge Hydraulic; Elevating Grader; Franki Pile Machine; Gradall (Remote control or otherwise); Grader (Power-Fine Grade); Helicopter; Hilift (4 cy. and over); Hoist 2 Drums or more (in one unit); Hydraulic Boom Truck (with pivotal cab) (single motor-Pitman or similar); Kocal; Locomotive (Std. Gauge); Metro-chip Harvester or similar; Milling Machine (Roto Mill or Similar); Mix Mobile; Mucking Machine (Tunnel); Pile Driver Machine; Pipe Extrusion Machine; Prespliter Drill (Self contained); Refrigeration Plant (Soil Stabilization) Rough Terrain Crane; Scrapers; Shovel-Power; Slip Form Paver (C. M. I. and similar); Trenching Machine; Tunnel Machine (Mark XXI Jarva or similar)l Whirley

CLASS III - Broom Finisher (C. M. I. or similar); Compactors/Rollers (Static or Vibratory (Self-propelled); Curb Builder; Minor Equipment Operator (two to three units); Multi-head Tie Tamper, Pavement Breaker (Self-Propelled or ridden); Soil Stabilizer Machine; Tire Repairman; Tractor (Snaking and hauling); Well Driller and Horizontal; Winch or "A" Frame Truck (when hoisting and lowering)

CLASS V - Deck Hand, Farm Tractor; Fireman on Boiler; Mechanic's Helper; Oiler, Power Broom, Side Delivery Shoulder Spreader (Attachment)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
HEAVY & HIGHWAY CONSTRUCTION:					
POWER EQUIPMENT OPERATORS:					
Clarion & Elk Counties					
ZONE II					
ADD:					
HEAVY & HIGHWAY CONSTRUCTION:					
Carpenters - Burner					
ZONE I	12.88	8%	7%	10%	
ZONE II	12.68	8%	7%	10%	
Piledrivermen-welder	14.34	8%	10%		
POWER EQUIPMENT OPERATORS:					
HEAVY & HIGHWAY CONSTRUCTION:					
Clarion & Elk Counties					
ZONE I					

SUPERSEDEAS DECISION

STATE: Arizona COUNTIES: Statewide
DECISION NUMBER: AZ81-5124 DATE: Date of Publication
Supersedes Decision No. AZ81-5101 dated January 30, 1981, in 46 FR 10078
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:*					
Zone 1	$15.44	.75	$ 1.45		.03
Zone 2	16.24	.75	1.45		.03
Zone 3	16.44	.75	1.45		.03
Zone 4	16.89	.75	1.45		.03
Zone 5	19.19	.75	1.45		.03
BOILERMAKERS	17.31	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons:*					
Northern Area:*					
Zone A	14.00	.90	1.10		.18
Zone B	15.12	.90	1.10		.18
Zone C	15.82	.90	1.10		.18
Zone D	16.52	.90	1.10		.18
Zone E	17.08	.90	1.10		.18
Zone F	18.20	.90	1.10		.18
Southern Area:*					
Zone A:					
Bricklayers; Stonemasons	12.80	1.00	.95		.06
Manhole Builders	13.05	1.00	.95		.06
Zone B:					
Bricklayers; Stonemasons	13.17	1.00	.95		.06
Manhole Builders	13.42	1.00	.95		.06
Zone C:					
Bricklayers; Stonemasons	13.55	1.00	.95		.06
Manhole Builders	13.80	1.00	.95		.06
Zone D:					
Bricklayers; Stonemasons	14.30	1.00	.95		.06
Manhole Builders	14.55	1.00	.95		.06

*See AREA and ZONE Descriptions - Page 2

DECISION NO. A281-5124 Page 2

AREA and ZONE DEFINITIONS

ASBESTOS WORKERS:

DECISION NO. A281-5124 Page 3

AREA and ZONE DEFINITIONS

ASBESTOS WORKERS:
Zone 1: Area lying within 15 miles radius from the City Hall in Phoenix or Tucson
Zone 2: Area lying beyond the limits of Zone 1 and within 30 miles radius from the City Hall in Phoenix or Tucson
Zone 3: Area lying beyond the limits of Zone 2 and within 40 miles radius from the City Hall in Phoenix or Tucson
Zone 4: Area lying beyond the limits of Zone 3 and within 50 miles radius from the City Hall in Phoenix or Tucson
Zone 5: Area lying beyond the limits of Zone 4

BRICKLAYERS; STONEMASONS:
Northern Area: Apache, Coconino and Gila Counties; Graham County (west and north of the San Francisco River to the Gila River); Greenlee County (west and north of the San Francisco River to the Gila River); Maricopa, Mohave, and Navajo Counties; Pinal County (north of a boundary line drawn west along the Gila River to the western city limits of Florence, a straight line from the extreme southwestern city limits of Florence to the extreme southern city limits of Coolidge, then a straight line to the extreme southern city limits of Casa Granda, with the line extending to the Maricopa/Pinal County Line); Yavapai, and Yuma Counties:

ZONE A: 0-35 road miles from the City Hall in Phoenix
ZONE B: 35-50 road miles from the City Hall in Phoenix
ZONE C: 50-75 road miles from the City Hall in Phoenix
ZONE D: 75-100 road miles from the City Hall in Phoenix
ZONE E: 100-200 road miles from the City Hall in Phoenix
ZONE F: 200 road miles and over from the City Hall in Phoenix

Southern Area: Cochise County; Graham County (east and south of the San Francisco River to the Gila River); Greenlee County (east and south of the San Francisco River to the Gila River); Pima County; Pinal County (south of a boundary line drawn west along the Gila River to the western city limits of Florence, a straight line from the extreme southwestern city limits of Florence to the extreme southern city limits of Coolidge, then a striaght line to the extreme southern city limits of Casa Grande, with the line extending to the Maricopa/Pinal County Line); Santa Cruz Counties:

Zone A: 0-15 road miles from Tucson City limits
Zone B: 15-30 road miles from Tucson City limits
Zone C: 30-40 road miles from Tucson City limits
Zone D: Over 40 road miles from Tucson City limits

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CARPENTERS:*					
Northern Area:					
Carpenters; Drywall Applicator; Saw Filer; Shingler	$14.36	$1.195	1.115		.05
Floorlayers (finish); Piledrivermen	14.685	1.195	1.115		.05
Millwrights	14.835	1.195	1.115		.05
Central and Southern Areas:					
Carpenters; Saw Filers	12.235	1.195	1.115		.05
Floorlayers (finish); Piledrivermen	12.56	1.195	1.115		.05
Millwrights	12.71	1.195	1.115		.05
CEMENT MASONS:*					
Zone 1:					
Northern Area:					
Cement Masons	14.025	.95	1.30		.05
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	14.205	.95	1.30		.05
Central & Southern Areas:					
Cement Masons	12.15	.95	1.30		.05
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	12.33	.95	1.30		.05
Zone 2:					
Cement Masons	12.18	1.02	1.20		.05
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine; Clary and similar type of power screed Operator	12.36	1.02	1.20		.05
DRYWALL TAPERS:*					
Zone A	12.71	.59	.50		.07
Zone B	13.71	.59	.50		.07
Zone C	15.21	.59	.50		.07

*See AREA and ZONE Definitions - following Page

UMI 1 8 9 2 6 M Y 6 4 V

AREA and ZONE DEFINITIONS

CARPENTERS:
Northern Area: Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line

Central and Southern Areas: All areas not included in the Northern Area

CEMENT MASONS:
Zone 1: Apache, Coconino, and Gila Counties; Graham County (north of Sentinel-Casa Grande-Safford Line); Greenlee County (north of Sentinel-Casa Grande-Safford Line); Maricopa County (north of Sentinel-Casa Grande-Safford Line); Mohave, and Navajo Counties; Pinal County (north of Sentinel-Casa Grande-Safford Line); Yavapai and Yuma Counties

Northern Area: Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line.

Central and Southern Areas: All Areas not included in the Northern Area.

Zone 2: Southern parts of Cochise, Graham, Greenlee, Maricopa, and Pinal Counties; Pima and Santa Cruz Counties

DRYWALL TAPERS:
Zone A: 0-40 road miles from Courthouse in Phoenix; Also Luke and William Air Force Bases
Zone B: 41-60 road miles from Courthouse in Phoenix
Zone C: 61 road miles and over from Courthouse in Phoenix

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:*					
Area 1:					
Electricians	$16.81	.60	3%+.70		3/4%
Cable Splicers	18.16	.60	3%+.70		3/4%
Area 2:					
Electricians; Technicians; and Cable Splicers:					
Zone A	15.00	.96	3%+.93		1/2%
Zone B	18.12	.96	3%+.93		1/2%
Area 3:					
Zone A:					
Electricians; Technicians	17.24	.60	11%		1%
Cable Splicers	17.49	.60	11%		1%
Zone B:					
Electricians; Technicians	18.74	.60	11%		1%
Cable Splicers	18.99	.60	11%		1%
Zone C:					
Electricians; Technicians	19.24	.60	11%		1%
Cable Splicers	19.49	.60	11%		1%
Zone D:					
Electricians; Technicians	20.24	.60	11%		1%
Cable Splicers	20.49	.60	11%		1%
Area 4:					
Electricians	16.35	.96	3%+.93		.10
Area 5:					
Zone A:					
Electricians	16.44	.60	11%		1%
Cable Splicers	16.69	.60	11%		1%
Zone B:					
Electricians	17.24	.60	11%		1/2%
Cable Splicers	17.49	.60	11%		1/2%
Zone C:					
Electricians	17.94	.60	11%		1/2%
Cable Splicers	18.19	.60	11%		1/2%
Zone D:					
Electricians	18.94	.60	11%		1/2%
Cable Splicers	19.19	.60	11%		1/2%

*See AREA and ZONE Definitions - following Page

AREA and ZONE DEFINITIONS

AREA and ZONE DEFINITIONS (Cont'd)

AREA and ZONE DEFINITIONS

ELECTRICIANS:
Area 1: Apache County (north of Highway #66)

Area 2: Coconino County; Navajo County (north and west of a boundary line beginning at a point where Clear Creek crosses the Coconino/Navajo County Line and then extending in a northeasterly direction along Clear Creek and northeasterly to Cottonwood Wash, along Cottonwood Wash extending northeasterly to where it intersects the Navajo Indian Reservation, then easterly along the Navajo Indian Reservation boundary line to a point where it intersects the Navajo/Apache County Line):

Zone A: 5 miles north-south, east and west of the Post Offices of Williams, Sedona, and Winslow
Zone B: Remainder of Area 2 not covered by Zone A

Area 3: Apache County (south of Highway #66); Gila County; Navajo County (south and east of a boundary beginning at a point where Clear Creek crosses the Coconino/Navajo County Line, then extending in a northeasterly direction along Clear Creek and northeasterly to Cottonwood Wash, along Cottonwood Wash extending northeasterly to where it intersects the Navajo Indian Reservation, then easterly along the Navajo Indian Reservation boundary line to a point where it intersects the Navajo/Apache County Line); Pinal County (north of the line, "First Standard Parallel South" and east of the line "Second Guide Meridian East"):

Zone A: Area within 16 road miles beginning where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing; Area within 12 miles radius from the school in Lakeside, Arizona
Zone B: Area within 16-28 road miles from point where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing
Zone C: Area within 28-46 road miles from point where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing
Zone D: Area 46 road miles and over from point where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing; Area over 12 miles radius from school in Lakeside, Arizona

AREA and ZONE DEFINITIONS (Cont'd)

ELECTRICIANS: (Cont'd)
Area 4: Maricopa and Mohave Counties; Pinal County (north and west of the boundary line beginning at a point where the Papago Indian Reservation Road #15 crosses the Pima/Pinal County Line, then extending in a northeasterly direction on the Papago Indian Reservation Road #15 to the intersection with the Florence Canal, north and east on the Florence Canal to the intersection with the line, "Second Guide Meridian East", then north to the Pinal/Maricopa County Line); Yavapai County

Area 5: Cochise, Graham, Greenlee, and Pima Counties, Pinal County (south and east of the boundary line beginning at a point where the Papago Indian Reservation Road #15 crosses the Pima/Pinal County Line, then extending in a northeasterly direction on the Papago Indian Reservation Road #15 to the intersection with the Florence Canal, north and east on the Florence Canal to the intersection with the line, "Second Guide Meridian East", then north to the line, "First Standard Parallel South", and along that line to the Graham/Pinal County Line); Santa Cruz and Yuma Counties:

Zone A: Area within 16 miles radius from the City Hall in Tucson or Yuma; Area within 16 road miles from center of Town in Douglas, Nogales or Sierra Vista; Area within the boundaries of the incorporated city limits of Parker, plus an area extending from the south city limits of Parker in a northeasterly direction to Milepost No. 150 located on State Highway #95, northeast of Parker from the Colorado River on the west, an area 1 mile wide paralleling the Colorado River
Zone B: Area lying beyond the limits of Zone A extending to and including 12 road miles excluding area near Douglas, Nogales and Sierra Vista
Zone C: Area lying beyond the limits of Zone B extending up to and including 18 road miles, excluding area near Douglas, Nogales and Sierra Vista
Zone D: Area lying beyond the limits of Zone C; for area near the Cities of Douglas, Nogales, Sierra Vista, the area lying beyond the limits of Zone A

UMI 1 8 9 2 9 M Y 6 4 V

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	$15.69	$1.195	.95	a	.035
Helpers	10.98	1.195	.95	a	.035
Probationary Helpers	7.845				
GLAZIERS:					
Statewide excluding Bullhead City	12.17	.90	.30		.01
Bullhead City	17.02	.75	.40		.08
IRONWORKERS:*					
Northern Area	17.90	1.39	2.72		.11
Southern Area	15.15	1.39	2.72		.11
LATHERS:*					
Area 1	13.455	1.00			.06
Area 2:					
Zone A	13.78	1.00			.06
Zone B	14.28	1.00			.06
Zone C	14.53	1.00			.06
Zone D	15.28	1.00			.06
LINE CONSTRUCTION:*					
Zone 1:					
Groundmen	12.20	1.00	3%+2.00		1/2%
Equipment Operators; Powdermen; Mechanics	14.41	1.00	3%+2.00		1/2%
Linemen; Technicians; Crane Operators	16.24	1.00	3%+2.00		1/2%
Cable Splicers	16.71	1.00	3%+2.00		1/2%
Zone 1-A:					
Groundmen	13.20	1.00	3%+2.00		1/2%
Equipment Operators; Powdermen; Mechanics	15.32	1.00	3%+2.00		1/2%
Linemen; Technicians; Crane Operators	17.22	1.00	3%+2.00		1/2%
Cable Splicers	17.79	1.00	3%+2.00		1/2%
Zone 2:					
Groundmen	14.14	1.00	3%+2.00		1/2%
Equipment Operators; Powdermen; Mechanics	16.27	1.00	3%+2.00		1/2%
Linemen; Technicians Crane Operators	18.16	1.00	3%+2.00		1/2%
Cable Splicers	18.68	1.00	3%+2.00		1/2%

*See AREA and ZONE Definitions - following Page

AREA and ZONE DEFINITIONS

IRONWORKERS:
Northern Area: Area north from a line 10 miles north of and parallel to Highway #66, North to the Arizona-Utah border and from the Arizona-California border east to the Arizona-New Mexico border

Southern Area: All areas not included in the Northern Area

LATHERS:
Area 1: North of a line crossing the State drawn through Ajo, Randolph and Springerville; except as follows: northeast of a line drawn from Springerville to a point 4 miles northeast of Keams Canyon

Area 2: South of a line crossing the State drawn through Ajo, Randolph and Springerville:

- Area A: Area within 30 mile radius of the City Hall in Tucson
- Area B: Area within 30-40 mile radius of the City Hall in Tucson
- Area C: Area within 40-50 mile radius of the City Hall in Tucson
- Area D: Area outside of Zone C

LINE CONSTRUCTION:
Zone 1: Phoenix and Tucson 30 mile radius from the center of Town; Area within 10 mile radius from the City Hall of Yuma

Zone 1-A: Flagstaff, Globe, and Kingman; and 10 mile radius from the center of Town

Zone 2: Other Areas not covered by Zone 1 and Zone 1-A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
MARBLE WORKERS:*					
Area 1	$12.56	.90	$ 1.10		.19
MASON TENDERS	10.44	1.02	1.20		.06
PAINTERS:*					
Area 1:					
Zone A:					
Brush; Soft Floor Layers	11.60	.90	.80		.20
Brush, steel and bridge	12.10	.90	.80		.20
Spray	12.05	.90	.80		.20
Spray, steel and bridge	12.60	.90	.80		.20
Zone B:					
Brush; Soft Floor Layers	12.35	.90	.80		.20
Brush, steel and bridge	12.85	.90	.80		.20
Spray	12.80	.90	.80		.20
Spray, steel and bridge	13.35	.90	.80		.20
Zone C:					
Brush; Soft Floor Layers	13.35	.90	.80		.20
Brush, steel and bridge	13.85	.90	.80		.20
Spray	13.80	.90	.80		.20
Spray, steel and bridge	14.35	.90	.80		.20
Zone D:					
Brush; Soft Floor Layers	13.60	.90	.80		.20
Brush, steel and bridge	14.10	.90	.80		.20
Spray	14.05	.90	.80		.20
Spray, steel and bridge	14.60	.90	.80		.20
Area 2:					
Zone A:					
Brush and Roller; Sandblaster (Nozzleman); Sheetrock Taper; Floor Coverer; Sandblaster (Pot Tender)	12.69	.60	.60		.10
Spray; Paperhanger	12.94	.60	.60		.10
Creosote Applier	13.02	.60	.60		.10
Swing Stage:					
Brush; Sandblaster	13.09	.60	.60		.10
Spray	13.34	.60	.60		.10
Steeplejack	13.55	.60	.60		.10

*See AREA and ZONE Descriptions - Page 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 2: (Cont'd)					
Zone A: (Cont'd)					
Steel and bridge, brush; Nozzleman and Pot Tender; Steel (steam cleaner); Electric and air tool Operator; Steel Sandblaster	$13.62	.60	.60		.10
Steel and bridge, spray	13.82	.60	.60		.10
Zone B:					
Brush and Roller; Sandblaster (Nozzleman); Sheet Rock Taper; Floor Coverer; Sandblaster (Pot Tender)	13.69	.60	.60		.10
Spray; Paperhangers	13.94	.60	.60		.10
Creosote Applier	14.02	.60	.60		.10
Swing Stage:					
Brush; Sandblaster	14.09	.60	.60		.10
Spray	14.34	.60	.60		.10
Steeplejack	14.55	.60	.60		.10
Steel and bridge, Brush; Nozzleman and Pot Tender; Steel (steam cleaner); Electric and air tool Operator; Steel Sandblaster	14.62	.60	.60		.10
Steel and bridge, Spray	14.82	.60	.60		.10
Zone C:					
Brush and Roller; Sandblaster (Nozzleman); Sheet Rock Taper; Floor Coverer; Sandblaster (Pot Tender)	15.19	.60	.60		.10
Spray; Paperhangers	15.44	.60	.60		.10
Creosote Applier	15.52	.60	.60		.10
Swing Stage:					
Brush; Sandblaster	15.59	.60	.60		.10
Spray	15.84	.60	.60		.10
Steeplejack	16.05	.60	.60		.10

*See AREA and ZONE Descriptions - Page 14

UMI 1 8 9 2 9 M Y 6 4 V

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 2: (Cont'd)					
Zone C: (Cont'd)					
Steel and bridge, Brush; Nozzleman and Pot Tender; Steel (steam cleaner); Electric air tool Operator; Steel Sandblaster	$16.12	.60	.60		.10
Steel and bridge, Spray	16.32	.60	.60		.10
Area 3:					
Zone A:					
Brush	10.77	.87	.50		.10
Spray; Sandblaster	11.27	.87	.50		.10
Swing Stage, under 40 ft.:					
Brush	11.07	.87	.50		.10
Spray	11.57	.87	.50		.10
Swing Stage, over 40 ft.:					
Brush	11.52	.87	.50		.10
Spray	12.02	.87	.50		.10
Structural Steel and Tanks:					
Brush	11.77	.87	.50		.10
Spray and Sandblasters	12.27	.87	.50		.10
Zone B:					
Brush	11.52	.87	.50		.10
Spray and Sandblasters	12.02	.87	.50		.10
Paperhangers	11.65	.87	.50		.08
Swing Stage, under 40 ft.:					
Brush	11.82	.87	.50		.10
Spray	12.32	.87	.50		.10
Swing Stage, over 40 ft.:					
Brush	12.27	.87	.50		.10
Spray	12.77	.87	.50		.10
Structural Steel and Tanks:					
Brush	12.52	.87	.50		.10
Spray and Sandblasters	13.02	.87	.50		.10

*See AREA and ZONE Descriptions - Page 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 3: (Cont'd)					
Zone C:					
Brush	$12.27	.87	.50		.10
Spray	12.77	.87	.50		.10
Paperhangers	12.40	.87	.50		.10
Swing Stage, under 40 ft.:					
Brush	12.57	.87	.50		.10
Spray	13.07	.87	.50		.10
Swing Stage, over 40 ft.:					
Brush	13.02	.87	.50		.10
Spray	13.52	.87	.50		.10
Structural Steel and Tanks:					
Brush	13.27	.87	.50		.10
Spray and Sandblasters	13.77	.87	.50		.10
Zone D:					
Brush	12.77	.87	.50		.10
Spray	13.27	.87	.50		.10
Paperhangers	12.90	.87	.50		.10
Swing Stage, under 40 ft.:					
Brush	13.07	.87	.50		.10
Spray	13.57	.87	.50		.10
Swing Stage, over 40 ft.:					
Brush	13.52	.87	.50		.10
Spray	14.02	.87	.50		.10
Structural Steel and Tanks:					
Brush	13.77	.87	.50		.10
Spray and Sandblasters	14.27	.87	.50		.10

*See AREA and ZONE Descriptions - Page 14

AREA and ZONE DEFINITIONS

MARBLE WORKERS:
Area 1: Apache, Coconino, and Gila Counties; Graham County (west and north of San Francisco River to Gila River); Greenlee County (west of San Francisco River to Gila River); Navajo County (west of Little Colorado River); Yavapai County

AREA and ZONE DEFINITIONS

MARBLE WORKERS:
Area 1: Apache, Coconino, and Gila Counties; Graham County (west and north of San Francisco River to Gila River); Greenlee County (west and north of San Francisco River to Gila River); Maricopa, Mohave, and Navajo Counties; Pinal County (north of a boundary line drawn west along the Gila River to the western city limits of Florence, a straight line from the extreme southwestern city limits of Florence to the extreme southern city limits of Coolidge, then a straight line to the extreme southern city limits of Casa Grande with the line extending to the Maricopa/Pinal County Line); Yavapai and Yuma Counties

PAINTERS:
Area 1: Apache, Coconino, Navajo, and Yavapai Counties (north of woodruff/Camp Wood Line); Mohave County (north of a line following the Geodetic Hualapai Boundary Line to the Colorado River, a distance of 23 miles east of Pierce Ferry and then intersecting the Arizona/Nevada State Line):
Zone A: 0-20 road miles from Courthouse in Flagstsff
Zone B: 20-35 road miles from Courthouse in Flagstaff
Zone C: 35-80 road miles from Courthouse in Flagstaff
Zone D: 80 road miles and over from Courthouse in Flagstaff

Area 2: Apache, Coconino, Navajo, and Yavapai Counties (south of the Woodruff/Camp Wood Line); Gila, Graham, Greenlee, Maricopa, and Pinal Counties (north of 33rd Parallel); Mohave County (south of a line following the Geodetic Hualapai Boundary Line to the Colorado River, a distance of 23 miles east of Pierce Ferry and then intersecting the Arizona/Nevada State Line):
Zone A: 0-40 paved road miles from Courthouse in Phoenix; also, Luke and Williams Air Force Bases
Zone B: 41-60 paved road miles from Courthouse in Phoenix
Zone C: 61 paved road miles and over from Courthouse in Phoenix

Area 3: Cochise County; Graham, Greenlee, Maricopa and Pinal Counties (south of 33rd Parallel); Pima, Santa Cruz, and Yuma Counties:
Zone A: 0-30 paved road miles from Stone and Congress in Tucson or from the County Courthouse in Yuma
Zone B: 31-40 paved road miles from Stone and Congress in Tucson or from the County Courthouse in Yuma
Zone C: 41-50 paved road miles from Stone and Congress in Tucson or from the County Courthouse in Yuma
Zone D: 51 paved road miles and over from Stone and Congress in Tucson or from the County Courthouse in Yuma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:*					
Area 1:					
Zone A	$11.77	.95	$1.30		.06
Zone B	12.52	.95	1.30		.06
Zone C	13.645	.95	1.30		.06
Area 2:					
Zone A	12.67	1.02	1.20		
Zone B	13.92	1.02	1.20		
Zone C	14.67	1.02	1.20		
PLASTERER TENDERS	10.96	1.12	1.30		.10
PLUMBERS:*					
Zone 1	15.49	.75	1.35		.13
Zone 2	15.89	.75	1.35		.13
Zone 3	16.34	.75	1.35		.13
Zone 4	17.84	.75	1.35		.13
ROOFERS:*					
Area 1	12.41	1.095	.70		.05
Area 2:					
Zone A:					
Roofers and Waterproofers; Shinglers (asbestos, wood and asphalt)	11.67	1.095	.35		.03
Pitch and Enamel	13.67	1.095	.35		.03
Zone B:					
Roofers and Waterproofers; Shingler (asbestos, wood and asphalt)	14.17	1.095	.35		.03
Pitch and Enamel	16.17	1.095	.35		.03
SHEET METAL WORKERS:*					
Area 1:					
Zone 1	15.68	1.05	1.68		.13
Zone 2	16.93	1.05	1.68		.13
Zone 3	19.68	1.05	1.68		.13
Area 2:					
Zone A	14.45	1.20	1.92		.07
Zone B	15.76	1.20	1.92		.07
Zone C	18.43	1.20	1.92		.07
SOFT FLOOR LAYERS	11.70	.69	.12		.12
SPRINKLER FITTERS	16.65	.95	1.40		.08
TERRAZZO WORKERS; TILE SETTERS:*					
Area 1	12.56	.90	1.10		.19

*See AREA and ZONE Definitions following Pages

JUN 18 1982 MAY 64 V

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A through G

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving; G-Christmas Day

AREA and ZONE DEFINITIONS

PLASTERERS:
Area 1: Apache, Coconino, and Gila Counties; Graham, Greenlee, Maricopa, and Pinal Counties (north of Sentinal - Casa Grande - Safford Line); Mohave, Navajo, Yavapai, and Yuma Counties:
Zone A: 0-35 miles from Phoenix
Zone B: 35-60 miles from Phoenix
Zone C: 60 miles and over from Phoenix

Area 2: Cochise County; Graham, Greenlee, Maricopa, and Pinal Counties (south of Sentinel - Casa Grande - Safford Line); Santa Cruz County:
Zone A: 0-30 miles radius from Tucson
Zone B: 30-50 miles radius from Tucson
Zone C: 50 miles radius and over from Tucson

PLUMBERS:
Zone 1: Area within 15 road miles from either the intersection of Central Avenue and Jefferson Street in Phoenix or the Old Main Building of the University of Arizona in Tucson or the Main Post Office Building in either Douglas, Flagstaff or Yuma; Also, all areas within the City limits of Havasu City, Holbrook, Kingman, Prescott, and Winslow; Also, that area bordered by the Apache Trail on the north, Higley Road on the east, Elliott Road on the south and Arizona Avenue on the west

Zone 2: Over 15 and up to 30 road miles from either the intersection of Central Avenue and Jefferson Street in Phoenix or the Old Main Building of the University of Arizona in Tucson

PLUMBERS: (Cont'd)
Zone 3: Over 30 and up to 40 road miles from either the intersection of Central Avenue and Jefferson Street in Phoenix or the Old Main Building of the University of Arizona in Tucson

Zone 4: Over 40 road miles from either the intersection of Central Avenue and Jefferson Street in Phoenix or the Old Main Building of the University of Arizona in Tucson

ROOFERS:
Area 1: Apache, Coconino, Gila, Maricopa, Mohave, Navajo, Pinal, Yavapai, and Yuma Counties

Area 2: Cochise, Graham, Greenlee, Pima and Santa Cruz Counties:
Zone A: Area less than 44 road miles from City Hall in Tucson
Zone B: Area from 44 to 100 road miles from City Hall in Tucson

SHEET METAL WORKERS:
Area 1: Apache, Coconino, and Gila Counties; Graham, Greenlee, and Pinal Counties (north of 33rd Parallel); Maricopa, Mohave, Navajo, Yavapai, and Yuma Counties:
Zone 1: 0-25 miles radius, excluding Luke and Williams Air Force Bases, from the following base points: the intersection of 56th Street and Indian School Road in Phoenix, and the City Hall in Flagstaff, Kingman, Prescott and Yuma
Zone 2: 25-50 miles radius from the base points listed in Zone 1; also Luke and Williams Air Force Bases
Zone 3: 50 miles radius and over from the base points listed in Zone 1

Area 2: Cochise, Graham, Greenlee, and Pinal Counties (south of 33rd Parallel); Pima and Santa Cruz Counties:
Zone A: 0-25 miles radius from Tucson City Hall or Douglas City Hall
Zone B: 25-50 miles radius from Tucson City Hall or Douglas City Hall
Zone C: Over 50 miles radius from Tucson City Hall or Douglas City Hall; also San Manuel and vicinity

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Apache, Coconino, and Gila Counties; Graham and Greenlee Counties (west and north of San Francisco River to Gila River); Maricopa, Mohave, and Navajo Counties; Pinal County (north of a boundary line drawn west along the Gila River to the western City limits of Florence, a straight line from the extreme southwestern City limits of Florence to the extreme southern city limits of Coolidge, then a straight line to the extreme southern city limits of Casa Grande, with the line extending to the Maricopa/Pinal County Line); Yavapai and Yuma Counties

Basic	Basic	Fringe Benefits Payments		

LABORERS

Group 1: Laborer, general or construction; Tool Dispatcher

LABORERS:	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	N AREA	C and S AREAS				
Group 1	$11.64	$9.64	$1.02	$1.20		.10
Group 2	11.79	9.79	1.02	1.20		.10
Group 3	11.95	9.95	1.02	1.20		.10
Group 4	12.07	10.07	1.02	1.20		.10
Group 5	12.27	10.27	1.02	1.20		.10
Group 6	12.705	10.075	1.02	1.20		.10
Group 7	13.435	11.435	1.02	1.20		.10
(Tunnel and Shaft Work)						
Group 1	11.915	9.915	1.02	1.20		.10
Group 2	12.11	10.11	1.02	1.20		.10
Group 3	12.26	10.26	1.02	1.20		.10
Group 4	12.67	10.67	1.02	1.20		.10
Group 5	12.885	10.885	1.02	1.20		.10
Group 5-A	13.175	11.175	1.02	1.20		.10

AREA DEFINITIONS

NORTHERN AREA:
Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line

CENTRAL and SOUTHERN AREAS:
All Areas not included in the Northern Area

LABORERS

Group 1: Laborer, general or construction; Tool Dispatcher or Checker; Manually-controlled Signal Operator; Fence Builder, Guard Rail Builder - highway; Chat Box Man; Dumpman and/or Spotter; Rip Rap Stone Man; Form Stripper; Landscape Gardener and Nurseryman; Packing Rod Steel and Pans; Window Cleaners; Cesspool Diggers and Installers; Concrete Dump Man - belt; Pipe and/or Hoseman; Astro-truf Layers; Clean-up, Bull Gang and Trackman - railroad; Chipper (clearing and grubbing)

Group 2: Cement Finisher Tender; Concrete Curer (Impervious Membrane); Cutting Torch Operator; Fine Grader (highway, engineering and sewer work only); Kettleman - Tarman; Power-type Concrete Buggy

Group 3: Chuck Tender (except tunnel); Sandblaster (Pot Tender); Powderman Tender; Spikers and Wrenchers; Rip Rap Stone Pavers; Creosote Tieman; Guinea Chaser; Bander

Group 4: Operator and Tenders of pneumatic and electric tools; Concrete Vibrating Machines; Chain Saw Machines (on clearing and grubbing); Floor Sanders - concrete; Hydraulic Jacks and similar mechanical tools not separately herein classified; Cement Dumpers (skip-type Mixer or handling bulk cement); Pipe Caulker and/or Backup Man (pipeline); Rigger/Signalman (pipeline); Pipe Wrapper; Cribber and Shorer (except tunnel); Pneumatic Gopher

Group 5: Grade Setter (pipeline); Driller; Jackhammer and/or Pavement Breakers; Pipe Layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock Slinger; Asphalt Rakers and Ironers; Air and water Wash-out Nozzleman; Scaler (using Bos'n's Chair or Safety Belt); Tampers (mechanical, all types); Hand-guided Trencher and similar operated equipment; Precast Manhole Erector

Group 6: Driller (Core, Diamond, Wagon or Air Track); Sandblaster (Nozzleman); Concrete Saw (hand-guided); Concrete Cutting Torch; Drill Doctor and/or Air Tool Repairman; Gunman and Mixerman (Gunite)

Group 7: Gunite Nozzleman or Rodman; Scaler (Drillers); Form Setter and/or Builder; Welders and/or Pipe Layers, installing process piping; Drillers, Joy Mustang, PR 143, 220 Gardener-Denver, Hydrasmnic; Powder Man

LABORERS (cont'd)
(Tunnel and Shaft Workers)

Group 1: Bull Gang, Muckers, Trackman; Dumpmen; Concrete Crew (includes Rodders and Spreaders); Grout Crew; Swamper (Brakeman and Switchmen on tunnel work); Change House Man

Group 2: Nipper; Chucktender, Cabletender; Vibratorman, Jackhammer, Pneumatic Tools (except Driller)

Group 3: Grout Gunman

Group 4: Timberman, Retimberman - wood or steel blaster, Driller, Powderman; Cherry Pickerman; Powderman - Primer House; Steel Form Raiser and Setter; Kemper and other pneumatic concrete placer Operator; Miner - Finisher; Miners - Tunnel (hand or machine)

Group 5: Diamond Drill

Group 5A: Shaft and Raise Miner Welder

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	N AREA	C and S AREAS				
Group 1	$12.24	$10.24	$1.25	$1.20		.08
Group 2	12.67	10.67	1.25	1.20		.08
Group 3	13.19	11.19	1.25	1.20		.08
Group 4	13.81	11.81	1.25	1.20		.08
Group 5	14.42	12.42	1.25	1.20		.08
Group 5A	14.78	12.78	1.25	1.20		.08
Group 6	15.16	13.16	1.25	1.20		.08
Group 7	15.86	13.86	1.25	1.20		.08

AREA DEFINITIONS

NORTHERN AREA:
Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line

CENTRAL and SOUTHERN AREAS:
All Areas not included in the Northern Area

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air Compressor Operator; Field Equipment Servicemen Tender; Heavy-duty Repair Tender; Heavy-duty Welder Tender; Oiler; Pump Operator

Group 2: Conveyor Operator; Generator Operator - portable; Power Grizzly Operator; Self-propelled Chip Spreading Machine - Conveyor Operator; Watch Fireman; Welding Machine Operator - gasoline and diesel power

Group 3: Concrete Mixer Operator - skip-type; Driver; Moto-paver, Slurry Seal Machine and similar type equipment; Dinky Operator (under 20 tons wt.); Motor Crane Driver; Power Sweeper Operator, self-propelled; Ross Carrier or Forklift Operator; Skip Loader Operator, all types with rated capacity 1½ cu. yds. or less; Wheel-type Tractor Operator (Ford, Ferguson, or similar type) with attachments such as Fresno, Push Blade, Post Hole Auger, Mover, etc. excluding compacting equipment

Group 4: A-Frame Boom Truck or Winch Truck Operator; Asphalt Plant Fireman; Elevator Hoist Operator (including Tuskey Hoist or similar type); Grade Checker (excluding Civil Engineer); Multiple power Concrete Saw Operator; Pavement Breaker; Mechanical Compactor Operator, power propelled; Roller Operator, all types, except as otherwise classified; Screed Operator; Self-propelled Chip Spreading Machine Operator (including Slurry Seal Machine Operator; Stationary Pipe Wrapping and Cleaning Machine Operator; Tugger Operator

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 5: Aggregate Plant Operator (including Crushing, Screening and Sand Plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Beltcrete Operator; Boring Machine Operator; Concrete Mechanical Tamping, Spreading or Finishing Machine (including Clary, Johnson or similar types); Concrete Pump Operators; Concrete Batch Plant Operator, all types and sizes; Conductor, Brakeman or Handler; Drilling Machine; Elevating Grader Operator, all types and sizes (except as otherwise classified); Highline Cableway Signalman; Field Equipment Serviceman; Kolman Belt Loader Operator or similar with belt width 48" or over; Locomotive Engineer (including Dinky, 20 tons wt. and over); Moto-paver and similar type equipment Operator; Operating Engineer Rigger; Pneumatic-tired Scraper Operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds.; Power Jumbo Form Setter Operator; Pressure Grout Machine Operator (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator, on all types asphalt pavement; Self-propelled Compactor, with blade; Skip Loader Operator, all types rated capacity, over 1½ but less than 4 cu. yds.; Slip Form Operator (power driven lifting device for concrete forms); Soil Cement Road Mixing Machine Operator, single pass type; Stationary Central Generating Plant Operator, rated 300 K. W. or more; Surface Heater and Planer Operator; Traveling Pipewrapping Machine Operator

Group 5A: Heavy-duty Mechanic and/or Welder; Pneumatic-tired Scraper, all sizes and types over 12 cu. yds. up to and including 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching Machine Operator

UMI 1 8 9 2 9 M Y 6 4 V

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Auto Grade Machine (CMI and similar equipment); Boring Machine Operator (including Mole, Badger and similar type); Concrete Mixer Operator, paving type, and Mobile Mixer; Concrete Pump Operator with boom attachment (truck mounted); Crane Operator, Crawler and pneumatic type, under 100 ton capacity MRC; Crawler type Tractor Operator, with boom attachment or slope bar; Derrick Operator; Forklift Operator for hoisting personnel; Grade-all Operator; Helicopter Hoist; Highline Cableway Operator (less than 20 tons rated capacity); Mass Excavator Operator (150 Bucyrus Erie and similar types); Mechanical Hoist Operator (two or more drums); Motor Grade Operator, any type power blade; Motor Grade Operator with elevating grader attachment; Mucking Machine Operator; Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tired Scraper Operator, all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds., MRC); Power driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator, all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Slip Form Paving Machine Operator (including Gunnert, Zimmerman and similar types); Specialized Power Digger Operator, attached to wheel-type Tractor; Tower Crane (or similar type) Operator; Tractor Operator (Pusher, Bulldozer, Scraper) (400 net horsepower and over); Tugger Operator (two or more); Universal Equipment Operator, Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 7: Crane Operator, Pneumatic or Crawler (100 ton hoisting capacity and over MRC rating); Helicopter Pilot, FAA qualified, when used in construction work; Highline Cableway Operator, over 20 ton rated capacity and using Traveling Head and Tail Tower; Remote-control Earth Moving Equipment Operator; Skip Loader Operator, all types with rated capacity of 8 cu. yds. or more; Universal Equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over

TRUCK DRIVERS

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	N AREA	C and S AREAS				
Group 1	$11.80	$9.80	$1.02	$1.20		.10
Group 2	11.95	9.95	1.02	1.20		.10
Group 3	12.20	10.20	1.02	1.20		.10
Group 4	12.61	10.61	1.02	1.20		.10
Group 5	12.79	10.79	1.02	1.20		.10
Group 5A	13.01	11.01	1.02	1.20		.10
Group 6	13.17	11.17	1.02	1.20		.10
Group 7	13.64	11.64	1.02	1.20		.10
Group 8	14.235	12.235	1.02	1.20		.10
Group 8A	14.99	12.99	1.02	1.20		.10
Group 8B	12.45	10.45	1.02	1.20		.10
Group 8C	14.63	12.63	1.02	1.20		.10

AREA DEFINITIONS

NORTHERN AREA:
Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line

CENTRAL and SOUTHERN AREAS:
All Areas not included in the Northern Area

TRUCK DRIVERS

Group 1: Teamsters; Pick-ups; Station Wagon; Man Haul Driver

SUPERSEDEAS DECISION

STATE: Minnesota COUNTY: Brown
DECISION NUMBER: MN81-2026 DATE: Date of Publication

TRUCK DRIVERS

Group 1: Teamsters; Pick-ups; Station Wagon; Man Haul Driver

Group 2: Dump or Flatrack (2 or 3 axle); Water Truck (under 2500 gallons); Buggymobile (1 cu. yd. or less); Bus Driver; Self-propelled Street Sweeper; Shop Greaser

Group 3: Dump or Flatrack (4 axle); Dumptor or Dumpster (less than 7 cu. yds.); Water Truck (2500 gallons but less than 4000 galloms); Tireman

Group 4: Dumptor or Dumpster (7 cu. yds. but less than 16 cu. yds.); Dump or Flatrack (5 axle); Water Truck (4000 gallons and over); Slurry type equipment Driver or Leverman; Vacuum Pump Truck Drivers; Flaherty Spreader or similar type equipment or Leverman; Transit Mix (8 cu. yds. or less mixer capacity); Warehouseman and/or Warehouse Clerk; Ambulance Driver

Group 5: Dump or Flatrack (6 axle); Transit Mix (over 8 cu. yds. but less than 10.5 cu. yds.); Rock Truck (i.e. Dart, Euclid and other similar type end Dumps, single unit) less than 16 cu. yds.

Group 5A: Oil Tanker or Spreader and/or Bootman, Retortman or Leverman

Group 6: Transit Mix (over 10.5 cu. yds. but less than 14 cu. yds. mixer capacity); Ross Carrier, Fork Lift or Lift Truck; Hydro Lift, Swedish Crane, Iowa 300 and similar types; Concrete Pump (when integral part of Transit Mix Truck); Dump or Flatrack (7 axle); Transport Driver (unless axle rating results in higher classification)

Group 7: Dump or Flatrack (8 axle)

Group 8: Off-highway equipment Driver including but not limited to: 2 or 4 wheel power unit, i.e. Cat, DW Series, Euclid, International and similar type equipment, transporting material when top loaded or by external means including pulling Water Tanks, Fuel Tanks or other applications under Teamster Classifications; Rock Trucks (Dart, Euclid, or other similar end dump types) 16 cu. yds. and over; Eject-alls; Dumptor or Dumpster (16 cu. yds. and over); Dump or Flatrack (9 axle)

Group 8A: Heavy-duty Mechanic/Welder; Body and Fender Man

Group 8B: Heavy-duty Mechanic/Welder Tender

Group 8C: Field Equipment Serviceman or Fuel Truck Drivers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Minnesota COUNTY: Brown
DECISION NUMBER: MN81-2026 DATE: Date of Publication
Supersedes Decision No. MN77-2040, dated April 22, 1977 in 42 FR 21027
DESCRIPTION OF WORK: Heavy & Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$11.37				
CEMENT MASONS	9.76				
LABORERS:					
Common	6.60				
Skilled	9.19				
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor					
Spreader	9.50				
Backhoe w/ Power Shovels	9.41				
Backhoe, Rubber Tired	11.06				
Front End Loader	9.83				
Grader Operator	8.25				
Mechanic	9.50				
Motor Patrol	8.23				
Oilers	9.14				
Roller, Finish	8.55				
Roller Operator	9.50				
Tractor w/ Powerstake	9.69				
Turnpull Operator	9.93				
TRUCK DRIVERS:					
Tandem Axle	8.03				
Truck Driver, 5 Axle	7.50				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Clarke, Jasper, Kemper, La Derdale, Leake, Neshoba, Newton, Scott, and Smith Counties

DECISION NUMBER: MS81-1238 DATE: Date of Publication
Supersedes Decision No.: MS81-1159, January 6, 1981, 46 FR 1528
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and apartments up to and including four stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
AIR CONDITIONING MECHANIC	$7.50				
BRICKLAYERS	7.50				
CARPENTERS	6.72				
CEMENT MASONS	6.00				
DRYWALL HANGERS	8.40				
DRYWALL FINISHERS	6.68				
ELECTRICIANS	7.10				
LABORERS	4.06				
PAINTERS, brush	5.55				
PLUMBERS & PIPEFITTERS	7.23				
POWER EQUIPMENT OPERATORS:					
Bulldozer	5.00				
Motor Grader	5.00				
ROOFERS	5.65				
SHEET METAL WORKERS	5.50				
SOFT FLOOR LAYERS	6.00				
TILE SETTERS	5.75				
TRUCK DRIVERS	4.06				
WELDERS - receive rate prescribed for craft to which it is incidental					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

[FR Doc. 81-15954 Filed 5-28-81; 8:45 am]
BILLING CODE 4510-27-C

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Alcorn, Itawamba, Lee, Pontotoc, Prentiss, Tippah, Tishomingo, Union

DECISION NUMBER: MS81-1237 DATE: Date of Publication
Supersedes Decision No.: MS81-1155, January 6, 1981 in 46 FR 1526
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
AIR CONDITIONING MECHANICS	$5.00				
BRICKLAYERS	6.91				
CARPENTERS	5.78				
CEMENT MASONS	5.44				
DRYWALL HANGERS	5.00				
DRYWALL FINISHERS	6.00				
ELECTRICIANS	6.48				
INSULATORS	7.00				
IRONWORKERS:					
Reinforcing	5.44				
Structural & Ornamental	5.00				
LABORERS:					
Mason tenders	3.92				
Mortar mixers	4.00				
Pipelayers	5.00				
Unskilled	3.81				
PAINTERS, brush	5.00				
PLASTERERS	7.93				
PLUMBERS & PIPEFITTERS	7.50				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.64				
Bulldozer	5.00				
Forklift	4.25				
Front end loader	4.38				
Roller	5.25				
ROOFERS	6.00				
SHEET METAL WORKERS	5.00				
SOFT FLOOR LAYERS	6.00				
TILE SETTERS	5.59				
TRUCK DRIVERS	4.50				
WELDERS - receive rate for craft					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

federal register

Friday
May 29, 1981

Part IV

Department of Commerce

Patent and Trademark Office

Rules of Practice in Patent Cases; Reexamination Proceedings

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

Rules of Practice in Patent Cases; Reexamination Proceedings

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office is amending its rules of practice in patent cases to provide procedures for the reexamination of patents. Public Law 96–517 amended the patent act to authorize reexamination proceedings as a means for improving the quality of United States patents. The Patent and Trademark Office intends, through this amendment of its rules, to provide patent owners and the public with guidance on the procedures the Office will follow in conducting reexamination proceedings.

DATE: Effective date: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. R. Franklin Burnett by telephone at (703) 557–3054 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: This rule change relates to a procedure for reexamination of patents as provided for in Public Law 96–517, section 1 of which relates to reexamination and becomes effective on July 1, 1981.

Background

A notice of proposed rulemaking was published in the **Federal Register** on January 13, 1981 at 46 FR 3162–3175 and in the *Official Gazette* on February 17, 1981 at 1003 O.G. 36–47.

The proposed rulemaking set forth two somewhat distinct procedures directed towards determining and improving the quality and reliability of United States patents. The procedures were (1) provisions for reexamination of patents as provided for in Pub. L. 96–517, section 1 of which relates to reexamination and becomes effective on July 1, 1981, and (2) provisions for inter partes protest proceedings in a patent application between the patent applicant and a member (or members) of the public who has (have) access to the application file.

An oral hearing was held on April 16, 1981. Fifty-nine written letters and statements were submitted. Nineteen persons testified at the oral hearing which resulted in 107 pages of testimony.

Discussion of General Issues Involved

After careful consideration of the comments which have been received, the part of the proposed rulemaking relating to reexamination of patents as set forth in new Chapter 30 which Pub. L. 96–517 added to Title 35 of the United States Code (35 U.S.C. 301–307) is being adopted with certain changes. The remainder of the proposal relating to inter partes protest proceedings is not being adopted.

The comments relating to the proposed rules for inter partes protest proceedings were generally mixed, with a majority of persons and associations submitting comments either opposed to these proposed rules or indicating that adoption of the proposed rules should be delayed or deferred for further study and consideration.

A number of comments were received requesting some further changes to the rules be made. The thrust of some of the suggested changes would be to remove public access to reissue applications and to limit public participation in the examination of reissue applications. The changes suggested included restoring the rules in these areas to essentially their pre-1977 form. In particular, it was suggested that § 1.175 be amended to eliminate paragraph (a)(4). These changes were not a part of the published proposal and are not being adopted at this time. Their consideration and adoption would require a new notice of proposed rulemaking.

Further, since the subject matter of reissue applications is already known to the public the necessity for maintaining them in confidence is not compelling. The elimination of paragraph (a)(4) of § 1.175 would not have a significant effect since less than one-fourth of the currently filed reissue applications are based solely upon the 1977 change to § 1.175. Under the present circumstances, it is more appropriate to defer any consideration of such changes until this issue has been reviewed further and possibly until some experience is gained under the rules adopted herein relating to reexamination. Such experience may indicate the desirability of either retaining the 1977 change to § 1.175, deleting the 1977 change, or making different changes in the rules.

The comments relating to reexamination were generally favorable with most of the comments indicating general approval of the proposed rules. Among the more often mentioned specific comments were suggestions relating to public notice of reexamination requests and/or orders. A number of comments also related to requester and/or third party participation in the reexamination proceeding and also to the scope of the proceeding.

After careful review of the comments and suggestions it has been decided to adopt the suggestions relating to the publication in the *Official Gazette* of requests for reexamination for which the fee has been paid. In addition, any reexaminations ordered at the initiative of the Commissioner will also be announced in the *Official Gazette*. The announcement will include at least the date of the request or any Commissioner initiated order, a reexamination request or order control number, the patent number, title, class and subclass, name of the inventor, name of the patent owner of record, and the examining group to which the reexamination is assigned.

The suggestions and comments relating to more participation in the reexamination proceeding by the requester and third parties have been adopted only to a limited degree. The requester will in general have only that participation provided by the rules as proposed. However, any citations under § 1.501 by any person will be entered in the patent file up until the date of an order to reexamine. The essentially ex parte nature of the proceeding is believed to be in keeping with the spirit and intent of the statute even though the statute does not require ex parte proceedings. Ex parte proceedings will minimize the costs and other effects of reexamination requests on patentees, especially individuals and small businesses.

The scope of the reexamination proceeding which was originally proposed has been essentially adopted in the final rules. The suggestions that the rules be broadened to include other issues have not been adopted since the other issues would unduly complicate the proceedings, raise the expense of the proceedings and raise questions whether such issues can be considered under Pub. L. 96–517.

Discussion of the Major Specific Issues Involved

The rules relating to reexamination proceedings are directed to the procedures set forth in new Chapter 30 of Title 35 of the United States Code (35 U.S.C. 301–307). This Chapter provides for the citation of prior art in patents, filing of requests for reexamination, decisions on such requests, reexamination and appeal from reexamination decisions, and the issuance of a certificate at the

termination of the reexamination proceedings.

Present §§ 1.1, 1.5, 1.11, 1.33, 1.34, 1.36, 1.104, 1.107, 1.109, 1.111, 1.112, 1.113, 1.115, 1.116, 1.121, 1.191, 1.192, 1.196, 1.197, 1.231, 1.248, 1.301, and 1.303 are amended to provide for reexamination procedures. A new "Subpart D—Reexamination of Patents" includes new §§ 1.501, 1.510, 1.515, 1.520, 1.525, 1.530, 1.535, 1.540, 1.550, 1.552, 1.555, 1.560, 1.565, and 1.570. Paragraph (b) of § 1.291, relating to prior art citations in patents, is deleted, since provisions therefor appear in § 1.501.

Section 1.1, as amended, provides for communications relating to reexamination proceedings to be marked "Box Reexam" to speed internal Office mail processing. No comments were received concerning this section. The proposal has been modified to indicate that only requests should be marked "Box Reexam".

Section 1.5, as amended, provides for all letters relating to a reexamination proceeding to be identified by patent number and a reexamination request control number. No comments were received concerning this section. Section 1.5 has been modified to also include reference to the Group Art Unit and the examiner, if known.

Section 1.11, as amended, provides for all papers made of record in reexamination proceedings to be open to inspection and copying by the public. Eighteen comments were received relating to publication of a notice in the *Official Gazette*. A new paragraph (c) has been added which provides for the publication of requests with sufficient fees paid and orders initiated by the Commissioner. Proposed paragraph "c" has been adopted as paragraph "d".

Section 1.33, as amended, has a new paragraph (c) relating to which address communications for the patent owner will be sent and who may sign papers filed. Four comments were received on this section relating to whom the mail should be addressed. One proposal, which suggested use of the current address of the attorney or agent of record, was adopted.

Section 1.34, as amended, provides for the appointment of an attorney or agent in a reexamination proceeding. Only one comment was received on this section which proposed a rule specifically allowing attorneys to file requests without identifying their clients. Since any person may request reexamination, such a rule is not felt necessary.

Section 1.36, as amended, provides for the revocation and withdrawal of powers of attorney in a reexamination proceeding. No comment was received. Section 1.36 is adopted as proposed with an additional change which added "or her" near the end.

Section 1.104, as amended, broadens the present section to also include reexamination. Three comments were received on § 1.104. All comments indicated that the examiner should not make a prior art search. Although no complete new search by the examiner is required, the use of patents and printed publications in addition to those submitted by the requester is clearly indicated in 35 U.S.C. 303(a). Accordingly, § 1.104 is adopted as proposed.

Section 1.107, as amended, provides for the citation of prior art by the examiner in a reexamination proceeding. The amended rule also refers to foreign published applications, as well as patents. No comments were received on this section. It is adopted as proposed.

Section 1.109, as amended, provides for the examiner to supply reasons for allowance in a reexamination proceeding if the examiner believes that the record does not make clear the reasons for allowing a claim or claims. No comments were received on this section. Except for a clarifying change in language, it is adopted as proposed.

Section 1.111, as amended, provides for replies by the patent owner in a reexamination proceeding. One comment was received which suggested a clarification. The suggestion was adopted. Other non-substantive changes have been made in the proposed section to shorten the sentences for clarity.

Section 1.112, as amended, provides for reexamination and reconsideration of the patent under reexamination after responses by the patent owner. Three comments were received on this section.

The wording has been changed as suggested to avoid any confusion between "reexamination" and "re-examine". The sentences have also been shortened for clarity.

Section 1.113, as amended, provides for a final rejection or action in a reexamination proceeding. One comment was received which pointed out a possible conflict between the amendment rights of section 305 and the final rejection of section 1.113. No problem is seen in this regard because of the provision of section 305 which states that "reexamination will be conducted according to the procedures established for initial examination." The section is adopted as proposed with the last sentence being divided into two sentences for clarity.

Section 1.115, as amended, provides for amendments by the patent owner in a reexamination proceeding. No comments were received concerning this section. The section is adopted as proposed with minor changes for clarity.

Section 1.116, as amended, provides for amendments after final action in reexamination proceedings. One comment was received which was the same as that mentioned and responded to in Section 1.113 above. The sentences have been shortened for clarity.

Section 1.121, as amended, contains a new paragraph (f) which requires a complete copy of any new or amended claim when presented during reexamination proceedings. Two persons commented on this section. One proposed side-by-side presentation of amended and original claims. The other proposed that exactly the same procedure be used as is now in effect for amending reissue claims. Neither suggestion was adopted since neither lends itself to printing only the amended claims in a certificate as easily as the procedure set forth in § 1.121(f). The proposed section was revised to also provide for the amendment of the description. In addition, the last three sentences of § 1.510(e) have been inserted as the last three sentences of § 1.121(f) in order to provide a more complete description therein of the manner of making amendments, including the numbering of claims, the restriction on scope of the claims and the prohibition against the introduction of new matter.

Section 1.191, as amended, provides for appeal to the Board of Appeals by the patent owner from any decision adverse to patentability, in accordance with 35 U.S.C. 306. One comment was received on proposed § 1.191 which urged that the requester should also be entitled to appeal. This proposal was not adopted because it is not provided for in the law and could result in harassment if permitted. The section is adopted as proposed except that "primary" contained in the existing rule is retained.

Section 1.192, as amended, provides two months from the date of the Notice of Appeal for the patent owner to file an appeal brief in a reexamination proceeding. Five comments were received relating to § 1.192 which proposed that the period for filing an appeal brief in a reexamination appeal be two months as in other appeals. The proposed rule has been adopted with the suggested two month period. The sentences have been shortened for clarity.

Section 1.196 and § 1.197 are being amended to refer to "appellants", which is a term which includes both applicants and patent owners.

These two sections were not published for comment, however, the issues involved were presented in proposed §§ 1.191 and 1.192. Paragraph (c) of § 1.197 has also been rewritten for clarity.

Section 1.231(a)(1), as amended, provides for a motion that a patent claim is unpatentable in an interference proceeding where reexamination thereof has also been requested.

Three comments were received concerning § 1.231. All comments related to when interference or reexamination proceedings would be suspended. Section 1.565 provides basis for such suspensions. Decisions will be made on a case by case basis, depending on the particular fact situation. The sentences in § 1.231(a)(1) have been shortened and rearranged for clarity.

An amendment was proposed to delete the last two sentences of § 1.247 relating to proof of service. No comments were received concerning this section but, on reconsideration, no need for such deletion is felt necessary and no change is being adopted.

Section 1.248, as amended, includes a new paragraph (b) relating to methods of serving papers and proof of service. No comments were received concerning this section. The section is adopted as proposed with minor changes for clarity and to conform to the Federal Rules of Civil Procedure.

Section 1.291, as amended, deletes paragraph (b). Former paragraph (b) dealt with the citation of prior art provisions. It was deleted since the provisions are now covered by § 1.501. Five persons commented on § 1.291. One comment relating to filing protests in reexamination proceedings was not adopted since such proceedings are ex parte in nature and are limited to consideration of prior art patents and printed publications cited by the public prior to the order. Two persons mentioned providing a procedure for citation of prior art by patentees. Citation of prior art by patentees is included in § 1.501. The two other comments related to the content of protest proceedings, which are not part of this final rule. Section 1.291 is adopted as proposed except that the paragraph designation of (c) is not being changed.

Section 1.301, as amended, provides for appeal by the owner of a patent in reexamination proceedings to the U.S. Court of Customs and Patent Appeals. Four comments were received relating to § 1.301. One person suggested the insertion of "any" as the fourth word in the section. This suggestion was adopted. The other three comments related to appeals in inter partes protest proceedings which are not a part of this promulgation. Section 1.301 is adopted as proposed with only the above mentioned change.

Section 1.303, as amended, provides for remedy by civil action under 35 U.S.C. 145 for the owner of a patent in reexamination proceedings. No comments were received concerning this section. The changes from the proposal are the insertion of "any" as the fourth word in the section as suggested in § 1.301 and the addition of ", 306" to the title.

New § 1.501 provides a system for citation of patents and printed publications to the Patent and Trademark Office for placement in the patent file by any person during the period of enforceability of the patent in accordance with 35 U.S.C. 301. Seventeen persons commented on § 1.501. Nine comments indicated that citations should be limited to patents or printed publications. Six comments indicated that persons citing art should be required to apply it to at least one claim. Three persons held the opposite view. The final rule wording provides for citations limited to patents and printed publications where the person making the citation states the pertinency and applicability of the citation to the patent and the bearing the citation has on the patentability of at least one claim of the patent. The final rule provides that a citation made by the patent owner may include an explanation of how the claims differ from the prior art cited. Any citations which include items other than patents and printed publications will not be entered in the patent file. This does not, of course, limit in any manner the kinds and types of information which can be relied upon in protests against pending patent applications, whether such be original applications or reissue applications. Four persons stated that a separate letter requesting confidentiality should be required in cases desiring confidentiality. This provision was not considered to be necessary. One comment requested clarification of the term "period of enforceability of a patent." The meaning of this term appears to be clear since it includes any period for which recovery can be had for infringement. Under usual circumstances, this would be the term of the patent plus the six years provided by 35 U.S.C. 286. Five comments were received relating to paragraph (c) concerning service of citations on the patent owner. The wording has been clarified. A suggestion was made that prior art copies and translations of non-English documents be required. This suggestion was not adopted since such documents are not absolutely essential until a request for reexamination has been filed. However, if the person citing the patents or printed publications desires that they be considered in any subsequent reexamination proceedings, copies and any necessary English translation should be included with the citation. A proposal was also made to charge a fee to prevent harassment. This proposal was not adopted since the mere citation of prior art is not considered to constitute harassment. A suggestion was made to change the title of the section. This suggestion was adopted in slightly modified form.

New § 1.510 sets forth procedures for any person to request reexamination in accordance with 35 U.S.C. 302. Paragraph (a) of new § 1.510 limits the period for such request to the period of enforceability of the patent for which the request is filed and requires payment of the fee for requesting reexamination. Paragraph (b) of new § 1.510 indicates what each request for reexamination must include. Paragraph (c) of new § 1.510 indicates under which conditions a request for reexamination will be considered. Paragraph (d) of new § 1.510 indicates the date on which the entire fee is received will be considered to be the date of the request for reexamination. Upon reconsideration of the paragraph as proposed, it was considered more appropriate to base the filing date of the request for reexamination on the receipt of the fee for requesting reexamination rather than include other matters. Proposed paragraph (d) has been amended accordingly and is adopted. Paragraph (e) of new § 1.510 covers amendments which a patent owner can propose. Such amendments can accompany a request for reexamination by the patent owner. The paragraph, with changes in wording for clarity, is adopted as proposed. A new paragraph (f) was added to clarify that requests for reexamination may be filed by attorneys or agents on behalf of a requester. Nineteen persons commented on § 1.510. One person inquired as to whether confidential requests would be accepted. In response thereto, § 1.510 provides that any person may file a request for reexamination. That person's name will not be maintained in confidence. One suggestion was made to permit comment and rebuttal before the decision under § 1.515. No need for such a procedure is seen since the only question to be considered is whether or not a substantial new question of patentability has been raised. An

opportunity for comment and rebuttal is provided after the issuance of the order. One comment was received which desired provision for supplemental requests at a reduced fee. This proposal was not adopted since it is felt that all requesters should share equally in the cost. One comment was received which proposed that duplicate copies of the request be filed in the Office so that one copy would be available for public inspection at all times. This proposal was not adopted since it would appear to create more problems than it would solve. One comment was received that only "readily available" translations should be required. It is felt that if a document is considered to be sufficiently pertinent to request reexamination, that an English translation should be provided to insure complete and proper consideration. A suggestion was made relating to paragraph (b)(5) that direct service be limited to registered patent attorneys. No need for such a restriction is seen. Various other comments relating to procedures were considered but were not adopted.

New § 1.515 relates to a determination as to whether the request has presented a substantial new question of patentability under 35 U.S.C. 303. Paragraph (a) of new § 1.515 requires that the determination be made within 3 months of the filing date of the request. Paragraph (b) of new § 1.515 refers to the refund provisions. Paragraph (c) of new § 1.515 provides for review by petition to the Commissioner of any decision refusing reexamination. Seven persons commented on § 1.515. Several comments were received suggesting that the term "reexamination" should be dropped before "examiner". This proposal was adopted. Several persons requested that all art cited in the patent file at the time of the order under § 1.525 be considered when deciding whether a substantial new question of patentability is presented in the request. This is possible under the provision of § 1.515(a) which permits "consideration of other patents or printed publications", but is not required insofar as prior art not relied upon in the request is concerned. One person suggested that "is" be changed to—affirms—in paragraph (c). This proposal has been adopted. One commentor questioned whether a right to review was available under paragraph (c) if reexamination was ordered. No right to review exists in such a case because all claims will be reviewed in view of all prior art during the reexamination under § 1.550.

New § 1.520 provides for reexamination at the initiative of the Commissioner under the provisions of the last sentence of paragraph (a) of 35 U.S.C. 303. Six persons commented on § 1.520. One comment was received that indicated that the section did not include a reference to patents "discovered by the Commissioner" which is contained in 35 U.S.C. 303(a). This phrase has been added to the rule. A request was made that the sentence "Normally requests from outside—will not be considered." be deleted from the rule. The sentence is being retained since the rule wording provides an easy reference for Office policy. Two comments were received that indicated a desire to have any decisions not to reexamine in Commissioner initiated situations be made part of the patent file. This proposal was not adopted since the basis for not reexamining may involve many policy issues in addition to whether a substantial new question of patentability exists in the case. If all papers in such a case would be made part of a file, it may lead to conclusions that there are no new questions of patentability when this question may not have been addressed because the reexamination was not ordered for other reasons such as little or no interest in a patent about to expire. One comment stated that the section safeguards the rights of the patentee. The language referring to the designation and delegation of authority to appropriate Patent and Trademark Office officials is deleted as unnecessary since the Commissioner's authority to designate and delegate is implicit and understood.

New § 1.525 provides for ordering reexamination where a substantial new question of patentability has been found pursuant to §§ 1.515 or 1.520. Six comments were received relating to § 1.525. One comment was made that the attorney should be able to return notices to the sender if he is unable to contact the patent owner. This topic has not been added to the rules but will be handled on a case by case basis. One comment requested that the patent owner have the option to request that the reexamination be performed by an examiner (1) other than the original examiner, or (2) other than the examiner who issued the order. Comments were also received on both sides of the question as to whether the original examiner should conduct the reexamination. In response, it would appear to be inappropriate to allow an interested party to select the examiner. Under the section, the only limitation placed on the selection of the examiner by the Office is that the same examiner whose decision was reversed on petition ordinarily will not conduct the reexamination. Paragraph (b) has been changed to provide that the notices published in the *Official Gazette* will be considered to be constructive notice.

New § 1.530 relates to the statement and proposed amendments provided for in the second sentence of 35 U.S.C. 304. Amendments submitted by the patent owner cannot enlarge the scope of a claim in the patent. Amendments will not be effectively entered into the patent until the certificate under § 1.570 and 35 U.S.C. 307 is issued. Nine comments were received on § 1.530. Several persons felt that the patent owner should be allowed to comment before the decision under § 1.515 is made. Providing for such a comment would delay the decision under § 1.515 which must be made within three months following the filing date of the request. Further, no need is seen for a statement relating to whether a new question of patentability is present since the patent owner has the opportunity to address any issues of patentability only after the first Office action. One comment questioned whether paragraph (d) also related to the description. This paragraph has been amended to clarify the matter. One person questioned whether an amendment could be filed with a statement. Paragraph (b) clearly answers this question in the affirmative. Several comments requested more time than two months for the patent owner to file a statement. In reply, the law in section 304 indicates that a reasonable period of not less than two months be provided for the patent owner's statement. If the period is too short in particular situations, extensions of time can be requested. It is felt that two months should be retained in the rule in view of the "Special Dispatch" required in reexamination cases. The proposed second sentence of paragraph (b) has not been adopted since § 1.525(b) now provides for the publication of notices of the filing of all requests which are accompanied by the proper fee.

New § 1.535 provides for reply by the reexamination requester to the statement under § 1.530 of the patent owner and for service on the patent owner of any such reply. The last sentence of proposed § 1.540 has been added as the last sentence of § 1.535. Five persons commented on § 1.535. Four persons indicated that the requester should be given additional opportunity to comment. The reasons for the limited participation are that it is all that is required under the law, it prevents to a great degree, harassment of a patent owner, it results in a less expensive proceeding for all parties, and

it results in an earlier conclusion of the proceedings.

New § 1.540 relates to the consideration of statements under § 1.530 and replies under § 1.535. One comment was received that the phrase "may result in their being refused" was worded too loosely. In the absence of any specific suggestion, the proposed wording is considered to be adequate and is adopted as proposed. In addition, it is appropriate that the Office retain discretion as to consideration in such cases.

New § 1.550 covers the basic items relating to the conduct of reexamination proceedings. These proceedings basically follow the same procedures used for examining patent applications. The patent owner will be required to serve the reexamination requester with any response by the patent owner to the Office, in order to remove the necessity of the requester having to continuously monitor the file wrapper. Fourteen persons commented on § 1.550.

Several persons commented that they felt that at least some input by third parties should be permitted. Paragraph (e) has been revised to permit third party input up until the time of the order. Several comments were received that the periods for response should be extended to be similar to those in regular application Office actions. Although problems may arise in certain cases and extensions of time may be granted, it is felt that relatively short response times are necessary in order to process reexaminations with "special dispatch". A question was raised as to the effect of failure to respond to an Office action. Paragraph (d) has been amended to clarify this matter.

New § 1.552 covers the scope of reexamination in a reexamination proceeding. While it is not intended that the examiners will routinely complete a new search when conducting reexamination, the examiners will be free to, and will, very likely, conduct additional searches and cite and apply additional prior patents and publications when they consider it is appropriate and beneficial to do so. Insofar as the actual reexamination is concerned, the examination as to original patent claims is only on the basis of patents or printed publications. However, narrowed amended claims or new claims limited to the original disclosure will also be examined for compliance with other sections of the statute (35 U.S.C. 112 and 132) which are necessary in order to ensure that any amended or new claims are supported, valid, and do not introduce new matter. New § 1.552 also provides that questions relating to matters other than those identified in paragraphs (a) and (b) of the section would merely be noted by the examiner as being an open question in the record. Patent owners could then file a reissue application if they wish such questions to be revolved. Ten persons commented on § 1.552. Several persons commented that the question of fraud should be considered in reexamination proceedings. Comments were also received that the proceedings should be limited to patents and printed publications. The rules have been written to follow the statute which speaks only to reexamination based on patents and printed publications. Mixed comments were also received concerning the retention of the second sentence of paragraph (c). The paragraph is being adopted as proposed with the addition of a reference to the fact that the examiner will note the existence of unresolved questions in an Office action. In addition, the phrase "raised or" has been deleted from paragraph (c) as unnecessary.

New § 1.555 covers the duty of disclosure by a patent owner in a reexamination proceeding involving the owner's patent. Nine persons commented on § 1.555. Four persons supported placing a duty of disclosure on the patent owner. One comment was received that an oath or declaration be required of the patent owner in a reexamination so as to minimize the appearance and occurrence of any fraudulent acts and to emphasize the patentee's obligation of candor. While the suggestion for an oath or declaration has not been adopted, § 1.555 does place an obligation of candor on the patent owner insofar as bringing patents or printed publications to the attention of the Office is concerned. The necessity for an oath or declaration in addition to the obligation placed on the patent owner by § 1.555 is not apparent at this time. Accordingly, the suggestion has not been adopted. Two persons felt the duty of disclosure should apply to both the patent owner and requester. This proposal was not adopted since no sanction could be easily applied against the requester who violated such a rule. One person suggested broadening the duty requirements to include information in addition to patents and printed publications. Although such a practice may be desirable, no need is seen to require information under the reexamination rules which cannot be used during the reexamination. One person felt that there should be no duty of disclosure requirement in reexamination proceedings since the Office will be considering specific prior art and the presence or absence of other prior art does not seem terribly relevant. This suggestion was not adopted since the issue of patentability is not limited to the specific prior art presented and the duty to disclose is consistent with current practice under § 1.56. The section is adopted as proposed except for the indication that prior art statements should be filed in accordance with § 1.98. Also, the section has been divided into two sentences for clarity.

New § 1.560 relates to the conduct of interviews in reexamination proceedings. Seven comments were received directed to § 1.560. One comment requested elimination of interviews. This suggestion was not adopted since interviews have been found to be very helpful in resolving issues. Five comments were received which indicated that the requester should be permitted to attend all interviews. This suggestion was not adopted because of the otherwise ex parte nature of the examination. Two comments were received which indicated that interviews should be permitted before the first Office action. This suggestion was not adopted since such interviews would be held at a time when the Office has not yet taken a position on the allowability of the claims under reexamination. Section 1.560 is adopted as proposed.

New § 1.565 provides for the Commisioner to determine which, if any, proceedings should be stayed, consolidated, or suspended, if concurrent proceedings involving the patent under reexamination are instituted or in progress. Four comments were received concerning § 1.565. One comment pointed out the desirability of combining copending reexamination proceedings. This concept has been accepted and a new paragraph (c) has been added to cover this matter. Two comments voiced concern over the possibility of delay resulting from stayed, suspended or combined cases. Although some delay may result, it is felt that a resolution of all issues should occur at an earlier date. Decisions as to whether to delay or combine cases will be made on a case by case basis to minimize delays and to protect the interests of all parties concerned. One comment was made to allow the patent owner to comment prior to any decision to stay proceedings by the Commissioner. The desirability of such comment will be decided on a case by case basis and is not considered desirable for placement in the rules. The addition of paragraph (c) and the insertion of "is or" before "becomes" in

the first sentence of paragraph (b) are the only changes from the proposed rule.

New § 1.570 concerns the issuance of the reexamination certificate under 35 U.S.C. 307 after conclusion of reexamination proceedings. The certificate will cancel any patent claims determined to be unpatentable, confirm any patenf claims determined to be patentable, and incorporate into the patent any amended or new claim determined to be patentable. Three commentors mentioned § 1.570. Two persons questioned the satutory authority for paragraph (d). In response to the concern for statutory authority, it is the position of the Office that once all of the claims have been canceled from the patent, the patent ceases to be enforceable for any purpose. Accordingly, any pending reissue or other Office proceeding relating to a patent in which such a certificate has been issued will be terminated. This provides a degree of assurance to the public that patents with all the claims canceled via reexamination proceedings will not again be asserted. One commentor indicated that copies of the certificate should be part of subsequently sold copies of the patent. Such a practice is intended but is not being made part of the regulations.

Environmental, energy, and other consideration: The rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96–354).

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291.

Amendment of Regulations

For the reasons set out in the preamble and under the authority given to the Commissioner of Patents and Trademarks by 35 U.S.C. 6, Part I of Title 37 CFR is amended as set forth below.

1. Section 1.1 is revised to read as follows:

§ 1.1 All communications to be addressed to Commissioner of Patents and Trademarks.

(a) All letters and other communications intended for the Patent and Trademark Office must be addressed to "Commissioner of Patents and Trademarks," Washington, D.C. 20231. When appropriate, a letter should also be marked for the attention of a particular officer or individual.

(b) Letters and other communications relating to international applications during the international stage and prior to the assignment of a national serial number should be additionally marked "Box PCT."

(c) Requests for reexamination should be additionally marked "Box Reexam."

Note.— §§ 1.1 to 1.26 are applicable to trademark cases as well as to national and international patent cases except for provisions specifically directed to patent cases. See § 1.9 for definitions of "national application" and "international application." (Pub. L. 94–131, 89 Stat. 685)

2. Section 1.5 is amended by adding a new paragraph (d) to read as follows:

§ 1.5 Identification of application, patent or registration.

* * * * *

(d) A letter relating to a reexamination proceeding should identify it as such by the number of the patent undergoing reexamination, the reexamination request control number assigned to such proceeding and, if known, the group art unit and name of the examiner to which it has been assigned.

3. Section 1.11 is amended by adding new paragraphs (c) and (d) to read as follows:

§ 1.11 Files open to the public.

* * * * *

(c) All requests for reexamination for which the fee under § 1.21 (x) has been paid, will be announced in the *Official Gazette*. Any reexaminations at the initiative of the Commissioner pursuant to § 1.520 will also be announced in the *Official Gazette*. The announcement shall include at least the date of the request, if any, the reexamination request control number or the Commissioner initiated order control number, patent number, title, class and subclass, name of the inventor, name of the patent owner of record, and the examining group to which the reexamination is assigned.

(d) All papers or copies thereof relating to a reexamination proceeding which have been entered of record in the patent or reexamination file are open to inspection by the general public, and copies may be furnished upon paying the fee therefor.

4. Section 1.33 is amended by revising the heading and adding a new paragraph (c) to read as follows:

§ 1.33 Correspondence respecting patent applications, reexamination proceedings, and other proceedings.

* * * * *

(c) All notices, official letters, and other communications for the patent owner or owners in a reexamination proceeding will be directed to the attorney or agent of record (see § 1.34(b)) in the patent file at the address listed on the register of patent attorneys and agents maintained pursuant to §§ 1.341 and 1.347 or, if no attorney or agent is of record, to the patent owner or owners at the address or addresses of record. Amendments and other papers filed in a reexamination proceeding on behalf of the patent owner must be signed by the patent owner, or if there is more than one owner by all the owners, or by an attorney or agent of record in the patent file, or by a registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a). Double correspondence with the patent owner or owners and the patent owner's attorney or agent, or with more than one attorney or agent, will not be undertaken. If more than one attorney or agent is of record and a correspondence address has not been specified, correspondence will be held with the last attorney or agent made of record.

5. Section 1.34 is revised to read as follows:

§ 1.34 Recognition for representation.

(a) When a registered attorney or agent acting in a representative capacity appears in person or signs a paper in practice before the Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the Patent and Trademark Office that under the provisions of this part and the law, he or she is authorized to represent the particular party in whose behalf he or she acts. In filing such a paper, the attorney or agent should specify his or her registration number with his or her signature. Further proof of authority to act in a representative capacity may be required.

(b) When an attorney or agent shall have filed his or her power of attorney, or authorization, duly executed by the person or persons entitled to prosecute an application or a patent involved in a reexamination proceeding, he or she is a principal attorney of record in the case. A principal attorney or agent, so appointed, may appoint an associate attorney or agent who shall also then be of record.

6. Section 1.36 is revised to read as follows:

§ 1.36 Revocation of power of attorney or authorization; withdrawal of attorney or agent.

A power of attorney or authorization of agent may be revoked at any stage in the proceedings of a case, and an attorney or agent may withdraw, upon application to and approval by the Commissioner. An attorney or agent, except an associate attorney or agent whose address is the same as that of the principal attorney or agent, will be notified of the revocation of his or her power of attorney or authorization, and the applicant or patent owner will be notified of the withdrawal of the attorney or agent. An assignment will not of itself operate as a revocation of a power or authorization previously given, but the assignee of the entire interest may revoke previous powers and be represented by an attorney or agent of his or her own selection.

7. In § 1.104, paragraphs (a) and (b) are revised to read as follows:

§ 1.104 Nature of examination; examiner's action.

(a) On taking up an application for examination or a patent in a reexamination proceeding, the examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the claimed invention. The examination shall be complete with respect both to compliance of the application or patent under reexamination with the applicable statutes and rules and to the patentability of the invention as claimed, as well as with respect to matters of form, unless otherwise indicated.

(b) The applicant, or in the case of a reexamination proceeding, both the patent owner and the requester, will be notified of the examiner's action. The reasons for any adverse action or any objection or requirement will be stated and such information or references will be given as may be useful in aiding the applicant, or in the case of a reexamination proceeding the patent owner, to judge the propriety of continuing the prosecution.

* * * * *

8. Section 1.107 is revised to read as follows:

§ 1.107 Citation of references.

(a) If domestic patents are cited by the examiner, their numbers and dates, and the names of the patentees, and the classes of inventions must be stated. If foreign published applications or patents are cited, their nationality or country, numbers and dates, and the names of the patentees must be stated, and such other data must be furnished as may be necessary to enable the applicant, or in the case of a reexamination proceeding, the patent owner, to identify the published applications or patents cited. In citing foreign published applications or patents, in case only a part of the document is involved, sthe particular pages and sheets containing the parts relied upon must be identified. If printed publications are cited, the author (if any), title, date, pages or plates, and place of publication, or place where a copy can be found, shall be given.

(b) When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

9. Section 1.109 is revised to read as follows:

§ 1.109 Reasons for allowance.

If the examiner believes that the record of the prosecution as a whole does not make clear his or her reasons for allowing a claim or claims, the examiner may set forth such reasoning. The reasons shall be incorporated into an Office action rejecting other claims of the application or patent under reexamination or be the subject of a separate communication to the applicant or patent owner. The applicant or patent owner may file a statement commenting on the reasons for allowance within such time as may be specified by the examiner. Failure to file such a statement shall not give rise to any implication that the applicant or patent owner agrees with or acquiesces in the reasoning of the examiner.

10. Section 1.111 is revised to read as follows:

§ 1.111 Reply by applicant or patent owner.

(a) After the Office action, if adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must reply thereto and may request reconsideration or further examination, with or without amendment.

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must make request therefor in writing. The reply by the applicant or patent owner must distinctly and specifically point out the supposed errors in the examiner's action and must respond to every ground of objection and rejection in the prior Office action. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the case to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

(c) In amending in response to a rejection of claims in an application or patent undergoing reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. (See §§ 1.135 and 1.136 for time for reply.)

11. Section 1.112 is revised to read as follows:

§ 1.112 Reconsideration.

After response by applicant or patent owner (§ 1.111), the application or patent under reexamination will be reconsidered and again examined. The applicant or patent owner will be notified if claims are rejected, or objections or requirements made, in the same manner as after the first examination. Applicant or patent owner may respond to such Office action in the same manner provided in § 1.111, with or without amendment. Any amendments after the second Office action must ordinarily be restricted to the rejection or to the objections or requirements made. The application or patent under reexamination will be again considered, and so on repeatedly, unless the examiner has indicated that the action is final.

12. Section 1.113 is amended by revising paragraph (a) to read as follows:

§ 1.113 Final rejection or action.

(a) On the second or any subsequent examination or consideration the rejection or other action may be made final, whereupon applicant's or patent owner's response is limited to appeal in the case of rejection of any claim (§ 1.191), or to amendment as specified in § 1.116. Petition may be taken to the Commissioner in the case of objections

or requirements not involved in the rejection of any claim (§ 1.181). Response to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the response to a final rejection or action must comply with any requirements or objection as to form.

* * * * *

13. Section 1.115 is revised to read as follows:

§ 1.115 Amendment.

The applicant may amend before or after the first examination and action and also after the second or subsequent examination or reconsideration as specified in § 1.112 or when and as specifically required by the examiner. The patent owner may amend in accordance with §§ 1.510(e) and 1.530(b) prior to reexamination, and during reexamination proceedings in accordance with § §1.112 and 1.116.

14. Section 1.116 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1.116 Amendments after final action.

(a) After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made. Amendments presenting rejected claims in better form for consideration on appeal may be admitted. The admission of, or refusal to admit, any amendment after final rejection, and any proceedings relative thereto, shall not operate to relieve the application or patent under reexamination from its condition as subject to appeal or to save the application from abandonment under § 1.135.

(b) If amendments touching the merits of the application or patent under reexamination are presented after final rejection, or after appeal has been taken, or when such amendment might not otherwise be proper, they may be admitted upon a showing of good and sufficient reasons why they are necessary and were not earlier presented.

* * * * *

15. Section 1.121 is amended by adding a new paragraph (f) to read as follows:

§ 1.121 Manner of making amendments.

* * * * *

(f) Proposed amendments presented in patents involved in reexamination proceedings must be presented in the form of a full copy of the text of (1) each claim which is amended and (2) each paragraph of the description which is amended. Matter deleted from the patent shall be placed between brackets and matter added shall be underlined. Copies of the printed claims from the patent may be used with any additions being indicated by carets and deleted material being placed between brackets. Claims must not be renumbered and the numbering of the claims added for reexamination must follow the number of the highest numbered patent claim. No amendment may enlarge the scope of the claims of the patent. No new matter may be introduced into the patent.

16. Section 1.191 is revised to read as follows:

§ 1.191 Appeal to Board of Appeals.

(a) Every applicant for a patent or for reissue of a patent, or every owner of a patent under reexamination, any of the claims of which have been twice rejected, or who has been given a final rejection (§ 1.113), may, upon the payment of the fee required by law, appeal from the decision of the primary examiner to the Board of Appeals within the time allowed for response.

(b) The appeal in an application must identify the rejected claim or claims appealed, and must be signed by the applicant or duly authorized attorney or agent. An appeal in a reexamination proceeding must identify the rejected claim or claims appealed, and must be signed by the patent owner or duly authorized attorney or agent.

(c) Except as otherwise provided by § 1.206, an appeal when taken must be taken from the rejection of all claims under rejection which the applicant or patent owner proposes to contest. Questions relating to matters not affecting the merits of the invention may be required to be settled before an appeal can be considered.

17. Section 1.192 is amended by revising paragraph (a) to read as follows:

§ 1.192 Appellant's brief.

(a) The appellant shall, within 2 months from the date of the notice of appeal under § 1.191 in an application, reissue application, or patent under reexamination, or within the time allowed for response to the action appealed from, if such time is later, file a brief in triplicate. The brief must be accompanied by the requisite fee and must set forth the authorities and arguments on which the appellant will rely to maintain the appeal. The brief must include a concise explanation of the invention which should refer to the drawing by reference characters, and a copy of the claims involved. Appellant must also indicate at the time of filing the brief if an oral hearing is desired. Upon a showing of sufficient cause, the commissioner may grant extensions of time for filing the brief. The determination of such requests may be delegated by the Commissioner to appropriate Patent and Trademark Office officials. All requests for extensions must be filed prior to the expiration of the period sought to be extended. The filing of a request for extension of time does not stay any period unless and until granted.

* * * * *

18. Section 1.196 is amended by revising paragraphs (b), (c) and (d) to read as follows:

§ 1.196 Decision by the Board of Appeals.

* * * * *

(b) Should the Board of Appeals have knowledge of any grounds not involved in the appeal for rejecting any appealed claim, it may include in the decision a statement to that effect with its reasons for so holding, which statement shall constitute a rejection of the claims. The appellant may submit an appropriate amendment of the claims so rejected or a showing of facts, or both, and have the matter reconsidered by the primary examiner. The statement shall be binding upon the primary examiner unless an amendment or showing of facts not previously of record be made which, in the opinion of the primary examiner, avoids the additional ground for rejection stated in the decision. The appellant may waive such reconsideration before the primary examiner and have the case reconsidered by the Board of Appeals upon the same record before them. Where request for such reconsideration is made the Board of Appeals shall, if necessary, render a new decision which shall include all grounds upon which a patent is refused. The appellant may waive reconsideration by the Board of Appeals and treat the decision, including the added grounds for rejection given by the Board of Appeals, as a final decision in the case.

(c) Should the decision of the Board of Appeals include an explicit statement that a claim may be allowed in amended form, appellant shall have the right to amend in conformity with such statement, which shall be binding on the primary examiner in the absence of new references or grounds of rejection.

(d) Although the Board of Appeals normally will confine its decision to a review of rejections made by the primary examiner, should it have knowledge of any grounds for rejecting any allowed claim that it believes should be considered, it may include in its decision a statement to that effect and remand the case to the primary

examiner for consideration thereof. In such event, the Board shall set a period, not less than one month, within which the appellant may submit to the primary examiner an appropriate amendment, or a showing of facts or reasons, or both, in order to avoid the grounds set forth in the statement of the Board of Appeals. If the primary examiner rejects the previously allowed claim or claims on the basis of such statement, the appellant may appeal to the Board of appeals from the rejection. Whenever a decision of the Board of Appeals includes a remand, that decision shall not be considered as a final decision in the case, but the Board of Appeals shall, upon conclusion of the proceedings before the primary examiner on remand, either adopt its decision as final or render a new decision on all of the claims on appeal, as it may deem appropriate.

19. Section 1.197 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1.197 Action following decision.

(a) After decision by the Board of Appeals, the case shall be returned to the primary examiner, subject to the appellant's right of appeal or other review, for such further action by the appellant or by the primary examiner, as the condition of the case may require, to carry into effect the decision.

* * * * *

(c) Proceedings are considered terminated by the dismissal of an appeal or the failure to timely file an appeal to the court or a civil action (§ 1.304) except (1) where claims stand allowed in an application or (2) where the nature of the decision requires further action by the examiner. In such cases, the date of termination of proceedings is the date on which the appeal is dismissed or the date on which the time for appeal to the court or review by civil action (§ 1.304) expires. If an appeal to the court or a civil action has been filed, proceedings are similarly considered terminated when the appeal or civil action is terminated.

20. Section 1.231 is amended by revising paragraph (a)(1) to read as follows:

§ 1.231 Motions before the primary examiner.

(a) Within the period set in the notice of interference for filing motions any party to an interference may file a motion seeking:

(1) To dissolve as to one or more counts, except that such motion based on facts sought to be established by affidavits, declarations or evidence outside of official records and printed publications will not normally be considered. A motion to dissolve an interference in which a patentee is a party on the ground that the claims corresponding to the counts are unpatentable to the patentee over patents or printed publications will be considered through reexamination if it complies with the requirements of § 1.510(b) and is accompanied by the fee for requesting reexamination set in § 1.21(x). Otherwise, a motion to dissolve an interference in which a patentee is a party will not be considered if it would necessarily result in the conclusion that the claims of the patent which correspond to the counts are unpatentable to the patentee on a ground which is not ancillary to priority. Where a motion to dissolve is based on prior art, service on opposing parties must include copies of such prior art. A motion to dissolve on the ground that there is no interference in fact will not be considered unless the interference involves a design or plant patent or application or unless it relates to a count which differs from the corresponding claim of an involved patent or of one or more of the involved applications as provided in §§ 1.203(a) and 1.205(a).

* * * * *

21. Section 1.248 is revised to read as follows:

§ 1.248 Service of papers; manner of service; proof of service.

(a) Service of papers must be on the attorney or agent of the party if there be such or on the party if there is no attorney or agent, and may be made in any of the following ways:

(1) By delivering a copy of the paper to the person served;

(2) By leaving a copy at the usual place of business of the person served with someone in his employment;

(3) When the person served has no usual place of business, by leaving a copy at the person's residence, with some person of suitable age and discretion who resides there;

(4) Transmission by first class mail. When service is by mail the date of mailing will be regarded as the date of service.

(5) Whenever it shall be satisfactorily shown to the Commissioner that none of the above modes of obtaining or serving the paper is practicable, service may be by notice published in the *Official Gazette*.

(b) Papers filed in the Patent and Trademark Office which are required to be served shall contain proof of service. Proof of service may appear on or be affixed to papers filed. Proof of service shall include the date and manner of service. In the case of personal service, proof of service shall also include the name of any person served, certified by the person who made service. Proof of service may be made by (1) an acknowledgement of service by or on behalf of the person served or (2) a statement signed by the attorney or agent containing the information required by this section.

22. Section 1.291 is amended by revising the title, removing and reserving paragraph (b) and revising paragraph (c) to read as follows:

§ 1.291 Protests by public.

* * * * *

(b) (Reserved)

(c) Protests by the public and any accompanying papers should either (1) reflect that a copy of the same has been served upon the applicant in accordance with § 1.248 or (2) be filed with the Office in duplicate in the event service is not possible.

23. Section 1.301 is revised to read as follows:

§ 1.301 Appeal to U.S. Court of Customs and Patent Appeals.

Any applicant or any owner of a patent involved in a reexamination proceeding dissatisfied with the decision of the Board of Appeals, and any party to an interference dissatisfied with the decision of the Board of Patent Interferences, may appeal to the U.S. Court of Customs and Patent Appeals. The appellant must take the following steps in such an appeal: (a) In the Patent and Trademark Office give notice to the Commissioner and file the reasons of appeal (see §§ 1.302 and 1.304); (b) in the court, file a petition of appeal and a certified transcript of the record within a specified time after filing the reasons of appeal, and pay the fee for appeal, as provided by the rules of the court. The transcript will be transmitted to the Court by the Patent and Trademark Office on order of and at the expense of the appellant. Such order should be filed with the notice of appeal, but in no case should it be filed later than 15 days thereafter.

24. Section 1.303 is revised to read as follows:

§ 1.303 Civil action under 35 U.S.C. 145, 146, 306.

(a) Any applicant or any owner of a patent involved in a reexamination proceeding dissatisfied with the decision of the Board of Appeals, and any party dissatisfied with the decision of the Board of Patent Interferences, may, instead of appealing to the U.S. Court of Customs and Patent Appeals (§ 1.301), have remedy by civil action under 35 U.S.C. 145 or 146, as

appropriate. Such civil action must be commenced within the time specified in § 1.304.

(b) If an applicant in an ex parte case or an owner of a patent involved in a reexamination proceeding has taken an appeal to the U.S. Court of Customs and Patent Appeals, he or she thereby waives his or her right to proceed under 35 U.S.C. 145.

(c) If a defeated party to an interference proceeding has taken an appeal to the U.S. Court of Customs and Patent Appeals, and any adverse party to the interference shall, within twenty days after the appellant shall have filed notice of the appeal to the court (§ 1.302), file notice with the Commissioner that he or she elects to have all further proceedings conducted as provided in 35 U.S.C. 146, certified copies of such notices will be transmitted to the U.S. Court of Customs and Patent Appeals for such action as may be necessary. The notice of election must be served as provided in § 1.248.

25. A new "Subpart D—Reexamination of Patents" is added to read as follows:

Subpart D—Reexamination of Patents

Citation of Prior Art

Sec.

1.501 Citation of prior art in patent files.

Request for Reexamination

1.510 Request for reexamination.
1.515 Determination of the request for reexamination.
1.520 Reexamination at the initiative of the Commissioner.

Reexamination

1.525 Order to reexamine.
1.530 Statement and amendment by patent owner.
1.535 Reply by requester.
1.540 Consideration of responses.
1.550 Conduct of reexamination proceedings.
1.552 Scope of reexamination in reexamination proceedings.
1.555 Duty of disclosure in reexamination proceedings.
1.560 Interviews in reexamination proceedings.
1.565 Concurrent Office proceedings.

Certificate

1.570 Issuance of reexamination certificate after reexamination proceedings.

Subpart D—Reexamination of Patents

Citation of Prior Art

§ 1.501 Citation of prior art in patent files.

(a) At any time during the period of enforceability of a patent, any person may cite to the Patent and Trademark Office in writing prior art consisting of patents or printed publications which that person states to be pertinent and applicable to the patent and believes to have a bearing on the patentability of any claim of a particular patent. If the citation is made by the patent owner, the explanation of pertinency and applicability may include an explanation of how the claims differ from the prior art. Citations by the patent owner under § 1.555 and by a reexamination requester under either § 1.510 or § 1.535 will be entered in the patent file during a reexamination proceeding. The entry in the patent file of citations submitted after the date of an order to reexamine pursuant to § 1.525 by persons other than the patent owner, or a reexamination requester under either § 1.510 or § 1.535, will be delayed until the reexamination proceedings have been terminated.

(b) If the person making the citation wishes his or her identity to be excluded from the patent file and kept confidential, the citation papers must be submitted without any identification of the person making the submission.

(c) Citation of patents or printed publications by the public in patent files should either (1) reflect that a copy of the same has been mailed to the patent owner at the address as provided for in § 1.33(c); or in the event service is not possible (2) be filed with the Office in duplicate.

Request for Reexamination

§ 1.510 Request for reexamination.

(a) Any person may, at any time during the period of enforceability of a patent, file a request for reexamination by the Patent and Trademark Office of any claim of the patent on the basis of prior art patents or printed publications cited under § 1.501. The request must be accompanied by the fee for requesting reexamination set in § 1.21(x).

(b) Any request for reexamination must include the following parts:

(1) a statement pointing out each substantial new question of patentability based on prior patents and printed publications.

(2) An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited prior art to every claim for which reexamination is requested. If appropriate the party requesting reexamination may also point out how claims distinguish over cited prior art.

(3) A copy of every patent or printed publication relied upon or referred to in paragraph (b) (1) and (2) of this section accompanied by an English language translation of all the necessary and pertinent parts of any non-English language patent or printed publication.

(4) The entire specification (including claims) and drawings of the patent for which reexamination is requested must be furnished in the form of cut-up copies of the original patent with only a single column of the printed patent securely mounted or reproduced in permanent form on one side of a separate paper. A copy of any disclaimer, certificate of correction, or reexamination certificate issued in the patent must also be included.

(5) A certification that a copy of the request filed by a person other than the patent owner has been served in its entirety on the patent owner at the address as provided for in § 1.33(c). The name and address of the party served must be indicated. If service was not possible, a duplicate copy must be supplied to the Office.

(c) If the request does not include the fee for requesting reexamination or all of the parts required by paragraph (b) of this section, the person identified as requesting reexamination will be so notified and given an opportunity to complete the request within a specified time. If the fee for requesting reexamination has been paid but the defect in the request is not corrected within the specified time, the determination whether or not to institute reexamination will be made on the request as it then exists. If the fee for requesting reexamination has not been paid, no determination will be made and the request will be placed in the patent file as a citation if it complies with the requirements of § 1.501(a).

(d) The filing date of the request is: (1) the date on which the request including the entire fee for requesting reexamination is received in the Patent and Trademark Office; or (2) the date on which the last portion of the fee for requesting reexamination is received.

(e) A request filed by the patent owner, may include a proposed amendment in accordance with § 1.121(f).

(f) If a request is filed by an attorney or agent identifying another party on whose behalf the request is being filed, the attorney or agent must have a power of attorney from that party or be acting in a representative capacity pursuant to § 1.34(a).

§ 1.515 Determination of the request for reexamination.

(a) Within three months following the filing date of a request for reexamination, an examiner will consider the request and determine whether or not a substantial new

question of patentability affecting any claim of the patent is raised by the request and the prior art cited therein, with or without consideration of other patents or printed publications. The examiner's determination will be based on the claims in effect at the time of the determination and will become a part of the official file of the patent and will be given or mailed to the patent owner at the address as provided for in § 1.33(c) and to the person requesting reexamination.

(b) Where no substantial new question of patentability has been found, a refund of a portion of the fee for requesting reexamination will be made to the requester in accordance with § 1.26(c).

(c) The requester may seek review by a petition to the Commissioner under § 1.181 within one month of the mailing date of the examiner's determination refusing reexamination. Any such petition must comply with § 1.181(b). If no petition is timely filed or if the decision on petition affirms that no substantial new question of patentability has been raised, the determination shall be final and nonappealable.

§ 1.520 Reexamination at the initiative of the commissioner.

The Commissioner, at any time during the period of enforceability of a patent, may determine whether or not a substantial new question of patentability is raised by patents or printed publications which have been discovered by the Commissioner or which have been brought to the Commissioner's attention even though no request for reexamination has been filed in accordance with § 1.510. The Commissioner may initiate reexamination without a request for reexamination pursuant to § 1.510. Normally requests from outside the Patent and Trademark Office that the Commissioner undertake reexamination on his own initiative will not be considered. Any determination to initiate reexamination under this section will become a part of the official file of the patent and will be given or mailed to the patent owner at the address as provided for in § 1.33(c).

Reexamination

§ 1.525 Order to reexamine.

(a) If a substantial new question of patentability is found pursuant to §§ 1.515 or 1.520, the determination will include an order for reexamination of the patent for resolution of the question. If the order for reexamination resulted from a petition pursuant to § 1.515(c), the reexamination will ordinarily be conducted by an examiner other than the examiner responsible for the initial determination under § 1.515(a).

(b) If the order for reexamination of the patent mailed to the patent owner at the address as provided for in § 1.33(c) is returned to the Office undelivered, the notice published in the *Official Gazette* under § 1.11(c) will be considered to be constructive notice and reexamination will proceed.

§ 1.530 Statement and amendment by patent owner.

(a) Except as provided in § 1.510(e), no statement or other response by the patent owner shall be filed prior to the determinations made in accordance with §§ 1.515 or 1.520. If a premature statement or other response is filed by the patent owner it will not be acknowledged or considered in making the determination.

(b) The order for reexamination will set a period of not less than two months from the date of the order within which the patent owner may file a statement on the new question of patentability including any proposed amendments the patent owner wishes to make.

(c) Any statement filed by the patent owner shall clearly point out why the subject matter as claimed is not anticipated or rendered obvious by the prior art patents or printed publications, either alone or in any reasonable combinations. Any statement filed must be served upon the reexamination requester in accordance with § 1.248.

(d) Any proposed amendments to the description and claims must be made in accordance with § 1.121(f). No amendment may enlarge the scope of the claims of the patent or introduce new matter. No amended or new claims may be proposed for entry in an expired patent. Moreover, no amended or new claims will be incorporated into the patent by certificate issued after the expiration of the patent.

(e) Although the Office actions will treat proposed amendments as though they have been entered, the proposed amendments will not be effective until the reexamination certificate is issued.

§ 1.535 Reply by requester.

A reply to the patent owner's statement under § 1.530 may be filed by the reexamination requester within two months from the date of service of the patent owner's statement. Any reply by the requester must be served upon the patent owner in accordance with § 1.248. If the patent owner does not file a statement under § 1.530, no reply or other submission from the reexamination requester will be considered.

§ 1.540 Consideration of responses.

The failure to timely file or serve the documents set forth in § 1.530 or in § 1.535 may result in their being refused consideration. No submissions other than the statement pursuant to § 1.530 and the reply by the requester pursuant to § 1.535 will be considered prior to examination.

§ 1.550 Conduct of reexamination proceedings.

(a) All reexamination proceedings, including any appeals to the Board of Appeals, will be conducted with special dispatch within the Office. After issuance of the reexamination order and expiration of the time for submitting any responses thereto, the examination will be conducted in accordance with §§ 1.104–1.119 and will result in the issuance of a reexamination certificate under § 1.570.

(b) The patent owner will be given at least 30 days to respond to any Office action. Such response may include further statements in response to any rejections and/or proposed amendments or new claims to place the patent in a condition where all the claims, if amended as proposed, would be patentable.

(c) The time for reply set in paragraph (b) of this section will be extended only for sufficient cause, and for a reasonable time specified. Any request for such extension must be filed on or before the day on which action by the patent owner is due, but in no case will the mere filing of the request effect any extension.

(d) If the patent owner fails to file a timely and appropriate response to any Office action, the reexamination proceeding will be terminated and the Commissioner will proceed to issue a certificate under § 1.570 in accordance with the last action of the Office.

(e) The reexamination requester will be sent copies of Office actions issued during the reexamination proceeding. Any document filed by the patent owner must be served on the requester in the manner provided in § 1.248. The document must reflect service or the document may be refused consideration by the Office. The active participation of the reexamination requester ends with the reply pursuant to § 1.535, and no further submissions on behalf of the reexamination requester will be acknowledged or considered. Further, no submissions on behalf of any third parties will be acknowledged or considered unless such submissions are (1) in accordance with § 1.510 or (2) entered in the patent file prior to the date of the order to reexamine pursuant

to § 1.525. Submissions by third parties, filed after the date of the order to reexamine pursuant to § 1.525, must meet the requirements of and will be treated in accordance with § 1.501(a).

§ 1.552 Scope of reexamination in reexamination proceedings.

(a) Patent claims will be reexamined on the basis of patents or printed publications.

(b) Amended or new claims presented during a reexamination proceeding must not enlarge the scope of the claims of the patent and will be examined on the basis of patents or printed publications and also for compliance with the requirements of 35 U.S.C. 112 and the new matter prohibition of 35 U.S.C. 132.

(c) Questions other than those indicated in paragraphs (a) and (b) of this section will not be resolved in a reexamination proceeding. If such questions are discovered during a reexamination proceeding, the existence of such questions will be noted by the examiner in an Office action, in which case the patent owner may desire to consider the advisability of filing a reissue application to have such questions considered and resolved.

§ 1.555 Duty of disclosure in reexamination proceedings.

The owner of a patent involved in a reexamination proceeding who is aware, or becomes aware, of patents or printed publications material to the reexamination which have not been previously made of record in the patent file must bring such patents or printed publications to the attention of the Office. A prior art statement, preferably in accordance with § 1.98, should be filed within two months of the date of the order for reexamination, or as soon thereafter as possible in order to bring such patents or printed publications to the attention of the Office.

§ 1.560 Interviews in reexamination proceedings.

(a) Interviews in reexamination proceedings pending before the Office between examiners and the owners of such patents or their attorneys or agents of record must be had in the Office at such times, within Office hours, as the respective examiners may designate. Interviews will not be permitted at any other time or place without the authority of the Commissioner. Interviews for the discussion of the patentability of claims in patents involved in reexamination proceedings will not be had prior to the first official action thereon. Interviews should be arranged for in advance. Requests that reexamination requesters participate in interviews with examiners will not be granted.

(b) In every instance of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the patent owner. An interview does not remove the necessity for response to Office actions as specified in § 1.111.

§ 1.565 Concurrent office proceedings.

(a) In any reexamination proceeding before the Office, the patent owner shall call the attention of the Office to any prior or concurrent proceedings in which the patent is or was involved such as interferences, reissue, reexaminations, or litigation and the results of such proceedings.

(b) If a patent in the process of reexamination is or becomes involved in interference proceedings or a reissue application is filed for the patent, or litigation is instituted, the Commissioner shall determine whether or not to stay the reexamination, reissue or interference proceeding. If reexamination is stayed for the conduct of a reissue proceeding, the reissue proceeding shall take into account prior art provided by the requester for reexamination and the reexamination requester will be granted at least the same degree of participation in the reissue proceeding which the requester would have had in the reexamination proceeding. Any reexamination proceeding stayed for the conduct of a reissue proceeding shall be terminated by the grant of the reissued patent.

(c) If reexamination is ordered while a prior reexamination proceeding is pending, the reexamination proceedings will be consolidated and result in the issuance of a single certificate under § 1.570.

Certificate

§ 1.570 Issuance of reexamination certificate after reexamination proceedings.

(a) Upon the conclusion of reexamination proceedings, the Commissioner will issue a certificate in accordance with 35 U.S.C. 307 setting forth the results of the reexamination proceeding and the content of the patent following the reexamination proceeding.

(b) A certificate will be issued in each patent in which a reexamination proceeding has been ordered under § 1.525. Any statutory disclaimer filed by the patent owner will be made part of the certificate.

(c) The certificate will be mailed on the day of its date to the patent owner at the address as provided for in § 1.33(c). A copy of the certificate will also be mailed to the requester of the reexamination proceeding.

(d) If a certificate has been issued which cancels all of the claims of the patent, no further Office proceedings will be conducted with regard to that patent or any reissue applications or reexamination requests relating thereto.

(e) If the reexamination proceeding is terminated by the grant of a reissued patent as provided in § 1.565(b), the reissued patent will constitute the reexamination certificate required by this section and 35 U.S.C. 307.

(f) A notice of the issuance of each certificate under this section will be published in the *Official Gazette* on its date of issuance.

Dated: May 12, 1981.

Rene D. Tegtmeyer,

Acting Commissioner of Patents and Trademarks.

Dated: May 15, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

[FR Doc. 81-16031 Filed 5-28-81; 8:45 am]

BILLING CODE 3510-16-M

V
4
6
M
Y
2
9
8
1
UMI

federal register

Friday
May 29, 1981

Part V

Department of Health and Human Services

Social Security Administration

Disability Insurance and Supplemental Security Income; Determinations of Disability

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

Disability Insurance and Supplemental Security Income; Determinations of Disability

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: These regulations for administering the disability determination function implement section 304 of Pub. L. 96-265 (the "Social Security Disability Amendments of 1980") which amends section 211 of the Social Security Act.

The disability determination function was previously carried out by the States and the Federal Government under negotiated agreements between the Social Security Administration (SSA) and States. The law provides that, effective June 1, 1981, disability determinations will be made by the State agencies in compliance with regulations containing performance standards and other administrative requirements and procedures relating to the disability determination function. States have the option of turning the function over to the Federal Government if they do not wish to make disability determinations and the Federal Government has the authority to partially or wholly assume the disability determination function of any State that does not meet the prescribed minimum performance standards.

These regulations specify the responsibilities of the Secetary and the States in administering the disability program. They prescribe standards for accuracy of performance and processing time that State agencies must meet in making disability determinations, and provide the administrative requirements and procedures SSA and the State agencies will follow in carrying out the disability determination function. Provisions are included specifying how SSA or a State may terminate the State agency's performance of this function.

The primary purpose of these regulations is to improve the quality of State agency performance in following our adjudicative criteria and to improve the timeliness of disability determinations. These regulations will afford the States maximum practicable management flexibility in meeting objectives.

These regulations do not meet the criteria for a major rule, as defined in Executive Order 12291.

DATE: These regulations will be effective June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Harry J. Short or William J. Ziegler, Legal Assistants, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-7337 or 301-594-7415.

SUPPLEMENTARY INFORMATION: In order to obtain the public's views and comments before proceeding with these amendments, we published proposed rules for making disability determinations along with a Notice of Proposed Rulemaking in the **Federal Register** on January 16, 1981 (46 FR 4584). Interested persons, organizations, government agencies, and groups were invited to submit data, views, or arguments pertaining to the proposed amendments within a period of 60 days from the date of publication of the notice. We have carefully considered all the comments we received during the comment period. We have answered the issues raised in these comments later in the preamble.

Federal-State Structure Before Public Law 96-265

The disability programs under title II and title XVI of the Social Security Act (The Act) were previously administered under a Federal-State mechanism having its origins in the disability freeze provisions of the 1954 Amendments to the Act. At that time, Congress specified that determinations of disability should be made by State agencies under agreement with the Secretary. Wherever possible the State rehabilitation agency was to be the contracting agency to encourage rehabilitation contacts by disabled persons and to take advantage of the medical and vocational expertise of those agencies.

Negotiated agreements were previously in effect for 54 State agencies for making disability determinations for claimants applying for disability benefits under title II and title XVI of the Act. The agreements covered all the States plus the District of Columbia, Puerto Rico, and Guam; in South Carolina there were separate agencies for the blind and the disabled.

Under these agreements the State agencies, on behalf of the Secretary of Health and Human Services, made determinations of disability on the basis of standards and guides issued by SSA. SSA paid 100 percent of the costs incurred by the States in performing this function. The State agency function included obtaining medical and vocational evidence from the applicant and his or her medical treatment sources, and where necessary, arranging for one or more examinations of the applicant by specialists. Each determination of disability was made by a team consisting of a disability examiner and a physician on the State agency staff.

Section 221(a) of the Act provided that the determination of whether a person was disabled, and when a disability began and ended, would be made by a State agency under an agreement between the State and the Secretary and that, for purposes of the Act, determinations by the State are determinations of the Secretary. Section 1633(a) of the Act authorized the Secretary to make the same arrangements for title XVI purposes. Section 221(c) provided that the Secretary, on his own motion, could reverse the State's determination that a person was disabled, or could determine that a disability began later or ended earlier than the State had determined. In other important respects, the Act generally limited the Secretary's authority to make disability determinations. By precluding the Secretary from reaching a more favorable finding on a disability issue in reviewed cases, it gave the State what amounted to final authority in many cases for determining which applicants were disabled and, consequently, to a large extent how the SSA program was administered.

In 1976, the General Accounting Office (GAO) studied the effectiveness of SSA's management of the disability determination process in State agencies. GAO issued a report criticizing the quality and uniformity of the disability determination process. GAO recommended that SSA adopt a stronger and more active management role and that SSA revise the Federal-State agreements to clearly define the responsibilities of each party consistent with a uniform disability determination process. Papers prepared by the staff of the Subcommittee on Social Security for the use of the Committee on Ways and Means also recommended stronger Federal control.

The Federal-State model agreement was therefore revised. The revised model agreement reflected SSA's intentions to administer the program through standards, to take a lead role in assuring uniform training of State agency personnel, and to deal with those State practices that over the years had become impediments to effective administration.

SSA tried to get all the States to enter into the new agreement during the summer and fall of 1978, but

considerable resistance was encountered. The revisions in the agreement were viewed by various State officials and organizations as interfering with traditional State prerogatives to manage their own affairs. This concern is reflected in the fact that only 21 of 54 State agencies signed the new agreement.

Public Law 96–265—Section 304

General

Congress amended the Act to increase the Secretary's ability to influence State performance. The Secretary is required to establish, by regulation, whatever standards of performance and administrative requirements and procedures he considers necessary for the States to follow to insure effective and uniform administration of the SSA disability programs. Section 221(a), amended by Pub. L. 96–265, provides that beginning June 1981, disability determinations will be made by the State unless it notifies the Secretary, in writing, of its wishes to no longer make the determinations, and if the Secretary has not found that the State has failed to make determinations consistent with standards to be prescribed by the Secretary. Section 221(c) authorizes the Secretary to review State determinations and, based on the review, to make findings as to whether a person is or is not disabled and, if disabled, whether the disability began on an earlier or later date or ended on an earlier or later date than that determined by the State.

The amendments also provide that a State which wishes to discontinue making disability determinations or is found to be failing to make disability determinations as prescribed by standards, must continue to make the determinations for at least 180 more days. The Secretary is required to make the disability determinations thereafter. The Secretary is further required to develop and initiate a plan for the partial or complete assumption of a State's disability determination function if such a step becomes necessary. The plan must provide for the continuation of the disability determination function and for the protection of any affected State employees. The Secretary must give preference to capable State employees in filling appropriate employment positions, and may not assume a State's function until the State has made a fair and equitable arrangement to protect the rights of displaced State personnel (with some limited exceptions) not hired by the Secretary. (The Secretary of Labor will determine if this has been done.) The Secretary is directed to advise the Congress of any amendments of Federal law and regulations needed to carry out the plan. A report containing the plan was submitted to Congress on November 20, 1980.

The amendment also place responsibility upon the Secretary to provide for the continued effective operation of the disability program in the event of the non-participation of one or more States. This is to be done with only limited time to prepare for the State's non-participation and the need to assure protection of the employment rights of the displaced State personnel before the Secretary can assume the State's function.

Specific Provisions of the Law Subject to Regulations

Public Law 96–265 eliminates the system of negotiated agreements between the Secretary and the States and requires the Secretary to establish, through regulations, the procedures and performance standards for the State disability determination function in whatever detail appears appropriate.

The law gives the Secretary broad discretion to determine, for example, what matters to regulate, in how much detail to regulate them, and whether to regulate or to issue "other written guidelines." The Secretary may regulate such matters as:

- The administrative structure and the relationship between various units of the State agency;
- The physical location of, and relationship among, agency staff units and other organizations performing tasks for the State agency;
- Standards for the availability to applicants and beneficiaries of facilities for making disability determinations;
- State agency performance criteria, including the rate of accuracy of decisions and the time periods within which determinations must be made;
- The procedures for and the scope of review by the Secretary and, as he finds appropriate, by the State, of its performance in individual cases and classes of cases;
- Rules governing access of appropriate Federal officials to State offices and to State records relating to its administration of the disability determination function;
- Fiscal control procedures that the State agency may be required to adopt; and
- The submission of reports and other data, in such form and at such time as the Secretary may require, concerning the State agency's activities relating to the disability determination function.

Congressional Concerns

In its deliberation during the development of Pub. L. 96–265, Congress was aware of the problems in the existing Federal-State structure.

It felt that significant improvement in Federal management and control was necessary and that the amendments would strengthen the Federal role in how disability determinations are made in the State agencies.

Congress recognized the possibility that under Pub. L. 96–265 some States may decide not to participate under the program, or that the Secretary may determine that a State is not complying with the regulatory requirements promulgated under this legislation. It was concerned that there be adequate procedures to establish Federal administration if State administration ended for either reason. Two issues were of particular concern: the potential disruption of the ongoing determination process which could create hardship for disability applicants, and the positions of the State employees involved.

Congress concluded that the Department did not appear to have any extensive planning for Federal assumption of the State agencies' functions. Therefore, to stimulate planning for such a contingency, Pub. L. 96–265 required that the Secretary submit to Congress a detailed plan of how the Secretary expects to assume the functions and operations of a State disability determination function should it become necessary. The plan is to assume the uninterrupted operation of the disability determination process, including the utilization of the best-qualified personnel to carry out this function. Congress also required that the Department give a preference in hiring to the best-qualified State employees so that they would not be substantially disadvantaged in transferring to Federal employment, in the event that a State quits or is terminated for poor performance. A report containing the detailed plan was submitted to Congress on November 20, 1980.

Basic Considerations for Assuming State Functions

If a State chooses to stop making disability determinations, or if the Secretary finds it necessary to assume the function because a State fails to meet the standards, several legislated requirements and responsibilities will govern the Secretary's action.

A. Requirements

Public Law 96–265 imposes four conditions on the Secretary's

assumption of the disability determination function. These are:

1. The Secretary must assume the disability determination function no earlier than 180 days after a finding that the State is substantially failing to make disability determinations consistent with the statute and regulations or after receipt of a State's notice of its intentions to stop making disability determinations;

2. The Secretary's assumption must be made without any interruption in services to the residents of the State;

3. The Secretary must, in filling appropriate employment positions, give hiring preference to State agency employees (with some very limited exceptions) who are capable of performing duties in the disability determination process for the Secretary; and

4. The Secretary may not assume a State's function until after the Secretary of Labor has determined that the State has made fair and equitable arrangements under applicable law to protect the interests of those State agency employees who will be displaced from their employment on account of the Secretary's assumption and who will not be hired by the Secretary.

B. Responsibilities

When the Secretary has determined that a State agency's function must be terminated or when a State decides to stop making disability determinations, the Secretary of HHS, the State, and the Secretary of Labor must fulfill certain responsibilities.

1. The Secretary of HHS's responsibilities are to:

a. Begin making disability determinations no sooner than 180 days after notice that a State agency's disability determination function will end;

b. Develop and initiate procedures to give hiring preference to State agency employees who are capable of performing duties in the disability determination process; and

c. Insure that the Secretary of Labor has determined that the State has made fair and equitable arrangements for any State agency employees who will be displaced by the assumption and who will not be hired by the Secretary.

2. The terminating State's responsibilities are to:

a. Continue making disability determinations for not less than 180 days after a termination notice, or until the Secretary has fulfilled his responsibilities; and

b. Make fair and equitable arrangements to protect the interests of State agency employees who will not be hired by SSA. Employees' interests must be protected in accordance with applicable Federal, State, and local statutes.

3. The Secretary of Labor's responsibility is to determine that the State has made fair and equitable arrangements for protecting State personnel.

State Involvement in Development of the Regulations

In January 1980, SSA convened a two-day work group meeting of SSA central and regional office and State personnel to give us their views on developing the performance standards required by the disability bill. This work group developed some tentative guides for such performance standards.

During the summer of 1980, SSA invited to the headquarters in Baltimore, all of the Disability Determination Services (DDS) administrators, and in a series of four meetings, plans for issuing regulations under Pub. L. 96-265 were discussed. These were meetings in which the DDS administrators had an opportunity to comment on the general direction of our plans and to offer specific suggestions for the scope of the regulations. The reactions of these State administrators were considered in developing the regulations, and a number of significant changes resulted from their recommendations.

Our Basic Implementation Approach

It is our intention to use these regulations and the statutory authority derived from Pub. L. 96-265 to improve the overall administration and delivery of the disability program. We will accomplish these improvements by:

1. Setting a targeted level of performance that we will work toward;

2. Creating a system of intermediate goals to serve as stepping stones to progress towards our targeted level of performance;

3. Establishing a threshold level clearly defining the lowest level of acceptable performance by a State agency;

4. Setting forth those actions that we will take to make sure unacceptable performance does not continue; and,

5. Establishing administrative requirements that will provide the States with management flexibility, establishing the framework for the Federal-State partnership, and at the same time, allow us to retain our program stewardship responsibilities.

The regulations use standards as the means to improve the disability determination process.

We will specify the outcome expected. We will carefully monitor the States' disability determination process in terms of performance accuracy and processing time. The States will have control over management of their operation as long as performance is adequate under the standards which we set.

If a State's performance becomes unacceptable, these regulations provide for Federal involvement in the State's activities in making disability determinations for the purpose of improving the State's performance. We have a responsibility under the law for seeing that the disability programs are efficiently and equitably administered. If, even after our assistance, a State's performance is not adequate, we will take action to take over the disability program from the State.

While we are using regulations to establish national standards for performance accuracy and processing time, we will also be considering establishing standards for cost and other factors including incentives and disincentives. We will continue to assure the fiscal integrity of the States' operations through the budget process. Individual State budgets, including the goals they are expected to achieve, will continue to be negotiated on the regional level and in the manner we require. The objective of negotiations will be to determine a level of funding within available resources that will be perceived by Federal and State officials as sufficient to meet standards and stated goals. The negotiated budget is an integral part of the decision of setting goals. States will be expected to meet standards and goals within the negotiated budget.

The Target Level

We have developed target levels for State agency combined title II and title XVI initial accuracy, title II initial processing time, and title XVI processing time. The values selected for the target levels represent a difficult challenge but are designed to reflect what we believe to be a level of performance and service delivery that we should constantly strive to attain.

Intermediate Goals for State Performance Between the Target and Threshold Levels

We will establish intermediate performance goals between the threshold standards and the target standards in order to assure continued movement toward our targeted level of performance. We see these goals as essential to improving the overall performance of State agencies. This will therefore be an area of continuing

concern to us. After negotiating with each State agency, our regional offices will annually establish a new set of individual State agency goals to help them move from current levels of performance to target levels. Failure to meet these intermediate goals will not be cause for considering a State to be substantially failing to comply with the regulations. However, such failure will be a matter of concern to us. It may result in our urging the State to take corrective action and accept our offer of technical and management assistance.

The Threshold Levels

We are also establishing threshold levels for State agency performance accuracy and processing time. These are minimum acceptable levels for combined title II and title XVI initial performance accuracy, title II initial processing time, and title XVI initial processing time. We established the threshold levels for processing time and performance accuracy by using the national mean and applying a measurement of one standard deviation from the mean. (A standard deviation is a mathematical way of measuring the variability of items around an average.) Data from the fiscal year ending September 30, 1979 was used to establish the levels. Falling below these threshold levels will be unacceptable and will mandate appropriate action on our part to improve the situation. These actions are set forth in §§ 404.1650 and 416.1050. We will reexamine the threshold levels annually, but we will not make changes or modifications automatically. Instead, any decision to adjust the prevailing threshold standards will be made based on current State performance, procedural changes, systems modifications and resources.

In making any changes in the threshold levels we will continue to use the mean and standard deviation approach. In §§ 404.1640 through 404.1650 and in §§ 416.1040 through 416.1050, we explain how the threshold standards are used by us in evaluating State performance.

Determining Performance Accuracy

"Performance accuracy" refers to the reliability of State agency adjudication. In determining a national standard for State agency performance accuracy for purposes of section 304, we consider not only whether disability decisions are right or wrong for payment, but also whether the claims have all the desired evidence and whether all factors contributing to a sound decision were considered. Accordingly, the percentage of cases that can be processed without being returned to the State agency for further development or for correction of decisions based on evidence in the file represents the State agency's performance accuracy rate. The State agency's original decision is not changed in the majority of cases that are returned for additional development.

Errors in performance accuracy identified by the quality assurance system should not be interpreted as exclusively reflecting decisions that either incorrectly deny or award benefit payments. Since the quality assurance system measures factors that have the potential for impacting decisions as well as the correctness of the decisions, the rate of incorrect decisions is significantly lower than what is reflected in the standards cited in these regulations. Nevertheless, we believe we must measure accuracy using a higher standard than correct decisions.

Our most current data indicates that with a national level of performance accuracy of about 93 percent the rate of correct decisions is approximately 97 percent. Since decisional accuracy is tied to performance accuracy, the system we are establishing, to use goals and standards to improve performance, will also improve decisional accuracy. We estimate that our target level of 97 percent performance accuracy will yield a decisional accuracy rate of 99 percent.

Performance Accuracy Threshold Level

The national performance accuracy threshold level was established using fiscal year 1979 State-by-State title II and title XVI performance accuracy rates for disability determinations at the initial (first) level of adjudication. These data were obtained from the Disability Quality Assurance System. A combined Title II and title XVI national mean and standard deviation were calculated together. Separate calculations were not made for each title as they were for processing time. The national mean was formulated using the individual State agency fiscal year 1979 performance accuracy rates. The title II initial performance accuracy rates and the title XVI initial performance accuracy rates were statistically weighted by workload size for each individual State agency. A national mean was then computed for combined title II and title XVI initial performance accuracy. The combined title II and title XVI initial performance accuracy national mean for fiscal year 1979 resulted in a rate of 92.5 percent. The standard deviation was caluculated and resulted in a rate of 1.9 percent.

The threshold level for State agency performance accuracy has been established at one standard deviation below the national combined title II and title XVI initial performance accuracy mean. This threshold level was set after considering historical trends in State agency performance accuracy, past performance, and statistical theory. In addition, the selection of the threshold level was dependent upon our staffing and fiscal capacities for providing necessary technical and management assistance to State agencies whose performance is likely to fall below the threshold levels. Applying the one standard deviation measurement to the fiscal year 1979 national combined title II and title XVI performance accuracy mean, the threshold is 90.6 percent for combined title II and title XVI initial performance accuracy.

Determining Processing Time

State agency processing time for title II initial disability claims is the average number of days from the time the State agency receives the claim until the determination is put into the Social Security Administration Case Control System (SSACCS). Saturdays, Sundays, and holidays are counted.

State agency processing time for title XVI initial disability claims is the average number of days from release of the claim by the social security district office to the State agency until the determination by the State agency is put into the Supplemental Security Income Case Control System (SSICCS). Saturdays, Sundays and holidays are counted.

Determining Processing Time Threshold Levels

Processing time threshold levels were formulated using fiscal year 1979 State-by-State title II and title XVI mean processing time data for disability determinations at the initial (first) level of adjudication. These data were obtained from the Social Security Administration Case Control System (SSACCS) for title II and the Supplemental Security Income Control System (SSICCS) for title XVI. National means and standard deviations were calculated separately for title II and title XVI from these data. The national means were calculated using two steps.

First, the fiscal year 1979 mean processing time was established for each State agency by taking the average of the 12 monthly State agency processing time means. Then, the average of the individual State agency means was calculated to produce the national mean. This two-step process was applied separately to title II data and on title XVI data and resulted in the following national means:

Title II initial processing time—43.2 days.

Title XVI initial processing time—54.3 days.

The standard deviations for initial title II and title XVI fiscal year 1979 processing time data were calculated using established statistical techniques and resulted in the following:

Title II initial processing time—6.3 days.

Title XVI initial processing time—7.6 days.

The threshold levels for State agency processing time have been set at 1 standard deviation above the fiscal year 1979 national mean processing time. This decision was based on past State agency processing time, historical trends in State agency processing time, and statistical theory. In addition to mathematical and statistical considerations, the 1 standard deviation level was established based on our fiscal and staffing capabilities for providing necessary technical and management assistance to State agencies whose performance is likely to fall below the threshold levels. Applying the 1 standard deviation measurement to the fiscal year 1979 national processing time means, the thresholds are as follows:

Title II initial processing time—49.5 days.

Title XVI initial processing time—57.9 days.

The title XVI processing time threshold was reduced by 4 days to account for a computer systems modification which was activated in May 1979. This change stopped the measurement of State agency processing time when a State agency presumptive disability determination was put into SSICCS, rather than when the final decision was made. (A finding of presumptive disability is made before obtaining the evidence needed for a final determination when there is a high degree of probability of disability on the basis of the evidence available at the time.) After extensive study, it was determined that this modification lowered State agency title XVI initial mean processing time by 4 days on the average.

Target Levels and Intermediate Goals

Target levels represent the highest level of performance and service delivery presently achievable. They will, by their very nature, challenge nearly all agencies to improve. Each year each State is expected to make progress toward the target. The extent of progress will be negotiated annually on the regional level as part of the State agency budget process.

Other than the annually negotiated goal, there is no time frame for meeting the target. States will always be constrained by workloads, availability and competency of staff, and available money.

Technical and Management Assistance

We will do ongoing monitoring to evaluate State agency performance of combined title II and title XVI initial performance accuracy, of title II initial processing time, and title XVI initial processing time. The monitoring will allow us to determine whether a State agency needs technical and management assistance. A State agency will be provided mandatory assistance if it fails to meet two of three established threshold levels (one being accuracy) for two consecutive quarters. Failure to meet any one of the threshold levels for 2 consecutive quarters may result in mandatory technical and management assistance.

A State agency will be offered optional technical and management assistance when (1) our regular monitoring reveals State agency performance has significantly declined although not so low as to require mandatory assistance or (2) the State agency is failing to meet intermediate goals. We will offer optional assistance at our discretion based on our available resources. The technical and management assistance we will give a State agency is explained in §§ 404.1661 and 416.1061.

Substantial Failure

If a State agency substantially fails to make disability determinations consistent with the Secretary's regulations and other written guidelines, Pub. L. 96–265 requires the Secretary (after giving the State notice and an opportunity for a hearing) to make the disability determinations.

Our approach will be to closely monitor and evaluate State agency performance of title II and title XVI performance accuracy, title II processing time, and title XVI processing time. If a State agency is falling below 2 of the 3 threshold levels (one of which must be accuracy) for 2 consecutive quarters, we will provide technical and management assistance to the State agency for up to 12 months. After the assistance period, the State agency will have a 3-month adjustment period. After the adjustment period, if the State agency again falls below 2 of the 3 threshold levels (one being accuracy) in 2 consecutive quarters, during the next 12 months, we will notify the State that the State agency is in danger of being found to be in substantial failure and give the State an opportunity for a hearing. If it is found that the State substantially failed to comply with the regulations and written guidelines, the Secretary must take over the disability determination function. We are considering expanding the concept of "substantial failure" to include compliance with standards other than those relating to accuracy and processing time. We explain "substantial failure" in more detail in §§ 404.1670 through 404.1675 and in §§ 416.1070 through 416.1075.

Right to Hearing

We will notify a State that we are proposing to terminate its performance of the disability determination function if it is substantially failing to make disability determinations consistent with our regulations. The State will have an opportunity for a hearing before any termination. The hearing will be conducted as described in §§ 404.1680 through 404.1683 and in §§ 416.1080 through 416.1083.

Administrative Requirements and Procedures

Basically, our implementation approach is to specify certain performance results and let the States perform through their best management procedures with minimum Federal involvement as long as their performance is acceptable.

Accordingly, we are regulating administrative areas only to the extent necessary to insure effective stewardship of the disability program. This is a significant shift in our administrative relationship with the States under the agreements. We explain administrative requirements and procedures in §§ 404.1620 through 404.1633 and in §§ 416.1020 through 416.1033. Specifically, here is what we are proposing to do, and not do, in the regulations with respect to the various administrative areas that have to be addressed.

Adjudication

The State will make disability determinations in initial, reconsideration, and continuing eligibility cases under the various provisions of the Act.

A State disability examiner and medical consultant team will make these determinations. However, we do not propose regulating the types of positions to be established beyond the adjudication team.

In making determinations, the State will use our forms and procedures and adhere to the policies we may require to insure uniform and effective

administration of the disability program throughout the United States.

However, we are not proposing to regulate the internal case flow procedures except where they appear to contribute to unacceptable performance by a State.

Organization

The State will be expected to provide an organizational structure, sufficient qualified personnel, medical consultative services, and a quality assurance function that will result in timely processing and accurate decisionmaking of disability claims. We will not impose requirements, either through regulations or other directives, for a specific organizational structure unless State performance approaches unacceptable levels. We also do not propose to regulate the place in the State hierarchy of the State agency, or the relation of the State agency to other components in State government. The State will be responsible for producing an accurate and timely disability decision.

Personnel

In general, the State will be responsible for establishing positions, recruitment, selection, tenure, compensation, and staff development policies. The State will insure an acceptable level of competency of all employees through selection, ongoing training and staff development. However, we will provide technical training materials. We will become further involved only when State performance approaches unacceptable levels, or where the State requires complex instructional or training materials or the capacity of the State to deliver adequate training is in doubt. The State will make personnel available to attend meetings or conferences as may be necessary for furthering the purpose of the disability programs. The State must comply with equal employment opportunity directives in making disability determinations as specified in executive orders or the Code of Federal Regulations.

To the extent that Federal funding is available, the State will contribute to the processing of disability claims by avoiding, to the extent feasible and permissible under State law, personnel freezes, restrictions against overtime work, or other curtailment of facilities or activities.

Facilities

To the extent that Federal funding is available, the State will provide space, equipment, supplies and other services as will contribute to the timely and accurate processing of disability claims. The State will determine the locations where disability determinations are to be made. However, the State will provide the Secretary with access to the premises for the purpose of inspecting the work and activities required by these regulations. We will always give the State reasonable notice of the times of our visits.

Medical and Other Purchased Services

The State will determine the rates of payment to be used in arranging for medical or other examinations necessary to make determinations of disability. These rates should be designed to aid in the procurement of needed services but may not exceed the highest rate paid by Federal or other agencies in the State for the same or a similar type of service. The State will maintain documentation to support the rates of payment it uses.

Records and Reports

The State will furnish schedules, financial and cost reports, and other reports relating to the administration of the disability program that we may require. Records relating to the work being performed under these regulations will be retained by the State for a period of time specified by us. We will have access to these records for purposes of monitoring, research and development, and audit.

Research and Demonstration Projects

We will request State participation in federally funded research and demonstration projects to assess the effectiveness of the disability program and to ascertain the effect of program policy changes. Where we determine that participation is necessary for the project to be complete, e.g., to provide national uniformity in a claims process, State participation will be mandatory.

Fiscal

We will provide the State with funds in advance or by way of reimbursement for necessary costs incurred by the State in making disability determinations under these regulations. The State will submit estimates of anticipated costs for the periods, and at the time and in the manner we may request. After considering all pertinent information, we will notify the State of the amount which will be made available to it for the period, as well as what anticipated costs are being approved. The State will not incur or make expenditures for the period for items which we do not approve, or in excess of the amount we certify as available.

After the close of a period for which funds have been certified to the State, the State will submit a certified report of its actual expenditures. We will inform the State by audit whether expenditures were necessary and proper under standards in effect at the time expenditures were made or incurred. The standards may be found in subpart 1-15.7 of part 1-15 of the Federal Procurement Regulations (41 CFR 1-15.7) and in the Disability Insurance section of the Program Operations Manual System (POMS).

Any monies we pay to the State which are used for purposes not within the scope of these regulations will be paid back to the Treasury of the United States.

Considerations in Developing Standards

Performance Standards

Our primary considerations are related to fostering improvement in the adjudication process. In developing performance threshold levels, we took a middle of the road approach. We considered setting the threshold higher, but rejected it as imposing an unrealistic demand on States in the beginning stages of our changed relationship with the States. We also considered setting the threshold low, but dropped the option as doing little more than reinforcing the status quo. Our middle of the road approach will mean providing technical and management assistance to possibly 13 States with 2 of them likely to be in substantial failure.

Administrative Standards

Again our approach is moderate. We have elected to regulate only to the extent necessary to insure the Secretary's responsible stewardship and foster effective and uniform administration of the program. The proposed regulations on travel, training, access, records and reports, fiscal, and research and demonstration projects are examples in point.

We decided not to regulate specifically in more areas as inconsistent with our objective of giving the States management flexibility. On the other hand, we opted against regulating less specifically as failing to carry out our statutory mandate to assure effective and uniform administration of the disability insurance program throughout the United States.

Public Comments

We published proposed rules for making determinations of disability along with a Notice of Proposed Rulemaking in the **Federal Register** on

January 16, 1981 (46 FR 4584). We asked interested persons, organizations, government agencies, and other groups to give us their views, data, arguments, and evaluations within a period of 60 days. The comment period closed on March 17, 1981.

In the preamble of the Notice of Proposed Rulemaking (46 FR 4589), we invited comments from the State administrators and State employees now involved in the disability programs, employee unions, law and legal service groups, the disabled population and the organizations which represent them, and the public at large. As part of our outreach efforts, we mailed copies of the proposed rules to national organizations and asked them to give us their comments. Our mailing list included the State agency administrators of the 54 State agencies responsible for making title II and title XVI disability determinations, State agency directors responsible for overseeing the activities of the disability determination services (DDS) in the various State agencies, and the Council of State Administrators of Vocational Rehabilitation. In addition, copies were mailed for comment to national organizations representative of disabled persons, their advocates, and service providers as well as to law and legal service organizations.

We received comments from twelve individual State administrators and from the National Association of Disability Examiners on behalf of its members. These are the people directly affected by the proposed regulations.

We received no comments from disabled persons individually or organizations that represent them exclusively. We did receive comments from two national legal organizations, including a subcommittee of the American Bar Association, and legal services groups in seven States who represent the disabled among their clientele.

Overall, State agency administrators and disability examiners support our proposed approach. State agency administrators commented: "SSA's general philosophy of requiring a high level of performance from State agencies while not substantially interfering with State management function is sound", "this approach should offer the best opportunity for improving the uniformity and timeliness of adjudication while preserving the State/Federal partnership", and "the proposed rules are a positive step in the right direction." On the other hand, the State agency administrators urged that the regulations recognize the need for a State-run quality assurance system, questioned the data we would be using to measure State performance, and voiced fears that neither the State nor the Federal Government would provide the resources they needed to meet the proposed performance objectives. The professional association of disability examiners commended us "on an excellent effort to write regulations administering the disability determination function" and, further, "in practically all instances, we do not have any disagreements with the proposed regulations." They did request, however, that the professionalism of the disability examiner be recognized in the regulations. They also expressed concern that employees not be disadvantaged in the event of a Federal assumption of the disability determination function. Further, they urged that the regulations demand more of the State in assuring a working environment of adequate staff and facilities conducive to delivery of a high level of service to the claimants.

The two national legal organizations and the legal services groups, while supporting our intentions, have misgivings about whether our regulations will in fact improve the quality of the decision making process. Quoting the experience of their members in representing disabled claimants, these groups cite the high reversal rate upon appeal as indication of poor development and decision making by the State agencies. They question the quality of the medical evidence purchased by the State, the perceived reluctance of the State to develop the claim fully, and delays in claims processing. They see our proposed performance standards as unresponsive to these problems.

Because Pub. L. 96–265 requires the publication of final regulations in the **Federal Register** by June 1, 1981, we had to limit our consideration to comments which were received by March 17, 1981, the date the comment period closed. However, all the comments which we received after that date, as well as any additional comments which we may later receive, will be carefully evaluated for the purpose of considering possible future revisions in these regulations. Any future revisions we make of a substantive nature will be published in the **Federal Register** with another Notice of Proposed Rulemaking with another opportunity for the public to comment.

In drafting these regulations we had certain objectives in mind:

To improve disability determinations so as to pay benefits only to people properly entitled.

To improve the timeliness of disability determinations.

To improve the management of the disability program both at the State and Federal levels.

To avoid, where possible, increasing administrative complexity and costs.

To preserve the basic Federal/State relationship.

These objectives also guided us as we evaluated the comments received from the public. Some of the comments were not germane to these particular regulations. These comments are not addressed in the preamble. Other comments are condensed, summarized or paraphrased. However, we have responded to each of the issues raised in comments that are germane to these regulations. Of the comments that were germane, some involved hard choices between competing objectives.

For ease of comprehension and for perspective, we have grouped comments according to the issues raised. The issues and our responses are presented in the order in which the regulations are organized.

General Provisions

Issues

Four writers suggested revising the basic responsibilities for SSA and the State. One said there appears to be an imbalance of responsibilities, with the State having the greater responsibility. The same writer said that many of the requirements are vague and ambiguous and should be clarified, especially the State's responsibility for providing adequate facilities and qualified staff. One commenter said that the regulations should contain an absolute requirement that we consult with States before we issue any regulations or guidelines. A writer said that the regulations should provide that SSA should not arbitrarily increase its review of a particular State agency. Another writer said that the responsibility for States to treat all applicants equally and courteously should be deleted because it is subject to broad interpretations and opens the door for litigation against State agency personnel.

Response

Since the purpose of these regulations is to provide rules by which States will carry out the disability determination function, it is necessary that the States be advised of these responsibilities and what is expected of them. We have purposely avoided defining in great detail the administrative requirements and responsibilities of State agencies. Our objective is to specify the outcome we expect to achieve by setting

performance accuracy and processing time standards.

We believe that as long as State agencies meet these standards, we do not need to define State agency administrative responsibilities in detail. This we feel can best be left to each individual State agency.

We have not deleted the State responsibility to treat all applicants and beneficiaries equally and courteously. We believe we have the obligation to give fair and equal treatment and courteous service to the public, and States must share in this with us.

Except in some very limited circumstances, we do not issue regulations without giving the public and State agencies an opportunity to comment before the regulations become final. We will always endeavor to discuss significant changes in guidelines with State agencies and to get their advice before issuing the guidelines. However, in some situations, it may be impractical or impossible to consult first with the State agencies. In these situations, we will generally request State agency comments as soon as possible after the guidelines are issued. A determination that there is a need to increase our review of any particular State agency will be based on its performance and will be carried out only to the extent necessary to fulfill our responsibilities under these regulations.

Responsibilities for Performing the Disability Determination Function

Issues

One commenter said that State agencies should assist applicants with their applications and consolidate eligibility determinations for all related benefits such as those available under titles XIX and XX. This commenter said that application forms should be changed so that persons applying for SSI should not have to file separate forms for Medicaid. Another commenter said there should be a procedure that allows the claimant or his or her representative to have a voice in selecting the physician to be used where additional medical examinations are required in the development of evidence for a claim. This commenter also said that State agencies should be required to share all medical evidence contained in a claim with the claimant's representative and provide opportunity for the representative's comments before a determination is made on the disability question.

Two writers said that these regulations should contain a provision, such as is now contained in the agreements between SSA and the State agencies, that the State agencies shall not assume any responsibility for defending in court any determination made under these regulations.

Response

We have not adopted the recommendation that State agencies should consolidate eligibility determinations for other benefits. This is clearly beyond the role cut out for State agencies making disability determinations under titles II and XVI. However, our district offices do perform a referral service and provide basic information to claimants on related benefits and eligibility requirements for other programs as well as the location of offices for those programs. The district office also alerts State welfare agencies about claimants found eligible for SSI benefits and provides some limited information about the claimant. This helps the State determine who may be eligible for Medicaid and other State administered benefits. The district office notifies claimants who are not found eligible for SSI payments that they may still qualify for Medicaid and where they should apply. While State welfare agencies may adopt some of our decisions, for their program purposes, it is not feasible at this time to combine application forms for SSI and Medicaid. One difficulty is that Medicaid is administered by the States based on their own eligibility requirements.

We also have not adopted the suggestion that these regulations require State agencies to use examining physicians selected by claimants or their representatives whenever additional medical examinations are required. We believe that our present written guidelines are adequate to assure the most objective evaluation of the claimant's condition that is practicable. These guidelines now provide that an examination should be purchased from a physician who in the State agency's judgment is qualified and has agreed to perform these examinations. If the claimant objects, the state agency will attempt to comply with his or her wishes and attempt to schedule the examination with another physician that is acceptable to the State agency and the claimant.

We have not adopted the suggestion that a State agency should be required to share all the medical evidence with a claimant's representative before a disability determination is made since the writer's concern is accommodated by other regulations. Regulations (§§ 404.1710 and 416.1510) provide that a claimant's representative has the right to examine all the evidence the State agency has obtained, to submit any additional evidence and to comment on the evidence. The State agency considers all the evidence and any comments made on the evidence in determining whether the claimant is disabled or blind.

We have changed §§ 404.1615 and 416.1015 of the regulations to show that the State agency is not responsible for defending in court determinations made, or any procedures for making determinations, under these regulations.

Administrative Responsibilities and Requirements

Issues

One commenter stated that SSA should specify in the regulations where within the organization of the State government the disability function should be located and how it is related to other entities within the State government. Another commenter stated we should impose organizational requirements on a State only if the State's performance falls below threshold levels. Several commenters indicated that the regulations should require States to have a quality assurance system. Some went on to indicate that the regulations should mandate the system, the staffing, and the funding for this function.

One commenter felt we should specify the minimum qualifications for disability examiners to enhance their professional standing. Several commenters stated that a person qualified to interpret and evaluate medical reports should be referred to as "disability examiner," "professional nonmedical disability examiner," or "professional disability examiner." One commenter stated we should establish minimum qualifications for State agency vocational experts similar to those described in the Bureau (now "Office") of Hearings and Appeals manual and establish standards for their use. One commenter stated the term "medical consultant" in our regulations should be changed to "qualified consultant" to recognize that nonmedical consultants, including psychologists, who are licensed or certified under State laws are qualified to make certain types of disability determinations.

One commenter indicated that many of the requirements imposed on the States relating to adequate facilities and qualified staff are vague and ambiguous and should be clarified. A commenter stated SSA should be continually involved in workshops and seminars for examiners, medical consultants, and technicians, not just when a State's performance approaches an

unacceptable level. Another said that State participation in research and development projects should be mandatory only when all States need to be involved in the project to provide national uniformity in the claims process. Another commenter stated that participation in research and development projects should be negotiated with the States, taking into consideration their workload and other problems.

Response

Our basic objective is to regulate only to the extent necessary to assure effective and uniform administration of the disability program throughout the United States. That objective can be met by specifying the results we wish the States to achieve instead of imposing a lot of rules on the States. As long as the States are able to achieve these results, they should be free to control the management of their operations, including organizational level, status, types, and number of staff and staff qualifications. Specific organizational requirements should be imposed on States only when they require the technical and management assistance described in these regulations. We have clarified the requirements accordingly. We agree that requiring the States to provide a quality assurance (QA) functions will contribute to effective and uniform administration of the disability program nationally. We therefore have revised §§ 404.1603(c)(2), 404.1620(a), 416.1003(c)(3) and 416.1020(a) to add a quality assurance function as a State responsibility. We did not, however, prescribe the internal design of the QA function or its staffing and funding since that would be counter to our basic objective.

The same is true for establishing minimum qualifications for disability examiners and for State agency vocational specialists in the regulations. We agree to use the term "disability examiner" and we have changed §§ 404.1615 and 416.1015 accordingly. We agree that licensed or certified psychologists may be qualified to determine the nature and severity of mental impairments. We considered permitting psychologists to serve as reviewers in the same manner as licensed physicians. However, because of the limited number of cases where the issues are clearly restricted to mental impairments, the use of psychologists as members of the State agency's review team would not be administratively feasible.

We will not prescribe what constitutes adequate facilities and qualified staff for any State so long as the State's performance meets the standards we set within the fiscal resources we provide after negotiations with the States. This is in keeping with our objective to regulate only to the extent necessary.

The regulations do not need to be revised to permit us to offer workshops or seminars for disability examiners, disability technicians, and medical consultants on a continual basis.

In conducting research and development projects SSA needs the flexibility to select the study design and prescribe the States it wishes to participate so that the most efficient and cost-effective studies can be undertaken. We will consider workload status and the unique problems of a State in selecting States to participate but cannot guarantee that any specific State will not be included in the project. We will also consider providing needed assistance where we agree mandated participation may jeopardize the State's ability to meet threshold levels or negotiated goals.

Medical Development and Evaluation

Issues

Several writers commented on matters relating to medical policy, the payment for travel expenses to medical examinations, and physician fees. One commenter questioned the absence of regulations requiring the State to document all aspects of a person's disability. Other commenters felt that certain travel expenses of claimants should be covered in these regulations; that the State's obligations concerning their medical and travel expense requirements, including notification of claimants of the availability of funds and the mechanisms for payment, should be spelled out; that the State should maintain records to support the rates of payment it uses for each service; and the State budget estimates should include anticipated costs for each service to be purchased and an estimate of the amount (e.g., hours) of service it would purchase. Another writer recommended that we require States to establish rates of compensation sufficient to attract the active participation of competent and accomplished professional personnel, both salaried staff physicians and consultants.

One writer wants us to clarify when SSA can obtain evidence from claimants or special arrangement sources "adequately" and more "readily" than the State agency. Another writer believed "or" should be changed to "and" in §§ 404.1614(a) and 416.1014(a) so as to avoid the impression that the State is restricted in collecting evidence for disability determinations to either the claimant or other sources but not both.

Several commenters recommended that we institute some procedure for assessing the performance of consulting physicians. One said we should impose a quality control on these physicians along the same lines as the performance accuracy standards for State agenices in these regulations. These commenters felt that there are physicians who devote an inordinate amount of their practice to performing consultative examinations for the State agencies and who submit reports that do not reflect the claimants' true medical conditions.

Response

The medical documentation requirements are fully covered in other regulations (Subpart P of Part 404 and Subpart I of Part 416 of this Chapter) and in written guidelines. Regulations covering claimants' travel expenses are being developed. Meanwhile States do have written guidelines relating to payment for travel expenses including notifying claimants that they may be reimbursed and how they are to obtain reimbursement.

Payment rates are established for each medical service. Generally, these rates are comparable to rates paid by other government and private users of similar medical services and are adjusted as necessary. Detailed budget estimates for each service are not required to determine State funding needs for purchasing medical services and would be administratively burdensome. The States set their rates according to the costs of medical services in the State and in conformance with State law and regulations governing expenditures for these services. If a particular provider's services are unsatisfactory, the use of that provider is discontinued. Overall, this system has worked successfully and State-set rates are generally adequate to ensure the participation of sufficient numbers of competent professional personnel.

In some instances, we can obtain "adequate" evidence more "readily" than a State. This usually occurs when an SSA district office has an ongoing working relationship with a medical source or when a claimant wishes to submit evidence directly to SSA when he or she files a claim. This permits more timely disability decisions, lowers costs, and improves the overall disability process. The work "or" has not been changed to "and" in §§ 404.1614(a) and 416.1014(a) because

an "either-or" choice is not intended. The State agency may secure evidence from *any* source it considers appropriate.

We do not believe the performance of consulting physicians requires regulation by us. Our experience clearly indicates that overall the State agencies are maintaining effective relationships with the State medical community. We have been getting objective evaluations from consulting physicians. Further, State agencies overall are effectively monitoring the quality of the consultative examinations purchased by them. If commenters have evidence of improper medical consultant practices they should submit this evidence to the State agency.

Target and Threshold Levels of Performance

Issues

Several commenters said that a standard for processing time was as important as accuracy as a measure of State performance. Other commenters raised questions about how we established the target and threshold levels of the performance standards. One stated that setting the threshold levels at one standard deviation from the national mean for accuracy and processing time would condone mediocrity and continuing to use one standard deviation from the mean when threshold levels are adjusted perpetuates that mediocrity. On the other hand, another commenter criticized using the mean and standard deviation to adjust the threshold levels annually because he believed 16 percent of the States would always fall more than one standard deviation below the mean. Using fiscal year 1979 data as the base year to establish the levels was questioned because it does not take into account significant program changes since that time and because 16 percent of the States will not meet the threshold levels even if the States are able to maintain the performance levels attained in 1979.

Two writers said that these regulations do not motivate the States to meet the target levels. One suggested that incentives be established to encourage States to meet or exceed performance standards. The other suggested establishing a time frame for meeting the target levels. Another writer said that a legislative change would be needed to adjust the threshold and target levels and the writer suggested that the regulations allow for an annual review of the proposed performance levels by State and Federal components. Another commenter noted that the regulations do not require that the threshold levels be strictly complied with and suggested we apply a "substantial performance" concept to performance standards. Use of the term "drive" on page 4586 of the preamble to the proposed rules was objected to because of the implication that the States want or need to be driven toward continued improvement.

Response

Because the thrust of the legislation which these regulations reflect is the enhancement of the accuracy and consistency of disability determinations, we believe we must emphasize improved accuracy over processing time as the more important objective of the performance standards. The quality or accuracy of the determinations is the primary thrust of the legislation. We believe that our concern with accuracy directly reflects Congressional direction to improve the quality of determinations and ensure that claimants throughout the nation will be judged under the same uniform standards and procedures. Nevertheless, we are very much concerned with improving processing time. Much of our effort will be in working with the States to achieve better processing time without sacrificing the accuracy of the decisions.

We established the threshold levels for accuracy and processing time using a national mean and standard deviation approach for two reasons. First, the mean is a level of performance that experience shows the "average" State to be capable of attaining. Second, we believe one standard deviation below the means as a measure of a *minimum* level of acceptable performance is reasonable. Performance below one standard deviation level cannot be tolerated and will cause Federal involvement in the form of technical and management assistance, and if performance does not improve after assistance, a finding of substantial failure. These are serious and potentially expensive measures. In keeping with our objectives to avoid increasing administrative costs and preserve the Federal-State structure, we will take these steps only when necessary. Moreover, the regulations provide intermediate performance goals to ensure progress toward target level performance. We clarified §§ 404.1641 and 416.1041 of the regulations to point out that these goals are established by the SSA regional commissioner after negotiation with each State. Failure to meet these intermediate goals is not a cause for considering the State to be substantially failing to comply with the performance standards. However, failure to meet these goals may result in the offer of technical and management assistance.

We will reexamine the threshold levels annually and we will use the mean and standard deviation approach. However, the regulations do not bind us to use this specific approach or to apply a measurement of one standard deviation or any other standard deviation measurement.

There are 3 separate threshold levels of performance and the performance measurement period is for 2 consecutive calendar quarters. Even if we use the one standard deviation measure to adjust the threshold in future years, it does not mean that 16 percent (or any other given percentage) of the States would always fall below 2 of the 3 threshold levels. While this could occur in any one quarter for any one of the 3 threshold levels, the great majority of the States will not fall below 2 of the 3 threshold levels for 2 consecutive calendar quarters. We compared State performance in fiscal year 1980 to fiscal year 1979 performance and found that the number and mix of States falling below the threshold levels is small and changes from quarter to quarter.

We used fiscal year 1979 as the base year because it was a relatively stable period in State disability program operations and at the time of the development of the standards was the most recent complete year. We recognize that no two years will ever be the same. For that reason, the regulations provide for reexamining the threshold levels annually. The threshold and target levels can be changed without legislation. However, if we change either of them we will revise the regulations through notice of proposed rulemaking. The public will be given an opportunity to comment on any future changes.

The Federal-State partnership has worked well. Many State agencies do an excellent job. States have shown, over the years, that they are self-motivated to do the best job they are capable of doing. With the clearer statement of performance goals that the regulations spell out, we expect they will do even better. It is unrealistic and impractical to establish a single date at this time by which all the States can be expected to reach the target levels of performance. There are 54 State agencies with different levels of performance that prevent them from reaching the target levels at the same time. We will work with the States to help them improve their performance, consistent with our available resources. We will help States improve by annually negotiating with

them and then establishing a new set of intermediate performance goals as part of the budget process. States will be expected to meet these goals within the negotiated budget.

Nevertheless, we recognize the value of establishing incentives for States to meet and exceed goals and standards. We are presently studying possible ways of providing incentives to the States.

The threshold levels must be strictly complied with. We cannot reach our objective of improving the disability determinations with a lesser standard like "substantial performance." We have reworded the preamble to remove the word "drive." We did not intend for it to be read as meaning we believe States want or need to be driven to improvement as pointed out by one commenter.

The Processing Time Standard

Issues

A number of commenters questioned the reason for different processing time standards for the title II and title XVI programs, mentioning that the requirements for the two programs are virtually the same so the same standard should apply to both. One commenter stated that the title XVI standards are less stringent than those imposed on States in the Medicaid program. Since the claimant characteristics are the same or similar for both programs, the writer recommended that the title XVI standards be raised to the same level as those for the Medicaid program. One commenter also said that the size of the title XVI population, fee schedules and State hiring and personnel practices vary among States and can impact on processing time.

Some commenters questioned using past experience to determine the processing time standards. One commenter mentioned that there is no correlation between the mean and how well a State could perform. Another writer wanted the standards to reflect, rather than target and threshold time, what the correct processing time should be. Others wanted the standard to reflect different processing times for different types of actions. Others wanted district office time included. One commenter suggested that only Federal holidays, but not State holidays, be used to compute processing time standards.

Two writers stated that the regulations should establish a maximum time level for processing each class of case (by impairment), but did not specify definite time frames. One commenter indicated that the Puerto Rico agency does not handle title XVI cases and, therefore, cannot be measured against that performance standard.

Response

Although the requirements for developing and adjudicating title II and title XVI claims are the same, there is a notable difference between the two programs in claimant characteristics. A vital difference is that title XVI claimants often have limited medical records available.

As a result of this, the State must usually develop medical evidence either through the purchase of general examinations or a specialized consultative examination. This has the effect of increasing processing time for the title XVI disability cases. Although the Medicaid and title XVI claimant populations are similar, in many instances the documentation requirements for Medicaid are different than the requirements for the title II and title XVI disability programs. States are permitted to waive the established processing time standard in determinations of Medicaid eligibility whenever an examining physician delays a required action. In contrast, medical development time accounts for the majority of State agency processing time in title II and title XVI disability cases. There are no exclusions for applicant or physician delays in computing a State's processing time in the disability cases. Consequently, we could expect that Medicaid processing times would be lower than our proposed State agency standards.

Another reason for different standards for the title II and title XVI programs is that SSA uses two different computer systems the characteristics of which necessitate different methods to measure processing time for the two programs. (See §§ 404.1642 and 416.1042 for these different measurement systems.)

In developing the processing time standards, we explored the various alternatives available and selected past experience and the mean and standard deviation approach. Basing the standards on demonstrated performance and applying this statistical technique is a recognized and acceptable method to set standards. We did not set a "correct" processing time. Instead, we set a standard for the States to meet now and an additional standard that they would work to meet in the future. This is in line with our objective of improving the overall administration of the program. The factors of title XVI population size, fee schedules and State hiring and personnel practices affected State performance in the 1979 base year and are built into the threshold standard. These same factors will continue to exist and be included in the mean processing time data.

We agree with those writers who cited the need to monitor overall processing time of disability claims, including district office time. However, the States should not be held accountable for district office processing time and we are therefore not changing these regulations, which provide standards for States, to include district office time. We also do not believe it is appropriate to set maximum time frames for individual impairments. We have no factual basis for making such differentiation; furthermore, even if we did, such differentiation would increase administrative burdens and program costs. Processing time reflects all the time a disability case resides in the State agency, including Saturdays, Sundays, and all holidays. Otherwise national uniformity in the measurement of State agency processing time could not be achieved.

Finally, since Puerto Rico does not handle title XVI cases, the title XVI processing time standard will not be applicable to that State agency. Puerto Rico's performance will be measured against the title II processing time standard (and the combined accuracy standard).

The Accuracy Standard

Issues

Several commenters requested that the performance standard for accuracy be clarified or expanded, pointing out that in their view the standard now only measures a State's ability to collect evidence or to prepare the case file for appeal or further decision. Some writers mentioned that the accuracy standard does not take into account underdevelopment of claims, interpretation of medical and vocational evidence, the ability to procure relevant evidence, or the ability to apply legal standards. One writer wanted the accuracy standard amended to reflect more reasonable goals since the commenter feels a single error could cause a State to fail to meet the standard.

A number of commenters wanted clarification of the relationship between performance and decisional accuracy. Some recommended that a threshold level be established for decisional accuracy as it now is for the target level.

A number of writers recommended that the high reversal rate at the hearings level be taken into account in

setting the accuracy standard since this is an indication of poor development and decision-making at the initial claims process. Several commenters wanted the regulations on accuracy to require the States to actively assist claimants to obtain evidence.

Response

The primary purpose of the accuracy standard is to achieve improvement in the initial claims process and to ensure that only properly entitled claimants receive disability benefits. Our approach to this standard is to specify outputs (i.e., performance accuracy) rather than to specify all the inputs that could go into the standard.

Our quality assurance system has been in place for some time and we are constantly monitoring and making improvements in it as needed. Data from this review system for fiscal year 1979 were used to establish the performance accuracy levels. Data from this ongoing quality review system will be used to measure State performance.

Our quality assurance system reviews the claims file to determine if it contains the desired evidence; if other factors that could affect a decision have been considered; and if the decision is correct. This review determines the reliability of a State's adjudication of disability claims. The accuracy standard measures such items as interpretation of medical and vocational evidence, procurement of relevant medical evidence, and application of legal standards. Other sections of the regulations require the States to follow written guidelines, and policies and procedures relating to the disability process. These sections give specific requirements for developing and interpreting evidence, applying legal requirements, and adjudicating disability claims. These same guidelines, policies, and procedures are the basis for the factors reviewed in our quality assurance process and are reflected in the accuracy standard.

Further, based on the evidence in the disability claims folder, the quality assurance system identifies the percentage of cases that can be processed without being returned to the State for further development of medical or vocational evidence or for correction of the decision. This percentage is called the State's performance accuracy rate. A separate percentage of cases with correct decisions is called the State's decisional accuracy rate. Decisional accuracy is included in the performance accuracy rate.

We think the State's ability to properly develop a claim is directly related to its ability to arrive at a correct decision. A State could arrive at the right decision in a claim but have incomplete medical or vocational evidence in the folder or have followed incorrect policies and procedures in adjudicating the claim. If we do not return this case as a deficiency, the State could apply the same erroneous practices in other claims which may not be selected for quality assurance review and could make incorrect decisions.

The relationship between the development of a claim and the outcome of the decision makes it unnecessary to set a separate threshold level for decisional accuracy. A target level for decisional accuracy is provided only so the public can better understand the relationship between performance accuracy and decisional accuracy. Also, we wanted to emphasize that performance accuracy reflects more than a right or wrong decision. To set a threshold for decisional accuracy would overemphasize its importance in measuring a State's performance and could lead the States to take shortcuts in developing evidence needed to adjudicate a disability claim.

The commenter who thought a single error could cause a State to fail to meet the accuracy standard was concerned with the sizes of the samples reviewed in the quality assurance system. The likelihood of any State failing to meet the standard because of a single error is statistically possible but extremely remote.

We agree that there is a high reversal rate of denials at the hearings level; however, we do not agree that there is a correlation between this high reversal rate and a State's performance accuracy rate at the initial level. Experience (both special studies and the quality assurance reviews of initial allowances and denials and of hearings level cases) does not support this correlation. Instead, it shows that decisions reversed at the hearings level more often result from the claimant submitting additional medical evidence or the worsening of the claimant's condition. For these reasons, we did not consider the reversal rate at the hearings level in setting initial performance accuracy standards.

We do not agree with the commenters who want the regulations to state that States are required to actively assist claimants to obtain evidence for their claims. Other sections of the regulations require the States to follow SSA's guidelines, policies, and procedures. These sections specify both the claimant's and the State's responsibilities in developing evidence for a disability claim. These factors will be reviewed through the quality assurance function.

Technical and Management Assistance

Issues

Several commenters recommended stricter mandatory technical assistance requirements, a shortening of the technical assistance process, and an SSA assumption of a portion of the workload if a State is unable to meet the threshold levels. Another commenter recommended that SSA assist the State agencies in other ways that the States determine would promote the objectives of effective and uniform administration.

One commenter asked for a more detailed explanation of the meaning of mandatory and optional technical assistance. Another felt that some States would not provide the necessary personnel, equipment, and other resources needed to meet their responsibilities unless forced to do so. The same writer also felt that it would be unrealistic to expect the Federal Government to take over the functions of a State and thus there will be increased pressure on State agency administrators to do more with less.

Response

Our approach for providing technical and management assistance is designed to obtain a high level of performance while not substantially interfering with States' management functions. It gives a State the opportunity to improve its operation without undue interference while still providing for technical and management assistance. Strict requirements would not provide this flexibility. A shortening of the technical and management assistance time frames might not allow a State and SSA a sufficient amount of time to correct the State's problems and permit it to continue to participate in the disability program. One form of technical and management assistance would allow SSA to assume a portion of the State's workload until the State is able to meet the performance standards. Likewise, within the limits of our resources, we will provide assistance which a State determines it needs to promote the objectives of effective and uniform administration.

We are revising the regulations to show when we will provide assistance. (See §§ 404.1660 and 416.1060.)

The State's responsibilities to provide management, personnel, facilities, medical consultant services, and quality assurance are set forth in §§ 404.1603(c) and 416.1003(c) of these regulations. We will make every effort in the budget

process to insure that States have adequate funds to meet these responsibilities.

Substantial Failure in Meeting the Standards

Issues

One commenter stated that because of the consequences of finding a State agency in substantial failure, we should consider the State agency's performance on all the cases it handles, and not only on initial cases. This commenter said that other types of cases, especially reconsideration and continuing disability claims, account for up to one-fourth of the State agency's workload. Thus, it is possible that a State agency may be below the threshold based on its performance on initial claims only but could be above the threshold if all the State agency's work is considered. Another commenter said that, while the threshold levels appear reasonable, a State agency should not be threatened with substantial failure if it falls below a threshold because the volume of work the State agency receives exceeds our predictions of the work it would get. This commenter explained that the State agency's ability to prepare for work depends upon the accuracy of SSA predictions and if these predictions are too low, the State agency may be unable to meet the thresholds through no fault of its own.

Several commenters said that failure to meet the threshold for either performance accuracy or processing time should result in sanctions such as mandatory technical assistance and, if necessary, a finding of substantial failure. They said that a standard for processing time is as important as accuracy in measuring State performance. One writer said that since sanctions are imposed only if a State agency falls below two thresholds, one of which must be performance accuracy, we cannot compel a State agency to meet processing time standards. Another commenter said that since a State agency must fall below two thresholds before sanctions are imposed, a State agency may avoid the sanctions simply by making decisions faster to meet the processing time threshold at the expense of accuracy.

One writer said that the provisions for finding that a State agency had good cause for falling below the performance thresholds are too broad. This person also said that we should establish a mechanism for notifying State agencies when they can expect increased workloads.

Response

We agree that it is desirable to base a determination of whether a State agency is in substantial failure on the State agency's performance on all cases it handles. As soon as we can collect and study sufficient data, we may propose adding standards of performance for reconsideration and continuing disability cases to the regulations. Until then, we must measure a State agency's performance on the basis of the accuracy and timeliness of its initial disability determinations.

We have not adopted the suggestion that we find a State agency in substantial failure if it falls below one or both of the processing time thresholds. As we have noted, the thrust of the legislation which these provisions are intended to reflect is the enhancement of the accuracy and consistency of SSA's determinations with respect to disability. Hence, we consider that we are obliged to place more emphasis on accuracy than processing time to best achieve the statutory purpose. Even so, we are very concerned with processing time and we believe that all cases must be processed as quickly as practicable. However, we do not want any State agency, in order to meet a processing time standard to take short cuts that may keep it from properly developing the evidence and making the right decision in the claims it handles.

We do not believe that the good cause provisions for failing to meet the performance standards are too broad. These provisions ensure only that a State agency will not be found in substantial failure for reasons wholly beyond its control. For example, we routinely advise State agencies of their expected annual workloads and of any changes to these estimates as they occur. The State agency's budget is based on these estimates. If sudden and unanticipated changes make our estimates of a State agency's workload so inaccurate that it is unable to obtain and train adequate staff to meet the workload, we will consider whether this is a factor beyond its control and therefore good cause for not meeting the thresholds.

Hearings and Appeals

Issue

One writer asked that we allow for hearings to permit the State to discuss the differences between the State budget submittal and the budget amount we approve. This writer considered this "essential for sound fiscal management and planning for the State agency."

Response

Sections 404.1626 and 416.1026 require us to "provide funds to the State agency for the necessary cost of performing the disability determination function." The costs are negotiated with the State before they are approved or funds made available. The State has ample opportunity to justify its budget submittal during these negotiations. An additional opportunity to present these issues at a hearing would not seem to further the States' fiscal management and planning.

Assumption of Disability Determination Function

Issues

Several writers commented on potential personnel problems relating to the Federal assumption of a disability determination function. One said that we should set a deadline for the State to make fair and equitable arrangements for displaced State employees who are not hired by us because a State might deliberately fail to make acceptable arrangements for these employees to keep us from assuming its functions. Another commenter asked how we will determine which State employees are capable of performing the disability determination function for us. One writer said that we should further review the negative impact upon our ability to hire State employees because there is no provision in the law for a transfer of State benefits such as seniority, accrued sick and annual leave, and retirement benefits. One commenter said that under a Federal assumption, the State agency's administrator and deputy administrator would not be protected and would not obtain Federal employment. This person also said that a freeze on Federal hiring will preclude the Federal assumption of a State agency function.

One writer said that the regulations should contain a provision that assures that vocational rehabilitation referrals will continue to be made during and after a Federal assumption of the State agency function. Finally, one writer said that there should be a provision that requires us to meet the threshold level of performance if a State agency function is assumed by us.

Response

We do not believe that we need to put in the regulations a specific deadline by which a State agency must make suitable arrangements for its displaced employees before we can assume the State agency's functions. If it is found that we must assume a State agency's

functions, we will notify the Secretary of Labor that an assumption is in progress and that a determination is to be made that the State has made fair and equitable arrangements to protect the interests of displaced employees. If a State, for whatever reasons, does not make fair and equitable arrangements for displaced employees in a timely manner or if the Secretary of Labor cannot determine that proper arrangements have been made, we must accept applications for disability benefits and fully process those applications. This includes making the disability determinations and notifying the claimants of the decisions. We must do this to prevent disruption of services to a State's residents while an assumption of the State's functions is in progress. As required by law, we sent a report to Congress on how we expect to assume the functions and operations of a State agency. That report reflects the approach just described.

We have not yet established criteria for determining which State employees are capable of performing the disability determination function. We are considering State criteria. We must also consider basic and standard requirements which the U.S. Office of Personnel Management will set for each Federal disability determination service job position approved.

We do not yet know what the full effects upon a Federal assumption will be if State employees cannot transfer accrued benefits. We will study this further. Legislation, however, would be required for such benefits to be carried over to a Federal position. It is true that in filling positions under a Federal assumption, the law does not require us to give the State agency administrator and deputy administrator the hiring preference which we must give to other capable State agency employees. Instead it gives us a choice of whether they too should be given the hiring preference. We do not believe that a Federal hiring freeze will preclude a Federal assumption of the State agency's function. If we must assume a State agency's function while under a Federal hiring freeze, we will have to perform the function with existing SSA personnel.

The Social Security Act requires referral for vocational rehabilitation services. We therefore must continue this service. If we assume a State agency's functions, we will make every effort to achieve the highest practicable level of performance.

Additional Changes

Audits, Property and Confidentiality

We have revised §§ 404.1627 and 416.1027 to clarify that the purpose of an audit includes inspecting the work and activities required by the regulations to ensure compliance with pertinent Federal statutes and regulations as well as determining that funds were properly expended.

We have revised §§ 404.1628 and 416.1028 to establish what the disposition would be of a State agency's property and equipment if the State agency's relationship is terminated. The ownership and use of this property may be important if we are required to assume a State's function or we are notified that the State is terminating the relationship. Should assumption of the State's disability determination function become necessary or should the State end the relationship, ownership of all property and equipment acquired with SSA funds will transfer to SSA on the date the State is notified that we are assuming the disability determination function or we are notified that the State is terminating the relationship.

Systems Security

We have amended the language of §§ 404.1631 and 416.1031 which already address the issue of confidentiality of information and records to include the "security of systems" as an area where State agencies are required to adhere to Federal privacy rules.

Hearings and Appeals

According to the rules (45 CFR Part 16) of the Health and Human Services Departmental Grant Appeals Board, "a hearing may be requested within 30 days from the date notice is received rather than within 30 days from the date of the notice," as shown in our Notice of Proposed Rulemaking. Therefore, we have changed §§ 404.1627, 404.1680, 416.1027 and 416.1080 to conform with the Board's rules. Also, since the Board will only provide a hearing on final decisions, we have added language to §§ 404.1683 and 416.1083 to make it clear that a notice of "substantial failure" under §§ 404.1680 and 416.1080 will be considered a "final written decision" for purposes of Board review. We have also eliminated the terms "grantee," "grant" and "termination" in §§ 404.1683 and 416.1083, because under the Board's new procedures, these terms are no longer necessary. We have also added language to §§ 404.1694 and 416.1094 to make it clear that disputes concerning final accounting issues which cannot be resolved between the State and us will be resolved in proceedings before the Grant Appeals Board.

We also revised §§ 404.1681 and 416.1081 to clarify that the Grant Appeals Board will not resolve disputes on matters other than substantial failure that relate to nonfiscal issues. All disputes on nonfiscal issues (i.e., audit determinations relating to management or administrative matters) may be appealed only to the Commissioner of Social Security. Since these nonfiscal matters are generally related to other disability program concerns and interests, we believe it is appropriate that nonfiscal disputes be ultimately decided by the Commissioner as the highest official of the Social Security Administration.

Conclusion

We believe these regulations carry out the intent of Congress, in enacting Pub. L. 96–265, that we improve our administration of the title II and title XVI disability benefits programs while preserving the basic Federal/State structure. Our objective is to place the right person in benefit status in a timely manner, wherever in the country he or she may be living, and to pay the proper amount of benefits as long as that person is entitled to benefits. In our opinion, the regulations foster these objectives by encouraging improvement in the quality of State agency performance which will contribute to assuring that claimants are accorded fair treatment and provided with correct and equitable decisions under uniform national standards. The regulations should help accomplish these goals without adding undue administrative burdens or costs to the adjudicative process.

While Pub. L. 96–265 requires that we issue regulations to implement section 304, our policy is that we should *not* over-regulate the States. We intend to give the States maximum control over the management of their operations in making disability determinations as long as performance is adequate under the standards which we have set. These regulations permit more Federal involvement in the State's activities only if a State's performance becomes unacceptable under the standards. Under these circumstances, our primary objective is not to interfere in the State's operation, but to help the State to improve its performance with the ultimate goal of withdrawing our assistance and allowing the State to resume its own management of the program. Under these regulations, we may take action to take over the disability program from the State only

after clearly establishing that the State has substantially failed to meet its commitment to properly administer the disability determination function in the State and after determining that the State cannot reasonably be expected to effectively carry out these functions in the future. We have the obligation under the law for seeing that the title II and title XVI disability programs are efficiently and equitably administered and intend to make every effort to meet this obligation within the structure of the existing Federal-State partnership.

We certify in accordance with the Regulatory Flexibility Act of 1980 that these regulations do not have an adverse impact on small entities because these rules affect only the States.

(Catalog of Federal Domestic Assistance, Program No. 13.802, Disability Insurance; No. 13.807, Supplemental Security Income Program)

Dated: April 22, 1981.

Herbert R. Doggette, Jr.,

Acting Commissioner of Social Security.

Approved: May 15, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

For the reasons set out in the preamble, Chapter III, Title 20 of the *Code of Federal Regulations* is amended as shown.

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950-)

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.1502 is revised to read as follows:

§ 404.1502 General definitions and terms for this subpart.

As used in the subpart—

"Secretary" means the Secretary of Health and Human Services.

"State agency" means that agency of a State which has been designated by the State to carry out the disability determination function.

"We" or "us" refers to either the Social Security Administration or the State agency making the disability or blindness determination.

"You" refers to the person who has applied for benefits or for a period of disability or is receiving benefits based on disability or blindness.

2. Section 404.1503 is revised to read as follows:

§ 404.1503 Who makes disability and blindness determinations.

(a) *State agencies.* State agencies make disability and blindness determinations for the Secretary for most persons living in the State. State agencies make these disability and blindness determinations under regulations containing performance standards and other administrative requirements relating to the disability and blindness determination function. States have the option of turning the function over to the Federal Government if they no longer want to make disability determinations. Also, the Secretary may take the function away from any State which has substantially failed to make disability and blindness determinations in accordance with these regulations. Subpart Q of this Part contains the rules the States must follow in making disability and blindness determinations.

(b) *Social Security Administration.* The Social Security Administration will make disability and blindness determinations for the Secretary for—

(1) Any person living in a State which is not making for the Secretary any disability and blindness determinations or which is not making those determinations for the class of claimants to which that person belongs; and

(2) Any person living outside the United States.

(c) *What determinations are authorized.* The Secretary has authorized the State agencies and the Social Security Administration to make determinations about—

(1) Whether you are disabled or blind;

(2) The date your disability or blindness began; and

(3) The date your disability or blindness stopped.

(d) *Review of State Agency determinations.* On review of a State agency determination or redetermination of disability or blindness we may find that—

(1) You are, or are not, disabled or blind, regardless of what the State agency found;

(2) Your disability or blindness began earlier or later than the date found by the State agency; and

(3) Your disability or blindness stopped earlier or later than the date found by the State agency.

§§ 404.1601–404.1610 (Subpart Q) [Redesignated as §§ 404.2001–404.2010 (Subpart U)]

3. The headings and text of §§ 404.1601–404.1610 (Subpart Q) are redesignated as §§ 404.2001–404.2010 (Subpart U) respectively. The heading for Subpart U is "Representative Payee". (A proposed revision of present Subpart Q has been published in the **Federal Register**. These regulations will be redesignated when adopted as final).

4. A new Subpart Q is added to Part 404 to read as follows:

Subpart Q—Determinations of Disability

General Provisions

Sec.
404.1601 Purpose and scope.
404.1602 Definitions.
404.1603 Basic responsibilities for us and the State.

Responsibilities for Performing the Disability Determination Function

404.1610 How a State notifies us that it wishes to perform the disability determination function.
404.1611 How we notify a State whether it may perform the disability determination function.
404.1613 Disability determinations the State makes.
404.1614 Responsibilities for obtaining evidence to make disability determinations.
404.1615 Making disability determinations.
404.1618 Notifying claimants of the disability determination.

Administrative Responsibilities and Requirements

404.1620 Organization.
404.1621 Personnel.
404.1622 Training.
404.1623 Facilities.
404.1624 Medical and other purchased services.
404.1625 Records and reports.
404.1626 Fiscal.
404.1627 Audits.
404.1628 Property.
404.1629 Participation in research and demonstration projects.
404.1630 Coordination with other agencies.
404.1631 Confidentiality of information and records.
404.1632 Other Federal laws and regulations.
404.1633 Policies and operating instructions.

Performance Standards

404.1640 General.
404.1641 Standards of performance.
404.1642 Processing time standard.
404.1643 Performance accuracy standard.
404.1644 How and when we determine whether the processing time standards are met.
404.1645 How and when we determine whether the performance accuracy standard is met.
404.1650 If a State agency is not meeting the standards.

Technical and Management Assistance

404.1660 When we will provide assistance.
404.1661 What assistance we will provide.

Substantial Failure

404.1670 General.
404.1671 Good cause for not meeting the established threshold levels.
404.1675 Finding of substantial failure.

Hearings and Appeals

404.1680 Notice of right to hearing on proposed finding of substantial failure.
404.1681 Disputes on other matters.
404.1682 Who conducts the hearings.
404.1683 Hearings and appeals process.

Assumption of Disability Determination Function

404.1690 Assumption when we make a finding of substantial failure.
404.1691 Assumption when State no longer wishes to perform the disability determination function.
404.1692 Protection of State employees.
404.1693 Limitation on State expenditures after notice.
404.1694 Final accounting by the State.

Authority: Issued under secs. 205, 221 and 1102 of the Social Security Act, as amended: 53 Stat. 1368, as amended; 66 Stat. 1081, as amended; 49 Stat. 647, as amended; 42 U.S.C. 405, 421 and 1302.

Subpart Q—Determinations of Disability

General Provisions

§ 404.1601 Purpose and scope.

This subpart describes the standards of performance and administrative requirements and procedures for States making determinations of disability for the Secretary under title II of the Act. It also establishes the Secretary's responsibilities in carrying out the disability determination function.

(a) Sections 404.1601–404.1603 describe the purpose of the regulations and the meaning of terms frequently used in the regulations. They also briefly set forth the responsibilities of the Secretary and the States covered in detail in other sections.

(b) Sections 404.1610–404.1618 describe the Secretary's and the State's responsibilities in performing the disability determination function.

(c) Sections 404.1620–404.1633 describe the administrative responsibilities and requirements of the States. The corresponding role of the Secretary is also set out.

(d) Sections 404.1640–404.1650 describe the performance accuracy and processing time standards for measuring State agency performance.

(e) Sections 404.1660–404.1661 describe when and what kind of assistance the Secretary will provide State agencies to help them improve performance.

(f) Sections 404.1670–404.1675 describe the level of performance below which the Secretary will consider a State agency to be substantially failing to make disability determinations consistent with the regulations and other written guidelines and the resulting action the Secretary will take.

(g) Sections 404.1680–404.1683 describe the rules for resolving disputes concerning fiscal issues and providing hearings when we propose to find that a State is in substantial failure.

(h) Sections 404.1690–404.1694 describe when and what action the Secretary will take and what action the State will be expected to take if the Secretary assumes the disability determination function from a State agency.

§ 404.1602 Definitions.

For purposes of this subpart:

"Act" means the Social Security Act, as amended.

"Class or classes of cases" means the categories into which disability claims are divided according to their characteristics.

"Determination of disability" or "disability determination" means one or more of the following decisions:

(a) Whether or not a person is under a disability;

(b) The date a person's disability began; or

(c) The date a person's disability ended.

"Disability" means "disability" or "blindness" as defined in sections 216(i) and 223 of the Act or as defined in title IV of the Federal Mine Safety and Health Act of 1977, as amended.

"Disability determination function" means making determinations as to disability and carrying out related administrative and other responsibilities.

"Disability program" means, as appropriate, the Federal programs for providing disability insurance benefits under title II of the Act and disability benefits under title IV of the Federal Mine Safety and Health Act of 1977, as amended.

"Initial" means the first level of disability adjudication.

"Other written guidelines" means the policies, procedures, guides, and operating instructions in the Disability Insurance section of the Program Operations Manual System that are not designated as advisory or discretionary.

"Regulations" means regulations in this subpart issued under §§ 205(a), 221 and 1102 of the Act, unless otherwise indicated.

"Secretary" means the Secretary of the Department of Health and Human Services or the Secretary's delegate.

"State" means any of the 50 States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, or Guam. It includes the State agency.

"State agency" means that agency of a State which has been designated by the State to carry out the disability determination function.

"We", "us," and "our" refers to the Social Security Administration (SSA) or the Secretary, as appropriate.

§ 404.1603 Basic responsibilities for us and the State.

(a) *General.* We will work with the State to provide and maintain an effective system for processing claims of those who apply for and who are receiving benefits under the disability program. We will provide program standards, leadership, and oversight. We do not intend to become involved in the State's ongoing management of the program except as is necessary and in accordance with these regulations. The State will comply with our regulations and other written guidelines.

(b) *Our responsibilities.* We will:

(1) Periodically review the regulations and other written guidelines to determine whether they insure effective and uniform administration of the disability program. To the extent feasible, we will consult with and take into consideration the experience of the States in issuing regulations and guidelines necessary to insure effective and uniform administration of the disability program;

(2) Provide training materials or in some instances conduct or specify training, see § 404.1622;

(3) Provide funds to the State agency for the necessary cost of performing the disability determination function, see § 404.1626;

(4) Monitor and evaluate the performance of the State agency under the established standards, see §§404.1644 and 404.1645; and

(5) Maintain liaison with the medical profession nationally and with national organizations and agencies whose interests or activities may affect the disability program.

(c) *Responsibilities of the State.* The State will:

(1) Provide management needed to insure that the State agency carries out the disability determination function so that disability determinations are made accurately and promptly;

(2) Provide an organizational structure, adequate facilities, qualified personnel, medical consultant services, and a quality assurance function (§§ 404.1620–404.1624);

(3) Furnish reports and records relating to the administration of the disability program (§ 404.1625);

(4) Submit budgets (§ 404.1626);

(5) Cooperate with audits (§ 404.1627);

(6) Insure that all applicants for and recipients of disability benefits are treated equally and courteously;

(7) Be responsible for property used for disability program purposes (§ 404.1628);

(8) Take part in the research and demonstration projects (§ 404.1629);

(9) Coordinate with other agencies (§ 404.1630);

(10) Safeguard the records created by the State in performing the disability determination function (§ 404.1631);

(11) Comply with other provisions of the Federal law and regulations that apply to the State in performing the disability determination function;

(12) Comply with other written guidelines (§ 404.1633);

(13) Maintain liaison with the medical profession and organizations that may facilitate performing the disability determination function; and

(14) Assist us in other ways that we determine may promote the objectives of effective and uniform administration.

Responsibilities for Performing the Disability Determination Function

§ 404.1610 How a State notifies us that it wishes to perform the disability determination function.

(a) *Deemed notice.* Any State that has in effect as of June 1, 1981, an agreement with us to make disability determinations will be deemed to have given us notice that it wishes to perform the disability determination function, in lieu of continuing the agreement in effect after June 1, 1981.

(b) *Written notice.* After June 1, 1981, a State not making disability determinations that wishes to perform the disability determination function under these regulations must notify us in writing. The notice must be from an official authorized to act for the State for this purpose. The State will provide an opinion from the State's Attorney General verifying the authority of the official who sent the notice to act for the State.

§ 404.1611 How we notify a State whether it may perform the disability determination function.

(a) If a State notifies us in writing that it wishes to perform the disability determination function, we will notify the State in writing whether or not it may perform the function. The State will begin performing the disability determination function beginning with the month we and the State agree upon.

(b) If we have previously found that a State agency has substantially failed to make disability determinations in accordance with the law or these regulations and other written guidelines or if the State has previously notified us in writing that it does not wish to make disability determinations, the notice will advise the State whether the State agency may again make the disability determinations and, if so, the date and the conditions under which the State may again make them.

§ 404.1613 Disability determinations the State makes.

(a) *General rule.* A State agency will make determinations of disability with respect to all persons in the State except those individuals whose cases are in a class specifically excluded by our written guidelines. A determination of disability made by the State is the determination of the Secretary, except as described in § 404.1503(d)(1).

(b) *New classes of cases.* Where any new class or classes of cases arise requiring determinations of disability, we will determine the conditions under which a State may choose not to make the disability determinations. We will provide the State with the necessary funding to do the additional work.

(c) *Temporary transfer of classes of cases.* We will make disability determinations for classes of cases temporarily transferred to us by the State agency if the State agency asks us to do so and we agree. The State agency will make written arrangements with us which will specify the period of time and the class or classes of cases we will do.

§ 404.1614 Responsibilities for obtaining evidence to make disability determinations.

(a) The State agency will secure from the claimant, or other sources, any evidence it needs to make a disability determination.

(b) We will secure from the claimant or other special arrangement sources, any evidence we can obtain as adequately and more readily than the State agency. We will furnish the evidence to the State agency for use in making a disability determination.

(c) At our request, the State agency will obtain and furnish medical or other evidence and provide assistance as may be necessary for us to carry out our responsibilities—

(1) For making disability determinations in those classes of cases described in the written guidelines for which the State agency does not make the determination; or

(2) Under international agreements with respect to social security benefits payable under section 233 of the Act.

§ 404.1615 Making disability determinations.

(a) When making a disability determination, the State agency will apply subpart P, Part 404 of our regulations.

(b) The State agency will make disability determinations based only on the medical and nonmedical evidence in its files.

(c) Disability determinations will be made by a State agency medical consultant and a State agency disability examiner. The State agency disability examiner must be qualified to interpret and evaluate medical reports and other evidence relating to the claimant's physical or mental impairments and as necessary to determine the capacities of the claimant to perform substantial gainful activity. (See § 404.1572 of this part for what we mean by "substantial gainful activity".)

(d) The State agency will certify each determination of disability to us on forms we provide.

(e) The State agency will furnish us with all the evidence it considered in making its determination.

(f) The State agency will not be responsible for defending in court any determination made, or any procedure for making determinations, under these regulations.

§ 404.1618 Notifying claimants of the disability determination.

The State agency will prepare denial notices in accordance with subpart J of this Part whenever it makes a disability determination which is wholly or partly unfavorable to the claimant.

Administrative Responsibilities and Requirements

§ 404.1620 Organization.

(a) The State will provide the organizational structure, sufficient qualified personnel, medical consultant services, and a quality assurance function to insure disability determinations are made accurately and promptly. We may impose specific organizational requirements on the State, but only in the course of mandatory technical and management assistance as described in § 404.1660.

(b) The State is responsible for making accurate and prompt disability determinations.

§ 404.1621 Personnel.

(a) *Equal Employment Opportunity.* The State will comply with all applicable Federal statutes, executive orders and regulations concerned with equal employment opportunities.

(b) *Selection, tenure, and compensation.* The State agency will, except as may be inconsistent with paragraph (a) of this section, adhere to applicable State approved personnel

standards in the selection, tenure, and compensation of any individual employed in the disability program.

(c) *Travel.* The State will make personnel available to attend meetings or workshops as may be sponsored or approved by us for furthering the purposes of the disability program.

(d) *Restrictions.* Subject to appropriate Federal funding, the State will, to the best of its ability, facilitate the processing of disability claims by avoiding personnel freezes, restrictions against overtime work, or curtailment of facilities or activities.

§ 404.1622 Training.

The State will insure that all employees have an acceptable level of competence. We will provide training and other instructional materials to facilitate basic and advanced technical proficiency of disability staff in order to insure uniformity and effectiveness in the administration of the disability program. We will conduct or specify training, as appropriate, but only if:

(a) a State agency's performance approaches unacceptable levels; or

(b) the material required for the training is complex or the capacity of the State to deliver the training is in doubt and uniformity of the training is essential.

§ 404.1623 Facilities.

(a) *Space, equipment, supplies, and other services.* Subject to appropriate Federal funding, the State will provide adequate space, equipment, supplies, and other services to facilitate making accurate and prompt disability determinations.

(b) *Location of facilities.* Subject to appropriate Federal funding, the State will determine the location where the disability determination function is to be performed so that disability determinations are made accurately and promptly.

(c) *Access.* The State will permit us access to the premises where the disability determination function is performed for the purposes of inspecting the work and activities required by the regulations and assuring compliance with pertinent Federal statutes and regulations. We will contact the State and give reasonable prior notice of the times and purposes of any visit.

§ 404.1624 Medical and other purchased services.

The State will determine the rates of payment to be used for purchasing medical or other services necessary to make determinations of disability. The rates may not exceed the highest rate paid by Federal or other agencies in the State for the same or similar type of service. The State will maintain documentation to support the rates of payment it uses.

§ 404.1625 Records and reports.

(a) The State will establish and maintain the records and furnish the schedules, financial, cost, and other reports relating to the administration of the disability programs as we may require.

(b) The State will permit us and the Comptroller General of the United States (including duly authorized representatives) access to and the right to examine records relating to the work which the State performs under these regulations. These records will be retained by the State for the periods of time specified for retention of records in the Federal Procurement Regulations (41 CFR Parts 1–20).

§ 404.1626 Fiscal.

(a) We will give the State funds, in advance or by way of reimbursement, for necessary costs in making disability determinations under these regulations. Necessary costs mean direct as well as indirect costs as defined in title 41 CFR subpart 1–15.7 and in Federal Management Circular 74–4, as amended or superseded.

(b) The State will submit estimates of anticipated costs in the form of a budget at the time and in the manner we require.

(c) We will notify the State of the amount which will be made available to it as well as what anticipated costs are being approved.

(d) The State may not incur or make expenditures for items of cost not approved by us or in excess of the amount we make available to the State.

(e) After the close of a period for which funds have been made available to the State, the State will submit a report of its actual expenditures. We will give the State an audit report showing whether the expenditures were consistent with cost principles described in subpart 1–15.7 of part 1–15 of the Federal Procurement Regulations (41 CFR 1–15.7) and in written guidelines in effect at the time the expenditures were made or incurred.

(f) Any monies paid to the State which are used for purposes not within the scope of these regulations will be paid back to the Treasury of the United States.

§ 404.1627 Audits.

As soon as practicable after the close of each budgetary period, or at other times as necessary, the books of account and records in each State pertaining to the administration of the disability program under the Act will be audited by our Inspector General's office. These audits are conducted to determine whether the expenditures were made for the purposes intended and in amounts necessary for the proper and efficient administration of the disability program. Audits will also be made to inspect the work and activities required by the regulations to ensure compliance with pertinent Federal statutes and regulations. The State will make every effort to act upon and resolve any items questioned in an audit.

(a) *Questioned items.* Expenditures of State agencies will be audited on the basis of cost principles and written guidelines in effect at the time the expenditures were made or incurred. Both the State and the State agency will be informed and given a full explanation of any questioned items. They will be given reasonable time to explain questioned items or expenditures. Any explanation furnished by the State or State agency will be given full consideration before a final determination is made on questioned items in the audit report.

(b) *State appeal of audit determinations.* The appropriate SSA regional commissioner will notify the State of his or her determination on the audit report. If the State disagrees with that determination, the State may request reconsideration in writing within 30 days of the date of the regional commissioner's notice of the determination. The written request may be made, through the Associate Commissioner, Office of Operational Policy and Procedures, to the Commissioner of Social Security, Room 900, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235. The Commissioner will make a determination and notify the State of that decision in writing no later than 45 days from the date of the State's appeal. The decision by the Commissioner will be final and conclusive upon the State unless the State appeals that decision in writing to the Department of Health and Human Services, Departmental Grant Appeals Board within 30 days after receiving the Commissioner's decision. See § 404.1683.

§ 404.1628 Property.

The State will have title to equipment purchased for disability program purposes. The State will be responsible for maintaining all property it acquires or which we furnish to it for performing the disability determination function. The State will identify the equipment by labeling and by inventory and will

credit the SSA account with the fair market value of disposed property.

In the event we assume the disability determination function from a State, ownership of all property and equipment acquired with SSA funds will be transferred to us effective on the date the State is notified that we are assuming the disability determination function or we are notified that the State is terminating the relationship.

§ 404.1629 Participation in research and demonstration projects.

We will invite State participation in federally funded research and demonstration projects to assess the effectiveness of the disability program and to ascertain the effect of program policy changes. Where we determine that State participation is necessary for the project to be complete, for example, to provide national uniformity in a claims process, State participation is mandatory.

§ 404.1630 Coordination with other agencies.

(a) The State will establish cooperative working relationships with other agencies concerned with serving the disabled and, insofar as practicable, use their services, facilities, and records to:

(1) Assist the State in developing evidence and making determinations of disability; and

(2) Insure that referral of disabled or blind persons for rehabilitation services will be carried out effectively.

(b) The State may pay these agencies for the services, facilities, or records they provide. The State will include these costs in its estimates of anticipated costs and reports of actual expenditures.

§ 404.1631 Confidentiality of information and records.

The State will comply with the confidentiality of information, including the security of systems, and records requirements described in 20 CFR Part 401 and pertinent written guidelines (see § 404.1633).

§ 404.1632 Other Federal laws and regulations.

The State will comply with the provisions of other Federal laws and regulations that directly affect its responsibilities in carrying out the disability determination function; for example, Treasury Department regulations on letters of credit (31 CFR Part 205).

§ 404.1633 Policies and operating instructions.

(a) We will provide the State agency with written guidelines necessary for it to carry out its responsibilities in performing the disability determination function.

(b) The State agency making determinations of disability will comply with the written guidelines in the Disability Insurance section of the Program Operations Manual System. This manual will also include certain policies, procedures, guides and operating instructions designated as advisory or discretionary.

(c) A representative group of State agencies will be given an opportunity to participate in formulating disability program policies that have an affect on their role in carrying out the disability determination function. State agencies will also be given an opportunity to comment before changes are made in written guidelines unless delay in issuing a change may impair service to the public.

Performance Standards

§ 404.1640 General.

The following sections provide the procedures and guidelines we use to determine whether the State agency meets established national performance standards. We use these performance standards to help assure effective and uniform administration of our disability programs throughout the United States and to measure whether each State agency's performance of the disability determination function is acceptable. Also, the standards are designed to improve overall State agency performance in the disability determination process. We measure the State agency performance in two areas—processing time and performance accuracy.

§ 404.1641 Standards of performance.

(a) *General.* The performance standards include both a target level of performance and a threshold level of performance for the State agency. The target level represents a level of performance that we and the States will work to attain in the future. The threshold level is the minimum acceptable level of performance. Performance below the threshold level will be the basis for the Secretary's taking from the State agency partial or complete responsibility for performing the disability determination function. Intermediate State agency goals are designed to help each State agency move from its current performance levels to the target levels.

(b) *The target level.* The target level is the optimum level of performance. There are three targets—one for combined title II and title XVI initial performance accuracy, one for title II initial processing time, and one for title XVI initial processing time.

(c) *The threshold level.* The threshold level is the minimum acceptable level of performance. There are three thresholds—one for combined title II and title XVI initial performance accuracy, one for title II initial processing time, and one for title XVI initial processing time.

(d) *Intermediate goals.* Intermediate goals are levels of performance between the threshold levels and the target levels established by SSA's regional commissioner after negotiation with each State agency. The intermediate goals are stepping stones designed to help the State agencies reach the target levels. Failure to meet these goals is not a cause for considering the State agency to be substantially failing to comply with the performance standards. However, failure to meet the intermediate goals may result in consultation and an offer of optional technical and management assistance depending on the availability of SSA resources.

§ 404.1642 Processing time standards.

(a) *General.* Title II processing time refers to the average number of days (including Saturday, Sunday and holidays) it takes a State agency to process an initial disability claim from the day it is received in the State agency until the day it is released by the State agency. Title XVI processing time refers to the average number of days (including Saturday, Sunday and holidays) from release of the initial disability claim by the SSA district office until systems input of the disability determination.

(b) *Target levels.* The processing time target levels are:

(1) 37 days for title II initial claims.

(2) 43 days for title XVI initial claims.

(c) *Threshold levels.* The processing time threshold levels are:

(1) 49.5 days for title II initial claims.

(2) 57.9 days for title XVI initial claims.

§ 404.1643 Performance accuracy standard.

(a) *General.* Performance accuracy refers to the percentage of cases that do not have to be returned to State agencies for further development or correction of decisions based on evidence in the files and as such represents the reliability of State agency

adjudication. The definition of performance accuracy includes the measurement of factors that have a potential for affecting a decision, as well as the correctness of the decision. For example, if a particular item of medical evidence should have been in the file but was not included, even though its inclusion does not change the result in the case, that is a performance error. Performance accuracy, therefore, is a higher standard than decisional accuracy. As a result, the percentage of correct decisions is significantly higher than what is reflected in the error rate established by SSA's quality assurance system.

(b) *Target level.* The State agency initial performance accuracy target level for combined title II and title XVI cases is 97 percent with a corresponding decision accuracy rate of 99 percent.

(c) *Intermediate Goals.* These goals will be established annually by SSA's regional commissioner after negotiation with the State and should be used as stepping stones to progress towards our targeted level of performance.

(d) *Threshold levels.* The State agency initial performance accuracy threshold level for combined title II and title XVI cases is 90.6 percent.

§ 404.1644 How and when we determine whether the processing time standards are met.

(a) *How we determine processing times.* For all initial title II cases, we calculate the mean number of days (including Saturday, Sunday and holidays) from the time the case folder is received in the State agency until it is released to us by the State agency. For initial title XVI cases, we calculate a mean number of days (including Saturday, Sunday and holidays) from the release of the case folder by the social security district office until systems input of the disability determination.

(b) *Frequency of review.* Title II processing times and title XVI processing times are monitored separately on a quarterly basis. The determination as to whether or not the processing time thresholds have been met is made at the end of each quarter each year. Quarterly State-by-State mean processing times are compared with the threshold levels for both title II and title XVI.

§ 404.1645 How and when we determine whether the performance accuracy standard is met.

(a) *How we determine performance accuracy.* We determine a State agency's performance accuracy rate on the basis of decision and documentation errors identified in our review of the sample cases.

(b) *Frequency of review.* Title II and title XVI initial performance accuracy are monitored together on a quarterly basis. The determinations as to whether the performance accuracy threshold has been met is made at the end of each quarter each year. Quarterly State-by-State combined initial performance accuracy rates are compared to the established threshold level.

§ 404.1650 If a State agency is not meeting the standards.

If a State agency falls below 2 of the 3 established threshold levels (one of which must be performance accuracy) for 2 or more consecutive quarters, we will notify the State agency in writing that it is not meeting the standards. Following our notification we will as soon as practicable provide the State agency appropriate technical and management assistance described in §§ 404.1660 and 404.1661 of these regulations for a period of up to 12 months.

Technical and Management Assistance

§ 404.1660 When we will provide assistance.

(a) *General.* We will maintain a regular monitoring program to evaluate State agency performance of combined title II and title XVI initial performance accuracy, title II initial processing time and title XVI initial processing time. This regular monitoring program will allow us to determine the type of technical and management assistance a State agency may need to improve its performance. In addition, the results of this monitoring will show whether we will give a State agency mandatory or optional technical and management assistance.

(b) *Mandatory assistance.* (1) We will provide a State agency technical and management assistance if it fails to meet two of three threshold levels (one being performance accuracy) for two consecutive quarters. These levels are—

(i) Combined title II and title XVI initial performance accuracy—90.6 percent

(ii) Title II initial processing time—49.5 days

(iii) Title XVI initial processing time—57.9 days

(2) Failure to meet any one of the threshold levels for two consecutive quarters may result in technical and management assistance being provided depending on available resources.

(c) *Optional assistance.* We may offer a State agency technical and management assistance when regular monitoring reveals that performance has significantly declined or that intermediate goals have not been met. We will offer this technical and management assistance at our discretion based on available resources.

§ 404.1661 What assistance we will provide.

We will initiate a program of technical and management assistance in order to improve performance in those State agencies where it has been determined that such help is necessary. This program will include any or all of the following—

(a) An onsite review of cases processed by the State agency emphasizing adherence to written guidelines.

(b) A fiscal and administrative management review (FAMR) to:

(1) Identify particular aspects of State agency operations which can receive immediate help and thus improve performance accuracy or processing time; and

(2) Develop a long-range plan based on the FAMR results to help the State agency prevent its performance from falling below the threshold levels in the future.

(c) A request that necessary administrative measures be implemented (e.g., filling staffing vacancies, using overtime, assisting with training activities, etc.).

(d) Provisions for Federal personnel to perform onsite reviews, conduct training, or perform other functions needed to improve performance.

(e) Provisions for fiscal aid to allow for overtime, temporary hiring of additional staff, etc., above the authorized budget.

Substantial Failure

§ 404.1670 General.

After a State agency falls below 2 of 3 established threshold levels, one being performance accuracy, for 2 consecutive quarters, and after the mandatory technical and management assistance period, we will give the State agency a 3-month adjustment period. During this 3-month period we will not require the State agency to meet the threshold levels. Following the adjustment period, if the State agency again falls below 2 of 3 threshold levels, one being performance accuracy, in 2 consecutive quarters during the next 12 months, we will notify the State that we propose to find the State agency to be in substantial failure and advise it that it may request a hearing on that issue. After giving the State notice and an opportunity for a hearing, if it is found that a State agency has substantially

failed to make disability determinations consistent with the regulations and other written guidelines, we will assume partial or complete responsibility for performing the disability determination function after we have complied with § 404.1690 and § 404.1692.

§ 404.1671 Good cause for not meeting the established threshold levels.

If we find that a State agency did not meet the threshold levels because of factors beyond its control, we will not find the State agency to be in substantial failure. Some of the factors we will consider are:

(a) Disasters such as fire, flood, or civil disorder, that—

(1) Require the diversion of significant personnel normally assigned the disability determination function, or

(2) Destroyed or delayed access to significant records needed to make accurate disability determinations;

(b) Strikes of State agency staff or other government or private personnel necessary to the performance of the disability determination function; or

(c) Sudden and unanticipated workload changes which result from changes in Federal law, regulation, or written guidelines, systems modifications or systems malfunctions, or rapid, unpredictable caseload growth for a 6-month period or longer.

§ 404.1675 Finding of substantial failure.

A finding of substantial failure with respect to a State may not be made unless and until the State is afforded an opportunity for a hearing.

Hearings and Appeals

§ 404.1680 Notice of right to hearing on proposed finding of substantial failure.

If, following the mandatory technical and management assistance period and the 3-month adjustment period, a State agency again falls below 2 of 3 threshold levels (one being performance accuracy) in 2 consecutive quarters in the succeeding 12 months, we will notify the State in writing that we will find the State agency in substantial failure unless the State submits a written request for a hearing with the Health and Human Services Departmental Grant Appeals Board within 30 days after receiving the notice. The notice will identify the threshold levels that were not met by the State agency, the period during which the thresholds were not met, and the accuracy and processing time levels attained by the State agency during this period. If a hearing is not requested, the State agency will be found in substantial failure and we will implement our plans to assume the disability determination function.

§ 404.1681 Disputes on other matters.

Disputes concerning fiscal issues will be resolved in proceedings before the Health and Human Services Departmental Grant Appeals Board if the issue cannot be resolved between us and the State. Disputes concerning nonfiscal issues will be resolved through an appeal to the Commissioner of Social Security, who will make the final decision. (See § 404.1627.)

§ 404.1682 Who conducts the hearings.

If a hearing is required, it will be conducted by the Health and Human Services Departmental Grant Appeals Board (the Board).

§ 404.1683 Hearings and appeals process.

The rules for hearings and appeals before the Board are provided in 45 CFR Part 16. A notice under § 404.1680 of this subpart will be considered a "final written decision" for purposes of Board review.

Assumption of Disability Determination Function

§ 404.1690 Assumption when we make a finding of substantial failure.

(a) *Notice to State.* When we find that substantial failure exists, we will notify the State in writing that we will assume responsibility for performing the disability determination function from the State agency, whether the assumption will be partial or complete, and the date on which the assumption will be effective.

(b) *Effective date of assumption.* The date of any partial or complete assumption of the disability determination function from a State agency may not be earlier than 180 days after our finding of substantial failure, and not before compliance with the requirements of § 404.1692.

§ 404.1691 Assumption when State no longer wishes to perform the disability determination function.

(a) *Notice to the Secretary.* If a State no longer wishes to perform the disability determination function, it will notify us in writing. The notice must be from an official authorized to act for the State for this purpose. The State will provide an opinion from the State's Attorney General verifying the authority of the official who gave the notice.

(b) *Effective date of assumption.* The State agency will continue to perform whatever activities of the disability determination function it is performing at the time the notice referred to in paragraph (a) of this section is given for not less than 180 days or, if later, until we have complied with the requirements of § 404.1692. For example, if the State is not making disability determinations (because we previously assumed responsibility for making them) but is performing other activities related to the disability determination function at the time it gives notice, the State will continue to do these activities until the requirements of this paragraph are met. Thereafter, we will assume complete responsibility for performing the disability determination function.

§ 404.1692. Protection of State employees.

(a) *Hiring preference.* We will develop and initiate procedures to implement a plan to partially or completely assume the disability determination function from the State agency under § 404.1690 or § 404.1691, as appropriate. Except for the State agency's administrator, deputy administrator, or assistant administrator (or his equivalent), we will give employees of the State agency who are capable of performing duties in the disability determination function preference over any other persons in filling positions with us for which they are qualified. We may also give a preference in hiring to the State agency's administrator, deputy administrator, or assistant administrator (or his equivalent). We will establish a system for determining the hiring priority among the affected State agency employees in those instances where we are not hiring all of them.

(b) *Determination by Secretary of Labor.* We will not assume responsibility for performing the disability determination function from a State until the Secretary of Labor determines that the State has made fair and equitable arrangements under applicable Federal, State and local law to protect the interests of employees who will be displaced from their employment because of the assumption and who we will not hire.

§ 404.1693 Limitation on State expenditures after notice.

The State agency may not, after it receives the notice referred to in § 404.1690, or gives the notice referred to in § 404.1691, make any new commitments to spend funds allocated to it for performing the disability determination function without the approval of the appropriate SSA regional commissioner. The State will make every effort to close out as soon as possible all existing commitments that relate to performing the disability determination function.

§ 404.1694 Final accounting by the State.

The State will submit its final claims to us as soon as possible, but in no event later than 1 year from the effective date of our assumption of the disability determination function unless we grant an extension of time. When the final claim(s) is submitted, a final accounting will be made by the State of any funds paid to the State under § 404.1626 which have not been spent or committed prior to the effective date of our assumption of the disability determination function. Disputes concerning final accounting issues which cannot be resolved between the State and us will be resolved in proceedings before the Grant Appeals Board as described in 45 CFR Part 16.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.902 is revised to read as follows:

§ 416.902 General definitions and terms for this subpart.

As used in the subpart—

"Secretary" means the Secretary of Health and Human Services.

"State agency" means that agency of a State which has been designated by the State to carry out the disability determination function.

"We" or "us" refers to either the Social Security Administration or the State agency making the disability or blindness determination.

"You" refers to the person who has applied for or is receiving benefits based on disability or blindness.

2. Section 416.903 is revised to read as follows:

§ 416.903 Who makes disability and blindness determinations.

(a) *State agencies.* State agencies make disability and blindness determinations for the Secretary for most persons living in the State. State agencies make these disability and blindness determinations under regulations containing performance standards and other administrative requirements relating to the disability and blindness determination function. States have the option of turning the function over to the Federal Government if they no longer want to make disability determinations. Also, the Secretary may take the function away from any State which has substantially failed to make disability and blindness determinations in accordance with these regulations. Subpart J of this Part contains the rules the States must follow in making disability and blindness determinations.

(b) *Social Security Administration.* The Social Security Administration will make disability and blindness determinations for the Secretary for—

(1) Any person living in a State which is not making for the Secretary any disability and blindness determinations or which is not making those determinations for the class of claimants to which that person belongs; and

(2) Any person living outside the United States.

(c) *What determinations are authorized.* The Secretary has authorized the State agencies and the Social Security Administration to make determinations about—

(1) Whether you are disabled or blind;

(2) The date your disability or blindness began; and

(3) The date your disability or blindness stopped.

(d) *Review of State Agency determinations.* On review of a State agency determination or redetermination of disability or blindness we may find that—

(1) You are, or are not, disabled or blind, regardless of what the State agency found;

(2) Your disability or blindness began earlier or later than the date found by the State agency; and

(3) Your disability or blindness stopped earlier or later than the date found by the State agency.

§§ 416.1001–416.1078 [Redesignated as §§416.1801–416.1878 (Subpart R)]

3. The section headings and the text of §§ 416.1001–416.1078 are redesignated as §§ 416.1801–416.1878 (Subpart R). The title of Subpart R is "Relationship".

4. A new Subpart J is added to Part 416 to read as follows:

Subpart J—Determinations of Disability

General Provisions

Sec.
416.1001 Purpose and scope.
416.1002 Definitions.
416.1003 Basic responsibilities for us and the State.

Responsibilities for Performing the Disability Determination Function

416.1010 How a State notifies us that it wishes to perform the disability determination function.
416.1011 How we notify a State whether it may perform the disability determination function.
416.1013 Disability determinations the State makes.
416.1014 Responsibilities for obtaining evidence to make disability determinations.
416.1015 Making disability determinations.
416.1018 Notifying claimants of the disability determination.

Administrative Responsibilities and Requirements

416.1020 Organization.
416.1021 Personnel.
416.1022 Training.
416.1023 Facilities.
416.1024 Medical and other purchased services.
416.1025 Records and reports.
416.1026 Fiscal.
416.1027 Audits.
416.1028 Property.
416.1029 Participation in research and demonstration projects.
416.1030 Coordination with other agencies
416.1031 Confidentiality of information and records.
416.1032 Other Federal laws and regulations.
416.1033 Policies and operating instructions

Performance Standards

416.1040 General.
416.1041 Standards of performance.
416.1042 Processing time standard.
416.1043 Performance accuracy standard
416.1044 How and when we determine whether the processing time standards are met.
416.1045 How and when we determine whether the performance accuracy standard is met.
416.1050 If a State agency is not meeting the standards.

Technical and Management Assistance

416.1060 When we will provide assistance.
416.1061 What assistance we will provide.

Substantial Failure

416.1070 General.
416.1071 Good cause for not meeting the established threshold levels.
416.1075 Finding of substantial failure.

Hearings and Appeals

416.1080 Notice of right to hearing on proposed finding of substantial failure
416.1081 Disputes on other matters.
416.1082 Who conducts the hearings.
416.1083 Hearings and appeals process.

Assumption of Disability Determination Function

416.1090 Assumption when we make a finding of substantial failure.
416.1091 Assumption when State no longer wishes to perform the disability determination function.
416.1092 Protection of State employees.
416.1093 Limitation on State expenditures after notice.
416.1094 Final accounting by the State.

Authority: Issued under secs. 1102, 1614, and 1631 of the Social Security Act, as amended; 49 Stat. 647, as amended; 86 Stat. 1471, as amended by 88 Stat. 52; 86 Stat. 1475; 42 U.S.C. 1302, 1382c, and 1383.

Subpart J—Determinations of Disability

General Provisions

§ 416.1001 Purpose and scope.

This subpart describes the standards of performance and administrative requirements and procedures for States making determinations of disability for the Secretary under title XVI of the Act. It also establishes the Secretary's responsibilities in carrying out the disability determination function.

(a) Sections 416.1001–416.1003 describe the purpose of the regulations and the meaning of terms frequently used in the regulations. They also briefly set forth the responsibilities of the Secretary and the States covered in detail in other sections.

(b) Sections 416.1010–416.1018 describe the Secretary's and the State's responsibilities in performing the disability determination function.

(c) Sections 416.1020–416.1033 describe the administrative responsibilities and requirements of the States. The corresponding role of the Secretary is also set out.

(d) Sections 416.1040–416.1050 describe the performance accuracy and processing time standards for measuring State agency performance.

(e) Sections 416.1060–416.1061 describe when and what kind of assistance the Secretary will provide State agencies to help them improve performance.

(f) Sections 416.1070–416.1075 describe the level of performance below which the Secretary will consider a State agency to be substantially failing to make disability determinations consistent with the regulations and other written guidelines and the resulting action the Secretary will take.

(g) Sections 416.1080–416.1083 describe the rules for resolving disputes concerning fiscal issues and providing hearings when we propose to find that a State is in substantial failure.

(h) Sections 416.1090–416.1094 describe when and what action the Secretary will take and what action the State will be expected to take if the Secretary assumes the disability determination function from a State agency.

§ 416.1002 Definitions.

For purposes of this subpart:

"Act" means the Social Security Act, as amended.

"Class or classes of cases" means the categories into which disability claims are divided according to their characteristics.

"Determination of disability" or "disability determination" means one or more of the following decisions:

(a) Whether or not a person is under a disability;

(b) The date a person's disability began; or

(c) The date a person's disability ended.

"Disability" means "disability" or "blindness" as defined in sections 1614(a) (2) and (3) of the Act.

"Disability determination function" means making determinations as to disability or blindness and carrying out related administrative and other responsibilities.

"Disability program" means the Federal program for providing supplemental security income benefits for the blind and disabled under title XVI of the Act, as amended.

"Initial" means the first level of disability or blindness adjudication.

"Other written guidelines" means the policies, procedures, guides, and operating instructions in the Disability Insurance section of the Program Operations Manual System that are not designated as advisory or discretionary.

"Regulations" means regulations in this subpart issued under §§ 1102, 1631(c) and 1633(a) of the Act, unless otherwise indicated.

"Secretary" means the Secretary of the Department of Health and Human Services or the Secretary's delegate.

"State" means any of the 50 States of the United States and the District of Columbia. It includes the State agency.

"State agency" means that agency of a State which has been designated by the State to carry out the disability determination function.

"We," "us," and "our" refers to the Social Security Administration (SSA) or the Secretary, as appropriate.

§ 416.1003 Basic responsibilities for us and the State.

(a) *General.* We will work with the State to provide and maintain an effective system for processing claims of those who apply for and who are receiving benefits under the disability program. We will provide program standards, leadership, and oversight. We do not intend to become involved in the State's ongoing management of the program except as is necessary and in accordance with these regulations. The State will comply with our regulations and other written guidelines.

(b) *Our responsibilities.* We will:

(1) Periodically review the regulations and other written guidelines to determine whether they insure effective and uniform administration of the disability program. To the extent feasible, we will consult with and take into consideration the experience of the States in issuing regulations and guidelines necessary to insure effective and uniform administration of the disability program;

(2) Provide training materials or in some instances conduct or specify training (see § 416.1022);

(3) Provide funds to the State agency for the necessary cost of performing the disability determination function (see § 416.1026);

(4) Monitor and evaluate the performance of the State agency under the established standards (see §§ 416.1044 and 416.1045); and

(5) Maintain liaison with the medical profession nationally and with national organizations and agencies whose interests or activities may affect the disability program.

(c) *Responsibilities of the State.* The State will:

(1) Provide management needed to insure that the State agency carries out the disability determination function so that disability determinations are made accurately and promptly;

(2) Provide an organizational structure, adequate facilities, qualified personnel, medical consultant services, and a quality assurance function (§§ 416.1020–416.1024);

(3) Furnish reports and records relating to the administration of the disability program (§ 416.1025);

(4) Submit budgets (§ 416.1026);

(5) Cooperate with audits (§ 416.1027);

(6) Insure that all applicants for and recipients of disability benefits are treated equally and courteously;

(7) Be responsible for property used for disability program purposes (§ 416.1028);

(8) Take part in the research and demonstration projects (§ 416.1029);

(9) Coordinate with other agencies (§ 416.1030);

(10) Safeguard the records created by the State in performing the disability determination function (§ 416.1031);

(11) Comply with other provisions of the Federal law and regulations that apply to the State in performing the disability determination function;

(12) Comply with other written guidelines (§ 416.1033);

(13) Maintain liaison with the medical profession and organizations that may facilitate performing the disability determination function; and

(14) Assist us in other ways that we determine may promote the objectives of effective and uniform administration.

Responsibilities for Performing the Disability Determination Function

§ 416.1010 How a State notifies us that it wishes to perform the disability determination function.

(a) *Deemed notice.* Any State that has in effect as of June 1, 1981, an agreement with us to make disability determinations will be deemed to have given us notice that it wishes to perform the disability determination function, in lieu of continuing the agreement in effect after June 1, 1981.

(b) *Written notice.* After June 1, 1981, a State not making disability determinations that wishes to perform the disability determination function under these regulations must notify us in writing. The notice must be from an official authorized to act for the State for this purpose. The State will provide an opinion from the State's Attorney General verifying the authority of the official who sent the notice to act for the State.

§ 416.1011 How we notify a State whether it may perform the disability determination function.

(a) If a State notifies us in writing that it wishes to perform the disability determination function, we will notify the State in writing whether or not it may perform the function. The State will begin performing the disability determination function beginning with the month we and the State agree upon.

(b) If we have previously found that a State agency has substantially failed to make disability determinations in accordance with the law or these regulations and other written guidelines or if the State has previously notified us in writing that it does not wish to make disability determinations, the notice will advise the State whether the State agency may again make the disability determinations and, if so, the date and the conditions under which the State may again make them.

§ 416.1013 Disability determinations the State makes.

(a) *General rule.* A State agency will make determinations of disability with respect to all persons in the State except those individuals whose cases are in a class specifically excluded by our written guidelines. A determination of disability made by the State is the determination of the Secretary, except as described in § 416.903(d)(1).

(b) *New classes of cases.* Where any new class or classes of cases arise requiring determinations of disability, we will determine the conditions under which a State may choose not to make the disability determinations. We will provide the State with the necessary funding to do the additional work.

(c) *Temporary transfer of classes of cases.* We will make disability determinations for classes of cases temporarily transferred to us by the State agency if the State agency asks us to do so and we agree. The State agency will make written arrangements with us which will specify the period of time and the class or classes of cases we will do.

§ 416.1014 Responsibilities for obtaining evidence to make disability determinations.

(a) The State agency will secure from the claimant, or other sources, any evidence it needs to make a disability determination.

(b) We will secure from the claimant or other special arrangement sources, any evidence we can obtain as adequately and more readily than the State agency. We will furnish the evidence to the State agency for use in making a disability determination

(c) At our request, the State agency will obtain and furnish medical or other evidence and provide assistance as may be necessary for us to carry out our responsibility for making disability determinations in those classes of cases described in the written guidelines for which the State agency does not make the determination.

§ 416.1015 Making disability determinations.

(a) When making a disability determination, the State agency will apply subpart I, Part 416 of our regulations.

(b) The State agency will make disability determinations based only on the medical and nonmedical evidence in its files.

(c) Disability determinations will be made by a State agency medical consultant and a State agency disability examiner. The State agency disability examiner must be qualified to interpret and evaluate medical reports and other evidence relating to the claimant's physical or mental impairments and as necessary to determine the capacities of the claimant to perform substantial gainful activity. (See § 416.1072 of this part for what we mean by "substantial gainful activity".)

(d) The State agency will certify each determination of disability to us on forms we provide.

(e) The State agency will furnish us with all the evidence it considered in making its determination.

(f) The State agency will not be responsible for defending in court any determination made, or any procedure for making determinations, under these regulations.

§ 416.1018 Notifying claimant of the disability determination.

The State agency will prepare denial notices in accordance with subpart N of this Part whenever it makes a disability determination which is wholly or partly unfavorable to the claimant.

Administrative Responsibilities and Requirements

§ 416.1020 Organization.

(a) The State will provide the organizational structure, sufficient qualified personnel, medical consultant services, and a quality assurance function to insure disability determinations are made accurately and promptly. We may impose specific organizational requirements on the State, but only in the course of mandatory technical and management assistance as described in § 416.1060.

(b) The State is responsible for making accurate and prompt disability determinations.

§ 416.1021 Personnel.

(a) *Equal Employment Opportunity.* The State will comply with all applicable Federal statutes, executive orders and regulations concerned with equal employment opportunities.

(b) *Selection, tenure, and compensation.* The State agency will, except as may be inconsistent with paragraph (a) of this section, adhere to applicable State approved personnel standards in the selection, tenure, and compensation of any individual employed in the disability program.

(c) *Travel.* The State will make personnel available to attend meetings or workshops as may be sponsored or approved by us for furthering the purposes of the disability program.

(d) *Restrictions.* Subject to appropriate Federal funding, the State will, to the best of its ability, facilitate the processing of disability claims by avoiding personnel freezes, restrictions against overtime work, or curtailment of facilities or activities.

§ 416.1022 Training.

The State will insure that all employees have an acceptable level of competence. We will provide training and other instructional materials to facilitate basic and advanced technical proficiency of disability staff in order to insure uniformity and effectiveness in the administration of the disability program. We will conduct or specify training, as appropriate but only if:

(a) a State agency's performance approaches unacceptable levels or

(b) the material required for the training is complex or the capacity of the State to deliver the training is in doubt and uniformity of the training is essential.

§ 416.1023 Facilities.

(a) *Space, equipment, supplies, and other services.* Subject to appropriate Federal funding, the State will provide adequate space, equipment, supplies, and other services to facilitate making accurate and prompt disability determinations.

(b) *Location of facilities.* Subject to appropriate Federal funding, the State will determine the location where the disability determination function is to be performed so that disability determinations are made accurately and promptly.

(c) *Access.* The State will permit us access to the premises where the disability determination function is performed for the purposes of inspecting the work and activities required by the regulations and assuring compliance with pertinent Federal statutes and regulations. We will contact the State and give reasonable prior notice of the times and purposes of any visit.

§ 416.1024 Medical and other purchased services.

The State will determine the rates of payment to be used for purchasing medical or other services necessary to make determinations of disability. The rates may not exceed the highest rate paid by Federal or other agencies in the State for the same or similar type of service. The State will maintain documentation to support the rates of payment it uses.

§ 416.1025 Records and reports.

(a) The State will establish and maintain the records and furnish the schedules, financial, cost, and other reports relating to the administration of the disability programs as we may require.

(b) The State will permit us and the Comptroller General of the United States (including duly authorized representatives) access to and the right to examine records relating to the work which the State performs under these regulations. These records will be retained by the State for the periods of time specified for retention of records in the Federal Procurement Regulations (41 CFR parts 1–20).

§ 416.1026 Fiscal.

(a) We will give the State funds, in advance or by way of reimbursement, for necessary costs in making disability determinations under these regulations. Necessary costs mean direct as well as indirect costs as defined in title 41 CFR subpart 1–15.7 and in Federal Management Circular 74–4, as amended or superseded.

(b) The State will submit estimates of anticipated costs in the form of a budget at the time and in the manner we require.

(c) We will notify the State of the amount which will be made available to it as well as what anticipated costs are being approved.

(d) The State may not incur or make expenditures for items of cost not approved by us or in excess of the amount we make available to the State.

(e) After the close of a period for which funds have been made available to the State, the State will submit a report of its actual expenditures. We will give the State an audit report showing whether the expenditures were consistent with cost principles described in subpart 1–15.7 of part 1–15 of the Federal Procurement Regulations (41 CFR 1–15.7) and in written guidelines in effect at the time the expenditures were made or incurred.

(f) Any monies paid to the State which are used for purposes not within the scope of these regulations will be paid back to the Treasury of the United States.

§ 416.1027 Audits.

As soon as practicable after the close of each budgetary period, or at other times as necessary, the books of account and records in each State pertaining to the administration of the disability program under the Act will be audited by our Inspector General's office. These audits are conducted to determine whether the expenditures were made for the purposes intended and in amounts necessary for the proper and efficient administration of the disability program. Audits also will be made to inspect the work and activities required by the regulations to ensure compliance with pertinent Federal statutes and regulations. The State will make every effort to act upon and resolve any items questioned in an audit.

(a) *Questioned items.* Expenditures of State agencies will be audited on the basis of cost principles and written guidelines in effect at the time the expenditures were made or incurred. Both the State and the State agency will be informed and given a full explanation of any questioned items. They will be given reasonable time to explain questioned items or expenditures. Any explanation furnished by the State or State agency will be given full consideration before a final determination is made on questioned items in the audit report.

(b) *State appeal of audit determinations.* The appropriate SSA regional commissioner will notify the State of his or her determination on the audit report. If the State disagrees with that determination, the State may request reconsideration in writing within 30 days of the date of the regional commissioner's notice of the determination. The written request may be made, through the Associate Commissioner, Office of Operational Policy and Procedures, to the Commissioner of Social Security, Room 900 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235. The Commissioner will make a determination and notify the State of that decision in writing no later than 45 days from the date of the State's appeal. The decision by the Commissioner will be final and conclusive upon the State unless the State appeals that decision in writing within 30 days of the date of the decision by the Commissioner to the Department of Health and Human Services Departmental Grant Appeals Board (the Board) within 30 days after receiving the Commissioner's decision. See § 416.1083.

§ 416.1028 Property.

The State will have title to equipment purchased for disability program purposes. The State will be responsible for maintaining all property it acquires or which we furnish to it for performing the disability determination function. The State will identify the equipment by labeling and by inventory and will credit the SSA account with the fair market value of disposed property. In the event we assume the disability determination function from a State, ownership of all property and equipment acquired with SSA funds will be transferred to us effective on the date the State is notified that we are assuming the disability determination function or we are notified that the State is terminating the relationship.

§ 416.1029 Participation in research and demonstration projects.

We will invite State participation in federally funded research and demonstration projects to assess the effectiveness of the disability program and to ascertain the effect of program policy changes. Where we determine that State participation is necessary for the project to be complete, for example, to provide national uniformity in a claims process, State participation is mandatory.

§ 416.1030 Coordination with other agencies.

(a) The State will establish cooperative working relationships with other agencies concerned with serving the disabled and, insofar as practicable, use their services, facilities, and records to:

(1) Assist the State in developing evidence and making determinations of disability; and

(2) Insure that referral of disabled or blind persons for rehabilitation services will be carried out effectively.

(b) The State may pay these agencies for the services, facilities, or records they provide. The State will include these costs in its estimates of anticipated costs and reports of actual expenditures.

§ 416.1031 Confidentiality of information and records.

The State will comply with the confidentiality of information, including the security of systems, and records requirements described in 20 CFR Part 401 and pertinent written guidelines (see § 416.1033).

§ 416.1032 Other Federal laws and regulations.

The State will comply with the provisions of other Federal laws and regulations that directly affect its responsibilities in carrying out the disability determination function; for example, Treasury Department regulations on letters of credit (31 CFR Part 205).

§ 416.1033 Policies and operating instructions.

(a) We will provide the State agency with written guidelines necessary for it to carry out its responsibilities in performing the disability determination function.

(b) The State agency making determinations of disability will comply with the written guidelines in the Disability Insurance section of the Program Operations Manual System. This manual will also include certain policies, procedures, guides and operating instructions designated as advisory or discretionary.

(c) A representative group of State agencies will be given an opportunity to participate in formulating disability program policies that have an effect on their role in carrying out the disability determination function. State agencies will also be given an opportunity to comment before changes are made in written guidelines unless delay in issuing a change may impair service to the public.

Performance Standards

§ 416.1040 General.

The following sections provide the procedures and guidelines we use to determine whether the State agency meets established national performance standards. We use these performance standards to help assure effective and uniform administration of our disability programs throughout the United States and to measure whether each State agency's performance of the disability determination function is acceptable. Also, the standards are designed to improve overall State agency performance in the disability determination process. We measure the State agency performance in two areas—processing time and performance accuracy.

§ 416.1041 Standards of performance.

(a) *General.* The performance standards include both a target level of performance and a threshold level of performance for the State agency. The target level represents a level of performance that we and the States will work to attain in the future. The threshold level is the minimum acceptable level of performance. Performance below the threshold level will be the basis for the Secretary's taking from the State agency partial or complete responsibility for performing the disability determination function. Intermediate State agency goals are designed to help each State agency move from its current performance levels to the target levels.

(b) *The target level.* The target level is the optimum level of performance. There are three targets—one for combined title II and title XVI initial performance accuracy, one for title II initial processing time, and one for title XVI initial processing time.

(c) *The threshold level.* The threshold level is the minimum acceptable level of performance. There are three thresholds—one for combined title II and title XVI initial performance accuracy, one for title II initial processing time, and one for title XVI initial processing time.

(d) *Intermediate goals.* Intermediate goals are levels of performance between the threshold levels and the target levels established by SSA's regional commissioner after negotiation with each State agency. The intermediate goals are stepping stones designed to help the State agencies reach the target levels. Failure to meet these goals is not a cause for considering the State agency to be substantially failing to comply with the performance standards. However, failure to meet the intermediate goals may result in consultation and an offer of optional technical and management assistance depending on the availability of SSA resources.

§ 416.1042 Processing time standards.

(a) *General.* Title II processing time refers to the average number of days (including Saturday, Sunday and holidays) it takes a State agency to process an initial disability claim from the day it is received in the State agency until the day it is released by the State agency. Title XVI processing time refers to the average number of days (including Saturday, Sunday and holidays) from release of the initial disability claim by the SSA district office until systems input of the disability determination.

(b) *Target levels.* The processing time target levels are:

(1) 37 days for title II initial claims.

(2) 43 days for title XVI initial claims.

(c) *Threshold levels.* The processing time threshold levels are:

(1) 49.5 days for title II initial claims.

(2) 57.9 days for title XVI initial claims.

§ 416.1043 Performance accuracy standard.

(a) *General.* Performance accuracy refers to the percentage of cases that do not have to be returned to State agencies for further development or correction of decisions based on evidence in the files and as such represents the reliability of State agency adjudication. The definition of performance accuracy includes the measurement of factors that have a potential for affecting a decision, as well as the correctness of the decision. For example, if a particular item of medical evidence should have been in the file but was not included, even though its inclusion does not change the result in the case, that is a performance error. Performance accuracy, therefore, is a higher standard than decisional accuracy. As a result, the percentage of correct decisions is significantly higher than what is reflected in the error rate established by SSA's quality assurance system.

(b) *Target level.* The State agency initial performance accuracy target level for combined title II and title XVI cases is 97 percent with a corresponding decision accuracy rate of 99 percent.

(c) *Intermediate goals.* These goals will be established annually by SSA's regional commissioner after negotiation with the State and should be used as stepping stones to progress towards our targeted level of performance.

(d) *Threshold levels.* The State agency initial performance accuracy threshold level for combined title II and title XVI cases is 90.6 percent.

§ 416.1044 How and when we determine whether the processing time standards are met.

(a) *How we determine processing times.* For all initial title II cases, we calculate the mean number of days (including Saturday, Sunday and holidays) from the time the case folder is received in the State agency until it is released to us by the State agency. For initial title XVI cases, we calculate a mean number of days (including Saturday, Sunday and holidays) from the release of the case folder by the social security district office until systems input of the disability determination.

(b) *Frequency of review.* Title II processing times and title XVI processing times are monitored separately on a quarterly basis. The determination as to whether or not the processing time thresholds have been met is made at the end of each quarter each year. Quarterly State-by-State mean processing times are compared with the threshold levels for both title II and title XVI.

§ 416.1045 How and when we determine whether the performance accuracy standard is met.

(a) *How we determine performance accuracy.* We determine a State agency's performance accuracy rate on the basis of decision and documentation errors identified in our review of the sample cases.

(b) *Frequency of review.* Title II and title XVI initial performance accuracy are monitored together on a quarterly basis. The determinations as to whether the performance accuracy threshold has been met is made at the end of each quarter each year. Quarterly State-by-State combined initial performance accuracy rates are compared to the established threshold level.

§ 416.1050 If a State agency is not meeting the standards.

If a State agency falls below two of the three established threshold levels (one of which must be performance accuracy) for two or more consecutive quarters, we will notify the State agency in writing that it is not meeting the standards. Following our notification we will as soon as practicable provide the State agency appropriate technical and management assistance described in §§ 416.1060 and 416.1061 of these regulations for a period of up to 12 months.

Technical and Management Assistance

§ 416.1060 When we will provide assistance.

(a) *General.* We will maintain a regular monitoring program to evaluate State agency performance of combined title II and title XVI initial performance accuracy, title II initial processing time and title XVI initial processing time. This regular monitoring program will allow us to determine the type of technical and management assistance a State agency may need to improve its performance. In addition, the results of this monitoring will show whether we will give a State agency mandatory or optional technical and management assistance.

(b) *Mandatory assistance.* (1) We will provide a State agency technical and management assistance if it fails to meet two of three threshold levels (one being performance accuracy) for two consecutive quarters. These levels are—

(i) Combined title II and title XVI initial performance accuracy—90.6 percent.

(ii) Title II initial processing time—49.5 days.

(iii) Title XVI initial processing time—57.9 days.

(2) Failure to meet any one of the threshold levels for two consecutive quarters may result in technical and management assistance being provided depending on available resources.

(c) *Optional assistance.* We may offer a State agency technical and management assistance when regular monitoring reveals that performance has significantly declined or that intermediate goals have not been met. We will offer this technical and management assistance at our discretion based on available resources.

§ 416.1061 What assistance we will provide.

We will initiate a program of technical and management assistance in order to improve performance in those State agencies where it has been determined that such help is necessary. This program will include any or all of the following—

(a) An onsite review of cases processed by the State agency emphasizing adherence to written guidelines.

(b) A fiscal and administrative management review (FAMR) to:

(1) Identify particular aspects of State agency operations which can receive immediate help and thus improve performance accuracy or processing time; and

(2) Develop a long-range plan based on the FAMR results to help the State agency prevent its performance from falling below the threshold levels in the future.

(c) A request that necessary administrative measures be implemented (e.g., filling staffing vacancies, using overtime, assisting with training activities, etc.).

(d) Provisions for Federal personnel to perform onsite reviews, conduct training, or perform other functions needed to improve performance.

(e) Provisions for fiscal aid to allow for overtime, temporary hiring of additional staff, etc., above the authorized budget.

Substantial Failure

§ 416.1070 General.

After a State agency falls below 2 of 3 established threshold levels, one being performance accuracy, for 2 consecutive quarters, and after the mandatory technical and management assistance period, we will give the State agency a 3-month adjustment period. During this 3-month period we will not require the State agency to meet the threshold levels. Following the adjustment period, if the State agency again falls below 2 of 3 threshold levels, one being performance accuracy, in 2 consecutive quarters during the next 12 months, we will notify the State that we propose to find the State agency to be in substantial failure and advise it that it may request a hearing on that issue. After giving the State notice and an opportunity for a hearing, if it is found that a State agency has substantially failed to make disability determinations consistent with the regulations and other written guidelines, we will assume partial or complete responsibility for performing the disability determination function after we have complied with § 416.1090 and § 416.1092

§ 416.1071 Good cause for not meeting the established threshold levels.

If we find that a State agency did not meet the threshold levels because of factors beyond its control, we will not find the State agency to be in substantial failure. Some of the factors we will consider are:

(a) Disasters such as fire, flood, or civil disorder, that—

(1) Require the diversion of significant personnel normally assigned the disability determination function, or

(2) Destroyed or delayed access to significant records needed to make accurate disability determinations;

(b) Strikes of State agency staff or other government or private personnel necessary to the performance of the disability determination function; or

(c) Sudden and unanticipated workload changes which result from changes in Federal law, regulation, or written guidelines, systems modifications or systems malfunctions, or rapid, unpredictable caseload growth for a 6-month period or longer.

§ 416.1075 Finding of substantial failure.

A finding of substantial failure with respect to a State may not be made unless and until the State is afforded an opportunity for a hearing.

Hearings and Appeals

§ 416.1080 Notice of right to hearing on proposed finding of substantial failure.

If, following the mandatory technical and management assistance period and the 3-month adjustment period, a State agency again falls below 2 of 3 threshold levels (one being performance accuracy) in 2 consecutive quarters in the succeeding 12 months, we will notify the State in writing that we will find the State agency in substantial failure unless the State submits a written request for a hearing with the Health and Human Services Departmental Grant Appeals Board within 30 days after receiving the notice. The notice will identify the threshold levels that were not met by the State agency, the period during which the thresholds were not met, and the accuracy and processing time levels attained by the State agency during this period. If a hearing is not requested, the State agency will be found in substantial failure and we will implement our plans to assume the disability determination function.

§ 416.1081 Disputes on other matters.

Disputes concerning fiscal issues will be resolved in proceedings before the Health and Human Services Departmental Grant Appeals Board if the issue cannot be resolved between us and the State. Disputes concerning nonfiscal issues will be resolved through an appeal to the Commissioner of Social Security, who will make the final decision. (See § 416.1027.)

§ 416.1082 Who conducts the hearings.

If a hearing is required, it will be conducted by the Health and Human Services Departmental Grant Appeals Board (the Board).

§ 416.1083 Hearings and appeals process.

The rules for hearings and appeals before the Board are provided in 45 CFR Part 16. A notice under § 416.1080 of this subpart will be considered a "final written decision" for purposes of Board review.

Assumption of Disability Determination Function

§ 416.1090 Assumption when we make a finding of substantial failure.

(a) *Notice to State.* When we find that substantial failure exists, we will notify the State in writing that we will assume responsibility for performing the disability determination function from the State agency, whether the assumption will be partial or complete, and the date on which the assumption will be effective.

(b) *Effective date of assumption.* The date of any partial or complete assumption of the disability determination function from a State agency may not be earlier than 180 days after our finding of substantial failure, and not before compliance with the requirements of § 416.1092.

§ 416.1091 Assumption when State no longer wishes to perform the disability determination function.

(a) *Notice to the Secretary.* If a State no longer wishes to perform the disability determination function, it will notify us in writing. The notice must be from an official authorized to act for the State for this purpose. The State will provide an opinion from the State's Attorney General verifying the authority of the official who gave the notice.

(b) *Effective date of assumption.* The State agency will continue to perform whatever activities of the disability determination function it is performing at the time the notice referred to in paragraph (a) of this section is given for not less than 180 days or, if later, until we have complied with the requirements of § 416.1092. For example, if the State is not making disability determinations (because we previously assumed responsibility for making them) but is performing other activities related to the disability determination function at the time it gives notice, the State will continue to do these activities until the requirements of this paragraph are met. Thereafter, we will assume complete responsibility for performing the disability determination function.

§ 416.1092 Protection of State employees.

(a) *Hiring preference.* We will develop and initiate procedures to implement a plan to partially or completely assume the disability determination function from the State agency under § 416.1090 or § 416.1091, as appropriate. Except for the State agency's administrator, deputy administrator, or assistant administrator (or his equivalent), we will give employees of the State agency who are capable of performing duties in the disability determination function preference over any other persons in filling positions with us for which they are qualified. We may also give a preference in hiring to the State agency's administrator, deputy administrator, or assistant administrator (or his equivalent). We will establish a system for determining the hiring priority among the affected State agency employees in those instances where we are not hiring all of them.

(b) *Determination by Secretary of Labor.* We will not assume responsibility for performing the disability determination function from a State until the Secretary of Labor determines that the State has made fair and equitable arrangements under applicable Federal, State and local law to protect the interests of employees who will be displaced from their employment because of the assumption and who we will not hire.

§ 416.1093 Limitation on State expenditures after notice.

The State agency may not, after it receives the notice referred to in § 416.1090, or gives the notice referred to in § 416.1091, make any new commitments to spend funds allocated to it for performing the disability determination function without the approval of the appropriate SSA regional commissioner. The State will make every effort to close out as soon as possible all existing commitments that relate to performing the disability determination function.

§ 416.1094 Final accounting by the State.

The State will submit its final claims to us as soon as possible, but in no event later than 1 year from the effective date of our assumption of the disability determination function unless we grant an extension of time. When the final claim(s) is submitted, a final accounting will be made by the State of any funds paid to the State under § 416.1026 which have not been spent or committed prior to the effective date of our assumption of the disability determination function. Disputes concerning final accounting issues which cannot be resolved between the State and us will be resolved in proceedings before the Grant Appeals Board as described in 45 CFR Part 416.

[FR Doc. 81-16049 Filed 5-28-81; 8:45 am]
BILLING CODE 4110-07-M

V
4
6
M
Y
2
9
8
1
UMI

federal register

Friday
May 29, 1981

Part VI

Office of the Federal Register

Incorporations by Reference; Approval and Corrections in Titles 21 and 24

Title 21 Chapter I—Food and Drug Administration, Department of Health and Human Services

Title 24 Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

Chapter XX—Office of Assistant Secretary for neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development

OFFICE OF THE FEDERAL REGISTER

1 CFR Part 51

Incorporation by Reference

AGENCY: Office of the Federal Register.

ACTION: Approval of incorporations by reference and corrections.

SUMMARY: This document announces the final approval for incorporation by reference of certain publications that were given extensions of approval by the Director of the Federal Register on March 31, 1981 (46 FR 19660). The March 31 document listed materials approved by the Director for incorporation by reference into Title 17–27 of the *Code of Federal Regulations*. Material that is approved for incorporation by reference has the same legal status as if it were published in full in the **Federal Register**. This document also makes corrections to the March 31 document.

EFFECTIVE DATE: The Director approves the following incorporations by reference for one year effective April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Rose Anne Lawson at (202) 523–4534.

Dated: May 26, 1981.

John E. Byrne,

Director of the Federal Register.

1. The following correction is made to the issue for March 31, 1981:

21 CFR Part 701—Food and Drug Administration

On page 19663, correct the address for The Cosmetic, Toiletry, and Fragrance Association, Inc. to read as follows: 1110 Vermont Avenue, NW., Suite 800, Washington, DC 20005

2. Final approval for incorporation by reference is granted to the following publications:

BILLING CODE 1505-02-M

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner

CFR Citation

(The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS). The MPS are in turn incorporated by reference in 24 CFR Part 200, Subpart S. The MPS may be purchased from the U.S. Government Printing Office, Washington, DC 20402. It is available for public inspection at the HUD Information Center, Room 1202, 451 Seventh St., SW, Washington, DC, at each HUD Regional, Area, and Insuring Office, and at the Office of the Federal Register, 1100 L St., NW, Washington, DC. The individual standards referenced in the MPS are available at the addresses contained in the following table. They are available for public inspection at the HUD Office of Technical and Credit Standards, Room 6156, 451 Seventh St., SW, Washington, DC, each Regional and Area Office, and the Office of the Federal Register.)

Air Conditioning and Refrigeration Institute (ARI)—
1815 North Fort Myer Drive, Arlington, Virginia 22209
ARI 210–74 Unitary Air Conditioning Equipment
ARI 240–75 Unitary Heat Pump Equipment

Air Conditioning Contractors of America (ACCA)—
1228 17 St., N.W., Washington, DC 20036
Manual J—Load Calculation for Residential Winter and Summer Air Conditioning—1975

American Concrete Institute (ACI)—
P.O. Box 19150, Redford Station, Detroit Michigan 48219
ACI 531–79 and ACI 531R Building Code Requirements for Concrete Masonry Structures and Commentary

American Gas Association (AGA)
1515 Wilson Boulevard, Arlington, Virginia 22209
Directory of Certified Appliances and Accessories, January 1, 1981

American Institute of Steel Construction (AISC)
400 N. Michigan Avenue, Chicago, Illinois 60611
Specification for the Design, Fabrication and Erection of Structural Steel for Buildings—1978

American Institute of Timber Construction (AITC)
333 W. Hampden Avenue, Englewood, Colorado 80110
Timber Construction Manual—1974

American Iron and Steel Institute (AISI)
1000 16th St., NW., Washington, DC 20036
Specification for the Design of Cold-Formed Steel Structural Members—1980
Specification for the Design of Cold-Formed Stainless Steel Structural Members—1974
Design Manual for Structural Steel Tubing—1976

American National Standards Institute (ANSI)
1430 Broadway, New York, New York 10018
A 42.3–71 Lathing and Furring for Portland Cement-Lime Plastering, Exterior (Stucco) and Interior
A 58.1–72 Minimum Design Loads in Buildings and Other Structures
A 108.1–76 Installation of Glazed Wall Tile, Ceramic Mosaic Tile, Quarry Tile and Paver Tile with Portland Cement Mortar
A 108.4–76 Installation of Ceramic Tile with Water-Resistant Organic Adhesives
A 108.5–76 Installation of Ceramic Tile with Dry-Set Portland Cement Mortar or Latex-Portland Cement Mortar
A 108.6–76 Installation of Ceramic Tile with Chemical Resistant, Water Cleanable Tile-Setting and Grouting Epoxy
A 112.19.2–73 Vitreous China Plumbing Fixtures
A 117.1–80 Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

CFR Citation

A 118.1–76 Specifications For Dry-Set Portland Cement Mortar
A 118.3–76 Specifications For Chemical Resistant Water Cleanable Tile-Setting and Grouting Epoxy of Ceramic Tile
A 136.1–72 Standard for Organic Adhesives for Installation of Ceramic Tile
A 208.1–79 Mat Formed Wood Particleboard
O 10.2–75 Laminated Hardwood Block Flooring
Z 21.10.1–75 Gas Automatic Storage Type Water Heaters
Z 21.40.1–74 Gas Fired Absorbtion Summer Air Conditioning Appliances
Z 34.1–47 American Standard Practice For Certification Procedures

American Plywood Association (APA)
P.O. Box 1170, Tacoma, Washington 98411
APA AFG–01 Adhesives For Field-Gluing Plywood to Wood Framing—1974
APA C50 Plywood Floor Systems—1979
APA E30 Plywood Construction Guide—Residential and Commercial—1980
APA S811 Design and Fabrication of Plywood Curved Panels—1979
APA S812 Design and Fabrication of Plywood-Lumber Beams—1979
APA U310 Plywood Diaphragm Construction—1978
APA V450 Glued Floor System—1980
APA U813 Design of Plywood Stressed Skin Panels—1976
APA U814 Design and Fabrication of Plywood Sandwich Panels—1978
APA V340 Fabrication of Plywood Stressed Skin Panels—1974
APA Y510 Plywood Design Specification—1980

American Society for Testing and Materials (ASTM)
1916 Race Street, Philadelphia, Pennsylvania 19103
A 27–79 Mild- to Medium-Strength Carbon-Steel Castings for General Application
A 36–77a Structural Steel
A 53–79 Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless
A 74–75 Cast Iron Soil Pipe and Fittings
A 82–79 Cold-Drawn Steel Wire for Concrete Reinforcement
A 116–73 Zinc-Coated (Galvanized) Iron or Steel Farm-Field and Railroad Right-of-Way Wire Fencing
A 148–73 High-Strength Steel Castings for Structural Purposes
A 167–77 Stainless and Heat-Resisting Chromium-Nickel Steel Plate, Sheet and Strip
A 184–79 Fabricated Deformed Steel Bar Mats for Concrete Reinforcement
A 242–79 High-Strength Low-Alloy Structural Steel
A 268–79a Seamless and Welded Ferritic Stainless Steel Tubing for General Service
A 307–78 Carbon Steel Externally Threaded Standard Fasteners
A 325–79 High-Strength Bolts for Structural Steel Joints
A 361–76 Steel Sheet, Zinc-Coated (Galvanized) by the Hot-Dip Process for Roofing and Siding
A 412–75 Stainless and Heat-Resisting Chromium Nickel-Manganese Steel Plate, Sheet, and Strip
A 416–74 Uncoated Seven-Wire Stress-Relieved Strand for Prestressed Concrete
A 421–78 Uncoated Stress-Relieved Wire for Prestressed Concrete

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

CFR Citation

A 441–79 High-Strength Low-Alloy Structural Manganese Vanadium Steel
A 446–76 Steel Sheet, Zinc-Coated (Galvanized) by the Hot-Dip Process, Structural (Physical) Quality
A 449–78a Quenched and Tempered Steel Bolts and Studs
A 490–79 Quenched and Tempered Alloy Steel Bolts for Structural Steel Joints
A 500–78 Cold-Formed Welded and Seamless Carbon Steel Structural Tubing in Rounds and Shapes
A 501–76 Hot-Formed Welded and Seamless Carbon Steel Structural Tubing
A 502–76 Steel Structural Rivets
A 514–77 High-Yield Strength, Quenched and Tempered Alloy Steel Plate, Suitable for Welding
A 525–76 Steel Sheet, Zinc-Coated (Galvanized) by the Hot-Dip Process, General Requirements
A 529–75 Structural Steel with 42,000 PSI (290 MPa) Minimum Yield Point (½ in. (12.7mm) Maximum Thickness)
A 570–79 Hot-Rolled Carbon Steel Sheet and Strip, Structural Quality
A 572–79 High-Strength Low-Alloy Columbium-Vanadium Steels of Structural Quality
A 588–79a High-Strength Low-Alloy Structural Steel with 50,000 PSI Minimum Yield Point to 4 in. Thick
A 606–75 Steel Sheet and Strip, Hot-Rolled and Cold-Rolled High Strength, Low-Alloy, with Improved Corrosion Resistance
A 607–75 Steel Sheet and Strip, Hot-Rolled and Cold-Rolled, High Strength, Low-Alloy Columbium and/or Vanadium
A 611–72 Steel, Cold-Rolled Sheet, Carbon, Structural
A 615–79 Deformed and Plain Billet-Steel Bars for Concrete Reinforcement
A 616–79 Rail-Steel Deformed and Plain Bars for Concrete Reinforcement
A 617–79 Axle-Steel Deformed and Plain Bars for Concrete Reinforcement
A 618–74 Hot-Formed Welded and Seamless High-Strength Low-Alloy Structural Tubing
A 668–79a Steel Forgings, Carbon and Alloy, for General Industrial Use
B 88–80 Seamless Copper Water Tube
B 227–70 Hard-Drawn Copper-Clad Steel Wire
B 370–77 Copper Sheet and Strip for Building Construction
B 587–80 Welded Brass Tube
C 4–62 Clay Drain Tile
C 5–79 Quicklime for Structural Purposes
C 12–77 Installing Vitrified Clay Pipe Lines
C 14–79 Concrete Sewer, Storm Drain, and Culvert Pipe
C 22–77 Gypsum
C 28–80 Gypsum Plasters
C 32–73 Sewer and Manhole Brick (Made from Clay or Shale)
C 33–80 Concrete Aggregates
C 34–62 Structural Clay Load-Bearing Wall Tile
C 35–76 Inorganic Aggregates for Use in Gypsum Plaster
C 36–80 Gypsum Wallboard
C 37–80 Gypsum Lath
C 52–54 Gypsum Partition Tile or Block
C 55–75 Concrete Building Brick
C 56–71 Structural Clay Non-Load Bearing Tile
C 57–57 Structural Clay Floor Tile
C 61–76 Gypsum Keene's Cement
C 62–75a Building Brick (Solid Masonry Units Made From Clay or Shale)
C 64–72 Refractories for Incinerators and Boilers
C 73–75 Calcium Silicate Face Brick (Sand-Lime Brick)
C 76–79 Reinforced Concrete Culvert, Storm Drain, and Sewer Pipe
C 79–78 Gypsum Sheathing Board

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

CFR Citation

C 88–76 Soundness of Aggregates by Use of Sodium Sulfate or Manganese Sulfate
C 90–78 Hollow Load-Bearing Concrete Masonry Units
C 91–78 Masonry Cement
C 94–80 Ready-Mixed Concrete
C 126–71 Ceramic Glazed Structural Clay Facing Tile, Facing Brick, and Solid Masonry Units
C 129–75 Non-Load Bearing Concrete Masonry Units
C 139–73 Concrete Masonry Units for Construction of Catch Basins and Manholes
C 143–78 Slump of Portland Cement Concrete
C 144–76 Aggregate for Masonry Mortar
C 145–75 Solid Load-Bearing Concrete Masonry Units
C 150–80 Portland Cement
C 157–75 Length Change of Hardened Cement Mortar and Concrete
C 206–79 Finishing Hydrated Lime
C 207–79 Hydrated Lime for Masonry Purposes
C 208–72 Insulating Board (Celluosic Fiber), Structural and Decorative
C 209–72 Insulating Board (Cellulosic Fiber), Structural and Decorative
C 212–75 Structural Clay Facing Tile
C 216–79 Facing Brick (Solid Masonry Units Made from Clay or Shale)
C 220–77 Flat Asbestos-Cement Sheets
C 221–77 Corrugated Asbestos-Cement Sheets
C 222–78 Asbestos-Cement Roofing Shingles
C 223–76 Asbestos-Cement Siding
C 260–77 Air-Entraining Admixtures for Concrete
C 270–80a Mortar for Unit Masonry
C 315–78c Clay Flue Linings
C 317–76 Gypsum Concrete
C 330–79 Lightweight Aggregates for Structural Concrete
C 332–77a Lightweight Aggregates for Insulating Concrete
C 355–64 Water Vapor Transmission of Thick Materials
C 377–77 Precast Reinforced Gypsum Slabs
C 412–79 Concrete Drain Tile
C 425–77 Compression Joints for Vitrified Clay Pipe and Fittings
C 428–78 Asbestos-Cement Nonpressure Sewer Pipe
C 444–79 Perforated Concrete Pipe
C 475–64 Joint Treatment Materials for Gypsum Wallboard Construction
C 476–71 Mortar and Grout for Reinforced Masonry
C 494–79 Chemical Admixtures for Concrete
C 495–77a Compressive Strength of Lightweight Insulating Concrete
C 508–78a Asbestos-Cement Underdrain Pipe
C 509–79 Cellular Elastomeric Preformed Gasket and Sealing Material
C 514–77 Nails for the Application of Gypsum Wallboard
C 516–75 Vermiculite Loose Fill Insulation
C 530–75 Structural Clay Non-Load Bearing Screen Tile
C 549–73 Perlite Loose Fill Insulation
C 564–76 Rubber Gaskets for Cast Iron Soil Pipe and Fittings
C 587–68 Gypsum Veneer Plaster
C 588–80 Gypsum Base for Veneer Plasters
C 595–79 Blended Hydraulic Cements
C 618–78 Fly Ash and Raw or Calcined Natural Pozzolan for Use as a Mineral Admixture in Portland Cement Concrete
C 630–78 Water-Resistant Gypsum Backing Board
C 652–77 Hollow Brick (Hollow Masonry Units Made from Clay or Shale)
C 654–79 Porous Concrete Pipe
C 655–77 Reinforced Concrete D-Load Culvert, Storm Drain and Sewer Pipe
C 666–77 Resistance of Concrete to Rapid Freezing and Thawing
C 700–78a Vitrified Clay Pipe, Extra Strength, Standard Strength, and Perforated
C 803–79 Penetration Resistance of Hardened Concrete
C 840–79 Application and Finishing of Gypsum Board

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

CFR Citation

C 841–80 Installation of Interior Lathing and Furring
C 842–79 Application of Interior Gypsum Plaster
C 846–76 Application of Structural Insulating Board (Fiberboard) Sheathing
C 902–79 Pedestrian and Light Traffic Paving Brick
D 173–80 Woven Cotton Fabrics Saturated with Bituminous Substances for Use in Waterproofing
D 224–75 Smooth-Surfaced Asphalt Roll Roofing (Organic Felt)
D 225–78 Asphalt Shingles Surfaced with Mineral Granules
D 226–77 Asphalt-Saturated Organic Roofing Felt for Use in Membrane Waterproofing and Built-Up Roofing
D 227–78 Coal-Tar Saturated Roofing Felt for Use in Waterproofing and Constructing Built-Up Roofs
D 250–77 Asphalt-Saturated Asbestos Felts for Use in Waterproofing and in Constructing Built-Up Roofs
D 312–78 Asphalt Used In Roofing
D 371–58 Wide-Selvage Asphalt Roll Roofing Surfaced with Mineral Granules
D 449–73 Asphalt Used in Damproofing and Waterproofing
D 450–78 Coal-Tar Bitumen Used in Roofing Damproofing, and Waterproofing
D 994–71 Preformed Expansion Joint Filler for Concrete (Bituminous Type)
D 1037–78 Wood-Base Fiber and Particle Panel Materials
D 1143–74 Piles Under Axial Compression Load
D 1194–72 Bearing Capacity of Soil for Static Load on Spread Footings
D1557–78 Moisture-Unit Weight Relations of Soils, and Soil-Aggregate Mixtures Using 10–1b (4.5 kg) Rammer and 18-in. (457-mm) Drop
D 1593–61 Nonrigid Vinyl Chloride Plastic Sheeting
D 1751–78 Preformed Expansion Joint Fillers for Concrete Paving and Structural Construction (Nonextruding and Resilient Bituminous Types)
D 1752–67 Preformed Sponge Rubber and Cork Expansion Joint Fillers for Concrete Paving and Structural Construction
D 1861–77 Homogeneous Bituminized Fiber Drain and Sewer Pipe
D 1862–77 Laminated-Wall Bituminized Fiber Drain and Sewer Pipe
D 1863–77 Mineral Aggregate Used On Built-Up Roofs
D 2103–73 Polyethylene Film and Sheeting
D 2216–71 Moisture Content of Soil
D 2311–77 Perforated Homogeneous Bituminized Fiber Pipe for General Drainage
D 2316–75 Installing Bituminized Fiber Drain and Sewer Pipe
D 2321–74 Underground Installation of Flexible Thermoplastic Sewer Pipe
D 2417–77 Laminated-Wall Bituminized Fiber Perforated Pipe for Agricultural, Land, and General Drainage
D 2487–69 Soils for Engineering Purposes
D 2488–69 Soils (Visual-Manual Procedure)
D 2661–78 Acrylonitrile-Butadiene-Styrene (ABS) Plastic Drain, Waste, and Vent Pipe and Fittings
D 2665–76 Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings
D 2729–78 Poly(Vinyl Chloride) (PVC) Sewer Pipe and Fittings
D 2751–77a Acrylonitrile-Butadiene-Styrene (ABS) Sewer Pipe and Fittings
D 2898–77 Accelerated Weathering of Fire-Retardant Treated Wood for Fire Testing
D 2949–78 3-in. Thin Wall Poly(Vinyl Chloride) (PVC) Plastic Drain, Waste, and Vent Pipe and Fittings
D 3110–72 Adhesives Used in Nonstructural Glued Lumber Products
D 3462–76 Asphalt Shingles Made From Glass Mat and Surfaced With Mineral Granules
D 3656–78 Insect Screening and Louver Cloth Woven From Vinyl-Coated Glass Fiber Yarn
D 3679–79 Rigid Polyvinyl Chloride (PVC) Siding
E 72–77 Strength Tests of Panels for Building Construction

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

CFR Citation

E 84–80 Surface Burning Characteristics of Building Materials
E 90–75 Airborne-Sound Transmission Loss of Building Partitions
E 96–66 Water Vapor Transmission of Materials in Sheet Form
E 108–80a Fire Tests of Roof Coverings (NFPA 256)
E 119–80 Fire Tests of Building Construction and Materials
E 136–79 Behavior of Materials in a Vertical Tube Furnace at 750° C
E 149–76 Bond Strength of Mortar to Masonry Units
E 154–68 Materials for Use as Vapor Barriers Under Concrete Slabs and as Ground Cover in Crawl Spaces
E 162–79 Surface Flammability of Materials Using a Radiant Heat Energy Source
E 163–80 Fire Tests of Window Assemblies
E 283–73 Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors
E 330–79 Structural Performance of Exterior Windows, Curtain Walls, and Doors by Uniform Static Air Pressure Difference
E 331–70 Water Penetration of Exterior Windows, Curtain Walls, and Doors by Uniform Static Air Pressure Difference
E 380–79 Metric Practice
E 413–73 Sound Transmission Class
E 447–74 Compressive Strength of Masonry Prisms
E 492–77 Impact Sound Transmission Through Floor-Ceiling Assemblies Using the Tapping Machine
F 405–77a Corrugated Polyethylene (PE) Tubing and Fittings
F 462–79 Slip-Resistant Bathing Facilities
F 628–79 Acrylonitrile-Butadiene Styrene (ABS) Plastic Drain, Waste, & Vent Pipe Having a Foam Core

American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.
345 East 47th Street, New York, New York 10017
ASHRAE Handbooks-Fundamentals 1977
ASHRAE GRP 158–1979 Cooling and Heating Load Calculations Manual—1979

American Society of Sanitary Engineers, Inc.
P.O. Box 9712, Bay Village, Ohio 44140
ASSE 1001–80 Pipe Applied Atmospheric Type Vacuum Breakers (ANSI A 112.1.1)
ASSE 1002–77 Water Closet Flush Tank Ball Cocks
ASSE 1003–70 Water Pressure Reducing Valves (ANSI A 112.26.2)
ASSE 1006–79 Household Dishwashers (ANSI A 197.1) (ANSI/AHAM DW–2PR)
ASSE 1007–79 Home Laundry Equipment (ANSI A 197.2) (ANSI/AHAM HLW–2PR)
ASSE 1008–79 Household Food Waste Disposer Units (ANSI A 197.3) (ANSI/AHAM FWD–2PR)
ASSE 1011–70 Hose Connection Vacuum Breakers (ANSI A 112.1.3)
ASSE 1014–79 Hand Held Showers
ASSE 1016–79 Individual Shower Control Valves, Anti-Scald Type
ASSE 1017–79 Thermostatic Mixing Valves, Self Actuated for Primary Domestic Use
ASSE 1018–78 Trap Seal Primer Valves
ASSE 1019–78 Wall Hydrants, Frost Proof Automatic Draining, Anti-Backflow Types
ASSE 1020–74 Vacuum Breakers, Anti-Siphon, Pressure Type (ANSI A 112.1.7–76)
ASSE 1023–79 Hot Water Dispensers, Household Storage Type, Electrical
ASSE 1025–78 Diverters for Plumbing Faucets with Hose Spray, Anti-Siphon Type, Residential Applications

Architectural Aluminum Manufacturers Association
35 East Wacker Dr., Chicago, Illinois 60601
AAMA 302.9–77 Aluminum Prime Windows (ANSI A 134.1)
AAMA 1102.7–77 Aluminum Storm Doors and Frames (ANSI A 134.4)

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

CFR Citation

AAMA 809.2–1976 Non Drying Sealants for use with Architectural Aluminum

AAMA 804.1–1976 Ductile Back Bedding Glazing Tape for use with Architectural Aluminum

AAMA 807.1–1976 Cured Rubber Back Bedding Glazing Tape

AAMA 1402.3–1975 Specifications for Aluminum Siding and High Performance Coating for Aluminum Siding

AAMA 1403.2–1975 Installation Specifications for Residential Aluminum Siding

AAMA 1502.6–77Residential Insulating Windows and Sliding Glass Doors

Asphalt Institute, The

Asphalt Institute Building, College Park, Maryland 20740

MS–1 Thickness Design—Full-Depth Asphalt Pavement Structures for Highways and Streets—8th Edition 1970

Asphalt Roofing Manufacturers Association

1800 Massachusetts Avenue, N.W., Washington, D.C. 20036

Residential Asphalt Roofing Manual—1980

Association of Home Appliance Manufacturers

20 North Wacker Drive, Chicago, Illinois 60606

AHAM RAC–1–72 Room Air Conditioner Standard (ANSI Z 234.1)

Brick Institute of America

1750 Old Meadow Road, McLean, Virginia 22102

Recommended Practices and Guide Specifications for Cold Weather Masonry—1973

Construction Building Code Requirements for Engineered Brick Masonry—1969

Building Research Advisory Board

National Academy of Sciences, 2101 Constitution Ave., N.W., Washington, DC 20006

Foundations for Residential Structures in Seismic Areas, National Academy of Sciences—National Research Council—1969

Criteria for Selection and Design of Residential Slabs-on-Ground, National Academy of Sciences #1571—1968

Canadian Wood Council

85 Albert Street, Ottawa, Ontario K1P 6A4

Canadian Dimension Lumber—Data Book—1979

Cast-Iron Soil Pipe Institute

1499 Chain Bridge Road, Suite 203, McLean, Virginia 22101

CISPI HS 74 Specifications for Cast-Iron Soil Pipe and Fittings For Hub and Spigot Sanitary System—1978

CISPI HSN Specifications for Neoprine Rubber Gaskets for Hub and Spigot Cast Iron Soil Pipe Fittings—1978

CISPI 301 Standard Specification for Cast Iron Soil Pipe and Fittings For Hubless Cast Iron Sanitary Systems—1978

CISPI 310 Specifications for Cast Iron Soil Pipe Institute's Patented Joint For Use In Connection With Hubless Cast Iron Sanitary Systems—1978

CISPI Cast Iron Soil Pipe and Fittings Handbook—Vol. 1—1976

Ceramic Tile Institute

700 North Virgil Avenue, Los Angeles, California 90029

CTI R8–103–62 Standard Specifications for the Installation of Tile Lined Shower Receptors—1969

Commercial Standard

National Bureau of Standards, Washington, DC 20234

CS 242–62 1¾" Thick Steel Doors and Frames

Federal Specifications (FS)

Naval Publication and Forms Center, 5801 Tabor Road, Philadelphia, PA 19120

24 CFR Subtitle B, Chapter II (Parts 200-299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

CFR Citation

L-P-375C Plastic Film, Flexible, Vinyl Chloride
FF-N-105B Nails, Brads, Staples and Spikes: Wire, Cut, and Wrought
HH-I-515D Insulation Thermal (Loose Fill For Pneumatic Or Poured Application) Cellulosic or Wood Fiber
HH-I-545B Insulation, Thermal and Acoustical (Mineral Fiber, Duct Lining Material)
HH-I-558B Insulation Blocks, Boards, Blankets, Felts Sleeving (Pipe and Tube Covering), and Pipe Fitting Covering, Thermal (Mineral Fiber, Insulation Type)
HH-I-574B Insulation, Thermal (Perlite)
HH-I-585C Insulation, Thermal (Vermiculite)
HH-I-1030A Insulation, Thermal (Mineral Fiber, For Pneumatic or Poured Application)
HH-I-1252B Insulation, Thermal, Reflective (Aluminum Foil)
TT-C-598B Calking Compound, Oil and Resin Base Type (For Masonry and Other Structures)
TT-S-1543A Sealing Compound: Silicone Rubber Base (For Calking, Sealing, and Glazing in Buildings and Other Structures)

Fir and Hemlock Door Association
Yeon Building, Portland, Oregon 97204
FHDA-7-79 Fir and Hemlock Door Association Standard

National Association of Home Builders—
Research Foundation, 627 Southlawn Lane, Rockville, Maryland 20850
Insulation Manual for Homes and Apartments—1979

National Bureau of Standards
Technology Building B166, VPS Program, Washington, DC 20234
NBS SP 330 The International System of Units—1977
NBS Dust Spot Method of Testing Air Filters—1957
NBS 211 Building Code Requirements for Masonry (ANSI A 41.1)—1960
NBS Handbook 74 Building Code Requirements for Reinforced Masonry (ANSI A 41.2)—1960

National Concrete Masonry Association
P.O. Box 781, Herndon, Virginia 22070
Specifications for the Design and Construction of Load Bearing Concrete Masonry—August 1979

National Fire Protection Association
470 Atlantic Avenue, Boston, Massachusetts 02210
NFPA 10-78 Installation of Portable Fire Extinguishers (ANSI Z 112.1)
NFPA 13-75 Standard for the Installation of Sprinkler Systems (ANSI A 54.3)
NFPA 14-78 Standard for the Installation of Standpipe and Hose Systems (ANSI Z 273.1)
NFPA 31-78 Standard for the Installation of Oil Burning Equipment (ANSI/NFPA 31) (ANSI Z 95.1)
NFPA 54-80 National Fuel Gas Code (ANSI Z 223.1)
NFPA 58-79 Liquefied Petroleum Gases, Storage and Handling (ANSI/NFPA 58) (ANSI Z 106.1)
NFPA 70-81 National Electric Code (ANSI/NFPA 70)
NFPA 72 A-79 Installation, Maintenance and Use of Local Protective Signaling Systems for Guard's Tour, Fire Alarm and Supervisory Service (ANSI SE 3.3)
NFPA 72 B-79 Installation, Maintenance and Use of Auxiliary Protective Signaling Systems for Fire Alarm Service (ANSI SE 3.4)
NFPA 72 C-75 Installation, Maintenance and Use of Remote Station Protective Signaling Systems (ANSI SE 3.5)
NFPA 72 D-79 Installation, Maintenance and Use of Proprietary Protective Signaling Systems (ANSI SE 3.6)
NFPA 72 E-78 Standard on Automatic Fire Detectors (ANSI SE 3.13)
NFPA 80-77 Standard for Installation of Fire Doors and Windows (ANSI A 2.7)
NFPA 82-77 Incinerators, Rubbish Handling (ANSI/NFPA 82)
NFPA 90 A-76 Air Conditioning and Ventilating Systems (ANSI NFPA 90 A) (ANSI B 144.2)

V 46 M Y 29 81 1 UMI

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

CFR Citation

NFPA 90 B–80 Warm Air Heating and Air Conditioning (ANSI/NFPA 90B) (ANSI B 144.3)
NFPA 101–76 Life Safety Code (ANSI A 9.1)
NFPA 211–80 Chimneys, Fireplaces & Vents (ANSI/NFPA 211) (ANSI A 52.1)
NFPA 252–79 Standard Methods of Fire Tests of Door Assemblies
NFPA 253–78 Standard Methods of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source
NFPA 701–77 Standard Methods of Test for Flame-Resistant Textiles and Films

National Forest Products Association ((N)FPA)
1619 Massachusetts Ave., N.W., Washington, DC 20036
Span Tables for Joists and Rafters—1977
National Design Specifications for Wood Construction—1977
Technical Report #7—All Weather Wood Foundation System—1979

National Oak Flooring Manufacturers Association (NOFMA)
804 Sterick Building, Memphis, Tennessee 38103
Official Grading Rules for Oak, Beech, Birch, Hard Maple and Pecan (OFGR/Vol. 1, No. 1/March 1977)
Hardboard Flooring Installation Manual
Hardboard Flooring Finishing/Refinishing Manual

National Terrazzo & Mosaic Association, Inc. (NTMA)
Suite 15, 3166 Des Plaines Avenue, Des Plaines, Illinois 60018
NTMA Terrazzo Specifications, Details and Technical Data—1981

National Woodwork Manufacturers Association, Inc. (NWMA)
400 West Madison Street, Chicago, Illinois 60606
IS 1–80 Industry Standard for Wood Flush Doors
IS 2–80 Industry Standard for Wood Window Units (ANSI A 200.1)
IS 3–70 Industry Standard for Wood Sliding Patio Doors (ANSI A 200.4)
IS 4–70 Industry Standard for Water-Repellent Preservative Non-Pressure Treatment of Millwork
IS 5–73 Industry Standard for Ponderosa Pine Doors (ANSI A 200.2)

Prestressed Concrete Institute (PCI)
20 North Wacker Drive, Chicago, Illinois 60606
PCI MNL 116 Manual for Quality Control for Plants and Production of Precast Prestressed Concrete Products—1977
PCI MNL 117 Manual of Quality Control for Plants and Production of Architectural Precast Concrete Products—1977
PCI MNL 121 Manual for Structural Design of Architectural Precast Concrete—1977

Product Standard (PS)
National Bureau of Standards Washington, D.C. 20234
PS 1–74 Construction and Industrial Plywood
PS 20–70 American Softwood Lumber Standard
PS 27–70 Mosaic-Parquet Hardwood Slat Flooring
PS 51–71 Hardwood and Decorative Plywood
PS 56–73 Structural Glued Laminated Timber (ANSI A 190.1)
PS 57–73 Cellulosic Fiber Insulation Board (ANSI A 194.1)
PS 58–73 Basic Hardboard (ANSI A 135.4)
PS 59–73 Prefinished Hardboard Paneling (ANSI 135.5)
PS 60–73 Hardboard Siding (ANSI A 135.6)

Safety Glazing Certification Council (SGCC)
1640 West 32nd Avenue, Hialeah, Florida 33012
Certified Products Directory—Safety Glazing Materials—1981

Southern California Association of Cabinet Manufacturers (SCACM)
1933 S. Broadway, L. 39, Los Angeles, California 90007
Certified Construction Standards and Specifications, Guide for Uniform Cabinet Specifications—1973

Southern Forest Products Association (SFPA)
P.O. Box 52468, New Orleans, Louisiana 70152
Southern Pine Maximum Span for Joists and Rafters—1978

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

CFR Citation

Structural Engineers Association of California (SEAOC)
171 Second Street, San Francisco, California 94105
Recommended Lateral Force Requirements and Commentary—1980

Sump Pump Manufacturers Association
221 North LaSalle St., Chicago, Illinois 60601
1976 Domestic Sump Pump Standards

Tile Council of America, Inc.
Box 326, Princeton, New Jersey 08540
Standard Specifications for Ceramic Tile (ANSI A 137.1)—1980
Handbook for Ceramic Tile Installation—1981

Underwriters Laboratories
333 Pfingsten Road, Northbrook, Illinois 60062
UL 58–81 Steel Underground Tanks for Flammable and Combustible Liquids (ANSI B 137.1)
UL 70–79 Bituminous Coated Metal Septic Tanks (ANSI A 162.1)
UL 80–80 Steel Inside Tanks for Oil-Burner Fuel (ANSI B 110.1)
UL 127–71 Factory Built Fireplaces (ANSI A 131.3)
UL 142–72 Steel Above Ground Tanks for Flammable and Combustible Liquids
UL 174–79 Household Electric Storage Tank Water Heater (ANSI C 33.87)
UL 217–80 Single and Multiple Station Smoke Detectors
UL 296–80 Oil Burners (ANSI Z 96.2)
UL 465–78 Central Cooling & Air Conditioners (ANSI B 144.1)
UL 484–72 Room Air Conditioners (ANSI C 33.14)
UL 559–75 Heat Pumps (ANSI B 191.1)
UL 726–75 Oil-Fired Boiler Assemblies (ANSI Z 96.3)
UL 727–80 Oil-Fired Central Furnaces (ANSI Z 96.1)
UL 729–76 Oil-Fired Floor Furnaces (ANSI Z 96.4)
UL 730–74 Oil-Fired Wall Furnaces (ANSI Z 96.5)
UL 732–74 Oil-Fired Storage Tank Water Heaters (ANSI Z 95.3)
UL 737–78 Fireplace Stoves (ANSI A 163.1)
UL 790–78 Tests for Fire Resistance of Roof Covering Materials
UL 1042–79 Electric Baseboard Heating Equipment (ANSI C 33.95)
UL 1096–81 Electrical Central Air Heating Equipment (ANSI C 33.104)
UL 1482–79 Room Heaters, Solid Fuel Type
Electrical Applicance and Utilization Equipment Directory—1980

International Conference of Building Officials
5360 S. Workman Mill Road, Whittier, California 90601
Uniform Building Code (UBC)—1979

U.S. Department of Agriculture
Publications Division, Office of Governmental Affairs, 14th & Independence Avenue, S.W., Washington, D.C. 20050
Home and Garden Bulletin #64—Subterranean Termites—1979
Home and Garden Bulletin #73—Wood Decay in Houses—How to Prevent and Control It—1977
Agriculture Handbook #72—Wood Handbook—1974

U.S. Department of Army
HDQA, DAEN: MPE–8, 20 Massachusetts Avenue, N.W., Washington, D.C. 20314
Technical Manual TM 5–809–10—Seismic Design for Buildings—1973

U.S. Department of Health and Human Services
300 Independence Avenue, S.W., Washington, D.C. 20204
Public Health Service No. (HRA) 79–14500, Minimum Requirements of Construction and Equipment for Hospitals and Medical Facilities—August 1979

U.S. Department of Housing and Urban Development
451 7th Street, S.W., Washington, D.C. 20410
Handbooks:
4075.5 Soil Sampling and Testing for Residential Development—5/73
4075.6 Criteria for Compacted Fills—5/73
4075.7 Slope Protection for Residential Developments—5/73

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

CFR Citation

4075.8 Engineering Soil Classification for Residential Developments—6/74

4135.1 REV-1 Procedures for Approval of Single Family Proposed Construction Applications in New Subdivisions—10/79

4145.1 Architectural Processing and Inspections for Home Mortgage Insurance—9/72

4150.1 Valuation Analysis for Home Mortgage Insurance—4/73

4900.1 Minimum Property Standards for One- and Two-Family Dwellings—November 1980

4905.1 Requirements for Existing Housing—One to Four Family Living Units—9/79

4910.1 Minimum Property Standards for Multifamily Housing—1973 Rev.

4920.1 Minimum Property Standards for Care-Type Housing—1973 Rev.

4930.1 Manual of Acceptable Practices—1973 Rev.

4930.2 Intermediate Minimum Property Standards Supplement for Solar Heating and Domestic Hot Water Systems—1977

4940.1 Minimum Property Standards for Semi-Private Swimming Pools and Wading Pools—10/72

4940.2 Minimum Property Standards for Community Water Supply Systems—8/73

4940.3 Minimum Design Standards for Community Sewerage Systems—11/72

4940.4 Minimum Design Standard for Rehabilitation for Residential Properties—8/78

4950.1 REV-1 Technical Suitability of Products Program—Processing Procedure—8/79

4950.2 Design Criteria for Trussed Rafters—12/72

Guide HM-G-7482.2 HUD Assisted Housing Maintenance Guide on Seamless Coating System—12/13/71

Use of Materials Bulletins:

17E Concrete Roofing Tile—7/17/74

25D Power Driven, Mechanically Driven, and Manually Driven Fasteners—9/5/73

28A Mat-Formed Wood Particle Board for Floor Underlayment—1/26/67

38H Grademarking of Lumber—7/31/79

39Labels of Independent Programs for Certifying Aluminum Windows and Sliding Glass Doors—9/15/64

40B Grademarking of Plywood—6/5/75

44C HUD/FHA Standard for Carpet and Carpet Certification Program—2/22/78 (Plus Addendum 1 & 2)

48 Labels of Independent Programs for Certifying Pressure-Treated Lumber and Plywood—11/15/67 (Plus 4 Supplements)

52A Quality Certification and Labelling for Wood Flush Doors—10/7/75

57A Combination Subfloor/Underlayment Particleboard for Factory Built Modular Housing Units—11/27/73

58A Acrylic Plastic Sheets for Glazing—9/2/75

59A Labels Identifying Independent Certification of Wood Windows—7/16/74

60 Field Glued Plywood & Wood Frame Structural Floor Systems—12/9/70 (Plus 2 Supplements)

62A Factory-Applied Laminated Roofing Systems Based on Chlorosulfonated Polyethylene (CSPE)—11.16/72

64B Textured Plywood Panel Siding—8/13/75

65 Controlled Density Cellular Concrete Floor Fill—10/11/73

66A Plywood Combination Subfloor/Underlayment Floor Panels—12/6/78

67 Polycarbonate Plastic Sheets for Glazing—9/3/75

69 Self Adhering Vinyl Asbestos Floor Tile—1/6/77

70 Particleboard Interior Stair Treads—8/16/76

71 Polystyrene Foam Insulation Sheathing Board—1/10/77

72 HUD Standard for Carpet Cushion—2/6/80

24 CFR Subtitle B, Chapter II (Parts 200–299)—Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner— Continued

CFR Citation

73 Plastic Bathtubs, Plastic Shower Stalls and Receptors, and Plastic Lavatories—4/27/78
74 Thermal Insulation, Urea-Based, Foamed in Place—10/13/77
76 Chlorinated Poly (Vinyl Chloride) CPVC and Polybutylene (PB) Hot and Cold Water Distribution Piping—4/25/78
77A Cast Iron Sanitary Drainage System with Hubless Pipe and Fittings—3/28/80
78 Polyethylene (PE), Acrylonitrile-Butadiene-Styrene (ABS), Poly (Vinyl Chloride) (PVC) and Polybutylene (PB) Plastic Piping and Domestic Cold Water Service—4/25/78
79 Acrylonitrile-Butadiene-Styrene (ABS) and Poly(Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings—4/25/78
80 Spray Applied Cellulosic Thermal Insulation—10/31/79

U.S. Postal Service
475 L'Enfant Plaza, SW., Washington, DC 20024
U.S. Postal Service Requirements for Mail Boxes and Slots (Domestic Mail Manual, Sections 155, 156 & 157)—1979

Water Quality Association
477 East Butterfield Road, Lombard, Illinois 60148
WQA S–100 Water Softeners—1975
WQA S–200 Water Filters—1973

Wood Moulding and Millwork Producers, Inc.
P.O. Box 2578, Portland, Oregon 97225
WM 2–73 Vinyl Wrapped Interior Moulding and Millwork
WM 3–79 Exterior Wood Door Frames

24 CFR Chapter XX (Parts 3200–3299)—Department of Housing and Urban Development, Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

CFR Citation

Aluminum Association, (AA)
818 Connecticut Avenue, N.W., Washington, D.C. 20006
AA–1971, Aluminum Construction Manual, Sec.1, Specifications for Aluminum Structures. 3280.304(b)(1)

American Institute of Steel Construction, (AISC)
1221 Avenue of the Americas, New York, New York 10020
AISC–1973, Specification for the Design, Fabrication, and Erection of Structural Steel for Buildings, with Supplements 1, 2 and 3. 3280.304(b)(1)
AISC–1973, Standard Specifications for Open-Web Steel Joists, J- and H-Series. 3280.304(b)(1)

American Iron and Steel Institute (AISI)
1000 16th Street, N.W., Washington, D.C. 20036
AISI–1968, Specification for the Design of Cold-formed Steel Structural Members, with Addendum 1. 3280.304(b)(1)
AISI–1974, Stainless Steel Cold-formed Structural Design Manual ..... 3280.304(b)(1)
AISI–1973, Manual for Structural Applications of Steel Cables for Buildings. 3280.304(b)(1)

American Institute of Timber Construction (AITC)
333 W. Hampden Avenue, Englewood, Colorado 80110
AITC–100–1972, Timber Construction Standards..... 3280.304(b)(1)
AITC 200–1973, Timber, Structural Glued Laminated—Inspection ..... 3280.304(b)(1)

American National Standards Institute (ANSI)
1430 Broadway, New York, New York 10017
ANSI–A95.1–1974, Installation of Oil Burning Equipment..... 3280.703
ANSI–A58.1–1972, Building Code requirements for Minimum Design Loads in Buildings and other Structures. 3280.304(b)(1)
ANSI–A112.5.1–1971, Cast Iron Soil Pipings and Fittings ..... 3280.604(a)
ANSI–A112.14.1–1975, Backflow Valves ..... 3280.604(a)
ANSI–A112.19.1–1973, Enameled Cast Iron Plumbing Fixtures..... 3280.604(a)
ANSI–A112.19.2–1973, Vitreous China Plumbing Fixtures ..... 3280.604(a)
ANSI–A131.1–1971, Factory-built Chimneys 3280.703
ANSI–A131.2–1973, Gas Vents 3280.703
ANSI–A131.3–1971, Factory-built Fireplaces..... 3280.703

24 CFR Chapter XX (Parts 3200–3299)—Department of Housing and Urban Development, Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection—Continued

	CFR Citation
ANSI–A147.1–1969, Liquid Fuel-burning Heating Appliances for Mobile Homes and Travel Trailers.	3280.703
ANSI–A200.1–1974, Wood window units	3280.304(b)(1)
ANSI–B2.1–1968, Pipe Threads (except dry seal)	3280.604(a); 3280.703; 3280.705(e)
ANSI–B16.3–1971, Malleable Iron Threaded Fittings	3280.604(a)
ANSI–B16.4–1971, Cast Iron Threaded Fittings	3280.604(a)
ANSI–B16.15–1971, Cast Bronze Threaded Fittings 125 and 250 pound	3280.604(a)
ANSI–B16.18–1972, Cast Bronze Solder-joint Pressure Fittings	3280.604(a)
ANSI–B16.22–1973, Wrought Copper and Bronze Solder-joint Pressure Fittings.	3280.604(a)
ANSI–B16.23–1969, Cast Bronze Solder-joint Drainage Fittings, DWV	3280.604(a)
ANSI–B16.26–1975, Cast Copper Alloy Fittings for Flared Copper Tubes	3280.604(a)
ANSI–B16.29–1966, Wrought Copper and Wrought Copper Alloy Solder-joint Drainage Fittings.	3280.604(a)
ANSI–B36.2–1969, Welded Wrought Iron Pipe	3280.604(a)
ANSI–B36.10–1970, Wrought Steel and Wrought Iron Pipe	3280.604(a); 3280.703; 3280.705(b)(1)
ANSI–B125.1–1972, Welded and Seamless Steel Pipe	3280.604(a)
ANSI–C72.1–1972, Household Automatic Electric Storage Type Water Heaters.	3280.707(d)
ANSI–H23.1–1973, Seamless Copper Water Tube	3280.604(a)
ANSI–H23.4–1973, Wrought Seamless Copper and Copper Alloy Tube	3280.604(a)
ANSI–H23.6–1973, Copper Drainage Tube (DWV)	3280.604(a)
ANSI–H26.1–1973, Seamless Copper, Pipe, Standard Sizes	3280.604(a)
ANSI–H27.1–1973, Seamless Red Brass Pipe, Standard Sizes	3280.604(a)
ANSI–Z21.1–1972 with addenda 1a–1974, Household Cooking Gas Appliances.	3280.703
ANSI–Z21.5.1–1972 with addenda 1a–1973 and 1b–1974, Gas Clothes Dryers.	3280.703
ANSI–Z21.10.1–1974; Z21.10.1a–1975, Automatic Storage Type Water Heaters with Input Less than 75,000 Btu/h.	3280.703; 3280.707(d)(2)
ANSI–Z21.15–1974, Manually Operated Gas Valves	3280.703
ANSI–Z21.19–1971 with addenda 19b–1973, Refrigerators Using Gas Fuel.	3280.703
ANSI–Z21.20–1971 with addenda 20a–1972 and 20b–1974, Automatic Gas Ignition Systems and Components.	3280.703
ANSI–Z21.21–1974, Automatic Valves for Gas Appliances	3280.703
ANSI–Z21.22–1971, Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems.	3280.703
ANSI–Z21.23–1971 with addenda 23a–1972 and 23b–1974, Gas Appliance Thermostats.	3280.703
ANSI–Z21.24–1973, Metal Connectors for Gas Appliances	3280.702(a)(17); 3280.703
ANSI–Z21.40.1–1973 with addenda 1a–1974, Gas-Fired Absorption Summer Air Conditioning Appliances.	3280.703; 3280.714(a)(2)
ANSI–Z21.44–1973, Gas-Fired Gravity and Fan-Type Sealed Combustion System Wall Furnaces.	3280.703
ANSI–Z21.47–1973, Gas-Fired Gravity and Forced Air Central Furnaces	3280.703
ANSI–Z34.1–1947, American National Standard Practice for Certification Procedures.	3280.403(i)
ANSI–Z97.1–1972, Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings.	3280.403(i); 3280.114; 3280.304(b)(1); 3280.403(b)(3)(i); 3280.604(a); 3280.607(b)(3)(iii)
ANSI–A106.1–1974, Storage and Handling of Liquefied Petroleum Gas	3280.703; 3280.704(b)
ANSI–Z124.1–1974, Plastic Bathtub Units	3280.604(a)
ANSI–Z124.2–1967, Gal-coated Glass-fiber Reinforced Polyester Resin Shower Receptor and Shower Stall Units.	3280.604(a)
ANSI–Z223.1–1974, Installation of Gas Appliances, Gas Piping in Buildings.	3280.703
American Plywood Association, APA	
1119 A Street, Tacoma, Washington 98401	
APA–1974, Design Specifications for Plywood-Lumber Components	3280.304(b)(1)

24 CFR Chapter XX (Parts 3280–3299)—Department of Housing and Urban Development, Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection—Continued

	CFR Citation
APA–1974, Fabrication Specifications of Plywood-Lumber Components	3280.304(b)(1)
APA–1974, Plywood Residential Construction Guide	3280.304(b)(1)
APA–124–1975, All Plywood Beams for Mobile Homes	3280.304(b)(1)
Air Conditioning and Refrigeration Institute, ARI 1815 Ft. Myer Drive, Arlington, VA 22209	
Standard for Unitary Air Conditioning Equipment, 210–74	3280.714(a)(1)
Standard for Unitary Heat Pumps, 240–75	3280.714(a)(1)(ii)
American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) 345 East 47th Street, New York, New York 10017	
ASHRAE, 1972, Handbook of Fundamentals	3280.508
American Society of Mechanical Engineers (ASME) 345 East 47th Street, New York, New York 10017	
ASME Boiler and Pressure Vessel Code, Section VIII, Division 1, "Rules for Construction of Pressure Vessels"—1974.	3280.704(b)(2)
American Society for Testing and Materials (ASTM) 1916 Race Street, Philadelphia, Pennsylvania 19103	
A53–1972a, Welded and Seamless Steel Pipe	3280.604(a)
A72–1968, Welded Wrought Iron Pipe	3280.604(a)
A74–1972, Cast Iron Soil Piping and Fittings	3280.604(a)
A120–1972a, Black and Hot dipped Zinc-coated (galvanized) Welded and Seamless Steel Pipe.	3280.604(a); 3280.703
A539–1973, Electric and Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines.	3280.703; 3280.705(b)(4); 3280.705(b)(3); 3280.706(b)(3)
B42–1972, Seamless Copper Pipe, Standard Sizes	3280.604(a); 3280.703
B–43–1972, Seamless Red Brass Pipe, Standard Sizes	3280.604(a)
B88–1972, Seamless Copper Water Tube	3280.604(a); 3280.703; 3280.705(b)(3); 3280.706(b)(3)
B251–1971, Wrought Seamless Copper and Copper Alloy Tube	3280.604(a); 3280.703
B280–1973, Seamless Copper Tube for Air Conditioning and Refrigeration Field Service.	3280.703; 3280.705(b)(3); 3280.706(b)(3)
B306–1973, Copper Drainage Tube (DWV)	3280.604(a)
C36–1975, Gypsum Wallboard	3280.304(b)(1)
C564–1970, Rubber Gaskets for Cast Iron Soil Pipe Fittings	3280.604(a); 3280.611(d)
D781–1968, Puncture and Stiffness of Paperboard, Corrogated and Solid Fiberboard.	3280.305(g)(4)
D2261–1973, ABS Plastic Drain, Waste, and Vent Pipe and Fittings	3280.604(a)
D2662–1973, Polybutylene (PB) Plastic Pipe (SDR–PR)	3280.604(a)
D2235–1973, Solvent Cement for ABS Plastic Pipe and Fittings	3280.604(a)
D2564a–1973, Solvent Cement for PVC Plastic Pipe and Fittings	3280.604(a)
D2665–1973, PVC Plastic Drain, Waste, and Vent Pipe and Fittings	3280.604(a)
D2846–1973, Chlorinated poly (vinyl/chloride) (CPVC) Plastic Hot Water Distribution Systems.	3280.604(a)
D3110–1972, Standard Specification for ADHESIVES Used in Nonstructural Glued Lumber Products.	3280.403(b)(1)(i)
D3309–1974, Polybutylene (PB) Plastic Hot Water Distribution Systems.	3280.604(a)
E–84–1975, Standard Method of Test for Surface Burning Characteristics of Building Materials.	3280.203(a)
E162–1975, Standard Method of Test for Surface Flammability of Materials Using a Radiant Heat Energy Source.	3280.203(a)(4); 3280.203(b)
E283–1973, Standard Method of Test for Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors.	3280.403(c)(3); 3280.405(e)(2)(iii)
E330–1970, Standard Method of Test for Structural Performance of Exterior Windows, Curtain Walls, and Doors Under the Influence of Wind Loads.	3280.403(c)(2); 3280.405(e)(2)(ii); 3280.405(e)(2)(i)
E331–1970, Standard Method of Test for Water Penetration of Exterior Windows, Curtain Walls, and Doors by Uniform Static Air Pressure Difference.	3280.405(e)(2)(iv)
E547–1975, Standard Method of Test for Water Penetration of Exterior Windows, Curtain Walls and Doors by Cyclic Static Air Pressure Differential.	3280.403(c)(4)

24 CFR Chapter XX (Parts 3200–3299)—Department of Housing and Urban Development, Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection—Continued

	CFR Citation
Cultured Marble Institute (CMI)	
230 North Michigan Avenue, Chicago, Ill. 60601	
CMI–LS–1–1975, Cultured Marble Lavatory	3280.604(a)
Commercial Standards (CS)	
National Bureau of Standards	
Washington, DC 20234	
CS–138–1955, Insect Wire Screening	3280.403(e)(2)
CS–236–1966, Mat-formed Wood Particleboard	3280.304(b)(1)
CS–243–1962, Stainless Steel Plumbing Fixtures-Residential Use	3280.604(a)
CS–248–1964, Vinyl-coated Glass Fiber Insect Screening and Louver Cloth.	3280.403(e)(2)
Federal Specification (FS)	
General Services Administration, Specifications Branch, Building 197, Washington Navy Yard, Washington, D.C. 20407	
L–P–320–B–1973, PVC Plastic Drain, Waste, and Vent Pipe and Fittings.	3280.604(a)
L–P–322B–1973, ABS Plastic Drain, Waste, and Vent Pipe and Fittings	3280.604(a)
L–S–125B, Screening, Insect, Non-metallic	3280.403(e)(2)
DD–G–1403B–1972, Glass, Plate (Float), Sheet, Figured, and Spandrel (Heat Strengthened and Fully Tempered).	3280.403(b)(3)
FF–N–105B, Nails, Brads, Staples and Spikes, Wire, Cut and Wrought	3280.304(b)(1)
HH–C–536A–1954 or TT–P–1536A, Plumbing Fixture Setting Compound	3280.604(a)
QQ–S–781H, Strapping, Steel, and Seals	3280.306(g)(2)
WW–N–351B, Pipe, Nipples, Threaded	3280.604(a)
WW–P–377D–1962, Seamless Copper Pipe, Standard Sizes	3280.703
WW–P–401D–1969, Cast Iron, Soil Piping and Fittings	3280.604(a)
WW–P–406D–1973, Welded and Seamless Steel Pipe for Ordinary Uses	3280.703
WW–P–541D–1971, Plumbing Fixtures for Land Use	3280.604(a)
WW–V–54D–1973, Valve, Gate Bronze, 125—150 and 200 pound	3280.604(a)
WW–V–58B–1971, Valve, Cast Iron Gate, Threaded and Flanged	3280.604(a)
ZZ–R–765B, Rubber Silicone	3280.611(d)
DD–G–451C–1968, Glass, Float or Plate, Sheet, Figured (flat, for glazing, mirrors and other uses.	3280.403(b)(3)(iii)
Gas Appliance Laboratory, (GAL)	
3138 East Olumpic Blvd., Los Angeles, CA 90023	
Standard for Fireplace Stoves for Installation in Mobile Structures	3280.703
Hardwood Plywood Manufacturers Association (HPMA)	
Box 6246, Arlington, Va. 22206	
HPMA–SG–1971, Structural Design Guide for Hardwood Plywood	3280.304(b)(1)
HUD–FHA Use of Materials Bulletin	
Department of Housing and Urban Development, Washington, D.C. 20410	
HUD–FHA Use of Materials Bulletin–UM–25d, Application and Fastening Schedule: Power Driven, Mechanically Driven and Manually Driven Fasteners.	3280.304(b)(1)
International Association of Plumbing and Mechanical Officials (IAPMO)	
5032 Alhambra Avenue, Los Angeles, California 90032	
PS–2–1966, Cast Brass and Tubing P-Traps	3280.604(a)
PS–4–1966, Drains for Prefabricated and Precast Showers	3280.604(a)
PS–5–1966, Special Cast Iron Fittings	3280.604(a)
PS–9–1966, Diversion Tees and Twin Waste Elbow	3280.604(a)
PS–14–1971, Flexible Copper Water Connectors	3280.604(a)
PS–17–1971, ABS Plastic Drain, Waste and Vent Pipe and Fittings	3280.604(a)
PS–18–1973, Cultured Marble Lavatory	3280.604(a)
PS–23–1968, Dishwater Drain Airgaps	3280.604(a)
PS–27–1969, PVC Plastic Drain, Waste, and Vent Pipe and Fittings	3280.604(a)
PS–31–1971–T, Backflow Prevention Devices	3280.604(a)
TSC–9–1972, Gas Supply Connectors for Mobile Homes	3280.604(a)
TSC–22–1972, Porcelain Enameled Formed Steel Plumbing Fixture	3280.604(a)
Military Specifications (MIL)	
Naval Publications Information Center, 5801 Tabor Rd., Philadelphia, PA. 19120	
MIL–L–10547E–1975, Liners, Case, and Sheet, Overwrap; Water-Vaporproof or Waterproof, Flexible.	3280.611(d)

24 CFR Chapter XX (Parts 3200–3299)—Department of Housing and Urban Development, Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection—Continued

	CFR Citation
National Fire Protection Association (NFPA)	
470 Atlantic Avenue, Boston, Mass. 02110	
NFPA–31–1974, Installation of Oil Burning Equipment	3280.703
NFPA–54–1974, Installation of Gas Appliances, Gas Piping in Buildings	3280.703
NFPA–58–1974, Storage and Handling of Liquefied Petroleum Gas	3280.703; 3280.704(b)(5)
NFPA–70–1975, National Electrical Code	3280.801(b); 3280.808(a)
NFPA–90B–1973, Resident Type Warm Air Heating and Air Conditioning.	3280.703
National Forest Products Association (N)FPA	
1619 Massachusetts Avenue, N.W., Washington, D.C. 20036	
Structural Design Data—Wood (N)FPA–1970	3280.304(b)(1)
Span Tables for Joists and Rafters (PS 20–70) (N)FPA–1973	3280.304(b)(1)
Stress Grade Lumber and its Fastenings National Design Specifications for (and supplement) (N)FPA–1973.	3280.304(b)(1)
Working Stresses for Joists and Rafters (N)FPA–1974	3280.304(b)(1)
National Particleboard Association (NPA)	
2306 Perkins Place, Silver Spring, Md. 20910	
NPA–1–1973, Particleboard for Mobile Home Decking	3280.304(b)(1)
National Sanitation Foundation (NSF)	
3475 Plymouth Road, Ann Arbor, Michigan	
NSF–4–1963, Commercial Cooking and Warming Equipment	3280.703
NSF–5–1972, Hot Water Generating Equipment for Food Service Establishments Using Spray Type Dishwashers.	3280.703
NSF–14–1965, Thermoplastic Materials, Pipe Fittings, Valves, Traps, and Jointing Materials.	3280.604(a)
NSF–24–1972, Plumbing System Components for Mobile Homes and Recreational Vehicles.	3280.604(a)
National Woodwork Manufacturers Association (NWMA)	
40 West Madison Street, Chicago, Illinois 60606	
NWMA I.S. 1–1974, Wood Flush Doors (interior, exterior)	3280.304(b)(1)
NWMA I.S. 2–1973, Wood Window Units	3280.304(b)(1)
NWMA I.S. 3–1970, Wood Patio Doors	3280.304(b)(1)
NWMA I.S. 4–1970, Water Repellent Preservative Treating for Millwork.	3280.604(b)(1)
Product Standards (PS)	
Standards marked with asterisk (*) are available from: U.S. Government Printing Office, Washington, D.C. 20402	
Other standards are available from: National Bureau of Standards, Washington, D.C. 20234	
PS–1–1974, *Construction and Industrial Plywood	3280.304(b)(1)
PS–51–1971, Hardwood and Decorative Plywood	3280.304(b)(1)
PS–56–1973, Structural Glued Laminated Timber	3280.304(b)(1)
PS–58–1973, *Basic Hardboard	3280.304(b)(1)
PS–59–1973, *Prefinished Hardboard Paneling	3280.304(b)(1)
PS–60–1973, *Hardboard Siding	3280.304(a)
PS–5–1966, Porcelain Enameled Formed Steel Plumbing Fixtures	3280.604(a)
Society of Automotive Engineers (SAE)	
400 Commonwealth Drive, Warrendale, Pa. 15096	
SAE–J533b, Flares for Tubing	3280.705(f)(1) and (2)
Truss Plate Institute (TPI)	
Suite 200, 7100 Baltimore Avenue, College Park, Md. 20740	
TPI–1972, Span Tables for Light Metal Plate Connected Wooden Trusses.	3280.304(b)(1)
TPI–1974, Design Specifications for Light Metal Plate Connected Wood Trusses.	3280.304(b)(1)
Underwriters' Laboratories, Inc. (UL)	
207 East Ohio Street, Chicago, Illinois 60611	
UL–94–1974, Tests for Flammability of Plastic Materials for Parts in Devices and Appliances.	3280.703; 3280.715(e)(1)
UL–103–1971, Factory-built Chimneys	3280.703

24 CFR Chapter XX (Parts 3200–3299)—Department of Housing and Urban Development, Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection—Continued

	CFR Citation
UL–109–1972, Tube Fittings for Flammable and Combustible Fluids and Refrigeration Service, and Marine Use.	3280.703
UL–127–1971, Factory-built Fireplaces	3280.703
UL–167–1974, Smoke Detectors, Combustion Products Type for Fire Protective Signaling Systems.	3280.208(c)
UL–168–1971, Smoke Detectors, Photoelectric Type, for Fire Protective Signaling Systems.	3280.208(c)
UL–181–1972, Factory-made Air Duct Materials and Air Duct Connectors.	3280.715(e)
UL–214–1971, Flame Tests of Flame-resistant Fabrics and Films	3280.703
UL–307a–1969, Liquid Fuel-burning Heating Appliances for Mobile Homes and Travel Trailers.	3280.703
UL–307(b)–1971, Gas-heating Appliances for Mobile Homes and Travel Trailers.	3280.703
UL–311–1971, Roof Jacks for Trailer Coaches	3280.703
UL–441–1973, Gas Vents	3280.703
UL–465–1975, Air Conditioners, Central Cooling	3280.703
UL–559–1975, Heat Pumps	3280.703
UL–569–1973, Pigtails, Expansion Coils, and Flexible Hose Connectors for Liquefied Petroleum Gas.	3280.703
UL–1025–1973, Electric Air Heater	3280.703
UL–1042–1973, Electric Baseboard Heating Equipment	3280.703
UL–1096–1973, Electric Central Air, Heating Equipment	3280.703
Steel Joist Institute (SJI)	
1703 Parthem Road, Suite 204, Richmond, VA 23229	
SJI–1973, Standard Specifications and Load Tables—Open Web Steel Joists, J and H Series.	3280.304(b)

[FR Doc. 81–16153 Filed 5–28–81; 8:45 am]
BILLING CODE 1505–02–C

V
4
6
M
Y
2
9
8
1
UMI

Rea

INFORM
PUBLIC
Code of
CFR Unit
General i
Incorpora
Printing s
Federal R
Correctio
Daily Iss
General i
Public Ins
Schedulin
Laws
Indexes
Law numb
Slip law
President
Executive
Public Pa
Weekly C
Privacy A
United St
SERVICES
Agency se
Automatio
Dial-a-Reg
Chicago
Los Ang
Washing
Magnetic
volumes
Public brie
What It
Public Insp
Regulation
Special Pr
Subscriptio
Subscriptio
TTY for th

FEDERAL

24519-249
24927-250
25077-252
25289-254
25421-255
25595-260
26037-262
26275-264
26471-266
26605-267
26759-270
27089-273
27323-274
27469-276
27623-278
27899-281
28145-283
28395-286

Reader Aids

Federal Register

Vol. 46, No. 103

Friday, May 29, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation 523-3517

United States Government Manual 523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MAY

24519-24926	1
24927-25076	4
25077-25288	5
25289-25420	6
25421-25594	7
25595-26036	8
26037-26274	11
26275-26470	12
26471-26604	13
26605-26758	14
26759-27088	15
27089-27322	18
27323-27468	19
27469-27622	20
27623-27898	21
27899-28144	22
28145-28394	26
28395-28610	27
28611-28832	28
28833-29238	29

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

51 29220

Proposed Rules:

305 26487

3 CFR

Executive Orders:

March 4, 1896 (Revoked by PLO 5906) 28417

July 2, 1910 (Revoked in part by PLO 5885) 28416

July 10, 1910 (Revoked in part by PLO 5885) 28416

February 21, 1913 (Revoked in part by PLO 5938) 28854

January 24, 1914 (Revoked in part by PLO 5937) 28854

August 7, 1916 (Revoked in part by PLO 5921) 28411

September 30, 1916 (Revoked in part by PLO 5921) 28411

September 7, 1917 (Revoked by PLO 5913) 28405

February 25, 1919 (Revoked in part by PLO 5869) 28413

May 25, 1921 (Revoked in part by PLO 5870) 28164

June 14, 1921 (Revoked by PLO 5875) 28411

June 14, 1921 (Revoked in part by PLO 5924) 28857

November 26, 1921 (Revoked in part by PLO 5881) 28167

November 27, 1922 (Revoked in part by PLO 5911) 28412

February 8, 1923 (Revoked in part by PLO 5888) 28655

November 9, 1923 (Revoked in part by PLO 5872) 28414

November 9, 1923 (Revoked in part by PLO 5882) 28857

June 13, 1925 (Revoked in part by PLO 5873) 28165

June 13, 1925 (Revoked in part by PLO 5890) 28858

September 25, 1925 (Revoked by PLO 5891) 28656

April 17, 1926 (Revoked in part by PLO 5925) 28655

February 23, 1928 (Revoked in part by PLO 5928) 28652

November 18, 1938 (Revoked in part by PLO 5896) 28403

1568 (Revoked by PLO 5902) 28417

3412 (Revoked by PLO 5934) 28854

3893 (Revoked in part by PLO 5906) 28417

4181 (Revoked in part by PLO 5894) 28416

4202 (Revoked by PLO 5941) 28855

4531 (Revoked in part by PLO 5901) 28409

4654 (Revoked by PLO 5907) 28418

5105 (Revoked by PLO 5868) 27652

5327 (Revoked in part by PLO 5917) 28406

5344 (Revoked in part by 5908) 28412

5478 (Revoked in part by 5910) 28412

6019 (Revoked in part by PLO 5892) 28413

6040 (Revoked by PLO 5871) 28413

6796 (Revoked by PLO 5939) 28854

7026 (Revoked by PLO 5940) 28855

7610 (Revoked by PLO 5887) 28414

9101 (Revoked by PLO 5926) 28851

11992 (Revoked by EO 12305) 25421

12059 (Revoked by EO 12305) 25421

12064 (Revoked by EO 12305) 25421

12084 (Revoked by EO 12305) 25421

12097 (Amended by EO 12305) 25421

12258 (Amended by EO 12305) 25421

12304 24521

12305 25421

Proclamations:
4843 24519
4844 25077
4845 27899

Administrative Orders:
Presidential Determinations:
No. 81-6
of May 13, 1981 27623
No. 81-7
of May 20, 1981 28833

5 CFR
870 25595
890 25595

Proposed Rules:
2422 26488
2423 26488
2424 26488
2429 26488

7 CFR
28 24927
250 26759
273 27901
800 27070
802 28145
905 27323
907 ..... 25423, 26605, 27625, 28611
910 ..... 24523, 25596, 26759, 27902, 28835
915 27469
916 28835
918 25423
944 27469
982 26037
985 25424
1032 24927
1040 27903
1050 24927
1068 28145
1076 27904
1098 27089
1133 27625
1135 28611
1137 27626
1701 ..... 25079, 28836
1809 28330
1865 27908
1942 ..... 24523, 27909
1945 ..... 27908, 28330
1951 ..... 27908, 28330

Proposed Rules:
Ch. IX 28859
Ch. VI 28171
57 28170
271 27960
272 27960
273 27960
419 24954
930 26065
953 25625
981 27126
982 25626
993 26786
999 25626
1040 25626
1068 27501
1701 ..... 25096, 27344, 28170
1076 26337
2851 ..... 26787, 28859
2852 25097

8 CFR
100 25425

9 CFR
73 ..... 25425, 27627
82 ..... 24524, 25599
92 ..... 24930, 26040
303 26760
331 ..... 24524, 28837
381 26760

Proposed Rules:
92 ..... 26065, 28860
381 26350

10 CFR
Ch. II 27270
2 28627
30 ..... 26471, 27910
50 28838
51 28630
430 27324
455 27862
501 26605
1530 28395

Proposed Rules:
Ch. I 24576, 28660
50 26491
212 25315
459 25466
903 25426

12 CFR
201 27090
204 27090
217 27090
265 28398
335 25204
545 ..... 24526, 24531
584 24526
701 26275
760 26607

Proposed Rules:
Ch. III 26654
210 24576
226 28560
329 28660
545 24579
563 24579
571 24579

13 CFR
111 24931
120 25083

Proposed Rules:
Ch. I 24955

14 CFR
21 27092
39 ..... 24931-24936, 25427-25429, 26042, 26043, 26608, 27095-27098, 27628-27630, 28146-28149, 28632
71 ..... 25430-25433, 26044, 26043, 27099-27101, 27630-27632, 28150, 28151
73 ..... 26045, 27632
75 ..... 27102, 27633
95 ..... 25434, 26045
97 ..... 24937, 26609, 27634
121 28305
135 ..... 28301, 28305
159 28632
207 ..... 25417, 28378
208 ..... 25418, 28378
212 ..... 25418, 28368
214 28379
221 25418
223 25418
249 25414
375 25419
385 28379
399 28380
1206 28399

Proposed Rules:
Ch. I 25466, 27710
21 ..... 27710, 27712, 27885
39 ..... 26069, 26070, 27715, 27885
71 ..... 24957-24961, 25467, 26071, 27126-27128, 27716-27720, 28171
73 27128
75 25468
91 ..... 27885, 27889
159 ..... 26358, 26656
121 ..... 27893, 27897
135 27897
207 28383
208 28383
212 28383
218 28383
221a 25637
245 28381
246 28381
374 25321

15 CFR
373 26275
376 ..... 24532, 28637
377 ..... 24532, 28637
379 26275
385 26275
399 ..... 26275, 27103

Proposed Rules:
930 26658
1001 27501

16 CFR
0 ..... 26284, 27634
1 ..... 26284, 27634
2 ..... 26284, 27634
4 ..... 26284, 26293, 27634
5 ..... 26050, 26284, 27634
13 ..... 24940, 25289, 26611, 27634
305 25290
1145 27910
1307 27910
1500 27910
1700 ..... 26297, 27910

Proposed Rules:
Ch. I 25468
Ch. II 25478, 26262, 27721
13 ..... 25102, 25103, 25476, 28444, 28661
450 24584
1301 25638
1145 27963
1307 27963
1500 27963
1610 28665
1611 28665
1700 27963

17 CFR
1 ..... 24940, 26000, 26299, 27473
3 ..... 24940, 26299
4 ..... 26004, 26761
15 26472
16 26472
17 26472
18 26472
21 26472
140 ..... 26004, 26761
145 ..... 24940, 26299
147 ..... 24940, 26299

Proposed Rules:
1 25106
3 25106
32 ..... 25106, 25107
210 27344
229 ..... 25638, 26789
240 26789

18 CFR
2 26613
46 25084
131 25084
270 24537
271 ..... 24548-24549, 27635
281 27911
282 ..... 24549, 25599, 28839
294 24550
401 ..... 25439, 26638

Proposed Rules:
157 24585
271 ..... 25643, 25644, 27963-27966
282 ..... 26352, 28672
284 ..... 24585, 27355
292 26352

19 CFR
159 24944
355 26472-26475

Proposed Rules:
Ch. I 28172
201 28673
207 28673

20 CFR
401 24551
404 ..... 25601, 29190
416 29190

Proposed Rules:
Ch. I 26790
656 26789
676 ..... 25084, 25645, 27462
679 ..... 25645, 27462

21 CFR
5 ..... 26052, 26299
109 24551
145 28839
146 26300
193 ..... 24945, 26762
430 ..... 25602, 25605
436 ..... 25602, 25605, 25607
440 25602
442 ..... 25605, 25607
444 .....
455 .....
520 .....
522 .....
524 .....
529 .....
546 .....
558 .....
561 .....
701 .....
1301 .....
1303 .....
1304 .....
1308 .....
1311 .....
1312 .....
Proposed
1 .....
166 .....
180 .....
182 .....
351 .....
430 .....
436 .....
440 .....
444 .....
448 .....
452 .....
540 .....
1306 .....

22 CFR
41 .....
201 .....

23 CFR
Proposed
625 .....

24 CFR
200 .....
201 .....
203 .....
205 .....
207 .....
213 .....
220 .....
221 .....
232 .....
234 .....
235 .....
236 .....
241 .....
242 .....
244 .....
885 .....
888 .....
3280 .....
Proposed R
235 .....
885 .....

25 CFR
5 .....
105 .....
173 .....
242 .....
700 .....
Proposed Ru
700 .....

26 CFR
1 .....

444 25607
455 25607
520 ..... 25084, 25085, 25606, 26300
522 ..... 24553, 25085, 26762, 26763, 27913
524 27914
529 27914
546 25086
558 ..... 24553, 26763, 28840
561 ..... 24945, 26764
701 29220
1301 28840
1303 28840
1304 28840
1308 28840
1311 28840
1312 28840

Proposed Rules:

1 26790
166 26790
180 24593
182 24593
351 25107
430 25651
436 25651
440 25651
444 25651
448 25651
452 25651
540 25107
1306 24583

22 CFR

41 28637
201 27104

23 CFR

Proposed Rules:

625 27722

24 CFR

200 29221
201 25609
203 ..... 25087, 27105
205 27105
207 27105
213 27105
220 27105
221 27105
232 27105
234 ..... 25087, 27105
235 ..... 27105, 28401
236 27105
241 27105
242 27105
244 27105
885 28841
888 28638
3280 29232

Proposed Rules:

235 24594
885 25107

25 CFR

5 26765
105 26475
173 26476
242 26476
700 27915-27919

Proposed Rules:

700 27967

26 CFR

1 ..... 24945, 27635
7a 25291
16A 27636
25 27642
35 24553
601 26053

Proposed Rules:

1 ..... 24594, 27723, 27968, 28677
7 28677
31 ..... 24595, 27357
32 27357
51 ..... 24595, 26660

27 CFR

240 25610

Proposed Rules:

4 24962
5 24962
7 24962

28 CFR

2 28648
503 24896
524 24896
543 24896
545 24896
547 24896

Proposed Rules:

527 24902
545 24902

29 CFR

1903 28842
1910 ..... 24556, 24558, 28845
2530 28151
2602 27328
2610 26765
2670 27330
2671 27330

Proposed Rules:

Ch. XII 25109
530 25108
1910 ..... 25653, 27358, 28864
1918a 28864

30 CFR

Proposed Rules:

221 27968
226 26661
601 25653
840 24963
841 24963
842 24963
843 24963
844 24963
845 24963

31 CFR

202 28152
203 28152
535 ..... 26476, 26478

Proposed Rules:

209 27969

32 CFR

57 25440
299 26481

Proposed Rules:

Ch. I 24596, 28865
Ch. V 24596, 28865
Ch. VI 24596, 28865
Ch. VII 24596, 28865
Ch. XVI 26498
199 24964
505 28446

33 CFR

Ch. I 28153
25 27107
66 27642
80 28153
82 27643
84 28153
85 28153
86 28153
87 28153
88 28153
90 28153
91 28153
94 28153
97 28153
98 28153
100 26838
110 28154
162 27644
163 28153
165 26055
183 27644
252 28649
264 28649
275 28649
278 28649
341 28649

Proposed Rules:

Ch. II 24596, 28865
89 26661
95 27128
165 26072
320 26792
321 26792
322 26792
323 26792
324 26792
325 26792
326 26792
327 26792
328 26792
329 26792
330 26792

34 CFR

78 27304
104 25614
300 25614
735 26058
776 26058
778 26057
797 26057

36 CFR

7 28846

Proposed Rules:

Ch. I 27723
Ch. III 24596, 28865
7 ..... 27969, 27970

37 CFR

1 29176
201 ..... 25442, 28846

38 CFR

3 27074
36 ..... 25443, 25444, 26482

Proposed Rules:

6 27361
8 27361
21 ..... 26499, 28679

39 CFR

111 ..... 25090, 25446
601 28639

Proposed Rules:

111 ..... 25109, 26792, 27970

40 CFR

Ch. I 27333
35 26301
52 ..... 24560, 24562, 24946, 25090, 25092, 25294, 25446, 26301-26304, 26484, 26640, 26641, 26767-26769, 27119, 27339, 27923-27932, 28155-28159, 28650
60 ..... 27341, 28402
61 27341
62 27342
66 27119
81 ..... 25294, 25301, 25446, 26305, 27933
86 ..... 24948, 28160
122 27473
123 ..... 28161, 28850
162 ..... 26305, 27936
173 26058
180 ..... 24950, 25615, 26770, 26771, 27480, 27936-27939, 28403
260 27473
261 27473
264 ..... 27119, 27473
265 ..... 27119, 27473
761 ..... 27614, 27615
762 27120
1501 25461
1502 25461
1508 25461

Proposed Rules:

Ch. I 24965, 28680
35 27314
50 25655
51 24598
52 ..... 24597-24602, 24966, 24967, 25110, 25322, 25323, 25481, 25483, 25485, 25659, 26074, 26353, 26499, 26793, 27129, 27501-27504, 27972, 28179, 28871
60 ..... 26501, 28180
61 25113
62 26504
65 26075
81 ..... 24604, 25324, 25325, 26355, 26504, 26508, 27131, 28872
86 ..... 26078, 26796
123 ..... 24968, 26796, 27132
180 ..... 24605, 25488, 25659, 26663, 26796, 27133, 27973-27975
192 26356
261 27363
264 26680
265 26680
267 26680
420 24606
434 26873
466 25114
761 ..... 25411, 25660, 27617-27619, 28446

41 CFR

Ch. I 26061, 26484, 27645
Ch. 101 27940
5-5 25615

5A-1.....27122
5A-3.....27122
5A-5.....25615
5A-16.....27122
8-1.....28163
8-1.4.....26643
8-8.2.....26643
8-95.....26644
9-1.....25302
9-2.....25303
9-3.....25303
9-4.....25303
9-5.....25303
9-7.....25303
9-9.....25303
9-10.....25304
9-15.....25304
9-18.....25304
9-23.....25304
9-50.....25304
14-3.....25617
101-37.....25618
105-735.....25305

42 CFR

32.....25622
401.....24551
405.....24564, 25093

43 CFR

Public Land Orders:
49 (Revoked by PLO 5920).....28410
431 (Amended in part by PLO 5942).....28856
554 (Revoked by PLO 5914).....28405
739 (Revoked by PLO 5879).....28166
848 (Revoked in part by PLO 5868).....28164
1095 (Revoked in part by PLO 5919).....28410
1163 (Revoked by P.L.O. 5864).....27653
1261 (Revoked by PLO 5897).....28416
1385 (Revoked by PLO 5933).....28853
1442 (Revoked by PLO 5889).....28857
1555 (Revoked by PLO 5909).....28415
1718 (Revoked in part by PLO 5898).....28407
2225 (Revoked in part by PLO 5932).....28652
2693 (*See* PLO 5896).....28403
2724 (Amended in part by PLO 5931).....28853
2920 (Revoked in part by PLO 5912).....28415
3061 (Revoked in part by PLO 5876).....28418
3292 (Revoked in part by PLO 5876).....28418
3342 (Amended in part by PLO 5927).....28852
3966 (Revoked in part by PLO 5877).....28165
4289 (Revoked in part by PLO 5886).....28411
4790 (Revoked in part by PLO 5918).....28410
5011 (Revoked by PLO 5905).....28417
5073 (Revoked in part by PLO 5900).....28409
5860.....25619
5861.....26061
5862.....27653
5863.....27651
5864.....27653
5865.....27651
5866.....27652
5867.....28163
5868.....28164
5869.....28413
5870.....28164
5871.....28413
5872.....28414
5873.....28165
5874.....28414
5875.....28411
5876.....28418
5877.....28165
5878.....28165
5879.....28166
5880.....28166
5881.....28167
5882.....28857
5884.....28415
5885.....28416
5886.....28411
5887.....28414
5888.....28655
5889.....28857
5890.....28858
5891.....28656
5892.....28413
5893.....28167
5894.....28416
5895.....28404
5896.....28403
5897.....28416
5898.....28407
5899.....28408
5900.....28409
5901.....28409
5902.....28417
5903.....28404
5904.....28404
5905.....28417
5906.....28417
5907.....28418
5908.....28412
5909.....28415
5910.....28412
5911.....28412
5912.....28415
5913.....28405
5914.....28405
5915.....28406
5916.....28406
5917.....28406
5918.....28410
5919.....28410
5920.....28410
5921.....28411
5922.....28406
5923.....28652
5924.....28857
5925.....28655
5926.....28851
5927.....28852
5928.....28652
5929.....28651
5930.....28852
5931.....28853
5932.....28652
5933.....28853
5934.....28854
5935.....28654
5936.....28655
5937.....28854
5938.....28854
5939.....28854
5940.....28855
5941.....28855
5942.....28856

44 CFR

9.....24951
64.....26305, 26772, 26774, 27123, 28443
65.....26061, 26775-26777, 27941
67.....26308-26355, 27942, 27943, 28418, 28656
70.....26644-26648, 28431-28442

Proposed Rules:
67.....26077, 26085, 26797, 26798, 27133, 27139, 27976, 28446-28456

45 CFR

500.....26062
531.....26062

Proposed Rules:
Ch. XI.....24969
302.....25660

46 CFR

33.....26167
94.....26167
157.....27654
192.....26167
502.....24565
503.....28858
510.....24565
525.....24575

Proposed Rules:
Ch. I.....26086
Ch. IV.....25326
148.....27724

47 CFR

0.....27654
2.....26485, 26649
22.....27855
31.....28656
73.....25461, 25462, 25620, 26062, 26223, 26485, 26486, 26649, 27706, 27944
74.....27481
81.....26485
83.....25463, 26485
90.....27481, 27707
94.....27953
95.....26778

Proposed Rules:
Ch. I.....24969, 25661, 27506, 28183, 28456, 28457
2.....26507
21.....26507
25.....26798
31.....26356
33.....26356
34.....26356
35.....26356
73.....25487-25489, 25662, 26509-26515, 26663, 26798, 27725-27728, 28681, 28684
74.....26507
76.....25490
90.....27729

48 CFR

Proposed Rules:
15.....26664
47.....26664

49 CFR

1.....26651
171.....28657
531.....24952
571.....25463
577.....28657
639.....26651
640.....26651
1033.....25094, 25310-25312
1034.....26064, 27709
1039.....27342
1048.....25314, 28658
1056.....25621
1064.....27343
1109.....28658
1244.....26781

Proposed Rules:
Ch. I.....25491
Ch. X.....26336, 28192
171.....27146
173.....25492, 27146
1002.....25326
1102.....26087, 28457
1132.....26799, 26801
1134.....26799, 26801
1201.....25114, 26515, 28458
1241.....25114, 26515, 28458
1248.....25114
1300.....28457
1307.....27732

50 CFR

216.....27056
285.....27482
611.....27483, 27489
658.....27483, 27959

Proposed Rules:
Ch. I.....28171
13.....28881
17.....24607, 26464
21.....28881
23.....28192
651.....27147
653.....25327
662.....28883

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing May 27, 1981

V
4
6
M
Y
2
9
8
1
UMI

V
4
6
M
Y
2
9
8
1
UMI

Just Released

Code of Federal Regulations

Revised as of January 1, 1981

Quantity	Volume	Price	Amount
_____	Title 7-Agriculture (Parts 900–944)	$7.00	$ _____
_____	Title 7-Agriculture (Parts 945–980)	5.50	_____
	Total Order		$ _____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____. Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the Code of Federal Regulations publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

code of federal regulations

LSA

List of CFR Sections Affected

June 1981

SAVE THIS ISSUE

TITLES 1-16
Changes January 2, 1981
through June 30, 1981

TITLES 17-27
Changes April 1, 1981
through June 30, 1981

TITLES 28-41 (ANNUAL)
*Changes July 1, 1980
through June 30, 1981

TITLES 42-50
Changes October 1, 1980
through June 30, 1981

PARALLEL TABLE OF
AUTHORITIES AND RULES

LSA—LIST OF CFR SECTIONS AFFECTED

The LIST OF CFR SECTIONS AFFECTED is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles, except for Title 41, in which proposed rules follow each chapter.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1–16—as of Jan. 1
17–27—as of April 1
28–41—as of July 1
42–50—as of Oct. 1

To bring these regulations up to date, consult the most recent LIST OF CFR SECTIONS AFFECTED for any changes, additions, or deletions published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Daggers † appearing on page numbers under a particular title indicate that the page numbers span 2 years. The dagger is used to distinguish the current year from the previous year.

Cite a page reference from this publication as 45 FR for 1980 page numbers and 46 FR for 1981 page numbers. Example: Page 57234 cite as 45 FR 57234; † 4627 cite as 46 FR 4627.

ISSUES TO BE SAVED

There is no single annual issue of the LIST OF CFR SECTIONS AFFECTED. Four ANNUAL ISSUES must be saved: the DECEMBER issue is the ANNUAL for Titles 1–16; the MARCH issue is the ANNUAL for Titles 17–27; the JUNE issue is the ANNUAL for Titles 28–41; the SEPTEMBER issue is the ANNUAL for Titles 42–50. ANNUAL ISSUES to be saved are clearly designated on the cover.

PARALLEL TABLE OF AUTHORITIES AND RULES

A table is included after Title 50 which contains references to the U.S. Code sections cited as authority for CFR regulations added or revised since January 1, 1981.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 and July 1 each year.

INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA, assisted by Carolyn T. Payne. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

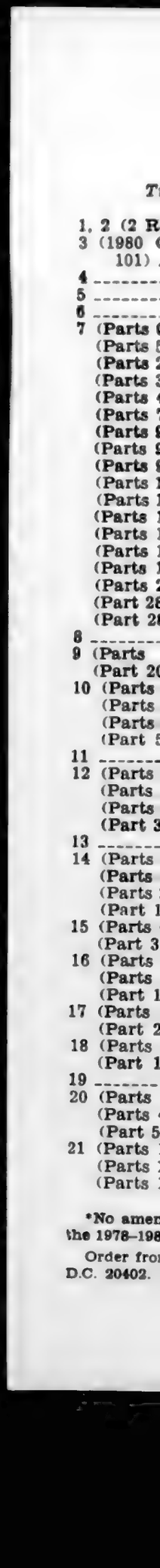

(Comprising a complete CFR set)

Title	Price	Revision Date
1, 2 (2 Reserved)	$4.50	Jan. 1, 1981
3 (1980 Compilation and Parts 100 and 101)	6.50	Jan. 1, 1981
4	6.50	Jan. 1, 1981
5	9.00	Jan. 1, 1981
6	3.50	Jan. 1, 1981
7 (Parts 0–52)	8.50	Jan. 1, 1980
(Parts 53–209)	6.50	Jan. 1, 1981
(Parts 210–299)	7.00	Jan. 1, 1981
(Parts 300–399)	6.00	Jan. 1, 1981
(Parts 400–699)	6.50	Jan. 1, 1981
(Parts 700–899)	7.00	Jan. 1, 1980
(Parts 900–944)	7.00	Jan. 1, 1981
(Parts 945–980)	5.50	Jan. 1, 1981
(Parts 981–999)	5.50	Jan. 1, 1981
(Parts 1000–1059)	6.50	Jan. 1, 1981
(Parts 1060–1119)	6.50	Jan. 1, 1981
(Parts 1120–1199)	6.00	Jan. 1, 1981
(Parts 1200–1499)	7.00	Jan. 1, 1980
(Parts 1500–1899)	6.00	Jan. 1, 1981
(Parts 1900–2799)	8.50	Jan. 1, 1980
(Parts 2800–2851)	5.50	Jan. 1, 1978*
(Part 2852)	8.50	Jan. 1, 1980
(Part 2853–End)	6.00	Jan. 1, 1981
8	5.50	Jan. 1, 1981
9 (Parts 1–199)	7.50	Jan. 1, 1981
(Part 200–End)	6.50	Jan. 1, 1981
10 (Parts 0–199)	7.50	Jan. 1, 1981
(Parts 200–399)	7.50	Jan. 1, 1981
(Parts 400–499)	7.00	Jan. 1, 1981
(Part 500–End)	7.50	Jan. 1, 1981
11	5.50	Jan. 1, 1981
12 (Parts 1–199)	6.00	Jan. 1, 1981
(Parts 200–299)	9.00	Jan. 1, 1980
(Parts 300–499)	6.00	Jan. 1, 1981
(Part 300–End)	11.00	Jan. 1, 1980
13	7.00	Jan. 1, 1981
14 (Parts 1–59)	7.50	Jan. 1, 1981
(Parts 60–199)	8.50	Jan. 1, 1980
(Parts 200–1199)	7.50	Jan. 1, 1981
(Part 1200–End)	6.00	Jan. 1, 1981
15 (Parts 0–299)	5.50	Jan. 1, 1981
(Part 300–End)	8.50	Jan. 1, 1981
16 (Parts 0–149)	6.50	Jan. 1, 1981
(Parts 150–999)	6.00	Jan. 1, 1980
(Part 1000–End)	6.50	Jan. 1, 1980
17 (Parts 1–239)	7.50	April 1, 1980
(Part 240–End)	7.50	April 1, 1980
18 (Parts 1–149	7.50	April 1, 1980
(Part 150–End)	8.50	April 1, 1980
19	9.00	April 1, 1980
20 (Parts 1–399)	5.50	April 1, 1980
(Parts 400–499)	7.50	April 1, 1980
(Part 500–End)	7.50	April 1, 1980
21 (Parts 1–99)	6.00	April 1, 1980
(Parts 100–169)	6.50	April 1, 1981
(Parts 170–199)	6.00	April 1, 1980

*No amendments to this volume were promulgated in the FEDERAL REGISTER during the 1978–1980 revision periods. The CFR volume issued in 1978 should be retained.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(Comprising a complete CFR set)

Title	Price	Revision Date
21 (Parts 200–299)	$4.75	April 1, 1981
(Parts 300–499)	8.00	April 1, 1980
(Parts 500–599)	7.50	April 1, 1980
(Parts 600–799)	5.00	April 1, 1980
(Parts 800–1299)	6.00	April 1, 1981
(Part 1300–End)	4.75	April 1, 1981
(Part 1300–End—Part 1308 Table)	4.25	April 1, 1979**
22	8.00	April 1, 1980
23	7.00	April 1, 1980
24 (Parts 0–199)	6.00	April 1, 1981
(Parts 0–499)	11.00	April 1, 1980
(Parts 500–1699)	9.00	April 1, 1980
(Part 1700–End)	6.00	April 1, 1980
25	8.00	April 1, 1980
26 (Part 1 §§ 1.0–1.169)	8.50	April 1, 1980
(§§ 1.170–1.300)	6.50	April 1, 1980
(§§ 1.301–1.400)	6.00	April 1, 1980
(§§ 1.401–1.500)	7.00	April 1, 1980
(§§ 1.501–1.640)	6.50	April 1, 1980
(§§ 1.641–1.850)	7.50	April 1, 1980
(§§ 1.851–1.1200)	8.00	April 1, 1980
(§§ 1.1201–End)	9.00	April 1, 1980
(Parts 2–29)	7.50	April 1, 1980
(Parts 30–39)	6.50	April 1, 1980
(Parts 40–299)	7.50	April 1, 1980
(Parts 300–499)	6.00	April 1, 1980
(Parts 500–599)	6.50	April 1, 1980
(Part 600–End)	5.00	April 1, 1980
27 (Parts 1–199)	7.50	April 1, 1981
(Part 200–End)	7.50	April 1, 1980
28	7.00	July 1, 1980
29 (Parts 0–499)	9.00	July 1, 1980
(Parts 500–1899)	11.00	July 1, 1980
(Parts 1900–1910)	9.00	July 1, 1980
(Parts 1911–1919)	5.50	July 1, 1980
(Part 1920–End)	8.00	July 1, 1980
30 (Parts 0–199)	7.50	July 1, 1980
(Part 200–End)	8.00	July 1, 1980
31 (Parts 0–199)	6.00	July 1, 1980
(Part 200–End)	7.50	July 1, 1980
32 (Parts 1–39) (V.I)	8.50	July 1, 1979
(V.II)	11.00	July 1, 1979
(V.III)	8.50	July 1, 1979
(Parts 1–39, Supplement)	6.00	July 1, 1980
(Parts 40–399)	10.00	July 1, 1980
(Parts 400–699)	8.50	July 1, 1980
(Parts 700–799)	8.00	July 1, 1980
(Parts 800–999)	8.00	July 1, 1980
(Parts 1000–End)	6.50	July 1, 1980
32A	5.50	July 1, 1979
33 (Parts 1–199)	9.50	July 1, 1980
(Part 200–End)	8.50	July 1, 1980
34	6.00	July 1, 1980
35	6.00	Dec. 31, 1980
36	7.50	July 1, 1980
37	6.00	July 1, 1980
38	11.00	July 1, 1980
39	6.00	July 1, 1980
40 (Parts 0–51)	7.50	July 1, 1980
(Part 52)	9.00	July 1, 1980

**No amendments to this volume were promulgated in the FEDERAL REGISTER during the 1979–1980 revision period. The CFR volume issued in 1979 should be retained.

(Comprising a complete CFR set)

	Title	Price	Revision Date
	(Parts 53–80)	$7.50	July 1, 1980
	(Parts 81–99)	8.50	July 1, 1980
	(Parts 100–399)	13.00	July 1, 1980
	(Parts 400–424)	7.50	July 1, 1980
	(Part 425–End)	7.50	July 1, 1980
41	(Chapters 1–2)	11.00	July 1, 1980
	(Chapters 3–6)	8.00	July 1, 1980
	(Chapter 7)	4.25	July 1, 1980
	(Chapter 8)	4.50	July 1, 1980
	(Chapter 9)	7.00	July 1, 1979
	(Chapter 9, Supplement)	3.00	July 1, 1980
	(Chapters 10–17)	7.50	July 1, 1980
	(Chapter 18, Vol. I, Parts 1–5)	7.50	July 1, 1980
	(Chapter 18, Vol. II, Parts 6–19)	9.00	July 1, 1980
	(Chapter 18, Vol. III, Parts 20–52)	7.50	July 1, 1980
	(Chapters 19–100)	7.50	July 1, 1980
	(Chapter 101)	8.50	July 1, 1980
	(Chapter 102–End)	7.00	July 1, 1980
42	(Parts 1–399)	9.50	Oct. 1, 1980
	(Part 400–End)	8.50	Oct. 1, 1980
43	(Parts 1–999)	6.50	Oct. 1, 1980
	(Part 1000–End)	11.00	Oct. 1, 1980
44		7.00	Oct. 1, 1980
45	(Parts 1–99)	6.50	Oct. 1, 1980
	(Parts 100–149)	7.50	Oct. 1, 1980
	(Parts 150–199)	7.50	Oct. 1, 1980
	(Parts 200–499)	5.50	Oct. 1, 1980
	(Parts 500–1199)	7.50	Oct. 1, 1980
	(Part 1200–End)	7.50	Oct. 1, 1980
46	(Parts 1–29)	5.00	Oct. 1, 1980
	(Parts 30–40)	4.75	Oct. 1, 1980
	(Parts 41–69)	6.50	Oct. 1, 1980
	(Parts 70–89)	5.50	Oct. 1, 1980
	(Parts 90–109)	5.50	Oct. 1, 1980
	(Parts 110–139)	4.25	Oct. 1, 1979***
	(Parts 140–155)	6.00	Oct. 1, 1980
	(Parts 156–165)	6.50	Oct. 1, 1980
	(Parts 166–199)	6.00	Oct. 1, 1980
	(Parts 200–399)	7.50	Oct. 1, 1980
	(Part 400–End)	6.00	Oct. 1, 1980
47	(Parts 0–19)	6.50	Oct. 1, 1980
	(Parts 20–69)	8.50	Oct. 1, 1980
	(Parts 70–79)	7.50	Oct. 1, 1980
	(Part 80–End), 48 (48 Reserved)	7.50	Oct. 1, 1980
49	(Parts 1–99)	5.50	Oct. 1, 1980
	(Parts 100–177)	8.00	Dec. 1, 1980
	(Parts 178–199)	7.50	Dec. 1, 1980
	(Parts 200–399)	7.00	Oct. 1, 1980
	(Parts 400–999)	7.50	Oct. 1, 1980
	(Parts 1000–1199)	7.50	Oct. 1, 1980
	(Parts 1200–1299)	9.00	Oct. 1, 1980
	(Part 1300–End)	6.50	Oct. 1, 1980
50	(Parts 1–199)	6.00	Oct. 1, 1980
	(Part 200–End)	7.50	Oct. 1, 1980
Complete 1980 CFR set		450.00	1980
Complete 1981 CFR set		525.00	1981
Microfiche CFR edition:			
	Complete set (one-time mailing)	150.00	1980
	Individual copies	2.00	1980

***No amendments to this volume were promulgated during the period October 1, 1979 to September 30, 1980. The CFR volume issued as of October 1, 1979 should be retained.

(Comprising a complete CFR set)

Title	*Price*	*Revision Date*
Microfiche CFR edition:—Continued		
Subscription (mailed as issued)	$250.00	1981
Individual copies	2.00	1981
CFR Index and Findings Aids	8.50	Jan. 1, 1981
Federal Register—What it is and how to use it	3.50	1980
Federal Register Document Drafting Handbook	1.50	1980
List of Sections Affected, 1949–1963	13.50	1966
List of CFR Sections Affected, 1964–1972		
(Titles 1 through 27) Vol. I	14.00	1980
(Titles 28 through 50) Vol. II	13.00	1980
LSA (List of CFR Sections Affected):		
Yearly subscription	10.00	
Individual copies	1.00	monthly
Federal Register Index:		
Yearly subscription	8.00	
Individual copies	1.00	monthly

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

TITLE 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

Page

3.4 Revised 7933
(b)(7) revised 33019
18 Authority citation 7163
18.20 Added 7163

Chapter II—Office of the Federal Register

51 Incorporation by reference approvals 10110, 19660, 29220, 33980

Chapter IV—Miscellaneous Agencies

485 Removed 17187

Title 1—*Proposed Rules:*

305 26487

TITLE 3—THE PRESIDENT

Proclamations

October 3, 1905 *See* PLO 5923 28652
4600 Revoked by Proc. 4812 1249
4611 Revoked by Pub. L. 96-487 19860
4612 Revoked by Pub. L. 96-487 19860
4613 Revoked by Pub. L. 96-487 19860
4614 Revoked by Pub. L. 96-487 19860
4615 Revoked by Pub. L. 96-487 19860
4616 Revoked by Pub. L. 96-487 19860
4617 Revoked by Pub. L. 96-487 19860
4618 Revoked by Pub. L. 96-487 19860
4619 Revoked by Pub. L. 96-487 19860
4620 Revoked by Pub. L. 96-487 19860
4621 Revoked by Pub. L. 96-487 19860
4622 Revoked by Pub. L. 96-487 19860
4623 Revoked by Pub. L. 96-487 19860
4624 Revoked by Pub. L. 96-487 19860
4625 Revoked by Pub. L. 96-487 19860
4626 Revoked by Pub. L. 96-487 19860
4627 Revoked by Pub. L. 96-487 19860
4667 *See* Proc. 4813 3489
4702 Revoked in part by EO 12282 7925
4707 *See* Proc. 4812 1249
Amended by Proc. 4817 5851
Amended by EO 12302 19901
4750 *See* Proc. 4813 3489
4768 Amended by EO 12302 19901
4807 Amended by Proc. 4835 22175
4811 1
4812 1249

Page

4813 3489
Revoked by Proc. 4820 12941
4814 3801
4815 3803
4816 4679
4817 5851
4818 11801
4819 12691
4820 12941
4821 13965
4822 14885
4823 15491
4824 17009
4825 17535
4826 18013
4827 18521
4828 18523
4829 18681
4830 20135
4831 21339
4832 21591
4833 21593
4834 21983
4835 22175
4836 22351
4837 22889
4838 23193
4839 23195
4840 23197
4841 23405
4842 23737
4843 24519
4844 25077
4845 27899
4846 29691
4847 30481
4848 31403

Executive Orders

March 4, 1896 Revoked by PLO 5906 28417
May 9, 1898 Revoked by PLO 5949 29939
July 2, 1910 Revoked in part by PLO 5885 28416
July 10, 1910 Revoked in part by PLO 5885 28416
January 23, 1912 Revoked in part by PLO 5842 7345
December 31, 1912 Revoked in part by PLO 5828 7340
February 21, 1913 Revoked in part by PLO 5938 28854
January 24, 1914 Revoked in part by PLO 5937 28854
August 7, 1916 Revoked in part by PLO 5921 28411

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 3, Executive Orders—Con.

Page

September 30, 1916 Revoked in part by PLO 5921 28411
September 7, 1917 Revoked by PLO 5913 28405
February 25, 1918 Revoked in part by PLO 5869 28413
February 25, 1919 Revoked in part by PLO 5959 31894
April 30, 1919 Revoked by PLO 5812 6944
May 25, 1921 Revoked in part by PLO 5870 28164
June 14, 1921 Revoked by PLO 5875 28411
Revoked in part by PLO 5924 28857
November 26, 1921 Revoked in part by PLO 5881 28167
April 4, 1922 Revoked in part by PLO 5961 31894
June 7, 1922 Revoked in part by PLO 5845 7346
November 27, 1922 Revoked in part by PLO 5911 28412
February 8, 1923 Revoked in part by PLO 5888 28655
November 9, 1923 Revoked in part by PLO 5872 28414
Revoked in part by PLO 5882 28857
June 13, 1925 Revoked in part by PLO 5873 28165
Revoked in part by PLO 5890 28858
Revoked in part by PLO 5957 31893
September 25, 1925 Revoked by PLO 5891 28656
February 6, 1926 Revoked by PLO 5948 29938
April 17, 1926 Revoked in part by PLO 5925 28655
Revoked in part by PLO 5950 29939
February 23, 1928 Revoked in part by PLO 5928 28652
February 13, 1929 Revoked in part by PLO 5834 7342
February 14, 1933 Revoked by PLO 5944 29710
July 24, 1935 Revoked by PLO 5854 8520
November 18, 1938 Revoked by PLO 5896 28403
July 26, 1948 Revoked in part by PLO 5844 7346
1398 Revoked in part by PLO 5808 6943
1568 Revoked in part by PLO 5902 28417
1713 Revoked by PLO 5815 6945

Page

3412 Revoked by PLO 5934 28854
3893 Revoked in part by PLO 5906 28417
4096 Revoked by PLO 5846 7346
4181 Revoked in part by PLO 5894 28416
4202 Revoked by PLO 5941 28855
4516 Revoked by PLO 5830 7341
4531 Revoked in part by PLO 5901 28409
4654 Revoked by PLO 5907 28418
5105 Revoked by PLO 5866 ..... 27652, 30500
5118 Revoked by PLO 5824 6948
5327 Revoked in part by PLO 5917 28406
5344 Revoked in part by PLO 5908 28412
5451 Revoked by PLO 5947 29938
5478 Revoked in part by PLO 5910 28412
5864 Revoked by PLO 5817 6946
5907 Revoked in part by PLO 5960 31894
6019 Revoked in part by PLO 5892 28413
6040 Revoked by PLO 5871 28413
6618 Revoked in part by PLO 6618 31893
6798 Revoked by PLO 5939 28854
7026 Revoked by PLO 5940 28855
7601 Revoked by PLO 5887 28414
9101 Revoked by PLO 5926 28851
9154 Amended by EO 12292 13967
9452 Revoked by EO 12292 13967
9799 Revoked by EO 12292 13967
9837 Revoked by EO 12292 13967
9932 Revoked by EO 12292 13967
10249 Revoked by EO 12292 13967
10471 Amended by 12292 13967
10477 Revoked in Part by EO 12292 13967
10624 Amended by EO 12292 13967
10897 Revoked by EO 12292 13967
10903 Amended by EO 12292 13967
11034 Amended by EO 12292 13967
11063 Amended by EO 12259 1253
11145 Committee continued by EO 12258 1251
11157 Amended by EO 12274 5855
11183 Commission continued by EO 12258 1251
11219 Amended by EO 12292 13967
11264 Revoked in part by EO 12292 13967
11287 Committee continued by EO 12258 1251

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Page

11434 Revoked in part by EO 12292 ---- 13967
11476 Amended by EO 12306---- 29693
11562 Council continued by EO 12258 ---- 1251
11636 Revoked by EO 12292---- 13967
11776 Committee continued by EO 12258---- 1251
11835 *See* EO 12306---- 29693
11882 Amended by EO 12267---- 4669
Amended by EO 12302---- 19901
11922 Committee continued by EO 12258---- 1251
11970 Board continued by EO 12258 ---- 1251
Revoked by EO 12299---- 17751
11992 Revoked by EO 12305---- 25421
12018 *See* EO 12306---- 29693
12022 Revoked by EO 12258---- 1251
12044 Revoked by EO 12291---- 13193
12054 Revoked by EO 12258---- 1251
12059 Commission continued by EO 12258---- 1251
Revoked by EO 12305---- 25421
12061 Revoked by EO 12258---- 1251
12063 Revoked by EO 12258---- 1251
12064 Commission continued by EO 12258---- 1251
Revoked by EO 12305---- 25421
12066 Revoked by EO 12292---- 13967
12078 Revoked by EO 12258---- 1251
12084 Commission continued by EO 12258---- 1251
Revoked by EO 12305---- 25421
12092 Revoked by EO 12288---- 10135
12093 Revoked by EO 12258 ---- 1251
12097 Revoked in part by EO 12305 ---- 25421
12103 Revoked by EO 12258---- 1251
12110 Superseded by EO 12258-- 1251
12130 Revoked by EO 12258---- 1251
12131 Council continued by EO 12258 ---- 1251
12135 Committee continued by EO 12258 and correctly designated by EO 12271---- 1251, 4677
12137 Council continued by EO 12258 ---- 1251
Amended by EO 12292---- 13967
12145 Revoked by EO 12292---- 13967
12157 Revoked by EO 12258---- 1251
12160 Amended by EO 12265---- 4665
12163 Amended by EO 12292---- 13967
12174 Revoked by EO 12291---- 13193
12188 Revoked in part by EO 12292 ---- 13967

Page

12190 Committee continued by EO 12258---- 1251
12195 Revoked by EO 12258---- 1251
12196 Council continued by EO 12258 and correctly designated by EO 12271---- 1251, 4677
12198 Amended by EO 12306---- 29693
12205 Revoked in part by EO 12282 ---- 7925
12211 Revoked in part by EO 12282 ---- 7925
12216 Committee continued by EO 12258---- 1251
12228 Amended by EO 12292---- 13967
12233 *See* EO 12306---- 29693
12247 Revoked by EO 12298---- 16879
12258 ---- 1251
Amended by EO 12271---- 4677
Revoked in part by EO 12299--- 17751
Revoked in part by EO 12305--- 25421
12259 ---- 1253
12260 ---- 1653
12261 ---- 2023
12262 ---- 2313
12263 ---- 2315
12264 ---- 4659
Revoked by EO 12290---- 12943
12265 ---- 4665
12266 ---- 4667
12267 ---- 4669
12268 ---- 4671
12269 ---- 4673
12270 ---- 4675
12271 ---- 4677
12272 ---- 5853
12273 ---- 5854
12274 ---- 5855
12275 ---- 5857
12276 ---- 7913
Ratified by EO 12294---- 14111
12277 ---- 7915
Ratified by EO 12294---- 14111
12278 ---- 7917
Corrected ---- 10895
Ratified by EO 12294---- 14111
12279 ---- 7919
Corrected ---- 10897
Ratified by EO 12294---- 14111
12280 ---- 7921
Ratified by EO 12294---- 14111
12281 ---- 7923
Ratified by EO 12294---- 14111
12282 ---- 7925
Ratified by EO 12294---- 14111
12283 ---- 7927
Ratified by EO 12294---- 14111

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 3, Executive Orders—Con.

	Page
12284	7929
Ratified by EO 12294	14111
12285	7931
Ratified by EO 12294	14111
Amended by EO 12307	30483
12286	9901
12287	9909
12288	10135
12289	12693
12290	12943
12291	13193
12292	13967
12293	13969
12294	14111
12295	14113
12296	15129
Amended by EO 12309	30997
12297	16877
12298	16879
12299	17751
12300	18683
12301	19211
12302	19901
12303	21341
12304	24521
12305	25421
12306	29693
12307	30483
12308	30485
12309	30997
12310	31869

Administrative Orders

Memorandums

January 20, 1981	9907
January 29, 1981	11227

Presidential Determinations

No. 73–10 of January 2, 1973 Amended by Presidential Determination 81–1 of December 31, 1980	3491
Amended by No. 81–3 of February 27, 1981	15855
No. 81–1 of December 31, 1980	3491
No. 81–2 of January 16, 1981	11225
Supplemented by No. 81–4 of March 5, 1981	16235
No. 81–3 of February 27, 1981	15855
No. 81–4 of March 5, 1981	16235
No. 81–5 of April 14, 1981	24141
No. 81–6 of May 13, 1981	27623
No. 81–7 of May 20, 1981	28833
No. 81–8 of June 2, 1981	30797
No. 81–9 of June 2, 1981	29921
No. 81–10 of June 9, 1981	31635

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

		Page
20	Modification of procedures	10451
27	Added; interim	15858
28	Added; interim	15859
31	Technical correction	9555
31.3	Technical correction	9555
33	Technical correction	9555
34	Technical correction	9555
82.1	Technical correction	9555

Chapter II—Federal Claims Collection Standards (General Accounting Office—Department of Justice)

102.5	Redesignated as 102.6; new 102.5 added	22353
102.6	Redesignated as 102.7; new 102.6 redesignated from 102.5	22353
102.7	Redesignated as 102.8; new 102.7 redesignated from 102.6	22353
102.8	Redesignated as 102.9; new 102.8 redesignated from 102.7	22353
102.9	Redesignated as 102.10; new 102.9 redesignated from 102.8	22353
102.10	Redesignated as 102.11; new 102.10 redesignated from 102.9	22353
102.11	Redesignated as 102.12; new 102.11 redesignated from 102.10	22353
102.12	Redesignated as 102.13; new 102.12 redesignated from 102.11	22353
102.13	Redesignated as 102.14; new 102.13 redesignated from 102.12	22353
102.14	Redesignated as 102.15; new 102.14 redesignated from 102.13	22353
102.15	Redesignated as 102.16; new 102.15 redesignated from 102.14	22353
102.16	Redesignated as 102.17; new 102.16 redesignated from 102.15	22353
102.17	Redesignated from 102.16	22353

Title 4—*Proposed Rules:*

28	15884
102	23939

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Office of Personnel Management

Page

6.8 (c) added by EO 12300 18683
213 Revised 20147
213.3102 (ll) revised 18928
213.3105 (c)(1) and (f)(1) removed; (a)(1) added 18929
213.3109 (c) added 18927
213.3113 (d)(2) and (k)(2) revised 18927
213.3116 (a)(13) and (j)(2) added 18928
(k)(1) revised 18929
(d)(6), (e)(1), (3), and (j)(1) removed 18931
213.3129 Removed 18931
213.3182 Revised 18929
213.3214 (a)(2) revised 18928
213.3229 Removed 18931
213.3254 (a) revised 11229
213.3282 Revised 18930
213.3303 (b)(1) revised; (h)(2) added 20140
(b) revised 31405
213.3304 (a)(2) and (q)(1) added; (a)(21) revised 20145
213.3305 (a)(41) and (51) revised 20146
213.3310 (i)(2) added; (o)(1) revised 20144
213.3312 (a)(28) revised; (d)(1) added 20143
213.3314 (a)(10) and (25) revised 20137
(a)(37) and (m)(3) revised; (a)(39), (c), and (m)(5) added 20138
(m)(6), (8), (9), and (11) added; (m)(21) revised 20139
(n)(3) added 20140
213.3316 (a)(20) and (m)(5) revised; (m)(6) added 20142
213.3333 (a) and (g) revised; (b), (d) and (i) removed 20141
213.3339 (a), (c), and (e) revised 20143
213.3342 (m) revised 20140
213.3372 (a)(2) revised 20137
213.3382 (b) revised 20144
213.3383 (a) revised 20144
213.3384 (d)(2) and (j)(4) revised 20142
213.3391 (i) removed; (l) added 20144
213.3394 (a)(23) and (24) added 20145
(e)(7) and (i)(8) revised 20146
230.201 Revised 32425
351 Revised 3805
351.301—351.303 (Subpart C) Revised 13199
351.403 Revised 13201
351.701 (e) added 13201
352.801—352.807 (Subpart H) Added 8433
511.601—511.615 (Subpart F) Revised 9913
511.701—511.703 (Subpart G) Revised 9913
531.401—531.413 (Subpart D) Revised 2319
531.501—531.517 (Subpart E) Redesignated as 531.601—531.617 (Subpart F) 2319
531.501—531.509 (Subpart E) Added 2322
531.601—531.617 (Subpart F) Redesignated from 531.501—531.517 (Subpart E) 2319
Removed 22745
532 Revised 21344
539 Removed 22745
550.301—550.381 (Subpart C) Revised 2325
Authority citation corrected 14887
738 Added 2583
752.201 (d)(3) added 12191
831.502 Revised 16654
870.202 (a)(2) revised 25595
870.701 (a)(1) revised; interim 21355
871.501 (b) revised; interim 21355
872.501 (b) revised; interim 21356
873.501 (b) revised; interim 21356
890.102 (c)(2) revised 25595
890.301 (w) added 25596
930.204 Revised 31406

Chapter II—Merit Systems Protection Board

1200.10—1200.11 (Subpart B) Added 30999
1203 Added; interim 2327

Chapter XIV—Federal Labor Relations Authority and Federal Service Impasses Panel

2424.10 (c) corrected 12191
Chapter XIV Appendix B memorandum of clarification 11655

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 5, Chapter XIV—Continued

Page

Appendix A amended ... 17187, 23043, 33020
Appendix A corrected ... 30327

Title 5—*Proposed Rules:*

1—1001 (Ch. I) ... 23751, 31018
213 ... 20213
293 ... 8529
330 ... 20213
359 ... 3903
715 ... 1278
410 ... 13222
771 ... 13729
890 ... 23262
891 ... 23262
2422 ... 26488
2423 ... 26488
2424 ... 26488
2429 ... 26488

TITLE 6—ECONOMIC STABILIZATION

Chapter VII—Council on Wage and Price Stability

705 Removed ... 11229
706 Removed ... 11229
707 Removed ... 11229

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

Subtitle A Cross reference to 44 CFR Part 332 ... 2328
0.735–11 (b)(13), (14), and (15) added ... 22559
0.735–21 (a)(2) revised ... 22559
0.735–24 (a)(67), (68), and (69) added ... 22354
0.735–42 (h) revised ... 22559
1.1—1.16 (Subpart A) Appendix A amended ... 23913
2.4 Revised ... 19215, 21985
2.5 Revised ... 19215, 21985
2.13—2.29 (Subpart C) Heading revised ... 19215
2.19 (f)(4)(v) and (f)(6) amended ... 19215
2.21 (d)(3) and (16) amended ... 21986
2.23 Heading, introductory text, and (a)(1) amended ... 19215
(a)(15) added ... 23914
2.25 (c)(1) revised; (c)(2) and (5) removed; (e)(12), (13), and (14) added ... 2969
2.27 Heading and introductory text revised; (a), (b)(4), and (h) removed; (b) through (g) redesignated as (a) through (f) ... 21986
2.28 Revised ... 21986
2.31 (e) revised ... 31871
2.36 Added ... 21986
2.37 Added ... 21986
2.39 (d) amended ... 19215
(a)(22) revised ... 23914
2.60 (a)(5) revised; (b)(9) removed ... 32227, 32853
2.68 (a) introductory text corrected ... 3203
(a)(4) and (21) amended ... 21986
2.69—2.72 (Subpart I) Heading revised ... 19215
2.69 Revised ... 19215
2.70 (a) introductory text revised; (a)(16) and (b) amended ... 19216
(a)(30) added ... 23914
2.72 Introductory texts of (a) and (b) revised ... 19216
2.75 (a) introductory text revised; (a)(20) through (25) added ... 2969
2.77 Removed ... 2970
2.78 (a)(16), (17), and (18) and (b) added ... 2970
2.83—2.86 (Subpart K) Heading revised ... 21987
2.83 Revised ... 21987
2.84 (a)(21) amended ... 19216
Removed ... 21987
2.85 (a)(4) removed; (a) introductory text, (16) and (b) revised ... 21987
2.86 (a) introductory text, (1)(ii), (2)(i), and (b) revised ... 21987
6.21 (m) and (s) revised ... 1660
6.25 (a)(2), (c)(2), and (d)(3) revised ... 1660
6.26 (c)(2)(i), (d)(1), and (e)(2)(ii) revised; (c)(4) added ... 1660
6.29 (b)(3) revised ... 1661
6.20—6.32 (Subpart) Appendixes 1 and 2 amended ... 1660
20 Appendix 1 amended ... 32228

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

	Page
27.93 Determination rescinded	3203
Effective date deferred	11501
28.2 (o) and (p) revised	24927
28.303 (c) removed	24927
28.551—28.560 Undesignated center heading and sections removed	24927
28.591—28.594 Undesignated center heading and sections removed	24927
28.950 (c) and (e) revised; interim	30074
28.952 Revised; interim	30074
28.955 Revised; interim	30074
28.956 Revised; interim	30074
28.958 Removed; new 28.958 redesignated from 28.959	30075
28.959 Redesignated as 28.958; new 28.959 redesignated from 28.960	30075
28.960 Redesignated as 28.959; new 28.960 redesignated from 28.961	30075
28.961 Redesignated as 28.960; new 28.961 redesignated from 28.962	30075
28.962 Redesignated as 28.961	30075
29.123 Revised	10452
29.9251 Revised	10452
46.45 (e) added	22746
180.5 (a) revised	2329

Chapter II—Food and Nutrition Service, Department of Agriculture

	Page
210.2 (o)(2) revised; emergency	2330
210.4 (b) amended; emergency	3
(a) and (c) amended	3813
210.6 (b) amended	3813
210.11 (c) amended	3813
215.1 Amended; emergency	4
215.2 (v)(2) revised; emergency	2330
215.8 (b)(1) amended; emergency	4
220.2 (c)(2) revised; emergency	2330
220.9 (b) amended	3813
225 Revised	6272
226.4 (g) introductory text and (2) revised; emergency	5
226.25 (d) revised	3814
230.2 (aa)(2) revised; emergency	2331
235.2 (o)(2) revised; emergency	2331
235.4 (a) amended	3813
245.3 (d) added; emergency	3815
246.2 Amended	7851
246.4 (a)(9) and (12) revised	7851
246.5 (e)(1)(i) through (iv) revised; (e)(1)(v) added	7851
246.6 (b)(3) revised	7851
246.7 (a)(3), (b)(2), and (c) revised; (n) added	7851
247 Revised	6341
Effective date deferred	6341
250.1 (b)(6) and (17) amended; (b)(19) added; emergency	2332
(b)(6), (10), and (11) corrected	26759
250.3 Corrected	26759
250.4 (b)(5)(i) revised; emergency	2332
(b)(4) corrected	26759
250.6 (h) and (r) corrected	26759
250.8 (a) amended; emergency	2332
(a) and (b)(1) corrected	26759
250.13 (g)(3)(iii)(B) corrected	26759
271.2 Amended	7263
Effective date deferred	11501
271.7 Revised	1425
272.1 (g)(23) added	2335
(g)(3) revised	1427
(g)(22) added	3199
(g)(26) added	4627
(g)(28) added	6314
(g)(31) added	7263
(g)(28) and (31) effective date deferred	11501
272.2 Added	6315
Effective date deferred	11501
272.3 Added	6315
Effective date deferred	11501
273.1 (f)(1)(i) revised	4627
273.2 (i)(3) introductory text added	1427
(f)(1)(vi) and (vii) added; (f)(2) introductory text and (i), (3), (4)(i) and (iii), (5), (6), (9)(i), (i)(4)(i) revised; (f)(2)(iii) removed; (f)(4)(ii) amended	3199
273.7 (a) revised; (b) introductory text and (1) through (9) redesignated as (b)(1) introductory text and (i) through (ix); new (b)(1)(iii), (vi), (viii), and (ix) revsed; new (b)(2) added	4627

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 7, Chapter II—Continued

Page

(c) redesignated as (n) and (n)(3) amended; new (c) and (d) added 4628
(f) redesignated as (g) and revised; (g) redesignated as (m); new (f) added 4629
(h) introductory text, (1), (3), (4), (5), and (6) redesignated as (h)(1) introductory text, and (i) through (v); new (h)(1) introductory text, (iv), and (v) and (2) revised 4631
(k) heading and (1) and (m) revised 4632
273.8 (g) amended 3202
273.9 Appendix A revised 27902
273.10 (e)(2)(ii) amended; (e)(2)(iii) revised 1427
Appendix A corrected 27902
273.12 (c)(1)(iii) revised 3202
273.15 (a) revised 1427
274.2 (e)(2) and (f)(6) revised 1427
274.3 (b)(6) revised; (b)(7) redesignated as (b)(8); new (b)(7) added 1428
274.8 (a)(5) added; (a)(6) revised 2335
275.3 (b)(2) removed; (c) revised 7263
(b)(2) removal and (c) revision effective date deferred 11501
275.16 (b)(3) revised 7263
(b)(3) effective date deferred 11501
275.25 (c) revised; (d) added 7263
(c) and (d) effective date deferred 11501
277 Technical correction 2336
277.4 (b)(2) revised; (b)(5) redesignated as (b)(8); new (b)(5), (6), and (7) added 7266
(b)(2) and (5) through (8) effective date deferred 11501
280 Added 8922
280.1 Added 8922

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

301.45–2a (a) revised 21146
(a) amended 23915
301.52–2a Amended 21149
301.80–2a Amended 32000, 32006
331.1–9 (f) amended 17754
354.2 Table amended 1662, 22355, 32007
371.1 (c)(2) and (3) revised 7933
371.2 (c)(2) and (d)(2) revised 3816
(d)(2)(xvix) added 7266

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

406 Removed; interim 32854
409 Revised; interim 32854
410 Revised 22560
411.3 Removed 23199
411 Appendix revised 23199
416 Revised 9019
420.3 Removed 23200
420 Appendix B revised 23200
421.3 Removed 23202
421 Appendix B revised 23202
422.3 Removed 23203
422 Appendix B revised 23204
423.3 Removed 23204
423 Appendix B revised 23204
424.3 Removed 23205
424 Appendix B revised 23205
425.3 Removed 23206
425 Appendix B revised 23206
427.3 Removed 23207
427 Appendix B revised 23207
428.3 Removed 23209
428 Appendix B revised 23209
431.3 Removed 23210
431 Appendix B revised 23210
432.3 Removed 23213
432 Appendix B revised 23213
433.3 Removed 23217
433 Appendix B revised 23217
434.3 Removed 23218
434 Appendix B revised 23218
435.3 Removed 23219
435 Appendix B revised 23219
436.3 Removed 23221
436 Appendix B revised 23221
437.3 Removed 23221
437 Appendix B revised 23221
438.3 Removed 23222
438 Appendix B revised 23222

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

700 Heading revised; interim 29454
700.1 (a) amended; interim 29454

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Page

700.2 (a) revised; interim 29454
700.3 Introductory text amended; interim 29454
700.4 (h) revised; interim 29454
700.5 (g) amended; (i)(7) revised; (j)(2) through (7) redesignated as (j)(3) through (8); new (j)(2) added; interim 29454
700.15 Heading and (b) revised; interim 29454
700.21 Revised; interim 29454
700.24 (a) revised; interim 29454
722.558—722.564 (Subpart) Heading revised 2970
722.564 Revised 2970
724.6—724.7 Undesignated center heading revised 11233
724.6 Revised 11233
724.7 Revised 11233
724.12—724.17 Undesignated center heading revised 11233
724.12 Revised 11233
724.13 Revised 11233
724.14 Revised 11234
724.15 Revised 11234
724.16 Revised 11234
724.17 Revised 11235
725 Authority citation 2971
726.11—726.21 Undesignated center heading revised 11236
726.11 Revised 11236
730.25 (c) corrected 9916

Chapter VIII—Federal Grain Inspection Service, Department of Agriculture

800.15 (b)(2) revised; interim 30323
800.19 (b)(3) removed; (b)(4) redesignated as (b)(3); interim 30323
(a)(4) added; interim 32860
800.71 (a) revised 27070
(a) revised; Schedules A and B amended; interim 30323
800.77 (c) revised; interim 30324
800.115 (b)(3) revised; interim 30324
800.160 (e) and (f)(1) revised; interim 30324
800.161 (b)(2), (6), (9)(v), (31), (32), and (35) revised; interim 30324
800.170 (a) and (b) revised; interim 30325
802.2 (r) confirmed 28145

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

Page

905 Limitation of handling 5859, 10899, 11656, 11657, 14115, 16237, 23916, 27323
907 Limitation of handling 5, 2025, 3493, 5860, 6863, 8435, 9555, 10900, 11943, 12945, 14116, 15257, 16238, 17537, 18685, 19927, 21150, 22177, 23044, 24143, 25423, 26605, 26725, 28611, 29923, 30799
Budget of expenses 32426
908 Limitation of handling 21150, 22557, 32007, 32860
Budget of expenses 32426
910 Limitation of handling 6, 2337, 4681, 7267, 9916, 11237, 12192, 13202, 14339, 15493, 15864, 16656, 17755, 18931, 20149, 21356, 22355, 23223, 24523, 25596, 26760, 27903, 28835, 30112, 31249, 32008, 33020
911 Limitation of handling 24144
Budget of expenses 32426
915 Limitation of handling 27470
Budget of expenses 32426
916 Budget of expenses 1662
Limitation of handling 28836
917 Budget of expenses 1662, 32426
Limitation of handling 30076, 30077
918 Limitation of handling 25424
Budget of expenses 32426
923 Limitation of handling 32009
925 Limitation of handling 24145
Budget of expenses 32426
944 Limitation of handling 24144, 27472
945 Limitation of handling 32010
953 Limitation of handling 29455
Limitation of handling corrected 30487
959 Limitation of handling 16239
Corrected 17755
979 Limitation of handling 22356
979.303 (e)(3), (f)(5), and (h) added 29695
982 Incorporation by reference 10111
Heading revised 26038
982.1—982.88 (Subpart) Nomenclature change 26038
982.17 Revised 26038
982.18 Revised 26038
982.19 Redesignated as 982.20; new 982.19 added 26038

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 7, Chapter IX—Continued

		Page
982.20	Redesignated from 982.19	26038
982.30	(g) revised	26038
982.32	(e) and (f) revised	26038
982.33	(b)(1) revised	26038
982.34	Revised	26038
982.39	(f) revised	26039
982.40	Revised	26039
982.41	Revised	26039
982.50	(a)(1) and (d) amended	26039
982.54	(a) and (c) revised	26039
982.62	(a) and (b) revised	26040
982.65	Revised	26040
982.86	(b)(3) revised	26040
982.230	Added	2338
982.300	Nomenclature change; eff. to 4-30-82	32012
982.326	Added; eff. to 4-30-82	32012
984.332	(b) corrected	31637
985.201	Added	25425
987.162	Revised	9917
991.219	Added	20667
991.315	(a) revised; eff. to 7-31-81	29696

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

1004	Effective date suspensions	19455
1032	Effective date suspensions	24928
1040.7	(b)(1), (2), and (3) revised; (b)(5) added	27903
1040.13	Revised	27904
1040.73	(d) revised	27904
1050	Effective date suspensions	24928
1065.2	Revised	19813
1065.7	(a) and (b) revised; (d)(3) amended	19814
1065.9	(c) revised	19814
1065.13	Revised	19814
1065.41	(b)(2) revised	19815
1065.42	(a) revised	19815
1065.44	(a)(8)(ii)(*a*), (11) introductory text, (12)(i)(*b*), and (13) amended	19815
1065.50	(a) revised	19815
1065.52	Revised	19815
1065.53	Revised	19816
1065.71	(a) amended	19816
1065.72	Amended	19816
1065.73	Revised	19816
1065.75	Revised	19816
1065.78	Added	19816
1065.85	Amended	19817
1068	Suspensions	28145
1076.4	Added	27905
1076.7	(b), (c), and (d) revised	27905
1076.9	(c) revised	27905
1076.13	Revised	27905
1076.30	Introductory text amended	27906
1076.41	(b)(2) revised	27906
1076.42	(a) revised; (e) added	27906
1076.43	Introductory text and (a) revised	27906
1076.44	Introductory text, (a)(13), (14), and (c) revised	27906
1076.52	(a) and (b) revised	27906
1076.60	Introductory text and (a) revised	27907
1076.71	(a) revised	27907
1076.72	Amended	27907
1076.73	Revised	27907
1076.75	(a) revised	27908
1076.78	Revised	27908
1076.85—1076.86	Undesignated center heading revised	27908
1076.86	Added	27908
1098	Effective date suspensions	27089
1133	Effective date suspensions	27625
1135	Added	28612
1137	Effective date suspensions	27626
1139	Effective date suspensions	21151

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

1280.300—1280.335	(Subpart) Added	22884

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1421.12	Revised	11804
1421.280—1421.292	(Subpart) Revised	10137
1421.291—1421.294	(Subpart) Revised	10901
1425	Authority citation	30328
1425.11	Revised	20150
1425.13	(c), (e), and (f) revised; (g) removed	20150
	(f)(2) corrected	21595
	(f)(2) revised; interim	30328
1464.16—1464.27	Removed	33217
1474.4	(b) revised; interim	20152

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Page

1474.6 Revised; interim 20152
1474.8 (b) revised; interim 20152
1474.10 Revised; interim 20152
1484 Removed 5860
1486 Removed 5861
1487.2 (i) revised 9556
1487.9 (b) revised; (f) added 9556
1487.12 Revised 9556

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1701 Incorporation by reference approvals; corrections 10111
1701 Appendix A amended 7, 2971, 20152, 20153, 20667, 20668, 25079, 28836

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1809.1 (b) amended 28331
1822.1—1822.18 (Subpart A) Removed 4686
Removal effective date deferred 11501, 17753
1822.21 Amended 4686
Effective date deferred 11501, 17753
1822.25 (a) amended 4686
(a) effective date deferred 11501, 17753
1822.21—1822.26 (Subpart B) Exhibit A amended 4686
Exhibit A effective date deferred 11501, 17753
1822.263 (c) amended 4686
(c) effective date deferred 11501, 17753
1822.267 (l)(1) amended 4686
(ll)(1) effective date deferred 11501, 17753
1822.301—1822.315 (Subpart H) Removed 4686
Removal effective date deferred 11501, 17753
1865.3 (b) introductory text and (c) confirmed 27908
1872.18 (b)(14) amended 4686
(b)(14) effective date deferred 11501, 17753
1872.23 Amended 4686
Effective date deferred 11501, 17753
1900.51—1900.60 (Subpart B) Revised 3818

Page

1904.301 Amended 4686
Effective date deferred 11501, 17753
1904.304 (a) introductory text and (2) amended 4686
(a) introductory text and (2) effective date deferred 11501, 17753
1904.305 (g) amended 4686
(g) effective date deferred 11501, 17753
1904.306 (d) amended 4686
(d) effective date deferred 11501, 17753
1910.53 Amended 4686
Effective date deferred 11501, 17753
1924.5 (i) amended 4687
(i) effective date deferred 11501, 17753
1933.403 (j) amended 4687
(j) effective date deferred 11501, 17753
1942.1 Revised 27909
1942.17 (b) revised 8436
(b) corrected 24523
1942.351 (b) and (c) redesignated as (c) and (d); new (b) added 27909
1943.24 (b)(2) amended 4687
(b)(2) effective date deferred 11501, 17753
1944.1—1944.46 (Subpart A) Added 4688
Effective date deferred 11501, 17753
1944.153 (e) amended 4687
(e) effective date deferred 11501, 17753
1944.164 (j)(2)(ii) and (n) amended 4687
(j)(2)(ii) and (n) effective date deferred 11501, 17753
1944.168 (c)(1)(ii) amended 4687
(c)(1)(ii) effective date deferred 11501, 17753
1944.205 (d) and (l) amended 4687
(d) and (l) effective date deferred 11501, 17753
1944.215 (i)(1) amended 4687
(i)(1) effective date deferred 11501, 17753
1944.222 (b) amended 4687
(b) effective date deferred 11501, 17753
1944.201—1944.250 (Subpart E) Exhibits B, C, and F corrected 29239
1944.506 (d) and (f) amended 4687

80-145 O - 81 - 2

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 7, Chapter XVIII—Continued

Page

(d) and (f) effective date deferred 11501, 17753
1945.2—1945.45 (Subpart A) Revised 28331
1945.26 (b)(1) and (2) revisions, (c) and (d) removals, and (e) redesignation confirmed 27908
1945.2—1945.45 (Subpart A) Exhibit A removal confirmed 27908
1945.51—1945.92 (Subpart B) Confirmed 27908
Heading revised 28337
1945.66 (b)(2)(i) and (ii), (d), and (e) revised 28338
1945.69 (t) added 28338
1945.80 (c) and (d) removed 28338
1945.89 (a)(2)(ii) amended 4687
(a)(2)(ii) effective date deferred 11501, 17753
1945.102 Revised 2589
1945.116 (a)(2)(iii), (9), (10), and (b)(1) revised 2590
1945.117 (a)(5) revised 2590
1945.129 (b)(2)(i)(D) amended 4687
(b)(2)(i)(D) effective date deferred 11501, 17753
1945.151—1945.192 (Subpart D) Added 28338
1948.53 (o) revised 33021
1948.54 Revised 33022
1948.68 (a)(2) amended 33022
1948.84 (d)(2) amended 4687
(d)(2) effective date deferred 11501, 17753
(d)(13) added 33022
1948.90 (b)(3) revised; (b)(4) and (5) added 33022
1951.10 (a)(5), (6), and (7) confirmed 27908
(a)(5) revised 28365
1951.17 (a)(2)(i)(B), (b)(1)(i) and (6) amended 4687
(a)(2)(i)(B), (b)(1)(i) and (6) effective date deferred 11501, 17753
1980.302 (a) amended 4687
(a) effective date deferred 11501, 17753
1980.305 Amended 4687
Effective date deferred 11501, 17753
1980.330 (h)(1) amended 4688
(h)(1) effective date deferred 11501, 17753
2024 Removed 15494

Chapter XXVIII—Food Safety and Quality Service, Department of Agriculture

Page

2851.38 Footnote 3 corrected 1257
2852.42 Revised 23223
2852.52 (c)(1), (2), and (6) and (d)(1) revised 23223
2852.651—2852.659 (Subpart) Revised 3825
Effective date deferred 11501
2855.510 (b), (c), and (d) revised; (e) removed 8
2855.520 Removed 8
2855.530 Amended 8
2855.550 Revised 8
2855.560 (a)(2) revised 8
2856.46 (b) and (c) revised 8
2856.47 Revised 8
2856.48 Removed 8
2856.49 Amended 8
2856.52 (a)(2) revised 8
2856.54 (a)(1) and (2) revised 8
2858.805 (a) and (b) revised 1257
2859.126 Revised 9
2859.128 (a) revised 9
2859.370 (b) revised 9
2870.71 (b) and (c) revised 9
2870.72 Revised 9
2870.74 Removed 9
Technical correction 9917
2870.75 Amended 9
2870.76 (a)(1) introductory text and (2) revised 9
2870.77 (a)(2) introductory text revised 9

Chapter XXXI—Office of Environmental Quality, Department of Agriculture

Chapter XXXI Heading corrected 2971

Title 7—*Proposed Rules:*

0 21016
27—202 (Ch. I) 23872, 33528
29 ..... 22002, 23263, 32590
57 28170
68 19699
102 30620
201 ..... 30780, 31424
210—295 (Ch. II) 23872, 33528
210 ..... 3903, 3905
220 3905
226 32026
246 7878

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Page

271 ---- 4642, 27960
272 ---- 4642, 7748, 8935, 27960
273 ---- 4642, 7748, 8935, 27960
274 ---- 4642, 7748, 8935
278 ---- 4642, 7748
280 ---- 8923
300—371 (Ch. III) ---- 23872, 33528
301 ---- 22197
401—439 (Ch. IV) ---- 23872, 33528
411 ---- 3536
419 ---- 24954
420 ---- 3536
421 ---- 3221
422 ---- 3538
423 ---- 3539
424 ---- 3222
425 ---- 3223
427 ---- 3224
428 ---- 3540
431 ---- 3226
432 ---- 3229
433 ---- 3232
434 ---- 3233
435 ---- 3234
436 ---- 3235
437 ---- 3236
438 ---- 3540
500—510 (Ch. V) ---- 23872, 33528
600—663 (Ch. VI) ---- 23872, 28171, 33528
656 ---- 9610
700—799 (Ch. VII) ---- 23872, 33528
800—810 (Ch. VIII) ---- 23872
900—999 (Ch. IX) ---- 23872, 28859, 33528
907 ---- 4936, 32030
908 ---- 4936
910 ---- 9956
921 ---- 32871
922 ---- 32031
930 ---- 15888, 26065
945 ---- 23058
948 ---- 32031
953 ---- 25625
958 ---- 22382
979 ---- 2084
981 ---- 22901, 27126
982 ---- 2622, 18040, 19946, 21017, 25626
985 ---- 9957, 12000
987 ---- 1742
989 ---- 30645, 32872
991 ---- 3541
993 ---- 26786, 29271
999 ---- 21017, 25626
1000—1139 (Ch. X) ---- 23872, 33528
1002 ---- 17207, 33008
1004 ---- 15713
1006 ---- 33529
1007 ---- 12709, 16270, 18558
1011 ---- 12709, 16270, 18558
1012 ---- 33529
1013 ---- 33529
1030 ---- 12709, 16270, 18558
1032 ---- 12709, 16270, 18558, 21183
1040 ---- 1279, 6973, 25626

Page

1046 ---- 12709, 16270, 18558
1049 ---- 12709, 16270, 18558
1050 ---- 12709, 16270, 18558, 21183
1062 ---- 12709, 16270, 18558
1064 ---- 12709, 16270, 18558
1065 ---- 8533, 12709, 16270, 18558
1068 ---- 12709, 16270, 16689, 18558, 19946, 27501
1071 ---- 12709, 16270, 18558
1073 ---- 12709, 16270, 18558
1076 ---- 12709, 13222, 16270, 18558, 26337
1079 ---- 12709, 16270, 18558
1094 ---- 12709, 16270, 18558
1096 ---- 12709, 16270, 18558
1097 ---- 12709, 16270, 18558
1098 ---- 12709, 16270, 18558, 23060
1099 ---- 12709, 16270, 18558
1102 ---- 12709, 16270, 18558
1104 ---- 12709, 16270, 18558
1106 ---- 12709, 16270, 18558
1108 ---- 12709, 16270, 18558
1120 ---- 12709, 16270, 18558
1125 ---- 31424
1126 ---- 12709, 16270, 18558
1131 ---- 12709, 16270, 18558
1132 ---- 12709, 16270, 18558
1133 ---- 23061, 31424
1135 ---- 21944, 32873, 32874
1137 ---- 24188
1138 ---- 12709, 16270, 18558
1139 ---- 16690
1205—1280 (Ch. XI) ---- 23872, 33528
1300 (Ch. XII) ---- 23872, 33528
1402—1492 (Ch. XIV) ---- 23872
1402—1496 (Ch. XIV) ---- 33528
1421 ---- 2630
1427 ---- 10746
1430 ---- 6973
1464 ---- 32591
1520 (Ch. XV) ---- 23872, 33528
1610 (Ch. XVI) ---- 23872, 33528
1700—1701 (Ch. XVII) ---- 23872, 33528
1701 ---- 3027, 3906, 3908, 7387, 10498, 11287, 19500, 21367, 22383, 25096, 27344, 28171, 32033
1804—2045 (Ch. XVIII) ---- 23872, 33528
1804 ---- 7387
1901 ---- 2900
1940 ---- 2900
1941 ---- 11552
1962 ---- 9617, 11666
2101 (Ch. XXI) ---- 23872, 33528
2400 (Ch. XXIV) ---- 23872, 33528
2507 (Ch. XXV) ---- 23872, 33528
2610—2620 (Ch. XXVI) ---- 23872, 33528
2842—2890 (Ch. XXVIII) ---- 23872, 33528
2851 ---- 10498, 14899, 23751, 26787, 28859
2852 ---- 25097
2856 ---- 22383
2859 ---- 15512
2900—2901 (Ch. XXIX) ---- 23872, 33528

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Page

100.4 (c)(4) amended 25425
109 Added 25080
204.2 (c)(3) and (5) revised 30078
204.4 (f) added 29924
211.1 (b)(1) revised 2591
(b)(1) effective date deferred 10901
(b)(1) and (2) revised 25597
211.5 (d) removed 4858
(d) removal effective date deferred 10901
212.5 (b) revised 24949
212.6 (a) through (e) revised 25082
214.1 (c) revised 25597
214.2 (h)(10) revised 4857
(l)(3a) revised; (f)(6) amended 4858
(f)(2), (3), and (5) revised; (f)(8) added 7268
(f)(2), (3), (5), (6), and (8), (h)(10), and (l)(3a) effective date deferred 10901
(a)(3) added 11502
(l)(3a) removed 18988
(j)(2)(i) and (ii) revised 28624
(l)(1) revised 29456
214.5 Removed 25597
238.3 (b) amended 16656
238.4 Amended 20533, 22357, 32551
242.5 (a)(2) revised 25598
242.22 Revised 25598
244.1 Revised 25598
245.1 (d) revised 3494, 25598
248.2 Revised 3494, 25598
280.51 (a) revised 28624
292.5 (b) corrected 2025
299.1 Revised 28625
335.11 (b) corrected 5861
344.3 Revised 9557
499.1 Revised 28626

Title 8—*Proposed Rules:*

1–499 (Ch. I) 10106, 24128
103 9119
108 9119
205 9119
211 9119
212 9119
214 9119
223 9119
235 ..... 9119, 26653

Page

243 9119
245 9119
248 9119
249 9119
250 9119
251 26653
253 9119
254 9119
256 9119
271 9119
336 9119

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

51.1 (dd) confirmed 13670
(cc)(3), (dd)(1) heading, and (2) heading revised; (ee) redesignated as (ff); new (ee) added 13673
51.3 (a)(1) and (2) confirmed 13670
Text revised; footnote 4 amended 13673
51.6 (c) corrected 5861
51.7 Redesignated as 51.9; new 51.7 added 13674
51.8 Redesignated as 51.10; new 51.8 added 13674
51.9 Redesignated as 51.11; new 51.9 redesignated from 51.7 13674
51.10 Redesignated as 51.12; new 51.10 redesignated from 51.8 13674
51.11 Redesignated from 51.9 13674
51.12 Redesignated from 51.10 13674
73 Authority citation 25426, 27628
73.1a (a)(3) revised 25426
(c) added 27628
75 Authority citation 15495, 22565
75.7 (a)(1)(ii)(E), (iv)(C), (E), (I), (J), (M), (N), and (R), and (xi)(B) removed 22565
75.10 Added 15495
78 Authority citation 18686, 30487
78.20 Revision corrected 7934
(b) amended 18686, 30487
78.21 (a) and (b) amended 18686
(b) amended 30488
82 Authority citation 24524, 25599, 29457, 30488, 31250
82.3 (a)(3)(ii) removed 859
(a)(6)(i) removed 6864
(c)(2) added 24524
(c)(3) added 25599

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Page

(c)(2) removed 29457
(c)(2) added 30488
(c)(3) removed 31250
92 Authority citation 24147, 24931, 29242
92.1 (y) and (z) added 26041
92.2 (i)(1) confirmed 24146
(i)(2)(iii)(C) and (iv) confirmed 29240
92.4 (a)(5)(ii) amended 24147
(a)(5), (6), and (7) confirmed 29240
(a)(1) amended 29242
92.11 (f)(5) amended; (f)(6) revised 26041
Footnote 6 and reference removed; footnotes 7 and 7a and references redesignated as footnotes 6 and 7; (d)(1) revised 29242
92.17 Confirmed 29240
92.41 (d) added 24931
94 Authority citation 19817
94.1 (a)(2) amended 19817
94.11 (a) amended 19817
106 Confirmed 24147
113.99 (c) revised 23224

Chapter III—Food Safety and Quality Service, Meat and Poultry Inspection, Department of Agriculture

303.1 (d)(2)(iii)(b) amended 26760
307.5 Authority citation correctly added 1258
313.2 (e) confirmed 23225, 23265
319.106 (c)(5) and (6) effectiveness deferred 1257
331 Authority citation 24525, 28838
331.2 Table amended 24525, 28838
331.6 Table amended 2338
Table corrected 22358
350.7 Authority citation correctly added 1258
351.8 Authority citation correctly added 1258
351.9 Authority citation correctly added 1258
354.101 Authority citation correctly added 1258
355.12 Authority citation correctly added 1258
362.5 Authority citation correctly added 1258
381.10 (d)(2)(iii)(b) amended 26760
381.38 Authority citation correctly added 1258

Title 9—*Proposed Rules:* Page

1—165 (Ch. I) 23872, 33528
72 23754
92 ..... 23264, 26065, 28860
201—204 (Ch. II) 23872, 33528
301—381 (Ch. III) 23872, 33528
308 15512
313 23265
317 ..... 7387, 18990
318 ..... 1286, 10500
381 ..... 1286, 7387, 10500, 15512, 18990, 26350
Ch. IV 23872, 33528

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

2.101 (f) added 13976
2.103 (a) revised 13977
2.104 (e) revised 13977
2.105 (a)(4) and undesignated text redesignated as (a)(6) and (7) and revised; new (a)(4), (5), and (8) added; (e) revised 13977
2.106 (c) added 13978
2.712 (f) footnote 1 revised 13681
2.730 (e) revised 30331
2.749 (a) revised 30331
2.750 (c) footnote 1 revised 13681
2.751a (d) revised 30331
2.752 (c) revised 30331
2.754 (a) revised 30331
2.762 (e) redesignated as (f); new (e) added 12192
2.764 Heading revised; (a) and (b) amended; (d) and footnote 4 added 13978
(a) and (b) revised; (e) and (f) added 28628
2.780 (g) added 13978
2.809 Added 22358
2 Appendix A amended 12192
Appendix B removed 28628
9.95 (o) correctly designated 21356
11.9 Effective date deferred 13682
11.11 (a) effective date deferred 13682
11.13 (b) effective date deferred 13682
11.15 (b), (c), and (d) effective date deferred 13682
19.2 Revised 13978
19.3 (d) revised 13978
20.2 Revised 13978
20.3 (a)(9) revised 13978
20.105 (c) added 18526
20.106 (f) revised; (g) added 18526
20.301 (a) revised 13978
(c) revised 16234

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 10, Chapter I—Continued

Page

20.303 (d) revised ... 16234
20.305 Revised ... 16234
20.306 Added ... 16234
20.405 (b) revised; (c) added ... 18526
20.408 (a)(3) revised; (a)(4) redesignated as (a)(5); new (a)(4) added ... 13978
20 Appendix D amended ... 18015
21 Authority citation ... 13202
21.2 Revised ... 13978
21.3 (a), (a–1), and (k) amended ... 13979
21.21 (b)(1)(i) and (ii) amended ... 13979
21.61 Revised ... 13202
25 Appendix A revised ... 8437
30.11 (c) added ... 13979
30.15 (a)(9) revised ... 26471
(a)(9) effective date corrected ... 27910
34 Authority citation ... 11804
34.33 (e) revised ... 11804
35.100 (c)(4)(x) amended; (c)(4)(xi) added ... 15683
40.14 (c) added ... 13979
40.31 (h) correctly designated ... 11237, 13497
40 Appendix A corrected ... 11237, 13497
50.54 (s)(2) corrected ... 28838
50.55a (b) introductory text added; (b)(1) and introductory text of (b)(2) revised; footnote 1 removed ... 20154
50 Appendix E heading and text corrected ... 28839
51 Authority citation ... 28632
51.5 (a)(11) redesignated as (a)(12); new (a)(11), (b)(4)(v), (10), and (11) added; (b)(4)(iii) and (iv), (5), and (6) amended; (d)(3) revised ... 13979
51.21 Revised ... 28632
Effective date corrected ... 29457
51.40 (a) revised; (d) added ... 13979
51.41 Revised ... 13979
51.53 Existing text designated as (a); (b) added ... 28632
(b) effective date corrected ... 29457
60 Added ... 13980
70.4 (v) added ... 12194
70.12 Revised ... 12194, 12696
70.13a Added ... 12194
70.14 (c) added ... 13987
70.20a (a) revised ... 12194
70.20b Added ... 12194
73 Incorporation by reference approvals correction ... 10111
Authority citation ... 12698
73.26 (l)(1) revised ... 2025
73.67 (e)(6) added ... 12698
73.71 (c) added ... 4860
73.71a (b) revised ... 12195
73.72 Revised ... 12698
73 Appendix B amended ... 2026
95 Authority citation ... 13204
95.27 Revised ... 13204
95.29 (b)(3) revised ... 13204
95.35 (c) added ... 13204
95.36 Added ... 13204

Chapter II—Department of Energy

Chapter II Interpretations ... 27270
205.20—205.29 (Subpart B) Removed ... 20512
205.30—205.39 (Subpart C) Removed ... 20519
205.210—205.220 (Subpart Q) Removed ... 20519
205.350—205.355 Added ... 2958
Decision to review ... 14340
205.351 Introductory text and (a) corrected ... 11237
205.353 Corrected ... 11237
210.1 (Subpart A) Heading revised ... 20512
210.1 Revised ... 20512
210.2 Removed ... 20512
210.3 Removed ... 20512
210.4 Removed ... 20512
210.21 (Subpart B) Removed ... 20512
210.31—210.35 (Subpart C) Removed ... 20512
210.62 (d)(3) revised; (d)(4) added ... 4862
(d)(3) and (4) decision to review ... 14340
(c) and (d) removed ... 20512
Removed ... 20519
210.63 Removed ... 20512
210.92 (Subpart G) Removed ... 20512
210 Appendix A removed ... 20512
211.1—211.29 (Subpart A) Sections removed ... 20512
Appendix A (Special Rules Nos. 9 and 10) effectiveness continued ... 9909
Appendix A removed ... 20519
211.51 (Subpart B) Removed ... 20520
211.61 Removed ... 20519
211.62 Amended ... 3372
Effective date deferred ... 11943, 14339
Amended ... 20512
Removed ... 20520
211.63 Removed ... 20512
211.64 Removed ... 20512

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Page

211.65 (c)(2)(iv) added 3375
Effectiveness continued 9909
(c)(2)(iv) effective date deferred 11943, 14339
(a), (c), (d), (e), and (k) removed; (f) and (g) revised 20512
Removed 20519
211.66 (b), (d), (g), (h), and (j) removed 20512
(a) and (e) removed 20520
211.67 (d)(5) revised 5727
(d)(5) exemption from deferment pending 11943
(d)(5) OMB waiver 14339
211.68 Added 3372
Effective date deferred 11943, 14339
Removed 20512
211.71 Removed 20512
211.81—211.89 (Subpart D) Removed 20512
211.101—211.110 (Subpart F) Removed 20512
211.121—211.127 (Subpart G) Removed 20512
211.141—211.147 (Subpart H) Removed 20512
211.161—211.167 (Subpart I) Removed 20512
211.181—211.186 (Subpart J) Removed 20512
211.201—211.207 (Subpart K) Removed 20512
211.221—211.225 (Subpart L) Removed 20512
211 Appendix A revised 20512
212 Interpretation 5864
Incorporation by reference approvals correction 10111
212.1 Correctly removed 20516, 21357
212.2 Correctly removed 20516, 21357
212.10 (a) removed 20516
212.31 (Subpart B) Removed 20519
212.31 Revised 20517
212.51—212.62 (Subpart C) Removed 20516
212.71 Correctly removed 20519, 21357
212.72 Revised 20517
Removed 20519
212.73 Removed 20516
212.74 (a), (b), (d), and (e) removed 20516
Removed 20519
212.75 Removed 20516
212.76 Removed 20516

Page

212.77 Appendix amended 15258
Removed 20516
212.78 (c) and appendix amended; (h)(1)(ii) and (2)(ii) revised; (h)(5) and (6) added 1248
(c), (h)(1)(ii), (2)(ii), (5), and (6), and appendix decision to review 14340
Revised 20519
(a) and (b) removed and (c) designation removed 20519
212.79 (c) removed 11806
Removed 20516
212.81—212.89 (Subpart E) Removed 20516
212.83 (c)(1)(i)(B) and (2)(iii)(G) revised; (c)(2)(iii)(C) amended 3828
(c)(1)(i)(B), (2)(iii)(C), and (G) decision to review 14340
(c)(2)(iii)(C)(2) amended 7782, 7783
(c)(2)(iii)(C)(2) decision to review 14340
212.91—212.97 (Subpart F) Removed 20519
212.91 Removed 20516
212.92 Removed 20516
212.93 Removed 20516
212.96 Removed 20516
212.97 Removed 20516
212.94 (Subpart F) Appendix amended 20516
212.111—212.112 (Subpart H) Removed 20516
212.126 (a), (b), and (c) removed 20516
212.128 Removed 20517
212.129 Removed 20517
212.130 Removed 20517
212.131 (c) removed; (e) added 20517
(a) removed 20519
212.132 Removed 20517
212.133 Removed 20519
212.161—212.173 (Subpart K) Removed 20517
212.181—212.188 (Subpart L) Removed 20517
212 Appendix A revised; Appendix B removed 20517
214 Effectiveness continued 9909
Removed 20519
220.1 (b) revised 20518
220.2 Amended 20518
220.10 (a) revised 20518
220.30 Revised 20518
220.32 (a) revised 20518

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 10, Chapter II—Continued

	Page
220.33 Added	20518
376.110 (a)(5) added	29689
390.001 (b) revised	29689
390.002 Amended	29689
430 Incorporation by reference approvals	10112
Incorporation by reference approvals correction	10111, 10112
430.21—430.24 (Subpart B) Appendix D revised	27326
440 Incorporation by reference approvals	10112
440.2 (a)(3) removed; (a)(4) through (9) redesignated as (a)(3), (4), (5), (9), (10), and (11); new (a)(6), (7), and (8) added; (b) amended; interim	29245
440.3 Amended; interim	29245
440.10 (b)(1) and (2) and (e) amended; interim	29245
440.16 (a)(1)(iii) amended; (b) revised; interim	29245
440.17 (a)(2) amended; interim	29245
440.21 (d) revised; interim	29245
455.1—455.5 (Subpart A) Revised	27869
455.10 Revised	27872
455.16 (f) added	27869
455.18 Added	27872
455.19 Added	27873
455.40—455.42 (Subpart C) Revised	27874
455.50—455.52 (Subpart D) Revised	27875
455.60—455.63 (Subpart E) Revised	27875
455.70—455.73 (Subpart F) Revised	27877
455.80—455.83 (Subpart G) Revised	27879
455.90—455.92 (Subpart H) Revised	27880
455.100—455.102 (Subpart I) Revised	27881
456 Incorporation by reference approvals correction	10111
456.105 (f)(3)(iii) heading and introductory text, (iv), (5), and (v)(4)(iv) amended	1622
(f)(3)(iii) heading and introductory text, (iv), (5), and (v)(4)(iv) decision to review	14340
456.106 Amended	1622
Decision to review	14340
456.107 Added	1622
Decision to review	14340
456.205 (e)(2) amended	1622
(e)(2) decision to review	14340
456.306 (a)(10) amended	1622
(a)(10) decision to review	14340
456.307 (b)(2)(iv) and (c)(10)(iii) revised; (b)(2)(xii), (6)(i), (iii), (c)(2) and (e)(2) amended; (b)(2)(xvii) removed	1622
(b)(2)(xvii) removal and (b)(2)(iv), (xii), (6)(i), (iii), (c)(2) and (10)(iii), and (e)(2) decision to review	14340
456.308 (d) amended	1622
(d) decision to review	14340
456.309 (d) amended; (h) added	1623
(d) and (h) decision to review	14340
456.311 (a)(1) revised	1623
(a)(1) decision to review	14340
456.312 (b)(1)(iv) and (vii) revised; (b)(2)(ii) amended; (b)(4) redesignated as (b)(5); new (b)(4) added	1623
(b)(1)(iv) and (vii), (2)(ii), (4), and (5) decision to review	14340
456.313 (b)(1)(i)(F) added	1623
(b)(1)(i)(F) decision to review	14340
456.314 (a)(6) and (f) introductory text amended	1623
(a)(6) and (f) introductory text decision to review	14340
456.505 (a)(1) and (b) amended	1623
(a)(1) and (b) decision to review	14340
456.507 (b) amended	1623
(b) decision to review	14340
456.602 (a) amended	1623
(a) decision to review	14340
456.802 (a)(1), (b)(6), (25), and (29) amended	1623
(a)(1), (b)(6), (25), and (29) decision to review	14340
456.803 Table I amended	1623
Table I decision to review	14340
456.804 (b)(6) introductory text, (iv) and (v) and Table II amended	1623
(b)(6) introductory text, (iv), (v) and Table II decision to review	14340
456.805 (b)(1)(i), (7) introductory text and (ii) amended	1624
(b)(1)(i), (7) introductory text and (ii) decision to review	14340

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Page

456.806 (b)(5)(v) amended 1624
(b)(5)(v) decision to review 14340
456.810 Effective date deferred 11943, 14339
456.811 (a) amended 1624
(a) decision to review 14340
456.812 (a) introductory text amended 1624
(a) introductory text decision to review 14340
456.813 (b)(6) amended; (b)(8) added 1624
(b)(6) and (8) decision to review 14340
456.814 (e) and (g)(1)(ii) amended 1624
(e) and (g)(1)(ii) decision to review 14340
456.903 (b)(26) Note 1 and (28) amended 1624
(b)(26) Note 1 and (28) decision to review 14340
456.905 (c)(3)(i)(A) and (B) amended 1624
Figure 1 subheading removed 1625
(c)(3)(i)(A) and (B) decision to review 14340
Figure 1 subheading removal decision to review 14340
456.906 (c)(2)(i)(C) amended 1624
(c)(2)(i)(C) decision to review 14340
456.907 (c)(2) and (d)(1) amended 1624
(c)(2) and (d)(1) decision to review 14340
456.908 (b)(1)(iii) Note 2 amended 1624
(b)(1)(iii) Note 2 decision to review 14340
456.909 Figure 1 subheading removed 1625
Effective date deferred 11943, 14339
456.910 (a) amended; Figure 1 correctly redesignated as Figure 4 1624
(a) decision to review 14340
456.911 Revised 1624
Decision to review 14340
456.912 (b)(2), (3)(ii), (iii), (4)(i) and (ii) amended; Figures 7, 8, and 9 correctly redesignated as Figures 5, 6, and 7 1624
(b)(2), (3)(ii), (iii), (4)(i) and (ii) decision to review 14340

Page

456.913 (b)(1)(xviii) and (d)(1) amended; Figures 10 and 11 correctly redesignated as Figures 8 and 9 1624
(b)(1)(xviii) and (d)(1) decision to review 14340
456.901—456.913 (Subpart I) Appendix A amended 1625
Appendix A decision to review 14340
456 Appendixes I and II amended 1625
Appendixes I and II decision to review 14340
474 Added 22753
490 Revised 8415
RULINGS:
1981–1 12946
1981–2 26606

Chapter III—Department of Energy

710 Nomenclature changes 18170
710.5 Revised 18170
710.20 Nomenclature change 18170
710.22 (c), (e), and (f) revised 18170
710.25 (b) revised 18171
710.26 Revised 18171
710.27 (a), (c)(2), (e), (f), and (j) revised 18171
710.28 (c) and (d) revised 18171
710.29 (b)(1) revised 18171
710.30 (a) revised 18172
710.31 Revised 18172
712 Redesignated as 1020 2972
Redesignation effective deferred 11943, 14339
903 Nomenclature change 25427
903.1 (b) corrected 6864
903.2 (e) and (j) corrected 6864
903.13 (a)(4) corrected 6864
903.14 Corrected 6864
903.21 (d) corrected 6864
903.23 (b) corrected 6864

Chapter X—Department of Energy (general provisions)

1008.10 (d) through (h) correctly designated 31637
1020 Redesignated from 712 2972
Redesignation effective date deferred 11943, 14339
1020.3 (a) revised 2972
(a) effective date deferred 11943, 14339
1020.4 Revised 2972
Effective date deferred 11943, 14339

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 10, Chapter X—Continued

Page

1020.5 Revised 2972
Effective date deferred.. 11943, 14339
1020.8 Amended 2972
Effective date deferred.. 11943, 14339
1020.9 Amended 2972
Effective date deferred.. 11943, 14339
1045 Added 23917
1045.10—1045.14 (Subpart B) Added 23920

Chapter XV—Office of the Federal Inspector for the Alaska Natural Gas Transportation System

1500—1506 (Subchapter A) Added 22328
1500 Added 22328
Economic impact certification.. 29924
1502 Added 22332
Economic impact certification.. 29924
1530 Added 28397
1534 (Subchapter C and Part) Added 22337
Economic impact certification.. 29924

Title 10—*Proposed Rules:*

0—170 (Ch. I) 1742, 7388, 10747, 17566, 24092, 24576, 28660
1 18747
2 ..... 17216, 18558, 18747, 20215, 23061, 30349
30 ..... 3903, 11666, 14019, 15278, 29712
31 3908
32 3908
35 18750
40 ..... 11666, 14021, 15278, 29712
50 ..... 3541, 10501, 11288, 11666, 15278, 18045, 26491
51 ..... 15154, 19946
70 ..... 11666, 15278, 29712
71 21619
72 ..... 11666, 15278
73 ..... 21619, 31267
140 ..... 9119, 12750
202—661 (Ch. II) 24498
205 71
211 ..... 66014, 11291, 15112, 19450, 23755
212 ..... 1287, 17566, 25315
376 ..... 15484, 20522, 23266
390 15484
430 13517
456 ..... 2522, 8996, 9004, 9005
458 4482
459 ..... 8016, 25466
477 ..... 8253, 13517
500 31216
501 31216
503 31216
504 31216
505 31216
703—903 (Ch. III) 24498
780 13519
800 5514
1000—1050 (Ch. X) 24498
1060 17787
1504 ..... 22340, 33053

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

1 Rulings 16240
5 Authority citation 16658, 16660, 16662
5.3 (c)(5) added 16663
5.5 Revised 16658
5.10 Revised 16660
5.11 Revised 16660
5.20 (e) revised 16658
5.21 (e) revised 16658
(a) through (d) and (f) through (k) revised 16662
5.22 (c) revised 16658
5.24 (a)(3) revised 16658
5.25 (c) revised 16659
5.30 (d) revised 16659
5.31 (d) revised 16659
5.34 (d) revised 16659
5.40 (d) revised 16659
5.41 (e) revised 16659
5.42 (c) revised 16659
8 Authority citation 16665
8.7 Revised 16665
9 Authority citation 6865
9.20 (c) amended 6865
11 Authority citation 6868
11.2 (e) through (i) added 6869
11.5 (d), (h), (l), and (m) revised; (n) and (o) redesignated as (p) and (q); (b)(5), (e)(5), new (n), and (o) added 6869
(a), (b)(1), (c)(1), (6), and (9)(ii), and (g)(1)(i) and (ii) and (2)(ii), and (3) amended 6879
11.6 (j) through (u) redesignated as (k) through (v); new (j) added 6877
11.51 Amended 6877, 6879
11.53 Revised 6878
11.54 Amended 6879
19 Authority citation 18932

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Page

19.4 (a) revised 18932
21 Authority citation 15866
21.5 (c) removed; (d) and (e) redesignated as (c) and (d) .. 15866
29 Added 18943

Chapter II—Federal Reserve System

201.51 Revised 27090
201.52 Revised 27090
201.53 Revised 27090
204.2 (f)(2) revised 22178
(t) added 27092
(h) revised 32428
(t) footnote 1 redesignated as footnote 2 32429
204.3 (d)(2) revised 10140
(a) introductory text, (1)(ii), (2)(ii), and (c) amended .. 32430
204.4 (b)(1) introductory text and (ii), (2) introductory text and (ii), (d), and (g)(2)(ii) (A) and (B) and (iii) amended 32430
204.8 Redesignated as 204.9; new 204.8 added 32429
204.9 Redesignated from 204.8 .. 32429
205 Staff interpretation 19217
205.3 (d)(2) and (3) revised; footnote 1 redesignated as footnote 1b; footnote 1a added 2973
(d)(3) corrected 9920
206.3 Heading revised; (b) added 11238
206.5 (b)(5) and (e)(6) added; (a), (b) introductory text, (c)(1) introductory text, and (5), (d), (g)(1)(i) and (ii), (2)(ii) and (iii), and (3), (h)(1), (i)(3)(i), (ii), and (iii), and (6) and k)(1) through (4) revised; (c)(2) amended .. 11239
(l) and (m) removed 11242
(c)(2) correctly amended; technical correction 16099
(d)(3) through (6) correctly added 21747
206.6 (j) through (u) redesignated as (k) through (v); new (j) added 11242
206.8 Added 11242
206.41 Form F-1 amended 11249
206.42 Form F-2 amended 11249
206.44 Form F-4 amended 11249
206.51 Heading revised; Form F-5 amended 11249
206.53 Form F-12 redesignated as 206.81 and revised 11250

Page

206.54 Form F-13 redesignated as 206.82 and amended 11251
206.81 Form F-12 redesignated from 206.53 and revised 11250
206.82 Form F-13 redesignated from 206.54 and amended ... 11251
206.104 Added 11251
207 OTC margin stock list 20977
208.8 (f)(2) amended; (f)(4) removed 2026
211.3 (b)(2) revised 18016
211.5 (c)(2) amended 2027
211.602 Interpretation 8437
213 Added 20951
213.2 (a)(17)(ii) corrected 29245
213.5 (b) introductory text corrected 29245
213 Appendixes A and B corrected; Appendix A footnotes 2 through 5 and Appendix B footnotes 6 through 10 correctly redesignated as footnotes 1 through 4 and 1 through 5 29245
216 Authority citation 15865
216.3 (c) amended 15865
216.4 (a) amended 15865
216.5 (b) removed; (c) and (d) redesignated as (b) and (c) .. 15865
217.1 (k) added 27092
(a) and (b) revised; (1) added .. 32430
217.3 (f) amended 10453
217.4 (d) revised 10453
217.6 (i) removed; (j) redesignated as (i) 10454
217.7 (c), (f), and (g) revised ... 10454
(a) revised 32430
217.147 Revised 10455
217.149 Removed 10455
217.154 Removed 10455
220 OTC margin stock list 20977
220.6 (j) removed; (k) and (l) redesignated as (j) and (k) .. 31250
221 OTC margin stock list 20977
224 OTC margin stock list 20977
225.4 (a)(14) confirmed 31406
225.5 (c)(2) amended; (c)(4) removed 2026
226 Staff interpretation corrected 1662
Revised 20892
Staff interpretations removed .. 20892
226.2 (a)(17)(iii) corrected 29246
226.7 (d) and (j) corrected 29246
226.8 (a)(3) and (b) corrected .. 29246

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 12, Chapter II—Continued

Page

226.9 (a)(2) corrected 29246
226.18 (q) corrected 29246
226.29 (c) corrected 29246
226 Appendixes A and D corrected; appendixes H and J amended 29246
262.3 (l) added 5861
265.2 (c)(1) revised; (f)(49) added 1663
(c)(27) added 2027
(c)(28), (f)(18)(iv) and (v), (50), (51), and (52) added; (f)(27) and (45) revised 2028
(c)(30) and (f)(53) added 5862
(c)(29) added; (f)(1) revised 5863
(b)(9) added 28399
Technical corrections 33022

Chapter III—Federal Deposit Insurance Corporation

303 Authority citation 17755, 17756, 30079
303.13 (l) and (m) added 17756
(n) added 30079
328 Authority citation 15865
326.5 (c) removed; (d) and (c) redesignated as (c) and (d) 15865
335 Revised 25208
341 Authority citation 2974
341.2 (c) revised 2974

Chapter IV—Export-Import Bank of the United States

400 Authority citation 1134
400.735–9 Removed 1132
400.735–70—400.735–76 (Subpart G) Added 1132

Chapter V—Federal Home Loan Bank Board

510.2 Removed 19219
511.737–1—511.737–2 (Subpart F) Added 19219
522.70—522.72 Undesignated center heading revised 19220
522.73 Added 19220
523.10 (g)(1) revised; (g)(6) and (h)(5) amended; (g)(7) and (h)(6) redesignated as (g)(8) and (h)(7) and amended; new (g)(7) and (h)(6) added 2030

Page

(a), (g)(1), (7), and (8), (h)(6) and (7) revised 18688
(g)(3)(xi) and (9) added; (g)(7) and (8) amended; (h) introductory text revised 32014
541.30 Added 8439
544.2 (g) added 9916
544.6–1 Introductory text corrected 16881
545.2 (b) revised; (c) removed; (d) and (e) redesignated as (c) and (d); new (d) revised 8439
545.4 (c) and (d) redesignated as (d) and (e); new (c) added 8440
Correctly designated 17187
545.4–1 Heading, (a) and (d) revised; (c) redesignated as (b) and heading revised; (b) redesignated as (c); (e) added 8440
545.4–2 (b) and (c) revised; (d), (k), (m), and (n) removed; (e) through (j) and (l) redesignated as (d) through (j); new (h) and (i) revised; nomenclature change 8440
(i) removed; (j) redesignated as (i) 24532
545.4–3 Removed 8441
545.6–2 (a)(4)(iii) amended 24151
545.6–4 (a) revised; (b)(6)(ii) and (iii) amended; (b)(6)(iv) and (c) removed; (d) redesignated as (c) 24151
545.6–4a Revised 24152
545.7–7 Added 8441
545.8–10 (b) amended 13685
545.9 (a) revised; (g) and (h) amended; (i) added 18688
545.9–1 (a)(2) and (d)(4) amended; (b), (c), and (d)(2) introductory text revised 24529
545.9–4 (a) revised 18688
545.25–1 (b) removed; (c) redesignated as (b); new (b)(3) and (b)(4) amended; new (b)(6) added 9918
546.2 (h)(11) amended; (h)(12) redesignated as (13); new (h)(12) added 9919
Technical correction 10705
(h)(1) and (6) revised; undesignated text added 14728
552.13 (c)(1)(ii) amended 11502
(b)(1) amended; (h)(6) added 30489
552.15 Amended 30489

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Page

556.5 (d) amended 16247
(a)(3) revised 19221
556.10 Removed 13685
561.8 Amended 13685
563.8 (j)(2), (3), and (4) redesignated as (j)(3), (4), and (5); (c)(2), (f)(2), (j)(1), and new (5) revised; new (j)(2) added 13685
563.8–3 (a)(1) and (2) redesignated as (a)(3) and (4); new (a)(1) and (2) added; (b) revised 13685
563.9–4 (b) amended 13686
563.22 (e)(11) amended; (e)(12) redesignated as (13); new (e)(12) added 9919
Technical correction 10705
(e)(1) and (6) revised; undesignated text added 14728
563.23 Revised 13686
563a Authority citation 15865
563a.3 (c) amended 15865
563a.4 (a) amended 15865
563a.5 (b) removed; (c) and (d) redesignated as (b) and (c) 15865
569a.7 (a)(6) revised 29247
570.11 Added 13988
570.12 Added 30080
571.5 (d)(1) revised; (e)(4) added 9919
584.6 (c)(1) amended 24531

Chapter VI—Farm Credit Administration

611.1020 Revised 17011
Effective date corrected 18688

Chapter VII—National Credit Union Administration

Chapter VII Interpretations and policy statements 13204, 14887
701.11 Removed 17188
701.13 Revised 21988
701.21–5 Removed 29247
701.21–6 (b) introductory text revised; (c)(5) removed 17538
701.21–6A Added (effective in part pending OMB review) 19931
701.30 Revised 7934
701.35 (e) revised 12950

Page

(h)(2) and (3) correctly revised 20155, 22178
(h)(5) corrected 22178
(a)(3) revised 26275
701.38 (b) added 31872
720 Policy statement 29248
741 Interpretation and policy statement 9919, 24153
741.7 Added 21988
748 Authority citation 15865
748.0 (b) amended 15865
748.3 (c) amended 15866
748.4 (a) amended 15866
748 Appendix removed 15866
749 Revised 17188
760.2 (c) interpretation and policy statement removed 26607

Chapter XII—Depository Institutions Deregulation Committee

1204.104 Revised 20156
1204.106 Revised 20156
1204.109 (a) amended; temporary 15132

Title 12—*Proposed Rules:*

1—28 (Ch. I) 22112
1 12978
8 3237
11 9618
201—294 (Ch. II) 10747, 19824
203 11780
204 12981
210 24576
217 ..... 12981, 22600
220 ..... 32033, 32592
221 32592
225 32594
226 28560
303—349 (Ch. III) 26654
329 28660
332 31018
337 31018
400 15888
523 19500
526 30113
545 ..... 3909, 15175, 24579, 30114
563 24579
571 24579
615 32450
618 17022
700—761 (Ch. VII) 24514
701 ..... 920, 922, 22388, 22762, 29482, 31651, 31654, 31660, 32875
721 22003

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 12—*Proposed Rules*—Continued

	Page
723	22003
724	22003
741	922
1204	20558

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

	Page
101.2–5 Redesignated as 101.2–11; new 101.2–5 redesignated from 101.2–10a and heading revised	10
101.2–7 Heading revised	10
101.2–7a Heading revised	10
101.2–7b Heading revised	10
101.2–7c Heading revised	10
101.2–7d Heading revised	10
101.2–7e Heading revised	10
101.2–8 Heading revised	10
101.2–8a Added	10
101.2–8b Added	11
101.2–9 Heading revised	11
101.2–9a Added	11
101.2–9b Added	12
101.2–9c Added	12
101.2–10 Heading revised	12
101.2–10a Redesignated as 101.2–5 and heading revised	10
Added	12
101.2–10b Heading revised	12
101.2–10c Heading revised	12
101.2–10d Heading revised	12
101.2–11 Redesignated from 101.2–5	10
101.2–11a Added	13
101.2–11b Added	13
101.2–11c Added	13
101.2–11d Added	13
101.3–1 (d)(12) amended; (d)(15) revised	13
(d) through (i) redesignated as (e) through (j)	13
New (e)(2) and (3) amended; new (e)(7) revised	14
New (f)(2) through (15) redesignated as (3) through (16); new (f)(2) added	14
New (g)(2) through (5) redesignated as (3) through (6); new (g)(2) added; new (g)(3) revised	14
New (h)(3) through (12) redesignated as (4) through (13); new (h)(3) added	14
101.3–2 Amended	8442
Corrected	9920
111.10 Amended	24931
118.31 (d) revised	10455
119.31 (c)(3) revised	10455
120.1 (d)(3)(ii) revised	25083
120.5 (a)(1) introductory text revised; (a)(1)(iv) and (v) and (5) added	25083
(a)(5) corrected	32430
121.3–2 (a)(vii)(A) and (C) revised; (b) amended	2592
(a) introductory text amended	2593
121.3–4 (d)(1) and (2) and (e) added	2593
121.3–5 (e) added	2593
121.3–8 Amended	2593
121.3–9 Amended	2593
121.3–12 (c) added	2593
121.3–17 Added	2593
123.1 (a)(2) revised	18527
123.3 (a)(1), (a)(2)(i), (b), and (m)(2) revised	18527
123.5 (a) introductory text revised; (a)(1) removed; (a)(2) through (5) redesignated as (a)(1) through (4)	18528
124.1–1 (g) added; interim	29252

Chapter III—Economic Development Administration, Department of Commerce

	Page
302.41 (b) introductory text revised	9026
303.4–1 (d)(3) introductory text revised	9026
305.5 (f) added	9026
305.8 (b)(1) and (2) revised	9026
305.41 Revised; interim	860
305.42 Revised; interim	860
305.95 Revised	9026
309.4 (c) revised	9026
309.26 (a)(3)(iv) revised; interim	860
309.28 Revised	9026

Title 13—*Proposed Rules:*

	Page
101—131 (Ch. I)	24955
105	32259
113	931
120	12500, 14353
122	4937, 19829
124	10501, 29276, 31899
301—318 (Ch. III)	24096
500—590 (Ch. V)	24096

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

Page

1.1 Amended 2289
21 Special FAA conditions added 27092
21.23 Revised 3495
25 Incorporation by reference approvals 10113, 19660
29 Incorporation by reference approvals 10113, 19660
36.7 (d)(3)(i)(A) and (e)(2)(i)(A) amended; (d)(3)(i)(B) redesignated as (d)(3)(i)(C); new (d)(3)(i)(B) added 33464
36.201 Amended 33464
36 Appendix C amended 33465
39 Emergency directive withdrawn 28632
39.13 ..... 14–17, 861–867, 2030, 2031, 2595, 3496–3498, 4863–4866, 7935, 9558–9562, 10140, 11503–11506, 11944, 11946–11948, 12469–12472, 12951, 13497, 13498, 14116, 14117, 14729, 14730, 15259, 16247–16249, 16882–16887, 17539–17541, 18016–18019, 18689, 19222, 19932, 20534–20536, 21152–21154, 21595–21597, 22567, 23044, 23045, 23407, 23408, 24155–24161, 24932–24937, 25427–25430, 26042, 26043, 26608, 27096–27099, 27628, 27630, 28146–28149, 29252, 29253, 29925, 29927, 30332–30334, 30800, 30801, 31251, 31873–31879, 32228, 32230, 32861, 32862, 33218, 33219, 33223–33225, 33228, 33229
Effective dates deferred 11945, 11946, 12473, 12474, 16888
Corrected 18690
43.15 (a) effective date deferred to 4–1–81 ..... 10706, 10902
(a) effective date amended to 2–3–81 10903
71 Republished 403
Cross reference note 868
Table of contents corrected 2967
71.103 ..... 11948, 12952, 27100
71.123 ..... 18, 11509, 11949, 11951, 13499, 23047, 24167, 24169, 24170, 27101, 29255, 30803–30805, 31252, 33235

Page

Corrected 2596, 11951, 31250
Technical correction 9565
71.125 11948
71.151 ..... 18, 12953, 23046, 24169, 27633
Technical correction 9565, 30806
71.163 ..... 9562, 24161
71.171 ..... 2032, 9563, 9564, 10904, 12475, 14731–14734, 24162–24166, 25431, 25432, 27101, 27631, 29254, 29255, 29928, 30336, 30802, 32231, 32232, 32863
Technical correction 9565
71.181 ..... 868, 2596, 4867, 7935, 7936, 9564, 9565, 10904, 11507, 11508, 11950, 12475–12477, 12952, 14730, 14732–14734, 24164, 24166–24172, 25432–25434, 26044, 27099–27101, 27631, 27632, 28150, 28151, 29256, 30802, 30805, 32232, 32233, 33235
Corrected 31252
71.203 ..... 11951, 24170, 27101, 30806
71.207 ..... 11949, 24170, 30806
71.209 9562
71.401 33231
73 Republished 779
Cross reference note 868
Table of contents corrected 2967
73.22 27633
Corrected 29256
Technical correction 30806
73.25 24170
73.30 23046
Corrected 26045
73.43 12954
73.51 18
Technical correction 9565
73.53 12953
73.67 12955
73.69 19225
73.87 ..... 3499, 23048
75 Republished 833
Cross reference note 868
Table of contents corrected 2967
75.100 ..... 23047, 24170, 27102, 27103, 27634, 31253
Corrected 11952
75.400 24170
91 Incorporation by reference approvals 19660
91.6 Revised 2289
91.50 (a) amended; (c) added 19
91.54 (b)(1)(i) and (ii) effective date deferred to 4–1–81 ..... 10706, 10902
(b)(1)(i) and (ii) effective date amended to 2–3–81 10903

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 14, Chapter I—Continued

Page

91.100 Added 16669
Republished 16891
91.116 Revised 2290
91.117 Removed 2291
91.161 (c) effective date deferred to 4–1–81 ..... 10706, 10902
(c) effective date amended to 2–3–81 10903
91.181 (a) effective date deferred to 4–1–81 ..... 10706, 10902
(a) effective date amended to 2–3–81 10903
91.301 (a)(1), (2), and (3) effective date deferred to 4–1–81 .. 10705, 10902
(a)(1), (2), and (3) effective date amended to 2–3–81 10903
91.302 Effective date deferred to 4–1–81 ..... 10705, 10902
Effective date amended to 2–3–81 10903
91.305 (a) effective date deferred to 4–1–81 ..... 10705, 10902
Effective date amended to 2–3–81 10903
93.123 (c) amended 3500
(a), (b)(3), and (c) effective date deferred 19225
95 ..... 14736, 25435, 26046
97.21—97.35 ..... 2033, 9566, 11509, 15260, 16250, 18021, 19933, 22568, 24937, 26610, 29257, 30807, 33236
Technical correction 27634
107.1 (a)(1) and (2) and (b)(1) and (5) revised 3785
107.3 (a)(3), (b) introductory text, and (c) revised; (f) and (g) added 3785
107.7 (a)(3) amended 3786
107.13 (a) introductory text amended 3786
107.15 Revised 3786
107.17 (a) introductory text amended 3786
108 Added 3786
121 Incorporation by reference approvals 19660
121.1 (a)(5) effective date deferred to 4–1–81 ..... 10706, 10902
(a)(5) effective date amended to 2–3–81 10903
121.53 (f) amended and effective date deferred to 4–1–81 ..... 10706, 10902
(f) amended and effective date amended to 2–3–81 10903
121.311 (e)(2), (f), (g), and (h) amended; (j) removed 15482
121.538 Revised 3790
121.538a Removed 3790
121.542 Added 5502
Effective date deferred to 6–18–81 28305
Effective date deferred to 7–18–81 32864
121.584 Removed 3790
121.585 Removed 3790
121.651 Revised 2291
121.653 Removed 2292
123.1 (d) amended and effective date deferred to 4–1–81 ..... 10706, 10902
(d) amended and effective date amended to 2–3–81 10903
125 Effective date deferred to 4–1–81 ..... 10706, 10902
Effective date amended to 2–3–81 10903
125.5 (a) and (b) amended; eff. 4–1–81 ..... 10706, 10902
(a) and (b) amended; eff. 2–3–81 10903
125.247 (d)(1) revised 24409
125.381 (c)(2) revised 24409
127 Incorporation by reference approvals 19660
129.25 Revised 3790
(b)(4) corrected 7936
135 Incorporation by reference approvals 19660
135.1 (a)(3) effective date deferred to 4–1–81 ..... 10706, 10902
(a)(3) effective date amended to 2–3–81 10903
135.10 (c) amended 28301
135.100 Added 5502
Effective date deferred to 6–18–81 28305
Effective date deferred to 7–18–81 32864
135.125 Added 3791
135.243 (d) added 30971
135.297 (a) and (b) revised; (h) removed 30971
145.2 Effective date deferred to 4–1–81 ..... 10706, 10902
Effective date amended to 2–3–81 10903
150 Added; interim 8338
Table of contents corrected 33465
150 Appendix A corrected 33465

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Page

152 Special FAA Reg. 35 removed 30809
152.111 (c)(4) amended 30809
152.113 (b)(1) amended 30809
152 Appendix E added 30809
159.40 (a) through (c) amended 3500
Effective date deferred 19225
159.59 (b) amended; (e) revised 3500
Effective date deferred 19225
159.60 Amended 3500
Effective date deferred to 10-25-81 19225
Added; emergency rule; eff. 5-26-81 28636

Chapter II—Civil Aeronautics Board

203 Authority citation 1664
203.3 (f) revised; interim 1664
(f) corrected 7269
(f) revision confirmed 21747
207 Authority citation 10456, 25417, 28378, 31000
207.9 Removed 25417
207.14 (a)(1) and (b) removed; undesignated text following (a)(4) revised 28378
207.15 Removed 10456
207.22 (b) revised 28378
207.23 Removed 10456
207.24 Revised 28378
207.26 Revised 28378
207.30 Removed 10456
207.31 Revised 28378
207.43 (c) revised 10456
(c) and (d) removed 31000
207.47 Revised 28378
207.52 Removed 10456
207.53 Revised 28378
207 Statement designated as Appendix B 28378
208 Authority citation 10457, 25418, 28378, 31000
208.4 Removed 25418
208.34 Removed 25418
208.35 Removed 10457
208.36 (a)(1) and (b) removed; undesignated text following (a)(4) revised 28379
208.201 (b) revised 28379
208.202 Removed 10457
208.202a Revised 28379
208.202c Revised 28379
208.203 Removed 10457
208.204 Revised 28379
208.213 (c) revised 10457
(c) and (d) removed 31000

Page

208.217 Revised 28379
208.301 Revised 10457
208.302 Removed 10457
208.303 Revised 28379
208 Statement designated as Appendix B 28379
212 Authority citation 14057, 25418, 28371, 31000
212.1—212.15 (Subpart A) Revised 28371
212.7 Removed 25418
212.12 Removed 10457
212.20 Revised 28375
212.22 (b) revised 28375
212.23 Removed 10457
212.24 Revised 28375
212.25 (a) amended; (c) removed; (d) revised 28375
212.26 Revised 28375
212.30 Removed 10457
212.31 Revised 28375
212.41 Amended 28375
212.43 (c) revised 10457
(c) and (d) removed 31000
212.47 Revised 28375
212.52 Removed 10457
212.53 Revised 28375
212 Statement designated as Appendix B; CAB Form 433 revised and designated as Appendix C 28375
214 Authority citation 8444, 10457
Revised 28379
214.15 Removed 10458
214.16 Removed 10458
214.20 Removed 10458
214.21 Removed 10458
214.33 (c) revised 10458
214.42 Removed 10458
221 Authority citation 25418, 32551
221.38 (a)(3) revised 32551
221.53 Revised 32551
221.100 (c)(2) removed 32552
221.103 Removed 32551
221.170 Removed 25418
222 Revised 32556
223 Authority citation 25418
223.5 Removed 25418
241 Authority citation 33023
Sec. 19-6 amended 33023
249 Revised (effective pending OMB review) 25415
291 Authority citation 32560
291.31 (a)(1) revised 32560
298 Authority citation 12478
298.3 (a)(3) revised 12478

80-145 O - 81 - 3

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 14, Chapter II—Continued

Page

298.21 (d) added 8444
(b), (c) introductory text, (1) introductory text, (iv), (v), (vii), (3) revised; (c)(1)(viii) added 12478
298.22 Revised 12478
298.23 Revised 12478
298.24 Added 12478
298.31 Revised 12478
298.61 (h) added 8444
298 CAB Form 298–A revised 12479
302 Authority citation 31001
302.505 Heading revised 31001
324 Authority citation 11807
324.2 (b) introductory text revised; (d) added 11807
324.3 (a) revised 11807
324.9 (c) revised 11807
375 Authority citation 25419
375.43 (b) removed; (c) revised 25419
384 Authority citation 32560
384.7 (c) and (g) revised 32560
385 Authority citation 11808, 28380, 32561, 32563
385.14 Revised 11808
385.14b (e) added 11808
385.13 (w) and (oo) removed 32563
385.15 (h) removed 32561
385.15a Removed 32561
385.16 (d), (e), (k), (n), (o), and (r) removed; (g), (l), (m), and (p) revised; (t) added 32562
385.26 (f) revised; (o) removed (w) added 28380, 32563
385.26a Added 32562
389 Authority citation 8445
389.16 Revised 8445
398 Authority citation 13687
398.9 Added 13687
399 Authority citation 11808, 11809, 28380
399.19 Removed 28380
399.32 (d)(1) revised 11809
399.32a Added 11809

Chapter V—National Aeronautics and Space Administration

1206.101 (c) and (d) revised 28399
1206.500 Introductory text revised; (b) amended 28400
1206.502 (a) revised 28400
1206.503 (a) introductory text revised; (b) amended 28400

Page

1206.504 Redesignated as 1206.505; new 1206.504 added 28400
1206.505 Redesignated from 1206.504 28400
1206.601 (c) revised 28400
1206.602 (c) revised 28400
1206.603 (d) revised 28400
1206.605 (a), (b)(1) and (5) revised 28400
1206.606 Revised 28400
1206.607 (a) revised 28401
1206.704 Revised 28401

Title 14—*Proposed Rules:*

1—199 (Ch. I) 4944, 9629, 12981, 14132, 14749, 15278, 15746, 19245, 20036, 21184, 25466, 27710, 30352
21 ..... 931, 3776, 8347, 16270, 27710, 27712, 27885
36 931
39 ..... 3543, 9629, 10163, 11552, 15747, 19246, 24188, 24189, 24192, 24193, 26069, 26070, 27715, 27885, 31268, 31899, 31900, 32265, 32266, 32875, 33280, 33282
45 3776
47 33284
49 33284
61 33284
63 33284
65 33284
67 ..... 75, 12001, 33284
71 ..... 932, 2085, 2088, 2630, 3544, 4945–4948, 6974, 9630, 9631, 9636, 10164, 11553, 11555, 12001–12004, 12500, 12501, 12982–12985, 13524, 15278, 16899–16902, 18049, 18050, 19947, 20561, 20562, 22202, 22203, 23065, 23068, 23069, 24194–24196, 24957–24961, 25467, 26071, 27126–27128, 27716–27720, 28171, 29278–29280, 29947–29951, 30353, 30354, 30833, 31269, 32267, 32269, 32876–32879, 33284–33286
73 ..... 24196, 24198, 27128, 30833
75 ..... 12986, 25468, 29280, 29281, 31278
91 ..... 76, 27885, 27889
93 ..... 932, 933, 8028, 15458, 24199
121 ..... 76, 5484, 5506, 9868, 27893, 27897, 32409, 32413
123 32409
125 76
127 32409
135 ..... 76, 5484, 5506, 27897, 32409, 32413
139 6975
143 33284
145 5484
147 5484
159 ..... 15458, 26358, 26656
187 33284
200—399 (Ch. II) 21367, 24201
207 ..... 10164, 28383

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Page

208 ..... 10164, 28383
212 ..... 10164, 12753, 28383
214 10164
218 28383
221 934
221a 25637
241 ..... 11827, 17022, 21185
245 28381
246 28381
250 8561
252 ..... 11827, 22763
296 ..... 934, 20563
297 934
298 ..... 8566, 11555
302 29718
323 29282
374 25321
395 20563
399 ..... 29285, 29719, 29727
1201—1261 (Ch. V) 20560

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

Subtitle A Cross reference to 44 CFR Part 332 2339
4a Revised 16252
Effective date corrected 19227
19 Added 1579
Effective date deferred to 3–30–81 11658
Effective date deferred to 4–29–81 19227
Effective date deferred to 6–29–81 23923
Effective date deferred 33238
19.5 Amended 11658, 19227, 23923

Chapter I—Bureau of the Census, Department of Commerce

50.5 Revised 33509

Chapter III—International Trade Administration, Department of Commerce

Chapter III Effectiveness extended 1665
368.1 (a)(2)(i)(B) revised 868
368.2 (a)(9)(i) footnote 1 nomenclature change 21155
370.1 (b) revised 29458
370.3 (a)(1) revised 868

Page

370 Supplement No. 1 nomenclature change 21155
371.7 (b)(2)(i) and (ii) revised; (b)(2)(iii) and (4) removed; interim 32432
371.8 (a) revised; interim 32432
371.9 Revised; interim 32432
371.12 (b)(3) and (4), (c) introductory text and (4), (d) introductory text and (1), and (e) revised; interim 32433
372.9 (f) revised 23409
372.11 (g)(3)(v) revised 869
373.2 (b)(2) removed; (b)(3) and (4) revised 869
373.3 (b)(1) revised 869
(i)(3) revised 30623
373.7 (b)(1) and (3) revised 869
373 Supplement No. 1 amended; interim 26276
374.2 (i) added 32563
374.3 (e) added 32563
376.5 Removed 23923
376.9 (c)(4) nomenclature change 21155
376.10 (a)(1)(vii) comment time extended 11809
(a)(4)(xx) through (xxiii) added; interim 31002
376.12 Note amended 32564
376.14 (a) revised 31407
376.15 Removed 23923
376.16 Added 31408
376 Supplement Nos. 1, 2, and 3 removed 23923
Supplement Nos. 2 and 3 amended 24532
377.2 (c)(2) and (3) redesignated as (c)(3) and (4); new (c)(2) added; interim 5866
377.3 Heading revised; (a) redesignated as (a)(1); (a)(2) and (c) added; interim 5866
377.6 (d)(10) revised; (e)(10) removed; interim 5866
(e)(1)(iv), (2), (3), and (9), and (g) revised; interim 32433
377 Supplement Nos. 2 and 3 revised 24532
Supplement No. 2 corrected 28637
Supplement No. 2 amended; interim 32434
378 Supplement No. 2 nomenclature change 21155
379.4 (c) introductory text, (1), and (2) revised 869

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 15, Chapter III—Continued — Page

(b)(1)(iv) and footnote comment time extended — 11809
(f)(3) added; interim — 26284
379.5 (e)(2)(i) and (x) revised; (xi) redesignated as (xvi); new (xi) through (xv) added — 869
(e)(3) comment time extended — 11809
379.8 (b)(3) added — 32564
385.1 Heading amended — 21155
385.2 (e) removed; (f) redesignated as (e) — 23923
385.4 (a)(9) revised; interim — 1259
(a)(9) technical correction to 46 FR 1258, 1–6–81 — 5864, 12955
(f) revised — 23923
(b)(2) and (d) revised; (b)(3) added — 31408
(a)(2), (3), (4), and (7) revised; (a)(10) added — 33510
385.5 Revised — 31408
385.6 Revised — 870
385 Supplement No. 1 amended; interim — 26276
386.2 (d)(3) removed; (d)(4) revised; (d)(5) added — 23409
386.6 (a)(1)(iii)(b) revised — 16670
(d)(2)(i)(b) and (3) nomenclature change — 21155
386.7 (a)(3) removed; (a)(1) and (2) amended — 23923
388.1 Corrected — 17189
388.7 (a) corrected — 17189
388.16 (a) corrected — 17189
388.19 (a)(2) corrected — 17189
399.1 Amended; interim — 1259
Technical correction to 46 FR 1258, 1–6–81 — 5864, 12955
Amended — 23924
Amended; interim — 26279
Amended — 27103, 31408
Amended; interim — 32434
399.2 Amended — 23924

Chapter V—United States Metric Board

503.2 Revised — 15496
503.8 (e) amended — 15496
503.18 (b)(4) amended — 15496
503.22 Heading — 15496

Chapter VIII—Bureau of Economic Analysis, Department of Commerce

804 Removed — 16892
805 Removed — 16892

Page

806.7 (a) revised — 23226
806.8 Revised — 23226
806.14 (b) revised; (e)(1), (2), and (3) amended; (f)(1) and (4) removed; (f)(2) and (3) redesignated as (f)(1) and (2) — 23226
806.15 (a)(6) added; (b) through (g) redesignated as (e) through (j); new (b), (c), and (d) added; new (f) and (h)(1) revised; new (g) introductory text, (i)(1), (j)(3)(i)(B) and (ii)(C), and (4) amended; new (h)(2) removed; (h)(3) redesignated as (h)(2) — 23226
806.17 Revised — 30336

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

908 Authority citation — 32233
908.1 (g) removed; (h) through (l) redesignated as (g) through (k) — 32233
908.5 (b)(3) removed; (b)(4) and (5) redesignated as (b)(3) and (4) — 32233
908.6 (d) removed; (e) through (g) redesignated as (d) through (f) — 32233
935 Effective date deferred — 14741
Effective date confirmed (except 935.6 and 935.7) — 19227
935.6 Effective date deferred to 4–30–81 and request for comments — 19227
Effective date deferred to 9–30–81 and request for comments — 23924
Effective date deferred to 9–30–81 and comment time extended — 32014
935.7 Effective date deferred to 4–30–81 and request for comments — 19227
Effective date deferred to 9–30–81 and request for comments — 23924
Effective date deferred to 9–30–81 and comment time extended — 32014

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Page

936 Added (effective pending congressional review) 7939
Technical correction 9567
Effective date deferred 14741
Effective date confirmed (except 936.6) 19227
936.6 Effective date deferred to 4–30–81 and request for comments 19227
Effective date deferred to 9–30–81 and request for comments 23924
Effective date deferred to 9–30–81 and comment time extended 32014
937 Added (effective pending congressional review) 7949
Effective date deferred 14741
Effective date confirmed 21357
938 Added (effective pending congressional review) 7944
Technical correction 10141
Effective date deferred 14741
Effective date confirmed 21357

Title 15—*Proposed Rules:*

0–19 (Subtitle A) 8566, 24096
7a 8910
7b 8910
7c 8910
19 19266
20—90 (Ch. I) 24096
301—399 (Ch. III) 24096
301 23755
330 29662
331 29662
332 29662
340 29662
341 29662
342 29662
343 29662
350 29662
351 29662
352 29662
353 29662
354 29662
377 17218
400 (Ch. IV) 24096
802—807 (Ch. VIII) 24096
806 ..... 7214, 7244
903—970 (Ch. IX) 8566, 24096
930 26658
937 33530
970 ..... 18448, 23070
1001 ..... 19418, 27501
1200—1202 (Ch. XII) 24096

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Page

0.10 Revised 26287
0.12 Amended 26287
0.13 Heading revised 26287
0.14 Amended 26287
0.17 Revised 26287
1.7—1.20 (Subpart B) Heading revised 26287
1.7 Revised 26288
1.8 Revised 26288
1.9 Revised 26288
1.10 Revised 26288
1.11 Revised 26288
1.13 (h) revised 14888
(a), (b), (c)(1), (2), and (3) and (d)(6) revised; (c)(2)(vii) and (viii) amended; (c)(2)(ix) added 26288
1.14 (a) introductory text, (1), and (2), (c), and (d) revised 26289
1.15 Revised 26289
1.17 (e)(2) revised; (f) and (g) added 26289
1.32 Amended 26290
1.71 Amended 26290
1.72 Amended 26290
1.83 (b)(2) amended 26290
2.6 Revised 26290
Corrected 27634
2.7 (a) revised 26290
2.9 (b)(2) revised 26290
2.11 (b), (c), and (d) revised 26290
2.12 (d), (e), and (f) revised 26290
2.16 (a) and (c) revised 26291
2.51 (d) revised 26291
3.14 Existing text designated as (a); (b) added 20979
4.1 (b) revised 26295
4.7 (e) revised 32435
4.10 (a) introductory text, (2), (8), and (9) and (d) revised; (a)(10), (e), (f), and (g) added 26291
(a)(10) corrected 27634
4.11 (b), (c), (d), and (e) revised 26292
4.12 Revised 26292
4.13 Nomenclature change 26292
5.2 Amended 26292
5.9 Amended 26292
5.12 (c) amended 26292
5.31 Revised 26292

CHANGES JANUARY 2 THROUGH JUNE 30, 1981

Title 16, Chapter I—Continued

Page

5.32 (a), (c), and (d) revised; (f) through (i) redesignated as (g) through (j); new (i) amended; new (f) added 26293
5.39 (b) amended 26293
5.40 Amended 26293
5.51—5.68 (Subpart E) Added 26050
13 Amended 2034, 2035, 8445, 12479, 13499, 13500, 14741, 15261, 15262, 16892, 17189, 18691, 19817, 21598, 21599, 22179, 22891, 23409, 24173, 24174, 24940, 25289, 26611, 27634, 29458, 29928, 30337, 32233, 32234, 33510
305.9 Table revised 2975
305 Appendixes A1 and A2 correctly revised 3829
Appendix F revised 25291
406 Partial suspension and enforcement policy 20979
460.5 (a)(2) partial exemption petition and request for comments; (a)(2) conditionally deferred in part 18307
(a)(2) comment time extended 29256
460.12 (b)(2) partial exemption 22179
Partial exemption 22180
460.13 (c)(1) partial exemption 22179

Chapter II—Consumer Product Safety Commission

1000 Authority citation 17542
1000.21 Correctly revised 17542
1031.5 (b)(4) and (i) revised 29930
1032.2 (b) introductory text amended; (b)(1) and (2) combined as (b)(1) and revised; (b)(3) redesignated as (b)(2) 29931
1032.3 (a) and (c) revised 29931
1145 Proposed rule (43 FR 21838) withdrawn 27910

Page

1212.2 Revised 29697
1212.9 (i)(1) through (10) correctly designated 10458
1212.30 (Subpart C) Added 20031
1307 Proposed rule (43 FR 21839) withdrawn 27910
1500 Proposed rule (43 FR 21852) withdrawn 27910
1500.83 (a)(38) revised 11513
1512 Table 3 heading corrected 3204
1512.18 (r)(3)(v) corrected 3204
1700 Proposed rule (43 FR 21853) withdrawn 27910
1700.14 (a)(16) redesignated as (a)(16) introductory text and amended; (a)(16)(i) and (ii) added 13504
(a)(10)(ix) added 26299

Title 16—*Proposed Rules:*

0—901 (Ch. I) 10502, 12208, 25468
13 ..... 2355, 2359, 2361, 3544, 6014, 7390, 8567, 10921, 12753, 13235, 13730, 16274, 18723, 23763, 25102, 25103, 25476, 28444, 28661, 30646, 32450
423 ..... 935, 10165
436 ..... 11830, 12005, 13525
450 ..... 3547, 24584
453 ..... 6976, 21784, 31662
457 10747
461 21019
1000—1750 (Ch. II) 25478, 26262, 27721, 29951, 30115, 31901
1020 9636
1145 ..... 3034, 27963
1208 17788
1212 20032
1301 ..... 19247, 23469, 25638
1306 11188
1307 ..... 3034, 27963
1406 6016
1500 ..... 3034, 27963
1610 28665
1611 28665
1700 ..... 3034, 27963

CHANGES APRIL 1 THROUGH JUNE 30, 1981

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

1.3 (aa) effective date deferred to 7-1-82 ... Page 24940
1.7—1.9 Undesignated center heading removal effective deferred to 7-1-82 ... 24940
1.7 Removal effective date deferred to 7-1-82 ... 24940
1.9 Removal effective date deferred to 7-1-82 ... 24940
1.10—1.18 Undesignated center heading effective date deferred to 7-1-82 ... 24940
1.10 Heading revision and (a)(1) removal effective date deferred to 7-1-82 ... 24940
1.10a—1.10e Removal effective date deferred to 7-1-82 ... 24940
1.11 Removal effective date deferred to 7-1-82 ... 24940
1.13—1.15 Removal effective date deferred to 7-1-82 ... 24940
1.33 Revised ... 26000
Technical correction ... 27473
1 Appendix A redesignation as Part 3 Appendix A effective date deferred ... 24940
3 Effective date deferred to 7-1-82 ... 24940
3.10 (a)(2)(i) and (c)(1) amended; eff. 7-1-82 ... 24943
Correctly designated ... 26299
3.11 (a) added; eff. 7-1-82 ... 24942
(b)(1) amended; eff. 7-1-82 ... 24943
Correctly designated ... 26299
3.12 (c)(1)(ii), (iii), and (d)(3) revised; (c)(1)(iv) added; eff. 7-1-82 ... 24942
(a), (c)(3), and (d)(1) amended; eff. 7-1-82 ... 24943
Correctly designated ... 26299
3.13 (a)(2)(i) and (c)(1) amended; eff. 7-1-82 ... 24943
Correctly designated ... 26299
3.14 (a)(2)(i) and (c)(1) amended; eff. 7-1-82 ... 24943
Correctly designated ... 26299
3.30 Added; eff. 7-1-82 ... 24943
Heading corrected ... 26299
3.31 (c)(2) and (d) added; eff. 7-1-82 ... 24943
3 Appendix A redesignation from Part 1 Appendix A effective date deferred ... Page 24940
4 Revised ... 26013
4.14 (a) introductory text corrected ... 26761
4.21 (a) introductory text, (17)(i) and (ii), and (18) corrected ... 26761
4.31 (a)(8)(i), (ii), and (9) corrected ... 26761
15.00 (b) effective date deferred ... 26472
(b) effective date corrected to 6-21-81 ... 29931
16.00 (a) and (e) effective date deferred ... 26472
(a) and (e) effective date corrected to 6-21-81 ... 29931
16.02 (c) and (d) effective date deferred ... 26472
(c) and (d) effective date corrected to 6-21-81 ... 29931
17.00 (a) effective date deferred ... 26472
(a) effective date corrected to 6-21-81 ... 29931
18.00 Introductory text, (a), (c), (h)(2)(v) and (vi) effective date deferred ... 26472
Introductory text, (a), (c), (h)(2)(v) and (vi) effective date corrected to 6-21-81 ... 29931
21.02 (b) effective date deferred ... 26472
(b) effective date corrected to 6-21-81 ... 29931
140.93 Added ... 26023
145.5 (f)(2) revised; eff. 7-1-82 ... 24943
145.6 (b) revised; eff. 7-1-82 ... 24943
147.3 (b)(6)(ii) revised; eff. 7-1-82 ... 24943

Chapter II—Securities and Exchange Commission

211 Interpretative releases ... 22569
230.242 (a)(5)(iii) removed; (a)(5)(iv) redesignated as (a)(5)(iii) and revised; (a)(5)(v) redesignated as (a)(5)(iv) and amended ... 31880
241 Interpretative releases ... 22571

Title 17—*Proposed Rules:*

1—180 (Ch. I) ... 23940, 24209, 29952
1 ... 23469, 25106, 33293
3 ... 20679, 23469, 25106
17 ... 33293
32 ... 23469, 25106, 25107
33 ... 33293

CHANGES APRIL 1 THROUGH JUNE 30, 1981

Title 17—*Proposed Rules*—Continued

Page

140 20679
200—301 (Ch. II) 23942, 33287
210 ..... 21020, 27344
229 ..... 25638, 26789
240 ..... 20218, 22602, 26789
270 32595
285 32879
286 32879
287 32879

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy

2.202 Undesignated center heading and section added 26636
46.4 Introductory text revised 22181
Technical correction 25084
131.31 Added 22181
Heading and text corrected 23048
Heading corrected 25084
141.1 (b)(1) and (c)(1) amended; (b)(2) and (c)(2) revised 29461
270.204 Rehearing applications denied and clarification 24537
271.101 (a) tables I and II revised 24175
271.102 (c) table III revised 24177
271.303 Amended 29699
Technical correction 32237
271.703 (d)(19) added 20669
(d)(20) added 20670
(d)(21) added 20671
(d)(23) added 24584
(d)(22) and (24) added 24549
(d)(25) added 29700
(d)(28) added 30489
(d)(29) and (30) added 30490
(d)(27) added 30491
(d)(33) added 31254
(d)(31) and (32) added 31255
(d)(35) added 31256
(d)(36) added 31257
(d)(20) rehearing application denied 32235
(d)(38) added 32237
(d)(37) added 32238
(d)(39) added 33023
(d)(40) added 33024
(d)(41) through (44) added 33025
271.701—271.703 (Subpart G) Supplemental notice 27635
274.208 (d) added 20982

Page

281.204 (b)(2) amended; (a)(2) and (b)(4) removed; (a)(1) redesignated as (a) 27913
281.205 (c)(2) amended 27913
281.211 (b)(1), (2), and (3) amended 27913
281.212 (b) and (c) amended; (d) removed 27913
281.213 (c) and (e) amended 27913
281.216 Removed 27913
282 Order 24550, 28839, 33240
282.202 (a) effective date deferred 25600
282.204 (d)(7) waived in part 25601
284.201 (e) revised 30492
292.202 (o)(1) corrected 32239
292.203 (b)(1) introductory text revised; (c) removed 33027
294.101 (a)(1), (2), and (b)(4) amended 24551
362.1 Correctly designated 21155
362.2 Correctly added 21155
362.3 (a)(1) through (6) correctly designated and added 21155
375.302 (u) and (v) removed 29702
375.303 (e)(6) amended 29702
375.307 (a)(2), (b)(2) and (3), and (j) amended; (a)(3), (4), (5), and (7) revised; (a)(8) removed; (a)(9) and (10) redesignated as (a)(8) and (9); new (a)(10), (11), (12), (13), (b)(4) and (5), (n), and (o) added 29702
375.308 (p) and (w) revised; (ll), (mm), (nn), (oo), (pp), and (qq) added 29703

Chapter III—Delaware River Basin Commission

401.35 Suspended in part 26638
401.38 Redesignated as 401.39; new 401.38 added 25439
401.39 Redesignated as 401.40; new 401.39 redesignated from 401.38 25439
401.40 Redesignated as 401.41; new 401.40 redesignated from 401.39 25439
401.41 Redesignated as 401.42; new 401.41 redesignated from 401.40 25439
Suspended in part 26638
401.42 Redesignated as 401.43; new 401.42 redesignated from 401.41 25439

CHANGES APRIL 1 THROUGH JUNE 30, 1981

Page

401.43 Redesignated as 401.44; new 401.43 redesignated from 401.42 25439
401.44 Redesignated as 401.45; new 401.44 redesignated from 401.43 25439
401.45 Redesignated as 401.46; new 401.45 redesignated from 401.44 25439
401.46 Redesignated from 401.45 .. 25439
401.51—401.67 (Subpart D) Suspended in part 26638

Chapter XIII—Tennessee Valley Authority

1301.2 Revised 31002
1309 Added 30811

Title 18—*Proposed Rules:*

1—376 (Ch. I) 31902
157 ..... 21189, 24585, 30505
260 21189
271 ..... 20218, 20219, 20683–20686, 21192, 22004, 25643, 25644, 27963–27966, 30833, 32270, 32596, 32597
274 ..... 21027, 21192
282 ..... 23487, 23947, 23950, 26352, 28672
284 ..... 23952, 24585, 27355
292 ..... 26353, 31663
375 30505

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

4.22 Amended 20537
4.93 (b)(1) and (2) amended .. 21989
101.3 (b) table amended 20539, 29463, 32436
101.4 (c) table amended 20539
101.5 Revised 20538
103 Revised 32565
123.41 Revised 21990
123.42 Revised 21991
134.42 Policy statement 30338
152.42 (b) amended 32574
159.34 (a) amended 24944
175.21 (b) amended 32574

Chapter III—International Trade Administration, Department of Commerce

353 Annex I amended 22754, 32864, 32865

Page

355 Annex III amended 21156, 21359, 26473–26475

Title 19—*Proposed Rules:*

4—177 (Ch. I) 22116, 28172, 29953
4 23952
177 21194
200 29729
201 28673
207 28673
353—355 (Ch. III) 24096

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health and Human Services

404.403 (c) and (d)(1) introductory texts revised; (d–1) added 25601
404.1502 Revised 29204
404.1503 Revised 29204
404.1601—404.1610 (Subpart Q) Redesignated as 404.2001—404.2010 (Subpart U) and heading revised 29204
404.1601—404.1694 (Subpart Q) Added 29204
404.2001—404.2010 (Subpart U) Redesignated from 404.1601—404.1610 (Subpart Q) and heading revised 29204
416 Technical correction 21992
416.902 Revised 29211
416.903 Revised 29211
416.1001—416.1078 (Subpart J) Redesignated as 416.1801—416.1878 (Subpart R) and heading revised 29211
416.1001—416.1094 (Subpart J) Added 29211
416.1801—416.1878 (Subpart R) Redesignated from 416.1001—416.1078 (Subpart J) and heading revised 29211

Chapter V—Employment and Training Administration, Department of Labor

655.207 Revision (46 FR 4573) withdrawn; section restored to prior status 32438
676.16 (a) corrected 25084
689.103 Amended 20157
689.105 Revised 20157
689.204–1 (c)(5) revised 20158

CHANGES APRIL 1 THROUGH JUNE 30, 1981

Title 20—*Proposed Rules:*

Page

1—71 (Ch. I) 23884, 26790, 33536
401—450 (Ch. III) 24424
404 ..... 22609, 23765, 29953
416 ..... 22609, 23765
501 (Ch. IV) 23884
601—689 (Ch. V) 23884, 33536
656 26789
676 ..... 25645, 27462
679 ..... 25645, 27462
701—727 (Ch. VI) 23884, 33536
801—802 (Ch. VII) 23884

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health and Human Services

5.1 Redesignated as 5.10 and (a)(15) amended 26052
Redesignation and amendment republished 26300
5.10 Redesignated from 5.1 and (a)(15) amended 26052
Redesignation and amendment republished 26300
5.11 Added 26052
Republished 26300
5.45 (e) revised 31003
5.47 Revised 31003
5.50 Revised 31003
5.52 Revised 31003
5.53 (a) and (b) revised 31003
5.59 Revised 31004
16.1 (b)(33) effective date confirmed 22359
20.100 (c)(32) effective date confirmed 22359
74.705 (d)(2) effective date deferred in part to 7-1-82 31004
101.22 (c) effective date deferred in part to 7-1-82 31004
109 Hearing 24551
135.110 (f) effective date deferred to 7-1-82 31004
145.170 (a)(2)(iii) and (4)(ii) revised; eff. 7-1-83 33028
145.180 (a)(1) effective date deferred to 7-1-83 28840
146.132 (a)(3)(ii) correctly redesignated as (a)(3)(iii); new (a)(3)(ii) correctly added 21359
(a)(3)(ii) corrected 26300
155.170 Effective date confirmed 21359
155.172 Effective date confirmed 21359
166.40 (b) revised; eff. 7-1-83 31005
172.841 Added 30081
172.892 (b) table amended 32015
173.5 (c)(1) revised 30494
173.340 (a)(2) amended 30493
175.300 (b)(3)(xxix) amended 32015
177.1580 (b) table amended 23227
178.1010 (b)(22) and (c)(17) added 31006
178.2010 (b) table amended 31007
193 Policy statement 24945
193.45 Added 32866
193.65 Added 32866
193.85 (e) added 31008
193.99 Revised 30494
193.152 (c) revised 26762
193.160 Existing text designated as (a); (c) added 30339
193.325 (d) added 23229
(a) revised 32239
193.323 Added 32866
203.31 Addition and table revision effective dates deferred 23739
314.1 (c)(2) and (f)(7) corrected 21360
314.8 (n) corrected 21360
(a)(5)(xiv) revised; (a)(6) removed 32017
314.9 (e) corrected 21360
314.12 (e) corrected 21360
314.110 (a)(11) corrected 21360
330.10 (e) corrected 21360
430.5 (b)(1)(xii) added 25602
(a)(71) and (b)(71) added 25605
430.6 (b)(73) added 25605
436.33 (b) table amended 25602, 25605
436.105 (a) and (b) tables amended 25605
436.106 (b) table amended 25608
(a) table amended 33512
436.204 (b)(2) table amended 25602
436.205 (c) table amended 25602
436.314 Removed 25608
436.315 Removed 25608
436.330 Added 25602
436.541 (b) table amended; (c)(4) added 25603
440.8 Added 25603
440.108 Added 25604
442.13a Added 25606
442.40 (b)(1)(ii)(b)(4) revised 25608

CHANGES APRIL 1 THROUGH JUNE 30, 1981

Page

442.104a (b)(1)(i) and (ii) corrected 21360
442.104b (b)(1)(i) and (ii) corrected 21360
442.213 Added 25607
444.62 (a)(1) introductory text corrected 22359
444.142a (b)(2) revised 25608
444.220 (a)(1), (3)(ii)(b)(1), and (b)(4) revised 31009
444.380 (a)(1) heading and effective date corrected 22359
444.442f Heading revised; (a)(1) amended 25608
446.542 (b)(2)(iii) corrected 21361
448.30a (b)(1) corrected 22359
449.120d (a)(1) corrected 21361
452.110c (b)(3) corrected 22359
455.251 (b)(5) revised 25608
510.600 (c)(1) and (2) tables amended 20158, 21362, 22360, 23230, 33029
520.580 (b)(1) amended 20158
(b)(2) amended 31010
520.622a Revised 23230
520.622c (b)(5) added 25609
520.905a (e) added 29464
520.905c Added 32018
520.1236 Added 25085
520.1242a (c)(2) revised 25085
520.1448 (c) added 33029
520.1628 (c)(2) revised 26301
520.1660c Added 32440
520.1720b (b) amended 31010
520.1804 (b) amended 20158
520.1900 (b) revised 23231
520.2610 (a) and (b) revised 23231
(b) revised 32438
522.518 Added 20159
522.900 Revised 23232
522.1143 Removed 26763
522.1235 Added 25086
522.1380 Technical correction 24553
522.1468 Redesignated as 522.1468a; new 522.1468 added 26763
522.1468a Redesignated from 522.1468 26763
522.1468b Added 26763
522.1660 (c)(1)(i) revised 20160
(c)(2)(i) revised 27913
522.1884 (c) revised; (d)(2)(iv) added 33513
524.1580d Added 22360
524.1742 (b) and (c)(1) introductory text revised; (c)(3) redesignated as (4) and amended; new (c)(3) added 27914

Page

Technical correction 32440
529.1115 Added 27915
540.814 (c)(2)(ii) and (3)(ii) added 33030
546.1801 Added 25086
555.110c (a)(1) amended; (c)(2) and (3)(i) revised 21362
558.15 (g)(1) amended 23233
558.76 (e)(1) table amended 21363, 21749, 22361, 22755
558.78 (e)(1) table amended 21363
558.195 (g)(2) table amended 32019
558.274 (a) revised; (e)(1) table amended 20161, 21364
(a)(2) revised; (a)(3) added; (e)(1) table amended 32018
558.325 (f)(2)(i)(b), (ii)(b), and (iii)(b) amended 24553
558.450 (a) revised 26764
558.485 (a)(8) added 28840
558.625 (b)(27) revised 20161
(b)(5) revised 20162
561 Policy statement 24945
561.98 (b) revised 31638
561.215 Added 30340
561.232 (a) revised 26765
573.310 Added 30082
701 Incorporation by reference approvals corrected 29220
809.3 (a) revision and (c) removal effective date confirmed 22359
809.4 Effective date confirmed 22359
809.10 (c) introductory text effective date confirmed 22359
809.30—809.35 (Subpart D) Effective date confirmed 22359
812.65 Correctly removed 21360
812.70 Correctly removed 21360
861 Effective date confirmed 22359
880.2440 (a) corrected 21364
1030.10 (b)(8) and (c)(1), (3)(i), and (ii) effective date stayed 23233

Chapter II—Drug Enforcement Administration, Department of Justice

1301.26 (e) amended 28841
1301.71 (d) amended 28841
1301.74 (k) amended 28841
1303.12 (b) and (d) amended 28841
1303.22 Amended 28841
1303.27 Amended 28841

CHANGES APRIL 1 THROUGH JUNE 30, 1981

Title 21, Chapter II—Continued

		Page
1304.35	(a) amended	28841
1304.37	(a) and (b) amended	28841
1304.39	(d) amended	28841
1304.41	(d) amended	28841
1304.42	(a) amended	28841
1308.04	(a) amended	28841
1308.14	(c)(21) added	20672
1308.23	(b) amended	28841
1308.24	(d) amended	28841
	(i) table amended	32020
1311.53	(c) amended	28841
1312.15	(b) amended	28841

Title 21—*Proposed Rules:*

1—1250 (Ch. I)	24424
1	26790
105	33053
145	33055
161	30505
166	26790
180	24593, 31020, 32453
182	24593, 31020, 32453
207	21368
210	21368
225	21368
226	21368
351	25107
430	25651, 30115
436	25651, 30115
440	22389, 25651, 30115
444	25651, 30115
448	25651, 30115
452	25651, 30115
501	21368
510	21368
514	21368
539	22389
540	22389, 25107
558	21368
610	23765
801	23766
864	20221, 20222, 22764
868	20223–20226
876	20687, 22393
880	20227, 20228
1030	23266
1301—1316 (Ch. II)	24129
1308	22393, 23953, 24593, 29484

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

9.16	(l)(1) revised	21992
41.1	Amended	28637
41.20	Revised	28637
41.127	(b)(1) amended; (c) revised	30082

Chapter II—Agency for International Development, International Development Cooperation Agency, Department of State

		Page
201.11	(b)(3) and (4) and (j)(3) amended	27104
201.22	(f) revised	27105
201.63	(i) removed	27105

Title 22—*Proposed Rules:*

1—191 (Ch. I)	22394
171	30649
200—222 (Ch. II)	24212

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

1.34	Revised	21156
140.607	(a) and (b) amended	21156
140.608	(b) and (e) amended	21156
140.609	Amended	21156
160.103	(d) amended	21156
230.101—230.121 (Subpart A)	Appendixes A through G transferred from 230.201—230.209 (Subpart B)	21157
230.201—230.209 (Subpart B)	Appendixes A through G transferred to 230.101—230.121 (Subpart A)	21156
450.100—450.124 (Subpart A)	Effective date deferred to 7–31–81	33514
450.200	(b) effective date deferred to 7–31–81	33514
450.202	Nomenclature change and (c) effective date deferred to 7–31–81	33514
450.204	Nomenclature change effective date deferred to 7–31–81	33514
450.206	Nomenclature change and (b) effective date deferred to 7–31–81	33514
450.300—450.320 (Subpart C)	Effective date deferred to 7–31–81	33514
630.106	(b), (c), and (d) effective date deferred to 7–31–81	33514
650.607	(a)(1)(ii) amended	21157
652.7	(d) amended	21157
655.601—655.607	(Subpart F) Technical correction	21157
656	Technical correction	21157

CHANGES APRIL 1 THROUGH JUNE 30, 1981

Page

659.9 (a) revised 21157
659 Appendix removed 21157
920.7 (c) amended 21157

Title 23—*Proposed Rules:*

1—924 (Ch. I) 20036, 21184
200 21620
230 21620
625 ..... 21620, 27722, 32880
635 21620
655 32880
770 21620
771 21620
795 21620
1204—1254 (Ch. II) 20036, 21184

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

200 Incorporation by reference approvals 29220
201.4 (a) revised 25610
201.540 (a) revised 25610
201.1511 (a)(1) revised 25610
201.1625 (a) revised 25610
203.20 (a) revised 23049, 27105
203.45 (b) revised 23049, 27105
203.46 (c) revised 23049, 27105
203 Appendix A amended 25088
205.50 Revised 27105
207.7 (a) revised 23049, 27105
213.10 (a) revised 23049, 27106
213.511 (a) revised 23049, 27106
220.576 (a) revised 23050, 27106
221.518 (a) revised 23050, 27106
232.29 (a) revised 23050, 27106
232.560 (a) revised 23050, 27106
234.29 (a) revised 23050, 27106
234.75 (b) revised 23050, 27106
234.76 (c) revised 23050, 27106
234 Appendix A amended 25088
235.12 Added; interim 28401
235.25 Revised; interim 29259
(b) corrected 31257
235.30 Revised; interim 29259
235.330 Revised; interim 29259
235.540 (a) revised 23050, 27107
236.15 (a) revised 23050, 27107
241.75 Revised 23050, 27107
242.33 (a) revised 23051, 27107
244.45 (a) revised 23051, 27107

Chapter V—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

Page

570.436 Added 29910

Chapter VIII—Low-Income Housing, Department of Housing and Urban Development

841 Prototype cost determinations 33469
868 Revised; interim 21934
885.410 (g)(1) and (2) revised 28842
888.101—888.103 (Subpart A) Schedule A revised 28638

Chapter XX—Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development

3280 Incorporation by reference approvals 29220
Incorporation by reference approvals; corrected 33980

Title 24—*Proposed Rules:*

115 22204
235 ..... 22394, 24594
885 25107
888 23955

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

5 Removed 26765
52 Effective date deferred 24177
Effective date deferred to 9-1-81 31881
105 Removed 26475
173 Removed 26476
242 Removed 26476
256.11—256.21 (Subpart B) Revised 33242

Chapter IV—Navajo and Hopi Indian Relocation Commission

700.17 (a) introductory text amended 27915
Redesignated as 700.331 27921
700.331—700.343 (Subpart M) Added 27921

Title 25, Chapter IV—Continued

Page

700.331 Redesignated from 700.17 ... 27921
700.451—700.479 (Subpart N) Added ... 27916

Title 25—*Proposed Rules:*

1—277 (Ch. I) ... 24459
161 ... 22205
700 ... 27967

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

1.167(a)-11 (c)(2)(iv)(e) corrected ... 32239
1.385-1 (a)(1) revised ... 24946
1.385-6 Nomenclature change ... 24946
1.819-2 Determination ... 20162
1.1033(g)-1 (b)(1) and (2)(i)(A), and (b)(2)(iii) heading corrected ... 23235
1.1244(a)-1 (b) revised ... 29467
1.1244(b)-1 Revised ... 29467
1.1244(c)-1 Revised ... 29468
1.1244(c)-2 Revised ... 29470
1.1244(d)-3 Revised ... 29472
1.1244(d)-4 Revised ... 29473
1.1244(e)-1 (a) revised ... 29473
(a)(2)(vi) corrected ... 31881
1.1441-4 (d)(1) revised ... 27636
(d)(1) corrected ... 31409
1.1563-3 (b)(5)(iii) revised ... 29474
7a Added ... 25292
7a.2 (g) example corrected ... 30495
11.414(c)-4 (b)(5)(iii) revised ... 29474
16A Added ... 27637
25.2514-3 (e) amended ... 27642
35 Added ... 24554
35.1 (h)(1)(ii) example (2) corrected ... 30495
35.2 (a) introductory text corrected ... 30495
150.4995-3 (g)(2)(ii) example (1) corrected ... 19935
601.102 (b)(1)(iv) revised; (b)(1)(v) added ... 26053
601.103 (b) amended ... 26053
601.105 (b)(4) and (h) amended ... 26053
601.106 (a)(1)(ii)(*1a*), (d)(2)(ii), and (g)(1) amended ... 26053
601.201 (e)(2), (8), (19), and (s)(2) amended ... 26053

Page

601.203 (a)(1), (2), (c)(1)(iii), (iv), (c)(2)(i), (iv), (3), and (4) amended; (c)(2)(ii) revised; (c)(2)(v) removed ... 26054
601.506 (a) amended ... 26055
601.602 Revised ... 26055

Title 26—*Proposed Rules:*

1—601 (Ch. I) ... 22121
1.0-1—1.169 ... 22611, 27723
1.401—1.500 ... 27968
1.851—1.1200 ... 22611, 28677
1.1201—end ... 24594, 27723, 27968
7 ... 28677
20 ... 32598
31 ... 22395, 24595, 27357, 31278
32 ... 27357
51 ... 19947, 24595, 26660

TITLE 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

4.25a (b)(2)(i) and (ii), and (e)(1)(ii) and (3) revised ... 29261
19.11 Effective date deferred to 10-1-81 ... 29261
19.519 Effective date deferred to 10-1-81 ... 29261
19.523 Nomenclature change effective date deferred to 10-1-81 ... 29261
19.523a Effective date deferred to 10-1-81; (f) removed ... 29261
19.524 (a) effective date deferred to 10-1-81 ... 29261
19.632 Revised ... 32225
70.1 Effective date deferred to 10-1-81 ... 29261
70.11 Effective date deferred to 10-1-81 ... 29261
70.51 (Subpart D) Effective date deferred to 10-1-81 ... 29261
240.10 Effective date deferred to 10-1-81 ... 29261
240.527 Revised ... 25613
240.527a Revised ... 25613
240.590a (b) effective date deferred to 10-1-81 ... 29261
240.591 Heading and (a) effective date deferred to 10-1-81 ... 29261
240.591a Effective date deferred to 10-1-81; (f) removed ... 29261
240.594 Effective date deferred to 10-1-81 ... 29261

CHANGES APRIL 1 THROUGH JUNE 30, 1981

Page

240.595 Effective date deferred to 10–1–81 ... 29261
240.596 Effective date deferred to 10–1–81 ... 29261
240.901 Effective date deferred to 10–1–81 ... 29261
240.902 Effective date deferred to 10–1–81 ... 29261
240.1051 Table amended ... 25614
245.5 Effective date deferred to 10–1–81 ... 29261
245.110b (a) effective date deferred to 10–1–81 ... 29261
245.112 Effective date deferred to 10–1–81 ... 29261
245.117 Effective date deferred to 10–1–81 ... 29261
245.117a Effective date deferred to 10–1–81; (e) removed ... 29261
247.117b Effective date deferred to 10–1–81 ... 29261
245.117c Effective date deferred to 10–1–81 ... 29261
245.117d Effective date deferred to 10–1–81 ... 29261
245.117e Effective date deferred to 10–1–81 ... 29261
245.117f Effective date deferred to 10–1–81 ... 29261
245.227 Effective date deferred to 10–1–81 ... 29261
250.11 Effective date deferred to 10–1–81 ... 29261
250.112 (e) effective date deferred to 10–1–81 ... 29261
250.112a Effective date deferred to 10–1–81; (f) removed ... 29261
252.103 Revised ... 21158

Page

252.123 Revised ... 21158
252.143 Revised ... 21158
252.150e Revised ... 21158
252.154 Revised ... 21159
252.193 Revised ... 21159
252.216 Revised ... 21159
252.223 Revised ... 21159
270.11 Effective date deferred to 10–1–81 ... 29261
270.162 (a) effective date deferred to 10–1–81 ... 29261
270.165 (c) effective date deferred to 10–1–81 ... 29261
270.165a Effective date deferred to 10–1–81; (f) removed ... 29261
270.166 Effective date deferred to 10–1–81 ... 29261
270.167 (a), (b), and authority citation effective date deferred to 10–1–81 ... 29261
270.168 Effective date deferred to 10–1–81 ... 29261
275.11 Effective date deferred to 10–1–81 ... 29261
275.114 Effective date deferred to 10–1–81 ... 29261
275.115 Effective date deferred to 10–1–81 ... 29261
275.115a Effective date deferred to 10–1–81; (f) removed ... 29261

Title 27—*Proposed Rules:*

1—296 (Ch. I) ... 22133
4 ... 24962
5 ... 24962
7 ... 24962
9 ... 21195, 21197, 21623, 31020
19 ... 21624

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

Page

0 Directive 79758
0.15 (b)(3)(iii) and (iv) removed 82632
0.18 Added (effective pending congressional review) ..... †3852
Effective date deferred ..... †19935
0.18a Added 52145
0.19 (a)(1) and (b) revised 82632
0.50 (i) added ..... †29704
0.51 Revised ..... †29704
0.64–1 Revised 79758
0.69a Added ..... †29931
0.76 (t) revised ..... †22362
0.96 (q) revised ..... †23051
0.100—0.104 (Subpart R) Appendix amended 81746
0.101 (c) added 44267
0.111 (p) added 52145
0.113 Revised 52145
0.139 Revised ..... †29932
0.142 Introductory text revised 76684
0.160—0.172 (Subpart Y) Appendix amended 81201
2.4 Revised 44925
2.5 Revised 44925
2.16 (d) added 44924
2.20 General Notes amended 44925
(i) added 59871
2.23 (c) and (d) revised 84052
2.24 (b)(3) and (4) added 84053
2.28 (f) revised 84053
2.34 (g) removed 59871
2.35 (b) redesignated from 2.36 59871
2.36 Redesignated as 2.35 (b); new 2.36 added 59871
(a)(2)(ii) table corrected 62982
(a)(2) introductory text corrected 66789
2.40 (a) introductory text revised; (h) added 84054
2.43 Revised; interim 60428
Revised; eff. 8–1–81 ..... †28649
2.44 (d) revised 84055
16.1—16.10 (Subpart A) Appendix revised ..... †32021
16.21—16.29 (Subpart B) Revised 83210
16.80 Added ..... †3509
16.96 (e) and (f) revised ..... †9064
(c) through (i) reinstated and revised; clarification ..... †20540
(g) revised; (h)(6) removed ..... †22362
(b) introductory text, (1), and (2), (3) introductory text, and (4) through (6) revised ..... †30495
16.98 (c)(16) added ..... †32866
17 Revised 81490
18.51 (b) revised; (c) removed; (d) through (f) redesignated as (c) through (e) 54752
19 Removed ..... †7953
Removal effective date deferred ..... †14120
22 Nomenclature change 62038
22.22 (a)(2) amended 62038
22.28 Heading, (a), and (b)(1) amended 62038
22.29 Amended 62038
23 Added 61613
31 Added 53772
40 Added (effective pending congressional review) ..... †3845
40.12—40.23 (Subpart B) Effective date deferred ..... †16100, 19935
42 Incorporation by reference approval corrected 47111
Incorporation by reference approvals ..... †33980
42.202 (r) corrected 54037
42.203 (a) republished; (b)(8) added 54036
42.204 (b) added 54037
42.205 (c)(4) corrected 54037
42.206 (a)(1) and (2) corrected 54037
45.735–9 Revised 57125
50.9 Added 69214
50.10 Revised 76436
50.11 Removed 50563
50.18 Request for comments ..... †9064
51 Revised ..... †872
51.14 (a) corrected ..... †9571
51.26 (c)(6) corrected ..... †9571
51.27 Heading corrected ..... †9571
51.28 Heading corrected ..... †9571
51.39 (d) corrected ..... †9571
51.45 Heading and (a) corrected ..... †9571
51 Appendix corrected ..... †9571
52 Added 50563
55 Appendix revised 44268
Appendix corrected 46380, 47423
58 Added 82631
59 Added ..... †22364
61 Added ..... †7953
Effective date deferred ..... †14120
63 Added 50565

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Chapter III—Federal Prison Industries, Department of Justice

301 Revised; interim in part ... †31206

Chapter V—Bureau of Prisons, Department of Justice

Page

503 Added ... †24898
523.10—523.17 (Subpart B) Authority citation revised ... 75124
523.11 (b) revised ... 75125
524 Added ... 83921
524.10—524.16 (Subpart B) Added ... †24899
540.70—540.71 (Subpart F) Authority citation revised; interim ... 75126
540.71 (b)(7) revised; interim ... 75126
543.30—543.32 (Subpart C) Added ... †24899
544 Authority citation revised ... 75126
544.50 Revised ... 75126
544.80 Revised ... 75126
544.81 (a)(1), (2), and (5) revised; (a)(6) redesignated as (a)(7) and revised; new (a)(6) added ... 75127
544.90—544.91 (Subpart J) Added ... 75125
544.100—544.101 (Subpart K) Added ... †24900
545 Added ... †24900
547.20 (Subpart C) Added ... †24901
548.10—548.13 (Subpart B) Heading and authority citation revised ... 75127
548.10 (b) and (c) revised ... 75127
548.11 (b), (c), (f), and (g) revised ... 75127
548.12 (b) revised ... 75127
548.13 Heading and (b) revised ... 75127
551.100—551.120 (Subpart J) Added ... 75133
552.10—552.13 (Subpart B) Added ... 75134
570.10—570.24 (Subpart B) Added ... 75135

Title 28—*Proposed Rules:*

0—60 (Ch. I) ... 45311
0—63 (Ch. I) ... 50818, 51506, 51832, 58268, 66813 ... †10104, 10105, 24129, 24131
2 ... 44966, 44967, 60451, 81212, 84090 ... †10107, 14904
16 ... 52183
... †24213
31 ... †29438
40 ... 79095
42 ... 54770 ... †22395
50 ... 52183
59 ... †1302
500—571 (Ch. V) ... 50818
522 ... †31210
524 ... †2962
527 ... †24902, 31210
544 ... †2962, 31210
545 ... †2962, 24902, 31210
547 ... †2962

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

1 Revised ... †4311
Effective date deferred to 3–30–81 ... †11254
Technical correction ... †12205
Effective date deferred to 5–1–81; authority citation ... †18973
Effective date deferred to 7–1–81; authority citation ... †23740
Effective date deferred to 7–15–81; authority citation ... †33514
1.7 (b) corrected ... †10465
2 Authority citation ... †35
2.7 Revised ... †35
Effective date deferred to 3–30–81 ... †10466
4 Revised ... †4337
Effective date deferred to 4–17–81 ... †11971, 12206
Effective date deferred to 5–1–81; authority citation ... †18973
Effective date deferred to 7–1–81; authority citation ... †23740
Effective date deferred to 8–1–81; authority citation ... †33515
4.4 (g) corrected ... †11284
4.6 (d)(2) corrected ... †11285
4.53 (a) corrected ... †11285
4.107 (b) corrected ... †11285
4.113 (a)(1) and (3)(i) corrected ... †11285
4.133 Revised ... †4887
Republished ... †5877
Effective date deferred to 4–17–81 ... †11971, 12206
Effective date deferred to 5–1–81 ... †18973

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 29, Subtitle A—Continued

Page

4.173 (b) introductory text corrected ..... †11285
4.187 (b)(4) corrected ..... †11285
5 Revised ..... †4385
Effective date deferred to 3–30–81 11254
Technical correction ..... †12205
Effective date deferred to 5–1–81; authority citation ..... †18973
Effective date deferred to 7–1–81; authority citation ..... †23740
Effective date deferred to 7–15–81; authority citation ..... †33514
5.2 (n)(3) corrected ..... †10466
5.5 (a) introductory text, (1)(i) and (iv) corrected ..... †10466
5.12 (d)(2)(iii) corrected ..... †10466
6 Revised ..... †4400
Effective date deferred to 3–30–81 ..... †11254
Technical correction ..... †12205
Effective date deferred to 5–1–81; authority citation ..... †18973
Effective date deferred to 7–1–81; authority citation ..... †23740
Effective date deferred to 7–15–81; authority citation ..... †33514
11 Added 51188
32 Added 66709
40.51 (p)(2) amended 51192
92 Added 58313
Authority citation ..... †32217
92.11 (a) revised ..... †32217
92.15 Added ..... †32217

Chapter I—National Labor Relations Board

102.24 Revised 51192
102.25 Revised 51193
102.30 (c) authority citation correctly added 44302
(c) revised 51193
102.34 Revised 51193
102.36 Revised 51193
102.37 Revised 51193
102.42 Revised 51193
102.111 (a) authority citation correctly added 44302

Chapter II—Office of the Assistant Secretary for Labor-Management Relations, Department of Labor

207 Interim procedures ..... †12206
208 Interim procedures ..... †12206
209 Interim procedures ..... †12206

Chapter IV—Office of Labor-Management Standards Enforcement, Department of Labor

401.4 Revised 70445
402 Incorporation by reference approvals ..... †33980
403 Incorporation by reference approvals ..... †33980
404 Incorporation by reference approvals ..... †33980
405 Incorporation by reference approvals ..... †33980
406 Incorporation by reference approvals ..... †33980
408 Incorporation by reference approvals ..... †33980
409 Incorporation by reference approvals ..... †33980

Chapter V—Wage and Hour Division, Department of Labor

526 Incorporation by reference approvals ..... †33980
541.1 (f) revised ..... †3013
(f) effective date deferred ..... †11972, 12207
541.2 (e) revised ..... †3013
(e) effective date deferred ..... †11972, 12207
541.3 (e) revised ..... †3014
Effective date deferred ..... †11972, 12207
541.5a Revised ..... †3014
(e) effective date deferred ..... †11972, 12207
541.52 Removed ..... †3014
Removal effective date deferred ..... †11972, 12207
541.117 (a) and (b) revised ..... †3014
(a) and (b) effective date deferred ..... †11972, 12207
541.118 (b) revised ..... †3014
(b) effective date deferred ..... †11972, 12207
541.119 Revised ..... †3014
Effective date deferred ..... †11972, 12207
541.211 (a) and (b) revised ..... †3014
(a) and (b) effective date deferred ..... †11972, 12207
541.214 Revised ..... †3015
Effective date deferred ..... †11972, 12207
541.311 (a) and (b) revised ..... †3015

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

(a) and (b) effective date deferred ---------- †11972, 12207
541.313 (c) and (d) revised ---------- †3015
(c) and (d) effective date deferred ---------- †11972, 12207
541.315 Revised ---------- †3015
Effective date deferred ---------- †11972, 12207
541.601 Revised ---------- †3016
Effective dated deferred ---------- †11972, 12207
570 Incorporation by reference approvals ---------- †33980
575.5 (d) revised ---------- 55177
778 Technical correction ---------- †32440
778.3 Revised ---------- †7309
778.101 Revised ---------- †7309
778.102 Revised ---------- †7309
778.107 Revised ---------- †7309
778.110 Revised ---------- †7309
778.111 Revised ---------- †7309
778.113 Revised ---------- †7310
778.114 (b) revised ---------- †7310
778.116 Revised ---------- †7310
778.120 (a) examples (i) and (ii) and (b) revised ---------- †7310
778.202 (c) and (e) revised ---------- †7311
778.205 Revised ---------- †7311
778.206 Revised ---------- †7311
778.215 (a)(4) revised ---------- †7312
778.219 (a)(1) and (2) and (b)(1) and (2) revised ---------- †7312
778.220 Revised ---------- †7312
778.221 (b) revised ---------- †7313
778.223 Revised ---------- †7313
778.302 (b) revised ---------- †7314
778.304 (b) revised ---------- †7314
778.306 (a) revised ---------- †7314
778.307 Revised ---------- †7314
778.308 (b) revised ---------- †7314
778.310 Revised ---------- †7314
778.311 (b) revised ---------- †7315
778.313 Revised ---------- †7315
778.317 Revised ---------- †7315
778.320 Revised ---------- †7315
Technical correction ---------- †32440
778.322 Revised ---------- †7316
778.323 Revised ---------- †7316
Corrected ---------- †33516
778.325 Revised ---------- †7316
778.326 Revised ---------- †7316
778.327 Revised ---------- †7317
(b) corrected ---------- †33516
778.408 (c) revised ---------- †7317
778.409 Revised ---------- †7317
778.411 Revised ---------- †7317
778.413 Revised ---------- †7318
778.414 (b) revised ---------- †7318
778.501 Revised ---------- †7318

Page

(a) corrected ---------- †33516
778.502 (b) and (c) revised ---------- †7318
778.503 Revised ---------- †7319
778.601 (a), (c), and (e) revised ---------- †7319
(a) corrected ---------- †33516
778.602 Revised ---------- †7319
778.603 Removed ---------- †7320

Chapter XII—Federal Mediation and Conciliation Service

1425 Revised ---------- 62798
1440 Added ---------- 55395

Chapter XIV—Equal Employment Opportunity Commission

1601.13 Revised ---------- 81040
1601.21 (b) and (d) revised; interim ---------- 48616
(b) and (d) revised; final ---------- 73036
1601.28 (d) revised; interim ---------- 48617
(d) revised; final ---------- 73037
1601.74 Revised ---------- 56804, 64578, 68934
(a) amended; (b) revised ---------- 59565
Revised ---------- †33030
1604.11 Added ---------- 74677
1605 Revised ---------- 72612
1606 Revised ---------- 85635
1613.414—1613.417 (Subpart D) Added; interim ---------- 50327
1613.706 (a) amended; (c) revised; (d) added; interim ---------- †11285
1620 Added ---------- †4888
1625.11 (c) corrected ---------- 51547
1690 Added ---------- 68361
1690.107 (h) corrected ---------- 71799
1690.305 Heading corrected ---------- 71799
1690.307 (b) corrected ---------- 71799

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

1903.4 Revised ---------- 65923
1903.8 (e) added ---------- †3860
(e) effective date deferred to 3–30–81 ---------- †11254
Technical correction ---------- †12205
(e) effective date deferred to 5–30–81 ---------- †18951
(e) removed ---------- †28845
1910 Incorporation by reference approval final and corrected ---------- 47111
Corrected ---------- 54333
Incorporation by reference approvals ---------- †33980

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 29, Chapter XVII—Continued

Page

1910.19 (d) removed ..... †32022
1910.20 Effectiveness deferred in part ..... †23740
Comment time extended ..... †31010
1910.35 (i) and (j) added 60703
1910.37 (n) revised 60703
1910.38 Heading revised; text added 60703
1910.35—1910.40 (Subpart E) Appendix added 60714
1910.95 (b)(3) removed; (c) through (s) and appendixes A through I added; conditional compliance dates 10–15–81, 4–15–82, 4–15–83 ..... †4161
(c) through (s) and appendixes A through I effective date deferred to 6–1–81 ..... †21365
(c) through (s) and appendixes A through I eff. date deferred to 8–1–81 ..... †28846
1910.107 (f)(1) revised 60704
1910.108 (g)(1), (2), introductory text of (3), (4) and (5) revised 60704
1910.109 (i)(7)(i) and (ii)(*a*) revised 60704
1910.155 Redesignated from 1910.156 and revised 60704
1910.156 Redesignated as 1910.155 and revised 60704
Redesignated from 1910.164 and revised 60706
(e)(4)(i)(A), (B), and (C) corrected ..... †24557
1910.157 Revised 60708
(f)(15)(i) corrected ..... †24557
1910.158 Revised 60710
1910.159 Revised 60710
(c)(10) corrected ..... †24557
1910.160 Revised 60711
1910.161 Revised 60712
1910.162 Heading revised; text added 60712
(a)(2) corrected ..... †24557
1910.163 Revised 60712
1910.164 Redesignated as 1910.156 and revised 60706
Added 60713
1910.165 Revised 60713
1910.156—1910.165 (Subpart L) Appendices A through E added 60715
Appendixes A and E corrected ..... †24557, 24558
1910.165a Removed 60714
1910.165b Removed 60714
1910.301—1910.399 (Subpart S) Revised ..... †4056
1910.1000 Table Z–1 enforcement reinstated in part 50328
Table Z–2 footnote 1 removed ..... †32022
1910.1025 (e)(1) Table I amended ..... †6228
(e)(1) table I effective date deferred to 3–30–81 ..... †11254
Technical correction ..... †12205
(k) effective date deferred to 4–1–81 ..... †14897
(e)(1) table I effective date deferred to 4–30–81 ..... †18973
(k) effective date deferred to 5–1–81 ..... †18974
(e)(1) table I effective date deferred to 6–30–81 ..... †23741
(k) effective date deferred to 6–1–81 ..... †24558
(k) effective date deferred to 7–1–81 ..... †28845
(e)(1) table I effective date deferred to 8–31–81 ..... †33244
(e)(1) table I deferral republished ..... †33516
(k) effective date deferred to 7–21–81 ..... †33516
1910.1028 Removed ..... †32022
1910.1043 Temporarily suspended in part 50328, 64872
Appendix A amended 67340
Temporary suspension expired 85736
1910.1046 Removed ..... †32022
1913 Corrected 54333
1915 Incorporation by reference approvals ..... †33980
1916 Incorporation by reference approvals ..... †33980
1917 Incorporation by reference approvals ..... †33980
1918 Incorporation by reference approvals ..... †33980
1926 Incorporation by reference approval corrected 47111
Incorporation by reference approvals ..... †33980
1926.500 (g) added 75625
1926.502 (p) added 75626
1926.500—1926.502 (Subpart M) Appendix A added 75626
1928 Incorporation by reference approvals ..... †33980
1928.113 Removed ..... †32022

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

	Page
1952.109 (h) added	60430
1952.110—1952.114 (Subpart E) Utah plan supplements approved	56052
1952.125 Added	53459
1952.175 (d) and (e) added	51776
(f) added	†3861
1952.254 (j) and (k) added	56054
1952.263 Heading revised; (i) added	†3865
1952.264 (e) and (f) added	†3862
(g) and (h) added	†3863
1952.315 Added	77001
1952.344 (f) added	83485
Heading revised; (j) added	85740
1952.345 Added	83486
(b) added	†20163
1952.350 (i) and (j) added	77000
(i) and (j) correctly removed	†32022
1952.354 (k) added	†20164
(i) and (j) correctly added	†32022
1952.355 Added	†20164
1952.374 Added	77003
1952.383 Revised	54334
1953 Virginia plan supplements approved	77003
1960 Revised	69798
1960.26 (c)(2) corrected	77003
1960.38 Correctly designated	77003
1960.71 (e) corrected	77003
1960.80 (a) introductory and (c) text corrected	77003
1977.21 Removed	72119
1990.111 (h) and (j) revised	†4892
(h) and (j) republished	†5881
(h) and (j) effective date deferred to 3–30–81	†11254
Technical correction	†12205
1990.142 (b)(2) removed; (b)(3) redesignated as (b)(2); (a)(2)(iii) and new (b)(2)(iii) revised	†4892
(a)(2)(iii) and (b)(2)(iii) republished	†5881
(a)(2)(iii), (b)(2) removal, (b)(3) redesignation as new (b)(2), and new (b)(2)(iii) effective date deferred to 3–30–81	†11254
Technical correction	†12205
1990.144 Introductory text revised	†4893
Introductory text republished	†5881
Introductory text effective date deferred to 3–30–81	†11254
Technical correction	†12205
1990.146 (i) revised	†4893
(i) republished	†5881
(i) effective date deferred to 3–30–81	†11254
Technical correction	†12205
1990.151 Correctly designated	54333
(c) revised	†4893
(c) republished	†5881
(c) effective date deferred to 3–30–81	†11254
Technical correction	†12205
1990.152 (c) revised	†4893
(c) republished	†5882
(c) effective date deferred to 3–30–81	†11254
(c) correctly designated	†11286
Technical correction	†12205
1999 Removed	51192
Chapter XX—Occupational Safety and Health Review Commission	
2200.100 (d) added	†22892
2200.200—2200.211 (Subpart M) Effectiveness extended to 9–1–81	†14744
Chapter XXV—Pension and Welfare Benefit Programs, Department of Labor	
2520.102–5 Added	†5884
Effective date deferred to 3–30–81	†11254
Technical correction	†12205
2520.103–1 (b) introductory text and (c) revised; (d) added	51446
2520.103–9 (c) revised	51446
2520.104–20 (b)(2)(ii) revised	†5884
(b)(2)(ii) effective date deferred to 3–30–81	†11254
Technical correction	†12205
2520.104–41 (b) and (c) revised	51446
2520.104–44 (c) introductory text and (1) and (e) revised	51446
(b)(1)(ii) revised	†5884
(b)(1)(ii) effective date deferred to 3–30–81	†11245
Technical correction	†12205
2520.104–46 (d) revised	51447
2520.104–49 Revised	†1264
Effective date deferred to 3–30–81	†10466
2520.104–50 Added	†1265
2530.203–3 Added	†8903
Effective date deferred to 7–1–81	†28151

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 29, Chapter XXV—Con.

Page

Effective date deferred to 8–1–81 ..... †33517
2550.404b–1 (a) introductory text, (2)(ii)(B), and (c) revised; (a)(2)(ii)(C) added ..... †1267
(a) introductory text, (2)(ii)(B) and (C), and (c) effective date deferred to 3–30–81 ..... †10466
2550.408e Added 51197
2550.414c–1 Added ..... †7322
2550.414c–2 Added ..... †7322
2550.414c–3 Added ..... †7322
Effective date deferred to 3–30–81 ..... †11254
Technical correction ..... †12205
2560.503–1 (b)(1)(i) revised; (j) added ..... †5884
(b)(1)(i) and (j) effective date deferred to 3–30–81 ..... †11254
Technical correction ..... †12205

Chapter XXVI—Pension Benefit Guaranty Corporation

2601—2607 (Subchapter A) Heading added ..... †32575
2601.3 (b)(1) revised 75209
2602 Interpretation amended 47423
Interpretation effective date corrected 48129
Redesignated as 2610; new 2602 redesignated from 2614 ..... †32574
Nomenclature change ..... †32576
2602.2 Amended 80823
Amended ..... †27329
2602.3 (a) heading, (b) heading, (c) heading, and (d) added 80823
(a)(3), (4), (5), and (6) revised; (c) and (d) redesignated as (d) and (e); new (c) added ..... †27329
2602.4 Nomenclature change 80824
2602.5 Revised 80824
(c) revised; (d) added ..... †27329
2602.6 Amended 80824
2602.7 (a) revised ..... †27330
2602.10 (b) amended ..... †27330
2602.11 Revised ..... †27330
2602.12 Revised 80824
2602 Appendix added ..... †27330
2603 Authority citation ..... †7959
2603.2 (c) amended ..... †7959
2603.32 (a) amended ..... †7959
2603.39 Amended ..... †7959
2603.55 (c) amended ..... †32575

Page

2604 Redesignated as 2616; new 2604 redesignated from 2620 ..... †32574
Nomenclature change ..... †32576
2604.3 (d) revised ..... †4894
2605 Redesignated as 2613 ..... †32574
2606 Redesignated as 2611; new 2606 redesignated from 2618 ..... †32574
Nomenclature change ..... †32576
2606.3 (b) revised; (c) added 58339
2607 Authority citation ..... †7959
2607.2 (a) amended ..... †7959
2607.3 (a) amended ..... †7959
2607.4 (a) amended ..... †7959
2607.5 (a) amended ..... †7959
2607.6 (a) and (c) amended ..... †7959
2607.7 (c) amended ..... †7959
2607.8 (a) and (c) amended ..... †7959
2608 Revised ..... †9485
Effective date deferred ..... †12970, 13689
Redesignated as 2618 ..... †32574
2608.12 (c)(2) introductory text corrected ..... †10720
2608.13 (a) corrected ..... †10720
2609 Appendix A added ..... †7323
Redesignated as 2621 ..... †32574
2610—2613 (Subchapter B) Heading added ..... †32575
2610 Revised; interim in part ..... †9497
Effective date deferred ..... †12970, 13689
Heading corrected ..... †23911
Redesignated as 2619; new 2610 redesignated from 2602 ..... †32574
Nomenclature change ..... †32575
2610.3 (a) corrected ..... †23910
2610.21 Corrected ..... †23911
2610.42 Corrected ..... †23910
2610.44 (a) and (n) corrected ..... †23911
(l) corrected ..... †32022
2610.45 (b) introductory text corrected ..... †23911
2610.47 (f) corrected ..... †23911
(d) and (e) corrected ..... †32022
2610.48 Corrected ..... †23911
2610.63 (b)(1) corrected ..... †23911
2610 Appendix B amended; interim 64908, 75210, 75658, 82172
Appendix A amended; interim 75211
Appendix B amended; interim ..... †3510, 16686
Appendix B amended; final ..... †18313
Appendixes A, C, and E corrected ..... †23911
Appendix B revised ..... †26766
Appendix B amended ..... †31258

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

2611 Redesignated as 2620; new 2611 redesignated from 2606.. †32574
Nomenclature change..... †32575
2613 Added ..... †9526
Effective date deferred..... †12970, 13689
Heading corrected..... †13690
Effective date confirmed..... †18988
Redesignated as 2622; new 2613 redesignated from 2605... †32574
Nomenclature change..... †32575
2613.8 (b)(2)(i) amended..... †32575
2614 Redesignated as 2602..... †32574
2615—2622 (Subchapter C) Heading added..... †32575
2615 Revised ..... †9538
Effective date deferred.. †12970, 13690
Effective date confirmed..... †18988
Appendix and effective date corrected ..... †10720
Redesignated as 2617; new 2615 redesignated from 2617... †32574
Nomenclature change..... †32576
2615.2 Amended ..... †32576
2615.4 Amended 32576
2615.18 (b)(2), (c)(1) and (2) and (f)(1) and (2) amended ..... †32576
2615.23 (e)(1) and (2) amended ..... †32576
2616 Redesignated from 2604.. †32574
Nomenclature change..... †32575
2617 Added 55646, 61615
Technical correction..... 61615
Redesignated as 2615; new 2617 redesignated from 2615.. †32574
Nomenclature change..... †32576
2617.2 Amended ..... †32576
2617.4 (b)(2) amended..... †32576
2617.13 (a) amended..... †32576
2617.14 (c) and (d) amended.. †32576
2617.21 Amended ..... †32576
2617.23 (a)(2) corrected..... 61615
(b)(1) amended..... †32576
2617.32 Amended ..... †32576
2618 Redesignated as 2606; new 2618 redesignated from 2608.. †32574
Nomenclature change..... †32575
2618.2 Amended ..... †32575
2618.3 (a) and (b) amended... †32575
2618.4 (b)(4) amended..... †32575
2618.10 (c) amended..... †32575
2618.12 (a) amended..... †32575
2618.13 (a) and (b)(3)(ii) amended ..... †32575
2618.14 Amended ..... †32575
2619 Redesignated from 2610.. †32574

Page

Nomenclature change..... †32575
2619.1 (a) and (b) amended... †32575
2619.2 Amended ..... †32575
2619.21 Amended ..... †32575
2619.22 Amended ..... †32576
2619.24 (a)(2) amended..... †32576
2619.25 (b)(2) amended..... †32575
2619.26 (c)(1) amended..... †32576
2619.46 (c) amended..... †32576
2619.61 Amended ..... †32576
2619 Appendix E amended..... †32576
2620 Redesignated as 2604; new 2620 redesignated from 2611.. †32574
Nomenclature change..... †32576
2621 Redesignated from 2609.. †32574
Nomenclature change..... †32575
2621.1 (a) and (b) amended... †32575
2621.2 Amended ..... †32575
2621.7 (a) amended..... †32575
2622 Redesignated from 2613.. †32574
Nomenclature change..... †32576
2622.9 (a), (b)(1) and (c) amended ..... †32576
2622.10 (b) amended..... †32576
(b) corrected..... †32867
2630—2634 (Subchapter D) Heading added..... †32575
2635—2639 (Subchapter E) Heading added..... †32575
2642 (Subchapter F) Heading added ..... †32575
2642 Redesignated from 2652.. †32574
Nomenclature change..... †32576
2642.16 (c)(1) amended..... †32576
2652 Added; interim..... †4898
Authority citation corrected... †11658
Redesignated as 2642..... †32574
2652.5 (b) corrected..... †11658
2652.6 (a) and (d) corrected... †11658
2652.13 (d)(3) corrected..... †11658
2660—2669 (Subchapter G) Heading added..... †32575
2670—2671 (Subchapter H) Heading added..... †32575
2670 Added ..... †27332
2670.1 Amended ..... †32576
2670.2 Amended ..... †32576
2671 Added ..... †27332
2671.5 (a) amended..... †32576
2690—2699 (Subchapter I) Heading added..... †32575

Chapter XXVII—Federal Mine Safety and Health Review Commission

2700.30 (c) revised..... 44302
2700.70 (a) amended..... 44301

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 29—*Proposed Rules:* Page

0—99 (Subtitle A) 81160
..... †23884, 33536
2 77047
..... †7392
4 ..... 49628, 63880, 70479, 81785
8 ..... †4951, 6019
29 58143
..... †12213
92 ..... †16827
207—215 (Ch. II) 81160
..... †23884, 33536
225 ..... †7756
401—486 (Ch. IV) 81160
..... †23884, 33536
402 75231
403 75231
452 ..... 65926, 80555
505—870 (Ch. V) 81160
..... †23884
505 63914
..... †11672
530 80555
..... †3916, 25108, 29485
541 ..... †18998
860 64212
1400—1440 (Ch. XII) 64960
..... †25109
1600—1627 (Ch. XIV) 51229
1600—1690 (Ch. XIV) ..... †10177, 14358, 20228, 23489, 33055
1603 ..... †3916
1606 62728
1611 ..... †21784
1626 ..... †9970
1627 64212
1691 ..... †22395
1901—1999 (Ch. XVII) 81160
..... †23884, 33536
1903 75232
..... †18999
1906 ..... †7392
1910 ..... 63476, 63881, 63883, 67361, 75238, 80078
..... †3916, 4183, 4412, 7692, 12020, 12213, 12214, 19501, 21368, 21785, 22764, 25653, 27358, 28864
1918a ..... †4182, 28864
1926 ..... 63883, 67361
1928 58881
1952 77048
..... †3919, 11254, 19000, 20229
1955 65625
..... †3919, 11254, 19000
1956 66475
1960 ..... 54355, 58144, 64873
1977 75232
1990 ..... †7402, 19000
2509—2560 (Ch. XXV) 81160
..... †23884, 33536
2510 ..... †8571, 11292, 12214
2520 ..... 51231, 52824, 54370, 56843, 57747, 62518, 74512, 74513, 74727, 74728, 85793
..... †1304, 10512
2530 ..... 51231, 52824, 54370, 57747, 74512, 74513, 74727, 74728
2550 51840
2601—2620 (Ch. XXVI) 72213, 84090
2601—2652 (Ch. XXVI) ..... †23267
2608 65259

TITLE 30—MINERAL RESOURCES

Chapter I—Mine Safety and Health Administration, Department of Labor

1 Authority citation; CFR correction ..... †33517
11 Authority citation; CFR correction ..... †33517
Incorporation by reference approvals ..... †33980
15 Authority citation; CFR correction ..... †33517
16 Authority citation; CFR correction ..... †33517
17 Authority citation; CFR correction ..... †33517
18 Authority citation; CFR correction ..... †33517
19 Authority citation; CFR correction ..... †33517
20 Authority citation; CFR correction ..... †33517
21 Authority citation; CFR correction ..... †33517
22 Authority citation; CFR correction ..... †33517
23 Authority citation; CFR correction ..... †33517
24 Authority citation; CFR correction ..... †33517
25 Authority citation; CFR correction ..... †33517
26 Authority citation; CFR correction ..... †33517
27 Authority citation; CFR correction ..... †33517
28 Authority citation; CFR correction ..... †33517
Incorporation by reference approvals ..... †33980
28.23 (h) revised 68935
29 Authority citation; CFR correction ..... †33517
Incorporation by reference approvals ..... †33980
31 Authority citation; CFR correction ..... †33517

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

32 Authority citation; CFR correction ..... †33517
33 Authority citation; CFR correction ..... †33517
35 Authority citation; CFR correction ..... †33517
36 Authority citation; CFR correction ..... †33517
45 Added 44496
49 Added; eff. 7-11-81 47002
50 Authority citation; CFR correction ..... †33517
55—57 (Subchapter N) Heading revised 68935
55 Incorporation by reference approval corrected 47112
Heading revised 68935
Incorporation by reference approvals ..... †33980
55.9 Amended 68935
55.20 Amended 68935
56 Incorporation by reference approval corrected 47112
Heading revised 68935
Incorporation by reference approvals ..... †33980
56.9 Amended 68935
56.19 Amended 68935
56.20 Amended 68935
57 Incorporation by reference approval corrected 47112
Heading revised 68935
Incorporation by reference approvals ..... †33980
57.4-67 Removed; eff. 7-11-81 .. 47005
57.4-69 Correctly removed; eff. 7-11-81 (see 45 FR 47005) ... †33517
57.4-70 Removed; eff. 7-11-81 .. 47005
57.6 Amended 68935
57.9 Amended 68935
57.21 Amended 68935
70—90 (Subchapter O) Heading revised 68936
70 Incorporation by reference approvals ..... †33980
71 Authority citation; CFR correction ..... †33517
Heading corrected (see 45 FR 80756) ..... †33518
Incorporation by reference approvals ..... †33980
71.1—71.2 (Subpart A) Revised .. 80756
Effective date deferred to 3-30-81 ..... †10466
71.100—71.101 (Subpart B) Revised 80757

Page

Effective date deferred to 3-30-81 ..... †10466
71.200—71.202 (Subpart C) Redesignated as 71.700—71.702 (Subpart H) 80756
71.201—71.220 (Subpart C) Added 80757
Effective date deferred to 3-30-81 ..... †10466
71.300—71.305 (Subpart D) Redesignated as 71.800—71.805 (Subpart I) 80756
71.300—71.301 (Subpart D) Added 80759
Effective date deferred to 3-30-81 ..... †10466
71.700—71.702 (Subpart H) Redesignated from 71.200—71.202 (Subpart C) 80756
Effective date deferred to 3-30-81 ..... †10466
71.800—71.805 (Subpart I) Redesignated from 71.300—71.305 (Subpart D) 80756
Effective date deferred to 3-30-81 ..... †10466
74 Authority citation; CFR correction ..... †33517
75 Incorporation by reference approval final 47111
Incorporation by reference approval corrected 47112
Authority citation; CFR correction ..... †33517
Incorporation by reference approvals ..... †33980
75.1714-1 (a) and (b) amended .. 80502
77 Incorporation by reference approval final 47111
Incorporation by reference approval corrected 47112
Authority citation; CFR correction ..... †33517
Incorporation by reference approvals ..... †33980
90 Revised 80769
Effective date deferred to 3-30-81 ..... †10466
Incorporation by reference approvals ..... †33980
90.3 Correctly revised ..... †5885

Chapter II—Geological Survey, Department of the Interior

211.10 (e)(3) revised 53130
211.67 Added; interim 84764

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 30, Chapter II—Continued

Page

Effective date deferred ..... †10707
211.75 (c)(3) revised 53130
211.77 (c) revised 53130
221.80 Added; interim 84764
Effective date deferred ..... †10707
231.80 Added; interim 84764
Effective date deferred ..... †10707
250.18 (b) removed; (c) redesignated as (b) and revised; (d) and (e) redesignated as (c) and (d) 74471
250.20 Added 74471
250.65 (b) revised 81563
250.66 Revised 81563
Corrected ..... †19935
Clarification ..... †29932
270.81 Added; interim 84764

Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior

Chapter VII Policy statement 49872
700 Incorporation by reference approvals ..... †33980
700.5 Amended 54753
700.11 (b) revised ..... †7904
(b) revision effective date deferred ..... †10707
(b) revision suspended ..... †18024
(b) suspension cancelled and revision effective date deferred ..... †20212
(b) revision effective date deferred ..... †23925
(b) revision effective date deferred to 8–15–81 ..... †31258
701.5 Temporarily suspended in part 51550
707 Comment time extended through 9–10–81 ..... †2043
715.200 Comment time announced 48129
Comment time extended 56342
(a) removed 73946
716.5 Revised 61259
716.7 (a) and (b) revised ..... †7212
(a) and (b) revision effective date deferred ..... †10707
(a) and (b) revision suspended ..... †18024
(a) and (b) suspension cancelled and revision effective date deferred ..... †20212
(a) and (b) revision effective date deferred ..... †23925

Page

(a) and (b) revision effective date deferred to 8–14–81 ..... †31258
(a)(2) revised ..... †7900
(a)(2) revision effective date deferred ..... †10707
(a)(2) revision suspended ..... †18024
(a)(2) suspension cancelled and revision effective date deferred ..... †20212
(a)(2) revision effective date deferred ..... †23925
(a)(2) revision effective date deferred to 8–15–81 ..... †31258
722.11 (a) and (b) revised 67501
722.12 (a) revised 67501
722.16 (e) added 58783
723.2 Revised 58783
723.11—723.19 Revised 58783
723.20 Added 58785
732.15 (b)(7) temporarily suspended in part 51548
732.17 (f)(2) removed; (h) added ..... †7909
761.5 (a)(2)(i) temporarily suspended in part 51548
761.12 (f)(1) corrected 47424
762.13 (a) corrected 52376
776.11 (b)(3) and (5) temporarily suspended in part 51548
779 Temporary nomenclature change 51550
779.20 Temporarily suspended in part 51548
779.21 Temporarily suspended in part 51548
780 Temporary nomenclature change 51550
780.16 Temporarily suspended in part 51548
783 Temporary nomenclature change 51550
783.14 (a)(1) revised 76934
783.20 Temporarily suspended in part 51548
783.21 Temporarily suspended in part 51548
783.25 (c), (h), and (i) temporarily suspended in part 51549
784 Temporary nomenclature change 51550
784.21 Temporarily suspended in part 51548
784.200 (a) added 64908
785 Incorporation by reference approvals ..... †33980
785.17 (b)(8) temporarily suspended in part 51549

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

	Page
(b)(1)(i) amended	54753
(a) revised	†7900
(a) revision effective date deferred	†10707
(a) revision suspended	†18024
(a) suspension cancelled and revision effective date deferred	†20212
(a) revision effective date deferred	†23925
(a) revision effective date deferred to 8-15-81	†31258
785.19 (d)(2)(iii) and (iv), and (e)(1)(ii) and (2) temporarily suspended in part	51549
(e)(1)(i)(B) amended	54753
795 Incorporation by reference approvals	†33980
800.5 Amended	52317
800.11 (b)(1)(ii) redesignated as (iii); new (b)(1)(ii) added	52317
801 Added	52317
801.13 (a) and (d) revised	52317
805.13 (b) revised; (c) and (d) redesignated as (d) and (e); new (c), (f) and (g) added	52319
805.14 (a) and (b) revised	52319
806.11 (a) revised; (b) redesignated as 806.14 and revised; (c) redesignated as (b)	52319
806.12 (e)(6)(iii), (g)(2) and (7)(iii) revised; (h) and (i) added	52320
806.13 Redesignated as 806.15; new 806.13 added	52321
806.14 Redesignated as 806.16; new 806.14 redesignated from 806.11 (b) and revised	52321
806.15 Redesignated from 806.13	52321
806.16 Redesignated from 806.14	52321
806.17 Added	52323
807.11 (e) temporarily suspended in part	51549
807.12 (a) through (d) and (e)(3) revised	52323
808.11 (c) added	52324
808.12 (c) revised; (d) added	52324
808.13 (a)(1) through (3) added	52324
808.14 (b) temporarily suspended in part	51549
816 Comment time extended through 10-10-81	†2043
Incorporation by reference approvals	†33980
816.42 (a)(1) and (7) temporarily suspended in part	51549
816.49 (a)(5) amended	54753
816.65 (f) temporarily suspended in part	51549
(e)(2) amended	54753
816.83 (a) introductory text revised	76934
816.85 (c)(2) amended	54753
816.95 Temporarily suspended in part	51549
816.115 Temporarily suspended in part	51549
816.116 Temporarily suspended in part	51549
(d) added	76935
816.133 (b)(1) and (c)(4) and (9) temporarily suspended in part	51549
816.150—816.176 Temporarily suspended in part	51549
816.200 Comment time announced	48129
Comment time extended	56342
(a) removed	73946
817 Comment time extended through 10-10-81	†2043
Incorporation by reference approvals	†33980
817.42 (a)(1) and (7) temporarily suspended in part	51549
817.49 (a)(5) amended	54753
817.52 (a)(1) amended	76935
817.54 Temporarily suspended in part	51549
817.65 (f) temporarily suspended in part	51549
(e)(2) amended	54753
817.83 (a) introductory text revised	76935
817.85 (c)(2) amended	54753
817.95 Temporarily suspended in part	51549
817.101 (b)(1) temporarily remanded in part	51550
817.102 Temporarily remanded in part	51550
817.115 Temporarily suspended in part	51549
817.116 Temporarily suspended in part	51549
817.133 (b)(1) and (c)(4) and (9) temporarily suspended in part	51549
817.150—817.176 Temporarily suspended in part	51549
817.200 Comment time announced	48129
Comment time extended	56342

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 30, Chapter VII—Continued

Page

(d) added 64908
(a) removed 73946
820 Incorporation by reference approvals ..... †33980
820.11 (d) amended 54753
822 Comment time extended through 10–10–81 ..... †2043
823 Temporarily remanded in part 51550
823.11 (c) temporarily suspended in part 51550
823.15 (b) and (c) temporarily suspended in part 51550
826 Comment time extended through 10–10–81 ..... †2043
840.13 (a) temporarily suspended in part 51548
843.13 (f) added 58785
845.15 (b) revised 58786
850 (Subchapter M and part) Added 82098
886.12 (b) revised 58007
890.11 (a) revised 74681
890.21 (a)(3) revised 74681
904 Added 77015
906 Added 82211
915 Added ..... †5891
916 Added ..... †5898
918 Added 67343
920 Added 79449
924 Added 58525
925 Added (conditional) 77027
926.20 Added 70448
926.30 Added ..... †20993
931 Added 86489
931.20 Added ..... †31641
934 Added 82246
936 Added ..... †4910
Comments responses ..... †18536
943.15 Added 78637
944 Added ..... †5913
Comments responses ..... †18541
948 Added ..... †5954
948.20 Added ..... †7327
Effective date deferred ..... †10707
950 Added 78684
Technical corrections 84765
950.20 Added ..... †9080
Effective date deferred ..... †10707
Effective date advanced ..... †17191

Title 30—*Proposed Rules:*

1—100 (Ch. I) 81160
..... †23884, 33536
23 56312
36 56308

Page

100 74444
104 54656
200—290 (Ch. II) 51102, 68665
..... †24458, 32886
200 ..... †22901
211 ..... 47712, 56081
221 ..... †27968, 32454
226 ..... †26661
231 ..... †22901
250 ..... 52408, 53840, 84824
271 ..... †22901
601 ..... †25653
602 82669
700—943 (Ch. VII) 45313, 46818, 46820, 47712, 49597, 51102, 52407, 52408, 52834, 53180–53182, 53839, 54371, 54372, 55477–55479, 55767, 71815, 74513
700—950 (Ch. VII) 81526, 84824
..... †24458
700 52410
701 52410
..... †6982
715 53183
..... †6982, 11672, 32455
722 44326
..... †22902
730 ..... †22399
731 ..... †6997, 11843, 22399
732 ..... 45313, 47162, 53489, 64961, 69482
..... †6997, 11843, 22399
761 66178
784 51240
785 56364
800 ..... †22399
808 ..... †16276
816 53183
..... †6982, 11672, 32455
817 ..... 51240, 53183
..... †6982, 11672, 32455
840 ..... †24963
841 ..... †24963
842 ..... †24963
843 ..... †22902, 24963
844 ..... †24963
845 ..... †24963
872 ..... †20688
884 ..... 47166, 49958, 53489, 64604, 65626, 70510, 71371, 73512, 74943
886 ..... 63002, 67107, 70480
890 57149
900 71816
901 68665
..... †1306
904 ..... 50616, 50820
906 ..... †33056
910 61120
913 ..... 49958, 70480, 72468
..... †3238, 4951
914 ..... 78482, 78499
..... †1309
915 ..... 68673, 82276
..... †2368

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

916 ..... 58569, 64824
917 ..... 62157, 69940, 71590
..... †3030
918 ..... 45604, 58576, 64605
..... †3238
920 ..... †33056
921 48661
922 48661
924 ..... 46449, 53841
925 47713
926 ..... 47166, 53489, 58377
931 ..... 58594, 65626
..... †33056
934 ..... †33056
935 ..... 64962, 71371, 85797
936 ..... 67361, 80837
..... †2369
937 48661
938 ..... 69970, 74943
939 48661
942 67372
..... †1309
943 44967
944 ..... 70481, 84824
..... †946, 33056
946 ..... 64604, 69977, 70510
948 ..... 69249, 73512, 83544
..... †1311, 3560, 33056
950 ..... 45927, 64971, 74728, 82675
..... †33056

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

51 Incorporation by reference approvals ..... †33980
51.55 Added ..... †1122
Effective date deferred ..... †10908, 19468, 29261, 31409
128.11 Revised 83213
128.11b Revised 83213
128.12 Revised 83213
128.12a Revised 83214
128.13 Removed 83214
128.13a Removed 83214
128.13b Removed 83214
128.13c Removed 83214
128.13d Removed 83214
128.14 Revised 83214
128.14b Revised 83214
128.16b Removed 83214
128.16c Removed 83214

Chapter II—Fiscal Service, Department of the Treasury

202 Authority citation ..... †28152

Page

202.1 Revised ..... †28152
202.2 (a)(4) revised ..... †28152
202.6 (c) revised ..... †28152
203.3 (b)(1)(i)(A) revised ..... †28153
211.1 (a) and (c) revised 47678
211.3 Revised 47678
240.5 Existing text designated as (a); (b) added ..... †22184
315 Revised 64091
321 Revised 44591
322 Removed 44591
330 Revised 44600
341 Appendix amended 53393
341.1 (a)(4) revised; (a)(5) added 53393
346.1 (a) revised 53397
346 Appendix amended 53397
Appendix corrected 53178

Chapter V—Office of Foreign Assets Control, Department of the Treasury

515.542 Revised 58843
535.204 Removed ..... †14337
535.206 Removed ..... †14337
535.207 Removed ..... †14337
535.209 Removed ..... †14337
535.210 Added ..... †14333
535.211 Added ..... †14333
535.212 Added ..... †14333
535.213 Added ..... †14334
Revised ..... †26477
(b) revised; (d) added ..... †30341
(e) added ..... †31630
535.214 Added ..... †14334
Revised ..... †26477
(b) revised; (d) added ..... †30341
(e) added ..... †31630
535.215 Added ..... †14334
Existing text designated as (a); (b) added ..... †26477
(c) added ..... †31630
535.216 Added ..... †14334
535.217 Added ..... †14330
Revised ..... †24678
535.218 Added ..... †14334
Heading and (e) revised; (f) and (g) added ..... †26477
535.219 Added ..... †14334
535.220 Added ..... †14335
535.221 Added ..... †14335
Revised ..... †30341
535.222 Added ..... †14335
535.331 Removed ..... †14337
535.333 Added ..... †14335
535.334 Added ..... †14336
535.335 Added ..... †14336

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 31, Chapter V—Continued

	Page
535.337 Added	†14336
Revised	†30341
535.418 Removed	†14337
535.419 Removed	†14337
535.422 Removed	†14337
535.423 (a) corrected	45594
Removed	†14337
535.424—535.431 Removed	†14337
535.432 Authority citation corrected	45594
Removed	†14337
535.433 Added	†14336
535.437 Added	†14336
535.438 Added	†14336
Existing text designated as (a); (b) added	†30341
535.440 Added	†14336
Revised	†30341
535.504 Revised	†14336
(c) redesignated as (d); new (c) and (e) added	†26477
535.550 Removed	†14337
535.562 Removed	†14337
535.563 Removed	†14337
535.572 Removed	†14337
535.574 Removed	†14337
535.575 Removed	†14337
535.577 Removed	†14337
535.578 Removed	†14337
535.579 Added	†14336
535.580 Added	†14330
535.603 Removed	†14337
535.618 Added	†14336
535.619 Revised	†26478
535.620 Added	†30342
Revised	†31630
535.902 Revised	†14337

Title 31—*Proposed Rules:*

0—15 (Subtitle A)	†22139
10	58594, 68686, 73962
51—129 (Ch. I)	†22139
51	†20230
128	50368
202—353 (Ch. II)	67395, 68402
	†22140, 22141
209	†27969
240	61318
344	57747
535	45609

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

	Page
Chapter I Cross reference to 44 CFR Part 332	†2344
1–39 (Subchapter A) Amendments to 1979 DAR CFR volumns	44805, 81402
41 Revised	†9572
46 Revised	84766
57 Added; interim	†25440
59 Revised	†10909
62 Revised	61615
62a Added	84995
100.6 (g) amended	48618
143 Revised	84055
159.1—159.4 Existing text designated as Subpart A	79759
159.10—159.15 (Subpart B) Added	79760
159.20—159.28 (Subpart C) Added	79764
159.30—159.35 (Subpart D) Added	79769
159.40—159.45 (Subpart E) Added	79772
159.50—159.51 (Subpart F) Added	79778
159.60—159.68 (Subpart G) Added	79782
159.70—159.72 (Subpart H) Added	79782
159.80—159.82 (Subpart I) Added	79786
159.90—159.93 (Subpart J) Added	79790
159.100—159.104 (Subpart K) Added	79790
159.110—159.113 (Subpart L) Added	79791
159.120—159.124 (Subpart M) Added	79792
159.130—159.133 (Subpart N) Added	79793
159.140—159.144 (Subpart O) Added	79794
159 Appendixes A through D added	79796
166.11 Revised	83487
199 Policy statement	64909, 70252
Policy statement	†19818, 21993
199.8 (b)(40) removed	21993
(b)(14), (103), (139), and (176) revised	†29705
199.10 (c)(2)(xiii), (xiv), and (3)(xiv) redesignated as (c)(2)(xiv), (xv), and (3)(xv); new (c)(2)(xiii) and (3)(xiv) added; (g)(38)(i) revised; (g)(39) removed	†29705
199.11 (b) introductory text and (2) revised	†29705

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

201 Revised ..... †12494
Authority citation corrected ..... †15505
205.10 Revised ..... †9083
208 Added 45580
242b.7 (a)(7)(iii) and (iv) and (b)(2), (3), and (4) revised ..... †18024
246.3 (a)(2) introductory text, (iv), (vi), and (vii) amended 46806
246.4 (a)(1) amended 46806
257.5 (a) and (c) revised 47424
286.1—286.4 Designated as Subpart A 80502
286.5 Removed 80502
286.10—286.14 (Subpart B) Added 80503
286.14 (h)(1) revised ..... †14891
286.20—286.21 (Subpart C) Added 80506
286.30—286.31 (Subpart D) Added 80506
286.40—286.44 (Subpart E) Added 80508
286.50—286.53 (Subpart F) Added 80509
286.60—286.61 (Subpart G) Added 80513
286.60 (b)(3)(iii) revised; (b)(3)(iv) and (v) redesignated as (b)(3)(v) and (vi) ..... †14891
286.70—286.71 (Subpart H) Added 80513
286.80 (Subpart I) Added 80514
286 Enclosures 1 through 6 removed 80502
Appendixes A through G and new enclosure 1 added 80515
286f Added ..... †880
288 Revised 59566
294.3 (b) revised ..... †29706
294.13 (c) and (d) revised; (e) and (f) added ..... †29706
294 Enclosures 1, 2, 3, and 4 revised; enclosure 5 added ..... †29706
295.1 Revised; eff. 7-29-81 ..... †33245
295.3 Revised; eff. 7-29-81 ..... †33245
295.4 Revised; eff. 7-29-81 ..... †33245
295.5 Revised; eff. 7-29-81 ..... †33245
295.6 Revised; eff. 7-29-81 ..... †33245
295.7 Revised; eff. 7-29-81 ..... †33245
295.8 Revised; eff. 7-29-81 ..... †33246
295.9 Revised; eff. 7-29-81 ..... †33246
295.10 Revised; eff. 7-29-81 ..... †33246
298a.14 (c), (g), and (h) removed ..... †881
299.2 Amended ..... †26482
299.4 (a), (b), and (c) amended; (d) revised ..... †26482
299.5 Amended ..... †26482
299.6 Revised ..... †26482
299a.10 (b)(13) added 80106
354.4 (c) revised 84996
354.7 (f) introductory text, (g), (m), (p), and (q) revised; (t) added 84996
359.5 (j) revised; (u) redesignated as (v) and republished; new (u) added 46071
369 Revised ..... †13691
Technical correction ..... †15506
372a Added ..... †5956

Chapter V—Department of the Army

505.9 (b) amended 83214
518.9 (b) revised 73471
518.20 Added 73472
518.21 Added 73472
518.22 Added 73472
518.23 Added 73472
552.18 (j) removed 73037
552.50—552.83 Undesignated center heading and sections added 73037
553.22 Revised 80524
581.2 Appendixes B and C amended 82925
581.3 (h)(5)(iii) removed ..... †33518
621.3 Removed 62038
623 Added 62038
644.184 (a) revised 71266
644.311—644.561 (Subpart F) Added 71266
650.21—650.39 (Subpart B) Removed 69215
651 Added 69215
657 Revised 73473

Chapter VI—Department of the Navy

700.201 Amended 80277
700.202 (a) amended 80277
700.203 (e) removed; (f) and (g) redesignated as (e) and (f); (a), (b), (d), new (e), new (f), and (h) amended; new (g) added 80277
700.204 Amended 80278
700.205 Amended 80278
700.206 (b) amended 80278
700.301 (c) amended 80278
700.305 (d) redesignated as (e); new (d) added 80278
700.315 Amended 80278

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 32, Chapter VI—Continued

Page

700.316 Revised 80278
700.320 (a) amended; (b) removed 80278
700.401 (b) revised 80278
700.752 (a), (b), and (c) amended; (e) redesignated as (f); new (e) added 80279
700.753 Heading amended; (d) added 80279
700.1116 (c) amended 80279
700.1146 Removed 80279
706.2 Table four amended 46381
Tables one and two amended 49548
Tables one and four amended 49549
Tables one and three amended 54754, 76685
Table four amended; table five added 66008
Table four amended 69447
Table four amended ..... †5962
Tables one and four amended ..... †14342
Table four amended ..... †32023
762 Nomenclature changes ..... †18313
763 Revised 51776
770.35—770.40 (Subpart D) Added ..... †22756
775 Added ..... †22893

Chapter VII—Department of the Air Force

800 Removed 64909
814 Removed 60430
817 Removed ..... †19234
826 Removed ..... †10721
828 Revised 73653
853 Removed 52800
859 Revised 62427
865.200—865.208 (Subpart C) Removed 55422
875.4 (e)(5)(ii) amended ..... †15506
875.6 (a)(3)(i) amended ..... †15506
875.9 (a)(3)(i) amended ..... †15506
875.12 Amended ..... †15506
887 Revised 62427
888.2 (c) table and (f)(5)(i) introductory text and (A) revised; (f)(2)(v) and (vi) and (5)(ii) removed 58118
888.3 (d)(5) amended; (d)(9) added 58118
888.4 (e)(5)(i) and (iii), (g)(2), and (h)(1) revised; (h)(5) introductory text, (i), and (ii) amended; (l) and (m) added 58118

Page

888.5 (a) and (i)(2) amended; (b)(1)(i) and (ii), (j), and (k)(4)(ii) revised; (k)(1) removed 58119
888.6 (b)(4)(i) and (6)(v), (c)(3)(iv) and (v), (d)(2), (e)(2)(v)(B) and (C), (g)(1)(i), and (h)(1)(iii) revised; (b)(8), (e)(2)(i) and (f)(1) amended; (b)(5) note and (d)(6) added; (c)(3)(iii) and (e)(2)(v)(D) removed 58119
888.7 (a)(1)(vii) and (da) added; (d)(8)(i) amended; (d)(9)(iii) revised 58120
888.11 Revised 58120
888d Revised 52146
955 Added 49922

Chapter XII—Defense Logistics Agency

1285 Revised ..... †20541
1292 Added 13216

Chapter XVI—Selective Service System

1611 Removed; eff. 7-18-80 48130
1612 Removed; eff. 7-18-80 48130
1613 Removed; eff. 7-18-80 48130
1615 Added; eff. 7-18-80 48130
1617 Removed; eff. 7-18-80 48131
1619 Removed; eff. 7-18-80 48131
1621.2 Removed; eff. 7-18-80 48131
1621.3 Removed; eff. 7-18-80 48131
1690 Removed 72119

Chapter XIX—Central Intelligence Agency

1900.25 Revised 74920
1900.51 (a) revised 50329
1900.61 (a) revised 48131
1902 Added 64174
1902.13 Added 64175

Chapter XXII—National Security Agency, Central Security Service

2200 Removed ..... †11659

Title 32—*Proposed Rules:*

1—372 (Ch. I) 79508
1—372a (Ch. I) ..... †24596, 28866
41 ..... †31663
199 ..... †24964

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

286f ---- 68686
291a ---- 63044
294a ---- 82960
298a ---- †29486
299 ---- †13526
299a ---- 71373
---- †13526
501—557 (Ch. V) ---- 79508
---- †24596, 28865
504 ---- †11672
505 ---- 71373, 73103, 78727
---- †28446, 33057
553 ---- 66476
556 ---- †3561
700—770 (Ch. VI) ---- 79508
---- †24596, 28865
701 ---- 76713
801—1030 (Ch. VII) ---- 79508
---- †24596, 28865
1293 ---- †23070
1602—1690 (Ch. XVI) ---- 67682, 80125
1602—1680 (Ch. XVI) ---- †6998, 26498
1900 ---- 49296

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Title vacated ---- 44574

Chapter I—Federal Preparedness Agency, General Services Administration

Chapter removed ---- 44575
101 Redesignated as 44 Part 320 and revised ---- 44575
102 Redesignated as 44 Part 321 and revised ---- 44575
102a Removed ---- 44575
103 Redesignated as 44 Part 322 and revised ---- 44575
104 Redesignated as 44 Part 323 and revised ---- 44575
105 Redesignated as 44 Part 324 and revised ---- 44575
106 Redesignated as 44 Part 325; nomenclature changes ---- 44575
107 Redesignated as 44 Part 326 and revised ---- 44575
108 Removed ---- 44575
109 Removed ---- 44575
110 Redesignated as 44 Part 327 and revised ---- 44575
111 Redesignated as 44 Part 328 and revised ---- 44575
112 Redesignated as 44 Part 329 and revised ---- 44575
113 Redesignated as 44 Part 330 and revised ---- 44575
134 Redesignated as 44 Part 331; nomenclature changes ---- 44575
165 Redesignated as 44 Part 7; nomenclature changes ---- 44575

Chapter VI—International Trade Administration, Department of Commerce

Chapter removed ---- 44574
601—603 Removed ---- 44574
621 Redesignated as 15 Part 330 ---- 44574
621a Redesignated as 15 Part 331 ---- 44574
621b Redesignated as 15 Part 332 ---- 44574
631 Redesignated as 15 Part 340 ---- 44574
632 Redesignated as 15 Part 341 ---- 44574
633 Redesignated as 15 Part 342 ---- 44574
634 Redesignated as 15 Part 343 ---- 44574
651 Redesignated as 15 Part 350 ---- 44574
652 Redesignated as 15 Part 351 ---- 44574
653 Redesignated as 15 Part 352 ---- 44574
661 Redesignated as 15 Part 353 ---- 44574
662 Redesignated as 15 Part 354 ---- 44574

Chapter VII—Department of Commerce and Department of Transportation

Chapter removed ---- 44574
701 Redesignated as 44 Part 401 ---- 44574
701a Redesignated as 44 Part 402 ---- 44574
702 Redesignated as 44 Part 403 ---- 44574

Chapter VIII—Transport Mobilization Staff, Interstate Commerce Commission

Chapter removed ---- 44574
801 Removed ---- 44574

Chapter XV—Federal Reserve System

Chapter removed ---- 44574
1505 Redesignated as 12 Part 245 ---- 44574

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

Chapter removed ---- 44587
1801—1886 (Subchapter A) Removed ---- 44587

Note: Symbol (†) refers to 1981 page numbers

80-145 O - 81 - 5

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 32A, Chapter XVIII—Continued

Page

1801 Redesignated as 46 Part 315 44587
1802 Redesignated as 46 Part 316 44587
1803 Redesignated as 46 Part 317 44587
1804 Redesignated as 46 Part 318 44587
1805 Redesignated as 46 Part 319 44587
1806 Redesignated as 46 Part 320 44587
1807 Redesignated as 46 Part 321 44587
1808 Redesignated as 46 Part 322 44587
1822 Redesignated as 46 Part 323 44587
1831 Redesignated as 46 Part 324 44587
1832 Redesignated as 46 Part 325 44587
1841 Redesignated as 46 Part 326 44587
1851 Redesignated as 46 Part 327 44587
1861 Redesignated as 46 Part 328 44587
1862 Redesignated as 46 Part 329 44587
1863 Redesignated as 46 Part 330 44587
1864 Redesignated as 46 Part 331 44587
1865 Redesignated as 46 Part 332 44587
1866 Redesignated as 46 Part 333 44587
1867 Redesignated as 46 Part 334 44587
1882 Redesignated as 46 Part 335 44587
1883 Redesignated as 46 Part 336 44587
1884 Redesignated as 46 Part 337 44587
1885 Redesignated as 46 Part 338 44587
1886 Redesignated as 46 Part 339 44587
1901—1903 (Subchapter B) Removed 44587
1901 Redesignated as 46 Part 345 44587
1902 Redesignated as 46 Part 346 44587
1903 Redesignated as 46 Part 347 44587

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

1.01–50 Added ..... †15685
3.60–50 Revised 47842
3.60–55 Revised 47842
3.60–60 Revised 47842
25 Revised ..... †27109
Table of contents corrected ..... †29933
25.105 Corrected ..... †29933
40 Added ..... †4912
66.05–100 (g–1) revised ..... †27643
67 Incorporation by reference approvals ..... †33980
80—82 (Subchapter D) Heading revised; special note transferred from beginning of Subchapter DD ..... †28153
80 Redesignated as 93; new 80 redesignated from 82 ..... †28154
81 Redesignated from 87 ..... †28154
82 Authority citation ..... †27644
Redesignated as 80; new 82 redesignated from 88 ..... †28154
84 Redesignated as 163 ..... †28154
85 Heading removed ..... †28153
86 Redesignated as 94 ..... †28154
87—88 (Subchapter DD) Heading removed; special note transferred to beginning of Subchapter D ..... †28153
87 Redesignated as 81 ..... †28154
88 Redesignated as 82 ..... †28154
90—92 (Subchapter E) Heading revised ..... †28153
90 Redesignated as 97 ..... †28154
91 Redesignated as 98 ..... †28154
92—98 (Subchapter F) Heading revised ..... †28154
93 Redesignated from 80 ..... †28154
94 Redesignated from 86 ..... †28154
97 Redesignated from 90 ..... †28154
98 Redesignated from 91 ..... †28154
100.35–501 Added (temporary) ..... †26639
100.35–1201 Added (temporary) ..... †22581
100.35–1301 Added (temporary) ..... †24178
110.8 (c–2) added 54755
110.60 (u–3) added 54755

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

110.74b Added 79031
110.91 Added ..... †28154
110.168 (d)(5) revised 64177
(d)(5) corrected 68651
117.2 Removed 46381
117.3 Revised 48618
117.15 Revised 48619
117.120 Revised 51550
117.180 (j) revised 77432
117.200 Revised 73655
(a)(5)(iv) and (v) corrected .. †2043
117.215 (j)(4) revised 77432
117.220 (p) revised 77432
117.225 (f)(1), (1-b), (1-c), (1-d), (1-e)(2), (2-a), (2-b), and (2-c) removed 73656
(f)(6) revised 77431
(f)(1-e) correctly removed ..... †2043
117.227 (h)(3) revised 46381
117.285 Removed ..... †23051
117.340 Removed ..... †23052
117.430a Removed ..... †23052
117.432a Removed 64177
117.434a Removed ..... †23053
117.440 Revised 77433
117.440a Revised 77433
117.440b Added 77433
117.442b Added 75659
117.488 Added 75660
117.560 (f)(17) revised; (f)(18) removed 48619
(g)(16) revised ..... †9579
(g)(16) effective date deferred ..... †10707, 10907
117.755 (a) revised 50748
117.759b (f)(1) and (6) revised; (f)(2) removed 50748
124 Removed 57393
126.05 (b) revised 57393
126.10 Added 57393
126.27 (b)(8) added 57394
144.01-10 (b) revised 65208
144.01-25 (b) revised 65208
148.3 Amended 85647
148.109 (j)(1)(iv) and (l)(4) revised 85647
149 Incorporation by reference approvals ..... †33980
150 Incorporation by reference approvals ..... †33980
150.301—150.345 (Subpart C) Revised 85647
150.711 (a)(1) revised; (a)(6) added 77434

Page

154 Incorporation by reference approvals ..... †33980
155 Incorporation by reference approvals ..... †33980
157 Incorporation by reference approvals ..... †33980
157.08 (g) revised; (h) added ... 82249
157.10b Added 82249
157.11 (d) introductory text revised 82250
157.15 (b)(1) revised 82250
157.24 (c) introductory text and (c)(1) revised 82250
157.35 Introductory text revised . 82250
157.200 (a) introductory text revised 82250
157.202 Introductory text revised 82250
157.206 Revised 82250
157.208 Revised 82250
157.214 Introductory text revised 82250
157.216 Introductory text revised 82250
157.220 (a) revised 82250
157.225 Introductory text revised 82250
157.226 Revised 82250
157.228 Revised 82250
157.300—157.310 (Subpart F) Added ..... †3513
Effective date deferred .. †10707, 10907
159 Incorporation by reference approvals ..... †33980
161 Authority citation 84057
161.1—161.15 (Subpart A) Added 57394
161.101 (a), (b), and introductory text of (c) revised; (c)(5) added 48823
(a), (b), (c) introductory text and (5) effective date deferred 53135
161.103 Revised 48823
Effective date deferred 53135
161.104 Revised 48823
Effective date deferred 53135
161.105 Introductory text and (f) revised; (g) added 48823
Introductory text, (f) and (g) effective date deferred 53135
161.107 (a) revised 48823
(a) effective date deferred 53135
161.109 Revised 48823
Effective date deferred 53135

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 33, Chapter I—Continued

Page

161.111 Revised 48824
Effective date deferred..... 53135
161.122 Revised 48824
Effective date deferred..... 53135
161.124 Revised 48824
Effective date deferred..... 53135
161.126 Introductory text revised 48824
Introductory text effective date deferred 53135
161.128 (f) revised..... 48824
(f) effective date deferred..... 53135
161.134 Revised 48824
Effective date deferred..... 53135
161.135 (a) revised..... 48824
(a) effective date deferred..... 53135
161.136 (a) revised..... 48824
(a) effective date deferred..... 53135
161.157 Added 48824
Effective date deferred..... 53135
161.174 (a)(2), (4), and (b) revised 48824
(a)(2), (4), and (b) effective date deferred..... 53135
161.180 Revised 84057
Effective date deferred.. †10707, 10907
161.183 (c) introductory text, (1)(ii), (3)(ii), (5)(iii), (6)(i) through (iii), and (7) through (11) revised; (c)(11) and note added..... 48824
(c) introductory text, (1)(ii), (3)(ii), (5)(iii), (6)(i) through (iii), (7) through (11) and note effective date deferred; (c)(3)(ii), and introductory texts (c)(9) and (19) revised..... 53135
(c)(8) and (9) introductory texts corrected..... 74472
161.187 (f) through (k) revised; (l) added..... 48824
(f) through (l) effective date deferred; (i) and (j) revised 53135
161.188 Revised 48825
Effective date deferred..... 53135
161.501 Effective date deferred.. †10707, 10907, 19234
161.503—161.507 Effective date deferred ..... †10707, 10907, 19234
161.509 Effective date deferred.. †10707, 10907, 19234
161.511 Effective date deferred.. †10707, 10907, 19234

Page

161.520 Effective date deferred.. †10707, 10907, 19234
161.522 Effective date deferred.. †10707, 10907, 19234
161.524 Effective date deferred.. †10707, 10907, 19234
161.526 Effective date deferred.. †10707, 10907, 19234
161.528 Effective date deferred.. †10707, 10907, 19234
161.530 Effective date deferred.. †10707, 10907, 19234
161.532 Effective date deferred.. †10707, 10907, 19234
161.536—161.540 Effective date deferred ..... †10707, 10907, 19234
161.542 Effective date deferred.. †10707, 10907, 19234
161.570 Effective date deferred.. †10707, 10907, 19234
161.572—161.575 Effective date deferred ..... †10707, 10907, 19234
161.580—161.583 Effective date deferred ..... †10707, 10907, 19234
162.110 Revised ..... †7960
Effective date deferred.. †10707, 10907
162.115 Revised ..... †7960
Effective date deferred.. †10707, 10907
162.120 Revised ..... †7960
Effective date deferred.. †10707, 10907
162.125 Revised ..... †7960
Effective date deferred.. †10707, 10907
162.130 Removed ..... †7960
Removal effective date deferred ..... †10707, 10907
162.145 Revised ..... †7960
Effective date deferred.. †10707, 10907
162.150 Revised ..... †7960
Effective date deferred.. †10707, 10907
162.155 Revised ..... †7960
Effective date deferred.. †10707, 10907
162.160 Revised ..... †7960
Effective date deferred.. †10707, 10907
162.165 Revised ..... †7960
Effective date deferred.. †10707, 10907
162.170 Removed ..... †7960
Removal effective date deferred ..... †10707, 10907
162.175 Revised ..... †7960
Effective date deferred.. †10707, 10907
162.180 Removed ..... †7960
Removal effective date deferred ..... †10707, 10907
162.185 Removed ..... †7960
Removal effective date deferred ..... †10707, 10907
162.190 Removed ..... †7960

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

Removal effective date deferred ..... †10707, 10907
162.265 Removed ..... †27644
163 Redesignated from 84..... †28154
164 Incorporation by reference approvals ..... †33980
164.01 Revised; eff. 7-1-82..... 54039
164.02 (a) revised; eff. 7-1-82.. 54039
164.38 Added; eff. 7-1-82..... 54039
(b)(3)(ii) corrected..... 71800
164.53 (b) revised..... 57395
164 Appendix A corrected..... 71800
165.211 Added ..... †26056
165.312 Added (temporary)..... 45269
165.319 Added ..... †20551
165.801 Added; interim..... †29934
165.902 Added ..... †7961
Effective date deferred.. †10707, 10907
165.1107 Added 49253
Revised; interim..... 49254
165.1108 Added; interim..... 65208
Added 85449
165.1303 (b)(6) added..... 46382
Revised (temporary)..... 53159
(b)(1) and (3) revised..... 66009
Removed 82251
175.130 Table revised..... 45270
Table footnote corrected..... 54042
181.11 (c) added; eff. 8-1-82..... †3515
(c) corrected..... †9579
183 Incorporation by reference approval corrected..... 47112
Incorporation by reference approvals ..... †33980
183.435 Incorporation by reference 85450
183.620 (e)(5) revised..... †27645
183.701—183.715 (Subpart L) Added; eff. 8-1-82..... †3515
183.901 (Subpart N) Added; eff. 7-27-81 ..... †32867

Chapter II—Corps of Engineers, Department of the Army

204.223 (c) revised..... 57126
204.224a (a) and (b)(2) revised.. 57126
204.224b (b)(2) revised..... 57126
204.234 (b)(2) revised; eff. 7-6-81 ..... †29935
207.20 Revised 51552
(f) introductory text corrected.. 60430
207.171b Added 76144
207.590 (m)(9) and (10) added.. 51555
207.805 Removed 57126
207.806 (b)(4) revised..... 57126
209.135 (b) revised..... †11660
209.410 Removed 56761
222 Incorporation by reference approvals ..... †33980
230 Added 56761
230.3 (x) and (z) corrected; (aa) through (tt) redesignated as (cc) through (vv); new (aa) and (bb) correctly added..... †14745
230.7 (c) corrected..... †14745
230.9 (c) corrected..... †14745
230.10 Corrected ..... †14745
230.12 Corrected ..... †14745
230.15 Corrected ..... †14745
230.17 (b) and (c) corrected..... †14745
230.19 (d) and (e) corrected..... †14745
230.25 (a)(3) and (15) and (c) corrected ..... †14745
230 Appendixes A, B, and C corrected ..... †14746
238 Revised 71801
252 Removed ..... †28650
264 Removed ..... †28650
275 Removed ..... †28650
278 Removed ..... †28650
341 Removed ..... †28650
396 Added 63489

Chapter IV—Saint Lawrence Seaway Development Corporation, Department of Transportation

401.2 Amended 52377
401.3 (b) and (d) revised..... 52377
401.5 (b) removed..... 52378
Heading corrected..... 56342
401.6 Heading revised; (c) added 52378
401.16 Introductory text and (b) revised 52378
401.19 Heading revised; (c) added 52378
401.20 Heading revised..... 52378
401.21 Revised 52378
401.23 (a) revised..... 52378
401.26 (a) introductory text, (b), and (c) revised..... 52378
401.29 (c) removed..... 52378
401.31 (c)(2) revised; (c)(4) revoked 52378
401.33 Revised 52378
401.35 Revised 52378
401.40 (a) revised..... 52378
401.43 Introductory text revised; table amended..... 52378
401.51 Revised 52379
401.59 (b) revised..... 52379

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 33, Chapter IV—Continued

Page

401.62 Amended 52379
401.63 Amended 52379
401.66 Revised 52379
401.67 Revised 52379
401.68 Revised 52379
401.69 Revised 52379
401.70 Revised 52379
401.71 Revised 52380
(b) corrected 56342
401.72 Revised 52380
401.73 Revised 52380
401.77 Removed 52380
401.78 Revised 52380
401.80 Revised 52380
(b) revised 56342
401.84 Revised 52380
401.85 Revised 52380
401.95 Redesignated as 401.96 and introductory text revised; new 401.95 added 52380
401.96—401.97 Undesignated center heading added 52380
401.96 Redesignated as 401.97; new 401.96 redesignated from 401.95 and introductory text amended 52380
401.97 Redesignated from 401.96 52380
401.1—401.97 (Subpart A) Schedule III removed; Schedules I and II redesignated as Schedules II and III and amended; Schedule I and Appendix I added 52380
Schedule II corrected 56342, 70864
402.8 Added 70864

Title 33—*Proposed Rules:*

1—183 (Ch. I) ..... 56538, †14132, 20036, 21184
1 ..... †946, 12987
66 73695
82 ..... 83267, †32886
87 ..... †8030
88 85468
89 ..... 85468, †26661
92 ..... †946, 12987
95 ..... †27128
100 ..... †29288
110 ..... 48662, 60929, 79103, †9659, 21626, 22206, 31278
117 ..... 51617, 51618, 56364, 62158, 64177, 66178, 77458, 79101, 79102, 80839, 81607, †2120, 2652, 4953, 30354, 30834, 32887
137 65480
150 65480
155 ..... 83268, †11556
158 ..... †24213
160 ..... †30835
161 ..... 48826, 48827, 62158, 85471, †946, 12987, 22207
162 ..... 56365, 81607, †29954
165 ..... †26072
174 55768
175 47876
179 85475
181 85476
203—396 (Ch. II) ..... 79508, †24596, 28865
204 ..... †13733, 18050
207 ..... 46093, 70511, †10923
209 54770
320 ..... 62732, 79836, †26792
321 ..... 62732, 79836, †26792
322 ..... 62732, 79836, †26792
323 ..... 62732, 79836, †26792
324 ..... 62732, 79836, †26792
325 ..... 62732, 79836, †26792
326 ..... 62732, 79836, †26792
327 ..... 62732, 79836, †26792
328 ..... 62732, 79836, †26792
329 ..... 62732, 79836, †26792
330 ..... 62732, 79836, †26792
401—403 (Ch. IV) ..... 56538, †4132, 20036, 21184
402 ..... †30838

TITLE 34—EDUCATION

Subtitle A—Office of the Secretary, Department of Education

Subtitle A Nomenclature changes 86301
3 Added 86491
64.1—64.20 (Subpart A) Heading added 53413
64.1—64.18 (Subpart A) Revised 53416
64.20—64.26 (Subpart B) Added; eff. 7–29–81 ..... †33247
64.70—64.81 (Subpart G) Added 53413
75 Redesignated from 45 CFR Part 100a 77368

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

Nomenclature changes; text preceding part removed ---- 86296
Heading corrected ---- †10153
75.1 Introductory text redesignated as (a) and revised; (b) added (effective pending congressional review) ---- 84059
(a) and (b) effective date deferred ---- †10721
75.100 Note removed ---- 86297
75.101 (a)(9) amended; (a)(10) redesignated as (a)(11); new (a)(10) added (effective pending congressional review) ---- †3205
(c) added ---- 84059
(c) effective date deferred ---- †10721
75.105 Added (effective pending congressional review) ---- †3205
Effective date deferred ---- †12496
75.210 Added (effective pending congressional review) ---- 84059
Effective date deferred ---- †10721
75.220 (b)(3) revised ---- 86297
75.221 (b)(1)(iii) revised ---- 86297
75.591 Revised ---- 86297
Technical correction ---- †10153
75.620 (b) revised ---- 86297
75.626 (a) revised ---- 86297
75.720 (b) revised ---- 86297
75.734 Note added ---- 86296
75.741 Note added ---- 86296
75.901 Revised ---- 86297
75.902 Removed ---- 86298
75.903 (c) revised ---- 86298
76 Redesignated from 45 CFR Part 100b ---- 77368
Nomenclature changes ---- 86296
76.1 Introductory text redesignated as (a) and revised; new (b) added (effective pending congressional review) ---- 84059
(a) and (b) effective date deferred ---- †10721
76.101 Note added ---- 86296
76.102 Introductory text revised; (x) and cross reference added (effective pending congressional review) ---- 84060
Introductory text and (x) effective date deferred ---- †10721
76.103 Note added ---- 86296
76.301 Note added ---- 86296
76.401 Note added ---- 86296
76.591 Revised ---- 86298
76.600 (b) revised ---- 86298

Page

76.705 Note added ---- 86296
76.706 Note added ---- 86296
76.734 Note added ---- 86296
76.741 Note added ---- 86296
76.783 Note added ---- 86296
77 Redesignated from 45 CFR Part 100c ---- 77368
Heading revised ---- 86298
77.1 (a) removed; (b) and (c) amended ---- 86298
77.2 Removed ---- 86298
78 Redesignated from 45 CFR Part 100d ---- 77368
Revised (effective pending congressional review) ---- †27305
78.2 (a)(1) revised; (a)(4) redesignated as (a)(5); new (a)(4) added (effective pending congressional review) ---- †883
(a)(1), (4), and (5) effective date deferred ---- †12496
78.3 Amended (effective pending congressional review) ---- †883
Effective date deferred ---- †12496
78.6 (a)(4) redesignated as (a)(7); new (a)(4) through (6) added (effective pending congressional review) ---- †883
(a)(4) through (7) effective date deferred ---- †12496
78.11 (a) and authority citation revised (effective pending congressional review) ---- †883
(a) and authority citation effective date deferred ---- †12496
78.12 Authority citation (effective pending congressional review) ---- †883
Authority citation effective date deferred ---- †12496
78.13 Authority citation (effective pending congressional review) ---- †883
Authority citation effective date deferred ---- †12496
78.14 Authority citation (effective pending congressional review) ---- †883
Authority citation effective date deferred ---- †12496
78.15 Authority citation (effective pending congressional review) ---- †883
Authority citation effective date deferred ---- †12496

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 34, Subtitle A—Continued

Page

78.16 Authority citation (effective pending congressional review) ---------- †883
Authority citation effective date deferred ---------- †12496
78.21 Heading, (a), (b), and authority citation revised (effective pending congressional review) ---------- †883
Heading, (a), (b), and authority citation effective date deferred ---------- †12496
78.22—78.28 (Subpart C) Heading revised (effective pending congressional review) ---------- †883
Heading effective date deferred ---------- †12496
78.22—78.24 Undesignated center heading revised (effective pending congressional review) ---------- †884
Undesignated center heading effective date deferred ---------- †12496
78.22 Heading, (a), (b), and authority citation revised (effective pending congressional review) ---------- †884
Heading, (a), (b), and authority citation effective date defered ---------- †12496
78.23 (a) and authority citation revised (effective pending congressional review) ---------- †884
(a) and authority citation effective date deferred ---------- †12496
78.24 (a), (c), and authority citation revised (effective pending congressional review) ---------- †884
(a), (c), and authority citation effective date deferred ---------- †12496
78.25 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78.26 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78.27 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78.28 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78.31 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78.32 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78.33 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78.34 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78.81 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78.82 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78.83 Revised (effective pending congressional review) ---------- †884
Effective date deferred ---------- †12496
78.84 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78.85 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78.86 Authority citation (effective pending congressional review) ---------- †884
Authority citation effective date deferred ---------- †12496
78 Appendix A removed ---------- †884
Appendix A removal effective date deferred ---------- †12496
99.1 Note added ---------- 86296

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Chapter I—Office for Civil Rights, Department of Education

Page

Chapter I Nomenclature changes 86301
104 Interpretation (effective pending congressional review) 86390
Interpretation (effective pending congressional review) †4912
Interpretation effective date deferred †12495, 12496
Technical correction †13511
Interpretation effective date deferred †18975, 25614
Incorporation by reference approvals †33980
106.4 (a) amended 86298
106.11 Revised 86298
106.15 (b) revised 86298

Chapter II—Office of Elementary and Secondary Education, Department of Education

Chapter II Nomenclature changes 86301
200 Redesignated from 45 CFR Part 116 77368
Revised (effective pending congressional review) †5138
Effective date deferred †12496
Effective date confirmed (except 200.93–200.95); interim †18976
200.1 (b) revised 86298
200.2 (b) amended 86298
200.92 (b) revised; interim †18976
200.93—200.95 Designated as guidelines (effective pending congressional review) †18976
200.93 (a) revised (effective pending congressional review) †18977
200.94 (d)(2) and (3) revised; (d) example removed; (f) example amended (effective pending congressional review) †18977
201 Redesignated from 45 CFR Part 116a 77368
Revised (effective pending congressional review) †5160
Effective date deferred †12496
Effective date confired (except 201.130—201.144); interim †18976
201.1 (b) revised 86298
201.118 (a) revised; interim †18977

Page

201.130—201.144 Undesignated center headings and text designated as guidelines (effective pending congressional review) †18976
201.130 Revised (effective pending congressional review) †18977
201.144 Correctly added (effective pending congressional review) †18977
203 Redesignated from 45 CFR Part 116c 77368
204 Redesignated from 45 CFR Part 116d 77368
204.12 (b)(12) revised 86298
208 Redesignated from 45 CFR Part 119 77368
208.4 (b) amended 86298
208.10 (e) revised 86299
Authority citation corrected †10154
209 Redesignated from 45 CFR Part 120 77368
209.4 (b) amended 86299
211 Redesignated from 45 CFR Part 191 77369
211.33 Revised (effective pending congressional review) †5373
Effective date deferred †12496
211.45 Revised (effective pending congressional review) †5374
Effective date deferred †12496
211.49 Revised (effective pending congressional review) †5374
Effective date deferred †12496
215 Redesignated from 45 CFR Part 158 77369
215.15 Revised (effective pending congressional review) †5375
Effective date deferred †12496
215.42 Heading and (b) revised (effective pending congressional review) †5376
Effective date deferred †12496
215.52 Revised (effective pending congressional review) †5376
Effective date deferred †12496
218 Redesignated from 45 CFR Part 111 77368
219 Redesignated from 45 CFR Part 112 77368
219.1 (c) revised 86299
220 Redesignated from 45 CFR Part 113 77368
220.1 (d) revised 86299
Authority citation corrected †10154
221 Redesignated from 45 CFR Part 114 77368

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 34, Chapter II—Continued

Page

221.64 (b) revised ... 86299
221 Appendix A amended ... 86299
222 Redesignated from 45 CFR Part 115 ... 77368
222.70 (a) amended ... 86299
222.83 (c) revised ... 86299
223 Added (effective pending congressional review) ... †7199
Effective date deferred ... †12496
230 Added ... †4536
Effective date deferred ... †12496
231 Added ... †4541
Effective date deferred ... †12496
240 Redesignated from 45 CFR Part 197 ... 77369
Revised (effective pending congressional review) ... 80989
Correctly revised ... †9873
241 Redesignated from 45 CFR Part 198 ... 77369
Removed (effective pending congressional review) ... 84060
250 Redesignated from 45 CFR Part 186 ... 77369
251 Redesignated from 45 CFR Part 186a ... 77369
252 Redesignated from 45 CFR Part 186b ... 77369
253 Redesignated from 45 CFR Part 186c ... 77369
254 Redesignated from 45 CFR Part 186d ... 77369
255 Redesignated from 45 CFR Part 186e ... 77369
256 Redesignated from 45 CFR Part 186f ... 77369
257 Redesignated from 45 CFR Part 186g ... 77369
258 Redesignated from 45 CFR Part 186h ... 77369
259 Redesignated from 45 CFR Part 186i ... 77369
260 Redesignated from 34 CFR Part 186j ... 77369
261 Redesignated from 45 CFR Part 186k ... 77369
262 Redesignated from 45 CFR Part 186l ... 77369
263 Redesignated from 45 CFR Part 187 ... 77369
270 Redesignated from 45 CFR Part 180 ... 77369
280 Redesignated from 45 CFR Part 185 ... 77369
295 Redesignated from 45 CFR Part 161 ... 77369
296 Redesignated from 45 CFR Part 161a ... 77369

Chapter III—Office of Special Education and Rehabilitative Services, Department of Education

Chapter III Nomenclature changes ... 86301
300 Redesignated from 45 CFR Part 121a ... 77368
Interpretation (effective pending congressional review) ... 86390
Interpretation (effective pending congressional review) ... †4912
Interpretation effective date deferred ... †12495, 12496
Technical correction ... †13511
Interpretation effective date deferred ... †18975, 25614
300.5 (b)(7) and (8)(ii) revised (effective pending congressional review) ... †3866
(b)(7) and (8)(ii) effective date deferred ... †12496
300 Appendix added (effective pending congressional review) ... †5461
Appendix effective date deferred ... †12496
301 Redesignated from 45 CFR Part 121m ... 77368
302 Redesignated from 45 CFR Part 116b ... 77368
305 Redesignated from 45 CFR Part 121b ... 77368
305.17 Added (effective pending congressional review) ... †5377
Effective date deferred ... †12496
307 Redesignated from 45 CFR Part 121c ... 77368
307.41 Added (effective pending congressional review) ... †5377
Effective date deferred ... †12496
309 Redesignated from 45 CFR Part 121d ... 77368
309.61 Added (effective pending congressional review) ... †5378
Effective date deferred ... †12496
315 Redesignated from 45 CFR Part 121e ... 77368
315.4 Revised (effective pending congressional review) ... †5379
Effective date deferred ... †12496

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

318 Redesignated from 45 CFR Part 121f 77368
318.20 Revised (effective pending congressional review) ..... †5379
Effective date deferred ..... †12496
320 Redesignated from 45 CFR Part 121g 77368
322 Added (effective pending congressional review) ..... †4915
Effective date deferred ..... †12496
324 Redesignated from 45 CFR Part 121h 77368
324.3 Revised; conditionally eff. 8–3–81 ..... †31997
324.4 Revised; conditionally eff. 8–3–81 ..... †31997
324.5 Removed; conditionally eff. 8–3–81 ..... †31997
324.7 Revised (effective pending congressional review) ..... †5380
Effective date deferred ..... †12496
324.8 Revised (effective pending congressional review) ..... †5381
Effective date deferred ..... †12496
324.9 Revised; conditionally eff. 8–3–81 ..... †31997
324.10 Revised; conditionally eff. 8–3–81 ..... †31997
324.11 Added; conditionally eff. 8–3–81 ..... †31998
324.12 Added; conditionally eff. 8–3–81 ..... †31998
330 Redesignated from 45 CFR Part 121o 77368
331 Redesignated from 45 CFR Part 121p 77368
332 Redesignated from 45 CFR Part 121q 77368
332.32 Revised (effective pending congressional review) ..... †3206
Effective date deferred ..... †12496
333 Redesignated from 45 CFR Part 121r 77368
338 Redesignated from 45 CFR Part 121k 77368
338.18 Revised (effective pending congressional review) ..... †5381
Effective date deferred ..... †12496
345 Redesignated from 45 CFR Part 195 77369
346 Redesignated from 45 CFR Part 195a 77369
347 Redesignated from 45 CFR Part 195b 77369
361 Redesignated from 45 CFR Part 1361 77369
Nomenclature change (in part) 86299

Page

361.1 (Subpart A) Revised (effective pending congressional review) ..... †5524
Effective date deferred ..... †12496
361.1 (e), (v), and (hh) removed 86299
361.2—361.58 (Subpart B) Revised (effective pending congressional review) ..... †5526
Effective date deferred ..... †12496
361.15 (b) amended 86299
361.70—361.91 (Subpart C) Revised (effective pending congressional review) ..... †5539
Effective date deferred ..... †12496
361.150—361.155 (Subpart F) Revised (effective pending congressional review) ..... †5542
Effective date deferred ..... †12496
361.151 (f) amended 86299
361.170—361.186 (Subpart G) Revised (effective pending congressional review) ..... †5543
Effective date deferred ..... †12496
362 Redesignated from 45 CFR Part 1362 77369
Nomenclature change 86299
362.1—362.30 (Subpart A) Redesignated as new Part 369 and revised (effective pending congressional review) ..... †5417
Redesignation effective date deferred ..... †12496
362.1 (a) amended 86299
362.14 Removed 86299
362.19 Amended 86299
362.24 Amended 86299
362.40 Redesignated as Part 373 and revised (effective pending congressional review) ..... †5427
362.42 Redesignated as Part 375 and revised (effective pending congressional review) ..... †5430
362.43 Redesignated as Part 379 and revised (effective pending congressional review) ..... †5432
362.45 Redesignated as Part 370 and revised (effective pending congressional review) ..... †5421
362.70—362.76 (Subpart E) Redesignated as Part 386 and revised (effective pending congressional review) 86381
365 Added (effective pending congressional review) ..... †5545
Effective date deferred ..... †12496

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 34, Chapter III—Continued

Page

366 Added (effective pending congressional review) ..... †5411
Effective date deferred ..... †12496
369 Redesignated from 45 CFR Part 1369 77369
Nomenclature change 86299
Redesignated as Part 395; new Part 369 redesignated from 362.1—362.30 (Subpart A) and revised (effective pending congressional review) ..... †5417
Redesignation effective date deferred ..... †12496
369.1 (e) and (r) removed 86299
370 Redesignated from 45 CFR Part 1370 77369
Nomenclature change (in part) 86299
Removed (effective pending congressional review) ..... †5551
Redesignated from 362.45 and revised (effective pending congressional review) ..... †5421
Redesignation and revision effective date deferred ..... †12496
371 Added (effective pending congressional review) ..... †5423
Effective date deferred ..... †12496
372 Added (effective pending congressional review) ..... †5425
Effective date deferred ..... †12496
373 Redesignated from 362.40 and revised (effective pending congressional review) ..... †5427
Redesignation and revision effective date deferred ..... †12496
374 Added (effective pending congressional review) ..... †5429
Effective date deferred ..... †12496
375 Redesignated from 362.42 and revised (effective pending congressional review) ..... †5430
Redesignation and revision effective date deferred ..... †12496
378 Added (effective pending congressional review) ..... †5431
Effective date deferred ..... †12496
379 Redesignated from 362.43 and revised (effective pending congressional review) ..... †5432
Redesignation and revision effective date deferred ..... †12496
385 Added (effective pending congressional review) 86379
Effective date deferred ..... †12495

Page

386 Redesignated from 362.70—362.76 (Subpart E) and revised (effective pending congressional review) 86381
Effective date deferred ..... †12495
387 Added (effective pending congressional review) 86383
Effective date deferred ..... †12495
388 Added (effective pending congressional review) 86384
Effective date deferred ..... †12495
389 Added (effective pending congressional review) 86385
Effective date deferred ..... †12495
390 Added (effective pending congressional review) 86386
Effective date deferred ..... †12495
395 Redesignated from Part 369 (effective pending congressional review) ..... †5417
Redesignation effective date deferred ..... †12496

Chapter IV—Office of Vocational and Adult Education, Department of Education

Chapter IV Nomenclature changes 86301
400 Redesignated from 45 CFR Part 104 77368
408 Redesignated from 45 CFR sections 105.1—105.504 and Appendixes A and B 77368, 86301
Correctly redesignated from 45 CFR Sections 105.1—105.506 and appendixes A and B ..... †3207
408.110 Revised (effective pending congressional review) ..... †5382
Effective date deferred ..... †12496
419 Redesignated from 45 CFR Part 161f 77369
425 Redesignated from 45 CFR Part 166 77369
426 Redesignated from 45 CFR Part 166a 77369
431 Redesignated from 45 CFR Part 166b 77369
432 Redesignated from 45 CFR Part 166c 77369
440 Redesignated from 45 CFR Part 163 77369
441 Redesignated from 45 CFR Part 163a 77369
442 Redesignated from 45 CFR Part 163b 77369

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

443 Redesignated from 45 CFR Part 163c 77369
444 Redesignated from 45 CFR Part 163d 77369

Chapter V—Office of Bilingual Education and Minority Languages Affairs, Department of Education

Chapter V Nomenclature changes 86301
500 Redesignated from 45 CFR Part 123 77368
501 Redesignated from 45 CFR Part 123a 77368
502 Redesignated from 45 CFR Part 123b 77368
503 Redesignated from 45 CFR Part 123c 77368
504 Redesignated from 45 CFR Part 123d 77368
505 Redesignated from 45 CFR Part 123i 77368
510 Redesignated from 45 CFR Part 123e 77368
514 Redesignated from 45 CFR Part 123f 77368
515 Redesignated from 45 CFR Part 123h 77368
520 Redesignated from 45 CFR Part 123g 77368
525 Redesignated from 45 CFR sections 105.601—105.607 ..... 77368, 86301
Authority citation added 86301
525.601 Revised 86301
525.606 Revised (effective pending congressional review) ..... †5383
Effective date deferred ..... †12496
526 Redesignated from 45 CFR sections 105.611—105.617 ..... 77368, 86301
Authority citation added 86301
526.611 Revised 86301
526.612 (b) revised 86299
526.616 Revised (effective pending congressional review) ..... †5384
Effective date deferred ..... †12496
527 Redesignated from 45 CFR sections 105.621—105.627 ..... 77368, 86301
Authority citation added 86301
527.621 Revised 86301
527.626 Revised (effective pending congressional review) ..... †5384
Effective date deferred ..... †12496

Page

537 Redesignated from 45 CFR Part 122a 77368
537.3 (b) amended 86300
537.4 (b) revised 86300
538 Added ..... †3380
539 Added (effective pending congressional review) ..... †3388

Chapter VI—Office of Postsecondary Education, Department of Education

Chapter VI Nomenclature changes 86301
603 Redesignated from 45 CFR Part 149 77369
603.4 Revised 86300
603.22 Revised 86300
604 Added (effective pending congressional review) 83221
605 Redesignated from 45 CFR Part 199a 77369
606 Redesignated from 45 CFR Part 137 77368
610 Redesignated from 45 CFR Part 173 77369
614 Redesignated from 24 CFR Part 279 77369
614.1—614.9 (Subpart A) Nomenclature change 86300
614.1 (g) removed; (h) redesignated as (g) 86300
614.4 (a) revised 86300
614.10—614.24 (Subpart B) Removed 86300
614.26—614.34 (Subpart C) Removed 86300
614.35—614.40 (Subpart D) Removed 86300
614.41—614.44 (Subpart E) Nomenclature change 86300
614.60—614.66 (Subpart F) Nomenclature change 86300
614.60 Amended 86300
614.62 Nomenclature change 86300
617 Redesignated from 45 CFR Part 170 77369
621 Redesignated from 45 CFR Part 101 77368
624 Redesignated from 45 CFR Part 169 77369
624.52 Revised (effective pending congressional review) ..... †5385
Effective date deferred ..... †12496
629 Redesignated from 45 CFR Part 189 77369
631 Redesignated from 45 CFR Part 182 77369

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 34, Chapter VI—Continued

Page

639 Redesignated from 45 CFR Part 150 ... 77369
643 Redesignated from 45 CFR Part 159 ... 77369
643.7 Revised (effective pending congressional review) ... †5386
Effective date deferred ... †12496
644 Redesignated from 45 CFR Part 154 ... 77369
644.6 Revised (effective pending congressional review) ... †5387
Effective date deferred ... †12496
645 Redesignated from 45 CFR Part 155 ... 77369
645.8 Revised (effective pending congressional review) ... †5388
Effective date deferred ... †12496
646 Redesignated from 45 CFR Part 157 ... 77369
646.6 Revised (effective pending congressional review) ... †5389
Effective date deferred ... †12496
647 Redesignated from 45 CFR Part 1611 ... 77369
648 Redesignated from 45 CFR Part 179 ... 77369
649 Redesignated from 45 CFR Part 194 ... 77369
Revised (effective pending congressional review) ... †3401
Effective date deferred ... †12496
650 Redesignated from 45 CFR Part 196 ... 77369
655 Redesignated from 45 CFR Part 146 ... 77368
Revised ... 86874
Appendix amended ... 86300
Effective date deferred ... †12496
656 Added ... 86876
Effective date deferred ... †12496
658 Added ... 86879
Effective date deferred ... †12496
660 Added ... 86881
Effective date deferred ... †12496
662 Redesignated from 45 CFR Part 148 ... 77368
662.14 Revised (effective pending congressional review) ... 79032
662.24 Revised (effective pending congressional review) ... 79033
662.34 Revised (effective pending congressional review) ... 79033
662.43 Revised (effective pending congressional review) ... 79034
667 Redesignated from 45 CFR Part 146a ... 77368
Revised ... 86883
Effective date deferred ... †12496
668 Redesignated from 45 CFR Part 168 ... 77369
Revised ... 86855
Meetings announced ... †8032
Meetings cancelled ... †11661
Effective date deferred ... †12496
674 Redesignated from 45 CFR Part 174 ... 77369
Annual publication of table ... 84768
Revised (effective pending congressional review) ... †5241
Meetings announced ... †8032
Meetings cancelled ... †11661
Effective date deferred ... †12496
674.2 (c) amended ... †6324
(c) effective date deferred ... †12496
674.9 (g) revised ... †6324
(g) effective date deferred ... †12496
674.11 Revised ... †6325, 6326
Effective date deferred ... †12496
675 Redesignated from 45 CFR Part 175 ... 77369
Annual publication of table ... 84768
Appendix B nomenclature change ... 86300
Revised (effective pending congressional review) ... †5266
Meetings announced ... †8032
Meetings cancelled ... †11661
Effective date deferred ... †12496
675.9 (g) revised ... †6326
(g) effective date deferred ... †12496
675.11 Revised ... †6326
Effective date deferred ... †12496
676 Redesignated from 45 CFR Part 176 ... 77369
Annual publication of table ... 84768
Revised (effective pending congressional review) ... †5281
Meetings announced ... †8032
Meetings cancelled ... †11661
Effective date deferred ... †12496
676.9 (g) revised ... †6327
(g) effective date deferred ... †12496
676.11 Revised ... †6327
Effective date deferred ... †12496
682 Redesignated from 45 CFR Part 177 ... 77369
Meetings announced ... †8032
Meetings cancelled ... †11661
682.200 Amended ... 86300
Amended ... †6328
Effective date deferred ... †12496
682.201 (c)(3) revised ... †6329
(c)(3) effective date deferred ... †12496

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

682.508 Revised (effective pending congressional review) ---- †3868
Effective date deferred ---- †12496
682.600 (a)(1) revised ---- 86300
682.608 (b) revised (effective pending congressional review) ---- †3872
(b) effective date deferred ---- †12496
682 Appendix A Added (effective pending congressional review) ---- †3872
Appendix A effective date deferred ---- †12496
683.10 Amended (part issued as proposed rule 1-19-81) ---- †6329
Effective date deferred ---- †12496
686 Redesignated from 45 CFR Part 178 ---- 77369
Removed ---- 86869
690 Redesignated from 45 CFR Part 190 ---- 77369
Meetings announced ---- †8032
Meetings cancelled ---- †11661
690.1—690.10 (Subpart A) Revised (effective pending congressional review) ---- 86395
Effective date deferred ---- †12496
690.11—690.16 (Subpart B) Revised (effective pending congressional review) ---- 86398
Effective date deferred ---- †12496
690.31—690.39 (Subpart C) Revised (effective pending congressional review) ---- †5322
Effective date deferred ---- †12496
690.34 (a)(1) amended (effective pending congressional review) ---- †16823
690.34a (a)(1) table revised (effective pending congressional review ---- †16823
690.41—690.48 (Subpart D) Revised (effective pending congressional review) ---- †5325
Effective date deferred ---- †12496
690.44 (a)(1) amended (effective pending congressional review) ---- †16823
690.51—690.58 (Subpart E) Revised ---- †6330
Effective date deferred ---- †12496
690.61—690.68 (Subpart F) Revised (effective pending congressional review) ---- 86399
Effective date deferred ---- †12496
690.71—690.85 (Subpart G) Revised (effective pending congressional review) ---- 86401
Effective date deferred ---- †12496
690.75 (g)(3) revised ---- †6331
(g)(3) effective date deferred ---- †12496
690.91—690.96 (Subpart H) Revised (effective pending congressional review) ---- 86404
Effective date deferred ---- †12496
690 Appendix A removed ---- 86405
Appendix A effective date deferred ---- †12496
692 Redesignated from 45 CFR Part 192 ---- 77369
695 Redesignated from 45 CFR Part 178a ---- 77369
695.8 Revised ---- 86300

Chapter VII—Office of Educational Research and Improvement, Department of Education

Chapter VII Nomenclature changes ---- 86301
700 Redesignated from 45 CFR Part 1400 ---- 77369
700.1 Amended ---- 86300
700.2 (a)(2) revised ---- 86300
701 Redesignated from 45 CFR Part 1403 ---- 77369
702 Redesignated from 45 CFR Part 1410 ---- 77369
703 Redesignated from 45 CFR Part 1430 ---- 77369
705 Redesignated from 45 CFR Part 1440 ---- 77369
708 Redesignated from 45 CFR Part 1450 ---- 77369
709 Added (effective pending congressional review) ---- 53789
710 Redesignated from 45 CFR Part 1451 ---- 77369
714 Redesignated from 45 CFR Part 1470 ---- 77369
716 Redesignated from 45 CFR Part 1480 ---- 77369
718 Redesignated from 45 CFR Part 1490 ---- 77369
720 Redesignated from 45 CFR Part 1495 ---- 77369
726 Redesignated from 45 CFR Part 164 ---- 77369
Nomenclature change ---- 86300
726.03 Amended ---- 86300
726.10 Revised (effective pending congressional review) ---- †5390
Effective date deferred ---- †12496

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 34, Chapter VII—Continued

730 Redesignated from 45 CFR Part 1501 — Page 77369
730.1 Revised — 86300
735 Added (effective pending congressional review) — †3874
Effective date deferred — †12496
735.4 (a) corrected — †26057
735.5 (b) corrected — †26057
735.14 (d) corrected — †26057
735.20 Heading correctly added — †26057
740 Redesignated from 45 CFR Part 182a — 77369
740.14 Revised (effective pending congressional review) — †5391
Effective date deferred — †12496
740.25 Revised (effective pending congressional review) — †5391
Effective date deferred — †12496
745 Redesignated from 45 CFR Part 160f — 77369
752 Redesignated from 45 CFR Part 161b — 77369
753 Redesignated from 45 CFR Part 161c — 77369
Revised (effective pending congressional review) — †4608
Effective date deferred — †12496
755 Redesignated from 45 CFR Part 161e — 77369
757 Redesignated from 45 CFR Part 161g — 77369
Revised (effective pending congressional review) — †3879
Effective date deferred — †12496
758 Redesignated from 45 CFR Part 161h — 77369
763 Redesignated from 45 CFR Part 161m — 77369
764 Added (effective pending congressional review) — 79036
765 Redesignated from 45 CFR Part 162 — 77369
766 Redesignated from 45 CFR Part 162a — 77369
767 Redesignated from 45 CFR Part 162b — 77369
768 Redesignated from 45 CFR Part 162c — 77369
769 Redesignated from 45 CFR Part 184 — 77369
770 Redesignated from 45 CFR Part 130 — 77368
770.3 Amended — 86301
773 Redesignated from 45 CFR Part 131 — 77368
Revised (effective pending congressional review) — †31866
773.30—773.33 (Subpart D) Removed (effective pending congressional review) — 84060
773 Appendix B removed (effective pending congressional review — 84060
774 Redesignated from 45 CFR Part 134 — 77368
776 Redesignated from 45 CFR Part 132 — 77368
Revised (effective pending congressional review) — 85422
Effective date deferred — †10721
Authority citation corrected — †26056
776.3 (a) corrected — †26056
776.10 (b) corrected — †26056
776.21 Corrected — †26056
776.34 (b)(1)(ii)(E)(*1*) and (2)(ii)(C) corrected — †26056
776.36 (b) introductory text and authority citation corrected — †26056
776.44 Authority citation correctly added — †26056
776.45 (b) and authority citation corrected — †26056
777 Redesignated from 45 CFR Part 133 — 77368
778 Redesignated from 45 CFR Part 136 — 77368
Revised (effective pending congressional review) — 85430
Effective date deferred — †10721
Authority citation corrected — †26057
778.7 (a)(1)(ii) corrected — †26058
778.8 (a) and (b) corrected — †26058
790 Redesignated from 45 CFR Part 151 — 77369
793 Redesignated from 45 CFR Part 172 — 77369
795 Redesignated from 45 CFR Part 1460 — 77369
795.1 (a)(2) revised — 86301
795.5 (a)(7) and (b)(2) revised — 86301
796 Redesignated from 45 CFR Part 193 — 77369
797 Added (effective pending congressional review) — 86373
797.3 (a) corrected — †26057
797.10 Introductory text and (a) corrected — †26057
797.11 (c)(1) corrected — †26057
797.31 (b)(2)(iv) corrected — †26057
797.41 (a) corrected — †26057

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 34—*Proposed Rules:* Page

4—99 (Subtitle A) ---- 75564
---- †3920, 24412
64 ---- †7002
75 ---- †19000
76 ---- †19000
78 ---- 86502
---- †19000
100—106 (Ch. I) ---- †24412
100 ---- 52052, 53841, 58145
---- †10516
104 ---- 85082
---- †4954, 18321, 19000, 19002
106 ---- †23081
200—296 (Ch. II) ---- †24412
200 ---- †5236, 19000
201 ---- 86306
---- †5236, 19000
206 ---- 86333
211 ---- †19000
215 ---- †19000
222 ---- 86311
223 ---- †7206, 19000
230 ---- 61950
---- †19000
231 ---- 61950
---- †19000
280 ---- 83269
300—395 (Ch. III) ---- †24412
300 ---- 85082
---- †19000, 19002
305 ---- †19000
307 ---- †19000
309 ---- †19000
315 ---- †19000
318 ---- †19000
322 ---- †4955, 19000
324 ---- †19000
332 ---- †19000
338 ---- †19000
350 ---- 86317
351 ---- 86317
352 ---- 86317
353 ---- 86317
354 ---- 86317
355 ---- 86317
356 ---- 86317
361 ---- †19000
362 ---- †19000
365 ---- †19000
366 ---- †4955, 19000
369 ---- †5436, 19000
370 ---- †5436, 19000
371 ---- †5436, 19000
372 ---- †5436, 19000
373 ---- †5436, 19000
374 ---- †5436, 19000
375 ---- †5436, 19000
378 ---- †5436, 19000
379 ---- †5436, 19000
385 ---- 86315
---- †19000
386 ---- 86315
---- †19000
387 ---- 86315
---- †19000
388 ---- 86315
---- †19000
389 ---- 86315
---- †19000
390 ---- 86315
---- †19000
395 ---- †19000
400—444 (Ch. IV) ---- †24412
408 ---- †19000
500—539 (Ch. V) ---- †24412
510 ---- 78962
525 ---- †19000
526 ---- †19000
527 ---- †19000
540 ---- †4560
541 ---- †4562
603—695 (Ch. VI) ---- †24412
605 ---- 86308
---- †8032, 11678
606 ---- 86315
---- †8032, 11678
610 ---- 86308
617 ---- 86340
---- †4956
618 ---- 86340
---- †4956
619 ---- 86340
---- †4956
620 ---- 86340
---- †4956
621 ---- 86340
---- †4956
624 ---- †19000
629 ---- 86328
631 ---- 86932
632 ---- 86932
633 ---- 86932
634 ---- 86932
635 ---- 86932
639 ---- 86390
642 ---- 86922
---- †8032, 11678
643 ---- 86908
---- †8032, 11678, 19000
644 ---- 86894
---- †8032, 11678, 19000
645 ---- 86914
---- †8032, 11678, 19000
646 ---- 86900
---- †8032, 11678, 19000
648 ---- 86886
649 ---- †3239, 19000
650 ---- 86928
651 ---- 86331
655 ---- 86504
---- †19000
656 ---- 86504
---- †19000

Note: Symbol (†) refers to 1981 page numbers

80-145 O - 81 - 6

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 34—*Proposed Rules*—Continued

	Page
658	86504
	†19000
	†19000
660	86504
666	†8032
667	86504
	†19000
668	†11678, 19000
674	†5295, 8032, 11678, 19000
675	†5295, 8032, 11678, 19000
676	†5295, 8032, 11678, 19000
682	†3922, 8032, 11678, 19000
683	†4956, 8032, 11678
690	86333
	†8032, 11678, 19000
692	86304
	†8032, 11678
700—797 (Ch. VII)	†24412
703	86336
726	†19000
735	73514
	†19000
740	†19000
753	†19000
757	†19000
773	84950
774	86306
776	†19000
777	86312
778	†19000
791	†4991
792	†4991
793	†4991
794	†4991
797	54000
805	73963, 80150

TITLE 35—PANAMA CANAL

Chapter I—Panama Canal Regulations

103 Authority citation	†9945
103.8 Revised; interim	†9945
(b) revised; interim	†12971
253.102 Amended	59150
253.131 (a) amended	59150
(b) amended; (g) added	†9084
253.133 Amended	59150
253.134 Removed	59150
253.135 (a) and (c) amended; (b)(4) revised	59150
253.156 (c) revised	59150

Title 35—*Proposed Rules:*

103	80313, 85480

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

	Page
7.9 (a)(3)(ii)(b) corrected	60430
7.13 (i) removed	56343
7.20 (b)(3) revised	49550
7.23 (e) and (f) added	85743
(e) and (f) effective date deferred	†12496
(e) and (f) effective date deferred and request for comments	†19234, 24178
(e) and (f) eff. date deferred to 7–15–81 and request for comments	†28846
7.44 Revised	78120
7.46 (a)(1) and (2) correctly amended	61293
7.48 (b) removed	56054
7.85 Added	46072
13 Added	†31854
Technical correction	†33031
14 Added; interim	47092
28 Revised	59572
Heading corrected	65575
50.19 (d)(1)(vii) added	84998

Chapter II—Forest Service, Department of Agriculture

219.16 (c) added	†7327
(c) effective date deferred	†11501
223.3 (p) added	80528
(p) effective date deferred	†10497, 11501
223.5 (i) added	80528
(i) effective date deferred	†10497, 11501
223.10 Revised	80528
(a)(4) and (b)(1) and (2) corrected	†2611
Revision and correction effective date deferred	†10497, 11501
(a)(5) and (7) corrected	†22581
261 Authority citation	†33519
261.1 (b) revised; eff. 7–30–81	†33519
261.1b Added; eff. 7–30–81	†33519
261.2 Amended; eff. 7–30–81	†33519
261.3 Existing text designated as (a); (b) added; eff. 7–30–81	†33520
261.4 Revised; eff. 7–30–81	†33520
261.5 (a) revised; eff. 7–30–81	†33520

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

261.6 (a) revised; (h) added; eff. 7–30–81 ..... †33520
261.8 Introductory text revised; eff. 7–30–81 ..... †33520
261.9 Revised; eff. 7–30–81 ..... †33520
261.10 (c), (d), and (e) revised; (l) added; eff. 7–30–81 ..... †33520
261.11 (a) and (e) revised; eff. 7–30–81 ..... †33520
261.12 (c) removed; (d), (e), and (f) redesignated as (c), (d), and (e); eff. 7–30–81 ..... †33520
261.14 (c), (l), and (m) revised; eff. 7–30–81 ..... †33520
261.15 Revised; eff. 7–30–81 ..... †33520
261.16 (a) revised; eff. 7–30–81 ..... †33520
261.21 Revised; eff. 7–30–81 ..... †33520
261.50 (e)(6), added; eff. 7–30–81 ..... †33521
261.52 (j) revised; eff. 7–30–81 ..... †33521
261.54 (f) added; eff. 7–30–81 ..... †33521
261.57 (h) added; eff. 7–30–81 ..... †33521
261.58 (g) revised; (aa) and (bb) added; eff. 7–30–81 ..... †33521
262 Authority citation; eff. 7–30–81 ..... †33521
262.1 (a)(1), (2), and (3) revised; eff. 7–30–81 ..... †33521
262.4 (e) added; eff. 7–30–81 ..... †33521

Chapter XI—Architectural and Transportation Barriers Compliance Board

1120 Added; final 80976
1150 Revised 78474
1151.2 Revised 44926
1190 Added ..... †4277

Chapter XII—Heritage Conservation and Recreation Service, Department of the Interior

1207.3 Introductory text revised 58001
1208 Revised 83490
1212 Added 81190
1228.1—1228.3 (Subpart A) Added; final 71718
1228.10 Revised 54335
1228.15 Revised 54335
1228.30—1228.48 (Subpart C) Added; final 71719
1228.44 (b)(1) amended; interim 58340
1228.50—1228.65 (Subpart D) Added; final 71723

Page

1228.53 (c)(7) amended; interim 58340

Title 36—*Proposed Rules:*

1—51 (Ch. I) 51102
..... †22905, 24458, 27723
7 ..... 44969, 51618, 63884, 68687, 70287, 70916, 73518, 77049, 82278, 85480, 27969, 27970
..... †1312, 1313, 11556
13 ..... †5642, 14021
14 54771
16 ..... †23389
200–295 (Ch. II) 75454
..... †23872, 33528
221 56082
223 ..... †33533
251 48663
261 ..... †1758
262 ..... †1758
272 ..... †31021
312—330 (Ch. III) 79508
..... †24596, 28865
601 ..... †5578
901—923 (Ch. IX) 70000
..... †23955
1150 82080
1190 ..... 55010, 84826
..... †30839
1201—1228 (Ch. XII) 51102
..... †24458
1201 59590
1202 51843
1215 ..... †5566, 9121, 22208
1228 66179

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent and Trademark Office, Department of Commerce

1.1 Revised ..... †29181
1.5 (d) added ..... †29181
1.11 (c) and (d) added ..... †29181
1.21 (l) added ..... †2612
(x) added ..... †24179
1.26 Revised ..... †24179
1.33 Heading revised; (c) added ..... †29181
1.34 Revised ..... †29181
1.36 Revised ..... †29182
1.77 (c) revised ..... †2612
1.84 (f) corrected 73657
1.96 Added ..... †2612
1.104 (a) and (b) revised ..... †29182
1.107 Revised ..... †29182
1.109 Revised ..... †29182
1.111 Revised ..... †29182
1.112 Revised ..... †29182

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 37, Chapter I—Continued

Page

1.113 (a) revised ..... †29182
1.115 Revised ..... †29183
1.116 (a) and (b) revised ..... †29183
1.121 (f) added ..... †29183
1.191 Revised ..... †29183
1.192 (a) revised ..... †29183
1.196 (b), (c), and (d) revised ..... †29183
1.197 (a) and (c) revised ..... †29184
1.231 (a)(1) revised ..... †29184
1.248 Revised ..... †29184
1.291 Heading and (c) revised; (b) removed ..... †29184
1.301 Revised ..... †29184
1.303 Revised ..... †29184
1.501—1.570 (Subpart D) Added ..... †29185
2.106 (b) revised ..... †6940
2.114 (b) revised ..... †6940
(b)(2)(i) and (ii) corrected ..... †11548
4.16a Correctly designated and corrected 56343
5.19 Revised 72654

Chapter II—Copyright Office, Library of Congress

201.3 Removed ..... †33249
201.6 (c) revised ..... †25442
201.7 Removed ..... †33249
201.8 Revised ..... †12704
201.9 (b) revised ..... †33249
201.17 (c)(2) and (f)(3) revised; (c)(3), (f)(4), (i) added 45274
201.18 Added 79045
201.19 Added 79046
201.22 Added ..... †28849
202.2 (a) and introductory text of (b) ..... †33249
202.10 Revised ..... †33249
202.12 Removed ..... †33249
202.14 Removed ..... †33249
202.18 Removed ..... †33249

Chapter III—Copyright Royalty Tribunal

303.3 Removed; eff. 7-31-81 ..... †32578
304.3 (a) and (d) amended 51198
304.4 (a) amended 51198
304.5 (c) amended 51198
304.6 (c)(1) and (2) amended 51198
304.7 (b)(1) through (4) amended 51198
304.8 (b)(1) revised 51198
306 Added ..... †890
307 Added ..... †891
Final rule findings ..... †10466
308 Added ..... †897

Page

Title 37—*Proposed Rules:*

1—102 (Ch. I) ..... 71088, 75225, 78918 ..... †24096
1 ..... 73965, 78172 ..... †2653, 3162, 5001, 9121
3 ..... †9121
201 ..... 50823 ..... †30649
202 ..... 63297 ..... †30651
303 ..... †20566

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

1.582 Revised ..... †19235
2.5 Revised ..... †18978
3.7 (o)(1)(ii) amended; (u) and (x) revised 67091
(x)(5) and (6) added ..... †23925
3.12a Added ..... †23926
3.13 (b) amended ..... †23926
3.23 (a) and (c) revised ..... †27074
3.24 (b) and (c) revised ..... †27074
3.25 (a), (c), (d), and (e) revised ..... †27075
3.26 Revised ..... †27075
3.203 Revised 72654
3.204 Heading revised 72655
3.205 (a) amended 72655
3.262 (b)(2) revised ..... †27075
3.272 (k) added ..... †9580
3.552 (a)(1) and (b)(3) revised; (k) added ..... †31011
3.557 (a) amended; (b) revised 64910
3.711 Revised ..... †11661
3.712 (a)(1) and (b)(1) revised ..... †11661
3.714 Added ..... †11661
3.1612 (e)(2)(ii) revised ..... †16101
14.633 Revised 47679
17 Compliance with EO 12185 58020
17.36 Revised 80529
17.37 Heading, introductory text, and (b) amended 80529
17.38 (e) amended 47679
Heading, introductory text, (a) introductory text, (b) introductory text, (c)(1) and (2), and (d)(2) amended 80530
17.39 Revised 47679
17.43 (b) amended 47679
17.48 (b) revised 47680

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

17.49 (a)(3)(iii)(c), (v), (vi), (ix), (x), (b)(2)(i), (iii), (iv), (v), and (c) and note revised 47681
17.82 Amended 53807
17.84 (a), (c), and (e) amended .. 53807
17.85 (b) revised 53807
17.123 Introductory text revised 47680
17.350 Amended 47680
17.351 Amended 47680
17.353 Amended 47680
17.355 Revised 47680
17.400 Revised ..... †33522
17.402 (c), (f)(1), (2) and (3), and (g)(1) revised ..... †33522
17.403 (a)(3) revised ..... †33522
17.405 (a)(1) introductory text, (2)(ii), (iii), (b)(1) introductory text and (iii), (2), (c)(1) introductory text and (iii), (2), and (d)(1) revised; (a)(4) added ..... †33522
17.407 (b) revised ..... †33523
17.408 (a) revised ..... †33523
17.410 (c) revised ..... †33523
17.412 Revised ..... †33523
17.413 Revised ..... †33523
17.414 Revised ..... †33523
17.960 Added; interim 55717
18 Incorporation by reference approvals ..... †33980
18.1—18.13 Designated as (Subpart A) 63268
18.401—18.545 (Subpart D) added 63268
21.40 (b) revised 59312
21.42 Footnote 1 revised 52312
21.1032 (a) revised 67092
21.1040 (d) revised 59312
21.1042 (a) revised; (d) and (e) redesignated as (f) and (g) and revised; new (d) and (e) added 59312
21.4100 (a) heading and (c) added; (b) revised 67092
21.4101 Revised 67092
21.4102 Revised 67092
21.4103 Revised 67093
21.4104 Revised 67093
21.4106 Removed 67093
21.4131 (g) revised 59313
21.4136 (i) revised 48885
21.4137 (f) revised 48885
21.4138 (f)(2) and (3) revised; (f)(4) through (7) added 48886
(f) revised ..... †20673

Page

21.4200 (b)(5) revised; (b)(6) added 48887
21.4233 (a)(1) amended 67093
21.4234 (a) introductory text removed; (b), (c), and (d) revised; cross reference added .. 67093
21.4262 (b)(6), (7), and (c)(2), (4), and (7) amended 51778
21.4263 Revised 51778
21.4264 Revised ..... †16101
21.4270 (b) revised 73479
21.4275 (a) revised 73480
21.4278 Revised and cross reference added 67093
21.5058 (a) revised ..... †29474
21.5130 (c) and (e) revised ..... †32024
21.5135 Added ..... †32024
21.5138 (b)(8) through (11) redesignated as (b)(9) through (12); new (b)(8) added; (c) revised ..... †32024
26 Added 62800
36 Compliance with EO 12185 .. 57992
Incorporation by reference approvals ..... †33980
36.4212 (a) revised .. 49930, 63812, 79803
(a) revised ..... †25446
36.4253 (b)(5)(iii) amended; (c)(4)(i) revised 55720
36.4301 (c) added; (n) revised .. 53808
36.4303 (a), (b), and (d) revised; (f) amended 53808
36.4311 (a) revised 56344
(a) and (b) revised 63842, 79803
(a) revised ..... †16687, 25444
(a) and (b) revised ..... †26483
36.4312 (d)(6)(i)(B) and (iii) revised; (d)(6)(iv) added ... 53809
36.4335 (a) and (b) revised 53809
36.4350 (c)(4)(i) revised 55720
36.4360a Amended; incorporation by reference 77028
36.4503 (a) revised .. 56344, 63842, 79803
(a) revised ..... †16687, 25444, 26484

Title 38—*Proposed Rules:*

0—39 (Ch. I) 63270
..... †23081, 31903
1 ..... 56082, 77050
3 ... 47166, 49297, 50369, 66815, 68403, 81787
..... †8574, 12987, 19002, 19503, 32036
4 ..... †23085
6 ..... †27361
8 ..... †27361
17 ..... †16051
19 56093
21 .. 50369, 59591, 77050, 81068, 81213, 84096
..... †2854, 26499, 28679, 31022
36 ..... †21389

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

10 Incorporation by reference approvals ..... †33980
10.3 Publication 42 amended; incorporation by reference 50749, 68652, 82925
Corrected; incorporation by reference 72655
Publication 42 amended; incorporation by reference ..... †17016
Publication 42 corrected; incorporation by reference ..... †18313
Publication 42 amended; incorporation by reference ..... †23235
111 Incorporation by reference approvals ..... †33980
111.3 DMM amended; incorporation by reference 48620, 56056, 56058, 73925, 79805
DMM amended; incorporation by reference; corrected 81563
DMM amended; incorporation by reference; interim 84060
DMM amendment; compliance deferred to 7–1–81; incorporation by reference ..... †35
DMM amended; incorporation by reference ..... †6941, 9946, 10154, 10722, 11549, 12971, 14342, 14746, 15265, 15266, 17761, 21159, 25090, 25446
DMM amended; incorporation by reference; eff. 7–6–81 ..... †32578
DMM amended; incorporation by reference; eff. 7–29–81 ..... †33252
224.1 (c)(4)(v) revised 74921
232.6 (o)(3) added ..... †898
265 Appendix A revised 44271
265.2 (a) and (b) amended 44270
265.3 (b) revised; (c) heading amended 44270
265.4 Revised 44270
265.5 Amended 44270
265.6 (a)(1) and (2) and (d)(4) amended; (a)(4)(ii), (b)(3)(ii), (e)(2), and (f) revised 44270
265.7 (a)(1) and (2), (b)(1) and (2), and (f)(2) amended; (b)(4) revised 44271
265.8 (b)(1), (2), and (3), (d)(3), (e)(6), and (8)(iii) amended; (c)(1) and (e)(7) revised; (e)(9) added; (f) removed 44271
265.9 Revised 44271
266.2 Revised 44272
266.3 (c) revised 44272
266.4 (a) introductory text, (1)(i) and (iii), (2) and (4), (b)(1) and (4), and (d) revised; (b)(5) amended 44272
266.5 (b) amended 44272
266.6 Heading, introductory text, (a)(1), and (b)(4) revised; (c) redesignated as (b)(6) and amended; new (c) and (d) added 44272
266.7 Heading revised; (a), (b), and (d) removed; (c) and (e) redesignated as (a) and (c); new (b) added; new (a)(1) and (4) amended 44273
266.9 (b)(1) through (8) amended 44273
268.1 Revised 44273
310.1 (a)(3) and (7)(v) revised 59873
310.2 (b) revised 77029
310.3 (e) revised 59873
310.6 Revised 59873
320.7 Added 59874
601 PCM amended; incorporation by reference 47681, 73926
PCM amended; incorporation by reference ..... †21365, 26639, 30623
Incorporation by reference approvals ..... †33980
601.105 Table amended 47681, 73926
Table amended ..... †14008
776 Added ..... †22366

Chapter III—Postal Rate Commission

3000.735–501 Revised 65581
3001.7 Revised 65580
3001.25—3001.27 Revised 65578
3001.31 (l) added 65580
3001.54 (t) added 65575
(p)(4) revised 65580
3001.64 (i) added 65575
(g)(4) revised 65580
3001.67 Added 83226
3001.67a Added 83226
3001.67b Added 83227
3001.67c Added 83227
3001.67d Added 83227
3001.92 (l)(4) revised 65580

Title 39—*Proposed Rules:*
10 73103
..... †11296, 18054, 30505

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

111 ..... 51846, 56367, 60452, 61318, 63885, 70287, 70916, 73518, 75710, 79104, 81787, 84826, 86504

..... †3568, 11301, 12991, 18560, 25109, 26792, 27970

310 60453

776 ..... †10513

3000—3003 (Ch. III) 49959

3001 48663

..... †952

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

Chapter I Agency limitations imposed 81746, 81752

Guidelines; interim ..... †27333

3.100—3.105 (Subpart A) Appendix C added ..... †5963

3.305 Revised ..... †5964

3.306 Removed ..... †5965

3.307 Removed ..... †5965

3.308 Removed ..... †5965

3.300—3.308 (Subpart C) Appendix D revised; Appendixes E through H removed ..... †5965

6.1001—6.1007 (Subpart J) Added ..... †3364

Effective date deferred ..... †11972

7 Policy statement ..... †11662

Policy statement corrected ..... †14343

22.37 (b), (c), (d), and (e)(1) and (3) suspended 79808

30 Class deviations ..... †3017, 31260

35 Policy statement 53382

Class deviations 81567

Class deviations ..... †26301, 31642

35.400 Revised 51484, 73872

35.400–1 Revised 51485, 73872

35.400–2 Revised 51485

Removed 73872

35.400–3 Revised 51485, 73872

35.400–4 Revised 51485, 73872

35.400–5 Added 73872

35.400–6 Revised 51485, 73872

35.403 Revised 51485, 73872

35.404 Revised 51485, 73873

35.405 Revised 51485, 73873

35.410 Revised 51485, 73873

35.415 Revised 51485, 73873

35.420 Revised 51485, 73873

35.425 Revised 51485, 73873

35.650 Revised 51486

35.653 Revised 51486

Page

35.655 Revised 51486

35.655–1 Removed 51486

35.655–2 Removed 51486

35.656 Revised 51486

35.657 Revised 51487

35.659 Revised 51487

35.659–1—35.659–3 Removed 51487

35.660—35.662 Revised 51487

35.664 Revised 51487

35.666 Revised 51487

35.670—35.670–2 Revised 51487

35.670–3—35.670–5 Revised 51488

35.675 Revised 51488

35.680—35.680–2 Revised 51488

35.750—35.786 Undesignated center heading and sections added 73869

35.910–12 Added 83497

Eff. date corrected ..... †7327

Correctly designated ..... †9947

35.930–5 (b) exemption 84998

40 Class deviations ..... †31260

51 Incorporation by reference approval correctly added 47112

Policy memorandum 80824

Technical correction ..... †1268

Policy statement ..... †7182

Draft guidance availability ..... †10910

Incorporation by reference approvals ..... †33980

51.18 (j) revised 52743

51.24 (k) removed; (l) through (s) redesignated as (k) through (r); (a)(2), (b), (f), (i), and (j) revised; new (k), (m), and (r) revised; (a)(6) and (s) added 52729

51.300—51.307 (Subpart P) Added 80089

51 Appendix S amended 52741, 59879

52 Incorporation by reference approval 59297

Technical correction 71565

Authority citation corrected ..... †32440

Incorporation by reference approvals ..... †33980

52.21 (k) removed; (l) through (v) redesignated as (k) through (u); (b), (f), (g), (i), and (j) revised; new (k), (m), and (q) revised; (r)(4), new (v), and (w) added 52735

52.24 (f), (g), (h), and (i) added 52746

(k) added 65209

52.25 Added 78122

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 40, Chapter I—Continued

Page

52.50 (c)(25) added 53136
(c)(24) added 72152
(c)(26) added ..... †23411
52.56 Removed 72152
52.60 (a) and (b) revised 52741
52.70 (c)(7) and (8) added 85748
(c)(9) added ..... †21994
52.71 Table amended 85748
Table corrected ..... †10911
52.76 Revised 85748
52.81 Table amended 85748
Table corrected ..... †10911
52.82 (c) added 85748
(c) correctly added ..... †10911
52.96 (a) and (b) revised 52741
52.120 (c)(31) added 53147
(c)(30) added 67345
52.121 Revised 67345
52.125 (a), (b), (c) heading and (1), (d) heading and (1)(i), (2)(i), and (g)(1) revised 67346
52.126 (a), (b) heading, (1) and (3) revised; (c) amended 67346
52.129 (b) and (c)(1) revised 67346
52.130 (a) and (c)(1) revised; (e) amended 67346
52.144 (a) and (b) revised 52741
52.170 (c)(7) and (8) added 54336
52.174 Removed 54336
52.177 Removed 54336
52.181 (a) and (b) revised 52741
52.220 (c)(46), (48), and (49) added 53137
(c)(51) and (52) added 53145
(c)(60) added 63843
(c)(47)(ii) through (vi) added 70449
(c)(50) and (51)(iii) through (vi) added 72148
(c)(52)(ii), (55), and (56) added 74484
(c)(51)(ii) and (57) through (59) added 80285
(c)(61) added ..... †3884
(c)(47)(i)(B), (58)(ii), (63), (65), (66), (67), (68), (69), and (70) added ..... †5978
(c)(42)(i)(D), (50)(vii), (51)(xi) and (xii), (52)(ii)(B) and (x), (58)(iii), and (74) added ..... †8472
(c)(42)(i)(D), (50)(vii), (51)(xi) and (xii), (52)(ii)(B) and (x), (58)(iii), and (74) effective date deferred ..... †11972
(c)(51)(vii), (62) and (64) added ..... †21757
(c)(51)(xiv) and (xv), (52)(xi) through (xiv), (80), and (81) added ..... †27116
(c)(47)(vii), (50)(viii), (51)(ii)(B) and (xiii), (58)(i)(B), (59)(i)(B), and (77) through (79) added; (c)(54) revised ..... †27118
52.221 Table amended ..... †3884
52.222 (b) revised 74484
(d) added 80285
(b)(2) added; (c) removed ..... †5978
(b)(3) added ..... †21757
52.223 Revised 74484
(b)(2) added 80285
(b)(3) and (c) added ..... †5978
(b)(4) added ..... †21757
52.224 (a)(1)(vi)(C) through (G) added; (a)(2)(xviii), (xix), (xxii), (xxv), and (xxx) removed 72148
(a)(1)(iv) through (viii) revised; (a)(1)(ix) removed ..... †3884
(a)(1)(ix) added ..... †27116
(a)(1)(ix)(A) removed ..... †27118
52.226 Heading revised ..... †3884
52.229 (a) removed ..... †5978
52.230 Heading revised ..... †3884
52.231 (a)(3) and (b)(1) revised ..... †3884
52.232 Added 74485
(a)(2) added 80285
(a)(3) added ..... †5978
(a) introductory text and (1) through (3) introductory texts revised; (a)(4) added ..... †21757
52.233 (a) added; (h) and (i) removed 74485
(a)(2) added; (d)(3) and (g)(1)(iii) removed 80285
(c), (d), (f)(1)(i), and (g)(1) revised ..... †3884
(a)(3) added ..... †5979
(a)(3)(iii) revised ..... †27118
52.234 (a)(6)(ii) added; (e)(5)(ii) and (9) removed 72148
(a)(1) through (6) and (e)(1) through (8) revised; (a)(7) through (17) and (e)(9) through (23) added ..... †3885
52.236 (d) revised 70449
(a)(1), (b)(1) through (4), (c)(1), (e)(1) through (3), and (f)(1) revised; (b)(5) through (8) added ..... †3885
(b)(9), (c)(2), and (g)(2) added ..... †27116

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

(g) added ..... †27118
52.237 Added ..... †5979
52.238 Table amended 74485, 80285
Table amended ..... †5979, 21758
52.240 (a) and (d)(1) revised ..... †3885
52.242 Removed ..... †21758
52.243 Removed ..... †21758
52.244 Removed ..... †21758
52.246 (b) introductory text revised ..... †3886
52.247 Removed ..... †21758
52.251 Removed ..... †21758
52.252 (b) introductory text revised ..... †3886
(b)(2)(ii) added ..... †5979
52.253 (b) introductory text revised ..... †3886
(b)(2) revised ..... †5979
52.254 (a) introductory text revised ..... †3886
52.255 (b) introductory text revised ..... †3886
(b)(1)(vii) removed; (b)(3) added ..... †5979
52.256 (b) revised ..... †5979
52.257 Removed ..... †21758
52.258 Removed ..... †21758
52.259 Removed ..... †21758
52.266 Removed ..... †21758
52.267 (a)(1) revised ..... †3886
52.269 (b)(1) introductory text revised; (b)(1-1) introductory text added; (b)(1)(iii) through (viii) redesignated as (b)(1-1)(i) through (vi) ..... †3886
52.270 (a) and (b) revised 52741
52.271 (b) added 70449
(a)(1) through (8) revised; (a)(9) through (35) added ..... †3886
(b)(3) and (4) added ..... †8472
(b)(3) and (4) effective date deferred ..... †11972
(a)(9) added ..... †27118
52.272 (a) introductory text amended; (a)(1) through (5) revised; (a)(6) through (9) added ..... †3887
52.273 (b)(3)(v)(B) added; (b)(9) revised 70449
(b)(3)(i)(B), (ii)(B), (iii)(B), (iv)(B), and (7)(i)(B) added 72149
(a)(1) through (9) and (b)(1) through (9) revised; (a)(10) through (25) and (b)(10) through (18) added ..... †3887

Page

(a)(1)(iii), (4)(ii), (13)(iii), (15)(ii) and (b)(19) added ..... †27116
(a)(6)(ii)(D) added ..... †27118
52.275 (a) and (b)(1) through (5) revised; (b)(6) through (14) added ..... †3889
(b)(10)(ii) added ..... †27116
52.280 (a)(1) introductory text revised ..... †3889
(a)(1)(i)(A) revised; (a)(1)(i)(B), (iii), and (iv) added ..... †27116
(c) added ..... †27118
52.320—52.343 (Subpart G) State implementation plan proposed settlement agreement ..... †14120
52.320 (c)(17) added 46073
(c)(18) added 47684
(c)(19) correctly added 51200, 72150
(c)(20) correctly added 53147, 72150
(c)(22) added ..... †16688
(c)(23) added ..... †17550
(c)(21) added ..... †24182
52.324 (c) removed 47685
(c) added ..... †24182
52.327 (a)(1) removed 47685
(a)(5) removed 51200
Corrected 72150
(a)(2) and (3) removed ..... †24182
52.328 (a)(1) removed 47685
(a)(3) and (4) removed 51200
Corrected 72151
Removed ..... †16688, 24182
52.329 Revised ..... †24182
52.330 Revised ..... †26302
52.343 (a) and (b) revised 52741
52.370—52.382 (Subpart H) State implementation plan documents availability ..... †26484
52.370 (c)(11) added 84787
(c)(12) added ..... †23412
(c)(13) added ..... †26640
52.371 Table amended 84787
52.372 Revised 84787
52.373 Revised 84787
52.374 Revised 84787
52.380 (c) and (d) added 84787
52.383 (a) and (b) revised 52741
52.420 (c)(14) added 51199
(c)(12) correctly designated 55422
52.420 (c)(15) added ..... †26768
52.432 (a) and (b) revised 52741
52.432 (c) correctly added ..... †31262, 33524

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 40, Chapter I—Continued

	Page
52.470 (c)(13) corrected	55422
(c)(8) correctly designated as (c)(9) and republished; old (c)(8) correctly reinstated and republished	55721
(c)(17) added	†9948
52.476 (a), (b)(1) through (b)(6), (f) and (g) removed; (c), (d)(1), (2), (e)(1), and (h)(1) through (4) redesignated as (a), (b)(1), (2), (c)(1) and (d)(1) through (4)	†9948
52.499 (a) and (b) revised	52741
52.520 (c)(20) added	59577
(c)(22) added	75212
(c)(23) added	69888
(c)(24) added	82633
(c)(26) added	†17020
(c)(27) added	†26641
52.527 Removed	†26641
52.530 (a) and (b) revised	52741
(c) added	†17020
52.570 (c)(17) revised	†17777
(c)(21) added	†25093
(c)(20) added	†27932
52.573 Removed	†17777
52.632 (a) and (b) revised	52741
52.670 (c)(16) and (17) added	70261
(c)(18) added	†15136
52.671 Table amended	70261
52.672 (e) correctly added	70261, 81041
52.680 Table amended; footnote g added	70261
52.683 (a) and (b) revised	52741
52.684 Added	70261
52.685 Added	70261
52.686 Added	70261
52.720 (c)(22) and (23) added	62806
(c)(24) added	70450
(c)(25) added	†8473
(c)(26) added	†15137
52.724 (b), (c), (d), (e) and (f) added	62806
(a) revised	62809
52.725 (a) revised	62809
52.726 (b) corrected	55197
(a) revised	62810
52.729 (b) revised	62810
52.736 Revised	62810
52.737 Revised	62810
(b) revised	†8473
52.738 (a) and (b) revised	52741
(c) added	†9584
52.739 Added	†23237
52.740 Added	†23237
52.770—52.796 (Subpart P) State implementation plan documents availability	†8473
State implementation plan deficiency	†8474
State implementation plan document and deficiency effective date deferred	†11972
52.770 (c)(21) added	†38
(c)(20) added	†27341
52.773 (d) added	†38
52.783 Table revised	†27341
52.786 (h) added	†38
52.793 (a) and (b) revised	52741
(c) added	†9584
52.820 (c)(31) and (36) added	†17779
(c)(25) revised; (c)(30), (32), and (33) added	†22372
Authority citation corrected	†26768
(c)(31) correction	†32440
52.826 (d) and (e) added	†22372
52.827 Table amended	†17779
Revised	†22372
Authority citation corrected	†26768
52.833 (a) and (b) revised	52741
52.870 (c)(9) added	†20170
52.873 Amended	†20170
52.875 Added	†20170
52.879 Table and note revised	†20171
52.880 Added	79809
52.884 (a) and (b) revised	52741
52.920 (c)(13) added	72157
(c)(14) added	85002
(c)(15) added; eff. 7-15-81	†31261
52.923 Revised	72157
52.926 Revised	72157, 85002
52.928 Revised	72158
(a)(1)(iii) revised	†20172
52.930 (a)(2) removed; (b) added	62811
52.931 (a) and (b) revised	52741
52.935 Added	85003
52.936 Added	72158
52.986 (a) and (b) revised	52741
52.1020 (c)(12) added	59314
(c)(11) amended	81042
(c)(11) amended	†898
(c)(13) added	†6942
52.1024 Table corrected	†33524
52.1025 (e)(4) removed	†899
52.1027 (a)(2) removed	59314
(a)(1) removed; (a)(2) redesignated as (a)	81042
52.1070 (c)(23) and (24) added	45277
(c)(27) and (28) added	53474
(c)(33) added	58526

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

	Page
(c)(34) added	58341
(c)(35) added	55180
(c)(37) correctly added	†17552, 33525
52.1071 Table amended	53475
52.1072 (c), (d), and (e) added	53475
52.1073 (f) revised	53475
52.1078 Table revised	53475
52.1116 (a) and (b) revised	52741
52.1120 (c)(29) correctly designated	48131
(c)(17) amended	53477
(c)(31) added	59578
(c)(26) amended	59580
(c)(26) amended; (c)(30) added	61303
(c)(32) added	82252
(c)(33) added	†4918
(c)(34) added	†8476
(c)(36) added	†15138
(c)(37) correctly added	†17552, 33525
52.1121 Amended	61303
52.1122 (d) added	61303
52.1123 Revised	61303
52.1126 (f) amended	82252
(b) amended	†4918
(f) amended	†8476
52.1127 Revised	61303
Table corrected	†33524
52.1166 (a)(2) removed	59580
Revised	61303
52.1170 (c)(29) added	53138
(c)(27) added	56345
(c)(28) added	82927
(c)(30) added	85005
(c)(31) added	†8477
(c)(32) added	†15138
(c)(30) correctly designated	†16895
(c)(35) added	†22374
(c)(33) added	†24562
(c)(34) added	†26642
(c)(16), (18), and (19) revised; (c)(37) added	†27931
(c)(16) revised; (c)(38) added; eff. 7-6-81	†30084
52.1173 Revised	58528
Revised	†27931
52.1174 Revised	58528
52.1175 (e) table amended	53138, 56345
(e) table amended	†8477, 24562, 26643
52.1180 (a) and (b) revised	52741
52.1181 Added; eff. 7-6-81	†30084
52.1182 Added; eff. 7-6-81	†30084
52.1220 (c)(16) added	†15139
(c)(16) added	†20997
52.1226 Revised	†20997
52.1234 (a) and (b) revised	52741
52.1270 (c)(12) added	46384
52.1280 (a) and (b) revised	52741
52.1320—52.1339 (Subpart AA) State implementation plan documents availability	63278
State implementation plan documents availability	†2043, 28155
52.1320 (c)(19) added	46383
(c)(16) designation corrected; (c)(15)(A) through (K) correctly redesignated as (c)(16)(i) through (xi); new (a)(16)(i) corrected	46807
(c)(20) and (21) added	62814
(c)(15) conditional approval continued	67344
(c)(22) added	72150
(c)(16)(iv) revised; (c)(23) added	85006
(c)(24) added	†16896
(c)(25) added	†20174
(c)(26) added	†23415
(c)(27) added	†27933
(c)(18) revised; (c)(28) added	†31012
52.1323 Conditional approval continued	67344
Amended	†23415
52.1324 (c) conditional approval continued	67344
(c)(1)(iv) removed; (c)(1)(v), (vi) introductory text, (A) and (B) redesignated as (c)(2), (3) introductory text, (i) and (ii)	85006
(c)(1)(i), (iii)(C), and (c)(3)(i) removed	†16896
(c)(4) added	†20174
(c)(3) removed	†31012
52.1331 Heading, (b), (c), and (d) conditional approval continued	67344
(e) added	†23415
52.1332 Table and note conditional approval continued	67344
Table revised	†900
52.1335 (b) table amended	46383, 62814, 72150
(a) table amended	†23416
(a) table corrected	†26769
52.1339 (a) and (b) revised	52741
52.1370 (c)(8) revised	62984
(c)(9) added	†15686
52.1373 Revised	76688
52.1375 Revised	62984, 76687
52.1380 Revised	62984
52.1382 (a) and (b) revised	52741
52.1384 Revised	62985

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 40, Chapter I—Continued Page

52.1385 Revised 62985
52.1436 (a) and (b) revised..... 52741
52.1470 (c)(14) added..... 46384
(c)(14) introductory text revised; (c)(14)(iii) through (v) and (16) through (18) added ..... †21765
52.1472 Revised ..... †21766
52.1474 Added ..... †21766
52.1477 Added 46385
52.1478 Removed ..... †21767
52.1480 Table text and first note revised; second note and footnotes e. and f. added..... †21767
52.1481 Revised ..... †21767
52.1483 Removed ..... †21767
52.1484 Revised 67347
Removed ..... †21767
52.1485 (a) and (b) revised..... 52741
52.1486 Revised 67347
52.1520—52.1531 (Subpart EE) State implementation plan documents availability..... 54336
52.1520 (c)(15) added..... 59314
(c)(16) added..... 62815
(c)(17) added..... 83228
(c)(17) correctly designated..... †16896
52.1525 Removed 62815
52.1527 (a)(4) and (5) removed.. 59314
(b)(1) removed; (b)(2) through (6) redesignated as (b)(1) through (5)..... 83228
52.1529 (a) and (b) revised..... 52741
52.1570—52.1604 (Subpart FF) State implementation plan notice ..... †4918, 17779
52.1570 (c)(26) added..... 72153
(c)(27) added..... †21996
(c)(28) added..... †23417
(c)(29) added..... †26305
52.1578 (c) added..... †21996
52.1581 (b) removed..... 72153
Removed ..... †21997
52.1582 (d) revised..... †20556
52.1603 (a) and (b) revised..... 52741
52.1604 (b) revised..... †26305
52.1620 (c)(16) added..... 85007
(c)(11) and (15) revised; (c)(16), (17), and (18) added.. †18694
52.1621 Table amended..... 67347
52.1624 (a)(1) and (b) revised.. 67347
52.1626 (b) added..... 85007
52.1627 Added ..... †18694
52.1628 (b) added..... †18694
52.1630 Table amended..... 67347
52.1634 (a) and (b) revised..... 52741
52.1670 (c)(52) added..... 44275

Page
(c)(53) added..... 53144
(c)(44) revised; (c)(54) added 74477
(c)(55) added..... †8480
(c)(56) added..... †8481
(c)(56) corrected..... †16896
(c)(58) added..... †17556
(c)(57) added..... †17557
(c)(59) added..... †23417
(c)(60) added..... †28157
52.1673 Revised 74477
52.1674 (a)(2), (d)(1), (2), and (3), and (f)(1) removed..... 44275
(a), (b), and (c) introductory texts revised; (g) added... 74478
(e)(4) removed..... †8480
(b) removed..... †17557
(e) removed..... †28157
52.1675 (g) added..... 53144
52.1682 Table amended..... 74478
52.1689 (a) and (b) revised..... 52741
52.1770 (c)(22) added..... 55425
(c)(23) added..... 59579
(c)(24) added..... †17556
(a) revised; (c)(25) added... †21600
(c)(26) added..... †22185
(c)(19) revised; (c)(27) added ..... †26770
52.1778 (a) and (b) revised..... 52741
52.1780 (a)(1) removed..... 59579
Correctly removed..... †25294
52.1781 Added 55425
52.1820 (c)(11) added..... 53476
52.1870 (c)(24) added..... 72122
(c)(14) through (20) added... 72140
(c)(21) and (22) added..... 72146
(c)(23) added..... 79053
(c)(25) added..... †8490
(c)(25) effective date deferred.. †11972
(c)(26) added..... †15140
(c)(27) added..... †19471
(c)(25) effective date deferred ..... †19936
(c)(28) correctly added..... †24563, 31886
(c)(29) added..... †31884
52.1871 Table amended... 72141, 72146
52.1873 Revised 72141, 72146
52.1875 (a) table footnote f revised 49552
Revised 72141, 72146
(a) table footnote f amended.. 73928
Revised ..... †19471, 31884
52.1878 (h) added..... †31885
52.1879 (a) and (b) correctly removed; (e) correctly added.. 72122, 82927

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

52.1880 (d) added ..... †19472
52.1881 (b)(59)(xiv) added; (b)(59)(xvii) revised 49552
(b)(60)(ix) added 62816
(b)(38)(vi) introductory text, (B), and (C) and (vii) revised; (b)(38)(vi)(D) added 73044
(b)(40)(iv) revised 78686
(b)(40)(viii) and (ix) added 79452
(a) revised ..... †8490
(a) effective date deferred ..... †11972
(b)(29)(ii) revised ..... †17551
(b)(38)(ix) added ..... †17555
(a) effective date deferred ..... †19936
(b)(39)(xi) revised; (b)(39)(xvi) added ..... †21768
(b)(39)(iii)(A), (B), (vii)(A), and (ix) revised ..... †24948
(b)(27)(ix) revised ..... †28158
(b)(35)(vi) and (vii) and (38)(iii) and (iv) deferred in part ..... †28651
(b)(23)(vi)(F) added; (b)(23)(vii) revised; eff. 7-13-81 ..... †31013
52.1882 (e) revised; (f) added 49552
(h) added 73929
(g) added ..... †21769
(i) added ..... †23927
(b)(8) added ..... †24948
52.1884 (a) and (b) revised 52741
(c) added ..... †9584
52.1885 Added 72142
(a)(4) added; (b)(3) and (4) revised 72147
(b)(1) and (2) revised ..... †24563
52.1886 Added 72142
(e) added 72147
(a)(1), (2), (b)(1), (2), (3), (c)(1), (d), and (e)(1) revised; (e)(2) removed ..... †24563
52.1887 Added 72143
(a)(3) revised; (b)(4) added 72147
(b)(1) and (2) revised; (b)(3) added; (b)(4) removed ..... †24564
52.1920 (c)(15) and (16) added 79052
(c)(14) added ..... †28159
52.1923 Removed 79052
52.1924 Removed 79052
52.1929 (a) and (b) revised 52741
52.1930 Removed 79052
52.1932 (b) removed 79052
52.1970 (c)(32) added 47427
(c)(27) through (31) correctly designated 55422
(c)(33) added ..... †36
(c)(34) correctly added ..... †15136, 19819
52.1985 (a)(3)(i) and (ii) correctly removed 55422
52.1987 (a) and (b) revised 52741
52.2020—52.2059 (Subpart NN) State implementation plan notice ..... †31258, 31259
52.2020 (c)(33) added 55179
(c)(21) technical correction 56060
52.2037 Revised ..... †17553
(a)(4) removed ..... †22584
52.2055 (c) revised ..... †17554
52.2058 (a) and (b) revised 52741
52.2070—52.2083 (Subpart 00) State implementation plan documents availability ..... †28159
52.2070 (c)(11) added ..... †3517
(c)(13) added ..... †5980
(c)(12) added ..... †25460
52.2071 Table amended ..... †25460
52.2072 Revised ..... †25460
52.2076 Revised ..... †25460
52.2081 Revised ..... †25460
52.2083 (a) and (b) revised 52741
52.2084 Added ..... †25460
52.2085 Added ..... †25461
52.2120 (c)(12) added 45581
52.2131 (a) and (b) revised 52741
52.2170 (c)(7) added 58529
52.2178 (a) and (b) revised 52741
52.2220 (c)(33) added 53817
(c)(34) added 75661
52.2222 Revised 53817
52.2225 (b) and (c) added 53817
52.2230 Revised 53818
Table amended 75661
52.2231 Added 53817
(b) added 75661
52.2270—52.2303 (Subpart SS) State implementation plan supplementary information 48887
52.2270 (c)(24) added 52148
52.2275 (a)(3) and (4)(ii) revised 82253
52.2276 Revised 82253
52.2299 (a)(1) and (2) revised 82253
52.2303 (a) and (b) revised 52741
52.2320 (c)(7) added 59581
(c)(8) added ..... †25092
52.2322 (h) and (i) added ..... †25092
52.2346 (a) and (b) revised 52741
52.2370 (c)(11) added 59315
(c)(13) correctly added ..... †16897
(c)(12) added ..... †17193
52.2375 Table corrected ..... †33525
52.2382 (a) removed; (b) redesignated as (a) 59315

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 40, Chapter I—Continued

	Page
(b)(1) removed	66789
(b)(2) through (6) correctly redesignated as (b)(1) through (5)	†16897
52.2420 (c)(27) and (28) added	55195
(c)(33), (34), (35), and (36) added	66792
(c)(29), (30), (31), and (32) added	66795
(c)(38) added	80531
(c)(27) through (37) correctly designated and republished	85749
(c)(40) added	†17194
(c)(39) added	†22583
52.2422 (c) added	55195
52.2423 (c) through (f) added	55195
(d) added	66795
(c) through (f) corrected	85749
(g) added	†22583
52.2429 Table revised	55196
52.2431 Heading revised; (e) added	55196
(e) correctly designated and republished	85750
(e)(1) through (4) revised	†22187
52.2436 (b) added	55197
52.2451 (a) and (b) revised	52741
(c) correctly added	†29708, 33524
52.2470 (c)(22) added	50751
(c)(23) added	85009
(c)(24) added	†21994
52.2479 (a)(4), (5), and (6) added	50751
52.2487 (a)(2) added	85009
52.2497 (a) and (b) revised	52741
52.2520 (c)(10) through (12) added	54051
(c)(9) corrected	56060
(c)(13) correctly added	74480, 76688
52.2522 (c) correctly designated; (d) added	54051
(e) added	74480
52.2523 Table revised	54052
52.2528 (a) and (b) revised	52741
52.2529 Added	54051
52.2530 Added	54052
52.2531 Added	54052
52.2532 Added	54052
52.2570 (c)(12) revised; (c)(14) and (15) added	†21168
(c)(18) added	†22376
(c)(16) and (17) added	†25300
(c)(19) added; eff. 7-9-81	†30496
52.2575 Added	†21168
52.2577 Revised	†21168, 25300
52.2581 (a) and (b) revised	52741
(c) added	†9585
52.2582 Revised	†21168
52.2583 Added	†25301
52.2620 (c)(12) added	†23412
52.2670 (c)(2)(iii) and (3) added	†26303
52.2672 Revised	†26303
52.2676 (a) and (b) revised	52741
52.2678 (c) added	†26303
52.2679 Added	†26304
52.2720 (c)(26) and (27) added	72658
(c)(28) added	†23417
52.2722 Revised	72658
52.2723 Revised	72658
52.2729 (a) and (b) revised	52741
52.2732 Added	72658
52.2770 (c)(11) added	†23417
52.2779 (a) and (b) revised	52741
52.2791 Removed	52148
52.2827 (a) and (b) revised	52741
55 Administrative order	†8492, 15686
55.230 (f)(1) and (3), and (k)(4) and (5) revised; (f)(2) removed	73929
55.310 Added	†8492
55.650 Table amended	†7962
56 Added	85405
Corrected	†10911
Effective date deferred	†11972
57.304 (e) amended	†18025
57.403 Revised	†18025
57.816 Revised	85015
57 Appendix A amended	85016
60.2 Amended	85415
60.4 (b)(NN)(b) correctly added; (b)(OO) corrected	50751
(b)(Q) revised	75662
(b)(AA) revised	†27342
(b)(I) revised	†28402
(b)(RR) added	†29262
60.42 (b)(2) correctly added	47146
60.45 (g)(1)(ii) correctly added	47146
60.101 (d) revised	79453
60.112a (a)(1)(ii)(B) corrected	83229
60.250—60.254 (Subpart Y) Standards review	†21769
60.290—60.296 (Subpart (CC) Added	66751
60.390—60.397 (Subpart MM) Added	85415
60.420—60.424 (Subpart PP) Added	74850
60 Appendix A amended	65958, 66752
Appendix A corrected	85016
61.04 (b)(AA) revised	†27342
(b)(RR) added	†29262
62 Incorporation by reference approvals	†33980

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

	Page
62.7601 Section and undesignated center heading added	80826
Corrected	†27342
62.7602 Section and undesignated center heading added	†30497
62.13101 Corrected	†27342
62.13351 Corrected	†27342
62.13352 Section and undesignated center heading added	80826
Corrected	†27342
62.13353 Section and undesignated center heading added	†30497
65.90 Table amended	†23418
65.350 Table amended	46386
65.361 Table amended	73046
65.362 Table amended	73046
65.432 Designation corrected	45278
66 Added	50110
Petition for reconsideration and deferral of effective date denied	†27119
67 Added	50117
80 Petition for reconsideration denied	65581
80.20 (a)(7) revised	55135
81 Petition for reconsideration denied	65585
81.13 Amended	84788
81.21 Amended	†3889
81.36 Revised	67347
81.99 Revised	67347
81.121 Revised	67347
81.161 Amended	†3890
81.162 Amended	†3890
81.163 Amended	†3890
81.164 Amended	†3890
81.165 Amended	†3890
81.167 Amended	†3890
81.184 Amended	84788
81.269 Added	67347
81.270 Added	67347
81.271 Added	67348
81.272 Added	67348
81.273 Added	†3891
81.274 Added	†3891
81.275 Added	†3891
81.301 Amended	†14892
Corrected	†25302
Amended; eff. 7-24-81	†32583
81.305 Amended	46807, 53148
Corrected	46807
Amended	†14892
81.306 Nonattainment designation retained	†21997
81.307 Amended	84788
81.311 Amended	63844
81.314 Amended	48132
81.316 Amended	†17558
81.317 Amended	73048
Technical correction	80826
81.320 Corrected	†33524
81.322 Amended	61304
Amended	†23420
81.324 Amended	50752
81.326 Amended	62821
Amended	†899
81.327 Amended	59317, 62985
81.329 Amended	46807
Amended	†14892
81.330 Corrected	†33524
81.332 Amended	†31886, 33032
81.333 Amended	†8496
Corrected	†11813, 12496
Amended	†14894
81.334 Amended	†27934
81.336 Table amended	†15141
81.337 Amended	73930
Amended	†31014
81.339 Confirmed	59152
Amended	72159
81.340 Table heading revised	†25461
81.344 Amended	48133, 78123
Clarification	†19472
Amended	†33269
81.345 Amended	†16258
81.349 Amended	54053
81.350 Amended	67349
Amended	†25301
85.401—85.408 (Subpart E) Added	67579
85.2101—85.2122 (Subpart V) Heading revised	78458
85.2112 Added	78458
85.2113 Added	78458
85.2114 Added	78459
85.2115 Added	78460
85.2116 Added	78460
85.2117 Added	78461
85.2118 Added	78461
85.2119 Added	78461
85.2120 Added	78461
85.2121 Added	78462
85.2122 Added	78462
85.2101—85.2122 (Subpart V) Appendix added	78464
86 Petition for reconsideration denied	48133
Policy statement	49254
Authority citation	†23055
86.078-7 (a)(2)(i)(B) revised	63747
86.081-1 (e) added	†16264
86.081-8 (a)(1)(ii) revised	49876, 53400
(a)(1)(iii) revised	78124
(a)(1)(iii) table corrected	81202
(a)(1)(iii) revised	†1599, 1603

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 40, Chapter I—Continued

Page

(a)(1)(ii) revised ..... †28161, 31412
86.081–14 Added ..... †16264
86.082–1 Added 67002
86.082–2 Added 67002
Amended ..... †23055
86.082–8 (a)(1) revised; (d), (e), (f), and (g) added 67002
(a)(1)(iii) revised 78125
(a)(1)(iii) table corrected 81202
(a)(1)(ii) revised ..... †1590
(a)(1)(iii) revised ..... †1599, 1603
(a)(1)(ii) revised ..... †15690
(a)(1)(iii) revised ..... †16259
(d)(1)(ii), (iii), (g)(1), and (2) revised ..... †23055
(a)(1)(ii) revised ..... †28161
(a)(1)(ii) revised; eff. 7–9–81 ..... †30498
(a)(1)(ii) revised ..... †31412
(a)(1)(ii) table corrected ..... †32868
86.082–9 (a)(1) revised; (d), (e), (f), and (g) added 67003
(g) revised ..... †23055
86.082–14 Added ..... †16266
86.082–21 Added 67003
86.082–24 Added 67004
(b)(1)(v) revised; (b)(1)(vii) (D) and (E) redesignated as (b)(1)(viii) and (ix) and revised; (b)(1)(x) added ..... †23056
86.082–26 Added 67007
86.082–28 (a)(4)(i)(B) revised 67009
86.082–30 Added 67009
(a)(4) revised ..... †23056
(a)(4) introductory text amended; (a)(4)(i) and (ii) revised ..... †24950
86.082–35 Added 67013
86.082–38 Added 67014
86.083–9 Added 67015
(c), (d)(1), (e)(1), (f), (g)(1) and introductory text of (2) revised ..... †23056
86.084–2 Amended 63747
86.084–4 Added 63747
86.084–9 Added 63748
86.084–21 Revised 63748
86.084–22 Revised 63749
86.084–23 Revised 63750
86.084–24 Revised 63751
86.084–25 Revised 63754
86.084–26 Revised 63757
86.084–28 Revised 63759
86.084–29 Revised 63761
86.084–30 Revised 63763
86.084–35 Revised 63767
86.084–38 Revised 63769

Page

86.084–40 Added 63770
86.085–9 Revised 63770
86.085–28 Revised 63770
86.1001–84—86.1014–84 (Subpart K) Revised 63772
86.1344–84 (d) and (e) corrected 63772
86.1601—86.1606 (Subpart Q) Added 66956
86 Appendix X (Sampling Plans for Selective Enforcement Auditing of Heavy-Duty Engines) revised 63783
Appendix X (Selective Enforcement Auditing Test Procedures for 1978 and Later Model Year Light-Duty Vehicles and Light-Duty Trucks) removed 63783
87.7 Added 86947
87.21 (d) and (e)(1) revised 86947
87.101 (a) and (b) introductory texts revised ..... †2045
87.102 (c) and (d) added ..... †2045
117 Eff. in part 11–20–80 61617
120.27 Removed 81042
120.45 Added 79057
122 Notification of impending amendments 55386
Authority citation ..... †27480
122.3 Amended 48620
Suspended in part 68391
Amended 76075
Amended; interim 76630, 86968
Amended; interim ..... †2348
122.4 (b) interpretation 74490
122.6 Policy statement 52149
122.10 (a) suspended in part 68391
122.11 (c) revised; interim; eff. 8–13–81 ..... †12433
122.15 (a)(7) added; interim; eff. 7–13–81 ..... †2888
(a)(7) comment time extended ..... †16897
(a)(7) meetings ..... †30624
122.17 (e) revised; interim; eff. 7–13–81 ..... †2889
(e) comment time extended ..... †16897
(e) meetings ..... †30624
122.21 (d)(2)(vi) added 76075
(d)(3) added; interim 76630
(d)(2)(vii) added; interim 86968
(d)(2)(vii) correctly designated; (d)(3) corrected ..... †27480
122.22 (a)(1) revised; (a)(2) and (3) redesignated as (a)(4) and (5); new (a)(2) and (3) added; interim 76635

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

(b) revised; interim ..... †2348
122.23 (a)(1) revised; interim .. 76636
122.25 Revised; interim; eff. 7-13-81 ..... †2889
(b)(5) added; interim; eff. 7-22-81 ..... †7681
Comment time extended ..... †16897
Meetings ..... †30624
122.27 Revised; interim; eff. 7-22-81 ..... †7681
122.29 Revised; interim; eff. 7-13-81 ..... †2892
Revised; interim; eff. 8-13-81 .. †12433
Comment time extended ..... †16897
Meetings ..... †30624
122.53 (b) suspended in part 68391
(d)(7)(ii)(A) suspended in part ..... †2046
(d)(7)(ii)(A) suspended in part ..... †22585
122.66 (b)(1) and (2) temporarily suspended 59318
(d)(4) suspended in part 68391
Correctly designated 74921
123 Notification of impending amendments 55386
State program phase I interim authorization approved .. 76144, 81757, 81758, 83229, 83498, 85016
State program phase I interim authorization approved .... †1727, 3207, 3517, 9948, 10487, 14008-14010, 14012, 14123, 17194, 19819, 28161, 28850, 29935
State program phase II interim authorization content and components ..... †7964
123.31—123.39 (Subpart B) Authority citation; interim ..... †8303
Authority citation comment time extended ..... †18978
123.31 (c) revised; interim ..... †8303
(c) comment time extended ... †18978
123.34 (f)(3) revised; interim ... 86974
123.35 (c) revised; interim 86974
123.121—123.137 (Subpart F) Authority citation; interim ..... †8303
Revised; interim ..... †8303
Authority citation and subpart comment time extended .. †18978
123.128 (b)(7)(ii) and (c)(5) revised; interim 86974
(f)(2) revised; interim ..... †5618
(g) revised; interim ..... †8313
124 Notification of impending amendments 55386
124.3 (b) removed 52748

Page

124.5 (g)(2) revised 52748
124.42 (b) amended 52748
124.60 (a) suspended in part 68391
125 Availability of regulations ... 61617
125.30—125.32 (Subpart D) Heading revised ..... †9460
125.30 (a) revised; (b) amended ..... †9460
125.120—125.124 (Subpart M) Added 65953
141 Incorporation by reference approvals ..... †33980
141.6 (c), (d), and (e) added ... 57342
141.11 (a) and (c) revised; (d) added 57342
141.14 (a)(1), (b)(1)(i) and (2)(i) revised; (d) added 57343
141.21 (a) and (c) revised; (i) added 57343
141.22 (a) revised; (e) added ... 57344
141.23 (a)(3) and (f)(1) through (10) revised; (a)(4) added ... 57344
141.24 (a)(3) added; (e) and (f) revised 57345
141.25 (e) added 57345
141.27 Revised 57345
141.28 Revised 57345
141.31 (a) revised; (d) and (e) added 57345
141.32 (b)(3) and (d) revised ... 57345
141.40—141.42 (Subpart E) Heading revised 57345
141.41 Added; eff. 3-1-82 57345
141.42 Added; eff. 3-1-82 57346
162—180 (Subchapter E) Policy statement 50274
Technical correction 50568
162 Notification to Agriculture Secretary ..... †27936
162.16 Interpretation ..... †15104
162.31 Amended (effective pending congressional review) .... †5698
Effective date deferred ..... †11972
Deferral corrected ..... †17780
Effective dated confirmed ..... †29708
162.150—162.156 (Subpart D) Added (effective pending congressional review) ..... †2014
Effective date deferred ..... †11972
Deferral corrected ..... †13691, 17780
Effective date confirmed ..... †26305
169 Revised 54338
173 Added (effective pending congressional review) ..... †26059
180 Policy statement ..... †24950
Incorporation by reference approvals ..... †33980

Note: Symbol (†) refers to 1981 page numbers

80-145 O - 81 - 7

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 40, Chapter I—Continued

	Page
180.1 (j)(6) revised	82928
180.29 (a) revised	†3020
180.34 (f) table amended	82928
180.108 Amended	†17021
180.111 Table amended	76146
180.120 Amended	67350
180.126 Amended	†15123
180.129 Revised	†27939
180.142 (a) revised	†18314
180.154 Table amended	76146
Table amended	†17021
Technical corrections	†25615
180.155 Introductory text revised	78687
Technical correction	†5981
Revised	†23238
180.169 Table amended	76147
Existing text designated as (a) and table amended; (b) and (c) added	†14015
180.200 Revised	†27938
180.207 Table amended	56346, 86493
180.209 (b) table amended	†18316
180.214 Revised	86492
180.222 Table amended	51782
180.226 Revised	†30343
180.230 Amended	†18315
180.242 (a) revised	46073
(a) table amended	79069
180.266 Revised	†32442
180.275 Table amended	†30500
180.298 Table corrected; CFR correction	71356
Table amended	†18314
180.300 Revised	47148
Revised	†31015
180.303 Table amended	50568, 54340, 82634
Table amended	†19821, 32442
180.304 Revised	†27940
180.319 Table amended	†31643
180.320 Table amended	53478
180.328 Table amended	64579
180.342 Table amended	75662
Table amended	†31015
180.350 Revised	60431
180.355 (a) table amended	†32441
180.359 Table amended	68392
180.361 Table amended	65210
Revised	†21772
Technical correction	†27480
180.362 Revised	62986
180.363 Table amended	†18979
Technical correction	†27480
180.364 Table amended	51783
Revised	64911
(a) table amended	†27937
180.370 Table amended	†14894, 31643
180.371 Revised	†12975
180.379 Table amended	54054, 58122
180.380 Added	77031
Table amended	†12973
180.381 Added	85022
Table amended	†23239
180.382 Revised	†15126
180.387 Added	47147
180.395 Added	55198
180.396 Added	77030
180.397 Added	†15123
180.398 Added	†21601
180.1001 (c) table amended	51782
(c) table and (d) table amended	55199
(c) table amended	55200
(d) table amended	55721, 62822
(d) table amended	†5981
(c) table and (e) table amended	†12973
(d) table amended	†14344
(c) table amended	†18316
180.1001 (e) table amended	†28403
180.1011 (b) revised	56347
180.1021 (c) revised	53479
180.1027 (c) revised	78688
180.1046 Revised	†15125
Authority citation corrected	†23057
180.1047 Revised	†15124
Technical correction	†23420
180.1049 Added	75664
180.1050 Added	75664
180.1051 Added	75664
180.1052 Added	51201
180.1053 Added	†5981
180.1054 Added	†14344
180.1055 Added	†26771
180.1056 Added	†33270
180.1057 Added	†18695
180.1058 Added	†26772
180.1059 Added	†20998
180.1061 Added	†30625
205 Technical correction	†9950
205.50—205.59 (Subpart B) Request for additional comments	†17558
205.52 (a) amended	†8504
205.150—205.163 (Subpart D) Added; eff. 1-1-83 and 1-1-86	86707
205.164—205.174 (Subpart E) Added; eff. 1-1-83 and 1-1-86	86718

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

	Page
205.170 (c) introductory text corrected	†4918
205.200—205.209 (Subpart F) Reconsideration and suspension of enforcement	†12975
Request for additional comments	†17558
205.202 (a) amended	†8504
205.204 (b) and (c)(1) revised	65595
205.205–11 (a)(4)(v) revised	65595
205.200—205.209 (Subpart F) Appendix I redesignated from Part 205 Appendix I	65595
205 Appendix heading amended and redesignated to Subpart F	65595
228.12 (a) amended	77435
(b)(6) added	79810
(a) introductory text amended; (a)(1) through (6) revised	81044
(b)(8) through (12) added	†31413
(b)(7) added	†31414
230 Revised; eff. in part 10–1–81	85344
3–23–81 effective date deferred	†11972
257.3–5 Information availability	76147
Comment time extended	†3021
260 Notification of impending amendments	55386
Authority citation	†27476
260.10 (a)(26) revised	72028
(a)(15a) and (76a) added	76075
(a)(64a) amended; interim	76630
(a) amended; interim	86968
(a) amended; interim	†2348
(a) corrected	†27476
261 Notification of impending amendments	55386
Comment time extended	77435
Temporary exclusions and request for comments	78544
Authority citation	†4617
Comment time extended	†14125
Temporary exclusions and request for comments	†17196
Information availability and request for comments	†21999
Authority citation	†27476
261.4 (c) added	72028
(b)(6) added; interim	72037
(b)(7) and (8) added; interim	76620
(b) (9) added	78531
(c) revised; interim	80287
(b)(7), (8), and (9) correctly designated	†27476
261.5 Revised; interim	76623
(e)(1) and (2) corrected	†27476
261.7 Added	78529
261.30—261.33 (Subpart D) Comment time extended	48142
261.30 (d) revised	74892
261.31 Table amended; interim	47833
Comment time extended	60903
Revised	74890
Revised	†4617
Table corrected	†27477
261.32 Table amended; interim	47833
Comment time extended	60903
Table amended	72039
Revised	74891
Revised: eff. in part 7–16–81	†4618
Correctly designated	†27476
Table corrected	†27477
261.33 (e) and (f) comment time extended	48142
Heading and (c) revised	78529
Revised	78541
(c) introductory text, (d), (e) introductory text and (f) introductory text and table corrected	†27477
261 Appendixes VII and VIII amended; interim	47834
Appendixes VII and VIII amendment comment time extended	60903
Appendix II amended	72041
Appendixes VII and VIII revised	74892
Appendix VII revised	†4619
Appendixes VII and VIII corrected	†27477
Appendix VIII corrected	†29708
262 Notification of impending amendments	55386
262.10 (f) added; interim	86970
262.11 (a) revised; interim	76624
262.12 Special procedures	85022
Technical correction	†12207
262.23 (c) revised; (d) added; note following text revised; interim	86973
262.34 (a)(1) revised; interim	76626
262.41 Suspended	†8395
262.51 Amended	78529
263 Notification of impending amendments	55386
263.10 (c)(2) amended; interim	86968
263.11 Special procedures	85022
Technical correction	†12207
263.12 Added; interim	86968
263.20 (e) introductory text, (1), (4), and (5) revised; (f) redesignated as (g) and new (f) added; interim	86973

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 40, Chapter I—Continued

Page

263.22 (b) introductory text revised; (c) and (d) redesignated as (d) and (e) and new (c) added; interim 86973
264 Notification of impending amendments 55386
Draft guidance availability ..... †10911
Authority citation ..... †27480
264.1 (g)(6) added 76075
(g)(8) added; interim 76630
(g)(9) added; interim 86968
(g)(9) correctly designated ..... †27480
264.10 Revised; interim; eff. 7–13–81 ..... †2848
(b) revised; interim; eff. 7–22–81 ..... †7678
Comment time extended ..... †16897
Meetings ..... †30624
264.13 (b)(3) amended; (b)(6) added; interim; eff. 7–13–81 ..... †2848
(b)(6) revised; interim; eff. 7–22–81 ..... †7678
(b)(3) and (6) comment time extended ..... †16897
(b)(3) and (6) meetings ..... †30624
264.14 Amended; interim; eff. 7–13–81 ..... †2848
Comment time extended ..... †16897
Meetings ..... †30624
264.15 (b)(4) amended; interim; eff. 7–13–81 ..... †2848
(b)(4) revised; interim; eff. 7–22–81 ..... †7678
(b)(4) comment time extended ..... †16897
(b)(4) meetings ..... †30624
264.16 (a) amended; interim; eff. 7–13–81 ..... †2848
(a) comment time extended ..... †16897
(a) meetings ..... †30624
264.17 Added; interim; eff. 7–13–81 ..... †2848
Comment time extended ..... †16897
Meetings ..... †30624
264.18 Added; interim; eff. 7–13–81 ..... †2848
Comment time extended ..... †16897
Meetings ..... †30624
264.36 Removed; interim; eff. 7–13–81 ..... †2849
Removal comment time extended ..... †16897
Meetings ..... †30624
264.52 (b) corrected ..... †27480

Page

264.71 (c) added; interim 86970
(b) introductory text, (2), and (4) amended and (1), (3), and (5) revised; interim 86974
264.73 (b)(2) amended; (b)(3) through (6) revised; (b)(7) added; interim; eff. 7–13–81 ..... †2849
(b)(3) revised; (b)(6) and (7) redesignated as (b)(7) and (8); new (b)(6) added; interim; eff. 7–22–81 ..... †7678
(b)(2) through (8) comment time extended ..... †16897
(b)(2) through (8) meetings ..... †30624
264.75 (e) revised; (f) removed; (g) and (h) added; interim; eff. 7–13–81 ..... †2849
Suspended ..... †8395
(e) through (h) comment time extended ..... †16897
(e) through (h) meetings ..... †30624
264.77 Revised; interim; eff. 7–13–81 ..... †2849
Comment time extended ..... †16897
Meetings ..... †30624
264.110—264.120 (Subpart G) Added; interim; eff. 7–13–81 ..... †2849
Comment time extended ..... †16897
Meetings ..... †30624
264.112 (a) introductory text and (1) revised; interim; eff. 7–22–81 ..... †7678
264.140—264.151 (Subpart H) Added; interim; eff. 7–13–81 ..... †2851
Comment time extended ..... †16897
Effective date deferred in part to 10–13–81 ..... †27119
Meetings ..... †30624
264.142 (a) revised; interim; eff. 7–22–81 ..... †7678
264.145 (b) heading corrected ..... †18025
264.149 Correctly designated ..... †18025
264.151 (f) corrected ..... †18025
264.170—264.178 (Subpart I) Added; interim; eff. 7–13–81 ..... †2866
Comment time extended ..... †16897
Meetings ..... †30624
264.190—264.199 (Subpart J) Added; interim; eff. 7–13–81 ..... †2867
Comment time extended ..... †16897
Meetings ..... †30624
264.220—264.230 (Subpart K) Added; interim; eff. 7–13–81 ..... †2868
Comment time extended ..... †16897
Meetings ..... †30624
264.250—264.258 (Subpart L) Added; interim; eff. 7–13–81 ..... †2870

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

	Page
Comment time extended	†16897
264.250—264.258 (Subpart L) Meetings	†30624
264.340—264.351 (Subpart O) Added; interim; eff. 7-22-81	†7678
Meetings	†30624
264 Appendixes V and VI added; interim; eff. 7-13-81	†2872
Appendixes V and VI comment time extended	†16897
Appendixes V and VI meetings	†30624
265 Notification of impending amendments	55386
Draft guidance availability	†10911
Authority citation	†27480, 33507
265.1 (c)(10) added	76075
(c)(11) added; interim	76630
(c)(12) added; interim	86968
(c)(12) correctly designated	†27480
265.52 (b) corrected	†27480
265.71 (c) added; interim	86970
(b) introductory text, (2), and (4) amended and (1), (3), and (5) revised; interim	86974
265.73 (b)(3) revised; eff. 7-22-81	†7680
265.75 Suspended	†8395
265.110—265.120 (Subpart G) Revised; interim; eff. 7-13-81	†2875
Comment time extended	†16897
Meetings	†30624
265.112 (a) amended	72040
265.118 (a) amended	72040
265.140—265.151 (Subpart H) Revised; interim; eff. 7-13-81	†2877
Comment time extended	†16897
Effective date deferred in part to 10-13-81	†27119
Meetings	†30624
265.142 (a) amended	72040
265.144 (a) amended	72040
265.145 (f) corrected	†18025
265.173 Amended	78529
265.312 Revised; interim	†13494, 33507
265.340—265.351 (Subpart O) Revised; eff. 7-22-81	†7680
267 Added; interim; eff. 8-13-81	†12429
401.15 Amended	†2266, 10724
403 Revised	†9439
Effective date deferred	†11972, 19936
403.10 (g)(1) revised	72945
406.17 Suspended	45582
409.62 (b) table corrected	59152
410 Incorporation by reference approvals	†33980
413 Revised	†9467
Effective date deferred	†11972
413.01 (a) correctly designated	55200
413.14 Introductory text and (a) corrected	†30626
415 Incorporation by reference approvals	†33980
420 Incorporation by reference approvals	†33980
421.40 Revised	44928
421.41 Revised	44928
421.42 Revised	44929
421.50 Revised	44929
421.51 Revised	44929
421.52 Revised	44929
421.90—421.92 (Subpart I) Added	44929
422.11 Removed	82254
422.12 Removed	82254
422.13 Removed	82254
422.15 Removed	82254
422.21 Removed	82254
422.22 Removed	82254
422.23 Removed	82254
422.25 Removed	82254
422.31 Removed	82254
422.32 Removed	82254
422.33 Removed	82254
422.35 Removed	82254
423.12 (a) amended	61619
423.22 (a) amended	61619
423.32 (a) amended	61619
423.42 Introductory text amended	61619
429 Revised	†8285
429.61 Effective date deferred	†11972
429.62 Effective date deferred	†11972, 19936
429.151 Effective date deferred	†11972
429.152 Effective date deferred	†11972, 19936
430 Incorporation by reference approvals	†33980
432.22 Tables in (a), (b), (c), (d), and (e) amended	82254
440 Incorporation by reference approvals	†33980
600 Authority citation	†23057
600.001-81 Added	49258
600.002-81 Added	49258
600.005-81 Added	49259
600.006-81 Added	49261
600.101-81 Added	49261

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 40, Chapter I—Continued

Page

600.206–81 Added 49261
600.301–81 Added 49262
600.306–81 Added 51164
600.307–81 Added 51165
600.501–81 Added 49262
600.502–81 Added 49262
600.506–81 Added 49262
600.510–80 (b)(2)(v) revised ..... †23057
600.513–81 Added 51165
704 Added; regulations transferred from part 713 ..... †33525
707 Added 82850
Technical correction ..... †10912
713 Added 70732
Removed; regulations transferred to part 704 ..... †33527
716.2 (e) added 83168
761 Related court order and enforcement notice ..... †16090
Interpretations ..... †27614, 27615
Technical correction ..... †32868
Incorporation by reference approvals ..... †33980
762.21 (b) revised ..... †5982
762.58 (i) added; effective to 12–31–81 ..... †27122

Chapter V—Council on Environmental Quality

1500—1508 Questions and answers ..... †18026
1501 Scoping guidance memorandum ..... †25461
1502 Scoping guidance memorandum ..... †25461
1508 Scoping guidance memorandum ..... †25461

Title 40—*Proposed Rules:*

1—775 (Ch. I) ..... 48510, †3032, 3408, 10177, 16916, 22400, 23692, 24965, 28680
4 60929
6 ..... 53187, 67398
7 ..... 77459, †2306
12 ..... †2306
33 ..... †20567
35 ..... 53187, 56104, 57996, 72984, †20567, 27314
50 ..... 55066, 55083, 67564, 72215, †21628, 25655
51 ..... 49110, 50825, 56845, 62170, 64856, 67564, 73696, †7193, 9124, 16280, 21628, 22906, 24596
52 ..... 44970, 45080, 45314, 45318, 45931, 46826, 47166, 47877, 48164, 48168, 48169, 49112, 49298, 49599, 50825, 50832, 51619, 51620, 52184, 52834, 52841, 53490, 53491, 54088, 54089, 54372, 54772, 55227–55230, 55480, 55482, 56369, 56845, 56847, 57458, 57459, 57461, 58146, 58598, 58599, 58881, 58883, 58896, 58897, 58912, 58923, 59177, 59178, 59329, 59334, 59339, 59591, 59597, 60930, 60931, 61319, 61644, 62163, 62172, 62506, 62850, 63004, 63300, 63886, 64214, 65262, 65628, 65630, 67397, 67683, 67686, 68405, 68692, 69271, 69482, 70000, 70004, 70513, 70917, 71379, 71382, 71383, 72215, 72217–72220, 72702, 73105, 73520, 73696, 73967, 73969, 73970, 73972, 73975, 74515, 74516, 74518, 74520, 74737, 74944, 76496, 76714, 77052–77054, 77075, 77459, 77464, 77465, 78730, 78731, 78734, 79116, 79513, 79514, 79836, 80314–80316, 80558, 80556, 80559, 81069, 81070, 81214, 81608, 81789, 81792, 81793, 82280, 82675, 82678, 82964, 83546, 84096, 84098, 84099, 85481, 86506, †133, 953, 1314–1316, 1760, 1761, 3569, 3923, 3924, 6021, 7004, 7005, 7007, 7008, 8575, 8581, 8583, 8586, 9124, 9127, 9128, 9973, 10750, 11309–11312, 11320, 11321, 11678, 11843, 12020, 12522, 12761, 13242, 13735, 14135, 15180, 15181, 15284, 15743, 16280, 17790, 18725, 19003, 19829, 20231, 20690, 20692, 20696, 21199, 21200, 21390, 21391, 22209, 23768, 23770, 23772, 23955, 24597, 24601, 24602, 24966, 24967, 25110, 25322, 25323, 25481, 25483, 25485, 25659, 26074, 26353, 26499, 26793, 27129, 27501–27504, 27972, 28179, 28871, 29289, 29488, 30116, 30355, 30360, 30361, 30364–30366, 30653–30655, 31023, 31024, 31446, 31675, 31903, 32036, 32271, 32456, 33058, 33333, 33334, 33336
55 ..... 58381, 68406, 73699, 75710, 79838
57 ..... 72221, 85084
58 ..... 44327, 54772, 54773, 55230, 67564, †2655, 12022
60 ..... 44329, 44970, 54385, 56373, 68616, 71538, 73521, 76404, 76427, 77075, 78174, 78980, 79390, 83126, 85085, 85099, 86278, †1102, 1136, 1317, 8033, 8352, 8587, 9130, 9131, 10752, 11490, 11557, 12023, 14358, 14905, 21628, 21789, 22005, 22768, 26501, 28180, 29955, 31904

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

61 ---- 49298, 53842, 64219, 68514, 76346, 83448, 83952, 84827
---- †1165, 1318, 3033, 9660, 12188, 18501, 25113, 32599
62 ---- 49115, 64219
---- †18321, 19835, 26504, 31026
65 ---- 59341
---- †20573, 21790, 26075
80 ---- 54090, 66479, 66481, 66483
---- †20638
81 ---- 45080, 49117, 52841, 55230, 55231, 56104, 56848, 59179, 60941, 63887, 65630–65632, 68978, 69271, 70006, 70514, 70917, 70918, 73702, 76209, 81070, 82964, 85100
---- †7009, 8588, 9661, 12023, 15744, 15745, 20233–20236, 20703, 24214, 24604, 25324, 25325, 26355, 26504, 26506, 27131, 28872, 29291, 30368, 30655, 31027, 32272, 33059
85 ---- 48812, 62851
---- †8982, 21628
86 ---- 49960, 61645, 62851, 63514, 79116, 79382, 82616
---- †1910, 5001, 5838, 9131, 9132, 15893, 16917, 20703, 20705, 21393, 21628, 21629, 18348, 20703, 20705, 21393, 21628, 21629, 26076, 26796, 31677
111 ---- 84942
116 ---- 46094, 59907
117 ---- 46097, 59907
120 ---- 59598
122 ---- 55232, 59343, 76076
---- †11126, 11680, 13735, 20706
123 ---- 55232, 62170, 63302, 63888, 65263, 65632, 68693, 68694, 68979, 68980, 70287, 71817, 73521, 73522, 73976, 73977, 74520, 74737, 74945, 75240, 75241, 76210, 76715, 79117, 79118, 80317–80319, 85101
---- †954, 2120, 3924, 8589, 13242, 13735, 13736, 21395, 24968, 26796, 27132, 29292, 31028, 31279
124 ---- 55232
---- †13735
125 ---- 62509, 68328
136 ---- †3033
141 ---- †17567
142 ---- 50893
162 ---- 49600, 52628, 54094, 57461, 57749, 58600, 62852, 63302, 66736, 73523, 77077, 85800
---- †18322, 23490
163 ---- 48170, 49600, 63302, 65633, 72708, 72948

Page

164 ---- 52628, 57461, 73523
167 ---- 52184
169 ---- 52184
172 ---- 72948
173 ---- 65633
---- †23086
180 ---- 47168, 48171, 49117, 49600, 51854, 57461, 58497, 58499, 59500, 58600, 63888, 63889, 66484, 67398, 72232, 72708, 76211, 77077–77079, 79119, 85101–85105
---- †5003, 11680, 11681, 12762–12764, 15181, 15182, 15285, 16917, 17229, 17230, 21631, 21632, 22612, 22613, 22615, 22907, 23773, 24605, 25486, 25659, 26663, 26796, 27133, 27973–27975, 30506, 30662, 31279, 32038, 32273, 32457, 33060
192 ---- †2556, 16278, 26356, 32458
201 ---- 64876, 66485
205 ---- 86732
228 ---- 56374, 75241
230 ---- 85360
---- †11323
249 ---- 76906
---- †9132
256 ---- 71818, 73440, 76497
257 ---- 72709
260 ---- 55232, 76076
---- †11126, 11680, 20706
261 ---- 47835, 55232, 68409, 72029, 74893, 77466
---- †27363
262 ---- 55232
263 ---- 55232
264 ---- 48171, 55232, 66816, 76076, 82964
---- †2893, 7684, 11126, 11680, 18054, 20706, 28314, 28680
265 ---- 48171, 55232, 76076, 82964
---- †2893, 28680
266 ---- 76076, 80561
267 ---- †28680
401 ---- 46103, 60942, 79692, 81180, 82679
403 ---- 72883
406 ---- †17567
408 ---- 52411
---- †2544, 18055, 30663
409 ---- †17567
410 ---- 52185
---- †8590, 11322, 22400
413 ---- 45322
---- †17567
415 ---- 49450, 58383
416 ---- †17567
418 ---- †17567
420 ---- †1858, 9974, 14135, 17567, 18725, 20707, 24606, 32274
421 ---- †17567
422 ---- †17567
423 ---- 68328, 72713, 81074

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 40—*Proposed Rules*—Continued

Page

424 ..... †17567
426 ..... †17567
428 ..... †17567
430 ..... †1430, 2369, 9974, 15287, 21396, 31028
431 ..... †1430, 2369, 9974, 15287, 21396, 31028
432 ..... †17567
434 ..... †3136, 28873
435 56115
..... †17567
436 ..... †17567
440 ..... †17567
443 ..... †17567
446 72232
447 72233
457 ..... †17567
460 ..... †17567
465 ..... †2934, 9974, 14136
466 ..... †8860, 12765, 25114
600 64540
610 ..... †11322
707 79726
712 66180
717 ..... 47008, 51855, 58384
720 ..... 54642, 57150, 63006, 74378, 74945, 81214, 81615
..... †8986, 12991, 20574
721 78970
..... †6021
761 ..... 47168, 71364, 80320, 84828
..... †16096, 25411, 25660, 27617, 27619, 28446, 32887
762 66726
..... †6019, 22908
763 61966
..... †3033, 7011, 14905, 19504
770 ..... 48512, 63010, 68410, 14905, 19504
772 ..... 77332, 77353
..... †8992, 20236, 21633, 22210
773 ..... 48524, 63010, 68411
..... †30300
783 ..... †8200
1500—1517 (Ch. V) 47442
..... †2369

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

1–1.701–1 (d)(3) revised 55721
1–1.702 (b)(13) revised 55722
1–1.706–1 (g) added 55722
1–1.1500—1–1.1508–2 (Subpart 1–1.15) Added ..... †7966

Page

1–3.602 (f) and (g) added 55722
1–3.603–3 Added 55722
1–3.604–7 Revised ..... †17559
1–3.701 (a) and (d) revised ..... †7968
1–3.702 Revised ..... †7969
1–3.703 (a) and (c) revised ..... †7969
1–3.705 (f)(4) revised ..... †7969
1–3.802–1 (c) revised 55722
1–3.805–2 Revised 67351
1–4.800—1–4.804 (Subpart 1–4.8) Added 56805
1–4.1100—1–4.1112 (Subpart 1–4.11) Revised ..... †1197
1–4.1104 (b) and (c) revised; (m), (n), and (o) added 66010
(c) corrected ..... †16102
1–4.1107–3 (b) introductory text revised 66010
1–4.1107–21 Added 66010
1–4.1108–4 Revised 66010
1–4.1108–5 (c) added 66012
1–4.1109–3 (d) corrected ..... †16102
1–4.1110–3 (g) corrected ..... †16102
1–6.100 Revised 66013
1–6.101 (h) through (j) added 66013
1–6.103 Heading revised 66013
1–6.103–6 Added 66013
1–6.104–4 (c) revised 66014
1–6.104–5 (a) introductory text revised 66014
1–6.600—1–6.601–1 (Subpart 1–6.6) Added 66014
1–7.703–20 Introductory text designated as (c) introductory text and revised; (a) and (b) added ..... †13217
1–11.300 Redesignated from 1–11.301 and revised ..... †17560
1–11.301 Redesignated as 1–11.300 and revised; new 1–11.301 redesignated from 1–11.302 and revised ..... †17560
1–11.302 Redesignated as 1–11.301 and revised ..... †17560
1–11.501 (a) revised ..... †17560
1–11.502–1 Revised ..... †17560
1–11.502–2 Revised ..... †17560
1–15.102 Revised ..... †7969
1–15.103 Revised ..... †7969
1–15.109 Revised ..... †7970
1–15.110 Added ..... †7970
1–15.203 (c) and (e) revised 47686
1–15.204 Revised 47686
1–15.205–1 (a) and (c) revised 47686
1–15.205–2 Revised 47686

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Page

1–15.205–9 (b) through (h) revised; (i) added ... 47686
1–15.205–16 (a)(2)(iii), (iv) and (v) redesignated as (a)(2)(iv), (v), and (vi); new (a)(2)(iii) and (c) added; new (a)(2)(iv) revised; new (a)(2)(v) and introductory text of (vi) republished ... 47687
1–15.205–17 Revised ... 47687
1–15.205–23 Revised ... 47688
1–15.205–31 (a) and (c) revised; (e) added ... 47688
1–15.205–32 Revised ... 47688
1–15.205–37 (c) revised ... 47688
1–15.205–40 (d) revised ... 47688
1–15.205–41 (a)(2), (3), and (5) revised; (a)(6) added ... 47688
1–15.205–44 (h) added ... 47689
1–15.301 Revised ... †7970
1–15.502–1 Revised ... †7970
1–15.600—1–15.603–3 (Subpart 1–15.6) Added ... †7970
1–15.709–3 Revised ... 67351
1–15.709–4 (a) and (b) revised ... 67351
1–15.709–5 (b) revised ... 67351
1–15.709–6 Revised ... 67351
1–15.711–28 Revised ... 67351
1–15.712–2 (a) revised ... 67351
1–15.713–7 Revised ... 67352
1–16.807 Added ... †17561
1–16.901–1094 Added ... †17562
1–16.901–1094A Added ... †17563
1–1—1–30 (Chapter 1 Appendix)
Temporary reg. 56 added ... 49263
Temporary reg. 46 amended ... 62986
Temporary reg. 46 removed ... †1197
Temporary reg. 47 removed ... †1197
Temporary reg. 49 removed in part ... †1197
Temporary reg. 57 added ... †3519
Temporary reg. 58 added ... †17780
Temporary reg. 45 amended ... †26061
Temporary reg. 56 removed; temporary reg. 60 added ... †26484
Temporary reg. 61 added ... †27645
Temporary reg. 59 added ... †33270

Chapter 1—*Proposed Rules:*

1–1—1–30 (Ch. 1) ... †24504, 30369
1–4 ... 71628
... †10924, 30369

Chapter 3—Department of Health and Human Services

Chapter 3 Chapter heading revised; nomenclature changes ... 53806

Page

3–1.5300—3–1.5304 (Subpart 3–1.53) Added ... 74922
3–1.5400—3–1.5405 (Subpart 3–1.54) Revised ... 49553
3–3.807–2 Added ... 64911
3–3.807–3 Added ... 64912
3–3.809 Added ... 64912
3–3.5000—3–3.5004 (Subpart 3–3.50 Removed ... 73049
3–7.5009 Revised ... 49555
3–7.5024 Revised ... 60904
3–7.5029 Added ... 84061

Chapter 3—*Proposed Rules:*

3–1—3–57 (Ch. 3) ... 73523
3–1 ... 47169

Chapter 4—Department of Agriculture

Chapter 4—*Proposed Rules:*

4–1—4–50 (Ch. 4) ... 75484
... †23872, 33528

Chapter 5—General Services Administration

5–1.206 (Subpart 5–1.2) Added ... 56806
5–1.340 (Subpart 5–1.3) Added ... 56807
5–1.401 (Subpart 5–1.4) Added ... 56806
5–5 Added; regulations transferred from Part 5A–5 ... †25615
5–6 Added; regulations transferred from Part 5A–6 ... †908
5–8 Added; regulations transferred from Parts 5A–8 and 5B–8 ... †17203
5–9 Added; regulations transfered from Part 5A–9 ... 81044
5–10 Added; regulations transferred from Parts 5A–10 and 5B–10 ... 81046
5–11 Added; regulations transferred from Part 5A–11 ... 76438
5–14 Added; regulations transferred from Part 5A–14 ... †911
5–19 Added; regulations transferred from Part 5A–19 ... 82928
5–26 Added; regulations transferred from Part 5A–26 ... 82932
5–30 Added; regulations transferred from Part 5A–30 ... 67659
5–60 Added; regulations transferred from Parts 5A–60 and 5B–60 ... †900

Chapter 5—*Proposed Rules:*

5–1 (Ch. 5) ... 46627

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 41—Continued

Chapter 5A—Office of Acquisition Policy, General Services Administration

Page

5A-1.206 Removed 58341
5A-1.370-3 (a) revised; (c)(7) added ..... †5982
5A-1.370-4 Amended ..... †5983
5A-1.1101-70 Revised 48143
5A-1.1101-71 Revised 48143
5A-1.7301 (b) and (c) revised; (d) added ..... †27122
5A-1.7301-1 Revised ..... †27122
5A-1.7301-2 Introductory text and (a) revised ..... †27122
5A-2.202-4 (e), (i), and (k) amended ..... †5983
5A-2.202-51 Removed ..... †5893
5A-2.202-70 Revised ..... †5983
5A-2.203-1 (c) amended ..... †5983
5A-2.203-70 Revised ..... †5983
5A-3.603-1 (a) and (b) revised ..... †27122
5A-3.802-1 Removed ..... †21772
5A-5 Removed; regulations transferred to Part 5-5 ..... †25617
5A-6 Removed; regulations transferred to Part 5-6 ..... †911
5A-7.102-75 Revised ..... †7982
5A-7.102-78 (b) revised ..... †21772
5A-7.102-80 Removed ..... †21772
5A-7.102-81 Revised ..... †21772
5A-7.102-82 Added ..... †21773
5A-7.103-3 Removed ..... †21773
5A-7.103-23 Removed ..... †21773
5A-7.103-50 Added ..... †21773
5A-7.103-52 Revised ..... †21773
5A-7.103-57 (c) and (d) removed ..... †5983
5A-7.103-58 Removed ..... †5983
5A-7.103-70 Added ..... †5983
5A-7.103-71 Revised ..... †5984
5A-7.103-85 Removed 55723
5A-7.103-86 Revised 55723
5A-7.103-87 (a)(1) and (2) revised 55724
5A-7.103-88 Removed ..... †21773
5A-8 Removed; regulations transferred to Part 5-8 ..... †17206
5A-9 Removed; regulations transferred to Part 5-9 81045
5A-10 Removed; regulations transferred to Part 5-10 81047
5A-11 Removed; regulations transferred to Part 5-11 76439
5A-14 Removed; regulations transferred to Part 5-14 ..... †913

Page

5A-16.950-1400 Removed ..... †7982
5A-16.950-2166 Amended 48143
5A-16.950-2875 Removed ..... †27123
5A-16.950-3014 Removed ..... †27123
5A-16.950-3184 Added ..... †27123
5A-16.950-3186 Added ..... †27123
5A-16.950-3188 Added ..... †27123
5A-16.950-3433 Added ..... †27123
5A-19 Removed; regulations transferred to Part 5-19 82932
5A-26 Removed; regulations transferred to Part 5-26 82933
5A-26.5002 Revised 55724
5A-30 Removed; regulations transferred to Part 5-30 67663
5A-53.801—5A-53.806 (Subpart 5A-53.8) Removed ..... †21773
5A-60 Removed; regulations transferred to Part 5-60 ..... †908
5A-76.102 Added 55724

Chapter 5B—Office of Acquisition Policy, General Services Administration

5B-1.706 (b), (c), (f), and (g) revised; (h) added 67663
5B-2.202-76 Revised 47148
5B-8 Removed; regulations transferred to Part 5-8 ..... †17206
5B-10 Removed; regulations transferred to Part 5-10 81047
5B-60 Removed; regulations transferred to Part 5-60 ..... †908

Chapter 7—Agency for International Development, International Development Cooperation Agency

7-1.105-5 Revised ..... †31566
7-1.313 (a)(6), (14), and (17) revised 44275
7-1.327 Added 44275
7-1.451-2 Existing text designated as (a); (b) added ..... †31887
7-1.451-3 Amended 44275
7-1.602 Amended 44275
7-1.702—7-1.704-7 (Subpart 7-1.7) Nomenclature change 44275
7-1.702 (d)(3) revised 44275
7-1.704-1 Revised ..... †31887
7-1.704-2 Heading revised; (b) introductory text amended 44275
(b)(8) amended ..... †31887
7-1.704-6 (a)(3) revised 44275
(b) revised 74923
(a) amended ..... †31887

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

	Page
7-1.1001 (b)(2) amended	44276
7-3.103-50 Added	44276
7-3.103-51 Added	†31887
7-3.705 Amended	44276
7-3.807-50 (a) revised	44276
7-4.800—7-4.804-50 (Subpart 7-4.8) Added	†10913
7-4.908 Amended	44276
7-4.1003 (b) amended	44276
7-4.1004-2 (a) amended	44277
7-4.5500 Amended	44277
7-4.5601 (b) removed; (c), (d), and (e) redesignated as (b), (c), and (d)	44277
7-4.5605 (c) amended	44277
7-4.5606 (a) and (c)(3) amended	44277
7-4.5701 Amended	44277
Revised	74923
7-4.5801 Revised	44277
(b) revised; (c) added	74923
7-4.5804 Revised	44277
7-4.5805 (d) and (f) amended	44277
7-6.1603 (Subpart 7-6.16) Added	†31887
7-6.5100—7-6.5105 (Subpart 7-6.51) Revised	44283
7-6.5102 Correctly designated	48888
7-6.5103 (c)(2)(i) removed; (c)(2)(ii) through (v) redesignated as (c)(2)(i) through (iv)	55725
Introductory text, (b)(3)(ii), (c)(2), and (h)(6) and (7) revised; undesignated center heading and (h)(8) added	†31887
7-6.5104 (b) amended	55725, 74923
(b) amended	†31888
7-6.5200—7-6.5208 (Subpart 7-6.52) Removed	44283
7-7.102-14 Amended	44277
7-7.103-23 Redesignated as 707.-103-50	44277
7-7.103-50 Redesignated from 7-7.103-23	44277
7-7.602-9 Redesignated as 7-7.-603-9	44277
7-7.602-10 Redesignated as 7-7.602-27	44277
7-7.602-11 Redesignated as 7-7.-603-50	44277
7-7.602-27 Redesignated from 7-7.602-10	44277
7-7.603-9 Redesignated from 7-7.602-9	44277
7-7.603-50 Redesignated from 7-7.602-11	44277
7-7.5000—7-7.5003-6 (Subpart 7-7.50) Heading revised	44278
7-7.5000 Revised	†31888
7-7.5001 Revised	†31888
7-7.5001-2 Revised	55725
7-7.5001-6 Revised	55725
7-7.5001-7 Revised	44278
7-7.5001-8 Revised	55725
7-7.5001-10 Undesignated center heading and (b) amended	†31888
7-7.5001-16 Revised	44278
7-7.5001-17 Revised	44286
7-7.5001-20 Revised	44278
7-7.5001-22 Revised	55725
7-7.5001-26 Revised	44278
7-7.5001-35 Amended	44278
7-7.5001-40 Revised	44278
7-7.5001-41 Revised	44278
7-7.5001-42 Removed	44278
Added	†31888
7-7.5001-43 Revised	44278
7-7.5001-45 Added	44278
7-7.5001-46 Added	44278
7-7.5002-5 Amended	44278
Revised	55725
7-7.5002-15 Amended	42286, 55725
7-7.5002-17 Added	†10914
7-7.5003-7 Added	44286
7-7.5003-8 Added	44278
7-7.5003-9 Added	44279
Undesignated center heading and (d)(1) revised	†31889
7-7.5003-10 Added	44279
7-7.5003-11 Added	55725
7-7.5003-12 Added	†10915
7-7.5200—7-7.5202-3 (Subpart 7-7.52) Removed	44279
7-7.5301-2 Revised	44279
7-7.5301-3 Revised	44279
7-7.5301-4 Revised	44280
7-7.5301-5 Amended	44280
7-7.5301-6 Revised	44280
7-7.5301-10 Revised	44280
7-7.5301-11 Revised	44280
7-7.5301-12 Revised	44280
7-7.5301-13 Revised	44280
7-7.5301-14 Revised	44280
7-7.5301-21 Revised	44280
7-7.5301-22 Revised	44280
7-7.5301-23 Revised	44280
7-7.5301-24 Revised	44280

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 41, Chapter 7—Continued

		Page
7-7.5301-25	Removed	44280
7-7.5301-26	Revised	44280
7-7.5301-27	Added	44280
7-7.5301-28	Added	44280
7-7.5301-29	Added	44281
7-7.5301-30	Added	55726
7-7.5302-4	Added	44281
7-7.5400—7-7.5403-7 (Subpart 7-7.54)	Heading revised	44281
7-7.5401-3	Revised	55726
7-7.5401-4	Revised	44281
7-7.5401-7	Revised	44286
7-7.5401-12	Revised	44281
7-7.5401-16	Amended	44281
7-7.5401-19	Revised	44281
7-7.5401-30	Revised	44281
7-7.5401-31	Revised	44281
7-7.5401-34	Revised	44281
	Corrected	48888
7-7.5401-37	Added	44281
7-7.5401-38	Added	44281
7-7.5402-8	Removed	55726
	Added	†10915
7-7.5403-2	Added	†10915
7-7.5403-7	Amended	44281
7-7.5403-8	Added	44281
7-7.5403-9	Added	44287
7-7.5403-10	Added	44281
7-7.5403-11	Added	44281
7-7.5403-12	Added	55726
7-7.5500	Revised	†31889
7-7.5501-8	Undesignated center heading and (a)(1) amended	†31889
7-7.5501-9	Undesignated center heading, (b), and (c) amended	†31889
7-7.5501-10	Revised	55726
7-7.5501-13	(d) amended	44281
7-7.5501-15	(b) revised	44281
7-7.5501-16	Revised	44287
7-7.5501-17	Amended	44281
7-7.5501-20	Revised	44281
7-7.5501-25	Revised	55726
7-7.5501-29	Revised	44281
7-7.5501-32	Amended	44282
7-7.5501-35	Revised	44282
7-7.5501-36	Revised	44282
7-7.5501-37	Removed	44282
7-7.5501-39	Revised	44282
7-7.5501-41	Added	44282
7-7.5501-42	Added	44282
7-7.5501-43	Added	44282
7-7.5502-13	Added	†10915
7-7.5502-17	Revised	55726
7-7.5503-4	Undesignated center heading, (b), and (c) amended	†31889
7-7.5503-5	Removed	55726
	Added	†10915
7-7.5503-12	Added	44287
7-7.5503-13	Added	44282
7-7.5503-14	Added	44282
7-10.402	(b) existing text designated as introductory text and amended; (b)(1) and (2) added	44282
	(b)(2) amended	†31889
7-12.805-50—7-12.805-53 (Subpart 7-12.8)	Revised	54755
7-15.102	Removed	44282
7-15.103	Revised	44282
	Removed	†31889
7-15.301	Removed	†31889
7-15.302	Removed	†31889
7-15.303-50—7-15.303-51 (Subpart 7-15.3)	Heading revised	†31889
7-15.303-50	Redesignated from 7-15.307-4	†31889
7-15.303-51	Redesignated from 7-15.309-7	†31890
7-15.307-4	Redesignated as 7-15.303-50	†31889
7-15.309-7	Redesignated as 7-15.303-51	†31890
7-15.603-50—7-15.603-2.50 (Subpart 7-15.6)	Added	†31890
7-16.552	Removed	44282
7-16.553	Removed	44282
7-30.406	(b) revised	44282
7-30.4500—7-30.4502 (Subpart 7-30.45)	Redesignated as 7-30.5000—7-30.5002 (Subpart 7-30.50) and heading revised	44283
7-30.5000—7-30.5002 (Subpart 7-30.50)	Redesignated from 7-30.4500—7-30.4502 (Subpart 7-30.45) and heading revised	44283
7-30.5000	(c) amended	†31890
7-30.5001	(b) amended	44283
7-30.5002	Amended	44283
	Undesignated center heading, (d)(4)(i) and (iii), and (d)(8) amended	†31890
7-50.202	Revised	44283
	(a), (b), and (c) correctly designated	48888
Chapter 7	Appendixes A through L added	†31566

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Chapter 8—Veterans Administration

	Page
8–1.403–51 (a)(1) and (2) revised; (d) redesignated as (g); (a)(6), and new (d), (e), and (f) added	†22896
(a)(1) corrected	†24183
8–1.403–52 (a)(3), (6), (7), and (b)(1) revised	†22896
8–1.403–60 Introductory text, (a) and (c) revised	†22897
Introductory text corrected	†26643
8–1.404–2 (a) revised	†22897
8–1.702 Revised	†14126
8–1.704–1 Revised	†14126
8–1.704–2 (a), (b), (c), and (e) revised	†14126
8–1.704–3 Revised	†14126
8–1.704–4 (b) revised	†14127
8–1.706–1 Revised	†14127
8–1.706–5 (b) and (c) revised	†14127
8–1.706–50 Added	†14128
8–1.706–51 Added	†14128
8–1.708–2 Removed	†14128
8–1.710–4 Removed	†14128
8–1.713–2 (c) revised; (d) added	†14128
8–1.1101 (a) introductory text revised	†28163
8–1.1102 Added	†28163
8–3.207 (a)(1) and (b) revised	63844
8–3.209 (a)(1) and (b) revised	63844
8–3.211 Revised	†22897
8–3.215 (a), (c), and (d) revised	†22897
8–3.403 (c)(2) revised	46387
8–3.450 Added	46387
8–3.450–1 Added	46387
8–3.602 (a) revised	55426
8–3.604–6 (a) and (b) revised	55426
8–3.605–3 (a) revised	55426
(a) revised	†22757
8–4.5102 Revised	†33032
8–7.150–5 (a) revised	†22757
8–7.150–6 (c) revised	†22757
8–8.206 Revised	†26643
8–8.207 Revised	†26644
8–8.211–1 Revised	†26644
8–8.211–2 (a) revised	†26644
8–14.105–52 (a) introductory text revised; footnote added	†31262
8–14.151 (a) and (c) revised	†31262
8–47.114—8–74.115–4 Added	†31263
8–75.201–2 Revised	†22898
8–75.201–3 Revised	†22898
8–75.201–4 Revised	†22898
8–75.201–6 Introductory text revised	†22898
8–75.201–8 (a)(3) revised	†22898
8–75.201–9 (a)(4) revised	†22898
8–75.201–13 Heading, (a)(2), (b), (c), and (d) revised	†22898
8–95.102 (c) and (e) revised	†26644
8–95.106 (b) and (d) revised	†26644
8–95.107 (b) revised	†26644
Chapter 8—*Proposed Rules:*	
8–4	†17232

Chapter 9—Energy Department

	Page
9–1.009–2 (b) amended	†25302
9–1.051–1 Heading, introductory text, (a), and (c) amended	†25302
amended	†25302
9–1.206 Amended	†25302
9–1.251 Amended	†25303
9–1.404–1 Amended	†25303
9–1.404–2 Heading removed from Table of Contents	†25302
9–1.704–1 Amended	†25303
9–1.807 (a) and (d) amended	†25303
9–1.5404 (b)(7) amended	†25303
9–1.5406 Amended	†25303
9–1.5407 Amended	†25303
9–1.5411 Amended	†25303
9–1.5401—9–1.5414 (Subpart 9–1.54) Appendix A amended	†25303
9–2.106 Amended	†25303
9–3.805–50 (a)(1)(ii) and (2) amended	†25303
9–3.805–51 (d)(1)(i)B, C, and E amended	†25303
9–3.805–51 (b) amended	†25303
9–3.807–50 Amended	†25303
9–4.411–3 Amended	†25303
9–4.904 (a) amended	†25303
9–4.908 (b) amended	†25303
9–4.909 (a) and (e)(1)(ii), (iii), and (iv) amended	†25303
9–4.5105 Amended	†25303
9–4.5703–1 (b) amended	†25303
9–4.5800 (b) amended	†25303
9–5.300 Correctly designated	†25303
9–5.5504 Amended	†25303
9–7.104–51 Amended	†25303
9–7.202–59 (a) amended	†25303
9–7.302–58 (b) amended	†25303
9–7.802–4 (a) amended	†25303
9–7.802–5 (a) amended	†25303
9–9.107–5 (a) amended	†25303

Note: Symbol (†) refers to 1961 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 41, Chapter 9—Continued

Page

9–9.107–6 (a)(1) and (c)(2) amended ..... †25304
9–9.109–6 (h)(3) and (i)(5)(ii)(C) amended ..... †25304
9–9.202–3 (e)(3), (4), and (f)(2) amended ..... †25304
9–9.202–4 (d) amended ..... †25304
9–10.5008 Amended ..... †25304
9–15.5006–1 (a) amended ..... †25304
9–18.650 Amended ..... †25304
9–23.104 (c) and (f) amended ..... †25304
9–23.107 (a) and (b) amended ..... †25304
9–23.108 (g) amended ..... †25304
9–23.110 (a) amended ..... †25304
9–50.109–2 (b) amended ..... †25304
9–50.302–5 (a)(2) introductory text and (5)(i) amended ..... †25304
9–50.304 (c)(3) amended ..... †25304
9–50.704–16 (e)(23)(i) amended †25304
9–50.704–18 first duplicated (e) through (j) correctly removed; (e) amended ..... †25304
9–50.704–20 (b) amended ..... †25304
9–50.704–21 (d) amended ..... †25304
9–50.704–24 (a) amended ..... †25304
9–50.1002–1 Heading revised ..... †25304
9–50.1003–1 Heading amended ..... †25304
9–50.1103–2 Amended ..... †25304
9–50.1210–4 Amended ..... †25304
9–50.1213–6 (b) amended ..... †25304
9–50.1401 Amended ..... †25304
Chapter 9 Topical Index amended †25304

Chapter 9—Proposed Rules:

9–1 ..... †12646
9–3 ..... †12646
9–4 ..... †12646
9–7 ..... †12646
9–9 ..... †12646
9–15 ..... †955
9–16 ..... †12646
9–23 ..... †12646
9–50 ..... †959, 12646

Chapter 12—Department of Transportation

12–1.5000—12–1.5005 (Subpart 12–1.50) Removed ..... †30816
12–7.151–17 Removed ..... †30816
12–50.300—12–50.305 (Subpart 12–50.3) Revised ..... †30816

Chapter 12—Proposed Rules:

12–1—12–99 (Ch. 12) 56538
..... †14132, 20036, 21184

Chapter 14—Department of the Interior

Page

14–1.603 (b) removed ..... †7985
14–1.604–1 Revised ..... †7985
14–1.704–1 Revised ..... †7985
14–1.704–2 Revised ..... †7985
14–1.902 Existing text designated as (a) and (b); (a) revised ..... †7985
14–1.1300—14–1.1351 (Subpart 14–1.13) Revised ..... †7328
14–2.407–8 (b) through (h) removed; new (b) through (g) added ..... †1730
(d) amended ..... †7985
14–3.604–5 Added ..... †25618
14–3.650–1 (a)(6) revised ..... †7985
14–4.5202 Revised ..... †7986
14–7.650–5 (b) amended ..... †7986
14–16.850 Revised ..... †7986
14–19.108–50 (a) amended ..... †7986
14–26.404 (c) revised ..... †7986
14–30.410 (a) revised ..... †7986
9–1.051–4 Heading, (a), and (b) 14–30.414–2 (c)(7) introductory text revised ..... †7986
14–30.704 (Subpart 14–30.7) Added ..... †7986

Chapter 14—Proposed Rules:

14–1—14–63 (Ch. 14) ..... †24458

Chapter 14H—Bureau of Indian Affairs, Department of the Interior

Chapter 14H—Proposed Rules:

14H–1—14H–70 (Ch. 14H) 51102

Chapter 14R—Office of Water Research and Technology, Department of the Interior

Chapter 14R—Proposed Rules:

14R–9 (Ch. 14R) 51102

Chapter 15—Environmental Protection Agency

15–1.600—15–1.606 (Subpart 15–1.6) Revised ..... †29709
15–2.407–8 (c)(3) revised 46488
15–3.408 (a)(3) revised; (c) removed; (g) amended ..... †31643
15–16.553 Removed ..... †31643

Chapter 15—Proposed Rules:

15–1—15–8 (Ch. 15) 79516

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Chapter 16—Office of Personnel Management

Chapter 16—*Proposed Rules:*

Page

Ch. 16 ..... †6022

Chapter 18—National Aeronautics and Space Administration

1 Table of contents amended 58844
Table of contents amended ..... †32445
1.302–5 Added 58844
1.307–2 Introductory text amended 58850
1.314 Revised 65211
1.314–1 Revised 65211
1.314–2 Revised 65211
1.314–3 Revised 65211
1.314–4 Revised 65211
1.314–5 Added 65211
1.314–6 Added 65211
1.314–7 Added 65212
1.314–8 Added 65212
1.315 Table of contents amended 65211
1.321 Added 50580
Amended 58844
1.332 Removed 50573
1.332–2 Removed 50573
1.332–3 Removed 50573
1.333 Removed 65212
1.356 (a) amended 50580
1.362 Revised ..... †32445
1.700 Revised 50573
1.701 Revised 50573
1.701–1 (a)(1) revised; (a)(2) amended 50574
1.701–2 Redesignated as 1.701–3; new 1.701–2 added 50574
1.701–3 Redesignated as 1.701–4; new 1.701–3 redesignated from 1.701–2 50574
1.701–4 Redesignated as 1.701–5; new 1.701–4 redesignated from 1.701–3 50574
1.701–5 Redesignated from 1.701–4 and amended 50574
1.702 Revised 50574
1.703 (b)(1) amended 50575
1.705–4 (c)(iv) removed 58850
1.705–5 (c)(1)(I)(i) and (H)(i) revised; (c)(1)(K) amended 65212
1.707 Revised 50575
1.707–2 Revised 50576
1.707–3 Revised 50576
1.1002–1 Amended 50578
Revised 58844
1.1002–2 Amended 58845

Page

1.1002–6 Amended 58845
1.1003–1 (a)(ii) amended; (b) and (c)(vi) revised 58845
1.1003–4 (a) and (b)(1) revised 58845
1.1003–5 Revised 58845
1.1004 Heading revised and text redesignated as 1.1004–1 58845
1.1004–1 Redesignated from 1.004 58845
1.1004–2 Added 58845
1.1004–3 Added 58845
1.1005–1 (a) amended; (b)(3) revised 58845
1.1005–2 Amended 58846
1.1006 Removed 58846
1.1006–1 Removed 58846
1.1050–1 (iii) revised 58846
1.1050–2 (a) revised 58846
1.1316 (b) and (e) revised 58850
1.1402–3 (b) revised 50569
1.1403—1.1410 Removed 50569
1.1502 (c) and (d) redesignated as (d) and (e); new (c) added ..... †32443
1.2500—1.2500–5 (Subpart 25) Added 58854
1.5202 (a) amended 50570
1.5406 Amended 58854
2 Table of contents amended 58846
2.201–1 Amended 50578–50580, 58850, 58854
Amended ..... †32443
2.201–2 Amended 50579
2.303–2 Amended 58846
2.406–4 Removed 65212
2.407—2.407–3 Table of contents amended 65212
3 Table of contents amended 58846, 58850, 58857
3.106–3 (a)(ii) revised; (d) amended 70865
3.204–2 (b) revised 58854
3.204–3 Amended 58855
3.216–4 Amended 70865
3.302 (i) amended 58855
3.303 (a) revised 58855
(a)(ii) revised ..... †10496
(a)(ii) and (iii) revised ..... †32443
3.404–3 (c)(3) amended 58855
3.405–4 (c) added 58857
3.405–5 (d)(3) amended 58858
3.405–6 (c) revised 58858
3.408 Revised 58850
(d)(vii) through (x) and (e)(v) redesignated as (d)(viii) through (xi) and (e)(vi); new (d)(vii) and (e)(v) added ..... †10496

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 41, Chapter 18—Continued

Page

3.450 Revised 58858
3.501 (b) amended 50570, 50579, 50580, 58855
(b) amended ..... †32446
3.600 Amended 58846
3.603 (a), (d) and (e) amended 58846
3.603–1 (f) revised 50579
3.604–1 Amended 58846
3.604–2 Amended 58846
3.605–1 Amended 58847
3.605–3 (b)(i) and (ii), (c) and (e) amended; (b)(iv) added 58847
3.605–4 Revised 70865
3.606–3 (b)(iv) and (d) amended 58847
3.607–2 Amended 58847
3.608–2 (b) revised; (c)(2) and (d) amended 58847
(b)(vi) revised 70865
3.650–3 (a) amended 58847
3.801–5 (b) revised ..... †32446
3.802–3 (c)(2)(viii) revised; (c)(2)(xii) added 50570
(c)(iii)(B) and (iv)(B) amended; (d)(v) revised 50570
(d)(iii)(A) and (iv)(A) amended 50581
3.802–4 (b) removed; (c) redesignated as (b) 50570
3.804–2 Revised 70866
3.804–3 Revised 70866
3.805–1 (c) revised 70868
3.805–5 Revised ..... †10490
3.807–8 (a) amended ..... †10496
3.807–9 (e) revised 58858
3.807–11 Removed 50570
3.807–12 Removed 50570
3.808 Revised 58859
3.808–1 Revised 58859
3.808–2 Revised 58859
3.808–3 Revised 58859
3.808–4 Revised 58860
3.808–5 Revised 58860
3.808–6 Added 58861
3.808–7 Added 58863
3.811 Revised ..... †10491
3.852–1 (a)(i) amended 50570
3.852–2 (a)(i)(B) and (ii)(B) amended; (b) revised 50570
(a)(i)(A) and (ii)(A) amended; (b) revised 50581
3.852–3 (a) introductory text revised 58851
(a) amended ..... †32443
3.852–6 Removed 50581

Page

4 Table of contents amended ..... †32447
4.200 Revised 50570
4.202 Amended 50570
4.203–2 Amended 50570
4.203–5 (b)(2) and (3) amended 50570
4.203–7 (a) and (b) amended 50570
4.204–6 Amended 50571
4.910 (b) revised; (c) redesignated as (d) and revised; new (c) added 50581
4.5000—4.5009–3 (Subpart 50) Revised ..... †10491
4.5200—4.5206 (Subpart 52) Revised ..... †32447
4.5200 Amended 58855
5.800—5.850 Revised ..... †10495
7 Table of contents amended 58848
7.103–12 Revised 65213
7.103–13 Removed 50581
7.104–14 Revised 50579
7.104–22 Removed 50579
7.104–35 Revised 65213
7.104–41 Removed 50581
7.104–59 Removed 70868
7.104–64 Added 58848
7.203–4 Revised 65216
7.203–9 Revised 50579
7.203–13 Removed 50581
7.204–19 Removed 50579
7.204–30 Revised 50579
7.204–32 Revised 50581
7.204–53 (i) revised 70868
7.204–59 Removed 70868
7.302–4 Revised 70868
7.302–8 Revised 50579
7.302–12 Removed 50581
7.302–55 Amended 58855
7.303–11 Removed 50579
7.303–28 Revised 50579
7.303–31 Revised 50581
7.303–59 Removed 70868
7.304–51 (i) revised 70869
7.402–9 Revised 50579
7.402–12 Removed 50581
7.403–11 Revised 50579
7.403–13 Revised 50581
7.403–59 Removed 70868
7.451–9 Revised 50579
7.451–12 Removed 70869
7.452–11 Revised 50579
7.452–13 Revised 50581
7.452–59 Removed 70868
7.607–17 Removed 50581
7.607–18 Removed 65213
7.608–9 Revised 50579
7.608–10 Revised 50581

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

	Page
7.702–34 Revised	50579
7.702–38 Removed	50581
7.702–40 Revised	50581
7.702–47 Revised	50579
7.702–57 Removed	50579
7.702–59 Amended	58855
7.702–61 Added	58855
7.703–26 Revised	50579
7.703–30 Removed	50581
7.703–40 Revised	50579
7.703–42 Revised	50581
7.703–46 Revised	58855
7.703–49 Removed	50579
7.703–50 Amended	58855
7.703–52 Added	58855
7.704–38 Revised	50579
7.705–11 Revised	50579
Removed	50581
7.705–18 Revised	50581
7.901–24 Removed	50581
7.902–1 Revised	50579
7.902–19 Revised	50581
7.902–20 Revised	50579
8.209–4 (a)(1)(ii), (iii), and (3), (e), and (g) revised	†32443
10.501–2 (a) and (c) amended	58855
11.401–1 (c) amended	50571
12.804 (a) revised	58848
12.1000—12.1053–4 (Subpart 10) Revised	78125
13 Table of contents amended	†32448
13.114 Revised	58856
13.202–2 (d) revised	50571
(b) and (c) amended	†32448
13.302–3 (a)(i) amended	†32448
13.311 Introductory text revised	50581
Amended	58856
13.420 Revised	50582
13.702 Amended	50571, 50582
13.710 (a) introductory text revised	70869
14.400 Revised	50571
14.403 (a)(1) amended	50571
15.205–6 (f)(2)(ii)(A)*b*, *e* and (C) revised	58851
15.301 Revised	50596
15.302—15.303–2 Revised	50597
15.303–3—15.305–2 Revised	50598
15.306 Revised	50599
15.306–1 Revised	50599
15.306–2—15.306–5 Revised	50600
15.306–6—15.307–2 Revised	50601
15.307–3—15.309–1 Revised	50602
15.309–2—15.309–6 Revised	50603
15.309–7—15.309–9 Revised	50604
15.309–10—15.309–13 Revised	50605
15.309–14—15.309–19 Revised	50606
15.309–20—15.309–32 Revised	50607
15.309–33—15.309–38 Revised	50608
15.309–39—15.309–44 Revised	50609
15.310 Revised	50610
15.803–2 Amended	50610
15.807 Amended	50610
15.809 Amended	50610
15.809–1 Amended	50610
15.809–2 Amended	50610
15.809–3 Amended	50610
15.809–5 Amended	50610
16 Table of contents amended	58865
16.001 (a) amended	50571, 58865
(a), (b), and (c) amended	58849
16.203 Added	58865
16.803–4 Amended	58849
16.811–2 Heading revised	58849
20 Table of contents amended	58851
20.203–4 Revised	†32444
20.5002 (b) amended	†32444
20.5004 (a) amended	†32444
20.5005 (b) introductory text revised	50572
20.5007 Added	50572
20.5101 Revised	58851
20.5102 (a) and (c) revised	50572
Revised	58851
20.5103 Revised	58852
20.5103–1 Revised	58852, 70869
20.5103–2 Revised	58852
20.5103–3 Removed; new 20.5103–3 redesignated from 20.5103.4	58851
Revised	58852
20.5103–4 Redesignated as 20.5103–3	58851
20.5104 Revised	50572, 58852
Amended	†32444
20.5105 (a) revised	50572
Revised	58852
Revised	†10496
20.5106 Revised	58853
21 Table of contents amended	†32448
21.000 Removed	50582
21.100 Revised	50582
21.101 Added	50582
21.102 Added	50582
(a) note revised	†32449
21.103—21.116 Added	50583
21.117—21.122 Added	50584
21.123—21.127 Added	50585
21.128—21.138 Added	50586
21.139—21.147 Added	50587
21.202 Introductory text and (a) revised	58856
23.101 (b) revised	50573

Note: Symbol (†) refers to 1981 page numbers

80-145 O - 81 - 8

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 41, Chapter 18—Continued

Page

24.101–35 Revised 58856
26.206–7 Amended 58856
26.404 (a) and (d)(1) revised... 50573, 50588
1—52 (Chapter 18) Appendix I amended; Supplement 50 added 50588
Appendix B amended 58856
Appendix J amended... 58853, 58857
Appendix C amended... 58856, 58857
Appendix E amended 65218
Appendix E amended ..... †10496
Appendix M amended ..... †32444

Chapter 24—Department of Housing and Urban Development

24–1.404–1 Revised 73657
24–1.404–2 Revised 73658

Chapter 25—National Science Foundation

Chapter 25—Proposed Rules:

25–1—25–50 76716
..... †24216

Chapter 29—Department of Labor

29–70.102 Amended 82829
29–70.103 (b) and (c) revised... 82829
29–70.214a (a)(12) revised..... 82830
29–70.215–5 (b) revised..... 82830
29–70.216—29–70.216–8 Revised . 82830
29–70.216–9—29–70.216–13 Added 82832
29–70.216–13 (b)(6) corrected... †3891
29–70.216a Revised 82837
29–70.216a–1 Revised 82837
29–70.216b Revised 82837
29–70.216b–1 Revised 82837
29–70.216b–1 (c)(2) corrected... †3892

Chapter 29—Proposed Rules:

29–1—29–70 (Ch. 29)..... 81160
..... †23884, 33536
29–1 83548
29–15 83998
..... †11323

Chapter 34—Department of Education

Chapter established..... 49032
34–1 Added 49032
34–2 Added 49039
34–3 Added 49041
34–4 Added 49055
34–8 Added 49058
34–12 Added 49058
34–30 Added 49059

Chapter 34—Proposed Rules:

34–1—34–10 (Ch. 34)..... †24412

Chapter 44—Federal Emergency Management Agency

Chapter 44 Revised..... 55346
44–1 Revised 55346
44–2 Revised 55353
44–3 Revised 55355
44–4 Revised 55359
44–7 Revised 55363
44–11 Revised 55369
44–13 Revised 55369
44–15 Revised 55370
44–16 Revised 55371
44–30 Revised 55371

Chapter 50—Public Contracts, Department of Labor

50–204 Incorporation by reference approvals..... †33980

Chapter 50—Proposed Rules:

50–201—50–210 (Ch. 50)..... †33536

Chapter 51—Committee for Purchase from Blind and Other Severely Handicapped

51–1 Authority citation; CFR correction ..... †33033
51–2 Authority citation; CFR correction ..... †33033
51–3 Authority citation; CFR correction ..... †33033
51–4 Authority citation; CFR correction ..... †33033
51–4.3 Introductory note added; (a)(6), (7), and (b) revised; (a)(8) removed..... †30085
51–5 Authority citation; CFR correction ..... †33033
51–5.1–2 (b) amended..... †30085
51–5.11 Revised ..... †30085
51–5.12 Added ..... †30086

Chapter 51—Proposed Rules:

51–1—51–8 (Ch. 51)..... †19836, 23490
51–4 77080
51–5 77080

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Chapter 60—Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor

Page

60–1 Revised (effective in part pending OMB review) 86228
Authority citation corrected ..... †7333
Effective date deferred to 4–29–81 ..... †9084
Deferral republished ..... †9950
Effective date deferred to 6–29–81 ..... †23742
Effective date deferred to 7–15–81 ..... †33033
60–1.1 (b) corrected ..... †7333
60–1.3 Corrected ..... †7333
60–1.4 (a), (b), and (c) corrected ..... †7333
60–1.9 (c)(2) corrected ..... †7333
60–1.11 Added ..... †3896
Effective date deferred to 3–30–81 ..... †11254
Technical correction ..... †12205
Effective date deferred ..... †18951
60–1.20 (c) corrected ..... †7333
60–1.24 (c)(2) corrected ..... †7333
60–1.29 (d), (e), (f)(4), (g) and (i) corrected ..... †7333
60–1.31 (b) corrected ..... †7334
60–2 Revised (effective in part pending OMB review) 86239
Effective date deferred to 4–29–81 ..... †9084
Deferral republished ..... †9950
Effective date deferred to 6–29–81 ..... †23742
Effective date deferred to 7–15–81 ..... †33033
60–2.25 (b) corrected ..... †7334
60–4 Reporting requirements deferred 85751
Revised 86245
Effective date deferred to 4–29–81 ..... †9084
Deferral republished ..... †9950
Effective date deferred to 6–29–81 ..... †23742
Effective date deferred to 7–15–81 ..... †33033
60–4.2 (d) revised 65977
(a) corrected ..... †7334
60–4.3 (a) amended 65977
(a) corrected ..... †7334
60–4.5 (b) corrected ..... †7334
60–4.6 Revised 65978

Page

60–20 Revised 86249
Effective date deferred to 4–29–81 ..... †9084
Deferral republished ..... †9950
Effective date deferred to 6–29–81 ..... †23742
Effective date deferred to 7–15–81 ..... †33033
60–30 Revised 86251
Heading corrected ..... †7334
Effective date deferred to 4–29–81 ..... †9084
Deferral republished ..... †9950
Effective date deferred to 6–29–81 ..... †2374
Effective date deferred to 7–15–81 ..... †33033
60–30.8 (a) corrected ..... †7334
60–30.11 (c) corrected ..... †7334
60–30.13 (c)(1) corrected ..... †7334
60–30.15 (j)(4) corrected ..... †7334
60–30.23 (a) corrected ..... †7334
60–30.38 (a), (1), and (j) corrected ..... †7334
60–50 Revised 86258
Authority citation correctly added ..... †7334
Effective date deferred to 4–29–81 ..... †9084
Deferral republished ..... †9950
Effective date deferred to 6–29–81 ..... †23742
Effective date deferred to 7–15–81 ..... †33033
60–60 Removed 86227
Effective date deferred to 4–29–81 ..... †9084
Deferral republished ..... †9950
Effective date deferred to 6–29–81 ..... †23742
Effective date deferred to 7–15–81 ..... †33033
60–250 Revised 86259
Effective date deferred to 4–29–81 ..... †9084
Deferral republished ..... †9950
Effective date deferred to 6–29–81 ..... †23742
Effective date deferred to 7–15–81 ..... †33033
60–250.5 (b) corrected ..... †7334
60–741 Revised 86265
Authority citation corrected ..... †7334
Effective date deferred to 4–29–81 ..... †9084

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 41, Chapter 60—Continued

Page

Deferral republished ..... †9950
Effective date deferred to 6–29–81 ..... †23742
Effective date deferred to 7–15–81 ..... †33033
Incorporation by reference approvals ..... †33980
60–741.2 (a)(2), (3), (4), and (5) and (b)(1) and (2) corrected ..... †7334
60–741.5 (f) corrected ..... †7334
60–741.6 (c) corrected ..... †7334
60–741.21 (a) designation correctly removed ..... †7334

Chapter 60—*Proposed Rules:*

60–1—60–741 (Ch. 60) 81160
..... †23884, 33536
60–1 86206
..... †19004
60–20 ..... †3916
60–250 86206
60–741 86206

Chapter 101—Federal Property Management Regulations

101–2.102 (a) revised 68653
101–7 Incorporation by reference approvals ..... †33980
101–1—101–7 (Subchapter A Appendix) Temporary reg. A–15 added 44951
Temporary reg. A–11 amended 44953, 65147
Temporary reg. A–12, Supp. 3 added 48143
Temporary reg. A–16 added 68936
Temporary reg. A–17 added ..... †1731
Temporary reg. A–11 amended ..... †1733
Temporary reg. A–15 removed ..... †1733
Temporary reg. A–17 corrected ..... †9585
Temporary reg. A–18 added ..... †7982
101–11.209 Revised 74924
101–11.209–1 Revised 74924
101–11.209–2 Revised 74925
101–11.209–3 Revised 74925
101–11.209–4 Revised 74925
101–11.209–5 Added 74925
101–11.209–6 Added 74925
101.11—101–13 (Subchapter B Appendix) Temporary reg. 5 expiration date extended to 7–15–82 51201
101–14 Revised ..... †21602
101–19.603 Removed 67665
101–19.604 (e) removed 67665

Page

101–20.109–1 Revised 86493
101–20.109–3 Revised 86494
101–20.109–11 Heading and (a) revised 86494
101–20.109–12 Added 86494
101–20.302 Revised ..... †3524
101–20.303 Revised ..... †3524
101–20.307 Revised ..... †3524
101–20.308 Revised ..... †3525
101–20.309 Revised ..... †3525
101–20.700—101–20.709 (Subpart 101–20.7) Revised ..... †3525
101–17—101–21 (Subchapter D Appendix) Temporary reg. D–65 expiration date extended 61304
Temporary reg. D–66 added 67665
Temporary reg. D–65 expiration date extended ..... †3021
101–26.102–1 Revised 55726
101–26.203 Added 71565
101–26.206 Revised 71565
101–26.301 Introductory text and (b) revised 55726
101–26.401–4 (f)(3) revised ..... †17564
101–26.406–1 Revised ..... †3024
101–26.406–5 Revised ..... †3025
101–26.406–6 Added ..... †3025
101–25—101–34 (Subchapter E Appendix) Temporary reg. E–70 added 46388
Temporary reg. E–71 added 47149
Temporary reg. E–67 correctly designated 49082
Temporary reg. E–47 expiration date extended to 9–30–81 64177
Temporary reg. E–72 added 58123
Temporary reg. E–71 revised ..... †31890
Temporary reg. E–73 added ..... †31891
101–35.200—101–35.212 (Subpart 101–35.2) Revised ..... †1213
101–35.205 (d) corrected ..... †16102
101–35.206–1 (b)(6) corrected ..... †16102
101–35.300—101–35.308 (Subpart 101–35.3) Added 53150
101–36.301–17 Revised ..... †8513
101–36.400—101.36–408 (Subpart 101–36.4) Removed ..... †1219
101–36.700—101–36.706 (Subpart 101–36.7) Revised 53152
101–36.1304–20 Effective date confirmed 47427, 47470
101–36.1304–21 Effective date confirmed 47427, 47470
101–36.1304–22 Effective date confirmed 47427, 47470

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

	Page
101–36.1304–23 Effective date confirmed	47427, 47470
101–36.1307–1 (b) effective date confirmed	47427, 47470
101–36.1500—101–36.1507 (Subpart 101–36.15) Removed	†1219
101–36.4701–1 Revised	†8513
101–36.4701–2 Revised	†8513
101–36.4702 Introductory text and (b) revised	†8513
101–37.000 Revised	49263
101–37.102 Introductory text revised; (d) removed	49263
101–37.104 (c) added	49264
101–37.105–1 Revised	49264
101–37.105–2 Revised	49264
101–37.105–3 Added	49264
101–37.105–4 Added	49264
101–37.106 Revised	49264
101–37.108 Removed	49264
101–37.110 Revised	49264
101–37.111 Revised	49264
101–37.112 Revised	49264
101–37.200 Revised	49264
101–37.201 Introductory text revised	49264
101–37.201–1 (a) introductory text, note and (2) revised	49264
101–37.201–2 Revised	49265
101–37.201–5 (b) revised	49265
101–37.202 (a)(2), (3), (4), (8), (11), and (12) removed; (a)(1), (5), (6), (9), (10), and (c) revised	49265
(b) revised	†7983
101–37.203 (e) and (g) revised; note removed	49265
(b) revised	†7983
101–37.204–2 (f) and (g) revised; (h) added	49265
101–37.301—101–37.311 (Subpart 101–37.3) Heading revised	49265
101–37.301 Revised	49265
101–37.302 (b) removed; (d) and (e) added	49266
101–37.307 Revised	49266
101–37.307–1 Revised	49266
101–37.307–2 Revised	49266
101–37.308 Revised	49266
101–37.308–1—101–37.308–9 Removed	49266
101–37.309–1 Revised	49266
101–37.309–2 Revised	49267
101–37.311 Revised	49267, 19472
101–37.311–1 Added	†19472
101–37.311–2—101–37.311–5 Added	†19473
101–37.312 Added	†7983
101–37.312–1 Added	†7983
101–37.312–2 Added	†7983
101–37.313 Added	†19474
101–37.601 (a) and (b) revised	73049
101–37.602 Revised	73049
101–37.603 (a), (b), and (d) revised; (e) removed	73049
101–37.604 Revised	73050
101–37.605 Revised	73050
101–37.700—101–37.704–3 (Subpart 101–37.7) Revised	†25618
101–35—101–37 (Subchapter F Appendix) Temporary reg. F–496 added	81202
Temporary reg. F–492 removed in part	†1197
Temporary reg. F–496 removed in part	†1197
Temporary reg. F–497 added	†3022
Temporary reg. F–491 and supplement 1 removed	†19472
Temporary reg. F–498 added	†27940
101–38.1200 Revised	†3023
101–38.1201 Revised	†3023
101–38.1201–1 Revised	†3023
101–38.1202 Revised	†3023
101–38.1202–1 Revised	†3024
101–38.1203 Revised	†3024
101–38.1307 Added	†18696
101–38.1307–1 Added	†18696
101–38.1307–2 Added	†18697
101–38.1307–3 Added	†18697
101–40.000 Revised	85752
101–40.101—101–40.113 (Subpart 101–40.1) Revised	85752
101–40.200—101–40.208 (Subpart 101–40.2) Added	85755
101–40.300—101–40.306–4 (Subpart 101–40.3) Revised	85756
101–40.400—101–40.404–5 (Subpart 101–40.4) Added	85759
101–40.403–2 (a)(6) corrected	†14894
101–40.4906–1 Revised	85762
101–40.4906–2 Revised	85762
101–40.4906–3 Revised	85762
101–40.4906–4 Revised	85762
101–40.4906–8 Added	85764
101–40.4906–9 Added	85764
101–38—101–41 (Subchapter G Appendix) Temporary reg. G–41 correctly designated	49082
Temporary reg. G–43 added	56807
Temporary reg. G–44 added	58122
Temporary reg. G–40 expiration date extended to 2–28–83	†17564

Note: Symbol (†) refers to 1981 page numbers

CHANGES JULY 1, 1980 THROUGH JUNE 30, 1981

Title 41, Chapter 101—Continued

Page

Temporary reg. G–45 added ... †23743
101–44.001–4 Revised ... 56808
101–44.001–14 Revised ... 56808
101–44.108–1 (a) introductory text and (b) revised ... 56808
101–44.108–2 (b) heading revised ... 56808
101–44.110 Revised ... 56808
101–44.118 (d) revised; (e) added ... 56808
101–44.200—101–44.208 (Subpart 101–44.2 Heading revised ... 56808
101–44.200 Revised ... 56809
101–44.204 (a)(2) revised ... 56809
101–44.207 Introductory text, (a)(17), (c) introductory text, (12) and (13), (f)(1)(ii) and (iii), and (g) revised; (a)(27), (b)(2)(vii), and (c)(14) added ... 56809
101–44.208 (b) revised ... 56810
101–44.4901–123–1 (b)(1)(i) revised ... 56810
101–42—101–49 (Subchapter H Appendix) Temporary reg. H–21 removed ... 73050
Temporary reg. H–22 added ... 73050
Temporary reg. H–23 added ... 77436

Chapter 101—*Proposed Rules:*

101–1—101–50 (Ch. 101) ... 79120
... †24504
101–4 ... †29955
101–6 ... 55769, 73977
101–7 ... †17791
101–11 ... 64978
... †3239, 3240, 30369
101–17 ... 52842
101–20 ... 72713
101–35 ... 71628
101–37 ... †30369
101–41 ... †19504
101–43 ... †11845
101–47 ... †11845

Chapter 105—General Services Administration

105–60 Revised ... †8514
105–61.5303–56 Revised ... †14015
105–735.102 (d) added; (e) through (h) revised ... †25305
105–735.103 (a)(1), (2), and (3), (b), and (d) revised ... †25305

Page

105–735.106 Added ... †25306
105–735.202 (a), (b), (e)(2), (e)(3)(i), (iii), (vi), (x), (xi), and (4) revised; (e)(5) added ... †25306
105–735.203 Revised ... †25306
105–735.204 (a), (b)(2), (12), and (c)(4) revised; (b)(12) removed ... †25306
105–735.205 Revised ... †25307
105–735.207 Revised ... †25307
105–735.211 Revised ... †25307
105–735.215 (c) revised ... †25307
105–735.216 Revised ... †25307
105–735.218 Revised ... †25307
105–735.219 Revised ... †25307
105–735.301 Revised ... †25307
105–735.302 Introductory text and (e) revised ... †25308
105–735.303 Heading, (a), (d), and (e) revised ... †25308
105–735.305 Revised ... †25308
105–735.311 Revised ... †25308
105–735.312 Revised ... †25308
105–735.314 Revised ... †25309
105–735.401 Revised ... †25309
105–735.404 Revised ... †25309
105–735.405 Revised ... †25309
105–735.407 (a), (c), (d), and (e) revised ... †25309
105–735.408 (a) revised ... †25309
105–735.410 Revised ... †25309
105–735.501 (d) revised ... †25310
105–735.502 (t) revised ... †25310
105–735.503 Introductory text, (a)(1), (2), (3), (5), and (8) revised ... †25310

Chapter 105—*Proposed Rules:*

105–1—105–735 (Ch. 105) ... 79120
105–60 ... 72714

Chapter 109—Department of Energy

109–40 Revised ... 80287

Chapter 109—*Proposed Rules:*

109–40 ... 49601

Chapter 128—Department of Justice

128–1.5007 Added ... 55727

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health and Human Services

Page

5 Revised 76000
32.11 Revised ..... †25624
32.12 Removed ..... †25624
32.13 Removed ..... †25624
36 Incorporation by reference approvals 72464, 79490
52 Authority citation amended ..... †4919
52.1 (a)(6) and (7) amended; (a)(8) added ..... †4919
52b Incorporation by reference approvals 72464
52c.6 (a) correctly designed 68392
55a Revised 72161
56a Incorporation by reference approvals 72464, 79490
57 Incorporation by reference approvals 72464, 79490
57.1601—57.1611 (Subpart Q) Revised 68895
57.1801—57.1811 (Subpart S) Added; final 73052
57.3201—57.3202 (Subpart GG) Added 71568
58.201—58.215 (Subpart C) Revised 73661
58.221—58.235 (Subpart D) Revised 73658
58.501—58.515 (Subpart F) Revised 73665
60 Redesignated from 45 CFR 126 ..... †8519
60.5 (g) removed ..... †8519
60.7 (b) amended ..... †8519
60.10 Revised ..... †8519
60.13 (a) revised ..... †8519
74 Incorporation by reference approvals 72464
74.10 (d) removal effective date confirmed 76148
110 Incorporation by reference approvals 72464
Interpretations ..... †13511
Interpretations corrected ..... †15141
110.101—110.111 (Subpart A) Revised 72528
110.104 (b) corrected 77031
110.108 (c) corrected 80531
(c) revised; (s) added ..... †6355
(c) and (s) effective date deferred ..... †14015
(c)(1), (2), and (s) effective date confirmed ..... †21999
110.801—110.810 (Subpart H) Revised 72517
122.301—122.311 (Subpart D) Revised 69742
123.401—123.413 (Subpart E) Revised 69745

Chapter IV—Health Care Financing Administration, Department of Health and Human Services

401 Heading added 74914
401.1—401.3 (Subpart A) Redesignated from 20 CFR 401.1—401.3 (Subpart A) 74913
401.1 Redesignated as 401.101; (a) revised; (b) amended 74914
401.2 Redesignated as 401.102; (a) amended 74914
401.3 Redesignated as 401.105; (b)(2) amended 74914
401.101—401.105 (Subpart A) Correctly designated as Subpart B and heading revised ..... †24551
401.101—401.105 (Subpart B) Correctly designated from Subpart A and heading revised ..... †24551
401.101 Redesignated from 401.1; (a) revised; (b) amended 74914
401.102 Redesignated from 401.2; (a) amended 74914
401.105 Redesignated from 401.3; (b)(2) amended 74914
405 Incorporation by reference approvals 72464, 79490
Authority citation ..... †24564
405.421 (h) effective date deferred 84061
405.430 (b)(9) revised 73930
405.452 (e)(2)(ii) introductory text and (3)(iii) table corrected 73931
405.482 Implementation continuation 80827
405.483 Implementation continuation 80827
405.701 Revised 73932
405.704 (a) and (b) redesignated as (b) and (c); new (a) added; new (b) heading, introductory text, (1), and (13) revised; new (b)(14) added; new (c) introductory text revised 73932

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 42, Chapter IV—Continued

	Page
Corrected	†24564
405.705 Revised	73932
(d) corrected	†24565
405.718a (b)(1), (3), and (4) revised	73933
405.722 Revised	73933
405.724 Revised	73933
405.730 Revised	73933
405.750 Revised	73933
405.701—405.750 (Subpart G) Appendix added	73933
405.801 (c) added	73945
405.803 (c) introductory text and (1) revised	73945
405.962 Revised	79455
405.1121 (k)(6) and (m); effective date deferred	64913
405.1505 (n) added	74830
(n) correctly designated and republished	†25094
405.1901 Revised	74830
405.1902 Revised	74832
(a)(2)(i) corrected	†25094
405.1904 Revised	74833
405.1905 (b) revised	74833
421.122 (a) and (c) corrected	64912
421.200 (i)(2) corrected	64913
435 Authority citation; interim	†6909
Technical correction	†21992
435.3 Amended; interim	†6909
435.4 Amended; interim	†6909
435.120 Revised; interim	†6909
435.121 (b)(1) revised	82258
435.602 Revised	82258
435.734 Revised	82259
436.602 Revised	82259
436.711 Revised	82259
436.821 Revised	82259
442.115 (a) revised; (e) and (f) added	†1270
442.311 (e); effective date deferred	64913
442.320 Effective date deferred	64913
442.404 (e); effective date deferred	64913
442.406 Effective date deferred	64913
447.294 (b); effective date deferred	64913
466.2 Amended	67545
466.60—466.63 (Subpart E) Added	67545
Title 42—*Proposed Rules:*	
2—124 (Ch. I)	78735, 82666, 83816, †24424
36	76497, 82840, †1318, 22616
50	†5003
51c	83554
53	76212
54c	†7176
56	83566
57	68902, 76212
65	83579
74	73978, 74174
121	78552
122	†7166
301—306 (Ch. III)	82666, 83816, †24424
401—489 (Ch. IV)	82666, 83816, †24424
403	†6296
405	72538, 73978, 74174, 75243, 79658, 83579, †959, 3794, 5006, 7408
418	72538
420	79658
431	70516, 86850
432	†7011
433	†7011
435	71821, 86850, †5008
436	71821, 86850
441	†5003
442	†7408
447	73978
455	83772
481	†959
482	†959
483	†7408

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

Subtitle A Cross reference to 44 CFR Part 332	†2348
4.200—4.340 (Subpart D) Heading revised	†7335
4.290—4.297 Undesignated center heading and sections removed	†7335
4.310—4.317 Undesignated center heading and sections added	†7335
4.320—4.323 Undesignated center heading and sections added	†7336
4.330—4.340 Undesignated center heading and sections added	†7337
4.350—4.369 Undesignated center heading and sections removed	†7335
4.1107 (g) revised; (h) added	†6942
4.1300—4.1310 (Subpart M) Added	75213

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

9 Removed ..... †5777
Removal effective date deferred ..... †10707
Removal effective date deferred and request for comments.. †19234
Removal effective date confirmed ..... †22586
14 Revised; interim 85377
20 Appendixes C through G removed ..... †16898
35 Added 80263
35.5 Suspended in part ..... †14129
35.7 Suspended in part ..... †14129

Chapter I—Water and Power Resources Service, Department of the Interior

428.6 (a) revised 86495

Chapter II—Bureau of Land Management, Department of the Interior

2091.2–3 Removed; new 2091.2–3 redesignated from 2091.2–4 ..... †1642
Removal and redesignation effective date deferred ..... †10707
Removal and redesignation effective date deferred and request for comments ..... †19234
Removal and redesignation effective date confirmed ..... †22586
2091.2–4 Redesignated as 2091.2–3; new 2091.2–4 redesignated from 2091.2–5 ..... †1642,
Removed ..... †5805
Redesignation and removal effective date deferred ..... †10707
Redesignation and removal effective date deferred and request for comments ..... †19234
Redesignation and removal effective date confirmed ..... †22586
2091.2–5 Redesignated as 2091.2–4 ..... †1642
Removed ..... †5805
Redesignation and removal effective date deferred ..... †10707
Redesignation and removal effective date deferred and request for comments ..... †19234
Redesignation and removal effective date confirmed ..... †22586
2200 Revised ..... †1638
Effective date deferred ..... †10707
Effective date deferred and request for comments ..... †19234
Effective date confirmed ..... †22586
2211.0–3—2211.2 (Subpart 2211) Removed ..... †1642
Removal effective date deferred ..... †10707
Removal effective date deferred and request for comments.. †19234
Removal effective date confirmed ..... †22586
2212.1 Amended ..... †1642
Effective date deferred ..... †10707
Effective date deferred and request for comments ..... †19234
Effective date confirmed ..... †22586
2220 Removed ..... †1642
Removal effective date deferred ..... †10707
Removal effective date deferred and request for comments.. †19234
Removal effective date confirmed ..... †22586
2230 Removed ..... †1642
Removal effective date deferred ..... †10707
Removal effective date deferred and request for comments.. †19234
Removal effective date confirmed ..... †22586
2240.1 Amended ..... †1642
Effective date deferred ..... †10707
Effective date deferred and request for comments ..... †19234
Effective date confirmed ..... †22586
2250.1 Amended ..... †1642
Effective date deferred ..... †10707
Effective date deferred and request for comments ..... †19234
Effective date confirmed ..... †22586
2260 Removed ..... †1642
Removal effective date deferred ..... †10707
Removal effective date deferred and request for comments.. †19234
Removal effective dated confirmed ..... †22586
2271.1 Amended ..... †1642
Effective date deferred ..... †10707
Effective date deferred and request for comments ..... †19234
Effective date confirmed ..... †22586
2273.0–3 Amended ..... †1642
Effective date deferred ..... †10707
Effective date deferred and request for comments ..... †19234
Effective date confirmed ..... †22586

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 43, Chapter II—Continued

Page

2300 Revised ..... †5796
Effective date deferred ..... †10707
Effective date deferred and request for comments ..... †19234
Effective date confirmed ..... †22586
2310 Removed ..... †5805
Removal effective date deferred ..... †10707
Removal effective date deferred and request for comments ..... †19234
Removal effective date confirmed ..... †22586
2320 Removed ..... †5805
Removal effective date deferred ..... †10707
Removal effective date deferred and request for comments ..... †19234
Removal effective date confirmed ..... †22586
2340 Removed ..... †5805
Removal effective date deferred ..... †10707
Removal effective date deferred and request for comments ..... †19234
Removal effective date confirmed ..... †22586
2350 Removed ..... †5805
Removal effective date deferred ..... †10707
Removal effective date deferred and request for comments ..... †19234
Removal effective date confirmed ..... †22586
2621.1 Removed; new 2621.1 redesignated from 2621.2 ..... †24135
(d)(2) and (e) removed; (d)(3), (4), and (5) redesignated as (d)(2), (3), and (4); new (d)(2) revised ..... †24135
2621.2 Redesignated as 2621.1; new 2621.2 redesignated from 2621.3 ..... †24135
2621.3 Redesignated as 2621.2; new 2621.3 redesignated from 2621.4 ..... †24135
2621.4 Redesignated as 2621.3; new 2621.4 redesignated from 2621.5 ..... †24135
2621.5 Redesignated as 2621.4 ..... †24135
2655.0–3—2655.4 (Subpart 2655) Added 70206
2920 Revised ..... †5777
Effective date deferred ..... †10707
Effective date deferred and request for comments ..... †19234
Effective date confirmed ..... †22586

Page

3102.1–1 Correctly removed 72163
3102.1–2 Correctly removed 72163
3316.3–2 (a) revised 69174
3316.3–4 (b), (c)(4), and (d) revised 69175
3316.4 (h)(2) revised 69175
3317.1 (a), (b), and (e) revised 69175
3340.1 (a)(11) revised 69175
3611.4 Added 77438
3809.0–1—3809.6 (Subpart 3809) Added 78909
3809.0–5 (a) corrected 82934
3809.1–3 (b), (c)(4), and (f) corrected 82934
3809.1–4 (a) corrected 82934
3809.1–5 (c)(5) corrected 82934
3809.1–6 (b) and (e) corrected 82934
3809.1–8 (a) introductory text, (1), and (2) corrected 82934
3809.1–9 (a), (b), (e) and (g) corrected 82934
3809.2–1 (b) and (c) corrected 82934
3809.2–2 Introductory text and (c) corrected 82934
3809.3–1 (a) corrected 82934
3809.3–2 (a), (c), and (e) corrected 82934
4100 Technical correction ..... †7350, 10497
4100.0–5 (w) removed; (b) through (v), (x) through (cc) redesignated as (c) through (u), (w) through (cc), and (ee); new (b), (v), and (dd) added; new (z) and (ee) revised ..... †5788
(v) corrected ..... †12496
4110.2–1 (a) introductory text and (c) revised ..... †5788
4110.2–3 (f) revised ..... †5788
4110.3 Revised ..... †5789
4110.3–1 (d) added ..... †5789
4110.3–2 (c) revised; (d) and (e) added ..... †5789
4110.5 (a) revised ..... †5789
4120.2–2 Revised ..... †5789
4120.2–3 (a) revised ..... †5789
4120.3 Revised ..... †5789
4120.6–1 (d) redesignated as (e) and revised; new (d) added ..... †5790
4120.6–3 Revised ..... †5790
4130.2 (d)(2) introductory text and (v), (3), and (e)(2) and (3) revised; (e)(4) added ..... †5790
(d)(2) introductory text corrected ..... †12496

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

	Page
4130.5–1 (e) revised	†5790
(e) corrected	†12496
4140.1 (b)(1) and (12) revised	†5790
4150.3 (c) revised	†5791
4150.6 Added	†5791
4160.1–1 Revised	†5791
4160.3 (c) revised; (d), (e), and (f) added	†5791
4160.5 Revised	†5792
4170.1–1 Revised	†5792
4170.1–3 (c) revised	†5792
5424.0–5 Added	†29263
5424.0–6 (c)(2) revised	†29263
5424.1 Added	†29263
Public Land Orders	
49 Revoked by PLO 5920	†28410
175 Revoked in part by PLO 5807	†9585
281 *See* PLO 5759 correction	79069
431 Amended by PLO 5942	†28856
554 Revoked by PLO 5914	†28405
656 Revoked by PLO 5827	†7339
702 Revoked by PLO 5800	†1734
706 Revoked in part by PLO 5785	80828
739 Revoked by PLO 5879	†28166
848 Revoked in part by PLO 5868	†28164
850 Revoked by PLO 5776	79069
1009 Revoked by PLO 5838	†7343
1095 Revoked in part by PLO 5919	†28410
1109 Revoked by PLO 5849	†7347
1163 Revoked by PLO 5864	†27653
1165 Revoked by PLO 5831	†7341
1169 Revoked by PLO 5821	†6947
1175 Amended by PLO 5832	†7341
1258 Revoked by PLO 5848	†7347
1261 Revoked by PLO 5897	†28416
1281 Revoked by PLO 5883	†29263
1362 Revoked by PLO 5799	†2047
1385 Revoked by PLO 5933	†28853
1438 Revoked by PLO 5841	†7345
1442 Revoked by PLO 5889	†28857
1555 Revoked by PLO 5909	†28415
1718 Revoked in part by PLO 5898	†28407
1867 Revoked in part by PLO 5839	†7344
1933 Revoked by PLO 5956	†31893
2013 Amended by PLO 5825	†7338
2112 Amended by PLO 5816	†6945
2307 Revoked by PLO 5798	†2047
2312 *See* PLO 5759 correction	79069
2407 Revoked in part by PLO 2555 Amended by PLO 5784	80827
2693 *See* PLO 5896	†28403
See PLO 5939	†28855
2724 Revoked by PLO 5931	†28853
2920 Revoked by PLO 5912	†28415
2964 Revoked by PLO 5829	†7341
3061 Revoked in part by PLO 5876	†28418
3165 Revoked in part by PLO 5809	†6943
3292 Revoked in part by PLO 5876	†28418
3342 Revoked in part by PLO 5927	†28852
3796 Revoked by PLO 5796	86495
3837 Revoked by PLO 5819	†6947
3869 Revoked in part by PLO 5818	†6946
Revoked in part by PLO 5855	†8520
3917 Revoked in part by PLO 5802	†2047
3966 Revoked in part by PLO 5877	†28165
4187 *See* PLO 5827	†7340
4289 Revoked in part by PLO 5886	†28411
4319 Revoked in part by PLO 5833	†7342
4573 *See* PLO 5827	†7340
4577 *See* PLO 5827	†7340
4790 Revoked by PLO 5918	†28410
4849 Revoked in part by PLO 5804	†2047
4863 Revoked by PLO 5806	†2348
5011 Revoked by PLO 5905	†28417
5073 Revoked in part by PLO 5900	†28409
5169 Amended by PLO 5951	†29937
5176 Amended by PLO 5953	†30818
5179 Amended by PLO 5951	†29937
5180 Amended by PLO 5951	†29937
5186 Amended by PLO 5776	79069
5187 Amended by PLO 5776	79069
Revoked in part by PLO 5807	†9585
5250 *See* PLO 5951	†29937
5393 *See* PLO 5953	†30818
5396 *See* PLO 5951	†29937
5418 *See* PLO 5951	†29937
5653 Revoked by Pub. L. 96–487	†19860
5654 Revoked by Pub. L. 96–487	†19860
5672 Corrected by PLO 5772	75214
5696 Revoked by Pub. L. 96–487	†19860
5697 Revoked by Pub. L. 96–487	†19860
5698 Revoked by Pub. L. 96–487	†19860
5699 Revoked by Pub. L. 96–487	†19860
5700 Revoked by Pub. L. 96–487	†19860

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 43, Public Land Orders—Con.

		Page
5701	Revoked by Pub. L. 96-487	†19860
5702	Revoked by Pub. L. 96-487	†19860
5703	Revoked by Pub. L. 96-487	†19860
5704	Revoked by Pub. L. 96-487	†19860
5705	Revoked by Pub. L. 96-487	†19860
5706	Revoked by Pub. L. 96-487	†19860
5707	Revoked by Pub. L. 96-487	†19860
5708	Revoked by Pub. L. 96-487	†19860
5709	Revoked by Pub. L. 96-487	†19860
5710	Revoked by Pub. L. 96-487	†19860
5711	Revoked by Pub. L. 96-487	†19860
5747	Corrected by PLO 5782	80291
5752	Corrected	67093
	Corrected by PLO 5789	82934
5756	Corrected	66455
	Corrected by PLO 5770	74485
5759	Corrected	79069
5768		67094
	Corrected	73668
5769		73480
5770		74485
5771		75214
5772		75214
5773		75214
5774		74722
5775		75664
	Corrected	78134
5776		79069
5777		78688
5778		80290
	Corrected by PLO 5856	†13217
5779		80290
5780		80291
5781		80291
5782		80291
5783		80292
5784		80827
5785		80828
5786		80828
5787		80828
5788		82934
5789		82934
5790		85023
5791		84788
	Corrected	†2613
5792		85023
5793		85023
5794		85024
5795		85024
5796		86495
5797		†2046
	Corrected	†6942
	Effective date deferred	†10707
	Effective date restored	†15506
5798		†2047
	Effective date deferred	†10707
	Effective date restored	†15506
5799		†2047
	Effective date deferred	†10707
	Effective date restored	†15506
5800		†1734
5801		†1734
5802		†2047
	Effective date deferred	†10707
	Effective date restored	†15506
5803		†1734
	Corrected	†10155
5804		†2047
	Effective date deferred	†10707
	Corrected	†11973
	Effective date restored	†15506
5805		†2048
	Effective date deferred	†10707
	Effective date restored	†15506
5806		†2348
	Effective date deferred	†10707
	Effective date restored	†15506
5807		†9585
5808		†6942
5809		†6943
	Effective date deferred	†10707
	Effective date restored	†15506
5810		†6943
	Effective date deferred	†10707
	Effective date restored	†15506
5811		†6944
	Corrected	†12207
5812		†6944
	Effective date deferred	†10707
	Effective date restored	†15506
5813		†6944
5814		†6945
	Effective date deferred	†10707
	Effective date restored	†15506
5815		†6945
5816		†6945
5817		†6946
	Effective date deferred	†10708
	Effective date restored	†15506
5818		†6946
	Effective date deferred	†10708
	Corrected	†12207
	Effective date restored	†15506
5819		†6947
	Effective date deferred	†10708
	Effective date restored	†15506
5820		†6947
	Corrected	†11973
5821		†6947
	Effective date deferred	†10708
	Effective date restored	†15506

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

	Page
5822	†6947
5823	†6948
5824	†6948
Effective date deferred	†10708
Effective date restored	†15506
5825	†7338
Effective date deferred	†10708
Corrected	†12497
Effective date restored	†15506
5826	†7338
Effective date deferred	†10708
Effective date restored	†15506
5827	†7339
Effective date deferred	†10708
Effective date restored	†15506
5828	†7340
Effective date deferred	†10708
Corrected	†12497
Effective date restored	†15506
5829	†7341
Corrected	†12497
5830	†7341
Effective date deferred	†10708
Effective date restored	†15506
5831	†7341
Effective date deferred	†10708
Effective date restored	†15506
5832	†7341
Effective date deferred	†10708
Effective date restored	†15506
5833	†7342
Effective date deferred	†10708
Corrected	†12497
Effective date restored	†15506
5834	†7342
Effective date deferred	†10708
Effective date restored	†15506
5835	†7343
Corrected	†12497
5836	†7343
Effective date deferred	†10708
Effective date restored	†15506
5837	†7343
Effective date deferred	†10708
Effective date restored	†15506
5838	†7343
Effective date deferred	†10708
Effective date restored	†15506
5839	†7344
Effective date deferred	†10708
Corrected	†12497
Effective date restored	†15506
5840	†7344
Effective date deferred	†10708
Effective date restored	†15506
5841	†7345
Effective date deferred	†10708
Effective date restored	†15506
5842	†7345
Effective date deferred	†10708
Effective date restored	†15506
5843	†7345
5844	†7346
Effective date deferred	†10708
Effective date restored	†15506
5845	†7346
Effective date deferred	†10708
Corrected	†12207
Effective date restored	†15506
5846	†7346
Effective date deferred	†10708
Effective date restored	†15506
5847	†7347
5848	†7347
Effective date deferred	†10708
Corrected	†11973
Effective date restored	†15506
5849	†7347
Effective date deferred	†10708
Corrected	†11973
Effective date restored	†15506
5850	†7348
Effective date deferred	†10708
Effective date restored	†15506
5851	†7348
Effective date deferred	†10708
Effective date restored	†15506
5852	†7349
Effective date deferred	†10708
Corrected	†11973
Effective date restored	†15506
5853	†7349
Effective date deferred	†10708
Effective date restored	†15506
5854	†8520
Effective date deferred	†10708
Effective date restored	†15506
5855	†8520
Effective date deferred	†10708
Corrected	†11973
Effective date restored	†15506
5856	†13217
5857	†14016
5858	†14016
5859	†14016
5860	†25619
See PLO 5951	†29937
5861	†26061
5862	†27653
5863	†27651
5864	†27653

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 43, Public Land Orders—Con.

	Page
5865	†27651
Corrected	†30500
5866	†27653
Corrected	†30500
5867	†28163
Corrected	†32240
5868	†28164
5869	†28413
5870	†28165
5871	†28413
5872	†28414
5873	†28165
5874	†28414
5875	†28411
5876	†28418
5877	†28165
5878	†28166
5879	†28166
5880	†28166
5881	†28167
5882	†28857
5883	†29263
5884	†28415
5885	†28416
5886	†28411
5887	†28414
5888	†28653
5889	†28857
5890	†28858
5891	†28656
5892	†28413
5893	†28167
5894	†28416
5895	†28404
5896	†28403
5897	†28416
5898	†28408
5899	†28408
5900	†28409
5901	†28409
5902	†28417
5903	†28404
5904	†28404
Corrected	†33275
5905	†28417
5906	†28417
5907	†28418
5908	†28412
5909	†28415
5910	†28412
5911	†28412
5912	†28415
5913	†28405
5914	†28405
5915	†28406
5916	†28406
5917	†28406
5918	†28410
5919	†28410
5920	†28410
5921	†28411
5922	†28406
5923	†28652
5924	†28857
5925	†28655
5926	†28851
5927	†28852
5928	†28652
5929	†28651
5930	†28852
5931	†28853
5932	†28652
5933	†28853
5934	†28854
5935	†28654
5936	†28654
5937	†28854
5938	†28854
5939	†28855
5940	†28855
5941	†28855
5942	†28856
5943	†29710
5944	†29711
5945	†29939
5946	†29939
5947	†29938
5948	†29938
5949	†29940
5950	†29939
5951	†29937
5952	†30086
5953	†30818
5954	†31892
5955	†31892
5956	†31893
5957	†31893
5958	†31893
5959	†31894
5960	†31894
5961	†31894
5962	†31895

Title 43—*Proposed Rules:*

1—35 (Subtitle A)	†9974, 24458
4	81074
	†3242
7	66370
14	85106
20	66370
35	†29955

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

230—430 (Ch. I) ..... †24458
230 ..... †32459
426 ..... †3350, 12991, 12992
1600—9260 (Ch. II) ..... †24458
1600 82679
2090 ..... †24139
3100 84390
..... †11557
3500 84390
..... †11557
4100 ..... 68506, 79516, 83580
4110 68506
4120 68506
4130 68506
4140 68506
4150 68506
4160 68506
4170 68506
5400 84102

TITLE 44—EMERGENCY MANAGEMENT AND ASSISTANCE

Chapter I—Federal Emergency Management Agency

1 Added ..... †32584
2.63 (d)(4) added 74926
2.69 (g) added 74926
2.71 (d) revised; (h) added 74926
9.9 (e)(6) temporarily suspended 79070
9.11 (e)(4) temporarily suspended 79070
(e)(2) amended ..... †9085
(e)(1) and (2) revised; interim ..... †24952
10.8 (c)(2)(vii)(K), (L), and (M), and (viii) added ..... †2049
59.1 Amended ..... †1274
60.3 (c) introductory text, (7) and (8) revised; (c)(1), (2), and (3), and amended; (c)(11) added ..... †1274
61.10 Revised ..... †13514
61.11 Heading, (b) introductory text, and (d) revised; (e) added ..... †13514
62.3 (b) and (d) amended ..... †13515
62.6 Revised ..... †13515
62.7 Removed ..... †13515
64.3 (a)(1) amended ..... †1274
64.6 Table amended 66015, 66455, 69448, 69450, 70451, 72659–72661, 74927, 77031, 82260–82262, 84789, 84791, 85025

Page

Table amended ..... †3212, 3215, 7351, 7352, 7354, 11814, 11817, 11824, 13692, 13694, 14129, 15267, 15269, 17781, 18712, 18714, 19474, 19476, 20175, 21774, 22377, 23744, 26306, 26772, 26775, 27124, 28443, 29940, 29943, 30627, 31644, 32240, 32242, 33275
Table corrected 79810
Table corrected ..... †17782, 19474, 20999, 22586
65.3 Table amended 69453, 72164, 79458
Table amended ..... †7358, 11819, 15143, 18708, 21776, 26778, 32245
65.4 Table revised 66017
Table corrected 71803
Table amended; interim 79456
Table amended; interim ..... †1737
Table amended ..... †32248
65.6 Revised ..... †13695, 20177, 26776
65.7 Table amended 65219, 82264
Table revised 66128
Table amended ..... †1275, 7365, 13697, 17783, 18546, 26062, 27942
65.8 Table revised 66016, 66150
Table revised ..... †7366
Table amended ..... †19477, 26776
67 Flood elevation determinations 69457, 69889, 69902, 70452, 73669, 73682, 79466, 79479, 82935, 84062, 84792
Flood elevation determinations corrected 67666, 69903, 69904, 73668, 79070, 79810
Flood elevation determinations ..... †1275, 7367, 7368, 7987, 7996, 9586, 9587, 13697, 13709, 13710, 18547, 18698, 20178, 20192, 20194, 21000, 21011, 21605, 21779, 26308, 26309, 26323, 26333, 26335, 27942, 27943, 28419, 30629, 31263, 31645, 31647
Flood elevation determinations corrected ..... †13721, 20999, 28656, 30500
70 Map amendments 82634–82652
Map amendments ..... †9085–9098, 19478, 20194–20198, 22379, 22380, 23420–23427, 26645–26649, 28432–28442
76 Added; final 79072
81.1 (b) revised 67667
205.76 (a)(19) revised ..... †32588
302 Revised 64914

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 44, Chapter I—Continued

Page

302.3 (g) added 74928
332 Added ..... †2350
351 Added; interim 69905
360 Added ..... †1271
Technical correction ..... †9586

Title 44—*Proposed Rules:*

0—360 (Ch. I) ..... †23271
9 79122
10 67686
55 ..... †29292
59 78181
60 78181
..... †16692
61 ..... 78181, 13527
..... †29292
62 ..... 78181, 13527
64 78181
67 ..... 67686, 67692, 67695, 68412, 69483–69485, 69492–69494, 70007, 70012, 70017, 70021, 70022, 71823–71825, 71827–71831, 73703, 73704, 77081, 77091, 77092, 82965–82971, 83272, 84103, 84104, 84829–84832, 85106–85110
..... †1319, 7408–7411, 8034, 8047, 8048, 10753, 10754, 10763, 11682–11685, 13736–13738, 14136, 14146, 14147, 14907, 15183, 15287, 16282, 17795, 17796, 17804–17808, 18562, 18563, 18726, 19505, 19506, 20236, 20237, 21028, 21038–21041, 22618, 22623, 23773, 26077–26081, 26084, 26085, 26797, 26798, 27133, 27139, 27976, 28446, 28454, 28456, 29729–29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281–31285, 31680, 31686, 31692, 32275, 33060–33062, 33337
205 81215
300 ..... †29294
333 ..... †13528
401–403 (Ch. IV) 71088

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health and Human Services

3.23 (c) corrected ..... †30343
12 Revised 72173
46.101—46.124 (Subpart A) Revised ..... †8386
Authority citation corrected ..... †19195
46.101 (b)(3) and (4) corrected ..... †19195
46.102 (f) corrected ..... †19195
46.108 (c) corrected ..... †19195
46.113 Text corrected; footnote 1 correctly added ..... †19195

Page

46.115 (a)(7) corrected ..... †19195
46.116 (a) introductory text corrected ..... †29883
46.205 (b) amended ..... †8386
46.304 Introductory text amended ..... †8386
46.401 (Subpart D) Removed ..... †8386
73 Revised ..... †7369
74.132 Amended ..... †30501
74.141 Revised ..... †30501
74.174 Revised ..... †30502
74 Appendix F removed ..... †30502
75.101 (c) added (effective pending congressional review) 84059
76 Added 67265
76.1 (b) corrected 77439
76.14 (a)(3) corrected 77439
76.20 Corrected 77439
76.23 (a) corrected 77439
95 Authority citation ..... †3528
95.1—95.34 (Subpart A) Added ..... †3529

Chapter I—Department of Education [1]

100a Redesignated as 34 CFR Part 75 77368
100b Redesignated as 34 CFR Part 76 77368
100c Redesignated as 34 CFR Part 77 77368
100d Redesignated as 34 CFR Part 78 77368
101 Redesignated as 34 CFR Part 621 77368
104 Redesignated as 34 CFR Part 400 77368
105 Redesignated as 34 CFR Parts 408, 525, 526, 527 ..... 77368, 86301
105.1—105.506 Correctly redesignated as 34 CFR Part 408 ..... †3207
111 Redesignated as 34 CFR Part 218 77368
112 Redesignated as 34 CFR Part 219 77368
113 Redesignated as 34 CFR Part 220 77368
114 Redesignated as 34 CFR Part 221 77368

[1] Public Law 96–88 transferred the regulations of the Office of Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

115 Redesignated as 34 CFR Part 222 77368
116 Redesignated as 34 CFR Part 200 77368
116a Redesignated as 34 CFR Part 201 77368
116b Redesignated as 34 CFR Part 302 77368
116c Redesignated as 34 CFR Part 203 77368
116d Redesignated as 34 CFR Part 204 77368
119 Redesignated as 34 CFR Part 208 77368
120 Redesignated as 34 CFR Part 209 77368
121a Redesignated as 34 CFR Part 300 77368
121b Redesignated as 34 CFR Part 305 77368
121c Redesignated as 34 CFR Part 307 77368
121d Redesignated as 34 CFR Part 309 77368
121e Redesignated as 34 CFR Part 315 77368
121f Redesignated as 34 CFR Part 318 77368
121g Redesignated as 34 CFR Part 320 77368
121h Redesignated as 34 CFR Part 324 77368
121k Redesignated as 34 CFR Part 338 77368
121m Redesignated as 34 CFR Part 301 77368
121o Redesignated as 34 CFR Part 330 77368
121p Redesignated as 34 CFR Part 331 77368
121q Redesignated as 34 CFR Part 332 77368
121q.2 Corrected 77032
121r Redesignated as 34 CFR Part 333 77368
122a Redesignated as 34 CFR Part 537 77368
123 Redesignated as 34 CFR Part 500 77368
123a Redesignated as 34 CFR Part 501 77368
123b Redesignated as 34 CFR Part 502 77368
123c Redesignated as 34 CFR Part 503 77368
123d Redesignated as 34 CFR Part 504 77368

Page

123e Redesignated as 34 CFR Part 510 77368
123f Redesignated as 34 CFR Part 514 77368
123g Redesignated as 34 CFR Part 520 77368
123h Redesignated as 34 CFR Part 515 77368
123i Redesignated as 34 CFR Part 505 77368
126 Redesignated as 42 CFR Part 60 ..... †8518
130 Redesignated as 34 CFR Part 770 77368
131 Redesignated as 34 CFR Part 773 77368
132 Redesignated as 34 CFR Part 776 77368
133 Redesignated as 34 CFR Part 777 77368
134 Redesignated as 34 CFR Part 774 77368
136 Redesignated as 34 CFR Part 778 77368
137 Redesignated as 34 CFR Part 606 77368
146 Redesignated as 34 CFR Part 655 77368
146a Redesignated as 34 CFR Part 667 77368
147 Removed 77368
148 Redesignated as 34 CFR Part 662 77368
149 Redesignated as 34 CFR Part 603 77369
150 Redesignated as 34 CFR Part 639 77369
151 Redesignated as 34 CFR Part 790 77369
153 Removed 77369
154 Redesignated as 34 CFR Part 644 77369
155 Redesignated as 34 CFR Part 645 77369
157 Redesignated as 34 CFR Part 646 77369
158 Redesignated as 34 CFR Part 215 77369
159 Redesignated as 34 CFR Part 643 77369
160f Redesignated as 45 CFR Part 745 77369
161 Redesignated as 34 CFR Part 295 77369
161a Redesignated as 34 CFR Part 296 77369

Note: Symbol (†) refers to 1981 page numbers

80-145 O - 81 - 9

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 45, Chapter I—Continued

	Page
161b Redesignated as 34 CFR Part 752	77369
161c Redesignated as 34 CFR Part 753	77369
161e Redesignated as 34 CFR Part 755	77369
161f Redesignated as 34 CFR Part 419	77369
161g Redesignated as 34 CFR Part 757	77369
161h Redesignated as 34 CFR Part 758	77369
161l Redesignated as 34 CFR Part 647	77369
161m Redesignated as 34 CFR Part 763	77369
162 Redesignated as 34 CFR Part 765	77369
162a Redesignated as 34 CFR Part 766	77369
162b Redesignated as 34 CFR Part 767	77369
162c Redesignated as 34 CFR Part 768	77369
163 Redesignated as 34 CFR Part 440	77369
163a Redesignated as 34 CFR Part 441	77369
163b Redesignated as 34 CFR Part 442	77369
163c Redesignated as 34 CFR Part 443	77369
163d Redesignated as 34 CFR Part 444	77369
164 Redesignated as 34 CFR Part 726	77369
166 Redesignated as 34 CFR Part 425	77369
166a Redesignated as 34 CFR Part 426	77369
166b Redesignated as 34 CFR Part 431	77369
166c Redesignated as 34 CFR Part 432	77369
168 Redesignated as 34 CFR Part 668	77369
169 Redesignated as 34 CFR Part 624	77369
170 Redesignated as 34 CFR Part 617	77369
172 Redesignated as 34 CFR Part 793	77369
173 Redesignated as 34 CFR Part 610	77369
174 Redesignated as 34 CFR Part 674	77369
175 Redesignated as 34 CFR Part 675	77369
176 Redesignated as 34 CFR Part 676	77369
177 Redesignated as 34 CFR Part 682	77369
178 Redesignated as 34 CFR Part 686	77369
178a Redesignated as 34 CFR Part 695	77369
179 Redesignated as 34 CFR Part 648	77369
180 Redesignated as 34 CFR Part 270	77369
182 Redesignated as 34 CFR Part 631	77369
182a Redesignated as 34 CFR Part 740	77369
184 Redesignated as 34 CFR Part 769	77369
185 Redesignated as 34 CFR Part 280	77369
186 Redesignated as 34 CFR Part 250	77369
186a Redesignated as 34 CFR Part 251	77369
186b Redesignated as 34 CFR Part 252	77369
186c Redesignated as 34 CFR Part 253	77369
186d Redesignated as 34 CFR Part 254	77369
186e Redesignated as 34 CFR Part 255	77369
186f Redesignated as 34 CFR Part 256	77369
186g Redesignated as 34 CFR Part 257	77369
186h Redesignated as 34 CFR Part 258	77369
186i Redesignated as 34 CFR Part 259	77369
186j Redesignated as 45 CFR Part 260	77369
186k Redesignated as 34 CFR Part 261	77369
186l Redesignated as 34 CFR Part 262	77369
187 Redesignated as 34 CFR Part 263	77369
189 Redesignated as 34 CFR Part 629	77369
190 Redesignated as 34 CFR Part 690	77369
191 Redesignated as 34 CFR Part 211	77369

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

192 Redesignated as 34 CFR Part 692 77369
193 Redesignated as 34 CFR Part 796 77369
194 Redesignated as 34 CFR Part 649 77369
195 Redesignated as 34 CFR Part 345 77369
195a Redesignated as 34 CFR Part 346 77369
195b Redesignated as 34 CFR Part 347 77369
196 Redesignated as 34 CFR Part 650 77369
197 Redesignated as 34 CFR Part 240 77369
198 Redesignated as 34 CFR Part 241 77369
199a Redesignated as 34 CFR Part 605 77369

Chapter II—Office of Family Assistance (Assistance Programs), Department of Health and Human Services

233.20 (a)(3)(ii)(E) grace period extended ..... †4919
235.62 Introductory text corrected ..... †29264
260 Revised 66685

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Department of Health and Human Services

304.20 (a) revised ..... †1276
304.26 Revised ..... †6949
306.10 (j) corrected 74485

Chapter IV—Office of Refugee Resettlement, Department of Health and Human Services

Chapter established 64926

Chapter V—Foreign Claims Settlement Commission of the United States

500.3 (c) revised ..... †26062
531.1 (j) added ..... †26062
531.2 (j) and (k) redesignated as (k) and (l); new (j) added ..... †26062

Chapter VIII—Office of Personnel Management

801 Appendix A amended 84798

Chapter X—Community Services Administration

1000 Redesignated from 1067.50-1—1067.50-6 (Subpart 1067.50) and revised 64927, 65220
1000.1-1—1000.1-2 (Subpart 1000.1) Appendixes A and B corrected 69244
1012 Added ..... †5623
Effective date deferred ..... †11973, 12498
1012.40 (a) introductory text, (1) and (b) revised ..... †12498
1012.45 (c) introductory text revised ..... †12498
1012.107 Revised ..... †12498
1012.132 Corrected ..... †11974
Revised ..... †12498
1012.135 Revised ..... †12498
1060.2-1 Revised (revision removed at †13221) ..... †6950
Revision removal republished ..... †13515
Revised ..... †15271
1060.2-2 Revised (revision removed at †13221) ..... †6950
Revision removal republished ..... †13515
Revised ..... †15271
1061.51-1—1061.51-14 (Subpart 1061.51) Effective date deferred 66462, 67094
Text revised 73055
Text republished 73890
1061.52-1—1061.52-17 (Subpart 1061.52) Removed 64927, 65220
1061.90-1—1061.90-7 (Subpart 1061.90) Added 74929
1062.120 (Subpart I) Appendixes A and B correctly redesignated from 1062.200-1—1062.200-4 (Subpart J) Appendixes A and B 64936, 65229
1062.200-1—1062.200-4 (Subpart J) Appendixes A and B correctly redesignated as (Subpart I 1062.120) Appendixes A and B; new Appendix added 64936, 65229
1067.5-1—1067.5-3 (Subpart 1067.5) Appendix A amended 64940, 65233
Appendix B amended 64939, 65232

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 45, Chapter X—Continued

Page

1067.6–2 (a) revised; (c) and (d) removed; (e) and (f) redesignated as (c) and (d) .. 64939, 65232
1067.17–4 (c)(2)(iv)(B)(*ii*) and (C)(*ii*) amended 64940, 65233
1067.50–1—1067.50–6 (Subpart 1067.50) Redesignated as Part 1000 ..... 64927, 65220
1067.70 Conflicting rules superseded in part ..... †12499
1067.70–1—1067.70–10 (Subpart 1067.70) Added ..... †1234
1067.80–1—1067.80–11 (Subpart 1067.80) Appendix A amended 64939, 65232
1068.4–1—1068.4–7 (Subpart 1068.4) Removed 64940, 65233
1068.8–1—1068.8–4 (Subpart 1068.8) Removed 64940, 65233
1068.30–1—1068.30–4 (Subpart 1068.30) Removed .. 64940, 65233
Reinstated 69244
1068.30–2 (a)(2) revised; (b) removed 64940, 65233
1068.30–3 Heading and (a) introductory text revised .. 64940, 65233
1068.30–4 Removed 64940, 65233
1068.50–1—1068.50–4 (Subpart 1068.50) Added 64940, 65233
1069 Interpretation and waiver .. †4919
1069.3–1—1069.3–6 (Subpart 1069.3) Removed ... 64940, 65233
1069.4–1—1069.4–5 (Subpart 1069.4) Removed 64940, 65233
1075 Removed 74929

Chapter XII—ACTION

1213.5–5 (a)(9) and (d) corrected ..... †6951
1225 Added ..... †1609
1226 Added ..... †8522
1232.3 (j) through (m) correctly redesignated as (i) through (l) ..... †6951

Chapter XIII—Office of Human Development Services, Department of Health and Human Services

1300 Added ..... †4923
1321.151 (c)(3)(iii) and (v) through (viii) revised; (c)(3)(ix), (x) and (5) added 69459
1328.23 (b)(3)(iv), (vii), and (ix) revised; (b)(3)(x) and (5) added 69460
1357 Added 86813
Removed ..... †14895
1361 Redesignated as 34 CFR Part 361 77369
1362 Redesignated as 34 CFR Part 362 77369
1369 Redesignated as 34 CFR Part 369 77369
1370 Redesignated as 34 CFR Part 370 77369
1391 Authority citation correctly added 73059
1396 Authority citation; interim ..... †6909
Technical correction ..... †21992
1396.1 Amended; interim ..... †6909
1396.56 (a) introductory text, (3), and (4) revised; interim ..... †6909
1396.60 (b)(1)(iii) revised; interim ..... †6909

Chapter XIV—National Institute of Education, Department of Education [1]

Chapter removed 77369
1400 Redesignated as 34 CFR Part 700 77369
1403 Redesignated as 34 CFR Part 701 77369
1410 Redesignated as 34 CFR Part 702 77369
1430 Redesignated as 34 CFR Part 703 77369
1440 Redesignated as 34 CFR Part 705 77369
1450 Redesignated as 34 CFR Part 708 77369
1451 Redesignated as 34 CFR Part 710 77369
1460 Redesignated as 34 CFR Part 795 77369
1470 Redesignated as 34 CFR Part 714 77369
1480 Redesignated as 34 CFR Part 716 77369

[1] Public Law 96–88 transferred the regulations of the National Institute of Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

1490 Redesignated as 34 CFR Part 718 77369
1495 Redesignated as 34 CFR Part 720 77369

Chapter XV—Fund for the Improvement of Postsecondary Education, Department of Education [2]

Chapter removed 77369
1501 Redesignated as 34 CFR Part 730 77369

Chapter XVI—Legal Services Corporation

1611 Appendix A revised ..... †19936
1612.4 (b) redesignated as (d); new (b) and (c) added ..... †16268

Chapter XVIII—Harry S. Truman Scholarship Foundation

1801 Revised 81047

Title 45—*Proposed Rules:*

1—99 (Subtitle A) 82666, 83172, 83816
..... †24424
16 ..... †1644
71 ..... †29732
74 ..... †1644
80 ..... 69272, 82972
95 ..... †7011, 23273
121h 69378
201—282 (Ch. II) 82666, 83816
..... †24424
205 ..... 70521, 75243
..... †7011
206 82681
232 ..... †7011
233 ..... 82681, 86507
301—306 (Ch. III) 82666, 83816
..... †24424
301 ..... †1319, 30372
302 ..... †1321, 7011, 25660
303 ..... †1321
304 ..... †7011
305 69495
..... †29964
600—670 (Ch. VI) 76716
..... †24216
1000—1076 (Ch. X) 73709
..... †23491

[2] Public Law 96-88 transferred the regulations of the Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

Page

1012 ..... †5632
1020 85485
1062 ..... †961
1068 ..... †9661
1070 ..... †12522
1100—1160 (Ch. XI) ..... †24969
1152 ..... †11557
1176 65635
1201—1232 (Ch. XII) ..... †960, 23087
1223 74521
1226 80840
1300—1397 (Ch. XIII) 82666, 83816
..... †24424
1300 66180
..... †31029
1355 ..... 85124, 86817
1356 ..... 85124, 86817
1357 ..... 85124, 86817
1392 ..... †7246
1393 ..... †7246
1395 ..... †7011
1396 ..... †7246
1397 ..... †7246
1612 86511
1624 ..... †18055

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

1—197 (Chapter I) Nomenclature changes republished 65243
4.01–3 Redesignated from 4.02–3 and revised; interim 77441
(b) corrected ..... †19235
4.02–3 Redesignated as 4.01–3 and revised; interim 77441
4.03–1 (b) revised; (c) added; interim 77441
4.03–5 Removed; interim 77441
4.05–1 Revised; interim 77441
4.05–5 Revised; interim 77441
4.05–30 Added; interim 77441
4.07–50 Removed; interim 77441
4.09–1 Revised; interim 77441
10.01–5 (b) revised 69239
10.03–1—10.03–20 (Subpart 10.03) Added 69239
12.05–1 Revised 69240
12.05–3 Revised 69240
12.05–7 Revised 69240
12.07–1—12.07–20 (Subpart 12.07) Added 69240
12.15–7 Revised 69241
12.17–1—12.17–20 (Subpart 12.17) Added 69241
26.08–1—26.08–25 (Subpart 26.08) Added; interim 77441

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 46, Chapter I—Continued

Page

31 Incorporation by reference approvals 72464, 86672
33.05–1 (f) revised ..... †28168
33.05–2 (f) revised ..... †28168
33.05–3 (f) revised ..... †28168
33.05–20 (c) revised ..... †28168
34 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
35 Incorporation by reference approvals 72464
35.15–1 (a) and (b) revised; interim 77442
52 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
53 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
54 Incorporation by reference approvals 72464, 86672
Incorporation by reference approvals ..... †19660
56 Incorporation by reference approvals 72464, 86672
Incorporation by reference approvals ..... †19660
57 Incorporation by reference approvals ..... †19660
58 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
59 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
63 Incorporation by reference approvals 72464
64 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
67.77–5 Added 70262
76 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
78 Incorporation by reference approvals 72464
78.07–1 (a) revised; interim 77443
78.07–5 Revised; interim 77443

Page

90.05–20 Added 69244
90.10–40 Added 69244
90.30–10 Added 69244
93 Incorporation by reference approvals 72464, 86672
94.10–10 (e) revised ..... †28168
94.10–15 (c) added ..... †28168
94.10–40 (a) footnote 3 revised ..... †28169
95 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
97 Incorporation by reference approvals 72464
97.07–1 (a) revised; interim 77443
97.07–5 Revised; interim 77443
109.411 (a) and (b) revised; interim 77443
110 Incorporation by reference approvals 72464
111 Incorporation by reference approvals 72464
113 Incorporation by reference approvals ..... †19660
150 Added 70263
151 Incorporation by reference approvals 72464
151.13–5 (b) removed 70273
151.13–10 Removed 70273
151.45–4 (d)(11) removed 70273
153 Incorporation by reference approvals 72464
153.963 Removed 70273
154 Incorporation by reference approvals 72464
154.1832 Removed 70273
157.10–87 Added 69242
157.20–5 (b) revised 69242
157.01–10 (b) amended 69242
157.20–15 Revised 69242
157.20–25 Revised 69242
157.20–35 Revised 69243
157.20–37 Added 69243
157.30–10 (c) removed ..... †27654
160 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
160.071–11 (a)(1) revised ..... †23428
160.071–17 (g)(2) and (h) revised ..... †23428
161 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

162 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
164 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
167 Incorporation by reference approvals 72464, 86672
Incorporation by reference approvals ..... †19660
167.65–65 (a) and (b) revised; interim 77443
175.05–2 Added 69244
175.10–40 Added 69244
175.35–1 (Subpart 175.35) Added 69244
181 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
182 Incorporation by reference approvals 72464
183 Incorporation by reference approvals 72464, 86672
185.15–1—185.15–25 (Subpart 185.15) Revised; interim 77444
192.10–10 (d) revised ..... †28169
193 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
194 Incorporation by reference approvals 72464
Incorporation by reference approvals ..... †19660
196.07–1 (a) revised; interim 77444
196.07–5 Revised; interim 77445

Chapter II—Maritime Administration, Department of Commerce

255 Removed ..... †913
276 Authority citation revised; interim 68394
276.1 Heading revised; interim 68394
276.2 Heading revised; interim 68394
276.3 Added; interim 68394
(c) amended; interim 77445
284 Removed ..... †913
286 Removed ..... †913
291 Removed ..... †913
310.58 (c) revised 81568
385 Added 66168

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

Page

401.405 Revised ..... †18716
Technical correction ..... †20556
401.410 Revised ..... †18717
Technical correction ..... †20556
401.420 Revised ..... †18717
Technical correction ..... †20556
401.425 Revised ..... †18717
Technical correction ..... †20556
401.428 Revised ..... †18717
Technical correction ..... †20556

Chapter IV—Federal Maritime Commission

500.735–33 Revised 78689
502.63 Amended ..... †24565
502.67 (b)(2) amended ..... †24565
502.75 Added ..... †1276
502.114 Amended ..... †24565
502.227 (a) amended ..... †1277
502.302 Amended ..... †24565
503.74 (a) revised ..... †28858
505.2 (c) amended 74931
505.3 Amended 74931
505.4 (a), (b)(2), (c)(1) and (2), and (d) amended 74931
505 Appendix A amended 74931
510 Revised ..... †24568
521.2 (a) and (b) amended ..... †20199
521.3 Amended ..... †20199
522.8 Added 66796
524 Heading revised 79075
524.2 Revised 79075
524.3 Redesignated as 524.4 and heading revised; new 524.3 added 79075
524.4 Redesignated as 524.5; new 524.4 redesignated from 524.3 and heading revised 79075
524.5 Redesignated as 524.6; new 524.5 redesignated from 524.4 79075
524.6 Redesignated from 524.5 79075
524.7 Added 79075
525 Removed ..... †24575
530.12 Removed ..... †9098
530.14 Added ..... †19822
536 Authority citation amended ..... †13219
Reporting clearance revised ..... †13220
536.0 (b) amended ..... †13219
536.1 Revised ..... †12705
(d) added ..... †13219

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 46, Chapter IV—Continued

Page

536.2 (f) through (n) redesignated as (g) through (o); new (f) added ..... †13219
536.3 (d) and (f) revised; (k) and (l) amended ..... †13219
536.5 (a)(1) amended ..... †13219
536.6 (n) amended ..... †13219
536.8 (b) amended ..... †13219
(c) added; interim ..... †18551
536.10 (a)(3), (4) (ii), (b)(2), (4), (d)(1), and (2) amended; (a)(4)(iii) added ..... †13220
536.11 (a)(6), (f), and (g) added ..... †13220
536.14 (c) added ..... †13220
536.15 (a) and (b) amended; (f) and footnote 2 revised ..... †13220
540.32 (b) amended 74931
540.34 Amended 74931
540 Appendix A amended 74931
Note revised ..... †20674
549 Temporary suspension ..... †20199
549.9 Added ..... †20199

Title 46—*Proposed Rules:*

1—197 (Ch. I) ..... †14132, 20036, 21184, 26086
3 84104
..... †15746
10 ..... 73716, 79258, 80843
12 83290
..... †11565
13 83290
..... †11565
14 84104
..... †15746
24 84104
..... †15746
30 ..... 75712, 83290
..... †11565
31 83290
..... †11565
32 70918
33 81616
35 ..... 75712, 83290
..... †11565
50 85488
..... †12524
54 85488
..... †12524
56 85488
..... †12524, 22210
58 85488
..... †12524, 22210
61 85488
..... †12524
70 83290
..... †11565
75 81616
78 81616
90 83290
..... †11565
93 74523
94 81616
97 81616
98 83290
..... †11565
105 83290
..... †11565
108 81616
..... †3573
148 ..... †27724
150 67708
151 83290
..... †11565
153 83290
..... †11565
157 ..... 70920, 73716, 83290
..... †11565
160 81616
..... †33341
167 81616
188 84104
..... †15746
189 84104
..... †15746
192 81616
196 81616
201–391 (Ch. II) 71088, 75225, 78918
..... †24096
310 ..... †30507
381 ..... †2370, 10515
401–403 (Ch. III) 71088, 78918
..... †14132, 20036, 21184
401 ..... †2656
500–552 (Ch. IV) ..... †25326
502 ..... †17064, 30666
503 ..... †3250
510 ..... †32279
520 ..... †12524
521 66485
524 ..... †5008, 10178, 13243, 32459
525 84832
530 ..... 67711, 75244
536 ..... †22214
537 ..... †8599
538 ..... †22214
547 ..... †30667
549 ..... †10767

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

Chapter I Manual and procedures ..... †6951
Policy statement ..... †9597
0 Order 84798
Technical correction ..... †2352

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

0.11 (h) added 85029
Revised ..... †23746
0.12 Revised ..... †23746
0.91 Corrected 64950
Introductory text corrected 71569
0.281 (a)(7), (8), and (10) revised ..... †13906
0.412 Removed ..... †22553
0.453 (b) removed ..... †27655
0.455 Introductory text and (d) revised; (h)(1) and (2) removed ..... †27655
0.460 (j) added 85027
0.461 (n) added 85028
0.465 (a) revised; (c)(3) amended 85028
0.466 (a) revised; (e) redesignated as (e)(1); (c) note and (e)(2) added 85028
1.4 (b) introductory text amended; (b)(1) through (4) revised; notes following (b)(2) and (3) removed ..... †18556
(b)(2) determination ..... †30818
1.51 (c)(1) revised 79486
1.88 Added 65597
1.101—1.120 Undesignated center heading revised ..... †18556
1.103 Added ..... †18556
(a) determination ..... †30818
1.104 (b) and (d) amended ..... †18556
1.106 (f) amended ..... †18556
1.108 Amended ..... †18556
1.115 (d) amended ..... †18556
1.427 (b) determination ..... †30818
1.429 (d) amended ..... †18556
1.922 Petition denied and interim form ..... †3896
1.925 (g) petition denied and interim form ..... †3896
1.926 (b)(11) removed ..... †22593
2.1 Amended ..... †23449
2.106 Footnote US 111 revised 78696
Footnote US 217 revised 83233
Table amended ..... †9951
Footnote added ..... †9953
Table amended; footnote NG 124 added ..... †11978
Footnote U.S. 7 amended ..... †15147
Table amended; footnotes US 114 and NG 121 revised ..... †15700
Table corrected; footnote NG 124 correctly designated ..... †20200
Table amended ..... †23449
Footnote US 116 revised ..... †23747
Table amended; footnote US 229 added ..... †26485
Table corrected ..... †26649
Footnote NG 15 amended ..... †31416
2.302 Table petition denied and interim form ..... †3896
2.815 (c) revised ..... †18981
Technical correction ..... †22899
2.901—2.1065 (Subpart J) Heading revised ..... †23249
2.901 Revised ..... †23249
2.902 Added ..... †23249
2.908 Revised ..... †23249
2.909—2.926 Undesignated center heading revised ..... †23249
2.925 (a), (b)(4), (c), and (g) amended 71356
(a) introductory text, (1), and (2) revised ..... †21013
(b) introductory text, (1)(2), and (g) introductory text revised; (b)(3) and (c) removed; (b)(4) redesignated (b)(3) and revised ..... †21014
2.926 (a) through (d) revised ..... †21014
2.951—2.957 Undesignated center heading and sections added ..... †23249
2.969 (a) and (b) amended 71356
2.1001 (f)(2) revised ..... †18981
Technical correction ..... †22899
2.1003 (a) and (b) amended 71356
2.1005 (c) introductory text and (d) revised ..... †18981
Technical correction ..... †22899
2.1045 (a) and (b) amended 71356
2.1202 Waived to 10-1-81 ..... †31415
2.1203 Waived to 10-1-81 ..... †31415
2.1205 Waived to 10-1-81 ..... †31415
2.1207 Waived to 10-1-81 ..... †31415
2.1209 Waived to 10-1-81 ..... †31415
2.1211 Waived to 10-1-81 ..... †31415
2.1215 Waived to 10-1-81 ..... †31415
2.1219 Waived to 10-1-81 ..... †31415
13.2 (b)(2)(ii) eff. 10-13-80 68937
13.3 (a) eff. 10-13-80 68937
13.5 (c)(2) eff. 10-13-80 68937
13.11 (e) eff. 10-13-80 68937
13.12 Revised ..... †18719
13.22 Eff. 10-13-80 68937
13.25 Eff. 10-13-80 68937
13.26 Eff. 10-13-80 68937
13.27 Eff. 10-13-80 68937
13.28 Eff. 10-13-80 68937
13.61 (i) eff. 10-13-80 68937
(a)(3) and (b)(4) revised ..... †18719
13.62 (c) eff. 10-13-80 68937

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 47, Chapter I—Continued

	Page
13.91—13.94 Removed	†18719
15.4 (s) added	†21781
(r) revised	†23250
15.132 (a) and (b) amended	71356
15.178 (b) and (c) amended	71356
15.186 (a) and (b) amended	71356
15.309 (b) revised	81569
15.314 (a), (b) introductory text and (1) amended	71356
15.375 (a) and (b) amended	71356
15.415 (a) and (b) amended	71356
15.805 Waived in part	83505
15.810 Introductory text revised; note removed	†23250
15.812 Introductory text revised; note removed	†23250
15.830 Waiver	†4925
Introductory text revised; note removed	†23250
15.832 Waiver	†4925
Introductory text revised; note removed	†23250
15.834 (a) compliance date deferred	83504
(a) waived in part to 4-1-81	†4923
Waiver	†4925
Revised	†19481
(a)(3) revised	†21781
15.840 Added	†23251
15 Appendix A added	†23251
17.4 (a) revised; (h) added (effective pending GAO clearance	†10916
18.74 (a)(1) and (2) amended	71356
18.141 (c)(1) and (2) amended	71356
21.2 Amended	†23449
21.7 Heading revised; (c)(3) and (e) added	†23449
21.15 Introductory text and (h) revised; (i) added	†23449
21.23 (c)(2) introductory text revised	†23450
21.31 (e)(3) correctly revised	65600, 70468
21.43 (a) revised; (c) added	†23450
21.45 (a) revised	†23450
21.100 (d) revised	†23450
21.101 (a) introductory text revised; table amended	†23450
21.106 (a)(2) introductory text revised; (a)(3) added	†23450
21.108 (c) introductory text revised	†23451
21.122 (a)(1) revised	†23451
21.500—21.511 (Subpart G) Added	†23451
21.701 (a) text revised; (a) footnote 14 added	†23453
22 Petition for reconsideration granted in part and denied in part	†22757
22 Technical correction	†31417
22.2 Amended	†27672
22.9 Heading revised	†27673
22.15 (b)(2) revised	†22589
(c) revised; (m) added	†27673
22.23 (c)(1) added	†27673
22.31 (e)(3) revised	65600
(a)(1) added	†27673
22.32 (e)(5) added	†27673
22.43 (c) added	†27673
22.101 (a) revised	†27673
22.107 (b) revised	†27673
22.110 (a) revised	†27673
22.118 (c) revised	†27674
22.120 (e) added	†27674
22.208 (g)(2) revised	†27674
22.900—22.917 (Subpart K) Added	†27674
31.01-3 (ee) revised	†19490
31.02-80 (a) revised; (d) added	†9110
(c) revised	†19490
31.02-82 Note redesignated as Note A and revised; Note B added	†19490
31.04-2 (d) added	†9110
31.6-61 (b) corrected	†28657
31.122 Note E revised	†19490
31.124 Added	†19490
Note corrected	†28657
31.171 (c) revised	†9110
31.231 (a) and Note A revised	†19490
31.232 (b), (c), (d), Notes A and C revised; Notes D and E added	†19491
Notes A and C corrected	†28657
31.242:1 Note A revised	†19491
31.242:2 Notes B and D revised	†19491
31.244 Note B revised	†19492
31.316 Revised	†19492
Items list corrected	†28657
31.327 (b) revised	†19492
31.6-61 Revised	†19492
31.6-64 Revised	†19492
31.6-65 Amended	†19492
31.605 Revised	†19492
(c) corrected	†28657
31.608 Revised	†19493
61 Report and order	†29264
61.15a Added	76167
61.38 (f) revised	76167
61.39 Added	76168

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

61.58 (f) added 76168
Waived ..... †30830
63.07 Added 76168
63.54—63.57 Undesignated center heading added 82948
63.54 Revised 82948
63.55 Revised 82949
63.56 Revised 82949
(a), (b)(2) and (3), and (c) revised ..... †31421
63.57 Revised 82949
63.61 Amended 76169
63.71 Added 76169
63.90 (a) amended 76169
64.501 (a) and (b) revised ..... †29480
64.601—64.602 (Subpart F) Removed 82949
64.702 (c)(4) revised ..... †6008
64 Appendix A revised 81760
68 Order 67352
68.312 (b)(1)(iii) corrected 79486
73 Petition dismissed ..... †6970
Interim guidelines ..... †10728
Index amended ..... †13906
Application deadline eliminated ..... †14131
Interim guidelines deferred in part ..... †15271
Policy statement ..... †19937, 26062
73.21 (b)(1)(ii) revised ..... †11991
(b)(1)(ii) effective date corrected ..... †32868
73.37 (e)(2) introductory text revised ..... †3902
73.99 (b)(1) and (2) and (c) revised ..... †20677
(a)(1), (b)(2) through (4) and (d)(2)(i) corrected ..... †22761
73.112 Removed ..... †13906
73.150 (a) note revised; (b)(1)(i) amended; (b)(6) redesignated as (b)(7); new (b)(6) and (c) added ..... †11991
(a) note, (b)(1)(i), (6), and (7), and (c) effective date corrected ..... †32868
73.152 Revised ..... †11992
Effective date corrected ..... †32868
73.160 Added ..... †11993
Effective date corrected ..... †32868
73.181 (f) added ..... †11995
(f) effective date corrected ..... †32868
73.182 (a)(3)(ii) amended ..... †11995
(a)(3)(ii) effective date corrected ..... †32868

Page

73.185 (a) and (h) revised ..... †11995
(a) and (h) effective date corrected ..... †32868
73.186 Heading and (a) introductory text revised ..... †11995
Heading and (a) introductory text effective date corrected ..... †32868
73.202 (b) table amended 64950–64952, 67353, 67354, 69461, 69463, 69464, 69467, 78135, 78697, 78698, 84799–84802
(b) table amended ..... †3531, 3532, 6970, 9111, 10725–10728, 10739, 10918, 11826, 12708, 13516, 13722, 13726, 13727, 14018, 14345–14348, 15148, 15149, 15151, 15152, 15708, 15709, 15711, 16269, 17783–17785, 18317, 18318, 20201, 20676, 22188–22190, 22193, 23455, 23456, 23928, 23929, 25462, 25463, 25621, 26486, 27707, 30088, 30089, 30091, 30092, 30344, 30345, 31264, 31265, 31422, 31897, 33034–33038
(b) certification ..... †11549
Technical correction ..... †15712, 18557
(b) table corrected ..... †18317, 30087
73.282 Removed ..... †13907
73.503 (d) revised; notes 1 through 5 removed ..... †27952
73.504 Certification ..... †11549
(a) table amended ..... †26486, 31265
(a) table corrected ..... †33033
73.606 (b) table amended 67353, 72663, 73074, 78137, 81204
(b) certification ..... †11549
(b) table amended ..... †13723, 15150, 23454, 23747, 23749, 23750, 30089–30091
Technical correction ..... †17785
73.610 (b) waived in part 73075
73.621 (e) revised; notes 1 through 5 removed ..... †27952
73.663 (b)(3) and (c)(3) clarification 69908
73.961 (d) revised ..... †26650
73.1202 Heading revised; (a) through (d) removed; (e) redesignated as (a) ..... †26247
73.1212 (g)(2) and (3) revised ..... †13907
73.1225 (c) revised; (d) added ..... †13907
73.1800 (a) revised ..... †13907
73.1810 (a) revised ..... †13907
73.1840 (a) correctly revised ..... †13907, 18557
73.1850 (a) revised ..... †13907

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 47, Chapter I—Continued

Page

73.3500 Table amended ..... †15707
73.3526 (a), (11), (12), and (e) introductory texts, (a)(10), and Note 2 revised; (a)(14) added ..... †13907
(a) introductory text corrected ..... †18557
(a)(8), (9), introductory text of (11), and undesignated text following (11)(v) revised .. †26247
73.3527 (a)(7) introductory text, (i), (b), undesignated text following (c)(1)(v), (c)(2)(ii) introductory text, and (iii) revised ..... †26248
73.3580 (d)(4)(i) and (ii) waived in part ..... †22194
(d)(3)(i), and (4)(i) introductory text and (ii) introductory text revised ..... †26248
73.3615 (a) introductory text revised ..... †26247
74.602 (a)(2) amended ..... †27481
(a) introductory text table amended ..... †31266
74.604 (a) revised 78692
74.636 Revised 78692
74.637 Revised 78692
74.641 Added 78693
74.655 Added; eff. in part 10–1–85 78693
74.661 (a) revised 78694
74.663 Revised 78694
74.665 (d)(1) and (2) revised 78694
74.669 Added 78694
76 Order 70469
76.5 (x) removed 76179
76.205 (a) amended 76179
76.252 Removed 76179
76.254 Removed 76179
76.256 Removed 76179
76.258 Removed 76179
76.305 (a)(7) and (c) amended .. 76179
76.610 (b) revised ..... †12976
78.19 (a) revised 78694
78.101 (a) and (b) revised; (c) removed 78694
78.104 (b)(1) revised; (b)(2) removed 78694
78.105 Revised 78694
78.107 (b), (c), and (d) revised; (e) added 78695
78.111 Revised 78695
78.115 (b) removed 78696
81.3 (m) added ..... †15701

Page

(j) amended ..... †26485
81.131 (c)(3) added ..... †15701
81.132 (a)(7) added ..... †15701
81.133 (a) table amended ..... †15701
(a) table revised; (a) table footnote 3 removed ..... †18982
(a) table corrected ..... †31016
81.134 (j) added ..... †15701
81.140 (a)(1) and (2) introductory texts revised 76180
81.142 (d) removed 76180
(b) revised ..... †15701
81.151 Heading and (a) eff. 10–13–80 68937
81.152 (d) eff. 10–13–80 68937
81.154 (a) introductory text eff. 10–13–80 68937
81.191 (b) revised; (c)(1) and (2) removed; (c)(3) redesignated as (c) ..... †10157
81.304 (a) table, (b)(11), (21), (27), and (44), (c), and (f) introductory text revised; (b)(12), (13), (17), (23), (30) through (43), (45), (46), (53), (54), (56), and (58), and (h)(2)(i) removed 76180
(a) table corrected; (b)(7) correctly revised ..... †12977
81.306 (b) table note 1 revised; (c) table and (d) table revised 76181
81.308 (a) revised 76181
81.314 (a)(4) and (5) revised .. †10157
81.360 (a) revised; (c) removed . 76181
81.361 (a) revised 76181
81.708 (a) table, (b)(10), (20)(ii), (35), and (40) revised; (b)(7), (8), (11), (12), (14), (15), (16), (41), and (45) removed 76182
81.913—81.917 (Subpart T) Added ..... †15701
83.3 (s) added ..... †15702
83.70 (b) amended ..... †18986
83.103 Amended ..... †18982
83.106 (a) revised; footnote 1 removed ..... †18982
83.107 (a) revised ..... †18986
83.110 Revised ..... †18986
83.115 (a)(1) and (2) and (e) revised ..... †18987
83.131 (b)(8) added ..... †15702
83.132 (a)(6) added ..... †15702
(a)(2)(i) and footnote 2 revised; footnote 3 removed ... †18983

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

	Page
83.133 (a) table amended	†15702
(a) table revised; (a) table footnote 3 removed	†18983
(a) table corrected	†31016
83.134 (l) added	†15703
(a)(1) and (d) table revised	†18983
83.136 Introductory texts of (a)(1) and (2) revised	†18983
83.137 (b) revised	†15703
(c) introductory text and (f) revised; (d) removed	†18983
83.138 Revised	†18987
83.139 (i) added	†15703
83.151 (a) eff. 10–13–80	68937
83.152 (b) revised	†18719
83.155 (d) and (e) eff. 10–13–80	68937
(b) and (c) revised	†18720
(d) revised	†18983
(d) corrected	†31016
83.156 (b)(3) eff. 10–13–80	68937
(a)(1)(i), (ii), and (2)(i) revised	†18720
(b)(3) revised	†18983
(b)(3) corected	†31016
83.157 (a) eff. 10–13–80	68937
83.159 Eff. 10–13–80	68937
83.160 (a) introductory text eff. 10–13–80	68937
83.233 Footnote 1 removed	†18983
83.315 (f) added	†26485
83.318 (a) introductory text revised	†18983
83.320 (b) removed	†18983
83.321 (c) removed	†18983
83.329 (a) revised	†18983
83.339 (a) introductory text revised	†18984
83.341 Added	†15703
83.351 (a) table amended; (b)(11) added	†26485
83.359 (a) table amended	†18984
83.360 (a) revised	†18984
83.364 (d) amended	†18984
83.367 (a) introductory text revised	†18984
83.373 Added	†15703
83.405 (d)(1) revised; (d)(3)(vi) redesignated as (d)(3)(vii) and revised; new (d)(3)(vi) added	†18987
83.441—83.480 (Subpart R) Heading revised	†18987
83.442 Revised	†18987
83.447 Revised	†18987
83.460 Redesignated as 83.464	†18987
83.464 Redesignated as 83.460; new 83.464 added	†18987
83.465 Added	†18988
(c) temporary waiver	†25463
83.472 (c) amended; footnote 1 removed	†18984
83.484 (a) and (d)(2) revised; footnote 1 removed	†18984
83.554 (a)(1)(i)(*a*) and (*b*) revised	†22589
83.900—83.905 (Subpart DD) Added	†15703
Redesignated as 83.1100—83.1105 (Subpart DD)	†26485
83.1100—83.1105 (Subpart DD) Redesignated from 83.900—83.905 (Subpart DD)	†26485
87.29 (a)(6) added	†23457
87.75 (c) and (d) introductory text revised; (f) added	78139
87.99 (a) introductory text amended	78139
87.115 (i) amended	78139
87.133 (a)(1) eff. 10–13–80	68937
87.136 (a) eff. 10–13–80	68937
87.139 (b)(2) eff. 10–13–80	68937
(a)(4) added	78139
87.465 Removed	†23453
90.17 Footnote added	†23453
90.19 (f)(5) added	†11976
(f)(5)(ii) corrected	†20200
Footnote added	†23453
90.21 Footnote added	†23453
90.23 Footnote added	†23453
90.25 Footnote added	†23453
90.33 Revised	†27481
90.38 Added	†15276
90.53 (a) table amended; (b)(26) added	†22592
Footnote added	†23453
(b)(27) and (28) correctly added	†15276, 27492
(a) table corrected	†27482
(a) table corrected; (b)(29) correctly added	†31423
90.63 Footnote added	†23453
(g) added	†27708
90.65 Footnote added	†23453
90.67 Footnote added	†23453
90.71 Footnote added	†23453
90.73 Footnote added	†23453
90.75 (b) table amended; (c)(5) added	†15277
Footnote added	†23453
90.79 Footnote added	†23453
90.81 Footnote added	†23453
90.89 Footnote added	†23453
90.91 Footnote added	†23453
90.93 Footnote added	†23453

Note: Symbol (†) refers to 1981 page numbers

80-145 O - 81 - 10

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 47, Chapter I—Continued

	Page
90.103 (c)(21) revised	83233
90.119 (e) petition denied and interim form	†3896
90.155 Revised	81208
90.159 Petition denied and interim form	†3896
90.205 (b) table amended	†23454
90.207 (k) revised	†27708
90.209 (c) introductory text, (f), and (g) revised	84803
90.211 (d) through (h) removed; new (d) added	84803
90.212 (b) revised	†27708
90.307 (f) effective date deferred	†31648
90.365 (a)(1) introductory text and (3) revised	81209
(h) Table 1 amended	†15152
90.367 (a) revised	81209
90.374 Added	81208
90.375 (e) revised	81209
90.377 (c) revised	81209
90.385 (c) revised	†27708
90.425 (d)(6) added	†15277
90.437 (c) petition denied and interim form	†3896
90.555 (b) table amended	†15277
Footnote added	†23453
94 Technical correction	67094
94.1 (b) revised	†9953
94.3 Amended	†9953
94.9 (a)(1) revised; (a)(2) and (3) redesignated as (a) (3) and (4); new (a)(2) added	†27958
94.15 (g) revised	†9953
94.25 (j) added	†9954
94.27 (a)(5) added	†9954
94.61 (b) table amended; footnote 19 added	†9954
(b) table amended; footnotes 20 and 21 added	†27959
94.63 (d)(4) and (5) added	†9954
94.65 (a) revised	†9954
94.67 (a) amended	†9955
94.71 (b), footnotes 6 and 7, and (f) added	†9955
94.73 Amended	†9955
94.75 (b) amended; (g) added	†9955
94.107 (c) added	†9955
95.15 (a)(5) removed; (b) added	†22593
(a)(8) revised	†26780
95.17 (g) added	†21171
95.201—95.243 (Subpart C) Revised; eff 7-20-81 and 7-1-82	†32416
95.618 Added	†32424
97.45 (a) introductory text and (3) revised; (a)(4) added (effective pending GAO clearance)	†10916
97.61 (b)(7)(v) and (vi) added	†15147
(a) and (b)(2) tables amended	†31416
97.75 (a) introductory text revised	†18982
Technical correction	†22899
97.76 (a) introductory text, (1) and (5) revised	†18982
Technical correction	†22899
97.79 (d) interpretation	80106
97.85 (f) added	†21171
97.421 (c) added	†15147
97.422 Added	†15147

Title 47—*Proposed Rules:*

0—99 (Ch. I)	71628, 72719, 76498, 78188, 81619, 82280, 83580, 84140, 85125, 85126, 85491
	†3925, 3929, 3939, 5008, 9133, 9664, 10924, 11846, 12024, 12032, 14907, 15184, 15296, 16692, 18737, 19005, 21042, 23956, 24969, 25661, 27506, 28183, 28456, 28457, 30516, 30668, 31286, 33533
0	†15297
1	72902, 78736
2	72723, 73979, 79516
	†5009, 5011, 10768, 14358, 26507, 30124, 31290, 31693, 32280
13	79518
15	70023
21	72723
	†26507, 32280
22	73979, 79516
	†5011, 10768, 14358, 15749, 21042, 22214, 22909, 31292
23	†30124
25	71384
	†3250, 15754, 18720, 19947, 26798
31	†26356, 30150, 30152
33	†26356
34	†26356
35	†26356
61	†15297
63	74523
	†6025, 14754, 15297, 20707, 31693
64	†32039
67	76213, 82281
	†17568, 19510, 32281
68	†9138, 22215

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

	Page
73	64981, 64983–64985, 64987, 64988, 64990, 64991, 64993–64995, 65637, 67399, 67400, 69178, 69496, 69497, 69499, 69501, 69502, 70023, 70920–70922, 71393, 72902, 73718–73720, 73980, 74946, 76717, 78188–78191, 78735, 78736, 78738, 79516, 79841, 79842, 80561, 81078–81080, 81215, 81796, 81797, 82282, 82283, 82973, 82975, 84833–84835
	†3573–3575, 3939, 5011, 7014, 8048, 8600, 9141, 9145, 9664, 9975, 10178, 10772, 10773, 10775, 10776, 10778–10782, 10784, 10963, 10966, 10968, 11846, 13738–13740, 14359, 14361, 15184–15186, 15298, 15754, 15756, 15757, 17065, 17233, 17809–17811, 18737, 18743, 18745, 19005, 19267–19269, 20708, 20709, 20711, 21042, 21633, 21791, 21792, 22006, 22008, 22011, 22400, 22769, 22770, 22910, 22911, 23087, 23496–23498, 23774, 25487–25489, 25662, 26509, 26511–26514, 26663, 26798, 27725–27728, 28681, 28684, 29488, 30153, 30154, 30372, 30516–30518, 31029, 31290, 31695, 31909, 32039, 32887
74	72723
	†26507
76	71634, 81217
	†6025, 12525, 25490
81	65639
	†3939
83	†17233, 19007, 21043
87	†9665, 32280
90	†5011, 9143, 11847, 16104, 17813, 21397, 22624, 22626, 23275, 27729, 32039, 32280
94	70023, 72723
	†10768, 14358, 30124
95	67401
	†32039
97	83592
	†32888

TITLE 48 [1]

Chapter I—Office of Federal Procurement Policy, Office of Management and Budget

Title 48—*Proposed Rules:*

	Page
4	65640
	†32600
7	†11324
8	79843
	†32600
9	65640
15	†26664
31	†16918
33	†9669
38	79843
42	†8055
46	†22243
47	†26664, 32600

[1] Reserved for Federal Acquisition Regulations.

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

		Page
Subtitle A	Cross reference to 44 CFR Part 332	†2352
1.2	(a) revised; (h) added	83403
1.3	(c) removed; (b) introductory text and (8) revised	83403
1.4	(i) revised	83403
1.22	Revised	83403
1.23	Revised	83403
1.24	(b) through (d) revised	83404
1.25	(b) revised	83405
1.26	Revised	83405
	(a)(7) added	†6012
1.42	Amended	83405
1.43	(b) revised	83405
1.45	(a)(5) amended; (a)(10) redesignated as (a)(11) and republished; new (a)(10) and (12) added	83405
	(a)(13) added	†22593
1.46	(aa) through (cc) added	83405
	(dd) added	†23057
	(ee) added	†26651
	(c)(2), (3), and (4) removed; (c)(5) through (10) redesignated as (c)(2) through (7); (n)(14) added	†29269
1.47	(a), (b), and (f)(2) amended; (m) added	83405
	(g) revised	†9603
1.48	Revised	83405
1.49	(f) removed; (g) through (u) redesignated as (f) through (t); new (o) and (t) revised; new (u) and (v) added; new (i), (l), (o), and (t) amended	83407
1.50	Revised	83407
1.51	Revised	83408
1.53	(f) added	†10919

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 49, Subtitle A—Continued

Page

1.54 (a) and (b)(7) amended... 83408
(b)(10) added... †22593
1.55 (f) revised... 83408
1.56 Redesignated as 1.57; new 1.56 added... 83408
1.57 Removed; new 1.57 redesignated from 1.56; new (b), (e), and (j) amended... 83408
1.58 Removed; new 1.58 redesignated from 1.64... 83409
1.59 (a)(1) and (c)(1) and (3)(i) amended; (a)(4) and (n) removed; (c)(6) through (10) redesignated as (c)(5) through (9); (b)(8), (e), and (k) through (m) revised... 83409
1.60 Removed... 83409
1.61 Revised... 83409
1.62 Removed; new 1.62 redesignated from 1.65 and revised... 83409
1.63 (d) added... 83409
1.64 Redesignated as 1.58; new 1.64 added... 83409
1.65 Redesignated as 1.62 and revised; new 1.65 added... 83409
3 Revised... 75666
23.45 (h) revised; (i) removed; Appendix A added... †23461
23.51 Effective date confirmed... 67667
25 Appendix A tables revised... †9604

Chapter I—Research and Special Programs Administration, Department of Transportation

106.5 (a) amended... 81571
106.9 Introductory text amended... 81571
107.3 Amended... †9888
107.9 Introductory text and (d) amended... 81571
107.109 (e) amended... 81571
107.123 (a) amended... 81571
107.401—107.405 (Subpart E) Added... †9888
171 Incorporation by reference approvals... 81485
171.3 (d) amended... 74648
171.7 (c)(28) amended... 74648
(b) and (d)(19) amended... 81571
(d)(23) added; eff. 2-1-82... †5315
(c)(29), (d)(24), and (f) added... †9889
(d)(3)(vi) through (viii) added... †22195

Page

Section designation corrected... †23462
(d)(24) correctly designated... †24183
(d)(17) revised... †28657
171.8 Amended... 74648
Amended; eff. 2-1-82... †5316
Amended... †9889
171.12 (b) revised... 74648
171.16 (b) revised; (c) and (d) added... 73683
(b) revised... 80829
171.17 (a) introductory text and (c) amended... 74648
172 Incorporation by reference approvals... 81485
Incorporation by reference approvals... †19660
172.101 (b)(1) amended; (c)(9), (10), and introductory text of (11) and (j) revised; (c)(12) removed; (d)(3) and (g)(1) added... 74649
Table amended... 74649
Table amended... †17739
Table corrected... †19235
172.102 Heading, (a), and (b) revised; (h) introductory text, and (1) through (9) amended; table amended... 74652
Table revised... †29393
Table corrected... †32250
172.101—172.102 (Subpart B) Appendix A amended... 74653
172.201 (a)(1)(iii) revised... 74664
172.202 Revised... 74665
172.203 (c)(1), (e)(1), (i)(2), (j), and (k) revised... 74665
(d)(1)(iii) amended; eff. 2-1-82... †5316
(l) added... †9889
172.204 (c)(4) revised... †24185
172.300 Redesignated as 172.301 and revised; new 172.300 added... 74666
172.301 Redesignated from 172.300 and revised... 74666
172.302 Revised... 74666
172.308 Revised... 74666
172.312 (d) and (e) revised... 68654
172.316 (a) introductory text and (c) revised... 74666
172.324 Revised... 74666
172.326 (a)(2) introductory text and (ii) and (d) amended... 74666
172.328 (a) introductory text and (d) amended; (a)(1) and (b) revised... 74666

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

	Page
172.330 (a)(2), (c)(1) and (e) amended; (g) revised	74667
172.332 Revised	74667
172.334 Revised	74667
172.336 Revised	74667
172.338 Revised	74668
172.400 (a) amended; (b)(8) revised	74668
172.407 (g) introductory text and (l) and (h) revised; (j) added	74668
(d)(3) amended	81571
172.415 (b) amended	74668
172.417 (b) amended	74668
172.419 (b) amended	74668
172.423 (b) amended	74668
172.500 (b)(2) revised	74668
172.507 Added; eff. 2-1-82	†5316
172.516 (c)(5) revised	74668
172.519 (d) revised	74668
172.527 Heading and (a) revised; eff. 2-1-82	†5316
173 Incorporation by reference approvals	81485
173.7 (b) amended	81571
173.8 (a) amended	74669
173.21 (b)(3) added	74669
173.22 (b) revised; (c) added; eff. 2-1-82	†5316
173.29 (a)(1) and (3)(ii) revised; (d) added	74669
173.31 (c)(1) amended	81571
(a)(3)(vii) and (viii) and (6) and (7) added	†8010
(a)(3)(vii) and (viii), (6) and (7) effective date deferred	†10707, 10907
173.32 Heading revised; (a)(2) removed	†9889
173.32a Added	†9890
(e)(1)(ii) and (3) corrected	†24183
173.32b Added	†9891
173.32c Added	†9892
173.32d Added	†9892
173.33 (f)(9) amended	81571
173.34 (e)(1), (6), (13)(v), (15)(ii), and (16)(iii) amended	81571
(d) heading revised; (d) text amended	†22195
173.86 (a)(2), (b) introductory text, and (c) revised	†22195
173.107 (e) amended	81571
173.114a (d)(3) revised	†22195
173.118a (b) revised	74669
(b)(5) correctly revised	†9893, 24184
173.119 (a)(3), (e)(5), (f)(7), and (m)(18) added	†9893
173.124 (a)(5)(ii) added	†8010
(a)(5)(ii) effective date deferred	†10707, 10907
173.125 (a)(5) and (7) removed	81571
(a)(8) added	†9894
173.128 (a)(5) added	†9894
173.129 (a)(3) added	†9894
173.131 (a)(3) correctly added	†9894, 24184
173.132 (a)(4) added	†9894
173.135 (a)(11) added	†9894
173.136 (a)(10) added	†9894
173.141 (a)(11) added	†9894
173.143 (a)(3) added	†9894
173.144 (a)(4) added	†9894
173.145 (a)(8) added	†9894
173.147 (a)(2) added	†9894
173.149 (a)(1) amended	81571
173.153 (a)(1) and (b)(1) amended	81571
173.190 (b)(5) correctly added	†24184
173.204 (a)(8) amended	81571
173.207 (e) amended	81571
173.214 (e) amended	81571
173.225 (b)(2) note 1 removed	81571
173.239a (a)(2) amended	81571
173.245 (b) revised	74669
(a)(37) correctly added	†9894, 24184
(a)(36) added	†17565
173.246 (a)(3) added	†9894
173.247 (a)(20) added	†9894
173.247a (a)(4) added	†9894
173.248 (a)(8) added	†9894
173.249 (a)(7) and (10) amended	81571
(a)(14) added	†9894
173.250a (a)(4) added	†9894
173.252 (a)(5) added	†9893
173.253 (a)(9) added	†9894
173.254 (a)(6) added	†9894
173.255 (a)(7) added	†9894
173.257 (a)(6) and (14) amended; (a)(13) removed	81571
173.258 (a)(3) amended	81572
173.262 (a)(13) and (b)(5) added	†9893
173.263 (a)(31) correctly added	†9894, 24184
173.264 (a)(21) correctly added	†9894, 24184
173.265 (a)(5) added	†9894
173.266 (a)(3) and (b)(10) added	†9893
(a)(3) corrected	†24184
173.267 (a)(10) added	†9894
173.268 (k) added	†9893

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 49, Chapter I—Continued

	Page
173.269 (a)(7) added	†9893
173.270 (a)(3) correctly added	†9894, 24184
173.271 (a)(20) correctly added	†9894, 24184
173.272 (i)(30) correctly added	†9893, 24184
173.274 (a)(3) footnote 1 added	81572
(a)(5) addded	†9894
173.275 (a)(6) added	†9893
173.276 (a)(11) added	†9894
173.277 (a)(9) correctly added	†9894, 24184
173.278 (a)(2) added	†9894
173.279 (a)(3) added	†9894
173.280 (a)(9) added	†9894
173.281 (a)(3) added	†9894
173.283 (b)(3) added	†9894
173.288 (g) added	†9894
173.289 (a)(5) removed	81572
(a)(11) added	†9894
173.290 (a)(4) correctly added	†9894, 24184
173.292 (a)(3) added	†9894
173.293 (a)(2) added	†9894
173.294 (a)(1) amended	81572
(a)(4) correctly added	†9894, 24184
173.295 (a)(13) correctly added	†9894, 24184
173.296 (a)(4) added	†9894
173.297 (a)(6) added	†9894
173.298 (a)(5) added	†9894
173.300a (f) amended	81572
173.300b (a) amended	81572
173.300c (a)(4) amended	81572
173.301 (h) table and (k) amended	81572
173.303 (a) introductory text revised	†22196
173.306 (c)(7) and (d)(3)(i) amended	81572
173.314 (c) table note 25 revised	81572
(c) table amended; (c) table notes 23 and 24 revised	†8010
(c) table and notes 23 and 24 effective date deferred	†10707, 10907
(c) table corrected; note 27 added	†19236
173.315 (l)(2)(iii) amended	81572
173.328 (a)(2) amended	81572
173.346 (a)(28) added	†9894
173.347 (a)(9) added	†9894
173.348 (a)(5) added	†9894
173.349 (a)(4) added	†9894
173.352 (a)(6) added	†9894
173.353 (a)(5) amended	81572
173.356 (a)(1) amended	81572
(a)(3) added	†9894
173.358 (a)(16) added	†9894
173.359 (a)(19) added	†9894
173.360 (a)(6) added	†9894
173.361 (a)(4) added	†9894
173.362 (a)(5) added	†9894
173.362a (a)(3) added	†9894
173.364 (a) introductory text amended	74669
173.377 (j) introductory text and (5) amended	81572
173.393a Heading, (a) introductory text, (1), (2), (3), and (5) amended	81572
173.394 (b)(3), and (c)(1) and (2) amended	81572
173.395 (b)(2) and (c)(2) amended	81572
173.396 (b)(4), (c)(3) and (g)(3) amended	81572
173.426—173.432 (Subpart I) Note following subpart heading removed	81572
173.500 (a) note revised	74669
173.620 (a)(7) added	†9894
173.630 (b)(5) added	†9894
173.1080 (a) amended	81572
174 Incorporation by reference approvals	81485
174.25 (a)(2) table amended; (b)(1) through (4) and (c) revised; (b)(5) and (6) removed	74669
174.61 (a) amended	81572
174.63 Heading revised; (d) added	†9894
(d)(2) revised	†24186
174.84 Revised	†9894
174.600 Amended	81572
174.700 (b) amended	81572
174.715 (a) amended	81572
175.10 (a)(6) revised	†24185
175.20 Amended	81572
175.30 (b) and (c) revised	68654
175.45 (d) added	74670
175.75 (a)(3)(ii) amended	81572
175.79 (a) amended	81572
175.320 (a) amended	81572
175.700 (c) revised	†24185
176 Incorporation by reference approvals	81485
176.27 (b) amended	81572
176.30 (a)(5)(i) amended	81573

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

	Page
176.63 (b) amended	81573
176.65 Amended	81573
176.69 (c) amended	81573
176.76 (g)(3) amended	81573
(g)(2) removed	†24184
176.340 Added	†9894
177 Incorporation by reference approvals	81485
177.806 (b) amended	81573
177.810 Revised; eff. 2-1-82	†5316
177.817 (b) revised	74670
177.821 (e) removed	†22196
177.825 Added; eff. 2-1-82	†5316
177.834 (j) and (m) amended	81573
(n) revised	†9894
177.835 (j) amended	81573
177.838 (f) amended	81573
177.842 (c) and (f) amended	81573
177.843 (a) amended	81573
177.861 (a) note 1 amended	81573
177 Appendix A added; eff. 2-1-82	†5317
178 Incorporation by reference approvals	81485
Incorporation by reference approvals	†19660
178.0-2 (b) amended	81573
178.36-10 (b) amended	81573
178.38-3 Amended	81573
178.38-10 (b) amended	81573
178.39-3 Amended	81573
178.39-10 (b) amended	81573
178.42-3 Amended	81573
178.50-3 Amended	81573
178.51-3 Amended	81573
178.53-3 Amended	81573
178.55-3 Amended	81573
178.56-3 Amended	81573
178.57-3 Amended	81573
178.59-3 (a) amended	81573
178.59-16 (a) and (b) revised	†22196
Section designation corrected	†23462
178.60-3 (a) amended	81573
178.60-20 Heading, (a) and (b) revised	†22196
178.61-3 Amended	81573
178.68-3 Amended	81573
178.83-7 (a) table footnote 3 redesignated as footnote 2	81573
178.205-13 (a) amended	81573
178.225-2 (a) amended	81573
178.238-3 (a) amended	81573
178.270 Added	†9895
178.270-1 Added	†9895
178.270-2 Added	†9895
(e) and (f) corrected	†24184
178.270-3 Added	†9895
178.270-4 Added	†9895
178.270-5 Added	†9896
178.270-6 Added	†9896
178.270-7 Added	†9896
Corrected	†24184
178.270-8 Added	†9896
178.270-9 Added	†9896
178.270-10 Added	†9896
178.270-11 Added	†9891
(d)(1) and (5) corrected	†24184
178.270-12 Added	†9898
(b) corrected	†24184
178.270-13 Added	†9898
(c)(1) heading and text and (2) heading corrected	†24184
178.270-14 Added	†9899
178.271 Added	†9899
178.271-1 Added	†9899
178.272—178.272-2 Added	†9899
178.340-2 (b) amended	81573
178.340-8 (b) amended	81573
178 Appendix A amended	81573
179 Incorporation by reference approvals	81485
Incorporation by reference approvals	†19660
179.14 (a)(1), (2), and (4) removed; (a)(3) and (5) redesignated as (a)(1) and (2)	†8011
(a)(1), (2), and (4) removal and new (a)(1) and (2) effective date deferred	†10707, 10907
179.100-23 Heading and (a) introductory text revised	†8011
Heading and (a) introductory text effective date deferred	†10707, 10907
179.102-12 (a)(2) amended; (a)(9) added	†8011
(a)(2) and (a)(9) effective date deferred	†10707, 10907
179.105-4 (c) amended	†8011
(c) effective date deferred	†10707, 10907
179.106—179.106-4 Added	†8012
Effective date deferred	†10707, 10907
192 Incorporation by reference approvals	†19660
192.7 (b) and (c) revised	†10159
(b) and (c) effective date defered	†10707, 10907
192.12 Removed	70403
192.113 Revised	†10159
Effective date deferred	†10707, 10907

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 49, Chapter I—Continued

Page

192.117 Revised ..... †10159
Effective date deferred.. †10707, 10907
192.145 (a) revised..... †10159
(a) effective date deferred.... †10707, 10907
192.163 (e) amended..... †10159
(e) effective date deferred.... †10707, 10907
192.225 (a), (b)(1) and (2) revised ..... †10159
(a) and (b)(1) and (2) effective date deferred.. †10707, 10907
192.227 (a), (b)(1) and (2) revised ..... †10159
(a) and (b)(1) and (2) effective date deferred..... †10707, 10907
192.229 (c) revised..... †10159
(c) effective date deferred.... †10707, 10907
192.237 (a) revised..... †10159
(a) effective date deferred.... †10707, 10907
192.239 (a) and (b) revised.... †10159
(a) and (b) effective date deferred ..... †10707, 10907
192.241 (c) revised..... †10160
(c) effective date deferred.... †10707, 10907
192.283 (a)(1) revised..... †39
192.285 (b)(2)(i) revised..... †39
192.557 (d)(1) and (3) amended ..... †10160
(d)(1) and (3) effective date deferred ..... †10707, 10907
192 Appendix A revised; Appendix B amended..... †10160
Appendixes A and B effective date deferred..... †10707, 10907
193 Incorporation by reference approvals 79490
193.2005 (c) revised..... 70404
193.2007 Amended 70404
193.2013 (c) revised..... 70410
193.2017 Added 70404
Effective date corrected..... 70869
193.2304 Added 70404
193.2431 (c) added..... 70404
193.2501—193.2521 (Subpart F) Added; eff. in part 1-1-82... 70405
Effective date corrected in part.. 70869
193.2601—193.2639 (Subpart G) Added 70407
Effective date corrected..... 70869
193.2707 Added 70404
Effective date corrected..... 70869
193.2709 Added 70404
Effective date corrected..... 70869
193.2711 Added 70404
Effective date corrected..... 70869
193.2713 Added 70404
Effective date corrected..... 70869
193.2715 Added 70405
Effective date corrected..... 70869
193.2717 Added 70405
Effective date corrected..... 70869
193.2719 Added 70405
Effective date corrected..... 70869
193.2801—193.2821 (Subpart I) Added; eff. in part 1-1-82.. 70408
Effective date corrected in part.. 70869
193.2901—193.2917 (Subpart J) Added; eff. in part 1-1-82.. 70409
Effective date corrected in part.. 70869
193 Appendix A amended..... 70410
195 Incorporation by reference approvals ..... †19660
195.3 Revised ..... †10161
Effective date deferred.. †10707, 10907
195.106 (e) table revised..... †10161
(e) table effective date deferred ..... †10707, 10907
195.118 Amended ..... †10161
Effective date deferred.. †10707, 10907
195.222 Revised ..... †10161
Effective date deferred.. †10707, 10907
195.228 (b) revised..... †10161
(b) effective date deferred.... †10707, 10907
195.418 (e) added..... †40
(e) effective date deferred.... †10707, 10907, 20556

Chapter II—Federal Railroad Administration, Department of Transportation

201 Added ..... †2614
225 Appendix A revised..... 72664
225.5 (b)(2) revised..... 72664
225.19 (b) and (c) amended..... 72664

Chapter III—Federal Highway Administration, Department of Transportation

301.60 (d)(1)(i) and (e)(1) corrected 81574
387 Added ..... †30982
395.8 (t)(4) amended..... †19237
395.9 (x) amended..... †19237

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

397.9 (a) amended; eff. 2-1-82 ... †5318
399 Incorporation by reference approvals ... 72464

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

511 Added ... 81578
512 Added ... †2059
Petition filing time extended ... †10969
Effective date deferred ... †21617
525.6 (g) revised ... †2063
(g) effective date deferred ... †21617
525.12 Revised ... †2063
Effective date deferred ... †21617
525.13 Removed ... †2063
Removal effective date deferred ... †21617
531.5 (b)(4) added ... 67095
(b)(5) revised ... †18038
(b)(7) revised ... †18721
(b)(1) revised ... †24953
(b)(2) revised ... †29945
533.5 (a) table and (d) added ... 81600
535 Added ... 83235
537.5 (c)(7) revised ... †2063
(c)(7) effective date deferred ... †21617
537.11 Revised ... †2063
Effective date deferred ... †21617
537.12 Removed ... †2063
Removal effective date deferred ... †21617
555.5 (b)(6) revised ... †2064
(b)(6) effective date deferred ... †21617
555.10 (b) revised ... †2064
(b) effective date deferred ... †21617
571.101-80 Revised ... 71804
571.105 Amended; eff. 9-1-83 ... †64
Petition filing time extended ... †10969
Corrected ... †21180
571.114 Revised; eff. 9-1-82 and 9-1-83 ... 85453
Petition filing time extended ... †10969
Revised; eff. 9-1-82 and 9-1-83 ... †32253
571.127 Odometer requirements effective date deferred to 9-1-82 ... †25465
571.128 Added; eff. 9-1-84 ... †46
Petition filing time extended ... †10969
Removed ... †32257
571.208 Amended; eff. 9-1-82 ... †2072
Petition granted ... †10428
Petition filing time extended ... †10969
Amended; eff. in part 9-1-82 ... †21177
571.209 Amended ... †2620
571.213 Amended ... 67096, 82265
572.16 (b) amended ... 82267
572.21 (b) and (c) revised ... 82267
575.6 (d) effective date deferred to 6-1-82 ... †29270
575.104 (e)(2)(ii), (f)(2)(i)(B) and (D), (vii), and (viii), (g)(1), (3), (6), and (8) amended; table added ... 70273
577.5 (g)(1)(vii) introductory text revised ... †6971
(g)(1)(vii) introductory text corrected ... †28657

Chapter VI—Urban Mass Transportation Administration, Department of Transportation

613 Authority citation ... †5717
613.200—613.204 (Subpart B) Revised ... †5717
Effective date deferred ... †10707, 10907, 19233
Effective date deferred to 7-31-81 ... †33514
622.101 (Subpart A) Added ... 71977
623 Added ... †8429
635.7 Revised ... †5477
Effective date deferred ... †10707, 10907
639 Added ... †5481
Effective date deferred ... †10707, 10907, 19235
Removed ... †26651
640 Added ... †9864
Effective date deferred ... †10707, 10907, 19235
Removed ... †26651
642 Added ... †5821
Effective date deferred ... †10707, 10907
Removed ... †19237
660 Policy revision ... 68655
660.11 (b), (c), and (f) revised; (g) added ... †5813
(b)(c), (f) and (g) effective date deferred ... †10707, 10907
660.13 (c) and (e) revised ... †5813
(c) and (e) effective date deferred ... †10707, 10907
660.21 (a) revised; (c) added ... †5813
(a) and (c) effective date deferred ... †10707, 10907
660.22 (c) revised; (d) added ... †5814
(c) and (d) effective date deferred ... †10707, 10907
660.31 (b) revised; (d) added ... †5814
(b) and (d) effective date deferred ... †10707, 10907

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 49, Chapter VI—Continued

Page

660.32 (b), (d), and (f) revised... †5814
(b), (d), and (f) effective date deferred ... †10707, 10907
660.33 (b) revised ... †5814
(b) effective date deferred ... †10707, 10907
660.34 Appendix A amended ... †5814
Appendix A effective date deferred ... †10707, 10907

Chapter VIII—National Transportation Safety Board

830.5 Footnote 1 corrected ... 65243
845.41 (c) added ... †3532

Chapter X—Interstate Commerce Commission

Chapter X Interpretation ... †26336
1000.5 (c) amended ... 80292
(c) corrected ... †30502
1002 Supplemental notice ... †2294, 2295
Form OP-1 availability ... †8524
1002.2 (d)(9) added ... 86757
(c)(1) revised; (d)(45) and (46) added ... 86765
(d)(8) removed; (d)(2) added ... 86789
(d)(8) added ... †19498
1003 Supplemental notice ... †2294
Form OP-1 availability ... †8524
1003.1 (a) amended ... †16224
Technical correction ... †17785
(a) amended ... †31016
(b) amended ... †33278
1005.1 Revised ... †16224
Technical correction ... †17785
1005.5 Existing text designated as (a); (b) added ... †16224
Technical correction ... †17785
1011 Supplemental notice ... †2294
Form OP-1 availability ... †8524
1011.5 (c) removed; (d) and (e) redesignated as (c) and (d) ... 64959
1011.6 (g)(6) added; (b)(2) and (3) redesignated as (g)(4) and (5) ... 64959
(c)(6) added ... 73076
(c)(1)(iii) added ... 84069
(i) added ... †3533
1011.7 (c)(3) amended ... 86789
(h) added ... †32449
1014 Conference ... 78140
Removed ... †8425

Page

1031A Added; interim ... 72666
Revised; interim ... †19241
1033 Policy statement ... 73076
1033.1240 (e) revised ... 66459
1033.1267 (g) revised ... 64955
1033.1270 Removed ... †10497
1033.1345 Revised ... 66797
1033.1367 (e) revised ... 66459
1033.1368 (e) revised ... †3533
1033.1370 (e) revised ... †3533
1033.1374 (e) revised ... †3534
1033.1381 Revised ... 64957
1033.1391 (g) revised ... 64957
1033.1400 (e) revised ... 64955
1033.1418 (e) revised ... 64954
1033.1464 Revised ... 75215
1033.1473 Revised ... 68656, 70870, 74486, 78140, 85454
Revised ... †3216, 15507, 19943, 25312
Corrected ... †20201
(n) revised ... †30633
1033.1474 (n) revised ... 64956
(n) revised ... †4935
Revised ... 83236
Revised ... †10743, 19941, 25094
(n) revised ... †29480
1033.1475 (e) revised ... 64956
1033.1476 (e) revised ... 64957
1033.1477 (e) revised ... 65601
1033.1480 (i) revised ... 64958
1033.1482 Revised ... 68940
1033.1486 Added ... 65244
Corrected ... 68395
1033.1487 Added ... 67096
1033.1488 Added ... 68395
1033.1489 Added ... 74724
1033.1490 Added ... 79487
1033.1491 Added ... 80293
Extension application denied ... †1738
1033.1492 Added ... †10740
(n) revised ... †14895
Revised ... †18722
1033.1493 Added ... †10742
(n) revised ... †14896, 19822, 25311
1033.1494 Added ... †10741
(n) revised ... †14896, 19822
1033.1495 Added ... †19940
Revised ... †25310, 32588
1033.1496 Added ... †22000
1033.1497 Added ... †30504
1034.1 Added ... †21782
(c) corrected ... †26064
1034.1344 Revised ... 66796
Effectiveness extended to 5-18-82 ... †27709
1038 Removed ... 65602

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

1039 Heading revised; interim ... 73483
Heading effective date deferred ... 85640
Heading revised ... †14351
1039.1 Revised; interim ... 73483
Effective date deferred ... 85640
1039.2 Removed; interim ... 73483
Removal effective date deferred ... 85640
1039.3 Revised; interim ... 73483
Effective date deferred ... 85640
1039.4 Revised; interim ... 73484
Effective date deferred ... 85640
1039.5 Added; interim ... 73484
Effective date deferred ... 85640
1039.6 Added; interim ... 73484
Effective date deferred ... 85640
1039.10 Amended ... †9608
Corrected ... †15509
Amended ... †32025
1039.11 Added ... †14351
Amended ... †27343
Clarification ... †32257
1040 Removed ... 75667
1041.25 Added ... 86789
1042 Heading revised ... 86745
1042.1—1042.2 Designated as new Subpart A ... 86745
1042.3 Removed ... 86745
1042.4 Removed ... 86745
1042.10—1042.13 (Subpart B) Added ... 86745
1043.2 (a) revised ... †33277
1045.2 Revised ... 68942
1045.3 Revised ... 68943
1045.4 Removed ... 68943
1045.5 Removed ... 68943
1045.6 Removed ... 68943
1045.7 Revised ... 68943
1045.8 Removed ... 68943
1045.9 Revised ... 68943
1045.10 Revised ... 68943
1045.11 Revised ... 68943
1045.12 Removed ... 68943
1045.13 Revised ... 68943
1045A Removed ... 86789
1048.3 (c) amended ... †28658
1048.9 (c) revised ... †25314
1048.18 Added ... 66460
1048.19 Added ... †11286
1056 Revised ... †16218
Technical correction ... †17785
1056.1 (b)(1) corrected ... †22594
1056.2 (a)(3) corrected ... †22594
Form OCP-100 modified ... †25621
(a)(1) Form OCP-100 corrected copies availability ... †29711

Page

(a)(1) form OCP-100-A effective date deferred to 1-1-82 ... †29945
1056.3 (b) effective date confirmed ... 72177
1056.5 (a)(8) corrected ... †22594
1056.6 (b)(3) corrected ... †22594
1056.8 (a)(3) corrected ... †22594
1056.14 (b) corrected ... †22594
1056.18 Form OCP-101 effective pending OMB approval ... †16212
(c) corrected ... †22594
1064.1 Revised ... †22899
Effective date deferred ... †27343
1080 Revised ... 86740
1080.1 Revised ... †22380
1090 Revised ... †14351
Clarification ... †32257
1100 Supplemental notice ... †2294
Form OP-1 availability ... †8524
1100.7 Revised ... †17786
1100.8 Revised ... †17786
1100.14 Application submissions ... †30832
Technical correction ... †31898
1100.19 Clarification ... 69908
1100.22a (e)(4) revised ... 68946
1100.40 (b) and (g) revised ... 80111
1100.97 Removed ... †20208
1100.98 Revised ... †20208
1100.200 (c) revised ... 80111
1100.225 (f) revised ... †13728
1100.240 Redesignated from 1100.240(A); interim ... 64959
Revised ... †4930
1100.240(A) Redesignated as 1100.240; interim ... 64959
1100.240(B) Redesignated as 1100.241; interim ... 64959
1100.240(C) Redesignated as 1100.242; interim ... 64959
1100.240(D) Redesignated as 1100.243; interim ... 64959
1100.240(E) Redesignated as 1100.244; interim ... 64959
1100.241 Redesignated from 1100.240(B); interim ... 64959
Revised ... †4932
1100.242 Redesignated from 1100.240(C); interim ... 64959
Revised ... †4932
1100 243 Redesignated from 1100.240(D); interim ... 64959
Revised ... †4932
1100.244 Redesignated from 1100.240(E); interim ... 64959
Revised ... †4933

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 49, Chapter X—Continued

	Page
1100.247(A) Redesignated as 1100.251; interim	64958
1100.247(B) Redesignated as 1100.252; interim	64958
1100.247(C) Redesignated as 1100.253; interim	64958
1100.250 Appendix F amended	86789
1100.251 Redesignated from 1100.247(A); interim	64958
(b) corrected	73683
(l)(2) revised; (p) added	80110
Revised	86789
1100.252 Redesignated from 1100.247(B); interim	64958
Revised	86792
1100.253 Redesignated from 1100.247(C); interim	64958
Revised	86793
(c) application submissions	†30832
Technical correction	†31898
1101.2 (c) revised	64959
1102.1 Revised	†22599
1108 Revised	79813
1109 Determinations	†28658
1109.1 Removed	83238
Removal deferred in part; (g)(2) remains removed	†10162
1109.10 Removed	73077
1109.20 Removed	73077
1109.25 Removed	†20678
1111 Interpretation	84803
1111.4 (c)(7)(i), (d)(2) and (4), and (e) amended; (d)(1)(i) revised; (i) added; interim	74489
(d)(5) corrected	79816
1111.5 (a) revised	74489
1111.10 Revised	†9113
1111.11 Added; interim	77033
(a)(3), (c)(1), and (e)(3) revised	79488
1121.30 (b) revised; interim	78146
1121.31 Revised; interim	78146
1121.32 (a)(5) removed; (a)(6) through (a)(9) redesignated as (a)(5) through (a)(8); interim	78147
1121.36 Revised; interim	78147
1121.37 Revised; interim	78148
1121.38 Revised; interim	78149
1128 Added; interim	83506
1131.4 (b) introductory text revised	†13728
1131.6 (d) added	†13728
1132.1 (a) note revised	†15510
1136 Revised	86764
Supplemental notice	†2295
1137 Added	86757
Supplemental notice	†2294
1137.10 Application submissions	†30832
Technical correction	†31898
1138 Added	†19498
1139 Added	†21181
1201 Amended	†10920, 20210
1204 Redesignated as 18 CFR Part 352	†9115
1205 Removed	†9115
1206 Amended	†10920, 21618
1207 Temporary waiver of accounting requirement	†2076
Amended	†10920
1208 Removed	†9115
1209 Removed	†9115
1210 Removed	†9115
1240.2 (Subpart B) Removed	†9115
1240.2—1240.3 (Subpart B) Redesignated from 1240.4—1240.5 (Subpart D)	†9115
1240.2 (a) and (b)(1) revised	†9115
1240.4—1240.5 (Subpart D) Redesignated as 1240.2—1240.3 (Subpart B)	†9115
1240.6 (Subpart E) Removed	†15881
1241.2 Introductory text removed	†9115
1241.12 Revised	†9115
1241.13 Removed; new 1241.13 redesignated from 1241.14	†9115
1241.14 Redesignated as 1241.13	†9115
1241.41 Removed	†9115
1241.52 Removed	†9115
1241.61 Redesignated as 18 CFR 357.2	†9115
1241.70 Removed	†9115
1243.3 Removed	†15881
1244 Added	†26784
1248.21—1248.28 (Subpart B) Removed	†9116
1248.21—1248.27 (Subpart B) Redesignated from 1248.51—1248.57 (Subpart D)	†9116
(Subpart B) Removed	†10745
1248.35—1248.44 (Subpart C) Removed	†9116
1248.51—1248.57 (Subpart D) Redesignated as 1248.21—1248.27 (Subpart B)	†9116
1248.100—1248.101 (Subpart C) Redesignated from 1248.100—1248.101 (Subpart E)	†9116
(Subpart E) Redesignated as 1248.100—1248.101 (Subpart C)	†9116

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

(Subpart B) Redesignated from 1248.100—1248.101 (Subpart C) ---- †10745
(Subpart C) Redesignated as 1248.100—1248.101 (Subpart B) ---- †10745
1249.4 Removed; new 1249.4 redesignated from 1249.5 ---- †9116
1249.5 Redesignated as 1249.4 ---- †9116
1249.6 Removed ---- †9116
1250 Removed ---- †9116
1251 Removed ---- †9116
1252 Removed ---- †14352
1254.10 Removed ---- †11665
1260 Redesignated as 18 CFR Part 360 ---- †9116
1261 Redesignated as 18 CFR Part 361 ---- †9116
1262 Revised ---- 81051
1300–1332 (Subchapter D) Decisions ---- 86736
Decisions ---- †30092
Supplemental notice ---- †2295, 30092
Decisions corrected ---- †10920, 30092
Agreement filing date deferred ---- †6971, 7385, 15277, 30092
Agreement filing date deferral corrected ---- †16102, 30092
1300.0 (a)(1) amended ---- 86740
(a)(1) amended ---- †14352
(a)(1) clarification ---- †32257
1300.4 (i)(11) added ---- 85029
1300.12 Introductory text and (e) revised ---- 86741
1300.33 Reinstated eff. 6–30–81 (for text see 45 FR 60441, 9–12–80) ---- 75667
1300.67 (b)(1) revised ---- 86741
(b)(1), (2), and (5) amended ---- †14352
(b)(1), (2), and (5) clarification ---- †32257
1300.300 Added; interim ---- 73485
Effective date deferred ---- 85640
1300.310—1300.313 Added; interim ---- 73485
Effective date deferred ---- 85640
1300.314 Added; interim ---- 73486
Effective date deferred ---- 85640
1300.315 Added; interim ---- 73486
Effective date deferred ---- 85640
1303.38 Reinstated eff. 6–30–81 (for text see 45 FR 60441, 9–12–80) ---- 75667
1306.19 Reinstated eff. 6–30–81 (for text see 45 FR 60441, 9–12–80) ---- 75667

Page

1308.0 (c) revised ---- 86741
1308.14 Reinstated eff. 6–30–81 (for text see 45 FR 60441, 9–12–80) ---- 75667
1308.111 Reinstated eff. 6–30–81 (for text see 45 FR 60441, 9–12–80) ---- 75667
1310.4 (h)(4)(i) corrected ---- 67667
1310.10 (k) correctly designated ---- 67667
1310.15 (a)(3) amended ---- †16224
Technical correction ---- †17785
1310.35 Reinstated eff. 6–30–81 (for text see 45 FR 60441, 9–12–80) ---- 75667
1311 Added ---- †19498
1322.6 Revised ---- †16224
Technical correction ---- †17785
1331 Heading revised ---- 86736
Heading effective date deferred ---- †6971, 7385
1331.2 (e) amended ---- 86736
(e) effective date deferred ---- †6971, 7385
1331.4 Amended ---- 86736
Effective date deferred ---- †6971, 7385
1331.5 Heading revised ---- 86736
Heading effective date deferred ---- †6971, 7385
Removed ---- †9116
1331.6 Heading and (c) revised; (a)(5) and (7), and (d) removed; (a)(6), (e), and (f) redesignated as (a)(5), (d), and (e); (a)(3), (b), new (d) and (e) amended ---- 86736
Effective date deferred ---- †6971, 7385
Removed ---- †9116
1331.45 Amended ---- 86736
Effective date deferred ---- †6971, 7385

Title 49—*Proposed Rules:*

1—99 (Subtitle A) ---- †20036, 21184
21 ---- †5588
23 ---- †969, 16282
71 ---- †23500
101—195 (Ch. I) ---- †8055, 14132, 20036, 21184, 25491
171 ---- 69272
---- †27146, 29967
172 ---- 80843, 82681, 83300, 84108
---- †2121, 2126, 21202, 29968, 29973
173 ---- 69272
---- †2121, 2126, 27146, 29967, 29968, 29973, 31294
175 ---- †2126, 21202, 29968
177 ---- 69272
178 ---- 69272
---- †2126, 29973
179 ---- †2126

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 49—*Proposed Rules*—Continued

Page

192 ---------- †32287
195 ---------- †2130, 32287
200—268 (Ch. II) ---- †14132, 20036, 21184
212 ---------- †32888
213 ---------- †32898
301—399 (Ch. III) ---- †14132, 20036, 21184
387 ---------- †8186
391 ---------- 77466
392 ---------- 77466, 81621
393 ---------- 65264, 67107
395 ---------- 82284, 82291
---------- †21620
396 ---------- 70288
---------- †21620
420—453 (Ch. IV) ---- †14132, 20036, 21184
501—590 (Ch. V) ---------- †5012, 14132, 20036, 21184
512 ---------- †10969
531 ---------- 67106, 84108
---------- †5022, 8056, 22243
533 ---------- †8056, 22243
571 ---------- 68694, 70922, 71832, 71834, 79122, 81624, 81625, 82292, 84111
---------- †2132, 2136, 7015, 8062, 8066, 8067, 8070, 9670, 10179, 10969, 12033, 18747, 20575, 21203, 21205, 21634, 22626, 31294, 32899
574 ---------- 82293
575 ---------- †8062, 10429, 21203
583 ---------- †7025, 18059, 19947
601—660 (Ch. VI) ---- †14132, 20036, 21184
604 ---------- †5394
613 ---------- 71990
638 ---------- †6334, 7031
639 ---------- †19270
640 ---------- †19270
641 ---------- †5832
644 ---------- 79669
654 ---------- 70412
660 ---------- †5815, 23501
1000—1332 (Ch. X) ---------- 73105, 73524
---------- †24217, 28192
1002 ---------- †14362, 25326
1003 ---------- 70923, 76718
1004 ---------- †32460
1005 ---------- 70923, 76718
1034 ---------- 68696
1039 ---------- 65641, 79123, 83300, 85133, 85641
---------- †134, 12526, 14364, 14365
1042 ---------- 75717
1043 ---------- †11566, 19948, 23275
1044 ---------- †10180
1047 ---------- †30668
1048 ---------- 82296
---------- †16106, 31450
1051 ---------- 72233, 81799
1052 ---------- †17813, 17814, 19271
1056 ---------- 70923, 76718, 82297, 83642, 16225
---------- †3941, 21634

Page

1057 ---------- 73981
---------- †15300, 32460
1063 ---------- †22911
1064 ---------- †22911
1084 ---------- †11566, 19948, 23275
1090 ---------- 79123, 85133
---------- †12526
1100 ---------- †8601, 13741, 17065
1101 ---------- †13741
1102 ---------- 81217
---------- †26087, 28457
1109 ---------- 73105, 73106, 80150, 83302, 83342
---------- †3942, 10181, 10182
1116 ---------- 76502
---------- †14362
1127 ---------- †30156
1128 ---------- 73106
1129 ---------- †9670
1131 ---------- †13741, 13749
1131a ---------- †13741
1132 ---------- †26799, 26801
1134 ---------- †26799, 26801
1201 ---------- 65641, 76718, 78191
---------- †1323, 2146, 13244, 25114, 26515, 28458, 30839, 32289
1206 ---------- †1323, 13244, 15302
1207 ---------- †1323, 13244, 15302
1208 ---------- †1323
1209 ---------- †1323
1210 ---------- †1323
1241 ---------- 65641, 76718, 78191
---------- †2146, 25114, 26515, 28458, 30839
1244 ---------- 68973
1245 ---------- †19273
1246 ---------- †19273
1248 ---------- 70030
---------- †25114, 30839
1300 ---------- 79123, 83300, 85133, 85641, 86738
---------- †1324, 12526, 14364, 28457
1301 ---------- 83300
---------- †1324, 14364
1303 ---------- †1324
1305 ---------- †1324
1307 ---------- †17234, 27732
1310 ---------- 70923, 76718, 81799
---------- †8604, 13751, 17234
1322 ---------- 70923, 76718

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

10.12 Technical correction ---------- 64953
10.21 (a) revised ---------- 64952
10.22 Revised ---------- 64952
14 Authority citation revised ---- 86497
14.11 Corrected ---------- 64953

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

14.22 Corrected 64953
14.32 (b)(3) corrected 64953
14.33 (b) heading and (5) corrected 64953
14.51 Corrected 64953
14.52 (c) corrected 64953
14.62 (b)(4) corrected 64953
14.92 (b)(6) added 86497
17.11 (h) table amended 65134
(h) table amended ..... †3182
Comments and response ..... †3361
(h) table effective date deferred ..... †10707
(h) table corrected ..... †11665
(h) table effective date corrected ..... †11999
(h) table effective date deferred and request for comments ..... †19234
(h) table corrected ..... †24186
(h) table effective date deferred and request for comments ..... †24187
(h) table effective date deferred to 6-30-81 and request for comments ..... †29481
(h) table effective date deferred to 7-31-81 and request for comments ..... †33278
17.12 (h) table amended 69362
(h) table amended ..... †3186, 5733
(h) table effective date deferred ..... †10707
(h) table effective date deferred and request for comments ..... †19234, 24187
(h) table effective date deferred to 6-30-81 and request for comments ..... †29481
(h) table effective date deferred to 7-31-81 and request for comments ..... †33278
17.26 (a) table amended 69363
17.40 (a)(1)(i)(B) revised ..... †23938
17.96 (a) amended ..... †5733
(a) effective date deferred ..... †10707
(a) effective date deferred and request for comments ..... †19234
17.108 Added 74881
20 Temporary regulation 80293
20.11 Amended 70275
20.21 (d) revised 70275
20.91 Nomenclature change 70275
20.103 69468
20.105 69468
21.29 (k) amended 70276
23 Final findings 69844
23.31—23.39 (Subpart D) Added 83238
23.51—23.57 (Subpart F) Added 80446
26.24 Amended 80112
26.34 Amended 83240, 85030
Amended ..... †914, 916, 2077, 8526, 9955
32 Temporary regulation 67097
32.4 Amended 79076
32.11 Amended 71357
32.12 Amended 65244, 68947, 70277
32.21 Amended 71357
32.22 Amended 64953, 68947, 70276
Amended ..... †6013
32.31 Amended 71357
32.32 Amended 68947, 70276
33.4 Amended 71357
33.5 Amended 79076, 80115, 80531, 81601, 82953, 83242, 85457, 85765
Amended ..... †918, 919, 2078, 2352, 3218, 9608
36 Added ..... †31827
91.11 Amended ..... †30633

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

215.24 Removed ..... †20557
216 Determination 75215
Permit issued ..... †27060
216.24 Revised 72187
Effective date corrected 73486
(d)(5)(vii) added ..... †27056
219 Revised ..... †31648
227.72 (e)(1)(i) revised; emergency 86461
250 Revised ..... †67
258.1 (e) revised 70469
258.5 (b) revised 70470
258.33 (c) revised 72667
260.70 (b)(1), (2), and (3) revised ..... †13221
285 Temporary regulation ..... †27482
285.1 Definitions added ..... †8015
285.25 (bb) through (dd) added ..... †8015
285.27 (a) revised ..... †8015
285.30 (d) revised ..... †8015
285.31 (b) revised; (d) added ..... †8015
285.50—285.54 (Subpart C) Heading revised ..... †3026
(Subpart C) Heading effective date deferred ..... †12207
285.50 Revised ..... †3026
Effective date deferred ..... †12207

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Title 50, Chapter II—Continued

Page

285.52 Revised ..... †3026
Effective date deferred ..... †12207
285.81 Revised ..... †3026
Effective date deferred ..... †12207
296.7 (e) introductory text, (7), and (10)(iv) and (v) revised ..... †2303
296.8 (a)(3)(iv), (b)(1) and (3)(i), and (d)(1) revised; (c)(1) amended ..... †2303
(c)(1) correctly amended ..... †3534

Chapter III—International Regulatory Agencies (Fishing and Whaling)

301 Authority citation ..... †30345
Revised ..... †30345
351 Revised 85031
371 Authority citation ..... †32869
371.6 Amended ..... †32869
371.9 Revised ..... †32869
371 Appendix A revised ..... †32869

Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

Chapter VI FMP amendments 66461, 82269
611 Temporary regulation ..... †14352
Authority citation ..... †27485, 33040
611.3 (f) removed; (d) and (e) redesignated as (e) and (f); new (d) added 82268
611.9 Appendix I corrected ..... †7386
Appendix I amended ..... †27486
Appendixes I, II, and IV amended ..... †27494
611.15 (a)(6) and (7) amended; (a)(8) added 86498
611.20 Appendix I corrected 70277
Appendix I amended 72669, 73493, 81057
Appendix I correctly revised 84806
(c) removed 86498
Appendix I amended ..... †1739, 2082, 7386, 9118
Appendix I effective date deferred ..... †12977
Appendix I amended ..... †16103, 27486, 27494
Appendix I amended; eff. 6–23–81 to 12–31–81 ..... †33040
611.21 (b)(1) revised 86498

Page

611.22 (a)(1) amended 82268
(a)(1)(i) amended; (a)(2) revised; (b) removed; (c) redesignated as (b) and revised 86498
(a)(2)(i) revised; (a)(2)(iv) added ..... †2081
611.50 (b)(2) revised ..... †1739
611.52 Added 77446
611.53 Added ..... †1739
611.60 Revised ..... †27493
611.61 Added ..... †27494
611.62 Added ..... †27494
611.70 Revised ..... †27486
611.80 (b)(2) revised ..... †7386
(b)(2) effective date deferred ..... †12977
611.81 (b)(4) heading and (iii) revised ..... †1739
611.91 (b)(2) and (d) revised 72669
611.92 (b) table I revised 67668
Revised 73494
611.93 (b)(3)(i) revised; (b)(3)(iii)(D)(*1*) amended 81056
611.94 (b)(2) revised ..... †1739
651 Authority citation ..... †30348
651 Appendix B revised 66462
Appendix B revised ..... †21366, 30348
652 Clarification 72196
Temporary regulation ..... †1740
652.22 (a)(7) revised; emergency ..... †3535
(a)(7) emergency effectiveness extended ..... †15510
653 Temporary regulation 65246
656.22 Added 77446
657 Added 71359
658 Added ..... †27494
Temporary regulation ..... †27959
661 Clarification 79817
Revised; emergency interim effective to 7–20–81 ..... †30638
671 Revised 72669
Authority citation ..... †23463, 23465 23466, 23468
671.26 (f)(3)(i), (ii), (iii), and (iv) revised 73078
(f)(4) added; effectiveness expires 5–15–81 ..... †18319
(f)(5) added (temporary) ..... †23463
(e)(4) and (f)(6) added (temporary) ..... †23465
(f)(7) added (temporary) ..... †23466
(f)(8) and (9) added (temporary) ..... †23468
672 Revised 73487
Authority citation ..... †33040

Note: Symbol (†) refers to 1981 page numbers

CHANGES OCTOBER 1, 1980 THROUGH JUNE 30, 1981

Page

672.20 (a) table I revised 67668
(a) table I revised; eff. 6-23-81 to 12-31-81 ..... †33041
674 Authority citation ..... †33047
Revised; interim; eff. 6-23-81 to 8-10-81 ..... †33047

Chapter VIII—Endangered Species Scientific Authority

Chapter removed 80448
810 Removed 80448

Title 50—*Proposed Rules:*

1—96 (Ch. I) 70031
..... †24458, 28171
12 86511
13 ..... †22243, 28881
14 ..... †22243
15 ..... †22243
16 ..... †22243
17 ..... 65137, 66410, 68886, 68975, 70192, 70198, 70949, 72234, 76012, 82474, 82480
..... †3188, 9976, 11567, 12214, 14652, 21208, 21209, 22243, 24607, 26464, 29490, 33063
18 ..... †22243
19 ..... †22243
20 82975
..... †18666, 22243, 31030
21 ..... †22243, 28881
22 ..... †22243
23 73876
..... †12215, 20713, 22243, 28192, 33534
29 86512
32 81081
36 ..... †5668, 14021
210—296 (Ch. II) 71088, 75225, 78918
..... †24096
216 ..... †1761, 2153, 10785, 19282
230 ..... †3942, 15746
285 ..... 68412, 78738, 79844
296 65264
301—371 (Ch. III) 71088
..... †24096
320 70032
401—453 (Ch. IV) 71088, 78918
..... †24096, 24458
410 83412
..... †15188, 22913
601—680 (Ch. VI) 71088, 75225, 78918
..... †24096
611 ..... 64995, 65641, 65642, 70523, 71836, 74178, 74524, 74948, 77489, 79126, 79846, 80845, 81633, 82297, 82682, 86518
..... †2153, 2154, 7034, 10182, 13244, 16107, 20237, 21399, 21793, 23957
639 ..... †10515
642 74950
643 86518
..... †2153, 10182, 13244
651 64996
..... †22011, 27147, 33350
652 ..... 68698, 79126
..... †23958
653 73528
..... †23501, 25327, 30674
656 ..... 70525, 77489
657 70525
..... †23957
658 ..... 74178, 79126
..... †7034
661 ..... †10182, 29733
671 80847
672 ..... †2154
674 ..... 70525, 74951
675 74524
..... †21399
680 71836
681 74951
682 ..... †28883, 30674

Note: Symbol (†) refers to 1981 page numbers

80-145 O - 81 - 11

Additions to Table I, January through June 1981

This table lists the sections of the U.S. Code and U.S. Statutes at Large and Presidential documents which are being added to Table I as a result of authority citations carried in the *Federal Register* from January through June 1981. Recent legislation is carried by public law number.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1981.

In order to determine the *Federal Register* page numbers of the parallel CFR citations, consult the List of CFR Sections Affected.

U.S. Code:	CFR
5 U.S.C.	
522	39 Part 601
551	44 Part 1
552	44 Part 1
	10 Parts 1500, 1502
	22 Part 1411
552a	29 Part 2607
552b	22 Part 1413
553	18 Part 273
	29 Part 1903
	40 Part 123
	44 Part 1
	49 Parts 1003, 1014, 1034, 1039, 1056, 1132, 1138, 1139, 1206, 1311
553 et seq	18 Part 2
559	49 Part 1139
601 et seq	44 Part 1
1205	5 Parts 1200, 1203
3315	5 Part 351
3503	5 Part 351
5335	5 Part 531
5343	5 Part 532
5346	5 Part 532
7134	5 Ch. XIV, App. A
7301	45 Part 73
8337	5 Part 831
8905	5 Part 890
App	29 Parts 5, 6, 2604
7 U.S.C.	
2	17 Parts 4, 140
6b	17 Parts 4, 140
6c	17 Parts 4, 140
6*l*—6o	17 Parts 4, 140
12a	17 Part 4
23	17 Parts 4, 140
77	7 Part 800
136w	40 Part 173
136w-2	40 Part 173
394	9 Parts 307, 350
601—674	7 Part 1135
1423	7 Part 1421
1425	7 Part 1421
1445c	7 Part 1421
2011—2027	7 Part 280
3901—3812	7 Part 371
8 U.S.C.:	CFR
103	8 Part 211
1109	8 Part 109
1255	8 Part 109
1321	8 Part 280
1522	34 Part 538
10 U.S.C.:	
133	32 Part 372a
7430	15 Parts 373, 379, 385, 399
12 U.S.C.:	
1 et seq	12 Part 29
93a	12 Parts 5, 29
211 et seq	12 Part 211
248	12 Part 201
266	31 Part 202
321	12 Part 265
357	12 Part 201
371	12 Part 29
1431	12 Part 570
1724	12 Part 570
1728	12 Part 570
1464	12 Part 570
	31 Part 202
1701q	29 Part 5
1709	31 Part 202
1715c	29 Parts 1, 5
1725	31 Part 202
1730	12 Part 570
1749a	29 Part 5
1756	12 Parts 701, 741
1782	12 Part 701
1783	12 Part 749
1818	12 Part 303
1829	12 Part 303
1881—1884	12 Parts 21, 216, 326
3101	31 Part 202
3102	31 Part 202
3103	12 Part 8
3401 et seq	32 Part 286f
14 U.S.C.:	
182	33 Part 40
633	33 Part 40
15 U.S.C.:	
41 et seq	16 Part 5
68	16 Part 13
77d	17 Part 200
77f	17 Parts 250, 260

15 U.S.C.—Continued	CFR
77g	17 Parts 250, 260
77h	17 Parts 250, 260, 270
77j	17 Parts 250, 260, 270
77nnn	17 Parts 210, 229, 240, 249
78	12 Parts 206, 341
78*l*	17 Parts 230, 250
78m	17 Part 260
78o	17 Part 260
78q	17 Part 200
78u	17 Part 200
79q	17 Part 200
80a–53	17 Part 274
80a–58	17 Part 274
634	13 Part 123
714	7 Part 1421
719	10 Parts 1500, 1502
719g	10 Parts 1530, 1534
719o	10 Part 1534
1401	49 Part 512
1407	49 Parts 512, 525, 537
1410	49 Parts 525, 537
1604	12 Part 213
1604 et seq	12 Part 226
1914	49 Part 512
1944	49 Part 512
1990d	49 Part 512
2003	10 Part 474
2005	49 Parts 512, 525, 555
2065	40 Part 762
2607	40 Part 704
16 U.S.C.:	
1	36 Part 13
1a–1	36 Part 13
1c	36 Part 13
3	36 Part 13
460k et seq	50 Part 36
462	36 Part 13
668dd et seq	50 Part 36
742 et seq	50 Part 36
742*l*	50 Part 219
772—772j	50 Part 219
776—776f	50 Part 219
779e	29 Parts 1, 5
781—785	50 Part 219
792—828c	18 Parts 12, 46, 131
792 et seq	18 Part 375
916—916*l*	50 Part 219
951—961	50 Part 219
971—971g	50 Part 219
1021—1032	50 Part 219
1151—1187	50 Part 219
1361—1407	50 Part 219
1361 et seq	50 Part 216
1431—1434	15 Parts 936–938
	50 Part 219
1801—1882	50 Parts 219, 674
1801 et seq	50 Part 658
17 U.S.C.:	
411	37 Part 201

17 U.S.C.—Continued	CFR
801	37 Parts 306–308
804	37 Parts 306, 307
18 U.S.C.:	
42—44	50 Part 219
207	12 Parts 400, 511, 522
	22 Part 18
	29 Part 2604
831—831dd	18 Part 1309
3054	50 Part 219
3112	50 Part 219
4001	28 Parts 503, 545
4003	28 Part 503
4042	28 Parts 503, 545
4081	28 Parts 503, 545
4082	28 Parts 503, 545
4126	28 Part 545
5006—5024	28 Parts 503, 524
5015	28 Part 545
5039	28 Parts 503, 545
19 U.S.C.:	
402	19 Part 152
1333	19 Part 211
1335	19 Part 211
1337	19 Part 211
2482	19 Part 211
20 U.S.C.:	
107a	34 Part 395
238	34 Part 223
240	34 Part 223
240 note	34 Part 223
244	34 Part 223
355c	29 Parts 1, 5
421–429	34 Parts 675, 676
684	29 Parts 1, 5
952	34 Part 753
954	29 Parts 1, 5
1002	34 Part 740
1021	34 Part 773
1021 et seq	34 Part 773
1022	34 Part 773
1029	34 Part 773
1041	34 Part 773
1055	34 Part 675
1070b et seq	34 Parts 675, 676
1070c et seq	34 Part 675
1071 et seq	34 Part 674
1087aa—1087ii	34 Parts 674, 675, 676
1089	34 Parts 674–676, 682, 683, 690
1091	34 Parts 675, 676
1091f	34 Parts 674, 676
1094	34 Parts 674–676
1095	34 Parts 675, 676
1096	34 Parts 674–676
1119b—1119b–5	34 Part 322
1134d—1134g	34 Part 649
1221 et seq	34 Parts 200, 201, 223
1221e–3	34 Parts 104, 200, 201, 223, 735, 753, 757
1225	34 Part 200

20 U.S.C.—Continued	CFR
1226a	34 Part 230
1231b–2	34 Part 200
1232	29 Parts 1, 5
1232f	34 Part 200
1234	34 Part 200
1234a	34 Part 201
1234b	34 Part 200
1234c	34 Part 200
1234d	34 Part 200
1401	34 Parts 104, 300
1401 et seq	32 Part 57 34 Part 300
1411—1420	34 Part 104
1421	34 Part 305
1422	34 Part 307
1681–1683	34 Part 201
2401	34 Part 408
2420	34 Parts 525–527
2701—2854	34 Parts 200, 201
2854	34 Parts 230, 237, 539
2942	34 Part 753
2943	34 Part 539
2961	34 Part 753
2962	34 Part 753
3001—3003	34 Part 757
3143	34 Part 200
3144	34 Part 200
3145	34 Part 200
3146	34 Part 200
3147	34 Part 200
3148	34 Part 200
3149	34 Part 200
3150	34 Part 200
3207	34 Part 753
3384	34 Part 201
3444	34 Part 735
3474	34 Parts 230, 231, 322, 538, 539, 773
3601—3611	34 Parts 230, 231
21 U.S.C.:	
134d	9 Part 92
262	21 Part 56
321	21 Part 431
331	21 Part 314
346	21 Parts 56, 180, 310, 320, 361, 630, 812, 813
346a	21 Parts 50, 56, 310, 320, 361, 630, 812, 813
347	40 Part 180
348	21 Parts 56, 310, 320, 361, 630, 812, 813 40 Part 180
351	21 Part 56
352	21 Parts 56, 320, 361, 630
353	21 Parts 56, 320, 361, 630, 812, 813
355	21 Parts 56, 630, 812, 813
356	21 Parts 56, 310, 320, 361, 630, 812, 813

21 U.S.C.—Continued	CFR
357	21 Parts 56, 320, 361, 630, 812, 813
360	21 Parts 56, 310, 320, 361, 630, 812
360c—360f	21 Parts 56, 310, 320, 361, 630, 812, 813
360h—360j	21 Parts 56, 71, 171, 180, 310, 312, 314, 320, 330, 361, 430, 431, 601, 630, 812, 813, 1003, 1010
371	21 Parts 56, 436, 440, 442, 444, 455, 630, 1003, 1010
376	21 Parts 56, 171, 180, 310, 312, 314, 320, 330, 361, 430, 431, 601, 630, 812, 813, 1003, 1010
376 note	21 Parts 74, 82
381	21 Parts 56, 71, 171, 180, 310, 312, 314, 320, 330, 361, 430, 431, 601, 630, 1003, 1010
468	9 Part 381
621	9 Parts 307, 350
645	9 Part 331
695	9 Parts 307, 350
1031—1056	7 Parts 2855, 2856, 2870
22 U.S.C.:	
2658	22 Parts 18, 191
3310	5 Part 352
3811	35 Part 103
4010	22 Parts 903, 905
4107	22 Parts 1414, 1421–1425, 1427–1429, 1470, 1471
4110	22 Parts 1470, 1471
4117	29 Parts 207–209
4131	22 Parts 901, 904
4132	22 Part 901
4134	22 Parts 903, 904
4135	22 Parts 901, 902
4136—4139	22 Part 903
4136	22 Parts 901, 902, 905–909
4137	22 Parts 907–909
4138	22 Part 904
4139	22 Part 904
4140	22 Part 909
4172	22 Part 909
23 U.S.C.:	
101	23 Part 140
103	49 Parts 639, 640
113	29 Part 5
114	23 Parts 140, 655
142	49 Parts 639, 640
146	23 Part 656
217	23 Part 655
315	49 Part 387
324	49 Part 23
25 U.S.C.:	
450e	29 Parts 1, 5
473a	25 Parts 52, 53
477	25 Parts 52, 53

25 U.S.C.—Continued	CFR
503	25 Parts 52, 53
1633	29 Parts 1, 5
26 U.S.C.:	
105	26 Parts 1, 31
108	26 Part 7a
167	26 Part 1
453	26 Part 15A
856	26 Parts 1, 5, 7, 10, 55
858	26 Parts 1, 5, 7, 10, 55
859	26 Parts 1, 5, 7, 10, 55
882	26 Part 1
1017	26 Part 7a
1033	26 Parts 1, 7
2039	26 Parts 20, 25
2622	26 Part 26a
3402	26 Part 35
4222	26 Part 48
5201	27 Parts 211, 212
5214	27 Part 212
5241	27 Part 212
5273	27 Part 212
5275	27 Part 212
6001	26 Parts 1, 5, 7, 10, 55
6011	26 Parts 1, 5, 7, 10, 55
6071	26 Parts 1, 5, 7, 10, 55, 154
6091	26 Parts 1, 5, 7, 10, 55
6109	26 Part 150
6301	27 Parts 70, 240
6302	27 Parts 19, 240, 245, 270, 275
7805	26 Parts 7a, 15A, 16A, 35, 55
28 U.S.C.:	
509	28 Parts 61, 503, 545
510	28 Parts 61, 503, 545
1346	28 Part 543
2671–2680	28 Part 543
29 U.S.C.:	
49 et seq	20 Parts 601–604
77a	34 Part 373
104	29 Parts 2642, 2652
201—217	29 Part 778
201 et seq	29 Part 1620
259	29 Part 1
705	34 Part 361
706	31 Part 51 34 Parts 201, 361, 369 45 Part 1012
710	34 Part 361
711	34 Parts 361, 365, 366, 369–375, 378, 379
721	34 Parts 361, 365, 369, 371, 372
722	34 Part 361
723	34 Parts 361, 365, 369
730	34 Part 361
731	34 Part 361
732	34 Parts 369, 370
741	34 Part 361
749	34 Part 201

29 U.S.C.—Continued	CFR
750	34 Parts 361, 369, 371
759g	34 Part 379
771	34 Part 374
775	34 Parts 369, 372
776	29 Parts 1, 5 34 Parts 369, 372
777	34 Parts 369, 373, 375, 378
777a	34 Parts 369, 373, 374
777b	34 Parts 369, 375
777f	34 Parts 369, 378
792	36 Part 1190
794	34 Part 104 45 Part 1012
795g	34 Parts 369, 379
796	34 Parts 365, 366
796a	34 Parts 365, 366
796d	34 Part 365
796e	34 Part 366
796f	34 Part 365
964	29 Parts 1, 5
986	29 Parts 1, 5
1104	29 Part 2550
1302	29 Parts 2602, 2604, 2606, 2610, 2611, 2613, 2615–2622, 2642, 2652, 2670, 2671
1305	29 Parts 2642, 2652
1306	29 Part 2610
1307	29 Part 2610
1322	29 Parts 2613, 2618, 2621
1341	29 Parts 2604, 2617
1343	29 Part 2615
1344	29 Parts 2617–2619
1362—1364	29 Part 2613
1362	29 Parts 2619, 2620, 2622
1363	29 Part 2622
1364	29 Part 2622
1365	29 Parts 2611, 2615
1367	29 Parts 2613, 2622
1368	29 Parts 2613, 2622
1391	29 Parts 2642, 2652
1453	29 Part 2671
4211	29 Parts 2642, 2652
30 U.S.C.:	
185	10 Part 1530 15 Parts 373, 379, 385, 399
1201 et seq	30 Part 948
1202	30 Parts 915, 916
1211	30 Parts 915, 916
1253	30 Parts 915, 916, 936, 944
1273	30 Part 926
31 U.S.C.:	
52—53	4 Parts 27, 28
483a	10 Part 1530
528	31 Part 240
561 et seq	31 Part 240
952	31 Part 240
1221 et seq	31 Part 51
1246	29 Parts 1, 5

33 U.S.C.:	CFR
151	33 Part 82
1223	33 Parts 162, 165
1361	40 Part 429
1372	29 Parts 1, 5
1655	33 Part 66
37 U.S.C.:	
Ch. 13	32 Part 59
38 U.S.C.:	
542	38 Part 3
5035	29 Parts 1, 5
Ch. 41	20 Parts 601–604
Ch. 42	20 Parts 601–604
39 U.S.C.:	
101	39 Part 111
401	39 Part 776
403	39 Part 111
410	29 Parts 1, 5
3625	39 Part 111
3626	39 Part 111
3641	39 Part 111
40 U.S.C.:	
276a—276a–7	29 Parts 1, 5, 6
276c	29 Part 6
327—332	29 Parts 5, 6
486	41 Parts 5–5, 5–6, 5–8, 5–14, 5–60
808	29 Parts 1, 5
App. 402	29 Parts 1, 5
41 U.S.C.:	
10a	49 Part 660
10c	49 Part 660
10d	49 Part 660
38	29 Part 4
39	29 Part 4
46—48c	41 Parts 51–1—51–5
351 et seq	29 Part 4
405	15 Part 19
42 U.S.C.:	
216	21 Parts 50, 56, 310, 320, 361, 812, 813 42 Part 60
241	21 Parts 16, 50, 56, 71, 171, 180, 310, 312, 314, 320, 330, 361, 430, 431, 601, 630, 812, 813, 1003, 1010
242m	29 Parts 1, 5
242n	42 Part 52
262	21 Parts 320, 812, 813
263b—263n	21 Parts 56, 310, 320, 361, 630, 812, 813
289*l*–3	45 Part 46
291e	29 Parts 1, 5
293a	29 Parts 1, 5
294c	42 Part 60
296a	29 Parts 1, 5
299d	29 Parts 1, 5
300j–9	29 Parts 1, 5
300o–3	29 Parts 1, 5
652	45 Part 95

42 U.S.C.—Continued	CFR
655	45 Part 304
1320b–2	45 Part 95
1320b–2 note	45 Part 95
1382e	20 Part 416
1382g	20 Part 416
1382h	20 Part 416 42 Part 435 45 Part 1396
1383c	20 Part 416
1396	20 Part 416
1396d	42 Part 442
1437 et seq	24 Part 200
1437j	29 Parts 1, 5
1440	29 Parts 1, 5
1452	24 Part 510
1459	29 Part 5
1469a	7 Part 226
1480	7 Part 1948
1486	29 Parts 1, 5
1500c–3	29 Parts 1, 5
1592i	29 Parts 1, 5
1701 et seq	18 Part 2
1766	7 Part 245
1785	7 Part 245
1862	34 Part 735
1997	28 Part 40
2000d—2000d–4	34 Part 201
2000aa–11	28 Part 59
2021a	10 Part 60
2071	10 Part 60
2073	10 Part 60
2092	10 Part 60
2093	10 Part 60
2095	10 Part 60
2111	10 Part 60
2152	10 Part 95
2201	10 Part 60
2232	10 Part 60
2233	10 Part 60
2273	10 Part 60
2689j	29 Parts 1, 5
2751—2756b	34 Parts 674–676
2801	10 Part 20
2947	29 Parts 1, 5
2992a	29 Parts 1, 5
3041a	29 Parts 1, 5
3107	29 Parts 1, 5
3222	29 Parts 1, 5
3310	29 Parts 1, 5
3534	24 Part 201
3884	29 Parts 1, 5
3909	29 Parts 1, 5
4001 et seq	44 Parts 59, 60, 64
4321—4361	32 Part 775
4332	10 Part 60 49 Part 623
4529	29 Parts 1, 5
5046	29 Parts 1, 5
5310	29 Parts 1, 5

42 U.S.C.—Continued CFR

5841 ... 10 Part 11
5842 ... 10 Part 60
5846 ... 10 Part 60
6042 ... 29 Parts 1, 5
6063 ... 29 Parts 1, 5
6103 ... 18 Part 1309
6212 ... 15 Parts 373, 379, 385, 399
6371 ... 10 Part 455
6371j ... 29 Parts 1, 5
6708 ... 29 Parts 1, 5
6728 ... 29 Parts 1, 5
6881 ... 29 Parts 1, 5
6905 ... 40 Parts 123, 267
6912 ... 40 Parts 123, 267
6924 ... 40 Part 267
6925 ... 40 Parts 123, 267
6926 ... 40 Part 123
6927 ... 40 Parts 122, 123, 264, 265
6974 ... 40 Part 123
6979 ... 29 Parts 1, 5
7101—7352 ... 18 Parts 12, 154
7101 ... 10 Parts 205, 455
7101 et seq ... 18 Parts 281, 351, 356, 357
7254 ... 41 Parts 9–2—9–5, 9–9, 9–10, 9–15, 9–18, 9–23, 9–50
7302 ... 40 Part 52
7401 ... 49 Part 623
7470–7479 ... 40 Part 52
7501 ... 40 Part 86
7506 ... 49 Part 623
7601 ... 40 Part 55
7619 ... 40 Part 52
8401 ... 7 Part 1948
8701 note ... 29 Parts 1, 5

43 U.S.C.:

1201 ... 43 Part 2300
1715 ... 43 Part 2200
1716 ... 43 Part 2200
1732 ... 43 Parts 2200, 2920
1740 ... 43 Parts 2200, 2300

45 U.S.C.:

562 ... 49 Part 201
565 ... 29 Parts 1, 5

46 U.S.C.:

92 ... 19 Part 4
93 ... 19 Part 4
420 ... 33 Part 1
817 ... 46 Part 510
820 ... 46 Part 510
1458 ... 33 Part 183

47 U.S.C.:

151 ... 47 Part 1
152 ... 47 Part 22
153 ... 47 Parts 22, 64
155 ... 47 Parts 22, 64
301 ... 47 Parts 22, 64

47 U.S.C.—Continued CFR

303 ... 47 Parts 31, 34, 35
307 ... 47 Parts 13, 31, 34, 35, 64, 81, 83, 94, 95, 97
308 ... 47 Part 22
309 ... 47 Parts 22, 64
315 ... 47 Parts 0, 22
315 ... 47 Parts 0, 22, 64
317 ... 47 Parts 0, 22, 64

48 U.S.C.:

1469a ... 45 Part 1300

49 U.S.C.:

1 et seq ... 18 Parts 351, 356, 357
12 ... 18 Parts 352, 361, 362
19a ... 18 Parts 360–362
20 ... 18 Part 352
304 ... 18 Part 352
913 ... 18 Part 352
1012 ... 18 Part 352
1301 ... 14 Part 221
1323 ... 14 Part 221
1341 ... 14 Part 150
1348 ... 14 Part 150
1354 ... 14 Parts 108, 150
1356 ... 14 Parts 108, 135
1357 ... 14 Parts 108, 135
1358 ... 14 Parts 107, 108, 121, 129, 135
1372 ... 14 Part 222
1377 ... 14 Part 298
1379 ... 14 Part 291
1388 ... 14 Part 249
1389 ... 14 Part 298
1401 ... 14 Parts 1, 121
1421—1430 ... 14 Parts 107, 129
1421 ... 14 Parts 108, 150
1424 ... 14 Parts 39, 108
1430 ... 14 Part 21
1431 ... 14 Part 150
1515 ... 15 Part 385
1601 et seq ... 49 Part 623
1602 ... 49 Parts 640, 642
1602 note ... 49 Part 660
1603 ... 49 Part 642
1604 ... 49 Parts 639, 640
1607 ... 23 Part 450
1609 ... 29 Parts 1, 5
1636 ... 29 Parts 1, 5
1655 ... 14 Parts 150, 159
1657 ... 49 Parts 512, 525, 555
1722 ... 29 Parts 1, 5
2002 ... 49 Part 195
2101—2104 ... 14 Part 150
10101 ... 49 Parts 1039, 1090, 1300
10301 ... 49 Parts 1011, 1132
10308 ... 49 Part 1100
10321 ... 49 Parts 1034, 1056, 1064, 1090, 1102, 1139, 1201
10505 ... 49 Parts 1039, 1090, 1300
10526 ... 49 Part 1003
10529 ... 49 Part 1003

49 U.S.C.—Continued	CFR
10701a	49 Part 1102
10709	49 Part 1244
10762	49 Parts 1090, 1136, 1311
10922	49 Parts 1136, 1311
10923	49 Parts 1136, 1311
10928	49 Parts 1100, 1131
11109	49 Part 1056
11110	49 Part 1056
11124	49 Part 1034
11144	49 Part 1244
11145	49 Parts 1136, 1206, 1311
11342	49 Part 1139
50 U.S.C.:	
98c	41 Part 101–14
797	32 Part 1292
1701—1706	31 Part 535
App. 2158	44 Part 332
App. 2281	29 Part 5
App. 2401 et seq	15 Parts 373, 374, 376, 378
U.S. Statutes at Large:	
75 Stat.:	
613	22 Part 306 45 Part 1225
688	18 Part 430
714	29 Parts 1, 5
80 Stat.:	
1027	29 Parts 1, 5
86 Stat.:	
226	10 Part 1020
815	40 Part 429
87 Stat.:	
396	22 Part 306 45 Parts 1225, 1232
407	22 Part 306 45 Parts 1225, 1226
411—412	45 Part 1226
414	22 Part 306 45 Part 1225
88 Stat.:	
1004	29 Parts 2610, 2616
1020	29 Parts 2610, 2616
1025—1027	29 Part 2610
1029	29 Part 2610
1758	26 Parts 1, 5, 7, 10, 55
91 Stat.:	
980 et seq	7 Part 247
1567	40 Part 429
92 Stat:	
1120	5 Part 230
2955	45 Part 1232
3614	7 Part 246
93 Stat.:	
194	19 Part 152
1004	49 Part 195
94 Stat.:	
364—365	7 Parts 271, 272, 275, 277
1208	29 Part 2608
1215	29 Part 2609
1281	36 Part 13
1299	29 Parts 2610, 2615
1300	29 Parts 2609, 2610
1301	29 Parts 2610, 2613, 2615
1302	29 Parts 2609, 2610, 2613, 2615
2079	22 Part 18
2102	22 Part 18
2371	36 Part 13
2599	7 Parts 210, 215, 220, 226, 230, 235, 250
2812	36 Part 13 50 Part 36

Public Laws:	CFR
92–500	40 Part 403
93–113	45 Part 1226
95–217	40 Parts 403, 429
96–10	6 Parts 705–707
96–19	5 Parts 734, 738 10 Part 1506 16 Part 1030
96–22	38 Part 17
96–28	5 Parts 738, 1304
96–30	10 Parts 210–212
96–32	42 Part 54
96–39	7 Parts 2, 6 19 Parts 10, 19, 113, 144, 152, 159, 174, 175, 177
96–41	41 Part 101–14
96–53	22 Parts 220–222
96–58	7 Parts 272, 274
96–72	15 Parts 368–379, 385–390, 399
96–73	49 Part 200
96–79	42 Parts 122, 123
96–82	28 Part 52
96–86	45 Parts 1391–1393, 1395–1397
96–88	24 Part 279 34 Parts 3, 230, 231, 797 41 Parts 34–1—34–4, 34–8, 34–12, 34–30 45 Part 12
96–101	20 Parts 397, 398
96–103	24 Part 279
96–108	7 Parts 210, 215, 220, 225, 700, 701
96–123	45 Part 1069
96–126	7 Parts 223, 272, 273
96–129	49 Parts 195, 301
96–151	38 Part 21
96–153	7 Part 1944 24 Parts 200, 590
96–154	41 Parts 101–42—101–49
96–157	28 Part 23
96–178	45 Part 304
96–179	5 Parts 831, 890

Public Laws—Continued CFR

96–185 ..... 10 Part 474
40 Part 600
96–191 ..... 4 Parts 2–9, 27, 28
96–192 ..... 14 Parts 121, 127, 135
96–193 ..... 14 Part 159
96–205 ..... 7 Part 226
96–206 ..... 7 Parts 210, 230
96–212 ..... 34 Part 538
45 Part 400
96–213 ..... 7 Part 795
96–220 ..... 7 Parts 1945, 1980
96–221 ..... 12 Parts 7, 29, 201, 204, 213, 217, 225, 226, 523, 526, 534, 541, 545, 550, 561, 563, 570, 571, 578, 584, 590, 701, 741, 742, 1204
96–222 ..... 7 Part 14
96–223 ..... 26 Part 150
45 Parts 260, 1061
96–242 ..... 16 Parts 300, 301, 303
96–247 ..... 28 Part 40
96–249 ..... 7 Parts 271, 272, 273, 275, 277, 282
96–252 ..... 16 Part 1
96–254 ..... 49 Parts 1, 201, 1033
96–265 ..... 20 Parts 404, 416
42 Part 435
45 Part 1396
96–270 ..... 34 Parts 230, 231
96–272 ..... 38 Part 3
45 Part 95
96–275 ..... 19 Part 4
96–276 ..... 7 Parts 1, 1250
96–283 ..... 15 Part 970
96–294 ..... 7 Parts 1990, 2900
10 Parts 211, 212, 456, 799
18 Parts 4, 292, 375
24 Part 1895
29 Parts 1, 5
96–296 ..... 49 Parts 1, 301, 387, 1100, 1139, 1331
96–298 ..... 26 Part 154
96–302 ..... 7 Parts 1865, 1945, 1951
13 Part 120
96–305 ..... 25 Part 700
96–318 ..... 25 Parts 43b, 43c
96–320 ..... 49 Part 1
96–324 ..... 33 Part 82
96–325 ..... 46 Part 502
96–339 ..... 12 Parts 523, 545
96–342 ..... 38 Part 3
96–354 ..... 13 Part 123
45 Part 366
96–355 ..... 7 Part 2
96–364 ..... 29 Parts 2601–2608, 2610–2613, 2615–2622, 2642, 2652, 2670, 2671
96–365 ..... 7 Parts 713, 730
96–369 ..... 44 Part 9
45 Parts 260, 1069
96–374 ..... 34 Parts 240, 604, 649, 674, 690, 773, 776, 778
96–378 ..... 46 Parts 10, 12, 90, 157, 175
96–391 ..... 5 Part 831
96–400 ..... 46 Part 67
49 Part 660
96–425 ..... 49 Part 535
96–427 ..... 5 Part 870–873
96–437 ..... 7 Part 800
96–440 ..... 28 Part 59
96–448 ..... 49 Parts 1011, 1033, 1109, 1111
96–449 ..... 22 Part 191
96–463 ..... 16 Part 406
96–465 ..... 22 Parts 18, 901–909
29 Parts 207–209
96–468 ..... 7 Parts 2, 371
96–477 ..... 17 Part 260
96–487 ..... 36 Part 13
50 Part 36
96–499 ..... 5 Part 831
7 Parts 210, 215, 220, 226, 230, 235, 245, 246, 250
96–501 ..... 10 Part 903
96–510 ..... 49 Part 387
96–511 ..... 4 Part 20
36 Part 13
50 Part 36
96–589 ..... 26 Part 7a
96–601 ..... 26 Part 35
96–606 ..... 45 Parts 500, 531

Executive Orders:

10355 ..... 43 Part 2300
10480 ..... 44 Part 332
11222 ..... 29 Part 2602
11246 ..... 41 Part 60–50
11375 ..... 41 Part 60–50
11625 ..... 49 Part 23
11735 ..... 33 Part 25
11912 ..... 10 Part 490
11914 ..... 45 Part 1012
11991 ..... 28 Part 61
12009 ..... 18 Parts 12, 351, 356, 357
12065 ..... 10 Part 1045
15 Part 4a
12086 ..... 41 Part 60–50
12114 ..... 40 Part 6
12127 ..... 44 Parts 1, 360
12137 ..... 22 Part 306
45 Part 1225
12138 ..... 49 Part 23
12142 ..... 10 Parts 1500, 1502, 1530
12143 ..... 5 Part 352

Executive Orders—Continued	CFR
12144	29 Part 1620
12148	44 Parts 1, 332, 360
12155	41 Parts 101–14
12276	31 Part 535
12279	31 Part 535
12280	31 Part 535
12281	31 Part 535
12282	31 Part 535
12283	31 Part 535
12284	31 Part 535
12287	10 Parts 205, 211, 212, 220
12291	44 Part 1
12294	31 Part 535
Reorganization Plans:	
1947 Plan No. 3	12 Part 511
1950 Plan No. 14	29 Parts 1, 5, 6
1978 Plan No. 1	29 Part 1620
1978 Plan No. 3	44 Parts 1, 360
1979 Plan No. 1	10 Parts 1500, 1502, 1530, 1534

This table lists the sections of the U.S. Code and U.S. Statutes at Large and Presidential documents which are being removed from Table I as a result of CFR Part removals cited in the *Federal Register* from January through June 1981.

Table I is in the CFR Index and Finding Aids revised as of January 1, 1981.

In order to determine the *Federal Register* page numbers of these citations, consult the List of CFR Sections Affected.

5 U.S.C.:	CFR
552	32 Part 2200
552a	1 Part 485
1104	5 Part 531
5115	5 Parts 531, 539
5305	5 Part 531
5334	5 Part 539
5337	5 Part 531
5338	5 Parts 531, 539
7701 et seq	5 Part 531
8151	5 Part 531
App	29 Part 2620
7 U.S.C.:	
1427	7 Parts 1484, 1486
1506	7 Part 406
1516	7 Part 406
1851	7 Parts 1484, 1486
1939	7 Part 2024
10 U.S.C.:	
8012	32 Parts 817, 826
12 U.S.C.:	
1904 note	6 Parts 705–707
15 U.S.C.:	
714	7 Part 1484
714b	7 Part 1486
714c	7 Part 1486
2607	40 Part 713
16 U.S.C.:	
432	23 Part 765
433	23 Part 765
485	43 Part 2230
18 U.S.C.:	
207	29 Part 2620
20 U.S.C.:	
107a	34 Part 369
22 U.S.C.:	
286f	15 Part 805
23 U.S.C.:	
101 et seq	23 Part 765
103	49 Parts 639, 640
138	23 Part 765
142	49 Parts 639, 640
305	23 Part 765
315	23 Part 765
25 U.S.C.:	
372	25 Part 105
29 U.S.C.:	
104	29 Part 2652
780	34 Part 370

29 U.S.C.—Continued	CFR
1302	29 Parts 2602, 2604–2606, 2608–2611, 2613–2615, 2617, 2618, 2652
1305	29 Part 2652
1306	29 Part 2602
1307	29 Part 2602
1322	29 Parts 2605, 2608, 2609
1341	29 Part 2615
1343	29 Part 2617
1344	29 Parts 2608, 2610, 2615
1362	29 Parts 2610, 2611, 2613
1363	29 Part 2613
1364	29 Part 2613
1365	29 Parts 2606, 2617
1367	29 Part 2613
1368	29 Part 2613
1391	29 Part 2652
4211	29 Part 2652
33 U.S.C.:	
540	33 Part 264
542	33 Part 264
701a	33 Part 341
40 U.S.C.:	
486	41 Parts 5A–5, 5A–6, 5A–8, 5A–14, 5A–60, 5B–8, 5B–60
42 U.S.C.:	
294—294l	45 Part 126
620	45 Part 1357
670 et seq	45 Part 1357
1302	45 Part 1357
1480	7 Part 2024
1962	33 Part 253
2891—2893	45 Part 46
4321 et seq	28 Part 19
43 U.S.C.:	
301	43 Part 2310
315g	43 Part 2220
373	43 Part 2320
931c	43 Part 9
931d	43 Part 9
971	43 Part 2310
1201	43 Parts 9, 2310, 2320, 2340, 2350
46 U.S.C.:	
814	46 Part 525
833a	46 Part 525
841a	46 Part 525
1114	46 Parts 255, 284, 286
1117	46 Part 286
1177	46 Parts 255, 284, 286, 291

48 U.S.C.:	CFR
357	43 Part 2320
49 U.S.C.:	
5b	49 Parts 1205, 1208–1210
12	49 Parts 1204 1205, 1208–1210, 1250, 1251, 1252, 1261
19a	49 Parts 1260, 1261
20	49 Parts 1204, 1205, 1208–1210, 1250, 1251, 1252
220	49 Parts 1250, 1251
304	49 Parts 1204, 1205, 1208–1210, 1252
313	49 Parts 1250, 1251
320	49 Parts 1205, 1208–1210, 1252
412	49 Parts 1250, 1251
904	49 Parts 1205, 1208–1210, 1250, 1252
913	49 Parts 1204, 1205, 1208–1210, 1250, 1252
917	49 Parts 1208–1210
1003	49 Parts 1205, 1208–1210, 1251, 1252
1012	49 Parts 1204, 1205, 1208–1210, 1251, 1252
1602	49 Parts 640, 642
1603	49 Part 642
1604	49 Parts 639, 640
10321	49 Part 1014
50 U.S.C.:	
App. 1742	46 Part 284
App. 1745	46 Part 284
U.S. Statutes at Large:	
39 Stat.:	
218	43 Part 2260

U.S. Statutes at Large—Continued	
40 Stat.:	CFR
1179	43 Part 2260
41 Stat.:	
753	25 Part 173
44 Stat.:	
659	25 Part 173
50 Stat.:	
874	43 Part 2260
53 Stat.:	
1144	43 Part 2260
72 Stat.:	
619	25 Part 242
78 Stat.:	
390	25 Part 242
84 Stat.:	
91	33 Part 275
86 Stat.:	
226	10 Part 712
88 Stat.:	
1004	29 Part 2604
1020	29 Part 2604
1450	15 Part 804
92 Stat.:	
1112	5 Part 531
Executive Orders:	
10033	15 Part 805
11721	5 Part 531
11790	10 Part 214
12009	10 Part 214
12092	6 Parts 705–707
12161	6 Parts 705–707
11222	29 Part 2614

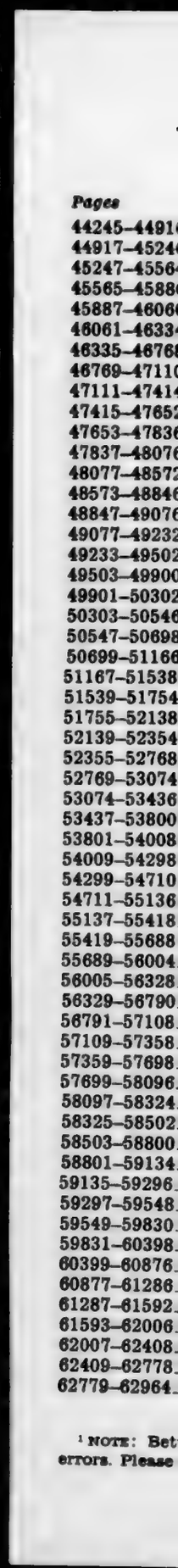

[1] NOTE: Bet
errors. Please

1980

Pages	Date
44245–44916	July 1
44917–45246	2
45247–45564	3
45565–45886	7
45887–46060	8
46061–46334	9
46335–46768	10
46769–47110	11
47111–47414	14
47415–47652	15
47653–47836	16
47837–48076	17
48077–48572	18
48573–48846	21
48847–49076	22
49077–49232	23
49233–49502	24
49503–49900	25
49901–50302	28
50303–50546	29
50547–50698	30
50699–51166	31
51167–51538	Aug. 1
51539–51754	4
51755–52138	5
52139–52354	6
52355–52768	7
52769–53074	8
53074–53436	11
53437–53800	12
53801–54008	13
54009–54298	14
54299–54710	15
54711–55136	18
55137–55418	19
55419–55688	[1] 20
55689–56004	21
56005–56328	22
56329–56790	25
56791–57108	26
57109–57358	27
57359–57698	28
57699–58096	29
58097–58324	Sept. 2
58325–58502	3
58503–58800	4
58801–59134	5
59135–59296	8
59297–59548	9
59549–59830	10
59831–60398	11
60399–60876	12
60877–61286	15
61287–61592	16
61593–62006	17
62007–62408	18
62409–62778	19
62779–62964	22
62965–63260	Sept. 23
63261–63478	24
63479–63830	25
63831–64158	26
64159–64544	29
64545–64878	30
64879–65172	Oct. 1
65173–65492	2
65493–65992	3
65993–66438	6
66439–66768	7
66769–67040	8
67041–67284	9
67285–67628	10
67629–68364	14
68365–68624	15
68625–68910	16
68911–69198	17
69199–69404	20
69405–69846	21
69847–70208	22
70209–70426	23
70427–70734	24
70735–71346	27
71347–71562	28
71563–71758	29
71759–72080	30
72081–72616	31
72617–72994	Nov. 3
72995–73464	4
73465–73628	5
73629–73894	6
73895–74462	7
74463–74692	10
74693–74894	12
74895–75158	13
75159–75632	14
75633–76084	17
76085–76428	18
76429–76640	19
76641–76936	20
76937–77410	21
77411–78116	24
78117–78614	25
78615–78994	26
78995–79406	28
79407–79740	Dec. 1
79741–80096	2
80097–80266	3
80267–80462	4
80463–80806	5
80807–81022	8
81023–81198	9
81199–81528	10
81529–81724	11
81725–82150	12
82151–82618	15
82619–82908	16
82909–83188	17

[1] NOTE: Between 45 FR 55433 and 55465, August 20, 1980, there were several pagination errors. Please refer to the cover of the issue for Thursday, August 21, 1980, for explanation.

Pages	Date
83189–83464	Dec. 18
83465–84004	19
84005–84754	22
84755–84952	23
84953–85434	24
85435–85650	29
85651–86406	30
86407–87012	31

1981

Pages	Date
1–858	Jan. 2
859–1248	5
1249–1658	6
1659–2022	7
2023–2312	8
2313–2588	9
2589–2968	12
2969–3202	13
3203–3488	14
3489–3800	15
3801–4658	16
4659–5850	19
5851–6862	21
6863–7256	22
7257–7932	23
7933–8432	26
8433–9018	27
9019–9554	28
9555–9900	29
9901–10134	30
10135–10450	Feb. 2
10451–10704	3
10705–10894	4
10895–11224	5
11225–11500	6
11501–11654	9
11655–11800	10
11801–11942	11
11943–12190	12
12191–12468	13
12469–12690	17
12691–12940	18
12941–13198	19
13199–13496	20
13497–13680	23
13681–13964	24
13965–14110	25
14111–14338	26
14339–14726	27
14727–14884	Mar. 2
14885–15128	3
15129–15256	4
15257–15490	5
15491–15684	6
15685–15854	9
15855–16098	10
16099–16234	11
16235–16652	12
16653–16876	13
16877–17008	Mar. 16
17009–17186	17
17187–17534	18
17535–17750	19
17751–18012	20
18013–18306	23
18307–18520	24
18521–18678	25
18679–18926	26
18927–19210	27
19211–19454	30
19455–19812	31
19813–19900	Apr. 1
19901–20134	2
20135–20532	3
20533–20666	6
20667–20976	7
20977–21142	8
21143–21338	9
21339–21590	10
21591–21746	13
21747–21982	14
21983–22174	15
22175–22350	16
22351–22558	17
22559–22744	20
22745–22888	21
22889–23042	22
23043–23192	23
23193–23404	24
23405–23736	27
23737–23912	28
23913–24140	29
24141–24518	30
24519–24926	May 1
24927–25076	4
25077–25288	5
25289–25420	6
25421–25594	7
25595–26036	8
26037–26274	11
26275–26470	12
26471–26604	13
26605–26758	14
26759–27088	15
27089–27322	18
27323–27468	19
27469–27622	20
27623–27898	21
27899–28144	22
28145–28394	26
28395–28610	27
28611–28832	28
28833–29238	29
29239–29452	June 1
29453–29690	2
29691–29920	3
29921–30072	4

Pages	Date
30073–30326	June 5
30327–30480	8
30481–30622	9
30623–30796	10
30797–30996	11
30997–31248	12
31249–31402	15
31403–31634	16
31635–31868	17
31869–31998	June 18
31999–32226	19
32227–32424	22
32425–32550	23
32551–32852	24
32853–33018	25
33019–33236	26
33237–33508	29
33509–34302	30

6-1-81
Vol. 46 No. 104
Pages 29239-29452

federal register

Monday
June 1, 1981

Highlights

29438 **Grant Program—Juvenile Justice** Justice/JJDPO proposes procedures and requirements for formula grants to State governments. (Part III of this issue)

29251, 29276 **Minority Businesses Assistance** SBA proposes and authorizes Fixed Program Participation Terms for a concern to remain in the Minority Small Business and Capital Ownership Development Program. (2 documents)

29259 **Low-Income Housing** HUD/FHC increases maximum mortgage amounts under the section 235 Mortgage Insurance Program.

29246 **Federal Home Loan Banks** FHLBB alters rate of interest or return to be paid as post-default interest on certain unsecured claims against receiverships.

29333 **Federal Reserve System** FRS issues guidelines for the sale by State member banks of commercial paper from issuers not related to the bank.

29242 **Energy Conservation—Weatherization Assistance** DOE amends its low-income assistance program.

29261 **Handicapped Discrimination** Treasury/RSO defers effective date until 6–16–81, of revenue sharing regulations.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

29285 **Air Carriers** CAB seeks comments on its present methodology for determining Standard Foreign Fare Level.

29260 **Wine** Treasury/ATF changes requirements for appellations of origin that appear on foreign wines imported into the United States.

29292 **Flood Insurance** FEMA proposes to increase certain rates for all structures located in communities participating in the emergency phase of the National Flood Insurance Program.

29261 **Excise Taxes** Treasury/ATF defers effective date for provisions about electronic fund transfers for alcohol and tobacco products tax payments.

29294 **Disaster Preparedness Assistance** FEMA proposes procedures by which financial assistance will be provided for planning for severe earthquakes or hurricanes in high-risk, high population areas.

29374 **Sunshine Act Meetings**

Separate Parts of This Issue

29392 **Part II, DOT/RSPA**
29438 **Part III, Justice/JJDPO**
29450 **Part IV, USDA/AMS**

V 46 / 104
JUN 1 1981
UMI

Con

29271

29296
29296

29450

29260

29261

29239
29240

29297

29282

29285

29298

29300
29297

29297

29297
29299
29299

29299

Contents

Federal Register
Vol. 46, No. 104
Monday, June 1, 1981

Agricultural Marketing Service
PROPOSED RULES
29271 Prunes (dried) produced in Calif.
NOTICES
Meetings:
29296 Flue-Cured Tobacco Advisory Committee
29296 Peanut Administrative Committee; budget expenses and rate of assessment; 1980 crop year
29450 Wheat and wheat foods; research and nutrition education; 1982 fiscal year budget notice

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Forest Service.

Alcohol, Tobacco and Firearms Bureau
RULES
Alcoholic beverages:
29260 Wine, imported; advertising and labeling; appellation of origin
Alcoholic beverages, and cigars, cigarettes, etc.:
29261 Excise taxes; payment by electronic fund transfers; deferral of effective date

Animal and Plant Health Inspection Service
RULES
Animal and poultry import restrictions:
29239 Horses, male, from countries affected with CEM
29240 Horses, permit applications and importation requirements

Arts and Humanities, Presidential Task Force
NOTICES
29297 Meetings

Civil Aeronautics Board
PROPOSED RULES
Air carriers:
29282 Terminations, suspensions, and reductions of service; 90-day notice requirement, etc.
29285 Standard foreign fare level methodology; cost pass-through mechanism; policy statement, advance notice
NOTICES
29298 Certificates of public convenience and necessity and foreign air carrier permits
Hearings, etc.:
29300 Air Olympia
29297 Pennsylvania Commuter Airlines; fitness determination
29297 Pilgrim Aviation and Airlines, Inc.; fitness determination
29297 Pocono Airlines, Inc.; fitness determination
29299 State Airlines Inc.; fitness determination
29299 Transportes Aereos Portugueses, E.P.; authority to conduct charter operations
29299 Mail rates; domestic service priority and nonpriority; and transatlantic, transpacific and Latin American service; final

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
29300 Indiana
29300 New Hampshire

Coast Guard
PROPOSED RULES
Regattas and marine parades; safety of life:
29288 Lake Washington, Wash.; SEAFAIR INC.; Sea-Galley, APBA Gold Cup Race
NOTICES
Meetings:
29370 New York Harbor Vessel Traffic Service Advisory Committee

Commerce Department
See Maritime Administration; National Oceanic and Atmospheric Administration.

Economic Regulatory Administration
NOTICES
Consent orders:
29302 Calvin Petroleum Corp.
29304 Conlo Service, Inc.
29305 Cross Oil & Refining Co. of Arkansas
29305 Gas Systems, Inc.
29306 Summit Transportation Co.
Public Utility Regulatory Policies Act of 1978:
29303 Master metering standard; proposed voluntary guidelines; withdrawn
Remedial orders:
29303 Payne-Johnson & Byars

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
RULES
29242 Weatherization assistance for low-income persons; interim rule and request for comments
NOTICES
Contract awards, proposed:
29302 Commonwealth Associates Inc.

Environmental Protection Agency
RULES
Air pollutants, hazardous; national emission standards, etc.:
29262 Tennessee; authority delegation
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
29289 Massachusetts
Air quality planning purposes; designation of areas:
29291 Wisconsin
Hazardous waste programs, interim authorizations; various States:
29292 Kansas; extension of time
NOTICES
Air pollution; national emission and new stationary sources performance standards, etc.:
29330 Tennessee; authority delegation

Grants; State and local assistance:
29329 Idaho; proposed termination of air program grant funds; hearing
Meetings:
29330 Technology Assessment and Pollution Control Committee

Environmental Quality Office, Housing and Urban Development Department
NOTICES
Environmental statements; availability, etc.:
29337 Deep River Waterline, Lee County, N.C.

Farmers Home Administration
RULES
29239 Rural rental housing loan policies, procedures, and authorizations; correction

Federal Aviation Administration
RULES
Airworthiness directives:
29252 Bell
29253 Detroit Diesel Allison
29254 Control zones
29254 Control zones and transition areas
29256 Restricted areas; correction
29257 Standard instrument approach procedures
29255 Transition areas; correction
29255 VOR Federal airways
PROPOSED RULES
29280 Area high routes, reporting points, and control areas
29281 Jet routes
29278, 29279 Transition areas (2 documents)
29279 VOR Federal airways
NOTICES
29371 Exemption petitions; summary and disposition

Federal Communications Commission
RULES
Common carrier services:
29264 Telex services; interface of international, domestic, and TWX networks; detariffing of terminal equipment provided by international record carriers

Federal Emergency Management Agency
PROPOSED RULES
29294 Disaster preparedness assistance; eligible applicants in high-risk areas; development of plans for earthquakes or hurricanes
29292 Flood insurance program; rates increase
29292 National insurance development program; statewide FAIR plans, depopulation program; withdrawn
NOTICES
Radiological emergency; State plans:
29332 Virginia

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
29307 Algonquin Gas Transmission Co.
29311 Bountiful, Utah
29319 Boyd, James B., et al.
29309 Buena Vista Water Storage District
29310 Central Montana Electric Generation & Transmission Cooperative, Inc.
29312, 29313 Consolidated Edison Co. of New York, Inc. (2 documents)
29314 Crown Zellerbach Corp.
29314 Darobsum, Inc.
29315 Edison Electric Institute
29316, 29317 El Paso Natural Gas Co. (2 documents)
29317 Hacket Mills Hydro Co.
29318 International Paper Co.
29319 Montana-Dakota Utilities, Inc.
29319 Montana-Dakota Utilities Co.
29321 Mustang Fuel Corp.
29322 Public Utility District No. 1 of Ferry County
29323 Southern Natural Gas Co.
29323 Tennessee Gas Pipeline Co.
29324 Texas Gas Transmission Corp.
29325 United Gas Pipe Line Co.
29326 Upper Peninsula Generating Co.
29326 Upper Peninsula Power Co.
29326 Vidler Tunnel Water Co.
29327 W. M. Lewis & Associates, Inc.
Natural gas companies:
29308 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend
29328 Small producer certificates, applications

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
29372 Baltimore County, Md.; intent to prepare
29372 Bernalillo County, N. Mex.; intent to prepare
29372 Kosciusko County, Ind.; withdrawn

Federal Home Loan Bank Board
RULES
Federal Savings and Loan Insurance corporation:
29246 Receivership; post-default interest
NOTICES
29374 Meetings; Sunshine Act

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
29259 Home ownership and project rehabilitation; maximum mortgage amounts; interim

Federal Maritime Commission
NOTICES
Freight forwarder licenses:
29333 Horacio Espinoza Forwarding Co. et al.
29332 I.M.S., Inc.
29374 Meetings; Sunshine Act (2 documents)

Federal Reserve System
RULES
29245 Consumer leasing (Regulation M); correction
29246 Truth in lending (Regulation Z); and credit disclosure requirements for Federal agency consumer credit programs; correction and amendment (2 documents)
NOTICES
Applications, etc.:
29333 Midland Bank Limited; meeting

29333 State member banks; sale of third party commercial paper; policy statement

Federal Trade Commission
RULES
Home insulation, labeling and advertising:
29256 Cellulose insulation, partial exemption and conditional stay; extension of time
NOTICES
Premerger notification waiting periods; early terminations:
29335 Oklahoma Publishing Co.

Forest Service
NOTICES
Environmental statements; availability, etc.:
29296 Cache la Poudre wild and scenic river study, Colo.

General Services Administration
See National Archives and Records Service.

Geological Survey
NOTICES
Meetings:
29337 Earthquake Studies Advisory Panel

Health and Human Services Department
See National Institutes of Health; Social Security Administration.

Hearing and Appeals Office, Energy Department
NOTICES
Applications for exception:
29328 Decisions and orders
Remedial orders:
29329 Objections filed

Housing and Urban Development Department
See Environmental Quality Office, Housing and Urban Development Department, Federal Housing Commissioner—Office of Assistant Secretary for Housing.

Interior Department
See Geological Survey; Land Management Bureau; National Park Service.

International Trade Commission
NOTICES
Import investigations:
29397 Hot air corn poppers and components; correction

Interstate Commerce Commission
NOTICES
Motor carriers:
29339 Finance applications
29341, 29342, 29352, 29354 Permanent authority applications (4 documents)
29355 Permanent authority applications; operating rights republication
29345 Permanent authority applications; restriction removals
29355 Temporary authority applications
29351 Petitions, applications, finance matters (including temporary authorities), alternate route deviations, intrastate applications, gateways, and pack and crate
Rail carriers:
29340 Missouri-Kansas-Texas Railroad Co; contract tariff exemption

Justice Department
See Juvenile Justice and Delinquency Prevention Office.

Juvenile Justice and Delinquency Prevention Office
PROPOSED RULES
29438 Formula grants for juvenile justice

Land Management Bureau
RULES
Forest management:
29262 Sales of products; preparation of contracts, information about exported private timber
Public land orders:
29263 Oregon
NOTICES
Closure of public lands:
29337 California
Meetings:
29338 Casper District Advisory Council
29338 Worland District Advisory Council
Sale of public lands:
29338 California

Maritime Administration
NOTICES
Applications, etc.:
29300 Aeron Marine Shipping Co.
29301 Fredericksburg Shipping Co. et al.

National Archives and Records Service
NOTICES
Meetings:
29335 National Archives Advisory Council (2 documents)

National Credit Union Administration
RULES
Federal credit unions:
29247 Insured and guaranteed loans; deregulation
29248 Regulatory development; policy statement
NOTICES
29374 Meetings; Sunshine Act

National Highway Traffic Safety Administration
RULES
29269 Consumer information regulations; effective date delayed

National Institutes of Health
NOTICES
Meetings:
29335 Clinical Cancer Program Project and Cancer Center Support Review Committee
29336 Dental Research, National Institute; Special Grants Review Committee
29336 General Clinical Research Centers Committee
29336 Research Grants Division study sections

National Oceanic and Atmospheric Administration
NOTICES
Environmental statements; availability, etc.:
29301 Mullica River estuarine sanctuary; hearing

National Park Service
NOTICES
Environmental statements; availability, etc.:
29338 Chesapeake and Ohio Canal, Cumberland/North Branch Area, Md.; development concept plan
Management and development plans:
29338 Chesapeake and Ohio Canal National Historical Park, Great Falls area, Md.
Meetings:
29339 Lewis and Clark National Historic Trail Advisory Council

National Transportation Safety Board
NOTICES
29374 Meetings; Sunshine Act

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
29367 Arkansas Power & Light Co.
29367 Gulf States Utilities Co.
29368 Maine Yankee Atomic Power Co.
29368 Nebraska Public Power District
29369 Omaha Public Power District
29369 Portland General Electric Co. et al.
29374 Meetings; Sunshine Act
Reports; availability, etc.:
29367 Guidelines for confirmatory implant tests of safety relief valve discharges for BWR plants

Pension Benefit Guaranty Corporation
NOTICES
29369 Improving Government regulation; procedures withdrawn

Railroad Retirement Board
NOTICES
29375 Meetings; Sunshine Act

Research and Special Programs Administration, Transportation Department
RULES
Hazardous materials:
29392 United Nations shipping descriptions, use; optional table

Revenue Sharing Office
RULES
Fiscal assistance to State and local governments:
29261 Nondiscrimination for handicapped in federally assisted programs; deferral of effective date

Securities and Exchange Commission
NOTICES
29375 Meetings: Sunshine Act

Small Business Administration
RULES
29251 Minority small business and capital ownership development assistance program; fixed program participation term; interim
PROPOSED RULES
29276 Minority small business and capital ownership development assistance program; fixed program participation term
NOTICES
Disaster areas:
29370 Alabama

Social Security Administration
RULES
Financial assistance programs:
29264 State and local staff training requirements; Federal matching funds to States; correction

State Department
NOTICES
Meetings:
29370 International Investment, Technology, and Development Advisory Committee (2 documents)

Tennessee Valley Authority
NOTICES
29375 Meetings; Sunshine Act

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department.
RULES
Organization, functions, and authority delegations:
29269 Coast Guard, Commandant; Inland Navigational Rules Act of 1980

Treasury Department
See Alcohol, Tobacco and Firearms Bureau; Revenue Sharing Office.

Veterans Administration
NOTICES
Environmental statements; availability, etc.:
29373 Lebanon, Ky.; Lebanon National Cemetery, expansion

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Agriculture Marketing Service—
29296 Flue-Cured Tobacco Advisory Committee, Raleigh, N.C. (open), 6–26–81

ARTS AND HUMANITIES, PRESIDENTIAL TASK FORCE
29297 Washington, D.C. (open), 6–15–81

CIVIL RIGHTS COMMISSION
29300 Indiana State Advisory Committee, Muncie, Ind. (open), 6–17 through 6–19–81
29300 New Hampshire Advisory Committee, Manchester, N.H., (open), 6–17–81

ENVIRONMENTAL PROTECTION AGENCY
29329 Proposed termination of state of Idaho's Federal air grant funding, Boise, Idaho, 7–2–81

FEDERAL RESERVE SYSTEM
29333 Federal Reserve Board, Midland Bank, bank holding company application, San Francisco, Calif., 6–22–81

GENERAL SERVICES ADMINISTRATION
National Archives and Records Service—
29335 National Archives Advisory Council, Washington, D.C. (open), (2 documents), 6–11 and 6–12–81

HEALTH AND HUMAN SERVICES DEPARTMENT
National Institutes of Health—
29335 Clinical Cancer Program Project and Cancer Support Review Committee, Bethesda, Md. (partially open), 7–30 through 8–1–81
29336 General Clinical Research Centers Committee, Bethesda, Md. (partially open), 6–28 through 6–30–81
29336 National Institute of Dental Research Special Grants Review Committee, Bethesda, Md. (partially open), 6–23–81

INTERIOR DEPARTMENT
Geological Survey—
29337 Earthquake Studies Advisory Panel, Golden, Colo. (open), 6–12 and 6–13–81
Land Management Bureau—
29338 Casper District Advisory Council, Casper, Wyo. (open), 7–21 and 7–22–81
29338 Worland District Advisory Council, Worland, Wyo. (open), 7–1–81
National Park Service—
29338 Cumberland/North Branch Development Concept Plan, environmental assessment, Cumberland, Md. (open), 6–17–81
29339 Lewis and Clark National Historic Advisory Council, Omaha, Nebr. (open), 6–17–81 and Portland, Oreg., 6–24–81

STATE DEPARTMENT
29370 International Investment, Technology, and Development Advisory Committee, Washington, D.C. (open), 6–17 and 6–30–81 (2 documents)

TRANSPORTATION DEPARTMENT
Coast Guard—
29370 New York Vessel Traffic Service Advisory Committee, New York, N.Y. (open), 6–24–81

CHANGED MEETING

HEALTH AND HUMAN SERVICES DEPARTMENT
National Institutes of Health—
29336 Hematology Study Section, (open), 6–11 through 6–13–81, location change from In-Town Motel, Chevy Chase, Md. to Ramada Inn, Bethesda, Md.

HEARING

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
29301 Mullica River Estuarine Sanctuary, draft environmental impact statement, Pomona, N.J., 7–7–81

CONSUMER SUBJECT LISTING

The following items have been identified by the issuing agency as documents of particular consumer interest. This listing highlights the broad subject area of consumer concern followed by the specific subject matter of the document, issuing agency, and document category.

CREDIT
29246 Truth in lending, complete revision; Federal Reserve System; Rules

LEASES
29245 Consumer leasing; Federal Reserve System; Rules

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
1944 29239
Proposed Rules:
993 29271
9 CFR
92 (2 documents) 29239, 29240
10 CFR
440 29242
12 CFR
213 29245
226 (2 documents) 29246
569a 29246
701 29247
720 29248
13 CFR
124 29251
Proposed Rules:
124 29276
14 CFR
39 (2 documents) 29252, 29253
71 (5 documents) 29254–29256
73 29256
97 29257
Proposed Rules:
71 (4 documents) 29278–29281
75 (2 documents) 29280, 29281
323 29282
399 29285
16 CFR
460 29256
24 CFR
235 29256
27 CFR
4 29260
19 29261
240 29261
245 29261
250 29261
270 29261
275 29261
28 CFR
Proposed Rules:
31 29438
31 CFR
51 29261
33 CFR
Proposed Rules:
100 29288
40 CFR
60 29262
61 29262
Proposed Rules:
52 29289
81 29281
123 29292
43 CFR
5400 29262
Public Land Orders:
1281 (Revoked by 5883) 29263
5883 29263
44 CFR
Proposed Rules:
55 29292
61 29292
300 29264
45 CFR
235 29264
47 CFR
61 29264
49 CFR
1 29269
172 29392
575 29269

V 46 / 104 JE 1 81 UMI

Rule

This secti
contains
general a
of which
the Code
published
U.S.C. 15
The Code
by the Su
Prices of
first FEDE
month.

DEPARTI

Farmers

7 CFR Pa

Rural Re
Redesign
Correctio

AGENCY: F
USDA.
ACTION: F

SUMMARY
final rule
loans whi
Federal R
FR 70815).
correct se
omitted, n
erroneous

FOR FURTH
Mr. Anton
Rural Ren
Room 533
14th St. an
Washingto
382–1621.

SUPPLEME
final rule
procedure
Memoranc
12291, and
major". Th
regulation
Section III
indicates
"after Oct
regulation
Paragraph
and parag
C separate
published
were publi
these secti
final docu
Federal Re
erroneousl

Rules and Regulations

Federal Register
Vol. 46, No. 104
Monday, June 1, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1944

Rural Rental Housing; Revision—Redesignation of Loan Regulations; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule concerning rural rental housing loans which was published in the **Federal Register** on October 27, 1980 (45 FR 70815). The action is necessary to correct sections which were erroneously omitted, not revised, or were revised erroneously.

FOR FURTHER INFORMATION CONTACT: Mr. Antonio O. Izquierdo, Loan Officer, Rural Rental Housing Loan Division, Room 5331, South Agriculture Building, 14th St. and Independence Avenue SW., Washington, D.C. 20250, Telephone 202–382–1621.

SUPPLEMENTARY INFORMATION: This final rule was reviewed under USDA procedures established in Secretary's Memorandum 1955 and Executive Order 12291, and has been classified "not major". The following sections of the regulations are revised or corrected: in Section III A of Exhibit B, where it indicates "June 1, 1980", should read "after October 27, 1980," the date the regulations were published in final form. Paragraphs X B 1 and 2 were revised and paragraph B 3 was added to Exhibit C separately after the regulations were published for comment but before they were published in final form. However, these sections were not updated in the final document which was sent to the **Federal Register** and consequently, were erroneously revised to the previous obsolete text. They should not have been revised when the final publication of the regulations was done on October 27, 1980. Section 8.02 of Exhibit F was totally omitted when the regulations were published for final rule on October 27, 1981.

Accordingly, Subpart E of Part 1944, Chapter XVIII, Title 7, Code of Federal Regulations is corrected as follows:

Part 1944, Exhibit B [Amended]

1. In Exhibit B, paragraph III A, "June 1, 1980" is corrected, to read "after October 27, 1980".

2. In Exhibit C, paragraph IX B is corrected by revising subparagraphs 1 and 2 and adding subparagraph 3 to read as follows:

Exhibit C—Rental Assistance Program

* * * * *

IX. *Terms of the Rental Assistance Agreement.*

* * * * *

B. *Term.*

1. *Twenty (20) Year Agreement.* The term of the agreement shall be for a period of twenty (20) years from the effective date of the agreement for new construction projects in which no unit has been occupied. This agreement may be superceded by a modified agreement in accordance with Section 4 of the rental assistance agreement or terminated in accordance with conditions stated in Section 8 or 10 of the rental assistance agreement. Modified agreements will extend only for the remaining period of an original agreement. Upon expiration of the twenty year period, a new agreement may be executed. If a new agreement is considered, it will be for a period not to exceed five (5) years.

2. *Five (5) Year Agreement.* The term of the agreement shall be for a period of five (5) years from the effective date of the agreement for existing projects or new construction projects when twenty (20) year agreements are not available. This agreement may be superceded by a modified agreement in accordance with Section 4 of the rental assistance agreement or terminated in accordance with conditions stated in Section 8 or 10 of the rental assistance agreement. Modified agreements will extend only for the remaining period of an original agreement. Prior to the termination date of any agreement a new Form FmHA 444–25 may be submitted. If a new agreement is consummated, it will be made for a period not to exceed five (5) years. An existing project is one in which one or more units have been occupied.

3. Modification of the number of units assigned to any project will be limited to the same term as the original agreement. Mixing of agreement terms in any given project is prohibited.

* * * * *

3. In Exhibit F, Article VIII is corrected to add section 8.02 which reads as follows:

Exhibit F—Bylaws

* * * * *

Article VIII—Contracts, Checks, Deposits and Funds.

* * * * *

Section 8.02. Checks, Drafts, etc. All checks, drafts, or orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the corporation shall be signed by the officer or officers, agent or agents of the corporation, and in a manner as shall from time to time be determined by resolution of the board. In the absence of determination by the board, these instruments shall be signed by the treasurer and countersigned by the president of the corporation.

* * * * *

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: May 11, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81–16242 Filed 5–29–81; 8:45 am]
BILLING CODE 3410–07–M

Animal and Plant Health Inspection Service

9 CFR Part 92

Importation of Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This document confirms the final rule promulgated by the Department which established additional methods by which male horses (stallions over 731 days of age)

may be imported into the United States from countries declared to be affected with contagious equine metritis (CEM). This action is necessary to provide the Department's response to comments received relative to the amendment of 9 CFR Part 92 that permitted the importation of certain stallions into the United States from CEM-affected countries when specified requirements are met.

EFFECTIVE DATE: December 21, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been classified not a "major rule."

Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of less than $100 million; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

On August 3, 1979, there was published in the **Federal Register** (44 FR 45631–45634) a proposed amendment to the regulations (9 CFR 92.2(i)(2)(iii)(C), 92.2(i)(2)(iv), and 92.17) which would establish additional means to permit the entry of male horses (stallions over 731 days of age), into the United States from countries affected with contagious equine metritis (CEM) when specific requirements and certain conditions are met to prevent their introducing CEM into the United States.

On Friday, January 4, 1980, there was published in the **Federal Register** (45 FR 1003–1006) an amendment to the above referenced regulations. The final rule was somewhat modified from the proposed rule, and the amendment was placed into effect immediately in order for the additional method of importing horses from CEM-affected countries to be available to importers for the then forthcoming breeding season. However, a 60-day comment period was provided to permit public participation in the rulemaking process. A total of three comments were received.

One comment suggested that male horses in training and male horses for breeding be permitted to be imported into the United States on the basis of 3 sets of negative swabs alone. The respondent also suggested that it was not necessary to require a government veterinary officer to be present to supervise the pre-export protocol.

Information compiled by the administrative officials of the Animal and Plant Health Inspection Service responsible for administering regulations for the importation of horses into the United States reveals that to allow the male horses to be imported into the United States on the basis of 3 sets of negative swabs only is not sufficient to insure that the stallions are free of the contagion of CEM. It is possible that the cultures, although taken on 3 separate occasions, seven days apart, could fail to reveal the contagion of CEM. Therefore, since CEM is a disease spread through breeding, the certification that since reaching 2 years of age the horse has not been on premises where breeding was carried out, as well as the topical treatments, testing procedures and handling procedures required to import a stallion to be used for breeding, are all necessary to insure that the stallion is free of the contagion of CEM. In regard to the importation into the United States of male horses in training which are not imported pursuant to this action, information compiled by the Department reveals that the requirements of § 92.2(i)(2)(iii) are necessary to insure that the male horses in training are free of the contagion of CEM.

Additionally, the requirement that the topical treatment be under the supervision of the veterinary officer signing the certificate is considered necessary to provide reliable information to the Department that such treatment was in fact complied with. Therefore, this suggestion was not adopted.

The second comment expressed concern that all tests and cultures were to be conducted at the National Veterinary Services Laboratory (NVSL) since experience during the outbreak in Kentucky had shown that the organism on swabs taken from clinical cases did not survive transportation.

The Department's experience was that some strains of the organism were susceptible to the antibiotic streptomycin used in the transport media to control growth of contaminants usually associated with the collection of these swabs. Streptomycin has been eliminated from the transport media, and the Department does not anticipate any further problems in that respect. It has also been determined that under the present technology, that samples are acceptable for culturing if shipped without streptomycin and received in the laboratory within 48 hours of collection.

The Department imposed the requirement that the tests and cultures be performed in NVSL to insure the accuracy of the results.

The third comment expressed the opinion that an infected stallion could enter the United States and not be discovered until it was cultured in a State approved to receive such stallion.

The Department anticipated this problem, and this is the reason there are specific safeguards in the final rule for every stallion over 731 days of age from any CEM-affected country for which a permit is requested pursuant to § 92.2(i)(2)(iv) of the regulations (9 CFR 92.2). A permit will only be issued if the stallion is consigned to a State which the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has approved to receive such horses under § 92.4(a)(6) of the regulations (9 CFR 92.4(a)(6)) on the basis that the State has laws or regulations in effect to require the additional inspection, treatment and testing of such horse necessary to insure its freedom from CEM. The final rule also established the minimum standards which a State must meet in order to be approved to receive stallions imported from CEM-affected countries.

After due consideration of the relevant comments received, it has been determined that the final rule amending § 92.2(i)(2)(iii)(C), § 92.2(i)(2)(iv), and § 92.17, and adding § 92.4(a) (5), (6), and (7), should remain effective as published in the **Federal Register** on January 4, 1980.

Done at Washington, D.C., this 26th day of May 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-16180 Filed 5-29-81, 8:45 am]

BILLING CODE 3410-34-M

---

9 CFR Part 92

Importation of Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the requirements regarding an application for an import permit, and certain requirements regarding the importation of horses. This action is necessary to strengthen certain requirements in order to prevent the introduction and

dissemination of communicable diseases of livestock.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 815, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule" because this action should result in an annual effect on the economy of only approximately $20,000 and should result in only a slight increase in costs to consumers and individual industries and no increase in costs to Federal, State, or local governmental agencies, or geographic regions. This action should have no adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

On Friday, April 18, 1980, there was published in the **Federal Register** (45 FR 26342–26344) a document which proposed to revise the requirements regarding the importation of horses, to remove some restrictions which may be unnecessary and to strengthen other requirements in order to prevent the introduction and dissemination of communicable diseases of livestock.

Specifically, amendments were proposed to require that the name and address of the exporter and individual identification of each animal (except poultry) appear on the application for an import permit. Further, § 92.11(d) would have been amended to require that horses from countries where African horse sickness is declared to exist be placed in quarantine at a designated port in the United States for 14 days. A blood sample would then be drawn from such horses and a test would be run on the blood to determine whether or not the horses have African horse sickness. All such horses which were found negative to the test for African horse sickness would then have been released when they were otherwise found to be free of communicable disease. All such horses found to be positive to the test for African horse sickness or found to exhibit evidence of communicable disease would be refused entry to the United States and would be required to be removed from the United States by the importer within 10 days of notification or, at the option of the importer, the horse would be disposed of.

A period of 60 days was provided for receipt of comments. A total of eight comments were received in response to the proposal.

One comment expressed approval of the amendment as proposed.

Two comments, one from the American Veterinary Medical Association (AVMA) and one from the American Horse Council (AHC) expressed approval if suggested changes in the procedures for horses from African horse sickness (AHS) countries were adopted. The AVMA expressed concern that the 14-day quarantine period for horses before collection of the blood samples for testing was not sufficient time to provide for the incubation period of AHS in some cases. It was recommended that the blood samples be collected after the horses had been in quarantine for 21 days.

The AHC recommended that importers be advised that horses vaccinated for AHS might react to the test and suggested that the Department establish a time period, post vaccination, when the vaccination antibodies would be "washed out" of the horses' systems. The council also suggested the importer be provided the option of testing or, as presently provided, keeping the horses in quarantine for 60 days.

Three additional comments expressed the concern that the test for AHS would not distinguish between vaccinated or infected animals.

One comment from Plum Island Animal Disease Center (PIADC) stated that it would be necessary to conduct a Complement-Fixation test and virus isolation studies in order to determine whether horses were infected with AHS virus.

The intended effect of the proposed amendment to test horses from AHS countries was to reduce the time horses are required to be held in quarantine by about half from the minimum 60-day quarantine period now required. In view of the demand for quarantine space, this would be of mutual benefit to importers and the Department.

In consideration of the above comments and specifically that of PIADC, that the laboratory would require additional tests for virus isolation, the Department is withdrawing proposed § 92.11(d)(2) which would have required that horses from African horse sickness countries be tested for AHS. The additional time to conduct the virus isolation test and the cost would nullify any anticipated benefit of a reduced quarantine period, even if both tests could be conducted in less than 60 days. Therefore, the proposed procedure that, after a period of 14 days, a blood sample shall be drawn by a port veterinarian employed by Veterinary Services and submitted to the Plum Island Animal Disease Laboratory to conduct the official test for African horse sickness is deleted from the final rule.

Therefore, this final rule retains the present requirement in § 92.11(d) of the regulations which requires that all horses imported into the United States from or that have been in or transited any country where African horse sickness is declared to exist (Africa) must be quarantined at the port of New York, New York, for at least 60 days. It should be noted that this requirement applies to all horses that have ever been in or transited such countries. Presently, the Department is considering the publication of a proposed rule which would, if adopted, limit this requirement to horses which have been in or transited countries where African horse sickness is declared to exist within the 60 day period immediately preceding importation into the United States.

Since the requirement to conduct the test for AHS is deleted, the suggestions provided by the above comments relative to the test procedures are now irrelevant.

The 8th comment suggested that the identification requirements for the application for an import permit were unnecessary for horses since they are identified in the foreign country on the health certificate that accompanies them to the United States.

As stated in the proposal, the Department believes that requiring the name and address of the exporter should help insure that the permit is used by the proper person. Requiring that the identification of the animal appears on the application should help insure that the permit is issued and used for the same animal.

Only horses from CEM infected countries listed in § 92.(i)(1) (9 CFR 92.2(i)(1)) are presently required to be accompanied by a permit. Only these horses being imported would be affected by the identification requirement. The Department believes that in addition to the reasons stated in the proposal, the identification of horses from CEM infected countries is necessary to prevent the introduction of the disease into the United States.

The comment also suggested that the proposed 10-day period to remove a horse from the United States after being notified that the animal was refused entry should be changed to "a reasonable length of time" to allow for possible unavoidable delays in arranging for shipment.

It is the Department's experience that except for one or two cases a year,

animals refused entry have been removed from the United States within 10 days. Therefore, 10 days is considered a "reasonable time."

However, this document adds a provision whereby the Deputy Administrator, Veterinary Services, may, upon request, grant additional time for the removal of a horse from the United States in any case in which he determines that delay is unavoidable due to unforeseen circumstances and the additional time for removal of the horse will not present a threat of dissemination of a communicable disease to other animals in the United States.

After due consideration of all the comments received, the Department is amending the regulations as proposed with changes as indicated in this document and other minor editorial changes for purposes of clarification.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended in the following respects:

1. The authority citation for Part 92 reads as follows:

Authority: Sec. 203, 60 Stat. 1087, as amended; secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417; secs. 2, 32 Stat. 792, as amended; sec. 306, 46 Stat. 689, as amended; secs. 2, 3, 4, 5, 11, 76 Stat. 129, 130, 132; sec. 1, 84 Stat. 202 (7 U.S.C. 1622, 19 U.S.C. 1306, 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f and 135).

2. In § 92.4, the second sentence in paragraph (a)(1) is revised to read:

§ 92.4 Import permit for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds, animal specimens for diagnostic purposes.[5]

(a) * * *

(1) * * * The application shall specify the name and address of the importer; the species, breed, number or quantity of animals, animal semen, or animal test specimens to be imported; the purpose of the importation; individual animal identification (except poultry), which includes a description of the animal, name, age, markings, if any, registration number, if any, and tattoo or eartag; the country of origin; the name and address of the exporter; the port of embarkation in the foreign country; the mode of transportation, route of travel, and the port of entry in the United States; the proposed date of arrival of the animals, animal semen, or animal test specimens to be imported; and the name of the person to whom the animals, animal semen, or animal test specimens will be delivered and the location of the place in the United States to which delivery will be made from the port of entry.

* * * * *

3. In § 92.11, present footnote 6 and the reference thereto are removed, present footnote 7 and the reference thereto are renumbered footnote 6 and paragraph (d)(1) is revised to read:

§ 92.11 Quarantine requirements.

* * * * *

(d) *Horses.* (1) Except as provided in this section, horses intended for importation into the United States from any part of the world shall be shipped directly to a port designated in § 92.3 and be quarantined at said port until negative results to port of entry tests are obtained and the horses are certified by the port veterinarian to be free from clinical evidence of disease.

(i) Except as provided in §§ 92.24 and 92.34 with respect to horses from Canada and Mexico, horses intended for importation from the Western Hemisphere shall be quarantined at a port designated in § 92.3 for not less than 7 days.

(ii) Horses intended for importation from any country on the Continent of Africa, or that have been in or transited any country on the Continent of Africa shall enter the United States only at the Port of New York, New York, and be quarantined there for not less than 60 days.

(iii) In order to qualify for release from quarantine, all horses from any part of the world, while quarantined shall test negative to the following port of entry tests: an official test for dourine, glanders, equine piroplasmosis, and equine infectious anemia [6] and such other tests, inspections, disinfections and precautionary treatments that may be required by the Deputy Administrator, Veterinary Services, to determine their freedom from communicable diseases.

(iv) Any quarantine period required for a horse shall be counted using the first day after arrival of the horse at the quarantine facility as the first day of quarantine and may be extended for such additional period as the Deputy Administrator, Veterinary Services, may require to determine its freedom from disease. Any horse which is positive to any of the port of entry tests named in this paragraph or any other test required by the Deputy Administrator, Veterinary Services, or which is found by the port veterinarian to exhibit evidence of communicable disease during quarantine shall be refused entry into the United States and removed by the importer to a country other than the United States within 10 days of the date that the importer is notified by Veterinary Services that such horse has been refused entry into the United States. Upon request, the Deputy Administrator, Veterinary Services, may grant additional time for the removal of a horse from the United States in any case in which he determines that delay is unavoidable due to unforeseen circumstances and the additional time for removal of the horse will not present a threat of the spread of communicable disease to other animals in the United States. At the option of the importer, such horse may be disposed of in accordance with such conditions as the Deputy Administrator, Veterinary Services, believes necessary to prevent the dissemination of communicable disease into the United States. The importer shall be responsible for all costs of such removal or disposal.

§ 92.11 [Amended]

4. In § 92.11(d)(3)(i), present footnote 7a and the reference thereto are renumbered footnote 7.

Done at Washington, D.C., this 26th day of May 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-16212 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

10 CFR Part 440

[Docket No. CAS-RM-80-512]

Weatherization Assistance for Low-Income Persons; Amendment of Regulations

AGENCY: Department of Energy.

ACTION: Amendment to interim rule with request for comments.

SUMMARY: The Department of Energy (DOE) is amending the regulations for its program of weatherization assistance for low-income persons (10 CFR Part 440) to make certain changes mandated by Subtitle E of Title V of the recently enacted Energy Security Act, June 30, 1980. These changes are:

The individual dwelling unit limit on expenditures for incidental repairs is increased from $100 to $150.

The 10 percent limit on administrative expenditures is revised to provide that more than 5 percent may be passed through by the State to subgrantees for administrative purposes; a State still may use not more than 5 percent of the total State grant for such purposes.

These amendments are required by law. Were it not for this legal requirement, DOE would not promulgate this rule because the Administration has proposed to terminate the program for

weatherization assistance for low-income persons at DOE, and instead incorporate the responsibility for the weatherization of low-income homes in the Department of Housing and Urban Development's (HUD) Community Development Block Grant Program. In the Administration's proposal to Congress (The Housing and Community Development Admendments of 1981), the enabling legislation for DOE's Weatherization Assistance Program, Part A of Title IV of the Energy Conservation and Production Act, Pub. Law 94–385, *as amended*, would be repealed. The Administration has also requested no funds for weatherization activities in Fiscal Year 1982.

In light of the legal requirement to make the above amendments, DOE is taking this opportunity to make the three following changes in the regulations:

In accordance with its request, Hawaii will now participate in the program.

Off-site labor, where justified, may be chargeable to program support, and not just to administrative expenses.

The audit requirements are amended to conform with specific language in OMB Circulars A–102 and A–110. Additionally, the Administration of grants section of the regulations is updated to reflect this change.

DATES: Effective Date: July 1, 1981.

Comment Period: Written comments must be received on or before July 31, 1981. See supplementary information, Section III, for further information.

ADDRESSES: All comments to Carol Snipes, Conservation and Solar Energy, Department of Energy, Mail Stop 6B–025, Room 1F–085, Docket Number CAS–RM–80–512, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Howard Foard, Office of Weatherization Assistance, Department of Energy, 1000 Independence Avenue SW., Room 2H–063, Mail Stop 2H–027, Washington, D.C. 20585, (202) 252–2476.

Catherine Edgerton, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B–144, Mail Stop 6E–067, Washington, D.C. 20585, (202) 252–9513.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. Changes to the Regulation
III. Opportunity for Public Comment
IV. Other Matters

I. Introduction

The Department of Energy ("DOE") is amending the regulations for the program for weatherization assistance for low-income persons ("program" or "weatherization program"), 10 CFR Part 440, under the Energy Conservation in Existing Buildings Act of 1976, as amended ("Act"), 42 U.S.C. 6851 *et seq.*

On February 27, 1980, DOE published an interim final rule, 45 FR 13028 (February 27, 1980), which included a number of major changes to the program including the introduction of tentative allocations of financial assistance, use of low-cost/no-cost measures and specific provision for the use of DOE funds to hire labor or contractors where volunteers and labor funded in accordance with the Comprehensive Employment and Training Act of 1973 ("CETA") are unavailable. The interim final rule also clarified and simplified the procedures for qualifying multi-family rental housing, raised the per dwelling unit expenditure limitation to $1,000 (from $800), with an increase up to $1,600 permitted in certain cases, and allowed for flexible program support and materials expenditures depending upon local program operators' needs.

These changes were made in response to DOE's experience with the program since its inception in 1977, and were designed to provide more flexibility to grantees and local program operators (sub-grantees). Historically, the program has been hampered by production and expenditure rates far below original goals, and these changes were intended to improve the program's ability to respond to the varied needs of over 1,000 local program operators in 49 States, and to help the States achieve increased production levels.

Although the changes were issued as an interim final rule, DOE requested members of the public to comment on the changes. DOE received 63 comments on the interim final rulemaking during and after the 60-day comment period, in addition to the testimony of 34 speakers at the public hearings held on March 21, 1980, in Dallas, Texas, on March 24, 1980, in Seattle, Washington, and on March 27, 1980, in Boston, Massachusetts.

On June 30, 1980, subsequent to the issuance of the interim final rule, the President signed the Energy Security Act, Pub. L. 96–294, 94 Stat. 759, ("ESA") into law. Subtitle E of Title V of ESA amends the authorities of the program by mandating several changes, including the following two nondiscretionary changes:

1. *Limitation on Administrative Expenditures*—Section 571 of the ESA amends Section 415(a) of the Act to provide that a State may not use more than 5 percent of the total State grant for administrative purposes. Because of this change, a State may now pass on more than 5 percent, up to 10 percent, of the total grant to local program operators.

2. *Limitations on Expenditures*—Section 575 increases the individual dwelling unit limit from $100 to $150 for incidental repairs as may be necessary to make the installation of weatherization materials effective.

Because these two changes, as required by the ESA, are nondiscretionary and therefore do not require notice and public comment, DOE today is amending its interim final rule to reflect these changes. In light of the legal requirement to make these amendments, DOE is taking the opportunity to make three additional changes to the regulations which do not require notice and public comment.

II. Changes to the Regulation

Today's issuance is limited to making five changes to the interim final rule, as follows:

1. In accordance with its request, Hawaii will participate in the program.

At the initiation of the program, Hawaii declined to participate, even though it was included within the definition of "State" under the Act. At that time, Hawaii indicated that it had no significant problems that the weatherization assistance program could address. See Proposed Rule, 42 FR 17470, at 17474, April 1, 1977. For that reason the regulations have, until today, included a definition for "Eligible State" which excludes Hawaii.

Hawaii, by a letter from Governor Ariyoshi dated May 28, 1980, has requested to participate in the program. It is felt that weatherization funds can be used to insulate hot water heaters of eligible dwelling units within the State, which account for the single largest portion of residential energy use in Hawaii. In order to now include Hawaii as a participant in the program, the definition for "Eligible State," which previously excluded Hawaii is deleted from § 440.3 of the regulations, as well as the word "eligible" before both "States" and "State" in § 440.10, subparagraphs (b)(1), (2) and (e) of the regulations. Section 440.10(b)(1) is revised to divide the first $5,100,000 appropriated equally among the States, in order to enable the program to continue providing each grantee with a base allocation of $100,000.

2. The individual dwelling unit limit on expenditures for incidental repairs is increased from $100 to $150.

This change is mandated by ESA. It provides no room for DOE's exercise of administrative discretion and may not be revised in response to public comment. Note that the incidental repair

expenditure is not a required expenditure; it just may not exceed $150.

3. A State may provide to subgrantees up to 10 percent of any grant made to the State under the program for administrative purposes, but the State may not itself use more than 5 percent of this amount for such purposes.

This is, again, an amendment mandated by ESA and leaves no room for change in response to public comment. The Act originally provided flexibility in the use of the 10 percent administrative funds, as between grantee and subgrantees. Up to 10 percent of a grant could be used for administrative expenses without regard to whether it was incurred by a grantee or subgrantee. The National Energy Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3206 (Nov. 9, 1978) ("NECPA"), amended the Act to impose the more rigorous requirement that not more than 5 percent of the grants could be used for administrative expenses of the grantee, nor more than 5 percent of a subgrant for the administrative expenses of a subgrantee. In light of extensive adverse public comment to the NECPA amendment, Congress again amended the Act so that a State may again pass on more than 5 percent of a grant to local program operators.

4. "Payments to employ labor," chargeable as a program support expenditure in the interim final rule, are no longer restricted to payments for on-site personnel who will "install weatherization materials." Such expenditure, where justified by the unavailability of adequate numbers of volunteers or CETA workers, may now include ancillary personnel such as inventory clerks. Weatherization coordinators may also now be charged to program support. In the interim rule, payments for such labor categories had been made chargeable to administrative expenses. DOE received a considerable number of comments pointing out that administrative funds were frequently inadequate to cover the cost of off-site laborers, such as coordinators and other off-site labor. Therefore, by this change, such labor expenses now are made chargeable to program support. Costs incurred to hire coordinators and off-site workers since the issuance of the interim final rule will not be disallowed in future audits merely because charged to program support.

5. The audit requirements in § 440.21 are amended to conform to the specific language in OMB Circulars A–102 and A–110. As a result of this change, grantees will now require audits with "reasonable frequency, on a continuing basis, or at scheduled intervals, usually annually but not less frequently than every two years." Technical changes are made to § 440.2, "Administration of Grants," to reflect this change.

III. Opportunity for Public Comment

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the changes set forth in this notice to: Ms. Carol Snipes, Hearings and Dockets, Conservation and Solar Energy, Department of Energy, Mail Stop 6B–025, Room 1F–085, 1000 Independence Avenue SW., Washington, D.C. 20585.

Comments should be identified on the outside of the envelope, and on the documents themselves, with the designation "Weatherization Assistance for Low-Income Persons Regulations" (Docket No. CAS–RM–80–512). Fifteen (15) copies should be submitted. All documents received on or before July 31, 1981, and all other relevant information, will be considered by DOE.

Any person submitting information which that person believes to be confidential and which may be exempt by law from public disclosure should submit one copy, as well as fifteen copies from which the information claimed to be confidential has been deleted. DOE shall make a determination of any such claim. This procedure is set forth in 10 CFR 1004.11 (44 FR 1908, January 8, 1979).

IV. Other Matters

A. Environmental Review

Pursuant to the requirements of the National Environmental Policy Act of 1969 ("NEPA"), 42 U.S.C. 4321 *et seq.*, DOE published a Notice of Availability of an Environmental Assessment (DOE/EA–0085) of the Grants Program for Weatherization Assistance for Low-Income Persons on April 10, 1979, in the **Federal Register** (44 FR 21323). Based on this Environmental Assessment, DOE determined that the program did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA, and that an environmental impact statement was not needed to support the action.

DOE has reviewed the environmental impacts of the program changes promulgated today. It is DOE's judgment that no new or additional environmental impacts are associated with DOE's amendments. The program changes required by the Energy Security Act do not require the addition of any new measures beyond those already contained in the program. It is, accordingly, DOE's determination that the environmental impacts of the changes have been adequately analyzed in the April 1979 assessment, and that these impacts are not significant. Hence, no additional Environmental Assessment or Environmental Impact Statement is required.

B. Procedural Requirements

1. Section 501 of the Department of Energy Organization Act and Section 553 of the Administrative Procedure Act.

DOE has determined that the proposed rulemaking procedures of the Department of Energy Organization Act, Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*, ("DOE Act") and the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, ("APA") should be waived with respect to the four changes to the weatherization regulations in today's issuance which raise no substantial issues and have no substantial impacts. Section 501(c)(1) of the DOE Act provides that when a showing has been made that "no substantial issue of fact or law exists" and that such rulemaking "is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses," such rulemaking can be promulgated in accordance with the APA. Section 553(b) of the APA provides that, except when notice or hearing is required by statute, the APA requirement for a notice of proposed rulemaking does not apply when "the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public comment procedure thereon are impracticable, unnecessary, or contrary to the public interest."

The two changes in today's issuance mandated by the ESA merely track the statute and provide no occasion for the exercise of administrative discretion. DOE feels that it is important to make these changes to the weatherization regulations as soon as possible. The third change, which revises the audit requirement to conform with the language in OMB Circulars A–102 and A–110, and updates the Administration of Grants section of the rule to reflect this change is a technical amendment. The participation of Hawaii in the program is provided for by the enabling legislation, which defined a State eligible for funding to include Hawaii. Clearly, these four changes raise no "substantial issue of fact or law," and have no "substantial impact on the Nation's economy or large numbers of individuals or businesses," in accordance with section 501(c)(1) of the DOE Act. And, further, due to the nondiscretionary nature of these four changes, the notice and comment

procedures of the APA are waived, under section 553(b), as being impracticable and unnecessary.

The fifth change, the use of program funds for off-site labor in appropriate circumstances, is made after receiving substantial public comment and is in the public interest to have in effect without further delay. Moreover, this change raises no substantial issues and has no substantial impact on the economy or individuals and businesses. Finally, although the changes in today's rule will become effective in 30 days, there is opportunity for further written comment, particularly on the fifth change, which the DOE will consider and incorporate in the program rules if justified.

2. Executive Order 12291. Today's issuance was reviewed under Executive Order 12291 (February 17, 1981). DOE has concluded that the rule is not a "major rule" because it will not result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(Energy Conservation in Existing Buildings Act of 1976, as amended, 42 U.S.C. 6851 *et seq.;* Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.)*

In consideration of the foregoing, Part 440 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective July 1, 1981.

Issued in Washington, D.C., May 21, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

10 CFR Part 440 is amended as follows:

§ 440.2 [Amended]

1. a. Section 440.2 is amended by removing paragraph (a)(3); by redesignating paragraphs (a)(4), (a)(5), (a)(6), (a)(7), (a)(8) and (a)(9) as paragraphs (a)(3), (a)(4), (a)(5), (a)(9), (a)(10) and (a)(11) respectively; and by inserting new paragraphs (a)(6), (a)(7) and (a)(8) as follows:

(a) * * *

(6) Office of Management and Budget Circular A–102, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments;

(7) Office of Management and Budget Circular A–110, entitled "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations;"

(8) Office of Management and Budget Circular A–122, entitled "Cost Principles for Nonprofit Organizations;"

* * * * *

b. Section 440.2(b) is amended by removing the reference to § 440.2(a)(3) and in its place inserting § 440.2(a)(6).

§ 440.3 [Amended]

2. Section 440.3 is amended by removing the definition for "Eligible State."

§ 440.10 [Amended]

3. Section 440.10 is amended by removing the terms "eligible States" and "eligible State" in paragraphs (b) (1) and (2), respectively, and removing the term "eligible State" in paragraph (e) and inserting in their place the terms "States" and "State" in paragraphs (b) (1) and (2), respectively, and "State" in paragraph (e). Paragraph (b)(1) is also amended by removing "five million dollars" and inserting in its place "five million one hundred thousand dollars."

§ 440.16 [Amended]

4. Section 440.16 is amended by removing "$100" in paragraph (a)(1)(iii) and in its place inserting "$150;" and by removing paragraph (b), and in its place inserting the following new paragraph (b):

* * * * *

(b) Not more than 10 percent of any grant made to a State may be used by the grantee and subgrantees for administrative purposes in carrying out duties under this part, except that not more than 5 percent may be used by the State for such purposes.

* * * * *

§ 440.17 [Amended]

5. Section 440.17(a)(2) is amended by removing "to install weatherization materials," after "* * * weatherization services."

§ 440.21 [Amended]

6. Section 440.21 is amended by removing paragraph (d) and replacing it with a new paragraph (d), as follows:

* * * * *

(d) Each grantee shall ensure that audits by or on behalf of subgrantees are conducted with reasonable frequency, on a continuing basis, or at scheduled intervals, usually annually, but not less frequently than every two years, in accordance with OMB Circular A–102, Attachment P, and OMB Circular A–110, Attachment F, as applicable.

* * * * *

[FR Doc. 81–16202 Filed 5–29–81; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL RESERVE SYSTEM

12 CFR Part 213

[Reg. M; Docket No. R–0354]

Consumer Leasing; Regulation M; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final Regulation M (Consumer Leasing) that appeared at page 20949 in the **Federal Register** of Tuesday, April 7, 1981 (46 FR 20949). The action is necessary to correct typographical errors and footnote numbering in the document.

FOR FURTHER INFORMATION CONTACT: Steven Zeisel, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452–3867.

The following corrections are made in FR Doc. 81–10351 appearing on 20949 in the issue of April 7, 1981:

1. On page 20952, column 1, first full paragraph, § 213.2(17)(ii) is corrected by changing "unrefundable" to "nonrefundable * * *".

2. On page 20953, column 3, first full paragraph, § 213.5(b) is corrected by changing "schedule or lease terms" to "schedule of lease terms * * *".

3. On page 20954, at the bottom of column 3, footnotes 2 and 3 to Appendix A and corresponding text references are corrected by renumbering them 1 and 2.

4. On page 20955, at the bottom of column 1, footnotes 4 and 5 to Appendix A and corresponding text references are corrected by renumbering them 3 and 4.

5. On page 20956, at the bottom of column 1, footnotes 6, 7, and 8 to Appendix B and corresponding text references are corrected by renumbering them 1, 2, and 3.

6. On page 20956, column 2, first full paragraph, paragraph (b)(3) of Appendix B is corrected by deleting the parenthetical symbol *preceding* "(reasons) * * *".

7. On page 20956, at the bottom of column 2, footnote 9 to Appendix B and corresponding text reference is corrected by renumbering it 4.

8. On page 20956, column 3, second line, paragraph (c)(6) of Appendix B is

corrected by changing "lessess)" to "lessees) * * *".

9. On page 20956, at the bottom of column 3, footnote 10 is corrected by lowercasing the "A" in "Appendix * * *".

10. On page 20956, at the bottom of column 3, footnote 10 to Appendix B and corresponding text reference is corrected by renumbering it 5.

Board of Governors of the Federal Reserve System, May 22, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-16239 Filed 5-29-81; 8:45 am]

BILLING CODE 6210-01-M

---

12 CFR Part 226

[Reg. Z; Docket No. R-0288]

Truth in Lending; Revised Regulation Z; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final, revised Regulation Z (Truth in Lending) that appeared at page 20848 in the **Federal Register** of Tuesday, April 7, 1981 (46 FR 20848). The action is necessary to correct punctuation and typographical errors as well as dropped lines in the document.

FOR FURTHER INFORMATION CONTACT: Ann Marie Bray, Staff Assistant, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3378.

The following corrections are made in FR Doc. 81-10347 appearing on 20848 in the issue of April 7, 1981:

1. On page 20893 at the top of column 3, § 226.2(17)(iii) is corrected by capitalizing the "f" in "(finance * * *".

2. On page 20896, column 1, last paragraph, § 226.7(d) is corrected by adding a reference to footnote 15 following "annual percentage rate" at the end of the first sentence.

3. On page 20896, column 2, sixth paragraph, § 226.7(j) is corrected by changing "protion" to "portion * * *".

4. On page 20896, column 3, last full paragraph, § 226.8(a)(3) is corrected by changing the semi-colon following "statement" to a comma.

5. On page 20896, at the bottom of column 3, § 226.8(b) is corrected by adding "amount of the transaction; and at least" after "identification of the transaction [20]; the" and before the texts of the footnotes.

6. On page 20897, column 1, second full paragraph, § 226.9(a)(2) is corrected by deleting the "ly" following "As an alternative" and inserting in its place "to paragraph (a)(1) of this section, the creditor may mail or deliver, on or with each periodic statement, a statement substantially * * *".

7. On page 20903, column 3, first full paragraph, § 226.18(q) is corrected by adding "of the dwelling from the" after "purchaser" and before "consumer * * *".

8. On page 20906, column 3, last full paragraph, § 226.29(c) is corrected by deleting "to this part" which appears at the end of the paragraph.

9. On page 20907, column 1, first full paragraph, in the *"Supporting Documents"* section of Appendix A, paragraph (3) is corrected by adding "provision of the federal law, including a full discussion of the basis for the" after "A comparison of the state law with the corresponding" and before "requesting party's belief that the state provision is either inconsistent or substantially the same."

10. On page 20908, column 3, 3rd full paragraph, in Part I of Appendix D, paragraph B is corrected by adding "regard" after "If interest is payable on the entire commitment amount without" and before "to the dates or amounts of actual disbursement: * * *".

Board of Governors of the Federal Reserve System, May 22, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-16240 Filed 5-29-81; 8:45 am]

BILLING CODE 6210-01-M

---

12 CFR Part 226

[Reg. Z; Docket No. R-0288]

Truth in Lending; Revised Regulation Z; Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendments.

SUMMARY: The Board is making technical amendments to Appendices H and J of its final rules on Regulation Z (Truth in Lending) published at 46 FR 20848, April 7, 1981.

FOR FURTHER INFORMATION CONTACT: Denise M. Rechter, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3667.

SUPPLEMENTARY INFORMATION: The final rules contained in FR Doc. 81-10347 are amended as follows:

1. On page 20926, the paragraph entitled "How to Cancel" of model form H-8 is amended by removing the "and" that follows "You may use any written statement that is signed and dated by you and states your intention to cancel," and that precedes "or you may use this notice by dating and signing below." * * *"

2. On page 20936, the second sentence of paragraph (7) of Appendix J is amended by changing the word "supplement" to "appendix * * *".

Board of Governors of the Federal Reserve System, May 22, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-16241 Filed 5-29-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 569a

[81-262]

Technical Amendment Relating to Receivership

May 18, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board has adopted a technical amendment to Part 569a of the Rules and Regulations of the Federal Savings and Loan Insurance Corporation. The amendment updates the return to be paid as post-default interest in receiverships established under section 406(c)(2), National Housing Act, as amended (12 U.S.C. 1729(c)(2) (1976)).

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Lawrence W. Hayes (202-377-6428), Associate General Counsel, or Ilsa K. Bush (202-377-6436), Attorney, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: By this Resolution, the Board has adopted an amendment to Part 569a, in the form of new subparagraph (6) to paragraph (a) of 12 CFR § 569a.7. The amendment alters the rate of interest or return to be paid as post-default interest on certain unsecured claims against receiverships established under section 406(c)(2) of the National Housing Act. The substantive determination to pay post-default interest is currently incorporated in Part 569a, but the specified regulatory rate of 5 per centum per annum is outdated. An appropriate return should allow for variations; the amendment therefore ties the return to the investment opportunity of the Federal

Savings and Loan Insurance Corporation.

The Board notes that under the rule adopted today, the post-default interest rate determined for each receivership remains in effect for the duration of that receivership as has historically been the case. However, an interest rate that varies with changed interest costs might be more consistent with recent Board initiatives to foster flexibility in long-term investment commitments. Therefore, the Board has asked its staff for a recommendation within 120 days on the feasibility of a further regulatory amendment to adjust the rate of post-default interest for each receivership periodically during the receivership to reflect subsequent changes in interest rates. The Board also solicits public comment during the next 120 days on the desirability of periodic adjustment of post-default interest rates during a receivership.

The Board finds that observance of the notice and comment period of 12 CFR 508.12 and 5 U.S.C. 553(b) and the 30-day delay of effective date of 12 CFR 508.14 and 5 U.S.C. 553(d) are unnecessary because the amendment pertains to Board procedure and practices (as described in 12 CFR 508.11), and to avoid uncertainty in pending cases it is in the public interest to provide for an immediate effective date.

PART 569a—RECEIVERS FOR INSURED INSTITUTIONS OTHER THAN FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Accordingly, the Federal Home Loan Bank Board hereby amends Part 569a, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

Amend paragraph (a)(6) of § 569a.7, to read as follows:

§ 569a.7 Priority of claims.

(a) * * *

(6) Interest at the Corporation's current investment opportunity rate from the date of default on the outstanding principal amount of all claims that qualify under paragraphs (a)(3), (4), and (5) of this section; and if the surplus is not sufficient to pay such post-default interest in full on all claims specified in this paragraph, the payment of interest shall be made pro rata on all such claims without regard to any priorities as to the payment of principal on said claims. For the purposes of this paragraph, the "Corporation's current investment opportunity rate" shall be the average annualized rate of return on the Corporation's investments made during the calendar quarter in which the Receiver is appointed; and such investments shall include only those made pursuant to section 402(d) of the National Housing Act and shall not include any asset acquired under section 406(f) of the National Housing Act.

* * * * *

(Secs. 402, 406, 48 Stat. 1256, 1259, as amended; 12 U.S.C. 1725, 1729. Reorg. Plan No. 3 of 1947; 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-16303 Filed 5-29-81; 8:45 am]

BILLING CODE 6720-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Insured and Guaranteed Loans; Deregulation

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: In accordance with the established policy goals of clarifying and simplifying its regulations, the National Credit Union Administration Board (NCUA Board) has reviewed its existing regulation concerning the granting of government insured or guaranteed loans. As a result, NCUA will delete this regulation. The action will eliminate a regulation which duplicates provisions of the Federal Credit Union Act, Federal Credit Union Bylaws and other NCUA regulations.

EFFECTIVE DATE: May 29, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456

FOR FURTHER INFORMATION CONTACT: Thomas A. Straslicka, Chief, Supervision Section, Office of Examination and Insurance. Telephone: (202) 357–1065.

SUPPLEMENTARY INFORMATION: Subsection 701.21–5(a) of the NCUA Rules and Regulations is virtually identical to Section 107(5)(A)(iii) of the Federal Credit Union Act. Subsection 701.21–5(b) of the NCUA Rules and Regulations reiterates provisions of Article IX, Sections 6 and 8 of the Federal Credit Union Bylaws and Subsections 701.21–1 (e) and (f) of the NCUA Rules and Regulations. The deletion of Section 701.21–5 reduces redundant instructions on the same subject. The deletion does not diminish or change in any way the Federal credit union's responsibility to comply with the laws and regulations governing the insured or guaranteed loan program. Furthermore, it does not diminish or change in any way the responsibility of the credit committee to protect the interests of the credit union and determine that the borrower's application reflects his/her creditworthiness.

The Statement of Interpretation and Policy

When Federal Credit Unions Can Charge More Than 15 Percent Per Annum on Government Insured or Guaranteed Loans (IRPS 80–10), which was issued on October 23, 1980, provides NCUA's interpretation of the phrases "terms and conditions" and "specified". These phrases are contained in both Section 107(5)(A)(iii) of the Federal Credit Union Act and Section 701.21–5 of the NCUA Rules and Regulations, which is being eliminated by this final rule. Therefore, all references to Section 701.21–5 or Section 701.21–5(a) contained in IRPS 80–10 are to be deleted.

Regulatory Analysis: No regulatory analysis has been developed for this regulatory action because it will not result in (1) an annual effect on the economy of $100 million or more, or (2) a major increase in costs or expenses for all, or a significant portion of Federal or Federally insured credit unions with assets under $1 million or for other financial institutions.

Failure to Solicit Public Comment: The deletion of this regulation removes redundant instructions. Therefore, the Board for good cause, finds that notice and public procedure on this action is unnecessary and thus, exempt by 5 U.S.C. Section 533(6)(B).

Procedure for Regulatory Development: The procedures set forth in NCUA's Final Report: "Improving Government Regulations" have been waived in accordance with the exception provided in Part I of the final report. The official responsible for the decision is *Todd Okun, Assistant General Counsel.*

(12 U.S.C. Section 1757(5)(A)(iii), 1766(a)).

Beatrix D. Fields,

Acting Secretary, NCUA Board.

May 22, 1981.

Accordingly, 12 CFR Part 701 is hereby amended as set forth below.

§ 701.21–5 [Removed]

1. 12 CFR 701.21–5 is removed.

[FR Doc. 81-16304 Filed 5-29-81; 8:45 am]

BILLING CODE 7535-01-M

12 CFR Part 720

Developing Government Regulations; Statement of Policy

AGENCY: National Credit Union Administration (NCUA).

ACTION: Statement of policy.

SUMMARY: This policy statement sets forth NCUA's procedures for developing regulations. These procedures are intended to ensure compliance with the Financial Regulation Simplification Act of 1980 and the Regulatory Flexibility Act of 1980.

EFFECTIVE DATES: June 1, 1981. However, comments are requested and will be evaluated through July 1, 1981.

ADDRESS: Send comments to: Robert S. Monheit, Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 1776 G. St., NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Robert S. Monheit, Senior Attorney or Beatrix D. Fields, Attorney-Advisor, Office of General Counsel at the above address or telephone (202) 357-1030.

SUPPLEMENTARY INFORMATION: This policy statement sets forth NCUA's procedures for developing regulations. The procedures are intended to ensure compliance with the requirements of the "Financial Regulation Simplification Act of 1980", Title VIII of P.L. 96-221, and the "Regulatory Flexibility Act of 1980", P.L. 96-354. The Financial Regulation Simplification Act requires that NCUA (as well as other Federal financial regulatory agencies) ensure that the need for a regulation is clearly established, that alternatives are considered, that compliance costs are minimized, that duplicative regulations are avoided, and that existing regulations are periodically reviewed. The Regulatory Flexibility Act establishes as a principle of rulemaking that, whenever possible, agencies will fit regulatory and informational requirements to the scale of the businesses, organizations and governmental jurisdictions subject to the rule.

In 1979, NCUA published its procedures for developing and improving its regulations within the spirit of the former E.O. 12044. These procedures were set forth in a Final Report: In Response to E.O. 12044, Appendix A to 12 CFR Part 720 ("Final Report"). This policy statement will replace and supercede the Final Report by discussing the basic procedures and statutory requirements for developing regulations. The internal procedures for developing a regulation have been revised and set forth in a specific instruction to agency staff.

In accordance with the Regulatory Flexibility Act's provision defining "small entities", 5 U.S.C. 601, NCUA is seeking comments on a definition of "small credit unions". This policy statement includes an interim standard defining a "small credit union" as one having less than $1 million in assets. We invite comment on this standard and suggestions for other appropriate standards.

By the National Credit Union Administration Board on the 21st day of May, 1981.

Beatrix Fields,

Acting Secretary of the Board.

[IRPS 81-4]

I. Statement of Policy and Coverage

It is the policy of NCUA to ensure that its regulations:

—Impose only minimum required burdens on credit unions, consumers, and the public;

—Are appropriate for the size of financial institutions regulated by NCUA;

—Are issued only after full public participation in the rulemaking process; and

—Are clear and understandable.

The procedures outlined below are designed to achieve these goals. In some cases, the procedures may, however, be inappropriate either because of factors outside of NCUA's control or because following the procedures is determined not to be in the public interest. Therefore, NCUA will not apply the procedures contained in this policy statement in the development of:

1. regulations that are required by statute to be developed on the record after oral hearings before the Administration;

2. regulations that are prepared in response to an emergency or that a statute or a court requires to be developed under a short deadline;

3. regulations where the process would be unnecessary or contrary to the public interest; and

4. matters that relate to the management of NCUA, its personnel, and its procurement of goods and services.

In the event that one of these exemptions is used and the procedures outlined in this policy statement are not followed, NCUA will notify the public and explain the reasons for not following the procedures.

II. Regulatory Development Coordinator

NCUA has designated a Regulatory Development Coordinator in the Office of General Counsel. It is this individual's responsibility to ensure that the development of regulations is accomplished in accordance with applicable laws and this policy statement. Specifically, the Regulatory Development Coordinator is responsible for: (a) coordinating the rulemaking process; (b) reviewing the issues raised by initiation statements and maintaining a record of the development of those issues; (c) preparing and publishing in the **Federal Register** the semi-annual agenda of regulations being developed by NCUA and of existing regulations being reviewed by NUCA; and (d) reviewing proposed and final regulations to ensure compliance with the requirements of the Administrative Procedures Act, the Regulatory Flexibility Act, the Financial Regulation Simplification Act, and the requirements of this policy statement.

III. Procedures For the Development of Regulations

1. *Proposed Rule.* The NCUA Board will designate an Office as the Office of Primary Interest (OPI) to oversee the development of a particular regulation. The OPI will prepare a draft of the proposed rule and an accompanying memorandum for submission to the Board, unless the Board finds that consideration of the memorandum is impracticable. The accompanying memorandum will include:

a. A description of the problem to be addressed by a regulation;

b. An assessment of the need for a regulation and a statement of the purpose and legal basis of a regulation;

c. Meaningful alternative approaches that can be developed to address the problem, and which approach, if developed into a final rule, may have a significant economic impact on small entities;

d. A statement, if applicable, of the reasons for concluding that the proposed rule will not have a significant economic impact on a substantial number of small entities;

e. An identification of other Federal regulations that may conflict with, be duplicated by, or be made inconsistent, as a result of adopting any of the alternatives;

f. Plans for obtaining public participation and for consulting with other regulatory agencies;

g. Anticipated target dates; and

h. Recommendations for further action.

The preamble to the proposed rule will include:

a. A description of the need, purpose, and legal basis for the proposed rule;

b. The name of a knowledgeable official who can be contacted for further information on the proposed rule;

c. A request for comments for a period of 60 days from publication (or shorter if accompanied by a statement explaining the reasons for a shorter comment period); and

d. Either a summary of the initial regulatory flexibility analysis and a statement describing how a copy can be obtained, or a certification by the NCUA Board that the proposed rule will not have a significant economic impact on a substantial number of small entities, accompanied by an explanation of the reasons for the certification.

The proposed rule will be circulated for comment within the agency and then presented to the NCUA Board for approval. The proposed rule will then be published in the **Federal Register** and other appropriate publications. Comments received by NCUA on the proposed rule will be publicly available in the Office of General Counsel.

2. *Initial Regulatory Flexibility Analysis.* Prior to publishing a proposed rule subject to the general notice requirements of 5 U.S.C. 553, NCUA will prepare an initial regulatory flexibility analysis if the proposed rule will have a significant economic impact on a substantial number of small entities. Credit unions having less than $1 million in assets will be considered to be small entities. The initial regulatory flexibility analysis may be combined with the memorandum accompanying the proposed rule, which addresses issues that the Simplification Act requires to be considered (see: Part III, section 1, above). This analysis will describe the impact of the proposed rule on small entities. A summary of the analysis will be published in the **Federal Register** as part of the preamble to the proposed rule. A copy of the analysis shall be transmitted to the Chief Counsel for Advocacy of the Small Business Administration.

Each initial regulatory flexibility analysis shall contain:

a. A description of the reasons why action by the agency is being considered;

b. A succinct statement of the objectives of, and legal basis for, the proposed rule;

c. A description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply;

d. A description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report of record;

e. An identification, to the extent practicable, of all relevant Federal rules which may duplicate overlap or conflict with the proposed rule; and

f. A description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities, including, when possible, considertion of: (i) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (ii) the clarification, consolidation, or simlification of compliance and reporting requirements under the rule for such small entities; (iii) the use of performance rather than design standards; or (iv) an exemption from coverage under the rule, or any part thereof, for such small entities.

In describing effects and alternatives, a quantifiable or numerical description may be used, or if not practicable or reliable, more general descriptive statements may be used. This analysis may be prepared in conjunction with or as part of any other analysis. Any series of closely related rules may be considered as one rule for purposes of preparing the initial regulatory flexibility analysis.

The initial regulatory flexibility analysis need not be prepared for any proposed rule if the Board certifies that the rule will not, if adopted, have a significant economic impact on a substantial number of small entities. The certification shall be published in the **Federal Register** at the time the proposed or final rule is published along with a succinct statement explaining the reasons for the certification. A copy of the certification and statement shall be forwarded to the Chief Counsel for Adovcacy of the Small business Administration.

The Board may waive or delay the completion of some or all of the requirments of the initial regulatory flexibility analysis by publishing in the **Federal Register**, no later than publication of the final rule, written findings and reasons for the delay provided that the final rule is promulgated in response to an emergency that makes compliance or timely compliance impracticable.

3. *Compliance With the Paperwork Reduction Act.* If a proposed regulation contains a recordkeeping or reporting requirement that, if adopted, will be imposed upon 10 or more credit unions or persons, then a copy of the proposed rule will be sent to the Office of Management and Budget (OMB) prior to publication. OMB will then have 60 days after publication to comment on the recordkeeping or reporting requirement, and may request additional information from NCUA. If OMB does comment, NCUA will respond to those comments in the preamble to the final rule. If OMB thereafter disapproves the reporting or recordkeeping requirement, the NCUA Board can override this by a majority vote. NCUA may ask for an expedited clearance if the normal review period may cause public harm or if it will disrupt the collection of information related to an unanticipated event or if it will result in missing a statutory deadline.

4. *Final Regulatory Flexibility Analysis.* A final regulatory flexibility analysis is prepared for all rules that required the publication of a general notice of proposed rulemaking and that will have a significant economic impact on a substantial number of small entities. This analysis may be included in the Final Review Memorandum (see Part II, section 5, below).

Each final regulatory flexibility analysis shall contain:

a. A succinct statement of the need for, and the objectives of, the rule;

b. A summary of the issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment by the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; and

c. A description of each of the significant alternatives to the rule which were considered by the agency, and a statement of the reasons why each one of such alternatives was rejected.

In describing effects and alternatives, a quantifiable or numerical description may be used, or if not practicable or reliable, more general descriptive statements may be used. Any series of closely related rules may be considered as one rule for purposes of preparing the final regulatory flexibility analysis.

The final regulatory flexibility analysis need not be prepared for any final rule if a proposed rule was not required by 5 U.S.C. § 553 or if the Board certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The certification shall be published in the preamble to the final rule along with a succinct statement explaining the reasons for the certification. A copy of

the certification and statement shall be forwarded to the Chief Counsel for Advocacy of the Small Business Administration.

The Board may not waive the completion of any of the requirements of the final regulatory flexibility analysis but the Board may delay the completion of the requirements for not more than 180 days after publishing the final rule. The Board must publish in the **Federal Register**, no later than publication of the final rule, a written finding and reasons for the delay and indicate that the final rule is being promulgated in response to an emergency that makes timely compliance with the requirments of the final regulatory flexibility analysis impracticable. If the final regulatory flexibility analysis is not prepared within 180 days of publishing the final rule, the rule lapses and has no effect, and it may not be repromulgated until the analysis has been completed.

NCUA will make copies of the analysis available to members of the public and will describe in the **Federal Register**, at the time the final rule is published, how copies can be obtained.

5. *Final Review Memorandum.* Following the comment period and after public participation procedures have been completed, all information received is reviewed. Along with the NCUA Board's review of the draft final regulation, the NCUA Board evaluates the final review memorandum which indicates that the following policy issues have been considered with regard to developing the final regulation:

a. The need for and purpose of the regulation is established clearly;

b. Meaningful alternatives to the promulgation of the regulation were considered;

c. Compliance costs, paperwork, and other burdens on federal credit unions, consumers, and the public are minimized;

d. Conflicts, duplication and inconsistencies between the regulations issued by the Federal financial regulatory agencies have been avoided to the extent possible taking into account differences in statutory responsibilities, the classes of regulation and methods of implementation or policy objectives;

e. Timely participation and comment by other Federal agencies, appropriate State and local agencies, financial institutions, and consumers was available; and

f. The regulation appeared to be as clearly written as possible and understandable by those subject to the regulation.

Support for establishing that these issues have been considered may be set forth in the final memorandum or in the preamble to the final regulation or as part of a final regulatory flexibility analysis.

7. *Final Rule.* The Office of Primary Interest will prepare a draft final rule to be circulated within NCUA for comments. The preamble of final rule will contain:

a. A statement of the need, purpose, and legal basis for the rule;

b. The name of a knowledgeable official who can be contacted for further information on the final rule;

c. A summary of the significant comments received in the proposed rule;

d. A description of how a copy of the final regulatory flexibility analysis (if any) can be obtained; and

e. A statement responding to comments submitted by OMB on the recordkeeping or reporting requirements (if any).

The final rule will be presented to the NCUA Board for approval. It will then be published in the **Federal Register** and other appropriate publications.

IV. Review of Existing Regulations

NCUA shall periodically update, clarify and simplify existing regulations and eliminate redundant and unnecessary provisions. The regulations under review are listed in the semi-annual regulatory agenda (see Part VI). After the initial review, regulations will be reviewed for need, clarity, and efficiency at least once every ten years.

V. Opportunity for Public Participation

This part describes the methods provided by NCUA for the public to participate in the development of its regulations.

1. *Initiating a regulation.* A member of the public may recommend that NCUA develop a regulation or revise an existing regulation. The recommendation should be submitted, in writing, and should contain a statement of the issues, the opinion and recommendations of the person submitting the statement, any data that is relevant to the issues, an indication of the support of others for the recommendations, and a description of the interest that the person has in the action requested.

2. *Public participation in rulemaking.* A number of methods will be used by NCUA to encourage public participation in the development and review of regulations. The methods used will depend upon the stage of the proceedings, the issues involved, the amount of expressed interest, and the public sector affected by the regulation.

a. *The Semi-Annual Regulatory Agenda.* The agenda, which is described in detail in Part VI, will advise the public on the status of regulations being developed, will give target dates for the review of existing regulations, will identify regulations that may have significant economic impact on small entities, and will provide the name of an NCUA official to contact for further information. The Agenda can be used by the public to track the development of regulations and to identify opportunities to participate in the rulemaking process.

b. *Advance notice of proposed rulemaking.* This notice, when the Board determines it is appropriate, will be published in the **Federal Register** and will set forth the problems identified by NCUA that may give rise to a regulation. The Advance Notice will briefly described some of the options being considered and the restrictions that the law imposes, and will ask the public to send written comments to an NCUA official named in the notice. This will permit public participation before a proposed rule is drafted.

Questionnaires. When it is determined that there is not sufficient data to proceed with the development of a regulation, NCUA will (in accordance with the requirements of the Paperwork Reduction Act of 1980) send out questionnaires to parties likely to be affected by the regulation. The information obtained from the questionnaires should enable NCUA to decide whether there is a need for a regulation and the most efficient and effective means for dealing with the subject of the regulation.

d. *Articles.* NCUA will publish articles in its own publications, and will, on occasion, contribute articles to interested trade publications. These articles will discuss regulations being developed and will include the name of an NCUA official to whom comments can be sent. Also, NCUA will publish copies of proposed and final regulations.

e. *Copies of proposed regulations.* Members of the public can regularly receive copies of proposed regulations by being included on NCUA's regulation mailing list. To be included on the mailing list, persons should write to the Office of Administration, National Credit Union Administration, Washington, D.C. 20456. In this way, persons who have expressed an interest in the development of a regulation, but who do not have regular access to the **Federal Register**, will be assured of receiving a copy of a proposed regulation with sufficient time to comment prior to the close of the comment period.

f. *Public comment.* NCUA will continue to solicit public comment on

proposed regulations as required by the Administrative Procedures Act, 5 U.S.C. Section 553. As a matter of policy, NCUA believes that the public should be given at least 60 days (from the date of publication in the **Federal Register**) to comment on a proposed regulation. If the comment period is less than 60 days, or is extended beyond 60 days, NCUA will publish a statement in the **Federal Register** (usually along with the publication of the proposed regulation) explaining the reasons for the change. NCUA will consider, during the comment period, any request to extend the comment period.

g. *Public hearings or conferences.* If NCUA determines that the written comments that it has received do not provide sufficient information or do not adequately represent significantly varying public interests, public hearings or conferences will be held. Depending upon the nature of the issues involved and the interest expressed in the written comments received, these public meetings will vary from informal conferences between NCUA officials and interested members of the public at which the issues are discussed, to hearings at which oral testimony is recorded and written testimony may be submitted. NCUA will also consider, where appropriate, holding hearings or conferences at each NCUA Regional Office around the country as well as at the Central Office in Washington, D.C. Further, NCUA will consider funding appropriate groups and individual credit union members when appropriate to attend the hearings held in Washington. Eligible applicants must represent a significant viewpoint that would not otherwise be adequately represented and must not have available resources to attend.

h. *Procedures for consulting State and local government officials.* When it appears that a regulation under development will have significant impact on relations between NCUA and State or local governments, NCUA will send to the appropriate government official an advance notice of the development of a regulation or an advance copy of the proposed regulation being developed. This will ensure that affected State and local governments have an opportunity to submit their views.

i. *Participation by small entities.* When a rule, if promulgated, will have a significant economic impact on a substantial number of small entities, NCUA will make additional efforts to ensure that small entities will participate in the rulemaking process. When appropriate, NCUA will: (1) if an advance notice of proposed rulemaking is issued, identify those alternatives that may have significant economic effect on a substantial number of small entities; (2) publish proposed rules in publications likely to be obtained by small entities; (3) send notices directly to interested small entities; or (4) conduct open conferences or public hearings on proposed rules having significant economic impacts on a substantial number of small entities.

VI. Semi-Annual Regulatory Agenda

In April and October, NCUA will publish in the **Federal Register** an agenda listing the regulations being considered and/or developed by NCUA and also listing those existing regulations undergoing periodic review. However, NCUA is not precluded from considering or acting on any matter not included in the agenda and is not required to consider or act on any matter listed in the agenda. The agenda will, for each regulation listed in it, contain the following information:

a. The need for objectives of the regulation and the legal basis for issuing it;

b. A brief indication, where applicable, of whether the regulation will have have an economic impact on a substantial number of small entities;

c. The status of the regulation at the time the agenda is published, the approximate schedule for completing action on a proposed rule that has been issued, and the target date for the review of an existing regulation; and

d. The name and telephone number of an NCUA official who is familiar with the regulation.

Each agenda shall be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any. Further, NCUA will provide notice of the agenda to small credit unions through direct notification or through publications likely to be obtained by small credit unions. Comments on each regulation discussed in the agenda are invited.

[FR Doc. 81-16301 Filed 5-29-81; 8:45 am]
BILLING CODE 7535-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Minority Small Business and Capital Ownership Development Assistance

AGENCY: Small Business Administration.

ACTION: Interim rule.

SUMMARY: Pub. L. 96-481 (October 21, 1980) requires SBA to negotiate with every Section 8(a) concern a fixed period of time ("Fixed Program Participation Term") for the concern to remain in the Minority Small Business and Capital Ownership Development Program. Among the other provisions of that statute is the prohibition against the award of Section 8(a) contracts after June 1, 1981, to any concern which does not have an SBA approved Fixed Program Participation Term. In order to implement this statute, SBA has published elsewhere in this **Federal Register** a Notice of Proposed Rulemaking (proposed 13 CFR § 124.1-1(f)). As can be seen, the effective date of these proposed regulations, when adopted in final form, will be after June 1, 1981, the date after which the statute prohibits the award of Section 8(a) contracts to a concern which does not have an SBA approved Fixed Program Participation Term. Accordingly, in order to avoid disruption in the operations of Section 8(a) concerns if the limitations of the June 1, 1981, date are imposed, this interim regulation authorizes termporary Fixed Program Participation Terms for concerns beginning June 1, 1981.

DATES: This interim rule is effective June 1, 1981. This regulation and any Fixed Program Participation Terms authorized hereunder will expire on November 30, 1981.

FOR FURTHER INFORMATION CONTACT: Charlie L. Dean, Chief Counsel for Special Programs, tel. 202/653-6699.

SUPPLEMENTARY INFORMATION: This interim rule is effective upon publication due to the noted exigency of the situation. This regulation and any fixed Program Participation Terms authorized hereunder will expire on November 30, 1981. Before that date, it is anticipated that the permanent Fixed Program Participation Term regulations, referenced above, will have been adopted in final form and that regular Fixed Program Participation Terms will be negotiated pursuant thereto.

For the purpose of Executive Order 12291, effective February 17, 1981, SBA hereby determines that this rule would not constitute a major rule. In addition, it is hereby certified that, for the purposes of the applicability of the requirements of sections 603 and 604 of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, 5 U.S.C. 603 and 604), this rule will not have a significant economic impact on a substantial number of small entities. This rule governs only those firms which have been or will be admitted to participate in SBA's Section 8(a) program. This number is not substantial

relative to all small business firms in the United States.

Dated: May 27, 1981.

Michael Cardenas,

Administrator.

Therefore, pursuant to the authority of section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), the Small Business Administration hereby amends Part 124 of its regulations (13 CFR Part 124) by adding a new § 124.1–1(g) to read as follows:

§ 124.1–1 The section 8(a) program.

* * * * *

(g) *Fixed Program Participation Term.* (1) In addition to Program Completion and Program Termination, set forth in subsections (d) and (e) of this section, every program participant shall be subject to a Fixed Program Participation Term. A Fixed Program Participation Term will establish the ultimate time period during which a concern may remain in the program and the conditions thereof, regardless of whether competiveness is reached or Program Completion action is effected.

(2) The purpose of this interim rule is to provide for temporary Fixed Program Participation Terms pending adoption of permanent Small Business Administration regulations (proposed 13 CFR 124.1–1(f)) setting forth the detailed policies and procedures for establishing regular Fixed Program Participation Terms. A temporary Fixed Program Participation Term, authorized pursuant to this rule, shall not extend beyond November 30, 1981.

(3) This Fixed Program Participation Term shall be negotiated between SBA and each small concern which is a participant or has applied for participation in the program.

(4) The provisions of the Fixed Program Participation Term, including the time limitations therefor, shall be set forth in the SBA approved business plan of the program participant.

(5) No contracts pursuant to 8(a) of the Small Business Act shall be awarded to any concern unless it has received and is operating under an SBA approved Fixed Program Participation Term.

(6) Nothing in this subsection (g) shall be construed to limit SBA from initiating Termination actions, pursuant to subsection (e) above, or Completion actions, pursuant to subsection (d) above, during any Fixed Program Participation Term granted herein.

(7) At the end of the temporary Fixed Program Participation Term authorized herein, a concern will cease to be a program participant unless it has received a Fixed Program Participation Term under the applicable permanent regulations (proposed 13 CFR 124.1–1(f)). This cessation of program participation shall occur without the necessity of any additional action by SBA; also it shall not give rise to any rights, claims or prerogatives on behalf of the concern. Cessation of program participation at the conclusion of a Fixed Program Participation Term shall not be subject to the hearings or other requirements of section 8(a)(9) of the Small Business Act (15 U.S.C. 637(a)(9)) or any implementing rules or regulations.

(8) This regulation and any temporary Fixed Program Participation Terms in effect thereunder shall expire on November 30, 1981.

[FR Doc. 81-16382 Filed 5-29-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-3, Amdt. 39-4118]

Bell Helicopter Textron Model 206L-1 Helicopter; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) which required the fuel filter on Bell Helicopter Textron (BHT) Model 206L–1 helicopters to be moved from its present position behind the engine turbine module to a location on the forward firewall and the relocation of an oil line. The AD is amended to include replacement of the freewheeling oil hose assembly on helicopters equipped with the BHT IFR Kit. This will reduce the possibility of fires in the event of turbine disintegration.

DATES: Effective June 1, 1981. Compliance is required within the next 50 hours' time in service after the effective date of this AD.

ADDRESS: The Alert Service Bulletins specified in this AD may be obtained from Bell Helicopter Textron, Product Support Department, P.O. Box 482, Fort Worth, Texas 76101.

A copy of each service bulletin is contained in the Rules Docket, Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: R. H. A. West, Propulsion Section, ASW–214, Engineering and Manufacturing Branch, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624–4911, extension 525.

SUPPLEMENTARY INFORMATION: This notice amends Amendment 39–4063, 46 FR 16884, AD 81–06–05, which required relocation of a fuel filter and associated hoses and on non-IFR equipped helicopters, the replacement of an oil hose.

After issuing Amendment 39–4063, 46 FR 16884, AD 81–06–05, installation data and hoses became available for replacement of the freewheeling aft oil hose assembly with a shorter hose on IFR equipped helicopters. Therefore, the FAA is amending Amendment 39–4063.

There have been failures and subsequent disintegration of the turbine wheel on the Detroit Diesel Allison Model 250–C28B engine used on the BHT Model 206L–1 helicopter. In two cases, fragments from the disintegrating turbine wheels penetrated flammable fluid carrying hoses near the engine and serious fires resulted. Since this condition is likely to exist or develop on other helicopters of the same type design, this amended airworthiness directive is being issued to require the relocation of components containing flammable fluids so that they do not cross the turbine wheel plane of rotation. The components affected are the fuel filter with its associated fuel lines and the oil line to the freewheeling assembly.

Since a situation exists which requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–4063, 46 FR 16884, AD 81–06–05 by revising it to read as follows:

Bell: Applies to Model 206L–1 helicopters.

Paragraph (a) applies to S/N 45154 through 45448.

Paragraph (b) applies to helicopters equipped with the BHT IFR Kit.

Compliance is required within the next 50 hours' time in service after the effective date of the AD unless already accomplished.

To prevent fires due to fuel/oil lines severed by a disintegrating turbine wheel, accomplish the following:

(a) Per the instructions in BHT Alert Service Bulletin No. 206L–80–13, "Modification of Engine Fuel Filter, Associated Fuel Hoses and Freewheeling Oil

Hoses," dated February 17, 1980, perform the following modifications:

(1) On all affected rotorcraft, relocate the fuel filter from its present position to the specified location on the forward firewall.

(2) Replace the aft freewheeling oil hose on all affected rotorcraft except rotorcraft equipped with the BHT IFR Kit.

(3) As applicable, replace bleed air tubes to avoid an interference at the new filter location.

(b) Per the instructions in BHT Alert Service Bulletin No. 206L–81–19, "Replacement of Freewheeling Aft Oil Vent Hose Assembly, P/N 124F001ABB03 11SS," dated February 24, 1981, replace the aft freewheeling oil hose on all affected rotorcraft equipped with BHT IFR Kit.

(c) Any alternate method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Bell Helicopter Textron, Product Support Department, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, and at the FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at their headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective June 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note.—The FAA has determined that this involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since the amendment adds only those helicopters which have been equipped with the BHT IFR Kit. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Tex., on May 13, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81–16195 Filed 5–29–81; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 80–GL–7–AD, Admt. 39–4123]

Detroit Diesel Allision Model 250–B17 and 250–C20 Series Engines; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) which requires replacement of certain third stage turbine wheels manufactured by Detroit Diesel Allison and applicable to the Models 250–B17 and 250–C20 series engines. The wheels are subject to a subsequent blade separation after a hot start. Several failures have resulted in a loss of engine power. Additional turbine wheels that are subject to failure are included in this amendment.

DATE: Effective June 3, 1981. Compliance schedule—As prescribed in body of the AD.

ADDRESSES: The applicable engine service documents may be obtained from Detroit Diesel Allision, Division of General Motors Corporation, Indianapolis, Indiana 46206.

A copy of the service information referenced in this AD is contained in the Rules Docket, Room 415, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinios 60018; and at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. Royace Prather, Engineering and Manufacturing Branch, AGL–214, Flight Standards Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois, 60018, telephone number (312) 694–7132.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–3585 44 FR 58683, AD 79–21–01, which currently requires removal of turbine wheels from service after a hot start on Detroit Diesel Allison Model 250–B17 and 250–C20 series engines. After issuing Amendment 39–3585, additional blade separation and subsequent investigations have resulted in a determination to require that additional part number turbine wheels must be included. Therefore, the FAA is amending Amendment 39–3585 to include additional part number turbine wheels on Detroit Diesel Allision Model 250–B17 and 250–C20 series engines.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 3913 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–3585 44 FR 58683, AD 79–21–01, by revising it to read:

79–21–01 R1 Detroit Diesel Allison: Amendment 39–3585 as amended by Amendment 39–4123. Applies to 250–B17, 250–B17B, 250–C20, 250–C20B, and 250–C20C (MIL. T63–A–720) engines equipped with third stage trubine wheel Part Numbers 6898551, 6898567, 6898733, 6898743, 6898753, 6898763, 6899406, 6899415, 6899416 6899417, 6899418, 6899419, 6896863, 6898823 and 6899364 installed in aircraft certificated in all categories.

Compliance required as follows unless previously accomplished:

(a) For engines that have previously experienced a hot start beyond the established limits, compliance must be accomplished prior to further flight.

(b) For engines that experience a hot start beyond the established limits after the effective date of this AD, compliance must be accomplished prior to further flight, except that the aircraft may be flown in accordance with FAR 21.197 to a base where the removal can be performed.

To preclude possible engine power loss resulting from third stage turbine wheel blade separation, remove the turbine wheels from service if the following temperature-time limits are exceeded and install an FAA Approved part number turbine wheel.

Temperature range	Time limit
810°–927°C (1490°–1700°F)	10 seconds maximum
Over 927°C (1700°F)	0 seconds.

The turbine wheels may not be reworked and reinstalled after a hot start.

Note.—Time at temperature limits is not additive and may be repeated without restriction.

(Detroit Diesel Allision Commercial Service Letter 1051, Rev. 3, for the 250–B17 series engines and Commerial Service Letter 1084, Rev. 3, for the 250–C20 series engines also pertain to this subject)

This amendment becomes effective June 3, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421,

1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation prepared for this document is contained in the public docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact." It has been detemined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant economic impact on a substantial number of small entities.

This rule is final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Ill., on May 19, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-16193 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-SO-6]

Designation of Control Zone and Alteration of Transition Area, Jupiter, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates the Jupiter, Florida, Control Zone and lowers the base of controlled airspace in the vicinity of the William P. Gwinn Airport, formerly United Technologies Airport, from 700 feet AGL to the surface. The description of Jupiter, Florida, Transition Area is altered by changing the airport name and correcting the airport geographic location.

EFFECTIVE DATE: 0901 GMT, August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Monday, March 16, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Jupiter, Florida, Control Zone and alter the Jupiter, Florida, Transition Area. The existing nonfederal airport traffic control tower on the private use William P. Gwinn Airport, formerly United Technologies Airport, meets the requirements for establishment of a part-time control zone with regular hours of operation. In order to provide the maximum level of safety, designated airspace protection to the surface is required to contain Instrument Flight Rule (IFR) operations near the airport.

It is necessary to alter the description of the Jupiter, Florida, Transition Area to reflect the airport name change and correct the airport geographic location (46 FR 16900). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The Palm Beach County Department of Airports registered their concern with regard to IFR operations regarding a proposed airport site and the possible interaction that may occur between the two airports. In considering the effect that airspace action would have on neighboring airports, the FAA can only consider plans on file. At the present time, the airport site of concern to Palm Beach County is one of several proposed sites. A site selection has not yet been made. Until such time as a selection is made and an Airport Layout Plan established, the requirements for future IFR operations cannot be identified.

No other comments or objections were received.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Jupiter, Florida, Control Zone and alters the Jupiter, Florida, Transition Area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart F, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (46 FR 455) is further amended, effective 0901 GMT, August 6, 1981, as follows:

Jupiter, Florida

Within a 5-mile radius of William P. Gwinn Airport (lat. 26°54'29"N., long. 80°19'45"W.); within 3 miles each side of the 287° bearing from the United RBN (lat. 26°54'32"N., long. 80°19'59"W.), extending from the 5-mile radius zone to 8.5 miles west of the RBN; excluding the area within a 1.5-mile radius of Citrus Ridge Airport (lat. 26°50'14"N., long. 80°17'10"W.). This control zone is effective from 0700 to 1900 hours, local time, daily.

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, August 6, 1981, as follows:

Jupiter, Florida

"* * * United Technologies Airport (lat. 26°54'28"N., long. 80°19'38"W.) * * *" is deleted and "* * * William P. Gwinn Airport (lat. 26°54'29"N., long. 80°19'45"W.) * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on May 20, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-16169 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-NE-27]

Amend the Description of the Martha's Vineyard, Massachusetts Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The present description of the Martha's Vineyard Airport Control Zone is described with reference to the Edgartown Non-directional Radio Beacon (NDB) which has been decommissioned. Therefore, the description of the control zone is being revised to delete reference to the NDB.

EFFECTIVE DATE: June 2, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: On August 21, 1980, on page 55760 of the **Federal Register** (45 FR 55760), a Notice of Proposed Rulemaking was published stating that the Federal Aviation Administration proposed to amend the control zone at Martha's Vineyard Airport, Martha's Vineyard, Massachusetts. Interested persons were invited to participate in this rulemaking process by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received.

The Rule

The FAA is amending subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the description of the Martha's Vineyard Airport Control Zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR of Part 71). Amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR of Part 71), by amending the description of the Martha's Vineyard, Massachusetts Control Zone to read as follows:

Within a 5-mile radius of Martha's Vineyard Airport (latitude 41°23'35"N, longitude 70°36'50"W); within 4.5 miles each side of the Martha's Vineyard VOR 055° radial extending from the 5-mile radius zone to 8.5 miles NE of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Sections 307(a) and 313(c) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a) and 1354(c); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69).

Note.—The FAA has determined that this document involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Massachusetts on May 21, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-16168 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 80-AEA-78]

Alteration of Airway V-213

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a low altitude airway between Robbinsville, N.J., and Solberg, N.J., VORTACs. This airway doglegs in alignment with a maximum authorized altitude (MAA) of 8,000 feet that is required to avoid delegated airspace. The traffic that now operates on this route is essentially tower en route between Atlantic City, Newark, and other satellite airports and by designating it as an airway reduces verbiage in spelling out this route, thereby, reducing the chance of a misunderstanding.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

History

On March 16, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend Federal Airway V-213 to Sparta, N.J. VORTAC (46 FR 16899). This route, presently undefined on the charts, is used for traffic that operates in tower controlled airspace between Atlantic City, Newark, and other satellite airports. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) extends Federal Airway V-213 to Sparta, N.J. VORTAC via the intersection of Robbinsville 025° and Solberg, N.J., 145° magnetic radials; Solberg; direct to Sparta. This route, presently undefined on the charts, is used for traffic that operates in tower controlled airspace between Atlantic City, Newark, and other satellite airports. This action also establishes that a MAA between Robbinsville and Sparta be designated at 8,000 feet. The dogleg alignment of the extension, along with the MAA, is established to avoid delegated airspace. This action will reduce verbiage in defining the route and will help the pilots in planning their routes through the impacted area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished and amended (46 FR 409 and 45 FR 71773) is further amended, effective 0901 GMT, August 6, 1981, by deleting under V-123 the period after "Robbinsville" and adding the words "; INT Robbinsville 015° and Solberg, N.J., 135° radials; Solberg; to Sparta, N.J. The airspace above 8,000 feet MSL between Robbinsville and Sparta is exluded."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on May 22, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-16163 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 80-ARM-21]

Correction to Previously Established Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects the Powell, Wyoming, 700' and 1,200' transition areas. This action is necessary as a result of an error in the 1,200' transition area description as published in the final rule for Airspace Docket Number 80-ARM-21.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 340-5494.

SUPPLEMENTARY INFORMATION:

History

On Monday, January 12, 1981, the Federal Aviation Administration (FAA) published for comment (46 FR 2630) a proposal to establish a 700' and 1,200' transition area at Powell, Wyoming. The only comments received as a result of the circular expressed no objections. On Thursday, April 30, 1981, the FAA published the final rule (46 FR 24170) which established the transition area; however, there was an error in the 1,200' transition area text.

Drafting Information

The principal authors of this document are David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective upon publication, as follows:

In the Powell Wyoming transition area text in line 13 delete, "latitude 44°11'00" N.," and substitute, "latitude 44°16'00" N.;" in line 22, delete "west side of V-465." and substitute, "east side of V-465."

(Sec. 307(a) Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colorado, on May 18, 1981.

F. L. Cunningham,

Acting Director.

[FR Doc. 81-16165 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Parts 71 and 73

[Airspace Docket No. 81-AAL-6]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points and Special Use Airspace; Amendment to Restricted Area R-2202 A and B, Big Delta, Alaska

Correction

In FR Doc. 81-15138 appearing on page 27632 in the issue of Thursday, May 21, 1981; on page 27633, second column, fifteenth line from the bottom should have read:

"Boundaries. Beginning at Lat. 64°14'45" N.,"

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 460

Trade Regulation Rule; Labeling and Advertising of Home Insulation

AGENCY: Federal Trade Commission.

ACTION: Extension of time in which to comment on tentative partial exemption.

SUMMARY: On March 24, 1981, the Federal Trade Commission announced that it had tentatively decided to grant an exemption to manufacturers of certain types of cellulose insulation from the requirement in § 460.5(a)(2) of its Trade Regulation Rule on labeling and advertising of home insulation [46 FR 18307]. Section 460.5(a)(2) requires that tests to determine the R-value of cellulose insulation be conducted at settled density, as determined by a specific test procedure. The partial exemption would be conditioned upon the use of a specific alternative procedure to determine settled density. The Commission has extended the time period during which it will accept written comments on the proposed exemption until June 22, 1981.

DATES: Written comments regarding the Commission's tentative decision to grant the conditional exemption will be accepted until June 22, 1981.

ADDRESSES: Written comments should be addressed to the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580. All comments should be captioned: "Comment on Proposed Partial Exemption for Cellulose Manufacturers—Home Insulation Rule, FTC File No. 215-59."

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, 202-724-1514, Attorney, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: In response to a petition filed by two (2) cellulose manufacturers, the Federal Trade Commission tentatively decided to grant an exemption to manufacturers of certain types of cellulose insulation from the requirement in § 460.5(a)(2) of its home insulation Trade Regulation Rule [46 FR 18307]. Section 460.5(a)(2) requires that tests to determine the R-value of cellulose insulation be conducted at settled density, as determined by the General Services Administration's (GSA) Federal Specification HH-I-515D (June 15, 1978). The partial exemption would be conditioned upon the use of an alternative procedure to determine settled density which is incorporated as Method B, Specification 51-GP-60M (April, 1979) of the Canadian Government Specifications Board (CGSB).[1] The Canadian specification permits the calculation of settled density by adjusting a blown density result by a factor of 1.27.

In making its tentative decision to grant the exemption, the Commission considered research data collected by the National Research Council of Canada (NRCC) in developing the procedure incorporated as Method B in CGSB Specification 51-GP-60M.[2] The Commission found that the Canadian research data, and the action of the Canadian government in incorporating the factor procedure into its specification, presented a strong *prima facie* case for the accuracy of the factor procedure.[3] Therefore, the Commission also issued a temporary partial stay of the requirement that those cellulose manufacturers use the settled density test procedure which was required by GSA Specification HH-I-515D (June 15, 1978), pending a final Commission decision on the exemption petition. The stay is conditioned on the use of Method B in CGSB Specification 51-GP-60M.[4]

The Commission solicited written public comments during a thirty (30) day period, until April 23, 1981, on the

---

[1] A copy of CGSB Specification 51-GP-60M is available for public inspection as document number X-16 in FTC File No. 215-59.

[2] 46 FR 18307, 18308 (1981).

[3] *Id.*

[4] *Id.*

proposed exemption.[5] On April 23, 1981, the Commission received a request from Mr. James R. Blasius, Chairman of an American Society of Testing and Materials (ASTM)[6] task force, for an extension of sixty (60) days in which to file a written comment. Mr. Blasius' task force is in the process of rewriting GSA's Federal Specification into ASTM form, and in evaluating different settled density approaches. Mr. Blasius requests the additional time to review CGSB Method B and form a written opinion to be filed with the Commission.

Comments filed during the thirty (30) day period by various cellulose insulation manufacturers demonstrate conflicting positions concerning the proposed exemption. Particularly in light of this situation, staff believes that the views of the ASTM task force could significantly benefit the Commission in making a final decision on the proposed exemption. However, the Commission believes that any extension should be granted to all interested parties. Therefore, the Commission has granted a sixty (60) day extension, from April 23, 1981, in which all interested parties can file written comments on the proposed exemption. The extension will make all written comments due by June 22, 1981.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-16243 Filed 5-29-81, 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 21759; Amdt. No. 1191]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * Effective September 3, 1981

Montgomery, NY—Orange County, VOR-A, Original, cancelled

---

[5] *Id.* at 18307-09.

[6] ASTM is a private standards-setting organization. Section 460.5(a) of the rule requires that R-values be determined according to specific test procedures developed by ASTM.

Newburgh, NY—Stewart, VOR Rwy 16, Amdt. 2, cancelled
Newburgh, NY—Stewart, VOR Rwy 27, Amdt. 2, cancelled
Wurtsboro, NY—Wurtsboro-Sullivan County, VOR-A, Original, cancelled

* * * Effective August 6, 1981

Orland, CA—Haigh Field, VOR-A, Amdt. 1

* * * Effective July 9, 1981

Shelbyville, IN—Shelbyville Muni, VOR Rwy 18, Amdt. 6
Olathe, KS—Johnson County Executive, VOR Rwy 17, Amdt. 3, cancelled
Boston, MA—General Edward Lawrence Logan Intl, VOR/DME Rwy 15R, Amdt. 14
Lawrence, MA—Lawrence Muni, VOR Rwy 23, Amdt. 7
Flint, MI—Bishop, VOR Rwy 27, Amdt. 16
Gaylord, MI—Otsego County, VOR Rwy 9, Amdt. 2
Gaylord, MI—Otsego County, VOR Rwy 27, Amdt. 2
Fergus Falls, MN—Fergus Falls Muni-Einar Mickelson Fld, VOR Rwy 17, Amdt. 1
Fergus Falls, MN—Fergus Falls Muni-Einar Mickelson Fld, VOR/DME Rwy 31, Original
Fergus Falls, MN—Fergus Falls Muni-Einar Mickelson Fld, VOR Rwy 35, Amdt. 5
Boonville, MO—Jesse Viertel Memorial, VOR-A, Original
Raton, NM—Crews Fld, VOR/DME Rwy 2, Amdt. 4
Bowling Green, OH—Wood County, VOR Rwy 18, Amdt. 9
Corry, PA—Lawrence, VOR Rwy 32, Amdt. 1
State College, PA—University Park, VOR-B, Amdt. 7
Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 2L, Amdt. 1
Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 13, Amdt. 9
Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 20L, Amdt. 1
Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 20R, Amdt. 2
Nashville, TN—Nashville Metropolitan, VOR Rwy 31, Amdt. 24
Burlington, VT—Burlington Intl, VOR Rwy 1, Amdt. 9
Leesburg, VA—Leesburg Muni (Godfrey Field), VOR Rwy 35, Amdt. 5

* * * Effective May 14, 1981

New York, NY—John F. Kennedy Intl, VOR Rwy 13L/13R, Amdt. 15

* * * Effective May 8, 1981

Bishop, CA—Bishop, VOR-A, Amdt. 4
Bishop, CA—Bishop, VOR/DME-B, Amdt. 1

* * * Effective April 30, 1981

Dubuque, IA—Dubuque Muni, VOR Rwy 36, Amdt. 4

Note.—The FAA published an amendment in Docket No. 21719, Amdt. No. 1190 to Part 97 of the Federal Register Regulations (Vol. 46 FR No. 93 page 26610; dated May 14, 1981) under Section 97.23 effective June 14, 1981, which is hereby amended as follows: Bellingham, WA, Bellingham International, VOR Rwy. 16 Amdt. 5 cancelled, change effective cancellation date to June 25, 1981.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * Effective July 9, 1981

Torrance, CA—Torrance Muni, LOC Rwy 29R, Amdt. 4
Baton Rouge, LA—Ryan, LOC BC Rwy 31, Amdt. 13, cancelled
Lawrence, MA—Lawrence Muni, LOC Rwy 5, Amdt. 4
Flint, MI—Bishop, LOC BC Rwy 27, Amdt. 13

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * Effective August 6, 1981

Houston, TX—Arcola-Houston, NDB Rwy 10, Original
Houston, TX—Arcola-Houston, NDP Rwy 28, Original

* * * Effective July 9, 1981

Rialto, CA—Rialto Muni/Miro Fld, NDB-A, Original
Meriden, CT—Meriden Markham Muni, NDB Rwy 36, Amdt. 2
Ft. Myers, FL—Page Field, NDB Rwy 5, Amdt. 2
Shelbyville, IL—Shelby County, NDB Rwy 36, Amdt. 3
Olathe, KS—Johnson County Industrial, NDB Rwy 35, Amdt. 2
Lawrence, MA—Lawrence Muni, NDB Rwy 5, Amdt. 2
Gaylord, MI—Otsego County, NDB Rwy 9, Amdt. 3
Alexandria, MN—Chandler Field, NDB Rwy 31, Original
Boonville, MO—Jesse Viertel Memorial, NDB Rwy 18, Amdt. 4
Raton, NM—Crews Fld, NDB Rwy 2, Amdt. 2
London, OH—Madison County, NDB Rwy 8, Amdt. 1
Corry, PA—Lawrence, NDB Rwy 14, Amdt. 1
Greenville, TN—Greenville Muni, NDB Rwy 5, Original
Greenville, TN—Greenville Muni, NDB Rwy 5, Amdt. 3, cancelled
Burlington, VT—Burlington Intl, NDB Rwy 15, Amdt. 16

* * * Effective June 11, 1981

Oxford, CT—Waterbury-Oxford, NDB Rwy 18, Amdt. 1
Oxford, CT—Waterbury-Oxford, NDB Rwy 36, Amdt. 2

* * * Effective May 18, 1981

Elmira, NY—Chemung County, NDB Rwy 24, Amdt. 10

* * * Effective May 14, 1981

Port Angeles, WA—William R. Fairchild Intl, NDB-A, Original, cancelled

* * * Effective May 13, 1981

Venice, LA—Garden Island Bay Seaplane Base, NDB-A, Amdt. 1

* * * Effective May 6, 1981

Lewisburg, WV—Greenbrier Valley, NDB Rwy 4, Amdt. 2

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * Effective July 9, 1981

Ft. Myers, FL—Page Field, ILS Rwy 5, Amdt. 3
Olathe, KS—Johnson County Industrial, ILS Rwy 35, Amdt. 2
Morristown, NJ—Morristown Muni, ILS Rwy 23, Amdt. 4
Burlington, VT—Burlington Intl, ILS Rwy 15, Amdt. 18

* * * Effective June 11, 1981

Oxford, CT—Waterbury-Oxford, ILS Rwy 36, Amdt. 4

* * * Effective May 18, 1981

Elmira, NY—Chemung County, ILS Rwy 24, Amdt. 12

* * * Effective May 6, 1981

Lewisburg, WV—Greenbrier Valley, ILS Rwy 4, Amdt. 5

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * Effective July 9, 1981

Ft. Myers, FL—Page Field, RADAR-1, Amdt. 1
Flint, MI—Bishop, RADAR-1, Amdt. 4
Burlington, VT—Burlington Intl, RADAR-1, Amdt. 2

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * Effective July 9, 1981

Ardmore, OK—Downtown Ardmore, RNAV Rwy 17, Original
Ardmore, OK—Downtown Ardmore, RNAV Rwy 35, Original
State College, PA—University Park, RNAV Rwy 6, Amdt. 3

* * * Effective June 11, 1981

Oxford, CT—Waterbury-Oxford, RNAV Rwy 18, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on May 22, 1981.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

John S. Kern,

Chief, Aircraft Programs Division.

[FR Doc. 81-16167 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 235

[Docket No. R-81-900]

Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation; Change in Maximum Mortgage Amounts

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: The Housing and Community Development Act of 1980 amends the National Housing Act in order to permit an increase in the mortgage amounts under HUD's Section 235 mortgage insurance program.

EFFECTIVE DATE: July 13, 1981.

COMMENTS DUE: July 31, 1981.

ADDRESS: Written comments should refer to the docket number and date and should be submitted to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, Department of Housing and Urban Development, Room 9270, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755-6720 (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Housing and Community Development Act of 1980 was signed into law on October 8, 1980. Revisions are being made to Chapter II of the 24 CFR to increase the maximum mortgage amount under Section 235 from $32,000 to $40,000 for a single-family dwelling unit or a one-family unit in a condominium project. In such cases where there are five or more persons requiring a minimum of four bedrooms, the maximum mortgage amount is increased from $38,000 to $47,500. In geographical areas where the Secretary finds cost levels so require, these limits may be raised up to an additional $7,500. These increased limits only apply to conditional commitments issued or preliminary reservations approved on or after the date of this rule.

The Secretary has determined that it is urgent that the benefits afforded by this provision of the Act be made available as soon as possible. Publishing a notice of proposed rulemaking and giving the public an opportunity to comment prior to the effective date of this regulation would cause a substantial delay in making the benefits available. A delay could cause unnecessary hardships to homebuyers who need to use the increased mortgage amounts which the Act provides. Therefore, the Secretary finds that notice and prior public procedure on this regulation would be contrary to the public interest. Since these regulations relieve restrictions contained in present regulations, it is necessary to accelerate the effective date as much as possible. However, an opportunity for public comment is being provided to be followed by issuance of a final rule. Accordingly, these amendments will be made effective as soon as possible.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address set forth above.

Section 235 is listed as 14.105 Interest Reduction—Homes for Lower Income Families in the Catalog of Federal Domestic Assistance.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant impact on a substantial number of small entities.

Accordingly, 24 CFR Part 235 is amended as follows:

1. Section 235.25 is revised to read as follows:

§ 235.25 Maximum mortgage amount.

(a) With respect to mortgages insured pursuant to conditional commitments issued or preliminary reservations approved before July 13, 1981, the mortgage shall not exceed the following:

(1) $32,000 for a single-family dwelling or a one-family unit in a condominium project, or

(2) $38,000 where a family of five or more persons requires a minimum of four bedrooms and it is found that adequate housing within the basic mortgage limits of paragraph (a)(1) is not available in the area. The property must contain four or more bedrooms complying with applicable HUD/FHA standards for bedrooms. Partially finished attic or basement space, large closets and other enclosed areas shall not be counted as bedrooms. In addition, the property must meet other applicable underwriting standards.

(b) With respect to mortgages insured pursuant to conditional commitments issued or preliminary reservations approved on or after the mortgage shall not exceed the following:

(1) $40,000 for a single-family dwelling or a one-family unit in a condominium project, or

(2) $47,500 in the case of a family with five or more persons where the conditions set forth in paragraph (a)(2) are met.

2. Section 235.30 is revised to read as follows:

§ 235.30 Increased maximum mortgage amount—high cost areas.

(a) With respect to mortgages insured pursuant to conditional commitments issued or preliminary reservations approved before July 13, 1981, located in any geographical area where the Secretary finds cost levels so require, the Secretary may increase the dollar amount limitations set forth in § 235.25(a) to an amount not to exceed the following:

(1) $38,000 for a single-family dwelling or a one-family unit in a condominium project, or

(2) $44,000 in the case of a family with five or more persons where the conditions set forth in § 235.25(a)(2) are met.

(b) With respect to mortgages insured pursuant to conditional commitments issued or preliminary reservations approved on or after July 13, 1981, located in any geographical area where the Secretary finds cost levels so require, the Secretary may increase the dollar amount limitations set forth in § 235.25(b) to an amount not to exceed the following:

(1) $47,500 for a single-family dwelling or a one-family unit in a condominium project, or

(2) $55,000 in the case of a family with five or more persons where the conditions set forth in § 235.25(a)(2) are met.

3. Section 235.330 is revised to read as follows:

§ 235.330 Cooperative unit eligible for assistance payments.

(a) With respect to mortgages insured pursuant to conditional commitments issued or preliminary reservations approved before July 13, 1981, the maximum amount of the mortgage attributed to the dwelling unit of the cooperative member shall not exceed

$32,000, except that such amount may be increased to $38,000 in the case of a family of five or more persons where the conditions set forth in § 235.25(a)(2) are met. These amounts may be increased to $38,000 and $44,000, respectively, in any geographical area where the Secretary finds cost levels so require.

(b) With respect to mortgages insured pursuant to conditional commitments issued or preliminary reservations approved on or after July 13, 1981, the maximum amount of the mortgage attributed to the dwelling unit of the cooperative member shall not exceed $40,000, except that such amount may be increased to $47,500 in the case of a family of five or more persons where the conditions set forth in § 235.25(a)(2) are met. These amounts may be increased to $47,500 and $55,000, respectively, in any geographical area where the Secretary finds cost levels so require.

(Sec. 211 of the National Housing Act (12 U.S.C. 1709, 1715))

Issued at Washington, D.C., April 22, 1981.

George O. Hipps, Jr.,

Acting Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 81-16328 Filed 5-29-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[T.D. ATF-84; Ref.: Notice No. 359]

Labeling and Advertising of Wine (Appellation of Origin) Under the Federal Alcohol Administration Act

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule.

SUMMARY: This final rule amends § 4.25a (b)(2) and (e)(3) of 27 CFR Part 4, Labeling and advertising of wine. The amendments require that appellation of origin that appear on foreign wines imported into the United States conform with the laws and regulations governing the composition, method of production, and designation of wines available for sale and consumption within the foreign country of origin. This action will prevent inferior foreign wines from being dumped into the American market and preclude consumer deception.

In accordance with Executive Order 12291, this final rule is not a major rule.

DATE: Effective July 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, the Bureau of Alcohol, Tobacco and Firearms (ATF) published Treasury Decision ATF-53 (43 FR 37672, 54624) revising wine labeling regulations in 27 CFR Part 4. These regulations, in addition to other revisions, amended the appellation of origin regulations as they relate to American and imported foreign wines.

These regulations define an appellation of origin for imported wines as:

(1) A country;

(2) A State, province, territory, or similar political subdivisions of a country equivalent to a State or county; or

(3) A viticultural area.

The use of an appellation of origin is qualified in that the wine is entitled to bear an appellation of origin other than a viticultural area if:

(1) At least 75 percent of the wine is derived from fruit or agricultural products grown in the area indicated by the appellation of origin; and

(2) The wine conforms to the laws and regulations governing the composition, method of production, and designation of wines made in such country, province, etc., as appropriate.

A wine may be labeled with a viticultural area appellation if:

(1) At least 85 percent of the wine is derived from fruit or agricultural products grown in the area indicated by the appellation of origin, and

(2) The boundaries have been recognized and defined by the country of origin for use on labels of wine available in the foreign country of origin.

During the drafting of Treasury Decision ATF-53, sections applying to imported wines, such as vintage requirements, were further qualified so that wine could be labeled as vintage if the wine was entitled to bear a vintage date when sold within the country of origin.

However, this particular qualification was not inserted into the regulations pertaining to the use of appellations of origin. This, in effect, allows any foreign country exporting wines into the United States to label a wine with an appellation of origin that is not entitled to appear on that wine if the wine were sold within the country of origin. Furthermore, a foreign country could promulgate a separate set of regulations for wine to be exported which would not conform to the laws and regulations governing wine available in the foreign country of origin.

Therefore, in an effort to make a conforming change to the regulations, ATF published Notice No. 359 (45 FR 82275) on December 15, 1980.

Notice of Proposed Rulemaking

This notice proposed amendments to the regulations which would return the requirements for the labeling of appellations of origin of foreign wines to the status they enjoyed prior to the adoption of § 4.25a (b)(2) and (e)(3), to prevent inferior foreign wines from being dumped into the American market, and to preclude consumer deception.

ATF received five comments fully supporting the proposed amendments.

Treasury Decision

ATF is amending the wine labeling regulations governing appellations of origin on imported foreign wines.

These amendments to § 4.25a require that all appellations of origin on foreign wines imported into the United States conform with the laws and regulations governing wines available in the foreign country of origin. These amendments are adopted as proposed.

Public Inspection and Disclosure

Copies of the final rule and comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, 12th and Pennsylvania Avenue NW., Washington, D.C. 20226.

Drafting Information

The principal author of this document is Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices in the Bureau participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 4 is amended as follows:

PART 4—LABELING AND ADVERTISING OF WINE

Subpart D—Labeling Requirements for Wine

1. Section 4.25a is amended by qualifying paragraph (b)(2) that foreign wine labeled with an appellation of origin must be in conformity with the

laws and regulations governing wine available for consumption within the country of origin; by adding a new requirement in paragraph (e)(3) to be designated as (iii) and redesignating existing (iii) and (iv) as (iv) and (v), respectively; and a conforming change in paragraph (e)(1)(ii).

Accordingly, § 4.25a(b)(2) (i) and (ii), (e)(1)(ii), and (e)(3) are revised to read as follows:

§ 4.25a Appellations of origin (not mandatory before January 1, 1983).

(a) * * *
(b) * * *
(1) * * *

(2) *Imported Wine.* An imported wine is entitled to an appellation of origin other than a viticultural area if:

(i) At least 75 percent of the wine is derived from fruit or agricultural products grown in the area indicated by the appellation of origin; and

(ii) The wine conforms to the requirements of the foreign laws and regulations governing the composition, method of production, and designation of wines available for consumption within the country of origin.

* * * * *

(e) * * *
(1) * * *
(i) * * *

(ii) *Imported wine.* A delimited place or region (other than an appellation defined in paragraphs (a)(2) (i) or (ii)) the boundaries of which have been recognized and defined by the country of origin for use on labels of wine available for consumption within the country of origin.

(2) * * *

(3) *Requirements for Use.* A wine may be labeled with a viticultural area appellation if:

(i) The appellation has been approved under Part 9 of this title or by the appropriate foreign government;

(ii) Not less than 85 percent of the wine is derived from grapes grown within the boundaries of the viticultural area;

(iii) In the case of foreign wine, it conforms to the requirements of the foreign laws and regulations governing the composition, method of production, and designation of wines available for consumption within the country of origin;

(iv) In the case of American wine, it has been fully finished within the State, or one of the States, within which the labeled viticultural area is located (except for cellar treatment pursuant to § 4.22(c), and blending which does not result in an alteration of class and type under § 4.22(b)); and

(v) It conforms to the laws and regulations of all the States contained in the viticultural area.

Signed: April 21, 1981.

G. R. Dickerson,

Director.

Approved: May 18, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-16328 Filed 5-29-81; 8:45 am]

BILLING CODE 4810-31-M

---

27 CFR Parts 19, 240, 245, 250, 270, and 275

[T.D. ATF-85; T.D. ATF-77]

Electronic Fund Transfer for Certain Alcohol and Tobacco Products Excise Taxpayments and Other Provisions.

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Final rule (Treasury decision).

SUMMARY: The Department of the Treasury is delaying the effective date of Treasury Decision ATF-77 (46 FR 2999) until October 1, 1981. As part of the supplemental appropriations bill for Fiscal year 1981 for the Department of the Treasury, Congress is considering language prohibiting any expenditure to implement changes in the mode of alcohol and tobacco products excise taxpayments from those permitted by law or regulation in effect since January 1, 1981. Accordingly, no alcohol and tobacco products excise taxpayer will be required to pay the tax by electronic fund transfer until the tax return period beginning October 1, 1981.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Armida Stickney or James Hunt, Research and Regulations Branch, (202) 566-7626.

SUPPLEMENTARY INFORMATION: Because Treasury Decision ATF-77 (46 FR 2999) becomes effective on June 1, 1981, it is impractical and not in the public interest to issue this Treasury decision with notice and public procedures under 5 U.S.C. 553(b). Similarly, it is unnecessary and impractical to subject this Treasury decision to the effective date limitations of 5 U.S.C. 553(d).

Authority and Issuance

This Treasury decision is being issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

Accordingly, the effective date of Treasury Decision ATF-77 is postponed until October 1, 1981. Additionally, in 27 CFR 19.523a, paragraph (f) is removed. In 27 CFR 240.591a, paragraph (f) is removed. In 27 CFR 245.117a, paragraph (e) is removed. In 27 CFR 250.112a, paragraph (f) is removed. In 27 CFR 270.165a, paragraph (f) is removed. In 27 CFR 275.115a, paragraph (f) is removed.

Signed: May 27, 1981.

G. R. Dickerson,

Director.

Approved: May 28, 1981.

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-16444 Filed 5-29-81; 10:40 am]

BILLING CODE 4810-31-M

Office of Revenue Sharing

31 CFR Part 51

Deferral of Effective Date for Revenue Sharing Regulations

AGENCY: Office of Revenue Sharing, Treasury Department.

ACTION: Notice of deferral effective date of Revenue Sharing handicapped discrmination regulations.

SUMMARY: The effective date of the Revenue Sharing handicapped discrimination regulations, which would otherwise become effective on June 1, 1981, is deferred until June 16, 1981, pending a decision concerning the status of the regulations during the government-wide review of Section 504 pursuant to Executive Order 12291.

EFFECTIVE DATE: The regulations published at 46 FR 1120, January 5, 1981 are deferred until June 16, 1981.

FOR FURTHER INFORMATION CONTACT:
Richard S. Isen,
Acting Chief Counsel, Office of Revenue Sharing
or
Jacqueline L. Jackson, Attorney, Office of Chief Counsel, Office of Revenue Sharing, Washington, D.C. 20226, Telephone: (202) 634-5182.

SUPPLEMENTARY INFORMATION: On January 5, 1981, the Office of Revenue Sharing ("ORS") published in the **Federal Register** (46 FR 1120) final handicapped discrimination regulations, implementing Section 504 of the Rehabilitation Act of 1973, as amended, for purposes of the Revenue Sharing Program. The regulations were due to take effect on February 4, 1981. On January 29, 1981, the President issued a

memorandum entitled "Postponement of Pending Regulations," which in part required the deferral for 60 days of the effective date of any final regulation pending at the date of the memorandum. Pursuant to that memorandum, the ORS filed a notice with the **Federal Register** On February 2, 1981, which was published on February 5, 1981 (46 FR 10908), deferring the effective date of the regulations until March 30, 1981, to permit reconsideration by the new administration.

On February 19, 1981, the President issued Executive Order 12291 entitled "Federal Regulations" (46 FR 12193). The Executive Order requires Federal agencies to defer the effective dates of final regulations to permit reconsideration and to prepare a regulatory impact analysis.

On March 26, 1981, the ORS filed a notice with the **Federal Register**, which was published on March 31, 1981 (46 FR 19468), that the regulation would be further delayed for a period of 60 days. A companion notice was published in the **Federal Register** on April 3, 1981 (46 FR 20230) requesting public comment on whether to issue these regulations in interim from pending reconsideration. Comment was also requested on whether to delete § 51.55(b)(1)(ix) of the regulation which prohibits discrimination by recipient governments in the exercise of their zoning authority. The ORS received 142 comments during the comment period.

The Department is still in the process of analyzing the comments and has yet to reach a decision concerning the status of these regulations pending the reconsideration of Section 504 described above. Therefore, notice is hereby given that the effective date of § 51.55, discrimination on the basis of handicap, is deferred until June 16, 1981.

Authority

This notice is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221 *et seq.*) and Treasury Department Order No. 224 (January 26, 1973) (33 FR 3342) as amended by Treasury Department Order No. 242 Revision No. 1, May 17, 1977.

Dated: May 29, 1981.

Kent Peterson,

Acting Director, Office of Revenue Sharing.

Robert W. Rafuse, Jr.,

Deputy Assistant Secretary (State and Local Finance).

[FR Doc. 81-16140 Filed 5-29-81; 10:14 am]

BILLING CODE 4910-28-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[A-4-FRL-1830-8]

Air Pollution; New Source Review; Delegation of Authority to the State of Tennessee

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The amendments below institute certain address changes for reports and applications required from operators of certain sources subject to Federal regulations. EPA has delegated to the State of Tennessee authority to review new and modified sources. The delegated authority includes the review under 40 CFR Part 60 for the standards of performance for new stationary sources and review under 40 CFR Part 61 for national emission standards for hazardous air pollutants. A notice announcing the delegation of authority is published in the Notices section of this issue of the **Federal Register.** These amendments provide that all reports, requests, applications, submittals, and communications previously required for the delegated reviews will now be sent to the Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond S. Gregory, Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30366, phone 404/881-3286.

SUPPLEMENTARY INFORMATION: The Regional Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an adminstrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on April 11, 1980, and it serves no purpose to delay the technical change of this addition of the state address to the Code of Federal Regulations.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that order.

(Secs. 101, 110, 111, 112, 301, Clean Air Act, as amended. (42 U.S.C. 7401, 7410, 7411, 7412, 7601))

Dated: May 3, 1981.

John A. Little,

Acting Regional Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

In § 60.4, paragraph (b) (RR) is added as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(RR) Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Part 61 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

In § 61.04, paragraph (b) (RR) is added as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(RR) Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219

[FR Doc. 81-16296 Filed 5-29-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 5400

[Circular No. 2487]

Sales of Forest Products; General

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This rulemaking amends the existing provisions for preparation of contract to require affiliates of Bureau of Land Management timber purchasers to provide certain information about exported private timber. The new provisions will safeguard against the substitution of Federal timber for exported private timber by those affiliates.

A provision to amend the definition of the term "unprocessed timber" to include western red cedar with wane

was published in the proposed rulemaking. This provision has been deleted from the final rulemaking because of a recent amendment to the Export Administration Act of 1979 (50 U.S.C. 2401 et seq.) which provides technical changes for the export of western red cedar and certain contracts for western red cedar lumber. A new definition to comply with the 1980 Act will be published as proposed rulemaking later this year.

EFFECTIVE DATE: July 1, 1981.

ADDRESS: Any suggestions or inquiries should be sent to: Director (230), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Joseph C. Dose at the above address or call (202) 343–6988.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is David Estola, Division of Forestry, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management, and the Office of the Solicitor, Department of the Interior.

The Office of Management and Budget approved the information collection requirements contained in this rule (OMB Clearance No. 1004–0058).

The proposed rulemaking was published in the **Federal Register** on December 22, 1980 (45 FR 84102) and invited comments for 60 days ending February 20, 1981. There were no comments received during this comment period. The lack of comments indicates that this rulemaking has been accepted by the public. However, one provision regarding the amendment to the definition of the term "unprocessed timber" under § 5400.0–5(k)(4) in the proposed rulemaking has been deleted from the final rulemaking. This provision prohibited the export of western red cedar lumber with wane and eliminated the export of lumber which traditionally met standard lumber grades. However, the Act of December 16, 1980 (P.L. 96–536) made technical changes in section 7(i)(1) of the Export Administration Act of 1979 to:

(1) Provide for the export of western red cedar lumber which meets standard lumber grades; and

(2) Grandfather existing contracts for western red cedar purchased from State or Federal land entered into prior to October 1979. This new provision will require a change in the definition of the term "unprocessed timber." This will be initiated by issuance of a new proposed rulemaking later this year.

The Department of Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under Public Law 96–354.

It is hereby determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

Under the authority of the Act of July 31, 1947, as amended (30 U.S.C. 601), Subpart 5400, Part 5400 and Subpart 5424, Part 5420, Subchapter E, Chapter II, Title 43 of the Code of Federal Regulations is amended as set forth below:

April 23, 1981.

David C. Russell,

Deputy Assistant Secretary of the Interior.

1. Subpart 5424 is amended by adding two new §§ 5424.0–5 and 5424.1, and by revising § 5424.0–6(c)(2) to read as follows:

Subpart 5424—Preparation of Contract

§ 5424.0–5 Definitions.

When used in connection with export and substitution restrictions, the following terms apply:

"Purchaser" means a business entity including but not limited to an individual, partnership, corporation or association which buys Federal timber.

"Affiliate" means a business entity including but not limited to an individual, partnership, corporation or association which controls or is controlled by a purchaser, or, along with a purchaser, is controlled by a third business entity.

§ 5424.0–6 Policy.

* * * * *

(c) * * *

(2) The use of any timber of sawlog or peeler grades sold as a substitute for timber from private lands which is exported or sold for export by the purchaser or an affiliate of the purchaser.

§ 5424.1 Reporting provisions for substitution determination.

(a) To determine whether substitution has occurred, the authorized officer may require that information identified in the contract (OMB Clearance No. 1004–0058) be reported by:

(1) A purchaser who has exported private timber within one year preceding the purchase date of Federal timber, and/or

(2) An affiliate of a timber purchaser who exported private timber within one year before the acquisition of Federal timber from the purchaser.

(b) Purchasers or affiliates of purchasers shall retain a record of Federal timber acquisitions and private timber exports for three years from the date the activity occurred.

[FR Doc. 81-16182 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-84-M

---

43 CFR Public Land Order 5683

[ORE 02948]

Oregon; Revocation of Public Land Order No. 1281

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 40.62 acres of public land for water supply protection for the City of Waldport, Oregon. This action will restore the land to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1281 of April 5, 1956, which withdrew the following described public land for water supply protection is hereby revoked:

Willamette Meridian

T. 14 S., R. 11 W.,
Sec. 5, Lot 10.

The area described contains 40.62 acres in Lincoln County, Oregon.

2. At 10 a.m., on June 23, 1981, the above described public land will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the above described public land will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director,

Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior

May 18, 1981.

[FR Doc. 81-16172 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Part 235

Administration of Financial Assistance Programs; Correction

AGENCY: Social Security Administration HHS.

ACTION: Correction of final rule.

SUMMARY: On May 6, 1980, we published in the **Federal Register** (45 FR 29831) final regulations describing the State plan requirements and Federal matching conditions for training State and local welfare staff under the financial assistance programs administered pursuant to title I, IV–A, X, XIV, or XVI (AABD) of the Social Security Act. This regulation in § 235.62 provides that a State plan under these programs must include a training program "for persons preparing for employment." This phrase was inadvertently included and should be deleted.

FOR FURTHER INFORMATION CONTACT: Ms. Aleatha E. Slade, Social Security Administration, Office of Family Assistance, 2100 Second Street SW., Washington, D.C. 20024, Telephone (202) 245–2015.

SUPPLEMENTARY INFORMATION: Section 235.62 reads as follows: "A State plan under title I, IV–A, X, XIV, or XVI (AABD) of the act must provide for ■ training program for agency personnel and for persons preparing for employment." The phrase "and for persons preparing for employment" conflicts with the requirement under § 235.62(a) which allows the State agency the option to provide in its plan training for those persons preparing for employment who are enrolled in educational institutions. To correct this regulation, we are deleting the phrase "and for persons preparing for employment."

Dated: May 18, 1981.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

In § 235.62 of Chapter II, Title 45, the introductory paragraph is revised to read as follows:

§ 235.62 State plan requirements for training programs.

A State plan under title I, IV–A, X, XIV, or XVI (AABD) of the Act must provide for a training program for agency personnel. The training program must—

* * * * *

[FR Doc. 81-16032 Filed 5-29-81; 8:45 am]

BILLING CODE 4110-07-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[Docket No. 21005; FCC 81-220]

Interface of the International Telex Service With the Domestic Telex and TWX Service (Detariffing of Telex Terminal Equipment Provided by International Record Carriers)

AGENCY: Federal Communications Commission.

ACTION: Decision (Second Report and Order).

SUMMARY: International record carriers are required to detariff (withdraw their schedule of charges, terms and conditions) their telex equipment offerings no later than March 1, 1982. Such equipment is not a necessary or essential component of their common carrier offerings, and not part of a common carrier service to be regulated under Title II of the Communications Act. Thus, such equipment must be offered on a non-regulated basis separable from the international record carriers' transmission services.

DATES: Effective May 7, 1981.

International record carriers are required to detariff their telex equipment offerings no later than March 1, 1982.

ADDRESS: Federal Communications Commisson, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Jill P. Ross, Tariff Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632–6917.

SUPPLEMENTARY INFORMATION:

Second Report and Order

Adopted: May 7, 1981.

Released: May 14, 1981.

By the Commission:

1. By *Order* released September 9, 1980, Mimeo No. 35740, the Common Carrier Bureau reactivated the pleading cycle in the Further Notice of Proposed Rulemaking in the above-captioned proceeding (45 FR 60955; September 15, 1980), seeking comments on the deregulation of telex terminal equipment provided by the international record carriers (IRCs). *Unbundling Order*, 76 F.C.C. 2d 61, *recon. den.*, 82 F.C.C. 2d 390 (1980), *appeal pending sub nom. Western Union Telegraph Co.* v. *FCC*, Docket No. 79–2494 and consolidated cases (D.C. Cir., filed December 14, 1979). In reviewing the comments filed and in considering the nature of the market for terminal equipment used in conjunction with international telex services, we conclude that our statutory mandate and the objectives of the Act would be best served by the detariffing of such equipment.

Background

2. In the *Unbundling Order, supra*, the Commission required, *inter alia*, that the IRCs file new telex tariffs unbundling the provision of terminal equipment, tielines and transmission and imposing separate cost-based charges for each element. We also set forth for comment the issue of whether we should deregulate the IRC provision of telex terminal equipment stating that this equipment did not appear to be inextricably related to transmission and did not need to be classified as a common carrier communication service. 76 F.C.C. 2d at 82. In addition, the new telex tariffs establishing separate cost-based charges for terminal equipment, tielines and transmission, were expected to enhance competition in the provision of equipment to the extent that regulatory protection for the ratepayer would be unnecessary and unduly burdensome. *Id.* We also noted that anticompetitive behavior relative to the offering of such equipment could subject an IRC to potential antitrust liability. *Id.*

3. Comments on these and other factors relevant to the resolution of this question were held in abeyance, pending a Commission decision in *Computer II*, 77 F.C.C. 2d 384, *as modified on recon.*, 84 F.C.C. 2d 50, *review pending sub nom. Computer and Communications Industry Association et al.* v. *FCC*, D.C. Cir. Nos. 80–1471 *et al.* (Lead case filed May 5, 1980). On April 7, 1980, the Commission adopted a *Final Decision* in Computer II and in so doing concluded that the provision of terminal equipment was separable from the provision of transmission services and the provision of such equipment was not, in and of itself, a common carrier activity subject to regulation under Title II of the Act. 77 F.C.C. 2d at 450–51. We determined that charges for terminal equipment offered by communications common carriers should be unbundled from charges for transmission service and that such equipment should be provided on a non-

tariffed basis.[1] See Revisions to Rule 64.702, Section (e).

4. Shortly after the release of the *Final Decision*, the instant proceeding was reactivated by Bureau *Order* released September 9, 1980, Mimeo No. 35740, requesting comments on the deregulation of telex terminal equipment provided by the IRCs. There, the Bureau expressed its view that the *Final Decision* in Computer II, requiring that all carrier-provided terminal equipment be unbundled and provided on an untariffed basis, was itself applicable to the IRC's provision of telex terminal equipment, thereby resolving the question posed in this proceeding. The Bureau further stated its belief that, even if doubt existed as to the applicability of *Computer II* to IRC telex equipment (because of statements in the *Unbundling Order* implying that such equipment would be addressed in a spearate proceeding), its determinations of law and policy suggested a similar result with respect to IRC terminal equipment.

Contentions of the Parties

5. Parties commenting on the staff's tentative conclusions include TRT Telecommunications Corporation (TRT), ITT World Communications Inc. (ITT), Western Union Telegraph Company (Western Union), Trans-Lux Corporation (Trans-Lux), FTC Communications, Inc. (FTCC), Western Union International (WUI) and RCA Global Communications, Inc. (RCA). Reply comments were filed by RCA, TRT, and ITT.

6. With the exception of WUI who opposes deregulation of carrier provided equipment as a matter of law, the commenting parties agree in principle with the deregulation of carrier provided terminal equipment. However, in noting circumstances peculiar to the international arena, several parties believe that IRC provided international telex equipment should not be deregulated as a matter of policy. Several parties also raise procedural objections to the direct application of *Computer II* to the IRC's provision of telex terminal equipment. Others maintain that the determinations of law and policy in *Computer II* lack specific considerations of factors relevant to the IRC market.

7. For example, Western Union states that, while it does not oppose, in principle, the deregulation of communications services in competitive markets, it objects to the deregulation of IRC-provided telex terminal equipment. Absent continued tariff regulation, Western Union maintains that the Commission would have no means of preventing the IRCs from reinstituting a bundled rate structure merging the costs of providing terminals and tielines into the usage charge. Even if unbundling were assured, Western Union believes that, until the Commission is willing to regulate the overall level of IRC usage charges, such charges will be excessive, permitting cross-subsidization between regulated and unregulated services. In addition, Western Union notes that the IRCs are not in the business of manufacturing terminal equipment and that they provide it solely as an incident to their transmission service, so there is no overriding public interest in assuring their ability to compete on an equal basis with other equipment suppliers. It continues by arguing that each of the three major IRCs is affiliated with equipment companies whose activities are unaffected by regulation. Western Union thereby concludes that it cannot be said that continued regulation would serve to restrict competition.

8. RCA and Trans-Lux express a similar concern that, without some limited regulation to assure that the IRCs abide by requirements for cost-based charges for international telex equipment, effective competition will not occur. ITT urges the Commission to insure that the carrier provision of terminal equipment is not being subsidized by regulated services. TRT, on the other hand, states that the Commission's ongoing investigation into the IRCs' revised telex tariffs, *ITT World Communications, Inc., et al.*, 79 FCC 2d 173 (1980), *recon. denied.*, FCC 81–164 (released April 17, 1981) as well as the competitive pressures in the international telex market, provide ample safeguards against excessive international telex transmission rates and force the IRCs to recover terminal equipment costs from terminal equipment charges. FTCC asserts that since the IRCs have unbundled as a result of previous orders and since the international telex terminal equipment market is already competitive, the Commission's major concern that failure to separate equipment costs from transmission might stifle competition, does not apply to the IRC industry.

9. On the issue of conditions for carrier provision of deregulated telex terminal equipment, Trans-Lux and FTCC argue that the Commission should maintain maximum separation between the provision of terminals by the IRCs and their provision of international transmission services through the imposition of fully separate subsidiaries. These commenters believe such safeguards are necessary to prevent cross-subsidization and add that the Commission should, at least, require that the accounts relating to terminal equipment be kept entirely separate from the other accounts of the carriers. Other carriers disagree, arguing that the international telex market is highly competitive and that the IRCs are not dominant in the terminal equipment market. In light of these factors, they argue that a separate subsidiary requirement is unwarranted.

Discussion

10. At the outset we consider the procedural questions raised by the commenting parties. As noted, several parties object to the direct application of *Computer II* arguing that international record communications were not within the intended scope of that decision and that the Commission specifically placed the issue of deregulation of IRC provided telex equipment in the instant proceeding. Others maintain that the determinations of law and policy in *Computer II* lack specific consideration of factors relevant to the IRC industry and that to apply that decision would be a violation of the IRCs' due process rights.

11. We recognize that language in the *Unbundling Order* may have created confusion as to whether the status of IRC telex equipment was still under consideration in *Computer II*. Therefore, separate consideration is being given to the IRC provision of telex terminal equipment in the instant proceeding. The Bureau's Order of September 9, 1980, specifically seeking comments on the deregulation of IRC provision of telex terminal equipment afforded interested parties sufficient opportunity to alert us to any relevant factors peculiar to the IRC industry which should be considered in this regard.

12. in the *Unbundling Order*, we require the IRCs to unbundle terminal equipment from tielines and transmission in the provision of international telex service. As a result, the IRCs must isolate investment and expenses associated with their provision of telex equipment along with their rates for such equipment. Unbundling of terminal equipment and transmission service charges increases customer freedom of choice and enables the regulator to more readily identify improper cross-subsidization of competitively provided terminal

[1] To facilitate a smooth transition, a bifurcated approach was adopted under which a separate implementation proceeding would address the manner and time period in which equipment that is not federally tariffed or in the subscriber's possession as of March 1, 1982, is to be detarrifed. 84 F.C.C. 2d at 66–7.

equipment by other regulated services. Unbundling, however, may not, in and of itself, succeed in allowing the full evolution of a competitive markeplace if the equipment of one small group of suppliers (in this case the IRCs) continues to be subject to the tariffing requirements of Section 203 of the Act. Our attention is focused on the question of whether tariff-type regulation of IRC-provided telex equipment is warranted. In considering this issue, we weigh the nature of the telex terminal equipment market, the effects of advances in technology on equipment design and use, the benefits of competitively supplied equipment, and the role of the IRCs in providing such equipment.

13. Beginning with our *Carterfone* decision, this Commission has embarked on a conscious policy of permitting the terminal equipment market to develop on a competitive basis.[2] The resulting innovation in the equipment and service markets has afforded the public a wider range of terminal equipment choices at lower costs.[3] Specifically, this policy, along with the growth and diversity in telex service, has resulted in an increased number of suppliers and a wider variety of telex machines offered in the marketplace.[4] Lacking is any evidence that significant barriers exist that serve to restrict entry into the market for equipment used in conjunction with telex service.[5] Indeed, the currently competitive nature of the telex terminal equipment market is reflected in the fact that there are at least thirty nonregulated vendors of teleprinters directly serving the market.[6] In addition, the IRCs compete among themselves with no IRC controlling a major share of the market.[7] Thus, multiple vendors offer different types of telex equipment and consumers are free to select the equipment with features that best suit their needs.

14. Advances in technology also have contributed to the competitive and dynamic nature of the telex terminal equipment market. For example, increasing use is being made of electronic as opposed to electromechanical telex and TWX terminal devices. As a result, terminal devices will be capable of taking on more on-line as well as off-line processing functions especially through the use of modern micro-processor technology. As terminal devices increasingly employ advanced solid state technology, the terminals can be merged with other processing devices to be part of distributive processing systems in keeping with the trend toward decentralized processing functions. *See Computer II* at 391, 415–16. Implicit in this is the ability to convert from one protocol to another so that information exchange can take place between diverse telecommunications systems. As a result, the boundary between the telex equipment market and the broader equipment market is beginning to erode.[8] Code, protocol and speed conversion capabilities, now becoming widely available, make a broad range of equipment compatible with the telex network. Computer technology has made it possible for TWX machines to access the telex network. Already it is technically feasible for customers to utilize other computerized word processing devices for the preparation and transmission of international telex or TWX messages. In other words, communications networks are becoming transparent with respect to different forms of data transmission. These developments have resulted in an increasing flexibility in the consumers' use and choice of terminal equipment that can be used in conjunction with IRC services and has placed increased pressure on equipment manufacturers and vendors to respond to changing conditions in the marketplace.

15. These developments bring into question whether IRC-provided telex equipment should continue to be offered as part of a common carrier service and regulated under Title II of the Act. Stated differently, the question arises as to whether there is any statutory or public interest justification for subjecting IRC-provided telex equipment to a different regulatory scheme than comparable equipment of other vendors. To answer this it is necessary to determine two things: first, whether the offering of such equipment by an IRC is essential to the continued offering of its common carrier service and, second, whether there is a statutory requirement that we regulate IRC activity in this area.

---

[2] *See, e.g., Carterfone*, 13 FCC 2d 420, *recon. den.* 14 FCC 2d 571 (1968); *Telerent Leasing Corp. et al.*, 45 FCC 2d 204 (1974), *aff'd sub. nom. North Carolina Utilities Commission* v. *FCC*, 537 F. 2d 787 (4th Cir.), *cert. den.*, 429 U.S. 1027 (1976) (*NCUC I*); *Mebane Home Telephone Co.*, 53 FCC 2d 473 (1975), *aff'd Mebane Telephone Co.* v. *FCC*, 535 F. 2d 1324 (D.C Cir. 1976); *First Report and Order in Docket No. 19528*, 58 FCC 2d 593 (1975); *on reconsideration*, 57 FCC 2d 1216 (1976), 58 FCC 2d 716 (1976) and 59 FCC 2d 83 (1976). *Second Report and Order in Docket No. 19528*, 58 FCC 2d 736 (1976); *on reconsideration, aff'd sub. nom. North Carolina Utilities Commission* v. *FCC*, 552 F. 2d 1036 (4th Cir.), *cert. den.*, 434 U.S. 874 (1977) (*NCUC II*); *Phase II Final Decision and Order in Docket No. 19129*, 64 FCC 2d 1 (1977); *Implications of the Telephone Industry's Primary Instrument Concepts (PIC)*, 68 FCC 2d 1157 (1978); *Second Report in Docket No. 20003*, 75 FCC 2d 506 (1980); *and Order in CC Docket No. 79–143*, 78 FCC 2d 246 (1980). Consumers have the right to use telecommunications networks "* * * in ways which are privately beneficial without being publically detrimental" *Hush-A-Phone Corp.* v. *U.S.*, 238 F. 2d 266 (D.C. Cir. 1956)

[3] *See*, for example, *First Report in Docket No 20003*, 61 FCC 2d 766 (1976); *Second Report in Docket No. 20003*, 75 FCC 2d 461 (1980); *Phase II Final Decision and Order in Docket No. 19129*, 64 FCC 2d 1, 602; *see also, PIC, supra*, at 1175.

[4] IRC telex revenues increased by $156 million from 1974 to 1979 for an increase of 109 percent. *Statistics of Communications Common Carriers*, 1979, Federal Communications Commission. The number of international telex lines have increased by over 40 percent over the past four years. Derived from International Telecommunications Union, *Yearbook of Common Carrier Statistics*, 8th ed. (1980). In 1975, there were only seventeen vendors of teleprinters whereas in 1979 there were, at least, thirty. Compare 1975 and 1979 *Telephony's Directory and Buyer's Guide*, Telephony Publishing Co., Chicago, pages 173/A and 228 respectively. *See* also, *First Report in Docket No. 20003, supra*, at 865–67

[5] The past IRC marketing strategy of offering telex service and associated terminal equipment at a bundled price may have afforded consumers equipment at a nominal charge. This may have resulted in reducing the incentive of other vendors to market their equipment to international users However, as a result of the Commission's *Unbundling Order, supra*, requiring the IRCs to offer their equipment at unbundled rates, consumer demand for equipment provided by outside vendors will increase. Therefore, further entry into this market is likely.

[6] *Telephony's Directory and Buyer's Guide*, Telephony Publishing Co., Chicago, 1979, p. 228. We believe the relevant equipment market to be analyzed here is that of teleprinters. TWX machines, telex machines, and telephone network-connected teleprinters which comprise the teleprinter equipment market for our purposes here, are functionally equivalent devices. Larger manufacturers producing one of these machines are able to switch to the production of the other, indicating that the limits to production on the supply side between these machines are low. However, even if the telex equipment submarket is recognized as a distinct one, the IRCs provide only a small fraction of all telex machines sold in the United States. *See* note 7, *infra*.

[7] RCA, WUI and ITT, the largest IRCs, provide only a small portion of the telex equipment used in this country. It has been reported that in 1979, RCA provided 8,308 telex machines, ITT provided 6,430, WUI provided 4,980, WUI Carribean provided 401, TRT provided 385, and FTCC provided 128 for an estimated industry total of 20,632. Direct case of each above-mentioned company in *ITT World Communications Inc.*, et al., 79 FCC 2d 173. Western Union, in contrast, provided 24,887 telex machines pursuant to tariff in 1979 and billed over 73,000 telex lines and 55,000 TWX lines, implying that there are almost 130,000 telex and TWX terminals attached to its network. Table provided to Common Carrier Bureau staff on March 16, 1981, by Richard D. Cain, Director, Federal Liaison, Government Relations, Western Union Telegraph Co. Additionally, Western Union estimates that there are over 300,000 telephone network-connected teleprinters in the United States. *See* Petition for Reconsideration, CC Docket 79–252, December 24, 1980. Therefore, out of all the teleprinters in this country including telex TWX and telephone network-connected teleprinters, the IRCs provided a very small fraction of the total market.

[8] As consumers are afforded alternative means of access to IRC networks, there is a corresponding potential broadening of both the market and the types of equipment used in transmitting telex-type messages.

16. As to the former, it is clear that a subscriber to telex service need not obtain terminal equipment from an IRC. There are numerous manufacturers of such equipment in the marketplace so that consumers are able to choose the type of equipment that best suits their needs. While historically IRCs may have offered such equipment as "part and parcel" of their common carrier service, it need not be offered in this fashion and, in fact, it is clear that not all consumers elect to obtain their telex equipment from an IRC. Just as developments in the marketplace have altered perceptions of the need to offer terminal equipment as part of a common carrier service in the domestic arena, 77 FCC 2d 384, the same is true for the IRCs in the offering of their services. Whatever may have been the past practices or beliefs, it is now evident that the provision of telex equipment is not a necessary or essential component to the common carrier offering.

17. In light of this, it is incumbent upon this Commission to assess the role of the IRCs in their provision of telex equipment. In this regard, we conclude that IRCs should be allowed to compete in the terminal equipment market on terms no less favorable, or more favorable, than any other equipment vendor. Their status as common carriers should not restrict their participation as equipment providers nor should their common carrier status allow them to engage in anticompetitive conduct, e.g., through improper cross subsidization to the detriment of the communications ratepayer. This is consistent with Commission policies that have encouraged competition and increased consumer choice in the selection and utilization of equipment attached to common carrier networks, without imposing restrictions on common carriers' participation due to their control over the underlying transmission network. See *Computer II, supra.*

18. Consistent with the conclusion that the IRCs' status should be the same as that of any other equipment vendor is the need to align the manner in which they offer their equipment. IRC-provided telex equipment should be divorced from the common carrier service and detariffed. Regulation of the prices and terms under which they provide such equipment is no longer warranted in light of the equipment market as it currently exists. Continued tariff regulation serves only to restrict a competitive response to marketplace demands in an area of activity that is wholly separable from the provision and regulation of common carrier communications services under Title II of the Act.

19. We find that tariff-type regulation of IRC-provided telex terminal equipment does not recognize the role of the IRCs as competitive providers of this equipment. To continue such regulation would unduly restrict the IRCs' ability to respond competitively to price initiatives by suppliers and subject them to added costs of compliance, regulatory delay and the statutory notice requirement of publicizing prices in advance of their effectiveness. Continued tariffing, therefore, would tend to decrease competition and result in a more limited choice of equipment for consumers. Detariffing, on the other hand, would create an environment where the IRCs would compete on an equal basis with other carriers as well as unregulated equipment vendors.[9] We find that such competition will inure to the benefit of the consumer by fostering innovative design and use of telex equipment at reasonable prices.

20. Those parties arguing against detariffing appear to center their concern around both the effectiveness of unbundling terminal equipment from transmission in the international arena and Commission review of IRC transmission rates. The regulatory task inherent in insuring the reasonableness of IRC transmission rates and in separating costs associated with IRC-provided terminal equipment from transmission costs are no more onerous than those required to insure the reasonableness of other carriers' rates or that other carriers' equipment offerings are not improperly subsidized to the detriment of the communications ratepayer. Our statutory directives under Sections 201–205 of the Act mandate that we insure the reasonableness of charges, practices, classifications and regulations for common carrier services. We also have the authority under Section 205 to prescribe reasonable IRC transmission rates if they are found to be subsidizing the competitive provision of terminal equipment. The complaint process and investigatory powers under Section 208 of the Act also are available to remedy anticompetitive conduct affecting regulated services. Moreover, to the extent the IRCs become involved in the competitive provision of telex equipment, they, like all other carriers, are subject to the applicable antitrust laws. See *Cantor* v. *Detroit Edison*, 428 U.S. 579, 596 (1976).

21. We are currently investigating the rates charged by the IRCs for transmission, tielines and terminal equipment to determine whether they have been unbundled effectively.[10] This investigation will be employed as a means to identify whether transmission and tieline charges are bearing any costs associated with terminal equipment. The information obtained will also enable us to take whatever steps may be necessary to remedy any defect. Moreover, structural remedies are available as an aid in meeting our statutory responsibilities to insure the reasonableness of IRC transmission rates.[11] Finally, where appropriate, we may implement rate of return and rate base investigations directed toward examining capital structure, financing, and expenses and investment associated with the provision of service.[12]

22. We do not agree with the assertions of FTCC and Trans-Lux, that maximum separation requirements are warranted for the IRCs' provision of equipment on a non-regulated basis. The separate subsidiary mechanism will best serve consumers if imposed only where essential to insure that the objectives of the Act are achieved. We find that the costs imposed upon the IRCs and the public from maximum structural separation are not justified at this time. If evidence indicates that the communications ratepayer is subsidizing IRC-provided terminal equipment, we will consider imposing more stringent separations conditions. We shall require, however, that the IRCs maintain

[9] For example, as a result of our decision in *Computer II*, Western Union, a domestic carrier providing more telex equipment than all the IRCs combined (see note 7), may detariff new and federally tariffed equipment on or before March 1, 1982.

[10] *ITT World Communications Inc., et al.*, 79 F.C.C. 2d 173, *recon. den.*, FCC 81–164 (released April 17, 1981), *appeal pending, sub nom. Western Union Telegraph Co. v. FCC*, D.C. Cir. No. 80–2289 filed Oct. 7, 1980.

[11] *ITT et al.* v. *CCI*, 76 F.C.C. 2d 15 (1980); *International Relay, Inc.*, 77 F.C.C. 2d 819 (1980); *AT&T Dataphone*, 76 F.C.C. 2d 682 (1980), *appeal pending sub nom. Western Union International v. FCC, et al.*, (D.C. Cir. Nos. 80–1286 et al.); *IRC Dowl Service*, 76 F.C.C. 2d 166 (1980), *appeal pending sub nom. ITT World Communications* v. *FCC*, (D.C. Cir. No. 76–4049); *Telex Interconnection/Unbundling*, 76 F.C.C. 2d 61 (1980), and *Gateways*, 76 F.C.C. 2d 115 (1980), *appeal pending sub nom. Western Union Telegraph Co.* v. *FCC*, D.C. Cir. Nos. 79–2494 and consolidated cases filed December 14, 1979. Additional potential competitive pressures on the IRCs may result from various other proposals being considered. See *Overseas Communications Services* (TAT–4), FCC 80–585, released October 28, 1980; *International Telecommunications Competition*, 77 F.C.C. 2d 831 (1980); and *Aeronautical Radio, Inc.*, 77 F.C.C. 2d 535 (1980).

[12] *See*, for example, *ITT World Communications Inc.*, 82 FCC 2d 282 (1980), *stay denied*, FCC 81–77, released March 6, 1981; *action temporarily deferred pending reconsideration*, FCC 81–180, released April 14, 1981.

separate books of account for their terminal equipment offerings.

23. Accordingly, we conclude that the IRC provision of telex terminal equipment should no longer be subject to Title II regulation for the following reasons: First, advances in technology will continue to result in an ever increasing substitutability of various equipment divices for traditional telex machines. There are also numerous vendors of such equipment active in the marketplace today. Whatever the past need for regulating the IRC provision of telex equipment as part of a common carrier service its continuation is no longer warranted. Second, continued tariff regulation serves to restrict the IRCs' ability to react to the changing market in a competitive environment. The structure established here eliminates disparate regulatory treatment and encourages the provision of new and innovative equipment and participation by all vendors on a competitive basis. Finally, the potential for greater consumer choice is increased, in that detariffing of IRC provided telex equipment eliminates artificial constraints on either the design or use of such equipment.

Legal Considerations

24. While various carriers have traditionally offered transmission services and terminal equipment together on a package basis, the fact that some carriers have traditionally furnished various types of equipment with their communications services does not establish that they are required to do so. The provision of telex terminal equipment, in and of itself, is not a common carrier activity. This Commission has never regulated under Title II entities that engage solely in the manufacturing and vending of equipment located on the customer's premises and which are attached to the interstate communications network. Even as to common carriers, we have previously determined in *Computer II* that the legislative history of the Communications Act manifests no Congressional intent that terminal equipment must be offered as "part and parcel" of a communications service, or that all carrier provided equipment be offered on a regulated basis subject to the tariff requirements of Section 203 of the Act. 77 FCC at 450. Thus, the Communications Act does not require that the provision of terminal equipment be a common carrier service and tariffed under Title II. Moreover, any regulation by tariff or otherwise must be demonstrated to be reasonably ancillary to the effective performance of the Commission's responsibilities under Title II or "imperative for the achievement of an agency's ultimate purpose."[13]

25. This Commission is given "expansive powers" to appropriately tailor regulation to suit the needs of a highly complex and rapidly changing communications industry.[14] Moreover, Section 203(b)(2) grants us the authority "in (our) discretion and for good cause shown" to "modify any requirement made by or under the authority of this section either in particular instances or by general order applicable to special circumstances". Section 203(c) requires the filing of tariff schedules by carriers engaged in communications, "unless otherwise provided by or under authority of this Act", and Section 205 authorizes us to establish ". . . what classification, regulation, or practice is or will be just, fair, and reasonable. . . ." These sections provide us with flexibility to respond to the highly dynamic and changing conditions of communications services and provide us with ample authority to choose between different approaches to regulation in meeting our overall statutory mandate.

26. The terminal equipment market has changed dramatically since the 1934 Act was adopted. Consumer requirements have changed, the number of suppliers has increased and the nature of the equipment itself has undergone vast technological innovations and advancements. We have concluded that the continued provision of telex terminal equipment by the IRCs under regulation impedes the evolution of a truly competitive market and disserves the public interest by restricting the provision of innovative equipment at reasonable prices. Detariffing together with the unbundling we have previously ordered, *Unbundling Order, supra,* represent a different set of regulatory tools better designed to insure reasonable efficient communications services and a competitive marketplace for terminal equipment.

[13] *Permian Basin Area Rate Cases,* 390 U.S. 747, 780 (1968); *United States* v. *Southwestern Cable Co.,* 392 U.S. 157, 178 (1968); *Home Box Office, Inc.* v. *FCC,* 567 F.2d 9, 36 (1977).

[14] *NBC* v. *United States,* 319 U.S. 190, 219 (1943). *See also, United States v. Southwestern Cable Co.,* 392 U.S. 157, 172–173 (1968); *FCC* v. Pottsville Broadcasting Co., 309 U.S. 134, 138 (1940); *Philadelphia Television Broadcasting Co.* v. *FCC,* 123 U.S. App. D.C. 298, 300, 259 F.2d 282, 284 (1966); *NARUC* v. *FCC,* 525 F.2d 630, 638 (1976).

Implementation

27. The implementation of our decision to require that telex equipment provided by the IRCs be detariffed will require changes in existing tariffs and accounting practices similar to those required by carriers detariffing equipment pursuant to our directives in Computer II. On reconsideration of that decision, 84 FCC 2d 50 (1980), we elected to impose a bifurcated transition plan that distinguished new equipment not in the subscriber's possession as of March 1, 1982, and federally tariffed terminal equipment from "embedded" equipment which is tariffed at the state level and subject to the separations process. We found that the deregulation of new equipment and federally tariffed equipment did not raise the difficult transitional issues that the deregulation of "embedded" equipment raised regarding separations and required that such equipment be detariffed as of March 1, 1982.

28. The IRCs tariff their terminal equipment exclusively at the federal level permitting its detariffing without raising separations issues. We conclude, therefore, that, consistent with *Computer II,* this equipment should be detariffed on or before March 1, 1982.

Ordering Clauses

29. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), 201–205, 403 and 404 of the Communications Act of 1934, as amended, that the determinations set forth herein are adopted as the Second Report and Order in Docket No. 21005.

30. It is further ordered, That the international record carriers shall file appropriate tariff revisions that detariff their telex equipment offerings with such tariff revisions to be effective no later than March 1, 1982.

31. It is further ordered, That all international record carriers shall maintain separate books of accounts relating to the provision of terminal equipment.

32. It is further ordered, That the Secretary shall cause a copy of the decision to be published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-16320 Filed 5-29-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amend. No. 162]

Organization and Delegation of Powers and Duties; Delegation to the Commandant of the Coast Guard

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to delegate to the Commandant of the Coast Guard authority and functions that are vested in the Secretary of Transportation, by the Inland Navigation Rules Act of 1980.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Lynne Adams-Whitaker, Department of Transportation Office of the General Counsel; (202) 426–4723, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Since this amendment relates to departmental management, procedures, and practices, it is excepted from notice and public procedure requirements and it may be made effective in fewer than thirty (30) days after publication in the Federal Register.

Drafting Information

The principal persons involved in drafting this amendment are Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, and Lt. Michael Tagg, Project Attorney, Office of Chief Counsel, U.S. Coast Guard.

Discussion of Delegation

The Inland Navigational Rules Act of 1980, Pub. L. 96–591, was enacted by Congress on December 24, 1980. It constitutes the special rules mandated in Rule 1(b) of the International Regulations for Preventing Collisions at Sea, 1972 (33 U.S.C. 1602).

The Inland Rules will replace the navigation rules for vessels operating on the Western Rivers, Inland Waters, and Great Lakes. The Act vests in the Secretary of the Department, in which the Coast Guard is operating, the power to: establish technical annexes; to issue regulations necessary to implement and interpret the Act; to assess civil penalties for violations of the Act, and to issue certificates of alternative compliance. This amendment delegates these functions to the Commandant of the Coast Guard. The authority granted herein, shall be exercised in accordance with the requirements and limitations of the above-cited Act and other applicable statutes and regulations.

Accordingly, section 1.46 of Part 1 of Title 49 of the Code of Federal Regulations, is amended as follows:

§ 1.46 [Amended]

(1) Paragraphs (c)(2), (c)(3), and (c)(4) of § 1.46 are removed.

(2) Paragraphs (c)(5) through (c)(10) are redesignated as (c)(2) through (c)(7) respectively.

(3) A new paragraph (n)(14) is added to § 1.46 to read as follows:

§ 1.46 Delegations to the United States Coast Guard Commandant.

* * * * *

(n) * * *

(14) Inland Navigational Rules Act of 1980 (Pub. L. 96–591);

* * * * *

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C. on May 21, 1981.

Drew L. Lewis,

Secretary of Transportation.

May 21, 1981.

[FR Doc. 81-16302 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 79-02; Notice 3]

Consumer Information Regulations

AGENCY: National Highway Traffic Safety Administration.

ACTION: Final rule.

SUMMARY: This notice delays for one year the effective date of a revision of the Consumer Information Regulations modifying the timing of manufacturers' submissions of performance data to the National Highway Traffic Safety Administration (NHTSA). The revision, which was to become effective June 1, 1981, will require vehicle manufacturers to submit specified performance information to NHTSA at least 90 days in advance of the date the information is made available to the public. A 30 day advance submission period is presently specified. In order to permit the agency to conduct rulemaking pertaining to the new 90-day requirement, and to avoid unnecessary burdens on industry, the effective date for this change has been delayed until June 1, 1982.

EFFECTIVE DATE: The new effective date for the amendment to § 575.6(d) is June 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ivy Baer, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202–426–1742.

SUPPLEMENTARY INFORMATION: The Consumer Information Regulations (49 CFR Part 575) require that manufacturers of motor vehicles and tires provide performance information to first purchasers and prospective purchasers of their products. The primary purpose of the regulation is to assure that consumers have adequate information on the safety performance of vehicles and tires to permit them to make informed purchasing decisions. Information required by the regulation must be available to consumers at the time the vehicles or tires to which it pertains are first authorized to be put on general public display and offered for sale. (49 CFR 575.6(c)). Section 575.6(d) of the regulation provides that the information must be submitted to NHTSA at least 30 days before it is made available to prospective purchasers. This advance submission requirement is intended to permit the agency to assemble the information from various manufacturers in a comparative format for use by prospective purchasers.

On July 14, 1980, NHTSA published a notice (45 FR 47152) amending Part 575, effective June 1, 1981, to require manufacturers to submit motor vehicle performance information to the agency at least 90 days prior to its availability to the public. The 30-day advance submission period was retained for Uniform Tire Quality Grading information required under 49 CFR 575.104 and for running changes occurring during the model year. The amendment was based on the agency's conclusion that a comparative presentation of performance data could only be effective if made available early in the model year. The additional 60 days advance notice was considered necessary to permit NHTSA to assemble and publish the information in time to be useful to most new car buyers.

Following establishment of the June 1, 1981, effective date for the schedule change, Ford Motor Company petitioned NHTSA to amend the Part 575 requirements to permit modification of previously submitted data. Ford argued that last minute, pre-introduction design or component changes are sometimes required and that these changes may affect performance characteristics covered by the consumer information

program. Absent flexibility to modify previous submissions, manufacturers would be forced to delay introduction of needed changes or disrupt production schedules until 90 days after the submission of the new information. NHTSA intends to issue a notice of proposed rulemaking dealing with this problem in the near future.

As noted in NHTSA's notice of proposed rulemaking on the timing of advance submissions (49 FR 15748; March 15, 1979), the deadline for data submissions was amended with the understanding that the agency's comparative performance data publication would be reevaluated and revised to assure that information is presented in an effective and more timely manner. As a result of delays inherent in the recent change of administrations, and the demands of other agency activities, the contemplated reevaluation and revison of NHTSA's consumer information program cannot be completed in time for the 1982 model year. For this reason, the additional 60-day advance submission required by the amendment of section 575.6(d) will serve no useful purpose with respect to information on model year 1982 vehicles. In order to avoid an unecessary burden on industry, and to permit the agency to deal with the Ford petition prior to the effective date of the schedule modification, the effective date for the amendment of 575.6(d) is changed to June 1, 1982.

The agency has considered the impacts of this limited delay and determined that this notice is neither major within the meaning of E.O. 12291, nor significant for purposes of Department of Transportation procedures for evaluation of regulatory actions. The change will ameliorate a minor regulatory burden on industry, while having no effect on the agency's ability to provide comparative performance data on model year 1982 vehicles. The impacts of this action are so minor as not to warrant preparation of a regulatory evaluation.

The agency has considered the impacts of the effective date change with regard to the Regulatory Flexibility Act and concluded that the one-year delay will not have a significant effect on a substantial number of small entities. Few, if any manufacturers submitting motor vehicle performance data under Part 575 are small businesses. Moreover, the limited nature of the change will result in only minor effects on covered businesses. The agency has also determined that this action is of such limited scope that it clearly will not have a significant effect on the quality of the human environment.

This final rule is being issued without prior notice and opportuntiy for comment because the agency finds that taking these procedural steps is impracticable and contrary to the public interest in this case. Delay in modifying the subject effective date would result in the advance submission schedule change taking effect before action on the pending Ford petition can be completed, and before agency plans for revision of the consumer information program can be implemented. Immediate action is thus necessary to avoid undue and unnecessary burdens on industry.

In consideration of the foregoing, the effective date for the amendment of 49 CFR 575.6(d), announced in the **Federal Register** on July 14, 1980, is delayed one year until June 1, 1982.

(Sec. 103, 112, 119; Pub. L. 80-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50)

Issued on May 29, 1981.

Diane K. Steed,

Acting Administrator.

[FR Doc. 81-16500 Filed 5-29-81; 1:03 pm]

BILLING CODE 4910-59-M

V 4 6 / 1 0 4 J E 1 8 1 UMI

Prop

This sectio
contains no
proposed i
regulations.
is to give
opportunity
making pric
rules.

DEPART

Agricultu

7 CFR Par

[Docket No

Dried Pru
Recomme
Opportuni
Exception
Amendme
Agreemer

AGENCY: A
USDA.

ACTION: Pr

SUMMARY:
exceptions
of the Cali
agreement
proposed
the use of
manufactu
change the
Administr
Marketing
member to
member; a
sharing a
representa
marketing
proposed
effectiven

DATE: Wri
recommen
July 1, 198

ADDRESSE
written ex
the Hearin
Departmer
South Buil
Two copie
shall be su
made avai
during reg
1.27(b)).

FOR FURTH
J. S. Miller
Branch, Fr
Agricultur
States Dep

Proposed Rules

Federal Register
Vol. 46, No. 104
Monday, June 1, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[Docket No. F & V AO 201-A8]

Dried Prunes Produced in California; Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendment of the Maketing Agreement and Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written exceptions on the proposed amendment of the California dried prune marketing agreement and order program. The proposed amendment would eliminate the use of the smallest-sized prunes in manufactured prune products each year; change the name of the Prune Administrative Committee to the Prune Marketing Commmittee; add a public member to the Committee as full voting member; and specify the basis for sharing a portion of Committee representation among cooperative marketing associations. The intent of the proposed changes is to improve the effectiveness of the program.

DATE: Written exceptions to this recommended decision must be filed by July 1, 1981.

ADDRESSES: Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written exceptions shall be submitted, and they shall be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-5697. An impact statement on this proposal is available on request from J. S. Miller.

SUPPLEMENTARY INFORMATION: Prior documents in the proceeding: Notice of Hearing—Issued November 18, 1980 and published November 24, 1980 (45 FR 77448).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore, is not subject to the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substanital number of small entities because it would result in only minimal costs being incurred by the regulated handlers.

J. S. Miller has determined that a comment period of less than 60 days is warranted. The proposed amendment, if adopted, should be effective no later than August 1, 1981. Harvesting and drying of prunes usually begins by early August, and producers need to know of any continuing undersized regulation as soon as possible so they can plan their operations accordingly.

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with resect to a proposed further amendment of the marketing agreement, and Order No. 993, regulating the handling of dried prunes produced in California, and of the opportunity to file written exceptions thereto. Copies of this decision may be obtained from the Hearing Clerk.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreement and orders (7 CFR Part 900).

This proposed amendment was formulated on the record of a public hearing held in San Francisco, California, on December 2, 1980. The hearing notice was published in the November 24, 1980, issue of the **Federal Register** (45 FR 77448). That notice contained proposals submitted by the Prune Administrative Committee.

Material Issues

The material issues of record are as follows:

(1) Changing the definition of "salable prunes" and provisions regarding the application of salable and reserve percentages after the end of the crop year.

(2) Changing the name of the administrative agency established under the order from "Prune Administrative Committee" to "Prune Marketing Committee".

(3) Adding a public member and alternate on the Committee, establishing the qualifications for such membership, and making other changes in the Committee's procedures necessary to accommodate the addition of a public member to the Committee.

(4) Providing a means for cooperative marketing associations to share Committee representation whenever two or more such associations are engaged in the handling of prunes.

(5) Changing the current authority for regulation of undersized prunes so that annual Committee determinations and recommendations would be unnecessary, and that such regulation would be continuous, even in above parity situations.

(6) Making such changes in the order as may be necessary to bring it into conformity with any amendment that may result from the hearing.

Findings and Conclusions

The following findings and conclusions on the material issues are based on the record of hearing.

(1) Section 993.21c defines the term "salable prunes", and the provisions in § 993.55 pertain to the application of salable and reserve percentages after the end of a crop year. Under these provisions, the Secretary must establish a salable percentage of 100 percent and a reserve percentage of zero percent for a crop year even though the Committee has recommended no volume regulation for that crop year and percentages of 100 percent and zero percent were in effect for the previous crop year. This requirement causes administrative costs for no useful purpose and is inconsistent with current objectives of reducing regulatory activities and costs. The evidence of record is that establishment of salable and reserve percentages of 100 percent and zero percent is

unnecessary in those crop years following years in which no volume regulations are in effect pursuant to § 993.54.

To accomplish this, § 993.21c should be amended by deleting the words "a reserve percentage of zero is established for a crop year," and substituting in lieu thereof the words "no reserve percentage is in effect for a crop year,". Of course, any prunes determined to be undersized prunes pursuant to § 993.49(c) should continue to be excluded from the meaning of "salable" prunes. Also, § 993.55 should be revised to conform with the change in § 993.21c and to improve the wording of the last sentence. As revised, § 993.55 should provide that the salable and reserve percentages established for any crop year shall remain in effect after that crop year until salable and reserve percentages are established for another crop year. After such percentages are established, all reserve obligations shall be adjusted to the newly established percentages.

(2) The name of the local administrative agency of the order should be changed from "Prune Administrative Committee" to "Prune Marketing Committee". Changing the designation from "Administrative" to "Marketing" would identify more clearly the function of the Committee with the marketing of dried prunes, which is the purpose of the order. The change should be accomplished by substituting the word "Marketing" for "Administrative" in the introductory paragraph of § 993.24. Also, the center heading preceding § 993.24 should be revised to read "PRUNE MARKETING COMMITTEE".

(3) Another revision in § 993.24 should be the addition of a public member and alternate member to the Committee with the same voting privileges as the other 21 members. Even though Committee deliberations are open to public participation, the appointment of a "public member" who is outside the industry and represents the public's viewpoint should be beneficial to the industry. One of the advantages to the Committee would be the obtaining of the public's views on program matters such as marketing policy, grade and size regulations, pack specifications, and salable and reserve percentages. Another benefit would be the establishment of a means for maintaining a continuing dialogue between the producer and handler members of the Committee and non-industry persons.

So that the public member would be truly representative of the public and represent its views, that member should not be associated with the commercial production, processing, financing, buying, packing, or marketing of California dried prunes except as a consumer. Nor should the public member be a director, officer, or employee of any firms engaged in those activities. A public member should not have any business dealings with any handler or producer and should not receive any remuneration from a producer or handler. Thus, a banker making loans to prune producers or handlers would not qualify as a public member, but University personnel receiving grants for studies of agricultural products could serve in this capacity. This qualification should be added as a new paragraph (e) in § 993.24. Paragraph (e) should provide that the public member and alternate shall have no financial interest in the prune industry.

The evidence of record is that it is unnecessary to provide additional qualifications for a public member because the provision should be broad enough to include anyone who is outside the industry, and who is willing to regularly attend Committee meetings and become familiar with the production and marketing of dried prunes.

The eligibility requirements in § 993.27 are now applicable to producer and handler members of the Committee. These requirements should continue to apply to those members, but a sentence should be added at the end of that section stating that these eligibility requirements shall not apply to the public member and alternate member.

The current nomination procedures in § 993.28 for producer and handler members are inapplicable for the public member and alternate public member. Therefore, a new paragraph (e) should be added to that section providing that the producer and handler members of the Committee selected for a new term of office shall nominate a public member and alternate member at the first meeting following their selection. This would enable the public member and alternate public member to serve for terms which are, as a near as practicable, concurrent with the terms of office of the other members and alternate members of the Committee. Since the terms of the current membership of the Committee will not expire until May 31, 1982, the initial public member and alternate member should be nominated and selected as soon as practicable following the effective date of the amended order.

The addition of a public member would necessitate a change in the quorum requirements § 993.33. Currently, § 993.33 specifies that a quorum shall be 12 for the 21-member Committee. Adding a public member would increase the Committee's membership to 22. To maintain the current balance between the quorum requirement and total membership, as near as practicable, the number of members required for a quorum should be increased to 13. However, it is unnecessary to change the current provision that at least 8 of the quorum must be producer members and at least 4 must be handler members.

(4) Section 993.28(b) now provides that nominations of producer members to represent cooperative producers and handler members to represent cooperative handlers shall be submitted to the Secretary by cooperative marketing associations engaged in the handling of prunes before April 16 of each year in which nominations are made. However, these provisions do not provide a specific means for cooperative associations to share such nominees when there are two or more associations. To provide such a means, a new sentence should be added to § 993.28(b). That sentence should specify that the number of cooperative producer members and handler members to be nominated by each cooperative marketing association shall bear, as near as practicable, the same percentage as each cooperative marketing association's tonnage of prunes handled as first handler thereof bears to the total tonnage handled by all cooperative marketing associations as first handlers thereof during the crop year preceding the year in which the nominations are to be made.

(5) The provisions of § 993.49(c) currently authorize the Secretary to establish a size regulation with respect to undersized French and non-French prunes upon a recommendation of the Committee whenever it determines that supply conditions for a crop year warrant such regulation. Most of the prunes produced in California are French prunes. Screens having round openings $^{23}/_{32}$ of an inch in diameter are authorized for determining undersized French prunes. The screen sizes for eliminating undersize non-French prunes are $^{28}/_{32}$ of an inch in diameter. Larger openings may be prescribed pursuant to § 993.52 if supply conditions warrant removal of the additional quantities of small prunes. This authority has been included in the order since 1972 and used in four of the nine years since then.

The notice of hearing included a proposal to revise § 993.49(c) so that annual Committee determinations and recommendations relating to undersize prunes would be unnecessary, and that

the use of minimum screen sizes of 23/32 for French prunes and 28/32 for non-French prunes would be continuous. It was also proposed in the notice that authority to increase the screen sizes, when supply conditions for a crop year warrant such regulations, be retained. Thus, under the proposals at least a minimum undersized regulation would be effective for each crop year and would continue in effect irrespective of whether the estimated season average price for prunes is in excess of the parity level specified in section 2(1) of the act.

Proponents contended that this proposal would: (1) Improve the quality of the prunes going into manufactured products, like juice and concentrate, as well as the products themselves; and (2) encourage cultural practices such as fruit thinning and pruning to improve prune size.

In addition to current authority to regulate prunes in terms of minimum standards of quality or more restrictive grades or sizes, the order prohibits handlers from shipping or otherwise making final disposition of lots of French prunes for human consumption as dried prunes unless the average count of such prunes is 100 or less per pound. The same restriction applies to lots of non-French prunes unless the average count of such prunes is 40 or less per pound. Lots of French and non-French prunes in which average size counts exceed those limitations may be disposed of in prune product outlets in which the prunes lose their form and character as prunes.

Prior findings and conclusions substantiating those requirements concluded that small prunes have less sugar, possess less desirable flavor and texture, and are less mature than larger prunes. Thus, the smallness of such prunes is definitely related to quality and maturity. It is also true that the number of pits and amount of skin in a given weight of small prunes is greater than the number and amount in the same weight of larger prunes. Those prior findings and conclusions recognized that there may be some mature and meaty prunes in the smaller size categories. However, those findings also recognized that a large percentage of prunes in those categories are so low in flesh and sugar content that they are unsuitable for human consumption.

Those prior findings and conclusions also concluded that, since prunes are graded by handlers into size categories by diameter screening and not by specific gravity, small prunes that may be mature and meaty are commingled with those unsuitable for human consumption as prunes. Separating such prunes is not economically feasible. Consequently, consumers usually associate such small prunes with immaturity and inferior quality and generally consider them unacceptable for use as human food in the form of prunes.

Not only are small prunes generally unacceptable for this use, but evidence introduced at this hearing indicates that the smallest prunes in the crop are unacceptable for use in prune products as well. French prunes which pass through a 23/32-inch screen have an average count of about 160 per pound when this size screen is the first in the grading operation, as is the case in normal industry grading operations. These prunes may range in size from 148 per pound to as many as 238 per pound. Such prunes contain about 22 percent pit compared to about 16.5 percent pit in 26/32 screen size French prunes, a size more preferable for manufacturing purposes. Additionally, the sugar to acid ratio in 23/32 screen size prunes is only 27 compared to 36 for the 26/32 screen size prunes.

In taste tests conducted by the University of California in 1975–1976, juice prepared from 23/32 screen size French prunes was compared with juice prepared from 24/32 and 26/32 screen size French prunes, and with a commercially prepared juice. The juice from the 23/32 screen size prunes was least preferred and that from the 26/32 screen size was the most preferred, even over the commercially prepared juice. The test results were significant at the five percent and one percent levels, indicating that the tests were statistically valid and that they were representative of the population as a whole.

These tests indicate that prune juice made exclusively from 23/32 screen size prunes would not be an acceptable consumer item. Consequently, these prunes must be blended with larger size prunes to avoid the inferior flavor the juice or concentrate would have if made exclusively from these smaller sized prunes. Only by blending can the smaller prunes be used to make an acceptable consumer product. Further, witnesses testified that these prunes detract from, rather than improve, the quality of product in which they are used. Therefore, their use in products like juice or concentrate is not in the long term interest of the industry, especially when it is endeavoring to improve the quality of its products and expand their markets. Prune juice and concentrate represent the industry's most important manufactured prune products and utilization for such products annually accounts for approximately a third of the total marketable crop.

Undersized prunes are used primarily as a filler in prune products, and their value reflects that use. During the 1978–79 and 1979–80 crop years, no undersized regulations were in effect. In those seasons, producers received 2–9 cents per pound for 140 count and smaller standard French prunes. An undersized regulation was in effect in each of the four crop years preceding the 1978–79 crop year. The prunes removed by the undersized regulations in those years were not included in producer pricing schedules.

Opponents to the establishment of a continuing undersized regulation contend that the proposal would impose unjust financial burdens on prune producers in Santa Clara, San Benito, and Sonoma Counties, and several Counties in the southern San Joaquin Valley, because they produce large percentages of undersized prunes each year. They also contend that while the value of undersized prunes is minimal, producers should be able to market these prunes in order to recoup some of the costs incurred in harvesting and drying them.

All of the prune producing counties in California produce undersized prunes, not just the counties cited by the opponents. Data introduced at the hearing show that the percentage of undersized prunes in the prune production for any given county fluctuates from year-to-year and, for any given year, varies widely by county. Moreover, in some years, the percentages of undersized prunes for Butte, Sutter, and Yuba Counties are higher than those in other years for the Counties of Santa Clara, San Benito, Sonoma, and those in the southern San Joaquin Valley.

That an undersized regulation reduces the supply available for marketing and may inpact some counties more than others in a given crop year was recognized by evidence introduced at the 1971 hearing. That evidence served as the basis for the current authority in the order to establish an undersized regulation for a crop year. Experience with undersized regulations under the current authority also recognizes that some French prunes removed by 23/32 inch screen (and some non-French prunes removed by a 28/32 inch screen) may be usable in conjunction with larger prunes in prune products, but that it is not currently practicable to remove them from the prunes prior to drying, which are not suitable for those purposes. Thus, those who opposed a permanent undersized regulation did not

introduce any new evidence into record. They also offered no convincing evidence to dispute the adverse effects of undersized prunes on the quality of the products in which they were used. There were contentions that the use of small prunes have no material impact because they may be blended with larger ones to mask undesirable characteristics. This was refuted by the observation that no product could be improved by the addition of an inferior ingredient.

The expressed goal of the California prune industry is to improve the quality of all prunes marketed for consumption as prunes or for use in prune products, thereby improving the demand for prunes and contributing to the economic strength of the industry. It is expected that this improvement in demand would result in long-term gains to producers and that this should offset any short-term advantage that might be gained through the sale of undersized prunes for use in prune products.

In view of the foregoing, the continuing undersized regulation as proposed should be established. To accomplish this, § 993.49(c) should be revised specifying that in no crop year shall a handler receive from producers or dehydrators prunes, other than as undersized prunes, which pass freely through a round opening with a diameter as follows: For French prunes $^{23}/_{32}$ of an inch, and for non-French prunes $^{28}/_{32}$ of an inch. A proviso should immediately follow specifying that the Secretary, upon a recommendation of the Committee, may establish larger openings whenever it is determined that supply conditions for a crop year warrant such regulation. The last sentence of that paragraph should state that the quantity of undersized prunes in any lot received by a handler from a producer or dehydrator shall be determined by the inspection service and entered on the applicable inspection certificate.

Section 993.53 currently provides that the minimum standards, the minimun sizes, and the provisions of this part relating to administration shall continue in effect irrespective or whether the estimated season average price for prunes are in excess of the parity levels specified in section 2(1) of the act.

Section 2(3) of the act authorizes the Secretary to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for certain agricultural commodities, other than milk and its products, in interstate commerce as will effectuate the orderly marketing of those commodities and be in the public interest. Consistent with the legislative history of section 2(3) of the act, minimum standards of quality are intended to keep off the market low quality, inferior products, even though prices may exceed the parity level. Such action is intended to be in the interest of consumers, as well as in the interest of producers. Any change (i.e., increase) in the size of the openings from those prescribed in § 993.49(c) would not be for the purpose of establishing a new quality-related minimum. On the basis of the record, larger openings would only be applicable when supply conditions warrant the regulation of a larger quantity of prunes as undersized prunes. Thus, any regulation prescribing openings larger than those in § 993.49(c) should not be invoked when that season price is above parity. In view of this, § 993.53 should be amended by adding the words "including the minimum undersized regulation in § 993.49(c)," immediately after the words "minimum sizes".

(b) One amendatory action included in this recommended decision required a conforming change elsewhere in the order, as amended. This was to change the subtitle preceding § 993.24 from "Prune Administrative Committee" to "Prune Marketing Committee". Such change should be incorporated in the recommended amendment of the order.

Rulings on Briefs of Interested Persons

At the end of the hearing, the Administrative Law Judge fixed January 19, 1981, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence presented at the hearing. The Administrative Law Judge later extended the final date for filing briefs to February 17, 1981. Briefs were filed by the Prune Administrative Committee, and the law firm of Messetti and Testa on behalf of the following prune producers and handlers: Danna and Danna Inc.; Valley View Packing Company; J. and A. Freitos; Mrs. Ottomer Neischulz; Jim Thomas; W. L. and Dorothy Parnow; John I. Ramos; Lazar Fruit Company; and Carl Holmes. Eighteen prune producers filed written arguments or comments regarding the proposed amendment.

Each point included in the briefs was carefully considered, along with evidence in the record, in making the findings and reaching the conclusions contained herein. To the extent that any suggested findings or conclusions contained in any of the briefs or arguments are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the recommended decision.

The attorney for the prune producers and handlers opposing the undersized regulation contended at the hearing and in the brief that insufficient time was allowed to adequately prepare for the hearing and requested a continuance. The Administrative Law Judge denied his request at the hearing for the following reasons:

Considerable effort was made by the Department and the Committee to bring the hearing to the attention of interested producers, handlers, and others and to give all parties enough time to prepare for the hearing. The amendatory proposal had been discussed extensively throughout the prune production area prior to the Committee's June 24, 1980, meeting. The matter was again thoroughly discussed at that meeting, during which the Committee requested the Department to hold a hearing to consider the proposed order amendment. Subsequently, the Department issued a pre-notice press release on August 13, 1980, announcing the proposed order amendment and inviting public comments on the proposals and on whether the hearing should be held. One comment was received from the Prune Bargaining Association (a price bargaining association), in support of the proposed changes.

Because there was reason to believe that the amendatory proposals could lead to a more effective marketing order, a decision was made to proceed with the issuance of a notice of a public hearing. A hearing notice was published in the **Federal Register** on November 24, 1980, in accordance with the Department's Rules of Practices and Procedure Governing Procedures To Formulate Marketing Agreements and Orders (7 CFR 900). A copy of that notice was mailed to all known producers and handlers and the Governor of the State of California. A press release concerning the proceeding was issued and made available to the media.

Prior to the time the hearing notice was issued, officials in the Department's Agricultural Marketing Service were available to help all persons, whether a proponent or an opponent. After discussions with persons opposed to change indicated the need for more preparation time, a tentative hearing time of early November 1980 was moved to December 2, 1980. It was decided that a hearing on that date would accommodate the opponent's need for more preparation time, but allow enough

time to complete the amendatory proceeding by the beginning of the 1981–82 season.

The Administrative Law Judge permitted seven opponent declarations to accompany the hearing record but refused to enter them into evidence as requested by the opponent's attorney. The Administrative Law Judge ruled that these individuals had waived their right to be heard in the proceeding because they failed to make an appearance (and thus provide an opportunity for cross examination). This decision is consistent with § 900.8 of the Department's rules.

Even though the seven declarations were not entered as evidence, a review revealed that they expressed opinions similar to those of the opponents who testified at the hearing, and hence, would not have added to the testimony of the opponents or the evidence of record.

General Findings

Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except for the finding as to the base period for parity computation and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of dried prunes in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of dried prunes produced in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(6) All handling of dried prunes produced in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended Amendment of the Marketing Agreement and Order

The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carrier out:

1. Section 993.21 is revised to read as follows:

§ 993.21 Salable prunes.

"Salable prunes" means those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if no reserve percentage is in effect for a crop year, all prunes, excluding the quantity of undersized prunes determined pursuant to § 993.49(c), received by handlers from producers and dehydrators during that year.

2. The center heading preceding §993.24 is changed from "PRUNE ADMINISTRATIVE COMMITTEE" to "PRUNE MARKETING COMMITTEE" and § 993.24 is amended by revising the introductory paragraph, and adding a new paragraph (e), to read as follows:

§ 993.24 Establishment and membership.

A Prune Marketing Committee (herein referred to as the "Committee"), consisting of 22 members with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom with their respective alternates, 14 shall represent producers, 7 shall represent handlers, and 1 shall represent the public. Committee membership shall be allocated in accordance with the following grouping with the alternate positions identically allocated:

* * * * *

(e) The public member and alternate shall have no financial interest in the prune industry.

3. Section 993.27 is revised to read as follows:

§ 993.27 Eligibility.

Producer members of the Committee shall be at the time of their selection, and during their term of office, producers in the group, for which selected and if to represent a district also producers in the district for which selected, and, except for producer members representing cooperative producers, shall not be engaged in the handling of prunes either in a proprietary capacity or as a director, officer, or employee. Handler mambers of the Committee shall be handlers in the group they represent or directors, officers, or employees of such handlers These eligibility requirements shall not apply to the public member and alternate member.

4. In § 993.28 a new paragraph (e) is added to read as follows:

§ 993.28 Nominees.

* * * * *

(e) The producer and handler members of the Committee selected for a new term of office shall nominate a public member and alternate member at the first meeting following their selection.

5. Section 993.28(b) is revised to read as follows:

§ 993.28 Nominees.

* * * * *

(b) Before April 16 of each even-numbered year nominations of producer members to represent cooperative producers and handler members to represent cooperative handlers shall be submitted to the Secretary by cooperative marketing associations engaged in the handling of prunes. The number of cooperative producer members and handler members to be nominated by each cooperative marketing association shall bear, as near as practicable, the same percentage as each cooperative marketing association's tonnage of prunes handled as first handler thereof is to the total tonnage handled by all cooperative marketing associations during the preceding crop year.

* * * * *

6. Section 993.33 is revised to read as follows:

§ 993.33 Voting procedure.

Decisions of the Committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions on marketing policy, grade or size regulations, pack specifications, salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and

procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes. A quorum shall consist of at least 13 members of whom at least 8 must be producer members and at least 4 must be handler members. Except in case of emergency, a minimum of 5 days notice must be given with respect to any meeting of the Committee. In case of an emergency, to be determined within the discretion of the chairman of the Committee, as much notice of a meeting as is practicable in the circumstances shall be given. The Committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption.

* * * * *

7. Section 993.49(c) is revised to read as follows:

§ 993.49 Incoming regulation.

* * * * *

(c) In no crop year shall a handler receive from producers or dehydrators prunes, other than as undersized prunes, which pass freely through a round opening with a diameter as follows: For French prunes 23/32 of an inch, and for non-French prunes 28/32 of an inch: *Provided*, That the Secretary upon a recommendation of the Committee, may establish larger openings whenever it is determined that supply conditions for a crop year warrant such regulation. The quantity of undersized prunes in any lot received by a handler from a producer or dehydrator shall be determined by the inspection service and entered on the applicable inspection certificate.

* * * * *

8. Section 993.53 is revised to read as follows:

§ 993.53 Above parity situations.

The minimum standards, the minimum sizes, including the minimum undersized regulation in § 993.49(c), and the provisions of this part relating to administration shall continue in effect irrespective of whether the estimated season average price for prunes is in excess of the parity level specified in section 2(1) of the act.

9. Section 993.55 is revised to read as follows:

§ 993.55 Application of salable and reserve percentages after end of crop year.

The salable and reserve percentages established for any crop year shall remain in effect after that crop year until salable and reserve percentages are established for another crop year. After such percentages are established, all reserve obligations shall be adjusted to the newly established percentages.

Signed at Washington, D.C., on May 27, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-16279 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Minority Small Business and Capital Ownership Development Assistance

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The proposed amendment to the current regulations of the Minority Small Business and Capital Ownership Development Assistance program will implement those provisions of Pub. L. 96-481 (October 21, 1980), which require SBA to establish a fixed period of time for every participant concern to remain in the program.

DATE: Comments should be received on or before July 31, 1981.

ADDRESSES: Interested parties may submit comments on these proposed regulations to the Office of General Law, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Charlie L. Dean, Chief Counsel for Special Programs (202) 653-6699.

SUPPLEMENTARY INFORMATION: Particular areas covered in the proposed amendment include:

1. Section 124.1-1(f)(1) makes clear that the newly authorized Fixed Program Participation Term is a limited period for program participation in addition to and not as a substitution for periods of program participation limited by Completion actions pursuant to subsection (d) of the regulations or Termination actions pursuant to subsection (E) of the regulations. This provision also specifies that this newly authorized Fixed Program Participation Term is a requirement for program eligibility.

2. Sections 124.1-1(f)(2) and (f)(3) specify that the Fixed Program Participation Term shall be negotiated between SBA and the participant concern and shall be set forth in the concern's business plan. This provision also establishes time limitations for concerns currently in the program to submit a Fixed Program Participation Term for negotiation with SBA.

3. Section 124.1-1(f)(4) establishes maximum periods of time for Fixed Program Participation Terms and provides for a one-time extension of such term. This provision also provides a preliminary Fixed Program Participation Term for concerns currently in the program pending negotiation of a regular Fixed Program Participation Term.

4. Section 124.1-1(f)(5) sets forth the criteria and policies which SBA will apply in negotiating Fixed Program Participation Terms for new program applicants and for concerns currently in the program applying for the necessary revision of their business plans.

5. Section 124.1-1(f)(6) provides that no Section 8(a) contracts may be awarded to a concern unless it has a Fixed Program Participation Term approved by SBA.

6. Section 124.1-1(f)(7) makes clear that the cessation of program eligibility at the conclusion of a Fixed Program Participation Term shall, in essence, be automatic, requiring no additional action by SBA and giving rise to no additional rights for the concerns. It is also emphasized that the cessation of program eligibility at the conclusion of a Fixed Program Participation Term is not subject to the Administrative Procedure Act hearing requirements of Section 8(a)(9) of the Small Business Act.

7. In establishing Fixed Program Participation Terms, the proposed regulations differentiate between concerns initially applying for program eligibility and concerns currently in the program, applying for a revision of their business plans to incorporate the required fixed terms.

For the purpose of Executive Order 12291, effective February 17, 1981, SBA hereby determines that these proposed rules, if finalized, would not constitute major rules. In addition, it is hereby certified that, for the purposes of the applicability of the requirements of sections 603 and 604 of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, 5 U.S.C. 603 and 604), these proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. These rules govern only those firms which have been or will be admitted to participate in SBA's section 8(a) program. This number is not substantial relative to all small business firms in the United States.

Dated: May 27, 1981.

Michael Cardenas,

Administrator.

Therefore, pursuant to the authority of section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), the Small Business Administration proposes to amend Part 124 of its Regulations (13 CFR Part 124) by adding a new § 124.1–1(f) to read as follows:

§ 124.1–1 The section 8(a) program.

* * * * *

(f) *Fixed Program Participation Term.* (1) In addition to Program Completion and Program Termination, set forth in subsections (d) and (e) of this section, every program participant shall be subject to a Fixed Program Participation Term. A Fixed Program Participation Term will establish the ultimate time period during which a concern may remain in the program and the conditions thereof, regardless of whether competitiveness is reached or Program Completion action is effected.

Except as noted in this section, a concern may not be accepted or continue in the program without a Fixed Program Participation Term.

(2) This Fixed Program Participation Term shall be negotiated between SBA and each small concern which is a participant or has applied for participation in the program.

(3) The provision of the Fixed Program Participation Term, including the time limitation therefor, shall be set forth in the SBA approved business plan of the program participant.

(i) A concern currently in the program shall submit to SBA a proposed revision of its business plan, incorporating a Fixed Program Participation Term, within two months from the effective date of this section 124.1–1(f). This Fixed Program Participation Term must be established, following negotations pursuant to subsection (f)(2) herein, no later than April 21, 1982.

In negotiating this revised business plan, SBA will determine whether the concern currently in the program should be terminated, pursuant to subsection (e) of this section, completed pursuant to subsection (d) of this section, or extended subject to a Fixed Program Participation Term. A determination at this time, however, to extend a concern subject to a Fixed Program Participation Term shall not preclude SBA from initiating Program Completion action or Program Termination action at any time prior to the completion of the Fixed Program Participation Term.

(4) The maximum Fixed Program Participation Term shall be as follows. These maximum terms shall apply both to concerns applying for entry into the program and to concerns currently in the program, applying for a revision of their business plan to incorporate a Fixed Program Participation Term as required by these regulations.

For concerns whose primary business activity is classified by SBA as "service"——three years.

For concerns whose primary business activity is classified by SBA as "construction"——five years.

For concerns whose primary business activity is classified by SBA as "manufacturing"——five years.

For concerns whose primary business activity is classified by SBA in any other category——five years.

(i) Not less than one year prior to the expiration of the Fixed Program Participation Term, a concern may request SBA to review and extend its Fixed Program Participation Term for a period not to exceed the difference between the Fixed Program Participation Term established in the business plan and the maximum Fixed Program Participation Term authorized herein, plus one year. There may be no further extensions.

(ii) For concerns currently in the program applying for a revision of their business plan to incorporate a Fixed Program Participation Term, SBA may, at its option, accept these revisions upon receipt for the purpose of a preliminary Fixed Program Participation Term not to exceed one year, pending negotiation of a regular Fixed Program Participation Term as set forth herein.

(5) The criteria that SBA will use in negotiating a Fixed Program Participation Term or an extension thereof with current program participants and applicant program participants are as follows:

(i) The factors referenced in § 124.1–1(c)(4) of this regulation for determining economic disadvantage.

(ii) The number and dollar amount, and the progressively decreasing importance, of section 8(a) contract support that it is anticipated will be necessary to achieve competitiveness. In order to maximize limited program resources, SBA will emphasize business plans anticipating lesser amounts of section 8(a) contract support to reach competitiveness.

In negotiating a Fixed Program Participation Term for concerns currently in the program, SBA will consider the section 8(a) contract support previously received by the concern. An SBA determination that such previous contract support has failed to appreciably contribute toward a timely achievement of competitiveness will be a significant factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(iii) The number and dollar amount and the progressively increasing importance of contract support, other than section 8(a) contract support, that it is anticipated will be necessary to achieve competitiveness. SBA will emphasize business plans having greater reliance on this non-section 8(a) contract support to reach competitiveness.

In negotiating a Fixed Program Participation Term for concerns currently participating in the program, SBA will consider the non-section 8(a) contract support previously received by the firm. An SBA determination that the concern has failed to progressively increase the importance of such non-section 8(a) contract support during its previous participation in the program will be a significant factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(iv) The length of time that it is anticipated will be necessary to achieve competitiveness. In order to maximize limited program resources, SBA will emphasize program participation for those concerns closer to competitiveness.

In negotiating a Fixed Program Participation Term for concerns currently in the program, SBA will consider the length of time during which the concern has previously participated in the program. The degree to which this past participation in the program has exceeded the maximum Fixed Program Participation Terms set forth in subsection (f)(4) herein, will be a factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(v) The degree to which it is anticipated that Advance Payments and Business Development Expense will be necessary to enable the concern to successfully complete section 8(a) contracts and the extent to which reliance upon such proceeds will progressively decrease in importance. In order to maximize limited SBA resources and to increase exposure to regular competitive procedures, SBA will emphasize maximum use of conventional governmental and private

resources in performing such contracts.

In negotiating a Fixed Program Participation Term for concerns currently in the program, SBA will consider the previous Advance Payments and Business Development Expense received by the concern. An SBA determination that such Advance Payments and Business Development Expense support has failed to progressively decrease in importance during its previous participation in the program will be a factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(vi) The rate at which it is anticipated that a concern will decrease its reliance upon all forms of program support, especially section 8(a) contract support, in reaching competitiveness at the end of the Fixed Program Participation Term.

In negotiating a Fixed Program Participation Term for concerns currently in the program, SBA will consider the previous rate at which the concern has decreased its reliance upon program support, and correspondingly increased its reliance upon conventional governmental and private contract business. An SBA determination that the concern has failed to appreciably improve its rate of business reliance in this manner will be a factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(6) No contracts pursuant to 8(a) of the Small Business Act shall be awarded to any concern unless it has received and is operating under an SBA approved Fixed Program Participation Term.

(7) Nothing in this subsection (f) shall be construed to limit SBA from initiating Termination actions, pursuant to subsection (e) above, or Completion actions, pursuant to subsection (d) above, during any Fixed Program Participation Term granted herein.

(8) Upon the conclusion of the Fixed Program Participation Term granted and/or extended herein, a concern will cease to be a program participant. This Cessation of program participation shall occur without the necessity of any additional action by SBA; also it shall not give rise to any rights, claims or prerogatives on behalf of the concern. Cessation of program participation at the conclusion of the Fixed Program Participation Term shall not be subject to the hearings or other requirements of Section 8(a)(9) of the Small Business Act (15 U.S.C. 637(a)(9)) or any implementing rules or regulations.

[FR Doc. 81-16383 Filed 5-29-81; 8:45 am]

BILLING CODE 9025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-SO-27]

Proposed Alteration of Transition Area, Campbellsville, Kentucky

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Campbellsville, Kentucky, Transition Area by designating an extension. A new standard instrument approach procedure has been developed for the Taylor County Airport and additional controlled airspace is required to protect aircraft executing the approach procedure.

DATE: Comments must be received on or before: July 24, 1981.

ADDRESSES: Send comments on the proposal to:

Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before July 24, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate an extension to the Campbellsville, Kentucky, 700-foot Transition Area. This action will provide controlled airspace protection for aircraft executing the proposed NDB Runway 23 standard instrument approach procedure at the Taylor County Airport. The existing Arista, nonfederal, nondirectional radio beacon, located on the airport will support the approach procedure.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR 71) as follows:

Campbellsville, Kentucky

"* * * 211° bearing * * *" is deleted, and "* * * 052° and 211° bearing * * *" is substituted, and "* * * southwest of the NBD * * *" is deleted, and "* * * northeast and southwest of the RBN * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a significant economic impact on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on May 15, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-16166 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-ASW-19]

Proposed Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter VOR Federal Airway V-280 between Roswell, N. Mex., and Texico, N. Mex., and would also revoke V-280S between Roswell and Texico. This action would improve flight planning, reduce chart clutter, and eliminate coordination between air traffic control centers for aircraft on V-280 in that area.

DATE: Comments must be received on or before July 1, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ASW-19, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (ATT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-19." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V-280 between Roswell, N. Mex., and Texico, N. Mex. In addition, V-280S would be revoked. This action would shorten the distance between Roswell and Texico, thereby saving fuel. The revocation of V-280S is consistent with our policy to eliminate alternate airways in support of an agreement with the International Civil Aviation Organization (ICAO). Section 71.123 under Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend V-280 under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by deleting the words "Roswell, N. Mex.; INT Roswell 063° and Texico, N. Mex., 216° radials; Texico, including a south alternate via INT Roswell 080° and Texico 216° radials;" and substituting for them the words "Roswell, N. Mex.; INT Roswell 063°T(051°M) and Texico, N. Mex., 218°T(207°M) radials; Texico;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 21, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-16162 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-SO-24]

Proposed Alteration of Transition Area, Aiken, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Aiken, South Carolina, Transition Area by lowering the base of controlled airspace from 1,200 to 700 feet AGL between 8 and 8.5 miles around the Aiken Municipal Airport. This action will eliminate the need to redesignate an existing arrival extension or to designate further extensions.

DATE: Comments must be received on or before: July 27, 1981.

ADDRESSES: Send comments on the proposal to:
Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320
The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT:
Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before July 27, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to increase the basic radius of the Aiken, South Carolina, Transition Area from 8 to 8.5 miles around the Aiken Municipal Airport. An extension is presently predicated on the 048° bearing from the Aiken (nonfederal) nondirectional radio beacon, located on the airport. The approach course of the NDB Runway 24 standard instrument approach procedure has changed to the 038° bearing. By increasing the basic radius area to 8.5 miles, all extensions based on the radio beacon would be included.

This action will (1) simplify the transition area description by deleting references to the radio beacon, (2) correct an existing deficient arrival extension, and (3) eliminate the need for future amendments resulting from NDB approach procedure changes.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR 71) as follows:

Aiken, South Carolina

The present description is deleted and " . . . That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Aiken Municipal Airport (latitude 33°39'10"N., longitude 81°41'25"W.) . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air trafic control procedures over a limited area.

Issued in East Point, Georgia, on May 20, 1981.

Thomas H. Protiva,

Acting Director, Southern Region.

[FR Doc. 81-16170 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71 and 75

[Airspace Docket No. 81-AWA-4]

Designation and Revocation of Area High Routes, Reporting Points, and Control Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to: (a) designate an area high route from Anchorage, Alaska, to the U.S./Canadian border; (2) revoke Area High Route J997R; and (c) revoke Control Area 1310 and associated reporting points. These actions would improve air traffic control routings and flight planning for pilots, and would reduce controlled airspace not required for air traffic control purposes.

DATE: Comments must be received on or before July 1, 1981.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWA-4, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska, 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:
John Watterson, Airspace Regulations and Obstructions Branch (ATT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions

presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWA-4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering amendments to § 71.162, 71.211, 71.213, and 75.400 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to: (a) revoke Control Area 1310 and amend that part of Control Area 1487 that excludes the portion within 1310, and their associated reporting points; (b) revoke J997R; and (c) designate J804R from Anchorage, Alaska, to overlie J-111 and the current Control Area 1310 route to the FRIED reporting point at the U.S./Canadian border. These actions would improve air traffic control efficiency and pilot flight planning for air traffic operating between Anchorage, Alaska, and the Continental U.S. The description of these routes and reporting points under Parts 71 and 75 were republished on January 2, 1981, (46 FR 449, 758, 760 and 848).

ICAO Considerations

As part of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.163, 71.211, 71.213 and 75.400 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75), as republished (46 FR 449, 758, 760, and 848) as follows:

1. § 71.163, by removing Control 1310 and by deleting from Control 1487 the words "portion within Control 1310 and the" from the last line of its description.

2. § 71.211, by removing "CARTS" "FRIED" "SHRIM" and "SNOUT" and their definitions in their entirety.

3. § 71.213, by removing "CARTS" "FRIED" and "SNOUT" and their definitions in their entirety.

4. § 75.400, by removing "J997R Anchorage, Alaska, to Annette Island, Alaska" and its description and by adding the following:

Waypoint Name, Location, and Reference Facility

J804R Anchorage, Alaska, to FRIED

Anchorage, Alaska—61°09'05" N., 150°12'16" W., Anchorage, Alaska
NOWEL—60°29'01" N., 146°38'01" W., Anchorage, Alaska
Middleton Island, Alaska—59°53'28" N., 146°20'53" W., Middleton Island, Alaska
SNOUT—57°53'28" N., 141°45'13" W., Yakutat, Alaska
EEDEN—55°54'00" N., 137°00'00" W., Biorka Island, Alaska
FRIED—54°13'20" N., 133°37'51" W., Annette Island, Alaska

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule"under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on May 22, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-16184 Filed 5-29-81; 8:45 am]
BILLING CODE 4910-13-M

---

14 CFR Part 75

[Airspace Docket No. 81-ASW-22]

Proposed Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter Jet Routes J–15 and J–180 between Junction, Tex., and Humble, Tex. The realignment of these jet routes would provide additional route flexibility for maneuvering departure/arrival traffice in the Humble area.

DATES: Comments must be received on or before June 1, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 81–ASW–22, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ASW–22." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Routes J–15 and J–180 between Junction, Tex., and Humble, Tex. The realignment would provide parallel west departure routes from the Houston area, thereby reducing departure delays and enhancing the flow of traffic and decreasing the controller workload. Section 75.100 under Part 75 was republished on January 2, 1981 (46 FR 834).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the descriptions of Jet Routes J–15 and J–180 under § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75), as republished (46 FR 834), as follows:

1. Jet Route No. 15 [Amended]

By deleting the words "From Humble, Tex., via INT Humble 269° and Junction, Tex., 112° radials: Junction;" and substituting for them the words "From Humble, Tex., via INT Humble 275°T(267°M) and Junction, Tex., 106°T(098°M) radials: Junction;"

2. Jet Route No. 180 [Amended]

By deleting the words "From Humble, Tex., via Daisetta, Tex.;" and substituting for them the words "From Junction, Tex., via INT Junction 112°T(104°M) and Humble, Tex., 264°T(256°M) radials; Humble; Daisetta, Tex.;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 21, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–16196 Filed 5–29–81; 8:45 am]

BILLING CODE 4910–13–M

CIVIL AERONAUTICS BOARD

14 CFR Part 323

[PDR–74; Docket 39632; Dated: May 14, 1981]

Airlines; Terminations, Suspensions, and Reductions of Service

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to limit the requirement that a certificated airline file a 90-day notice when ending all its service to a community to situations where that airline is the last or next-to-last certificated carrier serving that community. The CAB also proposes to eliminate the requirement that airlines file a 60-day notice when ending the last nonstop or single-plane service in a foreign or domestic market. At the same time, the CAB proposes to require certificated airlines to file a 90-day notice when reducing total available capacity at a community by 25 percent or more. These actions are in response to the sunset and small community air service provisions of the Federal Aviation Act.

DATES: Comments by: July 31, 1981. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable. Requests to be put on the Service List by: June 17, 1981. The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39632, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel; Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: Sections 401(j) and 419 of the Federal Aviation Act require airlines to file a notice with the Board whenever they intend to terminate, suspend, or reduce air service to a community. By PR–200, 44 FR 20635, April 6, 1979, the Board added a new 14 CFR Part 323, *Terminations, Suspensions, and Reductions of Service.* This part establishes procedures for air carriers to flow in filing the notices required by sections 401(j) and 419. It sets forth the circumstances that call for the filing of a notice, how long before the intended termination or reduction of service it must be filed, whom it must be served on, and the information it must contain. Part 323 also establishes procedures for filing objections to a carrier's notice, filing answers to those objections, and notifying the Board of temporary suspensions of service due to strikes or other events beyond the carrier's control.

Under Part 323, certificated carriers must give 90 days' notice whenever they wish to terminate all service at a point, reduce air transportation there below the essential level, or terminate all cargo air transportation to a foreign country. Certificated carriers must give 60 days' notice before terminating the last nonstop or single-plane service between two points in this country, or all nonstop and single-plane service between a point in this country and a point in a foreign country. Commuter air carriers must give 30 days' notice when they wish to terminate or reduce air transportation to a community so that that point will receive less than essential air transportation. The notice must be given 90 days before the intended termination or reduction if the commuter is receiving subsidy for serving that point.

As part of the process of deregulation, some of the authority of the Board terminates on December 31, 1981. Among the authority that we lose is the power to require airlines to file most of the notices now required under section 401(j) of the Act. Section 1601(a)(1)(D) of the Federal Aviation Act states that "The authority of the Board with respect to * * * section 401(j) of this Act (except with respect to essential air transportation) * * * shall cease to be in effect on December 31, 1981." Thus beginning January 1, 1982, the Board may require notices of carriers under section 401(j) of the Act only to the extent necessary to implement the essential air service program mandated by section 419 of the Act.

In order to conform our rules to the changes in our statutory authority, and in light of our experience under the present rule, we are proposing several amendments to Part 323. Under this proposal, the 60-day notice of termination of the last nonstop or single-plane service in a market would no longer be required. The 90-day notice required of a certificated carrier when it terminates all its service to a point would be eliminated except in a few cases explained below. All notice requirements involving foreign air transportation would also be eliminated. Sections prescribing the time for filing, the contents, and the service of notices would be changed to reflect the elimination of these notices. Section 323.8, which exempts minor service from the 60-day notice requirement, would be revoked as it would no longer have any significance. Since no notices would be required for suspensions involving foreign air transportation, the notice (§ 323.14) and report (§ 323.15) required when there is an involuntary interruption of air service to a foreign country would no longer be mandatory.

The only notice requirements that would remain would be those necessary to implement the essential air service program. This program, established under section 419 of the Act, is designed to insure that the increased freedom of airlines to enter and exit markets under deregulation does not leave any community without at least essential air service.

Under this program, the Board sets essential air service levels for communities that are eligible points. Eligible points are those that were listed on an air carrier's certificate on October 24, 1978 and others that the Board designates using the criteria in 14 CFR Part 270. The Board issues essential air services determinations for eligible points if they are serviced by less than two certificated carriers. If an air carrier wanted to reduce service to an eligible point below the level that the Board determined to be essential, it would under this proposal still have to file a notice. For an eligible point where the Board has not yet issued an essential air service determination, the current requirement that a carrier file a notice if service to all hubs is being reduced to less than two flights per day, five days per week would also remain.

Continuation of these notices is authorized by the Act, and would usually insure that the Board and affected communities receive timely notice of a change in service that affects that point's essential air service. We have tentatively concluded, however, that some additional notice requirements are needed in order to carry out our responsibilities under section 419 of the Act.

Section 419(a)(2)(B) states that the Board must make an essential air service determination for an eligible point within 6 months of receiving notice that the point's air service will be reduced to service by one or no certificated air carriers. Currently, we learn of such reductions under § 323.3(a)(1) of our rules. This section requires a certificated carrier to file a notice when terminating all its service at a point. This notice must be filed regardless of how many other certificated carriers will still be serving the point. Since we are proposing to eliminate that requirement here, some other notice is needed to let us know that the 6-month period for making an essential air service determination has begun. A notice requirement in this situation would also give the Board an opportunity to determine whether the proposed service reduction reasonably appears to affect the point's essential air service. We are therefore proposing a new § 323.3(a)(1) to require the next-to-last certificated carrier to file a notice 90 days before terminating all its service at an eligible point. Service that is operated less than 5 days per week would be considered terminated. Since the purpose of this notice requirement would be primarily to notify the Board of the need to make an essential service determination, and the termination itself may not impact on the point's essential service, we request comments on whether the notice period should be shorter than 90 days.

We are also proposing to require the last certificated carrier to file a 90-day notice before terminating all its service to an eligible point, even if commuters are serving there. This would serve several functions relating to the essential service program. First, it would aid in monitoring air service levels at eligible points. The exit of the last certificated carrier is a major change in a community's air service and one that the Board should be made aware of since we are responsible for securing any needed replacement service. The notice also would tell us that we will learn of future air service changes at

that point on only 30 days' notice, the notice period typically required of uncertificated carriers. More importantly, this notice would give us an opportunity to consider the reliability of the remaining commuter air carriers. If we find them to be unreliable or incapable of providing the essential air service, we will have to order the certificated carrier to continue its service at the point until a reliable replacement is found. Finally, notice of the departure of the last certificated carrier is important to the Federal government because it might have an impact on the programs or expenditures of the Federal Aviation Administration or the Post Office.

The notices described above will be sufficient to ensure that the Board is aware of air service changes that affect essential air transportation at single-carrier eligible points. There may be instances at multi-carrier points, however, where the major carrier there terminates or significantly reduces its service without having to file a notice. Although the community might still be receiving service from two or more certificated carriers, the termination or reduction may leave a significant portion of the point's traffic totally unaccommodated. In such situations, the Board has, under 14 CFR 398.6(b)(4), made a finding of a major transitional problem and issued a transitional essential air service determination for the point. This has had the effect of forcing the incumbent carrier to continue providing some or all of the service that it proposed to terminate. To date, each time that the Board has found a transitional problem and ordered the incumbent to continue service, it has involved a reduction of available capacity at the point of at least 25 percent.

We therefore propose to require any certificated carrier seeking to make changes that will reduce the total available capacity at an eligible point by 25 percent or more within a 90-day period to file a 90-day notice with the Board. This would give us an opportunity to review the air service needs of the community and decide whether a major transitional problem exists there. Only certificated carriers would have to file this notice. In determining whether its termination would reduce available capacity by more than 25 percent, the carrier should consider only flights to hubs. The carrier may count the available seats on both certificated and commuter carriers in deciding whether its action will cause a 25-percent reduction. Carriers could not evade this notice requirement by instituting a phased reduction in service of more than 25 percent over a short period of time.

In all, these changes would reduce the current reporting burden on carriers under Part 323 by about 75 percent. At the same time, we would retain our ability to monitor essential air service at eligible points.

Although we are proposing to eliminate all 60-day notices involving foreign air transportation, we still want to know when a carrier is terminating all its nonstop and single-plane service in a foreign market. Currently, under 14 CFR Part 231 air carriers must file schedule changes with the Board. Three copies of the new schedule page and a summary sheet describing all additions and changes to their schedule must be submitted. These provide the Board with the necessary notice without causing a delay in the implementation of the schedule change. No additional filing requirements are needed.

The reduction in the notice requirements proposed here will mean that many flights could be cancelled with little or no notice to the communities affected. This could cause problems for people who hold reservations on those flights. To avoid any hardship, we would expect carriers to contact all passengers holding reservations on the cancelled flights to inform them of the flight cancellation and to attempt to arrange alternate transportation. Failure to do so may be viewed as an unfair or deceptive practice, in violation of section 411 of the Act.

We propose that the amendments described above take effect on January 1, 1982, when our statutory authority changes. We request comments on whether some, particularly the elimination of the notices involving foreign air transportation, should become effective earlier.

The Regulatory Flexibility Act, Pub. L. 96-354, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities. It requires agencies to analyze the need, objectives, legal basis, and alternatives, for rules that if adopted will have a "significant economic impact on a substantial number of small entities." This rule would leave the notice requirements for commuters unchanged, so it will not have a significant economic impact on small carriers. Their obligations under Part 323 are already less than those of the larger certificated carriers. The rule may have a significant economic impact on small communities that are eligible points (about 550). They will no longer receive advance notice of some air service reductions. They will, however, continue to receive notice of the most important reductions, those that affect essential air services.

The need, objectives, and legal basis for this rule are described above. Possible alternatives would be continuing the present notice requirements or further reducing them. Our statutory authority to adopt the first alternative is questionable. The second alternative would make it difficult if not impossible to monitor and maintain essential air service at small communities as required by section 419 of the Act. The proposed rule would not impose any additional reporting requirements on small air carriers or small communities and would not duplicate, overlap, or conflict with other Federal rules.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 323, *Terminations, Suspensions, and Reductions of Service*, as follows:

1. The table of contents would be amended by removing § 323.8 and by adding at the end a new § 323.18, *Carriers' obligations when terminating, suspending, or reducing air service.*

2. The definition of "certificated carrier" in § 323.2 would be revised to read:

§ 323.2 Definitions.

* * * * *

"Certificated carrier" means a direct air carrier holding a certificate of public convenience and necessity issued by the Board under section 401 of the Act, authorizing scheduled route service.

* * * * *

3. In § 323.3 paragraphs (a) introductory text, (a)(1) through (a)(3), (a)(4) introductory text, and (a)(5) would be revised and paragraph (b) would be removed and reserved so that the section would read:

§ 323.3 Who shall file notices.

(a) *Terminations, suspensions, or reductions by certificated carriers.* The notice described in § 323.4(a) shall be filed by any certificated carrier that intends to:

(1) Terminate or suspend all passenger air transportation that it is providing to any eligible point in the United States when that termination or suspension will leave one or no certificated carriers serving that point. Service shall be considered to be terminated or suspended whenever it is operated less than 5 days per week;

(2) Reduce passenger air transportation so that any eligible point receives less than the level of essential

air transportation determined by the Board;

(3) Reduce passenger air transportation to any eligible point for which the Board has not determined the level of essential air transportation, other than a point in Alaska, so that there is no FAA-designated hub from which the point receives at least two round trip flights per day, 5 days per week;

(4) Reduce passenger air transportation to any eligible point in Alaska for which the Board has not determined the level of essential air transportation so that the service between that point and every other point served by a certificated carrier is either—

* * * * *

(5) Terminate, suspend, or reduce passenger air transportation so that the total available seats of all the carriers linking the eligible point to all FAA-designated hubs will be reduced by 25 percent or more during a 90-day period. Service to a hub shall be considered to be terminated or suspended whenever it is operated less than 5 days per week, with three or more intermediate stops, or in one direction only between the two points.

(b) [Reserved]

* * * * *

§ 323.4 [Amended]

4. In § 323.4, *contents of notices,* paragraph (b) would be removed and reserved.

5. Section 323.5 would be revised to read:

§ 323.5 Time for filing notices.

A notice required by § 323.3 shall be filed at least—

(a) 90 days before the intended termination, suspension, or reduction, if it is filed by a certificated carrier or by an uncertificated carrier receiving compensation under section 419 of the Act for service to the point;

(b) 30 days before the intended termination, suspension, or reduction, if it is filed by an uncertificated carrier not receiving compensation under section 419 of the Act for service to the point.

6. In § 323.6, paragraph (b) would be revised and paragraph (c) would be removed and reserved so that the section reads:

§ 323.6 General requirements for notices.

* * * * *

(b) Each notice filed under this part shall be titled to indicate the point(s) involved, and to indicate whether it is a 30- or 90-day notice and whether it involves a termination, suspension, or a reduction of air transportation.

7. In § 323.7, paragraph (a) introductory text and (a)(1) would be revised and paragraphs (a)(2) and (b) would be removed and reserved so that it reads:

§ 323.7 Service of notices.

(a) A copy of each notice required by § 323.3 shall be served upon:

(1) The chief executive of the principal city or other unit of local government at the affected point. The principal city is the one named, or previously named, in the section 401 certificate by virtue of which the point qualifies as an eligible point. For points in Alaska or Hawaii that are designated by the Board as eligible points without having been listed on a section 401 certificate, the principal city is the most populous municipality at the point.

(2) [Reserved]

* * * * *

(b) [Reserved]

* * * * *

§ 323.8 [Reserved]

8. Section 323.8, *Exemption from 60-day notice for minor service,* would be removed and reserved.

§ 323.10 [Amended]

9. § 323.10, *Time for filing objections,* paragraph (a)(2) would be removed and reserved.

§ 323.12 [Amended]

10. In § 323.12, *General requirements for objections and answers,* paragraph (c) would be removed and reserved.

11. In § 323.14, paragraph (d) would be revised to read:

§ 323.14 Temporary suspension authority for involuntary interruption of service.

* * * * *

(d) The notice required by paragraph (b) or (c) of this section shall be marked for the attention of the Director, Bureau of Domestic Aviation.

12. In § 323.15, paragraph (b) would be revised to read:

§ 323.15 Report to be filed after strikes.

* * * * *

(b) The report shall be marked for the attention of the Director, Bureau of Domestic Aviation.

13. Section 323.16 would be revised to read:

§ 323.16 Listings in schedule publications.

Each air carrier filing a notice under paragraphs (a)(2), (a)(3), (a)(4), (a)(5), or (c) of § 323.3 shall continue to list the affected flights in all generally-distributed schedule publications in which the flight was listed before the notice. The listings shall continue until the Board permits the flights to be discontinued. The listings may include a notice stating that the flights are "to be discontinued as of (date) subject to government approval."

14. A new § 323.18 would be added to read:

§ 323.18 Carrier's obligations when terminating, suspending, or reducing air service.

Any air carrier that terminates, suspends, or reduces air service, whether or not subject to the notice requirements of this part, shall make reasonable efforts to contact all passengers holding reservations on the affected flights to inform them of the flight's cancellation.

(Secs. 204, 401, 407, 411, 419, and 1601, P.L. 85-726, as amended, 72 Stat. 743, 754, 766, 769, 92 Stat. 1732, 1744; 49 U.S.C. 1324, 1371, 1377, 1381, 1389, 1551)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16282 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Part 399

[PSDR-72; Docket 39635; Dated May 14, 1981]

Standard Foreign Fare Level Methodology; Statements of General Policy

AGENCY: Civil Aeronautics Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The CAB is seeking comments on its present Standard Foreign Fare Level (SFFL) methodology The SFFL provides a cost pass-through mechanism that keeps Board fare policy in tune with current cost trends. While the current procedure has been workable and effective, the Board believes that it can be improved.

DATES: Comments by: July 10, 1981.
Reply comments by: July 30, 1981.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: June 10, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on the others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39635, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple

copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5298.

SUPPLEMENTARY INFORMATION:

Background

The International Air Transportation Competition Act (IATCA)[1] requires that the Board establish a Standard Foreign Fare Level (SFFL) and adjust it periodically by percentage changes in actual operating costs per available seat-mile (ASM). The SFFL thus computed forms the benchmark for measuring a no-suspend zone: the Board may not suspend, except in exceptional circumstances, an international fare that is less than 5 percent above and 50 percent below the SFFL, unless it is unjustly discriminatory or a foreign government has unreasonably rejected U.S. carrier fare proposals. With few exceptions, the SFFL system reflects cost escalation over fares approved for effectiveness on or after October 1, 1979. In essence, Congress presumed such fares to be just and reasonable.[2] Consequently, the SFFL calculations measure inflation from October 1, 1979, to the midpoint of the latest projection period for the three international ratemaking entities for which carriers report separate data to the Board: Atlantic, Latin America, and Pacific.

In order to fulfill the intent of Congress that the SFFL reflect the most current costs, we revise the SFFL using short-term projections every two months. In addition, for those carriers preferring greater stability in rate levels, alternative SFFL levels are computed based on four month projections. Thus, the most recently published four month levels are effective February 1, 1981 through May 31, 1981. From time to time, the Board has expanded the no-suspend zones beyond the Congressionally ordained minima to reflect changed circumstances in the industry and new information.[3] Even these expanded regulatory zones, however, use the SFFL as a benchmark. Our approvals of IATA fare agreements have been conditioned on adherence to SFFL regulatory ceilings.[4] The SFFL calculation is, therefore, a crucial component of board international fare policy.

We believe our current methodology is reasonable, but would like to refine it where possible and ensure that it stands on the soundest economic footing. We are, therefore, conducting this inquiry in order to solicit comments from carriers and other interested parties on the issues involved. The comments received, in combination with other information already available, should provide the basis for an additional notice where specific solutions to identified problems will be proposed. We should emphasize that this docket is intended only for examination of the SFFL escalator methodology, and not the Board's fare flexibility policies. The latter, as we noted in Order 81–1–119, are under continuous review and will continue to be dealt with in separate dockets.

Discussion

Basically, our current SFFL methodology, like its domestic SIFL counterpart, projects the most recent cost trends, through linear extrapolation, to the midpoint of the period in which the fare benchmark will be in effect. The IATCA permits the Board to consider reasonable estimates of future costs in the SFFL. Due to the significant differences between the rates of escalation of fuel and other costs, fuel and nonfuel costs are broken out separately.

In general, we strive to use the most objective historical data in all calculations, both to minimize the need for judgment and to reduce the possibility of data manipulation. We have tried to minimize the need for judgment in order to maximize the speed with which these periodic calculations can be issued. The tradeoff between speed and the possible increase in accuracy which increased reliance on judgement might permit is fundamental to the SFFL system, and is at the core of this proceeding.

While we expect the parties to take advantage of this opportunity to comment upon the entire SFFL methodology and to offer concrete and practical suggestions, we have identified a number of areas where specific comment is requested.

I. Method of Fuel Cost Projection

One of the most problematic areas of the present SFFL adjustment procedure is the use of linear extrapolations for fuel cost projections. These are based on the latest available monthly data (Schedule P–12(a), Form 41) submitted by the carriers.[5] We also receive weekly reports of fuel prices paid, which are calculated less formally. It is now all too plain that the price of jet fuel can fluctuate violently. While recent trends have generally been upward, the rates of increase have varied greatly.

With our present system of using the average escalation for the most recent four-month period, unadjusted, and projecting it forward, a substantial change in the price of fuel may not be reflected in a SFFL adjustment until several months after it occurs.

Substantial anomalies have resulted from this method. If fuel costs have been stable, a relatively small SFFL upward adjustment may be issued, just before the stability bursts and prices escalate rapidly. Conversely, if prices have been rising substantially, a high rate of increase may be projected into the future, even as prices stabilize. The result is then an overstated SFFL which may even have to be reduced at the next periodic adjustment if stability continues. The system does have the virtue of being partially self-correcting, particularly when SFFL excesses and shortfalls fall randomly over seasonal variations in fuel usage.

We have used more subjective estimation techniques when weekly price reports indicated that a substantial shift in rates of increase is imminent. In two SFFL orders,[6] these techniques increased the SFFL escalation over what it would otherwise have been. Most recently, the application of judgment led to a small decrease in the escalators.[7] We are troubled by such *ad hoc* adjustments, however. First, there are the obvious disadvantages of predicting such an inherently speculative item as future jet fuel prices. Such predictions inevitably contain a degree of arbitrariness, and there is no way for the Board to seek public comment given the pertinent time constraints. Second, if such adjustments are to be permitted as a matter of policy, the questions of how and when to make them remain.

We specifically request public comment on:

1. The advantages and disadvantages of current linear extrapolations.

2. Whether there is a fully objective methodology available that would avoid the anomalies caused by the current method.

3. Whether increasing the number of months which go into the estimation base, *e.g.*, from the current four to six,

---

[1] Pub. L. 96–192; the pertinent fare provisions of the IATCA amended section 1002(j) of the Federal Aviation Act of 1958 (the Act).

[2] See Order 80–5–140.

[3] See Orders 80–5–139 and 81–1–119.

[4] See, *e.g.*, Order 81–3–104.

[5] These data are gathered on a confidential basis and only aggregates are published. See EDR–422, 46 FR 21185, April 9, 1981.

[6] Orders 80–2–69 and 81–2–108.

[7] Order 81–5–45.

would adequately smooth out fluctuations.

4. The proper use of weekly fuel reports.

5. The uses of data and forecasts from sources other than the Board, *e.g.*, the Department of Energy.

6. When and how to make subjective determinations of fuel costs.

II. Nonfuel Costs

Total nonfuel costs, adjusted to exclude nonpassenger costs on a revenue offset basis,[8] are also estimated through linear extrapolation. We generally project, to the midpoint of the rate period, the escalation shown by a comparison of costs for the most recent 12-month period with the previous 12-month period. Because nonfuel costs have escalated more uniformly and less rapidly than fuel costs, this method, we believe, has proved less troublesome. However, the use of the annual data has been criticized from time to time, when carriers believed inflation was accelerating and thought a comparison of year-over-year quarterly data (*e.g.*, 3rd quarter 1980 over 3rd quarter 1979) would give more accurate results.

Because the SFFL is intended to minimize regulatory lag, the Board, in preparing the SFFL, has calculated it on both a quarterly and annual basis for comparison purposes. In the absence of compelling reasons to do otherwise, we have a strong policy of relying on the annual data. Quarterly data can be completely distorted because of strikes, major groundings, significant changes in cost allocations, or even the weather. Longer annual periods tend to even out such distortions.

In principle, as long as we rely on reported data, the best indication of current inflation would seemingly be calculated by comparing costs per available seat-mile for the most recently reported quarter with the 3-month period preceding, *e.g.*, 4th quarter 1980 over 3rd quarter 1980. However, the airline industry is highly seasonal, adding an additional and overriding obstacle to the difficulties of using quarterly data described above. The challenge of isolating a pure inflation component out of a consecutive quarter change in costs per ASM (i.e., correcting for seasonal changes in capacity and the weather) is significant.

We request the public to comment on:

1. Whether quarterly data used in either of the above described ways can be normalized and adjusted sufficiently to make it acceptable.

2. Whether the Board has the legal authority to adjust quarterly data given the strictures against "adjustments to costs actually incurred" contained in section 1002(j)(9) of the Act.

3. Assuming normalizations are necessary and possible, will they require such judgment that each SFFL calculation will be delayed and controversial.

4. Whether sources of data and projections other than carrier official reports to the Board, such as indices prepared by the Bureau of Labor Statistics, the Department of Commerce or other government agencies, could be usefully employed to improve the estimation process.

III. Capital Costs

By statutory definition,[9] the SFFL deals with changes in "operating cost per available seatmile." The Board has always treated interest accruals as a nonoperating expense and they are, therefore, not explicitly considered in the SFFL calculations. The noninterest component of capital costs, the return on equity, is not reported to the Board as a cost *per se* and plays no role in the SFFL. In essence, the return on investment reflected in the SFFL is that permitted by the base fares approved for effectiveness on or after October 1, 1979.

Return on investment is one of the most difficult areas in any cost based price regulation. Certainly, capital costs do change, and are a fully legitimate cost of business. Prior to introduction of the SFFL system, the Board's deliberations on international fare filings did include consideration of interest expense. On the other hand, reported interest costs can vary because of factors wholly unrelated to changes in investiment costs. Changes in capital structure can have a particularly important effect. When we included reported interest costs in a trail SFFL calculation during mid-1980, the escalations decreased, despite the widely held assumption that the cost of capital had increased since Octover 1979. Congress' use of the term "operating cost", with full knowledge of the existing regulatory definition, suggests to us that it did not intend that the capital cost measurement problem become an SFFL problem as well. Also, we have considered changes in captal costs on a judgmental basis in our fare flexibility policies.

Notwithstanding these considerations, the Board would consider adding an interest cost component into the SFFL calculations if it were shown that this was necessary and workable. The public is also invited to comment specifically on whether explicit recognition of interest costs would comport with the statutory definition.

To some extent, carrier investment is recouped through depreciation accruals. The depreciation expense represented in the SFFL is reported on the carriers' financial reports. This account represents "book depreciation" or any method acceptable to the U.S. Internal Revenue Service. Because our SFFL methodology measures cost changes, rather than absolute levels of cost, our primary concern is that depreciation be treated consistently over time, rather than in the merits of particular depreciation methods.

We do recognize, however, that no accounting treatment of depreciation is likely to portray fully depreciation as it would be defined by an economist, especially during periods of substantial inflation and technological change. Changes in the relationship between book depreciation and economic depreciation are, at best, difficult to quantify. While an enlightened fare policy should reflect such changes to same extent, it appears that the best place to do so may lie in the area of fare flexibility. Moreover, to a substantial extent, the problems of depreciation measurement and capital costs, discussed below, are linked both theoretically and practically. Depreciation reserves which do not accurately reflect costs of acquiring replacement capacity distort capital costs. While we must presume, with Congress, that the October 1, 1979 SFFL base reflects these considerations, we would be interested in comments on practical ways to reduce our dependence on historical depreciation figures. It should be recognized, however, that the well developed and highly efficient used aircraft market frequently allows carriers to sell used aircraft at prices well above book value. This reduces the cost of captal and any suggestion as to revising the methodology should certainly account for this.

IV. Property and Mail Offset

As noted above, property and mail revenues are offset in SFFL against total operating expense. Essentially, this "revenue offset" method assumes that no profit is made on these services. As long as the profitability of cargo and mail services remains relatively

[8] In the revenue offset method, cargo, mail, and charter costs are assumed to be equal to the revenues reported for these services. These and certain other miscellaneous cost items are then subtracted from total costs. See *Cost Methodology—Version 6 Updated, Civil Aeronautics Board (February 1980).*

[9] Section 1002(j)(9) of the Act.

constant, this method is quite accurate: the base and comparison periods, if distorted at all, will be affected in an offsetting manner. On the other hand, a substantial change in profitability could lead to a small under- or over-statement of passenger cost escalation.

We specifically request comments on:

1. The desirability of the revenue offset method as opposed to the refined joint costing method for passenger and cargo costs.

2. Whether the involved carriers could simply report their property and mail expenses, including depreciation, separately.

3. Whether the necessary change in reporting requirements which would be necessary for separate data would be cost effective.

It should be noted that the Board, in PSDR–65, 45 FR 3595, January 18, 1980, proposed to establish a Standard Foreign Rate Level (SFRL) that would permit international cargo rates to be adjusted up or down within a specified zone reflecting the carriers' reported cargo operating costs.

V. Trans-border Operations

Applying the SFFL to fares to and from Canada and Mexico has been particularly difficult. Indeed, the carriers report costs on U.S.-Canada operations as part of the U.S. entity and these costs are not reflected at all in the SFFL calculations. Local service carriers and United Air Lines report U.S.-Mexico costs as part of the U.S. entity, while trunk carriers in general report them together with Latin-American operations. Also, operations to and from Mexico are more heavily dominated by domestic U.S. costs than Latin American operations in general. As a result, trans-border fares have frequently been analyzed using the Standard Industry Fare Level (SIFL), though it is clearly the SFFL that delineates the Board's jurisdiction. The problem could become acute as the Board's domestic rate authority terminates in 1982, after which there will likely be no SIFL.

One solution would be to create new ratemaking entities. These might be justified, notwithstanding the additional reporting burden on carriers, given the large amount of trans-border traffic. Alternatively, we might continue to use the Latin America SFFL for jurisdictional purposes and determine a fare flexibility policy using cost studies of trans-border operations prepared specifically by carriers for our review.

The public is invited to comment on these possibilities and any other solutions that appear workable, with particular emphasis on the costs and benefits of creating separate ratemaking entities for Canada and Mexico.

VI. Foreign Air Carriers

The Board's staff has met informally with a number of foreign air carriers and IATA to discuss whether and how the costs of foreign flag carriers could be reflected in the SFFL. The statute permits us to consider such costs to the extent feasible and reasonable. The principal problems have been: (1) many foreign flag carriers do not wish to report their costs in the detail required for the SFFL calculations; (2) foreign flag carriers report in diverse formats, of which many are not compatible with the CAB Form 41 on which the SFFL is based; (3) the waiting periods required for foreign flag carriers' reports would substantially delay SFFL calculations; (4) foreign flag carriers' reports are rarely verifiable; and (5) the ubiquitous problem of foreign currency fluctuations against the dollar and allegations that hidden government subsidies lie within some carrier reports could provide endless complications. We list these problems not to say they are insurmountable but to demonstrate the substantial challenge posed in incorporating non-U.S. carrier costs in the SFFL system. Perhaps in the exercise of their own sovereign powers, foreign governmental bodies or agencies (in Europe or elsewhere) could collect, validate, and provide such data which could then provide the basis for an even more comprehensive measurment of cost changes. We are prepared to consider any workable options and we remain open to a demonstration that foreign flag costs can be reflected within the SFFL system.

It should also be noted that the U.S. has negotiated, or is in the process of negotiating, new bilateral arrangements with several countries which refer explicitly to the SFFL. We invite the participation of foreign air carriers in this proceeding, and particularly carriers who are operating under such bilaterals. We wish to make it clear that this proceeding is not intended to serve as a means for unilaterally changing the meaning of bilateral agreements having pricing arrangements tied to SFFL. To ensure there is no misunderstanding on this score, any changes in SFFL methodology adopted in this proceeding will not be applied in the case of such bilaterals without the consent of the governments involved or except in accordance with procedures set forth in the pertinent agreements.

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 414, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85–726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1377, 1378, 1379, 1381, 1382, 1384, 1386, 1461, 1481, 1482, 1502, 1504)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–16281 Filed 5–29–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 13–81–03]

Lake Washington, Washington; Establishment of Area of Controlled Navigation

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: 1. This notice proposes promulgating a regulation establishing an area of controlled navigation in Lake Washington, WA.

2. The proposed regulation will be in effect from 5 August until 9 August 1981. Promulgation of the proposed regulation is required to ensure the safety of the spectators and the participants during an approved marine event.

3. The proposed regulation is intended to provide authority to the Coast Guard to control navigation in the designated area.

DATE: Comments must be received on or before June 22, 1981.

ADDRESSES: Comments should be mailed to Commander(bb), Thirteenth Coast Guard District, 915 Second Ave., Seattle, WA 98174. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR R. B. Millson, Boating Safety Office, (206) 442–7355.

SUPPLEMENTARY INFORMATION:

4. Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice and the specific section of this notice to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

5. The proposed regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken

on this proposal. No public hearing is planned.

Drafting Information

The principal persons involved in the drafting of this notice were LCDR Millson, Project Officer and Lt Pecos Bill Field, Project Attorney.

Discussion of Proposed Rule

6. Each year SEAFAIR INC., a non-profit corporation, sponsors an unlimited hydroplane regatta on the waters of Lake Washington. This year, the organization is sponsoring the Sea-Galley, APBA Gold Cup Race.

7. The event draws several thousand spectators to the beaches and waters surrounding the Lake Washington race course. A large number of these spectators view the event from over one thousand pleasure craft which anchor around the race course. To ensure the safety of both the spectators and the participants, a special navigational regulation is required. This proposed regulation provides the authority for Coast Guard personnel to control general navigation in the area surrounding the race course, during the event.

8. This proposed regulation will involve minimal costs and will have insignificant impact on recreational and commercial traffic in Lake Washington. This follows from the fact that the regulation affects a small area of Lake Washington and will be in effect for a minimal period of time. As a result, it is not considered a major rule under the terms of Executive Order 12991.

9. For the reasons stated in paragraph 8, the District Commander certifies that the proposed regulation will have an insignificant economic impact on small entities.

10. For the reasons stated in paragraph 8, this proposed regulation is considered to be nonsignificant under the guidelines DOT ORDER 2100.5 dated May 5, 1980. Consequently, an economic evaluation has not been conducted.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, by adding the following new § 100.35a:

A. From 5 August to 8 August 1981, this regulation will be in effect from 0800 until 1700 Pacific Daylight Time. On 9 August 1981, this regulation will be in effect from 0800 until one hour after the conclusion of the last race.

B. The specific area restricted to general navigation by this regulation during the hours it is in effect is:

(1) The waters of Lake Washington bounded by the Mercer Island (Lacey V. Murrow) Bridge, the western shore of Lake Washington, and east/west line drawn tangent to Bailey Peninsula and along the shoreline of Mercer Island.

C. The area described in paragraph B has been divided in two zones. The zones are separated by a log boom and a line from the southeast corner of the boom to the northeast tip of Bailey Peninsula. The western zone is designated Zone I, the eastern zone Zone II. refer to chart 18447.

D. The Coast Guard patrol of the area described in paragraph B will be under the direction of the Patrol Commander. He is empowered to control the movement of vessels on the race course and in the adjoining waters during the periods this regulation is in effect.

E. Only authorized vessels shall be allowed to enter Zone I during the hours this regulation is in effect. Vessels in the vicinity of Zone I shall maneuver and anchor as directed by Coast Guard Officers or Petty Officers.

F. During the times in which this regulation is in effect, swimming, wading, or otherwise entering the water by any person is prohibited.

G. Vessels proceeding in either Zone I or Zone II during the hours this regulation is in effect shall do so only at speeds which will create minimum wake. In any event, vessels may not exceed seven (07) miles per hour. This maximum speed may be reduced at the discretion of the Patrol Commander.

H. Upon completion of the daily racing activities, all vessels leaving either Zone I or Zone II shall proceed at speeds less than seven (07) miles per hour. This maximum speed may be reduced at the discretion of the Patrol Commander.

I. A succession of sharp, short signals by whistle or horn from vessels patrolling the area described in Paragraph B under the direction of the Patrol Commander will be a signal to stop. Vessels signaled shall immediately stop and comply with the orders issued by the Coast Guard personnel aboard the patrol vessel.

(Sec. 1, 35 Stat. 69, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 454, 49 U.S.C. 1655(b)(1); 33 CFR Part 100.35; 49 CFR 1.46(b))

Dated: May 27, 1981.

C. E. Larkin,

Rear Admiral, U.S. Coast Guard Commander, 13th Coast Guard District.

[FR Doc. 81-16280 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1829-7]

Approval and Promulgation of Implementation Plans; Massachusetts

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On September 16, 1980 (45 FR 61303) the Environmental Protection Agency (EPA) conditionally approved revisions to the Massachusetts State Implementation Plan (SIP), which were submitted to EPA to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended (the Act). At the time, EPA withheld final action on the commitment to public transportation and the demonstration of Reasonable Further Progress (RFP) in the Boston region. No action was taken on the commitment to public transportation because the Massachusetts Bay Transit Authority (MBTA) had recently instituted a fare increase which was in conflict with the commitment proposed for approval on March 7, 1980 (45 FR 14886) to maintain the fare structure at 1978 levels. Additionally, no action was taken on the RFP demonstration for the Boston urban area because the fare increase has the potential to shift transit riders to automobiles which could increase projections of future emissions and thus necessitate changes in the RFP demonstration.

On February 18, 1981, the Boston Metropolitan Planning Organization (MPO) submitted to the Department of Environmental Quality Engineering (DEQE) a change in language in the Boston Transportation Element of the SIP (TESIP) to make the commitment to public transportation consistent with the MBTA's current practices and policies. Supporting information showed that system ridership initially decreased, but that within several months exceeded the levels prior to the fare increase and therefore that no change in the RFP demonstration was required. The MPO also submitted commitments to several measures undertaken in the Boston region to offset any possible reductions in the long-term ridership growth rate.

The DEQE has proposed adoption of this submittal in the Massachusetts SIP through their revisions procedures and will be holding public hearings on May 8, 1981. Concurrently, EPA is proposing to approve the commitment to public transportation contingent upon adoption

by DEQE of the proposed amendments, and to approve the RFP demonstration for the Boston area previously submitted by DEQE on December 31, 1978, May 16, 1979, and September 19, 1979. This concurrent review, which EPA refers to as "parallel processing", is designed to reduce the time necessary for EPA review of SIP revisions and is being used on a trial basis by Region I.

DATES: Comments should be submitted to Harley F. Laing at the address below on or before July 1, 1981.

ADDRESSES: Copies of the State's submission are available for inpection at the following addresses: Environmental Protection Agency, Region I, Air Branch, Room 1903, J.F.K. Federal Building, Boston, MA 02203; Division of Air Quality Control, One Winter Street, Boston, MA 02110; and Public Information Reference Unit, EPA, 401 M Street S.W., Washington, D.C. 20460.

Comments should be submitted to Harley F. Laing, Chief, Air Branch, Environmental Protection Agency, Region I, Air Branch, Room 1903, JFK Federal Building, Boston, MA 02203, (617) 223–5630.

FOR FURTHER INFORMATION CONTACT: John L. Hanisch, Chief , Mobile Source Emissions Section, Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston, MA 02203, (617) 223–5630.

SUPPLEMENTARY INFORMATION: On September 16, 1980 (45 FR 61303) EPA conditionally approved revisions to the Massachusetts SIP to attain and maintain National Ambient Air Quality Standards for ozone and carbon monoxide which were submitted to EPA to meet in part the requirements of Part D of the Act. At the request of the DEQE, EPA took no action on the commitment to public transportation in the Boston TESIP required by Sections 110 (a)(3)(D) and 172 (b)(2) of the Act and took no action on the demonstration of RFP for attaining ozone standards in the Boston urban area as required by Section 172(b)(3) of the Act of all non-attainment areas. DEQE made this request because the MBTA had instituted a fare increase effective June 30, 1980 which conflicted with a commitment made in the Boston TESIP to maintain aggregate MBTA fares at the 1978 level. The MBTA fare increase went into effect during the public comment period for EPA's proposed rulemaking. The effect of this change in MBTA policy could not be adequately assessed prior to final rulemaking, the therefore EPA agreed to DEQE's request to take no final action. Since the fare increase had the potential to divert public transportation riders to automobiles, and thus increase hydrocarbon emission estimates for future years, EPA also took no action on the demonstration of RFP for the Boston urban area pending a review of the relationship betwen fares and future emissions, and any necessary adjustments to the RFP calculation.

By letter, dated February 18, 1981, the Boston Metropolitan Planning Organization (MPO) submitted proposed amendments to the Boston TESIP to the Massachusetts DEQE. The amendments were endorsed on September 2, 1980 by the Boston MPO. The amended Boston TESIP states that "the MBTA recognizes the effect that fare levels have on ridership and therefore air quality, but also recognizes existing fiscal constraints at the local level. The MBTA must strike a balance between maintaining and increasing current service levels and not unrealistically increasing the funding of the net cost of services provided by taxpayers * * * changes in fares shall be made only after there have been opportunities for public involvement and adequate consideration of environmental impacts."

In support of the amendment, the MPO submitted data comparing ridership both before and after the fare increase was instituted. The analysis shows that immediately following the fare increase on June 30, 1980, ridership was down on both the basic system and commuter rail lines, but that by October 1980, ridership had rebounded and was greater than that for corresponding periods in 1979. The MPO data also indicated that these ridership levels exceeded the base year, 1978, ridership level as well.

Additionally, the MPO submitted, for inclusion in the Boston TESIP, several air quality improving measures undertaken by the state in the last year. The measures are intended to offset any possible reductions in the long-term growth rate of transit ridership which were felt to be small and immeasurable. Specifically, the measures submitted were a Toll Incentive Program for Carpools on the Massachusetts Turnpike, Insurance Discounts for Transit Passholders and Caravan Vanpoolers, and a change in the gasoline tax structure from a fixed amount to 10% of the wholesale price.

EPA's review of the material indicates that these proposed revisions to the Massachusetts SIP are approvable if they are not substantially changed by the State after the forthcoming state hearing and public comment period. In the interest of shortening the federal review period, EPA is proposing approval of these changes now, before the completion of the state public review period, and thus before final submittal of the revision to EPA. EPA refers to this new procedure as "parallel processing". If the proposed revisions are substantially altered during the public review period, EPA will reevaluate them and publish a revised notice of proposed rulemaking. If, based on the state and federal public comments, it is determined that no substantial revisions are required, EPA will issue a final rulemaking on the submittal. Parallel processing is estimated to reduce the time necessary for final approval of SIP revisions by 3 to 4 months on the average.

Proposed Action: Contingent upon adoption of amendments to the Boston TESIP as discussed above by the Massachusetts DEQE, EPA is proposing approval of:

1. The Boston region's commitments to public transportation. These commitments are presented in revisions to the Massachusetts SIP submitted to EPA on December 31, 1978, May 16, 1979 and September 19, 1979, as amended by MPO endorsement on September 2, 1980.

2. The demonstration of RFP toward attainment of ozone standards in the Boston urban area as presented in the September 9, 1979 revisions to the Massachusetts SIP.

3. The Massachusetts Turnpike Carpool Incentive Program; Insurance Discounts for Transit Passholders and Caravan Vanpoolers; and the Percentage State Gasoline Tax as described in amendments to the Boston TESIP submitted by the MPO to DEQE on February 18, 1981.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because this action only approves state action and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27, 1981 certification. The action only approves state actions. If imposes no new requirements. Moreover, due to the nature of the

Federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: April 17, 1981.

Leslie A. Carothers,

Acting Regional Administrator.

[FR Doc. 81-16311 Filed 5-29-81, 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 81

[A-5-FRL-1828-6]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to change the attainment status for portions of La Crosse County, Wisconsin from secondary nonattainment for total suspended particulates (TSP) to attainment, thus making all of La Crosse County attainment for TSP. This proposed change is based on a request from the State of Wisconsin to redesignate La Crosse County. Under the Clean Air Act, designations can be changed if sufficient data is available to warrant such change.

This proposal discusses EPA's evaluation of the additional monitoring data now available and invites public comments on EPA's proposed action.

DATE: Comments must be submitted, in triplicate if possible, by no later than July 1, 1981.

ADDRESSES: Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the redesignation request, technical support documents, and the supporting air quality data are available for copying and inspection during normal business hours at the Region V address given above and at the Public Information Reference Unit address given below. A telephone call to Region V is recommended prior to your visit. A reasonable fee will be charged for copying. Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 20460.

Copies of the supporting material are also available at: Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin, 53707.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 886-6088.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section, 107(d), which directed each State to determine the National Ambient Air Quality Standards (NAAQS) attainment status of each air quality control region within the State, and to submit to the Administrator of EPA a list of nonattainment areas. The Administrator was required to promulgate the State lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993).

According to Section 107(d) of the Act, the designation for an area may be changed whenever sufficient data exists to warrant such a change. In the June 12, 1979 memo entitled "Section 107 Redesignation Criteria," Richard G. Rhoads, the Director of USEPA's Control Program Development Division, described EPA's requirements for approval of a change in an area's designation. A change from primary nonattainment to either secondary nonattainment or attainment in an area's nonattainment designation may be approved if there are eight consecutive quarters of recent ambient air quality data which show no violations of the appropriate NAAQS.

On March 3, 1978, EPA designated the following area of La Crosse County as nonattainment for the secondary TSP NAAQS: Sub-city area defined as follows: *North:* Corner of La Crosse St. and Second Ave., East on La Crosse St. to 10th Street. *West:* Corner of Second St. and Main St. to La Crosse St. *South:* Corner 10th St. and Main St., West to Second Street. *East:* Corner of 10th St. South to Main Street. The remainder of La Crosse County was designated as attainment for TSP.

The nonattainment designation was based upon air quality monitoring data collected during 1975, 1976, and the first half of 1977. The Sawyer Auditorium monitoring site, located in downtown La Crosse, recorded one violation of the short-term secondary standard in 1975 and three in 1976. One of the exceedances recorded at the site was discounted because it occurred on a statewide TSP episode day (i.e., a day when TSP levels were high throughout the state due to windstorms and blowing dust). Additionally the Cowley Hall monitor recorded one violation of the short-term secondary TSP standard in 1975 and none thereafter. Although it now appears that the violations were caused by a combination of construction activity near the monitor and unusually dry weather, the area was designated nonattainment based on the 1975 and 1976 violations. (A violation of the secondary TSP NAAQS occurs when the maximum 24-hour concentration exceeds 150 μ/m^3 more than once in a calendar year.)

On July 15, 1980, the State of Wisconsin submitted a request to EPA in accordance with section 107(d)(5) of the Clean Air Act, to redesignate La Crosse County as attainment for TSP. In support of this request the state submitted 1977, 1978 and 1979 quality assured air quality data from the Sawyer Auditorium and the Cowley Hall monitoring sites, which are the only two hi-vol samplers permanently stationed in La Crosse which have been collecting data for several years. The July 15, 1980 submittal contained 11 consecutive quarters of quality assured monitoring data showing no violations (through the third quarter of 1979) for the La Crosse County nonattainment area. Although one exceedance of the short-term secondary standard was recorded in June 1978 at the Cowley Hall monitor and one exceedance in April 1977 and one in June 1978 at the Sawyer Auditorium monitor, no violations of the TSP standards have been recorded at either site since 1976.

Therefore, since eleven quarters of recent monitoring data are available which show no violations of the TSP NAAQS and since only eight quarters of data are necessary to change an area's nonattainment designation, EPA today proposes to change the attainment status for portions of La Crosse County, Wisconsin from secondary nonattainment for TSP to attainment, thus making all of La Crosse County attainment for TSP.

All interested persons are invited to submit written comments on the proposed redesignation. Written comments received by the date specified above will be considered in determining whether EPA will approve the redesignation. After review of all comments submitted the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the redesignation.

Pursuant to Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and therefore subject to the requirement of preparing a

regulatory impact analysis. Today's action does not constitute a major regulation because it only changes an area's air quality designation, it does not impose any new regulatory requirements. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified (46 FR 8709) that the attached rule will not, if promulgated, have a significant impact on a substantial number of small entities. This action does not impose any new regulatory requirements but merely changes an area air quality designation to attainment.

(Section 107 of the Clean Air Act, as amended)

Dated: May 7, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-16201 Filed 5-29-81: 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 123

[SW-8-FRL-1841-5]

Kansas Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period extension.

SUMMARY: This notice extends the public comment period on the Kansas Phase I interim authorization application to July 3, 1981. A previous **Federal Register** notice dated May 4, 1981 (45 FR 124968) announced the availability of the Kansas interim authorization application for public review, invited public comment by June 3, 1981, and gave notice of a June 3, 1981, public hearing. Today the Environmental Protection Agency (EPA) is announcing that the public comment period has been extended 30 days to allow review of minor revisions to the Kansas interim authorization application and to allow the opportunity for submittal of written comments to EPA. Since the State's submission has not materially changed, recommencement of the formal review period was determined unnecessary.

DATE: Comments on the Kansas interim authorization application must be received by July 3, 1981.

ADDRESSES: Copies of the Kansas interim authorization application, including minor revisions, are available during business hours at the following locations for inspection and copying by the public:

Kansas Department of Health and Environment, Bureau of Environmental Sanitation, Forbes Field, Topeka, Kansas 66620, 913/862-9360 Ext. 297, Business Hours: 8:00-4:30, $0.25 per page copying charge;

U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, 816/374-6533, Business Hours: 7:30-4:30, $0.20 per page copying charge;

U.S. Environmental Protection Agency, Office of Solid Waste, 401 M Street, S.W., Washington, D.C. 20460, 202/382-2210, Business Hours: 7:30-4:30;

Send written comments to: Robert L. Morby, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:
Robert L. Morby (816) 374-3307.

Dated: May 20, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81-16305 Filed 5-29-81: 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 55

Federal Crime Insurance Program; Depopulation of FAIR Plans

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Notice of withdrawal of proposed rulemaking

SUMMARY: On July 28, 1980, a proposed rule was published (45 FR 49960) by the Federal Insurance Administration (FIA) which would have established a plan to assist those FAIR Plan insureds who are insurable in the voluntary market to secure such coverage, and to revise the regulatory operation of Statewide FAIR Plans under the Urban Property Protection and Reinsurance Act of 1968, to require each FAIR Plan to develop and implement a depopulation program. FIA has evaluated the comments received from the industry and state regulatory administrations and concluded that it would be unnecessary to require the proposed regulatory revision to become effective in final form because the insurance industry and the states are prepared to address the problem as presented. Thus, FIA withdraws the proposed rule.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert DeHenzel, Federal Insurance Administration, Washington, D.C. 20472, (202) 755-6555.

SUPPLEMENTARY INFORMATION: An evaluation of the comments received from the insurance industry and the states clearly reflected that the proposed regulatory revision was unneeded at this time because the States and the insurance industry are prepared to accomplish the goals of the revision. FIA has concluded that the preferable approach is for the states and the industry to take the lead and develop these goals on their own. This conclusion is consistent with the Administrator's policy of allowing states to act when it is their interest to do so without Federal involvement. In consideration of the foregoing the proposed rule (45 FR 49960) published in the **Federal Register** on July 28, 1980 is hereby withdrawn.

Issued: May 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16196 Filed 5-29-81: 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 61

[Docket No. FEMA-FIA]

Insurance Coverage and Rates; National Flood Insurance Program Emergency Phase

AGENCY: Federal Insurance Administration (FIA), FEMA.

ACTION: Proposed rule.

SUMMARY: The Federal Emergency Management Agency proposes to increase the chargeable rates for all structures located in communities participating in the emergency phase of the National Flood Insurance Program.

DATE: All comments received on or before July 31, 1981, will be considered before final action is taken on the proposed rule.

ADDRESS: Person who wish to comment should submit comments in duplicate to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT:
Mr. H. Joseph Coughlin, Jr., Acting Assistant Administrator, Office of Insurance Operations, Federal Insurance Administration, Federal Emergency Management Agency, 451 7th Street, SW., Room 5126, Washington, D.C. 20472, Telephone Number (202) 755-6580.

SUPPLEMENTARY INFORMATION: Section 1308 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), separated the flood insurance ratemaking process for the National Flood Insurance Program (NFIP) into two distinct categories. These are (1) estimated risk premium or "actuarial" rates and (2) chargeable rates which under certain statutory conditions could be less than estimated risk premium rates. The chargeable or "subsidized" rates currently in use are set forth in Section 61.9 of the National Flood Insurance Program regulations (44 CFR 59 et seq.).

These subsidized rates are countrywide rates for broad building type classications which, when applied to the amount of insurance purchased and added to the expense constant, produce a premium income somewhat less than the expense and loss payments incurred on the flood insurance policies issued on that basis. The funds needed to supplement the inadequate premium income are provided by the National Flood Insurance Fund. The subsidized rates are promulgated by the Administrator for use under the Emergency Program (added to the NFIP by Congress in Section 408 of the Housing and Urban Development Act of 1969) and for the use in the Regular Program on construction or substantial improvement started on or before December 31, 1974 (this additional grandfathering was added to the NFIP by Congress in Section 103 of the Flood Disaster Protection Act of 1973) or the effective date of the initial Flood Insurance Rate Map (FIRM), whichever is later. The level of these rates in recent years has resulted in an average annual insurance premium of $86 per policy paid by policyholders and an average premium subsidy of about $125 per policy borrowed from the Treasury of the United States.

The statutory mandate to establish reasonable chargeable rates requires that the Federal Insurance Administrator balance the need to provide reasonable rates to encourage potential insureds to purchase flood insurance with the requirement that the NFIP be a flexible program which minimizes costs and distributes burdens equitably among those who will be protected by flood insurance and the general public. The Federal Insurance Administration (FIA) has examined the current chargeable rates and the amount of subsidy required to supplement the inadequate premium income derived from insurance policies to which these rates apply. Based on this examination, FIA has determined that the general public now bears too great a share of the burden for subsidized insurance rates. In addition, FIA has determined that it is necessary to take action to bring the National Flood Insurance Program closer to a self-supporting basis and create a sounder financial basis for the Program. Therefore, to meet these needs FIA proposes to increase the chargeable or subsidized rates as follows:

Type of Structure	Rate per year per $100 coverage on	
	Structure	Contents
(1) Residential	$0.40	$0.50
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.50	1.00

For comparision, the current subsidized rates are as follows:

Type of Structure	Rate per year per $100 coverage on	
	Structure	Contents
(1) Residential	$0.25	$0.35
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.40	.75

The need for these increases has been balanced with the statutory requirement that the chargeable rates be consistent with the objective of making flood insurance available where necessary at reasonable rates so as to encourage prospective insureds to purchase flood insurance. Although policyholder will be required to pay more for flood insurance coverage for all existing structures and for new structures in emergency program communities, FIA has determined that policies purchased or renewed, to which the new rates are applicable, will be reasonable as required by statute.

In the history of the NFIP, FIA has never increased these chargeable rates. In 1972, action was taken to lower the chargeable rates. These reduced rates were scaled in the same manner as the pre-1972 rates according to the value of the structure and the contents. In 1974, the sliding scale was eliminated. Flat rates were established for building type classifications and contents. The 1972 rate decreases were enacted to encourage prospective insureds to purchase flood insurance. At that time, however, FIA had little experience on which to base a statistical analysis of the expense and loss incurred by the Program. Now more adequate information is available for determining the amount of subsidy required to supplement the chargeable rates. Without an increase in chargeable rates, the subsidy required to operate the NFIP will continue to increase. The amount of the proposed rate increases represents a balance between the need for decreasing the federal subsidy required for the Program thus more equitably distributing the burdens and the requirement that chargeable rates be reasonable.

Section 1308 of the National Flood Insurance Act of 1968, as amended, requires that FIA shall prescribe by regulation chargeable rates after consultation with representatives of the insurance industry, State and local government, lending institutions, the homebuilding industry and the general public. The rates proposed in this rule are the same subsidized rates (without a sliding scale) which were in effect prior to the 1972 rate decreases. These rates were established by regulation in 1969 at which time adequate consultation as required by the 1968 Act was accomplished. Therefore, FIA has determined that the comment period provided for this proposed rule will be adequate for any additional comments to be made on the proposed rates and their effects.

FIA proposes that the increased chargeable rates go into effect on October 1, 1981. This delayed effective date is for the purpose of minimizing the financial burden on policyholders. Effective January 1, 1981, an expense constant is required for policies rated at chargeable rates as well as policies rated at actuarial rates. The October 1, 1981 effective date will eliminate most policyholders having to absorb at the same renewal date both the added expense constant and the chargeable rate increases since the majority of renewals are concentrated in the months preceding October.

FEMA has determined based upon an Environmental Assessment that this proposed rule does not have significant impact upon the quality of the human environment. A finding of no significant impact is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Room 802, 1725 Eye Street, N.W., Washington, D.C. 20472.

Accordingly, Part 61 of Subchapter B of Chapter 1 of Title 44 is proposed to be amended as follows.

Section 61.9 is revised to read as follows:

§ 61.9 Establishment of chargeable rates.

(a) Pursuant to section 1308 of the Act, chargeable rates per year per $100 of

flood insurance are established as follows for all areas designated by the Administrator under Part 64 of this subchapter for the offering of flood insurance:

Rates for New and Renewal Policies

Type of structure	Rate per year per $100 coverage on	
	Structure	Contents
(1) Residential	$0.40	$0.50
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.50	1.00

(b) The contents rate shall be based upon the use of the individual premises for which contents coverage is purchased.

(42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. 329) and Executive Order 12127 (44 FR 19367))

(Catalog of Federal Domestic Assistance Number 83.100 National Flood Insurance Program)

Issued: February 12, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16200 Filed 5-29-81, 8:45 am]

BILLING CODE 6718-01-M

---

44 CFR Part 300

[Docket No. FEMA-PP-300A]

Disaster Preparedness Assistance

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: The Federal Emergency Management Administration (FEMA) is amending its disaster preparedness assistance regulations to add procedures by which financial assistance will be provided to eligible applicants in priority areas for the development of preparedness plans for severe earthquakes or hurricanes in high-risk, high-population areas.

DATE: Comments should be submitted on or before July 31, 1981.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Bud Andress, Preparedness Development Division, Plans and Preparedness, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 566-0805.

SUPPLEMENTARY INFORMATION: The original Earthquake and Hurricane Loss Study and Contingency Planning Program was developed in response to the need for effective predisaster planning for a major earthquake or hurricane in a high-risk, high-population area. The loss study determines the casualty and damage potential from feasible catastrophic events. Special emphasis is placed on estimating damage critical to disaster relief and recovery measures. The data from the loss study provide the Federal Government and the appropriate State and local governments with a planning basis for unique or special disaster mitigation, relief, and recovery operations in the identified area.

This program was initiated in the early 1970's under the former Office of Emergency Preparedness (OEP). Four earthquake loss studies were done for OEP and its successor Federal Disaster Assistance Administration (FDAA): two by the National Oceanic and Atmospheric Administration (NOAA)—of the San Francisco Bay and Los Angeles areas—and two by the U.S. Geological Survey—of the Puget Sound and Salt Lake City areas. Subsequent contingency planning was initiated at the Federal level by the appropriate OEP-FDAA Regional Offices and at the State and local levels by California and Utah with the help of Disaster Preparedness Grants under the Disaster Relief Acts of 1970 (Pub. L. 91-606) and 1974 (Pub. L. 93-288). Other seismic risk areas identified for earthquake loss studies and planning were Anchorage, Honolulu, Boston, Charlestown (SC), Upper New York State (Buffalo-Rochester-St. Lawrence Seaway), and the central Mississippi Valley (parts of seven States). Nine primary hurricane-risk areas were identified for the program, but no studies were initiated at that time. Ten other hurricane-risk areas were later added to the potential study list.

The program, inactive for a few years in the mid-1970's because of budget restraints, was revived by FDAA and its successor Federal Emergency Management Agency (FEMA), after Congressional passage and Presidential implementation of the Earthquake Hazards Reduction Act of 1977, as part of the National Earthquake Hazards Reduction Program. Earthquake loss study contracts were let in FY 1979 with Alaska and Hawaii. In FY 1980, FEMA Region I awarded a prototype grant to Massachusetts for an earthquake loss study of the greater Boston area. Region VII contracted for a preliminary study of the central Mississippi Valley seismic risk area, and Region IX entered into a cooperative agreement with California for intensified planning for an earthquake in the Los Angeles area.

The Earthquake and Hurricane Plans and Preparedness Program is authorized under section 201(a) and 201(b) of the Disaster Relief Act of 1974. The earthquake portion is further supported by the Earthquake Hazards Reduction Act, as amended. With full-scale implementation of the program, regulations are now needed to codify applicable procedures for FY 1981 and subsequent years. These procedures will govern the program until publication of the final rule.

Interested parties and government agencies are encouraged to submit written comments, suggestions, data, or arguments regarding this rulemaking to the Rules and Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472. All submissions received on or before July 31, 1981 will be evaluated. All comments will be available for inspection at the Office of the Rules Docket Clerk. FEMA will evaluate all such comments and experiences to date and will then prepare a final rule for publication in the **Federal Register**.

The rule is not a major rule under provisions of Executive Order 12291 nor will it, if promulgated, have a significant impact on a substantial number of small entities since it deals with states.

The rule also conforms to the criteria established for categorical exclusion with respect to environmental documents (see part 10 of this title).

Accordingly, it is proposed to add a new § 300.6 to Subchapter E, Part 300 of Chapter I, Title 44, as follows:

PART 300—DISASTER PREPAREDNESS ASSISTANCE

* * * * *

§ 300.6 Earthquake and hurricane plans and preparedness.

(a) The objective of the program is to prepare special or additional plans and capabilities, at all levels of government for integrated response to the threat or consequences of severe earthquakes or hurricanes in certain high-risk, high-population areas, to the extent regular emergency preparedness measures are insufficient for these contingencies.

(b) The program is normally funded by project grants. When appropriate, certain projects may be financed through cooperative agreements or contracts, pursuant to the definitions set forth in 41 CFR 49-1.50.

(c) Funding may cover all or any part of the cost of the project. Normally contingency planning will follow, and be based upon a loss study. The loss study

may address such earthquake-related or hurricane-related activities as determination and definition of the hazard area, identification of seismic or storm-surge risks, estimation of casualties and structural damage, and postulated impact on essential operations, population, and resources. Contingency planning efforts may include developing or improving unique, special or extraordinary protective, relief, and recovery measures. Consideration will be given to studies or planning for earthquake or hurricane caused catastrophes such as volcanic eruptions, landslides, dam ruptures, flooding, subsidence or hazardous-materials releases. Grants for the loss study and for contingency planning may be awarded separately or combined.

(d) Grants are awarded on the basis of a proposed and acceptable work plan and the vulnerability of the area to earthquakes, hurricanes, or related phenomena. Priority is given to high-risk, high-population areas as determined by FEMA on the basis of existing data and expert consultation. Other considerations include the collective interest of the affected jurisdictions in implementing the study and planning the resources available to FEMA for monitoring and assisting the projects. Accordingly:

(1) The following priority earthquake areas are identified: San Francisco, Los Angeles, Puget Sound, Salt Lake City, Anchorage, Honolulu, Boston, Charleston (SC), central Mississippi Valley, and Upper New York State (studies or plans for some of which have already been funded).

(2) Priority hurricane areas are identified as, primarily, Corpus Christi, Galveston-Houston, New Orleans, Tampa Bay, Miami-Miami Beach, Savannah, Charleston (SC), Chesapeake Bay, and Long Island and secondarily, Matagorda (TX), Sabine Lake (TX–LA), Mobile, the Florida Keys, Lake Okeechobee, Pamlico Sound, Delaware Bay, Providence, Buzzards Bay/Cape Cod, and Boston.

(3) Notwithstanding subparagraphs (1) and (2) above, consideration will be given to grant requests for other areas.

(e) State or local governments serving highly populated localities designated as highly vulnerable to earthquake or hurricanes are eligible. The grant (or a cooperative agreement, if more appropriate) would usually be to a State—as defined by the Disaster Relief Act of 1974—but could be to a substate jurisdiction or an interstate consortium. FEMA may, if it determines appropriate, range for a loss study to be performed under a procurement contract or an interagency agreement.

(f) Grants are discretionary and thus must be approved by the Director or the Director's designee (the Director of Finance and Administration) or, upon delegation of approval authority, by the Regional Director. Unless otherwise stipulated, funding will be managed and projects monitored and reviewed by the cognizant FEMA Regional Office.

(g) A preapplication conference with the cognizant Regional Office is needed to discuss the grant Work Plan in draft. The draft should also be reviewed by involved or affected State agencies and local governments. FEMA technical assistance is available for application preparation.

(h) A grant request must be in writing from the Governor or Governor's authorized representative to the appropriate Regional Director. Unless other wise indicated herein, application, reimbursement, reporting, and auditing procedures shall follow the same guidelines as set forth in paragraphs 300.5(h) and (i) of these regulations and in other applicable Federal regulations.

(Sec. 201 of the Disaster Relief Act of 1974, (42 U.S.C. 5131))

Dated: May 14, 1981.

Robert E. Young,

Acting Associate Director for Plans and Preparedness.

[FR Doc. 81-16277 Filed 5-29-81; 8:45 am]

BILLING CODE 6718-02-M

Notices

Federal Register
Vol. 46, No. 104
Monday, June 1, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

Budget of Expenses of Peanut Administrative Committee and Rate of Assessment for the 1980 Crop Year; Amendment

Pursuant to the provisions of section 48 of Marketing Agreement 146, regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found that the amendment hereinafter set forth to the Budget of Expenses of Administrative Committee and Rate of Assessment applicable to 1980 crop peanuts (45 FR 39521) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of paragraph (c) of the Budget of Expenses of Peanut Administrative Committee and Rate of Assessment for the 1980 crop year is necessary to provide adequate funds to cover the administrative expenses of the Committee as budgeted at the beginning of the crop year (48 FR 39521). This proposal would increase the rate of assessment to cover such administrative costs from $0.40 to $0.56 per net ton of farmers stock peanuts to provide the additional funds needed. Initial budget estimates were based on handlers handling or receiving some 1.5 million tons of peanuts. However, due to the short 1980 peanut crop that tonnage is expected to be about 970,000 tons.

Therefore, paragraph (c) of the Budget of Expenses of Administrative Committee and Rate of Assessment for the 1980 crop year (48 FR 39521) is amended by deleting the entire paragraph and replaced by the following:

(c) *Rate of Assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with § 48 of the marketing agreement, an assessment of the rate of $2.06 per net ton of farmers stock peanuts received or acquired other than those described in (c) and (d) ($0.56 for administrative expenses and $1.50 for indemnification expenses).

The Peanut Administrative Committee has recommended this amendment be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments, they are represented on the Committee which has submitted this proposal to amend the rate of assessment to cover administrative expenses; and handlers have had knowledge of the foregong in their recent industry-wide discussions and will be afforded adequate time to plan their operations accordingly.

Dated: May 27, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-16237 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-02-M

Flue-Cured Tobacco Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name: Flue-Cured Tobacco Advisory Committee.
Date: June 26, 1981.
Place: Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, laboratory, Room 223 Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27505.
Time: 10 a.m.
Purpose: To discuss marketing area opening dates and selling schedules for flue-cured tobacco to be sold in each marketing area for the 1981 season. Also, other matters as specified in 7 CFR, Part 29, Subpart G, § 9404 will be discussed.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, 300 12th Street SW., Washington, D.C. 20250, (202) 447-2567. Written statements should be submitted prior to or at the meeting.

Dated: May 27, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-16278 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Cache la Poudre Wild and Scenic River Study, Arapaho and Roosevelt National Forests; Revised Notice of Intent To Prepare an Environmental Impact Statement

A notice of intent to prepare an environmental impact statement for the Cache la Poudre Wild and Scenic River Study, located within the boundaries of the Arapaho and Roosevelt National Forests and the Rocky Mountain National Park, Colorado, was published in the **Federal Register**, Volume 44, No. 65, p. 19497, April 3, 1979.

The draft environmental impact statement was filed with the Environmental Protection Agency April 8, 1980.

The estimated date for transmitting the final environmental impact statement to the Environmental Protection Agency has been postponed. It is proposed for release in October 1982.

If additional information is needed, please contact Raymond O. Benton, Forest Supervisor, Arapaho and Roosevelt National Forests at 301 S. Howes Street, Fort Collins, Colorado 80521, telephone (303) 482-5155.

All other conditions in the original notice remain the same.

Dated: May 21, 1981.

R. M. Peterson,

Chief, Forest Service.

[FR Doc. 81-16275 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-11-M

PRESIDENTIAL TASK FORCE ON THE ARTS AND HUMANITIES

Meetings

May 29, 1981.

The Presidential Task Force on the Arts and Humanities will meet on June 15, 1981 at The White House, Washington, D.C. at noon. The purpose of this meeting is to begin to consider ways that private sector support for the arts and humanities can help offset budget cuts at the National Endowment for the Humanities and the National Endowment for the Arts. The agenda for the Task Force will also be considered.

Following a personal greeting by the President in the White House, the Task Force will formally convene at noon in the Old Executive Office Building, 1600 Pennsylvania Avenue, Washington, D.C. on June 15, 1981. The meeting will be open to the public, however, due to security requirements, members of the public who wish to attend should call the White House switchboard (202–456–1414) during business hours no sooner than June 8 and no later than June 12, 1981 and ask for the Presidential Task Force on the Arts and Humanities.

Kate L. Moore,

Special Assistant to the Chief of Staff.

[FR Doc. 81-16483 Filed 5-28-81; 11:12 am]

BILLING CODE 3195-01-M

CIVIL AERONAUTICS BOARD

[Order 81-5-143]

Fitness Determination of Pennsylvania Commuter Airlines; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–5–143, Order to Show Cause.

SUMMARY: The Board is proposing to find that Pennsylvania Commuter Airlines d.b.a. Pennsylvania Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended: that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 16, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of the order.

FOR FURTHER INFORMATION CONTACT: Barbara Pfeiffer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5354.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–5–143 is available from the Distribution Section, Room 516, Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–5–143 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 27, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16228 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-139]

Fitness Determination of Pilgrim Aviation and Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–5–139, Order to Show Cause.

SUMMARY: The Board is proposing to find that Pilgrim Aviation and Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; that it is fit, willing and able to provide scheduled air transportation under its existing 401(d)(5) dormant route certificate; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 16, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–5–139.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis DeVany, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5405.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–5–139 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–5–139 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 28, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16227 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-140]

Fitness Determination of Pocono Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–5–140, Order to Show Cause.

SUMMARY: The Board is proposing to find that Pocono Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended: that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 16, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of the Order 81–5–140.

FOR FURTHER INFORMATION CONTACT: Nicholas Lowry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–6064.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–5–140 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–5–140 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 26, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–16228 Filed 5–29–81; 8:45 am]

BILLING CODE 6320–01–M

[Order 81–5–144]

Fitness Determination of State Airlines Incorporated; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–5–144, Order to Show Cause.

SUMMARY: The Board is proposing to find that State Airlines Incorporated is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 16, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–5–144.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aerouautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–5–144 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–5–144 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 27, 1981

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–16229 Filed 5–29–81; 8:45 am]

BILLING CODE 6320–01–M

Orders Concerning Mail Rates

Order 81–5–100, May 19, 1981, Docket 37294, fixing final domestic service mail rates for the period April 1 through June 30, 1981. The order makes final the rates proposed in Order 81–3–134 (46 FR 19838, April 1, 1981).

Order 81–5–101, May 19, 1981, Docket 37392, fixing final international service mail rates for the period April 1 through June 30, 1981. The order makes final the rates proposed in Order 81–3–135 (46 FR 19837, April 1, 1981).

Copies of the orders are available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–16224 Filed 5–29–81; 8:45 am]

BILLING CODE 6320–01–M

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Applications

In the matter of notice of applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits filed under Subpart Q of the Board's procedural regulations (see, 14 CFR 302.1701 et seq.); week ended May 22, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceeding.

Date filed	Docket No.	Description
May 19, 1981	39640	Pan American World Airways, Inc., Pan Am Building, New York, New York 10166. Application of Pan American World Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of its certificate of public convenience and necessity for Route 31 so as to permit nonstop operations among and between currently certificated points and the following cities: Albany, NY, Amarillo, TX, Asheville, NC, Atlantic City, NJ, Augusta, GA, Baton Route, LA, Buffalo/Niagara Falls, NY, Charlotte, NC, Chattanooga, TN, Columbia, SC, Columbus, GA, Greensboro/High Point, NC, Greenville/Spartanburg, SC, Hartford, CT/Springfield, MA, Huntsville/Decatur, AL, Jackson/Vicksburg, MS, Knoxville, TN, Lexington, KY, Little Rock, AK, Louisville, KY, Lubbock, TX, Midland/Odessa, TX, Montgomery, AL, Nashville, TN, Orange County/Santa Ana/Anahiem, CA, Raleigh/Durham, NC, Richmond, VA, Roanoke, VA, Rochester, NY, Salinas/Monterey, CA, Santa Barbara, CA, Shreveport, LA, and Syracuse, NY. Conforming Applications, motions to modify scope, and Answers may be filed by June 16, 1981.
May 19, 1981	39642	Air Wisconsin, Inc., Outagamie County Airport, Appleton, Wisconsin 54911. Application of Air Wisconsin, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to issue a final order awarding it a certificate of public convenience and necessity, of permanent duration, to engage in scheduled air transportation of persons, property and mail between and among all the points on its route system (including Akron/Canton pending in Docket 39556) and Eau Claire, Wisconsin, Green Bay, Wisconsin, La Crosse, Wisconsin, Madison, Wisconsin, Milwaukee, Wisconsin, Mosnee, Wisconsin, and Oshkosh, Wisconsin. Conforming Applications, motions to modify scope, and Answers may be filed by June 16, 1981.
May 20, 1981	39647	Sea Airmotive, Inc., P.O. Box 6003, Anchorage, Alaska 99502. Application of Sea Airmotive, Inc. pursuant to Section 401 of the Act and Subpart Q of Board's Procedural Regulations requests that its certificate of public convenience and necessity be amended by inserting the following new points in alphabetical order into the current linear description for Route 244: Between the terminal point Allakaket, the intermediate points: Ambler, Anaktuvik Pass, Arctic Village, Atgun, Beaver, Bettles, Brevig Mission, Buckland, Cape Lisburne, Cape Yakataga, Central, Chalkyitsak, Chandalar, Chandalar Shelf, Circle, Circle Hot Springs, Coldfoot, Cordova, Deering, Delta Junction, Dietrich, Eagle, Elim, Fairbanks, Farewell, Five Mile, Flat, Fort Yukon, Franklin Bluffs, Galena, Galbraith Lake, Gambell, Golovin, Gulkana, Happy Valley, Huslia, Isabelle Pass, Juneau, Kaltag, Ketchikan, Kiana, Kivalina, Kobuk, Kotzebue, Koyuk, Koyukuk, Lake Minchumina, Livengood, Manley Hot Springs, Medfra, Minto, McGrath, Moses Point, Noatak, Nome, Noorvik, Nulato, Old Man, Petersburg, Point Hope, Point Lay, Prospect Creek, Rampart, Ruby, Savoonga, Selawik, Seward, Shaktoolik, Shishmaref, Shungnak, Sitka, Skwentna, Stevens Village, Takotna, Tanana, Tatalina, Teller, Tin City, Unalakleet, Valdez, Venetie, Wainwright, Wales, White Mountain, Wiseman, Wrangell, and the terminal point Yakutat. Conforming Applications, motions to modify scope, and Answers may be filed by June 17, 1981.
May 21, 1981	39650	Fast Air Carrier Ltds., Suite 330, 7220 NW., 36th Street, Miami, Florida 33166.

Date filed	Docket No.	Description
		Application of Fast Air Carrier Ltda. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to issue it a foreign air carrier permit authorizing the carriage of persons, property and mail between a point or points in Chile, on the one hand, and Miami and New York, on the other, via the intermediated points, Bogota, Columbia and Panama City, Panama. Fast Air also requests that the Board contemporaneously issue it a blanket statement of authorization allowing the operation of fifth freedom as well as third and fourth freedom charter flights with DC-10 and B-707 aircraft. Answers may be filed by June 18, 1981.
May 22, 1981	39652	Air Florida, Inc., 3900 NW 79th Avenue, Miami, Florida 33166. Application of Air Florida, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its certificate of public convenience and necessity for Route 197 authorizing it to engage in air transportation with respect to persons, property and mail at the points Charleston, South Carolina and Savannah, Georgia. Conforming Applications, motions to modify scope, and Answers may be filed by June 19, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-16225 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-138; Docket 29977]

Transportes Aereos Portugueses, E.P.; Authority To Conduct Charter Operations; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of May 1981.

Transportes Aereos Portugueses, E.P. (TAP) holds a foreign air carrier permit, most recently reissued by the Board in Order 79-8-47, authorizing it to provide foreign air transportation of persons, property, and mail between Lisbon, Portugal, an intermediate point or points in the Azores, the intermediate points Gander, Newfoundland, Canada, and Boston, and the terminal point New York. The permit also authorizes TAP to conduct charter operations under the terms, conditions, and limitations of Part 212 of the Board's Economic Regulations. Under this latter authority, TAP may (unless otherwise provided by the Board under § 212.4(b)) operate charters between points named in its permit ("on-route" charters) without prior Board approval, and may operate charters in other markets ("off-route" charters) upon obtaining a Statement of Authorization from the Board.

By Order 79-12-205, as amended by Order 80-12-151, the staff granted TAP, and a number of other foreign carriers, blanket Statements of Authorization to permit them to operate off-route charters without obtaining prior approval for each flight or series of flights. The staff found that these carriers' applications for off-route charter authority consistently met the criteria for issuance of Statements of Authorization under § 212.6 and were routinely granted. In that order the Board reserved the right to terminate the blanket Statement of Authorization of any subject carrier, on thirty days' notice, if it found such action to be necessary for reciprocity or the public interest.

We find that it is now necessary to terminate TAP's blanket Statement of Authorization and to require the carrier to obtain individual Statements of Authorization to operate off-route charters.[1] In addition, we find it necessary to require TAP to obtain prior approval for all on-route charter flights, in accordance with §§ 212.4(b) and 212.5.[2]

Our actions are prompted by recent events which indicate to us that the present state of comity and reciprocity is sufficiently in doubt to require prior Board scrutiny and approval of TAP's charter flights.[3] Specifically, we note that the Government of Portugal has recently denied two U.S. carriers, Transamerica Airlines, Inc. and The Flying Tiger Line Inc., d/b/a Metro International Airways, authority to operate Public Charter programs in the New York-Portugal market.[4] These actions appear to discriminate against authorized U.S. carriers and charter operators, who should be able to operate charters in any U.S.-Portugal market, just as Portugal's flag carrier is able to do. TAP has been afforded the opportunity to operate charters freely to and from any U.S. point. Reciprocity requires that equivalent opportunities be preserved for flag carriers of the United States.[5]

We will continue to evaluate the state of reciprocity in the days ahead and look forward to a quick resolution of the issues through U.S. government consultations with the Government of Portugal. As a result of our decision here, we will be able to take appropriate action should that prove necessary. We hope further steps will not be needed.

Accordingly,

1. We terminate, effective thirty days after the date of service of this order, the blanket Statement of Authorization granted to TAP by Order 79-12-205, as amended by Order 80-12-151;

2. We notify TAP that effective thirty days after the date of service of this order, it shall not perform any on-route charter trip unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted by the Board. In the event that an application for a Statement of Authorization has been properly filed at least thirty days in advance of a proposed flight, notice of the Board's failure to approve either the whole or part of such application will be submitted to the President of the United States at least ten days prior to the date of the proposed flight. Any such failure to approve a timely-filed on-route charter trip application shall be subject to stay or disapproval by the President within ten days after the date of the Board's notification;

3. Our action in ordering paragraph 2 above will apply to Third and Fourth Freedom charters proposed by TAP, upon the effectiveness of the final rule issued by the Board in ER-1220;

4. We will serve copies of this order upon TAP, the Ambassador of Portugal

[1] In ER-1220, adopted May 8, 1981, and effective August 20, 1981, the Board made extensive revisions to Part 212, including the replacement of the present distinction between on- and off-route charters with a framework where Third and Fourth Freedom operations normally would be authorized without prior approval, and where Fifth Freedom operations would normally be subject to prior approval. ER-1220 also provides that the Board may require prior approval for Third and Fourth Freedom operations in the same manner as it may now do for on-route charters. Our action in this order applies equally to TAP's operations under the provisions of the revised Part 212 when it becomes effective; *i.e.*, TAP will be required to obtain prior approval for all Third, Fourth, and Fifth Freedom charters.

[2] Section 212.4(b) provides that the Board may, if the public interest requires and upon thirty days' notice to the foreign carrier involved, require such carrier to obtain prior approval for any on-route charter operated.

[3] Scheduled air services between the United States and Portugal are governed by the Air Transport Agreement between the United States and Portugal of December 6, 1945, as subsequently amended. Charter services, however, are not covered by the agreement. TAP's charter rights are, therefore, strictly dependent upon comity and reciprocity.

[4] The charter programs at issue are PC 80-490, filed by Maptours, Inc. and Metro International, and PC 81-3, filed by Relvas Sunshine Vacations, Inc. and Transamerica. TAP also is participating in the Relvas program, operating flights between Boston and Portugal. The Government of Portugal has not, to our knowledge, restricted U.S. carrier charter operations in markets other than New York-Portugal.

[5] The refusal of the Government of Portugal to authorize charters in the New York market apparently does not apply to TAP. We note that it operated a Portugal-New York Public Charter earlier this month.

in Washington, D.C., Transamerica Airlines, Inc., The Flying Tiger Line Inc., d.b.a. Metro International Airways, and Trans World Airlines, Inc.; and

5. We may amend or revoke this order at any time and without hearing.

This order will be published in the **Federal Register.**

By the Civil Aeronautics Board.[1]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16230 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-141]

Vagabond Aviation, Inc., d.b.a. Air Olympia; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-141, Order to Show Cause.

SUMMARY: The Board is proposing to find that Vagabond Aviation, Inc., d.b.a. Air Olympia, is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 16, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-5-141.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-141 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-141 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

[1] All Members concurred.

By the Civil Aeronautics Board, May 26, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16231 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Indiana State Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 2:00 p.m. and will end at 5:00 p.m., on June 17, 1981, at the Roy C. Buley Center, 1111 North Penn Street, Muncie, Indiana. The conference will convene at 9:00 a.m. and will end at 8:00 p.m. on June 18, 1981; it will also convene at 9:00 a.m. and will end at 5:00 p.m., on June 19, 1981, at the Ball State University, Cardinal Hall, Munice, Indiana. The purpose of the meeting is to review and comment on the employment study draft by the Advisory Committee, and to discuss new business and public comments. The purpose of the conference is "A Focus on Law and Social Changes—past, present, and future," co-sponsored by the Indiana Advisory Committee with Action, Inc. of Delaware County.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 27, 1981.

John Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-16233 Filed 5-29-81; 8:45 am]

BILLING CODE 6335-01-M

New Hampshire Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on June 17, 1981, at the Federal Building, 275 Chestnut Street, Manchester, New Hampshire. The purpose of this meeting is to discuss the program planning for fiscal year 1981.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Sylvia Chaplain, 7 Wendover Way, Bedford, New Hampshire, 03102, (603) 625-5335, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 28, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-16234 Filed 5-29-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

[Maritime Administration Docket No. A-132]

Carriage of Bulk Preference Cargo by Subsidized U.S.-Flag Operator—Review of Vessel Participation; Agency Review

AGENCY: Maritime Administration, Commerce.

ACTION: Notice of Agency Review.

SUMMARY: On June 15, 1979, the Maritime Subsidy Board (Board) issued a Final Opinion and Order approving an application by Aeron Marine Shipping Co. (Aeron) to permit two vessels, the SSs GOLDEN DOLPHIN and GOLDEN ENDEAVOR, to carry lots of not less than 55,000 long tons in the bulk preference cargo trades with operating-differential subsidy at world market rates. In conjunction with this decision, the Board denied the applications of American Shipping, Inc., Pacific Shipping, Inc., Aquarius Marine Co., Atlas Marine Co., and Worth Oil Transport Co., related companies, for the same service. The Board directed that after one year, Aeron's operating experience under the authority granted would be reviewed.

The Maritime Administration staff has completed its review and has submitted a report to the Board. Although the Board has not adopted the staff report, it is making the staff report available to the public for comments.

ADDRESS: Copies of the staff review may be obtained from the Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, Washington, D.C. 20230. Comments from any interested person desiring to offer views concerning the staff review should be submitted in writing, with 15 copies, to the above address not later than July 31, 1981.

FOR FURTHER INFORMATION CONTACT: F. R. Larson, (202) 377-5532.

By order of the Maritime Subsidy Board.

Dated: May 12, 1981.

Georgia Poumaras Stamas,

Assistant Secretary.

[FR Doc. 81-16214 Filed 5-29-81; 8:45 am]

BILLING CODE 3510-15-M

[Docket No. S-690]

Fredericksburg Shipping Co., Keystone Tankship Corp., Keystone Shipping Co.; Applications for ODS by Operators With Interest in Vessels Engaged in Domestic Service

Notice is hereby given that Fredericksburg Shipping Company (Fredericksburg), Keystone Tankship Corporation (Tankship) and Keystone Shipping Co. (Keystone) have filed applications dated January 7, 1981 under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy with respect to the carriage of bulk commodities in U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics. Inasmuch as the applicant companies and/or related persons or firms employ or may employ ships in the domestic intercoastal or coastwise services, written permission of the Maritime subsidy Board under section 805(a) of the Act will be required if the applications for operating-differential subsidy are to be approved.

The written permission requested by the applicants by letter dated May 11, 1981 is as follows:

For Fredericksburg, Tankship and Keystone and affiliated or associated companies to operate up to a total of 31 U.S.-flag vessels in the transport of bulk cargoes within and between the following U.S. coastal areas, with free interchange of vessels among those areas, and with the maximum number of vessels employed in the areas at any one time to be as specified:

U.S. Gulf-Atlantic Coastwise—17 vessels
U.S. Gulf-Atlantic Puerto Rico—2 vessels
U.S. Atlantic-Gulf Intercoastal (including Alaska and Hawaii)—10 vessels
Pacific Coast—Alaska—Hawaii—15 vessels

Such written permission is required under section 805(a) of the Act notwithstanding the fact that a voyage in the proposed service on which the vessels engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Any person, firm, or corporation having any interest in such applications (within the meaning of section 805(a)) and desiring to submit comments concerning the applications must file written comments in triplicate with the Secretary, Maritime Subsidy Board, by close of business on June 26, 1981 together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are recieved within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operations (a) will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board.

Dated: May 22, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-16191 Filed 5-29-81; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Public Hearing on the Mullica River Estuarine Sanctuary; Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) prepared on the proposed Mullica River Estuarine Sanctuary.

The hearing will be held Tuesday, July 7, 1981, 2:30 and 7:30 p.m. at the following location:

Stockton State College, "A" Wing—Lecture Hall, Pomona, New Jersey.

The views of interested persons and organizations on the adequacy of the impact statement and the proposed Mullica River Estuarine Sanctuary are solicited, and may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of 5 minutes. This time allotment may be extended before the hearing when the number of speakers can be determined. A verbatim transcript of the hearing will be prepared by the State of New Jersey for their purposes. However, the OCZM/NOAA staff will record and summarize the comments for the Final Environmental Impact Statement (FEIS). All comments received at the hearing and those submitted in writing will be considered in the preparation of the FEIS.

The comment period for this draft environmental impact statement will end on Monday, July 20, 1981.

As part of the procedures leading toward approval of the Mullica River Estuarine Sanctuary, a Final Environmental Impact Statement, reflecting consideration of these comments, will be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing regulations. All written comments received by OCZM prior to the deadline will be included in the FEIS.

Copies of the DEIS may be obtained from the Office of Coastal Zone Management, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (telephone: 202/634-4253).

(Federal Domestic Assistance Catalog No. 11.420, Coastal Zone Management Estuarine Sanctuaries)

Dated: May 19, 1981.

William Matuszeski,

Acting Deputy Assistant Administrator for Office of Coastal Zone Management.

[FR Doc. 81-16213 Filed 5-29-81; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF ENERGY

Proposed Contract Award

AGENCY: Department of Energy.

ACTION: Notice of Proposed Contract Award.

SUMMARY: In accordance with U.S. Department of Energy (DOE) Procurement Regulations, Title 41, Subpart 9-1.5490, DOE gives public notice that a contract award, recognizing the existence of potential organizational conflicts of interest, is in the best interest of the United States.

FOR FURTHER INFORMATION CONTACT:

Linda Feeney, U.S. Department of Energy, Office of Procurement Operations, PR-521, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-4296

Richard Weiner, U.S. Department of Energy, Division of Power Supply and

Reliability, RG (EP)–73, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3949

SUPPLEMENTARY INFORMATION: Upon the basis of the following findings, mitigation, and determination, the proposed contract described below is being awarded, recognizing the existence of potential organizational conflicts of interest pursuant to the authority of 41 CFR 9–1.5409(a)(3).

1. Findings

The Division of Power Supply and Reliability (DPSR) administers electric utility programs related to the planning, design, and operation of an adequate, reliable, and cost-effective bulk power supply system for the United States.

Program goals are to promote (1) reliability and adequacy of bulk electric power supplies, by encouraging strong interconnections, diversity in production, and reserve margins suffcient to ensure both short- and long-term response capability and (2) economy in the production of electricity, especially in the utilization of fuels.

To further these goals, the DPSR requires expert technical assistance to supplement staff resources dedicated to the analysis of electric power utility systems.

Therefore, a competitive procurement (DE–RP01–80RG–10365, "Technical and Analytical Support to the Division of Power Supply and Reliability") was initiated during 1980 to solicit contractor assistance.

Commonwealth Associates Inc. (CAI) has been chosen for contract negotiation and award, as a result of its successful response to this RFP.

2. Specific Need

The objective of the proposed contractor effort is to provide technical and analytical support to the DPSR. The nation's bulk power supply shall be examined in order to assure its continuing reliability, economy, safety, and environmental acceptability in the production and delivery of electrical power. Specifically, this support will result in:

- Better understanding of economic/resource allocation/environmental optima
- Insights into economic tradeoffs in large system operation
- Improved data bases

The contractor will be expected to furnish personnel, facilities, services, materials, and travel necessary to provide electric utility planning, development, and operating studies.

The DPSR plans to use the work product primarily to support its efforts in assuring the nation an adequate, reliable, cost-effective bulk power supply system, and promoting the national goal of reducing premium fuels consumption.

3. Funding and Performance

The contract period will be for one year, with two one-year options. The contract is to be structured to provide for the issuance of specific task orders describing the work to be performed and the expected deliverables. The contractor will be required to submit monthly performance reports for all tasks. The principal place of performance will be the contractor's offices and facilities.

4. Disclosure and Conclusion

In accordance with 41 CFR 9–1.5405, CAI has provided statements disclosing relevant information concerning its interests related to the work to be performed, and bearing on whether it has possible organizational conflicts of interest (1) with respect to being able to render impartial, technically sound and objective assistance or advice, or (2) which may give it an unfair competitive advantage.

Based on an evaluation of the facts contained in the disclosure statement, which indicates that CAI (considering all "affiliates") is heavily and diversely involved in providing engineering consulting services to a large number of energy firms, it has been determined that CAI has potential organizational conflicts of interest with regard to the work required by the DPSR, in accordance with 41 CFR 9–1.5409(a).

Furthermore, it is not possible to avoid the potential organizational conflicts of interest by the inclusion of appropriate conditions in the resulting contract, pursuant to 41 CFR 9–1.5409(a)(2).

In addition, the contracting officer has determined that possible organizational conflicts of interest exist with respect to all other firms which fell within the competitive range for award of this contract.

5. Mitigation

The DPSR will provide absolute constraints within which the contractor will operate. The nature and extent of the contractor's performance will be clearly defined and all conclusions and recommendations will be made independently by the DPSR. In addition, all pertinent contractor analysis will become a part of the public record and thus will be subject to close third-party scrutiny for the validity of the data and technical findings presented.

The contract awarded under this procurement will include the Organizational Conflicts of Interest Special Clause (41 CFR 9–1.5408–2(b)), which will apply to both prime and subcontractors. The primary purpose of this clause is to aid in ensuring that the contractor is not biased because of its past, present, or currently planned interests (financial, contractual, organizational, or otherwise) which relate to the work under this contract, and does not obtain any unfair competitive advantage over other parties by virtue of its performance of this contract.

Conflict of interest determinations for subcontractors will be made by DOE prior to award to any potential subcontractors.

6. Determination

In light of the above Findings and Mitigation, and in accordance with 41 CFR 9–1.5409(a)(3), the proposed contract award is in the best interest of the United States.

Dated: May 26, 1981.

Barton R. House,

Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81–16186 Filed 5–29–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Calvin Petroleum Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: May 14, 1981. Comments by: July 1, 1981.

ADDRESS: Send comments to: Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado 80226.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar

Branch, Lakewood, Colorado 80226, (303) 234–3195.

SUPPLEMENTARY INFORMATION: On May 14, 1981, the Office of Enforcement executed a Consent Order with Calvin Petroleum Corporation (CPC) of Denver, Colorado. Under 10 C.F.R. 205.199J(b), a Consent Order which involves a sum of less then $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

CPC, with its home office located in Denver, Colorado, is a crude oil producer as defined in 10 C.F.R. 212.31 and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 C.F.R., Parts 210, 211 and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of CPC, the Office of Enforcement of ERA and CPC entered into a Consent Order, the significant terms of which are as follows:

1. The ERA alleges that during the audit period certain volumes of crude oil produced and sold from the John DiTirro (Di-Ta) #1 and #2 Lease were improperly characterized as "stripper well" crude oil exempt from the "old" oil or "lower tier" ceiling price rule contained in 10 C.F.R. § 212.73. The ERA further alleged that during the period January 1, 1976 through September 30, 1980 (audit period) certain sales of crude oil were made by CPC at prices in excess of the maximum allowable prices in violation of 10 C.F.R. Part 212, Subpart D.

2. CPC has agreed to pay $45,000 into a special fund administered by ERA in settlement of the alleged overcharges to its customers during that period and possible further overcharges through January 28, 1981.

3. The provisions of 10 C.F.R. 205.199J are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, CPC agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.2. above, the sum of $45,000, on or before June 15, 1981. Refund of those overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 C.F.R. 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocations (Entitlements) Program, 10 C.F.R. 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 C.F.R. 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the settlement amount specified in I.2., above, should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notifications of a claim to Kenneth E. Merica, District Manager of Enforcement Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226. You may obtain a free copy of this Consent Order, with proprietary information deleted, by writing to the same address or by calling (303) 234–3195.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submmit with the designation, "Comments on Calvin Petroleum Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on July 1, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 C.F.R. 205.9(f) and 10 C.F.R 1004.11.

Issued in Lakewood, Colorado, on the 20th day of May 1981.

Kenneth E. Merica,

District Manager, Rocky Mountain District, Economic Regulatory Administration.

[FR Doc. 81-16183 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Payne-Johnston and Byars; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Payne-Johnston and Byars. This Proposed Remedial Order charges Payne-Johnston and Byars with pricing violations in the amount of $97,734.40, connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period September 1973 through June 1980 in the State of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, southwest District office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235—(214) 767–7745. On or before June 16, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas on the 20th day of May 1981.

Wayne I. Tucker,

District Manager for Enforcement, Southwest District, Economic Regulatory Administration.

[FR Doc. 81-16184 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. ERA-R-80-39, ERA-R-80-40]

Withdrawal of Proposed Voluntary Guidelines for the Advertising Standard and the Master Metering Standard Under the Public Utility Regulatory Policies Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Withdrawal of proposed guidelines.

SUMMARY: The Economic Regulatory Administration (ERA) is withdrawing its proposed voluntary guidelines regarding advertising and use of master metering by electric utilities. The proposed guideline regarding advertising was issued on November 10, 1980 (45 FR 76370, November 18, 1980). The proposed guideline regarding the use of master metering was issued on December 12, 1980 (45 FR 84936, December 23, 1980). These proposed guidelines were issued pursuant to section 131 of the Public Utility Regulatory Policies Act of 1978 (PURPA).

FOR FURTHER INFORMATION CONTACT:

Stephen S. Skjei, Division of Rates and Energy Management, Office of Program Operations, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 4016 D, Washington, D.C. 20461, Telephone (202) 653–3913.

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B–110, Washington, D.C. 20461, Telephone (202) 653–4055.

Arthur Perry Bruder, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6B–144, Washington, D.C., Telephone (202) 252–9516.

Cynthia Ford, Office of Public Hearings Management, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B–210, Washington, D.C. 20461, Telephone (202) 653–3971.

SUPPLEMENTARY INFORMATION: On November 10, 1980, ERA issued for public comment, pursuant to PURPA section 131, a proposed voluntary guideline respecting the advertising standard established by PURPA section 113(b)(5). The purpose of the proposed guideline was to present the Department of Energy's (DOE) position on national energy problems which might be affected by regulatory authorities' and nonregulated utilities' decisions regarding utility advertising. Toward this end, the proposed guideline offered direction on those provisions of the standard concerned with (a) conservation oriented advertising (PURPA sections 115(h)(2) (A) and (B)), and (b) advertising which promotes the use of energy efficient appliances, equipment or services (PURPA section 115(h)(2)(E)).

Data submitted by State regulatory authorities relative to the PURPA annual reporting requirements revealed that as of June 30, 1980, a majority (36) had already completed their hearings on the standard. Moreover, opportunities exist for DOE to convey concerns about the implications of utility advertising policy through other program activities. As a consequence, ERA has concluded that it would not be productive to proceed to a final guideline. Accordingly, no final guideline will be issued, and the proposed guideline is hereby withdrawn.

On December 12, 1980, ERA issued for public comment, pursuant to PURPA section 131, a proposed voluntary guideline respecting the master metering standard established by PURPA section 113(b)(1). The purpose of the proposed guideline was to present the Department of Energy's (DOE) position on certain issues which should be addressed by regulatory authorities and nonregulated utilities in their consideration of the master metering standard. Toward this end, the proposed guideline offered direction on those provisions of the standard concerned with (a) the impact on the three purposes of PURPA, (b) economic factors, and (c) building categories and restrictions on master metering.

At least 31 State regulatory authorities, according to their reports to DOE, had completed hearings on the master metering standard as of June 30, 1980. In addition, DOE has previously published technical assistance materials which address the technical aspects of the master metering standard, and in particular, the relative advantages of individual and master metering. For these reasons, ERA has concluded that it would not be productive to proceed to a final guideline. Accordingly, no final guideline will be issued, and the proposed guideline is hereby withdrawn.

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7101 *et seq.*))

Issued in Washington, D.C., on May 20, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81–16182 Filed 5–29–81; 8:45 am]

BILLING CODE 6450–01–M

Conlo Service, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: March 20, 1981.

COMMENTS BY: July 1, 1981.

ADDRESS: Send comments to: Edward Momorella, District Manager, Northeast District, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

FOR FURTHER INFORMATION CONTACT: Edward Momorella, District Manager, Northeast District, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, 215/597–2633.

SUPPLEMENTARY INFORMATION: On March 20, 1981, the Office of Enforcement of the ERA executed a Consent Order with Conlo Service, Inc. Under 10 CFR Sec. 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Conlo Service, Inc. ("Conlo"), with its home offices located in Farmingdale, New York, is a firm engaged in the resale and retail sale of motor gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Conlo, the Office of Enforcement of the ERA, and Conlo entered into a Consent Order, the significant terms of which are as follows:

1. During the period April 1, 1979 through September 30, 1979 (audit period), Conlo allegedly overcharged its commercial end-user and retailer classes of purchaser on sales of motor gasoline.

2. It is alleged that Conlo incorrectly computed its maximum legal selling price in its sales of regular and unleaded gasoline to the classes of purchaser listed above during the audit period. As a result, Conlo charged prices in excess of those permitted under 10 CFR 212.93(a) and 6 CFR 150.359(c)(1).

3. This Consent Order constitutes neither an admission by Conlo that it has violated the Mandatory Petroleum Price Regulations nor a finding by ERA that Conlo has violated such regulations.

4. The provisions of 10 CFR Sec. 205–199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Conlo agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $20,022.00 over the period of twelve (12) months.

The amount to be refunded to each class is as follows:

Class I—Regular—Commercial End-user	$10,112
Classes II and IV—Regular and Unleaded—Retailer	4,854
Class III—Unleaded—Commercial End-user	5,056

In order to accomplish the refund of overcharges to Classes I and III Conlo will issue refund checks or credit memoranda to the affected customers during the refund period. In order to accomplish the refund of overcharges to Classes II and IV, Conlo will issue, during the refund period, certified checks made payable to the United States Department of Energy and delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the Classes II and IV refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR Sec. 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR Sec. 211.67. In fact, the adverse effects of the overcharges may have become so diffused that is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the Classes II and IV refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the Classes II and IV refund amounts should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to this refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. Such comments will be considered solely in connection with DOE's right to rescind or modify the Consent Order upon the discovery of new evidence or upon petition by Conlo.

You should send your comments or written notification of a claim to Edward Momorella, District Manager, Northeast District, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this Consent Order by writing to the same address or by calling 215/597–2633.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Conlo Service, Inc. Consent Order". We will consider all comments we receive by 4:30 p.m., local time, on July 1, 1981.

You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, Pennsylvania, on the 11th day of May, 1981.

Edward Momorella,

Northeast District Manager of Enforcement.

[FR Doc. 81-16306 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Cross Oil & Refining Co. of Arkansas; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, 2000 M Street, NW., Washington, D.C. 20841, (202) 653–3548.

SUPPLEMENTARY INFORMATION: On April 9, 1981, 46 Fed. Reg. 21229 (1981), the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a proposed Consent Order with Cross Oil and Refining Company of Arkansas on March 27, 1981 which would not become effective sooner than 30 days after publication. Pursuant to 10 CFR § 205.199J(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the proposed Consent Order.

Two comments were received. Both commentors recommended that the refunds be effected through the Entitlements Program. The terms of the proposed Consent Order would not prohibit this distribution of the refunds. The proposed Consent Order, therefore, was finanlized and made effective on May 26, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-16307 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Gas Systems, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: May 14, 1981.

COMMENTS BY: July 1, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [phone] 214/767–7745.

SUPPLEMENTARY INFORMATION: On May 14, 1981, the Office of Enforcement of

the ERA executed a Consent Order with Gas Systems, Inc., of Fort Worth, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Gas Systems, Inc., (Gas Systems) wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Gas Systems effective as of the date of its execution by the DOE and Gas Systems.

I. The Consent Order

Gas Systems, with its home office located in Fort Worth, Texas, is a firm which engaged in the production and sale of natural gas liquids (NGL's) and natural gas liquid products (NGLP's), and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Gas Systems, the Office of Enforcement, ERA, and Gas Systems entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1, 1973 through October 31, 1976, and it included all sales of NGL's and NGLP's made by Gas Systems during that period.

2. Alleged overcharges on these sales were due to Gas Systems not applying the provisions of 10 CFR Part 212 Subpart K, in a manner acceptable to the DOE.

3. The Consent Order does not constitute an admission by Gas Systems that ERA regulations have been violated.

4. The Consent Order is a settlement of the alleged overcharges which were the subject of the Notice of Probable Violation issued to Gas Systems on August 22, 1980.

5. Gas Systems agrees to refund to the DOE $45,000 within 30 days of the effective date of the Consent Order.

6. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Gas Systems agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $44,500 in the manner specified in I. 5. above, plus $500 in penalty. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined in 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges may have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claim is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim, to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Gas Systems Consent Order." We will consider all comments we receive by 4:30 p.m. local time, on July 1, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas, on the 19th day of May, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-16306 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Summit Transportation Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 20, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: Larry Harris, Office of Enforcement, Room 5002, 2000 M Street, NW., Washington, D.C. 20461, Telephone No. (202) 653-3517.

SUPPLEMENTARY INFORMATION: On March 4, 1981, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Summit Transportation Company (Summit) of Houston, Texas, on January 6, 1981, 46 Fed. Reg. 15203 (1981). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Summit pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was issued as signed.

Pursuant to the Consent Order, Summit refunded the sum of $17,000,000

including interest by checks made payable to the United States Department of Energy. This sum received by DOE has been placed into a suitable account pending determination of its proper distribution.

Action Taken

The ERA is unable readily to identify the persons entitled to receive the $17,000,000 including interest or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on May 20, 1981 to implement Special Refund Procedures pursuant to 10 CFR Prt 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 22nd day of May, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-16309 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP81-315-000; CP80-225]

Algonquin Gas Transmission Co.; Application

May 28, 1981.

Take notice that on May 1, 1981, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP81-315-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to: (i) construct and operate facilities necessary to convert a portion of the storage contract demand presently rendered pursuant to Algonquin's Rate Schedule STB (Backup Storage Service) to a firm basis; and (ii) render long-term firm STB storage service pursuant to its proposed Rate Schedule STB (Firm and Backup Storage Service). Applicant also requests amendment of the June 16, 1980 order issued in Docket No. CP80-225 pursuant to Section 7(c) of the Natural Gas Act so as to modify the terms of its existing certificate authorizing service under existing Rate Schedule STB (Backup Storage Service). Algonquin's proposals are more fully set forth in the application which is on file with the Commission and open to public inspection.

Algonquin states that the other parties involved in the rendition of service under proposed Rate Schedule STB (Firm and Backup Storage Service) by Algonquin to its participating customers are:

—Texas Eastern Transmission Corporation (Texas Eastern), which would transport the customers' gas to and from storage, rendering service to Algonquin pursuant to Texas Eastern's Rate Schedule SS-II; and

—Consolidated Gas Supply Corporation (Consolidated), which owns and operates underground storage facilities to be utilized for such service, and which has contracted with Texas Eastern to render storage service for the 20-year term of this proposal.

It is stated that, by this proposal, Algonquin proposes to convert to firm service a portion of the existing STB storage contract demand by the addition of certain facilities and the modification of certain other facilities, thus making possible the firm delivery, to STB customers desiring such service, of storage quantities in addition to the firm quantities deliverable pursuant to Algonquin's Rate Schedules WS-1 and F-1. Algonquin says the term of service would not change, which term, as authorized by the order issued June 16, 1980, in Docket No. CP80-255, extends to April 15, 2000. Further, Algonquin says the portion of the present backup storage service that would be converted to firm service commencing with the 1982-83 winter season is 57,055 MMBtu per day.

It is stated that the following customers have executed Precedent Letters for service under Algonquin's proposed Rate Schedule STB (Firm and Backup Storage Service):

Customer	Interim firm daily portion (1 yr) million Btu
Boston Gas Co	10,428
Cape Cod Gas Co	1,052
Commonwealth Gas Co	2,185
The Connecticut Gas Co	1,052
Connecticut Natural Gas Corp	1,475
Fall River Gas Co	855
City of Norwich, Connecticut	208
Providence Gas Company	2,960
Total	20,000

In addition, Algonquin states that it proposes to provide 20 billion Btu per day of firm STB deliveries during the 1981-82 winter season interim period, and that during such interim period, each customer would be entitled to a *pro rata* share of its firm daily portion of storage demand, as follows:

Customer	Storage demands (million Btu)	
	Total	Firm daily portion of storage demand
Boston Gas Co	31,818	29,750
Cape Cod Gas Co	10,000	3,000
Commonwealth Gas Co	8,666	6,233
The Connecticut Gas Co	6,200	3,000
Connecticut Natural Gas Corp	4,500	4,207
Fall River Gas Co	2,000	1,870
City of Norwich, Connecticut	620	580
Providence Gas Company	9,000	8,415
Total	70,904	57,055

Algonquin states that it must construct additional facilities and modify certain other facilities to effectuate firm storage deliveries. The new and modified facilities are estimated, according to Algonquin, to cost $44.9 million and would include the installation of 21.1 miles of 30-inch pipeline, the installation of one 3830 horsepower compressor at each of Algonquin's Stony Point, New York and Cromwell, Connecticut compressor stations, retesting of a 10-mile segment of its system, the installation of regulators to control downstream pressures and the modification of certain existing measurement stations. Algonquin states that the proposed facilities would be financed during 1981 and 1982 through bank loans and other short-term loans to be followed by long-term financing arrangments when those can be completed.

Algonquin states that, to the extent that firm contract demand storage service is now being proposed, it is proposing new initial demand charges reflecting, in addition to the existing charges for backup storage service, charges designed to recover the costs of rendering such firm service. The initial rate which Algonquin proposes to charge for the proposed firm STB service reflects, it is said, two new charges in addition to the charges reflected in the presently effective STB (Backup Storage Service) rate. These charges are:

(1) For reimbursement of payments to Texas Eastern, Algonquin proposes to add a new charge designed to pass on to the firm STB customers the Texas Eastern demand charge related to the firm portion of the storage demand.

(2) For Algonquin's own handling charges, it proposes to add a new demand charge to recover the cost of service related to the 57,055 million Btu of firm storage demand pursuant to proposed Rate Schedule STB (Firm and

Backup Storage Service). Algonquin says that during the 1981 interim service period, for which only relatively minor new facilities are necessary, the new demand charge will be appropriately discounted.

Algonquin says that the proposed initial rate for the firm portion of service has been computed at the rate of return factors reflected in its pending rate proceeding at Docket No. RP80–72. Algonquin also says that, in order to expedite the processing of this application, it hereby indicates that it would accept a condition in the Commission's certificate order herein to the effect that the firm service handling charges of Algonquin's proposed initial rate (both the discounted interim period charge and the final charge) should be adjusted, back to the date such charges commence for the firm STB service, to reflect the rate of return that is established by final Commission order in Docket No. RP80–72.

Algonquin indicates that, on April 16, 1981, Texas Eastern filed a related application in Docket No. CP81–291–000 for requisite certificate authorization to render firm SS–II service to Algonquin for 1981–82 interim quantities and is currently preparing an application for additional firm service commencing with the 1982–83 winter season.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to interve is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–16259 Filed 5–29–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. G–14250–001, et al.]

ARCO & Gas Company, Division of Atlantic Richfield Company, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

May 22, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[6]	Pressure base
G–14250–001, D, May 6, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	El Paso Natural Gas Company, SEMU Eumont #64 Well, Lea County, New Mexico.	(1)	
G–3825–000, D, May 12, 1981	Phillips Petroleum Company 336 Home Savings & Loan Bldg Bartlesville, Oklahoma 74004.	Northern Natural Gas Company, Jal Field, Lea County, New Mexico.	(2)	
CI63–578–008, D, May 4, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Natural Gas Pipeline Company of America, S. E. Cannick, Beaver and Texas Counties, Oklahoma.	(3)	
CI64–1170–000, D, May 11, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Natural Gas Pipeline Company of America, Putnam-Oswego Unit, Custer & Dewey Counties, Oklahoma.	(4)	
CI68–1271–000, D, May 11, 1981	do	Panhandle Eastern Pipeline Co., South Bishop Field, Roger Mills County, Oklahoma.	(4)	
CI70–926–000, D, May 11, 1981	do	Panhandle Eastern Pipeline Co., Buffalo Wallow, Hemphill County, Texas.	(4)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-481-003, C, May 13, 1981	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001	Tennessee Gas Pipeline Company, South Timbalier Blocks 29, 36, 37 and 38, Offshore Louisiana	(5)	15.025
CI81-333-000, B, May 11, 1981	West Texas Exploration, Inc., P.O. Box 745, Odessa, Texas 79760	Natural Gas Pipeline Co. of America, Martinez Field, Zapata, County, Texas	(6)	
CI81-323-000, E, Apr. 17, 1981	Getty Oil Company (Succ. in Interest to Getty Reserve Oil Inc.), P.O. Box 1404 Houston, Texas 77001	El Paso Natural Gas Company, Jalmat Field, Lea County, New Mexico	(7)	14.65
CI81-325-000, A, May 6, 1981	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, CA 94120	Natural Gas Pipeline Company of America, West Cameron Blocks 115 and 116, Offshore Louisiana	(8)	15.025
CI81-326-000 (G-20016), B, May 6, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221	Transcontinental Gas Pipe Line Corp., Southland Field, Duval County, Texas	(9) (10)	
CI81-327-000, B, May 6, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221	The Nueces Company (Delhi) C. Monroe, A. B. C. *et al.*, Leases Wurto Field, Sec. 195, Blk. 24, H & TC Survey, Ward County, Texas.	(11)	
CI81-328-000, B, May 6, 1981	do	Cabot Oil and Gas Corp., Oscar Clapp "A" Lease, Kermit Field, NW/4 Sec. 27 Blk. 26, PSL Survey, Winkler County, Texas.	(12)	
CI81-329-000, B, May 6, 1981	do	CRA Inc., Sammie H. Sugg Lease, Mertzon Plant, Sec. 83, Blk. 1, T & TC. Ry. Co., Irion County, Texas.	(13)	
CI81-280-000, B, May 6, 1981	do	Phillips Petroleum Company, Paul Moss "48" N/2, Sec. 48 Blk. 44, T & P Survey, Ector County, Texas.	(14)	
CI81-331-000, A, May 4, 1981	C & K Petroleum Inc., 3900 Capital Bank Plaza, Houston, Tex 77002	United Gas Pipe Line Company, Block 237, East Cameron Area, South Addition, Offshore Louisiana.	(15)	15.025
CI81-332-000, A, May 8, 1981	ANR Production Company, 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Texas 77056.	Michigan Wisconsin Pipe Line Company, West Cameron Block 504, Offshore Louisiana	(16)	14.73
CI81-334-000 (CI69-107), B, May 11, 1981	Energy Resources Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201	Tennessee Gas Pipeline, San Salvador Field, Hidalgo County, Texas.	(17)	
CI81-335-000, B, May 12, 1981	An-Son Corporation, 3814 N. Santa Fe, Oklahoma City, Oklahoma 73118	Panhandle Eastern Pipe Line Company, N. W. Midwell, Cimarron County, Oklahoma.	(18)	
CI72-492-001, D, Apr. 15, 1981	Conoco Inc., Post Office Box 2197, Houston, Texas 77001	Mountain Fuel Resources, Inc., Lower Horse Draw Field, Rio Blanco County, Colorado	(19)	
G-14911-000, B, Apr. 10, 1981	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046	Warren Petroleum Corporation, E. A. Worley #6 Northwest Quarter, (NW/4) Section 39, Block 24, H & GN, Railroad Company Survey, Wheeler County, Texas.	(20)	

[1] Reclassification of well from gas to oil by the New Mexico Oil Conservation Commission. Oil well gas is committed to Warren Petroleum Company, a Division of Gulf Oil Corporation, under Percentage of Proceeds Contract dated August 15, 1973, as amended June 22, 1978.

[2] Purchaser has agreed to release acreage. Since they are not willing to take this production, abandonment is necessary to find a new market.

[3] The only well in the unit, the Allen State Gas Unit Well #1, ceased to produce in December 1978 and was plugged and abandoned September 10, 1979. The Commissioners of the Land Office of the State of Oklahoma requested Release, which was executed October 11, 1979.

[4] Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.

[5] Applicant is filing under Gas Purchase and Sales Agreement dated April 11, 1977, amended by amendment dated April 6, 1981.

[6] Well plugged and abandoned.

[7] Effective August 1, 1980, Getty Reserve Oil, Inc., assigned all of its oil, gas and mineral properties, assets, and rights to Getty Oil Company.

[8] Applicant is filing under Gas Purchase Contract dated December 31, 1975.

[9] Applicant agrees to accept a Certificate at the rates prescribed by the NGPA.

[10] Contract expired April 1, 1981. ARCO plans no development for the area.

[11] Contract expired by its own terms on December 1, 1975. On May 1, 1972, ARCO's interest in the acreage covered under such contract was sold to Weldon Guest. No gas has been sold under this contract since that date.

[12] Contract expired by its own terms on March 3, 1969. The lease sold to Ibex, Inc. effective June 1, 1972. The lease has now expired as to any interest retained by ARCO.

[13] Contract terminated effective May 12, 1980. The only producing acreage commited under said contract was sold to Chateaugay Company effecve October 1, 1973. ARCO has no plans for further development in the retained acreage.

[14] Contract expired by its own terms May 26, 1975. ARCO's interest in the properties covered under such contract was sold to Union Oil Company of California effective October 1, 1973.

[15] Applicant is filing under Gas Sales Contract dated March 19, 1981.

[16] Applicant is filing under Gas Sales Contract dated October 27, 1977.

[17] Contract has expired, well has been plugged and acreage expired.

[18] Marginal production, no other zones which merit testing, not economically feasible to operate.

[19] Conoco Inc. sold its interest in all of the leases committed to the subject contract and rate schedule to Joseph B. Gould effective September 1, 1976.

[20] By Assignment and Agreement executed December 18, 1973, but made effective December 1, 1973, Mobil Oil Corporation (MPTM's predecessor) assigned to J. W. Lemons all of its rights, title and interest in and to certain producing property fully described in said Assignment and Agreement.

Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession.

[FR Doc. 81-16252 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4590-000]

Buena Vista Water Storage District; Application for Preliminary Permit

May 27, 1981.

Take notice that Buena Vista Water Storage District (Applicant) filed on April 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4590 to be known as the Buena Vista One Power Plant Project located on the Turnout No. 1 Pipeline in Kern County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Harold Russell, Engineer Manager, Buena Vista Water Storage District, 525 North Main Street, P.O. Box 756, Buttonwillow, California 93206. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of a powerhouse containing a single 180-kW generating unit located at the outlet to the Turnout No. 1 Pipeline and associated electrical and transmission equipment.

The Applicant estimates that the average annual energy output would be 1,400 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed study to determine the technical, economical, financial, and envornmental feasibility of the proposed project. Applicant estimates that the proposed studies would cost $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the

Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 16, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 14, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules or Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 16, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4590. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies requried by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16280 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4423-000]

Central Montana Electric Generation and Transmission Cooperative, Inc.; Application for Preliminary Permit

May 27, 1981.

Take notice that Central Montana Electric Generation and Transmission Cooperative, Inc. (Applicant) filed on March 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4423 to be known as the Tiber Dam Project located on the Marias River in Liberty County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James H. Follensbee, Central Montana Electric Generation and Transmission Cooperative, Inc., 705 Lincoln Lane, Billings, Montana 59101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—the proposed project would utilize the existing Water and Power Resources Service's, U.S. Department of the Interior, Tiber Dam and would consist of: 1) a proposed powerhouse with an installed generating capacity of 13 MW; 2) a proposed 5,000-foot long transmission line, and 3) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 79 GWh.

Purpose of Project—the Applicant proposes to use the power output to serve the loads of Central Montana Electric Generation and Transmission Cooperative and adjacent rural electric cooperatives which are members of Central Montana Electric Generation and Transmission Cooperative.

Proposed Scope and Cost of Studies Under Permit—the Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is $51,770.

Purpose of Preliminary Permit—a perliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—this application was filed as a competing application to Continental Hydro Corporation's Project No. 3574 on December 30, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing application or notices of

intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4423. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 an additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16281 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4512-000]

City of Bountiful, Utah; Application for Preliminary Permit

May 28, 1981.

Take notice that City of Bountiful, Utah (Applicant) filed on April 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4512 to be known as Joes Valley Dam located on Seely Creek in Emery County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. Berry Hutchings, Manager, Bountiful City Light and Power Department, 198 South 200 West, Bountiful, Utah 84010. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water Power and Resources Service's Joes Valley Dam and would consist of, a powerhouse containing a single generating unit with a rated capacity of 3,500 kW; a spillway; existing transmission lines; and appurtenant facilities. The Applicant estimates that the average annual energy output would be 9.5 million kWh.

Purpose of Project—The energy generated at the proposed project would be utilized by the City of Bountiful for municipal purposes.

Proposed Scope and Cost of Studies Under Permit—The proposed term of the requested permit is 12 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $61,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation's Project No. 3824 filed on December 4, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be ehard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4512. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each

representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16262 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-183-000]

Consolidated Edison Co. of New York, Inc.; Order Declaring Jurisdiction, Accepting and Suspending Rate Filing, Granting Intervention, and Establishing Procedures

Issued: May 26, 1981.

On December 22, 1980, and March 27, 1981,[1] Consolidated Edison Company of New York, Inc. (Con Ed) tendered for filing a supplement to its Service Delivery Agreement with the Power Authority of the State of New York (PASNY). The supplement would increase Con Ed's charges to PASNY by approximately $9.5 million (31%) for the transmission portion of the service to PASNY's customers located in Con Ed's service area.[2] The company requests that the revised rates become effective on March 21, 1981. Accordingly, waiver of the notice requirements is requested. Further, to the extent that the filing does not strictly comply with the requirements of section 35.13 of the Commission's regulations, Con Ed requests waiver of those regulations as well.

Notice of the filing was issued on January 2, 1981, with responses due on or before January 23, 1981. Timely petitions to intervene were filed by PASNY and the Port Authority of New York and New Jersey (Port Authority), a customer of PASNY served by Con Ed under the instant rate schedule. In its petition to intervene, PASNY states that rates currently on file with the NYPSC for Con Ed's delivery service to PASNY's customers cover both the transmission and distribution portions of the service. PASNY therefore requests that the Commission issue an order indicating that it has jurisdiction over the transmission portion of Con Ed's service.

The Port Authority has protested the instant filing on the grounds that the Commission has exclusive jurisdiction over the entire contract entered into between PASNY and Con Ed, including the distribution portion of the service. Thus, insofar as the instant filing reflects rates for transmission only, it is alleged to be deficient. The Port Authority contends that the filing fails to comply with section 35.13 in other respects as well. Accordingly, the Port Authority requested that the filing be rejected or, in the alternative, be suspended for the full five-month period, and that Con Ed be required to amend its filing. On March 5, 1981, the Port Authority filed a notice of withdrawal of its request for suspension or rejection.

Con Ed filed a reply on February 6, 1981, to the Port Authority's petition. The company contends that the Commission has jurisdiction only over the transmission portion of its contract with PASNY. In support, Con Ed argues that local distribution is specifically exempted from FERC jurisdiction by Section 201(b) of the Federal Power Act.[3] In the event that the Commission determines it has jurisdiction over the entire agreement between PASNY and Con Ed, the company contends it should decline to exercise such jurisdiction as a matter of policy. Finally, Con Ed asks that the Port Authority's petition to intervene or, in the alternative, its request for relief, be denied. Thus, neither intervenor, at present, challenges the rate level reflected in the instant filing or requests that the rates be suspended.

On the same date as it filed its notice of withdrawal of its request for rejection or suspension of the filing, the Port Authority filed a response to Con Ed's reply of February 6, 1981. In its response, the Port Authority reaffirmed its view that the Commission has jurisdiction over the entire contract, stating: that the rate for service under the PASNY-Con Ed agreement is a single, indivisible rate for delivery of power from generation to the point of consumption; that Con Ed's attempt to establish a rate for only the transmission portion of the service is contrary to legal precedent; and that the "local distribution facilities" exemption does not serve to oust this Commission of its jurisdiction over the PASNY-Con Ed Transmission Agreement.

Discussion

Initially, we find that participation by PASNY and the Port Authority is in the public interest, and we shall therefore grant their petitions to intervene.

The Service Delivery Agreement between Con Ed and PASNY was originally filed with the Commission in November 1976, in Docket No. ER77-52. While Con Ed has consistently expressed the position that only the transmission portion of the service was jurisdictional, the question of jurisdiction has not been previously addressed on the merits.

Until 1927, state commissions exercised ratemaking jurisdiction over sales by public utilities of electric energy, including some energy transmitted across state lines. However, the Supreme Court determined, in *Public Utilities Commission of Rhode Island v. Attleboro Steam & Electric Co.*,[4] that the states were constitutionally forbidden from fixing rates for sales at wholesale in interstate commerce. Largely in response to the "regulatory gap" created by the Attleboro decision, Congress enacted the Federal Power Act.

Section 201(b) of the Federal Power Act provides that the Act shall apply "to the transmission of electric energy in interstate commerce and to the sale of electric energy at wholesale in interstate commerce." The statute further provides that "[t]he Commission shall have jurisdiction over all facilities for such transmission or sale of electric energy, but shall not have jurisdiction, except as specifically provided * * * over facilities used in local distribution * * *" The Act seeks to achieve a balance of authority between the states and the federal government in the regulation of the electric utility industry and reflects a policy "that matters largely of a local nature, even though interstate in character, should be handled locally and should receive the consideration of local men familiar with the local conditions in the communities involved." *Duke Power Company* v. *F.P.C.*[5]. Thus, the Act provides a clear line of demarcation between those transactions which are jurisdictional and those which are not.[6]

The agreement which is the subject of the instant docket is unusual in that it provides for the delivery of power directly to PASNY's customers and contains elements of activities which sometimes may be regarded as distributional. Nonetheless, we find that

---

[1] Con Ed submitted the instant filing on a preliminary basis on December 22, 1980, in order to comply with the notice provisions of section 35.13 of the Commission's regulations. The company indicated that it would base its charge to PASNY on the cost of service as approved by the New York Public Service Commission (NYPSC) in its latest retail rate case and would revise the instant filing upon the issuance of an order in that proceeding by the NYPSC.

[2] The present rate schedule is the result of an arrangement in which Con Ed transferred its interests in the Astoria No. 6 and Indian Point No. 3 generating units to PASNY. Under the present Service Delivery Agreement, Con Ed delivers power and energy from PASNY's Astoria No. 6 and Indian Point No. 3 generating units to PASNY's customers (Federal, State, and City agencies) located in Con Ed's service area. Con Ed performs all functions necessary to deliver power and energy including distribution and meter reading services.

[3] 16 U.S.C. 824(b).

[4] 273 U.S. 83 (1927).

[5] 401 F.2d 930 (D.C. Cir. 1968).

[6] *F.P.C.* v. *Southern California Edison Company*, 376 U.S. 205 (1964).

the agreement between PASNY and Con Ed provides for a single transaction which constitutes the transmission of electric energy in interstate commerce. The entire transaction comprises a service provided and billed to PASNY which, in turn, charges its customers.

We disagree with Con Ed's argument that the portion of the service which relates to the use of its distribution facilities is exempt under Section 201(b) of the Federal Power Act. The "local distribution facilities" exemption, upon which Con Ed relies, establishes a legal standard for distinguishing between companies which are "public utilities" as defined by the Federal Power Act and those which are not.[7] It neither applies to nor deprives the Commission of jurisdiction over sales for resale or transmission in interstate commerce.[8]

While we find the entire service to be jurisdictional, we do recognize, however, the unusual circumstances which create a strong local interest in this docket. The Commission takes note of the historical link and the ongoing complementary relationship between the rates filed by Con Ed before this agency and those approved by the NYPSC in the company's retail rate proceedings. Finally, we note that the Service Delivery Agreement provides that, in the absence of mutual agreement by the parties, the NYPSC, as arbiter, may establish rates for Con Ed's service on behalf of PASNY, and that PASNY shall accept the New York Commission's decision as a matter of contract. While the parties cannot determine by contract that the New York regulatory authorities have jurisdiction over any or all of the services provided by Con Ed,[9] the terms do evidence a recognition by Con Ed and PASNY of the local nature, in part, of the service, and the interest of the New York regulatory authorities in such matters.

In light of the foregoing and the particular circumstances which surround the instant filing, we intend to exercise our jurisdictioin over this service, in this and future filings by Con Ed, by accepting the rate determinations of the NYPSC in the absence of a showing that the NYPSC has abused its discretion or violated a public policy, such as the policy against undue discrimination. In other words, we shall not insist that the rates be developed, in all respects, according to the ratemaking practices of this Commission, but will accept the NYPSC's rate practices and determinations in the absence of a showing of abuse as described above.

In submitting rates for the remaining portion of the service, Con Ed may file cost support data derived from the NYPSC approved rates which is applicable to the service provided, on PASNY's behalf, to PASNY's customers. In subsequent cases concerning this service, Con Ed shall submit filings in accordance with this Commission's rules and regulations or seek appropriate waivers as it did in connection with the filing already made in this docket. In addition to our own independent analysis of the NYPSC-approved rates, we shall grant PASNY's customers three weeks from the date of this order to show that the rates do not comply with the standards set forth in this order.

In adopting this procedure, we do not abandon our statutory responsibilities in this or future proceedings. Our course of action is based upon, and confined to, the unusual facts present in this case, and serves the ends of comity and administrative efficiency, and at the same time fosters parity of rates between customers.

Accordingly, we shall accept Con Ed's March 27, 1981, filing as of March 20, 1981 and suspend it for one day, to take effect March 21, 1981, when Con Ed's latest retail rates, as approved by the NYPSC, went into effect. Because the company's filing does not reflect all components of the services performed on PASNY's behalf, we shall require it to file, within 30 days, revised rates in accordance with the views expressed herein. We shall act on this supplemental filing within 60 days of its submission, as provided in Section 205(d) of the Federal Power Act and, unless our analysis and the submissions of Con Ed or any intervenors indicates a contrary view, we shall also accept the revised rates for the full service effective March 21, 1981. To the extent necessary, we find that good cause exists to grant waiver of the notice and filing requirements.

The Commission Orders

(A) The petitions of the Port Authority and PASNY to intervene are hereby granted subject to the rules and regulations of the *Commission, provided,* however, that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(B) Con Ed's filing on March 27, 1981, is hereby accepted for filing and suspended for one day, to become effective March 21, 1981.

(C) Within thirty (30) days of the issuance of this order, Con Ed shall file revised rate sheets which reflect all charges to be assessed PASNY in rendering the services performed pursuant to their Service Delivery Agreement.

(D) Waiver of the notice requirements is hereby granted.

(E) Waiver of the filing requirements is hereby granted.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16244 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

---

[7] *Connecticut Light & Power Company* v. *F.P.C.*, 324 U.S. 515 (1945). And Con Ed is unquestionably a public utility within the meaning of the Power Act.

[8] *Indiana & Michigan Electric Company* v. *F.P.C.*, 365 F.2d 180 (7th Cir. 1966) *cert. den.* 385 U.S. 972 (1966).

[9] In this regard, we note that the Service Delivery Agreement specifically provides that the procedure referred to above does not constitute a recognition by PASNY of NYPSC jurisdiction over the contract.

[Docket No. TC81-51-000]

Consolidated Edison Co. of New York, Inc.; Petition for Declaratory Order

May 26, 1981.

Take notice that on April 15, 1981, Consolidated Edison Company of New York, Inc. (Petitioner), 4 Irving Place, New York 10003, filed in Docket No. TC81-51-000 a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7) for an order declaring that purchases of excess pipeline gas specifically for the purposes of displacing oil that otherwise would be used to generate electricity and steam would be afforded curtailment protection similar to that now provided by § 284.206 of the Commission's Regulations, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that it purchases gas from its pipeline suppliers under contracts which contain specific demand limits and that at times when the pipeline is not curtailing sales, under those contracts Petitioner on any given day can demand that the pipeline deliver an amount equal to the contract limit, but no more. It is indicated that Transcontinental Gas Pipe Line Corporation (Transco) has notified Petitioner that during this summer season "excess" gas may be available for purchase and that this is gas over

and above the contract demand needs and can be sold by Transco under the terms of its tariff, when available. Applicant states that it would be in a position to purchase some of that gas and to use it as boiler fuel to generate steam and electricity, and that by so doing, it would accomplish a number of benefits for its consumers, for other customers on the Transco system, and for the national interest.

It is stated that in order for these benefit to be realized, however, the potential detriment to Petitioner's gas consumers, if the gas is purchased without some curtailment protection, should be eliminated. It is asserted that if the Commission were to implement fixed base period curtailment plans in the future, which plans based the allocation of natural gas upon the amount of gas used during a time period when Petitioner (or a similarly situated customer) were using excess pipeline gas rather than fuel oil and those volumes and usages were included in the curtailment data, the customer serving the excess gas user would be curtailed based upon a greater proportion of low-priority load than is in fact usually served by its system. Thus, Petitioner maintains, this short-term participation in an excess gas purchase might subject the distributor (and its consumers) to a greater risk of curtailment over the life of a new curtailment plan and that the curtailment protection provision set forth in Section 248.206 of the Regulations would help to alleviate that risk. Accordingly, Petitioner requests that the Commission issue an order stating that if Petitioner (or a similarly situated company) purchases "excess" gas from Transco (or from other similarly situated pipeline suppliers) which gas would be used to displace oil.

All volumes of natural gas purchased by an eligible user and transported by an interstate pipeline pursuant to this subpart shall not be considered as either a natural gas supply or market in a determination of an interstate pipeline's customers' requirements for present or future allocations of natural gas during periods of natural gas curtailment.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commision will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16245 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4575-000]

Crown Zellerbach Corp.; Application for Preliminary Permit

May 28, 1981.

Take notice that Crown Zellerbach Corporation (Applicant) filed on April 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16, U.S.C. 791(a)–825(r)] for Project No. 4575 known as the Big Quilcene Hydroelectric Project located on the Big Quilcene River in Jefferson County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: ANVIL Corporation, 1675 W. Bakerview Road, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) an existing rock-filled, log-crib with wood planking diversion dam; (2) intake structure; (3) a 4.5-mile long pipeline; (4) a surge tank; (5) a 2,400-foot long penstock; (6) a powerhouse to contain two pelton-type, turbine-generating units with a total rated capacity of 10 MW; and (7) a 1.5-mile long, 12-kV transmission line to connect to an existing Puget Sound Power and Light Company transmission line. The Applicant estimates that the average annual energy output would be 50 million kWhs.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application are estimated to be about $200,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 7, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 6, 1981.

Agency Comments—Federal, State and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirments of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. Copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16263 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4318-000]

Darobsum, Inc.; Application for Preliminary Permit

May 27, 1981.

Take notice that Darobsum, Inc. (Applicant) filed on March 10, 1981, an application for preliminary permit

[pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4318 to be known as Noone Mills Project located on the Contoocook River at Peterborough in Hillsborough County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Timothy P. Brown, Jr., Darobsum, Inc., Box 592, Keene, New Hampshire, 03431.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of existing project works including: (1) Noone Mills dam owned by the Applicant, a composite concrete, timber, and stone dam, 267 feet long and 20 feet high, with a 102-foot long center spillway section and a second spillway section 55 feet long at the right (east) abutment; (2) a reservoir with 315 acre-feet of storage at surface elevation 754 feet m.s.l.; (3) an intake structure and bar rack at the left (west) abutment connecting to an abandoned penstock 5.5 feet in diameter and 100 feet long; and new project works to include; (4) a new penstock 176 feet long; (5) a new powerhouse with unit(s) having an installed capacity of 300 kW; (6) a tailrace; and (7) other appurtenances.

The Applicant estimates that the average annual energy output would be 1,200,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of New Hampshire.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under the permit would not exceed $15,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to American Hydro Power Company's Project No. 3616 filed on October 27, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 30, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4318. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16294 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-5-000]

Edison Electric Institute; Order Granting Intervention, Granting Rehearing for Purpose of Receiving Further Comments, and Clarifying Prior Order

Issued: May 26, 1981.

By order issued March 27, 1981, the Commission determined that persons serving as officers or directors of public utilities and officers or directors of commercial banks were authorized to hold such positions upon a minimal filing provided that the subject banks did not engage in the underwriting or marketing of public utility securities, including commercial paper. If, however, the subject banks engaged in underwriting or marketing public utility securities, including commercial paper, such persons were required to seek individual authorization pursuant to Part 45 of the Commission's regulations, 18 CFR Part 45 (1980).

On April 10, 1981, the Continental Illinois National Bank and Trust Company of Chicago (CINB) petitioned to intervene out of time. On April 24, 1981, CINB filed an application for rehearing. CINB states that it is a commercial bank with two directors who also serve as directors of public utilities and that it has numerous relationships with public utilities subject to the Commission's jurisdiction. CINB argues that it did not receive adequate notice of this proceeding and so it did not previously petition to intervene. The comments and analysis of CINB and of the commercial banking industry, CINB submits, would have been and will be of great benefit to the Commission in this proceeding. Moreover, CINB argues that the Commission improperly determined that commercial banks are authorized to underwrite or market public utility securities and that the Commission's authority thus extends to interlocks between public utilities and commercial banks. Finally, CINB argues that the holding of such interlocks does not adversely affect public or private interests. CINB asks in the alternative

that the Commission (1) reverse its order of March 27, 1981 and find that commercial banks are not authorized to underwrite or market public utility securities; (2) vacate its order of March 27, 1981 and permit all interested parties to address the merits of the questions before the Commission; or (3) stay its order of March 27, 1981 until the actions now ongoing in the courts are resolved.

We find that CINB's participation in this proceeding is in the public interest and that good cause exists to grant the untimely petition. Accordingly, we shall grant CINB's petition to intervene out of time. In this instance, we also believe that further input from interested persons should be permitted. CINB has requested an opportunity to comment further on the structure of the commercial banking industry and how it would be affected by our order of March 27, 1981 in this proceeding. Because the commercial banking industry is one with which the Commission does not ordinarily have direct involvement, we believe that it is appropriate to grant CINB's request to comment further and to afford an additional opportunity for comment to all interested persons. Accordingly, we shall invite interested persons, whether or not parties, to file responses to the application for rehearing or additional comments on our prior order in the form of briefs, to be submitted within forty-five days of the issuance of this order.

We shall further amend our prior order to resolve the ambiguities that may have resulted and to clarify the Commission's intent, particularly with regard to the filing requirement found in ordering paragraph (C) of that order. These clarifications also respond to allegations of a technical violation of the Paperwork Reduction Act of 1980.

The Commission orders:

(A) The petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* That participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *Provided further,* That the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(B) The application for rehearing is hereby granted for purposes of further hearing. Responses to the application for rehearing and additional comments on the order issued March 27, 1981 in this proceeding are invited from any interested persons, whether or not parties, within 45 days of the issuance of this order.

(C) Ordering paragraphs (A), (B), and (C) of the Commission's order issued March 27, 1981 in the instant docket are hereby amended to read as follows:

(A) Until further order of this Commission, any person holding the positions of officer or director of a public utility and officer or director of a bank subject to the provisions of the Glass-Steagall Act is authorized to hold such positions on an interim basis; *Provided,* That the subject bank does not engage in the underwriting or participate in the marketing of securities of a public utility, including commercial paper; and *Provided, further,* That such person files the statement required in Paragraph (C) below.

(B) Until further order of this Commission, no person holding the positions of officer or director of a public utility and officer or director of a bank subject to the provisions of the Glass-Steagall Act is authorized to hold such positions if the subject bank engages in the underwriting or participates in the marketing of securities of a public utility, including commercial paper, unless that person has obtained authorization to hold such positions pursuant to section 305(b) of the Federal Power Act and Part 45 of the Commission's regulations. Those persons who wish to continue to hold such positions shall file an application for authorization pursuant to Part 45 of the Commission's regulations within either forty-five days of the date the subject bank engages in the underwriting or participates in the marketing of securities of a public utility, including commercial paper, or within 45 days of the date of issuance of this order, whichever is later.

(C) Until further order of this Commission, the full requirements of Part 45 of the Commission's regulations, except as required below, are hereby waived with respect to those persons subject to Paragraph (A) above. In lieu of the full requirements of Part 45 of the Commission's regulations, those persons shall file an application providing only the following information:

(1) Full name and business address;

(2) All public utilities with which the person holds the positions of officer or director, and identifying those positions;

(3) All banks subject to the provisions of the Glass-Steagall Act with which the person holds the positions of officer or director and identifying those positions.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16271 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-443]

El Paso Natural Gas Co.; Petition To Amend

May 26, 1981.

Take notice that on April 28, 1981, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP78-443 a petition to amend the order, issued January 12, 1979, as amended, in said docket so as to authorize certain revisions in Petitioner's transportation and delivery arrangement with Southwest Gas Corporation (Southwest) under Petitioner's Rate Schedule T-15, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition indicates that the currently effective Rate Schedule T-15 is comprised of a gas transportation agreement, dated June 30, 1978, which provides for the transportation by Petitioner of up to 2,500 Mcf of natural gas per day and the delivery of such gas, less shrinkage, to Southwest, on a best efforts basis, at various existing delivery points within Arizona and at the Arizona-Nevada boundary.

Petitioner states that it has been advised by Southwest that it desires to modify the T-15 arrangement to provide one additional delivery point, the Ignacio delivery point, an existing interconnection between the facilities of Petitioner and Northwest Pipeline Corporation (Northwest) in La Plata County, Colorado. It is asserted that the Ignacio delivery point would enhance Southwest's ability to enter into arrangements with Northwest and possibly other companies for the purpose of permitting greater flexibility in deliveries of natural gas to Southwest's northern Nevada system. Southwest has agreed to pay Petitioner for each Mcf of gas delivered on any day at such point, the rate in effect and reflected from time to time as the Mainline Transmission Charge—New Mexico as set forth in Sheet No. 1-D.2 of Petitioner's FERC Gas Tariff, Third Revised Volume No. 2, or superseding tariff. In order to provide greater flexibility in the future utilization of the T-15 arrangement, Petitioner and Southwest have agreed that the Petitioner delivery points may be used for deliveries of natural gas to a third

party for the account of Southwest. Additionally, Applicant states that the parties have agreed to certain changes in Appendix A, *General Terms and Conditions*, respecting the billing and payment provisions contained in the transportation agreement.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16253 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-308-000]

El Paso Natural Gas Co.; Application

May 26, 1981.

Take notice that on April 28, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-308-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain minor tap and related facilities in Mohave County, Arizona, in order to provide an interconnection between the facilities of Applicant and Pataya Storage Company (Pataya) and the transportation and delivery to Southwest Gas Corporation (Southwest) of natural gas withdrawn from the Pataya storage field for the purpose of assisting Southwest in maintaining service to its customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Southwest is one of its distributor customers currently purchasing its base supply of gas required to service its southern Nevada, central Arizona and southern Arizona systems and that since 1973, Southwest has experienced curtailment of natural gas deliveries to its Priority 3 and 5 customers throughout those service areas which receive base gas supply from Applicant. It is indicated that since 1975, Southwest has been actively engaged in a self-help supplemental natural gas procurement program for the protection and continued growth in its Priority 1 and 2 requirements of its customers. Southwest now desires to have volumes of its excess supplemental gas supplies injected into storage in order to make more efficient use of all of the natural gas supplies available to it. The application shows that Southwest has entered into arrangements with Pataya for the injection into, storage and withdrawal from Pataya's proposed storage field in Mohave County of up to 3,000,000 Mcf of gas per year, or with greater cycling in excess of 3,000,000 Mcf per year.

In order to assist Southwest, Applicant has agreed to receive up to 54,000 Mcf of gas per day for Southwest at various points of receipt, to transport such gas and to deliver the gas to Pataya at the proposed interconnection in Mohave County. To provide for such service, Applicant and Southwest would enter into amendatory agreements to existing gas transportation agreements to establish the proposed interconnection as an additional delivery point. Further, in order to assist Southwest in withdrawing gas from storage, Applicant has agreed to accept at the proposed interconnection with Pataya up to 100,000 Mcf of storage gas per day, to transport such gas and deliver equivalent quantities to Southwest at certain existing points of delivery in Arizona and on the Arizona-Nevada border and at the Ignacio delivery point in Colorado. Applicant and Southwest have entered into a transportation agreement, dated April 13, 1981, covering this proposed service. Under the agreement, Southwest would compensate Applicant for the back-haul tranportation service by the payment of a one-cent administrative fee for each Mcf of gas withdrawn from storage for transportation and delivery.

The total cost of the proposed facilities is estimated to be $128,319 which would be reimbursed by Southwest.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice, that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16254 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4560-000]

Hacket Mills Hydro Co.; Application for Preliminary Permit

May 28, 1981.

Take notice that Hacket Mills Hydro Company (Applicant) filed on April 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4560 to be known as the Hacket Mills Project located on the Little Androscoggin River in the towns of Poland and Minot, Androscoggin County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Tom Sturdevant, P.O. Box 403, Portland, Maine 04112. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize existing facilities

and would consist of: (1) an 8-foot high, 120-foot long, rock-filled timber-crib dam with new 3-foot high flashboards to be added; (2) a reservoir with no storage capacity and a normal water surface elevation with flashboards of 238 feet m.s.l.; (3) canal headworks, (4) a 100-foot long, 25-foot wide, 6-foot deep power canal; (5) a powerhouse containing two, existing, hydromechanical units to be reconditioned and connected to new generators with a rated capacity of 125 kW each and an additional new turbine-generator unit to be installed with a rated capacity of 300 kW; (6) a transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,500,000 kWh.

Purpose of Project—Energy produced at the project would be sold to Central Maine Power Company.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $15,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 7, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 7, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETITING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4560. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16255 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-323-000]

International Paper Co.; Application

May 26, 1981.

Take notice that on May 7, 1981, International Paper Company (Applicant), International Paper Plaza, 77 West 45th Street, New York, New York 10036, filed in Docket No. CP81-323-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public covenience and necessity authorizing the transportation of up to 600 Mcf of natural gas per day owned by Applicant from the Lake Erling Field, Lafayette County, Arkansas, to Springhill, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport natural gas on its own behalf from the Lake Erling Field by means of an existing 6-inch pipeline owned by Applicant and operated by Superior Oil Company (Superior) to the Applicant and Arizona Chemical Company facilities at Springhill. Certification of the facilities to be used for the transportation is also sought. The subject pipeline extends approximately 10.5 miles from Lafayette County, Arkansas, to Applicant's plant in Webster Parish, Louisiana. The natural gas transported is consumed in space heating equipment and boilers in applicant's and Arizona Chemical Company's facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16255 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4579-000]

James B. and Janet A. Boyd; Application for Preliminary Permit

May 27, 1981.

Take notice that James B. and Janet A. Boyd (Applicant) filed on April 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4579 known as the Jim Boyd Water Power Project located on the Umatilla River in Umatilla County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William N. Reynolds, Michener Associates, Inc., P.O. Box 650, 505 Willamette, Umatilla, Oregon 97838.

Project Description—The proposed project would consist of: (1) a 6-foot high by 72-foot long intake structure; (2) a 600-foot long unlined canal; (3) a 60-foot long, 96-inch diameter penstock; (4) a powerhouse to be located at the site of an abandoned Pacific Power and Light Company powerhouse and to contain two turbine-generating units with a total rated capacity of 400 kW; and (5) a 600-foot long, 13.8-kV transmission line to connect to an existing PP & L transmission line. The entire project would be located on land owned by the Applicant. The Applicant estimates that the average annual energy output would be 2.6 million kWhs.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months to study the feasibility of constructing and operating the proposed project. The Applicant estimates that the cost of the feasibility studies would be about $32,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 5, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 5, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 5, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16256 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-316]

Montana-Dakota Utilities, Inc.; Technical Conference

May 26, 1981.

Take notice that at 10:00 a.m. on June 17, 1981 Staff will meet with representatives of the above-captioned company for the purpose of a technical discussion on the justification and need for expedient Commission action on all or part of the facilities and service proposed in the above docket.

The conference will be held in room 3200 of the Commission's offices at 941 North Capitol Street, N.E., and all interested parties may at their option attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16249 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-316-000]

Montana-Dakota Utilities Co.; Application

May 28, 1981.

Take notice that on May 1, 1981, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP81-316-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing: (1) the construction and operation of facilities; (2) the sale and delivery of excess natural gas to Colorado Interstate Gas Company (CIG) and MIGC, Inc. (MIGC), formerly McCulloch Interstate Corporation; and (3) the storage of some of the excess gas and redelivery thereof to CIG, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that MDU would soon experience an oversupply of gas on its system such that its pipeline and storage facilities would be filled to capacity, thus precluding MDU from taking any more gas supplies into its system. The oversupply situation, according to MDU, would also effectively preclude it from negotiating and contracting for the acquisition of future reserves to

maintain MDU as a viable pipeline supplier.

MDU states that the instant application presents two proposals for relieving this oversupply situation so that it can continue to secure system gas reserves. First, MDU requests authorization to construct and operate compressors and loop line facilities for the transportation of supplies of gas to MDU's Elk Basin Field for injection into storage. MDU states that, because of the oversupply on its system, it anticipates that its Baker Storage field would be filled to capacity by this summer. According to MDU, its Elk Basin Field can accommodate some of the overflow from Baker if the gas can be transported in a westerly direction along MDU's Cabin Creek to Elk Basin system to the Elk Basin Storage Field. Because of the capacity limitations on the Cabin Creek to Elk Basin system, however, it says it cannot now transport all the excess volumes to Elk Basin. The facilities proposed herein, it is stated, would enable MDU to transport the gas through the Cabin Creek-Elk Basin system for injection into the Elk Basin Storage Field. The second part of MDU's proposal, it says, involves the authorization to sell and deliver to MIGC certain volumes of excess gas pursuant to a gas sales and transportation contract dated April 20, 1981. Additionally, MDU says it is requesting authorization to sell and deliver, and store and redeliver to CIG, certain volumes of excess gas. Sales and services under the agreements, according to MDU, are proposed to commence on July 1, 1981. It is stated that the gas sold under each contract represents volumes in excess of MDU's integrated system requirements.

MDU states that many of the new supply sources it has acquired and which have resulted in its oversupply situation are located in North Dakota. In the past, according to MDU, those volumes in excess of day-to-day system requirements were primarily stored in its Baker Storage Field. It is stated, however, that the recent oversupply situation has required the injection of gas into the Baker Field at such rates that soon the field would have no remaining injection capacity.

According to MDU, it does have limited available storage capacity in its Elk Basin Storage Field. Due to current capacity limitations on its Cabin Creek-Elk Basin System, however, MDU says it is unable to move the overflow volumes from Baker to Elk Basin. Consequently, MDU says it is now proposing herein to construct certain facilities along the Cabin Creek-Elk Basin System that would allow it to transport the overflow gas for injection into Elk Basin.

These facilities, it is stated, would consist of approximately 13.7 miles of transmission looping facilities extending from a point in Carbon County, Montana, to the Elk Basin Compressor Station located in Park County, Wyoming. The estimated cost of the facilities, according to MDU is $1,795,300.

It is further stated that, in order to accommodate the increased volumes flowing to Elk Basin, MDU must construct and install certain compression facilities along the Cabin Creek-Elk Basin System consisting of

(1) two Solar 3730 horsepower Centaur Turbine compressor sets at a new compressor station to be located near Hathaway, Montana on the Worland-Cabin Creek Line at an estimated cost of $4,182,600,

(2) two Superior 1100 horsepower compressors and appurtenant facilities to be located at the existing Elk Basin Compressor Station at an estimated cost of $1,414,800, and

(3) certain piping modification at the Elk Basin Compressor Station yard area at an estimated cost of $839,800.

MDU says these facilities are necessary not only to accommodate the increased volumes that would be injected into Elk Basin, but also to handle the gas injected and withdrawn for the account of CIG under that portion of the CIG arrangement where MDU would store gas for CIG's account and redeliver such volumes out of storage during the months of October through March.

Regarding MDU's off-system sales of excess gas to CIG and MIGC, MDU states that the gas supply for these proposed sales is based on contracts for the purchase of gas at the tailgates of the following processing plants:

(1) the McKenzie Plant, located in McKenzie County, North Dakota,

(2) the TR Plant, located in Billings County, North Dakota,

(3) the Little Knife Plant, located in Billings County, North Dakota.

MDU says that, since some of the volumes from these three plants are excess to the needs of its interstate system, MDU proposes to sell them to CIG and MIGC.

According to MDU, under its sales and storage arrangements with CIG, MDU would deliver and sell, every day, a portion of the gas received by MDU at the three sources to CIG at two major delivery points. MDU says the first such point is an interconnection to be constructed between MDU's and MIGC's transmission facilities in the Recluse area, Campbell County, Wyoming. From that point of interconnection, according to MDU, MIGC would transport and deliver the gas to CIG at an existing interconnection between MIGC and CIG in Converse County, Wyoming. MDU says it expects that daily deliveries to CIG between July 1981 and June 1991, would be as follows:

Dates	Volumes (mcf)
July 1981 to September 1981	10,000
October 1981	16,400
November 1981 to March 1982	16,900
April 1982 to June 1982	16,400
April 1982 to September 1982	16,400
October 1982	16,400
November to March (1983–1991)	16,900
April to October (1983–1991)	16,400

MDU says the second major delivery point is an interconnection to be constructed between MDU's and CIG's transmission facilities near the Elk Basin Storage Field. During the summer period, it says, the volumes not delivered at the Recluse Delivery point could, in part, be sold to CIG and stored by MDU for CIG's account in MDU's Elk Basin storage facilities, and, in part, be delivered and sold directly to CIG and transported by CIG through its Elk Basin to Madden Line where it would be commingled with other CIG system supplies.

It is stated that the gas to be stored for CIG's account would be delivered and sold to CIG at CIG's existing compressor station located in Park County, Wyoming. MDU says that CIG would compress the gas and deliver it back to MDU for injection into the Elk Basin Storage Field. According to MDU, during the winter months, it would redeliver the gas to CIG.

MDU says that, in order for CIG to transport and deliver the compressed gas to the Elk Basin facilities for injection, CIG would have to construct approximately 1.7 miles of 12-inch line from the compressor plant to a point of redelivery at MDU's Elk Basin Plant located in Park County, Wyoming. According to MDU, the flow on that new proposed line would reverse during the withdrawal period, and the gas would then be delivered by MDU at the Elk Basin Plant into CIG's line for transportation to an existing interconnection between CIG's compressor plant and its Elk Basin to Madden Line.

MDU states that the gas delivered and sold directly to CIG would also occur at the CIG Compressor Station Delivery Point, but would then be transported by CIG through its Elk Basin to Madden Line.

It is stated that the term of the CIG arrangement would be fifteen years, divided into three, five-year service periods. During the first five years, according to MDU, it would deliver, on a firm basis, up to 17,850,000 Mcf per year. If the three sources of gas set forth above are insufficient to meet MDU's firm obligations, MDU says it would amend the agreement to add other specific sources of supply as necessary to fulfill its firm service obligation. During the second five years, according to MDU, it would sell, on a best efforts basis, up to 8,175,000 Mcf annually. If the supplies from the original three sources of supply are not then sufficient to supply 8,175,000 annually, it says, MDU would not be under any obligation to, commit additional sources of supply, but may do so in the exercise of its efforts. During the third five-year period, according to MDU, volumes committed to the sale would be those available to MDU at the designated supply sources, which in MDU's sole discretion are in excess of MDU's system requirements. MDU would not, it says, commit any of its general system supply to the performance of the sale.

According to MDU, the contract between it and MIGC is purely a sales and transportation arrangement. Following its purchase of volumes at the three plant-sources described above, MDU says it would resell a portion of such volumes to MIGC at the tailgate of those plants and that it would then transport the gas for MIGC's account for redelivery at the Recluse Delivery Point.

The term of the contract, according to MDU, is ten years, divided into two five-year service periods. During the first period, MDU says, it would sell and redeliver, on a firm basis, up to 3,650,000 Mcf per year. During the second five years, MDU says, it would sell and deliver, on a best efforts basis, up to 1,825,000 Mcf annually.

It is stated that, in order to sell and deliver gas directly to CIG and MIGC, and in order to store and redeliver gas for CIG, MDU would have to construct and install certain new facilities and modify certain existing facilities, as follows:

(1) modification of present plant facilities at the Fourche Compressor Station, Butte County, South Dakota at an estimated cost of $822,000, and the construction of a check measurement station at the Recluse Delivery Point at an estimated cost of $72,600.

(2) construction of a measurement station for delivery of gas to CIG at CIG's Elk Basin Compressor Station at an estimated cost of $88,200, as well as the modifications to piping facilities in MDU's Elk Basin Compressor Station Yard and construction of compressors and looping facilities for the Cabin Creek-Elk Basin System as described above.

MDU also says that it is requesting blanket authority to add or delete sources of supply and delivery and redelivery points necessary to effectuate the sales, transportation, and storage services described herein. According to MDU, such blanket authorization would only apply in cases where such additions and deletions do not entail facility construction.

According to MDU, since it would be rendering two different kinds of service under the proposed agreement with CIG, it is proposing two rates; for those volumes stored for CIG's account and redelivered to CIG MDU proposes an initial rate of 378.762 cents per Mcf; for those volumes sold and delivered directly to CIG, where there is no storage service, MDU proposes an initial rate of 361.992 cents per MCF. Both rates, it says, include the cost of the gas purchased at the three sources of supply, transportation costs, and storage costs (if applicable).

Under the MIGC contract, MDU says MIGC would pay the weighted average price that MDU pays for gas available at the sources of supply. In addition, it says , MIGC would pay a transportation charge for volumes redelivered to MIGC at the Recluse Delivery Point, which proposed initial transportation charge is 22.083 cents per Mcf.

MDU says the rates proposed herein for the cost of gas are not based on the system average cost of gas. Instead, MDU says, it is proposing to assign the cost of gas directly to CIG and MIGC which method would insure that MDU's system customers are neither disadvantaged by the sales nor are they "subsidizing" the sales to MDU's off-system customers.

MDU says that since the sales contemplated in this application are sales to off-system customers, the Commission must declare that the arrangements described are not subject to the provisions of MDU's FERC curtailment plan which was approved by the Commission by its order of November 30, 1979, in Docket No. RP16-91. According to MDU, the plan currently limits it to 7,500 new connections per year, all of which must be for Priority 1 users. MDU says it is requesting that the sales to CIG and MIGC be declared not subject to this limitation since the addition of these sales would not result in any curtailment for MDU's regular customers.

MDU says it will finance the various proposals described herein by means of internally generated funds or short-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determinng the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in a accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practices and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity.

If a petition for lease to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16267 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-260-000]

Mustang Fuel Corp.; Petition for Approval of Rates

May 26, 1981.

Take notice that on May 1, 1981, Mustang Fuel Corporation (Mustang), 1100 First National Center East, Oklahoma City, Oklahoma 73102, filed in Docket No. ST81-260-000 a petition for approval of rates and charges for transportation of gas pursuant to Subpart C of Part 284 of the Commission's Regulations and Section 311(a) of the Natural Gas Policy Act of

1978 (NGPA) on behalf of El Paso Natural Gas Company (El Paso), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Mustang says that it and El Paso have entered into a transportation agreement dated January 9, 1981, under which Mustang would transport natural gas as authorized by Section 311(a)(2) of the NGPA. Mustang states that the transportation agreement contemplates transportation of gas resold by Oklahoma Gas and Electric Company (OG&E) to El Paso pursuant to a gas resale agreement dated January 9, 1981, together with other gas directly contracted for by El Paso in the State of Oklahoma which is reasonably accessible to Mustang's pipeline system. Mustang advises that the total daily quantity which El Paso would be required to take or pay for under said gas resale agreement and under its own Oklahoma gas purchase contracts, expressed in Mcf per day, constitutes the minimum "Contract Demand" under said transportation agreement. Mustang states further that the initial contract demand shall be deemed to be 130,000 Mcf based on anticipated quantities to be transported.

According to Mustang, El Paso would pay to Mustang a monthly amount for services rendered under said transportation agreement computed by multiplying El Paso's Contract Demand by the initial rate herein applied for of 22.29 cents per Mcf times 365/12, rounded to the nearest one-tenth of a cent. Mustang further states that the 22.29 cents per Mcf rate is based on a recently completed cost of service study, and that the cost of service study contains an allocation between the cost of service to OG&E and El Paso effective the date of first deliveries to or on behalf of El Paso. The cost of service was first determined, according to Mustang, for its entire gas transmission activities. Mustang says that, due to El Paso's furnishing its gas costs in kind, all gas costs included in the cost of service were directly assigned to OG&E.

Mustang advises that if it accepts, transports and redelivers on any day a quantity of gas in excess of El Paso's contract demand, the amount payable is adjusted upwards to reflect the greater quantity of gas handled, and that if it does not accept, transport and redeliver the contract demand on any day, when requested to do so by El Paso, the amount payable is adjusted downward to reflect the lesser quantity of gas handled.

Mustang says that it is to review periodically (at intervals not less than once each year) its rates to El Paso, coincident with its review of rates and charges to OG&E, and where applicable, is to file applications for changes in its rates to reflect changes in its cost of service and/or the allocation thereof between El Paso, OG&E and others since the last rate filing.

Mustang states that the elections othewise available to an intrastate pipeline under § 284.123(b)(1) are not available to it inasmuch as Mustang has no rate schedules on file with the Oklahoma Corporation Commission covering city-gate service or transportration service of the nature proposed to be rendered on behalf of El Paso. Neither that Commission nor any other state regulatory agency, according to Mustang, establishes transportation rates permitted to be charged by Mustang to its intrastate customers.

Accordingly, this Petition is filed pursuant to § 284.123(b)(2) of the Regulations, according to Mustang, with the request that the Commission determine, by order, that an initial rate of 22.29 cents per Mcf is fair and equitab'e for the service proposed to be rendered by Mustang.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16246 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4471-000]

Public Utility District No. 1 of Ferry County; Application for Preliminary Permit

May 28, 1981.

Take notice that Public Utility District No. 1 of Ferry County (Applicant) filed on April 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4471 to be known as Barstow Project located on the Kettle River in Ferry and Stevens Counties, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Kenneth R. Coyle, Public Utility District No. 1 of Ferry County, 686 S. Clark Avenue, P.O. Box 324, Republic, Washington 99166. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 60-foot high and 380-foot long concrete gravity dam with a gate controlled spillway, impounding; (2) a 520-acre reservoir; (3) an intake structure; (4) a powerhouse to be located at the toe of the dam and containing two generating units, each rated at 7,500-foot kW; and (5) a 14-mile long transmission line. A new 1,500-foot long access road would be constructed to the project site.

The Applicant estimates that the average annual energy output would be 58 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Bonneville Power Administration.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, geotechnical, environmental, feasibility, and economic studies, and prepare an FERC license application. A new temporary gravel road will be required to conduct the studies. Applicant proposes to make test borings at the new dam and powerhouse sites. The cost of the work to be performed under the preliminay permit is estimated to be $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize constuction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues

relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 20, 1981, either the competing application. Submission of a timely notice of intent allows an interested person to file the competing application itself or a notice of intent to file a competing application no later than September 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures, specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4471. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16268 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-334-000]

Southern Natural Gas Co.; Application

May 26, 1981.

Take notice that on May 13, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-334-000 an applicaton pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operaton of facilities for the establishment of a positive displacement meter and appurtenances at its Tuscaloosa, Alabama, No. 1 Meter Station, to provide more efficient and accurate measurement of natural gas transported through said station, all as more fully set forth in the applicaton on file with the Commission and open to public inspection.

The application states that Applicant delivers natural gas through the Tuscaloosa station to Alabama Gas Corporation (Alagasco) at a contract delivery pressure of 250 psig. Alagasco has requested Applicant to increase the pressure in order that Alagasco may be able to increase the pressure at which it delivers gas to one of its customers near the Tuscaloosa station. The proposed facilities would be used in conjunction with the existing orifice meter to ensure the accurate and efficient measurement of gas delivered at pressures above the contract pressure.

The proposed facilities are estimated to cost $47,500, to be reimbursed by Alagasco.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hering is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16247 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-296-000]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Application

May 26, 1981.

Take notice that on April 22, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), filed in Docket No. CP81-296 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation of natural gas for certain pipeline and distribution companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization (1) to render a transportation service for 14 pipeline and distribution companies which are shareholders of Boundary Gas, Inc. (Boundary Gas customers) in the New England area and in New York and New Jersey, 13 of which are existing customers of Applicant, and (2) to construct and operate certain pipeline loop, compression, measurement and

other related facilities which would be required to enable Applicant (a) to render such transportation services for the Boundary Gas customers and (b) to receive into its system up to 300,000 Mcf of natural gas per day to be purchased by Applicant from TransCanada Pipelines Limited (TransCanada) and imported on a firm basis for Applicant's own general system supply plus any excess volumes available for purchases on a best efforts basis.

Applicant states that Boundary Gas proposes to import up to $185,000 Mcf of gas per day purchased from TransCanada at the existing interconnection between the facilities of Applicant and TransCanada on the international border near Niagara Falls, New York, for resale to the Boundary Gas customers and that Applicant would simultaneously receive such gas at that point for the accounts of each of the Boundary Gas customers. After deducting certain volumes for fuel and use requirements, Applicant proposes to redeliver up to the following daily volumes to each customer:

Customer	Maximum quantity (Mcf)
Redelivered in Applicant's Canadian Gas Transportation Niagara Spur Rate Zone	
National Fuel Gas Supply Co	9,000
Redelivered in Applicant's Canadian Gas Transportation New York Rate Zone	
The Brooklyn Union Gas Co	40,000
Consolidated Edison Co. of New York, Inc	40,000
Long Island Lighting Co	23,000
New Jersey Natural Gas Co	14,000
Subtotal, New York rate zone	117,000
Redelivered in Applicant's Canadian Gas Transportation New England Rate Zone	
Bay State Gas Co	18,000
The Berkshire Gas Co	2,000
Boston Gas Co	13,156
The Connecticut Gas Co	9,000
Fitchburg Gas & Electric Light Co	1,000
Gas Service, Inc	1,000
Haverhill Gas Co	3,044
Manchester Gas Co	2,029
Valley Gas Co	2,012
Subtotal, New England rate zone	51,241
Total daily transportation volume	177,241

Applicant states that the proposed transportation services would be rendered in accordance with the terms of the *pro forma* Canadian gas transportation contract and *pro forma* Rate Schedule CGT. The proposed transportation services would be rendered for ten years and may be provided for an additional period of up to one year to enable the Boundary Gas customers to receive make-up gas.

Applicant states that the Boundary Gas customers have agreed that Applicant should be permitted to charge rates sufficient to enable it to recover from those customers its full annual cost of service applicable to that portion of Applicant's facilities required to be constructed to render such service from the date deliveries commence, including a fair return and a depreciation rate that would ensure recovery by Applicant of its investment in these facilities by the end of the ten-year term.

Applicant asserts that there is both a national and regional need for the gas proposed to be imported by Boundary Gas and that without such additional gas supply, the Boundary Gas customers would be unable to meet their customer requirements during the 1980's. Additionally, Applicant asserts that the proposed facilities are also required to permit Applicant to import and make available for its general system supply additional volumes of up to 300,000 Mcf of gas per day plus any available excess volumes. It is said that these additional volumes would be purchased pursuant to the terms of the precedent agreement and *pro forma* gas purchase contract between Applicant and TransCanada, dated November 5, 1980, as amended, providing for the sale and purchase of up to 100,000 Mcf per day plus any available excess volumes and precedent agreement and *pro forma* gas purchase contract, dated January 9, 1981, providing for the sale and purchase of up 200,000 Mcf per day plus any available excess volumes.

It is proposed that Applicant would construct and operate facilities consisting of approximately 1979.1 miles of 30-inch mainline loop and approximately 82.3 miles of various sized lateral loop line in New York, Pennsylvania and New Jersey and in the New England area, together with 30,465 horsepower of compression, measurement and other related facilities as well as certain modifications required to be made to existing facilities.

The total cost of the proposed facilities is estimated to be $372,571,000 which cost would be financed initially with funds on hand, funds generated internally, borrowings under revolving credit agreements or short term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or ■ protest in accordance with the requirements of the Commission's Rules of Practice and Procedure 18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16248 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-322-000]

Texas Gas Transmission Corp.; Application

May 26, 1981.

Take notice that on May 5, 1981, Texas Gas Transmission Corporation (Texas Gas), 3800 Federica Street, Owensboro, Kentucky 42301, filed in Docket No. CP81-322-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 50,000 Mcf of natural gas per day on a best efforts basis for the account of Natural Gas Pipeline Company of America (Natural); the construction and operation of certain pipeline facilities; and the operation of certain measuring facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Dow Chemical Company (DOW) has contracted to purchase, on a best efforts basis, up to 15,000,000 Mcf of gas from Natural pursuant to the terms of a gas sales agreement dated March 30, 1981,

between Natural and DOW,[1] which gas is remote from DOW's existing pipeline system. In order that DOW may be able to receive the gas into its pipeline system, Natural and Texas Gas have entered into a transportation agreement dated April 24, 1981, whereby Natural would cause up to 50,000 Mcf of natural gas per day to be delivered to Texas Gas at the outlet of the Texaco Henry Plant in Vermilion Parish, Louisiana, it is said. At said point, Texas states that it would receive the gas and proposes to transport and deliver the gas to Dow Intrastate Gas Company (Dow Intrastate) at a point of interconnection of the systems of Texas Gas and Dow Intrastate in Lafayette Parish, Louisiana. Texas Gas states that Dow Intrastate would transport and deliver the gas it receives from Texas Gas to DOW at the interconnection of the facilities of DOW and Dow Intrastate at DOW's Plaquemine Plant near Plaquemine, Iberville Parish, Louisiana.

Texas Gas also requests authorization to install, own and operate a side valve assembly on its pipeline at the proposed interconnection of its pipeline with Dow Intrastate in Lafayette Parish. Texas Gas indicates that it would be reimbursed by Natural for all costs associated with the installation of the side valve assembly. Additionally, Texas Gas requests authorization to operate measurement and other related facilities which Dow Intrastate would design, install and own at the aforementioned point of interconnection in Lafayette Parish.

It is stated that Natural would pay Texas Gas 7.64 cents per Mcf (at 14.73 psia) for all quantities of natural gas transported hereunder. Such rate is said to be the present legally effective rate for such service as contained in Texas Gas's Rate Schedule T/SL on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practive and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16256 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[1] Natural has filed for authorization in Docket No. CP81-302 to make the sale of gas to DOW, it is said.

[Docket No. CP81-324-000]

United Gas Pipe Line Co.; Application

May 26, 1981.

Take notice that on May 7, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-324-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that certain portions of its system are so constructed and have been operated that gas entering them cannot leave the state in which the facilities are located. One of such segments is located in Covington, Jones, Jasper, Clarke, Lauderdale, Wayne, Forrest, Jefferson Davis, Marion, Lamar, Smith, Simpson, Rankin, Hinds, and Madison Counties, Mississippi (the Jackson Area). The gas supplies that are consumed on this segment enter it from Applicant's general interstate system and from purchases from producers located along the segment itself. The application states that most of Applicant's facilities on the segment have been subject to the Commission's jurisdiction inasmuch as such facilities are used to transport and sell gas in interstate commerce, i.e., to deliver to customers on the segment gas from outside the state of Mississippi or gas that has been commingled with such gas; however, other facilities on the segment are not certificated because heretofore they have not been used to perform any jurisdictional service, i.e., neither does gas flow from such facilities into interstate commerce nor does gas from outside Mississippi or gas commingled with such gas flow into the facilities. Specifically, the uncertificated facilities are said to be gas supply facilities that are used to transport gas from points of purchase from producers on the segment to Applicant's certificated facilities.

Applicant states that due to its gas purchase activities and the decreased demand for gas by certain customers on this segment, the operational requirements in this area have changed. Applicant represents that it is now engaged in negotiations that it anticipates will lead to the acquisition of significant new gas supplies to be connected to this segment which may exceed demand there. Moreover, fuel switching by customers on this segment and temporary plant closings for maintenance purposes produce periods of substantially decreased demand. In order to make gas from all portions of the Jackson area available outside this segment, Applicant proposes to change its method of operations on the segment so that any gas purchased there can be delivered from the segment into Applicant's general pipeline system.

Applicant requests authorization to operate gas supply facilities, other than gathering facilities, for the transportation of natural gas in interstate commerce. The facilities are identified as those used to receive gas in the following purchases:

Field purchase point and seller	Gas purchase contract No.
Pachuta Creek—The Nueces Co	4958-01
Goodwater—Shell Oil Co	4979
Stringer—J. E. Stack, Jr	6328

Applicant states that it is unable to state with certainty when it will be necessary to change the operation of the Jackson segment to permit gas from such segment to flow in interstate commerce, since precise information on the timing and flows of its new purchases and on future demand on the segment is not currently available.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16257 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-47-000]

Upper Peninsula Generating Co.; Application

May 26, 1981.

Take notice that on May 18, 1981, Upper Peninsula Generating Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to Section 204(a) of the Federal Power Act, to issue short-term notes and bankers' acceptances of an aggregate principal amount of up to $45,000,000. The notes and bankers' acceptances will be issued on or before July 1, 1983, and will have a final maturity date not later than July 1, 1984.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16250 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-48-000]

Upper Peninsula Power Co.; Application

May 26, 1981.

Take notice that on May 18, 1981, Upper Peninsula Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to Section 204(a) of the Federal Power Act, to issue short-term notes of an aggregate principal amount of up to $10,000,000. The notes will be issued on or before June 30, 1982, and will have a final maturity date not later than June 30, 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16251 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4573-000]

Vidler Tunnel Water Co.; Application for Preliminary Permit

May 28, 1981.

Take notice that Vidler Tunnel Water Company (Applicant) filed on April 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4573 to be known as Chihuahua Creek located on Chihuahua Creek, a tributary to Peru Creek, in Summit County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 75 Manhattan Drive, Suite 201, Boulder, Colorado 80303. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed unconstructed project would affect lands of the United States within the Arapahoe National Forest and would consist of: (1) a 10-foot long and 4-foot high diversion dam with crest elevation 10,840 m.s.l.; (2) a 24-inch diameter 2,000-foot long penstock; (3) a powerhouse containing a generating unit having a rated capacity of 394 kW at a head of 400 feet; (4) a short tailrace; (5) a 2-mile long 14.4-kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,630,480 kWh.

Purpose of Project—Project energy would be sold to several small municipalities or to The Public Service Company of Colorado.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit

as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 10, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 9, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protests or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 10, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4573. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16289 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4291-000]

W. M. Lewis & Associates, Inc.; Application for Preliminary Permit

May 27, 1981.

Take notice that W. M. Lewis & Associates, Inc. (Applicant) filed on March 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4291 to be known as Lowell Lock and Dam No. 3, Hydroelectric Project located on the Muskingum River in Washington County near Lowell, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: W. M. Lewis & Associates, Inc., Box 1383, Portsmouth, Ohio 45662. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-the-river project would consist of: (1) the existing Lowell Lock and Dam No. 3 which includes a rockfill crib and concrete capped dam 20 feet high and 900 feet long and a lock structure 30 feet wide and 20 feet high, the Lock and Dam are owned by the State of Ohio; (2) an existing canal 5,400 feet long, 75 feet wide, and 4 feet deep; (3) an impoundment extending upstream approximately 10 miles at surface elevation 607.64 feet m.s.l.; (4) a new powerhouse below the south (right) abutment of Lowell Dam No. 3 having units with an installed capacity of 5 MW; and (5) other appurtenances.

The Applicant estimates that the average annual energy output would be 32,800,000 kWh.

Purpose of Project—Project energy would be sold to American Municipal Power-Ohio, Inc.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform hydraulic, construction planning, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare and application for a FERC license. Applicant estimates cost of studies under the permit would be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 5, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a

party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 5, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4291. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16270 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS72-195, et al.]

Wintergreen Energy Corp. et al.; Applications for "Small Producer" Certificates [1]

May 26, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Regulation thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Dated filed	Applicant
CS72-195	[1] 4/27/81	Wintergreen Energy Corporation (Ruth Phillips Bisiker), Suite 1300, 1407 Main St., Dallas, Texas 75202.
CS73-0605	[2] 4/27/81	Kaiser-Francis Oil Company (George B. Kaiser), P.O. Box 35528, Tulsa, Oklahoma 74135.
CS77-863	[3] 5/4/81	Ogle Production Corporation (Weeks Petroleum Corporation), P.O. Box 5549, 559 San Ysidro Road, Santa Barbara, California 93108.
CS72-746	[4] 5/4/81	Harry J. Strief, Jr. and Paul Arthur Strief, Paul Strief, Individual, 3020 Republic Bank Tower, Dallas, Texas 75201.
CS74-75-001	[5] 3/16/81	M. D. Abel Co. (M. D. Abel), Post Office Box 1391, Midland, Texas 79702.
CS81-83-000	4/27/81	LGS Energy Corporation, P.O. Box 433, Harvey, Louisiana 70059.
CS81-84-000	5/4/81	Frank J. Whitley, Sr., #1 Briar Dale Court, Houston, Texas 77027.
CS81-85-000	5/4/81	The F. J. Whitley Company, #1 Briar Dale Court, Houston, Texas 77027.
CS81-87-000	5/4/81	Robert L. Adair, P.O. Box 26787, Oklahoma City, Oklahoma 73126.
CS81-88-000	5/11/81	Sion Exploration, Inc., 200-700 4th Avenue, S.W., Calgary, Alberta T2P 3J4.
CS81-89-000	5/5/81	HCW Exploration, Inc., P.O. Box 10585, Midland, Texas 79702.
CS81-90-000	5/18/81	Miramar Petroleum, Inc., 1975 Bank & Trust Tower, Corpus Christi, Texas 78477.
CS81-91-000	5/18/81	Emeico Petroleum, Inc., Suite 500, 1560 Lincoln St., Denver, Colorado 80203.
CS81-86-000	5/7/81	CMC Energy, Inc., 1622 Guaranty Bank Plaza, Corpus Christi, Texas 78475.
CS81-92-000	5/18/81	Martin J. Freedman, Suite 500, 1560 Lincoln St., Denver, Colorado 80203.
CS81-93-000	5/18/81	John M. Shuey, Jr., 800 Johnson Building, Shreveport, Louisiana 71101.
CS81-94-000	5/20/81	Dr. Frederick L. Lilly, 2895 Brighton Rd., Shaker Heights, Ohio 44120.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Being noticed to reflect a name change from Ruth Phillips Bisiker to Wintergreen Energy Corporation effective April 24, 1981.

[2] Being noticed to reflect a name change from George B. Kaiser to Kaiser-Francis Oil Company, effective the date of issuance of notice.

[3] Being noticed to reflect a name change from Weeks Petroleum Corporation to Ogle Production Corporation effective October 16, 1980.

[4] Letter from Applicant requesting that Paul Arthur Strief Trust and Paul Strief Individual be added as a holder of small producer certificate in Docket No. CS72-746.

[5] Being noticed to reflect a name change from M. D. Abel to M. D. Abel Co., effective March 4, 1981.

[FR Doc. 81-16258 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Week of April 27 Through May 1, 1981

During the week of April 27 through May 1, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will

be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 26, 1981.

Proposed Decision and Order

Chevron, U.S.A., Inc., San Francisco, California, BEE–1632, crude oil

Chevron U.S.A., Inc. filed and Application for Exception from the provisions of 10 CFR 212.84(h). The exception request, if granted, would permit Chevron U.S.A., Inc. to consider the costs of crude oil imported from the Persian Gulf, Libya, and Nigeria during the period May 15, 1980 through January 28, 1981 to have been incurred when such crude oil was "loaded" rather than when it was "landed" in the United States. On April 29, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Proposed Decision and Order

Clark Oil & Refining Corp., Milwaukee, Wisconsin, BEE–1582, crude oil

Clark Oil & Refining Corp. filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would permit the applicant to pass through on a retroactive basis all increases in its non-product marketing costs. On April 29, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request should be denied.

Proposed Decision and Order

Greene Oil, Inc., Letcher, South Dakota, BEE–1484, propane

Greene Oil, Inc. filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would permit Greene to retroactively raise the maximum lawful selling price for propane sold by the firm during the period November 1973 through May 1976. On May 1, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request should be denied.

Proposed Decision and Order

Marlex Oil & Refining, Los Angeles, California, BEE–1481, crude oil

Marlex Oil & Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit the firm to receive entitlements benefits with respect to crude oil inventory purchased in connection with the start-up and expansion of the Marlex refinery. On April 28, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request should be denied.

[FR Doc. 81–16316 Filed 5–29–81; 8:45 am]

BILLING CODE 6450–01–M

Objection To Proposed Remedial Orders Filed; Week of May 4 Through May 8, 1981

During the week of May 4, through May 8, 1981, the notices of objections to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 C.F.R. 205.194 on or before June 22, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 26, 1981.

Fasgo, Inc., Brookhaven, Pennsylvania, BRO–1445, motor gasoline

On May 8,1981, Fasgo, Inc. Brookhaven, Pennsylvania, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast Enforcement District of the Economic Regulatory Administration issued to the firm on March 23, 1981. In the Proposed Remedial Order the Northeast District found that during the period June 1, 1977 through July 31, 1979 Fasgo committed pricing violations in its retail sales of motor gasoline. According to the Proposed Remedial Order the firm's violations resulted in $263,501.30 of overcharges to its customers.

Key Oil Co., Franklin Kentucky, BRO–1444, diesel fuel

On May 5, 1981, Key Oil Company, Highway 31 W. South, Rt. 3, Franklin Kentucky filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast Enforcement District of the Economic Regulatory Administration issued to the firm on March 20, 1981. In the Proposed Remedial Order, the Southeast District found that during the period November 1, 1973 through March 31, 1974, Key Oil Company committed pricing violations in its retail sales of diesel fuel. According to the Proposed Remedial Order, the Key Oil Co. violations resulted in $91,327.55 of overcharges to its customers.

[FR Doc. 81–16315 Filed 5–29–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[A–10–FRL 1842–1]

Proposal To Terminate the State of Idaho's Federal Air Grant Funding; Opportunity For Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of hearing opportunity.

SUMMARY: The U.S. Environmental Protection Agency, Region 10 (EPA) invites comments on and announces an opportunity for public hearing on EPA's proposal to withdraw certain Section 105 air program grant funds from the State of Idaho's Department of Health and Welfare beginning July 1, 1981.

HEARING LOCATION:

Date: July 2, 1981
Time: 7:30 P.M.
Place: EPA Idaho Operations Office, 422 W. Washington Street, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: M. Lynn McKee, Director, EPA Idaho Operations Office, 422 W. Washington Street, Boise, Idaho 83702, Telephone: (208) 384–1450, FTS: 554–1450.

SUPPLEMENTARY INFORMATION:

Background Information

For several years, EPA has provided the State of Idaho Department of Health and Welfare (IDHW) a Section 105 Clean Air Act (42 U.S.C. 7405(b)) grant to partially support its air pollution control program. As stated in the Clean Air Act, in order for a State to be eligible to receive Section 105 funding, a State must meet two matching requirements. Those requirements are as follow:

1. Federal support can not exceed 75 percent of the cost of the air pollution control program (i.e., the State must provide at least 25 percent in non-Federal funds).

2. The State must provide at least as much in non-Federal, recurrent (ongoing) funds as was provided in the previous

year unless there is a non-selective reduction in ongoing non-Federal expenditures by all executive branch agencies in the State.

During this year's legislative session, State funding for the IDHW air program was eliminated beginning July 1, 1981. EPA has been notified by the State that its air program activities will be terminated by July 1, 1981. Therefore, since the IDHW will have no non-Federal funding to support its air pollution control program beyond June 30, 1981, EPA is required by the Clean Air Act to reduce IDHW's air grant award. EPA proposes to take the following actions:

1. Withdraw unexpended or remaining funds authorized by Section 105 not required for the State to complete its program. Idaho is required by law to expend at least as much in State funding in Federal Fiscal Year (FY) 1981 as was spent in FY 1980, $277,525, to be eligible for any Federal Section 105 funds. Since the Idaho program will be terminated in June of 1981, three quarters of the way through FY 81, this requirement will be satisfied if Idaho expends at least $208,144 (¾ x $277,525) in non-Federal (State) funds. EPA should be able to withdraw in excess of $140,265 (¼ of the FY 81 operating grant of $561,060).

2. Terminate the Section 105 grant to the State of Idaho on June 30, 1981 since the State will not provide the non-Federal matching funds required to be eligible for a Section 105 grant after that date.

Invitation of Comments—Opportunity for Hearing

Any person who desires to comment on this proposed action may do so by writing to the above listed contact person. Comments must be received on or before July 1, 1981.

IF NO TIMELY REQUEST FOR A HEARING IS RECEIVED, NO HEARING WILL BE HELD.

A public hearing will be held if (and only if) a request for a public hearing is received at the office listed above within thirty (30) days following publication of this notice, that is by July 1, 1981. The purpose of this hearing would be to take comment on the proposed withdrawal of remaining or unexpended Section 105 air grant funds from IDHW. If a hearing is requested, it will be conducted at the time and place listed above.

If a request is not received, no public hearing will be held. It is suggested that any one who anticipates attending this public hearing call the above listed office to verify if a hearing is to be held.

A shorter notice period is being employed for this action (the usual period is 45 days) because the State's current Section 105 grant will expire on June 30, 1981.

Dated: May 21, 1981.

L. Edwin Coate,

Acting Regional Administrator.

[FR Doc. 81-16221 Filed 5-29-81; 8:45 am]

BILLING CODE 6560-38-M

[SA-FRL-1841-7]

Science Advisory Board, Technology Assessment and Pollution Control Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Technology Assessment and Pollution Control Committee (TAPCC) of the Science Advisory Board will be held in Conference Room 250, National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. on June 25-26, 1981. The meeting will begin at 9:00 a.m. each day and last until approximately 5:00 p.m.

This meeting is one of three or four routinely held each year. The primary purpose of this meeting is to review the results or status of several recent or on-going studies of the Committee, including those on pollution control guidance documents for the synthetic fuels industry, incentives for technology utilization and development, and toxics and hazardous waste control technology research. Future TAPCC activities in this and other areas will also be discussed.

The meeting is open to the public. Any person wishing to attend or to obtain further information about the meeting should contact the TAPCC Executive Secretary, Harry C. Torno, at (202) 472-9444 or 9457.

Ernst Linde,

Acting Staff Director, Science Advisory Board.

May 19, 1981.

[FR Doc. 81-16211 Filed 5-29-81; 8:45 am]

BILLING CODE 6560-34-M

[A-4-FRL-1830-8]

Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority—State of Tennessee

AGENCY: Environmental Protection Agency.

ACTION: Informational Notice.

SUMMARY: Section 301 in conjunction with Sections 111 and 112 of the Clean Air Act authorizes the Administrator to delegate his authority to implement and enforce the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). The State of Tennessee has requested delegation of this authority. After a thorough review of the request and information submitted, the Regional Administrator determined that such delegation was appropriate for the source categories and with the conditions set forth in the letter reproduced below. Source categories identified below which are subject to these requirements will now be under the jurisdiction of the State of Tennessee.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Raymond S. Gregory, Air Programs Branch, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: In letters dated June 29, June 30, August 13, 1976, and September 25, 1979, Harold E. Hodges, Director of Tennessee Department of Public Health's Division of Air Pollution Control submitted to the EPA Regional Office requests for delegation of authority for implementation and enforcement of NSPS and NESHAPS. After a thorough review of the request and information submitted, the Regional Administrator has determined that delegation or reliquishment of this authority to Tennessee is appropriate subject to the conditions set forth in the following letter. (See Appendix A)

In the letter above of April 11, 1980, the NSPS source category of sulfuric acid plants was inadvertently omitted. Authority for such sources was relinquished in the following letter. (See Appendix B)

Therefore, pursuant to the authority delegated to her by the Administrator, the Regional Administrator formally notified the Director of the Tennessee's Division of Air Pollution Control in the letters reproduced above that the authority to implement and enforce NSPS and NESHAPS for source categories listed was delegated to the State of Tennessee.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region IV office, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

Effective immediately, all reports required pursuant to the delegated NSPS and NESHAPS should not be submitted to the EPA Region IV office, but instead should be submitted to the State agency

at the following address: Mr. Harold E. Hodges, P.E., Director, Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219.

Sections 111, 112, and 301 of the Clean Air Act, as amended (42 U.S.C. 7411, 7412, and 7601))

Dated: May 3, 1981.

John A. Little,

Acting Regional Administrator.

Appendix A

United States Environmental Protection Agency, Region IV, 345 Courtland Street, Atlanta, Georgia
April 11, 1980.

Mr. Harold E. Hodges, *P.E.*,
Director, Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee.

Dear Mr. Hodges: This is in response to your letters of June 29, June 30, August 13, 1976 and September 25, 1979 requesting relinquishment of Federal responsibility to implement and enforce the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) programs.

We have reviewed the pertinent laws of the State of Tennessee and the rules and regulations thereof, and have determined that they provide an adequate and effective procedure for implementation of the NSPS and NESHAPS by the State of Tennessee. Therefore, pursuant to Section 111 of P.L. 91–604 (1970) as amended by P.L. 95–95 (1977), the Clean Air Act (CAA) as amended and 40 CFR Part 61, we hereby relinquish our primary responsibility for implementation and enforcement of NSPS and NESHAPS, respectively, to the State of Tennessee as follows:

A. Responsibility for all sources located or to be located in the State of Tennessee (except for Davidson and Knox Counties) subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 and amendments thereto as published in the **Federal Register** as of the date of your request letters (June 29, June 30, August 13, 1976 and September 25, 1979). The categories of new sources covered by this responsibility are: fossil fuel-fired steam generators; incinerators; portland cement plants, nitric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids, secondary brass and bronze ingot production plants; iron and steel plants; sewage treatment plants; secondary lead smelter; phosphate fertilizer plants (five categories); primary aluminum plants; coal preparation plants; electric arc furnaces; primary copper, zinc, and lead smelters; ferroalloy production facilities; lime manufacturing plants; grain elevators; and kraft pulp mills.

B. Responsibility for all sources located or to be located in the State of Tennessee (except for Davidson and Knox Counties) subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 and amendments thereto as published in the **Federal Register** as of the date of your request letters. The four hazardous air pollutants covered by this authority are: asbestos, beryllium, mercury and vinyl chloride.

C. This relinquishment is based upon the following conditions.

1. Existing quarterly reports normally submitted to EPA through program plan reporting will be expanded to contain pertinent information relating to the status of sources subject to 40 CFR Parts 60 and 61. As a minimum, the following information should be provided to EPA: the name; address; type and size of each facility; the compliance status of each facility with accompanying explanations of noncompliance where applicable; notice of enforcement actions brought against facilities subject to 40 CFR Part 60 or 61; surveillance actions undertaken for each facility; and the results of all reports relating to emissions data.

2. Enforcement of NSPS and NDSHAPS in the State of Tennessee (except in Davidson and Knox Counties) will be the primary responsiblity of the Division of Air Pollution Control. If the State determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms of this granted authori'y, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of Tennessee subject to the NSPS and NESHAPS.

3. Acceptance of this relinquishment of presently promulgated NSPS and NESHAPS does not commit the State to request or accept enforcement responsibility of future standards and requirements. A new request for enforcement responsibility will be required for any standards not included in Paragraphs A and B above.

4. The State of Tennessee will at no time grant a waiver of compliance with NESHAPS (40 CFR § 61.11). The State of Tennessee will at no time grant a variance or other temporary or permanent exemption from compliance with NSPS and NESHAPS regulations. Should the State grant such a variance or other exemption, EPA will consider the source receiving the variance or exemption to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the State shall also constitute grounds for revocation of the pertinent portions of this relinquishment by EPA.

5. If at any time there is a conflict between a State regulation and a Federal regulation (40 CFR Parts 60 and 61), the Federal regulation must be applied if it is more stringent than that of the State. For sources determined to be subject to Federal NSPS but not the State's NSPS, the State shall, within 60 days from date of relinquishment of responsibility or date of determination, perform the following:

a. Notify the source in writing of the applicable Federal requirements.

b. Notify EPA Region IV of the source and include the name, address, type, and size of each facility subject to the standards; the compliance status of each facility with accompanying explanations of non-compliance where appliable; notice of enforcement actions brought against facilities subject to 40 CFR Part 60 and 61, surveillance actions undertaken for each facility; and the results of all reports relating to emissions data.

If the State does not have the authority enforce a Federal regulation, the pertinent portion of the relinquishment may be revoked.

6. Performance tests shall be scheduled and conducted in accordance with the procedures set forth in 40 CFR Parts 60 and 61 unless alternate methods or procedures are approved by the EPA Administrator. Although the Administrator retains the exclusive right to approve equivalent and alternative test methods as specified in 40 CFR 60.8(b)(2) and (3), and 64.14 the State may approve minor changes in methodology provided these changes are reported to EPA Region IV. The Administrator also retains the right to change an opacity standard as specified in 40 CFR 60.11(a).

7. Additionally, the State of Tennessee must require reporting of all excess emissions from any NSPS source in accordance with 40 CFR 60.7(c).

8. Alternatives to continuous monitoring procedures or reporting requirements, as outlined in 40 CFR 60.13(i), may be approved by the State with the prior concurrence of the EPA Administrator.

9. If a source proposes to modify its operation or facility which may cause the source to be subject to NSPS requirements, the State shall notify EPA Region IV and obtain a determination on the applicability of the NSPS regulations.

10. If the Administrator determines that the State procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this relinquishment may be revoked in whole or part. Any such revocation shall be effective as of the data specified in a Notice of Revocation to the Division of Air Pollution Control.

11. Information shall be made available to the public in accordance with 40 CFR 60.9(b) and 61.15(b). Any records, reports, or information provided to, or otherwise obtained by, the State in accordance with the provisions of these regulations shall be made available to the designated representative of EPA upon request.

12. The previous delegation by EPA to the Metropolitan Nashville-Davidson County Health Department (Pollution Control) and Knox County Department of Air Pollution Control of responsibility to implement and enforce NSPS and NESHAPS will remain in effect. The State of Tennessee will provide both the Davidson and Knox County local programs with technical assistance as necessary and as resources provide to carry out the delegated programs. In exercising the relinquished Federal responsibility for NSPS and NESHAPS, the State of Tennessee will overview the performance of the Davidson and Knox County local programs in

implementing and enforcing both NSPS and NESHAPS.

13. Upon approval of the Regional Administrator of Region IV, the Director of the Division of Air Pollution Control may subdelegate his authority to implement and enforce the NSPS and NESHAPS to air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

The State and EPA will develop a system of communication sufficient to guarantee a program that includes the items described below:

a. Each agency is informed of the current compliance status of subject sources in the State of Tennessee;

b. Prior EPA concurrence is obtained on any matter involving interpretation of 40 CFR Parts 60 and 61 (including unique questions of applicability of the standards); and

c. Enforcement actions (including requests for information and enforcement actions based thereon) already initiated by EPA prior to this delegation, shall be completed by EPA.

d. The State will notify EPA if any devices or processes are used by a source owner or operator, that would allow circumvention of any applicable standard.

A notice announcing these actions will be published in the **Federal Register** in the near future. The notice will state, among other things, that, effective immediately, all reports required pursuant to NSPS and NESHAPS, by sources located in Tennessee (except for sources located in Davidson and Knox Counties) should be submitted to the Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219; any such reports which have been or may be received by EPA, Region IV, will be promptly transmitted to this State agency.

Since this action is effective immediately, there is no requirement that the State of Tennessee notify EPA of its acceptance. Unless EPA receives from the State of Tennessee written notice of objections within ten (10) days of the date of receipt of this letter, the State will be deemed to have accepted all of the terms as stated herein.

Sincerely yours,

Alec Little,

Deputy Regional Administrator.

for

Rebecca W. Hanmer,

Regional Administrator.

Appendix B

July 25, 1980.

Mr. Harold E. Hodges, *P.E.,*
Director, Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee.

Dear Mr. Hodges: In our letter to you of April 11, 1980, EPA relinquished its primary authority to administer New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Pollutants (NESHAPS) to the State of Tennessee. In that letter, the source category of sulfuric acid plants was inadvertently omitted as a category for which the State was to administer NSPS.

This letter is intended to relinquish EPA responsibility to Tennessee for implementing NSPS for sulfuric acid plants in Tennessee. Relinquishment is subject to the same terms and conditions stated in our April 11, 1980 letter. That letter and its terms and conditions are therefore hereby incorporated as part of this agreement. If we receive no written objections to the terms of this agreement within ten (10) working days of receipt of this letter, we will assume you have none.

Please feel free to contact Mr. Winston Smith of our Air Programs Branch (404/881-2864), if you have any questions.

Sincerely yours,

Paul J. Traina,

Acting,

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-16300 Filed 5-29-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-REP-3-VA-1]

Virginia Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local emergency plans to the FEMA Regional Office. These plans support nuclear power plants which impact on Virginia, and include those of local governments near the Virginia Electric Power Company's North Anna Power Station located in Louisa County.

DATE: Plans received: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert J. Adamcik, Acting Regional Director, FEMA Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania, 19106, (215) 597-9416.

Notice

In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Response Plan for the Commonwealth of Virginia was received by the Federal Emergency Management Agency Region III Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone of the nuclear plant. For the North Anna Power Station, plans are included for Louisa, Spotsylvania, Hanover, Caroline and Orange Counties.

Copies of the Plan are available for review at the FEMA Region III Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 1618 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Robert J. Adamcik, Acting Regional Director, at the above address by July 1, 1981.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Details of this meeting will be announced in the Richmond Times Dispatch at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

Robert J. Adamcik,

Acting Regional Director, FEMA Region III.

May 21, 1981.

[FR Doc. 81-16199 Filed 5-29-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1728]

I.M.S., Inc.; Order of Revocation

On May 17, 1979, I.M.S., Inc., 4416 Wheeler Avenue, Alexandria, VA 22304, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 1728.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1728 issued to I.M.S., Inc., be revoked effective May 17, 1979.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1728 issued to I.M.S., Inc., be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon I.M.S., Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-16297 Filed 5-29-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

Horacio Espinoza Forwarding Co. (Horacio Espinoza, d.b.a.), 1314 Texas Avenue, Great S.W. Bldg., P.O. Box 52933, Houston, TX 77052

Thakor H. Bulsara, c/o Weilwood Fabrics, Inc., 119 West 40th St., 14th Fl., New York, NY 10018

By the Federal Maritime Commission.

Dated: May 26, 1981.

Joseph C. Polking,

Acting Secretary.

[FR. Doc. 81-16299 Filed 5-29-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Midland Bank Limited; Public Meeting

Midland Bank Limited, London, England, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 50 percent or more of the voting shares of Crocker National Corporation, San Francisco, California. Notice of this application was published in the **Federal Register** on March 23, 1981 (46 FR 18,066).

The Board has received from the public three protests to this application, one of which requested the Board to hold a formal hearing on the application. The Board has determined that the three protests are not substantive and that the hearing request should be denied. However, while there is no legal requirement to hold any public proceeding on this application, in light of the importance of Crocker National Bank in the communities in which it operates and the interest of the public in the proposal, the Board has determined to hold a public meeting on the application in San Francisco, California. The meeting will commence at 9:00 a.m. on June 22, 1981, at the Federal Reserve Bank of San Francisco, 400 Sansome Street, San Francisco, California 94120.

Any person who desires to give testimony, present evidence, or otherwise participate in this proceeding should file with the Assistant Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551, on or before June 12, 1981, a written request containing a statement of the nature of that person's interest in the proceedings, the extent of the participation desired, a summary of the matters concerning which that person desires to give testimony, submit evidence or raise questions, and the names and identity of witnesses who propose to appear. Such requests will be submitted to the designated presiding officer of the proceeding.

By order of the Board of Governors, effective May 26, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-16346 Filed 5-29-81; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0360]

Policy Statement Concerning the Sale of Third Party Commercial Paper by State Member Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy Statement.

SUMMARY: Pursuant to its authority to restrain unsafe or unsound banking practices by State member banks, the Board of Governors of the Federal Reserve System adopts a policy statement setting forth guidelines governing the sale by a State member bank of commercial paper of issuers not related to the bank ("third party commercial paper"). The guidelines reflect the Board's judgment that certain practices may develop in the sale by a bank of third party commercial paper that may not be consistent with the principles of safe and sound banking. The guidelines concern the type and amount of commercial paper that should be sold, the kinds of records that should be maintained, and the purchasers to which such paper may be sold. The Board intends to monitor closely the activities of State member banks in this area and may modify or supplement this policy statement based on the Board's review of the experience of State member banks in conducting these activities.

EFFECTIVE DATE: May 26, 1981. Interested parties may submit comments on the policy statement that will be reviewed by the Board. Comments must be received on or before July 31, 1981.

ADDRESS: Comments should include reference to Docket No. R-0360 and should be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, NW., Washington, D.C. 20551, or delivered to Room B-2223, 20th and Constitution Avenue, NW., Washington, D.C. between 8:45 a.m. and 5:15 p.m. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Robert S. Plotkin, Assistant Director, Division of Banking Supervision and Regulation, (202) 452-2782, or Richard Ashton, Senior Counsel, Legal Division, (202) 452-3750, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On September 26, 1980, the Board took action with respect to the petitions of the Securities Industry Association (the "SIA") and of A. G. Becker Incorporated ("A. G. Becker") that the Board prohibit Bankers Trust Company, New York, New York ("Bankers Trust"), a State member bank, from selling third party commercial paper. The Board denied the petitions to the extent they alleged that Bankers Trust's commerical paper activities violate the Glass-Steagall Act or should be prohibited by general consisderations of public policy. The Board also stated that the sale of third party commercial paper by a commercial bank could involve, at least in some circumstances, potential unsafe or unsound practices. The Board thus took no action on the petitions' allegations of dangers to Bankers Trust or potential conflicts of interest pending development of general supervisory guidelines designed to avoid potential unsafe or unsound practices in the sale of third party commercial paper by State member banks.

In developing the guidelines that are set forth in the following policy statement, the Board has consulted with the staffs of the other Federal banking agencies and has considered the allegations of unsafe practices made by the SIA and A. G. Becker and the comments of the Securities and Exchange Commission.

With respect to the possibility that a bank's commercial paper selling activities may lead the bank into investing its funds in imprudent

investments, the Board recognizes that a bank's selling activity may result in the purchase of some commercial paper with the bank's own funds. However, the Board notes that banks have traditionally been permitted to purchase commercial paper for their own account and such purchases have been treated for supervisory purposes as commercial loans. In addition, since only large, well-known corporations with established credit ratings are able to market unsecured obligations, commercial paper is generally a low-risk instrument, even relative to some commercial loans.[1] Furthermore, the Board's guidelines provide that a bank should sell only prime quality paper and make a thorough credit analysis of each issuer and that all commercial paper sold by the bank should be fully supported by available lines of credit.[2] These guidelines would also minimize the danger that a bank selling commercial paper might be tempted to make unsound loans to an issuer which is encountering financial difficulties in order to protect the bank's reputation.

The SIA, A. G. Becker, and the SEC have also raised the possibility of loans by a selling bank to facilitate purchase of commercial paper being sold by the bank. However, because rates on commercial paper are usually lower than rates charged on bank loans, the use of borrowed funds to purchase commercial paper would be unprofitable and thus unlikely. Accordingly, there does not appear to be any practical substance to this concern.

Another potential hazard cited in connection with bank sales of commercial paper is the possibility that the bank's salesman's interest might impair its existing obligations to its customers and might consequently damage the bank's good will and reputation. In particular, it is claimed that bank depositors might suffer losses on paper purchased from the bank, that "the bank's reputation for prudence and restraint would be abused," that the bank would lose its ability to provide disinterested investment advice, and that the bank might "unload" worthless commercial paper in its trust department.

Under the Board's guidelines, however, a bank may sell commercial paper only to financially sophisticated purchasers and may not advertise commercial paper for sale to the general public. Thus, there appears to be little likelihood that any but a small fraction of a bank's depositors would even consider purchasing commercial paper being sold by the bank. For the same reason, the potential for a bank abusing its reputation for "prudence and restraint" in selling commercial paper does not appear significant. Finally, with respect to potential inability to provide disinterested investment advice and "unloading" of worthless commercial paper in the bank's trust accounts, the guidelines provide that the bank should not sell commercial paper to fiduciary accounts over which the bank has investment discretion.

The Board intends to monitor closely the selling activities of Bankers Trust and any other State member bank that may initiate such services. Based on further experience in this area, the Board may modify or supplement these guidelines to assure that such activities are conducted in accordance with principles of safe and sound banking.

Accordingly, acting pursuant to its supervisory authority over State member banks contained in section 9 (12 U.S.C. 321, *et seq.*) and section 11 (12 U.S.C. 248) of the Federal Reserve Act and the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1818(b)) and related provisions of law, the Board of Governors adopts the following policy statement.

Policy Statement Concerning Sale of Third Party Commercial Paper by State Member Banks

The Board of Governors has recently determined that the sale of commercial paper by a State member bank for unaffiliated issuers ("third party commercial paper" [3]) did not violate the Glass-Steagall Act (12 U.S.C. §§ 24, Seventh, 378). The Board was concerned however, that the sale of third party commercial paper [4] might, in some circumstances, involve unsafe or unsound practices. Accordingly, in the interest of safe and sound banking, the Board believes that any State member bank that may decide to engage in the sale of third party commercial paper should adhere to the following guidelines.[5]

1. A State member bank should sell only prime quality commercial paper that qualifies for the exemption provided by section 3(a)(3) of the Securities Act of 1933 (15 U.S.C. 77c(a)(3)). The bank should take appropriate precaution to assure itself that the section 3(a)(3) exemption applies to the commercial paper it proposes to sell. In this regard, (i) the bank should determine that the commercial paper it proposes to sell is of prime quality; (ii) the bank may rely on representations of the issuer with respect to the use of proceeds; (iii) except as further limited by paragraphs 7 and 8, the bank should sell commercial paper only to financially sophisticated customers, such as customers that regularly purchase a variety of short-term credit instruments, and should not advertise commercial paper for sale to the general public; (iv) the bank should obtain periodically, and maintain in the bank's records, a current legal opinion of counsel that the section 3(a)(3) exemption is available. In addition, the bank should sell commercial paper in minimum denominations that are consistent with applicable law and, in no event, should sell commercial paper in minimum denominations of less than $100,000.

2. The selling bank should maintain a complete credit analysis of the issuer at all times and should exercise due diligence in investigating the financial affairs of the issuer. Particular attention should be given to the liquidity position of the issuer and its lines of credit. All commercial paper sold by the bank should be fully supported by available lines of credit. Any participation by the selling bank in such lines of credit should be made only after consideration of the bank's legal lending limit.

3. Senior management should adopt internal limits for the amount(s) of commercial paper that may be sold by the bank for a single or related issuer(s). In determining the internal limits, senior management should consider the financial condition of the issuer, all lines of credit available to the issuer, and the bank's participation in the lines of credit and any other extensions of credit or commitments to the issuer by the bank (including commercial paper purchased by the bank for its own account.)

[1] The Board notes that, at least on some occasions, significant losses have been suffered by commercial paper purchasers, for example, the 1970 collapse of Penn Central Transportation Company. However, banking functions, such as commercial lending, also involve some degree of risk and losses can and do occur.

[2] A selling bank could only participate in the line of credit up to the amount of its legal lending limit.

[3] Excluding commercial paper issued by a parent bank holding company; the Board has previously advised bank holding companies concerning sales of bank holding company commercial paper (letter dated June 27, 1980).

[4] Banks have traditionally purchased commercial paper upon the order, and for the account of, customers, whereas here the bank is essentially acting for the issuer; the former activity is not subject to the guidelines set forth in this Policy Statement.

[5] The Board does not expect to take enforcement action to restrain unsafe or unsound banking practices with respect to third-party commercial paper selling activities of any State member bank that conducts such activities within these guidelines.

4. Chronological records of original entry should be maintained that contain an itemized daily record of all sales and purchases of commercial paper. The records should also contain:

- A designation of the commercial paper,
- Nature of the transaction, e.g. purchase or sale,
- Trade and settlement dates,
- Contra-party name or designation,
- Net proceeds, discount rate, or yield to maturity.

5. Account records should be maintained for each issuer that reflect:

- All sales and purchases of commercial paper placed by the bank for that issuer,
- All lines of credit available to the issuer,
- The amount of the bank's participation in the lines of credit,
- A current balance of all extensions of credit and a description of other commitments to the issuer.

6. Account records should be maintained for each purchaser that reflect all sales and purchases of commercial paper for the account of that customer.

7. Commercial paper should not be sold to fiduciary accounts over which the bank has investment discretion.

8. Commercial paper should not be sold to the bank's parent holding company (unless it is a bank) or any nonbank affiliate of the bank.

9. The bank should furnish to all purchasers of commercial paper written advice in connection with all purchases that (1) the commercial paper is not an obligation of the bank, and is not insured by the FDIC, (2) the bank has no obligation to repurchase any of the paper sold, (3) the bank is under no obligation to lend funds to the issuer (except pursuant to existing credit lines, or other commitments, if any), and (4) copies of the issuer's most recently published financial statements will be furnished upon request.

By order of the Board of Governors, May 26, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-16291 Filed 5-29-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Oklahoma Publishing Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Standard Metals Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-16238 Filed 5-29-81; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

National Archives Advisory Council; Meeting

Notice is hereby given that the National Archives and Records Service Advisory Council will meet on June 11, 1981, from 2:30 p.m. to 5:30 p.m. and June 12, 1981, from 9:00 a.m. to 4:30 p.m. in Room 105, National Archives and Records Service, 8th and Pennsylvania Avenue, N.W., Washington, D.C. 20408. The meeting will be devoted to a review of the current state of the Archives, reports from Council Subcommittees, and related matters of concern to the operation of the National Archives and Records Service of the United States.

The meeting will be open to the public.

Dated: May 20, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-16178 Filed 5-29-81; 8:45 am]

BILLING CODE 6820-26-M

National Archives Advisory Council, FBI Appraisal Project Review Panel

Notice is hereby given that the FBI Appraisal Project Review Panel will meet on June 11, 1981, from 9:30 a.m. until adjournment in Room 105, National Archives and Records Service, 8th and Pennsylvania Avenue, NW., Washington, D.C. 20408.

The Panel will:

1. Review the FBI Appraisal Project methodology and schedule.

2. Review qualifications for consultants and recommend a list of potential consultants who will review the FBI records retention plan and the disposition schedules.

The meeting on June 11 will be open to the public during the discussion of item 1, above. Panel deliberations under item 2, above, are closed in accordance with exemption (6) of the Government in Sunshine Act (5 U.S.C. 552b(c)). For further information contact Robert R. Brookhart, General Services Administration (NAX), Washington, D.C. 20408 (202-523-3616).

Because of the tight Court-imposed deadline for completing the appraisal project, this meeting must be held with less than 15 days advance notice in the **Federal Register.**

Issued in Washington, D.C., on May 29, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-16481 Filed 5-29-81; 12:00 pm]

BILLING CODE 6820-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Cancer Program Project and Cancer Center Support Review Committee, Clinical Cancer Program Project Review Subcommitee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Center Support Review Subcommittee), National Cancer Institute, July 30-August 1, 1981, Building 31C, Conference Room 6, National

Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on July 30, from 8:30 a.m. to 10 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on July 30, from 10 a.m. to adjournment, July 31, 8:30 a.m. to adjournment, and on August 1, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of person privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. Louise Thomson, Executive Secretary, National Cancer Institute, Westwood Building, Room 809, National Institutes of Health, Bethesda, Maryland (301/496–7924) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.397, project grants in cancer center support, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: May 26, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–16174 Filed 5–29–81; 8:45 am]

BILLING CODE 4110–08–M

General Clinical Research Centers Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, June 28–30, 1981, Conference Room 8, Building 31–C, 9000 Rockville Pike, Bethesda, Maryland 20205.

The meeting will be open to the public on June 29, 1981, from 8:00 a.m. to approximately 10:00 a.m., to discuss administrative matters and program plans. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 28, 1981, from 7:00 p.m. until recess and on June 29, 1981 from 10:00 a.m. to recess and from approximately 8:00 a.m. to adjournment on June 30, 1981, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B–13, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545 will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Rm. 5B51 National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6595, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clinical Research, National Institutes of Health)

(NIH programs are not covered by OMP Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular)

Dated: May 26, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–16175 Filed 5–29–81; 8:45 am]

BILLING CODE 4110–08–M

Hematology Study Section; Changed Meeting

Notice is hereby given of a change in the location of the meeting of the following National Institutes of Health Study Section which was published in the **Federal Register** on May 1, 1981 (46 FR 24712).

The Hematology Study Section was to have met at the In-Town Motel, Chevy Chase, MD on June 11–13, 1981. It will now meet June 11–13, 1981, at the Ramada Inn, Bethesda, MD. The opening session will convene at 8:30 a.m., June 11, 1981. The subsequent scheduled meetings will begin at 8:30 a.m., June 12 and 13, 1981.

Dated: May 26, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–16176 Filed 5–29–81; 8:45 am]

BILLING CODE 4110–08–M

NIDR Special Grants Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Institute of Dental Research Special Grants Review Committee, on June 23, 1981, in Conference Room 7, Building 31–C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m. on June 23, 1981, for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:30 a.m. to adjournment on June 23, 1981, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Emil L. Rigg, Executive Secretary, NIDR Special Grants Review Committee, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, MD 20205, (telephone 301 496–7658) will provide summaries of meeting, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13–840-Caries Research, 13.841-Periodontal Diseases Research, 13.842-Craniofacial Anomalies Research, 13.843-Restorative Materials Research, 13.844-Pain Control and Behavioral Studies, 13.845-Dental Research Institutes, 13.878-Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 26, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–16177 Filed 5–29–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-56]

Deep River Waterline, CDBG, Lee County, North Carolina; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Deep River Waterline, CDBG, Lee County, North Carolina. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., May 26, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—Environmental Impact Statement, Deep River Waterline, CDBG, Lee County, North Carolina

The Lee County, North Carolina, Office of Community Development intends to prepare an Environmental Impact Statement (EIS) on a proposed project in Lee County described below. Interested agencies, organizations, and the public are invited to provide comments and information on issues which the EIS should address.

Description. The proposed project is the construction of a 12-inch diameter waterline in Deep River Township, generally following the alignment of Old U.S. Highway 1 (SR 1466) from the County water tank at SR 1415 to Deep River Elementary School, a distance of approximately 2.5 miles. The project would receive financial aid from HUD through the Housing and Community Development Act of 1974, as amended. Engineering design and construction are proposed to begin as quickly as feasible after HUD approval of the project, but not sooner than October 1, 1981. Project completion is expected within 12 months thereafter. The purpose of the project is to provide an adequate supply of potable water to the Deep River community, an area of generally low-yield wells. Service to Deep River Elementary School is a major feature of the project due to previously documented contamination of the existing well at the school.

Need. An Environmental Impact Statement is required under 24 CFR 58.25(c), i.e., the project, if constructed, is capable of supporting the development of at least 500 housing units (or equivalents) in excess of present demand for water. At this time, the likely environmental impacts appear to be the direct and temporary impacts normally associated with utility construction. Indirect and long term impacts which may result from development induced by the project include loss of wildlife habitat, an increase in storm water runoff, and increased nutrient loading in project area streams.

Alternatives Perceived. Alternatives to the proposed project as perceived at this time include reduced diameter of the water line; alternate route; no project.

Scoping. This Notice is part of the process for determining the scope of the EIS. Responses will help determine significant environmental issues and identify data which the EIS should address and will help identify cooperating agencies.

Comments. Comments and information should be sent on or before June 22, 1981 to: Mr. Elwin J. Buchanan, Director, Lee County Community Development Office, Post Office Box 987, Sanford, North Carolina 27330. Telephone number (919) 776-4256.

[FR Doc. 81-16218 Filed 5-29-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Earthquake Studies Advisory Panel; Public Meeting

Pursuant to Pub. L. 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Earthquake Studies Advisory Panel will be held beginning at 8:30 a.m. (local time) on Friday, June 12, 1981, and continuing through Saturday, June 13, 1981. The Advisory Panel will meet in the Entrance Level Seminar Room, Colorado School of Mines Building, Colorado School of Mines Campus, 1711 Illinois Street, Golden, Colorado 80225.

(1) *Purpose.* The Advisory Panel was appointed to advise the Geological Survey on earthquake plans and programs which are conducted in cooperation with universities, industry, and other Federal and State government agencies in a coordinated national program for earthquake research.

(2) *Membership.* The Advisory Panel is composed of persons drawn from the fields of geology, geophysics, engineering, rock mechanics, and socioeconomics, primarily from the academic community.

(3) *Agenda.* Review of the program activities for fiscal year 1981 and plans for fiscal year 1982.

For more detailed information about the meeting, please call Dr. John R. Filson, Chief, Office of Earthquake Studies, Reston, Virginia 22092, (703) 860-6472.

Doyle G. Frederick,

Acting Director, U.S. Geological Survey.

[FR Doc. 81-16223 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

California; Emergency Closure of Public Lands

Notice is hereby given that effective immediately all designated areas of public lands in Section 17 and 18, T. 1 N., R. 27 E., MDBM, located north of the maintained gravel/dirt road traversing diagonally from near the east half of Section 18 to the extreme southwest corner of Section 17, and east of the mining access road which parallels the west line north along the east half of Section 18 with the exception of the designated parking area and access road, are closed to all vehicle access except when authorized for administrative purposes (see

accompanying map).[1] Copies of the map are available at the Bakersfield District Office.

The purpose of this closure is to protect the fragile Mono Lake Tufa Towers from damage by motor vehicles.

Authority for this closure is under Title 43 CFR 8341.2 and will be in effect until further notice.

Harold W. Lamb,

Acting District Manager.

[FR Doc. 81-16181 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-84-M

Casper District Advisory Council; Meeting

Notice is hereby given, in accordance with Pub. L. 92-463, that a meeting of the Casper District Advisory Council will be held on July 21 and 22, 1981.

On July 21, the meeting will begin at 9:00 a.m. in the conference room of the Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming. Attendees will then travel to Midwest, Wyoming, approximately 35 miles north of Casper, for a tour of the Salt Creek Area of Critical Environmental Concern (ACEC). On July 22 the meeting will convene at 9:00 a.m. in the Casper District Office.

The agenda will include discussion of problems and opportunities observed during the previous day's tour of the Salt Creek ACEC and requirements for preparation of an ACEC implementation plan.

The meeting will be open to the public. Persons attending the tour on July 21 must furnish their own transportation, food, and drink. Interested persons may make oral statements or file written statements for the council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601 by July 17, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the district manager.

Summary minutes of the meeting will be maintained in the district office and be available for public inspection within 30 days following the meeting.

Robert E. Wilber,

District Manager.

[FR Doc. 81-16216 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-84-M

[1] Map filed as a part of original document.

Worland District Advisory Council; Meeting

May 22, 1981.

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Worland District Advisory Council will be held on Wednesday, July 1, 1981 at 9:00 a.m. at the bureau of Land Management Office annex, 1701 Robertson Avenue, Worland, Wyoming 82401.

The agenda for the meeting will include: Development of criteria for the BLM draft rangeland policy, and any discussion in response to public statements presented at the meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 1:00 and 1:30 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address on or before, Tuesday, June 30, 1981. Written statements must be received by close of business on June 30, 1981. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction, during regular business hours, within 30 days following the meeting.

Paul M. Andrews,

Acting District Manager.

[FR Doc. 81-16215 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-84-M

[CA 9070]

Notice of Conveyance of Public Land; Kings County, Calif.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), the Salyer Land Company, P.O. Box 488, Corcoran, California 93212, has purchased by noncompetitive sale public land in Kings County, California, described as:

Mount Diablo Meridian, California

T. 23 S., R. 20 E.,
Sec. 34, Lots 2, 3, and 5;
Containing 84.07 acres.

The purpose of this notice is to inform the public and interested state and local governmental officials of the issuance of the conveyance document to the Salyer Land Company.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

May 22, 1981.

[FR Doc. 81-16179 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Chesapeake and Ohio Canal; Cumberland/North Branch Area; Availability of Environmental Assessment and Notice of Public Hearing

The National Park Service has prepared an Environmental Assessment for the Cumberland/North Branch Development Concept Plan. This assessment has been undertaken to direct future management and use of the area.

The document includes a description of the environment, description of alternatives developed to answer the needs and objectives of the park, and an assessment of the impacts associated with each of the alternatives.

A public meeting on this issue will be held June 17, at 7:30 p.m. in the Continuing Education Building, (Rooms 11, 12, 13 and 14), Allegany County Community College, Cumberland, Maryland.

Written comments on this assessment are invited and will be accepted until July 17, 1981. Comments should be addressed to the Superintendent, Chesapeake and Ohio Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Copies of the assessment are available from:

Chesapeake and Ohio Canal NHP, P.O. Box 4, Sharpsburg, Maryland 21782
National Park Service, National Capital Region, 1100 Ohio Drive, SW., Washington, D.C. 20242

Dated: May 21, 1981.

Robert Stanton,

Acting Regional Director, National Capital Region.

[FR Doc. 81-16313 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-70-M

Chesapeake and Ohio Canal National Historical Park, Great Falls, Maryland; Availability of Record of Decision for the Development Concept Plan

The National Park Service has prepared the Record of Decision for the Great Falls, Maryland Development Concept Plan. This record documents the selected course of action for the

management and use of the Great Falls area of the Chesapeake and Ohio Canal National Historical Park.

Written comments will be accepted until July 1, 1981, and should be addressed to the Superintendent, Chesapeake and Ohio Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Copies of the Record of Decision are available from:

Chesapeake and Ohio Canal NHP, P.O. Box 4, Sharpsburg, Maryland 21782
National Capital Region, 1100 Ohio Drive, SW., Washington, D.C. 20242

Dated: May 21, 1981.

Robert Stanton,

Acting Regional Director, National Capital Region.

[FR Doc. 81-16312 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-70-M

Lewis and Clark, National Historic Trail Advisory Council; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that two meetings of the Lewis and Clark National Historic Trail Advisory Council will be held. The Council Chairperson and Advisory Council members residing in the States of Illinios, Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, and Washington, D.C. will meet June 17, 1981, beginning at 9:00 a.m. at the Ramada Inn, 7007 Grover Street, Omaha, Nebraska. The Council Chairperson and Advisory Council members residing in the States of Montana, Idaho, Washington, and Oregon will meet June 24, 1981, beginning at 9:00 a.m. at the Mallory Hotel, 729 Southwest 15th Avenue, Portland, Oregon.

The Council was established by the Act of November 10, 1978, 92 Stat. 3467, 16 U.S.C. 1244, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Lewis and Clark National Historic Trail.

The members of the Council are as follows:

Mr. J. L. Dunning (Chairperson)
Mr. Phil F. Knerl
Mr. Victor Ecklund
Dr. K. Ross Toole
Mr. Clarence H. Decker
Mr. Joseph A. McElwain
Mrs. Shirley Tanzer
Mr. Rudy Clements
Mr. Charles T. Coston
Mr. William M. Lockwood
Mr. Sherry Fisher
Mr. Larry Jochims
Mr. Willard Burney
Dr. John Caylor
Mr. Jim Cooper
Mr. John G. Lepley
Mr. Walter Hjelle
Mr. Dayton W. Canaday
Dr. E. G. Chuinard
Mr. Ralph Rudeen

Matters to be discussed at the meeting will include issues related to the Comprehensive Management Plan for the Lewis and Clark National Historic Trail and the role of the Council in administration of the Trail.

The meeting will be open to the public. Interested persons may submit written statements to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Bill Farrand, Rivers and Trails Coordinator, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone 402-221-3482 (FTS 864-3482). Minutes of the meeting will be available for public inspection 3 weeks after the meeting at the midwest Regional Office.

Dated: May 15, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81-16314 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth iin a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: May 27, 1981.

By the Commission, Krock, Joyce and Dowell.

MC–F–14586F, filed March 4, 1981. ONEDIA MOTOR FREIGHT, INC., Commercial Avenue, Carlstadt, New Jersey 07072; DORN'S TRANSPORTATION, INC., Railroad Avenue Extension (Colonie), Albany, New York 12205. Representatives: William Biederman, 371 Seventh Avenue, New York, New York 10001; Irving Klein, 371 Seventh Avenue, New York, New York 10001. Oneida Motor Freight, Inc. (known as "Oneida") seeks authority to acquire control of the interstate operating rights and properties of Dorn's Transportation, Inc. (known as "Dorn's") through the purchase by Oneida of all the issued and outstanding capital stock of Dorn's. Donald T. Singleton, the majority stockholder of Oneida seeks authority to acquire control of Dorn's through the transaction. Upon the grant of authority to control as aforesaid, Oneida seeks to merge Dorn's into it so that Oneida will be the surviving corporation. Dorn's is authorized to operate as a motor common carrier pursuant to Certificate Number MC–84212 and numerous subs. Generally it may serve the States of MA, CT, RI, a large portion of NY, numerous points in NJ and PA, Wilmington, DE, Baltimore, MD, and Washington, D.C. Oneida Motor Freight, Inc., holds authority in MC–83430 which authorizes operations to and from all points in NY, NJ, Eastern PA, and a portion of CT. An application for temporary authority to control Dorn's and for temporary authority by Oneida to lease Dorn's operating rights and properties pending final determination of the permanent application as redescribed has been filed.

MC–F–14626, filed April 30, 1981. MIDWEST EMERY FREIGHT SYSTEM, INC., 5501 West 79th Street, Burbank, IL 60459; TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Texas 75261. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Midwest Emery seeks authority to merge the interstate operating rights and property of Trans-Cold into Midwest Emery. Milton D. Ratner and Midwest Emery presently control Trans-Cold pursuant to authority granted in docket MC–F–8619. Trans-Cold operates as a motor common carrier pursuant to authority issued in MC–114045 and Subs thereunder which authorize the transportation of general commodities and various specified commodities to and from points in all 48 contiguous states. Midwest Emery operates as a motor common carrier under authority issued in MC–114019 and Subs thereunder which authorize the transportation of general commodities and various specified commodities generally between points in CO and the East Coast north of the Mason Dixon Line. Midwest Emery and Milton D. Ratner also control Little Audrey's Transportation Co., Inc. pursuant to Docket MC–F–7351 and Belford Trucking Co., Inc. pursuant to Docket MC–F–7806. Rentar Industries, Inc. and Milton D. Ratner control Midwest Emery and a contract carrier, Hi-Cube Contract Carrier Corp. pursuant to Docket MC–F–14413. (Hearing site: Chicago, IL).

MC–F–14589, filed May 12, 1981. SPECTOR RED BALL, INC. (SRB)—MERGER—ET&WNC TRANSPORTATION COMPANY (ET&WNC), (both of 3177 Irving Boulevard, Dallas, TX 75247). Representative: Russell R. Sage, Suite 400, Overlook Office Building, 6121 Lincolnia Road, Alexandria, VA 22312. SRB seeks authority for merger of all of the interstate operating rights and property of ET&WNC into SRB for ownership, management and operation. TeleCom Corporation, a publicly-held non-carrier, which controls SRB through stock ownership, seeks authority to acquire control of said rights and property through the merger. ET&WNC's authority to be merged into SRB is contained in certificates issued in MC–52953 and sub-numbers thereunder, which authorize the transportation as a motor common carrier of *general commodities*, with exceptions, in the States of AL, AR, CT, DE, GA, MD, MS, NC, NJ, NY, PA, SC, TN, VA and DC, and of specified commodities in the States of AR, MD, NC, NJ, NY, PA, SC and TN. SRB holds authority to operate as a motor common carrier pursuant to certificates issued in MC–2229 and sub-numbers thereunder in all of the continental United States. Notes—(1) Common control of SRB and ET&WNC was approved in MC–F–13383; (2) SRB intends to tack the regular-route authority acquired from ET&WNC with SRB's existing authority and the irregular-route authority acquired from ET&WNC with SRB's existing regular-route authority; and (3) by decision served in this proceeding April 22, 1981, SRB was authorized to omit from the application the financial data required in Exhibits A–5 through A–8 for its subsidiaries and for TeleCom Corporation and ET&WNC was authorized to substitute a narrative description of its traffic handled in lieu of a detailed abstract of shipments; (4) SRB is authorized to operate as a motor common carrier under certificates issued in MC–2229 and sub-numbers thereunder and those certificates acquired in MC–F–14385 under MC–69116 and sub-numbers thereunder; (5) C. B. Weller, a director of SRB, is an officer and director of Refrigerated Transport, Inc., operating under MC–97998 and sub-numbers thereunder; (6) W. Grogan Lord, a director of SRB, is also a director of Frozen Food Express, Inc., operating under MC–108207 and sub-numbers thereunder; (7) ET&WNC controls, through stock ownership, East Tennessee and Western North Carolina Railroad Company, a rail carrier operating between Johnson City, TN, and a point outside of Elizabethton, TN; (8) SRB filed a directly related application under 49 U.S.C. 11302 in Finance Docket No. 29647, in which SRB seeks authority to assume the outstanding securities of ET&WNC in connection with the proposed merger. As of April 1, 1980, the outstanding securities of ET&WNC aggregated $337,417.02. All the securities of ET&WNC to be assumed by SRB were issued by ET&WNC pursuant to Commission approval under Finance Docket Nos. 27202, 28178, and 28277.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–16295 Filed 5–29–81; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-30)]

Missouri-Kansas-Texas Railroad Co. Exemption for Contract Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and may file this contract tariff on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: Missouri-Kansas-Texas Railroad Company (MKT) filed on May 20, 1981, a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests we permit it to advance the effective date of tariff ICC–MKT–C–0047 from June 4, 1981, so that the effective date would be on one day's notice. This request was supported by the shipper.

This contract involves the annual volume rates on wheat flour to Galveston and Houston, Texas for

export. It was issued May 1, 1981, with a scheduled effective date of June 4, 1981.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

The petition shall be granted. As a result of the contract, the rail contract shipper tendered a bid under PL 480, Title I, to Egypt for new business. The Egyptians have now awarded a contract to the shipper and expect him to begin shipping May 21, 1981. This is the type of exceptional or emergency situation which warrants an exception. Moreover, no protests have been filed. We thus conclude that authorization of a provisional exemption is warranted to be effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101 and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: May 27, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis. Commissioner Alexis dissented with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Alexis, dissenting:

I find no emergency or special circumstances which warrants an exemption in this case. In my opinion, exemptions from the required 30 day notice period should not be granted freely, particularly where a little advance planning by petitioners would eliminate the need for such requests. While I strongly endorse and advocate the use of railroad contract rates, I do not believe that we should routinely use our exemption powers to circumvent the statutory language of Section 208 of the Staggers Act.

[FR Doc. 81-16292 Filed 5-29-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY4-158]

Motor Carriers; Permanent Authority; Decision-Notice

Decided: May 28, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issued of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unapposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those, where service is for a named shipper "under contract".

MC 142987 (Sub-3), filed May 18, 1981. Applicant: WILLIAM C. CHERWIN, d.b.a. BOADY ENTERPRISES, 1955 Diehl Rd., Aurora, IL 60505. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (508) 238-3119. Transport *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 146196 (Sub-3), filed May 15, 1981. Applicant: RICH DOSS, INC., 3809 Stony Point Rd., Santa Rosa, CA 95401. Representative: Matthew F. Hunziker, 2306 Gifford Ct., Santa Rosa, CA 95401, (707) 528-4259. Transporting, for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

[FR Doc. 81-16293 Filed 5-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–3–076

Decided: May 26, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 2934 (Sub-106), filed May 4, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *furniture and fixtures,* between Jasper and Broden, IN, and Fordsville, KY, on the one hand, and, on the other, points in AZ, CA, CO, IA, MT, NV, NM, OR, UT, WA, and WY.

MC 53965 (Sub-192), filed May 4, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226, (313) 965–2577. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Gates Rubber Company, of Denver, CO.

MC 61335 (Sub-15), filed May 5, 1981. Applicant: TRANS-BRIDGE LINES, INC., P.O. Box 146, Phillipsburg, NJ 08865. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017, (212) 532–5100. Over regular routes, transporting *passengers and their baggage,* in the same vehicle with passengers, (1) between Bethlehem, PA, and New York, NY, from Bethlehem over U.S. Hwy 22 to junction Interstate Hwy 78, then over Interstate Hwy 78 to Pluckemin, NJ, then over Interstate Hwy 287 to junction Interstate Hwy 95, (near Fords), and then over Interstate Hwy 95 and Lincoln Tunnel to New York, NY, and return over the same route, serving the intermediate points at Kearny, Neward, and Pluckemin, NJ, for the purposes of joinder only, (2) between Pluckemin, NJ, and Newark, NJ, over Interstate Hwy 78, as an alternate route for operating convenience only, serving no intermediate points, and (3) between Pluckemin, NJ, and Kearny, NJ, from Pluckemin over Interstate Hwy 287 to Parsippany, NJ, then over Interstate Hwy 80 to junction Interstate Hwy 280, then over Interstate Hwy 280 to junction Interstate Hwy 95 at Kearny, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

MC 109154 (Sub-25), filed May 11, 1981. Applicant: BAYLOR TRUCKING, INC., R.R. 1, Milan, IN 47031. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contact(s) with (1) Federal Department Stores, Inc., of Cincinnati, OH; (2) Senco Products, Inc., of Cincinnati, OH; (3) Sorg Paper Company, of Middletown, OH; (4) Hammermill Paper Company, of Erie, PA; and (5) Champion International Corporation, of Stamford, CT.

MC 117954 (Sub-29), filed May 8, 1981. Applicant: H. L. HERRIN, P.O. Box 1106, Metairie, LA 70004. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202, (316) 265–2634. Transporting *food and related products,* between points in IL, IA, SD and TN, on the one hand, and, on the other, point in AL, AR, KS, LA, MS, MO, OK and TN.

MC 123074 (Sub-19), filed May 4, 1981. Applicant: M. L. ASBURY, INC., 141 South Main St., Remeo, MI 48065. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649–6650. Transporting *asphalt and asphalt products,* between Detroit, MI, on the one hand, and, on the other, points in OH.

MC 123294 (Sub-92), filed May 11, 1981. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant), (219) 926–7575. Transporting *clay, concrete, glass or stone products,* between points in Lake County, IL and Sheboygan County, WI, on the one hand, and, on the other, points in Appanoose and Henry Counties, IA.

MC 128095 (Sub-45), filed May 8, 1981. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *furniture and fixtures,* between St. Louis, MO, and points in Orange County, IN and Greene County, MO, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 134645 (Sub-48), filed May 11, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, MN 56301. Representative:

Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, 1 (612) 457–6889. Transporting *metal products,* and *clay, concrete or stone products,* between points in Stearns County, MN, on the one hand, and, on the other, points in the U.S.

MC 135185 (Sub-61), filed May 4, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. BOX 66, 52275 U.S. Hwy 31 N., South Bend, IN 46624. Representative: Jack B. Wolfe, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839–5856. Transporting *such commodities* as are dealt in or used by manufacturers of confectionery products, between points in the U.S.

MC 135364 (Sub-48), filed May 5, 1981. Applicant: MORWALL TRUCKING, INC., P.O. Box 76C, R.D. 3, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting (1) *transportation equipment,* (2) *rubber and plastic products,* and (3) *chemicals and related products,* between points in the U.S. under continuing contract(s) with Phillips Tire Sales, Inc., of Scranton, PA.

MC 138714 (Sub-10), filed May 4, 1981. Applicant: VIRGINIA TRANSPORTATION, INC., P.O. Box 26449, 1814 High Point Ave., Richmond, VA 23261. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave. NW., Washington, DC 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Stancraft Corporation, of Richmond, VA.

MC 144135 (Sub-5), filed May 4, 1981. Applicant: L & V TRUCKING, INC., 32650 Almaden Blvd., Union City, CA 94587. Representative: Gene Carmody, 15523 Sedgeman St., San Leandro, CA 94579, (415) 357–6236. Transporting *steel roofing and beams,* between points in the U.S. under continuing contract(s) with Inryco, Inc., of Milwaukee, WI.

MC 144144 (Sub-7), filed May 4, 1981. Applicant: RAINS TRUCKING SERVICE, INC., P.O. Box 73, DuQuoin, IL 62832. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *hazardous materials,* between points in the U.S. under continuing contract(s) with Southwestern Illinois Coal Corporation, of Percy, IL.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 145904 (Sub-39), filed May 4, 1981. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50740. Representative: Stanley C. Olsen, Jr., 5200 Willson, Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *food and related products,* between points in Seward County, KS, on the one hand, and, on the other, points in the U.S.

MC 148284 (Sub-4), filed May 4, 1981. Applicant: DON YOUNGBLOOD TRUCKING, INC., P.O. Box 309, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting (1) *pulp, paper and related products;* (2) *rubber and plastic products;* (3) *non-wovens and non-woven articles;* and (4) *metal products,* between points in the U.S.

MC 150954 (Sub-28), filed May 4, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217, (512) 826–6496. Transporting (1) *building materials,* and (2) *fiberglass fabric rovings and yarn,* between points in the U.S., under continuing contract(s) with Certainteed Corporation, of Witchita Falls, TX.

MC 150954 (Sub-29), filed May 4, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217, (512) 826–6496. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Taracorp Industries, of Granite City, IL.

MC 150954 (Sub-30), filed May 4, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217, (512) 826–6496. Transporting (1) *rubber and plastic products,* and (2) *petroleum, natural gas and their products,* between points in the U.S., under continuing contract(s) with Cosden Oil & Chemical Company, of Dallas, TX.

MC 150954 (Sub-31), filed May 4, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217, (512) 826–6496. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Sieflor Corporation, of North Hollywood, CA.

MC 153375, filed May 12, 1981. Applicant: TRANS-ARCTIC FREIGHT, INC., d.b.a. BIG WHEEL EXPRESS, P.O. Box 80564, College, AK. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *general commodities* (except classes A and B explosives), between points in AK.

MC 154544, filed May 4, 1981. Applicant: JOHN MOSIER, d.b.a. JOHN MOSIER TRUCKING, 1065 Powers, Colorado Springs, CO 80915. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457–0804. Transporting *agricultural materials, equipment and supplies,* between points in the U.S., under continuing contract(s) with Tumac Industries, Inc., of Colorado Springs, CO.

MC 154674, filed May 4, 1981. Applicant: ELMER BUCHTA TRUCKING, INC., 414 Washington St., Otwell, IN 47564. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *coal and coal products,* between St. Louis, MO and points in IL, IN, KY, OH, and TN.

MC 154674 (Sub-1), filed May 5, 1981. Applicant: ELMER BUCHTA TRUCKING, INC., 414 Washington St., Otwell, IN 47564. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46204, (317) 846–6655. Transporting *commodities in bulk,* between points in Posey, Vanderburgh and Jefferson Counties, IN and Henderson and Davis Counties, KY, on the one hand, and, on the other, points in IL, IN, KY, and OH.

MC 155695 filed May 12, 1981. Applicant: WEIDHAAS TOURS, INC., 4420 Westfield Ave., Pennsauken, NJ. Representative: Robert J. Weidhaas (same address as applicant), (609) 665–2877. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between points in NJ, PA and NY, on the one hand, and, on the other, points in the U.S.

MC 155765, filed May 5, 1981. Applicant: A–WARE CHARTER LEASING, INC., 2712 North New Ave., Rosemead, CA 91770. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, (213) 863–8883. Transporting *passengers and their baggage,* in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in Los Angeles and Orange County, CA and extending to points in AZ, NV, and UT.

Volume No. OPY–4–156

Decided: May 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 61977 (Sub-41), filed May 18, 1981. Applicant: ZERKLE TRUCKING COMPANY, Route 6, Box 18, South Point, OH 45680. Representative: N. W. Bowen, Jr. (same address as applicant), (614) 894–7777. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pennzoil Products Co., of Oil City, PA.

MC 63417 (Sub-307), filed May 18, 1981. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain, (same address as applicant), (800) 336–9629 (toll free), (703) 342–1835. Transporting *general commodities* (except classes A and B explosives), between the facilities of W. R. Grace Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 67646 (Sub-100), filed May 15, 1981. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher, (same address as applicant), (717) 790–8543. Transporting *building materials*, between the facilities of Therma-Tru, Division of LST Corporation, at points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 97127 (Sub-18), filed May 19, 1981. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box 2397, Batesville, AR 72501. Representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood Ave., Fort Smith, AR 72902, (501) 782–1001. Transporting *general commodities* (except classes A and B explosives), serving points in Clay, Craighead, Crittenden, Cross, Greene, Jackson, Lawrence, Mississippi, Poinsett, Randolph, and Woodruff Counties, AR, as off-route points in connection with carrier's otherwise regular-route operations.

Note.—Applicant intends to tack this authority with its existing authority.

MC 139767 (Sub-8), filed May 18, 1981. Applicant: FAIRWAY TRANSIT, INC., N10 W24730 Highway TJ, Pewaukee, WI 53072. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238–3119. Transporting *commodities in bulk*, between points in IL, IN, IA, KY, MI, MN, MO, OH, and WI.

MC 149097 (Sub-1), filed May 18, 1981. Applicant: COLUMBIA BASIN TRUCKING CORPORATION, P.O. Box 113, Pasco, WA 99301. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR, ID, and MT.

Volume No. OPY–4–157

Decided: May 26, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

W–1327, filed May 6, 1981. Applicant: THE GREAT SNAKE LAKE FUN AND TRANSPORTATION CO., d.b.a. WHATEVER, Box 1587, White Salmon, WA 98672. Representative: Bill Kellum, (same address as applicant), (509) 493–2277. Transporting, by water, *passengers*, between points in the Columbia, Willamette and Lower Snake Rivers.

MC 3217 (Sub-4), filed May 18, 1981. Applicant: SCENIC STAGE LINE, INC., 606 Portland Ave., Morrison, IL 61270. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Stephenson, Winnebago, Carroll, Whiteside, Joe Daviess, Ogle, La Salle, Rock Island, Henry, Bureau, and Lee Counties, IL; Rock, Green, Lafayette, and Walworth Counties, WI, and Clinton, Muscatine, Scott and Jackson Counties, IA and extending to points in the U.S. (except HI).

MC 5267 (Sub-21), filed May 18, 1981. Applicant: ATWOOD TRUCK LINES, INC., 9151 Welby Rd., Thornton, CO 80229. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264, (303) 861–4028. Transporting *cement*, between points in CO, KS, NE, NM, UT, and WY.

MC 59117 (Sub-82), filed May 18, 1981. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, P.O. Box 1, Vinita, OK 74301. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781–6000. Transporting *chemicals and related products*, between Houston, TX and points in St. Bernard and Orleans Parishes, LA, on the one hand, and, on the other, points in KS.

MC 59457 (Sub-60), filed May 15, 1981. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., 6 Old Amity Rd., Bethany, CT 06525. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *printed matter*, between points in the U.S.

MC 70557 (Sub-54), filed May 15, 1981. Applicant: NEILSEN BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *pulp, paper and related products*, and *rubber and plastic products*, between points in the U.S.

MC 145997 (Sub-38), filed May 15, 1981. Applicant: J.E.M. EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *petroleum, natural gas and their products*, between Ft. Smith, AR, on the one hand, and, on the other, points in the U.S.

MC 146337 (Sub-1), filed May 15, 1981. Applicant: NEW WEST TRANSPORTATION, INC., 17090 S. 54th St., Chandler, AZ 85224. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting (1) *metal products*, (2) *machinery*, (3) *construction materials*, and (4) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in AZ, CA, NV, UT, CO, TX, OR, NM, WY, ID, WA, MT, and AK.

MC 147417 (Sub-3), filed May 18, 1981. Applicant: NEALY ENTERPRISES OF MISSISSIPPI, INC., Rt. 1, Cooktown Rd., Ruston, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *such commodities* as are dealt in or used by automotive supply stores, between points in the U.S., under continuing contract(s) with Genuine Parts Company, of Jefferson, LA.

MC 148617 (Sub-1), filed May 15, 1981. Applicant: ATTHOWE TRANSPORTATION CO., 926 32nd St., Oakland, CA 94608. Representative: Ronald C. Chauvel, 100 Pine St., # 2550, San Francisco. CA 94111, (415) 986–1414. Transporting *fine art, objects of art, paintings, and art displays and exhibits*, between points in the U.S.

MC 149137 (Sub-6), filed May 15, 1981. Applicant: MASTER TRANSPORT SERVICE, INC., 5000 Wyoming Ave., Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941–5313. Transporting *general commodities*, (except classes A and B explosives), between the facilities of Warner-Lambert Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150587 (Sub-2), filed May 11, 1981. Applicant: ROSS DEMING, Box 136, Dell Rapids, SD 57022. Representative: Thomas J. Simmons, Box 480, Sioux Falls, SD 57101, (605) 339–3629.Transporting *prefabricated buildings*, between points in the U.S., under continuing contract(s) with Triple E. Building Systems, of Brandon, SD.

MC 150627 (Sub-2), filed May 18, 1981. Applicant: JAMES FINCH, d.b.a., FINCH HOT SHOT SERVICE, 7601 S. Central Expressway, Dallas, TX 75216. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767, (512) 472–1101. Transporting *electrical supplies,* between points in the U.S., under continuing contract(s) with Electra Sales of North Texas, Inc., of Dallas, TX

MC 156037, filed May 19, 1981.Applicant: WILLIAM FOX TRUCKING, INC., 7800 S.W. 71st, Portland, OR 97223. Representative: Robert P. Bell, 12720 S.W. 2nd St., Beaverton, OR 97005, (503) 614–6262. Transporting *building materials,* between points in the U.S., under continuing contract(s) with Al Disdero Lumber Co., and Tumac Lumber Co., Inc., both of Portland, OR.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16294 Filed 5–29–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 90]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 27, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 F.R. 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 297 (Sub-16)X, filed February 23, 1981, previously noticed in the **Federal Register** of March 17, 1981, republished as follows: Applicant: WOODLAND TRUCK LINE, INC., P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions from its Sub-No. 16X certificate. This Board previously broadened the commodity and territorial authority as set forth in the **Federal Register** of March 17, 1981. Applicant sought off-route county-wide authority which was denied because it was determined to be an unreasonable broadening of territory. Its request to expand portions of its irregular-route authority described in terms of mileage radii to the appropriate counties was also denied. Because of recent Commission decisions declaring these types of broadenings to be reasonable, the Restriction Removal Board has decided to renotice this application with respect to the proposed expansion of off-route points and mileage radii to county-wide authority. Notice is hereby given that applicant seeks (1) to expand its off-route points: from all points within 10 miles of Washington Hwy. 503 between Woodland and Yale, WA to Clark, Cowlitz and Skamania Counties WA, and Columbia County, OR, in part 1 (a); and from points within 10 miles of Washington Hwy. 504 to Cowlitz, Lewis and Kamania Counties, WA, in part (2); and (2) to expand points in the irregular route portion of its authority: from Portland, OR to Multnomah, Washington and Clackamas Counties, OR in parts (1)(a) and (2); from points in Washington within 15 miles of Woodland to Clark and Cowlitz Counties, WA in parts (1)(a), (1)(b), and (2); and from Woodland, WA to Cowlitz County, WA, in parts (3) and (4).

MC 31364 (Sub-5)X, filed April 23, 1981. Applicant: FRANCIS HILL d.b.a. HILL FURNITURE CARRIERS, 8745 Cottage Street, Philadelphia, PA 19136. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove the restrictions in its lead certificate to (1) broaden the commodity description from new furniture, uncrated, furniture frames, new furniture, and such commodities as are used or are useful in the manufacture of new furniture to "furniture and fixtures" and (2) broaden the territorial description by replacing a plantsite at Upper Merion Township with Montgomery County, PA, and authorize radial service between Montgomery County, and, points in several States.

MC 95813 (Sub-17)X, filed May 13, 1981. Applicant: SHUMAKER TRUCKING COMPANY, 601 U.S. Route 15, North, Dillsburg, PA 17019. Representative: David Shumaker (same address as above). Applicant seeks to remove restrictions from its lead and Sub-Nos. 13, 14F, and 15F certificates and its E–1 letter notice authority to: (1) broaden the commodity description (a) in its lead certificate to "lumber and wood products" from wooden step ladders; to "metal and metal products" from iron castings; to "pulp, paper and related products, waste or scrap materials" from scrap paper and rags, blotting, filter, fibre and absorbent paper; to "chemicals and related products and farm products" from fertilizer and seed; to "food and related products" from fresh fruit; to "clay, concrete, glass or stone products" from concrete doors, concrete windowsills and concrete coping; to "building materials and supplies" from roofing, siding, shingles, wallboard, and materials and supplies used in the installation of said commodities, and paper carpet lining, paint, and expansion paving joints; to "clay, concrete, glass or stone products" from plaster, and plaster products; (b) in Sub-No. 13, to "clay, concrete, glass or stone products" from refractories and refractory products; (c) in Sub-No. 14F, to "clay, concrete, glass or stone products" from lime, limestone, limestone products, dolomite and refractory products; (d) in Sub-No. 15F, to "clay, concrete, glass or stone products" from refractories and refractory products; (2) replace cities, townships, and facilities with countywide authority (a) in the lead, Union Bridge, MD with Carroll County, MD, Westminister, MD, with Carroll County, MD, Carlisle, PA, with Cumberland, PA, Greenwood, New Castle, Newark, Dover, State Road and Wilmington, DE, with Kent, New Castle, and Sussex Counties, DE, Camden, NJ, with Camden County, NJ, Edgewater, NJ, with Bergen County, NJ, Garrison and Bayonne, NJ, with Hudson County, NJ, Newark, NJ, with Essex County, NJ, Trenton, NJ, with Mercer County, NJ, Mount Holly Springs, PA, with Cumberland County, PA, Jersey City, NJ, with Hudson County, NJ, Elizabeth NJ, with Union County, NJ, Spotswood, NJ, with Middlesex County, NJ, South Plainfield and Parlin, NJ, with Middlesex County, NJ, Paterson, NJ, with Passaic County, NJ, Belleville, NJ with Essex

County, NJ, Hagerstown, MD, with Washington County, MD, Greene, South Hampton, Guilford Townships, PA and those within five miles thereof in Cumberland County with Franklin and Cumberland Counties, PA, Akron, NY, and points in New York within 75 miles thereof with Chautaugua, Cattaraugus, Allegany, Steuben, Livingston, Wyoming, Erie, Genesee, Niagara, Orleans, Monroe, Wayne, Ontario and Yates Counties, NY, South Hampton Township, PA, with Franklin County, PA, Chambersburg, PA with Franklin County, PA, York, PA, with York County, PA, Akron, NY, with Erie County, NY, (b) in Sub-No. E-1, Hagerstown, MD, with Washington County, MD, (c) in Sub-No. 13, Leslie, MD, with Cecil County, MD, West Manchester Township, PA, with York County, PA, (d) in Sub-No. 14F, York, PA, with York County, PA, West Manchester Township, PA, with York County, PA, (e) in Sub-No. 15F, Leslie, MD with Cecil County, MD, Windham, OH, with Portage County, OH, Templeton, PA with Armstrong County, PA; (3) remove the "except commodities in bulk" restrictions in Sub-Nos. 13 and 14F; (4) remove (a) "in truckloads", "in rolls, in truckloads", "in shipments of less than 40,000 pounds" restrictions in the lead, and (b) in Sub-No. 15F, remove the "ex-water" restriction, (5) substitute radial authority for one-way authority in the lead and Sub-Nos. 13, 14F and 15F and E1 to authorize service between varfous combinations of points in the eastern United States.

MC 118755 (Sub-5)X, filed May 8, 1981. Applicant: CIEUTAT PRODUCE CO., Building F, Unit 21, State Farmer's Market, Forest Park, GA 30050. Representative: Bates Block, 3300 First National Bank Tower, Atlanta, GA 30383. Applicant seeks to remove restrictions in its lead and Sub-No. 2 certificates to (1) broaden the commodity description from bananas to "food and related products" in each certificate; (2) expand city to county-wide authority from Miami and Port Everglades to Dade and Broward Counties, FL, in the lead; Atlanta to Fulton, Cobb, DeKalb, and Clayton Counties, GA, in the lead and Sub-No. 2; Tampa to Hillsborough County, FL, Mobile to Mobile County, AL, Knoxville to Knox County, TN, Charleston to Charleston County, SC, and Morristown to Hamblen County, TN, in the lead; and Gulfport to Harris County, MS, in Sub-No. 2; and (3) change one-way to radial authority between (a) Dade and Broward Counties, FL, and, Fulton, Cobb, DeKalb and Clayton Counties, GA; Hillsborough County, FL, and Mobile County, AL, and, Fulton, Cobb, DeKalb and Clayton Counties, GA, and Knox County, TN; and New Orleans, LA, and Charleston County, SC, and, Fulton, Cobb, DeKalb and Clayton Counties, GA, and Knox and Hamblen Counties, TN, in the lead; and (b) Harris County, MS, and, Fulton, Cobb, DeKalb and Clayton Counties, GA, in Sub-No. 2.

MC 119422 (Sub-74)X, filed April 27, 1981. Applicant: EE-JAY MOTOR TRANSPORTS, INC., P.O. Box 1037, East St. Louis, IL 62204. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th, N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 29, 30, 31, 36, 39, 41, 42, 43, 44, 45, 46, 47, 50, 55, 56, 57, 58, 59, 60, 62, 64F, 65, 67F, 68F, 71F, 72, and 73 certificates to (1) broaden the commodity description: in its lead, Sub-Nos. 67 and 72 from petroleum and petroleum products, from liquid petroleum wax in the lead, from fuel oil in the lead, Sub-Nos. 46, and 50 to "petroleum, natural gas, and their products"; from road oil in Sub-Nos. 43, 46, and 50, from lubricating oil in Sub-No. 58 from compounding asphalt in Sub-No. 64 to "petroleum, natural gas and their products"; from asphalt in Sub-Nos. 43, 46, 50, and 64 to "coal and coal products"; from cement in the lead and Sub-Nos. 42, 65, and 68, from cement kiln dust in Sub-No. 39 and from limestone in the lead and Sub-Nos. 31, 45, and 59 to "clay, concrete, glass or stone products"; from fly ash in the lead to "metal products"; from mineral filler in the lead, from lime in Sub-Nos. 45 and 59 to "ores and minerals"; from fertilizer in the lead and Sub-Nos. 30, 41, 44, and 60 from anhydrous ammonia in Sub-No. 44; from plastic pellets in Sub-No. 62 and from acids and chemicals in the lead and Sub-No. 56 to "chemicals and related products"; from plastic pellets in Sub-No. 62 to "rubber and plastic products"; from animal and poultry feed in the lead; from corn products in the lead and Sub-Nos. 57 and 71; from corn flour in Sub-No. 36 and from flour in Sub-Nos. 47 and 55 to "food and related products"; from dry commodities in Sub-No. 29 to "commodities in bulk"; (2) remove the "in bulk" restrictions in the lead and Sub-Nos. 30, 31, 43, 44, 45, 46, 47, 50, 55, 56, 57, 58, 59, 60, 62, 64, 67, 71, 72, and 73 (3) remove the in tank vehicles restriction in lead and Sub-Nos. 43, 44, 46, 50, 62, 64, 67, and 72 (4) remove a restriction to a prior or subsequent movement by rail or water in its lead and Sub-No. 62; (5) remove the in bags restrictions in the lead and Sub-No. 36; (6) remove the restriction against the transportation of cryogenic liquids and petroleum products in the lead; (7) remove the "originating at and/or destined to" named points restriction in the lead and Sub-Nos. 29, 44, 45, and 47; (8) remove a restriction requiring heat in transit in Sub-No. 64; (9) remove plantsite limitations (a) in the lead and Sub-Nos. 62 and replace East St. Louis, IL with St. Louis County, MO and St. Louis, MO and Monroe, St. Clair and Madison Counties, IL; in the lead and replace St. Louis, MO with St. Louis, Jefferson, and St. Charles Counties, MO and St. Louis, MO and Monroe, St. Clair and Madison Counties, IL; Hannibal, MO with Marion County, MO; Arnold, MO with Jefferson County, MO, (b) in the lead and Sub-No. 29 and replace Tri City Regional Port District, Madison County, IL with Madison and St. Clair Counties, IL and St. Louis County, MO, (c) in Sub-Nos. 39 and 68 and replace Selma, MO with Jefferson County, MO, (d) in Sub-No. 41 and replace East St. Louis, IL and points within 5 miles thereof with St. Clair, Monroe and Madison Counties, IL and St. Louis, MO and St. Louis County, MO, (e) in Sub-Nos. 42, 47, 58, 65 and replace St. Louis, MO with St. Louis, St. Charles and Jefferson Counties, MO, St. Louis, MO and St. Clair, Madison and Monroe Counties, IL, (f) in Sub-Nos. 44, 50 and replace Meredosia, IL with Morgan County, IL, (g) in Sub-No. 45 and replace St. Genevieve and Mosher, MO with St. Genevieve County, MO and Randolph County, IL, (h) in Sub-No. 56 and replace Pevely, MO and Channahon Township, IL with Jefferson County, MO and Will County, IL; (i) in Sub-No. 60 and replace Bussen Spur, Mo with St. Louis County, MO, (j) in Sub-No. 64 and replace Augusta, KS with Butler County, KS, (k) in Sub-No. 67 and replace Sauget, IL with St. Clair County, IL, (l) in Sub-No. 72 and replace Wood River, IL with Madison County, IL and St. Charles County, MO; (10) change city to county-wide authority; (a) in the lead from Centralia, IL and points within 25 miles thereof to Marion, Fayette, Bond, Clinton, Washington, Perry, Jefferson, Hamilton, Wayne, and Clay Counties, IL; from East St. Louis to Monroe, St. Clair and Madison Counties, IL, St. Louis, MO and St. Louis County, MO; from Louisville, KY to Jefferson and Oldham Counties, KY and Floyd and Clark Counties, IN; from Hannibal, MO to Marion County, MO; from Mt. Vernon, IN to Posey County, IN, (b) in Sub-No. 30 from St. Louis, MO-East St. Louis, IL to St. Louis, St. Charles and Jefferson Counties, MO, St. Louis, MO, and St. Clair, Monroe and Madison Counties, IL; from Ullin, IL to Pulaski County, IL, (c) in Sub-No. 36 from Mt.

Vernon, IN to Posey County, IN; from Millstadt, IL to St. Clair County, IL, (d) in Sub-No. 46 from St. Louis and Chesley Island, MO to St. Louis, Jefferson, and St. Charles Counties, MO, St. Louis, MO, and St. Clair, Monroe and Madison County, IL, (e) in Sub-No. 55 from Springfield, IL to Sangamon County, IL; from St. Louis, MO to St. Louis, St. Charles, and Jefferson Counties, MO, St. Louis, MO, and St. Clair, Madison and Monroe Counties, IL; (f) in Sub-No. 57 from Mt. Vernon, IN to Posey County, IN, (g) in Sub-No. 59 from St. Genevieve, MO to St. Genevieve County, MO and Randolph County, IL, (h) in Sub-No. 71 from Kankakee, IL and Mt. Vernon, IN to Kankakee County, IL and Posey County, IN and (i) in Sub-No. 73 from St. Louis, MO to St. Louis, St. Charles and Jefferson Counties, MO, St. Louis, MO, and St. Clair, Madison and Monroe Counties, IL; and (11) change one-way to radial authority between various combinations of points throughout the US in all certificates except Sub-No. 73.

MC 119634 (Sub-55)X, filed May 8, 1981. Applicant: DICK IRVIN, INC., Hwy 2 West, P.O. Box F, Shelby, MT 59474. Representative: Joe Gerbase, 100 Transwestern Building, Billings, MT 59101. Applicant seeks to remove restrictions in its Sub-Nos. 3, 7, 10, 12, 15, 18, 19, 21, 23, 24, 27F, 28F, 30F, 31F, 32F, 33F, 34F, 43F, 44F, 46F, 47F, 48F, 49F, 50F and 51F certificates (1) to broaden commodity descriptions from fertilizer and by-products thereof, chemicals and agricultural chemicals to "chemicals and related products" in Sub-Nos. 3, 12, 15, 28, 31, 33F, 46F, and 49F; from bleached wood pulp to "pulp, paper and related products" in Sub-No. 10; from talc, diatomaceous earth, bentonite clay, lime and limestone and barite to "clay, concrete, glass and stone products, and ores and minerals" in Sub-Nos. 7, 21, 23, 30F, 47F, 48F and 51F; from cement to "clay, concrete, glass and stone products" in Sub-No. 47F; from carbon black, in bags and processed sulphur, in bags to "petroleum, natural gas and their products" in Sub-Nos. 18 and 19; from used farm machinery and used road building equipment to "machinery" in Sub-No. 24; from baler twine and binder twine to "textile mill products" in Sub-No. 27F; from steel bins, truck beds, culvert, steel buildings and grain handling equipment to "metal products and machinery" in Sub-Nos. 32F and 44F from catalysts, in bulk to "chemicals and related products and waste and scrap materials not identified by industry producing" in Sub-No. 34F; from animal feeds and feed ingredients to "food and related products" in Sub-No. 43F; (2) to remove various restrictions such as "in bulk, in bags, in containers" in Sub-Nos. 7, 12, 15, 18, 19, 21, 28F, 34F, 49F; (3) remove the facilities limitations in Sub-Nos. 23 and 50F; (4) replace authority to serve specific ports of entry and named points with county-wide authority: Three Forks, MT for Gallatin County, MT, Shelby, MT for Toole County, MT in Sub-No. 7; Shelby, MT for Toole County, MT in Sub-No. 10; Barretts, MT for Beaverhead County, MT in Sub-No. 21; Malta, MT (facility) for Phillips County, MT in Sub-No. 23; Duluth, MN for St. Louis County, MN, and Superior, WI, for Douglas County, WI in Sub-No. 27F; Great Falls, MT for Cascade County, MT in Sub-No. 28F; Spokane, WA for Spokane County, WA, in Sub-No. 32F; St. Joseph, MO for Buchanan County, MO and Minot, ND for Ward County, ND in Sub-No. 33F; Houghton, Atlantic, Sheffield, IA for Lee, Cass, Franklin Counties, IA, LaCygne, Hutchinson, Silver Lake, KS for Linn, Reno, Shawnee Counties, KS Carson City, NV for Carson County, NV, Clay Center, Waverly, Kearney, Grand Island, Columbus, NE, for Clay, Lancaster, Buffalo, Hall, Platte Counties, NE, Aurora, CO for Adams County, CO, Oklahoma City, OK for Oklahoma County, OK, Madison, WI for Dane County, WI, Mattoon, Sterling, Mackinaw, IL for Coles, Whiteside, Tazewell Counties, IL, Fargo, Minot, ND for Cass, Ward Counties, ND, Homer City, PA for Indiana County, PA, Lafayette, LA for Lafayette County, LA in Sub-No. 44F; Midland, MI for Midland County, MI in Sub-No. 49F; Conrad, MT (facility) for Pondera County, MT in Sub-No. 50F; (5) remove specific ports of entry at Sweet Grass and Simpson, MT, to authorize radial service between ports of entry on the U.S.-CN boundary line in MT, in Sub-No. 18; (6) change one-way to radial authority between points in numerous States in the U.S. in Sub-Nos. 7, 10, 12, 15, 19, 21, 23, 24, 27F, 28F, 30F, 31F, 32F, 33F, 43F (part 2), 44F, 46F, 48F and 51F; and (7) remove the restrictions (a) against service in AK and HI in Sub-Nos. 18 and 34F; (b) HI in Sub-No. 50F; (c) originating at and destined to in Sub-Nos. 12, 18, 21, 27F and 28F; and (d) in foreign commerce in Sub-No. 12.

MC 119765 (Sub-99)X, filed May 12, 1981. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27 Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 210, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions from its lead certificate to (1) change the commodity descriptions from packinghouse products and various foodstuff items to "food and related products"; from twine, farm machinery, farm implements and parts to "such commodities as are dealt in by manufacturers and distributors of farm machinery, equpment and supplies"; and from ice cream manufacturer's equipment and supplies, agriculture equipment and supplies, etc., to "such commodities as are dealt in or used by manufacturers and distributors of food and related products and agricultural equipment and supplies"; (2) delete restrictions against certain commodities such as "except liquids, in bulk, in tank vehicles", etc., and "when moving from or to warehouses, plants or other facilities of meat packinghouses"; (3) eliminate the facilities limitation on sheet 2; (4) authorize radial service where only one-way exists between specified points in IL, IA, MO, and NE; and (5) replace city-wide authority with county-wide authority as follows: Elgin with Kane County, IL; Joliet with Will County, IL; Rockford with Winnebago County, IL; East Chicago with Lake County, IN; Canton with Fulton County, IL; Moline and Rock Island with Rock Island County, IL; Rock Falls with Whiteside County, IL; Rochelle with Ogle County, IL; Harlan with Shelby County, IA; Momence with Kaukakee County, IL; Omaha with Douglas County, NE; Freeport with Stephenson County, IL; Libertyville with Lake County, IL; Scottsbluff with Scotts Bluff County, NE; Grand Island with Hall County, KE; Kearney with Buffalo County, NE; Hastings with Adams County, NE; North Platte with Lincoln County, NE; Fremont with Dodge County, NE; Norfolk with Madison County, NE; Columbus with Platte County, NE; Crawford with Dawes County, NE; McCook with Red Willow County, NE; Beatrice with Gage County, NE; Nebraska City with Otoe County, NE; Waverly and Lincoln with Lancaster County, NE; Alliance with Box Butte County, NE; Crete with Saline County, NE; Seward with Seward County, NE; Chilton with Calumet County, WI; Fond du Lac with Fund du Lac County, WI; Green Bay with Brown County, WI; Plymouth with Sheboygan County, WI; Waupun with Dodge and Fund du Lac Counties, WI; Council Bluffs with Pottawattamie County, IA; Davenport with Scott County, IA; Mapleton with Monona County, IA; Sioux City with Woodbury County, IA; Council Grove with Morris County, KS; Concordia with Cloud County, KS; and Dodge City with Ford City, KS; and (5) remove tacking and interlining restrictions in its lead certificate so as to allow tacking wherever permissable as set forth at 49 CFR 1042.10(b).

MC 121060 (Sub-137)X, filed May 14, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 25, 58, 80, 81, 82, 84, 86, 88, 92, 93, 94, 95, 96, 97, 98, 101, 102, 103, 104, 106, 107, 113, 114, 118, 120, 121, 122, 123, and 124, certificates to: (1) broaden the commodity description (a) to "metal products and machinery" from pipe, fittings, castings, manhole covers and frames, hydrants, valves and iron and steel articles, in Sub-Nos. 81F and 123F, and from steel pipe, pipe fittings, beams, piling, rails, railway track accessories, pile drivers and pile extractors in Sub-No. 99F; (b) to "metal products" from iron and steel articles and nuts, bolts, and scrap metals in Sub 58, 107, 113, 121, and 124, from aluminum and aluminum articles in Sub-Nos. 82F, 86F and 92F; (c) to "building materials, metal products, and plastic and rubber products" from building materials equipment and supplies in Sub-No. 88F; (d) to "clay, concrete, glass or stone products, plastic or rubber products, and metal products" from refractories and such commodities as are used in the installation thereof and, pipe, valves, fittings, hydrants and gaskets in Sub-No. 80F; (e) to "clay, concrete, glass, or stone products", from refractories in Sub-No. 104F; (f) to "pulp, paper and related products" from paper and paper products in Sub-Nos. 103F and 118F; (g) to "chemicals and related products, construction materials, plastic or rubber products, machinery, metal products, clay, concrete, glass or stone products, lumber and wood products, and building materials" from paint, ceiling systems, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels; steel ceiling beams, applicators and roofing caps in Sub-No. 25; (h) to "building materials, lumber and wood products, pulp, paper and related products" from building board, composition board, wall board, and insulating board in Sub-No. 101F and composition board in Sub-No. 102F; (i) to "building materials, metal products, and machinery" from construction material and materials, equipment and supplies used in the manufacture of such commodities in Sub-Nos. 84F, 93F, 94F, 95F, 96F, 97F, 98F, and 106; (j) to "plastic and rubber products" from plastic pipe and fittings and conduits, connections and valves in Sub-Nos. 114 and 122; (2) remove the "except commodities in bulk, in dump or tank vehicles" restriction in Sub-Nos. 25, 80, 81, 82, 84, 88, 92, 93, 94, 95, 96, 97, 98, 99, 101, 103, 106, 118, 120, 122, 123, and 124; (3) replace one-way authority with radial authority between named States, counties, and various points in the U.S. in Sub-Nos. 25, 80, 81, 84, 86, 88, 101, 102, 104, 113, 114, 121, and 122; (4) remove the territorial restrictions limiting service to traffic originating at or destined to facilities in Sub-Nos. 58, and 101; (5) remove the restriction excluding service to "AK and HI" in Sub-Nos. 81F, 93F, 120F, 122F and 124F; (6) broaden the territorial descriptions to authorize county-wide or city-wide service in place of named points and plantsites as follows: (Sub 58F) Washington County, MS for Greenville, and Peoria County, IL for Peoria; (Sub 80F) Upshur County, WV for Buckhannon; (Sub 82F) Anderson County, SC for Belton; (Sub 84F) Cook County, IL for Chicago Heights; (Sub 86F) St. Bernard Parish, LA for Chalmette, and Baldwin County, AL for Bay Minette; (Sub 88F) Boone County, MO for Columbia; (Sub 92F) Colquitt County, GA for Moultrie; (Sub 93F) Franklin County, AL for Russellville; (Sub 94F) Camden County, NJ for Pennsauken; (Sub 95F) Middlesex County, NJ for Perth Amboy; (Sub 96F) Union County, NJ for Linden; (Sub 97F) Broome County, NY for Deposit; (Sub 98F) Hancock County, WV for Chester, and Luzerne County, PA for Pittston; (Sub 99F) Wood County, WV for Parkersburg and Washington; (Sub 101F) Bibb County, GA for Macon; (Sub 102F) York County, SC for Catawba, and Lafayette County, MS for Oxford; (Sub 104F) Jackson County, MS for Pascagoula (Sub 106F) Webster County, IA for Fort Dodge and Baraga County, MI for L'Anse; (Sub 107F), Madison County, IL for Alton; (Sub 113F) Cabell County, WV for Huntington; (Sub 114F) Henderson County, KY for Henderson; (Sub 121F) Harris County, TX for Baytown; and (Sub 123F) Coshocton County, OH for Coshocton.

MC 124774 (Sub-142)X, filed May 18, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 130F and 135 certificates to (1) replace one-way authority with radial authority in Sub-No. 130F between points in the US in and east of ND, SD, NE, KS, OK, and TX, and, Omaha, NE; and (2) broaden the commodity description in Sub-No. 135 from meat, meat products, meat by-products, and articles distributed by meat packing houses to "food and related products."

MC 129387 (Sub-123)X, filed May 7, 1981. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 7, 22, 23, 26, 28, 29, 32, 33, 35, 39, 41, 42, 46, 47, 49F, 51F, 52F, 53F, 54F, 56F, 57F, 58F, 59F, 60F, 66F, 67F, 68F, 73, 77F, 78F, 81F, 82F, 84F, 85F, 92F, 93F, 94F, 96, 97F, 99F, 102F, 105F, 106F, 108F, 111F, 113F, 115F, 116F, 117F, and 118 certificates to (1) broaden the commodity description to "meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, "from that same description (with varying exceptions) in Sub-Nos. 7, 23, 28, 46, 51, 57, 82, 84, 92, 93, 99, and 102; to "meats", from meats, with or without other ingredients, in hermetically sealed containers, in Sub-No. 7; and to "(a) commodities dealt in by grocery and food business houses and equipment, materials, and supplies used in the conduct of such business and, (b) commodities dealt in by grocery and food business houses and equipment, materials and supplies used in the conduct of such business, and machinery", from: (a) foodstuffs, (except commodities in bulk) and, (b) meat, meat products, meat by-products, foodstuffs and canning plant materials, equipment and supplies, (except hides and commodities in bulk), in Sub-No. 7; to "food and related products and chemicals and related products", from canned foods (except frozen foods, meats, meat products, meat by-products, and dairy products), and pet foods, in Sub-No. 22; to "commodities dealt in by grocery and food business houses, and equipment, materials and supplies used in the conduct of such business, food and related products" from foods, food products, food ingredients, animal foods, animal food ingredients and meat by-products (except in bulk), in Sub-No. 26; to "such commodities as are dealt in by grocery and food business houses, and equipment, materials and supplies used in the conduct of such business," from canned goods, in Sub-Nos. 32, 42, and 60; from edible four, dessert preparations, preserved and corn sugar (except frozen commodities and commodities in bulk), in Sub-No. 53; from confectionaries in Sub-No. 49; from frozen foodstuffs in Sub-Nos. 39; from foodstuffs in Sub-Nos. 100 and 107; from frozen food in Sub-No. 116; from foodstuffs, in vehicles equipped with mechanical refrigeration in Sub-No. 67; from foodstuffs (except commodities in bulk), in Sub-Nos. 81 and 85; from frozen foods (except meats and commodities in bulk), in Sub-No. 68;

from such commodities as are dealt in by grocery and food business houses (except commodities in bulk, in tank vehicles, in vehicles equipped with mechanical refrigeration), in Sub-No. 59; from fresh and frozen meat and meat products (except commodities in bulk), in Sub-No. 41; and from preserved foodstuffs in Sub-No. 47; to "such merchandise as is dealt in by chain grocery and food business houses, and equipment, materials and supplies used in the conduct of such business", from such merchandise as is dealt in by chain grocery and food business houses, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, in Sub-Nos. 94; to "such merchandise as is dealt in by retail and wholesale department and hardware stores", from such merchandise as is dealt in by retail and wholesale department and hardware stores, (except commodities in bulk), in Sub-No. 29; and from merchandise,

as is dealt in by retail and wholesale department and hardware stores (except foodstuffs and commodities in bulk), in Sub-No. 35; to "commodities dealt in by wholesale and retail hardware and department stores", from household appliances, televisions, radios and stereo equipment, in Sub-No. 52; to "metal products, machinery, equipment or supplies", from welders and parts for welders; in Sub-No. 54; to "rubber and plastic products, leather or leather products, commodities dealt in by department stores, and paper and paper products, lumber and wood products", from footwear, footwear accessories, department store findings and footwear display cabinets and cases, in Sub-No. 56; to "pulp, paper, and related products", from paper and paper products, in Sub-No. 61; to "rubber and plastic products, leather and leather products, commodities dealt in by department stores, and paper and paper products", from (a) footwear, (b) footwear parts and accessories, and (c) footwear display fixtures, in Sub-No. 58; to "pulp, paper and related products, rubber and plastic products, building materials, and commodities dealt in by department stores", from (a) paper and paper products, plastic articles and filters and (b) holders, dispensers and racks used in connection with the articles described in (a) above, in Sub-No. 66; to "such commodities as are dealt in by manufacturers of (a) sporting goods and (b) recreational equipment", from (a) such commodities as are dealt in by manufacturers of sporting goods and recreational equipment, (except commodities in bulk), (b) materials, equipment and supplies used in the manufacture of commodities in (a) above (except commodities in bulk), in Sub-No. 77; to "metal products, machinery, equipment or supplies," from welders, parts, accessories and supplies, in Sub-No. 78; to "machinery, transportation equipment, chemicals and related products, rubber and plastic products, lumber and wood products, building materials, metal products, food and related products and materials, equipment, materials and supplies used in the manufacture of the above commodities", from (a) automobile accessories; (b) home canning kits; (c) cleaning compounds; (d) plastic, metal, wooden and rubber articles; and (e) materials, equipment and supplies used in the manufacture of commodities (a), (b), (c), and (d), to "chemicals and related products, commodities dealt in by grocery and food business houses, and equipment, materials and supplies used in the conduct of such business, petroleum and petroleum products and textile mill products," from cleaning, washing, buffing or polishing compound; textile softener, lubricating oil or grease, deodorants and disinfectants, (except commodities in bulk), in Sub-No. 97; to "machinery and metal products," from pumps, NOI, pump parts and accessories, in Sub-No. 113; to "chemicals, and related products, commodities dealt in by grocery and food business houses, petroleum and petroleum products, textile mill products", from cleaning, washing, buffing or polishing compounds, textile softeners, lubricating oil or grease, and deodorants and disinfectants, (except commodities in bulk), in Sub-No. 115; to "machinery and metal products", from welders and parts of welders, in Sub-No. 117; to "meat, meat products, meat by-products, dairy products, articles distributed by meat packinghouses and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766", by removing the exceptions of hides and commodities in bulk in Sub-Nos. 105 and 106; (2) replace the named points with counties and/or remove facilities limitations: Huron, SD, with Beadle County, SD, Fort Madison, IA, with Lee County, IA, Dakota City and West Point, NE, with Dakota and Cuming Counties, NE, Emporia, KS, with Lion County, KS, Luverne, MN, with Rock County, MN, Denison, Fort Dodge and Mason City, IA, with Crawford, Webster, and Cerro Gordo Counties, IA, Le Mars, IA, with Plymouth County, IA, Fargo, ND, with Cass County, ND, Sioux City, IA, with Woodbury County, IA, Omaha, NE, with Douglas County, NE, Beloit, WI, with Rock County, WI, Wagner, SD, with Charles Mix County, SD, and Madison, NE, with Madison County, NE in Sub-No. 7; Oakland, CA, with Marin, San Francisco, and San Mateo Counties, CA, and Salem and Astoria, OR, with Clatsop and Marion Counties, OR, in Sub-No. 22; Schuyler, NE, with Colfax County, NE in Sub-No. 23; Scranton and Allentown, PA, with Lackawanna and Lehigh Counties, PA, in Sub-No. 26; Huron, SD, with Beadle County, SD, in Sub-No. 28; Crawfordsville, IN, with Montgomery County, IN, Kansas City, MO, Brookings, SD, with Brookings County, SD, and Springfield, OR, with Lane County, OR, in Sub-No. 29; Longmont, CO, with Boulder County, CO, and Brookings, SD, with Brookings County, SD, in Sub-No. 33; Salem, OR, with Madison County, OR, in Sub-No. 33; Minneapolis, MN, Brookings, SD, with Brookings County, and Springfield, OR, with Lane County, OR, in Sub-No. 35; Traverse City, MI, with Traverse County, MI in Sub-No. 39; Minneapolis, MN, in Sub-No. 41; Belgium and Random Lake, WI, with Ozaukee and Sheboygan Counties, WI, in Sub-No. 42; Huron, SD, with Beadle County, SD, Worthington, MN, with Nobles County, MN, St. Joseph, MO, with Buchanan County, MO, and Omaha and Madison, NE, with Douglas and Madison Counties, NE, in Sub-No. 46; Muscatine and Iowa City, IA, with Johnson and Muscatine, Counties, IA, in Sub-No. 47; St. Louis, MO, in Sub-Nos. 49 and 52

Eau Claire with Eau Claire County, WI, in Sub-No. 51; Melrose Park, IL, with Chicago, IL, in Sub-No. 53; Appleton, WI, with Outagamie County, WI, in Sub-No. 54; Huntington, IN, with Huntington County, IN, in Sub-No. 56; National Stockyards, IL, with Chicago, IL, in Sub-No. 57; Morrow, GA, with Clayton County, GA, in Sub-No. 58; Pocatello, ID, with Bannock, ID, in Sub-No. 59; Rialto, CA, with San Bernardino County, CA, in Sub-No. 60; Rhinelanders, WI, with Oneida County, WI, Milwaukee, WI, in Sub-Nos. 66 and 67; Anaheim and La Habra, CA, with Los Angeles, and Orange Counties, CA, in Sub-No. 67; Omaha, NE, with Douglas County, NE in Sub-No. 68; Milwaukee, WI, in Sub-No. 73; Milwaukee, WI, and Seattle, WA, with King County, WA, in Sub-No. 77; Troy, OH, with Miami County, OH, in Sub-No. 78; Menomonee, Vesper, Cameron, Eau Claire and Wisconsin Rapids, WI, with Barron, Dunn, Wood, and Eau Claire County, WI, in Sub-No. 81; Huron, SD, with Beadle County, SD, in Sub-No. 82; Dodge City, KS, with Ford County, KS, in Sub-No. 84; Perry and

Des Moines, IA, with Polk and Dallas Counties, IA, and Madison and Jefferson, WI, with Dale and Jefferson Counties in Sub-No. 92; Sioux Falls, SD, with Minnehaha County, SD, Estherville and Sioux City, IA, with Emmet and Woodbury Counties, IA, and Worthington, MN, with Nobles County, MN, in Sub-No. 93; Minneapolis, MN, and Savage, MN, with Scott County, MN, in Sub-No. 96; Joliet, IL, with Will County, IL, in Sub-No. 97; Madison, NE, with Madison County, NE, and Worthington, MN, with Nobles County, MN, in Sub-No. 99; Carroll, Denison, Des Moines, Fort Dodge, Iowa Falls and Sioux City, IA, with Carroll, Crawford, Polk, Webster, Johnson, and Woodbury Counties, IA, and Crete, Lincoln, and Omaha, NE, with Saline, Lancaster, and Douglas Counties, NE in Sub-No. 102; Britt and Mason City, IA, with Hancock and Cerro Gordo Counties, IA, Fairmont, MN, with Martin County, MN, Eau Claire, Monroe, and Portage, WI, with Eau Claire, Green, and Columbia Counties, WI, and Kansas City, MO, in Sub-No. 105; South San Francisco, CA, with San Francisco, CA, Portland, OR, and Oakland, CA, in Sub-No. 106; Rockford, IL, with Winnebago County, IL, in Sub-No. 108; Fresno, CA, with Fresno County, CA, in Sub-No. 113; South Holland, IL, with Chicago, IL, in Sub-No. 115; Appleton, WI, with Outagamie County, WI, in Sub-No. 117; Moses Lake and Othello, WA, with Grant and Adams County, WA, Nampa, ID, with Canyon County, ID, Elwood, KS, with Doniphan County, KS, in Sub-No. 118; (3) remove the exception of AK, HI, and the origin State in Sub-Nos. 84, 85, 105, and 106; (4) remove originating at or destined to restrictions in Sub-Nos. 7, 22, 23, 26, 39, 41, 42, 46, 49F, 51F, 53F, 54F, 57F, 59F, 60F, 61F, 66F, 78F, 81F, 82F, 84F, 92F, 93F, 96, 97F, 99F, 105F, and 106F, and (5) replace one-way with radial authority between the above territories and various combinations of States.

MC 136635 (Sub-59)X, filed May 13, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its MC–138479 and Sub-No. 1 permit acquired in MC–F–13672 to (1) broaden the commodity description from vinyl skirting, vinyl siding, asphalt siding and steel siding and materials, and supplies (except in bulk) to "building materials, and materials, equipment and supplies used in the manufacture and distribution of building materials" in each permit; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper, in each permit.

MC 138975 (Sub-1)X, filed May 13, 1981. Applicant: ROBERT H. BOGART d.b.a. BOGART TRUCKING, 79 Queen Avenue, Pennsville, NJ 08070. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. Applicant seeks to remove restrictions in its lead permit (1) to broaden the commodity description to "rubber and plastic products, chemicals and related products, and materials, supplies and equipment used in the manufacture, packaging and distribution thereof," from plastic, materials, supplies and equipment, used in the manufacture, packaging and distribution thereof; (2) to remove the except in bulk and tank vehicles restrictions and (3) to authorize service between points in the U.S. under contract(s) with a named shipper.

MC 141452 (Sub-6)X, filed May 18, 1981. Applicant: INDUSTRIAL MOLASSES COMPANY, INC., 6600 France Ave. South, Minneapolis, MN 55435. Representative: James C. Hardman, 33 N. La Salle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 4F, and 5F permits to (1) broaden its commodity descriptions: in Sub-Nos. 2F and 4F, to "chemicals and related products", from liquid fertilizers; and in Sub-No. 5F, to "food and related products", from liquid feed and liquid feed ingredients; and (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper, in all of the above sub-numbers.

MC 142157 (Sub-4)X, filed May 15, 1981. Applicant: LoBIANCO TRUCKING COMPANY, INC., R.D. 22 (Crone Road), York, PA 17402. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos 1, 2F and 3F certificates to (A) broaden the commodity descriptions in Sub-Nos 2F and 3F from heating and cooling equipment which by reason of size or weight require the use of special equipment, in part (1) of Sub-No. 2, and from trailers and trailer parts in Sub-No. 3 to "machinery and metal products" and "transportation equipment", respectively, and (B) expand facilities or cities to county-wide authority: (a) York, PA, to York County, PA, in Sub-Nos. 1 and 2; and (b) Brady, TX, to McCulloch County, TX, in Sub-No. 3F; (C) remove restrictions against service to the origin state of PA and AK and HI, and that limiting transportation to traffic originating at or destined to named facilities in Sub-No. 2F, and (D) expand one-way to radial authority in Sub-No. 2 between York County, PA, and, points in the U.S. (with exceptions) and in Sub-No. 3 between McCulloch County, TX, and, points in the East.

MC 142559 (Sub-169)X, filed May 13, 1981. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its MC-142559 Sub-Nos. 158F, 159F, 160F, and 163F certificates to (1) broaden its commodity descriptions (a) from general commodities (except classes A and B explosives and household goods as defined by the Commission), to "general commodities (except A and B explosives)", in Sub-No. 158F; (2) replace city-wide with county-wide authority as follows: Montgomery County, OH, for West Carrollton, OH, Sub-No. 160F; (3) remove the restriction limiting transportation to traffic moving on bills of lading of freight forwarders.

MC 143775 (Sub-164)X, filed May 13, 1981. Applicant: PAUL YATES, INC., POB 1059, Glendale, AZ 85301. Representative: O. Paul Yates (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 72F, 82F, 97F, 98F, 100F, 101F, 102F, 103F, 106F, 113F, 123F, 146F, 154F and 159F certificates to (1) broaden the commodity descriptions from general commodities (with the usual exceptions), to "general commodities (except classes A and B explosives)"; (2) remove vehicle restrictions in Sub-Nos. 101F and 113F; (3) expand one-way to radial authorities between points throughout the U.S., in Sub-Nos. 72F (part 1), 82F (part a), 97F, 98F, 100F, 101F, 102F, 103F, 123F (part 2), 146F, and 159F; (4) remove the restriction which limits service to the transportation of shipments moving on bills of lading of freight forwarders, in Sub-No. 72F; (5) remove plantsite restrictions in Sub-Nos. 97F, 98F, 101F, 103F (at Philadelphia, PA), 106F, and 113F; (6) replace city-wide authority with county-wide authority as follows: (a) Charlotte and Greensboro with Mecklenburg and Guilford Counties, NC, Greenville with Greenville County, SC, and Phoenix with Maricopa County, AZ, in Sub-No. 102F; (b) Berlin with Hartford County, CT, in Sub-No. 106F; (c) Brea with Orange County, CA, Andover with Butler County, KS, Buffalo with Erie County, NY, Sand Springs with Tulsa County, OK, Eightly-Four and Palmerton with Washington and Carbon Counties, PA, Spartanburg with Spartanburg County, SC, and Houston with Harris

County, TX, in Sub-No. 154F; (7) remove the originating at restrictions in Sub-Nos. 102F (parts 1 and 2) and 154F, and the destined to restrictions in Sub-No. 102F (part 2); and (8) remove the AK and HI restrictions in Sub-Nos. 97F, 103F, 113F, and 154F.

MC 148655 (Sub-15)X, filed May 14, 1981. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions from its lead certificate and Sub-Nos. 1F and 4F to: (1) broaden the commodity descriptions: (a) from glass products, metal products, plastic products, clay and clay products, feldspar, and talc, bottle coating systems, parts and accessories for these commodities, and materials, equipment and supplies used in their manufacture and distribution to "clay, concrete, glass or stone products, metal products, rubber and plastic products, ores and minerals, and machinery" in the lead certificate; (b) from glass products, metal products, plastic products, clay and clay products, feldspar, and talc, molds and machinery used in the manufacture of glass products, bottle coating systems, parts and accessories and materials, equipment and supplies used in their manufacture and distribution to "clay, concrete, glass or stone products, metal products, rubber and plastic products, ores and minerals, and machinery" in Sub-No. 1F; and (c) from glass, metal, plastic, feldspar, talc, and clay articles and products, gift items, molds and machinery used in producing glass, plastic, metal articles, bottle coating systems, and parts and accessories, and material, equipment and supplies for their production, sale and distribution to "clay, concrete, glass or stone products, metal products, rubber and plastic products, ores and minerals, gift items, and machinery," in Sub-No. 4F; (2) replace authority to serve shippers facilities at named points with county descriptions: (a) St. Francois County, MO (Flat River) in the lead certificate; (b) Marion County, IL (Centralia) in Sub-No. 1F; and (c) Washington County, KY (Springfield) in Sub-No. 4F; (3) eliminate the restrictions against service to AK and HI in the lead certificate and Sub-Nos. 1F and 4F; and (4) eliminate except in bulk restrictions in the lead certificate and Sub-No.1.

MC 152245 (Sub-3)X, filed May 11, 1981. Applicant: ARMOUR FOOD EXPRESS COMPANY, P.O. Box 2785, Amarillo, TX 79105. Representative: G. H. Stensrud, Greyhound Tower, Phoenix, AZ 85077. Applicant seeks to remove restrictions in its lead permit No. MC–140364 to broaden the territorial description (as it applies to parts, equipment and materials used in the manufacture of automotive buses) to "between points in the U.S.," under continuing contract(s) with a named shipper.

[FR Doc. 81-16298 Filed 5-29-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 13]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 110988 (Sub-429F) (Republication), filed June 16, 1980, published in the **Federal Register** issue of August 25, 1980, and February 20, 1981, and republished this issue. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. A decision of the Commission, Review Board 4, decided December 3, 1980, and served December 18, 1980, requires republication upon filing, of verified statement by applicant. To operate in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting chemicals (1) from points in Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, to Points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oregon, Texas, Utah, and Wisconsin, and (2) from points in Illinois and Wisconsin to points in Connecticut, Maryland, and Massachusetts.

Note.—This republication vacates the publication of February 20, 1981.

MC 113908 (Sub-507F) (Republication), filed June 2, 1980, published in the **Federal Register** issue of September 11, 1980, and November 5, 1980, and republished this issue. Applicant: ERICKSON TRANSPORT CORP., 2255 North Packer Road, P.O. Box 10068 G.S., Springfield, MO 65804. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. An Order of the Commission, Review Board 3, decided March 30, 1981, and served April 28, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting liquid chemicals, in bulk, from points in Illinois to points in Arkansas, Arizona, California, Colorado, Missouri, Montana, New Mexico, Nevada, Oklahoma, Oregon, Texas, and Utah, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Kansas Docket No. 99579 Route No. 10127, filed May 8, 1981. Applicant: WESTERN KANSAS EXPRESS, INC., P.O. Box 124, Sedgwick, KS 67201. Representative: John E. Jandera, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Certificate of Public

Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities* (except articles of unusual value, commodities requiring special equipment, household goods as defined by the Commission, commodities in bulk, and classes A and B explosives). Serving points in Stafford County, Kansas as off-route point to its presently authorized service. Intrastate, interstate and foreign commerce authority sought. Hearing: June 23, 1981, 10:00 A.M., State Office Bldg., 4th Floor, Topeka, KS. Request for procedural information should be addressed to State of Kansas, State Corporation Commission, Fourth Floor, State Office Bldg., Topeka KS 66612, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-9879, filed April 17, 1981. Applicant: CINCH PRODUCTIONS INC., 295 Adams Blvd., Farmingdale, NY 11735. Representative: Nils Richard Johnson, Jr., 132 King Street, Hicksville, NY. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities*—Not to exceed 100 pounds, Between Nassau and Suffolk Counties and New York City. Intrastate, interstate and foreign commerce authority sought Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington, Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16205 Filed 5-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI-158

Decided: May 21, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler and Fortier.

MC 15641 (Sub-6), filed May 14, 1981. Applicant: DeMARIO MOVING & STORAGE, INC., 1414 Raff Rd., S.W., Canton, OH 44710. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212 (614) 481-8821. Transporting *household goods*, between points in Carroll, Columbiana, Cuyahoga, Geauga, Lake, Loraine, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne Counties, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 61440 (Sub-210), filed May 14, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 Northwest 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157 (405) 840-7579. Transporting *general commodities* (except classes A and B explosives), serving Saint Mary's and Evangeline Parishes, LA, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 138861 (Sub-30), filed May 13, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036 (201) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Refinemet International, of Woonsocket, RI.

MC 145950 (Sub-95), filed May 5, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: Donald C. Horne (same address as applicant) (817) 752-1613. Transporting (1) *chemicals and related products, and food and related products*, between points in Dallas County, TX, on the one hand, and, on the other, Los Angeles, CA, and points in Fulton County, GA, and (2) *machinery*, between points in CA, on the one hand, and, on the other, points in TX, LA, and AL.

MC 154051 (Sub-2), filed May 4, 1981. Applicant: FRANKLIN PUMPING SERVICE, INC., Industrial Road, P.O. Box 617, Wrenthan, MA 02093. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181 (617) 235-5571. Transporting *toxic and hazardous waste materials*, between points in RI, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

Note.—The certificate to be issued in this proceeding shall be limited in point of time to

a period expiring 5 years from the date of issuance.

Volume No. OPY–5–70

Decided: May 28, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 81839 (Sub-1), filed April 23, 1981. Applicant: SUDDATH MOVERS, INC., 6900 Interbay Blvd., Tampa, FL 33681. Representative: David Earl Tinker, 1000 Connecticut Ave., NW, Suite 1112, Washington, DC 20036 (202) 887–5868. Transporting *household goods*, between points in GA, LA, AL, FL, SC, NC, VA, MD, PA, NY, MA, RI, MS, NH, NJ, CT, DE, TN, VT, WV, MO, KY, OH, IN, IL, MI, WI, MN, OK, TX, AR, and DC.

MC 123279 (Sub-7), filed May 13, 1981. Applicant: CHARTER EXPRESS, INC., 8418 Tallmadge Rd. No. 6, Ravenna, OH 44266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210 (703) 525–4050. Transporting *general commodities* (except classes A and B explosives), between points in Summit and Portage Counties, OH, on the one hand, and, on the other, points in KY, WV, PA, NY, NJ, MI, IN, IL, and WI.

MC 129729 (Sub-7), filed May 15, 1981. Applicant: FRANCIS J. BEAROFF, INC., P.O. Box 195, King of Prussia, PA 19406. Representative: Francis J. Bearoff (same address as applicant) (215) 272–3771. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, and DC. Condition: Any certificate issued in this proceeding is conditioned upon prior or coincidental cancellation of Certificate No. MC 129729 and all subs thereunder.

MC 134709 (Sub-1), filed May 11, 1981. Applicant: ROWLAND CONSTRUCTION CO., INC., 801 West Main St. Wilburton, OK 74578. Representative: C. L. Phillips Room 248, Classen Terrace Bldg., 1411 N. Classen Oklahoma City, OK 73106 (405) 528–3884. Transporting *Mercer Commodities*, between points in TX, on the one hand, and, on the other, points in OK.

Note.—Applicant intends to tack this authority with its presently held operations.

MC 138069 (Sub-16), filed May 14, 1981. Applicant: LUCIUS, INC., 2512 South 163 St., Omaha, NE 68130. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397–7033. Transporting *food and related products*, between points in Finney County, KS, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, CO, and NM.

MC 144678 (Sub-40), filed May 14, 1981. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th St., Overland Park, KS 66210. Representative: Harold H. Clokey (same address as applicant) (913) 648–5540. Over regular routes, transporting *general commodities* (except classes A and B explosives), serving points in KS, as off-route points in connection with applicant's otherwise authorized regular-route operations.

Note.—Applicant intends to tack with existing authority.

MC 145349 (Sub-2), filed May 15, 1981. Applicant: PROFESSIONAL DRIVER SERVICES, INC., 1631 Lebanon Rd., Nashville, TN 37210. Representative: Frederic J. Cowan, Jr., 1600 Citizens Plaza, Louisville, KY 40202 (502) 589–5400. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Mack Trucks, Inc., of Richmond, VA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 145359 (Sub-38), filed May 14, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *metal products*, between Houston, TX, and points in Dallas, Bowie, and Morris Counties, TX, and Miller County, AR.

MC 147299 (Sub-4), filed May 12, 1981. Applicant: REDWAY CARRIERS, INC., P.O. Box 104, Waukegan, IL 60085. Representative: Paul J. Maton, 10 S. LaSalle St., Suite 1620, Chicago, IL 60603, (312) 332–0905. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with S. C. Johnson & Son, Inc. of Racine, WI.

MC 148569 (Sub-7), filed May 12, 1981. Applicant: JAMES BEUCE LEE AND STANLEY LEE, d.b.a. LEE CONTRACT CARRIERS, P.O. Box 48, Pontiac, IL 61764. Representative: Edward F. Stanula, 900 East 162nd St., South Holland, IL 60473, (312) 596–8575. Transporting *building materials*, between Minneapolis, MN, and points in Cook County, IL; St. Louis County, MO; and Franklin County, IN, on the one hand, and, on the other, points in IL, IN, IA, MN, MI, MO, and WI.

MC 149058 (Sub-1), filed May 13, 1981. Applicant: THE INLAND SEA, INC., 2021 West Governors Circle, Houston, TX 77092. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006, (202) 833–8884. Transporting *household goods*, between points in TX, on the one hand, and, on the other, points in AL, AZ, CO, KS, KY, ND, NM, OK, and TX.

MC 152729, filed May 13, 1981. Applicant: CATARACT INDUSTRIAL WAREHOUSING, INC., 4626 Royal Avenue, Niagara Falls, NY 14303. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, (716) 845–6066. Transporting *hazardous chemical wastes and toxic materials*, between points in the U.S., under continuing contract(s) with Frontier Chemical Waste Process, Inc., of Niagara Falls, NY.

MC 153328 (Sub-6), filed May 11, 1981. Applicant: RED K TRANSFER, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 321 North Spring Avenue, Cape Girardeau, MO 63701, (314) 335–6636. Transporting *pulp, paper and related products*, between points in Scott County, MO., Allen County, IN, Los Angeles County, CA, Baltimore County, MD, Duval County, FL, Jefferson County, KY, Lake County, IL, Orleans Parish, LA, Hudson County, NJ, Desha County, AR, and Nez Perce County, ID, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5 Room 6370.

MC 154458, filed May 11, 1981. Applicant: QUALITY DELIVERY, INC., 4900 Deramus, Kansas City, MO 64120. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105, (816) 221–1464. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contact(s) with Amway Corporation, of Des Moines, IA.

MC 155898, filed May 11, 1981 Applicant: FAUST TRAVEL SERVICE, INC., 3023 South 72d St., Philadelphia, PA 19153. Representative: David F. Itkoff, 523 Swede St., Norristown, PA

19401, (215) 275–7990. To engage in operations in interstate or foreign commerce, as a *broker* at Philadelphia, PA, in arranging transportation of *passengers and their baggage*, in special or charter operations, beginning at points in PA and extending to points in the U.S.

MC 155908, filed May 8, 1981. Applicant: U.S. TRANSPORT, INC., C/O P.O. Box 5311, 1477 Ripley St., Lake Station, IN 46405. Representative: Richard A Kerwin, 180 North LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with L. B. Foster and Company, of Des Plaines, IL, its subsidiaries and divisions. Condition: The person or persons who appear to be engaged in control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application for common control to Team 5 Room 6370.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16024 Filed 5-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the applications later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement is rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–159

Decided: May 21, 1981.

By the Commission Review Board No. 1, members Parker, Chandler, and Fortier.

MC 56270 (Sub-55), filed May 14, 1981. Applicant: LEICHT TRANSFER & STORAGE CO., 1401 State Street, P.O. Box 2385, Green Bay, WI 54306. Representative: John R. Simms, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, (202) 737–1030. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 148890 (Sub-4), filed May 14, 1981. Applicant: SENTRY ARMORED COURIER CORP., 3548 Boston Road, Bronx, NY 10469. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–5–71

Decided May 28, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 99999 (Sub-1), filed May 13, 1981. Applicant: YELLOWBIRD MOTOR LINES, INC., P.O. Box D–720, 85 Conway St., New Bedford, MA 02742. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 152199 (Sub-2), filed May 13, 1981. Applicant: VELDE EXPRESS, INC., 534 N. Iris Drive, Irving, TX 75061. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103, (817) 332–4718. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) between points in the U.S., and (2) *shipments weighing 100 pounds or less* in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 155378, filed April 17, 1981, previously noticed in the **Federal Register** issue (republication) of May 8, 1981. Applicant: MOVING SYSTEMS, INC., 21 Pleasant St., Newburyport, MA 01950. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, D.C. 20001, (202) 628–9243. To engage in operations as a *broker*, arranging transportation of *general commodities*, between points in the U.S.

Note.—Purpose of republication is to modify the authority as above.

MC 155869, filed May 12, 1981. Applicant: UNITED STATES SERVICE CORPORATION, 170 Main St., Holyoke, MA 01040. Representative: James M. Burns, 1383 Main Street, Suite 413,

Springfield, MA 01103, (413) 781–8205. Transporting for or on behalf of the United States Government, *general commodities*, (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5 Room 6370.

MC 155879, filed May 11, 1981. Applicant: KEYSTONE EXPRESS, INC., 100 Jamison Ave., South Greensburg, PA 15601. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. (1) transporting, for or on the behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. and (2) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 155918, filed May 11, 1981. Applicant: RICHARD L. SMITH, 1131 Saratoga, St. Charles, MO 63301. Representative: Richard L. Smith (same address as applicant) (314) 441–1835. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155919, filed May 13, 1981. Applicant: DONALD HASTINGS, 13581 93rd Ave., North Maple Grove, MN 55369. Representative: Donald Hastings (same address as applicant) (612) 425–5524. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155938, filed May 13, 1981. Applicant: TRI–L TRANSPORT, INC., P.O. Box 558, Richmond, VA 23204. Representative: John R. Simms, Jr., 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004, 202–737–1030. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155939, filed May 13, 1981. Applicant: T. D. H. INCORPORATED, 46 Hammond St., Newport, RI 02840. Representative: G. M. Sousa (same address as applicant) 401–847–0470. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–16203 Filed 5–29–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP1–157]

Motor Carriers; Permanent Authority Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 74321 (Sub-160), (republication), filed January 23, 1981, published in the **Federal Register** of February 18, 1981, and republished this issue. Applicant: B. F. WALKER, INC., 1555 Tremont Place, P.O. Box 17–B, Denver, CO 80217. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. A decision by the Commission, Review Board 2, decided April 28, 1981, served May 7, 1981, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting, *such commodities* as are dealt in or used by manufacturers and distributors of cast iron products, between Council Bluffs, IA, Florence, NJ, Lynchburg, VA, Detroit, MI, Chicago, IL, and New York, NY, on the one hand, and, on the other, points in the Uninted States. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to change the commodity from *metal products* to *such commodities*.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–16206 Filed 5–29–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the appication is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Notice No. F–124

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 25334 (Sub-1–5TA), filed May 12, 1981. Applicant: COOPER-JARRETT,

INC., Hanover Plaza, Morristown, NJ 07960. Representative: William J. Hanlon, Esq. (same as applicant). *Waste materials (hazardous and non-hazardous)* between points in CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MO, NE, NH, NJ, NY, OH, PA, RI, TN, WV, WI, on the one hand, and, on the other, AL, AR, GA and SC. Supporting shipper(s): There are 6 statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 141932 (Sub-1–19TA), filed May 13, 1981. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner, 176 King Street, Hanover, MA 02339. *Pet Foods, Animal Feed, Materials, Equipment and Supplies used in the manufacture and distribution of Pet Foods and Animal Feeds* between Portland, IN on the one hand, and on the other, points in the U.S. restricted to traffic originating at or destined to the facilities of or used by International Multifoods Corporation, 1200 Multifoods Bldg., Minneapolis, MN 55402.

MC 155552 (Sob-1–1TA), filed May 13, 1981. Applicant: RAVENA TRANSPORTATION CORP., 10 Van Buren Avenue, Ravena, NY 12143. Representative: D. A. Holtz, Esq., 316 South 16th Street, Philadelphia, PA 19102. *contract carrier:* irregular routes: *Motor vehicles in truckaway service* between Baltimore, MD and points in PA, NJ and DE under continuing contract(s) with Penn Jersey Subaru, Inc., of Moorestown, NJ. supporting shipper: Penn Jersey Subaru, Inc., Glen Avenue and Forster Road, P.O. Box P, Moorestown, NJ 08057.

MC 99273 (Sub-1–2TA), filed May 13, 1981. Applicant: KINDLE TRUCKING CO., INC., 148 Walnut Street, Agawam, MA 01001. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304 Springfield, MA 01103. *Contract carrier:* irregular routes: *general commodities (except classes A & B explosives and hazardous wastes)* between points in Hampden, Hampshire, Franklin and Berkshire Counties, MA, and Hartford County, CT, on the one hand, and, on the other, points in NC, SC, GA, and FL, under continuing contract(s) with Kindle Consolidation, Inc. Supporting shipper: Kindle Consolidation, Inc., 449 Silver Street, Agawam, MA 01001.

MC 114323 (Sub-1–1TA), filed May 13, 1981. Applicant: PAUL MARCKESANO AND SONS CO., INC., 36 Ferris Street, Brooklyn, NY 11231. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *White cement*, from Jersey City, NJ to points in PA and MD. Supporting shipper(s): Federal White Cement, Inc., P.O. Box 548, Woodstock, Ontario, Canada N4S 7Y5.

MC 152821 (Sub-1–3TA), filed May 12, 1981. Applicant: RUSH TRANSPORT, INC., 163 Main Street, Route 131, Sturbridge, MA 01566. Representative: James M. Burns, 1383 Main Street, Springfield, MA 01103. *General commodities, usual exceptions*, between points in CT, MA, RI and NH, on the one hand, and, on the other, points in the contiguous 48 states. Supporting shipper(s): There are 25 support statements attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 146447 (Sub-1–4TA), filed May 12, 1981. Applicant: TANBAC, INC., 847 Glenbrook Road, Orange, CT 06477. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier:* irregular routes: *General commodities (except classes A & B explosives and hazardous wastes)* between points in Plymouth County, MA, on the one hand, and, on the other, points in TX, CA, FL, WI, MO, IL, MI, MN, and IN under continuing contract(s) with New England Shipping Association Co-operative and its members, Brockton, MA. Supporting shipper: New England Shipping Association Co-operative, 1029 Pearl Street, Brockton, MA 02401.

MC 155713 (Sub-1–1TA), filed May 12, 1981. Applicant: GRANITE STATE TRANSPORT COMPANY, INC., 141 Gold Street, Manchester, NH 03103. Representative: Yvon Boutin (same as applicant). *Contract carrier:* irregular routes: *Various telephone industry material and supplies* between Southboro, MA and Watertown, MA on the one hand, and on the other, points in ME, NH and VT under continuing contract(s) with Western Electric Co., Inc., N. Andover, MA. Supporting shipper: Western Electric Company, Inc., 1600 Osgood St., N. Andover, MA 01845.

MC 155953 (Sub-1–1TA), filed May 14, 1981. Applicant: WADLEIGH'S, INC., d.b.a. KENOCO, 21 Water Street, Hallowell, ME 04347. Representative: Donn G. Gifford (same as applicant). *Contract carrier:* irregular routes: *Crushed glass* from Topsham, ME to points in NJ under continuing contract(s) with Maine Recycling, Inc., of Topsham, ME. Supporting shipper: Maine Recycling, Inc., Lewiston Road, Topsham, ME.

MC 45398 (Sub-1–1TA), filed May 14, 1981. Applicant: F. J. BERNERD & SON, INC. MOVING & STORAGE, 2400 Barnum Ave., Stratford, CT 06497. Representative: Mark C. Ellison, Esq., 300 Interstate North Parkway, Suite 329, Atlanta, GA 30339. *Household goods* between points in CT, DE, DC, MA, ME, MD, NH, NJ, NY, OH, PA, RI, VT, VA, and WV. Supporting shipper(s): Bunting Sterisystems, 46 Beatrice St., Bridgeport, CT, Vitramon, Inc., Route 25, Monroe, CT 06468, Electrostatic Equipment Corp., 80 Hamilton St., New Haven, CT 06511, National Carloading Corp., 300 Interstate North Parkway, Atlanta, GA 30339.

MC 155956 (Sub-1–1TA), filed May 14, 1981. Applicant: VARDINE PARATRANSIT, INC., 1743 State Street, Schenectady, NY 12304. Representative: Vincent Vardine (same as applicant). *Contract carrier:* irregular routes: *Consolidated Rail Corporation Railroad (Conrail) train and engine crews and equipment* between Selkirk, NY, on the one hand, and, on the other, facilities of Consolidated Rail Corporation in MA and NY, under continuing contract(s) with Consolidated Rail Corp. of Philadelphia, PA. Supporting shipper: Consolidated Rail Corp., Room 301, 1528 Walnut Street, Philadelphia, PA 19102.

MC 138861 (Sub-1–21TA), filed May 15, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington, DC 20036. *Contract carrier:* irregular routes: *Scrap metals*, from Atlanta, GA, to Mapleville, RI, under continuing contract(s) with Refinemet International of Woonsocket, RI. Supporting shipper: Refinemet International, 162 Main St., Woonsocket, RI 02895.

MC 129563 (Sub-1–1TA), filed May 15, 1981. Applicant: ONONDAGA BEVERAGE TRANSPORT, INC., 345 Spencer St., Syracuse, NY 13204. Representative: Freeda Harvey (same as applicant). *Contract carrier:* irregular routes: *Malt beverages*, from Williamsburg, VA to Elmira Hts, NY under continuing contract(s) with Seneca Beverage Corp. of Elmira Hts, NY. Supporting shipper: Seneca Beverage Corp., 3496 Oakwood Ave., Elmira Hts., NY 14902.

MC 145093 (Sub-1–1TA), filed May 15, 1981. Applicant: J. C. TRANSPORT CORPORATION, 53 East Broadway, North Salem, NH 03075. Representative: Samuel L. Watts, Traffic and Distribution Services, Inc., 54 Middlesex Turkpike, Burlington, MA 01803. *Contract carrier:* irregular routes: *Computers, computer parts, products and related equipment and supplies normally used in the computer and data processing industry and materials and equipment used for computer*

advertising and at computer trade shows between points in MA on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Data Terminal Systems, Inc., Maynard, MA. Supporting shipper: Data Terminal Systems, Inc., 124 Acton Street, Maynard, MA 01754.

MC 155874 (Sub-1-1TA), filed May 15, 1981. Applicant: MUSCILLO TRANSPORT LIMITED, 4078 Highway 7W, Woodbridge, Ontario, CD L4L 1A6. Representative: William J. Hirsch P. C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Finished steel and scrap metal,* between points on the International Boundary line between the U.S. and CD, located in NY and MI, on the one hand, and, on the other, all points in NY, OH, and PA, under continuing contract(s) with Lake Ontario Steel Co. Limited, Toronto, CD. Supporting shipper: Lake Ontario Steel Company Limited, 176 Cherry Street, Toronto, CD.

MC 138861 (Sub-1-22TA), filed May 18, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Contract carrier: irregular routes: Iron and steel articles,* between East Providence, RI, on the one hand, and, on the other, Pittsburgh, PA, Detroit, MI, Cleveland, OH, Canton, OH, Chicago, IL, and Petersburg, VA, under continuing contract(s) with Washburn Wire Company, of East Providence, RI. Supporting shipper: Washburn Wire Company, Bourne Avenue, East Providence, RI 02910.

MC 155870 (Sub-1-1TA), filed May 18, 1981. Applicant: L & S EQUIPMENT, INC., Cranberry Meadow Road, Berwick, ME 03901. Representative: John C. Lightbody, Esquire, Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier:* Irregular routes; *construction equipment* between points in Eliot, ME; Palmdale, CA; Silver Springs, Parrish, FL; Lebanon, KY; Sulphur, LA; New Bedford, Somerset, MA; Springdale, UT; Cheyenne, WY; Columbus, College Station, TX; Hemingway, SC; Buckeye, AZ; Aurora, CO; Concord, NH; and Hugo, OK under continuing contract(s) with Seaward Construction Co., Inc., Eliot, ME. Supporting shipper: Seaward Construction Co., Inc., Rt. 236, Eliot, ME.

MC 145108 (Sub-1-3TA), filed May 18, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren, 5600 First Avenue, Brooklyn, NY 11220. *Contract carrier,* irregular route: *potato chips and equipment, materials and supplies used in the manufacture, sale and distribution of such commodities* between Carson, CA, on the one hand, and points in the U.S. (except AK and HI) on the other under continuing contract(s) with Wiki Wiki Corporation of Carson, CA. Supporting shipper: Wiki Wiki Corp., 16928 Keegan Ave., Carson, CA.

MC 45721 (Sub-1-2TA) (republication), filed April 28, 1981. Applicant: WHITE BUS COMPANY, INC., 907 South Orange Avenue, East Orange, NJ 07018. Representative: Larsh B. Mewhinney, Esq., Moore, Berson, Lifflander & Mewhinney, 555 Maidson Avenue, New York, NY 10022. *Passengers and their baggage in special operations* between points in New York, NY, Westchester, Nassau and Suffolk Counties, NY, and Atlantic City, NJ. Supporting shipper: Alexander's Travel Service, 31 W 34th Street, New York, NY 10001.

MC 111729 (Sub-1-12TA) (republication), filed April 16, 1981. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same address as Applicant). *Machinery and Products related to the operation and maintenance thereof: Metal products; Paper and Related Products, in packages not exceeding 70 lbs. each.* 1. Between Boston, MA, on the one hand, and, on the other, points in CT, ME, NH and RI. 2. Between Secacus, NJ, on the one hand, and, on the other, points in Adams, Bedford, Berks, Blair, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntington, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, PA; and points in CT, ME, NH, NY and RI. 3. Between Pennsauken NJ, on the one hand, and, on the other, points in DE, MD and PA. 4. Between Syracuse, NY, on the one hand, and, on the other, points in PA. 5. Between Webster, NY, on the one hand, and, on the other, points in Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Erie, Franklin, Geauga, Guernsey, Harrison, Holmes, Huron, Knox, Lake, Licking, Lorain, Mahoning, Medina, Muskingum, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas and Wayne Counties, OH; and points in CT, DE, ME, MA, MD, NH, NJ, PA, RI and DC. 6. Between Springfield, VA, on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Dauphin, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Philadelphia, Somerset, Venango, Warren, Washington and Westmoreland Counties, PA; and points in DE, MD, NJ, NC, SC and DC. 7. Between Charlotte, NC, on the one hand, and, on the other, points in SC and VA. 8. Between Cleveland, OH, on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, PA. 9. Between points in OH, on the one hand, and, on the other, points in WV (except those in Berkeley, Brooke, Grant, Hampshire, Hancock, Hardy, Jefferson, Marshall, Mineral, Morgan, Ohio, Pendleton, Tucker and Wetzel Counties). 10. Between Detroit, MI, on the one hand, and, on the other, Indianapolis, IN, points in Indiana on the North of U.S. HWY #24, and points in OH. 11. Between Kansas City, MO, and Wichita, KS. 12. Between St. Louis, MO, on the one hand, and, on the other, points in IL, IN, IA and KY. 13. Between Omaha, NE, on the one hand, and, on the other, points in IA and SD. 14. Between Minineapolis, MN, on the one hand, and, on the other, points in IA, ND, SD and WI. 15. Between Portland, OR, on the one hand, and, on the other, points in WA. 16 Between Seattle, WA, on the one hand, and, on the other, points in OR. 17. Between Des Plaines, IL, on the one hand, and, on the other, points in Allen, Auglaize, Brown, Butler, Champaign, Clark, Clinton, Clermont, Defiance, Darke, Franklin, Fulton, Greene, Hamilton, Hancock, Henry, Highland, Logan, Lucas, Mercer, Miami, Montgomery, Ottawa, Paulding, Preble, Putnam, Sandusky, Seneca, Van Wert, Warren, Wood, and Williams, counties, OH; and points in IN, IA, MI, MO, and WI. 18. Between Dallas, TX, on the one hand, and, on the other, points in AR, LA and NM. 19. Between Atlanta, GA, on the one hand, and, on the other, points in AL, FL, MS, NC and TN. 20. Between Norfolk, VA, on the one hand, and, on the other, points in NC and WV. Supporting Shipper: Xerox Corporation, 800 Phillips Road, Webster, New Youk 14580.

MC 144122 (Sub-1-6TA) (republication), filed April 23, 1981. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North,

Paramus, NJ 07652. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076. *General commodities (except classes A and B explosives, and household goods as defined by the Commission)* between the facilities used by E.I. DuPont de Nemours & Co., Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S. Supporting shipper(s): E. I. DuPont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 120616 (Sub-3–3TA), filed May 15, 1981. Applicant: A.V. DEDMON TRUCKING, INC., Highway 150 East, Shelby, NC 28150. Representative: J. Curtis Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. *Expanded polystyrene foam plastic,* from Cherryville, NC to Independence, KS. Supporting shipper(s): Modern Polymers, P.O. Box 398, Cherryville, NC 28021.

MC 145541 (Sub-3–6TA), filed May 15, 1981. Applicant: SUNWAY CORP., 118 West Main Street, Thomasville, NC 27360. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier:* irregular: *general commodities (except classes A & B explosives and hazardous materials)* between all points in the United States, under continuing contract with Thomasville Furniture Industries, Inc., Armstrong World Industries, Inc., and E & B Carpet Mills, Inc. Supporting shippers: Thomasville Furniture Industries, Inc., 401 East Main Street, Thomasville, NC 27360; Armstrong World Industries, Inc., P.O. Box 3001, Lancaster, PA 17604, and E & B Capret Mills, Inc., P.O. Box 1288, Arlington, TX 76010.

MC 155949 (Sub-3–1TA), filed May 18, 1981. Applicant: DAWMAN S. GAY, JR., Rt. 2, Box 344–M, St. Augustine, FL 32084. Representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, FL 32302. *Passengers and their baggage in round trip, special and charter operations* beginning and ending in Duval, St. Johns, Volusia and Putnam Counties, FL and extending to points in MS, Chatham County, GA; Charleston County, SC; Orleans and Jefferson Parishes, LA; Atlantic, GA and DC. Supporting shipper(s): There are six statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 93021 (Sub-3–1TA), filed May 18, 1981. Applicant: RUSSELL TRANSFER CO., INC., 1300 Pegram Street, Charlotte, NC 28205. Representative: Earl W. White (same address as applicant). *Household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467,* between points in FL, GA, NC, SC, TN, VA, and Washington, DC. Supporting shippers: Belk Stores Services, Inc., 308 E. 5th Street, Charlotte, NC 28201; Burroughs Corp., Suite 200, 1915 Rexford Rd., Charlotte, NC 28211; Collins & Aikman Corp., P.O. Box 580, Albemarle, NC 28001; Family Dollar Stores, Inc., 10401 Old Monroe Road, Charlotte, NC 28212.

MC 147054 (Sub-3–3TA), filed May 18, 1981. Applicant: J. R. BRADY, d.b.a. J. R. BRADY TRUCKING, Route 3, Box 265, 801 Enochville Avenue, Kannapolis, NC 28081. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier:* irregular: *furniture and fixtures,* between all points in the United States, under continuing contract with Carter Chair Corp., Qwin-Taylor Chairs, Inc., Biscoe Furniture Industries, Hogan Dimension Mill, Inc., and Carter West, Inc. Supporting shippers: Carter Chair Corp., Qwin-Taylor Chairs, Inc., Biscoe Furniture Industries, Hogan Dimension Mill, Inc., and Carter West, Inc., 1000 N. Long Street, Salisbury, North Carolina.

MC 114334 (Sub-3–25TA), filed May 18, 1981. Applicant: BUILDERS TRANSPORTATION CO., 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Metal and metal articles* between points in SC, on the one hand, and on the other, AL, MS, LA, TN, AR & TX. Supporting shipper: Amico Cold Drawn Division, Alabama Metals, P.O. Box 126, Taylors, SC 29687.

MC 138308 (Sub-3–22TA), filed May 18, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. *Chemicals and related products* between points in LA, NM, OK, and TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Hancock Industries, Inc., 7144 Burns, Ft. Worth, TX.

MC 124154 (Sub-3–28TA), filed May 18, 1981. Applicant: WINGATE TRUCKING CO., INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate (same address as applicant). *General commodities, (except commodities in bulk and Classes A and B explosives)* between points in the US (except AK and HI), restricted to shipments originating at or destined to Distribution Services of America, Inc.'s warehouses, customers and suppliers. Supporting shipper: Distribution Services of America, Inc., 666 Summer Street, Boston, Massachusetts 02210.

MC 124154 (Sub-3–27TA), filed May 18, 1981. Applicant: WINGATE TRUCKING CO., INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate (same address as applicant). *Minerals, ores, refractories and refractory products, kaolin clay, chemicals, machinery, lumber and millworks* between points in the United States (except AK and HI), restricted to shipments originating at or destined to the plants, warehouses and other facilities of C–E Industrial Products Group, Cumbustion Engineering, Inc., its customers and suppliers. Supporting shipper: C–E Industrial Products Group, Cumbustion Engineering, Inc., P.O. Box 828, Valley Forge, PA 19482.

MC 144083 (Sub-3–2TA), filed May 18, 1981. Applicant: RALPH WALKER, INC., P.O. Box 3222, Jackson, MS 39207. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Lawn mowers and accessories* from the facilities of Aircap Manufacturers, Inc., Tupelo, MS, on the one hand, and, on the other, points in the United States (except AZ and CA), Supporting shipper: Aircap Manufacturers Inc., P.O. Box 1070, Tupelo, MS 38801.

MC 153509 (Sub-3–12TA), filed May 18, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Road, Louisville, Kentucky 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson Street, Louisville, KY 40202. *general commodities (except household goods as defined by the Commission, commodities requiring special equipment and commodities in bulk),* between Jeffersonville, IN, New Albany, IN and Louisville, NY, and their respective commercial zones, on the one hand, and on the other, points in the U.S. except AK and HI.

MC 155799 (Sub-3–1TA), filed May 18, 1981. Applicant: O'BERRY TRUCKING, 4521 Ogeechee Road, Savannah, GA 31405. Representative: Lester E. O'Berry (same address as applicant). *Roofing Materials and Supplies therefor* between points in GA, NC, and SC. Supporting shipper: Lymon Sales, 255 Great Falls Road, Lancaster, SC 29720.

MC 151036 (Sub-3–3TA), filed May 18, 1981. Applicant: DECATUR TRANSIT, INC., 161 First Avenue NE., Decatur, AL 35601. Representative: Eric G. Hancock (same address as applicant). *Asphalt and paving materials in bulk in tank vehicles* from Tuscaloosa and Cordova, AL to points in the counties of Bledsoe, Coffee, Franklin, Marion, Moore, Rhea, Sequatchie and Van Buren, TN. Supporting shipper: Tillet Brothers

V 46 / 104 JE 1 81 UMI

Contractors, P.O. Box 1095, Murfreesboro, TN 27130.

MC 146891 (Sub-3–3TA), filed May 18, 1981. Applicant: A & G EXPRESS, INC., 4807 Millbrooke Road, Albany, GA 31701. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *General Commodities (except classes A and B explosives)*, between points in GA on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: There are 13 supporting shipper statements which may be examined at the Regional Office, ICC, in Atlanta, GA.

MC 155337 (Sub-3–3TA), filed May 18, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Drive, Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant). *Chemicals and such commodities as are dealt in and used by chemical manufacturers and distributors (except commodities in bulk)* between the facilities of Oxford Chemicals, Inc., at or near Chamblee, GA and points in the U.S. (except AK and HI). Supporting shipper: Oxford Chemicals, Inc., P.O. Box 80202, Atlanta, GA 30366.

MC 128073 (Sub-3–1TA), filed May 18, 1981. Applicant: BANANA SHIPPING SERVICE, INC., P.O. Box 1345, Montgomery, AL 36102. Representative: Daniel O. Hands, Attorney at Law, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. *Bananas*, from Gulfport, MS, to points in AR and TN. Supporting shipper: Chiquita Brands, Inc., 15 Mercedes Drive, Montvale, NJ 07645.

MC 151826 (Sub-3–4TA), filed May 18, 1981. Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., NW., Washington, DC 20036. *Contract*, irregular; *General Commodities (except Class A & B Explosives, hazardous wastes, or household goods as defined by the Commission)* between points in GA, NJ, and VA, on the one hand, and points in CA, LA, NM, MO, OK, OR, TX, UT, WA, and WY, on the other hand, under continuing contract with Hercules, Inc. Supporting shipper: Hercules, Inc., 910 Market St., Wilmington, DE 19899.

MC 145637 (Sub-3–4TA). Applicant: B & B EXPRESS, INC., P.O. Box 5552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Wood flooring*, from the facilities of Anderson Hardwood Floors, at or near Clinton, SC, to points in the U.S. Supporting shipper(s): Standard Plywood, Inc., Old Laurens Rd., Clinton, SC 29325.

MC 155003 (Sub-3–4TA), filed May 18, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, Miss. 39212. Representative: Charles L. Moseley (same address as applicant). *General commodities (except class A & B explosives), commodities in bulk, commodities of unusual value, household goods and those requiring the use of special equipment* between points in CA on the one hand and on the other all points in the U.S. except AK and HI. Supporting shipper: Streamline Shippers Association, Inc., 970 E. Third St., Los Angeles, CA 90013.

MC 146559 (Sub-3–4TA), filed May 19, 1981. Applicant: GOLDSTON TRANSFER, INC., P.O. Box 1059, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant). *Such commodities as are dealt in or used by a manufacturer of electrical products*, between Asheboro, Hickory, Salisbury, NC; Portsmouth, VA; Columbia and Laurel, MD; Norcross, GA; Morristown, TN; Edison and Vineland, NJ; Louisville, KY; Brockport, NY; Seattle, WA, on the one hand, and, on the other, points in the United States except AK and HI. Supporting shipper: General Electric Company, 1285 Boston Avenue, Bridgeport, CT 06602.

MC 144218 (Sub-3–1TA), filed May 18, 1981. Applicant: FELDSPAR TRUCKING CO., INC., P.O. Box 858, Spruce Pine, NC 28777. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Contract carrier:* Irregular. *Crude mica, in bulk*, from the facilities of The Feldspar Corporation at or near Middletown, CT, to the facilities of United States Gypsum Co. at or near Heflin, AL, under continuing contract(s) with The Feldspar Corporation, of Spruce Pine, NC. Supporting shipper: The Feldspar Corporation, P.O. Box 99, Spruce Pine, NC 28777.

MC 148773 (Sub-3–6TA), filed May 18, 1981. Applicant: A. F. L. TRUCK LINES, INC., 3661 Blue Heron Boulevard, Riviera Beach, FL 33404. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract: (a) iron and steel articles and commodites which, because of their size or weight, require the use of special equipment, and (b) materials, equipment and supplies used in the manufacture or distribution of (a) above*, between Lake Worth, FL, on the one hand, and, on the other, points in the U.S., under a contract or continuing contracts with Van Linda Iron Works. Supporting shipper: Van Linda Iron Works, 3787 Boutwell Road, Lake Worth, FL 33461.

MC 146293 (Sub-3–32TA), filed May 19, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettlebaum, P.O. Box 720434, Atlanta, GA 30328. *Contract*, irregular; *general commodities (except commodities in bulk and classes A and B explosives)*, between points in the U.S., under continuing contract with Distribution Services of America, Inc., Boston, MA. Supporting shipper: Distribution Services of America, Inc., 666 Summer Street, Boston, MA 02210.

MC 149563 (Sub-3–16TA), filed May 19, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Common*, irregular; *ores and minerals, clay, concrete, glass or stone products* between points in Union and Grainer Counties, TN, on the one hand, and, on the other, points in the States of KY, TN, VA, NC, SC, GA, AL, and MS. Supporting shipper: Luttrell Mining Company, Highway 131 North, Luttrell, TN 37779.

MC 155321 (Sub-3–1TA), filed May 19, 1981. Applicant: LOWNDES WAREHOUSE & DISTRIBUTING COMPANY, P.O. Box 145, Jennings, FL 32053. Representative: John W. Greer III, 925 Healey Building, Atlanta, GA 30303. *Contract*, irregular. (1) *Prefabricated roof trusses and floor joists, laminated veneer lumber and accessories; and (2) products and commodities used in the manufacture of No. (1) above.* (1) From Valdosta, GA, to TX, OK, AR, LA, MS, TN, AL, FL, SC, NC, VA, MD, and (2) from the above named states to Valdosta, GA under a continuing contract with Trus Joist Corporation. Supporting shipper: Trus Joist Corporation, P.O. Box 985, Valdosta, GA. 31601.

MC 151242 (Sub-3–2TA), filed May 20, 1981. Applicant: AGS & COMPANY, INCORPORATED, 1110B Beltline Rd., S.E., P.O. Box 515, Decatur, AL 35602. Representative: Aaron J. Guthrie (same address as applicant). *Contract:* Irregular Routes: *Repossessed Mobile Homes*, from all points and places in TN to our lot in Decatur, AL, under continuous contract with Mobile Home Industries, Pelham, AL. Supporting shipper: Mobile Home Industries, Route 2, Box 158, Pelham, AL 35124.

MC 136315 (Sub-3–11TA), filed May 20, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Primary metal products* from Jefferson and Orleans Parish, LA, on the one hand, and, on the other, points in the United States in and east of TX, OK, KS, NE, SD and ND.

Supporting shipper: Atlas Steel & Wire Corporation, P.O. Box 23601, New Orleans, LA 70183.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 155568 (Sub-4–1TA), filed May 14, 1981. Applicant: MID-WISCONSIN COACHES, INC., Rt. 3, Box 64, Antigo, WI 54409. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Passengers and their baggage in charter operations and in special operations, in round-trip sight seeing and pleasure tours* between points in Forest, Langlade, Lincoln, Oneida, and Vilas Counties, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, and MN. Underlying ETA seeks 120 day authority. There are 10 supporting shippers.

MC 150746 (Sub-4–12TA), filed May 15, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South La Salle, Suite 600, Chicago, IL 60603. *Plastic resins and pellets,* from Hammond, IN to points in WI and IL. Supporting shipper: Gulf Oil Company—U.S., P.O. Box 3706, Houston, TX 77001.

MC 150746 (Sub-4–11TA), filed May 15, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South La Salle, Suite 600, Chicago, IL 60603. *Automotive care products, personal care products, home care products and insecticides,* from Racine County, WI to points in the United States. Supporting shipper: S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, WI 53403.

MC 150746 (Sub-4–10TA), filed May 15, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South La Salle, Street, Chicago, IL 60603. *Thermal barrier window systems,* from Saddle Brook, NJ, to CT, RI, MD, OH, PA, NY, MA, IN, MI, IL, WI, MN, and DC, for 270 days. Supporting shipper: Komcraft, Inc., 535 South Midland Avenue, Saddle Brook, NJ 07662.

MC 145276 (Sub-4–6TA), filed May 15, 1981. Applicant: MINNESOTA EXPRESS, INC., 2400 Trott Avenue SW., P.O. Box 427, Willmar MN 56201. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. *Food and related products,* between points in Minneapolis/St. Paul, MN commercial zone and Kandiyohi County, MN, on the one hand, and, on the other, points in Cass County, ND, for 270 days. Supporting shippers: Twin City Meats, 236 Chester Street, St. Paul, MN 55107; Ellison Wholesale Meat Company, 2540 24th Avenue South, Minneapolis, MN 55406.

MC 138388 (Sub-4–2TA), filed May 15, 1981. Applicant: CHESTER CAINE, JR., d.b.a. CAINE TRANSFER, Box 376, Lowell, WI 53557. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Malt beverages and materials, equipment and supplies used in the manufacture and distribution of such commodities* between the facilities of Stroh Brewery Company in the Chicago, IL, Commercial Zone and points within WI. An underlying ETA seeks 120 days authority. Supporting shipper: Stroh Brewery Company, 1 Stroh Drive, Detroit, MI 48226.

MC 105159 (Sub-4–16TA), filed May 18, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Plastic foam insulation* from Pevely, MO to points in IA, IL, MN, ND, SD and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Brock-White, 7555 Florida Avenue, Golden Valley, MN 55426.

MC 101075 (Sub-4–1TA), filed May 18, 1981. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, MN 56560. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402. *Asphalt and road oils* from Cody, WY to points in SD. An underlying ETA seeks 120 days authority. Supporting shipper: Halstead & Lewis Construction Co., 1306 Western Avenue, Brookings, SD 57006.

MC 107605 (Sub-4–3TA), filed May 18, 1981. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road N.E., Minneapolis, MN 55413. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Common, regular. *General commodities* (except Classes A and B explosives), between Milwaukee, WI and Lincoln, NE, serving the intermediate point of Omaha, NE, from Milwaukee over WI Hwy 15 to junction IL Hwy 2, then over IL Hwy 2 to junction IL Hwy 5, then over IL Hwy 5 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route. Also serving the commercial zones of Milwaukee, Lincoln and Omaha. Authority to tack with MC–107605 and to interline at Milwaukee, Omaha and Lincoln. There are 31 supporting shippers. Corresponding 30 day ETA application filed.

MC 151899 (Sub-4–11TA), filed May 18, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main Street, Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract, food and related products and materials, equipment and supplies used in the manufacture and distribution of food and related products* between the facilities of Aunt Nellie's Foods located at or near Clyman, WI, on the one hand, and, on the other, points in the U.S. under continuing contracts with Aunt Nellie's Foods, Inc., a Division of Beatrice Foods, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Aunt Nellie's Foods, Inc., a Division of Beatrice Foods, Inc., Clyman, WI 53016.

MC 156001 (Sub-4–1TA), filed May 15, 1981. Applicant: HEARMON R. EASTERLING, d.b.a. DULUTH LIMO, INC., 105 East Second Street, Duluth, Minnesota 55805. Representative: Sharra L. Easterling (same address as applicant). *Passengers and their baggage, in special and charter operations,* between points in St. Louis County, MN and the States of WI and MI, on the one hand, and on the other, points in the U.S. Supporting shipper: Republic Airlines Inc., Mr. Ray E. Miller, Customer Service Manager, Duluth International Airport, Duluth, MN 55811.

MC 153077 (Sub-4–2TA), filed May 18, 1981. Applicant: TOTAL TRANSPORTATION, INC., 1601 99th Lane NE., Minneapolis, MN 55434. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55435. *Rubber and plastic products,* between St. Croix County, WI; Morrison County, MN and points in the Minneapolis-St. Paul commercial Zone, on the one hand, and, on the other, points in the U.S. in and west of WI, IL, MO, AR and LA. Supporting shipper: T.O. Plastics, Inc., 2901 East 78th St., Minneapolis, MN 55420.

MC 156000 (Sub-4–1TA), filed May 15, 1981. Applicant: FLOR-DRI SUPPLY COMPANY, INC., 4629 W. Fort Street, Detroit, MI 48209. Representative: William R. Ralls, P.C., 118 W. Ottawa Street, Suite B, Lansing, MI 48933. *Beer, ale, porter and stout, in bottles, cans, barrels, and kegs* from Detroit, MI on the one hand to points in TN and FL on the other. There are five supporting shippers.

MC 156005 (Sub-4–1), filed May 14, 1981. Applicant: GLORY BOUND EXPRESS, INC., Rt. 3 Box 87, Verndale, MN 56491. Representative: Robert P.

Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract,* irregular; *Bridges, bridge sections, decking, tubing, grates and miscellaneous parts thereof, and materials, supplies and equipment used in the manufacture and distribution of bridges,* between Douglas County, MN on the one hand, and, on the other, points in the U.S. under a continuing contract(s) with Continental Custom Bridge Company of Alexandria, MN. Applicant has an underlying ETA for 120 days. Supporting shipper: Continental Custom Bridge Company, Rt. 5, P.O. Box 178, Alexandria, MN 56308.

MC 156005 (Sub-4–1TA), filed May 14 1981. Applicant: HARLAN ERDAHL TRUCKING, INC., 1901 Erdahl Road, Stoughton, WI 53589. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana road, Madison, WI 53719. *Contract;* irregular; *truck semi-trailers* (except those designed to be drawn by passenger automobiles) in initial movements, in truckaway service, and trailer parts and accessories between Stoughton, WI, and points in the U.S. restriction: restricted to transportation performed under a continuing contract(s) with Stoughton Trailers, Inc. Supporting shippers: Stoughton Trailers, Inc., 416 S. Academy St., Stoughton, WI 53589.

MC 151899 (Sub-4–10TA), filed May 15, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main Street, Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 South LaSalle, Street, Suite 350, Chicago, IL 60603. *Contract: (1) textile mill products, plastic and plastic products, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above,* between Plainfield, CT on the one hand, and, on the other, points in and east of ND, SD, KS, OK, and TX, under continuing contracts with Pervel Industries, Inc. of Plainfield, CT and its subsidiaries and affiliates. An underlying ETA seeks 120 days authority. Supporting shipper: Pervel Industries, Inc., Plainfield, CT 06327.

MC 151899 (Sub-4–9TA), filed May 15, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main Street, Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract: Plastic, plastic articles, and plastic products* from Baraboo, WI to points in CT, ME, NJ, PA, and TX, under a contract or continuing contracts with Teel Plastic Company, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Teel Plastic Company, Inc., 426 Hitchcock Street, Baraboo, WI 53913.

MC 128927 (Sub-4–3TA), filed May 15, 1981. Applicant: MARTIN TRUCKING COMPANY, INC., Box 406, Tomah, WI 54660. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Malt beverages* from La Crosse, WI, and St. Paul, MN, to the facilities of Wilhelmi Beverages, Inc., at Joliet, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Wilhelmi Beverages, Inc., I–80 & South Larkin Ave., Joliet, IL 60436.

MC 151080 (Sub-4–5TA), filed May 15, 1981. Applicant: SENATE CARTAGE COMPANY, INC., 1000 Jorie Blvd., Suite 200, Oak Brook, IL 60521. Representative: Lawrence T. Sansone (same address as applicant). *General commodities, (except classes A and B explosives),* between points in U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Capitol Freight System or its member affiliates. An underlying ETA seek 120 days authority. Supporting shipper: Capitol Freight System, P.O. Box 6546, Chicago, IL 60680.

MC 145462 (Sub-4–1TA), filed May 15, 1981. Applicant: HOLLIS E. LOWE, d.b.a. LOWE TRUCKING COMPANY, 6639 Abington Pike, Richmond, IN 47374. Representative: Hollis E. Lowe, owner (same as applicant). Contract; irregular; *Iron and Steel articles or any other products, equipment or supplies belong to Dana Corp.* between Richmond, IN and all points in the States of IL, MI, OH and MO. No underlying ETA application filed. Supporting shipper: Dana Corp., 1400 Dana Parkway, Richmond, IN 47374.

MC 153315 (Sub-4–2TA), filed May 15, 1981. Applicant: GEO McNEIL TEAMING COMPANY, 700 West Erie St., Chicago, IL 60610. Representative: Thomas B. Hill, 700 West Erie St., Chicago, IL 60610. *Contract;* irregular: *Pulp, paper and related products* between Broadview, IL and points in IN and MI. Supporting shipper: LaSalle Messinger Paper Co., 2601 South 25th Ave., Broadview, IL 60153.

MC 148600 (Sub-4–4TA), filed May 15, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 N. Harvester Road, West Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001, (202) 628–9243. *Contract;* irregular: Metal products, between points in the United States under continuing contract(s) with Alchem International, Inc. and its subsidiaries Davis Metals and Alchem Aluminum. Supporting shipper: Alchem International, Inc., 4646 U.S. Hwy 24 West, Fort Wayne, IN 46804.

MC 136635 (Sub-4–18TA), filed May 15, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 West Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *(1) Foodstuffs and (2) Materials, equipment and supplies used in the manufacture and distribution thereof* between the facilities of American Home Products, Inc., LaPorte, IN on the one hand, and, on the other, points in IL, KY, MI, MO, OH, TN, and WA. Supporting shipper: American Home Products Inc., 685 Third Ave., New York, NY 10017.

MC 145747 (Sub-4–4TA), filed May 15, 1981. Applicant: R & S TRANSPORT, INC., 3601 Wyoming Ave., Dearborn, MI 48120. Representative: David A. Turano, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. *Fly ash, in bulk, in tank vehicles,* between Mason County, WV, on the one hand, and, on the other, points in IN, KY, MO, OH, and PA for 270 days. Supporting shipper: American Electric Power Service Corp., 301 Virginia St. E., P.O. Box 1986, Charleston, WV 25395.

MC 153883 (Sub-4–5TA), filed May 20, 1981. Applicant: HARNIC TRUCKING, INC., 3340 Calumet Ave., Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract:* Irregular: *Metal Products,* Between points in the U.S., under continuing contract(s) with Otto Wolff America, Inc. Supporting shipper: Otto Wolff America, Inc., 9700 Richmond Ave., Suite 131, Houston, TX 77042.

MC 142619 (Sub-4–1TA), filed May 19, 1981. Applicant: DASH TRANSPORTATION, INC., P.O. Box 221, Bloomingdale, IL 60108. Representative: E. J. Kiley, 1730 M Street NW., Washington, D.C. 20036. *Contract irregular: Stainless steel items and materials, equipment and supplies used in the manufacture, sale and distribution of stainless steel items,* between Addison, IL, on the one hand, and, on the other, points in OH, TX, NJ, CO, NE, NV, WI and KY, under continuing contracts with Sovereign Metals of Addison, IL. Supporting shipper: Sovereign Metals, 711 Factory Street, Addison, IL 60101.

MC 155894 (Sub-4–2TA), filed May 20, 1981. Applicant: COLE COUNTRY EXPRESS, INC., 4401 River Road, Grand Rapids, MN 55744. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Such merchandise as is dealt in by wholesale and retail hardware stores,* between

points in Itasca County, MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Cole Hardware, Inc., 108 2nd St. N.W., Grand Rapids, MN 55744.

MC 106674 (Sub-4-44), filed May 20, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Clay, crushed or ground, in bags,* From Thomas County, GA to VA. An underlying ETA seeks 120 days authority. Supporting shipper: Waverly Mineral Products Company, 3018 Market Street, Philadelphia, PA, 19104.

MC 153973 (Sub-4-2TA), filed May 19, 1981. Applicant: SPARTAN SERVICE TRANSPORTATION, INC., 1501 West Pershing Road, Chicago, IL 60609. Representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602. *Plastic articles and materials, equipment and supplies used in manufacture, sale and distribution thereof,* between points in IL and MN, under continuing contract with Amoco Container Company of Atlanta, GA. Supporting shipper: Amoco Container Company, 2100 Powers Ferry Rd., NW, Suite 300, Atlanta, GA 30099.

MC 145664 (Sub-4-24), filed May 19, 1981. Applicant: STALBERGER, INC., 223 S. 50th Ave, West, Duluth, MN 55807. Representative: Joyce L. Donaldson (same as applicant). *Waferboard with laminated surfaces such as fiberglass, aluminum, steel, foam and supplies and materials used in the manufacture, sale, and distribution* thereof between Sangamon County, IL on the one hand, and points in the U.S. on the other hand. Supporting shipper: Nudo Products, 2508 South Grand Ave., East Springfield, IL 62707.

MC 151934 (Sub-4TA), filed May 19, 1981. Applicant: KING'S EXPRESS, INC., Rural Route 2, St. Joseph, MN 56374. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Food and related products,* between Columbia, Dodge, Fond du Lac, Green Lake, Langlade, Marinette, Oconto, St. Croix, Waukesha and Waupaca Counties, WI, on the one hand, and, on the other, points in IL, IA, MI, MN, ND and SD. Supporting shipper: Friday Canning Co., 660 N. 2nd Street, New Richmond, WI 54017.

MC 143280 (Sub-4-25TA), filed May 19, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Pulp and paper and allied products,* between St. Croix County, WI; Kenton County, KY; Hillsborough County, FL; Cameron County, TX and Wayne County, MI, on the one hand, and, on the other, points in the U.S. Supporting shipper: Duro Paper Bag Manufacturing, Box 247, Hudson, WI 54016.

MC 143280 (Sub-4-27TA), filed May 19, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Pulp, paper and allied products, chemicals and insulation,* between Minneapolis-St. Paul, MN; Wyandette County, KS; Clay County, MO; Shelby County, IN; Carlton County, MN; St. Louis County, MN; Adams County, NE; Blue Earth County, MN; LaCrosse County, WI; Eau Claire County, WI; Cass County, ND; Chicago, IL; Custer County, MT; Pennington County, SD; Pennington County, MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Insulation Distributors, Inc., 14530-27th Avenue North, Plymouth, MN 55441.

MC 143280 (Sub-4-26TA), filed May 19, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Electrical machinery,* between Minneapolis-St. Paul, MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: L & L Manufacturing, 3300 Winpark Drive, Crystal, MN 55427.

MC 154681 (Sub-4-4TA), filed May 19, 1981. Applicant: NORTH CENTRAL TRANSPORTATION, INC., RR #2, Box 83B, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Iron and steel articles,* from Minneapolis and St. Paul, MN and LaCrosse, WI and points within their commercial zone to points in ND, SD, MT, ID, WA and WY. There are 5 supporting shippers.

MC 152001 (Sub-4-3TA), filed May 19, 1981. Applicant: HALL'S SPECIALTIES, INC., R.R. #1, Laotto IN 46763. Representative: Constance J. Goodwin, Attorney at Law, Suite 800 Circle Tower, Five East Market Street, Indianapolis, IN 46204. (1) *Pentane and Jet Fuel,* between Allen County, IN, on the one hand, and on the other, points in Allegheny County, PA; Cook County, IL; Montgomery, Lucas and Franklin Counties, OH; and (2) *Gasoline and Diesel Fuel,* between points in Huntington and St. Joseph Counties, IN; Berrien, Jackson and Ingham Counties, MI; Allen and Lucas Counties, OH, on the one hand and, on the other, points in IN, MI and OH. Supporting shippers: Gladieux Refinery, Inc., 4133 New Haven Ave., Ft. Wayne, IN 46803; Petroleum Marketing Inc., 9315 Thunder Hill Pl., Ft. Wayne, IN 46803.

MC 156049 (Sub-4-1TA), filed May 18, 1981. Applicant: CASPER CARTAGE, INC., 6265 Fairwood, Dearborn Heights, MI 48172. Representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, IL 60601. *Contract,* irregular: *Containers, container ends and materials and supplies used in the manufacture and distribution of containers and container ends,* between points in IN, MI and OH. Supporting shippers: National Can Corporation, 8101 W. Higgins Road, Chicago, IL 60631; Vernors, Inc., 4501 Woodward, Detroit, MI and Mavis Beverage, 7351 Lynden Ave., Detroit, MI.

MC 156052 (Sub-4-1TA), filed May 19, 1981. Applicant: INSTALLATIONS, INC., 312 Huron Blvd., East, Marysville, MI 48040. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Office furniture and office accessories,* between St. Clair County, MI and Orange County, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Bismac International, Inc., 379 Dundas St., London, Ontario, Canada.

MC 155989 (Sub-4-1TA), filed May 18, 1981. Applicant: NICHOLAS CRNEK, JR., d.b.a. RELIABLE TRUCK LINES, 9920 Reeck Rd., Allen Park, MI 48101. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. *Contract,* irregular: *General commodities (except classes A and B explosives)* between points in the U.S. under a continuing contract with Aluma-Systems, Inc. Supporting shipper: Aluma-Systems, Inc., 4800 Dufferin St., Downview (Toronto), Ontario, CD M3H 5S9.

MC 118612 (Sub-4-7TA), filed May 18, 1981. Applicant: COLUMBIA TRUCKING, INC., 700 131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, IL 60601. *Hazardous and Toxic Waste Materials* between points in the states of IA, IL, IN, MI, MN, and WI. Supporting shipper: Dowell, Division of The Dow Chemical Company, P.O. Box 160, Chicago Heights, IL 60411.

MC 153883 (Sub-4-4TA), filed May 18, 1981. Applicant: HARNIC TRUCKING, INC., 3340 Calumet Avenue, Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract* irregular: *Food and*

Related Products, Between points in the U.S., under continuing contract(s) with Schulze and Burch Biscuit Co. Supporting shipper: Schulze and Burch Biscuit Co., 1133 West 35th Street, Chicago, IL 60609.

MC 155773 (Sub-4–2TA), filed May 18, 1981. Applicant: GERALD J. GROB, d.b.a. JB & J TRUCKING, 5124 County Trunk P, Cross Plains, WI 53528. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Carpet* from points in Walker, Catoosa, Whitfield, Chatooga, Floyd, Bartow, Cherokee, Gordon, Pickens, Murray, Gilmer, and Fannin Counties, GA to Madison and Green Bay, WI. Underlying ETA seeks 120 days authority. Supporting shipper: Coyle, Inc., 250 West Beltline Hwy., Madison, WI 53713.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 2095 (Sub-5–5TA), filed May 21, 1981. Applicant: KEIM TRANSPORTATION, INC., P.O. Box 226, Sabetha, KS 66534. Representative: Clyde N. Christey, 1010 Tyler, Suite 110L, Topeka, KS 66612. *Wheat middlings,* from Denver, CO to Flagstaff, AZ. Supporting shipper: Ralston-Purina Co., Checkerboard Sq., St. Louis, MO 63188.

MC 59367 (Sub-5–7TA), filed May 21, 1981. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Ft. Dodge, IA 50501. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Food and related products,* between Ft. Dodge, IA, and Omaha, NE, on the one hand, and, on the other, points in the U.S. in and west of MI, OH, KY, TN, GA, and FL (except AK and HI). Supporting shipper: Omaha Cold Storage Terminals, Inc., R.R. 2, Ft. Dodge, IA 50501.

MC 111401 (Sub-43TA), filed May 21, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Spent sulfuric acid, in bulk,* from Sinclair, WY to Evans, CO. Shipper: Saunders Chemical Co., P.O. Box 129, Evans, CO 80620.

MC 115669 (Sub-5–10TA), filed May 22, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *Food and related commodities,* between Lancaster and Hall Counties, NE, on the one hand, and, on the other, pts in the U.S. (except AK and HI). Supporting shipper: Delicious Foods Co., P.O. Box 730, Grand Island, NE 68801.

MC 126822 (Sub-5–59TA), filed May 22, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Hwy, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Refractory products and materials, equipment and supplies used in the manufacture, distribution and installation thereof* between pts in the U.S., restricted to shipments from, to or between the facilities of Chicago Fire Brick Co. Supporting shipper: Chicago Fire Brick Co., 1467 North Elston Avenue, Chicago, IL 60622.

MC 133604 (Sub-5–2TA), filed May 21, 1981. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 South 11th Street, Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Unfinished furniture Parts And Equipment To Assemble,* Between pts in TX, on the one hand, and, on the other, pts in IA and MO. Supporting shipper: Dooley Mfg. Co., Box 32, 700 "D" Avenue West, Oskaloosa, IA 52577.

MC 138658 (Sub-5–1TA), filed May 21, 1981. Applicant: CROSS TRANSPORTATION, INC., 100 Factory St., Lewis, KS 67552. Representative: Clyde N. Christey, 1010 Tyler, Suite 110L, Topeka, KS 66612. Contract, irregular *(1) Machinery, equipment, materials and supplies used in or in connection with, the discovery development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and products and by-products (except drilling rigs); (2) Materials, machinery equipment and supplies, used in or in connection with the construction, operation, repair, servicing and maintenance of natural gas and petroleum pipelines; (3) Machinery, equipment, materials and supplies, necessary or useful in the manufacture, assembly and distribution of the commodities set forth in 1 and 2 above,* and *(4) Iron and steel articles* between points in the U.S. (except AK and HI). Supporting shippers: Valley Research and Development Co., 100 Factory St., Lewis, KS 67552.

MC 141312 (Sub-5–5TA), filed May 21, 1981. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, Irregular. *Sodium sulfate,* from Gaines County, TX to Otoe County, NE, under a continuing contract(s) with Nebraska Ash company. Supporting shipper: Nebraska Ash Company, P.O. Box 449, Weeping Water, NE 68463.

MC 144603 (Sub-5–42TA), filed May 22, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *Lumber and wood products* between the facilities of Medford Moulding Company at or near White City, OR, on the one hand, and, on the other, pts in and east of MN, IA, MO, AR and LA. Supporting shipper: Medford Moulding Company, P.O. Box 596, Medford, OR 97501.

MC 146518 (Sub-5–2TA), filed May 21, 1981. Applicant: OWEN MOTOR FREIGHT LINE, INC., P.O. Box 7516, Alexandria, LA 71306. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326. *Lumber and wood products* between points in LA and AR, on the one hand, and, on the other, points in the US. Supporting shipper: Dur-Wood Treating Co., P.O. Box 231, Pineville, LA 71360.

MC 147676 (Sub-5–7TA), filed May 22, 1981. Applicant: KEATON TRUCK LINES, INC., 1000 South Lelia Street, P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington, 1000 South Lelia Street, P.O. Box 1187, Texarkana, TX 75504. Contract: Irregular. *Carpet and all commodites used in the manufacturing of carpet* Between Hope, AR and AL, AZ, GA, LA, MS, MO, NM, NY, OH, PA, SC, TN, TX. Supporting shipper: Spears Carpet Mills, Inc., P.O. Box B, Hope, AR 71801.

MC 151435 (Sub-5–6TA), filed May 22, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Rd., Raytown, MO 64133. Representative: Charles Dixon (same as above). Contract, Irregular. *General commodities (except class A and B explosives),* from Kansas City, MO to points in CA, OR, TX, OH, MD and GA. Supporting shipper: Stuf-It, Inc., 8300 N.E. Underground Dr., Kansas City, MO 64133.

MC 151819 (Sub-5–10TA), filed May 21, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75235. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Alcoholic beverages and wines in packages;* from Brooklyn and Westfield, NY; Lansdowne, MD; Scobeyville, NJ; Plainsfield, IL; and points in CA, to points in TX, Little Rock, AR; Shreveport, Layfayette and Harahan, LA; Phoenix and Tucson, AZ. Supporting shipper(s): Glazer's Wholesale Drug Co., Inc., 508 Park Avenue, Dallas, TX.

MC 151819 (Sub-5–11TA), filed May 22, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75235. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Paper and printed matter;* between Ft. Worth, TX on the one hand, and, on the other, points in AZ, LA, MS, AL, FL, OH, NY, NC, IL, WI, MN, and CO. Supporting shipper(s): Printing Center, 701 E. Fifth St., Ft. Worth, TX 76102.

MC 152537 (Sub-5–4TA), filed May 21, 1981. Applicant: WIN WILLIAMS TRUCKING CO., INC., 14025 Spencer Rd., Suite No. 201, Houston, TX 77041. Representative: Win Williams, 14025 Spencer Rd., Suite No. 201, Houston, 77041. *Pipe, when moving as oilfield equipment,* between points TX, OK, LA, MN, CO, and WY, restricted to traffic moving for the account of Mitchell Energy. Supporting shippers: Mitchell Energy, P.O. Box 61863, Houston, TX 77208.

MC 154488 (Sub-5–3TA), filed May 21, 1981. Applicant: JOE T. LASLEY, d.b.a. LASLEY TRUCKING COMPANY, Highway 64 East, P.O. Box 1368, Conway, AR 72032. Representative: John B. Fowlkes, Jr., P.O. Box 1368, Conway, AR 72032, 501–327–0383. Contract; Irregular, *Steel having prior water or rail movement* from Little Rock, AR on the one hand to the facilities of American Transportation Corporation, Conway, AR on the other hand under continuing contract with American Transportation Corporation. Supporting shipper: American Transportation Corp., Highway 65 South, Conway, AR 72032.

MC 155595 (Sub-5–5TA), filed May 21, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in or used by catalog or retail farm, home, and automobile stores; or, by variety department stores,* between Davidson County, TN; Marion County, IN; and, Douglas County, NE, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. Supporting shipper: Tractor Supply Co., 915 Murfreesboro Rd., Nashville, TN 37217.

MC 155595 (Sub-5–6TA), filed May 21, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in or used by manufacturers or distributors of (1) health and beauty aids, (2) pharmaceuticals, (3) chemicals, (4) mints, (5) food ingredients, and (6) automotive materials and supplies,* between Davidson County and Rutherford County, TN; on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. Supporting shipper: Cumberland Manufacturing Company, P.O. Box 24676, 501 25th Ave. North, Nashville, TN 37202.

MC 155595 (Sub-5–7TA), filed May 22, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Textile mill products,* between Davidson County, TN and Christian County, KY, on the one hand, and, on the other, Pts in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI. Supporting shippers: Haywood Male Company, Div. of Genesco, 1501 County Hospital Road, Nashville, TN 37218; W.E. Stevens Manufacturing Company, Inc., 400 First Avenue South, Nashville, TN 37201; Elk Brand Manufacturing Co., 1010 S. Campbell, Hopkinsville, KY.

MC 155595 (Sub-5–8TA), filed May 22, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Leather and leather products,* between Williamson and Wilson Counties, TN, on the one hand, and, on the other, Pts in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI. Supporting shippers: Georgia Boot—Durango, Division of U.S. Industries, Inc., Franklin, TN; Texas Boot Company, P.O. Box 480, Lebanon, TN.

MC 155734 (Sub-5–1TA), filed May 21, 1981. Applicant: BLUE LINE STORAGE COMPANY, 226 Elm Street, Des Moines, IA 50309. Representative: Walt Burns (same as applicant). *Telephone equipment, material and supplies used in the construction and maintenance of telephone systems* between Des Moines, IA, on the one hand, and, on the other, Pts in IA. Supporting shipper: Western Electric Co. 111 Havana Street, Aurora, CO 80010.

MC 155903 (Sub-5–1TA), filed May 21, 1981. Applicant: DAHLIA PLANTATION, INC., Route 2, Box 18, Tallulah, LA 71282. Representative: Gene Laird (same as applicant). *(1) Oilwell pumping stations, related machinery, equipment, and parts, and items used in the manufacture, assembly, and distribution of those commodities,* between points in Madison and Ouachita Parishes, LA, on the one hand, and, on the other, points in the U.S. (except AK and HI); and *(2) Tanks and tank parts, Iron or Steel, and items used in the manufacture, assembly, and distribution of those commodities,* between points in Madison Parish, LA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Dixie, Inc., P.O. Box 308, Tallulah, LA. Pnu Tank, Inc., P.O. Box 1800, Tallulah, LA. United Machinery Service, Inc., 4705 Milhaven Rd., Monroe, LA.

MC 156079 (Sub-5–1TA), filed May 21, 1981. Applicant: CIRCLE C CARRIERS, INC., 10108 Dobby Drive, Little Rock, AR 72206. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201. *(1) household applicances. (2) television sets and recorders (tape or wire),* and *(3) parts and accessories for appliances, television sets and recorders* from the facilities of the General Electric Co., at or near Little Rock, AR, to points in LA, MS, NM, OK and TX. *Supporting shipper:* General Electric, Co., 6901 Lindsey Road, Little Rock, AR 72206.

MC 5888 (Sub-5–4TA), filed May 19, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th Street, Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. *General Commodities (Except Classes A and B Explosives and Household Goods as defined by the Commission)* from Forest City, IA, to St. Louis, MO; Cleveland & Cincinnati, OH; Chicago, IL; Detroit, MI; and points in their respective Commercial Zones. *Supporting shipper:* Minnesota Mining and Manufacturing Company, 3M Center, Transportation-Bldg. 225–1S, St. Paul, MN 55144.

MC 115669 (Sub-5–9TA), filed May 19, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same as applicant). *Limestone, limestone products, and materials and items used in processing and manufacturing limestone and limestone products,*

between Quincy, IL; Ft. Dodge, IA; Carthage, MO; and Marble Falls, TX; on the one hand, and, on the other, points in AR, IL, IA, KS, MN, MO, NE, ND, OK, SD, TX and WI. Supporting shipper: Calcium Carbonate Co., 3150 Gardner Expressway, Quincy, IL 62305.

MC 120430 (Sub-5–1TA), filed May 20, 1981. Applicant: COASTAL TRANSPORT CO., INC., 5714 Star Lane, Houston, TX 77057. Representative: Leroy Hallman, Phinney, Hallman, Pulley & Coke, 4555 First National Bank Building, Dallas, TX 75202. *Natural gasoline, in bulk, in tank trailers,* from the Conoco Refinery at or near Medford, OK to San Antonio, TX. Supporting shipper: Howell Hydrocarbons, 7811 South Presa, San Antonio, TX 78221

MC 135015 (Sub-5–2TA), filed May 20, 1981. Applicant: SOUTHERN TRANSIT COMPANY, INC., 1211 South 9th Street, P.O. Box 3586, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Forth Smith, AR 72902. *General commodities, except Classes A and B Explosives, commodities in bulk, hazardous materials and household goods as defined by the Commission,* between points in Crawford, Polk, Scott, Sebastian and Sevier Counties, AR, and LeFlore, McCurtain and Sequoyah Counties, OK, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shippers: 7.

MC 151819 (Sub-5–9TA), filed May 19, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood, Dallas, TX 75235. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Food and related products;* between Anderson County, TX on the one hand, and, on the other, points in the states of: AL, AZ, AR, CA, CO, FL, GA, IL, IA, KS, KY, LA, MI, MN, MS, MO, NY, NM, NC, NE, OH, OK, PA, SC, TN, WI, UT and VA. Supporting shipper(s): Vernon Calhoun Packing Co., P.O. Box 709, Palestine, TX 78701.

MC 152537 (Sub-5–3TA), filed May 20, 1981. Applicant: WIN WILLIAMS TRUCKING CO., INC., 14025 Spencer Rd., Suite #201, Houston, TX 77041. Representative: Win Williams (same as applicant). *Pipe, when moving as oilfield equipment,* between points in TX, OK, and LA, restricted to traffic moving for the account of International Materials and Service Co. Supporting shippers: International Materials & Service Co., P.O. Box 602, Galena Park, TX 77547.

MC 152649 (Sub-5–5TA), filed May 20, 1981. Applicant: RIVERLAND TRUCKING CO., INC., P.O. Drawer BC, Reserve, LA. 70084. Representative: Harry M. England (same as applicant). Contract: irregular: *such commodities as are manufactured by, dealt in, or used by manufacturers of sugar products,* between Reserve, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, KY, MS, NC, OH, OK, TN, TX, VA, WI, IN, NE, SC, and LA. Supporting shipper: Godchaux-Henderson Sugar Company, Inc., River Road, P.O. Drawer AM, Reserve, Louisiana 70084.

MC 153323 (Sub-5–6TA), filed May 20, 1981. Applicant: IOWA-TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51102. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC, 209 and 766 (except hides and commodities in bulk)* from facilities of Farmland Foods, Inc. at or near Denison, Iowa Falls, Carroll, Cherokee, Des Moines, Fort Dodge, and Sioux City, IA and Crete, Omaha and Lincoln, NE to pts in the U.S./ in and west of WI, IL, MO, AR, and LA. Supporting shipper(s): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442.

MC 154271 (Sub-5–1TA), filed May 20, 1981. Applicant: BLUE BONNET TRANSIT, INC., 4000 Spring Valley Road, Dallas, TX 75234. Representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, TX 75202. Contract; irregular; (1) *Alcoholic Beverages and Wine (except in bulk),* between points in the U.S., under continuing contract(s) with Lone Star Company, Dallas, TX; (2) *Non-Exempt Food and Kindred Products* as described in STCC No. 20, between points in the U.S. under continuing contract(s) with Iowa Beef Proceesors, Inc., Dakota City, NE. Supporting shippers: Lone Star Company, P.O. Box 225808, Dallas, TX 75265; Iowa Beef Processors, Inc., Dakota City, NE.

MC 154768 (Sub-5–7TA), filed May 20, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 N.W. 108th, Des Moines, IA 50322. Representative: Harold W. Sternberg, 2165 N.W., 108th Des Moines, IA 50322. Contract; irregular *such commodities as books, games, toys, and related material as sold in department and variety stores,* (1) between pts in IA, (2) between pts in IA, on the one hand, and, on the other, Omaha, NE, and (3) between pts in Rock Island County, IL, under continuing contract(s) with Western Publishing Company, Inc., Racine, WI. Supporting shipper: Western Publishing Company, Inc., 1220 Mound Avenue, Racine, WI 53404.

MC 155689 (Sub-5–1TA), filed May 19, 1981. Applicant: BOB'S HOME SERVICE, INC., d.b.a. B.H.S., INC., Route 1, Box 116–F, Wright City, MO 63390. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Hazardous and non-hazardous industrial waste* between points in IN, IL, IA, NE, KS, AR, KY, and TN on the one hand, and on the other, Bob's Home Service Industrial Waste Landfill at or near Wright City, MO. Supporting shippers: Square D Company, 1717 Centerpark Road, Lincoln, NE 68512; Square D Company, 3700 Sixth Street, S.W., Cedar Rapids, IA 52406; Olin Corporation, Shamrock Street, East Alton, IL 62024.

MC 155952 (Sub-5–1TA), filed May 19, 1981. Applicant: J. L. STEWART COMPANY, P.O. Box 33035, San Antonio, TX 78233. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. *Candy and confectionary,* between Houston and San Antonio, TX, on the one hand, and, on the other the following TX counties: Atascosa, Bandera, Bee, Brazoria, Brooks, Calhoun, Cameron, Colorado, Comal, DeWitt, Dimmitt, Ft. Bend, Frio, Gonzales, Guadalupe, Hayes, Hidalgo, Jackson, Jim Wells, Kendall, Kennedy, Kerr, Kleberg, Lavaca, Matagorda, Maverick, Medina, Nueces, San Patricio, Val Verde, Victoria, Webb, Wharton, Wilson, Zapata, and Zavala. Supporting shipper: E. J. Brach & Sons, 4656 W. Kinzie, Chicago, IL 60644.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 134387 (Sub-6–16TA), filed May 19, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd, Ste. 1800, Los Angeles, CA 90017. *Books,* from Logan, UT to San Diego, Los Angeles, Oakland, Fresno, Sacramento, San Jose & Stockton, CA; Portland, OR; and Seattle and Spokane, WA for 270 days. An underlying ETA seeks up to 120 days authority. Supporting shipper: Herff Jones, Division of Carnation Corp., 611 W. Colunbia St. #7, Pasco, WA 99301.

MC 145054 (Sub-6–11TA), filed May 18, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. *Such commodities as are dealt in or used by wholesale and retail, discount, variety and department stores.*

between points in Pulaski County, AR on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: Target Stores, Inc., 600 Carnahan Drive, Maumelle, AR 72118.

MC 156056 (Sub-6–1TA), filed May 18, 1981. Applicant: DWIGHT S. and GLENNA D. LEFNER, d.b.a. D & G EXPRESS, P.O. Box 804, Bethel, AK 99559. Representative: Dwight S. Lefner (same as applicant). *General commodities,* (except class A and B explosives, hazardous waste materials, commodities in bulk in tank type equipment) from Bethel, AK dock to any point accessible by road in bethel for 270 days. Supporting shipper: Lower Kuskokwim School District, Box 305, Bethel, AK 99559.

MC 143570 (Sub-6–2TA), filed May 15, 1981. Applicant: D & G TRUCKING, INC., 4420 E. Overland Rd., Meridian, ID 83642. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *(1) Building materials and (2) floor coverings, and materials, equipment and supplies* used in the installation, distribution and sale of #(2), between points in CA, CO, NV, OR, UT and WA on the one hand, and on the other, points in ID, WA and UT, for 270 days. There are 9 shippers. The statements may be examined at the office listed.

MC 147503 (Sub-6–1TA), filed May 18, 1981. Applicant: NORMAN H. DAHLSTEDT, d.b.a. DAHLSTEDT TRUCKING, 1306 Hwy. 237, Mt. Vernon, WA 98273. Representative: Norman H. Dahlstedt (same as applicant). *Fertilizer, Herbicides, Pesticides, Insecticides, and Potting Soils* except bulk in tank vehicles, in, from and between points in WA, OR, ID, MT, UT, and CA, for the accounts of Estech General Chemical and The Pax Co., for 270 days. An underlying ETA seek 120 days authority. Supporting shippers: Estech General Chemical, P.O. Box 208, Monroe, WA 98272; The Pax Co., c/o Wolfkill, P.O. Box 578, Monroe, WA 98272.

MC 56640 (Sub-6–10TA), filed May 18, 1981. Applicant: DELTA LINES, INC., P.O.B. 2081, Oakland, CA 94604. Representative: Kirk Wm. Horton (same as applicant). *General commodities* (except Classes A & B explosives, household goods as defined by the Commission, and commodities in bulk). serving Brookings and Harbor, OR as off-route points in connection with carrier's otherwise authorized regular route operations, for 270 days. Applicant intends to tack with its presently held authority. Supporting shipper: There are six (6) supporting shippers, whose statements may be examined at the regional office listed.

MC 156042 (Sub-6–1TA), filed May 18, 1981. Applicant: K & D ENTERPRISES, 2422 Highway 2 West, Kalispell, MT 59901. Representative: Kenneth P. Doty (same as applicant). *(1) lumber and wood products, agricultural, logging and construction equipment and machinery, new or used, and parts thereof, new or used, steel and metal products, and roofing and building materials, boats and yachts, both new and used, marine accessories, equipment and parts, and all recyclable materials,* from points in AZ, CA, ID, MT, NM, OR, and WA, to the adjacent (48) states to include all international boundaries, for 270 days; *(2) general commodities,* from points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TX, TN, VT, VA, WV, and WI, to the adjacent (48) states to include all international boundaries, for 270 days. Supporting shippers: Mor-Wood, Inc., Box 163, Columbia Falls, MT 59912; F. H. Stoltze Land & Lumber Co., Box 1429, Columbia Falls, MT 59912; Superior Buildings Co., 455 4th Ave., E.N., Columbia Falls, MT 59912; and Plum Creek Lumber Co., P.O.B. 160, Columbia Falls, MT 59912.

MC 152109 (Sub-6–5TA), filed May 18, 1981. Applicant: KAIBAB TRANSPORTATION, INC., P.O. Box 20506, Phoenix, AZ 85036. Representative: Michael F. Morrone, 1150 17th St. NW., Suite 1000, Washington, DC 20036. *Contract* carrier, irregular routes: *General commodities* (except classes A and B explosives and hazardous waste material) (A) from points in Los Angeles County, San Diego County, Orange County, San Bernardino County and Riverside County, CA to points in Maricopa County, Pima County and Yuma County, AZ; and (B) from points in El Paso County, TX to points in Maricopa County and Pima County, AZ under continuing contract with O'Malley Company, Inc., Phoenix, AZ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: O'Malley, Company, Inc., P.O. Box 10532, Phoenix, AZ 85064.

MC 156032 (Sub-6–1TA), filed May 18, 1981. Applicant: LEROY LEATHAM, d.b.a. ROY LEATHAM TRANSPORT, INC., 5217 S.W. Aldercrest Road, Milwaukie, OR 97222. Representative: John H. King, 50015 S.W. Coalman Road, Sandy, OR 97055. *Contract Carrier,* Irregular Routes: (1) *Lumber and Wood Products,* and (2) *Materials, Equipment and Supplies* used in the manufacture and distribution of commodities named in (1) above, between points in the U.S. for the account of Hampton Lumber Sales Co., for 270 days. Supporting shipper: Hampton Lumber Sales Co., 9400 S.W. Barnes Road, Portland, OR 97225.

MC 150290 (Sub-6–4TA), filed May 14, 1981. Applicant: MIDLAND TRANSPORTATION CO., INC., 801 West Artesia Blvd., Compton, CA 90220. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. *Advertising display racks and stands, and materials and supplies used in the manufacture and sales thereof,* except in bulk between Newark, NJ, on the one hand, and, on the other, points in the U.S. except AK and HI on shipments originating or destined to Butler Industries Inc., Newark, NJ for 270 days. Supporting shipper: Butler Industries Inc., 637 Central Avenue, Newark, NJ 07107.

MC 138732 (Sub-6–9TA), filed May 18, 1981. Applicant: OSTERKAMP TRUCKING, INC., P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 5 Crow Canyon Ct., Suite 200, San Ramon, CA 94583. *Containers, container ends and closures; commodities manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers and material, equipment and supplies used in the manufacture and distribution of containers, container ends and closures* from points in ID to points in UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Boise Cascade Corporation, P.O. 7747, Boise, ID 83707.

MC 147042 (Sub-6–2TA), filed May 14, 1981. Applicant: SEARS TRUCKING, INC., 1760 South Anaheim Blvd., Anaheim, CA 92805. Representative: Robert Evans (same address as applicant). (1) *Paper cups and other paper articles,* (2) *Plastic cups and other articles,* (3) *Bakery goods,* From Los Angeles County, CA to Portland, OR; From Los Angeles County, CA to Phoenix, and Tucson, AZ, for 270 days, an underlying ETA seeks 120 days authority. Supporting shipper: Sweetheart Cup Corp., 2155 E. 7th St., Los Angeles, CA 90032.

MC 129480 (Sub-6–5TA), filed May 18, 1981. Applicant: TRI-LINE EXPRESSWAYS, LTD., P.O. Bag 1212, Stn. T, Calgary, Alberta, CD T2H 2J1. Representative: Richard S. Mandelson, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver CO 80264. *Alumina oxide catalyst,* from Michigan City, IN, to the international boundary line between the U.S. and CD at Emerson, Manitoba, for 270 days, an underlying ETA seeks 120 days authority. Supporting shipper:

American Cyanamid Company, Burdan Avenue, Wayne, NJ 07470.

MC 151225 (Sub-6–7TA), filed May 19, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 718—17th St., Suite 1700, Denver, CO 80202. *Uranium Liquor*, from Maybell, CO to Gas Hills, WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Union Carbide Corporation, One California St., San Francisco, CA 94111.

MC 26396 (Sub-6–66TA), filed May 19, 1981. Applicant: THE WAGGONERS TRUCKING, P.O.B. 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O.B. 82028, Lincoln, NE 68501. *Lumber and building materials*, from Wichita, KS and points in its commercial zone to points in AR, MO, NE, OK and TX, for 270 days. Supporting shipper: Chandler Corporation, 3151 South West Street, Wichita, KS 67217.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16207 Filed 5–29–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–101]

Certain Hot Air Corn Poppers and Components Thereof; Investigation

Correction

In FR Doc. 81–15280, on page 28043, in the middle column, the second paragraph from the end, the eighth line, remove the date "June 11, 1981." and insert in its place "20 days after the date of service of the complaint.".

BILLLING CODE 1505–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR–51, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (ANO–1) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment modifies the ANO–1 Appendix A Technical Specifications dealing with the reactor decay heat removal capability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated October 31, 1980, as supplemented January 30, 1981, (2) Amendment No. 56 to License No. DPR–51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of May 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81–16283 Filed 5–29–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–458 and 50–459]

Gulf States Utilities Co. (River Bend Station Units 1 and 2); Issuance of Director's Decision

On July 21, 1980, the Union of Concerned Scientists requested the U.S. Nuclear Regulatory Commission (NRC) to halt construction at the River Bend Station Units 1 and 2 of the Gulf States Utilities (GSU) Company. Allegations of questionable practices relevant to plant construction formed the basis for the request. Upon evaluation of the request and related information, I have determined not to grant the relief requested. Accordingly, the request for action under 10 CFR 2.206 is denied.

The reasons for this decision are stated fully in the "Director's Decision Under 10 CFR 2.206," which is available for public inspection in the Commission's public document room at 1717 H Street, NW, Washington, DC 20555. The decision is also available for inspection in the local public document rooms at the Audubon Library, West Feliciana Branch, Ferdinand Street, St. Francisville, Louisiana 70775 and at Louisiana State University, Government Documents Department, Baton Rouge, Louisiana 70803. A copy will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

As provided in 10 CFR 2.206(c), this Decision will become the final action of the agency twenty-five (25) days after issuance, unless the Commission on its motion institutes review of this action within that time.

Dated at Bethesda, Maryland, this 26 day of May 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81–16285 Filed 5–29–81; 8:45 am]

BILLING CODE 7590–01–M

[NUREG–0673]

Issuance and Availability "Guidelines for Confirmatory Inplant Tests of Safety Relief Valve Discharges for BWR Plants"

The Nuclear Regulatory Commission (NRC) staff has prepared a report entitle "Guidelines for Confirmatory Inplant Tests of Safety Relief Valve Discharges for BWR Plants" (NUREG–0763), dated April 1981. The report provides the staff's partial resolution of the NRC's Generic Technical Activity A–39, "Determination of Safety Relief Valve (SRV) Pool Dynamic Loads and Temperature Limits for BWR Containment." This is an "Unresolved Safety Issue" pursuant to Section 210 of the Energy Reorganization Act of 1974.

All BWR plants are equipped with safety/relief valves for overpressure protection of the reactor systems. Experience at operating plants demonstrates that the SRV discharge to the suppression pool causes substantial hydrodynamic loads on piping, equipment and containment structures. These loads result from rapid expulsion of the air that is initially in the SRV discharge line.

As a result of these concerns, the Mark I and Mark II owners formed groups to develop a program consisting

of both analytical and experimental tasks to support their SRV load application methods. These efforts have been incorporated with the LOCA-related pool dynamic program, Generic Technical Activities A–7 and A–8 for Mark I and Mark II containments. Results of the NRC staff evaluation of these issues and acceptance criteria have been reported in NUREG–0661 and NUREG–0487. For Mark III containments, a safety evaluation report and acceptance criteria were also established and issued on July 16, 1976 (GESSAR 238 Nuclear Island, Docket No. STN–50–447).

The acceptance criteria in NUREG–0763 are intended for generic application. Plants which have features that differ substantially from the data base used to establish the acceptance criteria will be required to perform inplant tests. Guidelines for formulating appropriate test matrices, establishing test procedures, selecting necessary instrumentation, and reporting test results are presented.

Copies of the report will be available after May, 1981. Copies will be sent directly to utilities, utility industry groups and associations and environmental and public interest groups. Other copies will be available for review at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C.; and the Commission's local public document rooms located in the vicinity of existing nuclear power plants. Addresses of these local public document rooms can be obtained by contacting the Chief, Local Public Document Rooms Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492–7536.

Dated at Bethesda, Maryland, this 18th day of May, 1981.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Division of Safety Technology, Office of Nuclear Reactor Regulation.

[FR Doc. 81–16284 Filed 5–29–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR–36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment was effective on May 5, 1981.

The amendment revised Technical Specification 3.19 to allow for remote-manual operability of the breakers for the reactor coolant loop No. 2 isolation valves during the period between May 5 and May 9, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate finding as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 5, 1981, (2) Amendment No. 59 to License No. DPR–36, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of May, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81–16286 Filed 5–29–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR–46, issued to Nebraska Public Power District (the licensee), which revised the Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to: (1) permit operation of the facility during Cycle 7 with 112 new P8x8R fuel assemblies designed and fabricated by General Electric Company (GE) replacing an equivalent number of 7x7 and 8x8 irradiated fuel assemblies and (2) revise limits based on transient and accident analysis for Cycle 7 core loading which included use of the ODYN code for the analyses of overpressurization transients.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 5, 1981, (2) Amendment No. 70 to License No. DPR–46, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 118—15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22d day of May 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81–16287 Filed 5–29–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1 located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment contains several changes, clarifications, and improvements in the operability and surveillance requirements for hydraulic snubbers and adds similar new requirements for mechanical snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 25, 1981, (2) Amendment No. 59 to License No. DPR-40, and (3) the Commission's related letter dated May 20, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of May, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-16256 Filed 5-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensee), which revised the license for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment approves, and incorporates into the license, changes to the physical security plan.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated September 30, 1980, as supplemented April 30, 1981, is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure only in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 63 to License No. NPF-1 and (2) the Commission's related letter dated May 19, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of May, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-16259 Filed 5-29-81; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Withdrawal of Procedures Under Executive Order 12044

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice.

SUMMARY: This notice withdrews the earlier notice of the Pension Benefit Guaranty Corporation ("PBGC") under Executive Order 12044. Because the Executive Order has been revoked, the statement previously published by the PBGC is no longer in effect.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Melanie Franco Nussdorf, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-4876.

SUPPLEMENTARY INFORMATION: On December 13, 1978, the PBGC published a statement of policy and procedures with regard to improving the quality of regulations as required by Executive Order 12044 (43 FR 58237). That statement set forth the PBGC's objectives for reviewing existing regulations and issuing new regulations.

On February 17, 1981, Executive Order 12291 was issued, revoking Executive Order 12044. Accordingly, the notice issued under Executive Order 12044 is no longer in effect. In the future, PBGC's regulations will be developed in accordance with the requirements of Executive Order 12291.

Issued at Washington, D.C., on this 26th day of May, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-16154 Filed 5-29-81; 8:45 am]

BILLING CODE 7708-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1988]

Alabama; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Mobile County and adjacent counties within the State of Alabama constitute a disaster area because of damage resulting from severe storms and flooding which occurred on May 5–6, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 13, 1981, and for economic injury until close of business on February 15, 1982, at:

Small Business Administration, District Office, 980 South 20th Street, Birmingham, Alabama 63205

or other locally announced locations. For recent changes in disaster loan eligibility, see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 26, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-16276 Filed 5-29-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/413]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on June 30, 1981, of the Advisory Committee on International Investment, Technology, and Development. The Committee will meet from 9:00 a.m. to 4:30 p.m. The meeting will be held in the Loy Henderson Conference Room of the State Department, 2201 C Street, NW., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to review recent trends in international investment.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: May 21, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81-16219 Filed 5-29-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/412]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on June 17, 1981, of the Working Group on International Data Flows of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 10:00 a.m. to noon. The meeting will be held in the Lecture Room of the National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss the results of the OECD Workshop on the Vulnerability of Computerized Society (Siguenza, Spain May 19–21), preparations for the June meeting of the ICCP Experts Group, and preliminary preparations for the October Special Session Follow-up on the Privacy Guidelines.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group, will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: May 21, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81-16220 Filed 5-29-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-042]

New York Vessel Traffic Service; Advisory Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 USC App. 1), notice is hereby given of a meeting of the New York Harbor Vessel Traffic Service Advisory Committee to be held on Wednesday, June 24, 1981, in the Conference Room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park Office, New York, New York, beginning at 9:30 a.m. The agenda for the meeting is as follows:

1. Discuss progress in completion of the New York Vessel Traffic Service.

2. Discussion of the Marine Traffic Engineering Manual for the Port of New York, including instruction in its use, and the role of the VTS Advisory Committee in the application of Marine Traffic Engineering concepts.

The New York Harbor Vessel Traffic Service Advisory Committee was established by the Commander, Third Coast Guard District to advise on the need for, and development, installation and operation of a Vessel Traffic Service for New York Harbor. Members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Attendance at this meeting is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Additional information may be obtained from Captain D. J. Linde, Executive Director, New York Harbor Vessel Traffic Service Advisory Committee, U.S. Coast Guard, Governors Island, New York, NY 10004 or by calling (212) 668–7954.

Issued in New York, NY on May 15, 1981.

R. I. Price,

Vice Admiral, Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 81-16290 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Summary Notice No. PE-81-14]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before June 22, 1981.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21736	Pacific Southwest Airlines (PSA)	14 CFR 121.291(a)(2)(i)	To permit PSA to increase the passenger-seating capacity of its B-727-200 airplanes from 163 to 175 passengers without first conducting a full-scale demonstration of emergency evacuation procedures.
21705	Texas International Airlines, Inc	14 CFR 141.33(a)(3), 141.35 (d) and (e), 141.79(a), and 141.81(a).	To use chief flight and ground instructors and line flight and ground instructors for courses of training conducted under Part 141 when these instructors do not hold the required instructor certificates and/or do not have the required ground instruction experience in a certificated pilot school.
18109	Airborne Express, Inc	14 CFR 121.371(a) and 121.378	To extend exemption 2581A which allows the functions specified in those sections to be completed for petitioner on their Caravelle SE-210-6R airplanes by foreign manufacturers and air repair agencies when the maintenance is performed outside the U.S.
20868	Texas International Airlines	14 CFR 121.391	To amend exemption 3138 which allows petitioner to use two flight attendants aboard its DC-9-30 airplanes configurated with 115 passenger seats when 15 passenger seats are blocked from use when a third flight attendant becomes ill or injured and another cannot be made available. The petitioner requests that the limitation or condition, required in the previous exemption, be changed which only allows the operation with blocked seats due to mechanical irregularities where additional flight attendants cannot be replaced without more than a 2-hour delay or flight cancellation. Petitioner requests that a change be made to allow operation with blocked seats when a flight attendant cannot be replaced without undue delay or flight cancellation.
21573	Key Airlines	14 CFR 121.61(d)	To allow petitioner to employ Mr. Joseph D. Malognino as their Chief Inspector although he does not have the 1 year of required experience as a maintenance inspector.
21632	California Amphibious Transport (CAT)	14 CFR Parts 91 and 135	Topermit petitioner to conduct visual flight rule day operations under its Part 135 certificate in the uncontrolled airspace between Long Beach, Calif., and Pebbly Beach, Santa Catalina Island, Calif., with a minimum ceiling and visibility of 500 feet and 1 mile and when the ceiling is at or near 500 feet and the operation is conducted with a seaplane or amphibian down to a minimum overwater altitude of 300 feet above the surface. Relief was also requested for operations of CAT's Grumman airplanes without thunderstorm detection equipment over these same routes.

Dispositions of Petitions for Exemptions

Docket No	Petitioner	Regulations affected	Description of relief sought disposition
21554	Caribbean Int'l Airlines, Inc	14 CFR 135.171(a)	To allow petitioner to operate DC-3 airplanes without an approved shoulder harness installed for each flight crewmember station. *Granted 5/18/81.*
21358	Christropher J. Siderwicz	14 CFR 61.151(a)	To permit petitioner to obtain an Airline Transport Pilot's Certificate before reaching his 23rd birthday. *Denied 5/20/81.*
21527	Trans World Airlines (TWA)	14 CFR 121.291(a)(2)	To permit TWA to increase the full-seating capacity of its B-727-100 airplanes from 102 to 116 passengers and to commence operation with a 116-passenger-seating capacity aircraft without first conducting a full-seating capacity emergency evacuation demonstration. *Granted 5/21/81.*
21549	Aerostar	14 CFR 121.291 (a)(1) and (b)	To permit petitioner to initially introduce B-727-25 airplanes into passenger-carrying operations without first conducting a full-seating capacity emergency evacuation and ditching demonstration. *Granted 5/21/81.*
21304	Ozark Air Lines, Inc	14 CFR 121.291(a)	To permit petitioner to increase the seating capacity of its DC-9-30 series aircraft from 100 to 110 passenger seats without first conducting a full-seating capacity emergency evacuation demonstration. *Granted 5/20/81.*
21550	Western Airlines	14 CFR 121.291(a)(2)(i) and Appendix D of Part 121.	To allow petitioner to increase the seating capacity of its Boeing 727-247 aircraft from 146 passengers to 160 passengers without conducting a full emergency evacuation demonstration. *Granted 5/12/81.*

Dispositions of Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21342	Pacific Southwest Airlines	14 CFR 61.39 (a)(1) and (b)	To permit certain PSA flight crewmembers to take the flight test for an airline transport pilot certificate (ATPC) although more than 24 months have elapsed since they passed the required written test for that certificate. *Granted 5/20/81.*
20009	Leo Tew	14 CFR 121.383(c)	To permit him to continue to serve as a pilot in air carrier operations after having reached his 60th birthday. *Denied 5/20/81.*

[FR Doc. 81-16327 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Baltimore County, Maryland

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement is being prepared for the proposed extention of Maryland Route 702 in Baltimore County, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Terry, District Engineer, Federal Highway Administration, The Rotunda, Suite 220, 711 W. 40th Street, Baltimore, Maryland 21211. Telephone: 301/962-4010.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maryland State Highway Administration is preparing an environmental impact statement on a proposal to extend Maryland Route 702 from its present terminus at Old Eastern Avenue to Back River Neck Road in the vicinity of Turkey Point Road, a distance of about two miles. This highway improvement is considered necessary to relieve the severe current and projected traffic congestion on Back River Neck Road and to provide for safer and more efficient traffic patterns in the Back River Neck Peninsula.

There are four alternative currently under consideration. The first alternative is the do nothing. The second alternative involves upgrading portions of Back River Neck Road. The third and fourth alternatives consist of building an extention of Maryland Route 702 on new location. Both extention alternatives consist of four lane divided highways with partial control of access. They differ in the location at which they tie into Back River Neck Road.

An environmental assessment has been prepared for this project. Input was received from various individuals, agencies and organizations in the preparation of the assessment. Copies of the completed environmental assessment were distributed to these groups. A public hearing was held on December 11, 1980. No further formal scoping activities are planned; however, to ensure that all significant issues are addressed, comments are invited from all interested parties. Comments or questions should be addressed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: May 22, 1981.

Emil Elinsky

Division Administrator, Baltimore, Maryland.

[FR Doc. 81-15991 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Bernalillo County, New Mexico

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Bernalillo County, New Mexico.

FOR FURTHER INFORMATION CONTACT:

Dewey O. Lonsberry, District Engineer, Federal Highway Administration, 117 U.S. Courthouse, Santa Fe, New Mexico 87503, Telephone: (505) 988-6255;

Donald Lepic, Technical Services Engineer, New Mexico State Highway Department, P.O. Box 1149, Santa Fe, New Mexico 87503, Telephone: (505) 983-0554 or

James Milton, Transportation Planner, Transportation Department, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103, Telephone: (505) 766-4700.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Mexico State Highway Department, will prepare an environmental impact statement (EIS) on a proposal to extend Juan Tabo Boulevard south to Wagon Train Drive in Albuquerque, New Mexico. The new roadway, which is approximately 1.6 miles in length, begins at Wagon Train Drive in S.E., extends northward across the Tijeras Arroyo, and terminates at Juan Tabo Boulevard S.E., south of La Puerta Avenue. Improvements in the corridor are considered necessary to provide adequate capacity for existing and projected traffic demands, avert future congestion, and accommodate the in-fill development of approximately 900 acres of undeveloped land.

Alternatives under consideration include taking no action and three alternative four-lane routes connecting Wagon Train Drive S.E. to Juan Tabo Boulevard S.E.

No formal scoping meeting is planned at this time. A public hearing will be scheduled upon completion of the draft EIS. A public notice will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposal are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposal and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: May 21, 1981.

Dewey O. Lonsberry,

District Engineer, Santa Fe, New Mexico.

[FR Doc. 81-16006 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Kosciusko County, Indiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Withdrawal of Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will not be prepared for the proposed railroad grade separation of the North-South Conrail tracks on the eastern edge of the central business district in Warsaw, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. John Breitwieser, Staff Environmental Specialist, Federal Highway Administration, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone: 317/269–7481.

SUPPLEMENTARY INFORMATION: The FHWA Indiana Division issued a Notice of Intent, to prepare an EIS for the proposed railroad grade separation carrying the North-South Conrail tracks over Center Street on the eastern edge of the Warsaw central business district, on May 12, 1980 (45 FR 31248). FHWA is withdrawing that Notice at this time because the City of Warsaw, the project sponsor, has informed FHWA that it does not intend to continue any further discussion or consideration of the proposed railroad separation structure within the City of Warsaw at the present time because of the project impact on local businesses. A substitute project being proposed will retain the at-grade railroad crossing and provide for the widening of Center Street from Hickory Street to McKinley Street within the existing right-of-way. The revised project has been submitted as a Categorical Exclusion.

Questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and project apply to the program)

Issued on: May 22, 1981.

George D. Gibson, Jr.,

Division Administrator, Indianapolis, Indiana.

[FR Doc. 81–16007 Filed 5–29–81; 8:45 am]

BILLING CODE 4910–22–M

VETERANS ADMINISTRATION

Lebanon National Cemetery, Lebanon, Ky.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the acquisition and development of approximately two (2) acres of land located adjacent to and south of the existing 2.8± acre Lebanon National Cemetery. This land is being donated by Marion (KY) Post No. 49, Inc., American Legion for the purpose of cemetery expansion. Development of the new acreage will involve minor grading, landscapting and seeding or sodding. From a maintenance standpoint, the new area will be served by the existing cemetery driveway since the land is adjacent to the south property line. At the projected internment rate (50 per year), this expansion will provide an additional 1,200 gravesites and extend the active life of the cemetery beyond the year 2000. The total development cost budgeted for this project is $80,000, inclusive of contingencies, design services and inflation to the time of construction.

Since the project involves land donated to the VA by a non-government organization, no alternatives were available for consideration. The no-action alternative was not considered viable since the cemetery is scheduled to be closed to new internments in fiscal year 1982.

No impacts are expected as a result of the proposed cemetery expansion and land acquisition. The expansion of the existing 2.8± acre National Cemetery by an additional 2± acres (subject to VA survey) involves only minor earthwork (grading) and landscapting and, therefore, no effects are anticipated. Findings conclude the proposed action will not cause any significant adverse effects on the physical and human environment and, therefore, does not require the preparation of an Environmental Impact Statement. The significance of the potential impacts has been evaluated relative to both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27). This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in the assessment.

Mitigation incorporated into the project development will include actions to avoid temporary air quality degradation due to construction and to limit soil erosion. Construction contract documents will include specifications to avoid adverse environmental effects.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: May 22, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81–16208 Filed 5–29–81; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 104
Monday, June 1, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Home Loan Bank Board	1
Federal Maritime Commission	2, 3
National Credit Union Administration	4
National Transportation Safety Board	5
Nuclear Regulatory Commission	6
Railroad Retirement Board	7
Securities and Exchange Commission	8
Tennessee Valley Authority	9

1

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 46, May 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., June 4, 1981.

PLACE: 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the agenda for the open meeting and will be added to the open meeting of May 29, 1981:

Geographical Restrictions on Remote Service Unit Operations

No. 494, May 28, 1981.

[S–848–81 Filed 5–28–81; 10:57 am]

BILLING CODE 6720–01–M

2

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., June 4, 1981.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the Public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10118–5: Indefinite Extension of the Term of the Atlantic Steamship Energy Conservation Agreement.
2. Agreement No. 9978–15: Modification of the Associated North Atlantic Freight Conference Agreement to extend its term for an indefinite period.
3. Proposed Rule In Response to Interstate Commerce Commission's Final Rule in Ex Parte 230 (Sub 5).

Portions closed to the public:

1. Section 21 Order Report on Impact of the Pricing Policy of North Atlantic Carriers on U.S. Exporters.
2. Section 19 of the Merchant Marine Act; Activities of Foreign Governments Affecting Shipping.
3. Docket No. 80–69: Archie Pletzman V. American Maritime Association et al.—Appeal from Order of Dismissal.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523–5725.

[S–847–81 Filed 5–28–81; 10:43 am]

BILLING CODE 6730–01–M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 2:30 p.m., May 28, 1981.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Closed

MATTER TO BE CONSIDERED: 1. Petition of Various Conferences under section 19 of the Merchant Marine Act, 1920, for relief from ruling of the Interstate Commerce Commission in Ex Parte 230 (Sub 5).

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202)–523–5725.

[S–849–81 Filed 5–28–81; 11:03 am]

BILLING CODE 6730–01–M

4

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 10 a.m., Wednesday, June 3, 1981.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. Administration of Central Liquidity Facility discount note program. Closed pursuant to exemptions (4) and (9)(B).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant; telephone (202) 357–1100.

[S–846–81 Filed 5–27–81; 5:06 pm]

BILLING CODE 7535–01–M

5

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–81–19]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 27439, May 19, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:30 a.m., Friday, May 29, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report*—Illinois Central Gulf Railroad Freight Train/Mobil Oil Company Tractor Cargo Tank Semitrailer Grade Crossing Collision and Fire, Kenner, Louisiana, November 25, 1980, and *Recommendations* to the State of Louisiana, the City of Kenner, Louisiana, and the Illinois Central Gulf Railroad.
2. *Pipeline Accident Report*—Colonial Pipeline Company Petroleum Product Pipeline Failures, Manassas and Orange County, Virginia, March 6, 1980, and *Recommendations* to the Research and Special Programs Administration, the Colonial Pipeline Company, the American Petroleum Institute, and the American Gas Association.
3. *Special Study Proposal*—Major Marine Collisions and Effects of Preventive Recommendations.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

May 28, 1981.

[S–854–81 Filed 5–28–81; 3:47 pm]

BILLING CODE 4910–58–M

6

NUCLEAR REGULATORY COMMISSION.

DATE: TUESDAY, JUNE 2 AND WEDNESDAY, JUNE 3, 1981.

PLACE: Commissioner's Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, June 2:*

10 a.m.

1. Briefing on 10 CFR 60, Disposal of High-Level Radioactive Wastes in Geologic Repositories: Technical Criteria (public meeting)

2 p.m.

1. Discussion of Revised Licensing Procedures (public meeting) (approximately 1½ hours)
2. Time Reserved for Discussion of Management-Organization and Internal Personnel Matters (closed meeting)

Wednesday, June 3:

10 a.m.

1. Discussion of Need for Power Rule (public meeting)

ADDITIONAL INFORMATION: Time Reserved for Discussion of Management-Organization and Internal Personnel Matters on May 27, 1981 at 2:30 p.m., Item 2.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

May 26, 1981.

Walter Magee,

Office of the Secretary.

[S–851–81 Filed 5–28–81; 3:08 pm]

BILLING CODE 7590–01–M

7

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 10 a.m., June 8, 1981.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

(1) Suspension of submission of cases to OPM for Qualifications Review Board review.

(2) Appeal on computation of annuity. Lester L. Studer.

(3) Appeal of nonwaiver of overpayment. Sidney Coats.

Portion closed to the public:

(A) Appeal from referee's denial of disability annuity, Charles M. McCulloh.

(B) Appeal from referee's denial of disability annuity, Kenneth Bassett.

(C) Appeal from referee's denial of disability annuity, Al N. Moore.

(D) Appeal from referee's denial of disability annuity, Oscar W. Elliott.

(E) Appeal from referee's denial of claim for a "period of disability," Verl G. Jones.

(F) Appeal from referee's denial of disabled widow's annuity, Christine C. Peeler.

(G) Board's role in labor-management negotiations.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, COM No. 312–751–4920, FTS No. 387–4920.

[S–853–81 Filed 5–28–81; 3:25 pm]

BILLING CODE 7905–01–M

8

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 1, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 2, 1981, at 9:30 a.m. and on Wednesday, June 3, 1981, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Evans and Thomas determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 2, 1981, at 9:30 a.m., will be:

Report of investigation.

The subject matter of the closed meeting scheduled for Wednesday, June 3, 1981, at 2:30 p.m., will be:

Litigation matter.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Freedom of Information Act appeals.
Formal order of investigation.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272–2091.

May 28, 1981.

[S–850–81 Filed 5–28–81; 1:39 pm]

BILLING CODE 8010–01–M

9

TENNESSEE VALLEY AUTHORITY. [Meeting No. 1267]

TIME AND DATE: 10:15 a.m. (e.s.t.), Thursday, June 4, 1981.

PLACE: Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

Old Business Item

1. Final rate review.

New Business Items

A—Project Authorizations

1. Project Authorization No. 3563—Install a siren system within the 10-mile emergency planning zone at Browns Ferry Nuclear Plant.
2. Project Authorization No. 3564—Modifications for long-term torus integrity program at Browns Ferry Nuclear Plant.
3. Project Authorization No. 3549—Nonconvecting solar pond test and evaluation.

B—Purchase Awards

1. Req. No. 828798—Lower miter gate for Pickwick Landing.
2. Req. No. 829090—Installation of insulation at Johnsonville Fossil Plant.
3. Amendment to Contract Nos. 73C60–75210 and 75K60–84840–1 between TVA and General Electric Company covering additional design work for the Hartsville and Phipps Bend Nuclear Plants.

C—Power Items

1. Adoption of supplemental resolution authorizing 1981 Series C Power Bonds.
2. Resolution authorizing the Chairman and other Executive Officers to take further action relating to issuance and sale of 1981 Series C Power Bonds.
- *3. Agreement between Hunt-Wesson Foods, Inc., City of Memphis, Tennessee, and TVA covering the purchase, by TVA, of cogenerated power.
4. Standard-form agreements to amend existing Home Insulation and Heat Pump agreements with distributors.

D—Personnel Items

- *Change of status for Charles C. Mason from Acting Power Plant Superintendent, to Power Plant Superintendent, Watts Bar Nuclear Plant, Division of Nuclear Power, Office of Power, Spring City, Tennessee.
2. Filling of critical-sensitive position of Assistant General Manager by Frank R. Holland pending completion and evaluation of a full field security investigation.
3. Renewal of consulting contract with Stanley D. Wilson, Seattle, Washington, for services in connection with geotechnic and foundation engineering (requested by the Office of Engineering Design and Construction).
4. Renewal of personal services contract with CDI Corporation, Philadelphia, Pennsylvania, for engineering support services (requested by the Office of Engineering Design and Construction).
5. Amendment to personal services contract with Institute for Resource Management, Inc., Annapolis, Maryland.

---

*Items approved by individual Board members This would give formal ratification to the Board's action.

for the services of health physics technicians at TVA nuclear plants (requested by the Office of Management Services).

6. Amendment to personal services contract with Wyle Laboratories, Huntsville, Alabama, for engineering and related services (requested by the Office of Power).

E—Real Property Transactions

1. Abandonment of deed covenant affecting approximately 0.3 acre of Chickamauga Reservoir land—Tract No. XCR-167.
2. Abandonment of easement rights affecting approximately 9.8 acres of Fort Loudoun Reservoir land located in Knox County, Tennessee, Tract Nos. FL-1267F, FL-1268F, FL-1269F, and FL-1270F.
3. Designation of approximately 121.7 acres of land acquired for a steam plant site in Bell County, Kentucky, as surplus and for sale at public auction—Tract Nos. XPGSP-2, XPGSP-3, XPCSP-4, XPGSP-5, and XPGSP-6.
4. Designation of approximately 121 acres of Kentucky Reservoir land in Humphreys County, Tennessee, as surplus and for sale at public auction for industrial purposes—Tract No. XGIR-901.
5. Filing of condemnation suits.

F—Unclassified

1. Final TVA regulation under the Age Discrimination Act of 1975.
2. Delegation of authority to clarify, modify; and amend certain instruments conveying land to public entities and others under the TVA Act.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: May 28, 1981.

[S-852-81 Filed 5-28-81; 3:20 pm]

BILLING CODE 8120-01-M

V 46 / 104 JE 1 81 UMI

federal register

Monday
June 1, 1981

Part II

Department of Transportation

Research and Special Programs Administration

Use of United Nations Shipping Descriptions

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 172

[Docket No. HM-171; Amdt. No. 68]

Use of United Nations Shipping Descriptions

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This document publishes a revised version of the Optional Hazardous Materials Table which appears in 49 CFR 172.102. The revision has been necessitated by a number of changes to the Inter-Governmental Maritime Consultative Organization (IMCO) International Maritime Dangerous Goods Code (IMCO Code) upon which the optional table is based. These amendments have been published by IMCO as Amendments 17–79 and 18–79 to the IMCO Code. The purpose of the revision of the Optional Hazardous Materials Table is to maintain alignment between that table and the corresponding provisions of the IMCO Code, in order to insure that the import and export of hazardous materials will not be adversely affected by potentially conflicting and duplicative requirements for the description, classification, labeling and marking of hazardous materials. Since the use of the Optional Hazardous Materials Table is, as the name implies, an option, this rule will not impose an undue burden on persons affected by the regulations.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos (202–426–0656), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are from 8:00 a.m. to 4:30 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the Optional Hazardous Materials Table is to facilitate the international transportation of hazardous materials and to minimize a duplicity of package marking and labeling requirements, and shipping paper descriptions, that would be required to comply with both domestic and international standards. In order to satisfy this intent, it is essential that the Optional Hazardous Materials Table be maintained in alignment with the provisions of the applicable international standards.

The Optional Hazardous Materials Table, in its present form, is reflective of the provisions of the IMCO Code including all amendments through Amendment 16–78. Recently, IMCO published Amendments 17–79 and 18–79 to the IMCO Code, and established June 1, 1981, as the world-wide implementation date for these amendments. Consequently, the MTB is revising the Optional Hazardous Materials Table to maintain the necessary alignment with the IMCO Code and is establishing June 1, 1981, as the effective date for revision of the table.

Amendments 17–79 and 18–79 to the IMCO Code include changes to or deletion of approximately 360 existing hazardous materials entries and the addition of approximately 260 new entries. Because of the optional nature § 172.102, as well as the large number of changes necessitated by the recent IMCO amendments (many of which are minor in nature), the MTB does not consider it necessary to itemize each change being made to the Optional Hazardous Materials Table. However, to facilitate identification of new or modified entries, such entries have been identified by the inclusion of an asterisk (*) in Column (1) of the table. A copy of the amended optional table has been provided to the Association of American Railroads for use in their efforts to develop a hazardous materials table which consolidates the tables currently appearing in §§ 172.101 and 172.102.

Since this rule does not impose mandatory additional requirements, notice and procedure thereon are considered unnecessary.

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

In consideration of the foregoing, the Optional Hazardous Materials Table in § 172.102 of Title 49, Code of Federal Regulations, is revised to read as follows:

§ 172.102 Purpose and use of optional hazardous materials table for international shipments.

* * * * *

BILLING CODE 4910-60-M

V 46 / 104 JE 1 81 1 UMI

172.102 Optional Hazardous Materials Table

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Acetal	3.1	UN 1088	Flammable Liquid	II	1,3	5	Keep cool
	Acetaldehyde	3.1	UN 1089	Flammable Liquid	I	1,3	5	Keep cool
	Acetaldehyde oxime	3.3	UN 2332	Flammable Liquid	II	1,2	1,2	
•	Acetic acid solution *containing not less than 80% of acid*	3.3	UN 1842	Flammable Liquid, Corrosive	II	1,2	1,2	Stow 'separated from' oxidizers
•	Acetic anhydride	8	UN 1715	Corrosive, Flammable Liquid	II	1,2	1,2	Stow 'separated longitudinally by an intervening complete compartment or hold from' explosives. Segregation same as for flammable liquids
	Acetone	3.1	UN 1090	Flammable Liquid	II	1,3	5	
	Acetone cyanohydrin, *stabilized*	6.1	UN 1541	Poison	I	1	5	Shade from radiant heat. Stow 'away from' acids and alkalis
	Acetone oils	3.2	UN 1091	Flammable Liquid	II	1,2	1	
	Acetonitrile. *See* Methyl cyanide							
	Acetyl acetone peroxide, *maximum concentration 40% in solution*	5.2	UN 2080	Organic Peroxide	II	1	5	
	Acetyl benzoyl peroxide, *maximum concentration 45% in solution*	5.2	UN 2081	Organic Peroxide	II	1	5	
	Acetyl bromide	8	UN 1716	Corrosive	I	1	1	Keep dry. Glass carboys prohibited on passenger vessels
•	Acetyl chloride	3.2	UN 1717	Flammable Liquid, Corrosive	II	1,2	1	
•	Acetyl cyclohexane sulphonyl peroxide, *maximum concentration 82%, wetted with minimum 12% water*	5.2	UN 2082	Organic Peroxide	I	1	5	Control temperature -10 deg C. Emergency temperature 0 deg C
•	Acetyl cyclohexane sulphonyl peroxide, *maximum concentration 32% in solution*	5.2	UN 2083	Organic Peroxide	II	1	5	Control temperature -10 deg C. Emergency temperature 0 deg C
	Acetylene, *dissolved*	2.1	UN 1001	Flammable Gas	--	1	1	Shade from radiant heat. Stow 'separated from' chlorine
	Acetyl iodide	8	UN 1898	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Acetyl methyl carbinol	3.3	UN 2621	Flammable Liquid	III	1,2	1,2	
•	Acetyl peroxide, *maximum concentration 27% in solution*	5.2	UN 2084	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
	Acid mixtures, *hydrofluoric and sulphuric*	8	UN 1786	Corrosive	I	1	5	Stow 'away from' fluorides
	Acid mixtures, *nitrating acid*	8	UN 1796	Corrosive	I/II	1	5	Stow 'away from' fluorides
•	Acid mixtures, spent, *nitrating acid*	8	UN 1826	Corrosive	I/II	1	5	Stow 'away from' fluorides
	Acids, liquid, n.o.s.. *See* Corrosive liquids, n.o.s.							
•	Acridine	4.1	UN 2713	Flammable Solid	III	1,2	1,2	
	Acrolein dimer, *stabilized*	3.3	UN 2607	Flammable Liquid	II	1,2	1,2	
	Acrolein, *inhibited*	3.1	UN 1092	Flammable Liquid, Poison	I	1,3	5	Keep cool
	Acrylamide	6.1	UN 2074	St. Andrews Cross	III	1,2	1,2	Shade from radiant heat. Keep cool
•	Acrylic acid, *inhibited*	8	UN 2218	Corrosive, Flammable Liquid	II	1	1	Shade from radiant heat. Keep cool. Glass carboys prohibited on passenger vessels
	Acrylonitrile, *inhibited*	3.1	UN 1093	Flammable Liquid, Poison	I	1,3	5	Keep cool
	Activated carbon. *See* Carbon, *activated*							
	Activated charcoal. *See* Carbon, *activated*							
	Adhesives, n.o.s.. *See* Cement, adhesive, *containing a flammable liquid*							
	Adiponitrile	6.1	UN 2205	St. Andrews Cross	III	1,2	1,2	Shade from radiant heat
	Aerosol dispensers, *with a capacity below 1400 cubic cm.*							
	(1) more than 10% by weight of total contents consisting of flammable gas	2.1	UN 1950	Flammable Gas	--	1,3	1,3	
	(2) internal pressure greater than 160 psig at 130 deg F	2.2	UN 1950	Nonflammable Gas	--	1,3	1,3	
	(3) more than 45% by weight of total contents consisting of flammable liquid. This limit is reduced to 35% if there is any flammable gas present.	3.1 3.2 3.3	UN 1950 UN 1950 UN 1950	Flammable Liquid Flammable Liquid Flammable Liquid	-- -- --	1,3 1,3 1,3	1,3 1,3 1,3	
	(4) more than 10% by weight of toxic substances in the liquid concentrate	6.1 6.1	UN 1950	Poison St. Andrews Cross	I/II III	1,3 1,3	1,3 1,3	
	(5) more than 5% by weight of corrosive substances in the liquid concentrate	8	UN 1950	Corrosive	--	1,3	1,3	
	(6) as specified under Group 2 on page 9011 of IMCO Code	9	UN 1950	None	--			
N	Aerosol dispensers, *with a capacity of 1400 cubic cm. or more*	2	UN 1950		--			
	Aerosols *or* aerosol product. *See* Aerosol dispensers							
	Agents, blasting, Type B. *See* Explosives, blasting, Type B							
	Agents, blasting, Type E. *See* Explosives, blasting, Type E							
	Air, *compressed*	2.2	UN 1002	Nonflammable Gas	--	1,2	1,2	
•	Air, *refrigerated liquid*	2.2	UN 1003	Nonflammable Gas, Oxidizer	--	1,3	1,3	Stow 'separated from' acetylene. Do not overstow
	Alarm devices, explosive	1.4 S	UN 0001	None. Package to be marked '1.4 S'	--	1,3	1,3	
•	Alcohols, *(non-toxic)*, n.o.s.	3.1 3.2 3.3	UN 1987 UN 1987 UN 1987	Flammable Liquid Flammable Liquid Flammable Liquid	I/II II II	1,3 1,2 1,2	5 1 1	Keep cool
•	Alcohols, toxic, n.o.s.	3.1 3.2 3.3	UN 1986 UN 1986 UN 1986	Flammable Liquid, Poison Poison Flammable Liquid, Poison Flammable Liquid, Poison	I/II II II	1,3 1,2 1,2	5 1 1	Keep cool

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	Aldehydes, *(non-toxic)*, n.o.s	3.1	UN 1989	Flammable Liquid	I/II	1,3	5	Keep cool
		3.2	UN 1989	Flammable Liquid	II	1,2	1	
		3.3	UN 1989	Flammable Liquid	II	1,2	1,2	
•	Aldehydes, toxic, n.o.s	3.1	UN 1988	Flammable Liquid, Poison	I/II	1,3	5	Keep cool
		3.2	UN 1988	Flammable Liquid, Poison	II	1,2	1	
		3.3	UN 1988	Flammable Liquid, Poison	II	1,2	1,2	
•	Aldol	6.1	UN 2839	Poison	II	1,3	1,3	Keep cool. Shade from radiant heat. Stow 'away from' living quarters
	Alkali metal amalgams, n.o.s	4.3	UN 1389	Dangerous When Wet	I	1,2	1,2	
	Alkali metal amides, n.o.s	4.3	UN 1390	Dangerous When Wet	II	1,2	5	
•	Alkali metal dispersions, n.o.s. *or* Alkali earth metal dispersions, n.o.s.	4.3	UN 1391	Dangerous When Wet	I	1,2	5	
	Alkali metals, *liquid alloys of*	4.3	UN 1421	Dangerous When Wet	I	1,2	5	
	Alkaline caustic liquids, n.o.s., See Caustic alkali liquids, n.o.s							
	Alkaline corrosive liquids, n.o.s.	8	UN 1760	Corrosive	II	1,2	1,2	
	Alkaline earth metal amalgams, n.o.s	4.3	UN 1382	Dangerous When Wet	I	1,2	1,2	
•	Alkaloids, n.o.s. *or* Alkaloid salts, n.o.s.	6.1	UN 1544	Poison	I/II	1,2	1,2	
		6.1	UN 1544	St. Andrews Cross	III	1,2	1,2	
	Alkanesulphonic acids	8	UN 1899	Corrosive	■	1,2	1	
	Alkylamines and polyamines, *flashpoint below 23 deg C and boiling point above 35 deg C but not more than 200 deg C*, n.o.s.	3.2	UN 2733	Flammable Liquid, Corrosive	II	1,2	1	
•	Alkylamines and polyamines, *flashpoint 23 deg C or above, boiling point above 35 deg C but not more than 200 deg C*, n.o.s.	8	UN 2734	Corrosive, Flammable Liquid (only if flashpoint 61 deg C or below)	II	1,2	1,2	If flashpoint 61 deg C or below, segregation same as for flammable liquids
•	Alkylamines and polyamines, *flashpoint of 23 deg C or above and boiling point above 200 deg C*, n.o.s	8	UN 2735	Corrosive, Flammable Liquid (only if flashpoint 61 deg C or below)	III	1,2	1,2	If flashpoint 61 deg C or below, segregation same as for flammable liquids
•	Alkyl, Aryl *or* Toluene sulphonic acid, liquid, *containing more than 5% free sulphuric acid*	8	UN 2584	Corrosive	II	1,2	1	Glass carboys not permitted under deck
•	Alkyl, Aryl *or* Toluene sulphonic acid, liquid, *containing not more than 5% free sulphuric acid*	8	UN 2586	Corrosive	III	1,2	1	Glass carboys not permitted under deck
•	Alkyl, Aryl *or* Toluene sulphonic acid, solid, *containing more than 5% free sulphuric acid*	8	UN 2583	Corrosive	II	1,2	1,2	Keep dry
•	Alkyl, Aryl *or* Toluene sulphonic acid, solid, *containing not more than 5% free sulphuric acid*	8	UN 2585	Corrosive	III	1,2	1,2	Keep dry
•	Alkyl phenols, n.o.s.	6.1	UN 2430	St. Andrews Cross	III	1,2	1,2	
	Alloys of alkaline earth metals, *(non-pyrophoric)*, n.o.s	4.3	UN 1393	Dangerous When Wet	II	1,2	5	
	Allyl acetate	3.2	UN 2333	Flammable Liquid, Poison	II	1,3	5	Keep cool
	Allyl alcohol	3.2	UN 1098	Flammable Liquid, Poison	I	1,2	1	
	Allylamine	3.1	UN 2334	Flammable Liquid, Poison	I	1,3	5	Keep cool
•	Allyl bromide	3.2	UN 1099	Flammable Liquid, Poison	I	1,2	1	
	Allyl chloride	3.1	UN 1100	Flammable Liquid, Poison	I	1,3	5	Keep cool
	Allyl chlorocarbonate See Allyl chloroformate							
•	Allyl chloroformate	8	UN 1722	Corrosive, Flammable Liquid	I	1	5	Keep dry. Stow 'separated longitudinally by an intervening complete compartment or hold from' explosives. Segregation same as for flammable liquids
	Allyl ethyl ether	3.2	UN 2335	Flammable Liquid, Poison	II	1,3	5	Keep cool
	Allyl formate	3.2	UN 2336	Flammable Liquid, Poison	I	1,3	5	Keep cool
	Allyl glycidyl ether	3.3	UN 2219	Flammable Liquid	III	1,2	1,2	
•	Allyl iodide	3.2	UN 1723	Flammable Liquid, Corrosive	I	1,2	1	
•	Allyl isothiocyanate, *stabilized*	6.1	UN 1545	Poison, Flammable Liquid	II	1	5	Shade from radiant heat. Stow 'away from' living quarters. Segregation same as for flammable liquids
•	Allyl trichlorosilane, *stabilized*	8	UN 1724	Corrosive, Flammable Liquid	II	1	1	Keep dry. Stow 'separated longitudinally by an intervening complete compartment or hold from' explosives. Segregation same as for flammable liquids
•	Aluminium alkyl chlorides, *pure*	4.2	UN 2221	Spontaneously Combustible	I	1	1	
	Aluminium alkyl halides, in solution	4.2	UN 2220	Spontaneously Combustible	II	1	1	
	Aluminium alkyl halides, *pure*	4.2	UN 2221	Spontaneously Combustible	I	1	1	
	Aluminium alkyls	4.2	UN 2003	Spontaneously Combustible	I	1	1	
•	Aluminium bromide, anhydrous	8	UN 1725	Corrosive	II	1,2	1,2	Keep dry
	Aluminium carbide	4.3	UN 1394	Dangerous When Wet	II	1,2	1,2	
•	Aluminium chloride, anhydrous	8	UN 1726	Corrosive	II	1,2	1,2	Keep dry
	Aluminium ferrosilicon, *powder*	4.3	UN 1395	Dangerous When Wet	II	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Aluminium hydride	4.2	UN 2463	Spontaneously Combustible	I	1,2	5	
	Aluminium nitrate	5.1	UN 1438	Oxidizer	III	1,2	1,2	
•	Aluminium phosphide	4.3	UN 1397	Dangerous When Wet, Poison	I	1	5	
•	Aluminium powder, coated	4.1	UN 1309	Flammable Solid	III	1,2	1,2	Keep dry. Stow 'away from' liquid halogenated hydrocarbons
	Aluminium, *powder, pyrophoric. See* Pyrophoric metals							
•	Aluminium, powder, uncoated, *non-pyrophoric*	4.3	UN 1396	Dangerous When Wet	II	1,2	1,2	
	Aluminium silicon, *powder, uncoated*	4.3	UN 1398	Dangerous When Wet	III	1,2	1,2	
	Aluminium tributyl	4.2	UN 2003	Spontaneously Combustible	I	1	1	
	Aluminium triethyl	4.2	UN 1102	Spontaneously Combustible	I	1	1	
	Aluminium trimethyl	4.2	UN 1103	Spontaneously Combustible	I	1	1	
•	Aluminum bromide solution	8	UN 2580	Corrosive	III	1,2	1,2	
•	Aluminum chloride solution	8	UN 2581	Corrosive	III	1,2	1,2	
•	Aluminum resinate	4.1	UN 2715	Flammable Solid	III	1,2	1,2	
•	2-Amino-4-chlorophenol	6.1	UN 2673	Poison	II	1,2	1,2	
•	N-Aminoethylpiperazine	8	UN 2815	Corrosive	III	1,3	1,3	Keep cool
	Aminophenols (*o-, m-, p-*)	6.1	UN 2512	St. Andrews Cross	III	1,2	1,2	
•	Aminopyridines	6.1	UN 2671	Poison	II	1,3	1	Keep cool. Stow 'away from' living quarters
•	Ammonia, *anhydrous, liquefied, or ammonia solutions, density (specific gravity) less than 0.880 at 15 degrees C. in water, containing more than 50% ammonia.*	2.3	UN 1005	Poison Gas	--	1,2	5	Stow 'separated from' chlorine. Stow 'away from' living quarters
•	Ammonia solutions, *density (specific gravity) less than 0.880 at 15 degrees C, in water, containing more than 35% and not more than 50% ammonia.*	2.2	UN 2073	Nonflammable Gas	--	1,2	5	Stow 'separated from' chlorine. Stow 'away from' living quarters
	Ammonia solutions *having a density (specific gravity) between 0.880 and 0.957 at 15 deg C. in water, containing more than 10% and not more than 35% by weight ammonia.*	8	UN 2672	Corrosive	III	1,2	1,2	Stow 'away from' living quarters
	Ammonium arsenate	6.1	UN 1546	Poison	II	1,2	1,2	Stow 'away from' alkalis
	Ammonium bifluoride. *See* Ammonium hydrogen fluoride							
	Ammonium dichromate	5.1	UN 1439	Oxidizer	II	1,2	1,2	Stow 'away from' foodstuffs
	Ammonium dinitro-o-cresolate	9	UN 1843	None	II	1,2	1,2	Stow 'away from' heavy metals, 'separated from' flammable substances and 'separated longitudinally by an intervening complete compartment or hold from' explosives
	Ammonium fluoride	6.1	UN 2505	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
•	Ammonium hydrogen fluoride, solid	8	UN 1727	Corrosive	II	1,2	1,2	Keep dry
•	Ammonium hydrogen fluoride, solution	8	UN 2817	Corrosive, Poison	II	1,2	1	
•	Ammonium hydrogen sulphate	8	UN 2506	Corrosive	II	1,2	1,2	Stow 'away from' strong alkalis
•	Ammonium metavanadate	6.1	UN 2859	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Ammonium nitrate, *containing more than 0.2% by weight of combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance*	1.1 D	UN 0222	Explosive (1.1D)	--	1,2	1,2	
	Ammonium nitrate, *containing not more than 0.2% of combustible material (including organic material calculated as carbon) and free from any other added matter*	5.1	UN 1942	Oxidizer	III	1,2	1,2	
	Ammonium nitrate fertilizer, *containing ammonium nitrate, n.o.s.*	5.1	UN 2072	Oxidizer	III	1,2	1,2	
	Ammonium nitrate fertilizers, *of the same composition as defined in class 5.1 on pages 5015 and 5016 of the IMCO Code but containing greater amounts of organic and/or combustible material than specified in these entries*	1.1 D	UN 0223	Explosive (1.1D)	--	1,2	1,2	
	Ammonium nitrate fertilizers, *Type A*							
	(1) Uniform non-segregating mixtures of ammonium nitrate with added matter which is inorganic and chemically inert towards ammonium nitrate, containing not less than 90% of ammonium nitrate and not more than 0.2% of combustible material (including organic material calculated as carbon), or containing less than 90% but more than 70% of ammonium nitrate and not more than 0.4% of total combustible material	5.1	UN 2067	Oxidizer	III	1,2	1,2	
	(2) Uniform non-segrating mixtures of ammonium nitrate with calcium carbonate and/or dolomite, containing more than 80% but less than 90% of ammonium nitrate and not more than 0.4% of total combustible material	5.1	UN 2068	Oxidizer	III	1,2	1,2	
	(3) Uniform non-segregating mixtures of ammonium nitrate/ammonium sulphate, containing more than 45% but not more than 70% of ammonium nitrate and containing not more than 0.4% of total combustible material	5.1	UN 2069	Oxidizer	III	1,2	1,2	
	(4) Uniform non-segregating mixtures of nitrogen/phosphate or nitrogen/potash types or complete fertilizers of nitrogen/phosphate/potash type, containing more than 70% but less than 90% of ammonium nitrate and not more than 0.4% of total combustible material	5.1	UN 2070	Oxidizer	III	1,2	1,2	
	Ammonium nitrate fertilizers, *Type B. Uniform non-segregating mixtures of nitrogen/phosphate or nitrogen/potash types or complete fertilizers of nitrogen/phosphate/potash type, containing not more than 70% of ammonium nitrate and not more than 0.4% of total added combustible material or containing not more than 45% of ammonium nitrate with unrestricted combustible material*	9	UN 2071	None	III	1,2	1,2	
	Ammonium perchlorate	5.1	UN 1442	Oxidizer	II	1,2	5	Stow 'away from' powdered metals
•N	Ammonium perchlorate, *average particle size less than 45 microns*	1.1D	UN 0402	Explosive (1.1D)	--	--	--	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Ammonium persulphate	5.1	UN 1444	Oxidizer	III	1,2	1,2	
N	Ammonium picrate, *dry or containing, by weight, less than 10% water*	1.1D	UN 0004	Explosive (1.1D)	--	--	--	
•	Ammonium picrate, wetted, *with, by weight, at least 33 1/3 % water*	4.1	UN 1310	Flammable Solid	I	1,2	5	Stow 'away from' heavy metals
•	Ammonium picrate, wetted, *with, by weight, at least 10% water*	4.1	UN 1310	Flammable Solid	I	1	5	Stow 'away from' heavy metals
•	Ammonium polysulphide, solution	8	UN 2818	Corrosive, Poison	II	1,3	1	Keep cool. Stow 'away from' acids
•	Ammonium polyvanadate	6.1	UN 2861	Poison	II	1,2	1,2	Stow 'away from' living quarters
•	Ammonium silicofluoride	6.1	UN 2854	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
•	Ammonium sulphide, solution	8	UN 2683	Corrosive, Poison, Flammable Liquid (only if flashpoint below 61 deg C)	II	1,3	1	Keep cool. Stow 'away from' all other corrosives. If flashpoint below 61 deg C, segregation same as for flammable liquids
	Ammunition, illuminating, *with or without burster, expelling charge or propelling charge*	1.4 G	UN 0297	Explosive (1.4G)	--	1,3	1,3	
N	Ammunition, illuminating, *with or without burster, expelling charge or propelling charge*	1.2G	UN 0171	Explosive (1.2G)	--	--	--	
N	Ammunition, illuminating, *with or without burster, expelling charge or propelling charge*	1.3G	UN 0254	Explosive (1.3G)	--	--	--	
N	Ammunition, incendiary, *liquid or gel, with burster, expelling charge or propelling charge*	1.3J	UN 0247	Explosive (1.3J)	--	--	--	
	Ammunition, incendiary *(other than water-activated ammunition), without white phosphorus or phosphides, with or without burster, expelling charge or propelling charge*	1.4 G	UN 0300	Explosive *(1.4G)*	--	1,3	1,3	
N	Ammunition, incendiary *(other than water-activated ammunition), without white phosphorus or phosphides, with or without burster, expelling charge or propelling charge*	1.2G	UN 0009	Explosive (1.2G)	--	--	--	
N	Ammunition, incendiary *(other than water-activated ammunition), without white phosphorus or phosphides, with or without burster, expelling charge or propelling charge*	1.3G	UN 0010	Explosive (1.3G)	--	--	--	
N	Ammunition, incendiary, white phosphorus, *with burster, expelling charge or propelling charge*	1.2H	UN 0243	Explosive (1.2H)	--	--	--	
N	Ammunition, incendiary, white phosphorus, *with burster, expelling charge or propelling charge*	1.3H	UN 0244	Explosive (1.3H)	--	--	--	
	Ammunition, practice	1.4G	UN 0362	Explosive (1.4G)	--	1,3	1,3	
	Ammunition, proof	1.4G	UN 0363	Explosive (1.4G)	--	1,3	1,3	
•N	Ammunition, smoke *(other than water-activated ammunition) without white phosphorus or phosphides, with or without burster, expelling charge or propelling charge*	1.2G	UN 0015	Explosive (1.2G), Corrosive	--	--	--	
•N	Ammunition, smoke *(other than water-activated ammunition) without white phosphorus or phosphides, with or without burster, expelling charge or propelling charge*	1.3G	UN 0016	Explosive (1.3G), Corrosive	--	--	--	
•N	Ammunition, smoke *(other than water-activated ammunition) without white phosphorus or phosphides, with or without burster, expelling charge or propelling charge*	1.4G	UN 0303	Explosive (1.4G), Corrosive	--	--	--	
N	Ammunition, smoke, white phosphorus *(other than water-activated ammunition), with burster, expelling charge or propelling charge*	1.2H	UN 0245	Explosive (1.2H)	--	--	--	
N	Ammunition, smoke, white phosphorus *(other than water-activated ammunition), with burster, expelling charge or propelling charge*	1.3H	UN 0246	Explosive (1.3H)	--	--	--	
	Ammunition, *(tear producing), non-explosive, with neither burster nor expelling charge, non-fuzed*	6.1	UN 2017	Poison	II	1,2	5	Keep dry
N	Ammunition, tear producing, *with burster, expelling charge or propelling charge*	1.2G	UN 0018	Explosive (1.2G), Poison, Corrosive	--	--	--	
N	Ammunition, tear producing, *with burster, expelling charge or propelling charge*	1.3G	UN 0019	Explosive (1.3G), Poison, Corrosive	--	--	--	
	Ammunition, tear-producing, *with burster, expelling charge or propelling charge*	1.4 G	UN 0301	Explosive (1.4G), Poison, Corrosive	--	1,3	1,3	
	Ammunition, *(toxic), non-explosive, with neither burster nor expelling charge, non-fuzed*	6.1	UN 2016	Poison	II	1,2	5	Keep dry
N	Ammunition, toxic *(other than water-activated ammunition) with burster, expelling charge or propelling charge*	1.2K	UN 0020	Explosive (1.2K), Poison	--	--	--	
N	Ammunition, toxic *(other than water-activated ammunition) with burster, expelling charge or propelling charge*	1.3K	UN 0021	Explosive (1.3K), Poison	--	--	--	
	Amorces	1.4 S	UN 0022	None. Package to be marked '1.4 S'	--	1,3	1,3	
	Amyl acetates	3.2	UN 1104	Flammable Liquid	II	1,2	1	
		3.3	UN 1104	Flammable Liquid	II	1,2	1,2	
•	Amyl acid phosphate	8	UN 2819	Corrosive	III	1,2	1,2	
	Amyl alcohols	3.2	UN 1105	Flammable Liquid	II	1,2	1	
		3.3	UN 1105	Flammable Liquid	II	1,2	1,2	
	Amylamine	3.2	UN 1106	Flammable Liquid	II	1,2	1	
	Amyl chloride	3.2	UN 1107	Flammable Liquid	II	1,2	1	
•	n-Amylene	3.1	UN 1108	Flammable Liquid	I	1,3	5	Keep cool
	Amyl formates	3.3	UN 1109	Flammable Liquid	II	1,2	1,2	
	Amyl hydride. *See* Pentane							
	Amyl mercaptan	3.2	UN 1111	Flammable Liquid	II	1,2	1	
	Amyl methyl ketone	3.3	UN 1110	Flammable Liquid	III	1,2	1,2	
	Amyl nitrate	3.3	UN 1112	Flammable Liquid	II	1,3	5	
•	Amyl nitrite	3.1	UN 1113	Flammable Liquid	II	1,3	5	Keep cool
•	tert-Amyl peroxy-2-ethylhexanoate, *technical pure*	5.2	UN 2898	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
•	tert-Amyl peroxyneodecanoate *with at least 25% phlegmatizer*	5.2	UN 2891	Organic Peroxide	II	1	5	Control temperature 0 deg C. Emergency temperature 10 deg C

V 46 / 104 JE 1 81 1 UMI

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Amyl trichlorosilane	8	UN 1728	Corrosive	II	1	1	Keep dry. Stow 'separated longitudinally by an intervening complete compartment or hold from' explosives
	Aniline	6.1	UN 1547	Poison	II	1,2	1,2	Stow 'away from' acids and oxidizers
	Aniline hydrochloride	6.1	UN 1548	St. Andrews Cross	III	1,2	1,2	Stow 'away from' alkalis
	Aniline oil. *See* Aniline							
	o-Anisidine	6.1	UN 2431	St. Andrews Cross	III	1,2	1,2	
	Anisole	3.3	UN 2222	Flammable Liquid	III	1,2	1,2	
	Anisoyl chloride	8	UN 1729	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Anti-freeze *See* Flammable liquid preparations, n.o.s							
	Antimony chloride. *See* Antimony trichloride, *liquid or solid*							
•	Antimony compounds, inorganic, n.o.s	6.1	UN 1549	Poison	I/II	1,2	1,2	
		6.1	UN 1549	St. Andrews Cross	III	1,2	1,2	
	Antimony lactate	6.1	UN 1550	St. Andrews Cross	III	1,2	1,2	
	Antimony pentachloride, *liquid*	8	UN 1730	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Antimony pentachloride, *solutions*	8	UN 1731	Corrosive	II	1	1	Glass carboys prohibited on passenger vessels
	Antimony pentafluoride	8	UN 1732	Corrosive, Poison	II	1	5	Keep dry
	Antimony potassium tartrate	6.1	UN 1551	St. Andrews Cross	III	1,2	1,2	
•	Antimony powder	6.1	UN 2871	St. Andrews Cross	III	1,2	1,2	
	Antimony trichloride, *liquid*	8	UN 1733	Corrosive	II	1	1	Keep dry
	Antimony trichloride, *solid*	8	UN 1733	Corrosive	II	1,2	1,2	Keep dry
	Argon, *compressed*	2.2	UN 1006	Nonflammable Gas	--	1,3	1,3	
•	Argon, *refrigerated liquid*	2.2	UN 1951	Nonflammable Gas	--	1,3	1,3	
•	Arsenic acid, liquid	6.1	UN 1553	Poison	I	1,2	1,2	
•	Arsenic acid, solid	6.1	UN 1554	Poison	II	1,2	1,2	
	Arsenical dust	6.1	UN 1562	Poison	II	1,2	1,2	
	Arsenical flue dust. *See* Arsenical dust							
•	Arsenical pesticides, *liquid*, n.o.s.	6.1	UN 2759	Poison	I	1	1	
		6.1	UN 2759	Poison	II	1,2	1	
		6.1	UN 2759	St. Andrews Cross	III	1,2	1,2	
•	Arsenical pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2759	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2759	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2759	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Arsenical pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2760	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Arsenical pesticides, *solid*, n.o.s	6.1	UN 2759	Poison	I/II	1,2	1,2	
		6.1	UN 2759	St. Andrews Cross	III	1,2	1,2	
	Arsenic bromide	6.1	UN 1555	Poison	II	1,2	1,2	
	Arsenic chloride. *See* Arsenic trichloride							
•	Arsenic compounds, liquid, n.o.s.	6.1	UN 1556	Poison	I/II	1,2	1,2	
		6.1	UN 1556	St. Andrews Cross	III	1,2	1,2	
•	Arsenic compounds, solid, n.o.s	6.1	UN 1557	Poison	I/II	1,2	1,2	Keep dry
		6.1	UN 1557	St. Andrews Cross	III	1,2	1,2	Keep dry
•	Arsenic, *metallic*	6.1	UN 1558	Poison	II	1,2	1,2	
	Arsenic pentoxide	6.1	UN 1559	Poison	II	1,2	1,2	
	Arsenic sulphides, *(solid)*, n.o.s. *See* Arsenic compounds, *(solid)*, n.o.s							
	Arsenic trichloride	6.1	UN 1560	Poison	I	1,2	1,2	
	Arsenic trioxide	6.1	UN 1561	Poison	II	1,2	1,2	
	Arsine	2.3	UN 2188	Poison Gas, Flammable Gas	--	1	5	Stow 'away from' living quarters
	Articles, explosive, n.o.s.	1.4B	UN 0350	Explosive (1.4B)	--	1,3	1,3	
	Articles, explosive, n.o.s.	1.4C	UN 0351	Explosive (1.4C)	--	1,3	1,3	
	Articles, explosive, n.o.s.	1.4D	UN 0352	Explosive (1.4D)	--	1,3	1,3	
	Articles, explosive, n.o.s.	1.4G	UN 0353	Explosive (1.4G)	--	1,3	1,3	
	Articles, explosive, n.o.s.	1.4S	UN 0349	None. Package to be marked '1.4S'	--	1,3	1,3	
N	Articles, explosive, n.o.s	1.1L	UN 0354	Explosive (1.1L)	--	--	--	
N	Articles, explosive, n.o.s.	1.2L	UN 0355	Explosive (1.2L)	--	--	--	
N	Articles, explosive, n.o.s	1.3L	UN 0356	Explosive (1.3L)	--	--	--	
N	Articles, pyrophoric	1.2L	UN 0380	Explosive (1.2L)	--	--	--	
	Asbestos, blue	9	UN 2212	None	II	1,2	1,2	
	Asbestos, white	9	UN 2590	None	III	1,2	1,2	
	Asphalt cut-backs *See* Cut-backs, *asphalt or bitumen*							
	Bags, *(empty and unwashed), having contained* Potassium nitrate or sodium nitrate	4.1	UN 1359	Flammable Solid	III	1,2	5	
	Barium, *alloys, non-pyrophoric*	4.3	UN 1399	Dangerous When Wet	II	1,2	5	
•	Barium alloys, pyrophoric	4.2	UN 1854	Spontaneously Combustible	II	1	5	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
N	Barium azide, *dry or containing, by weight, less than 50% water or alcohol*	1.1A	UN 0224	Explosive (1.1A), Poison	--	--	--	
•	Barium azide, wetted *with, by weight, at least 50% water*	4.1	UN 1571	Flammable Solid, Poison	I	1	5	Stow 'away from' heavy metals
•	Barium bromate	5.1	UN 2719	Oxidizer, Poison	II	1.2	1.2	Stow 'separated from' ammonium compounds and 'away from' finely powdered metals and foodstuffs
	Barium chlorate	5.1	UN 1445	Oxidizer, Poison	II	1.2	1.2	Stow 'away from' foodstuffs and powdered metals, 'separated from' Ammonium compounds
	Barium compounds, n.o.s.	6.1	UN 1564	Poison	I/II	1.2	1.2	
		6.1	UN 1564	St. Andrews Cross	III	1.2	1.2	
	Barium cyanide	6.1	UN 1565	Poison	I	1.2	1.2	Stow 'away from' acids
•	Barium hypochlorite, *containing more than 22% available chlorine*	5.1	UN 2741	Oxidizer, Poison	II	1.2	1.2	Stow 'away from' foodstuffs
	Barium, *metal, non-pyrophoric*	4.3	UN 1400	Dangerous When Wet	II	1.2	5	
	Barium nitrate	5.1	UN 1446	Oxidizer, Poison	II	1.2	1.2	Stow 'away from' foodstuffs
	Barium oxide	6.1	UN 1884	St. Andrews Cross	III	1.2	1.2	
	Barium perchlorate	5.1	UN 1447	Oxidizer, Poison	II	1.2	1.2	Stow 'away from' powdered metals and foodstuffs
	Barium permanganate	5.1	UN 1448	Oxidizer, Poison	II	1.2	1.2	Stow 'away from' foodstuffs and 'separated from' ammonium compounds and hydrogen peroxide
	Barium peroxide	5.1	UN 1449	Oxidizer, Poison	II	1.2	1.2	Keep dry. Stow 'away from' foodstuffs
•	Batteries, wet, filled with acid, *electric, storage*	8	UN 2794	Corrosive	III	1.2	1.2	
•	Batteries, wet, filled with alkali, *electric, storage*	8	UN 2795	Corrosive	III	1.2	1.2	
•	Batteries, wet, non-spillable, *electric, storage*	8	UN 2800	Corrosive	III	1.2	1.2	
•	Battery fluid, acid	8	UN 2796	Corrosive	II	1.2	1.2	Glass carboys in hampers prohibited under deck
•	Battery fluid, alkali	8	UN 2797	Corrosive	II	1.2	1.2	
	Benzene	3.2	UN 1114	Flammable Liquid	II	1.2	1	
•	Benzene sulphonyl chloride	8	UN 2225	Corrosive	III	1.2	1.2	
	Benzidine	6.1	UN 1885	Poison	II	1.2	1.2	
•	Benzine	3.1	UN 1115	Flammable Liquid	II	1.3	5	Keep cool
		3.2	UN 1115	Flammable Liquid	II	1.2	1	
		3.3	UN 1115	Flammable Liquid	II	1.2	1.2	
•	Benzoic derivative pesticides, *liquid*, n.o.s.	6.1	UN 2769	Poison	I	1	1	
		6.1	UN 2769	Poison	II	1.2	1	
		6.1	UN 2769	St. Andrews Cross	III	1.2	1.2	
•	Benzoic derivative pesticides, *liquid*, n.o.s. *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2769	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2769	Poison, Flammable Liquid	II	1.2	1	Segregation same as for flammable liquids
		6.1	UN 2769	St. Andrews Cross, Flammable Liquid	III	1.2	1.2	Segregation same as for flammable liquids
•	Benzoic derivative pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2770	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1.2	1	
•	Benzoic derivative pesticides, *solid*, n.o.s.	6.1	UN 2769	Poison	I/II	1.2	1.2	
		6.1	UN 2769	St. Andrews Cross	III	1.2	1.2	
	Benzonitrile	6.1	UN 2224	Poison	II	1.2	1.2	Stow 'away from' acids
	Benzotrichloride	8	UN 2226	Corrosive	II	1.2	1.2	Stow 'away from' living quarters
	Benzotrifluoride	3.2	UN 2338	Flammable Liquid	II	1.2	1	
	Benzoyl chloride	8	UN 1736	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
•	Benzoyl peroxide, *in a concentration of more than 77% but less than 95% with water*	5.2	UN 2088	Organic Peroxide	I	1	5	
	Benzoyl peroxide, *in a concentration of more than 72% but less than 95% as a paste*	5.2	UN 2086	Organic Peroxide	I	1	5	
	Benzoyl peroxide, *in a concentration of not more than 72% as a paste*	5.2	UN 2087	Organic Peroxide	II	1	5	
•	Benzoyl peroxide, *in a concentration of not more than 77% with water*	5.2	UN 2090	Organic Peroxide	II	1	5	
	Benzoyl peroxide, *in concentrations from 30% to maximum 52% with inert solid*	5.2	UN 2089	Organic Peroxide	II	1	5	
	Benzoyl peroxide, *technical pure or in a concentration of more than 52% with inert solid*	5.2	UN 2085	Organic Peroxide	I	1	5	
	Benzyl bromide	8	UN 1737	Corrosive	II	1	5	Keep dry
	Benzyl chloride	8	UN 1738	Corrosive	II	1	5	Keep dry. Stow 'separated longitudinally by an intervening complete compartment or hold from' explosives
	Benzyl chloroformate	8	UN 1739	Corrosive	I	1	5	Keep dry
	Benzyl dimethylamine	3.3	UN 2619	Flammable Liquid	III	1.2	1.2	
	Benzylidene chloride	6.1	UN 1886	Poison	II	1	5	
•	Benzyl iodide	6.1	UN 2653	Poison	II	1.3	1	Keep cool. Stow 'away from' living quarters
	Beryllium compounds	6.1	UN 1566	Poison	II	1.2	1.2	
	Beryllium, *metal powder*	6.1	UN 1567	Poison, Flammable Solid	II	1.2	1.2	Segregation same as for flammable solids

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Beryllium nitrate	5.1	UN 2464	Oxidizer, Poison	II	1,2	1,2	Keep cool. If packaged in a liner within a wooden barrel, fiber drum or plywood drum or in plastic bags within a fiberboard box, stow 'away from' sources of heat
	Bhusa	4.1	UN 1327	None	III	1,2	1,2	Stow 'away from' animal or vegetable oils
	Bifluorides, n.o.s.	8	UN 1740	Corrosive	II	1,2	1,2	Keep dry
•	Bipyridilium pesticides, *liquid*, n.o.s.	6.1	UN 2781	Poison	I	1	1	
		6.1	UN 2781	Poison	II	1,2	1	
		6.1	UN 2781	St. Andrews Cross	III	1,2	1,2	
•	Bipyridilium pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2781	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2781	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2781	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Bipyridilium pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2782	Flammable Liquid and Poison or St Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Bipyridilium pesticides, *solid*, n.o.s.	6.1	UN 2781	Poison	I/II	1,2	1,2	
		6.1	UN 2781	St. Andrews Cross	III	1,2	1,2	
•	Bis-(4-tert-butylcyclohexyl) peroxydicarbonate, *maximum concentration 42%, stable dispersion in water*	5.2	UN 2894	Organic Peroxide	II	1	5	Control temperature 25 deg C. Emergency temperature 30 deg C
•	Bis-(4-tert-butylcyclohexyl) peroxydicarbonate, *technical pure*	5.2	UN 2154	Organic Peroxide	II	1	5	Control temperature 30 deg C. Emergency temperature 35 deg C
	2,2-Bis-(tert-butylperoxy) butane, *maximum concentration 55% in solution*	5.2	UN 2111	Organic Peroxide	II	1	5	
	1,1-Bis-(tert-butylperoxy) cyclohexane, *maximum concentration 77% in solution*	5.2	UN 2180	Organic Peroxide	II	1	5	
	1,2-Bis-(tert-butylperoxy) cyclohexane, *maximum concentration 77% in solution*	5.2	UN 2181	Organic Peroxide	II	1	5	
	1,1-Bis-(tert-butylperoxy) cyclohexane, *technical pure*	5.2	UN 2179	Organic Peroxide	II	1	5	
•	1,1-Bis-(tert-butylperoxy) cyclohexane *with at least 13% phlegmatizer and 47% inert inorganic solid*	5.2	UN 2885	Organic Peroxide	II	1	5	
•	1,1-Bis-(tert-butylperoxy) cyclohexane *with at least 50% phlegmatizer*	5.2	UN 2897	Organic Peroxide	II	1	5	
	1,4-Bis-(2-tert-butylperoxy isopropyl) benzene, *or* 1,3-bis-(2-tert-butylperoxy isopropyl) benzene, *and mixtures thereof, (including technical pure or in a concentration of more than 40% with inert solid)*	5.2	UN 2112	Organic Peroxide	II	1	5	
•	2,2-Bis-(tert-butylperoxy) propane, *with at least 50% phlegmatizer*	5.2	UN 2883	Organic Peroxide	II	1	5	
•	2,2-Bis-(tert-butylperoxy) propane, *with at least 13% phlegmatizer and 47% inert inorganic solid*	5.2	UN 2884	Organic Peroxide	II	1	5	
	1,1-Bis-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane, *technical pure*	5.2	UN 2145	Organic Peroxide	II	1	5	
	1,1-Bis-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane, *maximum concentration 57% in solvent*	5.2	UN 2146	Organic Peroxide	II	1	5	
	1,1-Bis-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane, *maximum concentration 58% with inert solid*	5.2	UN 2147	Organic Peroxide	II	1	5	
	2,2-Bis-(4,4-di-tert-butylperoxy cyclohexyl) propane, *maximum concentration 42% with inert solid*	5.2	UN 2168	Organic Peroxide	II	1	5	
•	1,2-Bis-(dimethylamino)-ethane	3.2	UN 2372	Flammable Liquid	II	1,2	1	
	Bis-(1-hydroxy cyclohexyl) peroxide, *technical pure*	5.2	UN 2148	Organic Peroxide	II	1	5	
•	Bisiotrydecyl peroxidicarbonate, *technical pure*	5.2	UN 2889	Organic Peroxide	II	1	5	Control temperature -10 deg C. Emergency temperature 0 deg C
•	Bis-(2-methylbenzoyl)peroxide, *with at least 15% water*	5.2	UN 2593	Organic Peroxide	I	1	5	Control temperature 30 deg C. Emergency temperature 35 deg C
•	Bis-(3,5,5-trimethyl-1,2-dioxolanyl-3)peroxide, *as a paste with at least 50% phlegmatizer*	5.2	UN 2597	Organic Peroxide	II	1	5	Control temperature 30 deg C. Emergency temperature 35 deg C
•	Bis-(3,5,5-trimethylhexanoyl)peroxide, *technical pure or in solution*	5.2	UN 2128	Organic Peroxide	II	1	5	Control temperature 0 deg C. Emergency temperature 10 deg C
•	Bisulphites, inorganic, aqueous solution, n.o.s.	8	UN 2693	Corrosive	III	1,2	1,2	Stow 'away from' all other corrosive substances. Glass carboys prohibited on passenger vessels
N	Black powder, compressed	1.1D	UN 0028	Explosive (1.1D)	--	--	--	
N	Black powder, *granular or as meal*	1.1D	UN 0027	Explosive (1.1D)	--	--	--	
	Blasting cap assemblies, non electric	1.4B	UN 0361	Explosive (1.4B)	--	1,3	1,3	
N	Blasting cap assemblies, non-electric	1.1B	UN 0360	Explosive (1.1B)	--	--	--	
	Blasting caps, electric	1.4 B	UN 0255	Explosive (1.4B)	--	1,2	5	Portable magazine or metal locker. Do not handle blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded
N	Blasting caps, electric	1.1B	UN 0030	Explosive (1.1B)	--	--	--	
	Blasting caps, non-electric	1.4 B	UN 0267	Explosive (1.4B)	--	1,2	5	Portable magazine or metal locker. Do not handle blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded
N	Blasting caps, non-electric	1.1B	UN 0029	Explosive (1.1B)	--	--	--	
	Bleaching powder. *See* Calcium hypochlorite *mixtures, dry, containing 39% or less, but more than 10% available chlorine*							
	Blue asbestos. *See* Asbestos, blue							
•N	Bombs, containing flammable liquid, *with bursting charge*	1.1J	UN 0399	Explosive (1.1J)	--	--	--	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
*N	Bombs, containing flammable liquid, *with bursting charge*	1.2J	UN 0400	Explosive (1.2J)	--	--	--	
N	Bombs, photo-flash	1.1D	UN 0038	Explosive (1.1D)	--	--	--	
N	Bombs, photo-flash	1.1F	UN 0037	Explosive (1.1F)	--	--	--	
N	Bombs, photo-flash	1.2G	UN 0039	Explosive (1.2G)	--	--	--	
N	Bombs, photo-flash	1.3G	UN 0299	Explosive (1.3G)	--	--	--	
	Bombs, smoke, *containing a corrosive liquid, non-explosive, without initiating device*	8	UN 2028	Corrosive	II	1.2	5	Keep dry. Stow 'away from' living quarters
N	Bombs, *with bursting charge*	1.1D	UN 0034	Explosive (1.1D)	--	--	--	
N	Bombs, *with bursting charge*	1.2D	UN 0035	Explosive (1.2D)	--	--	--	
N	Bombs, *with bursting charge*	1.1F	UN 0033	Explosive (1.1F)	--	--	--	
N	Bombs, *with bursting charge*	1.2F	UN 0291	Explosive (1.2F)	--	--	--	
N	Boosters, with detonator	1.1B	UN 0225	Explosive (1.1B)	--	--	--	
N	Boosters, with detonator	1.2B	UN 0268	Explosive (1.2B)	--	--	--	
N	Boosters, *without detonator*	1.1D	UN 0042	Explosive (1.1D)	--	--	--	
N	Boosters, *without detonator*	1.2D	UN 0283	Explosive (1.2D)	--	--	--	
	Borate and chlorate, *mixtures*	5.1	UN 1458	Oxidizer	II	1.2	5	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Borneol	4.1	UN 1312	None. Package to be marked 'Class 4.1'	III	1.2	1.2	
•	Boron tribromide	8	UN 2692	Corrosive	I	1	1	Keep cool and dry. Stow 'away from' foodstuffs
	Boron trichloride	2.3	UN 1741	Poison Gas, Corrosive	--	1	5	Shade from radiant heat. Stow 'away from' foodstuffs and living quarters
	Boron trifluoride	2.3	UN 1008	Poison Gas	--	1	5	Stow 'away from foodstuffs and living quarters
	Boron trifluoride acetic acid complex	8	UN 1742	Corrosive	II	1.2	1.2	
•	Boron trifluoride diethyletherate	3.2	UN 2604	Flammable Liquid, Corrosive	II	1.2	1	
•	Boron trifluoride diethyl etherate	8	UN 2604	Corrosive, Flammable Liquid (only if flashpoint between 23 and 61 deg C)	II	1.2	1	If flashpoint between 23 and 61 deg C, segregation same as for flammable liquids
•	Boron trifluoride dihydrate	8	UN 2851	Corrosive	II	1.3	1	Keep cool
	Boron trifluoride propionic acid complex	8	UN 1743	Corrosive	II	1.2	1.2	
	Box toe gum. *See* Nitrocellulose							
	Brake fluid, hydraulic	3.2	UN 1118	Flammable Liquid	II	1.2	1	
	Bromates, *(inorganic)*, n.o.s.	5.1	UN 1450	Oxidizer	II	1.2	1.2	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Bromine, *(and solutions)*	8	UN 1744	Corrosive, Poison	I	1	5	Keep cool
•	Bromine pentafluoride	5.1	UN 1745	Oxidizer, Poison, Corrosive	I	1	5	Keep dry. Shade from radiant heat
•	Bromine trifluoride	5.1	UN 1746	Oxidizer, Poison, Corrosive	I	1	5	Keep dry. Shade from radiant heat
	Bromoacetic acid, *solid*	8	UN 1938	Corrosive	II	1.2	1.2	Keep dry
	Bromoacetic acid, *solution*	8	UN 1938	Corrosive	II	1.2	1.2	Glass carboys in hampers not permitted under deck
•	Bromoacetone	6.1	UN 1569	Poison, Flammable Liquid	II	1	5	Segregation same as for flammable liquids. Stow 'away from' living quarters
	Bromoacetyl bromide	8	UN 2513	Corrosive	II	1	1	Glass carboys prohibited on passenger vessels
	Bromobenzene	3.3	UN 2514	Flammable Liquid	III	1.2	1.2	
	Bromobenzyl cyanide	6.1	UN 1694	Poison	I	1	5	Keep cool
	2-Bromobutane	3.2	UN 2339	Flammable Liquid	II	1.2	1	
	Bromochloromethane	9	UN 1887	None	III	1.2	1.2	Stow 'away from' foodstuffs
	2-Bromoethyl ethyl ether	3.2	UN 2340	Flammable Liquid	II	1.2	1	
	Bromoform	6.1	UN 2515	St. Andrews Cross	III	1.2	1.2	
	1-Bromo-3-methylbutane	3.2	UN 2341	Flammable Liquid	II	1.2	1	
	Bromomethylpropanes	3.2	UN 2342	Flammable Liquid	II	1.2	1	
	Bromomethylpropanes	3.3	UN 2342	Flammable Liquid	II	1.2	1.2	
	2-Bromopentane	3.2	UN 2343	Flammable Liquid	II	1.2	1	
	Bromopropanes	3.2	UN 2344	Flammable Liquid	II	1.2	1	
	Bromopropanes	3.3	UN 2344	Flammable Liquid	II	1.2	1.2	
	3-Bromopropyne	3.2	UN 2345	Flammable Liquid	II	1.2	1	
	Bromotrifluoromethane	2.2	UN 1009	Nonflammable Gas	--	1.2	1.2	
	Brucine	6.1	UN 1570	Poison	II	1.2	1.2	
N	Bursters, *explosive*	1.1D	UN 0043	Explosive (1.1D)	--	--	--	
	Butadiene, *inhibited*	2.1	UN 1010	Flammable Gas	--	1.2	1	Stow 'away from' living quarters
	Butanedione	3.2	UN 2346	Flammable Liquid	II	1.2	1	
	Butane *or butane mixtures*	2.1	UN 1011	Flammable Gas	--	1.2	1	Stow 'away from' living quarters
	sec-Butanol	3.3	UN 1121	Flammable Liquid	II	1.2	1.2	
	tert-Butanol	3.2	UN 1122	Flammable Liquid	II	1.2	1	
	Butanol	3.3	UN 1120	Flammable Liquid	II	1.2	1.2	
	Butoxyl	3.3	UN 2708	Flammable Liquid	III	1.2	1.2	
•	Butyl acetates	3.2	UN 1123	Flammable Liquid	II	1.2	1	
•	Butyl acid phosphate	8	UN 1718	Corrosive	III	1.2	1.2	Glass carboys in hampers prohibited under deck
	Butylacrylate, *inhibited*	3.3	UN 2348	Flammable Liquid	II	1.2	1.2	
	Butyl alcohol. *See* Butanol							

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	sec-Butyl alcohol. *See* sec-Butanol							
	tert-Butyl alcohol. *See* tert-Butanol							
	n-Butylamine	3.2	UN 1125	Flammable Liquid	II	1,2	1	
•	N-n-Butylaniline	6.1	UN 2738	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Butyl benzenes	3.3	UN 2709	Flammable Liquid	III	1,2	1,2	
	n-Butyl-4,4-bis-(tert-butyl-peroxy) valerate, *maximum concentration 52% with inert solid*	5.2	UN 2141	Organic Peroxide	II	1	5	
	n-Butyl-4,4-bis-(tert-butyl-peroxy) valerate, *technical pure*	5.2	UN 2140	Organic Peroxide	II	1	5	
	n-Butyl bromide	3.3	UN 1126	Flammable Liquid	II	1,2	1,2	
	n-Butyl chloride	3.2	UN 1127	Flammable Liquid	II	1,2	1	
•	n-Butylchloroformate	6.1	UN 2743	Poison, Corrosive, Flammable Liquid	II	1,3	1,3	Keep cool and dry. Shade from radiant heat. Stow 'away from' living quarters. Segregation same as for flammable liquids
	tert-Butyl cumene peroxide. *See* tert-Butyl cumyl peroxide							
	tert-Butyl cumyl peroxide, *technical pure*	5.2	UN 2091	Organic Peroxide	II	1	5	
•	tert-Butylcyclohexylchloroformate	6.1	UN 2747	St. Andrews Cross	III	1,3	1,3	Keep cool and dry. Shade from radiant heat
	Butylene	2.1	UN 1012	Flammable Gas	--	1,2	1	Stow 'away from living quarters
	Butyl ether. *See* Dibutyl ethers							
	n-Butyl formate	3.2	UN 1128	Flammable Liquid	II	1,2	1	
	tert-Butyl hydroperoxide, *in a concentration over 72% to maximum 90% with water*	5.2	UN 2094	Organic Peroxide	I	1	5	
	tert-Butyl hydroperoxide, *maximum concentration 80% in di-tert-butyl peroxide and/or solvent*	5.2	UN 2092	Organic Peroxide, Flammable Liquid (only if flashpoint of solvent is 23 deg C. or below)	I	1	5	
	tert-Butyl hydroperoxide, *maximum concentration 72% with water*	5.2	UN 2093	Organic Peroxide	II	1	5	
•	N-n-Butyl imidazole	6.1	UN 2690	Poison	II	1,2	1,2	Stow 'away from' living quarters
	tert-Butyl isocyanate	3.2	UN 2484	Flammable Liquid, Poison	I	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	n-Butyl isocyanate	3.2	UN 2485	Flammable Liquid, Poison	II	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
•	Butyl mercaptan	3.2	UN 2347	Flammable Liquid	II	1,2	1	
	n-Butyl methacrylate	3.3	UN 2227	Flammable Liquid	III	1,2	1,2	
	Butyl methyl ether	3.2	UN 2350	Flammable Liquid	II	1,2	1	
•	tert-Butyl monoperoxyphthalate, *technical pure*	5.2	UN 2105	Organic Peroxide	II	1	5	
	Butyl nitrite	3.2	UN 2351	Flammable Liquid	II	1,2	1	
•	tert-Butyl peroxide. *See* Di-tert-butyl peroxide				--	--	--	
•	tert-Butyl peroxyacetate, *in a concentration of more than 52% to a maximum concentration of 76% in solution*	5.2	UN 2095	Organic Peroxide	II	1	5	
•	tert-Butyl peroxyacetate, *maximum concentration 52% in solution*	5.2	UN 2096	Organic Peroxide	II	1	5	
•	tert-Butyl peroxybenzoate, *maximum concentration 75% in solution*	5.2	UN 2098	Organic Peroxide	II	1	5	
•	tert-Butyl peroxybenzoate, *technical pure or in a concentration of more than 75% in solution*	5.2	UN 2097	Organic Peroxide	II	1	5	
•	tert-Butyl peroxybenzoate *with at least 50% inert organic solid*	5.2	UN 2890	Organic Peroxide	II	1	5	
•	tert-Butyl peroxycrotonate, *maximum concentration 76% in solution*	5.2	UN 2183	Organic Peroxide	II	1	5	
•	n-Butyl peroxydicarbonate, *in a concentration of more than 27% to a maximum concentration of 52% in solution*	5.2	UN 2169	Organic Peroxide	II	1	5	Control temperature -15 deg C. Emergency temperature -5 deg C
•	n-Butyl peroxydicarbonate, *maximum concentration 27% in solution*	5.2	UN 2170	Organic Peroxide	II	1	5	Control temperature 0 dec C. Emergency temperature 10 deg C
•	tert-Butyl peroxydiethylacetate, *(in a maximum concentration of 33%),* with tert-butyl peroxybenzoate, *(in a maximum concentration of 33%), and solvent*	5.2	UN 2551	Organic Peroxide	II	1	5	
•	tert-Butyl peroxydiethylacetate, *technical pure*	5.2	UN 2144	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
•	tert-Butyl peroxy-2-ethylhexanoate, *maximum concentration 30% with 2,2-Bis-(tert-butyl peroxy) butane maximum concentration 35% and with at least 35% phlegmatizer*	5.2	UN 2886	Organic Peroxide	II	1	5	Control temperature 35 deg C. Emergency temperature 40 deg C
•	tert-Butyl peroxy-2-ethylhexanoate *maximum concentration 12% with 2,2-Bis-(tert-butyl peroxy)butane maximum concentration 14%, and with at least 14% phlegmatizer and 60% inert inorganic solid*	5.2	UN 2887	Organic Peroxide	II	1	5	
•	tert-Butyl peroxy-2-ethyl hexanoate, *technical pure*	5.2	UN 2143	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
•	tert-Butyl peroxy-2-ethylhexanoate, *with at least 50% phlegmatizer*	5.2	UN 2888	Organic Peroxide	II	1	5	Control temperature 35 deg C. Emergency temperature 40 deg C
•	tert-Butyl peroxyisobutyrate, *in a concentration of more than 52% to a maximum concentration of 77% in solution*	5.2	UN 2142	Organic Peroxide	II	1	5	Control temperature 15 deg C. Emergency temperature 20 deg C
•	tert-Butyl peroxyisobutyrate, *maximum concentration 52% in solution*	5.2	UN 2562	Organic Peroxide	II	1	5	Emergency temperature 15 deg C. Emergency temperature 20 deg C
	tert-Butyl peroxy isopropyl carbonate, *technical pure*	5.2	UN 2103	Organic Peroxide	II	1	5	
•	tert-Butyl peroxymaleate, *maximum concentration 55% as a paste*	5.2	UN 2101	Organic Peroxide	II	1	5	
•	tert-Butyl peroxymaleate, *maximum concentration 55% in solution*	5.2	UN 2100	Organic Peroxide	II	1	5	
•	tert-Butyl peroxymaleate, *technical pure*	5.2	UN 2099	Organic Peroxide	II	1	5	
•	tert-Butyl peroxyneodecanoate, *maximum concentration 77% in solution*	5.2	UN 2177	Organic Peroxide	II	1	5	Control temperature 0 deg C. Emergency temperature 10 deg C
•	tert-Butyl peroxyneodecanoate, *technical pure*	5.2	UN 2594	Organic Peroxide	II	1	5	Control temperature -5 deg C. Emergency temperature 5 deg C
	3-tert-Butylperoxy-3-phenyl phthalide, *technical pure*	5.2	UN 2596	Organic Peroxide	II	1	5	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	tert-Butyl peroxypivalate, *maximum concentration 77% in solution*	5.2	UN 2110	Organic Peroxide	II	1	5	Control temperature 0 deg C. Emergency temperature 10 deg C
	tert-Butyl peroxy-3,5,5-trimethyl hexanoate, *technical pure*	5.2	UN 2104	Organic Peroxide	II	1	5	
•	Butylphenols, liquid	6.1	UN 2228	St. Andrews Cross	III	1,2	1	
•	Butylphenols, solid	6.1	UN 2229	St. Andrews Cross	III	1,2	1,2	
	Butyl phosphoric acid. *See* Acid butyl phosphate							
	Butyl propionate	3.3	UN 1914	Flammable Liquid	II	1,2	1,2	
•	Butyl toluenes	6.1	UN 2667	Poison, Flammable Liquid (only if flashpoint below 61 deg C)	III	1,2	1,2	Shade from radiant heat. If flashpoint below 61 deg C segregation same as for flammable liquids
•	Butyl trichlorosilane	8	UN 1747	Corrosive, Flammable Liquid	II	1	1	Keep dry. Stow 'separated longitudinally by an intervening complete compartment or hold from' explosives. Segregation same as for flammable liquids
•	Butyl vinyl ether, *inhibited*	3.2	UN 2352	Flammable Liquid	II	1,2	1	
•	1,4-Butynediol	4.1	UN 2716	Flammable Solid	III	1,2	1	Stow 'separated from' mercury salts, strong acids, alkaline compounds and halides
	Butyraldehyde	3.2	UN 1129	Flammable Liquid	II	1,2	1	
•	n-Butyric acid	8	UN 2820	Corrosive	III	1,3	1,3	Keep cool. Glass carboys in hampers prohibited under deck
•	Butyric anhydride	8	UN 2739	Corrosive	III	1,2	1,2	
	Butyrone	3.3	UN 2710	Flammable Liquid	III	1,2	1,2	
	Butyronitrile	3.2	UN 2411	Flammable Liquid, Poison	II	1,3	5	Keep cool
	Butyryl chloride	3.2	UN 2353	Flammable Liquid, Poison	II	1	1	Keep dry. Shade from radiant heat
	Cacodylic acid	6.1	UN 1572	Poison	II	1,2	5	Stow 'away from' acids
•	Cadmium compounds	6.1	UN 2570	Poison	I/II	1,2	1,2	Stow 'away from' living quarters
		6.1	UN 2570	St. Andrews Cross	III	1,2	1,2	Stow 'away from' living quarters
•	Caesium hydroxide, solution	8	UN 2681	Corrosive	II	1,2	1,2	
	Caesium, *metal*	4.3	UN 1407	Dangerous When Wet	I	1,2	5	
	Caesium nitrate	5.1	UN 1451	Oxidizer	III	1,2	1,2	
	Caesium, *powdered*. *See* Pyrophoric metals							
	Calcium arsenate	6.1	UN 1573	Poison	II	1,2	1,2	
	Calcium arsenate and arsenite, *solid mixtures*	6.1	UN 1574	Poison	II	1,2	1,2	
	Calcium bisulphite, *solution*. *See* Calcium hydrogen sulphite, *solution*							
	Calcium carbide	4.3	UN 1402	Dangerous When Wet	II	1,2	1,2	Stow 'away from' copper, its alloys and its salts
	Calcium chlorate	5.1	UN 1452	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Calcium chlorate, *aqueous solution*	5.1	UN 2429	Oxidizer	II	1,2	1	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Calcium chlorite	5.1	UN 1453	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals and cyamides, 'separated from' ammonium compounds
	Calcium cyanamide, *containing more than 0.1% of calcium carbide*	4.3	UN 1403	Dangerous When Wet	III	1,2	1,2	
	Calcium cyanide	6.1	UN 1575	Poison	I	1,2	1,2	Stow 'away from' acids
	Calcium hydride	4.3	UN 1404	Dangerous When Wet	I	1,2	5	
	Calcium hydrogen sulphite, *solution*	8	UN 1901	Corrosive	II	1,2	1,2	
•	Calcium hydrosulphite	4.2	UN 1923	Spontaneously Combustible	III	1,2	5	Keep dry
•	Calcium hypochlorite, dry *or* Calcium hypochlorite mixtures, dry, *containing more than 39% available chlorine (8.8% available oxygen)*	5.1	UN 1748	Oxidizer	II	1,2	1,2	
	Calcium hypochlorite mixtures, *dry containing 39% or less, but more than 10% available chlorine*	9	UN 2208	None	III	1,2	1,2	Stow 'separated from' flammable liquids and acids, 'away from' combustible materials
•	Calcium manganese silicon	4.3	UN 2844	Dangerous When Wet	III	1,2	1,2	
	Calcium, *metal and alloys, non-pyrophoric*	4.3	UN 1401	Dangerous When Wet	II	1,2	5	
	Calcium nitrate	5.1	UN 1454	Oxidizer	III	1,2	1,2	
	Calcium perchlorate	5.1	UN 1455	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals
	Calcium permanganate	5.1	UN 1456	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and hydrogen peroxide
	Calcium peroxide	5.1	UN 1457	Oxidizer	II	1,2	1,2	Keep dry
	Calcium phosphide	4.3	UN 1360	Dangerous When Wet	I	1	5	
•	Calcium, pyrophoric *or* Calcium alloys, pyrophoric	4.2	UN 1855	Spontaneously Combustible	II	1	5	
•	Calcium resinate, fused	4.1	UN 1314	Flammable Solid	III	1,2	1,2	
	Calcium resinate, *technical pure*	4.1	UN 1313	Flammable Solid	III	1,2	1,2	
	Calcium silicide	4.3	UN 1405	Dangerous When Wet	II	1,2	1,2	
	Calcium silicon	4.3	UN 1406	Dangerous When Wet	III	1,2	1,2	
•	Camphor, *natural or synthetic*	4.1	UN 2717	Flammable Solid	III	1,2	1,2	
	Camphor oil	3.3	UN 1130	Flammable Liquid	III	1,3	1,3	
	Capryloyl peroxide. *See* n-Octanoyl peroxide							
	Caps, blasting. *See* Blasting caps							
	Caps, percussion	1.4 S	UN 0044	None. Package to be marked '1.4 S'	--	1,3	1,3	
	Caps, toy. *See* Amorces							
•	Carbamate pesticides, *liquid*, n.o.s.	6.1	UN 2757	Poison	I	1	1	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
		6.1	UN 2757	Poison	II	1,2	1	
		6.1	UN 2757	St. Andrews Cross	III	1,2	1,2	
•	Carbamate pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2757	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2757	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2757	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Carbamate pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2758	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Carbamate pesticides, *solid*, n.o.s.	6.1	UN 2757	Poison	I/II	1,2	1,2	
		6.1	UN 2757	St. Andrews Cross	III	1,2	1,2	
	Carbolic acid. *See* Phenol							
•	Carbon, activated	4.2	UN 1362	Spontaneously Combustible	III	1,3	1,3	Keep cool. Stow 'away from' oily matter
	Carbon bisulphide. *See* Carbon disulphide							
	Carbon dioxide	2.2	UN 1013	Nonflammable Gas	--	1,2	1,2	
	Carbon dioxide and nitrous oxide, *mixtures*	2.2	UN 1015	Nonflammable Gas	--	1,2	1,2	
	Carbon dioxide and oxygen, *mixtures*	2.2	UN 1014	Nonflammable Gas	--	1,2	1,2	
•	Carbon disulphide	3.1	UN 1131	Flammable Liquid, Poison	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1.4, Compatibility Group S). Keep cool
	Carbon monoxide	2.1	UN 1016	Flammable Gas, Poison Gas	--	1	5	Stow 'away from' living quarters
•	Carbon monoxide and hydrogen *mixture*	2.1	UN 2600	Flammable Gas, Poison Gas	--	1	5	Stow 'away from' living quarters
•	Carbon, *non-activated, of animal or vegetable origin*	4.2	UN 1361	Spontaneously Combustible	III	1,3	1,3	Keep cool. Stow 'away from' oily matter
	Carbon paper. See Paper, *treated with unsaturated oils, incompletely dried*							
	Carbon remover, *liquid*	3.2	UN 1132	Flammable Liquid	II	1,2	1	
	Carbon sulphide. *See* Carbon disulphide							
	Carbon tetrabromide	6.1	UN 2516	St. Andrews Cross	III	1,2	1,2	Shade from radiant heat
	Carbon tetrachloride	6.1	UN 1846	Poison	II	1,2	1,2	
	Carbonyl chloride. See Phosgene							
	Carbonyl fluoride	2.3	UN 2417	Poison Gas	--	1	5	Stow 'away from' living quarters
	Carbonyl sulfide	2.3	UN 2204	Poison Gas, Flammable Gas	--	1	5	Stow 'away from' living quarters
N	Cartouche	2.1	UN 2037	Flammable Gas	--			
	Cartridge cases, empty, with primer. *See* Cases, cartridges, empty, with primer							
N	Cartridges, flash	1.1G	UN 0049	Explosive (1.1G)	--	--	--	
N	Cartridges, flash	1.3G	UN 0050	Explosive (1.3G)	--	--	--	
	Cartridges for weapons, blank	1.4 C	UN 0338	Explosive (1.4C)	--	1,3	1,3	
	Cartridges for weapons, blank	1.4 S	UN 0014	None. Package to be marked '1.4 S'	--	1,3	1,3	
N	Cartridges for weapons, blank	1.1C	UN 0326	Explosive (1.1C)	--	--	--	
N	Cartridges for weapons, blank	1.3C	UN 0327	Explosive (1.3C)	--	--	--	
	Cartridges for weapons, *other than blank*	1.4 S	UN 0012	None. Package to be marked '1.4 S'	--	1,3	1,3	
N	Cartridges for weapons, *with bursting charge*	1.1E	UN 0006	Explosive (1.1E)	--	--	--	
N	Cartridges for weapons, *with bursting charge*	1.2E	UN 0321	Explosive (1.2E)	--	--	--	
N	Cartridges for weapons, *with bursting charge*	1.1F	UN 0005	Explosive (1.1F)	--	--	--	
N	Cartridges for weapons, *with bursting charge*	1.2F	UN 0007	Explosive (1.2F)	--	--	--	
N	Cartridges for weapons, *with bursting charge*	1.4F	UN 0348	Explosive (1.4F)	--	--	--	
	Cartridges for weapons, with inert projectile	1.4 C	UN 0339	Explosive (1.4C)	--	1,3	1,3	
N	Cartridges for weapons, with inert projectile	1.2C	UN 0328	Explosive (1.2C)	--	--	--	
	Cartridges, oil well	1.4 C	UN 0278	Explosive (1.4C)	--	1,3	1,3	
N	Cartridges, oil well	1.3C	UN 0277	Explosive (1.3C)	--	--	--	
	Cartridges, power device	1.4 C	UN 0276	Explosive (1.4C)	--	1,3	1,3	
	Cartridges, power device	1.4 S	UN 0323	None. Package to be marked '1.4 S'	--	1,3	1,3	
N	Cartridges, power device	1.2C	UN 0381	Explosive (1.2C)	--	--	--	
N	Cartridges, power device	1.3C	UN 0275	Explosive (1.3C)	--	--	--	
	Cartridges, safety. *See* Cartridges for weapons, *other than blank (UN 0012) or* Cartridges for weapons, blank *(UN 0014)*							
	Cartridges, signal	1.4 G	UN 0312	Explosive (1.4G)	--	1,3	1,3	
N	Cartridges, signal	1.3G	UN 0054	Explosive (1.3G)	--	--	--	
•	Cartridges, signal	1.4S	UN 0405	None. Package to be marked '1.4S'	--	1.3	1,3	
	Cases, cartridge, empty, with primer	1.4C	UN 0379	Explosive (1.4C)	--	1,3	1,3	
	Cases, cartridges, empty, with primer	1.4 S	UN 0055	None. Package to be marked '1.4 S'	--	1,3	1,3	
•	Casinghead gasoline	3.1	UN 1257	Flammable Liquid	II	1,3	5	Keep cool
	Caustic alkali liquids, n.o.s.	8	UN 1719	Corrosive	II	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Caustic potash. *See* Potassium hydroxide, *solution*							
	Caustic potash, solid. *See* Potassium hydroxide, *solid*							
	Celluloid, *in blocks, rods, rolls, sheets, tubes, etc. (scrap excluded)*	4.1	UN 2000	Flammable Solid	III	1,2	1,2	
	Celluloid, *scrap*	4.2	UN 2002	Spontaneously Combustible	II	1	5	
	Cement, adhesive, *(containing a flammable liquid)*, n.o.s.	3.2	UN 1133	Flammable Liquid	II	1,2	1	
		3.3	UN 1133	Flammable Liquid	II	1,2	1,2	
	Cement, *(liquid)*, n.o.s.. *See* Cement, adhesive, *(containing a flammable liquid)*, n.o.s							
•	Cerium, crude, *powder*	4.1	UN 1333	Flammable Solid	II	1,2	5	Stow 'separated from' flammable substances and oxidizers
•	Cerium, crude, *slabs or ingots*	4.1	UN 1333	Flammable Solid	III	1,2	1,2	Stow 'separated from' flammable substances and oxidizers
	Charcoal, activated. *See* Carbon, activated							
•	*Charcoal, non-activated, of animal or vegetable origin. See* Carbon							
N	Charges, demolition	1.1D	UN 0048	Explosive (1.1D)	--	--	--	
N	Charges, depth	1.1D	UN 0056	Explosive (1.1D)	--	--	--	
N	Charges, propelling, for cannon	1.1C	UN 0279	Explosive (1.1C)	--	--	--	
N	Charges, propelling, for cannon	1.3C	UN 0242	Explosive (1.3C)	--	--	--	
N	Charges, propelling, for rocket motors	1.1C	UN 0271	Explosive (1.1C)	--	--	--	
N	Charges, propelling, for rocket motors	1.3C	UN 0272	Explosive (1.3C)	--	--	--	
N	Charges, propelling, for rocket motors, *composite mixture*	1.1C	UN 0273	Explosive (1.1C)	--	--	--	
N	Charges, propelling, for rocket motors, *composite mixture*	1.3C	UN 0274	Explosive (1.3C)	--	--	--	
N	Charges, shaped, *commercial, without detonator*	1.1D	UN 0059	Explosive (1.1D)	--	--	--	
	Charges, shaped, flexible, linear, *metal clad*	1.4 D	UN 0237	Explosive (1.4D)	--	1,3	1,3	
N	Charges, shaped, flexible, linear, *metal clad*	1.1D	UN 0288	Explosive (1.1D)	--	--	--	
N	Charges, supplementary, explosive	1.1D	UN 0060	Explosive (1.1D)	--	--	--	
	Chloral, *anhydrous, inhibited*	6.1	UN 2075	Poison	II	1	5	
	Chlorate and borate, mixtures. See Borate and chlorate *mixtures*							
•	Chlorate and magnesium chloride, mixture	5.1	UN 1459	Oxidizer	II	1,2	5	Stow 'away from' powdered metals and 'separated from' ammonium compounds
•	Chlorates, inorganic, n.o.s.	5.1	UN 1461	Oxidizer	II	1,2	5	Stow 'away from' powdered metals and 'separated from' ammonium compounds
•	Chloric acid solution *containing not more than 10% acid*	5.1	UN 2626	Oxidizer	II	1	5	Stow 'separated from' ammonium compounds and 'away from' finely powdered metals
	Chlorinated anthracene oil	6.1	UN 2230	Poison	II	1,3	1,3	Stow 'away from' sources of heat. Segregation same as for flammable liquids
	Chlorine	2.3	UN 1017	Poison Gas, Oxidizer	--	1	5	Stow 'away from' living quarters and organic materials, 'separated from' acetylene, ammonia, diborane and hydrogen
	Chlorine trifluoride	2.3	UN 1749	Poison Gas, Oxidizer, Corrosive	--	1,2	5	Stow 'away from' food stuffs and living quarters
	Chlorites, *(inorganic)*, n.o.s.	5.1	UN 1462	Oxidizer	II	1,2	5	Stow 'away from' powdered metals and cyanides, 'separated from' ammonium compounds
	Chloroacetaldehyde	6.1	UN 2232	Poison	II	1	5	
	Chloroacetic acid, *liquid*	8	UN 1750	Corrosive	II	1,2	1,2	Glass carboys in hampers not permitted under deck
	Chloroacetic acid, *solid*	8	UN 1751	Corrosive	II	1,2	1,2	Keep dry
•	Chloroacetone, *stabilized*	6.1	UN 1695	Poison	II	1	5	Stow 'away from' living quarters
•	Chloroacetonitrile	6.1	UN 2668	Poison, Flammable Liquid	II	1,3	1,3	Keep cool. Shade from radiant heat. Stow 'away from' acids. Segregation same as for flammable liquids
	Chloroacetophenone	6.1	UN 1697	Poison	II	1	5	
	Chloroacetyl chloride	8	UN 1752	Corrosive	II	1	5	Keep dry
	Chloroanilines, *liquid*	6.1	UN 2019	Poison	II	1,2	1,2	
	Chloroanilines, *solid*	6.1	UN 2018	Poison	II	1,2	1,2	
	p-Chloro-o-anisidine	6.1	UN 2233	St. Andrews Cross	III	1,2	1,2	
	Chlorobenzene	3.3	UN 1134	Flammable Liquid	II	1,3	1,3	
	Chlorobenzotrifluorides	3.3	UN 2234	Flammable Liquid	III	1,2	1,2	
•	p-Chlorobenzoyl peroxide. *See* Di-(4-chlorobenzoyl) peroxide				--	--	--	
	p-Chlorobenzyl chloride	6.1	UN 2235	St. Andrews Cross	III	1,2	1,2	
•	1-Chloro-3-bromopropane	6.1	UN 2688	St. Andrews Cross	III	1,2	1,2	
•	Chlorocresols	6.1	UN 2669	Poison	II	1,3	1,3	Keep cool. Stow 'away from' living quarters
	Chlorodifluorobromomethane	2.2	UN 1974	Nonflammable Gas	--	1,2	1,2	
	Chlorodifluoromethane	2.2	UN 1018	Nonflammable Gas	--	1,2	1,2	
	Chlorodifluoromethane and chloropentafluoroethane, *mixture with a fixed boiling point containing about 49% of chlorodifluoromethane*	2.2	UN 1973	Nonflammable Gas	--	1,2	1,2	
	Chlorodinitrobenzene	6.1	UN 1577	Poison	II	1,2	1,2	
	2-Chloroethanol	3.3	UN 1135	Flammable Liquid	II	1,2	1,2	
	Chloroform	6.1	UN 1888	Poison	II	1,2	1,2	
•	Chloroformates, n.o.s., *with a flashpoint not less than 23 deg C*	6.1	UN 2742	Poison, Corrosive, Flammable Liquid (only if flashpoint below 61 deg C)	II	1,3	1,3	Keep cool and dry. Shade from radiant heat. Stow 'away from' living quarters. If flashpoint below 61, segregation same as for flammable liquids
•	Chloromethylchloroformate	6.1	UN 2745	Poison, Corrosive	II	1,3	1,3	Keep cool and dry. Shade from radiant heat. Stow 'away from' living quarters
	Chloromethyl ethyl ether	3.2	UN 2354	Flammable Liquid, Poison	II	1,3	5	Keep cool

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	3-Chloro-4-methylphenyl isocyanate	6.1	UN 2236	Poison	II	1,2	1,2	Shade from radiant heat
	Chloronitroanilines	6.1	UN 2237	St. Andrews Cross	III	1,2	1,2	
	Chloronitrobenzenes *(o-, m-, p-)*	6.1	UN 1578	Poison	II	1,2	1,2	
	Chloro-o-nitrotoluene	6.1	UN 2433	St. Andrews Cross	III	1,2	1,2	
	Chloropentafluoroethane	2.2	UN 1020	Nonflammable Gas	--	1,2	1,2	
	m-Chloroperoxybenzoic acid, *maximum concentration 86%*	5.2	UN 2755	Organic Peroxide	II	1	5	
•	3-Chloroperoxybenzoic acid, *maximum concentration 86%*	5.2	UN 2755	Organic Peroxide	II	1	5	
•	Chlorophenates, liquid	8	UN 2904	Corrosive	III	1,2	1,2	
•	Chlorophenates, solid	8	UN 2905	Corrosive	III	1,2	1,2	
•	Chlorophenols, liquid	6.1	UN 2021	St. Andrews Cross	III	1,2	1,2	
•	Chlorophenols, solid	6.1	UN 2020	St. Andrews Cross	III	1,2	1,2	
	Chlorophenyl trichlorosilane	8	UN 1753	Corrosive	II	1	1	Keep dry
	Chloropicrin	6.1	UN 1580	Poison	I	1	5	
•	Chloropicrin and methyl bromide, *mixtures*	2.3	UN 1581	Poison Gas	--	1	5	Shade from radiant heat. Stow 'away from' living quarters
•	Chloropicrin and methyl chloride, *mixtures*	2.3	UN 1582	Poison Gas	--	1	5	Shade from radiant heat. Stow 'away from' living quarters
	Chloropicrin mixtures, n.o.s.	6.1	UN 1583	Poison	I/II	1	5	
		6.1	UN 1583	St. Andrews Cross	III	1,2	1,2	
	Chloroplatinic acid, *solid*	8	UN 2507	Corrosive	III	1,2	1,2	
	Chloroprene, *inhibited*	3.2	UN 1991	Flammable Liquid	I	1,2	1	
	2-Chloropropane	3.1	UN 2356	Flammable Liquid	I	1,3	5	Keep cool
•	3-Chloropropanol-1	6.1	UN 2849	St. Andrews Cross	III	1,2	1,2	
	2-Chloropropene	3.1	UN 2456	Flammable Liquid	I	1,3	5	Keep cool
	Chloropropionic acid	8	UN 2511	Corrosive	III	1,2	1,2	Glass carboys prohibited on passenger vessels
•	3-Chloropyridine	6.1	UN 2822	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Chlorosulphonic acid, *with or without sulphur trioxide*	8	UN 1754	Corrosive	I	1	1	Glass carboys prohibited on passenger vessels
	Chlorotetrafluoroethane	2.2	UN 1021	Nonflammable Gas	--	1,2	1,2	
	Chlorotoluenes *(o-, m-, p-)*	3.3	UN 2238	Flammable Liquid	III	1,2	1,2	
	4-Chloro-o-toluidine hydrochloride	6.1	UN 1579	St. Andrews Cross	III	1,2	1,2	
	Chlorotoluidines	6.1	UN 2239	St. Andrews Cross	III	1,2	1,2	
•	Chlorotrifluoroethane	2.2	UN 1983	Nonflammable Gas	--	1,2	1,2	
	Chlorotrifluoroethane. See Trifluorochloroethane							
	Chlorotrifluoroethylene. See Trifluorochloroethylene							
	Chlorotrifluoromethane	2.2	UN 1022	Nonflammable Gas	--	1,2	1,2	
	Chromic acid, *solid. See* Chromium trioxide, *anhydrous*							
	Chromic acid, *solution*	8	UN 1755	Corrosive	II	1	1	
	Chromic anhydride. *See* Chromium trioxide, *anhydrous*							
	Chromic fluoride, *solid*	8	UN 1756	Corrosive	II	1,2	1,2	
	Chromic fluoride, *solution*	8	UN 1757	Corrosive	II	1,2	1,2	
•	Chromium nitrate	5.1	UN 2720	Oxidizer	III	1,2	1,2	
	Chromium oxychloride	8	UN 1758	Corrosive	I	1	1	Keep dry. Glass carboys prohibited on passenger vessels
•	Chromium trioxide, *anhydrous*	5.1	UN 1463	Oxidizer, Corrosive	II	1,2	1,2	Stow 'separated from' flammable substances and 'away from' foodstuffs
	Chromosulphuric acid	8	UN 2240	Corrosive	I	1,2	1	Carboys not permitted on passenger vessels and permitted only on deck on cargo vessels
	Chrysotile. See Asbestos, white							
	Cigarettes, *self-lighting*	4.1	UN 1867	Flammable Solid	III	1,2	1,2	Keep dry
	Cleaning compound. *See* Flammable liquid preparations, n.o.s							
	Cleaning compounds, *liquid, corrosive*	8	UN 1759	Corrosive	II	1,2	1,2	
	Coal gas	2.1	UN 1023	Flammable Gas, Poison Gas	--	1	5	Stow 'away from' living quarters
	Coal tar distillate	3.2	UN 1136	Flammable Liquid	--	1,2	1	
		3.3	UN 1136	Flammable Liquid	--	1,2	1,2	
	Coal tar light oil	3.2	UN 1137	Flammable Liquid	--	1,2	1	
		3.3	UN 1137	Flammable Liquid	--	1,2	1,2	
	Coal tar naphtha	3.2	UN 2553	Flammable Liquid	II	1,2	1	
	Coal tar oil. *See* Coal tar distillate							
	Coating solution	3.2	UN 1139	Flammable Liquid	II	1,2	1	
		3.3	UN 1139	Flammable Liquid	II	1,2	1,2	
	Cobalt naphthenates, *powder*	4.1	UN 2001	Flammable Solid	III	1,2	1,2	
	Cobalt resinate, *precipitated*	4.1	UN 1318	Flammable Solid	III	1,2	1,2	
	Cocculus, *solid*	6.1	UN 1584	Poison	II	1,2	1,2	
	Cologne spirits. *See* Ethanol							
	Columbian spirits. *See* Methanol							
	Components, explosive train, n.o.s.	1.4B	UN 0383	Explosive (1.4B)	--	1,3	1,3	
	Components, explosive train, n.o.s.	1.4S	UN 0384	None. Package to be marked '1.4S'	--	1,3	1,3	
N	Components, explosive train, n.o.s.	1.2B	UN 0382	Explosive (1.2B)	--	--	--	
	Compressed *or* liquefied gases, *(flammable, non-toxic)*, n.o.s.	2.1	UN 1954	Flammable Gas	--	1	5	Stow 'away from' living quarters
	Compressed *or* liquefied gases, *(flammable, toxic)*, n.o.s.	2.1	UN 1953	Flammable Gas, Poison Gas	--	1	5	Stow 'away from' living quarters
	Compressed *or* liquefied gases, *(non-flammable, non-toxic)*, n.o.s.	2.2	UN 1956	Nonflammable Gas	--	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Compressed or liquefied gases, *(non-flammable, toxic)*, n.o.s.	2.3	UN 1955	Poison Gas	--	1	5	Stow 'away from' living quarters
N	Contrivances, water-activated, *with burster, expelling charge or propelling charge*	1.2L	UN 0248	Explosive (1.2L), Dangerous When Wet	--	--	--	
N	Contrivances, water-activated, *with burster, expelling charge or propelling charge*	1.3L	UN 0249	Explosive (1.3L), Dangerous When Wet	--	--	--	
	Copper acetoarsenite	6.1	UN 1585	Poison	II	1.2	1.2	
	Copper arsenite	6.1	UN 1586	Poison	II	1.2	1.2	
•	Copper based pesticides, *liquid*, n.o.s.	6.1	UN 2775	Poison	I	1	1	
		6.1	UN 2775	Poison	II	1.2	1	
		6.1	UN 2775	St. Andrews Cross	III	1.2	1.2	
•	Copper based pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2775	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2775	Poison, Flammable Liquid	II	1.2	1	Segregation same as for flammable liquids
		6.1	UN 2775	St. Andrews Cross, Flammable Liquid	III	1.2	1.2	Segregation same as for flammable liquids
•	Copper based pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2776	Flammable Liquid and Poison or St Andrews Cross (according to toxicity)	I/II	1.2	1	
•	Copper based pesticides, *solid*, n.o.s.	6.1	UN 2775	Poison	I/II	1.2	1.2	
		6.1	UN 2775	St. Andrews Cross	III	1.2	1.2	
•	Copper chlorate	5.1	UN 2721	Oxidizer	II	1.2	1.2	Stow 'separated from' ammonium compounds and 'away from' finely powdered metals
	Copper cyanide	6.1	UN 1587	Poison	II	1.2	1.2	Stow 'away from' acids
	Copra	4.2	UN 1363	None. Package to be marked 'Class 4.2'	III	1.2	1.2	Keep dry. Protect from sparks and open flame
	Cord, detonating, *flexible*	1.4D	UN 0289	Explosive (1.4D)	--	1.3	1.3	
N	Cord, detonating, *flexible*	1.1D	UN 0065	Explosive (1.1D)	--	--	--	
N	Cord, detonating, *metal clad*	1.1D	UN 0290	Explosive (1.1D)	--	--	--	
N	Cord, detonating, *metal clad*	1.2D	UN 0102	Explosive (1.2D)	--	--	--	
	Cord, detonating, mild effect, *metal clad*	1.4D	UN 0104	Explosive (1.4D)	--	1.3	1.3	
	Cord, igniter	1.4G	UN 0066	Explosive (1.4G)	--	1.3	1.3	
•	Corrosive liquids, n.o.s.	8	UN 1760	Corrosive, Flammable Liquid (only if flashpoint between 23 and 61 deg C)	I-II, III	1	5	For a material that meets only the corrosion to skin criteria of 49 CFR 173.240(a)(1), 'under deck' stowage is also authorized if the description includes the additional entry specified in Sec. 172.203(i)(3). If flashpoint below 61 deg C, segregation same as for flammable gases
•	Corrosive solids, n.o.s.	8	UN 1759	Corrosive	I/II/III	1	5	For a material that meets only the corrosion to skin criteria of 49 CFR 173.240(a)(1), 'under deck' stowage is also authorized if the description includes the additional entry specified in Sec. 172.203(i)(3). Keep dry
	Cosmetics, n.o.s. *See* Perfumery products							
	Cotton, dry. *See* Fibres, *vegetable, dry*							
	Cotton waste, *oily*	4.2	UN 1364	Spontaneously Combustible	III	1.2	1.2	Keep dry. Stow 'separated from' explosives, animal oils or vegetable oils
	Cotton, *wet or contaminated*	4.2	UN 1365	Spontaneously Combustible	III	1.2	1.2	Keep dry
	Cresols *(o-, m-, p-)*	6.1	UN 2076	Poison	II	1.2	1.2	
	Cresylic acid	6.1	UN 2022	Poison	II	1.2	1.2	
	Crocidolite. *See* Asbestos, blue							
•	Crotonaldehyde, *inhibited*	3.2	UN 1143	Flammable Liquid	II	1.2	1	
•	Crotonic acid	8	UN 2823	Corrosive	III	1.3	1.3	Keep cool
	Crotonylene	3.1	UN 1144	Flammable Liquid	I	1.3	5	Keep cool
•	Cumene hydroperoxide. *See* Cumyl hydroperoxide				--	--	--	
•	Cumyl hydroperoxide, *technical pure*	5.2	UN 2116	Organic Peroxide	I	1	5	
	Cupric cyanide. See Copper cyanide							
	Cupriethylenediamine, *solution*	8	UN 1761	Corrosive, Poison	II	1.2	1.2	
	Cut-backs, *asphalt or bitumen*	3.2	UN 1999	Flammable Liquid	II	1.2	1	
		3.3	UN 1999	Flammable Liquid	II	1.2	1.2	
	Cutters, cable, explosive	1.4S	UN 0070	None. Package to be marked '1.4 S'	--	1.3	1.3	
	Cyanide mixtures. *See* Cyanides, *(inorganic)*, n.o.s.							
•	Cyanides, inorganic, n.o.s.	6.1	UN 1588	Poison	I/II	1.2	1.2	Stow 'away from' acids.
		6.1	UN 1588	St. Andrews Cross	III	1.2	1.2	Stow 'away from' acids
•	Cyanide, solutions	6.1	UN 1935	Poison	I	1.2	1.2	Stow 'away from' living quarters and acids
	Cyanogen	2.3	UN 1026	Poison Gas, Flammable Gas	--	1	5	Stow 'away from' foodstuffs and living quarters
	Cyanogen bromide	6.1	UN 1889	Poison, Corrosive	I	1	5	Shade from radiant heat. Segregation same as for corrosives
	Cyanogen chloride, *inhibited*	2.3	UN 1589	Poison Gas	--	1	5	
	Cyanuric chloride (*cyanuric trichloride*)	8	UN 2670	Corrosive	II	1.2	1.2	Keep dry

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	Cyclobutylchloroformate	6.1	UN 2744	Poison, Corrosive, Flammable Liquid	II	1,3	1,3	Keep cool and dry. Shade from radiant heat. Stow 'away from' living quarters. Segregation same as for flammable liquids
	1,5,9-Cyclododecatriene	8	UN 2518	Corrosive	III	1	5	Stow 'away from' living quarters
	Cycloheptane	3.2	UN 2241	Flammable Liquid	II	1,2	1	
	Cycloheptatriene	3.2	UN 2603	Flammable Liquid, Poison	II	1,3	5	Keep cool
	Cycloheptene	3.2	UN 2242	Flammable Liquid	II	1,2	1	
•	Cyclohexane	3.1	UN 1145	Flammable Liquid	II	1,3	5	Keep cool
	Cyclohexanone	3.3	UN 1915	Flammable Liquid	III	1,2	1,2	
•	Cyclohexanone peroxides, *in a concentration of more than 90% with less than 10% water*	5.2	UN 2117	Organic Peroxide	I	1	5	
•	Cyclohexanone peroxides, *maximum concentration 90%, with at least 10% water*	5.2	UN 2119	Organic Peroxide	I	1	5	
•	Cyclohexanone peroxides, *maximum concentration 72% and containing not more than 9% available oxygen, in solution*	5.2	UN 2118	Organic Peroxide	I	1	5	
•	Cyclohexanone peroxides, *maximum concentration 72% and containing not more than 9% available oxygen, as a paste*	5.2	UN 2896	Organic Peroxide	II	1	5	
	Cyclohexene	3.1	UN 2256	Flammable Liquid	II	1,3	5	Keep cool
	Cyclohexene	3.2	UN 2256	Flammable Liquid	II	1,2	1	
	Cyclohexenyl trichlorosilane	8	UN 1762	Corrosive	II	1	1	Keep dry
	Cyclohexyl acetate	3.3	UN 2243	Flammable Liquid	III	1,2	1,2	
	Cyclohexylamine	3.2	UN 2357	Flammable Liquid, Poison	II	1,2	1	
	Cyclohexylamine	3.3	UN 2357	Flammable Liquid, Corrosive	II	1,2	1,2	
•	Cyclohexyl isocyanate	6.1	UN 2488	Poison, Flammable Liquid	II	1	5	Shade from radiant heat. Stow 'away from' living quarters. Segregation same as for flammable liquids
	Cyclohexyl trichlorosilane	8	UN 1763	Corrosive	II	1	1	Keep dry
	Cyclooctadienes	3.3	UN 2520	Flammable Liquid	II	1,2	1,2	
	Cyclooctatetraene	3.2	UN 2358	Flammable Liquid	II	1,2	1	
•	Cyclopentane	3.1	UN 1146	Flammable Liquid	II	1,3	5	Keep cool
	Cyclopentanol	3.3	UN 2244	Flammable Liquid	III	1,2	1,2	
	Cyclopentanone	3.3	UN 2245	Flammable Liquid	II	1,2	1,2	
	Cyclopentene	3.1	UN 2246	Flammable Liquid	II	1,3	5	Keep cool
	Cyclopropane	2.1	UN 1027	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
N	Cyclotetramethylenetetranitramine, *containing, by weight, at least 15% water or at least 10% phlegmatizer*	1.1D	UN 0226	Explosive (1.1D)	--	--	--	
•N	Cyclotrimethylenetrinitramine, *containing, by weight, at least 15% water or at least 10% phlegmatizer*	1.1D	UN 0072	Explosive (1.1D), Corrosive	--	--	--	
N	Cyclotrimethylenetrinitramine mixed with cyclotetramethylenetetranitramine, *containing, by weight, at least 15% water or at least 10% phlegmatizer*	1.1D	UN 0391	Explosive (1.1D)	--	--	--	
•	Cymenes	3.3	UN 2046	Flammable Liquid	II	1,2	1,2	
	Decaborane	4.1	UN 1868	Flammable Solid, Poison	II	1,2	1,2	
	Decahydronaphthalene	3.3	UN 1147	Flammable Liquid	II	1,2	1,2	
	Decalin. See Decahydronaphthalene							
	n-Decane	3.3	UN 2247	Flammable Liquid	III	1,2	1,2	
N	Deflagrating metal salts of aromatic nitro-derivatives, n.o.s.	1.3C	UN 0132	Explosive (1.3C)	--	--	--	
	Detonators for ammunition	1.4B	UN 0365	Explosive (1.4B)	--	1,3	1,3	
	Detonators for ammunition	1.4S	UN 0366	None. Package to be marked '1.4S'	--	1,3	1,3	
N	Detonators for ammunition	1.1B	UN 0073	Explosive (1.1B)	--	--	--	
N	Detonators for ammunition	1.2B	UN 0364	Explosive (1.2B)	--	--	--	
	Deuterium	2.1	UN 1957	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
	Diacetone alchohol	3.2	UN 1148	Flammable Liquid	II	1,2	1	
		3.3	UN 1148	Flammable Liquid	II/III	1,2	1,2	
•	Diacetone alcohol peroxides, *maximum 57% in solution with maximum 9% hydrogen peroxide, minimum 26% diacetone alcohol and minimum 9% water; total active oxygen content maximum 10%*	5.2	UN 2163	Organic Peroxide	I	1	5	Control temperature 30 deg C. Emergency temperature 35 deg C
	Diallylamine	3.2	UN 2359	Flammable Liquid	II	1,2	1	
	Diallylether	3.2	UN 2360	Flammable Liquid, Poison	II	1,3	5	Keep cool
•	4,4'-Diaminodiphenyl methane	6.1	UN 2651	St. Andrews Cross	III	1,2	1,2	
•	Di-n-amylamine	6.1	UN 2841	St. Andrews Cross, Flammable Liquid	III	1,3	1,3	Keep cool. Shade from radiant heat. Segregation same as for flammable liquids
N	Diazodinitrophenol, *containing, by weight, at least 40% water or mixture of alcohol and water*	1.1A	UN 0074	Explosive (1.1A)	--	--	--	
	Dibenzyldichlorosilane	8	UN 2434	Corrosive	II	1	1	Keep dry
•	Dibenzyl peroxydicarbonate, *maximum concentration 87% with water*	5.2	UN 2149	Organic Peroxide	I	1	5	Control temperature 25 deg C. Emergency temperature 30 deg C
	Diborane	2.1	UN 1911	Flammable Gas, Poison Gas	--	1	5	Stow 'away from' foodstuffs and living quarters, 'separated from' chlorine
	Dibromobenzene	3.3	UN 2711	Flammable Liquid	III	1,2	1,2	
•	1,2-Dibromobutan-3-one	6.1	UN 2648	Poison	II	1,2	1	
•	1,2-Dibromo-3-chloropropane	6.1	UN 2872	St. Andrews Cross	III	1,2	1,2	
•	Dibromomethane	6.1	UN 2664	St. Andrews Cross	III	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Di-(n-butyl)amine	8	UN 2248	Corrosive, Flammable Liquid	II	1,2	1,2	Segregation same as for flammable liquids
•	<—&Di-n-butylaminoethanol	6.1	UN 2873	St. Andrews Cross	III	1,2	1,2	
	Dibutyl ethers	3.3	UN 1149	Flammable Liquid	III	1,2	1,2	
•	Di-tert-butyl peroxide, *technical pure*	5.2	UN 2102	Organic Peroxide, Flammable Liquid	II	1	5	
•	Di-sec-butyl peroxydicarbonate, *maximum concentration 52% in solution*	5.2	UN 2151	Organic Peroxide	II	1	5	Control temperature -15 deg C. Emergency temperature -5 deg C
•	Di-sec-butyl peroxydicarbonate, *technical pure*	5.2	UN 2150	Organic Peroxide	I	1	5	Control temperature -20 deg C. Emergency temperature -10 deg C
•	Di-(tert-butylperoxy)phthalate, *maximum concentration 55% as a paste*	5.2	UN 2108	Organic Peroxide	II	1	5	
•	Di-(tert-butylperoxy)phthalate, *maximum concentration 55% in solution*	5.2	UN 2107	Organic Peroxide	II	1	5	
•	Di-(tert-butylperoxy)phthalate, *technical pure*	5.2	UN 2106	Organic Peroxide	II	1	5	
•	Dicetyl peroxydicarbonate *maximum concentration 42%, stable dispersion in water*	5.2	UN 2985	Organic Peroxide	II	1	5	Control temperature 25 deg C. Emergency temperature 30 deg C
•	Dicetyl peroxydicarbonate, *technical pure*	5.2	UN 2164	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
	Dichloroacetic acid	8	UN 1764	Corrosive	II	1,2	1,2	Glass carboy in hampers not permitted under deck
•	1,3-Dichloroacetone	6.1	UN 2649	Poison	II	1,3	1	Keep cool. Stow 'away from' living quarters
	Dichloroacetyl chloride	8	UN 1754	Corrosive	II	1	5	Keep dry
	Dichloroanilines	6.1	UN 1590	Poison	II	1,2	1,2	Stow 'away from' acids
	p-Dichlorobenzene	9	UN 1592	None	III	1,2	1,2	Stow 'away from' foodstuffs
	Dichlorobenzenes *(o-, m-)*	6.1	UN 1591	St. Andrews Cross	III	1,2	1,2	
•	Di-(4-chlorobenzoyl) peroxide, *maximum concentration 52% as a paste*	5.2	UN 2114	Organic Peroxide	II	1	5	
•	Di-(4-chlorobenzoyl) peroxide, *maximum concentration 52% in solution*	5.2	UN 2115	Organic Peroxide	II	1	5	
•	Di-(4-chlorobenzoyl) peroxide, *maximum concentration 75% with water*	5.2	UN 2113	Organic Peroxide	II	1	5	
	Dichlorodifluoromethane	2.2	UN 1028	Nonflammable Gas	--	1,2	1,2	
•	sym-Dichlorodimethyl ether	6.1	UN 2249	Poison, Flammable Liquid	I	1	5	Stow 'away from' living quarters. Segregation same as for flammable liquids
	1,1-Dichloroethane	3.2	UN 2362	Flammable Liquid	II	1,2	1	
	Dichloroethylene	3.2	UN 1150	Flammable Liquid	II	1,2	1	
	Dichloroethyl ether	3.3	UN 1916	Flammable Liquid, Poison	II	1,2	1,2	
	Dichloroisocyanuric acid, *dry or* dichloroisocyanuric acid salts	5.1	UN 2465	Oxidizer	II	1,2	1,2	
	Dichloroisopropyl ether	6.1	UN 2490	Poison	II	1,2	1	
•	Dichloromethane	6.1	UN 1593	St. Andrews Cross	III	1,2	1,2	Shade from radiant heat
	Dichloromonofluoromethane	2.2	UN 1029	Nonflammable Gas	--	1,2	1,2	
•	1,1-Dichloro-1-nitroethane	6.1	UN 2650	Poison	II	1,3	1,3	Keep cool. Stow 'away from' living quarters
	Dichloropentanes	3.3	UN 1152	Flammable Liquid	II	1,2	1,2	
•	Dichlorophenyl isocyanates	6.1	UN 2250	Poison	II	1,3	1,3	Shade from radiant heat. Stow 'away from' living quarters
	Dichlorophenyl trichlorosilane	8	UN 1766	Corrosive	II	1	1	Keep dry
•	1,3-Dichloropropanol-2	6.1	UN 2750	Poison	II	1,3	1,3	Keep cool. Stow 'away from' living quarters
	Dichloropropene	3.3	UN 2047	Flammable Liquid	II	1,2	1,2	
	Dichlorosilane	2.3	UN 2189	Poison Gas, Flammable Gas	--	1	5	Stow 'away from' living quarters
	Dichlorotetrafluoroethane	2.2	UN 1958	Nonflammable Gas	--	1,2	1,2	
•	Dicumyl peroxide, *technical pure or with inert solid*	5.2	UN 2121	Organic Peroxide	II	1	5	
	Dicyclohexylamine	8	UN 2565	Corrosive	III	1	5	Keep dry
•	Dicyclohexylammonium nitrate	6.1	UN 2687	St. Andrews Cross	III	1,2	1,2	
•	Dicyclohexyl peroxydicarbonate, *maximum concentration 91% with water*	5.2	UN 2153	Organic Peroxide	I	1	5	Control temperature 5 deg C. Emergency temperature 10 deg C
•	Dicyclohexyl peroxydicarbonate, *technical pure*	5.2	UN 2152	Organic Peroxide	I	1	5	Control temperature 5 deg C. Emergency temperature 10 deg C
	Dicyclopentadiene	3.3	UN 2048	Flammable Liquid	II	1,2	1,2	
•	Didecanoyl peroxide, *technical pure*	5.2	UN 2120	Organic Peroxide	II	1	5	Control temperature 15 deg C. Emergency temperature 20 deg C
•	Di-2,4-dichlorobenzoyl peroxide, *maximum concentration 75% with water*	5.2	UN 2137	Organic Peroxide	II	1	5	
•	Di-2,4-dichlorobenzoyl peroxide, *maximum concentration 52% as a paste*	5.2	UN 2138	Organic Peroxide	II	1	5	
•	Di-2,4-dichlorobenzoyl peroxide, *maximum concentration 52% in solution*	5.2	UN 2139	Organic Peroxide	II	1	5	
	Didymium nitrate	5.1	UN 1465	Oxidizer	III	1,2	1,2	
	Diethoxymethane	3.1	UN 2373	Flammable Liquid	II	1,3	5	Keep cool
•	3,3-Diethoxypropene	3.2	UN 2374	Flammable Liquid	II	1,2	1	
	Diethylaluminium chloride	4.2	UN 1101	Spontaneously Combustible	I	1	1	
	Diethylamine	3.1	UN 1154	Flammable Liquid	II	1,3	5	Keep cool
	Diethylaminoethanol	3.3	UN 2686	Flammable Liquid	III	1,2	1,2	
•	3-(Diethylamino) propylamine	8	UN 2684	Corrosive, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
	<—&Diethylaniline	6.1	UN 2432	St. Andrews Cross	III	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Diethylbenzene	3.3	UN 2049	Flammable Liquid	II	1,2	1,2	
	Diethylcarbinol	3.3	UN 2706	Flammable Liquid	II	1,2	1,2	
	Diethyl carbonate	3.3	UN 2366	Flammable Liquid	II	1,2	1,2	
•	Diethyl dichlorosilane	8	UN 1767	Corrosive, Flammable Liquid	II	1	1	Keep dry. Separate longitudinally by an intervening compartment or hold from explosives. Segregation same as for flammable liquids
•	<—&Diethylene diamine	8	UN 2685	Corrosive, Flammable Liquid	II	1,3	1,3	Keep cool. Segregation same as for flammable liquids
N	Diethyleneglycol dinitrate, *containing, by weight, at least 25% non-volatile water-insoluble phlegmatizer*	1.1D	UN 0075	Explosive (1.1D)	--	--	--	
	Diethylenetriamine	8	UN 2079	Corrosive	II	1,2	1,2	Stow 'away from' acids, copper and copper alloys, and living quarters; 'separated from' nitric acid
	Diethyl ether	3.1	UN 1155	Flammable Liquid	I	1,3	5	Keep cool
•	Di-(2-ethylhexyl) peroxydicarbonate, *maximum concentration 67% in solution*	5.2	UN 2123	Organic Peroxide	II	1	5	Control temperature -15 deg C. Emergency temperature -5 deg C
•	Di-(2-ethylhexyl) peroxydicarbonate, *technical pure*	5.2	UN 2122	Organic Peroxide	II	1	5	Control temperature -20 deg C. Emergency temperature -10 deg C
	Diethyl ketone	3.2	UN 1156	Flammable Liquid	II	1,2	1	
•	Diethylmagnesium	4.2	UN 1367	Spontaneously Combustible	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1.4, Compatibility Group S)
	Diethyl-p-nitrosoaniline	4.2	--	Spontaneously Combustible	--	1,2	5	
•	Diethyl peroxydicarbonate, *maximum concentration 27% in solution*	5.2	UN 2175	Organic Peroxide	II	1	5	Control temperature -10 deg C. Emergency temperature 0 deg C
	Diethyl sulfide	3.2	UN 2375	Flammable Liquid, Poison	II	1,3	5	Keep cool and dry
	Diethyl sulphate	6.1	UN 1594	Poison	II	1	1	
•	Diethylthiophosphoryl chloride	8	UN 2751	Corrosive, Flammable Liquid	II	1	5	Keep cool and dry. Segregation same as for flammable liquids
•	Diethylzinc	4.2	UN 1366	Spontaneously Combustible	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1.4, Compatibility Group S)
	1,1-Difluoroethane	2.1	UN 1030	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	1,1-Difluoroethylene	2.1	UN 1959	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
•	Difluoromonochloroethane	2.1	UN 2517	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Difluorophosphoric acid, *anhydrous*	8	UN 1768	Corrosive	II	1,2	1,2	
	2,2-Dihydroperoxy propane, *maximum concentration 25% with inert organic solid*	5.2	UN 2178	Organic Peroxide	II	1	5	
	2,3-Dihydropyran	3.2	UN 2376	Flammable Liquid	II	1,2	1	
	Diisobutylamine	3.3	UN 2361	Flammable Liquid	II	1,2	1,2	
	Diisobutylene, *(isomeric compounds)*	3.2	UN 2050	Flammable Liquid	II	1,2	1	
	Diisobutyl ketone	3.3	UN 1157	Flammable Liquid	III	1,2	1,2	
	Diisooctyl acid phosphate	8	UN 1902	Corrosive	III	1,2	1,2	Glass carboys in hampers not permitted under deck
	Diisopropylamine	3.2	UN 1158	Flammable Liquid	II	1,2	1	
	Diisopropylbenzene hydroperoxide, *maximum concentration 72% in solution*	5.2	UN 2171	Organic Peroxide	I	1	5	
•	<—&Diisopropyl ethanolamine	8	UN 2825	Corrosive	III	1,2	1,2	Stow 'away from' caustic alkalis
	Diisopropyl ether	3.1	UN 1159	Flammable Liquid	II	1,3	5	Keep cool
•	Diisopropyl peroxydicarbonate, *technical pure*	5.2	UN 2133	Organic Peroxide	II	1	5	Control temperature -15 deg C. Emergency temperature -5 deg C
•	Diisopropyl peroxydicarbonate, *maximum concentration 52% in solution*	5.2	UN 2134	Organic Peroxide	II	1	5	Control temperature -10 deg C. Emergency temperature 0 deg C
	Diketene, *inhibited*	3.3	UN 2521	Flammable Liquid	II	1,2	1,2	
•	Dilauroyl peroxide, *maximum concentration 42%, stable dispersion in water*	5.2	UN 2983	Organic Peroxide	II	1	5	
•	Dilauroyl peroxide, *technical pure*	5.2	UN 2124	Organic Peroxide	II	1	5	
	1,1-Dimethoxyethane	3.2	UN 2377	Flammable Liquid	III	1,2	1	
	1,2-Dimethoxyethane	3.2	UN 2252	Flammable Liquid	II	1,2	1	
	Dimethylamine, *anhydrous*	2.1	UN 1032	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
	Dimethylamine, *solution*	3.2	UN 1160	Flammable Liquid	II	1,2	1	
•	2-Dimethylaminoacetonitrile	3.3	UN 2378	Flammable Liquid, Poison	II	1,2	1,2	
	Dimethylaminoethyl methacrylate	6.1	UN 2522	Poison	II	1,2	1	
	<—&Dimethylaniline	6.1	UN 2253	Poison	II	1,3	1,3	Stow 'away from' sources of heat
	2,5-Dimethyl-2,5-bis-(tert-butylperoxy) hexane, *maximum concentration 52% with inert solid*	5.2	UN 2156	Organic Peroxide	II	1	5	
	2,5-Dimethyl-2,5-bis-(tert-butylperoxy) hexane, *technical pure*	5.2	UN 2155	Organic Peroxide	II	1	5	
	2,5-Dimethyl-2,5-bis-(tert-butylperoxy) hexyne-3, *maximum concentration 52% with inert solid*	5.2	UN 2159	Organic Peroxide	II	1	5	
	2,5-Dimethyl-2,5-bis-(tert-butylperoxy) hexyne-3, *technical pure*	5.2	UN 2158	Organic Peroxide	II	1	5	
•	2,5-Dimethyl-2,5-bis-(2-ethylhexanoylperoxy) hexane, *technical pure*	5.2	UN 2157	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
•	2,3-Dimethylbutane	3.1	UN 2457	Flammable Liquid	II	1,3	5	Keep cool
	1,3-Dimethylbutylamine	3.2	UN 2379	Flammable Liquid	II	1,2	1	
•	<—&Dimethylcarbamoyl chloride	8	UN 2262	Corrosive	II	1,2	1,2	
	Dimethyl carbonate	3.2	UN 1161	Flammable Liquid	II	1,2	1	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Dimethylcyclohexanes	3.2	UN 2263	Flammable Liquid	II	1,2	1	
•	<—&Dimethylcyclohexylamine	8	UN 2264	Corrosive, Flammable Liquid	II	1,3	1,3	Keep cool. Segregation same as for flammable liquids
	<—&Dimethylcyclohexylamine	8	UN 2264	Corrosive	II	1,2	1,2	Keep cool. Segregation same as for flammable liquids
•	2,5-Dimethyl-2,5-di-(benzoylperoxy) hexane, *maximum concentration 82% with inert solid*	5.2	UN 2173	Organic Peroxide	II	1	5	
•	2,5-Dimethyl-2,5-di-(benzoylperoxy) hexane, *technical pure*	5.2	UN 2172	Organic Peroxide	II	1	5	
	Dimethyldichlorosilane	3.2	UN 1162	Flammable Liquid, Corrosive	I	1,2	1	
	Dimethyldiethoxysilane	3.2	UN 2380	Flammable Liquid	II	1,2	1	
	2,5-Dimethyl-2,5-dihydroperoxy hexane, *maximum concentration 82% with water*	5.2	UN 2174	Organic Peroxide	I	1	5	
	Dimethyldioxanes	3.2	UN 2707	Flammable Liquid	II	1,2	1	
	Dimethyldioxanes	3.3	UN 2707	Flammable Liquid	II	1,2	1,2	
	Dimethyl disulfide	3.2	UN 2381	Flammable Liquid	II	1,2	1	
	Dimethylethanolamine	3.3	UN 2051	Flammable Liquid	II	1,3	1,3	
	Dimethyl ether	2.1	UN 1033	Flammable Gas	–	1,2	1	Stow 'away from' living quarters
•	<—&Dimethylformamide	3.3	UN 2265	Flammable Liquid	III	1,2	1,2	
	Dimethylhydrazine, *symmetrical*	3.2	UN 2382	Flammable Liquid, Poison	I	1,3	5	Keep cool
	Dimethylhydrazine, *unsymmetrical*	3.2	UN 1163	Flammable Liquid	I	1,2	1	Stow 'separated from' corrosive liquids and oxidizers
•	Dimethylmagnesium	4.2	UN 1368	Spontaneously Combustible	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1.4, Compatibility Group S)
	Dimethyl-p-nitrosoaniline	4.2	UN 1369	Spontaneously Combustible	II	1,2	5	Stow 'away from' foodstuffs
	2,2-Dimethylpropane	2.1	UN 2044	Flammable Gas	–	1,2	1	Stow 'away from' living quarters
	Dimethyl-N-propylamine	3.2	UN 2266	Flammable Liquid, Corrosive	II	1,2	1	
•	Dimethyl sulphate	6.1	UN 1595	Poison	I	1	5	Stow 'away from' living quarters
	Dimethyl sulphide	3.1	UN 1164	Flammable Liquid	I	1,3	5	Keep cool
	Dimethyl thiophosphoryl chloride	8	UN 2267	Corrosive	III	1,2	1	Keep dry. Shade from radiant heat. Glass carboys prohibited on passenger vessels
•	Dimethylzinc	4.2	UN 1370	Spontaneously Combustible	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1.4, Compatibility Group S)
•	Dimyristylperoxydicarbonate, *maximum concentration 22%, stable dispersion in water*	5.2	UN 2892	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
•	Dimyristylperoxydicarbonate, *technical pure*	5.2	UN 2595	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
	Dinitroanilines	6.1	UN 1596	Poison	II	1,2	1,2	
	Dinitrobenzenes *(o-, m-, p-)*	6.1	UN 1597	Poison	II	1,2	1,2	
	Dinitrogen tetroxide. *See* Nitrogen dioxide							
N	Dinitrophenates (*alkali metals*), *dry or containing, by weight, less than 15% water*	1.3C	UN 0077	Explosive (1.3C), Poison	–	–	–	
•	Dinitrophenolates, wetted *with, by weight, at least 15% water*	4.1	UN 1321	Flammable Solid, Poison	I	1,2	5	Stow 'away from' heavy metals and their compounds
N	Dinitrophenol, *dry or containing, by weight, less than 15% water*	1.1D	UN 0076	Explosive (1.1D), Poison	–	–	–	
•	Dinitrophenol, solution *in water or flammable liquid*	6.1	UN 1599	Poison, Flammable Liquid (only if flashpoint between 23 deg C and 61 deg C)	II	1,2	5	Stow 'away from' heavy metals and their compounds. Segregation same as for flammable liquids if flash point below 61 deg C
•	Dinitrophenol, wetted *with, by weight, at least 15% water*	4.1	UN 1320	Flammable Solid, Poison	I	1,2	5	Stow 'away from' heavy metals and their compounds and sodium compounds
N	Dinitroresorcinol, *dry or containing, by weight, less than 15% water*	1.1D	UN 0078	Explosive (1.1D)	–	–	–	
•	Dinitroresorcinol, wetted *with, by weight, at least 15% water*	4.1	UN 1322	Flammable Solid	I	1,2	5	Stow 'away from' heavy metals and their compounds
•N	Dinitrosobenzene	1.3C	UN 0406	Explosive (1.3C)	–	–	–	
	Dinitrotoluenes, *liquid*	6.1	UN 1600	Poison, Flammable Liquid	II	1,2	1,2	Segregation same as for flammable liquids
	Dinitrotoluenes, *solid*	6.1	UN 2038	Poison	II	1,2	1,2	
•	Di-n-nonanoyl peroxide, *technical pure*	5.2	UN 2130	Organic Peroxide	II	1	5	Control temperature 0 deg C. Emergency temperature 10 deg C
•	Di-n-octanoyl peroxide, *technical pure*	5.2	UN 2129	Organic Peroxide	II	1	5	Control temperature 10 deg C. Emergency temperature 15 deg C
	Dioxane	3.2	UN 1165	Flammable Liquid	II	1,2	1	
	Dioxolane	3.2	UN 1166	Flammable Liquid	II	1,2	1	
	Dipentene	3.3	UN 2052	Flammable Liquid	III	1,2	1,2	
	Diphenylaminechloroarsine	6.1	UN 1698	Poison	I	1	5	
•	Diphenylchloroarsine	6.1	UN 1699	Poison	I	1	5	Stow 'away from' living quarters
	Diphenyl dichlorosilane	8	UN 1769	Corrosive	II	1	1	Keep dry
	Diphenylmethane diisocyanate *(M.D.I.)*	9	UN 2489	None	III	1,3	1,3	Stow 'away from' foodstuffs
	Diphenylmethyl bromide	8	UN 1770	Corrosive	II	1	5	
•N	Dipicryl sulfide, *dry or containing, by weight, less than 10% water*	1.1D	UN 0401	Explosive (1.1D)	–	–	–	
•	Dipicryl sulphide, wetted *with, by weight, at least 10% water*	4.1	UN 2852	Flammable Solid	I	1	5	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	Dipropionyl peroxide, *maximum concentration 28% in solution*	5.2	UN 2132	Organic Peroxide	II	1	5	Control temperature 15 deg C. Emergency temperature 20 deg C
	Dipropylamine	3.2	UN 2383	Flammable Liquid	II	1,2	1	
	Dipropyl ether	3.1	UN 2384	Flammable Liquid	II	1,3	5	Keep cool
•	Di-n-propyl peroxydicarbonate, *technical pure*	5.2	UN 2176	Organic Peroxide	I	1	5	Control temperature -25 deg C. Emergency temperature -15 deg C
	Disinfectants, *corrosive, liquid*	8	UN 1903	Corrosive	II	1,2	1,2	
	Distearylperoxydicarbonate, *with 15% of stearyl alcohol*	5.2	UN 2592	Organic Peroxide	II	1	5	
	Disuccinic acid peroxide. *See* Succinic acid peroxide							
•	Disuccinic acid peroxide, *technical pure*	5.2	UN 2135	Organic Peroxide	I	1	5	
•	Dithiocarbamate pesticides, *liquid*, n.o.s.	6.1	UN 2771	Poison	I	1	1	
		6.1	UN 2771	Poison	II	1,2	1	
		6.1	UN 2771	St. Andrews Cross	III	1,2	1,2	
•	Dithiocarbamate pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2771	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2771	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2771	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Dithiocarbamate pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2772	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Dithiocarbamate pesticides, *solid*, n.o.s.	6.1	UN 2771	Poison	I/II	1,2	1,2	
		6.1	UN 2771	St. Andrews Cross	III	1,2	1,2	
	Divinyl ether, *inhibited*	3.1	UN 1167	Flammable Liquid	II	1,3	5	Keep cool
	Dodecyl trichlorosilane	8	UN 1771	Corrosive	II	1	1	Keep dry
	Dressing, leather. *See* Flammable liquid preparations, n.o.s							
•	Driers, *paint or varnish*, liquid, n.o.s.	3.2	UN 1168	Flammable Liquid	II	1,2	1	
		3.3	UN 1168	Flammable Liquid	II	1,2	1,2	
•	Driers, *paint or varnish*, solid, n.o.s.	4.1	UN 1371	Flammable Solid	III	1,2	1,2	
•	Dyes, n.o.s. *or* Dye intermediates, n.o.s., liquid *or* solid, *corrosive*	8	UN 2801	Corrosive	II/III	1,2	1,2	Stow 'away from' foodstuffs and living quarters
•	Dyes, n.o.s. *or* Dye intermediates, n.o.s., *poisonous*	6.1	UN 1602	Poison, Flammable Liquid (only if flashpoint between 23 and 61 deg C)	I/II	1,2	1,2	If flashpoint below 61 deg, segregation same as for flammable liquids
		6.1	UN 1602	St. Andrews Cross	III	1,2	1,2	
	Electrolyte, *acid*. *See* Battery fluid, *acid*							
	Electrolyte, *alkaline*. *See* Battery fluid, *alkaline corrosive*							
	Enamels. *See* Paints, *etc.*							
	Engine starting fluid, *with flammable gas*	2.1	UN 1960	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
•	Epibromohydrin	6.1	UN 2558	Poison	I	1	5	
•	Epichlorohydrin	6.1	UN 2023	Poison, Flammable Liquid	II	1,2	1,2	Segregation same as for flammable liquids. Stow 'away from' living quarters
	1,2-Epoxy-3-ethyloxy propane	3.3	UN 2752	Flammable Liquid	III	1,2	1,2	
	Eradicators, *paint or grease, liquid. To be classified and labeled according to the principle hazardous constituent*	--	UN 1850		--	1,2	1	
	Essences. *See* Extracts, *aromatic, liquid*							
	Ethane, *compressed*	2.1	UN 1035	Flammable Gas	--	1,2	5	
•	Ethane, *refrigerated liquid*	2.1	UN 1961	Flammable Gas	--	1	5	
	Ethanolamine, *and solutions thereof*	8	UN 2491	Corrosive	III	1,2	1,2	Stow 'away from' copper, copper alloys, copper compounds and rubber products
•	Ethanol *or* Ethanol solutions *including* Alcoholic beverages	3.2	UN 1170	Flammable Liquid	II	1,2	1	
		3.3	UN 1170	Flammable Liquid	III	1,2	1,2	
	Ether. *See* Diethyl ether							
	2-Ethoxyethyl acetate	3.3	UN 1172	Flammable Liquid	III	1,2	1,2	
	Ethyl acetate	3.2	UN 1173	Flammable Liquid	II	1,2	1	
	Ethyl acrylate, *inhibited*	3.2	UN 1917	Flammable Liquid	II	1,2	1	
	Ethyl alcohol. *See* Ethanol							
	Ethyl aldehyde. *See* Acetaldehyde							
	Ethyl aluminium dichloride	4.2	UN 1924	Spontaneously Combustible	I	1	1	
	Ethyl aluminium sesquichloride	4.2	UN 1925	Spontaneously Combustible	I	1	1	
	Ethylamine	2.1	UN 1036	Flammable Gas	--	1,2	5	
	Ethylamine solution *in water, concentrations up to 70%*	3.1	UN 2270	Flammable Liquid	II	1,3	5	Keep cool
	Ethylamine solution, *in water, concentrations up to 70%*	3.2	UN 2270	Flammable Liquid	II	1,2	1	
		3.3	UN 2270	Flammable Liquid	II	1,2	1,2	
	Ethyl amyl ketone	3.3	UN 2271	Flammable Liquid	III	1,2	1,2	
	N-Ethylaniline	6.1	UN 2272	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
	2-Ethylaniline	6.1	UN 2273	St. Andrews Cross	III	1,2	1,2	
	Ethylbenzene	3.3	UN 1175	Flammable Liquid	II	1,2	1,2	
•	N-Ethyl-n-benzylaniline	6.1	UN 2274	St. Andrews Cross	III	1,2	1,2	Stow 'away from' living quarters
•	N-ethylbenzyltoluidines	6.1	UN 2753	St. Andrews Cross	III	1,3	1,3	Keep cool
	Ethyl-3,3-bis-(tert-butylperoxy) butyrate, *maximum concentration 77% in solution*	5.2	UN 2185	Organic Peroxide	II	1	5	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Ethyl-3,3-bis-(tert-butylperoxy) butyrate, *technical pure*	5.2	UN 2184	Organic Peroxide	II	1	5	
	Ethyl-3,3-bis(tert-butylperoxy)butyrate, *with at least 50% inert, inorganic solid*	5.2	UN 2598	Organic Peroxide	II	1	5	
	Ethyl borate	3.2	UN 1176	Flammable Liquid	II	1,2	1	
	Ethyl bromide	9	UN 1891	None	II	1,2	1,2	Stow 'away from' foodstuffs and living quarters
•	Ethyl bromoacetate	6.1	UN 1603	Poison, Flammable Liquid	II	1	5	Stow 'away from' living quarters. Segregation same as for flammable liquids
	2-Ethylbutanol	3.3	UN 2275	Flammable Liquid	III	1,2	1,2	
	Ethylbutyl acetate	3.3	UN 1177	Flammable Liquid	III	1,2	1,2	
	Ethyl butyl ether	3.2	UN 1179	Flammable Liquid	II	1,2	1	
	2-Ethylbutyraldehyde	3.2	UN 1178	Flammable Liquid	II	1,2	1	
	Ethyl butyrate	3.3	UN 1180	Flammable Liquid	II	1,2	1,2	
	Ethyl chloride	2.1	UN 1037	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
	Ethyl chloroacetate	3.3	UN 1181	Flammable Liquid	II	1,2	1,2	
	Ethyl chlorocarbonate. See Ethyl chloroformate							
	Ethyl chloroformate	3.2	UN 1182	Flammable Liquid, Poison, Corrosive	I	1,2	1	
•	Ethyl chlorothioformate	8	UN 2826	Corrosive	II	1,2	1,2	
	Ethyl crotonate	3.2	UN 1862	Flammable Liquid	II	1,2	1	
•	Ethyl cyanoacetate	6.1	UN 2666	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
•	Ethyl dichloroarsine	6.1	UN 1892	Poison	I	1	5	Stow 'away from' living quarters
•	Ethyldichlorosilane	3.2	UN 1183	Flammable Liquid, Corrosive	II	1,2	1	
	Ethylene chlorohydrin. *See* 2-Chloroethanol							
	Ethylene, *compressed*	2.1	UN 1962	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
•	Ethylenediamine	8	UN 1604	Corrosive, Flammable Liquid	II	1,2	1,2	Segregation same as for flammable liquids
•	Ethylene dibromide	6.1	UN 1605	Poison	II	1,2	1,2	Stow 'away from' living quarters
•	Ethylene dichloride	3.2	UN 1184	Flammable Liquid, Poison	II	1,2	1	
•	Ethylene glycol diethyl ether	3.3	UN 1153	Flammable Liquid	III	1,2	1,2	
•	Ethylene glycol monobutyl ether	6.1	UN 2369	St. Andrews Cross, Flammable Liquid (only if flashpoint below 61 deg C)	III	1,3	1,3	Shade from radiant heat. Stow 'away from' living quarters. If flashpoint below 61 deg C, segregation same as for flammable liquids
•	Ethylene glycol monoethyl ether	3.3	UN 1172	Flammable Liquid	III	1,2	1,2	
	Ethylene glycol monoethyl ether acetate. *See* 2-Ethoxyethyl acetate							
	Ethylene glycol monomethyl ether	3.3	UN 1188	Flammable Liquid	III	1,2	1,2	
	Ethylene glycol monomethyl ether acetate	3.3	UN 1189	Flammable Liquid	III	1,2	1,2	
	Ethyleneimine, *inhibited*	3.2	UN 1185	Flammable Liquid, Poison	I	1,2	1	
	Ethylene, *liquid*	2.1	UN 1038	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
	Ethylene oxide and carbon dioxide, *mixtures containing not more than 10% carbon dioxide*	2.1	UN 1041	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Ethylene oxide and carbon dioxide, *mixtures containing not more than 17% of ethylene oxide*	2.1	UN 1952	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Ethylene oxide, *containing not more than 0.2% of nitrogen*	2.1	UN 1040	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
•	Ethylene, *refrigerated liquid*	2.1	UN 1038	Flammable Gas	--	1	5	
	Ethyl ether. See Diethyl ether							
	Ethyl fluid. *See* Motor fuel antiknock mixtures							
	Ethyl formate	3.1	UN 1190	Flammable Liquid	II	1,3	5	Keep cool
	Ethyl hexaldehyde	3.3	UN 1191	Flammable Liquid	III	1,2	1,2	
•	2-Ethylhexylamine	8	UN 2276	Corrosive, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	2-Ethylhexylchloroformate	6.1	UN 2748	Poison, Corrosive	II	1,3	1,3	Keep cool and dry. Shade from radiant heat. Stow 'away from' living quarters
	Ethylisobutyrate	3.2	UN 2385	Flammable Liquid	II	1,2	1	
	Ethyl isocyanate	3.2	UN 2481	Flammable Liquid, Poison	I	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	Ethyl lactate	3.3	UN 1192	Flammable Liquid	III	1,2	1,2	
•	Ethyl mercaptan	3.1	UN 2363	Flammable Liquid, Poison	II	1,3	5	Keep cool and dry. Stow 'away from' foodstuffs and all odor absorbing cargo
	Ethyl methacrylate, *inhibited*	3.2	UN 2277	Flammable Liquid	II	1,2	1	
	Ethyl methyl ether	2.1	UN 1039	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Ethyl methyl ketone	3.2	UN 1193	Flammable Liquid	II	1,2	1	
	Ethyl methyl ketone peroxide(s), *maximum concentration 60%*	5.2	UN 2127	Organic Peroxide	I	1	5	
	Ethyl methyl ketone peroxide(s), *maximum concentration 50%, containing not more than 10% available oxygen*	5.2	UN 2550	Organic Peroxide	I	1	5	
•N	Ethyl methyl ketone peroxide(s), *maximum concentration 50%, containing more than 10% available oxygen*				--	--	--	
	Ethyl nitrite, *solutions*	3.1	UN 1194	Flammable Liquid	I	1,3	5	Keep cool
	Ethyl orthoformate	3.3	UN 2524	Flammable Liquid	II	1,2	1,2	
•	Ethyl oxalate	6.1	UN 2525	St. Andrews Cross	III	1,2	1	Stow 'away from' living quarters
	Ethylphenyldichlorosilane	8	UN 2435	Corrosive	II	1	1	Keep dry
	1-Ethyl piperidine	3.2	UN 2386	Flammable Liquid	II	1,2	1	
	Ethyl propionate	3.2	UN 1195	Flammable Liquid	II	1,2	1	
	Ethyl propyl ether	3.1	UN 2615	Flammable Liquid	II	1,3	5	Keep cool

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Ethyl silicate. *See* Tetraethyl silicate							
•	Ethylsulphuric acid	8	UN 2571	Corrosive		1,2	1	Keep dry. Metal drums only permitted under deck
•	N-Ethyltoluidines *(o,m,p)*	6.1	UN 2754	Poison, Flammable Liquid (only if flashpoint below 61 deg C)	II	1,3	1,3	Keep cool. Shade from radiant heat. Stow 'away from' living quarters. If flashpoint below 61 deg C, segregation same as for flammable liquids
	Ethyltrichlorosilane	3.2	UN 1196	Flammable Liquid, Corrosive	II	1,2	1	
N	Explosives, blasting, Type A	1.1D	UN 0081	Explosive (1.1D)	--	--	--	
	Explosives, blasting, Type B	1.5 D	UN 0331	Explosive (1.5D)	--	6	5	
N	Explosives, blasting, Type B	1.1D	UN 0082	Explosive (1.1D)	--	--	--	
N	Explosives, blasting, Type C	1.1D	UN 0083	Explosive (1.1D)	--	--	--	
N	Explosives, blasting, Type D	1.1D	UN 0084	Explosive (1.1D)	--	--	--	
	Explosives, blasting, Type E	1.5 D	UN 0332	Explosive (1.5D)	--	6	5	
N	Explosives, blasting, Type E	1.1D	UN 0241	Explosive (1.1D)	--	--	--	
•	Extracts, aromatic, liquid	3.2	UN 1169	Flammable Liquid	II/III	1,2	1	
		3.3	UN 1169	Flammable Liquid	III	1,2	1,2	
•	Extracts, flavouring, liquid	3.2	UN 1197	Flammable Liquid	II/III	1,2	1	
		3.3	UN 1197	Flammable Liquid	III	1,2	1,2	
	Fabric, *animal or vegetable, containing more than 5% of animal or vegetable oil*	4.2	UN 1373	Spontaneously Combustible	III	1,2	1,2	
	Ferric arsenate	6.1	UN 1606	Poison	II	1,2	1,2	
	Ferric arsenite	6.1	UN 1607	Poison	II	1,2	1,2	
•	Ferric chloride, anhydrous	8	UN 1773	Corrosive	III	1,2	1,2	
•	Ferric chloride, solution	8	UN 2582	Corrosive	III	1,2	1,2	
	Ferric nitrate	5.1	UN 1466	Oxidizer	III	1,2	1,2	
	Ferrocerium	4.1	UN 1323	Flammable Solid	II	1,2	1,2	
	Ferrosilicon, *containing between 30% and 90% silicon*	4.3	UN 1408	Dangerous When Wet, Poison	III	1,2	1,2	Stow in a well ventilated compartment
	Ferrous arsenate	6.1	UN 1608	Poison	II	1,2	1,2	
•	Ferrous metal borings, cuttings, drillings, filings, shavings, *or* turnings, *in a form liable to self heating*	4.2	UN 2793	None	--	1,2	1,2	
	Fertilizer ammoniating solution, *containing free ammonia in excess of 35% ammonia*	2.2	UN 1043	Nonflammable Gas	--	1,2	5	Stow 'away from' living quarters
	Fibres, *animal or vegetable, burnt, wet or damp*	4.2	UN 1372	Spontaneously Combustible	III	1,2	1,2	
	Fibres, *animal or vegetable, containing more than 5% of animal or vegetable oil*	4.2	UN 1373	Spontaneously Combustible	III	1,2	1,2	
	Fibres, *vegetable, dry*	4.1	--	None	--	1,2	1,2	Stow 'away from' animal or vegetable oils
	Fillers, *liquid. See* Paints, *etc.*							
	Film from which gelatine has been removed, See Celluloid, *scrap*							
	Film, motion picture, *nitrocellulose base, exposed or unexposed, developed or undeveloped*	4.1	UN 1324	Flammable Solid	III	1,2	1,2	Stow 'away from' flammable substances. Maximum 250 Kg. net on deck on passenger vessels
	Film, motion picture, *nitrocellulose base, old film*	4.1	UN 1324	Flammable Solid	III	1	5	Stow 'away from' flammable substances
	Fire extinguisher charges, *corrosive liquid*	8	UN 1774	Corrosive	II	1,2	1,2	
	Fire extinguishers, *containing compressed or liquefied gas*	2.2	UN 1044	Nonflammable Gas	--	1,2	1,2	
•	Firelighters, *solid, containing a flammable liquid*	4.1	UN 2623	Flammable Solid	II/III	1,2	1,2	
N	Fireworks, Type A	1.1G	UN 0333	Explosive (1.1G)	--	--	--	
N	Fireworks, Type B	1.2G	UN 0334	Explosive (1.2G)	--	--	--	
N	Fireworks, Type C	1.3G	UN 0335	Explosive (1.3G)	--	--	--	
	Fireworks, Type D	1.4 G	UN 0336	Explosive (1.4G)	--	1,3	1,3	
	Fireworks, Type D	1.4 S	UN 0337	None. Package to be marked '1.4 S'	--	1,3	1,3	
	Fishmeal *or* fishscrap, *antioxidant treated, moisture content greater than 6% but not exceeding 12% by weight, fat content not exceeding 18% by weight*	4.1	UN 2216	None. Package to be marked 'Class 4.1'	III	1,2	1,2	Double strip stowage recommended. Provide good surface and through ventilation
	Fishmeal *or* fishscrap, *antioxidant treated, moisture content between 5% and 11% by weight, fat content not more than 18% by weight*	9	UN 2216	None	III	2	2	
	Fishmeal *or* fishscrap, *antioxidant treated, unrestricted moisture content, fat content exceeding 18% by weight*	4.2	UN 2216	Spontaneously Combustible	II	1,2	1,2	
	Fishmeal *or* fishscrap, *not antioxidant treated, moisture content greater than 6% but not exceeding 12% by weight, fat content not exceeding 15% by weight*	4.1	UN 1374	None. Package to be marked 'Class 4.1'	III	1,2	1,2	Double strip stowage recommended. Provide good surface and through ventilation
	Fishmeal *or* fishscrap, *not antioxidant treated, moisture content greater than 6% but not exceeding 12% by weight, fat content not exceeding 12% by weight*	9	UN 1374	None	III	1,2	1,2	
	Fishmeal *or* fishscrap, *not antioxidant treated, unrestricted moisture content, fat content exceeding 15% by weight*	4.2	UN 1374	Spontaneously Combustible	II	1,2	1,2	
	Flammable liquid preparation, n.o.s.	3.2	UN 1142	Flammable Liquid	II	1,2	1	
		3.3	UN 1142	Flammable Liquid	II	1,2	1,2	
•	Flammable liquids, corrosive, n.o.s.	3.1	UN 2924	Flammable Liquid, Corrosive	I/II	1,3	5	Keep cool. Stow 'away from' foodstuffs
		3.2	UN 2924	Flammable Liquid, Corrosive	I/II	1,2	1	
•	Flammable liquids, n.o.s.	3.1	UN 1993	Flammable Liquid	I/II	1,3	5	Keep cool
		3.2	UN 1993	Flammable Liquid	II	1,2	1	
		3.3	UN 1993	Flammable Liquid	II	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	Flammable liquids, toxic, n.o.s.	3.1	UN 1992	Flammable Liquid, Poison	I/II	1,3	5	Keep cool
		3.2	UN 1992	Flammable Liquid, Poison	II	1,2	1	
		3.3	UN 1992	Flammable Liquid, Poison	II	1,2	1,2	
	Flammable solids, n.o.s.	4.1	UN 1325	Flammable Solid	II	1,2	1,2	
N	Flares, aerial	1.3G	UN 0093	Explosive (1.3G)	--	--	--	
•	Flares, aerial	1.4G	UN 0403	Explosive (1.4G)	--	1,3	1,3	
•	Flares, aerial	1.4S	UN 0404	None. Package to be marked '1.4S'	--	1,3	1,3	
N	Flares, surface *(other than water-activated flares)*	1.3G	UN 0092	Explosive (1.3G)	--	--	--	
	Flax, dry. See Fibres, *vegetable, dry*							
	Fluoboric acid	8	UN 1775	Corrosive	II	1,2	1,2	
	Fluoric acid. See Hydrofluoric acid, *solution*							
•	Fluorine, *compressed*	2.3	UN 1045	Poison Gas, Oxidizer	--	1	5	Stow 'away from' foodstuffs, organic materials, and living quarters
•	Fluoroacetic acid	6.1	UN 2642	Poison	I	1,3	1,3	Keep cool. Stow 'away from' living quarters
	Fluorobenzene	3.2	UN 2387	Flammable Liquid	II	1,2	1	
	Fluorophosphoric acid, *anhydrous*	8	UN 1776	Corrosive	II	1,2	1,2	
	Fluorosulphonic acid	8	UN 1777	Corrosive	I	1	5	Keep dry. Stow 'away from' fluorides
	Fluorotoluenes	3.2	UN 2388	Flammable Liquid	II	1,2	1	
		3.3	UN 2388	Flammable Liquid	II	1,2	1,2	
	Fluosilicic acid	8	UN 1778	Corrosive	II	1,2	1,2	
•	Formaldehyde solutions	3.3	UN 1198	Flammable Liquid	II	1,2	1,2	
•	Formaldehyde, solutions *with a flashpoint above 61 degreet C*	9	UN 2209	None	III	1,2	1,2	Stow 'away from' foodstuffs
	Formalin. See Formaldehyde							
	Formic acid	8	UN 1779	Corrosive	II	1,2	1,2	Glass carboy in hampers prohibited
N	Fracturing devices, explosive, *for oil wells*	1.1D	UN 0099	Explosive (1.1D)	--	--	--	
	Fuel, aviation, *turbine engine*	3.2	UN 1863	Flammable Liquid	II	1,2	1	
	Fumaryl chloride	8	UN 1780	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
•	Fungicides, *(poisonous)*, n.o.s.	6.1	UN 1609	Poison	I/II	1,2	1,2	Stow 'separated from' foodstuffs.
		6.1	UN 1609	St. Andrews Cross	III	1,2	1,2	Stow 'separated from' foodstuffs.
		9	UN 1609	None	III	1,2	1,2	Stow 'away from' foodstuffs
	Furan	3.1	UN 2389	Flammable Liquid	I	1,3	5	Keep cool
	Furfural	3.3	UN 1199	Flammable Liquid	II	1,2	1,2	
•	Furfuryl alcohol	6.1	UN 2874	St. Andrews Cross	III	1,2	1,2	Stow 'separated from' oxidizing substances
	Furfurylamine	3.3	UN 2526	Flammable Liquid	II	1,2	1,2	
	Fuse, igniter, *tubular, metal clad*	1.4 G	UN 0103	Explosive (1.4G)	--	1,3	1,3	
N	Fuse, instantaneous, non-detonating	1.3G	UN 0101	Explosive (1.3G)	--	--	--	
	Fusel oil	3.2	UN 1201	Flammable Liquid	II	1,2	1	
	Fuse, safety	1.4 S	UN 0105	None. Package to be marked '1.4 S'	--	1,3	1,3	
	Fuzes, detonating	1.4S	UN 0367	None. Package to be marked '1.4S'	--	1,3	1,3	
	Fuzes, detonating	1.4 B	UN 0257	Explosive (1.4B)	--	1,3	1,3	
N	Fuzes, detonating	1.1B	UN 0106	Explosive (1.1B)	--	--	--	
N	Fuzes, detonating	1.2B	UN 0107	Explosive (1.2B)	--	--	--	
•N	Fuzes, detonating, *with protective features*	1.1D	UN 0408	Explosive (1.1D)	--	--	--	
•N	Fuzes, detonating, *with protective features*	1.2D	UN 0410	Explosive (1.2D)	--	--	--	
•N	Fuzes, detonating, *with protective features*	1.4D	UN 0409	Explosive (1.4D)	--	--	--	
	Fuzes, igniting	1.4S	UN 0368	None. Package to be marked '1.4S'	--	1,3	1,3	
N	Fuzes, igniting	1.3G	UN 0316	Explosive (1.3G)	--	--	--	
N	Fuzes, igniting	1.4G	UN 0317	Explosive (1.4G)	--	--	--	
N	Gaines, with detonator	1.1B	UN 0225	Explosive (1.1B)	--	--	--	
N	Gaines, with detonator	1.2B	UN 0268	Explosive (1.2B)	--	--	--	
N	Gaines, without detonator	1.1D	UN 0042	Explosive (1.1D)	--	--	--	
N	Gaines, without detonator	1.2D	UN 0283	Explosive (1.2D)	--	--	--	
	Gas cartridges	2.1	UN 2037	Flammable Gas	--			
	Gas drips, *hydrocarbon*	3.2	UN 1864	Flammable Liquid	II	1,2	1	
	Gas oil	3.3	UN 1202	Flammable Liquid	II	1,2	1,2	
•	Gasoline	3.1	UN 1203	Flammable Liquid	II	1,3	5	Keep cool
	Germane	2.3	UN 2192	Poison Gas, Flammable Gas	--	1	5	Stow 'away from' living quarters
	Germicides, *(poisonous)*, n.o.s.	6.1	(UN 1601)	Poison	I/II	1,2	1,2	Stow 'separated from' foodstuffs.
		6.1	(UN 1601)	St. Andrews Cross	III	1,2	1,2	Stow 'separated from' foodstuffs.
		9	(UN 1601)	None	III	1,2	1,2	Stow 'away from' foodstuffs
•	Glycerol-alpha-monochlorohydrin	6.1	UN 2689	St. Andrews Cross	III	1,2	1,2	
	Glyceryl trinitrate, *solution up to 1% in alcohol*	3.2	UN 1204	Flammable Liquid	II	1,2	1	
	Glycidaldehyde	3.3	UN 2622	Flammable Liquid, Poison	II	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
N	Grenades, *hand or rifle, with bursting charge*	1.1D	UN 0284	Explosive (1.1D)	--	--	--	
N	Grenades, *hand or rifle, with bursting charge*	1.2D	UN 0285	Explosive (1.2D)	--	--	--	
N	Grenades, *hand or rifle, with bursting charge*	1.1F	UN 0292	Explosive (1.1F)	--	--	--	
N	Grenades, *hand or rifle, with bursting charge*	1.2F	UN 0293	Explosive (1.2F)	--	--	--	
	Grenades, practice, *hand or rifle*	1.4 S	UN 0110	None. Package to be marked '1.4 S'	--	1,3	1,3	
N	Grenades, practice, *hand or rifle*	1.2G	UN 0372	Explosive (1.2G)	--	--	--	
N	Grenades, practice, *hand or rifle*	1.3G	UN 0318	Explosive (1.3G)	--	--	--	
•	Guanidine nitrate	5.1	UN 1467	Oxidizer	III	1,2	1,2	Stow 'separated from' nitro-compounds and chlorates
N	Guanyl nitrosamino guanylidene hydrazine, *containing, by weight, at least 30% water*	1.1A	UN 0113	Explosive (1.1A)	--	--	--	
N	Guanyl nitrosamino guanyl tetrazene, *containing, by weight, at least 30% water or mixture of alcohol and water*	1.1A	UN 0114	Explosive (1.1A)	--	--	--	
	Gutta percha, *solution*	3.3	UN 1205	Flammable Liquid	II	1,2	1,2	
•	Hafnium *metal* powder, dry	4.2	UN 2545	Spontaneously Combustible	II	1	5	
•	Hafnium *metal* powder, wetted, *with not less than 25% water (a visible excess of water must be present)*	4.1	UN 1326	Flammable Solid	II	1,2	5	
•	Halogenated irritating liquids, n.o.s.	6.1	UN 1610	Poison, Flammable Liquid (only if flashpoint between 23 and 61 deg C)	I/II	1	5	Stow 'away from' living quarters. If flashpoint below 61 deg C, segregation same as for flammable liquids
		6.1	UN 1610	St. Andrews Cross, Flammable Liquid (only if flashpoint between 23 and 61 deg C)	III	1	5	Stow 'away from' living quarters. If flashpoint below 61 deg C, segregation same as for flammable liquids
	Hay	4.1	UN 1327	None	III	1,2	1,2	Stow 'away from' animal or vegetable oils
	Helium, *compressed*	2.2	UN 1046	Nonflammable Gas	--	1,2	1,2	
•	Helium, *refrigerated liquid*	2.2	UN 1963	Nonflammable Gas	--	1,2	1,2	
	Hemp, dry. See Fibres, *vegetable, dry*							
•	Heptane, *and its isomers*	3.2	UN 1206	Flammable Liquid	II	1,2	1	
	n-Heptene	3.2	UN 2278	Flammable Liquid	II	1,2	1	
•	Hexachloroacetone	6.1	UN 2661	Poison	II	1,3	1	Keep cool
•	Hexachlorobenzene	6.1	UN 2729	St. Andrews Cross	III	1,2	1,2	
•	Hexachlorobutadiene	6.1	UN 2279	St. Andrews Cross	III	1,2	1,2	Stow 'away from' living quarters
•	Hexachlorophene	6.1	UN 2875	St. Andrews Cross	III	1,2	1,2	
	Hexadecyl trichlorosilane	8	UN 1781	Corrosive	II	1	1	Keep dry
	Hexadiene	3.1	UN 2458	Flammable Liquid	II	1,3	5	Keep cool
•	Hexaethyl tetraphosphate	6.1	UN 1611	Poison	I/II	1,2	5	Stow 'away from' living quarters
		6.1	UN 1611	St. Andrews Cross	III	1,2	5	Stow 'away from' living quarters
•	Hexaethyl tetraphosphate and compressed gas *mixture*	2.3	UN 1612	Poison Gas	--	1	5	Stow 'away from' living quarters
		6.1	UN 1612	St. Andrews Cross, Non-flammable Compressed Gas	III	1	5	Shade from radiant heat. Segregation same as for non-flammable gas
	Hexafluoroacetone	2.3	UN 2420	Poison Gas	--	1	5	Stow 'away from' living quarters
•	Hexafluoroacetone hydrate	6.1	UN 2552	Poison	II	1,2	1	Stow 'away from' living quarters
	Hexafluorophosphoric acid	8	UN 1782	Corrosive	II	1,2	1,2	
	Hexafluoropropylene	2.2	UN 1858	Nonflammable Gas	--	1,2	1,2	
	Hexaldehyde	3.3	UN 1207	Flammable Liquid	III	1,2	1,2	
	Hexamethylenediamine, *solid*	8	UN 2280	Corrosive	III	1,3	1,3	Keep cool
	Hexamethylenediamine, *solution*	8	UN 1783	Corrosive, Poison	II	1,2	1,2	
•	Hexamethylenediisocyanate	6.1	UN 2281	Poison	II	1,2	1	Keep dry
•	Hexamethyleneimine	6.1	UN 2493	Poison, Flammable Liquid	II	1,2	1,2	Shade from radiant heat. Stow 'away from' living quarters. Segregation same as for flammable liquids
•	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetraoxocyclononane, *maximum concentration 52% with inert solid*	5.2	UN 2166	Organic Peroxide	II	1	5	
•	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetraoxocyclononane, *maximum concentration 52% in solution*	5.2	UN 2167	Organic Peroxide	II	1	5	
•	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetraoxocyclononane, *technical pure*	5.2	UN 2165	Organic Peroxide	I	1	5	
	Hexamine	4.1	UN 1328	Flammable Solid	III	1,2	1,2	
•	Hexane, *and its isomers*	3.1	UN 1208	Flammable Liquid	II	1,3	5	Keep cool
N	Hexanitrodiphenylamine	1.1D	UN 0079	Explosive (1.1D)	--	--	--	
N	Hexanitrostilbene	1.1D	UN 0392	Explosive (1.1D)	--	--	--	
	Hexanols	3.3	UN 2282	Flammable Liquid	III	1,2	1,2	
N	Hexatonal, cast	1.1D	UN 0393	Explosive (1.1D)	--	--	--	
	Hex-1-ene	3.1	UN 2370	Flammable Liquid	II	1,3	5	Keep cool
N	Hexolite, *dry or containing, by weight, less than 15% water*	1.1D	UN 0118	Explosive (1.1D)	--	--	--	
	Hexyl trichlorosilane	8	UN 1784	Corrosive	II	1	1	Keep dry
•	Hydrazine, anhydrous *or* Hydrazine aqueous solutions *containing more than 64%, by weight, hydrazine*	3.3	UN 2029	Flammable Liquid, Poison, Corrosive	I	1	5	
•	Hydrazine hydrate *or* Hydrazine aqueous solutions *containing not more than 64%, by weight, hydrazine*	8	UN 2030	Corrosive, Poison	II	1,2	5	Under deck not permitted if containing less than 64% water by weight. Stow 'away from' nitric acids and perchloric acids exceeding 50% acid by weight
	Hydrides, *(metal)*, n.o.s.	4.3	UN 1409	Dangerous When Wet	I	1,2	5	
	Hydriodic acid	8	UN 1787	Corrosive	II	1	1	Glass carboys prohibited on passenger vessels

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Hydrobromic acid	8	UN 1788	Corrosive	II	1	1	Glass carboys prohibited on passenger vessels. Stow 'away from' fluorides
	Hydrocarbon gases *(and mixtures of such gases, compressed)*, n.o.s.	2.1	UN 1964	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Hydrocarbon gases *(and mixtures of such gases, liquefied)*, n.o.s.	2.1	UN 1965	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Hydrochloric acid	8	UN 1789	Corrosive	II	1	1	Glass carboys prohibited on passenger vessels. Stow 'away from' fluorides
	Hydrocyanic acid, *anhydrous. See* Hydrogen cyanide							
•	Hydrocyanic acid, aqueous solutions, *with not more than 20% hydrocyanic acid*	6.1	UN 1613	Poison	I	1	5	Stow 'away from' living quarters
	Hydrofluoric acid, *solution*	8	UN 1790	Corrosive	I/II	1	5	Keep cool
	Hydrofluoric and sulphuric acid, *mixtures. See* Acid mixtures, *hydrofluoric and sulphuric*							
	Hydrofluosilicic acid. *See* Fluosilicic acid							
	Hydrogen and methane, *mixtures*	2.1	UN 2034	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
	Hydrogen bromide, *anhydrous*	2.3	UN 1048	Poison Gas, Corrosive	--	1	5	Stow 'away from' foodstuffs and living quarters
	Hydrogen chloride, *anhydrous*	2.3	UN 1050	Poison Gas, Corrosive	--	1	5	Stow 'away from' foodstuffs and living quarters
	Hydrogen, *compressed*	2.1	UN 1049	Flammable Gas	--	1,2	5	Stow 'separated from' chlorine, 'away from' living quarters
	Hydrogen cyanide, *anhydrous, stabilized*	2.3	UN 1051	Poison Gas, Flammable Gas	--	1	5	Stow 'away from' foodstuffs and living quarters
	Hydrogen cyanide, *anhydrous, stabilized, absorbed in a porous inert material*	6.1	UN 1614	Poison	I	1	5	Shade from radiant heat
	Hydrogen fluoride, *anhydrous*	2.3	UN 1052	Poison Gas, Corrosive	--	1	5	Stow 'away from' foodstuffs and living quarters
	Hydrogen iodide, *anhydrous*	2.3	UN 2197	Poison Gas, Corrosive	--	1	5	Stow 'away from' living quarters
	Hydrogen iodide, *solution. See* Hydriodic acid							
	Hydrogen, *liquid*	2.1	UN 1966	Flammable Gas	--	5	5	
	Hydrogen peroxide, *concentrations of over 40% up to 60% peroxide*	5.1	UN 2014	Oxidizer, Corrosive	II	1	5	Shade from radiant heat. Stow 'away from' powdered metals and 'separated from' permanganates
	Hydrogen peroxide, *concentrations of 8% up to 40% peroxide*	5.1	UN 2014	Oxidizer	II	1,2	1	Shade from radiant heat. Stow 'away from' powdered metals and 'separated from' permanganates
	Hydrogen peroxide, *stabilized, concentrations of over 60% peroxide*	5.1	UN 2015	Oxidizer, Corrosive	I	1	5	Permitted only under conditions approved by the Department
•	Hydrogen, *refrigerated liquid*	2.1	UN 1966	Flammable Gas	--	5	5	
	Hydrogen selenide	2.3	UN 2202	Poison Gas, Flammable Gas	--	1	5	Stow 'away from' living quarters
	Hydrogen sulphide	2.1	UN 1053	Flammable Gas, Poison Gas	--	1	5	Stow 'away from' foodstuffs and living quarters
•	Hydroquinone	6.1	UN 2662	St. Andrews Cross	III	1,2	1,2	
	Hydrosilicofluoric acid. *See* Fluosilicic acid							
•	Hydroxylamine sulphate	8	UN 2865	Corrosive	III	1,2	1,2	Keep dry
	Hypochlorite, *solutions containing more than 5% available chlorine*	8	UN 1791	Corrosive	II/III	1,2	1	Glass carboys in hampers prohibited under deck
	Igniters	1.4 G	UN 0325	Explosive (1.4G)	--	1,3	1,3	
N	Igniters	1.1G	UN 0121	Explosive (1.1G)	--	--	--	
N	Igniters	1.2G	UN 0314	Explosive (1.2G)	--	--	--	
N	Igniters	1.3G	UN 0315	Explosive (1.3G)	--	--	--	
•	3,3'-Iminobispropylamine	8	UN 2269	Corrosive	III	1,2	1,2	
	Inflammable gas for lighters. *See* Lighters, *for cigars and cigarettes, containing flammable gas*							
	Inflammable liquid preparations, n.o.s.. *See* Flammable liquid preparations, n.o.s							
	Inflammable liquids, *(non-toxic)*, n.o.s.. *See* Flammable liquids, *(non-toxic)*, n.o.s							
	Inflammable liquids, *(toxic)*, n.o.s.. *See* Flammable liquids, *(toxic)*, n.o.s							
	Inflammable solids, n.o.s.. *See* Flammable solids, n.o.s							
•	Ink, printers	3.2	UN 1210	Flammable Liquid	II	1,2	1	
		3.3	UN 2867	Flammable Liquid	III	1,2	1,2	
	Insecticide gases, *(non-toxic)*, n.o.s.	2.1	UN 1968	Flammable Gas	--	1,2	1	
		2.2	UN 1968	Nonflammable Gas	--	1,3	1,3	
	Insecticide gases, *(toxic)*, n.o.s.	2.3	UN 1967	Poison Gas	--	1	5	Shade from radiant heat
	Insecticide gases, *toxic*, n.o.s.	2.3	UN 1967	Poison Gas	--	1	5	Shade from radiant heat
	Iodine monochloride	8	UN 1792	Corrosive	II	1	5	Keep dry
	Iodine pentafluoride	5.1	UN 2495	Oxidizer, Poison	I	1	5	Keep dry
	2-Iodobutane	3.2	UN 2390	Flammable Liquid	II	1,2	1	
	Iodomethylpropanes	3.2	UN 2391	Flammable Liquid	II	1,2	1	
	Iodopropanes	3.2	UN 2392	Flammable Liquid	II	1,2	1	
		3.3	UN 2392	Flammable Liquid	II	1,2	1,2	
	Iron carbonyl	3.1	UN 1994	Flammable Liquid, Poison	I	1	5	Shade from radiant heat
	Iron chloride. *See* Ferric chloride							
	Iron oxide, *spent*	4.2	UN 1376	Spontaneously Combustible	III	1,2	5	
	Iron pentacarbonyl. *See* Iron carbonyl							

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Iron sesquichloride. *See* Ferric chloride							
	Iron sponge, *spent*. *See* Iron oxide, *spent*							
	Isobutane *or isobutane mixtures*	2.1	UN 1969	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Isobutanol	3.3	UN 1212	Flammable Liquid	II	1,2	1,2	
	Isobutyl acetate	3.2	UN 1213	Flammable Liquid	II	1,2	1	
	Isobutyl acrylate, *inhibited*	3.3	UN 2527	Flammable Liquid	II	1,2	1,2	
	Isobutyl alcohol. *See* Isobutanol							
	Isobutyl aldehyde. *See* Isobutyraldehyde							
	Isobutylamine	3.2	UN 1214	Flammable Liquid	II	1,2	1	
	Isobutylene	2.1	UN 1055	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Isobutyl formate	3.2	UN 2393	Flammable Liquid	II	1,2	1	
	Isobutylisobutyrate	3.3	UN 2528	Flammable Liquid	III	1,2	1,2	
	Isobutyl isocyanate	3.2	UN 2486	Flammable Liquid, Poison	II	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	Isobutyl methacrylate, *inhibited*	3.3	UN 2283	Flammable Liquid	III	1,2	1,2	
	Isobutyl methyl ketone peroxide, *maximum concentration 62% in solution*	5.2	UN 2126	Organic Peroxide	I	1	5	
	Isobutyl propionate	3.2	UN 2394	Flammable Liquid	II	1,2	1	
	Isobutyraldehyde	3.1	UN 2045	Flammable Liquid	II	1,3	5	Keep cool
	Isobutyric acid	3.3	UN 2529	Flammable Liquid	III	1,2	1,2	
	Isobutyric anhydride	3.3	UN 2530	Flammable Liquid	III	1,2	1,2	
	Isobutyronitrile	3.2	UN 2284	Flammable Liquid, Poison	II	1,3	5	Keep cool
	Isobutyryl chloride	3.2	UN 2395	Flammable Liquid, Poison	II	1	1	Keep dry. Shade from radiant heat
•	Isobutyryl peroxide, *maximum concentration 52% in solution*	5.2	UN 2182	Organic Peroxide	II	1	5	Control temperature -20 deg C. Emergency temperature -10 deg C
	Isocyanates *(and solutions)*, n.o.s.	3.1	UN 2478	Flammable Liquid, Poison	II	1	5	Stow 'away from' living quarters and sources of heat
	Isocyanates *(with a boiling point below 300 degrees C and a flashpoint of 23 degrees C or above, and their solutions)*, n.o.s.	6.1	UN 2206	Poison, Flammable Liquid (only if flashpoint of the substance or solution is below 61 deg C.)	II	1,3	1,3	Shade from radiant heat. Stow 'away from' sources of heat. Segregation same as for flammable liquids if flashpoint below 61 deg C
	Isocyanates *(with a boiling point of 300 degrees C and above and their solutions)*, n.o.s.	9	UN 2207	None	III	1,2	1,2	Stow 'away from' foodstuffs and sources of heat
	Isoheptene	3.1	UN 2287	Flammable Liquid	II	1,3	5	Keep cool
	Isohexene	3.1	UN 2288	Flammable Liquid	II	1,3	5	Keep cool
•	Isononanoyl peroxide. *See* Bis-(3,3,5-trimethylhexanoyl) peroxide				--	--	--	
•	Isooctene	3.2	UN 1216	Flammable Liquid	II	1,2	1	
	Isopentane	3.1	UN 1265	Flammable Liquid	I	1,2	5	
	Isopentenes	3.1	UN 2371	Flammable Liquid	I	1,3	5	Keep cool
	Isophoronediamine	8	UN 2289	Corrosive	III	1,2	1,2	Glass carboys prohibited on passenger vessels
	Isophorone diisocyanate	6.1	UN 2290	Poison	II	1,2	1	
	Isoprene, *inhibited*	3.1	UN 1218	Flammable Liquid	I	1,3	5	Keep cool
	Isopropanol	3.2	UN 1219	Flammable Liquid	II	1,2	1	
	Isopropenyl acetate	3.2	UN 2403	Flammable Liquid	II	1,2	1	
	Isopropenylbenzene	3.3	UN 2303	Flammable Liquid	II	1,2	1,2	
	Isopropyl acetate	3.2	UN 1220	Flammable Liquid	II	1,2	1	
	Isopropyl acid phosphate	8	UN 1793	Corrosive	III	1,2	1,2	Glass carboys in hampers prohibited under deck
	Isopropyl alcohol. *See* Isopropanol							
	Isopropylamine	3.1	UN 1221	Flammable Liquid	I	1,3	5	Keep cool
	Isopropylbenzene	3.3	UN 1918	Flammable Liquid	II	1,2	1,2	
	Isopropyl butyrate	3.3	UN 2405	Flammable Liquid	II	1,2	1,2	
	Isopropyl chloroformate	3.2	UN 2407	Flammable Liquid, Corrosive	II	1,2	1	
	Isopropyl formate	3.2	UN 2408	Flammable Liquid	II	1,2	1	
	Isopropyl isobutyrate	3.2	UN 2406	Flammable Liquid	II	1,2	1	
	Isopropyl isocyanate	3.2	UN 2483	Flammable Liquid, Poison	I	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	Isopropyl mercaptan	3.1	UN 2703	Flammable Liquid	II	1,3	5	Keep cool and dry. Stow 'away from' foodstuffs and all odor absorbing cargo.
		3.2	UN 2703	Flammable Liquid	II	1,3	1	Keep cool and dry. Stow 'away from' foodstuffs and all odor absorbing cargo
	Isopropyl nitrate	3.2	UN 1222	Flammable Liquid	II	1,2	1	
	Isopropyl propionate	3.2	UN 2409	Flammable Liquid	II	1,2	1	
N	Jet perforating guns, charged, *oil well, without detonator*	1.1D	UN 0124	Explosive (1.1D)	--	--	--	
	Jute, dry. See Fibres, *vegetable, dry*							
	Kapok, dry. See Fibres, *vegetable, dry*							
	Kerosene	3.3	UN 1223	Flammable Liquid	II	1,2	1,2	
•	Ketones, *(liquid, non-toxic)*, n.o.s.	3.1	UN 1224	Flammable Liquid	I/II	1,3	5	Keep cool
		3.2	UN 1224	Flammable Liquid	II	1,2	1	
		3.3	UN 1224	Flammable Liquid	II	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	Ketones, *liquid*, toxic, n.o.s.	3.1	UN 1224	Flammable Liquid, Poison	I/II	1,3	5	Keep cool
		3.2	UN 1224	Poison	II	1,2	1	
		3.3	UN 1224	Flammable Liquid, Poison	II	1,2	1,2	
				Flammable Liquid, Poison				
	Krypton, *compressed*	2.2	UN 1056	Nonflammable Gas	-	1,2	1,2	
•	Krypton, *refrigerated liquid*	2.2	UN 1970	Nonflammable Gas	--	1	5	
	Lacquer base. *See* Paints, *etc.*							
	Lacquer chips. *See* Nitrocellulose, *wetted with, by weight, more than 40% flammable liquids.*							
	Lacquers. *See* Paints, *etc.*							
•	Lauroyl peroxide. *See* Dilauroyl peroxide				--	--	--	
	Lead acetate	6.1	UN 1616	St. Andrews Cross	III	1,2	1,2	
	Lead arsenates	6.1	UN 1617	Poison	II	1,2	1,2	
	Lead arsenites	6.1	UN 1618	Poison	II	1,2	1,2	
N	Lead azide, *containing, by weight, at least 20% water or mixture of alcohol and water*	1.1A	UN 0129	Explosive (1.1A)	--	--	--	
•	Lead compounds, soluble, n.o.s.	6.1	UN 2291	St. Andrews Cross	III	1,2	1,2	
	Lead cyanide	6.1	UN 1620	Poison	II	1,2	1,2	Stow 'away from' acids
	Lead dioxide	5.1	UN 1872	Oxidizer	III	1,2	1,2	Stow 'away from' foodstuffs
	Lead dross. *See* Lead sulphate, *containing more than 3% free acid*							
	Lead nitrate	5.1	UN 1469	Oxidizer, Poison	II	1,2	1,2	Store 'away from' foodstuffs
	Lead perchlorate	5.1	UN 1470	Oxidizer, Poison	II	1,2	1,2	Stow 'away from' powdered metals and foodstuffs
	Lead peroxide. *See* Lead dioxide							
N	Lead styphnate, *containing, by weight, at least 20% water or mixture of alcohol and water*	1.1A	UN 0130	Explosive (1.1A)	--	--	--	
	Lead sulphate, *containing more than 3% free acid*	8	UN 1794	Corrosive	II	1,2	1,2	
	Life-rafts, *inflatable*	9	--	None	--	1,2	1,2	
	Lighter fuels, *cigar and cigarette*	3.2	UN 1226	Flammable Liquid	II	1,2	1	
	Lighters *for cigars and cigarettes, etc., containing flammable gas*	2.1	UN 1057	Flammable Gas	--	1	1	Stow 'away from' living quarters. Not permitted in nonventilated containers
	Lighters *for cigars and cigarettes, etc., containing fuel*	3.2	UN 1226	Flammable Liquid	II	1,2	1	
	Lighters, fuse	1.4 S	UN 0131	None. Package to be marked '1.4 S'	--	1,3	1,3	
	Liquefied non-flammable gases charged with nitrogen, carbon dioxide or air	2.2	UN 1058	Nonflammable Gas	--	1,2	1,2	
	Lithium alkyls	4.2	UN 2445	Spontaneously Combustible	I	1	1	
	Lithium aluminium hydride	4.3	UN 1410	Dangerous When Wet	I	1,2	5	
	Lithium aluminium hydride, *ethereal*	4.3	UN 1411	Dangerous When Wet, Flammable Liquid	I	1	5	
	Lithium amide	4.3	UN 1412	Dangerous When Wet	II	1,2	5	
	Lithium borohydride	4.3	UN 1413	Dangerous When Wet	I	1,2	5	
	Lithium hydride	4.3	UN 1414	Dangerous When Wet	I	1,2	5	
•	Lithium hydroxide monohydrate	8	UN 2680	Corrosive	II	1,2	1,2	Keep dry
•	Lithium hydroxide, solution	8	UN 2679	Corrosive	II	1,2	1,2	Glass carboys not permitted under deck on passenger vessels
	Lithium hypochlorite, *dry, including mixtures containing more than 39% available chlorine (8.8% available oxygen)*	5.1	UN 1471	Oxidizer	II	1,2	1,2	
	Lithium, *(metal)*	4.3	UN 1415	Dangerous When Wet	II	1,2	5	
•	Lithium nitrate	5.1	UN 2722	Oxidizer	III	1,2	1,2	
	Lithium peroxide	5.1	UN 1472	Oxidizer	II	1,2	1,2	Keep dry
	Lithium silicon	4.3	UN 1417	Dangerous When Wet	II	1,2	1,2	
	London purple	6.1	UN 1621	Poison	II	1,2	1,2	
	Lye. *See* Sodium hydroxide							
	Magnesium alloys, *containing more than 50% magnesium, pellets, turnings or ribbon*	4.1	UN 1869	Flammable Solid	III	1,2	1,2	Stow 'away from' nonflammable gases and poisons
	Magnesium aluminium phosphide	4.3	UN 1419	Dangerous When Wet	I	1	5	
	Magnesium arsenate	6.1	UN 1622	Poison	II	1,2	1,2	
	Magnesium bromate	5.1	UN 1473	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals, 'separated from' ammonium compounds
•	Magnesium chlorate	5.1	UN 2723	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and 'away from' finely powdered metals
	Magnesium diamide	4.2	UN 2004	Spontaneously Combustible	II	1	1	
	Magnesium diphenyl	4.2	UN 2005	Spontaneously Combustible	I	1	1	
	Magnesium hydride	4.3	UN 2010	Dangerous When Wet	I	1,2	5	
	Magnesium nitrate	5.1	UN 1474	Oxidizer	III	1,2	1,2	
•	Magnesium *or* Magnesium alloys *containing more than 50% magnesium, pellets, turnings or ribbon*	4.1	UN 1869	Flammable Solid	III	1,2	1,2	Stow 'away from' liquid halogenated hydrocarbons
	Magnesium perchlorate	5.1	UN 1475	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals
	Magnesium peroxide	5.1	UN 1476	Oxidizer	II	1,2	1,2	Keep dry
	Magnesium phosphide	4.3	UN 2011	Dangerous When Wet, Poison	I	1	5	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	**Magnesium powder** *or* **Magnesium** alloys, powder *containing more than 50% magnesium, non-pyrophoric*	4.3	UN 1418	Dangerous When Wet	II	1.2	1.2	Stow 'away from' liquid halogenated hydrocarbons
•	**Magnesium silicide**	4.3	UN 2624	Dangerous When Wet	II	1.2	1	
•	**Magnesium silicofluoride**	6.1	UN 2853	St. Andrews Cross	III	1.2	1.2	Stow 'away from' acids
•	**Maleic anhydride,** *solid or molten*	8	UN 2215	None. Package to be marked 'Class 8'	III	1.2	1.2	Stow 'away from' foodstuffs
•	**Malononitrile**	6.1	UN 2647	Poison	II	1.3	1.3	Keep cool. Stow 'away from' living quarters
	Maneb, *or* **maneb preparation(s)** *containing 60% or more maneb*	4.2	UN 2210	Spontaneously Combustible	III	1.2	1.2	Stow 'away from' acids, living quarters and foodstuffs
	Manganese ethylene-bis-dithiocarbamate. See Maneb							
•	**Manganese nitrate**	5.1	UN 2724	Oxidizer	III	1.2	1.2	
	Manganese resinate	4.1	UN 1330	Flammable Solid	III	1.2	1.2	
N	**Mannitol hexanitrate,** *containing, by weight, at least 40% water or mixture of alcohol and water*	1.1D	UN 0133	Explosive (1.1D)	--	--	--	
	Matches, *fusee*	4.1	UN 2254	Flammable Solid	III	1.2	1.2	
	Matches, *safety*	9	UN 1944	None	III	1.2	1.2	Keep dry
	Matches, *strike anywhere*	4.1	UN 1331	Flammable Solid	III	1.2	1	
	Matches, *wax 'vesta'*	4.1	UN 1945	Flammable Solid	III	1.2	1	
N	**Medicines,** n.o.s. *to be classified and labeled according to the principle hazardous constituent*	--	UN 1851		--			
	MEKP. See **Ethyl methyl ketone peroxide**							
	p-Menthane hydroperoxide, *technical pure*	5.2	UN 2125	Organic Peroxide	I	1	5	
	Mercaptans *and* **mercaptan mixtures,** *(liquid),* n.o.s.	3.1	UN 1228	Flammable Liquid	II	1.3	5	Keep cool
	Mercuric acetate. *See* Mercury acetate							
	Mercuric arsenate	6.1	UN 1623	Poison	II	1.2	1.2	
	Mercuric bromide. *See* Mercury bromides							
	Mercuric chloride	6.1	UN 1624	Poison	II	1.2	1.2	
	Mercuric cyanide. *See* Mercury cyanide							
	Mercuric nitrate	6.1	UN 1625	Poison	II	1.2	1.2	
	Mercuric oxycyanide. *See* Mercury oxycyanide							
	Mercuric potassium cyanide	6.1	UN 1626	Poison	I	1.2	1.2	Stow 'away from' acids
	Mercuric sulphate	6.1	UN 1645	Poison	II	1.2	1.2	
	Mercurol. *See* Mercury nucleate							
	Mercurous acetate. *See* Mercury acetate							
	Mercurous bromide. *See* Mercury bromides							
	Mercurous nitrate. *See* Mercury acetate							
	Mercurous sulphate	6.1	UN 1628	Poison	II	1.2	1.2	
	Mercury acetate	6.1	UN 1629	Poison	II	1.2	1.2	
	Mercury ammonium chloride	6.1	UN 1630	Poison	II	1.2	1.2	
•	**Mercury based pesticides,** *liquid,* n.o.s.	6.1	UN 2777	Poison	I	1	1	
		6.1	UN 2777	Poison	II	1.2	1	
		6.1	UN 2777	St. Andrews Cross	III	1.2	1.2	
•	**Mercury based pesticides,** *liquid,* n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2777	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2777	Poison, Flammable Liquid	II	1.2	1	Segregation same as for flammable liquids
		6.1	UN 2777	St. Andrews Cross, Flammable Liquid	III	1.2	1.2	Segregation same as for flammable liquids
•	**Mercury based pesticides,** n.o.s., *flashpoint below 23 deg C*	3.2	UN 2778	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1.2	1	
•	**Mercury based pesticides,** *solid,* n.o.s.	6.1	UN 2777	Poison	I/II	1.2	1.2	
		6.1	UN 2777	St. Andrews Cross	III	1.2	1.2	
	Mercury benzoate	6.1	UN 1631	Poison	II	1.2	1.2	
	Mercury bisulphate	6.1	UN 1633	Poison	II	1.2	1.2	
	Mercury bromides	6.1	UN 1634	Poison	II	1.2	1.2	
•	**Mercury compounds, inorganic,** n.o.s.	6.1	UN 2024	Poison	I/II	1.2	1.2	
		6.1	UN 2024	St. Andrews Cross	III	1.2	1.2	
•	**Mercury compounds, organic,** n.o.s.	6.1	UN 2025	Poison	I/II	1.2	1.2	
		6.1	UN 2025	St. Andrews Cross	III	1.2	1.2	
•	**Mercury cyanide**	6.1	UN 1636	Poison	II	1.2	1.2	Stow 'away from' living quarters and acids
N	**Mercury fulminate,** *containing, by weight, at least 20% water or mixture of alcohol and water*	1.1A	UN 0135	Explosive (1.1A)	--	--	--	
	Mercury gluconate	6.1	UN 1637	Poison	II	1.2	1.2	
	Mercury iodide	6.1	UN 1638	Poison	II	1.2	1.2	
•	**Mercury,** *metal*	8	UN 2809	Corrosive	III	1.2	1	Stow 'away from' living quarters and azides
	Mercury nucleate	6.1	UN 1639	Poison	II	1.2	1.2	
	Mercury oleate	6.1	UN 1640	Poison	II	1.2	1.2	
	Mercury oxide	6.1	UN 1641	Poison	II	1.2	1.2	
	Mercury oxycyanide	6.1	UN 1642	Poison	II	1.2	1.2	Stow 'away from' acids
	Mercury potassium iodide	6.1	UN 1643	Poison	II	1.2	1.2	
	Mercury salicylate	6.1	UN 1644	Poison	II	1.2	1.2	
	Mercury thiocyanate	6.1	UN 1646	Poison	II	1.2	1.2	
	Mesityl oxide	3.3	UN 1229	Flammable Liquid	II	1.2	1.2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Metal alkyls, n.o.s.	4.2	UN 2003	Spontaneously Combustible	I	1	5	Shade from radiant heat. Stow 'separated from flammable liquids or gases, oxidizers or organic peroxides
	Metaldehyde	4.1	UN 1332	Flammable Solid	III	1,2	1,2	
	Methacraldehyde	3.2	UN 2396	Flammable Liquid, Poison	II	1,3	5	Keep cool
	Methacrylic acid, *inhibited*	8	UN 2531	Corrosive	II	1	1	Keep cool. Glass carboys prohibited on passenger vessels
	Methallyl alcohol	3.3	UN 2614	Flammable Liquid	II	1,2	1,2	
	Methane *or* natural gases *with a high methane content, compressed*	2.1	UN 1971	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
	Methane *or* natural gases *with a high methane content, refrigerated liquid*	2.1	UN 1972	Flammable Gas	--	1	5	Stow 'away from' living quarters
	Methanol	3.2	UN 1230	Flammable Liquid, Poison	II	1,2	1	
	Methoxymethyl isocyanate	3.2	UN 2605	Flammable Liquid, Poison	I	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	4-Methoxy-4-methylpentan-2-one	3.3	UN 2293	Flammable Liquid	III	1,2	1,2	
	Methyl acetate	3.2	UN 1231	Flammable Liquid	II	1,2	1	
	Methyl acetone	3.2	UN 1232	Flammable Liquid	II	1,2	1	
•	Methyl acetylene and propadiene *mixture, stabilized*	2.1	UN 1060	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	beta-Methyl acrolein. *See* Crotonaldehyde, *inhibited*							
	Methyl acrylate, *inhibited*	3.2	UN 1919	Flammable Liquid	II	1,2	1	
	Methylal	3.1	UN 1234	Flammable Liquid	II	1,3	5	Keep cool
	Methyl alcohol. *See* Methanol							
	Methyl allyl chloride	3.1	UN 2554	Flammable Liquid	II	1,3	5	Keep cool
	Methyl aluminium sesquibromide	4.2	UN 1926	Spontaneously Combustible	I	1	1	
	Methyl aluminium sesquichloride	4.2	UN 1927	Spontaneously Combustible	I	1	1	
•	Methylamine, *anhydrous*	2.1	UN 1061	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
	Methylamine, *aqueous solution*	3.1	UN 1235	Flammable Liquid	II	1,3	5	Keep cool. Stow 'away from' mercury and its compounds
	Methylamyl acetate	3.3	UN 1233	Flammable Liquid	III	1,2	1,2	
	Methyl amyl ketone. *See* Amyl methyl ketone							
	N-Methylaniline	6.1	UN 2294	St. Andrews Cross	III	1,2	1,2	
	Methyl bromide	2.3	UN 1062	Poison Gas	--	1	5	
	Methyl bromide and chloropicrin, mixtures. *See* Chloropicrin and methyl bromide, mixtures							
•	Methyl bromide and ethylene dibromide mixtures, liquid	6.1	UN 1647	Poison	I	1	1	Stow 'away from' living quarters
•	Methyl bromoacetate	6.1	UN 2643	Poison	II	1	5	Keep cool. Stow 'away from' living quarters
	2-Methyl-1,3-butadiene. *See* Isoprene							
	3-Methyl butan-2-one	3.2	UN 2397	Flammable Liquid	II	1,2	1	
	2-Methyl-1-butene	3.1	UN 2459	Flammable Liquid	I	1,3	5	Keep cool
	2-Methyl-2-butene	3.1	UN 2460	Flammable Liquid	II	1,3	5	Keep cool
	Methyl-tert-butyl ether	3.2	UN 2398	Flammable Liquid	II	1,2	1	
	Methyl butyrate	3.2	UN 1237	Flammable Liquid	II	1,2	1	
	Methyl chloride	2.1	UN 1063	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
	Methyl chloride and chloropicrin, mixtures. *See* Chloropicrin and methyl chloride, mixtures							
	Methyl chloride and methylene chloride, *mixtures*	2.1	UN 1912	Flammable Gas	--	1,2	5	
	Methyl chloroacetate	3.3	UN 2295	Flammable Liquid	II	1,2	1,2	
	Methyl chlorocarbonate. *See* Methyl chloroformate							
	Methyl chloroformate	3.2	UN 1238	Flammable Liquid, Poison, Corrosive	I	1,2	1	
	Methylchloromethyl ether	3.1	UN 1239	Flammable Liquid	II	1	5	Keep cool
	Methyl chlorosilane	3.2	UN 2534	Flammable Liquid, Corrosive	I	1,2	1	
•	Methyl cyanide	3.2	UN 1648	Flammable Liquid, Poison	II	1,2	1	
	Methyl cyclohexane	3.2	UN 2296	Flammable Liquid	II	1,2	1	
	Methyl cyclohexanol	3.3	UN 2617	Flammable Liquid	III	1,2	1,2	
	Methyl cyclohexanone	3.3	UN 2297	Flammable Liquid	III	1,2	1,2	
•	Methyl cyclopentane	3.1	UN 2298	Flammable Liquid	II	1,2	1	
•	Methyl dichloroacetate	6.1	UN 2299	St. Andrews Cross	III	1,2	1,2	Stow 'away from' living quarters
	Methyldichlorosilane	3.2	UN 1242	Flammable Liquid, Corrosive	I	1,2	1	
	Methylene bis (phenylene isocyanate). *See* Diphenylmethane diisocyanate							
	Methylene chloride. *See* Dichloromethane							
	Methyl ethyl ether. *See* Ethyl methyl ether							
	Methyl ethyl ketone peroxide(s). *See* Ethyl methyl ketone peroxide							
	Methyl ethyl ketone. *See* Ethyl methyl ketone							
•	2-Methyl-5-ethylpyridine	6.1	UN 2300	St. Andrews Cross	III	1,2	1,2	Stow 'away from' living quarters
	Methyl formate	3.1	UN 1243	Flammable Liquid	I	1,3	5	Keep cool
	2-Methylfuran	3.1	UN 2301	Flammable Liquid	II	1,3	5	Keep cool
	5-Methylhexan-2-one	3.3	UN 2302	Flammable Liquid	III	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Methylhydrazine	3.2	UN 1244	Flammable Liquid, Corrosive	I	1,2	1	
•	Methyl iodide	6.1	UN 2644	Poison	II	1,3	1,3	Keep cool. Stow 'away from' living quarters
	Methyl isobutyl carbinol	3.3	UN 2053	Flammable Liquid	III	1,2	1,2	
	Methyl isobutyl ketone	3.2	UN 1245	Flammable Liquid	II	1,2	1	
	Methyl isocyanate *and solutions*	3.1	UN 2480	Flammable Liquid, Poison	I	1	5	Stow 'away from' living quarters and sources of heat
	Methyl isocyanate *(and solutions)*	3.2	UN 2480	Flammable Liquid, Poison	I	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	Methyl isopropenyl ketone, *inhibited*	3.2	UN 1246	Flammable Liquid	II	1,2	1	
	Methyl isothiocyanate	3.2	UN 2477	Flammable Liquid, Poison	II	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	Methylisovalerate	3.2	UN 2400	Flammable Liquid	II	1,2	1	
	Methyl magnesium bromide, *in ethyl ether*	4.2	UN 1928	Spontaneously Combustible	I	1	5	
	Methylmercaptan	2.1	UN 1064	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Methyl methacrylate, *monomer, inhibited*	3.2	UN 1247	Flammable Liquid	II	1,2	1	
	Methylmorpholine	3.3	UN 2535	Flammable Liquid, Corrosive	II	1,2	1,2	
	Methyl orthosilicate	3.2	UN 2606	Flammable Liquid, Poison	I	1,3	5	Keep cool
	Methylpentadiene	3.1	UN 2461	Flammable Liquid	II	1,3	5	Keep cool
	Methylpentanes	3.1	UN 2462	Flammable Liquid	II	1,3	5	Keep cool
•	Methylphenyldichlorosilane	3.3	UN 2437	Flammable Liquid, Corrosive	II	1,2	1,2	
	1-Methylpiperidine	3.2	UN 2399	Flammable Liquid	II	1,2	1	
	Methyl propionate	3.2	UN 1248	Flammable Liquid	II	1,2	1	
	Methyl propyl ether	3.1	UN 2612	Flammable Liquid	II	1,3	5	Keep cool
	Methyl propyl ketone	3.2	UN 1249	Flammable Liquid	II	1,2	1	
	Methyl sulphide. *See* Dimethyl sulfide							
	Methyltetrahydrofuran	3.2	UN 2536	Flammable Liquid	II	1,2	1	
•	Methyl trichloroacetate	6.1	UN 2533	St. Andrews Cross	III	1,2	1,2	
	Methyltrichlorosilane	3.2	UN 1250	Flammable Liquid, Corrosive	II	1,2	1	
	alpha-Methyl valeraldehyde	3.3	UN 2367	Flammable Liquid	III	1,2	1,2	
	Methyl vinyl ketone	3.2	UN 1251	Flammable Liquid	II	1,2	1	
N	Mines, *with bursting charge*	1.1D	UN 0137	Explosive (1.1D)	--	--	--	
N	Mines, *with bursting charge*	1.2D	UN 0138	Explosive (1.2D)	--	--	--	
N	Mines, *with bursting charge*	1.1F	UN 0136	Explosive (1.1F)	--	--	--	
N	Mines, *with bursting charge*	1.2F	UN 0294	Explosive (1.2F)	--	--	--	
	Mixed acid. *See* Acid mixtures, *nitrating acid*							
	Mixed acid, spent. See Acid mixtures, *spent*							
	Molybdenum pentachloride	8	UN 2508	Corrosive	III	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Monochlorodifluoromethane. *See* Chlorodifluoromethane							
	Monochloropentafluoroethane. *See* Chloropentafluoroethane							
	Monochlorotetrafluoroethane. *See* Chlorotetrafluoroethane							
	Monochlorotrifluoromethane. *See* Chlorotrifluoromethane							
	Monoethanolamine. *See* Ethanolamine *and solutions thereof*							
	Monoethylamine. *See* Ethylamine							
	Monomethylamine, *anhydrous. See* Methylamine, *anhydrous*							
	Monomethylamine, *aqueous solution. See* Methylamine, *aqueous solution*							
•	Mononitrotoluidines	6.1	UN 2660	St. Andrews Cross	III	1,2	1,2	
	Monopropylamine	3.1	UN 1277	Flammable Liquid	II	1,2	5	
	Morpholine	3.3	UN 2054	Flammable Liquid	II	1,2	1,2	
•	Motor fuel anti-knock mixtures	6.1	UN 1649	Poison, Flammable Liquid (only if flashpoint below 61 deg C)	I	1	5	If flashpoint below 61 deg C segregation same as for flammable liquids. Stow 'away from' living quarters
•	Motor fuel, n.o.s.	3.1	(UN 1203)	Flammable Liquid	II	1,3	5	Keep cool
	Motor spirit. *See* Gasoline							
	Muriatic acid. *See* Hydrochloric acid							
	Naphtha distillate	3.2	(UN 1268)	Flammable Liquid	II	1,2	1	
•	Naphthalene, crude *or* refined	4.1	UN 1334	Flammable Solid	III	1,2	1,2	
	Naphtha, petroleum	3.2	UN 1255	Flammable Liquid	II	1,2	1	
	Naphtha, solvent	3.2	UN 1256	Flammable Liquid	II	1,2	1	
	Naphthylamine *(alpha)*	6.1	UN 2077	St. Andrews Cross	III	1,2	1,2	
	Naphthylamine *(beta)*	6.1	UN 1650	Poison	II	1,2	1,2	
	alpha-Naphthylthiourea	6.1	UN 1651	Poison	II	1,2	1,2	
	Naphthylurea	6.1	UN 1652	Poison	II	1,2	1,2	
	Napthalene, molten	4.1	UN 2304	Flammable Solid	III	1	1	Protect from sparks and open flame
	Natural gases with a high methane content. See Methane *or* natural gases, *etc.*							
	Natural gasoline. *See* Casinghead gasoline							

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Neohexane. *See* Dimethyl butane							
	Neon, *compressed*	2.2	UN 1065	Nonflammable Gas	--	1,2	1,2	
•	Neon, *refrigerated liquid*	2.2	UN 1913	Nonflammable Gas	--	1	5	
•	Nickel carbonyl	3.1	UN 1259	Flammable Liquid, Poison	I	1	5	Keep cool. Prohibited on any ship carrying explosives except explosives in Division 1.4, Compatibility Group S
•	Nickel catalyst, *finely divided, activated or spent, wetted with, by weight, not less than 40% water or other suitable liquid*	4.2	UN 1378	Spontaneously Combustible	II	1,2	1	
	Nickel cyanide	6.1	UN 1653	Poison	II	1,2	1,2	
•	Nickel nitrate	5.1	UN 2725	Oxidizer	III	1,2	1,2	
•	Nickel nitrite	5.1	UN 2726	Oxidizer	III	1,2	1,2	Stow 'separated from' ammonium compounds and cyanides and 'away from' foodstuffs
•	Nicotine compounds, n.o.s. *or* Nicotine preparations, n.o.s.	6.1	UN 1655	Poison	I/II	1,2	1,2	
		6.1	UN 1655	St. Andrews Cross	III	1,2	1,2	
•	Nicotine hydrochloride, *or* Nicotine hydrochloride solutions	6.1	UN 1656	Poison	II	1,2	1,2	
	Nicotine salicylate	6.1	UN 1657	Poison	II	1,2	1,2	
	Nicotine sulphate, *solid or solution*	6.1	UN 1658	Poison	II	1,2	1,2	
	Nicotine tartrate	6.1	UN 1659	Poison	II	1,2	1,2	
	Nitrate of soda and potash, mixture. *See* Sodium nitrate and potash, *mixture*							
	Nitrates, *(inorganic)*, n.o.s.	5.1	UN 1477	Oxidizer	II	1,2	1,2	
	Nitrating acid. *See* Acid mixtures, *nitrating acid*							
•	Nitric acid, *other than red fuming, all concentrations*	8	UN 2031	Corrosive	I/II	1	5	Stow 'separated from' diethylene triamine. Stow 'away from' hydrazine, fluorides, and all other corrosives except sulphuric acid and sulphur trioxide
•	Nitric acid, *red fuming*	8	UN 2032	Corrosive, Oxidizer, Poison	I	1	5	Stow 'separated from' diethylene triamine. Stow 'away from' hydrazine, fluorides and all other corrosives except sulphuric acid and sulphur trioxide
	Nitric oxide	2.3	UN 1660	Poison Gas, Oxidizer	--	1	5	Stow 'away from' foodstuffs and living quarters
	Nitric oxide and nitrogen tetroxide, *mixtures*	2.3	UN 1975	Poison Gas, Oxidizer	--	1	5	Stow 'away from' foodstuffs, organic materials and living quarters
•	Nitrites, *inorganic*, n.o.s.	5.1	UN 2627	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and cyanides and 'away from' foodstuffs
	Nitroanilines *(o-, m-, p-)*	6.1	UN 1661	Poison	II	1,2	1,2	
•	Nitroanisoles	6.1	UN 2730	St. Andrews Cross	III	1,3	1,3	Keep cool
•	Nitrobenzene	6.1	UN 1662	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Nitrobenzenesulphonic acid	8	UN 2305	Corrosive	II	1,2	1,2	
	Nitrobenzol. *See* Nitrobenzene							
N	5-Nitrobenzotriazol	1.1D	UN 0385	Explosive (1.1D)	--	--	--	
	Nitrobenzotrifluoride	6.1	UN 2306	Poison	II	1,2	1,2	
•	Nitrobromobenzenes	6.1	UN 2732	St. Andrews Cross	III	1,3	1,3	Keep cool
	Nitrocellulose, *containing at least 25% alcohol, by weight, and not exceeding 12.6% nitrogen by dry weight*	4.1	UN 2556	Flammable Solid	I	1	5	Shade from radiant heat, keep away from heat and open flame
	Nitrocellulose, *containing at least 25%, by weight, water*	4.1	UN 2555	Flammable Solid	II	1	5	Shade from radiant heat. Keep away from heat and open flame
	Nitrocellulose, *containing at least 18% plasticizing substance, by weight, and not exceeding 12.6% nitrogen by dry weight*	4.1	UN 2557	Flammable Solid	I	1	1	Shade from radiant heat. Keep away from heat and open flame
	Nitrocellulose, *in solution in flammable liquids*	3.2	UN 2059	Flammable Liquid	II	1,2	1	
		3.3	UN 2060	Flammable Liquid	II	1,2	1,2	
	Nitrocellulose, *wetted with, by weight, more than 40% flammable liquids*	3.2	(UN 2556)	Flammable Liquid	II	1,2	1	
		3.3	(UN 2556)	Flammable Liquid	II	1,2	1,2	
N	Nitrocellulose with *less than 25%* alcohol, *by weight*	1.1D	UN 0340	Explosive (1.1D)	--	--	--	
N	Nitrocellulose with *less than 18%* plasticizing substance, *by weight*	1.1D	UN 0341	Explosive (1.1D)	--	--	--	
N	Nitrocellulose with *less than* 25% water, *by weight*	1.1D	UN 0340	Explosive (1.1D)	--	--	--	
N	Nitrocellulose with *not less than 25%* alcohol, *by weight*	1.3C	UN 0342	Explosive (1.3C)	--	--	--	
N	Nitrocellulose with *not less than 18%* plasticizing substance, *by weight*	1.3C	UN 0343	Explosive (1.3C)	--	--	--	
	3-Nitro-4-chlorobenzotrifluoride	6.1	UN 2307	Poison	II	1,2	1,2	
	Nitrocresols	6.1	UN 2446	Poison	III	1,2	1,2	
	Nitrogen, *compressed*	2.2	UN 1066	Nonflammable Gas	--	1,2	1,2	
•	Nitrogen dioxide, *liquefied*	2.3	UN 1067	Poison Gas, Oxidizer	--	1	5	Stow 'away from' foodstuffs, organic materials and living quarters
•	Nitrogen, *refrigerated liquid*	2.2	UN 1977	Nonflammable Gas	--	1	5	
	Nitrogen tetroxide. *See* Nitrogen dioxide							
	Nitrogen trifluoride	2.3	UN 2451	Poison Gas	--	1	5	Stow 'away from' living quarters and organic materials
	Nitrogen trioxide	2.3	UN 2421	Poison Gas	--	1	5	Stow 'away from' living quarters and readily combustible substances
N	Nitroglycerine, desensitized, *containing, by weight, at least 40% non-volatile water-insoluble phlegmatizer*	1.1D	UN 0143	Explosive (1.1D), Poison	--	--	--	
N	Nitroglycerine, spirit of, *containing more than 1% but not more than 10% nitroglycerine in solution in alcohol*	1.1D	UN 0144	Explosive (1.1D)	--	--	--	
	Nitroglycerin solution, *up to 1% in alcohol. See* Glyceryl trinitrate, *solution*							
N	Nitroguanidine, *dry or containing, by weight, less than 20% water*	1.1D	UN 0282	Explosive (1.1D)	--	--	--	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	Nitroguanidine, wetted, *with, by weight, at least 20% water*	4.1	UN 1336	Flammable Solid	I	1,2	5	
	Nitrohydrochloric acid	8	UN 1798	Corrosive	I	1	5	Stow 'away from' fluorides
	Nitromethane	3.3	UN 1261	Flammable Liquid	II	1,2	1,2	
	Nitromuriatic acid. *See* Nitrohydrochloric acid							
	Nitronapthalene	4.1	UN 2538	Flammable Solid	III	1,2	1,2	
	Nitrophenols *(o-, m-, p-)*	6.1	UN 1663	St. Andrews Cross	III	1,2	1,2	
	Nitropropanes	3.3	UN 2608	Flammable Liquid	III	1,2	1,2	
	p-Nitrosodimethylaniline	4.2	UN 1369	Spontaneously Combustible	II	1,2	5	Stow 'away from' foodstuffs
N	Nitrostarch, *dry or containing, by weight, less than 20% water*	1.1D	UN 0146	Explosive (1.1D)	--	--	--	
•	Nitrostarch, wetted *with, by weight, at least 20% water*	4.1	UN 1337	Flammable Solid	I	1	5	
	Nitrosyl chloride	2.3	UN 1069	Poison Gas, Corrosive	--	1	5	Stow 'away from' foodstuffs and living quarters
	Nitrosylsulphuric acid	8	UN 2308	Corrosive	II	1	5	Stow 'away from' organic materials
	Nitrotoluenes *(o-, m-, p-)*	6.1	UN 1664	Poison	II	1,2	1,2	
N	Nitro urea	1.1D	UN 0147	Explosive (1.1D)	--	--	--	
•	Nitrous oxide, *compressed*	2.2	UN 1070	Nonflammable Gas, Oxidizer	--	1,2	1,2	
	Nitroxylenes *(o-, m-, p-)*	6.1	UN 1665	Poison	II	1,2	1,2	
•	Nonane, *and its isomers*	3.3	UN 1920	Flammable Liquid	II	1,2	1,2	
	Nonyl trichlorosilane	8	UN 1799	Corrosive	II	1	1	Keep dry
	Octadecyl trichlorosilane	8	UN 1800	Corrosive	II	1	1	Keep dry
	Octadiene	3.2	UN 2309	Flammable Liquid	III	1,2	1	
	Octafluorocyclobutane	2.2	UN 1976	Nonflammable Gas	--	1,2	1,2	
	Octane *and its isomers*	3.2	UN 1262	Flammable Liquid	II	1,2	1	
•	n-Octanoyl peroxide. *See* Di-n-octanoyl peroxide				--	--	--	
N	Octolite, *dry or containing, by weight, less than 15% water*	1.1D	UN 0266	Explosive (1.1D)	--	--	--	
	Octyl trichlorosilane	8	UN 1801	Corrosive	II	1	1	Keep dry
	Oil gas	2.1	UN 1071	Flammable Gas, Poison Gas	--	1	5	Stow 'away from' living quarters
	Oleum. *See* Sulphuric acid, *fuming*							
	Organic peroxides, mixture (*this description must be supplemented with the name of the primary constituent of the mixture*)	5.2	UN 2756	Organic Peroxide	I/II	1	5	
•	Organic peroxides, n.o.s., samples	5.2	UN 2255	Organic Peroxide	I/II	1	5	
•	Organochlorine pesticides, *liquid*, n.o.s.	6.1	UN 2761	Poison	I	1	1	
		6.1	UN 2761	Poison	II	1,2	1	
		6.1	UN 2761	St. Andrews Cross	III	1,2	1,2	
•	Organochlorine pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2761	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2761	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2761	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Organochlorine pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2762	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Organochlorine pesticides, *solid*, n.o.s.	6.1	UN 2761	Poison	I/II	1,2	1,2	
		6.1	UN 2761	St. Andrews Cross	III	1,2	1,2	
•	Organophosphorus pesticides, *liquid*, n.o.s.	6.1	UN 2783	Poison	I	1	1	
		6.1	UN 2783	Poison	II	1,2	1	
		6.1	UN 2783	St. Andrews Cross	III	1,2	1,2	
•	Organophosphorus pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2783	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2783	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2783	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Organophosphorus pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2784	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Organophosphorus pesticides, *solid*, n.o.s.	6.1	UN 2783	Poison	I/II	1,2	1,2	
		6.1	UN 2783	St. Andrews Cross	III	1,2	1,2	
•	Organotin compounds, n.o.s.	6.1	UN 2788	Poison	I/II	1,2	1	Stow 'away from' living quarters
		6.1	UN 2788	St. Andrews Cross	III	1,2	1	
•	Organotin pesticides, *liquid*, n.o.s.	6.1	UN 2786	Poison	I	1	1	
		6.1	UN 2786	Poison	II	1,2	1	
		6.1	UN 2786	St. Andrews Cross	III	1,2	1,2	
•	Organotin pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2786	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2786	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2786	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	Organotin pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2787	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Organotin pesticides, *solid*, n.o.s.	6.1	UN 2786	Poison	I/II	1,2	1,2	
		6.1	UN 2786	St. Andrews Cross	III	1,2	1,2	
•	Osmium tetroxide	6.1	UN 2471	Poison	I	1,2	1	Stow 'away from' living quarters
	Oxalates, *water soluble*	6.1	UN 2449	St. Andrews Cross	III	1,2	1,2	
	Oxidizing substances, n.o.s.	5.1	UN 1479	Oxidizer	II	1,2	1,2	
	Oxygen and carbon dioxide, mixtures. See Carbon dioxide and oxygen *mixtures*							
	Oxygen, *compressed*	2.2	UN 1072	Nonflammable Gas, Oxidizer	--	1,2	1,2	
	Oxygen difluoride	2.3	UN 2190	Poison Gas	--	1	5	Keep dry. Stow 'away from' living quarters and readily combustible substances
•	Oxygen, *refrigerated liquid*	2.2	UN 1073	Nonflammable Gas, Oxidizer	--	1	5	Stow 'separated from' acetylene. Do not overstow
	Paint, enamel, lacquer, stain, shellac, varnish, polish, filler (liquid), lacquer base or thinner (*not including substances containing nitrocellulose for which See* Nitrocellulose.)	3.2 3.3	UN 1263 UN 1263	Flammable Liquid Flammable Liquid	II/III II/III	1,2 1,2	1 1,2	
	Paper, *treated with unsaturated oils, incompletely dried*	4.2	UN 1379	Spontaneously Combustible	III	1,2	1,2	
	Paraformaldehyde	4.1	UN 2213	None. Package to be marked 'Class 4.1'	III	1,2	1,2	
	Paraldehyde	3.3	UN 1264	Flammable Liquid	III	1,2	1,2	
•	Pentaborane	4.2	UN 1380	Spontaneously Combustible, Poison	I	1	5	
	Pentachloroethane	6.1	UN 1669	Poison	II	1,2	1,2	
N	Pentaerythrite tetranitrate, *containing, by weight, at least 25% water or at least 15% phlegmatizer*	1.1D	UN 0150	Explosive (1.1D)	--	--	--	
•	Pentamethylheptane	3.3	UN 2286	Flammable Liquid	III	1,2	1,2	
	2,4-Pentanedione	3.3	UN 2310	Flammable Liquid	III	1,2	1,2	
•	Pentanes	3.1	UN 1265	Flammable Liquid	I	1,3	5	Keep cool
•	1-Pentol	8	UN 2705	Corrosive	II	1,2	1	Stow 'away from' all other corrosives
N	Pentolite, *dry or containing, by weight, less than 15% water*	1.1D	UN 0151	Explosive (1.1D)	--	--	--	
	Peracetic acid, *maximum concentration 43% in acetic acid or in a mixture of acetic acid and water, with in either case not more than 6% hydrogen peroxide and not more than 1% sulphuric acid*	5.2	UN 2131	Organic Peroxide, Corrosive	I	1	5	
	Perchlorates, *(inorganic)*, n.o.s.	5.1	UN 1481	Oxidizer	II	1,3	1,3	Stow 'away from' powdered metals
	Perchloric acid, *not exceeding 50%, by weight, of acid*	8	UN 1802	Corrosive, Oxidizer	II	1	1	Stow 'away from' hydrazine
	Perchloric acid, *over 50% and not exceeding 72% of acid*	5.1	UN 1873	Oxidizer, Corrosive	I	1	5	
	Perchloroethylene. *See* Tetrachloroethylene							
•	Perchloromethyl mercaptan	6.1	UN 1670	Poison	I	1	5	Stow 'away from' living quarters
	Perchloryl fluoride	2.3	(UN 1955)	Poison Gas	--	1	5	Stow 'away from' living quarters and readily combustible substances
	Perfumery products, *flammable liquid*	3.2 3.3	UN 1266 UN 1266	Flammable Liquid Flammable Liquid	II II	1,2 1,2	1 1,2	
	Permanganates, *(inorganic)*, n.o.s.	5.1	UN 1482	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds, hydrogen peroxide and strong liquid acids
	Peroxides, *(metallic)*, n.o.s.	5.1	UN 1483	Oxidizer	II	1,2	1,2	
•	Pesticides, liquid, n.o.s.	6.1	UN 2902	Poison	I	1	1	
		6.1	UN 2902	Poison	II	1,2	1	
		6.1	UN 2902	St. Andrews Cross	III	1,2	1,2	
•	Pesticides, liquid, n.o.s. *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2902	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2902	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2902	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Pesticides, liquid, *toxic*, flammable, n.o.s. *flashpoint below 23 deg C*	3.2	UN 2903	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Pesticides, solid, n.o.s.	6.1	UN 2588	Poison	I/II	1,2	1,2	
		6.1	UN 2588	St. Andrews Cross	III	1,2	1,2	
•	Petroleum crude oil	3.1	UN 1267	Flammable Liquid	II	1,3	5	Keep cool
		3.2	UN 1267	Flammable Liquid	II	1,2	1	
		3.3	UN 1267	Flammable Liquid	II	1,2	1,2	
•	Petroleum distillates, n.o.s.	3.1	UN 1268	Flammable Liquid	II	1,3	5	Keep cool
		3.2	UN 1268	Flammable Liquid	II	1,2	1	
		3.3	UN 1268	Flammable Liquid	II	1,2	1,2	
	Petroleum ether. *See* Petroleum spirit							
	Petroleum gases, *liquefied*	2.1	UN 1075	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
•	Petroleum oil	3.1	UN 1270	Flammable Liquid	II	1,3	5	Keep cool
		3.2	UN 1270	Flammable Liquid	II	1,2	1	
		3.3	UN 1270	Flammable Liquid	II	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	Petroleum spirit	3.1	UN 1271	Flammable Liquid	II	1,3	5	Keep cool
		3.2	UN 1271	Flammable Liquid	II	1,2	1	
		3.3	UN 1271	Flammable Liquid	II	1,2	1,2	
	Petrol. *See* Gasoline							
•	Phenacyl bromide	6.1	UN 2645	Poison	II	1,3	1	Keep cool. Stow 'away from' living quarters
	Phenetidines	6.1	UN 2311	St. Andrews Cross	III	1,2	1,2	
	Phenol	6.1	UN 1671	Poison	II	1,2	1,2	
•	Phenol solutions	6.1	UN 2821	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Phenolsulphonic acid, *liquid*	8	UN 1803	Corrosive	II	1,2	1	Metal drums only under deck
•	Phenoxyl pesticides, *liquid*, n.o.s.	6.1	UN 2765	Poison	I	1	1	
		6.1	UN 2765	Poison	II	1,2	1	
		6.1	UN 2765	St. Andrews Cross	III	1,2	1,2	
•	Phenoxyl pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2765	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2765	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2765	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Phenoxyl pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2766	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Phenoxyl pesticides, *solid*, n.o.s.	6.1	UN 2765	Poison	I/II	1,2	1,2	
		6.1	UN 2765	St. Andrews Cross	III	1,2	1,2	
•	Phenylacetonitrile, liquid	6.1	UN 2470	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
	Phenylacetonitrile. *See* Benzyl cyanide, *liquid*							
•	Phenylacetyl chloride	8	UN 2577	Corrosive	II	1	1	Keep dry
•	Phenylcarbylamine chloride	6.1	UN 1672	Poison	I	1	5	Stow 'away from' living quarters
•	Phenylchloroformate	6.1	UN 2746	Poison, Corrosive	II	1,3	1,3	Keep cool and dry. Shade from radiant heat. Stow 'away from' living quarters
	Phenylenediamines *(o-, m-, p-)*	6.1	UN 1673	St. Andrews Cross	III	1,2	1,2	
•	Phenylhydrazine	6.1	UN 2572	Poison	II	1,2	1,2	Stow 'away from' living quarters
•	Phenyl isocyanate	6.1	UN 2487	Poison, Flammable Liquid	II	1	5	Shade from radiant heat. Stow 'away from' living quarters. Segregation same as for flammable liquids
	Phenyl mercaptan	3.2	UN 2337	Flammable Liquid, Poison	II	1,2	1	
	Phenylmercuric acetate	6.1	UN 1674	Poison	II	1,2	1,2	
	Phenylmercuric compounds, n.o.s.	6.1	UN 2026	Poison	I/II	1,2	1,2	
		6.1	UN 2026	St. Andrews Cross	III	1,2	1,2	
	Phenylmercuric hydroxide	6.1	UN 1894	Poison	II	1,2	1,2	
	Phenylmercuric nitrate	6.1	UN 1895	Poison	II	1,2	1,2	
•	Phenyl phosphorus dichloride	8	UN 2798	Corrosive	II	1,2	1	
•	Phenyl phosphorus thiodichloride	8	UN 2799	Corrosive	II	1,2	1	
	Phenyl trichlorosilane	8	UN 1804	Corrosive	II	1	1	Keep dry
•	Phenyl urea pesticides, *liquid*, n.o.s.	6.1	UN 2767	Poison	I	1	1	
		6.1	UN 2767	Poison	II	1,2	1	
		6.1	UN 2767	St. Andrews Cross	III	1,2	1,2	
•	Phenyl urea pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2767	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2767	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2767	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Phenyl urea pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2768	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Phenyl urea pesticides, *solid*, n.o.s.	6.1	UN 2767	Poison	I/II	1,2	1,2	
		6.1	UN 2767	St. Andrews Cross	III	1,2	1,2	
•	o-Phophorous acid	8	UN 2834	Corrosive	III	1,3	1,3	Stow 'away from' sources of heat
	Phosgene	2.3	UN 1076	Poison Gas, Corrosive	--	1	5	Stow 'away from' living quarters
	Phosphine	2.3	UN 2199	Poison Gas, Flammable Gas	--	1	5	Stow 'away from' living quarters
	o-Phosphoric acid, *liquid*	8	UN 1805	Corrosive	III	1,2	1,2	Glass carboys in hampers prohibited under deck. Keep dry
	o-Phosphoric acid, *solid*	8	UN 1805	Corrosive	III	1,2	1,2	
	Phosphoric anhydride. *See* Phosphorus pentoxide							
	Phosphorous bromide. *See* Phosphorus tribromide							
	Phosphorous chloride. *See* Phosphorus trichloride							
•	Phosphorus, amorphous	4.1	UN 1338	Flammable Solid	III	1,2	1,2	
	Phosphorus heptasulphide, *free from yellow or white phosphorus*	4.1	UN 1339	Flammable Solid	II	1,2	1	Stow 'separated from' oxidizing substances
•	Phosphorus oxybromide, molten	8	UN 2576	Corrosive	II	1	1	Keep dry
•	Phosphorus oxybromide, solid	8	UN 1939	Corrosive	II	1	1	Keep cool and dry
•	Phosphorus oxychloride	8	UN 1810	Corrosive	II	1	1	Keep dry
	Phosphorus oxychloride. *See* Phosphoryl chloride							
•	Phosphorus pentabromide	8	UN 2691	Corrosive	II	1,3	1	Keep cool and dry

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Phosphorus pentachloride	8	UN 1806	Corrosive	II	1	1	Keep dry
	Phosphorus pentafluoride	2.3	UN 2198	Poison Gas	--	1	5	Stow 'away from' living quarters
	Phosphorus pentasulphide, *free from yellow or white phosphorus*	4.1	UN 1340	Flammable Solid	II	1,2	1,2	Stow 'separated from' oxidizing substances
	Phosphorus pentoxide	8	UN 1807	Corrosive	II	1,2	1,2	Glass bottles prohibited under deck
	Phosphorus sesquisulphide, *free from yellow or white phosphorus*	4.1	UN 1341	Flammable Solid	II	1,2	1	Stow 'separated from' oxidizing substances
	Phosphorus tribromide	8	UN 1808	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Phosphorus trichloride	8	UN 1809	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Phosphorus trifluoride	2.3	(UN 1955)	Poison Gas	--	1	5	Stow 'away from' living quarters
•	Phosphorus trioxide	8	UN 2578	Corrosive	III	1,3	1,3	Keep cool and dry
	Phosphorus trisulphide, *free from yellow or white phosphorus*	4.1	UN 1343	Flammable Solid	II	1,2	1	Stow 'separated from' oxidizing substances
	Phosphorus white, molten	4.2	UN 2447	Spontaneously Combustible	I	1	5	
	Phosphorus, *white or yellow, dry*	4.2	UN 1381	Spontaneously Combustible	I	1,2	5	
	Phosphorus, *white or yellow, in water*	4.2	UN 1381	Spontaneously Combustible	I	1,2	5	
N	Photo-flash powder *in units*	1.1G	UN 0094	Explosive (1.1G)	--	--	--	
N	Photo-flash powder *in units*	1.2G	UN 0096	Explosive (1.2G)	--	--	--	
N	Photo-flash powder *in units*	1.3G	UN 0305	Explosive (1.3G)	--	--	--	
•	Phthalic anhydride, *solid or molten*	8	UN 2214	None. Package to be marked 'Class 8'	III	1,2	1,2	Stow 'away from' foodstuffs
•	Phthalimide derivative pesticides, *liquid*, n.o.s.	6.1	UN 2773	Poison	I	1	1	
		6.1	UN 2773	Poison	II	1,2	1	
		6.1	UN 2773	St. Andrews Cross	III	1,2	1,2	
•	Phthalimide derivative pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2773	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2773	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2773	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Phthalimide derivative pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2774	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Phthalimide derivative pesticides, *solid*, n.o.s.	6.1	UN 2773	Poison	I/II	1,2	1,2	
		6.1	UN 2773	St. Andrews Cross	III	1,2	1,2	
	Picolines	3.3	UN 2313	Flammable Liquid	II	1,2	1,2	
•	Picric acid, wetted *with, by weight, at least 10% water*	4.1	UN 1344	Flammable Solid	I	1	5	Stow 'away from' heavy metals and their compounds
•	Picric acid, wetted *with, by weight, at least 30% water*	4.1	UN 1344	Flammable Solid	I	1,2	5	Stow 'away from' heavy metals and their compounds
•	Pinane hydroperoxide. *See* 2,6,6-Trimethyl norpinanyl hydroperoxide, *technical pure*				--	--	--	
	alpha-Pinene	3.3	UN 2368	Flammable Liquid	III	1,2	1,2	
	Pine oil	3.3	UN 1272	Flammable Liquid	III	1,2	1,2	
•	Piperazine	8	UN 2579	Corrosive	III	1,3	1,3	Keep cool and dry
	Piperidine	3.2	UN 2401	Flammable Liquid	II	1,2	1	Keep dry
	Plastics moulding materials *evolving flammable vapours*	9	UN 2211	None	III	1,2	1,2	
	Plastics, *(spontaneously combustible)*, n.o.s.	4.2	UN 2006	Spontaneously Combustible	III	1	5	
	Poisonous liquids, n.o.s.	6.1	UN 2810	Poison	I/II	1,2	1	
		6.1	UN 2810	St. Andrews Cross	III	1,2	1,2	
	Poisonous solids, n.o.s.	6.1	UN 2811	Poison	I/II	1,2	1	
		6.1	UN 2811	St. Andrews Cross	III	1,2	1,2	
	Polishes. *See* Paints, *etc.*							
	Polishing fluid. *See* Flammable liquid preparations, n.o.s							
•	Polychlorinated biphenyls	9	UN 2315	None	II	1,2	1,2	Stow in a recoverable position. Stow 'away from' foodstuffs
	Polystyrene beads, *expandable, containing flammable liquid. See* Plastics moulding materials							
	Potassium arsenate	6.1	UN 1677	Poison	II	1,2	1,2	
	Potassium arsenite	6.1	UN 1678	Poison	II	1,2	1,2	
	Potassium bifluoride, *solid*	8	UN 1811	Corrosive	II	1,2	1,2	Keep dry
	Potassium bifluoride, *solution*	8	UN 1811	Corrosive	II	1,2	1,2	
	Potassium borohydride	4.3	UN 1870	Dangerous When Wet	I	1,2	5	
	Potassium bromate	5.1	UN 1484	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and 'away from' powdered metals
	Potassium chlorate	5.1	UN 1485	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and 'away from' powdered metals
	Potassium chlorate, *aqueous solution*	5.1	UN 2427	Oxidizer	II	1,2	1	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Potassium cuprocyanide	6.1	UN 1679	Poison	II	1,2	1,2	Stow 'away from' acids
	Potassium cyanide	6.1	UN 1680	Poison	I	1,2	1,2	Stow 'away from' acids
•	Potassium fluoride	6.1	UN 1812	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
•	Potassium fluoroacetate	6.1	UN 2628	Poison	I	1,2	5	Stow 'away from' living quarters

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Potassium hydrogen fluoride. *See* Potassium bifluoride, *solution*							
•	Potassium hydrogen sulphate	8	UN 2509	Corrosive	II	1.2	1.2	Stow 'away from' strong alkalis
•	Potassium hydrosulphite	4.2	UN 1929	Spontaneously Combustible	II	1.2	5	Keep dry
	Potassium hydroxide, *solid*	8	UN 1813	Corrosive	II	1.2	1.2	Keep dry
	Potassium hydroxide, *solution*	8	UN 1814	Corrosive	II	1.2	1.2	
	Potassium hypochlorite, *solution*. *See* Hypochlorite, *solutions, etc*							
	Potassium metal	4.2	UN 2257	Spontaneously Combustible	II	1.2	5	
	Potassium, metal alloys	4.3	UN 1420	Dangerous When Wet	II	1.2	5	
•	Potassium metavanadate	6.1	UN 2864	Poison	II	1.2	1.2	Stow 'away from' living quarters
	Potassium nitrate	5.1	UN 1486	Oxidizer	III	1.2	1.2	
	Potassium nitrate and sodium nitrite, *mixture*	5.1	UN 1487	Oxidizer	II	1.2	1.2	Stow 'separated from' ammonium compounds and cyanides, and 'away from' foodstuffs
	Potassium nitrate bags, *empty*. *See* Bags, *empty and unwashed, etc*							
	Potassium nitrite	5.1	UN 1488	Oxidizer	II	1.2	1.2	Stow 'separated from' ammonium compounds and cyanides, and 'away from' foodstuffs
	Potassium oxide	8	UN 2033	Corrosive	II	1.2	1.2	Keep dry
	Potassium perchlorate	5.1	UN 1489	Oxidizer	II	1.2	1.2	Stow 'away from powdered metals
	Potassium permanganate	5.1	UN 1490	Oxidizer	II	1.2	1.2	Stow 'separated from' ammonium compounds and hydrogen peroxide
	Potassium peroxide	5.1	UN 1491	Oxidizer	I	1.2	1.2	Keep dry
	Potassium persulphate	5.1	UN 1492	Oxidizer	III	1.2	1.2	
	Potassium phosphide	4.3	UN 2012	Dangerous When Wet, Poison	I	1	5	
N	Potassium salts of nitro-aromatic derivatives, *explosive*	1.3C	UN 0158	Explosive (1.3C)	--	--	--	
•	Potassium silicofluoride	6.1	UN 2655	St. Andrews Cross	III	1.2	1.2	Stow 'away from' acids
	Potassium-sodium, *alloy*	4.3	UN 1422	Dangerous When Wet	I	1.2	5	
•	Potassium sulphide, anhydrous *or containing less than 30% water of crystallization*	4.2	UN 1382	Spontaneously Combustible	II	1.2	1.2	Stow 'separated from' liquid acids
	Potassium sulphide, *hydrated, containing not less than 30% water of crystallization*	8	UN 1847	Corrosive	II	1.2	1.2	Stow 'separated from' explosives and acids
	Potassium superoxide	5.1	UN 2466	Oxidizer	I	1.2	1	Keep dry. Stow 'away from' combustible materials including packaging of other cargo
N	Powder paste, *containing, by weight, at least 35% water*	1.3C	UN 0159	Explosive (1.3C)	--	--	--	
N	Powder, smokeless	1.1C	UN 0160	Explosive (1.1C)	--	--	--	
N	Powder, smokeless	1.3C	UN 0161	Explosive (1.3C)	--	--	--	
	Primers, cap type	1.4B	UN 0378	Explosive (1.4B)	--	1.3	1.3	
	Primers, cap type	1.4S	UN 0044	None. Package to be marked '1.4S'	--	1.3	1.3	
N	Primers, cap type	1.1B	UN 0377	Explosive (1.1B)	--	--	--	
	Primers, tubular	1.4G	UN 0320	Explosive (1.4G)	--	1.3	1.3	
	Primers, tubular	1.4S	UN 0376	None. Package to be marked '1.4S'	--	1.3	1.3	
N	Primers, tubular	1.3G	UN 0319	Explosive (1.3G)	--	--	--	
	Projectiles, *inert, with tracer*	1.4 S	UN 0345	None. Package to be marked '1.4 S'	--	1.3	1.3	
N	Projectiles, *with burster or expelling charge*	1.2D	UN 0346	Explosive (1.2D)	--	--	--	
N	Projectiles, *with burster or expelling charge*	1.4D	UN 0347	Explosive (1.4D)	--	--	--	
N	Projectiles, *with bursting charge*	1.1D	UN 0168	Explosive (1.1D)	--	--	--	
N	Projectiles, *with bursting charge*	1.2D	UN 0169	Explosive (1.2D)	--	--	--	
N	Projectiles, *with bursting charge*	1.4D	UN 0344	Explosive (1.4D)	--	--	--	
N	Projectiles, *with bursting charge*	1.1F	UN 0167	Explosive (1.1F)	--	--	--	
N	Projectiles, *with bursting charge*	1.2F	UN 0324	Explosive (1.2F)	--	--	--	
	Propane	2.1	UN 1978	Flammable Gas	--	1.2	1	Stow 'away from' living quarters
	Propanethiols	3.1	UN 2402	Flammable Liquid	II	1.3	5	Keep cool and dry. Stow 'away from' foodstuffs and all odor absorbing cargo.
		3.2	UN 2402	Flammable Liquid	II	1.3	1	Keep cool and dry. Stow 'away from' foodstuffs and all odor absorbing cargo
	Propanol	3.2	UN 1274	Flammable Liquid	II	1.2	1	
	Propionaldehyde	3.2	UN 1275	Flammable Liquid	II	1.2	1	
•	Propionic acid, *solution containing not less than 80% acid*	8	UN 1848	Corrosive, Flammable Liquid (only if flashpoint below 61 deg C)	III	1.2	1.2	Stow 'separated by a complete compartment or hold from' organic peroxides, and 'separated longitudinally by and intervening complete compartment or hold from' explosives. If flashpoint below 61 deg C, segregation same as for flammable liquids
	Propionic anhydride	8	UN 2496	Corrosive	III	1.2	1.2	Keep dry. Glass carboys prohibited on passenger vessels
	Propionitrile	3.2	UN 2404	Flammable Liquid, Poison	II	1.3	5	Keep cool
•	Propionyl chloride	3.2	UN 1815	Flammable Liquid, Corrosive	II	1.2	1	
	n-Propyl acetate	3.2	UN 1276	Flammable Liquid	II	1.2	1	
	sec-Propyl alcohol. *See* Isopropanol							
	n-Propyl alcohol. *See* Propanol							
	Propylamine. *See* Monopropylamine							
	Propyl benzene	3.3	UN 2364	Flammable Liquid	II	1.2	1.2	
	Propyl chloride	3.1	UN 1278	Flammable Liquid	II	1.3	5	Keep cool

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	n-Propyl chloroformate	3.3	UN 2740	Flammable Liquid, Poison, Corrosive	I	1,2	1,2	
	Propylene	2.1	UN 1077	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
•	Propylene chlorohydrin	6.1	UN 2611	Poison, Flammable Liquid	II	1,3	1,3	Keep cool. Shade from radiant heat. Segregation same as for flammable liquids
	Propylene diamine	3.3	UN 2258	Flammable Liquid, Corrosive	II	1,2	1,2	
	Propylenediamine	3.2	UN 2258	Flammable Liquid, Corrosive	II	1,2	1	
	Propylene dichloride	3.2	UN 1279	Flammable Liquid	II	1,2	1	
	Propyleneimine, *inhibited*	3.2	UN 1921	Flammable Liquid	I	1,2	1	
	Propylene oxide, *inhibited*	3.1	UN 1280	Flammable Liquid	I	1,3	5	Keep cool
	Propyl formates	3.2	UN 1281	Flammable Liquid	II	1,2	1	
	n-Propyl isocyanate	3.2	UN 2482	Flammable Liquid, Poison	I	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	Propyl mercaptan	3.1	UN 2704	Flammable Liquid	II	1,3	5	Keep cool and dry. Stow 'away from' foodstuffs and all odor absorbing cargo
		3.2	UN 2704	Flammable Liquid	II	1,3	1	Keep cool and dry. Stow 'away from' foodstuffs and all odor absorbing cargo
	n-Propyl nitrate	3.2	UN 1865	Flammable Liquid	II	1,2	1	
•	Propyl trichlorosilane	8	UN 1816	Corrosive, Flammable Liquid	II	1	1	Keep dry. Stow 'separated longitudinally by an intervening compartment or hold from' explosives. Segregation same as for flammable liquids
	Pyridine	3.2	UN 1282	Flammable Liquid, Poison	II	1,2	1	
•	Pyrophoric fuel, n.o.s	4.2	UN 1375	Spontaneously Combustible	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1.4, Compatibility Group S)
•	Pyrophoric liquids, n.o.s	4.2	UN 2845	Spontaneously Combustible	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1.4, Compatibility Group S)
•	Pyrophoric metals, n.o.s. *or* Pyrophoric alloys, n.o.s.	4.2	UN 1383	Spontaneously Combustible	II	1	5	
	Pyrosulphuryl chloride	8	UN 1817	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Pyroxylin. *See* Nitrocellulose							
	Pyrrolidine	3.2	UN 1922	Flammable Liquid	II	1,2	1	
•	Quinoline	6.1	UN 2656	St. Andrews Cross, Flammable Liquid (only if flashpoint below 61 deg C)	III	1,3	1,3	Keep cool. Shade from radiant heat. If flashpoint below 61 deg C, segregation same as for flammable liquids
	Rags, *oily*	4.2	UN 1856	Spontaneously Combustible	III	1,2	1,2	Keep dry
	Rare gases, *mixtures*	2.2	UN 1979	Nonflammable Gas	--	1,2	1,2	
	Rare gases, *mixtures with* nitrogen	2.2	UN 1981	Nonflammable Gas	--	1,2	1,2	
	Rare gases, *mixtures with* oxygen	2.2	UN 1980	Nonflammable Gas	--	1,2	1,2	
	Receptacles, *small, containing flammable compressed gas, not fitted with a dispersion device, not refillable*	2.1	UN 2037	Flammable Gas	--			
	Reducing liquid. *See* Flammable liquid preparation, n.o.s							
N	Refrigerant gases, n.o.s.	2.1	UN 1078	Flammable Gas	--	1	1	
	Refrigerant gases, n.o.s.	2.2	UN 1078	Nonflammable Gas	--	1,2	1,2	
	Release devices, explosive	1.4 S	UN 0173	None. Package to be marked '1.4 S'	--	1,3	1,3	
	Removing liquid. *See* Flammable liquid preparations, n.o.s							
•	Resin solution *in flammable liquid*	3.2	UN 1866	Flammable Liquid	II	1,2	1	
		3.3	UN 2868	Flammable Liquid	III	1,2	1,2	
•	Resorcinol	6.1	UN 2876	St. Andrews Cross	III	1,2	1,2	
	Rivets, explosive	1.4 S	UN 0174	None. Package to be marked '1.4 S'	--	1,3	1,3	
	Road asphalt, *liquid, tars or oil. See* Cut-backs, *asphalt or bitumen*							
N	Rocket motors	1.1C	UN 0280	Explosive (1.1C)	--	--	--	
N	Rocket motors	1.2C	UN 0281	Explosive (1.2C)	--	--	--	
N	Rocket motors	1.3C	UN 0186	Explosive (1.3C)	--	--	--	
N	Rocket motors, *containing hypergolic liquids, with or without expelling charge*	1.2L	UN 0322	Explosive (1.2L)	--	--	--	
N	Rocket motors, *containing hypergolic liquids, with or without expelling charge*	1.3L	UN 0250	Explosive (1.3L)	--	--	--	
•N	Rocket motors, liquid fueled	1.2J	UN 0395	Explosive (1.2J)	--	--	--	
•N	Rocket motors, liquid fueled	1.3J	UN 0396	Explosive (1.3J)	--	--	--	
N	Rockets, line throwing	1.2G	UN 0238	Explosive (1.2G)	--	--	--	
N	Rockets, line throwing	1.3G	UN 0240	Explosive (1.3G)	--	--	--	
•N	Rockets, liquid fueled, *with bursting charge*	1.1J	UN 0397	Explosive (1.1J)	--	--	--	
•N	Rockets, liquid fueled, *with bursting charge*	1.2J	UN 0398	Explosive (1.2J)	--	--	--	
N	Rockets, *with bursting charge*	1.1E	UN 0181	Explosive (1.1E)	--	--	--	
N	Rockets, *with bursting charge*	1.2E	UN 0182	Explosive (1.2E)	--	--	--	
N	Rockets, *with bursting charge*	1.1F	UN 0180	Explosive (1.1F)	--	--	--	
N	Rockets, *with bursting charge*	1.2F	UN 0295	Explosive (1.2F)	--	--	--	
N	Rockets, *with inert head*	1.3C	UN 0183	Explosive (1.3C)	--	--	--	
•	Rodenticides, *liquid*, n.o.s.	6.1	UN 1681	Poison	I	1	1	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
		6.1	UN 1681	Poison	II	1,2	1	
		6.1	UN 1681	St. Andrews Cross	III	1,2	1,2	
•	Rodenticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 1681	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 1681	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 1681	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Rodenticides, *solid*, n.o.s.	6.1	UN 1681	Poison	I/II	1,2	1,2	
		6.1	UN 1681	St. Andrews Cross	III	1,2	1,2	
	Rosin oil	3.2	UN 1286	Flammable Liquid	III	1,2	1	
		3.3	UN 1286	Flammable Liquid	III	1,2	1,2	
	R 22. See Chlorodifluoromethane							
	R 12. See Dichlorodifluoromethane							
	Rubber scrap, *powdered or granulated*	4.1	UN 1345	Flammable Solid	II	1,2	1,2	
	Rubber shoddy. *See* Rubber scrap							
	Rubber solution	3.2	UN 1287	Flammable Liquid	II	1,2	1	
		3.3	UN 1287	Flammable Liquid	II	1,2	1,2	
•	Rubidium hydroxide, solid	8	UN 2678	Corrosive	II	1,2	1,2	Keep dry
•	Rubidium hydroxide, solution	8	UN 2677	Corrosive	II	1,2	1,2	
	Rubidium, *(metal)*	4.3	UN 1423	Dangerous When Wet	I	1,2	5	
N	Samples, explosive substance, *other than primary explosives*	1	UN 0190	None	–	–	–	
	Sand acid. *See* Fluosilicic acid							
	Seed cake, *containing vegetable oil, mechanically expelled seeds, containing more than 10% of oil or more than 20% of oil and moisture combined*	4.2	UN 1386	None. Package to be marked 'Class 4.2'	III	1,2	5	
	Seed cake, *containing vegetable oil, solvent extractions and expelled seeds, containing not more than 10% of oil and, when the amount of moisture is higher than 10%, not more than 20% of oil and moisture combined*	4.2	UN 1386	None. Package to be marked 'Class 4.2'	III	1,2	1,2	
	Seed cake, *containing vegetable oil, solvent extractions containing not more than 1.5% of oil and 11% of moisture*	4.2	UN 2217	None. Package to be marked 'Class 4.2'	III	1,2	1,2	
•	Selenates, n.o.s. *or* Selenites, n.o.s.	6.1	UN 2630	Poison	I	1,2	5	Stow 'away from' living quarters
	Selenic acid	8	UN 1905	Corrosive	I	1,2	1,2	Keep dry
•	Selenium disulphide	6.1	UN 2657	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Selenium hexafluoride	2.3	UN 2194	Poison Gas	–	1	5	Stow 'away from' living quarters
•	Selenium *metal* powder, *non-pyrophoric*	6.1	UN 2658	St. Andrews Cross	III	1,2	1,2	
•	Selenium oxychloride	8	UN 2879	Corrosive, Poison	I	1,2	5	Keep dry
	Shale oil	3.2	UN 1288	Flammable Liquid	II	1,2	1	
		3.3	UN 1288	Flammable Liquid	II	1,2	1,2	
	Shellac. *See* Paints, *etc.*							
	Signal devices, hand	1.4S	UN 0373	None. Package to be marked '1.4S'	–	1,3	1,3	
	Signal devices, hand	1.4 G	UN 0191	Explosive (1.4G)	–	1,3	1,3	
N	Signals, distress, *ship (other than water-activated)*	1.1G	UN 0194	Explosive (1.1G)	–	–	–	
N	Signals, distress, *ship (other than water-activated)*	1.3G	UN 0195	Explosive (1.3G)	–	–	–	
N	Signals, railway track, explosive	1.1G	UN 0192	Explosive (1.1G)	–	–	–	
N	Signals, railway track, explosive	1.4S	UN 0193	None. Package to be marked '1.4S'	–	–	–	
N	Signals, smoke, *with explosive sound unit*	1.1G	UN 0196	Explosive (1.1G)	–	–	–	
N	Signals, smoke, *with explosive sound unit*	1.2G	UN 0313	Explosive (1.2G)	–	–	–	
	Signals, smoke, *without explosive sound unit*	1.4 G	UN 0197	Explosive (1.4G)	–	1,3	1,3	
	Silane	2.3	UN 2203	Poison Gas, Flammable Gas	–	1	5	Shade from radiant heat. Stow 'away from' living quarters, 'separated from' oxidizers
	Silicofluoric acid. *See* Fluosilicic acid							
•	Silicofluorides, n.o.s.	6.1	UN 2856	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
	Silicon chloride. *See* Silicon tetrachloride							
	Silicon powder, *amorphous*	4.1	UN 1346	Flammable Solid	III	1,2	1,2	
	Silicon tetrachloride	8	UN 1818	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Silicon tetrafluoride	2.3	UN 1859	Poison Gas, Corrosive	–	1	5	
	Silver arsenite	6.1	UN 1683	Poison	II	1,2	1,2	
	Silver cyanide	6.1	UN 1684	Poison	II	1,2	1,2	Stow 'away from' strong liquid acids
	Silver nitrate	5.1	UN 1493	Oxidizer	II	1,2	1,2	Stow 'away from' foodstuffs
•	Silver picrate, wetted *with, by weight, at least 30% water*	4.1	UN 1347	Flammable Solid	I	1	5	
	Sisal, dry. See Fibre, *vegetable, dry*							
	Sludge acid	8	UN 1906	Corrosive	II	1,2	1	Stow 'away from' fluorides. Metal drums only under deck
	Soda lime	8	UN 1907	Corrosive	III	1,2	1,2	Keep dry
	Sodium aluminate, *solution*	8	UN 1819	Corrosive	II	1,2	1,2	
	Sodium amalgam	4.3	UN 1424	Dangerous When Wet	I	1,2	1,2	
	Sodium amide	4.3	UN 1425	Dangerous When Wet	II	1,2	5	
•	Sodium ammonium vanadate	6.1	UN 2863	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Sodium arsanilate	6.1	UN 2473	St. Andrews Cross	III	1,2	1,2	
	Sodium arsenate	6.1	UN 1685	Poison	II	1,2	1,2	
•	Sodium arsenite, aqueous solutions	6.1	UN 1686	Poison	I/II	1,2	1,2	
		6.1	UN 1686	St. Andrews Cross	III	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	Sodium arsenite, solid	6.1	UN 2027	Poison	II	1,2	1,2	
	Sodium azide	6.1	UN 1687	Poison	II	1,2	1,2	Stow 'away from' heavy metals and their compounds, 'separated from' acids
	Sodium bisulphate, *solid. See* Sodium hydrogen sulphate							
	Sodium bisulphite, *solution. See* Sodium hydrogen sulphite, *solution*							
	Sodium borohydride	4.3	UN 1426	Dangerous When Wet	I	1,2	5	
	Sodium bromate	5.1	UN 1494	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals, 'separated from' ammonium compounds
	Sodium cacodylate	6.1	UN 1688	Poison	II	1,2	1,2	Stow 'away from' acids
	Sodium chlorate	5.1	UN 1495	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals, 'separated from' ammonium compounds
	Sodium chlorate, *aqueous solution*	5.1	UN 2428	Oxidizer	II	1,2	1	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Sodium chlorite	5.1	UN 1496	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals, 'separated from' ammonium compounds
	Sodium chlorite, *solution containing more than 5% available chlorine*	8	UN 1908	Corrosive	II	1,2	1	Glass carboys in hampers not permitted under deck
•	Sodium chloroacetate	6.1	UN 2659	St. Andrews Cross	III	1,3	1,3	Keep cool and dry
	Sodium cuprocyanide, *solid*	6.1	UN 2316	Poison	I	1,2	1,2	Keep dry. Stow 'separated from' acids
•	Sodium cuprocyanide solution	6.1	UN 2317	Poison	I	1,2	1	Stow 'away from' living quarters and 'separated from' acids
	Sodium cyanide	6.1	UN 1689	Poison	I	1,2	1,2	Stow 'away from' acids
N	Sodium dinitro-o-cresolate, *dry or containing, by weight, less than 15% water*	1.3C	UN 0234	Explosive (1.3C)	--	--	--	
•	Sodium dinitro-o-cresolate, wetted *with, by weight, at least 15% water*	4.1	UN 1348	Flammable Solid, Poison	I	1,2	5	Stow 'away from' heavy metals and their compounds
•	Sodium dinitro-o-cresolate, wetted *with, by weight, at least 10% water*	4.1	UN 1348	Flammable Solid, Poison	I	1	5	Stow 'away from' heavy metals and their compounds
•	Sodium fluoride, solid	6.1	UN 1690	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
•	Sodium fluoride, solution	6.1	UN 1690	Poison	II	1,2	1,2	
•	Sodium fluoroacetate	6.1	UN 2629	Poison	I	1,2	5	Stow 'away from' living quarters
	Sodium hydrate. *See* Sodium hydroxide, *solution*							
	Sodium hydride	4.3	UN 1427	Dangerous When Wet	I	1,2	5	
	Sodium hydrogen fluoride	8	UN 2439	Corrosive	II	1,3	1,3	Keep cool and dry
•	Sodium hydrogen sulphate, solid	8	UN 1821	Corrosive	II	1,2	1,2	
•	Sodium hydrogen sulphate, solution	8	UN 2837	Corrosive	II	1,2	1,2	
	Sodium hydrogen sulphite, *solution*	8	UN 1909	Corrosive	II	1,2	1,2	
•	Sodium hydrosulphide, solid	4.2	UN 2318	Spontaneously Combustible	II	1,2	1,2	
•	Sodium hydrosulphite	4.2	UN 1384	Spontaneously Combustible	II	1,2	1,2	New metal drums only under deck
	Sodium hydroxide, *solid*	8	UN 1823	Corrosive	II	1,2	1,2	Keep dry
	Sodium hydroxide, *solution*	8	UN 1824	Corrosive	II	1,2	1,2	
	Sodium, *(metal)*	4.3	UN 1428	Dangerous When Wet	II	1,2	5	
	Sodium *metal, dispersion in organic liquids*	4.3	UN 1429	Dangerous When Wet	I	1,2	5	
	Sodium methylate	4.3	UN 1431	Dangerous When Wet	I	1,2	1	
	Sodium methylate, *solutions in alcohol*	3.2	UN 1289	Flammable Liquid	II	1,2	1	
		3.3	UN 1289	Flammable Liquid	II	1,2	1,2	
	Sodium monoxide	8	UN 1825	Corrosive	II	1,2	1,2	Keep dry
	Sodium nitrate	5.1	UN 1498	Oxidizer	III	1,2	1,2	
	Sodium nitrate and potash, *mixture*	5.1	UN 1478	Oxidizer	II	1,2	1,2	
	Sodium nitrate and potassium nitrate, *mixtures*	5.1	UN 1499	Oxidizer	III	1,2	1,2	
	Sodium nitrate bags, *empty. See* Bags, *empty and unwashed, etc.*							
	Sodium nitrite	5.1	UN 1500	Oxidizer	II	1,2	1,2	
•	Sodium pentachlorophenate	6.1	UN 2567	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Sodium percarbonates	5.1	UN 2467	Oxidizer	III	1,2	1,2	Keep dry
	Sodium perchlorate	5.1	UN 1502	Oxidizer	II	1,2	1,2	Stow 'away from' foodstuffs, 'separated from' ammonium compounds and cyanides. Paper bags prohibited on passenger vessels
	Sodium permanganate	5.1	UN 1503	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and hydrogen peroxide
	Sodium peroxide	5.1	UN 1504	Oxidizer	I	1,2	1	Keep dry. Stow 'away from' powdered metals, permanganates, and combustible packagings and cargo
	Sodium persulphate	5.1	UN 1505	Oxidizer	III	1,2	1,2	
	Sodium phenolate, *solid*	8	UN 2497	Corrosive	III	1,2	1,2	
	Sodium phosphide	4.3	UN 1432	Dangerous When Wet, Poison	I	1	5	
N	Sodium picramate, *dry or containing, by weight, less than 20% water*	1.3C	UN 0235	Explosive (1.3C)	--	--	--	
•	Sodium picramate, wetted *with, by weight, at least 20% water*	4.1	UN 1349	Flammable Solid	I	1,2	5	Stow 'away from' heavy metals and their compounds
	Sodium-potassium, *alloy. See* Potassium-sodium, *alloy*							
N	Sodium salts of nitro-aromatic derivatives, *explosive*	1.3C	UN 0203	Explosive (1.3C)	--	--	--	
•	Sodium silicofluoride	6.1	UN 2674	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
	Sodium sulphide, *anhydrous or containing less than 30% water of crystallization*	4.2	UN 1385	Spontaneously Combustible	II	1,2	1,2	Stow 'separated from' acids
	Sodium sulphide, *hydrated, containing not less than 30% water of crystallization*	9	UN 1849	None	II	1,2	1,2	Stow 'separated from' explosives and acids

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Sodium superoxide	5.1	UN 2547	Oxidizer	I	1,2	5	Keep dry. Stow 'away from' powdered metals, permanganates and combustible packaging and cargo
	Solvents, *(non-toxic)*, n.o.s.	3.2	UN 1998	Flammable Liquid	II	1,2	1	
	Solvents, *(toxic)*, n.o.s.	3.3	UN 1998	Flammable Liquid	II	1,2	1,2	
		3.2	UN 1997	Flammable Liquid, Poison	II	1,2	1	
		3.3	UN 1997	Flammable Liquid, Poison	II	1,2	1,2	
N	Sounding devices, explosive	1.1E	UN 0374	Explosive (1.1E)	–	–	–	
N	Sounding devices, explosive	1.2E	UN 0375	Explosive (1.2E)	–	–	–	
N	Sounding devices, explosive	1.1F	UN 0296	Explosive (1.1F)	–	–	–	
N	Sounding devices, explosive	1.2F	UN 0204	Explosive (1.2F)	–	–	–	
	Spent mixed acid. See Acid mixtures, *spent*							
	Spirits of salts. *See* Hydrochloric acid							
	Squibs	1.4 S	UN 0206	None. Package to be marked '1.4 S'	–	1,3	1,3	
	Stains. *See* Paints, *etc.*							
	Stannic chloride, *anhydrous*	8	UN 1827	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Stannic chloride pentahydrate	8	UN 2440	Corrosive	III	1,2	1,2	Keep dry
	Stannic phosphides	4.3	UN 1433	Dangerous When Wet	I	1	5	
	Steel swarf. *See* Iron swarf							
	Stibine	2.3	(UN 1953)	Poison Gas, Flammable Gas	–	1	5	Stow 'away from' living quarters
	Straw	4.1	UN 1327	None	III	1,2	1,2	Stow 'away from' animal or vegetable oils
	Strike anywhere matches. *See* Matches, *strike anywhere*							
	Strontium, *alloys, non-pyrophoric*	4.3	UN 1434	Dangerous When Wet	II	1,2	5	
	Strontium arsenite	6.1	UN 1691	Poison	II	1,2	1,2	
	Strontium chlorate	5.1	UN 1506	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals, 'separated from' ammonium compounds
	Strontium nitrate	5.1	UN 1507	Oxidizer	III	1,2	1,2	
	Strontium perchlorate	5.1	UN 1508	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals
	Strontium peroxide	5.1	UN 1509	Oxidizer	II	1,2	1,2	Keep dry
	Strontium phosphide	4.3	UN 2013	Dangerous When Wet, Poison	I	1	5	
	Strontium, powdered. See Pyrophoric metals							
	Styrene monomer, *inhibited*	3.3	UN 2055	Flammable Liquid	II	1,2	1,2	
N	Substances, explosive, n.o.s.	1.1L	UN 0357	Explosive (1.1L)	–	–	–	
N	Substances, explosive, n.o.s.	1.2L	UN 0358	Explosive (1.2L)	–	–	–	
N	Substances, explosive, n.o.s.	1.3L	UN 0359	Explosive (1.3L)	–	–	–	
•	Substituted nitrophenol pesticides, *liquid*, n.o.s.	6.1	UN 2779	Poison	I	1	1	
		6.1	UN 2779	Poison	II	1,2	1	
		6.1	UN 2779	St. Andrews Cross	III	1,2	1,2	
•	Substituted nitrophenol pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2779	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2779	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2779	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Substituted nitrophenol pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2780	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Substituted nitrophenol pesticides, *solid*, n.o.s.	6.1	UN 2779	Poison	I/II	1,2	1,2	
		6.1	UN 2779	St. Andrews Cross	III	1,2	1,2	
•	Succinic acid peroxide. *See* Disuccinic acid peroxide					–	–	
	Sulphides, n.o.s.	4.2	–	Spontaneously Combustible	III	1	5	
	Sulphur chlorides	8	UN 1828	Corrosive	I	1	1	Keep dry. Glass carbons prohibited on passenger vessels
	Sulphur dichloride. See Sulphur chlorides							
•	Sulphur dioxide, *liquefied*	2.3	UN 1079	Poison Gas	–	1,2	5	Stow 'away from' living quarters
	Sulphur hexafluoride	2.2	UN 1080	Nonflammable Gas	–	1,2	1,2	
	Sulphuric acid, *containing more than 51% acid*	8	UN 1830	Corrosive	II	1,2	1	Stow 'away from' fluorides and all other corrosives except nitric acids, sulphur trioxide and other sulphuric acids
	Sulphuric acid, *containing not more than 51% acid*	8	UN 1830	Corrosive	II	1,2	1	Stow 'away from' fluorides. Glass carboys in hampers not permitted under deck
	Sulphuric acid, *fuming*	8	UN 1831	Corrosive	I	1,2	1	Stow 'away from' fluorides and all other corrosives except nitric acids, sulphur trioxide and other sulphuric acids
	Sulphuric acid, *spent*	8	UN 1832	Corrosive	II	1,2	1	Stow 'away from' fluorides. For concentrations of more than 51% acid, stow 'away from' all other corrosives except nitric acids, sulphur trioxide and other sulphuric acids
	Sulphuric and hydrofluoric acid, mixtures. See Acid mixtures, *hydrofluoric and sulphuric*							

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Sulphuric anhydride. *See* Sulphur trioxide, *stabilized*							
	Sulphur, *lump or powder*	4.1	UN 1350	Flammable Solid	III	1,2	1,2	Protect from sparks and open flame. Stow 'separated from' oxidizing substances
	Sulphur, molten	4.1	UN 2448	Flammable Solid	III	1	1	Stow 'separated from' oxidizers, 'away from' living quarters. Protect from sparks and open flame
	Sulphurous acid	8	UN 1833	Corrosive	II	1,2	1	Glass carboys in hampers not permitted under deck
	Sulphur tetrafluoride	2.3	UN 2418	Poison Gas	--	1	5	Stow 'away from' living quarters
	Sulphur trioxide, *stabilized*	8	UN 1829	Corrosive	I	1,2	1,2	Keep dry. Glass bottles not permitted under deck. Stow 'away from' other corrosives except nitric and sulphuric acids
	Sulphuryl chloride	8	UN 1834	Corrosive	I	1	1	Keep dry. Glass carboys prohibited on passenger vessels
•	Sulphuryl fluoride	2.3	UN 2191	Poison Gas	--	1,2	5	Stow 'away from' living quarters
	Tars, *liquid. See* Cut-backs, *asphalt or bitumen*							
	Tear gas candles, *non-explosive*	6.1	UN 1700	Poison	II	1	5	
	Tear gas grenades, *non-explosive. See* Tear gas candles							
	Tear gas, *(irritating substances, liquid or solid)*, n.o.s.	6.1	UN 1693	Poison	I/II	1	5	
		6.1	UN 1693	St. Andrews Cross	III	1	5	
	Tellurium hexafluoride	2.3	UN 2195	Poison Gas	--	1	5	Stow 'away from' living quarters
	T.E.L.. See Motor fuel anti-knock mixtures							
	Terpene hydrocarbons n.o.s.	3.3	UN 2319	Flammable Liquid	III	1,2	1,2	
	Terpinolene	3.3	UN 2541	Flammable Liquid	III	1,2	1,2	
•	Tetrabromoethane	6.1	UN 2504	St. Andrews Cross	III	1,2	1,2	
	1,1,2,2-Tetrachloroethane	6.1	UN 1702	Poison	II	1,2	1,2	
	Tetrachloroethylene	6.1	UN 1897	St. Andrews Cross	III	1,2	1,2	
•	Tetraethyl dithiopyrophosphate, liquid *or* mixtures	6.1	UN 1704	Poison	I/II	1	5	
		6.1	UN 1704	St. Andrews Cross	III	1	5	
•	Tetraethyl dithiopyrophosphate with gases, *including solutions and mixtures thereof*	2.3	UN 1703	Poison Gas	--	1	5	Stow 'away from' living quarters
	Tetraethylenepentamine	8	UN 2320	Corrosive	III	1,2	1,2	Glass carboys prohibited on passenger vessels
	Tetraethyl lead. *See* Motor fuel anti-knock mixtures							
•	Tetraethyl pyrophosphate and compressed gas, *mixture*	2.3	UN 1705	Poison Gas	--	1	5	Stow 'away from' living quarters
	Tetraethyl silicate	3.3	UN 1292	Flammable Liquid	II	1,2	1,2	
	Tetrafluoroethylene, *inhibited*	2.2	UN 1081	Nonflammable Gas	--	1,2	1,2	Stow 'away from' living quarters
	Tetrafluorohydrazine	2.3	(UN 1955)	Poison Gas	--	11	5	Stow 'away from' living quarters and readily combustible substances, 'separated from' hydrogen
	Tetrafluoromethane	2.2	UN 1982	Nonflammable Gas	--	1,2	1,2	
	1,2,3,6-Tetrahydrobenzaldehyde	3.3	UN 2498	Flammable Liquid	III	1,2	1,2	
	Tetrahydrofuran	3.1	UN 2056	Flammable Liquid	II	1,3	5	Keep cool
•	Tetrahydrophthalic anhydrides	8	UN 2698	None. Package to be as marked 'Class 8'	III	1,2	1,2	Keep dry
	1,2,3,6-Tetrahydropyridine	3.2	UN 2410	Flammable Liquid	II	1,2	1	
	Tetrahydrothiophene	3.2	UN 2412	Flammable Liquid	II	1,2	1	
	Tetralin hydroperoxide, *technical pure*	5.2	UN 2136	Organic Peroxide	I	1	5	
	Tetramethylammonium hydroxide	8	UN 1835	Corrosive	II	1,2	1,2	
	1,1,3,3-Tetramethyl butyl hydroperoxide, *technical pure*	5.2	UN 2160	Organic Peroxide	II	1	5	
•	1,1,3,3-Tetramethyl butyl peroxy-2-ethyl hexanoate, *technical pure*	5.2	UN 2161	Organic Peroxide	I	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
	Tetramethylsilane	3.1	UN 2749	Flammable Liquid	I	1	5	Keep cool. Shade from radiant heat
N	Tetranitro-aniline	1.1D	UN 0207	Explosive (1.1D)	--	--	--	
	Tetranitromethane	5.1	UN 1510	Oxidizer	I	1	5	Shade from radiant heat. Stow 'away from' foodstuffs
•	Tetrapropyl-o-titanate	3.3	UN 2413	Flammable Liquid	II	1,2	1,2	
•N	Tetrazol-1-acetic acid	1.4C	UN 0407	Explosive (1.4C)	--	--	--	
	Textile waste, *(wet)*, n.o.s.	4.2	UN 1857	Spontaneously Combustible	III	1,2	1,2	
•	Thallium chlorate	5.1	UN 2573	Oxidizer, Poison	II	1,2	1,2	Stow 'separated from' ammonium compounds and foodstuffs and 'away from' finely powdered metals
•	Thallium compounds, n.o.s.	6.1	UN 1707	Poison	II	1,2	1,2	
•	Thallium nitrate	6.1	UN 2727	Poison	II	1,2	1,2	Stow 'away from' living quarters
•	4-Thiapentenal	6.1	UN 2785	St. Andrews Cross, Flammable Liquid (only if flashpoint below 61 deg C)	III	1	5	Segregation same as for flammable liquids if flashpoint below 61 deg C. Shade from radiant heat and sunlight. Stow 'away from' living quarters, acids and bases
	Thinners. *See* Paints, *etc.*							
	Thinning liquid. *See* Flammable liquid preparations, n.o.s.							
	Thioacetic acid	3.2	UN 2436	Flammable Liquid	II	1,2	1	
	Thiocarbonyl chloride. See Thiophosgene							
	Thioglycolic acid	8	UN 1940	Corrosive	II	1,2	1,2	Glass carboys in hampers prohibited under deck
	Thionyl chloride	8	UN 1836	Corrosive	I	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Thiophene	3.2	UN 2414	Flammable Liquid	II	1,2	1	
•	Thiophosgene	6.1	UN 2474	Poison	II	1,2	1	Stow 'away from' acids and living quarters

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Thiophosphoryl chloride	8	UN 1837	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
•	Thiourea	6.1	UN 2877	St. Andrews Cross	III	1,2	1,2	
	Tin chloride, *fuming*. *See* Stannic chloride, *anhydrous*							
	Tinctures, *medicinal*	3.2	UN 1293	Flammable Liquid	III	1,2	1	
	Tin tetrachloride. *See* Stannic chloride, *anhydrous*							
	Titanium hydride	4.1	UN 1871	Flammable Solid	II	1,2	5	
•	Titanium *metal* powder, dry	4.2	UN 2546	Spontaneously Combustible	III	1,2	5	
•	Titanium *metal* powder, wetted *with not less than 25% water (a visible excess of water must be present)*	4.1	UN 1352	Flammable Solid	II	1,2	5	
	Titanium tetrachloride	8	UN 1838	Corrosive	III	1	1	Keep dry. Glass carboys prohibited on passenger vessels
•	Titanium trichloride mixtures, *non-pyrophoric*	8	UN 2869	Corrosive	II	1,2	1,2	Keep dry
•	Titanium trichloride, pyrophoric *or* Titanium trichloride mixtures, pyrophoric	4.2	UN 2441	Spontaneously Combustible, Corrosive	II	1,2	1,2	
	Toe puffs, *nitrocellulose base*	4.1	UN 1353	Flammable Solid	III	1	5	
	Toluene	3.2	UN 1294	Flammable Liquid	II	1,2	1	
	Toluene diisocyanate *(T.D.I.)*	6.1	UN 2078	Poison	III	1,3	1,3	Shade from radiant heat. Stow 'away from' living quarters and sources of heat
	Toluidines *(o-, m-, p-)*	6.1	UN 1708	Poison	II	1,2	1,2	Stow 'away from' acids
	2,4-Toluylenediamine	6.1	UN 1709	St. Andrews Cross	III	1,2	1,2	
N	Torpedoes, *with bursting charge*	1.1E	UN 0329	Explosive (1.1E)	--	--	--	
N	Torpedoes, *with bursting charge*	1.1F	UN 0330	Explosive (1.1F)	--	--	--	
	Tracers for ammunition	1.4 G	UN 0306	Explosive (1.4G)	--	1,3	1,3	
N	Tracers for ammunition	1.3G	UN 0212	Explosive (1.3G)	--	--	--	
	Triallylamine	3.3	UN 2610	Flammable Liquid	II	1,2	1,2	
•	Triallyl borate	6.1	UN 2609	St. Andrews Cross, Flammable Liquid (only if flashpoint below 61 deg C)	III	1,3	1,3	Keep cool and dry. Shade from radiant heat. If flashpoint below 61 deg C, segregation same as for flammable liquids
•	Triazine pesticides, *liquid*, n.o.s.	6.1	UN 2763	Poison	I	1	1	
		6.1	UN 2763	Poison	II	1,2	1	
		6.1	UN 2763	St. Andrews Cross	III	1,2	1,2	
•	Triazine pesticides, *liquid*, n.o.s., *flashpoint between 23 deg C and 61 deg C*	6.1	UN 2763	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2763	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2763	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
•	Triazine pesticides, n.o.s., *flashpoint below 23 deg C*	3.2	UN 2764	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
•	Triazine pesticides, *solid*, n.o.s.	6.1	UN 2763	Poison	I/II	1,2	1,2	
		6.1	UN 2763	St. Andrews Cross	III	12	1,2	
	Tributylamine	8	UN 2542	Corrosive	III	1,2	1,2	
•	Trichloroacetic acid, solid	8	UN 1839	Corrosive	II	1,2	1,2	Keep dry
	Trichloroacetic acid, *solutions*	8	UN 2564	Corrosive	II	1,2	1	Glass carboys in hampers prohibited under deck
	Trichloroacetyl chloride	8	UN 2442	Corrosive	II	1	5	Keep dry
•	Trichlorobenzenes, *liquid*	6.1	UN 2321	St. Andrews Cross	III	1,2	1,2	Stow 'away from' living quarters
•	Trichlorobutene	6.1	UN 2322	Poison	II	1,2	1,2	Shade from radiant heat. Stow 'away from' living quarters
•	1,1,1,-Trichloroethane	6.1	UN 2831	St. Andrews Cross	III	1,2	1,2	
	Trichloroethylene	6.1	UN 1710	St. Andrews Cross	III	1,2	1,2	
	Trichloroisocyanuric acid, *dry*	5.1	UN 2468	Oxidizer	II	1,2	1,2	Shade from radiant heat. Keep dry. Stow 'separated from' nitrogen compounds
	Trichlorosilane	4.3	UN 1295	Dangerous When Wet, Flammable Liquid	I	1	5	
	Tricresylphosphate, *with more than 3% ortho isomer*	6.1	UN 2574	Poison	II	1,2	1,2	
	Triethylaluminium. *See* Aluminium triethyl							
	Triethylamine	3.2	UN 1296	Flammable Liquid	II	1,2	1	
•	Triethylenediamine	8	UN 2675	Corrosive	III	1,2	1,2	
	Triethylenetetramine	8	UN 2259	Corrosive	II	1,2	1	Stow 'separated from' nitric acid, 'away from' acids, copper and copper alloys and living quarters
	Triethyl phosphite	3.3	UN 2323	Flammable Liquid	III	1,2	1,2	
•	Trifluoroacetic acid	8	UN 2699	Corrosive	I	1,3	1	Keep cool. Stow 'away from' all other corrosives
	Trifluorobromomethane. *See* Bromotrifluoromethane							
•	Trifluorochloroethylene, *inhibited*	2.1	UN 1082	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Trifluorochloromethane. *See* Chlorotrifluoromethane							
	Trifluoroethane	2.1	UN 2035	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Trifluoromethane	2.2	UN 1984	Nonflammable Gas	--	1,2	1,2	
	Triisobutyl aluminium	4.2	UN 1930	Spontaneously Combustible	I	1	1	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Triisobutylene	3.3	UN 2324	Flammable Liquid	II	1,2	1,2	
	Triisopropyl borate	3.3	UN 2616	Flammable Liquid	II	1,2	1,2	
•	Trimethylacetyl chloride	8	UN 2438	Corrosive, Flammable Liquid	II	1	5	Shade from radiant heat. Segregation same as for flammable liquids
	Trimethylaluminium. See Aluminum trimethyl							
	Trimethylamine, *anhydrous*	2.1	UN 1083	Flammable Gas, Poison Gas	·	1	5	Stow 'away from' living quarters
	Trimethylamine, *aqueous solutions containing not more than 30% of trimethylamine*	3.2	UN 1297	Flammable Liquid	II	1,2	1	Stow 'away from' mercury and its compounds
	1,3,5-Trimethylbenzene	3.3	UN 2325	Flammable Liquid	III	1,2	1,2	
	Trimethyl borate	3.1	UN 2416	Flammable Liquid	II	1,3	5	Keep cool
	Trimethylchlorosilane	3.2	UN 1298	Flammable Liquid, Corrosive	I	1,2	1	
	Trimethylcyclohexylamine	8	UN 2326	Corrosive	III	1,2	1,2	Glass carboys prohibited on passenger vessels
•	Trimethylhexamethylene diamines	6.1	UN 2327	Poison	II	1,2	1,2	Glass carboys prohibited on passenger vessels
	Trimethylhexamethylene diisocyanate	6.1	UN 2328	Poison	II	1,2	1	
•	2,6,6-Trimethyl norpinanyl hydroperoxide, *technical pure*	5.2	UN 2162	Organic Peroxide	I	1	5	
	Trimethyl phosphite	3.3	UN 2329	Flammable Liquid	III	1,2	1,2	
N	Trinitro-aniline	1.1D	UN 0153	Explosive (1.1D)	--	--	--	
N	Trinitroanisole	1.1D	UN 0213	Explosive (1.1D)	--	--	--	
•N	Trinitrobenzene, *dry or containing, by weight, less than 30% water*	1.1D	UN 0214	Explosive (1.1D)	--	--	--	
N	Trinitrobenzenesulfonic acid	1.1L	UN 0386	Explosive (1.1L)	--	--	--	
•	Trinitrobenzene, wetted *with, by weight, at least 10% water*	4.1	UN 1354	Flammable Solid	I	1	5	Stow 'away from' heavy metals and their compounds
N	Trinitrobenzoic acid, *dry or containing, by weight, less than 30% water*	1.1D	UN 0215	Explosive (1.1D)	--	--	--	
•	Trinitrobenzoic acid, wetted *with, by weight, at least 10% water*	4.1	UN 1355	Flammable Solid	I	1	5	Stow 'away from' heavy metals and their compounds
N	Trinitrochlorobenzene	1.1D	UN 0155	Explosive (1.1D)	--	--	--	
N	Trinitrofluorenone	1.1D	UN 0387	Explosive (1.1D)	--	--	--	
N	Trinitrometacresol	1.1D	UN 0216	Explosive (1.1D)	--	--	--	
N	Trinitronaphthalene	1.1D	UN 0217	Explosive (1.1D)	--	--	--	
N	Trinitrophenetole	1.1D	UN 0218	Explosive (1.1D)	--	--	--	
N	Trinitrophenol, *dry or containing, by weight, less than 30% water*	1.1D	UN 0154	Explosive (1.1D)	--	--	--	
	Trinitrophenol, wetted. See Picric acid, wetted							
N	Trinitrophenylmethylnitramine	1.1D	UN 0208	Explosive (1.1D)	--	--	--	
N	Trinitroresorcinol, *containing, by weight, not less than 20% water or mixture of alcohol and water*	1.1D	UN 0394	Explosive (1.1D)	--	--	--	
N	Trinitroresorcinol, *dry or containing, by weight, less than 20% water or mixture of alcohol and water*	1.1D	UN 0219	Explosive (1.1D)	--	--	--	
N	Trinitrotoluene, *dry or containing, by weight, less than 30% water*	1.1D	UN 0209	Explosive (1.1D)	--	--	--	
N	Trinitrotoluene *mixed* with hexanitrostilbene	1.1D	UN 0388	Explosive (1.1D)	--	--	--	
N	Trinitrotoluene *mixed* with trinitrobenzene	1.1D	UN 0388	Explosive (1.1D)	--	--	--	
N	Trinitrotoluene *mixed* with trinitrobenzene and hexanitrostilbene	1.1D	UN 0389	Explosive (1.1D)	--	--	--	
•	Trinitrotoluene, wetted *with, by weight, at least 10% water*	4.1	UN 1356	Flammable Solid	I	1	5	Stow 'away from' heavy metals and their compounds
•	Tripropylaluminum	4.2	UN 2718	Spontaneously Combustible	I	1	5	
	Tripropylamine	3.3	UN 2260	Flammable Liquid, Corrosive	II	1,2	1,2	
	Tripropylene	3.2	UN 2057	Flammable Liquid	II	1,2	1	
		3.3	UN 2057	Flammable Liquid	II	1,2	1,2	
•	Tris-(1-aziridinyl)phosphine oxide, solution	6.1	UN 2501	Poison	II	1,2	1,2	Stow 'away from' living quarters
N	Tritonal	1.1D	UN 0390	Explosive (1.1D)	--	--	--	
	Tungsten hexafluoride	2.3	UN 2196	Poison Gas	--	1	5	Stow 'away from' living quarters
	Turpentine	3.3	UN 1299	Flammable Liquid	III	1,2	1,2	
	Turpentine substitute	3.2	UN 1300	Flammable Liquid	II	1,2	1	
		3.3	UN 1300	Flammable Liquid	II	1,2	1,2	
	U D M H. See Dimethylhydrazine, *unsymmetrical*							
	Undecane	3.3	UN 2330	Flammable Liquid	III	1,2	1,2	
	Urea hydrogen peroxide	5.1	UN 1511	Oxidizer	III	1,2	1,2	Keep dry. Shade from radiant heat
N	Urea nitrate, *dry or containing, by weight, less than 20% water*	1.1D	UN 0220	Explosive (1.1D)	--	--	--	
•	Urea nitrate, wetted *with, by weight, at least 10% water*	4.1	UN 1357	Flammable Solid	I	1,2	1,2	
	Valeraldehyde	3.2	UN 2058	Flammable Liquid	II	1,2	1	
	Valeryl chlorides	8	UN 2502	Corrosive	II	1	1	Keep dry
	Vanadium oxitrichloride	8	UN 2443	Corrosive	II	1	1	Keep dry. Stow 'away from' organic compounds
•	Vanadium pentoxide, *non-fused form*	6.1	UN 2862	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Vanadium tetrachloride	8	UN 2444	Corrosive	I	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Vanadium trichloride	8	UN 2475	Corrosive	III	1,2	1,2	Keep dry
•	Vanadium trioxide, *non-fused form*	6.1	UN 2860	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Varnish. *See* Paints, *etc.*							
	Vinyl acetate, *inhibited*	3.2	UN 1301	Flammable Liquid	II	1,2	1	
	Vinyl bromide, *inhibited*	2.1	UN 1085	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Vinyl chloride, *inhibited*	2.1	UN 1086	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Vinyl ethyl ether, *inhibited*	3.1	UN 1302	Flammable Liquid	I	1,3	5	Keep cool

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identification Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements (a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Vinyl fluoride, *inhibited*	2.1	UN 1860	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Vinyl isobutyl ether, *inhibited*	3.2	UN 1304	Flammable Liquid	II	1,2	1	
	Vinyl methyl ether, *inhibited*	2.1	UN 1087	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Vinyl Toluenes *(mixed isomers), inhibited*	3.3	UN 2618	Flammable Liquid	III	1,2	1,2	
	Vinyl trichlorosilane, *inhibited*	3.2	UN 1305	Flammable Liquid, Corrosive	I	1,2	1	
N	Warheads, rocket, *with burster or expelling charge*	1.4D	UN 0370	Explosive (1.4D)	--	--	--	
N	Warheads, rocket, *with burster or expelling charge*	1.4F	UN 0371	Explosive (1.4F)	--	--	--	
N	Warheads, rocket, *with bursting charge*	1.1D	UN 0286	Explosive (1.1D)	--	--	--	
N	Warheads, rocket, *with bursting charge*	1.2D	UN 0287	Explosive (1.2D)	--	--	--	
N	Warheads, rocket, *with bursting charge*	1.1F	UN 0369	Explosive (1.1F)	--	--	--	
N	Warheads, torpedo, *with bursting charge*	1.1D	UN 0221	Explosive (1.1D)	--	--	--	
	White asbestos. *See* Asbestos, white							
	White phosphorus, *dry. See* Phosphorus, *white or yellow, dry*							
	White phosphorus, *wet. See* Phosphorus, *white or yellow, in water*							
	Wood alcohol. See Methanol							
	Wool waste, *wet*	4.2	UN 1387	Spontaneously Combustible	III	1,2	1,2	
	Xenon	2.2	UN 2036	Nonflammable Gas	--	1,2	1,2	
	Xylenes	3.2	UN 1307	Flammable Liquid	II	1,2	1	
		3.3	UN 1307	Flammable Liquid	II	1,2	1,2	
	Xylenols	6.1	UN 2261	Poison	II	1,2	1,2	
	Xylidines	6.1	UN 1711	Poison	II	1,2	1,2	Stow 'away from' acids
	Xylols. See Xylenes							
	Xylyl bromide	6.1	UN 1701	Poison	II	1	5	
	Yellow phosphorus, *dry. See* Phosphorus, *white or yellow, dry*							
	Yellow phosphorus, *wet. See* Phosphorus, *white or yellow, in water*							
	Zinc arsenate and arsenite, *solid mixtures*	6.1	UN 1712	Poison	II	1,2	1,2	
	Zinc ashes	4.3	UN 1435	Dangerous When Wet	III	1,2	1,2	
	Zinc bromate	5.1	UN 2469	Oxidizer	III	1,2	1,2	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Zinc chlorate	5.1	UN 1513	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals, 'separated from' ammonium compounds
	Zinc chloride, *anhydrous*	8	UN 2331	Corrosive	III	1,2	1,2	Keep dry
	Zinc chloride, *solution*	8	UN 1840	Corrosive	III	1,2	1,2	
	Zinc cyanide	6.1	UN 1713	Poison	I	1,2	1,2	Stow 'away from' acids
	Zinc ethyl. See Diethylzinc							
•	Zinc hydrosulphite	9	UN 1931	None	III	1,2	1,2	Keep dry. Stow 'away from' acids
	Zinc nitrate	5.1	UN 1514	Oxidizer	II	1,2	1,2	
	Zinc permanganate	5.1	UN 1515	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and hydrogen peroxide
	Zinc peroxide	5.1	UN 1516	Oxidizer	II	1,2	1,2	Keep dry
•	Zinc phosphide	4.3	UN 1714	Dangerous When Wet, Poison	I	1	5	
	Zinc, *powder or dust, non-pyrophoric*	4.3	UN 1436	Dangerous When Wet	II	1,2	1,2	
	Zinc, *powder or dust, pyrophoric. See* Pyrophoric metals							
•	Zinc resinate	4.1	UN 2714	Flammable Solid	III	1,2	1,2	
•	Zinc silicofluoride	6.1	UN 2855	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
	Zirconium hydride	4.1	UN 1437	Flammable Solid	II	1,2	5	
	Zirconium, *metal, dry, coiled wire, finished metal sheets, strip (thinner than 18 microns)*	4.2	UN 2009	Spontaneously Combustible	III	1	5	
•	Zirconium, *metal,* dry, *finished sheets, strip or coiled wire (thinner than 254 microns but not thinner than 18 microns)*	4.1	UN 2858	Flammable Solid	III	1,2	1,2	
•	Zirconium *metal* powder, dry	4.2	UN 2008	Spontaneously Combustible	II	1	5	
•	Zirconium *metal* powder, wetted *with not less than 25% water (a visible excess of water must be present)*	4.1	UN 1358	Flammable Solid	II	1,2	5	
•	Zirconium nitrate	5.1	UN 2728	Oxidizer	III	1,2	1,2	Shade from radiant heat
N	Zirconium picramate, *dry or containing, by weight, less than 20% water*	1.3C	UN 0236	Explosive (1.3C)	--	--	--	
•	Zirconium picramate, wetted *with, by weight, at least 20% water*	5.1	UN 1517	Oxidizer	I	1	5	Stow 'away from' heavy metals and their salts
	Zirconium, *scrap*	4.2	UN 1932	Spontaneously Combustible	III	1	5	
	Zirconium, *suspended in flammable liquid*	3.1	UN 1308	Flammable Liquid	II	1	5	Keep cool
	Zirconium tetrachloride	8	UN 2503	Corrosive	III	1,2	1,2	Keep dry

BILLING CODE 4910-60-C

Note.—The Materials Transportation Bureau has determined that, since this rule does not impose additional requirements and should have the net result of reducing costs and duplicative regulatory burdens, this document will not result in a "major rule" under the terms of Executive Order 12291, nor is it a "significant regulation" under DOT's regulatory policy and procedures (44 FR 11034). Furthermore, this rule does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on May 20, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-16078 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-60-M

V 46 / 104
JE 1 81
UMI

federal register

Monday
June 1, 1981

Part III

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Fomula Grants for Juvenile Justice

V 4 6 / 1 0 4
J E 1 8 1
UMI

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

28 CFR Part 31

Formula Grants for Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Proposed regulations: request for public comment.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing for public comment proposed regulations to implement the formula grant program authorized by Part B of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by the Juvenile Justice Amendments of 1980 (Pub. L. 96–509, December 8, 1980).

The Juvenile Justice Amendments of 1980 reauthorize and modify the Federal assistance program to State and local governments and private not-for-profit agencies for juvenile justice and deliquency prevention improvements. These proposed regulations implement the statutary changes instituted by the new legislation including the streamlining of state plan requirements, establishing a simple 3-year plan, providing a new requirement for removal of juveniles from adult jails and lock-ups, additional emphasis to the problem of juveniles who commit serious crimes, and a focus on the use of resources to maintain and strengthen the family unit. The proposed regulations detail procedures and requirements for formula grant applications under the revised Act. Additional requirements for grant administration and fund accounting are set forth in the Office of Justice Assistance, Research, and Statistics, Financial and Administrative M 7100.1B, October 31, 1980.

Although the Administration has recommended no budget for fiscal year 1982, the final outcome concerning the future of the program is uncertain. Because the work on these draft regulations has been completed, there is no reason to delay receiving public comment.

DATE: Comments are due on or before July 15, 1981. All comments will be considered in the publication of the final regulations. OJJDP invites comments particularly on § 31.703(h)(4).

ADDRESS: Send all comments to David D. West, Director, Formula Grants and Technical Assistance Division, OJJDP, 633 Indiana Avenue NW., Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: Frank M. Pórpötäge, II, Formula Grants and Technical Assistance Division, OJJDP, 633 Indiana Avenue NW., Washington, D.C. 20531; telephone 202/724–5911.

SUPPLEMENTARY INFORMATION: This announcement does not constitute a "major" rule as defined by Executive Order 12291 because it does not result in: (a) an effect on the economy of $100 million or more, (b) a major increase in any costs or prices, or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

This proposed rule, if promulgated, will not have "significant" economic impact on a substantial number of small "entities", as defined by the Regulatory Flexibility Act (Pub. L. 96–354).

Accordingly, it is proposed to amend 28 CFR Part 31 to read as follows:

PART 31—FORMULA GRANTS

Subpart A—General Provisions

Sec.

31.1 General.
31.2 Purpose of program.
31.3 Statutory authority.
31.4 Research and statistics.
31.5 Submission date.
31.6 Further information.

Subpart B—Eligible Applicants

31.100 General.
31.101 State government.

Subpart C [Reserved]

Subpart D [Reserved]

Subpart E [Reserved]

Subpart F—Additional Requirements

31.500 General.
31.501 Juvenile justice maintenance of effort.
31.502 Audit.
31.503 Civil rights.
31.504 Open meetings and public access to records.

Subpart G [Reserved]

Subpart H—Juvenile Justice

31.700 General.
31.701 Fund availability.
31.702 Applicant state agency.
31.703 Substantive requirements.
31.704 Definitions.

Subpart I—General Conditions and Assurances

31.800 Compliance with statute.
31.801 Compliance with other Federal laws, orders, circulars.
31.802 Application on file.
31.803 Non-discrimination.
31.804 Lobbying.
31.805 Applicability.

Authority: Juvenile Justice and Delinquency Prevention Act of 1974, as amended (42 U.S.C. 5601 et seq.).

Subpart A—General Provisions

§ 31.1 General.

This Part defines eligibility and sets forth requirements for application for and administration of formula grants to State governments authorized by Part B, Subpart I, of the Juvenile Justice and Delinquency Prevention Act. These regulations simplify the application process, reduce paperwork, and emphasize the submission of certifications and assurances, rather than detailed and voluminous applications.

§ 31.2 Purpose of program.

This program allocates monies among the States by formula to undertake juvenile justice improvement efforts in accord with broad statutorily-specified purposes. States and localities have discretion to determine priorities and propose programs and projects based on analysis of their needs and problems.

§ 31.3 Statutory authority.

The statute establishing the Office of Juvenile Justice and Delinquency Prevention and giving authority to make grants for juvenile justice and delinquency prevention improvement programs is the *Juvenile Justice and Delinquency Prevention Act of 1974*, as amended (42 U.S.C. 5601 et seq.). Formula grants are authorized to States which in turn make subgrants for use by State and local public and private agencies in carrying out juvenile justice and delinquency prevention improvement programs. Complete application requirements for this grant program are detailed in Subpart H of this Regulation. In addition to formula grants, the Juvenile Justice and Delinquency Prevention Act authorizes a major national-level categorical grant program called:

Special Emphasis Grants. (Part B, Subpart II, of the Juvenile Justice and Delinquency Prevention Act). These grants provide assistance to public and private agencies for juvenile justice demonstration and improvement programs. Information and application requirements for these related grant program may be be obtained or requested from OJJDP's Special Emphasis Division.

§ 31.4 Research and statistics.

The Juvenile Justice and Delinquency Prevention Act authorizes programs of juvenile justice statistics and research. These programs are administered by the National Institute of Juvenile Justice and Delinquency Prevention (NIJJDP).

§ 31.5 Submission date.

Juvenile Justice Plans for Fiscal Year 1982 shall be submitted to the OJJDP by August 31, 1981.

§ 31.6 Further information.

Persons requesting additional information about OJJDP programs should contact: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531.

Subpart B—Eligible Applicants

§ 31.100 General.

This subpart describes who may apply for formula grants under the Juvenile Justice and Delinquency Prevention Act and the general responsibilities and functions of applicants.

§ 31.101 State government.

All States are eligible to apply for and receive formula grants authorized by the Juvenile Justice and Delinquency Prevention Act. States are defined to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(a) *Establishment of State Criminal Justice Council.* Each state which chooses to apply for a formula grant may establish or designate by law a State Criminal Justice Council. This Council must be subject to the jurisdiction of the State's chief executive. The chief executive of the State shall provide professional, technical and clerical support to the Council to enable it to meet its responsibilities under the Act. (sec. 402(b) of the Justice System Improvement Act and sec. 223(a)(1) of the JJDP Act):

(1) *Membership.* (i) Membership requirements are set forth in Section 402(b)(2) of the Justice System Improvement Act.

(ii) States participating in the formula grant program of the Juvenile Justice and Delinquency Prevention Act, must include on the Council the chairperson and at least two additional citizen members of any advisory group established pursuant to sec. 222(a)(3) of that Act. For purposes of this requirement a citizen member is defined as any person who in not a fulltime government employee or elected official. Any executive committee of the Council must include the same proportion of juvenile justice advisory group members as are included in the total Council membership.

(iii) Individual representatives may fulfill the requirements of more than one functional or geographical area where appropriate to the background and expertise of the individual. Federal representation is prohibited except in the District of Columbia, American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(2) *Council Functions.* The councils have the basic responsibility for supervising the preparation and administration of each State's Juvenile Justice Act plan. An enumeration of Council functions is set forth in sec. 402(b)(1) of the Justice System Improvement Act.

(3) *Assurance.* States must assure that they have on file and available for review a copy of the state law establishing the Council, and a current list of Council membership that includes information adequate to document compliance with Council representation requirements.

(b) *Alternative State Level Administrative Structure.* Pursuant to sec. 261(c) of the JJDP Act, the Administrator, in his discretion, may determine that sufficient funds have not been appropriated for the activities authorized in Part D of Title I of the Onmibus Crime Control and Safe Streets Act of 1968, as amended by the Justice System Improvement Act of 1979, and is authorized to:

(1) Approve any appropriate State agency designated by the Governor of the State involved as sole agency responsible for supervising the preparation and administration of the State Plan submitted under section 223; and

(2) Establish appropriate administrative and supervisory board membership requirements for any such agency designated by the Governor under sub-paragraph (1) above and permit the State Advisory Group appointed under sec. 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor.

(3) *Approval Action by Administrator.* (i) A State that wishes to transfer responsibility of the formula grant program from the CJC to another State agency or to modify the composition of the Supervisory board from that which is currently required by law, or both, must submit a request in writing to the OJJDP Administrator which states the rationale for and intent of the governor to designate an agency other than the CJC to administer the program. This request should be submitted to OJJDP prior to designation.

(ii) In approving or disapproving a governor's designation of an appropriate State agency, the OJJDP Administrator will necessarily consider, on a case-by-case basis, the capacity of the designated agency to administer the juvenile justice program to develop the juvenile justice plan; to process grant applications submitted under the juvenile justice plan; to administer grant awarded under the juvenile justice plan; to monitor and evaluate program and projects; to provide necessary administrative/support services; and to perform such accountability functions as are necessary for the administration of Federal funds generally, such as close-out of grants and audit of funds. In the case of the governor's designation of an operating agency that is a significant (i.e., over 10% of total funds) current or potential recipient or user of formula grant funds to carry out its operational responsibilities, the request must demonstrate that the agency's supervisory board will have full policy making authority, including determinations of proper allocations of funds and grant approval, and will be independent of the administrative structure of the operational agency.

(iii) A State that wishes to establish a supervisory board for the CJC agency or a newly designated State agency which will have a composition different from that which is currently required, may designate the State advisory group to perform that function for the formula grant program. Any other composition change proposal will be reviewed to determine whether a "balanced representation" of juvenile justice interests has been provided.

Subpart C [Reserved]

Subpart D [Reserved]

Subpart E [Reserved]

Subpart F—Additional Requirements

§ 31.500 General.

This subpart sets forth additional requirements under the Justice System Improvement Act (JSIA) of 1979 applicable to formula grant recipients under the JJDP Act of 1974, as amended. Applicants must assure compliance or submit necessary information on these requirements.

§ 31.501 Juvenile justice maintenance of effort.

States must expend at least 19.15 percent of their total annual Part D allocation under the JSIA for juvenile justice and delinquency prevention

related programs and projects. States may expend more than this required minimum at their discretion. States must assure that at a minimum they have allocated 19.15 percent of their JSIA formula grant funds for planning and administrative activities for juvenile justice. Prior OJJDP approval is necessary for any reprogramming of Part D funds out of juvenile justice. OJJDP should be notified of any reprogramming that increases the maintenance of effort level of a specific state.

§ 31.502 Audit.

(a) *Policy.* Pursuant to the JSIA and OMB Circulars A–102 and A–110, as revised, it is OJJDP policy that the audit function is primarily the responsibility of the recipients and subrecipients of Federal funds. Further in accordance with the Act and circulars A–102 and A–110, it is OJJDP policy that:

(1) The State and each of its subgrantees must arrange for and have an audit of its activities. These audits are to determine whether:

(i) Financial operations are conducted properly;

(ii) The financial statements are presented fairly;

(iii) The organization has complied with laws and regulations affecting the expenditure of Federal funds;

(iv) Internal procedures have been established to meet the objectives of federally assisted programs; and

(v) Financial reports to the Federal Government contain accurate and reliable information.

(2) Audits shall be made in accordance with the General Accounting Office Standards for Audit of Governmental Organizations, Programs, Activities and Functions, the Guideline for Financial and Compliance Audits of Federally Assisted Programs, compliance supplements approved by OMB, and generally accepted auditing standards established by the American Institute of Certified Public Accountants.

(3) Audits of the State and each of its subgrantees will be made on an organization-wide basis (entity audits) and not on a grant-by-grant basis.

(4) Audits of the State and each of its subgrantees will usually be made annually, but not less frequently than every two years. Audits will cover the period since the previous audit.

(5) Audit reports, in accordance with GAO reporting standards and applicable requirements in OMB Circulars A–102 and A–110, will be prepared and issued in connection with all audit work. Procedures will be established to ensure the timely and appropriate resolution of the audit findings and recommendations contained in those reports.

The "Financial and Administrative Guide for Grants" Manual, Guideline M 7100.13, Chapter 8, contains a more comprehensive statement of audit policies and requirements relative to grantees and subgrantees.

(b) *Background.* Uniform administrative requirements can be found (contractors, etc.) in OMB Circulars A–102, revised, "Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments" and A–110, revised, "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations—Uniform Administrative Requirements". Attachments G and P of Circular A–102 and Attachment F of Circular A–110 specify the audit responsibilities included in these administrative requirements for grantees, subgrantees and subrecipients. Accordingly, the audit responsibilities of all recipients of funds are those specifically established in the JSIA and the referenced Attachments to OMB Circulars A–102 and A–110.

(c) *Application Requirement.* Regarding the audit responsibilities applicable to the State Council and each of its subgrantees, the following must be submitted as part of the State application.

(1) *State Council.* The application must describe the procedures and controls to ensure that:

(i) An audit is performed of the State Council or alternative state agency in accordance with the requirements of OMB Circular A–102. The application must indicate the organization that will conduct the audit of the Council, the approximate timing of audit performance and completion, the audit coverage to be provided including the period of activity to be included, and the assistance, both programmatic and audit, requested.

(ii) An audit report is issued in connection with the State Council audit and three (3) copies are forwarded to the appropriate Federal cognizant audit agency, where assigned, or the Department of Justice Audit Office if none is assigned.

(iii) There is a timely and appropriate resolution of all audit findings and recommendations contained in the audit report of the State Council.

(2) *State Council Subgrantee Audits.* The State application must describe the policy, procedures and control established by the State Council to ensure each of its subgrantees satisfies the audit requirements. The procedures and controls must include:

(i) Clear notification to all applicants of the audit requirements.

(ii) A mechanism for ensuring that subgrantees explicitly agree to comply with the audit requirements (special or general conditions, specific commitment in the application, etc.).

(iii) A mechanism for determining that subgrantees audits are due or coming due, that necessary audits have been done and that corrective action is appropriately initiated for instances of subgrantees noncompliance with audit responsibilities.

(iv) A control for ensuring that audit reports are prepared upon completion of each subgrantee audit and forwarded to the appropriate Federal cognizant audit agency, where assigned, or to the Department of Justice Internal Audit Office, if none is assigned.

(v) A control for ensuring that subgrantees have a system for the timely and appropriate resolution of all audit findings and recommendations.

§ 31.503 Civil Rights.

(a) *Applicability.* The State must assure that it will comply, and require other applicants located within its State to assure that they will comply, with the following nondiscrimination laws:

(1) Section 815(c) of the Justice System Improvement Act (JSIA), and its implementing regulations, found at 28 CFR 42.201, et seq. and 28 CFR 42.301, *et seq.;*

(2) Title VI of the Civil Rights Act of 1964, and its implementing regulation, found at 28 CFR 42.101, *et seq.;*

(3) Section 504 of the Rehabilitation Act of 1973, as amended; and its implementing regulations, found at 28 CFR 42.501 *et seq.;*

(4) Age Discrimination Act of 1975, as amended;

(5) Executive Order 12138, 44 FR 29637 (May 22, 1979), requiring recipients of federal financial assistance to take appropriate affirmative action in support of women business enterprise; and

(6) Title IX, section 901 of the Educational Amendments of 1972 (Pub. L. 92–318).

(b) *Designation of Civil Rights Compliance Officer.* The State Council shall designate an employee as Civil Rights Compliance Officer. This officer shall:

(1) Secure the assurances listed in § 31.503(a) in every application for assistance under the JJDP Act;

(2) Require that each state or local unit of government assure in its application that, in the event a Federal or State Court or Federal or State

administrative agency makes a finding of discrimination on the basis of race, color, religion, sex or national origin against the recipient after a due process hearing, the recipient will forward a copy of the finding to the Council and the OJARS Office of Civil Rights Compliance (OCRC) within ten (10) days after receipt of the finding;

(3) Require that every applicant required to formulate an Equal Employment Opportunity Program (EEOP) in accordance with 28 CFR 42.301 *et seq.*, submit a certification to the State Grantee that it has an EEOP on file;

(4) Require that every criminal justice agency applying for a grant of $500,000 or more submit a copy of its EEOP (if required to maintain one under 28 CFR 42.301, *et seq.*) to OCRC at the same time it submits its application to the State;

(5) Where the Council is required to formulate an EEOP pursuant to 28 CFR 42.301 *et seq.*, submit the EEOP with the formula grant application, if the application is for $500,000 or more; and

(6) Serve as liaison with the OJARS Office of Civil Rights Compliance (OCRC). The officer's duties in this regard include informing the public and grantees of an affected person's right to file a complaint of discrimination to OCRC for investigation, and cooperating with OCRC during compliance reviews of recipients located within the State.

§ 31.504 Open meetings and public access to records.

Pursuant to section 402(e)(2), of the JSIA, State Councils, State Advisory Groups and local criminal justice advisory boards must assure that meetings are open to the public and must give public notice of the time and place, and the nature of the business to be transacted, if final action is to be taken on any application for funds or amendment. Further, they must assure public access to all records relating to their functions, except those required to be kept confidential by local, state or Federal law.

Subpart G [Reserved]

Subpart H—Juvenile Justice

§ 31.700 General.

(a) The Juvenile Justice and Delinquency Prevention Act provides formula grants to States for use by State and local government and private non-profit agencies in carrying out juvenile justice improvement programs. This subpart sets forth specific requirements for application and receipt of JJDP Act formula grants.

(b) Applications to be submitted by the states must provide for a three year plan submission with annual program updates, performance reports, and a description of the State's status in terms of compliance with statutory plan requirements. In addition, the State plan format for fiscal year 1982 is revised to include a juvenile crime analysis, a plan for the coordination of all State juvenile delinquency programs, and a plan for the removal of juveniles from adult jails. Application forms and additional information will be provided in OJJDP's "Application Kit for Formula Grants under the JJDPA."

(c) The State application must include programs for the improvement of juvenile justice or the development of delinquency prevention programs funded with JJDP Act formula funds. Programs shall be described in accordance with the standard format set forth in section 703(i)(3). Information to comply with other statutory requirements shall also be included and submitted in the multi-year plan. In many cases a certified assurance will be required thus eliminating the need for voluminous documentation to be submitted. The annual application for fiscal years 1983 and 1984 will require limited information.

§ 31.701 Fund availability.

(a) *Allocation to States.* Each State receives a base allotment of $225,000 except for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands where the base amount is $56,250. Funds are allocated among the States on the basis of relative population under 18 years of age.

(b) *Funds for Local Use.* At least two-thirds of the formula grant allocation to the State must be used for programs *by local government,* or local private agencies unless the State applies for and is granted a waiver by the Office of Juvenile Justice and Delinquency Prevention.

(c) *Match.* Formula grants under the JJDP Act shall be 100% of approved costs, with the exception of planning and administration funds which must be matched dollar for dollar. Construction projects, funded under section 227(a)(2), require a 50% cash match.

(d) *Funds for Administration.* Not more than 7.5% of the total annual formula grant award may be utilized to develop the annual juvenile justice plan and pay for administrative expenses, including project monitoring and evaluation. These funds are to be matched on a dollar for dollar basis. The State shall make available needed funds for planning and administration to units of local government or combinations on an equitable basis. Each annual application must identify uses of such funds.

§ 31.702 Applicant state agency.

(a) Pursuant to section 223(a) and (2) of the JJDP Act, the State Council or other state agency designated in accordance with section 261(c) shall assure that it is the sole agency for supervising the preparation and administration of the plan and has the authority to implement the plan.

(b) The Chief Executive shall establish a Juvenile Justice Advisory Group pursuant to section 223(a)(3) of the JJDP Act. A duly appointed SAG must have the opportunity to review and comment on all grant applications. The State shall, as part of the juvenile justice plan:

(1) Provide a list of all current advisory group members, indicating their respective dates of appointment and how each member meets the membership requirements specified in this Section of the Act. The size of the State Advisory Group shall not be less than fifteen (15) members nor more than thirty-three (33).

(2) Indicate those members appointed prior to their 24th birthday as youth members. At least one-fifth of the total membership must be under the age of 24 at the time of their appointment. Full-time elected officials considered to be government employees and may not be appointed to chair advisory groups. Locally elected officials, persons elected to public office for a local unit of government, must be included in the membership.

(3) Assure that three members who have been or are now under the jurisdiction of the juvenile justice system have been appointed to the advisory group.

(4) Indicate the roles, responsibilities and activities of the advisory group concerning those duties listed in section 223(a)(3) of the Act. The advisory group must contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system. The advisory group is required to make annual recommendations to the governor and the State legislature.

(c) Pursuant to section 222(d) of the JJDP Act, the advisory group shall develop a plan for using the five percent minimum allotment. Upon review by the State, the plan shall be submitted as part of the application. The State shall indicate the total amount of funds allocated to the advisory group. For computing that allotment, use the following procedures:

(1) Each State shall allocate a minimum of $11,250; the Virgin Islands, Guam, American Samoa, Trust Territories of the Pacific Islands, and the Commonwealth of the Northern Marianas shall allocate $2,812.50. Do not count these funds as part of the maximum 7½% monies set aside for planning and administration. Calculate the latter on the total formula grant award.

(2) Use funds allocated to the advisory groups for such purpose functions and responsibilities set forth in (as are consistent with the) section 223(a)(3) of the JJDP Act. Funds allocated to the advisory group shall not supplant any funds currently allocated to them.

§ 31.703 Substantive requirements.

(a) *Consultation with and Participation of Units of General Local Government.* Pursuant to sections 223(a)(4) and (6) of the JJDP Act, the state shall assure that:

(1) The Chief Executive Officer of such a unit has assigned responsibility for the preparation and administration of its part of the State application.

(2) The State recognizes, consults with, and incorporates the needs of such units into the State application.

(b) *Participation of Private Agencies.* Pursuant to section 223(a)(9) of the JJDP Act, the state shall assure that private agencies have been consulted and allowed to participate in the development and execution of the state application.

(c) *Pass-Through Requirement.* Pursuant to section 223(a)(5) of the JJDP Act, the State must pass through at least 66⅔% of JJDP formula grant funds to units of general local government and to local private agencies unless a waiver is requested by the State and approved by OJJDP. For purposes of this requirement, local private agency is defined as a private non-profit agency or organization that provides program services within an identifiable unit or a combination of units of general local government.

(1) *Inclusion and Compilation of Pass-Through*

(i) Juvenile justice formula grant funds that the State makes available to units of general local governments or combination of units may be included in the compilation of pass-through. This includes funds for planning and administration as well as for programs.

(ii) If a unit of general local government or a combination of units has denied funding to a private agency, yet that agency received formula grant funds for programs consistent with the State application, then include those funds in the compilation of pass-through. In States lacking regional or local planning units, and in which the State distributes funds directly, a private agency need not first apply to a unit of general local government or a combination of units for funding. Those funds can also be included in the compilation of pass-through. In addition, if a unit of general local government or a combination of units receives pass-through funds from the State and, in turn, refuses to fund a project submitted by a private agency, the State can reduce the local allocation if it funds the project.

(2) *Waiver of Pass-Through Requirements.* State Councils shall make all requests for waivers in writing to the Administrator of OJJDP and enclose a statement setting forth the following:

(i) The extent of State and local implementation of juvenile justice and delinquency prevention programs.

(ii) The extent of State and local financial responsibility for juvenile delinquency programs.

(iii) The extent to which the State provides services or directs outlays for or on behalf of local government (as distinct from statewide services).

(iv) The approval of the State Criminal Justice Council's or Alternative State Agency's Supervisory Board.

(v) Specific comments from local units of government expressing their position regarding the waiver.

(d) *Rights of Privacy of Recipients of Services.* (1) Pursuant to section 223(a)(17) and 229 of the JJDP Act, the State shall assure that it has established procedures to ensure that programs funded under the JJDP Act shall not disclose program records containing the identity of individual juveniles. Exceptions to this require:

(i) Authorization by law;

(ii) The consent of either the juvenile or his legally authorized representative; or

(iii) Justification that otherwise the functions of this title cannot be performed.

(2) Under no circumstances may public project reports or findings name actual juveniles in the program.

(e) *Deinstitutionalization of Status Offenders and Non-offenders.* Pursuant to section 223(a)(12)(A) of the JJDP Act, the State shall:

(1) Describe in detail its specific plan, procedure, and timetable covering the specific three-year planning cycle, for assuring that:

(i) Juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult; and

(ii) such non-offenders as dependent or neglected children;

shall not be placed in secure detention or secure correctional facilities. Juveniles determined to be in violation of a valid court order may be excluded from this requirement. Refer to Paragraph 31.704(b) for the criteria in determining a valid court order.

(2) Describe the financial, legislative, judicial and administrative barriers the State faces in achieving full compliance with the provisions of this paragraph. All accounts shall include a description of the technical assistance needed to overcome these barriers. These barriers should be keyed to the plan noted in paragraph (1) of this section.

(3) For those States that have achieved "substantial compliance" as outlined in Section 223(c) of the Act, indicate the unequivocal commitment to achieving full compliance. Attach appropriate documentation.

(4) Submit the report required under section 223(a)(12)(B) of the Act as part of the annual monitoring report required by section 223(a)(15) of the Act.

(f) *Contact with Incarcerated Adults.*

(1) Pursuant to section 223(a)(13) of the JJDP Act the State shall:

(i) Describe in detail its specific plan and procedure, covering the three-year planning cycle, for assuring that juveniles alleged to be or found to be delinquent, status offenders, and non-offenders will be removed from any institution in which they have regular sight and sound contact with incarcerated adults, including inmate trustees. This prohibition seeks as absolute a separation as possible and permits no more than haphazard or accidental contact between juveniles and incarcerated adults. In addition, include a specific timetable for compliance and justify any deviation from a previously approved timetable.

(ii) In those isolated instances where juvenile criminal-type offenders remain confined in adult facilities or facilities in which adults are confined, the State must set forth in detail the procedures for assuring no regular sight and sound contact between such juveniles and adults.

(iii) Describe the physical, judicial, fiscal, and legislative barriers which may hinder the separation of alleged or adjudicated criminal type offenders, status offenders and non-offenders from incarcerated adults in any particular jail, lock-up detention or correctional facility. All such accounts shall include a description of the technical assistance needed to overcome those barriers and such technical assistance needs must be incorporated into the application. These

barriers should be keyed to the Annual Plan in § 31.703 (f)(1)(i) above.

(iv) Assure that offenders are not reclassified administratively and transferred to a correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. However, this does not prohibit or restrict waiver of juveniles to criminal court for prosecution, according to State Law. It does, however, preclude a State from administratively transferring a juvenile offender to an adult correctional authority or a transfer within a mixed juvenile and adult facility for placement with adult criminals either before or after a juvenile reaches the statutory age of majority. It also precludes a State from transferring adult offenders to a juvenile correctional authority for placement.

(2) *Implementation.* Each State shall immediately plan and implement the requirement of this provision.

(g) *Removal of Juveniles from Adult Jails and Lock-ups.* Pursuant to section 223(a)(14) of the JJDP Act, the State shall:

(1) Describe in detail its specific plan, procedure, and timetable for assuring that beginning after the 5-year period following the date of enactment of the Juvenile Justice Amendments of 1980, (e.g., by December 8, 1985) no juvenile shall be detained or confined in any jail or lock-up for adults. Refer to § 31.703(h)(4) to determine the special (exceptional) circumstances which would have to exist to permit, in areas characterized by low population density with respect to the detention of juveniles and where no existing acceptable alternative placement is available, the temporary detention of juveniles accused of serious crimes against persons.

(2) Describe the financial, geographical, judical, legislative, and administrative barriers which the State faces in removing all juveniles from adult jails and lock-ups. All such accounts shall include a description of the technical assistance needed to overcome those barriers. The barriers should be keyed to the plan for removing juveniles from adult jails and lock-ups noted in paragraph (1) above.

(3) For those States that have achieved "substantial compliance" with section 223(a)(14) as specified in section 223(c) of the Act, indicate the unequivocal commitment to achieving full compliance. Attach appropriate documentation.

(h) *Monitoring of Jails, Detention Facilities and Correctional Facilities.*

(1) Pursuant to section 223(a)(15) of the JJDP Act, except as provided by subparagraph (h)(7) below, the State shall:

(i) Indicate how it will annually identify and survey all secure detention or correctional facilities, jails, lock-ups, and other facilities usable for the detention and confinement of juveniles.

(ii) Provide a plan for an annual on-site inspection of all such facilities identified in Paragraph (1)(i) above. Such plan shall include the procedure for reporting and investigating compliance compliants in accordance with section 223(a)(12)(A), (13), and (14).

(iii) Include a description of the barriers which the State faces in developing a monitoring system to establish and report the level of compliance with sections 223(a)(12), (13), and (14). All such accounts shall include a description of the technical assistance needed to overcome those barriers and such technical assistance needs must be incorporated into the annual application. The barriers should be keyed to the plan to monitoring for compliance as noted in sub-paragraphs (i and ii) above.

(2) For the purpose of monitoring for compliance with section 223(a)(12)(A) of the Act a secure detention or correctional facility is:

(i) The term *"secure* detention *facility"* means any public or private residential facility which—

(A) Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in *lawful custody* in such facility; and

(B) Is used for the temporary placement of any *juvenile who is accused of having committed an offense,* of any *non-offender,* or of any other *individual accused of having committed a criminal offense.*

(ii) The term "*secure* correctional *facility"* means any public or private residential facility which—

(A) Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in *lawful custody* in such facility; and

(B) Is used for the placement after adjudication and disposition, of any *juvenile who has been adjudicated as having committed an offense,* any *non-offender,* or any *other individual convicted of a criminal offense.* (Definitions of terms emphasized are found in § 31.704)

(3) *Valid Court Order (Section 223(a)(12)(A).* For the purposes of determining whether a valid court order exists and a juvenile has been found to be in violation of that valid order all of the following conditions must be present prior to secure incarceration:

(i) The juvenile must have been brought into a court of competent jurisdiction and made subject to an order issued pursuant to proper authority.

(ii) The court must enter a judgement and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedures.

(iii) The juvenile in question must have received adequate and fair warning of the consequences of violation of the order at the time it was issued and such warning must be provided to the juvenile in writing or be reflected in the court record and proceedings.

(iv) Once a juvenile is alleged to have violated a valid court order, a violation hearing, in the form of a judicial proceeding before a court of competent jusidication, must be held.

(v) Prior to and during the violation hearing the following full due process rights must be provided:

(A) The right to have the charges against the juvenile in writing served upon him a reasonable time before the hearing;

(B) The right to a hearing before a court;

(C) The right to an explanation of the nature and consequences of the proceedings;

(D) The right to legal counsel, and the right to have such counsel appointed by the court if indigent;

(E) The right to confront witnesses;

(F) The right to present witnesses;

(G) The right to have a transcript or record of the proceedings; and

(H) The right to appeal to an appropriate court.

(vi) In entering the order that directs or authorizes disposition of placement in a secure facility, the judge presiding over the violation hearing must certify on the record that all the elements of a valid court order, (i, ii, iii above), and the applicable due process rights, were afforded the juvenile and that there is no rational alternative to incarceration of the juvenile.

(4) *Removal Exceptions.* (Section 223(a)(14)). The following conditions must be met in order for an accused juvenile to be temporarily detained (for up to 48 hours) in an adult jail or lock-up:

(i) The area has been certified as having a low population density, i.e., a total county population of less than 10 persons per square mile according to the latest available Bureau of Census data. OJJDP will notify States of these counties upon publication of 1980 Census data.

(ii) The juvenile must be accused of a serious crime against persons to include: criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, and extortion accompanied by threats of violence.

(iii) A determination has been made that there is no existing acceptable alternative placement available pursuant to criteria developed by the State.

(iv) The county is not served by a local or regional juvenile detention facility.

(5) *Reporting Requirement.* The State shall report annually to the Administrator of OJJDP on the results of monitoring for section 223(a) (12), (13) and (14) of the JJDP Act. Three copies of the report shall be submitted to the Administrator of OJJDP no later than December 31 of each year.

(i) To demonstrate the extent of compliance with section 223(a)(12)(A) of the JJDP Act, the report must at least include the following information for both the baseline and the current reporting periods.

(A) Dates of baseline and current reporting period.

(B) Total number of public and private juvenile detention and correctional facilities AND the number inspected on-site.

(C) Total number of accused status offenders and non-offenders held in any secure detention or correctional facility as defined in § 31.703(h)(2) for longer than 24 hours.

(D) Total number of adjudicated status offenders and non-offenders held in any secure detention or correctional facility as defined in § 31.703(h)(2) excluding those held pursuant to a finding of violation of a valid court order.

(E) Total number of adjudicated status offenders held in any secure detention or correctional facilities pursuant to judicial certification of a violation of a valid court order.

(F) Total number of accused and adjudicated status offenders and non-offenders held in any adult jail or lock-up as defined in § 31.704.

(ii) To demonstrate compliance with section 223(a)(12)(B) of the JJDP Act, the report must include the total number of accused and adjudicated status offenders and non-offenders placed in facilities that are:

(A) Not near their home community;

(B) Not the least restrictive appropriate alternative; and

(C) Not community-based.

(iii) To demonstrate the progress and extent of compliance with section 223(a)(13) of the JJDP Act, the report must at least include the following information for both the baseline and the current reporting periods.

(A) Designated date for achieving full compliance.

(B) The total number of facilites that can be used for the secure detention and confinement of both juvenile offenders and adult criminal offenders.

(C) Both the total number of facilities used for the secure detention and confinement of both juvenile offenders and adult criminal offenders during the pat 12 months AND the number inspected on-site.

(D) The total number of facilities used for secure detention and confinement of both juvenile offenders and adult criminal offenders AND those which did not provide adequate separation.

(E) The total number of juvenile offenders and non-offenders NOT adequately separated in facilities used for the secure detention and confinement of both juveniles and adults.

(iv) To demonstrate the progress and extent of compliance with section 223(a)(14) of the JJDP Act the report must at least include the following information for the baseline and the current reporting periods.

(A) Dates of baseline and current reporting period.

(B) Total number of adult jails in the State AND the number inspected on-site.

(C) Total number of adult lock-ups in the State AND the number inspected on-site.

(D) Total number of adult jails holding juveniles during the past twelve months.

(E) Total number of adult lock-ups holding juveniles during the past twelve months.

(F) Total number of adult jails and lock-ups in areas meeting the "removal exceptions" as noted in subparagraph 4 above, including a list of such counties.

(G) Total number of juveniles held in all adult jails in excess of six hours.

(H) Total number of juveniles held in all adult lock-ups in excess of six hours.

(I) Total number of juveniles held in adult jails in areas meeting the "removal exception" as noted in subparagraph 4 above.

(J) Total number of juveniles held in excess of 48 hours in jails and lock-ups in areas meeting the "removal exceptions" as noted in subparagraph 4 above.

(6) *Compliance.* A State must demonstrate compliance with section 223(a)(12)(A), (13), and (14) of the Act. Should a state fail to demonstrate the required level of compliance with these Sections within the designated time frame, eligibility, for formula grant funding shall terminate. The compliance levels are:

(i) Substantial compliance with section 223(a)(12)(A) requires within three years of initial plan submission achievement of a 75% reduction in the aggregrate number of status offenders and non-offenders held in secure detention or correctional facilities; or through removal of 100% of such offenders from secure correctional facilities only, and the State has made an unequivocal commitment through appropriate executive and legislative action to achieve full compliance within 2 additional years. Full compliance is achieved when a State has removed 100% of such juveniles from secure detention or correctional facilities or can demonstrate full compliance with *de minimis* exceptions. The policy and criteria for determining full compliance with *de minimis* exceptions with this requirement is contained in the Federal Register on January 9, 1981 (46 FR 2566–2569).

(ii) Compliance with section 223(a)(13) has been achieved when a State can demonstrate that:

(A) The last submitted monitoring report, covering a full 12 months of data, demonstrates that no juveniles were incarcerated in circumstances that were in violation of section 223(a)(13); or

(B) (*1*) State law, regulation, court rule, or other established executive and judicial policy clearly prohibits the incarceration of all juvenile offenders in circumstances that would be in violation of section 223(a)(13);

(*2*) All instances of noncompliance reported in the last submitted monitoring report were in violation of, or departures from, the State law, rule, or policy referred to in (1) above;

(*3*) The instance of noncompliance do not indicate a pattern or practice but rather constitute isolated instances of noncompliance; and

(*4*) Existing mechanisms for the enforcement of th State law, rule, or policy referred to in (a) above are such that the instances of noncompliance are unlikely to recur in the future.

(iii) Substantial compliance with section 223(a)(14)(A) requires the achievement of a 75% reduction by December 8, 1985 in the number of juveniles held in adult jails and lock-ups and that the State has made a unequivocal commitment through appropriate executive or legislative action to achieving full compliance within two additional years.

(7) *Monitoring Report Exceptions.* States which have been found by the OJJDP Administrator to have achieved full compliance with section

V 4 6 / 1 0 4
J E 1 8 1
UMI

223(a)(12)(A) and compliance with section 223(a)(13) of the Juvenile Justice Act and which wish to be exempted from the annual compliance monitoring report must submit a written request to the OJJDP Administrator which demonstrates that:

(i) The State provides for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to enable an annual determination of State compliance with section 223(a)(12)(A), (13), and (14) of the JJDPA.

(ii) State legislation has been enacted which conforms to the requirements of sections 223(a)(12)(A) and (13) of the Juvenile Justice Act; and

(iii) The enforcement of the legislation is statutorily or administratively prescribed, specifically providing that:

(A) Authority for enforcement of the statute is assigned;

(B) Time frames for monitoring compliance with the statute are specified; and

(C) Adequate sanctions and penalties that will result in enforcement of compliance and procedures for remedying violations are set forth.

(i) *Juvenile Crime Analysis.* Pursuant to section 223(a)(8) (A) and (B) the State shall conduct an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs. The product of the analysis shall be a series of problem statements that reflect an analysis of the data, the monitoring reports, and requirements of the Act and which provide the basis for developing juvenile justice programs for funding.

(1) *Analysis Components.* The analysis should include the following:

(i) A description of the structure and functions of units of the juvenile justice system and description of the flow of youths through the system, on an annual basis. The descriptive flow shall include a summary of the number and characteristics (age, sex, national origin, and race) of youths within the State, and a summary of the number and characteristics (offense, age, sex, national origin, and race) of youths handled (including arrests and petitions by each unit of the juvenile justice system) and disposition made by each (including the number and characteristics of juveniles within each dispositional category).

(ii) An analysis of the nature of the delinquency problem within the State. This analysis should include unemployment rates, school dropout, suspension and expulsion rates, and other conditions considered or determined by the State to be relevant to delinquency prevention programming.

(iii) A description of major programs operated outside of the formal juvenile justice system which are designed to impact directly on delinquency reduction, control, or prevention. The description should include the structure, objectives, number and descriptions of youths served, program costs, and sources of funds.

(2) *Product.*

(i) The product of the analysis is a series of brief written problem statements set forth in the application that define and describe the priority problems.

(ii) A problem statement, as used herein, is defined as a written presentation which describes the magnitude, seriousness, rate of change, persons affected, and temporal aspects of a problem using qualitative and quantitative information. It identifies the nature, extent, and effect of system response, makes projections based on historical inferences and rigorously attempts to establish the origins of the problem. A problem statement is a clear and succinct summary which reflects the results of the analysis undertaken. It does not necessarily represent all the analysis undertaken, or all data collected for any given priority problem area.

(3) *Program.* Applications are to include descriptions of programs to be supported with Juvenile Justice Act formula grant funds.

(i) *Organization of Programs.* Programs are groupings of projects with similar program designs and objectives.

(ii) *Program Description.* Descriptions should not be more than three or four pages in length, but this may vary. Each item below must be addressed for all programs.

(A) *Title.*

(B) *Description of Program.*

(*1*) *Program Objectives.* Objectives are specific descriptive statements of the expected program performance and its impact on the identified problem. These must be quantified where possible and must be related to the measure used to describe the problem in the problem statement.

(*2*) *Summary of Activities Planned and Services Provided.* This part of the program description must summarize what agencies will implement the program, where and when the activities will take place, what services will be provided, and who will benefit from the services.

(*3*) *Budget.* Total Federal funds requested from JJDP allocations must be presented, along with any expected state, local or private funds. Indicate the number of subgrants and the dollar range, as well as anticipated subgrantees (if known). Include minimum duration of each program and minimum number of years that funding may be requested and received for projects. Once Congressional appropriations are final, specific budget figures must be submitted.

(*4*) *Relationship to Similar Programs.* The program description must indicate how the program relates to other similar State or local programs directed at the same or similar problems.

(C) *Performance Indicators.* A list of performance indicators must be developed and set forth for each program. These indicators show what data will be collected at the program level to measure whether objectives and performance goals have been achieved and should relate to the measures used in the problem statement and statement of program objectives.

(*4*) *Format.* Exhibit I shows the standard format for setting forth priority problems and programs in the annual plan.

Exhibit I—Standard Format for Program Descriptions

Program Statements: Statement of problem including an indication of its priority.

Program: Description of program developed to deal with the problem stated above.

1. Title
2. Description
   a. Objectives
   b. Summary of Activities Planned
   c. Budget
   d. Relationship to Similar Programs
3. Performance Indicators

(j) *Concentration of State Effort.* Pursuant to section 223(a)(8)(C) the State shall submit a plan for the concentration of State efforts as they relate to the coordination of all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities.

(k) *Annual Performance Report.* Pursuant to section 223(a) and section 223(a)(21) the State Plan shall provide for submission of an annual performance report beginning to be incorporated in its fiscal years 1983 and 1984 application for funds. The report shall address the following:

(1) *Progress in Program Implementation.* The State shall report on its progress in the implementation of programs, as described in the three year plan. The performance indicators will serve as the objective criteria for a meaningful assessment of progress toward achievement of measureable goals.

(2) *Compliance with State Plan Requirements.* The State shall also

describe the status of compliance with each of the following requirements. Compliance is to be measured against the assurances made in the three year plan and any subsequent modifications.

(i) *Funding.* (A) Indicate the amount of funds that have been awarded, the programs they have applied to, the percentage used for advanced techniques, and the percentage passed through to units of local government.

(B) Describe how funds have been equitably distributed within the State.

(C) Describe how funds have been equitably distributed to deal with disadvantaged youth, as required by section 223(a)(16), specifying the number of disadvantaged youth who participated in programs supported with formula funds.

(ii) *State Concentration/Coordination of Effort.* Describe the State's progress in implementation of coordination of its plan for all juvenile delinquency programs within the State.

(iii) *Consultation.* Describe how units of general local government and private agencies have been involved in the development and implementation of the State plan.

(iv) *Development of Research, Training and Evaluation Capacity.* Describe efforts to develop an adequate research, training and evaluation capacity within the State.

(v) Briefly describe the State's progress in implementing its plan for compliance with section 223(a)(12)–(14), as outlined in the multi-year plan for achieving compliance with these requirements.

(l) *Equitable Distribution of Juvenile Justice Funds and Assistance to Disadvantaged Youth.* Pursuant to section 223(a)(7) and (16) of the JJDP Act, the State shall assure that:

(1) The State will establish and adhere to procedures for the equitable distribution JJDP Act formula grant money.

(2) The Juvenile Crime Analysis studies the needs of disadvantaged youth and that assistance will be available equitably.

(3) It has developed and adheres to procedures for filing and considering grievances arising under this section.

(m) *Advanced Techniques.* Pursuant to section 223(a)(10) of the JJDP Act, the State shall:

(1) Demonstrate clearly in its application that at least 75% of the JJDP funds support advanced techniques as enumerated in this section of the Act.

(2) In order to ensure timely, compliance with section 223(a)(12), (13), (14), and (15) of the JJDP Act, States should place special emphasis on projects which are dsigned to deinstitutionalize juveniles, remove children from jails, lock-ups and other adult institutions where adults are incarcerated to ensure adequate separation of adult and juvenile offenders, and monitor compliance.

(n) *Analytical and Tranining Capacity.* Pursuant to section 223(a) (11) and (21) of the JJDP Act, the State Council shall provide an assurance that it will conduct research, training and evaluation activities.

(o) *Equitable Arrangements for Employees Affected by Assistance Under the Act.* Pursuant to section 223(a)(18) the State shall assure that fair and equitable arrangements are made to protect the interests of employees affected by assistance under the Act.

(p) *Continuation Support.* Pursuant to the OJJDP continuation funding policy as published in the **Federal Register**, on January 22, 1981, (46 FR 7109–7112) states with the assistance and advice of the State Advisory Group, are encouraged to formulate a specific policy to govern the continuation of carefully chosen and successful action programs and projects. Provide that policy and explain its development.

(q) *Technical Assistance.* States wishing to receive Technical Assistance through OJJDP must indicate within their plan their Technical Assistance needs. The identification of Technical Assistance needs must be related to the implementation strategies and programs contained in the plan. Specific directions regarding the development and inclusion of Technical Assistance needs and priorities in the plan will be provided in the "Application Kit for Formula Grants under the JJDPA." Any State not wishing to apply for Technical Assistance should so indicate in their plan submission.

(r) *Other Terms and Conditions.* Pursuant to section 223(a)(22) of the JJDP Act, States shall agree to other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of programs assisted under the formula grant.

§ 31.704 Definitions.

(a) *Private Agency.* A private non-profit agency, organization or institution is:

(1) Any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control, and

(2) Any other agency, organization or institution which operated primarily for scientific, educational, service, charitable, or similar public purposes, but which is not under public supervision or control, and not part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax-exempt under the provisions of section 501(c)(3) of the 1954 Internal Revenue Code.

(b) *Secure.* As used to define a detention or correctional facility this term includes residential facilities designed and operated so as to ensure that all entrances and exits are under exclusive control of the staff of such facility, whether or not the persons detained or confined have freedom of movement within the facility, and whether or not the control of residents behavior results primarily from staff restraints or reliance on construction fixtures designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures.

(c) *Facility.* A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.

(d) *Juvenile who is accused of having committed an offense.* A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, i.e., a *ciminal-type offender* or a *status offender,* and no final adjudication has been made by the juvenile court.

(e) *Juvenile who has been adjudicated as having committed an offense.* A juvenile with respect to whom the juvenile court has determined that such juvenile is a *juvenile offender,* i.e., a *criminal-type offender* or a *status offender.*

(f) *Juvenile Offender.* An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law.

(g) *Criminal-type Offender.* A juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(h) *Status Offender.* A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(i) *Non-Offender.* A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other

than legally prohibited conduct of the juvenile.

(j) *Lawful Custody.* The exercise of care, supervision and control over a juvenile offender or non-offender pursuant to the provisions of the law of a judicial order or decree.

(k) *Other individual accused of having committed a criminal offense.* An individual, adult or juvenile, who has been charged with committing a criminal offense in a court exercising criminal jurisdiction.

(l) *Other individual convicted of a criminal offense.* An individual, adult or juvenile, who has been convicted of a criminal offense in a court exercising criminal jurisdiction.

(m) *Adult Jail.* A locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

(n) *Adult Lock-up.* Similar to jail for adults except that is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

Subpart I—General Conditions and Assurances

§ 31.800 Compliance with statute.

The applicant State must assure and certify that the State and its subgrantees and contractors will comply with the provision of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90–352, as amended by Pub. L. 91–644, Pub. L. 93–83, Pub. L. 93–415, Pub. L. 94–430, Pub. L. 94–503, and Pub. L. 96–157 (the Justice System Improvement Act of 1979); and with the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93–415, as amended by Pub. L. 94–503, Pub. L. 96–115, and Pub. L. 96–509 for activities funded under each Act.

§ 31.801 Compliance with other Federal laws, orders, circulars.

(a) The applicant State must further assure and certify that the State and its subgrantees and contractors will adhere to regulations of the Department and other applicable Federal laws, orders and circulars. These requirements are described in greater detail in the "Fiscal Year 1982 Application Kit for Formula Grant under the JJDP Act." They include compliance, where applicable, with the provisions of the National Environmental Policy Act of 1969, Pub. L. 91–190; the National Historic Preservation Act of 1966, Pub. L. 89–665; the Flood Disaster Protection Act of 1973, Pub. L. 93–234; the Clean Air Act, Pub. L. 88–206; the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92–500; the Safe Drinking Water Act, Pub. L. 93–523; the Endangered Species Act of 1973, Pub. L. 93–205; the Wild and Scenic Rivers Act, Pub. L. 90–524; the Fish and Wildlife Coordination Act, Pub. L. 85–624; the Historical and Archeological Preservation Act, Pub. L. 93–291; the Coastal Zone Management Act of 1972, Pub. L. 92–583; the Hatch Political Activity Act, Pub. L. 93–443; the Animal Welfare Act of 1970, Pub. L. 91–579; the Impoundment Control Act of 1973, Pub. L. 93–112; the Intergovernmental Cooperation Act of 1974, Pub. L. 93–318; Executive Orders Nos. 11246, 11377, 11507, 11738, 11752, and 11914; Office of Management and Budget Circulars Nos. A–21, A–87, A–102 and A–110, and A–122; FMC Circulars Nos. 74–4 and 74–7 found at 34 CFR Parts 255 and 256 respectively and all amendments and additions to those statutes, orders, and circulars.

(b) In administering funds awarded pursuant to this application, the State must assure compliance with 28 CFR Parts 18, 19, 20, 22, 42, and 52 as they relate to activities funded with JJDP funds; G 6060.1A, medical Research and Psychosurgery; and the Guideline Manual M 7100.1B, Financial and Administrative Guide for Grants. The State must further represent that it has established policies and provided procedures to assure sound fiscal control, effective management, and efficient use of funds received pursuant to this grant.

§ 31.802 Application on file.

Any Federal funds awarded pursuant to an application must be distributed and expended pursuant to and in accordance with the programs contained in the applicant State's current approved application and any advance funds will not be awarded for any program not specifically approved and clearly set forth in the current comprehensive application. Any departures therefrom, other than to the extent permitted by the Administration's current program and fiscal regulations and guidelines, will be submitted for advance approval by the Administration. The applicant State must assure that it has complied with any special grant conditions applicable to formula grants previously awarded to the State or, as to those special conditions to which action is not yet due or required, will comply with such conditions within specific deadlines.

§ 31.803 Non-discrimination.

The State must assure that it will comply with and will insure compliance by its subgrantees and contractors with all applicable non-discrimination requirements, including but not limited to Section 815(c) of the Justice System Improvement Act and its implementing regulations found at 28 CFR 42.201, et seq. and 28 CFR 42.301, et seq.; Title VI of the Civil Rights Act of 1964, Subparts C–E of 28 CFR Part 42; and, where applicable, Section 262(a) of the Juvenile Justice Act, to the end that no person shall, on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under or be denied employment in connection with any program or activity funded in whole or in part with funds made available through the Office of Juvenile Justice and Delinquency Prevention. The State must assure that it will comply with and will insure compliance by its State and local government subgrantees with the requirement that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination on the ground of race, color, religion, national orgin, or sex against the recipient State or local government unit or agency thereof, it will forward a copy of the finding to the cognizant State Grantee and to OJJDP. The State must also assure that it will comply with and insure compliance by its subgrantees with Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in any program receiving Federal financial assistance, and its implementing regulations found at 28 CFR 42.501 *et seq.* The State must further insure that educational institutions comply with the provisions and requirements of Title IX, Section 901, of the Education Amendments of 1972 (Pub. L. 92–318) which provides that no person shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving financial assistance from the Department of Justice and the Age Discrimination Act of 1975, as amended. The State must recognize the right of the United States to seek judicial enforcement of the foregoing covenant assuring the right of the United States to seek judical enforcement in its subgrants or contracts.

§ 31.804 Lobbying.

The State must assure that pursuant to section 227(c) of the JJDP Act, funds

paid pursuant to section 223(a)(10)(D) and section 224(a)(7) to any public or private agency, organization, or institution or to any individual (whether directly or through a State criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence a Member of the Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such official through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved. Additional guidance on lobbying prohibitions may be found in the OJARS Guideline Manual, Financial and Administrative Guide for Grants, M7100.1B.

§ 31.805 Applicability.

The applicant State must further assure and certify that by appropriate language incorporated in each grant, subgrant, contract, subcontract, or other document under which funds are to be disbursed, the grantee shall assure that the above conditions apply to all recipients of assistance.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81-15768 Filed 5-29-81; 8:45 am]

BILLING CODE 4410-18-M

V 46 / 104 JE 1 81 1 UMI

Monday
June 1, 1981

Part IV

Department of Agriculture

Agricultural Marketing Service

Wheat and Wheat Foods Research and Nutrition Education; Wheat Industry Council Budget for Fiscal Year 1982

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. WR-1]

Wheat and Wheat Foods Research and Nutrition Education; Wheat Industry Council Budget Notice

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of the Wheat Industry Council Budget for Fiscal Year 1982.

SUMMARY: This notice presents the proposed July 1981 through June 1982 budget of the Wheat Industry Council. Publication of budget information in the Federal Register is required by the Wheat and Wheat Foods Research and Nutrition Education Act. The purpose is to allow the wheat end product manufacturers, who are required to pay assessments on purchases of processed wheat to fund a wheat research and nutrition education program, an opportunity to reserve the right to seek a refund of assessments paid.

FOR FURTHER INFORMATION CONTACT: W. David Spalding, Livestock, Poultry, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250, Phone: (202) 447-2068.

SUPPLEMENTARY INFORMATION: The Wheat and Wheat Foods Research and Nutrition Education Act of 1977 (7 U.S.C. 3401-17) authorized a research and nutrition education program for wheat and wheat foods. Formal rulemaking procedures, including a public hearing, were followed in developing the Wheat and Wheat Foods Research and Nutrition Education Order which provides the framework for the program. This notice contains the first annual budget of the Wheat Industry Council—the organization responsible for carrying out the program.

Prior **Federal Register** documents concerning Wheat and Wheat Foods Research and Nutrition Education include: (1) Decision and Order published December 14, 1979 (44 FR 72866); (2) Final Order published May 5, 1980 (45 FR 32572); and (3) Rules and Regulations published April 21, 1981 (46 FR 22882).

In a March 1980 referendum wheat end product manufacturers approved the Wheat and Wheat Foods Research and Nutrition Education Order. The Order authorizes a program of research and nutrition education for wheat and wheat based foods to be administered by a 20-member Wheat Industry Council. In October 1980 the Secretary of Agriculture appointed the initial 20-member Wheat Industry Council which is divided equally among representatives of producers, processors, end product manufacturers, and consumers. USDA's Agricultural Marketing Service (AMS) will monitor the program.

The Order authorizes wheat end product manufacturers to assess themselves up to 5 cents per hundredweight of processed wheat purchased to finance the program. The Order limits the assessments to 1 cent per hundredweight during the first 2 years of the program. Wheat end product manufacturers who purchase less than 2,000 hundredweight of processed wheat per year, those who are defined as retail bakers, and processed wheat used in the manufacture of exempt end products will not be assessed.

The Wheat and Wheat Foods Research and Nutrition Education—Rules and Regulations require all nonexempt wheat end product manufacturers to register with the Wheat Industry Council, Suite 203, 6000 Executive Boulevard, Rockville, Maryland 20852 (Phone: (301) 984-1300) by June 1, 1981. Any firms not registered by June 1 must register as soon as possible. Assessments of 1 cent per hundredweight of processed wheat purchased begin to accrue as of the first day of the firm's first accounting period beginning on or after June 1, 1981. Assessments are due and payable to the Wheat Industry Council on or before the thirtieth day following the end of the first reporting period and on a quarterly basis thereafter.

The Rules and Regulations provide that wheat end product manufacturers who wish to reserve the right to request refunds of assessments paid during the upcoming year must submit such notification to the Wheat Industry Council by registered or certified mail on or before July 31, 1981. In order to receive a refund of assessments paid, an end product manufacturer must obtain a refund application form from the Council and submit the completed form to the Council within 60 days after the end of the quarter or other reporting period during which the assessment obligation accrued.

This document includes a summary of the Wheat Industry Council's plans and projects for research and nutrition education based on research. The Act and the Order restrict Council activities to research and nutrition education based on research and provide that individual projects must be approved by the U.S. Department of Agriculture before they are implemented.

Nutrition education is defined in the Act and the Order as "any action to disseminate to the public information resulting from research concerning the economic value or nutritional benefits of wheat, processed wheat, and end products." A proponent of the Order described the scope of the Council's authority to engage in nutrition education based on research at the public hearing on the Order as follows: ". . . nutrition education activities must be based on the results of research (whether conducted by the Wheat Industry Council or others).

They would not include promotion efforts based solely on the desirability of wheat, processed wheat or end products. Such activities, that encourage consumption for its own sake without imparting any knowledge of nutritional facts or economic value, are clearly not intended under the Act and its legislative history, and they would not be included under this definition."

The Wheat Industry Council budget for Fiscal Year 1982 is as follows:

Wheat Industry Council; Budget

[July 1, 1981 to June 30, 1982]

Income: Assessments		$1,000,000
EXPENDITURES:		
Program expenditures—research:		
Nutrition research	$60,000	
Select a scientific review committee of qualified experts to review the scientific literature and prepare a background paper on the relationship of wheat based foods to his or her specialty: obesity, diabetes, coronary heart disease, dental health, and intestinal disorders. The background papers will provide not only a "state-of-the-art" of the relationship of our products to important health issues, but also identify current problems for Council sponsored research	$38,000	
Publish consumer booklet(s) based on the scientific papers	12,000	
Disseminate nutrition research information to media	10,000	
Market research		50,000
Identify the issues of greatest concern to the consumer; identify the target audiences most receptive to messages about the value and use of wheat based foods in a well balanced diet.		
Program expenditures—nutrition education:		
Educators		145,000

Wheat Industry Council; Budget—Continued

[July 1, 1981 to June 30, 1982]

Develop nutrition education materials for elementary, secondary, and adult users on wheat food products. The materials will include but not be limited to leaflets, posters, teacher's guides, and good filmstrips		125,000
Disseminate education materials through professional magazines, newsletters, and special mailings		20,000
Consumer		325,000
Develop and place in appropriate publications four (or more) messages; wholesomeness of ingredients used in wheat food products; similarities and differences between wheat food products; historical, cultural, and technological development of wheat food products; economic value of wheat food products		230,000
Produce a wheat foods reference booklet for food editors on technical, nutritional, and economic values	20,000	
Produce fact sheets for consumers on pasta, breakfast cereals, cakes and other sweet goods, hearth breads, white breads, crackers. Fact sheets to include historical background of products, nutritional, economic, and technical information	25,000	
Develop low-calorie menus and menu cards for restaurants. The nutritional value of each item to appear on the back of the card	15,000	
Prepare nutrition information materials for food service managers and restauranteurs	4,000	
Place a medical spokesperson on national talk shows to discuss nutritional concerns on the value of wheat based foods	12,000	
Syndicate a regular nutrition release to newspapers, magazines,and commentators on wheat food products and their role in the diet	19,000	
Industry relations and compliance		20,000
Print summary of act stating the purpose of the Wheat Industry Council, objectives, and assessment and refund procedures to be used as supplementary information with letters to the industry	4,000	
Print necessary assessment and refund forms and related materials as needed	8,000	
Quarterly newsletter to industry on operation and activities of the Council. Writing and postage	8,000	
Total—program expenditures		600,000
Administrative expenditures		275,000
Salaries	113,000	
Personal costs	$103,000	
Fringe benefits	10,000	
Rent ($12.50 per sq. ft.)	15,684	
Insurance, liability	2,000	
Telephone	5,916	
Copy machine (rent)	1,800	
Office supplies	3,000	
Printing, artwork	7,000	
Postage	1,200	
Lockbox	600	
Council meetings (travel and expenses for members and alternates; executive committee meetings)	48,000	
Travel, staff	12,000	
Legal fees	2,000	
Memberships and subscriptions	800	
Audit	2,000	
USDA administrative fee	40,000	
USDA referendum costs (repayment)	20,000	
Total, administrative expenses		275,000
Loan repayment (start up costs)		125,000
Grand total, expenditures		$1,000,000

Done at Washington, D.C., on May 28, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-16318 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-02-M

V
4
6
/
1
0
4
J
E
1
8
1
UMI

Rea

INFORM

PUBLIC

Code of
CFR Uni

General
Incorpora
Printing

Federal
Correctio
Daily Iss
General
Public In
Schedulin

Laws
Indexes
Law num

Slip law

President
Executive
Public Pa
Weekly C

Privacy A

United St

SERVICES
Agency s
Automati
Dial-a-Re
Chicago
Los An
Washin
Magnetic
volume
Public bri
What I
Public Ins
Regulation
Special Pr
Subscripti
Subscripti
TTY for t

FEDERA

29239-29

Reader Aids

Federal Register
Vol. 46, No. 104
Monday, June 1, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JUNE 1981

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
June 1	June 16	July 1	July 16	July 31	August 31
June 2	June 17	July 2	July 17	August 3	August 31
June 3	June 18	July 6	July 20	August 3	September 1
June 4	June 19	July 6	July 20	August 3	September 2
June 5	June 22	July 6	July 20	August 4	September 3
June 8	June 23	July 8	July 23	August 7	September 8
June 9	June 24	July 9	July 24	August 10	September 8
June 10	June 25	July 10	July 27	August 10	September 8
June 11	June 26	July 13	July 27	August 10	September 9
June 12	June 29	July 13	July 27	August 11	September 10
June 15	June 30	July 15	July 30	August 14	September 14
June 16	July 1	July 16	July 31	August 17	September 14
June 17	July 2	July 17	August 3	August 17	September 15
June 18	July 6	July 20	August 3	August 17	September 16
June 19	July 6	July 20	August 3	August 18	September 17
June 22	July 7	July 22	August 6	August 21	September 21
June 23	July 8	July 23	August 7	August 24	September 21
June 24	July 9	July 24	August 10	August 24	September 22
June 25	July 10	July 27	August 10	August 24	September 23
June 26	July 13	July 27	August 10	August 25	September 24
June 29	July 14	July 29	August 13	August 28	September 28
June 30	July 15	July 30	August 14	August 31	September 28

V 46 / 104
JE 1 81
UMI

CFR CHE

This check
published i
of CFR title
of the Code
New units i
cover of th
For a chec
set, see the
which is re
The annual
$525 dome
Order from
Office, Was

CFR Unit (
Jan. 1, 198

Title
1-2 .....
6 .....
7 Parts:
900-944 .....
945-980 .....
981-999 .....
1120-1199 .....
1500-1899 .....
2853-end .....
8 .....
9 Parts:
1-199 .....
200-end .....
11 .....
12 Parts:
1-199 .....
300-499 .....
14 Parts:
1200-end .....
15 Parts:
0-299 .....
CFR Index .....

CFR Unit (
Apr. 1, 198

17 Parts:
0-239 .....
240-end .....
18 Parts:
1-149 .....
150-end .....
19 .....
20 Parts:
01-399 .....
400-499 .....
500-end .....
21 Parts:
01-99 .....
100-169 .....
170-199 .....
200-299 .....
300-499 .....
500-599 .....
600-799 .....
800-1299 .....
1300-end .....
22 .....
23 .....
24 Parts:
0-499 .....

CFR CHECKLIST; 1980/81 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1980/81. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $525 domestic, $131.25 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1981):

Title	Price
1-2	$4.50
6	3.50
7 Parts:	
900-944	7.00
945-980	5.50
981-999	5.50
1120-1199	6.00
1500-1899	6.00
2853-end	6.00
8	5.50
9 Parts:	
1-199	7.50
200-end	6.50
11	5.50
12 Parts:	
1-199	6.00
300-499	6.00
14 Parts:	
1200-end	6.00
15 Parts:	
0-299	5.50
CFR Index	8.50

CFR Unit (Rev. as of Apr. 1, 1980):

17 Parts:	
0-239	7.50
240-end	7.50
18 Parts:	
1-149	7.50
150-end	8.50
19	9.00
20 Parts:	
01-399	5.50
400-499	7.50
500-end	7.50
21 Parts:	
01-99	6.00
100-169	7.00
170-199	6.00
200-299	4.50
300-499	8.00
500-599	7.50
600-799	5.00
800-1299	5.50
1300-end	4.50
22	8.00
23	7.00
24 Parts:	
0-499	11.00
500-1699	9.00
1700-end	6.00
25	8.00
26 Parts:	
1 (§§ 1.0-1.169)	8.50
1 (§§ 1.170-1.300)	6.50
1 (§§ 1.301-1.400)	6.00
1 (§§ 1.401-1.500)	7.00
1 (§§ 1.501-1.640)	6.50
1 (§§ 1.641-1.850)	7.50
1 (§§ 1.851-1.1200)	8.00
1 (§§ 1.1201-end)	9.00
2-29	7.50
30-39	6.50
40-299	7.50
300-499	6.00
500-599	6.50
600-end	5.00
27 Parts:	
1-199	6.50
200-end	7.50

CFR Unit (Rev. as of July 1, 1980):

28	7.00
29 Parts:	
0-499	9.00
500-1899	11.00
1900-1910	9.00
1911-1919	5.50
1920-end	8.00
30 Parts:	
0-199	7.50
200-end	8.00
31 Parts:	
0-199	6.00
200-end	7.50
32 Parts:	
1-39 (Supplement)	6.00
40-399	10.00
400-699	8.50
700-799	8.00
800-999	8.00
1000-end	6.50
33 Parts:	
1-199	9.50
200-end	8.50
34	6.00
35 (Rev. 12/31/80)	6.00
36	7.50
37	6.00
38	11.00
39	6.00
40 Parts:	
0-51	7.50
52	9.00
53-80	7.50
81-99	8.50
100-399	13.00
400-424	7.50
425-end	7.50
41 Chapters:	
1-2	11.00
3-6	8.00
7	4.25
8	4.50
9 (Supplement)	3.00
10-17	7.50
18 (Vol. I)	7.50
18 (Vol. II)	9.00
18 (Vol. III)	7.50
19-100	7.50
101	8.50
102-end	7.00

CFR Unit (Rev. as of Oct. 1, 1980):

42 Parts:	
1-399	9.50
400-end	8.50
43 Parts:	
1-199	6.50
1000-end	11.00
44	7.00
45 Parts:	
1-99	6.50
100-149	7.50
150-199	7.50
200-499	5.50
500-1199	7.50
1200-end	7.50
46 Parts:	
1-29	5.00
30-40	4.75
41-69	6.50
70-89	5.50
90-109	5.50
140-155	6.00
156-165	6.50
166-199	6.00
400-end	6.00
47 Parts:	
0-19	6.50
20-69	8.50
70-79	7.50
49 Parts:	
1-99	5.50
100-177 (Rev. 12/1/80)	8.00
178-199 (Rev. 12/1/80)	7.50
200-399	7.00
400-999	7.50
1000-1199	7.50
1200-1299	9.00
1300-end	6.50
50 Parts:	
1-199	6.00
200-end	7.50

AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ESS Economics and Statistics Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSQS Food Safety and Quality Service
IGO Inspector General Office
REA Rural Electrification Administration
SCS Soil Conservation Service
SEA Science and Education Administration
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MA Maritime Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department

NCH National Council for the Handicapped

DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
CRE Conservation and Renewable Energy, Office of Assistant Secretary
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Centers for Disease Control
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute for Occupational Safety and Health
PHS Public Health Service
RRO Refugee Resettlement Office
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
EQO Environmental Quality Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
HCRS Heritage Conservation and Recreation Service
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
SMREO Surface Mining Reclamation and Enforcement Office
WPRS Water and Power Resources Service

JUSTICE Justice Department

BJS Bureau of Justice Statistics
DEA Drug Enforcement Administration
FCSC Foreign Claims Settlement Commission
INS Immigration and Naturalization Service
JJDPO Juvenile Justice and Delinquency Prevention Office
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission
PB Prisons Bureau

LABOR Labor Department

BLS Bureau of Labor Statistics
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration

V 46 / 104
JE 1 81
UMI

P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
FACO Foreign Assets Control Office
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
DIDC Depository Institutions Deregulation Committee
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRAC Federal Register Administrative Committee
FRS Federal Reserve System
FSIDP Foreign Service Impasse Disputes Panel
FSLRB Foreign Service Labor Relations Board
FTC Federal Trade Commission
GAO General Accounting Office
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Representative Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 27, 1981

V 4 6 / 1 0 4 J E 1 8 1 UMI

V 46/104

JE 1 81

UMI

Just Released

Code of Federal Regulations

Revised as of January 1, 1981

Quantity	Volume	Price	Amount
_____	Title 8-Aliens and Nationality	$5.50	$_____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA®

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the Code of Federal Regulations publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

6-2-81
Vol. 46 No. 105
Pages 29453-29690

federal register

Tuesday
June 2, 1981

Highlights

29465 **Income Tax** Treasury/IRS provides rules for treatment of losses on small business stock.

29482 **Federal Credit Unions** NCUA proposes to establish new minimum standards for surety bond and insurance coverage.

29680 **Outer Continental Shelf** DOE approves new bidding system for lease sales of oil and gas tracts. (Part IV of this issue)

29474 **Veterans' Educational Benefits** VA and DOD allow reenlisted individuals to resume contributions to the Post-Vietnam Era Veterans Educational Account.

29457 **National Security Items** Commerce/ITA informs interested parties how to submit comments to assist in review of Commodity Control List.

29662 **National Defense** Commerce/ITA proposes to establish a new Defense Priorities and Allocations System. (Part III of this issue)

29544 **Health—Blood** HHS/PHS commences evaluation of safety and effectiveness of computerized, blood glucose controlled insular infusion systems.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

29484 **Drug Traffic Control** Justice/DEA propose to designate Ketamine as a Schedule III controlled substance.

29456 **Passports and Visas** Justice/INS extends approval period for visas of nonimmigrant intra-company transferees from one year to three years.

29485 **Minimum Wages** Labor/ESA extends comment period on proposed removal of rule on employment of homeworkers in certain industries.

29453 **Environmental Protection—Water** USDA/ASCS extends and modifies Experimental Rural Clean Water Program.

29474 **Telephones** FCC allows all-party consent as an alternative to beep tone warning in the recording of conversations. The Commission also removes prohibition against acoustic and inductive recording.

29490 **Endangered and Threatened Wildlife** Interior/FWS proposes to redefine "harm" to mean act or omission which injures or kills.

Privacy Act Documents

29486 DOD
29596 ED

29583 **Sunshine Act Meetings**

Separate Parts of This Issue

29596 **Part II, ED**
29662 **Part III, Commerce/ITA**
29680 **Part IV, DOE**

V 46 / 105 JE 2 81 1 UMI

Contents

Federal Register
Vol. 46, No. 105
Tuesday, June 2, 1981

Agricultural Marketing Service
RULES
29454 Potatoes (Irish) grown in N.C. and Va.

Agricultural Stabilization and Conservation Service
RULES
29453 Experimental rural clean water program; nation's streams and lakes, pollution reduction; Federal financial and technical assistance; interim rule and request for comments

Agriculture Department
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Rural Electrification Administration.
NOTICES
29493 Cheese, domestic Swiss; price undercutting determination

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings; advisory committees:
29541 June; date change

Animal and Plant Health Inspection Service
RULES
Livestock and poultry quarantine:
29456 Exotic Newcastle disease

Arts and Humanities, National Foundation
NOTICES
Meetings:
29574 Dance Advisory Panel
29574, 29575 Theater Advisory Panel (3 documents)

Civil Aeronautics Board
NOTICES
29583 Meetings; Sunshine Act

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration.

Customs Service
RULES
Organization and functions; field organization; ports of entry, etc.:
29462 Houston-Galveston district, etc.; consolidation and reorganization

Defense Department
See also Defense Investigative Service.
RULES
Veterans vocational rehabilitation and education:
29474 Post-Vietnam era veterans' educational assistance fund; resumption of contributions upon reenlistment

Defense Investigative Service
PROPOSED RULES
29486 Privacy Act; implementation

Drug Enforcement Administration
PROPOSED RULES
Schedules of controlled substances:
29484 Ketamine

Economic Regulatory Administration
NOTICES
Consent orders:
29502 A. Johnson & Co. Inc.
29502 Texas Gas Exploration Corp.
29503 Witco Chemical Corp.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
29502 Puget Sound Power & Light Co.; correction

Education Department
NOTICES
29596 Privacy Act; systems of records; annual publication

Employment and Training Administration
NOTICES
Unemployment compensation; extended benefit periods:
29558 Delaware

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Western Area Power Administration.
RULES
Outer Continental Shelf oil and gas leasing:
29680 Bidding system, "variable net profit share"
NOTICES
Consent orders:
29497 Commonwealth Oil Refining Co., Inc.
29499 Tenneco Oil Co.
International atomic energy agreements; civil uses; subsequent arrangements:
29497 Turkey
Meetings:
29496 National Petroleum Council
Patent licenses, exclusive:
29495 Murray Enterprises
29495 Rexnord, Inc.
29496 Plutonium-238; sales price increase; inquiry

Environmental Protection Agency
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
29488 Ohio
NOTICES
Meetings:
29532 FIFRA Scientific Advisory Panel
Pesticides; tolerances in animal feeds and human food:
29530 Reuter Laboratories, Inc.

Toxic and hazardous substances control:
29529, 29531 Confidential information and data transfer to contractor (2 documents)
29530 Premanufacture exemption applications
29524-29527 Premanufacture notices receipts (3 documents)
29523 Premanufacture notices receipts correction

Federal Communications Commission
RULES
Common carrier services:
29474 Recording devices, use in connection with telephone service
PROPOSED RULES
Radio stations; table of assignments:
29488 Hawaii
NOTICES
29532, 29537 AM broadcast applications accepted for filing and notification of cut-off date (2 documents)
29532 Canadian standard broadcast stations; notification list
Hearings, etc.:
29533 RCA American Communications, Inc.
29537 Television broadcast applications accepted for filing and notification of cut-off date

Federal Election Commission
NOTICES
29583 Meetings; Sunshine Act

Federal Energy Regulatory Commission
RULES
Electric utilities:
29459 Annual reports (Form No. 1, Class A and B); elimination of requirement for Federal entities to file reports
NOTICES
Natural Gas Policy Act of 1978:
29506, 29510 Jurisdictional agency determinations (2 documents)

Federal Maritime Commission
NOTICES
29537 Agreements filed, etc.
Freight forwarder licenses:
29538 M-Z International
29538 Reliable Traffic Service

Federal Mine Safety and Health Review Commission
NOTICES
29583 Meetings; Sunshine Act (2 documents)

Federal Reserve System
NOTICES
Applications, etc.:
29538 American National Bancorp., Inc.
29540 Firstbank Holding Co. of Colorado
29540 K.J.B. Enterprises, Inc.
29540 Kansas Bancshares, Inc.
29540 Marine Bancorp, Inc.
29540 New England Merchants Co., Inc.
29541 Northshore Bancshares, Inc.
29541 Quitman Bancshares, Inc.
29541 Salem National Bancorporation
29541 Sweetwater Valley Corp.
29583 Meetings; Sunshine Act
Bank holding companies; proposed de novo nonbank activities:
29538 Manufacturers Hanover Corp. et al.
29539 Security New York State Corp. et al.

Federal Trade Commission
RULES
Prohibited trade practices:
29458 Godfrey Co.

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
29581 Cornhusker Casualty Co.
29581 Delta Casualty Co.

Fish and Wildlife Service
RULES
Endangered and threatened species:
29481 Final rules; deferral of effective dates and request for comments
PROPOSED RULES
29490 Endangered and threatened wildlife and plants; definition of "harm"
NOTICES
Environmental statements; availability, etc.:
29545 Peregrine falcon restoration in eastern United States

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
29464 Fenbendazole with trichlorfon
NOTICES
29542 Animal drug documents, preambles; compilation
29542, 29543 Tomato juice; identity standards deviation; temporary permits for market testing (4 documents)

Health and Human Services Department
See Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; Public Health Service.

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; pending minations:
29545 Georgia et al.

Immigration and Naturalization Service
RULES
29456 Nonimmigrant classes; intra-company transferees; admittance extended to 3 years

Interior Department
See Fish and Wildlife Service; Heritage Conservation and Recreation Service; Land Management Bureau; Reclamation Bureau.

Internal Revenue Service
RULES
Income taxes:
29465 Small business stock; treatment of losses

International Trade Administration
RULES
Export licensing:
29457 Commodity control list review procedures
PROPOSED RULES
Export licensing:
29662 Defense priorities and allocations system

NOTICES
Antidumping:
29494 Expanded metal of base metal from Japan

International Trade Commission
NOTICES
29584 Meetings; Sunshine Act

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
29480 Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; track use by various railroads
NOTICES
Motor carriers:
29546 Fuel costs recovery, expedited procedures
29547, 29549-29553 Permanent authority applications (5 documents)
29547 Permanent authority applications; restriction removals
Railroad operation, acquisition, construction, etc.:
29546 Chicago South Shore & South Bend Railroad

Justice Department
See also Drug Enforcement Administration; Immigration and Naturalization Service.
NOTICES
Meetings:
29556 Attorney General's Task Force on Violent Crime

Labor Department
See also Employment and Training Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office; Wage and Hour Division.
NOTICES
Adjustment assistance:
29573 Allegheny Foundry Co. et al.
29570 Asheville Mica Co.
29571 Dram Molding, Inc., et al.
29572 Hoover Universal, Inc.
29574 VRN, International

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
29544 New Mexico generating station; transmission line form station to Los Angeles Basin, Calif.

National Credit Union Administration
PROPOSED RULES
Federal credit unions:
29482 Surety bond and insurance coverage; minimum standards
NOTICES
29575 Consumer examination reports, release; proposed policy statement; inquiry

National Oceanic and Atmospheric Administration
NOTICES
Procurement:
29495 National Climatic Center; review of Government versus contract operation of computer facilities

National Transportation Safety Board
NOTICES
29584 Meetings; Sunshine Act (2 documents)

Nuclear Regulatory Commission
RULES
Environmental protection; licensing and regulatory policy and procedures:
29457 Alternative site reviews; procedures and performance criteria; effective date corrected
NOTICES
Applications, etc.:
29576 Duke Power Co.
29576 Rochester Gas & Electric Corp.

Occupational Safety and Health Administration
NOTICES
State plans; development, enforcement, etc.:
29558 Arizona

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
29563 Carpenters Pension Trust for Southern California
29559 Fireman's Fund American Incentive Savings and Supplemental Retirement Plan and Trust
29564 Fisher Employees' Profit Sharing Plan and Trust
29560 Rochester Internal Medicine Professional Association Employees Retirement Plan
29561 Scudder, Stevens & Clark et al.
29566 Straub Clinic & Hospital Inc.
29568 Tharco Affiliated Companies Profit Sharing Plan Trust
29560 Utah Carpenters & Cement Masons' Vacation Trust Fund

Public Health Service
NOTICES
Medical technology scientific evaluations:
29544 Labor and delivery or surgery, stressful; safety and clinical effectiveness of computerized, blood glucose controlled insulin infusion systems

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
29544 Central Arizona Project, water allocations, Ariz.

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
29493 Garkane Power Association, Inc.
29493 Kaw Valley Electric Cooperative Co., Inc.
29494 Pioneer Electric Cooperative, Inc.

Securities and Exchange Commission
NOTICES
Hearings, etc.:
29576 Frank Russell Investment Co.
29578 Northeast Utilities

State Department
NOTICES
29578 Nuclear Technology and Safeguards Office; U.S.—International Atomic Energy Agency safeguards agreement, implementation; interagency procedures

Treasury Department
See Customs Service; Fiscal Service; Internal Revenue Service.

Veterans Administration
RULES
Vocational rehabilitation and education:
29474 Post-Vietnam era veterans' educational assistance fund; resumption of contributions upon reenlistment
NOTICES
Meetings:
29581 Special Medical Advisory Group

Wage and Hour Division
PROPOSED RULES
29485 Homeworkers; employment in certain industries; CFR Part removed; extension of time

Western Area Power Administration
NOTICES
29521 Central Valley Project, Calif.; power marketing plan; forum and inquiry

MEETINGS ANNOUNCED IN THIS ISSUE

ARTS AND HUMANITIES, NATIONAL FOUNDATION
29574 Dance Panel (Dance Touring Program), Washington, D.C. (partially open), 6–29 through 7–2–81
29575 Theater Panel, Washington, D.C. (partially open), 6–30 and 7–1–81
29574 Theatre Panel (Playwrights Fellowships Section), Washington, D.C. (closed), 6–29–81
29575 Theater Panel (Small Professional Companies), Washington, D.C. (closed), 7–2 and 7–3–81

ENERGY DEPARTMENT
29496 National Petroleum Council, Environmental Conservation Committee, Water Quality Task Group, Denver, Colo. (open), 6–15–81

ENVIRONMENTAL PROTECTION AGENCY
29532 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel, Arlington, Va. (open), 6–17 through 6–19–81

JUSTICE DEPARTMENT
29556 Attorney General's Task Force on Violent Crime, Chicago, Ill. (open), 6–17 and 6–18–81

VETERANS ADMINISTRATION
29581 Special Medical Advisory Group, Washington, D.C. (open), 6–24 and 6–25–81

CHANGED MEETING

HEALTH AND HUMAN SERVICES DEPARTMENT
Alcohol, Drug Abuse, and Mental Health Administration—
29541 Basic Psychopharmacology and Neuropsychology Research Review Committee, Silver Spring, Md. (partially open), changed from 6–18 and 6–19–81 to 6–17 through 6–19–81

V 46 / 105 JE 2 81 UMI

CFR PART
A cumulativ
the Reader
7 CFR
700
953
8 CFR
214
9 CFR
82
10 CFR
51
376
390
12 CFR
Proposed Ru
701
15 CFR
370
Proposed Ru
330
331
332
340
341
342
343
350
351
352
353
354
16 CFR
13
18 CFR
141
19 CFR
101
21 CFR
520
Proposed Rul
1308
26 CFR
1
11
29 CFR
Proposed Rul
530
32 CFR
Proposed Rul
298a
38 CFR
21
40 CFR
Proposed Rul
52
47 CFR
64
Proposed Rul
73
49 CFR
1033
50 CFR
17
Proposed Rul
17

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
700.....29453
953.....29454

8 CFR
214.....29456

9 CFR
82.....29456

10 CFR
51.....29457
376.....29680
390.....29680

12 CFR
Proposed Rules:
701.....29481

15 CFR
370.....29457
Proposed Rules:
330.....29662
331.....29662
332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662

16 CFR
13.....29458

18 CFR
141.....29459

19 CFR
101.....29462

21 CFR
520.....29464
Proposed Rules:
1308.....29484

26 CFR
1.....29465
11.....29465

29 CFR
Proposed Rules:
530.....29485

32 CFR
Proposed Rules:
298a.....29486

38 CFR
21.....29474

40 CFR
Proposed Rules:
52.....29488

47 CFR
64.....29474
Proposed Rules:
73.....29488

49 CFR
1033.....29480

50 CFR
17.....29481
Proposed Rules:
17.....29490

V
4
6
1
0
5
J
E
2
8
UMI

Rule

This sec
contains
general
of which
the Code
published
U.S.C. 15
The Code
by the S
Prices of
first FED
month.

DEPART

Agricult
Conserv

7 CFR P

Experim
Program

AGENCY:
Conserva
Departm

ACTION:

SUMMARY
the exist
Rural Cle
The purp
is to redu
Nation's
program
technical
agricultu
perform
(BMPs) t
pollution
current r
for the Se
approve
have bee
fiscal yea
years. Fu
sharing f
include c
loss of in
cropland
vegetativ
goals of t
updates a
existing r

DATES: In
1981; com
before Au

ADDRESS:
to submit
Conserva
Protectio
Box 2415,
telephone

Rules and Regulations

Federal Register
Vol. 46, No. 105
Tuesday, June 2, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 700

Experimental Rural Clean Water Program (RCWP)

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture (USDA).

ACTION: Interim Rule.

SUMMARY: This interim rule will amend the existing regulations governing the Rural Clean Water Program (RCWP). The purpose of the experimental RCWP is to reduce agricultural pollution of the Nation's streams and lakes. The program provides Federal financial and technical assistance to encourage agricultural producers to voluntarily perform Best Management Practices (BMPs) to control agriculture non-point pollution. This interim rule amends the current regulations to provide authority for the Secretary of Agriculture to approve projects using funds which have been or may be appropriated for fiscal year 1981 and subsequent fiscal years. Further, this rule redefines cost-sharing for BMPs under the RCWP to include compensation for the producer's loss of income from crops when the cropland is converted to a permanent vegetative cover or trees to further the goals of the RCWP. The interim rule also updates and clarifies language in the existing regulations.

DATES: Interim rule effective June 1, 1981; comments must be received on or before August 3, 1981.

ADDRESS: Interested persons are invited to submit written comments to: Director, Conservation and Environmental Protection Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013; telephone 202–447–6221.

FOR FURTHER INFORMATION CONTACT: John R. Henry, Chief, Conservation and Environmental Protection Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013; telephone 202–447–7333. The Final Economic Impact Statement describing the options considered in developing this rule will be available when completed, upon request from the above named individual.

SUPPLEMENTARY INFORMATION: The title and number of the Federal Assistance Program to which this notice applies is: Title—Rural Clean Water Program; Number–10.068; as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local governments are informed of this action. This rule has been reviewed in accordance with Executive Order 12291 and has been classified as "not major." The emergency nature of this action makes it impractical for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Secretary has determined that an emergency situation exists which warrants publication without opportunity for a public comment period of this action. Final regulations were published in the **Federal Register** on March 4, 1980 (45 FR 14006) setting forth the provisions for carrying out an experimental 1980 Rural Clean Water Program (RCWP) as authorized in the Agriculture, Rural Development and Related Agencies Appropriations Act, Fiscal Year 1980 (Pub. L. 96–108, 93 Stat. 821, 835, approved November 9, 1979). These regulations applied only to projects approved by the Secretary with funds appropriated for fiscal year 1980. An additional $20 million was appropriated in the Agriculture, Rural Development and Related Agencies Appropriations Act, Fiscal Year 1981 (Pub. L. 96–528, 94 Stat. 3095, 3111, approved December 15, 1980) for the approval of RCWP projects. The Secretary is preparing to announce approval of RCWP projects in early May 1981. The provisions of this rule are needed to provide authority for approving new projects beyond the 1980 fiscal year.

Accordingly, pursuant to the administrative rulemaking requirements as provided for by Secretary's Memorandum 1955 and 5 U.S.C. 553, it is found upon good cause that advance notice and other public rulemaking requirements with respect to this action are impracticable and contrary to the public interest. Thus, this interim rule shall become effective upon date of filing with the Director, Office of the Federal Register. Comments will be solicited for 60 days after publication of this document. This interim rule will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible. The emergency nature of this action also warrants this publication without completion of a Final Impact Statement. A final economic impact statement will be prepared after public comment has been received and will be available upon request.

The experimental RCWP provides long-term financial assistance to owners and operators having control of agricultural land. The purpose of this assistance is to install and maintain BMPs to control agricultural nonpoint source pollution to improve water quality.

One of the most cost-effective BMPs, in terms of reducing soil loss and thus reducing runoff of pollution, is the establishment of permanent vegetative cover on land previously devoted to crop production. However, converting cropland from other uses to vegetative cover or trees can result in loss of income for the farmer. In order to achieve the desired participation in RCWP, it is desirable that loss of income during the first twelve months following conversion of cropland to permanent vegetative cover or trees be included as part of the eligible cost of establishing BMPs where the vegetative cover is not harvested or grazed during that period.

To this end, the rule provides that assistance under the RCWP may include compensation for loss of income from crops during the first twelve months following conversion of cropland to permanent vegetative cover or trees to carry out the purposes of RCWP. Producers may be so compensated only when harvesting or grazing of the vegetative cover is restricted during the first twelve months following conversion, except the State ASC

committee, with the agreement of the State Extension agronomist, may approve harvesting during the first year with appropriate reduction in cost-sharing. Under the previous rule, it was not specifically stated that the producer could be compensated for loss of income for approved land use conversion to vegetative cover or trees.

Accordingly, the regulations at 7 CFR Part 700 are revised to read as follows:

Interim Rule

1. The table of contents is amended by revising the heading of the table of contents to read:

PART 700—EXPERIMENTAL RURAL CLEAN WATER PROGRAM

2. Section 700.1(a) is amended by removing the period at the end of the paragraph and inserting the phrase "and subsequent Appropriations."

3. Section 700.2 of the regulations is amended by revising paragraph (a) to read as follows:

§ 700.2 Objective.

* * * * *

(a) Improve impaired water use and quality in the approved project area in the most cost-effective manner possible in keeping with the provision of adequate supplies of food, fiber, and ■ quality environment.

* * * * *

§ 700.3 [Amended]

4. Section 700.3 of the regulations is amended by removing the period after the words "* * * the 1980 Appropriations Act" in the first sentence of the preamble and inserting in lieu thereof the words "and subsequent Appropriations.".

5. Section 700.4 of the regulations is amended by revising paragraph (h) to read as follows:

§ 700.4 Definitions.

* * * * *

(h) *BMP Costs.* The amount of money actually paid or obligated to be paid by the participant for equipment use, materials and services for carrying out BMPs or an identifiable unit of a BMP. Loss of income from crops during the first twelve months following the conversion of productive cropland to permanent vegetative cover or trees may be considered a part of the BMP cost for a project where it is determined that harvesting or grazing restrictions are necessary in order to establish properly the practice and the reimbursement for loss of income is necessary to provide incentives to achieve an adequate level of participation as defined in 7 CFR 700.4(a). If the participant uses personal resources, the cost includes the computed value of personal labor, equipment use, and materials.

* * * * *

§ 700.5 [Amended]

6. Section 700.5(g) of the regulations is amended (a) by removing the phrase "Economics, Statistics and Cooperative Service (ESCS)" and inserting in lieu thereof the phrase "Economics and Statistics Service (ESS)" and (b) by removing the acronym "ESCS" and inserting in lieu thereof the acronym "ESS" wherever it appears.

7. Section 700.5 of the regulations is amended by revising subparagraph (i)(7) to read as follows:

§ 700.5 Responsibilities.

* * * * *

(i) * * *

(7) Annually review the plans of work and recommend changes in the projects.

8. Section 700.5(j) of the regulations is amended by redesignating subparagraphs (2), (3), (4), (5), (6), and (7) as (3), (4), (5), (6), (7), and (8), respectively and by adding a new subparagraph (2) to read as follows:

§ 700.5 Responsibilities.

* * * * *

(j) * * *

(2) Insure that each project application referred to the state ASC committee includes a water quality monitoring plan which specifies the organization(s) responsible for general monitoring, including cost and budget breakdown by organization(s).

* * * * *

9. Section 700.15 of the regulations is amended by revising the heading of the Section to read "Transfer of Funds" and by revising paragraph (b) to read as follows:

§ 700.15 Transfer of funds.

* * * * *

(b) ASCS will transfer funds to the applicable agency or organization providing specific technical assistance and/or expanded informatioin and education. The transfer will be made on a project by project basis.

10. Section 700.21 of the regulations is amended by revising subparagraph (a), redesignating subparagraph (b) as subparagraph (c), and adding a new subparagraph (b) to read as follows:

§ 700.21 Eligible person (participant).

(a) Any land owner or operator whose land or activities in a project area is contributing to the area's agricultural nonpoint source water quality problems and who has an approved water quality plan is eligible to enter into an RCWP contract. For the purpose of this section, an eligible person is an individual, partnership, corporation (except corporations whose stock is publicly traded), Indian tribe, irrigation district or other entity.

(b) Federal, State or local governments, or subdivisions thereof (except irrigation districts), are not considered as an eligible person for RCWP contracts.

(c) This program will be conducted in compliance with all requirements respecting nondiscrimination as contained in the Civil Rights Act of 1964 and amendments thereto and the Regulations of the Secretary of Agriculture (7 CFR 15.1–15.12).

11. Section 700.24 of the regulations is amended by revising paragraph (a) to read as follows:

§ 700.24 Cost-sharing.

(a) The maximum cost-share for each project will be approved by the Secretary, taking into consideration the recommendation of the NCC. The Federal cost-share for each BMP shall not exceed 75 percent of the cost of carrying out the practice unless otherwise approved by the Administrator, ASCS.

* * * * *

(Pub. L. 96–108, 93 Stat. 821, 835.)

Signed at Washington, D.C., May 28, 1981.

Richard E. Lyng,

Acting Secretary.

[FR Doc. 81-16507 Filed 6-1-81; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 953

Irish Potatoes Grown in the Southeastern States; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of potatoes grown in designated counties of Virginia and North Carolina to be inspected and meet minimum grade and size requirements. It should promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington,

D.C. 20250, (202) 447–2615. The Final Impact Statement relating to this final rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 104 and Order No. 953, both as amended, regulate the handling of potatoes grown in designated counties of Virginia and North Carolina. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Southeastern Potato Committee, established under the order, is responsible for its local administration.

Notice of rulemaking was published in the May 8, 1981, **Federal Register** (46 FR 25625). The notice afforded interested persons through May 23, 1981, to file written comments on the proposal. None was filed.

This regulation is based upon recommendations made by the committee at its public meeting in Norfolk, Virginia, on April 9, 1981.

The grade and size requirements are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes from being distributed to fresh market outlets. The regulation will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Again this season the minimum quantity exemption will be five hundredweight. This should relieve the burden on handling noncommercial quantities of potatoes and allow direct marketing outlets to operate in greater freedom.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments will be allowed to certain special purpose outlets without regard to the grade, size, and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Shipments for use as livestock feed will be so exempt because requirements for this outlet differ greatly from those for fresh market. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments also will be exempt. Also, potatoes for most processing uses are exempt under the legislative authority for this part.

After consideration of all relevant matters, including the proposal in the notice, it is found that the following handling regulation will tend to effectuate the declared policy of the act by setting the minimum grade, size and inspection requirements which the Secretary has found should be maintained for orderly marketing.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the **Federal Register** (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date of June 5, 1981, (2) to maximize benefits to producers, the regulations should apply to as many shipments as possible during the marketing season, and (3) handlers under this part should be able to complete by June 5, 1981, all preparations to comply with the regulation, which is similar to those of previous marketing seasons.

§ 953.320 [Removed]

Section 953.320 (45 FR 56353, May 30, 1980) is hereby removed and a new § 953.321 is added as follows:

§ 953.321 Handling regulation.

During the period June 5 through July 31, 1981, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) or (e) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches (38.1 mm) minimum diameter.

(b) *Inspection.* Except as provided in paragraphs (c) and (e), no handler shall ship any potatoes unless an appropriate inspection certificate covering them has been issued by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not apply to potatoes shipped for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity, except that the handler of them shall comply with the safeguard requirements of paragraph (d) of this section.

(1) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments.

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver to sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, five hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds five hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes as amended (7 CFR 2851.1540 through 2851.1566), including the tolerances set forth in it. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and

maturity requirements specified in paragraph (a) of this section.

(h) *Forms.* Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: May 28, 1981, to become effective June 5, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-16421 Filed 6-1-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes; Intra-Company Transferees; Admittance Extended to Three Years

AGENCY: Immigration and Naturalization Service.

ACTION: Final rule.

SUMMARY: This rule extends the maximum initial approval period for nonimmigrant visa petitions filed in behalf of aliens classified under section 101(a)(15)(L) of the Act (intracompany transferees) from one year to three years. Experience with the administration of this category of nonimmigrants shows that the extension of the initial approval period would greatly benefit the public without adversely affecting enforcement of the Act.

EFFECTIVE DATE: June 2, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information:
Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536. Telephone: (202) 633–3048

For specific information:
Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536. Telephone: (202) 633–3946

SUPPLEMENTARY INFORMATION: The Service's experience with administering the L–1 Program (nonimmigrant intra-company transferees) has shown that it is feasible at this time to extend the initial approval period for L–1 petitions from one to three years. Extending this period of initial approval to three years is consistent with the intent of Congress, which intent was expressed in House Report No. 91–851 of March 3, 1970 regarding the amendment to section 101(a)(15) of the Act (8 U.S.C. 1101(a)(15)) (by adding subparagraph (1). Subparagraph (1) was added by section 1(b) of Pub. L. 91–225 (84 Stat. 116) on April 7, 1970 to facilitate the entry into the United States of nonimmigrant intra-company transferees, eliminating the problem faced by American companies having offices abroad in transferring key personnel freely within the organization. This interchange of personnel is important since it offers an opportunity for an individual to advance within worldwide organizations without regard to nationality. It enables foreign nationals to learn American management techniques by placing them in key positions in the United States and thus, through such experience, enables them to more effectively manage the affiliate operations of U.S. companies when they return overseas. Such intracompany transfers contribute immeasurably to the growth of American entrerprise throughout the world and to the international trade of the United States.

A three year admission under the "L" type visa as an initial period appears adequate to accomplish the goal of the L-program. It will reduce the burden upon beneficiaries (intra-company transferees) and the Service to apply for and process applications for extensions because the initial period, previously limited to one year, proved to be insufficient time for the beneficiary to gain meaningful experience. Further, extending the initial period of approval to three years will not adversely affect the administration or enforcement of the L-program because the responsibility for maintaining status remains with the beneficiaries of these petitions.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking is not required because the rule is less restrictive than the former rule and provides a greater benefit to the public.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended:

PART 214—NONIMMIGRANT CLASSES

In § 214.2, paragraph (l)(1) is revised to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(l) *Intra-company transferees*—(1) *Petition.* An alien defined in section 101(a)(15)(L) of the Act must be the beneficiary of an approved visa petition filed on Form I–129B. A separate petition for each beneficiary, with supporting documents, must be filed by the petitioner with the district director having administrative jurisdiction over the place in the United States where the beneficiary will perform temporary services. A petition approved under this paragraph is valid for the period of established need for the beneficiary's temporary services but not to exceed three years. The spouse and minor children of the beneficiary are entitled to the same nonimmigrant classification if accompanying or following to join him/her. However, neither the spouse nor child may accept employment unless the spouse or child is the beneficiary of an approved petition filed in his/her behalf. The petitioner, who need not be a United States resident, must be notified of the decision and, if the petition is denied, of the reason for the denial and of the right to appeal under Part 103 of this chapter.

* * * * *

(Secs. 103 and 214; 8 U.S.C. 1103 and 1184)

Certification

In accordance with 5 U.S.C. 605(b), this rule will not have a significant economic impact on a substantial number of small entities, nor is it a major rule as defined in E.O. 12291 because the rule is less restrictive than the former rule and provides a greater benefit to the public.

Dated: March 4, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-16342 Filed 6-1-81; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Riverside County, a portion of Los Angeles County, and a portion of Orange County in California from areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease

no longer exists in the areas quarantined.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 751, Hyattsville, Md. 20782, 301–436–8093.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformce with Executive Order 12291 and has been classified as not a "major rule."

The Department has determined that this rule will have an annual effect on the economy of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, Dr. Harry C. Mussman, Adminstrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it removes the quarantines imposed due to exotic Newcastle disease concerning only three premises, only one of which is owned by a small entity. That entity is a bird dealer, and there are hundreds of small entities in the country which are bird dealers.

Therefore, this amendment releases a portion of Riverside County, a portion of Los Angeles County, and a portion of Orange County in California from the areas quarantined because of exotic Newcastle disease. The restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the released areas.

Accoringly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects.

1. The authority citation for Part 82 is revised as follows:

Authority: Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141).

2. In § 82.3(c)(2), relating to the State of California, the following premises are removed: (i) Norco Bird Farm, 841 Hillside Lane, Norco, Riverside County; (ii) Libby Marsh, 8333 College Avenue, Whittier, Los Angeles County; and (iii) Pat Weymouth, 17511 Leafwood, Tustin, Orange County. Accordingly, paragraph (c)(2) is removed and reserved.

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(2) [Removed and Reserved]

* * * * *

This amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Further, it has been determined by E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment.

Done at Washington, D.C., this 28th day of May 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-16454 Filed 6-1-81; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

Alternative Site Issues in Operating License Proceedings; Correction of Effective Date

AGENCY: Nuclear Regulatory Commission.

ACTION: Correction of effective date of final rule.

SUMMARY: The Nuclear Regulatory Commission is correcting the effective date of its final rule, 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," to June 29, 1981. The final rule was published on May 28, 1981 (46 FR 28630). The original effective date was June 25, 1981.

EFFECTIVE DATE: The final rule published at 46 FR 28630, May 28, 1981 is corrected to read "June 29, 1981".

FOR FURTHER INFORMATION CONTACT: Bruce A. Berson, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492–7678.

Dated at Washington, D.C., this 28th day of May 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-16435 Filed 6-1-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 370

Commodity Control List Review Procedures

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: The Export Administration Regulations are being amended to meet the requirement of section 5(c)(3) of the Export Administration Act of 1979 that the Department of Commerce issue regulations providing for periodic review of national security controlled items on the Commodity Control List. These regulations inform interested parties how to submit written and/or oral comments and recommendations to assist in such reviews.

EFFECTIVE DATE: June 2, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230. (Telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION: The United States participates in an international security export control system. The Coordinating Committee (COCOM) of this system reviews proposals to ship strategic commodities and technical data to certain communist countries. The Commodity Control List (CCL) includes all commodities (except those specifically controlled for export

by another department or agency of the U.S. Government) that are restricted for export for national security purposes.

Section 5(c)(3) of the Export Administration Act of 1979 requires that the Department of Commerce issue regulations that provide for review of national security controlled items on the Commodity Control List. This addition to the Regulations briefly outlines how the U.S. Government conducts a CCL review. It explains how technical information is collected and evaluated in preparation for formulating U.S. proposals for reducing or increasing export restrictions administered by COCOM countries for international security purposes. This change explains how interested parties may submit recommendations to the Department of Commerce's Technical Advisory Committees, which in turn may include such recommendations in their reports to the Technical Task Groups that advise the Government on its proposals to COCOM. Also included is the address to which comments are sent, as well as useful information to include in any recommendation.

Rulemaking Requirements

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) (the "Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. This rule will not have a significant economic impact on a substantial number of small business entities because it does not impose any additional costs or other regulatory burdens on them. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* This regulation is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981).

Accordingly, Part 370 of the Export Administration Regulations (15 CFR Part 368 *et seq.*) is amended as follows:

Paragraph (b) of § 370.1 is revised to read as follows:

§ 370.1 General policy.

* * * * *

(b) Continuing Review of Commodity Controls.

(1) In accordance with provisions of the Export Administration Act of 1979, the Department of Commerce reviews the Commodity Control List (CCL) at least once every 3 years in the case of multilateral controls, and annually in the case of all other controls. This review is necessary to assure that validated export licenses are required for the purposes cited in § 370.1(a) above. Particular emphasis is placed in the Act on the review of commodities controlled for national security reasons. In this connection, commodities presently under validated license control for national security purposes are reviewed to determine whether such control is still warranted, and commodities that may be exported under general license to most destinations are examined to ascertain whether national security validated license controls should be extended to additional Country Groups. The review ensures that necessary revisions of the CCL are issued promptly.

(2) U.S. Government recommendations that particular commodities be included in the CCL are based on the technical expertise and justifications provided by Technical Task Groups (TTG's), composed of technical representatives of various government agencies. The TTG's in turn, depend on input from various sources, including the Technical Advisory Committees (TAC's) of the Department of Commerce. The TAC's welcome written and oral commodity review recommendations from government agencies, exporters and other interested parties.

(3) The following factors are usually considered during review of any commodity:

(i) Its essential features (distinguishing physical or operating characteristics; variations between types, models, grade, etc.; and the technical and strategic significances of these differences);

(ii) Its civilian uses;

(iii) Its military or military-support uses;

(iv) Its end-use pattern in the United States;

(v) Its technological state of development (whether it involves a new product and represents the current state-of-the-art; whether it contains advanced technology that can feasibly be extracted);

(vi) Its availability abroad (whether the same or a comparable commodity is available from other non-Communist countries, and where and by whom; whether the foreign product is manufactured abroad with U.S.-origin technology or components).

* * * * *

(4) Recommendations submitted to TAC's should, if possible, describe the commodity, identify the commodity by Export Control Commodity Number and provide information regarding uses (military or military-support vs. civilian) and foreign availability in sufficient detail to permit thorough evaluation in accordance with the guidelines set forth above. All comments, recommendations, and requests for oral presentations should be addressed to Director, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044. Brochures or other literature pertaining to the production or availability abroad of a comparable commodity will prove most helpful.

(Secs. 3, 5, 13, and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: May 8, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-16344 Filed 6-1-81; 8:45 am]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3066]

Godfrey Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Waukesha, Wis. operator of a retail grocery chain to divest within six months to a Commission-approved acquirer or acquirers, seven specified retail grocery stores located in "The Milwaukee SMSA." The company is also prohibited, for a period of ten years, from making any acquisition in the retail grocery store business involving four or more stores without prior Commission approval.

DATES: Complaint and order issued May 14, 1981.*

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580, (202) 523–3601.

SUPPLEMENTARY INFORMATION: On Wednesday, January 21, 1981, there was published in the **Federal Register**, 46 FR 6014, a proposed consent agreement with analysis In the Matter of Godfrey Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets, 13.5–20 F.T.C. Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,

Secretary.

[FR Doc. 81-16322 Filed 6-1-81; 8:45 am]

BILLING CODE 6750-01-M

*Copies of the Complaint and the Decision and Order filed with the original document.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM81-3; Order No. 146]

Final Rule To Eliminate Requirement of Federal Entities To File Report for Electric Utilities, Licensees and Others, "Annual Report (Class A and Class B)"

Issued May 26, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) hereby eliminates the requirement for Federal entities, which generate, transmit, distribute or sell electric energy, to file the "Annual Report for Electric Utilities, Licensees and Others (Class A and Class B)," FPC Form No. 1 and its modified versions, which were previously prescribed by 18 CFR 141.1.

The information collected in filings by these Federal entities of Form No. 1 and its modified versions includes summary financial data, balance sheet supporting data, income statement supporting data and electric plant, sales, operating and statistical data.

These Federal Form No. 1 data have been collected in conjunction with the Commission's headwater benefits program and Federal rate cases. Some of this information supplements and duplicates other data submitted for assessment of headwater benefits and for Federal rate filings. The Commission has determined that these data are not useful for the performance of the Commission's regulatory responsibilities and should accordingly be eliminated in their entirety.

There is also currently pending at the Commission a rulemaking proceeding to revise Form No. 1—the major annual report filed with the Commission by *non*-Federal (*i.e.*, investor-owned) Class A and Class B electric utilities, licensees and other entities. (*See* Notice of Proposed Rulemaking, issued July 10, 1980, Docket No. RM80–55, 45 FR 47704, July 16, 1980.) That proceeding is entirely separate and distinct from the instant rulemaking, which solely addresses the versions of Form No. 1 filed by *Federal* entities that generate and sell electricity.

The Economic Regulatory Administration and the Office of Conservation and Renewable Energy in the Department of Energy have stated that they utilize the data reported by Federal entities pursuant to § 141.1. Either or both of these agencies may assume collection of this information under their own authority. In order for these agencies to have sufficient time to complete rulemaking proceedings to assume this responsibility, the Commission is delaying the effective date of the elimination of this reporting requirement from its regulations until December 31, 1981.

By an order of November 5, 1980, however, the Commission suspended the application of § 141.1 to Federal entities for calendar years 1980 and thereafter until further notice; thus § 141.1 reports from Federal entities are *not* now required for calendar years 1980 or 1981. Unless the Department of Energy or other Federal entity requires the collection of these data, no further Federal versions of Form No. 1 will be required to be submitted.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Ellen Brown, Office of Program Management, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 3317, Washington, DC 20426, (202) 357–8182.

SUPPLEMENTARY INFORMATION:

Issued: May 26, 1981.

In the matter of an Annual Report for Electric Utilities, Licensees and Others (Class A and Class B): Filings by Federal Entities Pursuant to § 141.1; Docket No. RM81–3, Order No. 146, final rule.

By this rulemaking the Federal Energy Regulatory Commission (Commission) eliminates the requirement for Federal entities to file information with the Commission, pursuant to 18 CFR 141.1, "Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B)." This rulemaking is part of the Commission's ongoing program to evaluate all of the data which are required by the Commission for regulatory purposes and to eliminate unnecessary reporting requirements.

There is also currently pending at the Commission a rulemaking proceeding to revise Form No. 1—the major annual report filed with the Commission by *non*-Federal (*i.e.*, investor-owned) Class A and Class B electric utilities, licensees and other entities. (*See* Notice of Proposed Rulemaking, issued July 10, 1980, Docket No. RM80–55, 45 F.R. 47704, July 16, 1980.) That proceeding is entirely separate and distinct from the instant rulemaking which relates only to *Federal* entities that generate and sell electricity.

I. Background

A. Requirement to File Federal Form No. 1

The Commission is authorized to require the submission of information pursuant to sections 303 and 311 of the Federal Power Act (16 U.S.C. 792–828c). Section 141.1 of the Commission's regulations requires the annual filing of information from Class A and Class B electric utilities, licensees and other entities, including Federal entities engaged in the generation, transmission, distribution or sale of electric energy.[1] In brief, the prescribed filing includes summary financial data; balance sheet supporting data; income statement supporting data; and electric plant, sales, operating and statistical data.

The reports which have been submitted by Federal entities pursuant

[1] A Class A electric utility, licensee or other entity is one having annual electric operating revenues of $2,500,000 or more. A Class B electric utility, licensee or other entity is one having annual electric operating revenues of $1,000,000 or more but less than $2,500,000.

to § 141.1 are all modified versions of Form No. 1. The modified Form No. 1 reports have been filed by a variety of Federal entities, including Power Marketing Administrations within the Department of Energy, and the Water and Power Resources Service and Bureau of Indian Affairs within the Department of Interior. Another modified version of Form No. 1 is "Form No. 1002," an unofficial version of the Form No. 1 which has been filed by several projects operated by the Army Corps of Engineers and certain other agencies.

These Federal reports were required to be filed on or before December 31 of each year and were based on data from the immediately preceding fiscal year (October 1 through September 30). On November 5, 1980, however, the Commission issued an order to suspend, until further notice, the 1980 filing and future filings of information by Federal entities pursuant to 18 CFR 141.1 (45 FR 74715, November 12, 1980). The Notice of Proposed Rulemaking to eliminate these Federal filings was issued on December 30, 1980 (Docket No. RM81–3, 46 FR 1743, January 7, 1981).

B. Use of the Federal Form No. 1 Data by the Commission

The information collected from Federal agency filings of the Form No. 1 [2] has been used in the Commission's headwater benefits program (*see* 18 CFR 11.25–11.31, 13.1) and in Federal rate cases (*see* Delegation Order No. 0204–33, December 21, 1978, 43 FR 60636, December 28, 1978, and the Pacific Northwest Electric Power Planning and Conservation Act of 1980, Pub. L. 96–501).

The Commission stated in the December 30, 1980 Notice of Proposed Rulemaking that some of the information in the Form No. 1 Federal filings supplements and duplicates data submitted to the Commission for assessment of headwater benefits and for Federal rate filings. Because the data filed by Federal entities pursuant to § 141.1 were not useful for the performance of the Commission's regulatory responsibilities, the Commission proposed to eliminate these data in their entirety.

The Notice of Proposed Rulemaking further provided that revisions to the Commission's headwater benefits and Federal rate filing requirements are expected in 1981 and may include data similar to those proposed for deletion. In the meantime, the Commission would continue to use current Federal rate and headwater benefits submissions and specific data requests to obtain information needed for review in these areas.

Finally, the Commission noted that the Energy Information Administration (EIA) may require the collection of the data for itself or for some other sector within the Department of Energy. Another Federal agency could also require these data. The Commission provided that if EIA or another agency should make such a determination during this rulemaking proceeding, the Commission would issue a final rule with a delayed effective date which would formally eliminate the requirement for Federal entities to file Form No. 1 with the Commission. During this period of time before the final rule became effective, such agencies could justify the need for the data and receive approval for the collection of this information under their own authority.

The Commission specifically requested that comments address the following questions:

1. Does the proposed elimination of data affect any Commission regulatory function?
2. Is there any reason for continued collection of these data by another Federal agency? Suggestions for the continued collection of data which have been proposed for elimination should identify the proper agency and the purpose for the proposed collection of the data.

III. Summary of Comments

The Commission received six comments in response to the Notice of Proposed Rulemaking in this docket. [3]

East Kentucky Power Cooperative said that the proposed elimination of data would not affect any of the regulatory functions of the Commission and that the continued collection of the data by another Federal agency would not be necessary.

The Office of the Chief of Engineers of the Department of the Army concurred in the proposed elimination of the data. (Sixty-seven of the eighty-one Federal Form No. 1 reports which have been collected by the Commission were filed by projects under the control of the Chief of Engineers.)

South Carolina Electric and Gas Company (SCE&G) opposed the elimination of the entire requirement for Federal entities to file Form No. 1 although it did not oppose "streamlining" the requirement. SCE&G put forth three arguments against elimination of this requirement. First, the data in these filings did serve a Commission regulatory function by providing both the Commission and regulated (investor-owned) utilities with important information for deciding price squeeze issues. Second, the collection of the data served the "public's right to know." SCE&G contented that while information about investor-owned utilities could be obtained by the public from their Federal, State and (often) local regulatory authorities, information about publicly-owned utilities was not so readily available. According to SCE&G, elimination of this requirement for Federal entities would make matters worse and contradict the spirit of the Public Utility Regulatory Policies Act of 1978 (PURPA) (16 U.S.C. 2601–2645) which prescribed greater and more meaningful public dissemination of utility operating data. Finally, SCE&G argued that public power operations have historically served as a comparative model for investor-owned utility operations. If information about these Federal facilities became unavailable, it would be difficult to use such facilities as a model. Furthermore, it would be unfair for investor-owned utilities to be subjected to a different measuring standard than their "models."

Southwestern Power Administration (Southwestern), which files the Federal Form No. 1 and also uses the Form No. 1002 for projects constructed and operated by the United States Army Corps of Engineers (USCE), also objected to the complete deletion of this Federal reporting requirement. Southwestern stated that the data were in a concise format and were consistent and simple to extract for internal use. Without this form, Southwestern asserted that it would have to develop its own format to collect information necessary to analyze critical operating trends. Furthermore, such a revised format could be used only for internal use, while the current Form No. 1 is used as an official document. Southwestern argued that this proposed deletion would result in very little, if any, reduction in its burdens.

Finally, Southwestern noted that certain of the data collected in the current Form Nos. 1 and 1002 are used for Federal rate filings and power repayment studies. These data would have to be obtained elsewhere or in a new form to replace Form Nos. 1 and 1002. Southwestern did, however, favor some type of revision to the current Federal Form No. 1 requirements.

Comments received from both the Energy Information Administration

[2] All references to the Federal filings of Form No. 1 in this rulemaking include Federal filings of the Form No. 1002.

3 Energy Information Administration, Economic Regulatory Administration, Southwestern Power Administration (all within the Department of Energy); Office of the Chief of Engineers (Department of the Army); East Kentucky Power Cooperative, Incorporated; South Carolina Electric and Gas Company.

(EIA) and the Economic Regulatory Administration (ERA) [4] stated that ERA is interested in assuming the responsibility for collecting the data reported in the Federal Form No. 1. ERA added that certain of the information reported therein is not available elsewhere and that this form is more detailed than other sources of data respecting Federal utilities.

IV. Conclusions

After careful consideration of the comments submitted in this proceeding, the Commission concludes that it can no longer justify the collection of the data which Federal entities have previously filed with the Commission pursuant to § 141.1; in its current format, the information is not useful for the performance of the Commission's regulatory responsibilities. As a matter of policy, the Commission believes it should not require the reporting of data which are not supportive of its regulatory responsibilities. However, ERA has determined that the collection of data in the Federal Form No. 1 is necessary to discharge its statutory responsibilities. In addition, the Office of Conservation and Renewable Energy within the Department of Energy also uses the data reported in the Federal Form No. 1.

In consideration of the comments of SCE&G, the Commission offers the following responses: First, SCE&G argued that the Federal Form No. 1 filings provided information for deciding price squeeze issues, but failed to specify the way in which the information was used for this purpose. Furthermore the Commission has never encountered a price squeeze issue in any case involving a Federal entity since *F.P.C. v. Conway Corporation* first established the price squeeze issue (426 U.S. 271 (1976); *aff'g* 510 F.2d 1264 (D.C. Cir. 1975)).

Second, SCE&G stated that the collection of the Federal Form No. 1 data served the public's right to know and that the reporting requirement provided a model for investor-owned utility operations. The Commission believes that it should not continue to require the reporting of information which is not used in its decisional process since the data that the Commission needs for regulatory purposes can be obtained from headwater benefits and Federal rate submissions and from specific requests for information. However, energy information which is vital to the public may be collected by the Energy Information Administration (EIA) which is specifically authorized by the Department of Energy Organization Act (42 U.S.C. 7101–7352) to gather that kind of data. In the absence of such a general information-collection role, the Commission will not continue to require this additional reporting burden.

Finally, SCE&G contends that the elimination of the Federal Form No. 1 data contradicts the policy of PURPA. The Commission believes that this rulemaking does not violate PURPA, for the following reasons: (1) The data gathered by the Commission pursuant to PURPA (section 133) are used by State commissions to enhance the goals of PURPA; (2) State commissions have no ratemaking responsibilities with respect to Federal entities; (3) the Commission has no authority to confirm, approve or disapprove rates on the basis of PURPA goals; and (4) there is no correlation between PURPA and the Federal Form No. 1. The Commission recognizes that the "spirit" of PURPA favors the dissemination of public utility information. However, upon balancing the significant burden of collecting data which are not used in the performance of commission statutory responsibilities against the general need for the information by the public and by utilities as a model for their own operations, the Commission has determined that elimination of the burden is a more essential consideration with respect to the Federal Form No. 1.

With regard to the comments of Southwestern, this Commission believes Southwestern will not have to develop a new form to collect similar data for its internal use. While Southwestern may decide to continue collecting data in the format previously set out in § 141.1, it will no longer be required *by Commission regulations* to collect or file such data.

The Commission has forwarded to ERA and to the Office of Conservation and Renewable Energy copies of the comments received in this docket because these agencies have shown considerable interest in assuming the responsibility for this data collection.

The Commission issues this final rule to discontinue filings by Federal entities pursuant to § 141.1 with an effective date of December 31, 1981. The ERA and the Office of Conservation and Renewable Energy should, therefore, have a sufficient time to complete their own rulemaking proceedings to effect similar Federal Form No. 1 data collection and to receive clearance from the Office of Management and Budget for the collection of these data. The final rule will actually formalize the *status quo* because the requirement for Federal entities to file Form No. 1 has been suspended since November 5, 1980.

V. Public Procedure and Effective Date

The Commission has complied with 5 U.S.C. 553 by providing public notice and an opportunity to participate in this rulemaking. The final rule in this docket will be issued with an effective date of December 31, 1981 so that ERA and the Office of Conservation and Renewable Energy may institute their own rulemaking proceedings to assume the responsibility for collecting data from Federal entities similar to those required by § 141.1 of the Commission's regulations.

[Federal Power Act, 16 U.S.C. 792–828c; Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR 142 (1978)]

In consideration of the foregoing, the Commission herein eliminates the requirement for Federal entities to file the "Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B)," including all modified versions of such Form No. 1, in accordance with 18 CFR 141.1, and revises Part 141 of Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

In section 141.1 paragraphs (b)(1) and (c)(1) are amended and paragraphs (b)(2) and (c)(2) are revised as follows:

§ 141.1 FPC Form No. 1, Annual Report for Electric Utilities, Licensees, and Others (Class A and Class B).

* * * * *

(b) (1) Each Class A electric utility, licensee, and other entity, *i.e.*, each corporation, person, or licensee as defined in section 3 of the Federal Power Act (16 U.S.C. 792, *et seq.*), including any agency, authority or other legal entity or instrumentality engaged in generation, transmission, distribution, or sale of electric energy. * * *

(2) This report form is not prescribed for any agency, authority or instrumentality of the United States, nor is it prescribed for municipalities as defined in section 3 of the Federal Power Act; *i.e.*, a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing,

[4] ERA cited the following legal authority for its own proposed continuation of data collection by means of the Federal Form No. 1: Federal Power Act, at section 202(a); Federal Energy Administration Act of 1974 (15 U.S.C. 761–790(h) at sections 5(a) and (b), 13(b)); Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791–798) at section 11(a) and (e); Department of Energy Delegation Order No. 0204–4 (October 1, 1977).

transmitting, utilizing, or distributing power.

(c) (1) Each Class B electric utility, licensee, and other entity *i.e.*, each corporation, person, or licensee as defined in section 3 of the Federal Power Act, including any agency, authority or other legal entity or instrumentality engaged in generation, transmission, distribution or sale of electric energy,

* * * * *

(2) This report form is not prescribed for any agency, authority or instrumentality of the United States, nor is it prescribed for municipalities as defined in section 3 of the Federal Power Act, *i.e.*, a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

* * * * *

[FR Doc. 81-16329 Filed 6-1-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 81-160]

Field Organization of the Customs Service; General Provisions; Amendment

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document: (1) changes the field organization of the Customs Service, by (a) consolidating the Houston and Galveston, Texas, Customs districts (Region VI) and consolidating the Customs ports of entry of Houston and Galveston in the new Houston-Galveston district and (b) transferring jurisdiction over Morris County, New Jersey, from Region III, Baltimore, Maryland, to Region II, New York, New York; and, (2) clarifies the geographical boundaries of the Port Arthur Customs port of entry (Region VI).

Consolidating the Customs districts will significantly reduce administrative salaries and expenses without impairing services to area businesses or to the general public. Consolidating the ports of entry will simplify vessel entry and clearance procedures and reduce overtime expenses and paperwork for all parties involved. The other changes merely conform the Customs Regulations to changes previously made.

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: Renee DeAtley, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

Houston-Galveston, Texas

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, the Customs Service published a notice of proposed rulemaking in the **Federal Register** on December 16, 1980 (45 FR 82665), proposing to consolidate: (1) the Houston, Galveston, and Port Arthur, Customs districts under the Houston district; and, (2) the Galveston and Houston ports of entry in the new Houston-Galveston district.

Inasmuch as the three districts are located near one another and perform similar services, it was estimated that the proposed consolidation would significantly reduce administrative salaries and expenses without impairing Customs ability to provide services to area businesses or to the general public.

Because vessels moving between Galveston and Houston must enter and clear Customs at both ports of entry, as required by 19 U.S.C. 1443 and 1444, it was anticipated that consolidation of the ports would allow vessels to enter and move between various locations along the 43-mile stretch of the channel between Galveston and Houston by entering and clearing at either port. In addition, under the single-port concept, merchandise unladen at Galveston destined for Houston could arrive at Galveston, be shipped to Houston without bond, and be entered for Customs purposes at Houston. Importers also could make entry at Houston and pick up merchandise at Galveston.

It was anticipated that the proposed consolidation also would reduce penalties incurred if carriers failed to enter and properly clear merchandise being shipped between Galveston and Houston; reduce overtime because carriers frequently traveled between the ports outside normal business hours; and reduce paperwork for carriers, importers, and Customs because of the reduction of penalty cases and after hour entries.

The notice of proposed rulemaking invited interested parties to submit comments regarding the proposed changes on or before February 17, 1981. In response, approximately 60 comments were received from individuals, Members of Congress, maritime brokers, shippers and agents, customhouse brokers, Chambers of Commerce, port commissioners, labor unions, municipalities, banks, truckers, warehouse operators, and trade associations.

A majority of the commenters favor the proposal. They are of the opinion that the proposal will eliminate unnecessary paperwork, make it easier to move ships and cargo within the consolidated port, simplify vessel clearance and entry procedures, reduce penalties involved by moving vessels and cargo between separate ports, enhance trade flow throughout the area without adversely affecting any parties, streamline the internal operations of Customs, save manpower and tax dollars, and generally provide more efficient service to the shipping and importing communities. They believe that the advantages accruing from the changes will outweigh the disadvantages.

Those commenters opposing the proposal argue that it will not offer the advantages claimed and that the same goals can be achieved without the consolidation.

Many of the commenters oppose the inclusion of the Port Arthur district in the combined Houston-Galveston district.

After further review, Customs has determined that, at this time, it is not in the public interest to include Port Arthur in the combined Houston-Galveston Customs district. Accordingly, the proposal is being modified to retain Port Arthur as a separate district. However, Customs will continue to monitor the workload at Port Arthur and study the possibility of including it in the combined district at some other time.

Certain commenters express the opinion that the quality and quantity of service will be reduced without a corresponding savings in paperwork, money, and resources, and that the proposal will be costly and inconvenient for Customs and the public.

No evidence has been presented to indicate that the quality and quantity of service will be reduced. Presently, several positions are devoted solely to the administration of the district and do not directly serve the public. Following the consolidation, the salaries and expenses of these positions could be saved and the employees could be transferred to other positions directly serving the public. Further, Customs does not anticipate that the change will result in additional costs either to it or to the public.

Other commenters question whether consolidation of the districts will simplify entry and clearance procedures.

As stated in the notice of December 16, 1980, entry and clearance procedures will be simplified under the proposed consolidation of the *ports* of entry of Galveston and Houston. The *district* consolidation will not affect entry and clearance procedures.

Some commenters are of the opinion that the proposal would hinder growth in the area.

Customs does not agree. By making the consolidation, Customs will be able to respond more effectively to changing work loads and to requests for additional Customs service by reassigning personnel to locations where demands for service have increased significantly. Increased staffing depends upon the availability of additional manpower and these districts now must compete with other districts for scarce resources and manpower. By pooling manpower, Galveston and Houston could meet future demands for additional services without additional resources.

Certain commenters believe that consolidation of the Houston and Galveston ports of entry will not work. They state that the ports will lose control over vessels and merchandise entering in the consolidated port, creating additional paperwork, expense, and delays for importers receiving merchandise because paperwork would be processed in one location and the goods entered at another.

Customs does not anticipate that port consolidation will create more paperwork or increase costs for importers. Vessels now must enter and clear at both Galveston and Houston, making it necessary to prepare the paperwork for entering and clearing at each stop. An entry fee also is collected at both locations. Following consolidation, the fee will be collected only once. Merchandise and vessel control will be no different at the Houston-Galveston consolidated port than at any other similar sized port handling the same volume of business.

Several commenters request that, following consolidation, Customs maintain separate port Codes for the Houston and Galveston ports of entry.

To facilitate accurate recordkeeping within the consolidated port of entry, each port will retain its port number.

Customs has determined to adopt the proposal with the above noted modifications. Accordingly, the Houston and Galveston, Texas, districts are consolidated into a single Houston-Galveston, Texas, Customs district and the Customs ports of entry of Houston and Galveston, Texas, are consolidated in the new Houston-Galveston, Texas, Customs port of entry.

The district limits of the Houston-Galveston district include all of the area in the existing Houston and Galveston districts.

The port limits of the combined Houston-Galveston port encompass the territory within the present Houston and Galveston port limits.

Morris County, New Jersey

On May 9, 1978, Customs published a document in the **Federal Register** (T.D. 78-130, 43 FR 19832) changing the field organization of the Customs Service to, among other things, transfer jurisdiction over Morris County, New Jersey, from Region III, Baltimore, Maryland, to Region II, New York, New York. However, the conforming change was not made to the Customs Regulations. To properly reflect the change, the Customs Regulations now must be amended.

Port Arthur District Boundaries

The list of Customs districts in Region VI, in the table of Customs regions, districts, and ports of entry in section 101.3(b), Customs Regulations (19 CFR 101.3(b)), indicates that all of Chambers County is included in the Galveston district. However, from the time of its establishment as the Sabine Customs collection district in 1908, the western district boundary of Port Arthur has included the area south along the east boundary of Liberty County to the Gulf of Mexico which encompasses a portion of Chambers County between the Liberty County border extended to the Gulf of Mexico and the Chambers/Jefferson County border. Since the implementation of Executive Order No. 2702, on September 7, 1917, the remainder of Chambers County has been included in the Galveston District.

To clarify the district limits of both Port Arthur and Galveston, it is necessary to amend the description of the Port Arthur district limits to read as follows:

That part of the State of Texas from Sabine Pass North along the State line to the north boundary line of Shelby County; west to the Neches River; down the western shore of said river to the north boundary of Jefferson County; westerly along said boundary to the east boundary of Liberty County; south along the east boundary of Liberty County to the Gulf of Mexico, encompassing that portion of Chambers County between the Liberty County border extended to the Gulf of Mexico and the Chambers/Jefferson County border; also the parishes of Cameron and Calcasieu in the State of Louisiana.

Changes in the Customs Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp. Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (46 FR 9336), the following changes in the Customs field organization are adopted:

1. The Houston and Galveston, Texas, Customs districts are consolidated into a single Houston-Galveston, Texas, Customs district. The limits of the consolidated district include all of the territory currently in the Houston and Galveston, Texas, districts (the combined port of Houston-Galveston including territory described in T.D. 54409—Port Bolivar, and Texas City), Corpus Christi, Freeport, and Port Lavaca-Point Comfort, all in the State of Texas).

2. The Customs ports of entry of Houston and Galveston, Texas, are consolidated in the new Houston-Galveston, Texas, Customs district. The port limits of the consolidated port encompass Galveston, Texas, including Port Bolivar and Texas City, Texas, and the area within the present Houston, Texas, limits including territory described in T.D. 54409.

3. Jurisdiction over Morris County, New Jersey, is transferred from Region III, Baltimore, Maryland, to Region II, New York, New York.

4. The geographical boundaries of the Port Arthur, Texas, Customs port of entry are clarified to read as follows:

That part of the State of Texas from Sabine Pass north along the State line to the north boundary line of Shelby County; west to the Neches River; down the western shore of said river to the north boundary of Jefferson County; westerly along said boundary to the east boundary of Liberty County; south along the east boundary of Liberty County to the Gulf of Mexico, encompassing that portion of Chambers County between the Liberty County border extended to the Gulf of Mexico and the Chambers/Jefferson County border; also the parishes of Cameron and Calcasieu in the State of Louisiana.

Amendments to the Regulations

§ 101.3 [Amended]

To reflect these changes, the following modifications are made to § 101.3(b), Customs Regulations (19 CFR 101.3(b)):

1. In the list of Customs districts and ports of entry in Region VI, Houston, Texas, revise the entry for Galveston, Texas to read as follows:

Name and headquarters	Area	Ports of entry
Houston-Galveston, Texas.....	That part of the State of Texas lying south of lat. 32° N. and that part of the State of Texas lying east of long. 97° W. except the territory included in the Port Arthur district.	Houston-Galveston, Texas, including territory described in T.D. 54409 and Port Bolivar and Texas City (T.D. 81-). Corpus Christi (E.O. 8288, including territory described in T.D. 78-130). Freeport (E.O. 7632). Port Lavaca-Point Comfort, Texas (T.D. 56115).

2. In the column headed "Area" in Region II, New York City, New York, "Morris," is inserted between "Sussex" and "Passaic."

3. In Region VI, Houston, Texas, in the entry for Port Arthur, Texas, revise the material under the column headed "Area" to read as follows:

That part of the State of Texas from Sabine Pass north along the State line to the north boundary line of Shelby County; west to the Neches River; down the western shore of said river to the north boundary of Jefferson County; westerly along said boundary to the east boundary of Liberty County; south along the east boundary of Liberty County to the Gulf of Mexico, encompassing that portion of Chambers County between the Liberty County border extended to the Gulf of Mexico and the Chambers/Jefferson County border; also the parishes of Cameron and Calcasieu in the State of Louisiana.

Executive Order 12291

Because this will not result in a "major" rule as defined by section 1(b) of Executive Order 12291, the regulatory impact analysis and review prescribed by section 3 of the Executive Order is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code (as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act"), because it was the subject of a notice of proposed rulemaking published in the **Federal Register** before January 1, 1981, the effective date of the Act.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: May 28, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-16516 Filed 6-1-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Fenbendazole With Trichlorfon

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Hoechst-Roussel Pharmaceuticals, Inc., providing for safe and effective use of fenbendazole with trichlorfon as an anthelmintic for horses.

EFFECTIVE DATE: June 2, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Hoechst-Roussel Pharmaceuticals, Inc., Rt. 202-206 North, Somerville, NJ 08876, filed a supplemental NADA (104-494) providing for the concomitant use of 10 percent fenbendazole suspension with trichlorfon in horses for the treatment of infections of stomach bots in addition to its approved use in treating infections of large strongyles, small strongyles, pinworms, and large roundworms.

Approval of this application does not change the conditions of fenbendazole's use in the target animal and merely provides information regarding its concomitant use with an additional approved drug, trichlorfon. Laboratory and clinical field efficacy studies and safety studies demonstrate the concurrent use of the currently approved fenbendazole and trichlorfon does not inhibit the intended effect of each drug nor potentiate toxicity. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a supplemental approval which does not require reevaluation of the safety and effectiveness data in the original approval or the approval of the concurrent use.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drugs, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drug (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.905a by adding paragraph (e) to read as follows:

§ 520.905a Fenbendazole suspension.

* * * * *

(e) *Special considerations.* Fenbendazole suspension 10 percent and approved forms of trichlorfon, when used concomitantly for treating the indications provided in paragraph (d) of this section and for treating infections of stomach bot as provided in § 520.2520, have been shown to be compatible and not to interfere with one another.

Effective date. June 2, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 26, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-16171 Filed 6-2-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 11

[T.D. 7779]

Income Tax; Treatment of Losses on Small Business Stock

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the treatment of losses on small business stock. Changes to the applicable tax law were made by the Revenue Act of 1978, as modified by the Technical Corrections Act of 1979. These regulations provide the public with the guidance needed to comply with the changes.

DATE: The amendments to the regulations are effective with respect to stock issued before and after November 6, 1978, and apply, in general, to taxable years beginning after December 31, 1978. The amendments to the regulations also apply, in certain cases, to taxable years including November 6, 1978.

FOR FURTHER INFORMATION CONTACT: Susan K. Thompson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3459).

SUPPLEMENTARY INFORMATION:

Background

On September 19, 1979, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) and to the Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR Part 11) under sections 414, 1244, and 1563 of the Internal Revenue Code of 1954 (44 FR 54317). The amendments were proposed to conform the regulations to section 345 of the Revenue Act of 1978 (92 Stat. 2763). No comments were received with respect to this notice, nor was a public hearing requested or held.

After the publication of these amendments as a notice of proposed rulemaking, the Technical Corrections Act of 1979 was enacted (Pub. L. 96–222, 94 Stat. 194). Section 103(a)(9) of that Act made certain changes to the effective date provisions of section 345 of the Revenue Act of 1978. The proposed Treasury decision conforms the amendments to the statutory changes of the Technical Corrections Act of 1979 and the Revenue Act of 1978, and also includes certain clarifying changes.

Changes Relating to the Revenue Act of 1978

The amendments to the regulations reflect the statutory simplification and liberalization of the requirements relating to losses on small business stock enacted in 1978. In general, the 1978 Act increased the amount of section 1244 stock that a qualified small business corporation could issue, simplified and liberalized some of the conditions which must be satisfied for stock to qualify as section 1244 stock, and increased the amount of loss that certain shareholders could treat as an ordinary loss rather than as a capital loss.

Changes Relating to the Technical Corrections Act of 1979

The Technical Corrections Act of 1979 amends the effective date provisions of the Revenue Act of 1978. Section 345(e) of the Revenue Act of 1978 provided that its amendments applied to stock issued after the date of the enactment of the Act, November 6, 1978. This meant that stock issued on or before November 6, 1978, remained subject to the limitations in existence before the Revenue Act of 1978 with respect to the amount of loss deductible as ordinary loss under section 1244. The Revenue Act of 1978 thus created two separate sets of limitations, one for common stock issued prior to its enactment and another for common stock issued after its enactment.

The Technical Corrections Act of 1979 changed this result with respect to taxable years beginning after December 31, 1978. For those years, one set of dollar limitations, the increased dollar limitations set forth in the Revenue Act of 1978, applies to losses on all stock qualifying under section 1244, whether issued before or after November 6, 1978. However, in order to prevent taxpayers who relied on the effective date set forth in the 1978 Act from being disadvantaged, the Technical Corrections Act provides a special transitional rule for taxable years including November 6, 1978. For those years, the effective date provisions of the 1978 Act, with its two separate sets of limitations on amount of ordinary loss, apply.

Clarifying Changes

The proposed Treasury decision also includes certain clarifying changes. The term "capital receipts" has been substituted for the term "post-1958 capital" in § 1.1244(c)–2(b) of the proposed amendments. Additionally, the formula set forth in proposed § 1.1244(c)–2(b)(2)(i), relating to the $1,000,000 limitation on amounts received by a small business corporation issuing stock under section 1244, has been reworded and clarified. Example (3) in § 1.1244(c)–2(b)(4) as proposed has been revised to conform to this rewording.

The final regulations adopted by this Treasury decision impose no new reporting or recordkeeping requirements. The principal effect of the final regulations is to conform existing regulations to statutory changes. Evaluation of the effectiveness of these regulations after issuance will be based upon comments received from offices within Treasury and the Internal Revenue Service, other governmental agencies, and the public.

Drafting Information

The principal author of these regulations is Susan K. Thompson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of amendments to the regulations

Accordingly, the amendments to 26 CFR Parts 1 and 11 published as a notice of proposed rulemaking in the **Federal Register** for September 19, 1979 (44 FR 54317), are hereby adopted as proposed, subject to the following changes:

Paragraph 1. Paragraph (b) of § 1.1244(b)–1, as set forth in paragraph 4 of the notice of proposed rulemaking, is revised to read as follows:

§ 1.1244(b)–1 Annual limitation.

* * * * *

(b) *Amount of loss*—(1) *Taxable years beginning after December 31, 1978.* For any taxable year beginning after December 31, 1978, the maximum amount that may be treated as an ordinary loss under section 1244 is—

(i) $50,000, or

(ii) $100,000, if a husband and wife file a joint return under section 6013.

These limitations on the maximum amount of ordinary loss apply whether the loss or losses are sustained on pre-November 1978 stock (as defined in § 1.1244(c)–1(a)(1)), post-November 1978 stock (as defined in § 1.1244(c)–1(a)(2)), or on any combination of pre-November 1978 stock and post-November 1978 stock. The limitation referred to in (ii) applies to a joint return whether the loss or losses are sustained by one or both spouses.

(2) *Taxable years ending before November 6, 1978.* For any taxable year ending before

November 6, 1978, the maximum amount that may be treated as an ordinary loss under section 1244 is—

(i) $25,000 or

(ii) $50,000, if a husband and wife file a joint return under section 6013.

The limitation referred to in (ii) applies to a joint return whether the loss or losses are sustained by one or both spouses.

(3) *Taxable years including November 6, 1978.* For a taxable year including November 6, 1978, the maximum amount that may be treated as ordinary loss under section 1244 is the sum of—

(i) The amount calculated by applying the limitations described in subparagraph (1) of this paragraph (b) to the amount of loss, if any, sustained during the taxable year on post-November 1978 stock, plus

(ii) The amount calculated by applying the limitations described in subparagraph (2) of this paragraph (b) to the amount of loss, if any, sustained during the taxable year on pre-November 1978 stock,

to the extent this sum does not exceed $50,000, or, if a husband and wife file a joint return under section 6013 for the taxable year, $100,000.

(4) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A, a married taxpayer who files a joint return for the taxable year ending December 31, 1977, sustains a $50,000 loss qualifying under section 1244 on pre-November 1978 stock in Corporation X and an equal amount of loss qualifying under section 1244 on pre-November 1978 stock in Corporation Y. A is limited to $50,000 of ordinary loss under paragraph (b)(2)(ii). The remaining $50,000 of loss is treated as loss from the sale or exchange of a capital asset.

Example (2). For the taxable year ending December 31, 1979, B, a married taxpayer who files a joint return, sustains a $90,000 loss on post-November 1978 stock in Corporation X. In the same taxable year, C, B's spouse, sustains a $25,000 loss on post-November 1978 stock in Corporation Y. Both losses qualify under section 1244. B and C's ordinary loss is limited to $100,000 under paragraph (b)(1)(ii). The remaining $15,000 of loss is treated as loss from the sale or exchange of a capital asset.

Example (3). D, a married taxpayer who files a joint return and reports income on a fiscal year basis for the taxable year ending November 30, 1978, sustains a $60,000 loss qualifying under section 1244 on pre-November 1978 stock and a $40,000 loss qualifying under section 1244 on post-November 1978 stock. D's ordinary loss on pre-November 1978 stock is limited to $50,000 under subparagraph (3)(ii) of this paragraph (b). D's $40,000 loss on post-November 1978 stock is within the limit of subparagraph (3)(i) of this paragraph (b). The total of these losses, $90,000, is the aggregate amount deductible by D as ordinary loss under section 1244. The remaining $10,000 of loss is treated as loss from the sale or exchange of a capital asset.

Example (4). E, a married taxpayer who files a joint return for the taxable year ending December 31, 1980, sustains a $75,000 loss qualifying under section 1244 on pre-November 1978 stock and a $10,000 loss qualifying under section 1244 on post-November 1978 stock. E may deduct the total of these losses, $85,000, as ordinary loss under paragraph (b)(1)(ii).

Example (5). Assume the same facts as in the preceding example, except that the losses are sustained in the taxable year beginning January 1, 1978, and ending December 31, 1978. E is limited to $60,000 of ordinary loss ($50,000 on pre-November 1978 stock plus $10,000 on post-November 1978 stock) under paragraph (b)(3). The remaining $25,000 of loss is treated as loss from the sale or exchange of a capital asset.

Example (6). F, a married taxpayer who files a joint return for the taxable year beginning January 1, 1978, and ending December 31, 1978, sustains a $75,000 loss qualifying under section 1244 on pre-November 1978 stock and $125,000 loss qualifying under section 1244 on post-November 1978 stock. F's loss on pre-November 1978 stock is limited to $50,000 of ordinary loss under subparagraph (3)(ii) of this paragraph (b). F's loss on post-November 1978 stock is limited to $100,000 of ordinary loss under subparagraph (3)(i) of this paragraph (b). The total of these losses, $150,000, is limited to $100,000 of ordinary loss under paragraph (b)(3). F's aggregate amount of ordinary loss under section 1244 is $100,000. The remaining $100,000 of loss is treated as loss from the sale or exchange of a capital asset.

Par. 2. Subparagraphs (1), (2)(i), and (4) of paragraph (b) of § 1.1244(c)–2, as set forth in paragraph 6 of the notice of proposed rulemaking, are revised to read as set forth below. Subparagraph (2)(iii) of such paragraph (b) is revised by inserting the phrase "or by the 15th day of the 3rd month following the close of the transitional year, whichever is later.", immediately following the phrase "the corporation shall make the required designation by (60 days after date of such publication)". Subparagraphs (1), (2)(i) and (4) of paragraph (b), as revised, read as follows:

§ *1.1244(c)–2 Small business corporation defined.*

* * * * *

(b) *Post-November 1978 stock*—(1) *Amount received by corporation for stock.* Capital receipts of a small business corporation may not exceed $1,000,000. For purposes of this paragraph the term "capital receipts" means the aggregate dollar amount received by the corporation for its stock, as a contribution to capital, and as paid-in surplus. If the $1,000,000 limitation is exceeded, the rules of subparagraph (2) of this paragraph (b) apply. In making these determinations, (i) property is taken into account at its adjusted basis to the Corporation (for determining gain) as of the date received by the corporation, and (ii) this aggregate amount is reduced by the amount of any liability to which the property was subject and by the amount of any liability assumed by the corporation at the time the property was received. Capital receipts are not reduced by distributions to shareholders, even though the distributions may be capital distributions.

(2) *Requirement of designation in event $1,000,000 limitation exceeded.* (i) If capital receipts exceed $1,000,000, the corporation shall designate as section 1244 stock certain shares of post-November 1978 common stock issued for money or other property in the transitional year. For purposes of this paragraph, the term "transitional year" means the first taxable year in which capital receipts exceed $1,000,000 and in which the corporation issues stock. This designation shall be made in accordance with the rules of subdivision (iii) of this paragraph (b)(2). The amount received for designated stock shall not exceed $1,000,000 less amounts received (i) in exchange for stock in years prior to the transitional year; (ii) as contributions to capital in the transitional year or in years prior to that year; and (iii) as paid-in surplus in the transitional year or in years prior to that year. * * *

* * * * *

(4) *Examples.* * * *

Example (3). On December 1, 1980, Corporation Y issues common stock to shareholder A in exchange for $500,000 in cash. On August 1, 1981, Corporation Y issues common stock to shareholder B in exchange for property having an adjusted basis to Corporation Y of $500,000. On December 1, 1981, B transfers a tract of land having a basis in B's hands of $250,000 to Corporation Y as a contribution to capital. Under section 362(a)(2) of the Code, Corporation Y takes a basis of $250,000 in the tract of land. Corporation Y is a calendar year corporation. On February 15, 1982, it designates one-half of shareholders B's stock as section 1244 stock by entering the numbers of the qualifying certificates on the corporation's records. The designation made by Corporation Y is effective because it identifies which shares of its stock qualify for section 1244 treatment, was made in writing before the 15th day of the 3rd month following the close of the transitional year (1981), and because the amount received for designated stock does not exceed $1,000,000, less amounts received (i) in exchange for stock in years prior to the transitional year; (ii) as contributions to capital in the transitional year or in years prior to that year; (iii) as paid-in surplus in the transitional year or in years prior to that year. In the event of B's sale of his stock at a loss, the increase in basis attributable to his contribution to capital will be treated as allocable to the one-half of his stock that is not section 1244 stock under the special rule of section 1244(d)(1)(B). * * *

* * * * *

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

William E. Williams,

Commissioner of Internal Revenue.

Approved: May 4, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

26 CFR Parts 1 and 11 are amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Par. 1. In § 1.1244(a)–1, paragraph (b) is revised to read as follows:

§ 1.1244(a)–1 Loss on small business stock treated as ordinary loss.

(a) *In general.* * * *

(b) *Taxpayers entitled to ordinary loss.* The allowance of an ordinary loss deduction for a loss of section 1244 stock is permitted only to the following two classes of taxpayers:

(1) An individual sustaining the loss to whom the stock was issued by a small business corporation, or

(2) An individual who is a partner in a partnership at the time the partnership acquired the stock in an issuance from a small business corporation and whose distributive share of partnership items reflects the loss sustained by the partnership. The ordinary loss deduction is limited to the lesser of the partner's distributive share at the time of the issuance of the stock or the partner's distributive share at the time the loss is sustained. In order to claim a deduction under section 1244 the individual, or the partnership, sustaining the loss must have continuously held the stock from the date of issuance. A corporation, trust, or estate is not entitled to ordinary loss treatment under section 1244 regardless of how the stock was acquired. An individual who acquires stock from a shareholder by purchase, gift, devise, or in any other manner is not entitled to an ordinary loss under section 1244 with respect to this stock. Thus, ordinary loss treatment is not available to a partner to whom the stock is distributed by the partnership. Stock acquired through an investment banking firm, or other person, participating in the sale of an issue may qualify for ordinary loss treatment only if the stock is not first issued to the firm or person. Thus, for example, if the firm acts as a selling agent for the issuing corporation the stock may qualify. On the other hand, stock purchased by an investment firm and subsequently resold does not qualify as section 1244 stock in the hands of the person acquiring the stock from the firm.

* * * * *

Par. 2. Section 1.1244(b)–1 is revised to read as follows:

§ 1.1244(b)–1 Annual limitation.

(a) *In general.* Subsection (b) of section 1244 imposes a limitation on the aggregate amount of loss that for any taxable year may be treated as an ordinary loss by a taxpayer by reason of that section. In the case of a partnership, the limitation is determined separately as to each partner. Any amount of loss in excess of the applicable limitation is treated as loss from the sale or exchange of a capital asset.

(b) *Amount of loss*—(1) *Taxable years beginning after December 31, 1978.* For any taxable year beginning after December 31, 1978, the maximum amount that may be treated as an ordinary loss under section 1244 is—

(i) $50,000, or

(ii) $100,000, if a husband and wife file a joint return under section 6013.

These limitations on the maximum amount of ordinary loss apply whether the loss or losses are sustained on pre-November 1978 stock (as defined in § 1.1244 (c)–1 (a)(1)), post-November 1978 stock (as defined in § 1.1244 (c)–1 (a)(2)), or on any combination of pre-November 1978 stock and post-November 1978 stock. The limitation referred to in (ii) applies to a joint return whether the loss or losses are sustained by one or both spouses.

(2) *Taxable years ending before November 6, 1978.* For any taxable year ending before November 6, 1978, the maximum amount that may be treated as an ordinary loss under section 1244 is—

(i) $25,000 or

(ii) $50,000, if a husband and wife file a joint return under section 6013.

The limitation referred to in (ii) applies to a joint return whether the loss or losses are sustained by one or both spouses.

(3) *Taxable years including November 6, 1978.* For a taxable year including November 6, 1978, the maximum amount that may be treated as ordinary loss under section 1244 is the sum of—

(i) The amount calculated by applying the limitations described in subparagraph (1) of this paragraph (b) to the amount of loss, if any, sustained during the taxable year on post-November 1978 stock, plus

(ii) The amount calculated by applying the limitations described in subparagraph (2) of this paragraph (b) to the amount of loss, if any, sustained during the taxable year on pre-November 1978 stock,

To the extent this sum does not exceed $50,000, or, if a husband and wife file a joint return under section 6013 for the taxable year, $100,000.

(4) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A, a married taxpayer who files a joint return for the taxable year ending December 31, 1977, sustains a $50,000 loss qualifying under section 1244 on pre-November 1978 stock in Corporation X and an equal amount of loss qualifying under section 1244 on pre-November 1978 stock in Corporation Y. A is limited to $50,000 of ordinary loss under paragraph (b)(2)(ii). The remaining $50,000 of loss is treated as loss from the sale or exchange of a capital asset.

Example (2). For the taxable year ending December 31, 1979, B, a married taxpayer who files a joint return, sustains a $90,000 loss on post-November 1978 stock in Corporation X. In the same taxable year, C, B's spouse, sustains a $25,000 loss on post-November 1978 stock in Corporation Y. Both losses qualify under section 1244. B and C's ordinary loss is limited to $100,000 under paragraph (b)(1)(ii). The remaining $15,000 of loss is treated as loss from the sale or exchange of a capital asset.

Example (3). D, a married taxpayer who files a joint return and reports income on a fiscal year basis for the taxable year ending November 30, 1978, sustains a $60,000 loss qualifying under section 1244 on pre-November 1978 stock and a $40,000 loss qualifying under section 1244 on post-November 1978 stock. D's ordinary loss on pre-November 1978 stock is limited to $50,000 under subparagraph (3)(ii) of this paragraph (b). D's $40,000 loss on post-November 1978 stock is within the limit of subparagraph (3)(i) of this paragraph (b). The total of these losses, $90,000, is the aggregate amount deductible by D as ordinary loss under section 1244. The remaining $10,000 of loss is treated as loss from the sale or exchange of a capital asset.

Example (4). E, a married taxpayer who files a joint return for the taxable year ending December 31, 1980, sustains a $75,000 loss qualifying under section 1244 on pre-November 1978 stock and a $10,000 loss qualifying under section 1244 on post-November 1978 stock. E may deduct the total of these losses, $85,000, as ordinary loss under paragraph (b)(1)(ii).

Example (5). Assume the same facts as in the preceding example, except that the losses are sustained in the taxable year beginning January 1, 1978, and ending December 31, 1978. E is limited to $60,000 of ordinary loss ($50,000 on pre-November 1978 stock plus $10,000 on post-November 1978 stock) under paragraph (b)(3). The remaining $25,000 of loss is treated as loss from the sale or exchange of a capital asset.

Example (6). F, a married taxpayer who files a joint return for the taxable year beginning January 1, 1978, and ending December 31, 1978, sustains a $75,000 loss qualifying under section 1244 on pre-November 1978 stock and a $125,000 loss qualifying under section 1244 on post-November 1978 stock. F's loss on pre-November 1978 stock is limited to $50,000 of ordinary loss under subparagraph (3)(ii) of this paragraph (b). F's loss on post-November 1978 stock is limited to $100,000 of ordinary loss under subparagraph (3)(i) of this paragraph (b). The total of these losses, $150,000, is limited to $100,000 of ordinary loss under paragraph (b)(3). F's aggregate amount of ordinary loss under section 1244 is $100,000. The remaining $100,000 of loss is treated as loss from the sale or exchange of a capital asset.

Par. 3. Section 1.1244(c)–1 is revised to read as follows:

§ 1.1244(c)–1 Section 1244 stock defined.

(a) *In general.* For purposes of §§ 1.1244(a)–1 to 1.1244(e)–1, inclusive—

(1) The term "pre-November 1978 stock" means stock issued after June 30, 1958, and on or before November 6, 1978.

(2) The term "post-November 1978 stock" means stock issued after November 6, 1978.

In order that stock may qualify as section In order that stock may qualify as section 1244 stock, the requirements described in paragraphs (b) through (e) of this section must be satisfied. In addition, the requirements of paragraph (f) of this section must be satisfied in the case of pre-November 1978 stock. Whether these requirements have been met is determined at the time the stock is issued, except for the requirement in paragraph (e) of this section. Whether the requirement in paragraph (e) of this section, relating to gross receipts of the corporation, has been satisfied is determined at the time a loss is sustained. Therefore, at the time of issuance it cannot be said with certainty that stock will qualify for the benefits of section 1244.

(b) *Common stock.* Only common stock, either voting or nonvoting, in a domestic corporation may qualify as section 1244 stock. For purposes of section 1244, neither securities of the corporation covertible into common stock nor common stock convertible into other securities of the corporation are treated as common stock. An increase in the basis of outstanding stock as a result of a contribution to capital is not treated as an issuance of stock under section 1244. For definition of domestic corporation, see section 7701(a)(4) and the regulations under that section.

(c) *Small business corporation.* At the time the stock is issued (or, in the case of pre-November 1978 stock, at the time of adoption of the plan described in paragraph (f)(1) of this section) the corporation must be a "small business corporation". See § 1.1244(c)–2 for the definition of a small business corporation.

(d) *Issued for money or other property.* (1) The stock must be issued to the taxpayer for money or other property transferred by the taxpayer to the corporation. However, stock issued in exchange for stock or securities, including stock or securities of the issuing corporation, cannot qualify as section 1244 stock, except as provided in § 1.1244(d)–3, relating to certain cases where stock is issued in exchange for section 1244 stock. Stock issued for services rendered or to be rendered to, or for the benefit of, the issuing corporation does not qualify as section 1244 stock. Stock issued in consideration for cancellation of indebtedness of the corporation shall be considered issued in exchange for money or other property unless such indebtedness is evidenced by a security, or arises out of the performance of personal services.

(2) The following examples illustrate situations where stock fails to qualify as section 1244 stock as a result of the rules in subparagraph (1) of this paragraph:

Example (1). A taxpayer owns stock of Corporation X issued to him prior to July 1, 1958. Under a plan adopted in 1977, he exchanges his stock for a new issuance of stock of Corporation X. The stock received by the taxpayer in the exchange may not qualify as section 1244 stock even if the corporation has adopted a valid plan and is a small business corporation.

Example (2). A taxpayer owns stock in Corporation X. Corporation X merges into Corporation Y. In exchange for his stock, Corporation Y issues shares of its stock to the taxpayer. The stock in Corporation Y does not qualify as section 1244 stock even if the stock exchanged by the taxpayer did qualify.

Example (3). Corporation X transfers part of its business assets to Corporation Y, a new corporation, and all of the stock of Corporation Y is issued directly to the shareholders of Corporation X. Since the Corporation Y stock was not issued to the shareholders for a transfer by them of money or other property, none of the Corporation Y stock in the hands of the shareholders can qualify.

(e) *Gross receipts.* (1)(i)(*a*) Except as provided in subparagraph (2) of this paragraph, stock will not qualify under section 1244, if 50 percent or more of the gross receipts of the corporation, for the period consisting of the five most recent taxable years of the corporation ending before the date the loss on such stock is sustained by the shareholders, is derived from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities. If the corporation has not been in existence for five taxable years ending before such date, the percentage test referred to in the preceding sentence applies to the period of the taxable years ending before such date during which the corporation has been in existence; and if the loss is sustained during the first taxable year of the corporation such test applies to the period beginning with the first day of such taxable year and ending on the day before the loss is sustained. The test under this paragraph shall be made on the basis of total gross receipts, except that gross receipts from the sales or exchanges of stock or securities shall be taken into account only to the extent of gains therefrom. The term "gross receipts" as used in section 1244(c)(1)(C) is not synonymous with "gross income". Gross receipts means the total amount received or accrued under the method of accounting used by the corporation in computing its taxable income. Thus, the total amount of receipts is not reduced by returns and allowances, cost, or deductions. For example, gross receipts will include the total amount received or accrued during the corporation's taxable year from the sale or exchange (including a sale or exchange to which section 337 applies) of any kind of property, from investments, and for services rendered by the corporation. However, gross receipts does not include amounts received in nontaxable sales or exchanges (other than those to which section 337 applies), except to the extent that gain is recognized by the corporation, nor does that term include amounts received as a loan, as a repayment of a loan, as a contribution to capital, or on the issuance by the corporation of its own stock.

(b) The meaning of the term "gross receipts" as used in section 1244(c)(1)(C) may be further illustrated by the following examples:

Example (1). A corporation on the accrual method sells property (other than stock or securities) and receives payment partly in money and partly in the form of a note payable at a future time. The amount of the money and the face amount of the note would be considered gross receipts in the taxable year of the sale and would not be reduced by the adjusted basis of the property, the costs of sale, or any other amount.

Example (2). A corporation has a long-term contract as defined in paragraph (a) of § 1.451–3 with respect to which it reports income according to the percentage-of-completion method as described in paragraph (b)(1) of § 1.451–3. The portion of the gross contract price which corresponds to the percentage of the entire contract which has been completed during the taxable year shall be included in gross receipts for such year.

Example (3). A corporation which regularly sells personal property on the installment plan elects to report its taxable income from the sale of property (other than stock or securities) on the installment method in accordance with section 453. The installment payments actually received in a given taxable year of the corporation shall be included in gross receipts for such year.

(ii) The term "royalties" as used in subdivision (i) of this subparagraph means all royalties, including mineral, oil, and gas royalties (whether or not the aggregate amount of such royalties constitutes 50 percent or more of the gross income of the corporation for the taxable year), and amounts received for the privilege of using patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other like

property. The term "royalties" does not include amounts received upon the disposal of timber, coal, or domestic iron ore with a retained economic interest to which the special rules of section 631 (b) and (c) apply or amounts received from the transfer of patent rights to which section 1235 applies. For the definition of "mineral, oil, or gas royalties", see paragraph (b)(11) (ii) and (iii) of § 1.543–1. For purposes of this subdivision, the gross amount of royalties shall not be reduced by any part of the cost of the rights under which they are received or by any amount allowable as a deduction in computing taxable income.

(iii) The term "rents" as used in subdivision (i) of this subparagraph means amounts received for the use of, or right to use, property (whether real or personal) of the corporation, whether or not such amounts constitute 50 percent or more of the gross income of the corporation for the taxable year. The term "rents" does not include payments for the use or occupancy of rooms or other space where significant services are also rendered to the occupant, such as for the use or occupancy of rooms or other quarters in hotels, boarding houses, or apartment houses furnishing hotel services, or in tourist homes, motor courts, or motels. Generally, services are considered rendered to the occupant if they are primarily for his convenience and are other than those usually or customarily rendered in connection with the rental of rooms or other space for occupancy only. The supplying of maid service, for example, constitutes such services; whereas the furnishing of heat and light, the cleaning of public entrances, exits, stairways, and lobbies, the collection of trash, etc., are not considered as services rendered to the occupant. Payments for the use or occupancy of entire private residences or living quarters in duplex or multiple housing units, of offices in an office building, etc., are generally "rents" under section 1244(c)(1)(C). Payments for the parking of automobiles ordinarily do not constitute rents. Payments for the warehousing of goods or for the use of personal property do not constitute rents if significant services are rendered in connection with such payments.

(iv) The term "dividends" as used in subdivision (i) of this subparagraph includes dividends as defined in section 316, amounts required to be included in gross income under section 551 (relating to foreign personal holding company income taxed to United States shareholders), and consent dividends determined as provided in section 565.

(v) The term "interest" as used in subdivision (i) of this subparagraph means any amounts received for the use of money (including tax-exempt interest).

(vi) The term "annuities" as used in subdivision (i) of this subparagraph means the entire amount received as an annuity under an annuity, endowment, or life insurance contract, regardless of whether only part of such amount would be includible in gross income under section 72.

(vii) For purposes of subdivision (i) of this subparagraph, gross receipts from the sales or exchanges of stock or securities are taken into account only to the extent of gains therefrom. Thus, the gross receipts from the sale of a particular share of stock will be the excess of the amount realized over the adjusted basis of such share. If the adjusted basis should equal or exceed the amount realized on the sale or exchange of a certain share of stock, bond, etc., there would be no gross receipts resulting from the sale of such security. Losses on sales or exchanges of stock or securities do not offset gains on the sales or exchanges of other stock or securities for purposes of computing gross receipts from such sales or exchanges. Gross receipts from the sale or exchange of stocks and securities include gains received from such sales or exchanges by a corporation even though such corporation is a regular dealer in stocks and securities. For the meaning of the term "stocks or securities", see paragraph (b)(5)(i) of § 1.543–1.

(2) The requirement of subparagraph (1) of this paragraph need not be satisfied if for the applicable period the aggregate amount of deductions allowed to the corporation exceeds the aggregate amount of its gross income. But for this purpose the deductions allowed by section 172, relating to the net operating loss deduction, and by sections 242, 243, 244, and 245, relating to certain special deductions for corporations, shall not be taken into account. Notwithstanding the provisions of this subparagraph and of subparagraph (1) of this paragraph, pursuant to the specific delegation of authority granted in section 1244(e) to prescribe such regulations as may be necessary to carry out the purposes of section 1244, ordinary loss treatment will not be available with respect to stock of a corporation which is not largely an operating company within the five most recent taxable years (or such lesser period as the corporation is in existence) ending before the date of the loss. Thus, for example, assume that a person who is not a dealer in real estate forms a corporation which issues stock to him which meets all the formal requirements of section 1244 stock. The corporation then acquires a piece of unimproved real estate which it holds as an investment. The property declines in value and the stockholder sells his stock at a loss. The loss does not qualify for ordinary loss treatment under section 1244 but must be treated as a capital loss.

(3) In applying subparagraphs (1) and (2) of this paragraph to a successor corporation in a reorganization described in section 368(a)(1)(F), such corporation shall be treated as the same corporation as its predecessor. See paragraph (d)(2) of § 1.1244(d)–3.

(f) *Special rules applicable to pre-November 1978 stock.* (1)(i) Pre-November 1978 common stock must have been issued under a written plan adopted by the corporation after June 30, 1958, and on or before November 6, 1978, to offer only this stock during a period specified in the plan ending not later than 2 years after the date the plan is adopted. The 2-year requirement referred to in the preceding sentence is met if the period specified in the plan is based upon the date when, under the rules or regulations of a Government agency relating to the issuance of the stock, the stock may lawfully be sold, and it is clear that this period will end, and in fact does end, within 2 years after the plan is adopted. The plan must specifically state, in terms of dollars, the maximum amount to be received by the corporation in consideration for the stock to be issued under the plan. See § 1.1244(c)–2 for the limitation on the amount that may be received by the corporation under the plan.

(ii) To qualify, the pre-November 1978 stock must be issued during the period of the offer, which period must end not later than two years after the date the plan is adopted. Pre-November 1978 stock which is subscribed for during the period of the plan but not issued during this period cannot qualify as section 1244 stock. Pre-November 1978 stock issued on the exercise of a stock right, stock warrant, or stock option (which right, warrant, or option was not outstanding at the time the plan was adopted) will be treated as issued under a plan only if the right, warrant, or option is applicable solely to unissued stock offered under the plan and is exercised during the period of the plan.

(iii) Pre-November 1978 stock subscribed for prior to the adoption of the plan, including stock subscribed for prior to the date the corporation comes into existence, may be considered issued under a plan adopted by the corporation if the stock is not in

fact issued prior to the adoption of the plan.

(iv) Pre-November 1978 stock issued for a payment which, alone or together with prior payments, exceeds the maximum amount that may be received under the plan, is not considered issued under the plan, and none of the stock can qualify as section 1244 stock. See § 1.1244(c)–2(b) for a different rule with respect to post-November 1978 stock.

(2) Pre-November 1978 stock does not qualify as section 1244 stock if at the time of the adoption of the plan under which it is issued there remains unissued any portion of a prior offering of stock. Thus, if any portion of an outstanding offering of common or preferred stock is unissued at the time of the adoption of the plan, stock issued under the plan will not qualify as section 1244 stock. An offer is outstanding unless and until it is withdrawn by affirmative action before the plan is adopted. Stock rights, stock warrants, stock options, or securities convertible into stock, that are outstanding at the time the plan is adopted, are considered prior offerings. The authorization in the corporate charter to issue stock different from stock offered under the plan or in excess of stock offered under the plan is not of itself a prior offering.

(3)(i) Even though the plan satisfies the requirements of subparagraph (1) of this paragraph (f), if another offering of pre-November 1978 stock is made by the corporation subsequent to, or simultaneous with, the adoption of the plan, pre-November 1978 stock issued under the plan after the other offering does not qualify as section 1244 stock. The issuance of stock options, stock rights, or stock warrants at any time during the period of the plan, that are exercisable on stock other than stock offered under the plan, is considered a subsequent offering. Similarly, the issuance of pre-November 1978 stock other than that offered under the plan is considered a subsequent offering. Because stock issued upon exercise of a converson privilege is stock issued for a security, and stock issued under a stock option granted in whole or in part for services is not issued for money or other property, the issuance of securities with a conversion privilege and the issuance of such a stock option are subsequent offerings, because the conversion privilege and the stock option are exercisable with respect to stock other than that which may properly be offered under the plan. Pre-November 1978 stock issued under the plan before a subsequent offering is not disqualified because of the subsequent offering. The rule of the subparagraph, together with the rule of subparagraph (2) of this paragraph (f), relating to offers prior to the adoption of the plan, limits pre-November 1978 section 1244 stock to stock issued by the corporation during a period when any stock issued by it must have been issued under the plan.

(ii) Any modification of a plan that changes the offering to include preferred stock, or that increases the amount of pre-November 1978 stock that may be issued under the plan to such an extent that the requirements of paragraph (c) of this section would not have been satisfied if determined with reference to this amount as of the date the plan was initially adopted, or that extends the period of time during which stock may be issued under the plan to more than 2 years from the date the plan was initially adopted, is considered a subsequent offering, and no stock issued after this offering may qualify. However, a corporation may withdraw a plan and adopt a new plan to issue stock. To determine whether stock issued under this new plan may qualify, this paragraph (f) must be applied with respect to the new plan as of the date of its adoption. For example, amounts received for stock under the prior plan must be taken into account in determining whether the statutory requirements relating to definition of small business corporation are satisfied. In applying the requirements of paragraph (c) of this section, reference should be made to equity capital as of the date the new plan is adopted. The same principles apply if the period of the initial plan expires and the corporation adopts a new plan.

Par. 4. Section 1.1244(c)–2 is revised to read as follows:

§ 1.1244(c)–2 Small business corporation defined.

(a) *In general.* A corporation is treated as a small business corporation if it is a domestic corporation that satisfies the requirements described in paragraph (b) or (c) of this section. The requirements of paragraph (b) of this section apply if a loss is sustained on post-November 1978 stock. The requirements of paragraph (c) of this section apply if a loss is sustained on pre-November 1978 stock. If losses are sustained on both pre-November 1978 stock and post-November 1978 stock in the same taxable year, the requirements of paragraph (b) of this section are applied to the corporation at the time of the issuance of the stock (as required by paragraph (b) in the case of a loss on post-November 1978 stock) in order to determine whether the loss on post-November 1978 stock qualifies as a section 1244 loss, and the requirements of paragraph (c) of this section are applied to the corporation at the time of the adoption of the plan (as required by paragraph (c) in the case of a loss on pre-November 1978 stock) in order to determine whether the loss on pre-November 1978 stock qualifies as a section 1244 loss. For definition of domestic corporation, see section 7701 (a)(4) and the regulations under that section.

(b) *Post-November 1978 stock*—(1) *Amount received by corporation for stock.* Capital receipts of a small business corporation may not exceed $1,000,000. For purposes of this paragraph the term "capital receipts" means the aggregate dollar amount received by the corporation for its stock, as a contribution to capital, and as paid-in surplus. If the $1,000,000 limitation is exceeded, the rules of subparagraph (2) of this paragraph (b) apply. In making these determinations, (i) property is taken into account at its adjusted basis to the corporation (for determining gain) as of the date received by the corporation, and (ii) this aggregate amount is reduced by the amount of any liability to which the property was subject and by the amount of any liability assumed by the corporation at the time the property was received. Capital receipts are not reduced by distributions to shareholders, even though the distributions may be capital distributions.

(2) *Requirement of designation in event $1,000,000 limitation exceeded.* (i) If capital receipts exceed $1,000,000, the corporation shall designate as section 1244 stock certain shares of post-November 1978 common stock issued for money or other property in the transitional year. For purposes of this paragraph, the term "transitional year" means the first taxable year in which capital receipts exceed $1,000,000 and in which the corporation issues stock. This designation shall be made in accordance with the rules of subdivision (iii) of this paragraph (b)(2). The amount received for designated stock shall not exceed $1,000,000, less amounts received (i) in exchange for stock in years prior to the transitional year; (ii) as contributions to capital in the transitional year or in years prior to that year; and (iii) as paid-in surplus in the transitional year or in years prior to that year.

(ii) Post-November 1978 common stock issued for money or other property before the transitional year qualifies as section 1244 stock without affirmative designation by the corporation. Post-November 1978 common stock issued

after the transitional year does not qualify as section 1244 stock.

(iii) The corporation shall make the designation required by subdivision (i) of this paragraph (b)(2) not later than the 15th day of the third month following the close of the transitional year. However, in the case of post-November 1978 common stock issued on or before June 2, 1981 the corporation shall make the required designation by August 3, 1981 or by the 15th day of the 3rd month following the close of the transitional year, whichever is later. The designation shall be made by entering the numbers of the qualifying share certificates on the corporation's records. If the shares do not bear serial numbers or other identifying numbers or letters, or are not represented by share certificates, the corporation shall make an alternative designation in writing at the time of issuance, or, in the case of post-November 1978 common stock issued on or before June 2, 1981 by August 3, 1981. This alternative designation may be made in any manner sufficient to identify the shares qualifying for section 1244 treatment. If the corporation fails to make a designation by share certificate number or an alternative written designation as described, the rules of subparagraph (3) of this paragraph (b) apply.

(3) *Allocation of section 1244 benefit in event corporation fails to designate qualifying shares.* If a corporation issues post-November 1978 stock in the transitional year and fails to designate certain shares of post-November 1978 common stock as section 1244 stock in accordance with the rules of subparagraph (2) of this paragraph (b), the following rules apply:

(i) Section 1244 treatment is extended to losses sustained on post-November 1978 common stock issued for money or other property in taxable years before the transitional year and is withheld from losses sustained on post-November 1978 stock issued in taxable years after the transitional year.

(ii) Post-1958 capital received before the transitional year is subtracted from $1,000,000.

(iii) Subject to the annual limitation described in § 1.1244(b)–1, an ordinary loss on post-November 1978 common stock issued for money or other property in the transitional year is allowed in an amount which bears the same ratio to the total loss sustained by the individual as—

(A) The amount described in § 1.1244(c)–2(b) (3) (ii) bears to

(B) The total amount of money and other property received by the corporation in exchange for stock, as a contribution to capital, and as paid-in surplus in the transitional year.

(4) *Examples.* The provisions of this paragraph (b) may be illustrated by the following examples:

Example (1). On December 1, 1978, Corporation W, a newly-formed corporation, issues 10,000 shares of common stock at $125 a share for an amount (determined under subparagraph (1) of this paragraph (b)) of money and other property totaling $1,250,000. The board of directors specifies that 8,000 shares are section 1244 stock and records the certificate numbers of the qualifying shares in its minutes. Because Corporation W issued post-November 1978 common stock in exchange for money and other property exceeding $1,000,000, but has designated shares of stock as section 1244 stock and the designated shares were issued in exchange for money and other property not exceeding $1,000,000 (8,000 shares × $125 price per share = $1,000,000), the 8,000 designated shares qualify as section 1244 stock.

Example (2). Corporation X comes into existence on June 1, 1979. On June 10, 1979, Corporation X issues 2,500 shares of common stock at $250 per share to shareholder A and 2,500 shares of common stock at $250 per share to shareholder B. By written agreement dated September 1, 1981, shareholder A and shareholder B determine that 1,500 of shareholder A's shares and all of shareholder B's shares will be treated as section 1244 stock. Although shareholder A's 1,500 shares and shareholder B's 2,500 shares were issued for money and other property not exceeding $1,000,000 (4,000 shares × $250 price per share = $1,000,000, these 4,000 shares do not qualify as section 1244 stock under the rules of subparagraph (2) of this paragraph (b) for three reasons: The agreement of September 1, 1979, (i) did not identify which 1,500 of shareholder A's 2,500 shares were intended to qualify for section 1244 treatment, (ii) was made by the shareholders and not by Corporation X, and (iii) was made later than the 15th day of the third month following the close of the transitional year. However, certain of the shares issued by Corporation X may qualify as section 1244 stock under the rules of subparagraph (3) of this paragraph (b). See example (4).

Example (3). On December 1, 1980, Corporation Y issues common stock to shareholder A in exchange for $500,000 in cash. On August 1, 1981, Corporation Y issues common stock to shareholder B in exchange for property having an adjusted basis to Corporation Y of $500,000. On December 1, 1981, B transfers a tract of land having a basis in B's hands of $250,000 to Corporation Y as a contribution to capital. Under section 362(a)(2) of the Code, Corporation Y takes a basis of $250,000 in the tract of land. Corporation Y is a calendar year corporation. On February 15, 1982, it designates one-half of shareholders B's stock as section 1244 stock by entering the numbers of the qualifying certificates on the corporation's records. The designation made by Corporation Y is effective because it identifies which shares of its stock qualify for section 1244 treatment, was made in writing before the 15th day of the 3rd month following the close of the transitional year (1981), and because the amount received for designated stock does not exceed $1,000,000, less amounts received (i) in exchange for stock in years prior to the transitional year; (ii) as contributions to capital in the transitional year or in years prior to that year; (iii) as paid-in surplus in the transitional year or in years prior to that year. In the event of B's sale of his stock at a loss, the increase in basis attributable to his contribution to capital will be treated as allocable to the one-half of his stock that is not section 1244 stock under the special rule of section 1244(d)(1)(B).

Example (4). Corporation Z, a newly-formed corporation, issues 10,000 shares of common stock at $200 per share on July 1, 1979. In exchange for its stock Corporation Z receives property (other than stock or securities) having a basis to the corporation of $400,000, and $1,600,000 in cash, for a total of $2,000,000. Corporation Z fails to designate any of the issued shares as section 1244 stock. Shareholder C purchases 2,500 shares of the 10,000 shares of Corporation Z stock for $500,000 on July 1, 1979. Subsequently, shareholder C sells the 2,500 shares for $400,000. Shareholder C may treat $50,000 of the $100,000 loss as an ordinary loss under section 1244. The amount of that loss is computed under the rule of subparagraph (3) of this paragraph (b) as follows:

$$\frac{X \text{ [C's section 1244 loss]}}{\$100{,}000 \text{ [C's total loss]}} = \frac{\$1{,}000{,}000 \text{ [\$1,000,000 - 0 = \$1,000,000]}}{\$2{,}000{,}000 \text{ [total amount received by Corporation Z]}}$$

$$X = \$50{,}000$$

The remaining $50,000 is not treated as an ordinary loss under section 1244.

Example (5). (i) Corporation V, a newly-formed corporation, issues common stock to shareholder A and shareholder B on June 15, 1980, in exchange for $800,000 in cash ($400,000 from A and $400,000 from B). On September 15, 1981, the corporation issues common stock to shareholder C in exchange for $600,000 in cash. On January 1, 1982, common stock is issued to shareholder D in exchange for $100,000 in cash. Corporation V fails to designate any of the issued shares as section 1244 stock. A, B, C, and D subsequently sell their Corporation Y stock at a loss.

(ii) Subject to the annual limitation discussed in § 1.1244(b)–1, A and B may treat their entire loss as an ordinary loss under section 1244. D may not treat any part of his loss as an ordinary loss under section 1244. Subject to the annual limitation, one-third of the loss sustained by shareholder C is treated as an ordinary loss under section 1244. These results are calculated under the rules of subparagraph (3) of this paragraph (b) as follows: First, section 1244 treatment is extended to post-November 1978 stock issued to A and B in 1980, a taxable year before the transitional year (1981); section 1244 treatment is withheld from the stock issued to D in 1982, a taxable year after the transitional year. Second $800,000 the amount of post-1958 capital received in taxable years before the transitional year, is subtracted from

$1,000,000 to leave $200,000. Third, subject to the annual limitation, an ordinary loss is allowed to C in an amount which bears the same ratio to his total loss as the amount calculated in the preceding sentence ($200,000) bears to the total amount received by the corporation in the transitional year in exchange for stock, as a contribution to capital, or as paid-in surplus ($800,000).

(c) *Pre-November 1978 stock*—(1) *Amount received by corporation for stock.* At the time of the adoption of the plan, the sum of the aggregate dollar amount to be paid for pre-November 1978 stock that may be offered under the plan plus the aggregate amount of money and other property that has been received by the corporation after June 30, 1958, and on or before November 6, 1978, for its stock, as a contribution to capital by its shareholders, and as paid-in surplus must not exceed $500,000. In making these determinations (i) property is taken into account at its adjusted basis to the corporation (for determining gain) as of the date received by the corporation, and (ii) this aggregate amount is reduced by the amount of any liability to which the property was subject and by the amount of any liability assumed by the corporation at the time the property was received. For purposes of the $500,000 test, the total amount of money and other property received for stock, as a contribution to capital, and as paid-in surplus is not reduced by distributions to shareholders, even though the distributions may be capital distributions. Thus, once the total amount of money and other property received after June 30, 1958, reaches $500,000, the corporation is precluded from subsequently issuing pre-November 1978 stock. For a different rule that applies to post-November 1978 stock see § 1.1244(c)–2(b).

(2) *Equity capital.* The sum of the aggregate dollar amount to be paid for pre-November 1978 stock that may be offered under the plan plus the equity capital of the corporation (determined on the date of the adoption of the plan) may not exceed $1,000,000. For this purpose, equity capital is the sum of the corporation's money and other property (in an amount equal to its adjusted basis for determining gain) less the amount of the corporation's indebtedness to persons other than its shareholders.

(3) *Examples.* The provisions of this paragraph (c) may be illustrated by the following examples:

Example (1). Corporation W comes into existence on December 1, 1958. On that date the corporation may adopt a plan to issue common stock for an amount (determined under subparagraph (1) of this paragraph (c)) not in excess of $500,000 during a period ending not later than November 30, 1960. Such corporation will qualify as a small business corporation as of the date that the plan is adopted. However, if the corporation adopts a plan to issue stock for an amount in excess of $500,000 it is not a small business corporation at the time the plan is adopted and no stock issued under the plan may qualify as section 1244 stock. If the cost of organizing corporation W amounted to $1,000 and constituted paid-in surplus or a contribution to capital, such amount must be taken into account in determining the amount that may be received under the plan, with the result that only $499,000 may be so received.

Example (2). On December 1, 1958, Corporation X, a newly formed corporation, adopts a plan to issue common stock for an amount (determined under subparagraph (1) of this paragraph (c)) not in excess of $500,000 during a period ending not later than November 30, 1960. By January 1, 1960, the corporation has, pursuant to the plan, issued at par, stock having an aggregate par value of $400,000, $200,000 of which was issued for $200,000 cash, and $200,000 of which was issued for property (other than stock or securities) having a basis to the corporation of $100,000 and a fair market value of $200,000. The corporation may, prior to November 30, 1960, issue stock for an amount not in excess of $200,000 cash or property having a basis to it not in excess of $200,000. Stock issued for any payment which, alone or together with any payments received after January 1, 1960, exceeds such $200,000 amount would not qualify as section 1244 stock because it would not be issued pursuant to the plan.

Example (3). Assume that on December 1, 1958, Corporation Y, a newly formed corporation, adopts a plan to issue common stock for an amount (determined under subparagraph (1) of this paragraph (c)) not in excess of $500,000 during a period ending not later than November 30, 1960. By January 1960 the corporation has received $400,000 cash for stock issued pursuant to the plan, but due to business successes the equity capital of the corporation exceeds $1,000,000. Since the equity capital test is made as of the date that the plan is adopted, the corporation may still, prior to November 30, 1960, issue section 1244 stock pursuant to the plan until the full amount specified in the plan has been received.

Example (4). Subsequent to June 30, 1958, Corporation Z receives a total of $600,000 cash on the issuance of its stock. In 1960 Corporation Z redeems shares of its stock for the total amount of $300,000 and the redemptions reduce Corporation Z's capital to substantially less than $500,000. Notwithstanding the redemptions, pre-November 1978 stock subsequently issued by Corporation Z will not qualify as section 1244 stock because the $500,000 limitation has been previously exceeded.

* * * * *

Par. 5. Section 1.1244(d)–3 is revised to read as follows:

§ 1.1244(d)–3 Stock dividend, recapitalizations, changes in name, etc.

(a) *In general.* Section 1244(c)(1) provides that stock may not qualify for the benefits of section 1244 unless it is issued to the taxpayer for money or other property not including stock or securities. However, section 1244(d)(2) authorizes exceptions to this rule. The exceptions may apply in three situations: (1) The receipt of a stock dividend; (2) the exchange of stock for stock pursuant to a reorganization described in section 368(a)(1)(E); and (3) the exchange of stock for stock pursuant to a reorganization described in section 368(a)(1)(F).

(b) *Stock dividends.* (1) If common stock is received by an individual or partnership in a nontaxable distribution under section 305(a) made solely with respect to stock owned by such individual or partnership which meets the requirements of section 1244 stock determinable at the time of the distribution, then the common stock so received will also be treated as meeting such requirements. For purposes of this paragraph and paragraphs (c) and (d) of this section, the requirements of section 1244 stock determinable at the time of the distribution or exchange are all of the requirements of section 1244(c)(1) other than the one described in subparagraph (C) thereof, relating to the gross receipts test.

(2) If, however, such stock dividend is received by such individual or partnership partly with respect to stock meeting the requirements of section 1244 stock determinable at the time of the distribution, and partly with respect to stock not meeting such requirements, then only part of the stock received as a stock dividend will be treated as meeting such requirements. Assuming all the shares with respect to which the dividend is received have equal rights to dividends, such part is the number of shares which bears the same ratio to the total number of shares received as the number of shares owned immediately before the stock dividend which meets such qualifications bears to the total number of shares with respect to which the stock dividend is received. In determining the basis of shares received in the stock dividend and of the shares held before the stock dividend, section 307 shall apply as if two separate nontaxable stock dividends were made, one with respect to the shares that meet the requirements and the other with respect to shares that do not meet the requirements.

(3) The provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). Corporation X issues 100 shares of its common stock to B for $1,000. Subsequently, in a nontaxable stock dividend B receives 5 more shares of common stock of

Corporation X. If the 100 shares meet all the requirements of section 1244 stock determinable at the time of the distribution of the stock dividend, the 5 additional shares shall also be treated as meeting such requirements.

Example (2). In 1959, Corporation Y issues 100 shares of its common stock to C for $1,000 and these shares meet the requirements of section 1244 stock determinable at the time of the issuance. In 1960, C purchases an additional 200 shares of such stock from another shareholder for $3,000; however, these shares do not meet the requirements of section 1244 stock because they were not originally issued to C by the corporation. In 1961, C receives 15 shares of Corporation Y common stock as a stock dividend. Of the shares received, 5 shares, the number received with respect to the 100 shares of stock which met the requirements of section 1244 at the time of the distribution, i.e., 100/300 × 15, shall also be treated as meeting such requirements. The remaining 10 shares do not meet such requirements as they are not received with respect to section 1244 stock. The basis of such 5 shares is determined by applying section 307 as if the 5 shares were received as a separate stock dividend made solely with respect to shares that meet the requirements of section 1244 stock at the time of the distribution. Thus, the basis of the 5 shares is $47.61 (5/105 of $1,000).

(c) *Recapitalizations.* (1) If, pursuant to a recapitalization described in section 368(a)(1)(E), common stock of a corporation is received by an individual or partnership in exchange for stock of such corporation meeting the requirements of section 1244 stock determinable at the time of the exchange, such common stock shall be treated as meeting such requirements.

(2) If common stock is received pursuant to such a recapitalization partly in exchange for stock meeting the requirements of section 1244 stock determinable at the time of the exchange and partly in exchange for stock not meeting such requirements, then only part of such common stock will be treated as meeting such requirements. Such part is the number of shares which bears the same ratio to the total number of shares of common stock so received as the basis of the shares transferred which meet such requirements bears to the basis of all the shares transferred for such common stock. The basis allocable, pursuant to section 358, to the common stock which is treated as meeting such requirements is limited to the basis of stock that meets such requirements transferred in the exchange.

(3) The provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). A owns 500 shares of voting common stock of Corporation X. Corporation X revises its capital structure to provide for two classes of common stock: Class A voting and Class B nonvoting. In a recapitalization described in subparagraph (E) of section 368(a)(1). A exchanges his 500 shares for 750 shares of Class B nonvoting stock. If the 500 shares meet all the requirements of section 1244 stock determinable at the time of the exchange, the 750 shares received in the exchange are treated as meeting such requirements.

Example (2). B owns 500 shares of common stock of Corporation X with a basis of $5,000, and 100 shares of preferred stock of that corporation with a basis of $2,500. Pursuant to a recapitalization described in section 368(a)(1)(E), B exchanges all of his shares for 900 shares of common stock of Corporation X. The 500 common shares meet the requirements of section 1244 stock determinable at the time of the exchange, but the 100 preferred shares do not meet such requirements since only common stock may qualify. Of the 900 common shares received, 600 shares ($5,000/$7,500×900 shares) are treated as meeting the requirements of section 1244 stock at the time of the exchange, because they are deemed to be received in exchange for the 500 common shares which met such requirements. The remaining 300 shares do not meet such requirements as they are not deemed to be received in exchange for section 1244 stock. The basis of the 600 shares is $5,000, the basis of the relinquished shares meeting the requirements of section 1244.

(d) *Change of name, etc.* (1) If, pursuant to a reorganization described in section 368(a)(1)(F), common stock of a successor corporation is received by an individual or partnership in exchange for stock of the predecessor corporation meeting the requirements of section 1244 stock determinable at the time of the exchange, such common stock shall be treated as meeting such requirements. If common stock is received pursuant to such a reorganization partly in exchange for stock meeting the requirements of section 1244 stock determinable at the time of the exchange and partly in exchange for stock not meeting such requirements, the principles of paragraph (c)(2) of this section apply in determinating the number of shares received which are treated as meeting the requirements of section 1244 stock and the basis of those shares.

(2) For purposes of paragraphs (1)(C) and (3)(A) of section 1244(c), a successor corporation in a reorganization described in section 368(a)(1)(F) shall be treated as the same corporation as its predecessor.

Par. 6. Section 1.1244(d)–4 is revised to read as follows:

§ 1.1244(d)–4 Net operating loss deduction.

(a) *General rule.* For purpose of section 172, relating to the net operating loss deduction, any amount of loss that is treated as an ordinary loss under section 1244 (taking into account the annual dollar limitation of that section) shall be treated as attributable to the trade or business of the taxpayer. Therefore, this loss is allowable in determining the taxpayer's net operating loss for a taxable year and is not subject to the application of section 172(d)(4), relating to nonbusiness deductions. A taxpayer may deduct the maximum of ordinary loss permitted under section 1244(b) even though all or a portion of the taxpayer's net operating loss carryback or carryover for the taxable year was, when incurred, a loss on section 1244 stock.

(b) *Example.* The provisions of this section may be illustrated by the following example:

Example. A, a single individual, computes a net operating loss of $15,000 for 1980 in accordance with the rules of § 1.172–3, relating to net operating loss in case of a taxpayer other than a corporation. Included within A's computation of this net operating loss is a deduction arising under section 1244 for a loss on small business stock. A had no taxable income in 1977, 1978, or 1979. Assume that A can carry over the entire $15,000 loss under the rules of section 172. In 1981 A has gross income of $75,000 and again sustains a loss on section 1244 stock. The amount of A's 1981 loss on section 1244 stock is $50,000. A may deduct the full $50,000 as an ordinary loss under section 1244 and the full $15,000 as a net operating loss carryover in 1981.

Par. 7. In § 1.1244(e)–1 paragraph (a) is revised to read as follows:

§ 1.1244(e)–1 Records to be kept and information to be filed with the return.

(a) *By the corporation*—(1) *Mandatdory records.* A plan to issue pre-November 1978 stock must appear upon the records of the corporation. Any designation of post-November 1978 stock under paragraph (c)(2) of § 1.1244(c)–2 also must appear upon the records of the corporation.

(2) *Discretionary records.* In order to substantiate an ordinary loss deduction claimed by its shareholders, the corporation should maintain records showing the following:

(i) The persons to whom stock was issued, the date of issuance to these persons, and a description of the amount and type of consideration received from each;

(ii) If the consideration received is property, the basis in the hands of the shareholder and the fair market value of the property when received by the corporation;

(iii) The amount of money and the basis in the hands of the corporation of other property received for its stock, as a contribution to capital, and as paid-in surplus;

(iv) Financial statements of the corporation, such as its income tax returns, that identify the source of the gross receipt of the corporation for the period consisting of the five most recent taxable years of the corporation, or, if the corporation has not been in existence for 5 taxable years, for the period of the corporation's existence;

(v) Information relating to any tax-free stock dividend made with respect to section 1244 stock and any reorganization in which stock is transferred by the corporation in exchange for section 1244 stock; and

(vi) With respect to pre-November 1978 stock:

(A) Which certificates represent stock issued under the plan;

* * * * *

Par. 8. In § 1.1563–3, paragraph (b) (5) (iii) is amended by removing the reference "paragraph (g) (1) (ii)" and inserting in its place the reference "paragraph (e) (1) (ii)". As amended, paragraph (b) (5) (iii) reads as set forth below:

§ 1.1563–3 Rules for determining stock ownership.

(a) *In general.* * * *

(b) *Constructive ownership*—(1) *Options.* * * *

(5) *Spouse.* (i) * * *

(ii) * * *

(iii) For purposes of subdivision (ii) (c) of this subparagraph, the gross income of a corporation for a taxable year shall be determined under section 61 and the regulations thereunder. The terms "royalties", "rents", "dividends", "interest", and "annuities" shall have the same meanings such terms are given for purposes of section 1244(c). See paragraph (e)(1)(ii), (iii), (iv), (v), and (vi) of § 1.1244(c)–1.

* * * * *

(B) The amount of money and the basis in the hands of the corporation of other property received after June 30, 1958, and before the adoption of the plan, for its stock, as a contribution to capital, and as paid-in surplus; and

(C) The equity capital of the corporation on the date of adoption of the plan.

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Par. 9. In § 11.414 (c)–4, paragraph (b)(5)(iii) is amended by removing the reference to "§ 1.1244 (c)–1(g)(1)" and inserting in its place the reference "§ 1.1244 (c)–1(e)(1)". As amended, paragraph (b)(5)(iii) reads as set forth below:

§ 11.414(c)–4 Rules for determining ownership.

(a) *In general.* * * *

(b) *Constructive ownership*— (1) *Options.* * * *

(5) *Spouse*—(i) *General rule.* * * *

(ii) * * *

(iii) *Definitions.* For purposes of paragraph (b)(5)(ii)(C) of this section, the gross income of an organization shall be determined under section 61 and the regulations thereunder. The terms "interest", "royalties", "rents", "dividends", and "annuities" shall have the same meaning such terms are given for purposes of section 1244(c) and § 1.1244(c)–1(e)(1).

* * * * *

[FR Doc. 81–15453 Filed 6–1–81; 8:45 am]

BILLING CODE 4830–01–M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Veterans' Education; Resumption of Contribution of Funds Upon Reenlistment

AGENCY: Veterans Administration and Department of Defense.

ACTION: Final regulation.

SUMMARY: This regulation, issued jointly by the Veterans Administration and the Department of Defense, clarifies that an individual who, because of a discharge or release from active duty, stops contributing to the fund upon which Post-Vietnam era veterans' educational assistance payments are based, may resume contributing upon reenlisting. Since the regulations previously did not address this problem, confusion arose as to whether these individuals may resume contributions. This regulation eliminates the confusion by providing a rule to deal with this situation.

EFFECTIVE DATE: May 12, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: On pages 2654 and 2655 of the **Federal Register** of January 12, 1981, notice was published to amend part 21 to permit an individual who was discharged or released from active duty to resume contributing to the Post-Vietnam Era Veterans Educational Account upon return to active duty.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposal. The Veterans Administration and Department of Defense received no comments, suggestions or objections. Accordingly, the agencies are adopting the proposal without change.

The proposed changes to § 21.5058 are deemed proper and are hereby approved.

Approved: April 13, 1981.

Rufus H. Wilson,

Acting Administrator, Veterans Administration.

Approved: May 12, 1981.

Douglas Farbrother,

Acting Deputy Assistant Secretary of Defense.

In § 21.5058, paragraph (a) is revised to read as follows:

§ 21.5058 Resumption of participation.

(a) An eligible individual, who remains otherwise eligible, may resume active contribution to the fund, if he or she has—

(1) Voluntarily elected to suspend following completion of minimum participation;

(2) Suspended at any time for reasons of hardship; or

(3) Received a discharge or release from active duty after participation and reenlisted. (38 U.S.C. 1621)

* * * * *

[FR Doc. 81–16400 Filed 6–1–81; 8:45 am]

BILLING CODE 8320–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[Docket No. 20840; FCC 81-217]

Miscellaneous Rules Relating to Common Carriers; Use of Recording Devices in Connection With Telephone Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, by this action, is requiring carriers to revise their tariff provision regulating recording, to add all-party consent as an alternative to the beep tone warning. Also, acoustic and inductive recording is no longer prohibited by the tariff. As a result of this action, Section 64.501 of the Commission's Rules is amended herein. This action is intended to enhance the Commission's policy concerning privacy during telephone conversations.

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leroy Cain, Jr., Tariff Division, Common Carrier Bureau, (202) 254–8100.

SUPPLEMENTARY INFORMATION:

In the matter of use of recording devices in connection with telephone service; Memorandum opinion and order.

Adopted: May 7, 1981.

Released: May 18, 1981.

By the Commission: Commissioner Fogarty concurring in part and issuing a statement in which Commissioner Quello joins.

I. Introduction

1. The Commission has before it proposals to modify its policies concerning the use of recording devices in connectiion with telephone service. This proceeding has its genesis in a *Notice of Inquiry (NOI)* released June 24, 1976 (FCC 76–536) and a *Notice of Proposed Rulemaking (Notice)*, 67 FCC 2d 1392 (1978), both aimed at reexamining the Commission mandated provision in the American Telephone and Telegraph Company's (AT&T) interstate telephone service tariff requiring that a beep tone accompany any recording of telephone conversations.[1] These documents sought comment on the feasibility and effectiveness of the beep tone in protecting the privacy interest of telephone users from the unauthorized use of recording devices during telephone conversations.

2. In the *Notice* we proposed to order AT&T to revise its interstate tariff by deleting the tone-warning and replacing it with an all-party consent requirement which we would adopt as a rule of the Commission.[2] We have decided, however, that various factors militate against adopting the proposed commission rule. Nevertheless, we shall adopt certain policy revisions proposed by the *Notice* which provide alternatives to current requirements. These revisions will facilitate the use of state-of-the-art recoring devices and will alleviate the need for costly recording equipment. Moreover, they will allow the telephone user to choose the most appropriate method of notifying the other party of the proposed recording of the conversation. Therefore, to implement these revisions, we will require telephone companies under our jurisdiction to revise their interstate tariffs to allow a customer to record a telephone conversation when all parties to the conversation consent to the recording or when a tone warning device is used. In addition, the ban on acoustic and inductive recording devices will be lifted. Contrary to our position in the *Notice*, however, private line services that do not access the public switched network will continue to be exempt from our recording restrictions. Other revisions are discussed below.

II. Background

A. Docket 6787

3. In 1945 the Commission ordered a general investigation into the use of recording devices in connection with interstate and foreign message toll telephone service and facilities. At that time various telephone companies had regulations in their tariffs which prohibited the use of recording devices.

4. That investigation resulted in a report and order, 11 FCC 1033 (1947), which required that all interstate tariffs allow the use of recording devices in connection with two-way telephone conversations [3] where interstate message toll telephone service or wide area telephone service or their facilities, were involved.[4] While recognizing the need for recording devices and the widespread use of such devices by government and private business, the Commission acknowleged that it was

> Keenly appreciative of the importance and desirability of privacy in telephone conversations. Such conversations should be free from any listening in by others that is not done with the knowledge and authorization of the parties to the call * * * and the Commission is prepared to take all steps within its authority to accomplish this objective. Accordingly, the Commission is firmly of the opinion that the use of telephone recording devices should be permitted only when measures are in effect to assure notification to the parties that their conversations are being recorded.

11 FCC at 1050. Therefore, the Commission required that an automatic tone warning mechanism ("beep tone") be activated whenever the recording device was being used, and that this tone be superimposed on the telephone conversation at regular intervals. The Commission further provided that the tariff regulation must require that the recording device be used only when it could be physically disconnected from the telephone line or switched off. In a subsequent ruling, those recording devices that did not have a direct electrical connection to the telephone were prohibited. *Public Notice*, released March 28, 1951. This ruling meant that telephone conversations could not be recorded by either acoustic or inductive means without violating the tariff. Since the termination of Docket 6787 in 1948, the Commission has recognized five limited exceptions to the beep tone requirement.[5]

B. Docket No. 20840

5. In 1976 the Commission issued an *NOI* in response to several petitions requesting exemption from the beep tone requirement and allegations of numerous instances of violations of the tariff provisions. The Commission questioned whether recent developments in communications policy and practices and technological changes had rendered the present beep tone requirement unenforceable and impractical. The *NOI* set forth several issues for consideration concerning the desirability and enforceability of the beep tone requirement. Comments were requested from interested parties.

6. After examining the comments filed in response to the *NOI*, the Commission issued its *Notice* proposing several changes to the beep tone requirement, the most notable of which was to make this requirement a rule of the Commission in addition to a prescribed tariff provision. The *NOI* comments had brought to light several instances of violations of the existing requirement and confirmed our suspicions that the tariff requirement was largely unenforceable. The purpose of the proposed rule was to enhance enforcement and deter violations by subjecting violators to certain sanctions under the Act, specifically, Sections 401 and 502, 47 U.S.C. §§ 401 and 502.[6]

---

[1] *See*, AT&T Tariff FCC No. 263 (Message Telecommunications Service).

[2] The proposed rule is discussed in the *Notice* and set forth in Appendix A, 67 FCC 2d at 1403.

[3] One-way conversations where, for example, the caller speaks into an electronic answering device, were not included.

[4] The recording of intrastate and local exchange telephone calls is governed by regulations in the tariffs offering those services to the public, on file with the various state commissions. Also, private line communication systems were not covered by the Commission's order except when interconnected with the public switched networks.

[5] These exceptions are: (1) where the recording equipment is used by a Commission licensed broadcast station to record two-way conversations solely for broadcast purposes; (2) where conversations are recorded solely for broadcast purposes by a broadcast network or by a cooperative programming entity composed exclusively of Commission broadcast licensees; (3) where the recording equipment is used by the United States Secret Service to record conversations that concern the safety and security of the President of the United States, members of his immediate family, or the White House and its grounds; (4) where the recording equipment is being used at the United States Department of Defense Command Centers to record emergency communications transmitted in part over the Command Center's private line network; and (5) where the recording equipment is used at the Operations Center of the Nuclear Regulatory Commission to record conversations involving or relating to nuclear emergencies.

[6] Section 401(b) provides for injunctive relief against violators of the rules and regulations of the Commission; Section 502 provides for a fine of not

Continued

7. Additionally, the Commission determined that the beep tone requirement was too restrictive since it served to prohibit any recording where the tone warning was not used, whether consensual or non-consensual. It therefore proposed that the beep tone requirement be eliminated and replaced with a provision which allows recordings when all parties to the telephone conversation give their prior consent. Acknowledging the availability of low cost, high technology recording equipment, the Commission also proposed to rescind its proscription on the use of acoustic and inductive recorders.

8. As proposed, the Commission's all-party consent rule would extend to private line voice services, even where there is no interconnection with the public switched network. Where disputes arise as to whether prior consent was obtained, the proposed rule would place the burden of proof on the party who made the recording.

III. Comments

9. Comments on the proposed rule have been received from parties having a variety of interests in the beep tone requirement.[7] Basically, no party disagrees with the proposition that consensual recording of telephone conversations should be allowed. However, many parties question our jurisdiction to promulgate a rule which would subject *customers* of common carriers to sanctions under the Communications Act. (To repeat, our present indirect regulatory scheme is predicated on a tariff provision enforceable by common carriers.) Moreover, several commenters argue that the recording of telephone conversations should not be regulated by Commission rule or by tariff. They are generally of the opinion that both the current and proposed tariffs are unenforceable, instilling a false sense of security in the telephone-using public. Therefore, they maintain, it would be preferable to have no Commission regulation. Some add that the *Federal Omnibus Crime Control and Safe Streets Act of 1968*, 18 U.S.C. 2510 *et seq.* (*Omnibus Act*)[8] and Section 605 of the Communications Act, 47 U.S.C. 605,[9] are sufficient restraints on the use of recording devices and that no additional regulation is needed. Further, many contend that the *Omnibus Act* is a "comprehensive" treatment of the subject and preempts any Commission regulation in this area. Indeed, some parties allege that our proposed rule, requiring all-party consent, conflicts with the *Omnibus Act*, which allows recording of telephone conversations with only one-party consent. Finally, several parties find that if the Commission is to continue regulating recording of telephone conversations, either by rule or by tariff, use of a beep tone device is preferable to obtaining specific consent before each conversation. Some of these parties suggest that the tone warning be retained as an alternative to the all-party consent proposal.

IV. Discussion

A. General

1. The Present Tariff Requirement

10. There is no dispute that the current beep tone requirement, standing alone, is not an effective method of regulation in this area. Advanced technology and changes in regulatory policy have combined to make the present tariff restrictions unenforceable. In 1948, when we first required a beep tone device, the state of the art was such that in order to make a satisfactory recording, the recording device had to be physically connected to the telephone system.[10] The "physical connection" requirement allowed the telephone company to detect the presence of recorders on the telephone line. This, plus the high cost of recorders at that time, enhanced enforcement to a great extent.[11] Today, however, customers can provide and connect their own equipment, and there is an increased availability of low cost and easy to use recorders. Thus, because of this proliferation of portable acoustic and inductive recorders, whose use cannot be detected by the telephone company, as well as the lifting of the "foreign attachment" restrictions in tariffs,[12] enforcement of the present requirement is practically impossible.

11. There are still other reasons which contribute to the ineffectiveness of the existing tariff provision. First, the only sanction available against the customer, discontinuance of service, is insufficient as a deterrent. In fact, the major telephone companies allege numerous undisclosed acts of recording, yet we are informed that there have been virtually no disconnections of service for violation of the regulation since its inception in 1948.[13] Second, unlike the day when violators could be detected at the central office of the telephone company, today they can generally be detected only when some use is made of the recording.

2. The 1978 Notice

12. As stated previously, in our 1978 *Notice* we proposed replacing the beep tone with an all-party consent requirement, lifting our proscription on acoustic and inductive-type recorders, and adopting a suitable Commission rule which would subject violators to certain sanctions under the Act. The idea here was to lend the clear weight of the Commission to enforcement of this policy.

13. At that time we were of the opinion that by adopting a rule we could improve the effectiveness of the tariff provisions. However, a closer examination of the practicalities and the facts brought to light by the comments convinces us that a Commission rule in this area would be an equally hollow regulatory device. The simple fact is that this Commission could not enforce such a rule, just as the telephone companies are unable to enforce their tariff provisions effectively. For one reason, there is still no way to detect violations in their inception. Consequently, the added sanctions under the Act would

---

more than $500 for "[a]ny person who willfully and knowingly violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act".

[7] A list of the commenting parties is included as Appendix A to this Order. An in-depth discussion of the comments is contained in Appendix B.

[8] Section 2510 *et seq.*, generally prohibits interception of wire and oral communications. Section 2511(2) (c) and (d) however, excepts conversations recorded with the consent of one party, *unless* the contents will be used for a criminal, tortious, or other injurious act in violation of the laws of any state or of the United States.

[9] *See*, footnote 14, *infra*, for a discussion of Section 605.

[10] The telephone company performed the connections since the tariffs of the various companies prohibited interconnection of foreign attachments to the telephone system.

[11] At the time of Docket 6787 the cost of a device that recorded telephone conversations (inclusive of acoustic and inductive recorders) ranged from $280 to $850. *See* our 1947 Opinion and Order, *supra*, 11 FCC at 1037.

[12] *See, e.g.*, Use of the Carterfone Device in Message Toll Telephone Service (*Carterfone*), 13 FCC 2d 420, *recon. denied*, 14 FCC 2d 571 (1968). In *Carterfone* the foreign attachment restriction was found to violate the customer's right to interconnect a device to the telephone system which improved his utility of the system and did not adversely affect the telephone company's operations or the telephone system's utility for others. Consequently, the installation, maintenance, and provision of equipment necessary for connecting recording devices to the telephone network was no longer restricted to the telephone companies and customers could connect their own equipment directly.

[13] Actually, the tariff specifies that the telephone company "may" discontinue service where violations are found. It is not required to discontinue service even if a violation occurs. In practice the customer is first warned to cease violating the tariff and if he/she agrees to comply, no further action is taken.

not be so much a deterrent as a punitive measure for the small percentage of violators detected. Beyond this, the adoption of a Commission rule might lull the public into believing that undisclosed acts of recording will not occur, when in fact the possibility always exists. Thus, on balance it seems preferable to acknowledge that the job of guarding against personally offensive acts of recording has always rested in the first instance with the telephone users themselves. After all, it is the users who have complete control over what they say over the telephone and to whom they say it.

14. Another significant factor behind our decision not to adopt a Commission rule in this area is that in the period since our beep tone prescription was adopted, Congress has seen fit to change federal law by imposing strict penalties for certain acts of interception and divulgence of telephone communications.[14] A closer examination of Title III of the *Omnibus Act* convinces us that our concerns regarding the interception of telephone communications are adequately remedied by its provisions, and that a separate rule of the Commission under these circumstances is unnecessary.

15. Specifically, the *Omnibus Act* prohibits the interception of oral and wire communications in general, but Section 2511(2) (c) and (d) [15] excepts the consent of *one party* to that conversation.[16] Though our proposed requirements would be more restrictive (i.e. we proposed that *all parties* to the conversation give their prior consent), Title III of the Act nevertheless provides consistent and clear requirements regarding consensual and nonconsensual recording of telephone conversations, as well as strong civil and criminal penalties for violations of its provisions.[17] Moreover, as we construe this statute and its history, Congress intended to create a comprehensive set of rules governing various aspects of privacy of wire and oral communications in Title III, covering both interstate and intrastate conversations.[18] Section 605 of the Communications Act acknowledges this and thus a Commission rule in this area is not only unnecessary but, as the comments point out, could be perceived by some as conflicting with the provisions of Title III.

B. Revisions of the Current Tariff

16. Nevertheless, we conclude that certain basic changes to the current tariff provision are in the public interest. Although we perceive Title III of the *Omnibus Act* as a more comprehensive and effective prophylactic to invasions of privacy in telephonic communications, we continue to endorse some method of notification to a party when a recording device is used. Accordingly, we will require telephone companies to revise their interstate tariffs to reflect our determination that the requirements are too restrictive and do not comport with current technology. Therefore, we will revise the present beep tone warning provision by requiring carriers to permit all-party consent as an alternative. We will also rescind our requirement of prohibiting the use of acoustic and inductive recorders.

17. Since 1948, the method of notification has been limited to the use of a tone-warning device. In the *Notice*, we proposed substituting all-party consent for the beep tone warning. While no commenters object to allowing recording if all parties to the conversation consent, several parties oppose replacement of the beep tone by a mandatory consent requirement. Indeed, in many instances (such as service repairs for electric utilities, road service and emergency distress calls) it is not practicable to obtain prior consent to record the conversation. From our examination of the comments, we are convinced that it would not be in the public interest to select one method of notification over the other. Since the tone warning has proved to be effective for some,[19] the consent requirement will, instead of replacing the beep tone, be added as an alternative method of notification.

18. Finally, our adoption of the all-party consent alternative to the beep tone enables us to rescind our prohibition against acoustic and inductive recording devices. As explained, this prohibition is now unnecessary as an aid in the enforcement of the beep tone requirement since the tone is no longer the sole method of notification. Moreover, its elimination is in the public interest since it allows the use of inexpensive and readily available recording equipment.

C. Exceptions to the Revised Tariff Provision

19. We have decided to allow three exceptions to the revised tariff requirement which will supersede the five current exceptions.[20] The first

---

[14] *See, e.g.*, Title 18 U.S.C. 2510–2520, Pub. L. 90–351, Title III, § 802, June 19, 1968, 82 Stat. 212. *See also*, Section 605 of the Communications Act, 47 U.S.C. § 605. Prior to the enactment of the *Omnibus Act*, Section 605 covered the unauthorized interception and divulgence of *wire or radio* communications. In 1968, however, at the same time Congress enacted the *Omnibus Act*, it also amended Section 605 so that the *Omnibus Act* now covers virtually all interceptions involving wire communications and Section 605 covers interceptions of radio communications. Section 605, however, continues to prohibit the interception and divulgence of wire communications involving telephone company and other common carrier personnel.

[15] Section 2511(2) (c) and (d) provides:

(c) It shall not be unlawful under this chapter for a person acting under color of law to *intercept* a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(d) It shall not be unlawful under this chapter for a person not acting under color of law to *intercept* a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception *unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State or for the purpose of committing any other injurious act.* (Emphasis added.)

Under Title III, *intercept* is defined as: "the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device", 47 U.S.C. 2510(4). This would include the use of a recording device.

[16] It should be noted, however, that under Section 2511(2)(d) there are limitations to one-party consent recording. Thus, the "criminal," "tortious" and "injurious" use limitations were placed on recordings by *private parties* made without the knowledge or consent of the other parties.

[17] 18 U.S.C. 2520. Section 2520 provides for civil remedies:

Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter shall (1) have a civil cause of action against any person who intercepts, discloses, or procures any other person to intercept, disclose, or use such communications, and (2) be entitled to recover from any such person—

(a) Actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher;

(b) Punitive damages; and

(c) A reasonable attorney's fee and other litigation costs reasonably incurred.

A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under this chapter or under any other law. [Footnote omitted.]

The criminal penalties for violation of Title III are a $10,000 fine and/or not more than five years imprisonment. 18 U.S.C. 2511(i).

[18] The legislative history of chapter 119, Title 18 U.S.C. 2510–2520, reveals that one of Congress' primary concerns was to "protect effectively the privacy of *wire and oral communications.*" (*Emphasis added*). Public Law 90–351, Title III 802, June 19, 1968, 82 Stat. 212. Moreover, according to Senate Report No. 1097 accompanying the legislation, Title III amended Section 605 of the Communications Act of 1934, 47 U.S.C. 605, to provide a substitute for that section so that "[t]he regulation of the interception of wire communications in the future is to be governed by proposed new chapter 119 of title 18, United States Code." Sen. Report No. 1097, 90th Cong., 2d Sess. 1968 U.S. Code Cong. and Admin. News, 2112, 2113. (1968).

[19] See the *Detailed Comments* in Appendix B.

[20] The present exceptions for the Secret Service, Department of Defense, and the Nuclear Regulatory

Continued

exception is for incoming calls made to telephone numbers publicized for emergencies and outgoing calls made in immediate response. In many types of emergency situations, such as those involving fire, health care, and police, it is infeasible to obtain consent, and use of the beep tone could confuse callers or obliterate important portions of the message. Therefore we will not require the beep tone or prior consent for the recording of calls reporting or made in immediate response to these emergencies. Recordings made at the Department of Defense Command Centers and the Operations Center of the Nuclear Regulatory Commission will be included under this exception. *See* 59 FCC 2d 538 (1976) and Mimeo No. 06482 (January 29, 1981).

20. The second exception is for the recording of calls made for patently unlawful purposes, such as bomb threats, kidnap ransom requests, and obscene telephone calls. Outgoing calls made in immediate response to such a call will also be excepted. Under this exception the U.S. Secret Service will still be allowed to record calls referred to it which threaten the safety and security of the President, his immediate family, and the White House.

21. The third exception is for recordings made pursuant to an explicit and lawful order of a court issued pursuant to 18 U.S.C. 2516. We adopt this exception so that our requirement will not hinder law enforcement efforts or conflict with Title III of the *Omnibus Act.*

D. Private Line Service

22. In light of our revised restrictions on the use of recording devices, and the fact that the privacy expectation involved with private line services is adequately distinguished from that of the public switched network, it would be incongruous to extend the same restrictions to private line service. We agree with the parties commenting in this area that the conditions under which dedicated private lines are used give reasonable assurances that those having access to them would know if their conversations are to be recorded. Therefore, we will continue to exclude private line service from our requirement, except where there is access to the public switched network.

VI. Summary and Conclusions

23. As discussed above, after carefully considering the comments submitted in response to our *Notice of Proposed Rulemaking*, Docket 20840, 67 FCC 2d 1392 (1976), we have decided not to adopt a rule in this area. We have further decided to revise our present beep tone requirement to include, as an alternative, the all-party consent requirement. Additionally, we are rescinding our proscription on the use of acoustic and inductive recording devices and are continuing our exclusion of private line services, except where such services access the public switched network.

24. As a result of this proceeding, § 64.501 of our Rules, 47 CFR 64.501, dealing with the use of recording devices by telephone companies, will be revised to comport with our findings. The revisions to Section 64.501 are set out in Appendix C and are to become effective on May 18, 1981.

25. In view of the foregoing and pursuant to the authority granted in Sections 2(a), 4(i), 4(j), 201, 205, 303(r) and 403 of the Communications Act, 47 U.S.C. 152(a), 154(i), 154(j), 201, 205, 303(r) and 403, it is ordered, That all common carriers subject to Title II of the Communications Act, 47 U.S.C. 151 *et seq.* shall revise such tariff regulations on file with this Commission which provide for the use of recording devices in connection with interstate and foreign message toll telephone service and wide area telephone service, to comport with this Order.

26. It is further ordered, That the Secretary shall cause this Memorandum Opinion and Order to be published in the **Federal Register.**

27. It is further ordered, That Docket No. 20840 is hereby terminated.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

Federal Communications Commission.[21]

William J. Tricarico,

Secretary.

Appendix A

The following parties filed timely comments in response to the *Notice of Proposed Rulemaking* in this Docket:

Aeronautical Radio, Inc. and Air Transport Association of America
AHF Marketing Research
Alan H. Jones
Alta Medical Supply Company
American Automobile Association
American Cable and Radio Corporation
American Coin Exchange
American Telephone and Telegraph Company
Association of American Railroads
Atlantic City Electric Company (Atlantic Electric)
Bryan K. Gerritsen, Instructor, Utah School for the Blind
Bureau of Police, City of Lancaster, Pennsylvania
Cincinnati Gas & Electric Company
Cynthia Mashburn
Delphi Communications Corporation
Department of the Army, U.S.
Department of Energy, U.S.
Department of Justice, U.S.
Department of Justice, Drug Enforcement Administration, U.S.
Department of Transportation, U.S.
Dictaphone Corporation
Gelderman and Company, Inc.
GTE Service Corporation
International Association of Chiefs of Police
Manufacturing Chemists Association
McKee Baking Company
Norman E. Hamner
Pennzoil Company
Potomac Electric Power Company
State of California and Public Utilities Commission of the State of California
Special Interest Autos
State Farm Mutual Automobile Insurance and State Farm Fire and Casualty Company
T. K. Land
Thompson Electric Service
Utilities Telecommunications Council

Late Filed Comments

Brooklyn Union Gas Company
Continental Illinois National Bank and Trust Company of Chicago
Dow Chemical Company
Herbert A. Terry
Letha S. West
Louise Estes
Metromedia, Inc.
New York State Electric and Gas Corporation
Pat Downs, News Director, WNRK
Pennsylvania—New Jersey—Maryland Interconnection

Reply Comments

American Broadcasting Company
Delphi Communications Corporation
National Telephone Cooperative Association

Supplemental Comments

National Broadcasting Company

Appendix B—Detailed Comments of the Parties

1. The Comments received may be grouped into four general categories;

(A) Those commenters that support the proposed rule in general, but suggest various improvements.

(B) Those opposed to replacing the beeptone requirement with all-party consent and who suggest that we retain the beeptone, with certain revisions.

Commission are included in the new exceptions noted below. Broadcasters and broadcast organizations will not require an exception under the revised policy (*see e.g.* 38 FCC 2d 579 (1972) and *Broadcast of Telephone Conversation*, Docket 18601, 23 FCC 2d 1 (1970)) since they are required to obtain prior consent before a conversation can be recorded for broadcast. *See e.g.*, 47 CFR 73.1206. Moreover, since § 73.1206 excepts from the prior-consent rule for broadcasters, conversations where the caller is aware, or is presumed to be aware, that the call is likely to be broadcast, we will construe that prior consent for recording these calls has been given for purposes of the tariff requirement.

[21] See attached statement of Commissioner Joseph R. Fogarty in which Commissioner James H. Quello joins.

(C) Those who seek exceptions from Commission regulation.

(D) Those that suggest that we eliminate the beeptone or any other requirement and leave regulation in this area to Congress or the states.

A. General Comments

2. Many parties support the Commission proposals in general but suggest various improvements. For example, several parties have problems with our use and description of the term "emergency situations" in the proposed rule. The Dictaphone Corporation (Dictaphone), Department of Defense (DoD), and the American Automobile Association (AAA), to name a few, contend that we have defined "emergency" in our exceptions too narrowly. They suggest that it should be expanded to include not only police, fire, and health care emergencies, but also emergency road service, emergency electrical outages, chemical emergencies, gas leaks, water main breaks, reports of downed "live" electrical wires, and other similar type emergencies.

3. Other parties request that we define "unlawful purposes", as used in paragraph "(c)" of the proposed prior consent rule. (Paragraph "(c)" of the rule excepts incoming calls that are "threatening, harassing, obscene or [made] for other unlawful purposes, as defined in 47 U.S.C. 223").

4. As to our proposal to include private line service in the regulations, certain parties adamantly oppose such a move, contending that there are different privacy considerations inherent in the use of private line service as contrasted with the public switched network. The conditions under which "pure" private lines (private line service without access to the public switched network) are used, they assert, give reasonable assurance that those having access to them would know that their conversation might be recorded. Moreover, they submit, private line services are generally used for specific business communications purposes, and most users of private line services are proscribed by company rules from handling the kind of personal communications of the sort generally carried by the public switched network. The parties assert that technological change is an insufficient reason to depart from the historical exemption of private line services from our beeptone requirement.

5. There were also comments directed at publicizing the rule. Some suggest publicizing the rule through bill inserts and by a notice appearing in the Call-Guide section of the white pages of the telephone book. Others suggest that a half or full page of the telephone book be dedicated to describing the all-party consent or beep tone rule.

B. Parties Opposed to Replacing the Beep Tone with All-Party Consent

6. Many comments were received advocating the continued use of the beep tone. These parties had either expended vast amounts of time and money in perfecting their business activities to comply with the beep tone requirement or believed that they would be subjected to a great disadvantage and difficulty by being required to go through a formal consent process with each party before recording. The most forceful comments received in this area were from Delphi Communications Corporation, Inc. (Delphi), the Utilities Telecommunications Counsel (UTC), and from various public utility companies. Delphi asserts that it has engaged in the research and development of an advanced state-of-the-art telephone answering system which incorporates the latest in computer technology. This system represents an investment of millions of dollars and is designed to process the receipt and forwarding of a high volume of telephonic messages. The system complies with the beep tone requirement, but would sacrifice much of its efficiency if the prior consent rule were adopted.

7. UTC and various utility companies state that all telephone conversations into and out of the control and dispatching centers of members of the utility industry are recorded using the beep tone. They assert that the recordings are necessary for the continued efficiency and safe operation of these utilities. They explain that conversations between and among utility control and dispatching centers involve discussions of emergency conditions affecting the safety and welfare of the public or the utility's employees and, almost always, time is of the essence. Under these circumstances, they contend, the proposed prior consent rule is patently incompatable with the general urgency of utility system control. Furthermore, they assert that blanket written consent to record would be impractical because of the tremendous number of employees and various non-affiliated companies involved. Finally, they maintain that if the new rules are adopted to replace the beep tone, most of the lawful and useful utility telephone recording practices would have to be abandoned because of the impossibility of complying with either the oral or written prior consent requirement.

8. Other parties assert that our proposed rule would conflict with state regulations requiring the beep tone or that a federal rule eliminating the beep tone requirement might well be interpreted to preempt local authorities from maintaining that requirement on intrastate calls. Moreover, they argue that different interstate and intrastate regulations might confuse the general public. These parties maintain that uniformity will save time, effort and money.

9. Finally there are comments which suggest that we retain the beep tone, but, as an alternative, also allow a person to record after obtaining consent of the other party. Specifically, the Public Utilities Commission of California and the Attorney General of California suggest that the philosophy of promoting the privacy of communications will be compromised by the proposed rule in this proceeding. They assert that the Commission should not choose one method of securing privacy in telephone conversations over another where both together may prove even more effective.

C. Parties Requesting Exceptions

10. A number of commenting parties seek exceptions to the proposed rule if adopted. For example, the Utah School for the Blind points out that blind persons, in many instances, rely heavily on tape recording their telephone conversations because they cannot take notes. To require a blind person to obtain permission to record each telephone conversation might elicit undesirable and uncooperative reactions from the other party. The U.S. Department of Justice, Drug Enforcement Administration (DEA) asserts that the proposed regulation will be in derogation of congressional intent unless modified to recognize a legal exception for law enforcement officials. DEA and GTE note that section 2511(2)(c) of the *Omnibus Crime Control and Safe Streets Act of 1968*, 18 U.S.C. 2511(2)(c), allows persons acting under color of law to intercept a wire or oral communication where such person is a party to the conversation or one of the parties has given prior consent to such interception.

11. The American Broadcasting Company, Inc. (ABC), the National Association of Broadcasters (NAB), the National Broadcasting Company (NBC), and Doubleday Broadcasting Company, Inc., all take the position that broadcasters should be excepted from our "prior consent" rule and be allowed to record without prior consent as long as consent to broadcast is obtained before broadcasting the telephone conversation. [22] (Our rules presently require broadcasters to obtain consent before the telephone conversation is recorded for broadcast, 47 CFR 73.1206.)

12. Other parties seek exclusion for "dispatch" and "crewcalling" in the railroad and related industries; for emergency road service calls; for reservation calls in the airline industry, for communications personnel engaged in receiving and forwarding telephone messages to the intended addressee; for recordings made of calls for service and quality control; for emergency calls involving hazardous chemicals; and last, but by no means exhaustive, for dealers in precious metals, stock, commodities and options.

D. Parties Opposing Any Commission Regulation

13. Some parties suggest that we eliminate any regulation regarding recording of telephone conversations. Many commenters in this category contend that the Commission lacks the authority under the Communications Act to implement the proposed new rule. In support of this proposition UTC asserts that the sections of the Act cited as conferring power on the Commission to promulgate this rule are insufficient. UTC specifically asserts that Section 2(a) of the Act, 47 U.S.C. 152(a), confers Commission jurisdiction over common carriers and not over customers of common carriers; and that Sections 4(i), 4(j) and 403, 47 U.S.C. 154(i), 154(j), and 403, are enabling sections only and do not confer additional authority on the Commission, but must be used with other "authorizing"

[22] Doubleday submitted a Petition for Rulemaking in July 1975, RM-2571, seeking such a revision to § 73.1206. In its comments Doubleday now requests that we address its pending petition in this Docket. However, the petition is being considered in another proceeding and will be forthcoming in the near future.

sections of the Act. Others argue that we were preempted by Congress, when it enacted Title III of the *Omnibus Crime Control Act of 1968*, 18 U.S.C. 2511 *et seq.* Still others assert that Section 605 of the Communications Act, 47 U.S.C. 605, sufficiently covers this area of privacy. The commenters suggest that these sections should suffice to protect any legitimate privacy interest which any party to the conversation may have, and that we should not enact any additional restrictions or regulations.

Appendix C

1. Part 64—*Miscellaneous Rules Relating to Common Carriers*, Subpart E—Use of Recording Devices by Telephone Companies—is amended as follows:

Section 64.501 is amended by revising paragraphs (a) and (b) and by ading a new (b)(1) to read as follows:

§ 64.501 Recording of telephone conversations with telephone companies.

§ 64.501 Recording of telephone conversations with telephone companies.

* * * * *

(a) Where such use shall be preceded by verbal or written consent of all parties to the telephone conversation, or,

(b) Where such use shall be accompanied by an automatic tone warning device, which will automatically produce a distinct signal that is repeated at regular intervals during the course of the telephone conversation when the recording device is in use. Provided that:

(1) The characteristics of the warning tone shall be the same as those specified in the Orders of this Commission adopted by it in "Use of Recording Devices in Connection With Telephone Service," Docket 6787, 11 FCC 1033 (1947); 12 FCC 1005 (November 26, 1947); 12 FCC 1008 (May 20, 1948).

* * * * *

Statement of Commissioner Joseph R. Fogarty in Which Commissioner James H. Quello Joins (Concurring in Part)

In Re: Use of Recording Devices in Connection with Telephone Service (Docket No. 20840).

I can only concur in the Commission's decision to modify the beep tone rule. I do not believe that in practice the "all-party consent" alternative will provide any improvement over the existing beep tone rule. The public will still remain essentially unprotected against the illegal invasion of the privacy of telephonic communication. Moreover, by modifying the beep tone rule, the Commission is sending the wrong signal to the public at the wrong time. As I have stated previously, the Commission is sitting on a "time bomb" in the privacy area.[23] The potential for invasion of the privacy of communication and the violation of the integrity of the communications network is increasing alarmingly. I believe the "all-party consent" proposal will be ineffective and that the public—all of our protestations to the contrary aside—will perceive a Commission retreat from its strong commitment to privacy in general and to the privacy of telephone conversations in general.

I cannot accept the argument that a rule should be modified because it is "unenforceable." The fact that a rule may be "unenforceable" is not a justification for its elimination. The only proper basis for the elimination of a rule is that the rationale underlying the rule is incorrect or unsupportable. Such cannot be said for the Commission's beep tone requirement. The underlying rationale—that telephone conversations "should be free from any listening in by others that is not done with the knowledge and authorization of the parties to the call" [24]—is still valid. Assuming that the rule is "unenforceable," it still retains deterrent value because of the possibility of the imposition of sanctions if a violator is caught. It is for these reasons that I am pleased that the Commission decided not to go forward with a rulemaking proposing to eliminate both the beep tone and the "all party consent" requirements.

This decision points out once again that the Commission must develop a uniform policy in the privacy and security areas. I recommend again that the Commission form a task force, including representatives from other interested agencies and departments of the government, to study the problem of maintaining the privacy and security of the telecommunications network in the face of the threat presented by new technologies.[25] This task force after study, would report to the Commission on policies and rules that the FCC might adopt in this area and on any amendments to the Communications Act and the Omnibus Crime Control and Safe Streets Act of 1968 [26] that the Commission might recommend to Congress. Until the Task Force is formed and its study completed, the Commission will continue to deal with important issues of privacy and security on an *ad hoc* basis, if at all. The continuation of such a practice is dangerous and intolerable.

[FR Doc. 81-16403 Filed 6-1-81; 8:45 am]

BILLING CODE 6712-01-M

[23] *See* Statement of Commissioner Joseph R. Fogarty, Amendment of Part 90 of the Commission's Rules and Regulations To Allow the Use of Digital Voice Modulation in the Power Radio Service—FCC 2d—(adopted April 23, 1981) (Statement of Commissioner Fogarty).

[24] Use of Recording Devices in Connection with Telephone Services, 11 FCC 1033, 1050 (1947).

[25] See Statement of Commissioner Joseph R. Fogarty.

[26] 47 U.S.C. Sec. 2510 *et seq.*

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Debtor, (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Eighth Revised Service Order No. 1474.

SUMMARY: Eighth Revised Service Order No. 1474, authorized various railroads to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee). The provisions of this order are extended for an additional ninety (90) days, and shall expire 11:59 p.m., August 31, 1981.

EFFECTIVE: 11:59 p.m., May 31, 1981, and continuing in effect until 11:59 p.m., August 31, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

Decided: May 27, 1981.

Upon further consideration of Eighth Revised Service Order No. 1474 (46 FR 25094), and good cause appearing therefor:

It is ordered, § 1033.1474 Eighth Revised Service Order No. 1474; (various railroads authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, debtor (Richard B. Ogilvie, trustee)) is amended by substituting the following paragraph (n) for paragraph (n) thereof:

(n) *Expiration date.* The provisions of this order are extended for an additional ninety (90) days, and shall expire at 11:59 p.m., August 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1981.

This action is taken under authority of 49 U.S.C. 10304-10305 and Section 122, Pub. L. 96-254.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board members, Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16419 Filed 6-1-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Deferral of Effective Dates for Final Rules; Request for Comments

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Deferral of effective dates for final rules with request for comments.

SUMMARY: The Department of the Interior is deferring the effective date of rules issued in final form but not yet in effect to permit reconsideration of the rules under Executive Order 12291. The deferred rules relate to the Hawaiian Tree Snails, the Texas Poppy-mallow, gypsum wild buckwheat and the Todsens pennyroyal. The Department is also requesting comments on whether the rules listed are major under Executive Order 12291.

DATES: The rules are deferred until June 30, 1981. This deferral is effective May 30, 1981. Comments must be received on or before June 10, 1981.

ADDRESSES: Written comments should be sent to Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:
Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (Telephone: (703) 235–2771) or Ms. Patricia Bangert, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240 (Telephone: (202) 343–2172).

SUPPLEMENTARY INFORMATION: The President's Memorandum of January 29, 1981, directed Federal agencies to defer the effective dates of regulations issued in final form but not yet in effect for a 60-day period. In notices published February 4, 1981 (46 FR 10707), February 17, 1981 (46 FR 12496), March 30, 1981 (46 FR 19233), and April 30, 1981 (46 FR 24186), the Department of the Interior deferred the effective dates of the regulations listed below to May 30, 1981. Executive Order 12291, issued by the President on February 17, 1981 (published 46 FR 13193, February 19, 1981), directed agencies to suspend or postpone the effective dates of all major rules that had been promulgated in final form but had not yet become effective to the extent necessary to permit reconsideration of the rules in accordance with the Order. The Department of the Interior is further deferring the effective dates of the rules listed below to June 30, 1981 to allow the Department sufficient time to determine whether the rules are major and to comply with the terms of the Order.

Rule	Date published and FR page	Effective date
Fish and Wildlife Service 50 CFR Part 17. Endangered and Threatened species. Hawaiian (Oahu) Tree Snails to be Endangered. *Cellrhoe scabriuscula* (Texas poppy-mallow) to be Endangered.	Jan. 13, 1981, 46 FR 3178, 3184 (2 documents).	June 30, 1981.
Fish and Wildlife Service 50 CFR Part 17. Endangered and Threatened species. *Eriogonum gypsophilum* (gypsum wild buckwheat) to be Threatened. *Hedeoma todsenii* (Todsen's pennyroyal) to be Endangered.	Jan. 19, 1981, 46 FR 5730.	June 30, 1981.

The Department is requesting public comment on whether the rules listed are major under Executive Order 12291. Written comments must be sent to the address given above on or before June 12, 1981.

Dated: May 27, 1981.

Galen Buterbaugh,

Acting Director, Fish and Wildlife Service.

[FR Doc. 81-16592 Filed 6-1-81; 10:30 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 46, No. 105
Tuesday, June 2, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Surety Bond Coverage for Federal Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed Rule.

SUMMARY: This is a proposed rule to revise update and simplify the existing § 701.20, surety bond coverage for Federal credit unions. The proposed regulations implement mandated sections of the Federal Credit Union Act and establish minimum standards for surety bond and insurance coverage.

DATE: Comments must be received on or before July 31, 1981.

ADDRESS: Send comments to Regulatory Development Coordinator, Rob Monheit, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Thomas Straslicka, Chief, Supervision Branch, Office of Examination and Insurance. Telephone: (202) 357–1065.

SUPPLEMENTARY INFORMATION:

1. Background

Section 112 of the Federal Credit Union Act (Act) requires the treasurer to "* * * give bond with a good and sufficient surety, in an amount and character to be determined by the board of directors in compliance with regulations prescribed from time to time by the Board, conditioned on the faithful performance of this trust."

Section 113 of the Act states that "* * * any officer or employee having custody of or handling funds to give bond with good and sufficient surety in an amount and character to be determined by the board of directors in compliance with regulations prescribed from time to time by the Board * * *"

Section 120(h) of the Act requires that "* * * every person appointed or elected by any Federal credit union to any position requiring the receipt, payment or custody of money or other property owned by a credit union, or in its custody or control as collateral or otherwise * * *" This section also gives the NCUA Board the following powers:

(a) To approve bond forms;

(b) To require such other surety coverages as the Board may determine to be reasonably appropriate;

(c) To set minimum requirements for bond coverage;

(d) To approve a blanket bond in lieu of individual bonds; and

(e) To approve an excess coverage bond for coverage in excess of minimum surety coverage.

This proposed regulation implements the mandated Sections of the Act and establishes minimum standards for surety and insurance coverage. Beyond these minimum standards, the determination of the amount and type of surety and insurance coverage is a matter of business judgment based on numerous internal and external factors. A Federal credit union could cover all insurable risks as comprehensively as possible, or only cover those risks which would be catastrophic. The balance between depth of coverage and corresponding cost is most appropriately determined by the board of directors of each Federal credit union. There must be a thorough evaluation of loss exposure, risk control and the financial resources and condition of each credit union. It is the duty of the board of directors to review each of the insuring and surety clauses of the bond and to determine that the credit union is effectively protected. The Administration encourages boards of directors to carry excess bond coverage when their credit unions' internal controls are limited or when their financial condition is weak.

2. Analysis of Proposed Change

The following lettered paragraphs correspond with the lettered sub-sections of § 701.20 of the NCUA Rules and Regulations. Each section of the present regulation will be summarized and then the proposed changes will be analyzed.

a. *Present*—Requires board of directors to conduct a semi-annual review of all insurance coverages, including surety coverage.

Analysis—This section is deleted in its entirety. Its deletion in no way obviates the board of director's responsibility for the review of bond and insurance coverage. The selection, analysis and review of surety and insurance coverage is a business and management decision that is most appropriately made by the board of directors within the requirements of the Act. It is incumbent upon each board of directors to carefuly review coverages, deductibles and costs when designing the surety and insurance program that most efficiently deals with the risks of operating a credit union. Critical to any decision on surety coverage is to ensure that the credit union's solvency is not impaired by a non-covered loss. Therefore, the board of directors should review surety and insurance coverage as often as necessary to maintain adequate coverage for the potential losses that may occur. The Administration recommends that each credit union's board of directors perform at least an annual review of surety and insurance coverage.

b. *Present*—Requires that all surety bonds provide faithful performance of duty coverage for any officer or employee while performing any of the duties of the treasurer.

Analysis—Faithful performance of duty coverage is mandated by Section 112 of the Act and is a reasonable requirement to include in minimum bond standards. In addition, this section was modified to clearly state that faithful performance coverage is required for all employees, to include members of the credit committee, supervisory committee, directors (but not when they are acting as directors) and all other persons in the employ of the credit union. This addition clearly states in the regulation the faithful performance coverage requirement which is contained in the Standard Bond Form No. 23 definition of employee.

c. *Present*—Requires that only NCUA Board approved surety bond forms may be used and establishes Standard Form 23 as the minimum acceptable coverage. Also provides approval for other types of blanket bond forms.

Analysis—Section 120(h) of the Act directs that the NCUA Board must approve bond forms prior to their use by Federal credit unions. The language of this section is simplified; the content remains unchanged. In addition to Credit Union Blanket Bond Form No. 23,

Credit Union Blanket Bond Forms 576, 577, 578, 579, 580 and 581 have been approved by the NCUA Board. Bond Form 581 is by far the most common bond in use today, and if there is no objection by any surety company during the comment period, the approval of Forms 576, 577, 578, 579 and 580 will be revoked in the final regulation.

d. *Present*—Requires that surety bond companies hold a certificate of authority from the Secretary of the Treasury before writing surety bonds for credit unions.

Analysis—This section is deleted as it duplicates language in Section 120(h) of the Act.

e. *Present*—Requires that surety coverage be increased, except for extraordinary events, to the greater of the credit union's daily cash fund or cash in transit when either of those exceed minimum surety requirements. The increased coverage must be obtained within 30 days.

Analysis—The language of this section is simplified; the content remains unchanged. Minimum bond coverage must be sufficient to cover negotiable instruments.

f. *Present*—Establishes a schedule of minimum surety coverages for various asset sizes and fixes responsibility to ensure adequate coverage with the board of directors.

Analysis—The schedule of minimum coverages is simplified. The minimum coverage for credit unions with less than $1,000,000 in assets is decreased, except for credit unions with assets of $50,000 or less. Also, credit unions with $1,000,000 or more in assets have a slight decrease in required bond coverage. In addition, the maximum limit of $5,000,000 in surety coverage has been retained. A credit union may choose to have more than the minimum surety coverage if deemed appropriate by its board of directors after an assessment of the risk exposure involved for that credit union. Beyond these mandated minimums, each board of directors should review its credit union's loss exposure and determine that adequate excess coverage is maintained. Section 120(h) of the Act requires the NCUA Board to set reasonable standards for bond coverage. It is the board of directors' responsibility to insure that areas of risk or loss exposure under each surety or insuring clause is obtained in an amount necessary to protect the credit union.

Although direct comparisons of minimum bond requirements for banks and savings and loan associations to credit unions cannot be made because of the equity structure differences, and because the required coverages are different, minimum coverage requirements are lower for both banks and savings and loan associations. As a *very general* guide, an institution with $10 million in assets would be required to have these minimum coverages: Banks—$250,000; Savings and Loan Associations—$450,000; Federal credit unions—$550,000. In addition, as asset size increases, the minimum bond requirements for banks and savings and loan associations do not increase nearly as rapidly as does the required coverage for credit unions. In summary, due to the equity structure differences between credit unions, banks and savings and loan associations, NCUA believes higher minimum bond coverage requirements for credit unions is necessary from a safety and soundness viewpoint.

g. *Present*—Establishes that the preceding schedule is the minimum coverage for all surety bonds that may be written for credit unions and requires that reduced coverage must have the prior approval of the NCUA Board.

Analysis—This section of the present regulation is redundant with the Act and other sections of the regulation. Revisions were made to provide part of the information in a more logical manner.

h. *Present*—Establishes a schedule of permissible deductibles for required coverages, prohibits deductibles for dishonesty and lack of faithful performance and requires that increased deductibles have the prior approval of the NCUA Board.

Analysis—This section is changed substantially in two key areas: The maximum amount of deductibles and the coverages against which deductibles may be applied. Both changes reflect the recognition that it is the board of director's responsibility to determine the desirability of alternative deductibles. The maximum deductible is increased to $200,000 based on a percentage of assets provided that the deductible does not exceed 10 percent of the Regular Reserve or a segregated contingency reserve. Deductibles can be applied to any bond coverage, including loss due to dishonesty or lack of faithful performance. These regulations allow a board of directors more flexibility in making rational economic decisions on coverage versus risk while at the same time not allowing the deductible to become so large as to endanger a credit union's safety and solvency. Although direct comparisons cannot be made due to equity structure differences, banks and savings and loan associations are generally allowed much higher deductibles.

i. *Present*—Establishes the authority of the NCUA Board to require credit unions to increase their surety bond coverage when, in the opinion of the NCUA Board, such coverage is inadequate.

Analysis—Consideration was given to deleting this section. However, it was retained to state clearly the NCUA Board's authority to require additional surety coverage when it believes a credit union's present surety coverage is inadequate. In addition, the Administration believes that notifying a credit union of inadequate surety coverage by letter is the most efficient way to correct the deficiency. Otherwise, a cease and desist action would have to be prepared, which is a time consuming and burdensome process.

j. A new section was added to state that Federal credit unions may purchase directors and officers insurance coverage. Recently the Administration became aware that some states apparently prohibited corporations in their jurisdiction from purchasing this insurance. The Administration believes that Federal credit unions should be permitted to purchase this insurance coverage in order to encourage the best people to serve as credit union directors and officers by providing them with protection against the hazard of being forced to incur the sometimes staggering expense burden to defending difficult and complicated cases.

Further Comments Requested

In addition to comments on the proposed regulation, there are some specific areas on which comments are invited:

a. Should Standard Form 23 be revised? The Credit Union Banket Bond Form No. 23 of the Surety Association of America has not been revised since 1950. Is this Bond Form written in the simplest format in view of the time that has elapsed since its last revision? Also, since credit union operations have changed dramatically in recent years, does this bond contain sufficient minimum coverages for risks which now face credit unions? The proposed revision to Part 721 of the Rules and Regulations will permit credit unions to endorse insurance and group purchasing plans. Will minimum surety bond coverages sufficiently protect credit unions and their boards of directors from potential product liability?

b. Are minimum coverage requirements adequate? Should minimum coverages be lowered or raised, or should the percentages used to

determine minimum coverage requirements be changed?

c. Are deductibles reasonable? Should more or less guidance be provided or is it a matter between the credit union and the bonding company?

Regulatory Analysis

No regulatory analysis has been developed for this regulatory action because it will not result in (i) an annual effect in the economy of $100 million or more, or (ii) a major increase in costs or expenses for all, or a significant portion of, Federal or Federally-insured credit unions with assets under $1 million or other financial institutions. In fact, premimum costs for some credit unions may decrease due to the proposed reduction of minimum coverage amounts and the proposed increase of the allowable deductible amounts.

The proposed rule, if adopted, will not have significant economic impact on a substantial number of small credit unions (less than $1 million in assets) because the proposed rule reduces restrictions and lowers the minimum coverage requirement for these credit unions. Therefore, a Regulatory Flexibility Analysis is not required, 5 U.S.C. 605(b).

Beatrix D. Fields,

Acting Secretary, National Credit Union Administration Board.

May 22, 1981.

(12 U.S.C 1761a; 12 U.S.C. 1761b; 12 U.S.C. 1766)

It is proposed that § 701.20 of the NCUA Rules and Regulations be revised to read as follows:

§ 701.20 Surety bond and insurance coverage for Federal credit unions.

(a) Every Federal credit union will maintain bond coverage with a bonding company approved by the NCUA Board. Credit Union Blanket Bond Standard Form No. 23 of the Surety Association of America (revised to May, 1950) plus Faithful Performance Rider (for use with this form to broaden clause (a)) (revised to May, 1950) is considered the minimum coverage required and is approved. Credit Union Blanket Bond NCUA Optional Form 581 is also approved. All surety bonds must provide faithful performance of duty coverage for all officers and employees, including credit committee and supervisory committee members and directors, except when directors are acting as directors. No other bond forms may be used unless specifically approved in writing by the NCUA Board.

(b) The minimum amount of bond coverage applying to those surety and insuring clauses of approved bonds will be computed based on the credit union's total assets. The following schedules are the minimum requirements only:

Total assets	Minimum bond
Up to $1,000,000	$10,000 for each $100,000, or fraction thereof, whichever is greater.
$1,000,000 to $50,000,000.	$100,000 plus $50,000 for each million or fraction thereof over $1,000,000.
$50,000,001 to $295,000,000.	$2,550,000 plus $10,000 for each million or fraction thereof over $50,000,000.
Over $295,000,000	$5,000,000.

It is the duty of the board of directors of each Federal credit union to provide adequate protection to meet its unique circumstances by obtaining, when necessary, bond and insurance coverage in excess of the above minimums.

(c) Where any of the following amounts exceed a Federal credit union's minimum coverage limits as specified in paragraph (b) of this section, the minimum coverage limits for that Federal credit union will be increased to be equal to the greater of the following amounts within 30 days of the discovery of the need for such increase.

(1) The aggregate amount of the daily cash fund (change fund plus maximum anticipated daily receipts) and food stamps (if any,) on the Federal credit union's premises, or

(2) The aggregate amount of the Federal credit union's money, currency, coin, banknotes, Federal Reserve Notes and food stamps (if any) placed in transit in any one individual shipment.

(d) Paragraph (c) notwithstanding, no increase in coverage will be required where a Federal credit union temporarily increases its cash fund because of an extraordinary event which reasonably cannot be expected to recur.

(e) Any proposal for reduced coverage on any of the above surety or insuring clauses must be approved by the NCUA Board at least 20 days in advance of the proposed effective date.

(f) A deductible may be applied separately to one or more insuring agreements. Deductibles in excess of those shown in this section must have the written approval of the NCUA Board at least 20 days prior to the effective date of such deductibles.

Total assets	Maximum deductible[1]
0–$100,000	No deductibles allowed.
$100,001–$250,000	$1,000.
$250,000–$1,000,000	$2,000.
$1,000,000 and over	$2,000 plus 1/1000 percent of total assets up to a maximum deductible of $200,000.

[1] No deductible will exeed 10 percent of a Federal credit union's Regular Reserve unless the credit union creates a segregated Contingency Reserve for the amount of the deductible. Valuation allowance accounts e.g., Allowance for Loan Losses, may not be considered part of the Regular Reserve when determining the maximum deductible.

(g) The NCUA Board may require additional coverage for any Federal credit union when, in the opinion of the NCUA Board, current coverage is insufficient. The board of directors of the Federal credit union must obtain additional coverage within 30 days after the date of written notice from the NCUA Board.

(h) Federal credit unions are authorized to purchase directors and officers liability insurance.

[FR Doc. 81-16428 Filed 6-1-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of Ketamine Into Schedule III

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration. It proposes the placement of the substance, ketamine, into Schedule III of the Controlled Substances Act. This action was initiated upon the receipt of a letter from the Acting Assistant Secretary for Health, who recommended that ketamine and products containing it be placed into Schedule III of the Act. The effect of this proposed action will be to discourage the abuse of ketamine.

DATES: Comments must be submitted on or before August 3, 1981.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: On March 20, 1981, the Administrator of the Drug Enforcement Administration received a letter from the Acting Assistant Secretary for Health, acting on behalf of the Secretary of the Department of Health and Human Services, recommending that ketamine be placed in Schedule III of the

Controlled Substances Act (21 U.S.C. 801 *et seq.*). Enclosed with this letter was a document which listed the factors which the Act requires the Secretary to consider and the summarized considerations of the Secretary in recommending control for ketamine. The letter of the Acting Assistant Secretary is set forth below:.

March 18, 1981.

Mr. Peter B. Bensinger,
Administrator, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C.

Dear Mr. Bensinger: Pursuant to Section 201(b) of the Controlled Substances Act 21 U.S.C. 811(b), this letter is notification that the Food and Drug Administration has reviewed the medical and scientific data regarding ketamine, a drug with hallucinogenic effects.

The Food and Drug Administration has reviewed the relevant data on ketamine HCl pursuant to Section 201 of the Controlled Substances Act, 21 U.S.C. 811(c), and recommends that ketamine HCl be placed under Schedule III control as soon as practicable.

I concur with this recommendation. A summary of the basis for this recommendation is enclosed.

Sincerely yours,

Charles Miller,
Acting Assistant Secretary for Health.

Enclosure.

Relying on the scientific and medical evaluation and recommendation of the Acting Assistant Secretary for Health and based on his independent evaluation in accordance with the provisions of 21 U.S.C. 811(c), the Administrator of the Drug Enforcement Administration, pursuant to the provisions of 21 U.S.C. 811(a), finds that:

(1) Ketamine has a potential for abuse less than the drugs or other substances in Schedules I and II;

(2) Ketamine has a currently accepted medical use in treatment in the United States; and

(3) Abuse of ketamine may lead to moderate or low physical dependence or high psychological dependence.

The Administrator also finds that while the misuse of ketamine or salts thereof can result in amnesia, excitement, bizarre behavior, hallucinations and delirium, the substance is used in human and veterinary medicine to produce a state of surgical anesthesia. Therefore, for the purpose of this proposed rule, ketamine is classified as a depressant.

Under the authority vested in the Attorney General by Section 201(a) of the Act (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by Department of Justice regulations (28 CFR 0.100), the Administrator hereby proposes that 21 CFR 1308.13(c)(5)–(12) be revised to read as follows:

§ 1308.13 Schedule III.

* * * * *

(c) * * *

(5)	Glutethimide	2550
(6)	Ketamine or any salt thereof	7285
(7)	Lysergic acid	7300
(8)	Lysergic acid amide	7310
(9)	Methyprylon	2575
(10)	Sulfondiethylmethane	2600
(11)	Sulfonethylmethane	2605
(12)	Sulfonmethane	2610

* * * * *

Interested persons are invited to submit their comments, objections or requests for hearing in writing with regard to this proposal. Requests for hearing should state with particularity the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for hearing raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing which will not be less than 30 days after the date of the notice.

If no objections presenting grounds for a hearing on this proposal are received within the time limitation, or interested parties waive or are deemed to waive their opportunity for a hearing or to participate in a hearing, the Administrator, after giving consideration to written comments and objections, will issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Commercial products which contain ketamine are used in hospitals and veterinary clinics. This rule, if finalized, will cause such establishment to handle products which contain ketamine in a manner identical to that already used in relation to other Schedule III substances. Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the placement of ketamine into Schedule III of the Controlled Substances Act will not have a significant impact upon small business or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354).

In accordance with the provisions of 21 U.S.C. 811(a), this proposal to place ketamine and salts thereof into Schedule III, is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

Dated: May 26, 1981.

Peter B. Bensinger,
Administrator, Drug Enforcement Administration.

[FR Doc. 81-16390 Filed 6-1-81, 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 530

Employment of Homeworkers in Certain Industries; Extension of Comment Period

AGENCY: Wage and Hour Division, ESA, Labor.

ACTION: Proposed Rule; extension of comment period.

SUMMARY: This document extends the period for filing written comments regarding the removal of Part 530 of Title 29 of the Code of Federal Regulations (29 CFR Part 530) which concerns the employment of homeworkers in certain industries. This action is taken in order to provide interested parties with additional time to submit their comments.

DATE: Comments must be received on or before July 4, 1981.

ADDRESS: Send written comments in duplicate to Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S–3502, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Herbert J. Cohen, Assistant Administrator of Fair Labor Standards, Wage and Hour Division, Department of Labor, Washington D.C., (202) 523–8353. This is not a toll free number.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 5, 1981 (46 FR 25108) the Department of Labor published a notice of proposed rulemaking concerning the employment of homeworkers. Interested parties were requested to submit comments on or before June 4, 1981.

Because of the interest in this matter, the Department believes that it is desirable to grant an extension of the comment period for interested parties.

Therefore, the comment period for submitting information concerning the employment of homeworkers under the Fair Labor Standards Act is extended to July 4, 1981.

Signed at Washington, D.C. this 27th day of May 1981.

Robert B. Collyer,

Deputy Under Secretary, Employment Standards Administration.

[FR Doc. 81-16340 Filed 6-1-81; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF DEFENSE

Defense Investigative Service

32 CFR Part 298a

[DIS Regulation 28-4]

Defense Investigative Service; Privacy Act Rules

AGENCY: Defense Investigative Service, DOD

ACTION: Notice of proposed rule making.

SUMMARY: This document sets forth proposed amendments to the Defense Investigative Service Privacy Act Rules. These changes generally update the rules by making technical changes and clarify certain information concerning redesignation of offices.

DATES: Comments must be received on or before July 2, 1981.

ADDRESS: Any public comments, including written data, views or arguments concerning the amendments should be addressed to Chief, Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half Street, SW, Washington, D.C. 20324.

FOR FURTHER INFORMATION CONTACT: Dale L. Hartig, Chief, Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half Street, SW, Washington, DC 20324. Telephone (202) 693-1740.

SUPPLEMENTARY INFORMATION: The Defense Investigative Service rules as required by the "Privacy Act of 1974," Title 5, United States Code, Section 552a (Pub. L. 93-579; 88 Stat. 1897, et seq.) are set forth in the Code of Federal Regulations (CFR) at Title 32, Part 298a.

Accordingly it is proposed to amend Title 32 CFR Part 298a as indicated:

§ 298a.1 [Amended]

1. Section 298a.1 is amended by removing the words "Assistant for Information" and insert "Office of Information and Legal Affairs" in Subsection 298a.1(b).

§ 298a.2 [Amended]

2. Section 298a.2 is amended by removing the entry "Availability to the Public of DOD Information, dated 14 February 1974" and insert "DOD Freedom of Information Program" in Subsection 32 CFR 298a.2(d).

3. Section 298a.3 is revised to read as follows:

§ 298a.3 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this part, the term "agency" means the Defense Investigative Service.

4. Section 298a.4 is amended by revising paragraphs (b), (c), and (d) as follows:

§ 298a.4 Information and procedures for requesting notification.

* * * * *

(b) *DIS Record Systems:* Following is a list of DIS records systems pertaining to individuals. These systems are described in detail in the DOD input to the **Federal Register**.

Authorizing DIS Records Systems

Pertaining to Individuals

Number and Title

DIS 1-01—Privacy and Freedom of Information Request Record Records
DIS 1-02—Personnel Locator System
DIS 2-01—Inspector General Complaints
DIS 4-01—Civilian Employee Personnel Records
DIS 4-02—Optional Personnel Management Records (OPMR)
DIS 4-04—Civilian Applicant Records
DIS 4-05—Military Personnel Management Information System
DIS 4-06—Civilian Personnel Management Information System
DIS 4-07—Adverse Actions, Grievance Files and Administrative Appeals
DIS 4-08—Equal Employment Opportunity Compaints
DIS 4-09—Merit Promotion Plan Records
DIS 4-10—Incentive Awards
DIS 5-01—Investigative Files System
DIS 5-02—The Defense Central Index of Investigations (DCII)
DIS 5-03—National Agency Check Case Control System (NCCS)
DIS 5-04—Defense Case Control System (DCCS)
DIS 5-05—Subject and Reference Locator Records
DIS 5-06—Special Investigations Unit Investigative Files
DIS 6-01—Defense Investigative Service Personnel Security Files
DIS 6-02—Special Compartmented Intelligence (SCI) Access File
DIS 7-01—Enrollment, Registration and Course Completion
DIS 7-02—Guest/Instructor Identification Records
DIS 8-01—Industrial Personnel Security Clearance File

(c) *Categories of individuals in DIS record systems:* (1) If an individual has ever been investigated by DIS, the investigative case file should be a record in either system DIS 5-01 or 5-06. An index to such files should be in DIS 5-02.

(2) If an individual has ever made a formal request to DIS under the Freedom of Information Act or the Privacy Act of 1974, a record pertaining to that request under the name of the requester, or subject matter, will be in system DIS 1-01.

(3) If an individual is or has ever been a member of DIS, i.e., a civilian employee or appointee, or a military assignee, then he may be a subject of any of the 23 record systems depending on his activities, with the following exceptions:

(i) Civilian personnel will not be subjects of DIS 4-05.

(ii) Military personnel will not be subjects of systems DIS 4-06, 07, 08, or 09.

(4) Individuals who have been applicants for employment with DIS, or nominees for assignment to DIS, but who have not completed their DIS affiliation, may be subjects in systems DIS 4-02, 4-04, 5-01, 5-02, or 6-01.

(5) Any individual who is a subject, victim or cross-referenced personally in an investigation by an investigative element of any DOD component, may be referenced in the Defense Central Index of Investigations, system DIS 5-02, in an index to the location, file number, and custodian of the case record.

(6) Individuals who have ever presented a complaint to or have been connected with a DIS Inspector General inquiry may be subjects of records in system DIS 2-01.

(7) If an individual has ever attended the Defense Industrial Security Institute, he should be subject of a record in DIS 7-01.

(8) If an individual has ever been a guest speaker or instructor at the Defense Industrial Security Institute, he should be the subject of a record in DIS 7-02.

(9) If an individual is an employee or major stockholder of a government contractor or other DoD-affiliated company or agency and has been issued, now possesses or has been processed for a security clearance, he may be subject to a record in DIS 8-01.

(d) *Procedures:* The following procedures should be followed to determine if an individual is a subject of records maintained by DIS, and to request notification and access.

(1) Individuals should submit inquiries in person or by mail to the Office of

Information and Legal Affairs, 1900 Half St. SW., Washington, DC 20325. Inquiries by personal appearance should be made Monday through Friday from 8:30 to 11:30 a.m. and 1:00 to 4:00 p.m. The information requested in section 298a.5 must be provided if records are to be accurately identified. Telephonic requests for records will not be honored. In a case where the system of records is not specified in the request, only systems that would reasonably contain records of the individual will be checked, as described in Section 298a.4b.

(2) Only the Director, the Chief, Office of Information and Legal Affairs, or the Director for Investigations may authorize exemptions to notification of individuals in accordance with Section 298a.14.

5. Section 298a.5 is amended by revising paragraphs (b) (1) and (2) and (c) as follows:

§ 298a.5 Requirements for identification.

* * * * *

(b) *Identification.* * * *

(1) Where reply by mail is requested, a mailing address is required, and a telephone number is recommended to expedite certain matters. For military requesters residing in the United States, home address or P.O. Box number is preferred in lieu of duty assignment address.

(2) Signatures must be notarized on requests received by mail. Exceptions may be made when the requester is well known to releasing officials. For requests made in person, a photo identification card, such as military ID, driver's license or building pass, must be presented.

* * * * *

(c) A DIS Form 30 (Request for Notification of/Access to Personal Records) will be provided to any individual inquiring about records pertaining to himself whose mailed request was not notarized. This form is also available at the Office of Information and Legal Affairs, Washington, DC for those who make their requests in person.

6. Section 298a.6 is amended by revising paragraph (b)(1) as follows and by changing the phrase "the Assistant for Information" to "Information and Legal Affairs" in paragraph (b)(7).

§ 298a.6 Access by subject individuals.

* * * * *

(b) *Manner of access.* * * *

(1) Requests by mail or in person for access to DIS records should be made to the Offices specified in the record systems notices published in the **Federal Register** by the Department of Defense or to the Office of Information and Legal Affairs, 1900 Half St. SW., Washington, DC 20324.

* * * * *

§ 298a.7 [Amended]

7. Section 298a.7 is amended by removing paragraphs (b), (c) and (d).

§ 298a.8 [Amended]

8. In § 298a.8, the following changes are made:

a. Paragraph (a) is amended by changing "the Assistant for Information, Defense Investigative Service (Record Amendment Request—D0020), Washington, DC 20314" to "the Office of Information and Legal Affairs, 1900 Half St. SW., Washington, DC 20324".

b. Paragraph (c) is removed.

9. In § 298a.9, make the following changes: a. Paragraph (a), introductory text, and paragraph (b) are revised as follows:

§ 298a.9 DIS review of request for amendment.

(a) *General:* Upon receipt from any individual of a request to amend a record pertaining to himself and maintained by the DIS, the Office of Information and Legal Affairs will handle the request as follows:

* * * * *

(b) *DIS Determination to Approve or Deny:* Determination to approve or deny and request to amend a record or portion thereof may necessitate additional investigation or inquiry be made to verify assertions of individuals requesting amendment. Coordination will be made with the Director for Investigations and the Director of the Personnel Investigations Center in such instances.

b. Paragraph (a)(3)(ii) is amended by removing the words "(Record Amendment Denial Review), D0030, Washington, DC 20314" and inserting the words "1900 Half Street SW., Washington, DC 20324".

§ 298a.10 [Amended]

10. Section 298a.10 is amended by removing the words "Assistant for" and inserting the words "Office of Information and" in paragraphs (a), introductory text, (a)(4)(iii), and (b).

§ 298a.11 [Amended]

11. Section 298a.11 is amended by removing the last sentence in the introductory text to paragraph (b).

12. Section 298a.12 is revised as follows:

§ 298a.12 Fees.

Individuals may request copies for retention of any documents to which they are granted access in DIS records pertaining to them. Requestors will not be charged for the first copy of any records provided; however, duplicate copies will require a charge to cover costs of reproduction. Such charges will be computed in accordance with DoD Directive 5400.11.

§ 298a.14 [Amended]

13. Section 298a.14(a) is amended by removing the entire second sentence beginning with the words, "They may be" and ending with "Director of Personnel." and inserting "They may be exercised only by the Director, DIS and the Chief of the Office of Information and Legal Affairs."

14. Section 298a.15 is amended by revising paragraphs (b) and (j); by removing and reserving paragraph (c); and by removing paragraph (g)(3):

§ 298a.15 DIS implementation policies.

* * * * *

(b) Privacy Act rules application: Any request which cites the neither Act, concerning personal record information in a system of records, by the individual to whom such information pertains, for access, amendment, correction, accounting of disclosures, etc., will be governed by the Privacy Act of 1974, DoD Directive 5400.11 and these rules exclusively. Requests for like information which cite only the Freedom of Information Act will be governed by the Freedom of Information Act and DoD Regulation 5400.7R. Any denial or exemption of all or part of a record from notification, access, disclosure, amendment or other provision, will also be processed under these rules, unless court order or other competent authority directs otherwise.

* * * * *

(j) *Ownership of DIS investigative records.* Personnel security investigative reports shall not be retained by DoD recipient organizations. Such reports are considered to be the property of the investigating organization and are on loan to the recipient organization for the purpose for which requested. All copies of such reports shall be destroyed within 120 days after the completion of the final personnel security determination and the completion of all personnel action necessary to implement the determination. Reports that are required for longer periods may be retained only

with the specific written approval of the investigative organization.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

May 26, 1981.

[FR Doc. 81-16360 Filed 6-1-81; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-1842-2]

Availability of Implementation Plan Revisions for Nonattainment Areas in the State of Ohio

AGENCY: Environmental Protection Agency.

ACTION: Notice of Receipt and Availability.

SUMMARY: This notice announces receipt of and availability for public review of documents submitted by the State of Ohio. The State provided these documents to satisfy the approval conditions specified in the October 31, 1980, **Federal Register** for its carbon monoxide and ozone State Implementation Plan (SIP). EPA's proposed rulemaking action on these documents will be published in a subsequent **Federal Register.**

DATES: See Supplementary Information

ADDRESSES: The documents may be examined during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216

Written comments should be sent to:

Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

It is requested that you submit three copies along with the original of any comment.

FOR FURTHER INFORMATION CONTACT: Richard J. Clarizio, Regulatory Analysis Section, Air Programs Branch, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6029.

SUPPLEMENTARY INFORMATION: In the October 31, 1980, **Federal Register** (45 FR 72122) EPA conditionally approved specific poritions of the Ohio carbon monoxide and ozone State Implementation Plan (SIP). In that **Federal Register**, EPA stated that, for full approval, the State needed to correct certain portions of the SIP. The State agreed to correct those portions on a schedule developed by it and proposed for approval in the October 31, 1980, **Federal Register** (45 FR 72215). The purpose of today's notice is to announce receipt and availability for public review of the following:

1. Youngstown General Policy Board resolution of approval and commitment to implement the transportation measures identified in the SIP for Youngstown—submitted November 20, 1980.
2. Information in reference to the 240,000-gallon per year throughput exemption for gasoline dispensing facilities regulated by OAC rule 3745-21-09(R)(3)(a)—submitted November 17, 1980, February 12 and March 27, 1981. (The March 27, 1981, letter indicated that the State will subsequently submit further information to satisfy this approval condition).
3. Schedules which delineate the dates on which additional point source and additional transportation systems management strategies will be developed and implemented for the Cleveland area—submitted November 24, 1980.
4. Carbon Monoxide study conducted for the Steubenville area—submitted February 12, 1981.
5. Revised OAC rule 3745-21-09(M)(2) for waste water separators—submitted February 12, 1981.
6. Carbon Monoxide hotspot attainment demonstration for the Dayton area—submitted February 24, 1981.

In addition to these items required by EPA's October 31, 1980, final rulemaking, the State of Ohio, on February 12, 1981, submitted revisions to OAC rules 3745-21-01, 04, 09 and 10. Ohio also submitted, on February 12, 1981, its State Implementation Plan for lead.

EPA is currently reviewing the above mentioned submittals. At the completion of its review, EPA will publish a notice in the **Federal Register** proposing rulemaking action on these submittals. All interested persons are advised that these submittals are available for review at the locations listed above. The proposed rulemaking notice previously mentioned will announce the last day for public comment. The public comment period will extend for 30 days from the date of publication of the notice of proposed rulemaking in the **Federal Register** (August 3, 1981).

Under Executive Order 12291 (Order), EPA must judge whether an action is a "major rule" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action is not a major rule since it merely announces receipt and availability of the documents submitted by the State of Ohio. Any rulemaking action on these documents will be detailed in a separate **Federal Register** notice.

Dated: May 18, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-16420 Filed 6-1-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR—Part 73

[BC Docket No. 81-331; RM-3726]

FM Broadcast Station Kailua-Kona, Hawaii; Changes in Table of Assignments

AGENCY: Federal Communication Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 228A to Kailua-Kona, Hawaii, in response to a petition filed by Norman E. and Sally A. Garrison. The assignment would provide Kailua-Kona with a first local aural service.

DATES: Comments must be filed on or before July 10, 1981, and reply comments on or before July 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 11, 1981.

Released: May 19, 1981.

By the Chief, Policy and Rules Division.

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations; (Kailua-Kona, Hawaii); BC Docket No. 81-331 RM-3726.

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Norman E. and Sally A. Garrison ("petitioners"), proposing the assignment of FM Channel 228A to Kailua-Kona, Hawaii, as that community's first FM facility. Additionally, we have received comments from the R.N. Groves Company, Inc. ("Groves"), in response to this proposal. Groves also expresses an interest in an FM allocation to Kailua-Kona, Hawaii, but argues that a Class C channel should be assigned

[1] Public Notice of this petition was given on August 13, 1980, Report No. 1244.

instead.[2] It indicates that it intends to seek a Class C allocation, which it believes could better serve the area with the use of directional coverage to the north and south. However, because it did not specify a particular channel with a mileage separation chart and a preclusion study, we have not proposed a Class C assignment. In addition, since Kailua-Kona is a small community, the need for a wide coverage area Class C channel should be demonstrated by a showing of the extent of unserved and underserved areas that would receive service. See *Roanoke Rapids, N.C.* [3] and *Anamosa, Iowa.* [4] Groves should submit this information as a counterproposal to be filed by the deadline specified herein for receipt of comments so that due consideration can be given.

(b) Channel 228A could be assigned to Kailua-Kona in compliance with the minimum distance separation requirements.

(c) Petitioners state that they will apply for the channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Kailua-Kona is located on the west coast of the Island of Hawaii, approximately 280 kilometers (173 miles) southeast of Honolulu, Hawaii.

(b) *Population:* Kailua-Kona—365; North Kona Division—4,832; Island of Hawaii—63,468.[5]

(c) *Local Aural Broadcast Service:* None.

3. *Economic Considerations:* Petitioners state that Kailua-Kona shows trends of increasing population. They assert that Kailua-Kona is the focal point for tourism, the area's principal industry on the Kona Coast. Kona has been chosen as the site for an ocean thermal energy conversion research project, and a major seacoast test facility is being constructed there for research and development of energy technologies, according to petitioners.

4. In view of the apparent need for a first FM service to Kailua-Kona, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Kailua-Kona, Hawaii		228A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 10, 1981, and reply comments on or before July 30, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may led the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificte of service. (See Section 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 81-16343 Filed 6-1-81; 8:45 am]

BILLING CODE 6712-01-M

[2] Groves requested that a Class B channel should be assigned to Kailua-Kona. However, Hawaii is zoned for Class C assignments (Section 73.205(c)) and we have considered this request as one seeking a Class C channel.

[3] 9 F.C.C. 2d 672 (1967).

[4] 46 F.C.C. 2d 520 (1974).

[5] Population figures are taken from the 1970 U.S. Census.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Redefinition of "Harm"

AGENCY: Fish and Wildlife Service, Interior Department.

ACTION: Proposed rule.

SUMMARY: This proposed rule is a redefinition of the Service regulations defining "harm" under Section 9 of the Endangered Species Act, 50 CFR 17.3. "Harm" would be redefined to mean an act or omission which injures or kills an endangered or threatened species of wildlife rather than the broader present interpretation which can be read to include significant environmental modification or degradation without further proof of actual injury or death to a listed species. This redefinition is proposed to eliminate the confusion that commentators and courts have had with the present definition.

DATE: Comments on this proposed rule must be submitted on or before August 3, 1981.

ADDRESSES: Interested persons or organizations are requested to submit comments to the Director (OES), United States Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rule are available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/235–2771).

SUPPLEMENTARY INFORMATION: This Fish and Wildlife Service and the Office of the Solicitor recently completed a review of the Fish and Wildlife Service definition of "harm" in its regulations under the Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.* That review was prompted by the confusion which the courts and commentators seem to have had with the definition the few times they have dealt with it, and by the uniform opinion of legal commentators that the present definition goes beyond intent of Congress. Bean, *The Evolution of National Wildlife Law*, 395–97 (1977); Note, *Endangered Species Act: Constitutional Tension and Regulatory Discord*, 4 Colum. J. Envt'l L. 97,100 n. 19 (1977); Note, *Endangered Species Act of 1973: Preservation or Pandemonium?*, 5 Envt'l L. 29, 38–41 (1974); Note, *Obligations of Federal Agencies Under Section 7 of the Endangered Species Act of 1973*, 28 Stan. L. Rev. 1247, 1251 n. 31 (1976).

Section 9 of the Endangered Species Act (ESA), 16 U.S.C. 1538, makes it illegal to "take" an endangered species of fish or wildlife. That term is defined as follows:

> The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct.

16 U.S.C. 1531(19). Fish and Wildlife Service Regulations define "harm" as follows:

> "Harm" in the definition of "take" in the Act means an act or omission which actually injures or kills wildlife, including acts which annoy it to such an extent as to significantly disrupt essential behavioral patterns, which include, but are not limited to, breeding, feeding or sheltering; significant environmental modification or degradation which has such effects is included within the meaning of "harm."

50 CFR 17.3.

This definition contains a significant ambiguity. If the words "such effects" are read to refer to the phrase "significantly disrupt essential behavioral patterns," then any significant environmental modification or degradation that disrupts essential behavioral patterns will fall under the definition of harm, regardless of whether an actual killing or injuring of a listed species of wildlife is demonstrated. Under such an interpretation, a showing of habitat modification alone would be sufficient to invoke the criminal penalties of Section 9.

In an opinion dated April 17, 1981, the Solicitor's Office concluded that such a result is inconsistent with the intent of Congress.

The Service notes that although the definition of "harm" has been the subject of a number of privately initiated civil environmental actions, in none of those lawsuits was the underlying validity of the present definition reviewed or briefed. The Service also notes that there has never been a prosecution initiated by the Fish and Wildlife Service under the present definition and the redefinition is not expected to have any significant effect on future enforcement actions or strategy.

Therefore, in light of the April 17, 1981 Solicitor's Office opinion, the Service believes that it is appropriate to redefine "harm" under the Endangered Species Act.

Appendix

Although it will not appear in the Code of Federal Regulations, a copy of the opinion of the Solicitor's Office is attached as an Appendix solely for purposes of public information.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal Action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(C).

Primary Author

This proposal was written by David C. Cannon, Jr., Office of the Solicitor, Department of the Interior, Washington, D.C. 20240. (202/343–2172).

Note.—The Department of the Interior has determined that this is not a major rule and does not require preparation of a regulatory analysis under Executive Order 12291.

The Department has also determined that the rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. These determinations are discussed in more detail in a Determination of Effects which has been prepared by the U.S. Fish and Wildlife Service.

Proposal of Regulation

§ 17.3 [Amended]

Accordingly, it is hereby proposed to amend 50 CFR 17.3 by removing the existing definition of "harm" and inserting the following:

* * * * *

"Harm" in the definition of "take" in the Act means an act or omission which injures or kills wildlife.

Dated: May 11, 1981.

* * * * *

C. F. Layton,

Acting Deputy Assistant Secretary, Fish and Wildlife and Parks.

April 17, 1981.

Memorandum

To: Director, Fish and Wildlife Service
From: Associate Solicitor, Conservation and Wildlife
Subject: Fish and Wildlife Service Regulations Defining "Harm" under Section 9 of the Endangered Species Act

This memorandum examines the statutory authority underlying the definition of "harm" contained in FWS regulations implementing Section 9 of the Endangered Species Act, 16 U.S.C. 1538. We conclude that the present definition exceeds the scope of authority conferred by Section 9. We recommend that the Service's definition of "harm" be clarified so that only those habitat modifications that

V 46 / 105 JE 2 81 1 UMI

actually injure or kill wildlife are subject to Section 9 criminal penalties.

Discussion

Section 9 of the Endangered Species Act (ESA), 16 U.S.C. 1538, makes it illegal to "take" an endangered species of fish or wildlife. That term is defined as follows:

The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct.

16 U.S.C. 1532(1). Fish and Wildlife Service Regulations define "harm" as follows:

"Harm" in the definition of "take" in the Act means an act or omission which actually injures or kills wildlife, including acts which annoy it to such an extent as to significantly disrupt essential behavioral patterns, which include, but are not limited to, breeding, feeding or sheltering; *significant environmental modification or degradation which has such effects is included within the meaning of "harm."*

50 C.F.R. 17.3 (emphasis added).

This definition contains a significant ambiguity. If the words "such effects" are read to refer to the phrase "significantly disrupt essential behavorial patterns," then any signficant environmental modification or degradation that disrupts essential behavioral patterns will fall under the definition of harm, regardless of whether an actual killing or injuring of wildlife is demonstrated. Under such an interpretation a showing of habitat modification *alone* would be sufficient to invoke the criminal penalties of Section 9. As discussed below, such a result is inconsistent with the intent of Congress.[1]

A. The Endangered Species Act

ESA concerns itself with two major causes of species decline: (1) the commercial and sport taking of individual animals, and (2) the destruction or degradation of species' habitats. The Act creates a bifurcated system for dealing with these distinct problems. Section 7, 16 U.S.C. 1536, requires federal agencies to insure that actions taken are not likely "to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species . . ." Further, Section 5 authorizes land acquisitions as an additional means for preserving the habitat of listed species. 16 U.S.C. § 1534. Together, these two sections were designed to address the threatened destruction of habitat for listed species. Section 9, on the other hand, prohibits all action that constitute an actual taking of an endangered species of fish or wildlife. 16 U.S.C. 1538.

The Act's definition of "take" contains a list of actions that illustrate the intended scope of the term: harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempts to engage in any such conduct. With the possible exception of "harm," these terms all represent forms of conduct that are directed against and likely to injure or kill *individual* wildlife. Under the principle of statutory construction, *ejusdem generis*, where general words accompany words of specific meaning, such general words are construed as applying only to actions of the same class as those specifically mentioned. *Goldsmith v. U.S.* 42 F.2d 133 (2d (Cir. 1948). Applying this principle to the present construction problem, the term "harm" should be interpreted to include only those actions that are directed against, and likely to injure or kill, individual wildlife.

Also applicable here is the rule that provisions of a statute should not be construed in a manner that renders other provisions of the statute superfluous. If the Service's definition of "harm" is interpreted to prevent habitat modifications, without a further finding of actual injury to a listed species, Section 9 could be violated in most instances in which Section 7 consultation is called for. That is, it would be counterproductive for a federal agency to initiate Section 7 consultation over a proposed private action that would significantly modify a listed species habitat, if such private activity were already proscribed under Section 9. Such a construction would render Section 7 largely unnecessary. *See* Bean *supra* n. 1 at 397.

B. Legislative History

The legislative history reinforces the distinction between the taking prohibition of Section 9 and the habitat protection provisions of Section 7. Representative Sullivan, whose committe reported the House bill, stated:

For the most part, the principal threat to animals stems from the destruction of their *habitat*. The destruction may be intentional, as would be the case in clearing of fields and forests for development of resource extraction, or it may be unintentional, as in the case of the spread of pesticides beyond their target area. Whether it is intentional or not, however, the result is unfortunate for the species of animals that depend on that habitat, most [of] whom are already living on the edge of survival. H.R. 37 will meet this problem by providing funds for acquisition of critical habitat. It will also enable the Department of Agriculture to cooperate with willing landowners who desire to assist in the protection of endangered species, but who are understandably unwilling to do so at excessive cost to themselves.

Another hazard to endangered species arises from those who would capture or kill them, for pleasure or profit. There is no way that the Congress can make it less pleasurable for a person to take an animal, but we can certainly make it less profitable for them to do so. (emphasis added)

119 Cong. Rec. H8–18 (daily ed. Sept. 18, 1973).

The fact that Congress considered the problems of takings and habitat modifications separately does not, of course, preclude the possibility of overlap between the two regulatory schemes. Indeed, Congress seemed to anticipate such overlap when it made the following statement, taken from the House Report:

"Take" is defined broadly. It includes *harassment*, whether intentional or not. This would allow for example, the Secretary to regulate or prohibit the activities of bird-watchers where the effect of those activities might disturb the birds and make it difficult for them to hatch or raise their young. (emphasis added)

On its face this statement implies that an action such as habitat modifications which do not result in the actual injuring or killing of wildlife may nonetheless constitute a taking ("where the effects of these activities *might* disturb birds . . ."). We think it noteworthy, however, that the statement is limited to acts of harassment. "Harass" is defined at 50 C.F.R. 17.3 as follows:

"Harass" in the definition of "take" in the Act means *an intentional or negligent act or omission* which creates *the likelihood of injury to wildlife* by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering. (emphasis added)

Under this definition two elements must be shown before a finding of harassment can be made: (1) likelihood of injury to wildlife, and (2) some degree of fault, either intentional or negligent. Because the definition contains an element of fault, it will not result in criminal liability for habitat modifications unless it is shown that the defendant knew or reasonably should have known that his actions would be likely to injure wildlife. Thus a private landowner who wishes to develop land that serves as habitat for an endangered species may do so if reasonable measures are taken to avoid injury to wildlife. The same is not true, however, of the definition of "harm." That definition adopts a strict liability standard which would impose criminal penalties on habitat modifications generally regardless of fault. Thus under the definition of "harm" a private landowner may be criminally liable for significant habitat modifications regardless of the reasonableness of his efforts to mitigate harm to individual wildlife.

An early version of the bill that became ESA specifically included "destruction, modification, or curtailment of habitat or range" within the definition of "take" but this was deleted from the final act. S. 1983, 93d Cong., 1st Sess. § 3(6)(A)(1973). Such deletions generally militate against a conclusion that Congress intended a result that it expressly declined to enact. *See Gulf Oil Corp. v Copp Paving Co.*, 419 U.S. 186 (1974). Accordingly, the Service's definition of "harm" should be clarified so that only those habitat modifications that result in the actual killing or injuring of wildlife will be subject to Section 9 criminal penalties.

D. Case Law

The limited case law interpreting the definition of "harm" indicates judicial confusion over the proper scope of the term. The Supreme Court mentioned the definition of "harm" in *TVA v. Hill*, 437 U.S. 153 (1978).

[1] Each of the four published articles that has considered the subject concludes that the Service's definition is overbroad. Bean, *The Evolution of National Wildlife Law* 395–97 (1977); Note, *Endangered Species Act: Constitutional Tension and Regulatory Discord*, 4 Colum. J. Envt'l L. 97, 100 n. 19 (1977); Note, *Endangered Species Act of 1973: Preservation or Pandemonium?* 5 *Envt'l L.* 29, 38–41 (1974); Note, *Obligations of Federal Agencies Under Section 7 of the Endangered Species Act of 1973*, 28 Stan. L. Rev. 1247, 1251 n. 31 (1976).

but did not clarify its meaning. It said in regard to the Tellico Dam situation, "[w]e do not understand how TVA intends to operate Tellico Dam without 'harming' the snail darter." 437 U.S. at 184 n. 30. We interpret the court's statement only to apply to the situation where an action would both degrade habitat and kill individual fish.[2] Such an interpretation is consistent with the approach adopted in this memoradum.

Only two cases have thus far interpreted the concept of "harm". In *Sierra Club v. Froehlke*, 534 F.2d 1289 (8th Cir. 1976), the Sierra Club sought to enjoin construction of a proposed dam alleging, *inter alia*, a violation of Section 9 of the Endangered Species Act. In a brief discussion, of limited, if any, assistance on the habitat mofification question, the court rejected plaintiffs' taking allegation, noting that a violation of Section 9 "rests upon the asserted ground that the erection of the dam is a 'clear attempt to harass or harm' the Indiana bat." 534 F.2d at 1304. The court's statement would seem to imply that a showing of specific intent to harass or harm is necessary to prove a taking, a postion inconsistent with the strict liability prohibitions established by Sections 9 and 11 and the present regulatory definition. Significantly, however, *Froehlke* was decided prior to promulgation of the "harm" definition, 44 Fed. Reg. 44415 (September 28, 1975), and the court therefore lacked the benefit of an agency interpretation.[3]

The second case interpreting the definition of "harm" is *Palila v. Hawaii Department of Land and Natural Resources*, 471 F. Supp. 985 (D. Haw. 1979), *aff'd*, No. 79-4636 (9th Cir. Feb. 9, 1981). This case did, on its face, direct its attention to habitat mofification. In *Palila*, Section 9 was invoked by the Sierra Club to prevent the State of Hawaii's wildlife agency from allowing feral goats and sheep to roam in the critical habitat of the Palila, an endangered bird species. The plaintiffs alleged that because the state had allowed the destruction of forest vegetation which provides the Palila's food, shelter and nest sites, a taking had occurred even though no killing or injuring of individual Palilas was demonstrated. The district court interpreted the Service's definition as follows:

"Take" is defined in the Act to include "harm" which in turn is defined in regulations propounded by the Secretary of the Interior to include "significant environmental modification or degradation" *which actually injures or kills wildlife.* (emphasis added)

471 F. Supp. at 995.[4] In a brief opinion, the Ninth Circuit Court of Appeals affirmed the district court's decision in *Palila*. The court's discussion of the taking issue demonstrates fundamental confusion over the distinction between habitat modifications and takings. On the basis of the FWS definition of harm, the Ninth Circuit concluded that a taking had occurred. Slip op. at 287. The court's discussion of its finding strongly suggests that it confused the taking prohibition of Section 9 with the habitat modification provisions of Section 7. The court rested its conclusion on the fact that "it was shown that the Palila was endangered by the activity." *Id.* Citing *TVA* v. *Hill, supra*, the court noted its belief that its conclusion was consistent with the Act's legislative history which showed "that Congress was informed that the greatest threat to endangered species is the destruction of their natural habitat." *Id.*

As the result of the FWS overly broad definition of "harm", the Ninth Circuit decision in *Palila* erroneously supports the view that habitat modifications alone may constitute "harm." The implications of such a decision are far-reaching. The discussion set forth above indicates that the present definition of "harm," as interpreted by the Court of Appeals in *Palila*, exceeds the statutory authority conferred by Section 9 of the Act. Accordingly, we recommend that the Service clarify its definition to prevent the result reached in *Palila*.

Conclusion

In view of the foregoing discussion, we recommend that the Service's definition of "harm" at 50 CFR 17.3 be modified to read as follows:

"Harm" in the definition of "take" in the Act means an act or omission which actually injures or kills wildlife.

J. Roy Spradley, Jr.

[FR Doc. 81-16324 Filed 6-1-81; 8:45 am]

BILLING CODE 4310-55-M

---

[2] The Supreme Court in *TVA v. Hill* recited the findings of the district court that construction of Tellico Dam "would make it highly probable that snail darter eggs would smother . . . " and that "[the snail darter's] primary source of food, snails, would probably not survive." 437 U.S. at 165 N. 16. We assume that the Supreme Court expected the destruction of the species' primary food source to result in the killing of individual fish.

[3] The district court opinion in *Froehlke* was issued on March 19, 1975. The briefs in the court of appeals case were submitted to the court on September 10, 1975. Two weeks after the briefs were submitted to the court of appeals, the Fish and Wildlife Service issued its endangered species regulations defining the concept of harm. 44 Fed. Reg. 44415 (September 28, 1975).

[4] On its face this interpretation is in accord with the approach taken in this memorandum. The difficulty with *Palila* is that the standard was misapplied to the facts of the case. The district court, in a footnote, acknowledged that available estimates showed the Palila population to have actually increased since the onset of the state's grazing program, yet speculated that those estimates may have been "deceptively high" and went on to conclude that a taking had occurred. 471 F. Supp. at 988 n. 2. Accordingly, the district court's recital of the proper rule notwithstanding, *Palila* can be read as holding that habitat modification alone may constitute "harm." Furthermore, the issue of whether the Service's definition of "harm" exceeds statutory authority was neither briefed by the parties nor addressed by the court in *Palila*. Under the rule of *Webster v. Fall*, 266 U.S. 507, 511 (1925), questions not brought to a court's attention "are not to be considered as having been so decided as to constitute precedents".

Notices

Federal Register
Vol. 46, No. 105
Tuesday, June 2, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Price-Undercutting of Domestic Swiss Cheese by Imported Swiss Cheese Produced in Finland

On April 28, 1981, the U.S. Department of Agriculture received a compliant alleging price-undercutting of domestic Swiss cheese by imported Swiss cheese produced in Finland. Under Section 702 of the Trade Agreements Act of 1979 (Pub. L. 96–39), the Secretary of Agriculture must conduct a price-undercutting investigation and make a determination as to the validity of the allegation no later than 30 days after receiving a complaint.

Based on the investigation of the Director of the Dairy, Livestock and Poultry Division, Foreign Agricultural Service, pursuant to the regulations at 7 CFR 6.40–44, I have determined that the duty-paid wholesale price of imported Swiss cheese produced in Finland is $1.84 per pound, and that the domestic wholesale market price of U.S. produced Swiss cheese is $1.81 per pound. I, therefore, have determined that there is no price-undercutting of U.S. produced Swiss cheese by imported Swiss cheese produced in Finland.

Done at Washington, D.C., this 28th day of May 1981.

Richard E. Lyng,

Acting Secretary.

[FR Doc. 81–16515 Filed 6–1–81; 8:45 am]

BILLING CODE 3410–10–M

Rural Electrification Administration

Garkane Power Association, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact which concluded that there is no need for REA to prepare an Environmental Impact Statement in connection with proposed financing assistance to Garkane Power Association, Inc. (Garkane) of Richfield, Utah.

The proposed financing assistance would be used by Garkane for construction of the following facilities in Utah: 29.7 miles of 138 kV transmission line in Sevier and Puite Counties from Sigurd to Koosharem, 26.3 miles of 69kV transmission line from Lyman Substation through Torrey Substation to Fruita Substation, all in Wayne County, Utah, three substations consisting of a 138(46)/12.5 kV station at Koosharem, a 69(46)/12.5 kV station at Torrey, and a 69(46)/12.5 kV station at Fruita, all in Utah, and associated facilities. All substations will be operated initially at 46 kV high side.

REA has determined that the proposed project will not adversely affect floodplains, wetlands, federally listed threatened or endangered species, important farmland, or known historic or archaeological resources. The Lyman to Fruita line right-of-way will cross approximately 2,500 feet of wetlands and the Sigurd to Koosharem line right-of-way will cross approximately one mile of wetlands. Avoidance of the wetlands areas is not practicable. REA has determined that any effects to wetlands or wetland habitats will be minimal and short term. Additional information on wetlands is available in the EA and BER. Construction and operation of the project will not, in REA's judgment, result in any unacceptable environmental impact.

Various alternatives to each of the proposed projects were examined, including no action, use of existing facilities, underground construction, and alternative routes. After reviewing these alternatives, REA has determined that the proposed project best meets Garkane's needs

REA's evaluation of environmental effects of the proposed financing assistance leads it to conclude the proposed action would not represent a major Federal action significantly affecting the quality of the human environment. A Finding of No Significant Impact was reached by REA in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20–21:320–21, Part One.

REA's Finding of No Significant Impact, the Environmental Assessment and the Borrower's Environmental Report may be reviewed in the Office of the Director, Distribution Systems Division, Room 3304, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–4413, or at the headquarters of Garkane Power Association, Inc. (Mr. Glen Willardson, General Manager), P.O. Box 748, Richfield, Utah 84701, telephone (801) 896–5403.

A copy of REA's Finding of No Significant Impact and the Environmental Assessment is available upon request to the Director, Distribution Systems Division, at the address given above.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 22d day of May 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–16272 Filed 6–1–81; 8:45 am]

BILLING CODE 3410–15–M

Kaw Valley Electric Cooperative Co., Inc., Topeka, Kans.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an Environmental Impact Statement in connection with proposed financing assistance to Kaw Valley Electric Cooperative Company, Inc., Topeka, Kansas.

The proposed financing assistance would be used by Kaw Valley Electric for constructing 37 km (23 miles) of 115 kV transmission line and a new distribution substation.

The 115 kV transmission line will extend from Kiro in Shawnee County, Kansas, to Emmett in Jackson County, Kansas. Kaw Valley Electric has prepared a Borrower's Environmental Report (BER) concerning the proposed project. An Environmental Assessment was prepared by REA to evaluate the environmental impacts.

Various alternatives to the proposed project were examined. These alternatives included no action, underground construction, conservation,

alternate transmission voltage, and alternate route. After examining these alternatives, REA determined that the proposed 115 kV transmission line and associated substation is the best alternative for providing power to existing and future loads in the area.

REA's evaluation of the environmental effects of the proposed project leads to the conclusion that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment. A Finding of No Significant Impact was reached by REA in accordance with Sections IV.B and IV.D.I of REA Bulletin 20–21:320–21, Part I.

REA's Finding of No Significant Impact, the Environmental Assessment, and the Borrower's Environmental Report may be reviewed in the office of the Director, Distribution Systems Division, Room 3304, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, Telephone (202) 447–4413, or at the office of Kaw Valley Electric Cooperative Company, Inc., 5715 West 21st Street, Topeka, Kansas 66604, Telephone (913) 272–4330.

A copy of REA's Finding of No Significant Impact and the Environmental Assessment is available upon request to the Director, Distribution Systems Division, at the address given above.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 22d day of May 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–16273 Filed 6–1–81; 8:45 am]

BILLING CODE 3410–15–M

Pioneer Electric Cooperative, Inc., Ulysses, Kans.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an Environmental Impact Statement in connection with proposed financing assistance to Pioneer Electric Cooperative, Inc., Ulysses, Kansas.

The proposed financing assistance would be used by Pioneer Electric for constructing 27 km (17 miles) of 115 kV transmission line and a new distribution substation.

The 115 kV transmission line will extend from Manter near Johnson in Stanton County, Kansas, to Richfield in Morton County, Kansas. Pioneer Electric has prepared a Borrower's Environmental Report (BER) concerning the proposed project. An Environmental Assessment was prepared by REA to evaluate the environmental impacts.

Various alternatives to the proposed project were examined. These alternatives included no action, underground construction, and extending the Hugoton-Rolla line. After examining these alternatives, REA determined that the proposed 115 kV transmission line and associated substation is the best alternative for providing power to existing and future loads in the area.

REA's evaluation of the environmental effects of the proposed project leads it to conclude that its proposed financing assistance for this project does not represent a major Federal action that will signficantly affect the quality of the human environment. A Finding of No Significant Impact was reached by REA in accordance with Sections IV.B and IV.D.I. of REA Bulletin 20–21:320–21, Part I.

REA's Finding of No Significant Impact, the Environmental Assessment, and the Borrower's Environmental Report may be reviewed in the office of the Director, Distribution Systems Division, Room 3304, South Agriculture Building, Rural Electrification Adminstration, Washington, D.C 20250, Phone (202) 447–4413, or at the office of Pioneer Electric Cooperative, Inc., West Highway 160, Ulysses, Kansas 67880, Phone (316) 356–1211.

A copy of REA's Finding of No Significant Impact and the Environmental Asessment is available upon request to the Director, Distribution Systems Division, at the address given above.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 22nd day of May 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–16274 Filed 6–1–81; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF COMMERCE

International Trade Administration

Expanded Metal of Base Metal From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On March 4, 1981, the Department of Commerce published preliminary results of its administrative review of the antidumping finding on expanded metal of base metal from Japan for four companies not reviewed in an earlier notice published on February 3, 1981. It covered various time periods up to December 31, 1979.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: June 2, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2704).

SUPPLEMENTARY INFORMATION:

Background

On January 16, 1974 a dumping finding with respect to expanded metal of base metal from Japan was published in the **Federal Register** as Treasury Decision 74–29 (39 FR 1979). On February 3, 1980, the Department of Commerce ("the Department") published in the **Federal Register** the final results of its adminsitrative review of the finding for twenty-nine companies (46 FR 10519). On March 4, 1981 we published preliminary results for four remaining companies (46 FR 15189–90). The Department has not completed its administrative review of the antidumping finding.

Scope of the Review

The imports covered by this review are shipments of expanded metal of base metal, currently classifiable under item 652.8000 of the Tariff Schedules of the United States Annotated (TSUSA). The review covered all time periods up to December 31, 1979 not previously covered by appraisement instructions ("master lists").

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Final Results of the Review

Since we have received no comments, the final results of our review are the same as those presented in the preliminary results of review. We therefore determine that the following weighted-average margins exist:

Japanese exporter	Time period	Margin (percent)
Alton Trading Co	1-1-78/12-31-79	4.9
Kanebo Kensetsu Kogyo Co., Ltd	1-1-75/12-13-79	4.9
Okaya & Co., Ltd	1-1-77/12-31-78	0
	1-1-79/12-31-79	3.3
Tomiyasu & Co., Ltd	1-1-77/12-31-79	4.9

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase dates during the time periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations a cash deposit based on the most recent of the margins calculated above shall be required on all shipments from the four exporters entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. The Department has decided to waive the deposit requirement for any firm covered by this or the February 3 notice whose most recent weighted-average margin is less than 0.5%. These deposit requirements or waiver of deposit shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of January, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge III,

Acting Deputy Assistant Secretary, Import Administration.

May 27, 1981.

[FR Doc. 81-16372 Filed 6-1-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Intent To Conduct a Review of Government Versus Contract Operation of Computer Facilities at the National Climatic Center

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice.

SUMMARY: Notice is hereby given pursuant to Office of Management and Budget (OMB) Circular A-76 and the Department of Commerce Administrative Order 201-41 implementing OMB Circular A-76, the National Oceanic and Atmospheric Administration (NOAA) intends to conduct a review of government operation of computer facilities at the National Climatic Center, Asheville, North Carolina, versus contract operation of same. A contract may or may not result from the review. Results of the review will be made avialable to bidders, offerers, and all interested parties. This review is with regard to computer and tape library operations only and excludes systems software support and hardware maintenance.

DATES: The review is scheduled to begin October 1, 1981, and end June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Daniel B. Mitchell, Director, National Climatic Center, Federal Building, Asheville, North Carolina 28801, FTS 672-0236.

Dated: May 22, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-16371 Filed 6-1-81; 8:45 am]

BILLING CODE 3510-12-M

DEPARTMENT OF ENERGY

Murray Enterprises; Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Murray Enterprises of Livermore, California, an exclusive license to manufacture, use, and sell in the United States, the invention described in U.S. Patent No. 4,095,590, entitled "Fuel-Injecting Spark Plug." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will have a duration of 10 years and will contain other terms and conditions to be negotiated by the parties in accordance with 42 U.S.C. 5908(h) and 10 CFR 781. DOE intends to grant the license unless within 60 days of this Notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license, or

(ii) An application for a nonexclusive license to manufacture, use, and/or sell the invention in the United State in accordance with Title 10 CFR 781, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this Notice. The license will be granted if a determination can be made by DOE, following expiration of the 60-day notice period, (i) that no applicant for a nonexclusive license has brought or will bring the invention to the point of practical or commercial application within a reasonable period and (ii) that the granting of the license would be in the public interest after consideration of all the facts, evidence, and argument which third parties may present to the Assistant General Counsel for Patents.

Third parties who participate as outlined above are further advised of their right to appeal any decision of the Assistant General Counsel for Patents concerning the grant of the proposed exclusive license or the denial of its application for a nonexclusive license under the subject patent. Such appeal shall be in accordance with the appeal procedures of 10 CFR 781.65, including the right to request an oral hearing.

Signed at Washington, D.C., this 15th day of May 1981.

United States Department of Energy.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 81-16408 Filed 6-1-81; 8:45 am]

BILLING CODE 6450-01-M

Rexnord, Inc.; Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Rexnord, Inc., Instrument Products Division, located in Malvern, Pennsylvania, an exclusive license to manufacture, use, and sell in the United States, the invention described in U.S. Patent No. 3,867,688, entitled "Electrodeless Conductance Measurement Device." The patent, which issued on February 18, 1975, is owned by the United States of America, as represented by the Department of Energy (DOE). The patent relates to a

device for the electrodeless measurement of the conductance of a material, which material may be in the form of a fluid contained in a conduit.

The proposed license will have a duration of the remaining term of the patent and will contain other terms and conditions to be negotiated by the parties, in accordance with 42 U.S.C. 5908(h) and 10 CFR Part 781. DOE intends to grant the license unless within 60 days of this Notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to manufacture, use, or sell the invention in the United States in accordance with Title 10 CFR 781, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical or commercial application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this Notice. The license will be granted if a determination can be made by DOE, following expiration of the 60-day notice period, (i) that no applicant for a nonexclusive license has brought or will bring the invention to the point of practical or commercial application within a reasonable period, and (ii) that the granting of the license would be in the public interest after consideration of all the facts, evidence, and argument which third parties may present to the Assistant General Counsel for Patents.

Third parties who participate as outlined above are further advised of their right to appeal any decision of the Assistant General Counsel for Patents concerning the grant of the proposed exclusive license or the denial of its application for a nonexclusive license under the subject patent. Such appeal shall be in accordance with the appeal procedures of 10 CFR 781.65, including the right to request an oral hearing.

Signed at Washington, D.C., this 15th day of May 1981.

United States Department of Energy.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 81-16409 Filed 6-1-81; 8:45 am]

BILLING CODE 6450-01-M

Price of Plutonium-238; Proposed Price Increase

AGENCY: Department of Energy.

ACTION: Notice of Proposed Price Increase.

SUMMARY: The U.S. Department of Energy (DOE) hereby announces a proposed increase in the sales price for Plutonium-238. Due to increases in the costs of reactor operations and chemical processing, the current prices do not recover to DOE the full cost of producing this product.

DATE: Written comments will be considered if received no later than July 2, 1981.

ADDRESS: Send written comments to: Mr. Roger Heusser, Director, Division of Materials Processing, DP-73, Office of Nuclear Materials Production, U.S. Department of Energy, Washington, D.C. 20545.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Heusser, (301) 353-5496.

SUPPLEMENTARY INFORMATION: In accordance with section 501(c)(1) of the Department of Energy Organization Act, DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy of large numbers of individuals or businesses. Accordingly, no public hearing is required.

DOE has determined that initial and final regulatory flexibility analyses required by Sections 603 and 604 of the Regulatory Flexibility Act need not be prepared for these regulations since they would not exert, if promulgated, a significant economic impact on a substantial number of small entities.

Since this document is unlikely to have any significant effect on the environment, DOE has determined that the provisions of section 7(a)(2) of the Federal Energy Administration Act, as amended, requiring that proposals having such effect be submitted to the Environmental Protection Agency for review and comment, do not apply.

DOE has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821, and OMB Circular A-107.

DOE has determined that these regulations are not a major rule, as that term is defined in Section 1(b) of Executive Order 12291 of February 18, 1981.

A prior notice, entitled Thorium, Uranium, and Plutonium, Isotopically Enriched Quantities, published by the Atomic Energy Commission (AEC) in the **Federal Register** at 34 FR 11336, as amended by a notice, published by the AEC in the **Federal Register** at 35 FR 8300 on May 27, 1970, and further modified by a notice, entitled Plutonium-238 Prices, published by the Energy Research and Development Administration (ERDA) in the **Federal Register** at 41 FR 53525 on December 7, 1976, would be amended by substituting the following price schedule:

Department of Energy Revised Price Schedule Plutonium-238 Prices

Element and isotope	Enrichment percent and Pu-236 content	Price per milligram
Plutonium-238	[1]97	$4.45
Plutonium-238	[1]95	2.80
Plutonium-238	[1]95	2.95
Plutonium-238	[1]95	3.15
Plutonium-238	[1]80	2.00
Plutonium-238	[1]80	2.05
Plutonium-238	[1]80	2.15
Plutonium-238	[2]3.5	1.80
Plutonium-238	[2]79	1.70
Plutonium-238	[3]40	([4])

[1] No limit on Pu-236.
[2] Equal to 0.6 PPM Pu-236.
[3] Equal to 0.3 PPM Pu-236.
[4] Price available at Savannah River Plant, Aiken, S.C., upon request.

Issued in Washington, D.C., May 22, 1981.

R. L. Morgan,

Acting Assistant Secretary for Defense Programs.

[FR Doc. 81-16404 Filed 6-1-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Water Quality Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Water Quality Task Group of the Committee on Environmental Conservation will meet in June 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Water Quality Task Group meeting follows:

The Water Quality Task Group will hold its seventh meeting on Monday, June 15, 1981, starting at 9:00 a.m., in Room 805 of the Stapleton Plaza Hotel, 3333 Quebec Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Review individual assignments.

2. Discuss Task Group schedule.

3. Discuss any other matters pertinent to the overall assignment of the Water Quality Task Group.

The meeting is open to the public. The Chairman of the Water Quality Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Water Quality Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE–190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on May 27, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

May 27, 1981.

[FR Doc. 81–16406 Filed 6–1–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and Republic of Turkey

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Turkey Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out involves the extension of the Agreement Between the International Atomic Energy Agency, the Government of the Republic of Turkey and the Government of the United States of America for the Application of Safeguards in accordance with Section 33 of that Agreement.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the extension of this safeguards transfer agreement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than June 17, 1981.

For the Department of Energy.

Dated: May 28, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–16405 Filed 6–1–81; 8:45 am]

BILLING CODE 6450–01–M

Commonwealth Oil Refining Company, Inc.; Action on Consent Order

AGENCY: Department of Energy (DOE).

ACTION: Adoption of proposed consent order as final.

SUMMARY: The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR 205.199J that it has adopted the Consent Order with Commonwealth Oil Refining Company, Inc. (Corco), executed on January 8, 1981 and published for comment in 46 FR 8099 on January 26, 1981 as a final order of DOE. The Consent Order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations, for the period January 1, 1974 through July 31, 1980. To remedy any violations that may have occurred during the period, Corco has agreed to refunds totalling $10 million.

As required by the regulation cited above, OSC received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Two comments were received. OSC has considered those comments and determined that the Consent Order should be made final without modification. The Consent Order is effective as an order of the DOE on the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633–9165.

Copies of the Consent Order may be received free of charge by written request to: Corco Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Room 3109, Mail Stop 4111, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room GB–145, Washington, D.C.

SUPPLEMENTARY INFORMATION:

The Consent Order

On January 26, 1981, OSC published notice in the **Federal Register** at page 8099, announcing the execution of a Consent Order between Corco and OSC. In compliance with DOE regulations, that notice, and a press release issued on January 21, 1981, summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order.

The Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of OSC's audit of Corco's compliance with the Mandatory Petroleum Price and Allocation Regulations, including the entitlements and mandatory oil import programs, for the period January 1974 through July 1980 (the audit period). The Consent Order resolves all civil issues not previously resolved concerning the allocation and sale of covered products during the audit period.

2. Corco shall refund to consumers upon the Island of puerto Rico the aggregate sum of $10,000,000 which consumers will be identified by Corco and subject to the approval of the DOE. The refund will be made in accordance with the following schedule: (a) beginning the second month following the month in which an order of the United States Bankruptcy Court for the Western District of Texas confirming Corco's plan of arrangement under Chapter XI of the Bankruptcy Act becomes a final order, Corco shall refund to the Puerto Rico Electric Power Authority $500,000 per month for a period of six (6) months; and (b) beginning the eighth month following such date, Corco shall refund the balance, 47,000,000, to the Commonwealth of Puerto Rico by remitting $291,667 per month for a period of twenty-four (24) months. The Commonwealth will use the funds for energy conservation and cost reduction purposes subject to the approval of the Secretary of Energy.

3. In addition, Corco has agreed to amend its banks of unrecovered increased costs for motor gasoline and propane in the first month following that month in which the Consent Order is made effective or the orders of the United States Bankruptcy Court for the Western District of Texas have become final (the month of implementation). At that time Corco will reduce its banks of unrecovered increased costs for motor gasoline to $50,000,000 exclusive of increased costs incurred in or after the month of implementation. In the month of implementation, Corco will also reduce its banks of unrecovered increased costs for propane to $3,000,000, exclusive of increased costs

incurred in or after the month of implementation.

4. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Corco's obligation under DOE record keeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Corco. The Consent Order also provides that Corco has waived its right to an administrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Corco nor a finding by OSC of a violation of any federal petroleum price and allocation statutes or regulations.

Comments Received

Two organizations, the Transportation Group and the National Consumer Law Center, submitted comments that were addressed generally to all nine Consent Orders, including the Consent Order with Corco, published for comment on January 26, 1981.

The Transportation Group, is an organization representing four trade associations—the Air Transport Association of America, Inc., the America Bus Association, the American Trucking Association, Inc., and the Association of American Railroads—whose members are major consumers of refined petroleum products. The Transportation Group expressed its approval of OSC's enforcement efforts and the settlement process which resulted in the Consent Orders announced in the January 26, 1981 **Federal Register** notices. The organization also evinced the following concerns regarding the nine Consent Orders: OSC should try to identify overcharged purchasers or categories of purchasers in order to provide for direct refunds or payments based volumetrically on the amount of petroleum products purchased; transportation firms should receive a larger share of the refunds than they have heretofore, and OSC should provide additional information concerning refund amounts and methods of refund computation.

The Department's aim in structuring remedies is to achieve some form of restitution. In its enforcement actions, the Department attempts to identify individual purchasers or classes or types of purchasers, to the maximum extent possible, and to implement restitutionary remedies. The audits, however, do not ordinarily result in the identification of specific customers who may have been overcharged for several reasons. First, audits are necessarily conducted on a sample basis and, as such, may not focus on specific purchasers, even where they generally identify aggregate violations regarding specific products to classes of purchasers. Second, these audits focus predominantly on "cost violations" and because of the nature of the regulations, would require tracing the violation to specific product sales, a difficult task. Third, these violations occurred as much as seven years ago, and given the mobility within the distribution chain, it would be extremely difficult to identify and locate injured customers. Finally, purchasers of products from a major refiner may have resold those products to others, passing on the consequences of any violation to their customers. However, as stated previously, the Department's priority is to seek remedies that provide some form of restitution, wherever possible. In order to achieve an equitable distribution of monies, the refunds have generally been determined according to a volumetric allocation based on the amount of product purchased by the recipient.

The Transportion Group accurately notes that OSC has previously determined that the refunds received by regulated transportation firms will not constitute a "windfall" to the recipients. OSC's review of the operation of the agencies which regulate transportation companies and their applicable regulations indicates that refunds are factored into the fuel cost aspects of their rate making systems. Similarly, OSC is examining the passthrough of refunds by utilities to end users. To that end, OSC has contacted the public service commissions for the states in which the recipient utilities are located as well as a number of utilities themselves. The commissions have assured OSC that utilities receiving refunds will be required to pass those refunds through to their customers. It has been determined that the utility customers will receive the benefit of the refunds by operation of fuel adjustment clauses in which the refund would appear as an offset to fuel costs in the computation of any fuel adjustment factor, or in the reconciliation of current costs or, finally, reflected as a direct credit to customers. OSC also obtained assurances that the passthrough will be documented either in public records or through the assistance of the staffs of the various utilities and commissions.

The Transportation Group's comment with regard to other remedies, e.g., that any benefit to the bank reduction remedy is compromised and made meaningless with the advent of decontrol, has been dealt with below.

The National Consumer Law Center (NCLC), a non-profit legal organization representing low-income individuals and groups, submitted comments that, while generally addressing all nine Consent Orders published for comment January 26, 1981, raised several issues that are pertinent to this Consent Order.

Although the NCLC initially recognizes that the "limited flow of information * * * is admittedly somewhat inherent in the nature of the private settlement/public comment process," the NCLC nevertheless complains that the Consent Orders and **Federal Register** notices are "extremely skimpy on relevant detail * * *." The DOE regulations, at 10 CFR 205.199J(a), require that a Consent Order "set forth the relevant facts which form the basis for the Order." The Consent Order itself indicates that "[i]t settles and finally resolves all civil and administrative claims and disputes * * * relating to Corco's compliance with the federal petroleum price and allocation regulations * * *." Because the Consent Order constitutes neither an admission by the company nor a finding by DOE that Corco has violated any federal petroleum price or allocation regulation, it would not be appropriate, as the NCLC suggests, to detail and quantify in the Consent Order the preliminary claims and issues that arose in the course of the settlement negotiations and to relate those claims and issues to the terms and conditions of the Consent Order. Further, as NCLC acknowledges, to reveal how OSC and the company arrived at the dollar figures for the various components of the settlements would breach the confidentiality necessarily accorded to the negotiation process and would impinge upon OSC's prosecutorial discretion. Thus, OSC believes that it has provided the necessary information in the Consent Order and **Federal Register** notice to enable the public to comment meaningfully upon this settlement.

The NCLC also maintains that the Consent Orders do not provide adequate benefits, focusing particularly on the bank reduction provisions, and the "heavy reliance" placed on them in these settlements. NCLC seeks renegotiation of the agreements to convert the bank reductions to some cash value.

In the process that leads to settlement, OSC determines the potential liability of a refiner based on its audit of that refiner. That audit addresses all areas of dispute under the price regulations. As a result, the disputes focus on issues of

V 46 / 105 JUN 2 8 1 UMI

the determination, recognition, allocation and carry over of costs, which form the basis for the determination of maximum lawful selling prices. Because of the carry over, or banking provision, a refiner may have lawful costs available from previous periods to offset disputes in later months. The existence of those legitimate costs militates against the existence of overcharges. In litigation, a refiner is likely to argue that those banks obviate the possibility of overcharge. Thus, in determining a firm's potential liability, two factors are addressed: the legitimacy of the costs claimed and banked and the potential for overcharges, given the existence of banks and a firm's pricing practices. In reaching settlement, OSC determined the amount of cash refund necessary to reasonably settle any possible overcharges, and the amount of bank reduction appropriate to settle the cost disputes.

Bank reductions are appropriate to remedy certain types of disputes resulting from the audit. OSC intended this bank reduction to serve the dual purpose of satisfying the alleged cost violation and of placing some limitation on the refiner's prospective pricing of covered products. Accordingly, in negotiating the bank reduction in this case, OSC sought a reduction to the lowest level consistent with allowing the refiner to maintain, but not increase prices as a result of the existence of banks. In the case of Corco, the Consent Order requires a bank reduction to be implemented at the end of the month following the month in which the Consent Order is made effective or the orders of the U.S. Bankruptcy Court for the Western District have become final (the month of implementation). That reduction may have even exceeded the reduction in costs necessary for a satisfactory settlement of the outstanding cost issues. We disagree that these provisions are "essentially worthless", as alleged by NCLC. It is true that, in light of decontrol, the bank reduction cannot have the *prospective* effect anticipated at the time the Consent Order was executed. If the bank reduction were to take place while gasoline were still controlled, the reduction in the bank of costs available to support prices would have placed a restriction on Corco's ability to increase prices. However, Corco's pricing practices since the close of the Consent Order period, July 31, 1980, through decontrol, January 27, 1981, remain subject to audit. The pricing of gasoline by Corco during this intervening period necessarily contemplated the requirement that a sufficient amount of accrued costs remain to satisfy the reduction in banks called for by the Consent Order. Accordingly, the terms of the order calling for bank reductions have conferred a benefit on Corco purchasers during the last 6 months of price controls.

In addition to its comments on the bank reduction components of the settlements, the NCLC also raises several points concerning the settlements' cash components. Of relevance here, the NCLC expresses concern that the refunds to many of the refiners' immediate purchasers may not be passed through to ultimate consumers. Each of these settlements utilizes "conduits" for passing a substantial portion of the refunds through to ultimate consumers. OSC chose as conduits, regulated industries, such as the utility and transportation industries, for which some mechanism exists to assure a passthrough of benefits to their customers and state and local government entities that purchased petroleum products in their proprietary capacities. Specifically identifying the refund recipients in the Consent Orders would not only be cumbersome in those instances in which there are a large number of such recipients, but by revealing a firm's customers it would also disclose confidential and proprietary commercial information. Refunds to these conduits are, therefore, intended to provide general restitution to those unidentifiable ultimate consumers who, through their utility, transportation, or tax bills, may have borne any overcharges that did occur.

Having considered all comments submitted, DOE has determined that the proposed Consent Order with Corco should be made final without modification, effective upon publication of this notice.

Issued in Washington, D.C. May 18, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81-16407 Filed 6-1-81; 8:45 am]

BILLING CODE 6450-01-M

Tenneco Oil Co.; Action on Consent Order

AGENCY: Department of Energy (DOE).

ACTION: Adoption of proposed consent order as final.

SUMMARY: The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR 205.199J that it has adopted the Consent Order with Tenneco Oil Company ("Tenneco"), executed on January 18, 1981 and published for comment in 46 FR 8102 on January 26, 1981 as a final order of DOE. The Consent Order resolves all civil issues of compliance with the DOE Petroleum Price and Allocation Regulations, with the exceptions set forth in the Consent Order, for the period March 6, 1973 through December 31, 1980. To remedy any violations that may have occurred during the period, Tenneco has agreed to cash remedies in the amount of $14 million.

As required by the regulation cited above, OSC received comments on the proposed Consent Order for a period of not less than 30 days following publication of the notice cited above. Four comments were received. OSC has considered those comments and determined that the Consent Order should be made final with one modification: the bank reduction component has been deleted by the parties, as discussed further herein. The Consent Order, as modified, was made effective on May 5, 1981 by execution of the modified Consent Order.

FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-9165.

Copies of the Consent Order may be received free of charge by written request to: Tenneco Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Room 3109, Mail Stop 4111, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C.

SUPPLEMENTARY INFORMATION:

The Consent Order

On January 26, 1981, OSC published notice in the **Federal Register** at page 8102, announcing the execution of a Consent Order between Tenneco and OSC. In compliance with DOE regulations, that notice, and a press release issued on January 21, 1981, summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order.

The proposed Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of OSC's audit of Tenneco's compliance with the Mandatory Petroleum Price and Allocation Regulations, including the entitlements and mandatory oil import programs, for

the period March 6, 1973 through December 31, 1980 (the audit period). With the exception of the matters excluded from the settlement in the Consent Order, the Consent Order resolves all civil issues not previously resolved concerning the allocation and sale of covered products during the audit period.

2. To remedy any overcharges that may have occurred during the audit period, Tenneco has agreed to a cash payment of $14 million which consists of three elements. First, within 30 days after the effective date of the Consent Order, Tenneco will remit $4 million to OSC for distribution by DOE's Office of Hearings and Appeals (OHA) in accordance with the provisions of Subpart V of Part 205 of the DOE Regulations. Pursuant to these provisions, OSC will petition OHA for the implementation of special refund procedures to evaluate refund claims submitted to OHA by purchasers from Tenneco during the audit period. Second, within 60 days after the effective date of the Consent Order, subject to prior approval of OSC, Tenneco will refund $8 million to purchasers of heating oil and propane. Third, also within 60 days of the effective date of the Consent Order and subject to prior approval of OSC, Tenneco will refund $2 million to certain direct end-user purchasers of petroleum products (including electric utility companies and regulated transp rtation companies) and others.

3. Effective December 31, 1980, Tenneco will reduce its banks of unrecovered increased costs for motor gasoline to $30 million with $15 million of that restricted in use, e.g., for price maintenance purposes as provided for in the Regulations. Effective December 31, 1980, Tenneco will reduce its banks of unrecoverd increased costs for propane to $7 million.

4. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Tenneco's obligation under DOE recordkeeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Tenneco. The Consent Order also provides that Tenneco has waived its right to an administrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Tenneco nor a finding by OSC of a violation of any federal petroleum price and allocation statutes or regulations.

Modifications to the Consent Order

After careful consideration of the comments received in response to the Notice of Proposed Consent Order and further negotiations with Tenneco pursuant to paragraph 901 of the Consent Order, the proposed Consent Order was modified to delete the bank reduction component. The bank reduction remedy, as more fully stated below, is an appropriate method of resolving outstanding compliance issues. Where the remedy is to take effect so close to the date of decontrol, the remedy's prospective impact is diminished or eliminated, and, therefore, the parties have determined that it should no longer be included as a component in this Consent Order. These modifications are discussed in greater detail below in response to specific comments.

Comments Received

OSC received four comments which were addressed to this Consent Order. Two were received from organizations, the Transportation Group and the National Consumer Law Center, which addressed comments generally to all nine Consent Orders published for comment on January 26, 1981. OSC also received a comment from the Air Transportation Association, a member organization of the Transportation Group representing thirty-one air carriers. In addition, a party to a PRO proceeding involving Tenneco commented on the instant Consent Order.

The Transportation Group is an organization representing four trade associations—the Air Transport Association of America, Inc., the American Bus Association, the American Trucking Association, Inc., and the Association of American Railroads—whose members are major consumers of refined petroleum products. The Transportation Group expressed its approval of OSC's enforcement efforts and the settlement process which resulted in the Consent Orders announced in the January 26, 1981 **Federal Register** notices. The organization also expressed the following concerns regarding the nine Consent Orders: OSC should endeavor to identify overcharged purchasers or categories of purchasers in order to provide for direct refunds or payments based volumetrically on the amount of petroleum products purchased; transportation firms should receive a larger share of the refunds than they have heretofore; and OSC should provide additional information concerning refund amounts and methods of refund computation.

The Department's aim in structuring remedies is to achieve some form of restitution. In its enforcement actions, the Department attempts to identify individual purchasers or classes or types of purchases, to the maximum extent possible, and to implement restitutionary remedies.

The audits, however, do not ordinarily result in the identification of specific customers who may have been overcharged for several reasons. First, audits are necessarily conducted on a sample basis and, as such, may not focus on specific purchasers, even where they generally identify aggregate violations regarding specific products to classes of purchasers. Second, these audits focus predominantly on "cost violations" and because of the nature of the regulations, would require tracing the violation to specific product sales, a difficult task. Third, these violations occurred as much as seven years ago, and given the mobility within the distribution chain, it would be extremely difficult to identify and locate injured customers. Finally, purchasers of products from a major refiner may have resold those products to others, passing on the consequences of any violation to their customers. However, as stated previously, the Department's priority is to seek remedies that provide some form of restitution, wherever possible. In order to achieve an equitable distribution of monies, the refunds have generally been determined according to a volumetric allocation based on the amount of product purchased by the recepient.

The Transportation Group accurately notes that OSC has previously determined that the refunds received by regulated transportation firms will not constitute a "windfall" to the recipients. OSC's review of the operation of the agencies which regulate transportation companies and their applicable regulations indicates that refunds are factored into the fuel cost aspects of their rate making systems. Similarly, OSC is examining the passthrough of refunds by utilities to end users. To that end, OSC contacted the public service commissions for the states in which the recipient utilities were located as well as a number of utilities themselves. The commissions have assured OSC that utilities receiving refunds will be required to pass those refunds through to their customers. It has been determined that the customers of the utilities will receive the benefit of the refunds by operation of fuel adjustment clauses in which the refund would

V 46 / 105
JE 2 81
UMI

appear as an offset to fuel costs in the computation of any fuel adjustment factor, or in the reconciliation of current costs or, finally, as a direct credit to customers. OSC has also obtained assurances that the passthrough will be documented either in public records or through the assistance of the staffs of the various utilities and commissions.

Finally, the Transportation Group's comment with regard to the bank reduction remedy, that it is compromised and made meaningless with the advent of decontrol, has been dealt with below.

The National Consumer Law Center (NCLC), a non-profit organization representing low-income individuals and groups, also submitted comments that were addressed generally to all nine Consent Orders published for comment on January 16, 1981. The NCLC comments, however, raised several issues that are pertinent to this Consent Order.

Although the NCLC initially recognizes that the "limited flow of information * * * is admittedly somewhat inherent in the nature of the private settlement/public comment process," the NCLC nevertheless complaints that the Consent Orders and **Federal Register** notices are "extremely skimpy on relevant details * * *." The DOE regulations, at 10 CFR 205.199J(a), require that a Consent Order "set forth the relevant facts which form the basis for the Order." [1] The Consent Order itself indicates that, with the exception of the matters explicitly excluded from the settlement in the Consent Order, it settles and finally resolves "all civil and administrative disputes, claims and causes of actions by DOE * * * against Tenneco * * * relating to Tenneco's compliance with the federal petroleum price and allocation regulations * * *." Because the Consent Order constitutes neither an admission by the company nor a finding by DOE that Tenneco has violated any federal petroleum price or allocation regulation, it would not be appropriate, as the NCLC suggests, to detail and quantify in the Consent Order the preliminary claims and issues that arose in the course of the settlement negotiations and to relate those claims and issues to the terms and conditions of the Consent Order. Further, to reveal how OSC and the company arrived at the dollar figures for the various components of the settlements would breach the confidentiality necessarily accorded to the negotiation process and would impinge upon OSC's prosecutorial discretion. Thus, OSC believes that it has provided the necessary information in the Consent Order and **Federal Register** notice to enable the public to comment meaningfully upon this settlement.

The NCLC also maintains that the Consent Orders do not provide adequate benefits, focusing particularly on the bank reduction provisions, and the "heavy reliance" placed on them in these settlements. NCLC seeks renegotiation of the agreements to convert the bank reductions to some cash value.

In the process that leads to settlement, OSC determines the potential liability of a refiner based on its audit of that refiner. That audit addresses all areas of dispute under the price regulations. As a result, the disputes focus on issues of the determination, recognition, allocation and carryover of costs, which form the basis for the determination of maximum lawful selling prices. Because of the carryover or banking provision, a refiner may have lawful costs available from previous periods to offset disputes in later months. The existence of those legitimate costs militates against the existence of overcharges. In litigation, a refiner is likely to argue that those banks obviate the possibility of overcharge. Thus, in determining a firm's potential liability, two factors are addressed: the legitimacy of the costs claimed and banked and the potential for overcharges, given the existence of banks and a firm's pricing practices. In reaching settlement, OSC has determined the amount of cash refund necessary to reasonably settle any possible overcharges, and the amount of bank reduction appropriate to settle the cost disputes.

Bank reductions are appropriate to remedy certain types of disputes resulting from the audit. OSC had intenderd this bank reduction to serve the dual purpose of satisfying the alleged cost violations *and* to place some limitations on the refiner's prospective pricing of covered products. Accordingly, in negotiating the bank reduction in this case, OSC sought a reduction to the lowest level consistent with allowing the refiner to maintain, but not increase prices as a result of the existence of banks. That reduction may have even exceeded the reduction in costs necessary for a satisfactory resolution of the outstanding cost issues. However, decontrol preempts the intended prospective impact of such bank reductions on the firm's pricing: If the bank reduction were to take place while gasoline were still under controls, the reduction in the banks of costs available to support prices would have placed a restriction on the company's ability to increase prices. Furthermore, the end of the Consent Order period, December 1980, is so close to the month of decontrol, January 1981, that the reduction has been substantially deprived of its ability to restrain prices in the intervening period by virtue of the company's anticipation of the effect of the bank reduction on its pricing practices. Since the bank reduction will not have the intended prospective effect, and since the Consent Order resolves all outstanding matters, obviating the need to address the amount of costs available to justify selling prices in the future, OSC has determined to eliminate paragraphs 405 and 406 from the Consent Order. This modification does not indicate that the bank reduction is inappropriate in light of the disputes raised, but only that in light of the absence of any prospective effect on the company there is no prospective benefit to be derived from including such a provision in the order. Because the elimination of this provision does not alter the effect of the Consent Order, we have determined that the modification does not require that we provide an opportunity to file additional comments.

In addition to its comments on the bank reduction components of the settlements, the NCLC also raises several points concerning the settlements' cash components. Of relevance here, the NCLC expresses concern that the refunds to many of the refiners' immediate purchasers may not be passed through to ultimate consumers. Each of these settlements utilizes "conduits" for passing a substantial portion of the refunds through to ultimate consumers. OSC chose as conduits regulated industries, such as the utility and transportation industries, for which some mechanism exists to assure a passthrough of benefits to their customers and state and local government entities that purchased petroleum products in their proprietary capacities. Specifically identifying the refund recipients in the Consent Orders, as advocated by the NCLC, would not only be cumbersome in those instances in which there are a large number of such recipients, but by revealing a firm's customers it would also disclose confidential and proprietary commercial information. Refunds to these conduits are, therefore, intended to provide general restitution to those unidentifiable ultimate consumers who, through their utility, transportation, or

[1] To the extent that the Notice adopting as final the DOE's Consent Order with Koch Industries, Inc., implies that the Administrative Procedure Act imposes any procedural requirements on DOE regarding the publication of notice of Consent Orders, the Notice is incorrect. The APA is inapplicable to this question.

tax bills, may have borne any overcharges that did occur.

With respect to those Consent Orders, including this one, that provide for payment to the U.S. Treasury of any unclaimed or undistributed funds from the claims funds or from the DOE-administered special refund proceedings, the NCLC contends that the payment of settlement funds into the Treasury is illegal. The NCLC has previously filed similar comments to other consent orders which contend that payments to the U.S. Treasury pursuant to settlements are in excess of DOE's authority because there is no express statutory authorization or requirement for payment to the U.S. Treasury. We disagree with the assertion that payments to the U.S. Treasury are legitimate remedies only if there is express statutory authorization or permission. Treasury payments are entirely opposite in the context of resolution of civil and administrative disputes relating to the refiner's compliance with the DOE regulations. As we stated in response to the comment filed by NCLC to the Sun Company, Inc. Consent Order, "The use of a Treasury payment reflects DOE's inability to determine a more appropriate distribution mechanism in the circumstances of this case and our belief that this payment is an appropriate enforcement remedy." 45 FR 80348 (December 4, 1980). Under these Consent Orders, only unclaimed or undistributed funds are subject to payment to the Treasury; furthermore, any such payments will be made only after the funds have been held for a period of time pending distribution in claims or refund proceedings. Moreover, in this instance, payment to the Treasury is an explicitly stated, but not exclusive, option for the disposition of any undistributed funds, since the Consent Order provides in ¶402 that "Tenneco and OSC [may] agree to an alternative dispositon of such funds." In any event, particularly in light of the restitution provided for by other remedies in the Consent Orders, OSC believes that the payment of undistributed funds to the Treasury is a reasonable and legal disposition of funds that could otherwise be left in limbo indefinitely.

A comment received from the Air Transportation Association ("ATA") endorsed the provisions of the Consent Order; however, the ATA suggested that airline customers of Tenneco receive refunds which reflect the volume of product purchased. The instant Consent Order provides for refunds to airline customers, and the amount of each refund has been previously determined according to a volumetric allocation based on the amount of product purchased by the customer.

Finally, Kern County Refinery, Inc. ("Kern"), a party to a Proposed Remedial Order ("PRO") proceeding before OHA, filed an objection to the Consent Order if "* * * the Consent Order is in any way intended to foreclose any of Kern's rights to administrative relief before the DOE * * *" The Consent Order, as all other Consent Orders executed by OSC, is binding only on the parties to the Consent Order, DOE and Tenneco. In no way does the Consent Order extinguish a private right of action by any party against Tenneco, and Kern is free to pursue any judicial remedies available to it. Furthermore, Kern, as a customer of Tenneco, is eligible under provisions of the Consent Order to be a recipient of refunds from Tenneco. Thus, while the Consent Order will result in the resolution of OSC's PRO; it does not foreclose Kern's rights to seek relief. In light of the above considerations, Kern's comments do not warrant modification to the Consent Order.

Having considered all comments submitted, DOE has determined that the Proposed Consent Order with Tenneco should be made final with the modification discussed above, effective upon execution of the Consent Order as modified.

Issued in Washington, D.C., May 18, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81-16410 Filed 6-1-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

A. Johnson & Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order issued as signed.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3548.

SUPPLEMENTARY INFORMATION: On January 22, 1981, 46 FR 7052 (1981), the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a proposed Consent Order with A. Johnson & Company on November 25, 1980, which would not become effective sooner than 30 days after publication. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

Two comments were received. The commentors recommended that the refunds be effected through the Entitlements Program. The Consent Order does not preclude this remedy and therefore was not modified. The proposed Consent Order was finalized and made effective on May 27, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-16332 Filed 6-1-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-031; ERA Case No. 52416-9185-21, 22-22]

Puget Sound Power and Light Company, Frederickson Generating Station Units 1 and 2; Decision and Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

Corrections

In FR Doc. 81-15035 appearing on page 27520 in the issue of Wednesday, May 20, 1981, make the following changes:

(1) On page 27521, second column, under "DATES", the second line should have read: "July 20, 1981."

(2) On page 27523, first column, eighth line from the top, "June" should have read "July".

BILLING CODE 1505-01-M

Texas Gas Transmission Corp., d.b.a. Texas Gas Exploration Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and opportunity for Comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: May 19, 1981.

COMMENTS BY: July 2, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, [Phone] (214) 767–7745.

SUPPLEMENTARY INFORMATION: On May 19, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Texas Gas Transmission Corporation dba Texas Gas Exploration Corporation, of Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

Texas Gas Exploration Corporation, is a firm engaged in the processing of natural gas and sale of natural gas liquid products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of natural gas liquid products, the Office of Enforcement, ERA, and Texas Gas Exploration Corporation, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1973 through January 27, 1981, and it included all sales of natural gas liquid products which were made during that period.

2. Texas Gas Exploration Corporation did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subparts E and K, when determining the prices to be charged for its natural gas liquid products, and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Texas Gas Exploration Corporation have agreed to a settlement in the amount of $2,060,000. The terms of the refund consist of twenty-three monthly installments of $85,833.33 plus the final payment of $85,833.41. The initial installment is to be refunded within 60 days of the effective date of the Consent Order. Within 30 days of the effective date of the Consent Order, Texas Gas Exploration Corporation may satisfy the settlement by remitting to the DOE $1,800,000; thereafter, at any time the firm may, at its option and without penalty, satisfy the settlement by remitting the balance then owed. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Texas Gas Exploration Corporation.

4. The provisions of 10 CFR 205.199J, including the publication of the Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Texas Gas Exploration Corporation agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $2,060,000 in the manner specified in I.3 above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address of by calling (214) 767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Texas Gas Transmission Corporation dba Texas Gas Exploration Corporation, Consent Order." We will consider all comments we receive by 4:30 p.m., local time on July 2, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Tex., on the 22d day of May 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-16333 Filed 6-1-81; 8:45 am]

BILLING CODE 6450-01-M

Witco Chemical Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed Consent Order and opportunity to comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account pursuant to the Consent Order.

DATE COMMENTS BY: July 2, 1981.

ADDRESS: Send Comments to: Edward F. Momorella, District Manager for

Enforcement, Northeast District, 1421 Cherry Street, Philadelphia, Pa., 19102.

FOR FURTHER INFORMATION CONTACT: Edward F. Momorella, District Manager for Enforcement, Northeast District, 1421 Cherry Street, Philadelphia, Pa., 19102, 215–597–2633.

SUPPLEMENTARY INFORMATION: On May 21, 1981, The Office of Enforcement of the ERA executed a proposed Consent Order with Witco Chemical Corporation of Paramus, New Jersey. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Witco Chemical Corporation (Witco), with its home office located in Paramus, New Jersey, is a firm engaged in the refining and sale of petroleum products and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212 during the period covered by this Consent Order ("settlement period"). To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as result of its audit of Witco the Office of Enforcement, ERA and Witco entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order resolves all issues of Witco's compliance with all statutory requirements and administrative regulations administered by the ERA with respect to the pricing and allocation of crude oil and all products derived, refined or processed from crude oil or natural gas that have been regulated at any time by the ERA (covered products), including entitlements and mandatory oil imports programs (said requirements and regulations being hereinafter referred to as the "Federal petroleum price and allocation regulations"), with the exceptions set forth in the Consent Order, for the period August 19, 1973 through 12:01 a.m., January 28, 1981.

2. In settlement of all disputes with the ERA concerning excess revenues which it may have received from sales of covered products during this period, Witco has agreed to a refund of $4,500,000.00 and a payment of $100,000.00 in compromise of civil penalties.

3. As required by the regulation cited above, the ERA will receive comments on the Consent Order for a period of not less than thirty (30) days following publication of this notice. The ERA will consider any comments which it receives during this period before determining whether to make the Consent Order final. Although the Consent Order has been signed and accepted by the parties, the ERA may, after the expiration of the comment period, withdraw its acceptance of the Consent Order and attempt to obtain a modification of it or issue the Consent Order as proposed.

4. Witco engages in, among other things, the production, refining, processing, reselling and marketing of covered products. An audit conducted by the ERA included a review of Witco's records relating to compliance with the Federal petroleum price and allocation regulations during the period August 19, 1973 through 12:01 a.m., January 28, 1981 (the audit period).

5. In its audit the ERA reviewed Witco's pricing and allocation policies and procedures, and the manner in which Witco applied the Federal petroleum price and allocation regulations. The ERA and Witco disagree in several respects concerning Witco's compliance with the Federal petroleum price and allocation regulations during the audit period. Notwithstanding the ERA's view as to the proper application of the regulations to Witco's activities, Witco maintains that it has correctly construed and applied the regulations. The ERA and Witco each believes that its respective positions on the legal issues underlying their disagreements are meritorious. However, both parties desire to resolve the issues raised by the audit without resort to complex, lengthy and expensive compliance actions. The ERA believes that the Consent Order is in the public interest because it provides a satisfactory resolution of disputed issues and an appropriate conclusion of the Witco audit.

6. The Consent Order addresses all aspects of Witco's compliance with the Federal petroleum price and allocation regulations during the audit period, except for certain specifically excluded matters, and (with the same exclusions) resolves all issues concerning Witco's compliance with the Federal petroleum price and allocation regulations during the audit period.

7. In settlement of all disputes with the ERA concerning excess revenues which is may have received from sales of covered products during the audit period, Witco has agreed to place $4,500,000.00 in an account to be established by the Assistant Administrator for Enforcement, ERA, within ten (10) days after the effective date of the Consent Order. The funds in this account are to be distributed by the ERA in accordance with 10 CFR Part 205, Subpart V, or other equivalent procedures.

8. Witco has also agreed to pay $100,000.00 in compromise of all civil penalties that ERA might seek under applicable law.

9. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order.

10. Upon becoming final after consideration of public comments by the ERA, the Consent Order will be a final order in which Witco has waived its right to an administrative or judicial appeal.

11. The Consent Order does not constitute an admission by Witco nor a finding by the ERA of any violation of the Federal petroleum price and allocation regulations. This notice merely summarizes the Consent Order, and neither limits nor modifies it in any way whatsoever.

III. Submission of Written Comments and Notices of Claim

A. Potential Claimants

Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount.

After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or in the general public interest.

B. Other Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Edward F. Momorella, District Manager of Enforcement, Northeast District, 1421

Cherry Street, Philadelphia, Pa. 19102. You may obtain a free copy of this Consent Order by writing to the same address or by calling 215–597–2633.

You should identify your comments or written notification of claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Witco Consent Order." We will consider all comments we receive by 4:30 p.m. local time, on July 2, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, Pa. on the 21st day of May 1981.

Edward F. Momorella,

District Manager of Enforcement, Northeast District.

[FR Doc. 81–16334 Filed 6–1–81; 8:45 am]

BILLING CODE 6450–01–M

UMI 1 8 2 M L 5 0 1 \ 6 4 \

Federal Energy Regulatory Commission

[Volume 433]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 28, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-DOME PETROLEUM CORP				RECEIVED: 05/04/81 JA: KS					
8129118	K 80-0443	1507520322		103		JOHNSTON #1-A	BRADSHAW	159.9	SUNFLOWER E ECTRI
8129117	K 79-1866	1507520261		103		PETTIT #1-A	BRADSHAW	118.6	SUNFLOWER E ECTRI
-OIL PROPERTIES CO INC				RECEIVED: 05/04/81 JA: KS					
8129119	K 81-0158	1504720486		103		BRYANT B NO 1	WIL	119.5	PANHANDLE E STERN
-VINCENT OIL CORP				RECEIVED: 04/29/81 JA: KS					
8129115	K-81-0217	1507920488		103		SCHRAG E #1	EXT/BURTON NE	24.0	PEOPLES NAT RAL G
-W B OSBORN JR (OPERATOR)				RECEIVED: 04/29/81 JA: KS					
8129116	K-81-0006	1509320677		103		ANDERSON #1	HUGOTON	40.0	PANHANDLE E STERN
KENTUCKY DEPARTMENT OF MINES & MINERALS									
-CONTROLLED RESOURCES OIL & GAS CORP				RECEIVED: 05/04/81 JA: KY					
8129066	501919	1615900000		108		KY #26164 -METER CGT CORP 6404	500 FNL-195 FWL-20-0-84	16.0	COLUMBIA GA TRAN
-DRY CREEK OIL & GAS CO				RECEIVED: 05/04/81 JA: KY					
8129083	501938	1611900000		108		ENON COOK #1 (DRY CREEK OIL & GAS)		15.0	COLUMBIA GA TRAN
8129078	501933	1607100000		108		ENON COOK #2 (DRY CREEK OIL & GAS)		15.0	COLUMBIA GA TRAN
8129084	501939	1611900000		108		ENON COOK #3 (DRY CREEK OIL & GAS)		15.0	COLUMBIA GA TRAN
8129085	501940	1611900000		108		ENON COOK #4 (DRY CREEK OIL & GAS)		5.0	COLUMBIA GA TRAN
8129086	501941	1611900000		108		ENON COOK #5 (DRY CREEK OIL & GAS)		5.0	COLUMBIA GA TRAN
8129087	501942	1611900000		108		ENON COOK #6 (DRY CREEK OIL & GAS)		5.0	COLUMBIA GA TRAN
8129088	501943	1611900000		108		ENON COOK #7 (DRY CREEK OIL & GAS)		15.0	COLUMBIA GA TRAN
8129089	501944	1611900000		108		LENA HALL #1 (DRY CREEK OIL & GAS)		7.0	COLUMBIA GA TRAN
8129090	501945	1611900000		108		LENA HALL #2 (DRY CREEK OIL & GAS)		7.0	COLUMBIA GA TRAN
8129079	501934	1607100000		108		WILLIAM BOYD (DRY CREEK #1)		27.0	COLUMBIA GA TRAN
-JACKS CREEK OIL & GAS CO				RECEIVED: 05/04/81 JA: KY					
8129080	501935	1607100000		108		W R HALL #1 (JACKS CREEK OIL & GAS•		4.0	COLUMBIA GA TRAN
8129081	501936	1607100000		108		W R HALL #2		4.0	COLUMBIA GA TRAN
8129082	501937	1607100000		108		W R HALL #5 (JACK CREEK OIL & GAS)		4.0	COLUMBIA GA TRAN
-THE WISER OIL COMPANY				RECEIVED: 05/04/81 JA: KY					
8129101	501960	1605100000		108		A DAVIDSON (RED BIRD) #2	CLAY COUNTY FIELD	6.6	WISER OIL C
8129113	501972	1605100000		108		ABEL BISHOP #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129075	501928	1605100000		108		BAM SPURLOCK #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129065	501910	1612100000		108		BLACK HEIRS #4 WELL LEASE #6629	KNOX COUNTY FIELD	7.4	WISER OIL C
8129105	501964	1605100000		108		CLARENCE COMBS #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129103	501962	1605100000		108		CRAWFORD HEIRS #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129104	501963	1605100000		108		CRAWFORD HEIRS #2 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129112	501971	1605100000		108		D BURNS #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129058	501912	1612100000		108		ELY JELLICO COAL #1 LEASE #6040	KNOX COUNTY FIELD	1.9	WISER OIL C
8129059	501913	1612100000		108		ELY JELLICO COAL #2 LEASE #6040	KNOX COUNTY FIELD	0.4	WISER OIL C
8129060	501914	1612100000		108		ELY JELLICO COAL #4 LEASE #6040	KNOX COUNTY FIELD	2.3	WISER OIL C

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129061	501915	1612100000		108		ELY JELLICO COAL #5 LEASE #6040	KNOX COUNTY FIELD	0.4	WISER OIL C
8129108	501967	1605100000		108		FELTNER & HYDEN #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129109	501968	1605100000		108		FORDSON COAL FLATWOODS #2	CLAY COUNTY FIELD	6.6	WISER OIL C
8129110	501969	1605100000		108		FORDSON COAL FLATWOODS #3	CLAY COUNTY FIELD	6.6	WISER OIL C
8129111	501970	1605100000		108		FORDSON COAL FLATWOODS #4	CLAY COUNTY FIELD	6.6	WISER OIL C
8129067	501920	1605100000		108		H B HENSLEY #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129068	501921	1605100000		108		H B HENSLEY #3 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129069	501922	1605100000		108		H B HENSLEY #4 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129070	501923	1605100000		108		H H HENSLEY #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129074	501927	1605100000		108		HARVE BOWLING #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129100	501959	1605100000		108		I DAVIDSON #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129057	501911	1612100000		108		J D WALKER #1 WELL LEASE #6874	KNOX COUNTY FIELD	6.5	WISER OIL C
8129107	501966	1605100000		108		JAMES DAVIDSON #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129076	501929	1605100000		108		JAMES DAVIS #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129071	501924	1605100000		108		JAMES HIGNITE #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129072	501925	1605100000		108		JAMES HIGNITE #2 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129062	501916	1612100000		108		JENNIS PURSITUL #1 WELL LEASE #6097	KNOX COUNTY FIELD	18.7	WISER OIL C
8129106	501965	1605100000		108		JOE BURNS #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129102	501961	1605100000		108		NANCY CRAFT #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129064	501918	1612100000		108		R E VIALL #4 LEASE #8074	CAMPBELL CHURCH FIELD	10.5	WISER OIL C
8129063	501917	1612100000		108		S C HOWARD #1 WELL LEASE #4845	KNOX COUNTY FIELD	15.8	WISER OIL C
8129056	501909	1612100000		108		TED CAMPBELL #1 WELL LEASE #6137	KNOX COUNTY FIELD	5.7	WISER OIL C
8129073	501926	1605100000		108		THEO SPURLOCK #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
8129114	501973	1605100000		108		TOM BAKER #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL C
-W W LINDSEY & W E ELLIOTT				RECEIVED: 05/04/81 JA: KY					
8129099	501954	1619500000		108		ELLA F FFOLLIOTT #1 (DUNLEARY)		19.0	COLUMBIA GA TRAN
-W W LINDSEY JR				RECEIVED: 05/04/81 JA: KY					
8129077	501932	1619500000		108		CHARLES SOWARDS ETAL WELL #1		11.0	COLUMBIA GA TRAN
8129091	501946	1611900000		108		CHESTER MCDANIELS WELL #1		6.0	COLUMBIA GA TRAN
8129097	501952	1611900000		108		CLARK-PRATT #1		3.0	COLUMBIA GA TRAN
8129098	501953	1611900000		108		CLARK-PRATT #2		3.0	COLUMBIA GA TRAN
8129092	501947	1611900000		108		CLYDE SMITH #1		11.0	COLUMBIA GA TRAN
8129094	501949	1611900000		108		POLLY B SMITH #2 (SMITH HEIRS #2)		1.0	COLUMBIA GA TRAN
8129095	501950	1611900000		108		POLLY B SMITH #3 (SMITH HEIRS #3)		1.0	COLUMBIA GA TRAN
8129096	501951	1611900000		108		POLLY B SMITH #4 (SMITH HEIRS #4)		1.0	COLUMBIA GA TRAN
8129093	501948	1611900000		108		POLLY SMITH #1 (SMITH HEIRS #1)		1.0	COLUMBIA GA TRAN
**********									
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
**********									
-APPALACHIAN EXPLORATION & DEVEL INC				RECEIVED: 05/07/81 JA: PA					
8129159	6830	3703920918		102-2		CHARLES IRWIN #1	FAIRFIELD	50.0	TENNESSEE G S PIP
8129161	6832	3703920898		102-2		EDWARD AND ELLA RUNG #1-S	FAIRFIELD	50.0	TENNESSEE G S PIP
8129155	6826	3703920758		102-2		FRANK AND HELEN BITENC #4	GREENWOOD	50.0	TENNESSEE G S PIP
8129156	6827	3703920760		102-2		FRANK AND HELEN BITENC #6	GREENWOOD	50.0	TENNESSEE G S PIP
8129163	6834	3703920727		102-2		HARRY ZIMMER #1	UNION	50.0	TENNESSEE G S PIP
8129162	6833	3703920964		102-2		HELEN TODD #1	FAIRFIELD	50.0	TENNESSEE G S PIP
8129160	6831	3703920855		102-2		JAMES D MUMFORD #2	FAIRFIELD	50.0	TENNESSEE G S PIP
8129158	6829	3703920869		102-2		RAYMOND DEISS #1	FAIRFIELD	50.0	TENNESSEE G S PIP
8129157	6828	3703920853		102-2		RICHARD DALTON-#1	FAIRFIELD	50.0	TENNESSEE G S PIP
-CABOT OIL & GAS CORP				RECEIVED: 05/07/81 JA: PA					
8129163	6834	3703920727		102-2		HARRY ZIMMER #1	UNICN	50.0	TENNESSEE G S PIP
8129162	6833	3703920964		102-2		HELEN TODD #1	FAIRFIELD	50.0	TENNESSEE G S PIP
-CASTLE GAS CO INC				RECEIVED: 05/07/81 JA: PA					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER	
8129180	6854	3706322279		108		M H HENRY #1 (C-143) IND-22279	YOUNG TWP	17.3	COLUMBIA GA	TRAN
8129183	6857	3706324362		108		R & P COAL(D C LEASURE) #3	WHITE TWP	15.6	COLUMBIA GA	TRAN
8129184	6858	3706323823		108		R & P COAL CO (FMLY D LEASURE) #2 *	RAYNE TOWNSHIP	15.6	COLUMBIA GA	TRAN
8129187	6861	3706324162		108		R & P COAL CO (FMLY G DICKIE) #1	CENTER TOWNSHIP	13.0	COLUMBIA GA	TRAN
8129186	6860	3706324161		108		R & P COAL CO (FMLY G DICKIE) #2	CENTER TOWNSHIP	13.0	COLUMBIA GA	TRAN
8129189	6863	3706324157		108		R & P COAL CO (FMLY J R CLARK) #1	CENTER TOWNSHIP	7.0	COLUMBIA GA	TRAN
8129188	6862	3706324200		108		R & P COAL CO (FMLY J R CLARK) #2	CENTER TOWNSHIP	7.3	COLUMBIA GA	TRAN
8129175	6849	3706324591		108		R & P COAL CO (FMLY J STITT) #1	CENTER TOWNSHIP	17.0	COLUMBIA GA	TRAN
8129176	6850	3706324592		108		R & P COAL CO (FMLY J STITT) #2	CENTER TOWNSHIP	17.0	COLUMBIA GA	TRAN
8129177	6851	3706324593		108		R & P COAL CO (FMLY J STITT) #3	CENTER TOWNSHIP	13.3	COLUMBIA GA	TRAN
8129178	6852	3706324594		108		R & P COAL CO (FMLY J STITT) #4	CENTER TOWNSHIP	17.0	COLUMBIA GA	TRAN
8129179	6853	3706324762		108		R & P COAL CO (FMLY J STITT) #5	CENTER TOWNSHIP	4.8	COLUMBIA GA	TRAN
8129185	6859	3706323910		108		R & P COAL CO (FMLY E EVANS) #2	WHITE TOWNSHIP	4.5	COLUMBIA GA	TRAN
8129182	6856	3706323821		108		R & P COAL CO D C LEASURE #2	RAYNE TOWNSHIP	5.6	COLUMBIA GA	TRAN
8129194	6868	3706324272		108		R&P COAL CO (FMLY J BONER #1)	CENTER TOWNSHIP	7.3	COLUMBIA GA	TRAN
8129193	6867	3706324273		108		R&P COAL CO (FMLY J BONER) #2	CENTER TOWNSHIP	7.3	COLUMBIA GA	TRAN
8129192	6866	3706324195		108		R&P COAL CO (FMLY J BRACKEN#1)	CENTER TOWNSHIP	5.0	COLUMBIA GA	TRAN
8129191	6865	3706324197		108		R&P COAL CO (J BRACKEN) #2	CENTER TOWNSHIP	7.3	COLUMBIA GA	TRAN
8129190	6864	3706324196		108		R&P COAL CO (J BRACKEN) #3	CENTER TOWNSHIP	5.0	COLUMBIA GA	TRAN
8129168	6842	3706323824		108		R&P COAL CO D C LEASURE #3	WHITE TOWNSHIP	15.6	COLUMBIA GA	TRAN
8129169	6843	3706324107		108		R&P COAL CO G A MCCLAIN #1	CENTER TOWNSHIP	5.3	COLUMBIA GA	TRAN
8129170	6844	3706324108		108		R&P COAL CO G A MCCLAIN #2	CENTER TWP	15.6	COLUMBIA GA	TRAN
8129171	6845	3706324111		108		R&P COAL CO G A MCCLAIN #3	CENTER TWP	5.7	COLUMBIA GA	TRAN
8129172	6846	3706324109		108		R&P COAL CO G A MCCLAIN #4	CENTER TWP	5.5	COLUMBIA GA	TRAN
8129173	6847	3706324110		108		R&P COAL CO G A MCCLAIN #5	CENTER TWP	15.6	COLUMBIA GA	TRAN
8129174	6848	3706324199		108		R&P COAL CO W RISINGER #1	CENTER TOWNSHIP	10.0	COLUMBIA GA	TRAN
-CENTER BAR GAS CO		RECEIVED: 05/07/81 JA: PA								
8129123	6717	3703920909		103		EARL HAMILTON #80-32	CONNEAUT	0.0	COLUMBIA GA	TRAN
8129124	6721	3703920910		103		GEORGE BARAN #80-34	CONNEAUT	0.0	COLUMBIA GA	TRAN
8129122	6715	3703920880		103		SERBIAN ORTHODOX #80-33	CONNEAUT	0.0	COLUMBIA GA	TRAN
-D L MCKEEVER		RECEIVED: 05/07/81 JA: PA								
8129164	6835	3712900000		108-SA		A EGLI FARM WELL #2964		3.2	T W PHILLIP	GAS
-DELTA DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129181	6855	3703321025		103		E E MOYER #1		0.0	CONSOLIDATE	GAS
-DORAN & ASSOCIATES INC		RECEIVED: 05/07/81 JA: PA								
8129120	5261	3706521765		108		A J DESTEFAN #1 K-L-162	UPPER DEVONIAN SANDS	20.0	CONSOLIDATE	GAS
8129137	6789	3706325750		103		H STOUT #4 K-A 62	UPPER DEVONIAN SANDS	30.0	CONSOLIDATE	GAS
8129167	6841	3703320955		103		W BILLOTTE #1 K-M-4	UPPER DEVONIAN SANDS	30.0	CONSOLIDATE	GAS
-ENERGY QUEST INC		RECEIVED: 05/07/81 JA: PA								
8129149	6815	3706325775		103		MURRAY C KNUPP #3	CLYMER	30.0	COLUMBIA GA	TRAN
8129145	6809	3706325939		103		RICHARD W OVERDORFF #2 (96/126 AC)	STRONGSTOWN	30.0	COLUMBIA GA	TRAN
8129148	6812	3706325794		103		WILLIAM C HOUSER JR 118 A #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129147	6811	3706325783		103		WILLIAM C HOUSER JR 118 A #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129146	6810	3706325886		103		WILLIAM C HOUSER JR 159 A #1	CLYMER	30.0	COLUMBIA GA	TRAN
-J & J ENTERPRISES INC		RECEIVED: 05/07/81 JA: PA								
8129138	6801	3703321032		102-2		W R HEVENER #1 (98A)	BURNSIDE	269.8	CONSOLIDATE	GAS
-KEYSTONE ENERGY RESOURCES		RECEIVED: 05/07/81 JA: PA								
8129201	6891	3706325869		103		BEDICK #1	KATHERINE BEDICK	47.4	T W PHILLIP	GAS
8129200	6890	3706325870		103		BEDICK #2	KATHERINE BEDICK	155.8	T W PHILLIP	GAS
8129199	6889	3706325871		103		BEDICK #3	KATHERINE BEDICK	109.5	T W PHILLIP	GAS
8129198	6888	3706325872		103		BEDICK #4	KATHERINE BEDICK	73.0	T W PHILLIP	GAS
8129154	6823	3706325689		103		BUTERBAUGH #2	BUTERBAUGH	41.7	COLUMBIA GA	TRAN
8129153	6822	3706325716		103		BUTERBAUGH #6	BUTERBAUGH	118.6	COLUMBIA GA	TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER	
8129152	6821	3706325713		103		BUTERBAUGH #8	BUTERBAUGH	41.7	COLUMBIA GA	TRAN
8129151	6820	3706325714		103		BUTERBAUGH #9	BUTERBAUGH	41.7	COLUMBIA GA	TRAN
8129150	6819	3706325715		103		BUTERBAUGH #10	BUTERBAUGH	41.7	COLUMBIA GA	TRAN
-KEYSTONE OIL & GAS CORP		RECEIVED: 05/07/81 JA: PA								
8129142	6806	3706325911		103		ROBERT L MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129143	6807	3706325912		103		ROBERT L MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129144	6808	3706325913		103		ROBERT L MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-KOPPERS COMPANY INC		RECEIVED: 05/07/81 JA: PA								
8129166	6840	3712900000		108-SA		A EGLI FARM WELL #2963		3.2	T W PHILLIP	GAS
-LEADER EXPLORATION CO		RECEIVED: 05/07/81 JA: PA								
8129140	6804	3706325914		103		ROBERT L MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129141	6805	3706325915		103		ROBERT L MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
-MARK RESOURCES INC		RECEIVED: 05/07/81 JA: PA								
8129139	6802	3703321033		102-2		W R HEVENER #2 (98A)	BURNSIDE	269.8	CONSOLIDATE	GAS
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129160	6831	3706324163		108		A EGLI FARM WELL #2961		3.2	T W PHILLIP	GAS
8129161	6832	3706324164		108		A EGLI FARM WELL #2962		3.2	T W PHILLIP	GAS
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129163	6834	3712900000		108-SA		A EGLI FARM WELL #2965		3.2	T W PHILLIP	GAS
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129162	6833	3712900000		108-SA		A EGLI FARM WELL #2966		3.2	T W PHILLIP	GAS
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129165	6836	3712900000		108-SA		A EGLI FARM WELL #2967		3.2	T W PHILLIP	GAS
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129159	6830	3706324165		108		A EGLI FARM WELL #2960		3.2	T W PHILLIP	GAS
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129155	6824	3706325688		103		MARY ANN MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129156	6825	3706325687		103		MARY ANN MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129157	6826	3706325686		103		MARY ANN MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
8129158	6827	3706325685		103		MARY ANN MCCLAIN #4	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129196	6878	3706325873		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129195	6877	3706325874		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129197	6879	3706325875		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129202	6892	3706325876		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129203	6893	3706325877		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129204	6894	3706325878		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129205	6895	3706325879		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129206	6896	3706325880		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129207	6897	3706325881		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129208	6898	3706325882		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129209	6899	3706325883		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129210	6900	3706325884		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129211	6901	3706325885		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129212	6902	3706325886		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129213	6903	3706325887		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129214	6904	3706325888		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129215	6905	3706325889		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129216	6906	3706325890		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129217	6907	3706325891		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129218	6908	3706325892		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129219	6909	3706325893		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129220	6910	3706325894		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129221	6911	3706325895		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129222	6912	3706325896		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129223	6913	3706325897		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129224	6914	3706325898		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129225	6915	3706325899		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129226	6916	3706325900		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129227	6917	3706325901		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129228	6918	3706325902		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129229	6919	3706325903		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129230	6920	3706325904		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129231	6921	3706325905		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129232	6922	3706325906		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129233	6923	3706325907		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129234	6924	3706325908		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129235	6925	3706325909		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129236	6926	3706325910		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129237	6927	3706325911		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129238	6928	3706325912		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129239	6929	3706325913		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129240	6930	3706325914		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129241	6931	3706325915		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129242	6932	3706325916		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129243	6933	3706325917		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129244	6934	3706325918		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129245	6935	3706325919		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129246	6936	3706325920		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129247	6937	3706325921		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129248	6938	3706325922		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129249	6939	3706325923		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129250	6940	3706325924		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129251	6941	3706325925		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129252	6942	3706325926		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129253	6943	3706325927		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129254	6944	3706325928		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129255	6945	3706325929		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129256	6946	3706325930		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129257	6947	3706325931		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129258	6948	3706325932		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129259	6949	3706325933		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129260	6950	3706325934		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129261	6951	3706325935		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129262	6952	3706325936		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129263	6953	3706325937		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129264	6954	3706325938		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129265	6955	3706325939		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129266	6956	3706325940		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129267	6957	3706325941		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129268	6958	3706325942		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129269	6959	3706325943		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129270	6960	3706325944		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129271	6961	3706325945		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129272	6962	3706325946		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129273	6963	3706325947		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129274	6964	3706325948		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129275	6965	3706325949		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129276	6966	3706325950		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129277	6967	3706325951		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129278	6968	3706325952		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129279	6969	3706325953		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129280	6970	3706325954		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129281	6971	3706325955		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129282	6972	3706325956		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129283	6973	3706325957		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129284	6974	3706325958		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129285	6975	3706325959		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129286	6976	3706325960		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129287	6977	3706325961		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129288	6978	3706325962		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129289	6979	3706325963		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129290	6980	3706325964		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129291	6981	3706325965		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129292	6982	3706325966		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129293	6983	3706325967		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129294	6984	3706325968		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129295	6985	3706325969		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129296	6986	3706325970		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129297	6987	3706325971		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129298	6988	3706325972		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129299	6989	3706325973		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129300	6990	3706325974		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129301	6991	3706325975		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129302	6992	3706325976		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129303	6993	3706325977		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129304	6994	3706325978		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129305	6995	3706325979		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129306	6996	3706325980		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129307	6997	3706325981		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129308	6998	3706325982		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129309	6999	3706325983		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129310	7000	3706325984		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129311	7001	3706325985		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129312	7002	3706325986		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129313	7003	3706325987		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129314	7004	3706325988		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129315	7005	3706325989		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129316	7006	3706325990		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129317	7007	3706325991		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129318	7008	3706325992		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129319	7009	3706325993		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129320	7010	3706325994		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129321	7011	3706325995		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCCLAIN DRILLING CO		RECEIVED: 05/07/81 JA: PA								
8129322	7012	3706325996		103		MCCLAIN #1	CLYMER	30.0	COLUMBIA GA	TRAN
8129323	7013	3706325997		103		MCCLAIN #2	CLYMER	30.0	COLUMBIA GA	TRAN
8129324	7014	3706325998		103		MCCLAIN #3	CLYMER	30.0	COLUMBIA GA	TRAN
-MCC

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME
8129152	6821	3706325717		103		BUTERBAUGH #7
8129165	6837	3706325429		103		CAMPBELL #1
8129166	6838	3706322011		103		VROBEL #2
				RECEIVED: 05/07/81 JA: PA		
-LAKE ERIE #1						
8129131	6741	3704921156		103		CARL KRAUTTER #80-21
8129126	6727	3704921074		103		HELEN LECHEFSKY #80-13
8129125	6725	3704921072		103		ROBERT BERRY #80-6
8129129	6737	3704921071		103		ROBERT HERMAN #80-4
8129130	6739	3704921172		103		RODNEY BRANDON #80-24
8129128	6735	3704921081		103		S ROMANOWSKI #80-12
8129127	6729	3704921086		103		S ROMANOWSKI #80-15
8129132	6743	3704921080		103		STANLEY HUDY #80-7
				RECEIVED: 05/07/81 JA: PA		
-MERIDIAN EXPLORATION CORP						
8129205	6896	3704921062		102-2		BILLINGS #1-529
8129204	6894	3704921070		102-2		E STAFFORD #1-537
8129203	6895	3704921065		102-2		J DAVIS #1-532
8129197	6877	3704921063		102-2		J MCCREARY #1-530
8129195	6870	3704921066		102-2		J SHOWMAN #1-533
				RECEIVED: 05/07/81 JA: PA		
-MID-EAST OIL CO						
8129202	6893	3706325386		103		GLENN E KING WELL #1
				RECEIVED: 05/07/81 JA: PA		
-PENN STATE JOINT VENTURE						
8129133	6745	3705321830		108		K1413
8129134	6751	3705322136		108		K1420
8129135	6752	3785322146		108		K1430
8129136	6753	3705322148		108		K1432
				RECEIVED: 05/07/81 JA: PA		
-RUSSELL & LINDA CONNELLEY						
8129196	6872	3712500000		108		WILSON FARM
				RECEIVED: 05/07/81 JA: PA		
-US ENERGY DEVELOPMENT CORP						
8129121	5928	3712328184		102-2		STROUP #1
				RECEIVED: 05/07/81 JA: PA		
-VICTORY DEVELOPMENT CO						
8129141	6805	3703321033		102-2		BRITTON-GRIMMINGER #1
8129142	6806	3703321031		102-2		BRITTON-GRIMMINGER #2
8129144	6808	3703321034		102-2		BRITTON-GRIMMINGER #3
8129143	6807	3703321035		102-2		BRITTON-GRIMMINGER #4
8129139	6803	3706325803		102-2		OCTA NUPP #1
8129140	6804	3706325802		102-2		OCTA NUPP #2
				RECEIVED: 05/07/81 JA: PA		
-WAINOCO OIL & GAS CO						
8129151	6819	3703920591		102-2		BEN J MILLER NO 1 (W-24)
8129150	6816	3703920784		102-2		ROBERT L DALLAS NO 1 (W-80)

FIELD NAME	PROD	PURCHASER	
BUTERBAUGH	118.6	COLUMBIA GA	TRAN
WALTER T CAMPBELL	32.5	T W PHILLIP	GAS
MARY & STANLEY VROBEL	31.9	CONSOLIDATE	GAS
CONNEAUT	0.0	COLUMBIA GA	TRAN
CONNEAUT	0.0	COLUMBIA GA	TRAN
CONNEAUT	0.0	COLUMBIA GA	TRAN
CONNEAUT	0.0	COLUMBIA GA	TRAN
CONNEAUT	0.0	COLUMBIA GA	TRAN
CONNEAUT	0.0	COLUMBIA GA	TRAN
CONNEAUT	0.0	COLUMBIA GA	TRAN
CONNEAUT	0.0	COLUMBIA GA	TRAN
EDINBORO NORTH	30.0	NATIONAL FU L	GAS
EDINBORO NORTH	30.0	NATIONAL FU L	GAS
EDINBORO NORTH	30.0	NATIONAL FU L	GAS
EDINBORO NORTH	30.0	NATIONAL FU L	GAS
EDINBORO NORTH	30.0	NATIONAL FU L	GAS
ROCHESTER MILLS	45.0	T W PHILLIP	GAS
QUEEN SAND GLADE FORMATI	4.0	QUAKER STAT	OIL
QUEEN SAND GLADE FORMATI	4.0	QUAKER STAT	OIL
QUEEN SAND GLADE FORMATI	4.0	QUAKER STAT	OIL
QUEEN SAND GLADE FORMATI	4.0	QUAKER STAT	OIL
WILSON FARM	3.6	COLUMBIA GA	TRAN
COLUMBUS	7.0	NATIONAL FU L	GAS
BURNSIDE	0.0	COLUMBIA GA	TRAN
BURNSIDE	0.0	COLUMBIA GA	TRAN
BURNSIDE	0.0	COLUMBIA GA	TRAN
BURNSIDE	0.0	COLUMBIA GA	TRAN
MONTGOMERY	0.0	COLUMBIA GA	TRAN
MONTGOMERY	0.0	COLUMBIA GA	TRAN
ATHENS	30.0	COLUMBIA GA	TRAN
ATHENS	80.0	COLUMBIA GA	TRAN

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before June 17, 1981.

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–10330 Filed 6–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Volume 432]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 28, 1981.

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES								
-BERMAN J SHAFER				RECEIVED: 05/01/81 JA: OH				
8129000		3410322541		103	MEDINA SOD FARMS INC #2	WESTFIELD	25.0	COLUMBIA GAS TRAN
8129001		3410322540		103	MEDINA SOD FARMS INC #3	WESTFIELD	25.0	COLUMBIA GAS TRAN
-CARL M POSTON				RECEIVED: 05/01/81 JA: OH				
8128947		3407322463		103	RUTHERFORD HEIRS NO 4	WARD	50.0	
-DARREL L SEIBERT				RECEIVED: 05/01/81 JA: OH				
8128999		3410322142		103	CHESTNUT MEADOWS DEVELOP #2A	WADSWORTH	2.0	EAST OHIO GAS CO
8128999		3410322142		107-TF	CHESTNUT MEADOWS DEVELOP #2A	WADSWORTH	2.0	EAST OHIO GAS CO
8128998		3415320782		103	SEIBERT #4	STOW	6.0	COLUMBIA GAS OF O
8128998		3415320782		107-TF	SEIBERT #4	STOW	6.0	COLUMBIA GAS OF O
-DAVID SHAFER OIL PRODUCERS INC				RECEIVED: 05/01/81 JA: OH				
8129002		3410322503		103	A O STANLEY & ESTHER ALLARD #1	GRANGER	5.0	COLUMBIA GAS TRAN
-ESTATE OF BARTON A HOLL				RECEIVED: 05/01/81 JA: OH				
8128755		3407322236		103	JERRY J CLARK #2	STARR	36.0	COLUMBIA GAS
-GENERAL ELECTRIC CO				RECEIVED: 05/01/81 JA: OH				
8128753		3413322258		103	SAVIERS-KNAPP #2	RAVENNA	20.0	EAST OHIO GAS CO
-GIANT PETROLEUM CORPORATION				RECEIVED: 05/01/81 JA: OH				
8128754		3400721335		103	A MILLER #5	ORWELL	20.0	EAST OHIO GAS CO
-H I SMITH OIL & GAS INC				RECEIVED: 05/01/81 JA: OH				
8129005		3416922157		108	H VARNER #1		18.0	POMINEX INC
-HOPCO RESOURCES INC				RECEIVED: 05/01/81 JA: OH				
8128756		3411925498		103	MUSKINGUM VALLEY BEAGLE CLUB #1	LICKING	12.0	COLUMBIA GAS TRAN
8128757		3403124178		103	RAYMOND & MARGARET PEW #2	KEENE	12.0	COLUMBIA GAS TRAN
8128758		3412724973		103	ROY WHITED #1	MADISON	12.0	
8128759		3411925131		103	WAYNE GRAHAM #81	JACKSON	12.0	NATIONAL GAS & OI
-HOPEWELL OIL & GAS DEV CO				RECEIVED: 05/01/81 JA: OH				
8128761		3411522265		103	EDNA STONEBURNER #1	YORK	12.0	NATIONAL GAS & OI
8128760		3411522219		103	WILLIAM SIPOS #1	YORK	12.0	NATIONAL GAS & OI
-HORTIN & HUFFMAN				RECEIVED: 05/01/81 JA: OH				
8128763A		3412724512		103	JOHN K & MARY E SCHMELZER #3	JUNCTION CITY	10.0	NATIONAL GAS & OI
8128763F		3412724512	D	107-TF	JOHN K & MARY E SCHMELZER #3	JUNCTION CITY	10.0	NATIONAL GAS & OI
8128762		3409921288		103	KIRKBRIDE #1	BERLIN	2.0	EAST OHIO GAS
8128762		3409921288		107-TF	KIRKBRIDE #1	BERLIN	2.0	EAST OHIO GAS
-INTEGRATED PETROLEUM COMPANY INC				RECEIVED: 05/01/81 JA: OH				
8128764		3413321666		103	PORTAGE BEAGLE CLUB #1	DEERFIELD	200.0	AMERICAN ENERGY S
8128766		3413322209		103	ST JOSEPH UNIT #1	MANTUA	50.0	AMERICAN ENERGY S
8128765		3413322196		103	ST JOSEPH UNIT #3	MANTUA	60.0	AMERICAN ENERGY S
-IRVIN PRODUCING COMPANY				RECEIVED: 05/01/81 JA: OH				
8128768		3411925455		103	ANTHONY LANDERS #1	SPRINGFIELD	10.0	NATIONAL GAS & OI
8128768		3411925455		107-TF	ANTHONY LANDERS #1	SPRINGFIELD	10.0	NATIONAL GAS & OI
8128769		3411925453		103	ANTHONY LANDERS #2	SPRINGFIELD	10.0	NATIONAL GAS & OI
8128769		3411925453		107-TF	ANTHONY LANDERS #2	SPRINGFIELD	10.0	NATIONAL GAS & OI

UMI 1 8 NMC 50 1 \ 6 4 V

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER	
8128767		3411924218	103	MARY & RICHARD LEASURE #1	SPRINGFIELD	10.0	NATIONAL GA	& OI
8128767		3411924218	107-TF	MARY & RICHARD LEASURE #1	SPRINGFIELD	10.0	NATIONAL GA	& OI
8128770		3411925424	103	MCHUGH #2	SPRINGFIELD	10.0	NATIONAL GA	& OI
8128770		3411925424	107-TF	MCHUGH #2	SPRINGFIELD	10.0	NATIONAL GA	& OI
8128771		3411925454	103	WELCOME HAYES #1	WAYNE	10.0	COLUMBIA GA	TRAN
8128771		3411925454	107-TF	WELCOME HAYES #1	WAYNE	10.0	COLUMBIA GA	TRAN
-JEFFERSON OIL & GAS CO		RECEIVED: 05/01/81 JA: OH						
8128772		3403124082	103	SMITH #1				
8128772		3403124082	107-TF	SMITH #1	CLARK POOL	30.0	COLUMBIA GA	TRAN
-JOHN C MASON		RECEIVED: 05/01/81 JA: OH			CLARK POOL	30.0	COLUMBIA GA	TRAN
8128826		3407522514	107-TF	#1 ANDY & MARY ERB				
8128827		3407522516	107-TF	ANDY & MARY ERB #3	MECHANIC	25.0	COLUMBIA GA	TRAN
8128825		3407522703	107-TF	ANDY & MARY ERB #4	MECHANIC	24.0	COLUMBIA GA	TRAN
8128821		3407522702	107-TF	ANDY & MARY ERB #5	MECHANIC	30.0	COLUMBIA GA	TRAN
8128832		3407522728	107-TF	CLINTON	MECHANIC	30.0	COLUMBIA GA	TRAN
8128824		3407522517	107-TF	GRACE MAXWELL #2	BERLIN	18.0	COLUMBIA GA	TRAN
8128831		3407522729	107-TF	JOHN JONES #1	MECHANIC	25.0	COLUMBIA GA	TRAN
8128820		3407522652	107-TF	JONAS M & DORA SCHLABACH #1	HARDY	18.0	COLUMBIA GA	TRAN
8128822		3407522512	107-TF	LESTER ERB #1	HARDY	20.0	COLUMBIA GA	TRAN
8128823		3407522511	107-TF	LESTER ERB #2	MECHANIC	20.0	COLUMBIA GA	TRAN
8128828		3407522671	107-TF	MERLE HOOD 2A	MECHANIC	18.0	COLUMBIA GA	TRAN
8128829		3407522232	107-TF	PAUL MILLER #2	HARDY	15.0	COLUMBIA GA	TRAN
8128833		3403122308	108	RALPH & MARIE BORDEN #1	HARDY	15.0	COLUMBIA GA	TRAN
8128830		3407522513	107-TF	VENUS ZUERCHER #1		15.0	COLUMBIA GA	TRAN
-JOHN G LEWIS		RECEIVED: 05/01/81 JA: OH			MECHANIC	25.0	COLUMBIA GA	TRAN
8128812		3411925525	103	#2 JOHN G LEWIS				
-K S T OIL & GAS CO INC		RECEIVED: 05/01/81 JA: OH			JACKSON	6.0	NATIONAL GA	& OI
8128773		3415320868	103	QUINE #1				
-L & M PETROLEUM INC		RECEIVED: 05/01/81 JA: OH			NORTHHAMPTON	120.0		
8128779		3409920424	107-RT	BATZLI-MILLER #3				
8128788		3412724842	103	BLAIRE SHARSHAL COAL CO #1	GOSHEN	5.5	DAMASCUS GA	CO
8128788		3412724842	107-TF	BLAIRE SHARSHAL COAL CO #1	SALT LICK	13.0	COLUMBIA GA	TRAN
8128791		3412724308	103	CHARLES SODE #2	SALT LICK	13.0	COLUMBIA GA	TRAN
8128791		3412724308	107-TF	CHARLES SODE #2	MADISON	8.0	NEWZANE GAS CO	
8128792		3412724309	103	CHARLES SODE #3	MADISON	8.0	NEWZANE GAS CO	
8128792		3412724309	107-TF	CHARLES SODE #3	MADISON	8.0	NEWZANE GAS CO	
8128782		3409920414	107-RT	FREEMAN #1	MADISON	8.0	NEWZANE GAS CO	
8128783		3409920413	107-RT	FREEMAN #2	GOSHEN	5.5	DAMASCUS GA	CO
8128784		3409920442	107-RT	HOFFMAN #1	GOSHEN	5.5	DAMASCUS GA	CO
8128777		3409920443	107-RT	HOFFMAN #2	GOSHEN	5.5	DAMASCUS GA	CO
8128789		3412724882	103	LEWIS/JENKINS #1	GOSHEN	5.5	DAMASCUS GA	CO
8128789		3412724882	107-TF	LEWIS/JENKINS #1	SALT LICK	10.0	COLUMBIA GA	TRAN
8128776		3409920386	107-RT	PHILLIPS #1	SALT LICK	10.0	COLUMBIA GA	TRAN
8128775		3409920417	107-RT	PHILLIPS UNIT #2	GOSHEN	5.5	DAMASCUS GA	CO
8128774		3409920418	107-RT	PHILLIPS UNIT #3-A	GOSHEN	5.5	DAMASCUS GA	CO
8128785		3409920415	107-RT	PHILLIPS UNIT #4	GOSHEN	5.5	DAMASCUS GA	CO
8128786		3409920387	107-RT	RICHARDS #1	GOSHEN	5.5	DAMASCUS GA	CO
8128778		3409920408	107-RT	RICHARDS #2	GOSHEN	5.5	DAMASCUS GA	CO
8128790		3412723881	103	VAN ATTA #2	PIKE	5.5	FORAKER GAS CO IN	
8128790		3412723881	107-TF	VAN ATTA #2	PIKE	5.5	FORAKER GAS CO IN	
8128781		3409920453	107-RT	VON TUCHLINSKI #1	GOSHEN	5.5	DAMASCUS GA	CO
8128780		3409920473	107-RT	VON TUCHLINSKI #4	GOSHEN	5.5	DAMASCUS GA	CO
8128787		3412724540	103	YOST #2	READING	7.3	COLUMBIA GA	TRAN
8128787		3412724540	107-TF	YOST #2	READING	7.3	COLUMBIA GA	TRAN

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER	
8128793		3412724309	103	CHARLES SODE #3	MADISON	8.0	NEWZANE GAS CO	
8128793		3412724309	107-TF	CHARLES SODE #3	MADISON	8.0	NEWZANE GAS CO	
8128794		3412724308	103	CHARLES SODE #2	MADISON	8.0	NEWZANE GAS CO	
8128794		3412724308	107-TF	CHARLES SODE #2	MADISON	8.0	NEWZANE GAS CO	
8128795		3412724842	103	BLAIRE SHARSHAL COAL CO #1	GOSHEN	5.5	DAMASCUS GA	CO
8128795		3412724842	107-TF	BLAIRE SHARSHAL COAL CO #1	GOSHEN	5.5	DAMASCUS GA	CO
8128796		3409920424	107-RT	BATZLI-MILLER #3	NORTHHAMPTON	120.0		
8128797		3409920386	107-RT	PHILLIPS #1	SALT LICK	10.0	COLUMBIA GA	TRAN
8128798		3409920417	107-RT	PHILLIPS UNIT #2	SALT LICK	10.0	COLUMBIA GA	TRAN
8128799		3409920418	107-RT	PHILLIPS UNIT #3-A	GOSHEN	5.5	DAMASCUS GA	CO
8128800		3409920415	107-RT	PHILLIPS UNIT #4	GOSHEN	5.5	DAMASCUS GA	CO
8128801		3409920387	107-RT	RICHARDS #1	GOSHEN	5.5	DAMASCUS GA	CO
8128802		3409920408	107-RT	RICHARDS #2	GOSHEN	5.5	DAMASCUS GA	CO
8128803		3412723881	103	VAN ATTA #2	PIKE	5.5	FORAKER GAS CO IN	
8128803		3412723881	107-TF	VAN ATTA #2	PIKE	5.5	FORAKER GAS CO IN	
8128804		3409920453	107-RT	VON TUCHLINSKI #1	GOSHEN	5.5	DAMASCUS GA	CO
8128805		3409920473	107-RT	VON TUCHLINSKI #4	GOSHEN	5.5	DAMASCUS GA	CO
8128806		3412724540	103	YOST #2	READING	7.3	COLUMBIA GA	TRAN
8128806		3412724540	107-TF	YOST #2	READING	7.3	COLUMBIA GA	TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-L & M PETROLEUM INC		RECEIVED: 05/01/81 JA: CH							
8128796		3412724621			103	CLAYCRAFT #1	SALT LICK	18.3	COLUMBIA GA TRAN
8128796		3412724621			107-TF	CLAYCRAFT #1	SALT LICK	18.3	COLUMBIA GA TRAN
8128795		3412724667			103	CLAYCRAFT #5	SALT LICK	10.8	COLUMBIA GA TRAN
8128795		3412724667			107-TF	CLAYCRAFT #5	SALT LICK	10.8	COLUMBIA GA TRAN
8128794		3412724766			103	CLAYCRAFT #7	SALT LICK	18.3	COLUMBIA GA TRAN
8128794		3412724766			107-TF	CLAYCRAFT #7	SALT LICK	18.3	COLUMBIA GA TRAN
8128801		3412724310			103	DAVID LEWIS #1	CLAYTON	5.5	FORAKER GAS CO IN
8128801		3412724310			107-TF	DAVID LEWIS #1	CLAYTON	5.5	FORAKER GAS CO IN
8128802		3412724629			103	ENTERPRISE/LEWIS #1	CLAYTON	3.0	FORAKER GAS CO IN
8128802		3412724629			107-TF	ENTERPRISE/LEWIS #1	CLAYTON	3.0	FORAKER GAS CO IN
8128799		3412724763			103	F L A P S #2	CLAYTON	7.3	FORAKER GAS CO IN
8128799		3412724763			107-TF	F L A P S #2	CLAYTON	7.3	FORAKER GAS CO IN
8128800		3412724898			103	FORAKER/KEINER #1	CLAYTON	8.0	FORAKER GAS CO IN
8128800		3412724898			107-TF	FORAKER/KEINER #1	CLAYTON	8.0	FORAKER GAS CO IN
8128793		3412724693			103	GUY MILLIS #2	PLEASANTS	18.3	COLUMBIA GA TRAN
8128793		3412724693			107-TF	GUY MILLIS #2	PLEASANTS	18.3	COLUMBIA GA TRAN
8128798		3412724828			103	LEWIS/PEABODY/SIMMONS #1	CLAYTON	6.0	FORAKER GAS CO IN
8128798		3412724828			107-TF	LEWIS/PEABODY/SIMMONS #1	CLAYTON	6.0	FORAKER GAS CO IN
8128804		3412724687			103	MARIE SNYDER #3	CLAYTON	7.0	FORAKER GAS CO IN
8128804		3412724687			107-TF	MARIE SNYDER #3	CLAYTON	7.0	FORAKER GAS CO IN
8128803		3412724851			103	NEW LEXINGTON SCH BD MASTERSON #1	PIKE	7.5	FORAKER GAS CO IN
8128803		3412724851			107-TF	NEW LEXINGTON SCH BD MASTERSON #1	PIKE	7.5	FORAKER GAS CO IN
8128797		3412724341			103	YOST #1	READING	7.3	COLUMBIA GA TRAN
8128797		3412724341			107-RT	YOST #1	READING	7.3	COLUMBIA GA TRAN
-LANZER OIL CO		RECEIVED: 05/01/81 JA: CH							
8128808		3402920821			103	MARSHALL-BRUTTO #1	KNOX	28.0	
8128808		3402920821			107-TF	MARSHALL-BRUTTO #1	KNOX	28.0	
-LEADER EQUITIES INC		RECEIVED: 05/01/81 JA: CH							
8128809		3411521667			103	DELMAR & MABEL GLENN #1	MEIGSVILLE	15.0	
8128809		3411521667			107-TF	DELMAR & MABEL GLENN #1	MEIGSVILLE	15.0	
8128810		3411521692			103	EVA DOTY #1	MEIGSVILLE	15.0	
8128810		3411521692			107-TF	EVA DOTY #1	MEIGSVILLE	15.0	
8128811		3411521982			103	WILLIAM C HARMAN #1	MEIGSVILLE	15.0	
8128811		3411521982			107-TF	WILLIAM C HARMAN #1	MEIGSVILLE	15.0	
-LUDCO INC		RECEIVED: 05/01/81 JA: CH							
8128813		3408322780			103	CRUSE #2	MILLWOOD	0.0	
-MB OPERATING CO INC		RECEIVED: 05/01/81 JA: CH							
8128815		3415723480			103	A & M MILLER #1	WAYNE	36.5	COLUMBIA GA TRAN
8128815		3415723480			107-TF	A & M MILLER #1	WAYNE	36.5	COLUMBIA GA TRAN
8128819		3415123173			103	P & T GUY #1	SUGAR CREEK	32.9	COLUMBIA GA TRAN
8128819		3415123173			107-TF	P & T GUY #1	SUGAR CREEK	32.9	COLUMBIA GA TRAN
8128817		3415123151			103	O HARTLINE #1	SUGAR CREEK	54.8	COLUMBIA GA TRAN
8128817		3415123151			107-TF	O HARTLINE #1	SUGAR CREEK	54.8	COLUMBIA GA TRAN
8128814		3415723543			103	HERSHBERGER #1	WAYNE	63.9	COLUMBIA GA TRAN
8128814		3415723543			107-TF	HERSHBERGER #1	WAYNE	63.9	COLUMBIA GA TRAN
8128816A		3415123379			103	M W C D #9	PIKE	36.5	COLUMBIA GA TRAN
8128816B		3415123379	D		107-TF	M W C D #9	PIKE	36.5	COLUMBIA GA TRAN
8128818A		3415123371			103	SLUTZ UNIT #1	BETHLEHEM	27.4	COLUMBIA GA TRAN
8128818B		3415123371	D		107-TF	SLUTZ UNIT #1	BETHLEHEM	27.4	COLUMBIA GA TRAN
-MILLER OIL & GAS CO		RECEIVED: 05/01/81 JA: CH							
8128834		3403124164			103	EPPLEY #1	CLARK	10.0	COLUMBIA GA TRAN
8128834		3403124164			107-TF	EPPLEY #1	CLARK	10.0	COLUMBIA GA TRAN

VOLUME 432 PAGE 004

JD NO	JA UNT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER	
-NEW FRONTIER EXPLORATION INC				RECEIVED: 05/01/81 JA: OH						
8128838		3415123374		103		BOSLER-SCHONDEL UNIT #1	OSNABURG	30.0	BARTLO OIL	GAS
8128838		3415123374		107	TF	BOSLER-SCHONDEL UNIT #1	OSNABURG	30.0	BARTLO OIL	GAS
8128844		3415123193		103		BRUCKNER-CRUM UNIT #1	NIMISHILLEN	32.0	BARTLO OIL	GAS
8128844		3415123193		107	TF	BRUCKNER-CRUM UNIT #1	NIMISHILLEN	32.0	BARTLO OIL	GAS
8128851		3415123183		103		CLARENCE GEORGE #1		28.0	BARTLO OIL	GAS
8128851		3415123183		107	TF	CLARENCE GEORGE #1		28.0	BARTLO OIL	GAS
8128850		3415123184		103		CLARENCE GEORGE #2	OSNABURG	26.0	BARTLO OIL	GAS
8128850		3415123184		107	TF	CLARENCE GEORGE #2	OSNABURG	26.0	BARTLO OIL	GAS
8128853		3415123189		103		DONALD GIVENS #1	OSNABURG	30.0	BARTLO OIL	GAS
8128853		3415123189		107	TF	DONALD GIVENS #1	OSNABURG	30.0	BARTLO OIL	GAS
8128845		3415123376		103		DUNN-PERO UNIT #1	OSNABURG	30.0	BARTLO OIL	GAS
8128845		3415123376		107	TF	DUNN-PERO UNIT #1	OSNABURG	30.0	BARTLO OIL	GAS
8128852		3415123370		103		FRED TABACCHI #1	NIMISHILLEN	22.0	BARTLO OIL	GAS
8128852		3415123370		107	TF	FRED TABACCHI #1	NIMISHILLEN	22.0	BARTLO OIL	GAS
8128839		3415123368		103		HARVEY BOSLER #1	OSNABURG	30.0	BARTLO OIL	GAS
8128839		3415123368		107	TF	HARVEY BOSLER #1	OSNABURG	30.0	BARTLO OIL	GAS
8128847A		3415123123		103		HARVEY CREIGHTON #1	OSNABURG	24.0	BARTLO OIL	GAS
8128847B		3415123123	D	107	TF	HARVEY CREIGHTON #1	OSNABURG	24.0	BARTLO OIL	GAS
8128840		3415122964		103		HENNING-KIKO UNIT #2	OSNABURG	24.0	BARTLO OIL	GAS
8128840		3415122964		107	TF	HENNING-KIKO UNIT #2	OSNABURG	24.0	BARTLO OIL	GAS
8128849		3415122992		103		HENNING-KIKO UNIT #3	OSNABURG	18.0	BARTLO OIL	GAS
8128849		3415122992		107	TF	HENNING-KIKO UNIT #3	OSNABURG	18.0	BARTLO OIL	GAS
8128836		3415122941		103		HERBERT KIKO #1	OSNABURG	25.0	BARTLO OIL	GAS
8128836		3415122941		107	TF	HERBERT KIKO #1	OSNABURG	25.0	BARTLO OIL	GAS
8128837		3415123357		103		KARL SCHONDEL #1	OSNABURG	30.0	BARTLO OIL	GAS
8128837		3415123357		107	TF	KARL SCHONDEL #1	OSNABURG	30.0	BARTLO OIL	GAS
8128848		3415123356		103		KARL SCHONDEL #2	OSNABURG	30.0	BARTLO OIL	GAS
8128848		3415123356		107	TF	KARL SCHONDEL #2	OSNABURG	30.0	BARTLO OIL	GAS
8128854		3415123192		103		PYLE-SWIFT UNIT #1	WASHINGTON	30.0	COLUMBIA GA	TRAN
8128854		3415123192		107	TF	PYLE-SWIFT UNIT #1	WASHINGTON	30.0	COLUMBIA GA	TRAN
8128841		3415123191		103		ROBERT PERO UNIT #1	OSNABURG	32.0	BARTLO OIL	GAS
8128841		3415123191		107	TF	ROBERT PERO UNIT #1	OSNABURG	32.0	BARTLO OIL	GAS
8128842		3415123190		103		ROBERT PERO UNIT #2	OSNABURG	32.0	BARTLO OIL	GAS
8128842		3415123190		107	TF	ROBERT PERO UNIT #2	OSNABURG	32.0	BARTLO OIL	GAS
8128843		3415123263		103		ROBERT PERO UNIT #3	OSNABURG	28.0	BARTLO OIL	GAS
8128843		3415123263		107	TF	ROBERT PERO UNIT #3	OSNABURG	28.0	BARTLO OIL	GAS
8128846		3415123264		103		ROBERT PERO UNIT #4	OSNABURG	32.0	BARTLO OIL	GAS
8128846		3415123264		107	TF	ROBERT PERO UNIT #4	OSNABURG	32.0	BARTLO OIL	GAS
-NORTHEASTERN ENERGY				RECEIVED: 05/01/81 JA: OH						
8128857		3410322129		103		COOKRO WELL #1	WADSWORTH	21.0	EAST OHIO G S CO	
8128857		3410322129		107	TF	COOKRO WELL #1	WADSWORTH	21.0	EAST OHIO G S CO	
8128855		3410322227		103		GRAFF WELL #2	WADSWORTH	21.0	EAST OHIO G S CO	
8128855		3410322227		107	TF	GRAFF WELL #2	WADSWORTH	21.0	EAST OHIO G S CO	
8128856		3410322095		103		LONG WELL #2	WADSWORTH	21.0	EAST OHIO G S CO	
8128856		3410322095		107	TF	LONG WELL #2	WADSWORTH	21.0	EAST OHIO G S CO	
8128858		3410322130		103		STONE WELL #9	WADSWORTH	21.0	EAST OHIO G S CO	
8128858		3410322130		107	TF	STONE WELL #9	WADSWORTH	21.0	EAST OHIO G S CO	
-OHIO PARTNERS OIL CO				RECEIVED: 05/01/81 JA: OH						
8128859		3400921959		103		BLACK DIAMOND COAL #1 79-A	BERA	20.0	TEXAS EASTE N TRA	
8128859		3400921959		107	RT	BLACK DIAMOND COAL #1 79-A	BERA	20.0	TEXAS EASTE N TRA	
8128860		3411521685		103		MORGAN CO AIRPORT #1	MEIGSVILLE	100.0	COLUMBIA GA	TRAN
8128860		3411521685		107	TF	MORGAN CO AIRPORT #1	MEIGSVILLE	100.0	COLUMBIA GA	TRAN

VOLUME 432 PAGE 005

JD NO	JA UNT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER	
8128861		3411521686		103		MORGAN CO AIRPORT #2	MEIGSVILLE	100.0	COLUMBIA GA	TRAN
8128861		3411521686		107	TF	MORGAN CO AIRPORT #2	MEIGSVILLE	100.0	COLUMBIA GA	TRAN
-OHIO VALLEY ENERGY SYSTEMS CORP				RECEIVED: 05/01/81 JA: OH						
8128862		3415123371		103		BOSLER-SCHONDEL UNIT #1	OSNABURG	30.0	BARTLO OIL	GAS
8128862		3415123371		107	TF	BOSLER-SCHONDEL UNIT #1	OSNABURG	30.0	BARTLO OIL	GAS
8128863		3415123194		103		BRUCKNER-CRUM UNIT #1	NIMISHILLEN	32.0	BARTLO OIL	GAS
8128863		3415123194		107	TF	BRUCKNER-CRUM UNIT #1	NIMISHILLEN	32.0	BARTLO OIL	GAS
8128870		3415123182		103		CLARENCE GEORGE #1		28.0	BARTLO OIL	GAS
8128870		3415123182		107	TF	CLARENCE GEORGE #1		28.0	BARTLO OIL	GAS
8128869		3415123185		103		CLARENCE GEORGE #2	OSNABURG	26.0	BARTLO OIL	GAS
8128869		3415123185		107	TF	CLARENCE GEORGE #2	OSNABURG	26.0	BARTLO OIL	GAS
8128872		3415123188		103		DONALD GIVENS #1	OSNABURG	30.0	BARTLO OIL	GAS
8128872		3415123188		107	TF	DONALD GIVENS #1	OSNABURG	30.0	BARTLO OIL	GAS
8128864		3415123377		103		DUNN-PERO UNIT #1	OSNABURG	30.0	BARTLO OIL	GAS
8128864		3415123377		107	TF	DUNN-PERO UNIT #1	OSNABURG	30.0	BARTLO OIL	GAS
8128871		3415123369		103		FRED TABACCHI #1	NIMISHILLEN	22.0	BARTLO OIL	GAS
8128871		3415123369		107	TF	FRED TABACCHI #1	NIMISHILLEN	22.0	BARTLO OIL	GAS
8128858		3415123367		103		HARVEY BOSLER #1	OSNABURG	30.0	BARTLO OIL	GAS
8128858		3415123367		107	TF	HARVEY BOSLER #1	OSNABURG	30.0	BARTLO OIL	GAS
8128866A		3415123124		103		HARVEY CREIGHTON #1	OSNABURG	24.0	BARTLO OIL	GAS
8128866B		3415123124	D	107	TF	HARVEY CREIGHTON #1	OSNABURG	24.0	BARTLO OIL	GAS
8128859		3415122963		103		HENNING-KIKO UNIT #2	OSNABURG	24.0	BARTLO OIL	GAS
8128859		3415122963		107	TF	HENNING-KIKO UNIT #2	OSNABURG	24.0	BARTLO OIL	GAS
8128867		3415122993		103		HENNING-KIKO UNIT #3	OSNABURG	18.0	BARTLO OIL	GAS
8128867		3415122993		107	TF	HENNING-KIKO UNIT #3	OSNABURG	18.0	BARTLO OIL	GAS
8128865		3415122940		103		HERBERT KIKO #1	OSNABURG	25.0	BARTLO OIL	GAS
8128865		3415122940		107	TF	HERBERT KIKO #1	OSNABURG	25.0	BARTLO OIL	GAS
8128868		3415123358		103		KARL SCHONDEL #1	OSNABURG	30.0	BARTLO OIL	GAS
8128868		3415123358		107	TF	KARL SCHONDEL #1	OSNABURG	30.0	BARTLO OIL	GAS
8128873		3415123355		103		KARL SCHONDEL #2	OSNABURG	30.0	BARTLO OIL	GAS
8128873		3415123355		107	TF	KARL SCHONDEL #2	OSNABURG	30.0	BARTLO OIL	GAS
8128874		3415123193		103		PYLE-SWIFT UNIT #1	WASHINGTON	30.0	COLUMBIA GA	TRAN
8128874		3415123193		107	TF	PYLE-SWIFT UNIT #1	WASHINGTON	30.0	COLUMBIA GA	TRAN
8128875		3415123190		103		ROBERT PERO UNIT #1	OSNABURG	32.0	BARTLO OIL	GAS
8128875		3415123190		107	TF	ROBERT PERO UNIT #1	OSNABURG	32.0	BARTLO OIL	GAS
8128876		3415123189		103		ROBERT PERO UNIT #2	OSNABURG	32.0	BARTLO OIL	GAS
8128876		3415123189		107	TF	ROBERT PERO UNIT #2	OSNABURG	32.0	BARTLO OIL	GAS
8128877		3415123262		103		ROBERT PERO UNIT #3	OSNABURG	28.0	BARTLO OIL	GAS
8128877		3415123262		107	TF	ROBERT PERO UNIT #3	OSNABURG	28.0	BARTLO OIL	GAS
8128878		3415123265		103		ROBERT PERO UNIT #4	OSNABURG	32.0	BARTLO OIL	GAS
8128878		3415123265		107	TF	ROBERT PERO UNIT #4	OSNABURG	32.0	BARTLO OIL	GAS
-OHIO VALLEY ENERGY SYSTEMS CORP				RECEIVED: 05/01/81 JA: OH						
8128879		3415123372		103		BOSLER-SCHONDEL UNIT #1	OSNABURG	30.0	BARTLO OIL	GAS
8128879		3415123372		107	TF	BOSLER-SCHONDEL UNIT #1	OSNABURG	30.0	BARTLO OIL	GAS
8128880		3415123195		103		BRUCKNER-CRUM UNIT #1	NIMISHILLEN	32.0	BARTLO OIL	GAS
8128880		3415123195		107	TF	BRUCKNER-CRUM UNIT #1	NIMISHILLEN	32.0	BARTLO OIL	GAS
8128887		3415123181		103		CLARENCE GEORGE #1		28.0	BARTLO OIL	GAS
8128887		3415123181		107	TF	CLARENCE GEORGE #1		28.0	BARTLO OIL	GAS
8128886		3415123186		103		CLARENCE GEORGE #2	OSNABURG	26.0	BARTLO OIL	GAS
8128886		3415123186		107	TF	CLARENCE GEORGE #2	OSNABURG	26.0	BARTLO OIL	GAS
8128889		3415123187		103		DONALD GIVENS #1	OSNABURG	30.0	BARTLO OIL	GAS
8128889		3415123187		107	TF	DONALD GIVENS #1	OSNABURG	30.0	BARTLO OIL	GAS
8128881		3415123378		103		DUNN-PERO UNIT #1	OSNABURG	30.0	BARTLO OIL	GAS
8128881		3415123378		107	TF	DUNN-PERO UNIT #1	OSNABURG	30.0	BARTLO OIL	GAS
8128888		3415123371		103		FRED TABACCHI #1	NIMISHILLEN	22.0	BARTLO OIL	GAS
8128888		3415123371		107	TF	FRED TABACCHI #1	NIMISHILLEN	22.0	BARTLO OIL	GAS
8128875		3415123369		103		HARVEY BOSLER #1	OSNABURG	30.0	BARTLO OIL	GAS
8128875		3415123369		107	TF	HARVEY BOSLER #1	OSNABURG	30.0	BARTLO OIL	GAS
8128883A		3415123125		103		HARVEY CREIGHTON #1	OSNABURG	24.0	BARTLO OIL	GAS
8128883B		3415123125	D	107	TF	HARVEY CREIGHTON #1	OSNABURG	24.0	BARTLO OIL	GAS
8128876		3415122965		103		HENNING-KIKO UNIT #2	OSNABURG	24.0	BARTLO OIL	GAS
8128876		3415122965		107	TF	HENNING-KIKO UNIT #2	OSNABURG	24.0	BARTLO OIL	GAS
8128884		3415122995		103		HENNING-KIKO UNIT #3	OSNABURG	18.0	BARTLO OIL	GAS
8128884		3415122995		107	TF	HENNING-KIKO UNIT #3	OSNABURG	18.0	BARTLO OIL	GAS
8128882		3415122942		103		HERBERT KIKO #1	OSNABURG	25.0	BARTLO OIL	GAS
8128882		3415122942		107	TF	HERBERT KIKO #1	OSNABURG	25.0	BARTLO OIL	GAS
8128885		3415123359		103		KARL SCHONDEL #1	OSNABURG	30.0	BARTLO OIL	GAS
8128885		3415123359		107	TF	KARL SCHONDEL #1	OSNABURG	30.0	BARTLO OIL	GAS
8128890		3415123354		103		KARL SCHONDEL #2	OSNABURG	30.0	BARTLO OIL	GAS
8128890		3415123354		107	TF	KARL SCHONDEL #2	OSNABURG	30.0	BARTLO OIL	GAS
8128891		3415123194		103		PYLE-SWIFT UNIT #1	WASHINGTON	30.0	COLUMBIA GA	TRAN
8128891		3415123194		107	TF	PYLE-SWIFT UNIT #1	WASHINGTON	30.0	COLUMBIA GA	TRAN
8128892		3415123191		103		ROBERT PERO UNIT #1	OSNABURG	32.0	BARTLO OIL	GAS
8128892		3415123191		107	TF	ROBERT PERO UNIT #1	OSNABURG	32.0	BARTLO OIL	GAS
8128893		3415123188		103		ROBERT PERO UNIT #2	OSNABURG	32.0	BARTLO OIL	GAS
8128893		3415123188		107	TF	ROBERT PERO UNIT #2	OSNABURG	32.0	BARTLO OIL	GAS
8128894		3415123261		103		ROBERT PERO UNIT #3	OSNABURG	28.0	BARTLO OIL	GAS
8128894		3415123261		107	TF	ROBERT PERO UNIT #3	OSNABURG	28.0	BARTLO OIL	GAS
8128895		3415123266		103		ROBERT PERO UNIT #4	OSNABURG	32.0	BARTLO OIL	GAS
8128895		3415123266		107	TF	ROBERT PERO UNIT #4	OSNABURG	32.0	BARTLO OIL	GAS

JU NC	JA ONT	API NC	D SEC CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER	
8128861		3411522131	103	MORGAN CO AIRPORT #2	MEIGSVILLE	20.0	COLUMBIA GA	TRAN
8128861		3411522131	107-TF	MORGAN CO AIRPORT #2	MEIGSVILLE	20.0	COLUMBIA GA	TRAN
-OHIO PRODUCERS SERVICES INC				RECEIVED: 05/01/81 JA: OH				
8128862		3412724965	103	FRED A & EULA A BOWLES #1	READING	5.0	FORAKER GAS CO IN	
-OHIO TITAN ENERGY CO				RECEIVED: 05/01/81 JA: OH				
8128863		3407522430	103	#4 ATLEE MILLER	MECHANIC	900.0	COLUMBIA GA	TRAN
8128863		3407522430	107-TF	#4 ATLEE MILLER	MECHANIC	900.0	COLUMBIA GA	TRAN
-ONEAL PETROLEUM INC				RECEIVED: 05/01/81 JA: OH				
8128870		3411521873	103	BARKHURST #1	PENN	40.0	COLUMBIA GA	TRAN
8128870		3411521873	107-TF	BARKHURST #1	PENN	40.0	COLUMBIA GA	TRAN
8128881		3411522254	103	BEATTY #1	MARION	16.0	COLUMBIA GA	TRAN
8128881		3411522254	107-TF	BEATTY #1	MARION	16.0	COLUMBIA GA	TRAN
8128880		3411522255	103	BENNETT #1	PENN	30.0	COLUMBIA GA	TRAN
8128880		3411522255	107-TF	BENNETT #1	PENN	30.0	COLUMBIA GA	TRAN
8128879		3411521845	103	BROWNRIGG #1	MEIGSVILLE	62.0	COLUMBIA GA	TRAN
8128879		3411521845	107-TF	BROWNRIGG #1	MEIGSVILLE	62.0	COLUMBIA GA	TRAN
8128887		3411522016	103	CAMPBELL-BOWLES #1	WINDSON	47.0	COLUMBIA GA	TRAN
8128887		3411522016	107-TF	CAMPBELL-BOWLES #1	WINDSON	47.0	COLUMBIA GA	TRAN
8128896		3411522199	103	CHEESMAN #1	PENN	30.0	COLUMBIA GA	TRAN
8128896		3411522199	107-TF	CHEESMAN #1	PENN	30.0	COLUMBIA GA	TRAN
8128895		3411521878	103	CHILDS #3	MEIGSVILLE	55.0	COLUMBIA GA	TRAN
8128895		3411521878	107-TF	CHILDS #3	MEIGSVILLE	55.0	COLUMBIA GA	TRAN
8128894		3411522022	103	CLARK #1	PENN	6.0	COLUMBIA GA	TRAN
8128894		3411522022	107-TF	CLARK #1	PENN	6.0	COLUMBIA GA	TRAN
8128893		3411521783	103	CO-INT #1	MORGAN	22.0	COLUMBIA GA	TRAN
8128893		3411521783	107-TF	CO-INT #1	MORGAN	22.0	COLUMBIA GA	TRAN
8128892		3411521927	103	CO-INT #2	MORGAN	47.0	COLUMBIA GA	TRAN
8128892		3411521927	107-TF	CO-INT #2	MORGAN	47.0	COLUMBIA GA	TRAN
8128871		3411522201	103	D WHITE #1	PENN	64.0	COLUMBIA GA	TRAN
8128871		3411522201	107-TF	D WHITE #1	PENN	64.0	COLUMBIA GA	TRAN
8128891		3411522039	103	DANIEL #1	MEIGSVILLE	11.0	COLUMBIA GA	TRAN
8128891		3411522039	107-TF	DANIEL #1	MEIGSVILLE	11.0	COLUMBIA GA	TRAN
8128890		3411521874	103	DEARTH #2	PENN	52.0	COLUMBIA GA	TRAN
8128890		3411521874	107-TF	DEARTH #2	PENN	52.0	COLUMBIA GA	TRAN
8128889		3411522013	103	DONALDSON #1	WINDSON	51.0	COLUMBIA GA	TRAN
8128889		3411522013	107-TF	DONALDSON #1	WINDSON	51.0	COLUMBIA GA	TRAN
8128888		3411519070	103	EARICH #2	PENN	10.0	COLUMBIA GA	TRAN
8128888		3411519070	107-TF	EARICH #2	PENN	10.0	COLUMBIA GA	TRAN
8128886		3411521864	103	GIFFORD #1	PENN	38.0	COLUMBIA GA	TRAN
8128886		3411521864	107-TF	GIFFORD #1	PENN	38.0	COLUMBIA GA	TRAN
8128885		3411522024	103	GIFFORD #2	PENN	0.0	COLUMBIA GA	TRAN
8128885		3411522024	107-TF	GIFFORD #2	PENN	0.0	COLUMBIA GA	TRAN
8128866		3411521867	103	HUCK #10	MORGAN	110.0	COLUMBIA GA	TRAN
8128866		3411521867	107-TF	HUCK #10	MORGAN	110.0	COLUMBIA GA	TRAN
8128884		3411521641	103	HUCK #2	MORGAN	32.0	COLUMBIA GA	TRAN
8128884		3411521641	107-TF	HUCK #2	MORGAN	32.0	COLUMBIA GA	TRAN
8128883		3411521640	103	HUCK #3	MORGAN	24.0	COLUMBIA GA	TRAN
8128883		3411521640	107-TF	HUCK #3	MORGAN	24.0	COLUMBIA GA	TRAN
8128869		3411521502	103	HUCK #4	MORGAN	31.0	COLUMBIA GA	TRAN
8128869		3411521502	107-TF	HUCK #4	MORGAN	31.0	COLUMBIA GA	TRAN
8128868		3411521752	103	HUCK #6	MEIGSVILLE	14.0	COLUMBIA GA	TRAN
8128868		3411521752	107-TF	HUCK #6	MEIGSVILLE	14.0	COLUMBIA GA	TRAN
8128867		3411521885	103	HUCK #7	MORGAN	21.0	COLUMBIA GA	TRAN
8128867		3411521885	107-TF	HUCK #7	MORGAN	21.0	COLUMBIA GA	TRAN

VOLUME 432 PAGE 006

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER	
8128865		3411521914		103		HUCK-DAVIS #1	MORGAN	20.0	COLUMBIA GA	TRAN
8128865		3411521914		107-TF		HUCK-DAVIS #1	MORGAN	20.0	COLUMBIA GA	TRAN
8128864		3411521920		103		KENNARD #1	PENA	15.0	COLUMBIA GA	TRAN
8128864		3411521920		107-TF		KENNARD #1	PENA	15.0	COLUMBIA GA	TRAN
8128899		3411521906		103		MARTIN #1	PENA	8.0	COLUMBIA GA	TRAN
8128899		3411521906		107-TF		MARTIN #1	PENA	8.0	COLUMBIA GA	TRAN
8128898		3411521822		103		MCKOWN #1	MARION	16.0	COLUMBIA GA	TRAN
8128898		3411521822		107-RT		MCKOWN #1	MARION	16.0	COLUMBIA GA	TRAN
8128878		3411521913		103		NEWBERRY #1	PENA	17.0	COLUMBIA GA	TRAN
8128878		3411521913		107-TF		NEWBERRY #1	PENA	17.0	COLUMBIA GA	TRAN
8128877		3411521966		103		NEWBERRY #2	PENA	12.0	COLUMBIA GA	TRAN
8128877		3411521966		107-TF		NEWBERRY #2	PENA	12.0	COLUMBIA GA	TRAN
8128876		3411521924		103		PATTERSON #1	MEIGSVILLE	7.0	COLUMBIA GA	TRAN
8128876		3411521924		107-TF		PATTERSON #1	MEIGSVILLE	7.0	COLUMBIA GA	TRAN
8128875		3411521865		103		ROBERTS #1	MALTA	16.0	COLUMBIA GA	TRAN
8128875		3411521865		107-TF		ROBERTS #1	MALTA	16.0	COLUMBIA GA	TRAN
8128874		3411522004		103		ROBERTS #2	MALTA	21.0	COLUMBIA GA	TRAN
8128874		3411522004		107-TF		ROBERTS #2	MALTA	21.0	COLUMBIA GA	TRAN
8128897		3411522011		103		SEARS #1	MEIGSVILLE	9.0	COLUMBIA GA	TRAN
8128897		3411522011		107-TF		SEARS #1	MEIGSVILLE	9.0	COLUMBIA GA	TRAN
8128873		3411522010		103		SEARS #2	MEIGSVILLE	30.0	COLUMBIA GA	TRAN
8128873		3411522010		107-TF		SEARS #2	MEIGSVILLE	30.0	COLUMBIA GA	TRAN
8128872		3411522007		103		SHOWALTER #1	MARION	40.0	COLUMBIA GA	TRAN
8128872		3411522007		107-TF		SHOWALTER #1	MARION	40.0	COLUMBIA GA	TRAN
8128882		3411521877		103		WRIGHT #1	PENA	38.0	COLUMBIA GA	TRAN
8128882		3411521877		107-TF		WRIGHT #1	PENA	38.0	COLUMBIA GA	TRAN
-OXFORD OIL CO		RECEIVED: 05/01/81 JA: OH								
8128903		3411925390		103		D L GOINS #1	CLAY	10.0		
8128903		3411925390		107-TF		D L GOINS #1	CLAY	10.0		
8128902		3411522207		103		DELMER MC CORMICK #1	DEERFIELD	8.0		
8128922		3411924415		108		EDWARD WICKHAM #1		12.0	NATIONAL GA	& OI
8128907		3411925385		103		FRANKLIN ASHFORD #1	BRUSH CREEK	10.0		
8128907		3411925385		107-TF		FRANKLIN ASHFORD #1	BRUSH CREEK	10.0		
8128905		3411922835		103		FRED HARDESTY #1	UNION	10.0	COLUMBIA GA	TRAN
8128905		3411922835		107-TF		FRED HARDESTY #1	UNION	10.0	COLUMBIA GA	TRAN
8128921		3411924461		108		GERALD WILLIAMSON #1		12.0	NATIONAL GA	& OI
8128906		3411925485		103		HERBERT BROCK #1	HOPEWELL	10.0		
8128906		3411925485		107-TF		HERBERT BROCK #1	HOPEWELL	10.0		
8128908		3411925197		103		J S MORRISON #2	UNION	10.0	COLUMBIA GA	TRAN
8128908		3411925197		107-TF		J S MORRISON #2	UNION	10.0	COLUMBIA GA	TRAN
8128919		3403122976		108		JAMES SWIGERT #1		12.0	NATIONAL GA	& OI
8128920		3412724299		108		JAMES WILSON #1		3.5	NATIONAL GA	& OI
8128918		3412724300		108		LESTER WILSON #1		5.0	NATIONAL GA	& OI
8128904		3411925276		103		PAUL JONES #1	PAUL JONES	12.0	EAST OHIO G S CO	
8128904		3411925276		107-TF		PAUL JONES #1	PAUL JONES	12.0	EAST OHIO G S CO	
8128914		3403122859		108		PEABODY COAL CO #11		6.0	NATIONAL GA	& OI
8128917		3403122860		108		PEABODY COAL CO #2		6.0	NATIONAL GA	& OI
8128915		3403123023		108		PEABODY COAL CO #23		6.0	NATIONAL GA	& OI
8128916		3403123043		108		PEABODY COAL CO #25		6.0	NATIONAL GA	& OI
8128926		3403123041		108		PEABODY COAL CO #26		7.0	NATIONAL GA	& OI
8128927		3403123008		108		PEABODY COAL CO #27		7.0	NATIONAL GA	& OI
8128910		3403123020		108		PEABODY COAL CO #29		6.0	NATIONAL GA	& OI
8128911		3403122855		108		PEABODY COAL CO #3		6.0	NATIONAL GA	& OI

VOLUME 432 PAGE 007

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER	
8128908		3411925197		107-TF		J S MORRISON #2	UNION	10.0	COLUMBIA GA	TRAN
8128919		3403122976		108		JAMES SWIGERT #1		12.0	NATIONAL GA	& OI
8128920		3412724299		108		JAMES WILSON #1		3.5	NATIONAL GA	& OI
8128918		3412724300		108		LESTER WILSON #1		5.0	NATIONAL GA	& OI
8128904		3411925276		103		PAUL JONES #1	PAUL JONES	12.0	EAST OHIO G S CO	
8128904		3411925276		107-TF		PAUL JONES #1	PAUL JONES	12.0	EAST OHIO G S CO	
8128914		3403122859		108		PEABODY COAL CO #11		6.0	NATIONAL GA	& OI
8128917		3403122860		108		PEABODY COAL CO #2		6.0	NATIONAL GA	& OI
8128915		3403123023		108		PEABODY COAL CO #23		6.0	NATIONAL GA	& OI
8128916		3403123043		108		PEABODY COAL CO #25		6.0	NATIONAL GA	& OI
8128926		3403123041		108		PEABODY COAL CO #26		7.0	NATIONAL GA	& OI
8128927		3403123008		108		PEABODY COAL CO #27		7.0	NATIONAL GA	& OI
8128910		3403123020		108		PEABODY COAL CO #29		6.0	NATIONAL GA	& OI
8128911		3403122855		108		PEABODY COAL CO #3		6.0	NATIONAL GA	& OI

JA NO	JA DT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8128929		3403123040	108	PEABODY COAL CO #30		7.0	NATIONAL GA & OI
8128928		3403123039	108	PEABODY COAL CO #31		7.0	NATIONAL GA & OI
8128925		3403123041	108	PEABODY COAL CO #34		7.0	NATIONAL GA & OI
8128912		3403122853	108	PEABODY COAL CO #5		6.0	NATIONAL GA & OI
8128913		3403122856	108	PEABODY COAL CO #9		6.0	NATIONAL GA & OI
8128924		3411924335	108	ROBERT TEMPLE #1		0.0	NATIONAL GA & OI
8128901		3411925159	103	TAYLOR MERRY UNIT #1	PERRY	8.0	COLUMBIA GA TRAN
8128901		3411925199	107-TF	TAYLOR MERRY UNIT #1	PERRY	8.0	COLUMBIA GA TRAN
8128923		3411923464	108	TYSINGER UNIT #1		7.0	NATIONAL GA & OI
8128909		3411522237	107-TF	URBAN DUTCHER #1	YORK	10.0	
8128900		3411925190	103	VIOLET BLACKFORD #1	SALT CREEK	10.0	COLUMBIA GA TRAN
8128900		3411925190	107-TF	VIOLET BLACKFORD #1	SALT CREEK	10.0	COLUMBIA GA TRAN
-PATRICK T DONNELLY DBA LANDPROVEST		RECEIVED: 05/01/81 JA: OH					
8128807		3412122387	103	BLACKBURN #2-80	BROOKFIELD	30.0	
8128807		3412122387	107-TF	BLACKBURN #2-80	BROOKFIELD	30.0	
8128805		3411522287	103	DELMAR WILSON #3	MEIGS	30.0	
8128805		3411522287	107-TF	DELMAR WILSON #3	MEIGS	30.0	
8128806		3419255820	103	WILSON-MCINTIRE #2	CUMBERLAND	25.0	
8128806		3419255820	107-TF	WILSON-MCINTIRE #2	CUMBERLAND	25.0	
-PHILLIPS ENERGY CORPORATION		RECEIVED: 05/01/81 JA: OH					
8128932		3409321064	108	GRAFTON HONOR FARM #1		10.0	COLUMBIA GA TRAN
8128930		3409321065	108	GRAFTON HONOR FARM #2		10.0	COLUMBIA GA TRAN
8128931		3409321066	108	GRAFTON HONOR FARM #3		10.0	COLUMBIA GA TRAN
-PIONEER OIL COMPANY INC		RECEIVED: 05/01/81 JA: OH					
8128937		3412725037	103	#1 MINES-NICHOLS	READING	50.0	NATIONAL GA & OI
-POI ENERGY INC		RECEIVED: 05/01/81 JA: OH					
8128933		3400721652	103	STANEK #1	ROME	40.0	EAST OHIO G & S CO
-POMSTONE CORP		RECEIVED: 05/01/81 JA: OH					
8128944		3403123825	103	ADRIAN MATHIAS #1-A	KEENE	0.0	
8128946		3403123493	103	BRICE DREHER #1	KEENE	80.0	
8128943		3403123622	103	DELLA PEPPER #2	ADAMS	0.0	
8128942		3403123486	103	LOGAN TIMBER COAL (DELLA PEPPER #1)	ADAMS	0.0	
8128939		3403123529	103	MARGARET ROEMER #1-A	ADAMS	269.0	
8128945		3403123893	103	STANLEY MIZER #1	ADAMS	365.0	
8128938		3403123478	103	WILLIAM E WILSON #1-A	ADAMS	185.0	
8128941		3403123494	103	WILLIAM E WILSON #1-B	ADAMS	22.0	
8128940		3403123895	103	WILLIAM E WILSON #1-C	ADAMS	0.0	
-REDSTONE CORP		RECEIVED: 05/01/81 JA: OH					
8128951		3403123178	103	FISHER-WALLACE #1 (RHEA FISHER #1)	TUSCARAWAS	0.0	
8128949		3403123244	103	FRED BARTH #7	WHITE EYES	15.0	
8128948		3403122724	103	FRED BARTH #8	WHITE EYES	70.0	
8128953		3403122837	103	FRED L BARTH #2	WHITE EYES	64.0	
8128950		3403123321	103	HOTHEM/DUNLEVY #1	WHITE EYES	5.0	
8128952		3403123213	103	SEWELL RIVER #1	WHITE EYES	25.0	
8128954		3403123169	103	THOMAS & SHIRLEY POORE #1	WHITE EYES	28.0	
-RELIANCE ENERGY		RECEIVED: 05/01/81 JA: OH					
8128956		3412724246	108	FRANK OWEN #1		7.0	COLUMBIA GA TRAN
8128955		3412724378	108	JERRY MILLER #1		3.0	COLUMBIA GA TRAN
-REPUBLIC MINERAL CORP		RECEIVED: 05/01/81 JA: OH					
8128981		3416723326	108	A CARTENUTO #1	SIMMONS GAS FIELD	7.5	COLUMBIA GA TRAN
8128966		3416724721	108	ALVA REED WELL #1	SIMMONS GAS FIELD	7.0	COLUMBIA GA TRAN
8128984		3416723267	108	B F CORP UNIT #1	SIMMONS GAS FIELD	6.8	COLUMBIA GA TRAN
8128973		3416723359	108	CHARLES SULLIVAN #1	SIMMONS GAS FIELD	3.9	COLUMBIA GA TRAN

VOLUME 432 PAGE 008

JC NO	JA INT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER	
8128970		3416724309		108		COLLINS WELL #1	SIMMONS GAS FIELD	3.5	COLUMBIA GA	TRAN
8128961		3416723218		108		DUCKWORTH WELL #1	SIMMONS GAS FIELD	2.4	COLUMBIA GA	TRAN
8128965		3416723323		108		F ZIEGLER #1	SIMMONS GAS FIELD	2.2	COLUMBIA GA	TRAN
8128985		3416733770		108		FOUSS-SARVER #1	SIMMONS GAS FIELD	6.2	COLUMBIA GA	TRAN
8128983		3416723274		108		FRANKLIN G SEESE #1	SIMMONS GAS FIELD	4.1	COLUMBIA GA	TRAN
8128980		3416723239		108		FREIDA WHARFF #2	SIMMONS GAS FIELD	5.1	COLUMBIA GA	TRAN
8128972		3416723352		108		GRACE CRAIG #1	SIMMONS GAS FIELD	7.2	COLUMBIA GA	TRAN
8128988		3416723297		108		H A MASON #1	SIMMONS GAS FIELD	3.6	COLUMBIA GA	TRAN
8128978		3416723236		108		H C HUGHES #1	SIMMONS GAS FIELD	6.7	COLUMBIA GA	TRAN
8128990		3416723202		108		H L THOMPSON #1	SIMMONS GAS FIELD	7.3	COLUMBIA GA	TRAN
8128977		3416723235		108		H L THOMPSON #2	SIMMONS GAS FIELD	2.1	COLUMBIA GA	TRAN
8128989		3416723286		108		H T SIMMINS JR #1	SIMMONS GAS FIELD	1.4	COLUMBIA GA	TRAN
8128967		3416723183		108		H T SIMMONS #1 AND #2	SIMMONS GAS FIELD	11.0	COLUMBIA GA	TRAN
8128976		3416723194		108		H T SIMMONS #1 AND #2	SIMMONS GAS FIELD	11.0	COLUMBIA GA	TRAN
8128962		3416723162		108		HENNIGER WELL #1	SIMMONS GAS FIELD	1.7	COLUMBIA GA	TRAN
8128964		3416724752		108		HENNIGER WELL #3	SIMMONS GAS FIELD	3.6	COLUMBIA GA	TRAN
8128987		3416723284		108		J C WOODFORD #1	SIMMONS GAS FIELD	4.0	COLUMBIA GA	TRAN
8128969		3416723325		108		J HUGHES #1	SIMMONS GAS FIELD	2.1	COLUMBIA GA	TRAN
8128982		3416723133		108		J PERRY SR	SIMMONS GAS FIELD	2.4	COLUMBIA GA	TRAN
8128986		3416738780		108		LAUER WELL #1	SIMMONS GAS FIELD	4.4	COLUMBIA GA	TRAN
8128971		3416723368		108		LEWIS LANG #1	SIMMONS GAS FIELD	4.4	COLUMBIA GA	TRAN
8128975		3416723269		108		MARVIN SHOCK #1	SIMMONS GAS FIELD	2.7	COLUMBIA GA	TRAN
8128959		3416724301		108		MATTHEWS WELL #1	SIMMONS GAS FIELD	8.8	COLUMBIA GA	TRAN
8128979		3416723051		108		R RAY SCHMIDT #4	SIMMONS GAS FIELD	1.9	COLUMBIA GA	TRAN
8128957		3416723268		108		ROLAND REED #1	SIMMONS GAS FIELD	1.1	COLUMBIA GA	TRAN
8128960		3416724425		108		RUSSELL RAY 1 - A	SIMMONS GAS FIELD	5.3	COLUMBIA GA	TRAN
8128963		3416724344		108		RUTH KENEY #1	SIMMONS GAS FIELD	3.1	COLUMBIA GA	TRAN
8128974		3416723373		108		THOMAS DAWSON #1	SIMMONS GAS FIELD	9.7	COLUMBIA GA	TRAN
8128968		3416723214		108		WILLIAM C GROSZ #1	SIMMONS GAS FIELD	3.2	COLUMBIA GA	TRAN
8128958		3416724346		108		WILLIAM LANG 1-A	SIMMONS GAS FIELD	2.1	COLUMBIA GA	TRAN
-RICHARD C POLING				RECEIVED: 05/01/81 JA: OH						
8128934		3412724930		103		MORRIS-WILSON #2	CLAYTON	5.0		
8128936		3412724977		103		MORRIS-WILSON #3	MADISON	5.0		
8128935		3412724964		103		REAM-ROBERTS #1	CLAYTON	5.0		
-RICHARD J SHAW				RECEIVED: 05/01/81 JA: OH						
8129004		3413322315		103		WURM WELL #1	AURORA	20.0	EAST OHIO G S CO	
8129004		3413322315		107-TF		WURM WELL #1	AURORA	20.0	EAST OHIO G S CO	
8129003		3413322316		103		WURM WELL #2	AURORA	20.0	EAST OHIO G S CO	
8129003		3413322316		107-TF		WURM WELL #2	AURORA	20.0	EAST OHIO G S CO	
-ROWLEY & BROWN PETROLEUM CORP				RECEIVED: 05/01/81 JA: CH						
8128995		3407522341		103		DAN S YODER #2	MECHANIC	30.0	COLUMBIA GA	TRAN
8128995		3407522341		107-TF		DAN S YODER #2	MECHANIC	30.0	COLUMBIA GA	TRAN
8128991		3407522321		103		ELLIOT #1	MECHANIC	39.0	COLUMBIA GA	TRAN
8128991		3407522321		107-TF		ELLIOT #1	MECHANIC	39.0	COLUMBIA GA	TRAN
8128993		3407522306		103		HICKORY LAKE #2	MECHANIC	64.0	COLUMBIA GA	TRAN
8128993		3407522306		107-TF		HICKORY LAKE #2	MECHANIC	64.0	COLUMBIA GA	TRAN
8128994		3407522307		103		HICKORY LAKE #3	MECHANIC	65.0	COLUMBIA GA	TRAN
8128994		3407522307		107-TF		HICKORY LAKE #3	MECHANIC	65.0	COLUMBIA GA	TRAN
8128992		3407522346		103		HICKORY LAKE #5	MECHANIC	59.0	COLUMBIA GA	TRAN
8128992		3407522346		107-TF		HICKORY LAKE #5	MECHANIC	59.0	COLUMBIA GA	TRAN
-SCHRIMSHER OIL & GAS EXPLORATION				RECEIVED: 05/01/81 JA: OH						
8128997		3410322394		103		HICKLING UNIT #1	GUILFORD	0.0	COLUMBIA GA	
8128996		3410322441		103		VALASEK UNIT #1	GRANGER	28.0	COLUMBIA GA	TRAN

VOLUME 432 PAGE 009

JC NO	JA INT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER	
-SCHRIMSHER OIL & GAS EXPLORATION				RECEIVED: 05/01/81 JA: OH						
8128997		3410322394		103		HICKLING UNIT #1	GUILFORD	0.0	COLUMBIA GA	
8128996		3410322441		103		VALASEK UNIT #1	GRANGER	28.0	COLUMBIA GA	TRAN
-SHELL OIL CO				RECEIVED: 05/01/81 JA: OH						
8128999		3415124116		103		ANDERSON #1	CLAYTON	5.0		
8128998		3415124115		103		ANDERSON #2	CLAYTON	5.0		
-SOUTHEASTERN PETROLEUM CORP				RECEIVED: 05/01/81 JA: OH						
8128966		3416723252		103		ROSE #1	SIMMONS GAS FIELD	1.1	COLUMBIA GA	TRAN
-STEPHEN A WEST				RECEIVED: 05/01/81 JA: OH						
8128981		3416723240		103		MCCLELLAND #1	SIMMONS GAS FIELD	1.1	COLUMBIA GA	TRAN
-TRIAD ENERGY CORP				RECEIVED: 05/01/81 JA: OH						
8128973		3416723353		103		GRACE CRAIG #2	SIMMONS GAS FIELD	1.1	COLUMBIA GA	TRAN
-WILLIAM M CAFARO & CO				RECEIVED: 05/01/81 JA: OH						
8128987		3416723284		103		J C WOODFORD #1	SIMMONS GAS FIELD	4.0	COLUMBIA GA	TRAN

[FR Doc. 81-16504 Filed 6-1-81; 8:45 am]

BILLING CODE 6712-01-C

JC NO	JC CNT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-STRATA EXPLORATION INC LTD			RECEIVED: 05/01/81 JA: OH				
8129006		3407522764	103	#1 JOE M HERSHBERGER	MECHANIC	950.0	COLUMBIA GA TRAN
8129006		3407522764	107-TF	#1 JOE M HERSHBERGER	MECHANIC	950.0	COLUMBIA GA TRAN
8129007		3407522763	103	#1 WAYNE L RABER	MECHANIC	1000.0	COLUMBIA GA TRAN
8129007		3407522763	107-TF	#1 WAYNE L RABER	MECHANIC	1000.0	COLUMBIA GA TRAN
-SUMMA OIL INVESTORS LTD			RECEIVED: 05/01/81 JA: OH				
8129008		3416725620	103	JOHN M EDGAR #2A	INDEPENDENCE	60.0	
-SUNSET PETROLEUM INC			RECEIVED: 05/01/81 JA: OH				
8129009		3415521435	103	CHALKER-ELSTON #1	SOUTHINGTON	10.0	COLUMBIA GA TRAN
8129009		3415521435	107-TF	CHALKER-ELSTON #1	SOUTHINGTON	10.0	COLUMBIA GA TRAN
-THE MUTUAL OIL & GAS COMPANY			RECEIVED: 05/01/81 JA: OH				
8128835		3411122193	103	MCCONNELL 1-M	FRANKLIN	20.0	COLUMBIA GA TRAN
-UNITED PETROLEUM CORP			RECEIVED: 05/01/81 JA: OH				
8129014		3400920869	108	BARNES #1	ELLSWORTH	0.0	AMERICAN EN RGY S
8129012		3409920751	108	BOWMAN #1	ELLSWORTH	0.0	AMERICAN EN RGY S
8129013		3409920881	108	HENDRICKS #1	ELLSWORTH	0.0	AMERICAN EN RGY S
8129015		3409920860	108	HIRT #1	ELLSWORTH	0.0	AMERICAN EN RGY S
8129010		3409920773	108	J BERARDI #1	ELLSWORTH	5.0	AMERICAN EN RGY S
8129016		3409920861	108	KOPE #3	ELLSWORTH	0.0	AMERICAN EN RGY S
8129011		3409920853	108	NEFF DELMONT #1	ELLSWORTH	0.0	AMERICAN EN RGY S
-VESCORP INDUSTRIES INC			RECEIVED: 05/01/81 JA: OH				
8129018		3415723272	103	D J MILLER #1	WAYNE	75.0	COLUMBIA GA TRAN
8129018		3415723272	107-TF	D J MILLER #1	WAYNE	75.0	COLUMBIA GA TRAN
8129017		3415723278	103	D J MILLER #2	WAYNE	0.0	COLUMBIA GA TRAN
8129017		3415723278	107-TF	D J MILLER #2	WAYNE	0.0	COLUMBIA GA TRAN
8129019		3411924755	103	HITTLE #2	WASHINGTON	40.0	TIMKEN CO
8129019		3411924795	107-TF	HITTLE #2	WASHINGTON	40.0	TIMKEN CO
8129028		3413322106	103	ROPPEL #2	ROOTSTOWN	70.0	TIMKEN CO
8129020		3413322106	107-TF	ROPPEL #2	ROOTSTOWN	70.0	TIMKEN CO
8129021		3413321752	103	SCHUUR #1	MANTUA	70.0	TIMKEN CO
8129021		3413321752	107-TF	SCHUUR #1	MANTUA	70.0	TIMKEN CO
8129022		3413322183	103	SUMMIT ROAD BAPTIST CHURCH #1	RAVENNA	0.0	EAST OHIO G S CO
8129022		3413322183	107-TF	SUMMIT ROAD BAPTIST CHURCH #1	RAVENNA	0.0	EAST OHIO G S CO
-VICTOR PETROLEUM CORP			RECEIVED: 05/01/81 JA: OH				
8129023		3403124072	103	OLLIE LOWE #4	CLARK	10.0	COLUMBIA GA TRAN
8129023		3403124072	107-TF	OLLIE LOWE #4	CLARK	10.0	COLUMBIA GA TRAN
-VIKING RESOURCES CORP			RECEIVED: 05/01/81 JA: OH				
8129033		3415122933	103	DEMOFF UNIT #1	WASHINGTON	30.0	
8129033		3415122933	107-TF	DEMOFF UNIT #1	WASHINGTON	30.0	
8129025		3415123431	103	DERENZO-FIMPLE UNIT #1	PARIS	30.0	
8129025		3415123431	107-TF	DERENZO-FIMPLE UNIT #1	PARIS	30.0	
8129041		3415123432	103	DERENZO-FIMPLE UNIT #3	PARIS	30.0	
8129041		3415123432	107-TF	DERENZO-FIMPLE UNIT #3	PARIS	30.0	
8129036		3415123433	103	DERENZO-FIMPLE UNIT #4	PARIS	30.0	
8129036		3415123433	107-TF	DERENZO-FIMPLE UNIT #4	PARIS	30.0	
8129031		3415123310	103	FOLTZ UNIT #2	PARIS	30.0	
8129031		3415123310	107-TF	FOLTZ UNIT #2	PARIS	30.0	
8129029		3415123412	103	GORRELL-CUPP UNIT #2	PARIS	30.0	
8129029		3415123412	107-TF	GORRELL-CUPP UNIT #2	PARIS	30.0	
8129028		3415123377	103	HAAS #2	PARIS	30.0	
8129028		3415123377	107-TF	HAAS #2	PARIS	30.0	
8129043		3415123425	103	KEITH UNIT #2	PARIS	30.0	
8129043		3415123425	107-TF	KEITH UNIT #2	PARIS	30.0	

UMI 1 8 NMC 50-1\64V

VOLUME 432 PAGE 010

SE NO	OP ERI	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129034		3415123342		103		KIKO #1	PARIS	30.0	
8129034		3415123342		107	TF	KIKO #1	PARIS	30.0	
8129032		3415123426		103		LYTLE UNIT #3	PARIS	30.0	
8129032		3415123426		107	TF	LYTLE UNIT #3	PARIS	30.0	
8129026		3415123422		103		M & G COAL UNIT #3	PARIS	30.0	
8129026		3415123422		107	TF	M & G COAL UNIT #3	PARIS	30.0	
8129042		3415123334		103		OWENS-ICKES UNIT #2	PARIS	30.0	
8129042		3415123334		107	TF	OWENS-ICKES UNIT #2	PARIS	30.0	
8129030		3415123335		103		OWENS-ICKES UNIT #3	PARIS	30.0	
8129030		3415123335		107	TF	OWENS-ICKES UNIT #3	PARIS	30.0	
8129040		3415123306		103		P SLAGLE #2	PARIS	30.0	
8129040		3415123306		107	TF	P SLAGLE #2	PARIS	30.0	
8129035		3415123430		103		ROHRER UNIT #1	PARIS	30.0	
8129035		3415123430		107	TF	ROHRER UNIT #1	PARIS	30.0	
8129024		3415123312		103		SAEGER/DEPALMO UNIT #1	PARIS	30.0	
8129024		3415123312		107	TF	SAEGER/DEPALMO UNIT #1	PARIS	30.0	
8129039		3415123313		103		SAEGER/DEPALMO UNIT #2	PARIS	30.0	
8129039		3415123313		107	TF	SAEGER/DEPALMO UNIT #2	PARIS	30.0	
8129046		3415123364		103		SICKAFOOSE UNIT #1	PARIS	30.0	
8129046		3415123364		107	TF	SICKAFOOSE UNIT #1	PARIS	30.0	
8129038		3415123423		103		T POWELL #1	PARIS	30.0	
8129038		3415123423		107	TF	T POWELL #1	PARIS	30.0	
8129027		3415123378		103		THAYER UNIT #1	WASHINGTON	30.0	
8129027		3415123378		107	TF	THAYER UNIT #1	WASHINGTON	30.0	
8129045		3415123427		103		UNKEFER UNIT #1	PARIS	30.0	
8129045		3415123427		107	TF	UNKEFER UNIT #1	PARIS	30.0	
8129044		3415123428		103		UNKEFER UNIT #2	PARIS	30.0	
8129044		3415123428		107	TF	UNKEFER UNIT #2	PARIS	30.0	
8129037		3415123361		103		WAYNE FARMS UNIT #1	PARIS	30.0	
8129037		3415123361		107	TF	WAYNE FARMS UNIT #1	PARIS	30.0	
-WILLEY OIL & GAS CO				RECEIVED: 05/01/81 JA: CH					
8129047		3408923991		103		WILLEY #2	FALLSBURG	10.0	
-WITCO CHEMICAL CORP				RECEIVED: 05/01/81 JA: CH					
8129050		3409921182		103		HANCOCK UNIT #2	DAMASCUS	3.6	DAMASCUS GA CO
8129050		3409921182		107	TF	HANCOCK UNIT #2	DAMASCUS	3.6	DAMASCUS GA CO
8129048		3409921250		103		HANCOCK UNIT #3	DAMASCUS	3.6	DAMASCUS GA CO
8129048		3409921250		107	TF	HANCOCK UNIT #3	DAMASCUS	3.6	DAMASCUS GA CO
8129049		3409921170		103		WILES UNIT #2	DAMASCUS	3.6	DAMASCUS GA CO
8129049		3409921170		107	TF	WILES UNIT #2	DAMASCUS	3.6	DAMASCUS GA CO
-WRAY PETROLEUM CORP OF	OHIO			RECEIVED: 05/01/81 JA: OH					
8129055		3413322045		103		HOLLIDAY #1	NELSON	70.0	EAST OHIO G S CO
8129055		3413322045		107	TF	HOLLIDAY #1	NELSON	70.0	EAST OHIO G S CO
8129054		3413322025		103		NELSON SPORTS #1	NELSON	18.3	EAST OHIO G S CO
8129054		3413322025		107	TF	NELSON SPORTS #1	NELSON	18.3	EAST OHIO G S CO
8129053		3413322020		103		NELSON SPORTS #4	NELSON	18.3	EAST OHIO G S CO
8129053		3413322020		107	TF	NELSON SPORTS #4	NELSON	18.3	EAST OHIO G S CO
8129052		3413322234		103		OROS #1	NELSON	0.0	EAST OHIO G S CO
8129052		3413322234		107	TF	OROS #1	NELSON	0.0	EAST OHIO G S CO
8129051		3413322209		103		SHAFFER #1	NELSON	0.0	EAST OHIO G S CO
8129051		3413322209		107	TF	SHAFFER #1	NELSON	0.0	EAST OHIO G S CO

BILLING CODE 6450-86-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before June 17, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1; New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108—: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–16331 Filed 6–1–81, 8:45 am]

BILLING CODE 6450–85–M

Western Area Power Administration

Announcement of the Proposed Power Marketing Plan Central Valley Project, California

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Announcement of the proposed power marketing plan governing the proposed allocation of 102 MW of additional power and 10 MW of power to protect system diversity, the proposed renewal of certain existing contracts, the proposed conservation and renewable energy program, and the proposed transmission marketing plan—Central Valley Project, California.

SUMMARY: The Western Area Power Administration (Western) is developing a power marketing plan (Plan) for the power resources marketed by Western's Sacramento Area Office. Initial activities began last July 1980. Thus, far, three information forums and two public comment forums have been held. Western reaffirms its commitment to publish the final Plan by October 1981. The schedule of remaining events is included below.

The major points within each category of the proposed Plan follow. A brochure containing the Plan and associated studies will be available as of the date of this **Federal Register** and will be presented at a June 2, 1981, public information forum. Interested parties will receive the brochure about 1 week before the June 2, forum.

DATES: A public information forum will be held on June 2, 1981, beginning at 9:30 a.m. in the Mariposa/Sonora Rooms, Holiday Inn-Holidome, 5321 Date Avenue, Sacramento, California. The proposed Plan will be made available at this forum. Written comments are due by July 21, 1981.

A public comment forum will be held on July 14, 1981, beginning at 9:30 a.m. in the Sutter Mill Room, Holiday Inn-Holidome, 5321 Date Avenue, Sacramento, California.

ADDRESS: For further information concerning the public information forum contact: Mr. David G. Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, U.S. Department of Energy, 2800 Cottage Way, Sacramento, CA 95825, (916) 484–4251.

Proposed Power Marketing Plan

102 MW of Additional Power and 10 MW for Protection of System Diversity: Western proposes to market 102 MW as follows. The 46 MW reserved for the Westlands Water District (Westlands) will be marketed on a withdrawal basis; of the remaining 56 MW, 30 MW will be reserved to "firm" renewable resources and cogeneration, and 26 MW will be allocated on a nonwithdrawable basis.

Firm-power allocations from the 46 MW of Westlands power will be made subject to Westland's load growth and will be partially or wholly withdrawable on 1 year's advance notice in writing to the recipients of an allocation. The amount of withdrawal will be on a pro rata basis among all recipients of a withdrawable allocation.

The 30 MW reserved to firm renewable resources and cogeneration will involve a capacity and energy exchange. The exchange will be negotiated on an individual basis depending on the type of project under consideration.

An additional 10 MW is proposed to be made available to those entities which can shed load during times of Western's total system simultaneous peak, and thus contribute to Western's system diversity. The scheduling and accounting for "load shedding" will be negotiated on a case-by-case basis.

Alternative limitations on the amount of energy to be marketed with capacity allocated from the 26 MW of nonwithdrawable power and the 46 MW of Westlands withdrawable power have been studied and are discussed below.

Renewal of Expiring Contracts: Western proposes to renew existing contracts that expire on or before April 30, 1985, on substantially the same contract rate of delivery (CRD) terms; however, Western has not yet decided as to whether to apply a 40-percent monthly load factor energy limit or a customer load factor energy limit. The alternative limitations on the amount of energy to be sold with capacity are discussed further below.

Marketing Area: The Sacramento Area Office of Western has a marketing area which generally encompasses the Central Valley Project (CVP) water basin and northern Nevada. The CVP resources have traditionally been utilized in the northern California area, and area planning has developed under the assumption that those resources will be used in the area. Under Western's contract with Pacific Gas and Electric Company (PGandE) (Contract No. 14–06–200–2948A) there are constraints involved with marketing CVP power resources outside the northern California area. Further, Western has no transmission capability to serve the northern Nevada area.

Given these considerations and constraints, Western proposes to market its CVP power only within the northern California portion of the Sacramento Area Office marketing area. However, Western does recognize the longer term possiblity of marketing power from other new Federal resources to qualified preference entities in northern Nevada.

Contract Termination Date: The contract termination date for all renewed contracts, contracts for power allocated under the 102 MW, and contracts for the 10 MW of power for protection of system diversity is proposed to be July 1, 1994.

Western's Contract Reservations: Western proposes the following reservations to apply to all renewed contracts and to contracts for power allocated from the 102 MW:

1. Western may, at its sole discretion, reduce a customer's CRD for firm power by any amount necessary to supply the

project-use requirements including operation of the Federal San Luis Unit of the Central Valley Project. The reduction amount shall be prorated among all preference customers. Western shall give its customers written notice 6 months in advance of the effective date of the reduction.

2. At those times when Western's total system simultaneous peak demand exceeds the 1,152-MW level, Western may, at its sole discretion, curtail its customers' CRD so as not to exceed a pro rata share of the total power and energy that is available.

3. In order to supply electric power and energy to preference customers in Tuolumne, Calaveras, and Trinity Counties in California in accordance with the requirements of reclamation law, Western, upon 90 days' advance written notice to its customers, may withdraw electric power from its customers. The criteria for withdrawal of power from CVP customers will be determined in a subsequent rulemaking after allowing the appropriate public notice and comment.

Transmission Billing Terms for Renewed Contracts, Contracts for THE 102 MW, and Contracts for the 10 MW of Diversity: Currently, Western has one transmission rate which applies to customers that receive CVP power wheeled over PG and E's system. The majority of the costs for wheeled service were in the past programed to be recovered from the power sales rate. The power rate is adjusted or discounted for direct-service customers. This system is cumbersome and results in inequitable treatment among customers.

Western proposes to maintain an option to eventually discontinue the present system, replacing it with a separate billing for transmission. Therefore, Western proposes that customers which receive renewed contracts and contracts for the 102 MW shall not be billed for transmission if they are directly served from Western's transmission system. The contracts of customers who have wheeled service will provide for a wheeling charge. Appropriate contract terms will cover each situation. Western expects to adjust or set, as appropriate, transmission rates to be charged under such contractual provisions.

Energy Limit Alternatives: Western's CVP hydroelectric system is typically energy deficient during the fall and winter when river flows are at relative minimums. In 1971, Western obtained a 10-year contract for 400 MW of power from the Centralia coal plant located in the State of Washington to provide baseload energy to complement the CVP's seasonal energy production. With the expiration of the Centralia contract on December 31, 1981, Western estimates that its energy bank accounts Nos. 1 and 2, which are maintained with PGandE, will be depleted in the Mid-1980's and early 1990's, respectively. Confronted by this fact, Western determined that it could either market only what the CVP can generate on an annual average basis or continue to market its power resources at the customers' load factor and seek to acquire resources to meet customers' demands. The CVP's annual average capacity factor is about 40 percent and Western's customers have about a 60-percent load factor on a system average basis.

Western's studies with regard to marketing a total of 1,152 MW at a 40-percent load factor versus the customers' load factor indicate that the purchase power requirement difference between the two load factor levels for the period 1981 to July 1, 1994, ranges from 150 gigawatthours (GWh) in 1982 to 600 GWh annually in the late 1980's. Not until July 1, 1994, when the Sacramento Municipal Utility District's (SMUD) current contract for 360 MW expires, could there be a significant difference in the CVP's purchase power requirements between the two alternative energy limitations. The difference in purchase power requirements could increase from 600 to 1,300 GWh annually in the period 1994–2004. It is for this reason also that Western proposes to have a contract termination date of July 1, 1994, for all contracts that expire by April 30, 1985, for all contracts for the 102 MW of additional power, and for contracts for the 10 MW for protection of system diversity. By this date, Western will have been able to re-evaluate the necessity to renew or revise all expiring contracts and the SMUD contract at either a 40-percent or customer load factor energy limitation.

Western has not yet made a final determination of the energy limit alternatives. Western does, however, propose to implement either the 40-percent annual average load factor energy limitation or the customer load factor alternative. Customer comments on this issue are again solicited. The decision on which load factor alternative to apply will be made after July 27, 1981, which is the close of the formal comment period.

Conservation and Renewable Energy Program: Western is presently in the draft stages of preparing a conservation and renewable energy program. The purpose of this program will be to encourage the involvement of our customers in conservation activities/programs and renewable energy projects that are in keeping with the objectives of the National Energy Policy:

- Reduction of U.S. dependence on imported oil.
- Improved efficiency in the use of energy.
- Increased production and use of renewable energy.

The program is being developed separately from the power marketing plan. The schedule and major elements of the program may be presented at the June 2, 1981, public information forum.

Each contractor who contracts to take power allocated from the 102 MW or the 10 MW of diversity, or to take power under a renewal contract will be required under their contract to continue or implement a conservation and renewable energy program acceptable to Western when Western's conservation and renewable energy program regulations become effective. If a contractor does not maintain an effective conservation program, the contractors CRD is subject to a reduction of up to 10 percent.

Allocation Criteria: The proposed allocation criteria which were published at 46 FR 25539 (May 7, 1981) are hereby incorporated by reference and made a part of this proposed power marketing plan.

Proposed Transmission Marketing Plan

Western proposes a transmission marketing plan which seeks to maximize the use of the CVP's 1,200-mile transmission system and the 400-MW entitlement on the Pacific Northwest 500-kV a.c. intertie. Western's loads will receive first priority; then, if surplus transmission capability is available, it will be used to obtain other purchase power supplies to support Western's contractual commitments. Next, preference will be given to preference customers who have a need to meet load requirements above their CRD, subject to contractual and physical constraints. If surplus transmission capacity still exists, Western will assist its preference customers in integrating any of their resources which are located in the Northwest or in any part of Western's marketing area. Western will also cooperate fully in areawide emergency planning programs and utilize its transmission system to lend assistance during emergencies and power curtailment situations to assist all interconnected utilities where feasible.

Environmental Assessment

Western presented its assessment of potential environmental impacts of the

Sacramento Area Office's proposed power marketing plan in the January 14, 1981, draft Plan. The assessment found that the Plan would not involve changes in the operation of the CVP's hydroelectric and transmission facilities. In addition, the Plan calls for no new facilities; and thus, the proposed action would not affect the existing CVP system, the natural ecosystem, recreational resources, or historical or archeological sites.

The California Energy Commission (CEC) by letter dated March 6, 1981, did take issue with one statement in the Environmental Assessment: the environmental impact of all alternatives are identical to those described for the proposed action (page 69, draft Plan, January 14, 1981). The thrust of the CEC's comment was that cogeneration and renewable energy would " * * * reduce air polution in the PG and E area by cutting back the consumption of fossil fuels, particularly oil."

Western agrees with the CEC and recognizes the potential for improved air quality associated with displacement of existing oil generation by certain types of cogeneration and renewable energy. Therefore, Western incorporates this section of the proposed Plan into the environmental assessment presented in the January 14, 1981, draft Plan.

Given the above revision to the environmental assessment, Western concludes that because the proposed Plan has no significant environmental constraints and the development of the Plan will not cause any significant environmental impact, no further documentation under the National Environmental Policy Act is required. Subject to comments received by July 27, 1981, Western proposes to reaffirm its findings and conclusions.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. Western has determined that (1) this rulemaking relates to services offered by Western and therefore is not a rule within the purview of the Regulatory Flexibility Act; (2) there will be only a few qualifying applicants which will be small entities; and (3) the impacts of an allocation from Western would not cause an adverse economic impact to such entities. The requirements of the Act can be waived if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. For the reasons cited above, the Administrator of Western has certified that the proposed allocation criteria published in the **Federal Register** on May 7, 1981 (46 FR 25539), and the proposed power marketing plan are not rules under the Regulatory Flexibility Act and will not, if promulgated, have a significant economic impact on a substantial number of small entities. The Administrator's certification is published herewith and has been sent to the Chief Counsel for Advocacy of the Small Business Administration.

Determination Under Executive Order 12291

Pursuant to Executive Order 12291 of February 17, 1981 (46 FR 13193, February 19, 1981), each agency is to determine whether a rule it intends to propose is a "major rule." Western has determined that for the purposes of Executive Order 12291, the proposed power marketing plan is not a major rule because:

1. It will not have an annual effect on the economy of $100 million or more;

2. It will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

3. It will not have significant adverse effects on competition employment, investment, productivity innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rulemaking was submitted to the Director of the Office of Management and Budget for review prior to publication of this **Federal Register**.

Power Marketing Plan Schedule: The following schedule applies to the remainder of the power marketing plan development period.

June 2—Information forum on the proposed power marketing plan and allocation criteria
July 14—Comment forum
July 27—Last date for receipt of written comments on the allocation criteria, application format, and power marketing plan
August 3—Publish adopted allocation criteria
August 10 to September 15—Receive applications for allocations
September 30—Publish final plan and proposed allocations
October 8—Comment forum on the proposed allocations
November 2—Publish final allocations and begin contracting

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the power marketing plan are and will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825, (916) 484-4251.

Issued at Golden, Colorado, May 15, 1981.

Don W. Shinkle,
Assistant Administrator for Management Services.

Certification of Compliance With the Regulatory Flexibility Act of 1980

I, Robert L. McPhail, Administrator of the Western Area Power Administration, certify that the "Proposed Allocation Criteria For The Marketing of 102 MW of Additional Power and 10 MW of Power to Protect System Diversity," published on May 7, 1981, in **Federal Register** (46 FR 25539), and the "Proposed Power Marketing Plan" for the Central Valley Project which will be published on or about May 27, 1981, are not rules within the meaning of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), will not have a significant economic impact on a substantial number of small entities, and therefore comply with the requirements of the Regulatory Flexibility Act without the preparation of a regulatory flexibility analysis.

Issued at Golden, Colorado, May 12, 1981.

Robert L. McPhail,
Administrator.

[FR Doc. 81-16427 Filed 6-1-81; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51257A; TSH-FRL-1843-7]

Acrylated Alkoxylated Aliphatic Glycol Premanufacture Notice; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the toxicological information on a premanufacture notice (PMN) submitted by Diamond Shamrock Corp., Process Chemicals Division as required by section 5(a)(1) of the Toxic Substances Control Act (TSCA).

FOR FURTHER INFORMATION CONTACT: Carrie Berlin, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm.

E-221, 401 M St., SW., Washington, DC 20460, (202-426-8816).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 8, 1981 (46 FR 25693), EPA issued a notice of receipt of a PMN (PMN 81-163) on the chemical generically identified as acrylated alkoxylated aliphatic glycol submitted by Diamond Shamrock Corp., Process Chemicals Divisions, PO Box 2386R, Morristown, NJ 07960.

In the FR Doc. 81-13900 appearing at page 25694 under PMN 81-163, first column, the "Toxicity Data.", second column, is corrected to read from "No data were submitted." to:

"Skin irriation, Draize (rabbits)—0.9/8 and 2/8, mildly irritating.

Eye irritation, Draize (rabbits)—2.3/110.

Oral LD_{50} (rats)—>10,000 mg/kg.

Dermal LD_{50} (rabbits)—>5,000 mg/kg.

Mutagenicity (Ames)—Negative."

Dated: May 27, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-16351 Filed 6-1-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51265; TSH-FRL-1843-4]

Amide Functional Silane; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of a PMN and provides a summary.

DATE: Written comments by June 29, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51265] and the specific PMN number, should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Kathleen Ehrensberger, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-335, 401 M St., SW., Washington, DC 20460, (202-755-1150).

SUPPLEMENTARY INFORMATION: A PMN has been received by the EPA. The following is a summary of information provided by the manufacturer:

PMN 81-217

Close of Review Period. July 29, 1981.

Manufacturer's Identity. Dow Corning Corporation, P.O. Box 1767, 2200 W. Salzburg Road, Midland, MI 48640.

Specific Chemical Identity. Claimed confidental business information. Generic name provided: Amide functional silane.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used as an additive in a coating for plastics.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

pH—7.

Color—Yellow brown.

Physical state—Liquid.

Flash point (COC)—225°F.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5,000 mg/kg.

Dermal toxicity LD_{50} (rabbit)—>2,000 mg/kg.

Eye irritation (rabbit)—Irritating.

Skin irritation (rabbit)—Nonirritating.

Ames *Samonella* Assay—No mutagenic activity.

Environmental Test Data

Fish 96-hour LC_{50}—>100 ppm.

Daphia 48-hour LC_{50}—>100 mg/l.

Exposure. No data were submitted. The submitter states that exposure to the new chemical will be minimal due to its manufacture in a closed system.

Environmental Release/Disposal. No data were submitted. The manufacturer states that there will be essentially no material released to the atmosphere; any waste product will be incinerated.

Dated: May 27, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-16354 Filed 6-1-81; 8:46 am]

BILLING CODE 6560-31-M

[OPTS-51263; TSH-FRL-1843-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of eight PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-202, June 26, 1981

PMN 81-203, 204, 205, 207, 208, 209, June 28, 1981

PMN 81-218, July 4, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51263]" and the specific PMN number, should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No	Notice manager	Telephone	Room No.
81-202, 209.	Carrie Berlin	(202-426-8816)	E-221
81-203	Janet Thompson	(202-755-8297)	E-519B
81-204, 205.	Kathleen Ehrensberger	(202-755-1150)	E-335
81-207, 208, 218.	Michael Brown	(202-755-1150)	E-335

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-202

Close of Review Period. July 26, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—In excess of $500,000,000.

Manufacturing site—East-South Central U.S.

Standard Industrial Classification Code—284, "Soap, Detergents and Cleaning Preparations, Perfumes, Cosmetics and other Toilet Preparations."

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyether alkenyl alkanyl esters.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used in a contained use that will release approximately 25,000 kg per year into the environment with minimal skin exposure to chemical industry employees and none to consumers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Density (liquid) at 25°C—1.0 1.2g/cm³.

Solubility at 25°C—>10g/l in methylene chloride, methanol, and acetone.

Solidification temperature— −10 0° C.

Boiling point—Not determined; estimated to be >200°C with decomposition.

Toxicity Data. No data were submitted.

Exposure. The submitter states that at 3 sites, 21 workers manufacturing, processing, and disposing of the new chemical will have minimal skin exposure at a peak concentration of 0 to 1 ppm for 1 to 8 hr/da, 65 to 250 da/yr, during transfer operations.

Environmental Release/Disposal. The manufacturer states that at two sites more than 20,000 kg/yr of the new chemical will be released into the water of a settling sump, aeration basin, or biological treatment facility at the manufacturing site at the rate of 17 to 20 gallons per day during 1 hr/da, 65 da/yr. At a third site, from 1,000 to 10,000 kg/yr will be released into the land of a designated landfill at 1 to 2 gallons per day.

PMN 81-203

Close of Review Period. July 28, 1981.

Importer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—Between $100 million and $499,999,999.

Importing site—Northeastern U.S.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted alkyl cyanoacrylate ester.

Use. The importer states that the PMN substance will be used as an adhesive in an industrial, commercial, and consumer use and as a sealant in an industrial and commercial use.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	125	500
2d year	200	750
3d year	300	1,000

Physical/Chemical Properties

Color—Colorless.

Odor—None.

Viscosity—4-5 cps.

Boiling point—90°C at 1 mm Hg.

Toxicity Data. No data were submitted.

Exposure. The importer states that one processing worker will have inhalation exposure to the new substance for 4 hr/da, 3 da/yr, at an average concentration of 0 to 1 ppm.

Environmental Release/Disposal. The importer states that less then 10 kg/yr of the new chemical will be released into the air during 4 hr/da, 3 da/yr.

PMN 81-204

Close of Review Period. July 28, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aliphatic alcohol.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used as a captive intermediate and as a solution/aid modifier.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity at 25°C—0.859.

Refractive index, nD^{25}—1.4728.

Solubility at 25°C:

Water—Insoluble.

Isopropanol 99%—Miscible.

Mineral oil (85 S.U.S.)—Miscible.

Methyl ethyl ketone—Miscible.

Smoke, flash, and fire point—320, 520, and 600°F.

Toxicity Data

Acute oral toxicity (male and female rats)—> 5.0 g/kg.

Primary eye irritation (albino rabbits)—Minimally irritating without a washout; Nonirritating with a washout.

Primary skin irritation (albino rabbits)—Mildly irritating.

Acute inhalation toxicity (male and female rats)—No mortality in 15-day period following 1-hour exposure at concentration of 202.1 mg/l.

Exposure. The manufacturer states that one worker per shift will have skin exposure to the new chemical substance for a maximum of 1 hour per shift during sampling, analysis, and cleanup operations.

Environmental Release/Disposal. The manufacturer states that none of the new substance will require disposal.

PMN 81-205

Close of Review Period. July 28, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aliphatic alcohol ester.

Use. The submitter states that the PMN substance will be used as a textile fiber lubricant.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity at 25°C—0.866.

Refractive index, nD^{25}—1.4688.

Smoke, flash, and fire point—320, 610, and 640°F.

Solubility at 25°C:

Water—Insoluble.

Isopropanol 99%—Insoluble.

Mineral oil (85 S.U.S.)—Miscible.

Methyl ethyl ketone—Miscible.

Toxicity Data

Acute oral toxicity (male and female rats)—> 5.0 g/kg.

Primary eye irritation (albino rabbits)—Nonirritating without a washout.

Primary skin irritation (albino rabbits)—Slightly irritating.

Acute inhalation toxicity (male and female rats)—No mortality in 14-day period following 1-hour exposure at concentration of 206.6 mg/l.

Exposure. The manufacturer states that one worker per shift will have skin exposure to the new chemical substance for a maximum of 1 to 2 hours per shift during sampling and cleanup operations.

Environmental Release/Disposal. The manufacturer states that none of the new substance will require disposal.

PMN 81-207

Close of Review Period. July 28, 1981.

Manufacturers's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—In excess of $500 million.

Manufacturing site—East-North Central U.S.

Standard Industrial Classification Code—286, "Industrial Organic Chemicals."

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Halogenated alklated titantium mixed aluminum magnesium oxides.

Use. The submitter states that the PMN substance will be used in an industrial use as a catalyst.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance and odor—Two phase: water white, gasoline odor upper level; dark brown precipitate lower level.

Boiling point—156° F.

Vapor pressure—124 mm Hg.

Vapor density—2.975 (air = 1).

Solubility in water—Appreciable, >10%.

Specific gravity—0.66 (H_2O = 1).

Volatile by volume—75%.

Evaporation rate—1.9 (ether = 1).

Flash point—−7° F closed cup.

Toxicity Data. No data were submitted.

Exposure. The submitter states that workers manufacturing and using the new substance could have accidential skin exposure during transfer and drumming operations.

Environmental Release/Disposal. No data were submitted. The manufacturer states that cleaning solvents not recycled are incinerated; wastewater from cleaning operations is neutralized before discharge by sewer into the water of a publicly owned treatment works (POTW) or a navigable waterway.

PMN 81-208

Close of Review Period. July 28, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—In excess of $500 million.

Manufacturing site—Pacific and West-South Central regions, U.S.

Standard Industrial Classification Code—286, "Industrial Organic Chemicals."

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkenyltri (substituted alkoxy) silane.

Use. The submitter states that the PMN substance will be used in an industrial use as a polymer additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—254–256° C at 0.8 mm.

Density—1.145 g/mc³ at 19.5° C.

Vapor pressure—<10° μHg at 78° C.

pH (1% 70/30 dioxane/H_2O)—5.2.

Flash point (COC)—390° F.

Decomposition temp.—7% wt. loss at 150° C in air (approx).

Toxicity Data

Oral LD_{50} (rates)—> 5g/kg.

Acute dermal toxicity (male, female rabbits)—> 2 g/k with slight edema (interim, 4-day results).

Ames *Salmonella* Assay—No mutagenic activity.

Exposure. The submitter states that at two sites nine manufacturing and processing workers will have skin exposure to the new chemical for 1 hr/da, from 15 to 150 da/yr, during sampling, drumming, and cleanup operations. Because the new substance will be manufactured and distilled in a closed system, exposure will be minimal.

Environmental Release/Disposal. The manufacturer states that at two sites less than 20 kg/yr of the new chemical will be released into the water of a publicly owned treatment works (POTW) or a navigable waterway during 5 hr/da, 2 to 150 da/yr. Distilled cleaning solvent will be reecycled or incinerated; cleaning water will be filtered, skimmed, and neturalized before release.

PMN 81-209

Close of Review Period. July 28, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Polymer of adipic acid, isophthalic acid, trimethlylol propane, neopentyl glycol, and silicone polymer.

Use. Claimed confidential business information.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100,000	200,000
2d year	200,000	300,000
3d year	300,000	500,000

Physical/Chemical Properties

	Polymer solution	Dried polymer
Solid content	67.9	
Specific gravity	1.11	1.14
Solubility in water		[1]3.3
Number average molecular weight.	1,100 to 1,300	
Weight average molecular weight.	49,294 to 51,795	
Flash point (closed cup)	116°	>210° F.

Physical/Chemical Properties—Continued

	Polymer solution	Dried polymer
Elemental analysis	%C: 61.5, %H: 6.7, %O: 22.9, %S: 9.4.	
Chemical oxygen demand (g o/g).	1,780,000	

[1] 3.3 milligrams per 100 grams.

Toxicity Data. No data on the polymer were submitted.

Exposure. The submitter states that at 2 sites, 16 workers manufacturing, processing, and disposing of the new chemical will have skin and inhalation exposure for 1 to 4 hr/da, 2 to 20 da/yr, at an average concentration of 0 to 1 ppm and a peak concentration of 1 to 10 ppm during sampling, mixing, transferring, quality control analysis, filtering, and drum filling operations.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the new substance will be released into the air for 8 hr/da, 20 da/yr. Airborne effluent will be treated by a scrubber; scrubber water will be routed to a sewer; cleaning solvents will be recycled or the sludge transported by state licensed carriers to a state licensed landfill.

PMN 81-218

Close of Review Period. August 3, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—Between $10,000,000 and $99,999,999.

Manufacturing site—East-North Central U.S.

Standard Industrial Classification Code—286, "Industrial Organic Chemicals."

Specific Chemical Identity. Adipic acid-dipropylene glycol-linseed oil fatty acid-trimelletic anhydride-trimethylol propane polymer.

Use. The manufacturer states that the PMN substance will be used in a site-limited, industrial use as coating composition.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	2,000	4,000
2d year	3,000	5,000
3d year	5,000	7,000

Physical/Chemical Properties

Physical appearance—Clear amber liquid.

Density at 25° C—1.11.

Boiling range—105–210° C.
Nonvolatile—100%.
Viscosity—7,000–8,000 cps.
Acid value—55–65.
Flash point—>200° F, Pensky Martin.

Toxicity Data. No data on the polymer were submitted.

Exposure. The manufacturer states that six workers manufacturing, using, and disposing of the new substance will have skin exposure 1 hr/da, 20 da/yr, at an average concentration of 0 to 1 ppm and a peak concentration of 1 to 10 ppm during transfer operations. Daily skin exposure for 100 commercial, industrial users is expected to be minimal.

Environmental Release/Disposal. The manufacturer states that there is no anticipated release of the new substance into the environment. Spills will be incinerated.

Dated: May 27, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-16352 Filed 6-1-81, 8:45 am]
BILLING CODE 6560-31-M

[OPTS-51264; TSH-FRL-1643-1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of eight PMN's and provides a summary of each.

DATE: Written comments, identified by the document control number "[OPTS-51264] and the specific PMN number, should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M St. SW., Washington, D.C. 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on PMN's received by the EPA:

PMN 81-206

Close of Review Period. July 28, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substitutedthiol salt.

Use. The manufacturer states that the PMN substance will be used as a site-limited, chemical intermediate to replace analogous compound in the manufacture of a final chemical which will contain essentially none of the new substance as an impurity.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	300	500
2d year	500	800
3d year	700	1,500

Physical/Chemical Properties

Solubilities:
Water—±10%.
Octanol—0.1–1.0%
Melting point—125° C.

Toxicity Data

Acute oral LD_{50}—1,300–1,900 mg/kg.
Acute dermal LD_{50}>1,000 mg/kg.
Skin irritation—Strongly irritating.

Exposure. The submitter states that nine workers manufacturing and using the substance will have skin and inhalation exposure for 0.3 to 2 hr/da, 6 to 75 da/yr, at average concentrations of 0 to 10 mg/m³ and peak concentrations of 10 to 100 mg/m³ during transferring and drying operations.

Environmental Release/Disposal. The submitter states that a negligible amount of the new chemical will be released into the air and none into the land and water. Emissions of vapors are passed through a scrubber; combustible liquid and solid wastes are incinerated; spills and scrubber water are processed by a wastewater treatment system.

PMN 81-210

Close of Review Period. July 28, 1981.

Importer's Identity. Claimed confidential business information. Organizational description provided:
Annual sales—In excess of $500 million.
Importing site—Middle Atlantic U.S.
Standard Industrial Classification Code—2865.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aromatic disazo dye.

Use. The importer states that the PMN substance will be used in an industrial use as dyestuff for fibers and fabrics.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	400	600
2d year	1,200	2,000
3d year	2,000	10,000

Physical/Chemical Properties

Appearance—Odorless, yellow granular solid.
Melting point—>300° C.
Decomposition point—>200° C.
Water solubility at 20° C—80 g/l.
pH—(10 g/l) 7.

Environmental Test Data

Biodegradation—10–25% (static method, photometric determination).
Accumulation in fish tissues—None.
48-hour LC_{50} (Killi Fish)—2,360 mg/1.

Toxicity Data

Oral LC_{50} (rat)—>5 g/kg.
Ames test—Negative.
Skin irritation (rabbit)—Slightly irritating.
Eye irritation (rabbit)—Nonirritating.

Exposure. The importer states that at each customer's site, one to three processing workers will have inhalation and skin exposure to the new substance for 2 to 3 hr/da, 70 to 100 da/yr, at an average and peak concentration of 1 to 10 mg/m³ during weighing and transfer operations.

Environmental Release/Disposal. The importer states that at each customer's site, less than 10 kg/yr of the new chemical will be released into the air and from 100 to 1,000 kg/yr released into the water of a waste treatment plant or publicly owned treatment works (POTW) during 2 to 3 hr/da, 75/yr. Dyed yarn waste and fabric trimmings containing trace amounts of the new substance will be incinerated or disposed of by an approved landfill.

PMN 81-211

Close of Review Period. July 28, 1981.

Importer's Identity. Claimed confidential business information. Organizational description provided:
Annual sales—In excess of $500 million.
Importing site—Middle Atlantic U.S.

Standard Industrial Classification Code—2865.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aromatic disazo dye.

Use. The importer states that the PMN substance will be used in an industrial use as dyestuff for fibers and fabrics.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	400	600
2d year	1,200	2,000
3d year	2,000	10,000

Physical/Chemical Properties

Appearance—Odorless, yellow granular solid.
Melting point—>300° C.
Decomposition point—>240° C.
Water solubility at 20° C—100 g/l.
pH—(10 g/l) 7.

Environmental Test Data

Biodegradation—25–50% (static method, photometric determination).

Toxicity Data.

Oral LD_{50} (rat)—>5 g/kg.
Ames test—Negative.
Skin irritation (rabbit)—Nonirritating.
Eye irritation (rabbit)—Nonirritating.

Exposure. The importer states that at each customer's site, one to three processing workers will have inhalation and skin exposure to the new substance for 2 to 3 hr/da, 70 to 100 da/yr, at an average and peak concentration of 1 to 10 mg/m³ during weighing and transfer operations.

Environmental Release/Disposal. The importer states that at each customer's site, less than kg/yr of the new chemical will be released into the air and from 100 to 1,000 kg/yr released into the water of a waste treatment plant or publicly owned treatment works (POTW) during 2 to 3 hr/da, 75 to 100 da/yr. Dyed yarn waste and fabric trimmings containing trace amounts of the new substance will be incinerated or disposed of by an approved landfill.

PMN 81-212

Close of Review Period. July 28, 1981.
Importer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—In excess of $500 million.
Importing site—Middle Atlantic U.S.
Standard Industrial Classification Code—2865.
Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Aromatic disazo dye.
Use. The importer states that the PMN substance will be used in an industrial use as dyestuff for fibers and fabrics.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	400	600
2d year	1,200	2,000
3d year	2,000	10,000

Physical/Chemical Properties

Appearance—Odorless, brown granular solid.
Melting point—>155° C.
Decomposition point—>250° C.
Water solubility at 20° C—70 g/l.
pH—(10g/l) 7–8.

Environmental Test Data

Biodegradation—50–100% (static method, photometric determination).
Accumulation in fish tissues—None.
48-hour LC_{50} (Killi Fish)—3,160 mg/l.

Toxicity Data

Oral LD_{50} (rat)—>10 g/kg.
Ames test—Negative.
Skin irritation (rabbit)—Slightly irritating.
Eye irritation (rabbit)—Slightly irritating.
Inhalation risk (rat)—No deaths after 7-hour exposure.

Exposure. The importer states that at each customer's site, one to three processing workers will have inhalation and skin exposure to the new substance for 2 to 3 hr/da, 70 to 100 da/yr, at an average and peak concentration of 1 to 10 mg/m³ during weighing and transfer operations.

Environmental Release/Disposal. The importer states that at each customer's site less than 10 kg/yr of the new chemical will be released into the air and from 100 to 1,000 kg/yr released into the water of a waste treatment plant or publicly owned treatment works (POTW) during 2 to 3 hr/da, 75 to 100 da/yr. Dyed yarn waste and fabric trimmings containing trace amounts of the new substance will be incinerated or disposed of by an approved landfill.

PMN 81-213

Close of Review Period. July 28, 1981.
Importer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—In excess of $500 million.
Importing site—Middle Atlantic U.S.
Standard Industrial Classification Code—2865.
Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Aromatic disazo dye.
Use. The importer states that the PMN substance will be used in an industrial use as dyestuff for fibers and fabrics.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	400	600
2d year	1,200	2,000
3d year	2,000	10,000

Physical/Chemical Properties

Appearance—Odorless, brown granular solid.
Melting point—>300° C.
Decomposition point—>200° C.
Water solubility at 20° C—90 g/l.
pH—(10g/l) 7.

Environmental Test Data

Biodegradation—<10% (static method photometric determination).
Accumulation in fish tissues—None.
48-hour LC_{50} (Killi Fish)—795 mg/l.

Toxicity Data

Oral LD_{50} (rat)—>6.8 g/kg.
Ames test—Negative.
Skin irritation (rabbit)—Slightly irritating.
Eye irritation (rabbit)—Nonirritating.

Exposure. The importer states that at each customer's site, one to three processing workers will have inhalation and skin exposure to the new substance for 2 to 3 hr/da, 70 to 100 da/yr, at an average and peak concentration of 1 to 10 mg/m³ during weighing and transfer operations.

Environmental Release/Disposal. The importer states that at each customer's site less than 10 kg/yr of the new chemical will be released into the air and from 100 to 1,000 kg/yr released into the water of a waste treatment plant or publicly owned treatment works (POTW) during 2 to 3 hr/da, 75 to 100 da/yr. Dyed yarn waste and fabric trimmings containing trace amounts of the new substance will be incinerated or disposed of by an approved landfill.

PMN 81-214

Close of Review Period. July 28, 1981.
Importer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—In excess of $500 million.
Importing site—Middle Atlantic U.S.
Standard Industrial Classification Code—2865.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aromatic disazo dye.

Use. The importer states that the PMN substance will be used in an industrial use as dyestuff for fibers and fabrics.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	400	600
2d year	1,200	2,000
3d year	2,000	10,000

Physical/Chemical Properties

Appearance—Odorless, orange granular solid.
Melting point—>360° C.
Decomposition point—>240° C.
Water solubility at 20° C—Soluble.
pH—(50 g/l) 9.

Environmental Test Data

Biodegradation—10–25% (static method, photometric determination).

Toxicity Data

Oral LD_{50} (rat)—>5 g/kg.
Ames test—Negative.
Skin irritation (rabbit)—Slightly irritating.
Eye irritation (rabbit)—Slightly irritating.
Intraperit. LD_{50} (mouse)—1.6 g/kg.

Exposure. The importer states that at each customer's site, one to three processing workers will have inhalation and skin exposure to the new substance for 2 to 3 hr/da, 70 to 100 da/yr, at an average and peak concentration of 1 to 10 mg/m^3 during weighing and transfer operations.

Environmental Release/Disposal. The importer states that at each customer's site, less than 10 kg/yr of the new chemical will be released into the air and from 100 to 1,000 kg/yr released into the water of a waste treatment plant or publicly owned treatment works (POTW) during 2 to 3 hr/da, 75 to 100 da/yr. Dyed yarn waste and fabric trimmings containing trace amounts of the new substance will be incinerated or disposed of by an approved landfill.

PMN 81–215

Close of Review Period. July 28, 1981.
Importer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—In excess of $500 million.
Importing site—Middle Atlantic U.S.
Standard Industrial Classification Code—2865.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aromatic disazo dye.

Use. The importer states that the PMN substance will be used in an industrial use as dyestuff for fibers and fabrics.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	400	600
2d year	1,200	2,000
3d year	2,000	10,000

Physical/Chemical Properties

Appearance—Odorless, blue granular solid.
Melting point—300° C.
Water solubility at 20° C.—40 g/l.
pH—(50 g/l) 5.

Environmental Test Data

Biodegradation—10–25% (static method, photometric determination).

Toxicity Data

Oral LD_{50} (rat)—>5 g/kg.
Ames test—Negative.
Skin irritation (rabbit)—Irritating.
Eye irritation (rabbit)—Nonirritating.
Interperit. LD_{50} (mouse)—200–700 mg/kg.

Exposure. The importer states that at each customer's site, one to three processing workers will have inhalation and skin exposure to the new substance for 2 to 3 hr/da, 70 to 100 da/yr, at an average and peak concentration of 1 to 10mg/m^3 during weighing and transfer operations.

Environmental Release/Disposal. The importer states that at each customer's site, less than 10 kg/yr of the new chemical will be released into the air and from 100 to 1,000 kg/yr released into the water of a waste treatment plant or publicly owned treatment works (POTW) during 2 to 3 hr/da, 75 to 100 da/yr. Dyed yarn waste and fabric trimmings containing trace amounts of the new substance will be incinerated or disposed of by an approved landfill.

PMN 81–216

Close of Review Period. July 28, 1981.
Importer's Identity. Claimed confidential business information.
Organizational dexcription provided:
Annual sales—In excess of $500 million.
Importing site—Middle Atlantic U.S.
Standard Industrial Classification Code—2865.
Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Aromatic disazo dye.

Use. The importer states that the PMN substance will be used in an industrial use as dyestuff for fibers and fabrics.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	400	600
2d year	1,200	2,000
3d year	2,000	10,000

Physical/Chemical Properties

Appearance—Odorless, yellow granular solid.
Melting point—>300° C.
Decomposition point—>180° C.
Water solubility at 20C—60 g/l.
pH—(10g/l) 7.

Environmental Test Data

Biodegradation—10–25% (static method, photometric determination).

Toxicity Data

Oral LD_{50} (rat)—5 g/kg.
Skin irritation (rabbit)—Slightly irritating.
Eye irritation (rabbit)—Nonirritating.

Exposure. The importer states that at each customer's site one to three processing workers will have inhalation and skin exposure to the new substance for 2 to 3 hr/da, 70 to 100 da/yr, at an average and peak concentration of 1 to 10 mg/m^3 during weighing and transfer operations.

Environmental Release/Disposal. The importer states that at each customer's site, less than 10 kg/yr of the new chemical will be released into the air and from 100 to 1,000 kg/yr released into the water of a waste treatment plant or publicly owned treatment works (POTW) during 2 to 3 hr/da, 75 to 100 da/yr. Dyed yarn waste and fabric trimmings containing trace amounts of the new substance will be incinerated or disposed of by an approved landfill.

Dated: May 22, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-16357 Filed 6-1-81; 8:45 am]
BILLING CODE 6560-31-M

[OPP 50031; TSH-FRL-1843-3]

JRB Associates, Inc.; Transfer of Data to Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's contractor, JRB Associates, Inc. (JRB) of McLean, Virginia, is assisting the agency in the review and utilization of information related to epidemiology and toxicology which is submitted under sections 5 and 8 of the Toxic Substances Control Act (TSCA). Some of this information may be claimed to be confidential.

DATE: The transfer of information to JRB will begin no sooner than June 12, 1981.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Officer (TS–799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800–424–9065), In Washington: (202–544–1404).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, manufacturers and importers are required to submit Premanufacturer Notices (PMN's) which may include health and safety studies. JRB will assist in the review of epidemiologic data of the PMN's. Under section 8(a), EPA may obtain certain types of existing information from industry on specified chemicals, including data on exposure, recordkeeping, production, manufacturing and use levels, and number of workers exposed. JRB will assist in the use of this information to determine the feasibility of epidemiologic studies to be sponsored by EPA or by industry through the authority of section 4 of TSCA.

Pursuant to 40 CFR 2.306(j), EPA has determined that in certain instances it will be necessary for JRB to have access to confidential business information to satisfactorily perform its work under this contract. In accordance with provisions of its contract, No. 68–01–6280, with EPA, JRB is required to safeguard from any unauthorized disclosure the confidential business it received from EPA. Information generated by JRB from its review of confidential business information will also be treated as confidential.

JRB has been authorized under the EPA TSCA Confidential Business Information Security Manual to have access to confidential business information. EPA has approved JRB's facilities and found them to be in compliance with the requirements of the Security Manual. JRB is required to treat all TSCA confidential business information in accordance with the requirements of that manual, and its personnel will be required to sign a nondisclosure agreement before they are permitted access to such information.

(Secs. 5 and 8, 90 Stat. 2002 (15 U.S.C. 2601 et seq.; Pub. L. 94–469))

Dated: May 8, 1981.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

[FR Doc. 81–16356 Filed 6–1–81; 8:45 am]

BILLING CODE 6560–31–M

[PF–228, P–H–FRL–1843–8]

Reuter Laboratories, Inc.; Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Reuter Laboratories, Inc., has submitted a pesticide petition proposing that an exemption from the requirement of a tolerance be established for insecticide *Nosema locustae.*

ADDRESS: Written comments to: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF–228]" and the petition number 1F2491. Written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703–557–7028).

SUPPLEMENTARY INFORMATION: EPA gives notice that Reuter Laboratories, Inc., 2405 James Madison Highway, Haymarket, VA 22069 has submitted a pesticide petition proposing that 40 CFR Part 180 be amended by establishing an exemption from the requirement of a tolerance for the insecticide *Nosema locustae* when applied to all raw agricultural commodities.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: May 26, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–16358 Filed 6–1–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS–59051; TSH–FRL–1843–5]

Surface Modified Silica; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by June 27, 1981. Persons should submit written comments on the application no later than June 17, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460 (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Michael Brown, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–335, 401 M St., SW., Washington, DC 20460 (202–755–1150).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section

5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before June 17, 1981 submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control unmber "[OPTS-59051]." Comments received may be seen in Rm. E-401 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: May 27, 1981.

Edward A. Klein,

Director, Chemical Control Divisions

TM 81-12

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. June 27, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Organohalo-modified silica.

Use. Industrial elastomer additive.

Production Estimates. The manufacturer states that 470 kg of the substance will be manufactured for test marketing purposes.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. (Based on analogous substance).

LD_{50}—>5 gm/kg.

Exposure. The manufacturer states that skin and inhalation exposure may occur involving six workers during manufacture and four during processing with average and peak concentrations of 1.1 and 1.65 mg/m^3 respectively.

Environmental Release/Disposal. The submitter states that up to 57 kg of the new substance may be released into the air and up to 64 kg to land during manufacturing of the new substance.

[FR Doc. 81-16353 Filed 6-1-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS 50029; TSH-FRL-1843-2]

Versar, Inc.; Transfer of Data to Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Data Transfer.

SUMMARY: EPA will transfer to its contractor, Versar, Inc. of Springfield, Virginia, information which has been or will be submitted by manufacturers and importers under sections 5, 8(a), and 8(b) of the Toxic Substances Control Act (TSCA). Some of the information may be claimed to be confidential. Versar will review this information and use it to produce exposure assessments of premanufacture chemicals, chemicals which may require testing to determine risk, and chemicals which may require regulation.

DATE: The transfer of data submitted to EPA and claimed to be confidential will occur no sooner than June 17, 1981.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800-424-9065). In Washington, D.C. (554-1404).

SUPPLEMENTARY INFORMATION: Under TSCA, EPA must determine whether or not certain chemical substances or mixtures may present an unreasonable risk of injury to health or the environment from their manufacture, processing, distribution in commerce, use, or disposal. As a component of the unreasonable risk determination, the agency must determine whether or not there is potential for human or environmental exposure to the substances or mixtures in question. To accomplish this, EPA will require the assistance of outside experts. EPA has selected Versar, Inc. of Springfield, Virginia, to assist it in determining if there is potential human or environmental exposure to certain chemical substances or mixtures (Contract No. 68-01-6271).

Under 40 CFR 2.306(j), EPA has determined that it may need to disclose Confidential Business Information to Versar, Inc. Under the terms of the contract, EPA will provide Versar with information submitted in Premanufacturing Notices (PMN's) on chemical identity, product formulation, and specific processes used to manufacture or process new chemical substances, as well as other information related to the uses, release rates, and exposure levels of new chemical substances. In addition, EPA will provide Versar with similar information on chemical substances obtained from the TSCA Initial Inventory of Chemical Substances [section 8(b)] and submissions under prospective section 8(a) rules.

Versar is legally required under the terms of its contract to safeguard from any unauthorized disclosure the confidential business information it reviews. Any reports it prepares using this information will also be treated as confidential.

Since Versar will review information claimed to be confidential, EPA is publishing this notice to inform all submitters of PMN's, inventory [section 8(b)], and section 8(a) information that Versar will receive Confidential Business Information from EPA. After completing the exposure assessments, Versar will return the Confidential Business Information to EPA.

Versar's security plan and facilities have been inspected by EPA and found to be in compliance with the TSCA Confidential Business Information Security Manual. Versar is required to treat all TSCA confidential business information in accordance with the requirements of that manual, and its personnel will be required to sign a nondisclosure agreement before they are permitted access to such information.

Dated: May 5, 1981.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

[FR Doc. 81-16356 Filed 6-1-81; 8:45 am]

BILLING CODE 6560-31-M

[PH-FRL-1841-8; OPP-00141]

FIFRA Scientific Advisory Panel; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: There will be a three-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel to present decision options being considered by the agency to conclude the rebuttable presumptions against registration (RPAR) on creosote, inorganic arsenicals, and pentachlorophenol (wood preservatives) (46 FR 13020, Feb. 19, 1981). The meeting will be open to the public.

DATES: Wednesday through Friday, June 17–19, 1981, from 8:30 a.m. to 5:00 p.m.

ADDRESS: The meeting will be held at the: Hospitality House, 2000 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Philip H. Gray, Jr., Executive Secretary, FIFRA Scientific Advisory Panel (TS-766C), Office of Pesticide Programs, Rm. 915D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-0825).

SUPPLEMENTARY INFORMATION: The agenda for this meeting is:

1. Presentation of the decision options being considered by the agency to conclude the RPARs on creosote, inorganic arsenicals, and pentachlorophenol.

2. Completion of any unfinished business from previous Panel meetings.

3. In addition, the agency may present status reports on other ongoing programs of the Office of Pesticide Programs.

Copies of draft documents concerning item 1 may be obtained by contacting: Joan Warshawsky, Special Pesticides Review Division (TS-791), Rm. 711B, CM#2, 1921 Jefferson Davis Highway, Arlington, Va 22202 (703-557-7460).

Interested persons wishing to attend or submit a paper should contact Philip H. Gray, Jr., at the address or phone number listed above to conform the meeting and agenda. Interested persons are permitted to file written statements before or after the meeting, and may, upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. All statements will be made part of the record and will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons wishing to make oral statements must notify the Executive Secretary and submit the required number of copies of a summary no later than June 15, 1981.

Individuals who wish to file written statements are advised to contact the Executive Secretary in a timely manner to be instructed on the format and the number of copies to submit to ensure appropriate consideration by the Panel.

The tentative dates for the next Scientific Advisory Panel meeting are July 15–17, 1981.

(Sec. 25(d) FIFRA, as amended)

Dated: May 21, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[Fr Doc. 81-16418 Filed 6-1-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-32]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: May 29, 1981.

Cut-Off Date: July 10, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after July 10, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 10, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the close of business on July 10, 1981.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on July 10, 1981.

BP-800807AD WORL, Eatonville, Florida, Sudbrink Broadcasting of Central Florida, Inc., Has: 1270 kHz, 5 kW, D, Req: 1270 kHz, 5 kW, DA-N, U

BP-810220AC WSBY, Salisbury, Maryland, Mardel Communications, Inc., Has: 960 kHz, 1 kW, 5 kW-LS, DA-2, U, Req: 960 kHz, 5 kW, DA-2, U

BP-810302AA KGUD, Banning, California, Frederick R. Cote, Has: 1490 kHz, 250 W, U, Req: 1490 kHz, 250 W, 1 kW-LS, U

BP-810306AG (new), Mt. Pleasant, Tennessee, Radio Maury County, Inc., Req: 1460 kHz, 500 W, D

BP-810309AO KPRM, Park Rapids, Minnesota, De La Hunt Broadcasting Corporation, Has: 1270 khz, 5kW, D, Req: 870 kHz, 1 kW, 2.5 kW-LS, DA-N, U

BP-810320AA (new), Chula Vista, California, LDA Broadcasting, Inc., Req: 1040 kHz, 1 kW, DA-2, U

BP-810410AP KBWA, Williams, Arizona, Benito Soho and Stanley Soho d/b/a, SOHO Broadcasting, Has: 1240 kHz, 250 W, 1 kW-LS, U, Req: 1180 khz, 250 W, 10 kW-LS, U

BP-810417AH KORD, Pasco, Washington, KIXI, Inc., Has: 910 kHz, 1 kW, D, Req: 870 kHz, 250 W, 10 kW-LS, U

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-16339 Filed 6-1-81; 8:45 am]

BILLING CODE 6712-01-M

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

May 5, 1981.

Canadian List No. 404

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
				540kHz					
CKCY	Sault Ste. Marie, N. 46°32'20", W. 84°27'40" (P.O. 920 kHz).	*15D/2.5N*	DA-2	U	III				May 5, 1982.
				900kHz					
CJBR	Rimouski, Quebec, N. 48°26'27", W. 68°34'42" (Change of antenna system P.O. ND-D-214).	10	DA-N, ND-D-*193*	U	II				May 5, 1982.
				1110 kHz					
CHOT	Edmonton, Alberta, N. 53°27'55", W. 113°19'50" (Now in operation with increased power.	50	DA-N, ND-D-190	U	II				
				1150 kHz					
CHMG	Gaspe, Quebec, N. 48°49'00", W. 64°24'12" (Assignment of call letters).	5	DA-1	U	III				*May 5, 1982.*
				1230 kHz					
New	Hinton, Alberta, N. 53°24'10", W. 117°33'53".	1D/0.25N	ND-180	U	IV	135	120	320	May 5, 1982.
				1360 kHz					
New	Calgary, Alberta, N. 50°50'20", W. 114°05'18".	10	DA-N, ND-D-275	U	II				May 5, 1982.
				1390 kHz					
New	Medicine Hat, Alberta, N. 49°57'24", W. 110°35'47".	10	DA-2	U	III				May 5, 1982.
				1400kHz					
CKOB	Renfrew, Ontario, N. 45°26'55", W. 76°40'45" (Now in operation with increased day power).	1D/0.25N	ND-180	U	IV	135	120	250	
				1430 kHz					
CJCL	Toronto, Ontario, N. 43°37'03", W. 79°22'47" (Change of call letters from CKFH).	50	DA-2	U	III				
				1470 kHz					
CHLS	Ville de la Baie, Quebec, N. 48°21'44", W. 70°55'49" (Change of call letters from CKPB).	1	DA-1	U	III				

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81-16336 Filed 6-1-81; 8:45 am]
BILLING CODE 6712-01-M

[FCC 81-255; CC Docket No. 80-766; Transmittal Nos. 191 and 273]

RCA American Communications, Inc.; Revisions to Tariff F.C.C. Nos. 1 and 2

By the Commission: Chairman Fowler abstaining from voting; Commissioner Fogarty concurring in the result; Commissioner Jones absent.

In the matter of RCA American Communications, Inc., Revisions to Tariff F.C.C. Nos. 1 and 2; FCC 81-255; CC Docket No. 80-766; Transmittal Nos. 191 and 273; (46 FR 11030); Memorandum Opinion and Order.

Adopted: May 21, 1981.

Released: May 26, 1981.

1. We instituted this proceeding to investigate revisions to Tariff Nos. 1 and 2 filed by RCA American Communications, Inc. (RCA Americom) under the above transmittals. *RCA American Communications, Inc.*, 84 FCC 2d 353 (1980). The revisions, which we suspended for five months, would restructure RCA Americom's domestic satellite service offerings and substantially increase rates. Having examined the proposed tariff structure changes in light of the comments submitted by the parties to this investigation, we find the revisions to be unjust and unreasonable in violation of Section 201(b) of the Communications Act, 47 U.S.C. 201(b).[1] For this reason, we will not allow these revisions to become effective.

I. Background

2. Since 1976, RCA Americom has operated a two-satellite system providing video and private line services for commercial, government, and broadcast uses. The system provides among other things, service to many cable television (CATV) distributors through a network of receive-only earth stations.

3. In 1978, RCA Americom filed its currently effective tariff providing for fixed term transponder services. It features, among other things, full-time non-preemptible, unprotected service with a ten-year term ending in 1988 and an option to upgrade to protected service; full-time preemptible service with either a one-year or a 1983 term; and part-time daily service with a 1988 term.[2] These services are offered to the general public under Tariff No. 1 and to other common carriers under Tariff No. 2.

4. Under its Transmittal No. 191, filed on April 1, 1980, RCA Americom proposes, among other things, to: (1)

[1] RCA Americom has submitted a direct case, to which responsive comments have been filed by the Ad Hoc Telecommunications Users Committee (the Committee); the Christian Broadcast Network, Inc. (CBN); Eastern Microwave, Inc. (EMI); Heritage Village Church and Missionary Fellowship, Inc. (PTL TV); American Broadcasting Companies, Inc., CBS Inc., and National Broadcasting Company, Inc. (the Networks); Showtime Entertainment (Showtime); Southern Pacific Communications Co. (SPCC); Southern Satellite Systems, Inc. (Southern); and Spanish International Network, Inc. (Spanish). RCA Americom has replied to these comments.

[2] This filing was initially set for investigation in *RCA American Communications, Inc.*, Docket No. 78-68, 69 FCC 2d 428 (1978). The investigation was deferred, however, pending completion of our rulemaking proceeding in the *Competitive Carrier Rulemaking*, Docket No. 79-252, 77 FCC 2d 308 (1979); *Further Notice of Proposed Rulemaking*, 84 FCC 2d 445 (1981).

replace the 1988 and 1983 Term services with shorter terms ending in 1986 and 1982, respectively; (2) eliminate the unprotected and preemptible grades of service under the 1986 Term when back-up facilities are available and instead provide only the more costly protected grade of service; (3) eliminate the one-year term service; (4) increase the carrier's rates and rate of return; (5) lengthen the renewal notice periods from the present thirty days to two years for the 1986 Term service and one year for the 1982 service; and (6) replace the schedule of termination charges currently imposed for premature cancellation with non-cancellable service, thereby holding the customer liable for all charges for the balance of the term. Prior to our suspension, the revisions were scheduled to become effective on December 26, 1980.

5. In our order of investigation, we stated that we would initially focus on the proposed changes in tariff structure, and later, if warranted, would consider issues relevant to the proposed changes in rates. Also, to facilitate our determination of lawfulness, we asked parties to comment on the circumstances under which a carrier may reasonably alter a long term service tariff prior to the expiration of the terms set out in the tariff. The following issues were then set for investigation (84 FCC 2d at 364):

(1) What justification should be submitted by a dominant carrier proposing to alter a long term service tariff?

(2) Whether the changes proposed by RCA Americom in Transmittal 191 in the structure of its Tariffs F.C.C. Nos. 1 and 2, including the proposed changes in the length of the service terms, the termination liability, the elimination of certain grades of service, the requirement that certain customers upgrade their service, and the increase in the length of the renewal notice periods, would be just and reasonable and otherwise lawful under the tentative standard that a carrier may alter a long term service tariff only in accordance with the tariff itself or if it demonstrates that substantial cause exists to change the existing tariff terms?

(3) Whether the changes proposed by RCA Americom in its tariff structure are just and reasonable and otherwise lawful?

With respect to the second and third issues, the burden of introduction of evidence and burden of proof were placed on RCA Americom.

6. On March 3, 1981, as part of its direct case, RCA Americom filed Transmittal No. 273 containing revised pages to Tariff Nos. 1 and 2 to become effective June 25, 1981. The filing would, accordingl to RCA Americom, remove the elements of the revisions filed under Transmittal No. 191 that the Commission had questioned in this investigation. In pertinent part, it would restore the unprotected grade of service to the 1986 Term and add a preemptible grade of service to the 1982 term; allow a credit to the termination liability of a prematurely cancelling customer if RCA Americom is able to find a suitable replacement; and, lastly, change the renewal periods for both the 1982 and 1986 Term service to six months. EMI and Southern ask us to reject or suspend these latest revisions.

II. Discussion

A. Alteration of Long Term Service Tariffs

7. We turn first to the comments on the proper standard for judging the reasonableness under Section 201(b) of changes to long term service tariffs.[3] In our designation order, we expressed concern over the apparent unfairness of allowing a dominant carrier to freely change the terms of such a tariff at any time without cause, even though customers would remain bound by all provisions until the end of the service term. Accordingly, we asked for comment on whether and under what circumstances carrier-initiated changes to material provisions during a term would be just and reasonable.

8. In response, RCA Americom argues that the regulatory framework established by the Act bestows on carriers a legal right to unilaterally change tariffs which they have filed on their own initiative. Carriers, it says, are not required to obtain prior Commission approval before making changes in rates and practices or offering new services. Significantly, though, RCA Americom does not oppose application of the reasonableness standard we suggested in the designation order, namely, that a carrier may alter a long term tariff only in accordance with the terms of the tariff itself, or if it demonstrates that substantial cause exists to change the existing terms. Since the carrier foresees this policy change being ultimately incorporated into our Rules as a result of this investigation, it asks us to do so only after further notice and comment and with sufficient opportunity for all affected carriers to make suitable tariff revisions reflecting this new policy. Therefore, RCA Americom requests a grace period before any new rules are allowed to become effective.

9. Those parties expressing an opinion on the question of when changes to a long term tariff are reasonable, generally agree with our suggested standard permitting changes in accordance with the tariff itself. The parties differ, however, on the level of justification required in the absence of such a provision. EMI, for instance, suggests that any revision must initially be judged by some objective standard such as "just and reasonable" so as to protect the public against unreasonable carrier conduct. Without such a standard it is fearful that changes would be justified solely by timely tariff filings or inventive showings of substantial cause. PTL TV advocates our employing traditional concepts of fairness and proposes a standard of whether, under all of the circumstances, the carrier has established by a preponderance of the evidence that the proposed changes are equitable.

10. Other parties propose more stringent levels of justification. The Committee, the Networks, and Spanish recommend a demonstration by the carrier of unique, direct, and compelling public interest considerations as part of a threshold showing warranting a change. To illustrate, they acknowledge that a tariff change could be necessary to protect the continued availability of essential facilities used for national security purposes. If the threshold showing is made, these parties would further require the carrier to demonstrate by clear and convincing evidence after a hearing pursuant to Section 205 of the Communications Act, 47 U.S.C. § 205, that the Commission should prescribe rates and conditions different from those to which the carrier had been committed.

11. CBN and Showtime take a somewhat different approach. in CBN's view, "substantial cause" exists only where, due to changed circumstances, continuation of the existing tariff provisions would be confiscatory, or would result in a net reduction in service to the public. It states that this standard would allow the Commission to insure that neither the carrier nor the public would suffer any irreparable loss. Showtime suggests that "substantial cause" would arise if the former tariff was so unrenumerative as to be contrary to the public interest.

12. Our own analysis begins with the proposition that the statutory scheme permits carriers to initiate proposed

[3] Section 201(b) provides in pertinent part, "All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful * * *."

changes to their tariffs. See *AT&T v. FCC*, 487 F.2d 864 (2d Cir. 1973). Such changes subsequently become effective unless the Commission determines, either on its initial review or after hearing, that the new provisions are unjust, unreasonable, or otherwise unlawful. It is not our intent here to modify this statutory framework, as RCA Americom seems to suggest. To the contrary, we seek only to ascertain reasonableness where a carrier provides service under a comprehensive, contract-like tariff scheme, and later seeks to modify material provisions during the term specified in the tariff. For example, a carrier's original decision to offer customers the option of obtaining service for a particular term, say six years, is of less concern than where a dominant carrier seeks to alter the length of a term, or other material provision midstream. Our statutory responsibilities dictate that we take into account the position of the relying customer in evaluating the reasonableness of the change.[4] In somewhat analogous circumstances, we have considered other notions of customer fairness, *RCA American Communications, Inc.*, 84 FCC 2d 781 (1981); *MCI Telecommunications Corp.*, Mimeo No. 25862, released February 7, 1980, *aff'd* 81 FCC 2d 568 (1980). *See also Penn. v. ICC*, 590 F.2d 1187 (D.C. Cir. 1978), where the court approved the I.C.C.'s balancing of the competing interests of customers and carriers in considering the reasonableness of a proposed tariff revision terminating service to a number of previously operating terminals; *Livestock, South, Southwest, Central and Western Territories*, 346 I.C.C 418 (1974); *Icing Service, U.S. Railroads*, 343 I.C.C. 67 (1973); *Amoco Production Co. v. FPC*, 491 F2.d 916 (10th Cir. 1973).

13. This brings us to the question of the justification which we would expect a dominant carrier to provide in these circumstances. In balancing the carrier's right to adjust its tariff in accordance with its business needs and objectives against the legitimate expectations of customers for stability in term arrangements, we conclude that the reasonableness of a proposal to revise material provisions in the middle of a term must hinge to a great extent on the carrier's explanation of the factors necessitating the desired changes at that particular time.[5] If a carrier can make a showing of substantial cause, its decision to alter tariff terms will be considered reasonable. As for the first part of our suggested standard where we state that a carrier may revise its tariff in accordance with its terms, we need not speculate on what kinds of provisions if included in a tariff at the onset of a term might give the carrier greater license to make subsequent modifications. We nevertheless note that the mere presence of some sweeping reservation to unilaterally change any and all terms and conditions of service will not serve to lessen our original concerns.[6]

B. Reasonableness of the Proposed Revisions

14. Against this background, we now consider the specific changes in tariff structure submitted in both Transmittal Nos. 191 and 273. To repeat, taken as a whole, RCA Americom has proposed extensive revisions to its current service offerings, the most significant of which relate to the length of the service terms, the termination liability, the elimination of certain grades of service, the requirement that some customers upgrade their service, and the length of the notice periods for renewal.

15. In our designation order we expressed concern that RCA Americom's justification for the substantial changes proposed was inadequate and should be put to the test of an investigation. Rather than using the opportunity to demonstrate that the revisions are just and reasonable, however, RCA Americom has essentially relied on the amended pages in Transmittal No. 273 for its direct case. As explained earlier, this transmittal was filed concurrently with the carrier's direct case and was intended to be incorporated there. RCA Americom insists that this latest filing moots the issues we raised in the designation order. Since their newest revisions have been linked to this proceeding by RCA Americom and commented upon by the parties, we think it is appropriate to consider their lawfulness in this investigation as well.

1. Reductions in length of service

16. RCA Americom proposes to eliminate its 1988 Term service, originally offered in 1978, and replace it with a 1986 Term service that would terminate on December 31, 1986. Similarly, the carrier seeks to replace its 1983 Term service with one ending on December 31, 1982. RCA Americom claims the change is prompted by its inability to accurately forecast the costs of service for a ten-year period. The carrier adds that the two-year term was added expressly to provide an option for customers seeking a shorter commitment.

17. Under the circumstances, a six-year and a two-year term of service do not, in and of themselves, strike us as unreasonable on their face. Both carrier and customer alike desire stability and continuity of service. Customers with established needs may well favor longer terms, but the option of a shorter term is available when future business plans are unclear. The carrier, on the other hand, benefits from the administrative convenience and financial security of a longer commitment and is willing to charge lower rates than for shorter term service.

18. The fatal flaw in the instant case, however, is that there is no showing of substantial cause to reduce the length of the service term *at this time*. It does not follow from the carrier's asserted difficulties in predicting costs over a ten-year period that it must shorten the 1983 Term service or eliminate the one-year and part-time daily services which it currently offers. And to the extent RCA Americom also would find support for its proposal in a claim that its service costs have increased, it has not attempted to demonstrate with particularity how these increased costs have necessitated changes in the length of the ten-year service term. Moreover,

[4] The Commission has found domestic satellite carriers such as RCA Americom to be dominant, that is, to have the ability to control prices. *Competitive Carrier Rulemaking*, Docket No. 79-252, *First Report and Order*, 85 FCC 2d 1 (1980). We are, however, currently reexamining the proper regulatory treatment of satellite carriers. *Further Notice of Proposed Rulemaking* 84 FCC 2d 445 (1980). Nevertheless, for the time being it is dominant and we consider the revisions here only within the context of the present regulatory framework for such carriers.

[5] This type of scrutiny is particularly important in a market situation where customer choice is now severely limited and unjustified changes to long term tariffs could operate to restrict customer choice when the market does become more competitive as we envision.

[6] We have not ignored RCA Americom's suggestion that any standards developed be included as part of a rulemaking proceeding to give all potentially affected parties adequate notice and an opportunity to comment, nor the carrier's suggestion that we allow a grace period before any new rule adopted here becomes effective in order to permit affected carriers to make appropriate adjustments to their current tariffs. As noted earlier, the suggestion that we institute a separate rulemaking proceeding has already been considered and rejected by the Common Carrier Bureau. Mimeo No. 07106, released February 9, 1981. The Bureau reasoned that since this proceeding was designed only to determine the lawfulness of specific proposed revisions, consolidating the investigation with a broad rulemaking proceeding would be unwise and cause unnecessary delays. We see no basis to reconsider that decision here. In any event, RCA Americom continues to view our inclusion of this issue as a precursor to restructuring our Rules. To the contrary, our intent was merely to exercise care, by considering other views, in applying Section 201(b) of the Act to somewhat novel circumstances. Since we are neither amending our Rules nor adopting new policies, we see no need for a grace period to allow carriers to change their tariffs.

any difficulties in predicting costs over an extended period, for example, can be more simply and painlessly remedied merely by offering shorter renewal lengths. Indeed, the carrier has failed to offer any persuasive evidence to support these proposed revisions even though customers have indicated that these changes will adversely affect their well-established business plans and programming decisions. We therefore find that RCA Americom's reduction of the length of service has not been justified, and hence, is unlawful under Section 201(b) of the Act.

2. Elimination of unprotected and preemptible grades of service

19. RCA Americom's original revision would have eliminated the unprotected and preemptible grades of service when facilities became available under its 1986 Term, leaving only the more costly protected service. The carrier's latest filing, however, would restore these service grades to the 1986 Term. Under the circumstances, the carrier's willingness to continue its unprotected and preemptible service offerings makes it unnecessary to consider the reasonableness of the change originally proposed.[7]

3. Prohibition upon customer termination of service

20. Another of RCA Americom's proposed revisions would eliminate the termination charge currently imposed for the premature cancellation of service, and instead hold the customer liable for all charges remaining in the balance of the term. In other words, under this scheme, the cancelling customer, rather than the carrier, would effectively have the burden of finding another customer. According to RCA Americom's most recent proposal, the carrier would assume greater responsibility for finding a suitable replacement customer and an appropriate credit would be issued against the charges owing for the remainder of the term.

21. Several parties have questioned the inherent reasonableness of the new termination liability plan. Southern states that although the carrier's latest modification mitigates to some extent the patent unlawfulness of the original proposal, it could still leave customers in the position of having to pay unreasonably high termination charges. Southern's primary complaint, in which EMI and SPCC join, is that even RCA Americom's revised scheme would unjustly enrich the carrier for services not rendered. Rather than merely reimbursing the carrier for administrative and other nonrecoverable costs resulting from premature transponder cancellation, the parties argue that the proposed scheme would allow RCA Americom a profit margin as well.

22. RCA Americom, however, views this provision as a necessary protection in the face of future satellite competition against premature abandonment of service by long term customers. Any customer not desiring the long term commitment, states the carrier, can simply opt for the shorter term. As a second reason, RCA Americom explains that an unexpected increase in satellite launch costs caused by the delay of the NASA space shuttle have forced it to devise some means of assuring that all transponders would continue to be filled for the lengths of the terms. Such a guarantee, according to the carrier, would enable it to seek a smaller rate increase for its services than would otherwise be required.

23. As a separate matter, RCA Americom argues that the parties fail to realize that the cost of capital is a legitimate business expense. If deprived a return on investment in satellite facilities, it explains, it would be unable to pay the interest charges on outstanding debts or provide a return to shareholders. Moreover, RCA Americom points out that even when a customer cancels, the carrier must continue to bear the full cost of the satellite on which service was provided. For these reasons, RCA Americom maintains it reasonably can claim the full tariffed rates until a replacement customer is found.

24. The foregoing explanation, however, is insufficient to justify why the carrier must revise its termination liability scheme at this time. Nowhere has RCA Americom provided a particularized showing that the current fixed liability scheme inadequately compensates it now for present costs associated with a prematurely cancelling customer. Clearly, the mere prospect of competition sometime in the future, without more, is insufficient to support the revisions here.

25. RCA Americom's generalized assertion of rising costs, absent more, is unpersuasive when balanced against the obvious harm to existing long term customers. Under the present scheme, for example, customers subscribing to the 1988 Term would be free of any termination liability after July 31, 1984. Those customers would then be unrestrained to leave RCA Americom and pursue arrangements with other carriers on perhaps more favorable terms. Under the proposed revisions, however, those same customers planning to terminate after July 31, 1984 could, for the first time, face a liability totaling millions of dollars.[8] For all these reasons, therefore, we find that RCA Americom has failed to demonstrate the lawfulness of this revision under Section 201(b) of the Act.

4. Notice of renewal periods

26. Under RCA Americom's existing tariff, customers wishing to renew their service term need only give the carrier thirty days' written notice. The proposed revisions, however, contain a two-year advance notice period under the 1986 Term and a one-year provision under the 1982 Term. We expressed concern in the designation order over the carrier's lack of justification of these changes. RCA Americom's most recent filing would change these notice periods to six months under both terms.

27. RCA Americom submits that while it is difficult to predict future market conditions, the length of the renewal notice period is a decision that the carrier is entitled to make as a matter of its discretion. Nevertheless, it states the change to six months was made in an effort to moot the controversy on this issue.

28. We recognize the difficulty in predicting future market conditions and the carrier's understandable need for advance notice of a customer's decision whether or not to renew its transponder service. The parties have raised no serious objection to the six-month renewal period and the provision does not strike us as unreasonable. While the carrier has made no specific arguments supporting the proposed revision we agree with its general allegation that the domestic satellite market is uncertain and that with the arrival of recently authorized entrants into the satellite market, a thirty-day notice period would not give the carrier sufficient time to avoid a possible revenue loss. For all these reasons we find there is cause for RCA Americom to alter its notice of renewal periods to six months. Accordingly, we will allow the carrier to refile this provision pursuant to § 61.58 of our Rules, 47 CFR 61.58, on five-days notice.

III. RATE ISSUES

29. The suspended tariff revisions also would have increased rates and the

[7] RCA Americom is of the opinion that all customers will subscribe to the protected grade. If this judgment proves correct, it may again seek to eliminate the other service grades.

[8] A customer subscribing to RCA Americom's proposed 1986 Term service terminating on August 1, 1984 would be liable for more than four million dollars in liability.

carrier's rate of return. We decided in the designation order to defer consideration of these rate issues while we investigated the proposed changes in tariff structure. We indicated that once the structure issues were decided, we would examine the lawfulness of the rate proposals, if warranted. 84 FCC 2d at 363.[9] In light of our findings of unlawfulness here, however, we need not consider the proposed changes in rates. Since these rates are inextricably linked to the proposed service terms which are different than the carrier's existing terms, they, too, cannot be allowed to become effective.[10]

30. Accordingly, IT IS ORDERED, That the revisions to Tariff F.C.C. Nos. 1 and 2 filed by RCA Americom Communications, Inc. under Transmittal No. 273 are incorporated into this investigation.

31. It is further ordered, pursuant to Section 61.36 of the Rules, 47 CFR 61.36 and Sections 4 (i) and (j) of the Communications Act, 47 U.S.C. 4 (i), (j), That the tarriff pages submitted under Transmittal Nos. 191 and 273 will be returned to RCA Americom Communications, Inc.

32. It is further ordered, That this proceeding in Docket No. 80–766 is hereby terminated.

33. It is further ordered, That a copy of this Order shall be published in the **Federal Register**.

34. It is further ordered, That this Order is effective upon adoption.

Federal Communications Commission,

William J. Tricarico,

Secretary.

[FR Doc. 81–16338 Filed 6–1–81; 8:45 am]

BILLING CODE 6712–01–M

[Report No. B–23]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: May 28, 1981.

Cut-off date: July 13, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission not later than the close of business on July 13, 1981. Any application previously accepted for filing and in conflict with any application listed in the attached appendix may also be amended as a mater of right not later than the close of business on July 13, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

BPCT–810320KG (new), Kalamazoo, Michigan, Channel 64, Inc. Channel 64. ERP: Vis. 1,000 kW; HAAT: 1,063 feet

BPCT–810409KE (new), Tucson, Arizona, Julian Polan, d.b.a. JP Communications. Channel 40. ERP: Vis. 1,619 kW; HAAT: 2,022 feet

BPCT–810410KE (new), Tucson, Arizona, Focus Broadcasting of Tucson, Inc. Channel 40. ERP: Vis. 4,754 kW; HAAT: 527 feet

BPCT–810413KH (new), Tucson, Arizona, SunWest Broadcasting, Inc. Channel 40. ERP: Vis. 1,185 kW; HAAT: 3,720 feet

BPCT–810413KE (new), Tucson, Arizona, National Group Telecommunications of Tucson, Inc. Channel 40. ERP: Vis. 685 kW; HAAT: 2,010 feet

[FR Doc. 81–16337 Filed 6–1–81; 8:45 am]

BILLING CODE 6712–01–M

Application Cut-off List; Errata

The following application was listed on cut-off list A–31 with an effective cut-off date of June 22, 1981.

BP–800527AE KWSR, Rifle, Colorado, Oil Shale Broadcasting Company, Has: 810 kHz, 1 kW, D, Req: 660 kHz, 250 W, 10 kW–LS, U.

That listing is hereby corrected to include the application on cut-off list B–16 with an effective cut-off date of June 22, 1981. No application which would be in conflict with this will be accepted for filing.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–16437 Filed 6–1–81; 8:45 am]

BILLING CODE 6712–01–M

---

[9] We note that RCA Americom has made no attempt pursuant to Section 204(b) of the Act, 47 U.S.C. 204(b), to persuade the Commission that separately allowing the proposed rate increases to become effective would be "just fair and reasonable."

[10] EMI has filed a petition for reconsideration of our designation order in which it seeks rejection of RCA Americom's proposed revisions. Since Section 1.106(a) of our Rules, 47 CFR 1.106(a), does not provide for the filing of petitions for reconsideration of designation orders except in narrowly defined circumstances not relevant here, EMI's petition is dismissed. See *ITT World Communications, Inc.*, Docket No. 80–339, FCC 81–164, released April 17, 1981.

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, June 12, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: T–3968–A.

Filing Party: John W. Angus, Esquire, Preston, Thorgrimson, Ellis & Holman, Suite 500, 1776 G Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. T–3968–A is a terminal lease agreement between the Port of Seattle (Port) and American President Lines, Ltd. (APL), and provides for the Port's lease to APL of the Container Freight Station located at Terminal 25 which APL currently utilizes pursuant to Agreement No. T–2640. Pursuant to pending Agreement No. T–3968, APL is relocating its operations, with the exception of its Container Freight Station, to Terminal 46. APL will continue to use that portion of Terminal 25 containing the CFS facilities, and consequently, has executed a new lease for same (Agreement No. T–3968–A); which will supersede the presently effective lease, Agreement No. T–2640.

The agreement will become effective on the first day of the first month

following Commission approval, and will run through June 30, 1987, with renewal options of three additional periods of 5 years each.

APL will compensate the Port at the rental fee of $12,632.06 per month.

Agreement No.: T-3974.

Filing Party: Richard J. Szczepaniak, Esquire, Toledo-Lucas County Port Authority, 241 Superior Street, Toledo, Ohio 43604.

Summary: Agreement No. T-3974, between the Toledo-Lucas County Port Authority (Port) and Toledo World Operators, Inc. (TWO), provides for the lease by Port to TWO of certain dock facilities in the Port of Toledo, Ohio. As compensation, TWO will pay Port: (a) a percentage of gross revenues, with a minimum monthly rental of $26,666.66; (b) the sum of $9,650 per month for each of the first 6 months, and (c) the sum of $903,509 at the beginning of the 61st month. The term of the lease is for 20 years.

Dated: May 27, 1981.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-16317 Filed 6-1-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2130]

Maria Zequeira, d.b.a. M-Z International; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Maria Zequeria, dba M-Z International, 8011 Rowan Houston, TX 77036 was cancelled effective May 21, 1981.

By letter dated May, 12, 1981, Maria Zequeria, dba M-Z International was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2130 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Maria Zequeria, dba M-Z International has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2130 be and is hereby revoked effective May 21, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2130 issued to Maria Zequeria, dba M-Z International be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Maria Zequeria, dba M-Z International.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-16396 Filed 6-1-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1441]

Marshall Ashby Smith, Jr., d.b.a. Reliable Traffic Service; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Marshall Ashby Smith, Jr., dba Reliable Traffic Service, 2322 North Maroa Avenue, Fresno, CA 93704 was cancelled effective May 23, 1981.

By letter dated May 12, 1981, Marshall Ashby Smith, Jr., d.b.a. Reliable Traffic Service was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 1441 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Marshall Ashby Smith, Jr., dba Reliable Traffic Service has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1441 be and is hereby revoked effective May 23, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1441 issued to Marshall Ashby Smith, Jr., dba Reliable Traffic Service be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Marshall Ashby Smith, Jr., dba Reliable Traffic Service.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-16397 Filed 6-1-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

American National Bancorp., Inc.; Formation of Bank Holding Company

American National Bancorp., Inc., Bristow, Oklahoma, has applied for the Board's approval under section 3(a) of the Bank Holding Company Act (12 U.S.C. 1842(a)) to become a bank holding company by acquiring 80 percent or more of the voting shares of American National Bank, Bristow, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16385 Filed 6-1-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, soley in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 20, 1981.

A. *Federal Reserve Bank of New York* (A, Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Manufacturers Hanover Corporation, New York, New York (home equity lending, sales finance activities and insurance activities; Louisiana): to engage through a *de novo* office of its subsidiary, Termplan Incorporated of Louisiana, in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit, and through its subsidiary Tempco Life Insurance Company reinsuring such credit life insurance; and purchasing installment sales finance contracts, acting as an agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit, and through Tempco Life Insurance Company reinsuring such credit life and accident and health insurance. These activities would be conducted from a *de novo* office of Termplan Incorporated of Louisiana located in Metairie, Louisiana and serving the following parishes: Orleans, Jefferson, St. John, St Charles, Plaquemines, St. Bernard and LaFourche, Louisiana.

2. Maunfacturers Hanover Corporation, New York, New York (commercial leasing and financing activities; North Carolina, South Carolina and Virginia): to engage through its subsidiary, Manufacturers Hanover Leasing Corporation, in the activities of leasing real and personal property on a full payout basis, acting as agent, broker or adviser in leasing such property, making or acquiring for its own account or for the account of other loans and other extensions of credit, such as would be made by a commercial leasing or commercial mortgage company, with respect to real and/or personal property, and servicing such leases, loans and other extensions of credit, as permitted under sections 225.4(a) (1), (3) and (6) of Regulation Y. These activities would be conducted from a *de novo* office of Manufacturers Hanover Leasing Corporation to be located at First Union Plaza, Charlotte, North Carolina, and serving the areas listed in the caption above.

B. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice president) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

Community Investment, Inc., Brundidge, Alabama (insurance activities; Alabama): to engage, through its subsidiary, Community Insurance Agency, in the sale of general insurance including life, accident and health, property damage liability and other types of general insurance. These activities would be conducted from an office in Brundidge, Alabama, at 20 North Main Street, population under 5,000, serving Pike County, Alabama, and rural portions of contiguous counties in Alabama.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16395 Filed 6-1-81: 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the Offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than June 22, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Security New York State Corporation, Rochester, New York (insurance activities; New York): to engage, through a subsidiary known as Griffin Life Insurance Company, in reinsurance of credit life, health and accident insurance issued in connection with extensions of credit made by the applicant's eight subsidiary banks. Such activity will be conducted from an office located at 234 North Central Avenue, Phoenix, Arizona 85004, serving central and western New York State (from east of Buffalo to west of Syracuse, and from Lake Ontario south to the Pennsylvania borders).

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

BankAmerica Corporation, San Francisco, California (financing, servicing and insurance activities; Florida): to continue to engage, through its indirect subsidiary, FinanceAmerica Industrial Plan, Inc., a Florida corporation, in the activities of making or acquiring for its own account loans

and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, making loans and other extensions of credit secured by real and personal property, and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Industrial Plan, Inc. These activities will be conducted from an existing office located in Altamonte Springs, Florida. The geographic scope of the activity is now east central Florida and will be expanded to include the entire State of Florida. Comments on this application must be received not later than June 10, 1981.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16396 Filed 6-1-81; 8:45 am]

BILLING CODE 6210-01-M

FirstBank Holding Co. of Colorado and FirstBank Holding Co.; Acquisition of Bank

FirstBank Holding Company of Colorado, Lakewood, Colorado, and FirstBank Holding Company, Lakewood, Colorado, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of FirstBank of Avon, Avon, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16386 Filed 6-1-81; 8:45 am]

BILLING CODE 6210-01-M

K.J.B. Enterprises, Inc; Acquisition of Bank

K.J.B. Enterprises, Inc., Sibley, Iowa, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 6.74 percent of the voting shares of the Viking Corporation, Denison, Iowa, a bank holding company with respect to Crawford County Trust and Savings Bank, Denison, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16387 Filed 6-1-81; 8:45 am]

BILLING CODE 6210-01-M

Kansas Bancshares, Inc.; Formation of Bank Holding Company

Kansas Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.7 percent or more of the voting shares of City Bank and Trust Company, Wichita, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16388 Filed 6-1-81; 8:45 am]

BILLING CODE 6210-01-M

Marine Bancorp, Inc.; Formation of Bank Holding Company

Marine Bancorp, Inc., Erie, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Marine Bank, Erie, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16389 Filed 6-1-81; 8:45 am]

BILLING CODE 6210-01-M

New England Merchants Co., Inc.; Acquisition of Bank

New England Merchants Company, Inc., Boston, Massachusetts, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with T.N.B. Financial Corp., Springfield, Massachusetts. The factors that are considered in acting on the application

V 4 6 / 1 0 5 J E 2 8 1 UMI

are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16390 Filed 6-1-81; 8:45 am]

BILLING CODE 6210-01-M

Northshore Bancshares, Inc.; Formation of Bank Holding Company

Northshore Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares, less directors' qualifying shares, of Northshore Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16391 Filed 6-1-81; 8:45 am]

BILLING CODE 6210-01-M

Quitman Bancshares, Inc.; Formation of Bank Holding Company

Quitman Bancshares, Inc., Quitman, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Bank of Quitman, Quitman, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16392 Filed 6-1-81; 8:45 am]

BILLING CODE 6210-01-M

Salem National Bancorporation; Formation of Bank Holding Company

Salem National Bancorporation, Salem, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Salem National Bank, Salem, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 22, 1981. Any comment on an applicaton that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16393 Filed 6-1-81; 8:45 am]

BILLING CODE 6210-01-M

Sweetwater Valley Corp.; Formation of Bank Holding Company

Sweetwater Valley Corp., Sweetwater, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Sweetwater Valley Bank, Sweetwater, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applicaion should submit views in writing to the Reserve Bank, to be received not later than June 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc 81-16394 Filed 6-1-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Basic Psychopharmacology and Neuropsychology Research Review Committee; Meeting Change

A notice of the Basic Psychopharmacology and Neuropsychology Research Review Committee appeared in **Federal Register** Document 81-14476, Page 26697, in the Thursday, May 14, 1981 issue. The dates of this meeting have been changed to June 17-19. The meeting will be open from 9:00-10:00 a.m. on June 17.

All other arrangements remain as announced May 14, 1981.

Dated: May 28, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-16380 Filed 6-1-81; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Compilation of Preambles for New Animal Drug Documents; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of another volume of the preamble compilation. This volume contains significant preambles of published **Federal Register** documents relating to New Animal Drug regulations, from March 1936 through March 1978.

ADDRESS: This volume may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Lola Batson, Federal Register Writer's Office (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: The preamble compilation series has been structured around the current organizational scheme for Food and Drug Administration regulations issued under Chapter I of Title 21 of the Code of Federal Regulations. This compilation is part of a comprehensive effort to make available to the public and the agency a central source for tracing, by subject, the historical development of agency regulations.

Each volume of the preamble compilation will be updated with an annual cumulative pocket supplement. The agency will publish in the **Federal Register** a notice of availability for each volume and pocket supplement as they become available.

The New Animal Drug volume may be purchased from the Superintendent of Documents (address above) for $15.00. To order, reference GPO stock No. 017-015-00183-1.

Dated: May 20, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-16186 Filed 6-1-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81P-0028/CP]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a temporary permit has been issued to Southern Fruit Distributors, Inc., to market test tomato juice from concentrate. The purpose of this temporary permit is to permit the applicant to measure consumer acceptence of the food.

DATE: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than August 31, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to Southern Fruit Distributors, Inc., P.O. Box 8367, Orlando, FL 32856. The permit covers limited interstate marketing tests of tomato juice that deviates from the standard of identity prescribed for tomato juice under § 156.145 (21 CFR 156.145). The product is prepared from tomato paste that complies with the requirements of § 155.191(a)(1) (21 CFR 155.191(a)(1)). The test product is equivalent to a single-strength tomato juice normally found in the marketplace. The finished product contains not less than 5.5 percent tomato soluble solids. The permit provides for the temporary marketing of 50,000 cases of forty-eight 6-ounce cans of the product to be distributed in the following States: Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

The test product is to be packed at the Southern Fruit Distributors, Inc., plant located in Orlando, FL.

The principal display panel of the label states the product's name as "tomato juice from concentrate." Each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101, except that the tomato ingredient complying with the requirements of § 155.191(a)(1) is declared as "tomato concentrate." This permit is effective for 15 months, begining on the date the new food is introduced or caused to be introduced into interstate commerce, but no later than August 31, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978. If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

Dated: May 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-16190 Filed 6-1-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81P-0167]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a temporary permit has been issued to the Bison Canning Co., Inc., to market test tomato juice from concentrate. The purpose of this temporary permit is to permit the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than August 31, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the

final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

FOR FURTHER INFORMATION CONTACT:
F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to the Bison Canning Co., Inc., 200 South Main St., Angola, NY 14006. The permit covers limited interstate marketing tests of tomato juice that deviates from the standard of identity prescribed for tomato juice under 21 CFR 156.145. The product is prepared from tomato paste that complies with the requirements of § 155.191(a)(1) (21 CFR 155.191(a)(1)). The test product is equivalent to ■ single-strength tomato juice normally found in the marketplace. The finished product contains not less than 5.5 percent tomato soluble solids. The permit provides for the temporary marketing of 25,000 cases of twenty-four 13½ ounce cans of the product to be distributed in the State of New York, and in Metropolitan Detroit, Michigan, Cleveland, Ohio, and Pittsburgh, Pennsylvania.

The test product is to be packed at the Bison Canning Co., Inc., plant located in Angola, NY.

The principal display panel of the label states the product's name as "tomato juice from concentrate". Each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101, except that the tomato ingredient complying with the requirements of § 155.191(a)(1) is declared as "tomato concentrate". This permit is effective for 15 months, beginning on the date the new food is introduced or caused to be introduced into interstate commerce, but no later than August 31, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identify for tomato juice published in the **Federal Register** of May 9, 1978. If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

Dated: May 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-16189 Filed 6-1-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81P-0164]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Food and Drug Administration (FDA) announces that a temporary permit has been issued to S.E.W. Friel to market test tomato juice from concentrate. The purpose of this temporary permit is to permit the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interestate commerce, but no later than August 31, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identify for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

FOR FURTHER INFORMATION CONTACT:
F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notices given that a temporary permit has been issued to S.E.W. Friel, Queenstown, MD 21658. The permit covers limited interstate marketing tests of tomato juice that deviates from the standard of identity prescribed for tomato juice under 21 CFR 156.145. The product is prepared from tomato paste that complies with the requirements of § 155.191(a)(1) (21 CFR 155.191(a)(1)). The test product is equivalent to ■ single-strength tomato juice normally found in the marketplace. The finished product contains not less than 5.5 percent tomato soluble solids. The permit provides for the temporary marketing of 100,000 cases of twelve 46-ounce and 25,000 cases of forty-eight 5½ ounce cans of the product to be distributed in the States of: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennesees, Vermont, Virginia, and West Virginia.

The test product is to be packed at the S.E.W. Friel plant located in Queenstown, MD.

The principal display panel of the label states the product's name as "tomato juice from concentrate". Each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101, except that the tomato ingredient complying with the requirements of § 155.191(a)(1) is declared as "tomato concentrate". This permit is effective for 15 months, beginning on the date the new food is introduced or caused to be introduced into interstate commerce, but no later than August 31, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identify for tomato juice published in the **Federal Register** of May 9, 1978. If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

Dated: May 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-16188 Filed 6-1-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81P-0029/CP]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a temporary permit has been issued to the Western Food Products Co., Inc., to market test tomato juice from concentrate. The purpose of this temporary permit is to permit the applicant to measure consumer acceptance of the food

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later

V46105 JE2 81 UMI

than August 31, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the Federal Register of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In accordance with § 13017 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under secton 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to the Western Food Products Co., Inc., 415 W. Sixth, South Hutchinson, KS 67505. The permit covers limited interstate marketing tests of tomato juice that deviates from the standard of identity prescribed for tomato juice under § 156.145 (21 CFR 156.145). The product is prepared from concentrated tomato liquid that complies with the requirements of § 155.191(a)(1) (21 CFR 155.191(a)(1)). The test product is equivalent to a single-strength tomato juice normally found in the marketplace. The finished product contains not less than 5.5 percent tomato soluble solids. The permit provides for the temporary marketing of 100,000 cases of twelve 46-ounce cans and 25,000 cases of twelve 32-ounce glass containers of the product to be distributed in the following states: Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.

The test product is to be packed at the Western Food Products Co., Inc., plant located in La Junta, CO.

The principal display panel of the label states the product's name as "tomato juice from concentrate". Each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101, except that the tomato ingredient complying with the requirements of § 155.191(a)(1) is declared as "tomato concentrate". This permit is effective for 15 months, beginning on the date the new food is introduced or caused to be introduced into interstate commerce, but no later than August 31, 1981. However, the permit may terminate sooner, depending upon the final action of FDA's proposal to amend the standard of identity for tomato juice published in the Federal Register of May 9, 1978. If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

Dated: May 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs

[FR Doc. 81-16187 Filed 6-1-81; 8:45 am]

BILLING CODE 4110-03-M

Public Health Service

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of computerized, blood glucose controlled insulin infusion systems in regulating a patient's blood glucose level for short term use (normally not more than 24 hours), during such stressful situations as labor and delivery or surgery.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than August 31, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For Further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: May 27, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-16323 Filed 6-1-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

New Mexico Generating Station; Environmental Impact Statement; Preparation Supplement

AGENCY: Bureau of Land Management, Interior.

ACTION: Amend the project proposal of Public Service Company of New Mexico to include the construction of a 500 KV transmission line from generating station to Los Angeles Basin, California.

SUMMARY: A notice of intent to prepare an Environmental Impact Statement (EIS) on a proposed 2000 megawatt coal-fired generating station in San Juan County, New Mexico, the New Mexico Generating Station (NMGS) was published in the Federal Register on November 15, 1980, page 74998. The project has been amended to include the construction of a 500 KV transmission line from the plant site to the Los Angeles Basin, California, referred to as the out-of-state (OST) portion of the project.

The EIS will include the plant, a water pipeline to provide cooling water, the 500 KV line to California, two 500 KV lines serving Albuquerque, New Mexico, and the possible development of either a construction camp or a new townsite.

Both 100-year floodplains and wetland-riparian habitat may be impacted by the proposal.

Scoping has occurred for the original elements of the proposal, supplemental scoping to consider the OST will be announced.

EFFECTIVE DATE: June 2, 1981.

ADDRESS: Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico.

FOR FURTHER INFORMATION CONTACT: Leslie Cone, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501, (505) 988-6467, FTS 476-1467.

Ed Hastey,

Associate Director.

May 28, 1981.

[FR Doc. 81-16321 Filed 6-1-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Water Allocations, Central Arizona Project, Arizona; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental

impact statement on the allocation and offers to enter into contracts for delivery of Central Arizona Project water by the Secretary of the Interior. The Central Arizona Project will develop Arizona's remaining entitlement to Colorado River water as well as locally available surface waters of the Gila River and its tributaries. The Secretary has the authority and responsibility to allocate water among various uses and entities, and to enter into water service contracts for its delivery. The identified uses include Indian irrigation, maintenance of Indian tribal homelands, non-Indian municipal and industrial, and non-Indian irrigation. The identified entities proposed for water allocations include 4 Indian tribes and/or communities for irrigation only, 7 Indian tribes and/or communities for maintaining tribal homelands, 1 tribe for both uses, 59 municipalities and/or municipal water companies, 2 power companies, 9 mining companies, 2 recreation organizations, 2 unclassified municipal and industrial users, and 23 irrigation districts and/or farming operations.

In addition to the proposed allocation, the environmental impact statement will consider alternatives which cover the range of previous Secretarial allocation proposals and recommendations from the State of Arizona. The Department has tentatively identified the 1976 Kleppe Allocation, the 1980 Andrus Allocation, and a modification of the Andrus Allocation which could change the priority for Indian supply during times of shortage and provides for the use of municipal effluent waters by Indian tribes as three viable options. A no-action alternative will be included to serve as a basis for evaluating the environmental effects of the other reasonable alternatives. The Department construes no-action to mean the 1968 plan based upon the legislative history: 312,000 acre-feet for municipal and industrial use, and the balance to agriculture on a pro rata basis.

Given that the action is the allocation of Central Arizona Project water and the entering into of water service contracts for delivery of the water, the environmental impact statement will focus on direct and indirect impacts such as ground-water effects, land use changes, economic considerations, and social well-being effects which result from the use of Central Arizona Project water. Although impossible to wholly quantify due to incomplete or nonexistent plans, cumulative impacts (such as those resulting from the construction of distribution works, water treatment plants, and effluent water delivery facilities) will also be considered in the environmental impact statement.

The types of impacts and the nature of the impact analysis will be further defined during the scoping process. An informational packet containing background information and potential issues to be considered in the environmental impact statement will be made available to the public and will be followed by meetings to further define the significant issues and environmental impact statement scope. Informational packets will be available from the Commissioner, Bureau of Reclamation, Department of the Interior, 18 and C Street, NW., Washington, DC 20240; the Regional Director, Lower Colorado Region, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005; or the Project Manager, Arizona Projects Office, Bureau of Reclamation, Suite 2200 Valley Center, Phoenix, Arizona 85073; or at the meetings. The meetings will be held at Tucson, Casa Grande, and Phoenix, Arizona, June 16, 17, and 18, 1981: at the Tucson Community Center, June 15; Casa Grande City Council Chambers, June 17; and the Phoenix Hilton, June 18, beginning at 1:00 p.m.

The contact person for this environmental impact statement will be Larry Morton, Chief, Environmental Division, Arizona Projects Office, Bureau of Reclamation, 201 North Central Avenue, Phoenix, Arizona 85073. Telephone (602) 261–3577.

Dated: May 28, 1981.

Clifford I. Barrett,

Assistant Commissioner.

[FR Doc. 81-16345 Filed 6-1-81; 8:45 am]

BILLING CODE 4310-09-M

U.S. Fish and Wildlife Service

Availability of FONSI on Peregrine Falcon Restoration in the Eastern United States

AGENCIES: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability.

SUMMARY: The U.S. Fish and Wildlife Service has prepared an Environmental Assessment (EA) on Peregrine Falcon Restoration in the Eastern United States. A notice of availability of the assessmemt was published in the **Federal Register** on April 14, 1981. This assessment is based on review and analysis of:

1. The Peregrine Recovery Plan, U.S. Fish and Wildlife Service—May 1979 (Rene M. Bollengier, Recovery Team Leader)

2. Comments from state and Federal agencies, and

3. Public comments.

The assessment has shown that with implementation of the plan, beneficial impacts which may occur are the possible restoration of the peregrine falcon in the east and its removal from the endangered species list. Detrimental impacts which may occur include temporary habitat disturbance at hack sites during tower construction and trapping and relocation of owls.

I find that some components of these studies are functionally dependent on being located in floodplains and wetlands and that all reasonable alternatives to these locations were evaluated. I, therefore, find that this project complies with the meaning of Executive Orders 11988 and 11990.

Based on the information contained in the EA and on public comments received, the Regional Director, Northeast Region, U.S. Fish and Wildlife Service has signed a FONSI on the projects.

CONTACT PERSON: Paul R. Nickerson, Senior Staff Specialist Endangered Species, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

Paul R. Nickerson,

Senior Staff Specialist, Endangered Species.

[FR Doc. 81-16374 Filed 6-1-81; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 22, 1981. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 17, 1981.

Carol Shull,

Chief, Registration Branch.

GEORGIA

Decatur County

Bainbridge vicinity, *Fort Scott (9Dr8)* SW of Bainbridge

INDIANA

Wayne County

Richmond, *Starr Piano Company Warehouse and Administration Building*, 300 S. 1st St.

IOWA

Franklin County

Hampton vicinity, *Maysville Schoolhouse*, S of Hampton

NEW YORK

Orange County

Newburgh, *New York State Armory*, Broadway and Johnson St.

OHIO

Ashtabula County

Jefferson, *Jefferson Town Hall*, 27 E. Jefferson St.

Butler County

Hamilton, *Butler County Courthouse*, 2nd and High Sts.

Stark County

Canton, *Renkert, Harry S., House*, 1414 Market Ave.

[FR Doc. 81-16197 Filed 6-1-81; 8:45 am]

BILLING CODE 4310-03-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29627]

Acquisition of Trackage Rights by Chicago South Shore and South Bend Railroad Over the Chesapeake and Ohio Railway Company in the Michigan City, Indiana Area

May 27, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Chicago South Shore and South Bend Railroad will acquire trackage rights over the Chesapeake and Ohio Railway Company, its affiliate. The transaction is one which is within a corporate family and which does not result in any adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family and is thus exempt from our consolidation regulations under 49 CFR 1111.5(c)(3).

DATE: Applicant planned to consummate the transaction on April 18, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest Abbott, (202) 275-3002.

SUPPLEMENTARY INFORMATION: Chicago South Shore and South Bend Railroad (CSS&SB), an affiliate of the Chesapeake and Ohio Railway Company (C&O), filed a notice of exemption on April 10, 1981. The notice indicates that CSS&SB and C&O intend to enter into a transaction on April 18, 1981, which has been exempted from regulation pursuant to 49 U.S.C. 10505. The notice has been filed in accordance with the Commission's railroad consolidation procedures as set forth at 49 CFR 1111.5(c)(3).

CSS&SB states that the transaction is one which is within a corporate family and which does not result in any adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. This class of actions is specifically exempted from the requirements of the consolidation rules.

CSS&SB will acquire trackage rights over a 6-mile line of the C&O near Michigan City in La Porte County, IN. This area is now served by CSS&SB, C&O, and the Louisville and Nashville Railroad Company (L&N). In *CSX Corp.—Control—Chessie and Seaboard C.L.I.*, 363 I.C.C. 518 (1980), the Commission authorized CSS&SB's acquisition of a 4.36-mile segment of L&N's line to Michigan City which was authorized for abandonment. CSS&SB originally planned to reach this segment by an existing connection at the northern end of the line. The involved trackage rights will allow CSS&SB to obtain a second means to connect with the subject line, and will allow it to remove a 1-mile middle portion of the 4.36 mile segment which it no longer intends to acquire and operate. It states that there are no shippers on this middle segment.

In granting an exemption, we may not relieve a carrier of its obligation to protect the interests of employees as otherwise required by 49 U.S.C. Subtitle IV. See 49 U.S.C. 10505(g)(2). We have determined that the employee protective provisions developed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), meet the requirements of 49 U.S.C. 11347 for employees involved in trackage rights transactions under 49 U.S.C. 11343. Accordingly, these protective provisions will be imposed here as a condition to exercise of this exemption.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16348 Filed 6-1-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: May 27, 1981.

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.4-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.2-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 2.1-percent surcharge for United Parcel Service, or the 6.9-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m. May 29, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix—*Fuel Surcharge*

May 26, 1981.

Base date and price per gallon (including tax)

January 1, 1979 ..... 69.5

Date of current price measurement and price per gallon (including tax)

May 26, 1981 ..... 132.8

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carriers	UPS
Average percent fuel expenses (including taxes) of total revenue	16.9 (1)	2.9 (2)	6.3 (3)	3.3 (4)
Percent surcharge developed	18.4	3.2	6.9	[5]2.9

	Transportation performed by—			
	Owner-operator[1]	Other[2]	Bus carriers	UPS
Percent surcharge allowed	19.5	3.2	6.9	[4]2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates

[FR Doc. 81-16347 Filed 6-1-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY-4-Volume 160]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 27, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 155877, filed May 11, 1981. Applicant: STARNES BROKERAGE CO., P.O. Box 1396, Upland, CA 91786. Representative: Walter Starnes, 1941 Elouise Way, Upland, CA 91786, (213) 384-4037. As a *broker of general commodities*, (except household goods), between points in the U.S.

MC 155927, filed May 11, 1981. Applicant: SEPIA TRUCKING CO., INC., 4128 South Wabash, Chicago, IL 60653. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602, (312) 782-6937. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155876, filed May 11, 1981. Applicant: CHARLES R. NEWBY, 6313 So. Robinson Dr., Oklahoma City, OK 73139. Representative: Kenneth G. Thomas, 8005 Dover Ave., Lubbock, TX 79424, (806) 745-7263. As a *broker of general commodities*, (except household goods), between points in the U.S.

[FR Doc. 81-16340 Filed 6-1-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Restrictions Removals; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any applications, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant

maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–4–159

Decided: May 27, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 60066 (Sub-30), filed May 11, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106 (402) 392–1220. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with J.C. Penny Company, Incorporated, of New York, NY.

MC 75866 (Sub-4), filed May 7, 1981. Applicant: GOLDEN STRIP TRANSFER, INC., P.O. Box 458, Simpsonville, SC 29681. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606. Transporting *general commodities* (except classes A and B explosives), between the facilities of Laurens Glass Co., at points in Laurens County, SC, and Vance County, NC, on the one hand, and, on the other, points in GA, NC, SC, VA, and those in TN on and east of U.S. Hwy 27.

MC 120456 (Sub-6), filed May 8, 1981. Applicant: BOUMA CARTAGE CO., 146 Pleasant St., S.W., Grand Rapids, MI 49503. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 489–5724. Transporting (1) *furniture and fixtures*, and (2) *clocks*, between points in MI, IL, IN, OH, WI, PA, and NY.

MC 120636 (Sub-15), filed May 12, 1981. Applicant: BRUNTON STORAGE & VAN CO., INC., 6th and Locust Sts., P.O. Box 577, Chatsworth, IL 60921. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001, (202) 628–9243. Transporting *general commodities* (except classes A and B explosives), between St. Louis, MO, on the one hand, and, on the other, points in the U.S.

MC 15546 (Sub-3), filed May 11, 1981. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1700 West Carroll Ave., Chicago, IL 60612. Representative: Abraham A. Diamond, 29 So. La Salle St., Chicago, IL 60603 (312) 236–0548. Transporting (1) *rubber and plastic products*, (2) *pulp, paper and related products*, and (3) *chemicals and related products*, between points in the U.S., under continuing contract(s) with BOF, Ltd., of Williamston, MI.

Volume No. OPY–5–72

Decided: May 27, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 30378 (Sub-67), filed May 7, 1981. Applicant: ASSOCIATED TRANSPORTS, INC., 9050 Pershall Rd., Hazelwood, MO 63042. Representative: Arnold L. Burke, 180 North La Salle St., Chicago, IL 60601, 312–332–5106. Transporting *transportation equipment* between Detroit, MI, on the one hand, and, on the other, points in AR, OK, CO, and TX.

MC 105269 (Sub-100), filed May 5, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2100 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616–459–6121. Transporting *textile mill products* between the facilities of Leshner Corporation at points in the U.S. on and east of a line beginning at the mouth of the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. on and east of a line beginning at the mouth of the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 113658 (Sub-54), filed May 15, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20036, 202–223–5900. Transporting *general commodities* (except classes A and B explosives), between points in PA, NJ, and NY, on the one hand, and, on the other, points in AZ, CO, CA, UT, NV, OR, WA, IL, MO, FL, GA and TX.

MC 118959 (Sub-263), filed May 7, 1981. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603, 312–236–9375. Transporting *salt and salt products* between points in Iberia County, LA, on the one hand, and, on the other, points in IL, IN, KY, and MO.

MC 119619 (Sub-151), filed May 18, 1981. Applicant: DISTRIBUTORS SERVICE CO., INC., 2000 West 43rd St., Chicago, IL 60609. Representative: Arthur J. Piken, Queens Office Tower, 95-25 Queens Blvd., Rego Park, NY 11374, 212–275–1000. Transporting *food and related products*, between points in Sussex County, VA on the one hand, and, on the other, points in the U.S.

MC 119639 (Sub-27), filed May 11, 1981. Applicant: INCO EXPRESS, INC., 3600 South 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101 (206) 624–2832. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of patient aides and health care equipment, between Los Angeles, CA, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, UT, WY, NV, AZ, NM, and CO.

MC 123329 (Sub-56), filed May 7, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: R. F. Koby, P.O. Box 2567, Great Falls, MT 59403, (406) 452–6415. Transporting *commodities in bulk*, between points in De Kalb County, GA, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada.

MC 139009 (Sub-7), filed May 7, 1981. Applicant: R & W EXPRESS, INC., 6877 Main Street, Lithonia, GA 30058. Representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, GA 30349. 404–996–6266. Transporting *ferrous and nonferrous metals*, between Atlanta, GA, on the one hand, and, on the other, points in GA, FL, AL, NC, SC, AR, TN, TX, MS, and LA.

MC 139009 (Sub-8), filed May 8, 1981. Applicant: R & W EXPRESS, INC., 6877 Main St., Lithonia, GA 30058. Representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, GA 30349, 404–996–6266. Transporting *clay, concrete, glass or stone products*, between Atlanta, GA, on the one hand, and, on the other, points in TN, MS, NC, AL, FL, SC, and LA.

MC 139638 (Sub-10), filed May 18, 1981. Applicant: N. L. MONTGOMERY, INC., P.O. Box 626, Rocky Mount, VA 24151. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, 615–790–2510. Transporting *building materials,* between points in Roanoke and Campbell Counties, VA and Guilford County, NC, on the one hand, and, on the other, points in NC, TN, and WV.

MC 140549 (Sub-23), filed May 18, 1981. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, MN 56222. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612–542–1121. Transporting *food and related products,* between points in CA, OR and WA, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, MO, ND, OH, PA, SD and WI.

MC 142059 (Sub-173), filed May 18, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joilet, IL 60434. Representative: Jack Riley (same address as applicant), 815–729–3808. Transporting *food and related products,* (1) between points in Essex County, MA on the one hand, and, on the other, points in the U.S., (2) between points in Shelby County, TN on the one hand, and, on the other, points in AL, AR, GA, FL, LA, MS, NC and SC, and (3) between points in Cheboygan and Chippewa Counties, MI on the one hand, and, on the other, points, in IL, IN, IA, MN, NE, OH and WI.

MC 143059 (Sub-179), filed May 19, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, 12th and Main St., Louisville, KY 40232. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, DC 20004, 202–628–4600. Transporting *mercer commodities,* between points in the U.S.

MC 144989 (Sub-23), filed May 18, 1981. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Ct., Charlotte, NC 28205, 704–847–6961. Transporting *textile mill products,* between points in the U.S. under continuing contract(s) with Queen Carpet Corp. of Dalton, GA.

MC 146469 (Sub-1), filed May 15, 1981. Applicant: THOMAS & HOWARD COMPANY OF HICKORY, INC., 1200 Burris Rd., P.O. Box 428, Newton, NC 28658. Representative: Bruce E. McRoy, 1845 No. Church St., P.O. Drawer 2427, Rocky Mount, NC 27801 (919) 446–6151. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Lay Packing Company, Inc., of Knoxville, TN, (b) Merchants Distributors, Inc., of Hickory, NC, (c) Pinkerton Tobacco Company (Liggett Group) of Owensboro, KY, and (d) Thomas & Howard Company, Inc., of Charlotte, NC.

MC 146989 (Sub-9), filed April 30, 1981. Applicant: GOLDEN–HAMMONS CARTAGE CO., INC., d.b.a. G & H CARTAGE, 1749 Florida, Memphis, TN 38109. Representative: Ralph D. Golden, Suite 2348, 100 N. Main Bldg., Memphis, TN 38103, 901–526–1122. Transporting (1) *pulp, paper and related products,* and (2) *metal products,* between the facilities of Clevepak Corporation at Memphis, TN, on the one hand, and, on the other, points in TN, LA, AR, MO, IA, MI, WI, IL, VA, IN, OH, PA, NY, NJ, CT, DE, MS, WV, KY, NC, SC, GA, FL, AL, MD, TX, OK, KS, CO, and NE.

Volume No. OPY–5–73

Decided: May 27, 1981.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 150248 (Sub-4), filed May 18, 1981. Applicant: BERNIE BERGER, d.b.a. BERGER BROS. TRUCKING, P.O. Box 20, Rural Route 4, Mandan, ND 58554. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Mid America Steel, Inc., of Bismarck, ND.

MC 150578 (Sub-19), filed May 12, 1981. Applicant: STEVENS TRANSPORT, a Division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same address as applicant), (214) 681–0454. Transporting *such commodities* as are dealt in or used by grocery, department, variety and drug stores, between points in the U.S. under continuing contract(s) with The Kroger Co., of Cincinnati, OH.

MC 151908, filed May 18, 1981. Applicant: W & H DELIVERY SERVICE, INC., P.O. Box 162, Hurst, TX 76053. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *machinery,* between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 152109 (Sub-5), filed May 18, 1981. Applicant: KAIBAB TRANSPORTATION, INC., P.O. Box 20506, Phoenix, AZ 85036. Representative: Michael F. Morrone, 1150 17th St., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting *such commodities* as are dealt in or used by manufacturers of building materials, between points in the U.S., under continuing contract(s) with O'Malley Company, Inc., of Phoenix, AZ.

MC 152238 (Sub-9), filed May 15, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant), (916) 436–2266. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Duro-O-Wall, Inc., of North Brook, IL.

MC 153209, filed May 15, 1981. Applicant: LEOPOLDO DIAZ VILLANEVA, d.b.a. L. DIAZ TRUCKING, 1011 Beyer Way, Space 108, San Diego, CA 92154, (714) 690–1248. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *such commodities* as are dealt in or used by manufacturers of fishing, shipbuilding, and steel fabrication articles, between points in San Diego County, CA, on the one hand, and, on the other, points in the U.S.

MC 153509 (Sub-2), filed May 15, 1981. Applicant: KENTUCY DISPATCH, INC., 3303 Camp Ground Rd., Louisville, KY 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson St., Louisville, KY 40202, (502) 584–5519. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with (a) Ralston Purina Company, of St. Louis, MO, (b) Bremner Biscut Co., a division of Ralston Purina Co., of Louisville, KY, and (c) Foodmaker, Inc., a subsidiary of Ralston Purina Company, of San Diego, CA.

MC 154149, filed May 15, 1981. Applicant: CREECH TRANSPORT, INC., P.O. Box 844, Leakesville, MS 39451. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting (1) *textile mill products,* between points in the U.S., under continuign contract(s) with Niki-Lu Industries of Mississippi, Inc., of Leakesville, MS, and (2) *lumber and wood products* between points in the U.S., under continuing contract(s) with Perma Wood Treating, Inc., of Lucedale, MS.

MC 154158, filed May 15, 1981. Applicant: KINNEY TRUCK LINE, INC., 124 W. Willis Ave., Perry, IA 50220. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309, 515–283–2076. Transporting *machinery,* between points in Dallas County, IA on the one hand, and, on the other, points in AL, AR, CO, DE, GA, ID, IL, IN, KS, KY, MI, MN, MS, MO, MT, NE, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA and WI.

MC 154219, filed May 11, 1981. Applicant: BARRY KING, P.O. Box 238, Castor, LA 71016. Representative: Harry F. Horak, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457–0804. Transporting *lumber and wood products,* between points in Bienville Parish, LA, on the one hand, and, on the other, points in TX.

MC 154569, filed May 15, 1981. Applicant: LEYDIG TRUCKING, INC., P.O. Box 217, Corriganville, MD 21524. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, 301–797–6060. Transporting *coal and coal products,* between points in MD, PA and WV.

MC 155598, filed May 18, 1981. Applicant: SIRKAM MOTORS, 545 Coolidge Ave., Manchester, NH 03102. Representative: John E. Russell, 62 Rundlett Hill Rd., Bedford, NH 03102, 603–622–9332. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, and RI.

MC 155738, filed May 5, 1981. Applicant: ARIES TRANSPORTATION SYSTEM, INC., R.R. 1, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 McLachlan Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001, 202–628–9243. Transporting *chemicals and related products,* between points in La Salle County, IL, on the one hand, and, on the other, points in IN, IA, KY, MI, MO, OH, and WI.

MC 155909, filed May 8, 1981. Applicant: KREIDER TRUCKING, INC., 2909 Seville Rd., Rittman, OH 44270. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, 614–889–2531. Transporting (1) *clay, concrete, glass or stone products,* (2) *chemicals and related products,* and *farm products,* between points in OH and PA, on the one hand, and, on the other, points in PA, OH, MI, IN, IL, and NY.

MC 155999, filed May 15, 1981. Applicant: SOUTHWEST EXPRESS, INC., P.O. Box 843, Taylors, SC 29687. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602, 803–288–9300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Dan River Mills, Inc. of Greenville, SC.

MC 156018, filed May 18, 1981. Applicant: R. O. AMUNDSON AND R. J. AMUNDSON, a partnership, P.O. Box 368, Norcross, MN 56274. Representative: William E. Seliski, P.O. Box 8255, Missoula, MT 59807, (406) 543–8369. Transporting *such commodities* as are dealt in by lumber yards, between points in MT, ID, WA, and OR, on the one hand, and, on the other, points in MN, WI, ND, SD, IA, and NE.

MC 156028, filed May 15, 1981. Applicant: WOODWARD LUMBER CO., INC., 909 West Amador, P.O. Box 190, Las Cruces, NM 88001. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, (303) 320–6100. Transporting *building materials,* between points in AZ, CA, NM, and TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16350 Filed 6–1–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP3–235]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 22, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 142204 (Sub-12), filed September 22, 1980, previously published in the **Federal Register** issue of October 15, 1980. Applicant: GUNVILLE TRUCKING, INC., d.b.a. GUNVILLE TRUCKING, P.O. Box 74, Niagara, WI 54151. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703. Transporting *wood residuals,* between points in the Upper Peninsula of MI and WI.

Note.—This republication corrects the territorial description.

[FR Doc. 81–16426 Filed 6–1–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OPY–2–083]

Motor Carriers; Permanent Authority; Decision-Notice

Decided: May 26, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to

V 46 / 105 JE 2 81 UMI

comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applicants for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 152663 (Sub-1), filed May 15, 1981. Applicant: ISC TRANSYSTEMS, INC., 100 Jericho Quadrangle, Jericho, NY 11753. Representative: Larsh B. Mewhinney, 555 Madison Ave. New York, NY 10022 (212) 838–0600. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155833F filed May 4, 1981. Applicant: RICHARD E. GRISWOLD, d.b.a. B & G TRUCKING, 324 Elm Street, P.O. Box 123, Avoca, IA 51521. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *food and other edible products and by-products intended for human consumption, (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81–16425 Filed 6–1–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OPY–2–084]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 26, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

MC 69833 (Sub-163), filed May 8, 1981. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave. NW., Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant), (616) 456–2868. Transporting *general commodities* (except classes A

and B explosives), (A) over regular routes: (1) between the intersection of the NC–VA State line and Interstate Hwy 95 and Fort Kent, ME: from the intersection over Interstate Hwy 95 to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction ME Hwy 161, then over ME Hwy 161 to Fort Kent, and return over the same route, (2) between the intersection of the NC–VA State line and Interstate Hwy 85 and junction Interstate Hwys 95 and 85, over Interstate Hwy 85, (3) between the intersection of the VA–NC State line and Interstate Hwy 81 and Alexandria Bay, NY, over Interstate Hwy 81, (4) between Lexington, KY and Norfolk, VA: from Lexington over Interstate Hwy 64 to Charleston, WV, then over U.S. Hwy 60 to junction Interstate Hwy 64 at or near the WV–VA State line, then over Interstate Hwy 64 to Norfolk, and return over the same route, (5) between Cleveland, OH and the intersection of the NC–VA State line and Interstate Hwy 77, over Interstate Hwy 77, (6) between Columbus, OH and Baltimore, MD, over Interstate Hwy 70, (7) between Columbus, OH and junction U.S. Hwy 23 and Interstate Hwy 64 at or near Huntington, WV, over U.S. Hwy 23, (8) between Norfolk, VA and Wilmington, DE, over U.S. Hwy 13, (9) between Charleston, WV and Erie, PA, over Interstate Hwy 79, (10) between Warren, OH and Newark, NJ, over Interstate Hwy 80, (11) between junction Interstate Hwy 79 and U.S. Hwy 48 at or near Morgantown, WV, and Cumberland, MD, over U.S. Hwy 48, (12) between Cumberland, MD and Buffalo, NY: from Cumberland over U.S. Hwy 220 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction U.S. Hwy 219, then over U.S. Hwy 219 to Buffalo, and return over the same route, (13) between Cleveland, OH and Boston, MA, over Interstate Hwy 90, (14) between junction Interstate Hwy 90 and NY Hwy 17 at or near Westfield, NY, and New York, NY: from the junction over NY Hwy 17 to junction Interstate Hwy 287, then over Interstate Hwy 287 to junction U.S. Hwy 9, then over U.S. Hwy 9 to New York, and return over the same route, (15) between New York, NY and Cape May, NJ, over U.S. Hwy 9, (16) between Atlantic City, NJ and Philadelphia, PA, over U.S. Hwy 30, (17) between Philadelphia and Breezewood, PA, over Interstate Hwy 76, (18) between New York and Rouses Point, NY: from New York over Interstate Hwy 87 to junction Interstate Hwy 287, then over Interstate Hwy 287 to junction Interstate Hwy 87, then over Interstate Hwy 87 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction NY Hwy 9B, then over NY Hwy 9B to Rouses Point, and return over the same route, (19) between New Haven, CT, and the intersection of Interstate Hwy 91 and the international boundary line between the U.S. and Canada, over Interstate Hwy 91, (20) between Boston, MA and St. Johnsbury, VT, over Interstate Hwy 93, (21) between junction Interstate Hwys 89 and 93, and the intersection of Interstate Hwy 89 and the international boundary line between the U.S. and Canada, over Interstate Hwy 89, (22) between Montpelier, VT and Bangor, ME, over U.S. Hwy 2, (23) between the intersection of the IL–WI State line and Interstate Hwy 94, and St. Paul, MN, over Interstate Hwy 94, (24) between Beloit and Hurley, WI, over U.S. Hwy 51, (25) between Milwaukee, WI and Iron Mountain, MI: from Milwaukee over Interstate Hwy 43 to junction U.S. Hwy 141, then over U.S. Hwy 141 to junction U.S. Hwy 2, then over U.S. Hwy 2 to Iron Mountain and return over the same route, (26) between Iron Mountain, MI and Spooner, WI: from Iron Mountain over U.S. Hwy 2 to junction WI Hwy 70, then over WI Hwy 70 to Spooner, and return over the same route, (27) between Superior and LaCrosse, WI, over U.S. Hwy 53, (28) between LaCrosse and Green Bay, WI: from LaCrosse over WI Hwy 16 to junction WI Hwy 21, then over WI Hwy 21 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Green Bay, and return over the same route, (29) between Dubuque, IA and Manitowoc, WI, over U.S. Hwy 151, (30) between Menomonie and Kewaunee, WI, over WI Hwy 29, (31) between Ironwood and St. Ignace, MI, over U.S. Hwy 2, (32) between Wakefield and Houghton, MI: from Wakefield over MI Hwy 28 to junction MI Hwy 26, then over MI Hwy 26 to Houghton, and return over the same route, (33) between Houghton and Sault Ste. Marie, MI: from Houghton over U.S. Hwy 41 to junction MI Hwy 28, then over MI Hwy 28 to junction U.S. Hwy 2, then over U.S. Hwy 2 to Sault Ste. Marie, and return over the same route, (34) between Sault Ste. Marie and Mackinaw City, MI, over Interstate Hwy 75, and (35) serving in connection with routes (1) thru (34) above, all intermediate points and points in CT, DE, ME, MA, MD, NJ, NH, NY, PA, RI, VA, VT, WI, WV, DC, the Upper Peninsula of MI, and those in Adams, Athens, Belmont, Brown, Carroll, Clermont, Clinton, Columbiana, Fairfield, Fayette, Gallia, Guernsey, Harrison, Highland, Hocking, Jackson, Jefferson, Lawrence, Madison, Mahoning, Meigs, Monroe, Morgan, Muskingum, Noble, Pickaway, Pike, Perry, Ross, Scioto, Stark, Tuscarawas, Vinton, Warren, and Washington Counties, OH as off-route points in connection with carrier's regular-route operations; and (B) over irregular routes: between points in CT, DE, ME, MA, MD, NH, NJ, NY, PA, RI, VA, VT, WI, WV, DC, and the Upper Peninsula of MI.

Note.—Applicant intends to tack this authority to its existing regular and irregular-route authority.

MC 96813 (Sub-7), filed May 14, 1981. Applicant: FISK TRUCKING AND TRANSFER COMPANY, 716 San Fernando Rd, Los Angeles, CA 90065. Representative: Gary A. Fisk (same address as applicant), (213) 225–4173. Transporting *general commodities* (except classes A and B explosives), between the facilities of Heidelberg West, Inc., and Elixir Industries at points in AZ, CA, CO, ID, NM, NV, UT, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ND, NE, NV, KS, OR, SD, TX, UT, and WA.

MC 107012 (Sub-713F), filed May 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *building materials* between the facilities of Harris-Crestline Corporation at points in Tehama County, CA, Erie County, NY, Spokane County, WA, and Marathon County, WI, on the one hand, and, on the other, points in AK, AR, CA, CO, CT, DE, GA, HI, ID, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MT, NE, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, VT, VA, WA, WV, WI, WY and DC.

MC 143302 (Sub-7), filed May 15, 1981. Applicant: DON TRIPP TRUCKING, P.O. Box 69, Lolo, MT 59847. Representative: William E. Seliski, Nr. 2 Commerce St./ P.O. Box 8255, Missoula, MT 59807, (406) 543–8369. Transportiing (1) *lumber and wood products,* and (2) *such commodities* as are dealt in by sporting good and hardware stores, between points in the U.S., under continuing contract(s) with The 93 Lumber Company, of Lolo, MT.

MC 143433 (Sub-14) (correction), filed February 27, 1981, published in the **Federal Register,** issues of March 23, 1981, and April 7, 1981, and republished, as corrected, this issue. Applicant: B. L. GILBERT, d.b.a. GILBERT TRUCKING COMPANY, 310 South First Avenue, Stroud, OK 74079. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. Transporting *food and related products,* between points in KS, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD,

MA, MI, MN, MS, MO, NE, NV, NH NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI and DC.

Note.—The purpose of this republication is to change the territorial description, to read OK in lieu of OR.

MC 144982 (Sub-18), filed May 18, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457–0804. Transporting *food and related products*, between the facilities of the Joan of Arc Co., at points in Vermilion and Peoria Counties, IL, on the one hand, and, on the other, points in AZ, CA, OR, and WA.

MC 148152 (Sub-3), filed May 15, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar St., Dallas, TX 75215. Representative: Edmond E. Payne (same address as applicant), (214) 421–7161.Transporting *metal products*, between points in Leon and Ellis Counties, TX, on the one hand, and, on the other, points in Warren County, MS.

MC 148903 (Sub-11), filed May 18, 1981. Applicant: J & M TANK LINES, INC., P.O. Box 5, Americus, GA 31709. Representative: Paul M. Daniell, P.O. Box 872, Atlanta GA 30301, (404) 522–2322. Transporting *commodities in bulk*, between points in AL, FL, GA, LA, MS, NC, SC, TN, and VA, on the one hand, and, on the other, points in the U.S.

MC 149553 (Sub-3), filed May 18, 1981. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 78572. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *food and related products*, between points in TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 155962, filed May 14, 1981. Applicant: SILVER STREAK TRANSPORT CO., INC., 222 Willow St., Yonkers, NY 10701. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, (212) 941–9291.Transporting *general commodities*, between points in the U.S., under continuing contract(s) with (a) Fisco Industries, Ltd., of West Nyack, NY, (b) Frankel Associates, of Kearney, NJ, (c) Top All Varieties, Inc., of White Plains, NY, and (d) Tri-State Warehouse Distributors Corporation, of Yonkers, NY. Condition: To extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 155983, filed May 14, 1981. Applicant: C.A.T. LINES, INC., P.O. Box 8615, Long Beach, CA 90808. Representative: Harrison N. Davis (same address as applicant), (213) 603–1024. Transporting *general commodities* (except classes A and B explosives), between Long Beach Harbor and Los Angeles Harbor, CA, on the one hand, and, on the other, points in Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties, CA.

[FR Doc. 81-16423 Filed 6-1-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 91]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 28, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consisitent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 14582 (Sub-13)X, filed April 6, 1981, previously noticed in the **Federal Register** of March 6, 1981, republished as follows: Applicant: ELFRINK TRUCK LINES, INC., P.O. Box 92, Advance, MO 63730. Representative: Herman W. Huber, 101 East Jefferson St., Jefferson City, MO 65101. Applicant seeks to remove restrictions in its lead and Sub-No. 12 certificates to (1) broaden the commodity description from general commodities (with exceptions) to general commodities (except classes A and B explosives) in its lead and Sub-No. 12; (2) serve all intermediate points on its regular routes between (a) Advance, MO, and St. Louis, MO, (b) Dudley, MO, and National Stock Yards, IL, (c) St. Louis, MO, and Cape Girardeau, MO, (d) junction U.S. Hwy 61 and MO Hwy 51 at Perryville, MO and junction U.S. Hwys. 61 and 67 near Festus, MO, (e) Cape Girardeau, MO, and Scott City, MO, (f) Bloomfield, MO, and Dexter, MO, in its lead, (g) St. Louis, MO, and Cape Girardeau, MO, (h) junction IL Hwys. 3 and 146 and junction IL Hwy 3 and 51 in its Sub-No. 12 certificate; (3) remove restrictions (a) against traffic moving from, to, or through St. Louis, MO, in its lead, sheet 3; (b) limiting traffic to that moving radially from, to, or through Cape Girardeau, Scott City, and St. Louis, MO and (c) against service at Cape Girardeau, Scott City and Dexter, MO, and their commercial zones in its lead, sheet 4; (4) replace off-route points or portions of counties with Counties: Bollinger County, MO, Bell City with Stoddard County, MO and (5) replace points within 30 miles of Advance and Lutesville, MO in the irregular portion of its lead with Bollinger, Cape Girardeau, Madison, Mississippi, New Madrid, Perry, Scott, Stoddard and Wayne Counties, MO.

Note.—This republication adds parts (4) and (5) to the caption.

MC 41706 (Sub-25)X, filed March 13, 1981, previously noticed in the **Federal Register** of April 1, 1981, republished as follows: Applicant TOSE, INC., 424 West Fourth Street, Bridgeport, PA 19405. Representative: Anthony C. Vance, Esq., Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions from its lead certificate. This Board previously broadened the certificate to include "general commodities, except Classes A and B explosives" and to allow service at all intermediate points. Applicant also sought off-route county-wide authority which was denied because it was determined to be an unreasonable broadening of territory. Because of a recent Commission decision declaring this type of broadening to be reasonable, the Restriction Removal Board has decided to renotice this application with respect to the proposed expansion of off-route

points. Notice is hereby given that applicant seeks to expand its off-route points from "those points within 20 miles of Bridgeport, PA," to all points in Montgomery, Chester, Bucks, Berks, Lehigh, Northhampton, Delaware, and Lancaster Counties, PA.

MC 48441 (Sub-71)X, filed February 24, 1981, previously noticed in the Federal Register of March 17, 1981 and April 27, 1981, republished as corrected this issue. Applicant: R.M.E., INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity descriptions (a) in its regular route authority, from glass, glass products, yeast, malt products, and brewey supplies, to "clay, concrete, glass or stone products, food and related products, metal products, pulp, paper and related products, and chemicals and related products", (b) in its irregular route authority, from general commodities with the usual exceptions to "general commodities (except classes A and B explosives)", from building materials, paint, roofing, and iron and steel construction products, to "building materials, chemicals and related products and metal products", from beer, and malt products, canned goods, animal feed, and canned foodstuffs, to "food and related products", from empty malt beverage containers to "clay, concrete, glass, or stone products and metal products", from paper, and paper products, to "pulp, paper and related products", from telephone directories and telephone directory pages to "printed matter", from glass containers, to "clay, concrete, glass or stone products", and from iron containers and steel containers, to "metal products"; and (2) broaden its territorial description (a) to authorize service at all intermediate points on described route between Milwaukee, WI, and Alton, IL, in the regular route portion of its lead authority, (b) change its one-way authority to radial authority between several named states, and replace cities and plantsite facilities with county-wide authority in the irregular route portion: Momence, IL with Kankakee County, IL, named facilities as Dwight, IL, with Livingston County, IL, Jonesboro, AR, with Craighead County, AR, named facilities at Plymouth, IN, with Marshall County, IN, Hamilton, MI, with Allegan County, MI, Danville, IL, with Vermillion County, IL, and Franklin, KY, with Simpson County, KY, and (c) replace Chicago Height, IL with Chicago, IL under household goods commodity description, sheet No. 2; (3) replace off-route points (in paragraph 1) with county-wide authority as follows: Streator, and Peoria, IL with La Salle, and Peoria Counties, IL; (4) broaden mileage radius territories (in paragraphs 3 and 8) to county-wide, as follows: (a) points in IL, IN, and MI within 300 miles of Chicago to "points in IN, IL (except Alexander, Harden, Johnson, Massac, Pope, Pulaski, and Union Counties, IL) and MI (except Alger, Alpena, Barga, Cheboygan, Delta, Chippewa, Dickinson, Enamet, Gogebia, Houghton, Iron, Luce, Keweennaw, Mackinac, Marquette, Ontonagan, Presque Isle, and Schoolcraft Counties, MI" and (b) points within 15 miles of Kalamazoo, MI to "points in Allegan, Barry, Kalamazoo, St. Joseph, and Van Buren Counties, MI". The purpose of this republication is to provide notice of the territorial expansion in parts 3 and 4, resulting from two recent Commission decisions declaring this type of broadening to be reasonable.

MC 51004 (Sub-11)X, filed May 6, 1981. Applicant: PAUL H. LISKEY, Route 1, Box 67, Kearneysville, WV 25430. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Applicant seeks to remove restrictions in the lead and Sub-Nos. 2, 4, 5, 7, 8 and 9 certificates to (1) broaden the commodity description to "minerals" from lime marl in the lead, and Sub-No. 2 and from agricultural lime in Sub-No. 8; to "chemicals and related products" from spray materials and fertilizer in Sub-No. 2, from dry fertilizer and dry agricultural chemicals in Sub-No. 5, and from liquid fertilizer and liquid fertilizer ingredients in Sub-No. 7; to "food and related products" from apples and dried fruits and grain, feed, straw and hay in the lead, from stock foods and fruits in Sub-No. 2, and from feed, feed supplements and feed ingredients in Sub-No. 8; to "machinery" from washing machines in the lead; to "clay, concrete, glass or stone products" from stone and stone products and precast concrete modules in Sub-No. 9, and from crushed stone in Sub-No. 2; to "lumber and wood products" from lumber in Sub-No. 4; to "pulp, paper and related products" from empty bags in Sub-No. 2; to "metal products" from silos in Sub-No. 2 (2) remove plantsite limitation in Sub-No. 5 and replace Charlestown, WV with Jefferson County, WV, (3) change city to county-wide authority (a) in the lead from Western Port, MD, and Piedmont, WV, to Garrett County, MD and Mineral County, WV from Winchester and Berryville, VA, to Winchester and Clarke Counties, VA; from Martinsburg, WV, Hagerstown and Frederick, MD to Berkeley County, WV, and Washington and Frederick Counties, MD (b) in Sub-No. 4 from Pocomoke City, MD, and Martinsburg, WV to Worcester County, MD and Jefferson County, WV (c) in Sub-No. 7 from Mt. Jackson, VA, and Ranson, WV, to Shenandoah County, VA and Jefferson County, WV, (d) in Sub-No. 8 from Camp Hill and York, PA and Charlestown, WV, to Cumberland and York Counties, PA and Jefferson County, WV, (e) in Sub-No. 9 from Hagerstown and Frederick, MD, and Martinsburg, WV, to Washington and Frederick Counties, MD, and Jefferson County, WV, (4) remove exception of Martinsburg, WV, from authority to serve Berkeley County, WV in Sub-No. 9 (5) remove restriction against brick and commodities in bulk in Sub-No. 4, (6) remove restriction against transportation in tank vehicles and (7) change one-way to radial authority between various combination of points in the eastern portion of the United States in the lead, Sub-Nos. 2, 4, 7, 8 and 9.

MC 59014 (Sub-41)X, filed February 27, 1981, and noticed in the FR on March 6, 1981, republished as follows: Applicant: TALLANT TRANSFER, INC., 1341 Second Avenue, S.W., Hickory, NC 28601. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-No. 41X certificate to broaden to county-wide authority its present authority to serve Hickory, NC and points within 25 miles of Hickory as follows: Points in Alexander, Burke, Catawba, Caldwell, Cleveland, Gaston, Iredell, Lincoln, McDowell, Mecklenburg, Rutherford, Watauga, And Wilkes Counties, NC. Following a recent Commission decision declaring this type of broadening to be reasonable, the Board has decided to renotice this application with respect to the proposed expansion to County-wide service.

MC 59014 (Sub-41)X, filed February 27, 1981, and noticed in the FR on March 6, 1981, republished as follows: Applicant: TALLANT TRANSFER, INC., 1341 Second Avenue, S.W., Hickory, NC 28601. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-No. 41X certificate to broaden to country-wide authority its present authority to serve Hickory, NC and points within 25 miles of Hickory as follows: points in Alexander, Burke, Catawba, Caldwell, Cleveland, Gaston, Iredell, Lincoln,

McDowell, Mecklenburg, Rutherford, Watauga, and Wilkes Counties, NC. Following a recent Commission decision declaring this type of broadening to be reasonable, the Board has decided to renotice this application with respect to the proposed expansion to County-wide service.

MC 75406 (Sub-54)X, filed May 4, 1980. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, Missouri 63118. Representative: Joseph E. Rebman, 314 North Broadway, Suite 1300, St. Louis, Missouri 63102. Applicant seeks to remove restrictions from the lead and Sub-Nos. 10, 12, 17, 18, 19, 24, 26, 27, 29, 31, 32, 33, 34, 36, 37, 38, 39, 40, 43, 44, 46, 49F and 51F certificates to (1) broaden its commodity description from general commodities with exceptions to "general commodities" in the lead and Sub-Nos. 17, 18, 26, 27, 29 and 31; from general commodities with exceptions to "general commodities except Classes A and B explosives" in its Sub-Nos. 10, 12, 19, 24, 32, 33, 34, 36, 37, 38, 39, 40, 43, 44, 46 and 49F; from "agricultural insecticides and agricultural fungicides and tree and weed killing compounds (except commodities inbulk)" to "chemicals and related products" in Sub-No. 51F; (2) authorize service at all intermediate points in connection with regular route operations in AR, IL, and MO in its lead and Sub-Nos. 12 (part 1) 26, 29, 33, 39, 40, 43 and 49F; (3) authorize round trip authority in lieu of one way authority on its regular route in its Sub-No. 39 certificate; and (4) remove "for purpose of joinder only" restriction in Sub-No. 29.

MC 116227 (Sub-20)X, filed May 15, 1981. Applicant: POLMAN TRANSFER, INC., Route 3, Box 470, Wadena, MN 56482. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in MC–108523 permit to (1) broaden the commodity descriptions from prefabricated buildings, precut building materials and sections, sectionalized and panelled buildings, pre-cut, assembled, or partially assembled units including fixtures, building materials as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and lumber and posts to "building materials, as described in Appendix VI to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209;" and (2) broaden the territory to between points in the United States, under continuing contract(s) with named shippers.

MC 119443 (Sub-43)X, filed May 18, 1981. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, NJ 08343. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Applicant seeks to remove restrictions from its lead and Sub-Nos. 34 and 42F certificates, to: (1) broaden commodity descriptions (a) from tetra-ethel lead, anti-knock compounds, dyes, chemicals and articles and materials used in connection with tetra-ethel lead, anti-knock compounds, dyes, and chemicals to "chemicals and related products and petroleum and petroleum products"; from empty containers for tetra-ethel lead, anti-knock compounds, dyes, and chemicals to "containers"; from ethylene dibromide to "chemicals and related products"; and from liquid chocolate, liquid chocolate coatings, liquid chocolate liquor, liquid cocoa butter and liquid vegetable oil coatings to "food and related products and chemicals and related products" in the lead certificate; (b) from chocolate, chocolate products, chocolate liquor, confectionery products, cocoa butter, and vegetable oil to "food and related products and chemicals and related products" in Sub-No. 34; and (c) from chocolate, chocolate products, chocolate liquor, confectioners' products and cocoa butter to "food and related products" in Sub-No. 42F; (2) replace the facilities limitations or specific point authority with city or county-wide authority as follows: (a) Carneys Point and Deepwater point, NJ, with Salem County, NJ, and New Castle County, DE; Lititz, Lancaster, Elizabethtown, and Mount Joy, PA, with Lancaster County, PA; Altoona, PA, with Blair County, PA; Reading, PA, with Berks County, PA; Hershey, PA, with Dauphin County, PA; Mansfield, MA, with Bristol County, MA; Naugatuck, CT, with New Haven County, CT; and Bryan, OH, with William County, OH, wherever they appear in the lead certificate; (b) facilities at or near Elizabethtown, PA and Hackettstown, NJ, with Lancaster County, PA, and Morris and Warren Counties, NJ; facilities at or near Waco, TX, with McLennan County, TX; facilities at or near Albany, GA, and Chicago, IL, with Albany, GA and Chicago, IL, wherever the appear in Sub-No. 34; (3) expand its one-way authority to radial authority between several states in the U.S.; (4) remove the "in bulk, in tank vehicle" restrictions in the lead certificate and in Sub-Nos. 34 and 42F; and (5) remove the "except corn products and sugar" restriction in Sub-No. 42F.

MC 119765 (Sub-98)X, filed May 8, 1981. Applicant: EIGHT WAY EXPRESS, INC., 5402 South 27th St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 5, 8, 22, 38, 44, 46F, 52F, 61F, 64F, 68F, 78F, 93F certificates to (1) broaden the commodity descriptions from meats, meat products, and articles distributed by meat packinghouses, (except hides and commodities in bulk), in Sub-Nos. 5, 8, 22, 38, 44, 46F, 52F, 76F, and 93F, cheese, in Sub-No. 61F, foodstuffs in Sub-No. 64F, and pet food ingredients in Sub-No. 68F, to "food and related products"; (2) remove facilities limitations in all Subs and replace citywide with countywide authority, as follows: (a) Grand Island with Hall County, NE (Sub-No. 5); (b) Council Bluffs with Pottawattamie County, IA (Sub 22); (c) National City with E. St. Louis, IL (Sub-No. 38); (d) Sioux Falls with Minnehaha County, SD (Sub-No. 44); (e) Grand Island, NE and Des Moines, Glenwood, Marshalltown, and Sioux City IA with Hall County, NE and Polk, Mills, Marshall and Woodbury Counties, IA (Sub-No. 46F); (f) Denison, Carroll, Iowa Falls, Sioux City, Fort Dodge and Des Moines, IA, and Crete and Lincoln, NE with Crawford, Carroll, Hardin, Woodbury, Webster and Polk Counties, IA and Saline and Lancaster Counties, NE (Sub-No. 52F); (g) Newman Grove with Madison County, NE (Sub-No. 61F); (h) Fort Dodge, IA, Jefferson, WI, and Sebring, OH with Webster County, IA, Jefferson County, WI and Mahoning County, OH (Sub-No. 68F); (i) Carroll, Denison, Iowa Falls, Cherokee, Des Moines, Fort Dodge, and Sioux City, IA and Crete and Lincoln, NE with Carroll, Crawford, Hardin, Cherokee, Polk, Webster and Woodbury Counties, IA and Saline and Lancaster Counties, NE (Sub-No. 76F); and (j) Omaha with Douglas County, NE (Sub-No. 93F); (3) replace one-way authority with radial authority in all Subs, (4) remove originating at and/or destined to restrictions wherever they appear in the above Sub-Nos; and (5) remove an exception of AK and HI in Sub-No. 61F.

MC 119800 (Sub-7)X, filed May 11, 1981. Applicant: PHILLIP THOMAS TRUCKING, INC., P.O. Box 742, Wynnewood, OK 73098. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Applicant seeks to remove restriction in its lead and Sub-Nos. 2F and 3F certificates to (1) broaden the commodity descriptions to "petroleum, natural gas, and their products" from asphalt, returned shipments, and empty asphalt containers in its lead certificate, from fuel oil in Sub-No. 2F, and from asphalt and fuel oil in Sub-No. 3F; (2) eliminate restrictions: (a) "in bulk, in tank vehicles, and in containers" in its lead certifiate, and (b) "in bulk, in tank

vehicles" in Sub-No. 2F; (3) replace named point authority with county-wide authority: (a) Beckett and Wynnewood, OK, and Princton, LA, with Stephens and Garvin Counties, OK, and Bossier Parish, LA, in the lead certificate, (b) Fort Worth, TX, with Tarrant County, TX, in Sub-No. 2F, and (c) Wynnewood, Ardmore, and Cyril, OK, with Garvin, Carter, and Caddo Counties, OK, in Sub-No. 3F; (4) replace plantsite authority with county-wide authority: (a) facilities near Mill Creek, OK, with Johnston County, OK in Sub-No. 2F; (5) replace points in TX within 250 miles of Beckett and Wynnnewood, OK and Princeton, LA in lead certificate with "points in TX in, north, and east of Brazoria, Fort Bend, Austin, Washington, Lee, Milam, Bell, Williamson, Burnett, Llano, Mason, McCulloch, Concho, Tom Green, Sterling, Glasscock, Howard, Martin, Dawson, Terry, Hockley, Lamb, Castro, Deaf Smith, Oldham, Moore, and Sherman Counties, TX;" and (6) replace one-way authority with radial authority between combinations of points in OK, TX, AR, and LA.

MC 123392 (Sub-93)X, filed May 6, 1981. Applicant: JACK B. KELLEY, INC., Route 1, Box 400, Amarillo, TX 79106. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 7, 16, 19, 23, 24, 27, 30, 31, 34, 48, 52, 54, 59, 61, 68, 69, 72, 73, 75, 80F, 81F, 82F, 83F, 84F, 85F, and 88F certificates to (1) broaden the commodity descriptions to "commodities in bulk" from (a) cryogen liquids (except liquified natural gases, in bulk, in cryogenic trailers) and compressed gases (except cryogenic liquids butane, propane, anhydrous ammonia and sulphur dixoide), in bulk in multi-tubed tank trailers, in Sub-No. 31; (b) compressed gases (except cryogenic liquids, butane propane, anhydrous ammonia, and compressed coal tar products gases other than hydrogen), and cryogenic nitrogen, oxygen, and argon gases, in Sub-No. 59; (c) cryogenic liquids (except liquefied natural gases), in bulk, in tank vehicles, in Sub-No. 61; (d) liquid oxygen, liquid nitrogen, and liquid argon, in tank vehicles, in Sub-Nos. 69 and 73; (e) liquid argon, liquid nitrogen, and liquid oxygen, in bulk, in cryogenic trailers, in Sub-No. 81F; and (f) liquid chemicals (except bromine), in bulk, in tank vehicles, in Sub-No. 80F; (2) remove the "in bulk" restriction in Sub-Nos. 34, 68, 72, 85F and 88F; (3) eliminate "by use of wrecker equipment only" restriction, in Sub-No. 19; (4) eliminate the "in tank vehicles" restriction in Sub-Nos. 68 and 88F and the "in tank trailer" restriction in Sub-No. 85F; (5) remove the except AK and/or HI restrictions in lead and Sub-Nos. 4, 7, 16, 23, 72 and 82; (6) remove plantsite limitations in Sub-Nos. 4, 72, and 82, and replace city-wide authority county-wide authority as folows: Soncy and Exell with Moore and Potter Counties, TX, Keyes with Cimarron County, OK, Otis with Rush County, KS, Shiprock and Gallup with San Juan and McKinley Counties, NM, and Geismar with Ascension Parish, LA, in the lead; Houston with Harris County, TX, in the lead and Sub-No. 88F; Newark with Alameda County, CA, Joliet with Will County, IL, and East Rutherford with Bergen County, NJ, in Sub-No. 16; La Porte with Harris County, TX, in Sub-Nos. 16 and 84F; Marmet and Belle with Kanawha County, WV, in Sub-No. 23; Ft. Worth with Tarrant County, TX, in Sub-No. 24; Henderson with Clark County, NV, Sub-Nos. 24 and 59; Amarillo with potter and Randall counties, TX, in Sub-No. 27; East Chicago with Lake County, IN and Richmond with Contra Costa County, CA in Sub-No. 30; Deer Park with Harris County, TX, in Sub-No. 34; Scott City with Scott County, KS, in Sub-No. 52; Lima with Allen County, OH, and Ft. Dodge and Ft. Madison with Webster and Lee Counties, IA, in Sub-No. 54; East Dubuque with Jo Daviess County, IL, in Sub-Nos. 54 and 59; Clinton with Clinton County, IA, in Sub-Nos. 54 and 68; Lawrence with Douglas County, KS, in Sub-Nos. 54 and 59; Calumet City with Cook County, IL, in Sub-Nos. 59 and 68; East Alton and Peoria, with Madison and Peoria Counties, IL, Great Falls and Missoula with Cascade and Missoula Counties, MT, Las Vegas and Reno with Clark and Washoe Counties, NV, Medford and Salem with Jackson and Marion Counties, OR, Provo, Orem, and Vernal with Utah and Uintah Counties, UT, Kennewick, Kent, Tacoma, and Spokane with Benton, King, Pierce and Spokane counties, WA, Casper with Natrona County, WY, Phoenix with Maricopa County, AZ, and Boise with Ada County, ID, in Sub-No. 59; Cortez with Montezuma County, CO, in Sub-No. 85F; Cameron with Cameron Parish, LA, in Sub-No. 88F; Ulysses with Grant County, KS, in Sub-No. 7; Wichita with Sedgwick County, KS, in Sub-No. 48; Bushton with Rice County, KS, in Sub-No. 72; Waukesha County, WI, in Sub-Nos. 73 and 81F; Odessa with Ector County, TX, in Sub-No. 88F; Magnolia with Columbia County, AR, in Sub-No. 82F; and Gonzales with Ascension Parish, LA, in Sub-No. 84F; and (7) change its one-way authorities to radial authorities between a combination of points in the U.S., wherever in the above named certificates.

MC 124679 (Sub-139)X, filed May 18, 1981. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 17, 34, 35, 50, 53, 54, 57, 59, 64, 71, 75, 91, 95F, 105F, 115F, 116F, and 123F certificates to: (1) broaden the commodity description to "such merchandise as is dealt in by grocery and food business houses" from (A) meats, meat products, and meat by-products (except lard and lard contents) as described in Section A of Appendix I to the Report and Descriptions in Motor Carrier Certificates, 61 MCC 209 and 706, in vehicles equipped with mechanical refrigeration in Sub-Nos. 17, 91, and 71, (B) foodstuffs (except commodities in bulk) equipped with mechanical refrigeration in Sub-Nos. 34, 35, 54, 57, 59, 64, 75, 95, 105, 115, and 123; "rubber and plastic products" from (a) aluminum sheet plastic impregnated printing plates, in vehicles equipped with mechanical refrigeration in its Sub-No. 50 and (b) rubber tires and materials and supplies in the re-capping of tires in its Sub-No. 53; "furniture and fixtures" from lamps, lanterns, lighting fixtures, intercoms, fans and parts thereof, in Sub-No. 116; (2) expand cities to county-wide authority: (a) Cleveland and Salon, OH, to Cuyahoga County, OH, in Sub-No. 34; (b) Gustine, CA, to Merced County, CA, and Washington Court House, OH, to Fayette County, OH, in Sub-No. 35; (c) Salt Lake City, UT to Salt Lake County, UT in Sub-No. 50, (d) Muscatine to Muscatine County, IA, Salt Lake City to Salt Lake County, UT and Ogden to Weber County, UT in Sub-No. 53, (e) Logansport to Cass County, IN in Sub-No. 59, (f) Salt Lake City to Salt Lake County, UT in Sub-No. 54, (g) St. Charles to Kane County, IL, Rochelle to Ogle County, IL, and Bradley to Kankakee County, IL in Sub-No. 91, (h) from Miami to Dade County, FL, Newport to Jackson County, AR and Langford to Carbon County, PA in Sub-No. 116, (5) authorize radial service in place of existing one-way authority between the counties named above and numberous points throughout the U.S. in Sub-Nos. 17, 34, 35, 50, 53, 54, 57, 59, 64, 71, 75, 91, 95, 105, 115, 116, 123; (6) delete the restriction limiting service to Milton, PA, for interchange purposes only, in Sub-No. 64; (7) remove plantsite facilities restrictions in Sub-Nos. 34, 35, 59, 91; (8) eliminate the exceptions of service to AK and HI in Sub-Nos. 50, 95, 115; (9) remove the restrictions limiting service to the transportation of traffic

originating at or destined to named points in Sub-Nos. 34, 35, 54, 59, 64, 71, 91, and 105.

MC 134493 (Sub-7)X, filed February 18, 1981, previously noticed in the **Federal Register** of March 18, 1981, republished as follows: Applicant: CHICAGO-ST. LOUIS TRANSPORT, INC., 2064 W. 167 St., Markham, IL 60426. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions from its Sub-No. 3F certificate. This Board previously broadened the commodity description from malt beverages and empty containers to "food and related products," and authorized county-wide for city-wide authority. Applicant had sought "lumber, wood, metal, clay, concrete, glass, stone, rubber and plastic products, pulp paper and related articles and instruments and photographic goods" for empty containers but was denied this authority on the assumption that the containers could be shipped under implied authority for food and related products. However, the authority for empty containers is independent of food and related products. Therefore, the Restriction Removal Board has decided to renotice this application with respect to the expansion of the container authority. Notice is hereby given that applicant seeks to expand the commodity empty containers to the aforementioned description.

MC 136228 (Sub-44)X, filed May 12, 1981. Applicant: LUISI TRUCK LINES, INC., P.O. Box "H", Milton-Freewater, OR 97862. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Applicant seeks to remove restrictions in its Sub-Nos. 18, 29, 30, 32, 36F, 37F, 38F, and 41F certificates to (1) broaden the commodity description in Sub-Nos. 18, 29, 30, 36F, 37F, and 41F to "food and related products" from fresh hanging meat in Sub-No. 18, from hanging beef carcasses, fresh and frozen meat and canned vegetables in Sub-No. 29, from canned goods, frozen food, wine and malt beverages in Sub-No. 30, from frozen fruits and frozen vegetables in Sub-No. 36F, from frozen fruits and frozen vegetables in Sub-No. 37F and from beer and wine in Sub-No. 41F; (2) change city-wide to county-wide authority: Spokane County, WA for Spokane, WA Humboldt County, CA for Eureka, CA, Los Angeles County, CA for Los Angeles, CA, San Francisco County, CA for San Francisco, CA, Alameda County, CA for San Leandro, CA, and Santa Clara County, CA for San Jose, CA in Sub-No. 18; Spokane County, WA for Spokane, WA, Multnomah County, OR for Portland, OR, Lane County, OR for Eugene, OR, Jackson County, OR for Medford, OR, Marion County, OR for Sublimity, OR, Umatilla County, OR for Milton-Freewater, OR, and Walla Walla County, WA for Walla Walla, WA in Sub-No. 29; Malheur County, OR for Nyssa, OR, Umatilla County, OR for Pendleton, OR, and Union County, OR for La Grande, OR in Sub-No. 30; Umatilla County, OR for Milton-Freewater, OR and Walla Walla County, WA for Walla Walla, WA in Sub-No. 36F; Umatilla County, OR for Weston, OR and Walla Walla County, WA for Walla Walla, WA in Sub-No. 37F; Multnomah County, OR for Portland, OR, Clark County, WA for Vancouver, WA, Walla Walla County, WA for Walla Walla, WA, Benton County, WA for Kennewick, WA and Asotin County, WA for Clarkston, WA, in Sub-No. 41F; (3) expand one-way to radial authority between (a) Spokane County, WA, and, Humboldt, Los Angeles, San Francisco, Alameda, and Santa Clara Counties, CA, in Sub-No. 18; (b) Spokane County, WA, and Multnomah, Lane, Jackson, and Marion Counties, OR, and Umatilla County, OR, and, Walla Walla County, WA, in Sub-No. 29; (c) Los Angeles, Orange, Riverside, Kern, Fresno, Madera, Merced, Stanislaus, San Joaquin, Santa Clara, Sacramento, San Benito, San Francisco, and Napa Counties, CA, and, points in Malheur, Umatilla and Union Counties, OR, in Sub-No. 30; (d) Walla Walla County, WA, and, points in AZ, CA, NV, and OR, in Sub-No. 32; (e) Walla Walla County, WA, and, points in OR and WA, in Sub-No. 38F; and (f) Multnomah County, OR, Clark County, WA, points in CA, and, Walla Walla, Benton, and Asotin Counties, WA, in Sub-No. 41F; (4) eliminate the facilities limitation in Sub-Nos. 30, 32, and 38F; and (5) remove the restrictions: (a) in boxes in Sub-No. 29; (b) originating at and destined to in Sub-Nos. 30 and 32; and (c) in bulk, in tank vehicles in Sub-Nos. 32, 38F, and 41F.

MC 136782 (Sub-33)X, filed April 16, 1981, previously noticed in the **Federal Register** of May 1, 1981, republished as corrected this issue. Applicant: R.A.N. TRUCKING COMPANY, P.O. Box 128, Eau Claire, PA 16030. Representative: Thomas M. O'Brien, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove retrictions in its Sub-Nos. 16F, 18F, and 24F certificates to (1) broaden the commodity descriptions from (a) meats, meat products, meat by-products and articles distributed by meat-packing houses to "food and related products" Sub-No. 16; (b) plastic and plastic articles to "rubber and plastic products" in Sub-No. 18; (c) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 24; (2) remove the restrictions "except commodities in bulk" in Sub-Nos. 16 and 18; (3) eliminate the orginating at or destined to facilities restriction in Sub-No. 16; (4) expand facilities authority to county-wide authority: from Waterford, PA, to Erie County, PA, in Sub-No. 16; and (5) allow radial service in place of existing one-way authority (a) between Brooklyn, NY, and points in OH, PA, IN and IL in Sub-No. 18; (b) between Erie County, PA, and points in CT, DE, MD, MI, IL, IN, KY, MA, NJ, OH, RI, VA, WI and DC, in Sub-No. 16. The purpose of this republication is to add (5)(b) to reflect radial authority between named points in Sub-No. 16.

MC 149052 (Sub-3)X, filed May 15, 1981. Applicant: FIRST FLIGHT AIR CHARTER, INC., P.O. Box 371, Romulus, MI 48174. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions from its Sub-Nos. 1 and 2 certificates, to: (1) in Sub-No. 1, change the general commodity description to eliminate the usual exceptions, except classes A and B explosives, change the airport restrictions at Detroit and Ypsilanti, MI to Detroit, MI, and the O'Hare Airport and Midway Airport Chicago restrictions to Chicago, IL, and remove the restrictions against service to intermediate points in the described regular routes to allow service at all intermediate points; (2) in Sub-No. 2, change the airport restrictions at Romulus, MI and Ypsilanti, MI to Detroit, MI, the Toledo Airport restriction to Lucas County, OH, the Greater Pittsburgh Airport to Alleghaney County, PA, and the Cleveland Hopkins Airport to Cuyahoga County, OH.

[FR Doc. 81-16422 Filed 6-1-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Attorney General

Attorney General's Task Force on Violent Crime; Meeting

The Attorney General's Task Force on Violent Crime will meet from 9:30 a.m. until 5:00 p.m. on June 17, 1981 in the Waldorf Ballroom of the Conrad Hilton Hotel, 720 South Michigan Avenue, Chicago, Illinois and from 9:30 a.m. until 5:00 p.m. on June 18, 1981, in the Exposition Center Room of the Hyatt Regency Hotel, Fairlane Town Center, Dearborn, Michigan.

During the morning of June 17, the Task Force will conclude its consideration of Phase I—how the federal government could do more to combat violent crime within present statutory authority and resource allocations. In the afternoon public testimony will be taken on a wide range of criminal justice issues including the problems of juvenile violence.

Public testimony will again be taken on June 18 on a wide range of criminal justice issues, with special emphasis on the use of guns in the commission of violent crimes.

The meetings will be open to the public. Approximately 200 seats will be available for the public and media representatives on a first-come first-served basis. Persons interested in testifying or with inquiries should contact the Committee Management Liaison Officer, Attorney General's Task Force on Violent Crime, U.S. Department of Justice, Room 4418, Washington, D.C. 20530 (telephone number 202/633–1617).

Jeffrey Harris,

Executive Director.

[FR Doc. 81–16429 Filed 6–1–81; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Delaware

This notice announces the ending of the Extended Benefit Period in the State of Delaware, effective on May 30, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State laws. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemploment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Delaware on July 20, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Delaware has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on May 9, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on May 30, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Delaware should contact the nearest State Employment Office of the Delaware Department of Labor in their locality.

Signed at Washington, D.C., on May 28, 1981.

Albert Angrisani

Assistant Secretary for Employment and Training.

[FR Doc. 81–16417 Filed 6–1–81; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration

Arizona State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator-OSHA) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On October 29, 1974, notice was published in the **Federal Register** (39 FR 39037) of the approval of the Arizona plan and the adoption of Subpart CC to Part 1952 containing the decision.

The Arizona plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.20 provides that where " * * * any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State Program, a program change supplement to a State plan shall be required." In response to Federal Standards changes, the State has submitted by letter, with attachments, dated November 17, 1980, from Larry Etchechury, Director, to Gabriel J. Gillotti, Regional Administrator, and incorporated as part of the plan, State standards reflecting all Federal standards changes for 29 CFR Parts 1910, 1926, and 1928, as published in the **Federal Register** from November 1, 1977 to and including FR Vol. 45, No. 39 dated February 26, 1980. These standards, which are contained in the Arizona Occupational Safety and Health Standards, Arizona construction safety and health regulations, and Arizona occupational standards for agriculture were adopted after public hearings and the resolution adopted by the Industrial Commission of Arizona, Division of Occupational Safety and Health, pursuant to the Arizona Occupational Safety and Health Act of 1972.

2. *Decision.* Having reviewed the State standards in comparison to the Federal standards, it has been determined that the State standards are identical to the Federal standards with the exception of the Maritime standards of 29 CFR 1910.13 through 1910.16 (the

State Plan does not cover Maritime), and accordingly should be approved.

3. *Location of Supplement for Inspection and Copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator—OSHA, 450 Golden Gate Avenue, San Francisco, CA 94102; Director, Division of Occupational Safety and Health, 1524 West Adams, Phoenix, AZ 85007; and Federal and State Operations, Room N–3613, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Arizona State plan as a proposed change and making the Regional Administrator—OSHA's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal Standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The Standards were adopted in accordance with the procedural requirements of State law and further public participation and comment would be unnecessary.

This decision is effective June 2, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at San Francisco, California, this 27th day of February 1981.

Gabriel J. Gillotti,

Regional Administrator.

[FR Doc. 81–16416 Filed 6–1–81; 8:45 am]

BILLING CODE 4510–26–M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81–40; Exemption Application No. D–509]

Exemption From the Prohibitions for a Certain Transaction Involving the Fireman's Fund American Incentive Savings and Supplemental Retirement Plan and Trust Located in San Francisco, Calif.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption exempts the sale to the Fireman's Fund American Incentive Savings and Supplemental Retirement Plan and Trust (the Plan) of a $1,000,000 negotiable certificate of deposit by Wells Fargo Bank (the Bank), a party in interest.

EFFECTIVE DATE: This exemption is effective March 31, 1975.

FOR FURTHER INFORMATION CONTACT: Ivan Strasfeld of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 10, 1981, notice was published in the Federal Register (46 FR 11728) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (D) of the Code, for the transaction described in an application filed by the Bank. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. The applicant has represented that it has complied with the requirements of the notice to interested persons as set forth in the notice of pendency of the proposed exemption. No public comments were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply effective March 31, 1975 to the sale of a $1,000,000 Citibank certificate of deposit by the Bank for the amount of $999,486.80 plus accrued interest to the Plan, provided that amount was not more than the fair market value of the certificate of deposit at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations

contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 26th day of May, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor

[FR Doc. 81-16383 Filed 6-1-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-42; Exemption Application No. D-2152]

Exemption From the Prohibitions for Certain Transactions Involving the Utah Carpenters and Cement Masons' Vacation Trust Fund, Located in Salt Lake City, Utah

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the transfer of certain forfeited funds from the Utah Carpenters and Cement Masons' Vacation Trust Fund (the Vacation Plan) to the Utah Carpenters and Cement Masons' Health and Welfare Trust Fund (the Welfare Plan).

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 24, 1981, notice was published in the **Federal Register** (46 FR 18416) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) for a transaction described in an application filed on behalf of the Vacation Plan. The notice sets forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice and an accompanying letter have been provided to all interested persons so as to comply with the notification requirements set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) This exemption does not extend to transactions prohibited under section 406(a), 406 (b)(1) and (b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Vacation Plan, the Welfare Plan and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Vacation Plan and the Welfare Plan.

Accordingly the restrictions of section 406(b)(2) of the Act shall not apply to the transfer by the Vacation Plan to the Welfare Plan of uncommitted reserves in the amount of approximately $77,000, together with any additional forfeitures which may accrue to the Vacation Plan due to the termination of that plan.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 26th day of May, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-16381 Filed 6-1-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction exemption 81-41; Exemption Application No. D-1891]

Exemption From the Prohibitions for Certain Transactions Involving the Rochester Internal Medicine Professional Association Employees Retirement Plan Located in Rochester, New Hampshire

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the sale of a parcel of unimproved real property (the Property) by the Rochester Internal Medicine Professional Association Retirement Plan (the Plan) to Peter M. Ejarque (Ejarque), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 10, 1981, notice was published in the **Federal Register** (46 FR 21496) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to

submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed to interested persons as required in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of the Property by the Plan to Ejarque for $20,100.00 provided that this amount is not less than the fair market value of the Property at the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 26th day of May 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-16366 Filed 6-1-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-43; Exemption Application No. D-2444]

Exemption From the Prohibitions for a Certain Transactions Involving Scudder, Stevens & Clark and Related Organizations Located in New York, New York, and Several Other Cities

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption exempts the investment of plan assets on behalf of employee benefit plans with respect to which Scudder, Stevens & Clark or any related organization (the Applicants) is a fiduciary, by the Applicants in a venture capital company that receives investment advisory services from Applicants.

FOR FURTHER INFORMATION CONTACT: Carol D. Gold of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216, (202) 523–8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 3, 1981, notice was published in the **Federal Register** (46 FR 20333) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) of the Code, for the Applicants' investment of plan assets on behalf of employee benefit plans with respect to which any Applicant is a fiduciary in a venture capital company that receives investment advisory services from the Applicants. The Applicants are Scudder, Stevens & Clark; Scudder, Stevens & Clark, Inc. of Chicago, Illinois; Scudder, Stevens & Clark Incorporated of Los Angeles and San Francisco, California; Scudder, Stevens & Clark Ltd. of Toronto, Ontario, Canada; and Scudder Realty Advisors, Inc. of Los Angeles, California. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notification requirements set forth in the notice of pendency have been complied with.

The Applicants have requested clarification of condition number 6 of the proposed exemption, which required certain authorizations by and notifications to a plan fiduciary with respect to the client plan, who is independent of each of the Applicants and has no financial interest in these investments. The Applicants note that a plan fiduciary may be independent of the Applicants, but, nevertheless have a financial interest in the proposed investment by virtue of being a plan participant or beneficiary. It is the Department's intent that the plan fiduciary's independence stem from both his or her financial dissociation from the Applicants and the Applicants'

nonparticipation in the selection or designation of the fiduciary. In view of this explanation of the use of the term independent in this exemption, the Department has simplified the first clause of condition 6 of the exemption. No requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406 of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) of the Code, shall not apply to the investment by Applicants of the assets of an employee benefit plan with respect to which one or more of the Applicants is a fiduciary within the meaning of section 3(21) of the Act (client-plan), in a venture capital company: (a) That meets the conditions set forth in proposed regulation 29 CFR 2550 401(b–1(e)(1)(ii) (qualifying venture capital company) and (b) that receives investment advisory services from any one or more of the Applicants: Provided that the following conditions are met:

1. Neither Applicants (collectively or individually) nor their shareholders, partners or employees are officers, directors or general partners of any qualifying venture capital company in which Applicants invest assets of a client-plan.

2. The services provided to the qualifying venture capital company by any one of the Applicants are limited to investment advisory services, including but not necessarily limited to:

(a) Providing managers of the company with direct access to Applicants' research, personnel and other professional resources;

(b) Referring appropriate investment opportunities for consideration by the company;

(c) Advising the company on management of cash and money market instruments;

(d) Advising the company on general economic conditions; and

(e) Advising the company on developments in industries identified by the company.

3. No sales commission is paid by the client-plan in connection with the purchase of any interest in the qualifying venture capital company.

4. The client-plan does not pay a redemption fee or penalty in connection with the resale of its interests in the qualifying venture capital company to that company.

5. The client-plan does nor pay to any of the Applicants an investment management fee, investment advisory fee or similar fee with respect to the plan assets invested in the qualifying venture capital company that receives services from any one of the Applicants. This condition shall not preclude payment by the venture capital company to any of the Applicants of invesment advisory fees. If, during any fee period for whch the client-plan has prepaid its investment management, investment advisory or similar fee, the client-plan invests in a qualifying venture capital company that receives services from any of the Applicants, the requirements of this condition shall be deemed met with respect to such prepaid fee if, by a method reasonably designed to accomplish the same, the amount of the prepaid fee that constitutes the fee with respect to the plan assets invested in such company (a) is anticipated and subtracted from the prepaid fee at the time of payment of such fee, (b) is returned to the client-plan no later than during the immediately following fee period, or (c) is offset against the prepaid fee due for a fee period not later than the second fee period subsequent to the investment.

6. A fiduciary with respect to the client-plan, who is independent of each of the Applicants:

(a) Authorizes the investments of the client-plan's assets in qualifying venture capital companies generally;

(b) Receives an offering memorandum describing material information about the qualifying venture capital company in which Applicants will invest the client-plan's assets, including a description of the services to be rendered by Applicants to the company and the compensation to be received by Applicants therefor;

(c) Approves in writing any fee differential (i.e. the fee to be received by Applicants for services to be rendered to the qualifying venture capital company attributable to the client-plan's investment, less the investment management fee otherwise payable to Applicants in connection with the management of those assets) to be earned by Applicants by reason of the investment;

(d) Is thereafter notified of any proposed change in fees to be paid by the qualifying venture capital company to Applicants and approves in witing any fee differential resulting therefrom; and

(e) Receives timely periodic statements concerning the performance of the venture capital company, including an audited annual report by an independent public accounting firm as well as such other information as the fiduciary may reasonably request concerning the operations and investments of the venture capital company.

(f) Receives a copy of the notice of pendency and this exemption prior to

any investment by the Applicants of the client-plan assets in a venture capital company.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 27th day of May 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc 81-16367 Filed 6-1-81: 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1412]

Proposed Exemption for Certain Transactions Involving the Carpenters Pension Trust for Southern California Located in Los Angeles, Calif.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt retroactively and prospectively the leasing of office space by the Carpenters Pension Trust for Southern California (the Trust) the American Benefit Plan Administrators, Inc. (ABPA), the Martin Segal Company, Inc. (Segal) and Bernard Kotkin Co. (Kotkin), all of whom are parties in interest in relation to the Trust. The proposed exemption, if granted, would affect the trustees, participants and beneficiaries of the Trust, ABPA, Segal, Kotkin and other persons participating in the transaction.

DATE: Written comments must be received by the Department on or before July 17, 1981.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective from January 1, 1975.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-1412. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemption was requested in an application filed on behalf of the Trust, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Trust is a multiemployer, jointly-trusteed, defined benefit plan, with approximately 47,000 participants. As of the end of 1978, the Trust had total assets of approximately $314,500,000. Included among the Trust's assets are three office buildings in Los Angeles: 500 S. Virgil Avenue (the 500 Building); 520 S. Virgil Avenue (the 520 Building); and 2999 W. Sixth Street (the Sixth Street Building). These properties, together with some subsidiary properties also owned by the Trust, comprise an entire city block which is zoned to permit high rise development. The cost basis of all these properties is $4,104,241, representing approximately 1.2 percent of the Trust's assets as of December 1978.

2. Since May 1, 1973, the Trust has utilized the services of Moran Management Corporation (Moran) to manage the properties. Moran has been engaged in property management for seventeen years and manages a number of other properties for clients unrelated to the Trust. Among the services which Moran provides to the Trust are determination of appropriate rental rates for the properties based upon comparable rates in the area and the negotiation of new leases and renewals of existing leases, subject to the approval of the Trustees of the Trust.

3. The Trust has leased space in all three buildings to unrelated tenants and to three entities which provide services to the Trust. ABPA is the contract plan administrator of the Trust. Segal provides actuarial services to the Trust and Kotkin provides accounting services. The Trust began leasing space in the 520 Building to ABPA in 1966, and has modified and added to that lease subsequent to July 1, 1974 so that ABPA is now leasing portions of the 520 Building and of the 500 Building and all of the Sixth Street Building. In 1967 the Trust began leasing space in the 520 Building to Kotkin and to Segal. Each lease has been renewed and additional space added thereto which has resulted in substantial changes from the property leased prior to July 1, 1974. Kotkin and Segal are parties in interest by reason of being service providers to the Trust. ABPA is a service provider and contributing employer to the Trust. While ABPA may be a fiduciary of the Trust with regard to its activities as contract plan administrator of the Trust, it has no investment authority or discretion with respect to the subject matter of this exemption application. Neither Segal nor Kotkin, is a fiduciary of the Trust.

4. Moran has represented that the rental rates charged to all tenants in the three buildings were consistent with rates charged for comparable space in the area at the time the tenant's lease was entered into. Moran has also stated that it endeavors to lease space to service providers and to unrelated tenants on an impartial basis in accordance with market rentals for comparable space in the area. The terms of the leases to ABPA, Kotkin and Segal are essentially identical to the terms of leases to unrelated tenants. Further, Moran represents that it has no relationship to ABPA, Segal or Kotkin. The applicant states that decisions regarding any future leasing transactions with ABPA, Segal or Kotkin will continue to be made based upon consideration of the recommendation of Moran or a comparable successor property manager which is independent of the service providers involved in the leasing transaction.

5. The applicant represents that the lease transaction satisfy the statutory criteria of section 408(a) of the Act

because: (1) the terms of the transactions can be determined easily from the lease documents and the progress of the lease transactions may be monitored readily from the Trust's records; (2) the transactions involve a small percentage of Trust assets; (3) the Trust is not required to pay any commissions in connection with the leases and, because of the long-term stable tenancies of ABPA, Kotkin and Segal, is spared the normal costs of seeking new tenants; (4) the service providers are charged the same rental rates and given the same terms as are available to unrelated tenants; and (5) the leases are negotiated by a professional property manager which is independent of the service provider lessees.

Notice to Interested Persons

Within ten days after publication of this notice in the **Federal Register**, notice of the proposed exemption will be publicly posted in each employee organization hall and hiring hall where Trust participants and potential employees of employers who are obligated to make contributions to the Trust normally congregate, and will be mailed, postage prepaid, to each employer association, the members of which make contributions to the Trust, and to each employee organization whose members are participants in the Trust. The notice will include a copy of this notice of pendency and will inform interested persons of their right to comment on the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERIAS Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply effective January 1, 1975 to the leasing of office space in the 500 Building, the 520 Building and the Sixth Street Building to ABPA, Kotkin and Segal, provided that each leasing transaction which has taken place or will take place was and will be on terms no less favorable to the Trust than terms available in an arm's length transaction with an unrelated third party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 27th day of May, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-16362 Filed 6-1-81; 8:45 am]
BILLING CODE 4510-29-M

[Application No. D-1867]

Proposed Exemption for Certain Transactions Involving the Fisher Employees' Profit Sharing Plan and Trust Located in Dickinson, N.Dak.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed sale by the Fisher Employees' Profit Sharing Plan and Trust (the Plan) of a parcel of real property located in Stark County, North Dakota to the Fisher Sand and Gravel Company (the Employer), a co-sponsor of the Plan. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the Employer, and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before July 16, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4562, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–1867. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Louis Campagna of the Department, telephone (202) 523–7352. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the

Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) an 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with 110 participants. As of December 31, 1979, the Plan had total assets of $679,575. The Employer and General Steel and Supply Company of Dickinson, North Dakota are the co-sponsors of the Plan. An administrative committee (the Committee) of seven persons administers the Plan and directs the First National Bank of Dickinson, North Dakota, the Trustee of the Plan (the Trustee), in the investment of the assets of the Plan. Gene Fisher and his wife, Sheila Fisher, are members of the Committee as well as officers and principal shareholders of the Employer. Other members of the Committee are employees of the Employer and General Steel and Supply Company.

2. On August 2, 1977, the Committee directed the Trustee to purchase for $50,000 a 15 acre parcel of real property (the Property) located in Stark County, North Dakota from parties unrelated to the Plan. At that time, the Committee contemplated leasing the Property to the Employer. However, upon discovering the lease arrangement would constitute a prohibited transaction under the Act, such lease arrangement was not entered into. Since the purchase, the Property has been, and continues to be, a non-income producing asset of the Plan. On January 8, 1978, Sheila Fisher acquired 30 acres of land adjoining the Property. On August 30, 1978, Dickinson Concrete Products of Dickinson, North Dakota, a corporation 50% owned by Gene Fisher, purchased 10 of the 30 acres from Sheila Fisher and built a concrete block plant (the Concrete Plant) on the 10 acres. As of May 16, 1980, maintenance expenses and real estate taxes incurred by the Plan with respect to the Property totaled $680.

3. The Plan has a 50% interest in the sand and gravel and a 25% interest in other minerals on the Property due to reservations (the Reservations) in the deed for the Property made by prior grantors unrelated to the Plan or the Employer. Because of the Reservations, the applicant represents that there is a potential impairment in the value of the Property to any outside purchaser interested in developing the Property. Also, the applicant represents there is no other convenient market or potential purchaser in the area for the sand and gravel reserves on the Property and that the Property does not have any frontage on a major highway which runs nearby as the Property is cut off by a strip of land retained by the unrelated parties who sold the Property to the Plan. The Employer has not attempted to sell the Property to an outside purchaser. However, because of the proximity of the Concrete Plant and surrounding land of the Employer, the Property has a unique value to the Employer. Therefore, the Employer proposes to purchase the Property from the Plan. An independent appraisal performed by D. W. Knudson of Knudson Appraisal Service of Richardson, North Dakota valued the Property as of May 21, 1980 to any outside purchaser at $47,000. However, because of the unique value and special use of the Property to the Employer, Mr. Knudson valued the Property to the Employer at $65,000. Accordingly, the Plan will receive the greater of $65,000 or the fair market value of the Property at the time of sale. No commissions will be charged the Plan in connection with the sale of the Property. The Trustee of the Plan represents that the proposed sale of the Property is in the best interests of the Plan. In addition, the Liberty National Bank and Trust Company of Dickinson, North Dakota, a party independent of the Employer and the Plan, upon review of all the facts and circumstances surrounding the proposed sale of the Property, has concluded that the proposed sale of the Property is in the best interests of the Plan.

4. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because: (1) the Trustee and the Liberty National Bank, an independent party, represent that the sale is in the best interests of the Plan; (2) it will be a one time transaction for cash; (3) it will allow the Plan to receive an amount greater than if the sale were to an outside purchaser, as well as realize a substantial gain on the original purchase price of the Property; (4) no real estate commission will be charged the Plan; (5) it will allow the Plan to eliminate an asset which produces no income and which has an impaired value to an outside purchaser; and (6) the sale will be pursuant to an appraisal performed by an independent party that took into account the unique value of the Property to the Employer.

Notice to Interested Persons

Notice of the proposed exemption will be given to the Trustee, the Committee and all participants and beneficiaries of the Plan by first class mail or personal delivery. The notice will include a copy of the notice of pendency and a statement informing interested persons of their right to comment or request a hearing. Notice will be given within 10 days of the publication of the notice of pendency in the **Federal Register**.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act

and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale by the Plan of the Property located in Stark County, North Dakota to the Employer for a cash price of $65,000, provided this amount is not less than the fair market value of the Property at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 27th day of May 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-16384 Filed 6-1-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D–1685]

Proposed Exemption for Certain Transactions Involving the Pension Plan for Employees of Straub Clinic and Hospital, Inc., Located in Honolulu, Hawaii

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the prospective ground lease of certain real estate by the Pension Plan for Employees of Straub Clinic and Hospital, Inc. (the Plan) to the Straub Clinic and Hospital, Inc. (the Clinic) a party in interest, as Plan sponsor, with respect to the Plan. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Clinic, and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before July 16, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. Attention: Application No. D–1685. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW, Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Antsen of the Department, telephone (202) 523–6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by counsel for the Clinic, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit pension plan of the unit benefit variety. The Plan satisfies the requirements for qualification contained in section 401(a) of the Code. The Plan is explicitly authorized to acquire and hold employer real property by language contained in the Plan documents and trust agreement. The Plan is administered by the Pension and Profit Sharing Committee (the Committee). The Committee is empowered to establish and determine the Plan's short and long range financial needs. The American Trust Company of Hawaii, Inc. (ATCH) serves as corporate trustee. ATCH is an independent, professional trustee, located in the State of Hawaii, which serves as trustee for 1900 employee pension benefit plans with collective assets of approximately $350 million. The Real Estate Administrative Department of ATCH is responsible for the administration of over four hundred (400) land trusts. ATCH has no commercial relationships with the Straub Clinic. The Plan has approximately 867 participants of which 815 are active participants. The Plan's assets, as of the plan year ending December 30, 1979, were $3,083,443.

2. The Clinic was originally established as a partnership (the Straub Partnership) on January 1, 1921 and was subsequently incorporated under the laws of the State of Hawaii on February 10, 1970. The Clinic engages in the practice of medicine and currently employs approximately 1,080 employees.

As of December 1, 1979, there were 684,576 shares issued and 618,020 shares outstanding. There are sixty-five (65) shareholders of the Clinic each owning 9,508 shares. The Clinic has been a successful operation since its inception. Gross revenues for the fiscal year ending December 31, 1978 were $33,595,328 with net earnings for the same period of $876,496.

3. The Straub Partnership is a general partnership registered under the laws of the State of Hawaii, whose membership is identical with the shareholders of the Clinic. The Straub Partnership exists to hold title to land and improvements thereon and currently leases such property to the Clinic. For the fiscal year ending December 31, 1978 the Straub Partnership held assets of $11,688,421 with net earnings for the same period of $130,672.

4. On January 2, 1969, the Plan purchased real property (the Real Estate) from Pacific Holiday Inc., a party unrelated to both the Plan and the Clinic, for $460,500. The purchase price was based upon the results of an appraisal dated April 30, 1968. The Real Estate consisted of a parcel of unimproved land, containing approximately 31,498 square feet located on South King Street in Honolulu, Hawaii. South King Street is a major thoroughfare in the city of Honolulu. At the time of purchase by the Plan, the appraiser stated that the highest and best use of the Real Estate was commercial building development for medical or other professional occupancy or service and business occupants. The applicant represents that since the time of purchase, the overall development of the area has improved, and it is projected to continue to improve in future years.

5. Since 1969 the Plan has leased the Real Estate to the Straub Partnership. The ground lease agreement (the Lease) commenced on January 2, 1969 and was to run for a term of seventy-five (75) years (until January 1, 2044). The Straub Partnership agreed to construct a building on a portion of the Real Estate within the first ten (10) years of the Lease. On January 2, 1970, the Straub Partnership mortgaged its leasehold interest to the Bank of Hawaii in order to finance the construction of a parking facility on the Real Estate. The building has since been completed in accordance with the agreed upon timetable. On March 6, 1973, the Bank of Hawaii assigned its mortgage interest to the New York Life Insurance Company (NYLC).

6. The Straub Partnership assigned its leasehold interest to the Clinic which now leases directly from the Plan. The Clinic now seeks to renegotiate the Lease (the Renegotiated Lease) in order to obtain an interim financing construction loan in the amount of $10.5 million for the purpose of adding a three story wing to the Clinic's existing complex (the Addition). The construction loan involves interim financing for a period of twenty-four (24) months. Under the terms of the loan arrangement, NYLC has issued a commitment for take-out financing. Both the construction loan and the permanent financing will be secured, in part, by a mortgage on the Clinic's leasehold interest in the Real Estate. While the Clinic will hold title to the Addition during the term of the Renegotiated Lease, the title to the Addition will revert to the Plan on termination or sooner in the event of a default by the Clinic. Should there be a default under the mortgage, the leasehold interest of the Clinic may be assigned to successors in interest who would still be bound by the terms of the Renegotiated Lease. Thus, the Plan's fee interest in the Real Estate will not be jeopardized or subordinated by the financing arrangement involving the leasehold interest.

7. Because the leasehold interest constitutes a portion of the collateral for the loan from NYLC, the term of the Renegotiated Lease must equal or exceed the amortization period for any mortgage on the contemplated improvement. The term of the mortgage will be twenty-five (25) years and it is proposed that the Renegotiated Lease will be for a period of sixty (60) years. Under the terms of the Renegotiated Lease, the Clinic (or any successor lessee) will be obiligated to pay all real property taxes, utilities, rates, assessments and expenses incidental to the maintenance of any improvements made to the Real Estate. The Clinic (or any successor lessee) will maintain, at its own expense, a policy of fire insurance naming both the mortgagee and the Plan as insureds. Such policy will be maintained in an amount which at all times during the term of the Renegotiated Lease equals the full replacement value of the Addition. During the period the mortgage will be in effect, the insurance proceeds shall be payable to the mortgagee to the extent the mortgage is currently outstanding. All other proceeds from the insurance shall inure to the Plan. The damage or destruction of the Addition will not result in a termination of the Renegotiated Lease during the first fifty (50) years of its existence. The Clinic (or any successor lessee) is obligated under the terms of the Renegotiated Lease to rebuild or replace and repair any damage which occurs during the first fifty (50) years of such lease. In the event of fire damage, the mortgagee, or the Plan to the extent of any insurance proceeds received, are obligated to make such monies available to the Clinic (or any successor lessee) to rebuild or replace and repair any damage to the Addition in accordance with the original or otherwise improved plans. Therefore, the Plan's interest in the Addition replaces that of the mortgagee as the mortgage is paid down and becomes firmly established after that date. The Renegotiated Lease also provides that the Clinic (or any successor lessee) shall indemnify or hold harmless the Plan against any loss or expense resulting from the use of the Addition and obtain a policy of landlords', owners', and tennants' liablity insurance to protect against lawsuits involving the business conducted on the Real Estate.

8. To assist in the determination of the fair market rental rate for the Renegotiated Lease, an updated appraisal was performed (with an effective date of December 30, 1979) by John Child & Company, Inc. a professional real estate appraisal firm. This appraisal concluded that the fair market value of the Real Estate was $1,511,904. The Real Estate was subsequently valued at this amount on December 30, 1979 for purposes of the Plan's annual report filing. As of this valuation date, the Real Estate represents fifty (50) percent of Plan assets. Chaney, Brooks and Company, a local real estate management firm, in a letter dated February 2, 1981, has stated that the market rate of return for leases of the type contemplated by the parties negotiated today would be in the neighborhood of 8 percent to the lessor based upon the fee unencumbered market value of the land for the initial known retail period. The Clinic has represented a willingness to pay a nine percent rate of return to the Plan for the leasing of the Real Estate. For computing the nine percent rate of return for the initial rental period a base figure of $1,511,904 will be used. The terms of the Renegotiated Lease also provide that the Clinic will pay for an appraisal after each five year lease term and adjust the rental rates accordingly. The amount of the monthly rental payment will be not less than the monthly rental payment for the preceding five year lease term.

9. ATCH, as corporate trustee of the Plan, generally exercises only custodial authority with respect to assets of the Plan. However, by a separate trust agreement ATCH will become an

independent fiduciary for purposes of this transaction. ATCH will make the determination whether the Plan should enter into the Renegotiated Lease by ensuring that the terms and conditions of such lease are in the best interests of the Plan. Should a decision to enter into the Renegotiated Lease be made, ATCH will be responsible for: monitoring the terms thereof, verifying the timely collection of rental payments, overseeing the periodic reappraisal of the Real Estate by an independent appraiser and enforcing those legal remedies as may be available.

10. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act for the following reasons:

(1) the proposed transaction will provide the Plan with a favorable lease arrangement that will generate a constant stream of income as favorable as would otherwise be available in the marketplace; and the improvements to the Real Estate will result in long range appreciation potential;

(2) the Real Estate will be periodically appraised by an independent appraiser and the rental rate will be adjusted to reflect then current fair market rental value;

(3) based on its gross revenues and number of active participants, the Clinic is a thriving business which is capable of carrying out its obligations under the Renegotiated Lease arrangement; and

(4) the decision to enter into the Renegotiated Lease and the monitoring of the terms and conditions thereof will be made by an independent fiduciary who will determine that the transaction is structured and operated in the best interests of the Plan participants and beneficiaries.

Notice to Interested Persons

Within fourteen (14) days of publication of the proposed exemption in the **Federal Register**, all participants in the Plan will receive by personal delivery or first class mail a copy of the notice of pendency and a statement informing them of their right to comment and their right to request that a hearing be held. A copy of such notice will also be posted at the Clinic. Such notice will also state that all documents related to the proposed transaction will be available for their inspection and copying (without charge) at the Clinic.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(a)(1) (A) through (E) of the Code shall not apply to the Renegotiated Lease of the Real Estate located on South King Street in Honolulu, Hawaii by the Plan to the Clinic as set forth in the application for exemption, provided that the terms and conditions of the lease arrangement remain as favorable to the Plan as would otherwise be available with an unrelated third party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 27th day of May, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-16365 Filed 6-1-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2370]

Proposed Exemption for Certain Transactions Involving the Tharco Affiliated Companies Profit Sharing Plan Trust Located in San Lorenzo, Calif.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed loan (the Plan Loan) of money by the Tharco Affiliated Companies Profit Sharing Plan Trust (the Plan) to Tharco Containers Colorado, Inc. (TCC), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan and TCC.

DATES: Written comments and requests for a public hearing must be received by the Department on or before July 17, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216. Attention: Application No. D–2370. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523–8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on the behalf of the Plan and TCC, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. TCC, a manufacturer of corrugated and plastic products for packaging, is a contributing employer with respect to the Plan. The Plan is a profit sharing plan that had total assets of $1,241,169 and 47 participants as of December 12, 1980. The assets of the Plan are held by Sumitomo Bank of California as trustee (the Trustee). The advisory committee (the Committee) directs all investments for the Plan. The individuals who comprise the Committee and make the investment decisions for the Plan are as follows: Hector W. Aitchison, James F. Aitchison and Marlin K. Wakefield. All of these individuals are participants of the Plan and are also officers and directors of TCC. James F. Aitchison and his brother, Thomas Aitchison, own 100 percent of the outstanding stock of TCC.

2. TCC and the Plan are requesting an exemption which would permit the Plan to make the Plan Loan to TCC. The Plan Loan would be used by TCC to retire an existing loan (the Existing Loan), which TCC entered into on March 12, 1979, with Wells Fargo Bank of San Francisco (Wells Fargo Bank) in the amount of $435,000. Wells Fargo Bank is otherwise independent of the parties to the transaction. The proceeds from the Existing Loan were used to purchase ■ Flexo-Folder Gluer. The Existing Loan is evidenced by a promissory note made payable to Wells Fargo Bank. The term of this note is seven years and repayments are made monthly to cover principal and interest. The Existing Loan has a floating interest rate of 1 1/4 percent over the Well Fargo Bank prime rate. As of January 20, 1981, the outstanding balance of the Existing Loan was $357,315.

3. The proposed Plan Loan will be an amount equal to the outstanding balance of the Existing Loan on the date the exemption grant is published in the **Federal Register**. It will have a floating interest rate of 1 1/4 percent over the Wells Fargo Bank prime rate but in no event will the interest rate be less than 12 percent. The Plan Loan will have a term of five years. Repayments will be made in monthly installments to cover principal and interest. The Plan Loan will represent approximately 29 percent of the assets of the Plan as of December 12, 1980.

4. The Plan Loan will be secured by certain tangible assets of TCC (the Collateral), located at 13400 East 39th Street, Denver, Colorado (TCC's principal place of business) and 222 Grant Avenue, San Lorenzo, California. The Collateral will include a Flexo-Folder Gluer, certain machinery, office furniture and equipment, tools and miscellaneous, stored equipment, industrial trucks, battery chargers, dies, jigs, and fixtures. A security agreement (the Security Agreement) and UCC financing statements (collectively, the Documents) will be executed by TCC and the Plan recording the Plan's secured interest in the Collateral. The Documents will be duly filed in each states where the Collateral is located. The Security Agreement provides that: (a) the Collateral will be kept in good operating condition and repair; (b) TCC shall keep the Collateral fully insured; (c) the Collateral will be free of liens except as permitted under the Security Agreement; and (d) TCC will be required to provide additional Collateral when, in the judgment of the Trustee, the market value of the Collateral is less than 200 percent of the remaining unpaid balance of the Plan Loan. In such an instance, the Trustee will be provided with independent appraisals of additional Collateral, the cost of which will be borne by TCC. It is represented that, if the Collateral is less than 200 percent and additional Collateral can not be provided, TCC will pay the Plan in full the outstanding balance of the Plan Loan plus any incidental costs arising from the default by TCC. An independent appraisal performed by the General Appraisal Company of San Francisco, California valued the Collateral at $670,000 as of October 16, 1979.

5. The Trustee, notwithstanding its position as directed trustee, represents that with respect to the proposed transaction, it will at all times be operating in an independent manner. The Trustee has stated that it believes that the proposed Plan Loan is in the best interests of and is appropriate for the Plan. The Trustee will monitor all terms and conditions of the Plan Loan and will enforce collection of the Plan Loan in the event of default. It will require TCC to obtain subsequent independent appraisals of the Collateral annually at TCC's expense, to ensure that the value of the Collateral remains at 200 percent of the outstanding balance of the Plan Loan.

6. In summary, the applicants represent that the proposed Plan Loan satisfies the statutory criteria of section 408(a) of the Act because: (a) the Trustee has determined that the proposed transaction is appropriate for the Plan and is in the best interests of the Plan participants and beneficiaries; (b) the Plan Loan will at all times be secured by the Collateral with a value of at least 200 percent of the outstanding balance of the Plan Loan; (c) the Collateral will be annually appraised by an independent appraiser, the cost of which will be borne by TCC; (d) the Plan will have a perfected first security interest in the Collateral; and (e) the terms of the proposed Plan Loan are more favorable to the Plan than the terms of the Existing Loan are to Wells Fargo Bank.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all of the Plan participants and beneficiaries within 15 days of the day the Notice of Pendency of such exemption is published in the

Federal Register by hand delivery or by first class mail. Such notice shall inform interested persons of their right to comment and to request a hearing regarding the requested exemption within the period set forth in the Notice of Pendency.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the Plan Loan as described herein, provided that the terms of the Plan Loan remain at least as favorable as an arms-length transaction would be with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 27th day of May 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-16368 Filed 6-1-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-10,177]

Asheville Mica Co.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 18, 1980 in response to a petition which was filed on behalf of workers at Asheville Mica Company, Newport News, Virginia. The workers produce stamped mica parts used as heat and electrical insulators.

U.S. imports of mica products (cut or stamped to form) increased absolutely during 1978 as compared to 1977, during 1979 was compared to 1978 and during the January–June period of 1980 as compared to the corresponding period of 1979.

The production process at Asheville Mica Company consists of cleaning, grading and splitting raw mica sheets into specified widths and then stamping the parts. Asheville Mica Company purchases some imported mica sheets which are already cleaned, graded and split; these sheets were purchased in increasing quantities from foreign sources in 1979 compared to 1978. Asheville Mica Company continued to use imported graded mica sheets during the January–August period of 1980.

The Department of Labor surveyed the customers of Asheville Mica Company. Customers accounting for a significant proportion of Asheville Mica's 1978 sales reduced purchases from Asheville Mica and from other domestic sources while increasing purchases of imported mica parts similar to those manufactured by Asheville during 1979 compared to 1978 and during 1980 compared to 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with mica heat and sound insulators produced at the Asheville Mica Company, Newport News, Virginia contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Asheville Mica Company, Newport News, Virginia who became totally or partially separated from employment on or after August 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 26th day of May 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-16412 Filed 6-1-81; 8:45 am]

BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period May 18–22, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9717; Dram Molding, Inc., Bad Axe, MI

TA-W-9641; Thomas Products, Inc., St. Charles, MI

TA-W-9766; Modine Manufacturing Co., Trenton, OH

TA-W-8711; Barbizon Corporation, Provo, UT

TA-W-9587; Richardson Company, City of Industry, CA

TA-W-9438; Clausing Corporation, Atlas Division, Kalamazoo, MI

TA-W-9403; Hayes-Albion Corporation, Spencerville Div., Spencerville, OH

TA-W-8845 & 9503; Jones & Laughlin Steel Corp., Cleveland Works, Cleveland, OH

TA-W-10,325; Anchor Bay Plastics Company, Fairhaven, MI

TA-W-10,294; Auto Tube, Inc., Bradford, OH

TA-W-10,954; The Vendo Company, Corinth, MS

TA-W-10,252; Raal Industries, Inc., Southgate, MI

TA-W-10,003; United Manufacturing Co., Mt. Clemens, MI

TA-W-10,330; Schmeler Corporation, St. Johns, MI

TA-W-10,266; Hercules, Inc., Parlin, NJ

TA-W-10,440; White Materials Handling, Hopkins, MN

In the following cases the investigation revealed that workers do not produce an article as required under Section 223 of the Act.

TA-W-9434; Duluth, Missabe and Iron Range Railway Co., Duluth, MN

TA-W-9586; Redway Cartage Co., Detroit, MI

TA-W-12,422; U.S. Fastener Corp., Saginaw, MI

TA-W-10,469; Furnco Construction Corp., Lancaster, NY

TA-W-12,374; Thyssen Metal Service, Oak Park, MI

TA-W-11,885; M.C.P. Industries, Romulus, MI

TA-W-11,681; Spatz Industries, Inc., Atlanta, GA

TA-W-9260, 9630 & 11,366; Hoover Universal, Inc., Mt. Vernon, OH, Molding Plant, Mansfield, OH, and Plating Plant, Mansfield, OH

Investigation revealed that criterion (3) has not been met. U.S. imports of lamp bezels and grilles accounted for a small proportion of total U.S. production of those products throughout the model year 1978–1980 period. U.S. imports of plastic decorative knobs for motor vehicles are negligible. Furthermore, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firms.

TA-W-11,533, 11,534 & 11,535; Taylor Sportswear, Inc., Cleveland, TN and New York, NY

Investigation revealed that criterion (3) has not been met. U.S. imports of men's and boys' tailored suits decreased absolutely and relative to domestic production in 1979 compared with 1978 and decreased absolutely in 1980 compared with 1979.

TA-W-11,500; American Safety Equipment Corp., Inflatables Div., Miami, FL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of inflatable life vests and rafts are negligible.

TA-W-11,337; Sewell Manufacturing Co., Temple, GA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of men's and boys' tailored suits did not increase as required for certification.

TA-W-11,115; U.S. Steel Corp., Eastern Limestone Operations, Cedarville Plant, Port Dolomite, MI

Investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firms for which limestones was supplied for use in basic steelmaking and therefore did not adversely affect workers of the subject investigation.

TA-W-9594; Oregon Steel Mills, Division of Gilmore Steel Corp., Portland, OR

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Sales and production of steel plate increased from 1978 to 1979 and did not decline significantly from 1979 to 1980. The layoffs in May of 1980 were attributable to a company decision to switch from internal non-pillet production to the use of domestically purchased scrap iron for the production of steel plate.

TA-W-9355; U.S. Steel Corporation, Great Lakes Fleet, Duluth, MN

Investigation revealed that criterion (3) has not been met. None of the workers engaged in basic steelmaking operations at any of the U.S. Steel facilities serviced by Great Lakes Fleet are currently certified as eligible to apply for adjustment assistance benefits.

TA-W-9120; U.S. Steel Corporation, Gary District Mines, Gary, WV

Investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,544; Intrend Textiles, Inc., New York, NY

Investigation revealed that criterion (3) has not been met. U.S. imports of finished fabric decreased absolutely and relative to domestic production in 1979 compared with 1978, and decreased absolutely during the first three quarters of 1980 compared with the first three quarters of 1979.

TA-W-11,410; Hercules, Inc., Covington, VA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of polypropylene (used in fibers) are negligible.

TA-W-10,348; Mohawk Rubber Co., Knoxville, TN

Investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the retail outlet for Mohawk tires.

TA-W-9612; Hager Hinge Co., St. Louis, MO

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of door hinges did not increase as required for certification.

TA-W-9223; Mario Papa and Sons, Inc., Gloversville, NY

Investigation revealed that criterion (2) has not been met. Sales and/or

production of men's and ladies' leather gloves did not decrease as required for certification.

TA-W-8904; Leesona Corp., Textile Corporation, Textile Machinery Div., Warwick, RI

Investigation revealed that criterion (3) has not been met. The decline in employment at Leesona can be attributed to a decline in export sales.

TA-W-12,612; Powellton Co., Mallory, WV

Investigation revealed that criterion (3) has not been met. All coal mined at the subject firm is for export.

TA-W-11,806; Facetglas of Michigan, Richmond, MI

Investigation revealed that criterion (3) has not been met. U.S. imports of bathtubs and shower enclosures are negligible.

TA-W-11,222; DST Industries, Inc., Automotive Div., Romulus, MI

Investigation revealed that criterion (3) has not been met. U.S. imports of prototypes are negligible. With respect to workers engaged in employment related to the alteration of prototype automobiles and other service work, workers do not produce an article as required under Section 223 of the Act.

TA-W-11,134; International Minerals and Chemical Corporation, Imcore Div., Detroit, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of core binder resins are negligible.

TA-W-10,586; Kaiser Steel Corp., Fontana, CA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of fabricated structural steel and welded pipe over 16" in diameter did not increase as required for certification.

TA-W-10,247; Century Machine Co., Riverview, MI

Investigation revealed that criterion (3) has not been met. U.S. imports of jigs and fixtures are negligible. Furthermore, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,109 & 11,114; U.S. Steel Corp., Minnesota Ore Operations, Hibbling, MN and Mt. Iron, MN

Investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firms for which iron ore pellets were supplied for use in basic steelmaking and therefore did not adversely affect workers of the subject firm.

TA-W-11,116; U.S. Steel Corporation, Lynch District Mines, Lynch, KY

Investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firms for which metallurgical coke was supplied for use in basic steelmaking and therefore did not adversely affect workers of the subject firm.

In each of the following cases the investigation revealed that unemployment of domestic musicians from August 11, 1980 through January 15, 1981 was a direct result of the strike and not because of the utilization of oversea musicians.

TA-W-11,996; Metro Goldwyn Mayer, Culver City, CA

TA-W-12,004; Paramount Pictures, Div. of Gulf & Western Ind., Los Angeles, CA

TA-W-12,017; Warner Brothers, Inc., Div. of Warner Communications, Inc., Burbank, CA

TA-W-12,021; Columbia Pictures Industries, Inc., Burbank, CA

TA-W-12,024; MCA, Inc., Universal City, CA

TA-W-12,027; Walt Disney Productions, Burbank, CA

TA-W-12,028; 20th Century Fox Films Corporation, Los Angeles, CA

Affirmative Determinations

TA-W-8899; Great American Sound Co., Inc., Chatsworth, CA

A certification was issued covering all workers of the firm separated on or after May 17, 1979.

TA-W-9534; Victoria Needlework, Inc., New York, NY

A certification was issued covering all workers of the firm separated on or after July 9, 1979.

TA-W-9989; Kraft Systems, Inc., Vista, CA

A certification was issued covering all workers of the firm separated on or after March 16, 1980.

TA-W-11,700; Monk Fur Co., Inc., Jim Thorpe, PA

A certification was issued covering all workers of the firm separated on or after November 6, 1979.

TA-W-10,887; Roper Luggage, Sardis, MS

A certification was issued covering all workers of the firm separated on or after September 4, 1979.

TA-W-10,707 & 10,708; Keller Industries, Inc., Keller Aluminum Furniture of Eastern Georgia, Waynesboro, GA and Keller Tubing of Eastern Georgia, Waynesboro, GA

A certification was issued covering all workers of the firm separated on or after September 2, 1979.

TA-W-8878 & 8878A; Keller Industries, Inc., Keller Aluminum Furniture of Virginia, McKenney, VA and Keller Tubing of Virginia, McKenney, VA

A certification was issued covering all workers of the firm separated on or after May 12, 1979.

TA-W-9655 & 10,481; Keller Industries, Inc., Keller Aluminum Furniture of Texas, Caldwell, TX and Keller Aluminum Furniture of Indiana, Linton, IN

A certification was issued covering all workers of the firm separated on or after February 17, 1980.

TA-W-9377; Kaiser Steel Corp., Steel Mfg. Div., Fontana, CA

A certification was issued covering all workers of the firm engaged in employment related to the production of tin plate separated on or after January 31, 1980. The investigation further revealed that with respect to hot rolled sheet and strip, cold rolled sheet and strip, galvanized sheet, electric weld pipe, basic and semi-finished steel, criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

With respect to continuous weld pipe, a certification remained in effect until August 15, 1980, subsequent to the closure of the continuous weld pipe mill in November 1979.

I hereby certify that the aforementioned determinations were issued during the period May 18–22, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: May 27, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-16413 Filed 6-1-81, 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,034, 10,595]

Hoover Universal, Inc., Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this

case that all of the requirements have been met.

The investigations were initiated on August 18, 1980 and September 8, 1980, respectively, in response to petitions which were filed on behalf of workers at the Georgetown, Kentucky and Adrian, Michigan plants of Hoover Universal, Incorporated. Workers at the Georgetown, Kentucky and Adrian, Michigan plants primarily produce metal seat frames for automobiles and light trucks.

The Georgetown, Kentucky plant of Hoover Universal, Incorporated produces metal seat frames for automobiles and light trucks and metal components for household and office furniture. The Adrian, Michigan plant produces metal seat frames and wire seat components for automobiles and light trucks. Workers at these plants are not separately identifiable by product line. At each plant, sales of metal seat frames accounted for a large portion of total plant sales and for nearly all of the total decline in plant sales during the period under investigation.

Preliminary data indicate that aggregate U.S. imports of metal seat frames for automobiles and light trucks increased absolutely and relative to domestic production from model year (MY) 1979 to MY 1980.

A Department survey revealed that customers of Hoover Universal, Incorporated reduced purchases from the Georgetown, Kentucky and Adrian, Michigan plants from MY 1979 to MY 1980 while increasing imports of metal seat frames for automobiles. Customers which increased imports of seat frames accounted for a substantial share of the total decline in sales at both the Georgetown, Kentucky and Adrian, Michigan plants from MY 1979 to MY 1980.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metal seat frames for automobiles and trucks produced at the Georgetown, Kentucky and Adrian, Michigan plants of Hoover Universal, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of those two facilities. In accordance with the provisions of the Act, I make the following certifications:

All workers of the Georgetown, Kentucky plant of Hoover Universal, Incorporated who became totally or partially separated from employment on or after July 29, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974; and

All workers of the Adrian, Michigan plant of Hoover Universal, Incorporated who became totally or partially separated from employment on or after August 26, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of May 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-16414 Filed 6-1-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigtions pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdividion and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 12, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 12, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Allegheny Foundry Co. (USWA)	Bolivar, Pa.	5/18/81	5/11/81	TA-W-12,704	Municipal and utility castings.
Amoco Chemicals Corporation (workers)	New Castle, Delaware	5/19/81	5/13/81	TA-W-12,705	Polypropylene (plastic).
Diversified Containers, Inc. (USWA)	Howell Michigan	5/18/81	5/11/81	TA-W-12,706	Three piece steel beverage cans.
GTE Sylvania (workers)	Muncy, Pa.	5/18/81	5/12/81	TA-W-12,707	Printed circuit boards.
GTE Sylvania (workers)	Williamsport, Pa.	5/18/81	5/12/81	TA-W-12,708	Assembly of printed circuit boards.
Jr. Colony (ILGWU)	New York, New York	11/19/80	11/14/80	TA-W-12,709	Cut and ship young ladies' coats.
Markel Nutone (workers)	Buffalo, New York	5/18/81	5/12/81	TA-W-12,710	Baseboards, industrial heaters.
Samuel Coane, Inc. (ACTWU)	Philadelphia, Pa.	5/19/81	5/15/81	TA-W-12,711	Men's and boys' athletic clothing.
(The) Upson Co. (RWDSU)	Lockport, N.Y.	5/15/81	5/7/81	TA-W-12,712	Wall board panels.
Dee Knitting Mills, Inc. (workers)	Farmingdale N.Y.	5/20/81	5/8/81	TA-W-12,713	Finishing ladies' sweaters.
Dippy Knits Inc. (workers)	Farmingdale N.Y.	5/20/81	5/8/81	TA-W-12,714	Sells and ships ladies' sweaters.
Door-Man Manufacturing Company (workers)	Royal Oak, Michigan	5/19/81	5/1/81	TA-W-12,715	Industrial steel doors, electric controls, nuclear products and service department.
Hopwell Industries, Inc. (company)	Fraser, Mich.	5/20/81	5/15/81	TA-W-12,716	Designed and built conveyors and automation.
Rueso Chevrolet, Inc. (UAW)	Niagara Falls, N.Y.	5/18/81	5/13/81	TA-W-12,717	Sales and service of Chevrolet cars and trucks.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Three Dee Knitting Mills (workers)	Farmingdale, New York	5/20/81	5/8/81	TA-W-12,718	Knitting of ladies' sweaters.

[FR Doc 81-16411 Filed 6-1-81: 8:45 am]
BILLING CODE 4510-28-M

[TA-W-11,522]

VRN, International, Division of Vernitron Corp.; Negative Determination Regarding Application for Reconsideration

By an application dated April 29, 1981, a worker requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing potentiometers at VRN, International's plant in St. Petersburg, Florida. The determination was published in the **Federal Register** on May 15, 1981 (46 FR 26949).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The worker claimed in her application for reconsideration that the Department's denial did not give any consideration to company imports from Haiti affecting employment at the St. Petersburg, Florida plant of VRN, International.

The Department's review revealed that criterion 3 was not met by the workers' petition. The Department notes that the initial certification for workers at the St. Petersburg plant (TA-W-3910) expired on September 18, 1980. Average sales, production and employment increased in 1980 compared to 1979 at the St. Peterburg plant. Also, average employment increased during the September to December 1980 period compared to the same period in 1979. Variations in production and employment at the St. Petersburg plant in 1980 are attributable to normal business fluctuations. U.S. imports of total variable resistors (the category includes potentiometers) decreased in quantity in 1979 compared to 1978 and in the first nine months of 1980 compared to the like period in 1979.

The Department could find no evidence that company imports whether from Barbados or Haiti adversely affected production and employment at the St. Petersburg plant in 1980. Employment in May, 1981, is at a near record peak.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 20th day of May 1981.

James F. Taylor,
Director, Office of Management, Administration and Planning.

[FR Doc. 81-16415 Filed 6-1-81: 8:45 am]
BILLING CODE 4510-28-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Dance Panel (Dance Touring Program); Meeting

Pursuant to Section 10(a)(2) of the Federal Advsory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Panel (Dance Touring Program) to the National Council on the Arts will be held on June 29-July 2, 1981 from 9:00 a.m.-5:30 p.m. in room 1426 of the Columbia Plaza Office Building, 2401 E Street, NW. Washington, D.C. 20506.

A portion of this meeting will be open to the public on July 2, 1981 from 9:00 a.m.-5:30 p.m. to discuss program guidelines.

The remaining sessions of this meeting on June 29-July 1, 1981 from 9:00 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Fundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: May 27, 1981.

John H. Clark,
Director, Office of Council and Panel Operation, National Endowment for the Arts.

[FR Doc. 81-16375 Filed 6-1-81: 8:45 am]
BILLING CODE 7537-01-M

Theatre Panel (Playwrights Fellowships Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theatre Panel (Playwrights Fellowships Section) to the National Council on the Arts will be held on June 29, 1981, from 9:00 a.m.—5:30 p.m. in room 1425 of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: May 22, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-16376 Filed 6-1-81; 8:45 am]

BILLING CODE 7537-01-M

Theater Panel (Small Professional Companies); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theater Panel (Small Professional Companies) to the National Council on the Arts will be held on July 2-3, 1981, from 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St., NW, Washington, D.C. 20506

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given inconfidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Raegister** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4),(6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: May 22, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-16377 Filed 6-1-81; 8:45 am]

BILLING CODE 7537-01-M

Theater Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theater Panel to the National Council on the Arts will be held on June 30-July 1, 1981, from 9:00 a.m.-5:30 p.m., in room 1422 of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506

A portion of this meeting will be open to the public on July 1, 1981, from 9:00 a.m.-12:00 noon, to discuss policy.

The remaining sessions of this meeting on June 30, 1981, from 9:00 a.m.-5:30 p.m. and July 1, 1981, from 12:00 noon to 5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: May 22, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-16378 Filed 6-1-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Proposed Policy Statement Release of Consumer Examination Reports

AGENCY: National Credit Union Administration.

ACTION: Proposed Policy Statement.

SUMMARY: The National Credit Union Administration Board proposes a statement of policy concerning the release to certain third parties of consumer examination reports of individual Federal credit unions. Pursuant to the proposal, the reports would be released only in limited circumstances that would further the interests of the credit union without compromising the Administration's reasons for generally maintaining the confidentiality of examination reports.

COMMENT PERIOD: Comments will be received on or before August 3, 1981.

ADDRESS: Send comments to Robert S. Monheit, Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Linda Cohen, Director, Office of Consumer Affairs, at the above address, telephone (202) 357-1080.

Proposed IRPS 81-5

The National Credit Union Administration (NCUA) has traditionally invoked the eighth exemption of the Freedom of Information Act (5 U.S.C. 552(b)(8)) to maintain strict confidentiality of all Federal credit union examination reports and related materials. This has been done to assure a free flow of information between Federal credit unions and NCUA, to encourage frank assessments by NCUA examiners, and to prevent unwarranted concern about the condition of individual Federal credit unions. With respect to consumer law complaince examination reports, however, there may be certain instances where disclosure would further the interests of an individual Federal credit union without compromising NCUA's traditional reasons for maintaining confidentiality. For example, the management of a Federal credit union may wish to have the credit union's consumer compliance examination report made available to its surety bond company in connection with obtaining bond coverage for losses related to consumer law violations. It may be similarly desirable to release individual examination reports to those state credit union leagues that operate risk audit programs. Also, as a matter of responsiveness to member concern, credit union management may consider it desirable to make the reports available to requesting members (after the credit union has taken any corrective action that may be appropriate as a result of the findings in the report). In all of these cases, the NCUA Board has determined that any request should be submitted to NCUA, pursuant to the Freedom of Information Act and NCUA's implementing regulation (12 CFR 720(A)), in order to preserve the agency's legal ownership interest in the document.

Accordingly, NCUA proposes to release consumer compliance examination reports if and only if the following conditions are met: (1) A request has been received by NCUA from a bonding company, state credit union league, or member of the Federal credit union; (2) The request specifies the requestor's relationship to the Federal credit union and the requestor's purpose(s) in requesting the report; (3) NCUA determines that the Federal credit union's management (Board of Directors, or other individual expressly designated by the Board of Directors) desires that the report be disclosed to the requestor; (4) The credit union has had an opportunity to take any corrective action necessary as a result of violations noted in the report; and (5) NCUA's traditional reasons for protecting confidentiality of examination related materials would not be unduly compromised by the disclosure.

As indicated above comments are invited on this proposal, and will be accepted until August 3, 1981.

Dated: May 26, 1981.

Beatrix D. Fields,

Acting Secretary to the Board, National Credit Union Administration.

[FR Doc. 81-16381 Filed 6-1-81; 8:45 am]

BILLING CODE 7535-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 414A]

Duke Power Co.; Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Duke Power Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns a proposed additional ownership participant, the Piedmont Municipal Power Agency, for the Catawba Nuclear Station, Unit 2. The current holders of the construction permit are Duke Power Company and North Carolina Municipal Power Agency Number 1.

The information was filed in connection with the application by Duke Power Company for construction permits and operating licenses for two pressurized water reactors. Construction was authorized on August 7, 1975 at the Catawba site located in York County, South Carolina. Although the Catawba facilities consist of two nuclear power plants, the proposed action affects only Catawba Nuclear Station, Unit 2.

The original application was dated November 10, 1972. The Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Reports; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on December 7, 1972 (37 FR 26053). Previously, the Notice of Hearing had been published in the **Federal Register** on December 1, 1972 (37 FR 25560).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina.

Any person who wishes to have his views on the antitrust matters with respect to the Piedmont Municipal Power Agency presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before July 21, 1981.

Dated at Bethesda, Maryland, this 8th day of May 1981.

For the Nuclear Regulatory Commission.

E. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing

[FR Doc. 81-16385 Filed 6-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Granting of Relief From Certain Requirements of ASME Code Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Rochester Gas and Electric Corporation. The relief relates to the valve testing program for the Ginna Nuclear Power Plant (the facility) located in Wayne County, New York. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief allows postponement of certain examinations and imposes alternative examinations, pursuant to 10 CFR 50.55a(g)(6)(i) of the Commission's regulations.

The requests for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief.

The Commission has determined that the granting of relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the action.

For further details with respect to this action, see (1) the licensee's submittals dated April 6, 1977, August 4, 1977, October 31, 1977, November 30, 1978, November 15, 1979, September 4, 1980, Jnauary 30, 1981, and March 2, 1981, (2) the Commission's letter to the licensee dated May 26, 1981, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Ginna LPDR. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 26th day of May 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-16386 Filed 6-1-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11789 (812-4841)]

Frank Russell Investment Co.; Money Market Fund Series; Application

Notice of filing of application for an Order pursuant to section 6(c) of the Act granting Exemption from the provisions of section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder.

In the Matter of Frank Russell Investment Company—Money Market Fund Series, 1100 One Washington Plaza, Tacoma, Washington 98402.

Notice is hereby given That Frank Russell Investment Company ("Applicant"), an open-end, diversified management investment company of the "series" type registered under the Investment Company Act of 1940 ("Act"), filed an application on March 16, 1981, and an amendment thereto on April 20, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant's Money Market Fund series ("Fund") from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit the Fund to value its portfolio securities using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that a registration statement on Form N-1 under the Securities Act of 1933 has been filed with the Commission but has not yet become effective. Applicant represents that the Fund is a "money market" fund designed as an investment vehicle for investors, including fiduciaries, institutions and individuals. Applicant states that its investment objective is to maximize current income to the extent consistent with preservation of principal, maintenence of liquidity and a stable $1.00 net asset value.

According to the application, Applicant's portfolio may be invested in a variety of the following instruments: securities issued or guaranteed by the United States government or any of its agencies and instrumentalities; certificates of deposit and bankers' acceptances of banks having total assets in excess of $100,000,000; commercial paper; and corporate obligations. Applicant states that the remaining maturities of all securities the Fund acquires will be less than one year at the date of acquisition, and that the dollar-weighted average maturity of the Fund's investment portfolio will at all times be 120 days or less.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemble security shall sell, redeem or repurchase any such security except at a priced based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that it seeks to attract sophisticated institutional and individual investors and in order to attract and retain them as shareholders, it must have a stable net asset value and a steady flow of investment income. The application states that Applicant's management believes that if Applicant's security portfolio is valued using the amortized cost method there would normally be a negligible discrepancy between prices obtained by the market valuation method and those obtained by the amortized cost method. Applicant states that its board of directors has determined in good faith, in light of the characteristics of Applicant, that use of a $1.00 price per share utilizing the cost method of valuation would be appropriate and represents fair value. Accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes or persons, securities or transactions, from any provision under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly consents to the imposition of the following conditions in any order granting the relief it requests:

(1) In supervising Applicant's Fund operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser and subadviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Fund's investment objectives, to stabilize the Fund's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

(2) Included within the procedures to be adopted by Applicant's board of directors shall be the following:

(a) Review by the board of directors as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the Fund's $1.00 amortized cost price per share, and the maintenance of records of such review. [1]

(b) In the event such deviation from the Fund's $1.00 amortized cost price per share exceeds ½ of 1 percent, what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from the Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

(3) The Fund will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Fund will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, the Fund will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

(4) Applicant will record, maintain, and preserve permanently in an easily

[1] To fulfill this condition, the Applicant may use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

accessible place a written copy of the procudures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

(5) Applicant will limit the Fund's portfolio investments, including repurchase agreements, if any, to those U.S. dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

(6) Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than June 22, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16370 Filed 6-1-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22065; 70-6595]

Northeast Utilities; Proposal To Issue Common Stock at Competitive Bidding

May 26, 1981.

Northeast Utilities, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089 ("Northeast"), a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder. Northeast proposes to issue and sell at competitive bidding up to 9,000,000 shares of its authorized common stock, $5 par value, not later than September 30, 1981. The price for the stock will be determined by the competitive bidding. The proceeds of the sale, estimated at $81,000,000, will be used to make capital contributions to Northeast's subsidiaries and to retire, in part, Northeast's outstanding short-term borrowings. It is stated that Northeast may amend its declaration to seek an exception from the competitive bidding requirements of Rule 50 if it feels that market conditions so require.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 18, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16369 Filed 6-1-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of Nuclear Technology and Safeguards

[Public Notice 759]

Interagency Procedures for the Implementation of the U.S. IAEA Safeguards Agreement

This notice sets forth U.S. agency procedures for Implementation of the Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Protocol (Agreement).

For additional information, contact Allen Sessoms (phone: 632-9318), Physical Science Officer, Office of Nuclear Technology and Safeguards, OES/NTS, State Department, Washington, D.C. 20520.

A. Coordination

(1) *Interagency Steering Group for International Safeguards.*

(a) The interagency mechanism for coordinating policy and resolving disputes relating to the implementation of the Agreement shall be the Interagency Steering Group for International Safeguards (ISG), which is concerned generally with international safeguards matters. The ISG is composed of representatives from the Department of State (State), the Department of Energy (DOE), the Nuclear Regulatory Commission (NRC), the Arms Control and Disarmament Agency (ACDA) and the staff of the National Security Council. The ISG is chaired by the Deputy Assistant Secretary of State for Nuclear Energy and Energy Technology or such other official as may be designated by the Secretary of State. Representatives of the agencies which are ISG members are designated by the respective heads of such agencies. The ISG shall meet at such intervals set by the ISG and at any time at the request of any ISG member.

(b) In the event any question of interpretation of the Agreement affecting NRC arises which is not resolved by the ISG, the NRC shall seek and be bound by guidance from the President. Neither this provision, nor any other provision in these procedures.

shall in any way alter the responsibilities of the NRC or in any way limit the existing authorities and responsibilities of the NRC.

(2) *US–IAEA Safeguards Agreement Working Group.*

(a) The ISG shall establish a working group known as the US–IAEA Safeguards Agreement Working Group (SAWG), which shall be composed of representatives from State, ACDA, the NRC and DOE. A State representative, or such other official as may be designated by the ISG Chairman, shall serve as Chairman of the SAWG. Each agency shall designate its respective representatives to serve on the SAWG.

(b) The SAWG shall monitor implementation of the Agreement, carry out responsibilities specifically prescribed in these procedures, and undertake such other working level activities as may be designated by the ISG.

(3) *Negotiating Team.*

(a) The ISG shall establish a Negotiating Team which shall be composed of one representative from each of the following agencies: DOS, DOE, NRC and ACDA. A State representative or such other official as may be designated by the ISG Chairman, shall serve as the Chairman of the Negotiating Team. Each agency shall designate its respective representative to serve on the Negotiating Team.

(b) The Negotiating Team shall negotiate with the IAEA the Subsidiary Arrangements and the Transitional Subsidiary Arrangements (collectively referred to as the Arrangements), and undertake such other responsibilities as may be designated by the ISG.

(c) Counsel and other agency officials may participate in Negotiating Team activities at the request of their respective agency representative.

B. Communications

As provided in the Arrangements, normally, official communications on matters relating to implementation of the Agreement from the IAEA are to be addressed to State through the Mission of the United States of America to the IAEA (Mission), and from State are to be addressed to the IAEA through the Mission. Officers in the Nuclear Energy and Energy Technology Affairs Division of the Bureau of Oceans and International Environmental and Scientific Affairs (OES/N) in State and officers in the Mission shall be assigned responsibility for communications to and from the IAEA in connection with implementation of the Agreement. In the event of the occurrence of unexpected circumstances, communications may be undertaken, as appropriate, other than as set forth in this Section of the procedures.

C. Regulation of NRC Licensed Facilities and DOE License-Exempt Facilities

(1) For implementation of the Agreement,

(a) The NRC shall be responsible for maintaining necessary regulations applicable to NRC licensed facilities; and

(b) DOE shall be responsible for maintaining appropriate mechanisms applicable to DOE license-exempt facilities.

(2) Requirements contained in the Arrangements shall be implemented as follows:

(a) With respect to an NRC licensed facility, through the promulgation of regulations, the incorporation of appropriate amendments to licenses and the issuance of such orders as may be necessary to assure compliance; and

(b) With respect to a DOE license-exempt facility, through the promulgation of appropriate mechanisms.

D. Facility Attachments and Transitional Facility Attachments

(1) *Preparation.* The NRC or DOE, as the case may be, shall participate with the IAEA in preparation of the material for the draft facility attachment and transitional facility attachment (collectively referred as the draft attachment) for each NRC licensed facility and for each DOE license-exempt facility, respectively, selected by the IAEA, under Article 39 of the Agreement or Article 2 of the Protocol. The NRC shall consult with the operator of each NRC licensed facility and, as appropriate, arrange for such operator to participate in the preparation of the material for the draft attachment for such facility. The NRC or DOE, as the case may be, shall provide the Negotiating Team an opportunity to take part in preparation with the IAEA of the draft facility attachment for use in negotiation.

(2) *Negotiation.* The draft attachment shall be approved by the Negotiating Team for negotiation. Each facility attachment or transitional facility attachment (collectively referred to as the attachment) shall be negotiated with the IAEA by the Negotiating Team under the guidance of the ISG. In the course of these negotiations, the operator of the licensed facility will be consulted and views and interests of each such operator will be considered. The licensee will be given the opportunity to review and comment on the attachment before it is agreed to by the U.S. Agreement shall be accomplished by the ISG Chairman or his designee initialing the attachment.

E. Information To Be Provided to the IAEA

(1) Reports on the status of nuclear material required to be submitted to the IAEA pursuant to the Agreement at specified intervals or occasions shall be compiled and submitted as follows:

(a) Review and transmission of initial reports and periodic accounting reports, including amplifications and clarifications thereof, in accordance with Codes 3.3 and 3.4 of the Arrangements, shall be the responsibility of the NRC and DOE, as the case may be. These reports shall be prepared on magnetic tape by the Nuclear Materials Management and Safeguards Systems (NMMSS) operated jointly by the NRC and DOE. The NRC or DOE, as the case may be, shall be responsible for making arrangements for submission of the necessary data from each facility operator to NMMSS, which shall compile consolidated reports and send the tape to the NRC and DOE, as appropriate, for review and transmission to OES/N for delivery to the IAEA. The NRC and DOE shall consult and provide to OES/N, and OES/N shall provide to the IAEA, the telex address and the telephone number of appropriate personnel to be available for use by the IAEA in seeking clarifications and amplifications (including questions concerning reported data) of the accounting reports.

(b) Preparation and transmission of special reports, including amplifications and clarification thereof, in accordance with Code 3.5 of the Subsidiary Arrangements, shall be the responsibility of the NRC or DOE, as the case may be, which shall send each report to OES/N to permit OES/N to decide if any further review is needed prior to transmission by OES/N to the IAEA and whether the report should be referred to the ISG for its consideration.

(c) In the event of a U.S. determination of material unaccounted for (MUF) at any facility selected by the IAEA under the Agreement, the ISG shall determine in satisfying the terms of the Agreement what information if any relating to any U.S. investigation of the MUF is to be transmitted to the IAEA.

(2) Information other than reports described in paragraph (1) of this Section includes completed Design Information Questionnaires and other information needed in connection with design review, changes in design, and requirements with respect to radiological protection; and notification

of an intended withdrawal (Agreement Article 12(a)) and of an international transfer (Agreement Article 89). The NRC and DOE, as the case may be, shall be responsible for obtaining such required information and ensuring that it is prepared in prescribed format for transmission to the IAEA in accordance with Codes 3.1, 3.2, 3.6, and 3.7 of the Subsidiary Arrangements and Codes 3.1 and 3.2 of the Transitional Subsidiary Arrangements. Such information and notification shall be transmitted to the IAEA by State.

(3) The Agreement shall not be construed to permit the communication to the IAEA of Restricted Data controlled by the Atomic Energy Act of 1954, as amended.

F. Eligible List

(a) The list of eligible U.S. facilities provided to the IAEA under Agreement Article 1(b) (eligible list) shall be reviewed by the ISG from time to time to determine if any addition or removal of a facility should be made. A representative of the Department of Defense (DOD) shall participate as a member of ISG in such review and determination. The NRC or DOE, as the case may be, shall be responsible for informing the ISG of any change in the status of an NRC licensed facility or DOE licensed-exempt facility, relative to possible addition to, or removal from, the eligible list. In the event that any ISG member agency, including DOD, believes that for national security reasons a particular urgency exists relative to the removal of a facility from the eligible list, such agency may, where disagreement develops or where immediate affirmative action is deemed essential and cannot be accommodated by the ISG, seek to have the President decide regarding such proposed removal.

(b) Any changes in the eligible list shall be submitted to the IAEA by State through the Mission as provided in Agreement Article 34, after the following notification by State to the Congress:

(1) For any addition, after 60 days notice to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs, which notice shall include an explanation of the basis on which the determination to make the addition was made, and if the Congress has not during said 60-day period passed a concurrent resolution of disapproval; and

(2) For any deletion, after notification to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs.

(c) State shall provide each of the ISG member agencies including DOD with a copy of the eligible list and changes thereto. The NRC shall make it available for inspection in the NRC Public Document Room.

G. IAEA Consultations

(a) The Director General of the IAEA, in selecting any facility under the Agreement, may seek to consult with the United States in the interest of avoiding discrimination among U.S. facilities in accordance with Agreement Article 2(c). Moreover, the U.S. and IAEA may likely consult to insure compliance with Agreement Article 22; and the United States may request consultations in accordance with Agreement Article 80. All matters concerning any such consultation shall be considered by the ISG.

(b) In addition to consultations contemplated in paragraph (a) of this Section, OES/N shall arrange for periodic consultations between the SAWG and the IAEA, in accordance with Agreement Article 19, to review progress in implementation of the Agreement and to consider any matter relevant to the Agreement which either party to the Agreement may raise.

H. Matters Raised by Facility Operators

Any question, complaint or request from a facility operator shall be directed to the NRC or DOE, as the case may be, which shall consider the matter in accordance with its established procedures. The ISG shall be available for consultation by the NRC or DOE on such matters. Any questions from a facility operator concerning any interpretation of the Agreement or the Arrangements, any question relating to the payment of invoices by the IAEA to the facility operator, and any request from a facility operator with respect to exemption or termination of safeguards, other than as provided for in an attachment, shall be addressed to the NRC or DOE as appropriate. NRC or DOE will advise OES/N of such question or request for consideration. If necessary the matter will be referred to the SAWG, the Negotiating Team, or the ISG for consideration or resolution.

I. Matters Raised by the IAEA

Any question, complaint, or request concerning implementation of the Agreement which is received from IAEA Headquarters by the Mission in accordance with Codes 1.1 of the Arrangements, and is not otherwise provided for in these procedures, shall be transmitted to OES/N. OES/N shall refer such matters to the SAWG, the Negotiating Team, the ISG, the NRC or DOE, as the case may be, for consideration and recommendation or resolution.

J. Matters Concerning IAEA Inspectors

(1) Any question, complaint or request for assistance from any IAEA inspector, while performing inspection activities in the United States, which is not resolved by personnel at the facility in question or through NRC or DOE contact, shall be referred to OES/N. The IAEA shall be provided with the names of designated officials in the NRC, DOE and OES/N for this purpose, including 24-hour telephone number information. OES/N shall advise the NRC or DOE as soon as possible whenever so contacted, to determine whether any immediate action is appropriate and to obtain any necessary assistance from the appropriate NRC or DOE official. If time and circumstances permit, the matter may be referred to the SAWG by OES/N, and, in any event, the SAWG shall be advised by OES/N of the matter and its resolution.

(2) Any question, complaint or request from a facility operator concerning an action by an IAEA inspector shall be addressed to the NRC or DOE, as appropriate. This shall be undertaken in the first instance by contacting an appropriate NRC or DOE official, if present at the facility. If necessary, a designated official at NRC or DOE headquarters shall be consulted. If not resolved by such consultation, the matter will then be addressed as described in Section H above.

(3) The NRC and DOE, as appropriate, shall be responsible for ensuring compliance with footnotes to Codes 3.2 of the Arrangements with respect to safety, radiation protection, and medical care of IAEA staff members carrying out functions under the Agreement.

K. Designation of IAEA Inspectors

Each proposal by the IAEA for designation of one or more inspectors for service in the United States which is received by the Mission shall be referred to the SAWG for consideration. If consensus cannot be reached, the matter will be referred to the ISG. State shall provide the U.S. response to each such proposal to the Mission for transmittal to the IAEA. OES/N shall maintain the list of IAEA inspectors formally designated for service in the United States and shall provide copies of the list, and changes as they occur, to each ISG member agency. The NRC and DOE may provide copies of such lists to facility operators under their respective jurisdictions for their information.

L. Notification of IAEA Inspections and Visits

NRC and DOE shall consult and provide to OES/N, and OES/N shall provide the IAEA, the name, telex address, and telephone number of an appropriate official and alternate to be contacted by the IAEA for advance, informal coordination and planning of any inspection or visit. This official shall coordinate preparation for each inspection or visit with any facility involved and provide timely responses directly to the IAEA. Such coordination shall be in preparation for the formal advance notification of each IAEA inspection and visit (Agreement Article 81 and Protocol Aritcle 11(b)) which, when received by the Mission, shall be provided to State by telegram, with the NRC and DOE as information addresses. OES/N shall maintain a schedule of each planned IAEA inspection or visit and provide copies to the ISG member agencies. The operator of each facility to be inspected or visited shall be so informed by the NRC or DOE, as the case may be, which shall also arrange for the IAEA inspector to be accompanied by one or more NRC or DOE representatives. DOE or NRC as appropriate shall, to the extent possible, accommodate requests by SAWG members to be present during inspections.

M. Reports by the IAEA

Reports by the IAEA, in accordance with Agreement Articles 41, 64 and 88, of its inspections and other safeguards activities in the United States, when received by the Mission, shall be transmitted to State. OES/N shall provide copies to the ISG member agencies and shall also maintain a file of such reports.

N. Implementation Reports

SAWG, on the basis of information collected by the NRC and DOE and information obtained from the IAEA, may prepare periodic reports concerning implementation of the Agreement, including, *inter alia*, pertinent statistics, lists of facilities inspected, and other relevant data for the information of government agencies, the Congress and the public.

O. Agreement Article 22

State shall institute steps as necessary to suspend, for the duration of the Agreement, the application of IAEA safeguards in the United States under other safeguards agreements with the IAEA. State shall maintain a list of the agreements, required by Code 3.8.1 of the Subsidiary Arrangements, under which the application of such safeguards has been suspended and shall provide this list and all subsequent changes to each ISG member agency. DOE shall prepare the reports required by Codes 3.8.2 and 3.8.3 of the Subsidiary Arrangements for delivery of these reports to State for transmission by State to the IAEA within the time limits stipulated in Codes 3.8.2 and 3.8.3. DOE shall also be responsible for the monitoring function called for in footnote 3 of Code 3.8 of the Subsidiary Arrangements and for reporting, at least annually, to State the results of such monitoring.

P. Role of these Procedures and their Modification

(1) *Scope.* These procedures are for the purpose of interagency coordination and shall not affect the internal coordination mechanism of any agency. These procedures establish requirements solely applicable to certain agencies of the United States Government, rather than individuals, and, accordingly, are not rules within the meaning of the Administrative Procedure Act.

(2) *Amendment.* These procedures may be amended from time to time by the ISG. However, any proposed changes that affect additions to, or deletions from, the list of facilities eligible for the application of safeguards must be concurred in by DOD.

Dated: May 14, 1981.

John P. Boright,

Director, Office of Nuclear Technology and Safeguards.

[FR Doc. 81-16379 Filed 6-1-81; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 27]

Cornhusker Casualty Company; Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to Cornhusker Casualty Company, Omaha, Nebraska, under Sections 6 to 13 of Title 6 of the United States Code, as an acceptable surety on Federal bonds is hereby terminated, effective June 30, 1981.

The company was last listed as an acceptable surety on federal bonds at 45 FR 44503, July 1, 1980.

With respect to any bonds currently in force with Cornhusker Casualty Company, bond-approving officers of the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226, Telephone 202-634-5010.

Dated: May 27, 1981.

W. E. Douglas,

Commissioner.

[FR Doc. 81-16401 Filed 6-1-81; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1980 Rev., Supp. No. 26]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $349,000 has been established for the company.

Name of Company: DELTA CASUALTY COMPANY
Business Address: 4711 North Clark Street, Chicago, Illinois 60640
State of Incorporation: Illinois

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1980 Revision, at page 44504 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: May 27, 1981.

W. E. Douglas,

Commissioner.

[FR Doc. 81-16402 Filed 6-1-81; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Special Medical Advisory Group; Meeting

The Veterans Administration gives notice under 38 U.S.C. 4112, that a

meeting of the Special Medical Advisory Group will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, on June 24 and 25, 1981. The purpose of the Special Medical Advisory Group is to advise the Administrator and the Chief Medical Director relative to the care and treatment of disabled veterans, and other matters pertinent to the Veterans Administration's Department of Medicine and Surgery.

The sessions will convene at 8:30 a.m. both days. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Barbara Pryor, Executive Secretary, Special Medical Advisory Group, Veterans Administration Central Office (phone (202) 389-2298) prior to June 5, 1981.

Dated: May 22, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-16359 Filed 6-1-81; 8:45 am]

BILLING CODE 8320-01-M

V 4 6 / 1 0 5

J E 2

8 1

UMI

Suns

This sectio
contains r
under the
Act" (Pub.
552b(e)(3).

CONTEN

Civil Aeron
Federal El
Federal M
Review C
Federal Re
Internationa
National Tr

1

CIVIL AERO

[M-317; Ma

TIME AND

PLACE: Ro
Avenue, N

SUBJECT:

1. Ratificati
2. Docket 34
Panama,
Review (
3. Docket 33
Acquisiti
Iacovelli
arbitratio
Board's s
provisons
4. Dockets 3
Airways,
Airlines,
Co., Inc. c
applicatio
Service C
5. Commute
Evanson
(BDA)
6. Commute
AAA Air
BDA)
7. Commute
Puerto Ri
(BDA)
8. Docket 39
Airlines t
Mount/W
OCCR)
9. Dockets 3
Air Pacifi
Chico, Ca
10. Dockets
notices of
Roswell a
Carlsbad
546, BDA
11. Docket 3
to termina

Sunshine Act Meetings

Federal Register
Vol. 46, No. 105
Tuesday, June 2, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Federal Election Commission	2
Federal Mine Safety and Health Review Commission	3, 4
Federal Reserve System	5
International Trade Commission	6
National Transportation Safety Board	7, 8

1

CIVIL AERONAUTICS BOARD.

[M-317; May 28, 1981]

TIME AND DATE: 10 a.m., June 4, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 34141, *Application of Trans-Panama, S.A.*—Order on Discretionary Review (Memo 544, OGC)
3. Docket 33712, *Tiger International-Seaboard Acquisition Case*, petitions of Mr. Michael Iacovelli and Mr. Gray Marcus to compel arbitration of disputes arising under the Board's standard labor protective provisons (LPPs) (OGC)
4. Dockets 39437, 39645 and 39438, DHL Airways, Inc. t/a DHL Airlines, t/a DHL Airlines, Inc. and Two Americas Trading Co., Inc. d/b/a ICB International Airlines—application for section 418 All-Cargo Air Service Certificates (Memo 538-A, BDA)
5. Commuter carrier fitness determination of Evanson Aviation, Inc. d/b/a Bridger Air (BDA)
6. Commuter carrier fitness determination of AAA Air Enterprises, Inc., (Memo 545, BDA)
7. Commuter carrier fitness determination of Puerto Rico International Airlines, Inc. (BDA)
8. Docket 39602, Thirty Day Notice of Sunbird Airlines to suspend service at Rocky Mount/Wilson, NC (Memo 537, BDA, OCCR)
9. Dockets 36445 and 36538-Notice of Intent of Air Pacific, Inc,. to supsend service at Chico, California (BDA, OCCR, OC)
10. Dockets 39422, 39423, and 39424—90 day notices of Air Midwest to reduce service at Roswell and to terminate service at Carlsbad and Hobbs, New Mexico (Memo 546, BDA OCCR)
11. Docket 39345, Notice of Frontier Airlines to terminate service at Gallup, New Mexico and between Farmington and Albuquerque, New Mexico (Memo 547, BDA OCCR)
12. Docket EAS-379; Petition for Modification of the Lakeland Essential Air Transportation Determination filed by the City of Lakeland (Memo 121-A, OGC, OCCR, BDA)
13. Docket 38003, Application of Western for compensation for losses at Sheridan, Wyoming (BDA, OCCR, OC)
14. Dockets 38329 and 36119: Final rule to Liberalize regulation of intermodal services of air carriers and foreign air carriers; elimination of pick-up and delivery tariff requirements (BIA, OGC, BALJ, BCCP, BDA, OEA)
15. Docket 39339, Application of Arab International Airlines, Inc. (ARABIA) for an exemption from section 402 of the Act to the extent necessary to allow it to sell tickets in the United States for flights exclusively outside U.S. airspace (BDA, OGC)
16. Docket 39265—Application of TWA for issuance of a certificate to operate between the United States and Canada (BIA, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-860-81 Filed 5-29-81; 3:23 pm]

BILLING CODE 6320-01-M

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, June 4, 1981 following open meeting.

PLACE: 1325 K Street, N.W., Washington, D.C. 20024.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Presidential audits.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,
Secreary of the Commission.

[S-862-81 Filed 5-29-81; 3:42 pm]

BILLING CODE 6715-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

May 27, 1981.

TIME AND DATE: 9:30 a.m., Wednesday, June 3, 1981 (previously scheduled for 10:00 a.m.).

PLACE: Room 600, 1730 K Street, NW, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Brown Brothers Sand Company, Docket No. BARB 79-312-PM, etc. (Petition for Discretionary Review).
2. King Knob Coal Company, Docket No. WEVA 79-360 (issues include interpretation and application of 30 CFR § 77.410).
3. Secretary of Labor on behalf of Bobby Gooslin v. Kentucky Carbon Corporation, Docket No. KENT 80-145-D (issues relate to nature and scope of temporary reinstatement hearing provisions of Commission Rule 44).
4. Penn Allegh Coal Company, Inc., Docket No. PITT 78-97-P (issues include interpretation and application of 30 CFR § 75.1710-1).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-858-81 Filed 5-29-81; 1:50 pm]

BILLING CODE 6820-12-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

May 27, 1981.

TIME AND DATE: 10 a.m., Wednesday, June 3, 1981.

PLACE: Room 600, 1730 K Street, NW, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Brown Brothers Sand Company, Docket No. BARB 79-312-PM, etc. (Petition for Discretionary Review).
2. King Knob Coal Company, Docket No. WEVA 79-360 (issues include interpretation and application of 30 CFR § 77.410).
3. Secretary of Labor on behalf of Bobby Gooslin v. Kentucky Carbon Corporation, Docket No. KENT 80-145-D (issues relate to nature and scope of temporary reinstatement hearing provisions of Commission Rule 44).
4. Penn Allegh Coal Company, Inc., Docket No. PITT 78-97-P (issues include interpretation and application of 30 CFR § 75.1710-1).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-859-81 Filed 5-29-81; 1:50 pm]

BILLING CODE 6820-12-M

5

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 9:30 a.m., Friday, May 29, 1981. The business of the Board

requires that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: May 29, 1981.

James McAfee,

Assistant Secretary of the Board.

[S–661–81 Filed 5–29–81, 3:39 pm]

BILLING CODE 6210–01–M

6

UNITED STATES INTERNATIONAL TRADE COMMISSION.

[USITC SE–81–15]

TIME AND DATE: 10 a.m., Tuesday, June 9, 1981.

PLACE: Room 117, 701 E. Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Wood stoves (Docket No. 731).
5. Investigation 731–TA–42 (Motorcycle Batteries from Taiwan)—briefing and vote.
6. Investigation 337–TA–87 (Certain Coin-Operated Audio-Visual Games and Components Thereof)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–655–81 Filed 5–29–81; 10:15 am]

BILLING CODE 7020–02–M

7

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–81–20]

TIME AND DATE: 9 a.m., Tuesday, June 9, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report:* TWA B–727, N840TW, Saginaw, Michigan, April 4, 1979.
2. *Aircraft Accident Report:* Georgia-Pacific Corporation Cessna 500 Citation, N501P, Mercer County Airport, Bluefield, West Virginia, January 21, 1981, and Recommendations to the Federal Aviation Administration.
3. *Marine Accident Report:* Collison of Panamanian Bulk Carrier M/V SEADANIEL and German Containership M/V TESTBANK near Shell Beach, Louisiana, July 22, 1980, and *Recommendations* to the U.S. Coast Guard, the owner of the vessel, the Materials Transportation Board, the Crescent River Port Pilots Association, and the National Cargo Bureau, Inc.
4. *Highway Accident Report:* Multiple-Vehicle Collisions and Fire, Interstate 15, Near San Bernardino, California, November 10, 1980, and *Recommendations* to the National Highway Traffic Safety Administration and the State of California.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

May 29, 1981.

[S–656–81 Filed 5–29–81, 12:52 pm]

BILLING CODE 4910–58–M

8

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–81–21]

TIME AND DATE: 9 a.m., Thursday, June 11, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first item will be open to the public; the last two will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. Discussion of whether to grant the Airline Pilots Association's request for oral argument regarding petition for reconsideration of probable cause in aircraft accident, Pacific Southwest Airlines, Inc. Boeing, 727, and Cessna 172G, N7711G, San Diego, California, September 25, 1978.
2. *Opinion and Order:* Administrator v. Gad, Docket SE–4791.
3. *Opinion and Order:* Administrator v. Lau, Docket SE–4708.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

May 29, 1981.

[S–657–81 Filed 5–29–81; 12:52 pm]

BILLING CODE 4910–58–M

V46 / 105 JE 2 81 1 UMI

Federal Register

Tuesday
June 2, 1981

Part II

Department of Education

Privacy Act Systems; Annual Publication

DEPARTMENT OF EDUCATION

Office of Public Affairs

Privacy Act Systems: Annual Publication

AGENCY: Department of Education.

ACTION: Annual publication of notices of systems of records.

SUMMARY: This annual publication of the Department of Education's notices of systems of records is required by law, 5 U.S.C. 552a(e)(4), and is complete as of March 20, 1981. This listing contains no material which would require a new or altered system report as described in OMB Circular A–108, nor does it contain any new routine uses. The notices in this listing include changes for the purposes of completeness, clarity, timeliness, and correctness.

FOR FURTHER INFORMATION CONTACT: Jack L. Billings, Office of Assistant Secretary for Public Affairs, Department of Education, Room 4169, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 426–6573.

SUPPLEMENTARY INFORMATION:

Systems Covered by this Notice

The Department of Education came into existence on May 4, 1980. This is the first annual publication of systems of records used by the Department. Most of the systems of records maintained by the Department are systems that were used by the component agencies of the Education Division of the former Department of Health, Education, and Welfare (DHEW). The Department also uses a number of systems of records that contain information formerly contained in systems of records maintained by the Office of the Secretary of DHEW. The following systems fall into this category:

18–01–0001 Secretary's Communication Control System
18–01–0002 Federal Advisory Committee Candidate Files
18–06–0001 Freedom of Information Case File and Correspondence Control Index
18–06–0002 Biographies and Photographs of ED Officials
18–08–0001 Case Information Management System (Office of Civil Rights)
18–08–0002 Complaint Files and Log, Office of Management and Administration
18–09–0001 Administrative Claims
18–09–0002 Office of the General Counsel, Attorney Applicant Files
18–09–0003 Conflict of Interest—Standards of Conduct Records
18–09–0004 Federal Private Relief Legislation
18–09–0005 Litigation Files, Administrative Complaints, and Adverse Personnel Actions
18–10–0001 Investigative Files of the Inspector General
18–11–0001 Motor Vehicle Operator Records
18–11–0002 Departmental Parking Control
18–11–0003 Family Education Rights and Privacy Act—School Recordkeeping Practices, Correspondence, and Complaint System
18–11–0005 Safety Management Information System
18–11–0006 Telephone Directory/Locator System
18–11–0007 Applicants for Employment Records
18–11–0009 Discrimination Complaints Records System
18–11–0010 Employee Alcoholism, Drug Abuse and Emotional Problem Counseling and Referral Records
18–11–0011 Employee Appraisal Program Records
18–11–0012 Executive Development System
18–11–0014 Grievances Filed Under the Informal Grievance Procedures
18–11–0015 Grievances Records Filed Under Procedures Established by Labor-Management Negotiations
18–11–0018 Personnel Records in Operating Offices
18–11–0019 Special Employment Programs
18–11–0020 Suitability for Employment Records
18–11–0022 Volunteer EEO Support Personnel Records
18–11–0023 Unfair Labor Practice Records

Law Envorcement Education System, 18–18–0002 was transferred to the Department of Education from the Justice Department.

The following systems of records published by DHEW, have been deleted because they no longer exist.

09–40–0075 Women in Executive Positions in Higer Education
09–40–0048 Participants in ESEA Title VIII Bilingual Education of Elementary Programs
09–42–0017 Research for Better Schools Experienced Based Career Education Record System
09–42–0018 Appalachia Educational Laboratory Experienced Based Career Education Record System
09–42–0020 Educational Testing Service Experienced Based Career Education
09–42–0081 Compensatory Education Study

Three new systems are published separately because they have just been established.

18–18–0001 Fellowship Nomination Listing for Graduate and Professional Opportunities Program; Public Service Education Program; and Domestic Mining and Mineral and Mineral Fuel Conservation Program
18–20–0002 Fund for Improvement of Postsecondary Education National Board
18–21–0001 The National Longitudinal Studies Program: The High School Class of 1972 and the High School and Beyond

Disclosure of Information

The Privacy Act of 1974 limited the conditions under which an agency could disclose information contained in a system of records. These conditions are contained in Title 5 of the United States Code, section 522a(b) and are quoted below:

"(b) Conditions of Disclosure—No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agnecy, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be—

"(1) to those officers and employees of the agnecy which maintains the record who have a need for the record in the performance of their duties;

"(2) required under section 552 of this title [the Freedom of Information Act];

"(3) for a routine use * * * [see discussion regarding routine uses which follows this list];

"(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

"(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

"(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

"(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or

criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

"(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) to the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office; or

"(11) pursuant to the order of a court of competent jurisdiction."

Routine Uses

Paragraph (b)(3) of section 552a permits disclosure for a routine use. A routine use is a use of a record for a purpose which is compatible with the purpose for which the record was collected. Each routine use for which an agency may disclose a record must be published in the notice of the system of records for which the use will apply. Many of the systems of records maintained by the Department use standard routine uses. These standard routine uses were published in Appendix B to the Department's Privacy Act regulations (34 CFR Part 5b, May 9, 1980, 45 FR 30808). A system that adopts a standard routine use refers to Appendix B. For ease of reading, the routine uses listed in Appendix are appended to this document before the Index of Systems and System Numbers.

Dated: May 22, 1980.

T. H. Bell,

Secretary of Education.

Appendix B of Departmental Regulations

[34 CFR Part 5b]

Routine Uses Applicable To More Than One System of Records Maintained by ED

(1) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(4) A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(5) In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(6) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(7) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(8) Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(10) To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

(11) Disclosures in the course of employee discipline or competence determination proceedings.

A complete index of systems of records covered by this notice follows:

Index of Systems and System Numbers

18–01–0001 Secretary's Communication Control System
18–01–0002 Federal Advisory Committee Membership Files
18–06–0001 Freedom of Information Case File and Correspondence Control Index
18–06–0002 Biographies and Photographs of ED Officials
18–08–0001 Case Information Management System (OCR)
18–08–0002 Complaint Files and Log, Office of Management and Administration
18–09–0001 Administrative Claims
18–09–0002 Attorney Applicant Files (OGC)
18–09–0003 Conflict of Interest-Standards of Conduct Records
18–09–0004 Federal Private Relief Legislation
18–09–0005 Litigation Files, Administrative Complaints and Adverse Personnel Actions
18–10–0001 Investigative Files of the Inspector General
18–11–0001 Motor Vehicle Operator Records
18–11–0002 Departmental Parking Control
18–11–0003 Family Educational Rights and Privacy Act, School Recordkeeping Practices, Correspondence and Complaint System

18–11–0005 Safety Management Information System
18–11–0006 Telephone Directory/Locator System
18–11–0007 Applicants for Employment Records
18–11–0009 Discrimination Complaints Records System
18–11–0010 Employee Alcoholism, Drug Abuse and Emotional Problem Counseling and Referral Records
18–11–0011 Employee Appraisal Program Records
18–11–0012 Executive Development System
18–11–0014 Grievances Filed Under the Informal Grievance Procedures
18–11–0015 Grievance Records Filed Under Procedures Established by Labor Management Negotiations
18–11–0018 Personnel Records in Operating Offices
18–11–0019 Special Employment Programs
18–11–0020 Suitability for Employment Records
18–11–0022 Volunteer EEO Support Personnel Records
18–11–0023 Unfair Labor Practice Records
18–15–0001 Consultants for Federal Technical Assistance Program, Vocational Rehabilitation Services
18–15–0002 Office of Rehabilitation Services Mailing Lists
18–15–0003 Mailing Keys
18–15–0004 Correspondence Files
18–18–0002 Law Enforcement Education System
18–20–0001 Support for Improvement of Postsecondary Education; FIPSE Field Readers
18–40–0002 Registry of Deaf-Blind Children Regional-National
18–40–0003 Students Participation in Deaf-Blind Programs Under Centers and Services for Deaf-Blind Children
18–40–0004 Parent Participants in Deaf-Blind Programs provided by Regional Centers for Deaf-Blind Children
18–40–0005 Participant Waiting List for Projects Serving Severely Handicapped Children and Youth
18–40–0006 Participants of Projects Serving Severely Handicapped Children and Youth
18–40–0007 Participants in Workshops Concerning Severely Handicapped Children and Youth
18–40–0011 Upward Bound Information Systems
18–40–0012 Migration and Refugee Assistance Act of 1962
18–40–0013 National Defense Direct Student Loan Program Request for Cancellation of Loan of Ground of Permanent and Total Disability
18–40–0014 Pell Grant Application File
18–40–0015 Pell Grant Student Eligibility Report Sub-system
18–40–0016 Pell Grant Alternate Disbursement System
18–40–0017 Student Financial Assistance Validation File
18–40–0018 Mutual Educational and Cultural Exchange Act—Teacher Exchange
18–40–0019 National Defense Education Act Foreign Language and Area Studies Fellowship Program—Fellows and Alternates
18–40–0020 Mutual Educational and Cultural Exchange Act—Doctoral Dissertation Research Abroad and Faculty Research Abroad, Fellows and Alternates
18–40–0021 Student Financial Assistance—Compliance Files
18–40–0022 Student Financial Assistance—Student Complaint Files
18–40–0023 Defaulted Guaranteed Loans submitted to the Department of Justice
18–40–0024 Guaranteed Loan Program—Loan Application File
18–40–0025 NDSL Student Loan Files
18–40–0026 Guaranteed Loan Program—Paid Claims File
18–40–0027 Guaranteed Loan Program—Claims and Collection Master File
18–40–0028 Guaranteed Loan Program—Collection Letters
18–40–0029 Guaranteed Loan Program—Inactive Loan Control Master File
18–40–0078 Fellowships for Indian Students—Applications and Awards
18–42–0019 Far West Laboratory Experienced Base Career
18–42–0065 NIE Outside Experts
18–42–0079 Travel—Official Travel of NIE Personnel
18–42–0082 National Council on Educational Research Mailing Lists
18–42–0083 National Council on Educational Research—Current and Past Information on Members of the Council and Consultants

18–01–0001

SYSTEM NAME:

Secretary's Communications Control System. ED/OS/ES.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Executive Secretary to the Department, Room 4181, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contacted the Secretary or Under Secretary or who have been contacted in writing by them.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes the Secretary's and Under Secretary's official files and Congressional correspondence within an Executive Secretariat, specifically hard copies of official documents signed or initialed by the Secretary or Under Secretary; also control information from the Secretary's and Under Secretary's correspondence to include a subject narrative, organization drafting the response, and type of action required from the Department. This information is also contained on computer magnetic tape, and computer disc units.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard copy filed in standard file cabinets.

RETRIEVABILITY:

Official files of the Secretary and Under Secretary are indexed by subject and name in addition to chronological cross-reference. Records are available to staff of the Executive Secretariat for reference purposes in staffing out issues of concern to the Secretary or Under Secretary. Certain other records are available to staff responsible for preparation of responses to inquiries, and are used for control purposes.

SAFEGUARDS:

Direct access is limited to the staff of the Executive Secretariat. Access is limited during non-working hours to hard copy records to those individuals with access to file cabinets and areas where records are stored. Remote computer terminal locations are protected with individual user identification numbers and passwords to the computer system. Where possible, computer terminal locations are locked during non-working hours.

RETENTION AND DISPOSAL:

Hard copy records are maintained for three years and then retired to National Archives. Control and Congressional records are computer stored indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary to the Department, Room 4181, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager at the above address. The inquirer should indicate the name of the individual with whom the Secretary or Under Secretary corresponded, the date of the subject documents and should reasonably specify the subject matter of the issue involved.

RECORD ACCESS PROCEDURES:

Same as notification procedures. (These access procedures are in accordance with Department Regulations (34 CFR, Part 5 and 5.13, Subtitle A, 45 FR 30810, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Records are derived from documents signed or initialed by the Secretary or Under Secretary. Computer records are derived from the incoming correspondence for the Secretary and Under Secretary.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-01-0002

SYSTEM NAME:

Federal Advisory Committee Membership Files, ED–OASM–HR–CMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See system manager below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been or are presently members of or are being considered for membership on advisory committees within the jurisdiction of the Department of Education. Additionally the system of records contains information about members of the public who have requested that they receive various publications through the inclusion of their names and addresses on various mailing lists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information maintained on those individuals who have requested participation on mailing lists is limited to name and mailing address. Information maintained on individuals who are past, present, or recommended members of advisory committees subject to this notice consists of one or more of the following: name, title, sex, place and date of birth, home address, business address, organizational affiliation, phone number, degrees held, general educational background, ethnic background, resume, curriculum vitae, dates of term on advisory committee, status on advisory committee, reason for leaving advisory committee, previous or current membership on other advisory committees, special qualifications of the individual for the advisory committee membership, source who recommended the individual for membership on advisory committee and miscellaneous correspondence. Additionally, memoranda justifying the individual's selection are included in the file in cases in which the individual has served repetitively on advisory committees, has not had a one-year break in service on advisory committees, or where various statutory or other requirements for advisory committee membership cannot be met.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Advisory Committee Act (5 U.S.C. Appendix I).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Annual Report to the President; administrative reports to OMB and GSA. In accordance with Department Regulations (34 CFR Part 5b, Appendix B, items 1 and 3). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard-copy filed in file cabinets on index cards.

RETRIEVABILITY:

For the most part records are maintained in an alphabetical index by name of the individual. Certain files are based on other factors, e.g. Advisory Committee name, with a cross index based on an alphabetical listing of individuals. Records from the system are available to the staffs of the respective Advisory Committees and other Departmental staff on a need-to-know basis. Uses include special administrative reports; quarterly alphabetical listings of past, present and recommended members of Advisory Committees; and other administrative needs.

SAFEGUARDS:

Direct access to records is restricted to authorized personnel through locked files, rooms, and buildings as well as building pass and security guard sign-in systems.

RETENTION AND DISPOSAL:

Retention is variable from one year to permanent retention depending upon the type of record, e.g., names of former members of advisory committees are retained permanently. Certain records are disposed of by referral to the Federal Records Center. Others are disposed of as trash by the system manager or office of security depending upon the confidentiality of the information contained on the record.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Education, Committee Management Officer, Room 2135, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department

Regulations (34 CFR 5b.5(a)(2)), 45 FR 30809, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7), 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

The vast majority of information contained in records on individuals is obtained directly from the individual. Other information in the form of references and recommendations is obtained from other private individuals, program personnel, biographical reference books, private organizations, former employers, regional office of ED, Members of Congress, and other government sources.

18-06-0001

SYSTEM NAME:

Freedom of Information Case File and Correspondence Control Index. ED/OASPA/AU.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4169, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202 (See Appendix I following).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or organizations requesting access to inspect and/or copy records of the Department under provisions of the Freedom of Information Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Control number, name, address, and other individually identifying information about the requester and the records sought.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act, Pub. L. 93-502 (5 U.S.C. 552), ED Public Information Regulation (34 CFR Part 5).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information will be released for the purposes cited in Appendix B of the Department's Privacy Act regulations (34 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to affect directly the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Department of Justice has agreed to represent such employee. The Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original or copy of incoming request and written response maintained in case file jackets and corresponding control log.

RETRIEVABILITY:

For the most part, records are indexed by name of individual requester. Records are available to FOI staff involved in correspondence and investigative processes, including appeals officials and staff members of the Office of the General Counsel.

SAFEGUARDS:

Records are maintained in Conserva-File cabinets in the office of the Freedom of Information Officer and in public affairs offices throughout the Department, with limited access.

RETENTION AND DISPOSAL:

Individual case files are maintained for two years and then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Freedom of Information Officer, Room 4196, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202, (See Appendix I at the end of this system (18-06-0001)).

NOTIFICATION PROCEDURE:

System manager. Address same as above.

CONTESTING RECORD PROCEDURES:

Same as under record access.

RECORD SOURCE CATEGORIES:

Individuals and organizations making request under the Freedom of Information Act or from components of the Department reporting on the handling of such requests for inclusion in the annual report to Congress.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I—Regional Denial Officers

Region I: Deputy Regional Director, OCR, 140 Federal Street, 14th Floor, Boston, MA 02110
Region II: Regional Director, OCR, 26 Federal Plaza, Room 33-130, New York, NY 10278
Region III: Assistant to the Secretary's Representative, P.O. Box 13716, Philadelphia, PA 19101
Region IV: Regional Director, OCR, 101 Marietta Street, N.W., Suite 2702, Atlanta, GA 30323
Region V: Education Program Specialist, Division of Dissemination, OEP, 300 South Wacker Drive, 32nd Fl., Chicago, IL 60606
Region VI: Education Program Specialist, 1200 Main Tower Building, Room 1455, Dallas, TX 75202
Region VII: Education Program Specialist, OEP, 324 East 11th Street, 9th Floor, Kansas City, MO 64106
Region VIII: Public Information Specialist, 1961 Stout Street, Denver, CO 80294
Region IX: Education Program Specialist, OEP, 50 United Nations Plaza, San Francisco, CA 94102
Region X: Education Program Specialist, OEP, 1321 Second Avenue, Mail Stop 1516, Seattle, WA 98101

18-06-0002

SYSTEM NAME:

Biographies and Photographs of ED Officials. ED/OASPA/N.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Assistant Secretary for Public Affairs, News Division, Room 2089, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

ED employees in key management and technical positions, such as the Secretary, Under Secretary, Assistant Secretaries, Deputy Assistant Secretaries, Unit Managers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical files consist of approved, printed personal and professional resumes and standard portrait pictures and biographical and professional questionnaires providing name, title, office location, telephone number, date of appointment to ED, date of birth, place of birth, marital status, spouse's name, children's names, education, military service, professional career data, professional affiliations, publications and articles authored,

V 4 6 / 1 0 5 J E 2 8 1 UMI

awards, citations, prizes and honors received, civic, social and fraternal associations, outside interests, such as hobbies, sports, recreation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

These records are maintained and made available to staff of the Department who have a need for photographs or background information on top officials of ED.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in individual and combined files and stored in standard five-drawer file cabinets.

RETRIEVABILITY:

Records are indexed by the name in alphabetical order. These records are made available to staff of the Department who have a need for photos or background information on these officials.

SAFEGUARDS:

Files are maintained in the offices of Public Affairs and requests are honored on a "need to know" basis only.

RETENTION AND DISPOSAL:

Records are periodically updated as circumstances warrant relative to promotions, reassignment, resignations, death.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Public Affairs, News Division, Room 2089, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Records are provided by individuals who are, therefore, aware their records are being maintained.

RECORD ACCESS PROCEDURES:

Requesters should reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)), 45 FR 30809, May 9, 1980.

CONTESTING RECORD PROCEDURES:

Contact the system manager and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR, 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

Individuals provide some information, other material is furnished by agency public information offices. The biographies are cleared with the individuals whose biography they represent prior to release to the public and the news media.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–08–0001

SYSTEM NAME:

Case Information Management System. ED/OCR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix I at the end of this system (18–08–0001).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons filing complaints with the Office for Civil Rights.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, characteristics of complaint and critical events in OCR's processing of the complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI of the Civil Rights Act of 1964, Title IX and VII of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Report on current status of complaint processing. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk and tape.

RETRIEVABILITY:

Records are indexed by case or complaint number, but may be recalled by name, address, or any other characteristics by OCR staff engaged in compliance activities.

SAFEGUARDS:

The physical data processing storage is controlled by the Department of Health and Human Services, Data Management Center and Office for Civil Rights ADP personnel using Standard appropriate security methods. This agency references data through communication terminals with access controlled by passwords.

RETENTION AND DISPOSAL:

Indefinite retention. Disposal by electronic erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary for Planning and Compliance Operations, Room 5074, Switzer, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager in preceding paragraph. Provide name, address, and name of institution, contractor, or ED

program with which individual has contract.

RECORD ACCESS PROCEDURES:

Same as notification procedures: Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)), 45 FR 30809, May 9, 1980.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7) 45 FR 30810, May 9, 1980.)

RECORD SOURCE CATEGORIES:

Information in complaint investigation files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I: This system is located at ED offices in the following cities:

ED Office for Civil Rights, Room 5074, Switzer Bldg., 400 Maryland Avenue, S.W., Washington, D.C. 20202
Region I, Regional CR Director, 140 Federal Street, Boston, MA 02110
Region II, Regional CR Director, 26 Federal Plaza, New York, NY 10007
Region III, Regional CR Director, Post Office Box 13716, 3535 Market Street, Philadelphia, PA 19101
Region IV, Regional CR Director, 101 Marietta Street, Atlanta, GA 30303
Region V, Regional CR Director, 300 South Wacker Drive, 8th Fl., Chicago, IL 60606
Region VI, Regional CR Director, Plaza Nine Building, 55 Erieview Plaza, Cleveland, OH 44114
Region VII, Regional CR Director, 1200 Main Tower Building, Dallas, TX 75202
Region VIII, Regional CR Director, 12 Grand Building, 1150 Grand Avenue, Kansas City, MO 64106
Region IX, Regional CR Director, Federal Building, 1961 Stout Street, Denver, CO 80294
Region X, Regional CR Director, 1275 Market Street, 14th Floor, San Francisco, CA 94103
Region XI, Regional CR Director, 1321 Second Avenue, MS/723, Seattle, WA 98101

18-08-0002

SYSTEM NAME:

Complaint Files and Log, Office of Planning and Compliance Operations, ED/OCR/OPCO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix I to Case Information Management System, ED/OCR SYSTEM 18-08-0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file complaints with the Department concerning discrimination under Title VI, Title IX, and Section 504 of the Rehabilitation Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint allegation, results of investigation of the allegation, correspondence related to the complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI of the Civil Rights Act; Title IX of the Education Amendments of 1972; Emergency School Assistance Act; Section 504 of the 1973 Rehabilitation Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are maintained to record the results of the investigation so that OCR can determine if there was discrimination as charged in the original complaint. Files may be referred, as necessary, for similar purposes to the Departments of Justice, and Labor of the Equal Employment Opportunity Commission. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and file cards.

RETRIEVABILITY:

By name for use by OCR staff in complaint investigations.

SAFEGUARDS:

Printed materials are filed in lockable cabinets. The Department's Regulations (ADP Systems Security, part 6) govern the control.

RETENTION AND DISPOSAL:

2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary for Planning and Compliance Operations, Room 5074, Switzer, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager (above). Include name and address of complainant, a copy or summary of allegations contained in the original complaint, name of the institution against which the allegation was filed, and the date of the original allegation.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR Section 5b.5(a)(2)) 45 FR 30810, May 9, 1980.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7), 45 FR 30810, May 9, 1980.

RECORD SOURCE CATEGORIES:

Complaint information filed with the Department by or on behalf of the individual complainant, also data provided by the alleged discriminator and other parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-09-0001

SYSTEM NAME:

Administrative Claims, ED/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of General Counsel, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

ED employees, recipients of Federal assistance under ED funded programs, and members of the public who have a claim against ED or against whom ED has a claim—Federal Torts Claims Act, Military Personnel and Civilian Employees Claims Act, Federal Claims Collection Act, Act for Waiver of Overpayment of Pay.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information that is pertinent to the particular claim being asserted, including accident reports, hospital records, charges for medical service; certifications of overpayments, audits of payroll accounts during period of overpayments, earning and leave statements; claims officers memorandum, final determinations made on claims, identity of debtors and information pertaining to how debts arose.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Torts Claims Act (28 U.S.C. 2671–2680, 1346(b); Waiver of Overpayment of Pay Act (5 U.S.C. 5584; Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240 *et seq.*; Federal Claims Collection Act, 31 U.S.C. 951–953.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses of these records are primarily for adjudicating claims between the U.S. and private parties. Records are used in communicating with, amoung other, Federal, State, and local law enforcement agencies, private individuals, private and public hospitals, allegedly negligent parties, private attorneys, insurance companies, the United States Attorney and other Federal officials and agencies, individual law enforcement officers, and tribal officials. These communications are all for the purpose of investigating, settling, or litigating claims. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreeed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Also, the Department may disclose a record for the purposes described in Departmental Regulations (34 CFR Part 5b, Appendix B, items: (1), (3), (4), (5), (8).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Legal size files in filing cabinets.

RETRIEVABILITY:

Retrieved by name of the non-Government party, whether claimant, plaintiff, or alleged debtor. In some instances, these records are retrievable by cross reference to index cards, containing name of the party involved and the subject matter.

SAFEGUARDS:

Office buildings in which files are kept are locked after the close of the business day. These files are only accessible to General Counsel staff.

RETENTION AND DISPOSAL:

The records are maintained for an indefinite duration.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the system policies and practices outlined above is: The General Counsel, Department of Education, Office of the General Counsel, Room 4091, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be addressed to the system manager. (These notification and access procedures are in accordance with Department Regulations (34 CFR, Section 5b.5) **Federal Register**, May 9, 1980, page 30809.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)), 45 FR 30809, May 9, 1980.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7) 45 FR 30810, May 9, 1980.

RECORD SOURCE CATEGORIES:

The information in this system comes from a number of sources including private individuals, private and public hospitals, doctors, law enforcement agencies and officials, private attorneys, accident reports, third parties, claimants for beneficiaries and their relatives, other Federal agencies, State and local governments, agencies and instrumentalities.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-09-0002

SYSTEM NAME:

OGC-Attorney Applicant Files. ED/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See system location on the Administrative Claims System, 18–40–0062.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Attorney Applicants for positions in the Office of the General Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Attorney Applicant system consists of a variety of records relating to persons applying for attorney positions. These records contain information about an individual's birth date; home address; telephone number; social security number; educational background (e.g., law schools attended and grades); past work experience; writing samples furnished on request; recommendations from past employers and academic officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301 *et seq.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any

component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, alphabetized by name, and in some cases the records are separated by individual law school affiliation and by the date the application is received. In some instances records are located in lockable conserva-file cabinets and in a locked secured room with access limited to those officials whose duties require access. In other instances records are maintained in file rooms or with other Office of General Counsel files.

RETRIEVABILITY:

These records are retrievable by name.

SAFEGUARDS:

Access is limited to those ED officials whose duties require access.

RETENTION AND DISPOSAL:

These records are retained in a current system for one year, and in some instances two years, after which time they are discarded.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the systems policies and practices outlined above is: The General Counsel, Department of Education, Office of the General Counsel, Room 4091, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be addressed to the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)). 45 FR 30809, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b,7), 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies, law school officials and past employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–09–0003

SYSTEM NAME:

Conflict of Interest—Standards of Conduct Records. ED/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See system location on the Administrative Claims System, 18–40–0062.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information about current and past ED employees who are or have been the subject of conflict of interest or standards of conduct inquiries or determinations.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include information relating to acceptance or offer of gifts, entertainment and favors, outside employment; financial interests; use of government funds, property or official information; partisan political activity; or other matters relating to ethical standards of conduct.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 202, 203, 205, 207, 208, 209; Excutive Order 11222; and 5 CFR Parts 735, 104; 34 CFR Part 73.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Also, the Department may disclose a record for the purposes described in Departmental Regulations (34 CFR Part 5b, Appendix B, items: (1), (3), (4), (5), (8).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are kept in legal size files in filing cabinets.

RETRIEVABILITY:

These records are retrievable by name in most cases. In some instances, these records are retrievable by cross-reference to index cards containing the name of the party involved and the subject matter.

SAFEGUARDS:

These records are only accessible to General Counsel staff. Office buildings in which these records are maintained are locked after the close of the business day.

RETENTION AND DISPOSAL:

The records are maintained for an indefinite duration.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the systems policies and practices is: The General Counsel, Department of Education, Office of the General Counsel, Room 4091, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be addressed to the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department

Regulations (34 CFR 5b.7) 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

The information contained in this system comes from the individuals involved and from appropriate Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-09-0004

SYSTEM NAME:

Federal Private Relief Legislation. ED/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See system location on the Administration Claims System, 18-40-0062.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private individuals, groups, or institutions for whom a United States Congressman or Senator has introduced a private relief bill.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background which gives rise to the individual's, group's, or institution's claim for private relief legislation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; OMB Circular A-19.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information is used to prepare reports to the Congress, most commonly to the Judiciary Committees of the Senate and the House of Representatives, which reports are thereafter made available to the public under the provisions of 5 U.S.C. 552. In connection with the preparation of those reports, the information contained in this system of records will, as a routine use be disclosed to officers and employees of the Office of Management and Budget in connection with the review of private relief legislation contained in OMB Circular No. A-19 at various stages of the legislative coordination and clearance process as contained in that Circular, and may, as routine use, be disclosed to officers, or employees of agencies (as defined in 5 U.S.C. 551(i) and 552(e) other than the agency that maintains the record. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders kept in legal size filing cabinets.

RETRIEVABILITY:

By bill number using card systems maintained by name and by subject.

SAFEGUARDS:

Immediate access to these records is only by authorized staff. Building is locked at close of business.

RETENTION AND DISPOSAL:

Retained indefinitely either at system location or at Federal Records Center where files are sent on a regular, predetermined schedule.

SYSTEM MANAGER(S) AND ADDRESS:

The General Counsel, Office of the General Counsel, Department of Education, Room 4091, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Any inquiries regarding the records in question should be made to the system manager.

RECORD ACCESS PROCEDURES.

Same as notification procedures. Requester should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)), 45 FR 30809, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7, 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

The information in this system comes from the principal operating components of the Department, the Office of the Secretary, Congressional Committees, individual Congressmen and Senators, and, in some cases, the subject individual, group or institution.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-09-0005

SYSTEM NAME:

Litigation Files, Administrative Complaints, and Adverse Personnel Actions. ED/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See system location on the Administrative Claims System, 18-09-0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on whom records are maintained in this system are individuals who are involved in litigation with the Department or the United States (regarding matters within the jurisdiction of the Department) either as plaintiffs or as defendants in both civil and criminal matters, and individuals who either file administrative complaints initiated by the Department, except claims which are the subjects of records maintained in the Administrative Claims System, 18-40-0062.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information pertaining to the subject matter of the litigation, administrative complaint, or adverse personnel action. Such records would include complaints, litigation reports, administrative transcripts, various litigation documents, investigative materials, correspondence, briefs, court orders and judgments, and in cases where personal injury is involved, evaluations by physician specialists.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The authority for maintaining this system are the various statutes, regulations, rules or orders pertaining to the subject matter of the litigation,

administrative complaint or adverse personnel action, (e.g., Civil Rights Act. Federal Torts Claim Act).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Also, the Department may disclose Department Regulations (34 CFR Part 5b, Appendix B, items: (1), (3), (4), (5), (8).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records consist of legal size files stored in file cabinets.

RETRIEVABILITY:

These records are retrievable by name of the plaintiff or the first plaintiff if there is more than one, or by the name of the first defendant if the plaintiff is the United States. In the case of adverse personnel actions, records are retrievable by name of the individual involved.

SAFEGUARDS:

Office buildings in which these records are maintained are locked after the close of the business day. These records are only accessible by General Counsel staff.

RETENTION AND DISPOSAL:

These records are maintained for an indefinite duration.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the system policies and practices outlined above is: The General Counsel, Department of Education, Office of the General Counsel, Room 4091, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be addressed to the system manager. Any individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with the Department Regulations (34 CFR 5b.5) 45 FR 30809, May 9, 1980).

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)). 45 FR 30809, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7) 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

The information for this system is obtained through a number of sources including the exchange of legal pleadings, documents, formal and informal discovery, program offices and component agencies, private attorneys, State and local governments, their agencies and instrumentalities, and officers of other Federal agencies and the individuals involved.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–10–0001

SYSTEM NAME:

Investigative Files of the Inspector General ED/OIG

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Inspector General, U.S. Department of Education, Room 4200–Switzer Building, 300 C Street, S.W., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons doing business with the Department, including but not limited to current and former employees, grantees, sub-grantees, contractors, subcontractors, State and local government employees, providers and recipients under ED programs; and providers and recipients under State programs funded by the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Criminal investigation files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–452, October 12, 1978, as amended (5 U.S.C. Appendix I) and 5 U.S.C. 301.

PURPOSE(S):

Pursuant to Pub. L. 95–452, the system is maintained for the purposes of conducting and documenting criminal investigations by the OIG or other investigative agencies regarding ED programs and operations, documenting the outcome of OIG investigations, maintaining a record of the activities which were the subject of investigations, reporting the results of investigations; to other Departmental components for their use in operating and evaluating their programs and in imposition of civil or administrative sanctions, and acting as a repository and source for information necessary to fulfill the reporting requirements of Pub. L. 95–452, Section 8 (5 U.S.C., Appendix I).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) In the event that this system of records, maintained by this Agency to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto where such responsibility rests outside of OIG; (b) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for

the purpose of obtaining its advice; (c) A record from this system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (d) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter; (e) In the event that this system of records, maintained by this agency to carryout its function, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto where such responsibility rests outside of OIG; (f) Where Federal agencies having the power to subpoena other Federal agencies' records (such as the Internal Revenue Service or the Civil Rights Commission), issue a subpoena to the Department for records in this system of records, the Department will make such records available; (g) Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation, determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records; (h) When the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining, records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records; (i) Disclosures may be made to ED organizations deemed qualified by the Secretary to carry out quality assessment; (j) There may also be disclosures in the course of empoyee discipline or competence determination proceedings; (k) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual. (l) In event of litigation where the defendant is (1) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (2) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components or (3) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. (m) A record from this system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining pertinent records, if necessary to obtain a record relevant to a Department decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records, which take the form of index cards, investigative reports, computer disk files, and computer printed listings are maintained under secure conditions. Computer disk files are off-line and are stored in fireproof safes when not in use.

RETRIEVABILITY:

The records are retrieved by manual or computer search of alphabetical indices or cross-indices. Indices list names of individuals, companies and organizations.

SAFEGUARDS:

Access is restricted to authorized staff members of the Office of Inspector General and other officials and employees on a need-to-know basis.

RETENTION AND DISPOSAL:

Criminal investigative files are retained for 5 years after completion of the investigation and/or actions based thereon. Index and cross-reference cards are retained permanently. In instances of computer matching of files, only those records which meet predetermined criteria for investigation are maintained. Personnel security files will be maintained for 15 years after the subject terminates employment with the Department in accordance with OPM requirements. All records which do not meet these criteria are destroyed. All original source computer tapes are returned or destroyed once computer matching has been accomplished.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General/Assistant Inspector General for Policy, Planning and Management Services, U.S. Department of Education, Room 4200, Switzer Building, 330 C Street, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Exempt, however consideration will be given requests addressed to the system manager. For general inquiries include the name and date of birth of the individual.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)). 45 FR 30809, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under system manager(s) and address above, and reasonably indentify the record and specify the information to be contested. (These procedures are in accordance with Department Regulation (34 CFR Section 5b.7). 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

Departmental and other federal, state and local government records; interviewers of witnesses; documents and other material furnished by nongovernment sources. Sources may include confidential sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

General exemption (j)(2) under 34 CFR 5b.11, (b)(2)(i)(A), 45 FR 30808, May 9, 1980, criminal investigation files are exempt from the following subsections of the Act (c)(3), (d) (1)–(4), (e)(3) and (e)(4) (G) and (H). This system was formerly known as the Investigatory Materials compiled for Law Enforcement Purposes System.

18-11-0001

SYSTEM NAME:

Department of Education Motor Vehicle Operator Records, OASM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel offices of the Department shown in Applicants for Employment Records. Issuing Officers for Motor Vehicle Operator Identification Cards within the organizations serviced by the above personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department employees who are required to operate motor vehicles regularly or incidentally in carrying out their official duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

The ED Motor Vehicle Operation Records System consists of a variety of records related to the issuance of a Government Motor Vehicle Operator's permit. In addition to the name of the employee, the system includes information about the employee's birthplace, SSN, employing organization, number of years driven, type of vehicles operated, current driver's license number, state issuing driver's license, date license expires, restrictions of state license, sex, date of birth, color of hair, color of eyes, weight, height, record of arrests, and record of accidents. These records also include expiration dates of Motor Vehicle Operator permit, any limitations imposed on its use and the results of the annual review of each driving record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records may be used: In accordance with Departmental Regulations (34 CFR Part 5b), Appendix B, Items 01,3,4,5,6,7,8,9. By the Office of Personnel Management in carrying out its functions. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in Official Personnel Folder in file folders and index cards.

RETRIEVABILITY:

Records are retrievable by name. Information is used as a basis for issuing a SF-46 "U.S. Government Motor Vehicle Operator's Identification Card" and evaluating its use. It may also be used for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions.

SAFEGUARDS:

Access to and use of these records are limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained for three years after the individual's government motor vehicle operator's permit expires, or the individual leaves the Department, and are then destroyed. (See DOE Personnel Instruction 293-1, Exhibit S293-1-1, item 24.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers of the Department shown in Applicants for Employment Records, DOE System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Issuing officers in organizational units in which employed or systems managers shown above. Individual should provide name and organization in which employed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations 34 CFR 5b.5(a)(2)). 45 FR 30809, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7), 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained: (1) from information supplied by the individual, or (2) derived from information supplied by the individual, or (3) from information supplied by officials of the Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-11-0002

SYSTEM NAME:

Departmental Parking Control Policy. ED/OASM/PARM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Director, Office of Administrative Resources Management, Room 1077, FOB No. 6, ED/OARM, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Offices of Manager for Parking Control at ED facilities where ED parking is provided.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All ED employees as well as any carpool member utilizing parking facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes the following information on all persons applying for a parking permit: name, office room number, office phone number, agency, home address, and automobile license number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

63 Stat. 377; 41 CFR 101-20.111.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the

parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in binders in file cabinets.

RETRIEVABILITY:

Records are filed alphabetically by location. The purpose of the Departmental Parking Policy is to provide standards for apportionment and assignment of parking spaces on Department-managed and Department-controlled property and on property assigned to the Department by GSA or any other Agency and to allocate and check parking spaces assigned to government vehicles, visitors, handicapped personnel, key personnel, car-pools, and others.

SAFEGUARDS:

Access to and use of these records are limited to personnel whose official duties require access.

RETENTION AND DISPOSAL:

Superseded policy materials are maintained by the Director, OARM for historical purposes. Records at other ED locations are maintained until the Parking Control purpose has been met, and the records are then destoryed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, OARM, Room 1077, FOB No. 6, ED/Deputy Assistant Secretary Human Resources, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Access to these records may be obtained by request in writing to: Office of Manager for Parking Control at ED facility where ED parking is provided.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)), 45 FR 30809, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7), 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

Information in this system comes from reports from ED Staff, POC's and Regions, GSA-Federal Management circulars and Federal Property Management Regulations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-11-0003

SYSTEM NAME:

Family Educational Rights and Privacy Act—School Recordkeeping Practices Correspondence and Complaint System. ED–OASM–EPM–DEDC–FERPA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Department of Education, Room 4512 Switzer Building, Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made inquiries or who have filed complaints alleging violations of the provisions of the Family Educational Rights and Privacy Act of 1974; and those who have commented to the Department on its proposed rules and practices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of individuals submitting correspondence, responses and exchanges of materials associated with investigations of complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To Members of Congress who inquire on behalf of a constituent; to an educational agency or institution against which a complaint has been made. A disclosure may be made for the purposes described in Departmental Regulations (34 CFR Part 5b, Appendix B, Items: 1, 3, 8). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard-copy filed in standard lockable file cabinets.

RETRIEVABILITY:

For the most part records are indexed by name of individual signing incoming correspondence; when indexed chronologially, or by organization, they are cross-indexed by name of individual signer. Records are available to FERPA staff involved in correspondence and investigative processes, including members of the Office of General Counsel. Occasionally, personnel with special expertise in other program areas may be given records for the purpose of assisting FERPA staff in resolution of issues.

SAFEGUARDS:

Direct access is restricted to authorized FERPA staff; access to rooms in which files are maintained is limited during non-working hours to those with keys to rooms and the main files are left in locked file cabinets when not in use.

RETENTION AND DISPOSAL:

Inquiry records are maintained a minimum of three years; complaint and investigative records are maintained a minimum of five years past date of case closing.

SYSTEM MANAGER(S) AND ADDRESS:

Director, FERPA Office, U.S. Department of Education, Room 4512 Switzer Building, Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager. For general inquiries, name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is same as above.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)), 45 FR 30809, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7, 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

Incoming correspondence, responses and material obtained during course of any investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-11-0005

SYSTEM NAME:

Safety Management Information System. (ED Accident, Injury and Illness Reporting System). ED/ASM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At Departmental Regional and Headquarters facilities (see Appendix 1)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) ED employees who are involved in an accident which arises in the course of their employment whether occurring on ED premises or not and results in: (a) a fatality; (b) lost workdays beyond the day in which the accident occurred; (c) nonfatal injuries which result in transfer to another job, termination of employment, medical treatment other than first aid, loss of consciousness or restriction of work or motion; (d) a possible tort claim; (e) a claim for compensation; (f) property damage in excess of $50.00; (g) interrupts or interferes with the orderly progress of work of other employees; (h) radiation over-exposure; (i) biological exposure resulting in lost time or accidental release of biologicals where the public may be over-exposed. (2) Visiting educators, contractor personnel, employees of other Federal agencies, state or local governments or members of the public who suffer injury, illness or property damage on or in ED premises or as a result of ED activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of information and supporting documentation resulting from the reporting and investigation of accidents which have resulted in injury, illness, property damage or the interruption or interference with the orderly progress of work. The records contain information about individuals involved in or experiencing accidents including but not limited to the severity of the injury, whether consciousness was lost, the type of injury, culmination of any injury, days lost from work if any, the nature of the injury, illness or disease, the body part affected, causal factors, weather factors, agency of accident, whether unsafe mechanical, physical, or personal acts or factors were involved, the accident's area of origin and if fire was involved, the type and form of materials involved. Property damage (both public and private) is noted through the property sequence number, who owned the property involved, property damage and actual or estimated monetary loss, the ED installation number if appropriate and the year of manufacture or construction if appropriate. Identifiers related to a paticular accident include the organization, case number assigned, date and time of occurrence, state of territory, site, type and classification of accident, estimated amount of tort claims if appropriate, name of individual(s) involved, the social security number, sex, age, grade, series and level, CSC series, address, other Departments notified of accident, duty status, activity at time of accident and time on duty before accident. Management's evaluation and corrective action taken or proposed is also noted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 19 of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596); U.S.C. 7902; 29 CFR Part 1960, Executive Order No. 12196.

PURPOSE OF THE SYSTEM:

The purpose of the system is to comply with the reporting and statistical analyses requirements of section 19 of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596) as amended (29 U.S.C. 668); U.S.C. 7902; 29 CFR 1960; Executive Order 12196 and such other purposes as are described under routine uses of this system notice. The Safety Management Information System is a Department-wide system utilized by all organizational components of the Department. Thus, in addition to the routine uses subsequently noted in this system notice, there may be other ad hoc disclosures within the Department on an official business "need to know" basis.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition.

To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

Disclosures in the course of employee discipline or competence determination proceedings.

To request from a Federal, State, local agency or private sources information relevant to the investigation of an accident and/or corrective action.

To respond to an inquiry from a member of Congress made on behalf of a constituent.

In the event of litigation where (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity were the Justice Department has agreed to represent

such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

Where the Federal agencies having the power to subpoena other Federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will made such records available.

Where a contract between a component of the Department and a labor organization recognized under E.O. 12196 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are or may be maintained on magnetic tapes, punchcards, lists, forms, disks, computer storage, in file folders, binders and index cards.

RETRIEVABILITY:

(1) At the Departmental level, the system is completely computerized with no other records normally maintained or retained in the Office of the Assistant Secretary for Management. While individual indentifiers such as name, case number, and social security number are within the computer storage banks, special programming would be required to extract individual records. Normal output consists of statistical reports and surveys based on case number including those required by the Department of Labor and Statistical Analysis in support of the Departmental occupational safety and health program for dissemination to the Principal Operating Components, Regions and Staff Offices.

(2) The Principal Operating Components of the Department, their sub-components, Regional Offices and Staff Offices may maintain original or copies of the accident reports and supporting documentation by name, social security number, case number or cross reference.

(3) Establish a written record of the causes of accidents.

(4) Provide information to initiate and support corrective or preventive action.

(5) Provide statistical information relating to accidents resulting in occupational injuries, illnesses, and/or property damage.

(6) Provide management with information with which to evaluate the effectiveness of safety management programs.

(7) Provide the means for complying with the reporting requirements of Section 19 of the Occupational Safety and Health Act of 1970 and such other reporting requirements as may be required by legislative or regulative requirements.

(8) Provide such other summary descriptive statistics and analytical studies as necessary in support of the function for which the records are collected and maintained including general requests for statistical information without personal identification of individuals.

(9) Information in these records is used by or may be disclosed to: (a) the Assistant Secretary for Management, Office of the Secretary, ED in the review of accident experience data to determine the adequacy of corrective actions, the effect of codes, standards and guides, the consolidation, summarization and dissemination of accident experience data throughout ED and other Government Departments and agencies as needed or required; (b) The supervisor, administrative officer or other official initiating an accident report, including each succeeding reviewing official in the chain of command through which the report passes to insure that corrective action, as needed and appropriate is taken; (c) Appropriately appointed Safety Directors, Officers, or others with safety responsibilities within the Department in the verifying, assembling, analyzing, summarizing and disseminating data concerning the accident experience in their areas of responsibility and the initiation of appropriate corrective action.

Note.—If this statement is published prior to the establishment of an ADP system within the Department to handle our SMIS reporting, the following should be inserted at this point.

(d) Employees of HHS responsible for the maintenance and retrieval of the above information pertinent to ED employees, as necessary to carry out this function.

SAFEGUARDS:

Access to and use of these records is made available to those personnel having a legitimate need for the information (those whose duties require review or access) including inspecting or evaluating personnel. Records, which under the law, may not be disclosed such as information pertinent to national security or trade secrets are maintained separately, adequately safeguarded and released only in accordance with the law. When there is doubt regarding the release of information, the matter will be referred, in advance to the Office of the General Counsel, ED.

RETENTION AND DISPOSAL:

All accident reports, records, logs, and other information relating to an accident are retained by the Principal Operating Components and their agencies, the Regional Offices and the Office of the Secretary for at least ten years following the end of the calendar year in which the accident occurred. Specific occupational safety and health standards (such as the standards

covering the handling of carcinogenic chemicals) may be required to be kept for up to twenty years. Records may be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The SMIS system at the present time is being maintained by the Department of HHS under an Inter-Agency Agreement.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should address their inquiries to one of the following as appropriate: (1) If employed or formerly employed in HEW Region Office, the Regional Occupational Safety and Health Manager of the Regional involved (see list and addresses under appendix at the end of this system (18–11–0005)). (2) If employed or formerly employed in a HEW Principal Operating Component or sub-agency, a staff office or the Office of the Secretary, the Occupational Safety and Health Manager of the component where employed (see list and addresses under appendix for this system (18–11–0005)). Individuals requesting information in this system of records should provide their full name, social security number (on a purely voluntary basis), name and address of office and agency in which currently or formerly employed, the accident(s) case number if known, and the time and a brief description of the accident in which they were involved.

Record access procedures: Individuals wishing to gain access to or contest their records should contact the following in person, or by writing, as appropriate (See "notification procedures" above). Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5, 45 FR 30808, May 9, 1980.))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5(b)(7), 45 FR 30810, May 9, 1980)).

RECORD SOURCE CATEGORIES:

The information in this system is obtained from the following sources: (a) the individual to whom the record pertains; (b) witnesses to the accident; (c) investigation officials (Federal, State, local); (d) medical personnel seeing the individual as a result of the accident; (e) supervisory personnel; (f) reviewing officials; (g) personnel offices; (h) investigate material furnished by Federal, State, or local agencies; and (i) on-site observations.

SYSTEMS EXEMPTED FROM CERTIAN PROVISIONS OF THE ACT:

None.

Appendix for 18–11–0005

Regions, at the present time, are being serviced by the Department of HHS under an Inter-Agency Agreement.

Region I: HHS Regional Safety and Occupational Health Manager, John F. Kennedy Federal Building—Room 1503, Government Center, Boston, Massachusetts 02203

Region II: HHS Regional Safety and Occupational Health Manager, Federal Building—Room 3835, 26 Federal Plaza, New York, New York 10007

Region III: HHS Regional Safety and Occupational Health Manager, 3535 Market Street, Philadelphia, Pennsylvania 19101

Region IV: HHS Regional Safety and Occupational Health Manager, 101 Marietta Tower, Suite 1503, Atlanta, Georgia 30323

Region V: HHS Regional Safety and Occupational Health Manager, 300 South Wacker Drive—35th Floor, Chicago, Illinois 60606

Region VI: HHS Regional Safety and Occupational Health Manager, 1200 Main Tower Building, Dallas, Texas 75202

Region VII: HHS Regional Safety and Occupational Health Manager, 601 East 12th Street—Room 506, Kansas City, Missouri 64106

Region VIII: HHS Regional Safety and Occupational Health Manager, 1961 Stout Street—Room 11037, Denver, Colorado 80202

Region IX: HHS Regional Safety and Occupational Health Manager, Federal Office Building—Room 8, 50 United Nations Plaza, San Francisco, California 94102

Region X: HHS Regional Safety and Occupational Health Manager, Arcade Plaza—Room 6003, 1321 Second Avenue, Seattle, Washington 98101

Health Care Financing Administration: Safety Officer, A–1 Gwynn Oak Building, 1710 Gwynn Oak Avenue, Woodlawn, Maryland 21207

Social Security Administration: Director, Occupational Health Management, Room 8, Second Floor, Link Building, 6401 Security Boulevard, Baltimore, Maryland 21235

Office of the Secretary, HHS, Safety Officer, Room 1073, HHS North Building, Department of Health and Human Services, 300 Independence Avenue, SW., Washington, D.C. 20201

Public Health Service: Director, Division of Health Facilities Planning, Room 18–42—Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852

Alcohol, Drug Abuse, and Mental Health Administration: Safety Officer, Room 12C26—Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852

Center for Disease Control: Chief, Office of Biosafety, Building 4—Room 232, 1600 Clifton Road, NW., Atlanta, Georgia 30333

Food and Drug Administration: Privacy Act Coordinator, Rockville, Maryland 20852

Health Resources Administration: Safety Officer, Room 129, Federal Center Building 2, 3700 East/West Highway, Hyattsville, Maryland 20782

National Institutes of Health: Associate Director, Environmental Health and Safety, Division of Research Sciences, Room 4051—Building 12A, 9000 Rockville Pike, Bethesda, Maryland 20014

18–11–0006

SYSTEM NAME:

Telephone Directory/Locator System, ED–OASM.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Operating offices and Facility Complexes of the Department—Employee Locators and Offices of Administrative or Management Services.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Department and vendor or other Federal employees located in Department operating offices and facility complexes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, title, agency office address, agency mailing address, telephone number, standard administrative code, and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 40 U.S.C. 486(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to develop and maintain current employee locator and directory listings. The locator listings are used by the ED information centers, mail rooms, and others specifically for the purpose of locating employees and for routing of mail. The directory listings are used to produce departmental telephone directories on an as needed basis. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines

that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Variously stored in card files, computer printouts, paper forms, magnetic tape.

RETRIEVABILITY:

Alphabetically by employee name, in certain instances also by agency and/or title. Some large systems use the SSN as control to update, change or delete information on individuals no longer within this system of records.

SAFEGUARDS:

Only authorized personnel have access to master lists which contain social security numbers.

RETENTION AND DISPOSAL:

Retained as long as individual is employed by or associated with the Department, then information deleted from files by appropriate method.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Department Information Center.

NOTIFICATION PROCEDURE:

Direct inquiries to the systems manager identified in Appendix.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)), 45 FR 30809, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR, 5b.7 45 FR 30810, May 9, 1980).

RECORD SOURCE CATERGORIES:

Individual employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-11-0007

SYSTEM NAME:

Applicants for Employment Records, ED/ASM/RPB.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system is located in ED's personnel office, 400 Maryland Avenue SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for Federal employment or are employed in the Federal service.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions and offenses against the law; results of written tests; appraisal of potential; honors, awards or fellowships; military service, veteran preference, birthplace; birth date; social security number; and home address of persons who have applied for Federal employment or are employed in the Federal service and correspondence related thereto. These records may also include information concerning the date of application; qualification status, employment consideration, priority grouping, and other information relating to the consideration of the individual for employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302; Executive Order 10577.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used: (1) to respond to requests for information from the Office of Personnel Management, Members of Congress, or other inquiries from outside the Department, to the extent their request is compatible with the purpose for which the records are maintained; (2) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual; (3) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Also, the Department may disclose a record for the purposes described in Departmental Regulations (34 CFR Part 5b, Appendix B, items (1), (3), (4), (5), (6), (7), (8), (9)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file cabinets for 2 years.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, social security number and identification number. Records are used to refer applicants to officials of the Department for placement in positions for which applicant has applied and qualified.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained until the applicant is selected for a position, or for two years. After the applicant is selected for a position, his/her records are filed in the Official Personnel Folder which is retained until the employee leaves the Department.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers of the Department, 400 Maryland Avenue SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Individual should provide name, approximate date of record and title of position for which application was made.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the personnel official and reasonably identify the record. Specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual to whom it applies, is derived from information he or she supplied; or is obtained from information supplied by others.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SYSTEM NAME:

Discrimination Complaints Records System. ED/AS/EEOS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Equal Employment Opportunity Staff, 400 Maryland Avenue SW., Room 2117, Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or organizations which have consulted an EEO Counselor regarding discrimination on the basis of race, color, religion, sex, national origin, age, or handicap because of a determination or decision made by a Department official or which have filed a class allegation of discrimination.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents concerning pre-complaint processing and class allegations of discrimination. The records consist of counselors' reports, the initial allegations, letters or notices to the individual or organization, materials placed into the record to support or refute the decision or determination, statements to witnesses, investigative reports, instructions about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478; 42 U.S.C. 2000e and 29 U.S.C. 633a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

(a) To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance;

(b) To refer to Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions;

(c) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual;

(d) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

(e) The Department may disclose a record for the purposes described in Appendix B of the Departmental Regulations (34 CFR Part 5b, Appendix B, tiems (1), (3), (4), (5), (6), (7), (8), (9)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, binders, and index cards.

RETRIEVABILITY:

These records are indexed by the names of the individuals or organizations on whom they are maintained. They may be used: to adjudicate an appeal, complaint, or grievance; to provide a basis for a corrective action related to the discrimination situation; as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; and to locate specific individuals for personnel research or other personnel management functions.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require access.

RETENTION AND DISPOSAL:

The records on class allegations of discrimination are retained after final disposition.

SYSTEM MANAGER AND ADDRESS:

Director, EEO Staff, 400 Maryland Avenue SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Individuals and organizations which consulted an EEO counselor or filed a class allegation of discrimination are aware of that fact. They may write the system manager indicated above, regarding the existence of such records pertaining to them. The inquirers, as appropriate, should provide their name, date of birth, agency in which employed or agency in which the situation arose if different from employing agency, the approximate date, and the kind of action taken, when making inquiries about records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably indentify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

(a) Individual to whom the record pertains;

(b) Department or other officials;

(c) Statements from employees or other witnesses;

(d) Official documents relating to the counseling or class allegation; and

(e) Correspondence from specific organizations or persons.

18-11-0011

SYSTEM NAME:

Employee Alcoholism, Drug Abuse and Emotional Problem Counseling and Referral Records. ED-ASM-DASHR-OPRM

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

ED personnel offices or designated offices performing counseling functions for employees in organizational units serviced by these personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department employees who have been counseled for work adjustment, personal or emotional health problems and/or the abuse of alcohol or drugs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records of employees who have been referred but not counseled; records of employees who have been counseled for work adjustment, personal or emotional problems, and/or alcohol or drug abuse; and records of members of employees' families who have been counseled. Examples of information which may be found in this record system include the employee's name, SSN, date of birth, grade, job series, job title, leave record, service computation date, home address, home phone number, supervisor's name, name and address of the individual's personal physician, social history, educational background, and performance appraisals. Other documents which may also be found in the counselor's file are notes made by the counselor, copies of admonishments and reprimands received by the employee, and a record of the supervisor's referral (if the employee was referred by the supervisor).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 42 U.S.C. 4561, 21 U.S.C. 1180, and 5 U.S.C. 7901.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In unusual circumstances, it may be appropriate to disclose information from this system of records. The Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of components of the Department in connection with such individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the opperations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Such disclosure will be restrictively made; in particular, disclosures of information pertaining to an individual with a history of alcohol or drug abuse will be limited in compliance with the restrictions of the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2. Also, the Department may disclose a record for the purposes described in item 7 of Appendix B of the Departmental Regulations (34 CFR Part 5b).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Employee records are maintained in file folders and on index cards.

RETRIEVABILITY:

Records are filed by name or by case number cross indexed with the employee's name. The records are used to document the nature of the induvidual's problem and progress and when necessary to refer individuals to appropriate community or private resources for treatment or rahabilitation. Anonymous information from these records may also be used to produce summary descriptive statistics and analytical studies in support of the funtions for which the records are collected and maintained.

SAFEGUARDS:

During the employment of the individual, records are maintained in condifential files separate from the Official Personnel Folder and are located in lockable metal containers or in secured rooms with access limited to those whose official duties require access. Disclosure of the contents of records which pertain to an individual's alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended by Pub. L. 93–282.

RETENTION AND DISPOSAL:

Records are retained until 3 years after the individual has ceased contact with the counselor, or until the individual leaves the Department, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Personnel Officer servicing the installation in which counseling was provided.

NOTIFICATION PROCEDURE:

Inquires should be addressed to the system manager at the office where counseling was provided. Individual should provide name, grade, organization in which employed, date of birth, and location and approximate date of counseling. When applicable, the special procedures for access to medical records will be followed. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designated in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. When the records pertain to an individual's alcohol or drug use, the procedures in 42 CFR 2.40 will also be followed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) supplied directly by the individual, or (2) supplied by a member of the individual's family, or (3) derived from information supplied by the individual, or (4) supplied by sources to whom the employee has been referred for assistance, or (5) supplied by Department officials, or (6) supplied by program counselors.

18–11–0011

SYSTEM NAME:

Employee Appraisal Program Records, ED/ASM/DASHR/DPRM

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel offices shown in Applicants for Employment Records, ED System 09900006, and operating offices in organizational units serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal employees of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information which includes employee's name, SSN,

employing organization, grade, title, series, and materials relating to the evaluations of employee's performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4302, 5 U.S.C. 3301, 5 U.S.C. 3302; Executive Order 10577.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

(1). By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions;

(2). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(3). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

(4). The Department may disclose a record for the purposes described in Appendix B of the Departmental Regulations, 34 CFR Part 5b, Appendix B items (1), (3), (4), (5), (6), (7), (8), (9).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, on magnetic tape, and on punch cards.

RETRIEVABILITY:

Records are retrievable by name or social security number. They may be used as a basis for reduction-in-force, adverse actions, decisions regarding retention of employees during probationary period, recognition, promotions, reassignments and other personnel actions compatible with the purpose for which the record was collected.

SAFEGUARDS:

Access to and use of these records are limited to those persons who official duties require such access.

RETENTION AND DISPOSAL:

Appraisals and satisfactory rating are retained until a new appraisal or rating is issued, 2 years have elapsed, or the individual leaves the Department, and are then destroyed. Unsatisfactory and outstanding rating are filed in the Official Personnel Folder which is retained until the individual leaves the Department.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers.

NOTIFICATION PROCEDURE:

Personnel officers. Employee should provide name, social security number and organization in which employed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual, derived from information supplied by the individual or supplied by Department officials.

18-11-0012

SYSTEM NAME:

Executive Development Records System. ED/ASM/OPRM

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Personnel Resource Management, Division of Executive Resources, Department of Education, Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Senior Executive Service, supergrade employees (GS–16–18) and equivalents, and participants in SES Candidate Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Executive Development Records System consists of a variety of records relating to an employee's applications for, and participation in, the executive development program. In addition to the employee's name, the system contains the employee's title, grade and salary, Social Security Account Number, organization in which employed, date of entry into the Executive Development Program, training needs while participating in the program, individual's development plan, basis for participation in the Executive Development Program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101 *et. seq.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records is used: (a) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions. (b) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Also, the Department may disclose a record for the purposes described in Appendix B of the Departmental Regulations (34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 7, 8, 9).

V 4 6 / 1 0 5 J E 2 8 1 UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system of records is maintained in file folders, magnetic tape, punch cards, and forms.

RETRIEVABILITY:

Records are indexed by name and Social Security Account Number. Records are use by operating officials in carrying out their personnel management responsibilities. They may be used by those officials in connection with promotions, transfer or reassignment of the individual and as base for preparing management, budgetary or statistical reports to support organizational planning or manpower utilization studies.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records of an unsuccessful applicant are retained for 60 days after notification that he or she was not selected for participation, and are then destroyed. Records of a participant are retained for 5 years after the individual has ceased to participate in the program, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Personnel Resource Management, Division of Executive Resources, Department of Education, Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact system manager. Individuals should include their name, grade, title, and organization when contacting the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by Department officials.

18-11-0014

SYSTEM NAME:

Grievances Filed Under the Informal Grievance Procedures. ED/ASM/OPRM/Support Service Division.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel offices, or office of the immediate supervisors and the first officials within the Department excluding the immediate supervisor, with line authority to decide on the matter grieved.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department employees individually or as a group who have requested personal relief in a matter of concern or dissatisfaction which is subject to the control of Department management.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information or documents relating to the grievance and personal relief sought, documented materials used in consideration of the grievance, and correspondence related to disposition of the grievance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302; Executive Order 10577.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records may be used: (a) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service (Impasses Panel)) in carrying out their functions. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determined that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee is his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Departmnt to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Also, the Department may disclose a record for the purposes described in the Departmental Regulations (34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 7, 8, 9).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in file folders, binders and index cards for supervisors.

RETRIEVABILITY:

For supervisors, records are indexed by name of individual filing the grievance. For personnel office, records are indexed by order of receipt and organization. Records are used to consider and resolve informal grievances and to provide background data to further consideration of grievances if later pursued through formal grievance procedures.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained for 3 years after the grievance case is closed, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of personnel offices which service organizational units in which employees who submit informal grievances are located.

NOTIFICATION PROCEDURE:

Individuals who have filed grievances are aware of that fact and have been provided information in writing concerning the disposition of the grievance. They may contact the official who signed the written notice, or the System Manager indicated above. They should provide their name, organization in which employed and date of birth and approximate date of the filing of the informal grievance.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by testimony of witnesses, or (4) supplied by union officials, or (5) supplied by Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-11-0015

SYSTEM NAME:

Grievance Records Filed Under Procedures Established by Labor-Management Negotiations.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

ED personnel offices and offices of operating officials in organizational units serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal employees of the Department covered by a collective bargaining agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a variety of records relating to an employee's grievance filed under procedures established by labor-management negotiations. Examples of information which may be included in this system of records are the employee's name, SSN, grade, job title, testimony of witnesses, material placed into the record to support the decision, the arbitrator's decision, the arbitrator's report, and a record of an appeal to the Field Labor Relations Authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Chapter 71.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system may be released to:

(1) The Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), and the Equal Employment Opportunity Commission in carrying out their functions.

(2) In accordance with Departmental Regulations, (34 CFR Part 5b, Appendix B. See Items 01, 3, 4, 5, 6, 7, 8, 9.).

(3) The Department of Labor.

(4) The Federal Labor Relations Authority including the General Counsel of the Authority and the Federal Service Impasses Panel.

(5) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

(6) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrievable by file number. They are used to make a determination on and to document a decision made on a grievance filed by an employee under the negotiated grievance procedures. Information from this system may be used by Department officials for preparing statistical summary or management reports.

SAFEGUARDS:

Records maintained by management are stored in secured rooms with access limited to those whose official duties required access.

RETENTION AND DISPOSAL:

As negotiated by the local parties to the contract.

SYSTEM MANAGER(S) AND ADDRESS:

ED Personnel Offices who service the organizational unit in which the individual is employed.

NOTIFICATION PROCEDURE:

Contact system manager. Individuals should include their name, grade, title and organizational unit when contacting the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by testimony of witnesses, or (4) supplied by union officials, or (5) supplied by Depatment officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-11-0018

SYSTEM NAME:

Personnel Records in Operating Offices. ED/ASM/OPRM

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Operating Offices of the Department at the organizational level of the individual's employment. Such offices are located within organizational components serviced by ED personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed. These records may contain information about an individual relating to name, birth date, home address; telephone number, emergency address; social security number, veterans preference; tenure; work connected injuries; handicapped code; employment history; qualifications background; past and present salaries, grades and position titles; training; awards and other recognition; counseling; performance appraisal; conduct; pay and leave; and data

documenting reasons for personnel actions, decisions or recommendations made about an employee; and background data and documentation leading to an adverse action being taken against an employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 2951, 4118, 4308, 4506, 7501, 7511, 7521 and Executive Order 10561.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used: (1) By the Office of Personnel Management Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Services Impasses Panel) in carrying out their functions; (2) In the event an appeal is made outside the Department, records which are relevant may be referred to the appropriate agency charged with rendering a decision on the appeal. (3) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enagble that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. In addition, the Departmental may disclose a record for the purposes described in the Departmental Regulations (34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 7, 8, 9).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, magnetic tape, and index cards.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, social security number, or identification number. Records are used by operating officials in carrying out their personnel management responsibilities. They may be used in this connection in recommending or taking personnel actions such as are related to appointments, transfers, promotions, reassignments, adverse actions as a base for employee development, training, recognition, reprimands, and disciplinary actions; for making decisions on employee complaints; and as a base for staffing and budgetary planning and control, organizational planning, and for manpower utilization purposes, and for preparing statistical or summary reports. They may be used by appropriate officials in making decisions on grievance appeals and adverse actions.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained until there is no further administrative need to retain them, or the individual leaves the Department, and are then either destroyed, or, if appropriate, are combined with the Official Personnel Folder, which is fowarded to the National Personnel Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers of the Department: 400 Maryland Avenue, SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Immediate supervisors of individuals or the administrative offices of the organizational units in which employed. The system manager shown above may also provide further information concerning the existence of this system of records. Individuals should provide their name, social security number, and organization in which employed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies, is derived from information supplied by the individual, or is provided by Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-11-0019

SYSTEM NAME:

Special Employment Programs. ED/ASM/OHRI

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

ED Personnel Offices and operating offices in organization units serviced by those personnel offices in which employees are employed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal employees of the Department and outside applicants eligible for participation in special employment programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an employee's participation in special employment programs such as the Upward Mobility College, Career Advancement Program (Upward Mobility), Cooperative Education, Veterans Readjustment Appts., Student Volunteers, HEW Fellows,[1] Management Intern,[1] PMI, Education Policy Fellows, White House Fellows, President's Executive Exchange Program, FEORP, and Selective Placement for handicapped and Disabled Veterans. Examples of information which this records system may contain include the employee's name, SSN, program enrolled in, employing agency, grade, job title, job series, sex, date of birth, status, education background, handicap code, application for employment, position description, assignment evaluations, Veterans preference, job counseling records, letters of reference and recommendations, medical documentation, and training documentation, IDP ethnic background.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1301, 3301, 7151 *et. seq.*; Executive Order 11813.

[1] Currently have people in these programs who transferred into the Department even though these are not Department of Education programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

Information in this system may be used: (1) By the Office of Personnel Management, Merit Systems Protection Board (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions. (2) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Also, disclosures may be made for the routine uses contained in Departmental Regulations (CFR 34 Part 5b, Appendix B, items 1, 3, 4, 5, 6, 7, 8, 9).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system of records is maintained in file folders, data tape, and punch cards.

RETRIEVABILITY:

Records are retrievable by name and SSN. Records are used by personnel offices and operating officials to monitor the progress of the individual in the special program, for career planning, and for taking personnel actions.

SAFEGUARDS:

Access and use of these records are limited to those persons whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for two years after the individual's participation in a special placement program ends, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

ED Personnel Offices who service organizational units in which the participant is employed: 400 Maryland Avenue SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact system manager. Individuals should include their name, SSN, grade, title, and organization when contacting the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the system manager and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by Department officials.

18-11-0020

SYSTEM NAME:

Suitability for Employment Records. ED/ASM/DASHR/OPRM/DPIA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

ED Personnel offices and operating offers in organizational units serviced by those personnel offices in which employees are employed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees of the Department and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an individual's suitability for employment in terms of character, reputation and fitness, including letters of reference, responses to pre-employment inquiries; National Agency Checks and Inquiries material received from the Office of Personnel Management and Merit Systems Protection Board including the Office of the Special Counsel relating to non-sensitive position qualifications and character investigations, and other information which may relate to the suitability of the individual for the position.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301, 3302, 7301; Executive Order 10577; Executive Order 11222.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information in the records may be used: (a) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions. (b) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Also, disclosures may be made for purposes in Appendix B of the Departmental Regulations (34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 7, 8, 9).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by any combination of name, date of birth, Social Security Number, or identification number. Information in these records is used by designated appointing and selecting authorities to determine an individual's suitability for employment by consideration of factors present in such records.

SAFEGUARDS:

Records are maintained in confidential files and are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records from the Office of Personnel Management and Merit Systems Protection Board including its Office of the Special Counsel concerning applicants for or incumbents of non-sensitive positions, are retained until a decision is reached on whether to hire or retain the applicant or incumbent, and are then destroyed. Other records in this system are retained until there is no further administrative need for them, the individual leaves the Department, or one year has elapsed, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of personnel offices which service organizational units in which individual is employed or in which he/she applied for employment.

NOTIFICATION PROCEDURE:

Same as above. Individuals should indicate name, social security number, date of birth, and organization in which employed, or to which they applied for employment.

RECORD ACCESS PROCEDURES:

Current Department employees or applicants should contact the appropriate system manager. Former Department employees who are employed by the Federal Government who wish to gain access or contest the records maintained on them while employed by the Department should contact the appropriate official of their current employing agency in accordance with the appropriate records system notice of that agency. Former Department employees who have separated from Federal service should direct a request to: National Personnel Records Center, General Services Administration, 111 Winnebago Street, St. Louis, Missouri 63118.

Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from these sources:

Applications and other personnel and security forms furnished by the individual.

Information furnished by other Federal agencies.

Information provided by sources such as employers, schools, references, former employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided with information from the above record system except when in accordance with the provisions of 5 U.S.C. 552a(k)(5): (1) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or (2) if the information was obtained prior to the effective date of Section 3, Pub. L. 93-579, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence. (34 CFR 5b.11)

18-11-0022

SYSTEM NAME:

Volunteer EEO Support Personnel Records. ED/ASM/EEOS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Equal Employment Opportunity Staff, 400 Maryland Avenue SW., Room 2117, Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have volunteered or have been proposed for duty as EEO counselors and discrimination complaint investigators on a part-time basis.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents concerning personal characterstics of EEO counselors and investigators. The records consist of the name and other identifying data, title, location, training received, information concerning qualifying background, case assignments, and evaluations of EEO counselors and investigators serving on a part-time basis, and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478, Pub. L. 92-261, Pub. L. 93-259.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) to provide resource to another Federal agency, in response to its request for loan of investigators or counselors, (b) By the Office of Personnnel Management, Merit Systems Protection Board (including its office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions. (c) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Also, disclosure may be made for purposes found in the Departmental Regulations (34 CFR part 5b, Appendix B, items 1, 3, 4, 5, 6, 7, 8, 9).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, binders and index cards.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained. They may be used: for identification, location and determination of availability of volunteer counselors and investigators for assignment to counsel complainants and to investigate complaints; to respond to inquiries regarding availability of counselor resources or determination regarding location and the jurisdictional propriety of an investigator resource; for determining training needs of EEO counselors and investigators; to provide information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or related personnel management functions or manpower studies; and to locate specific individuals for personnel

research or other personnel management functions.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require access.

RETENTION AND DISPOSAL:

The records are maintained up to one year after volunteer has terminated his services, at which time they are destroyed.

SYSTEM MANAGERS(S) ADDRESS:

Director, EEO Staff, 400 Maryland Avenue SW., Room 2117, Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Individuals who have volunteered or been proposed as counselors or investigators are aware of that fact and the information contained in the record. They may, however, write the Director, EEO Staff indicated regarding the existence of records pertaining to them. The inquirers, as appropriate, should provide their name, agency in which they were proposed or served when making inquiries about records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

(a) Individuals to whom the record pertains.

(b) Department or other officials.

(c) Official documents relating to appointments and case assignments as counselors and investigators.

(d) Correspondence for specific persons or organizations.

(e) Formal reports submitted by the individual in the performance of official volunteer work.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–11–0023

SYSTEM NAME:

Unfair Labor Practice Records/ED/ASM/OHR/OPRM/LRS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel Offices of the Department, and offices of operating officials in organizational units serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current ED employees and union officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a variety of records relating to an unfair labor practice charge. Examples of information which may be included in this system are the employee's name, social security number, grade, job title, employment history and a variety of work and personnel records associated with the charges and required under proceedings established by 5 U.S.C. 71 and Department of Labor Regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VII, Pub. L. 98–491.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

Information may be released to: (1) Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses panel) in carrying out their functions. (2) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. (3) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrievable by file number. They are used to make a determination on and to document a decision made on an unfair labor practice charge filed by an employee or union official. Information from this system may be used by Department officials for preparing statistical summary or management reports.

SAFEGUARDS:

When not in use by authorized persons, these records are stored in lockable metal file cabinets. Access to and use of these records are limited to personnel who have a need for the records in performance of official duties.

RETENTION AND DISPOSAL:

The case files are maintained as long as they may be pertinent for purpose of percedent or as management information devices. When no longer useful for these purposes, they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

ED Personnel Officers who service the organizational unit in which the individual is employed.

NOTIFICATION PROCEDURE:

Contact the systems manager and provide name, approximate date of record, the unfair labor practice charges as specified by the complainant, and management component in which the charge was filed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information in this system of records is:

(1) Supplied directly by the individual; or

(2) Derived from information supplied by the individual; or

(3) Supplied by testimony of witnesses; or

(4) Supplied by union officials; or

(5) Supplied by Department officials.

SUSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-15-0001

SYSTEM NAME:

Consultants for Federal Technical Assistance Program, Vocational Rehabilitation Services. ED/OSERS/RSA

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Room 3325, 330 C Street, SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Technical Assistance Consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, education, experience (general business resume of qualifications).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93-112, Sec. 12.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, standard metal file cabinets.

RETRIEVABILITY:

Indexed alphabetically.

SAFEGUARDS:

Access limited to RSA staff.

RETENTION AND DISPOSAL:

Files maintained for two years then retired to Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Rehabilitation Program Specialist, Room 3325, 330 C Street, SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be in writing and should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-15-0002

SYSTEM NAME:

Office of Rehabilitation Services Mailing Lists. ED/OSERS/RSA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Department of Education, Rehabilitation Services Administration, Room 615, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Providers of rehabilitation services in Region X, individuals who have requested that they receive program information, grantees, grant applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, title, phone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93-112.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congresssional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files.

RETRIEVABILITY:

Indexed by name. Used by ORS staff to disseminate program information.

SAFEGUARDS:

Access by authorized personnel only.

RETENTION AND DISPOSAL:

Regained indefinitely and updated periodically.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Commissioner, RSA, MS 622, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington, 98101.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be in writing and should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Individuals themselves, from grant applications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–15–0003

SYSTEM NAME:

Mailing Keys. ED/OSERS/RSA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Administrative Officer, MES Building Room 3036, 330 C Street SW., Washington, D.C. 20202.

CATAGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State vocational rehabilitation agencies (general and blind), rehabilitation facilities, persons interested in statistics, persons interested in the deaf.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of agency or individual, and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Rehabilitation Act of 1973 (Pub. L. 93–112) and the Rehabilitation Amendments of 1974 (Pub. L. 93–516).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employees; the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

IBM Master Cards are stored in file drawers.

RETRIEVABILITY:

These IBM cards are filed by key number, city and State and zip code.

SAFEGUARDS:

Only authorized persons allowed access.

RETENTION AND DISPOSAL:

Maintained as long as necessary and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, MES Building, Room 3036, 330 C Street SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be in writing and should be addressed to the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

From agencies or individuals themselves.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–18–0002

SYSTEM NAME:

Law Enforcement Education System. ED–OPE–OSFA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, D.C. 20531.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of LEAA Law Enforcement Education Loans and Grants.

CATEGORIES OF RECORDS IN THE SYSTEM:

LEEP Master Computer File; LEEP Promissory Note File; LEAA Form 03.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained under 42 U.S.C. 3775.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

To contracts for categories and statistical analysis, educational institutions for record reconciliation, IRS and references listed on application for address verification, references in bankruptcy for claim action, State and local agencies to verify eligibility.

Release of information to the news media: information permitted to be released to the news media and the public under 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress. Information contained in systems of records maintained by the Department of Justice not otherwise required to be released under the authority of 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Members or staff requests the information on behalf of, and at the requests of, the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2984 and 2996.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is stored on computer magnetic tape and folders.

RETRIEVABILITY:

Information is retrievable by name of recipient and social security number.

SAFEGUARDS:

Computerized information is safeguarded and protected by computer password key and limited access. Noncomputerized data is safeguarded in file room which is locked after business hours. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Computerized records are kept indefinitely. Uncollected loans/grants are transferred to GAO as soon as determined uncollectable. Cancelled or

repaid loans/grants are closed at end of fiscal year, held three years, then sent to Federal Records Center and destroyed in accordance with instructions from GAO.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, ROB–3, 7th and D Streets SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact system manager.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name and personal identifier number. Access requests will be directed to the system manager.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information are the recipient of loans/grants and their educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–15–0004

SYSTEM NAME:

Correspondence Files. ED/OSERS/RSA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Administrative Officer, MES Building, Room 3036, 330 C Street SW., Washington, D.C. 20202

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Name and address of individuals submitting correspondence, responses and exchanges of information associated with the Federal-State vocational rehabilitation program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of individuals submitting correspondence, responses and exchanges of information associated with the Federal-State vocational rehabilitation program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Rehabilitation Act of 1973 (Pub. L. 93–112) and the Rehabilitation Amendments of 1974 (Pub. L. 93–516).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

Disclosure may be made to an inquiry from the Congressional office made at the request of that individual. In the event of litigation, where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in file cabinets.

RETRIEVABILITY:

Congressional correspondence filed by name of Congressperson. Other correspondence filed in alphabetical order by name of signer.

SAFEGUARDS:

Access to authorized individuals only.

RETENTION AND DISPOSAL:

Inquiry records are maintained five years and sent to the Federal Records Disposal Center.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, MES Building, Room 3036, 330 C Street SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be in writing and should be addressed to the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Incoming correspondence, responses, and material provided by individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–20–0001

SYSTEM NAME:

Support for Improvement of Postsecondary Education: Field Readers to Review Proposals for FIPSE/ED/OERI/FIPSE

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Fund for the Improvement of Postsecondary Education, Room 3123, 400 Maryland Avenue SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals with backgrounds and experience in postsecondary education.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes indicating name, position, work experience, and general personal information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

For uses in the Departmental Regulations (34 CFR 5b, Appendix B, items 1 through 8).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in cabinet.

RETRIEVABILITY:

The file contains names and short resumes of people who have read for the Fund or who have been suggested as readers, within the last three years. It is organized by State.

The use of the file is to secure academicians and scholars as readers to evaluate and make recommendations on FIPSE proposals and as consultants to review and assess FIPSE projects already in progress.

SAFEGUARDS:

Administrative use by authorized agency personnel. Exception: Subject to disclosure requirements of Privacy Act.

RETENTION AND DISPOSAL:

The file is cleared of inactive resumes at irregular intervals.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, FIPSE, Room 3123, 400 Maryland Avenue SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager; for general inquiries, name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is same as in preceding paragraph.

RECORD ACCESS PROCEDURES:

Contact system manager.

CONTESTING RECORD PROCEDURES:

Contact system manager.

RECORD SOURCE CATEGORIES:

Information forwarded to FIPSE by individuals interested in serving as field readers; information obtained by contacting individuals with specific expertise in postsecondary education.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0002

SYSTEM NAME:

Registry of Deaf-Blind Children—Regional-National. ED/OSERS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

(See Appendix I—System 18-40-0004)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Deaf-blind children enrolled in programs supported by Pub. L. 94-142, Part C or for whom services are being planned by each State under the 16 regional deaf-blind centers are indicated in the registry by name, or code as determined by State and local regulations. The registry contains information on children by sex, demographic data, and service status of child.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, service category, i.e., service being provided to the child, fiscal data such as state, local, or Federal funding received by each program under the regional deaf-blind center.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 1422

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Authorized staff of regional deaf-blind centers, State and local educational agencies, and participating agencies for the purpose of planning and developing appropriate programs to meet short and long term needs of deaf-blind children have access to statistical aggregate data only through authorized center staff. Registry data will be coordinated with a joint national registry in cooperation with the Helen Keller National Center for Deaf-Blind Youths and Adults. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her invididual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card index, paper files in metal file cabinets in each regional center office, computer disks and magnetic tapes under management of one regional center and the National Deaf-Blind Center.

RETRIEVABILITY:

Registries are indexed by name, or code, for each child reported by programs serving deaf-blind children and maintained only by the regional center staff. Statistical aggregate data is available for planning purposes to center staff, regional advisory committee members, state and local educational agencies, participating agencies and Helen Keller National Center for Deaf-Blind Youth and Adults.

SAFEGUARDS:

Direct access to regional registries is controlled by each regional center and statistical data are made available only to authorized officials as indicated under "Retrievability". Regional and national registries maintained under lock and key, and code for data on computer tapes known only to authorized staff responsible for their management. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Regional and national registries are maintained throughout educational and rehabilitation lifetime of the individual, or removed upon request by parents or the client.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Deaf-Blind Section/OSERS, Room 4046, Donohoe Building, 400 Maryland Avenue SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager for general inquiries; for specific information contact regional center serving State in which child resides. See Appendix I of System 18-40-0004. Provide child's name and/or any I.D. number or code assigned to regional center.

RECORD ACCESS PROCEDURE:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Parents, referrals by States and participating agencies serving deaf-blind children, to the regional deaf-blind center. All data are provided on a voluntary basis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0003

SYSTEM NAME:

Student Participants in Deaf-Blind Programs under Centers and Services for Deaf-Blind Children. ED/OSERS

V46105 JE2 81 UMI

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

(See Appendix I—System 18–40–0004)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

General intake data including name and address of child, medical, sociological and educational data relevent to the child in order to determine child's needs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, general intake data as described in preceding paragraph, and maintained in file record of program in which child is enrolled. All information is provided by consent and knowledge of parents of child.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 1422.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PROPOSES OF USES:

Authorized officials and staff of immediate program in which child is enrolled, Regional Center staff for planning short and long term program alternatives for the child. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly effect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files stored in file cabinets of individual programs in which child is enrolled. Only authorized staff have access to records with approval of administrative official of said program.

RETRIEVABILITY:

Files are indexed by child's name and are retrievable only by authorized staff of program in which child is enrolled, and by parent of child

SAFEGUARDS:

Files are maintained under lock and key and cannot be removed without approval of authorized official of program in which child is enrolled. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Files are maintained as long as child is enrolled in program. File may follow child as child moves to another program or State.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Deaf-Blind Section/OSERS, Room 4046, Donohoe Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager for general inquiries; for specific information see Appendix I of 18–04–0004. Provide child's name and/or code number for information regarding specific program child is enrolled in. Regional Center will provide name and address from which parent can request specific information.

RECORD ACCESS PROCEDURE:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Parents of child enrolled in program; all data are provided on a voluntary basis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–40–0004

SYSTEM NAME:

Parent Participants in Deaf-Blind Programs provided by Regional Centers for Deaf-Blind Children. ED.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

(See Appendix I of this system 18–40–0004).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parents of deaf-blind children enrolled in programs provided by Regional Centers for Deaf-Blind Children.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, general intake data as determined by administrative officials of programs in which child is enrolled. All information requested is provided with knowledge and consent of the parent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 1422.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

Authorized officials and staff of immediate program in which child is enrolled to communicate with parents regarding child's progress. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files stored in file cabinets of individual program in which child is enrolled. Only authorized staff have access to records with approval of administrative official of said program.

RETRIEVABILITY:

Files are indexed by child's name and are retrievable only by authorized staff of program in which child is enrolled; and, by parent of child.

SAFEGUARDS:

Files are maintained under lock and key and cannot be removed without approval of authorized official of program in which child is enrolled. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Files are maintained as long as child is enrolled in program. File may follow child, as child moves to another program or State.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Deaf-Blind Section/OSERS, Room 4046, Donohoe Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager for general inquiries; for specific information see Appendix I of this system (18–40–0004). Provide child's name and/or code number for information regarding specific program child is enrolled in. Regional Center will provide name and address from which parent can request specific information.

RECORD ACCESS PROCEDURE:

If an individual wishes to gain access to a record in ths system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Parents of child enrolled in program; all data are provided in a voluntary basis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I—Programs for Deaf-Blind Children and Youth

Alaska—Program

Alaska State Center for Deaf-Blind Children, 111 Dowling Road, Anchorage, AK 99502

Colorodo—Program

Colorado Department of Education, State Office Building, 201 East Colfax, Denver, CO 80203

Illinois—Program

Illinois Office of Education, 100 North First Street, Springfield, IL 62777

Ohio—Program

Ohio Department of Education, Division of Special Education, 933 High Street, Worthington, OH 43085

Pennsylvania—Program

Pennsylvania Department of Education, 236 Union Deposit Mall, Harrisburg, PA 17111

Texas—Program

Texas Education Agency, 201 East 11th Street, Austin, TX 78701

Washington—Program

Washington State Office, Education School District 121, 1410 South 200th, Seattle, WA 98148

New England Region

Connecticut, Maine, Vermont, Massachusetts, Rhode Island, New Hampshire, Perkins School for the Blind, 175 North Beacon Street, Watertown, MA 02172

Mid-Atlantic Region

New Jersey, New York, Delaware, Puerto Rico, Virgin Islands, New York Institute for Education of the Blind, 999 Pelham Parkway, Bronx, NY 10469

South Atlantic Region

North Carolina, Maryland, Virginia, District of Columbia, West Virginia, South Carolina, North Carolina Department of Public Instruction, 327 Hillboro Street, Bunn-Hatch Building, Raleigh, NC 27611

Southeast Region

Alabama, Georgia, Tennessee, Florida, Mississippi, Kentucky, Alabama Institute for the Deaf-Blind, Box 698, Talladega, AL 35160

Midwest Region

Michigan, Indiana, Wisconsin, Minnesota, Michigan Department of Education, 5th Floor, Davenport Building, Ottawa and Capitol Streets, Lansing, MI 48933

Southwest Region

Arizona, Nevada, California, Guam, Hawaii, Trust Territories, California Department of Education, 721 Capitol Mall, Sacramento, CA 95814

Appendix II—Programs for Deaf-Blind Youths and Adults

Hellen Keller National Center for Deaf-Blind Youths and Adults, 111 Middle Neck Road, Sands Point, NY 11050

18–40–0005

SYSTEM NAME:

Participant Waiting List for Projects Serving Severely Handicapped Children and Youth. ED/OSERS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

(See Appendix II—18–40–0006.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Severely handicapped children and youth waiting to be included in services provided by project.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and telephone numbers of children and youth; student educational, social, psychological, and relevant medical information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Education of the Handicapped Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To State and local educational agencies for coordinating services to potential participants; to other relevant State and local public and private agencies providing services to such potential participants, for coordination of services; to members of the project advisory boards and parent-teacher type organizations for coordinating and augmenting services to potential participants. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is in folders and stored in file cabinets.

RETRIEVABILITY:

File alphabetically by potential student surname. Records are cross indexed with listings of students by county/district. Records are available to project staff involved in planning for services to be provided.

SAFEGUARDS:

Direct access is restricted to authorized project staff; access to room in which file cabinets are maintained is limited during nonworking hours to

those with keys to room. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Student files are maintained in potential student category until the enrollment of a student, or for two years following possible enrollment age of student. Disposal—records put into trash.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Special Needs Section/OSERS, Room 3135, Donohoe Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager; for general inquiries, provide name and possible matriculation date of student. Address is project director as cited in Appendix II (18–40–0006).

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Names and addresses referred from public and private educational and health agencies. Student information provided through review of records available on potential students from other public and private agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–40–0006

SYSTEM NAME:

Participants of Projects Serving Severely Handicapped Children and Youth. ED/OSERS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

(See Appendix II of this system (18–40–0006.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Severely handicapped children and youth participating in Special Services Branch-funded projects, and the parents of these children and youth.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and telephone numbers of children, youth and their parents; student educational, social, psychological and relevant medical information; student attendance, progress and testing records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3701.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To State and local educational agencies for coordinating services to participants; to other relevant State and local public agencies providing services to such participants; for coordination of services to them; to members of project advisory boards and parent-teacher type organizations for coordinating and augmenting services to participants. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files maintained in standard file cabinets.

RETRIEVABILITY:

Filed alphabetically by student/parent surname. Records are cross-indexed with listings of students by county/school district. Records are available to project staff involved in the provision of services to the students/parents. Occasionally, personnel in State and local educational departments may be given some information from the files for the purpose of coordinating and strengthening services to the students/parents.

SAFEGUARDS:

Direct access is restricted to authorized project staff; access to room in which file cabinets are maintained is limited during non-working hours to those with keys to room. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Student and parent files are maintained for two years following the participation of a student. Disposal—records put into trash.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Special Needs Section/OSERS, Room 3135, Donohoe Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager; for general inquiries, name and matriculation dates of students. Address is project director as cited in Appendix II of this system (18–40–0006).

RECORD ACCESS PROCEDURE:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Names and addresses referred from public and private educational and health agencies. Student information provided through review of records of students previously receiving services from other agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix II—Program for Severely Handicapped Children and Youth

Alabama

Alabama Institute for Deaf-Blind, P.O. Box 698, Talladega, AL 35160

California

Bay Area Severely Handicapped Deaf-Blind Project, Bryant—Sunshine School, San Francisco, CA 94110

Frederic Burk Foundation for Education at San Francisco State University, 1640 Holloway Avenue, San Francisco, CA 94132

Hawaii

University of Hawaii, Department of Special Education, 1776 University Avenue, Honolulu, HI 96822

Illinois

Northern Illinois University, Dekalb County, IL 60115

Institute for the Study of Developmental Disabilities, University of Illinois at Chicago Circle, Chicago, IL 60680

Kansas

Bureau of Child Research, University of Kansas, Parson Research, Parson, KS 67357

Massachusetts

Perkins School for the Blind, Deaf-Blind Program, 175 North Beason Street, Watertown, MA 02171

Missouri

Department of Special Education, University of Missouri—Columbia, 515 South Sixth Street, Columbia, MO 65211

New Jersey

Educational Testing Service, Rosedale Road, Priceton, NJ 08541

New York

Cantalican Center for Learning, 3233 Main Street, Buffalo, NY 14214

Deafness Research and Training Center, 80 Washington Square East, New York, NY 10003

North Carolina

University of North Carolina at Chapel Hill, Division TEACCH, Department of Psychiatry, Chapel Hill, NC 27514

Oklahoma

Project SPARK, Baptist Med. Center/Nat'l Assn. for D–B, Oklahoma City, OK 73116

Oregon

Oregon Research Institute, 195 West 12 Avenue, Eugene, OR 21230

Specialized Training Program, 1590 Willamette Street, Eugene, OR 97401

Teaching Research, Division of Oregon State System of Higher Education, Monmouth, OR 97361

Deaf-Blind Youths, Teaching Research, Division of Oregon State System of Higher Education, Monmouth, OR 97361

Rhode Island

Easter Seal Society of Rhode Island, Inc., 667 Waterman Avenue, East providence, RI 02914

Tennessee

George Peabody College, P.O. Box 36, Nashville, TN 73203

Texas

Education Service Center, Region #20, 1550 N.E. Loop 410, San Antonio, TX 78209

Vermont

University of Vermont, Center for Developmental Disabilities, 499 C Waterman Building, Burlington, VT 05405

Washington

University of Washington, College of Education, Seattle, WA 98195

Lake Washington, School District, Kirkland, WA 98033

Wisconsin

University of Wisconsin, Department of Behavorial Disabilities, 427 Education Building, Madison, WI 53706

18-40-0007

SYSTEM NAME:

Participants in Workshops Concerning Severely Handicapped Children and Youth, ED/OSERS/BEH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 3135, Donohoe Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professionals and non-professionals attending BEH sponsored or supported national and regional workshops which deal with severely handicapped children and youth.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of workshop participants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To national organizations of professionals working with severely handicapped children and youth for sharing of information and coordination of activities; to State and local educational agencies directing attention to this special field of services. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agree to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Cabinet storage, paper files.

RETRIEVABILITY:

Indexed and filed by name of conference-workshop location of conference, and topic(s) discussed. Cross-indexed by name of participant in alphabetical listings.

SAFEGUARDS:

Direct access is restricted to authorized program staff; access to room in which file cabinets are maintained is limited during non-working hours to those with passes to building. Exception: Subject to the disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Workshop Participants files are maintained for two years following the completion of a conference/workshop. Disposal—records put into trash.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Special Needs Section/BEH, Room 3135, Donohoe Building, 400 Maryland Avenue, Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager; for general inquiries, name and address of participant. Address is Program Officer, in preceding paragraph.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Names and addresses obtained from the participants attending national or regional meetings concerning severely handicapped children and youth.

V 46 / 105 JE 2 81 UMI

18-40-0011

SYSTEM NAME:

Upward Bound Information System. ED-ASDE-HE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 3319-C, ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former participants in the Upward Bound Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The student's: name, system identifier number, social security number, sex, date of birth, ethnoracial background, home address, dates of entry into and departure from Upward Bound, income eligibility data, need for program services, veteran's status, current enrollment status and grade level, high school and expected date of graduation, high school academic program and grade point average at time of entrance into the program, Scholastic Aptitude Test and American College Test Score data (if applicable), reason for leaving program, and postsecondary school enrollment data or reason for not pursuing a postsecondary education.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title IV-A of the Higher Education Act of 1965, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the routine uses contained in 34 CFR Part 5b, Appendix B. Disclosure may be made to a Congressional office from the record of an indivdual in response to an inquiry from the Congrssional office made at the request of that indivudual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official Department in his or ner official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, ACCESSING, RETAINING, AND DISPOSING OF RECORD IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape files at ED's contractor site, 5185 MacArthur Blvd., NW., Washington, D.C. 20016.

RETRIEVABILITY:

Records are accessed primarily by a student number assigned by the Upward Bound Computer system.

SAFEGUARDS:

Only designated personnel are authorized to have access to the files.

RETENTION AND DISPOSAL:

Current records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Systems and Program Support Branch, Division of Student Services, OHCE, Room 3514, ROB No. 3, 400 Maryland Avenue SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

If an individual wishes to determine whether a record exists for him or her in the system of records, the individual should provide to the system manager his or her name and student number.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system he or she should contact the system manager with the information described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Information submitted by the institution's program director who obtains it directly from the individual students. Information regarding the enrollement and graduation of former participants is also obtained from college registrars.

18-40-0012

SYSTEM NAME:

Migration and Refugee Assistance Act of 1962—United States Loan Program for Cuban Students. ED/OPSE/OSFA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Student Financial Assistance, 1200 Main Tower Building, Dallas, TX 75202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Cuban refugees who have borrowed money under the program to finance their education at eligible institutions of higher education.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) All individual student files contain the following personal data: name, address, institution, ED ID No.; sex, date of birth, marital status, dependents; place of birth, immigration status, social security number; name and address of parents and relatives; employment record for past five years; educational pursuits, career objective; financial information (relatives); date of separation, total amount borrowed; repayment schedule, collections, deferments, cancellations; (2) Additional information on those who request a postponement of repayment on ground of hardship; place of employment, income; regular expenses, list of debts giving name and address of creditor, nature of indebtedness, total cost, balance owed, frequency of payment and amount of each payment; (3) Additional information on those who request cancellation of loan on ground of permanent and total disability; nature of disability, date symptoms first appeared; name, address of doctor or hospital providing examination(s) and treatment; history of disability, present condition, diagnosis, treatment, progress, prognosis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Migration and Refugee Assistance Act of 1962, Section 2, Pub. L. 87-510 (22 U.S.C. 2601).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To contractor providing billing and collection services for purposes of maintaining accurate and current records of participating students; to students who request a record of their account; to Internal Revenue Service and Immigration and Naturalization Service for purposes of skip-tracing lost borrowers; and to the General Accounting Office or the Department of Justice for legal action against delinquent borrowers and for the routine uses contained in 34 CFR Part 5b

Appendix B. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any compenent of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the puropose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OR RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard-copy, filed in a standard (locked) file cabinets.

RETRIEVABILITY:

Records are indexed by indexed by individual name and ED identification number. Records are available to DPO staff involved in correspondence with Cuban refugee borrowers, contractor personnel if necessary, and members of the Office of General Counsel. Records are available to Public Health Service for determinations on requests for medical postponement of repayment of loan or permanent and total disability.

SAFEGUARD:

Direct access is restricted to authorized program officials and contractor personnel. Physically safeguard by use of standard file cabinets which are locked during non-working hours. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Records maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Administrator, Office of Student Financial Assistance, 1200 Main Tower Building, Dallas, TX 75202.

NOTIFICATION PROCEDURE:

System manager will respond to inquiries. Inquiries must contain system identification number and system name: name and address of borrower concerned; and date of previous correspondence, if any.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Original information is submitted by the institution's program director who obtains it directly from the individual students; additional information in the case of requests for hardship postponements or cancellations on the gounds of total and permanent disability is obtained from the student, a doctor and/or a hospital; and if a borrower dies before completion of repayment, proof of death is obtained from appropriate source.

18-40-0013

SYSTEM NAME:

National Defense Direct Student Loan Program—Request for Cancellation of Loan on Ground Permanent and Total Disability. ED/OPSE/OSFA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4636, ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Student borrowers under the National Defense Direct Student Loan Program requesting loan cancellation because of permanent and total disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on borrowers requesting disability cancellation of loans includes name, address, social security number, medical records, name and address of lending institution, and other information needed to process such cancellation requests

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title IV–E of the Higher Education Act of 1965, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the routine uses contained in 34 CFR Part 5b, Appendix B. Disclosure may be made to a Congressional office from the record of an individual in resonse to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in hard copy form are maintained in standard file cabinets.

RETRIEVABILITY:

Records are accessed by individual's name only. Program officials use the records to secure appropriate information on which the Secretary of Education may make a determination to cancel a National Defense Direct Student Loan for reasons of permanent and total disability.

SAFEGUARDS:

Only program officials are authorized to have access to the files. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

The file is a cumulative one. To date, all individual case records are maintained as initially filed; none have been deleted, removed, or stored elsewhere.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager will respond to inquiries as to whether the system contains an individual's record. Inquiries must contain system identification number and system; name and address of borrower concerned; and date of previous correspondence if any.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, idenity the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Information is submitted by the borrower requesting cancellation and by his physician(s), through the lending institution.

18-40-0014

SYSTEM NAME:

Pell Grant Application File. ED/OPSE/OSFA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4920, ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202; Pell Grant Processing Center, Iowa City IA 52240; Pell Grant Processing Center, Los Angeles, CA 90009.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students applying for and receiving Basic Grant assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, birthdate, social security number, and financial data necessary to identify applicants and calculate their eligibility index for Pell Grants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title IV-A of the Higher Education Act of 1965.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

Identifying information and eligibility index of applicants is provided to those institutions of postsecondary education in which the applicants plan to enroll or are enrolled. The same data are provided to State scholarship agencies having agreements with the Secretary for purposes of coordinating State aid with the Pell Grant Program. On request, information is provided to parents and spouses who provide information on the application form. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. The information may be released for the routine uses in 34 CFR Part 5b, Appendix B, including contractors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original applications are maintained in standard file cabinets in Pell Grant processing center. Micro-fiche records are maintained in Washington office in standard file cabinets.

RETRIEVABILITY:

Records are indexed by name of applicant with a cross-index file by social security number. Records are available to all Division of Pell and State Student Grant staff (including appropriate contract support).

SAFEGUARDS:

Only designated program officials and contract staff have access to file. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Original records are maintained until end of academic year and then stored in Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, ROB No. 3, 7th and D Street SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

In an individual wishes to determine whether a record exists for him or her in the system of records, the individual should provide to the system manager his or her name and social security number.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Information may be provided directly to the Department of Education by applicants, or, at the request of an applicant, may be provided by the following agenicies: American College Testing Program, Iowa City, IA 52240; Pennsylvania Higher Education Assistance Agency, Harrisburg, PA 17102; College Scholarship Service, Princeton, NJ 08541; and College Scholarship Service, Berkeley, CA 94701.

The purpose of this approach is to permit students to apply for Pell Grant Assistance without being required to submit a Pell Grant Application, but instead to provide data needed by the Pell Grant Program on other forms by which they apply for State and/or institutional aid.

18-40-0015

SYSTEM NAME:

Pell Grant Student Eligibility Report Sub-system. ED/OPSE/OSFA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4712, ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pell Grant Recipients.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, birthdate, social security number, financial data, and status of award for Pell Grant recipients.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title IV–A of the Higher Education Act of 1965.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To prepare annual student validation roster for submission to schools in order to verify payments made to students. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original Student Eligibility Reports and hard copy are maintained in standard file cabinet.

RETRIEVABILITY:

Records are indexed by institution and by name and social security number within school. Records are used to verify and reconcile institutional expenditures.

SAFEGUARDS:

Direct access is restricted to authorized staff. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Original copies are maintained until fiscal year funds are closed out, and then stored at Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4651, ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

If an individual wishes to determine whether a record exists for him or her in the system of records, the individual should provide to the system manager his or her name and social security number.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Student Eligibility Report.

18–40–0016

SYSTEM NAME:

Pell Grant Alternate Disbursement System. ED/OPSE/OSFA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4651, ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible applicants who are paid directly by Federal Government since they are enrolled in eligible non-participating schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, birthdate, social security number, financial data, and enrollment status of Pell Grant recipients paid through this system:

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title IV–A of the Higher Education Act of 1965.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For routine uses contained in 34 CFR Part 5b, Appendix B. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in standard file cabinet.

RETRIEVABILITY:

Records are indexed by name of applicant. Records are available to Division of Program Operations staff.

SAFEGUARDS:

Direct access is restricted to authorized staff.

RETENTION AND DISPOSAL:

Original copies are maintained until fiscal year funds are closed out and then stored at Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

If an individual wishes to determine whether a record exists for him or her in the system of records, the individual should provide to the system manager his or her name and social security number.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedures.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

V 46 / 105 / JE 2 81 UMI

RECORD SOURCE CATEGORIES:

Student Eligibility Reports and Requests for Payment from applicants.

18-40-0017

SYSTEM NAME:

Student Financial Assistance Validation File. ED/OPSE/OSFA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4069, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEMS:

Applicants and recipients of student financial assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student Financial Assistance application, award and servicing forms and documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title IV of the Higher Education Act of 1965.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the routine uses contained in 34 CFR Part 5b, Appendix B. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in standard file cabinets.

RETRIEVABILITY:

Records are indexed by name and are available only to specifically designated staff involved in validation process.

SAFEGUARDS:

Access is restricted to authorized staff only and files are maintained in locked cabinets. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Records are maintained until resolved and then stored in Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Certification and Program Review, Room 4069, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

If an individual wishes to determine whether a record exists for him or her in the system of records, the individual should provide to the system manager his or her name and social security number.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Application data, incoming correspondence and related material, obtained during course of investigation.

16-40-0016

SYSTEM NAME:

Mutual Educational and Cultural Exchange Act Teacher Exchange Participants and Applicants. ED/OPSE/IE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 3069, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been selected to teach abroad under the Teacher Exchange Program. Individuals who have applied abroad under the Teacher Exchange Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, date and place of birth, citizenship, dependents, educational background, employment background, languages, membership in clubs and organizations of the individuals, personal references including reports of interviews, administrative approval, and language proficiency when required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451-2458).

ROUTINE USES OF RECORDS MAINTAINED IN SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For routine uses contained in 34 CFR Part 5b, Appendix B, U.S. binational commissions, the Board of Foreign Scholarships and concerned country educational authorities to determine suitability of candidate for teaching position in their country. Disclosure may be made to a Congressional office from the record of an individual in response to any inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard-copy, filed in standard file cabinets.

RETRIEVABILITY:

Records are accessed by individual names only by authorized ED staff for the purposes of determining eligibility for teacher exchange opportunities, for

selection of teacher exchange participants, and to develop profile information regarding recipients of grants for program evaluation, planning, and reporting purposes.

SAFEGUARDS:

Direct access is restricted to authorized ED staff. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Records are maintained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of International Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact system manager.

RECORD ACCESS PROCEDURES:

Contact system manager.

CONTESTING RECORD PROCEDURES:

Contact system manager.

RECORD SOURCE CATEGORIES:

Information is submitted by the individual on approved application forms.

18-40-0019

SYSTEM NAME:

National Defense Education Act Foreign Language and Area Studies Fellowship Program—Fellows and Alternates. ED/OPSE/IE

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 3671, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been nominated by their institution of higher education to be a recipient or alternate recipient of a fellowship.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, citizenship, career goal, language competency, educational background, oath or affirmation of allegiance, previous awards held, and statement of crimes, on all individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Defense Education Act of 1958, as amended, Title VI, Section 601(b); Title X, Section 1001(f) (1), (2).

ROUTINE USES OF RECORDS MAINTAINED IN SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For routine uses contained in 34 CFR Part 5b, Appendix B. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard-copy, filed in standard file cabinets.

RETRIEVABILITY:

Records are accessed by individual names or by educational institutions only by authorized ED staff members for the purposes of determining eligibility for fellowships, for establishing allowances for stipends and dependents, and for developing profile information regarding recipients of fellowships for program evaluation, planning, and reporting purposes.

SAFEGUARDS:

Direct access is restricted to authorized ED staff. Exceptions: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Records are maintained three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Division Director, Division of International Education Research and Studies, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact system manager.

RECORD ACCESS PROCEDURES:

Contact system manager.

CONTESTING RECORD PROCEDURES:

Contact system manager.

RECORD SOURCE CATEGORIES:

Information is submitted by the individual on approved application forms.

18-40-0020

SYSTEM NAME:

Mutual Educational and Cultural Exchange Act—Doctoral Dissertation Research Abroad and Faculty Research Abroad, Fellows and Alternates. ED/OPSE/IE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 3727, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been selected to be a recipient or alternate recipient of a fellowship.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, educational institution, date and place of birth, veteran's status, educational background, health statement, language references, personal references for all individuals, project descriptions. In addition, the annualized salary figure for all faculty fellows and alternates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451–2458).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the routine uses contained in 34 CFR Part 5b, Appendix B, U.S. embassies, binational commissions, the Board of Foreign Scholarships, and in some cases foreign governments, and to field readers, to determine eligibility and suitability to undertake research abroad. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hardcopy, filed in standard file cabinets.

RETRIEVABILITY:

Records are accessed by individual names and educational institution only by authorized ED staff and field readers for the purposes of determining eligibility and suitability to undertake research abroad, establishing allowances for travel, maintenance, and dependents, and for developing profile information regarding recipients of fellowships for program evaluation, planning, and reporting purposes.

SAFEGUARDS:

Direct access is restricted to authorized ED staff. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Records are maintained five years and then destroyed.

SYSTEMS MANAGER(S) AND ADDRESS:

Director, Office of International Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact system manager.

RECORD ACCESS PROCEDURES:

Contact system manager.

CONTESTING RECORD PROCEDURES:

Contact system manager.

RECORD SOURCE CATEGORIES:

Information is submitted by the individual on approved application forms.

18-40-0021

SYSTEM NAME:

Student Financial Assistance—Compliance Files. ED/OPSE/OSFA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4069, ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for, and recipients of, Title IV student financial assistance; personnel of OSFA; officials, employees or agents of regional offices, participating schools, and lenders, who are involved in complaints or allegations of program irregularities, noncompliance with regulations, misconduct, fraud or abuse.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains written documentation of the alleged or proven act(s) of misconduct including name, address, social security and claim numbers (if appropriate) of the complainant, name of the student borrower, school or lender, and the results of investigative action, prosecution or non-prosecution intent, and results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1965, Title IV, as amended (20 U.S.C. 1070 *et seq.*).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

The information may be furnished to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to permit servicing or collecting of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and verify compliance with program regulations, or to locate a delinquent or defaulted borrower. To schools and lenders for investigative activities. In 34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 8, and 11. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard-copy filed in standard file cabinets.

RETRIEVABILITY:

The records are filed and indexed alphabetically by name and address. Intradepartmental users of these records are the Office of General Counsel (OGC), Office of Inspector General (OIG), and the ED Regional Offices (RO). OGC usage is for the purpose of providing background data in obtaining legal rulings and opinions. OIG usage is for the purpose of obtaining documentation necessary for the investigation. RO usage is for the purpose of coordinating actions between various regional offices.

SAFEGUARDS:

Direct access is restricted to authorized staff; file cabinets are locked. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Records are maintained three years; compliance and investigative records are maintained five years past date of case closing. Destroyed by maceration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Certification and Program Review, Room 4069, ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager; for general inquiries, name and date of previous correspondence, if known; for compliance/investigative material, name and an I.D. number assigned. Address is listed in preceding paragraph.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of

records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Incoming correspondence, responses, and material obtained during course of any investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0022

SYSTEM NAME:

Student Financial Assistance—Student Complaint Files. ED/OPSE/OSFA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4069, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicant for, recipients of, Title IV student financial assistance who have made complaints or allegations of irregularities by schools or lenders, or their officials, employees, or agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains written documentation of student complaints including name, address, social security and claim number (if appropriate) of the complainant, name of school and lender.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1965, Title IV.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF USES:

The information may be furnished to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to permit servicing or collecting of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and verify compliance with program regulations, or to relocate a delinquent or defaulted borrower. To schools and lenders for investigative activities. In Departmental regulations (34 CFR Part 5b, Appendix B, items 1, 3, 5, 6, 8, and 11). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such dislosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard-copy, filed in standard file cabinets.

RETRIEVABILITY:

The records are filed and indexed alphabetically by name and address. Authorized intradepartmental employees review action taken.

SAFEGUARDS:

Direct access is restricted to authorized OSFA staff; file cabinets are locked. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Records are maintained three years; complaint and investigative records are maintained five years past date of case closing. Destroyed by maceration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Certification and Program Review, Room 4069, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager; for general inquiries, name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is listed in preceding paragraph.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Incoming correspondence, responses, and material obtained during course of any investigation.

18-11-0002

SYSTEM NAME:

Defaulted Guaranteed Loans Submitted to Department of Justice. ED.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4636, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202. Room 5471, 441 G Street, N.W., Washington, D.C. 20548.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Borrowers for whom defaulted claims have been paid and subsequently submitted to Department of Justice (DOJ) for further action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains borrower's name, demographic background, educational and lender information, family financial information, credit data, and collection history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1965, Title IV–B, as amended (20 U.S.C. 1071–1087–4).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

The information may be furnished to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to permit servicing or collecting of the loan, to enforce the conditions or terms of the loan, to counsel the borrower in repayment efforts, to investigate

possible fraud and verfiy compliance with program regulations, or to locate a delinquent or defaulted borrower. For uses contained in the Departmental Regulations (34 CFR Part 5b, Appendix B). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained on microfilm filed in standard file cabinets.

RETRIEVABILITY:

Data indexed by name and date. Data utilized by collection staff to compile OSFA statistics and management reports; to implement write-off of files transferred to DOJ to provide additional information in response to GAO/Justice Department inquiries.

SAFEGUARDS:

Direct access is restricted to authorized OSFA staff; file cabinets are locked. Exception: subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Held indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURES:

System manager; for general inquiries, name and date of previous correspondence if known; for defaulted loans submitted to Department of Justice, name, social security number, and any I.D. number assigned. Address is listed in preceding paragraph.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Information is obtained from applications, correspondence and reports from borrowers and their families, lenders, schools, employers, credit agencies, and government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0024

SYSTEM NAME:

Guaranteed Loan Program—Loan Application File. ED/OPSE/OSFA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4636, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202; 5700 Thurston Avenue, Virginia Beach, VA 23455.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Borrowers who have applied for educational loans under Title IV–B of the Higher Educationa Act of 1965.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains written documentation of application including demographic background, loan and educational status, name of guarantor and lender, and data on credit and family.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1965, as amended (20 U.S.C. 1071–1087–4).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

The information may be furnished to Federal, State or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, to credit bureaus and collection agencies, and to agency contractors, in order to verify the indentity of the applicant, to determine program eligibility and benefits, to permit servicing or collecting of the loan, to enforce the conditions or terms of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and verify compliance with program regulations, or to locate a delinquent or defaulted borrower. To contractors for updating computer records and correction of errors. In uses in the Departmental Regulations (34 CFR, Part 5b, Appendix B, items 1, 3, 5, 6, 8, and 9). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard-copy or microfilm and are filed in standard records cartons.

RETRIEVABILITY:

Records are indexed by borrower's name. Used by OSFA personnel either to retrieve needed information on an individual, a school, a lender, or as part of a random statistical sampling or review.

SAFEGUARDS:

Direct access is restricted to authorized OSFA staff and contract employees; stored in records cartons in rooms locked during nonbusiness hours. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Records of individual loans are destroyed three years after final repayment of loan. Destroyed by maceration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

If an individual wishes to determine whether a record exists for him or her in the system of records, the individual should provide to the system manager his or her name and social security number.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedue.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification of the change.

RECORD SOURCE CATEGORIES:

Incoming application forms from guarantee agencies and private non-profit agencies approved by the Secretary. Information supplied by student, student's family, and lender.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0025

SYSTEM NAME:

NDSL Student Loan Files. ED/OPSE/OSFA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4613, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Student borrowers under the National Direct (formerly Defense) Student Loan Program whose notes have been referred to the U.S. Government because of loan default or school closing.

CATEGORIES OF RECORDS IN THE SYSTEM.

Contains borrower's name, demographic background, educational and lender information, family financial information, borrower credit and financial data, and collection history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1965, Title IV-E, as amended (20 U.S.C. 1087aa-ff).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES.

For uses in the Departmental Regulations (34 CFR 5b, Appendix B, items 1, 3, 4, 5, 6, 8, and 9). To various billing services under contract with ED for continued servicing of loans from institutions no longer in operation. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard-copy and microfilm filed in standard file cabinets.

RETRIEVABILITY:

Data indexed by name. Data utilized to compile NDSL statistics and management reports for NDSL staff; and used by the collection staff to collect monies owed to U.S. Government.

SAFEGUARDS:

Direct access is restricted to authorized ED staff. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Hard copies destroyed by maceration after microfilming; microfilm maintained three years after repayment or cancellation of loan, and destroyed by chemical processing.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact system manager.

RECORD ACCESS PROCEDURES;

Contact system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from applications, correspondence and reports submitted by borrowers and their families, institutions of postsecondary education, employers, credit agencies, and governmental agencies.

18-40-0026

SYSTEM NAME:

Guaranteed Loan Program—Paid Claims File. ED/OPSE/OSFA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4636, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Borrowers for whom claims have been paid on loans insured under Title IV-B of HEA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains borrower's name, demographic background, educational and lender information, family financial information, credit data, loan data, legal documents, medical reports, and collection history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1965, Title IV-B, as amended (20 U.S.C. 1071-1087-4).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information may be furnished to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, to credit bureaus and collection agencies, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to

V 4 6 / 1 0 5 J E 2 8 1 UMI

enforce the conditions or terms of the loan, to permit servicing or collecting of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and verify complainace with program regulations, or to locate a deliquent or defaulted borrower. To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update records and correct errors; to state guarantee agencies requesting student borrower information; and for uses in (34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 8, and 9). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard-copy filed in standard file cabinets and lektriever.

RETRIEVABILITY:

Data indexed by name. Claims classified into special categories: bankruptcies; death, disabilities; repurchases by lenders; paid-in-full; and defaulted claims. Defaulted claims are separated into sub-categories: skip files, suspension files, foreign files, forbearance files, and prison files. Data utilized to compile OSFA statistics and management reports for system manager; used by collection staff to collect monies owed to U.S. Government and to perform post-audits on paid claims; to provide data to the Office of Inspector General in cases of possible fraud and irregularities; and to provide data to compliance staff associated with violation of the laws.

SAFEGUARDS:

Direct access is restricted to authorized OSFA staff; file cabinets and lektriever are locked. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Records destroyed by maceration after microfilming; microfilm maintained three years after repayment or cancellation of loan, and destroyed by chemical processing.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, GSA Building, 7th and D Streets, SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager: for general inquiries, name and date of previous correspondence, if known; for paid claim: name, social security number, and and I.D. number assigned. Address is listed in preceding paragraph.

RECORD ACCESS PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager and provide information as described in the notification procedure above.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Information is obtained from applications, correspondence and reports from borrowers and their families, acquaintances, lenders, schools, employers, credit agencies, and governmental agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0027

SYSTEM NAME:

Guaranteed Loan Program—Claims and Collections Master File. ED/OPSE/OSFA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

7980 Gallows Court, Vienna, VA 22180.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defaulted borrowers for whom the claims have been paid under Title IV-B of the Higher Education Act of 1965.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains names, social security numbers, addresses of defaulted borrowers. Contains claim number, amounts of claim to include interest, and lender/school identifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1965, Title IV-B, as amended, (20 U.S.C. 1071-1087-4).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

The information may be furnished to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, to credit bureaus and collection agencies, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to permit servicing or collecting of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and verify compliance with program regulations, or to locate a delinquent or defaulted borrower. To

contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquires about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update files and correct errors; to State guarantee agencies requesting student borrower information. For uses in the Departmental Regulations (34 CFR, Part 5b, Appendix B, items 1, 3, 4, 5, 6, 8, and 9). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The file is maintained on magnetic tape/disk packs in a library room area at the above named locations.

RETRIEVABILITY:

The file is indexed by social security number. Data utilized to provide Office of General Counsel and the Office of Inspector General with data in possible cases of fraud or irregularities. Other uses by OSFA staff are to identify student borrowers indebted to the U.S. Government who have defaulted on their student loan; reimburse lending institution for claim against a guaranteed loan; generate and maintain financial records for ED Finance Division; maintain accounting records of collection activity for borrowers repaying loans to U.S. Government; generate managerial and statistical reports; determine a borrower's default status; verify payments applied toward defaulted student loans; update file and correct errors.

SAFEGUARDS:

Direct access is restricted to authorized OSFA staff or contracted personnel.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact system manager for general inquiries supplying name, social security number and date of birth at address in preceding paragraph.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0028

SYSTEM NAME:

Guaranteed Loan Program—Collection Letters. ED/OPSE/OSFA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

7980 Gallows Court, Vienna, VA 22180.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defaulted borrowers for whom claims have been paid under Title IV-B of the Higher Education Act of 1965.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains names, social security numbers, addresses of defaulted borrowers. Contains claim numbers, amounts of claim to include interest and lender/school identifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1975, Title IV-B, as amended. (20 U.S.C. 1071-1087-4).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

The information may be furnished to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, to credit bureaus and collection agencies, and to agency contrators, in order to verify the identity of the applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to permit servicing or collecting of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and verify compliance with program regulations, or to locate a delinquent or defaulted borrower. To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or

institutions against which a complaint has been made; to other lenders in the program making inquires about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update records and correct errors; to State guarantee agencies requesting student borrower information; and for uses in the Departmental Regulations (34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 8, and 9). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The file is maintained on magnetic tape/disk packs in a library room area at the beginning of this system (18–40–0028).

RETRIEVABILITY:

The file is indexed by social security number. Data utilized to provide OSFA staff with statistical and managerial reports; to provide the Office of General Counsel and the Office of Inspector General with data in possible cases of fraud or irregularities. Other uses by OSFA staff are to identify defaulted claims in delinquent status; to contact defaulted borrowers to encourage repayment of claim disbursed by U.S. Government; to take follow-up action on delinquent defaulted accounts; to update records and correct errors.

SAFEGUARDS:

Direct access is restricted to authorized OSFA staff or contracted personnel

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact system manager for general inquiries supplying name, date of birth and social security number (at the address in preceding paragraph).

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure above.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described above in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, acquaintances, lenders, schools, medical reports, employers, credit agencies, and federal and state governmental agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–40–0029

SYSTEM NAME:

Guaranteed Loan Program—Inactive Loan Control Master File. ED/OPSE/OSFA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

7980 Gallows Court, Vienna, VA 22180.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Borrowers who participated in Guaranteed Loan Program whose names were deleted from the primary Loan Control Master File.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, social security number, demographic background, educational status, loan status, and family financial information of individual for whom the record was maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1965, Title IV–B, as amended (20 U.S.C. 1071–1087–4).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES FOR USES:

The information may be furnished to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, to credit bureaus or collection agencies, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to permit servicing or collecting of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and verify compliance with program regulations, or to locate a delinquent or defaulted borrower. To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for plossible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to State guarantee agencies requesting student borrower information; and for uses in the Departmental Regulations (34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 8, and 9). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the

parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The file is maintained on magnetic tape/disk packs in a library room area at the address at the beginning of this system (18–40–0029).

RETRIEVABILITY:

The file is indexed by social security number. Data are utilized to provide OSFA staff with statistical and managerial reports. Other uses by OSFA staff are to obtain loan data on former student loan borrowers; update records, and correct errors.

SAFEGUARDS:

Direct access is restricted to authorized OSFA staff or contracted personnel.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact system manager for general inquiries supplying name, date of birth, and social security number (at the above address listed in preceding paragraph).

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, acquaintances, lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–40–0027

SYSTEM NAME:

Guaranteed Loan Program—Claims and Collections Master File. ED/OPSE/OSFA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

7980 Gallows Court, Vienna, VA 22180.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defaulted borrowers for whom the claims have been paid under Title IV–B of the Higher Education Act of 1965.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains names, social security numbers, addresses of defaulted borrowers. Contains claim number, amounts of claim to include interest, and lender/school identifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1965, Title IV–B, as amended, (20 U.S.C. 1071–1087–4).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

The information may be furnished to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, to credit bureaus and collection agencies, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to permit servicing or collecting of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and verify compliance with program regulations, or to locate a delinquent or defaulted borrower. To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update files and correct errors; to State guarantee agencies requesting student borrower information. For uses in the Departmental Regulations (34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 8, and 9). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The file is maintained on magnetic tape/disk packs in a library room area at the above named location.

RETRIEVABILITY:

The file is indexed by social security number. Data utilized to provide Office of General Counsel and the Office of Inspector General with data in possible cases of fraud or irregularities. Other uses by OSFA staff are to identify student borrowers indebted to the U.S. Government who have defaulted on their student loan; reimburse lending institution for claim against a guaranteed loan; generate and maintain financial records for ED Finance Division; maintain accounting records of collection activity for borrowers repaying loans to U.S. Government; generate managerial and statistical reports; determine a borrower's default status; verify payments applied toward defaulted student loans; update file and correct errors.

SAFEGUARDS:

Direct access is restricted to authorized OSFA staff or contracted personnel.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact system manager for general inquiries supplying name, social security number and date of birth at address in preceding paragraph.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0031

SYSTEM NAME:

Guaranteed Loan Program—Pre Claims Assistance. ED/OPSE/OSFA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

903 S. Hyland Street, Arlington, VA 11104; 7980 Gallows Court, Vienna, VA 22180.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Borrowers under Title IV-B of the Higher Education Act of 1965 whose lending institutions have reported them to be delinquent in their repayments, or of unknown present addresses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name of borrower, social security number, address, amount of outstanding loans including interest, name and address of parent or nearest relative, record actions taken.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1965, Title IV-B, as amended (20 U.S.C. 1071-1087-4).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES FOR USES:

The information may be furnished to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, to credit bureaus and collection agencies, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to permit servicing or collecting of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and verify compliance with program regulations, or to locate a delinquent or defaulted borrower. To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last Known address; to Postal Service for last known address; to General Accounting Office of possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additonal loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update records and correct errors; to State Guarantee Agencies requesting borrower information; and for uses in the Departmental Regulations (34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 8, and 9). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The file is maintained on magnetic tape/disk packs in a library room area at the location at the beginning of this system (18-40-0031).

RETRIEVABILITY:

The file is indexed by social security or other I.D. number. Data are utilized to provide OSFA staff with statistical and managerial reports; to provide the Office of Inspector General with data in possible cases of fraud or irregularities. Other uses by OSFA staff are to identify delinquent borrowers; locate and contact delinquent borrowers; maintain current address of delinquent borrowers; assist lending institutions in

having delinquent borrowers commence repayment of educational loan; update records and correct errors.

SAFEGUARDS:

Direct access is restricted to authorized OSFA staff or contracted personnel.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact system manager for general inquiries supplying name with date of birth and social security number (at the address in the preceding paragraph).

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–40–0032

SYSTEM NAME:

Record of advances of funds for employees traveling for the Department of Education—(SF 1038, Application and Account for Advance of Funds). ED/OASM/OFM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 3105, FOB No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of Education (including consultants) who have requested advances of funds for travel on official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, home and/or business address, amount of travel advance requested, amount actually paid, and unliquidated balance, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

For audit by U.S. General Accounting Office (GAO). Disclosures may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in card format and are stored in file cabinets.

RETRIEVABILITY:

Records are indexed by name of individual requesting advance of funds. Records are available to employees of the Division of Financial Management, Department of Education, in performance of accounting functions and to the individual to whom funds were advanced.

SAFEGUARDS:

Direct access is restricted to authorized agency staff in performance of official duties. Maintained in locked file cabinets. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Retained four years or until audit by the U.S. General Accounting Office, whichever is earlier. Disposed of by maceration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Financial Management, U.S. Department of Education, Room 3105, FOB No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager will respond to inquiries.

RECORD ACCESS PROCEDURES:

Same as under "Retrievability."

CONTESTING RECORD PROCEDURES:

Contact system manager, above.

RECORD SOURCE CATEGORIES:

Travelers who complete Form SF 1038. (See system name at the beginning of this document (18–40–0032).)

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–40–0033

SYSTEM NAME:

Department of Education Financial Management Information System. ED/OASM/OFM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 3105, FOB No. 6, 400 Maryland Avenue, SW., Washington, D.C. 202202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Education employees, consultants, contractors, advisory committee members, and other individuals performing personal services for the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name address, social security number of individuals, and employer indentification number of companies; indicating the cost of service(s) provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

V 46 / 105 5 JE 2 81 1 UMI

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on magnetic tape and microfilm and stored in file cabinets.

RETRIEVABILITY:

Records are indexed by social security and employer identification number. Records are available to employees of the Division of Financial Management, Department of Education, in performance of Accounting related functions.

SAFEGUARDS:

Direct access restricted to authorized agency staff in performance of official duties. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

File constantly updated. Records maintained for ten year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Finance Division, U.S. Department of Education, Room 3105, FOB No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager (address in preceding paragraph) will respond to inquiries.

RECORD ACCESS PROCEDURES:

Same as under "Retrievability."

CONTESTING RECORD PROCEDURES:

Contact system manager.

RECORD SOURCE CATEGORIES:

Department of Education employees and others, including consultants, performing personal services for the office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0034

SYSTEM NAME:

Teacher Corps Application For Intern Teacher Position. ED/OERI/EPDD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records previously contracted out, and maintained in four locations, have been transferred to Washington and are located at: Department of Education, Room 1725, Donohoe, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Inquiries concerning Teachers Corps intern positions should be sent to: Intern Recruitment Unit, Teacher Corps, Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

People who submit applications to be members (interns) of Teacher Corps projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

An application form containing basic demographic data, education and employment histories and motivation statements, and any other information provided by the applicant is filed alphabetically by name in the Center to which it is sent by the applicant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S. Code, Sections 1101 through 1107a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

To Teacher Corps project grantees who are considering the applicants for selection as interns. To State departments of education for verification of eligibility of the applicant for teacher certification programs. When requested by applicant, to potential employers or managers of other teachers training or social service programs. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The profile sheets are kept in a file cabinet.

RETRIEVABILITY:

Files are established when each application is received and placed alphabetically in file cabinets. Recruitment Center staff analyze the data on the application forms, prepare a summary sheet, and either notify applicant of ineligibility for Teachers Corps membership, or refer them to the local selection panels for which they would qualify. These Center staff refer to these files in answering subsequent inquiries concerning application status from Teacher Corps projects and from applicants.

SAFEGUARDS:

Direct access is limited to Recruitment and Technical Resources Center staff and to national office Teacher Corps staff. Access to room in which file cabinet is maintained is limited during non-working hours to those with keys to the room. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Applications are held for one year, being disposed of when selections are completed annually by all new Teacher Corps projects. Disposal is through regular refuse services.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Development, Department of Education, Teacher Corps, 400 Maryland Avenue SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager (address in preceding paragraph) will respond to inquires, or

applicants can write directly to the Center to which the application was originally sent. Requesters should list their name and address and the date of their application for membership in Teacher Corps.

RECORD ACCESS PROCEDURE:

See information under "Retrievability."

CONTESTING RECORD PROCEDURE:

See information under "Notification Procedures."

RECORD SOURCE CATEGORIES:

All information on the application form is provided by the applicant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0036

SYSTEM NAME:

Oral History of the Office of Education as dictated by former Commissioners of Education. ED/OL

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

400 Maryland Avenue SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Living former U.S. Commissioners of Education.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information about the individual's life as Commissioner and about OE during his term of office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To those involved in publishing (including the Government Printing Office) for production of final document; to the Department of Justice for Freedom of Information Act consultation; under subpoena by any administrative agency. To answer inquiries from the National Archives, and from government libraries. For uses in the Departmental Regulations (34 CFR Part 5b, Appendix B, items 1, 2, 3, 5, 6, 8, 9, 10). Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained on paper and on magnetic tape and are filed in a standard file cabinet.

RETRIEVABILITY:

By name by the system manager or staff for the purpose of obtaining the approval of former Commissioners; after approval and release by former Commissioners the records may be retrieved as historical documents by system manager or staff.

SAFEGUARDS:

Records may be placed in the National Archives under seal upon threat of disclosure. Exceptions: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

All background material will be disposed of 5 years after publication of the final document. There records may be destroyed by maceration, burning, or other appropriate means.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Legislation, Room 4119, FOB No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

System manager (address in preceding paragraph) will respond to inquiries. Individual must provide system I.D. number and name.

RECORD ACCESS PROCEDURE:

Contact system manager.

CONTESTING RECORD PROCEDURES:

Same as "Notification Procedures."

RECORD SOURCE CATEGORIES:

Information provided by the individual Commissioner and records and documents provided by the Commissioner during interviews. Information is transcribed as approved by individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0044

SYSTEM NAME:

Guaranteed Loan Program—Insurance Claim File. ED/OPSE/OSFA

SECURTIY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix EOE 2 of this system (18-40-0044).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Borrowers under Higher Education Act of 1965, Title IV-B on whose accounts the Federal Government has been requested to pay a claim by lenders, because of default, bankruptcy, death or disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Loan history, including name, social security number, and last known address of borrower, date borrower ceased at least half-time study, reason for claim, date first payment due, date and amount of loan, and amount of claim. Loan documents, including promissory notes, disclosures statement, repayment agreements, payment history, loan application and copies of correspondence between lender and borrower.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1965, Title IV-B, as amended (20 USC 1071-1087-4).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES FOR USES:

The informaion may be furnished to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, to credit bureaus and collection agencies, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to counsel the borrower in repayment efforts, to investigate

V 46 / 105 JE 2 81 UMI

possible fraud and verify compliance with program regulations, or to locate a delinquent or defaulted borrower. To the Department of Justice for possible legal action, to the Department of Justice for Freedom of Information Act consultation; and to General Accounting Office auditors checking program operation. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its compounts; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RETRIEVABILITY:

By name and batch number. The files are used by the Claims Examiners to provide documentation on insurance claims by lenders of the Federal Government. The copies are retained for recordkeeping and cross-referencing purposes. Records are available to regional collection staff to aid them in locating borrowers and setting up repayment schedules. They are also available to ED auditors checking program operation.

SAFEGUARDS:

Records are stored in locked file cabinets or in locked rooms after working hours with access by authorized agency personnel. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Claim files are retained pending payment of claims which usually takes 60 to 90 days. When paid, the files are transferred to the collection staff in the appropriate regional office, depending on the present location of the borrower. The alphabetical and batch files are retained for five (5) years beyond payment of claim. Disposal by maceration.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix EOE 2 of this system (18–40–0044).

NOTIFICATION PROCEDURE:

See system manager, address as indicated to Appendix EOE 2, (18–40–0044), inquiries should be addressed to the system manager in the region in which the inquirer resides (e.g., Florida resident will address Region IV system manager). Provide system I.D. number and system name. Also provide the name, address and social security number of the individual inquiring about his/her record.

RECORD ACCESS PROCEDURES:

Contact system manager.

CONTESTING RECORD PROCEDURES:

Contact system manager.

RECORD SOURCE CATEGORIES:

Participating lenders and individual borrowers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix EOE 2

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Assistant Regional Administrator
Division of Claims and Collections
Bureau of Student Financial Assistance
P.O. Box 8370
Boston, MA 02114

Region II: New Jersey, New York, Puerto Rico, Virgin Islands

Assistant Regional Administrator
Division of Claims and Collections
Bureau of Student Financial Assistance
26 Federal Plaza, Room 406
New York, NY 10007

Region III: Delware, Maryland, Pennsylvania, Virginia, Washington, D.C. West Virginia

Assistant Regional Administrator
Division of Claims and Collections
Bureau of Student Financial Assistance
3535 Market Street, Room 16200
Philadelphia, PA 19104

Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Assistant Regional Administrator
Division of Claims and Collections
Bureau of Student Financial Assistance
101 Marietta Tower, Third Floor
Atlanta, GA 30323

Region V; Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Assistant Regional Administrator
Division of Claims and Collections
Bureau of Student Financial Assistance
300 South Wacker Drive, 32nd Floor
Chicago, IL 60606

Region VI: Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Assistant Regional Administrator
Division of Claims and Collections
Bureau of Student Financial Assistance
1200 Main Tower Building
Dallas, TX 75202

Region VII: Iowa, Kansas, Missouri, Nebraska

Assistant Regional Administrator
Division of Claims and Collections
Bureau of Student Financial Assistance
Federal Office Building, Room 360
601 East 12th Street
Kansas City, MO 64106

Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Assistant Regional Administrator
Division of Claims and Collections
Bureau of Student Financial Assistance
11037 Federal Office Building
19th and Stout Streets
Denver, CO 80294

Region IX: Arizona, California, Hawaii, Nevada, American Samoa, Trust Territory of the Pacific, Guam, Wake Island

Assistant Regional Administrator
Division of Claims and Collections
Bureau of Student Financial Assistance
50 United Nations Plaza, Room 234
San Francisco, CA 94102

Region X: Alaska, Idaho, Oregon, Washington

Assistant Regional Administrator
Division of Claims and Collections
Bureau of Student Financial Assistance
Arcade Plaza Building, Room 515
1321 Second Avenue
Seattle, WA 98101

18–40–0045

SYSTEM NAME:

Student Financial Assistance Collection Files, ED/OPSE/OSFA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

(See Appendix EOE 2—System 18–40–0044)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defaulted borrowers and individuals owing refunds and monies under student financial assistance programs administered by OSFA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, social security number, postsecondary school, student application, collection and repayment history with both lender and ED, skip tracing information, borrower's financial ability and willingness to pay, claim for insurance reimbursement, disclosures, forebearance and deferment documents,

promissory notes; correspondence between lender and borrower, borrower and ED, borrower or debtor and school, ED and school, and between ED and relatives; collector's notes, Department of Motor Vehicles reports, IRS listing of last known address, and reports of credit investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher Education Act of 1965, Title IV; Migration and Refugee Assistance Act of 1962, Section 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information may be furnished to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, to credit bureaus and collection agencies, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to permit servicing or collecting of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and verify compliance with program regulations, or to locate a delinquent or defaulted borrower. To computer contractors for issuance of computerized collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to U.S. Internal Revenue Service for last known address; to U.S. Postal Service for last known address; to U.S. General Accounting Office for possible pre-litigation collection service; to U.S. Department of Justice for possible legal action; to U.S. Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureaus of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other guaranteed student loan lenders making inquiries concerning the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to General Accounting Office for discharge of authorized functions and for routine uses contained in Departmental Regulations (34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 7, 8, 9, and 11). Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, stored in file cabinets.

RETRIEVABILITY:

By name. Records are available to OSFA staff for administration of collection responsibilities, used as feeder information in skip tracing, available to ED auditors for possible audit, to ED Counsels on resolving legal questions, to ED Investigators for investigation of fraud possibilities.

SAFEGUARDS:

Records are stored in locked file cabinets or in locked rooms after working hours with access by authorized agency personnel. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Records are maintained five (5) years beyond the closing of the case. Disposal by maceration.

SYSTEM MANAGER(S) AND ADDRESS:

(See Appendix EOE 2—System 18–40–0044)

NOTIFICATION PROCEDURES:

See system manager, address as indicated in Appendix EOE of this system (18–40–0045). Inquiries should be addressed to the system manager in the region in which the inquirer resides (e.g., Florida resident will address Region IV system manager). Provide system I.D. number and system name. Also provide the name, address and social security number of the individual inquiring about his/her records.

RECORDS ACCESS PROCEDURES:

Contact system manager.

CONTESTING RECORD PROCEDURES:

Contact system manager.

RECORD SOURCE CATEGORIES:

From the original lender, student loan, grant or financial assistance application, school attended and the financial aid recipient.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–40–0050

SYSTEM NAME:

Presidential Scholars Files of Selected Participants, ED/OSERS/OGT

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Room 3831, Donohoe Building, 400 6th Street SW., Washington, D.C. 20202

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected Participants for the Presidential Scholars Program 1964 to present.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, biographical information supplied by student.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order No. 11155, Sec. 4

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

To Commission on Presidential Scholars for historical archives and current data to be used for annual selection of scholars; to authorized agency officials and employees as well as contracting officers which change yearly for arrangements for Presidential Scholars activities during their visit to Washington, D.C. to authorized agency officials and employees for public affairs, press releases, etc. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any

Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it seems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept in file cabinets in paper files.

RETRIEVABILITY:

By name, State, and year of selection.

SAFEGUARDS:

Used only by authorized personnel for specific purposes with permission of individual whose name is on file.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Office of Gifted and Talented, Education Department, Room 3831, Donohoe Building, 400 Maryland Avenue SW., Washington, D.C. 20202

NOTIFICATION PROCEDURES:

Contact system manager. Requester should provide name, address, system ID, and system name.

RECORD ACCESS PROCEDURES:

Contact system manager.

CONTESTING RECORD PROCEDURES:

Contact system manager.

RECORD SOURCE CATEGORIES:

Individuals submit information by answering a questionnaire. College Entrance Examination Board supplies test scores and answers to questionnaires. Recommendations from school principal submitted with permission of applicant. References are submitted on approved forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0078

SYSTEM NAME:

Fellowships for Indian Students—Applications and Awards. ED/OESE/OIE

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Indian Education, Room 2177, FOB No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

American Indians who are citizens of the United States or residents of the United States for other than a temporary purpose, who have been accepted by institutions of higher education in a program leading to an undergraduate or graduate degree in the fields of Business Administration, Engineering and Natural Resources or related fields, and graduate degree in the fields of education, law and medicine or related fields, and who have applied to ED's Office of Indian Education for a fellowship.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, phone number, date and place of birth, tribal affiliation, tribal roll number, social security number, sex, marital status, citizenship, names of dependents, educational background, employment background, educational transcripts, references, income information, admission test scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Indian Education Act of 1972, as amended, Pub. L. 92-318, Part B, Section 423.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released to members of the National Advisory Council on Indian Education. For routine uses contained in the Departmental Regulations (34 CFR Part 5b, Appendix B, items 1 through 9); for Field Readers for the purpose of determining eligibility and recommending awardees; selected data for developing brochures describing the Fellows and their career goals for public information purposes; and to Congressional officers in response to inquiries from those offices made at the request of individuals on whom records are kept. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard-copy, filed in locked standard file cabinets.

RETRIEVABILITY:

Records are accessed by individual names only by ED authorized staff and Field Readers for the purposes of determining eligibility; selecting Fellows; establishing allowances for stipends, dependents, tuition, and other expenses; determining continued eligibility; and developing profile information regarding recipients of fellowships for program evaluation, planning, reporting and publicity purposes.

RETENTION AND DISPOSAL:

Records on fellowship holders are sent to the Federal Records Center six months after final payment. They are destroyed by the Federal Records Center three years after final payment. Records on alternates are maintained for one year. They are then sent to the Federal Records Center where they are destroyed one year later. Application forms from applicants not selected as Fellows or alternates are returned to the applicant. Other records on these applicants, containing information on the selection procedure, are maintained for one year and then sent to the Federal Records Center where they are destroyed three years later.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary, Office of Indian Education, ATTN: Education Program Specialist for Fellowships, Room 2177, FOB No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Contact Education Program Specialist for Fellowships.

RECORD ACCESS PROCEDURES:

Contact Education Program Specialist for Fellowships.

CONTESTING RECORD PROCEDURES:

Contact Education Program Specialist for Fellowships.

RECORD SOURCE CATEGORIES:

Information is submitted by the individual applicant on approved forms. References are submitted on approved forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0079

SYSTEM NAME:

Potential and Actual Consultant, Field Reader, and Site Visitor Files, Indexes, and Lists. ED.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix I of this system (18-40-0079).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Actual and prospective consultants, field readers, or site visitors used by the Department of Education to evaluate grant proposals, performance of grantees or contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of consultant, field reader, and site visitor addresses, position, institutional affiliation (if any), curriculum vitae (where necessary), social security number for reimbursement purposes, reimbursement information, areas of individual expertise, tracking of assignments and appraisal of effort.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(20 U.S.C. 1221e-3). Information is provided by persons interested in participating on a voluntary basis.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To general public, on request, list of names and business addresses of potential and/or actual consultants, field readers, or site visitors. For uses as stated in 34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 7, 8, and 9. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in file cabinets or card files with pertinent data, and (in limited locations) computer data based tapes and disks.

RETRIEVABILITY:

By name, expertise, or social security number of potential or actual consultant, reader, or site visitor. Records are used to ensure that a fair, equal, and qualified group of consultants, readers, or site visitors is selected to review proposals or evaluate performances.

SAFEGUARDS:

Direct access is restricted to persons designated by systems managers to be responsible for maintenance of file or selection of panels of consultants, readers, or site visitors. Automated locations are protected by requiring a password as well as a key lock on the terminal.

RETENTION AND DISPOSAL:

Destroy after five years (Item 25 OE Records Control Schedule).

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix I.

NOTIFICATION PROCEDURE:

Contact system manager of pertinent organizational component(s). Provide name and approximate date of previous correspondence. Additional verifying data (such as birthdate, home address) may be requested.

RECORD ACCESS PROCEDURES:

Contact system manager as above.

CONTESTING RECORD PROCEDURES:

Contact system manager as above.

RECORD SOURCE CATEGORIES:

Information forwarded voluntarily by individuals interested in serving as consultants, readers, or site visitors, obtained by contacting individuals with specific expertise in the pertinent discipline of each system manager.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I

Director, Office of Gifted and Talented, Room 3831, Donohoe, 400 Maryland Avenue SW., Washington, D.C. 20202
Progam Manager, Learning Disabilities Program, Room 3127, Donohoe, 400 Maryland Avenue S.W., Washington, D.C. 20202
Director, Division of Local Educational Agency Assistance, Room 2167, FOB No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202
Director, Division of Training and Facilities, Room 3066, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202
Director, Community College Unit, Room 3044, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202
Director, Division of Program Operations, Room 2007, FOB No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202
Director, Division of Technical Assistance, Room 2031, FOB No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202
Program Manager, Handicapped Research Program, Room 3165, Donohoe, 400 Maryland Avenue, SW., Washington, D.C. 20202
Administrative Officer, Bureau of Education for the Handicapped, Room 4030, Donohoe, 400 Maryland Avenue, SW., Washington, D.C. 20202
Director, Division of Special Projects and Programs, Room 2161, FOB No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202
Director, Division of International Education, Room 3907, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202
Director, Division of Institutional Development, Room 3052, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202
Director, Office of Environmental Education, Room 1100, Donohoe Building, 400 6th Street SW., Washington, D.C. 20202
Deputy Assistant Secretary, Equal Educational Opportunity Programs, Room 2001, 400 Maryland Avenue, SW., Washington, D.C. 20202
Director, Division of Education Replication, Room 3616, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202
Chief, Library Research and Demonstration Branch, Room 3124, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202
Executive Officer, Bureau of Occupational and Adult Ed, Room 5636, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202
Director, Women's Program Staff, Room 1100, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202
Privacy Coordinator, P.O. Box 8370, Boston, MA 02114
Privacy Coordinator, Room 406, 26 Federal Plaza, New York, NY 10007
Privacy Coordinator, 3535 Market Street, Room 16200, Philadelphia, PA 19104

Privacy Coordinator, 32nd Floor, 300 South Wacker Drive, Chicago, IL 60606
Privacy Coordinator, Room 360, FOB, 601 East 12th Street, Kansas City, MO 64106
Privacy Coordinator, 50 Fulton Street, San Francisco, CA 94102
Chif, Library Education and Postsecondary Resources Branch, Room 3622, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202
Chief, Educational Broadcasting Facilities Branch, Room 3122–A, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202
Director, Division of Educational Technology, Room 3116, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202
Program Manager, Metric Education Program Staff, Room 3700, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202
Deputy Director, Office of Career Education, Room 3100, ROB No. 3, 7th and D Streets, SW., Washington, D.C. 20202
Executive Officer, Bureau of Higher and Continuing Education, Room 4072, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202
Privacy Coordinator, Room 513, 50 Seventh Street, NE., Atlanta, GA 30323
Privacy Coordinator, 1114 Commerce Street, Dallas, TX 75202
Privacy Coordinator, Room 3444A, FOB, 1961 Stout Street, Denver, CO 80202
Privacy Coordinator, Room 515, Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101
Director, Arts and Humanities, Room 3728, Donohoe Bldg., 400 6th Street SW., Washington, D.C. 20202
Acting Director, Law Related, Room 1630, Donohoe Bldg., 400 6th Street SW., Washington, D.C. 20202
Director, Basic Skills Program, Room 1167, Donohoe Bldg., 400 6th Street SW., Washington, D.C. 20202
Director, Womens Educational Equity Act Program, Room 1100, Donohoe Bldg., 400 6th Street SW., Washington, D.C. 20202
Director, Ethnic Heritage Studies Program, Room 3928, Donohoe Bldg., 400 6th Street SW., Washington, D.C. 20202
Director, Metric Education Program, Room 835, Riviere Bldg., 1832 M Street NW., Washington, D.C. 20036
Director, Consumer Education Program, Room 807, Riviere Bldg., 1832 M Street NW., Washington, D.C. 20036

18–40–0080

SYSTEM NAME:

Training and Development Awards for Vocational Education Personnel—Applications and Awards. ED/OVAE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

ROB No. 3, Room 5636, 7th and D Streets SW., Washington, D.C. 20202

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who wish to participate in Federal vocational education fellowship programs and who voluntarily submit personal information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, phone number, date of birth, sex, educational background, employment background, educational transcript, references, test scores, minority group membership, State board recommendations, communication skills; for Leadership Development Awards, special leadership qualifications, management skills, leadersip potential; for Teacher Certification Awards, certification requirements, certification status, human relation skills, and vocational skills.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Vocational Education Act of 1963, Title I, Part B, Subpart 2, Section 172, as amended by the Education Amendments of 1976, Pub. L. 94–482, Title II.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

For routine uses contained in 34 CFR Part 5b, Appendix B, items 1 through 9; for Field Readers for the purposes of determining eligibility and recommending awardees; selected data for developing brochures describing the Fellows and their career goals for public information purposes; and to Congressional offices in response to inquiries from those offices made at the request of individuals on whom records are kept. A copy of the application is forwarded for review purposes to the institution of higher education to which the awardee is assigned and to the State Board of the State in which the applicant resides. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to affect directly the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent the employee, the Department may disclose the records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent the party, provided the disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are mintained in hard-copy, filed in locked standard file cabinets.

RETRIEVABILITY:

Records are accessed by individual names only by authorized ED staff and Field Readers for the purposes of: determining eligibility; selecting Fellows; establishing allowances for stipends, dependents, tuition, and other expenses; determining continued eligibility; and the developing profile information regarding recipients of fellowships for program evaluation, planning, reporting and publicity purposes.

SAFEGUARDS:

Direct access is restricted to authorized ED staff.

RETENTION AND DISPOSAL:

Records on fellowship holders are sent to the Federal Records Center six months after final payment. They are destroyed by the Federal Records Center three years after final payment. Records on alternates are maintained for two years for Teacher Certification Awards and three years for Leadership Development Awards. They are then sent to the Federal Records Center where they are destroyed one year later. Application forms from applicants not selected as Fellows or alternates are returned to the applicant. Other records on these applications, containing information on the selection procedures, are maintained for one year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Personnel Development Branch, Office of Vocational and Adult Education, ROB–3, Room 5636, 400 Maryland Avenue SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

An individual should provide his or her name to the system manager in order to verify whether his or her application is in the system.

RECORD ACCESS PROCEDURE:

An individual who is interested in seeing his or her application should contact the system manager, and be prepared to verfiy his or her identify to the system manager.

CONTESTING RECORD PROCEDURE:

An individual who wishes to contest the contents of an application file in his

or her system should contact the system manager, identify the portion of the application to be changed, and provide written justification and authorization for the change.

RECORD SOURCE CATEGORIES:

Information is submitted by the individual applicant on approved forms. References are attached to applications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISONS OF THE ACT:

None.

18-40-0081

SYSTEM NAME:

Women Administrators in Vocational Education. ED/OVAE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The National Center for Research in Vocational Education, The Ohio State University, 1960 Kenny Road, Columbus, Ohio 43210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Women administrators of vocational education programs who voluntarily submit personal information to be published in a Directory of Women Administrators in Vocational Education. A panel of six vocational education administrators representing two State educational agencies, two local educational agencies, universities/colleges, and junior/community colleges/technial institutes will choose which individuals to invite to submit information for publication in the directory.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, job title; employing organization; size of budget administered; number of vocational programs, students, and teachers supervised; school district serving; percentage of time devoted to administering a vocational-technical education program; number of years in present position; highest level of education; specialized training in administration; area of expertise; experience in policymaking and decisionmaking; and membership in professional administration associations. All information in this system will become public information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 171(a)(1) and (2) of the Vocational Education Act of 1963 as amended by Section 202(a) of Pub. L. 94-482. Information is provided voluntarily. Failure to provide the information would result in the individual not being included in the directory.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

As all information in this system will be public, and not subject to disclosure accounting (34 CFR 5b.9(c)), there are no routine use disclosures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The directory will be printed and distributed to the Department of Education, members of the Directory Selection Criteria Panel, ERIC, and staff of the National Center for Research in Vocational Education. The directory will also be made available to the vocational education community and other interested persons on a cost-recovery basis through the National Center for Research in Vocational Education Publication Department. Survey forms will be stored in standard file cabinets and on magnetic tape.

RETRIEVABILITY:

ED, its contractor, and other users retrieve information by name of an individual. The users will utilize information to identify and contact respondents whose skills and experience might qualify them for job opportunities, or to participate in meetings on vocational education.

SAFEGUARDS:

Only authorized contractor employees, or employees of ED, will have access to individual data in the system. The contractor will maintain information in accordance with NBS and departmental ADP security standards. This limited access will serve to protect the integrity of individual data in the system.

RETENTION AND DISPOSAL:

ED will maintain hard copy until the information is obsolete. ED will maintain magnetic tapes until the contractor updates the directory. Then, the tapes are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Project Director for Director of Women Administrators, Research Branch, Office of Vocational and Adult Education, Room 5018, ROB No. 3, 7th and D Streets, SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

In order to determine whether a record exists in the system of records under her name an individual should either consult the directory or contact the system manager at the above address, and provide her name.

RECORD ACCESS PROCEDURES:

An individual interested in seeing her record should contact the system manager, provide her name, and reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the content of a record in the system should contact the system manager, identify herself, and state, in writing, which portion of the record should be changed. The individual should also provide a justification and authorization for the change.

RECORD SOURCE CATEGORIES:

Individuals will provide necessary information directly to the Department of Education and its contractor on a voluntary basis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0082

SYSTEM NAME:

Health Education Assistance Loan Program (HEAL) Loan Control Master File. ED/OPSE/OSFA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 3674, ROB No. 3, 7th and D Streets, SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students applying for health education assistance loans or borrowers having received educational loans under the provisions of the HEAL Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, social security number or other identifying number, birthdate, demographic background, educational status, loan location and status, financial information about the individual for whom the record is maintained. Contains lender and school identification.

AUTHORITY FOR MAINTENANCE OF THE SYTEM:

Title VII, Part C, Subpart I of the Public Health Service Act (42 U.S.C. 294-2941).

V 46 / 105 JUN 2 1981 UMI

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

The information may be provided by ED to Federal, State, or local agencies, to private parties such as relatives, present and former employers business and personal associates, to guarantee agencies, to educational and financial institutions, to credit bureaus and collection agencies, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to permit servicing or collecting of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and abuse and to verify compliance with program regulations, or to locate a delinquent or defaulted borrower. The information may be provided by ED to an educational agency or lending institution against which a complaint has been made; and for uses in the Departmental Regulations (34 CFR Part 5b, Appendix B, items 1, 3, 4, 5, 6, 8, and 9). Disclosure may be made by ED to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

ED maintains the file on magnetic tape and disk packs in a library room at the location noted at the beginning of this system (18–40–0082). A microfilm file will be kept in the same location and stored in a file cabinet.

RETRIEVABILITY:

ED retrieves information by social security number or other identifying number. Data are utilized to provide HEAL Program staff with statistical and managerial reports. Other uses by HEAL staff include: to identify students participating in the HEAL Program; to determine eligibility of loan applicants; to determine loan status of borrower; to compute insurance premium for Federal insurance; to compile and generate managerial and statistical reports; to update file and correct errors.

SAFEGUARDS:

HEAL screens authorized contractor personnel. Contractor will maintain automated data in accordance with provisions of departmental ADP systems security standards. Direct access is restricted to authorized staff in performance of official duties. Maintained in locked cabinets.

RETENTION AND DISPOSAL:

ED retains information as long as the loan is unpaid. At the time of full payment ED will erase computer tapes and destroy all paperwork.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Policy and Program Development, Room 4100, ROB No. 3, 7th and D Streets, SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

An individual should contact the system manager to determine whether a record exists for him or her. The individual should supply name, date of birth, and social security number or other identifying number whichever is appropriate.

RECORD ACCESS PROCEDURES:

An individual who is interested in seeing his or her record should contact the system manager, provide the information listed in notification procedure, and reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the content of his or her record in this system should contact the system manager, identify himself or herself and state, in writing, which portion of the record should be changed and provide a justification and authorization for the change.

RECORD SOURCE CATERGORIES:

ED obtains information from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders, schools, medical reports, employers, credit agencies, and Federal and State government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–42–0016

SYSTEM NAME:

Northwest Regional Educational Laboratory, Experienced Based Career Education Record System. ED/NIE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

333 Oak Street, Portland, Oregon 97204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students, parents, employers, adopters, potential adopters involved with the EBCE program.

CATEGORIES OF RECORDS IN THE SYSTEM:

System includes information on aptitude, achievement, student background, family background, attitudinal, interest, opinion, descriptive data on employer businesses, descriptive data on school districts, activity records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 405(e)(1) of the General Education Provisions Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

For transfer to cooperating school districts and to program participants (individually identifiable information for themselves only). To contractors for services and analysis of records by authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to a Congressional office from the record of an individual in

response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records can be retrieved by name (hard copy files) or assigned ID number (computer files) and are for monitoring progress of project-product development and for research, development, evaluation, and analysis of educational materials, projects, programs, including study of medium and long-term program effects.

SAFEGUARDS:

Access is limited to authorized personnel; locked file cabinets and building security are procedures used. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Not yet determined how long records will be kept in individually identifiable format.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Home, Work, and Community, T and L, National Institute of Education, Washington, D.C. 20208.

NOTIFICATION PROCEDURE:

Written inquiries must be made to the system manager, address in preceding paragraph, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department regulations (34 CFR 5b.5(a)(2)) 45 FR 30808, May 9, 1980.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7), 45 FR 30810, May 9, 1980.)

RECORD SOURCE CATEGORIES:

Students, parents, school district, employers, adopters and potential adopters of EBCE program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-42-0019

SYSTEM NAME:

Far West Laboratory Experienced Based Career Education Records System. ED/OERI/NIE

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1855 Folsom Street, San Francisco, California 94103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students, parents, employers, potential adopters, adopters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Aptitude, achievement, student background, family background, attitudinal, interest, opinion, descriptive data on employer businesses, descriptive data on school districts, activity records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 405(e)(1) of the General Education Provisions Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF USES:

For transfer to cooperating school districts and to program participants (individually identifiable information for themselves only). To contractors for services and analysis of records by authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSITION OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept in standard file containers (hard copy), and on punch cards and magnetic tape.

RETRIEVABILITY:

Records can be retrieved by name (hard copy file) or assigned ID number (computer files) and are for monitoring progress of project/product development and for research, development, evaluation and analysis of educational materials, projects, programs, including study of medium and long term program effects.

SAFEGUARDS:

Access limited to authorized personnel; records kept in locked cabinets and buildings with controlled access 24 hours a day. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Not yet determined how long records will be kept in individually identifiable format.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Home, Work, and Community, T and L, National Institute of Education, Washington, D.C. 20208.

NOTIFICATION PROCEDURES:

Written inquiries must be made to the system manager, address in preceding paragraph, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number, and system name.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)), 45 FR 30808; May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR, 5b.7) 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

Students, parents, school districts, employers, adopters and potential adopters of EBCE Porgram.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-42-0056

SYSTEM NAME:

National Institute of Education, Sources and Effects of Teacher Expectations. ED/OERI/NIE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1200 19th Street, NW., Washington, D.C. 20208.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Seven first grade teachers and their 196 students in the Washington, D.C. area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cross sectional and longitudinal records on teachers' expectations, background, behaviors, and students' interactions, grades. SES, parental involvement. For use in determing the effects of teachers expectations on student achievement gains.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 405(e)(1) of the General Education Provisions Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

To contractors for services and analysis of the records to authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The data are stored on magnetic tape which is stored in a locked filing cabinet.

RETRIEVABILITY:

The data are indexed by teachers', students' and principals' names. Identifiers are coded, and kept separate in a locked file from the master tapes. The data are used by members of the program staff to identify effective teacher behaviors. They are collected for statistical purposes only, and not for the determination of any individual's benefits or entitlements.

SAFEGUARDS:

Tapes are coded and kept in locked room. Access is to authorized personnel only. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

NIE will maintain the list of names until June 1981, at which time NIE will archieve the data without personally identifiable information, and will destroy the list of names.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Teaching and Learning, Room 819, 1200 19th Street, NW., Washington, D.C. 20208.

NOTIFICATION PROCEDURE:

Written inquiries must be made to the system manager at the address in the preceding paragraph and must include the inquirer's name and address, dates of previous correspondence, and the system ID number and name.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)). 45 FR 30808, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the offical at the address specified under notification procedures, and resonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR, 5b.7) 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

Interviews, questionaires of participants in the sample, and observations during testing. All data were furnished voluntarily.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-42-0065

SYSTEM NAME:

NIE Outside Experts. ED/NIE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 722, Brown Building, 1200 19th Street, NW., Washington, D.C. 20208.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been used as outside experts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, department or title, institution, address, institutional category, academic discipline, type of work, year of birth, academic degrees and experience of individuals who have been used as outside experts, together with task(s) performed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 405(e)(1) of the General Education Provisions Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

The data are used to prepare periodic lists of outside experts and the tasks they have performed and aggregate figures on categories of persons used. These lists and figures are used internally to monitor and improve NIE efforts to involve men and women covering a wide variety of institutions, disciplines, type of work, ethnic background, geographical location, and ages, in development and evaluation of its programs. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Disclosure

may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in computer disk files, with printouts as appropriate.

RETRIEVABILITY:

These lists and figures may be released as a matter of public interest; lists of names that may be made public do not indicate sex or ethnicity of individuals.

SAFEGUARDS:

Code number keys protect access to sensitive data. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director for Management, Room 722, Brown Building, 1200 19th Street, N.W., Washington, D.C. 20208.

NOTIFICATION PROCEDURES:

System manager; for general inquiries, name, system name and I.D. number and date of previous correspondence is applicable. Address is in preceding paragraph.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)), 45 FR 30809, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR, 5b.7) 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

Data compiled from published biographies or curriculum vitae provided voluntarily or as a condition for obtaining a contract or temporary personnel appointment. Sex and ethnicity are included when known.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-42-0078

SYSTEM NAME:

Travel—Official Travel of NIE Personnel. ED/NIE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute of Education, Room 711 M, 1832 M Street, N.W., Washington, D.C. 20208.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NIE Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of personnel on official travel, including points of travel, purpose and expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 405(e)(1) of the General Education Provisions Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

General Accounting Office, in the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data are stored in cabinet files.

RETRIEVABILITY:

Data are indexed by name. Records are available to NIE Personnel.

SAFEGUARDS:

Data are for use by authorized personnel only. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Travel materials are maintained for 3 years or until auditing.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Financial and Data Management Division, Room 711 M, 1832 M Street, N.W., Washington, D.C. 20208.

NOTIFICATION PROCEDURE:

Written inquiries must be made to the system manager at the address above and must include the inquirer's name and address, the system ID number and name.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record conents being sought. (These access procedures are in accordance with Department Regulations (34 CFR, Section 5b.5(a)(2)), 45 FR 30808, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7) 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

Materials obtained during course of travel pertaining to authorization of travel, expenses incurred, and other fiscal data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-42-0079

SYSTEM NAME:

NIE Controlled Correspondence. ED/OERI/NIE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 722, 1200 19th Street, N.W., Washington, D.C. 20208.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the general public, members of Congress, members of the educational community and others who correspond on a variety of matters with the Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence on a variety of matters including general inquiries, Congressional inquiries on behalf of constituents, unsolicited proposals, requests for program information, requests for staff assistance, inquiries on employment opportunities, and other matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 405(e)(1) of the General Education Provisions Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF USES:

For uses in the Departmental Regulations (34 CFR Part 5b, Appendix B, items 1 through 9). In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data are stored in cardex form and in folders in file cabinets.

RETRIEVABILITY:

Indexed by name, by State, and by subject matter. Data are utilized by authorized staff within the Institute in the performance of their duties.

SAFEGUARDS:

Access is limited to authorized personnel. Exception:

Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

All files are retained for two years and then boxed and forwarded to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretariat, Room 722, Brown Building, 1200 19th Street, N.W., Washington, D.C. 20208.

NOTIFICATION PROCEDURE:

Written inquiries must be made to the system manager, and must include inquirer's name, address, dates of previous correspondence, the system name, and I.D. number.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)), 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

Data are obtained from correspondence addressed to the Institute from a variety of sources including the general public, prospective contractors, members of Congress, and others.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–42–0082

SYSTEM NAME:

National Council on Educational Research Mailing Lists. ED/OERI/NIE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 729, Brown Building, 1200 19th Street, N.W., Washington, D.C. 20208.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of various governmental agencies and the public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses of individuals receiving: minutes of Council meetings, resolutions adopted by the Council, lists of names and addresses of Council members (current), annual report of the Council, miscellaneous materials available for dissemination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Dissemination of information resulting from the meetings of the National Council on Educational Research. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Correspondence files and the mailing lists are maintained in file folders in unlocked area.

RETRIEVABILITY:

Records are filed by name of correspondent and are used by authorized staff to disseminate information on Council activities.

SAFEGUARDS:

Access to mailing lists available only to authorized personnel. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Records maintained as long as mailing lists are active.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Council on Educational Research Staff, Room 729, Brown Building, 1200 19th Street, N.W., Washington, D.C. 20208.

NOTIFICATION PROCEDURE:

Written inquiries must be made to the system manager, address in preceding paragraph, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in

accordance with Department Regulations (34 CFR 5b.5(a)(2)), 45 FR 30808, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7), 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

From the correspondents themselves.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-42-0083

SYSTEM NAME:

National Council on Educatonal Research Current and Past Information on Members of the Council and Consultants. ED/OERI/NIE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 729, Brown Building, 1200 19th Street, N.W., Washington, D.C. 20208.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past members of the National Council on Educational Research and Consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Current and past records of the Council pertaining to: personnel matters (personal records, biographical data, etc.), lists of names and addresses of members, records on Council nominees, Council fiscal records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To contractors for services and analysis of the records by authorized personnel. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in file folders and kept in locked file cabinets.

RETRIEVABILITY:

Records are indexed by name—some by date. Records available only to authorized personnel on a "need-to-know" basis (working files and reference, estimating future budget needs, current names and addresses of Council members provided to individuals upon request).

SAFEGUARDS:

File cabinets are locked during nonworking hours. Access is limited to authorized personnel. Exception: Subject to disclosure requirements of the Privacy Act.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Council on Educational Research Staff, Room 729, Brown Building, 1200 19th Street, N.W., Washington, D.C. 20208.

NOTIFICATION PROCEDURE:

Written inquiries must be made to the system manager, address in preceding paragraph, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5(a)(2)), 45 FR 30808, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (34 CFR 5b.7), 45 FR 30810, May 9, 1980).

RECORD SOURCE CATEGORIES:

Information from Council members and other areas of the agency.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-16161 Filed 6-1-81; 8:45 am]

BILLING CODE 4000-01-M

V 46 6 1 0 5 JE 2 81 UMI

federal register

Tuesday
June 2, 1981

Part III

Department of Commerce

International Trade Administration

Defense Priorities and Allocations System and Superseding the Existing Defense Materials System and Defense Priorities System

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 330–332, 340–343, 350, 351–354

Proposed Regulation Establishing the Defense Priorities and Allocations System and Superseding the Existing Defense Materials System and Defense Priorities System Regulations

AGENCY: Office of Industrial Mobilization, International Trade Administration, U.S. Department of Commerce.

ACTION: Proposed rulemaking and request for comments.

SUMMARY: The Defense Materials System (DMS) and the Defense Priorities System (DPS) have not been reviewed comprehensively since 1974.

The goal of this current review is to ensure that the priorities and allocations system is effective, efficient, easy to understand, and, most important, properly designed to meet the challenges likely to be faced in the future.

This notice provides proposed regulatory language which will supersede the existing DMS/DPS regulations and will establish in their place a new Defense Priorities and Allocations System regulation. This notice also sets forth procedures which the Office of Industrial Mobilization will follow in reviewing comments and in developing and promulgating the final regulation.

DATE: Comments by August 31, 1981.

ADDRESS: Iain S. Baird, Director, Priorities and Allocations Division, Room 4104, Office of Industrial Mobilization, U.S. Department of Commerce, Washington, D.C. 20230. Public record of this proposed regulation will be available at: ITA Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Iain S. Baird, Director, Priorities and Allocations Division, Room 4104, Office of Industrial Mobilization, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–2233.

SUPPLEMENTARY INFORMATION: The proposed regulation would establish a new Defense Priorities and Allocations System and would consolidate and supersede the regulations of the Defense Materials System (DMS) and the Defense Priorities System (DPS). Specifically, the following regulations, directions, orders, and notices of the DMS/DPS would be superseded by this proposed regulation:

DMS Reg. 1, Basic Rules of the Defense Materials System.
DMS Reg. 1, Direction 1, Self-Authorization Procedures for MRO Needed to Fill Mandatory Acceptance Orders.
DMS Reg. 1, Direction 2, Controlled Materials Producers and Distributors.
DMS Order 1, Iron and Nickel.
DMS Order 2, Nickel Alloys.
DMS Order 3, Aluminum.
DMS Order 4, Copper and Copper-Base Alloys.
DPS Reg. 1, Basic Rules of the Defense Priorities System.
DPS Reg. 2, Operation of the Priorities and Allocations System between Canada and the United States.
DPS Reg. 3, Compliance and Enforcement Procedures.
DPS Order 1, Metal Working Machines.
DPS Order 2, Nickel.
BDC Notice 1, Ratification of Bureau of Competitive Assessment and Business Policy Actions.
BDC Notice 2, Signature of Official DIBA/BDC Actions.
BDC Notice 3, Designation of BDC Action to be Taken Under the Authority of the Defense Production Act of 1950, as amended.

These regulations were published in Parts 621–662 of Title 32A of the Code of Federal Regulations. On July 1, 1980, Title 32A was abolished (45 FR 44574) and the DMS/DPS regulations were transferred into Title 15, Chapter III, Subchapter B, of the CFR, Parts 330–354.

On November 21, 1979, the Office of Industrial Mobilization published a notice in the **Federal Register** (44 FR 66846) announcing that a review of the DMS/DPS regulations was being undertaken. In response to that notice, several comments from both the government and private sectors were received and were considered in formulating this proposed regulation.

The basic purposes for the review and for the proposed revisions are: (1) to ensure that the regulation is clearly written, organized, and presented: (2) to provide for an efficient and effective priorities and allocations system; and (3) to implement responsibilities assigned to the Office of Industrial Mobilization. The existing regulations have been consolidated into one regulation in order to eliminate duplication.

Changes that are being proposed to the existing DMS/DPS regulations include the following:

1. The proposed regulation focuses on one audience, that is, the business community. Those responsibilities of government agencies currently contained in the DMS/DPS will be handled through separate delegations to those agencies rather than in the body of the regulation. Copies of such delegations (including the interagency agreements), now in draft form, will be appended to the final rules. As a result of this change in emphasis, the following provisions do not appear in the proposed regulation:

(a) Controlled materials allotments,

(b) Class A and Class B products,

(c) Delegate Agency responsibilities for developing controlled materials requirements data, and

(d) Many details on the relationship between the U.S. and Canadian Government priorities systems.

2. An introduction section is provided which sets forth an overview of the priorities and allocations system. This section is designed to provide a simple explanation of how the system works and to highlight the most important features of the regulation.

3. The provisions of the Controlled Materials Program, the DMS, are incorporated into this regulation. In this regard:

(a) Generally, uniform rules for all controlled materials producers and distributors are provided.

(b) The concept of Authorized Controlled Material (ACM) Orders is deleted and controlled materials will be acquired through the use of DO and DX rated orders,

(c) The requirement to indicate in the rating symbol the quarter in which delivery of controlled materials is needed is deleted (instead that information will be obtained from the required delivery date of the rated order), and

(d) Some lead times, such as for aluminum controlled materials, are modified.

4. Procedures are established by which ratings will be authorized for material and equipment needed to maximize domestic energy supplies.

5. The information provided in the BDC (Bureau of Domestic Commerce) Notices is not included in the regulation as that information is now a part of the administrative orders of the Department of Commerce and the International Trade Administration.

6. The regulation makes clear that certain items which are critical to the national defense may require special handling in the future and that special rules for designated materials under the priorities and allocations system may be required at a later date.

7. The special rules for nickel are discontinued.

8. The regulation makes clear that the priorities and allocations system is designed to keep authorized programs on schedule, and it is not to be used to enforce other provisions of other

regulations or contracts, to gain competitive advantage, to disrupt an industry apportionment or quota program needlessly, or for similar purposes.

9. Revised appeals, adjustment and exception procedures are provided.

10. The certification requirement for use on rated orders is revised.

11. The penalities provided for under the Defense Production Act for violation of the provisions of the regulation and the Defense Production Act are explicitly stated.

12. Numerous technical changes are proposed to make the regulation clearer.

13. In addition to these proposals, particular attention and comment is sought for three areas where changes are being considered. These entail significant modifications to the manner in which the priorities and allocations system is currently administered and concern new and untried procedures. It is important to ensure that all possible consequences are carefully weighed. These provisions would:

(a) Permit persons, in certain cases, to combine rated orders, not only with other rated orders, but also with unrated orders as long as the rated portion is clearly identified;

(b) Permit persons, in very specific instances, to request authority to rate contracts and orders for needed items in anticipation of receipt of a rated order; and,

(c) Permit a person to reject a rated order if the order is for an item which has not been supplied to the person tendering the order within the past two years: *unless* the person tendering the rated order certifies that the item has not been ordered or acquired from another domestic source during the past two years or certifies that the item cannot be obtained from regular suppliers in a timely fashion using a rated order.

Though the provisions of the metalworking machines order (DPS Order 1) are retained in this proposed revision (See section 350.41), they are being reviewed towards their possible discontinuance. Comments are particularly sought on their applicability to current industry practices and structure, their benefit for current authorized programs, and their pertinence for future mobilizations.

While comments on all the provisions of the proposed regulation are solicited, the Office of Industrial Mobilization is particularly interested in views on the sufficiency and completeness of the definitions provided, the reasonableness of the regulatory approaches set forth, and the adequacy of the controlled materials program as proposed. Controlled material producers are asked to give specific attention to Schedule II of the regulation.

Section 709 of the Defense Production Act exempts the promulgation of rules and regulations from the rulemaking procedures of the Administrative Procedures Act (5 U.S.C. 553). However, because of the importance and complexity of the regulation involved, the Department is inviting public participation in this review. All persons who desire to comment are encouraged to do so at the earliest possible time so as to insure the fullest consideration of their views.

Comments may take the form of proposed regulatory language, narrative discussion, hypothetical case situations, or any other appropriate format. Comments received on or before August 31, 1981, will be considerd in the review of this regulation.

Written comments accompanied by a request that part or all of the material contained be treated confidentially will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in developing the final regulation. All comments considered in the review of the proposed regulation will be a matter of public record and will be available for public inspection and copying.

In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, the Department of Commerce official receiving such comments will prepare a memorandum summarizing the substance of the comments and identifying the individual making the comments, as well as the person on whose behalf they purport to be made. All such memoranda will also be a matter of public record and will be available for public review and copying.

Written comments (3 copies, if possible) concerning the proposed regulation should be addressed to: Iain S. Baird, Director, Priorities and Allocations Division, Room 4104, Office of Industrial Mobilization, U.S. Department of Commerce, Washington, D.C. 20230.

Oral comments should be directed to: Iain S. Baird, Director, Priorities and Allocations Division, (202) 377–2233.

The public record concerning this proposed regulation will be maintained in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th & Constitution Avenue, NW, Washington, D.C. 20230.

Records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information pertaining to the inspection and copying of records at the facility may be obtained from Ms. Patricia L. Mann, International Trade Administration's Freedom of Information Officer at the above address, or by calling (202) 377–3031.

Section 3(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation", requires an initial determination by each agency whether a regulation it intends to propose or issue is considered a "major rule". If so, the agency must prepare a "Regulatory Impact Analysis". "Major Rule" is defined in section 1(b) of the Executive Order as any regulation that is likely to result in:

1. An annual effect on the economy of $100 million or more;

2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic region; or

3. Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

This proposed regulation is not a "major rule" and, therefore, a "Regulatory Impact Analysis" is not required as there will be: (1): no major monetary effect on the economy; (2) no major increase in costs or prices; and (3) no significant adverse effects on competition (domestic or foreign), employment, investment, productivity or innovation.

This proposed regulation is consistent with the purpose of the "Paperwork Reduction Act of 1980," 44 U.S.C. 3501. It does not impose any additional reporting or record keeping burdens. It mandates certain records retention for three years; provides for the submission of data to accompany a voluntary request for assistance; and provides for additional data to be collected by independent surveys. These data submission and collection activities are existing activities which have OMB approval and which are provided for in the Department of Commerce FY 81 Information Collection Budget allowance. Further, this proposed regulation provides some reduction in paperwork by eliminating the need for four reporting forms. OMB Nos. 0625–0014, 0625–0013, 0625–0030, and 0625–0028.

In addition, it has been determined that a regulatory analysis, as set forth by 5 U.S.C. 601, *et seq.* ("The Analysis of Regulatory Functions") and by Section 5

of Department of Commerce Administrative Order 218–7 and International Trade Administration Administrative Order 1–6, is not required. 5 U.S.C. 601, *et seq.* is a new statute (effective date: January 1, 1981), which concerns the impact of a proposed rule on small business entities (as defined in the statute) and requires the issuing agency to describe such impact. It has been determined that this regulation will not have a significant economic impact on a substantial number of small entities.

Accordingly, the Department of Commerce proposes to amend 15 CFR Chapter III, Subchapter B, by removing Parts 330–332, 340–343, and 351–354, and revising Part 350 to read as follows:

PART 330—BASIC RULES OF DEFENSE MATERIALS SYSTEM. (DMS Reg. 1) [Removed]

PART 331—SELF-AUTHORIZATION PROCEDURE FOR MRO NEEDED TO FILL MANDATORY ACCEPTANCE ORDERS. (DMS Reg. 1, Dir. 1) [Removed]

PART 332—CONTROLLED MATERIALS PRODUCERS AND DISTRIBUTORS. (DMS Reg. 1, Dir. 2) [Removed]

PART 340—IRON AND STEEL. (DMS Order 1) [Removed]

PART 341—NICKEL ALLOYS. (DMS Order 2) [Removed]

PART 342—ALUMINUM. (DMS Order 3) [Removed]

PART 343—COPPER AND COPPER-BASE ALLOYS. (DMS Order 3) [Removed]

PART 351—OPERATIONS OF THE PRIORITIES AND ALLOCATION SYSTEM BETWEEN CANADA AND THE UNITED STATES. (DPS Reg. 2) [Removed]

PART 352—COMPLIANCE AND ENFORCEMENT PROCEDURES. (DPS Reg. 3) [Removed]

PART 353—METALWORKING MACHINES. (DPS Order 1) [Removed]

PART 354—NICKEL. (DPS Order 2) [Removed]

PART 350—DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM

Subpart A—Introduction

Sec.
350.1 Purpose.
350.2 General provisions.
350.3 Use of priority ratings.
350.4 Controlled materials.
350.5 Special priorities assistance.
350.6 Official actions.
350.7 Compliance.

Subpart B—Definitions

350.9 Definitions.

Subpart C—Industrial Priorities

350.10 Delegation of authority.
350.11 Levels of priority and rating symbols.
350.12 Elements of a rated order.
350.13 Acceptance and rejection of rated orders.
350.14 Preferential scheduling.
350.15 Extension of priority ratings.
350.16 Changes in rated orders.
350.17 Ratable items.
350.18 Limitations on placing rated orders.

Subpart D—Industrial Priorities for Energy Programs

350.20 Use of priority ratings.
350.21 Application for priority rating authorization.

Subpart E—The Controlled Materials

350.30 General provisions.
350.31 Controlled materials technical definitions.
350.32 Special rules applicable to controlled materials producers and distributors.

Subpart F—Critical Items

350.40 General provisions.
350.41 Metalworking machines.

Subpart G—Special Priorities Assistance

350.50 General provisions.
350.51 Requests for special priorities assistance or rating authorization.
350.52 Types of assistance.
350.53 Rating authorization.
350.54 Criteria for assistance.
350.55 Assistance programs with Canada and other nations.
350.56 Instances where assistance will not be provided.

Subpart H—Official Actions

350.60 General provisions.
350.61 Authorizations.
350.62 Directives.
350.63 Letters of understanding.

Subpart I—Compliance

350.70 General provisions.
350.71 Audits and investigations.
350.72 Notification of failure to comply.
350.73 Violations, penalties, and remedies.

Subpart J—Adjustments and Appeals

350.80 Adjustments.
350.81 Appeals.

Subpart K—Miscellaneous Provisions

350.90 Protection against claims.
Sec.
350.91 Records and reports.
350.92 Applicability of this regulation and official actions.
350.93 Communications.

Schedules

Schedule I to Part 350: Authorized Program Identifications and Delegate Agencies
Schedule II to Part 350: Controlled Materials
Schedule III to Part 350: Copper and Nickel Alloys Controlled Materials Producers' Set-Aside Base and Percentages

Appendices

Appendix I to Part 350: Delegations (To be provided with final rules)
Appendix II to Part 350: Interagency Agreements (To be provided with final rules)
Appendix III to Part 350: Form ITA–999 (To be provided with final rules)

Authority: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061, *et seq.*); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; Executive Order 11912, 41 FR 15825; DMO–3, 44 CFR 322 (formerly 32A CFR 103), DMO–13, 44 CFR 330 (formerly 32A CFR 113); Department of Commerce Organization Order 10–3 (45 FR 6141); International Trade Administration Organization and Function Orders No. 41–1 (45 FR 11862, January 22, 1980) and No. 41–4 (45 FR 65003, October 1, 1980).

Subpart A—Introduction

§ 350.1 Purpose.

(a) Title I of the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2061, *et seq.*) (Defense Production Act), authorizes the President (or his delegate) to require the priority performance of contracts and orders necessary or appropriate to the national defense over other contracts or orders; and permits the President (or his delegate) to allocate materials and facilities as necessary or appropriate to promote the national defense.

(b) In order to carry out the priorities and allocations provisions with respect to industrial resources, a Defense Priorities and Allocations System is established. This system keeps current national defense programs on schedule by ensuring that they receive preferential scheduling. In addition, the system can be rapidly expanded during an emergency to assure the availability of industrial resources needed for a mobilization or other crisis.

§ 350.2 General provisions.

(a) The Federal Emergency Management Agency authorizes certain defense and energy programs as qualifying for priorities support. For example, military aircraft production, civil defense activities, nuclear defense projects, and certain programs which maximize domestic energy supplies are "authorized programs." A complete list of currently authorized programs is provided at Schedule I.

(b) To ensure the preferential treatment called for in Title I of the Defense Production Act, the Office of Industrial Mobilization of the Department of Commerce developed the Defense Priorities and Allocations System. In addition, the Office of Industrial Mobilization has delegated the authority to place priority ratings on contracts or orders for items needed for authorized programs to certain government agencies that issues such contracts or orders. Schedule I to this regulation includes a list of agencies delegated this authority. Copies of the delegations are provided at Appendix I.

(c) If you receive a rated order, you are required to be thoroughly familiar with and to follow all the provisions of this regulation.

(d) Rated orders are identified by a priority rating consisting of the rating—either DX or DO—and a program identification symbol. Rated orders take preference over all unrated orders and, among rated orders, DX rated orders take preference over DO rated orders. Program identification symbols indicate which authorized program is involved with the rated order. For example, A1 identified aircraft programs and A7 signifies electronic programs. The program identification symbols, in themselves, do not connote any priority.

§ 350.3 Use of priority ratings.

(a) If you receive a rated order, you must give it preferential treatment as required by this regulation. Generally, this means that you must accept and fill a rated order placed with you for items which you normally supply. The existence of previously accepted unrated or lower rated orders is not sufficient reason for rejecting a rated order. In fact, you are required to displace or defer lower rated or unrated orders if they conflict with your performance against a higher rated order.

(b) All rated orders must be scheduled in a manner and to the extent possible to ensure delivery by the required delivery date contained in each order.

(c) To ensure that contracts and orders for authorized programs are completed in a timely fashion, you must place a priority rating on all the contracts and orders you issue for items needed to fill rated contracts or orders you have received. This provision ensures that priority treatment will be afforded your orders by your suppliers and from vendor to vendor throughout the production process.

(d) You may place a priority rating on your contracts or orders only if you are in receipt of a rated order or if you have been otherwise explicitly authorized to do so by the Office of Industrial Mobilization or a Delegate Agency.

§ 350.4 Controlled materials.

(a) Certain key materials have been central to effective mobilizations in the past, and special rules for their allocation and control are required to provide for an allocation system that can be rapidly expanded during a national emergency to meet increased defense and other essential needs.

(b) These key items are called controlled materials, and the special rules developed for their administration include: set-asides, minimum order quantities, rules for opening order books, minimum lead times, ordering of production materials, and special reporting requirements.

(c) Basically, producers of controlled materials are required by the government to set aside a certain portion of their production in anticipation of the receipt of rated orders. This ensures that the material will be available when rated orders are placed. In addition, the system ensures that controlled materials producers are treated equitably, for after the set-aside quantity levels have been reached, controlled materials producers may generally reject additional rated orders. These orders would then be filled by other controlled materials producers who had not exhausted their set-aside requirement.

(d) In time of national emergency, the level and scope of the controlled materials program would be greatly expanded to ensure the proper allocation of materials and in order to direct general industrial activity toward supporting the requirements of the emergency.

(e) Certain other items, in addition to the controlled materials, have critical importance to national defense programs. From time-to-time, special rules, similar to those for controlled materials, may be needed for their management.

§ 350.5 Special priorities assistance.

(a) The Defense Priorities and Allocations System is designed to be largely self-executing. However, from time-to-time production or delivery problems will arise. In this event, immediate help should be sought from the local Delegate Agency representative. If additional aid is needed, special priorities assistance should be requested. Special priorities assistance is a service provided by the Delegate Agencies and the Office of Industrial Mobilization to alleviate any such problems.

(b) Special priorities assistance can be provided for any reason consistent with this regulation. Generally, though, special priorities assistance involves: (1) Locating suppliers or resolving delivery conflicts with other rated orders to facilitate timely deliveries of items needed to satisfy rated orders, or; (2) Issuing rating authorizations for items not ratable under this regulation without special authorization.

§ 350.6 Official actions.

Periodically, the Office of Industrial Mobilization may take specific official actions to implement the provisions of this regulation or to resolve requests for special priorities assistance. Such actions may include the issuance of: authorizations, which permit the placement of priority ratings; directives, which can be used to modify production schedules and to resolve conflicts between rated orders; or letters of understanding, which can be used to confirm agreements between suppliers, customers, Delegate Agencies, and the Office of Industrial Mobilization.

§ 350.7 Compliance.

(a) Compliance with the provisions of the Defense Priorities and Allocations System is provided for under the Defense Production Act and willful violators are subject to criminal penalties.

(b) If you are in receipt of a rated order, it is your obligation to comply fully with the provisions of this regulation.

Subpart B—Definitions

§ 350.9 Definitions.

The following definitions pertain to all sections of the regulation as applicable:

"Authorized program" means a program approved by the Federal Emergency Management Agency, for priorities and allocations support under the Defense Production Act.

"Capital Equipment" is any item having a unit acquisition cost of generally $1,000 or more and having an anticipated service life in excess of one year and having the potential for maintaining its integrity as a capital item.

"Construction" means the fabrication, addition, extension, or alteration of any building, structure, or project, using materials or products which are to be an integral and permanent part of the building, structure, or project, but it does not include maintenance and repair.

"Controlled materials" are various shapes and forms of materials through whose allocation the national defense and essential civilian requirements of the nation can be provided for during an emergency. Currently, the controlled materials are steel, copper, aluminum, and nickel alloys, in the various shapes and forms specified in Schedule II, whether new, remelted, rerolled, or redrawn.

"Delegate Agency" is a government agency authorized by delegation from the Department of Commerce to place priority ratings on contracts or orders for certain industrial items needed to support authorized programs.

"Defense Production Act" means the Defense Production Act of 1950, as amended (50 U.S.C., App. 2061, et seq.).

"Directive" is an official action taken in writing by the Office of Industrial Mobilization of the Department of Commerce which requires a person to take an action or refrain from taking an action in accordance with its provisions.

"Items" include any raw, in process, or manufactured material, commodity, equipment, component, accessory, part assembly, or product of any kind, or service.

"Lead time" means the period of time specified in this regulation for the placement of orders in advance of the first day of the month in which shipment is required.

"Letter of understanding" is a document summarizing and confirming an agreement reached between a supplier, a customer, a Delegate Agency, and the Office of Industrial Mobilization pertaining to production, shipment, delivery, and performance against rated orders or to the applicability and requirements of provisions of this regulation.

"Maintenance" means the upkeep necessary to continue any plant, facility, or equipment in working condition.

"MRO" means materials for maintenance, repair, and operating supplies, and for installation. Items produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and items required for the production of such items are not "MRO". "Maintenance, repair or operating" supplies do not include items needed for the replacement of any plant, facility, or equipment; nor do they include items for the improvement of any plant, facility, or equipment by replacing items which are still in working condition with items of a new or different kind, quality, or design.

"Operating supplies" include hand tools and expendable tools, jigs, dies, and fixtures used on production equipment.

"Official action" means an action taken by the Office of Industrial Mobilization of the Department of Commerce in furtherance of this regulation and includes authorizations, directives, demands for information, inspection authorizations, subpoenas, and letters of understanding. Such actions are binding legal actions under the authority of the Defense Production Act and this regulation.

"Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

"Repair" means the restoration of any plant, facility, or equipment to working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, or failure of parts.

"Rated order" means any purchase order or contract for an item in support of an authorized defense or energy program. Rated orders must contain a rating symbol, a required delivery date, a signature of a person authorized to sign rated orders, and a prescribed statement on the requirement to follow the provisions of this regulation.

"Set-aside" means the amount of any item, including controlled materials, which a person is required to reserve for filling rated orders during specified periods of time, as perscribed by the Office of Industrial Mobilization or this regulation.

Subpart C—Industrial Priorities

§ 350.10 Delegation of authority.

(a) The priorities and allocations authorities given to the President in Title I of the Defense Production Act have been delegated to the Federal Emergency Management Agency with a direction that the Federal Emergency Management Agency, in turn, delegate these authorities with respect to industrial resources to the Department of Commerce. Within the Department of Commerce, the Office of Industrial Mobilization has been assigned these responsibilities. The Office of Industrial Mobilization has authorized Delegate Agencies to assign priority ratings to contracts and orders for items needed for authorized programs and to redelegate this authority to other agencies. Copies of the delegations are provided for information at Appendix I.

(b) In implementing the provisions of this Defense Priorities ties and Allocations System regulation, the local representatives of the contracting agencies serve as the first point of contact for persons subject to this regulation. Any person experiencing difficulty if following the provisions of this regulation or needing assistance under this regulation should immediately contact the local contracting agency representative and follow the procedures established by that agency.

§ 350.11 Levels of priority and rating symbols.

(a) *Levels of priority.* (1) There are two levels of priority established by this regulation, and they are identified by the symbol "DO" and the symbol "DX".

(2) All DO rated orders have equal priority with each other and take preference over unrated orders. All DX rated orders are equal and take preference over DO rated orders and unrated orders. (For resolution of conflicts between rated orders of equal priority, see section 350.14.)

(3) In addition, the Office of Industrial Mobilization may issue "directives." Unless otherwise indicated, directives take preference over any DX rated order, DO rated order, or unrated order (See section 350.62 for a full discussion of directives.)

(b) *Rating symbol.* A "rating symbol" consists of a prefix indicating the level of priority—DO or DX—and a program identification symbol, such as A1, B2, or H6. Program identification symbols indicate which authorized program is being supported by the rated order. For example, A1 identifies aircraft programs and A7 signifies electronic programs. Program identification symbols, in themselves, do not connote any priority. Thus, the rating symbol on a purchase order placed by an aircraft manufacturer for aluminum forgings for aircraft parts for a DO program would be DO–A1. For a DX aircraft program, the rating symbol would be DX–A1.

§ 350.12 Elements of a rated order.

Each rated order must include:

(a) The appropriate rating symbol (*e.g.* DO–A1, DX–A4, DO–H1);

(b) A required delivery date or dates. The words "immediately" or "as soon as possible" do not constitute a delivery date. However, a "requirements contract" bearing a rating may contain no specific delivery date or dates but may provide for the furnishing of items from time-to-time or within a stated

period against specific purchase orders or "calls". Such "calls" are rated as of the date of their placement by the purchaser and not as of the date of the original "requirements contract;"

(c) The signature of an individual authorized to sign rated orders. The signature certifies that the rated order is authorized under this regulation and that the requirments of this regulation will be followed; and

(d) A statement that reads in substance:

This is a rated order issued under the Defense Priorities and Allocations System Regulation (15 CFR 350). You are required to follow all the provisions of that regulation in filling this order and in obtaining items needed to fill this order.

§ 350.13 Acceptance and rejection of rated orders.

(a) *Mandatory acceptance.* (1) Except as otherwise premitted in this section, a person must accept every rated order received and must fill such orders regardless of any existing lower priority rated or unrated orders that have been accepted.

For example, if a person receives a DX–A1 rated order for delivery of 12 motors (total plant capacity) but has already accepted a DO–A1 rated contract covering those 12 motors, the person must accept and ship against the DX rated order. Similarly, if a person receives a DO–A1 rated order for delivery of the 12 motors but has already accepted a commercial contract covering those 12 motors, the person must accpet and ship against the DO rated order.

(2) A person may not discriminatre against rated orders in any manner.

For example, a person may not charge higher prices or impose different terms and conditions than for comparable unrated orders or contracts.

(b) *Rejection of rated orders.* Unless otherwise directed by the Office of Industrial Mobilization:

(1) A person must not accept a rated order for delivery on a specific date if unable to fill the order by the required date. The fact that a person has accepted other unrated or lower rated orders does not constitute a valid reason for rejection under this section. If the requested delivery date cannot be met, a person must inform the customer of the earliest date on which delivery can be made and offer to accept the order on the basis of that date.

(2) A person must not accept a DO rated order for delivery on a date which would interfere with delivery of any previously accepted DO or DX rated order. However, a person must offer to accept the order based on the earliest delivery dated otherwise possible.

(3) A person must not accept a DX rated order for delivery on a date which would interfere with delivery of any previously accepted DX rated order but must offer to accept the order based on the earliest delivery date otherwise possible.

(c) *Optional rejection.* Unless otherwise directed by the Office of Industrial Mobilization, rated orders may be rejected in the following cases as long as there is no discrimination among customers in rejecting or accepting rated orders:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established terms of sale or payment;

(2) If the order is for an item not usually made or supplied, or for a service not usually performed, or for which no orders have been filled by the supplier for two years prior to the date of receipt of the order;

(3) If the order is for an item produced or acquired only for the supplier's own use. If, however, a supplier historically sold some items generally produced for internal use, the supplier is obligated to accept rated orders for that portion of production sold within the past two years;

(4) If the order is for an item which has not been supplied to the person tendering the order within the past two years; unless the person tendering the rated order certifies that the item has not been ordered or acquired from another domestic source during the past two years or certifies that the item cannot be obtained from regular suppliers in a timely fashion using a rated order;

(5) If the person placing the rated order makes the item or performs the service being ordered; or

(6) If the rated order is for an amount below the minimum quantity normally sold or established in Schedule II of this regulation and the person placing the order is not willing to buy the minimum quantity.

(d) *Customer notification requirements.* A person must accept, reject, or acknowledge receipt of a rated order in writing within five working days after receipt of a DX order and within ten working days after receipt of a DO order. If acknowledged the order must be accepted or rejected within thirty days after receipt of the order. A rejection must give reasons in writing for the rejection.

(2) If a person has accepted a rated order and later discovers that, due to unforeseen contingencies, deliveries will be delayed, the person who placed the order must be notified immediately, given the reasons for the delay, and advised of a new shipment date. If notification is given verbally, written confirmation must be provided within five calendar days.

§ 350.14 Preferential scheduling.

(a) A person must schedule operations in a manner to satisfy the delivery rate requirement of each rated order. DO rated orders must be given production preference over unrated orders, if necessary, to meet the required delivery date, even if this requires the diversion of items in process or ready to deliver against unrated orders. DX rated orders must be given preference over DO rated orders and unrated orders. Modifying production or delivery schedules is necessary only when required delivery dates for rated orders cannot otherwise be met.

Examples: If a person receives a DO rated order with a delivery date of June 3 and if meeting that date would mean postponing production or delivery of an item needed to fill an unrated order, the unrated order must be postponed. If a DX rated order is received calling for delivery on July 15 and a person has a DO rated order requiring delivery on June 2 and operations can be scheduled to meet both deliveries, there is no need to alter production schedules to give any additional preference to the DX rated order.

(b) If a person cannot fill all the rated orders or equal priority status received on the same day (for example, two DO rated orders are received on November 3), a person must accept the order with the earliest shipment or performance dates. For example, a person must accept order A requiring delivery on December 15 rather than order B requiring delivery on December 31.

§ 350.15 Extension of priority ratings.

(a) If production materials, products, services, or other items are needed to fill a rated order, a person must use the priority rating (*i.e.*, the rating and program identification symbol), indicated on the customer's rated order when placing orders with suppliers. For example, if a person is in receipt of a DO–A3 priority rated order for a navigation system and needs to purchase semiconductors for its manufacture, a person must place a DO–A3 priority rated order with a supplier of semiconductors specifying the items needed and the date delivery is required.

(b) A person must order production materials and services sufficiently in advance and in sufficient quantity to ensure the timely availability of all items necessary to meet the delivery requirements of a rated order.

(c) The priority rating must be assigned to each successive contract or

order placed to obtain items needed to fill the received rated order. This continues from vendor to vendor down through the entire supply chain.

(d) If a person is unable to obtain needed production items in time to fill the rated order by its required delivery date, a person must fill the rated order using inventoried production materials or by diverting finished items that were produced to fill other lower or unrated orders. A person may use a DO priority rating to replace inventory so used within 90 days of its use.

(e) If a person places a rated order to replace inventories used to fill a rated order, the person must use a DO priority rating and the program symbol indicated on the customer's rated order. However, if the customer's rated orders are varied or numerous, a person may use the program identification symbol H1. A DX priority rating may not be used to replace inventory, even if inventory was used to fill a DX rated order.

§ 350.16 Changes in rated orders.

(a) The effective date of a rated order is the original date the order or contract was placed. However, if an amendment or change to the rated order significantly alters the production or delivery scheduling of the rated order, the effective date becomes the date of the amendment or change.

(b) The effective date of a rated order is not changed by: a change in shipping destination; a reduction in the total amount of the order; an increase in the total amount of the order which does not impact upon previously accepted rated orders; minor variation in size or design; or a change which is agreed upon between the supplier and the customer which does not impact upon other rated orders.

(c) The priority rating on a rated order must be cancelled:

(1) If it is effectively invalidated or revoked by a regulation or official action of the Office of Industrial Mobilization;

(2) If a Delegate Agency terminates the involved rated order; or

(3) If a person no longer needs the items for which the rating was used either to fill a rated order or to replace in inventory items used to fill a rated order.

(d) When the priority rating is cancelled all suppliers must be promptly notified in writing.

§ 350.17 Ratable items.

(a) In general, ratings may be used for:

(1) Items which will be physically incorporated into the product or material covered by the rated order and the portion of such items normally consumed or converted into scrap or by-products in the course of processing;

(2) Items used for packaging or containers required to make delivery against the rated order; or

(3) Services, other than contracts of employment. The person receiving a rated order for services shall use the rating symbol on that order to obtain items needed to fill the order.

(b) If a person requires maintenance, repair and operating items to fill a rated order, the person must place a rated order using the program symbol H8.

(c) A person may combine orders as follows:

(1) Rated orders may be combined to obtain items needed to fill several rated orders of equal priority rating by using the program symbol H1; and

(2) A rated order may be combined with an unrated order provided the portion that is rated is clearly identified so that preferential treatment to the rated portion of the order may be provided, if necessary.

(d) A person may place a rated order for the minimum commercially procurable quantity even if the quantity needed to fill a rated order is less than that minimum. However, a person must combine different rated orders, if possible, when obtaining minimum quantities.

§ 350.18 Limitations on placing rated orders.

(a) *General limitations on placing rated orders.* (1) A person may not place a rated order unless entitled to do so under this regulation.

(2) A person may not place a rated order for a greater quantity of the item than needed to fill the rated order (except in the case of minimum procurable quantities).

(3) A person may not place a rated order calling for delivery on a date earlier than needed to fill rated orders.

(4) A person may not place separate rated orders solely for the purpose of obtaining minimum procurable quantities on each order.

(5) A person may not place a rated order for items in anticipation of the receipt of a rated order, *except* as specifically authorized by the Office of Industrial Mobilization [see § 350.53(d) of this part].

(6) A person is not required to place a rating on a contract or order for less than $2,500 provided that delivery can be obtained in a timely fashion without the use of the priority rating.

(7) A person may not place rated orders for the following items unless specific written authorization has been obtained from a Delegate Agency or the Office of Industrial Mobilization:

(i) Items for plant improvement, expansion or construction, unless they will be physically incorporated into a construction project covered by a rated order; and

(ii) Capital or production equipment or items to be used for the manufacture of capital or production equipment. (See section 350.53 of this part for information on requesting rating authorization.)

(b) *Items not subject to this regulation.* (1) Under Executive Order 10480, as amended (18 FR 4939, August 14, 1953), the priorities and allocations authority for certain items has been delegated to other agencies, and, thus, priority ratings under this regulation cannot be used to obtain them. Such items include:

(i) Petroleum, gas, solid fuel, and electric power (under the jurisdiction of the Department of Energy);

(ii) Food and the domestic distribution of farm equipment and commercial fertilizer (under the jurisdiction of the Department of Agriculture);

(iii) Domestic transportation, storage, port facilities, air transport and shipping (under the jurisdiction of various other agencies); and

(iv) Radioisotopes, stable isotopes, source and fissionable materials (under the jurisdiction of the Department of Energy).

(2) The jurisdiction for certain items has been clarified by Interagency Agreements. Copies of these agreements are provided at Appendix II. Questions concerning jurisdictional responsibilities for the exercise of priorities and allocations should be directed to the Office of Industrial Mobilization.

(3) Certain items under the jurisdiction of the Office of Industrial Mobilization are presently excluded from the rating provisions of this regulation; however, these items are subject to Office of Industrial Mobilization directives. These excluded items include:

Communication services
Crushed stone
Gravel
Copper raw materials (as defined in section 350.31 of this part)
Sand
Scrap
Slag
Steam heat, central
Waste paper

Subpart D—Industrial Priorities for Energy Programs

§ 350.20 Use of priority ratings.

(a) Section 101(c) of the Defense Production Act authorizes the use of

priority ratings for projects which maximize domestic energy supplies.

(b) Projects which maximize domestic energy supplies include those which maintain or further domestic energy exploration, production, refining, and transportation; maintain or further the conservation of energy; or are involved in the construction or maintenance of energy facilities.

§ 350.21 Application for priority rating authorization.

(a) For projects believed to maximize domestic energy supplies, a person may request priority rating authorization for scarce, critical and essential supplies of materials and equipment by submitting DOE Form PR 437 to the Procurement and Contracts Management Directorate, the Department of Energy, Attn: PR 221, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. Blank applications may be obtained at the above address or from a Department of Energy Field Office.

(b) On receipt of the application, the Department of Energy will:

(1) Determine if the project maximizes domestic energy supplies; and

(2) Find whether the materials and equipment involved in the application are critical and essential to the project.

(c) If the Department of Energy officially notifies the Office of Industrial Mobilization that the project maximizes domestic energy supplies and that the materials or equipment are critical and essential, the Office of Industrial Mobilization must find that the items in question are scarce and that there is a need to use the priorities and allocations authorities.

(1) Scarcity implies an unusual difficulty in obtaining the material or equipment in a time frame consistent with the completion of the energy project. Among the factors to be used in making the scarcity finding will be the following:

(i) Value and volume of material or equipment shipments,

(ii) Consumption of material and equipment,

(iii) Volume and market trends of imports and exports,

(iv) Domestic and foreign sources of supply,

(v) Normal levels of inventories,

(vi) Rates of capacity utilization,

(vii) Volume of new orders, and

(viii) Lead times for new orders.

(2) In finding whether there is a need to use the priorities and allocation authorities, the Office of Industrial Mobilization will include in its consideration factors such as:

(i) Alternative supply solutions, and

(ii) The impact of authorizing a priority rating on other rated projects.

(d) If the Office of Industrial Mobilization does not find that the items of material or equipment are scarce, it will not proceed to analyze the need to use the priorities and allocations authorities.

(e) The Office of Industrial Mobilization will inform the Department of Energy of the results of its analysis. If the Office of Industrial Mobilization has made the two required findings, it will authorize the Department of Energy to grant the use of a priority rating to the applicant.

(f) The Department of Energy will notify the applicant of the results of the Department of Energy and the Office of Industrial Mobilization analyses.

(g) Schedule I includes a list of approved programs and program identification symbols to be used to support the maximization of domestic energy supplies. For details on the Department of Energy procedures and criteria used in making its determination and findings, see Department of Energy Regulation 1 (10 CFR Part 216).

Subpart E—The Controlled Materials

§ 350.30 General provisions.

(a) The controlled materials are items through which allocation the general activity of the economy and industry can be controlled during times of national emergency.

(b) In order to ensure that an allocation system can be rapidly implemented during a period of emergency, certain aspects of its administration must be maintained. The following sections of Subpart E provide for this administration and, thus, serve as insurance that a controlled materials allocation program can be rapidly expanded during a national emergency.

(c) The controlled materials are steel, copper, aluminum, and nickel alloys in the shapes and forms listed in Schedule II.

§ 350.31 Controlled materials technical definitions.

The following definitions pertain to the controlled materials as applicable:

"Distributor" means any person (including a warehouseman or jobber, but not a retailer) engaged in the business of stocking controlled materials at a location regularly maintained for the sale or resale of controlled materials in the form or shape as received, or after performing such operations as cutting to length or shape, slitting, shearing, or sorting and grading.

"Further conversion" means the further processing of a controlled material by another person.

"Minimum mill quantity" means the minimum quantity of a controlled material product that may be obtained with a rated order for shipment by a producer at any one time to any one destination.

Copper

"Brass mill products" means copper and copper-base alloys in the following forms: Sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, cutting to width or length, and reduction in gauge, do not constitute changes in form of brass mill products. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles, discs (except brass military ammunition discs)
Cups (except brass military ammunition cups)
Blanks and segments
Forgings (except anodes)
Welding rod, 3 feet or less in length
Rotating bands
Tube and nipples—welded, brazed, or mechanically seamed
Formed flashings
Engravers' copper

"Copper-base alloy" means any alloy of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U.S. Commercial Standard CS 67–38.

"Copper foundry products" means cast copper and copper-based alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any machining or further processing. For centrifugal casting, the process includes the removal of the rough cut in the inner or outer diameter, or both, before delivery to a customer. Castings include anodes and shot cast in a foundry or by an ingot maker.

"Copper powder mill products" means copper or copper-base alloy in the form of granular or flake powder.

"Copper raw materials" includes:

(a) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire-refined to a grade and in a form suitable for fabrication;

(b) "Blister copper"—High-grade crude copper in any form produced from converter operations and from which nearly all the oxidizable impurities have been removed by slagging and volatilization;

(c) "Copper and copper-base alloy scrap"—including fired and demilitarized cartridge and artillery cases;

(d) "Brass mill casting"—from which brass mill or intermediate shapes may be rolled, drawn, or extruded, without remelting;

(e) "Copper-base alloy ingot"—to be used in remelting, alloying, or deoxidizing operations;

(f) "Copper or copper-base alloy shot and waffle"—to be used in remelting, alloying, deoxidizing, or chemical operations; and

(g) "Copper precipitates (or cement copper)"—precipitated from mine water by contact with iron scrap, tin cans, or iron in other forms.

"Copper wire mill products" means uninsulated or insulated wire and cable made from copper or copper-base alloy, used for transmission of electrical energy, whatever the outer protective coverings may be, and also copper-clad steel or aluminum wire containing over 20 percent copper by weight regardless of end use. Copper wire mill products shall be measured in terms of pounds of copper content.

Nickel Alloy

"Nickel alloys" means those alloys for which the specified nickel content is 10 percent or more up to and including pure nickel, and which the iron content is nominally less that 50 percent of iron, and which does not contain as much as 40 percent of copper, nor as much as 50 percent of aluminum, in the shapes and forms shown in Schedule II. It also includes cast alloy (less gates and risers, rough as cast) for which the specified nickel content is 5 percent or more. It does not include primary nickel in the forms of electrolytic cathodes, pigs, rondelles, cubes, pellets, shot, briquettes, oxide (including sintered oxide), salts, or chemicals; nor does it include primary nickel in the forms of ingots or powder for remelting.

Steel

"Alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium (less that 10 percent), cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel base for which nickel and/or chromium is contaned in the coating or cladding material (e.g., nickel-copper alloy, nickel-chrome-iron alloy or stainless) are alloy steels.

"Alloy steel plate" includes the following specifications:

—0.180 inch or thicker, over 48 inches wide.

—0.230 inch or thicker, over 8 inches wide.

—7.35 pounds per square foot or heavier, over 8 inches wide.

"Carbon steel" means any steel (including wrought iron) customarily so classified and also includes: (a) Ingot iron; (b) all grades of electrical sheet and strip; (c) high-strength low-alloy steels; (d) clad and coated carbon steels not included with alloy steels; *e.g.*, galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels; and (e) leaded carbon steels.

"Carbon steel plate" includes the following specifications plus floor plates of any thickness:

—0.180 inch or thicker, over 48 inches wide.

—0.230 inch or thicker, over 8 inches wide.

—7.53 pounds per square foot or heavier, over 48 inches wide.

—9.62 pounds per square foot or heavier, over 8 inches wide.

"High- strength low-alloy steels" means only the proprietary grade promoted and sold for this purpose, and Navy high-tensile steel grade HT Specification Mil–S–16113 (Ships).

"Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements.

"Stainless steel plate" includes the following size specifications: 3/16 inch (0.1875) or thicker, over 10 inches wide.

"Standard steel pipe" includes the following:

Ammonia pipe
Bedstead tubing
Driven well pipe
Drive pipe
Dry kiln pipe
Dry pipe for locomotives
English gas and steam pipe
Fence pipe
Furniture pipe
Ice Machine pipe
Mechanical service pipe
Nipple pipe
Pipe for piling
Pipe for plating and enameling
Pump pipe
Signal pipe
Standard pipe coupling
Structural pipe
Turbine pump pipe
Water main pipe
Water well casing
Water well reamed and drifted pipe

"Structural steel shapes" means rolled flanged sections having at least one dimension of their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flange sections.

§ 350.32 Special rules applicable to controlled materials producers and distributors.

(a) *Rated orders.* (1) Rated orders are used to obtain controlled materials needed for authorized programs.

(2) A rated order placed with a controlled material producer must be in sufficient detail to permit entry on mill schedules and must be received by the producer in accordance with the minimum lead times specified in Schedule II of this regulation. However, DX orders must be accepted by controlled material producers regardless of lead time, if it is possible to make delivery by the required date.

(b) *Set-asides.* (1) A set-aside is the amount of any item, including controlled materials, which a person is required to reserve to fill rated orders during a specified period of time. A set-aside places a limit to a person's obligation to accept rated orders during the time period. Quantities above the set-aside levels may be devoted to unrated orders, unless specifically directed otherwise by the Office of Industrial Mobilization. However, all DX orders must be accepted regardless of whether the set-aside level has been reached.

(2) A person who has had a DO rated order rejected by a controlled material producer, because the producer's set-aside was filled, must attempt to place the rated order with another controlled material producer whose set-aside is not filled.

(3) Controlled material producers will be notified of the applicable set-aside either directly in writing (used for steel and aluminum) or by means of publication in Schedule III of this regulation (used for copper and nickel alloys).

(4) The following set-aside rules are applicable to the controlled materials:

(i) *Steel.* (A) A set-aside is applicable to each steel controlled materials producer who receives a written set-

aside notification from the Office of Industrial Mobilization.

(B) Any steel controlled materials producer who has not received a set-aside notification must accept, in accordance with the provisions of this regulation, all rated orders received but may apply in writing to the Office of Industrial Mobilization for a set-aside notification.

(C) The set-aside is a specified monthly quantity based on average monthly shipments during a specific base period.

(ii) *Aluminum.* (A) A set-aside is applicable to each aluminum controlled materials producer who receives a written set-aside notification from the Office of Industrial Mobilization.

(B) Any aluminum controlled material producer who has not received a set-aside notification must, in accordance with the provisions of this regulation, accept all rated orders received but may apply in writing to the Office of Industrial Mobilization for a set-aside notification.

(C) The set-aside for aluminum ingot and aluminum molten metal is a specified monthly quantity based on average monthly production capacity during a specific base period.

(D) The set-aside for all other aluminum controlled materials is a specified monthly quantity based on average monthly shipments during a specific base period.

(iii) *Copper.* (A) Set-asides are applicable to all copper controlled materials producers.

(B) The monthly set-asides for each copper controlled materials producer are calculated by multiplying the producer's set-aside base by the appropriate set-asides percentage for each product. The set-aside percentages and set-aside base are contained in Schedule III, which may be updated periodically by amendment to the Schedule.

(iv) *Nickel alloys.* (A) Set-asides are applicable to all nickel alloys controlled materials producers.

(B) The monthly set-asides for each nickel alloys controlled material producer are calculated by multiplying the producer's set-aside base by the appropriate set-aside percentage for each product. The set-aside percentage and set-aside base are contained in Schedule III, which may be updated periodically by amendment to the Schedule.

(5) Materials shipped for further conversion (also referred to as "intermediate shapes" in the copper industry) are not considered as being shipped against a controlled material set-aside, unless otherwise specified by the Office of Industrial Mobilization.

(c) *Order books and product lead times.* (1) Each controlled materials producer must open its order books for the acceptance of DO rated orders not later than 45 days prior to the commencement of the applicable minimum lead-times provided in Schedule II for the various shapes and forms of controlled materials.

(2) Once order books are opened, a controlled materials producer must accept all rated orders received until the set-aside level is reached or until the minimum lead time shown in Schedule II is reached.

(3) Once the minimum lead time is reached a controlled materials producer may devote remaining capacity, even if the set-aside has not been filled, to unrated orders. However, a person must accept a DX rated order without regard to lead time.

(d) *Controlled materials program symbols.* (1) A controlled materials producer must use the program symbol H2 on all rated orders to obtain production materials or to replace inventories used to fill rated orders except as noted in paragraph (d)(2) of this section.

(2) A controlled materials producer must use the program symbol H4 on rated orders to obtain controlled materials for further conversion needed for production or inventory replacement.

(3) A controlled materials distributor must use the program symbol H3 on rated orders to obtain controlled materials needed to fill rated orders.

(e) *Controlled materials requirements data.* (1) Controlled materials producers and suppliers are required to maintain and submit upon request, data on shipments (e.g. monthly or quarterly) against rated and unrated orders.

(2) Because Delegate Agencies are required to provide controlled materials requirements to the Department of Commerce, persons performing against rated orders may be required upon request by the appropriate Delegate Agency to provide their requirements for controlled materials needed to fill their rated contracts for items manufactured to military specifications.

(3) In addition, a person in receipt of a rated order for items manufactured to military specifications may be required by the person who placed the rated order, to provide data on requirements for controlled materials to fill the rated order.

Subpart F—Critical Items

§ 350.40 General provisions.

(a) From time-to-time the Office of Industrial Mobilization may determine that certain items have a critical importance to industrial production with respect to the national defense and authorized programs.

(b) The Office of Industrial Mobilization may establish special rules to ensure that critical items are available to authorized programs in a timely fashion and to provide for an equitable and orderly distribution of requirements for such items among all suppliers.

§ 350.41 Metalworking machines.

(a) "Metalworking machine" is any machine which has a producer's list price of $1,000 or more for the basic machine and includes metal cutting and metal forming type machines which are new, power driven, complete machines not supported in the hands of an operator when in use.

(b) Metalworking machines covered by this section include:

Bending and Forming Machines.
Boring Machines.
Broaching Machines.
Drilling and Tapping Machines.
Electrical Discharge, Ultrasonic and Chemical Erosion Machines.
Forging Machinery and Hammers.
Gear Cutting and Finishing Machines.
Grinding Machines.
Hydraulic and Pneumatic Presses, Power Driven.
Lathes.
Machining Centers and Way-Type Machines.
Manual Presses.
Mechanical Presses, Power Driven.
Milling Machines.
Miscellaneous Machine Tools.
Miscellaneous Secondary Metal Forming and Cutting Machines.
Planers and Shapers.
Punching and Shearing Machines.
Riveting Machines.
Saws and Filing Machines.
Wire and Metal Ribbon Forming Machinery.

(c) Metalworking machine producers are not required to accept DO rated orders calling for delivery in any month of a total quantity of any size of machine in excess of 60 percent of their scheduled production of that size of machine for that month. However, directives or DX rated orders must be accepted even if the set-aside has been reached.

(d) Metalworking machine producers are not required to accept DO rated orders for machines which they receive less than three months prior to the beginning of the month for which delivery is requested. However, directives and DX rated orders must be

accepted without regard to the lead time.

Subpart G—Special Priorities Assistance

§ 350.50 General provisions.

(a) The Defense Priorities and Allocations System is designed to be largely self-executing. However, it is anticipated that from time-to-time problems will occur. In this event, a person should immediately contact the local Delegate Agency representative for guidance or assistance. If additional formal aid is needed, special priorities assistance should be sought. Special priorities assistance is a service provided by the Delegate Agencies and the Office of Industrial Mobilization to alleviate problems that do arise.

(b) While special priorities assistance can be provided for any reason in support of this regulation, generally, special priorities assistance involves aid in obtaining timely deliveries of items needed to satisfy rated orders and in obtaining rating authorization for items not normally ratable under this regulation.

§ 350.51 Requests for special priorities assistance or rating authorization.

(a) Request for special priorities assistance or rating authorization must be submitted on Form ITA–999 to the local representative of the appropriate Delegate Agency specified in Schedule I. Form ITA–999 may be obtained from the local representative of the Delegate Agency, any Department of Commerce District Office, or from the Office of Industrial Mobilization. A sample Form ITA–999 is attached at Appendix III.

(b) If the Delegate Agency is unable to resolve the problem or to grant the rating authorization and believes additional assistance is warranted, the Delegate Agency may forward the request to the Office of Industrial Mobilization for action.

(c) Requests for rating authorization for capital or production equipment may be submitted to the appropriate Delegate Agency. The Delegate Agency may establish particular forms for these requests.

§ 350.52 Types of assistance.

(a) If a person has placed a rated order with a vendor for an item needed to complete a rated order and is experiencing difficulty in obtaining delivery by the required delivery date, a person may apply for special priorities assistance.

(b) If a person cannot locate a supplier for an item needed to satisfy a rated order received, a person may apply for special priorities assistance.

(c) Examples of special priorities assistance that can be provided include:

(1) Ensuring that rated orders receive preferential treatment by suppliers;

(2) Resolving production or delivery conflicts between various rated orders;

(3) Locating suppliers who can fill rated orders in a timely fashion;

(4) Securing verification of urgency with respect to rated orders supporting authorized programs; and

(5) Determining the validity of rated orders.

§ 350.53 Rating authorization.

(a) If the inability to obtain items, for which rating authority is not normally provided under this regulation, would result in delays in filling rated orders received, a person may request authorization to apply a priority rating to the contract or order for the needed item.

(b) Examples of items for which ratings can be authorized include:

(1) Capital or production equipment;

(2) Computers;

(3) Expansion of plant facilities;

(4) Rebuilding or replacing facilities; and

(5) Items excluded from the rating provisions of this regulation contained in § 350.18(b)(3).

(c) In any case where the use of a rating is specifically authorized for the procurement of production equipment, the rating may be used either to purchase or to lease such equipment. However, in the latter case, the equipment may be leased only from a person engaged in the business of leasing such equipment or from a person willing to lease rather than sell.

(d) In certain cases and upon specific request, the Office of Industrial Mobilization, to promote the national defense, may authorize a person to place a rated order in anticipation of the receipt of a rated order. In such instances, sponsorship of such requests must be obtained from the appropriate Delegate Agency.

(e) Whenever a person requests a priority rating in anticipation of the receipt of a rated order, that person must state in writing in the request the following:

It is understood that the authorization of a priority rating in anticipation of our receiving a rated contract or order from a Delegate Agency and our use of that priority rating with our suppliers in no way commits the Delegate Agency, the Department of Commerce or any other government agency to enter into a contract or order or to expend funds. Further, we understand that no Delegate Agency, the Department of Commerce, or any other government agency, shall be liable for any damages that may accrue, including termination penalties, if a rated contract or order is not eventually placed and, as a result, we must subsequently cancel contracts or orders placed with the use of the priority rating authorized as a result of this request.

§ 350.54 Criteria for assistance.

Requests for special priorities assistance must establish that:

(a) There is an urgent need for the item in question with respect to delivery against a rated order;

(b) The applicant has exercised a reasonable effort to resolve the problem; and

(c) The request is timely, *i.e.* that the request has been submitted promptly and that enough time exists for the Delegate Agency or the Office of Industrial Mobilization to effect a meaningful resolution to the problem.

§ 350.55 Assistance programs with Canada and other nations.

(a, *Canada.* (1) The joint U.S.-Canadian military arrangement for the defense of North America and the integrated nature of their defense industries set forth in the U.S.-Canadian Statement of Principles for Economic Cooperation require the close coordination of the industrial priorities activities of the two countries and the establishment of a means to provide mutual assistance to the defense industries located in both countries.

(2) The Office of Industrial Mobilization coordinates with the Canadian Department of Supply and Services (Ottawa) on all matters of mutual concern relating to the administration of this regulation.

(3) Any person in the United States requiring assistance in Canada shall submit a request through the Delegate Agency to the Office of Industrial Mobilization on Form ITA–999.

(4) Any person in Canada requiring assistance in the United States or requiring priority rating authority for items to be purchased in the United States shall request such assistance or rating authority through the Canadian Department of Supply and Services in accordance with any procedures specified by the Department.

(b) *Foreign nations.* (1) Persons in foreign nations other than Canada requiring priority rating authority or assistance in obtaining items in the United States may apply for such authority or assistance through the U.S. Department of Defense to the Office of Industrial Mobilization.

(2) The request must be sponsored by the government of the foreign nation prior to submission to the U.S. Department of Defense.

§ 350.56 Instances where assistance will not be provided.

Special priorities assistance is provided at the discretion of the Delegate Agencies and the Office of Industrial Mobilization when it is determined that such assistance is appropriate and warranted. Examples where assistance will not be provided include situations when a person is attempting to:

(a) Secure a price advantage;

(b) Obtain delivery prior to the time required to fill a rated order;

(c) Gain competitive advantage;

(d) Disrupt an industry apportionment or quota program in a manner designed to provide a person with an unwarranted share of scarce items; or

(e) Overcome a vendor's regularly established terms of sale or conditions of doing business.

Subpart H—Official Actions

§ 350.60 General provisions.

(a) In addition to the provisions of this regulation, the Office of Industrial Mobilization may, from time to time, take specific official actions to implement the provisions of this regulation or to resolve requests for special priorities assistance.

(b) Several of these official actions (authorizations, directives, and letters of understanding) are discussed in this subpart. Others which pertain to the compliance activities provided for in the Defense Production Act and this regulation (subpoenas, demands for information, and inspection authorizations) are discussed in section 350.71(b).

§ 350.61 Authorizations.

An authorization issued by the Office of Industrial Mobilization is an official action that:

(a) May permit the placement of a priority rating on a contract or order for an item not normally ratable under this regulation; or

(b) May authorize the upgrading of a DO priority rating to a DX rating on a specific contract or order or series of contracts or orders.

§ 350.62 Directives.

(a) A directive is an official action which requires a person to take certain actions or refrain from taking certain actions in accordance with its provisions.

(b) A person must comply with each directive issued by the Office of Industrial Mobilization. However, a person may not extend a directive to obtain any items from a supplier by placing a rated order, unless expressly so authorized in the directive.

(c) Directives take precedence over all DX rated orders, DO rated orders, and unrated orders previously or subsequently received, unless a contrary instruction appears in the directive or subsequent directives.

§ 350.63 Letters of understanding.

(a) In resolving special priorities assistance cases, a letter of understanding may be issued by the Office of Industrial Mobilization to reflect an agreement reached by all parties (the Office of Industrial Mobilization, the Delegate Agency, the supplier, and the customer).

(b) A letter of understanding is not used to alter scheduling between rated orders, to authorize the use of ratings, to impose restrictions under this regulation, or to take other official actions. Rather, letters of understanding are used to confirm production or shipping schedules which do not require modifications to other rated orders.

Subpart I—Compliance.

§ 350.70 General provisions.

(a) If compliance with any provision of the Defense Production Act, this regulation, or an official action would prevent a person from complying with another provision of the Defense Production Act, this regulation, or an official action, that person must immediately notify the Office of Industrial Mobilization for resolution of such conflict.

(b) If compliance with any provision of the Defense Production Act, this regulation, or an official action would prevent fulfillment of a rated order, a person must immediately report the matter to the Office of Industrial Mobilization for resolution of such conflict.

§ 350.71 Audits and investigations.

(a) Audits and investigations are official examinations of books, records, documents, other writings and information to insure that the provisions of the Defense Production Act, this regulation, and all official actions have been properly followed. An audit or investigation may also include interviews and a systems evaluation to detect weaknesses or failures in the implementation or use of this regulation.

(b) In conducting audits and investigations, the following documents may be issued which constitute the taking of an official action by the Office of Industrial Mobilization:

(1) *Subpoenas.* A subpoena requires a person to appear as a witness before an official designated by the Office of Industrial Mobilization to testify under oath on matters of which that person has knowledge relating to the enforcement or the administration of the Defense Production Act, this regulation, or any official actions. A subpoena may also require the production of books, papers, records, documents and physical objects or property.

(2) *Demands for information.* A demand for information requires a person to furnish to a duly authorized representative of the Office of Industrial Mobilization any information necessary or appropriate to the enforcement or the administration of the Defense Production Act, this regulation, or any official actions.

(3) *Inspection Authorizations.* An inspection authorization requires a person to permit a duly authorized representative of the Office of Industrial Mobilization to inspect books, records, documents, other writings and information in the person's possession or control at the place where that person usually keeps them, and to inspect a person's premises or property when such inspection is necessary or appropriate to the enforcement or the administration of the Defense Production Act, this regulation, or any official actions.

(c) The production of books, records, documents, or other writings and information will not be requested at any place other than the place where they are usually kept if, prior to the return date specified on the subpoena or demand for information, a duly official of the Office of Industrial Mobilization is furnished with true copies of such material. The copies must be certified under oath to be true and correct copies. As an alternative, a person may enter into a stipulation with a duly authorized official of the Office of Industrial Mobilization as to the content of such material.

(d) A subpoena, demand for information, or an inspection authorization, shall include the name, title, or official position of the person to be served, the evidence sought to be adduced and its general relevance to the scope and purpose of the investigation, audit, inspection or inquiry to be made. If books, records, documents, other writings, or information are required to be produced, or premises or property are sought to be inspected, the subpoena, the demand for information or the inspection authorization shall describe them with particularity. No subpoena, demand for information, or inspection authorization shall be issued until it is ascertained by the Office of Industrial Mobilization that the information sought

is not available from any Federal or other responsible agency.

(e) Service of documents shall be made in the following manner:

(1) Service of an inspection authorization or a demand for information shall be made personally or by Certified Mail—Return Receipt Requested. Service of a subpoena shall be made personally.

(2) Service upon other than an individual may be made by serving a partner, corporate officer, or a managing or general agent authorized by appointment or by law to accept service of process. If an agent is served, a copy of the document shall be mailed to the person named in the document.

(3) Any individual 18 years of age or over may serve a subpoena, a demand for information, or an inspection authorization. When personal service is made, the individual making the service shall prepare an affidavit as to the manner in which service was made and return the original document and the affidavit to the issuing officer. In case of failure to make service, the reasons for the failure should be stated on the original document.

§ 350.72 Notification of failure to comply.

(a) At the conclusion of an audit, inspection, investigation, or at any other time, the Office of Industrial Mobilization may inform the person in writing were compliance with the requirements of the Defense Production Act, this regulation, or an official action were not met.

(b) In cases where failure to comply with the provisions of the Defense Production Act, this regulation, or an official action was inadvertent, the person will be informed in writing of the particulars involved and corrective action will be recommended. Failure to take corrective steps may be construed as a willful violation of the Defense Production Act, this regulation, or the official action.

§ 350.73 Violations, penalties, and remedies.

(a) A person who willfully violates any provision of the Defense Production Act, this regulation, or any official action in the course of operating under this regulation or any official action is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both. Maximum penalties provided by the Defense Production Act are a $10,000 fine, or one year in prison, or both.

(b) A person who willfully refuses to furnish any information or reports required by the Office of Industrial Mobilization is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both. Maximum penalties provided by the Defense Production Act are a $1,000 fine, or one year in prison, or both.

(c) The government may also seek an injunction from a court of appropriate jursidiction to prohibit the continuance of any violation of or to enforce compliance with the Defense Production Act, this regulation, or any official action.

(d) In order to secure the effective enforcement of the Defense Production Act, this regulation, and official actions, the following are prohibited: (See Section 704 of the Defense Production Act; and Sections 2 and 371 of Title 18, United States Code):

(1) No person may willfully solicit, attempt, cause, aid, abet, counsel, command, induce, procure, or permit another person to perform any act prohibited by, or omit any act required by, the Defense Production Act, this regulation, or any official action.

(2) No person may conspire or act in concert with any other person in any manner or for any purpose to perform any act prohibited by, or to omit any act required by, the Defense Production Act, this regulation, or any official action.

Subpart J—Adjustments and Appeals

§ 350.80 Adjustments.

(a) A person may submit a request for adjustment or exception to the Office of Industrial Mobilization upon the ground that:

(1) A provision of this regulation or an official action taken by the Office of Industrial Mobilization works an undue or exceptional hardship on that person not suffered generally by others in similar situations and circumstances; or

(2) The consequences of following a provision of the Defense Production Act, this regulation, or an official action is contrary to the intent of the Defense Production Act or this regulation.

(b) Each request for adjustment or exception must be in writing and contain a complete statement of all the facts and circumstances related to the provision or official action from which adjustment is sought and a full and precise statement of the reasons the provision or official action should be modified.

(c) The submission of a request for adjustment or exception shall not relieve any person from the obligation of complying with the provision or official action while the request is being considered.

(d) The decision of the Office of Industrial Mobilization may be appealed to the Assistant Secretary for Trade Administration (see § 350.81 of this part).

§ 350.81 Appeals.

(a) Any person who has had a request for adjustment or exception denied by the Office of Industrial Mobilization under section 350.80 of this part may appeal to the Assistant Secretary for Trade Administration, who shall review and reconsider the denial.

(b) An appeal must be received by the Office of the Assistant Secretary for Trade Administration at the address provided in part 350.93(b) no later than 30 days after receipt of a written notice of denial from the Office of Industrial Mobilization.

(c) Each appeal must be in writing and contain a complete statement of all the facts and circumstances related to the denial action appealed from and a full and precise statement of the reasons the denial decision should be modified or reversed.

(d) In addition to the written materials submitted in support of an appeal, an appellant may request, in writing, an opportunity for an informal hearing. This request may be granted or denied at the discretion of the Assistant Secretary for Trade Administration.

(e) When an informal hearing is granted, the Assistant Secretary for Trade Administration may designate an employee of the Department of Commerce to conduct the informal hearing and to prepare a report. The hearing officer shall determine all procedural questions and impose such time or other limitations deemed reasonable. In the event that the hearing officer decides that a transcript is to be made, all expenses shall be borne by the appellant.

(f) The decision of the Assistant Secretary for Trade Administration shall be final, shall be issued to the appellant in writing, and shall contain a statement of the reasons for the decision.

Subpart K—Miscellaneous Provisions

§ 350.90 Protection against claims.

A person may not be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with any provision of the Defense Production Act, this regulation, or any official action taken by the Office of Industrial Mobilization, notwithstanding that any such provision or action shall subsequently be declared invalid by judicial or other competent authority.

§ 350.91 Records and reports.

(a) Persons are required to make and preserve for at least three years,

accurate and complete records of any transaction covered by this regulation. This includes records of all rated orders and official actions received, copies of all rated orders placed, and records of purchases, receipts, inventories, production, use, sales, and deliveries of all items acquired, sold or delivered pursuant to this regulation.

(b) Records must be maintained in sufficient detail to permit the determination, upon examination, of whether each transaction complies with the provisions of this regulation or official actions taken by the Office of Industrial Mobilization. However, this regulation does not specify any particular method or system to be used.

(c) Records required by this regulation must be made available for examination on demand by duly authorized representatives of the Office of Industrial Mobilization in the manner provided for in § 350.71 of this part.

(d) In addition, persons must develop, maintain, and submit any other records and reports to the Office of Industrial Mobilization that may be required for the administration of the Defense Production Act and this regulation.

(e) Section 705(e) of the Defense Production Act provides, in part, that information required to be submitted in connection with the administration of the Defense Production Act and this regulation, which is deemed to be confidential or for which a request for confidential treatment is made by the person furnishing such information, shall not be published or disclosed unless it is determined that its withholding is contrary to the interest of the national defense.

§ 350.92 Applicability of this regulation and official actions.

(a) This regulation and all official actions taken by the Office of Industrial Mobilization, unless specifically stated otherwise, apply in any state, territory, or possession of the United States and the District of Columbia.

(b) This regulation and all official actions apply not only to deliveries to other persons but also include deliveries to affiliates and subsidiaries of a person and deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or other enterprise under common ownership or control.

§ 350.93 Communications.

(a) All communications concerning this regulation, including: requests for copies of the regulation or other explanatory information, requests for guidance or clarification, and requests for adjustment or exception shall be addressed to the Office of Industrial Mobilization, Room 4104, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPAS; telephone: (202) 377-3634.

(b) All appeals pursuant to this regulation shall be addressed to the Assistant Secretary for Trade Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPAS.

Issued: May 28, 1981.

John A. Richards,

Acting Director, Office of Industrial Mobilization.

Defense Priorities and Allocations System

Schedule I to Part 350.—Authorized Program Identifications and Delegate Agencies

The program identifications listed in this schedule have equal preferential status and are the only ones authorized under the Defense Priorities and Allocations System and must be used in accordance with this regulation and official actions taken by the Office of Industrial Mobilization.

While the Office of Industrial Mobilization may grant the use of priority ratings to support any authorized program, in addition, Delegate Agencies may authorize the use of ratings for those programs indicated below. For those programs where the Office of Industrial Mobilization is listed as the Delegate Agency, the Office of Industrial Mobilization has not delegated rating authority to any other agency.

Column 1—Program identification	Column 2—Authorized program	Column 3—Delegate agency
For Defense Programs:		
A1	Aircraft	Department of Defense: Army. Navy (including Coast Guard). Air Force. Defense Logistics Agency. Associated Agencies of Department of Defense: CIA. FAA. NASA
A2	Missiles	
A3	Ships	
A4	Tank—Automotive	
A5	Weapons	
A6	Ammunition	
A7	Electronic and communications equipment	
B1	Military building supplies	
B2	Production equipment (for defense contractor's account)	
B3	Production equipment (Government owned)	
C1	Department of Defense Construction	
C2	Maintenance, repair and operating supplies (MRO) for Department of Defense facilities	
C3	Controlled materials for Defense Industrial Supply Center (DISC)	
C4	Miscellaneous	
For International Defense Programs:		
Canada:		
D1	Canadian Military programs	Office of Industrial Mobilization. (Plus Department of Defense.)
D2	Canadian Production and construction	
D3	Canadian nuclear defense program	
Foreign Nations:		
G1	Certain munitions items purchased by foreign governments through domestic commercial channels for export.	
G2	Certain direct defense needs of foreign governments other than Canada	
G3	Foreign nations (other than Canada) production and construction	
Co-Production:		
J1	F-16 Co-Production Program	
For Atomic Energy Defense Programs:		
E1	Construction	Department of Energy.
E2	Operations—including maintenance, repair, and operating supplies (MRO)	
E3	Privately owned facilities	
For Energy Programs:		
F1	Exploration, production, refinging, and transportation	Department of Energy.
F2	Conservation	
F3	Construction and Maintenance	
For Other Defense, Energy and related programs:		
H1	Certain combined orders [see sec. 350.17(c)]	Office of Industrial Mobilization.
H2	Controlled materials producers	
H3	Distributors of controlled materials	
H4	Further converters (controlled materials)	
H5	Approved State and local civil defense programs [1]	
H6	Private domestic production	

Column 1—Program identification	Column 2—Authorized program	Column 3—Delegate agency
H7	Private domestic construction	
H8	Maintenance, repair, and operating supplies (MRO)	
K1	Federal supply items	General Services Administration.

[1] State and local governments will be authorized to use the program identification H5 only upon application to the Federal Emergency Management Agency and specific approval of the Office of Industrial Mobilization.

Defense Priorities and Allocations System.—*Schedule II to Part 350, Controlled Materials*

Controlled material[1]	Minimum quantity*		Minimum number of days**			
	Steel[2]		Steel			
	Carbon	Alloy	Carbon	High-strength low-alloy	Stainless	Alloy[3]
Steel						
Bar, bar shapes (including light shapes):						
Bar, hot-rolled stock for projectile and shell bodies	([2])	([2])	45	75		[3]75
Bar, hot-rolled, other (including light shapes):			[3]45	[3]75	90	[3]75
Round bars up to and including 3 inches, and squares, hexagons, half rounds, ovals, etc., of approximately equivalent section area (net tons)	5	([2])				
Round and square bars over 3 inches to, but not including, 8 inches (net tons)	15	([2])				
Bar-size shapes (angles, tees, channels, and zees under 3 inches (net tons)	5	([2])				
Bar, reinforcing (straight lengths, as rolled (net tons)	5		45			75
Bar, cold finished (net tons)	5	([2])	[3]75	[3]105	105	([2])
Sheet, strip (uncoated and coated):						
Sheet, hot-rolled (net tons)	5	([2])	45	75	90	75
Sheet, cold-rolled (net tons)	5	([2])	45	75	105	90
Sheet, galvanized	([2])		45			
Sheet, all other coated (net tons)	5		45			
Sheet, enameling (net tons)	5		45			
Roofing, galvanized, corrugated, V-crimped channel drains	([2])		45			
Ridge roll, valley, and flashing	([2])		45			
Siding, corrugated and brick	([2])		45			
Strip, hot-rolled	([2])	([2])	45	75	90	75
Strip, cold-rolled	([2])	([2])	45	75	105	90
Strip, galvanized	([2])		[3]45			
Electrical sheet and strip (net tons)	5		([2])			
Tin mill black plate (pounds)	5,000		45			
Tin plate, hot-dipped (pounds)	5,000		45			
Ternes, special coated manufacturing (pounds)	5,000		45			
Tin plate, electrolytic (pounds)	5,000					
Electrolytic chromium coated steel	([2])					
Plate:						
Rolled armor	([2])	([2])	[3]45	[3]75	90	[3]75
Continuous strip mill production (net tons)	10	([2])				
Sheared, universal, or bar mill production (net tons)	3	([2])				
Structural shapes, piling	([2])	([2])	45	[3]75	[3]150	90
Pipe, tubing:						
Standard pipe (including couplings furnished by mill)	([10])	([10])	45		120	
Oil-country goods (casing, tubular goods, couplings furnished by mill)	([10])	([10])	45			60
Line pipe (including couplings furnished by mill)	([10])	([10])	45	75		
Pressure and mechanical tubing (seamless and welded)			[3]60		120	120
Seamless cold-drawn (O.D. in inches):						
Up to ¾, inclusive (feet)	1,000	1,000				
Over ¾ to 1½, inclusive (feet)	800	800				
Over 1½ to 3, inclusive (feet)	600	600				
Over 3 to 6, inclusive (feet)	400	400				
Over 6 (feet)	250	250				
Seamless hot-rolled	([2])	([2])				
Welded	([2])	([2])				
Wire, wire products:						
Wire, drawn	([2])	([2])	45	75	90	75
Nails—bright steel wire, steel cut, galvanized, cement-coated and painted (net tons)	[11]5		45			
Spikes and brads—steel wire, galvanized, cement-coated (net tons)	[11]5		45			
Staples, bright and galvanized (farm and poultry) (net tons)	[11]5		45			
Wire rope and strand	([2])		45		105	
Welded wire mesh	([2])		45			
Woven wire netting (net tons)	[11]5		45			
Barbed and twisted wire (net tons)	[11]5		45			
Wire fence, woven and welded (farm and poultry) (net tons)	[11]5		45			
Bale ties (net tons)	[11]5		45			
Coiled automatic baler wire (net tons)	[11]5		45			
Tool steel (all forms including die blocks and tool steel forgings) (pounds)	500	500	[12]60			[12]90
Other mill forms and products (excluding castings and forgings):						
Ingots (net tons)	[13]25	([14])	45	75	75	75
Billets, projectile and shell stock	([2])	([2])	45	75		75
Blooms, slabs, other billets, tube rounds, sheet bars (net tons)	[13]25	([2])	45	75	75	75
Skelp (net tons)	25		45			
Wire rod	([2])	([2])	45	75	90	75
Rails and track accessories	([2])	([2])	45			
Wheels, rolled or forged (railroads)	([2])	([2])	45			90
Axles (railroad)	([2])	([2])	45			90

Controlled material [9]	Minimum quantity,[6] aluminum, copper, and nickel alloys (pounds)	Minimum number of days[10]			
		Copper	Nickel alloys		Aluminum
			Solid solution	Precipitation hardened	
Copper					
Copper and copper-base alloy brass mill products:					
Copper (unalloyed):					
Bar, shapes, wire (except electrical wire)	500	45			
Rod	1,000	45			
Sheet, plate, 24 inches wide and over	2,000	45			
Rolls and strip up to 24 inches in width	1,000	45			
Pipe, tube (seamless)	1,000	45			
Copper-base alloy:					
Bar, wire, shapes	500	[16]45			
Free cutting brass rod	2,000	[16]45			
Other rod	500	[16]45			
Sheet, and plate 24 inches wide and over	2,000	[16]45			
Rolls and strip up to 24 inches in width	2,000	[16]45			
Military ammunition cups and discs	500	[16]45			
Circles	1,000	[16]45			
Pipe, tube (seamless)	1,000	[16]45			
Copper wire mill products:	([17][18])				
Copper wire and cable:					
Bare and tinned		35			
Weatherproof		35			
Magnet wire		35			
Insulate building wire		35			
Paper and lead power cable		60			
Paper and pulp telephone cable		45			
Plastic insulated telephone cable		45			
Asbestos cable		60			
Portable and flexible cord and cable		45			
Communication wire and cable		60			
Shipboard cable		60			
Automotive and aircraft wire and cable		45			
Insulated power cable		60			
Signal and control cable		60			
Coaxial cable		45			
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use		35			
Copper-clad aluminum wire containing over 20 percent copper by weight regardless of end use		45			
Copper and copper-base alloy foundry products and powder:					
Copper, brass, and bronze castings		[19][20]14			
Copper, brass, and bronze powder (including copper powder, granular and flake, and copper-base alloy powder, granular and flake)		30			
Nickel alloys					
Rods and bars (except anode bars):					
Hot-rolled	([2])		90	120	
Forging quality	([2])		90	120	
Cold-finished	([2])		120	165	
Sheet and strip:					
Hot-rolled	([2])		90	120	
Cold-rolled	([2])		120	165	
Foil	([2])		120	165	
Plate	([2])		90	120	
Pipe, tubing	([2])		90	120	
Wire	([2])		120	165	
Other mill forms:					
Ingots	([2])		90	120	
Blooms, slabs, billets	([2])		90	120	
Wire rod	([2])		90	120	
Powder	([2])		90	120	
Shapes and forms not listed above (including anode bars)	([2])		([2])	([2])	
Aluminum					
Ingot, granular or shot, and molten metal	([18])				
Extrusion ingot (billet)					90
Other ingot and molten metal, primary					60
Other ingot and molten metal, secondary					(NA)
Sheet and plate					
Sheet, non-heat treatable					150
Sheet, heat treatable					150
Plate, non-heat treatable					150
Plate, heat treatable					150
Foil					90
Rolled bar, rod and structural shapes					
Conductor redraw rod (continuous cast or rolled)					60
Nonconductor redraw rod (continuous cast or rolled)					60
Other rod and bar (continuous cast or rolled)					120
Rolled structural shapes					120
Aluminum conductor steel reinforced (ACSR) and bare aluminum cable					
Wire, bare conductor and nonconductor					120
ASSR and aluminum cable, bare					60
Insulated or covered wire or cable					60
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube)					
Extruded rod and bar					150
Soft alloy-small and intermediate press					60
Extruded pipe and tube					150
Soft alloy-small and intermediate press					60
Extruded shapes					150
Soft alloy-small and intermediate press					60
Drawn tube					120

Controlled material	Minimum quantity,* aluminum, copper, and nickel alloys (pounds)	Minimum number of days**			
		Copper	Nickel alloys		Aluminum
			Solid solution	Precipitation hardened	
Welded tube					(NA)
Powder, flake, paste					60

[1] See technical definitions (Section 350.31).
[2] All stainless steel products and certain other products. By negotiation between mill and its customer. If no acceptable arrangements are worked out, the Office of Industrial Mobilization should not notified.
[3] For clad products, add 45 days to lead time indicated.
[4] Includes projectile body stock, sizes under 2 1/8 inches.
[5] If annealed or heat-treated, add an additional 15 days.
[6] For welded tubing or high carbon spring steel strip, 75 days.
[7] For electrical sheet and strip, use the following: Grade—Low, Leadtime—45; Definition—AISI M47, M45, M36. Grade—Medium, Leadtime—45; Definition—AISI M27, M22, M19. Grade—High, Leadtime—60; Definition—AISI M15 and oriented.
[8] Applies to special rolled shapes including angles and channels.
[9] Steep pipe or tubing exceeding 36 inches O.D. is not a controlled material.
[10] Published carload minimum (mixed sizes and grades).
[11] Quantity refers to any assortment of wire merchant trade products.
[12] If cold-finished, add an additional 15 days.
[13] For forging quality, product of one heat.
[14] Product of one heat.
[15] Includes anodes—rolled, forged, or sheared from cathodes.
[16] For refractory alloys, 60 days.
[17] Standard package quantities as published by each mill.
[18] Standard minimum quantities as established by each mill.
[19] Lead time applies to unmachined castings after approval of patterns for production.
[20] Small simple castings to fit 12 x 16 inch flask, 7 days.

*Minimum quantity for each size and grade of any items for mill shipment at any one time to any one destination.
**Minimum number of days in advance of first day of month in which shipment is required.

Defense Priorities and Allocations System

Schedule III to Part 350.—*Copper and Nickel Alloys Controlled Materials Producers' Set-Aside Base and Percentages*

Product	Set-aside percentages
Copper	
Set-Aside Base—Average monthly shipments for a producer's own account during the previous calendar year	
Brass mill products:	
Unalloyed:	
Plate, sheet, strip, and rolls	2
Rod, bar, shapes, and wire	2
Seamless tube and pipe	3
Alloyed:	
Plate, sheet, strip, and rolls	2
Rod, bar, shapes, and wire	2
Seamless tube and pipe	6
Military ammunition cups and discs	(1)
Copper wire mill products:	
Bare and tinned	2
Weatherproof	2
Magnet wire	2
Paper and lead power cable	2
Paper and lead telephone cable	2
Asbestos cable	2
Portable and flexible cord	2

Schedule III to Part 350.—*Copper and Nickel Alloys Controlled Materials Producers' Set-Aside Base and Percentages*—Continued

Product	Set-aside percentages
Communications wire and cable	2
Shipboard cable	2
Automotive and aircraft wire cable	2
Insulated power cable	2
Signal and control cable	2
Coaxial cable	2
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	2
Copper foundry products	2
Unalloyed copper powder mill products	(2)
Copper-base alloy powder mill products	(2)
Nickel Alloys	
Set-Asides Base—Average monthly shipments, by each producer or supplier, during the previous calendar year	
Nickel Alloys	10

[1] Metal weight, except wire mill products, which is by copper content.
[2] No reserve space required. Producers of these products are nevertheless required to accept rated orders for such products in accordance with the provisions of this regulation.

[FR Doc. 81-16325 Filed 6-1-81; 8:45 am]
BILLING CODE 3510-25-M

federal register

Tuesday
June 2, 1981

Part IV

Department of Energy

Outer Continental Shelf Oil and Gas Lease Sales; Variable Net Profit Share Bidding System

DEPARTMENT OF ENERGY

10 CFR Parts 376 and 390

Outer Continental Shelf Oil and Gas Lease Sales; Variable Net Profit Share Bidding System

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: On December 19, 1980, the U.S. District Court for the District of Columbia issued an order requiring the Department of Energy (DOE) to issue a proposed regulation implementing the bidding system described at 43 U.S.C. 1337(a)(1)(E) by February 28, 1981, and a final regulation by May 25, 1981. Pursuant to that court order, DOE issued that proposed regulation on February 27, 1981 (46 FR 15484, March 5, 1981), and today issues the final regulation required by the District Court Order. The Solicitor General filed a petition for a writ of certiorari which was granted by the Supreme Court. The case is expected to be heard by the Supreme Court in the fall term. This regulation establishes a new bidding system for use in lease sales of oil and gas tracts on the Outer Continental Shelf (OCS). This bidding system ("variable net profit share") uses a percentage of net profits as the bid variable and requires payment of a fixed cash bonus for each tract. This system also requires payment of an annual rental and makes use of existing accounting procedures, codified at 10 CFR Part 390, established to determine net profit share payments due the United States (45 FR 36784, May 30, 1980). This regulation implements rulemaking responsibilities under section 8(a) of the Outer Continental Shelf Lands Act, as amended, that were transferred to DOE under sections 302(b) and 303(c) of the Department of Energy Organization Act.

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT:

Edward F. Mulholland (Office of Leasing Policy Development), Department of Energy, Room 2115, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633–9373

Sue D. Sheridan (Office of General Counsel), Department of Energy, Room 6E–046, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6667

Milton Jordan, Director, Division of Freedom of Information and Privacy Acts (Office of Administrative Services), Department of Energy, Room 1E–190, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–5955

SUPPLEMENTARY INFORMATION:

I. Introduction
II. Analysis of Public Comments
III. The Final Regulation
IV. Environmental Review
V. Compliance With Executive Order 12291
VI. Compliance With the Regulatory Flexibility Act

I. Introduction

A. Authority

Sections 302 and 303 of the Department of Energy Organization Act (DOE Act, Pub. L. 95–91, 91 Stat. 578–580 (42 U.S.C. 7152, 7153)) transferred to the Secretary of Energy certain authorities previously held by the Secretary of the Interior under the Outer Continental Shelf Lands Act (OCSLA, Act of August 7, 1953, ch. 345, 65 Stat. 462 (43 U.S.C. 1331 *et seq.*), as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (OCSLAA, Pub. L. 95–372, 92 Stat. 629)), the Mineral Lands Leasing Act, the Mineral Leasing Act for Acquired Lands, the Geothermal Steam Act of 1970, and the Energy Policy and Conservation Act. Specifically, with respect to Federal leases issued under these statutes, section 302(b) of the DOE Act authorizes the Secretary of Energy to promulgate regulations which relate to the: (1) fostering of competition for Federal leases (including, but not limited to, prohibition on bidding for development rights by certain types of joint ventures); (2) implementation of alternative bidding systems authorized for the award of Federal leases; (3) establishment of diligence requirements for operations conducted on Federal leases (including, but not limited to, procedures relating to the granting or ordering by the Secretary of the Interior of suspension of operations or production as they relate to such requirements); (4) setting rates of production for Federal leases; and (5) specifying the procedures, terms and conditions for the acquisition and disposition of Federal royalty interests taken in kind.

In addition, section 302(c) of the DOE Act grants the Secretary of Energy the authority to establish rates of production for Federal leases, and section 303(c)(1) permits the Secretary to disapprove any term or condition of a Federal lease that relates to DOE's authority to promulgate regulations under section 302(b).

The Secretary of Energy is specifically authorized by section 302(b)(2) of the DOE Act to promulgate regulations under the OCSLA as they relate to the implementation of alternative bidding systems for the award of Federal leases.

The bidding system or systems to be utilized by the Department of the Interior (DOI) in each OCS lease sale are chosen from those authorized by the OCSLA and prescribed by DOE regulation. DOE has promulgated regulations implementing four of the bidding systems authorized by section 8(a)(1) of the OCSLA in 10 CFR Part 376. On February 5, 1980 (45 FR 9536, February 12, 1980), DOE issued final regulations implementing three bidding systems: (1) cash bonus bid with a fixed royalty; (2) royalty bid with a fixed cash bonus; and (3) cash bonus bid with a sliding scale royalty. On May 14, 1980 (45 FR 36784, May 30, 1980), DOE issued final regulations implementing a fourth bidding system, cash bonus bid with a fixed net profit share. Respectively, these systems implement sections 8(a)(1)(A)–(D) of the OCSLA.

B. Mandate of the U.S. Court of Appeals

On June 22, 1979, Energy Action Educational Foundation, with several other parties, filed an action in the U.S. District Court for the District of Columbia which sought to halt further sales of OCS leases and to upset past sales on the basis of alleged violations of the OCSLA. Plaintiffs claimed, *inter alia*, that the Secretary of Energy had violated the OCSLA through failure to issue regulations for certain bidding systems authorized by the OCSLAA, in particular the system employing net profit share as the bid variable (section 8(a)(1)(E) of the OCSLA).

On September 17, 1980, the U.S. District Court denied plaintiff's request to enjoin scheduled OCS lease sales. The U.S. Court of Appeals for the D.C. Circuit affirmed the District Court's refusal to grant the injunction, but retained jurisdiction and proceeded to address certain issues on the merits.

On October 30, 1980, the Court of Appeals issued an opinion, *Energy Action Educational Foundation* v. *Andrus* (No. 80–2127, D.C. Cir., October 30, 1980), which held that the Secretary of Energy had violated the provisions of the OCSLA by failing to issue certain alternative bidding systems enumerated in the OCSLA. Specifically, the Court directed DOE to issue regulations establishing the two remaining bidding system alternatives which employ bid variables other than the cash bonus, namely, the net profit share and work commitment bid variables, in order to allow empirical experimentation with these systems by the Secretary of the Interior. The Court noted that injunctive relief for future OCS lease sales might be appropriate if the regulatory process for these two bidding system alternatives was not completed by mid-1981.

In its opinion, the Court found in the language and legislative history of the OCSLAA "* * * a Congressional imperative to promulgate regulations, as a necessary prelude to experimentation, involving non-cash bonus statutory bidding alternatives, including variable net profit share bidding * * *." *(Slip. op.,* at 41.) In order to accomplish the required "experimentation" within the five-year period set out in the OCSLA, the court concluded that DOE must fulfill its obligation to promulgate a regulation establishing a variable net profit share bidding system "with the maximum possible speed consistent with procedural and statutory rulemaking requirements." *(Slip. op.,* at 42.)

Upon remand, on December 19, 1980, the U.S. District Court issued an order establishing a "precise timetable" for promulgation of the variable net profit share and a variable work commitment bidding system regulations. The District Court ordered the Secretary of Energy to issue a proposed regulation for a variable net profit share bidding system by February 28, 1981, with a final regulation to follow by May 25, 1981. The variable work commitment bidding system was ordered to be proposed by March 30, 1981, and issued as a final regulation by June 30, 1981. On February 3, 1981, the Department of Justice notified the District Court that the government had decided to seek Supreme Court review of the decision of the Court of Appeals. The Solicitor General filed a petition for a writ of certioriari on February 26, 1981. The Supreme Court has granted this petition and will review the decision of the Court of Appeals.

C. The Proposed Regulation

As its initial response to the decision of the U.S. Court of Appeals, DOE issued a proposed regulation on February 27, 1981 (46 FR 15484, March 5, 1981), to establish a variable net profit share bidding system for use in OCS lease sales. Issuance of this proposal met the terms specified in the order of the U.S. District Court. The proposed bidding system differed radically from the bidding system most often used in sales of OCS oil and gas leases. Instead of using the cash bonus as the bid variable, the proposed bidding system employed a share of lessee's net profits as the bid variable, and cash bonus replaced royalty as the fixed term of the lease. No provision for royalty appeared in the proposed regulation. The proposal also incorporated the accounting procedures developed in connection with the fixed net profit share bidding system regulation (45 FR 36784, May 30, 1980) and codified in 10 CFR Part 390.

The variable net profit share bidding system is authorized by section 8(a)(1)(E) of the OCSLA, which authorizes a bidding system utilizing a "fixed cash bonus with the net profit share reserved as the bid variable." In further compliance with the Court's decision, DOE proposed on March 30, 1981 (46 FR 20522, April 3, 1981) a regulation to implement a bidding system which would employ work commitment as the bid variable.

Among the concerns that led to enactment of the OCSLAA was the concern of Congress that the large cash bonus payments that tend to characterize the traditional bidding system may inhibit competition for OCS leases by preventing smaller, independent firms from participating in OCS development. Congress therefore adopted amendments authorizing the establishment of several new bidding system alternatives that did not rely on front-end cash bonuses as the main determinant of lease award. Under the variable net profit share system, leases will be awarded on the basis of the highest net profit share bid. Initial cash bonus payments will be reduced to the level of the associated, presumptively lower, fixed cash bonus and return to the public is shifted away from large initial cash bonuses to periodic contingency payments based on net profits from the actual production of oil and gas. Compared to costs of development, as well as to net profit share payments that might be anticipated under this system, the fixed cash bonus under this system will likely represent a relatively small amount.

Thus, the most immediate effect of using the variable net profit share bidding system, in place of traditional cash bonus systems, will be a reduction in front-end cash bonuses and a consequent reduction of funds flowing into the U.S. Treasury at the time of the lease sale. The amount of any such reduction will depend upon the level at which cash bonuses are fixed for any OCS lease sale. The reduction in bonus amounts may eventually be offset, at least in part, to the extent that lessees make contingency payments during production; however, any such contingency payments would not begin for several years after issuance of the lease. It is also possible that these lower cash bonus amounts may lead to speculative bidding. These conclusions found considerable support in the public comments.

To the extent that very high profit share rates are bid, DOE anticipates that minimum economical commercial field sizes may increase and that there may be premature abandonment of leases. Either of these results will lead to reduced resource recovery and losses in national income, that is, in net economic value. In addition, high profit share rates are likely to reduce the incentive for exploration and cause overinvestment in development after discovery of a commercial field. High profit share rates may also cause inefficient distortions in production patterns. All of these impacts will tend to reduce resource production, national income, and the Federal revenues yielded by OCS development. Further, in any bidding system where the bid variable is not a cash bonus, there is no assurance that the high bid on a tract will yield the greatest return to the public or to the government over the life of the lease.

In amending the OCSLA to provide for new bidding system alternatives, Congress intended, in part, to encourage greater competition for OCS leases through decreased reliance on front-end cash bonus payments as the primary means of allocating leases on the OCS. The U.S. Court of Appeals, in its opinion mandating that DOE promulgate a regulation to establish a variable net profit share bidding system, reached a similar conclusion with respect to the impact of the new systems. The Court stated that bidding system alternatives "* * * like the variable net profit bidding option (and the work commitment bidding system) are designed to reduce front-end cash payment and to stimulate competition to a greater degree than the options already in place which still focus bidding on the front-end cash bonus." (*Slip. op.,* at 37.)

The variable net profit share bidding system may in practice encourage more participation in OCS lease sales by a more diverse range of firms. Participation in OCS lease sales may be viewed in terms of an increase in the overall number of bids in an OCS lease sale, in the number of bids per tract, or in the number of sale participants. In the sense that greater participation may be considered a measure of competition for OCS leases, this regulation should lead to increased competition. Also, to the extent that available capital is not used to pay large cash bonuses, it should remain available for exploration and development expenses.

Since administration of OCS leases issued pursuant to this regulation would be the responsibility of the U.S. Geological Survey (USGS) within DOI, use of this bidding system may result in somewhat greater responsibilities for USGS, particularly in the administration

of applicable accounting procedures. It should be noted that this responsibility is not qualitatively distinct from functions already committed to USGS. Some increase in USGS work load may be expected as a result of this regulation, depending on the extent to which this bidding system is used. USGS regulations are not superseded by this action, but must be followed in conjunction with this regulation, as appropriate.

Pursuant to section 5(a) of the OCSLA, as amended, a copy of the proposed regulation was forwarded to the Attorney General for review of any aspect of the proposed bidding system that may affect competition. No response has been received to date. DOE has consulted with DOI in the preparation of this regulation, given its views careful consideration, and incorporated into the regulation and preamble a number of DOI's suggestions.

II. Analysis of Public Comments

A. General

The proposed regulation was published in the **Federal Register** on March 5, 1981 (46 FR 15484) and public comment was invited over a period of approximately one month; the comment period closed on April 7, 1981. During the comment period, DOE held a public hearing on the proposed regulation in Washington, D.C., on March 26, 1981. In response to the proposal, oral or written comments were received from 21 private firms (all actively engaged in the energy industry), and one non-profit interest group. Of those responding, 15 comments expressed opposition to the use of a variable net profit share bidding system for a variety of reasons, four comments favored this bidding system, and three comments offered criticisms or suggestions pertaining to elements of the proposal without clearly indicating support or opposition to such a system.

Opposition to the variable net profit share bidding system appeared relatively more adamant than to the fixed net profit share bidding system. Several firms by reference incorporated their remarks on the earlier bidding system regulation, asserting the relevance of the same issues. DOE acknowledges that this regulation raises many of the same concerns as the fixed net profit share bidding system; if anything, more starkly than before. As the bid variable, the net profit share term is likely to exert a much more pervasive influence on lease acquisition, exploration, development, production, and termination, than as the fixed term of an OCS lease. Potential negative effects of the net profit share term become greatly magnified.

The issues raised in the comments fall generally in several categories, few of which are neatly severable from the others. For purposes of discussion, however, those issues that concern the merits and drawbacks of the proposed regulation will be considered in this section of the preamble. Specific recommendations and suggestions made in regard to perceived flaws in the variable net profit share bidding system will be discussed in Section III of this preamble.

B. Competition

In its opinion ordering DOE to promulgate a variable net profit share bidding system regulation, the U.S. Court of Appeals concluded from the legislative history of the OCSLAA that use of non-cash bonus bidding systems would serve to stimulate competition in OCS lease sales, through reduction in the front-end cash bonuses needed to acquire OCS leases. This conclusion found little support in the comments. A total of seven respondents agreed that variable net profit share bidding would likely increase the number of bidders for OCS leases, but of these, only four went on to state that variable net profit share bidding would therefore enhance competition in OCS lease sales.

Supporters of variable net profit share bidding stressed the capital-intensive nature of the industry in support of their assertion that the system will lower front-end costs sufficiently to attract smaller operators capable of OCS development once threshold barriers to lease acquisition are eased. This assertion posits the existence of a reservior of smaller firms capable of operating on the OCS, but which have either limited their activities or abandoned them altogether, because of the dominant use of the traditional high front-end cash bonus.

Most firms, however, viewed the proposed regulation at best as no improvement over cash bonus bidding systems and appeared convinced that a substantial reduction in the level of cash bonus will not encourage significantly greater participation by smaller firms, for several reasons. A number of firms observed that the level of investment required in OCS exploration and development may be too high for even a joint venture of smaller companies to sustain, especially considering the degree of risk inherent in the venture and the likelihood of long delays in recovering expenditures. A related consideration was that the cost of acquiring OCS leases by cash bonus bid usually represents a relatively less significant expense than the operational costs incurred to explore and develop OCS tracts. Regardless of the bidding system used to lease a particular tract, the lessee would still face large exploration and development costs, as well as enormous potential liabilities stemming from responsibilities imposed by the OCSLA and other statutes. While the variable net profit share bidding system will permit recovery of allowable costs prior to any payment to the government, until a commercial discovery is found there is no assurance that a lessee will recoup any costs.

Moreover, several firms warned that use of the variable net profit share bidding system might actually decrease the level of participation of smaller firms in OCS oil and gas lease sales, on the premise that the rate of return on investment is more critical for smaller firms. These firms believed that, due to the probable high net profit share bids anticipated under this system, smaller profit margins are likely to be available to lessees on variable net profit share tracts than on tracts leased under cash bonus bidding systems, and that this might actually deter smaller firms from participation in OCS lease sales using this bidding system. One respondent actively disagreed with this contention, asserting that OCS lessees would be willing to accept shrunken profit margins, in return for the prospect of access to OCS leases.

Again stating a point made repeatedly in regard to other OCS bidding systems, firms generally stressed the availability of opportunities for smaller companies to participate in OCS exploration and development through formation of joint ventures, often framing their discussion in terms of "adequate" participation. In issuing this regulation, DOE makes no judgment with regard to the adequacy or sufficiency of opportunities to participate in OCS lease sales, and acknowledges the widespread availability of the joint venture mechanism as a vehicle for participation by smaller firms.

DOE is in substantial agreement with many of the comments regarding the minimal benefits likely to be achieved through use of this system. As evidenced by the preamble to the notice proposing this regulation, it is not DOE's position that this regulation will necessarily enhance competition for OCS leases, however defined. To the contrary, DOE's own analysis suggests that competition for OCS leases appears quite active.

Neither does DOE contend that lowering the front-end costs of lease acquisition will remove all barriers to

fuller participation on the OCS for smaller firms. DOE agrees, however, that this regulation will to some extent reduce these barriers to entry; companies will have somewhat more flexibility in deciding whether to bid alone or jointly, how many partners to include in a joint venture, and what percentage of the bid to control. In providing this flexibility, new firms considering investment in the OCS may be better able to participate in OCS lease sales.

C. Speculation

While the comments were evenly divided as to whether the proposal would result in a greater number of bidders in OCS lease sales, there was nearly unanimous agreement that new bidders attracted to OCS lease sales by introduction of this system would bid for purely speculative reasons and would, in all likelihood, lack the capital, expertise, or intent to explore and develop leases on the OCS efficiently. Those who held this view generally noted that since any variable net profit share bidding system, by design, lowers the initial capital investment in the OCS lease to the level of the associated fixed cash bonus, thereby making it possible to obtain a lease with very little capital at risk, it is unavoidably susceptible to unrealistically high net profit share bids. Since speculators risk little, in comparison with bidders on cash bonus tracts, very high net profit share bids are likely to result from use of this system.

Most of the comments contained examples of undesirable consequences that could flow from speculative OCS bidding. Several respondents asserted that using the variable net profit share bidding system could decrease the value of pre-sale exploration and evaluation to firms, since months or years of effort spent by one firm in developing tract-specific resource information might be negated by an unrealistically high bid, submitted purely for speculative reasons. There was concern that the variable net profit share bidding system might lead, in an extreme situation, to virtual elimination of pre-sale exploration, such as seismic operations or off-structure drilling, with an almost complete shift to post-sale exploration.

Many comments noted that under a variable net profit share bidding system, lesses might find it advantageous to delay exploration of a tract, until exploration of adjacent or nearby tracts had taken place and the lessee had more information as to the resource potential of its tract; a speculative lessee might find it particularly advantageous, as an indication of the worth of its tract for purposes of assignment or farmount. Other comments indicated a concern over inefficient operations conducted by inexperienced or unqualified firms. Another respondent concluded that the advantages of increased participation, however, far outweighed any such initial disadvantages.

A few comments mentioned that speculation might cause exploration or development to be postponed for years, assuming that a tract held for speculative purposes would eventually have to be relinquished, at least by the expiration of the primary term of the lease. The tract then could not be leased again until a scheduled OCS lease sale took place in the area of the tract, possibly years later in a frontier area. From the perspective of both the need to inventory OCS oil and gas resources and the need for expeditious development of these resources, such delays would prove unacceptable.

DOE shares concerns over possible speculation in the use of the variable net profit share bidding system, but not to the extent expressed in the comments. The assumption that speculative bids will be submitted for tracts offered under this bidding system presumes that the associated fixed cash bonus will be established at levels low enough that speculators will be relatively indifferent to its loss if the tract proves valueless, as a number of comments mentioned. A speculative bidder considering whether to bid an inordinately high net profit share must weigh the consequences of obtaining an OCS lease encumbered by such terms. The expected rate of return on a lease with a high net profit share term might well be critically reduced, with the result that the tract might well become an unattractive candidate for assignment or farmout. Development might be uneconomical, unless other tracts overlying a field are unitized. Since the variable net profit share bidding system virtually eliminates the prospect for unusually large profits to lessees, and the risk of faulty bidding remains, there appears little justification for apprehension that this regulation will foster waves of speculative bidding.

Both DOE and DOI are cognizant of the possibility of speculation under the variable net profit share bidding system, and intend to cooperate to eliminate such speculation as does occur. While DOE agrees with the comment that manipulation of the capital recovery factor for specific leases will not deter speculators from bidding, other means of eliminating or at least limiting speculation, and its undesirable effects, are available. Prior to an OCS lease sale, fixed cash bonuses must be established for each tract offered under the variable net profit share bidding system. The level of these cash bonuses may be set sufficiently high as to deter speculative bids. It should also be noted that the Secretary of the Interior is under no obligation to accept bids for OCS leases, and may in his discretion reject the high bid on any tract.

Moreover, pursuant to section 5(a)(7) of the OCSLA, DOI has promulgated regulations to "assure prompt and efficient exploration and development of lease areas", in 30 CFR Part 250. DOI may be expected to enforce these regulations against speculative lessees.

D. Lease Exploration and Development

The comments were generally critical of the probable effects of a variable net profit share bidding system on OCS exploration and development. As already mentioned, many respondents indicated their belief that the use of a net profit share term as the bid variable devalued resource evaluation prior to lease issuance, with consequent delays in exploration and development. It becomes advantageous to the lessee then to postpone as much exploration activity as possible until after lease issuance when capital recovery treatment is available.

Other comments cited a lack of incentive for rapid exploration and development in the absence of a high cash bonus, or "sunk cost", to spur operations on a variable net profit share OCS lease. Since at the time of lease issuance the lessee's only tangible investment in a variable net profit share lease is the fixed cash bonus, there is a lack of incentive to recoup that investment, relative to work commitment bid leases, cash bonus bid leases, or other high front-end investments that promise a comparable return on investment. This lack of incentive allows the lessee to focus on alternative investment opportunities, on the OCS or otherwise, and to premise exploration and development activities on successful operations on tracts adjacent or nearby. Such waiting delays development and production; in the event that adjacent tracts are not proven, the lessee may never undertake any exploratory activities. Under such circumstances, even well-intentioned operators may find it beneficial to act speculatively. However, a supporter of variable net profit share bidding asserted to the contrary, that OCS tracts leased under this bidding system would be explored and developed at least as diligently as tracts leased under a cash bonus bid system.

DOE takes serious note of these possible effects of this regulation, but

discounts the likelihood of their widespread occurrence. Left to themselves, lessees might act in the manner described in the comments. However, the OCSLA and implementing DOI regulations have given DOI powerful means to enforce compliance with the general provisions of the OCSLA and of leases issued pursuant to the statute. These means include exploration plans, development and production plans, fines, lease forfeiture, and prohibitions on participation in future OCS lease sales. A number of comments noted the availability of such means to DOI to enforce compliance.

In addition, with regard to the contention that use of the variable net profit share bidding system would lead to a decrease in pre-sale exploration, it should be noted that the selection of a bidding system for tracts scheduled to be offered in particular OCS lease sales is not made public until publication of a notice of a proposed OCS lease sale, at which point bidders have already developed their resource evaluations for tracts. It is likely, then, that application of a particular bidding system to a tract will occur too late in the leasing process to affect pre-sale resource evaluation to any large extent.

DOE further disagrees with this contention because the cost of pre-sale exploration appears relatively minor when compared to other costs incurred in OCS operations. Since the value of pre-sale resource information is high and the opportunity loss is large, it is unlikely that a serious bidder will be deterred from performing adequate pre-sale resource evaluations.

DOE considers serious, however, some possible effects on OCS production which might stem from variable net profit share bidding, effects which appear to be independent of any specific system. For example, there was major concern in the comments that use of this regulation could increase the minimum size of commercially producible fields, and concomitantly induce early abandonment of fields with producible reserves remaining. Most of the firms active in OCS operations agreed that both these eventualities seemed both likely and more serious than in the case of the fixed net profit share system.

These concerns parallel closely the results of DOE's analysis. The rationale generally expressed in the comments was that, assuming discovery of a field, development depends upon a sufficient expected rate of return for each future dollar spent, and not on sunk costs such as the cash bonus. In this case, the decision whether to develop a lease occurs near the end of the capital recovery period, and at that time is based on anticipated future expenditures essentially the same as those to be incurred under a cash bonus bid tract. However, the rate of return is limited by the net profit share bid. As a consequence, the rate of return may not offer sufficient economic incentive to the lessee to justify development for fields below a minimum size. Thus, some fields that would be produced on tracts leased under a cash bonus bidding system might well prove unattractive investments under a variable net profit share bidding system. Relinquishment of such leases will result in further delays until the tract is leased again under more favorable terms. Two comments indicated that minimum field size would not be affected.

A similar rationale governed the majority of comment with regard to continuing production from fields that are marginal, either prior to production or later, due to declining rates of production. Additional expenditures, such as new wells and secondary recovery operations, may be required to sustain production at acceptable levels; most comments noted that such major capital investments would not qualify for application of the capital recovery factor. Faced with high net profit share payments and production costs, at some point the lessee may well opt to cease production and relinquish the lease. As a consequence, total production from tracts leased under this bidding system may be expected to be less than that from tracts leased under the cash bonus-fixed royalty bidding system. In addition, the average productive life of net profit share tracts may well be shorter.

DOE shares these concerns, as its own analysis yields similar results. As a means to mitigate partially these anticipated drawbacks to use of this bidding system, DOE notes the availability of capital recovery treatment for allowable exploration and development costs. Before any net profit share payments are owed to the government, the lessee is entitled to recoup all its allowable costs, plus an additional percentage of such costs incurred during the capital recovery period through application of the capital recovery factor. Assuming a technically producible field, the ability to recoup costs may provide some incentive to complete development and initiate production. This ability might postpone the point at which the lessee considers production uneconomic. Also, the lessee always recoups all of its allowable costs, whenever incurred during the life of the lease, though the election to end the capital recovery period is irreversible.

Other than incentives provided by the ability to recoup costs, DOE again points out the existence of enforceable DOI regulations relative to prompt exploration and development of leases and the requirement for a lessee to file exploration and development and production plans.

E. Capital Recovery Factor

In the notice of proposed rulemaking, DOE proposed two methods of establishing the capital recovery factor for each lease. One method would have DOI, in consultation with DOE, establish capital recovery factors for each tract or group of tracts scheduled to be offered under the variable net profit share bidding system in advance of each sale, as DOI does now for tracts offered for sale under the fixed net profit share bidding system. The predetermined capital recovery factor for each such tract would be published not later than in the final notice of OCS lease sale.

Alternatively, this regulation allows for use of a schedule in which the level of the capital recovery factor would in general tend to be set at lower levels for higher net profit share rate bids. Any such schedule will be announced well in advance of a particular OCS lease sale. Once a bid was accepted, an associated capital recovery factor would be fixed according to the schedule published not later than in the final notice of OCS lease sale.

Of firms expressing a preference, more preferred that a unique capital recovery factor be established for each tract offered under this bidding system, and published well in advance of the lease sale. Generally, those who favored a unique capital recovery factor did not consider the schedule method a significant deterrent to speculators, but did find its use an unnecessary complication in bid computation.

Others, however, preferred the use of a schedule. In contrast to those who favored assigning a unique capital recovery factor to a tract, these comments indicated that the schedule of capital recovery factors might serve to inhibit excessively high net profit share and speculative bids, with their associated possible undesirable effects, as already described. These comments also recognized that use of such a schedule might discourage uneconomic expenditures on the lease.

A number of other issues were raised in the comments with regard to possible effects of the capital recovery factor on exploration and production. Several firms indicated that the capital recovery

V 46 / 105 JUN 2 1981 UMI

factor encouraged uneconomical expenditures in exploration and development, in order to maximize the allowance for capital recovery, as well as delays in production, premature siting of production facilities, and purchases of oversized equipment. The use of a capital recovery factor was generally alleged to distort the level and timing of expenditures on exploration and development operations, leading to ineffiencies in recovery of the resource, loss of production, and loss of revenue to both the lessee and the government.

Other comments discounted the magnitude of such adverse effects while acknowledging their possibility in individual cases. These comments pointed to other more influential factors in determining the timing and level of expenditures, capital, geological, technical, and logistical in nature. DOE acknowledges that abuse of the capital recovery factor can contribute to undesirable consequences in exploration and production on tracts leased under the variable net profit share bidding system. But these comments indicated that establishment of low capital recovery factors, in conjunction with reliance on accustomed patterns and dynamics of OCS development, should mitigate any such adverse effects.

F. Administrative Costs

Most of the comments contained objections to the variable net profit share bidding system on administrative grounds, citing increased costs to both government and industry. Although no estimates of increases were provided in the comments, the respondents evidently expect such costs to be substantial, and to be borne ultimately by the public as consumers and taxpayers. Several firms asserted that this bidding system intertwines the government in corporate decisions to an unwarranted extent, by allowing certain expenditures to qualify for capital recovery treatment, thereby unnecessarily complicating management and resulting in costly delays while lessees wait for USGS to approve expenditures.

DOE recognizes that administration of this regulation will entail costs for both government and industry, although no cost information has been obtained to date. It should be noted that this regulation imposes no qualitatively distinct administrative burdens on either government or industry from those already in effect. The accounting procedures used to determine the net profit share due the government have been in place for more than a year. They have been used in several OCS lease sales, allowing development of familiarity in their use. In designing these accounting procedures, DOE used accepted joint venture accounting procedures to the extent possible, and adopted different procedures only in those instances where industry accounting procedures envisioned arms-length bargaining transactions among the parties.

Also, nowhere do the accounting procedures require a lessee to obtain USGS approval prior to incurring an expenditure. Allowance of expenditures in this regulation is solely for purposes of determining net profit share payments due the government, and never for judging whether a lessee may incur a particular expense. USGS involvement in a lessee's decisionmaking is not enlarged under this regulation, but since the government's interest in determining net profit share payments is relatively more important under this regulation, greater interest may be appropriately expected from DOI in its administration.

III. The Final Regulation

A. General

Despite many criticisms of the proposed regulation, and many recommendations in the comments directed toward its improvement, the final regulation establishing the variable net profit share bidding system remains identical to the proposal. For several reasons, DOE has declined to incorporate into the regulation any of the suggestions or recommendations made in the comments. In part, DOE has elected to keep the final regulation the same as the proposal because of the nature of the regulation. As opposed to prescribing detailed mandatory requirements for industry to follow, this regulation establishes a framework through which OCS oil and gas tracts may be leased. Due to its nature, there is little for DOE to change in this regulation. As written, the final regulation establishes certain lease terms and conditions to be used in the design and conduct of OCS lease sales using the variable net profit share bidding system. Because of the novelty of this untried system, the serious concerns raised by DOI, DOE and many respondents, it is especially advisable to maintain a maximum degree of flexibility with regard to the implementation of this bidding system.

As with all bidding systems, leases may be awarded to the highest qualified bidder, the issue of qualification being determined pursuant to standards established by DOI. Under the variable net profit share bidding system, the net profit share rate is the bid variable and the cash bonus and annual rental are fixed by the Secretary in advance of the lease sale. The highest bidder is that bidder submitting a bid containing the highest percentage of net profits. A successful bidder pays the United States the cash bonus and annual rental as fixed in the notice of OCS lease sale, and the percentage of net profits which was bid, with such profits based on the revenue received from production and sale of oil and gas minus allowable costs and the allowance for capital recovery, and determined in accordance with 10 CFR Part 390.

B. Accounting Procedures.

DOE has determined that the accounting procedures previously promulgated in 10 CFR Part 390 (45 FR 36784, May 30, 1980) for use in calculating net profit share payments due the United States for production of oil and gas from leases issued under the fixed net profit share bidding system will also serve for calculating net profit share payments due for tracts leased under this bidding system. The accounting procedures themselves are independent of whether the net profit share component constitutes the bid variable or the fixed term in the lease. There are no substantive changes in the accounting rules, but minor technical changes have been made to the definitions of "net profit share rate" and "NPSL" in 10 CFR § 390.002 to clarify that the accounting procedures in Part 390 will be applicable to determining net profit share payments under all of the authorized bidding systems in 10 CFR Part 378 which employ a net profit share component.

Use of these accounting procedures should help to hold down administrative costs for lessees, as mentioned often in the comments, since separate accounting systems for leases issued under each of the two bidding systems employing a net profit share component are not required. In addition, OCS lease sales using the fixed net profit share bidding system have already been conducted, allowing both the government and industry to become familiar with these accounting procedures. This experience and familiarity will further assist in minimizing administrative costs to lessees. For a more complete discussion of these accounting procedures, please refer to the preamble to the final fixed net profit share regulation (45 FR 36784, May 30, 1980).

In the preamble to the proposed regulation, DOE specifically requested comments on any aspect of the accounting procedures, in order to test

its determination that they are generally appropriate for use in connection with the variable net profit share bidding system regulation. One firm requested clarification of the accounting procedures to ensure that audits of a variable net profit share lease would be limited to the variable net profit share lease account in question. In view of the fact that no other comment raised this issue, however, DOE has concluded that no such clarification is necessary, but takes this opportunity to state that only net profit share lease accounts are subject to audit. DOE's belief that the accounting procedures are appropriate for this system was supported by the majority of comments, and DOE has therefore decided to retain them in the final regulation. A number of recommendations were made to modify specific provisions of the accounting procedures in 10 CFR Part 390, the most frequent suggestion being to delete 10 CFR 390.012(c)(2), which disallows overhead on contract services.

While DOE recognizes that there are difficulties in the application of these procedures to particular expenditures, DOE is not adopting any specific recommendations concerning the accounting procedures in 10 CFR Part 390. The U.S. District Court has ordered DOE to promulgate this regulation by May 25, 1981, in order to make it available for use thereafter in OCS oil and gas lease sales. Section 8(a)(6) of the OCSLA requires establishment of rules to govern the calculation of net profits at least 90 days prior to a notice of OCS lease sale using any of the bidding systems employing these rules. Therefore, if DOE were to undertake any major substantive amendment to the accounting procedures in connection with the variable net profit share bidding system, it might not be available for use in OCS lease sales scheduled for mid-1981. However, DOE appreciates all recommendations received and will use them as a basis for evaluating the need for modification of the existing accounting procedures.

In particular, several firms suggested that industry accounting practices, as set out in procedures of the Council of Petroleum Accounting Societies of North America (COPAS), be used in their entirety in lieu of the procedures set forth in 10 CFR Part 390. While DOE will take these comments into consideration in reviewing the need for modification, it should be noted that, insofar as possible, the adopted procedures defer to industry procedures. Deviations from COPAS procedures are basically due to the different purposes of this regulation from that of usual joint venture accounting, because COPAS leaves allocation of certain contract factors (e.g., overhead rates) to negotiation by joint venture partners.

C. Capital Recovery Factor

At the request of DOI, DOE provided in the proposed regulation for flexibility in the method of selecting a capital recovery factor for leases issued under the variable net profit share bidding system. Under bidding systems with a fixed net profit share term, capital recovery factors are fixed in advance for each tract in an OCS lease sale to be offered using that system. The capital recovery factor can be unique to each tract and, because the net profit share rate is also fixed in advance, can take into account the predetermined net profit share rate for each tract. With a variable net profit share system, this situation does not obtain.

DOE considers it advisable to retain both methods of establishing the capital recovery factor in order to provide DOI with the flexibility to test and use both methods so as to minimize possible adverse effects of the variable net profit share bidding system.

DOI analysis indicated that in some situations it may be difficult to control a tendency toward excessively high net profit share bids; several comments reflected these difficulties. There are potential problems stemming from the high net profit share rates likely under variable net profit share bidding if these are combined with capital recovery factors that would, under a fixed net profit share bidding system, be deemed to provide for a reasonable return on investment. Under this situation, there would be a greater incentive for a lessee to manipulate its costs in such a way that it would realize an acceptable return on capital spent for additional investment due mainly to capital recovery treatment for that investment. Under such circumstances, it could benefit lessees to incur exploration and development costs that would be uneconomical under a bidding system without a net profit share term. Since the variable net profit share bidding system allows lessees to recoup allowable costs, plus a return on investment, from production revenues prior to any payment to the government, it follows that uneconomical expenditures would lead to a consequent reduction in net profit share payments later due the Federal government.

An adequate return might therefore be received prior to the time the NPSL account changed to a credit balance and, therefore, prior to the time that any profit share payment was due the United States. Under these circumstances, the magnitude of the bid would not seem to matter a great deal. A high net profit share rate bid, coupled with a normal capital recovery factor, could induce a situation where the lessee would find production economical only to the point at which it had recovered its expenses, plus the accumulated allowance for capital recovery, and the balance in its NPSL capital account had changed to a credit balance. It would then have little incentive to continue production and would tend to relinquish the lease, even with producible reserves remaining.

Several comments addressed the relative advantages of the proposed alternative methods of establishing the capital recovery factor, but more as a means to deter speculation than in terms of uneconomic investment. A number of comments, however, recognized that relatively lower capital recovery factors would tend to discourage manipulation of investment in the lease. DOE understands that low capital recovery factors are not themselves likely to deter purely speculative bidding, but intends through this means to reduce any incentive for a lessee to produce only until the balance in the NPSL capital account turns to a credit balance.

The comments demonstrated a widespread misapprehension as to the purpose of the capital recovery factor. Several firms apparently assumed that the capital recovery factor is designed solely to reflect the extent of risk associated with exploration of a tract. To some extent, the capital recovery factor does compensate the lessee for risk, but more for the opportunity cost of investment than for the full risk incurred in exploration and development. It is designed to encourage investment by providing a normal return on investment, contingent upon production. DOE has always realized that opportunity costs represent a real cost to the lessee. The capital recovery factor is not based on expected resources and anticipated costs.

Since the capital recovery factor is designed to provide a normal return on risk capital, its application terminates with the risk of a dry tract. It is for this reason that DOE declines to accommodate the numerous suggestions to extend the capital recovery period throughout the term of the lease, or to reopen the capital recovery period for such major capital investments as secondary recovery operations or additional platforms. The nature of the risk incurred has changed at this point from one of whether exploration efforts would succeed to the more calculable

V 46 / 105 JE 2 81 UMI

risk of how much resource is commercially producible. In situations where initial or continued production becomes marginal, DOI may reduce the profit share rate, accept relinquishment, or exercise its various enforcement authorities under the OCSLA.

With regard to the method of establishing the capital recovery factor itself, however, no clear preference emerged from the comments. Therefore, DOE again intends to provide an opportunity to fix the capital recovery factor for a lease on the basis of a schedule to be published in the notice of OCS lease sale, under which the capital recovery factor for a lease would generally tend to be set at lower levels for higher net profit share bids. Since firms generally prefer higher capital recovery factors, their tendency to bid higher net profit share rates would be counteracted by the prospect of having a lower capital recovery factor. Moreover, use of a schedule that tends to assign lower capital recovery factors to higher net profit share rate bids may discourage lessees from incurring uneconomic exploration and development costs that would nonetheless yield an acceptable return on investment prior to the time any net profit share payment might become due to the Federal Government. Of course, the opportunity to establish the capital recovery factor, as under the fixed net profit share system, in advance of the sale and to announce it in the notice of OCS lease sale will remain open.

Under the variable net profit share bidding system, only the profit share rate is the bid variable and the bidder submitting the highest profit share rate is unambiguously the high bidder. DOE recognizes that, with the use of a schedule and varying capital recovery factors, it may be difficult to determine whether the high profit share bidder will actually pay more for the lease than a lower bidder. This difficulty, however, is inherent in the variable profit share bid system, regardless of the means of setting the capital recovery factor, because of the unknown differences in the profitability of the bidders' exploration and development of a tract. Lease awards under such a system can only be based on the numerical profit share rate bid, not on the expected lease revenues.

D. Other Recommendations

DOE received several recommendations in the comments, intended to deter speculative bidding. One suggestion would require DOI to establish a range of acceptable bids, which might be expected to yield a reasonable rate of return to both the lessee and the Federal government. Another alternative would require a fixed cash bonus set high enough to exceed the acceptable risk threshold of speculators. Still a third recommendation was to require a minimum work commitment as a fixed term of the lease. DOE has not incorporated these recommendations into the regulation itself, because the first two may be accomplished under existing authority while the third suggestion lies beyond the scope of this regulation and the statutory provision which it implements, as discussed more fully below.

This regulation does not prevent the Federal government from establishing a range of acceptable bids. Indeed, it is entirely within the discretion of the Federal government to establish such criteria as is now done for tracts offered under bidding systems with cash bonus as the bid variable. Establishment of the bonus level for each tract will require careful analysis of the expected value of the tract and the sensitivity of expected net profit share rate bids to bonus levels. Clearly, the cash bonus represents a risk aversion threshold to both "speculators" and "developers". Care must be taken in fixing the cash bonus, however, to ensure that the purpose and potential benefits of the variable net profit share bidding system are not defeated by erecting too high a barrier.

In addition, DOE has decided not to exercise its discretion under section 302(b) of the DOE Act to prescribe administrative parameters, in order to preserve a certain flexibility in the application of this bidding system. DOE has consistently maintained that its grant of authority under section 302(b) is discretionary, and that the authority to promulgate regulations differs from a statutory requirement to promulgate regulations. In view of the experimental nature of this bidding system, it seems prudent to structure as much flexibility into the regulation as possible, to allow for unanticipated effects.

Use of a minimum work commitment as a fixed lease term, in conjunction with a variable net profit share bid, appears to hold promise; however, the suggestion lies beyond the scope of this regulation and of section 8(a)(1)(E) of the OCSLA, which this regulation implements. Such hybrid systems would properly fall within the ambit of section 8(a)(1)(H) of the OCSLA, as would the suggested sliding scale net profit share system. Similarly, implementation of suggestions to keep net profit share rates low through reliance on a secondary bidding determinant would constitute a bidding system with two variables, specifically disallowed under the OCSLA.

DOE received several recommendations to mitigate possible increases in minimum commercial field size. These have not been incorporated into the regulation because of the need to preserve flexibility in administration and because the ability to achieve a similar result already is available under existing authorities. One suggestion provided for cancellation of the obligation to make net profit share payments for any year in which the net profit share obligation reduces the return on a field to less than 30 percent of capital expenditures measured on the basis of historic costs, before Federal income tax. Another recommendation would allow for cancellation or adjustment of any net profit share payments due from leases below a threshold level of production for the initial five to ten years of production.

As pointed out earlier, DOI may at its discretion reduce the net profit share rate, in order to facilitate initial or continued production. In addition, DOE wishes to avoid establishing inflexible regulatory procedures which in effect would constitute escape clauses from the net profit share bid. Such procedures could promote unwise or speculative bidding of imprudently high net profit share rates, as well as further reduce incentives to pre-sale resource assessment.

Lastly, while four of the comments unqualifiedly endorsed use of the variable net profit share bidding system, most expressed serious reservations with regard to its use. One firm requested that application of this bidding system be restricted to a minimum number of leases until its effects are empirically determined. Four others recommended that this bidding system not be used in frontier areas associated with high risks or in cases when its use might impede unitization of tracts. Another specifically recommended using this system exclusively on entire geologic structures, in order to prevent a lessee from unduly capitalizing on development activities by a lessee on an adjacent cash bonus bid tract.

The variable net profit share bidding system has been designed as a supplementary alternative system to those already in use. As with previous new systems, it is anticipated that this bidding system, if used, would initially be applied to tracts carefully selected to provide information concerning its viability while simultaneously attempting to use it to its best advantage

as a management tool. DOE does not consider unitization of tracts leased under this bidding system with those leased under other bidding systems to be an insurmountable problem. The existing accounting procedures (10 CFR § 390.014) provides for allocation of joint costs and credits. Unitization of tracts with differing royalties has not been seriously impeded in the past, and DOI has established a regulatory framework for unitization in 30 CFR Part 250.

IV. Environmental Review

After reviewing this regulation pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969 (Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321)) DOE has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, DOE has determined that no environmental impact statement is required for this regulation.

Environmental impacts resulting from the use of the variable net profit share bidding system are expected to be minimal. Absolute rates of activity or ultimate levels of production are not expected to fall outside the ranges that should be considered during an environmental impact analysis for lease sales conducted with conventional leasing systems. Environmental impacts associated with using this bidding system will, of course, be examined prior to each lease sale. Moreover, potential environmental impacts resulting from the use of this system will be considered prior to the selection of a leasing system for tracts in each sale.

V. Compliance with Executive Order 12291

A. General

Subsection 8(a)(2) of Executive Order 12291, issued February 17, 1981 (46 FR 13193, February 19, 1981), provides an exemption from the procedures prescribed by the Order whenever satisfying the terms of the Executive Order would conflict with deadlines imposed by judicial order. DOE has determined that, in view of a court order requiring that this regulation be promulgated no later than May 25, 1981, it is not possible to comply entirely with the procedures in the Order regarding final rules. In accordance with the further requirements of subsection 8(a)(2), DOE has reported the regulation to the Director of the Office of Management and Budget with an explanation of the conflict.

Although DOE has determined, in consultation with the Director of the Office of Management and Budget, that strict compliance with the procedures in the Order is not possible with regard to this regulation, DOE intends to adhere to the requirements of the Order to the extent permitted by the judicial deadline of May 25, 1981. DOE at present is preparing a Regulatory Impact Analysis, which conforms to the extent possible with the requirements of subsections 3(d)(1)–(4) of the Order. A summary of the Regulatory Impact Analysis is provided in the following subsection.

B. Regulatory Impact Analysis

Subsection 3(d) of the Order requires each Regulatory Impact Analysis to describe the potential benefits and costs of the regulation, including those that cannot be quantified in monetary terms, and to identify the likely recipients of any such benefits or costs. It also requires a determination of the potential net benefits of the regulation, including those that cannot be quantified in monetary terms. In addition to this cost-benefit analysis, each Regulatory Impact Analysis must contain a description of alternative approaches that could substantially achieve the same regulatory goal at lower cost, with a cost-benefit analysis of such alternatives, and an explanation of any legal reasons preventing their adoption. Lastly this subsection requires an explanation of any legal reasons why the regulation cannot be based on the requirements of section 2 of the Order.

Using a computer simulation model, DOE attempted to analyze the probable effects of the variable net profit share bidding system on several parameters crucial to exploration and production of OCS resources. A spectrum of cost regions was selected to be used in the analysis. To represent the lowest cost case, the Gulf of Mexico region, Central and Western OCS province, was selected. Higher costs characterize the Atlantic Coast region, Central Atlantic OCS province. The highest cost of production region examined was the Alaskan Beaufort Sea province, characterized as ice-laden.

The results were evaluated with regard to their impact upon five criteria: expected production, social value, government revenue, lease life, and percentage development. The criteria generally correspond to the purposes of alternative bidding systems as outlined in the OCSLAA. Among its purposes, the OCSLAA was intended to ensure that OCS production of oil and gas is timely, orderly, and efficient, as well as that the government as lessor receives a fair market value for its resource.

A major finding of the study is that the capital recovery factor had little, if any, impact on the evaluation criteria. Only in the case of expected production from small reservoirs (<50 million bbls) was the capital recovery factor an instrument that could be manipulated to affect production. This effect, however, was most significant at high profit share, high capital recovery factor combinations.

The results were influenced primarily by reservoir size. As the reservoirs tended to get larger, the level of net profit share and the capital recovery factor tended to have relatively less of an effect on government revenue, social value, and percentage development. For the lease life variable all situations examined reacted to increases in the profit share in the same manner. After the net profit share exceeded 20 percent, the lease life increased at a near-exponential rate from 15 to 27 years.

Compared to the traditional cash bonus bidding system, the variable net profit share bidding system performed at least as well for profit share bids of less than 25 percent. For profit share bids greater than 25 percent, the standard cash bonus bidding system generated more government revenue, more social value, more expected production, a greater percentage of development, and had a shorter lease life. For larger reservoirs, regardless of water depth, neither the level of net profit share nor of the capital recovery factor had major impacts upon government revenue, social value, expected production, or percentage development. Only lease life, as previously mentioned, was affected. No major differences in results can be attributed to water depth.

DOE does not maintain that the model used in this analysis will actually predict the exact levels of impact of this bidding system upon these criteria for real leases. Exact levels of impact will vary with actual conditions experienced, and with factors exogenous to the model. The model is only a tool; however, it is quite useful as a basis for comparing the performance of different bidding systems under the same conditions. Through this model, DOE can measure the relative behavior of various systems, and gauge their relative merits. Within this context, it is accurate.

VI. Compliance With the Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 et seq., (September 19, 1980)), requires Federal agencies to consider the impact of proposed regulations on small businesses, small governmental units, and other small entities; to consider the ability of small

V46105 JE2 81 UMI

entities to comply with the proposed regulation; and to consider less stringent alternative compliance standards for small entities. An agency is required to prepare a regulatory flexibility analysis to document its consideration of these factors except in the situation where the agency determines that a regulation will not have a significant economic impact on a substantial number of small entities. In the preamble to the proposed variable net profit share regulation, DOE certified that the promulgation of this regulation will not have a significant economic impact on a substantial number of small entities, as defined in the statute; no comments were submitted in dispute of this certification. Therefore, a regulatory flexibility analysis will not be prepared.

(Outer Continental Shelf Lands Act, ch. 345, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*, 1953), as amended by Pub. L. 95-372; Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*, 1977), E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below.

Issued in Washington, D.C., May 22, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

PART 376—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

1. Part 376 of Chapter II of Title 10, Code of Federal Regulations, is amended by adding a new subparagraph (5) to § 376.110(a), to read as follows:

§ 376.110 Bidding systems.

(a) * * *

(5) *Net profit share rate bid with a fixed cash bonus and an annual rental.*—(i) *Net profit share payment calculation.* The amount of the net profit share payment to the United States by the person awarded the lease shall be determined for each month by multiplying the net profit share base times the net profit share rate, in accordance with § 390.022.

(A) *Net profit share base.*

The net profit share base shall be calculated in accordance with § 390.021.

(B) *Capital recovery factor.*

The capital recovery factor, or a schedule for determining the capital recovery factor on the basis of the net profit share rate bid, needed to calculate the allowance for capital recovery in accordance with § 390.020, shall be specified in the notice of OCS lease sale published in the **Federal Register** and may vary from tract to tract.

(C) *Net profit share rate.*

The net profit share rate, which determines the fixed share of the net profits owed to the United States, is determined by the person submitting the bid.

(ii) *Cash bonus.* The cash bonus to be paid shall be an amount that is specified in the notice of OCS lease sale published in the **Federal Register** and may vary from tract to tract. Any deferment of the payment and the schedule of payments shall be included in the notice of OCS lease sale published in the **Federal Register**.

(iii) *Annual rental.* The annual rental to be paid by the person awarded the lease shall be the amount specified in the notice of OCS lease sale published in the **Federal Register**.

PART 390—ACCOUNTING PROCEDURES FOR DETERMINING NET PROFIT SHARE PAYMENT FOR OUTER CONTINENTAL SHELF OIL AND GAS LEASES

2. Part 390 of Chapter II of Title 10, Code of Federal Regulations, is amended as follows:

A. § 390.001 is amended by revising paragraph (b) to read as follows:

§ 390.001 Purpose and Scope.

* * * * *

(b) The procedures established by this Part 390 apply to any OCS lease issued by the Department of the Interior under any bidding system established by § 376.110(a) of this chapter which has a net profit share component.

B. § 390.002 is amended by revising two new definitions to read as follows:

§ 390.002 Definitions.

* * * * *

"Net profit share rate" means the percentage share of the net profit share base payable to the United States. The percentage share may be fixed in the notice of OCS lease sale or be the bid variable, depending upon the bidding system used, as established by § 376.110(a) of this chapter.

"NPSL" means a net profit share lease, which is an OCS lease that provides for payment to the United States of a percentage share of the net profits for production of oil and gas from the tract. This percentage share may be fixed in the notice of OCS lease sale or be the bid variable, depending on the bidding system used, as established by § 376.110(a) of this chapter.

* * * * *

[FR Doc. 81-16434 Filed 6-1-81; 8:45 am]

BILLING CODE 6450-01-M

V
4
6
/
1
0
5
J
E
2
8
1
UMI

Read

INFORMAT

PUBLICAT

Code of Fe
CFR Unit

General info
Incorporatio
Printing sch

Federal Reg
Corrections
Daily Issue
General info
Public Inspe
Scheduling

Laws
Indexes
Law numbe

Slip law ord

Presidential
Executive or
Public Pape
Weekly Com

Privacy Act

United State

SERVICES
Agency serv
Automation
Dial-a-Reg
Chicago, I
Los Angel
Washingto
Magnetic tap
volumes (
Public briefi
What It I
Public Inspe
Regulations
Special Proj
Subscription
Subscription
TTY for the

FEDERAL

29239-29452
29453-29690

Reader Aids

Federal Register

Vol. 46, No. 105

Tuesday, June 2, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations	
CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
Federal Register	
Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187
Laws	
Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030
Presidential Documents	
Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

7 CFR
700.....29453
953.....29454
1944.....29239
Proposed Rules:
993.....29271

8 CFR
214.....29456

9 CFR
82.....29456
92.....29239, 29240

10 CFR
51.....29457
376.....29680
390.....29680
440.....29242

12 CFR
Proposed Rules:
213.....29245
226.....29246
569a.....29246
701.....29247, 29481
720.....29248

13 CFR
124.....29251
Proposed Rules:
124.....29276

14 CFR
39.....29252, 29253
71.....29254-29256
73.....29256
97.....29257
Proposed Rules:
71.....29278-29281
75.....29280, 29281
323.....29282
399.....29285

15 CFR
370.....29457
Proposed Rules:
330.....29662
331.....29662
332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662

16 CFR
13.....29458
460.....29256

18 CFR
141.....29459

19 CFR
101.....29462

21 CFR
520.....29464
Proposed Rules:
1308.....29484

24 CFR
235.....29256

26 CFR
1.....29465
11.....29465

27 CFR
4.....29260
19.....29261
240.....29261
245.....29261
250.....29261
270.....29261
275.....29261

28 CFR
Proposed Rules:
31.....29438

29 CFR
Proposed Rules:
530.....29485

31 CFR
51.....29261

32 CFR
Proposed Rules:
298a.....29486

33 CFR
Proposed Rules:
100.....29288

38 CFR
21.....29474

40 CFR
60.....29262
61.....29262
Proposed Rules:
52.....29289, 29488
81.....29281
123.....29292

43 CFR
5400.....29262

Public Land Orders:
1281 (Revoked by 5883)....29263
5883....29263

44 CFR

Proposed Rules:
55....29292
61....29292
300....29264

45 CFR

235....29264

47 CFR

61....29264
64....29474

Proposed Rules:
73....29488

49 CFR

1....29269
172....29392
575....29269
1033....29480

50 CFR

17....29481

Proposed Rules:
17....29490

V 46 / 105 JE 2 81 UMI

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 27, 1981

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

Code of Federal Regulations

Revised as of January 1, 1981

Quantity	Volume	Price	Amount
_____	Title 7—Agriculture (Parts 981 to 999)	$5.50	$ _____
_____	Title 7—Agriculture (Parts 2853 to End)	6.00	_____
		Total Order	$ _____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

V46/105
JE2 81
UMI

6-3-81
Vol. 46 No. 106
Pages 29691-29920

Federal Register

Wednesday
June 3, 1981

Highlights

29691 **Flag Day and National Flag Week, 1981** Proclamation

29693 **Amending the Manual for Courts-Martial, United States, 1969 (Revised Edition)** Executive order

29886 **Youth** Justice/JJDPO summarizes public comments received on the draft announcement for the "Model Comprehensive Program for High-Risk Youth" and issues final guidelines. (Part III of this issue)

29712 **Nuclear Energy** NRC considers rule change to upgrade emergency preparedness requirements for licensed fuel cycle and materials facilities which have potential to cause significant radiological impacts to public from accidents.

29808 **Veterans** VA requests comments on implementation procedures for its vocational rehabilitation and counseling programs.

29732 **Child Day Care Service** HHS/Sec'y proposes to postpone effective date of child care regulations and to require applicable state and local standards be met for Federal funding.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

29704 **Armed Forces—Civilian Health and Medical Program (CHAMPUS)** DOD/Sec'y allows benefit consideration for well-baby care up to age two and increases monthly share amount for benefits received under the program for the handicapped.

29806 **Postal Service** PS changes fees for certain international mail services.

29908 **Community Development Block Grants** HUD/CPD adds special procedures applicable only to Puerto Rico to the Small Cities Program regulations. (Part V of this issue)

29705 **Right to Financial Privacy Act** DOD/Sec'y provides procedures for obtaining information from financial institutions.

29697 **Natural Gas** DOE/FERC clarifies definition of "new, onshore production well."

29696 **Heaters** CPSC extends effective date of safety standard requiring oxygen depletion safety shutoff systems for unvented gas-fired space heaters.

29719 **Air Carriers** CAB proposes possible changes in its rules on "joint fares" for flights using two or more carriers.

Privacy Act Document

29740 DOD/AF

29851 **Sunshine Act Meetings**

Separate Parts of This Issue

29883 **Part II, HHS**
29886 **Part III, Justice/JJDPO**
29896 **Part IV, DOE/CRE**
29908 **Part V, HUD/CPD**
29918 **Part VI, Interior/FWS**

V 46 / 106
J E 3 8 1
UMI

Con

29691
29693
29792
29695
29695
29757
29740
29719
29727
29718
29736
29737
29737
29737
29851

Contents

Federal Register
Vol. 46, No. 106
Wednesday, June 3, 1981

The President
PROCLAMATIONS
29691 Flag Day and National Flag Week, (Proc. 4846)
EXECUTIVE ORDERS
29693 Courts-Martial Manual, United States, 1969; amendments (EO 12306)

Executive Agencies

Agency for International Development
NOTICES
Authority delegations:
29792 Chile, principal diplomatic officer; administration of foreign assistance programs

Agricultural Marketing Service
RULES
29695 Hops of domestic production
29695 Melons grown in Tex.

Agriculture Department
See also Agricultural Marketing Service; Forest Service; Soil Conservation Service.
NOTICES
29757 Alaska conservation system unit lands; uniform Federal transportation and utility system consolidated application form

Air Force Department
NOTICES
29740 Privacy Act; systems of records

Civil Aeronautics Board
PROPOSED RULES
29719 Domestic passenger fare deregulation; joint fares for flights using two or more carriers; policy statement
29727 Fare flexibility; Micronesia and American Samoa; policy statement
Procedural regulations:
29718 Licensing cases, expedited procedures for processing; simplified notice of applications for certificates of public convenience and necessity, etc.
NOTICES
29736 Cargo rates, North Atlantic; International Air Transport Association; coordinating conferences
Hearings, etc.:
29737 Eastern Air Lines, Inc.
29737 Former large irregular air service investigation et al.
29737 Wings International Airways fitness investigation

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
NOTICES
29851 Meetings; Sunshine Act

Community Planning and Development, Office of Assistant Secretary
RULES
Community development block grants:
29908 Small cities program; recipients in Puerto Rico; change in method of delivering funds from competitive system to quasi formula method

Conservation and Renewable Energy, Office of Assistant Secretary
NOTICES
Contract awards, proposed:
29752 Human Resources Management, Inc.
Industrial energy conservation program:
29896 Corporations; reporting form filing requirement exemptions and adequate reporting programs sponsors; list
29896 Corporations consuming one trillion Btu's or more in 1980; identification for reporting purposes

Consumer Product Safety Commission
RULES
29696 Space heaters, unvented gas-fired; oxygen depletion safety shutoff systems; safety standards; extension of effective date
NOTICES
Meetings:
29740 Flammable Fabrics Act National Advisory Committee

Defense Department
See also Air Force Department.
RULES
Civilian health and medical program of uniformed services (CHAMPUS):
29704 Well-baby care and increase in Government share of eligible beneficiary benefits costs under Program for the Handicapped
29705 Financial institutions; request for information; compliance with Paperwork Reduction Act of 1980

Economic Regulatory Administration
NOTICES
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
29741 Florida Power & Light Co. et al.

Education Department
NOTICES
Meetings:
29741 National Assessment of Educational Progress Assessment Policy Committee

Energy Department
See Conservation and Renewable Energy, Office of Assistant Secretary; Economic Regulatory Administration; Federal Energy Regulatory Commission.

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
29707 Virginia
29708 Hazardous waste management system; correction
Pesticide programs:
29708 Classification and uses of active ingredients for restricted use; effective date confirmed
Procurement:
29709 Debarred, suspended, and ineligible bidders
NOTICES
Air quality; prevention of significant deterioration (PSD):
29753 Authority delegation
29752 Energy conservation program, Federal; hearings
Pesticide registration, cancellation, etc.:
29753 Sertan

Federal Communications Commission
NOTICES
Authority delegations:
29755 Enforcement Division Chief; applications
29755 FM broadcast applications accepted for filing and notification of cut-off date; correction

Federal Deposit Insurance Corporation
NOTICES
29851 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency
PROPOSED RULES
Flood elevation determinations:
29732 Connecticut
29730 Maine; correction
29731 Massachusetts
29730 Massachusetts; correction
29730 Pennsylvania
29729 Washington; correction

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
29699 Ceiling prices; high cost natural gas produced from tight formations; Colorado
29697 Ceiling prices; "new, onshore production well," definition clarification
Organization, operation, information, etc.:
29700 Director, Office of Electric Power Regulation et al.; expedition of application process
NOTICES
Hearings, etc.:
29742 Commonwealth Edison Co. of Indiana
29743 Dayton Power & Light Co.
29744 Energenics Systems, Inc.
29745 Farmers Electric Cooperative, Inc.
29742 Gillette, Wyo.
29746 Mississippi Power Co.
29747 Utah Municipal Power Agency
29748 Virginia Electric & Power Co.
29747 Wilson, Sewell T., Jr.
Natural Gas Policy Act of 1978:
29750 Fuel oil displacement transportation certificates; applications filed by Sea Robin Pipeline Co. et al.

Federal Maritime Commission
NOTICES
Complaints filed:
29755 Luis A. Ayala Colon, Sucrs., Inc.

Federal Reserve System
NOTICES
Applications, etc.:
29757 First Trust Co. of York
29756 Golden City Investment Co.
29756 Landmark Bancshares Corp.
29756 Maryland National Corp.
Federal Open Market Committee:
29755 Domestic policy directives

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
29807 Ennia Reinsurance Co. of America

Fish and Wildlife Service
NOTICES
29767 Bogue Chitto National Wildlife Refgue, La. and Miss.; establishment and boundaries
29769, 29918 Endangered and threatened species permit applications (2 documents)

Forest Service
NOTICES
Wilderness study areas:
29735 Jefferson National Forest, Mill Creek and Mountain Lake Wilderness Study Areas, Va. and W. Va.; hearings

General Services Administration
NOTICES
Authority delegations:
29757 Defense Department Secretary

Geological Survey
NOTICES
29769 Failure and Inventory Reporting System (FIRS); proposed revision; correction

Health and Human Services Department
RULES
Human subjects, protection:
29883 Biomedical and behavioral research; institutional review boards; basic policy; correction
PROPOSED RULES
29732 Child day care requirements; postponement

Housing and Urban Development Department
See Community Planning and Development, Office of Assistant Secretary.

Interior Department
See also Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service; Reclamation Bureau.
NOTICES
29757 Alaska conservation system unit lands; uniform Federal transportation and utility system consolidated application form

V 46 / 106 JE 3 81 UMI

Internal Revenue Service
NOTICES
Authority delegations:
29807 Internal Revenue Commissioner; Federal officers and employees, returns and information disclosure

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Scientific articles; duty free entry:
29737 Georgia Institute of Technology
29738 Massachusetts Institute of Technology
29738 Solar Energy Research Institute
29738 University of California

International Trade Commission
PROPOSED RULES
Conduct standards:
29729 Ethics in Government; ground transportation of nominal value
NOTICES
Import investigations:
29794 High-carbon ferrochromium
29793 Mushrooms
29794 Thermal conductivity sensing gem testers and components
29794 Tubeless tire valves from West Germany

Interstate Commerce Commission
RULES
Motor carriers:
29711 Houshold goods transportation; revision of operational regulations; availability of corrected copies of Form OCP-100
NOTICES
Agreements under sections 5a and b, applications for approval, etc.:
29772 Middle Atlantic Conference et al.
Motor carriers:
29773 Agricultural cooperative transportation; filing notices
29786-29791 Permanent authority applications (3 documents)
29774 Permanent authority applications: restriction removals
29780 Temporary authority applications
Rail carriers:
29772 Uniform rail costing system; development, functions and regulatory role; availability
Railroad services abandonment:
29773 Burlington Northern Inc.
29774 Chicago & North Western Transportation Co.

Justice Department
See also Juvenile Justice and Delinquency Prevention Office
RULES
Organization, functions, and authority delegations:
29704 Civil Rights Division Assistant Attorney General; implementation of E.O. 12250 (nondiscrimination)
NOTICES
Organization, functions, and authority delegations:
29798 Deputy Attorney General and Associate Attorney General; departmental reorganization
Pollution control; consent judgments:
29797 Noranda Aluminum, Inc.

Juvenile Justice and Delinquency Prevention Office
NOTICES
National priority and discretionary programs announcements:
29886 High-risk youth; model comprehensive programs; issuance and comment response

Land Management Bureau
RULES
Public land orders:
29710 Montana
29710 Utah
NOTICES
Environmental statements; availability, etc.:
29769 Southern Rio Grande Planning Area, Las Cruces District, N. Mex.; livestock grazing management program
Exchange of public lands for private land:
29770 Nevada
Meetings:
29769 Rock Springs District Grazing Advisory Board
Wilderness areas; characteristics, inventories, etc.:
29770 Idaho
Withdrawal and reservation of lands, proposed, etc.:
29770 Oregon
29770 Oregon; correction

Metric Board
NOTICES
29852 Meetings: Sunshine Act

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
29733 Gulf of Mexico shrimp; hearings
NOTICES
Marine mammal permit applications, etc.:
29739 Albert, Dr. Tom
Meetings:
29739 Mid-Atlantic Fishery Management Council
29379 New England Fishery Management Council
29739 South Atlantic Fishery Management Council

National Park Service
NOTICES
Concession contract negotiations:
29771 Pan Isles, Inc.
29771 Pan-Sun Excursion Boats, Inc.
Meetings:
29771 Upper Delaware Citizens Advisory Council

National Science Foundation
NOTICES
Meetings:
29801 Engineering and Applied Science Advisory Committee
29801 Special Research Equipment Advisory Committee

Nuclear Regulatory Commission
PROPOSED RULES
Byproduct, source, and special nuclear materials; domestic licensing:
29712 Fuel cycle and materials licensees; upgraded emergency preparedness; advance notice

NOTICES
Applications, etc.:
29802 Anaconda Copper Co.
29802 Consumers Power Co.
29803 Florida Power & Light Co.
29803 Georgia Power Co. et al.
29804 Houston Lighting & Power Co. et al.
29804 Pacific Gas & Electric Co.
29804 Philadelphia Electric Co.
29805 Philadelphia Electric Co. et al.
29806 Virginia Electric & Power Co.
Meetings:
29806 Lawyer Vacancies on Licensing Board Panel Screening Panel
29801 Reactor Safeguards Advisory Committee
29805 Technical Vacancies on Licensing Board Panel Screening Committee
29852 Meetings; Sunshine Act (2 documents)
29803 Pressurized water reactors; emergency core cooling system; petition to suspend operating licenses, denial
29805 Regulatory guides; issuance and availability

Postal Service
NOTICES
Rates and fees:
29806 International rates and fees, levels

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
29772 Grant Coulee Dam, Wash.; downstram riverbank stabilization program

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
29735 Capital RC&D Area Critical Area Treatment Measures, La.
29736 Trailblazer RC&D Area Critical Area Treatment Measures, La.
29736 Twin Valley RC&D Area Critical Area Treatment Measures, La.
Watershed projects; deauthorization of funds:
29735 Seven Mile Creek Watershed, Ill.

Transportation Department
NOTICES
29757 Alaska conservation system unit lands; uniform Federal transportation and utility system consolidated application form

Treasury Department
See Fiscal Service; Internal Revenue Service.

Veterans Administration
NOTICES
Environmental statements; availability, etc.:
29850 Birmingham, Ala.; medical facilities improvement project
29850 Hines, Ill. emergency generator project
29808 Vocational rehabilitation and counseling; policies and procedures; inquiry

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
29739 Mid-Atlantic Fishery Management Council, Sea Scallop Resources Subpanel, Philadelphia, Pa. (open), 7–2–81
29739 New England Fishery Management Council, Scientific and Statistical Committee, Boothbay Harbor, Maine (open), 6–24–81
29739 South Atlantic Fishery Management Council, Charleston, S.C. (open), 6–30, 7–1, and 7–2–81

CONSUMER PRODUCT SAFETY COMMISSION
29740 Flammable Fabric Act National Advisory Committee, Washington, D.C. (open), 6–18–81

EDUCATION DEPARTMENT
29741 National Assessment of Education Progress, Assessment Policy Committee, Denver, Colo. (open), 6–12 and 6–13–81

INTERIOR DEPARTMENT
Land Management Bureau—
29769 Rock Springs District Grazing Advisory Board, Rock Springs, Wyo. (open), 7–16–81
National Park Service—
29771 Upper Delaware Citizens Advisory Council, Narrowsburg, N.Y. (open), 6–26–81

NATIONAL SCIENCE FOUNDATION
29771 Engineering and Applied Science Advisory Committee, Chemical and Process Engineering Subcommittee, Washington, D.C. (partially open), 6–29 and 6–30–81
29771 Special Research Equipment Advisory Committee, Biology Subcommittee, Washington, D.C. (closed), 7–7 and 7–8–81

NUCLEAR REGULATORY COMMISSION
29806 Lawyer Vacancies on the Licensing Board Panel, Screening Committee, Bethesda, Md. (closed), 7–7 and 7–8–81
29801 Reactor Safeguards Advisory Committee, Waterford Steam Electric Station Unit No. 3 Subcommittee, Hahnville, La. (partially open), 6–18 and 6–19–81
29805 Technical Vacancies on the Licensing Board Panel, Screening Committee, Bethesda, Md. (closed), 6–30 and 7–1–81

HEARINGS

AGRICULTURE DEPARTMENT
Forest Service—
29735 Mill Creek and Mountain Lake Wilderness Study Areas, Princeton, W. Va., 7–22–81; Pearisburg, Va., 7–23–81

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
29733 Gulf of Mexico Fishery Management Council, Corpus, Christi, Tex., 6–22–81; Fort Myers, Fla., 6–23–81

ENVIRONMENTAL PROTECTION AGENCY
29752 Federal Energy Conservation Program, Washington, D C., 7–14 and 7–15–81

INTERIOR DEPARTMENT
Land Management Bureau—
29769 Southern Rio Grande Environmental Impact Statement, Las Cruces, N. Mex., 7–8–81; Truth or Consequences, N. Mex., 7–9–81

INTERNATIONAL TRADE COMMISSION
29793 Certain Mushrooms, Washington, D.C., 7–30–81
29794 High-Carbon Ferrochromium, Washington, D.C., 7–22–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue

3 CFR
Executive Orders:
February 14, 1933 (Revoked by PLO 5944) 29710
11476 (Amended by EO 12306) 29693
11835 (See EO 12306) 29693
12018 (See EO 12306) 29693
12198 (Amended by EO 12306) 29693
12233 (See EO 12306) 29693
12306 29693
Proclamations:
4846 29691

7 CFR
979 29695
991 29695

10 CFR
Proposed Rules:
30 29712
40 29712
70 29712

14 CFR
Proposed Rules:
302 29718
399 (2 documents) 29719, 29727

16 CFR
1212 29696

18 CFR
271 (2 documents) 29697, 29699
375 29700

19 CFR
Proposed Rules:
200 29729

24 CFR
570 29908

28 CFR
0 29704

32 CFR
199 29704
294 29705

40 CFR
52 29707
122 29708
162 29708
260 29708
261 29708
264 29708
265 29708

41 CFR
15-1 29709

43 CFR
Public Land Orders:
5943 29710
5944 29710

44 CFR
Proposed Rules:
67 (6 documents) 29729-29732

45 CFR
46 29883
Proposed Rules:
71 29732

49 CFR
1056 29711

50 CFR
Proposed Rules:
661 29733

V 4 6 / 1 0 6
J E 3 8 1
UMI

Federal Register
Vol. 46, No. 106
Wednesday, June 3, 1981

Presidential Documents

Title 3—

The President

Proclamation 4846 of June 1, 1981

Flag Day and National Flag Week, 1981

By the President of the United States of America

A Proclamation

On June 14, 1777, the Continental Congress adopted the Stars and Stripes as our national flag. Ever since, the American flag has embodied the continuity of our original ideals and principles.

The stars in varying constellations and the stripes of alternating red and white have accompanied Americans from the Marne to the Moon. The flag was flying when the British surrendered to General Washington at Yorktown, when Admiral Peary reached the North Pole, and when our soldiers battled at Iwo Jima. Recently, we saw the American flag proudly on the side of the Space Shuttle Columbia as she circled the Earth.

Yet the flag flies not only over the great events of our history but also over the more personal moments of American life. Who cannot recall the vivid images of children at parades waving small flags in patriotic delight, of immigrants solemnly reciting the oath of allegiance before a flag in a judge's chambers, or of a grieving military widow clutching the folded Stars and Stripes?

The American clergyman Henry Ward Beecher conveyed the full meaning of the flag when he wrote, "A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the government, the principles, the truths, the history which belongs to the nation that sets it forth."

When we honor our flag we honor what we stand for as a Nation—freedom, equality, justice, and hope. Flag Day and National Flag Week are our traditional means to commemorate the Nation's beliefs as symbolized by the Stars and Stripes. In more recent times, the twenty-one days from Flag Day through Independence Day have been set aside as a period to honor America during which Americans reflect upon the Nation's character, heritage, fortifying principles and future well-being.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning Sunday, June 14, 1981, as National Flag Week, and I direct the appropriate officials of the Government to display the flag on all Government buildings during that week. I urge all Americans to observe Flag Day, June 14, and National Flag Week by flying the Stars and Stripes from their porches, windows and storefronts. I further urge the people of America to observe Honor America Days, from Flag Day through Independence Day, by appropriate activities which reflect upon our good fortune at being Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of June, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-16697
Filed 6-2-81; 11:40 am]
Billing code 3195-01-M

V
4
6
/
1
0
6
J
E
3
8
1
UMI

Presidential Documents

Executive Order 12306 of June 1, 1981

Amendments to the Manual for Courts-Martial, United States, 1969 (Revised Edition)

By the authority vested in me as President by Chapter 47 of Title 10 of the United States Code (the Uniform Code of Military Justice), in order to prescribe an amendment to the Military Rules of Evidence of the Manual for Courts-Martial, United States, 1969 (Revised edition), prescribed by Executive Order No. 11476, as amended by Executive Order 11835, Executive Order No. 12018, Executive Order No. 12198, and Executive Order No. 12233, it is hereby ordered as follows:

SECTION 1. Rule 410 of Chapter 27 of the Manual for Courts-Martial, United States, 1969 (Revised edition), is amended to read as follows:

"Rule 410. *Inadmissibility of pleas, plea discussions, and related statements.*

"(a) *In general.* Except as otherwise provided in this rule, evidence of the following is not admissible in any court-martial proceeding against the accused who made the plea or was a participant in the plea discussions:

(1) a plea of guilty which was later withdrawn;

(2) a plea of nolo contendere;

(3) any statement made in the course of any judicial inquiry regarding either of the foregoing pleas; or

(4) any statement made in the course of plea discussions with the convening authority, staff judge advocate, trial counsel or other counsel for the Government which do not result in a plea of guilty or which result in a plea of guilty later withdrawn.

However, such a statement is admissible (i) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought in fairness be considered contemporaneously with it, or (ii) in a court-martial proceeding for perjury or false statement if the statement was made by the accused under oath, on the record and in the presence of counsel.

"(b) *Definitions.* A "statement made in the course of plea discussions" includes a statement made by the accused solely for the purpose of requesting disposition under an authorized procedure for administrative action in lieu of trial by court-martial; "on the record" includes the written statement submitted by the accused in furtherance of such request.".

SEC. 2. Notwithstanding Military Rule of Evidence 1102, Military Rule of Evidence 410, as prescribed by Executive Order No. 12198, shall remain in effect until the amendment prescribed by Section 1 of this Order takes effect.

SEC. 3. The amendment of Military Rule of Evidence 410 prescribed by Section 1 of this Order shall take effect on August 1, 1981. That amendment applies to all court-martial processes taken on or after August 1, 1981: Provided, that nothing contained in that amendment shall be construed to invalidate any investigation, trial in which arraignment has been completed, or other action begun prior to that date; and any such investigation, trial, or other action may be completed in accordance with applicable laws, Executive Orders, and regulations in the same manner and with the same effect as if that amendment had not been prescribed.

SEC. 4. The Secretary of Defense, on behalf of the President, shall transmit a copy of this Order to the Congress of the United States in accord with Section 836 of Title 10 of the United States Code.

Ronald Reagan

THE WHITE HOUSE,
June 1, 1981.

[FR Doc. 81-16698
Filed 6-2-81; 11:41 am]
Billing code 3195-01-M

V 46 / 106
JE 3 81
UMI

Rule

This secti
contains r
general ap
of which
the Code
published
U.S.C. 15
The Code
by the Su
Prices of
first FEDE
month.

DEPARTI

Agricultu

7 CFR Pa

Melons G
Approval
Handling

AGENCY: A
USDA.

ACTION: F

SUMMARY
handling
shipments
experimen
size. It wi
industry
feasibility
manner w
consumer
quality at

EFFECTIVE

FOR FURT
Charles W
Branch, F
D.C. 2025
Impact St
rule is ava

SUPPLEME
final rule
USDA pro
12291 and
significan

William
Administ
Service, h
will not h
impact on
entities be
measurab
regulated

This am
committe
from a tel
11, 1981. T
being ame
shipments
container
long by 4

Rules and Regulations

Federal Register
Vol. 46, No. 106
Wednesday, June 3, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 979

Melons Grown in South Texas; Approval of Amendment No. 1 to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the handling regulation, § 979.303 to permit shipments of honeydew melons in experimental bulk boxes of a specified size. It will provide information for the industry concerning the economic feasibility of making shipments in this manner while continuing to provide the consumer with melons of acceptable quality at reasonable prices.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250. (202) 447–2615. The Final Impact Statement relating to this final rule is available from Mr. Porter.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated 41 handlers.

This amendment is based upon committee recommendations resulting from a telephone vote concluded May 11, 1981. The handling regulation is being amended to permit experimental shipments of honeydew melons in bulk containers having dimensions of 4 feet long by 4 feet wide by 2 feet deep or containers deemed similar by the committee. The container is intended to serve as a display for the retailer so that the melons need not be unpacked. The committee believes that since this type of bulk bin is of a relatively modest size it may improve efficiency and reduce costs while still providing substantially greater protection than if they were piled directly in the bed of a truck or trailer.

Inasmuch as the inspection and grade requirements of the melons so packed remain unchanged, this amendment will not permit the bulk shipments of questionable quality melons that were prevalent in the area prior to inception of the order. Handlers using these bulk containers shall provide the committee with such information as it deems necessary to properly evaluate the merits of these experimental containers.

Findings. After consideration of all relevant matters, it is found that the following amendment will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) to maximize benefits to producers, this amendment should apply to as many shipments as possible during the effective period, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of production area honeydew melons.

Section 979.303 *Handling regulations* (46 FR 22356) is hereby amended by adding a new paragraph (e)(3), a new paragraph (f)(5), and a new paragraph (h).

§ 979.303 Handling regulation.

* * * * *

(e) * * *

(3) Upon approval of the committee, experimental shipments of honeydew melons may be made in bulk containers measuring 4 feet long by 4 feet wide by 2 feet deep, or containers deemed similar by the committee. Container requirements of paragraph (b) shall not apply, but such shipments shall meet all other applicable requirements of this section.

(f) * * *

(5) Each handler making experimental shipments of honeydew melons in bulk bins approved under paragraph (e)(3) shall report on each shipment as directed by the committee.

* * * * *

(h) *Forms.* Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 28, 1981, to become effective upon signing.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service

[FR Doc. 81-16498 Filed 6-2-81; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 991

Hops of Domestic Production; Increase in Expenses Approved for Hop Administrative Committee for the 1980–81 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes an increase in expenses for the Hop Administrative Committee for the 1980–81 marketing year from $255,000 to $295,000. The Committee locally administers the Federal marketing order covering hops of domestic production.

DATES: Effective August 1, 1980, through July 31, 1981.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, it is not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing

Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 12 handlers.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

This action, unanimously recommended by the Committee, would increase the amount of the expenses previously approved for the 1980–81 marketing year from $255,000 to $295,000. This action is pursuant to § 991.55 of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The previously approved expenses in the amount of $255,000 are set forth in § 991.315(a) of Subpart—Expenses and Assessments (7 CFR 991.315; 45 FR 55419). It now appears that those expenses will be exceeded by about $40,000. The Committee had to hire more field help than initially anticipated and expects its travel, auditing, and marketing research costs to exceed those budgeted previously. No change in the assessment rate for 1980–81 is necessary because sufficient funds are available to meet the increased expenses.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective time until 30 days after publication in the **Federal Register** (5 U.S.C. 553). To enable the Committee to meet additional obligations during the current 1980–81 marketing year, approval of this additional amount of expenses is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses at an open meeting of the Committee. It is necessary to effectuate the declared purposes of the act to make this increase in total expenses for the 1980–81 marketing year.

Therefore, § 991.315(a) of Subpart—Expenses and Assessments is revised to read as follows:

Subpart—Expenses and Assessment

§ 991.315 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Committee during the 1980–81 marketing year will amount to $295,000.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: May 28, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-16455 Filed 6-2-81; 8:45 am]

BILLING CODE 3410-02-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1212

Unvented Gas-Fired Space Heaters; Extension of Effective Date

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission has extended the effective date of the Safety Standard Requiring Oxygen Depletion Safety Shutoff Systems (ODS) for Unvented Gas-Fired Space Heaters to December 31, 1981.[1] The effective date is extended in order to alleviate the potential economic hardship to the three manufacturers producing unvented gas-fired space heaters, who, under the original effective date of June 15, 1981, would probably not be able to produce complying heaters during the last half of 1981 because ODS equipped heaters are not expected to be available until 1982. A June 15, 1981, effective date would require manufacturers to carry an unusually large inventory if they wish to be able to fill orders placed later in the year. A "stockpiling" rule previously issued by the Commission provides that between January 1, 1981, and the effective date of the standard, production of unvented gas-fired space heaters may not exceed by more than 10% the number of units produced during the base period specified in the stockpiling rule.

Therefore, extending the effective date from June 15, 1981, to December 31, 1981, does not permit the production of more heaters than was originally contemplated, but only extends the time during which the heaters may be produced.

DATES: The amendment of the effective date of 16 CFR Part 1212 to December 31, 1981, is effective June 3, 1981.

ADDRESSES: All material which the Commission has that is relevant to this proceeding may be seen in, and copies obtained from, the Office of the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Elizabeth H. Jones, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 492–6400.

SUPPLEMENTARY INFORMATION: On September 29, 1980, the Commission issued a final rule requiring the use of oxygen depletion safety shut-off systems (ODS) on unvented gas-fired space heaters (45 FR 61880). At the same time, the Commission proposed a "stock-piling" rule which would limit the production of heaters without an ODS to not more than 110% of the number of units produced during an earlier base period specified by the rule (45 FR 61941). The Commission set an effective date of June 15, 1981, based on information obtained from the manufacturers indicating that production for the 1981–1982 heating season would be generally completed by June 15, 1981. Since ODS devices suitable for heaters made in the United States are expected to be available very early in 1982, at the beginning of production for the 1982–1983 season, all unvented gas-fired space heaters manufactured for the 1982–1983 season would incorporate an ODS.

In a letter dated September 25, 1980, one manufacturer petitioned the Commission (CP 81–1) to extend the effective date to December 31, 1981. The petitioner submitted new information showing that production of unvented gas-fired space heaters would normally extend past June 15 to much later in the year. The petitioner stated that financing costs for inventory would be greatly increased if production were halted on June 15, 1981, and that orders late in the year based on seasonal variation may be lost. Furthermore, the petitioner argued that if manufacturers produced inventory before June 15, 1981, in anticipation of later orders, they might produce more non-complying heaters than would be in the case if they waited to see if the anticipated demand was accurate.

Production appears to be split into two distinct phases. As the petitioner pointed out, production through June of each year is to fill preseason orders. After June, heaters are produced and inventoried to the extent future sales are anticipated. If "fill-in" orders do not develop during the third quarter, production is curtailed for the rest of the

[1] Acting Chairman Stuart Statler and Commissioners David Pittle and Sam Zagoria voted to extend the effective date. Commissioner Edith B. Sloan voted not to extend the effective date.

year. This was the situation experienced by the petitioner last year, due to a warm fall in 1980.

Two manufacturers cited increased manufacturing and inventory costs as the primary burdens they would incur if the effective date were not extended, because as much as possible of a full year's production would have to be squeezed into 5½ months. Instead of being able to ship units shortly after they are produced, units would have to be warehoused for up to six months after production. There might also be some increased risk of lost sales if a sufficient number of units were not produced by June 15. The manufacturers did not provide exact dollar costs of inventory, but the petitioner stated that his interest costs associated with inventory would double. One manufacturer, not the petitioner, stated that the June 15, 1981, effective date would result in the firm being able to produce only 60 percent of planned production, which would result in losing 40 percent of planned heater sales, or about 15 percent of sales of all goods produced. Potentially, this represents a significant loss of sales for this company.

All three manufacturers stated that interest costs and warehouse expenses would increase for those firms attempting to produce all planned 1981 production before the original effective date.

This information showed that by extending the effective date to December 31, 1981, normal manufacturing procedures could be maintained during 1981. Whatever financial and manufacturing burden that might be incurred because of an interruption of normal manufacturing procedures could be avoided by extending the effective date.

The "stockpiling rule" concerning this product that has been previously issued by the Commission (16 CFR 1212.30; 46 FR 20030, April 2, 1981) limits the production of non-ODS heaters between January 1, 1981, and the effective date to approximately 132,000. Therefore, extending the effective date will not allow the production of a larger number of non-ODS equipped heaters than was originally contemplated, but would merely allow the production of these heaters over a longer period of time.

After considering the factors discussed above, the Commission proposed an amendment to Part 1212 to extend the effective date from June 15, 1981, to December 31, 1981 (46 FR 20032; April 2, 1981). No comments were received on that proposal.

After considering the available information, the Commission concludes that extending the effective date of the rule requiring oxygen depletion safety shut-off systems (ODS) for unvented gas-fired space heaters is reasonable and in the public interest since it will not increase the risk of injury to consumers and may alleviate an economic hardship to the businesses manufacturing such heaters. For these reasons, the Commission has also concluded that this amendment does not constitute a material change to the standard. Furthermore, the Commission has certified that this extension will not have a significant economic impact on a substantial number of small businesses or other small entities.

Since the original effective date of June 15, 1981 is in the near future, the Commission believes that it is in the public interest for the amendment of the effective date to become effective as quickly as possible. Therefore, the delayed effective date provision of the Administrative Procedure Act that would normally apply, 5 U.S.C. 553(d), is not appropriate, and the extension of the effective date will become effective immediately upon publication of the final extension in the Federal Register (June 3, 1981).

Conclusion

Therefore, in accordance with section 9(e) of the Consumer Product Safety Act, Public Law 92–573, 86 Stat. 1215, 15 U.S.C. 2058(e), the Commission extends the effective date of the standard requiring oxygen depletion safety shut-off systems for unvented gas-fired space heaters from June 154, 1981 to December 15, 1981 by revising § 1212.2 of Title 16, Chapter II, Subchapter B, of the Code of Federal Regulations to read as follows:

§ 1212.2 Effective date.

All unvented gas-fired space heaters as defined at § 1212.3 that are manufactured or imported after December 31, 1981, are subject to the requirements of Subpart A, and shall be certified as complying with Subpart A as provided by Subpart B.

(Secs. 2, 3, 7, 9, 14, 16, 27, Pub. L. 92–573, as amended, Pub. L. 94–284, Pub. L. 95–631; 86 Stat. 1207, 1208, 1212, 1220 as amended, 90 Stat. 503, 92 Stat. 3742; 15 U.S.C. 2051, 2052, 2058, 2063, 2065, 2076)

Effective date. This amendment is effective June 3, 1981.

Dated: May 27, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-16532 Filed 6-2-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM81-31; Order No. 149]

Clarification of Regulations Regarding New, Onshore Production Wells

Issued: May 28, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission clarifies the definition of "new, onshore production well" contained in § 271.303 of its regulations. The amendment, which effects no substantive change in the rule, provides that a determination that a well qualifies as a "new, onshore production well" applies only to gas produced from the proration unit (or units) on the basis of which the determination was obtained.

EFFECTIVE DATE: December 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Craig Ellis, Office of General Counsel, Room 4008E, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8316

Howard Kilchrist, Office of Pipeline and Producer Regulation, Room 6112, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8585

SUPPLEMENTARY INFORMATION: By this rule the Federal Energy Regulatory Commission (Commission) amends § 271.303 of its regulations. Section 271.303 is contained in Subpart C (relating to new, onshore production wells) which implements section 103 of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3313). The amendment clarifies the definition of "new, onshore production well."

I. Background

On August 20, 1979, the Commission issued final regulations implementing section 103 of the NGPA.[1] A "new onshore production well" is defined in paragraph (c) of section 103 as follows:

[1] Order No. 43, "Final Rule Amending Regulations on Natural Gas from New, Onshore Production Wells and Amendment to the Filing Requirements in § 274.204 of the Interim Regulations," Docket No. RM79–72 (issued August 20, 1979) 44 Fed. Reg. 49651 (August 23, 1979). Order No. 43–A, "Order Granting In Part and Denying in Part Rehearing of Order No. 43 and Amending Regulations," Docket No. RM79–72 (issued Nov. 16, 1979) 44 Fed. Reg. 67108 (November 23, 1979).

(c) *Definition of New, Onshore Production Well.* For purposes of this section, the term "new, onshore production well" means any new well (other than a well located on the Outer Continental Shelf)—

(1) The surface drilling of which began on or after February 19, 1977;

(2) Which satisfies applicable Federal or State well-spacing requirements, if any; and

(3) Which is not within a proration unit—

(A) Which was in existence at the time the surface drilling of such well began;

(B) Which was applicable to the reservoir from which such natural gas is produced; and

(C) Which applies to a well (i) which produced natural gas in commercial quantities or (ii) the surface drilling of which was begun before February 19, 1977, and which was thereafter capable of producing natural gas in commercial quantities.

The definition of "new, onshore production well" in the regulations did not embellish the statutory definition.[2]

Identification of gas which may be sold at the section 103 price depends, in part, on the proration unit from which the gas is produced; *i.e.*, whether proration units were applicable to the reservoir when the well was drilled; whether other wells had already been drilled into such a unit; etc. If a well is completed for production into two proration units, one completion location may qualify under section 103 as a new, onshore production well, while the other may not. A determination that a well qualifies as a new, onshore production well covers only gas produced from the proration unit(s) considered in qualifying the gas. If a producer obtains a section 103 determination and subsequently completes in a proration unit not considered in the prior determination, the prior determination does not qualify gas produced from the new proration unit for the section 103 price.

It has come to the Commission's attention by way of adjustment filings and informal contacts with Commission staff that some producers have not understood that qualification under section 103 applies only to production from particular proration units.[3] Some producers who have received a determination by a jurisdictional agency that gas is eligible for a price under section 103 have failed to submit a subsequent application for determination where they later produce gas from the same well, but from a different proration unit.

II. Clarification

The Commission did not intend that a section 103 eligibility determination cover gas produced from the same well from proration units not considered during the determination. The Commission intended that such a determination apply only to gas produced from the same well from proration units not considered during the determination. The Commission intended that such a determination apply only to gas produced from the proration unit(s) on the basis of which the determination was obtained. In light of the above, we are clarifying the definition of "new, onshore production well" in § 271.303 by expressly providing that a determination that a well qualifies under section 103 applies only to gas produced from the proration unit (or units) on which the determination was based.

III. Effective Date

Because this amendment effects no substantive change in the rule but is necessary only for proper implementation, the Commission finds that public notice and comment is unnecessary. For the same reasons, the amendment is being made effective as of December 1, 1978, the date the original regulations became effective. (43 FR 56448, December 1, 1978.) In the absence of Commission guidance prior to issuance of this clarification, some producers have interpreted the statute and the regulations as authorizing collection of the section 103 price for sales from all proration units in a wellbore where only one of the proration units received a section 103 determination. Where the producers did rely on such a misinterpretation (and the gas from the subsequent proration unit is eventually determined to qualify for the section 103 price) the Commission finds it would be inequitable to insist upon refunds for deliveries which occurred prior to 60 days from the issuance of this clarification. To avoid refund requirements in such cases, an application for a determination must be filed with a jurisdictional agency no later than 60 days after issuance of this rule, and the final determination must qualify the gas for the section 103 maximum lawful price.

We are aware that in many cases the producers were unaware of the necessity to file an application for each section 103 proration unit in a wellbore until some time after deliveries began from different proration units in the same wellbore. For example, some producers became aware of the proper interpretation as a result of NGPA regional meetings held throughout the country, or purchasers' refusal to pay the section 103 price, and thereafter filed the necessary section 103 applications. Other producers collected under section 103 prior to filing for a section 103 determination for the subsequent proration unit. Some made refunds when they became aware of the filing requirement while others have yet to make refunds. We believe that producers should be permitted to collect the section 103 price for the period they were unaware of the proper interpretation of the definition of "new, onshore production well" provided the contracts do not prevent such collection.

Where we know of no probative evidence to the contrary, we will presume that a producer relied on a misinterpretation of the regulations until such time as the producer filed a section 103 application for more than one proration unit in the same wellbore or for sales from any proration unit in any well which had previously obtained a section 103 determination for a different proration unit, or made refunds as noted above. However, if a producer filed a section 103 application for more than one proration unit in the same wellbore or for sales from any proration unit in any wellbore different from the proration unit(s) which had obtained a section 103 determination, we can no longer presume that the producer continued to rely on a misinterpretation of the definition. In other words, refunds will be required and retroactive collections will not be permitted if the producer was aware of the filing requirement and simply made a late filing.[4]

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, the final regulation in § 271.303, of Part 271 of Subchapter H, Chapter I of Title 18, Code of Federal Regulations, is amended as set forth below. Because

[2] Prior to this amendment that definition, in § 271.303, read: For purposes of this subpart, the term "new, onshore production well" means a well which a jurisdictional agency has determined, in accordance with Parts 274 and 275, to be a new, onshore production well (as defined in section 103(c) of the NGPA).

[3] After staff initiated work on this rulemaking a petition for clarification or amendment of the regulations was filed by J–3 Oil Company, Inc. and assigned Docket No. RM81–24. While this rule was not initiated in response to that petition it resolves the issues raised there.

[4] An Appendix to this order provides several examples which provide further clarification of our policy concerning this issue.

V. 46 / 106 / JUE 3 81 UMI

this amendment effects no substantive change, it is effective as of December 1, 1978.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 271.303 is amended by adding a second sentence at the end thereof to read as follows:

§ 271.303 Definition of new, onshore production well.

* * * A determination that a well qualifies as a "new, onshore production well" applies only to gas produced from the proration unit (or units) on the basis of which the determination was obtained.

Appendix

Example 1. A producer filed for and received a § 103 determination covering certain production from a well. Sometime later the producer plugged back the well and recompleted in a different proration unit. After the recompletion, the producer proceeded to collect under § 103 for sales from the new proration unit on the mistaken assumption that the original § 103 determination covered all the producing intervals in the wellbore. Within 60 days of the issuance of the clarifying order, the producer files for such a determination. If the resulting determination is affirmative, the clarifying order allows the producer to keep collections made under § 103 for sales from the recompletion interval.

Example 2. A producer filed for and received a § 103 determination for production from a certain well. Sometime later the producer plugged back the well and recompleted in a different proration unit. After the recompletion, the producer continued to collect under § 103 for sales from the new proration unit on the mistaken assumption that the original § 103 determination covered all producing intervals in the wellbore. Prior to the issuance of the clarifying order, the producer became aware that a subsequent application was required and made such application; however, no refunds were made for collections prior to that application filing. If the resulting determination is affirmative, the clarifying order allows the producer to keep collections made under § 103 for sales from the recompletion interval.

Example 3. The facts are the same as in example 2, except that at the time he made the second § 103 application, the producer refunded the collections over the otherwise maximum lawful price for sales from the recompletion interval made prior to the date of the second application. The clarifying order allows the producer to retroactively collect under § 103 for the sales from the recompletion interval made prior to the date of the second application provided that he was unaware of the filing requirements prior to filing the second application.

Example 4. A producer filed for and received § 103 determinations concerning production from wells A and B. Sometime later, the producer plugged back well A and recompleted into a different proration unit. The producer continued to collect under § 103 for sales from both wells based on the mistaken assumption that a § 103 determination covered all present and future producing intervals. Later, the producer also plugged back well B and recompleted into a different proration unit. Before sales recommenced from well B, however, the producer applied for a § 103 determination covering the production from the recompletion in well B because he had become aware of the necessity to so file.

Assuming that the producer files for a § 103 determination covering production from the recompletion in well A before 60 days after the issuance of the clarifying order and that eventually such a determination is received, the clarifying order allows collection under § 103 for sales from the recompletion in well A made prior to the filing of the application concerning the recompletion in well B. Sales from the well A recompletion are again eligible under § 103 from the filing date of an application for § 103 determination covering production from that recompletion; refunds, with interest in conformance with the Commission's regulations, are required for collections over the maximum lawful price for sales from well A from the date of filing of the second application for well B.

[FR Doc. 81-16492 Filed 6-2-81; 8:45 am]

BILLING CODE 6450-85-M

---

18 CFR Part 271

[Docket No. RM79-76 (Colorado—5); Order No. 148]

High-Cost Gas Produced From Tight Formations

Issued: May 28, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts with modification the recommendation of the Colorado Oil and Gas Conservation Commission that the Lower Mesaverde Formation, consisting of the Rollings, Cozzette and Corcoran Sandstone members, be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Lower Mesaverde Formation, consisting of the Rollins, Cozzette and Corcoran Sandstone members, in Colorado as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued October 27, 1980 (45 FR 72199, October 31, 1980) [1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c), that the Lower Mesaverde Formation be designated as a tight formation.

Evidence submitted by Colorado and the commenters supports Colorado's assertion that the Lower Mesaverde Formation meets the guidelines contained in § 271.703(c)(2). The Commission generally adopts the Colorado recommendation, with the modification discussed below.

Section 271.703(c)(2)(i)(D) of the Commission's regulations provides that in making recommendations for designations of tight formation areas to the Commission, a jurisdictional agency shall not include any formation or portion thereof,

> [if] the formation or any portion thereof was authorized to be developed by infill drilling prior to the date of recommendation, and the jurisdictional agency has information which in its judgment indicates that such formation or portion subject to infill drilling can be developed absent the incentive price established in paragraph (a) of this section * * *.

In reviewing Colorado's recommendation, the Commission found evidence indicating that certain areas within the recommended formation had been authorized to be developed by infill drilling prior to the date the recommendation was made, and that thirteen sections within the infill area

[1] Comments on the proposed rule were invited and received. One commenter, on behalf of the State of California and the Public Utilities Commission of California, indicated that although it did not oppose the recommended designation, it was concerned that the existence of infill and other drilling programs evidenced the fact that the incentive price may not be necessary. The commenter stated that it would oppose incentives in such case. No party requested a public hearing in this matter and no hearing was held.

had been substantially developed without the incentive price.[2] The Commission finds that these sections should be excluded from the designated tight formation.

In the thirteen sections which are being excluded from the tightformation designation, about 58% of the authorized maximum number of wells which can be drilled have been completed and are in production. Forty-six percent of the thirteen sections contain three or more wells on their 640-acre units. Sixty-two percent of these sections contain two or more wells. The Commission finds that such development clearly constitutes infill drilling as defined in § 271.703(b)(6) of the Commission's regulations. Since such drilling in these sections has occurred absent the incentive price, the Commission is excluding these sections from the tight formation designation under § 271.703(c)(2)(i)(D). Future consideration of these excluded areas for tight formation designation is not precluded by the Commission's action in this order, if sufficient information and economic data become available which indicates that this area would not be further developed without the tight formation incentive price.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, the incentive price should be made available as soon as possible. The need to make incentive prices available immediately established good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

[2] Exhibit I of Colorado's submittal reveals that in Colorado Cause No. 166–1, issued April 17, 1962, 640-acre drilling units for gas production were established for portions of the Lower Mesaverde Formation. On April 18, 1967, by Order No. 166–8, Colorado, based upon a finding of lack of development and the need for additional gas, rescinded Order No. 166–1 for undeveloped units in the area. Thirteen sections which had been developed were not included in Order No. 166–8, and remained subject to Order No. 166–1.

On January 16, 1973, Colorado issued Order No. 166–11, which authorized additional drilling in the Lower Mesaverde Formation, with a maximum of four wells on a 640-acre unit in the thirteen sections that were not included in Order No. 166–8. The order also established new 160-acre units and incorporated the thirteen developed sections into the spaced area of the Plateau Field. The thirteen sections, which are being excluded from the recommendation as adopted by the Commission, are:

Township 10 South, Range 95 West, 6th P.M., Sections 17, 18, 19, and 30.
Township 10 South, Range 96 West, 6th P.M., Sections 12, 13, 23–28, and 33.

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,
Secretary.

Section 271.703(d) is amended by adding new subparagraph (25) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(25) *The Lower Mesaverde Formation in Colorado.* RM79–76 (Colorado—5)

(i) *Delineation of formation.* The Lower Mesaverde Formation, consisting of the Rollins, Cozzette and Corcoran Sandstone members, is located in the Plateau Creek Field area in Mesa County, Colorado. It is approximately 30 miles east-northeast of Grand Junction, Colorado, and lies in the southern part of the Piceance Creek Basin. Excluded from the designation are thirteen sections found in Township 10 South, Range 95 West, 6th P.M., Sections 17, 18, 19, and 30, and Township 10 South, 96 West, 6th P.M., Sections 12, 13, 23–28, and 33.

(ii) *Depth.* The average depth to the top of the Lower Mesaverde Formation is 3850 feet.

[FR Doc. 81–16494 Filed 6–2–81; 8:45 am]

BILLING CODE 6450–85–M

---

18 CFR Part 375

[Docket No. RM81–20; Order No. 147]

Delegation of the Commission's Authority to the Directors of Office of Electric Power Regulation, Office of the Chief Accountant, and Office of Pipeline and Producer Regulation

Issued: May 22, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Rule.

SUMMARY: This rule delegates authority to take action on a variety of matters to the Chief Accountant, the Director of the Office of Electric Power Regulation, and the Office of Pipeline and Producer Regulation. This rule will serve to expedite the application process and will enable the Commission to focus its attention on more complicated and controversial tasks.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Peter Lefkin, Office of the General Counsel, 825 N. Capitol Street NE., Washington, D.C. 20426 (202) 357–8363.

SUPPLEMENTARY INFORMATION:

A. Background

On August 14, 1978, the Commission adopted Delegations of Authority [Phase I]. Docket No. RM79–19, 43 FR 36433. That rule delegated to staff the responsibility for making certain decisions of a ministerial nature in order to free the Commission's time for issues of greater importance. By those delegations over 7000 decisions per year were transferred from the Commission to staff. On July 23, 1979, the Commission added to these delegations in a second delegation order [Phase II]. Docket No. RM79–59, 44 FR 46449 (August 8, 1979). Subsequently, on February 13, 1981, additional delegations were made in Docket No. RM81–14, 46 FR 14119 (February 26, 1981) with respect to preliminary permits under the hydroelectric program. Most of these delegations are contained in Subpart C of Part 375.

As a continuation of this process, by this rule (Phase III) the Commission is delegating additional authority to the Directors of the Offices of Electric Power Regulation (OEPR), the Chief Accountant (OCA), and Pipeline and Producer Regulation (OPPR). In addition, several delegations previously made to the Secretary of the Commission contained in § 375.302 are being transferred to OPPR. The functions involved in the delegations from the Secretary have been delegated to other office directors in order to reduce the administrative burden on the Secretary.

Like the other delegation orders, Phase III is prompted by the Commission's determination that an inordinate amount of the Commission's time is spent on matters that do not require the attention of the Commission. These delegations will transfer to staff the responsibility of making a large number of these decisions and will enable the Commission to focus on more complicated and controversial tasks.

In general, the matters being delegated require only limited discretionary decision-making on the part of the office director. The delegation authority is qualified by the following two provisions. First, as a

general rule, the director may only act on "uncontested" matters. "Uncontested" means, pursuant to 18 CFR 1.2(f)(23), that no petition for or notice of intervention in opposition to the application has been filed with the Commission under the Rules of Practice and Procedure. The receipt of an intervention in opposition to an application would result in the application being brought directly before the Commission. These definition of "uncontested" is deemed to include an application for a license or preliminary permit which competes with an application for an exemption from license, or an application for an exemption from license which competes with an application for a preliminary permit or license or exemption from license, or an application for a preliminary permit which competes with an application for a preliminary permit. In addition, it is deemed to include an application for preliminary permit which competes with an application for license and an application for license which competes with an application for preliminary permit.

Second, as is true of all other exercises of delegated authority, pursuant to 18 CFR § 1.7, any interested person may appeal the Director's decision to the Commission.

B. Summary

The delegation regulations contained in Subpart C of Part 375 are amended by this rule, as described below.

1. *Delegations to the Secretary.* Prior to this rule § 375.302(v) delegated to the Secretary authority to take action on any statements of eligibility Section 375.302(u) granted the Secretary authority to issue temporary certificates to independent producers pursuant to section 7 of the Natural Gas Act.

This rule revokes those delegations to the Secretary and redelegates them to the Director of OPPR. This transfer of authority will serve to reduce the administrative burden on the Secretary.

2. *Delegations to Chief Accountant.* The Chief Accountant's authority to approve applications for issuance of securities, delegated by § 375.303(e)(6), is amended to raise the threshold level from $15,000,000 to $30,000,000.

3. *Delegations to Office of Pipeline and Producer Regulation.* Section 375.307 contains the delegations to the Director of OPPR. Paragraph (a) contains generally the delegations regarding routine certification certificate amendments and abandonment authority matters. Paragraph (a) is amended in subparagraph (1) by raising the threshold level of the Director's authority to issue permanent certificates or amend certificates for the construction or operation of facilities from $1,000,000 to $5,000,000. Paragraph (a)(2) is amended to give the Director the authority to act on requests for waiver of single project or annual cost limits specified by § 157.7 (b)(1), (c), (d) and (g) relating to abbreviated applications for gas supply facilities. Paragraphs (a) (3), (4), and (5), as revised, considerably expand the Director's delegated power with respect to the certification of the transportation, storage and exchange of gas and the abandonment of facilities. Paragraph (a)(7) gives the Director authority to take action on blanket certificate applications by interstate pipelines and Hinshaw pipelines. Paragraph (a)(8) concerning the Director's authority to act upon applications for amendments to authorized gas-for-gas exchanges, has been deleted and the language granting such authorizations has been incorporated into new § 375.307(a)(5). Subparagraph (9) and (10) of paragraph (a) of § 375.307 have been renumbered to be subparagraphs (8) and (9) respectively.

A new paragraph (a)(10) has been added to provide the Director with authority to pass upon requests by applicants to change delivery points to existing sales customers, providing that sales volumes remain within the customer's total existing contract demand and certificate levels. New paragraph (a)(11) authorizes the Director to pass upon uncontested applications for authorization and applications for amendments to authorizations for new or additional service to right-of-way grantors. New paragraph (a)(12) delegates to the Director the authority to take action on requests for customer name changes. New paragraph (a)(13), delegates to the Director authority to pass upon applications for approval of customer rate schedule shifts.

It should be noted that the Commission has recently undertaken a comprehensive review of its certificate process, and has issued a Notice of Proposed Rulemaking in Docket No. RM81-19, 46 FR 16903 (March 16, 1981). If this rule is issued, it may eliminate the need for many of the delegations contained in paragraph (a), specifically those contained in subparagraphs (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(10), (a)(11), and (a)(12) as amended by this rule. However, as long as these decisions are made on a case-by-case basis, the Commission believes that delegation of authority to the Director of the Office of Pipeline and Producer Regulation, will expedite the processing of a large number of cases. However, at the time that it takes final action in Docket No. RM81-19 the Commission intends to reexamine the need for such delegations.

Paragraph (b) of § 375.307 has been amended by delegating to the Director, in subparagraph (4), authority to accept rate filings of jurisdictional natural gas companies which involve replacement and rollover contracts, and in subparagraph (5), authority to accept statements of eligibility filed by producers of natural gas. The amendment to subparagraph (5) transfers to the Director of OPPR authority which was previously delegated to the Secretary, which delegation is also being revoked by this rule.

Paragraph (j) is amended to authorize the Director to deny or grant requests for a waiver of the 30 day statutory notice period, provided in section 4(d) of the Natural Gas Act. Under new paragraph (n) the Director may pass upon petitions by gas purchasers to permit one additional 60 day period of exemption for emergency sale arrangements, where the application for extension arrives at the Commission later than 45 days after the commencement of the initial period of exemption. Finally, the authority to initiate an annual survey of short term impacts of gas curtailments is granted by new paragraph (o).

4. *Delegations to Office of Electric Power Regulation.* The amendments to § 375.308 include additions to and modifications of the current delegation rules to the Director of OEPR concerning rate matters, licenses for hydropower projects, and other water resource matters.

Paragraph (p) is amended to expand in subparagraph (1) the Director's authority to reject for filing data and reports that are not in compliance with Commission opinions and orders.

Paragraph (w) is amended to expand the Director's authority to reject as well as accept amendments to agreements and rate schedules.

A new paragraph (ll) gives the Director authority to act on uncontested rates and rate schedules filed by the Secretary of Energy, or his designee for power developed at projects owned and operated by the Federal Government and for services provided by Federal power marketing agencies.

New paragraph (mm) gives the Director authority to determine payments for headwater benefits from the operation of Federal Reservoir projects. New paragraph (nn) authorizes the Director to take appropriate action on a Declaration of Intention filed

pursuant to section 23 of the Federal Power Act.

New paragraph (oo) provides the Director with authority to pass upon materially comparable competing applications for preliminary permit and license for water projects that compete with applications for exemption from license, application for preliminary permit that compete with an application for license, application for exemption from license that compete with an application for preliminary permit, license, or exemption from license and application for license that compete with an application for preliminary permit.

The Commission delegates its authority to the Director under paragraph (oo) only insofar as the competing applications are uncontested. However, competing applications for authorization to study or develop a water power project routinely contest other applications for the same site by filing petitions for, or notices of intervention. In order to permit the Director to act in those usual cases where competing applicants contest one another's applications, the limitation in new paragraph (oo)(2) prohibits the Director from acting only where third parties have intervened to raise questions of fact or law about a competing application. In other words, for purposes of this delegation, a competing applicant will not be deemed a contestant so as to deprive the Director of the delegated authority to pass on the applications described in paragraph (oo)(1).

New paragraph (pp) gives the Director's authority to pass upon uncontested applications for certification of the qualifying status of cogenerators and small power producers under § 292.107(b) of the Commission's rules. Authority to take appropriate action on requests by any state regulatory authority or nonregulated utility to waive the requirements of Subpart C of Part 292 of the Commission regulations governing cogeneration and small power production facilities is set forth in new paragraph (qq).

C. Effective Date

The Commission waives the notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b), because the rule is one of agency procedure and practice. Public procedure is therefore unnecessary. In addition, the Commission finds good cause to make the rule effective immediately, pursuant to 5 U.S.C. 553(d). The Commission currently faces the task of having to make hundreds of decisions on items which can fairly be classified as routine. This delegation will permit a more efficient discharge of the Commission's responsibilities, enabling the Commission to devote its attention to the more controversial issues before it, while insuring the public of quicker action on items of concern.

The Commission nevertheless invites interested members of the public to submit comments or suggestions regarding these regulations. The Commission and its staff will evaluate any information received from interested persons and will consider appropriate revisions to these regulations as a result of comments received. An original and 14 copies should be filed by June 21, 1981, with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. All comments should refer, on the cover page to Docket No. RM81-20.

(Federal Power Act, as amended, 16 U.S.C. 792 *et seq.*, Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*, Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.*, Department of Energy Organization Act, 42 U.S.C. 7107 *et seq.*, E.O. 12009, 3 CFR 142 (1978))

In consideration of the foregoing, the Commission amends Subpart C, Part 375, Subchapter W of Chapter I, Title 18 of the *Code of Federal Regulations*, as provided below, effective on the date of issuance.

By the Commission.

Kenneth F. Plumb,

Secretary.

§ 375.302 [Amended]

1. Section 375.302 is amended by removing paragraphs (u) and (v) in their entirety.

§ 375.303 [Amended]

2. Section 375.303 is amended in paragraph (e)(6) by removing "$15,000,000" and inserting in lieu thereof "$30,000,000."

3. Section 375.307 is amended in paragraph (a)(1) by inserting between the word "construction" and the semicolon a comma and the phrase "or acquisition," and by removing "$1,000,000" and inserting in lieu thereof "$5,000,000."

§ 375.307 [Amended]

4. Section 375.307 is amended in paragraph (a)(2) by inserting between the word "chapter" and the semicolon, a comma and the phrase "including requests for waiver of single project and annual cost limits as prescribed in § 157.7 (b)(1), (c), (d) and (g) of this chapter;".

5. Section 375.307 is amended by revising paragraph (a)(3) to read as follows:

§ 375.307 Delegations to the director of the office of pipeline and producer regulation.

(a) * * *

(3) Applications by a pipeline for the abandonment of pipeline gas purchase facilities with a construction cost of less than $1,000,000 or for the deletion of delivery points. This authority shall be exercised only if the producer servicing the jurisdictional pipeline has received Commission approval to abandon service to the pipeline or if the producer servicing the jurisdictional pipeline has demonstrated that the gas involved is not subject to section 7(b) of the Natural Gas Act by operation of section 601(a)(1) (A) or (B) of the Natural Gas Policy Act of 1978;

* * * * *

6. Section 375.307 is amended by revising paragraph (a)(4) to read as follows:

§ 375.307 Delegations to the director of the office of pipeline and producer regulation.

(a) * * *

(4) Applications for temporary and permanent certificates (and amendments thereto) for the transportation of natural gas to end-users, pursuant to § 2.79 and § 157.101 of this chapter, and applications for temporary certificates (and for amendments thereto) for the transportation of natural gas to end-users pursuant to § 284.208 of this chapter;

* * * * *

7. Section 375.307 is amended by revising paragraph (a)(5) to read as follows:

§ 375.307 Delegations to the director of the office of pipeline and producer regulation.

(a) * * *

(5) Applications for temporary and permanent certificates (and for amendments thereto) for the transportation, exchange or storage of natural gas, provided that the estimated cost of construction of the certificate applicant's related facility is less than $5,000,000, as provided in § 375.307(a)(1);

* * * * *

8. Section 375.307 is amended by revising paragraph (a)(7) to read as follows:

§ 375.307 Delegations to the director of the office of pipeline and producer regulation.

(a) * * *

(7) Blanket certificate applications by interstate pipelines and Hinshaw

pipelines issued pursuant to § 284.221 and § 284.222, of this chapter;

* * * * *

§ 375.307 [Amended]

9. Section 375.307 is amended by removing paragraph (a)(8) in its entirety; and by redesignating paragraph (a)(9) as paragraph (a)(8) and paragraph (a)(10) as paragraph (a)(9).

10. Section 375.307 is amended by adding new subparagraphs (a)(10), (a)(11), (a)(12) and (a)(13) to read as follows:

§ 375.307 Delegations to the director of the office of pipeline and producer regulation.

(a) * * *

(10) Applications to change delivery points for existing sales customers filed pursuant to section 7(c) of the Natural Gas Act when such applications provide that the sales volumes remain within total existing contract demand and certificate levels;

(11) Applications for authorization and applications for amendments to authorizations filed pursuant to section 7(c) of the Natural Gas Act for new or additional service to right-of-way grantors either directly or through a distributor, where partial consideration for the granting of the right-of-way was the receipt of gas service pursuant to section 7(c) of the Natural Gas Act;

(12) Applications pertaining to approval of customer name changes; and

(13) Applications for approval of customer rate schedule shifts.

11. Section 375.307 is amended in paragraph (b) by removing the word "and" at the end of subparagraph (2), by replacing the final period by a semicolon in subparagraph (3), and by adding new subparagraphs (4) and (5) at the end thereof to read as follows:

§ 375.307 Delegations to the director of the office of pipeline and producer regulation.

(b) * * *

(4) Accept rate filings of jurisdictional natural gas companies which involve replacement and rollover contracts; and

(5) Accept statements of eligibility filed under § 2.56(p) of this chapter by producers of natural gas, as defined in § 154.91 and § 157.40 of this chapter.

12. Section 375.307 is amended in paragraph (j) by inserting between the word "Chapter" and the period, a comma and the phrase "including waiver of notice as provided in section 4(d) of the Natural Gas Act."

13. Section 375.307 is amended by adding paragraphs (n) and (o) to read as follows:

§ 375.307 Delegations to the director of the office of pipeline and producer regulation.

* * * * *

(n) Pass upon petitions to permit after an initial 60-day period, one additional 60-day period of exemption pursuant to § 157.48(b) where the application for extension arrives at the Commission later than 45 days after the commencement of the initial period of exemption.

(o) Initiate an annual survey of the impact of winter gas supply (Omnibus Report).

14. Section 375.308 is amended by revising paragraph (p) to read as follows:

§ 375.308 Delegations to the Director of the Office of Electric Power Regulations.

* * * * *

(p) With respect to data and reports submitted by public utilities and licensees that are required by Commission orders and presiding officers' initial decisions:

(1) Accept for filing data and reports which are in compliance with the orders or decisions; and, when appropriate notify the filing party of such acceptance;

(2) Reject for filing data and reports which are not in compliance with or are not required by the orders or decisions; and, when appropriate notify the filing party of such rejection.

* * * * *

15. Section 375.308 is amended by revising paragraph (w) to read as follows:

§ 375.308 Delegations to the Director of the Office of Electric Power Regulation.

* * * * *

(w) With respect to amendments to agreements, contracts or rate schedules (including approved rate settlements), submitted pursuant to Commission opinion or on other actions:

(1) Accept for filing any amendment made in compliance with such Commission opinion or other action; and

(2) Reject for filing any amendment not made in compliance with such Commission opinion or other action.

16. Section 357.308 is amended by inserting after paragraph (kk) new paragraphs (ll), (mm), (nn), (oo), (pp), (qq), to read as follows:

§ 375.308 Delegations to the Director of the Office of Electric Power Regulation.

* * * * *

(ll) Approve uncontested rates and rate schedules filed by the Secretary of Energy, or his designee, for power developed at projects owned and operated by the Federal government and for services provided by Federal power marketing agencies.

(mm) Determine payments for headwater benefits from the operation of Federal Reservoir projects.

(nn) If a declaration of intention or motion for declaratory order regarding proposed construction of a dam or other project works across, along, over, or in any stream or part thereof is filed pursuant to section 23 of the Federal Power Act, issue a declaratory order including any necessary findings:

(1) Requiring the declarant to obtain a license for such construction under Part I of the Federal Power Act.

(2) Make a determination that no license for construction is necessary under Part I of the Federal Power Act.

(oo) Take appropriate action with respect to any competing application that proposes to develop or study the development of mutually exclusive water projects if:

(1) The application is either—

(i) An application for license or preliminary permit which competes with an application for exemption from license,

(ii) An application for exemption from license which competes with an application for preliminary permit, license, or exemption from license;

(iii) An application for license which competes with an application for preliminary permit; or

(iv) An application for preliminary permit which competes with an application for license;

(2) No person other than a competing applicant contests any application specified in subparagraph (1) by petition for, or notice of, intervention; and

(3) The competing applications specified in subparagraph (1) do not propose and substantiate materially different plans to develop, conserve, and utilize water resources of the region.

(pp) Take appropriate action upon uncontested applications for certification of the qualifying status for cogeneration facilities under § 292.207 of the Commission's rules.

(qq) Take appropriate action on requests by any state regulatory authority or non-regulated electric utility to waive, pursuant to § 292.403 of the Commission rules, the requirements of subpart C of the Commission's rules governing cogeneration and small power production facilities.

[FR Doc. 81-16497 Filed 6-2-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR, Part 0

[Order No. 944–81]

Delegation of the Attorney General's Authority Under Executive Order No. 12250

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order delegates to the Assistant Attorney General in charge of the Civil Rights Division authority to implement Executive Order No. 12250 ("Leadership and Coordination of Nondiscrimination Laws"). The effect of this delegation is to reassign to the Assistant Attorney General for Civil Rights most of the responsibilities and duties assigned to the Attorney General by Executive Order No. 12250. This is being done to provide effective and efficient management and oversight of the Department's coordination responsibilities.

EFFECTIVE DATE: May 21, 1981.

FOR FURTHER INFORMATION CONTACT: Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530 (202/724–6757).

SUPPLEMENTARY INFORMATION: This order deals with agency management. It is not required to be and has not been published in proposed form for comment under 5 U.S.C. 553(b). It is not a rule within the meaning of or subject to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Likewise, it is not a rule within the meaning of or subject to Executive Order No. 12291 ("Federal Regulation").

Accordingly, by virtue of the authority vested in me as Attorney General by 5 U.S.C. 301, 28 U.S.C. 510, and Executive Order No. 12250, it is hereby ordered as follows:

1. Section 0.51 of Title 28, Code of Federal Regulations is revised to read as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

§ 0.51 Leadership and coordination of nondiscrimination laws.

(a) The Assistant Attorney General in charge of the Civil Rights Division shall, except as reserved herein, exercise the authority vested in and perform the functions assigned to the Attorney General by Executive Order No. 12250 ("Leadership and Coordination of Nondiscrimination Laws"). This delegation does not include the function, vested in the Attorney General by §§ 1–101 and 1–102 of the Executive order, of approving agency rules, regulations, and orders of general applicability issued under the Civil Rights Act of 1964 and § 902 of the Education Amendments of 1972. Likewise, this delegation does not include the authority to issue those regulations under § 1–303 of the Executive order which are required, by § 0.180 of this Part, to be issued by the Attorney General.

(b) Under paragraph (a) of this section, the Assistant Attorney General in charge of the Civil Rights Division shall be responsible for coordinating the implementation and enforcement by Executive agencies of the nondiscrimination provisions of the following laws:

(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*).

(2) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*).

(3) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

(4) Any other provision of Federal Statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

2. A new paragraph (i) is added to 28 CFR 0.50 to read as follows:

§ 0.50 General functions.

* * * * *

(i) Upon request, assisting, as appropriate, the Commission on Civil Rights or other similar Federal bodies in carrying out research and formulating recommendations.

Dated: May 21, 1981.

William French Smith,

Attorney General.

[FR Doc. 81–16457 Filed 6–2–81; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Regulation 6010.8–R]

Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Amendment No. 5

AGENCY: Office of the Secretary of Defense.

ACTION: Amendment of final rule.

SUMMARY: This amends the comprehensive CHAMPUS Regulation, DOD 6010.8–R, which implements the Civilian Health and Medical Program of the Uniformed Services. This amendment implements language contained in Pub. L. 96–342, "Department of Defense Authorization Act, FY81," which allows benefit consideration for well-baby care up to the age of two, and increases the U.S. Government's monthly share of the cost of any benefits provided an eligible beneficiary under the Program for the Handicapped from $350 to $1,000.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Lorraine F. Carpenter, Special Assistant for CHAMPUS, Office of the Assistant Secretary of Defense (Health Affairs), Room 3E339, The Pentagon, Washington, D.C. 20301, telephone, 202–697–5185.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Department of Defense published its regulation DOD 6010.8–R, "Civilian Health and Medical Program of the Uniform Services (CHAMPUS)," as Part 199 of this title.

§ 199.10(g)(39) of the Part specifically excludes benefits for well-baby care. The basis for this exclusion is that well-baby care is preventive medical care rather than medically necessary services and supplies required in the diagnosis or treatment of an illness or injury.

§ 199.11(b) of this Part specifically limits the Government's share of the cost of any benefits provided under the Program for the Handicapped to $350 per month. The same $350 limit which applies to the CHAMPUS share of the reasonable charges/costs of all benefits provided the handicapped beneficiary in a given month is contained in § 199.11 (b)(2).

On September 8, 1980, President Carter signed into effect Pub. L. 96–342 which authorizes benefits for certain services related to well-baby care up to the age of two and increases the $350 limitation under the Program for the Handicapped to $1,000 per month. Both changes were effective on October 1, 1980.

Throughout the Part where discussions occur of medical necessity or appropriate medical care, such sections should be understood to include well-baby care even though not specifically mentioned. Each such section will be amended at a later date.

Accordingly, 32 CFR, Chapter 1, is amended as follows:

1. In § 199.8(a) the definitions of "Appropriate Medical Care," "Medically Necessary," "Preventive Care," and "Well-Baby Care" are amended by revising paragraphs (14) (i) (ii) (iii); (103), (139), and (176) as set forth below.

2. § 199.10 is amended as follows:

a. By adding a new paragraph (c) (2) (xiii) and redesignating existing paragraphs (xiii) and (xiv) as (xiv) and (xv) as set forth below.

b. By adding a new paragraph (c) (3) (xiv) and redesignating existing paragraph (xiv) as (xv) as set forth below.

c. By revising paragraph (g) (38) (i) as set forth below.

d. By deleting paragraph (g) (39) and designating it as "reserved" as set forth below.

3. § 199.11 is amended by revising paragraphs (b) introductory text, and (b) (2) as set forth below.

§ 199.8 Definitions.

* * * * *

(b) * * *

(14) *Appropriate Medical Care.* "Appropriate Medical Care" means:

(i) That medical care where the medical services performed in the treatment of a disease or injury, or in connection with an obstetrical case, or well-baby care, are in keeping with the generally acceptable norm for medical practice in the United States;

(ii) The authorized individual professional provider rendering the medical care is qualified to perform such medical services by reason of his or her training and education and is licensed and/or certified by the state where the service is rendered or appropriate national organization or otherwise meets CHAMPUS standards; and

(iii) The medical environment in which the medical services are performed is at the level adequate to provide the required medical care.

* * * * *

(103) *Medically Necessary.* "Medically Necessary" means the level of services and supplies (that is, frequency, extent, and kinds) adequate for the diagnosis and treatment of illness or injury, including maternity care and well-baby care. Medically necessary includes the concept of appropriate medical care.

* * * * *

(139) *Preventive Care.* "Preventive Care" means diagnostic and other medical procedures not directly related to a specific illness, injury, or definitive set of symptoms, or obstetrical care, but rather performed as periodic health screening, health assessment or health maintenance procedures.

* * * * *

(176) *Well-Baby Care.* "Well-Baby Care" means a specific program of periodic health screening, developmental assessment and routine immunization for children from birth up to age two years.

* * * * *

§ 199.10 Basic program benefits.

* * * * *

(c) *Professional services benefit—*

* * *

(2) Covered services of physicians and other authorized individual professional providers—* * *

(xiii) *Well-Baby Care.* Well-baby care means a specific program of periodic health screening, developmental assessment and routine immunization for children from birth up to age two years.

* * * * *

(3) *Extent of professional benefits—*

* * *

(xiv) *Well-Baby Care.* Benefits are payable for well-baby care from birth up to the child's second birthday.

(A) The following services are payable when rendered as a part of a specific well-baby care program and when rendered by the attending pediatrician or family physician:

(*1*) Newborn examination, PKU tests, newborn circumcision;

(*2*) History, physical examination, discussion and counseling;

(*3*) Vision, hearing and dental screening;

(*4*) Developmental appraisal;

(*5*) Immunization (that is, DPT, polio, measles, mumps, Rubella);

(*6*) Tuberculin test, Hematocrit, or Hgb., Urinalysis;

(B) Additional services or visits required because of specific findings or because of the particular circumstances of the individual care are covered if medically necessary and otherwise authorized for benefits under the program.

* * * * *

(g) *Exclusions and limitations.* * * *

(38) *Preventive care.* * * *

(i) Well-Baby Care, including newborn examination, PKU testing and newborn circumcision.

(39) [Reserved].

* * * * *

§ 199.11 Program for the handicapped.

* * * * *

(b) *Cost-sharing.* The sponsor is required to pay a portion of the costs for each month in which the dependent receives benefits under the Program for the Handicapped. The amount the sponsor pays is based upon the pay grade. The amounts required of members in each pay grade are as follows:

Member's pay grade	Share amount
E–1 through E–5	$25
E–6	30
E–7 and O–1	35
E–8 and O–2	40
E–9, W–1, W–2, and O–3	45
W–3, W–4, and O–4	50
O–5	65
O–6	75
O–7	100
O–8	150
O–9	200
O–10	250

Except as specifically set forth in paragraph (b)(3) of this section, the Government's share of the cost of and benefits provided under the Program for the Handicapped cannot exceed $1,000 per month. Any amount remaining after the Government's maximum share has been reached is again the responsibility of the active duty member. In ascertaining the total charges against which the sponsor's and the Government's shares will be computed, certain considerations are made:

* * * * *

(2) *CHAMPUS share limit.* The CHAMPUS share of the reasonable charges/costs of all benefits, provided, the handicapped beneficiary in a given month will not exceed $1,000 per month, except when there are two or more handicapped dependents in the same family, as described in paragraph (b)(3) of this section.

* * * * *

(10 U.S.C. 1086, 5 U.S.C. 301)

May 28, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-16517 Filed 6-2-81; 8:45 am]

BILLING CODE 3810-70-M

---

32 CFR Part 294

[DOD Directive 5400.12]

Obtaining Information From Financial Institutions

AGENCY: Office of the Secretary, DOD.

ACTION: Final rulemaking.

SUMMARY: This document provides for uniform marking of documents containing financial information obtained under the provisions of the "Right to Financial Privacy Act of 1978" and sets forth a method whereby

Department of Defense Investigative agencies may obtain financial data from military banking contractors in overseas areas and from other financial institutions located on Department of Defense installations outside the United States, the District of Columbia, Guam, American Samoa or the Virgin Islands. Other changes have been made to conform to the requirements of the "Paperwork Reduction Act of 1980."

EFFECTIVE DATE: April 23, 1981.

FOR FURTHER INFORMATION CONTACT: Lt. Col. William C. Goforth, USAF, Staff Executive (Attorney), Defense Privacy Board, Room 818, Pomponio Plaza Building, 1735 N. Lynn Street, Arlington, VA 22209; telephone 202/694–3027.

SUPPLEMENTARY INFORMATION: In FR Doc. 80–8380 appearing in the **Federal Register** on March 19, 1980 (45 FR 17575), the Office of the Secretary of Defense (OSD) published a final rule establishing procedures for the Department of Defense Components to follow in obtaining information from financial institutions under the "Right to Financial Privacy Act of 1978," Title 12, United States Code, Section 3401, et seq. (Pub. L. 95–630; 92 Stat. 3697, et seq.). This document sets forth certain additions to those rules and makes changes to comply with the provisions of the "Paperwork Reduction Act of 1980," Title 44, United States Code, Section 3501, et seq. (Pub. L. 95–511; 94 Stat. 2812, et seq.).

Accordingly, 32 CFR, Chapter I, Part 294, is amended by revising § 294.3(b); § 294.13 (c) (d), adding (e) and (f); revising enclosures 1, 2, 3, 4, and adding a new enclosure 5, reading as follows:

§ 294.3 Policy.

* * * * *

(b) The provisions of 12 U.S.C. 3401 et seq. do not govern obtaining access to financial records maintained by military banking contractors located outside of the United States, the District of Columbia, Guam, American Samoa, or the Virgin Island. The procedures outlined in enclosure 5 may be followed in obtaining financial information from these facilities.

§ 294.13 Procedures for releasing information obtained from financial institutions.

* * * * *

(c) Unless a delay of customer notice has been obtained under § 294.12, when financial information is transferred under § 294.13 (b) the law enforcement office or personnel security element shall within 14 days, personally serve or mail to the customer, at his or her last known address, a copy of the certificate required by § 294.13 (b), and the following notice:

Copies of or information contained in your financial records lawfully in possession of (name of Component) have been furnished to (name of agency) pursuant to the Right to Financial Privacy Act of 1978 for the following purposes: [state the nature of the law enforcement inquiry with reasonable specificity]. If you believe that this transfer has not been made to further a legitimate law enforcement inquiry, you may have legal rights under the Financial Privacy Act of 1978 or the Privacy Act of 1974.

(d) If a request for release of information is from a federal agency authorized to conduct foreign intelligence or foreign counterintelligence activities, as defined in E.O. 12036 for purposes of conducting such activities, the transferring DOD Component shall release the information without notifying the customer, unless permission to provide notification is given in writing by the requesting agency.

(e) Whenever financial data obtained under this Part is incorporated into a report of investigation or other correspondence, precautions must be taken to ensure that:

(1) The reports or correspondence are not distributed outside the Department of Defense except in compliance with § 294.13 (b) and (c); and

(2) The report or correspondence contains an appropriate warning restriction on the first page or cover.

(f) A suggested restrictive legend for use on the first page or cover sheet of reports or other correspondence follows:

Some of the information contained herein (cite specific paragraph) is financial record information which was obtained pursuant to the Right to Privacy Act of 1978, 12 U.S.C. 3401 et seq. This information may not be released to another federal agency or department outside the Department of Defense without compliance with the specific requirements of 12 U.S.C. 3412.

Enclosure 1—Request For Basic Identifying Account Data Format

[Official Letterhead]

Mr./Mrs. XXXXXXXXXX,
Chief Teller (as appropriate), First National Bank, Little Rock, AR 72203

Dear Mr./Mrs. XXXXXXXXXXXXXX. In connection with a legitimate law enforcement inquiry and pursuant to section 3413(g) of the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., you are requested to provide the following account information: [Name, address, account number, and type of account of any customer or ascertainable group of customers associated with a certain class of financial transactions as set forth in § 294.7.

I hereby certify, pursuant to section 3403(b) of the Right of Financial Privacy Act of 1978, that the provisions of the Act have been complied with as to this request for account information.

[Official Signature Block]

Under section 3417(c) of the Act, good faith reliance upon this certification relieves your institution and its employees and agents of any possible liability to the subject in connection with the disclosure of the requested financial records.

Enclosure 2—Customer Consent and Authorization For Access Format

Pursuant to section 3404(a) of the Right to Financial Privacy Act of 1978, I, [Name of customer], having read the explanation of my rights on the reverse side, hereby authorize the [Name and address of financial institution] to disclose these financial records: [List the particular financial records] to [DoD Component] for the following purpose(s): [Specify the purpose(s)].

I understand that this authorization may be revoked by me in writing at any time before my records, as described above, are disclosed, and that this authorization is valid for no more than three months from the date of my signature.

Date: _____

Signature: _____

[Typed name]

[Mailing address of customer]

Statement of Customer Rights Under the Right to Financial Privacy Act of 1978

Federal law protects the privacy of your financial records. Before banks, savings and loan associations, credit unions, credit card issuers, or other financial institutions may give financial information about you to a federal agency, certain procedures must be followed.

Consent to Financial Records

You may be asked to consent to the financial institution making your financial records available to the Government. You may withhold your consent, and your consent is not required as a condition of doing business with any financial institution. If you give your consent, it can be revoked in writing at any time before your records are disclosed. Furthermore, any consent you give is effective for only three months, and your financial institution must keep a record of the instances in which it discloses your financial information.

Without Your Consent

Without your consent, a federal agency that wants to see your financial records may do so ordinarily only by means of a lawful subpoena, summons, formal written request, or search warrant for that purpose. Generally, the federal agency must give you advance notice of its request for your records explaining why the information is being sought and telling you how to object in court. The federal agency must also send you copies of court documents to be prepared by you with instructions for filling them out. While these procedures will be kept as simple as possible, you may want to consult an attorney before making a challenge to a federal agency's request.

V46N106 JUN 3 1981 UMI

Exceptions

In some circumstances, a federal agency may obtain financial information about you without advance notice or your consent. In most of these cases, the federal agency will be required to go to court for permission to obtain your records without giving you notice beforehand. In these instances, the court will make the Government show that its investigation and request for your records are proper.

When the reason for the delay of notice no longer exists, you will usually be notified that your records were obtained.

Transfer of Information

Generally, a federal agency that obtains your financial records is prohibited from transferring them to another federal agency unless it certifies in writing that the transfer is proper and sends a notice to you that your records have been sent to another agency.

Penalties

If the federal agency or financial institution violates the Right to Financial Privacy Act, you may sue for damages or seek compliance with the law. If you win, you may be repaid your attorney's fee and costs.

Additional Information

If you have any questions about your rights under this law, or about how to consent to release your financial records, please call the official whose name and telephone number appears below:

(Last Name, First Name, Middle Initial) Title (Area Code) (Telephone number)

(Component activity, Local Mailing Address)

Enclosure 3—Formal Written Request for Access Format

[Official letterhead]

Mr./Mrs. XXXXXXXXXX,
President (as appropriate), City National Bank and Trust Company, Altoona, PA

Dear Mr./Mrs. XXXXXXXXXX. In connection with a legitimate law enforcement inquiry and pursuant to section 3402(5) and section 3408 of the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and [cite Component's implementation of this part], you are requested to provide the following account information pertaining to the subject:

[Describe the specific records to be examined]

The [DoD Component] is without authority to issue an administrative summons or subpoena for access to these financial records which are required for [Describe the nature or purpose of the inquiry].

A copy of this request was [personally served upon or mailed] to the subject on [Date] who has [10 or 14] days in which to challenge this request by filing an application in an appropriate United States district court if the subject desires to do so.

Upon the expiration of the above mentioned time period and absent any filing or challenge by the subject, you will be furnished a certification certifying in writing that the applicable provisions of the Act have been complied with prior to obtaining the requested records. Upon your receipt of a Certificate of Compliance with the Right to Financial Privacy Act of 1978, you will be relieved of any possible liability to the subject in connection with the disclosure of the requested financial records.

[Official Signature Block]

Enclosure 4—Certificate of Compliance With the Right to Financial Privacy Act of 1978

[Official letterhead]

Mr./Mrs. XXXXXXXXXX,
Manager, Army Federal Credit Union, Fort Ord, CA 93941

Dear Mr./Mrs. XXXXXXXXXX. I certify, pursuant to section 3403(b) of the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., that the applicable provisions of that statute have been complied with as to the [Customer's consent, search warrant or judicial subpoena, formal written request, emergency access, as applicable] presented on [Date], for the following financial records of [Customer's name]:

[Describe the specific records]
[Official Signature Block]

Pursuant to section 3417(c) of the Right to Financial Privacy Act of 1978, good faith reliance upon this certificate relieves your institution and its employees and agents of any possible liability to the customer in connection with the disclosure of these financial records.

Enclosure 5—Obtaining Access to Financial Records Overseas

(a) The provisions of 12 U.S.C. 3401 et seq. do not govern obtaining access to financial records maintained by military banking contractors in overseas or other financial institutions in offices located on DoD installations outside the United States, the District of Columbia, Guam, American Samoa, or the Virgin Islands. The purpose of this part is to describe a uniform procedure for access to the financial records of these institutions.

(b) Access to financial records maintained by military banking contractors in overseas areas or other financial institutions located on DoD installations outside the United States, the District of Columbia, Guam, American Samoa or the Virgin Islands is preferably obtained by customer consent. However, in those cases where it would not be appropriate to obtain this consent or where such consent is refused and the financial institution is not otherwise willing to provide access to its records the law enforcement activity may seek access by the use of a search authorization issued by the appropriate military official. This search authorization shall be issued in accordance with established Component procedures and the Military Rules of Evidence.

(c) Information obtained under this enclosure shall be properly identified as financial information and transferred only where an official need-to-know exists. Failure to identify or limit access in accordance with this paragraph does not render the information inadmissible in courts-martial or other proceedings.

(d) Access to financial records maintained by all other financial institutions overseas by law enforcement activities shall be in accordance with the local foreign statutes or procedures governing such access.

May 27, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-16541 Filed 6-2-81; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1831-8]

Approval of Revision of the Commonwealth of Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This amendment directs applicants for Prevention of Significant Deterioration (PSD) permits who are planning to locate in the Commonwealth of Virginia to submit their applications directly to the Commonwealth instead of to The Environmental Protection Agency. This change is required since EPA has delegated PSD authority to the Commonwealth. The notice announcing the delegation of authority is published elsewhere in this issue of the **Federal Register.**

EFFECTIVE DATE: June 3, 1981.

ADDRESSES: Copies of all support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. Attn: Robert J. Blaszczak (3AH13), (215) 597–8186 or FTS 597–8186

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219. Attn: William Meyer, Executive Director

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Robert J. Blaszczak at (215) 597–8186 or FTS 597–8186.

SUPPLEMENTARY INFORMATION: The Regional Administrator finds good cause for foregoing prior public notice and for making this rule effective immediately in that it is an administrative change and

not one of substantive content. The delegation becomes effective upon publication of this rule; therefore, it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This delegation of authority is not "major". This action only approves State actions, and imposes no new requirements of its own. Moreover, under the Clean Air Act, Federal inquiry into the economic reasonableness of State SIP changes would serve no practical purpose and could well be improper.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United State Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

42 U.S.C. 7401, 7410, and 7470–79

Dated: May 12, 1981.

Jack J. Schramm,

Regional Administrator.

Part 52 of Title 40 of the Code of Federal Regulations is amended as follows:

Subpart VV—Virginia

1. Section 52.2451, new paragraph (c) is added to read as follows:

§ 52.2451 Significant deterioration of air quality.

* * * * *

(c) Pursuant to 40 CFR 52.21(u) full delegation of authority for all portions of the Federal PSD program, as described in 40 CFR 52.21, was relinquished to the Commonwealth of Virginia as of (date of publication). All applications submitted as of that date and supporting information required pursuant to § 52.21 from sources located in the Commonwealth of Virginia shall be submitted to: Division of Compliance, State Air Pollution Control Board, Commonwealth of Virginia, Room 1116, Ninth Street Office Building, Richmond, Virginia 23214.

[FR Doc. 81-16458 Filed 6-3-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Parts 122, 260, 261, 264, and 265

[SWH-FRL 1815-2]

Hazardous Waste Management System; Correction

In FR Doc. 81-15045, published at page 27473, on Wednesday, May 20, 1981, make the following changes:

(1) On page 27477, in the third column, in lines four through six, "5-(Aminomethyl)-3-isoxazolol (3(2H)-Isoxazolone, 5-(aminomethyl)-)4-aminopyridine (4-Pyridinamine)" should be corrected to read "5-(Aminomethyl)-3-isoxazolol (3(2H)-Isoxazolone, 5-(aminomethyl)-) 4-Aminopyridine (4-Pyridinamine)".

(2) On page 27479 in the third column, in the sixty-sixth line, "Tetrachlorethane (Ethene, 1,1,2,2-tetrachloro-)" should be corrected to read "Tetrachloroethylene (Ethene, 1,1,2,2-tetrachloro-)".

BILLING CODE 1505-01-M

---

40 CFR Part 162

[OPP-30029C; PH-FRL-1844-3]

Effective Date for Published Regulation Classifying Certain Uses of Eight Active Ingredients for Restricted Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Confirmation of effective date.

SUMMARY: As required by section 25(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act, EPA submitted a final regulation classifying certain uses of eight active ingredients for restricted use to both Houses of Congress for review prior to the regulation taking effect. The regulation was published in the **Federal Register** on January 19, 1981 (46 FR 5696). The minimum 60-day period for Congressional review ended on May 3, 1981. Congress did not act either to extend the review period or to disapprove the regulation. Also, the Agency submitted the regulation to the Office of Management and Budget (OMB), as required by Executive Order 12291, for a 15-day review on April 9, 1981. OMB did not comment on the regulation and on April 29, 1981 cleared it for **Federal Register** publication.

DATES: The regulation published on January 19, 1981 will become effective on June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Walter I. Waldrop, Jr., Office of Pesticide Programs (TS-767C), Environmental Protection Agency, Room 509-F, CM#2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703) 557-7136.

SUPPLEMENTARY INFORMATION: EPA promulgated a final regulation, which was published in the **Federal Register** of January 19, 1981 (46 FR 5696) under section 3(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95-396, 92 Stat. 819, 7 U.S.C. 136 et seq.). This regulation adds certain uses of eight active ingredients to the list of uses which the Agency has classified for restricted use. The current list is contained in 40 CFR 162.31. However, as required by section 25(a)(4) of FIFRA, this regulation could not take effect until it had been submitted to both Houses of Congress for review and possible disapproval. This review period was to last for a minimum of 60 days of continuous Congressional session, as defined by section 25(a)(4), with a possibility of extension by Congress for an additional 30 days. Since it was not possible to predict an exact date on which the Congressional review period would end, the preamble to the final regulation stated that EPA would publish a separate **Federal Register** Notice after the review period was over announcing the effective date of the regulation. On May 3, 1981, 60 days of continuous Congressional session elapsed. Since neither House of Congress took any action in that period either to disapprove the regulation or to extend the review period, Congressional review under section 25(a)(4) of FIFRA ended on that date.

This regulation was also subject to the Executive Office directive of January 29, 1981, which froze Federal regulations for 60 days. That freeze ended on March 30, 1981. In addition, on April 9, 1981, EPA submitted the regulation to OMB for review, as required by Executive Order 12291 of February 17, 1981. Under the Executive Order, OMB had 15 days to review the regulation. OMB did not comment on the regulation and on April 29, 1981, cleared the regulation for **Federal Register** publication.

Accordingly, the final regulation promulgated as 40 CFR 162.31 on January 19, 1981, will take effect on June 10, 1981.

Dated: May 15, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-16546 Filed 6-2-81; 8:45 am]

BILLING CODE 6560-32-M

---

41 CFR Part 15-1

[AS-FRL-1844-5]

Debarred, Suspended, and Ineligible Bidders

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is revising its procurement regulation relating to the debarment, suspension, and placement in ineligibility status of concerns and individuals. This revision, among other things, deletes reference to the documents constituting EPA's consolidated list of firms and individuals debarred from EPA contracting and subcontracting. The intended effect of this revision is to bring EPA's policies and procedures for the establishment and maintenance of a debarred, suspended, and ineligible bidders list in compliance with the Federal Procurement Regulations (FPR).

EFFECTIVE DATE: June 3, 1981.

FOR FURTHER INFORMATION CONTACT: Pamela John, Procurement and Contracts, Management Division (PM-214), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202/755-0900).

SUPPLEMENTARY INFORMATION: (a) The FRP requires each executive agency to establish and maintain a consolidated list of concerns and individuals to whom contracts and subcontracts will not be awarded and from whom bids and proposals will not be solicited. Prior to this revision, the documents which constituted EPA's consolidated list of debarred, suspended, and ineligible concerns and individuals were identified in the EPA procurement regulations. The documents identified were in conflict with the FPR; therefore, reference to these documents has been deleted.

(b) The FPR requires that the agency head or his designee make certain determinations relating to debarment and suspension actions. This rule specifies the designated official responsible for furnishing notices of debarment action and for granting hearings and taking other actions related to the suspension of concerns and individuals. This revision also provides for a nomenclature change to reflect current Agency organization and structure.

(c) The FPR requires agencies to establish internal procedures for effecting the policies and procedures of the FPR regarding the debarment, suspension, and placement in ineligibility status of concerns and individuals. This revision designates the Contracts Management Manual as the document for implementing these FPR policies and procedures within the Agency.

(d) The Agency has not invited public comments on this rule as it deletes material that is in conflict with the FPR, reflects an internal Agency procedural change, and identifies where internal Agency procedures implementing FPR requirements are located.

For the reasons set out in the preamble, 41 CFR Part 15-1 is revised as follows:

PART 15-1 GENERAL

1. The table of contents for Part 15-1 is changed by revising the contents of Subpart 15-1.6 to read as follows:

Subpart 15-1.6—Debarred, Suspended and Ineligible Bidders

Sec.
15-1.600 Scope of subpart.
15-1.602 Establishment, maintenance, and distribution of a list of concerns or individuals debarred, suspended, or declared ineligible.
15-1.602-1 Bases for entry on the debarred, suspended, and ineligible list.
15-1.603 Treatment to be accorded firms and individuals in debarred, suspended, or ineligible status.
15-1.604 Causes and conditions applicable to determination of debarment.
15-1.604-1 Procedural requirements relating to the imposition of debarment.
15-1.605 Suspension of bidders.
15-1.605-1 Causes and conditions applicable to determination of suspension.
15-1.605-3 Notice of suspension.
15-1.605-4 Hearings.
15-1.606 Agency procedures.

Authority: Sec. 205(c), 63 Stat. 390, as amended (40 U.S.C. 486(c)), unless otherwise noted.

2. The text of Subpart 15-1.6 is revised to read as follows:

Subpart 15-1.6—Debarred, Suspended and Ineligible Bidders

§ 15-1.600 Scope of subpart.

This subpart prescribes the Environmental Protection Agency (EPA) policy and procedures for establishment, use, maintenance, and distribution of a debarred, suspended, and ineligible bidders list for debarring or suspending bidders for cause.

§ 15-1.602 Establishment, maintenance, and distribution of a list of concerns or individuals debarred, suspended, or declared ineligible.

(a) The Director, Procurement and Contracts Management Division, is responsible for establishment and maintenance of a master consolidated list or file of firms and individuals who are debarred or suspended from EPA contracting and subcontracting and from whom bids and proposals will not be solicited as provided in FPR 1-1.603. This list will be known as the EPA Debarred, Suspended, or Declared Ineligible Bidders List.

(b) The Director, Procurement and Contracts Management Division, will effect direct distribution of the EPA Debarred, Suspended, or Declared Ineligible Bidders List to authorized personnel. The list shall not be disclosed to the public.

§ 15-1.602-1 Bases for entry on the debarred, suspended, or ineligible list.

The Deputy Assistant Administrator for Management and Agency Services makes the administrative determinations prescribed by FPR 1-1.602-1 (d), (f), and (g).

§ 15-1.603 Treatment to be accorded firms or individuals in debarred, suspended or ineligible status.

The Deputy Assistant Administrator for Management and Agency Services makes the determinations required by FPR 1-1.603(a).

§ 15-1.604 Causes and conditions applicable to determination of debarment.

Determination to debar a firm or individual for a cause as provided in FPR 1-1.604 shall be made by the Deputy Assistant Administrator for Management and Agency Services.

§ 15-1.604-1 Procedural requirements relating to the imposition of debarment.

(a) *Initiation of debarment action.* The Deputy Assistant Administrator for Management and Agency Services is responsible for furnishing the notification required by FPR 1-1.604-1(a).

(b) *Hearings.* Hearings requested in connection with debarment proceedings shall be conducted by the Deputy Assistant Administrator for Management and Agency Services.

§ 15-1.605 Suspension of bidders.

§ 15-1.605-1 Causes and conditions applicable to determination of suspension.

Determination to suspend a firm or individual for a cause as provided in FPR 1-1.605-1 shall be made by the

Deputy Assistant Administrator for Management and Agency Services.

§ 15-1.605-3 Notice of suspension.

The Deputy Assistant Administrator for Management and Agency Services is responsible for furnishing the notification required by FPR 1-1.605-3.

§ 15-1.605-4 Hearings.

The Deputy Assistant Administrator for Management and Agency Services is responsible for making the determinations and for taking the actions prescribed by FPR 1-1.605-4 (b), (c), (d), and (e).

§ 15-1.606 Agency procedures.

Internal agency procedures and methods for effecting the policies and procedures prescribed by FPR 1-1.6 are specified in the EPA Contracts Management Manual.

Dated: April 11, 1981.

Roy N. Gamse,

Acting Assistant Administrator for Planning and Management.

[FR Doc. 81-16540 Filed 6-2-81; 8:45 am]

BILLING CODE 6560-36-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5943

[U-14899]

Utah; Partial Revocation of Reclamation Project Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes the Secretary's First Form Reclamation Withdrawal Order dated January 30, 1906, Strawberry Valley Project, and the Commissioner's First Form Reclamation Withdrawal Order concurred in by the Bureau of Land Management on November 14, 1955, Central Utah Project, currently referred to collectively as the Bonneville Unit, Central Utah Project. The national forest lands containing 7,760 acres will be open to such forms of disposition as may by law be made of such lands. Approximately 2,238 acres have been patented to the State and will be restored to the mining laws provided appropriate rules and regulations are issued to allow mineral location conveyed pursuant to the Recreation and Public Purposes Act. About 681 acres remain withdrawn for military use and 306+ acres are privately owned. None of the lands will be restored to operation of the public land laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Dean Bowden, Utah State Office, 801-524-4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretary's First Form Reclamation Withdrawal Order dated January 30, 1906, Strawberry Valley Project, and the Commissioner's First Form Reclamation Withdrawal Order concurred in by the Bureau of Land Management on November 14, 1955, Central Utah Project, currently referred to collectively as the Bonneville Unit, Central Utah Project, are hereby revoked insofar as they affect the following described lands:

Salt Lake Meridian

Strawberry Valley Project

T. 9 S., R. 2 E.,
Sec. 21, SW¼SE¼.
T. 8 S., R. 5 E.,
Sec. 28, all;
Sec. 29, W½E½NE¼, W½NE¼, NW¼, SE¼SW¼, SE¼;
Sec. 30, lots 1 and 2, NE¼, E½NW¼, SE¼SE¼.

Central Utah Project

T. 2 S., R. 1 E.,
Sec. 36, NE¼, E½SE¼.
T. 11 S., R. 1 E.,
Sec. 10, lots 7 to 9, inclusive;
Sec. 15, lots 1 to 4, inclusive, W½NE¼, E½NW¼;
Sec. 22, lots 1 to 4, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 28, S½NE¼, N½SE¼.
T. 12 S., R. 1 E.,
Sec. 9, lot 2, SE¼;
Sec. 16, E½;
Sec. 21, E½;
Sec. 28, lots 1, 2, and 4, NE¼SE¼;
Sec. 34, NE¼SW¼, N½SE¼.
T. 13 S., R. 1 E.,
Sec. 3, lot 1 A.
T. 9 S., R. 2 E.,
Sec. 27, W½SW¼;
Sec. 28, E½, E½W½, W½SW¼;
Sec. 32, SE¼NE¼, SE¼;
Sec. 33, all;
Sec. 34, W½W½.
T. 10 S., R. 2 E.,
Sec. 5, lots 1 to 3, inclusive, S½N½, S½;
Sec. 6, lots 9 and 10, SE¼NE¼, E½SE¼;
Sec. 7, lots 5 to 10, inclusive, E½NE¼, NE¼SE¼;
Sec. 8, N½, SW¼.
T. 8 S., R. 5 E.,
Sec. 16, E½E½, W½W½;
Sec. 17, E½, SW¼;
Sec. 18, lot 3, E½SW¼, S½SE¼;
Sec. 19, lot 4, NE¼NE¼, W½E½, E½W½, SE¼SE¼;
Sec. 20, N½, SW¼, W½SE¼, W½NE¼SE¼;
Sec. 21, E½E½, NW¼NE¼, NW¼NW¼, W½SW¼NW¼, S½NE¼SW¼, E½SW¼SW¼, SE¼SW¼, W½SE¼;
Sec. 29, SW¼SW¼.
T. 9 S., R. 5 E.,
Sec. 5, all.
T. 4 S., R. 1 W.,
Sec. 21, lot 3, S½NE¼, S½;
Sec. 27, lots 1, 2, 3, 4, E½SW¼.

The areas described, including both public, nonpublic and national forest lands, aggregate 10,985.22 acres in Juab, Utah, and Salt Lake Counties.

2. At 10 a.m. on June 23, 1981, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

3. The lands in T. 4 S., R. 1 W., remain withdrawn for military use under Executive Order No. 1922 of April 24, 1914. The lands in T. 11 S., R. 1 E., T. 12 S., R. 1 E., and T. 13 S., R. 1 E., have been patented to the Utah Division of Wildlife Resources under the Recreation and Public Purposes Act.

All of the lands, except the 306+ acres privately owned or embraced in patented mining claims, have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-16535 Filed 6-2-81; 8:45 am]

BILLING CODE 4310-84-M

---

43 CFR Public Land Order 5944

[M-40702]

Montana; Partial Revocation of Public Water Reserve No. 149

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order which withdrew public lands for a public water reserve. All the lands remain segregated from operation of the public land laws generally, including the mining and mineral leasing laws by existing withdrawals.

EFFECTIVE DATE: June 3, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat.

2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order dated February 14, 1933, which withdrew lands for use as a public water reserve is hereby revoked in its entirety:

Principal Meridian

T. 23 N., R. 22 E.,
Sec. 26, lots 3, 4, S½NE¼;
T. 23 N., R. 23 E.,
Sec. 31, lot 6, SE¼NE¼, E½SE¼.

The area described contains 284.28 acres in Phillips County.

2. The lands in T. 23 N., R. 22 E., remain segregated from operation of the public land laws generally, by Powersite Classification No. 301 of August 31, 1937.

3. All the lands remain withdrawn from operation of the public land laws, including the mining and mineral leasing laws in accordance with the provisions of the Wild and Scenic Rivers Act of October 2, 1968, 82 Stat. 906; 16 U.S.C. 1271 et seq.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garry E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-16534 Filed 6-2-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1056

[Ex Parte No. MC-19 (Sub No. 36)]

Practices of Motor Common Carriers of Household Goods (Revision of Operational Regulations)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Availability of Corrected Copies of Form OCP-100.

SUMMARY: The Commission is making available corrected copies of Form OCP-100, *Your Rights and Responsibilities When You Move.* This action is taken to clarify corrections made subsequent to adoption of the Commission's final household goods operational rules and to emphasize certain later Commission decisions which affect publication of Form OCP-100 by the moving industry. This action is intended to facilitate compliance by household goods carriers with 49 CFR 1056.2.

DATE: Corrected Form OCP-100 will be available on June 3, 1981.

ADDRESS: Copies may be obtained from the Office of Consumer Protection, Room 7205, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Ray G. Atherton, Jr., (202) 275-7844 or W. F. Sibbald, Jr., (202) 275-7148.

SUPPLEMENTARY INFORMATION: The Commission's final household goods operational rules were published at page 16200 of the March 11, 1981, **Federal Register**. Section 1056.2 of these rules requires that household goods carriers provide a copy of Form OCP-100, *Your Rights and Responsibilities When You Move,* to prospective individual shippers. The text of Form OCP-100 as published in the March 11, 1981, **Federal Register**, contained certain typographical errors which were corrected by Notice published in the **Federal Register** of April 20, 1981, at page 22594. Since the correction notice did not republish Form OCP-100 in its entirety, several persons stated that they experienced difficulties with assimilating these corrections into the original text of Form OCP-100. To accommodate those who have had problems, corrected copies of the full OCP-100 text are being made available.

The following is intended to clarify the extent to which the Commission has allowed modification of Form OCP-100.

In a Commission decision served May 7, 1981, and published at page 25621 of the May 8, 1981, **Federal Register**, the Commission emphasized that the main text of Form OCP-100 may not be altered. The following modifications were permitted.

- Simple declarative footnotes may be used to indicate that a particular carrier does not offer a permissive feature, option or program.
- A footnote may be used in Form OCP-100 to indicate that the carrier is furnishing prospective individual shippers a telephone information card in satisfaction of the requirement that it furnish a written description of its complaint and inquiry handling procedures, provided the card indicates whether or not collect calls will be accepted at the numbers listed and at what telephone number complaints will be taken.

Carriers may append their complaint and inquiry procedures description to Form OCP-100, may reference the Appendix in an additional item of the OCP-100 Table of Contents and may refer to the Appendix in an appropriately placed footnote to the text.

It was also held in that decision that carriers are allowed to vary the placement of Form OCP-100-A, *Moving Service Questionnaire,* within the OCP-100 format.

The Commission, by decision served May 27, 1981, also suspended the requirement that Form OCP-100-A be furnished as part of Form OCP-100 until January 1, 1982. This decision requires that all Forms OCP-100 printed and distributed during the suspension period which do not include the questionnaire should include a note to read: The Moving Service Questionnaire is not required to be included in booklets distributed prior to January 1, 1982. The corrected copies of Form OCP-100 available for distribution reflect this interim change.

Dated: May 29, 1981.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16547 Filed 6-2-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 106
Wednesday, June 3, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, and 70

Upgraded Emergency Preparedness for Certain Fuel Cycle and Materials Licensees

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: One of the lessons learned from the Three Mile Island nuclear reactor accident in March 1979 was that improvements in emergency preparedness planning and coordination for some NRC licensed activities may be needed to minimize the danger to the public health and safety following an accident.

The Nuclear Regulatory Commission is, therefore, considering the adoption of regulations which will require NRC fuel cycle and materials licensees which have the potential to cause significant radiological impacts to the public from accidents to establish appropriate emergency preparedness. It is anticipated that there will be several categories of emergency preparedness required and will therefore vary in cost and complexity dependent upon facilities' potential for accidental radiological impacts to the public, based on factors such as possession limits, potential of criticality and offsite hazards. The Commission is interested in receiving public comment on the objectives for emergency preparedness and acceptance criteria for varying categories of these NRC licensees and on impacts expected to result from the proposed rulemaking.

DATE: Comments should be submitted on or before August 3, 1981. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before that date.

ADDRESS: Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Jamgochian, Division of Facility Operations, Human Engineering Section, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5970.

SUPPLEMENTARY INFORMATION: One of the lessons learned from the Three Mile Island nuclear reactor accident in March 1979 was that improvements in emergency preparedness planning and coordination for some NRC licensed activities may be needed to minimize the danger to the public health and safety following an accident.

In recognition of this, strengthened requirements for emergency planning at nuclear power reactors were issued (10 CFR 50.47 and Appendix E, 10 CFR Part 50 (45 FR 55402)). Consideration is now being given to a rule change to specify strengthened emergency preparedness requirements for those fuel cycle and materials licensees which have the potential for accidents involving radioactive materials which could threaten the health and safety of the public.

A reevaluation by NRC staff of previously submitted emergency plans for fuel fabrication plants disclosed important deficiencies. For example, the plans failed to describe adequately (1) the means for the measurement and assessment of accidental releases of radioactive materials, (2) the equipment and procedures to protect workers against the types of radiation hazards that would be encountered following an accident, (3) the arrangements for prompt notification of Federal, State, and local government agencies, (4) plans for recovery actions that would restore safe conditions following an accident, and (5) emergency plans of State and local governments.

Upon noting these deficiencies and identifying other licensed activities with similar potential for accidents which could threaten the public health and safety, and which were not required to have emergency preparedness plans, the NRC staff prepared orders to require these licensees to prepare and submit comprehensive onsite radiological contingency plans. These orders, which were issued in February 1981, specifically required licensee planning for actions to be taken onsite in the event of an accident to: protect workers, limit offsite releases of radioactive materials, assess radiation doses, and mitigate adverse consequences of the accident. The orders were issued to operators of fuel processing and fabrication plants, UF_6 production plants, and radioisotope installations which possess and use significant quantities of unsealed radioactive materials. The installations selected were those which possess and use quantities of nuclear materials that might reasonably be expected to result in a potentially serious radiation exposure of an individual on or offsite as a result of a serious accident.

NUREG–0767 describes the bases used for development of the criteria for selection of the licensees issued orders. The report is included in this Federal Register Notice in order to assure adequate dissemination of relevant information.

The threshold quantities in NUREG–0767 are a preliminary effort by NRC staff to relate radioactive material license possession limits for fuel cycle and materials licensees to the offsite radiation doses established as Protective Action Guides (PAGs) by the Environmental Protection Agency. The (PAG) doses which may trigger protective actions are 1 rem to the whole body, 5 rems to the thyroid and 3 rems to any other critical organ in the case of individuals offsite. One rem to the whole body and 5 rems to the thyroid are the minimum doses which may trigger protective actions suggested by the Environmental Protection Agency in their PAGs, EPA–520/1–75–001. Three rems to other vital organs is an equivalent criterion. Doses constituting significant overexposures of workers are at least 5 times greater than those, i.e., about 5 rems whole body, about 25 rems thyroid and about 15 rems to other critical organs.

NRC believes it necessary now to codify the onsite radiological emergency planning requirements set forth in the orders, to possibly extend them to uranium mills and to other source materials licensees, as appropriate, and to specify several categories of offsite emergency preparedness requirements using factors such as possession limits, potential of criticality and offsite hazards for all of the NRC licensees whose radioactive material possession limits and processes are such that accidents could result in (i) serious

radiation overexposures of workers from a release of radioactive materials, (ii) offsite radiation doses exceeding offsite PAGs, or (iii) releases or process chemicals or other nonradioactive materials which could adversely impact the safety of licensed activities.

This rulemaking will also be responsive to a petition filed by the State of New Jersey (PRM–5010, 39 FR 15900) which requested that the emergency preparedness provisions of Appendix E of 10 CFR Part 50 be extended to licensees subject to 10 CFR Part 20 as appropriate.

In developing this Advance Notice, the NRC staff has consulted and worked in cooperation with FEMA. The staff has also met with representative from the Conference of Radiation Control Program Directors and will especially be seeking input from Agreement States.

Accordingly, requirements are being considered for rulemaking which would assure that fuel cycle and materials licensees establish and maintain appropriate emergency preparedness. The requirements being considered include:

1. The potential impacts to the public from these fuel cycle and materials licensees range from insignificant harm at the large majority of NRC materials licensees to accidents which could result in significant radiological impacts to the public near the site. The rule changes being considered would require that licensees with possession limits above certain specific threshold levels perform analyses to determine the dose to the public and the emergency preparedness appropriate for their licensed activities. A fairly large group of licensees may be affected. The doses to the public and the appropriate emergency preparedness required for various types of licensees would be determined by analysis of the form and amount of radioactive material licensed to be possessed and used throughout the facility.

2. Any NRC licensee facility which has the potential to cause offsite radiation doses to members of the public in excess of the Protective Action Guides established by EPA, would be required to establish and maintain appropriate emergency preparedness plans, or to make process or inventory adjustments which remove or reduce the potential for such offsite effects.

3. Some licensees may be required to incorporate Emergency Planning Zone (EPZs) similar to those set forth in NUREG–0396,[1] into their emergency prepardeness program.

4. Some licensees have large quantities of process chemicals, stored fuels, and water impoundments at or near the licensee's facility. Since the emergency response to accidents associated with such facilities could be complicated by accidents involving nonradiological materials, those licensees required to have emergency plans will be required to account for all hazards to the public inherent in the licensed facility's operations including the presence, onsite and near site, of hazardous materials and conditions which might affect the emergency response to an accident involving licensed materials, or might cause a radiological accident.

The NRC is especially interested in public comments related to the following issues and questions:

1. There are approximately 8,000 NRC fuel cycle and materials licensees. Staff estimates indicate that only 1 to 2 percent of these licensees would be required to have emergency plans and fewer than one percent would be required to have plans including offsite arrangements for response and support from agencies of Federal, State and local governments. What categorization schemes would ensure that licensees needing emergency plans establish and maintain an appropriate plan but at the same time ensure that licensees who either do not need plans or need only simple plans are not required to submit unneeded information? How can the approach set out in NUREG–0767 be expanded or adopted to determine the number of categories and criteria for categories of licensees needing emergency plans?

2. How should Federal, State and local governments affected by the proposed rulemaking work together and with the licensees to ensure that NRC fuel cycle and materials licensees establish an appropriate level of emergency prepardeness? In some cases, State and local governments will be able to draw upon the work that has been done to improve emergency preparedness at nuclear power reactor sites. After TMI, there was considerable effort and assistance provided by Federal, State and local governments and the nuclear power reactor licensees to establish acceptable radiological emergency preparedness onsite and offsite. However, there are State and local governments which have no nuclear power reactors located within their jurisdictions, but do have other NRC licensees within their jurisdictions. These governments may not have benefitted from the Federal, State or licensee cooperative efforts and assistance and may, therefore, face a more difficult task if a facility in their area requires offsite planning and preparedness.

3. What basis should be used to establish Emergency Preparedness Criteria for various categories of NRC fuel cycle and materials licensees? Some fuel cycle and material licensee's facilities are located in, or adjacent to, densely populated areas where accidental radiological releases could result in exposures having public health significance. For these operations, we recognize the need to perform detailed accident analyses as part of the licensing review process and to upgrade the emergency planning for these facilities as appropriate. NUREG–0767 sets out a preliminary analytic method which could be expanded and used for selecting those licensees requiring extensive analysis, and for setting the various categories of licensees by risk.

4. Would there be significant environmental impacts from the proposed rulemaking? What form are the impacts apt to take? Is the proposed rulemaking likely to result in unduly high costs to consumers or licensees? What economic impacts may be involved in this proposal?

5. Agreement States will probably adopt emergency preparedness regulations comparable to NRC rules, but a time delay is inevitable. How can this delay be reduced, and how much delay is acceptable? There are about 12,000 nuclear activities licensed by Agreement States. How are the impacts likely to differ in Agreement States and Non-Agreement States? How large is the category of Agreement States licensees for which Agreement States licensing agencies may need to issue orders (similar to the NRC orders), to prepare emergency preparedness plans?

6. What role should the Federal Emergency Management Agency have in reviewing offsite emergency preparedness for these NRC licensees? How will FEMA/NRC/Agreement State Cooperation be structured? How will FEMA review authority apply in Agreement States?

7. Will the impacts on differing categories of licensees be small relative to the resources of the licensees or will certain processes or services provided by smaller licensees no longer be economically feasible due to high costs of meeting emergency planning requirements?

It is probable that a significant number of small entities will be affected

[1] Copies of this document may be purchased from the Government Printing Office. Information on current prices may be obtained by writing the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Publications Sales Manager.

by the upgraded emergency preparedness requirements to be developed in this rulemaking process. For this reason, the NRC will prepare an initial regulatory flexibility analysis prior to issuance of proposed rules to upgrade emergency preparedness for fuel cycle and materials licensees. In order to facilitate preparation of that analysis, the NRC is particularly seeking comment from small entities (i.e., small businesses, small organizations, and small jurisdictions as defined by the Regulatory Flexibility Act 5 U.S.C. 601 et seq.) as to how the rulemaking will affect them and how the resulting regulations may be tiered or otherwise modified to impose less stringent requirements on small entities while still adequately protecting the public health and safety. Those small entities which offer comments on how the regulations could be modified to take into account the differing needs of small entities should specifically discuss:

(a) the size of their business and how the rulemaking would result in a significant economic burden upon them as compared to larger organizations in the same business community;

(b) how the regulations being considered could be modified to take into account their differing needs or capabilities;

(c) the benefits that would accrue, or the detriments that would be avoided, if the regulations being considered were modified as suggested by the commenter;

(d) how the regulations, being considered, if modified, would more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individuals or groups; and

(e) how the regulations being considered, if modified, would still adequately protect the public health and safety.

NUREG–0767, "Criteria for Selection of Fuel Cycle and Major Materials Licenses Needing Radiological Contingency Plans," is hereby printed in its entirety.

1. Introduction

The NRC believes there is a pressing need for upgrading of radiological contingency planning of those licensed fuel cycle and major materials facilities which exhibit the potential for accidents which could result in (1) offsite doses exceeding 1 rem to the whole body, 5 rems to the thyroid or 3 rems to other critical organs, or (2) potentially serious radiation overexposures of workers from a nuclear criticality incident or from release of radioactive materials, or (3) chemical exposures which could impact radiological safety. Radiation doses of 1 rem to the whole body and 5 rems to the thyroid are the lowest Protective Action Guides (PAGs) established by the Environmental Protection Agency for triggering a protective action in public areas following a radiation accident.

Radiological contingency planning is that part of emergency response preparedness contributed by plant operators to assure (1) that plants are properly configured to limit releases of radioactive materials and radiation exposures in the event of an accident, (2) that a capability exists for measuring and assessing the significance of accidental releases of radioactive materials, (3) that appropriate emergency equipment and procedures are provided onsite to protect workers against radiation hazards that might be encountered following an accident, (4) that notifications are promptly made to Federal, State and local government agencies, and (5) that necessary recovery actions are taken in a timely fashion to return a plant to a safe condition following an accident.

Limiting possession limits, i.e., quantities and forms of radioactive materials which can be reasonably estimated to be capable of causing, due to accidents, offsite doses equal to or greater than 1 rem total body, 5 rem thyroid or 3 rem other critical organ or potentially serious radiation exposures to workers from a criticality excursion or from release of radioactive materials, are developed in this report.

II. Summary and Conclusions

Table I is a listing of those quantities of radioisotopes, as license possession limits and conditions of use, which the NRC has determined to be of potential significant concern in the event of a major accident involving those radioactive materials.

Table I.—*Schedule of Limiting Possession Limits Arranged Alphabetically by Elements*

Radionuclides	Limiting possession limits (curies)
Americium-241	0.30
Americium-243	0.30
Antimony-124	1,000
Barium-140	2,000
Cadmium-113m	1,500
Calcium-45	800
Carbon-14	1,300
Californium-252	0.30
Cesium-134	350
Cesium-137	600
Chromium-51	150,000
Cobalt-60	4,000
Copper-64	50,000
Curium-242	8.0
Curium-244	0.50
Gold-198	100,000
Hydrogen-3	6,000
Iodine-125	8.0
Iodine-129	1.0
Iodine-131	3.0
Iridium-192	80,000
Iron-55	30,000
Iron-59	2,400
Krypton-85	7,000
Manganese-54	1,500
Manganese-56	120,000
Molybdenum-99	3,000
Neptunium-237	0.20
Nickel-63	5,000
Niobium-95	5,000
Phosphorous-32	15
Plutonium-238	0.10
Plutonium-239	0.10
Polonium-210	3.2
Promethium-147	3,500
Ruthenium-103	1,500
Ruthenium-105	15,000
Scandium-46	2,500
Selenium-75	500
Silver-110m	500
Strontium-90	25
Sulfur-35	400
Tantalum-182	15,000
Technetium-99m	200,000
Thallium-204	30,000
Thulium-170	1,000
Thorium-228	0.30
Tin-113	10,000
Tin-123	1,000
Tungsten-187	5,000
Uranium-233	6.0
Xenon-133	10,000
Zinc-65	2,500
Zirconium-93	5,000
Zirconium-95	1,300

Conditions

Where a license authorizes possession of a single radionuclide in forms other than a sealed sources or special form,[3] the licensee shall prepare and submit a Radiological Contingency Plan if the authorized possession limit exceeds that quantity specified for that radionuclide in the *Schedule of Limiting Possession Limits.*

Where possession of two or more radionuclides, in forms other than as sealed sources or special form,[3] is authorized by the license, the licensee shall prepare and submit a Radiological Contingency Plan if the sum of the quotients of the authorized possession limits for individual radionuclides divided by the quantities of those radionuclides specified in the *Schedule of Limiting Possession Limits* exceeds unity.

Where the license authorizes possession of a broad range of radionuclides, e.g., any byproduct material of atomic numbers 3 through 83, inclusive, in excess of those quantities specified in Schedule A of 33.100, i.e.

[3] See 10 CFR 30.4(r) and 10 CFR 71.4(o) for definitions of "sealed source" and "special form."

Type A specific licenses of Broad Scope, and in forms other than as sealed sources or special form,[2] the licensee shall prepare and submit a Radiological Contingency Plan if the quantity of any radionculide authorized, either explicitly or implicitly, exceeds that quantity specified in the *Schedule of Possession Limits* or if the sums of the quotients of those quantities explicitly or implicitly authorized divided by the quantities of those radionuclides specified in the *Schedule of Limiting Possession Limits* exceeds unity.

Licensees possessing U–235, U–233, or plutonium in any form in such quantities as to require criticality monitors and alarms in accordance with 10 CFR 70.24 are also required to prepare and submit for review Radiological Contingency Plans. Possession of large quantities of UF_6, even where no criticality hazards exist, shall also require preparation and submittal for review of Radiological Contingency Plans.

III. Discussion

Estimates of quantities of materials, which could lead to significant offsite doses and to overexposures of workers from accidents, that require protective actions have been based upon the relationship:

$$Q = \frac{D_n}{DCF_n \; R \; I}$$

Where:

- Q = Limiting possession limit, i.e., the quantity of radionuclide authorized to be possessed and assumed subject to an accidental release
- D_n = Doses requiring protective actions, rem
- DCF_n = The inhalation dose conversion factor and the limiting body organ
- R = Release fraction likely to be dispersed in a severe real accident
- I = Intercept fraction that could be inhaled by an individual

For the purposes of selecting licensees to prepare and submit Radiological Contingency Plans it is necessary to base the selection criteria upon the authorized possession limits since we have no other information available upon which to base a conclusion that lesser quantities of radionulides would be subject to the same severe accident condition.

Doses requiring protective actions are 1 rem to the whole body, 5 rems to the thyroid and 3 rems to any other critical organ in the case of individuals offsite. One rem to the whole body and 5 rems to the thyroid are the minimum doses requiring protective actions by the Environmental Protection Agency in their Protective Action Guides (PAGs), EPA–520/1–75–001. Three rems to other vital organs is an equivalent criterion. Doses constituting significant overexposures of workers are at least 5 times greater than those, i.e., about 5 rems whole body, about 25 rems thyroid and about 15 rems to other critical organs.

Selection criteria are based upon inhalation limiting doses except for Xe-133 and Kr-85 where submersion is the acute exposure pathway for which preplanned protective actions are needed. Ingestion pathways are not likely to cause prompt acute exposures to individuals and are believed not to the limiting in this analysis.

Rigorous estimates of release fractions, i.e., those portions of inventories of radioactive materials that could be made airborne in an accident, require plant-specific analyses to discover and characterize possible accident scenarios and to estimate possible releases. Insufficient data are presently available to support such analyses. In the absence of such data, release fractions have been estimated based upon experience and the generic physical and chemical forms of the radionuclides normally involved. Encapsulated materials and materials in "special form" have been assumed to be nondispersible and to have zero release fractions. Stable solid monolithic materials known to be accompanied by finely divided materials in industrial manufacturing operations, viz. Ir-192 and Co-60 have been assigned release fractions of 0.001. Other solids and liquids have been assigned release fractions of 0.01. Semi-volatiles have been assigned to release fractions of 0.03 and volatile and/or combustible radionuclides have been assigned release fractions of unity.

Only a fraction of the materials released, the "intercept fraction," will likely be inhaled and contribute to radiation dose. An intercept fraction of 10^{-6} for offsite exposures has been mentioned repeatedly in the literature [3] [4] and corresponds to a breathing rate of 20 m^3/day and an atomospheric relative concentration value, X/Q, of 4×10^{-3} sec/m^3, where the receptor is present throughout the entire release event. An atomospheric relative concentration value of 4×10^{-3} is believed to be an appropriately typical value for fuel cycle and materials licensee installations. This corresponds to the ground level relative concentrations experienced 150 meters from a ground level release under stable conditions. Workers could subjected to higher concentrations but only for short periods since they leave the scene of the accident or don protective equipment soon after any large releases occur.

The details of the estimation of Limiting Possession Limits are presented in Table II.

BILLING CODE 7590-01-M

[3] Allen Brodsky, "Resuspension Factors and Probabilities of Intake of Material in Process (or "Is 10^{-6} a Magic Number in Health Physics?"), Health Physics, Volume 39, No. 6, December 1980, pp. 992–1000.

[4] Allen Brodsky, "Determining Industrial Hygiene Requirements for Installations Using Radioactive Materials," American Industrial Hygiene Association Journal, Volume 26, May-June, 1965, pp. 294–310.

Table II Development of schedule of limiting possession limits

Isotope	Inhalation dose conversion factor[1] for total body	Inhalation dose conversion factor[1] for thyroid	Inhalation dose conversion factor[1] for other critical organ	Other critical organ[1]	Dispersibility factor, DF	$\frac{1}{DCF_{TB} \times 1000 \times DF}$ *	$\frac{5}{DCF_{thyroid} \times 1000 \times DF}$ *	$\frac{3}{DCF_{other} \times 1000 \times DF}$ *	Limiting possession limit, Curies
H-3	1.58E-07 mrem/pCi	1.58E-07 mrem/pCi	1.58E-07 mrem/pCi	All	1	6.33E03	>6.33E03	>6.33E03	6,000
C-14	4.26E-07	4.26E-07	2.27E-06	Bone	1	2.35E03	>2.35E03	1.32E03	1,300
P-32	6.26E-06		1.65E-04	Bone	1	1.60E02		18.2	15
S-35	1.95E-06[3]		7.68E-06	Testes	1	5.13E02		3.91E02	400
Ca-45	8.02E-06[3]		3.65E-04[3]	Bone	0.01	1.25E04		8.22E02	800
Sc-46	3.11E-05		1.07E-04	Liver	0.01	3.22E03		2.80E03	2,500
Cr-51	1.25E-08	7.44E-09	1.80E-06	Lung	0.01	8.00E06	>8.00E06	1.67E05	150,000
Mn-54	7.87E-07		1.75E-04	Lung	0.01	1.27E05		1.71E03	1,500
Mn-56	2.29E-11		2.53E-06	GI-LLI	0.01	4.37E09		1.19E05	120,000
Fe-55	4.93E-07		9.01E-06	Lung	0.01	2.03E05		3.33E04	30,000
Fe-59	1.32E-06		1.27E-04	Lung	0.01	7.58E04		2.36E03	2,400
Co-60	1.85E-06		7.46E-04	Lung	0.001	5.41E05		4.02E03	4,000
Ni-63	1.81E-06		5.40E-05	Bone	0.01	5.52E04		5.55E03	5,000
Cu-64	7.69E-11		6.12E-06	GI-LLI	0.01	1.30E09		4.90E04	50,000
Zn-65	5.82E-06		1.08E-04	Lung	0.01	1.72E04		2.78E03	2,500
Se-75	1.48E-06[3]		5.33E-06[3]	Kidneys	1	6.76E02		5.63E02	500
Kr-85	Submersion[4]								7,000
Sr-90+D	7.62E-04		1.24E-02	Bone	0.01	1.31E02		2.42E01	25
Zr-93+D	1.37E-06		5.22E-05	Bone	0.01	7.30E04		5.75E03	5,000
Zr-95+D	2.91E-06		2.21E-04	Lung	0.01	3.44E04		1.36E03	1,300
Nb-95	5.26E-07		6.31E-05	Lung	0.01	1.90E05		4.75E03	5,000
Mo-99+D	2.87E-09		3.10E-05	GI-LLI	0.03	1.16E07		3.23E03	3,000
Tc-99m	4.63E-12		5.20E-07	GI-LLI	0.03	7.20E09		1.92E05	200,000
Ru-103+D	8.23E-08		6.31E-05	Lung	0.03	4.05E05		1.58E03	1,500
Ru-105+D	3.89E-11		6.02E-06	GI-LLI	0.03	8.57E08		1.66E04	15,000
Ag-110m+D	7.43E-07		5.79E-04	Lung	0.01	1.35E05		5.18E02	500
Cd-113m	4.97E-06		2.08E-04	Lung	0.01	2.01E04		1.44E03	1,500
Sn-113	2.53E-06[3]	7.06E-07[3]	3.11E-05[3]	Bone	0.01	3.95E04	7.08E05	9.65E03	10,000
Sn-123	9.82E-07	5.67E-07	2.88E-04	Lung	0.01	1.02E05	8.81E05	1.04E03	1,000
Sb-124	1.55E-06	9.44E-09	3.10E-04	Lung	0.01	6.45E04	5.30E07	9.68E02	1,000
I-125		5.9E-04[3]			1		8.47		8.0
I-129	6.91E-06	5.54E-03			1	1.45E02	9.02E-01		1.0
I-131+D	2.56E-06	1.49E-03			1	3.90E02	3.36		3.3
Xe-133	Submersion[4]								10,000
Cs-134	9.10E-05		1.06E-04	Liver	0.03	3.66E02		9.43E02	350
Cs-137+D	5.35E-05		7.76E-05	Liver	0.03	6.23E02		1.29E03	600
Ba-140+D	3.21E-07		1.59E-04	Lung	0.01	3.12E05		1.89E03	2,000
Pm-147	3.19E-06		8.37E-05	Bone	0.01	3.13E04		3.58E03	3,500
Tm-170	9.52E-06[3]		3.22E-04[3]	Bone	0.01	1.05E04		9.32E02	1,000

Table II (Continued)

Isotope	Inhalation dose conversion factor[1] for total body	Inhalation dose conversion factor[1] for thyroid	Inhalation dose conversion factor[1] for other critical organ	Other critical organ[1]	Dispersibility factor, DF	$\frac{1}{DCF_{TB} \times 1000 \times DF}$ *	$\frac{5}{DCF_{thyroid} \times 1000 \times DF}$ *	$\frac{3}{DCF_{other} \times 1000 \times DF}$ *	Limiting possession limit, Curies

Table II (Continued)

Isotope	Inhalation dose conversion factor[1] for total body	Inhalation dose conversion factor[1] for thyroid	Inhalation dose conversion factor[1] for other critical organ	Other critical organ[1]	Dispersibility factor, DF	$\frac{1}{DCF_{TB} \times 1000 \times DF}$ *	$\frac{5}{DCF_{thyroid} \times 1000 \times DF}$ *	$\frac{3}{DCF_{other} \times 1000 \times DF}$ *	Limiting possession limit, Curies
Ta-182	2.19E-05[3]		1.70E-04[3]	Liver	0.001	4.57E04		1.76E04	15,000
W-187	3.10E-10		1.94E-05	GI-LLI	0.03	1.08E08		5.15E03	5,000
Ir-192	5.46E-06[3]		5.13E-05[3]	Kidneys	0.001	1.83E05		5.85E04	50,000
Au-198	4.74E-07[3]		2.43E-06[3]	Kidneys	0.01	2.11E05		1.23E05	100,000
Tl-204	6.28E-07[3]		1.03E-05[3]	Kidneys	0.01	1.59E05		2.91E04	30,000
Po-210	9.58E-05		3.14E-02	Lung	0.03	3.48E02		3.18	3.2
Th-228+D	6.77E-03		1.01	Lung	0.01	1.48E01		2.97E-01	0.30
U-233+D	6.60E-04		5.32E-02	Lung	0.01	1.52E02		5.64	5.0
Np-237+D	6.87E-02		1.69	Bone	0.01	1.46		1.78E-01	0.20
Pu-238	6.90E-02		2.74	Bone	0.01	1.45		1.09E-01	0.10
Pu-239	7.75E-02		3.19	Bone	0.01	1.29		9.40E-02	0.10
Am-241	6.71E-02		1.01	Bone	0.001	1.49		2.97E-01	0.30
Am-243	6.57E-02		1.01	Bone	0.01	1.52		2.97E-01	0.30
Cm-242	9.84E-04		3.92E-02	Lung	0.01	1.02E02		7.65	8.0
Cm-244	3.51E-02		5.90E-01	Bone	0.01	2.85		5.08E-01	0.50
Cf-252	2.33E-02		9.78E-01	Bone	0.01	4.29		3.07E-01	0.30

*Possession Limits determined using INTERCEPT Factor of 10^{-6}

[1]Inhalation dose conversion factors for adults, mrem/pCi, from NUREG-0172, Age-Specific Radiation Dose Commitment Factors for a One-Year Chronic Intake, Table 8, (DACRIN).

[2]Inhalation dose conversion factors for adults, mrem/pCi, where W solubility class and AMAD = 1 μm are assumed, DACRIN.

[3]Inhalation dose conversion factors for adults, mrem/pCi, from ORNL-4992, A Methodology for Calculating Radiation Doses from Radioactivity Released to the Environment, Table 4.2, (INREM).

[4]Calculated for submersion in a semi-infinite cloud taking $X/Q = 10^{-3}$ and with dose factors from Regulatory Guide 1.109, Calculation of Annual Doses to Man from Routine Releases of Reactor Effluents for the Purpose of Evaluating Compliance with 10 CFR 50, Appendix I, Table B-1.

Nuclide	DF^{β}_{skin}, $\frac{mrad}{pCi.yr}$	DF^{γ}_{air}, $\frac{mrem}{pCi.yr}$	DFB^{γ}, $\frac{mrem}{pCi.yr}$
Kr-85	1.34E-03	1.72E-05	1.61E-05
Xe-133	3.06E-04	3.53E-04	2.94E-04

$$\text{Skin dose} = 31.7Q\ X/Q(DF^{\beta}_{skin} + 1.11\ DF^{\gamma}_{air})$$

$$\text{Body dose} = 31.7Q\ X/Q\ DFB^{\gamma}$$

$$\text{For skin dose, } Q = \frac{3}{31.7\ X/Q\ \ (DF^{\beta}_{skin} + 1.11\ DF^{\gamma}_{air})}$$

$$\text{Kr-85, skin dose} = \frac{3}{31.7 \times 0.01\ (1.34E\text{-}03 + 1.11 \times 1.72E\text{-}05)}$$

$$= 6.96E03\ Ci$$

$$\text{Xe-133, skin dose} = \frac{3}{31.7 \times 0.01\ (3.06E\text{-}04 + 1.11 \times 3.53E\text{-}04)}$$

$$= 1.36E04$$

$$\text{For body dose, } Q = \frac{1}{31.7 \times X/Q\ DFB^{\gamma}}$$

$$\text{Kr-85, body dose} = \frac{1}{31.7 \times 0.01 \times 1.61E\text{-}05}$$

$$= 1.96E05$$

$$\text{Xe-133, body dose} = \frac{1}{31.7 \times 0.01 \times 2.94E\text{-}04}$$

$$= 1.07E04$$

For Kr-85, skin dose is limiting and Q = 7,000 Ci
For Xe-133, body dose is limiting and Q = 10,000

BILLING CODE 7590-01-C

[7590-01]

* * * * *

(Sec. 161b, i., and o., Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201) Sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242, Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 5341))

Dated at Washington, D.C., this 28th day of May 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-16562 Filed 6-2-81; 8:45 am]

BILLING CODE 7590-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 302

[PDR-75; Docket No. 39638; Dated: May 18, 1981]

Expedited Procedures for Processing Licensing Cases; Service of Documents

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to provide that persons applying for a certificate of public convenience and necessity and air carriers applying for modification of a certificate of public convenience and necessity may serve a simplified notice of the application on specified persons in lieu of the present requirement that complete copies of the applications be served on those persons. In addition, the Board proposes to specify the information that shall be contained in such notices, whether filed by a U.S. or a foreign applicant. The CAB takes this action at its own initiative.

DATE: Comments by: August 3, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List must be received by: June 18, 1981. The Dockets Section prepares the Service List and sends it to each person listed, who then serves comments on all others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39638, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Christina R. Pfirrman, Legal Division, Bureau of International Aviation, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5203.

SUPPLEMENTARY INFORMATION: In 1979, as a result of the Airline Deregulation Act, the Board promulgated rules in Part 302, Subpart Q establishing the procedures to be used for the expeditious consideration of applications for new or amended certificates of public convenience and necessity and for foreign air carrier permits. As a part of those rules, the Board created § 302.1705—*Service of Documents*. Section 302.1705(a)(1) currently provides that when an application for a certificate of public convenience and necessity described in § 302.1701 (a) or (b) [1] is filed, the applicant must serve a complete copy of the application on each of the persons listed in § 302.1705(b) for each of the points covered in the application. The purpose of this requirement is to give sufficient notice of new applications to those persons who, in the Board's experience, normally have the greatest interest in them. Interested persons then have the opportunity to express their views in the docket.

With the advent of open entry in most domestic and many foreign markets, this requirement has become unnecessarily burdensome to the applicants. A single application may concern service to several points and contain detailed descriptions of proposed services. The present rule often results in lengthy documents being served on a relatively large group of potentially interested persons. Since the purpose of the requirement is merely to give notice, we find that this method is now inappropriate.

Therefore, we propose to eliminate the requirement that applicants serve complete copies of all applications on all those persons. Instead, we intend to require that applicants serve only a simple notice on those same persons. This should prove much less burdensome to the applicants. At the same time, it would still serve the purpose of the original requirement by giving notice to all persons who may have an interest in the application. The notice would be a short, probably one-page summary of the application containing the following information: (1) A list of all the points covered in the application; (2) a description of the Board action the applicant is requesting, *i.e.*, new authority, amendment, restriction removal; and (3) if the application is one for new or amended route authority, the type of equipment to be used and, for foreign air transportation, the proposed date of inauguration of service. If anyone receiving the notice wants further information, the applicant would be required to promptly provide complete copies to each requestor. This procedure was adopted earlier for applications involving foreign air carrier permits.

We also propose to amend § 302.1705(a)(2), dealing with foreign air carrier permit applications, by inserting an additional sentence. This new sentence would specify the information which should be contained in the notices which these applicants are already required to serve. This information would be identical to the information required of applicants for certificates of public convenience and necessity for foreign air transportation, described above. This change would not impose any additional burden on foreign applicants. They are already required to file the notices. This amendment would simply insure that the minimum necessary information is available to those who are interested and it would result in an identical filing requirement for both foreign and U.S. applicants for foreign air transportation.

We also propose technical amendments to paragraphs (b) and (c), to conform to the changes we are proposing for paragraph (a). In paragraph (b), the word "Documents" would be replaced by "Notices" to make it clear that it would only be necessary to serve the simplified notices on all the persons listed in paragraphs (b)(1) through (b)(6) and not necessary to serve any subsequent documents on them unless specifically requested to do so by the person or the Board. In paragraph (c), we would delete the present second sentence. This sentence encourages applicants to serve complete copies of their applications even in those cases where only notices are required. In light of the discussion above, we find that this "encouragement" is unnecessary.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96–354, requires that agencies consider flexible approaches to the regulation of small business and other small entities. It requires a regulatory analysis for rules that, if adopted, will have a "significant economic impact on a substantial number of small entities." This

---

[1] § 302.1701 *Applicability.*

This subpart sets forth the rules applicable to proceedings on

(a) Applications for certificates of public convenience and necessity and renewals, amendments, modifications, suspensions and transfers of certificates under sections 401(d)(1), 401(d)(2), 401(g) and 401(h) of the Act;

(b) Applications under section 401(e)(7)(B) of the Act for the removal or modification of a term, condition, or limitation attached to a certificate; and

(c) * * *.

requirement is also applicable to rules that effectively reduce regulatory restrictions.

The analysis is required to describe the need, objectives, legal basis for and flexible alternatives to the action proposed here. The first three requirements are satisfied by the discussion above. The only alternative to our proposed action is to maintain the *status quo* and to continue to require that applicants continue to serve complete copies of all applications on all persons listed in § 302.1705(b). Therefore, our action proposed here would reduce a regulatory burden and would have no significant adverse economic impact.

In addition, the analysis must include a description of the small entities to which this proposal would apply, the reporting, recordkeeping or other requirements of the proposed rule and any other Federal rules that may duplicate, overlap or conflict with it. As we have previously stated, this rule would apply to all persons filing applications described in § 302.1701. The proposed rule would not duplicate, overlap or conflict with any other Federal rule and would not impose any additional reporting, recordkeeping or compliance requirement. It would in fact reduce one that now exists.

Accordingly, the Civil Aeronautics Board proposes to amend section 302.1705 of 14 CFR Part 302, *Rules of Practice in Board Proceedings* by revising paragraph (a), the introductory text of paragraph (b), and paragraph (c) as follows:

§ 302.1705 Service of documents.

(a) *General requirements.* (1) In a certificate proceeding involving an application described in § 302.1701 (a) or (b), the applicant shall serve on the persons listed in paragraph (b) of this section and, in the case of an application involving foreign air transportation, on the U.S. Department of State a notice that such application has been filed. The notice shall specify the points covered in the application, a description of the Board action the applicant is requesting and, in the case of an application for new or amended route authority, the type of equipment to be used. Notices of applications for new or amended route authority in foreign air transportation shall also indicate the proposed date of inauguration of service. The applicant shall promptly provide complete copies of the actual documents to all persons who request them. All documents filed after the initial application but prior to the issuance of an order establishing further procedures shall be served on all persons who have filed pleadings in the docket. After the order establishing further procedures has been issued, documents need only be served on the persons listed in the service list accompanying that order.

(2) In a foreign air carrier permit proceeding described in § 302.1701(c), the applicant shall serve on the persons listed in paragraph (b) of this section and on the U.S. Department of State a notice that such application has been filed. The notice shall specify the points covered in the application, a description of the Board action the applicant is requesting and, in the case of an application for new or amended route authority, the type of equipment to be used and the proposed date of inauguration of service. The applicant shall promptly provide complete copies of the actual documents to all persons who request them. All later documents shall be served on all persons who have filed pleadings in the docket.

(b) *Persons to be Served.* Notices shall be served, for each point covered in the application, on the following:

* * * * *

(c) *Additional Service.* The Board may, in its discretion, order additional service upon such persons as the facts of the situation warrant.

(Secs. 101, 204, 401, 402, 403, 406, 416, 1001, 1002, Pub. L. 85–726, 72 Stat. 737, 743, 754, 757, 758, 783, 771, 788, as amended by Pub. L. 95–504, 92 Stat. 1973; (49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1376, 1386, 1481, 1482); Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; unless otherwise noted)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–16553 Filed 6–2–81; 8:45 am]

BILLING CODE 6320–01–M

---

14 CFR Part 399

[PSDR–70; Policy Statements Docket 38585]

Joint Fares; Statements of General Policy

Dated: May 14, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing several possible changes in its rules concerning "joint fares" for flights using two or more carriers, to aid in the transition to domestic fare deregulation.

DATES: Comments by: July 31, 1981. Reply comments by: August 20, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: June 17, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 38585, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202–673–5442; or Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202–673–5298.

SUPPLEMENTARY INFORMATION:

Background

This Notice of Proposed Rulemaking responds to a petition filed by American Airlines to exempt carriers from the present requirements of the joint fare system. Answers were filed by nine carriers (TWA, United, Air New England, Pacific Southwest, Big Sky, Golden Gate, Provincetown-Boston, Suburban, Sunbird), the Joint Local Service Carriers Association (JLSC), the Commuter Airline Association of America (CAAA) and the City of Lawton, Oklahoma. Answers were also filed by Air Oregon and Aspen Airways after the closing date. American moved for leave to file a reply, and Pilgrim Airlines moved to answer that reply. We grant the motions. Although the Board is inclined towards a transitional joint fare program in all markets, other alternatives are presented for comment. Because of the importance and complexity of the joint fare system, the Board strongly encourages interested persons to make their views known.

Joint fares relate to an interline passenger served by two or more air carriers. Section 404(a) of the Federal Aviation Act of 1958 (the Act) places a duty on air carriers to establish "joint and reasonable * * * joint * * * fares * * * and equitable divisions thereof." Under section 1002(i), the Board's powers in this area are mainly discretionary, enabling it to act whenever required by the public convenience and necessity. Before the *Domestic Passenger Fare Investigation*

(DPFI), the establishment of joint fares and the division of revenues was left to the voluntary agreement of the carriers. In Phase 4 of the *DPFI*, (Order 74–3–80, March 18, 1974), however, the Board found that a joint fare ceiling and division were required by the public convenience and necessity. In the Airline Deregulation Act of 1978, Pub. L. 95–504, (October 24, 1978), Congress required that if the CAB imposed any joint fare system, that system should be available to commuters as well as certificated carriers. In this proceeding we are considering whether the present joint fare system is still required by the public convenience and necessity.

The central issue is whether the present mandatory cost-based division should be eliminated. When a passenger flies from A to C with an interline connection at B, a joint fare may be less than the sum of the local fares. Because there is less total revenue generated by this passenger, some method of dividing the actual fare paid must be used. The two main methods of division are cost-prorate, where the fare theoretically is divided in proportion to the cost of the operations, and rate-prorate, where it is divided in proportion to the fares charged by those carriers for each leg of the trip taken separately. The two methods give the carriers different percentages of the joint fare revenue. The amount of revenue received in turn affects fares in other markets, carrier service, and investment decisions.

Currently, carriers must divide joint fares on the Board imposed cost-prorate basis.[1] The theory underlying that method is that fares do not always reflect costs. This problem is particularly severe in short-haul markets. The cost per passenger mile is generally greater on a short flight than on a long flight. In carrying out its pre-deregulation role as a promoter of air transportation the Board historically kept short-haul fares below cost to attract passengers away from alternative means of ground transportation. Because of this, the Board determined in 1974 that it would be more just to base each carrier's share of the joint fare revenue on a ratio of its *cost* to the total cost of the trip. This determination was made within a system of regulation that prevented fares from reflecting costs. Despite its label the cost division even in 1974 did not really achieve that goal. The formula in question was only a rough approximation that in many cases deviated widely from the true costs involved. Regardless of the equipment used, or the load factors achieved, the costs of air service in all markets of equal distance were assumed to be equal. Today, the formula-based joint fare division itself produces distortions in the cost picture. Under the Board's present policies the carriers largely have control of their fares, while the costs of commuter carriers which now participate in the joint fare program were never considered in establishing the cost formula. Application of the Board's method of computing and dividing joint fares can therefore generate substantially more revenue, for a short-haul carrier, from a connecting passenger than from a local passenger. This distortion of revenues can lead carriers to make investment decisions that are not based on the economic value of the market.

The mechanics of determining the cost-prorate are set forth in the DPFI. The cost formula used to determine the ratios is $24.53 per passenger plus $.0593 per mile for any trunk first class movement, and $17.52 per passenger plus $0.0358 per mile for any other trunk movement and for all local service carrier movement. For example, the joint fare offered by American Airlines and Westair Commuter Airlines between Eureka, California and Rochester, New York, via San Francisco, on December 6, 1980 was $453.33. Under the cost-prorate division formula, American would receive $359.72 for its leg of the trip, between Rochester and San Francisco, which is $30.76 less than its usual fare of $390.48 for that 2352-mile flight. Westair, on the other had, would receive $93,61,$20.28 more than its usual local fare of $73.33 for the 250-mile trip from San Francisco to Eureka. Thus, American would receive about 90 percent of its usual fare, while Westair would receive about 127 percent of its local fare.

The increased fare flexibility recently granted carriers has had a significiant effect on the amount of revenue local carriers receive from the cost-prorate division. Generally, the further above SIFL the fare charged by the long-haul partner, the greater the percentage of the local fare received by the short-haul partner. For example, in a journey consisting of a 148-mile segment and a 1000-mile segment, the short-haul carrier will receive 138.67 percent of its local fare if the long-haul carrier fare is 20 percent above SIFL. If it is 30 percent higher, the short-haul carrier will receive 149.10 percent of its local fare. See Appendix A. Thus, giving carriers greater freedom to set their own fares has increased the disparities caused by the joint fare requirements.

The current joint fare division formula was established during a period of pervasive governmental regulation of the industry. Indeed the DPFI was the zenith of Board intervention into carrier rate making and the redistribution of revenue between and among the members of the industry. Phase 4 of the DPFI was an attempt to transfer wealth from the then more highly favored trunk carriers, to the local service carriers. The latter as a group had little incentive to maximize efficiency and minimize costs and, even if they desired to do so, their efforts were blocked by a regulatory structure that generally tied them to a short hop and haul system. At the hubs they were forced to turn valuable feed traffic over to the trunks. In a system under which local carriers were second class citizens, giving them a disproportionate share of joint fare revenues as part of a program to control § 406 subsidy was a small burden to impose on the trunk carriers.

The Airline Deregulation Act changed the fundamental organization of the industry. The former local service carriers are now free to pursue aggressively any operationg strategy they choose, and the results have been dramatic. U.S. Air, Frontier, and Piedmont have expanded into longer-haul markets using the feed traffic they formerly turned over to the trunks. Republic now spans the continent in all directions. Indeed it is the majority of trunk carriers that now are losing the feed traffic and facing stiff competition on all fronts. These carriers have recently suffered through the most unprofitable year in their history.

Looking at the current situation from the trunk carriers' perspective, the present arrangement is clearly inequitable and an anomaly in the movement toward deregulation.[2] The

[1] Under a rate-prorate method, a carrier's portion of the joint fare in determined by a ratio of the actual local fare to the sum of the local fares. For example, the joint fare on a trip from Bangor, Maine to Phoenix, Arizona on December 6, 1980, was $408.57. The individual local fares were $67.62 on Bar Harbor Airlines for the Bangor to Boston leg and $360.00 on American Airlines for the Boston to Phoenix leg, totalling $427.62. $67.62 is 15.8 percent of $427.62 while $360 is 84.2 percent. The joint fare would be multiplied by these percentages to determine the amount of revenue each carrier would receive. In this case the division would be $64.55 and $344.02 respectively.

[2] Although the cost-prorate method is the cornerstone of the present joint fare system, there are important exceptions. A number of certificated carriers, including all of the major trunks, are exempted from the requirement of cost-based division if they are able to negotiate agreements with other carriers providing for divisions on another basis (Orders 79–6–196 and 80–2–35). In addition, a rate-prorate method is used where the joint fare is equal to the sum of the local fares, so that each carrier simply receives the local fare. The

Continued

trunks no longer have the monoploy over the long-haul routes that was the *quid pro quo* for the cost-prorate division. In addition, as a result of Board action in PS–92, 45 FR 24115, April 9, 1980, and in PS–98, 45 FR 70431, October 24, 1980, the short-haul operators are free to charge remunerative fares in their markets. Even where local fares must be held down to remain competitive with surface transportation, that is not a valid reason to continue intercarrier cross-subsidization. Indeed such an outcome is incompatible with our statutory responsibilities under the Airline Deregulation Act of 1978 to place maximum reliance on competitive market forces to provide efficiency, innovation, and reasonable prices, and to determine the variety, quality, and price of air transportation services.

In addition to the mandatory cost-based division, the present joint fare system also contains a fare ceiling. The fare ceiling is the second component of the joint fare system and is not directly related to division of fare revenue. Under Phase 4 of the DPFI, the maximum interline fare was the sum of the local segment fares over the least expensive routing minus a "terminal charge" for each interline connection. The ceiling, as modified by PS–80, 43 FR 39522, September 5, 1978, and PS–92, 45 FR 24115, April 9, 1980, and PS–95, 45 FR 42254, June 24, 1980, is set forth in 14 CFR 339.37(a). Today, the ceiling is equal to the sum of the maximum permissible local fares (which may be greater than the sum of the actual local fares), minus the appropriate number of "terminal charges," or the sum of the actual local unrestricted coach fare, whichever is less. The terminal charge, which on March 1, 1981, was $26.67, is updated periodically. In theory, the terminal charge corresponds to the amount saved by using one reservation transaction, one ticket, and interlining baggage, although in practice it is only a rough estimate.[3] However, the mandatory ceiling was designed to ensure a more equal treatment of *differing* classes of passengers treated unequally by the fare structure rather than to reflect any real cost saving.

Since the earliest days of commercial air transportation, individual carrier managements, for both marketing and operational reasons, generally chose to charge the same fare for nonstop, multistop, or on-line connecting service despite the fact that costs differed for each. At the same time, a passenger selecting or forced to take an interline routing frequently paid a joint fare equal to the sum of the local fares of each carrier. Under the now irrelevant DPFI fully allocated cost methodology, the cost of interline service logically was not much greater than the cost of on-line connecting service. Yet the fares often differed significantly. The Board believed that it should attempt to eliminate this apparent case of price discrimination which it recognized as being caused in large part by its own formula approach to costs and fares. In markets where a passenger had to interline the Board could see no reason why that passenger should pay more than he or she would have paid if the market had intraline service. The picture has now changed dramatically. That policy may have been justified when the lack of an on-line connection had more to do with the Board's licensing policy than with the actual economics of providing the service, but it is totally inconsistent with a regime of open entry where fares generally reflect the costs of service.

We believe that elimination of the current division forumla and mandatory ceiling would best serve the interests of the traveling public and the industry. In reaching this conclusion we have carefully looked at the costs and benefits of the current system, keeping in mind that our authority over domestic fares terminates in less than 2 years. By acting now we will have over a year to monitor the new regime and to take action if any serious problems with service arise or recommend remedial action to Congress.

Option I: Elimination of the Mandatory Joint Fare System in All Markets

Option I would eliminate the mandatory division and ceiling in all markets. The dramatic rise in the cost of fuel over the last 8 years together with changes in equipment type has altered dramatically the cost relationships in the original forumla. From 1972 to 1980, fuel expense per available seat-mile for the trunks and the local service carrier soared upward by almost 600 percent, while non-fuel expense climbed by less than 70 percent. Fuel expense affects line-haul costs more than terminal costs, so that the relationship between costs per passenger and costs per mile has changed. The relationship in the division formula, however, has not changed since 1972. The result is that the system is today even more skewed toward the short-haul operator. As shown in Appendix B, this can result in the short-haul carrier receiving revenues on interlines substantially in excess of its local fare. This cross-subsidization weakens the incentive of the short-haul carriers to operate efficiently. The longer these distortions continue the more difficult it will become for short-haul carriers to adjust when the Board's domestic fare authority sunsets on January 1, 1983.

American's petition requested elimination of both the mandatory division and the ceiling. Under the present system, the maximum joint fare for interline transportation in 14 CFR 399.37 is either the sum of the maximum permissible local fares less a terminal charge for each interline connection, or the sum of the actual fares, whichever is less. Carriers remain free to negotiate a lower joint fare. This proposal would eliminate any Board mandated joint fare ceiling in favor of free market competition. As a practical matter, joint fares would not be significantly more than the sum of the actual fares or consumers would merely buy separate tickets and forego interline service.

If this option is adopted, there is a range of possible effective dates. Because our domestic authority ends on January 1, 1983, we would be inclined to make relief effective 30 days after issuance of the final rule. However, we invite comments on other possible dates.

The effect of this proposed action on passengers would be very limited. In 1977, for instance, total interline passengers accounted for only 17 percent of total traffic carried. Even this figure overstates the number of passengers who could be affected since, in 1980, approximately 60 percent of total revenue passenger miles were flown at discount fares. To the extent that those passengers travelled on joint fares they benefited from voluntary joint fares which are below the mandatory joint fare ceiling. Moreover, many certificated carriers are already exempted from the mandatory division formula. Even in the unlikely event that fares in all markets now governed by the mandatory division and fare ceiling became the sum of locals the impact would fall primarily upon time-sensitive travelers going between communities that are generally located within a reasonable driving distance of a larger hub.

Since the number of individual consumers affected would be *de minimis*, we would not expect elimination of the program to have significantly adverse consequences for the public. Under the Act and the

---

fact that carriers exercise this option to operate outside the mandatory joint fare system is evidence that the Board's formula is not the marketplace solution.

[3] Any relationship the terminal charge might have had to ground costs has been virtually eliminated by the rapid rise in fuel prices. The SIFL adjustments have been applied equally to terminal and line-haul charges even though the bulk of the cost increases affect only the latter.

Board's fare flexibility policies, most recently set forth in PS–98, 45 FR 70431, October 24, 1980, carriers now have considerable flexibility to raise their local fares to a remunerative level, thus eliminating the need to subsidize this service through joint fares. By the same token, carriers in long-haul markets would be able to lower their fares (or mitigate fare increases), since presumably they would not agree to divide joint fare revenues under a formula in which they subsidize short-haul carriers.

The current divisions and ceiling may actually penalize an interline passenger, because many carriers covered by Phase 4 will only interline at ceiling fares. In some commuter-certificated markets, the commuter carriers will use a constructed fare to calculate the joint fare that is higher than the fare charged passengers for the local segment. For example, between Birdgeport and Hartford, Pilgrim uses a higher fare to calculate its portion of the joint fare revenue since it produces a greater total yield to both of the connecting carriers. For example, on March 10, 1981, the fare used for construction was $36.00, which is 133 percent of the local fare of $27.00. In addition, because of the cost-division formula, some joint fares are higher than they might be under a freely-negotiated system because many certificated carriers will only interline at the maximum ceiling to minimize their dilution. Because of this problem at least 14 certificated carriers refuse to interline at less than the ceiling fare except with carriers that agree to a more equitable prorate. Therefore, to benefit from the lowest fares in a variety of connecting markets consumers may have to double-ticket and transfer their own bags.

In addition to the limited and potentially positive benefit to travelers, elimination of the current rule would generate other efficiencies. First, the allocation of aircraft througout the system would no longer be skewed by the joint fare rules, especially by the subsidy inherent in the cost-prorate division formula. This subsidy encourages carriers to provide more service in certain markets, particularly the shorter-haul ones, than market forces would dictate. Correspondingly, medium and longer-haul markets may be receiving less service. The elimination of this subsidy, therefore, would have the added benefit of freeing up additional aircraft for service in those communities where air travel is the most efficient transportation mode.

In addition, section 419 of the Airline Deregulation Act directs the Board to determine the level of essential air transportation service for certain small communities and to guarantee this level of service by providing Federal subsidy where necessary. Therefore, an eligible community need not fear a loss of essential air service. From a policy standpoint, the Board believes that hidden governmental tinkering with the price system that distorts both consumer and investment decisions should be abandoned, even if direct subsidies are necessary.

Finally, the Board is aware of Congressional concern for the maintenance of a comprehensive and convenient system of scheduled air service to small communities. To promote this objective, Congress required in section 37 of the Airline Deregulation Act that commuters be included in any joint fare program uniformly applied to certificated carriers. Both before and after inclusion in the joint fare system, commuters have grown and assumed an increasingly important role in the air transportation system, especially in ensuring adequate service to small communities. Moreover, with the proposed advance of the termination date of the 406 subsidy program that is part of the President's 1982 budget package, market opportunities for commuters should expand rapidly in the next year. Indeed the Commuter Airline Association of America estimates annual growth of commuters at 10 percent a year for the next decade.[4] It does not appear that continuation of the current rule is a necessary or desirable tool for fulfilling the Congressional mandate.

The smaller carriers answering the American petition have voiced concern that if the mandatory division formula is eliminated, larger carriers will use their economic power and market dominance to force small carriers to accede to their demands. The smaller carriers argued that voluntary negotiation is impossible and that they would not get a fair share in the division.

While the Board is sensitive to the possibility of abuse, smaller carriers are far from helpless and may in fact have considerable bargaining leverage. Many smaller carriers have monopolies on feeder service to the hubs. If a hub in turn is served by a number of trunks, the trunks must compete with each other in offering reasonable terms to the short-haul carrier in order to attract that feeder traffic. Even at those hubs where there may be only one or two trunks, an attempt by those carriers to exercise their apparent market power may affect the willingness of commuters to deal with them at other more competitive hubs. The ability of many commuters to route their traffic through several hubs expands their negotiating flexibility with the long-haul carriers. Since deregulation, there has been a growing recognition among the larger carriers that promotion of feeder traffic is essential to financial performance. For example, the Allegheny commuter system has been closely tied to USAir's strong profit record. Similarly, feed has been of great importance to Delta Airlines' performance. Other carriers that do not have much feeder traffic or who have ignored it have not, in general, been doing as well.

Although the smaller carriers have some leverage, the Board recognizes that there may be inequality of bargaining power in some cases. However, after deregulation, smaller carriers will have to rely on their own innovation and efficiency, rather than governmental protection. During the interim, the Board would monitor the general performance of the industry. Any carriers that believe they have been the victim of discriminatory treatment may petition the Board for relief.

Option II: Mandatory Interlining

Under this option, which at this time is the one preferred by the Board, the cost-prorate divisions and the current mandatory ceilings would be eliminated. Existing exemptions from section 404(a) of the Act and from Phase 4 of the DPFI would be modified to require that carriers that agreed to interline with any carrier would be required to interline, upon request, with any other carrier. The two carriers would be free to negotiate the division and the joint fare level, as long as it did not exceed the sum of the local unrestricted coach fares. If the carriers were unable to agree, the joint fare would be the sum of the actual local fares, and the revenue would be divided on a rate-prorate basis.

The advantage of this option is that it retains the major benefits of the current joint fare system without placing a significant burden on unwilling carrier partners. Passengers would retain the convenience of one reservation transaction, one ticket, and through baggage handling. Because a carrier choosing to interline would have to do business with any carrier who asked for an interline agreement, these services would continue in all markets where they are currently available. In addition, by the elimination of the distorting division formula carriers might be more willing to voluntarily agree to a joint fare below the ceiling, which would

[4] Aviation Week and Space Technology, March 9, 1981.

V 46 / 106 J E 3 8 1 UMI

save passengers money over what it would cost to buy separate tickets for each leg. Indeed, fares in certain markets could go down if such mandatory interlining resulted in more competition.

We believe that most carriers would agree voluntarily to joint fares once the current division formula was abolished. This option, however, assures all commuters that they will have the right to interline with virtually all other carriers. This option may in fact result in more voluntary negotiations on both joint fare levels and divisions that would Option I.

There are some minor disadvantages to this option. In a period of decreasing regulatory oversight, we would be increasing our intrusion by extending a mandatory system to parties that are not now subject to one. See Orders 79–1–111 and 80–2–34. However, carriers like Southwest or Midway that do not interline at all would not be required to do so. Only those carriers that chose to interline would be required to offer that service to anyone. But the fare and divisions could be negotiated on a bilateral basis. There would be some added expense to carriers that were forced to enter additional interline agreements in such areas as interline accounting costs, coordinating reservations and ticketing systems, and intercarrier baggage transfer. But because of the recent advances in computerized ticketing and baggage handling procedures, these expenses should be *de minimis* when balanced against the benefit to travelers of assured access to an interline system. Moreover, the cost burden on Phase 4 carriers would be substantially less than under the current system.

Carriers that offered local single plane or connecting service in a market would not be required to subvert their own commercial interests for the sake of a carrier that wanted to interline. In such cases, the established carrier would only be required to agree to a joint fare yielding its regular local fare. The established carrier could protect its position by offering an on-line fare below the maximum joint fare and competing with attractive flight schedules and levels of service.

Option III: Continuation of the Joint Fare System in Markets Served Only by Commuter Carriers

A third alternative would be to retain the present joint fare system in all markets within the contiguous 48 States and the District of Columbia where there is no single carrier service and every reasonable interline routing includes at least one leg that is served only by commuter air carriers. "Commuter carrier" is defined in 14 CFR 298.2(f)(1) as an air taxi operator that performs at least five round trips per week between two or more points and publishes flight schedules that specify the times, days of the week, and places between which they are performed.

An interline connection is "reasonable" if it does not involve great circuity of routing. For example, a person travelling by air from Charlotte, North Carolina to Orlando, Florida would usually make a connection at Atlanta. Alternatively, the passenger could fly from Charlotte to Washington, D.C. and then on to Orlando. Such an indirect routing would involve greater time and expense. The degree of overlap in routing can be measured by a circuity factor. This circuity factor would also be a means of measuring competition because, generally speaking, the greater the circuity, the greater number of alternative routings and carriers.

In the original Phase 4 Investigation Order (Order 74–3–80, March 18, 1974, CAB DPFI Volume p. 190), a 20-percent circuity figure was used to distinguish between two different permitted maximum joint fares.[5] If the mileage over the interline routing exceeded the shortest available interline mileage between the origin and destination by more than 20 percent, the actual local fares, rather than the local fares over the shortest authorized interline routing, would be added up before subtracting the appropriate number of terminal charges to arrive at the maximum joint fare. In addition, carriers have traditionally used a 20-percent circuity test to determine whether joint fares should be set at the level of nonstop fares.

Unlike the previous alternatives, this proposal provides special benefits to a limited class of carrier. It has the advantage of eliminating the joint fare system in the markets most able to cope with the change, while retaining the present joint fare system for the communities that arguably rely most heavily on it.

The arguments in support of this alternative are, first, that it assures travelers in these markets access to the joint fare system at a reasonable price, and second, that through the division formula it can provide to commuter carriers additional revenues that can be used to expand and improve service at reasonable fares.

We believe this option has serious flaws. Option II would assure travelers the access they need without the distorting affect of the division formula and the artificial ceiling. Equally important is that the alleged benefits to the public from continuing the current program for commuters are at best short-lived. The division formula was never based on commuter carrier costs and, as pointed out, simply constitutes a windfall to the commuters. There is no evidence that these funds are used either to hold down fares or to develop service. Indeed under the current regulatory scheme it is reasonable to assume that the fares in the market will reflect demand, with or without the current divisions. To the extend that the short-haul operator gets additional revenues from the cost-prorate those revenues are compelled by the regulatory structure, which may lead to over-investment and a variety of service distortions that produce a less efficient system.

Finally, Congress never suggested that small community service should be supported through inter-carrier subsidies. The Airline Deregulation Act is intended to produce just the opposite result. The price of the service is to be based on the cost of providing it. Congress created the section 419 essential air service program in part to insure that service to points that could not support essential levels would be paid for by taxpayers out of general tax revenues, not by other users of the system and the carriers' stockholders.

Antitrust Issues

We do not anticipate that the elimination of mandatory joint fares will raise serious antitrust issues for carriers seeking to negotiate joint fares on a bilateral basis. Multi-carrier joint fare discussions appear to pose more significant antitrust problems, but we do not envision any necessity for multi-carrier discussions to maintain an efficient joint fare system. If any carriers believe that such discussions are required they should submit comments explaining both the need for and antitrust implications of group discussions. Interested persons may comment on potential antitrust impediments to bilaterally negotiated joint fares. If it appears that multi-carrier discussions are required to meet a serious transportation need we would consider granting a general temporary antitrust exemption to permit these discussions of joint fares pending a more detailed study of the issues. That exemption would be similar to the type that is currently given after a specific carrier requests discussion authority.

Any such exemption would be subject to several conditions. Written notice of

[5] These provisions were further amended by Order 78–8–152, August 25, 1978.

the meetings would have to be given at least 7 days in advance to the Board, the Department of Justice, and the United States Department of Transportation. Representatives of these agencies would be permitted to observe the discussion, and the carriers would file with the Board written minutes of the meeting within 2 weeks of the conclusion of the discussion. We are also seeking comment on a further condition that a carrier that could not participate in the interline connection involved in the joint fare or fares under discussion would be prohibited from discussing or voting on a proposal.[6] Any agreement reached concerning joint fare levels or divisions would be filed with the Board for approval. Carriers who did not meet these conditions or request Board authorization would not be given an exemption from the antitrust laws, and would be vulnerable to attack if they violated those laws.

Environment and Energy

We tentatively find that elimination of the joint fare program in some or all markets would not have a significant impact on the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) The Board's rule in 14 CFR §312.11(a)(4) is that approving or setting carrier fares or rates normally does not require preparation of an environmental impact statement or an environmental assessment. In addition, however, we independently considered whether the elimination of joint fares has the potential to significantly affect the environment, and tentatively find that it does not. The proposed rule merely gives carriers greater freedom to negotiate joint fare levels and divisions. Although some change in service may result, we do not expect the change to be major.

In its answer to American's petition, the CAAA argued that joint fares promote fuel conservation by encouraging commuter replacement service for trunklines and the use of air travel over the automobile. Although the Board agrees that energy considerations must be weighed in the decisionmaking process, we do not think that this proposed change would be a regulatory action within the meaning of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*) The joint fare program is far from being the predominant factor encouraging commuter replacement service for trunks and the use of air travel over the automobile. With the deregulation of market entry and exit, carriers can choose to leave a market. Uneconomic larger planes have been and will continue to be removed from markets where smaller planes are more efficient, with or without the present joint fare system.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96-354, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities. It requires regulatory flexibility analyses for rules that, if adopted, will have a significant economic impact on a substantial number of small entities.

The analysis is required to describe the need, objectives, legal basis for, and flexible alternatives to the actions proposed here. The first three requirements are met by the discussion above. Three alternative approaches are also set forth above. Other alternatives, such as updating the present division formula or substituting a mandatory rate prorate for the current cost-based division, have been considered. Because it is impossible to reflect all the cost variations of and between carriers and the markets they serve in one formula, an updated cost formula would be only a rough approximation that would be out of date almost as soon as it was completed. Attempted recalculation of the formula would place a heavy administrative burden on the Board at a time that the Board should be focusing on transition to free-market competition rather than the creation of new regulations. Adoption of a mandatory rate prorate did not seem desirable because it would not give carriers as much freedom to negotiate alternative divisions as do Options I and III.

In addition, the analysis must include a description of the small entities to which this proposal would apply, the reporting, recordkeeping or other compliance requirements of this proposed rule, and any other Federal rules that may duplicate, overlap or conflict with it. Elimination of the mandatory joint fare system will particularly affect some small communities and commuter carriers as discussed above. The proposed rule will not impose any reporting or compliance requirements. Under Options II and III, however, it my be difficult for the Board, carriers and the public in general to know exactly what markets are covered by the mandatory joint fare program at any given time. Finally, there are no other Federal rules duplicating, overlapping or conflicting with the proposal.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 399, Statements of General Policy, in one of the following ways:

Option I: Elimination of the Joint Fare Ceiling and Mandatory Division Formula

Section 399.37, *Joint fares*, would be removed.

Option II: Mandatory Interlining

In § 399.37, *Joint fares*, would be revised as follows:

§ 399.37 Joint fares.

An air carrier that agrees to interline with another air carrier in any market in the contiguous 48 States is required to interline, upon request, with any other air carrier. The carriers are free to negotiate the division and the joint fare level, as long as it does not exceed the sum of the actual local unrestricted coach fares. If the carriers are unable to agree, the joint fare shall be the sum of the actual local unrestricted coach fares and the revenue shall be divided on a rate-prorate basis.

Option III: Retain the Present Joint Fare Program for all Markets Served Only by Commuter Carriers

In § 399.37, the text that precedes paragraph (a) would be revised to read:

§ 399.37 Joint fares.

There shall be joint fares in all markets within the contiguous 48 States where there is no single-carrier service and every reasonable interline routing includes at least one leg that is served only by commuter air carriers. An interline routing is reasonable for the purpose of this section if its mileage is not more than 20 percent above the shortest available mileage. The joint fares shall be as follows:

(a) * * *

(Sec. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 414, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1377, 1378, 1379, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

BILLING CODE 6320-01-M

[6] For example, Congress has recently restricted the ability of carriers participating in railroad rate conferences to discuss, agree or vote on joint rates if the carrier cannot practicably participate in the movement. § 219 of the Staggers Rail Act of 1980, Pub. L. 96-448. *See also Western Railroad Rate Agreement*, § 5(b) Application #2 (January 21, 1981).

V46N106 JE3 81 UMI

Commuter Joint Fare Prorate Comparison, 300 Mile Certificated Fare 1979 vs 1980

APPENDIX A 1

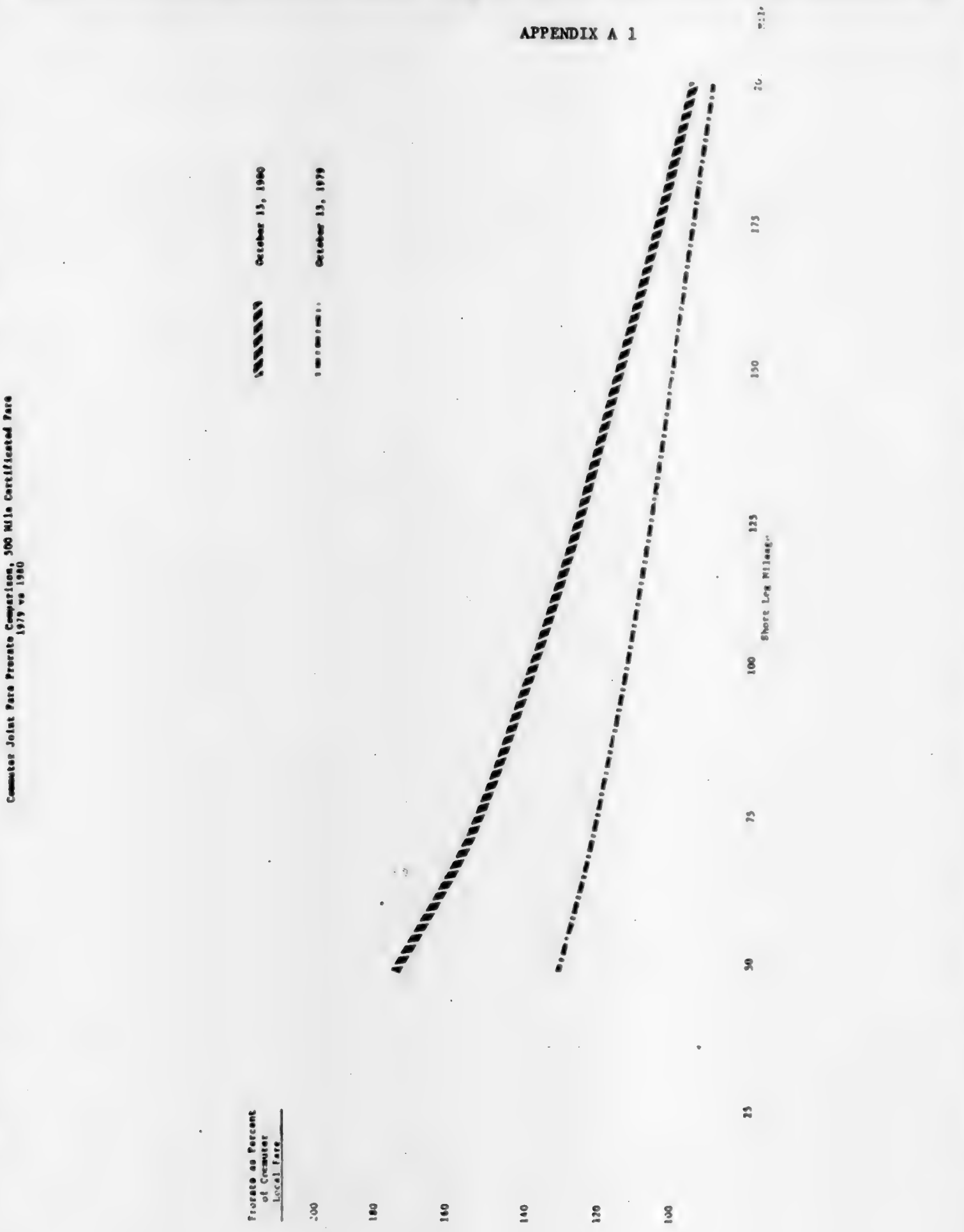
Commuter Joint Fare Prorate Comparison, 1979 vs 1980
October 15, 1980
October 15, 1979
Prorate as Percent of Commuter Local Fare
200
180
160
140
120
100
90
75
50
25
100
125
150
175
200
Short Leg Mileage

APPENDIX A 2

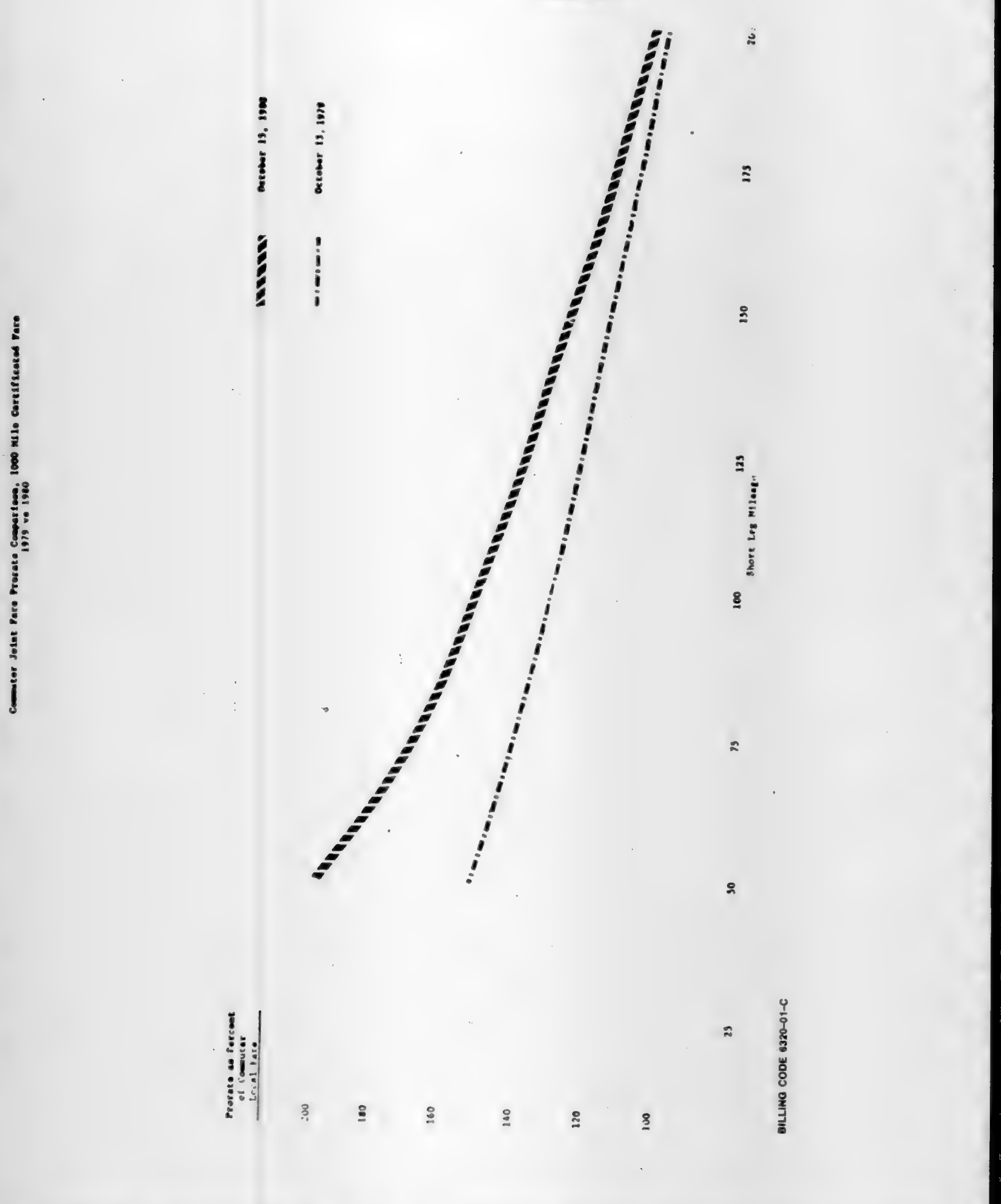

BILLING CODE 6320-01-C

Note.—In the preceding figures we assumed that joint fares were derived using a constructed fare for the commuter carrier. The commuter fare for construction purposes was assumed to be 100% of the DPFI fare formula. The following table shows the average fare and the DPFI fare formula for the appropriate distances.

October 15, 1979

	Mileage			
	56	99	148	192
DPFI fare	26.70	33.33	38.89	44.44
Average local fare	25.47	31.02	39.58	48.61
DPFI fare	34.52	40.24	46.90	52.62
Average local fare	29.63	39.72	47.56	67.46

Appendix B—*Examples of Commuter/Certificated Joint Fare Divisions, at Oct. 15, 1980*

Sector	Average distance	Joint fare case 1 [2]				Joint fare case 2 [3]			
		Average local fare [1]	Phase 4 cost prorate (pct) [2]	Joint fare [4]	Percent of local fare	Average local fare [1]	Phase 4 cost prorate (pct) [2]	Joint fare [4]	Percent of local fare
Example 1:									
Short haul	148	47.56	39.18	60.69	127.61	47.56	39.18	65.06	136.80
Long haul	500	133.72	60.82	94.22	70.46	144.86	60.82	100.99	69.72
Total	648	181.28	100.00	154.91	85.45	192.42	100.00	166.05	86.30
Example 2:									
Short haul	148	47.56	29.97	65.95	138.67	47.56	29.97	70.91	149.10
Long haul	1,000	198.85	70.03	154.09	77.49	215.42	70.03	165.70	76.92
Total	1,148	246.41	100.00	220.04	89.30	262.98	100.00	236.61	89.97

[1] Short haul fare based on the average of four randomly selected, exclusively commuter markets of 150 miles (±10 miles). Long haul fare based on SIFL in effect on 10–15–80 +$15 plus 20% flexibility, in Case 1, plus 30% flexibility in Case 2.
[2] Phase 4, cost prorate formula.
[3] Sum of SIFL authorized short leg fare +[(Long leg SIFL fare +$15) times 1.20] minus tax rounded terminal charge $25.71, Case 1. Sum of SIFL authorized short leg fare +[(Long leg SIFL fare +$15) times 1.30] minus tax rounded terminal charge $25.71, Case 2.
[4] Cost prorate.

[FR Doc. 81–16563 Filed 6–2–81; 8:45 am]
BILLING CODE 6320–01–M

14 CFR Part 399

[PSDR–71; Policy Statements Docket 38975]

Micronesia and American Samoa; Extension of Fare Flexibility; Statement of General Policy

Dated: May 14, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Board is proposing to extend fare flexibility to Micronesia and American Samoa. This action is in response to a petition by Air Micronesia and Continental Air Lines.

DATES: Comments by: July 30, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: June 16, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 38975, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442; or Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5389.

SUPPLEMENTARY INFORMATION: Air Micronesia, Inc. and Continental Air Lines filed a petition on November 10, 1980 (Docket 38975), requesting the Board to extend a fare flexibility formula similar to the one contained in PS–96 (45 FR 48600, July 21, 1980) to U.S.-Micronesia and intra-Micronesia service. The economic losses in the Trust Territory operations were a major factor in the Board action permitting a 10.3 percent fare increase while this petition was pending, effective February 6, 1981. This rulemaking addresses the issues raised in the petition.

In PS–96 and PS–98 (45 FR 70431, October 24, 1980), the Board extended fare flexibility to markets in the 48 contiguous States and the District of Columbia, Puerto Rico, the Virgin Islands, Hawaii and Mainland-Alaska routes. Micronesia and American Samoa are held to SIFL fares, however, and are the only entity not covered by any fare flexibility formula. Carriers in these markets cannot obtain fare relief to cover their extraordinary fuel and operating cost increases unless full tariff justifications on statutory notice are submitted. This system is costly and cumbersome and does not give carriers flexibility needed to adjust fares to respond to changes in traffic density and operating costs. In addition, Air Micronesia/Continental argued that the SIFL, even as adjusted for inflation, does not reflect the unique conditions present in Micronesia. For example, fuel cost for Trust Territory service (excluding Japan) is much higher than fuel for domestic operations. Operating expenses are also greater because of higher flight pay for over-water flying and higher maintenance cost due to salt water corrosion and operations on short coral runways.

The U.S. Department of Interior filed an answer to the petition. It noted that air travel is virtually the only means of transportation among the major population centers of Micronesia, and that increased fares will adversely affect the development of the area and its economy. At the same time, however, Interior recognized that costs of aircraft operation have risen sharply in Micronesia. Consequently, Interior stated that it was not in a position to either oppose or support the proposal, and requested the Board to give the petition "careful and serious review before finally acting."

We proposed to grant the petition. In addition, we propose to extend fare flexibility to American Samoa. The flexibility would be the same as that recently granted to Puerto Rico and the Virgin Islands. Carriers serving Micronesia (which in this rulemaking is used in the geographic sense to include Guam) would be granted full downward, and 30 percent upward, fare flexibility relative to the adjusted SIFL level. Similarly, for scheduled certificated service within and between Micronesia and American Samoa, carriers would have flexibility to raise fares 30 percent above the SIFL. Exhibits providing economic support for this proposed action has been placed in the docket, and are available for public inspection at the Board's Washington office.

The cost per gallon of fuel in Micronesian markets averaged 42.6 percent above the price paid by the domestic trunk carriers for calendar year 1980, up from an average difference of 21.7 percent for the calendar year 1979. Thus the difference in fuel price jumped substantially during this period.

The quantity of service as reflected in the number of flights per week operated by Continental has declined 50 percent in most Trust Territory markets from 1979 to 1980. This cutback is the result of the high cost of operations. For example, Continental alleged that substantial increases in the cost of operations in recent months caused losses of $336,000 for Micronesian operations in the period from January to September 1980. Air Micronesia alleged that its inability to obtain timely fare relief along with the limited flexibility to adjust fares to correspond to traffic density and length of haul were important factors in its poor financial condition. If carriers continue to lose money in these operations over an extended period, they may be forced to implement further cutbacks in operations. Many of these points at present are receiving only minimum service. Unless we extend fare flexibility so that fares can more closely tract costs, there is a strong possibility that the Federal government will have to provide some form of subsidy to preserve essential levels of air service in that area.

The cost of operations is and has historically been significantly higher in Micronesia and American Samoa than in domestic markets. This cost disparity betrween the mainland and the Trust Territories was at its highest level in 1977, when the base fare levels were determined. Air Micronesia's and Continental's higher operating costs are therefore reflected in the present fare structure. Despite these higher fare levels, Continental suffered an operating loss there of $2.1 million from its Micronesian operations in calendar year 1977. Although the SIFI reflects some of these higher costs of providing service in Micronesia, it is only a rough approximation.

Although many of the markets in Micronesia and American Samoa are monopoly markets, there are good reasons reasons for permitting upward flexibility. In PS–96, the Board extended fare flexibility to the intra-Hawaii market although there was limited competition and high entry cost. The Board noted that carriers are now much freer to enter a market, and that in Hawaii there was no evidence that carriers were earning monopoly profits. These same factors are present in Micronesia and American Samoa, and should limit the effect of any monpoly service on fare increases. For example, 17 markets in Micronesia are currently priced below SIFL. According to the petitioners, some, such as Guam-Majuro, are intermediate markets between Guam and Honolulu and are influenced by the Honolulu-Guam fare. Others, such as Majuro-Yap, may require a one- or two-night layover in Guam due to the scheduling of the aircraft and cannot command a higher fare. In any event, carriers will have full fare freedom after December 31, 1982, and we believe that limited fare flexibility now will provide a useful transition to deregulation.

Equity considerations also point to the extension of fare flexibility to Micronesia and American Samoa. Most other markets under the Board's oversight have been given significant flexibility, while Micronesia and American Samoa have been held to rigid, government-mandated fare levels without a compelling reason for the distinction. Fare flexibility was extended to most of the other entities in order to give carriers greater ability to tailor their fares to traffic density, length of haul, quality and convenience of service, and any other factors that affect whether a passenger will fly. As in domestic markets, we believe that carriers, and not the government, are in the best position to assess the relative weight of those factors and the effect they should have on the fare level.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96–354, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities. It requires regulatory flexibility anslyses for rules that, if adopted, will have a significant economic impact on a substantial number of small entities.

The analysis is required to describe the need, objectives, legal basis for, and flexible alternatives to the actions proposed here. The first three requirements are met by the discussion above. The alternative approaches are to retain the present fare structure or to use some other flexibility formula. Our proposal would make the Board's fare structure uniform in virtually all markets.

In addition, the analysis must include a description of the small entities to which this proposal would apply, the reporting, recordkeeping or other compliance requirements of this proposed rule, and any other Federal rules that may duplicate, overlap or conflict with it. Commuter carriers such as Trans Micronesia and South Pacific Island Airways would benefit by the increased flexibility to tailor fares to costs in each particular market. The proposed rule would not impose any reporting, recordkeeping, or compliance requirements. There are no other Federal rules duplicating, overlapping or conflicting with the proposal.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 399, *Statements of General Policy*, as follows:

1. Paragraphs (a)(2) and (d)(2) of § 399.32, *Zone of limited suspension for domestic passenger fares*, would be revised to read as follows:

§ 399.32 Zone of limited suspension for domestic passenter fares.

(a) * * *

(2) Between the Mainland and Puerto Rico, the Virgin Islands, Hawaii, Alaska, Micronesia and American Samoa.

* * * * *

(d) * * *

(2) For service between the Mainland and Puerto Rico, the Virgin Islands, Hawaii, Alaska, Micronesia, or American Samoa: Up to 30 percent above the SIFL.

* * * * *

2. Section 399.34 would be retitled to read, *Intra-Hawaii, Intra-Puerto Rico/ Virgin Islands and Intra-Micronesia/ American Samoa fare flexibility*, and the introductory text and paragraph (a) would be revised to read as follows:

§399.34 Intra-Hawaii, Intra-Puerto Rico/ Virgin Islands and Intra-Micronesia/ American Samoa fare flexibility.

For scheduled service within Hawaii, within and between Puerto Rico and the Virgin Islands or within and between Micronesia and American Samoa, certificated air carriers have the fare flexibility set forth in §§ 399.32 and 399.33, except that—

(a) Instead of the limits set forth in § 399.32(d), the upper limit of the zone for Puerto Rico/ Virgin Islands and Micronesia/American Samoa is 30 percent above the SIFL, and for Hawaii is 30 percent above the SHFL, and

* * * * *

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 414, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85–726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1078; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1377, 1378, 1379, 1381, 1382, 1384, 1386, 1461, 1481, 1482, 1502, 1504)

By the Civil Aeronautics Board:
Phyllis T. Kaylor,
Secretary.
[FR Doc 81-16564 Filed 6-2-81; 8:45 am]
BILLING CODE 6320-01-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 200

Agency Ethics Rules; Amendment

AGENCY: International Trade Commission.

ACTION: Notice of proposed rule.

SUMMARY: In order to promote the orderly and efficient conduct of its investigations, the Commission proposes to amend its ethics regulations to allow employees to accept ground transportation in kind, of nominal value, in the course of investigative field trips, from representatives of the industry being investigated.

DATE: Comments must be received by July 15, 1981.

ADDRESS: Comments may be submitted to Michael H. Stein, General Counsel, USITC Ethics Counselor, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Michael B. Jennison, Esq., Deputy Ethics Counselor, Office of the General Counsel, 701 E Street NW., Washington, D.C. 20436, 202-523-0350.

SUPPLEMENTARY INFORMATION: Executive Order 11222, 3 CFR 306 (1965 Compilation), prohibits Government employees from soliciting or accepting anything of monetary value from any person or corporation that conducts operations or activities regulated by his or her agency, or that has interests that may be substantially affected by performance or nonperformance of official duty. The Order provides, however, that "[A]gency heads are authorized to issue regulations * * * to provide for such exceptions therein as may be necessary and appropriate in view of the nature of their agency's work and the duties and responsibilities of their employees." The order specifies that agency heads may, for example, permit acceptance of food and other refreshments in the ordinary course of luncheon meetings or on inspection tours. The Commission has long included this exception in its ethics rules. 19 CFR 200.735-105(b)(2).

The Commission now proposes to alter this exception to allow employees to accept ground transportation of nominal value during the course of investigative field trips. From time to time Commissioners and investigative staff members have need to visit production or manufacturing facilities, distribution centers, or offices of participants in Commission investigations. Field trips are an invaluable, cost-effective adjunct to hearings, questionnaires, and other data gathering methods in helping the Commission gauge the economic impact of imports on domestic industries. Occasionally in the course of field trips, scheduling is tight, the investigator is pressed for time, and the office or facility to be visited is not convenient to public tranportation. Allowing employees to accept, for example, a ride in a company car or van from a suburban plant to the airport at the conclusion of an inspection tour may allow more time to see the facility and question officials—perhaps even continuing en route—and avoid the awkward problem of reimbursing the company for the value of the transportation. The Commission feels this is a necessary and appropriate exception to the general prohibition and that no possible appearance of conflict of interest can arise from it. It will apply equally to field trips to facilities of any participant in an investigation; the employee receives nothing of personal value because any transportation expense incurred would be reimbursed by the government; and conversations en route, subject to all *ex parte* rules and investigative record-keeping requirements, are no different in character from any conducted in plants and offices or during luncheon meetings.

The U.S. International Trade Commission proposes to amend 19 CFR § 200.735-105 by revising paragraph (b)(2) to read as follows:

§ 200.735-105 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, no employee may solicit or accept * * * any gift * * * or any other thing of monetary value from any person who:
* * * * *

(2) Conducts operations or activities that are being investigated by the Commission * * *.

(b) The prohibitions set forth under paragraph (a) of this section shall not apply to:
* * * * *

(2) The acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on a field trip, *and of ground transportation of nominal value in the course of a field trip,* where an employee may properly be in attendance.
* * * * *

Issued: May 27, 1981.
Kenneth R. Mason,
Secretary.
[FR Doc. 81-16561 Filed 6-2-81; 8:45 am]
BILLING CODE 7020-02-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6033]

Proposed Flood Elevation Determinations for the Town of Fircrest, Pierce County, Washington Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FIA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on April 20, 1981 at 46 FR 22623.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Fircrest, Washington, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The notice published on April 20, 1981 at 46 FR Page 22623, showing the following:

Source of flooding	Location	#Depth in feet. *Elevation in feet NGVD
Leach Creek	Intersection of Drake Street (38th Street West) and El Dorado Avenue.	#196

Should be corrected to read:

Source of flooding	Location	*Elevation, feet, national geodetic vertical datum
Leach Creek	Intersection of Drake Street (38th Street West) and El Dorado Avenue.	*196

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 21, 1981.

Richard W. Krimm

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16503 Filed 6-2-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5979]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Gray, Cumberland County, Maine, previously published at 46 FR 10764 on February 4, 1981.

EFFECTIVE DATE: June 3, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Gray, Cumberland County, Maine, previously published at 46 FR 10764 on February 4, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following locations to be correctly identified with the Town of Gray, Maine, Flood Insurance Study (profiles) and Rate Maps, the distances in selected location descriptions should be amended as follows. The remainder of the Notice of Proposed Base Flood Elevations was correct as published.

Source of flooding	Location	Elevation in feet national geodetic vertical datum
College Brook	Approximately 200' upstream of Woods Road.	222
	Approximately 1,250' upstream of Woods Road.	230
	Approximately 2,500' upstream of Woods Road.	240
	Approximately 3,800' upstream of Woods Road.	250
	Approximately 4,200' downstream of State Route 26.	259
	Approximately 2,900' downstream of State Route 26.	269
	Approximately 1,650' downstream of State Route 26.	279

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 22, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16504 Filed 6-2-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6005]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Marlborough, Middlesex County, Massachusetts, previously published at 46 FR 15290 on March 5, 1981.

EFFECTIVE DATE: Date of this publication.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Marlborough, Middlesex County, Massachusetts, previously published at 46 FR 15290 on March 5, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Due to a clerical error, the location description listed as approximately 100† downstream of Maple Street, under the Source of Flooding of Walker Brook, should be amended to read approximately 350† downstream of Maple Street. The corresponding elevation, Flood Insurance Study (profile), and Rate Map were correct as published.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16505 Filed 6-2-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6033]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed

below for selected locations in the Township of Franconia, Montgomery County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Souderton Independent* on April 8, 1981, and April 15, 1981, and in the **Federal Register** at 46 FR 22621 on April 20, 1981, and hence supersedes those previously published rules.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Township Building, Allentown Road, Franconia, Pennsylvania.

Send comments to: Honorable Merrill H. Bergey, Chairman of the Franconia Board of Supervisors, P.O. Box 128, Franconia, Pennsylvania 18924.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Franconia, Montgomery County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Depth in feet above ground. National geodetic vertical datum
East Branch	Downstream Corporate Limits.	219
Perkiomen Creek	Dam (upstream side) located approximately 2,200 feet upstream from corporate limits.	234
	Fretz Road bridge (upstream side).	234
	Camp Road bridge (upstream side).	243
	Allentown Road bridge (upstream side).	257
	Dam (upstream side) located approximately 4,700 feet upstream from Allentown Road bridge.	268
	Upstream corporate limits and County Line Road bridge (downstream side).	276
Shippack Creek	Downstream corporate limits.	226
	Approximately 2,400 feet upstream from Schoolhouse Road.	236
	Allentown Road bridge (upstream side).	253
	Approximately 2,850 feet upstream from Allentown Road bridge.	263
	Cowpath Road bridge (upstream side).	278
	Upstream corporate limits	313
Indian Creek	Downstream corporate limits.	225
	Orchard Lane Road bridge (upstream side).	236
	Long Mill Road bridge (upstream side).	247
	Approximately 1,000 feet downstream from Clemens Road bridge.	250
	Clemens Road bridge (downstream side).	255

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 26, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16533 Filed 6-2-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

[Docket No. FEMA 6071]

National Flood Insurance Program Proposed Base Flood Elevations, Zone Designations and Delineations for the Town of Montague, Mass.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations, zone designations and delineations described below.

The proposed base flood elevations, zone designations and delineations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevations, zone designations and delineations are available for review at the Selectmen's Office, Turners Falls, Massachusetts.

Send comments to: Mr. Walter Garbriel, Chairman, Board of Selectmen, Town of Montague, Town Hall, One Avenue A, Turners Falls, Massachusetts 01376.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations, zone designations and delineations (100-year-flood) for the Town of Montague, Massachusetts in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The base flood elevations, zone designations and delineations together with the floodplain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations, zone

designations and delineations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Millers River	250 feet downstream of Bridge Street	223 feet NGVD	A5
Millers River	Between Bridge Street and Main Street	225 to 234 feet NGVD.	A5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Adminstrator.)

Issued: May 18, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-16538 Filed 6-2-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6070]

National Flood Insurance Program Proposed Changes to the Special Flood Hazard Areas, Decreased Base Flood Elevations, and Changes to Zone Designations for the Town of New Milford, Conn. (Litchfield County)

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed changes to the special flood hazard areas, decreased base flood elevations and changes to zone designations described below.

The proposed changes to the special flood hazard areas, decreased base flood elevations and changes to zone designations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed changes to the special flood hazard areas, decreased base flood elevations and changes to zone designations are available for review at the First Selectman's Office, New Milford, Connecticut.

Send comments to: The Honorable Clifford Chapin, First Selectman, Town of New Milford, Town Hall, 10 Main Street, New Milford, Connecticut 06776.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed changes to the special flood hazard areas, decreased base flood elevations and changes to zone designations for the Town of New Milford, Connecticut in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C 4001–4128, and 44 CFR 67.4 (a) (presently appearing at its former Section, 24 CFR 1917.4 (a))).

The proposed changes to the special flood hazard areas, decreased base flood elevations and changes to zone designations together with the floodplain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed changes to the special flood hazard areas, decreased base flood elevations and changes to zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed changes to the special flood hazard areas, decreased base flood elevations and changes to zone designations for selected locations are:

Source of flooding	Location
Housatonic River	Area north of Kent Road
Still River	Area west of Pumpkin Hill Road
Great Brook	Area north of Mill Street
East Aspetuck	Area northwest of Westville Avenue and north of Housatonic Avenue
West Aspetuck	Area west of Aspetuck Road

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: May 26, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-16539 Filed 6-2-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 71

HHS Day Care Regulations

AGENCY: Office of the Secretary, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Health and Human Services is proposing to postpone the effective date of its child day care regulations until January 2, 1982, and to require that applicable State and local standards be met for Federal funding of child day care services provided from July 1, 1981 until January 2, 1982.

DATE: Comments are requested by June 24, 1981. The Department believes this comment period, which is shorter than that which the Department would ordinarily provide, is warranted to enable the Department to take final action on or about July 1, 1981, when the present mandate establishing the application of State and local standards to most HHS-funded day care will expire. Agencies or organizations are requested to submit their comments in duplicate.

ADDRESS: Send written comments to: Day Care Division, Room 5754, 400 6th Street, S.W., Washington, D.C. 20013. Comments will be available for public inspection in Room 5754 of the Donohoe Building, 400 6th Street, S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Allen N. Smith, 202–755–8774.

SUPPLEMENTARY INFORMATION: On March 19, 1980, based in part upon the statutory authority contained in Section 2002(a)(9) of the Social Security Act, which authorizes the Secretary to establish requirements for day care services, the Department published final regulations setting forth conditions that day care services provided to children outside their own homes must meet in order to qualify for HHS funds. 45 FR 17870; Corrected 45 FR 46808 (July 11, 1980) and 45 FR 54765 (August 18, 1980).

These regulations replaced the modified version of 1968 Federal Interagency Day Care Requirements (FIDCR) which formerly applied to most HHS-funded day care. Most of the provisions of the new regulations were to become effective October 1, 1980, with the remaining provisions to become effective on April 1, 1981. 45 CFR 71.66. However, Congress postponed implementation of the regulations. The October 1, 1980 continuing resolution, providing appropriations for the first 10 weeks of FY 1981, included a provision (Section 124 of Pub. L. 96–369) prohibiting the Department from using funds under the continuing appropriation to:

> Implemen(t) requirements imposed by section 2002(a)(9) of the Social Security Act or by any regulations promulgated by the Department to carry out this section, to the extent that such requirements would not otherwise be applicable under State or local law.

By its terms, the continuing appropriation, including this provision, was to remain in effect until December 15, 1980 or until the passage of a subsequent appropriation, whichever came first. However, prior to the expiration of the continuing resolution, Congress took additional steps to delay the imposition of the new Federal day care requirements. Section 1001 of the Omnibus Reconciliation Act of 1980, enacted on December 5, 1980 (Pub. L. 96–499), added a new subparagraph (D) to Section 2002(a)(9) of the Social Security Act, providing that:

> The requirements imposed by this paragraph [§ 2002(a)(9)] or by any regulations promulgated by the Department of Health and Human Services to carry out this paragraph shall be inapplicable to child day care services provided after June 30, 1980, and prior to July 1, 1981, which meet applicable standards of State and local law.

As of July 1, 1981, the provisions of Section 2002(a)(9) again apply. As a result, the requirements of Section 2002(a)(9)(A)(ii) again become effective, subject to modifications made by the Secretary pursuant to Section 2002(a)(9)(B). The Department's March 1980 day care regulations were published under the authority of Section 2002(a)(9)(B), and absent any further action by the Secretary, would become effective on July 1, 1981.

However, the Administration has recently proposed legislation (the "block grant" proposals) which, if enacted, will eliminate the statutory basis for this type of Federal regulation of day care services. Given the possibility that this legislation will be enacted, the Department believes it is appropriate to maintain the day care standards which are currently in effect, for a six month period beyond June 30, 1981, in order not to impose potentially costly implementation burdens on the States pending enactment of the legislation or further review of the March, 1980 regulations. This action will also give the Department and the Congress sufficient time to review the results of each State's assessment of current practices in day care programs funded under Title XX. (Under Section 1001(c) of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499), the Department is required to assist each State in conducting a systematic assessment of current practices in day care programs funded under Title XX of the Social Security Act and to provide a summary report of the results of such assessments to the Congress.)

Proposal

For the reasons described above, the Department proposes to:

(1) Postpone the effective date of the HHS March 1980 Day Care Regulations until January 2, 1982; and

(2) Require that, as a condition of federal financial assistance during this period, day care services provided to children outside their own homes and funded under the programs listed below meet applicable local and State standards.

The following HHS-assisted programs are covered by this proposal:

(1) In the Social Security Act:

(i) Title IV–A (Social Services to Guam, Puerto Rico, the Virgin Islands, and the Northern Marianas; and the Work Incentive Program (WIN)).

(ii) Title IV–B (Child Welfare Services).

(iii) Title XX (Social Services);

(2) The Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963;

(3) The Developmental Disabilities Services and Facilities Construction Act of 1970;

(4) The Developmentally Disabled Assistance and Bill of Rights Act of 1975 (Developmental Disabilities Special Projects).

Regulatory Flexibility Act

The Secretary certifies that this proposed regulation will not have a significant impact on a substantial number of small entities.

Day care centers and homes have been meeting State and local standards as a condition for receipt of Federal financial participation since June 30, 1980. This proposed regulation would continue these standards in effect until January 2, 1982.

Executive Order 12291

Since this proposed regulation would continue the State and local standards already in effect, it is considered a non-major regulation under Executive Order 12291, and a regulatory impact analysis is not required.

Authority

Section 2002(a)(9)(B) of the Social Security Act; 42 USC 1397a(a)(9)(B).

Dated: June 1, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Approved: June 1, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81–16000 Filed 6–2–81; 8:45 am]

BILLING CODE 4110–92–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Gulf of Mexico Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration/DOC.

ACTION: Notice of Public Hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold public hearings for the purpose of public input on Amendment Number 1 to the fishery management plan (FMP) for the shrimp fishery of the Gulf of Mexico.

DATES: Written comments on the amendment from members of the public may be submitted no later than August 15, 1981.

Individuals or organizations wishing to comment on the amendment may do so at public hearings to be held as follows:

June 22, 1981—Corpus Christi, Texas.
June 23, 1981—Fort Myers, Florida.

All of the above hearings will start at 7:00 p.m. and adjourn at 10:00 p.m.

The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared on each hearing.

ADDRESS: Send comments to: Chairman, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

Public Hearing Locations:

June 22, 1981—Texas A&M Research and Extension Center, Highway 44, Corpus Christi, Texas.
June 23, 1981—Ramada Inn, 2220 West First Street, Fort Myers, Florida.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609. Telephone (813) 228–2815.

SUPPLEMENTARY INFORMATION: The hearings will deal with a proposal to amend the shrimp FMP in the Gulf of Mexico, under authority of the Magnuson Fishery Conservation and Management Act.

The fishery management plan for shrimp in the Gulf of Mexico is based largely on the premise that restraint of the harvest of small shrimp until they reach a more optimum size will produce more pounds of shrimp and a greater total value. To accomplish this the Council established a closed area in the fishery conservation zone (FCZ) off Florida inhabited by small pink shrimp. A seasonal closure for brown shrimp in the FCZ off Texas was provided to protect a mass migration of small shrimp until they reach a larger size and provide a greater biomass. Both closures correspond to closures established in the territorial seas of the adjacent states.

The Council, through the Southeast Fisheries Center of National Marine Fisheries Service (NMFS), is monitoring to identify the effect of the closures which became effective in May 1981.

This amendment directs the Regional Director of NMFS to review research findings each year and authorizes him to adjust the regulations in accordance with findings and plan objectives. He is to publish annually his intent to take action or not to take action as provided. Lead time to make the change through plan and regulation amendments presently requires about 280 days. The proposed amendment will provide for a flexible procedure within the plan to allow for future regulatory amendment if needed within about 120 days. The shorter time period for regulation change would allow correction of any undue hardship to participants in the fishery before the following season.

Dated: May 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-16659 Filed 6-2-81; 8:45 am]
BILLING CODE 3510-22-M

V 4 6 / 1 0 6
J E 3 8 1
UMI

Noti

This sec
contains
proposed
public. N
investigat
decisions
authority,
applicatio
organizat
of docun

DEPART

Forest S

Mill Cre
Wildern
Announ

Notice
hearings
proposa
Mountai
Wildern
Virginia
Mountai
is compr
acres wi
Forest, C
State of
West Vi
Wildern
approxi
Jefferso
County,

Hearin
follows:
auditori
Laborat
consider
Study A

July 23
County
Virginia,
and the
Study A

Maps
informat
obtained
Jefferso
Road, SW

Indivi
express
these he
commen
record to
Jefferso
Road SW
be inclu
written c
August 2

Notices

Federal Register
Vol. 46, No. 106
Wednesday, June 3, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Mill Creek and Mountain Lake Wilderness Study Areas; Hearing Announcement

Notice is hereby given that public hearings will be held to consider proposals for future management of the Mountain Lake and the Mill Creek Wilderness Study Areas in the States of Virginia and West Virginia. The Mountain Lake Wilderness Study Area is comprised of approximately 11,827 acres within the Jefferson National Forest, Craig and Giles Counties in the State of Virginia, and Monroe County in West Virginia; while the Mill Creek Wilderness Study Area includes approximately 4,000 acres within the Jefferson National Forest in Giles County, Virginia.

Hearing dates and locations are as follows: July 22, 1981 at 7:30 p.m. in the auditorium of the Forest Sciences Laboratory, Princeton, West Virginia, to consider the Mountain Lake Wilderness Study Area proposal.

July 23, 1981 at 7:30 p.m. at Giles County High School, Pearisburg, Virginia, to consider both the Mill Creek and the Mountain Lake Wilderness Study Areas proposals.

Maps of the study areas and information about the proposals may be obtained from the Forest Supervisor, Jefferson National Forest, 210 Franklin Road, SW, Roanoke, Virginia 24001.

Individuals and organizations may express their views by appearing at these hearings, or by submitting written comments for inclusion in the official record to the Forest Supervisor, Jefferson National Forest, 210 Franklin Road SW, Roanoke, Virginia 24001. To be included in the official record, written comments must be received by August 24, 1981.

Dated: May 27, 1981.

R. Max Peterson
Chief.

[FR Doc. 81-16478 Filed 6-2-81; 8:45 am]
BILLING CODE 3410-11-M

Soil Conservation Service

Capital RC&D Area Critical Area Treatment Measures, Louisiana

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318-473-7751.

NOTICE: Pursuant to Section 1022(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Capital RC&D Area Critical Area Treatment Measures in Ascension, Assumption, East Baton Rouge, Iberville, Livington, Pointe Coupee, St. Helena, St. Tammany, Tangipahoa, and West Baton Rouge Parishes, Louisiana.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern plans for reduction of damage by gully and rill erosion and the resulting sediment deposition. The planned works of improvement include pipe drops, diversion, critical area planting, fencing, and grassed waterways.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 26, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81-16475 Filed 6-2-81; 8:45 am]
BILLING CODE 3410-16-M

Seven Mile Creek Watershed, Illinois

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: Buell M. Ferguson, Director, Project Development and Maintenance, Soil Conservation Service, Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202-447-3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Seven Mile Creek Watershed project, Jefferson County, Illinois, effective on May 12, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 22, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81-16474 Filed 6-2-81; 8:45 am]
BILLING CODE 3410-16-M

Trailblazer RC&D Area Critical Area Treatment Measures, Louisiana

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318–473–7751.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Trailblazer RC&D Area Critical Area Treatment Measures in Bossier, Webster, Bienville, Claiborne, and Lincoln Parishes, Louisiana.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern plans for reduction of damage by gully and rill erosion and the resulting sediment deposition. The planned works of improvement include pipe drops, diversions, critical area planting, fencing, and grassed waterways.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 26, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–16476 Filed 6–2–81; 8:45 am]

BILLING CODE 3410–16–M

Twin Valley RC&D Area Critical Area Treatment Measures, Louisiana

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318–473–7751.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Twin Valley RC&D Area Critical Area Treatment Measures in Caddo, De Soto, Natchitoches, Red River, Sabine, and Vernon Parishes, Louisiana.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern plans for reduction of damage by gully and rill erosion and the resulting sediment deposition. The planned works of improvement include pipe drops, diversion, critical area planting, fencing, and grassed waterways.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 6, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 26, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–16477 Filed 6–2–81; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

[Docket No. 35634; Agreement C.A.B. 28493; Order 81–5–125]

Agreement Adopted by the Tariff Coordinating Conferences of the International Air Transport Association Relating to North Atlantic Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22nd day of May 1981.

Order

An agreement among various members of the International Air Transport Association (IATA) has been filed with the Board under section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations. The agreement was adopted at a Cargo Tariff Coordinating Conference held in Geneva in April 1981, and proposes increases in cargo rates from Europe to the United States, effective July 1, 1981.

The agreement would generally increase cargo rates from Europe to the United States by five U.S. cents per kg. (or six percent in the case of flat container rate charges), or by European local currency amounts which approximate $0.05 at current market exchange rates.[1]

Order 81–3–152, March 26, 1981, approved, subject to conditions, an IATA agreement establishing a new cargo rate structure from the United States to Europe, which incorporated increases of about 12–14 percent. As noted in that order, IATA is attempting to develop a westbound rate structure, and the instant agreement represents an interim step in that process.

The same considerations which led us to conclude in Order 81–3–152 that the U.S.-Europe rate agreement fell within

[1] There are numerous exceptions to the general increase proposed. The increase would not apply to rates from France, Portugal, Spain and Yugoslavia, to many specific commodity rates from Ireland, or to rates for bulbs and horses from the Netherlands. For rates from Italy and Switzerland, and many general cargo rates from the United Kingdom, the increase would not come into effect until October 1, 1981.

ratemaking standards apply with equal force to the westbound rate agreement now before us, and we will approve it subject to the same conditions.

Acting under the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204(a), 412 and 414:

1. We do not find the following resolution, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act provided that approval is subject to the conditions stated below:

Agreement	IATA No.	Title	Application
C.A.B. 28493..	001mm....	North Atlantic Special Effectiveness Resolution USA-Europe.	1/s

Provided that:

(1) Notwithstanding any provisions of this or any other resolution, all rates and charges established pursuant to this resolution with respect to any United States point shall be maximums;

(2) Each and every carrier operating pursuant to this resolution shall be permitted to file tariffs incorporating rates/or charges below those established by the resolution; and

(3) The IATA Secretariat shall send the Board copies of all notices received or sent pursuant to the resolution.

2. We will grant antitrust immunity to Agreement C.A.B. 28493. This agreement is a product of the IATA conference machinery which the Board conditionally approved and immunized for a period of two years in Order 81–5–27, May 6, 1981, Docket 32851. In keeping with that order, we will continue to grant antitrust immunity to those IATA agreements found not be be adverse to the public interest or in violation of the Act.

Accordingly,

We approve Agreement C.A.B. 28493 subject to the conditions stated above.

We shall publish this order in the **Federal Register**.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,[1]

Secretary.

[FR Doc. 81–16521 Filed 6–2–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 39470; Order 81–5–130]

Eastern Air Lines, Inc.; Order Granting Exemption

Issued under delegated authority, May 26, 1981.

On May 20, 1980, Eastern Air Lines, Inc. filed an amendment to its original application for an exemption from Section 403 of the Federal Aviation Act of 1958 and Parts 221 and 223 of our regulations to the extent necessary to provide free transportation on a space-available basis for up to 300 persons, former prisoners of war in Vietnam/members of the NAM POW's, Inc. (plus their wives) to attend their national convention. Eastern's amendment includes not only Vietnam veterans, but in addition, spouse or one other family member in lieu of spouse.[1]

We find that the reasons given by the carrier supporting this request are consistent with the criteria we have previously found necessary to approve this type of exemption, and the exemption is consistent with the public interest, and therefore it will be approved. We will also extend this amendment to all other interested U.S. air carriers.

Accordingly, acting under authority delegated by the Board in the Board's Regulations, 14 CFR 385.16,

1. We exempt all U.S. air carriers from the provisions of Section 403 of the Federal Aviation Act of 1958, and Parts 221 and 223 of the Board's Economic Regulations, insofar as the enforcement of Section 403 and Parts 221 and 223 would prevent them from providing the free transportation as described herein in this amendment.

2. We will serve a copy of this order on all U.S. air carriers.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order will be effective immediately and the filing of a petition for review shall not preclude its effectiveness.

This order will be published in the **Federal Register**.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–16519 Filed 6–2–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket 33363; Docket 39237–39238]

Former Large Irregular Air Service Investigation; Applications of International Air Cargo, Inc.; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on June 3, 1981 (46 FR 27150, May 18,1981) is postponed until June 9, 1981 at 9:30 a.m. (local time) in Room 1003, Hearing Room "A", 1875 Connecticut Avenue, N.W., Universal North Building, Washington, D.C.

Dated at Washington, D.C., May 27, 1981.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 81–16520 Filed 6–2–81; 8:45 am]

BILLING CODE 6310–01–M

[Docket 39158]

Wings International Airways Fitness Investigation; Reassignment of Proceeding

This proceeding has been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C. May 28, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81–16522 Filed 6–2–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Georgia Institute of Technology; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00021. Applicant: Georgia Institute of Technology, Engineering Experiment Station, Atlanta, Georgia 30332. Article: Extended Interaction Oscillator, Type VKB 244T32, and Samarium Cobalt Magnet, VKG 2443GI. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: See Notice on page 11694 in the **Federal Register** of February 10, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

---

[1] All members concurred.

[1] This amendment was orally approved on May 19, 1981.

Reasons: The foreign article operates at a center frequency of 95 gigahertz. The National Bureau of Standards advises in its memorandum dated April 29, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-16459 Filed 6-2-81; 8:45 am]

BILLING CODE 3510-25-M

Massachusetts Institute of Technology; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Material Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereu .der as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 80-00451. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: NMR Magnet System, Model 250/80. Manufacturer: Oxford Instruments, United Kingdom. Intended use of article: See Notice on page 2666 in the **Federal Register** of January 12, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a field strength of 5.87 tesla and a bore diameter of 89 millimeters. The National Bureau of Standards advises in its memorandum dated April 28, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-16460 Filed 6-2-81; 8:45 am]

BILLING CODE 3510-25-M

Solar Energy Research Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00022. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: X-Ray Diffraction System. Manaufacturer: Rigaku, Japan. Indended use of article: See Notice on page 11694 in the **Federal Register** of February 10, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article generates a twelve kilowatt high incidence (brilliant) x-ray beam. The National Bureau of Standards advises in its memorandum dated April 30, 1981 that (1) the capability of the foreign article described above is pertinent to the applicants intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-16461 Filed 6-2-81; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00012. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87545. Article: TEA 600A Laser Amplifier. Manufacturer: Lumonics Research, Ltd., Canada. Intended use of article: See notice on page 9686 in the **Federal Register** of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a small signal gain of four percent per cm across a 900 cm cross section and good beam profile. The National Bureau of Standards advises in its memorandum dated April 21, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-16462 Filed 6-2-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Sea Scallop Resources Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), has established a Sea Scallop Resources Subpanel, which will meet to discuss the Scallop Management Plan.

DATES: The public meeting will convene on Thursday, July 2, 1981, at approximately 10 a.m., and will adjourn at approximately 4 p.m. The agenda may be rearranged or changed, depending upon progress of the same.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadephia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115 Federal Building, Dover, Delaware 19901; Telephone: (302) 674-2331.

Dated: May 28, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-16430 Filed 6-2-81; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), has established a Scientific and Statistical Committee which will meet to review Federal and State management plans for herring and their relationship with each other; discuss stability as a management tool; discuss groundfish and lobster management plans; review scallop public hearings; receive reports for Council meetings, as well as other business.

DATES: The public meeting will convene on Wednesday, June 24, 1981, at approximately 10 a.m., and will adjourn at approximately 5 p.m., and may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meeting will take place at the Department of Marine Resources Laboratory, Boothbay Harbor, Maine.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Building, Five Broadway, Route One, Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

Dated: May 28, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-16431 Filed 6-2-81; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), will meet to discuss the fiscal year 1982 budget submission; discuss the Snapper-Grouper Fishery Management Plan (FMP); update progress on the Coral FMP; review the shrimp fishery profile; discuss the status of other FMP's as well as other management and administrative matters.

DATES: These public meetings will convene on Tuesday, June 30, 1981, at approximately 1:30 p.m., and will adjourn on Thursday, July 2, 1981, at approximately noon.

ADDRESS: The meetings will take place at the Council's Headquarters Office, One Southpark Circle, Suite 306, Charleston, South Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: May 28, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 16430 Filed 6-2-81; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:
   a. Name: Dr. Tom Albert (P282)
   b. Address: Department of Veterinary Science, University of Maryland, College Park, Maryland 20742
2. Type of Permit: Scientific Research and Scientific Purposes
3. Name and Number of Animals:
   Bowhead whale *(Balaena mysticetus)*—60
   Gray whale *(Eschrichtius robustus)*—15
   Beluga whale *(Delphinapterus leucas)*—30
   Bearded seal *(Enrignathus barbatus)*—60
   Ringed seal *(Phoca hispida)*—100
4. Type of Take: Scientific specimen materials will be collected from dead stranded or subsistence harvested animals.
5. Location of Activity: Alaska
6. Period of Activity: 3 years

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before July 6, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: May 29, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-16560 Filed 6-2-81; 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

National Advisory Committee for the Flammable Fabrics Act; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting: National Advisory Committee for the Flammable Fabrics Act.

SUMMARY: This notice announces a meeting of the National Advisory Committee on Thursday, June 18, 1981 from 9:00 a.m. to 4:00 p.m., and Friday, June 19, 1981 from 9:30 a.m. to 2:30 p.m. at 1111 18th Street NW., 8th floor, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Barbara Rosenfeld, Director, Office of Public Participation, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, (202) 634-7700.

SUPPLEMENTARY INFORMATION: The National Advisory Committee provides advice and recommendations on Commission proposals and plans to reduce the frequency and severity of burn injuries involving flammable fabrics.

On Thursday morning, June 18, 1981, NACFFA members will attend the Commission meeting, at which staff will brief the Commission on furniture flammability issues. Upon conclusion of this portion of the Commission meeting, NACFFA members will meet as a committee to discuss these subjects. Discussion of upholstered furniture may continue on Friday morning. The Committee will also consider the Commission's injury data sources. The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the National Advisory Committee should notify the Office of the Secretary (see address above) by June 8, 1981. The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter, and the approximate time requested. Time permitting, these presentations and other statements from the audience to members of the Committee may be allowed by the presiding officer.

Dated: May 27, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-16499 Filed 6-2-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act; New Systems of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Notice of a new system of records.

SUMMARY: The Air Force proposes to establish a new system of records subject to the Privacy Act of 1974. The system notice for this new system of records is published below.

DATES: This system shall be effective as proposed without further notice on July 6, 1981, unless comments are received which would result in a contrary determination.

ADDRESS: Any comments including written data, views or arguments concerning the proposed system should be addressed to the system manager identified in the notice.

FOR FURTHER INFORMATION CONTACT: Mr. Jon E. Updike, HQ USAF/DAAD, Room 4A-1088I, The Pentagon Washington, D.C. 20330, Telephone: (202) 694-3431.

SUPPLEMENTARY INFORMATION: The Air Force system of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 522a) Pub. L. 93-579 have been published to date in the **Federal Register** at:

FR Doc. 79-37052 (44 FR 74145) December 17, 1979
FR Doc. 81-897 (46 FR 6443) January 21, 1981
FR Doc. 81-7598 (46 FR 16110) March 11, 1981

The Department of the Air Force has submitted a new system report dated May 21, 1981, for this new system report under the provisions of 5 U.S.C. 552a(o) as implemented by Office of Management and Budget (OMB) Circular A-108, Transmittal Memoranda, No. 1 and No. 3, dated September 30, 1975 and May 17, 1976 respectively. The OMB guidance was set forth in the **Federal Register** (40 FR 45877) on October 3, 1975.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

May 28, 1981.

F05004 SAC A

SYSTEM NAME:

Instructional Systems Development (ISD) Evaluation Program.

SYSTEM LOCATION:

93 Bombardment Wing (93 BMW) Instructional Systems Development Division (DO5), Castle AFB CA 95342.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Strategic Air Command (SAC) aircrew members (B-52 G/H pilots, copilots, navigators, radar navigators, electronic warfare officers, aerial defense gunners; KC-135 pilots, copilots, navigators, inflight refueling operators) who are attending, or have attended, a course of instruction conducted by the 93 BMW, Castle AFB CA after June 1, 1981.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized information file compiled from questionnaires about training accomplished while attending a course of instruction, the respondee's base of assignment and subjective assessment of the training conducted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to tabulate and compare data; and to identify strengths and weaknesses of the training programs. Will also be used to score trainee within course test performances. Identification of specific respondees in the records will only be used by the custodian to evaluate and assess quality of Air Force Training Programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Questionnaire responses will be read on an optical mark sense reader connected to a stand-alone microcomputer, located in the ISD offices and the data stored on diskettes. Original questionnaire responses will be maintained as documentation in a locked metal filing cabinet until entries on diskettes are verified but not longer than 6 months.

RETRIEVABILITY:

Filed and retrieved by Social Security Number (SSN). Information may also be retrieved by groupings of data from such elements as type airframe, course attended, crew position, or base of assignment.

SAFEGUARDS:

Records are accessed by custodian of the record system and personnel responsible for servicing the record system in performance of their official duties. Records are stored on diskettes kept in a locked room whenever office is not manned. Original questionnaire responses will be maintained in a locked container when the office is not manned.

RETENTION AND DISPOSAL:

Paper records are destroyed by tearing into pieces, shredding, burning, macerating, or pulping, and diskettes will be destroyed by degaussing, when superseded or when the individual is reassigned from SAC.

SYSTEM MANAGER(S) AND ADDRESS:

Education Specialist or ISD Systems Manager, 93 BMW/DO5 Scientific Advisory Branch (DO5S), Castle AFB CA 95342.

NOTIFICATION PROCEDURE:

Education Specialist or ISD Systems Manager, 93 BMW/DO5S, Castle, AFB CA 95342. Requests to determine existence of record should include full name and grade and approximate dates individual attended a course of instruction conducted by 93 BMW, Castle AFB CA subsequent to June 1, 1981.

RECORD ACCESS PROCEDURES:

Access to all records is controlled by 93 BMW/DO5S, Castle AFB CA 95342.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is obtained from questionnaires completed by 93 BMW students, graduates or SAC Squadron Training Flight Instructors, and current combat crew training instructors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-16496 Filed 6-2-81; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

National Institute of Education

Assessment Policy Committee of the National Assessment of Educational Progress

AGENCY: Department of Education.

ACTION: Notice of Meeting.

SUMMARY: The National Institute of Education announces a meeting of the Assessment Policy Committee of the National Assessment of Educational Progress (NAEP). The entire meeting will be open to the public and interested persons are invited to attend.

DATE AND LOCATION: The meeting will be held June 12–13, 1981 at the Holiday Inn Downtown, Molly Gibson Room, 15th and Glenarm Place, Denver, Colorado 80202. The session on June 12 will commence at 9:00 a.m. and terminate at 5:00 p.m. The session of June 13 will commence at 9:00 a.m. and terminate at the conclusion of the agenda.

FOR FURTHER INFORMATION CONTACT: In order to assure adequate seating arrangements, persons likely to attend the meeting may contact Mr. Dunlap Scott, Jr., National Assessment of Educational Progress, 1860 Lincoln Street, Room 700, Denver, Colorado 80295. Telephone: (303) 830–3721.

SUPPLEMENTARY INFORMATION: NAEP is a periodic survey of the knowledge, skills, understandings, and attitudes of young Americans. The Assessment Policy Committee is established under Section 405(k)(2)(A) of the General Education Provisions Act, as amended by Section 1242 of the Education Amendments of 1978. The Assessment Policy Committee is responsible for the design of NAEP, including the selection of learning areas to be assessed, the development and selection of goal statements and assessment items, the assessment methodology, the form and content of the reporting and dissemination of results, and studies to evaluate and improve the form and utilization of NAEP.

The proposed agenda for the meeting includes: (1) Director's Report, (2) action on previous minutes, (3) current budget and assessment plans, (4) Wirtz and Lapointe Preliminary report on the Review of National Assessment, (5) review of options for concurrent SEA and LEA assessments, and (6) public comments.

Dated: May 28, 1981.

Dick W. Hays,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 81-16485 Filed 6-2-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Powerplant and Industrial Fuel Use; Termination of Orders Granting Special Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that it has terminated previously issued orders granting temporary public interest exemptions pursuant to section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, U.S.C. 8301 et seq. (FUA or the Act) and 10 CFR Part 508. Exemptions from the prohibitions of section 301(a) (2) and (3) of the Act were granted to the following petitioners:

Docket No.	Petitioner	Generating station	Powerplant identification No.
51006-0610-04-41	Florida Power & Light Co	Cutler	4
51006-0618-01-41	....do	Palatka	1
51006-0618-02-41	....do	....do	2
51461-0190-05-41	City Water and Light Plant	Jonesboro	5
51461-0190-06-41	....do	....do	6

ERA previously published in the **Federal Register** on March 10, 1980, and March 13, 1980 (45 FR 15257 and 45 FR 16313) orders granting exemptions to the above-mentioned petitioners. The petitioners had filed for temporary public interest exemptions to use natural gas to displace petroleum for electric power generation pursuant to 10 CFR Part 508.

In the previously accepted petitions, the petitioners represented that the powerplants for which the exemptions were sought, were subject to the prohibitions of either section 301(a)(2) or (3) of FUA. Based upon this information, ERA published final orders granting exemptions to petitioners in the **Federal Register.**

The petitioners listed above have now informed ERA that they wish to withdraw their petitions for the above listed powerplants. Florida Power & Light Company has informed ERA that

Cutler #4 and Palatka #1 and #2 are presently not in operation. The City of Jonesboro has decommissioned units 5 and 6 of the City Water and Light Plant due to the high cost of oil and the limited availability of gas. In light of this information, ERA hereby publishes this notice of termination, which will take effect on the thirtieth calendar day following publication in the **Federal Register**.

Any questions regarding this temporary public interest exemption action should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112D, 2000 M Street NW., Washington, D.C. 20461, (202) 653–4268.

Issued in Washington, D.C., on May 28, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-16542 Filed 6-2-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4531-000]

The City of Gillette, Wyoming; Application for Preliminary Permit

May 29, 1981.

Take notice that the City of Gillette, Wyoming (Applicant) filed on April 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4531 to be known as the Meeks Cabin Dam Project located on the Black Fork River in Uinta County, Wyoming. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the United States Water and Power Resources Service. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Michael B. Enzi, The City of Gillette, P.O. Box 3003, Gillette, Wyoming 82716. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the United States Water and Power Resources Service's existing Meeks Cabin Dam and would consist of: (1) a proposed powerhouse to be located just downstream of the Meeks Cabin Dam outlet works, and having units with a total installed capacity of 930 kW; and (2) appurtenant works.

The Applicant estimates that the average annual energy output would be 2,500,000 kWh.

Purpose of Project—Project energy would be sold to a local public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would prepare an application for an FERC license. Applicant estimates the cost of studies under the permit would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Mitchell Energy Company, Inc.'s Project No. 3731 filed on November 12, 1980, under 18 CFR 4.33 (1980), and, therfore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4531. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16463 Filed 6-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-397-000]

Commonwealth Edison Company of Indiana; Order Accepting for Filing and Suspending Revised Rates, Granting Waiver, and Establishing Procedures

Issued: May 28, 1981.

On April 1, 1981, Commonwealth Edison Company of Indiana (Commonwealth of Indiana) [1] tendered for filing revised rates that would increase its jurisdictional revenues by approximately $7,674,762 (9.19%), based on a 12-month test period ending December 31, 1981.[2] Commonwealth of Indiana requests an effective date of June 1, 1981, for its revised rates. The

[1] Commonwealth of Indiana was formerly named Chicago District Electric Generating Corporation.

[2] *See* Attachment A for rate schedule designations.

company also requests waiver of certain provisions of section 35.13 of the Commission's regulations pertaining to allocated cost data [3] and a Period II cost study.[4]

Commonwealth of Indiana, a wholly-owned subsidiary of Commonwealth Edison Company (Commonwealth), owns a single generating station [5] and a 345 kV transmission line which are used exclusively for the sale of electricity to Commonwealth. Pursuant to two agreements between the companies, Commonwealth of Indiana sells and transmits electricity to Commonwealth under formula rates which are designed to recover Commonwealth of Indiana's cost of service plus a specified rate of return. The proposed changes in the formula rates would update Commonwealth of Indiana's capital structure and overall rate of return, revise the calculation of current interest expense, and increase the annual depreciation rate on generation investment.

Public notice of Commonwealth of Indiana's filing was issued on April 9, 1981, with protests or petitions to intervene due on or before April 28, 1981. No responses have been received.

Discussion

Since Commonwealth of Indiana owns only one generating station, sells the entire output to only one customer, and has supplied total company cost of service data, allocated cost data is not necessary. Further, Commonwealth of Indiana has supplied the Commission with sufficient information for preliminary analysis of the rates. In light of these considerations, the Commission finds that good cause exists to grant waiver of the filing requirements of section 35.13 of the regulations as requested by Commonwealth of Indiana.

Our analysis indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

In a number of suspension orders,[6] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the rates for a period of five months permitting the rates to take effect subject to refund thereafter on November 1, 1981.

The Commission orders:

(A) Commonwealth of Indiana's request for waiver of the filing requirements is hereby granted.

(B) Commonwealth of Indiana's revised rates are hereby accepted for filing and suspended for five months, to become effective, subject to refund, on November 1, 1981.

(C) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of Commonwealth of Indiana's rates.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Such conference shall be held for purposes of expediting discovery, establishing a procedural schedule, including submittal of a case-in-chief by Commonwealth of Indiana, and pursuing other appropriate matters. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Commonwealth Edison Company of Indiana, Docket No. ER81-397-000, Rate Schedule Designations

Designation and Description

(1) Supplement No. 2 to Supplement No. 18 to Rate Schedule FPC No. 7 (Supersedes Supplement No. 1 to Supplement No. 18)—Revisions to Electric Service Agreement
(2) Supplement No. 2 to Rate Schedule FPC No. 8 (Supersedes Supplement No. 1)—Revisions to Transmission Service Agreement

[FR Doc. 81-16464 Filed 6-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-380-000 and ER81-353-000, et al.]

Dayton Power and Light Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Intervention, Consolidating Dockets, and Establishing Procedures

Issued May 28, 1981.

On March 31, 1981, Dayton Power and Light Company (Dayton) submitted a revised Service Schedule B under its interconnection agreement with the City of Piqua, Ohio.[1] The proposed revision would increase the demand charge for short-term power from $.85/kW/week to $1.05/kW/week, and would increase the demand charge for transmission of short-term power from $.22/kW/week to $.24/kW/week. The short-term energy charge and related transmission charge would remain unchanged. Dayton requests that the proposed rates become effective on May 30, 1981.

Notice of the filing was issued on April 7, 1981, with comments, protests or petitions to intervene due on or before April 20, 1981. On April 20, 1981, Piqua filed a protest, petition to intervene, and request for suspension. Piqua objects to Dayton's use of a 17.5% rate of return on common equity in deriving the fixed-charge rate, which in turn is used to derive the demand charge. Piqua also objects to a 10% adder to out-of-pocket costs charged for short-term energy generated by Dayton. Piqua contends that Dayton has supplied no cost support for the 10% adder. Piqua requests that the proposed rates be suspended for a full five months. On May 5, 1981, Dayton filed an answer to

---

[3] 18 CFR 35.13(a), (1), (2), (3).

[4] 18 CFR 35.13(d)(2).

[5] The State Line generating station, which is located on Lake Michigan in Hammond, Indiana, consists of two units with a combined capacity of 614 MW.

[6] *E.g., Boston Edison Company*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

[1] Designation: *The Dayton Power and Light Company*, Supplement No. 15 to Rate Schedule FPC No. 34 (Supersedes Supplement No. 8, as supplemented).

Piqua's protest, taking issue with several of the contentions expressed by Piqua.

Particularly in view of the contentions raised by Piqua, our analysis of Dayton's filing indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept the rates for filing and suspend them as directed below.

In a number of suspension orders,[2] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. We note that the intervenor has raised several substantive contentions which warrant further development at hearing. However, according to our review, the proposed rates may not yield excessive revenues. Under these circumstances, a nominal suspension and a refund obligation should provide adequate protection to Piqua pending the outcome of a hearing. Accordingly, the Commission will suspend the proposed rates for one day to become effective, subject to refund thereafter, on May 31, 1981.

Since the instant submittal presents questions of law and fact common to those in the proceeding in Docket Nos. ER81-353-000, *et al.*, we shall consolidate these dockets for purposes of hearing and decision.

The Commission further finds that participation in this proceeding by Piqua is in the public interest. Accordingly, the petition to intervene will be granted.

The Commission orders:

(A) Dayton's rates for service to the City of Piqua are hereby accepted for filing and suspended for one day to become effective on May 31, 1981, subject to refund.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of Dayton's rates.

(C) The petitioner is hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenor shall be limited to the matters set forth in the petition to intervene; and, *provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered by the Commission in this proceeding.

(D) Docket No. ER81-380-000 is hereby consolidated with the proceeding in Docket Nos. ER81-353-000, *et al.* for purposes of hearing and decision.

(E) The administrative law judge designated to preside in Docket Nos. ER81-353-000, *et al.*, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Such conference shall be held for purposes of establishing procedures appropriate for the consolildated proceeding and establishing procedural dates, including the submittal of testimony and exhibits by Dayton. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16485 Filed 6-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3945-000]

Energenics Systems, Inc.; Application for Preliminary Permit

May 29, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3945 to be known as El Vado Hydro Project located on the Rio Chama in Rio Arriba County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing randomfill dam with a height above streambed of 173 feet and a crest length of 1,326 feet; (2) a reservoir having a storage capacity of 219,580 acre-feet at maximum pool elevation of 8,908.6 feet m.s.l. and a surface area of 3,707 acres; (3) an existing outlet works to be modified as intake facilities and penstock leading to (4) a new powerhouse containing generating units having a total rated capacity of 11,500 kW; (5) a tailrace; (6) a new transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 17,000,000 kWh.

Purpose of Project—Project energy would be sold to the Aztec Utility System, the Western Area Power Administration and/or nearby public institutions and industrial users.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the

---

[2] *E.g., Boston Edison Company,* Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.,* Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.,* Docket No. ER80-218 (August 22, 1980) (one-day suspension).

Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Gregory Wilcox's application for Project No. 3639 filed on November 3, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3945. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16466 Filed 6-2-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4544-000]

Farmers Electric Cooperative, Inc., Application for Preliminary Permit

May 29, 1981.

Take notice that Farmers Electric Cooperative, Inc. (Applicant) filed on April 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4544 to be known as the Sumner Hydro Project located on the Pecos River in DeBaca County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Earl Allen, President, Farmers Electric Cooperative, Inc., Post Office Box 550, Clovis, New Mexico 88101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The project would utilize the existing Water and Power Resources Service's Sumner Dam and Reservoir and would consist of: (1) a new penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 3,600 kW; (3) a tailrace; (4) a new transmission line, approximately 7 miles long, connecting to an existing 69-kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 9,500,000 kWh.

Purpose of Project—Project energy would be sold to Applicant's members in seven counties of New Mexico.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to he issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Sequoia Energy Corporations's application for Project No. 3718 filed on November 13, 1981, under 18 C.F.R. § 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a compeitng application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice nd Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will

consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petiton to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminiary permit for Project No. 4544. Any comments, protests, or petitons to intervene must be filed by providing the original and those copies requried by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16467 Filed 6-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-379-000]

Mississippi Power Co.; Order Accepting for Filing and Suspending Rates, Granting Interventions, and Establishing Hearing and Phased Price Squeeze Procedures

Issued: May 28, 1981.

On March 31, 1981, Mississippi Power Company (MPCO) tendered for filing increased rates for firm power service to its three wholesale cooperative customers.[1] The revised rates [2] would result in an increase in revenues of approximately $7,036,708 (19.36%) for the twelve month period ending November 19, 1981. MPCO requests an effective date of June 1, 1981.

Public notice of the filing was issued on April 7, 1981, with responses due on or before April 20, 1981. On April 20, 1981, MPCO's three wholesale customers (Customers) filed a joint petition to intervene and protest stating that their interests will be directly affected by any decision in this proceeding. Customers seek a maximum suspension and an order instituting a hearing concerning the lawfulness of the proposed rates. In addition, Customers allege certain improper cost of service procedures and allocations such as (1) inclusion in rate base of injuries and damages reserves, property insurance reserves, and accumulated deferred income taxes related to AFUDC; (2) allocation of EPRI expenses to wholesale customers; (3) failure to modify the 45-day formula to calculate cash working capital;[3] (4) failure to synchronize test year fuel expenses and revenues; (5) failure to synchronize interest expense used for income tax and the weighted debt component included in capitalization; and (6) use of an excessive rate of return on common equity. Customers also object to the wording of MPCO's fuel adjustment clause and allege that the rates will create a price squeeze.

In its May 15, 1981 response to customers' petition, MPCO denies the petitioners' specific factual allegations, and asserts that it will suffer the most from a long suspension period.

Discussion

Initially, we find that participation in this proceeding by Customers is in the public interest. Accordingly, we shall grant the petition to intervene.

In evaluating MPCO's submittal, we have reviewed Customers' contentions and we find that they are best suited for determination at a hearing which we shall order below. Also, our analysis of MPCO's filing indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the rates for five months from the proposed effective date, permitting the rates to take effect on November 1, 1981, subject to refund.

In accordance with Commission policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised in this case. This will allow a determination first to be reached on the cost of service, capitalization and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders:

(A) MPCO's submittal is hereby accepted for filing and suspended for five months to become effective November 1, 1981, subject to refund.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [(18 C.F.R., Chapter I (1980))], a public hearing shall be held concerning the justness and reasonableness of MPCO's submittal.

(C) Customers are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that participation by the intervenors shall be limited to matters set forth in their petition to intervene; and *provided, further,* that the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(D) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

---

[1] Coast Electric Power Association, East Mississippi Electric Power Association, and Singing River Electric Power Association.

[2] Designated as: *Mississippi Power Company* Eighth Revised Sheet No. 3 and Ninth Revised Sheet No. 4 to FPC Electric Tariff, Original Volume No. 1 (Supersedes Seventh Revised Sheet No. 3 and Eighth Revised Sheet No. 4).

[3] *See* Opinion No. 19-A, *Carolina Power and Light Company*, Docket No. ER78-495 (February 21, 1979).

[4] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-508, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

V 46 / 106 / JE 3 81 UMI

(E) The Commission staff shall serve top sheets in this proceeding on or before June 8, 1981.

(F) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that, purpose shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 16468 Filed 6-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4542-000]

Sewell T. Wilson, Jr.; Application for Preliminary Permit

May 29, 1981.

Take notice that Sewell T. Wilson, Jr. (Applicant) filed on April 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4542 to be known as the Boston Felt Hydroelectric Project located on the Salmon Falls River in Strafford County, New Hampshire and York County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sewell T. Wilson, Jr., c/o Boston Felt Company, 1 Front Street, E. Rochester, New Hampshire 03867. Any person who wished to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-or-river project would consist of: (1) the existing Boston Felt Dam, a 150-foot long, 10-foot high timber and split stone gravity dam which is owned by Boston Felt Company. The dam will require extensive repairs; (2) a reservoir having a surface area of approximately 58 acres at normal pool elevation; (3) a proposed 700-foot long penstock; (4) a proposed powerhouse containing unit(s) with a total installed generating capacity of approximately 300 kW; and (5) appurtenant works.

The Applicant estimates that the average annual energy output would be 1,576,000 kWh.

Purpose of Project—Project energy would be sold to a local public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $10,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtainied directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 10, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 9, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for the protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 10, 1981.

Filling and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4542. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to : Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16469 Filed 6-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4504-000]

Utah Municipal Power Agency; Application for Preliminary Permit

May 29, 1981.

Take notice that Utah Municipal Power Agency (Applicant) filed on April

9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4504 to be known as Moon Lake Hydro Project located on the West Fork of the Lake Fork River in Duchesne County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Grant Whitehead, Chairman, Utah Municipal Power Agency, P.O. Box 418, Payson, Utah 84651. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Moon Lake Dam and Reservoir, operated and maintained by the Moon Lake Water Users Association, and would consist of: (1) a penstock utilizing the existing outlet works in the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 3,100 kW; (3) a tailrace; (4) new transmission lines; and (5) appurtenant facilities. The Applicant extimates that the average annual energy output would be 8,900,000 kWh.

Purpose of Project—Project energy would be retailed by the eight municipal members of Utah Municipal Power Agency ("UMPA").

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, contruction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Utah Hydro Corporation's application for Project No. 3541 filed on October 8, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all Capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4504. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16470 Filed 6-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-388-000]

Virginia Electric and Power Co.; Order Accepting for Filing and Suspending Rates, Granting Summary Disposition in Part, Granting Interventions, and Establishing Price Squeeze and Hearing Procedures

Issued: May 28, 1981.

On March 31, 1981, Virginia Electric and Power Company (VEPCO) tendered for filing revised rates for service to twenty-one wholesale municipal and eighteen electric cooperative customers.[1] The proposed rates would result in an increase in revenues of approximately $41,245,988 (19.84%) for the twelve-month period ending December 31, 1981. VEPCO requests an effective date of May 30, 1981, sixty days after filing, and suspension of the proposed rates until September 1, 1981, to coincide with retail rate relief in North Carolina and Virginia. On April 27, 1981, VEPCO submitted a supplementary filing to add an exhibit and to revise certain rate schedule language contained in its orginal filing. Public notice of the filing was issued on April 7, 1981, with responses due on or before April 20, 1981.

On April 17, 1981, the Secretary of the Navy (Navy) filed a petition to intervene stating that while VEPCO's Military Service (MS) rate schedule is not subject to this Commission's jurisdiction, the terms of the Navy's contract with VEPCO link the MS rates to the rates set by the Commission for the RS (Resale Service to Municipalities and Private Utilities) rate schedule. In developing rates for service to the Navy, VEPCO utilizes the same methodology, rate of return, test period, and effective date permitted for the RS rate schedule.

On April 20, 1981, petitions to intervene were filed individually by North Carolina Electric Membership Corporation and Abermarle Electric Membership Corporation (NCEMC); Old Dominion Electric Cooperative and Prince William Electric Cooperative (Old Dominion); ElectriCities of North Carolina (ElectriCities); and Bear Island Paper Company (Bear Island). NCEMC,

[1] *See* Attachment A for a list of customers and rate schedule dsignations.

Old Dominion, and ElectriCities allege price squeeze and move for summary disposition [2] of certain issues based on Opinion No. 118.[3] In addition, the petitioners request a five-month suspension period and state that further analysis of the filing is required. As a result, they state that they may seek at a later date to raise issues not set out in the petitions. In support of the contention that VEPCO's revised rates should be suspended for five months, the petitioners state that the rates are excessive, that VEPCO has presented no special circumstances to justify a shorter suspension period, that VEPCO received recent rate relief in Docket No. ER81–121–000, and that there is a possibility that retail rate increases in North Carolina and Virginia may not coincide with the proposed effective date as VEPCO asserts. On May 5, 1981, VEPCO filed answers which challenge specific allegations raised by the cooperatives and ElectriCities.

Bear Island raises no substantive issues, but states that it is a high-load factor industrial customer which purchases power furnished by VEPCO to the Rappahannock Electric Cooperative. Bear Island contends that its interests will not be adequately represented by other parties to this proceeding.

On April 27, 1981, the Town of Wakefield, Virginia (Wakefield) filed an untimely letter of protest opposing the rate increase. Wakefield has not requested intervenor status,[4] and notes that its interests are represented by ElectriCities.

Discussion

Initially we find that participation in this proceeding by the petitioners is in the public interest. Therefore, we shall grant the petitions to intervene.

With respect to the motions for summary disposition we agree that four of the items raised represent cost of service approaches contrary to company-specific precedent. Consistent with the Commission's conclusions in *Virginia Electric and Power Company*, Docket No. ER78–522, Opinion No. 118, issued April 10, 1981, we shall order VEPCO to file a revised cost of service and revised rates to: (1) exclude from rate base the unamortized cancellation costs associated with nuclear construction projects at its North Anna and Surry sites;[5] (2) exclude the capitalized expense and AFUDC associated with the Yorktown boiler implosion from rate base; (3) reduce the cost of service by the amount of the tax benefits associated with removal costs; and (4) treat the gain on the sale and leaseback of office buildings as a reduction to rental expense. The circumstances pertinent to the Commission's prior resolution of these issues have not changed and repetitious litigation should therefore be avoided.

We decline to grant the request for summary disposition with respect to VEPCO's treatment of spent nuclear fuel disposal costs because this issue presents questions of fact which should be addressed at hearing. Also, we note that in VEPCO's supplemental filing of April 27, 1981, the company modified its fuel adjustment clause applicable to the municipal customers to conform to the cooperative customer's fuel clause. This modification effectively moots the intervenors' request for summary disposition with respect to the fuel adjustment clause.

Our analysis indicates that VEPCO's revised rates have not been shown to be just and reasonable and that they may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing, as modified by summary disposition, and suspend them as ordered below.

In a number of suspension orders,[6] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances are presented here. We note that certain of the matters raised remain for resolution at hearing, and as previously noted, VEPCO's transmittal letter states that the company requests suspension of the proposed rates until September 1, 1981. Although our preliminary review of the filing reveals that VEPCO's rates, as reduced to reflect the summary dispositions herein ordered, may not be substantially excessive, we shall accommodate VEPCO's request for a voluntary three month suspension in order to track its retail rates, and suspend the rates to take effect subject to refund thereafter on September 1, 1981.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79–339, order issued August 6, 1979, we shall phase the price squeeze issue raised by NCEMC, Old Dominion, and ElectriCities. As we have noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders:

(A) VEPCO's submittal is hereby accepted for filing, as modified by the summary dispositions required by paragraph (C) below, and the rates are hereby suspended until September 1, 1981, when they shall become effective subject to refund.

(B) The requests for summary disposition are hereby granted in part and denied in part. Within thirty (30) days after issuance of this order, VEPCO shall file a revised cost of service and revised rates to reflect the four summary dispositions identified in the body of this order.

(C) The petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided,* further, that the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act, and by the Federal Power Act, particularly sections 205 and 206 thereof, and

---

[2] The requests for summary disposition address VEPCO's: (1) inclusion of unamortized losses in rate base; (2) failure to recognize gains from the sale and leaseback of office facilities in cost of service; (3) inclusion in rate base of costs associated with the Yorktown implosion; (4) failure to normalize tax benefits of removal costs over the life of the plant giving rise to such benefits; (5) treatment of disposal cost of spent nuclear fuel; and (6) failure to modify the definition of nuclear fuel expense in the fuel adjustment clause to the municipal customers to conform to the language of the fuel adjustment clause of the cooperative customers.

[3] *Virginia Electric and Power Company*, Docket No. ER78–522, issued April 10, 1981.

[4] *See* CFR § 1.10(b)

[5] *See also New England Power Company*, Docket Nos. ER76–304, *et al.* Opinion No. 49 (July 19, 1979) (prohibiting rate base inclusion of extraordinary property losses associated with discontinued construction of Salem Harbor Unit No. 5).

[6] *E.g., Boston Edision Co.*, Docket No. ER80–508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488, (August 22, 1980) (one-day suspension).

pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of the rates filed by VEPCO in this docket.

(E) The Commission staff shall serve top sheets in this proceeding on or before thirty (30) days following VEPCO's filing of the revised materials required by paragraph (C) above.

(F) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a conference in this proceeding to be held within approximately fifteen (15) days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) We hereby order initiation of price squeeze procedures and further order that this proceeding shall be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment

Virginia Electric and Power Company, Docket No. ER81-388-000

ITEM: General Rate Increase—Municipals and Private Utilities

Filed: March 31, 1981

EFFECTIVE:

Rate Schedule Designation

Designation	Current customers
Fifth Revised Sheet Nos. 4 through 9 and 17, and Sixth Revised Sheet No. 10 to FPC Electric Tariff, First Revised Volume No. 1 (Supersedes Fourth Revised Sheet Nos. 4 through 9 and 17, Fifth Revised Sheet No. 10 and, Original Sheet No. 4-A).	Town of Bethaven Town of Blackstone. Town of Culpepper Town of Edenton City of Elizabeth City. Town of Elkton Town of Enfield Town of Franklin. City of Greenville Town of Hamilton City of Harrisonburg Town of Hartford Town of Hobgood. Town of Iron Gate. City of Manassas. Town of Robersonville. Town of Scotland Neck. City of Tarboro. Town of Wakefield. City of Washington Town of Windsor.

[FR Doc. 81-16471 Filed 6-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RM79-34, ST81-214 etc.]

Transportation Certificates for Natural Gas Displacement of Fuel Oil and Sea Robin Pipeline Co. et al.; Self-Implementing Transactions

June 1, 1981.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's regulations and section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's regulations. Any interested persons may file a complaint concerning such transaction pursuant to § 284.205(d) of the Commission's regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's regulations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

DOCKET NO. | TRANSPORTER/SELLER | RECIPIENT | DATE FILED | PART 284 SUBPART | EXPIRATION DATE * | TRANSPORTATION RATE

V 46 / 106 / J E 3 8 1 UMI

DOCKET NO.	TRANSPORTER/SELLER	RECIPIENT	DATE FILED	PART 284 SUBPART	EXPIRATION DATE *	TRANSPORTATION RATE
ST81-214	SEA ROBIN PIPELINE CO.	SOUTHERN NATURAL GAS CO.	04/02/81	G	- -	- -
ST81-215	NORTHWEST PIPELINE CO.	SOUTHWEST GAS CORP.	04/01/81	G	- -	- -
ST81-216	COLUMBIA GULF TRANSMISSION CO.	SOUTHERN NATURAL GAS CO.	04/06/81	G	- -	- -
ST81-217	PANHANDLE EASTERN PIPE LINE CO.	PEOPLES NATURAL GAS CO.	04/06/81	B	- -	- -
ST81-218	EL PASO NATURAL GAS CO.	CABOT CORP.	10/29/80	B	- -	- -
ST81-219	MOUNTAIN FUEL SUPPLY CO.	COLORADO INTERSTATE GAS CO.	04/09/81	G	- -	- -
ST81-220	NATIONAL FUEL GAS SUPPLY CORP.	YALE UNIVERSITY	04/06/81	F	- -	- -
ST81-221	TENNESSEE GAS PIPELINE CO.	YALE UNIVERSITY	04/08/81	F	- -	- -
ST81-222	VALERO TRANSMISSION CO.	TEXAS EASTERN TRANSMISSION CO.	04/07/81	D	- -	- -
ST81-223	VALERO TRANSMISSION CO.	TRANSWESTERN PIPELINE CO.	04/07/81	D	- -	- -
ST81-224	VALERO TRANSMISSION CO.	EL PASO NATURAL GAS CO.	04/07/81	D	- -	- -
ST81-225	LOUISIANA INTRASTATE GAS CORP.	ENTEX, INC.	04/08/81	C	09/05/81	0.00
ST81-226	TEXAS EASTERN TRANSMISSION CORP.	HOUSTON PIPE LINE CO.	04/09/81	B	- -	- -
ST81-227	MOUNTAIN FUEL SUPPLY CO.	NORTHWEST PIPELINE CORP.	04/10/81	G	- -	- -
ST81-228	SOUTHERN NATURAL GAS CO.	UNITED GAS PIPE LINE CO.	02/19/81	G	- -	- -
ST81-230	HOUSTON PIPE LINE CO.	TENNESSEE GAS PIPELINE CO.	04/13/81	C	- -	- -
ST81-231	OASIS PIPE LINE CO.	TENNESSEE GAS PIPELINE CO.	04/13/81	C	- -	- -
ST81-232	INDUSTRIAL GAS SERVICES, INC.	TERRA CHEMICALS INTERNATIONAL, INC.	04/13/81	F	- -	- -
ST81-233	TEXAS GAS TRANSMISSION CORP.	NATURAL GAS PIPELINE CO. OF AMERICA	04/14/81	G	- -	- -
ST81-234	SOUTHWESTERN GAS PIRELINE, INC.	UNITED GAS PIPE LINE CO.	04/13/81	C	- -	- -
ST81-235	TRANSCONTINENTAL GAS PIPE LINE CORP.	UNITED GAS PIPE LINE CO.	04/13/81	G	- -	- -
ST81-236	UNITED GAS PIPE LINE CO.	TEXAS EASTERN TRANSMISSION CORP.	04/15/81	G	- -	- -
ST81-237	NATURAL GAS PIPELINE CO. OF AMERICA	NORTHERN NATURAL GAS CO.	04/15/81	G	- -	- -
ST81-238	TENNESSEE GAS PIPELINE CO.	NATURAL GAS PIPELINE CO. OF AMERICA	04/17/81	G	- -	- -
ST81-239	TENNESSEE GAS PIPELINE CO.	NORTHERN NATURAL GAS CO.	04/17/81	G	- -	- -
ST81-240	LOUISIANA INTRASTATE GAS CORP.	TENNESSEE GAS PIPELINE CO.	04/20/81	C	09/17/81	28.00
ST81-241	NATURAL GAS PIPELINE CO. OF AMERICA	DELHI GAS PIPELINE CORP.	04/22/81	B	- -	- -
ST81-242	TENNESSEE GAS PIPELINE CO.	NATURAL GAS PIPELINE CO. OF AMERICA	04/22/81	G	- -	- -
ST81-243	TENNESSEE GAS PIPELINE CO.	UNITED GAS PIPE LINE CO.	04/22/81	G	- -	- -
ST81-244	TENNESSEE GAS PIPELINE CO.	SOUTHERN NATURAL GAS CO.	04/22/81	G	- -	- -
ST81-245	TENNESSEE GAS PIPELINE CO.	EL PASO NATURAL GAS CO.	04/22/81	G	- -	- -
ST81-246	TRANSCONTINENTAL GAS PIPE LINE CORP.	VALERO TRANSMISSION CO.	04/20/81	B	- -	- -
ST81-247	TENNESSEE GAS PIPELINE CO.	ORANGE AND ROCKLAND UTILITIES, INC.	04/22/81	F	- -	- -
ST81-248	HOUSTON PIPE LINE CO.	TRANSWESTERN PIPELINE CO.	04/27/81	C	- -	- -
ST81-249	OASIS PIPE LINE CO.	TRANSWESTERN PIPELINE CO.	04/27/81	C	- -	- -
ST81-250	VALERO TRANSMISSION CO.	UNITED GAS PIPE LINE CO.	04/27/81	D	- -	- -
ST81-251	DELHI GAS PIPELINE CORP.	NORTHERN NATURAL GAS CO.	04/27/81	C	- -	- -
ST81-252	MOUNTAIN FUEL SUPPLY CO.	NORTHERN NATURAL GAS CO.	04/27/81	G	- -	- -
ST81-253	TEXAS EASTERN TRANSMISSION CORP.	ELIZABETHTOWN GAS CO.	04/28/81	B	- -	- -
ST81-254	TEXAS EASTERN TRANSMISSION CORP.	ORANGE AND ROCKLAND UTILITIES, INC.	04/28/81	B	- -	- -
ST81-255	MISSISSIPPI RIVER TRANSMISSION CO.	TEXAS EASTERN TRANSMISSION CO.	04/28/81	G	- -	- -
ST81-256	LOUISIANA INTRASTATE GAS CORP.	SOUTHERN NATURAL GAS CO.	05/04/81	C	10/01/81	28.00
ST81-257	NORTHWEST PIPELINE CORP.	NORTHERN NATURAL GAS CO.	04/29/81	G	- -	- -
ST81-258	LIBERTY NATURAL GAS CO.	TENNESSEE GAS PIPELINE CO.	04/29/81	C	- -	- -
ST81-259	NATURAL GAS PIPELINE CO. OF AMERICA	TEXAS GAS TRANSMISSION CORP.	04/30/81	G	- -	- -

---

* THE INTRASTATE PIPELINE HAS SOUGHT COMMISSION APPROVAL OF ITS TRANSPORTATION RATE PURSUANT TO SECTION 284.123(B)(2) OF THE COMMISSION'S REGULATIONS (18 CFR 284.123(B)(2)). SUCH RATES ARE DEEMED FAIR AND EQUITABLE IF THE COMMISSION DOES NOT TAKE ACTION BY THE DATE INDICATED.

[FR Doc. 81-16483 Filed 6-3-81; 8:45 am]
BILLING CODE 6450-85-C

Office of the Secretary

Proposed Sub-Contract Award

AGENCY: Assistant Secretary for Conservation and Renewable Energy, DOE.

ACTION: Notice of Proposed Sub-Contract Award.

SUMMARY: In accordance with Department of Energy (DOE) Procurement Regulation 41 CFR 9–1.5409, DOE gives public notice that a subcontract is being awarded, after taking into account the existence of potential organizational conflicts of interest, because this procurement is determined to be in the best interests of the United States.

FOR FURTHER INFORMATION CONTACT:
Walker L. Evey, Department of Energy, Office of Procurement Operations, PR–544, Forrestal Building, Washington, D.C. 20585, (202) 252–1074.
Robert Cohen, Department of Energy, Division of Ocean Energy Systems, CE–332, 600 E Street NW., Room 408, Washington, D.C. 20585, (202) 376–4773.

Determination and Findings

Upon the basis of the following findings and determination, the proposed sub-contract described below is being awarded, recognizing the existence of potential organizational conflicts of interest pursuant to the authority of DOE Procurement Regulation 41 CFR 9–1.5409(a)(3).

1. The DOE Division of Ocean Energy Systems is currently performing research and development activities for the conversion of ocean thermal energy to electricity and energy-intensive products in accordance with a program approved and funded by the Congress. The purpose of the project that includes the proposed subcontract is to research key benefits that would accrue to U.S. commerce and industry from U.S. industrial leadership in the development and deployment of Ocean Thermal Energy Conversion (OTEC) technology systems.

2. In order to assist DOE in collecting and analyzing the data to be utilized in this study, a contract has been awarded to Human Resources Management, Inc. (HRM). HRM has conducted similar projects for DOE previously. HRM desires to obtain OTEC industrial expertise on a subcontract basis from David I. Shapiro, an independent consultant to both potential commercial producers and users of OTEC systems. The HRM contract with DOE will be accomplished over the next 5 month period.

3. Consultation on this project by HRM with individuals that have in-depth OTEC experience in the private sector is mandatory in this effort so that technically sound and impartial industrial-related data can be obtained. Mr. Shapiro has such experience and access to data that could beneficially contribute to this analysis and evaluation.

4. In accordance with 41 CFR 9–1.5405, HRM and David I. Shapiro provided statements disclosing relevant information concerning their interests related to the contract work to be performed. Specifically, information was provided bearing on whether there might arise in the course of the work, possible organizational conflicts of interest (1) with respect to being able to render impartial, technically sound and objective assistance or advice, or (2) which may give the contractor or subcontractor an unfair competitive advantage.

5. Based on evaluation of the facts contained in the disclosure statement, that is, the clientele of David I. Shapiro includes energy concerns as defined by Section 601(b) of Public Law 95–91, it has been found that David I. Shapiro has a potential organizational conflict of interest with regard to the work required by the Division of Ocean Energy Systems.

6. Because David I. Shapiro has the unique capability to perform this work for HRM within the time constraints required for performance as established by the Division of Ocean Energy Systems, it is neither feasible nor desirable to disqualify David I. Shapiro from subcontract award, in accordance with 41 CFR 9–1.5409(a)(1). Furthermore, it is not possible to totally avoid potential organizational conflicts of interest by inclusion of appropriate conditions in the resulting contract, pursuant to 41 CFR 9–1.5409(a)(2).

7. Mitigation, to the extent feasible, under Section 9–1.5409(a)(3), will be obtained by independent staff review by DOE officials of the work performed by HRM. David I. Shapiro will not participate in policy-making or management aspects of DOE work on OTEC. In addition, the OCI special clause entitled "Organizational Conflicts of Interest," DOE PR 9–1.540302(b), shall be included in the contract, modified if necessary, to meet the specific circumstances experienced. All information developed under this contract and subcontract will be disseminated throughout the ocean thermal energy conversion industry by standard DOE distribution procedures.

Determination

In light of the above findings and in accordance with 41 CFR 9–1.5409(a)(3), the proposed subcontract award is in the best interests of the United States.

Dated: May 21, 1981.

Joseph J. Tribble,
Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 81–16545 Filed 6–2–81; 8:45 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[RD–FRL–1841–6]

Public Hearing on the Federal Energy Conservation Program

AGENCY: Environmental Protection Agency.

ACTION: Participation in a public hearing.

SUMMARY: Section 11 of the Federal Nonnuclear Energy Research and Development Act (Public Law 93–577) requires EPA "to carry out a continuing analysis of the adequacy of attention to energy conservation". Part of this analysis is the conduct of annual public hearings and the preparation of a Report to the President, the Secretary of Energy, and the Congress.

The Hearings will be held at the Office of Personnel Management's Auditorium, 1900 E Street NW., Washington, D.C. The Hearings will begin at 9:00 a.m. each day. Witness testimony is limited to 10 minutes and will be followed by questions from the Hearing panel. An open period at the end of each day will be set aside for unscheduled testimony. The public is invited to participate.

DATES: Tuesday, July 14, 1981 and Wednesday, July 15, 1981 (9 a.m. through 5 p.m.).

ADDRESSES: An information package is available on the Hearings. Copies can be obtained from the Section 11 Program Manager, Office of Research and Development (RD–681), EPA, 401 M Street SW., Washington, D.C. 20460. Witnesses should submit a copy of their testimony or a summary of their full statement to the EPA Section 11 Program Manager by July 8, 1981. EPA will notify witnesses in early July of the date and time of their scheduled testimony. The envelope and its contents should be clearly marked "Written Testimony". All written testimony should be received by July 31, 1981. Copies of the Transcript and other products may be obtained from the EPA

Section 11 Program Manager in December 1981.

FOR FURTHER INFORMATION CONTACT: Gregory Ondich, at the EPA address above, or by telephone at (202) 426–9434.

SUPPLEMENTARY INFORMATION: The 1981 section 11 review program focuses on Federal energy conservation programs. Many of the changes in Federal energy conservation programs are based on projections that rising market prices of energy commodities will enhance conservation efforts, and the private sector and state/local agencies will carry out activities previously supported by the Federal government. Given the new directions of Federal energy policy and the decentralized nature of energy conservation, how can the adequacy of attention to conservation be assured?

To explore the impacts of the changes in Federal programs, witnesses are asked to address the following issues in their testimony:

- How are private firms, state governments and local agencies preparing to assume their new responsibilities?
- Which activities will get priority from public and private organizations and what will be the consequences if some activities are discontinued?
- Have any new initiatives, opportunities or efficiencies been created as a result of the shift in Federal energy conservation programs?
- How can the Federal government assist in this period of transition?
- How should the Federal government evaluate and monitor the effects of its new energy policies and program changes?

Dated: May 22, 1981.

Kurt W. Riegel,

Acting Deputy Assistant Administrator for Environmental Engineering and Technology.

[FR Doc. 81–16210 Filed 6–2–81; 8:45 am]

BILLING CODE 6560–35–M

[PH–FRL–1844–4; OPP–C30200]

Department of Agriculture, Forest Service; Receipt of Application to Conditionally Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Envoronmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to conditionally register the pesticide product SERTAN, containing the new active ingredient Polyhedral Inclusion Bodies of *N. Sertifer* nucleopolyhedrosis virus at .05 percent.

DATE: Comments must be received on or before July 6, 1981.

ADDRESS: Written comments to: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703–557–7028). 81P–565

SUPPLEMENTARY INFORMATION: EPA gives notice that the U.S. Department of Agriculture, Forest Service, PO Box 2417, Washington, DC 20013, has submitted an application to conditionally register the pesticide product SERTAN, containing the new active indgedient Polyhedral Inclusion Bodies of *N. Sertifer* nucleopolyhedrosis virus at .05 percent. Notice of receipt of this application does not indicate a decision by the agency on the application.

The application proposes that the product be conditionally registered for general use for control of the European pine sawfly. The product has been assigned EPA File Symbol No. 27586–G.

Notice of approval on denial of this application will be announced in the **Federal Register**. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136), the test data and other scientific information deemed relevant to the registration decision will be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register**, if an application is approved.

Interested persons are invited to submit written comments on this application. Comments may be submitted and inquiries directed to the product manager. The comments must be received within 30 days from the date of publication of this notice in the **Federal Register** and should bear a notation indicating the document control number "[OPP–C30200]" and the file symbol.

Comments received after the specified time period will be considered only to the extent possible with delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: May 26, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–16506 Filed 6–2–81; 8:45 am]

BILLING CODE 6560–32–M

[A–3–FRL–1840–8]

Full Delegation of Authority for the Prevention of Significant Deterioration of Air Quality

AGENCY: Environmental Protection Agency.

ACTION: Information notice.

SUMMARY: Section 301 in conjunction with sections 101 and 110 of the Clean Air Act Amendments of 1977 authorizes the Administrator to delegate his authority to implement and enforce the Prevention of Significant Deterioration of Air Quality (PSD) regulations to any State which has submitted adequate implementation and enforcement procedures. The Secretary of Commerce and Resources, Commonwealth of Virginia, submitted to the EPA Region III office a request that EPA relinquish to them its responsibility for implementing and enforcing the PSD program. After a thorough review of the request and available information, the Regional Administrator determined that such delegation is appropriate with the conditions set forth in the letter reproduced below. The rule published elsewhere in this issue of the **Federal Register** institutes an address change for the implementation of the technical and administrative review and enforcement of PSD provisions.

EFFECTIVE DATE: June 3, 1981. The Regional Administrator finds good cause for making this delegation of authority effective immediately in that it is an administrative change and not one of substantive content.

ADDRESSES: Copies of the delegation of authority request and accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Robert J. Blaszczak (3AH13) (215) 597–8186 or FTS 597–8186;

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office

Building, Richmond, Virginia 23219, ATTN: William Meyer, Executive Director.

FOR FURTHER INFORMATION CONTACT: Robert J. Blaszczak at (215) 597–8186 or FTS 597–8186 (NMS).

SUPPLEMENTARY INFORMATION: On February 11, 1981, EPA Region III received a letter from the Secretary of Commerce and Resources, which requested full delegation of authority for the implementation and enforcement of the PSD program.

After a thorough review of the request for full PSD program delegation, the Regional Administrator has determined that such delegation is appropriate subject to the conditions set forth in the following official letter to the Secretary of Commerce and Resources. Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator has formally notified the Secretary of Commerce and Resources by the following letter that he relinquishes full PSD regulatory authority to the Commonwealth of Virginia as of the publication date of this notice. The Regional Administrator finds good cause for making this delegation of authority effective immediately in that it is an administrative change and not one of substantive content.

Mr. Maurice B. Rowe
Secretary of Commerce and Resources, Commonwealth of Virginia, Office of the Governor, Richmond, Virginia

Dear Mr. Rowe: Thank you for your February 6, 1981, request for delegation of authority to implement the Prevention of Significant Deterioration (PDS) regulations. The intent of the request and the following delegation is to reduce duplicate PSD permit reviews by our respective agencies and to provide prospective applicants with only one agency to deal with in obtaining a construction permit.

We have reviewed the pertinent laws of the Commonwealth of Virginia and the rules and regulations thereof, and have determined that they provide an adequate and effective procedure for full implementation of PSD.

We have also reviewed the procedures for new source review of the Commonwealth of Virginia and have determined that they provide an adequate and effective procedure for the implementation of all the portions of the PSD program. Therefore, pursuant to 40 CFR 52.21(u), we hereby delegate our authority for all portions of the Federal PSD program, as described in 40 CFR 52.21, as amended August 7, 1980, to the Commonwealth of Virginia as follows:

1. Authority is delegated for all sources located in the Commonwealth of Virginia subject to review for the Prevention of Significant Deterioration. This includes all source categories listed in 40 CFR 52.21 for each pollutant regulated by the Clean Air Act.

2. If at any time there is a conflict between a Commonwealth regulation and a Federal regulation (40 CFR 52.01 and 52.21), the Federal regulation must be applied if it is more stringent than that of the Commonwealth. If the Commonwealth does not have the authority to implement a Federal regulation that is more stringent than the applicable Commonwealth regulation, the pertinent portion of the authority may be revoked.

3. If the Regional Administrator determines that the Commonwealth procedure for implementing all the portions of the PSD program is inadequate, or is not being effectively carried out, this authority may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Virginia State Air Pollution Control Board (hereafter "the Board").

4. The Commonwealth of Virginia will ensure through its interstate intergovernmental cooperation procedures, that all potential source interactions along State boundaries are properly determined.

5. Enforcement of PSD in the Commonwealth of Virginia will be the primary responsibility of the Board. If the Commonwealth determines that such enforcement is not feasible and so notifies EPA, or where the Commonwealth acts in a manner inconsistent with the terms of this granted authority, EPA will exercise its concurrent enforcement authority pursuant to Sections 113 and 167 of the Clean Air Act with respect to sources within the Commonwealth of Virginia subject to PSD requirements. In accordance with 40 CFR 52.21(r) and Sections 113 and 167 of the Clean Air Act, 42 U.S.C. 7413 and 7477, EPA reserves the right to commence an enforcement action against any entity in violation of the Prevention of Significant Air Quality deterioration Regulations should the Commonwealth of Virginia fail to take such an enforcement action or, in the opinion of EPA, fail to pursue a timely or appropriate enforcement action.

6. Acceptance of this delegation of presently promulgated PSD regulations does not commit the Commonwealth of Virginia to request or implement enforcement authority for future standards and requirements.

7. The Commonwealth and EPA will develop a system of communication sufficient to guarantee a program that includes the items described below:

A. Each agency is informed of the current compliance status of subject sources in the Commonwealth of Virginia.

B. The Board shall send a copy of preliminary determinations and public comment notices required under paragraph (q) of 40 CFR 52.21 to the Air and Hazardous Materials Division, EPA Region III, at the same time the notice is being forwarded for publication in the newspaper.

C. The Board will forward to EPA Region III copies of the final PSD permit at the time of issuance.

D. The status of incomplete permit applications will be provided to EPA Region III on an as needed basis.

8. Prior EPA concurrence is to be obtained on any matter involving the interpretation of sections 160–169 of the Clean Air Act or 40 CFR 52.21 to the extent that implementation, review, administration or enforcement of these sections have not been covered by determinations or guidance sent to the Board.

9. Where it is convenient to both the Board and EPA and a benefit to the applicant, any PSD reviews already initiated by EPA prior to this delegation shall be transferred to the Board for completion.

10. Enforcement actions already initiated by EPA prior to this delegation of authority shall be completed by EPA.

11. A notice announcing these actions will be published in the **Federal Register** in the near future. This delegation of authority shall be effective as of the publication date of that notice. The notice will also state, among other things, that effective immediately, all reports required pursuant to the PSD regulations by sources located in the Commonwealth of Virginia will be reviewed and final permit approval action and enforcement will be taken by the Board.

This delegation of authority should not be construed as a transfer of PSD responsibility under section 110(a)(2)(J) of the Clean Air Act. As you are aware, such a transfer involves different procedures and considerations.

There is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State will be deemed to have accepted all of the terms as stated herein.

Sincerely yours,
Jack J. Schramm,
Regional Administrator.

Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This delegation of authority is not "major". This action only approves State actions, and imposes to new requirements of its own. Moreover, under the Clean Air Act, federal inquiry into the economic reasonableness of State SIP changes would serve no practical purpose and could well be improper.

This delegation of authority was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effective immediately, all applications and other information pursuant to § 52.21 from sources locating in the Commonwealth of Virginia but not having a PSD permit application currently under review by EPA should be submitted to the State agency at the following address: Division of Compliance , State Air Pollution Control Board, Commonwealth of Virginia, Room 1116, Ninth Street Office Building, Richmond, Virginia 23219.

(42 U.S.C. 7401, 7410, and 7601)

V 46 / 106 / JE 3 81 UMI

Dated: May 12, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-16663 Filed 6-2-81; 9:15 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-23A]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date; Correction

Released: May 28, 1981.

The FM application listed below, which was inadvertently placed on the cut-off notice, Report No. A-26, Mimeo Number 000928 released on May 18, 1981, is hereby *removed* from that notice.

BPH-810102AC (KTAK), Riverton, Wyoming. Riverton Broadcasting Co., Inc., HAS: 93.5 MHz; Channel No. 228A, ERP: 3 kW; Haat: 280 ft. (LIC), REQ: 93.9 MHz; Channel No. 230C, ERP: 50 kW; Haat: 950 ft.

A cut-off date is not required in that the Frequency change from Channel 228A to 230C was ordered by the FCC in Rm. 3168. (D 79-104), on September 17, 1979.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-16514 Filed 6-2-81; 8:45 am]

BILLING CODE 6712-01-M

Sub-Delegation of Authority to the Enforcement Division

AGENCY: Federal Communications Commission.

ACTION: Order; Subdelegation of Authority from the Acting Bureau Chief, Common Carrier Bureau, to the Chief of the Enforcement Division.

SUMMARY: Document subdelegates to the above-mentioned Division Chief the authority to act on applications which were previously handled at the Bureau level. This action is taken to reduce the amount of time taken to process applications which do not raise novel questions. The document also clarifies the existing delegated authority currently possessed by the Division Chief. Intended effect of this action is to increase productivity in application processing.

DATES: Effective April 18, 1981.

FOR FURTHER INFORMATION CONTACT: Abraham Leib, Common Carrier Bureau, (202) 632-6363.

In the matter of sub-delegation of authority to the Enforcement Division.

Order

Adopted: April 18, 1981.

Released: May 20, 1981.

1. The following procedures relating to sub-delegation of authority are adopted pursuant to delegated authority, 47 CFR 0.91, 0.204, and 0.291. These procedures are intended to facilitate the orderly and expeditious resolution of formal complaints, investigations and other compliance and enforcement activities. The functions of the Enforcement Division are described in the FCC Organizational Manual, at pages 16-13 to 16-14 (October 10, 1979).

2. As required by the Commission's rules, the Common Carrier Bureau (1) will not designate for hearing formal complaints which present novel questions of fact, law or policy which cannot be resolved under outstanding precedents or guidelines; (2) will not impose, reduce or cancel forfeitures pursuant to Section 203 or Section 503(b) of the Communications Act of 1934, as amended, in amounts of $10,000 or more; and (3) will not issue notices of proposed rulemaking, notices of inquiry or reports or orders arising from either of the foregoing. 47 CFR 0.291.

3. All Congressional correspondence and Court actions regarding formal complaints, investigations and other compliance and enforcement activities will receive the highest priority, will be reviewed at the Bureau level, and will be personally approved by the Acting Chief.

4. When assigned from the Bureau level, the Division will conduct special investigations and hearings emanating from compliance investigations or from complaints which relate directly to ongoing investigations.

5. Formal complaints, Section 212 applications (47 U.S.C. 212), letters requesting additional information, temporary authority grants, rule waivers, extensions of time, and hearing designations, where clear precedents or guidelines are available, will be handled at the Division level.

6. Formal complaints and related matters which require some interpretation of outstanding precedents and guidelines will be handled at the Division level, after two days of written notice to the Bureau level.

7. Where the parties to a formal complaint reach a settlement of the dispute, and no novel questions of law or policy are presented by the settlement, a request for dismissal will be handled at the Division level.

8. Petitions for reconsideration of actions taken at the Division level will be handled at the Bureau level, consistent with 47 CFR 1.106(a).

9. This order, which is adopted pursuant to 47 CFR 0.91, 0.204, and 0.291, shall be published in the **Federal Register** and FCC Reports.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-16585 Filed 6-2-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-35]

Luis A. Ayala Colon, Sucrs., Inc. v. Benedict Shipping International, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Luis A. Ayala Colon, Sucrs., Inc. against Benedict Shipping International, Inc. was served May 19, 1981. Complainant alleges that respondent has failed and refused to remit to it payment of freight charges for cargo booked for sailing aboard the *M.V. Mereghan V*, in violation of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge William Beasley Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81-16433 Filed 6-2-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of March 31, 1981

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on March 31, 1981.[1]

The information reviewed at this meeting suggests that real GNP

[1] The Record of Policy Actions of the Committee for the meeting of March 31, 1981, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

expanded substantially in the first quarter of 1981, but there were signs of a slowing of the expansion in economic activity during the quarter; prices on the average continued to rise rapidly. While retail sales advanced appreciably over the first two months of the year, industrial production declined in February after three months of diminishing gains, and housing starts dropped from the moderate pace that had prevailed during the preceding six months. Nonfarm payroll employment changed little in February following a large increase in January; the unemployment rate, at 7.3 percent, was essentially unchanged. Over the first two months of 1981, the rise in the index of average hourly earnings was little changed from the rapid pace recorded during 1980.

The weighted average value of the dollar against major foreign currencies rose further following the Committee's meeting in early February to a peak at midmonth but subsequently declined somewhat on balance. Short-term interest rates in continental European countries have risen appreciably since mid-February, absolutely and in relation to interest rates on dollar-denominated assets. The U.S. trade deficit in January and February was at about the average monthly rate of the final quarter of 1980.

M–1A and M–1B, adjusted for the estimated effects of shifts into NOW accounts, changed little over the first two months of the year but expanded substantially in the first half of March. Growth in M–2 accelerated in the course of the quarter, and partial data suggest considerable strength in March, in part because of large flows into money market mutual funds. On balance since early February, short-term market interest rates have fallen substantially while longer-term market rates have risen somewhat.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, encourage economic recovery, and contribute to a sustainable pattern of international transactions. At its meeting in early February, the Committee agreed that these objectives would be furthered by growth of M–1A, M–1B, M–2, and M–3 from the fourth quarter of 1980 to the fourth quarter of 1981 within ranges of 3 to 5½ percent, 3½ to 6 percent, 6 to 9 percent, and 6½ to 9½ percent respectively, abstracting from the impact of introduction of NOW accounts on a nationwide basis. The associated range for bank credit was 6 to 9 percent. These ranges will be reconsidered as conditions warrant.

In the short run the Committee seeks behavior of reserve aggregates consistent with growth in M–1B from March to June at an annual rate of 5½ percent or somewhat less, after allowance for the impact of flows into NOW accounts, and growth in M–2 at an annual rate of about 10½ percent. It is recognized that shifts into NOW accounts will continue to distort measured growth in M–1B to an unpredictable extent, and operational reserve paths will be developed in the light of evaluation of those distortions. If it appears during the period before the next meeting that fluctuations in the federal funds rate, taken over a period of time, within a range of 13 to 18 percent are likely to be inconsistent with the monetary and related reserve paths, the Manager for Domestic Operations is promptly to notify the Chairman, who will then decide whether the situation calls for supplementary instructions from the Committee.

Note.—On May 6, the Committee adopted the following modification of the domestic policy directive adopted on March 31, 1981:

On May 6, the Committee agreed that through the period before the next regular meeting the reserve path should continue to be set on the basis of the short-run objectives for monetary growth established at its meeting on March 31, recognizing that the federal funds rate might continue to exceed the upper end of the range indicated for consultation at the March 31 meeting.

By Order of the Federal Open Market Committee, May 27, 1981.

Murray Altmann,

Secretary.

[FR Doc. 81–16527 Filed 6–2–81; 8:45 am]

BILLING CODE 6210–01–M

Golden City Investment Co.; Formation of Bank Holding Company

Golden City Investment Company, Springfield, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 88.95 percent of the voting shares of First National Bank of Golden City, Golden City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–16523 Filed 6–2–81; 8:45 am]

BILLING CODE 6210–01–M

Landmark Bancshares Corp.; Acquisition of Bank

Landmark Bancshares Corporation, Clayton, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Kansas City International Bank and Trust Company, Kansas City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–16525 Filed 6–2–81; 8:45 am]

BILLING CODE 6210–01–M

Maryland National Corp.; Proposed Acquisition of Mutual Loan Plan, Inc., and Its Subsidiary, American Industrial Bank, Inc.

Maryland National Corporation, Baltimore, Maryland, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Mutual Loan Plan, Inc., and its subsidiary, American Industrial Bank, Inc., both located in Colorado Springs, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of operating an industrial bank in a manner authorized by Colorado law, and engaging in the sale as agent of credit life, credit disability, credit accident and health, loan redemption and loan cancellation insurance in connection with extensions of credit by bank and nonbank subsidiaries of Maryland National Corporation. These activities would be performed from offices of Applicant's subsidiary in Colorado Springs, Colorado, and the geographic areas to be served are entire United States. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 28, 1981.

Board of Governors of the Federal Reserve System, May 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16524 Filed 6-2-81; 8:45 am]

BILLING CODE 6210-01-M

First York Ban Corp.; Proposed Acquisition of First Trust Company of York

First York Ban Corp., York, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of First Trust Company of York, York, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a trust company as described in § 225.4(a) of the Board's Regulation Y. These activities would be performed from offices of Applicant's subsidiary in York, Nebraska, and the geographic areas to be served are York County and counties contiguous thereto. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 28, 1981.

Board of Governors of the Federal Reserve System, May 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16526 Filed 6-2-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-6]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Public Utility Commission of Texas involving electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 277, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4), and 486(d), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Utility Commission of Texas involving the application of the Texas Power and Light Company for an increase in its electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall forward to the General Services Administration copies of its testimony and briefs within 60 days of formal submission.

Dated: May 22, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-16441 Filed 6-2-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF THE INTERIOR

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF TRANSPORTATION

Offices of the Secretary

Notice of Uniform Federal Transportation and Utility System Application for Use on Conservation System Unit Lands in Alaska

AGENCY: Department of the Interior.

ACTION: Notice of Uniform Federal Transportation and Utility System Application for use on Conservation System Unit lands in Alaska.

SUMMARY: This notice publishes a consolidated application form for use in applying for Federal approval of transportation or utility systems in the

State of Alaska if any portion of the proposed system is within a Federal conservation system unit, national recreation area or national conservation area. This form is not required to be used until each affected Federal agency has secured the necessary clearance from the Office of Management and Budget as required by the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) for information collection requirements.

EFFECTIVE DATE: May 30, 1981.

ADDRESS: Any questions or suggestions should be sent to: Director (330), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 202040.

FOR FURTHER INFORMATION CONTACT: Robert E. Mollohan, 202–343–5537 or the above address.

SUPPLEMENTARY INFORMATION: Title XI of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, 94 Stat. 2371, ("the Act"), specifically Section 1104(b)(1), directs the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Transportation, in consultation with the heads of other appropriate Federal agencies, jointly to prescribe and publish, within 180 days of enactment (December 2, 1980), a consolidated application form. Such form is to be used for applying for the approval of all proposed transportation or utility systems in Alaska in any portion of the system is proposed to be within any Federal conservation system unit, national recreation area or national conservation area. The form is to be used by all Federal agencies which have jurisdiction to grant any authorization, including any right-of-way, permit, license, lease, or certificate, without which a transportation or utility system cannot, in whole or in part, be established. A "conservation system unit" is any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers Systems, National Trails System, National Wilderness Preservation System, or a National Forest Monument.

The consolidated application is required to be used for the following types of systems:

1. Canals, ditches, flumes, laterals, pipes, pipelines tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems and conveyor belts for the transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication.
6. Improved rights-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

All of the systems listed above include those minimally necessary related structures and facilities, temporary and permanent, along the routes of such system.

Once the consolidated application form is approved by the Office of Management and Budget for use, no action by any Federal agency under applicable law with respect to the approval or disapproval of the authorization of any of the listed transportation or utility systems shall have any force or effect unless this consolidated application form is used.

The applicant will be required to file the consolidated application form simultaneously with each Federal agency having jurisdiction to grant the authorizations neded for the proposed system. Title XI of the Act provides a special procedure, including time limitations for the review and approval or disapproval of these systems. Other applicable law, including existing agency regulations, applies with respect to the authorization and administration of the transportation and utility systems in the same way it applies to non-Title XI applications.

Both regulatory and land managing Federal agencies are included in the consolidated application procedure. After consultation with many affected agencies, the Departments of Interior, Transportation and Agriculture developed the Uniform Federal Transportation and Utility System Application. Departments and independent agencies that participated are as follows: The Departments of Defense, Energy, Commerce and State, the Interstate Commerce Commission, the National Aeronautics and Space Administration, the Federal Communications Commission and the Environmental Protection Agency.

An attempt has been made to solicit only basic information which is required under current applicable law in determining whether to authorize a proposed system. The scope of response to the questions will vary for each applicant, depending on the simplicity or complexity of the project. In many instances, if the proposed form is completed properly, little or no further information will be required in order for the agency to approve or disapprove the system.

However, because of the highly specialized nature of most regulatory agency responsibilities, in some instances, these agencies may require additional information from the applicant. Applicants will also be urged to contact all relevant agencies prior to an application submission to learn of any additional or unique submission requirements which have not been incorporated into the consolidated form.

Comments on the consolidated form were requested in the **Federal Register** of March 12, 1981 (46 FR 16 342). Comments were received from 23 sources.

General Comments

Overall the comments received on the draft application form expressed the opinion that the form was clear, concise, and met the intent of Title XI of the Act. Out of 23 respondents, only one opposed the form in its entirety. By and large, the comments were of an editorial nature, i.e., word or phrase changes which provide for a clearer understanding of what information is being requested. Most of these suggestions have been incorporated into the form.

Specific Comments

One respondent suggested that an additional item entitled "resident of Alaska" be added to the citizenship requirement. The suggestion was not adopted in that there is no requirement of law for this information.

Several respondents made various suggestions relating to the "Project Description" section of the form. Most wanted additional items listed. We did not feel that it was necessary to add these requests to the Project Description section of the form. Most of these suggestions were, however, included in the instructions that accompany the form.

Two respondents asked that the word "exact" be removed from the section of the form pertaining to map requirements. This has been done.

Several respondents requested that an additional statement be included in the section on State or local government approval. An additional statement indicating that the applicant has applied for State or local government approval has been included.

Several respondents commented on item 13 of the form. In line with these comments we have replaced the word "chosen" with the word "rejected."

V 46 / 106 6 JE 3 81 1 UMI

Also, we have broken this item into three parts for clarity.

Four respondents commented on item 15. These comments ranged from eliminating the item to minor word changes. We have removed the phrase "net revenue" and have reworded the instructions for completing this item which are in line with the comments received.

The largest number of comments were directed at items 16 through 18 on the form. Again, these comments ranged from total elimination of the items to minor word changes. Most of the suggested word changes were made and have been incorporated into the form. Other suggestions for clarity were incorporated into the instructions for completing each one of these items. The suggestions for eliminating these items have not been accommodated.

John R. Block,
Secretary of Agriculture.
June 1, 1981.

Andrew L. Lewis,
Secretary of Transportation.
May 29, 1981.

James G. Watt,
Secretary of the Interior.
May 29, 1981.

General Information to Applicant

The Uniform Federal Transportation and Utility System Application form contained in this package is provided for your convenience in applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands that lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, National Forest Monuments. Any individual, business, or governmental entity desiring to establish and operate a transportation system over, upon, under, or through any one of these units must apply for this use by completing the application form contained in this package.

Transportation system uses for which this application is to be used are as follows:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.

2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.

3. Pipelines, slurry and emulsion systems and conveyor belts for the transportation of solid materials.

4. Systems for the transmission and distribution of electric energy.

5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication.

6. Improved rights-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.

7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

When filing for any of the above types of transportation systems within any conservation system unit, the applicant is required to file the application contained in this package with each Federal agency on the same day. Federal agencies with whom you must file an application include any agency that must issue a right-of-way, permit, license, lease, or certificate without which the proposed transportation system cannot, in whole or part, be established or operated. For example, if you are filing an application for an airport, you must file with the agency responsible for administering the land and with the Federal Aviation Administration. If you need assistance in determining with which Federal agency(ies) you must file, you should contact any local office of the Bureau of Land Management, Fish and Wildlife Service, Forest Service, or National Park Service.

After you have completed your application, please check to be sure the information you have provided is complete and correct, sign it and return it to all appropriate Federal agencies on the same day.

Thank you for your cooperation.

Steps for Completing the Application Form

We have set up the instructions in this package using 4 steps:

(1) Pre-Application Meeting; (2) General Application Instructions; (3) General Instructions for Supplemental and (4) Filing Instructions. If you follow each step in the order that they are set out and read the line-by-line instructions, your application will generally be found to be complete by the Federal agency(ies) with which you have filed. However, in some instances, the Federal agencies may find it necessary to request additional information from you before application processing can proceed. By carefully following the instructions set out below, requests for additional information can be held to a minimum with the net result being a reduced timeframe for processing an application and issuing the appropriate authorization(s).

[Step 1]—Pre-Application Meeting

You are encouraged to contact any Federal agency office with which you will be required to file an application to establish or operate the proposed project, prior to completing and filing the application. For your convenience, we have provided a listing of agencies and their locations under STEP 4 of these instructions. This early contact, for the purposes of these instructions, is identified as the *Pre-Application Meeting*. The *Pre-Application Meeting* has been integrated into this process primarily for your benefit. The purpose of the meeting is to afford you the opportunity to explain your proposed project to the affected Federal agency(ies). In return, the agency(ies) will provide you with assistance and information in completing the attached application form. In view of the fact that the Federal agencies with which you may end up filing an application with have no pay of knowing what your plans are, it becomes your responsibility to request a *Pre-Application Meeting* with the agency(ies).

It is at this *Pre-Application Meeting* with the Federal agency(ies) that you can acquire specific information to complete each requirement of the application contained in this package. The importance of a *Pre-Application Meeting* cannot be overemphasized. In many instances, you will find it necessary to file the application for the proposed use with two or more Federal agencies. To assist you in determining which Federal agencies you should contact for *Pre-Application Meetings*, the following guidelines are provided:

1. As a minimum you should contact either the Bureau of Land Management, Fish and Wildlife Service, National Park Service, or the U.S. Forest Service. If your proposal crosses land under the administration of only one of these land managing agencies, then only that land managing agency needs to be contacted. However, if your proposal crosses lands under the jurisdiction of two or more of the above mentioned land managing agencies, then you should contact each affected agency.

2. If your proposed project contemplates construction of any kind in navigable waters of the United States or putting structures of any description into or adjacent to these waters, then as a minimum you should contact the land managing agency and either the Coast

Guard or the Corps of Engineers or both. In some instances, and depending upon your project, it will be advisable to contact a representative of the Environmental Protection Agency.

3. Proposed projects involving the installation of air or water navigation aids, you should in addition to contacting the land managing agency, contact the Coast Guard and Federal Aviation Agency. If the navigation aid emits an electronic signal, then the Federal Communications Commission should be contacted along with the other agencies noted above.

4. In the establishment or alteration of any airport runway or taxiway, the Federal Aviation Administration should be contacted in addition to the land managing agency. The Federal Aviation Administration should also be contacted if any construction of a new structure is within a 5 mile radius of an existing airport or if the proposed structure is 200 feet or higher regardless of its proximity to the existing airport.

5. Generally, any project that contemplates transporting water by canals, ditches, flumes, pipeline or tunnels will require you to contact only the land managing agency. However, in some instances involving a water transportation system of if the water system serves the purpose of discharging waste water, then the Environment Protection Agency, Corps of Engineers, or Coast Guard should be contacted.

6. If the proposed project involves a pipeline for transporting substances other than water including any slurry or emulsion, the land managing agency(ies) should be contacted, and in instances where the pipeline will be a common carrier, the Federal Energy Regulatory Commission and the Department of Transportation should be contacted.

7. In the establishment of any type of communication facility, the land managing agency(ies) on whose land the facility will be situated should be contacted along with the Federal Communications Commission.

8. Any improvement or new construction contemplated for general transportation purposes will require you to contact the land managing agency(ies) across whose land the system affects. Depending on the proposed project, its location, and various other factors, you may need to contact other agencies such as the Corps of the Engineers Coast Guard, Federal Aviation Administration, Interstate Commerce Commission, Federal Highway Administration, Environmental Protection Agency, etc.

9. Any system for the transmission and distribution of electrical energy will require contact with the land managing agency(ies) whose land is crossed by the system. In instances where a powerline interconnects an electric utility and a qualifying cogenerator or small power producer, or where powerlines qualify as primary transmission lines leading from hydroelectric facilities to an interconnection point on the Alaskan distribution grid, you should contact the Federal Energy Regulatory Commission.

10. If the proposed project involves a facility that will emit pollutants into the air, water or land, the land managing agency should be contacted along with the Environmental Protection Agency.

11. If the proposed project involves disturbance to marine life or marine mammals or to their habitat you should check with the National Marine Fisheries Service.

[Step 2]—General Application Instructions

In this step, we have listed *Line-by-Line Instruction* for completing the application form contained in this package. At this point, we caution you that if you have not taken the time to thoroughly read the General Instructions and the instructions set out in STEP 1, you should, before proceeding any further, go back and read those instructions. If you need additional space to complete any line in the application, please put the information on a separate sheet of paper and identify it as follows: "Continuation of Line ——, Project Description."

Line-by-Line Instructions

[Line 1]—Give your complete name and address. Some agencies require the names, addresses, and telephone numbers of property owners located adjacent to the proposed project. If you must include this information in your application, identify this information as follows: "Continuation of Line 1, Identification of Adjacent Property Owners."

[Line 2]—If you plan to designate an authorized agent, you must complete this line with the name and address of your designated agent.

[Line 3]—Provide the appropriate telephone number(s).

[Line 4]—You must check at least one block. If you checked "Individual or Federal Agency" you do not have to complete the "Supplemental." If you check any block other than "Individual or Federal Agency," you must complete the entire form including the "Supplemental."

[Line 5]—You must check at least one block. If you checked the block Existing use for which no authorization received," you must provide information relating to the date use began, type of use, structures or facilities constructed, and vegetative or mineral materials removed or used along or within the area of use. This information should be put on a separate sheet of paper and identified as "Continuation of Line 5, Unauthorized Use Information." If you checked the block for "Other," please explain. This information should be put on a separate sheet of paper and identified as "Continuation of Line 5, Other."

[Line 6]—There are some laws which require the applicant to be a citizen of the United States before a Federal agency can permit the use of Federal lands or issue an authorization, thus the reason for this requirement. Check the appropriate block.

[Line 7]—Before you complete this line, we caution you that if you have not discussed your proposed project with the appropriate Federal agency or agencies are suggested under Step 1 of these instructions, you should do so at this time. Many of the affected agencies have very specific and/or unique requirements, particularly the regulatory agencies such as the Environmental Protection Agency, Interstate Commerce Commission, Federal Energy Regulatory Commission, etc. To list each of these, agency-by-agency, on the form or in these instructions, would not lend assistance to you. Therefore, after you have completed your *Pre-Application* consultation with the various agencies, give as a complete description of the proposed project as possible. If additional space is needed, the information should be put on a separate sheet of paper and identified as "Continuation of Line 7, Project Description." Examples of the type of information to be included are type of use—power transmission, transport oil or gas, vehicular transportation, etc.; units or volume of product to be transported—kilowatts, megawatts generated, cubic feet, barrels, gallons, thousands of board feet of timber, acre feet or water, etc.; the interrelationship of the proposed project with similar existing facilities; physical description of proposed facility—diameter of pipeline, all-weather surfaced road and width of running surface, and generating and transmission capacity of power projects; approximate date use will be terminated or construction completed; if the project involves dredging or filling in bodies of water, the volume and type of material is to be noted along with the name of the body of water. In addition, you may be required to furnish cost estimates of the project to some

agencies, and periods of use if the use will be on an interrupted basis. The above examples are not meant to be all-inclusive for a complete project description, but are only examples. Again, you are cautioned that the pre-application meeting described in STEP 1 will assist you in completing this important part of your application.

[Line 8]—Depending upon the proposed project, the mapping requirement may be satisfied with a relatively simply map or plan, or you may be required to submit a map or plan which shows the project in great detail. Generally, as a minimum, you must show the section, township and range within which the project is to be located and indicate the location of the project on the map as accurately as possible. These requirements are to be considered the minimum. Some agencies, depending upon the project, may require additional data; therefore, prior to preparing your map or plan, please check with the appropriate agencies for their specific mapping requirements. In addition, and depending on the type of use and associated structures to be constructed you may have to provide special maps and/or detailed structural or construction drawings. You should also provide, if required, technical data for specific navigational aids for both water and air travel. Again, you are cautioned to check with any affected agency to see if they require any type of special map or drawing for the type of project and facilities you propose.

[Line 9]—You are to check the appropriate box on this line if your proposed project requires State or local government approval. The various Federal agencies may only require you to furnish proof of application with the State or local government, while others may need the final approval document. For example, some Federal agencies require you to file a copy of the application you have filed with the State for water rights before they will process your application for a water pipeline. There are many variations for this requirement among the Federal agencies, therefore, please check with the agency or agencies with which you are filing this application.

[Line 10]—Some agencies require a nonreturnable application fee at the time of filing, while others do not. The amount or method of computing fees are not uniform among the agencies that do require a fee. Therefore, please check with each agency with which you must file this application for a determination of the fee that must accompany the application.

[Line 11]—If your project crosses the Canadian Boundary, the crossing must be shown on the map prepared to comply with Line 6. If your project affects any international waterway, the waterway must be identified on the map with a complete project description to be included in Line 7.

[Line 12]—Depending upon which law your proposed use will be authorized under, you may have to submit data on your technical and/or financial capability to construct, operate, maintain, and terminate the proposed project. Therefore, you should check with the affected agencies, to see if they require information of this type.

[Line 13]—Providing the requested information on alternate routes and modes in as much detail as you can and discussing in your analysis why certain routes or modes were rejected and why it is necessary to cross a conservation system unit, will in many cases assist the agency(ies) in processing your application and reaching a final decision within a shorter timeframe than normal. Your analysis should consider only reasonable alternative routes and modes as they relate to current technology and economics. For example, if your project is for a high voltage electric transmission line, you need not analyze the underground modes as an alternative.

[Line 14]—If you have applied for and received authorizations for similar projects in Alaska, please list these authorizations by their identifying number, date, code, or name. Information contained in these files may be useful in analyzing and processing the application you have just filed.

[Line 15]—The objective of this item is to provide information needed to evaluate the benefits, both tangible economic benefits and intangible public interest benefits, of a proposed transportation system for comparison with the magnitude of its detrimental effects on conservation units. The amount of specific information needed will depend on the nature and size of the transportation system. This item should always begin with a simple statement of the purpose of the system, including indications of the quantities of materials to be transported. In many cases, this will be sufficient, since the importance of the purpose would be obvious. However, this is only an abbreviated approximation of a full analysis of the total public and private costs of the proposed system and its next best alternative system. Major systems will require a full analysis for which additional specific information is needed. For transportation systems which will serve a new commercial enterprise, the expected net revenue of the enterprise will be a measure of the benefits of the transportation system. If there are public benefits in excess of expected revenues, these should be identified. For improved transportation systems to existing enterprises, the saving in transportation cost would be a measure of the economic benefits as well as the public benefits.

[Lines 16 through 18]—Recognizing the fact that some applicants will not have either the expertise or financial resources or both to provide all of the detailed information requested in these lines, you are requested to complete each line to the best of your ability and knowledge. The advantage to you to provide as much of the requested information as possible is that any useful information supplied will assist the Federal agency(ies) in reaching a decision and in all probability speed up the decisionmaking process on your application. In addition, and when providing information requested in these lines, you should use sound judgment in deciding whether certain specifics needs to be addressed depending on what your proposed project is. For example, if your project does not encroach into a stream or other body of water, you need not address this item or simply state that it is not applicable.

[Line 19]—Please check the box with the corresponding initials of the agencies with which you are filing this application. By providing this information the affected Federal agencies will be able to begin their coordinating role shortly after you have filed your application. To identify the initials with the appropriate agency, please go to Step 4 of these instructions.

Upon completing Lines 1 through 19 and prior to submitting your application, be sure you have signed and dated it in the space provided.

[Step 3]—General Instructions for Supplemental

The instructions under this Step apply only to the "Supplemental." Only business or governmental entities excpet for Federal agencies must complete the Supplemental, and then only the appropriate section pertaining to that entity. Regardless of the type of business or governmental entity and if you have any of the required information on file with the agencies and it is still up to date and accurate, check the block entitled "Filed" and note the case number, name, or the appropriate identification code. If any of the required information is not on file with the agency, check the block entitled "Attached" and submit a copy of the required document or information.

Under items "f" and "g" "Private Corporations" a block has been included to mark if you are not filing for an oil and gas pipeline. If, however, you are filing for an oil and gas pipeline, check either the "Attached" or "Filed" and follow the instructions noted in the first paragraph of this Step. The instructions of this paragraph also apply to items "e" under "Public Corporations" and "d" of "Partnership or Other Unincorporated Entity."

[Step 4]—Filing Instructions

Upon completing the application, you must file it with each affected Federal agency from whom you need a right-of-way, permit, license, lease, or certificate to establish and operate your proposed project. For your convenience, we are providing a listing of the participating agencies and their addresses with which you should file you application. In parenthesis following the name of the Federal agency we have included an initial which corresponds to the initials in Line 19 of the application form. Please use these identifying initials for your reference in completing Line 19.

Department of Agriculture

Regional Forester, Forest Service (USFS), Federal Office Building, P.O. Box 1628, Juneau, Alaska 99802; Telephone: (907) 586–7247 (or the appropriate Forest Service office)

Department of the Air Force

Alaskan Air Command (USAF), Headquarters AAC/DE—Bldg. 6900, Elemendorf Air Force Base, Anchorage, Alaska 99506 (or the appropriate installation commander); Telephone: (907) 752–2484

Department of the Army

U.S. Army Corps of Engineers (COE), Office of the District Engineer—Bldg. 21–700, Elemendorf Air Force Base, P.O. Box 7002, Anchorage, Alaska 99510; Telephone: (907) 279–1132

Department of the Navy

Western Division (USN), Naval Facilities Engineering Command, San Bruno, California 94066; Telephone: (415) 877–7601

Department of Commerce

National Marine Fisheries Service (NMFS), Director, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802; Telephone: (907) 586–7221

National Oceanic and Atmospheric Administration (NOAA), Director, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802; Telephone: (907) 586–7221

Department of Energy

Federal Energy Regulatory Commission (FERC), Office of the Secretary, 825 North Capitol Street, NE, Washington, D.C. 20426; Telephone: (202) 357–8400

Department of the Interior

Bureau of Indian Affairs (BIA), Juneau Area Office, P.O. Box 3–8000, Juneau, Alaska 99802; Telephone: (907) 586–7209

Bureau of Land Management (BLM), 701 (C) Street, Box 13, Anchorage, Alaska 99513; Telephone: (907) 271–5055

National Park Service (NPS), Alaska Regional Office, 540 West 5th Avenue, Room 202, Anchorage, Alaska 99501; Telephone: (907) 271–4196

U.S. Fish & Wildlife Service (FWS), Office of the Regional Director, 1011 East Tudor Road, Anchorage, Alaska 99503; Telephone: (907) 263–3537

Note.—Filings with any Interior Agency may be filed with any office noted above or with the: Office of the Secretary of the Interior, Regional Environmental Officer, Box 120, 1675 "C" Street, Anchorage, Alaska. This central filing point has been established for your convenience and may be used in lieu of filing with the individual agencies.

Department of State

Department of State (STATE), Office of Canadian Affairs (EUR/CAN), Washington, DC. 20520

Environmental Protection Agency

Environmental Protection Agency, Region 10 (EPA), Chief, Permits Branch, 1200 6th Avenue, Seattle, Washington 98101, Telephone: (206) 399–1348

Federal Communications Commission (FCC), Office of the Secretary, 1919 M Street, N.W., Washington, D.C. 20554

Interstate Commerce Commission (ICC), Federal Building and Court House, 701 C Street, Box 7, Anchorage, Alaska 99513; Telephone: (907) 271–5004

National Aeronautics and Space Administration

National Aeronautics and Space Administration (NASA), Station Director, NASA/STDN Alaska Station, P.O. Box 1307, Fairbanks, Alaska 99707; Telephone: (907) 452–1155

Department of Transportation

Federal Aviation Administration, Alaska Region AAL–4, P.O. Box 14, Anchorage, Alaska 99513

Note.—The Department of Transportation has established a central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCA), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

BILLING CODE 4310-10-M

V 4 6 / 1 0 6 J E 3 8 1 UMI

UNIFORM FEDERAL TRANSPORTATION AND UTILITY SYSTEM APPLICATION

FORM APPROVED
BUDGET BUREAU NO.

FOR AGENCY USE ONLY

Application Number

Date filed

1. Name and address of applicant *(include zip code)*

2. Name, title, and address of authorized agent if different from Item 1 *(include zip code)*

3. TELEPHONE *(area code)*

Applicant

Authorized agent

4. As applicant are you?

- ☐ Individual
- ☐ Corporation
- ☐ Partnership
- ☐ State Government State Agency
- ☐ Local Government
- ☐ Federal Agency

5. Specify what application is for:

- ☐ New authorization
- ☐ Renew existing authorization No.
- ☐ Amend existing authorization No.
- ☐ Assign existing authorization No.
- ☐ Existing use for which no authorization received
- ☐ Other *(describe)*

6. If an individual are you a citizen of the United States? ☐ Yes ☐ No

7. Project description *(describe in detail)*: (a) Type of transportation system *(i.e. canal, pipeline, road)*, (b) related structures and facilities, (c) physical specifications *(length, width, grading, etc.)*, (d) term of years needed, (e) time of year of use or operation, (f) volume or amount of product to be transported, (g) duration and timing of construction, and (h) temporary work areas needed for construction. *(Attach additional sheets, if additional space is needed.)*

8. Attach map covering project area and show approximate location on map.

9. State or local government approval: ☐ Attached ☐ Pending/Applied for ☐ Not required

10. Nonreturnable application fee: ☐ Attached ☐ Not required

11. Does project cross International Boundary or affect international waterways? ☐ Yes ☐ No

12. Give statement of your technical and financial capability to construct, operate, and maintain the system for which authorization is being requested.

13a. Describe in detail alternative routes and modes considered.

b. If routes or modes rejected, explain why.

c. Give explanation as to why it is necessary to cross Federal lands.

14. List your previous applications for similar projects which may provide additional information to authorizing agency.

15. Provide statement of need for project, including the economic feasibility. Statement should include items such as: (a) cost of proposed transportation/utility system *(construction, operation, and maintenance)*; (b) estimated cost of next best alternative system, and (c) expected public benefits provided by the system.

16. Der
life

17. Des
(c)
exi

18. Des
end

19. Che
☐
☐

I HERE
containe

Signature

Title 18,
States ar

V 46 / 106 JE 3 81 UMI

16. Describe probable effects on the population in the area, including socioeconomics effects, and statement of effect on rural traditional lifestyles.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality, (b) visual impact on the conservation unit, (c) surface and ground water quality and quantity, (d) the control or structural change on any stream or other body of water, (e) altering existing noise levels, and (f) altering the surface of the land, including vegetation, permafrost, soil, and effects on soil stability.

18. Describe the probable effects that the proposed project will have on: (a) populations of fish, plant, wildlife, and marine life, including endangered and threatened species, and (b) marine mammals, including hunting, capturing, collecting, or killing of these animals.

19. Check appropriate box to indicate agency(ies) with which you are filing. *(For agency identification refer to Step 4 of the instructions.)*

☐ USFS ☐ USAF ☐ COE ☐ USN ☐ NMFS ☐ FERC ☐ NOAA ☐ BIA ☐ BLM ☐ NPS ☐ FWS ☐ STATE
☐ EPA ☐ FCC ☐ ICC ☐ NASA ☐ FAA ☐ USCG ☐ FHWA ☐ FRA ☐ Other *(Specify)*

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant	Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

SUPPLEMENTAL

Note: If file block is checked, give application number of file containing the requested information

I – PRIVATE CORPORATIONS *(Check appropriate block(s))*	ATTACHED	FILED
a. Articles of Incorporation	☐	☐
b. Corporation Bylaws	☐	☐
c. If not incorporated in the State of Alaska, a certificate from the Secretary of State showing corporation is in good standing and is entitled to operate in Alaska. If incorporated in Alaska, a certificate from the State Department of Commerce and Commercial Development is required.	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	☐	☐
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications. *(If does not apply check this block ☐.)*	☐	☐
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal. *(If does not apply check this block ☐.)*	☐	☐
II – PUBLIC CORPORATIONS		
a. Copy of law forming corporation	☐	☐
b. Proof of organization	☐	☐
c. Copy of Bylaws	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. Information required by Items "1f" and "1g" above are required for public corporations. *(If does not apply check this block ☐.)*	☐	☐
III – PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	☐	☐
b. If one partner is authorized to sign, resolution authorizing action is.	☐	☐
c. Name and address of each participant, partner, association, or other	☐	☐
d. Information required by Items "1f" and "1g" above are required. *(If does not apply check this block ☐.)*	☐	☐

Comments/remarks *(attach additional sheets, if necessary and specify items involved)*

[FR Doc. 81-16537 Filed 6-2-81; 8:45 am]
BILLING CODE 4310-10-C

V 4 6 / 1 0 6 J E 3 8 1 UMI

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Establishment of Bogue Chitto National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of establishment of the Bogue Chitto National Wildlife Refuge, and delineation of the project boundary.

SUMMARY: This Notice designates by map the area of land and water in Saint Tammany and Washington Parishes, Louisiana and Pearl River County, Mississippi, which the Secretary of the Interior considers appropriate for the Bogue Chitto National Wildlife Refuge. The Notice also establishes that present and future Fish and Wildlife Service property or interests therein, within the acquisition boundary shown on the accompanying map, are components of Bogue Chitto National Wildlife Refuge. These lands are protected and administered in accordance with the Congressional Acts, Treaties and Executive Orders which provide the legal basis for operation of units of the National Wildlife Refuge System.

EFFECTIVE DATE: June 3, 1981.

FOR FURTHER INFORMATION CONTACT: Walter O. Stieglitz, Acting Regional Director, Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303, telephone (404) 221-3588 (commercial) or 242-3588 (FTS).

SUPPLEMENTARY INFORMATION: The Act to establish the Bogue Chitto National Wildlife Refuge was enacted by Congress in June 28, 1980 (Public Law 96-288). The Act provided that within one year after enactment, the Secretary would designate approximately forty thousand acres of land and water for the refuge and publish in the **Federal Register** a map depicting the boundaries for the refuge. The Secretary may make minor revisions in the published boundaries for the refuge in order to carry out the purpose of the Act or to facilitate acquisition of property within the refuge. The Act further directed the Secretary to publish a notice in the **Federal Register** to establish Bogue Chitto National Wildlife Refuge whenever sufficient property is acquired that can be effectively managed as a refuge.

Notice is hereby given that, pursuant to the above Act, the project area boundary for the Bogue Chitto National Wildlife Refuge has been depicted on the following map entitled "Bogue Chitto National Wildlife Refuge" and dated March, 1980, and that sufficient property interests have been acquired to constitute an area that can be effectively managed as a unit of the National Wildlife Refuge System. Therefore, the Bogue Chitto National Wildlife Refuge is established effective on date of this notice.

BILLING CODE 4310-55-M

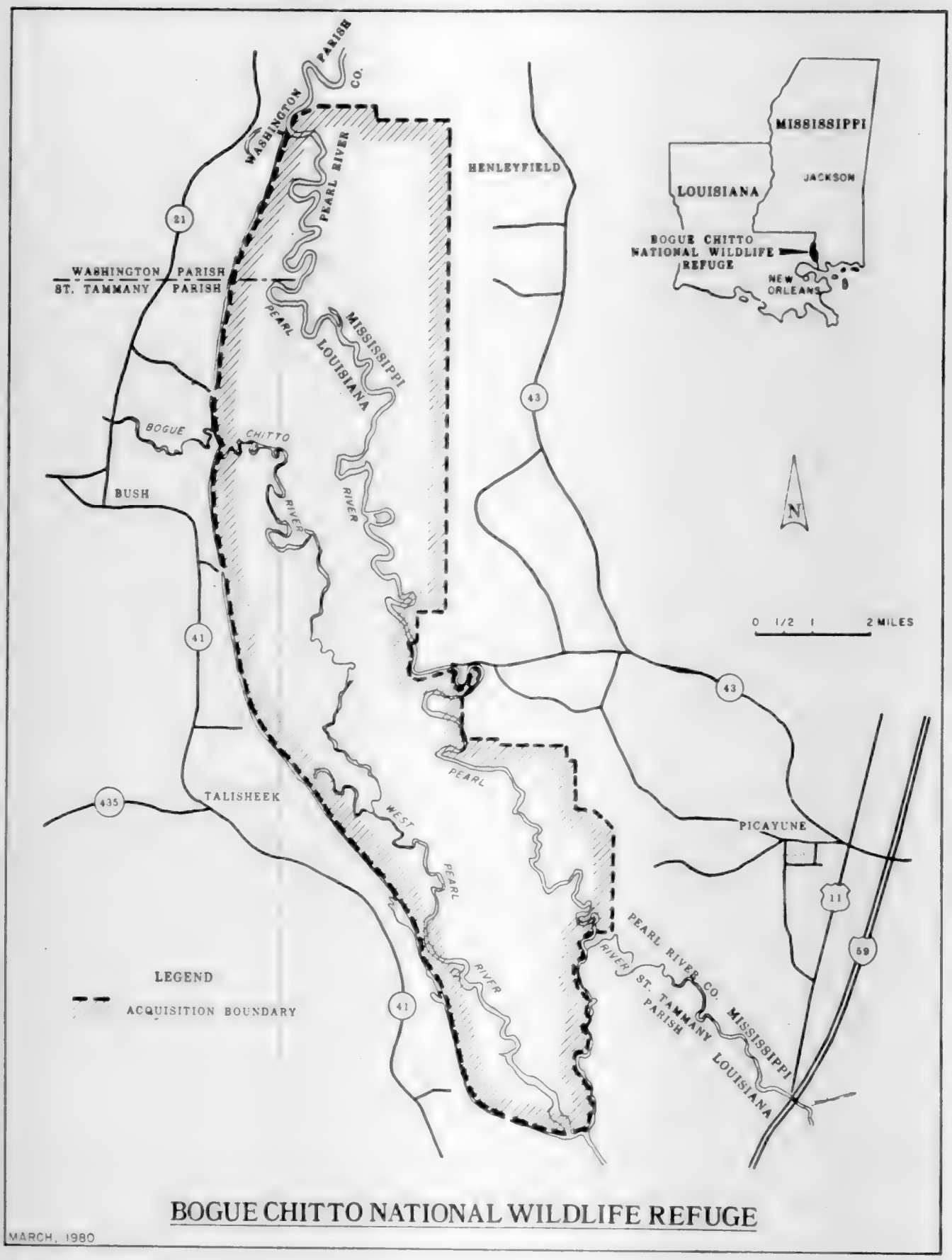

BOGUE CHITTO NATIONAL WILDLIFE REFUGE

MARCH, 1980

BILLING CODE 4310-55-C

Maps of the project area are on file and are available for public inspection in the Refuges and Wildlife Resources office, Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303, telephone (404) 221–3548 (commercial) or 242–3548 (FTS).

Walter O. Stieglitz,

Regional Director, U.S. Fish and Wildlife Service.

May 22, 1981.

[FR Doc. 81–16438 Filed 6–2–81; 8:45 am]

BILLING CODE 4310–55–M

H and L Sales; Endangered Species Permit; Receipt of Application

Applicant: H & L Sales, Patio Ranch, P.O. Box 21100, San Antonio, TX 78221.

The applicant requests a permit to allow hunters to kill, for a fee, excess male swamp deer *(Cervus duvauceli)* from managed herd maintained at his ranch by captive propagation.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7983. Interested persons may comment on this application July 6, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: May 29, 1981.

Larry LaRochelle

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc 81–16550 Filed 6–2–81; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Failure and Inventory Reporting System; Correction

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Erratum notice.

SUMMARY: This notice is to advise the public of a revision to the comment date that appeared in a notice entitled "Proposed Revision to the Failure and Inventory Reporting System (FIRS) Instruction Booklet and the FIRS Forms 9–1994 and 9–1995." This notice was published on page 26876 of the May 15, 1981, **Federal Register.**

The revised date by which comments must be received is 4:30 p.m. EST, July 10, 1981.

Dated: May 27, 1981.

Robert L. Rioux,

Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81–16506 Filed 6–2–81; 8:45 am]

BILLING CODE 4310–31–M

[INT DEIS 81–20]

Bureau of Land Management

Southern Rio Grande Draft Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Las Cruces District.

ACTION: Notice of Availability and Public Hearings.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM has prepared a Draft Environmental Impact Statement (DEIS) on a proposed livestock grazing management program for the Southern Rio Grande Planning Area of the Las Cruces District in southwestern New Mexico (Dona Ana, Sierra, Luna, Socorro, and Otero Counties). This program would allocate forage to livestock and big game, determine levels of livestock grazing management, identify needed support facilities, outline a general implementation schedule, list standard operating procedures, and discuss the interrelationships with the other programs in the area.

DATE: Writtten comments on the DEIS should be submitted to the Las Cruces District Office no later than July 24, 1981.

ADDRESS: Comments should be sent to the Las Cruces District Office, Attention Ed Webb, EIS Team Leader, P.O. Box 1420, Las Cruces, New Mexico 88004.

FOR FURTHER INFORMATION CONTRACT: Ed Webb, EIS Team Leader, at the above address. Telephone (505) 524–3603 or FTS 572–0209.

SUPPLEMENTARY INFORMATION: Copies of the DEIS Have been distributed to a mailing list of identified interested parties. A limited number of additional copies are available at the Las Cruces District Office, 1705 N. Valley Drive, P.O. Box 1420, Las Cruces, New Mexico 88004. Public reading copies are available for review at the BLM State Office, Office of Public Affairs, U.S. Federal Building, Santa Fe, New Mexico and public and university libraries in Las Cruces, Alamogordo, Truth or Consequences, Deming, Silver City and Albuquerque, New Mexico and El Paso, Texas. Reviewers should retain the DEIS for future reference, as the final EIS may not reprint the full text of the DEIS. (The DEIS will be incorporated by reference in the final statement.)

Public hearings will be held on July 8 and 9, 1981 to receive oral or written comments on the merits of the proposal and alternatives and the adequacy of the DEIS. On July 8, 1981, a hearing will be held in Las Cruces, New Mexico at the Branigan Memorial Library, 200 E. Picacho beginning at 1:30 p.m. On July 9, 1981, a hearing will be held in Truth or Consequences, New Mexico at the Convention Center, on the corner of Daniels and McAdoo at 1:30 p.m. Oral comments will be limited to 10 minutes, and should be accompanied with a wrtten synopsis of comments. Anyone wanting to register for either of the public hearings to present oral comments should contact Rena Gutierrez at the Las Cruces District Office (phone (505) 524–3603) prior to July 2, 1981.

Dated: May 15, 1981.

Larry L. Woodard,

Associate State Director, New Mexico.

[FR Doc. 81–16436 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

Rock Springs District Grazing Advisory Board; Meeting

May 26, 1981.

Notice is hereby given in accordance with P.L. 92–463 that a meeting of the Rock Springs District Grazing Advisory Board will be held on July 16, 1981.

The meeting will begin at 9:30 a.m. in the conference room of the Holiday Inn, 1675 Sunset Drive, Rock Springs, Wyoming.

The agenda for the meeting will include: (1) presentation of projects planned for Fiscal Year 1982 for construction with Range Betterment funds, (2) an update on the wild horse program and its impacts on AMP's, (3) the proposed Bureau's Rangeland Improvement policy, (4) a briefing on the Sandy ES AMP implementation, and (5) a reading of written statements and public comment period.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2:30 and 3:00 p.m., or file written statement for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901 by July 15, 1980. Depending on the number of persons wishing to make oral statements, a per

person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

Jerry K. Ostrom,

Assistant District Manager.

[FR Doc. 81-16439 Filed 6-2-81; 8:45 am]

BILLING CODE 4310-84-M

[Notice of Realty Action N-29324]

Nevada; Exchange of Public and Private Lands in Douglas and Clark Counties

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Mount Diablo Meridian, Nevada

T. 13 S., R. 71 E.,
Sec. 9: Lot 2 (the east 300' north of I-15 highway right-of-way),
Lot 3 (that portion north of the I-15 highway right-of-way), S½, S½, SW¼, NE¼, S½, SW¼, SE¼, NE¼, SE¼, SE¼, SE¼, NW¼, E½, E½, NE¼, SW¼, W½, NE¼, SE¼ (that portion north of I-15 highway right-of-way), NW¼, SE¼ (that portion north of I-15 highway right-of-way).
Comprising 82.5 acres of public land.

In exchange for these lands, the United States will acquire the following described lands from Mr. Donald Kitchin:

Mount Diablo Meridian, Nevada

T. 13 N., R. 19 E.,
Sec. 9: NW¼, NW¼.

Mount Diablo Meridian, Nevada

T. 14 N., R. 19 E.,
Sec. 28: SE¼, NE¼.
Comprising 80.0 acres of private land.

The purpose of this exchange is to acquire non-Federal land within the Toiyabe National Forest and to transfer public lands to other ownership to provide for the expansion of the community of Mesquite, Nevada. Jurisdiction of the non-Federal lands to be acquired within the National Forest would be transferred to the U.S. Forest Service. The proposed exchange is consistent with BLM land use planning for the public lands involved and the Forest Service's on-going program to acquire private holdings within national forests in Nevada. The exchange proposal has been discussed with Clark and Douglas County Government Officials. The public interest will be well served by making the exchange.

The values of the land to be exchanged are approximately equal; full equalization of values will be achieved either by adjusting the acreage to be exchanged or by payment to the United States by Mr. Donald Kitchin of funds in an amount not to exceed 25 percent of the total value of the lands to be transferred out of Federal ownership.

Lands to be transferred from the United States will be subject to the following reservations, terms, and conditions.

1. Oil and gas will be reserved to the United States for the duration of Oil and Gas Lease N-16513.

2. A 60-foot wide easement to Clark County for a road that provides access to the Clark County Sanitary Landfill established under the Recreation and Public Purposes Lease No. N-616.

Further information concerning the exchange, including the environmental assessment and land report, is available for review at the Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, Nevada 89102.

For a period of 45 days, beginning June 15, 1981, interested parties may submit comments to the State Director, BLM, Nevada State Office (N-943), P.O. Box 12000, Reno, Nevada 89520.

Upon publication of this Notice of Realty Action in the **Federal Register**, the public lands will be segregated from all other forms of appropriation under the public lands, except exchange, and the mining laws but not the mineral leasing lands for a period of two (2) years or upon issuance of patent or other documents of conveyance to such lands, whichever occurs first.

Dated: May 27, 1981.

Kemp Conn,

District Manager, Las Vegas District.

[FR Doc 81-16510 Filed 6-2-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 20231-A]

Oregon; Proposed Continuation of Withdrawal; Correction

In FR Doc. 81-13554, appearing on Page 25355 of the issue of Wednesday, May 6, 1981, change the description for Public Water Reserve No. 84 to read:

"T. 21 S., R. 22 E."

Dated: May 26, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-16561 Filed 6-2-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 6245]

Oregon; Termination of Proposed Withdrawal and Reservation of Land

Notice of application, OR 6245, filed by the Bureau of Land Management, U.S. Department of the Interior, for withdrawal and reservation of land was published as Federal Register Document 70-10856 on Page 13221 of the issue of August 19, 1970. The withdrawal was proposed for an addition to the Hyatt Lake Recreation Area. The applicant agency has cancelled its application in its entirety. The land involved is described as follows:

Willamette Meridian

Revested Oregon and California Railroad Grant Land

T. 39 S., R. 3 E.,
Sec. 3, NE¼ and SE¼S½;
Sec. 11, W½;
Sec. 15, S½NE¼, W½NW¼, and E½SW¼;
Sec. 21, NW¼NE¼ and S½NE¼;
Sec. 22, S½NW¼.

The area described contains approximately 960 acres in Jackson County, Oregon.

Therefore, pursuant to the regulations contained in 43 CFR 2310.2-1(c), such land will be at 10 a.m. on July 9, 1981, relieved of the segregative effect of the above-mentioned application.

Dated: May 26, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-16552 filed 6-2-81; 8:45 am]

BILLING CODE 4310-84-M

Wilderness Decision

The Bureau of Land Management (BLM) has completed the inventory phase of the wilderness review of public lands in the Sand Dune area near St. Anthony, Idaho.

The inventory of the three Sand Dune units was not completed with the Statewide inventory in November 1980, due to an earlier appeal received on the initial inventory decision.

On April 29, 1981, the Interior Board of Land Appeals (IBLA) ruled on the appeal, instructing BLM to continue the inventory through the intensive inventory phase.

Publication of this notice marks the beginning of a 30-day comment period on the proposed decision.

Sand Dunes Intensive Inventory Proposed Decision

Unit		Acres		
Name	Number	Proposed as WSA	Not proposed as WSA	Total
Sand Mountain	35-3	21,340	5,492	26,832
Black Knoll	35-4		7,095	7,095
Big Sandy	35-5		10,735	10,735
Total		21,340	23,322	44,662

The 30-day public comment period begins on June 5, 1981, and will end on July 6, 1981. The following open house will be held for the purpose of exchanging information with the public:

June 11, 1981—Fremont County Courthouse, St. Anthony, Idaho, 7:00–9:00 PM

Written comments should be sent to either of the following offices:

Idaho State Office, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724

Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401

To be utilized in the intensive inventory decision, comments should be unit-specific and should relate to the wilderness characteristics of the unit. General statements on characteristics as well as opinions for or against wilderness will be retained for use later in the study phase.

For further information, contact either of the offices listed above.

Dated: May 28, 1981.

R. Buffington,

State Director, Idaho BLM.

[FR Doc. 81-16510 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Pan-Sun Excursion Boats, Inc.; Intention To Negotiate Concession Contract

Pursuant to provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before July 6, 1981, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession contract with Pan-Sun Excursion Boats, Inc., authorizing it to continue to provide excursion boat transportation, snack bar, and sundry sales services for the public at Gulf Islands National Seashore, Mississippi, for a period of approximately ten (10) years from the date of contract execution through December 31, 1992.

It has been determined that the proposed issuance of this contract does not have potential for causing significant impacts on the human environment and, therefore, additional environmental documentation is not required.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1982, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the negotiation of a new contract. This provision, in effect, grants Pan-Sun Excursion Boats, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of Pan-Sun Excursion Boats, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of Pan-Sun Excursion Boats, Inc., (as determined by the Secretary), is submitted, Pan-Sun Excursion Boats, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Pan-Sun Excursion Boats, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the thirtieth (30th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW, Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: May 18, 1981.

C. W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 81-16554 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-70-M

Pan Isles, Inc.; Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before July 6, 1981, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession contract with Pan Isles, Inc., authorizing it to continue to provide excursion boat transportation services for the public at Gulf Islands National Seashore, Mississippi, for a period of approximately ten (10) years from the date of contract execution through December 31, 1992.

It has been determined that the proposed issuance of this contract does not have potential for causing significant impacts on the human environment and, therefore, additional environmental documentation is not required.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1982, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the negotiation of a new contract. This provision, in effect, grants Pan Isles, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of Pan Isles, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of Pan Isles, Inc., (as determined by the Secretary) is submitted, Pan Isles, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Pan Isles, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner must be postmarked or hand delivered on or before the thirtieth (30th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: May 18, 1981.

C. W. Ogle

Acting Regional Director, Southeast Region.

[FR Doc 81-16558 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware National Scenic and Recreation River; Meeting

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council.

Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: June 26, 1981, 7:00 p.m.

ADDRESS: Arlington Hotel, Narrowsburg, New York

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreation River, Drawer C, Narrowsburg, N.Y. 12764, (914/252-3947).

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. § 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include (1) implementation of section 704 of Pub. L. 95-625, and (2) new business.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the council c/o Upper Delaware National Scenic and Recreation River, Drawer C, Narrowsburg, N.Y. 12764. Minutes of the meeting will be available for inspection four weeks after the meeting at the temporary headquarters of the Upper Delaware National Scenic and Recreational River at the above address.

Dated: May 26, 1981.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 81-16556 Filed 6-2-81; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

[INT-DES 81-2]

Washington; Downstream Riverbank Stabilization Program, Grand Coulee Dam; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental statement on the proposed Riverbank Stabilization Program on the Columbia River below Grand Coulee Dam in Washington. The proposed program would include those actions necessary to prevent the riverbanks from sliding as a result of the operation of the Third Powerplant at Grand Coulee Dam. Written comments may be submitted to the Regional Director by July 28, 1981.

Copies are available for inspection at the following locations:

Department of the Interior, Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Washington, D.C. 20240, Telephone: (202) 343-4991

Division of Management Support; Library Branch, Engineering and Research Center, Room 450, Building 67, Denver Federal Center, Denver, CO 80225, Telephone: (303) 234-3019

Office of the Regional Director, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, ID 83724, Telephone: (208) 334-2108

Grand Coulee Project Office, Bureau of Reclamation, P.O. Box 620, Grand Coulee, WA 99133, Telephone: (509) 633-1360

Single copies of the statement may be obtained upon request to the Commissioner, Bureau of Reclamation, or the Regional Director. Copies will also be available for inspection in libraries in the project vicinity.

Dated: May 29, 1981.

Robert N. Broadbent,

Commissioner.

[FR Doc. 81-16558 Filed 6-2-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Introduction to Uniform Rail Costing; Issuance

AGENCY: Interstate Commerce Commission.

ACTION: Notice of issuance of *Introduction to Uniform Rail Costing System.*

SUMMARY: The Commission's Bureau of Accounts announces the issuance of an *Introduction to the Uniform Rail Costing System: Its Development, Functions and Regulatory Role.* This publication is intended to acquaint the public with the new costing system which will soon replace Rail Form A as the primary regulatory costing tool.

ADDRESS: Copies of the Introduction can be obtained by writing: Room 6331, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Walter Vliet, Room 6323, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, Phone: (202) 275-6175.

SUPPLEMENTARY INFORMATION: The Introduction provides a general overview of the Commission's new costing system for railroads. It describes: (1) the evolution and legislative history of rail costing; (2) the basic costing concepts and alternative approaches to railroad costing; and (3) the basic components and underlying methodology employed in the Uniform Rail Costing System (URCS). It also contains an evaluation of URCS, including how the new system compares with Rail Form A. Finally, the system's role in the regulatory process is explored, as well as non-regulatory uses.

URCS responds to an ever growing need for reliable railroad cost information in both the regulatory area and the private sector. The Railroad Revitalization and Regulatory Reform Act of 1976 and the Staggers Rail Act of 1980 each expanded the costing responsibilities of the Commission. As a result of specific provisions of these acts, cost information is now used to define the scope of the Commission's authority, as well as to provide input for determining the reasonableness of rates charged by railroads.

By decreasing the economic regulation of rail transportation, these acts also increased the utility of rail cost information to railroads and shippers. Since the private sector now has greater freedom to negotiate shipping rates it must also accept greater responsibility for evaluating the reasonableness of these rates. URCS can be an important tool for both railroads and shippers in meeting this responsibility.

A more thorough examination of URCS and the underlying costing methodology will be included in another release, the "1979 Rail Cost Study: Preliminary Report," due to be issued in June 1981. This report is directed primarily toward potential users of URCS, but is written in a manner which allows all interested parties to understand the process employed, and the significance of the results obtained.

Dated: May 28, 1981.

Ronald S. Young,

Director, Bureau of Accounts.

[FR Doc. 81-16490 Filed 6-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Section 5a Application No. 23A, etc.]

Middle Atlantic Conference Agreement; et al.; Extension of Time for Filing Agreements

In the matter of Middle Atlantic Conference-Agreement (Section 5a Application No. 23A), New England Motor Rate Bureau, Inc.—Agreement (Section 5a Application No. 25),

Middlewest Motor Freight Bureau—Agreement (Section 5a Application No. 34).

AGENCY: Interstate Commerce Commission.

ACTION: Notice of extension of time for filing agreements.

SUMMARY: The present due date for filing new or amended motor carrier rate bureau agreements is May 26, 1981. The Middle Atlantic Conference (MAC) and the New England Motor Rate Bureau, Inc. (NEMRB) requested that, in view of their pending proposal to consolidate their operations, their filing due date be extended to July 20, 1981. The Middlewest Motor Freight Bureau (MWMFB) also requested an extension of the filing due date until June 10, 1981. We believe that extensions are warranted in both cases. The due date for filing by MAC and NEMRB is being extended until 15 days following the service of a decision in Section 5a Application No. 23A, *Middle Atlantic Conference Petition for Approval of Amendments to Agreement.* The due date for filing by MWMFB is being extended by 15 days.

DATES: Agreements filed by MAC and NEMRB are now due 15 days following the service of a decision in the case cited in the summary. MWMFB's agreement is now due June 10, 1981. Comments by interested parties are due 45 days thereafter.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

Decided: May 22, 1981.

By the Commission, Robert C. Gresham, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16482 Filed 6-2-81; 8:45 am]

BILLING CODE 7035-01-M

Agricultural Cooperatives; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: May 29, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP.102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

(1) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Farm Fresh Cooperative Marketing Inc.

Principal Mailing Address (Street No., City, State, and Zip Code): Rt. 2, Box 294, Idaho Falls, ID 83401.

Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code): Rt. 2, Box 294, Idaho Falls, ID 83401.

Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Dan Biggs, Rt. 2, Box 294, Idaho Falls, ID 83401.

(2) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Northwest Agricultural Cooperative Association, Inc. (NACA, INC.).

Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 1, Ontario, OR 97914.

Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code): 920 Southeast Ninth Ave., Ontario, OR 97914.

Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Ted Hoots, P.O. Box 1, Ontario, OR 97914.

(3) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Nurserymen's & Farmer's Shipping Association.

Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 313, Warehouse Point, CT 06088.

Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code): Shoham Road, Warehouse Point, Connecticut 06088.

Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Charles Franscona, P.O. Box 313, Warehouse Point, CT 06088.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16489 Filed 6-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-82)]

Burlington Northern Inc.—Abandonment Near Fairview Junction and Great Bend, ND; Findings

Notice is hereby given pursuant to 49 U.S.C. § 10903 that by a decision dated May 27, 1981, the Commission, Review Board Number 1, found that the public convenience and necessity require or permit abandonment by Burlington Northern, Inc. of its line of railroad between Fairview Junction and Great Bend, ND., a total distance of 8.81 miles, subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). A certificate of abandonment will be issued permitting this abandonment unless within 15 days from the date of this publication the Commission also finds that:

(1) a financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) it is likely that:

(a) if a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) if a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of

1980, Pub. L. 96–448) and 49 C.F.R. 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16336 Filed 6–2–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–1 (Sub-No. 115F)]

Chicago & North Western Transportation Co.—Abandonment in Oneida and Vilas Counties, WI, and Gogebic County, MI; Findings

Notice is hereby given pursuant to 49 U.S.C 10903 that by a decision decided May 18, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, that the public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company (C&NW) of the line of railroad extending from milepost 239.9 near Monico, WI, to railroad milepost 292.8 near Watersmeet, MI, in Oneida and Vilas Counties, WI and Gogebic County, MI, a distance of 52.9 miles, subject to the conditions for the protection of employees developed in *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979), and provided that C&NW shall keep in tack all of the right-of-way underlying the track, including all bridges and culverts, for a period of 120 days from the date of issuance of the certificate, to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of this line. A certificate of abandonment will be issued to the C&NW based on these findings, unless within 15 days from the date of publication the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this notice, and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or the amount of compensation a certificate of abandonment will be issued no later than 50 days after the Notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such as agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16483 Filed 6–2–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 92]

Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 28, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 989 (Sub-41)X, filed May 12, 1981. Applicant: IDEAL TRUCK LINES, INC., P.O. Box 330, 418 East Holme, Norton, KS 67654. Representative: Ed J. Copenhaver, 6785 East 50th Avenue, Commerce City, CO 80022. Applicant seeks to remove restrictions in its lead and Sub-Nos. 11, 13, 19, 20, 21, 24, 30F, 32F, 36F, 40 and 41 certificates to (A) remove all restrictions in its general commodities authority "except classes A and B explosives," (B) broaden the territorial descriptions of the regular-route authority to authorize service at all intermediate points between points in KS, MO, NE, CO, IA, and WY, and authorize two-way service in place of one-way authority; (C) remove restrictions against the transportation of shipments moving to or from Denver, CO and points in its commercial zone on its regular route between Scottsbluff, NE and Casper, WY in Sub-No. 32, remove the restriction against transportation of traffic originating at or destined to Beloit, KS on its regular route authority in Sub-No. 20, and the restriction against joint or interline service between Omaha and Lincoln, NE and points west of Grand Island, NE in Sub-No. 11; and (D) broaden the territorial description in Sub-No. 19 from the named facilities near Underwood, IA to county-wide authority to serve Pottawattamie County, IA as an off-route point.

MC 15859 (Sub-14)X, filed May 15, 1981. Applicant: THE HINE LINE, P.O. Box 68, Burket, IN 46508. Representative: Michael D. McCormick, Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 6, 10F and 12F certificates to: (1) broaden the commodity description in (a) its lead and Sub-Nos. 5, 6, and 10F from hides, pelts, skins, green salted hides, green hide trimmings, cracklings, grease, casings, tankage, tallow, packing house by-products, sheep pelts, and other packers' offal by-products, to "food and related products," and "leather or leather products," (b) its lead and Sub-No. 6 from tanning extracts, salt, and fertilizer to "chemicals or allied products," and (c) Sub-No. 6 and 12F

from iron and steel fencing and iron and steel articles to "metal products;" (2) expand specific plantsite and city authority to county-wide authority in (a) the lead from (i) Chester and Hallstead, PA, to Susquehanna County, PA, (ii) Norwich, CT, to New London County, CT; and (iii) Elkland and Westfield, PA, to Tioga County, PA, (b) Sub-No. 6 from Sandusky, OH, to Erie County, OH, and (c) Sub-No. 12F from facilities at Weirton, WV and Steubenville, OH, to Hancock County, WV, and Jefferson County, OH; (3) expand one-way to radial authority in (a) the lead (i) between Susquehanna County, PA, Philadelphia, PA, and Wilmington, DE and, New London County, CT, (ii) between Tioga County, PA and Wilmington, DE, (b) Sub-No. 6 (i) between Cincinnati, OH and, points in IN, (ii) between Detroit, MI, and, points in IN, (iii) between Chicago, IL, and, points in IN, (iv) between Toledo, OH, and, points in IN, (v) between Erie County, OH and, points in IN, and (vi) between Chicago, IL, and, points in Darke, Defiance, Mercer, Paulding, Van Wert, and Williams Counties, OH, and (c) in Sub-No. 12F between Hancock County, WV and Jefferson County, OH, and, points in IN, IA, KS, MN, MO, NE, and WI; (6) in Sub-No. 10F remove the restriction against the transportation of shipments originating at or destined to Memphis, TN.

MC 31498 (Sub-3)X, filed May 14, 1981. Applicant: K & T AIR FREIGHT, INC., 16525 Eastland Street, Roseland, MI 48066. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) remove all exception from its general commodity authority except classes A and B explosives; (2) eliminate the facilities limitation at Marysville, MI; and (3) replace cities with authority to serve to counties as follows: Marysville with St. Claire County, MI, and Detroit with Wayne, Oakland, Macomb, Monroe, Livingston, and Washtenaw Counties, MI.

MC 37342 (Sub-1)X, filed May 13, 1981. Applicant: HUDSON VALLEY EXPRESS, INC., 94 Broadway, Jersey City, NJ 07306. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Applicant seeks to remove restrictions from its lead certificate to (1) broaden the commodity description from women's and children's ready-to-wear garments and materials used in the manufacture thereof and wearing apparel and cut or uncut goods, trimmings, buttons, clips clasps and other articles to "wearing apparel and materials, supplies and equipment used in the manufacture, sale and distribution of wearing apparel,"; (2) delete the limitation from the commodity description "only when such articles are used in the manufacture of wearing apparel being transported or to be transported"; (3) expand the off-route territorial scope from Passaic, NJ, and Poughkeepsie, Malboro and Haverstraw, NY to Dutchess, Putnam, Westchester and Ulster Counties, NY and Bergen and Passaic Counties, NJ; and (4) remove off-route point service restrictions at Passaic, NJ to or from New York, NY.

MC 45918 (Sub-3)X, April 1, 1981, previously noticed in the **Federal Register** of April 23, 1981, republished as follows: Appliant: D. SABATELLI, INC., 630 S. Ridley Creek Road, Media, PA 19063. Representative: Anthony J. Sabatelli (same address as above). Applicant seeks to remove restrictions in its lead certificate to: (1) broaden the commodity descriptions from (a) crushed stone and gravel and prepared bituminous road surfacing materials, to "construction and road materials and clay, concrete, glass, and stone products" in the lead; (b) road and building contractors' materials; equipment and supplies, including specific named commodities to "building materials; commodities in bulk; machinery, equipment, and supplies; metal products" in the lead; (2) replace specific point authority with county-wide authority as follows: Glen Mills, and Chester, PA, with Delaware County, PA; that part of NJ within 10 miles of City Hall, Camden, NJ, with Camden, Gloucester and Burlington Counties, NJ; and those parts of New Jersey and Pennsylvania within 25 miles of City Hall, Phildelphia, PA, with Bucks, Montgomery, Chester, Philadelphia, and Delaware Counties, PA, and Gloucester, Salem, Camdem, Burlington, Monmouth, Somerset, Mercer, Atlantic, Middlesex, Ocean, Cumberland and Hunterdon Counties, NJ; and (4) expand its one-way authority to radial authority between Delaware County, PA, and described portions of DE, NJ, Camden, Gloucester and Burlington Counties, NJ. The purpose of this republication is to show expansion to all counties within 10 miles of Camden and 25 miles of Philadelphia by removal of the City Hall limitation and expansion to the appropriate counties from the city limits.

MC 52869 (Sub-101)X, filed May 12, 1981. Applicant: NORTHERN TANK LINE, P.O. Box 970, Miles City, MT 59301. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-Nos. 43, 47, 54, 58, 59, 67, 69, 77, 78, 82, 83, 85, 91, 96, 97 and 98 certificates (1) to obtain return trip authority in all subs except Sub-No. 82; (2) to expand the commodity descriptions from liquefied petroleum gas, petroleum and petroleum products, or vegetable oils: in bulk, in tank vehicles to "commodities in bulk" in all subs except Sub-No. 82; (3) to remove a less than county-wide territorial restriction in its Sub-No. 54 "except points on U.S. Hwy 71 and U.S. Hwy 52"; (4) remove a restriction against petroleum and petroleum products, and to foreign commerce in its Sub-No. 82; and (5) to remove facilities limitations in Sub-Nos. 58, 77 and 78; and replace those designations and city-wide with county-wide authority: Tioga, ND with Williams county, ND, and Beltrami, MN with Polk County, MN in Sub-No. 43; Tioga with Williams County, ND; Atwater, MN, with Kandiyohi County, MN; Cokato, MN, with Wright County, MN, in Sub-No. 47; Minot, ND, with Ward County, ND in Sub-No. 58; Culbertson, MT with Roosevelt County, MT in Sub-No. 59; Mentor, MN, and points within 5 miles thereof, with Polk and Red Lake Counties, MN in Sub-No. 67; Aberdeen, SD, with Brown County, SD in Sub-No. 77; Jamestown, ND, with Stutsman County, ND in Sub-No. 78; and Casselton, ND with Cass County, ND in Sub-No. 83.

MC 59909 (Sub-17)X, filed May 15, 1981. Applicant: JACOBS TRANSFER INC., 2300 Beaver Road, Landover, MD 20785. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. Applicant seeks to remove restrictions in its MC–52974 (Sub-No. 10) permit to broaden the territorial description to between points in the US, under continuing contract(s) a named shipper.

MC 106863 (Sub-2)X, filed May 14, 1981. Applicant: BACON MOTOR EXPRESS, INC., P.O. Box 11207, Atlanta, GA 30310. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions from its lead permit to (A) amend commodity descriptions from specified food products, display racks, glass jars, printed matter, stationery, labels, twine and glassine bags, gummed tape, corrugated boxes, metal drums and containers, to (1) "food and related products", (2) "miscellaneous products of manufacture", (3) "clay, concrete, glass or stone products", (4) "pulp, paper and related products", (5) "printed matter", (6) "metal products" and (7) "rubber and plastic products", and (B) amend the territorial description to

"between all points in the United States".

MC 106920 (Sub-132)X, filed May 4, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NE., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-Nos. 86, 87, 94, and 96 certificates to (1) broaden the commodity description from (a) glass products or articles, clay, clay products or clay articles, (b) metal products or articles, (c) plastic products or articles, (d) feldspar and talc, (e) molds and machinery used un the production of glass products or articles, (f) bottle coating systems, and (g) parts and accessories for items a through f in Sub-Nos. 86, 87, and 96 to "concrete, clay, glass or stone products, metal products, rubber and plastic products, ores and minerals and chemicals and related products, machinery, bottle coating systems, and parts and accessories therefor"; from (a) glass, metal, plastic, paper, wax, clay, feldspar, wood products, anti-pollution and biochemical apparatus, products used in radiological research, organic chemistry kits, talc, candles, pottery, chinaware, ceramics, gift items and materials and supplies used in the repair and maintenance of boats, (b) machinery, parts and accessories for commodities named in (a) above, and (b) materials, equipment and supplies used in the manufacture and distribution of commodities in (a) and (b), to "general commodities (except classes A and B explosives)" in its Sub-No. 94; (2) replace named facilities and points as follows: Flat River, MO, with St. Francois County, MO, in Sub-No. 86, Centralia, IL, with Marion County, IL, in Sub-No. 87, and Springfield, KY, with Washington County, KY, in Sub-No. 94; (3) remove facilities limitations in Cumberland, Ocean, Atlantic, Gloucester, Mercer, Salem, Camden and Cape May Counties, NJ, in Sub-No. 94; and (4) remove "in bulk" restrictions in Sub-Nos. 86, 87, 94, and 96.

MC 109818 (Sub-95)X, filed May 13, 1981. Applicant: WENGER TRUCK LINE, INC., 3909 West Rusholme, P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions from its Sub-Nos. 27, 30, 34F, 37F, 39F, 46F, 56F, and 57F, certificates to (1) change the commodity descriptions from foodstuffs and nonedible food products and frozen foods to "food and related products and equipment, materials and supplies used in the manufacture, distribution, or sale thereof"; (2) delete the exception of commodities in bulk in all certificates except Sub-Nos. 56F and 57F; (3) delete vehicle restriction in Sub-No. 27; (4) remove the facilities limitations in Sub-Nos. 30, 34F, 37F, 39F, and 56F; (5) delete the "originating at or destined to" restrictions in Sub-Nos. 27, 30, 34F, 37F, 39F, and 56F; and (6) authorize radial authority where only one-way exists between specified points located in the central and eastern portions of the U.S.

MC 111936 (Sub-25)X, filed May 13, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 15F certificate to (A) broaden the commodity description to "furniture and fixtures" from new furniture, crated and new upholstered furniture (except when in boxes, creates and cartons), damaged or rejected shipments of new, upholstered furniture, crated or uncrated; and (B) authorize radial authority to replace existing one-way service between points in various combinations of eastern States.

MC 121795 (Sub-No. 3)X, filed May 15, 1981. Applicant: LAKESHORE WAREHOUSE, INC., 12010 Toepfer Road, Warren, MI 48089. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remobe restriction in its Sub-No. 1 certificate to: (1) broaden the commodity description from flour to "food and related products"; (2) remove the "in bulk, in tank vehicles" restriction; (3) expand facilities at Detroit, MI to city-wide authority in Detroit, MI; (4) authorize radial authority in place of existing one-way authority to authorize service between Detroit, MI, and MI and OH; and (5) eliminate the "ex-rail" restriction.

MC 123294 (Sub-No. 91)X, filed April 24, 1981. Applicant: WARSAW TRUCKING CO. INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same as applicant). Applicant seeks to remove restriction in its lead and Sub-Nos. 6, 7, 9, 10, 13, 15, 19, 20, 21, 23, 24, 26, 27, 28, 30, 31, 34, 35, 36, 38, 40, 42, 44, 45, 46, 51, 63, 64F, 66F, 69F, 70F, 71F, 73F, 77F, 78F, 79F, 80F, 81F, 82F, 83F, 84F, 85F, 87F and 88F certificates to (1) broaden the commodity descriptions to "food and related products" from, for example, poultry feeds, mineral mixtures, stock feeds, meat scraps, animal and poultry tonics, medicines and insecticides, soy flour, foodstuffs and starch, in the lead and Sub-Nos. 21, 30, 31, 36, 40, 77F and 88F: to "textile products" from, for example, brattice cloth, mine vents, jute, and cotton duck, in the lead and Sub-Nos. 7 and 84F; to "lumber and wood products" from doors and windows, in Sub-No 13; to "pulp, paper and related products" from for example, paper, paper products, scrap paper, rags, paper mill products, etc., in the lead and Sub-Nos. 9, 20, 44, 51, 66F, 70F, 73F, 81F, 82F, 83F, and 87F; to "chemicals and related products" from, for example, insecticides, high temperature bounding cement, and feed preservative, in Sub-Nos. 21, 30, 31, 34, 35, 36, and 88F; to "petroleum or coal products" from, for example, coal, coke, asphalt and asphalt filler, in Sub-Nos. 6, 45, 64F, and 69F; to "rubber and plastic products" from, for example, rubber, plastic bottles, plastic products, and ridged pipe, in Sub-Nos. 7, 71F, 73F, 83F, and 84F; to "clay, concrete, glass, or stone products" from, for example, clay, rock wool, mineral wool, insulating materials, and mineral fiber products, in Sub-Nos. 7, 13, 19, 23, 28, 34, 36, 38 and 78F; to "metal products" from, for example, iron castings, rough iron castings, poultry equipment, sheet metal, wire, metal stampings, metal wheels, aluminum ingots, aluminum scrap, non-ferrous metals and feeding equipment, in the lead and Sub-Nos. 6, 7, 10, 15, 24, 26, 35, 42, 46, 63 and 85F; to "machinery" from heavy machinery, in Sub-No. 13; to "waste or scrap materials" from, for examples, meat scraps, scrap paper, rags, aluminum scrap, and non-ferrous scrap, in Sub-Nos. 15, 24, 26, 46, and 63; and to "general commodities (except classes A and B explosives)" from general commodities (with exceptions), in Sub-No. 79F, (2) replace its one-way authority with radial authority between numerous named points throughout the United States, (3) remove the originating at or destined to restrictions in the lead and Sub-Nos. 6, 7, 9, 10, 15, 19, 20, 24, 27, 28, 34, 35, 38, 40, 45, 64F, 66F, 69F, 70F, 71F, 73F, and 78F, (4) remove the "in bulk, in tank, or hopper-type vehicles" restrictions, in Sub-Nos. 6, 19, 20, 21, 27, 28, 31, 35, 36, 45F, 69F, 73F, 78F, and 79F, (5) remove the except size and weight restriction, in Sub-No. 10 and (6) broaden the territorial description by substituting county-wide and city-wide authority for named facilities and city-wide authority as follows: Kosciusko County, In (for Warsaw, IN) on sheets 2, 4, 5, and 6 of the lead and Sub-Nos. 6, 7, 10, 40, 64, 84 and 85; Montgomery County, OH (for Dayton, OH), on sheets 2 and 3 of the lead and Sub-Nos. 51 and 57; Hamilton County, OH (for Cincinnati, OH), sheets 2 and 3 of the lead and Sub-No. 51; LaSalle County, IL

(for LaSalle, IL), sheet 2 of the lead; adams County, IL (for Quincy, IL), sheet 1, 2, 3 and 4 of the lead and Sub-Nos. 9, 21, 31 and 36; Allegheny County, PA (for Pittsburgh and Carnegie, PA), sheet 2 of the lead and Sub-No. 7; Peoria County, IL (for Peoria, IL), sheet 2 of the lead; Isabella County, MI (for Mt. Pleasant, MI), sheet 3 of the lead; Franklin County, OH (for Columbus, OH), sheet 3 of the lead; Allen County, OH (for Lima, OH), sheet 3 of the lead; Marion County, IN (for Indianapolis, IN), sheet 3 and 4 of the lead and Sub-Nos. 9 and 77; McDonough County, IL (for Macomb, IL), sheet 3 of the lead; Licking County, OH (for Greenville, OH), sheet 3 of the lead; Kanawha County, WV (for Belle, WV), sheet 4 of the lead; Butler County, OH (for Hamilton, OH), sheets 2 and 4 of the lead and Sub-No. 1; Milwaukee County, WI (for Milwaukee, WI), sheet 4 of the lead and Sub-No. 9; Racine County, WI (for Racine, WI), sheet 4 for the lead and Sub-No. 9; Rock County, WI (for Beloit, WI) sheet 4 of the lead; Hamilton County, OH (for Lockland, OH), sheet 4 of the lead and Sub-No. 87; Houston County, AL (for Dorhan, AL), in Sub-No. 7; Lee County, AL (for Salma, AL), in Sub-No. 7; Wabash County, IN (for Wabash, IN), in Sub-Nos. 13, 15, 24 and 28; Jefferson County, KY (for Louisville, KY), in Sub-Nos. 9 and 13; Huntington County, IN (for Huntington, IN), in Sub-Nos. 13 and 19; Miami County, OH (for Troy, OH), Champaign County, OH (for Urbana, OH), in Sub-Nos. 20, 44 and 77; Madison County, IN (for Alexandria, IN) in Sub-No. 23; Kosciusko County, IN (for Atwood, IN), in Sub-No. 26; Ottawa County, OH (for Gypsum, OH), in Sub-No. 27; Henry County, IL (for Alpha, IL), in Sub-Nos. 30 and 31; Kane County, IL (for Aurora, IL) and Starke County, OH (for Alliance, OH) in Sub-No. 34; Kalamazoo County, MI (for Kalamazoo, MI), in Sub-Nos. 19, 34 and 73; Wells County, IN (for Bluffton, IN), in Sub-No. 35; Middlesex County, NJ (for South Plainfield, NJ), in Sub-No. 38; Kosciusko County, IN (for Milford, IN), in Sub-No. 42; Lawrence County, IL (for Lawrenceville, IL), in Sub-No. 45; Cuyahoga County, OH (for Cleveland, OH), in Sub-No. 46; Grundy County, IL (for Morris, IL), in Sub-No. 87 and Pike County, IL (for Pittsfield, IL), in Sub-No. 88.

MC 123872 (Sub-127)X, filed May 12, 1981. Applicant: W & L MOTOR LINES, INC., Post Office Box 3467, Hickory, NC 28601. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-Nos. 104F, 116F and 118 certificates to (1) broaden the commodity descriptions from (a) cellulose wadding and padding, paper products, and extruded plastic foam and film to "textile mill products, pulp, paper, and related products, printed matter, and rubber and plastic products", in Sub-No. 116F, and (b) plastic articles to "rubber and plastic products," in Sub-Nos. 118; (2) eliminate the commodities (A) "in bulk" restriction, in all certificates, (b) "in tank vehicles" restriction, in Sub-No. 104F, and (c) "in vehicles equipped with mechanical refrigeration," in Sub-No. 104F; and (B) authorize county-wide, radial authority to replace existing city-wide, one-way service: between Hartford County, CT (for East Hartford, CT), Grenada County, MS (for Grenada, MS), Caldwell County, NC (for Patterson, NC) and Northumberland and Lancaster Counties, PA (for Paxinos and Lititz, PA), and, the western U.S., in Sub-No. 116F.

MC 125813 (Sub-26)X, filed May 6, 1981. Applicant: CRESSLER TRUCKING, INC., 691 Orrstown Road, Shippensburg, PA 17257. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 12, 14, 15, 16, 17F, 20F, 21F, 22F, and 23F certificates to (A) broaden the commodity descriptions in the lead from: (1) patterns for metal castings, and containers for pumps to "lumber and wood products", (2) from party novelties, scrap paper containers, decorations, supplies used by florists, and paper to "pulp paper and related products", (3) from operating and installation manuals for pumps, advertising materials, novelties, and materials used by florists to "printed matter", (4) from metal castings, metal plates, metal studs, bucket traps, thermodisc traps, temperature regulators, pressure regulators, machinery materials, and tin cans to "metal products", (5) from pumps, pump parts, air separators, machinery parts, and machinery to "machinery", (6) from party decorations, valves, vacuum breakers, thermostatic traps, float traps, water hammer arrestors, extruded sheet plastics, scrap extruded sheet plastics, artificial wreaths, artificial flowers, and artificial plants to "rubber and plastic products", (7) from expansion joints, elbows and their fittings and connections, vent tees, distribution flow tees, components, accessories and parts of plumbing and drainage systems to "building materials", (8) from soybean oil meal, poultry, agricultural commodities, tomato plants, tomatoes, groceries, fresh fruits and vegetables to "food and related products", (9) from new clothing to "textile mill products", (10) from new furniture to "furniture and fixtures", and (11) from fertilizer, paint, varnish and lacquer to "chemicals and related products"; in its Sub-No. 12, from (1) party novelties to "pulp, paper and related products", (2) from materials used in the distribution of party decorations to "printed matter," (3) from materials used in the manufacture of party novelties to "machinery", and (4) from party decorations to "rubber and plastic products"; in Sub-No. 14 from (1) commodities used in the manufacture of core boxes, and core boxes to "lumber and wood products", and "building materials", (2) from castings and commodities used in the manufacture of castings to "metal products", (3) from pumps to "machinery", (4) from accessories for pumps and parts to "rubber and plastic products", (5) from commodities used in the manufacture of pump accessories to "chemicals and related products", (6) from commodities used in the manufacture of castings and patterns to "ores and minerals", and (7) from commodities used in the manufacture of pump parts to "clay, concrete, glass or stone products;" in Sub-No. 15 from feed and feed ingredients to "food and related products;" in Sub-Nos. 16, 17, 21, and 22 from (1) wooden patterns for rock crushers to "lumber and wood products", (2) rock crusher parts and tools, and scrap steel to "metal products", and (3) rock crushers and defective rock crushers to "machinery;" in Sub-No. 20 from (1) ferrous alloys to "ores and minerals", and (2) foundry supplies to metal products, coal and coal products and clay, concrete, glass or stone products;" in Sub-No. 23 from shaft and clutch couplings to "metal products", and from shafting pulleys and sheaves to "machinery;" (B) enlarge the territorial description by replacing city-wide authority with county-wide authority wherever they appear in each certificate: from Shippensburg, PA to Cumberland and Franklin Counties, PA; from Peru, IN to Miami County, IN; from Indianapolis, IN to Boone, Hendricks, Morgan, Marion, Hamilton, Johnson, Shelby, and Hancock Counties, IN; from Little Falls, NY to Herkimer County, NY; from Oakland, NJ to Bergen County, NJ; from Mechanicsburg, PA to Cumberland County, PA; from Bellevue, Delphos, Fostoria, and Painesville, OH to Erie, Sandusky, Seneca, Allen, Putnam, Van Wert, Hancock, Wood, and Lake Counties, OH; from Decatur, IL to Macon County, IL; from Frankfurt, IN to Clinton County, IN; from Frederick and Hagerstown, MD to Frederick, and Washington Counties, MD; from

Wilmington and Dover, DE to New Castle and Kent Counties, DE and Salem County, NJ; from Jersey City, Camden, and Newark, NJ to Bergen, Hudson, Essex, Union, Camden, Gloucester, and Burlington Counties, NJ, Richmond, Manhattan, and Kings Counties, NY and Philadelphia County, PA; from Binghamton, Buffalo, Rochester, Syracuse, Endicott, Johnson City, Utica, Ithaca, Geneva, and Albany, NY to Broome, Erie, Niagara, Monroe, Onondaga, Madison, Oneida, Herkimer, Tompkins, Seneca, Albany, and Rensselaer Counties, NY; from Chambersburg, PA to Franklin County, PA; from Smithsburg, MD to Washington County, MD; from Bowling Green, OH to Wood County, OH; from Batavia, NY to Genessee County, NY; from Salem, NJ to Salem County, NJ; from Greencastle, Gettysburg, Littlestown, Hanover, and Waynesboro, PA to Franklin, Adams, and York Counties, PA; from Roxbury and Newville, PA to Franklin and Cumberland Counties, PA; from Mount Pulaski, IL to Logan County, IL; from Westpoint, NE to Cuming County, NE; from Atchison, KS to Atchison County, KS and Platte and Buchanan Counties, MO; from Greencastle, PA to Franklin County, PA; from Decatur, and Danville, IL to Macon, and Vermilion, Counties, IL; from Lawrence, KS to Douglas, Jefferson, and Leavenworth Counties, KS; from Carlisle, PA to Cumberland County, PA; from Sheffield, AL to Colbert and Lauderdale Counties, AL; from Milwaukee, WI to Milwaukee, Waukesha, Racine, Washington, and Ozaukee Counties, WI; from Trenton, TN to Gibson County, TN; from Chambersburg, PA to Franklin County, PA; from Atlanta, GA to Fulton, De Kalb, Henry, Clayton, Douglas, and Cobb Counties, GA; from Dallas, TX to Dallas, Tarrant, Kaufman, Rockwall, Collin, and Denton Counties, TX; from San Leandro, CA to Alameda, and Contra Costa, Counties, CA, and from Tulsa, OK to Tulsa, Rogers, Wagoner, Creek, and Osage Counties, OK; (C) replace one-way with round-trip authority between points located throughout the U.S. in each certificate; (D) remove "in bulk" restrictions in Sub-Nos. 12, 14, 15, and 22; (E) remove facilities limitations wherever they appear in each certificate; and (F) delete "originating at or destined to" restrictions wherever they appear in each certificate.

MC 128734 (Sub-7)X, filed May 15, 1981. Applicant: W. B. PRODUCE HAULERS, INC., 525 Cottage Grove, S.W., Grand Rapids, MI 49507. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions from its Sub-No. 6F permit to expand its territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 134235 (Sub-34)X, filed May 11, 1981. Applicant: KUHNLE BROTHERS, INC., P.O. Box 375, Newbury, OH 44056. Representative: Neal A. Jackson, 1156 15th Street, N.W., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 6F, 8F, 9F, 11F, 14F, 15F, 16F, 18F, 19F, 21F, 25F, 27 and 28F certificate to (A) broaden the commodity description fo (1) "chemicals and related products", from salt, salt products and solar salt in Sub-Nos. 1, 3, 14F, 15F, 19F, 21F and 25F, (2) "commodities in bulk" from salt, in bulk; salt products, in bulk; solar salt, in bulk and rock salt, in bulk, in Sub-Nos. 6F, 8F, 9F, 11F, 16F and 18F, (3) "food and related products" from flour, and pepper in packages when transported in mixed loads with salt and salt products, in Sub-Nos. 3 and 27, and (4) "building materials" from parts for unit drainage systems and materials used in the manufacture of unit drainage systems, in Sub-No. 28F; (B) remove the restriction limiting service to the transportation of specified commodities in (1) pneumatic tank vehicles, in Sub-No. 9F, and (2) tank and hopper-type vehicles, in Sub-No. 16F; (C) eliminate the (1) "packaging" restriction, in Sub-Nos. 3, 15F, 19F and 25F, and (2) "mixed load" restriction, in Sub-No. 3; (D) replace facilities or city-wide service with county-wide authority: (1) Yates County, NY for Milo, NY, in Sub-No. 1, (2) Wayne and Lake Counties, OH, for Rittman and Fairport, OH, in Sub-No. 3, (3) Geauga County, OH for Chardon, OH, in Sub-No. 28, (4) Wyoming and Schuyler Counties, NY for Silver Springs, Watkins Glen and Reading, NY, in Sub-No. 6F, (5) Hudson County, NJ for Jersey City, NJ, in Sub-Nos. 8F and 15F, (6) Middlesex County, NJ for Perth Amboy, NJ, in Sub-No. 14F, (7) Lake County, OH for Fairport Harbor, OH, in Sub-Nos. 11F, 21F and 25F, (8) Wyoming County, NY for Silver Springs, NY, in Sub-Nos. 19F and 25F, and (9) Wayne County, OH for Rittman, OH, in Sub-Nos. 25F; and (E) authorize radial authority to replace existing one-way service between various combinations of cities and counties and eastern States in Sub-Nos. 1, 3, 6F, 8F, 9F, 11F, 14F, 16F, 18F, 19F, 21F, 25F, 27 and 28F.

MC 136635 (Sub-56)X, filed May 13, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-No. 28F certificate to (1) broaden the commodity description to "clay, concrete, glass or stone products" from clay products and clay cat litter; and (2) replace Ochlocknee with Thomas County, GA and change the one-way authority to radial authority between Thomas County, GA, and, points in IL, IN, KY, MI, OH, PA, VA, WV, NY, and WI. Applicant also seeks to remove restrictions in its authority acquired in MC-F-13937 to (1) broaden the commodity descriptions to (a) "clay, concrete, glass or stone products" from clay cat litter; (b) "coal and coal products" from charcoal in containers; and (c) "building materials" from rolling doors, grills and related components and parts; (2) replace the facilities limitation at Columbus, OH with Franklin County and replace Wrens, GA with Jefferson County; (3) remove the AK and HI exception; and (4) change its one-way authorities to radial authorities between (a) Jefferson County, GA, and, Chicago, IL, and points in IN, MI, OH, WV, WI and parts of PA, NY, and IA; (b) Guernesey and Vinton Counties, OH, and Nicholas County, WV, and, points in U.S. on and east of western boundaries of MN, IA MO, AR and LA; and (c) Franklin County, OH, and, points in U.S.

MC 136635 (Sub-57)X, filed May 13, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-Nos. 21F and 35F certificates to (1) change the commodity description (a) from iron articles, steel articles, zinc articles, lead articles, springs and construction materials, supplies and equipment, to "metal articles and construction materials, supplies and equipment" in Sub-No. 21F; and (b) from metals and equipment and supplies used in the manufacture of metals to "metal products and materials, equipment and supplies used in the manufacture and distribution of metal products: (2) eliminate the bulk restriction in each certificate; (3) eliminate the plant site restrictions in each certificate; (4) replace city-wide with county-wide authority as follows: Blue Island with Cook County, IL; Joliet with Will County, IL; Ft. Wayne with Allen County, IN; Kokomo with Howard County, IN; Centerville with Appanoose County, IA; Grand Rapids with Kent County, MI; Lansing with Ingham County, MI; Jackson with Hinds County, MS; Columbus with Franklin County, OH; Toledo with Lucas County, OH; and

Allenport with Washington County, PA; and (4) authorize radial authority between specified points located within the central and eastern portion of the U.S.

MC 141923 (Sub-2)X, filed May 18, 1981. Applicant: WESTERN CONTAINER TRANSPORT, INC., 8101 N.E. 14th Place, Portland, OR 97211. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Applicant seeks to remove restrictions in its lead certificate and authority acquired in MC–F–13578 to (1) remove all exceptions to its general commodity authority except "Classes A and B explosives", and (2) remove restrictions limiting service to traffic (a) moving in containers and (b) having an immediately or prior or subsequent movement by water.

MC 143846 (Sub-14)X, filed May 13, 1981. Applicant: MISSION TRANSPORT, INC., 50 Van Keuren Avenue, Jersey City, NJ 07306. Representative: Kenneth M. Piken, Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374. Applicant seeks to remove restrictions from its Sub-Nos. 1, 3F, 8F and 11F permits to (1) expand the commodity description in Sub-No. 11F from printing paper and paper boxes, to "paper and paper products, and materials, equipment and supplies used in the manufacture thereof;" (2) remove restrictions in each permit against bulk commodities and (3) authorize service between points in the U.S., under contract(s) with named shippers.

MC 146229 (Sub-2)X, filed May 15, 1981. Applicant: VIRGIL SCHMIDT, d.b.a. SCHMIDT TRUCKING, 5665 Bordeau Road, Standish, MI 48658. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its lead and Sub-No. 1F certificates to (1) broaden the commodity description from soybean meal and soybean hulls to "food and related products" in the lead; and pulleys and pulley parts to "metal products, and machinery" in Sub-No. 1F; and (2) change city to county-wide authority from Logansport to Cass County, IN, and Fostoria to Seneca, Hancock and Wood Counties, OH, and authorize radial for one-way authority between Chicago, IL, Cass County, IN, and Seneca, Hancock and Wood Counties, OH, and, points in Roscommon, Ogemaw, Iosco, Clare, Missaukee, Gladwin, Arenac, Bay, and Midland Counties, MI, in the lead.

MC 146696 (Sub-4)X, filed May 15, 1981. Applicant: AGRI BUILDING SYSTEMS, INC., P.O. Box 130, Waukomis, OK 73773. Representative: Michael H. Lennox, P.O. Box 75613, Oklahoma City, OK 73147. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from pre-engineered metal buildings to "metal products"; (2) replace Houston, TX, with Harris, Brazoria, Fort Bend, Montgomery, Chambers, and Walters Counties, TX; Paoli, Moore, Clinton, Waukomis and Ponca City, OK, with Garvin, Cleveland, Custer, Garfield, and Kay Counties, OK; and Emporia, KS, with Lyon County, KS; and (3) replace one-way with radial authority between the points in (2).

MC 147424 (Sub-4)X, filed May 28, 1981. Applicant: FAZE, II, LTD, 303 East Ohio Street, Chicago, IL 60611. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from photographic and video recording equipment and materials, equipment and supplies to "machinery, instruments, and photographic goods," (2) to remove the except commodities in bulk restriction, and (3) to replace existing one-way authority by substituting radial authority between Cook County, IL, and points in IA, IN, KS, KY, MI, MN, MO, OH, NE, ND, SD and WI.

MC 148600 (Sub-12)X, filed May 21, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 N. Harvester Road, W. Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its No. MC–142830 (Sub-Nos. 4, 5 and 6) permits in order to (1)(a) broaden commodity descriptions to "building materials, metal products, waste or scrap materials, and rubber and plastic products" from aluminum building products, aluminum rods and wire, aluminum coil, aluminum fencing, aluminum lineals, and steel and steel products, scrap aluminum, and plastic articles and products in Sub-No. 4; (b) "rubber and plastic products, textile mill products, printed matter, and chemicals and related products" in place plastic products, clothing, greeting and note cards, and cleaning compounds in Sub-No. 5; and (c) to "food and related products" from foodstuffs, and meats, meat products, meat by-products, and articles distributed by meat packing houses in Sub-No. 6; (2) expand the territorial descriptions in each permit to between points in the United States under continuing contract(s) with named shippers; (3) eliminate from each permit the prohibition against transporting commodities in bulk or against serving AK and HI; and (4) eliminate from Sub-No. 6 the prohibition against transporting hides, and foodstuffs.

MC 148293 (Sub-3)X, filed May 28, 1981. Applicant: S & K MOTOR TRANS. INC., 34 Murdock Street, Somerville, MA 02145. Representative: James F. Martin Jr., 8 W. Morse Road, Bellingham, MA 02019. Applicant seeks to remove restrictions in its lead and Sub-No. 1 permits to (1) broaden the commodity descriptions from refined cane sugar to "commodities in bulk, and food and related products" and (2) broaden the territorial descriptions to between points in the United States, under contract(s) with named shippers.

MC 149063 (Sub-1)X, filed May 12, 1981. Applicant: BILL'S TRUCKING, INC., 135 N. State Street, Clairton, PA 15025. Representative: Robert J. Walshak, P.O. Box 552, 191 Wall Road Clairton, PA 15025. Applicant seeks to remove restrictions in its lead certificate to (A) broaden the commodity description from concrete slabs and products used in the manufacture of concrete slabs to "concrete slabs and products used or useful in the manufacturing of concrete slabs" in part (2); (B) eliminate the facilities restrictions, in both parts; and (C) authorize county-wide authority to replace existing city-wide service: Washington County, PA, for Monongahela, PA, in part (2).

MC 149078 (Sub-8)X, filed April 8, 1981, previously noticed in the Federal Register of April 27, 1981, republished as corrected in this issue. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd., Ontario, CA 91761. Representative: Robert Fuller, 13215 E. Penn St. Ste. 310, Whittier, CA. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 2F, 3F, 4F, 5F, and 6F certificates to (1) change the commodity descriptions as follows: from industrial fasteners and auto parts and materials, equipment, and supplies to "transportation equipment and metal products" in its lead; from label stock, and equipment, parts and supplies to "printed matter" in Sub-No. 1F; from auto parts, and equipment, materials and supplies to "transportation equipment" in Sub-No. 2F; from plastic liquid, resin, coal tar, and petroleum and resin compounds to "rubber and plastic products, chemicals and related products and petroleum or coal products" in Sub-No. 4F; to add "building materials" to materials, equipment and supplies used in the manufacture, prefabrication, construction, erection or installation of

buildings, in Sub-No. 5F; and, from paint and paint materials to "chemicals and related products and paint materials", in Sub-No. 6F; (2) to replace authority to serve plantsites or named points with county-wide authority: Hardin County, KY (for plantsite of Elizabethtown, KY) in lead; Fayette and Coweta County, GA (for Peach Tree City, GA), Worcester County, MA (for Fitchburg, MA), Hampden and Hampshire Counties, MA (for Holyoke, MA), Koochiching County, MN (for International Falls, MN), Summit, Medina, Portage, Stark and Wayne Counties, OH (for Akron, OH); Montgomery, Greene, Miami, Warren, and Clark Counties, OH (for Dayton, OH), Butler County, OH (for Hamilton, OH); Lake County, OH (for Painesville, OH), Bucks County, PA (for Quakertown, PA), Oneida County, WI (for Rheinlander, WI), and San Bernardino and Los Angeles Counties, CA (for Cucamonga, CA) in Sub-No. 1F; Des Moines and Lee Counties, IA (for Burlington, IA) in Sub-No 2F; Wayne, Oakland, Macomb, Washtenaw, and Monroe Counties, MI (for Detroit and Warren, MI), Lenawee County, MI (for Morenci, MI), in Sub-No. 3F; Wayne, Oakland, Macomb, Monroe, and Washtenaw Counties, MI (for Detroit, MI) in Sub-No. 4F; Summit and Portage Counties, OH (for Cuyahoga Falls, OH), Wayne County, OH (for West Salem, OH), and Medina County, OH (for Wadsworth, OH) in Sub-No. 5F; Wayne, Oakland, Macomb, Monroe, and Washtenaw Counties, MI (for Detroit, MI), and Kent, Ottowa, Allegan and Barry Counties, MI (for Grand Rapids, MI) in Sub-No. 6F; (3) substitute radial authority in place of one-way authority between points in Lynchburg, VA and IA counties in Sub-No. 2F, part (1); and (4) remove the restriction against the transportation of commodities in bulk or in special equipment in Sub-Nos. 1F, 3F, 4F, and 6F. The purpose of this republication is to include the proposed territorial expansion in applicant's Sub-No. 1 certificate.

MC 150409 (Sub-2)X, filed May 14, 1981. Applicant: MITCH-MOR TRUCKING, INC., Route 1, Becker, MN 55308. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to broaden the commodity description in its Sub-No. 1F certificate from aluminum die castings to "metal products".

MC 152464 (Sub-2)X, filed May 13, 1981. Applicant: PYRAMID T.O.F.C. SERVICES, INC., Route 2, Box 235A, Carterville, IL 62918. Representative: Ronald N. Cobert, 1730 M Street, N.W. Suite 501, Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-No. 1F certificate by (1) broadening the commodity description from general commodities (except household goods as defined by the Commission and classes A and B explosives) to general commodities (except classes A and B explosives) and (2) removing the restriction limiting transportation to traffic having a prior or subsequent movement by rail.

[FR Doc. 81-16528 Filed 6-2-81, 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and the type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-125

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 152033 (Sub-1-3TA), filed May 21, 1981. Applicant: WILLIAM J. TIGHE TRUCKING COMPANY, INC., 1513 Palisade Ave., Union City, NJ 07087. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except classes A and B explosives)*, from Savannah, GA, to Chicago, IL. Restricted to traffic originating at or destined to the facilities used or utilized by Union Camp Corporation, its subsidiaries, divisions, and vendors. Supporting shipper: Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470.

MC 140349 (Sub-1-TA), filed May 19, 1981. Applicant: COPE/BESTWAY EXPRESS, INC., 2024 Harvey Rd., Grand Island, N.Y. 14072. Representative: D. Thomas Cope (same as applicant). *Contract Carrier:* irregular routes: *Brake drums and disc brakes, rotors, new unfinished brake shoes and disc brake pads, and clay crushed or pulverized in paper bags, scrap brass, bronze or copper and brass, bronze or copper plate, sheet or strip,* between Niagara and Erie counties, NY and Jackson, Nashville, Smithville, Gleason and Paris, TN and Franklin, KY., under continuing contracts with ITT Aimco Div., Anaconda Industries Brass Div. and Playtime U.S.A. Inc. Supporting shippers: ITT Aimco, 435 Creekside Dr., Tonawanda, N.Y. 14150, Anaconda Industries Brass Div., 70 Sayre St., Buffalo, N.Y. 14207, and Playtime U.S.A., Inc., 3870 Broadway, Buffalo, N.Y. 14227.

MC 156014 (Sub-1-1TA), filed May 18, 1981. Applicant: HOPE EXPRESS CO., INC., 20 Spring Hill Drive, Johnston, RI 02919. Representative: Richard Piccoli (same as applicant). *Contract carrier:* irregular routes: *Merchandise dealt in by department stores* between RI, on the one hand, and, on the other, points in CT, MA, MD, NJ, NY, and PA, under continuing contract(s) with Ann & Hope of Cumberland, RI. Supporting shipper: Ann & Hope, One Mill Street, Cumberland, RI 02864.

MC 155921 (Sub-1-1TA), filed May 18, 1981. Applicant: EXECUTIVE COACH CORPORATION, Statler Office Building, Room 313, 20 Providence Street, Boston, MA 02116. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Passengers and their baggage, in special and charter operations in vehicles with a seating capacity of twenty-five (25) persons or less,* beginning and ending at points in Hartford County, CT, Providence County, RI, Hampden, Middlesex, Norfolk, Suffolk and Worcester County, MA, on the one hand, and, on the other, points in the contiguous 48 states.

Supporting shipper(s): There are 41 support statements with this application which may be examined at the I.C.C. regional office in Boston, MA.

MC 156015 (Sub-1–1TA), filed May 18, 1981. Applicant: C & J LEASING COMPANY, R.F.D. #3, Box 437, Caribou, ME 04736. Representative: Carl W. Flora, Flora & Canders, P.A., 520 Main Street, Presque Isle, ME 04769. *Contract carrier:* irregular routes: *Frozen foodstuffs and packaging materials related thereto* between points in ME on the one hand, and on the other, points east of the Mississippi River, under continuing contract(s) with L & S Sales, Inc., of Ashland, ME. Supporting shipper: L & S Sales, Inc., P.O. Box 417, Ashland, ME 04732.

MC 150448 (Sub-1–3TA), filed May 18, 1981. Applicant: CHART TRANSPORTATION, 1185 Morris Avenue, Union, NJ 07083. Representative: James A. Feinberg, P.O. Box 3342, Peabody, MA 01960. *Contract carrier:* irregular routes: *Retail store merchandise* from points in the U.S. except CT, MA, ME, NH, RI, VT, to Secaucus, NJ under a continuing contract(s) with Caldor, Inc., Norwalk, CT. Supporting shipper: Caldor, Inc., 20 Glover Ave., Norwalk, CT 06850.

MC 1403 (Sub-1–1TA), filed May 18, 1981. Applicant: CENTRAL TRANSFER COMPANY, 100 Kellogg Street, Jersey City, NJ 07305. Representative: Ronald I. Shapss, Esq., 450 Seventh Avenue, New York, NY 10123. *General commodities (usual exceptions)* between points in CT, MA and RI. Supporting shipper(s): There are 5 statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 147038 (Sub-1–3TA), filed May 18, 1981. Applicant: R–D TRANSPORT CO., INC., Box 229, Summer Dr., Ext., Winchendon, MA 01475. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128. *Contract carrier:* irregular routes: *Such merchandise as dealt in by department stores; material, equipment and supplies used in the sale and distribution of above* between MA on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DC, DE, WV, VA, NC, SC, GA, AL, FL, MS, LA, TN, KY, OH, IN, IL, MI, WI, MN, IA, MO, AR, TX, OK, KS, CO, NM, UT, NV, CA, under continuing contract(s) with S.A.Y. Industries, Inc. of Leominster, MA, and Quality Paper Co., Inc., of Watertown, MA. Supporting shipper(s): S.A.Y. Industries, Inc., Leominster, MA and Quality Paper Co., Inc., 610 Pleasant St., Watertown, MA.

MC 147036 (Sub-1–2TA), filed May 18, 1981. Applicant: R–D TRANSPORT CO., INC., Box 229, Summer Dr. Ext., Winchendon, MA 01475. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128. *Contract carrier:* Irregular routes: *Plastic and plastic articles and supplies and materials used in their manufacture and distribution* between Dallas, TX and Leominster, MA on the one hand, and, on the other, points in LA, MO, MN, AR,IA, OK, KS, NE, SD, ND, MT, ID, WY, CO, NM, AZ, UT, NV, CA, OR, WA, under a continuing contract(s) with Plastican, Inc. of Leominster, MA. Supporting shipper: Plastican, Inc., Industrial Road, Leominster, MA.

MC 155870 (Sub-1–2TA), filed May 22, 1981. Applicant: L & S EQUIPMENT, INC., Cranberry Meadow Road, Berwick, ME 03901. Representative: John C. Lightbody, Esquire, Murray, Plumb and Murray, 30 Exchange Street, Portland ME 04101. *Contract carrier:* Irregular routes: *bagged cement products, plywood concrete forms, wire mesh, nails, chemicals (drummed and pailed), concrete construction forming systems and related materials and supplies* from points in Wilmington DE; Chicago IL; St. Louis MO; North Bergen, Elizabeth NJ; Buffalo NY; Cleveland OH; Bristol PA; Manchester, Portsmouth NH; to Topsham ME under continuing contract(s) with Jay Kay Sales Co., Inc., of Topsham, ME. Supporting shippers: Jay Kay Sales Co., Inc., New Lewiston Road, Route 196, Topsham ME 04086.

MC 148387 (Sub-1–7TA), filed May 21, 1981. Applicant: S.M.P., INC., 166 Sitgreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except classes A and B explosives),* between points in Albany and Schenectady Counties, NY, on the one hand, and, on the other, points in the U.S. east of and including the states of ND, SD, NE, KS, OK, and TX. Supporting shipper: Vellano Bros., Inc., 211 Riverside Ave., Scotia, NY 12302.

MC 34087 (Sub-1–2TA), filed May 21, 1981. Applicant: NORMAN HILLS, Route 60, Fredonia, NY 14063. Representative: Norman Hills (same as applicant). *Contract carrier:* Irregular routes: *Merchandise as is dealt in or used by wholesale and retail grocery stores and food business houses* from points in IL, IN, MD, NY and OH to points in Allegheny County, PA under continuing contract(s) with Giant Eagle Markets, Inc., of Pittsburgh, PA. Supporting shipper: Giant Eagle Markets, Inc., 101 Kappa Drive, RIDC Park, Pittsburgh, PA 15238.

MC 99749 (Sub-1–3TA), filed May 19, 1981. Applicant: BOURNE'S TRANS., INC., 1029 Pearl Street, Brockton, MA 02401. Representative: John F. Hollengreen, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street N.W., Washington, DC 20004. *General commodities (except Classes A and B explosives and hazardous wastes)* between points in CT, ME, MA, NH, RI and VT. Supporting shipper(s): There are 32 statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 156073 (Sub-1–1TA), filed May 21, 1981. Applicant: SPORTS & THEATER TRANSPORT, INC. d.b.a. Sports Express/Theater District Transit, P.O. Box 194, 266 Pepperidge Road, Boonton Township, Boonton, New Jersey 07005. Representative: Michael R. Werner, Esq., P.O. Box 1409, 167 Fairfield Road, Fairfield, New Jersey 07006. *Passengers and their baggage, in the same vehicle with passengers, in special operations, in non-scheduled door-to-door service, limited to the transportation of not more than 15 passengers in any one vehicle, not including the driver thereof* between New York, NY and points in Passaic, Bergen, Essex, Union, Hudson, Morris, Monmouth, Middlesex, Somerset and Ocean Counties, NJ; Fairfield County, CT; and Nassau, Suffolk, Westchester, Rockland, Putnam and Orange Counties, NY. Supporting shipper: Prime Management Co., Inc., 1030 Clifton Ave., Clifton, NJ 07013.

MC 114323 (Sub-1–2TA), filed May 20, 1981. Applicant: PAUL MARCKESANO AND SONS CO., INC., 36 Ferris Street, Brooklyn, NY 11231. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048. *Waste kiln dust, in bulk, in pressure differential tank vehicles,* from Ravena, NY to points in CT, NY, NJ and PA. Supporting shipper(s): McNeill Brothers, Inc., Box 204—Devon Station, Milford, CT 06460.

MC 134197 (Sub-1–3TA), filed May 19, 1981. Applicant: JACKSON AND JOHNSON, INC., P.O. Box 327, Savannah, NY 13146. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Rubber and rubber products; automative parts, automotive accessories, automotive components and automotive equipment; also, materials, equipment and supplies used in the manufacture, sale and disbribution of the commodities named* between Shelby County, TN on the one hand, and, on the other, points in NY State. Supporting shipper: Motor Tire Inc., 620 Northumberland Avenue, Buffalo, NY 14215.

MC 155134 (Sub-1–1TA), filed May 21, 1981. Applicant: A & B TRUCKING CO., INC., RFD #1, PO Box 471, Randolph, VT 05060. Representative: Gordon Bent,

Jr., Richard B. Anderson II (same as applicant). *Contract carrier:* irregular routes: *Materials, equipment, and supplies used in the manufacture and distribution of cast iron stoves and other industrial gray iron castings* between points in Washington and Orange Counties, VT, on the one hand, and, on the other, points in the U.S. (except AK & HI), under continuing contract(s) with Vermont Castings, Inc., of Randolph, VT. Supporting shipper: Vermont Castings, Inc., Prince Street, Randloph, VT 05060.

MC 146596 (Sub-1–3TA), filed May 21, 1981. Applicant: FRED McCALL TRUCKING, INC., 2079 Railroad Street, Ontario, NY 14519. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Granite curb stone and granite chips* between East Otis, MA and Mt. Airy, NC on the one hand, and, on the other, points in CT, NJ, NY and PA. Supporting shipper: Syrstone, Inc., P.O. Box 247, North Syracuse, NY 13212.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 103937 (Sub-2–2TA), filed May 18, 1981. Applicant: ANTHRA TRANS, INC., R.D. No. 3, Moscow, PA 18444. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW., Washington, D.C. 20036. *Contract Carrier: Irregular Routes: Crushed glass* from West Haven, CT, to Elmira, NY, for 270 days, under continuing contract(s) with SCRAPCO, Inc. of West Haven, CT. An underlying ETA seeks 120 days authority. Supporting shipper: SCRAPCO, INC., 12 Eder Rd., West Haven, CT 06516.

MC 153051 (Sub-2–6TA), filed May 19, 1981. Applicant: ATS TRANSPORT, INC., 34439 Mills Road, North Ridgeville, OH 44039. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Paint, sealants, coatings, chemicals, and chemical products (except in bulk, in tank vehicles),* between points in Lorain County, OH, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Studebaker Chemical Co., 35520 Schneider Court, Avon, OH 44011.

MC 138438 (Sub-II–33TA), filed May 20, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Chemicals and related products,* between all points in and east of MN, IA, MO, AR and TX, for 270 days. Supporting shipper: Eagle Chemical Company, 125 Whitman Road, Reading, PA 19605.

MC 488 (Sub-II–11TA), filed May 19, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd. Monroeville, PA 15146. Representative: Leslie S. Breman (same address as applicant). *Leather, leather products and hides and materials and supplies used in the production and distribution of the above commodities* between the facilities of Middlesboro Tanning Co., Middlesboro, KY, on the one hand, and, on the other, points in IL, IN, MA, NC, OH, PA, TN, and VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Middlesboro Tanning Co. of DE, Box 189, Middlesboro, KY 40965.

MC 155524 (Sub-II–1TA), filed May 18, 1981. Applicant: HILL SIDE EXPRESS, INC., P.O. Box 324, Berwick, PA 18603. Representative: Vedder J. White, 501 Marine Bank Bldg., Erie, PA 16501. *Paper (other than newsprint)* from Columbia Co., Philadelphia Co., Bucks Co., and Berks Co., PA; and Gregg Co., TX to points in IL, FL, MO, WI, NE, TN, KY, TX, MN, ND, CO, AR, GA, KS, IA, SD, OK, AZ, NM, NV and CA. *Coal (processed and bagged)* from Schuylkill Co., PA between points in the U.S. (except AK and HI). *Meat, meat products and meat by-products* from Sedgwick Co., Shawnee Co., and Barton Co., KS to points in the U.S. (except AK and HI). An underlying ETA seeks 120 days authority. Supporting Shippers: Filter Media, Inc., P.O. Box 75, Gilberton, PA 17934; Thies Transportation, Inc., P.O. Box 1658, Topeka, KS 66601; Data Com Inc., 2500 Maryland Ave., P.O. Box 539, Willow Grove, PA 19090.

MC 153479 (II–2–TA), filed May 21, 1981. Applicant: KAYE TRUCKING AND LEASING COMPANY, INC., Rt. 2, Box 1866, Wheelersburg, Oh 45694. Representative: Stephen C. Fitch, 155 East Broad Street, Columbus, OH 43215. *Commodities in bulk in dump vehicles,* between points in the US for 270 days. Supporting shippers: Ernest Gregory Corp., 14133 US 23 N., Waverly, OH 45690; Ohio Dept. of Transportation, 650 Eastern Ave., Chillicothe, OH; Minerals Research & Recovery of Ohio, Inc., 19 Harding Ave., Jackson, OH 45640; Charlie's Iron & Metal Co., 507 W. 2nd St., Waverly, OH 45690.

MC 123914 (Sub–II–1TA), filed May 18, 1981. Applicant: W. C. KLINE, INC., 3200 South Tenth Ave., Altoona, PA 16603. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Silica sand gravel* from points in the Counties of Portage, Geauga, Lake, Cuyahoga and Trumbull Counties, Ohio to Blair County, PA for 270 days. Supporting shipper: Sproul Lime & Stone Co., R. D. #1, Box 588, Claysburg, PA 16625.

MC 109265 (Sub–II–1TA), filed May 19, 1981. Applicant: W. L. MEAD, INC., P.O. Box 31, Cleveland Road, Norwalk, OH 44857. Representative: Eugene J. Dreher (same as applicant). Contract carrier: Irregular route: *Plastic articles, cushioned envelopes, and packaging machinery and supplies used in the manufacture and distribution of same,* between the facilities of Sentinel Foam Products and Packaging Industries, Inc. at Hyannis MA and Plymouth MA on the one hand, and, on the other points in the states of CT, DC, FL, GA, IL, IN, KS, KY, MD, MI, MO, NJ, NY, NC, OH, PA, RI, SC, TX and WI for 270 days. An underlying ETA seeks 120 days authority. SS: Sentinel Foam Products/ Packaging Ind. Inc., Airport Rd., Hyannis, MA 02601.

MC 124212 (Sub–II–5–TA), filed May 21, 1981. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Lumber and wood products,* from New Kent County, VA to points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VT, WV and DC for 270 days. Supporting shipper: New Kent Wood Preservatives, Inc., P.O. Box 172, Providence Forge, VA 23140.

MC 107012 (Sub-II–167TA), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Electrical equipment, and parts, materials, and supplies used in the manufacture, maintenance, and distribution of electrical equipment* from Watsontown, PA to points in WV, VA, MD, DE, NC, SC, GA, FL, and AL for 270 days. Supporting shipper: Zenith Radio Corp., 1900 North Austin Ave., Chicago, IL 60639.

Note.—Common control may be involved.

MC 107012 (Sub-II–168TA), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Carpet padding* from the facilities of the Dixie Manufacturing Co. at or near Norfolk, VA to points in LA and TX for 270 days. Supporting shipper: Dixie Manufacturing Co., 110 Colley Ave., Norfolk, VA 23510.

Note.—Common control may be involved.

V.46/106 JE3 81 UMI

MC 107012 (Sub-II–169TA), filed May 21, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Such commodities as are dealt in or used by retail drug stores,* from the facilities of Superx Drugs, Inc. at Melbourne, FL to points in AZ, IL, IN, KY, OH, TN, and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Superx Drugs, Inc., 175 Tri-County Parkway, Cincinnati, OH 45246.

Note.—Common control may be involved.

MC 124111 (Sub-II–12TA), filed May 20, 1981. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Meat, meat products, meat by-products, and related products distributed by meat packing houses* between pts. in and East of MN, IA, MO, AR and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: A. J. Cunningham Packing Corp., 1776 Heritage Dr., Quincy MA 02171.

MC 21720 (Sub-II–2TA), filed May 20, 1981. Applicant: PANTHER VALLEY CARRIERS, INC., RD #3, Box 187–A, Tamaqua, PA 18252. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036. *Malt beverages and materials, equipment and supplies used in the manufacturing and distribution thereof,* between points in Lehigh County, PA, on the one hand, and, on the other, points in CT, MA, ME, NH, RI, and VT. An underlying ETA seeks 120-day authority. Supporting shipper: F.&M. Schaefer Brewing Co., Route 22 & 100, Fogelsville, PA 18051.

MC 151707 (Sub-II–11TA), filed May 19, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). Contract, irregular: *Insulation Products and materials and supplies used in the manufacture thereof* between Flint, MI, and points in and east of AZ, MT, UT, and WY, under continuing contract(s) with Super "K" Industries. An underlying ETA seeks 120 days authority. Supporting Shipper: Super "K" Industries, 5260 N. Genesee Rd., Flint, MI 48506.

MC 151707 (Sub-II–12TA), filed May 18, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St. (15th Floor), Wilmington, DE 19801. Representative: Gary Matthews, P.O. Box 849, Taylor, MI 48180. Contract, irregular: *Carbonated Beverages and materials and supplies used in the manufacture thereof* between Evansville, IN, and Havre de Grace, MD, on the one hand, and, on the other, points in and east of the States of KS, MN, NE, OK, SD, and TX, under continuing contract(s) with Faygo Beverages, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Faygo Beverage, Inc., 3579 Gratiot Ave., Detroit, MI 48207.

MC 151707 (Sub-II–14TA), filed May 19, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St. (15th Floor), Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). Contract, irregular: *Plastic Pipe and Pipe Fittings, materials and accessories used in the manufacture and distribution thereof* between Bakersfield, CA; Cleveland, OH; Santa Ana, CA; Sun Valley, CA; and points in the U.S., under continuing contract(s) with R & G Sloane Manufacturing Co., Inc. An underlying ETA seeks 120 days authority. Supporting Shipper: R & G Sloane Manufacturing Co., Inc., 7606 North Clybourn Ave., Sun Valley, CA 91352.

MC 146807 (Sub-II–20TA), filed May 20, 1981. Applicant: S W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same as above). *Plastic Scrap, Raw Materials, Plastic Products and filtered coal* between points in NJ, PA, CO, IN, TN, IL, KY, OH, MO, VA, WV, MD, NC, SC, AL, TX, FL, LA, OK, IA and CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Roscom, Inc., 133 S. Livingston Ave., Livingston, NJ 07039.

MC 146807 (Sub-II–21TA), filed May 20, 1981. Applicant: S W ENTERPRISES, INC., P.O. box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same as above). *Tires, tubes, rims, valves, wire used in steel belted radial tires & materials & supplies used in the manufacture of rubber and rubber products* between points in the States of PA, OH, VA, WV, KY, IL, IN, LA, TX, OK, AL, GA, TN, NC, SC, MO, CO, MS, FL,NY, NJ, KS, IA, CT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) McCarthy Tire Co., 340 Kidder St., Wilkes Barre, PA 18702.

MC 84728 (Sub-II–1TA), filed May 20, 1981. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street, N.W., Washington, DC 20005. Representative: George W. Hanthorn, 1500 Jackson Street, Dallas, TX 75201 Common; Regular. *Passengers and their baggage and express and newspapers in the same vehicle with passengers,* between Philadelphia, PA and the junction of NJ Hwy 73 with NJ Hwy 38: from Philadelphia, over the Tacony-Palmyra Bridge, thence over NJ Hwy 73 to junction NJ Hwy 38 and return over the same route serving all intermediate points, for 180 days. Applicant intends to tack. An underlying ETA seeks 120 days authority. Supporting shippers: There are 15 supporting statements filed with the application. They may be examined at the ICC Reg. Ofc., Phila., PA.

MC 156075 (Sub-II–1TA), filed May 21, 1981. Applicant STANSPEC TRANSPORTATION, INC., 13620 Deise Avenue, Cleveland, OH 44110. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. *Contract, irregular: Custom design material handling equipment, industrial furnaces and materials, equipment, and supplies used in the manufacture, sales and distribution thereof* between Cleveland, OH, on the one hand, and, on the other points in the U.S. for 270 days. Supporting shippers: Stanspec Corporation and SKB Corporation, 13600 Deise Avenue, Cleveland, OH 44110.

MC 155549 (Sub-II–1TA), filed May 19, 1981. Applicant: AIRWAY INDUSTRIES, INC., t.a. TRANSPORTATION SERVICES, Airway Park, Ellwood City, PA 16117. Representative: Ronald G. Backer, 300 Grant Bldg., Pittsburgh, PA 15219. *Contract; irregular: Knock-down corrugated cartons and sheets* between points in PA, VA, OH, WV, MD, NY, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Greif Bros. Corp., 5 Grable Rd., Washington, PA 15301.

MC 155912 (Sub-II–1TA), filed May 26, 1981. Applicant: BALTIMORE WAREHOUSING & TRANSPORTATION, INC., 2701 Boston St. Baltimore, MD 21224. Representative: Bruce Burchett (same as applicant). Contract, irregular: *Wood fiber mulch, wood cellulose insulation and recycled cardboard and newsprint,* between Baltimore County, MD and pts. in AL, AR, CT, DC, DE, FL, GA, IL, KY, LA, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, WV, IN and OK, for 270 days. Under continuing contract with Superior Fiber Products Co., Baltimore, MD. An underlying ETA seeks 120 days authority. Supporting shipper(s): Superior Fiber Products Co., 1201 65th St. Baltimore, MD 21237.

MC 156123 (Sub-II–1TA), filed May 26, 1981. Applicant: CALCIUM CHLORIDE SALES, INC., 713 W. Main St., Grove City, PA 16127. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. *Contract; irregular: Firebrick,*

firebrick shapes and materials and supplies used in the manufacture of the above commodities, between the facilities of Flo-Con Systems, Inc. in Grove City, PA, on the one hand, and, on the other, Great Lakes, MI and Cleveland and Middletown, OH, under continuing contract(s) with Flo-Con Systems, Inc., Champaign, IL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Flo-Con Systems, Inc., 1404 Newton Dr., P.O. Box 1070, Champaign, IL 61820.

MC 119315 (Sub-II–7TA), filed May 26, 1981. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Rd., Toledo, OH 43612. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *Alcoholic beverages* between Fulton, NY, on the one hand, and, on the other, Defiance, OH for 270 days. Supporting shipper: ABC Distributing Company, 11610 State Route 66 North, Rural Route 2, Defiance, OH 43512.

MC 150939 (Sub-II–19TA), filed May 26, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract; irregular: Floor covering and materials, supplies and equipment used or useful in the manufacture, sale or distribution of said commodities,* between the facilities of Ben Elfman & Son, Inc. at or near Chelsea, MA and Hartford, CT, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and LA, under continuing contract(s) with Ben Elfman & Son, Inc., Chelsea, MA for 270 days. Supporting shipper: Ben Elfman & Son, Inc., 124 Second St., Chelsea, MA 02150.

MC 13134 (Sub-II–19TA), filed May 26, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Metal products,* between Detroit, MI, points in Georgetown County, SC and Summer County, TN, on the one hand, and, on the other, points in Hocking County, OH, for 270 days. Supporting shipper: Amanda Bent Bolt Co., 20 Gallagher St., Logan, OH 43138.

MC 119699 (Sub-II–1TA), filed May 26, 1981. Applicant: HARRELL FREIGHT, INC., 53 East Thomas Ave., Baltimore, MD 21225. Representative: M. Bruce Morgan, 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061. *NICKEL: FERRO ALLOYS, and METAL, NOI* between Baltimore, MD and points in PA on and East of U.S. Hwy 15, for 270 days. Supporting shipper: Derby & Co., Inc., 400 Holiday Dr., Pittsburgh, PA 15220.

MC 69397 (Sub-II–3TA), filed May 26, 1981. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. (1) *Decking, iron and steel, and iron and steel articles,* and (2) *materials and supplies* used in the manufacture of decking, between points in DE, MD, NJ, NY, NC, PA, and VA, for 270 days. Supporting shipper: Southeast Metal Deck, Inc., 1400 Cavalier Blvd., Chesapeake, VA 23323.

MC 151438 (Sub-II–2TA), filed May 26, 1981. Applicant: MID–AMERICA TRANSPORT CO., 6041 Benore Rd., Toledo, OH 43612. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. *Contract, irregular: (1) Steel and aluminum articles, and (2) materials, equipment and supplies used in the manufacture and distribution of steel and aluminum articles,* between points in IL, IN, KY, MI, OH, PA, TN, WV and WI under continuing contract(s) with Form-Tech Steel, Inc. of Temperance, MI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Form-Tech Steel, Inc., 222 Lavoy Rd., Temperance, MI 48182.

MC 149484 (Sub-II–23TA), filed May 26, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same as applicant). *Commodities as dealt in by supermarkets and supermarket distributors and in connection therewith equipment, materials and supplies used in the conduct of such business,* between the facilities of Wakefern Food Corp., Elizabeth, NJ, on the one hand, and, on the other, points in and east of WI, IL, KY, TN and MS, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Wakefern Food Corp., 600 York St., Elizabeth, NJ 07201.

MC 124111 (Sub-II–13TA), filed May 26, 1981. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *General commodities (except classes A and B explosives and commodities in bulk),* between Bellevue, OH, including points in its commercial zone, on the one hand, and, on the other, points in OH, restricted to traffic having a prior subsequent movement by rail for 270 days. Supporting shipper: Rail-Van of Bellevue, Inc., 130 McKim St., Bellevue, OH.

MC 153979 (Sub-II–3TA), filed May 26, 1981. Applicant: WEST POINT TRANSPORT, INC., 1700 Willis Road, Richmond, VA 23234. Representative: Paul D. Collins, 5600 Midlothian Turnpike, P.O. Box 24286, Richmond, VA 23224. Contract, irregular: *Plastics (Cellulose acetate), granular or flakes, in bulk;* from points in York County, SC (Cel River) to points in Giles County, VA (Celco), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Celanese Fibers Co., Charlotte, NC.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 119043 (Sub-4–1TA), filed May 21, 1981. Applicant: MELVIN L. MALBRAATEN, Route 9, Box 520, Bemidji, MN 56601. Representative: Daryl Malbraaten, Route 4, Box 80, Bemidji, MN 56601. *Treated posts, poles, lumber, untreated posts, poles, and lumber,* from points in MN, to point in IA, ND, SD, NE, and MT. An underlying ETA seeks 90 days authority. Supporting shipper: Land O' Lakes Wood Preserving, Tenstrike, MN 56683.

MC 74755 (Sub-4–1TA), filed May 21, 1981. Applicant: SUELZER MOVING & STORAGE, INC., 4325 Meyer Road, Fort Wayne, IN 46806. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract* irregular: *Office furniture and used household goods,* between all points in the U.S. Restricted to traffic moving under continuing contract with N.A.P. Consumer Electronics Corp. Supporting shipper: N.A.P. Consumer Electronics Corp., I–40 at Straw Plains Pike, P.O. Box 6950, Knoxville, TN 37914.

MC 104654 (Sub-4–1TA), filed May 21, 1981. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, IL 62222. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Sts., NW., Washington, DC 20004. *Petroleum products, in bulk, in tank vehicles,* from Birds Point, MO, to points in IL, KY, TN and AR. Supporting shipper: Illinois Waterways Oil Co., 2510 S. Brentwood Blvd., St. Louis, MO.

MC 156087 (Sub-4–1TA), filed May 22, 1981. Applicant: GOLD BOND TRANSPORT, INC., 806 Packerland Drive, Green Bay, WI 54303. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Food and related products* (1) between: the facilities of Gold Bond Ice Cream, Inc. on the one hand, and, on the other, points in the U.S. in and east of points in ND, SD, NE, KS, OK and TX, for the account of Gold Bond Ice Cream, Inc.

and; (2) from the facilities of Ace Baking Corporation at Green Bay, WI to points in IA, MN, ND and NE for the account of Ace Baking Corporation. An underlying ETA seeks 120 days authority. Supporting shippers: (1) Gold Bond Ice Cream, Inc., 808 Packerland Drive, Green Bay, WI 54303, (2) Ace Baking Corporation, Box 2102, Green Bay, WI 54306.

MC 155814 (Sub-4–1TA), filed May 21, 1981. Applicant: S. ALBERT MOTOR SERVICE, INC., 237 Saugus Lane, Schaumburg, IL 60194. Representative: Irwin D. Rozner, 134 N. LaSalle St., Chicago, IL 60602. *Contract, irregular: Scrap iron or steel in bulk in dump vehicles* from Schiller Park, IL and Chicago, IL to Holland, MI under contract(s) with the Scrap Corp. of America, Supporting shipper: Scrap Corp. of America, 555 Skokie Blvd., Northbrook, IL 60062.

MC 105045 (Sub-4–31TA), filed May 20, 1981. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: Robert P. Cline, Traffic Manager (same as above). *(1) Commodities, the transportation of which, because of size or weight require the use of special equipment or special handling, (2) machinery and parts for machinery and (3) metal and metal products,* between Chester, Lexington, Richland and York Counties, SC and points in the U.S. Supporting shippers: Champion Road Machinery Intl. Corp., W. Columbia, SC; Kline Iron and Steel, Columbia, SC; Mesco, Chester, SC; Columbia Supply, Columbia, SC; General Fabricators, Rock Hill, SC; Pioneer Steel, Cayce, SC.

MC 151598 (Sub-4–2TA), filed May 21, 1981. Applicant: HOW-DEA SERVICE CENTER, INC., Route 1, Belgium, WI 53004. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Contract; irregular: Alcoholic beverages* from Louisville, Bardstown, and Owensboro, KY, Detroit, MI, Lawrenceburg, IN, Schenley, PA, and Lynchburg, TN to Milwaukee, WI. An underlying ETA seeks 120 days authority. Supporting shipper: United Wine and Spirits Co., Inc., 7025 West Parkland Court, Milwaukee, WI 53223.

MC 116099 (Sub-4–1), filed May 21, 1981. Applicant: WOODWORTH & SONS, INC., Tolono, IL 61880. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Tall oil,* from Savannah, GA to Urbana, IL. Restricted to traffic moving under continuing contract with Emulsicoat, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Emulsicoat, Inc., 705 East University Ave., Urbana, IL 61801.

MC 151397 (Sub-4–2TA), filed May 21, 1981. Applicant: FLEET ROAD SERVICE, INC., 558 W. 20th Place, Chicago, IL 60616. Representative: Gilbert J. Green, 5957 South Rutherford Ave., Chicago, IL 60638. *Contract; irregular: Rovings or yarn, Glass Fibre; Strand, Glass Fibre; and, Non-metalic electrical junction boxes;* Between Bryan, OH on the one hand, and on the other, points and places in the states of IL, MO, MN, and TN. Supporting shipper: Allied Moulded Products, Inc., 222 N. Union Street, Bryan, OH 43506.

MC 109833 (Sub-4–6TA), filed May 21, 1981. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Paper, Cardboard, and Plastic Packaging Materials,* between points in the U.S. (except HI and AK). Supporting shipper: Jiffy Packaging Inc., P.O. Box 469, Salem, IL 62881.

MC 120364 (Sub-4–14TA), filed May 21, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract; irregular: Automotive parts and materials, equipment and supplies used or useful in the manufacture, sale or distribution of automobiles,* from points in IN, MI, MO, OH and WI to Belvidere, IL, under continuing contract(s) with Chrysler Corporation, Belvidere, IL. Underlying ETA seeks 120 days authority. Supporting shipper: Chrysler Corporation, Belvidere Assembly Plant, Belvidere, IL 61008.

MC 120364 (Sub-4–15TA), filed May 21, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract; irregular: Water treatment equipment* from Rockford, IL to points in ND, SD, MN, IA, NE, KS, MO, TN, IN, OH, MI, KY, and WI, under continuing contract(s) with Illinois Water Treatment Company, a division of Sunbeam Corporation. Underlying ETA seeks 120 days authority. Supporting shipper: Illinois Water Treatment Company, a division of Sunbeam Corporation, 4669 Shepherd Trail, Rockford, IL 61105.

MC 114194 (Sub-4–18TA), filed May 21, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., Madison, IL 62060. Representative: William J. O'Donnell (same as applicant). *Chemicals, dry, in bulk,* from El Dorado, AR to Mt. Vernon, IN. Supporting shipper: Great Lakes Chemical Corp., P.O. Box 1678, El Dorado, AR 71730.

MC 143356 (Sub-4–3TA), filed May 19, 1981. Applicant: MIRACL MOTOR SERVICE LTD., 1825 N. California Ave., Chicago, IL 60647. Representative: Bernice Phillips, 5527 N. Central Ave., Chicago, IL 60630. *Fabricated and unfabricated—steel rolled rings, blow pipe elbows, alum. dampers, steel, alum. lockseam pipe, plates, channels, assemblies, angles; concrete forming equipment, general construction commodities, accessories and supplies, plastic components, plastic pellets (raw material), cartons, (packaging), tools, molds,* from plant sites and facilities of Chicago Metal Mfg. Co., Clover Plastics, Inc., Universal Form Clamp Co., Chicago Contractors Supply, Inc., Conesco Industries, Ltd. located in Chicago, IL and Elk Grove Village, IL near Chicago to and from points in IL, IN, OH, MI, WI, IA and MO. Supporting shippers: Chicago Metal Mfg. Co., 3724 S. Rockwell St., Chicago, IL 60632; Universal Form Clamp Co., 461 N. Leavitt St., Chicago, IL 60612; Clover Plastics, Inc., 2435 W. Irving Park Rd., Chicago, IL 60618; Conesco Industries, Ltd., 525 N. Crossen Ave., Elk Grove Village, IL.

MC 154867 (Sub-4TA), filed May 21, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Dr., Randolph, WI 53936. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Common; irregular: Agricultural chemicals and related products, and materials, equipment and supplies* used or useful in the manufacture, sale or distribution of agricultural chemicals between points in IL, IN, IA, MI, MN, MO, and WI. Restriction: Restricted to traffic originating at or destined to facilities of Hopkins Agricultural Chemical Company at or near Madison and Randolph, WI; Rockford, Rochelle, Sibley, Olney, Atlanta and Springfield, IL, Evansville, IN, Minneapolis, MN and St. Louis, MO, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Hopkins Agricultural Chemical Company, 537 Atlas Ave., Madison, WI 53714.

MC 124078 (Sub-4–70TA), filed May 19, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Crude tall oil and other pulp mill liquids,* in bulk in tank vehicles, from points in FL to Brunswick and Savannah, GA. Supporting Shipper: Hercules Incorporated, 3169 Holcomb

Bridge Road, Suite 700, Norcross, GA 30071.

MC 144017 (Sub-4–1TA), filed May 20, 1981. Applicant: GEO. W. NOFFS MOVING & STORAGE, INC., 1735 E. Davis Street, Arlington Heights, IL 60005. Representative: William Westwood, Jr. (same address as applicant). *Contract, irregular, uncrated new wood office and commercial furniture,* from Waukegan and North Chicago, IL to points in the U.S. except AK, HI, MT, and ND under continuing contract(s) with Francis Kerrigan Inc., Waukegan, IL. Supporting shipper: Francis Kerrigan, Inc., 214 Spring St., Waukegan, IL 60085.

MC 153601 (Sub-4–1TA), filed May 18, 1981. Applicant: ITO LTD., 121 West Doty St., Madison, WI 53703. Representative: Melvin M. Freese, 505 Cottage Grove Dr., Woodbury, MN 55125. *Contract, irregular, fly ash and chemical admixtures for concrete,* in bulk, between points in IL, IA, MN, NE, ND, SD, and WI under a continuing contract with Contech, Inc., Admixture Division, of Bloomington, Minnesota. Supporting shipper: Contech, Inc., 9500 W. Bloomington Freeway, Minneapolis, MN 55431.

MC 156069 (Sub-4–1TA), filed May 20, 1981. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract: Garment hangers and materials, equipment and supplies used in the manufacture and distribution of garment hangers* between Zeeland, MI, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. Any underlying ETA seeks 120 days authority. Supporting shipper: John Thomas Batts, Inc., 200 Franklin Street, Zeeland, MI 49464.

MC 147876 (Sub-4–7TA), filed May 20, 1981. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: K. Edward Wolcott, Suite 1200, Gas Light Tower, 235 Peachtree Stree NE., Atlanta, GA 30303. *Conveyor equipment* from the facilities of Rexnord Vibrating Equipment Division located at or near Louisville, KY to Redwood City, CA; Barnesville and Ellabell, GA; Decatur, IL; Shreveport, LA; Saginaw, MI; Linden, NJ; Hines, OR; Kingsport, TN; Laredo, TX and Radford, VA. Supporting shipper: Rexnord Vibrating Equipment Division, 3400 Fern Valley Road, Louisville, KY 40213.

MC 154740 (Sub-4–TA), filed May 20, 1981. Applicant: LAWRENCE R. JOHNSTON, d.b.a. ODESSA TRANSPORTATION, 4525 S. Salsted, Chicago, 60609. IL Representative: Robert E. Knoppe, 79 W. Monroe Street, Suite 500, Chicago, IL 60603. *Contract* irregular: *Cups, bowls, dishes, plates, trays, containers, caps, covers, lids, holders, dispensers, straws, knives, forks and spoons, paper or plastic, toothpicks, ice cream cones, ice cream wafers and materials, equipment or supplies used in their manufacture, sale and distribution,* between points in Chicago, IL, and points in the commercial zones of Indianapolis, IN; Toledo, Cleveland, Dayton, and Columbus, OH, Louisville, KY; Grand Rapids and Detroit, MI and St. Louis, MO under continuing contract with Sweetheart Paper Producers Co., Inc. Supporting shipper: Sweetheart Paper Products Co., Inc., 7575 S. Kostner Ave., Chicago, IL 60652.

MC 150746 (Sub-4–13TA), filed May 19, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 S LaSalle, Suite 600, Chicago, IL 60603. *Alcoholic Beverages,* from Baltimore, MD commercial zone; Detroit, MI commercial zone; New York, NY commercial zone; Clermont, NY; Hammondsport, NY; Lawrenceburg, KY; Hartford, CT; Lawrenceburg, IN; and Louisville, NY, to Chicago, IL commercial zone; Milwaukee, WI commercial zone; Plainfield, IL; Rockford, IL and Waukegan, IL. Supporting shipper: Federated distributors, 4130 S. Morgan, Chicago, IL 60609.

MC 156046 (Sub-4–1TA), filed May 18, 1981. Applicant: HABIT MOTOR LINES, INC., 9969 Nathan Lane, Maple Grove, 55369. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. *Contract* irregular: *Office machines and supplies, disc packs, tapes, tape dispensers, paper and paper products,* between points in the U.S. under continuing contract(s) with Nashua Corporation, Nashua, NH. Supporting shipper: Nashua Corporation, Nashua, NH 03061.

MC 156086 (Sub-4–1TA), filed May 21, 1981. Applicant: MARGARET RAGONESE, d.b.a. JOHNNY "R", 624 South 9th Street, Milwaukee, WI 53215. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract; General commodities, except classes A and B explosives,* between Milwaukee, WI, and Memphis, TN, under continuing contract(s) with Columbian Art Works, Inc.: Supporting shipper: Columbian Art Works, Inc., 5600 West Bender Court, Milwaukee, WI 53218.

MC 146695 (Sub-4–3TA), filed May 22, 1981. Applicant: YANKEE S & L, INC., d.b.a. YANKEE MOTOR FREIGHT, 1136 W 500S, Marion, IN 46952. Representative: M. H. Haisley (same as applicant). *General commodities* between points in the U.S. Restricted to traffic originating at or destined to Texize, Division of Morton Norwich. Supporting shipper: Texize, Division of Morton Norwich, P.O. Box 368, Greenville, SC 29604.

MC 150139 (Sub-4–2TA), filed May 19, 1981. Applicant: HAMBEL FREIGHT LINES, INC., 4965 S. Howell Ave., Milwaukee, WI 53207. Representative: Wayne W. Wilson, 150 E Gilman St., Madison, WI 53703. *contract* irregular: *such commodities as are dealt in or used by manufacturers of electrical equipment and products* between points in the U.S. Restricted to a transportation service to be performed under a continuing contract(s) with General Electric Company. Underlying ETA seeks 120 days authority. Supporting shipper: General Electric Company, 2000 Taylor Street, Fort Wayne, IN.

Agatha. L. Mergenovich,

Secretary.

[FR Doc. 81-16490 Filed 6-2-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later became unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–4–162

Decided: May 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 22196 (Sub-3), filed May 20, 1981. Applicant: ACE WORLD-WIDE MOVING & STORAGE, INC., 2725 Whynaucht Ct., S.E., Rochester, MN 55901. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Transporting *shipments weighing 100 pounds or less* if transported in motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–4–164

Decided: May 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 156036, filed May 18, 1981. Applicant: CASCADE WEST MATERIALS, INC., P.O. Box 1586, Lake Oswego, OR 97034. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258, (503) 227–1681. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16468 Filed 6–2–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–3–081

Decided: May 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 9124 (Sub-4), filed May 15, 1981. Applicant: GSELL MOVING AND STORAGE, Rt. 537 & N. Pemberton Rd., Mt. Holly, NJ 08060. Representative: W. Douglas Gsell, 41 Devon Rd., Mt. Holly, NJ 08060, (609) 267–5168. Transporting *household goods*, between points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MD, MA, ME, MI, MS, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 95084 (Sub-176), filed May 5, 1981. Applicant: HOVE TRUCK LINE, a Corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *general commodities* (except classes A and B explosives), between the facilities of Clow Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107934 (Sub-45), filed May 18, 1981. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, (202) 737–1030. Transporting *food and related products*, between points in Washington County, WI, and Peoria County, IL, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA.

MC 111045 (Sub-193), filed May 14, 1981. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant), (813) 621–2046. Transporting *salt and salt products*, between points in AL, FL, GA, and SC.

MC 115975 (Sub-46), filed May 12, 1981. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, IL 62095. Representative: M. Burnell Watson (same address as applicant), (618) 254–6770. Transporting (1) *coal and coal products*, (2) *petroleum, natural gas and their products*, and (3) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Southwest Petro-Chem, Inc., a wholly owned subsidiary of Witco Chemical Corporation, of Olathe, KS.

MC 125634 (Sub-6), filed May 15, 1981. Applicant: TOLEDO PIPE TRANSPORT, INC., 22237 Yates Ave., Sauk Village, IL 60411. Representative: Joseph P. Spencer (same address as applicant), (312) 758–2502. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contracts(s) with Toledo Concrete Pipe Co., of Sylvania, OH, and Buckeye Concrete Pipe Co., of Lima, OH.

MC 125985 (Sub-36), filed May 15, 1981. Applicant: AUTO DRIVEAWAY COMPANY, 310 S. Michigan Ave., Chicago, IL 60604. Representative: Ronald I. Fredriksen (same address as applicant), (312) 939–3600. Transporting *transportation equipment*, between points in the U.S.

MC 126714 (Sub-6), filed May 14, 1981. Applicant: SOUTHWEST DELIVERY CO., INC., 415 W. 6th St., Vancouver, WA 98661. Representative: Bill Hughes (same address as applicant), (206) 694–8061. Transporting *general commodities* (except classes A and B explosives), between points in OR and WA.

MC 128734 (Sub-8), filed May 18, 1981. Applicant: W. B. PRODUCE HAULERS, INC., 525 Cottage Grove, S.W., Grand Rapids, MI 49507. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400 Northville, MI 48167, (313) 349–3980. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contracts with Swift Independent Packing Company, of Chicago, IL.

MC 140635 (Sub-32), filed May 13, 1981. Applicant: ADAMS LINES, INC., 2619 N St., Omaha, NE 68107. Representative: John L. Hornung (same address as applicant), (402) 733–6292. Transporting (1)(a) *food and related products*, (b) *metal products*, (c) *chemicals and related products*, and (d) *metallic ores*, between points in the U.S., (2) *such commodities* as are dealt in or used by drug and department stores, between New York, NY, on the one hand, and, on the other, those points in the U.S. in and west of IA, MN, MO, AR, and LA, (3) *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in CO, IA, KS, MN, MO, NE, and SD, (4)(a) *leather and leather products*, and (b) *rubber and plastic products*, (i) between Boston, MA, points in Boyd and Bell Counties, KY, Haywood County, NC, Pocahontas County, WV, and Tioga County, PA, on the one hand, and, on the other, points in Cape Girardeau and Cole Counties, MO, and (ii) between Boston, MA, and Chicago, IL, and (5) *such commodities* as are dealt in or used by chain grocery stores, between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and west of AR, IA, LA, MN, and MO.

MC 143394 (Sub-25), filed May 14, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant), (717) 249–2425. Transporting *carpets and carpeting*, between points in the U.S., under continuing contract(s) with The Beattie Manufacturing Company, of Little Falls, NJ.

MC 143434 (Sub-5), filed May 18, 1981. Applicant: CHARLES McALPIN, d.b.a. CHARLES McALPIN TRUCKING, 1420 Danville Rd., SW., Decatur, AL 35601. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, (205) 578–2836. Transporting: *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Charles McAlpin, d.b.a. Charles McAlpin Brokerage Company, of Decatur, AL.

MC 145974 (Sub-13), filed May 19, 1981. Applicant: HIDATCO, INC., P.O. Box 849, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Kerr McGee Corporation, its subsidiaries and affiliates, Kerr McGee Chemical Corporation, Kerr McGee Coal Corporation, Kerr McGee Nuclear Corporation, Kerr McGee Refining, Transworld Drilling, and Cato Oil & Grease Company, all of Oklahoma City, OK. Condition: The authority granted here is limited in point of time to a period of five (5) years from the date of issuance.

MC 146174 (Sub-11), filed May 15, 1981. Applicant: P D EXPRESS, INC., 817 W. Fifth Ave., Columbus, OH 43212. Representative: David H. Rowe (same address as applicant), (614) 291–4633. Transporting *general commodities* (except classes A and B explosives), between points in OH, IN, IL, WV, KY, PA, MI, and NY.

MC 146225 (Sub-3), filed May 18, 1981. Applicant: BECKER TRUCKING COMPANY, P.O. Box 217, Newton Falls, OH 44444. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *commodities in bulk* between points in OH and MI.

MC 147044 (Sub-2), filed May 13, 1981. Applicant: SOUTHWEST TRAILS, INC., 6510 Cherry Ave., Long Beach, CA 90805. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, (213) 483–4700. Transporting *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with Mobil Oil Corporation, Douglas Oil Company, Inc., both of Los Angeles CA, and Newhall Refining Company, of Newhall, CA.

MC 147605 (Sub-3), filed May 19, 1981. Applicant: MILLER PAVING LIMITED, Box 250, Unionville, Ontario, Canada L3R 2V3. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, Ny 14202, (716) 854–5870. Transporting *liquid asphalt*, between points in the U.S., under continuing contract(s) with McAsphalt Industries Limited, of Scarborough, Ontario, Canada and Petrofina Canada Inc., of Montreal, Quebec, Canada.

MC 151155 (Sub-2), filed May 18, 1981. Applicant: PHILLIPS TRUCKING COMPANY, 100 Edison Avenue, Alamosa, CO 81101. Representative: Nancy P. Bigbee, 1600 Sherman Street, Suite 450, Denver, CO 80203, (303) 861–8046. Transporting *general commodities*, between points in AZ, CA, CO, ID, NE, NM, NV, TX, UT and WY.

MC 151225 (Sub-2), filed May 14, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 718–17th St., Suite 1700, Denver, CO 80202,

(303) 825–5111. Transporting *chemicals and related products,* and *sand,* between points in the U.S., under continuing contract(s) with Big 3 Industries, Inc./ NOWSCO Services, of Houston, TX.

MC 151315 filed May 19, 1981. Applicant: POZZOLANIC NORTHWEST BULK CARRIERS, INC., 2448 76th Ave., SE, Suite 222, Mercer Island, WA 98040. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) *ores and minerals,* (2) *chemicals and related products,* (3) *clay, concrete, glass or stone products,* (4) *metal products,* and (5) *waste or scrap materials not identified by industry producing,* between points in WA, OR, CA, ID, UT, NV, MT, CO, WY, ND, SD, and NE.

MC 151975 (Sub-5), filed May 15, 1981. Applicant: DIRECT DELIVERY, INC., 1239 Willingham Drive, East Point, GA 30344. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *chemicals,* between Atlanta, GA, and Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 152284 (Sub-3), filed May 19, 1981. Applicant: INDIANA HEAVY & SPECIALIZED CARRIER, INC., Route 1 Wilson Ave., Madison, IN 47250. Representative: Stephen M. Gentry, 1502 Main St., Speedway, IN 46224, (317) 247–1320. Transporting *metal products,* between points in the U.S. under continuing contract(s) with Tait Pipe Sales, of Palos Verdes, CA.

MC 152284 (Sub-4), filed May 19, 1981. Applicant: INDIANA HEAVY & SPECIALIZED CARRIER, INC., Route 1 Wilson Ave., Madison, IN 47250. Representative: Stephen M. Gentry, 1502 Main St., Speedway, IN 46224, (317) 247–1320 Transporting *clay, concrete, glass or stone products,* between points in the U.S., under continuing contract(s) with Trenwa Products, Inc., of Fort Thomas, KY.

MC 152664 (Sub-1), filed May 15, 1981. Applicant: TOMBIGBEE TRANSPORT CORPORATION, P.O. Box 412, Adamsville, TN 38310. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. Transporting *textile products,* between points in Vance County, NC, on the one hand, and, on the other, points in TN, MS, AL, LA, and AR.

MC 152664 (Sub-2), filed May 15, 1981. Applicant: TOMBIGBEE TRANSPORT CORPORATION, P.O. Box 412, Adamsville, TN 38103. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. Transporting *furniture and fixtures,* between Chicago, IL, on the one hand, and, on the other, points in Alcorn County, MS.

MC 152664 (Sub-3), filed May 15, 1981. Applicant: TOMBIGBEE TRANSPORT CORPORATION, P.O. Box 412, Adamsville, TN 38103. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. Transporting *plastics, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, points in Fayette County, TN.*

MC 155764 filed May 6, 1981. Applicant: LESTER L. SCHROCK, R.F.D. #2, Lovington, IL 61937. Representative: Lewis A. Schrock (same address as applicant), (217)–543–2903. Transporting *broomcorn and broom making supplies,* between points in the U.S., under continuing contract(s) with The Thomas Monahan Company, of Arcola, IL.

MC 155865, filed May 18, 1981. Applicant: OMEGA LOGISTICS, LTD., P.O. Box 42, Clive, IA 50053. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309, (515) 244–2329. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Haweyke Carpet Association, Inc., of Des Moines, IA.

MC 155924, filed May 11, 1981. Applicant: ALANDALE TRUCKING CO., INC., N60 W15725 Kohler Lane, Menomonee Falls, WI 53051. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with (1) The Callenor Co., of Menomonee Falls, WI, (2) Adhesives Consultants Corporation, of Franklin Park, IL, and (3) Gold Eagle Co., of Chicago, IL.

MC 156024, filed May 18, 1981. Applicant: ROZEMA INDUSTRIAL WASTE, INC., 2900 Peach Ridge Rd., Walker, MI 49504. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *toxic wastes, hazardous wastes, and waste products for reuse and recycling,* between Rochester, IN, Muskegon and Grand Rapids, MI, Hilliard and Paulding, OH, and Antioch, TN, on the one hand, and, on the other, points in the U.S. Condition: The authority granted here is limited in point of time to a period of five (5) years from the date of issuance.

MC 156035, filed May 18, 1981. Applicant: J. A. BRUNO TRUCKING CORP., 400 Bergen Ave., Kearny, NJ 07032. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting (1) *rubber and plastic products, between points in Hancock County, OH, on the one hand, and, on the other, points in NJ and NY,* (2) *food and related products,* between New York, NY, on the one hand, and, on the other, points in NJ, NY, PA, MD, OH, MI, MO, IN, VA, ME, NH, CT, VT, MA, RI, DE, WV, and DC, and (3) *pulp, paper and related products,* between New York, NY and Baltimore, MD, on the one hand, and, on the other, points in CA and TX, and points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 156044, filed May 18, 1981. Applicant: G. T. MOTOR TRANSPORT OF ALAMAMA, INC., 101 Kingsberry Road, Ft. Payne, AL 35967. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Game Time, Inc., and V.I. Prewett & Son, Inc., both of Fort Payne, AL, Campbell Taggart, Inc., of Dallas, TX, World Color Press, of Effingham, IL, Roehl & Associates, Inc., of Oconomowoc, WI, Saluto Foods, Inc., of Boston Harbor, MI, and Kappler Disposables, Inc., of Guntersville, AL.

MC 156054, filed May 18, 1981. Applicant: WILLIAM P. GERAGHTY, 417 Old Gulph Rd., Penn Valley, PA 19072. Representative: William P. Geraghty (same address as applicant). Transporting *machinery,* between points in PA, MD, NJ, NY, and DE.

Volume No. OPY–4–163

Decided: May 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 109946 (Sub-2), filed May 19, 1981. Applicant: CALLAHAN BROTHERS, INC., 133 Post Rd., Cos Cob CT 06807. Representative: Paul J. Goldstein, 109 Church St., New Haven, CT 06510, (203) 787–1288. Transporting *household goods,* (1) between points in CT, RI, MA, and NY, and (2) between points in (1) above, on the one hand, and, on the other, points in ME, VT, NH, NJ, PA, MD, DE, VA, NC, SC, GA, FL, OH, IN, IL, and DC.

MC 118806 (Sub-75), filed May 11, 1981. Applicant: ARNOLD BROS. TRANSPORT, LTD., Suite 200, 851 Lagimodiere Blvd., Winnipeg, Manitoba, Canada R2J 3K4. Representative: Bernard J. Kompare, 10 So. LaSalle St.,

Suite 1600, Chicago, IL 60603, (312) 263–1600. In foreign commerce only, transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Interamerican Transport Systems, Inc., of Mississauga, Ontario, Canada.

MC 125916 (Sub-20), filed May 18, 1981. Applicant: NORWOOD TRANSPORTATION, INC., 2232 So. 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, 600 Beneficial Life Tower, 36 So. State St., Salt Lake City, UT 84111, (801) 523–5125. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Van Waters and Rogers, a division of Univar Corporation and Intermountain Farmers Association, both of Salt Lake City, UT. Condition: To the extent the permit granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 136086 (Sub-19), filed May 15, 1981. Applicant: GUILEY TRUCKING, INC., 8615 Pecan Ave., Fontana, CA 92335. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655–3573. Transporting (1) *metal products*, (2) *machinery*, and (3) *clay, concrete, glass or stone products*, between points in CA, AZ, NV, NM, TX, WA, OR, UT, CO, MT, ID, and WY.

MC 138686 (Sub-15), filed May 18, 1981. Applicant: L. C. W. TRUCKING, INC., P.O. Box 7220, San Antonio, TX 78207. Representative: Billy R. Reid, 1721 Carl St., Ft. Worth, TX 76103, (817) 332–4718. Transporting *food and related products*, between points in TX, on the one hand, and, on the other, points in AZ, CA, NV, OR, and WA.

MC 142976 (Sub-8), filed May 11, 1981. Applicant: JOHN D. PERFETTI, R.D. #4, Box 265 C, Blairsville, PA 15717. Representative: Eugene A. Waszkiewicz, P.O. Box 8315, Pittsburgh, PA 15218, (412) 469–0333. Transporting *iron and steel articles*, between points in the U.S., under continuing contract(s) with Freeport Steel Company, of Pittsburgh, PA.

MC 150746 (Sub-9), filed May 18, 1981. Applicant: DFC TRANSPORTATION COMPANY, a corporation, 12007 Smith Dr., Huntley, IL 60142. Representative: Edward G. Bazelon, 39 So. La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *building materials*, between points in NJ, on the one hand, and, on the other, points in Cook County, IL.

MC 154866, filed May 18, 1981. Applicant: T L C, INC., 3031 Quebec, Suite 120, Dallas, TX 75247. Representative: John P. McHargue (same address as applicant), (214) 351–5332. Transporting *machinery*, between Dallas, TX, on the one hand, and, on the other, Beaumont, TX, Ft. Worth, TX, Houston, TX, Longview, TX, Orange, TX, Pasadena, TX, Port Arthur, TX, Texarkana, TX and points in Harris, Brazoria, Calhoun and Smith Counties, TX.

MC 155806, filed May 18, 1981. Applicant: B-LINE EXPRESS, INC., R.R. #2, Atchison, KS 66002. Representative: Robert J. Bednar, 817 Santa Fe St., P.O. Box 349, Atchison, KS 66002. Transporting *general commodities* (except classes A and B explosives), between Atchison, KS, on the one hand, and, on the other, points in KS and MO.

Volume No. OPY–4–166

Decided: May 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 110656 (Sub-21), filed April 30, 1981. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Ave. SW., Grand Rapids, MI 49507. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detriot, MI 48226, (313) 963–3750. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Detroit, MI and Muskegon, MI over Interstate Hwy 96; (2) between Detroit, MI and the MI–IN state line over Interstate Hwy 94; (3) between Grand Rapids, MI and junction Interstate Hwy 196 and Interstate Hwy 94 over Interstate Hwy 196; (4) between Muskegon, MI and Saginaw, MI over MI Hwy 46; (5) between junction US Hwy 31 and MI Hwy 20 and Midland, MI over MI Hwy 20; (6) between Ludington, MI and Bay City, MI Over US Hwy 10; (7) between junction US Hwy 31 and MI Hwy 55 and Tawas City, MI, from junction US Hwy 31 and MI Hwy 55 over MI Hwy 55 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction MI Hwy 55 and then over MI Hwy 55 to Tawas City, MI; (8) between Gaylord, MI and Alpena, MI over MI Hwy 32; (9) between junction Interstate Hwy 75 and MI Hwy 68 and Rogers City MI over MI Hwy 68; (10) between Mackinaw City, MI and MI–OH State Line over US Hwy 23; (11) between junction US Hwy 23 and MI Hwy 65, near Rogers, MI, and junction US Hwy 23 and MI Hwy 65, near Omer, MI, over MI Hwy 65; (12) between Mackinaw City, MI and the MI–OH Stateline over Interstate Hwy 75; (13) Between junction Interstate Hwy 75 and US Hwy 27 and Lansing, MI over US Hwy 27; (14) between Lansing, MI and MI–OH State line over US Hwy 127; (15) between Cadillac, MI and MI–IN State line over US Hwy 131; (16) between Traverse City, MI and the MI–IN State line over US Hwy 31; (17) between Flint, MI and MI–IN State line from Flint over MI Hwy 21 to junction Interstate Hwy 69 then over Interstate Hwy 69 to the MI–IN State Line; and (18) service is authorized at all points in the Lower Peninsula of MI as off-route points except points in ST. Clair, Lapeer, Sanilac, Tuscola, Huron, Arenac, Roscommon, Crawford, Ogemaw and Oscoda Counties, MI and those in Montmorency and Otsego Counties, MI which lie east of Interstate Hwy 75 and more than three miles south of MI Hwy 32.

Volume No. OPY–4–165

Decided: May 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 35906 (Sub-3), filed May 18, 1981. Applicant: JOHN LESTICIAN TRUCKING, INC., 500 Breunig Ave., Trenton, NJ 08638. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Rd. & Cottman St., Jenkintown, PA 19046, (215) 576–0131. Transporting (1) *furniture and fixtures*, and (2) *packing materials*, between Philadelphia, PA, on the one hand, and, on the other, points in Somerset and Middlesex Counities, NJ.

MC 76266 (Sub-146), filed May 18, 1981. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 So. 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, MN 55118, (612) 457–6889. Over regular routes, transporting *general commodities* (except classes A and B explosives) between Milton and Indianapolis, IN: from Milton to Cambridge City, IN, over IN Hwy 1 to junction U.S. Hwy 40 then over U.S. Hwy 40 to Indianapolis, and return over the same route, serving all intermediate points and the off-route points of Gulf Pipe Line, near Straughn, IN, and Soldiers and Sailers Orphans Home, near Knightstown, IN.

MC 141436 (Sub-5), filed May 18, 1981. Applicant: HARKER'S TRANSPORTATION, INC., P.O.Box 1308, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Wells Dairy, Inc., of LaMars, IA.

MC 145516 (Sub-27), filed May 15, 1981. Applicant: T. G. STEGALL TRUCKING COMPANY, INC., P.O. Box

1286, 8100 E. Independence Blvd., Matthews, NC 28105. Representative: T. Gene Stegall, Jr. (same address as applicant), (707) 536–1122. Transporting (1) *chemicals and related products*, and (2) *instruments and photographic goods*, between points in AL, AZ, AR, CA, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NM, NY, NC, OH, PA, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 147886 (Sub-14), filed May 18, 1981. Applicant: A M & M INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. Transporting (1) *lumber and wood products*, between points in AL, AR, MS and TN, (2) *metal products*, between the facilities utilized by Cal-Tex-Metals, at points in the U.S., on the one hand, and, on the other, points in the U.S., and (3)(a) *furniture and fixtures* and (b) *metal products*, between points in Blair County, PA, on the one hand, and, on the other, points in the U.S.

MC 152596 (Sub-2), filed May 19, 1981. Applicant: DOWNEAST DISPATCH, INC., 38 Rolfe Lane, Newbury, MA 01950. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207) 773–5651. Transporting *general commodities* (except classes A and B explosives), between the facilities of Gould, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152826 (Sub-2), filed May 19, 1981. Applicant: HAROLD MYERSCOUGH, d.b.a. MYERSCOUGH TRUCKING, R.R. #1, Box 32, Seymour, IL 61875. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *food and related products*, between points in Fresno and Merced Counties, CA, Morgan County, IL, Gibson County, TN, Grayson County, TX, and Dodge, Green And Waupaca Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 155406, filed May 15, 1981. Applicant: FRED C. WALKER, d.b.a. WALKER TRUCKING, Rt. 2, Box 153, Butternut, WI 54514. Representative: Rolfe E. Hanson, 121 W. Doty St., Madison, WI 53703, (608) 256–0606. Transporting (1) *paper and paper products* and (2) *chemicals and related products*, between points in the U.S., Under continuing contract(s) with Flambeau Paper Corp. of Park Falls, WI.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16487 Filed 6–2–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OPI–160]

Motor Carrier Permanent Authority Decisions; Decision—Notice

Decided: May 26, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 381 (Sub-28), filed May 20, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *food and related products*, between Philadelphia, PA, on the one hand, and, on the other, points in the U.S.

MC 35320 (Sub-658), filed May 18, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant), (806) 745–7263. Over regular routes, transporting *general commodities* (except classes A and B explosives), serving points in Chatham County, GA, as off-route points in connection with applicant's otherwise-authorized regular-route operations.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 110761 (Sub-17), filed May 15, 1981. Applicant: CARROLL TRANSPORT, INC., 1702 Frick Bldg., Pittsburgh, PA 15219. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *metal products*, between points in DE, IL, IN, MD, MI, NJ, NY, OH, PA, and WV.

MC 121811 (Sub-6), filed May 15, 1981. Applicant: McCLELLAN'S ENTERPRISES, INC., Highway 41 South, Tifton, GA 31794. Representative: Arthur L. McClellan (same address as applicant), (912) 382–8450. Transporting *building materials, pulp, paper and related products*, between points in AL, FL, GA, NC, SC, and TN.

MC 135861 (Sub-97), filed May 14, 1981. Applicant: LISA MOTOR LINES, INC., P.O Box 4550, Fort Worth, TX

76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103, (817) 332–4718. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Glazer Wholesale Drug Co., Inc. of Dallas, TX and White Rose Distributing Company of Fort Worth, TX.

MC 138000 (Sub-90), filed May 18, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–8060. Transporting *chemicals and related products,* between points in Clay and Vigo Counties, IN, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, OK, and TX.

MC 138861 (Sub-31), filed May 15, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with E. Rosen Company of Pawtucket, RI.

MC 146820 (Sub-16), filed May 14, 1981. Applicant: B & G TRUCKING, INC., 579 High St., P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Marco Products, Inc., of Adrian, MI, and Liqui-Box Corporation of Worthington, OH.

MC 146891 (Sub-5), filed May 14, 1981. Applicant: A & G EXPRESS, INC., 4807 Millbrooke Road, Albany, GA 31701. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Transporting *general commodities* (except classes A and B explosives), between points in GA, on the one hand, and, on the other, points in the U.S.

MC 149500 (Sub-6), filed May 15, 1981. Applicant: INTERMODAL SERVICES, INC., 11650 Courthouse Blvd., Inver Grove Heights, MN 55075. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth St., Minneapolis, MN 55402, (612) 339–4546. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Intermodal Consolidating Service, Inc., of Bridgewater, NJ, and Allied Trucking Service, Inc., of Inver Grove Heights, MN.

MC 150330 (Sub-3), filed May 18, 1981. Applicant: BELCO, INC., 2101 West Main St., Jacksonville, AR 72076. Representative: Ron Harvey (same address as applicant), (501) 982–6511. Transporting *pulp, paper and related products* and *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Great Plains Bag Corporation of Des Moines, IA.

MC 151231, filed May 18, 1981. Applicant: GLEN M. RICKERT, d.b.a. RICKERT TRUCKING, 2507 Blackstone Ct., Bakersfield, CA 93304. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *building materials* and *paving materials,* between points in the U.S., under continuing contract(s) with (a) San Joaquin Refining Co., Inc., of Bakersfield, CA, and (b) Georgia-Pacific Corporation of Portland, OR.

MC 153021 (Sub-1), filed April 28, 1981. Applicant: DAVID DALE TRANSPORT, INC., 2 Franklin St., West Medway, MA 02053. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *food and related products,* between Denver, CO, Atlanta, GA, Boston, MA, Detroit, MI, Minneapolis, MN, Kansas City, MO, Cincinnati and Cleveland, OH, Portland, OR, Philadelphia, PA, and points in Fresno and Merced Counties, CA, Dade County, FL, Morgan County, IL, Hudson County, NJ, Erie County, NY, Mecklenburg County, NC, Shelby and Gibson Counties, TN, Grayson County, TX, and Green, Waupaca, and Dodge Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 153590 (Sub-1), filed May 13, 1981. Applicant: BELCOURT OIL CO., INC., P.O. Box 750, Belcourt, ND 58316. Representative: Francis L. Brunelle (same address as applicant), (701) 477–6155. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with FMS, Inc., of Washington, DC.

MC 154931 (Sub-1), filed May 18, 1981. Applicant: HARRELL LEASING, INC., P.O. Box 1400, Russellville, AR 72801. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201, (501) 375–3022. Transporting (1) *lumber and wood products,* and (2) *building materials,* between points in Pope, Johnson and Washington Counties, AR, on the one hand, and, on the other, points in LA, CO, NM, AZ, MS, KS, OK, CA, TX, MO, and OR.

MC 155060, filed May 4, 1981. Applicant: COLORADO DELIVERY SERVICE, INC., 1041 Elbert St., Denver, CO 80221. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203, (303) 861–4273. Transporting *such commodities* as are dealt in by manufacturers and distributors of home care products and personal care products, between Denver, CO, on the one hand, and, on the other, points in CO.

MC 155130 (Sub-2), filed April 24, 1981. Applicant: B & D TRANSPORT, INC., 11621 Kanis Rd., Little Rock, AR 72211. Representative: Larry Brown (same address as applicant), (501) 225–3688. Transporting *general commodities* between Holly Springs, Fuquay-Varina and Stokesdale, NC, Radcliffe, Aurora, Ellsworth and Lawn Hill, IA, Henry, and Clark, SD, Esmond, IL, Shell Lake, Cumberland, Gillett and Green Valley, WI, Elgin, NE, Benton, Barlow, LaCenter, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville and Edgoten, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia and Riverside, TN, Edina, Lewistown, Hurdland and Ewing, MO, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe and Allison, TX, Reydon, Cheyenne, Strong City, Hammon and Butler, OK, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 156050, filed May 18, 1981. Applicant: 4 B LINES, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, Tn 37219, (615) 244–8100. Transporting *such commodities* as are dealt in by a catalogue showroom company, between points in the U.S., under continuing contract(s) with Service Merchandise Company, Inc., of Nashville, TN.

[FR Doc. 81-16529 Filed 6-2-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Delegation of Authority No. 141]

Chile; Delegation of Authority With Respect to Administration of A.I.D. Program

Pursuant to the authority delegated to me by IDCA Delegation of Authority No. 1 from the Director of the International Development Cooperation Agency, dated October 1, 1979, I hereby delegate

to the principal diplomatic officer of the United States in Chile, with respect to the administration of the foreign assistance program within Chile, (i) the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in A.I.D. Handbooks, manual orders, regulations (published or otherwise), policy directives, policy determinations, memoranda or other instructions as these may be amended, supplemented or superseded from time to time (except the authorities to issue waivers of A.I.D. policies and regulations and except the authorities to extend terminal dates); and (ii) the authority to sign Project Implementation Letters.

The exercise of the authorities delegated herein shall be subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors.

The authorities delegated herein may be redelegated to the officers at the post principally responsible for A.I.D. activities and may be exercised by persons who are performing the functions of such officers in an "acting" capacity.

This delegation of authority shall be effective upon the departure from post of the A.I.D. Representative or May 31, 1981, whichever shall come first.

Dated: May 10, 1981.

M. Peter McPherson,

Administrator.

[FR Doc. 81-16442 Filed 6-3-81; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[TA-203-9]

Certain Mushrooms; Investigation and Hearing

AGENCY: United States International Trade Commission.

ACTION: Following receipt of a request from the U.S. Trade Representative on May 19, 1981, the Commission on May 28, 1981, instituted investigation No. TA-203-9 under section 203(i)(2) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2)) for the purpose of gathering information in order that it might advise the President of its judgment as to the probable economic effect on the domestic industry concerned of the termination of certain of the import relief presently in effect (as specified in the attached letter) with respect to mushrooms, prepared or preserve, provided for in item 144.20 of the Tariff Schedules of the United States (TSUS). Such import relief is provided for in Presidential Proclamation 4801 of October 29, 1980 (45 FR 72617).

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Tim McCarty (202-724-1753).

SUPPLEMENTARY INFORMATION: *Public hearing ordered.* A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.d.t., on Thursday, July 30, 1981, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. Requests for appearances at the hearing should be received in writing by the Secretary to the Commission at his office in Washington, no later than the close of business Monday, July 13, 1981.

Prehearing procedures. To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. Nineteen copies of such prehearing briefs should be submitted to the Secretary to the Commission no later than the close of business Monday, July 20, 1981. Copies of any prehearing briefs submitted will be made available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with § 201.12(d) of the Commission's *Rules of Practice and Procedure* (19 CFR 201.12(d)), it would be unnecessary to submit such a statement if a prehearing brief is submitted instead. Oral presentations should, to the extent possible, be limited to issues raised in the prehearing briefs.

A prehearing conference will be held on Wednesday, July 15, 1981, at 10:00 a.m., e.d.t., in Room 117 of the U.S. International Trade Commission Building.

Persons not represented by counsel or public officials who have relevant matters to present may give testimony without regard to the suggested prehearing procedures outlined above.

By order of the Commission.

Issued: May 28, 1981.

Kenneth R. Mason,

Secretary.

The United States Trade Representative,
Washington, May 14, 1981.

Hon. Bill Alberger,
Chairman, U.S. International Trade Commission, Washington, D.C.

Dear Mr. Chairman: On October 29, 1980, President Carter proclaimed import relief for the domestic mushroom industry and increased the duty for 3 years on imports of prepared or preserved mushrooms classified under item 144.20 of the Tariff Schedules of the United States.

Subsequent to this action, the Governments of Canada, West Germany, and Switzerland and the Commission of the European Communities (on behalf of France) requested exemptions from the increased duty for certain of their mushroom products. These governments argue that their products have special characteristics which remove them from competition with mushrooms produced in the United States. The products for which exemptions have been requested include three types:

1. Frozen battered or breaded mushrooms which are currently imported from Canada. They are processed by washing whole, fresh (usually button) mushrooms, dusting them with flour, and dipping them in batter or bread crumbs. The mushrooms are then deep-fried just long enough to set the batter (approximately 25–30 seconds), frozen, and packed in 4-pound containers. The product is used in restaurants and other institutions, where it is served as a side dish.

2. Mushrooms valued at over $1.60 per pound (drained weight) of the following genera: champignon de Paris (*Psalliota*), chanterelle (*Cantharellus*), cepe (*Boletus*), morel (*Morchella*), and mixed mushrooms (*Boletus Luteus, Lactarius Deliciosus, Rozites Caperata, Suillus Grevillei* and *Suillus Granulatus*). Champignon de Paris are cultivated commercially. Chanterelle, cepe, morel, and mixed mushrooms are harvested from their natural environment in forest areas, principally in Europe.

3. Mushrooms valued over $8.50 per pound (drained weight) of the genus chanterelle (*Cantharellus*) which are harvested solely from their natural environment in forest areas.

In addition, on April 8, I received a letter from the Association of Food Distributors requesting that oriental mushrooms also be exempted from the increased duty on canned mushrooms. This request included straw mushrooms (*Volvariella Volvacea*), golden mushrooms (*Flammulina Velutipes*), oyster mushrooms (*Pleurotus Ostreatus*), and summer oyster mushrooms (*Pleurotus Abalon*).

To assist us in making a decision on how to respond to this matter, I am requesting under Section 203(i)(2) of the Trade Act of 1974, as amended, that the Commission advise the President of its judgment concerning the probable economic effect on the domestic mushroom industry of modifying the import relief to exclude the products cited above. The Commission's advice also should include assessments of:

(1) The extent to which these products compete with domestically-produced mushrooms and mushroom products currently benefiting from the relief action;

(2) An estimate of imports of these products which could be expected over the 3-year period of import relief if they are exempted from the increased duties;

(3) The technical and administrative feasibility of identifying such mushrooms for separate Customs treatment; and

(4) The extent to which mushroom exporting countries may use the tariff exemption on each of these products to circumvent the import relief program.

It would be helpful if the Commission's advice could be submitted as soon as possible, but not later than July 31, 1981.

Very truly yours,

William E. Brock.

[FR Doc. 81-16586 Filed 6-3-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-100]

Certain Thermal Conductivity Sensing Gem Testers and Components Thereof; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The secretary shall serve a copy of this order upon all parties of record and shall publish it the **Federal Register**.

Issued: May 22, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-16587 Filed 6-2-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. TA-203-8]

High-Carbon Ferrochromium; Investigation and Hearing

AGENCY: United States International Trade Commission.

ACTION: Upon its own motion and on the basis of a petition filed on May 15, 1981, on behalf of the Committee of Producers of High-Carbon Ferrochromium (CPHCF), the Commission on May 27, 1981, instituted investigation No. TA-203-8 under sections 203(i)(2) and 203(i)(3) of the Trade Act of 1974 (19 U.S.C. 2253 (i)(2) and (i)(3)) for the purpose of gathering information in order that it might advise the President of its judgment as to the probable economic effect on the industry concerned of the extension, reduction, or termination of import relief presently in effect with respect to ferrochromium, containing over 3 percent by weight of carbon, valued less than 38 cents per pound, provided for in item 606.24 (formerly item 607.31) of the Tariff Schedules of the United States (TSUS). Relief in the form of a temporary duty increase described in item 923.18 of the Appendix to the TSUS is provided against imports in Presidential Proclamation 4608 (issued November 15, 1978, 43 FR 53701). Import relief presently in effect with respect to such merchandise is scheduled to terminate at the close of business on November 15, 1981, unless extended by the President.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Woodley Timberlake, Investigator, telephone (202-523-4618), U.S. International Trade Commission, Room 349, 701 E Street, NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: *Public hearing ordered.* A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.d.t., on Wednesday, July 22, 1981, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. Requests for appearances at the hearing should be received in writing by the Secretary to the Commission at his office in Washington no later than the close of business on Wednesday, July 1, 1981.

Prehearing procedures. To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. Nineteen copies of such prehearing briefs should be submitted to the Secretary to the Commission no later than the close of business on Friday, July 10, 1981. Copies of prehearing briefs submitted will be made available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with section 201.12(d) of the Commission's *Rules of Practice and Procedure* (19 CFR 201.12(d)), it would be unnecessary to submit such a statement if a prehearing brief is submitted instead. Oral presentations should, to the extent possible, be limited to issues raised in the prehearing briefs.

A prehearing conference will be held on Thursday, July 2, 1981, at 10:00 a.m., e.d.t., in Room 117 of the U.S. International Trade Commission Building.

Persons not represented by counsel or public officials who have relevant matters to present may give testimony without regard to the suggested prehearing procedures outlined above.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

By order of the Commission.

Issued: May 28, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-16588 Filed 6-2-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-41 (Preliminary)]

Tubeless Tire Valves From the Federal Republic of Germany

Determination

On the basis of the record developed in investigation No. 731-TA-41 (Preliminary), the Commission determines pursuant to section 733(a) of the Tariff Act of 1930, that there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury [1] by reason of imports from the Federal Republic of Germany of tubeless tire valves suitable for use with passenger automobile and light truck wheels,[2] provided for in item 692.32 of the Tariff Schedules of the United States, which are allegedly sold at less than fair value.

Background

On April 9, 1981, Nylo-Flex Manufacturing Co., Inc., Mobile, Alabama, filed a petition with the U.S. International Trade Commission (the Commission) and the U.S. Department of Commerce (Commerce) alleging that tubeless tire valves from the Federal Republic of Germany (West Germany) are being, or are likely to be, sold in the United States at less than fair value, and that an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.[3] On the same day, the Commission instituted this investigation. Notice of institution of the Commission's investigation was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on April 15, 1981 (46 FR 22088). A public conference was held in Washington, D.C. on April 30, 1981, at which all interested persons were afforded the opportunity to present information for consideration by the Commission.

---

[1] Chairman Alberger determines that there is a reasonable indication that an industry in the United States is materially injured by reason of such imports.

[2] Light trucks are defined, for purposes of this determination, as trucks having a gross vehicle weight of 10,000 pounds or less.

[3] Nylo-Flex had previously filed a petition with the Commission and Commerce on February 24, 1981. The Commission instituted a preliminary antidumping investigation on March 3, 1981. After Commerce found that certain non-confidential summaries did not comply with its rules, Nylo-Flex withdrew its petition, and the Commission terminated that investigation.

Views of Chairman Alberger and Commissioners Bedell and Stern

On the basis of the record in this investigation, No. 731–TA–41 (Preliminary), we determine that there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury,[4] by reason of imports from the Federal Republic of Germany of tubeless tire valves,[5] allegedly sold in the United States at less than fair value.

The imported product and the domestic industry: In general, the domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[6] A like product is a product which is like, or in the absence of like, most similar in characteristics and uses with, the imported product which is the subject of the investigation.[7]

Tubeless tire valves may be distinguished in two basic ways, by size and by type. Sizes vary according to length and diameter of the valve. There are two standard valve diameters in several different lengths.

The imported products which are the subject of this investigation are tubeless tire valves of a snap-in type. Domestic manufacturers produce seven models of tubeless tire valves.[8] The model sizes are standard throughout the world. Three imported models have a diameter of base of .453 inches; two models have a diameter of base of .625 inches. The larger diameter is desirable on high pressure tires to prevent blowouts. The size of the diameter of the valve used on a tire is also dependent on the wheels used on a particular automobile; if a wheel has a small diameter opening for the valve, a larger diameter valve may not be used. Thus the smaller diameter models are not substitutable for the larger ones. It is also unlikely that the larger diameter valves would be used on lower pressure tires because they would not be necessary and are generally more expensive. At least 75 percent of the allegedly dumped imports are of two sizes.[9] All model numbers in snap-in original equipment market (OEM) and to the aftermarket. However, neither the West German producer, EHA, nor any of the smaller domestic producers sell to the OEM at the present time, although domestic OEM purchasers contacted did not indicate that anything prevented them from buying from any source, if price and availability were right.[10]

The domestic producers manufacture tubeless tire valves of a clamp-in type as well as the snap-in type. The distinguishing feature between a snap-in valve and a clamp-in valve is the means by which the different valves are attached to the wheel.[11] The clamp-in type is used for decorative purposes, for certain custom wheels, or for high-performance driving.[12] Snap-in and clamp-in valves are not completely substitutable for each other. Clamp-in valves may replace snap-in valves. On the other hand, for high-performance driving, a snap-in valve would not substitute for a clamp-in valve because the snap-in type could not withstand the stresses.

The best information now available to the Commission does not distinguish between either model size or type of valve (i.e., snap-in or clamp-in) in terms of profit and loss or employment data. Thus, if they are indeed separate like products, we have inadequate information to assess injury to each product. In situations such as this, the statute directs the Commission to assess the impact of the alleged LTFV imports on the narrowest group or range of products, which includes a like product, for which the necessary information can be provided.[13] Therefore, our determination in this case is based upon an examination of the impact of these imports on all tubeless tire valve production. For the final determination, the Commission will attempt to gather information by separate product line and will assess any injury as it deems necessary and appropriate at that time.

Reasonable indication of material injury or threat thereof. A reasonable indication of material injury or threat of material injury in this investigation is demonstrated by several facts. The domestic industry has experienced a significant drop in production, capacity utilization, shipments, domestic employment, and financial performance during 1980. Although EHA, the producer that accounts for practically all of the West German tubeless tire valves sold in the United States, argues that the domestic industry's injury has been caused by decline in the domestic automobile market during 1980, we find that a reasonable indication exists that the domestic industry is materially injured, or is threatened with material injury, by reason of the West German imports alleged to be sold at LTFV. The most important indications of a causal link between the evident injury and the alleged dumping are the continued underselling by EHA of particularly price-sensitive products, the continued significant level of alleged LTFV imports, and the existence of confirmed lost sales.[14]

Increased imports from 1978. Imports of tubeless tires valves, while down in 1980 from 1979, were at a higher level than in 1978. Imports of tubeless tire valves from West Germany followed a trend similar to that of U.S. production, increasing in 1979 and declining in 1980 to a level lower than the 1978 level.[15] The level of import penetration increased from 1978 to 1980 for West German imports of tubeless tire valves.

Underselling by imports. Underselling of U.S. tubeless tire valves by imports from West Germany was found throughout the periods analyzed.[16] Imported tubeless tire valves from West Germany have been consistently priced lower than domestic valves for both the TR–413 and TR–418, which constitute the vast majority of the imports. Based on confidential data provided during the investigation, the margins of underselling for the TR–413 and TR–418 models were significant in both 1979 and 1980, although the margin decreased slightly in 1980 due to a somewhat faster rate of imported valve price increases compared to U.S. valve price increases in 1980.[17]

Lost sales. Several U.S. producers alleged that sales of tubeless tire valves imported from West Germany caused them to lose sales. A number of these allegations were confirmed by purchasers who indicated they had switched their sourcing from domestic producers to EHA. Buyers of tubeless tire valves contacted indicated that price was the most important factor in purchasing decisions, with availability a secondary but often crucial factor. Several buyers confirmed purchases of West German valves because of lower prices.[18]

---

[4] Chairman Alberger believes that when he has found a reasonable indication of material injury, the statute does not require analysis of threat of material injury.

[5] The product is provided for in item 692.32 of the Tariff Schedules of the United States.

[6] Section 771(4)(A) of the Tariff Act of 1930.

[7] Section 771(10).

[8] The models produced by the domestic industry are the TR412, TR413, TR414, TR418, TR423, TR418, and TR423. The TR412 and TR414 are not alleged to be sold at less than fair value.

[9] *See* Staff Report, p. A–3.

[10] *See* Staff Report, p. A–7.

[11] *See* Staff Report, pp. A–2 and A–3.

[12] *See* Staff Report, p. A–2.

[13] Section 771(4)(D).

[14] Because of the limited number of significant foreign suppliers, only one firm in both Italy and West Germany—import data in this investigation are confidential. Thus our findings with regard to the imports cite only general trends.

[15] *See* Staff Report, p. A–16.

[16] *See* Staff Report, p. A–25.

[17] *See* Staff Report, p. A–25.

[18] *See* Staff Report, p. A–26.

Lower domestic production, capacity utilization, and shipments in 1980 than in 1979 and 1978. U.S. production of tubeless tire valves declined from about 177 million units in 1978 and 1979 to 127 million units in 1980, a decrease of approximately 28 percent. Capacity utilization also fell sharply during the same period, from 78.0 percent in 1978 to 52.3 percent in 1980 while U.S. producers' shipments fell steadily from 173 million units in 1978 to 131 million units in 1980, a decrease of 24 percent.[19] Total U.S. consumption of all valves (domestic and foreign) remained constant from 1978 to 1979 and fell sharply in 1980.[20]

Lower domestic employment in 1980 than in 1978. After increasing slightly between 1978 and 1979, the average number of employees in U.S. establishments producing tubeless tire valves fell from 2,631 in 1978 to 2,193 in 1980, a decrease of 17 percent. Production workers producing tubeless tire valves decreased from 455 in 1978 to 330 in 1980, down more than 27 percent.[21]

Poor financial performance throughout 1978–80. Based on returns from five domestic producers accounting for 95 percent of total U.S. shipments of tubeless tire valves in 1980, the ratio of aggregate net operating profit to net sales declined from 7.2 percent in 1978 to 0.8 percent in 1980. The ratio of net operating profit to book value of total assets for U.S. producers followed the same trend as the ratio of net operating profit to net sales, declining from 18.8 percent to 1.5 percent.[22]

Views of Vice Chairman Michael J. Calhoun

Determination

On the basis of the record in investigation No. 731–TA–41 (Preliminary), I determine that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of tubeless tire valves from the Federal Republic of Germany which are allegedly sold at less than fair value.[23]

The Domestic Industry

In general, the domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[24] A like product is a product which is like, or in the absence of like, most similar in characteristics and uses with, the imported product which is the subject of the investigation.[25]

The imported article in this investigation is tubeless tire valves from the Federal Republic of Germany. These valves are designed for and used in passenger automobile and light truck wheels. Imported tire valves are sold exclusively in the replacement valve market rather than in the original equipment market. From our preliminary investigation, it appears that, since 1978, six of the seven standard model types are imported from the Federal Republic of Germany; 75 percent of these valves are divided between two model types, the TR–413 and TR–418 models. As well it appears that over 99 percent of the imported valves under investigation here are attached to the wheel by the snap-in method. The remainder, which are samples or special orders, use the clamp-in method of attachment and come in various combinations of lengths and diameters.

However, in this investigation, petitioner has alleged less than fair value sales of tubeless tire valves with respect only to five of the seven models, TR–413, 415, 418, 423 and 425. None of the small amount of imports of the clamp-in valves were alleged by petitioner to have been sold at less than fair value.

There is domestic production for the replacement market of all seven types of snap-in tubeless tire valves for use in passenger automobiles and light trucks which account for approximately 96 percent of production. The remaining four percent of domestic production is of the clamp-in valve type and their volume has been declining over the past three years. Evidence on the record indicates that domestically produced tubeless tire valves are no different from the imported variety of the same model type using the same method of attachment. Indeed, information thus far gathered indicates that price and reliability of supply, rather than quality or particular characteristics, are the primary bases upon which consumers differentiate among valves of the same model type using the same method of attachment produced by different manufacturers.

As a further matter, each domestic producer that sells to the replacement market produces the TR–413 and TR–418 model types and several, if not all, of the other model types. There are no data indicating that any domestic producer specializes in the production of any particular model type of valve.

Since petitioner is alleging injury with respect only to five of the seven snap-in model types, all of which are produced domestically, it is plain that these five model types of tubeless tire valves are like products with the imported article under investigation. But a question remains as to whether the remaining two model types and whether clamp-in tire valves have a sufficiently high coincidence of characteristics and uses with the valves which are being imported to warrant considering them like products as well. As we only have, at this point in the investigation, information enabling us to assess the impact of imports against production of all tire valves, this question of the status of the two remaining model types and the staus of clamp-in valves is moot. But the question of the likeness of all tire valves and the various indicia of the health of their producers are matters for more detailed consideration in our final investigation.

Therefore, taking the best information available in its best light, it is my view, for purposes of this preliminary investigation, that the like product is tubeless tire valve models TR–413, 415, 418, 423 and 425 and that the domestic industry is comprised of all domestic producers who produce the like product and who supply the replacement market.

Material Injury

Material injury is defined as harm which is not inconsequential, immaterial or unimportant.[26] In determining material injury by reason of imports, we are directed to consider, among other things, the volume of imports, the effect of the imports on prices, and the impact of the imports on the domestic industry.[27] The Commission is directed to assess the effect of dumped imports in relation to the U.S. production of a like product if available data permit the separate identification of production in terms of such criteria as production process or the producer's profits.[28] The best available information in this investigation does not distinguish sufficient information to make an assessment of production of the like product. Therefore, my determination is based upon assessment of the impact of imports on production of the narrowest group or range of products which

[19] *See* Staff Report, p. A–10.
[20] *See* Staff Report, p. A–16.
[21] *See* Staff Report, p. A–13.
[22] *See* Staff Report, p. A–14.
[23] Since there are domestic producers of the imported article subject to investigation, the material retardation of the establishment of an industry in the United States is not an issue in this investigation.
[24] Section 771(4)(A) of the Tariff Act of 1930.
[25] Section 771(10).
[26] Section 771(7)(A).
[27] Section 771(7)(B).
[28] Section 771(4)(D).

includes the like product, all tubeless tire valve production in the United States.

In preliminary investigations, our finding is with regard to a reasonable indication of material injury. While there is no statutory guidance as to the meaning of reasonable indication, the legislative history indicates that it is to be considered consistent with the standard under section 201(c)(2) of the Antidumping Act.[29] A reasonable indication of material injury or threat in this investigation is demonstrated by several factors: Import volume has increased both in absolute and relative terms; there has been price undercutting; and the domestic industry has suffered declines in production, capacity, capacity utilization, shipments and financial performance, all of which appear to be associated with the LTFV imports.[30]

Volume of Imports. Imports of tubeless tire valves, while down in 1980 from 1979, were at a higher level than in 1978. Imports of tubeless tire valves from West Germany followed a trend similar to that of U.S. production, increasing in 1979 and declining in 1980 to a level lower than the 1978 level. The level of import penetration increased from 1978 to 1980 for West German imports of tubeless tire valves.

Prices. Underselling of U.S. tubeless tire valves by imports from West Germany was found throughout the periods in question. Imported tubeless tire valves from West Germany have been consistently priced lower than domestic valves for both the TR–413 and TR–418 model types, which constitute the vast majority of the imports. Based on confidential data provided during the investigation, the margins of underselling for the TR–413 and TR–418 models were significant in both 1979 and 1980, although the margin decreased in 1980 due to a somewhat faster rate of imported valve price increases in 1980. This underselling is especially significant since it is my view that this industry is characterized by particular price sensitivity.

Impact on the domestic producers. Several U.S. producers alleged that sales of tubeless tire valves imported from West Germany caused them to lose sales. A number of these allegations were confirmed by purchasers who indicated they had switched their sourcing from domestic producers to imports produced by EHA, a West German company. Buyers of tubeless tire valves who were contacted indicated that price was the most important factor in purchasing decisions, with availability a secondary but often crucial factor. Several buyers confirmed purchases of West German valves because of lower prices.

Furthermore, U.S. production of tubeless tire valves declined from about 177 million units in 1978 and 1979 to 127 million units in 1980, a decrease of approximately 28 percent. Capacity utilization also fell sharply during the same period, from 78.0 percent in 1978 to 52.3 percent in 1980 while U.S. producers' shipments fell steadily from 173 million units in 1978 to 131 million units in 1980, a decrease of 24 percent. Total U.S. consuption of all valves (domestic and foreign) remained constant from 1978 to 1979 and fell sharply in 1980.

In addition, after increasing slightly between 1978 and 1979, the average number of employees in U.S. establishments producing tubeless tire valves fell from 2,631 in 1978 to 2,193 in 1980, a decrease of 17 percent. Production workers producing tubeless tire valves decreased from 455 in 1978 to 330 in 1980, down more than 27 percent.

Moreover, based on returns from five domestic producers accounting for 95 percent of total U.S. shipments of tubeless tire valves in 1980, the ratio of aggregate net operating profit to net sales declined from 7.2 percent in 1978 to 0.8 percent in 1980. The ratio of net operating profit to book value of total assets for U.S. producers followed the same trend as the ratio of net operating profit to net sales, declining from 18.8 percent to 1.5 percent.

As a final matter, with regard to the causal link between these factors and the imports under inquiry here, EHA of West Germany argues that the domestic industry's injury has been caused by a decline in the domestic automobile market during 1980. As well, such other factors as a decline in miles driven and an increase in purchases of tires with extended tread wear have also been noted as contributing to the industry's decline. There can be little doubt that these factors may have contributed to the overall condition of the industry. However, the legislative history specifically cautions the Commission not to weight causes in the way EHA suggests.[31] Nevertheless, the impact of all of these factors cannot be ignored. Thus, rather than reviewing these factors as competing causes, I see these factors as rendering the industry particularly vulnerable at this time to import sold at less than fair value. Viewing these factors in this light is well supported in the legislative history.[32]

Conclusion

On the basis of the best information available, I find that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from the Federal Republic of Germany of tubeless tire valves which are allegedly being sold at less than fair value.

By order of the Commission.

Issued: May 26, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-16666 Filed 6-2-81; 8:45 am]

BILLING CODE 7020-02-M

[29] Committee on Finance, U.S. Senate Report, No. 96–249, 96th Cong., 1st Sess., p. 66.

[30] Because there is only one producer from West Germany who exports tubeless tire valves to the United States, import data in this investigation are confidential. Therefore, my discussion with regard to these factors cites only general trends.

[31] Senate Report, 96–249, p. 57.

[32] Senate Report, 96–249, p. 58.

DEPARTMENT OF JUSTICE

United States v. Noranda Aluminum, Inc.; Proposed Consent Decree In Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 13, 1981, a proposed consent decree in *United States of America* v. *Noranda Aluminum, Inc.*, Case No. S81–57C, was lodged with the United States District Court for the Eastern District of Missouri. The proposed consent decree will require Noranda Aluminum, Inc., to pay $75,000 in penalties for failure to meet the terms and conditions of State of Missouri Regulation S–V, which applies to its primary aluminum reduction facilities in New Madrid County, Missouri.

The Department of Justice will receive on or before July 6, 1981, written comments related to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Noranda Aluminum, Inc.*, D.J. Ref. 90–5–2–1–281.

The proposed consent decree may be examined at the Office of the United States Attorney, Rm. 414, U.S. Court and Custom House, 1114 Market Street, St. Louis, Missouri 63101, at the Region VII Office of the Environmental Protection Agency, Enforcement Division, 324 East 11th Street, Kansas City, Missouri 64106, and at the Environmental Enforcement Section, Land and Natural Resources

Division, Department of Justice, Room 1254, 10th and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-16472 Filed 6-2-81; 8:45 am]

BILLING CODE 4410-01-M

Attorney General

[Order No. 945-81]

Departmental Reorganization

By the authority vested in me as Attorney General by 28 U.S.C. §§ 509, 510 and 5 U.S.C. § 301, it is hereby ordered as follows:

1. Senior Management Roles. The management roles of the Deputy Attorney General and the Associate Attorney General are restructured as described:

(a) The Deputy Attorney General advises and assists the Attorney General in formulating and implementing Department policies and programs and in providing overall supervision and direction of all organizational units of the Department. Subject to the general supervision of the Attorney General, he exercises directional authority over the Associate Attorney General and the heads of the following organizational units: The Office of Legislative Affairs; the Office of Public Affairs; the Antitrust Division; the Civil Division; the Civil Rights Division; the Land and Natural Resources Division; the Tax Division; the Justice Management Division; the Office of Justice Assistance, Research and Statistics; the Community Relations Service; the Executive Office for United States Trustees; and the office of each United States Trustee. The Foreign Claims Settlement Commission is under the supervision of the Deputy Attorney General for administrative purposes.

(b) The Associate Attorney General advises and assists the Attorney General and the Deputy Attorney General in formulating and implementing policies and programs of the Department pertaining to criminal matters. He coordinates the program activities of, and has directional authority over the heads of the following organizational units; The Criminal Division; the Drug Enforcement Administration; the Immigration and Naturalization Service; the Executive Office for United States Attorneys; the office of each United States Attorney; the Bureau of Prisons; Federal Prison Industries, Inc.; the Pardon Attorney; the Board of Immigration Appeals; and the United States Marshals Service. The United States Parole Commission is under the supervision of the Associate Attorney General for administrative purposes.

2. *Transfers of Specific Authorities and Functions.* (a) The following specific authority formerly delegated to the Associate Attorney General is rescinded and is delegated to the Deputy Attorney General: Except as delegated to the Associate Attorney General by § 2(c) of this order, the authority to take final action in matters pertaining to:

(i) The employment, separation, and general administration of personnel in the Senior Executive Service, in General Schedule grades GS-16 through GS-18, or the equivalent, and of the attorneys and law student regardless of pay grade in the Department;

(ii) The appointment of special attorneys and special assistants to the Attorney General under 28 U.S.C. § 515(b);

(iii) The appointment of Assistant United States Trustees and the fixing of their compensation, and

(iv) The approval of the appointment by United States Trustees of standing trustees and the fixing of their maximum annual compensation and percentage fees as provided in 28 U.S.C. § 586(e).

The Deputy Attorney General may redelegate the authority to take final actions in matters pertaining to the employment, separation, and general administration of attorneys and law students in pay grades GS-15 and below, to appoint special attorneys and special assistants to the Attorney General pursuant to 20 U.S.C. § 515(b), and to appoint Assistant United States Trustees and fix their compensation to the official in the Office of the Deputy Attorney General responsible for attorney personnel management.

(b) The following specific functions, to the extent formerly performed by the Associate Attorney General, are transferred to the Deputy Attorney General:

(i) Administration of the Attorney General's recuritment programs for honor law graduates and judicial law clerks.

(ii) Coordination of Departmental liaison with the White House and the Executive Office of the President.

(iii) Functions relating to the overall implementation of Part 16 ("Production or Disclosure of Material or Information") of Title 28, Code of Federal Regulations. (iv) Functions relating to the overall implementation of Part 45 ("Standards of Conduct") of Title 28, Code of Federal Regulations, including the granting of exemptions and authorizations.

(c) The following specific authority formerly delegated to the Deputy Attorney General is rescinded and is delegated to the Associate Attorney General: The authority to take final action in matters pertaining to the employment, separation, and general administration of attorneys and law students in pay grades GS-15 and below in organizational units subject to his direction and of Assistant United States Attorneys and other attorneys to assist United States Attorneys when the public interest so requires, and fixing their salaries. The Associate Attorney General may redelegate this authority to the official in the Office of the Deputy Attorney General responsible for attorney personnel management.

(d) The function of establishing and directing the implementation of policy relating to the participation of the United States in the International Criminal Police Organization is transferred from the Deputy Attorney General to the Associate Attorney General.

(e) The function of establishing and implmenting the Department of Justice Equal Opportunity Recruitment Program is transferred from the Associate Attorney General to the Assistant Attorney General for Administration.

3. *Transfers of reporting and approval responsibilities.* All regulations of the Department that require, with respect to a particular matter, that the head of an organizational unit report to or through or obtain the approval, concurrence, or attention of either the Deputy Attorney General or the Associate Attorney General will be construed as amended to the extent necessary to insure consistency with section 1 of this order.

4. *Office of Legal Policy.* The Office of Legal Policy shall be headed by an Assistant Attorney General and shall be subject to the general supervision of the Attorney General and the Deputy Attorney General. The principal responsibilities of the Office shall be to plan, develop, and coordinate the implementation of major policy initiatives of high priority to the Department and to the Administration. In addition, the Assistant Attorney General in charge of the Office of Legal Policy shall:

(a) Examine and study legislation and other policy proposals and coordinate departmental efforts to secure enactment of those of special interest to the Department and the Administration.

(b) Assist the Attorney General and Deputy Attorney General in fulfilling responsibilities of the Federal Legal Council to promote coordination and communication among Federal legal offices with the goal of achieving effective, consistent, and efficient management of legal resources throughout the Federal Government.

(c) Manage and coordinate the discharge of departmental responsibilities related to the Freedom of Information Act (5 U.S.C. § 552) and the Privacy Act (5 U.S.C. § 552a), including coordination and implementation of policy development and compliance within Executive agencies and departmental units relative to the Freedom of Information Act and within departmental units relative to the Privacy Act; and, except as otherwise directed by the Attorney General, act on appeals taken from departmental denials of access to records under the Privacy Act and the Freedom of Information Act.

(d) Advise and assist the Attorney General and Deputy Attorney General regarding the selection and appointment of Federal judges.

(e) Administer the Federal Justice Research Program to facilitate achievement of the goals of the Office; provide departmental policy advice to the Office of Justice Assistance, Research and Statistics relating to research and statistical programs, and advice to the Attorney General concerning general supervision of the National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration and the Office of Juvenile Justice and Delinquency Prevention.

(f) Represent the Department on the Administrative Conference of the United States, and, as appropriate, on regulatory reform matters.

(g) Participate, as appropriate, in internal budget hearings of the Department with regard to policy implications of resource allocations and resource implications of major policy initiatives; advise the Assistant Attorney General for Administration with regard to information requirements for departmental policy formulation.

(h) Advise appropriate departmental officials, from time to time, on investigation, litigation, negotiation, penal, or correctional policies to ensure the compatibility of those policies with overall departmental goals.

(i) Through appropriate participation in meetings or conferences with national, state, and local law enforcement and justice system officials, promote the priorities of the Department for the nation's justice system.

(j) Perform such other duties and functions as may be specially assigned by the Attorney General and the Deputy Attorney General. In carrying out its responsibilities under this section, the Office shall have the right to call upon the relevant departmental units for personnel and other assistance.

5. *Other Offices.*

(a) Concurrent with the establishment of the Office of Legal Policy, the Office for Improvements in the Administration of Justice and the Office of Information Law and Policy are abolished. To the extent including in the functional statement set forth in section 4 of this order, the functions of these offices are transferred to the Office of Legal Policy.

(b) The Office of Privacy and Information Appeals is transferred from the Office of the Associate Attorney General to the Office of Legal Policy.

(c) The Office of Small and Disadvantaged Business Utilization is transferred from the Office of the Deputy Attorney General to the Justice Management Division for administrative purposes.

6. *Implementation.* Under the direction of the Deputy Attorney General, The Assistant Attorney General for Administration shall take all steps necessary to implement the reorganization set forth in this order.

7. *Organization Chart.* Appendix I is the official chart of the organization of the Department of Justice.

8. *Supersedure.* This order supersedes all provisions of previous Attorney General orders that are inconsistent with it.

9. *Interpretation.* Interpretations of this order shall be provided by the Deputy Attorney General or his designee. His interpretation is binding unless overruled by the Attorney General.

This order is effective as of May 24, 1981.

Dated: May 28, 1981.

William French Smith,

Attorney General.

BILLING CODE 4410-01-M

UMI 1 8 3 M C 8 0 1 1 6 4 7

U.S. DEPARTMENT OF JUSTICE

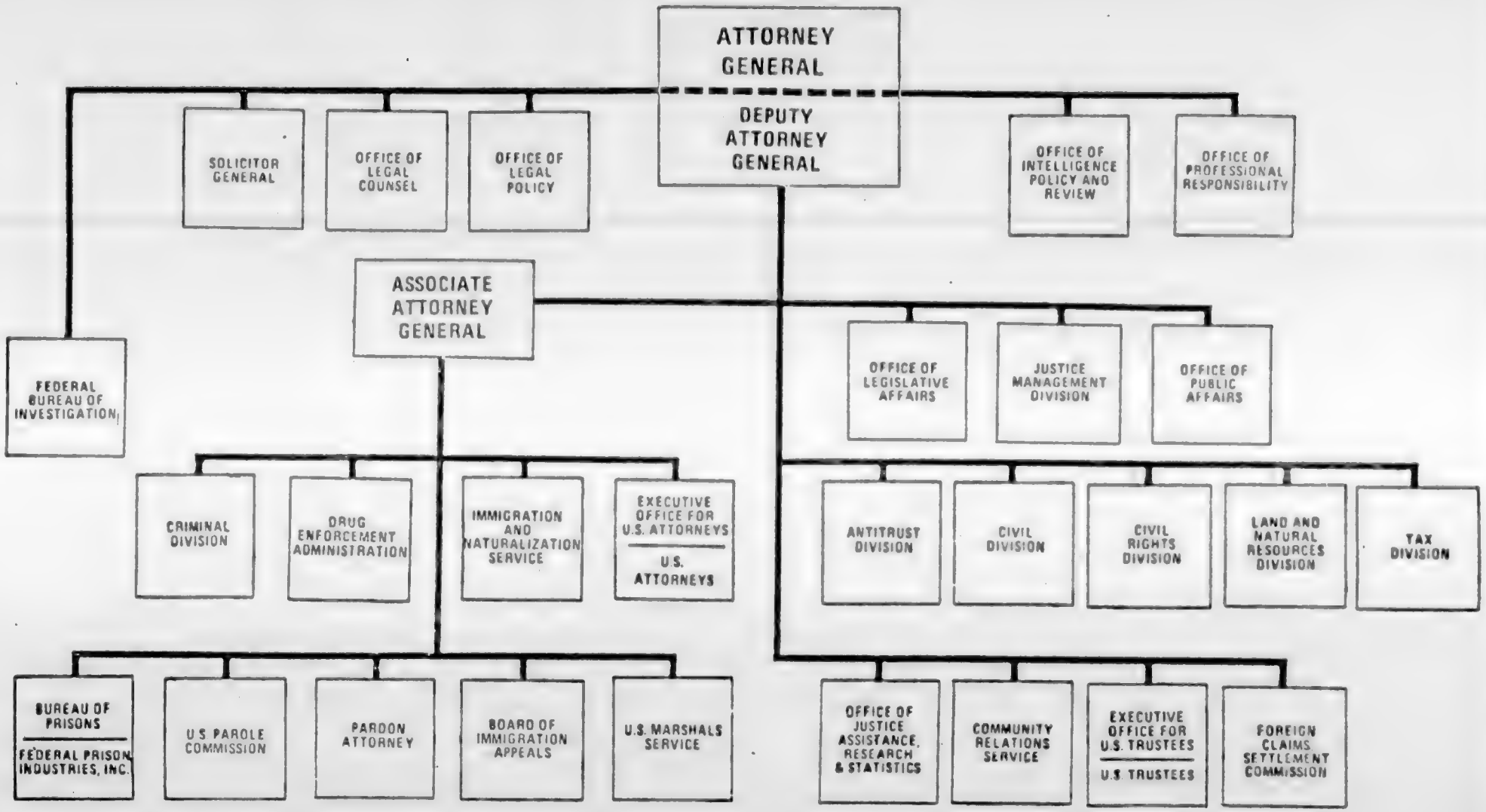

[FR Doc. 81-16443 Filed 6-2-81; 8:45 am]
BILLING CODE 4410-01-C

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Research; Subcommittee Meeting

In accordance with the Federal Advisory Committee Act, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Research, Subcommittee on Research at Undergraduate Institutions

Date/Time: June 29, 1981, 9:00 a.m.–5:00 p.m.

Place: Room 1242, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of meeting: Open

Contact Person: Dr. Joseph Danek, Program Director, Undergraduate Science Education Program, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 632-4040

Purpose of Subcommittee: To review and evaluate the research equipment proposals submitted to the Undergraduate Science Education Program.

Agenda: To review and evaluate research equipment proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt from disclosure under section 552b(c)(4) and (6) of Title 5 U.S. Code and the determination to close the meeting was made by the Committee Management Officer pursuant to the provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer has delegated the responsibility to make determinations such as this for meetings governed by the Committee's by-laws.

M. Rebecca Winkler,
Committee Management Officer.

[FR Doc. 81-16444 Filed 6-2-81; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee Meeting on Chemical Processes; Meeting

In accordance with the Federal Advisory Committee Act, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Chemical Processes, Committee on Chemistry, Science Advisory Board

Date: Tuesday, June 23, 1981, 9:00 a.m.–5:00 p.m.

6-29—Wednesday, June 24, 1981, 9:00 a.m.–5:00 p.m.

500 p.m.

open

Place: Room 1242, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Foundation

Contact Person: Dr. Joseph Danek, Program Director, Undergraduate Science Education Program, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 632-4040

Direct

NATIONAL SCIENCE FOUNDATION

Advisory Committee on Special Research Equipment, Biology Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Special Research Equipment (2-year and 4-year colleges) (Biology Subcommittee)
Date/Time: July 7–8, 1981—9:30 a.m. to 5:00 p.m.
Place: Room 421, National Science Foundation, 1800 G Street NW., Washington, D.C.
Type of meeting: Closed
Contact person: Dr. Howard H. Hines, Program Director, Room 428, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–9615
Purpose of committee: To evaluate research equipment proposals
Agenda: To review and evaluate research equipment proposals as part of the selection process for awards
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 81–16512 Filed 6–2–81; 8:45 am]
BILLING CODE 7555–01–M

Subcommittee on Chemical and Process Engineering; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Chemical and Process Engineering of the Advisory Committee for Engineering and Applied Science
Date: Type of meeting: June 29 and 30, 1981—6–29—9:00 am to 12:00 pm, open; 1:30 pm. to 5:00 pm closed; 6–30—9:00 am to 4:00 pm, open
Place: Room 642 National Science Foundation, Washington, D.C. 20550
Contact person: Dr. Marshall M. Lih, Division Director, Chemical and Process Engineering, Room 413, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–9606
Summary minutes: May be obtained from Dr. Marshall M. Lih, Director, Division of Chemical and Process Engineering, Room 413, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–9606
Purpose of the subcommittee: To provide directions to Chemical and Process Engineering research.

AGENDA:

Monday, June 29—open—9:00 am to 12:00 am

9:00 am—Introduction by the Division Director and status report
10:00—Questions and answers
10:15—Briefing of Division Programs
11:45—Questions and answers
12:15—Recess

Monday, June 29—closed—1:30 pm to 5:00 pm

1:30 pm—Review and comparison of declined proposals (and supporting documentation) with successful awards under the Chemical and Process Engineering Division, including review of peer review materials and other privileged materials.

Tuesday, June 30—open—9:00 am to 4:00 pm

9:00 am—Oral reports from the subcommittee
9:30—Subcommittee discussion of future directions of programs
10:30—Suboommittee discussion of division-wide concerns
4:00 pm—ADJOURN

M. Rebecca Winkler,
Committee Management Coordinator.
May 29, 1981.

[FR Doc. 81–16513 Filed 6–2–81; 8:45 am]
BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Waterford Steam Electric Station Unit No. 3; Meeting

The ACRS Subcommittee on Waterford Steam Electric Station Unit No. 3 will hold a meeting on June 18 and 19, 1981 at the Courthouse, St. Charles Parish, River Road, Hahnville, LA 70057. The Subcommittee will review the application of the Louisiana Power and Light Company for a license to operate the Waterford Steam Electric Station Unit No. 3. Notice of this meeting was published May 19.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, June 18, 1981—1:00 p.m. until the conclusion of business Friday, June 19, 1981—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Louisana Power and Light Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Federal Employee, Mr. David Bessette (telephone 202/634–3267), between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. Gary Quittschreiber.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: May 28, 1981.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 81–16570 Filed 6–2–81; 8:45 am]
BILLING CODE 7590–01–M

[Project WM-38]

Anaconda Copper Co.; Negative Declaration in Support of Exemption From Federal Land Ownership Requirement for the Rhode Ranch Project in McMullen County, Texas

The U.S. Nuclear Regulatory Commission (the Commission) is issuing a determination on a request for exemption from the land ownership transfer requirement of the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95-604) made by the Anaconda Copper Company for their proposed Rhode Ranch project in McMullen County, Texas. This action is being taken under Section 202(a) of Pub. L. 95-604, which authorizes the NRC to grant exemption from land ownership transfer requirements where it finds this will not endanger public health and safety. This action only applies to the federal land ownership requirement. The State of Texas as an Agreement State has the responsibility in licensing the proposed project.

The staff has determined that sufficient grounds exist for dispensing with the government land ownership requirement subject to the conditions stated in the environmental assessment. The case is a unique one where the tailings will be dewatered and returned to the original or zone which is virtually free of any groundwater. More specifically, the tailings will be buried at least 30 and as much as 120 feet below the surface. The closest significant groundwater bearing stratigraphic unit in underlying formations is isolated by a massive clay strata which is a minimum of about 500 feet thick. The formations at the site have high clay content which should preclude infiltration of precipitation, and as an added measure, the tailings will be encapsulated by low permeability liners. The staff has concluded that long term surveillance and monitoring of the disposal site will not be needed to assure stability and isolation of the tailings impoundment.

The determination will take effect July 6, 1981, and during the interim the NRC will accept comments on the proposed action. Written comments concerning the proposed action should be submitted to the Secretary of the Commission, Attention: Docketing and Service Branch, Washington, D.C. 20555.

The environmental assessment and copies of written comments will be available for public inspection and copying at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555.

Dated at Silver Spring, Maryland, this 26th day of May, 1981.

For the Nuclear Regulatory Commission.

Ross A. Scarano,

Chief, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 81-16571 Filed 6-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329 OM, 50-330 OM; 50-329 OL, 50-330 OL]

May 29, 1981.

Consumers Power Co. (Midland Plant, Units 1 and 2); Evidentiary Hearing

Please take notice that, in accordance with the Licensing Board's Prehearing Conference Order, dated May 5, 1981, as modified during a telephone conference call on May 27, 1981, an evidentiary hearing in this consolidated proceeding will commence at 9:30 a.m. on Tuesday, July 7, 1981, in the Midland County Courthouse Auditorium, 301 W. Main Street, Midland, Michigan 48640. Further sessions of the hearing will be held (to the extent necessary) at the same location on July 8-11, 13-17, August 4-6, 10-14, and 24-28, beginning at 9:00 a.m. (The sessions on Saturdays will conclude by 1:00 p.m.)

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Domestic Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice for Domestic Licensing Proceedings," notice is hereby given that the said evidentiary hearing will be held to consider the application filed under the Act by Consumers Power Co. (Applicant), to possess, use and operate the Midland Project, Units 1 and 2, two pressurized nuclear reactors located on the Applicant's site in Midland County, Michigan. The hearing sessions listed above will consider soils settlement issues, including those arising from the Commission's Order Modifying Construction Permits No. CPPR-81 and No. CPPR-82. The hearing will be conducted by an Atomic Safety and Licensing Board designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board's membership consists of the following Administrative Judges: Dr. Frederick P. Cowan, Mr. Ralph S. Decker, and Mr. Charles Bechhoefer, Chairman.

In 1977 and 1978, the Applicant submitted information supporting its applications for facility operating licenses. A Notice of Opportunity for Hearing was published on May 4, 1978 (43 FR 19304). Petitions for leave to intervene filed by Mrs. Mary P. Sinclair, and by Mr. Wendell H. Marshall on behalf of Mapleton Intervenors, and a petition by Frank J. Kelley, Attorney General of the State of Michigan, to participate as an "interested State" pursuant to 10 CFR 2.715(c) were subsequently granted and a Notice of Hearing in this "OL Proceeding" was published on October 18, 1978 (43 FR 48089).

Subsequently, on December 6, 1979, the Acting Director of NRC's Office of Nuclear Reactor Regulation, and the Director of NRC's Office of Inspection and Enforcement, jointly issued an Order Modifying Construction Permits No. CPPR-81 and No. CPPR-82. On December 26, 1979, the Applicant filed a Request for Hearing pursuant to Part V of the Order. *See* 10 CFR 2.204. A Notice of Hearing for this "OM Proceeding" was published on March 20, 1980 (45 FR 18214). An Amended Notice of Hearing in the OM Proceeding, inviting participation by persons whose interests may be affected, was published on May 23, 1980 (45 FR 35949). By its Prehearing Conference Order Ruling on Contentions and on Consolidation of Proceedings, dated October 24, 1980, the Licensing Board granted petitions to intervene in the OM Proceeding filed by Ms. Barbara Stamiris and Ms. Sharon K. Warren. (Ms. Warren has since withdrawn from the proceeding.) The Board also granted a motion by the Applicant to consolidate the OM Proceeding with those issues relating to soil conditions and plant fill materials raised in the OL Proceeding.

The issues in the OM Proceeding will consist of those specified in the Modification Order, together with matters put into controversy by the parties to the proceeding and accepted in the Licensing Board's October 24, 1980 Pehearing Conference Order. In accordance with the provisions of 10 CFR 2.760a, the OL hearing will be limited to the consideration of matters put into controversy by the parties to the proceeding and which have been determined by the Board to be issues in the proceeding, together with other issues, if any, where the Board has determined that a serious safety, environmental, or common defense and security matter exists. Depending on the resolution of issues in the OM Proceeding, the Director of Nuclear Reactor Regulation will put into effect, modify, or deny the remedies proposed in the Modification Order. Depending upon resolution of issues in the OL Proceeding, the Director of Nuclear Reactor Regulation, after making the requisite findings, will issue, deny, or appropriately condition the sought operating licenses.

Any person who has not been admitted as a party to this proceeding may request permission to make a limited apearance pursuant to the provisions of 10 CFR 2.715(a). A person making a limited appearance may make an oral or written statement on the record. He or she does not become a party but may state a position and raise questions which he or she would like to have answered, to the extent that the questions are within the purview of matters which may be considered in an operating license proceeding, as specified by 10 CFR 2.104(c), or in an enforcement proceeding under 10 CFR 2.204. Limited appearances will be permitted at this evidentiary hearing, within such limits and on such conditions as may be fixed by the Board. It is presently contemplated that oral limited appearance statements will be taken at the commencement of the hearing on July 7, 1981. To the extent necessary, the Board may establish other dates for such statements. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Banch.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland, this 29th day of May, 1981.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 81-16572 Filed 6-2-81; 8:45 am]

BILLING CODE 7590-01-M

Emergency Core Cooling System; Petition To Suspend All Operating Licenses for Pressurized Water Reactors

Issuance of Director's decision under 10 CFR 2.206. On December 6, 1979, notice was published in the **Federal Register** (44 FR 70241) that by petition dated March 29, 1979, the Environmental Coalition on Nuclear Power, State College, Pennsylvania, had requested that the Nuclear Regulatory Commission (the Commission) suspend all operating licenses for pressurized water reactors. The petition alleges that the safety evaluations performed for these licenses are invalid, because the incident which occurred on March 28, 1979, at Three Mile Island Unit 2, a pressurized water reactor, shows that the evaluations of the Emergency Core Cooling System (ECCS) for all pressurized water reactors cannot demonstrate the performance of the ECCS required by 10 CFR 50.46. The Commission's Director of Nuclear Reactor Regulation has treated this request as a request for action under 10 CFR 2.206. Upon review of the information provided by the Environmental Coalition on Nuclear Power, the Director has determined that the request does not provide an adequate basis to suspend all operating licenses for pressurized water reactors. Accordingly, the request has been *denied.*

Copies of the Director's decision are available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at each Local Public Document Room for all operating pressurized water reactors. A copy of this decision will also be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As provided in 10 CFR 2.206(c), the decision will constitute the final action of the Commission twenty-five (25) days after the date of issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Bethesda, Maryland this 29th day of May, 1981.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-16573 Filed 6-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-31, and Amendment No. 58 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to include a clarification of the term "operable" as it applies to the single failure criterion for safety systems in power reactors and includes an update of the organization chart.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendment dated September 12, 1980 and March 10, 1981, (2) Amendment Nos. 66 and 58 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of May, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-16574 Filed 6-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-321]

Georgia Power Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 85 to Facility Operating License No. DPR-57, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authroity of Georgia, and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1 (the facility), located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications by (1) adding two valves and two flanges to the list of containment isolation valves; and by (2)

changing the setpoint for the Safety Relief Valve tail pipe pressure switches.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 4, 1981, (2) Amendment No. 85 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of May 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-16575 Filed 6-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-498 OL; STN 50-499 OL]

Houston Lighting and Power Company, et al. (South Texas Project Units 1 and 2); Continuation of Evidentiary Hearing

May 28, 1981.

Please take notice that the evidentiary hearing in this operating license proceeding, announced by notices published on April 9, 1981 (46 FR 21289) and April 21, 1981 (46 FR 22441), will continue at 9:30 a.m. on Monday, June 22, 1981, in the Bankruptcy Court, 614 E. Houston Street, San Antonio, Texas 78205. The session on June 22 will include an evening session from 7:30-9:00 p.m. Further sessions will be held beginning at 9:00 a.m. on June 23-26, 1981, at the same location. Oral limited appearance statements will be taken (to the extent necessary) at the beginning of the daytime session on June 22, and during the evening session on that same date.

Please take further notice that the evidentiary session previously scheduled to commence at 9:00 a.m. on June 15, 1981 has been rescheduled to commence at 7:00 p.m. on that day. At that session, the Licensing Board will hear oral arguments on any motions requesting the holding of *in camera* hearing sessions. As previously announced, that session (as well as the sessions on June 16-20) will be held at the Joe M. Green, Jr. Auditorium, South Texas College of Law, 1303 San Jacinto Street (fourth floor), Houston, Texas 77002.

Dated at Bethesda, Maryland, this 28th day of May, 1981.

For Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 81-16576 Filed 6-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275 OL 50-323 OL]

Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Conference of Counsel

A Conference of Counsel in this matter is scheduled for July 1 and, if necessary, on July 2, 1981, in the 5th floor hearing room of the East West Towers Building, 4350 East West Highway, Bethesda, Md. beginning at 10 a.m.

It was found as a result of a canvass of Counsel that their involvement in the preparation of findings and briefs on the low power issue made such a meeting on June 18, 1981 impossible. The Board believes that the date of Conference as established herein permits the parties ample time to prepare.

At this conference the Board will consider contentions submitted by Joint Intervenors in their motion to reopen dated March 24, 1981. Schedules for possible proceedings on the full power operating license will also be considered.

Therefore on this 27th day of May, 1981 it is ordered that a Conference of Counsel will take place at 10 a.m., July 1 and, if necessary, on July 2, 1981, in the 5th floor hearing room, East West Towers Building, 4350 East West Highway, Bethesda, Maryland.

Issued at Bethesda, Maryland, this 27th day of May, 1981.

For the Atomic Safety and Licensing Board.

John F. Wolf,

Chairman, Administrative Judge.

[FR Doc. 81-16577 Filed 6-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352 and 50-353]

Philadelphia Electric Co., Limerick Generating Station, Units 1 and 2; Order Extending Construction Completion Dates

Philadelphia Electric Company is the holder of Construction Permits CPPR-106 and CPPR-107 issued by the Commission on June 19, 1974. These permits authorize the construction of the Limerick Generating Station, Units 1 and 2, presently under construction at the Company's site on the Schuylkill River, near Pottstown, in Limerick Township, Montgomery County, Pennsylvania.

On February 23, 1981, Philadelphia Electric Company filed a request pursuant to the Code of Federal Regulations, Title 10, Part 50, Section 50.55(b) for an extension of the construction completion dates for these units.

Philadelphia Electric Company gave as reasons for the schedule change a reduction in their projected construction program by approximately $750 million for the four-year period 1976-1980 and $270 million in the four-year period 1978-1982 due to (1) reductions in electrical sales and peak load growth rates, (2) sluggish economic growth, (3) financial considerations, and (4) high interest rates and tight credit. This action involves no significant hazards consideration. Good cause has been shown for extension of the latest construction completion date for Unit 1 to October 1, 1985 and for Unit 2 to and October 1, 1987. The basis for the extension of these dates is set forth in a staff evaluation, dated April 13, 1981.

The preparation of an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action authorized by the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement (Construction Permit Stage) for the Limerick Generating Station, Units 1 and 2 published in November 1973. A negative declaration and an environmental impact appraisal have been prepared and are available, as are the above stated documents, for public inspection at the Commission's Public Document Room, 1717 H Street NW.,

Washington, D.C. 20555 and at the Public Library, Pottstown, Pennsylvania.

It is hereby ordered that the earliest and latest completion date for CPPR-106 be extended from:

April 1, 1981 to October 1, 1985 and that the earliest and latest completion date for CPPR-107 be extended from: April 1, 1982 to October 1, 1987.

Date of Issuance: April 24, 1981.

For the Nuclear Regulatory Commission.

Robert L. Tedesco,

Assistant Director for Licensing, Division of Licensing.

[FR Doc. 81-16578 Filed 6-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-277]

Philadelphia Electric Company, et al; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Facility Operating License No. DPR-44, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit No. 2 (the facility) located in York County, Pennsylvnia. The amendment is effective as of its date of issuance.

The revised Technical Specifications extend the maximum average planar linear heat generation rate for the Cycle 5 fuel from 30,000 megawatt days per short ton of uranium (MWd/T) to 40,000 MWd/T.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 30, 1980, as supplemented May 14, 1981, (2) Amendment No. 79 to License No. DPR-44, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of May 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-16579 Filed 6-2-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.133, Revision 1, "Loose-Part Detection Program for the Primary Systems of Light-Water-Cooled reactors," describes a method acceptable to the NRC staff for impelmenting the Commission's regulations with respect to detecting a potentially safety-related loose part in light-water-cooled reactors during normal operation.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 27th day of May 1981.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-16580 Filed 6-2-81; 8:45 am]

BILLING CODE 7590-01-M

Screening Committee for Technical Vacancies on the Licensing Board Panel; Meeting

Notice is hereby given in accordance with Section 10 of the Federal Advisory Committee Act that the NRC's Advisory Committee for Technical Members will hold a meeting on June 30 and July 1, 1981. The meeting will begin at 9:00 a.m. and will be held at East West Towers, 4350 East West Highway, Room 415, Bethesda, Maryland 20014.

The Committee will meet in closed session in order to interview and consider the qualifications of candidates to permanent member positions as technical members of the Atomic Safety and Licensing Board Panel.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close these meetings in order to protect information, the release of which would represent an unwarranted invasion of personal privacy under 5 U.S.C. 552b(c)(6). Any discussion not involving personal privacy will be inextricably intertwined with discussion of Exemption 6 matters.

For further information, contact Charles J. Fitti, Assistant Executive Secretary, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301/492-7816).

Issued at Washington, D.C., this 29th day of May 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-16581 Filed 6-2-81; 8:45 am]

BILLING CODE 7590-01-M

Screening Committee for Lawyer Vacancies on the Licensing Board Panel; Meeting

Notice is hereby given in accordance with Section 10 of the Federal Advisory Committee Act that the NRC's Screening Committee for Lawyer Vacancies on the Atomic Safety and Licensing Board Panel will hold a meeting on July 7 and 8, 1981. The meeting will begin at 9:00 a.m. each day at East West Towers, 4350 East West Highway, Room 415, Bethesda, Maryland 20014.

The Committee will meet in order to interview and consider the qualifications of candidates to permanent member legal positions on the Atomic Safety and Licensing Board Panel. All sessions will be closed.

I have determined in accordance with Subsection 10(d) of Public Law 92–463 that it is necessary to close these meetings in order to protect information, the release of which would represent an unwarranted invasion of personal privacy under 5 U.S.C. 552b(c)(6). Any discussion not involving personal privacy will be inextricably intertwined with discussion of Exemption 6 matters.

For further information, contact Charles J. Fitti, Assistant Executive Secretary, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301/492–7816).

Issued at Washington, D.C., this 29th day of May 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–16582 Filed 6–2–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–280 and 50–281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR–32 and Amendment No. 69 to Facility Operating License No. DPR–37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective within 7 days of the date of issuance.

The amendments consist of changes to the Technical Specifications which revise the Administrative Controls, Section 6. The changes reflect corporate and plant reorganizations including the addition of an Assistant Station Manager, establishment of a Safety Evaluation and Control group to replace the System Nuclear Safety and Operating Committee and the addition of a Shift Technical Advisor.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated March 31, August 28, and November 14, 1980, as supplemented August 4, 1980 and February 23, 1981, (2) Amendment Nos. 69 and 69 to License Nos. DPR–32 and DPR–37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–16583 Filed 6–2–81; 8:45 am]

BILLING CODE 7590–01–M

POSTAL SERVICE

International Postal Fees

AGENCY: Postal Service.

ACTION: Final international postal fees.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service is changing the fees for certain services related to international mail to the levels indicated below. These fee changes are necessary in order to cover increases in the costs of providing these services and are consistent with the provisions of the Universal Postal Convention adopted in Rio de Janeiro which comes into force on July 1, 1981. Although the new fees are to become effective on July 1, 1981, comments on them are solicited, and any proposed changes will be considered and acted upon as appropriate.

EFFECTIVE DATE: July 1, 1981.

ADDRESS: Written comments should be directed to the General Manager, International Mail Classification Division, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 1640, 475 L'Enfant Plaza West, SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Edward S. Walker, (202) 245–4518.

(39 U.S.C. 401, 403, 404(2), 407, 410(a), Universal Postal Convention, Rio de Janeiro, 1979)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

New International Postal Fees

1. International Reply Coupons: $0.65
2. Customs Clearance and Delivery Fee: $2.50
3. Recall or Change of Address Fee: $1.65
4. Shortpaid Mail—Handling Charge: $0.42
5. Storage Charges

For Values Under $10,000

Number of storage charge days	
1st 10 days	[1] $.030
After 1st 10 days	[1] .55

[1] per day.

For Values Over $10,000

Number of storage charge days	Rate per day	Total
1	$0.30	$0.30
2	.30	.60
3	.30	.90
4	.30	1.20
5	.30	1.50
6	.30	1.80
7	.30	2.10
8	.30	2.40
9	.30	2.70
10	.30	3.00
11	.60	3.60
12	.75	4.35
13	.90	5.25
14	1.05	6.30
15	1.20	7.50
16	1.35	8.85
17	1.50	10.35

For Values Over $10,000—Continued

Number of storage charge days	Rate per day	Total
18	1.65	12.00
19	1.80	13.80
20	1.95	15.75
21	2.10	17.85
22	2.25	20.10
23	2.40	22.50
24	2.55	25.05
25	2.70	27.75
26	2.85	30.60
27	3.00	33.60
28	3.15	36.75
29	3.30	40.05
30	3.45	43.50
31	3.60	47.10
32	3.75	50.85
33	3.90	54.75
34	4.05	58.80
35	4.20	63.00
36	4.35	67.35
37	4.50	71.85
38	4.65	76.50
39	4.80	81.30
40	4.95	86.25
41	5.10	91.35
42	5.25	96.60
43	5.40	102.00
44	5.55	107.55
45	5.70	113.25
46	5.85	119.10
47	6.00	125.10
48	6.15	131.25
49	6.30	137.55
50	6.45	144.00
51	6.60	150.60
52	6.75	157.35
53	6.90	164.25
54	7.05	171.30
55	7.20	178.50
56	7.35	185.85
57	7.50	193.35
58	7.65	201.00
59	7.80	208.80
60	7.95	216.75

[FR Doc. 81-16518 Filed 6-2-81; 8:45 am]
BILLING CODE 7710-12-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 25]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Section 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $970,000 has been established for the company.

Name of Company:
ENNIA REINSURANCE COMPANY OF AMERICA
Business Address:
127 John Street
New York, New York 10038
State of Incorporation:
New York

Certificates of authority expire on June 30 each year, unless renewed prior to that date of sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal Bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1980 Revision, at page 44504 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: May 26, 1981.

W. E. Douglas,
Commissioner.

[FR Doc. 81-16491 Filed 6-2-81; 8:45 am]
BILLING CODE 4810-35-190

Internal Revenue Service

[Delegation Order No. 156; Rev. 1, Amdt. 2]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: This Amendment provides delegations of authority regarding the disclosure of return information under IRC 6103(i)(3) to the Federal Officers or employees for administration of Federal criminal laws and the disclosure of the mailing address of a taxpayer under IRC 6103(m)(2) to the officers or employees of an agency in connection with a Federal claim against such taxpayer. The authority to withhold information under IRC 6103(i)(1), (2) and (4) is also delegated. This Amendment reflects the decentralization to field officials of authority previously vested only in National Office officials and Regional Commissioners.

The text of the delegation order appears below.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: R. L. Rizzo, TX:D, 1111 Constitution Avenue, N.W., Room 1603, Washington, DC 20224, Telephone number 202-566-3908. (Not a Toll-Free telephone number.)

This document does not meet the criteria for significant regulations set forth in pargraph 8 of the Treasury directive appearing in the Federal Register for Wednesday, November 8, 1978.

R. L. Rizzo,
Director, Disclosure Operations Division.

Department of the Treasury

Internal Revenue Service

Date of issue: May 26, 1981.
Effective Date: May 26, 1981.

In the matter of delegation order for authority to disclose returns and return information to Federal officers or employees for administration of nontax federal criminal laws or the Federal Claims Collection Act of 1966

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, authority is hereby delegated as follows:

1. The Deputy Commissioner; Assistant Commissioner (Taxpayer Service and Returns Processing); Deputy Assistant Commissioner (Taxpayer Service and Returns Processing); Director, Disclosure Operations Division; Regional Commissioners; District and Service Center Directors; Assistant District and Service Center Directors; Director of International Operations; and Assistant Director of International Operations are authorized:

a. To disclose or, in specific intances, authorize the disclosure of returns or taxpayer return information to officers and employees of a Federal agency pursuant to an *ex parte* order by a Federal district court judge when needed for use in the enforcement of a Federal criminal statute (not involving tax administration), subject to the conditions prescribed in IRC 6103(i)(1) and the Treasury Regulations thereunder. The authority to withhold any return or taxpayer return information, pursuant to IRC 6103(i)(1) or (i)(4), upon a determination that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation is also delegated. This authority may not be redelegated.

b. To disclose or, in specific instances, authorize the disclosure of return information (other than taxpayer return information) to officers and employees of a Federal agency upon written request by the head of such agency, or in the case of the Department of Justice, the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, when needed for use in the enforcement of a Federal criminal statute (not involving tax administration) subject to the conditions prescribed in IRC 6103(i)(2). This authority to withhold return information

(other than taxpayer return information), pursuant to IRC 6103 (i)(2) or (i)(4), upon a determination that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation is also delegated. This authority may not be redelegated.

c. To disclose or, in specific instances, authorize the disclosure in writing of return information (other than taxpayer return information), which may constitute evidence of a violation of Federal Criminal laws, to the extent necessary to apprise the head of the appropriate Federal agency enforcing such laws, subject to the conditions prescribed in IRC 6103(i)(3). The authority to withhold return information (other than taxpayer return information), pursuant to IRC 6103(i)(4), upon a determination that such disclosure would identify a confidential informant or seriously impair a civil or criminal tax investigation is also delegated. This authority may not be redelegated.

d. To disclose or, in specific instances, authorize the disclosure of the mailing address of a taxpayer to officers and employees of an agency when needed in connection with a Federal claim against such taxpayer, upon written request and subject to the conditions prescribed in IRC 6103(m)(2). This authority may not be redelegated.

2. This Amendment amends paragraphs (6) (b), (c), (d), and (f) of Delegation Order No. 156 (Rev. 1), issued July 30, 1979, and printed in the **Federal Register** dated August 1, 1979, Vol. 44, No. 149, Page 45275; and supersedes Delegation Order No. 156 (Rev. 1), Amend. 1, issued June 1, 1980.

William E. Williams,

Acting Commissioner.

[FR Doc. 81-16445 Filed 6-2-81; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Vocational Rehabilitation and Counseling; Policies and Procedures

AGENCY: Veterans Administration.

ACTION: Request for public comments.

SUMMARY: The Veterans Administration is publishing for public comment statements of procedures which have been adopted by the agency in order to implement some of the provisions of the Veterans' Rehabilitation and Education Amendments of 1980. These statements will better acquaint veterans, eligible persons, educational institutions and the public at large with the way these provisions will be implemented.

DATE: Comments must be received on or before July 1, 1981.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Comments will be available for review at the above address during normal business hours until July 13,1981.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen L. Lemons, Assistant Director for Policy and Program Development, Vocational Rehabilitation and Counseling Service (282), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202-389-2026).

SUPPLEMENTARY INFORMATION: This publication contains appendixes to DVB Circular 28-80-3, Vocational Rehabilitation and Counseling Provisions of the Veterans' Rehabilitation and Education Amendments of 1980 (Pub. L. 96-466). The basic circular, DVB Circular 28-80-3, was published for information in the **Federal Register** on January 16, 1981 at page 4016, Volume 46, number 11.

These appendixes to that issue implement additional provisions of Title I, Pub. L. 96-466 having to do with the VA Vocational Rehabilitation program. The issues being published include:

—Adjustment for Increased Subsistence Allowance (Appendix A)
—Extension of Eligibility-Considerations for Vocational Rehabilitation Trainees Prior to April 1, 1981 (Appendix B)
—Changes to the Chapter 31 Payment Procedures for Employment Adjustment Allowance (Formerly Post-Rehabilitation Pay) (Appendix C)
—Chapter 31 Eligibility and Entitlement (Appendix (D)
—Chapter 31 Subsistence Allowances (Appendix E)
—Chapter 31/34 Crossover Training in a Vocational Rehabilitation Program (Appendix F)
—Initial Evaluation (Appendix G)
—Extended Evaluation (Appendix H)
—Individualized Written Rehabilitation Plan (Appendix I)
—Authorization of Supplies under Chapter 31 (Appendix J)
—Incarcerated Veterans in Vocational Rehabilitation Programs (Appendix K)

These issues have been implemented and have been distributed through normal channels to interested persons. Comments received will be used in developing changes to these appendixes.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding this document to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until July 13, 1981. Any person visiting the Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to a VA field station will be informed that the records are available for inspection only in Central Office and furnished the above address and room number.

Approved: May 21, 1981.

Rufus H. Wilson

Acting Administrator.

[DVB Circular 28-80-3]

Appendix A—Adjustment for Increased Subsistence Allowance

October 30, 1980.

1. *Purpose.* This appendix provides procedural instructions for implementing those Pub. L. 96-466 provisions which increase the rates of subsistence allowance under 38 U.S.C. ch. 31 whenever automatic computer adjustment of the rates cannot be accomplished.

2. *Automatic Adjustment.* a. *Types of Awards Which Can Be Automatically Adjusted.* The DPC at Hines will effect the October 1, 1980, increase in chapter 31 subsistence allowance automatically and will arrange the issuance of adjustment checks only for those accounts in a running award status. In addition, only accounts being paid at a single standard institutional subsistence rate for the current award period can be adjusted by the computer. Therefore, the following types of accounts cannot be adjusted automatically:

(1) Terminated accounts;
(2) Accounts with withholdings or apportionments;
(3) Suspended accounts;
(4) On-farm training accounts;
(5) Apprenticeship or other OJT (on-the-job training) accounts; and
(6) Accounts with intervening dependency changes.

b. *Identification of Unadjusted Accounts.* Accounts not automatically adjusted will be identified for review by a listing and matching deck of punch cards for each field station except the Manila regional office. The listing will be furnished in triplicate and in file number sequence. Each file number entry will have associated with it the payee number, stub name, dependency code, current or latest rate of payment, combined degree of disability and the reason for nonadjustment. One of seven reasons will be given for the nonadjustment:

(1) Suspended;
(2) Has Futures;
(3) Withholding or Apportioned;
(4) No Match in Table;
(5) No Address;

(6) Terminated, or
(7) Other.

3. *Regional Office Review and Adjustment of Awards.* a. *Match Card Deck With R&E Folder.* The deck of cards furnished each field station will be attached to the appropriate R&E folders and routed to the Adjudication Division for review and any necessary award action. If an R&E folder has been transferred out, the corresponding card will be immediately forwarded to the Adjudication Officer at the office having the R&E folder for review and appropriate rate correction.

b. *Preparation of Rate Change Award Documents.* After reviewing the R&E folder and the nonadjustment reason, an adjudicator will prepare a VA Form 22–1907a, Authorization of Subsistence Allowance Under Chapter 31, if a rate adjustment is in order.

c. *Additional General Procedures.* Several requirements should be followed during this review in addition to existing procedure:

(1) *More Than One Issue May Be Involved.* Although the card sent from the Hines DPC cites only one reason for nonadjustment, more than one factor may have prevented adjustment. For example, a veteran in an OJT program may have an apportionment going to an estranged spouse.

(2) *Annotate Remarks Section.* Each VA Form 22–1907a completed as a result of this adjustment project should contain a note in the remarks section to the effect: "Adjustment based on rate change in Pub. L. 96–466."

(3) *Prior Payment Information.* All documents prepared as part of this review must include prior payment information in item 14 on the award document.

d. *Procedures Unique to Reason for Nonadjustment.* (1) *Withholding or Apportionment* The entire increase in subsistence allowance will be awarded to the veteran unless a claim for apportionment has been made and the evidence of record supports an increased apportionment to the veteran's dependents.

(2) *Withholding or Apportionment (Incarcerated Veterans).* Apportioned awards to dependents of incarcerated veterans convicted of a felony begun prior to October 17, 1980, will continue and may be adjusted based upon the dependent's need in individual cases. Any such apportionment begun or or after October 17, 1980, must be immediately terminated effective the date of last pay under VAR 10132(J)(2) as an administrative error. The dependents affected by any such termination of benefits will be notified by dictated letter of the circumstances of the termination. No appellate rights notification will be furnished.

(3) *Suspended.* The rate adjustment will not be made until award action is being taken to lift the suspense. If the suspense cannot be lifted at the time of the review, a VA Form 3230 with the message "Adjust for 10–1–80 rate change when suspense is lifted" will be flash filed on the left side of the R&E folder.

(4) *No Match in Table (Apprenticeship and Other On-The-Job Training).* If the veteran is being paid the difference between the monthly trainee wage rate and the monthly beginning wage rate of a trained worker, no rate adjustment is required. Care should be taken to correctly adjust those awards in which, as a result of the increase in the statutory rate, the difference in wage rates must begin to be paid since this difference has become lower than the statutory rate.

(5) *No Match in Table (Federal Agency OJT or Work Experience).* Any OJT rate award to a veteran in a nonpay or nominal pay OJT or work experience in a Federal agency must be adjusted to pay institutional rates effective October 1, 1980. These awards may have been adjusted in a separate review initiated in the VR&C (Vocational Rehabilitation and Counseling) Division/Staff. If an unadjusted award in this category is found, the adjudicator will immediately inform the VR&C Division/Staff and establish a local 5-workday diary. Upon receipt of a VA Form 22–1905 authorizing adjustment, the rate change award will be completed.

e. *Notice to Veterans.* No computer-generated award letter will be issued with the adjustment check. Veterans will be notified of the new subsistence rates, however, by a card included with each adjustment check issued. This notice will contain rate tables for the various types of training.

4. Rescission: This circular is rescinded October 1, 1981.

Dorothy L. Starbuck,
Chief, Benefits Director.

[DVB Circular 28–80–3]

Appendix B—Extension of Eligibility Considerations for Vocational Rehabilitation Trainees Prior to April 1, 1981

February 4, 1981.

1. *Purpose.* This issue provides instructions to both Vocational Rehabilitation and Counseling and Adjudication activities for processing chapter 31 benefit cases in which the VA must consider extensions of eligibility beyond the veteran's basic termination date.

2. *Background.* Public Law 96–466, Veterans' Rehabilitation and Education amendments of 1980, extends the basic period of eligibility for chapter 31 benefits from 9 to 12 years effective April 1, 1981. The new law also significantly liberalizes the conditions under which the VA may extend eligibility effective April 1, 1981. In planning or reviewing any chapter 31 training program, it should be noted that any veterans participating in a program of vocational rehabilitation on March 31, 1981, will receive automatic extensions of both eligibility and entitlement sufficient to complete their programs.

3. *Applications and Terminations Prior to April 1, 1981.* a. *Veteran Within 9 Years of RAD (Release From Active Duty).* If an application is received and the veteran's basic 9-year period of eligibility following RAD does not end prior to April 1, 1981, the claim will be processed and counseling will be conducted in the usual manner. If the veteran is eligible for chapter 31 training, the Counseling Psychologist will inform the veteran of the 12-year BTD (basic termination date) and that possibilities exist for extending this new basic date.

b. *Veteran More Than 9 Years But Less Than 13 years From RAD.* If an applicaton is received and the 9-year BTD has passed but the veteran is within 13 years of RAD, the Adjudication Division will review the record for possible extension under current policies (VAR 10041(A) (3) and (4)). The case will be referred to the VR&C activity for counseling and for consideration of an extension of eligibility under the other provisions of VAR 10041. If the veteran fails to meet current criteria for extension, the Counseling Psychologist will fully inform the veteran of the possibility of reconsideration under the provisions of the new law on or after April 1, 1981. Unless the veteran withdraws the application for benefits at this time, the Counseling Psychologist will arrange a counseling appointment for reconsideration of the claim after April 1, 1981. The case will be disposed of as "04—Counseling Suspended—Other." If the application is withdrawn, the case will also be disposed of under "04—Counseling Suspended—Other." In either occurrance, the Adjudication Division will be informed of the disposition for coding and closing out the current claim.

c. *Veteran More Tan 13 Years From RAD.* The requirement of serious service-connected disability in the determination of eligibility for extension under VAR 10041(B) remains unchanged. All claimants' cases where the service-connected disability is 30 percent or more will be referred to the VR&C activity for the scheduling of a counseling appointment. If the veteran is found to be in need and eligible for extension due to serious disability, current procedures will be followed to develop a program which meets the veteran's needs. If found ineligible, the veteran will be informed that changes in the law could lead to a different decision after April 1, 1981. The provisions for scheduling of a counseling appointment and the claim disposition procedures outlined in subparagraph b above will be followed.

d. *Active Chapter 31 Trainees With Termination Dates Prior to April 1, 1981.* (1) The VRS (Vocational Rehabilitation Specialist) will identify and refer each case to the Counseling Psychologist for consideration for extension in the same manner as for new applicants if the termination date occurs before March 31, 1981, and the veteran has not completed his or her program. Counseling Psychologists reviewing these cases should note that all veterans with a service-connected disability rated 50 percent or more will be presumed eligible for extension under VAR 10041(C). The Counseling Psychologist will transfer the case to the Adjudication Division for consideration under VAR 10041(A) (3) and (4) if the record does not contain evidence of a previous Adjudication determination and if an extension under the other provisions of VAR 10041 cannot be made.

(2) If the veteran fails to meet any of the criteria for extension of eligibility, the VRS will place the case in "entitlement expired" status (M28–1, pt. II, par. 5.04d) effective the day following the termination date. If the VRS finds that a running award extends beyond the termination date, the VRS will complete VA Form 22–1905 to authorize termination of subsistence allowance benefits. Upon receipt of VA Form 22–1905, the Adjudication Division will terminate any

such running award, taking an end product 210 for the action.

(3) If the veteran has not completed the program by the termination date, the VRS will review with the veteran the options available. This review will occur in as encouraging an atmosphere as possible and will contain as a minimum:

(a) A discussion of the feasibility of completing the previously developed training plan using other resources;

(b) An explanation of possible eligibility under the provisions of the new law effective April 1, 1981; and

(c) A clear statement that any request for reentrance would require a new determination of eligibility and entitlement under the new provisions of the law.

(4) The veteran's request for reentrance under the new law will be considered an informal claim. The VRS will arrange a counseling appointment and establish a pending 730 end product. No pending issue will be established in the Adjudication Division at this time. A final Adjudication end product 210 will be taken on each reentrance award completed as a result of these reconsiderations after April 1, 1981.

4. *Veterans in Induction Pending, Training or Interrupted status on March 31, 1981.* A veteran in one of the categories listed in subparagraphs a, b and c below on March 31, 1981, will receive extensions of eligibilty and entitlement needed to complete the program without regard to new law requirements for serious employment handicap determinations unless the veteran is later placed in discontinued status. For example, a veteran whose basic termination date is November 15, 1981, but who needs to continue in a rehabilitation program beyond that date will be extended for the time to complete his or her program. Similarly, a veteran who has already received a 4-year eligibility extension and whose extended termination date is July 1, 1981, may have his or her eligibility further extended for the period necessary to complete the program. If a veteran in one of these categories must use more than 48 months of entitlement to complete a program he or she must be authorized the additional months needed. Cases which do not fall in one of these three categories must meet the eligibility requirements effective April 1, 1981. (Section 101(d), Pub. L. 96–466)

a. *Induction Pending.* A veteran in induction pending status shall be considered a vocational rehabilitation participant with established eligibility and may enter the agreed-upon training program.

b. *In Training.* A veteran in receipt of subsistence allowance while in training or leave status shall be continued in his or her vocational rehabilitation program.

c. *Interrupted.* A veteran whose training was interrupted prior to April 1, 1981, but who has an established reentry date shall be continued in vocational rehabilitation.

5. *Rescission:* This circular is rescinded October 1, 1981.

Dorothy L. Starbuck,

Chief Benefits Director.

[DVB Circular 28–80–3]

Appendix C—Changes to the Chapter 31 Payment Procedures for Employment Adjustment Allowance (Formerly Post-Rehabilitation Pay)

February 23, 1981.

1. *Purpose.* This issue clarifies the changes in procedure for processing payments for the 2-month period following successful completion of a vocational rehabilitation training program. These changes stem from the recent enactment of Pub. L. 96–466, "Veterans' Rehabilitation and Education Amendments of 1980." The processing instructions in this issue expand upon the directives given in DVB Circular 28–80–3, Paragraph 5a(3), "Post-Rehabilitation Pay." A change in the concept of rehabilitation has led, however, to replacement of the term "post-rehabilitation pay" by a new title, "employment adjustment allowance," which more accurately reflects the altered purpose of the benefit.

2. *Overview and Background.* a. *Change in Benefit Name.* One of the requirements which the new law emphasizes for the chapter 31 program directs the VA to assist eligible disabled veterans to obtain and maintain employment as an integral part of the process of rehabilitation. Within this concept of comprehensive rehabilitation, the term "post-rehabilitation pay," which equates rehabilitation, with completion of training, would be inconsistent with the new purpose of the program. Therefore, to clearly indicate that the veteran is not rehabilitated when he or she receives this 2-month benefit and to establish the role of the benefit as an aid in the transition into the work environment, the term "post-rehabilitation pay" is changed to "employment adjustment allowance."

b. *Payment Changes.* Effective October 1, 1980, an employment adjustment allowance will be paid over a 2-month period rather than as a lump sum in all cases. The new law also increases the rate of payment of employment adjustment allowances to the full-time rate appropriate for the type of training, regardless of the rate of subsistence allowance received during the final enrollment period. This full-time benefit affects only those trainees completing their programs on or after October 1, 1980.

c. *Recent Field Payment Difficulties.* Field stations have experienced some difficulty in the submission to the Hines DPC Finance activity of VA Form 22–1907a, Authorization of Subsistence Allowance, to award these 2-month payments. The main problem concerns the appropriate type of award (item 4 on the VA Form 22–1907a) to check for these transactions to prevent computer rejection of the awards. Although the Hines Finance activity remains alerted to the possibility it might have to change the type of award to facilitate computer acceptance, regional offices can minimize these Hines Finance reviews and prevent delays in benefit delivery by following the procedures outlined below.

3. *Authorization of Employment Adjustment Allowance by the VRS (Vocational Rehabilitation Specialist).* The VRS will continue to use VA Form 22–1905, Authorization and Certification of Entrance or Reentrance Into Training and Certification of Trainee Status, to authorize payment of the employment adjustment allowance. Pending revision of the VA Form 22–1905, the VRS will check "Rehabilitated" in item 22 on the current form. In addition, in item 25 the VRS will state that payment of a 2-month employment adjustment allowance is authorized and will cite title 38, U.S. Code, section 1508, as the basis for the payment.

4. *Training Completed on or After October 1, 1980.* The type of award entry and consequently certain other entries on the VA Form 22–1907a for an employment adjustment allowance depend upon the time frame in which the award document is prepared. To distinguish between which type of award to check, regional office personnel should pay close attention to the Hines DPC chapter 31 Schedule of Operations when determining the appropriate type of award to prepare. Payment of an employment adjustment allowance which begins on or after October 1, 1980, will be at the appropriate full-time rate regardless of the rate the veteran was receiving at the end of his or her program.

a. *Amended Award.* The Adjudication Division will prepare an amended award if copy 2 of the completed award document can reasonably be expected to reach the Hines DPC before the transmittal receipt date for input into the EOM (end-of-month) cycle in the last month of the veteran's training award (see the last entry in column 2 of exhibit 1). The amended award will begin with Action Code Start of "5H" and will terminate with code "7H." The effective starting date on the first line of the subsistence allowance information will be the first day of the current month and the "None" date will be exactly 2 months after the "NONE" date of the running training award. The responsible adjudicator will annotate the "Remarks" section to the effect: "Award represents 2-month extension for employment adjustment allowance." In addition, the Prior Payment Information (item 14 of the VA Form 22–1907a) will be completed, beginning with the first day of the current month and ending with the "None" date of the previous training award being extended. (For an example of a completed amended award, see exhibit 2 for an institutional award and exhibit 6 for an OJT/apprenticeship award.)

b. *Reopened Award.* The adjudicator will submit a reopened award to pay an employment adjustment allowance if the award document will arrive in the Hines DPC after the transmittal receipt date acceptable for an amended award. The reopened award will begin with Action Code Start "8H" and will terminate with code "7H." The Effective Starting Date on the first line of the subsistence allowance information will be the "None" date of the last training award. Payment will terminate with a "None" date exactly 2 months after the beginning date of the employment adjustment allowance. As on an amended award, the "Remarks" section will be annotated to the effect: "Award represents 2-month extension for employment adjustment allowance." (For an example of a completed reopened award, see exhibit 3.)

c. *Change in Training Program Ending Date.* If the VRS both certifies a change in the ending date of the veteran's training program and authorizes payment of an employment

adjustment allowance, the adjudicator will make both adjustments on the same document, unless the award would exceed four subsistence allowance lines. The adjudicator will classify the award as either an amended or reopened award depending upon the creteria presented in subparagraphs a and b above. A complete description of the intended purposes of the award adjustment will be entered in the "Remarks" section. In addition, Prior Payment Information will be included for all multiple action amended awards. (See exhibit 4 for an example of an amended award which both extends a period of half-time training and pays an employment adjustment allowance.)

5. [*Election of Another VA Education Benefit Following Rehabilitation to Point of Employability.* If a veteran has been rehabilitated to the point of employability, but he or she chooses to begin training under another VA education program rather than receive the full 2-month employment adjustment allowance, he or she may not receive the employment adjustment allowance for any period during which another VA education benefit is being paid. The payment of both an employment assistance allowance and another VA education benefit would amount to double payment of subsistence benefits since subsistence is incorporated in these other benefit allowances.

a. *Choice Between Benefits.* The VRS will clearly explain to each veteran prior to completion of the training portion of the rehabilitation program that an employment adjustment allowance may not be received during any period another VA education benefit is being received. If the veteran enters or proposes to enter another education program during a period he or she would otherwise be entitled to an employment adjustment allowance, he or she may elect to receive either the employment adjustment allowance or the other VA benefits payable based upon the veteran's new training program.

Note: This should not be mistaken for crossover training.

In the event the veteran chooses to receive benefits for the new training, employment adjustment allowance payments will be terminated effective the date the other benefit allowance begins. Both VR&C and Adjudication Division personnel will follow established procedure to amend the chapter 31 award, carefully annotating the authorization and award documents to fully describe the adjustment.

b. *At the time an employment adjustment allowance is awarded, Adjudication personnel will carefully annotate in red ink on the VA Form 22–6564, Claims Folder Flash—Vocational Rehabilitation Trainee, to show the veteran is receiving an employment adjustment allowance and to give the period the veteran is to receive the allowance. This action will flag the claim in case a veteran subsequently attempts to enter another benefit program prior to the end of his or her employment adjustment allowance payment period.*

c. *Duplicate Payments.* If a situation is discovered in which duplicate payments were made, the VRS will notify the veteran in writing that the veteran is entitled to only one of the benefits and will explain the options available. The veteran will be given 30 days to respond with an election of the benefit to be retained. In the event the veteran does not respond, the VRS will authorize termination of the chapter 31 employment adjustment allowance to retroactively eliminate any duplication of benefits.]

6. [*No Entitlement Charge for Employment Adjustment Allowance.* The employment adjustment allowance is considered a freestanding part of the placement services which are in addition to the months of entitlement a veteran may use to reach a vocational rehabilitation objective. Therefore, such allowances will not be counted for any entitlement usage purposes. (38 U.S.C. 1505(b))

Note:—This provision may well be to a veteran's advantage, if he or she is affected by paragraph 5 above, to conserve benefit entitlement by electing the employment adjustment allowance in lieu of another education benefit for the period such election is possible. The VRS should instruct the veteran of this opportunity to conserve entitlement.]

7. *Training Completed Before October 1, 1980.* Preparation of an employment adjustment allowance award when training was completed prior to October 1, 1980, will follow the reopened award procedures with one exception: The award will be paid at the same rate the veteran was receiving in the last month of training, although a legislative rate increase may be included if it occurs during the 2-month period. (See exhibit 5 for an example of such an award.)

[8.] *Status Code Sheet Preparation.* A VA Form 22–4624, Chapter 31 Status Code Sheet, will be prepared for each award of an employment adjustment allowance for input into the St. Paul DPC chapter 31 master record. Regardless of the type of award prepared, each VA Form 22–4624 submitted to show payment of an employment adjustment allowance will be classified as a reentrance action. All items required for a reentrance action will be entered on the form. The Effective Reason will be "60;" the Effective Date will be the date the employment adjustment allowance begins; the End Reason will be "[72];" and the Ending Date will be the last pay date of the employment adjustment allowance.

[9.] *Rescission.* Paragraph 5a(3) of DVB Circular 28–80–3.

Dorothy L. Starbuck,
Chief Benefits Director.

BILLING CODE 8320-01-M

Exhibit 1

FEBRUARY 1981

VOCATIONAL REHABILITATION
CHAPTER 31
SCHEDULE OF OPERATIONS

VADPC Hines, IL
Prepared: 11/19/80
Published: 1/12/81

1	2	3	4	5	6
CYCLE	TRANSMITTALS RECEIVED IN DPC BY COB	TO A/C KP FOR PROCESSING 1600	TO 35 - 1200 TO 33 - 1600 FOR CYCLE PROCESSING @ 1800	TRANSMIT VOUCHER AND PAYTAPES TO THE AUSTIN TDC BY 1500	ANTICIPATED DATE OF CHECK "RETROACTIVE"
FEB 0	1-20	1-21	1-23 F	1-26	2-2
1	1-22	1-23	1-27 TU	1-28	2-3
2	1-27	1-28	1-30 F	2-2	2-4
3	1-29	1-30	2-3 TU	2-4	2-6
4	2-3	2-4	2-6 F	2-9	2-11
5	2-5	2-6	2-10 TU	2-11	2-13
6	2-10	2-11	2-13 F	2-17	2-19
7&EOM	2-12	2-13	2-18 W	2-19	2-23

NOTES: 12:00 NOON 2-17-81 CUTOFF FOR TELETYPE STOP, SUSPEND, AND HOLD ACTIONS - CHICAGO TIME

2-21-81 AUSTIN TDC STARTS RELEASING RECURRING CHECKS WITH ANTICIPATED CHECK DATE OF 2-27-81 TO THE AUSTIN POST OFFICE.

DISTRIBUTION (SPECIAL TO VAROs):

(3) DPC, LOS ANGELES
(4) DPC, ST. PAUL
(10) TDC, AUSTIN
(1) VACO, 04A
(1) VACO, 041B2
(1) VACO, 5283
(14) VACO, 322A
(1) VACO, 02H1
(1) VACO, 201A
(1) VACO, 201B
(1) VACO. 201C
(3) VACO, 201E
(5) VACO, 282
(1) VACO, 047C2
(1) VACO, 20D
(1) VACO, 025I

Cycle Listing

V46/106 JE3 81 UMI

Exhibit 2

AUTHORIZATION OF SUBSISTENCE ALLOWANCE
(UNDER CHAPTER 31, TITLE 38, U.S. CODE)

1. VA FILE NO. C-31 345 678 | 2. PAYEE NO. 00 | 3. STATION NO. 307

4. TYPE OF AWARD (Check) ☐ 1 - ORIGINAL ☒ 2 - AMENDED ☐ 4 - STOP PAYMENT ☐ 5 - REOPENED ☐ 5 - ORIG. OR REOPENED AWARD TO ADDITIONAL PAYEE ☐ 6 - REHABILITATION LUMP SUM PAYMENT

5. ENTITLEMENT CODE (Check one) ☐ 02 - WWII SA & DC ☐ 03 - KOREAN SA & DC ☐ 04 - SA ONLY ☒ *SEE BELOW

6. NAME AND ADDRESS OF SCHOOL OR ESTABLISHMENT (List all now attending)
Buffalo College of Husbandry & Inst. for Parapsychological Studies
Shrinkton, NY 14555

7. DEPENDENTS ☐ NONE ☒ SPOUSE ☒ CHILDREN (Specify No.) 2 ☐ MOTHER ☐ FATHER

8. TWO INITIALS - LAST NAME OF VETERAN
B T FROST

9. NAME OF COURSE
B.S. in Animal Husbandry
040.016-014

ACTION CODES

TYPE
1. Commenced Training
2. Recommenced Training
3. Interrupted
4. Discontinued
5. Subsistence Allowance Changed
6. Employment Objective Changed
7. Rehabilitated
8. Other (Specify in 12)
9. Entitlement Expired

REASON
A. Beginning of Term
B. End of Term
C. Trainee Wages
D. Journeyman Wage Rate
E. Dependency Change
F. Training Not Medically Feasible
G. Unsat. Progress
H. Other (Specify in Item 12)
I. Entitlement Expired

10. AUTHORIZATION OF SUBSISTENCE ALLOWANCE

LINE NO.	ACTION CODE START (A)	MONTHLY RATE OF SUBSISTENCE (B)	EFFECTIVE STARTING DATE (C)	PERCENT OF DISABILITY (D)	TRAINING TIME - HOURS (E)	MONTHLY TRAINEE WAGE RATE (F)	MO. BEG. WAGE RATE OF TRND. WORKER (G)
1	5H	221.00	2-1-81	20	½-6S		
2	5H	441.00	2-21-81				
3	7H	NONE	4-21-81				
4							

11. POWER OF ATTORNEY ☒ AL ☐ ARC ☐ DAV ☐ VFW ☐ OTHER (Specify)

12. REMARKS
Period 2-21-81 through 4-20-81 represents payment of an Employment Adjustment Allowance.

☒ PL 87-815 ☐ PL 89-138

13. NAME AND ADDRESS OF PAYEE
BENJAMIN T FROST
1888 BAFFIN BAY RD
SNOW BANK NY 14999

14. PRIOR PAYMENT INFORMATION (Required if this authorization adjusts a payment made prior to the end of the current month.)

	MONTHLY RATE OF SUBSISTENCE (A)	EFFECTIVE STARTING DATE (B)
2	221.00	2-1-81
	NONE	2-21-81
1		

THE PAYEE IS ENTITLED to the above allowance under the provisions of Chapter 31, Title 38, U.S. Code.

15. APPROVAL DATE 2/3/81

16. SIGNATURE OF AUTHORIZING OFFICIAL Florence Seeway

FINANCE USE ONLY

17. PERIOD FROM

18. DEDUCTIONS A. AMOUNT B. SYMBOL

19. NET AMOUNT DUE

VA FORM NOV 1978 22-1907a SUPERSEDES VA FORM 22-1907a, JAN 1971, WHICH WILL NOT BE USED

R & E FOLDER [illegible]

Exhibit 3

AUTHORIZATION OF SUBSISTENCE ALLOWANCE
(UNDER CHAPTER 31, TITLE 38, U.S. CODE)

1. VA FILE NO.: C-33 749 821
2. PAYEE NO.: 00
3. STATION NO.: 344

4. TYPE OF AWARD (Check)
☐ 1 - ORIGINAL ☐ 2 - AMENDED ☐ 4 - STOP PAYMENT ☒ 3 - REOPENED ☐ 5 - ORIG. OR REOPENED AWARD TO ADDITIONAL PAYEE ☐ 6 - REHABILITATION LUMP SUM PAYMENT

5. ENTITLEMENT CODE (Check one)
☐ 02 - WWII SA & DC ☐ 03 - KOREAN SA & DC ☐ 04 - SA ONLY ☒ * SEE BELOW

6. NAME AND ADDRESS OF SCHOOL OR ESTABLISHMENT (List all now attending)
UCLA
Los Angeles, CA

7. DEPENDENTS
☒ NONE ☐ SPOUSE ☐ CHILDREN (Specify No.) _____ ☐ MOTHER ☐ FATHER

8. TWO INITIALS - LAST NAME OF VETERAN
H I SEELING

ACTION CODES

TYPE
1. Commenced Training
2. Recommenced Training
3. Interrupted
4. Discontinued
5. Subsistence Allowance Changed
6. Employment Objective Changed
7. Rehabilitated
8. Other (Specify in 12)
9. Entitlement Expired

REASON
A. Beginning of Term
B. End of Term
C. Trainee Wages
D. Journeyman Wage Rate
E. Dependency Change
F. Training Not Medically Feasible
G. Unsat. Progress
H. Other (Specify in Item 12)
L. Entitlement Expired

9. NAME OF COURSE
B.S. in Aeronautical Engineering
002.061-014

10. AUTHORIZATION OF SUBSISTENCE ALLOWANCE

LINE NO.	ACTION CODE START (A)	MONTHLY RATE OF SUBSISTENCE (B)	EFFECTIVE STARTING DATE (C)	PERCENT OF DISABILITY (D)	TRAINING TIME - HOURS (E)	MONTHLY TRAINEE WAGE RATE (F)	MO. BEG. WAGE RATE OF TRND. WORKER (G)
1	8H	282.00	2-2-81	30	F-12S		
2	7H	NONE	4-2-81				
3							
4							

11. POWER OF ATTORNEY
☐ AL ☐ ARC ☒ DAV ☐ VFW ☐ OTHER (Specify)

12. REMARKS
Award grants 2-month Employment Adjustment Allowance.

☒ PL 97-315 ☐ PL 89-358

13. NAME AND ADDRESS OF PAYEE
HYRAM ISEELING
1852 BARREL ROLL RD
BRENTWOOD CA
2
90099
1

14. PRIOR PAYMENT INFORMATION (Required if this authorization adjusts a payment made prior to the end of the current month.)

MONTHLY RATE OF SUBSISTENCE (A)	EFFECTIVE STARTING DATE (B)

THE PAYEE IS ENTITLED to the above allowance under the provisions of Chapter 31, Title 38, U.S. Code.

15. APPROVAL DATE: 2/15/81
16. SIGNATURE OF AUTHORIZING OFFICIAL: Locksley Hall

FINANCE USE ONLY ▶

17. PERIOD FROM

18. DEDUCTIONS
A. AMOUNT
B. SYMBOL

19. NET AMOUNT DUE

VA FORM NOV 1978 22-1907a
SUPERSEDES VA FORM 22-1907a, JAN 1971, WHICH WILL NOT BE USED

R & E FOLDER 1

V 4 6 / 1 0 6 J E 3 8 1 UMI

Exhibit 4

AUTHORIZATION OF SUBSISTENCE ALLOWANCE
(UNDER CHAPTER 31, TITLE 38, U.S. CODE)

1. VA FILE NO.: C-36 929 712
2. PAYEE NO.: 00
3. STATION NO.: 372

4. TYPE OF AWARD (Check)
☐ 1 - ORIGINAL ☒ 2 - AMENDED ☐ 4 - STOP PAYMENT ☐ 5 - REOPENED ☐ 8 - ORIG. OR REOPENED AWARD TO ADDITIONAL PAYEE ☐ 6 - REHABILITATION LUMP SUM PAYMENT

5. ENTITLEMENT CODE (Check one)
☐ 02 - WWII SA & DC ☐ 03 - KOREAN SA & DC ☐ 04 - SA ONLY ☒ *SEE BELOW

6. NAME AND ADDRESS OF SCHOOL OR ESTABLISHMENT (Line all new allowance)
University of Maryland
College Park, MD

7. DEPENDENTS
☐ NONE ☒ SPOUSE ☐ CHILDREN (Specify No.) ____ ☐ MOTHER ☐ FATHER

8. TWO INITIALS - LAST NAME OF VETERAN
I S AUDIT

9. NAME OF COURSE
B. S. in Accounting
160.167-010

ACTION CODES

TYPE
1. Commenced Training
2. Recommenced Training
3. Interrupted
4. Discontinued
5. Subsistence Allowance Changed
6. Employment Objective Changed
7. Rehabilitated
8. Other (Specify in 12)
9. Entitlement Expired

REASON
A. Beginning of Term
B. End of Term
C. Trainee Wages
D. Journeyman Wage Rate
E. Dependency Change
F. Training Not Medically Feasible
G. Unsat. Progress
H. Other (Specify in Item 12)
I. Entitlement Expired

10. AUTHORIZATION OF SUBSISTENCE ALLOWANCE

LINE NO.	ACTION CODE START (A)	MONTHLY RATE OF SUBSISTENCE (B)	EFFECTIVE STARTING DATE (C)	PERCENT OF DISABILITY (D)	TRAINING TIME - HOURS (E)	MONTHLY TRAINEE WAGE RATE (F)	NO. BEG. WAGE RATE OF TRNG. WORKER (G)
1	5H	262.00	2-1-81	20	3/4-9S		
2	8H	349.00	2-15-81				
3	7H	NONE	4-15-81				
4							

11. POWER OF ATTORNEY
☐ AL ☐ ARC ☐ DAV ☒ VFW ☐ OTHER (Specify)

12. REMARKS
Program of training extended 1 week to end 2-14-81.
Period 2-15-81 through 4-14-81 represents Employment Adjustment Allowance.

☒ PL 87-815 ☐ PL 89-138

13. NAME AND ADDRESS OF PAYEE
I R A S A U D I T
1040 OWING PLACE
SEVERN MD 20801

14. PRIOR PAYMENT INFORMATION (Required if this authorization adjusts a payment made prior to the end of the current month.)

MONTHLY RATE OF SUBSISTENCE (A)	EFFECTIVE STARTING DATE (B)
262.00	2-1-81
NONE	2-8-81

THE PAYEE IS ENTITLED to the above allowance under the provisions of Chapter 31, Title 38, U.S. Code.

15. APPROVAL DATE: 2/4/81
16. SIGNATURE OF AUTHORIZING OFFICIAL: Vera Dimitriuk

FINANCE USE ONLY
17. PERIOD FROM
18. DEDUCTIONS A. AMOUNT B. SYMBOL
19. NET AMOUNT DUE

VA FORM NOV 1978 22-1907a
SUPERSEDES VA FORM 22-1907a, JAN 1971, WHICH WILL NOT BE USED
R & E FOLDER

Exhibit 5

AUTHORIZATION OF SUBSISTENCE ALLOWANCE
(UNDER CHAPTER 31, TITLE 38, U.S. CODE)

1. VA FILE NO.: C-33111222
2. PAYEE NO.: 00
3. STATION NO.: 301

4. TYPE OF AWARD (Check)
☐ 1 - ORIGINAL ☐ 2 - AMENDED ☐ 4 - STOP PAYMENT ☒ 3 - REOPENED ☐ 5 - ORIG. OR REOPENED AWARD TO ADDITIONAL PAYEE ☐ 6 - REHABILITATION LUMP SUM PAYMENT

5. ENTITLEMENT CODE (Check one)
☐ 02 - WWII SA & DC ☐ 03 - KOREAN SA & DC ☐ 04 - SA ONLY ☒ * SEE BELOW

7. DEPENDENTS
☐ NONE ☒ SPOUSE ☒ CHILDREN (Specify No.) 1 ☐ MOTHER ☐ FATHER

8. TWO INITIALS - LAST NAME OF VETERAN
J E BOOLE

6. NAME AND ADDRESS OF SCHOOL OR ESTABLISHMENT (List all now attending)
Massachusetts Institute of Technology
Cambridge, MA

9. NAME OF COURSE
M. S. in Mathematics
020.067-014

ACTION CODES

TYPE
1. Commenced Training
2. Recommenced Training
3. Interrupted
4. Discontinued
5. Subsistence Allowance Changed
6. Employment Objective Changed
7. Rehabilitated
8. Other (Specify in 12)
9. Entitlement Expired

REASON
A. Beginning of Term
B. End of Term
C. Trainee Wages
D. Journeyman Wage Rate
E. Dependency Change
F. Training Not Medically Feasible
G. Unsat. Progress
H. Other (Specify in Item 12)
I. Entitlement Expired

10. AUTHORIZATION OF SUBSISTENCE ALLOWANCE

LINE NO.	ACTION CODE START (A)	MONTHLY RATE OF SUBSISTENCE (B)	EFFECTIVE STARTING DATE (C)	PERCENT OF DISABILITY (D)	TRAINING TIME - HOURS (E)	MONTHLY TRAINEE WAGE RATE (F)	NO. BEG. WAGE RATE OF TRNG. WORKER (G)
1	8H	263.00	8-23-80	50	3/4-9S		
2	8H	308.00	10-1-80				
3	7H	NONE	10-23-80				
4							

11. POWER OF ATTORNEY
☐ AL ☒ ARC ☐ DAV ☐ VFW ☐ OTHER (Specify)

12. REMARKS
Award to pay 2-month Employment Adjustment Allowance at 3/4 time rate. The change in rate on 10-1-80 results from legislative increase granted by Public Law 96-466.

☐ PL 87-818 ☒ PL 89-138

13. NAME AND ADDRESS OF PAYEE
JAMES BOOLE
8421 THEOREM LANE
CAMBRIDGE MA
02299

14. PRIOR PAYMENT INFORMATION (Required if this authorization adjusts a payment made prior to the end of the current month.)

	MONTHLY RATE OF SUBSISTENCE (A)	EFFECTIVE STARTING DATE (B)
2		
1		

THE PAYEE IS ENTITLED to the above allowance under the provisions of Chapter 31, Title 38, U.S. Code.

15. APPROVAL DATE: 2/2/81
16. SIGNATURE OF AUTHORIZING OFFICIAL: Sven D. Agrams

FINANCE USE ONLY
17. PERIOD FROM
18. DEDUCTIONS A. AMOUNT B. SYMBOL
19. NET AMOUNT DUE

VA FORM NOV 1978 22-1907a
SUPERSEDES VA FORM 22-1907a, JAN 1971, WHICH WILL NOT BE USED
R & E FOLDER 01

V 4 6 / 1 0 6
J E 3 8 1
UMI

Exhibit 6

AUTHORIZATION OF SUBSISTENCE ALLOWANCE
(UNDER CHAPTER 31, TITLE 38, U.S. CODE)

1. VA FILE NO.: C-33322211 | 2. PAYEE NO.: 00 | 3. STATION NO.: 314

4. TYPE OF AWARD (Check)
☐ 1 - ORIGINAL ☒ 2 - AMENDED ☐ 4 - STOP PAYMENT ☐ 3 - REOPENED ☐ 5 - ORIG. OR REOPENED AWARD TO ADDITIONAL PAYEE ☐ 6 - REHABILITATION LUMP SUM PAYMENT

5. ENTITLEMENT CODE (Check one)
☐ 02 - WWII SA & DC ☐ 03 - KOREAN SA & DC ☐ 04 - SA ONLY ☒ * SEE BELOW

6. NAME AND ADDRESS OF SCHOOL OR ESTABLISHMENT (List all now attending)
Regional Joint Apprentice-
Ship Committee.
999 Commerce Street
Richmond, VA 23249

7. DEPENDENTS
☐ NONE ☒ SPOUSE ☒ CHILDREN (Specify No.) 3 ☐ MOTHER ☐ FATHER

8. TWO INITIALS - LAST NAME OF VETERAN
J F LUSHING

9. NAME OF COURSE
Plumber-Apprenticeship
862.381-030

ACTION CODES

TYPE
1. Commenced Training
2. Recommenced Training
3. Interrupted
4. Discontinued
5. Subsistence Allowance Changed
6. Employment Objective Changed
7. Rehabilitated
8. Other (Specify in 12)
9. Entitlement Expired

REASON
A. Beginning of Term
B. End of Term
C. Trainee Wages
D. Journeyman Wage Rate
E. Dependency Change
F. Training Not Medically Feasible
G. Unsat. Progress
H. Other (Specify in Item 12)
I. Entitlement Expired

10. AUTHORIZATION OF SUBSISTENCE ALLOWANCE

LINE NO.	ACTION CODE START (A)	MONTHLY RATE OF SUBSISTENCE (B)	EFFECTIVE STARTING DATE (C)	PERCENT OF DISABILITY (D)	TRAINING TIME - HOURS (E)	MONTHLY TRAINEE WAGE RATE (F)	HO. BEG. WAGE RATE OF TRND. WORKER (G)
1	5H	160.00	2-1-81	30		790.00	950.00
2	5H	387.00	2-19-81				
3	7H	NONE	4-19-81				
4							

11. POWER OF ATTORNEY
☐ AL ☐ ARC ☒ DAV ☐ VFW ☐ OTHER (Specify)

12. REMARKS
Period 2-19-81 through 4-19-81 is payment of Employment Assistance Allowance at full-time OJT/Apprenticeship rate.

☒ PL 97-818 ☐ PL 89-138

13. NAME AND ADDRESS OF PAYEE
JON F LUSHING
811 TRAPPER RD
STITERRY VA
23999

14. PRIOR PAYMENT INFORMATION (Required if this authorization adjusts a payment made prior to the end of the current month.)

	MONTHLY RATE OF SUBSISTENCE (A)	EFFECTIVE STARTING DATE (B)
2	160.00	2-1-81
	NONE	2-19-81
1		

THE PAYEE IS ENTITLED to the above allowance under the provisions of Chapter 31, Title 38, U.S. Code.

15. APPROVAL DATE: 2/5/81
16. SIGNATURE OF AUTHORIZING OFFICIAL: Piper Groote

FINANCE USE ONLY ▶
17. PERIOD FROM
18. DEDUCTIONS: A. AMOUNT | B. SYMBOL
19. NET AMOUNT DUE

VA FORM NOV 1978 **22-1907a**
SUPERSEDES VA FORM 22-1907a, JAN 1971, WHICH WILL NOT BE USED
R & E FOLDER

BILLING CODE 8320-01-C

[DVB Circular 28–80–3]

Appendix D—April 7, 1981.

Chapter 31 Eligibility and Entitlement

1. *Purpose.* This appendix informs all concerned staff about the changes in chapter 31 eligibility and entitlement criteria contained in Pub. L. 96–466, Veterans' Rehabilitation and Education Amendments of 1980.

2. *General.* Recent revision of the provisions of law governing the Veterans administration rehabilitation program has substantively altered eligibility and entitlement to services effective April 1, 1981. Traditional approaches in several counseling areas require modification. The new law clearly indicates that under normal circumstances rehabilitation will be accomplished within a basic eligibility period of 12 years. Extensions to the basic 12-year period may be granted, but the reasons for granting such extensions differ from previous regulation. Need determinations produce three basic groups: Veterans without employment handicaps, veterans with employment handicaps and veterans with *serious* employment handicaps. While the new law addresses a holistic approach to rehabilitation which necessitates comprehensive evaluation and planning, the following basic requirements for entitlement must be met: The veteran must have a compensable service-connected disability; there must be a handicap to employment; and the compensable service-connected disability must materially contribute to the limitations which constitute the handicap to employment. The distinction between "employment handicap" and "serious employment handicap" lies in the severity of the disability and the significance of the impairment of the ability to train for, obtain, and retain suitable employment.

3. *Entitlement.* A veteran with other than a dishonorable discharge is entitled to rehabilitation services when two conditions are met: He or she must have established a compensable service-connected condition, or be receiving retired pay in lieu of compensation; and this service-connected condition must have been incurred or aggravated during active service on or after September 16, 1940. A service person hospitalized for a condition likely to be service-connected and awaiting dicharge or release from active duty may also be considered for rehabilitation services. Current procedures for memorandum ratings (M28–1, pt. I, par. 4.04) should be followed. In addition to this disability requirement, the VR&C Division must determine the veteran is in need of rehabilitation based upon an employment handicap.

4. *Eligibility.* The basic period of eligibility has been changed from 9 years to 12 years. The basic period begins on the date of the veteran's unconditional discharge from his or her last period of active military duty and ends on the date 12 years following that date. Extensions to the basic period are provided, with the extensions beginning on the first day following the initial ending date of the basic 12-year period or the date the veteran becomes initially eligible subsequent to that date.

5. *Extensions of Eligibility.* a. *Medical Infeasibility.* If initiating or continuing in a vocational rehabilitation program within the basic period of eligibility was medically infeasible for a veteran, the veteran may request such an extension in writing. The VR&C Division will forward the request along with any relevant materials to the Adjudication Division for the development and rating board determination of the period of infeasibility. The rating board will determine the period or periods of medical infeasibility in the same manner already established for other VA education programs. The ending date of the period of infeasibility shall be the date the veteran was able to resume normal activity. Any period of infeasibility must be for a duration of at least 30 days and no adjustment or extension will be granted for less than 30 days. If the veteran's period of medical infeasibility begins during the basic 12-year period and extends beyond the basic 12-year period, the extension will begin on the first day the veteran was able to resume normal activity and will last for the equivalent time of the determined period of infeasibility which occurred during the basic period.

b. *Upgraded Discharged.* If the nature of the veteran's discharge was a bar to benefits and the effect of his or her discharge is subsequently changed (as stated in section 1503(b)(2) of title 38) to allow benefits, extension for the period the veteran was barred from receiving chapter 31 benefits may be granted. The Adjudication Division will determine the period of extension. The extension will contain the same number of days as the days from the veteran's RAD (release from active duty) to the date of the effect of his or her discharge being changed, but will in no case exceed 12 years.

c. *Date of Rating.* If the service-connected condition is not established as compensable from the date following the date of discharge, but is compensable only from a later date, the veteran is entitled to extension of the basic eligibility period for the period he or she was not eligible for chapter 31 benefits. The Adjudication Division will determine the length of extension (not to exceed 12 years) to equal the number of days from the veteran's RAD to the date the veteran was notified of the disability rating granting initial compensable service-connection.

d. *Serious Employment Handicap.* If the basic 12-year eligibility period has expired, an extension may be provided if it is determined that the veteran has a serious employment handicap and has not previously been rehabilitated or, though previously rehabilitated, the functional limitations of the service-connected condition have substantially increased so that previous training and employment experience can no longer be utilized in suitable employment. Also for consideration in the evaluation of previously attained skills is the question of obsolescence based on how long ago those skills were utilized and how those skills have been affected by economic, industrial or technological changes. An extension for serious employment handicap will be determined by the VR&C Division and will last until the veteran is declared rehabilitated or has reached the maximum feasible independence in daily living.

6. *Need Determinations.* a. *Limitations to Employment.* Need for vocational rehabilitation services will not be presumed to exist solely on the basis that a veteran has a compensable service-connected condition. Although a compensable service-connected condition is a requirement, other criteria, namely the existence of meaningful functional limitations and a lack of suitable employment skills typically attained through formal training or work experience, are also essential. These meaningful functional limitations must be clearly and convincingly established and, once identified, shown how they are occupationally significant. Rating decisions, medical records, and data acquired in the course of evaluation, including specifics about work experience, are among sources of information for developing these limitations. A comprehensive analysis of the veteran's past experiences and current situation is required to adequately consider limitations and, consequently, need. All prior experiences, whether or not directly related to veteran status are to be considered; e.g., education, training and employment prior to military service, military training and assignments, postmilitary employment, education, and training.

b. *Obtaining Information.* Information to analyze the veteran's employability, when not available from current VA records, must be obtained from the veteran or, with his or her authorization, from other sources; e.g., State Department of Vocational Rehabilitation. When prior education or training is known to exist, a transcript or progress record should be obtained and examined. When a record of substantive employment is known, the employer should be contacted to learn of that experience. Resources such as "Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles" and other D.O.T. volumes will be helpful in relating the veteran's capacities and limitations to aspects of education/training/employment.

c. *Critical Nature of the Need Determination.* Need determinations are not only a critical decision for accountability but are the foundations for action and planning of a rehabilitation program. The need-determining process and the identification of significant functional limitations should be logical, integrated and comprehensive. Determinations should be made as early as possible in the initial evaluation process and be well documented. (For a detailed discussion of the initial evaluation process, see Appendix G to DVB Circular 28–80–3 which describes this process more completely). Although meaningful functional limitations may be found, if the veteran possesses suitable skills and is qualified for employment, need for training would not be found. When the criteria for need are met and meaningful limitations are related to work behavior, there exists a solid base for developing a realistic and reasonably viable rehabilitation program. Clearly developed determinations will show the veteran's impairments toward a vocational adjustment and the employment handicap.

7. *Employment Handicap.* The term "employment handicap" means an

V 46 / 106 JE 3 81 1 UMI

impairment of the veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests. Three key elements make up the concept of employment handicap:

a. There must be a disability which is service connected;

b. Limitations from the service-connected disability must exist at present; and

c. The effects of the service-connected disability (when considered in relation to other factors, including prior education, training, non-service-connected disabilities) must materially contribute to the veteran's employment handicap.

8. *Employment Handicap Determination.* a. *Types of Determinations.* The counseling psychologist may find:

(1) The veteran has an employment handicap;

(2) The veteran is handicapped in obtaining or retaining employment, but the veteran's service-connected disability does not contribute materially to that handicap; or

(3) The veteran does not have an employment handicap.

b. *Results of Determination.* A veteran, otherwise eligible, who is found to have an employment handicap is in need of VA rehabilitation assistance and entitled to services under the VA vocational rehabilitation program. However, a veteran who has a service-connected disability which does not materially contribute to the employment handicap or who does not have an employment handicap is not entitled to services under the vocational rehabilitation program.

9. *Serious Employment Handicap.* When a veteran is found to have an employment handicap, the counseling psychologist also must make a subsequent determination whether the employment handicap is a serious employment handicap. A determination that the veteran has a serious employment handicap is a condition of the veteran's eligibility for extension beyond the 12-year period of eligibility, and to extension of training beyond 48 months under chapter 31. In addition, the intent of the law is to identify veterans who may need more comprehensive services and to assure that the more comprehensive services are provided.

10. *Serious Employment Handicap Determinations.*

a. *Qualifications for Serious Employment Handicaps.* For purposes of this determination, veternans designated as having a serious employment handicap may include:

(1) All veterans with a combined service-connected disability of 50 percent or more;

(2) Veterans with a neuropsychiatric disability of 30 percent or more; and

(3) Veterans with a combined service-connected disability of 30 to 40 percent if one or more of several conditions are found:

(a) There is a prior history of poor adjustment in training and employment, and special efforts will be needed if the veteran is to be rehabilitated;

(b) The veteran's socioeconomic situation presents special problems and a number of special and supportive services are needed to effect rehabilitation;

(c) A veteran requires extended evaluation to determine the reasonable feasibility of a vocational rehabilitation program;

(4) Veterans with a single service-connected disability rated 10 or 20 percent may be found to have a serious employment handicap only under rare and unusual circumstances. When such a finding is made by the counseling psychologist, the concurrence of the Vocational Rehabilitation Board is required.

b. *Serious Employment Handicap Decision Required.* The counseling psychologist must make a positive or negative finding of serious employment handicap whenever the veteran has an employment handicap. When a positive or negative finding cannot be made by the counseling psychologist, the case will be referred to the Vocational Rehabilitation Board for the determination.

11. *Role of the Counseling Psychologist.* The question of employment handicap which exists at present must arise from the service-connected disability. The consequences of the service-connected disability in terms of employability will in some cases be obvious and in other cases be quite obscured. For example, every veteran who has a below-the-knee amputation has suffered a loss. The loss may be translated into obvious physical terms such as loss of mobility. The loss of a leg may also have had psychological consequences which manifest themselves in depression or passive-aggressive behavior. The counseling psychologist must elicit and document the role which the service-connected disability has played in the veteran's life and adjustment. In many cases, particularly those in which the service-connected disability is more severe, the adverse effect the veteran's service-connected disability in and of itself has on employment adjustment in terms both of preparation for and stability of employment, will be clear.

a. *Low Service-Connected Disability Ratings.* In cases where the service-connected disability is less severe, as in cases rated 10 and 20 percent, the relationship between the service-connected disability and the veteran's current situation may be more difficult to determine. The same process of analyzing the physical and psychological consequences of disability should be followed. Where this information is not definitive, the limitations caused by the service-connected disability must take precedence over other factors, such as skills acquired through prior education, experience, or non-service-connected disability.

b. *Effect of Education or Training on Employment Handicap Considerations.* Previously acquired substantial skills and education serve as the basic means of overcoming the effects of disability Education and training make it possible to work under circumstances in which the effects of disability may be mitigated or overcome and the range of employment options is thereby broadened. For this reason, veterans with a less severe service-connected disability normally will be considered to be qualified for suitable employment through prior training, reasonably developed skills and stable employment.

c. *Extent of Training for the More Seriously Disabled.* If the service-connected disability is more severe, the extent of training and other services needed to compensate for the disability may be more extensive if the individual is to be in a competitive position to qualify for and secure suitable employment. Therefore, training beyond the norm for more severely disabled veterans is a major mechanism for assuring employment. Where more severely disabled veterans do not have such training, their total situation should be carefully analyzed to determine whether problems in obtaining or maintaining employment are related to level of training in the occupation.

12. *Eligibility for Employment Services.* Employment services may be provided to all eligible veterans found to have an employment handicap. They may also be provided without establishing entitlement to other vocational rehabilitation services if the veteran has been a previous participant in a vocational rehabilitation program under either chapter 31 or the Rehabilitation Act of 1973. The criteria for providing these services to such participants will be described in a future appendix to this circular.

13. *Importance of the Need Determination.* The decision whether a veteran is in need of vocational rehabilitation is the single most important decision which a counseling psychologist makes. An incorrect decision may deprive a veteran of services which could improve his or her life or commit the Government to providing costly assistance to persons who do not require such help. Therefore, the facts in the case and the rationale for the decison must be clear, specific and convincing.

Dorothy L. Starbuck,

Chief, Benefits Director.

[DVB Circular 28–80–3]

Appendix E—Chapter 31 Subsistence Allowances

April 7, 1981.

1. *Purpose.* This issue implements those provisions of Pub. L. 96–466, "Veterans' Rehabilitation and Education Amendments of 1980," which affect the payment of subsistence allowances to chapter 31 participants.

2. *New Program Requirements.* a. *Effective Date of New Law Provisions.* All of the provisions contained in this issue are effective April 1, 1981, unless otherwise noted.

b. *Additional Information.* Certain provisions of the new law governing the chapter 31 program require extensive explanation and description of implementing procedures. These include the payment of employment adjustment allowances (formerly called post-rehabilitation payments) (see app. C), crossover elections of benefit payments at chapter 34 rates while remaining in a chapter 31 program (see app. F), and limitations on the payment of subsistence allowances to veterans incarcerated for conviction of or while awaiting trail for a felony or misdemeanor (see app. K). The new law does not mandate changes to the payment procedures for institutional, farm cooperative, apprenticeship, other on-job, combination or non-farm cooperative training, other than to

increase the rate of allowance which may be paid. Full descriptions of the appropriate procedures for the payment of allowances for these programs can be found in current operational manuals and other directives. The increased rates of payment for these types of training are presented in exhibit 1 of this appendix.

c. *When Subsistence Allowance is Expressly Barred.* Payment of a subsistence allowance is specifically prohibited during certain stages of the rehabilitation program:

(1) The veteran is undergoing initial evaluation to determine his or her eligibility and entitlement to chapter 31 benefits;

(2) The VR&C (Vocational Rehabilitation and Conseling) Division is providing the veteran with only counseling services; or

(3) The veteran is receiving only job placement and postplacement services.

Note.—The prohibition against payment of a subsistence allowance to a veteran in placement or postplacement activities does not extend to the appropriate payment of an employment adjustment allowance.

d. *General Effect of the New Law on Payment Procedures.* Current methods of payment and recordkeeping will continue unless specifically modified for a particular training situation outlined in this issue.

e. *Trainee in Receipt of Temporary 100 Percent Compensation Based on Hospitalization.* The payment of subsistence allowance benefits is now limited while a trainee is hospitalized, or under observation at VA expense for a service-connected condition and he or she is receiving temporary compensation at the 100 percent rate as specified under section 314(j) of title 38, U.S. Code. It should be noted that crossover trainees receiving chapter 34 rates for chapter 31 program training are also limited under this restriction. When a participant in a chapter 31 training program meets the criteria for this limitation, the responsible adjudicator will notify the VRS. The VRS will immediately complete a VA Form 22–1905 to enable the adjudicator to adjust the applicable subsistence allowance or crossover chapter 34 award, so that the adjusted chapter 31 award, when combined with the temporary 100 percent award, effective the date of the increase to the 100 percent compensation rate will pay the veteran the greater of:

(1) The sum of—

(a) The amount of monthly subsistence or other allowance that would otherwise be paid to the veteran for his or her training program, and

(b) The amount of monthly compensation that would be paid to such veteran if the veteran was not receiving compensation at the 100 percent rate as the result of such hospital treatment or observation; or

(2) The amount of monthly compensation payable to the veteran at the 100 percent temporary rate as provided in section 314(j) of title 38, U.S. Code.

Note 1.—The veteran may receive full subsistence or other allowance benefits while convalescing following hospitalization. Care should be taken not to limit benefit payments during this period.

Note 2.—The VRS will carefully weigh the veteran's ability to pursue the ongoing program of rehabilitation while hospitalized when deciding whether to grant leave, to continue the training award at a reduced or zero rate, or to interrupt training pending the results of the hospitalization. The VRS should make every effort to discuss this matter with the veteran prior to authorizing any award adjustment, but in no instance will the VRS delay the authorization long enough to cause an overpayment to be created against the veteran.

f. *Payment of Room and Board in a Specialized Rehabilitation Facility.* If the VRS finds and the veteran agrees that the payment of room and board in a specialized rehabilitation facility in lieu of basic subsistence allowance (excluding additional allowances for dependents) would be to the veteran's advantage, the VRS will authorize the Adjudication Division to reduce the veteran's subsistence allowance to pay only the additional allowances for dependents. The VRS will then arrange for direct voucher payment of the room and board expenses of the veteran. Both the authorization and award documents will be annotated in the "Remarks" sections with the following: "Veteran will receive room and board in lieu of basic subsistence allowance." If the veteran has no dependents, the award will be terminated effective the date payment of room and board begins. A record purpose award will be prepared at the "None" rate for voucher payment purposes effective the date the subsistence allowance terminates and running through the date scheduled for the completion of the training program during which room and board will be paid directly.

g. *Nonpay Federal Work Experience.* If a veteran pursues, as part of his or her vocational rehabilitation program, full-time on-job training or work experience in a Federal agency at nominal pay or without pay, the VRS will authorize and the Adjudication Division will pay full-time subsistence allowance at institutional rates. Formerly such payments had to be made at the on-job/apprenticeship rates. No other change in the current methods of processing award actions in such cases is required. (Effective October 1, 1980.)

h. *Extended Evaluations.* If the VR&C Division cannot determine whether a veteran with a serious employment handicap can be reasonably expected to achieve a vocational goal, the veteran shall be provided with services needed to thoroughly evaluate his or her potential for vocational rehabilitation. A veteran in this new rehabilitation program status can now receive a subsistence allowance.

(1) *Single Institution Rates of Pursuit and Payment.* Extended evaluation shall be paid for full-time, three-quarter time, half-time and quarter-time participation at the institutional rate. (See subpar. (2) for a complete listing of rates payable.) Extended evaluation is the only chapter 31 training type which may be paid on a quarter-time basis. The rehabilitation facility will certify to the VR&C Division the veteran's rate of pursuit in accordance with the facility's customary criteria for participation. The VRS will use the facility's determination of rate of pursuit when authorizing subsistence allowance or other benefit payment.

(2) *Multiple Institution Rates of Pursuit and Payment.* When a veteran is undergoing an extended evaluation involving two or more facilities concurrently, the rate of payment shall be based upon combined attendance as shown in the table below:

Rate of participation and clock hours per month	No dependent	One dependent	Two dependents	Each additional dependent
Full-time (120 or more)	$282	$349	$411	$80
Three-quarter-time (90–119)	212	262	308	22
Half-time(60–89)	141	175	206	15
Quarter-time (30–59)	71	87	103	8

(3) *Less than Quarter-Time Attendance.* A veteran participating in an extended evaluation program at less than a quarter-time rate may not receive a subsistence allowance. The VR&C Division may authorize voucher payment of the direct program expenses for the services provided to the veteran. The VR&C Division will authorize and the Adjudication Division will prepare a no-rate award document to justify these voucher payments.

(4) *Room and Board in Lieu of Basic Subsistence Allowance.* If the VRS finds and the veteran agrees that the payment of room and board in lieu of an award of subsistance allowance for an extended evaluation program in a specialized rehabilitation facility would be to the veteran's advantage, the VRS will authorize the Adjudication Division to reduce the veteran's subsistance allowance effective DLP (date last paid) to pay only the additional amounts for dependents. The dependency portion of a veteran's award is specifically exempted from reduction when the VA pays the veteran's room and board. The VRS will then authorize direct voucher payment of the veteran's room and board expenses. Item 25 on VA Form 22–1905, Authorization and Certification of Entrance or Reentrance into Training and Certification of Trainee Status, and item 12, Remarks, on VA Form 22–1907a, Authorization of Subsistence Allowance, will each contain the annotation "Veteran will receive room and board in lieu of basic subsistence allowance."

(5) *Award Processing.* Both authorization and award documents will be annotated to clearly show the veteran's status as an extended evaluation participant. In coding the VA Form 22–4624, Chapter 31 Status Code Sheet, for a veteran in extended evaluation, the adjudicator will enter under "Type Training" the letter "M." No other change in current processing of award actions is required for participants in an extended evaluation program.

Note.—The extended evaluation program is more fully discussed in appendix H.

i. *Increased Rates of Subsistence Allowance Payable.* The rate of subsistence allowance benefits payable has been increased by approximately 17 percent. These new rates are presented in exhibit 1. (Effective October 1, 1980.)

Dorothy L. Starbuck,

Chief, Benefits Director.

V 46 / 106 / JE 3 81 UMI

Rates Effective October 1, 1980 for Subsistence Allowance Under Chapter 31 (Title 38, U.S.C.)

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional Training: [1]				
Full time	$262	$349	$411	$30
Three-quarter time	212	262	308	23
Half time	141	175	206	15
Unpaid or nominally paid federal work experience: Full time	282	349	411	30
Farm cooperative; apprenticeship; or other on-job training: Full time	246	297	343	22
Combination (Full time only): [2]				
Institutional one-half time or more	282	349	411	30
Institutional less than one-half time	246	297	343	22
Non-farm cooperative (Full time only): [3]				
Institutional phase	282	349	411	30
Business/industrial phase	246	297	343	22

[1] Measurement of rate of pursuit (VAR's 14270–14275).
[2] In a combination course, the veteran receives the appropriate rate based upon whether institutional or business/industrial training predominates.
[3] In a non-farm cooperative course, the veteran alternates full time between institutional and business/industrial training sessions. The veteran is paid the appropriate rate for each phase of training.

[DVB Circular 28–80–3]

Appendix F—Chapter 31/34 Crossover Training in a Vocational Rehabilitation Program

April 7, 1981.

1. *Purpose.* This issue provides instructions for processing a claim when a chapter 31 trainee with remaining chapter 34 eligibility and entitlement elects to receive an educational assistance allowance in lieu of a subsistence allowance and payment of tuition, fees and supplies. Veterans making such elections forfeit several other vocational rehabilitation financial benefits during the period of election, but remain eligible for nearly all other rehabilitation services provided to chapter 31 trainees. (Pub. L. 96–466)

2. *Provisions of the Crossover Election.* Effective April 1, 1981, vocational rehabilitation participants who are eligible for chapter 34 benefits may choose to receive payment at chapter 34 educational assistance rates to the extent of their remaining chapter 34 entitlement (38 U.S.C 1508). A veteran who makes this election remains, nonetheless, classified as a chapter 31, trainee.

a. *Chapter 34 Assistance Available.* A veteran making this election will receive an educational assistance allowance commensurate with his or her rate and type of training. He or she may also receive an education loan if found in need, in accordance with the provisions of sections 1798 and 1799 of title 38, U.S. Code. If tutoring is required, the crossover trainee may receive such assistance under the provisions of section 1692 of title 38, U.S. Code, in the same manner and up to the normal dollar limitations for chapter 34 students.

b. *Chapter 34 Program Requirements Must Be Met.* For a crossover trainee to elect or continue to receive chapter 34 benefits, all the program requirements for a regular chapter 34 course of training must be met:

(1) The program and courses the veteran is pursuing must meet all VA and SAA approval criteria;

(2) The veteran must be within the period of chapter 34 eligibility and have remaining chapter 34 entitlement; and

(3) While training, the veteran must meet all standards of progress and conduct that are imposed upon chapter 34 participants.

Note.—The requirement that a program must meet chapter 34 criteria for approval of a program of education thereby excludes an election for any period of extended evaluation, other periods of evaluation and improvement of rehabilitation potential, independent living, individual programs for the homebound, or individual instructor training. During the periods in which the veteran is involved in such activities, he or she will be entitled to a chapter 31 subsistence allowance to the extent he or she is otherwise eligible.

c. *Chapter 31 Assistance Forfeited During Crossover Period.* Certain benefits normally available to chapter 31 participants are expressly prohibited to trainees while receiving chapter 34 crossover benefits:

(1) Such trainees forfeit receipt of subsistence allowance;

(2) They may not obtain chapter 31 revolving fund loans;

(3) They must pay for direct education expenses, which include tuititon, fees, books, supplies, licensing fees, equipment and other training material for which the VA could have paid by voucher if the veteran had elected to receive subsistence allowance;

(4) They may not be provided individualized tutorial assistance under chapter 31; and

(5) They may not receive an employment adjustment allowance (formerly post-rehabilitation pay) at chapter 34 rates, although this benefit may be paid at subsistence allowance rates as provided in subparagraph e(2) below.

d. *Chapter 31 Services available to Crossover Trainees.* A crossover trainee may receive any service available to vocational rehabilitation program participants except for those financial assistance benefits barred in subparagraph c above. These services are as essential to the accomplishment of the vocational rehabilitation goals of crossover trainees as they are for participants receiving regular chapter 31 award benefits. Among these services, several deserve to be emphasized:

(1) An IWRP (Individualized Written Rehabilitation Plan) will be created for each participant electing chapter 34 benefits as part of a vocational rehabilitation program;

(2) A case manager will work closely with the veteran to develop and carry through with the rehabilitation program; and

(3) Special services not specifically excluded in subparagraph c(3) above may be paid by voucher.

e. *Chapter 31 Services Available Upon Completion of Training*

(1) Trainees who complete their vocational rehabilitation programs in a crossover status will receive the same employment assistance provided other chapter 31 participants.

(2) An employment adjustment allowance will be paid at the full-time subsistence allowance rate appropriate to the type of training even if the veteran completed his or her vocational rehabilitation training program while in a crossover status.

f. *Election Effective Dates.* (1) No election can be made effective prior to April 1, 1981.

(2) The effective date of each election made prior to receipt by the veteran of a subsistence allowance will be the beginning date of the period of training for which a subsistence allowance would normally otherwise have been authorized.

(3) An election made during a period of training for which a veteran has already begun to receive a subsistence allowance will be effective DLP for the subsistence award or the date of the election, whichever is to the veteran's financial advantage.

(4) In contrast to subparagraph (3), however, if a veteran in receipt of a subsistence allowance elects chapter 34 crossover benefits during an interval between training sessions, payment for the interval will be at the chapter 31 rate and the chapter 34 rate will begin effective the starting date of the following period of training.

g. *Vocher Payments of Tuition and Fees Restrict Elections.* A veteran may not elect payment at the chapter 34 rate for any period for which the VA has paid the veteran's tuition and fees.

(1) For a school organized on a term, quarter or semester basis, this will preclude elections during any term, quarter or semester for which the VA has already paid the tuition and fees.

(2) For other institutions whose tuition and fees are postpaid on a recurring basis, elections may be made effective the first day of any month for which the VA has not already paid the tuition and fees.

h. *Reelections.* (1) *Voluntary Reelections.* A veteran in crossover training may reelect to receive a subsistence allowance and thereby give up chapter 34 benefits. For training in a school organized on the basis of regular terms, semesters, etc., veterans should receive educational assistance for at least one term before reelection. If a training facility does not structure its training around regular terms, the veteran may make the reelection anytime but he or she should have been receiving chapter 34 crossover benefits

for 6 months at the time of the reelection. These training duration guidelines may be waived with the concurrence of the responsible VRS (Vocational Rehabilitation Specialist). The close contact each VRS maintains with trainees should minimize arbitrary reelections. On the other hand, a reelection of subsistence allowance must be approved whenever the VRS finds that failure to approve a reelection of subsistence allowance would work to the veteran's financial detriment. Interval payments, when the veteran reelects subsistence allowance during an interval, will be paid at whichever applicable rate affords the veteran the greater advantage unless the veteran declines the higher rate of payment.

(2) *Automatic Discontinuance of Chapter 34 Election.* The election of chapter 34 crossover training will automatically be terminated the day following the last day of approved training in one of six instances:

(a) The veteran makes an unauthorized reduction in training time without VRS approval;

(b) The veteran ceases his or her chapter 34 crossover training without VRS approval;

(c) The veteran changes his or her program objective on the IWRP without VA approval;

(d) The veteran exhausts entitlement to chapter 34 allowance payments;

(e) The veteran reaches his or her chapter 34 delimiting date; or

(f) The veteran completes his or her training program while in a crossover status and is declared rehabilitated to the point of employability.

3. *Vocational Rehabilitation and Counseling Procedures.* a. *Election Rights Presented to Veterans.* VR&C staff should inform eligible applicants of their election rights and the benefit trade-offs available to crossover trainees before they being training. For current trainees or applicants, this notification may be given during a regular supervisory session.

b. *Review of Crossover Requirements.* The VRS will insure that each crossover program elected meets all chapter 34 requirements. If a program does not meet chapter 34 requirements, a veteran may mot receive chapter 34 benefits for that program.

c. *Entitlement Usage Requirements.* The VRS will not extend a crossover program beyond 48 months of combined entitlement used if the veteran has trained under more than one benefit type. to be considered to have trained under chapter 31 for computation of combined entitlement usage, the veteran must actually have received a subsistence allowance. If the veteran has only received chapter 34 benefits, *to include payments made under the crossover election,* the veteran may not exceed 45 months of chapter 34 benefits unless he or she qualifies for one of the extensions to complete a training session normally granted chapter 34 trainees. Beyond these limits, a vocational rehabilitation participant may only receive subsistence allowance and othe standard chapter 31 financial assistance, and then only if the additional benefits are necessary to accomplish the goal of the rehabilitation program. For all crossover cases, the VRS will clearly designate on the VA Form 22–1905 the dates of changes in crossover status The VRS and the Adjudication Division should cooperate in entitlement calculations to insure no involuntary alteration in crossover status which operates to the veteran's disadvantage occurs as a result of entitlement usage. Several examples of entitlement considerations will clarify the issues involved. Note that each of the examples given below assumes an approved program in which combined entitlement used will exceed 48 months.

(1) A veteran uses 46 months of chapter 34 entitlement before induction into a chapter 31 program. Since only 45 months of chapter 34 benefits plus extensions to finish terms already begun can be paid when only chapter 34 benefits have been received, this veteran *may not elect* crossover benefits.

(2) A veteran uses 24 months of chapter 34 entitlement, enters a vocational rehabilitation program and immediately elects chapter 34 crossover benefits. The veteran continues to receive crossover benefits for another 20¾ months, at which time the veteran would have used 44¾ months of chapter 34 entitlement. If the veteran then begins a new semester, he or she can continue to receive crossover benefits until completion of the semester. At that point the election is discontinued automatically and the veteran may receive only subsistence allowance.

(3) The same veteran in subparagraph (2) above uses exactly 45 months of entitlement at the end of a semester. He or she may only receive subsistence allowance for further training, to include the following interval between terms.

(4) A veteran receives 24 months of chapter 31 subsistence allowance and discontinues training under the vocational rehabilitation program. If this veteran reenters the chapter 31 program, he or she may immediately elect crossover benefits up to maximum of 24 months; that is, until 48 months of combined entitlement have been used.

(5) A veteran receives subsistence allowance for 48 months. He or she may not elect crossover benefits.

d. *Preparation of Certifications.* The VRS will use VA Form 22–1905, Authorization and Certification of Entrance or Reentrance Into Training and Certification of Trainee Status, to certify awards for crossover training. The certification will be prepared in the same manner as for a regular subsistence allowance with four exceptions:

(1) No award certified will extend beyond 1 year;

(2) Item 25 will be clearly annotated to show that the award to be prepared will be for a crossover trainee;

(3) A VA Form 3230 will be annotated "Chapter 31/34 Crossover Trainee" and back-filed on the right flap on the training subfolder so as to remain the uppermost document; and

(4) All certification and award documents will also be back-filed in the training subfolder for as long as the trainee is in the crossover status.

e. *VRS Progress Review.* The VRS will review continuation of payment at the chapter 34 rate as necessary, but at least once yearly. This will be done in the course of review of the veteran's progress in achieving the goals of the IWRP. As a result of this review, the VRS will certify either another year in the crossover program or reelection of subsistence allowance depending on the veteran's desires. Moreover, the VRS will counsel the crossover trainee and take the appropriate action whenever any one of several events occurs:

(1) The veteran requests consideration of redevelopment of the IWRP;

(2) The veteran indicates a desire to reelect subsistence allowance;

(3) The veteran makes an unauthorized change in his or her training program, including changes in training time, program objective or discontinuance of training.

Note.—Any such change requires VRS preparation of a VA Form 22–1905 prior to Adjudication Division award adjustment.

(4) The veteran is within 2 months of completing his or her vocational rehabilitation training program and employment assistance counseling has not been previously initiated.

f. *VRS Action When Veteran Makes an Unauthorized Training Program Change.* (1) When the VRS is informed of an unauthorized training program change, and suspension of payment at the chapter 34 rate as the result of the change where appropriate, the VRS will contact the veteran to determine whether the veteran can be continued in the program. The VRS will promptly notify the Adjudication Division of the ultimate outcome of the change review so appropriate award adjustement can be made.

(2) If the veteran has dropped or added courses which change pay status, but not the character of the course, the VRS may approve the change if the reasons are valid and reenter the veteran into the training program.

(3) If the change is to a different program or radically alters the nature of the course, the VRS may approve continuation if the veteran agrees to return to the previously established program and objective. If the veteran does not agree to reenter the same program, the VRS will arrange for complete reevaluation of the program.

(4) If the unauthorized change represents continuation of a pattern indicating abuse of the program, the VRS will discontinue the program for unsatisfactory conduct and failure to cooperate. A VA Form 22–1905 will be prepared discontinuing all chapter 31 benefits. The veteran may then reenter the chapter 31 program only if the reasons for discontinuance are removed and the rehabilitation program which the veteran proposes to pursue (whether the same or revised) is suitable to the veteran's abilities, aptitudes and interests.

g. *Reelection of Discontinuance Notification.* The VRS will notify the Adjudication Division of any reelection of subsistence allowance or discontinuance in the chapter 31 program altogether so that benefit payments can be promptly adjusted. Item 25 of the VA Form 22–1905 will be annotated to the effect: "Terminate crossover chapter 34 award effective (date)." If applicable, a regular subsistence allowance award may be authorized on the same document. The effective and ending dates of subsistence allowance payments will be clearly stated in item 25. At this time all

documents back-filed in the training subfolder as a result of the prior election will be filed down and the VA Form 3230 folder flash will be destroyed.

h. *VR&C Division End Product.* (1) When the VRS processes a chapter 34 crossover certification in the context of and incidental to the induction process, no additional end product will be taken. The "Regular Induction" end product taken will include direct labor allowances for all activities.

(2) When the VRS processes a chapter 34 crossover certification during the course of a supervisory assistance visit, no additional end product will be taken. The "Supervisory Assistance Visit" end product taken will include the certification.

(3) When the VRS processes a chapter 34 crossover certification as an action independent of other activity the "Rehabilitation Certification" end product will be taken.

4. *Adjudication Division Procedures.* a. *Review of Approval Criteria.* Adjudication Division personnel will check each certified crossover program to verify that the veteran's course meets all the chapter 34 approval requirements found in M22–2, part IV, chapter 1. In addition, any chapter 34 award prepared under the crossover provisions must comply with the entitlement usage limitations given in paragraph 3c above. If the Adjudication Division receives a certification document for an enrollment which fails any of these tests, the responsible VRS will be immediately notified so corrective action can be taken with minimum delay in the receipt of the veteran's proper rate of benefits.

b. *Record Purpose Chapter 31 Awards.* For each crossover trainee, an adjudicator will prepare (for voucher payment purposes) a record purpose award on VA Form 22–1907a, Authorization of Subsistence Allowance. Copies 2 and 5 of this document will be destroyed; copies 3 and 4 will be distributed normally; copy 1 will be back-filed in the R&E folder for as long as the veteran is in a crossover status. The "Remarks" section of the award document will be annotated to the effect: "Chapter 31/34 Corssover Trainee; Record Purpose Award, Voucher Payment of Normal Vocational Rehabilitation Training Expenses Prohibited."

C. *Chapter 34 Award Preparation.* The adjudicator who prepares the VA Form 22–1907a award for the R&E folder will also prepare the chapter 34 award.

(1) *Target System* (the preferred input system).

(a) *No Chapter 34 M/R Exists.* Establish the original claim using CEST procedures. Then, process the clain as for an original award, completing the 310 screen, the 304 screen (if appropriate), and one of the Target award screens (see M22–2, pt. IV, ch. 4). On the 310 screen, enter the number of months of chapter 31 training completed in PRIOR VA TRNG. After the award is GAPed (Generated And Printed), annotate the award in red ink with "Chapter 31/34 Crossover Trainee." After the award is authorized, set the File Pull Indicator on the M24 screen. Back-file the award print on the left flap on the claims folder. File the VA Form 22–1905 in the R&E folder.

(b) *Chapter 34 M/R Exists.* Follow procedures for establishing a supplemental pending issue. Complete the award screen as described in M22–2, part IV, chapter 4. Annotate the award, set the File Pull Indicator, back-file the award print, and file down the VA Form 22–1905 as described above. In addition, if not already of record, process a CORR to the M23 screen to enter the chapter 31 training completed in PRIOR VA TRNG. This subparagraph is also for use for adding dependents and processing supplemental enrollment as directed by VA Form 22–1905.

Note.—Remember, when back-filing supplemental awards, place the latest award on top.

(2) *Other Forms of Award Action.* If either VA Form 22–1997 or VA Form 22–1997S is used, follow the procedures for preparing original and supplemental awards described in M22–2, part IV, chapter 4, pertaining to each award type. Remember to enter the number of months of chapter 31 training completed as prior VA training either on the OCR form or by O2V correction and to set the File Pull Indicator. Annotation of the award, back-filing the award print, and filing down the VA Form 22–1905 are the same as for Target processing described above.

d. *File Pull Indicator.* The adjudicator preparing the first crossover award for a veteran will set the File Pull Indicator on the Target System. This indicator will remain set for the duration of crossover training. This notice will reduce the occurrence of unauthorized program changes. Both the claims and R&E folders must be pulled to adjudicate initial or subsequent crossover benefit claims. Upon either achievement of the rehabilitation goal or reelection of subsistence allowance, whichever comes first, the File Pull Indicator will be removed.

e. *Unauthorized Changes in a Crossover Program.* Adjudication Division personnel will promptly notify the responsible VRS of changes which must be made to a crossover award with one exception. Changes based solely upon an increase or decrease in the number of the veteran's dependents need not be reported. These notifications, such as for training time or program objective changes, will assist the VRS in monitoring the veteran's progress toward the established rehabilitation goal and will give the VRS a chance to review the case and to authorize the appropriate changes. No award change referred to the VR&C Division for approval may be accomplished before receipt of the VRS certification, although an award should be suspended if the continued payment of benefits could result in an overpayment. A 30-day control under end product 210 will be established by the Adjudication Division pending receipt of the authorization of the change from the VRS.

f. *Sotisfactory Progress.* A chapter 31/34 crossover trainee must meet all progress standards to which other chapter 34 participants are subject. If a crossover trainee fails to meet these standards, the Adjudication Division will notify the responsible VRS, including in this notice the action which would be taken for a regular chapter 34 trainee and the appropriate effective date. The VRS will either confirm this notice on a VA Form 22–1905 or certificate further corrective action. The adjudication Division will suspend any award if VRS certification might be delayed and a veteran could receive benefits to which he or she would not be entitled.

g. *Veteran Stays in Chapter 34 Training But Discontinues Chapter 31 Program.* If the VR&C Division notifies the Adjudication Division that a crossover trainee will discontinue his or her chapter 31 program altogether, but the veteran wishes to continue to receive chapter 34 benefits for the current training program, the adjudicator responsible for preparing the adjustment will prepare a record purpose termination award on VA Form 22–1907a effective the date certified by the VRS. This document and all documents in the claims and R&E folders back-filed as a result of the crossover election will be filed down. In addition, the current chapter 34 award record in the claims folder will be annotated to the effect: "Chapter 31/34 Crossover Training Terminated as a Result of Chapter 31 Discontinuance Effective (date); Veteran Continuing to Train as Regular Chapter 34 Trainee."

h. *Reelection or Discontinuance Authorized.* When the veteran reelects subsistence allowance or discontinues training altogether and the VRS certifies this change in status, the adjudicator will make any necessary award adjustments and will file down any documents back-filed in the claims and R&E folders as a result of the crossover election.

i. *Adjudication Division End Product.* A single end product 210 will be taken for an award action made under the crossover provision unless the action meets the criteria for an end product with a higher total Adjudication Division work-rate standard. (For example, an end product 130 can be taken for a dependency adjustment.)

Dorothy L. Starbuck,

Chief Benefits Director.

[DVB Circular 28–80–3]

Appendix G—Initial Evaluation

April 7, 1981.

1. *Purpose.* To provide Vocational Rehabilitation and Counseling field staff with information and instructions concerning the process of initial evaluation.

2. *Background.* Under section 1506 of title 38, U.S. Code, enacted by Pub. L. 96–466, any veteran applying for chapter 31 benefits who has a service-connected disability which was incurred on or after September 16, 1940, and is compensable or, but for receipt of retirement pay, would be compensable, and who applies for benefits will be provided with an initial evaluation. Also included are such individuals in a military hospital pending release who have a condition likely to be found to be service-connected.

3. *Purpose of Initial Evaluation.* a. *Issues for Determination.* The purposes of initial evaluation are to:

(1) Determine a veteran's entitlement to and eligibility for a program of vocational rehabilitation;

(2) Determine whether a veteran has an employment handicap and whether it is serious in nature;

(3) Determine whether achievement of a vocational goal is feasible;

(4) Provide a basis for planning a suitable vocational objective.

b. *Extended Evaluation.* In those instances when a determination of reasonable feasibility of a vocational goal cannot be made, but the veteran is found to have a serious employment handicap, a period of extended evaluation will be provided. (For a complete discussion of extended evaluation, see appendix H to DVB Circular 28–80–3.)

4. *Eligibility for Initial Evaluation.* An initial evaluation will be provided any veteran who has a service-connected disability and who applies for vocational rehabilitation benefits, including veterans currently participating in a rehabilitation program under the Rehabilitation Act of 1973, and those veterans who have previously participated in the VA rehabilitation program or a similar program under the Rehabilitation Act of 1973 and may need employment assistance.

5. *Scope of Initial Evaluation.* Initial evaluation includes the review and analysis of all possible information which may be relevant to determining the veteran's need and feasibility for a program of vocational rehabilitation and which provides a basis for sound rehabilitation planning. The process of initial evaluation includes the collection, review, and analysis of: a. the extent and effects of the veteran's service-connected disability; b. the veteran's life history data (work history, education, training, family and community adjustment, and any previous evaluation of the veteran's interests, aptitudes and abilities); c. results of vocational/psychological assessment; d. results of evaluations and reevaluations by the VR&C Medical Consultant, VRB (Vocational Rehabilitation Board) and DM&S personnel; e. results of vocational planning; and f. other related factors. Such information, when not readily available from current VA records or from the veteran, must be obtained, with the veteran's authorization, from other sources. Initial evaluation is comprehensive in nature and rarely will it be accomplished in one session. A sufficient number of sessions will be held to assure that the necessary information is developed.

6. *Responsibility for Initial Evaulation.* The cooperation of the CP (Counseling Psychologist), VRS (Vocational Rehabilitation Specialist) and veteran is essential to accomplishing he purpose of intial evaluation.

a. *VA Responsibilities.* The VA will:

(1) Provide qualified staff and will ensure they have sufficient time to complete the initial evaluation;

(2) Determine as expeditiously as possible the veterans's entitlement, eligibility and feasibility for a vocational rehabilitation program; and

(3) Provide full opportunity for the veteran's participation in and understanding of the purposes and process of intial evaluation.

b. *Veteran Cooperation.* The veteran will be asked to cooperate in all steps necessary to accomplish the inital evaluation.

7. *Duration of Initial Evaluation.* The process of initial evaluation begins after a veteran's service-connected status has been confirmed by the Adjudication Division and the veteran appears for the inital evaluation appointment. The initial evaluation is completed when a veteran's employment handicap and reasonable feasibility are established and all information needed to provide a basis for rehabilitation planning has been collected, reviewed and analyzed. Initial evaluation includes the certification of a veterans' eligibility, feasibility, and severity of employment handicap by the CP as outlined under paragraph 8 c, d, and e.

8. *Initial Evaluation Procedures.* a. *Timely Processing Essential.* Timely referral of cases for initial evaluation is essential. When cases are received from the Adjudication Division, a review of VA Form 22–1944, Eligibility and Counseling Information, will be conducted. An appointment for initial evaluation will be scheduled promptly following procedures in M28–1, part I, paragraph 4.07.

b. *Initial Personal Contact With the Veteran.* In the first fact-to-face session with the veteran, the CP will explain the purpose of initial evaluation, the process involved, responsibilities of the VA and veteran, and elicit support and cooperation for the process. Those procedures currently in effect (M28–1, pt. I, pars. 2.01 through 2.03) also apply to the process of initial evaluation. The CP will collect, review, and analyze the information on record and that information obtained from the veteran and all other sources to establish the veteran's eligibility, seriousness of the employment handicap and determine whether a vocational goal is reasonably feasible.

c. *Determinations of Infeasibility.* Determinations of infeasibility, made with or without an extended evaluation, can only be made with the concurrence of the Vocational Rehabilitation Board. The CP will recommend a finding of infeasibility whenever eligibility and seriousness of the employment handicap have been established, but the evidence indicates that achievement of a vocational goal is not reasonably feasible. The veteran will be informed of the CP's recommendation and the role of the Board in formulating a final determination. The rationale for the recommendation of infeasibility will be clearly and specifically documented in the veteran's file. Current procedures concerning preparation and referral of cases to the VRB will apply (M28–1, pt. I, par. 6.03 c and d). "Vocational Rehabilitation Board Services" end product will be taken for all work activity relating to referral of cases to the Board. An appointment will be scheduled to inform the veteran of the Board's decision. If the Board concurs in the recommendation of infeasibility, the CP will provide the veteran with a thorough and understandable explanation of the decision. The veteran's right of appeal will also be explained. VA Form 28–8871, Certification of Eligibility/Feasibility (see exhibit 1) will be completed and filed in the counseling folder. Followup and review procedures (M28–1, pt. I, par. 6.03e(3)) will apply. "Eligibility Determination" end product will be taken and the case closed.

d. *VRB Determination That Training Is Feasible.* If the VRB determines that achievement of a vocational goal is reasonably feasible, the CP will so inform the veteran and complete VA Form 28–8871. The Certification will be filed in the counseling folder. "Eligibility Determination" end product will be taken. Initial evaluation will continue until all psychological testing and vocational exploration is accomplished and all other activities necessary to provide a basis for planning a vocational goal are completed. The end product for "Initial Evaluation" will be taken. In cases where the VRB is unable to determine the veteran's feasibility, and the veteran has a serious employment handicap a period of extended evaluation will be authorized.

e. *CP Determination That Training Is Feasible.* If the CP can affirm feasibility without the need for extended evaluation or VRB referral the veteran will be informed of the decision. VA Form 28–8871 will be completed and filed in the counseling folder. "Eligibility Determination" end product will be taken. The initial evaluation will continue until all psychological testing and vocational exploration is accomplished and all other activities necessary to provide a basis for planning a vocational goal are completed. The end product for "Initial Evaluation" will be taken. Further information concerning the planning and development of the rehabilitation plan is contained in appendix I (Individualized Written Rehabilitation Plan).

9. *Employment Assistance for Veterans With Prior Vocational Rehabilitation.* Veterans who have filed a claim for vocational rehabilitation or employment assistance are eligible for employment assistance under the following conditions:

a. The veteran has a service-connected disability which was received on or after September 16, 1940 and is compensable or but for payment of retirement pay would be compensable; and

(1) The veteran participated in a bona fide vocational rehabilitation program under chapter 31 (programs of less than 90 days will rarely be considered to be bona fide rehabilitation programs); or

(2) The veteran participated in a bona fide vocational rehabilitation program under the Rehabilitation Act of 1973 (programs of less than 90 days will rarely be considered to be bona fide rehabilitation programs); and

b. The VA determines that the veteran is employable in

(1) Competitive employment or

(2) Sheltered workshop or other special situation at the minimum wage.

10. *The Role of Initial Evaluation in Employment Assistance.* A period of initial evaluation will be provided for veterans who apply for employment assistance under this paragraph. The purpose of the initial evaluation in this situation is to determine whether the veteran is in fact employable and whether placement in competitive employment, sheltered workshop or other special situation at the minimum wage is indicated. "Initial Evaluation" end product will be taken when all activities necessary to develop an employment plan are completed. Procedures involved in formulating an employment assistance plan will be discussed in a separate appendix to this issue.

Dorothy L. Starbuck,
Chief Benefits Director.

BILLING CODE 8320-01-M

Exhibit 1

Veterans Administration

CERTIFICATION OF ELIGIBILITY/FEASIBILITY
(Chapter 31, Title 38, U.S.C.)

REGIONAL OFFICE OR CENTER

FIRST NAME - MIDDLE NAME - LAST NAME	VA FILE NUMBER	SOCIAL SECURITY NUMBER

CERTIFICATIONS

This certifies that the veteran has received initial evaluation services for the purpose of determining eligibility and feasibility for vocational evaluation. It has been determined that: (Check appropriate boxes - one in each item)

1. VETERAN'S SERVICE-CONNECTED DISABILITY
- ☐ CAUSES LIMITATIONS
- ☐ DOES NOT CAUSE LIMITATIONS

2. VETERAN'S SERVICE-CONNECTED DISABILITY
- ☐ CAUSES AN EMPLOYMENT HANDICAP
- ☐ DOES NOT CAUSE AN EMPLOYMENT HANDICAP

3. VETERAN'S SERVICE-CONNECTED DISABILITY
- ☐ CAUSES A SERIOUS EMPLOYMENT HANDICAP
- ☐ DOES NOT CAUSE A SERIOUS EMPLOYMENT HANDICAP

4. ACHIEVEMENT OF VOCATIONAL GOAL
- ☐ IS FEASIBLE
- ☐ IS NOT FEASIBLE
- ☐ FEASIBILITY CANNOT BE DETERMINED

REMARKS

EXTENDED EVALUATION AUTHORIZED	DATE OF DETERMINATION
☐ YES ☐ NO	

SIGNATURE OF COUNSELOR	END PRODUCT		
	NO.	DATE	UNITS

VA FORM MAR 1981 28-8571

SUPERSEDES VA FORM 22-1902a, JAN 1980, WHICH WILL NOT BE USED

BILLING CODE 8320-01-C

[DVB Circular 28-80-3]

Appendix H—Extended Evaluation

April 7, 1981.

1. *Purpose.* Pub. L. 96-466, "Veterans' Rehabilitation and Education Amendments of 1980," provides for extended evaluations for veterans with serious employment handicaps. This issue provides VR&C (Vocational Rehabilitation and Counseling) Division with policy and procedures needed to provide eligible veterans extended evaluations.

2. *Background and Overview.* a. The extended evaluation consists of services needed to determine a veteran's rehabilitation potential to achieve a vocational goal. Specifically, the extended evaluation is to be utilized when, following a finding of eligibility and need for vocational rehabilitation, the CP (counseling psychologist), or in some cases the VRB (Vocational Rehabilitation Board), is unable to determine whether or not the achievement of a vocational goal is reasonably feasible for a veteran with a serious employment handicap. With the increased emphasis on serving the severely handicapped, adequate procedures for the evaluation of functional capacities and limitations are essential to the determination of feasibility and to the sound planning of needed rehabilitation services.

b. The extended evaluation provides for the use of a variety of observational and other assessment techniques over a period of time to facilitate the determination of feasibility for a vocational goal. Veterans who have functional limitations that are multiple, severe, and poorly described may not be thoroughly evaluated as to rehabilitation potential until certain needed services are provided and their effect ascertained. The extended evaluation is a means of insuring that the veteran with a serious employment handicap is not rejected for vocational rehabilitation unless and until the achievement of employability may not be expected.

c. During the course of an extended evaluation, a veteran is provided services necessary to improve potential for participation in a program leading to a vocational goal, services needed to enable the veteran to achieve maximum independence in daily living, and a subsistence allowance. The scope of services which can be approved under an extended evaluation creates the potential for abuse. Such an evaluation may be prescribed only when necessary to determine whether the achievement of a vocational goal is reasonably feasible. When possible, this determination should be made without extended evaluation.

3. *Requirements for Extended Evaluation.* The CP determines the need for an extended evaluation when the following conditions exist:

a. Basic eligibility and need for rehabilition services have been established;

b. The veteran has a serious employment handicap; and

c. The CP or VRB is unable to determine whether the achievement of a vocational goal is reasonably feasible.

4. *Scope of Services.* During a period of extended evaluation, the services that are authorized must be related to the determination of feasibility for a vocational goal. These services are to be identified in an IEEP (Individualized Extended Evaluation Plan). (For a complete discussion of the IEEP, see appendix I to DVB Circular 28-80-3.) Extended evaluation services include the following:

a. An assessment of each veteran's potential to pursue a vocational goal will be provided. The extent of the evaluations may vary greatly from one individual to another. The evaluation may include comprehensive diagnostic services while the veteran is in residence at a rehabilitation facility.

b. Rehabilitation services needed to improve the veteran's vocational rehabilitation potential and enable such veteran to achieve maximum independence in daily living may be provided. The justification for providing these services under extended evaluation is to assess their effect on the individual in terms of employability, and the decision to provide them should be well documented. An indepth analysis of diagnostic data which covers a wide range of conditions related to vocational adjustment will provide a sound basis for providing these services.

5. *Duration of Extended Evaluation:* a. *The Basic Period of Extended Evaluation.* The basic period of extended evaluation may not exceed 12 months. Additional periods of up to 6 months each may be authorized if necessary to determine whether achievement of a vocational goal is reasonably feasible. The feasibility determination is to be made as soon as possible but not later than the end of the extended evaluation period. Reasonable doubt concerning achievement of a vocational goal shall be resolved in favor of determining that such achievement is feasible.

b. *Additional Periods of Extended Evaluation.* (1) Provision of any additional period of extended evaluation beyond the basic 12-month period must be recommended by the CP and approved by the VRB. The VRB may approve an additional period of up to 6 months if this will enable the CP to determine whether achievement of a vocational goal is reasonably feasible during that period.

(2) Any extension that would cause the total extended evaluation to exceed 18 months requires the approval of the VRB and the concurrence of the Director, VR&C Service.

(3) When it is evident during the initial evaluation process that a period of more than 12 months of extended evaluation will be required, the case shall be referred by the CP directly to the VRB.

6. *Monetary Assistance During Extended Evaluations.* a. *Subsistence Payment Rate.* Subsistence allowance will be paid at the institutional rate. Measurement of the rate of pursuit for veterans in extended evaluation will be on the same basis as for other veterans in special rehabilitation facilities; i.e., the rehabilitation facilities' customary criteria for participation.

(1) When a veteran is undergoing an extended evaluation involving two or more facilities concurrently, the rate of payment shall be in accordance with the table below.

Rate of participation and clock hours per month	No dependent	One dependent	Two dependents	Each additional dependent over two
Full time (120 or more)	$282	$349	$411	$30
Three-quarter time (90-119)	212	262	308	23
Half time (60-89)	141	175	206	15
Quarter time (30-59)	71	87	103	8

(2) A veteran may undergo an extended evaluation which is comprised of less than 30 clock hours per month of direct services to the veteran, and though subsistence allowance will not be paid, voucher payments will be made for costs incurred.

(3) If the VRS (Vocational Rehabilitation Specialist) finds that the payment of room and board in a specialized rehabilitation facility, in lieu of basic subsistence allowance (excluding additional allowances for dependents), would be to the veteran's advantage, with consent of the veteran the VRS will authorize the Adjudication Division to reduce the veteran's subsistence allowance to pay only the additional allowances for dependents. The VRS will then arrange for direct voucher payment of the room and board expenses of the veteran. Both the authorization and award documents will contain a comment in their "Remarks" sections to the effect: "Veteran will receive room and board in lieu of basic subsistence allowance."

b. *Travel.* (1) When a suitable facility for extended evaluation is not available within the jurisdiction of the local regional office, policy specified in VAR 10267 and associated procedures in M28-1, Part II, Paragraph 2.05, Interregional Transfers for Rehabilitation Training are in effect. When the nature of a veteran's disability requires special travel accommodations, arrangements should be made for the payment of actual necessary expenses (see MP-1, pt. II, chs. 2 and 3).

(2) A special transportation allowance may be paid to a veteran pursuing extended evaluation who, because of disability, has travel expenses not incurred by persons without a disability. The need for a special transportation allowance shall be determined by the VRS. Payment may be for mileage, driver, parking fee, transportation furnished by the facility for its clients, and other valid expenses. The veteran shall maintain record of such costs. The amount paid for transportation may not exceed the cost paid by VA for similar expenses or charged by the facility to other disabled persons. The maximum amount paid during any 1 month may not exceed one-half of the subsistence allowance for a single veteran at the full-time rate or actual cost, whichever is less.

c. *Incidental Goods and Services.* Tuition, fees, books, supplies, equipment and other incidental goods and services determined to be necessary to accomplish the purpose of the extended evaluation shall be provided for each veteran participating in extended evaluation.

7. *Supervision.* Each veteran in extended evaluation will be assigned a case manager

(see VA Circular 00-79-55 for instructions on case management).

a. Onsite supervisory visits will be made by the VRS as frequently as necessary, but not less than an average of one per month for the first 6 months of the evaluation, and not less than once every 3 months subsequently.

b. Periodic progress reports which are needed to determine the veteran's feasibility for a vocational goal will be arranged by the VRS with the institution, facility or person providing extended evaluation services.

c. The VRS will provide the CP, who will evaluate the information, with all supervisory and progress reports in a timely manner.

8. *Outcome of Extended Evaluation.* The determination of feasibility for a vocational goal will be made by the CP at the earliest possible time but not later than the end of the evaluation or period of extension, as the case may be.

a. When a determination of "feasibility" is made, IWRP (Individualized Written Rehabilitation Plan) development will be undertaken if the veteran is still in need and otherwise eligible. It is important that IWRP development and induction into training be accomplished expeditiously.

b. When a determination of "infeasibility" is made, referral will be made to the VRB for disposition of the case.

9. *Other Considerations.* a. Residential rehabilitation facilities which provide comprehensive rehabilitation services are a logical choice for extended evaluations, especially evaluations which involve services to enhance vocational potential. In selecting such a facility, the VR&C staff should consider facilities which are accredited by the CARF (Commission of Accreditation of Rehabilitation Facilities) or those which are used by State departments of vocational rehabilitation.

b. To the extent possible, a facility which has demonstrated successful experience in the veteran's disability or associated functional limitation(s) should be utilized.

10. *Work Measurement.* The work activities involved in extended evaluation, whether performed by the CP, VRS or clerk, are accounted for by two different EP's (end products).

a. *IEEP Agreement.* This EP includes the work activity by the CP, VRS or clerk involved with developing the planned services to determine whether the achievement of a vocational goal is reasonably feasible for a veteran with a serious employment handicap, when such could not be determined during the initial evaluation process. This activity would include providing or arranging for evaluation services to determine feasibility and to improve the veteran's potential for participation in program services to achieve a vocational goal and independence in daily living. Any counseling during extended evaluation is incidental to this EP, not a separate EP. The EP is taken when the planning and arranging for services is completed and documented on the IEEP. Any further action would be included under appropriate EP; e.g. "Special Induction".

b. *Extended Evaluation Review.* This EP includes all work activity by the CP, VRS or clerk toward the review of the completed extended evaluation in order to make a determination regarding the feasibility of a vocational goal. Any interim review during the extended evaluation period, exclusive of that done during and incidental to a supervisory assistance visit, will be also included in this EP. The EP will be taken when the determination is made and documented.

(1) When feasibility for a vocational goal is affirmed, documentation includes VA Form 28-8871, Certification of Eligibility/Feasibility, as well as the VA Form 22-1902b containing the data to provide a basis for planning the IWRP.

(2) If feasibility is not affirmed, any work activity relating to a referral to the VRB is considered part of the "Vocational Rehabilitation Board Services" EP. VRS activity related to review of extended evaluation in progress is considered part of the "Supervisory Assistance Visit" EP.

Note.—Initial distribution of VA Form 28-8871 will be made to stations sometime in the near future. Additional supplies may be obtained from the Forms and Publications Depot.

Dorothy L. Starbuck,

Chief, Benefits Director.

[DVB Circular 28-80-3]

Appendix I—Individualized Written Rehabilitation Plan

April 7, 1981.

1. *Purpose.* This issue provides VR&C field staff with information and guidelines on the development and implementation of the IWRP (Individualized Written Rehabilitation Plan).

2. *Background.* Existing VR&C policy requires that an individual training program be prepared by the VRS for each veteran prior to or immediately upon inducting the veteran into training (M28-1, pt. II, ch. 3; VAR 10212(A)). The Veterans' Rehabilitation and Education Amendments of 1980 (Pub. L. 96-466) significantly expand the rehabilitation planning and documentation process. Each veteran receiving rehabilitation services will be provided a rehabilitation plan, including those veterans electing to receive an education assistance allowance in lieu of a subsistence allowance. Veterans in a program of extended evaluation will have an IEEP (Individualized Extended Evaluation Plan) developed (see exhibit 1). For veterans in a program of rehabilitation training, an IWRP will be developed (see exhibit 2). Employment assistance services will be outlined on an IEAP (Individualized Employment Assistance Plan) (see exhibit 3). The IEEP and IEAP are specialized variations of the basic IWRP. The development, content and implementation of these plans are essentially the same. VA Forms 28-8872, Rehabilitation Plan, and 28-8872a, Rehabilitation Plan—Continuation Sheet (as necessary), will be used for all plans. Initial distribution will be made shortly.

3. *Definitions.* For the purposes of this issue, IWRP also refers to the IEEP and IEAP, unless otherwise noted. The word "plan" is used as an abbreviated reference to an IWRP, or specialized forms thereof; i.e., IEEP or IEAP. References to "the veteran" also mean the veteran's immediate family, legal guardian, or representative.

4. *Overview of IWRP.* a. *Structure.* In mandating use of the IWRP, Pub. L. 96-466 creates a management by objectives approach to planning, monitoring and evaluating rehabilitation assistance provided to veterans under chapter 31, title 38, U.S. Code. The IWRP is a mechanism designed to structure the rehabilitation planning process and synthesize the results of that process into a meaningful rehabilitation goal. It contains information about the veteran and identifies his or her rehabilitation goal and the objectives leading to the completion of that goal. The IWRP outlines specific services to be provided the veteran, the duration of services and a basis for assessing progress toward the program goal. The IWRP is jointly developed by the veteran and VR&C staff, and the veteran is provided a copy.

b. *Intent.* The IWRP is intended to:

(1) Improve the planning and coordination of the VA's multifaceted rehabilitation services;

(2) Motivate the veteran and expand his or her involvement in the development and management of his or her rehabilitation program; and

(3) Improve the accountability of rehabilitation service delivery.

5. *Scope of IWRP.* The IWRP will be developed to address the individual, fundamental rehabilitation needs of the veteran. IWRP planning will be comprehensive and long range, and will attempt to structure as much of the veteran's rehabilitation program as is feasible. The initial IWRP should be presented to the veteran as a comprehensive plan which will be reviewed and revised as often as necessary as the veteran progresses in his or her program. All of the terms of the plan may be changed and the complete plan may be redeveloped as the need arises. All substantive changes or redevelopments of the plan will be considered as amendments to the original IWRP. The veteran will be provided an opportunity to participate in these changes, and will be provided copies of revised plans.

6. *Content of IWRP.* An IWRP will include, but will not be limited to, the following essential elements: A realistic, achievable long-range goal; intermediate objectives related to achieving that goal; specific services to be provided; time frames for completion of objectives and provision of services; objective evaluation criteria and procedures and a schedule for determining whether such objectives are achieved; progress notes; and a closure statement.

a. *Long-Range Goals.* (1) The goal of the IWRP is the ultimate purpose to which all services are directed. The goal should be realistic, and one the veteran can readily understand, agree with and work toward (see item 7, VA Form 28-8872). The concept of goal as used in the IWRP is similar to the vocational rehabilitation objective used under existing procedures. As such it should reflect the results of the comprehensive evaluation and appraisal processes described in DVB Circular 28-80-3, Appendix G, "Initial

V 46 / 106 / J E 3 8 1 UMI

Evaluation," and Appendix H, "Extended Evaluation."

(2) Vocational goals will be specified in the IWRP and IEAP. At the outset of vocational planning and training it is probable that a final vocational goal cannot be identified, or can only be identified in general terms. Therefore, it may be helpful to identify a series of short-range goals to be systematically pursued or to limit the specifically of the vocational goal to an occupational group, as outlined in "The Dictionary of Occupational Titles," fourth edition.

b. *Intermeditate Objectives.* (1) Goal-directed activity is accomplished through a series of intermediate objectives. Intermediate objectives can be considered statements of expected achievements expressed in measurable behavioral terms. In order to be effective, an intermediate objective should posses the following characteristics:

(a) The activity specified should relate to the achievement of the goal.

(b) The activity specified should be defined in terms of observable behavior which is discrete and capable of being evaluated.

(c) The activity should be written in explicit terms and described outcomes desired upon completion of the objective.

(d) A projected date of completion.

(2) Although intermediate objectives cannot always be attained in sequence, the organization of the objectives should reflect a developmental progression of competencies leading to the agreed-upon goal. This format facilitates the planning process, and structures the activities of the veteran and VA staff in such a way as to enhance the evaluation of the veteran's progress. The intermediate objectives are the cornerstone of the IWRP. Care should be exercised in developing effective objectives to assure the timely and appropriate provisions of rehabilitation assistance (see items 8A, 8B, VA Form 28–8872).

c. *Rehabilation Services.* The IWRP shall specify the major services planned to meet the veteran's rehabilitation needs, and shall include counseling in all cases. These services shall be directed towards the successful accomplishment of the rehabilitation goal and the specific intermediate objectives. Planned services shall be identified as precisely as possible. Each service shall be documented on the plan so that its relationship to a specific intermediate objective is clear and unmistakable. This listing shall include the name, address and phone number of the service provider, and the planned duration of the service (see items 8C–8G, VA Form 28–8872).

d. *Evaluation.* The veteran's progress is reaching his or her program goal through the successful completion of intermediate objectives will be periodically evaluated. Continuation of rehabiltation services will be contingent upon these ongoing evaluations and confirmation of the veteran's ability to benefit from the services planned. The veteran and VR&C staff will jointly develop evaluation criteria, procedures and a schedule for evaluation of each objective. These evalutation components will be used for periodic progress evaluation and the annual review of the plan.

(1) *Criteria.* Evaluation criteria will be developed for each objective, and will explicity identify a level of performance which represents appropriate achievement of the objective (see item 8H, VA Form 28–8872). Sources of evaluation criteria might include: College grade reports; training institution progress reports; medical or psychological reports; specific assessments by the CP or VRS; Vocational Rehabilitation Board reports; self-reports or reports from the veteran's family; special evaluations or consultations; and other sources as appropriate.

(2) *Procedure.* A well-defined procedure for using information and criteria in evaluating a veteran's progress in the program, and in determining whether objectives have been completed, will be developed. The evaluation procedure for each objective should be consistent with the nature of the evaluation criteria established (see items 8I, 9I and 10I, VA Form 28–8872).

(3) *Schedule.* The frequency of evalution for each objective will be established and documented on the IWRP. Evaluations should be scheduled to assure that the veteran is optimally benefitting from services, and allow for timely adjustment of planned services in response to the veteran's changing needs (see items 8J, 9J and 10J, VA Form 28–8872).

e. *Progress Notes.* The veteran's progress in each objective, as assessed in periodic evaluations or the annual review, will be documented in the progress notes section of the plan (see items 8K, 9K and 10K, VA Form 28–8872). These reports should be brief, and should identify potential barriers to completion of the objective and/or the need to adjust the plan. The comprehensive report of supervisory contact will continue to be documented on VA Form 22–1905d, Special Report of Training (M28–1, pt. II, par. 4.03).

f. *Closure Statement.* A closure statement will be prepared by the VRS and documented in item 11 of the IWRP when one of the following three events occurs: The veteran completes the terms of the plan and is declared rehabilitated; the plan must be redeveloped; or the veteran discontinues participation in the rehabilitation program.

(1) If the veteran is declared rehabilitated, a statement outlining the basis of that decision will be completed. This brief statment will identify the veteran's occupation, employer and a description of his or her satisfactory vocational adjustment to the employment.

(2) If the IWRP must be redeveloped or the veteran discontinues training, a brief statement clarifying these actions will be documented on the plan.

7. *Procedures.* a. *IWRP Planning and Development.* (1) An IWRP will be developed for all veterans receiving vocational rehabilitation benefits under chapter 31, title 38, U.S. Code. The IWRP planning and development process is a natural continuation of the intial or extended evaluation. Information developed in the intial and extended evaluation will be synthesized and organized into an individual rehabilitation plan for the veteran. The CP is primarily responsible for the development of the plan. The CP will consult directly with the VRS, and other rehabilitation personnel as appropriate, in developing the tentative terms of the plan. If the CP and VRS are unable to agree on the terms of the plans, the CP will expeditiously request a review of the proposed plan by the VR&C Officer, who will resolve the disagreement and assure that development of an appropriate plan continues. If it is anticipated that the veteran will be provided rehabilitation services through another regional office, appropriate VR&C staff from that office will be consulted in developing the terms of the plan. The DM&S case manager will be consulted, as appropriate in those instances in which the veteran is receiving services through DM&S which directly affect rehabilitation, or it is anticipated that such services will be needed and documented on the plan. In this instance, a copy of the completed plan and all subsequent redevelopments of the plan, will be forwarded to the DM&S case manager by the DVB case manager.

(2) The CP, VRS, or both, will review the tentative terms of the plan with the veteran. The veteran's maximum cooperation will be solicited in negotiating and agreeing on the final terms of the plan. When all substantive terms of the plan have been developed, agreed upon, and documented, the CP, VRS and vetern will sign the plan. The IWRP is not complete until the VR&C staff and the veteran indicate their mutual understanding and acceptance of the terms of the plan by signing it. The veteran will be provided a copy of the completed plan.

(3) Veterans actively participating in a program of vocational rehabilitation on March 31, 1981, will have a rehabilitation plan developed during their rehabilitation program, but no later than 60 days prior to the completion of the formal vocational rehabilitation training. Opportune times for developing a plan are when the veteran is referred to the counseling psychologist to consider a change of program goal, or whenever the veteran is experiencing unsatisfactory progress in his or her rehabilitation program. Vetrans reentering training from interrupted status will have a rehabilitation plan developed prior to reentering active training, or as soon as possible thereafter.

b. *IWRP Implementation.* The VRS is primarily responsible for implementing the IWRP and continually monitoring the veteran's progress through the program after the plan is executed. The basic procedures for providing assistance to the veteran and supervising the rehabilitation program described in M28–1, part II, chapter 4, are applicable. The VRS will assure that the terms of the paln are implemented in a timely manner. In addition to arranging and coordinating the delivery of the rehabilitation services cutlined in the plan, the VRS will periodically evaluate the veteran's progress in the program using the criteria and evaluation procedures agreed upon in the plan. For a discussion of special procedures for implementing the IEEP, see Appendix H, "Extended Evaluation."

c. *Revising the IWRP.* (1) All changes to the plan will be sufficiently documented. When the change is a minor adjustment to the plan (i.e., changing a scheduled evaluation), the VRS will take appropriate action, notify the veteran of the necessary change, and document it on the plan. Substantive changes to the plan (e.g., revising a number of objectives or services) will be accomplished by the VRS and the veteran and will require amending the plan.

(2) A change in the plan goal requires that the plan be redeveloped. The VRS will refer the case to the counseling psychologist and cooperate in redeveloping the plan, as appropriate. The basic procedures used in developing the initial plan will be followed in redeveloping it. The veteran will be provided a copy of all amendments to the plan, or the plan as redeveloped.

8. *Performance Review.* a. *Process.* The plan and the veteran's progress toward his or her program goal will be reviewed and evaluated periodically by the VRS. Reviews and evaluations will consider all information concerning the veteran's progress in the program, and will follow the evaluation procedures and schedule outlined for each objective. At least once every 12 months the VRS will, with the veteran's participation review all of the terms of the plan and the veteran's progress in the program. On the basis of these reviews, the VRS will determine whether the plan should be redeveloped, amended or retained in its present form.

b. *Documentation.* The results of periodic evaluations and the annual review will be documented on the plan. Periodic evaluations of a veteran's progress in an intermediate objective will be documented in the Progress Notes section of the plan under the objective. The outcome of the annual review will be recorded in the Closure Statement section of the plan. If, after completing the annual review, it is determined that the terms of the plan will not change, this decision will be documented and initialed by the veteran and the VRS. Changes to the plan as a result of the annual review will be accomplished following procedures outlined in paragraph 7c of this issue.

9. *Rights of Review.* In any case in which a veteran does not agree to the plan as initially developed or amended its redevelopment or the denial to redevelop it, he or she may submit a written statement setting forth objections to the plan and requesting a review of the plan as proposed. The veteran will be informed of the opportunity for a review prior to agreeing to the plan, its redevelopment or denial to redevelop the plan. The veteran's case manager will, upon receipt of the veteran's statement, prepare the case for referral to the VR&C Officer who will review the veteran's statement, the plan as developed or redeveloped, and, if applicable, the denial to redevelop the plan. The VR&C Officer will make a decision within 90 days after the veteran's statement is received in the VA. If the VR&C Officer is also the case manager responsible for the plan, the case will be prepared for referral to Central Office for the review. In those cases when the veterans does not agree with the decision, he or she will be provided VA Form 1-8, Certification of Appeal.

10. *Work Measurement.* Several different EP's (end products) apply to direct labor work activities relating to the plan in this issue. The initial development of the IWRP (par. 7a(2)) would be reflected in the "IWRP or IEAP Agreement" end product, respectively. The redevelopment of the plan (par. 7c) is reflected in the "IWRP Redevelopment" end product. This end product is also used in cases in which the IEEP or IEAP must be redeveloped. The activities in paragraph 9 of this issue are reflected in the "VRB Services" or "Appellate Services" end products, as appropriate.

Dorothy L. Starbuck,

Chief, Benefits Director.

BILLING CODE 8320-01-M

Exhibi

V 4 6 / 1 0 6
J E 3 8 1
UMI

Exhibit 1

Veterans Administration

REHABILITATION PLAN

1. DATE: April 1, 1981

2. FIRST • MIDDLE • LAST NAME OF VETERAN: EDWARD BRUCE BILLINGS

3. CLAIM NUMBER: C- 69 717 727

4. SOCIAL SECURITY NUMBER: 593-33-6711

5. PROGRAM PLAN (Check one)
- [X] IEEP - INDIVIDUALIZED EXTENDED EVALUATION
- [ ] IWRP - INDIVIDUALIZED WRITTEN REHABILITATION
- [ ] IEAP - INDIVIDUALIZED EMPLOYMENT ASSISTANCE

6A. TYPE OF PLAN
- [X] ORIGINAL
- [ ] AMENDMENT (If "Amendment," complete Items 6B and 6C)

6B. AMENDMENT NO. TO IWRP:

6C. DATE OF IWRP:

7. PROGRAM GOAL
To acquire sufficient evaluation information to determine whether the achievement of a vocational goal is reasonably feasible.

NOTE: INTERMEDIATE OBJECTIVES TO ACHIEVE PLANNED GOAL COVERED IN ITEMS 8 THRU 12.

8A. OBJECTIVE ONE (Description)
Mr. Billings will participate in a program of vocational evaluation.

8B. ANTICIPATED COMPLETION DATE: May 31, 1981

8C. SERVICES PROVIDED
Comprehensive vocational evaluation including psychological testing, and standardized vocational assessment modules; e.g., VALPAR, Singer, Micro-tower.

8D. DURATION OF SERVICES

FROM (Mo., Yr.)	TO (Mo., Yr.)
4/1/81	5/14/81

8E. NAME & ADDRESS OF PERSON OR INSTITUTION PROVIDING SERVICES
Oakland Vocational Evaluation Center
8607 Broadmore Street
Oakland, California 96052

8F. PERSON TO CONTACT (If institution): Ms. E. J. Power

8G. TELEPHONE NO. (Include Area Code): 903-555-5691

8H. EVALUATION CRITERIA
Attend at least 85% of the individual evaluation sessions. Participation in and completion of at least 90% of evaluation exercises identified as necessary by center staff.

8I. EVALUATION PROCEDURE
Review progress reports submitted by center staff. Acquire verbal progress reports by telephone.

8J. EVALUATION SCHEDULE
Biweekly review of progress.

8K. PROGRESS NOTES

9A. OBJECTIVE TWO (Description)
Veteran and his family will be able to identify the major physical limitations of his disability on activities of daily living and demonstrate techniques for minimizing these limitations.

9B. ANTICIPATED COMPLETION DATE: July 31, 1981

9C. SERVICES PROVIDED
Individual and family counseling.

9D. DURATION OF SERVICES

FROM (Mo., Yr.)	TO (Mo., Yr.)
4/1/81	7/31/81

9E. NAME & ADDRESS OF PERSON OR INSTITUTION PROVIDING SERVICES
Rehabilitation Medicine and Psychology Services
VA Medical Center
Oakland, California 90631

9F. PERSON TO CONTACT (If institution): Dr. Joan Stampfl

9G. TELEPHONE NO. (Include Area Code): 301-555-8998

9H. EVALUATION CRITERIA
Attend at least 90% of counseling sessions with spouse. Actively participate in all sessions attended.

VA FORM MAR 1981 **28-8872**

Continued on Reverse

ITEM 9 CONTINUED

9I. EVALUATION PROCEDURE

Review periodic counseling progress reports acquired from Dr. Stamptl verbally or in writing.

9J. EVALUATION SCHEDULE

Biweekly review of progress.

9K. PROGRESS NOTES

10A. OBJECTIVE THREE (Description)	10B. ANTICIPATED COMPLETION DATE
10C. SERVICES PROVIDED	10D. DURATION OF SERVICES: FROM (Mo., Yr.) / TO (Mo., Yr.)
10E. NAME & ADDRESS OF PERSON OR INSTITUTION PROVIDING SERVICES	10F. PERSON TO CONTACT (If in relation)
	10G. TELEPHONE NO. (Include Area Code)

10H. EVALUATION CRITERIA

10I. EVALUATION PROCEDURE

10J. EVALUATION SCHEDULE

10K. PROGRESS NOTES

11. CLOSURE STATEMENT

I CERTIFY THAT I have participated in the development of this program plan. I understand it is my responsibility to cooperate in the program and make reasonable efforts on my behalf. There will be periodic and/or an annual review of the plan, at which time I will have a chance to jointly redevelop it. (Check box ☐ if VA Form 28-8872a, Rehabilitation Plan - Continuation Sheet is used.)

12. SIGNATURE OF COUNSELING PSYCHOLOGIST	13. SIGNATURE OF VETERAN	
14. SIGNATURE OF VOCATIONAL REHABILITATION SPECIALIST	15. ANNUAL REVIEW DATE	END PRODUCT: NO. / DATE / INITIALS

Exhibi

V46/106 JE3 81 UMI

Exhibit 2

Veterans Administration

REHABILITATION PLAN

1. DATE: April 1, 1981

2. FIRST - MIDDLE - LAST NAME OF VETERAN: JAMES SCOTT HARRISON

3. CLAIM NUMBER: C- 98 765 432

4. SOCIAL SECURITY NUMBER: 234-56-7890

5. PROGRAM PLAN (Check one)
- ☐ IEEP - INDIVIDUALIZED EXTENDED EVALUATION
- ☒ IWRP - INDIVIDUALIZED WRITTEN REHABILITATION
- ☐ IEAP - INDIVIDUALIZED EMPLOYMENT ASSISTANCE

6A. TYPE OF PLAN
- ☒ ORIGINAL
- ☐ AMENDMENT (If "Amendment," complete Items 6B and 6C)

6B. AMENDMENT NO. TO IWRP:

6C. DATE OF IWRP:

7. PROGRAM GOAL

To acquire and sustain employment in the engineering occupational group.

NOTE: INTERMEDIATE OBJECTIVES TO ACHIEVE PLANNED GOAL COVERED IN ITEMS 8 THRU 12.

8A. OBJECTIVE ONE (Description)

James will successfully complete an AA/AAS degree in electrical engineering technology.

8B. ANTICIPATED COMPLETION DATE: June 1983

8C. SERVICES PROVIDED

Community college instruction in electrical engineering technology as indicated on attached academic program outline.

8D. DURATION OF SERVICES

FROM (Mo., Yr.)	TO (Mo., Yr.)
May 1981	June 1983

8E. NAME & ADDRESS OF PERSON OR INSTITUTION PROVIDING SERVICES

Long Reach Community College
Wixom, North Carolina 70691

8F. PERSON TO CONTACT (If institution): James Sill

8G. TELEPHONE NO. (Include Area Code): 706-555-4291

8H. EVALUATION CRITERIA

Completion of 60 semester hours outlined in attached academic plan dated April 15, 1981, with GPA of at least 2.00.

8I. EVALUATION PROCEDURE

Review official grade reports submitted by veteran each semester, and periodic progress reports from academic advisor as appropriate.

8J. EVALUATION SCHEDULE

Review grades no later than 3 weeks after completion of semester. At least one face-to-face supervision visit with veteran during semester.

8K. PROGRESS NOTES

9A. OBJECTIVE TWO (Description)

James takes antidepressant medication prescribed by physician as directed.

9B. ANTICIPATED COMPLETION DATE: N/A

9C. SERVICES PROVIDED

N/A

9D. DURATION OF SERVICES

FROM (Mo., Yr.)	TO (Mo., Yr.)
N/A	N/A

9E. NAME & ADDRESS OF PERSON OR INSTITUTION PROVIDING SERVICES

N/A

9F. PERSON TO CONTACT (If institution): N/A

9G. TELEPHONE NO. (Include Area Code): N/A

9H. EVALUATION CRITERIA

James fails to take medication no more than 3 days during the month.

VA FORM MAR 1981 **28-8872**

Continued on Reverse

ITEM 9 CONTINUED

9I. EVALUATION PROCEDURE

Veteran and spouse will independently, on alternate weeks, telephone a progress report to James' case manager (555-9011).

9J. EVALUATION SCHEDULE

Reports to be submitted weekly.

9K. PROGRESS NOTES

10A. OBJECTIVE THREE (Description)

James takes appropriate action to have his drivers license restored.

10B. ANTICIPATED COMPLETION DATE

ASAP

10C. SERVICES PROVIDED

Motor vehicle operators reeducation classes.

10D. DURATION OF SERVICES

FROM (Mo., Yr.)	TO (Mo., Yr.)
Three weeks	of evening classroom instructions

10E. NAME & ADDRESS OF PERSON OR INSTITUTION PROVIDING SERVICES

Department of Motor Vehicles
1101 Main Street
Wixom, North Carolina 70699

10F. PERSON TO CONTACT (If in institution)

J. P. Muggins

10G. TELEPHONE NO. (Include Area Code)

703-555-3462

10H. EVALUATION CRITERIA

Enrolls in classes within two weeks. Attends classes and gets certificate of participation. Takes drivers test within one month of completing classroom instruction.

10I. EVALUATION PROCEDURE

James reports progress by telephone to case manager (555-9011).

10J. EVALUATION SCHEDULE

Progress reports to be received weekly.

10K. PROGRESS NOTES

11. CLOSURE STATEMENT

I CERTIFY THAT I have participated in the development of this program plan. I understand it is my responsibility to cooperate in the program and make reasonable efforts on my behalf. There will be periodic and/or an annual review of the plan, at which time I will have a chance to jointly redevelop it. (Check box ☐ if VA Form 28-8872a, Rehabilitation Plan - Continuation Sheet is used.)

12. SIGNATURE OF COUNSELING PSYCHOLOGIST	13. SIGNATURE OF VETERAN			
14. SIGNATURE OF VOCATIONAL REHABILITATION SPECIALIST	15. ANNUAL REVIEW DATE	END PRODUCT		
		NO.	DATE	INITIALS

Exhibi

V 46 / 106 JE 3 81 1 UMI

Exhibit 3

Veterans Administration

REHABILITATION PLAN

1. DATE: April 7, 1981

2. FIRST - MIDDLE - LAST NAME OF VETERAN: MILO DAVID ANDERSON

3. CLAIM NUMBER: C- 34 671 903

4. SOCIAL SECURITY NUMBER: 171-73-1171

5. PROGRAM PLAN (Check one)
- ☐ IEEP - INDIVIDUALIZED EXTENDED EVALUATION
- ☐ IWRP - INDIVIDUALIZED WRITTEN REHABILITATION
- ☒ IEAP - INDIVIDUALIZED EMPLOYMENT ASSISTANCE

6A. TYPE OF PLAN
- ☒ ORIGINAL
- ☐ AMENDMENT (If "Amendment," complete Items 6B and 6C)

6B. AMENDMENT NO. TO IWRP:

6C. DATE OF IWRP:

7. PROGRAM GOAL

Acquire and sustain employment as a technical illustrator. DOT: 017.281-034

NOTE: INTERMEDIATE OBJECTIVES TO ACHIEVE PLANNED GOAL COVERED IN ITEMS 8 THRU 12.

8A. OBJECTIVE ONE (Description): Acquire ability to identify potential employers, prepare an effective resume, complete an employment application and interview for a job.

8B. ANTICIPATED COMPLETION DATE: May 15, 1981

8C. SERVICES PROVIDED: Job Readiness Workshop

8D. DURATION OF SERVICES: FROM (Mo., Yr.): Two; TO (Mo., Yr.): Weeks

8E. NAME & ADDRESS OF PERSON OR INSTITUTION PROVIDING SERVICES:
Career Development Center
VR&C Section - VARO
Pittsburgh, Pennsylvania 15222

8F. PERSON TO CONTACT (If institution): Brenda Ezo

8G. TELEPHONE NO. (Include Area Code): 412-555-7747

8H. EVALUATION CRITERIA

Participation in all sessions of workshop and completion of required assignments. Preparation of application for employment and resume.

8I. EVALUATION PROCEDURE

Review Milo's attendance and participation with workshcp leader. Review application and resume to be submitted by Milo.

8J. EVALUATION SCHEDULE

Finish reviews within one week of completion of worksl.op.

8K. PROGRESS NOTES

9A. OBJECTIVE TWO (Description): Develop portfolio of illustrations and method of presenting it to potential employers.

9B. ANTICIPATED COMPLETION DATE: April 30, 1981

9C. SERVICES PROVIDED: Formatting, preserving, enhancing and binding illustrations into a portfolio and developing a presentation approach.

9D. DURATION OF SERVICES: FROM (Mo., Yr.): One; TO (Mo., Yr.): Week

9E. NAME & ADDRESS OF PERSON OR INSTITUTION PROVIDING SERVICES:
New Visions, Inc.
701 Dimensions Avenue
Pittsburgh, Pennsylvania 15212

9F. PERSON TO CONTACT (If institution): Sam Koss

9G. TELEPHONE NO. (Include Area Code): 412-555-3441

9H. EVALUATION CRITERIA

N/A

VA FORM MAR 1981 28-8872

Continued on Reverse

ITEM 9 CONTINUED

9I. EVALUATION PROCEDURE

N/A

9J. EVALUATION SCHEDULE

N/A

9K. PROGRESS NOTES

10A. OBJECTIVE THREE (Description) Explore potential employment resources such as State employment service, Federal Job Information Center, Association of Professional Illustrators, Greater Pittsburgh Employment Service, and others.

10B. ANTICIPATED COMPLETION DATE

ASAP

10C. SERVICES PROVIDED

N/A

10D. DURATION OF SERVICES

FROM (Mo., Yr.)	TO (Mo., Yr.)
N/A	N/A

10E. NAME & ADDRESS OF PERSON OR INSTITUTION PROVIDING SERVICES

N/A

10F. PERSON TO CONTACT (If institution)

N/A

10G. TELEPHONE NO. (Include Area Code)

N/A

10H. EVALUATION CRITERIA

Personal contact with representatives of all employment resources listed and with at least three others identified by Milo.

10I. EVALUATION PROCEDURE

Milo will report his progress to case manager.

10J. EVALUATION SCHEDULE

Progress reports to be received biweekly.

10K. PROGRESS NOTES

11. CLOSURE STATEMENT

I CERTIFY THAT I have participated in the development of this program plan. I understand it is my responsibility to cooperate in the program and make reasonable efforts on my behalf. There will be periodic and/or an annual review of the plan, at which time I will have a chance to jointly redevelop it. (Check box ☐ if VA Form 28-8872a, Rehabilitation Plan - Continuation Sheet is used.)

12. SIGNATURE OF COUNSELING PSYCHOLOGIST	13. SIGNATURE OF VETERAN			
14. SIGNATURE OF VOCATIONAL REHABILITATION SPECIALIST	15. ANNUAL REVIEW DATE	END PRODUCT		
		NO.	DATE	INITIALS

BILLING CODE 8320-01-C

V 4 6 / 1 0 6 J E 3 8 1 UMI

[DVB Circ

Appendix
Chapter 31

April 7, 19

1. *Purpo*
Rehabilita
1980", has
which sup
Vocationa
appendix
procedure
supplies w
of service

2. *Defin*
books, too
initial stoc
determine
rehabilitat

3. *Relati*
Other Issu
circular co
activities i
requireme
particular
personnel
with regar
described
may be fu
periods. T
incarcerat
restriction
should rev
28-80-3 an
80-39.

4. *Requi*
Supplies. S
during per
approved
For the pr
Authorizat
Reentranc
Trainee St
document
chapter 31
turn prepa
Authorizat
VA Form 2
the Financ
supplies, f
assistance
periods du
may be ma
rehabilitat
and emplo

5. *Gener*
During Pe
Furnishing
will be fur
accomplish
the period
which he c
veteran tra
mechanic
necessary
complete b
completion
are needed
employme
specific re
known.

b. *Arran*
Through th
arrangeme
made with
through an

[DVB Circular 28–80–3]

Appendix J—Authorization of Supplies Under Chapter 31

April 7, 1981.

1. *Purpose.* Public Law 96–466, "Veterans' Rehabilitation and Education Amendments of 1980", has broaden the scope of services for which supplies are provided under the Vocational Rehabilitation program. This appendix describes the policies and procedures to be used for authorization of supplies when providing the broadened scope of services.

2. *Definition.* The term "supplies" includes books, tools, equipment, special equipment, initial stocks, and supplies which the VA determines are necessary for the veteran's rehabilitation program.

3. *Relationship Between This Issue and Other Issues.* Other appendixes to this circular cover chapter 31 services and activities in greater detail and describe the requirements and conditions under which particular services may be furnished. VA personnel should review these other issues with regard to the specific provisions described herein concerning supplies which may be furnished during employment or other periods. The authorization of supplies for incarcerated veterans is subject to special restrictions and considerations. The VRS should review appendix K to DVB Circular 28–80–3 and appendix D to DVB Circular 22–80–39.

4. *Requirement for Authorization of Supplies.* Supplies may only be authorized during periods which have been specifically approved by the Veterans Administration. For the present, VA Form 22–1905, Authorization and Certification of Entance or Reentrance Into Training and Certification of Trainee Status, will be used as the basic document for authorizing assistance under chapter 31. The Adjudication Division will in turn prepare a VA Form 22–1907a, Authorization of Subsistence Allowance.The VA Form 22–1907a will serve as the basis for the Finance activity to reimburse vendors for supplies, fees, and other services and assistance provided during the period. The periods during which such reimbursement may be made include extended evaluation, rehabilitation to the point of employability, and employment assistance.

5. *General Policy in Furnishing Supplies During Periods of Rehabilitation.* a. *Furnishing Necessary Supplies.* A veteran will be furnished the supplies necessary to accomplish the goals of the program during the period of any rehabilitation program in which he or she is engaged. For example, a veteran training in school as an auto mechanic will be furnished the supplies necessary to pursue and successfully complete his or her course. If following completion of the course additional supplies are needed for the veteran to begin employment, they will be furnished when the specific requirements of the employer are known.

b. *Arrangements for Furnishing Supplies Through the Supply Service.* When arrangements to furnish supplies cannot be made with an educational institution or through an employer during the period of employment assistance, supplies will be procured through the sevicing Chief, Supply Service. Prior approval and authorization of the VRS is necessary when arrangements for issuance of standard required books and supplies have not been made with the educational institution. This includes authorization of special equipment, on-job training, employment assistance and any supplies for independent living services not furnished under other programs administered by the VA.

6. *Determining Supplies Needed During a Period of Rehabilitation.* The VA will authorize only those supplies which are:

a. Required by similarly circumstanced nonveterans in the same training or employment situation, or

b. Required as special equipment by the veteran to compensate for or mitigate the effects of disability. This equipment will enable the veteran to function more independently and thereby lessen dependence on others for assistance.

7. *Employment Assistance.* Beginning April 1, 1981, supplies needed to obtain or maintain employment will be furnished to veterans during the period in which employment assistance is being furnished under one of two sets of circumstances:

a. The veterans are receiving employment assistance following rehabilitation to the point of employability; and

b. The veterans are eligible for employment assistance on the basis of prior participation in the VA vocational rehabilitation program or a similar program under the Rehabilitation Act of 1973. (38 U.S.C 1517)

8. *Extended Evaluation.* The same policies and procedures will be followed in authorizing supplies during extended evaluation as followed in furnishing supplies to veterans in on-job training. Supplies needed during extended evaluation are more likely to consist of special equipment or other supplies for which prior approval by the VA is required than books and standard supplies. For sound working relationships with facilities, it is important that the VRS explain fully VA policies with respect to supplies to facilities newly participating in the chapter 31 program.

9. *Authorization of Supplies Limited for Veterans Who Elect Payment at the Chapter 34 Rate.* A veteran who has elected payment at the chapter 34 rate may not be authorized supplies under chapter 31 during the period of training. Following completion of training, supplies may be authorized on the same basis as for other veterans who need assistance in obtaining and maintaining employment.

10. *Methods of Furnishing Supplies.* Current procedures in M28–1, part II, chapter 8, and DVB Circular 22–78–13, appendix B, are continued except for the period of employment services. During the period of employment assistance, supplies may be furnished in the same manner as for on-job training. Arrangements may also be made for the employer to furnish ordinary tools and supplies required to begin employment. Supplies may be authorized by the VRS when the employer has hired the veteran. The veteran should be in possession of all supplies needed to begin employment no later than the day the job starts.

11. *Ordinary Supplies Which May be Furnished During Employment Assistance.* A veteran being furnished employment assistance may be furnished ordinary books, tools and equipment which the employer requires similarly circumstanced nonveterans to have upon beginning employment. The supplies may be in addition to those furnished during training or in certain cases may replace supplies previously issued. For example, if the veteran has trained as a woodworker using handtools and the employer requires other workers to have power tools, the VRS should authorize the required power tools.

12. *Special Equipment.* The purposes for which special equipment may be authorized and the periods during which special equipment may be authorized have both been broadened. In addition to the period of rehabilitation to the point of employability, special equipment may be authorized during extended evaluation and employment assistance, and in provision of independent living services. Special equipment includes a wide range of equipment, aids, and assistive devices. However, these may be broken down into some broad categories:

a. *Modification or Adaptation of Equipment Primarily for Educational or Vocational Purposes.* This category includes typewriters with keyboards designed for persons who have lost an arm or use of an arm, calculators with speech capability for blinded persons, modification of desks, tables to accommodate needs of disabled persons, etc.

b. *Sensory Aids and Prostheses.* These aids include articles ranging from glasses and hearing aids to wheelchairs and such sophisticated equipment as a closed-circuit TV system to amplify reading materials for veterans with severe visual impairments.

c. *Access to Training and Employment.* A third category is adaptive equipment to improve the veteran's ability to gain access to training and employment. This includes adaptive equipment for automobiles and supplies furnished in modifying a veteran's home to make possible either training or self-employment or both.

Note.—Since special equipment by its very nature is specific to the individual, prior approval by the VA is always required. A second important point is that most veterans are eligible for most, if not all, of the items needed under other benefits provided service-disabled veterans and these other benefits should be primary sources for obtaining such equipment. This is particularly true in pertinent areas of sensory aids, prostheses, adaptive equipment and modification of the veteran's residence.

d. *Modification of School or Training Establishment or Worksite.* Modification of places other than the veteran's place of residence requires an understanding of the responsibility of schools and businesses to make reasonable accommodations to the needs of disabled persons. Under regulations implementing sections 501 through 504 of the Rehabilitation Act of 1973, there are specific provisions for affirmative action for disabled persons in education and employment. VR&C staff will need to familiarize themselves with

these requirements before considering the VA's role in this area. Studies in progress suggest that a great deal can be done which requires little or no expenditure to accommodate the needs of disabled persons through thoughtful consideration and analysis of the worksite. Pending further instruction, the VA's role will be limited to providing or arranging for technical advice and analysis.

13. *Coordination With Other Services in Securing Special Equipment.* Since many service-disabled veterans are eligible for special equipment under other provisions of law, the vocational rehabilitation specialist must work closely with staff in other services, particularly the VAMC Prosthetics and regional office Adjudication and Loan Guaranty. It has been long-standing policy that medical care and treatment, including provision of sensory aids and prostheses needed by the veteran to overcome or mitigate the effects of the disability, are to be provided through the Department of Medicine and Surgery. This policy is continued. The VRS will work closely with the Prosthetics Representative or other responsible staff at the VA medical center in arranging for necessary help. If it is determined by DM&S that the veteran is ineligible and the item cannot be furnished, the item will be authorized under chapter 31 in the same manner as for other items which are authorized on an individual basis and needed to accomplish purposes of vocational rehabilitation. The same policy is applicable to adaptive equipment for automobile and for modification of the home for training and employment purposes. The veteran's eligibility for adaptive equipment and modification of the home must be determined. Authorization of such assistance may be considered under chapter 31 if the veteran is found ineligible for such assistance under other provisions of law. Any modification of the place of residence is limited under chapter 31 to changes necessary to install other supplies which have been authorized.

14. *Amount Which May be Authorized for Special Equipment.* a. The VRS is authorized to approve the furnishing of special equipment for a trainee when the total anticipated cost of such equipment for a school year or a calendar year (in the case of other-than-school training and employment) does not exceed $750. Such authorization actions by the VRS will be subject to supervisory review on the same basis as other VRS work responsibilities.

b. When the projected cost of special equipment for a trainee for a school or calendar year is more than $750 but does not exceed $2,500, approval by the VR&C Officer is required.

c. Anticipated expenditures in excess of $2,500 per school or calendar year for special equipment require approval by the Director of the regional office.

d. When approval of the VR&C Officer or the Director is required, the VRS will submit a list of the required items on VA Form 22–1905m, with a brief statement explaining the need for the items specified.

e. If expenditures in excess of those anticipated during the school or calendar year must be made, bringing the total in excess of the limits specified above, approval at the designated next higher level of authority is required.

15. *Nonduplication of Supplies Previously Furnished.* In most cases, veterans are furnished most if not all of the supplies needed to begin employment while in training for the field in which they will be seeking employment. Therefore, care must be taken to assure that items issued for employment do not duplicate supplies already furnished during training. However, the VRS may authorize replacement of articles which were lost or damaged during the period of training. Once supplies needed to begin employment have been issued, the veteran will ordinarily be expected to replace tools and equipment which become worn or broken, or to acquire additional supplies out of earnings in the same manner as other employees. If the veteran loses the job, the VRS may authorize supplies needed to work for another employer.

16. *Furnishing Supplies for Employment in a Field for Which the Veteran has not Trained.* Ordinarily, supplies will only be furnished to help a veteran secure employment in the occupation for which the veteran has trained, unless the Individualized Written Rehabilitation Plan (see app. I) specifically states that supplies will be furnished for employment in other fields.

17. *Additional Provisions for Furnishing Supplies.* The law provides additional conditions under which supplies may be authorized. Pending development of VA regulations, no action is to be taken on authorizing supplies to carry out these programs and services:

a. *Incentive Payments to Employers.* A program will be established under which incentive payments may be made to employers to establish opportunities for on-job training or facilitate adjustment during the initial period of employment following rehabilitation to the point of employability.

b. *Expenses for Homebound and Self-Employed.* The most severely disabled veterans requiring homebound training, self-employment, or both, may be provided with licenses, fees, essential equipment, supplies, and minimum stocks of materials determined necessary for such a veteran to begin employment.

c. *Business Supplies Which State Rehabilitation Program Does Not Provide.* A severely disabled veteran may have trained under a State rehabilitation program with the objective of self-employment in a small business enterprise. He or she may be furnished supplementary equipment and initial stocks and supplies by the VA or assistance in acquiring them if they are not available through the State rehabilitation program or other source.

Dorothy L. Starbuck,

Chief, Benefits Director.

[DVB Circular 28–80–3]

Appendix K—Incarcerated Veterans in Vocational Rehabilitation Programs

April 7, 1981.

1. *Purpose.* Public Law 96–466 imposes considerable restrictions on the financial benefits which the VA can pay to incarcerated veterans, as well as to some veterans in halfway houses and work-release programs. Field personnel must act to avoid erroneous payments of benefits in these cases. This appendix defines the procedures which must be followed by regional office personnel to process claims by chapter 31 veterans affected by these new constraints.

2. *New Provisions.* a. Effective October 1, 1980, veterans incarcerated in a Federal, State or local penal institution for conviction of a felony may not receive subsistence allowances. (38 U.S.C. 1508(g)(1))

b. Effective October 1, 1980, veterans participating in a work-release program or residing in a halfway house as a result of conviction of a felony may not receive subsistence allowance if any government agency other than the VA is paying all the veteran's living expenses. (38 U.S.C. 1508(g)(2))

c. Effective October 1, 1980, all veterans who are incarcerated in a Federal, State or local prison for either a felony (unconvicted) or a misdemeanor (whether convicted or not) may not receive any subsistence allowance if a non-VA government agency pays all the veteran's tuition and fees or if no charges for tuition and fees are made. (Veterans residing in a halfway house or participating in a work-release program are not affected by this provision of the law because they are considered not to be "incarcerated.") (38 U.S.C. 1780(a)(6))

d. Effective October 1, 1980, the tuition and fees will continue to be paid by voucher in all cases in the same manner as though the veteran is not incarcerated. (The VA will pay for that portion of the tuition and fees which are not specifically paid or forgiven by another source.) Voucher payments for other education expenses the veteran incurs will also be paid in accordance with existing policy. (38 U.S.C. 1780(a)(6))

e. Effective October 17, 1980, no new apportionment may be made to the dependent of a veteran incarcerated for conviction of a felony or to the dependent or a convicted felon in a halfway house or work-release program if the felon's living expenses are all being met by a government agency other than VA. This bar does not apply to apportionments which began on October 16, 1980, or earlier. (Public Law 96–466, section 101(c))

3. *VR&C Division Procedures.* a. *Identification of Felons in the Active Caseload.* The VR&C Division in each regional office will identify all chapter 31 participants who as the result of conviction for a felony meet one of the following criteria:

(1) They are incarcerated in a penal institution; or

(2) They are residing in a halfway house or are assigned to a work-release program and all of their living expenses are being defrayed by some level of government.

b. *Incarcerated Trainees for Whom Tuition and Fees Are Paid or for Whom There Are No Tuition and Fees.* The VR&C Division will also single out records of trainees who meet both of the following criteria:

(1) The trainees are incarcerated in a penal institution for a misdemeanor, whether or not convicted (this category includes all persons

incarcerated but not convicted of a felony); and

(2) They are having part or all of their tuition and fees paid by a government agency other than the VA or they are not required to pay any tuition or fees.

c. *Development.* Any required development for either the nature of a conviction or the level of non-VA tuition and fee assistance will be accomplished by dictated letter. This letter will clearly define the infomation required as well as the reasons the VA needs the information. The March 1981 revision of VA Form 21–4193, Notice to Veterans Administration of Veteran or Beneficiary Incarcerated in Penal Institution (see exhibit 7), may be used in conjunction with the dictated letter when information is requested regarding the nature of a conviction.

d. *Suspension of Beneftis Pending Development.* (1) *Nature of Conviction Doubtful or Other Reduction Required.* If a subsistence allowance award is running and development must be undertaken which would delay resolution of whether the veteran has been convicted of a felony, the VRS (Vocational Rehabilitation Specialist) will immediately prepare a VA Form 22–1905, Authorization and Certification of Entrance or Reentrance Into Training and Certification of Trainee Status, to authorize the Adjudication Division to suspend the subsistence allowance award.

(2) *Unresolved Extent of Tuition and Fee Payment.* Similarly, if a subsistence award is running and development is required to establish the extent of tuition and fees which an incarcerated veteran is actually obligated to pay, the VRS will authorize the Adjudication Division to suspend the award pending final adjustment only if it appears the VA has paid more tuition and fees than the veteran is entitled to and offset against the running award may be required.

(3) *Apportioned Awards When Nature of Conviction Doubtful.* Apportioned awards to Dependents of incarcerated veterans will also be suspended for development of the nature of the veteran's conviction if the apportionment was begun on or after October 17, 1980.

e. *Adjustment of Subsistence Allowance Awards.* (1) *Termination for Felony Convictions.* Once it is determined a veteran falls into one of the categories in subparagraphs a and b above, the VRS will, if a subsistence award is running or suspended, authorize termination of that award effective DLP (date last paid) with one exception: If it can be established that the claimant clearly knew prior to DLP that he or she was not entitled to subsistence allowance benefits as a result of enactment of Public Law 96–466, the award will be terminated effective the date the veteran became aware of the lack of entitlement to receive the allowance. The basic presumption to be overcome, however, will be that the veteran does not have prior knowledge of the law. Benefit of the doubt will be given to the veteran.

Note.—No special local procedures will be established to develop for such knowledge in the cases discovered during the initial review required by subparagraphs a and b above.

(2) *Incarcerated Veterans (Other Than Convicted Felons)—All of Tuition and Fees Paid.* If a veteran is in prison for a misdemeanor (convicted or unconvicted) or for a felony charge (unconvicted) and if either a non-VA government agency pays all the tuition and fees for a course or no tuition and fees are charged, then the veteran may not receive subsistence allowance. Any awards found in a running status for such veterans will be terminated DLP unless the veteran's prior knowledge of nonentitlement can be established as described in subparagraph e(1) above.

(3) *Termination of Apportionments.* Apportionments begun on or after October 17, 1980, which granted benefits to the dependents of a convicted felon incarcerated in a penal institution, or to the dependents of a convicted felon residing in a halfway house or participating in a work-release program whose living expenses are all met by some level of government, must also be terminated effective the same date as the veteran's award.

(4) *Apportionment Begun Prior to October 17, 1980.* Since apportionments to incarcerated convicted felons' dependents, or to the dependents of veterans residing in halfway houses or participating in work-release programs, begun prior to the date of enactment of Public Law 96–466 are protected from termination, the VRS must carefully insure that such apportionments are not improperly stopped. This protection will continue until the veteran either completes the program or discontinues training. Such apportionments may be adjusted at any time to reflect changes either in the dependents' financial situation or in the veteran's award. For any required adjustments to these protected apportionments, the VRS will annotate item 25 of the VA Form 22–1905 to the effect: "Protected apportionment to dependents of an incarcerated felon."

(5) *Full Annotation in Item 25 of VA Form 22–1905.* When preparing a VA Form 22–1905 to authorize a change to a veteran's subsistence allowance award under the provisions of this appendix, the VRS will fully explain in item 25 the adjustment required and the reasons for the adjustment. (See exhibits 3, 4 and 5 for examples of completed VA Forms 22–1905.)

f. *Voucher Payments of Tuition and Fees.* (1) Voucher payment of tuition and fees may be made to defray these expenses for incarcerated, work-release or halfway house veterans, just as for other veterans. (See VA Procurement Regulations, pt. 8–15, sec. 5001.1) Therefore, the VRS will ascertain the portion of the tuition and fees incurred for the veteran's vocational rehabilitation program which is being paid by a non-VA agency (either governmental or nongovernmental) and will document such payments in the training subfolder. Voucher payment will be authorized only for those tuition and fees which a non-VA agency or program does not pay. Reduction will be made for any tuition and fees which a non-VA governmental program normally makes to similarly circumstanced nonveterans.

(2) *Record Purpose Awards.* If voucher payment of all or part of the tuition and fees will be made, but no subsistence allowance can be paid, the VRS will authorize the Adjudication Division to prepare a record purpose award, as described in DVB Manual M28–2, paragraph 3.07, to justify the voucher payment.

g. *Voucher Payment of Training Expenses Other Than Tuition and Fees.* The VRS will request voucher payment for supplies, books, etc., using normal procedures. However, the VRS will route the request for voucher payment with a VA Form 22–1905 through the Adjudication Division to authorize preparation of a record purpose award prior to Finance activity action on the voucher request if two conditions are met:

(1) A regular subsistence award cannot be made for the period covered by the voucher payment; and

(2) A record purpose award has not yet been completed for the period for which payment will be made.

h. *Employment Adjustment Allowance.* The restrictions in this appendix on the payment of subsistence allowances do not affect the award of an employment adjustment allowance. However, the intent of an employment adjustment allowance as an aid in the transition from training to employment prevents payment of this benefit to the veteran prior to release from prison or until the veteran is providing for at least some of his or her own living expenses while residing in a halfway house or particating in a work-release program. The VRS will carefully control such cases to insure payment at the proper time to best assist the trainee to accomplish the objective of an employment adjustment allowance.

i. *Interaction With Veterans, Schools and Institutions.* VR&C personnel are expected to keep concerned veterans, schools and institutions fully informed of the changes required by this appendix which affect their programs. The small number of cases per station and the normal close contact maintained by VR&C personnel with trainees, schools and institutions indicate these detailed explanations should impose minimal increases in the Division workload.

4. *Adjudication Activity Procedures.* a. *Award Adjustments.* The Adjudication Division will process under current procedures any adjustments to running and suspended awards required by this change in law. All award copies will clearly show in the "Remarks" section the veteran's status; e.g., "Incarcerated Felon;" or "Felon in halfway house; government agency paying all living expenses."

(1) *Initial Review Terminations.* Awards, to include apportionments, which must be terminated as a result of this initial review will be stopped DLP unless the veteran clearly knew prior to DLP that he or she was not entitled to a subsistence allowance. If prior knowledge is established, the award will be terminated the date the veteran became aware of the nonentitlement. The responsibility for determining the date of such prior knowledge lies with the VR&C Division. Awards terminated in the initial review will be annoted "Terminated per DVB Cir. 28–80–3, Appendix K."

(2) *Initial Review Reductions.* Awards which must be reduced as a result of this initial review will be reduced to the maximum extent possible to prevent the

overpayment of VA benefits during the current award period. No accounts receivable will be created as a result of reduction during the initial review unless prior knowledge is a factor. (See subpar. (1) above.)

(3) *Check Intercept.* Every effort should be taken to intercept checks mailed to veterans who as a result of the provisions of this appendix are not entitled to the benefit payments released.

b. *Record Purpose Awards.* The VRS may request preparation of a record purpose award to justify voucher payment of tuition, supplies, etc., when a subsistence allowance award cannot be made. The adjudicator will prepare such a record purpose award in accordance with DVB Manual M28–2, paragraph 3.07. In item 10B of the VA Form 22–1907a, Authorization of Subsistence Allowance, "NONE" will be entered as the rate for all award lines and item 12, "Remarks," will be annotated to the effect: "Incarcerated veteran; record purpose award for voucher payment purposes only." (For a sample of a completed VA Form 22–1907a, see exhibit 6.)

5. *Processing Assistance.* If field personnel run into difficulties not covered by this issue when processing a claim from a veteran affected by the provisions of this appendix who wants to train or who is in a vocational rehabilitation program, they may obtain assistance from Central Office at FTS 389–2887.

6. *Reporting Requirements.* The VR&C Officer in each regional office should prepare a one-time report on implementation of this issue to reach the Field Director (282) by COB June 1, 1981. The format for this report is shown in exhibit 1. Reports Control Symbol 28–4–S is assigned to this report. Negative reports are required.

Dorothy L. Starbuck,

Chief Benefits Director.

Exhibit 1—Incarcerated Chapter 31 Veterans (RCS 28–4–S)

Incarcerated Chapter 31 Trainees (total)
- Convicted of a Felony
- Convicted of a Misdemeanor
- The Nature of Conviction is Not Yet Determined at Report Time

Apportionments to the Dependents of Incarcerated Veterans (total)
- Running Apportionments to Dependents of Incarcerated Felons Begun Prior to 10–17–80
- Apportionments to Dependents of Incarcerated Felons Found Erroneously Begun On or After 10–17–80

Apportionments to Dependents of Veterans in Halfway Houses or Work-Release Programs (total)
- Apportionments to Dependents When Veteran is Providing for Part or All of His/Her Own Living Expenses
- Apportionments to Dependents When Veteran's Living Expenses Are All Paid by a Government Agency, but the Apportionment Was Begun Prior to 10–17–80
- Erroneous Apportionments to Dependents When Veteran's Living Expenses Are All Paid by a Government Agency and the Apportionment Was Begun On or After 10–17–80

BILLING CODE 8320–01–M

V. 46 / 106 JUN 3 1981

Exhibit 2

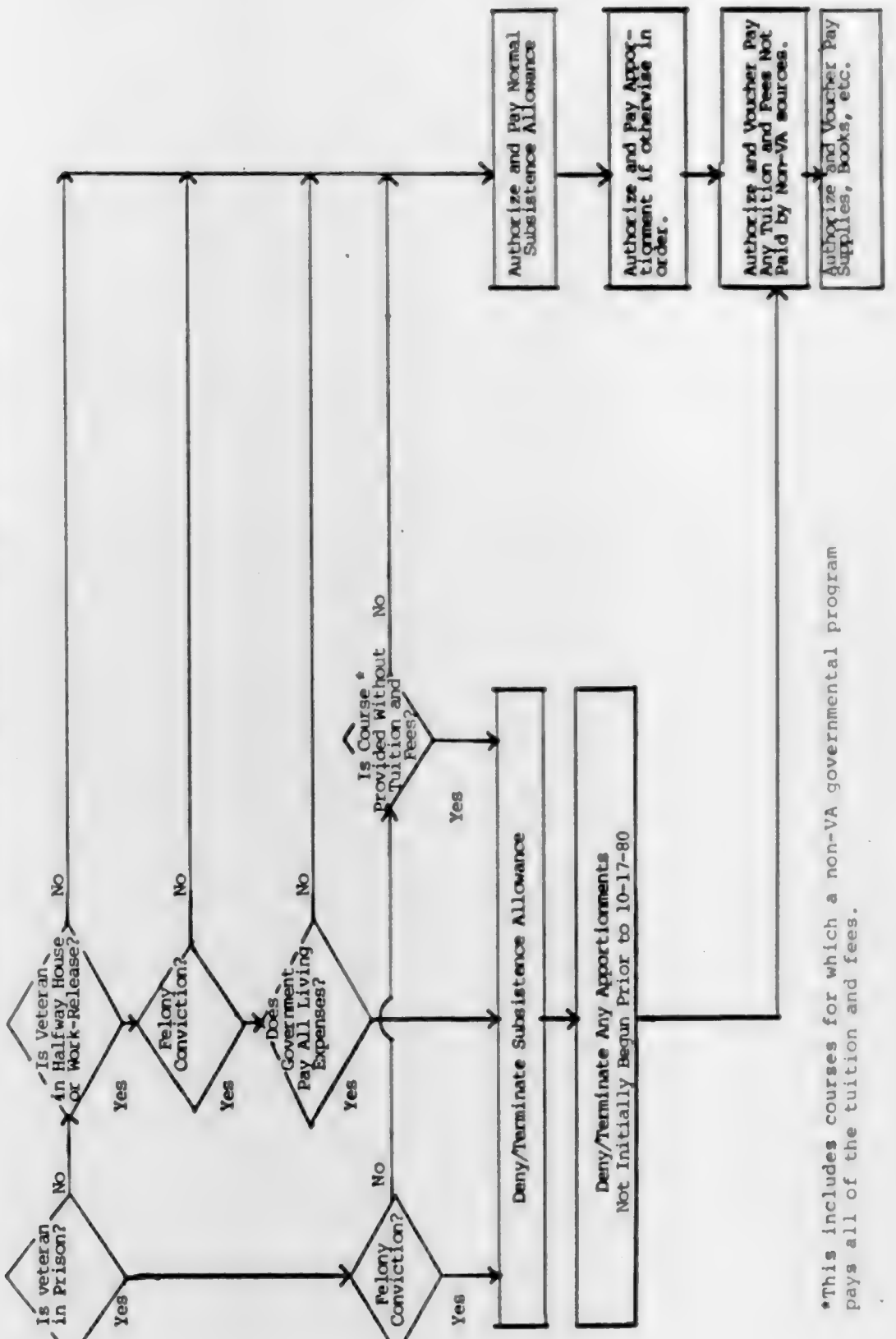

*This includes courses for which a non-VA governmental program pays all of the tuition and fees.

Exhibit 3

Form Approved
OMB No. 76-R0050

VETERANS ADMINISTRATION
AUTHORIZATION AND CERTIFICATION OF ENTRANCE OR REENTRANCE INTO TRAINING AND CERTIFICATION OF TRAINEE STATUS
Chapter 31, Title 38, USC

1 FILE NUMBER: C 35 122 193

IMPORTANT No further benefits may be paid under this program unless this form is completed and filed as required by existing law (38 U.S.C. 1780).

SECTION A – NOTICE TO VETERAN

2 NAME AND MAILING ADDRESS OF VETERAN

Ivan T. Ronge
Lorton Reformatory
Lorton, VA 22000

INSTRUCTIONS TO VETERAN

a. You are authorized to report on or about the date shown in item 8 to the school or training on-the-job establishment shown in item 9 for the purpose of beginning or resuming the course of training authorized in item 3 below.

b. Present your copy of this form to the school or training on-the-job establishment shown in item 9. It will serve as your introduction.

c. If travel is involved, covering instructions are attached or will be provided.

SECTION B – AUTHORIZATION TO SCHOOL, TRAINING ON-THE-JOB ESTABLISHMENT OR OTHER FACILITY

You are hereby authorized to enter or reenter the veteran named in item 2, into vocational rehabilitation in the following course.

3 COURSE	4 ESTABLISHED LENGTH OF COURSE (If reentrance, months remaining)	5 ADVANCE PAYMENT AUTHORIZED?
Business Management	24	☐ YES ☒ NO

6 EMPLOYMENT OBJECTIVE	7 D.O.T. CODE	8 EFFECTIVE DATE OF THIS AUTHORIZATION
Traffic Manager	184.167-102	10-1-80

INSTRUCTIONS TO SCHOOL OR OTHER TRAINING FACILITY

Please complete Section C and return the original of this form to the address shown in item 17. The veteran named in item 2 has been given a copy of this form and should present it to you when he reports for training.

9 NAME AND MAILING ADDRESS OF SCHOOL OR TRAINING ON-THE-JOB ESTABLISHMENT

Northeastern Virginia Community College
2 Detour Lane
Pohick, VA 22999

Vouchers for the veteran's tuition, books, and supplies are paid directly to the institution by VA in arrears in accordance with governing regulations and document indicated in item 11. Please forward vouchers for these charges to the office listed in item 17.

10A SIGNATURE OF VOCATIONAL REHABILITATION OFFICIAL

Bea Ella Gable

10B DATE SIGNED: 10-6-80

SECTION C – CERTIFICATION TO VETERANS ADMINISTRATION THAT THE VETERAN HAS ENTERED OR REENTERED AND IS PURSUING TRAINING *(To be completed by trainer)*

I CERTIFY THAT – The veteran named in item 2 began or resumed the course of training shown in item 3 on the date shown in item 12 (this date must not be earlier than that shown in item 8) and he is now pursuing or enrolled in that course. Charges for this training are in accordance with our current (Check appropriate box)

☐ VA CONTRACT OR AGREEMENT ☐ SCHOOL CATALOG ☐ BROCHURE WITH PUBLISHED SUPPLEMENT

12 DATE VETERAN BEGAN OR RESUMED TRAINING

13 ENDING DATE OF PROGRAM, SCHOOL YEAR OR OTHER ENROLLMENT PERIOD (Longest possible enrollment period should be specified)

14 NO. OF CREDIT HOURS REGISTERED FOR THIS TERM: Semester Hrs | Quarter Hrs

15 CLOCK HOURS PER WEEK

16 ADVANCE PAY DELIVERED? ☐ YES ☐ NO

17 ADDRESS OF VETERANS ADMINISTRATION

VA Regional Office (28)
941 N. Capitol St., NE.
Washington, D.C. 20421

17A SIGNATURE OF TRAINER

17B TITLE OF TRAINER

17C NAME OF SCHOOL

17D DATE SIGNED

VA FORM NOV 1979 22-1905

Incarceration for Misdemeanor

SECTION D - CERTIFICATION OF TRAINEE'S STATUS (VA USE ONLY)

18. TYPE OF TRAINING

- [X] SCHOOL ONLY
- [ ] ON-THE-JOB AND SCHOOL (Majority on-the-job)
- [ ] INSTITUTIONAL ON-FARM (Employer-trainer)
- [ ] TRAINING IN THE HOME
- [ ] CORRESPONDENCE ONLY
- [ ] SCHOOL AND CORRESPONDENCE
- [ ] INDEPENDENT INSTRUCTOR
- [ ] SPECIAL SERVICE (Tutorial, reader, or other)
- [ ] SCHOOL AND ON-THE-JOB (Majority school)
- [ ] ON-THE-JOB AND CORRESPONDENCE
- [ ] SHELTERED WORKSHOP
- [ ] OTHER (Specify)
- [ ] ON-THE-JOB ONLY
- [ ] INSTITUTIONAL ON-FARM (Self-proprietorship)
- [ ] SPECIAL RESTORATIVE

19. EXPECTED DATE OF REHABILITATION	20. TRAINING TIME (Complete only for school type of training)	21. SRP CASE
9-30-82	[X] FULL TIME [ ] 3/4 [ ] 1/2	[X] SRP [ ] NOT SRP

22. CHANGE OF STATUS EFFECTED FOR WHICH THIS CERTIFICATION ISSUED (Check appropriate block or blocks)

- [ ] TRAINING DECLINED
- [ ] TRAINING INTERRUPTED
- [ ] REHABILITATED
- [ ] CHANGE IN PLACE OF TRAINING
- [ ] INDUCTED INTO TRAINING
- [ ] DISCONTINUED
- [ ] FOR RECORD PURPOSES
- [X] OTHER (Specify)
- [ ] REENTERED TRAINING
- [ ] MEDICAL REASONS
- [ ] CHANGE OF EMPLOYMENT OBJECTIVE

23. EFFECTIVE DATE(S) OF CHANGE OF STATUS	24. ENDING DATE OF AWARD (Last pay date)
10-1-80	9-30-82

25. REASON AND AUTHORITY FOR CHANGE OF STATUS (Enter the basis for the change of status including the facts and circumstances involved and cite the specific subparagraph(s) of VA Regulations under which the change of status is being effected.)

-Veteran Incarcerated for Misdemeanor
-State will pay $400.00 of $1,850.00 tuition and fees.
-Pay full-time subsistence allowance.
-Reimbursement for charges for tuition and fees not paid by State to be made by VA.

26. WAGE SCHEDULE — A. TYPE OF TRAINING: [ ] APPRENTICE [ ] OTHER

B. PERIOD	C. RATE (If less than monthly) HOURLY	C. RATE (If less than monthly) WEEKLY	D. MONTHLY
E. BEGINNING WAGE OF TRAINED WORKER			

F. NO. OF HOURS IN STANDARD WORK WEEK	G. OVERTIME RATE

THIS IS TO CERTIFY that the information given above is correct and that all applicable VA instructions governing vocational rehabilitation under Chapter 31 have been complied with.

DATE	SIGNATURE AND TITLE OF RESPONSIBLE PERSON

Incarceration for Misdemeanor

Exhibit 4

Form Approved
OMB No. 76-R0050

VETERANS ADMINISTRATION
AUTHORIZATION AND CERTIFICATION OF ENTRANCE OR REENTRANCE INTO TRAINING AND CERTIFICATION OF TRAINEE STATUS
Chapter 31, Title 38, USC

1 FILE NUMBER: C 38 921 699

IMPORTANT No further benefits may be paid under this program unless this form is completed and filed as required by existing law (38 U.S.C. 1780).

SECTION A – NOTICE TO VETERAN

2 NAME AND MAILING ADDRESS OF VETERAN

Gower Nastrey
Lockbox 10101
Attica, NY 10777

INSTRUCTIONS TO VETERAN

a. You are authorized to report on or about the date shown in item 8 to the school or training on-the-job establishment shown in item 9 for the purpose of beginning or resuming the course of training authorized in item 3 below.

b. Present your copy of this form to the school or training on-the-job establishment shown in item 9. It will serve as your introduction.

c. If travel is involved, covering instructions are attached or will be provided.

SECTION B – AUTHORIZATION TO SCHOOL, TRAINING ON-THE-JOB ESTABLISHMENT OR OTHER FACILITY

You are hereby authorized to enter or reenter the veteran named in Item 2, into vocational rehabilitation in the following course.

3 COURSE	4 ESTABLISHED LENGTH OF COURSE (If reentrance, months remaining)	5 ADVANCE PAYMENT AUTHORIZED?
Information System Programming	12	☐ YES ☒ NO

6 EMPLOYMENT OBJECTIVE	7 D.O.T. CODE	8 EFFECTIVE DATE OF THIS AUTHORIZATION
Programmer	020.187-010	1-5-81

9 NAME AND MAILING ADDRESS OF SCHOOL OR TRAINING ON-THE-JOB ESTABLISHMENT

Famous Computer Institute
1200 Rocky Road
Elmira, NY 10707

INSTRUCTIONS TO SCHOOL OR OTHER TRAINING FACILITY

Please complete Section C and return the original of this form to the address shown in item 17. The veteran named in item 2 has been given a copy of this form and should present it to you when he reports for training.

Vouchers for the veteran's tuition, books, and supplies are paid directly to the institution by VA in arrears in accordance with governing regulations and document indicated in item 11. Please forward vouchers for these charges to the office listed in item 17.

10A SIGNATURE OF VOCATIONAL REHABILITATION SPECIALIST: Mary H. Braykoutt

10B DATE SIGNED: 12-22-80

SECTION C – CERTIFICATION TO VETERANS ADMINISTRATION THAT THE VETERAN HAS ENTERED OR REENTERED AND IS PURSUING TRAINING *(To be completed by trainer)*

11 I CERTIFY THAT – The veteran named in Item 2 began or resumed the course of training shown in Item 3 on the date shown in Item 12 (this date must not be earlier than that shown in Item 8) and he is now pursuing or enrolled in that course. Charges for this training are in accordance with our current (Check appropriate box)

☐ VA CONTRACT OR AGREEMENT ☐ SCHOOL CATALOG ☒ BROCHURE WITH PUBLISHED SUPPLEMENT

12 DATE VETERAN BEGAN OR RESUMED TRAINING: 1-5-81

13 ENDING DATE OF PROGRAM, SCHOOL YEAR OR OTHER ENROLLMENT PERIOD (Longest possible enrollment period should be specified)	14 NO. OF CREDIT HOURS REGISTERED FOR THIS TERM		15 CLOCK HOURS PER WEEK	16 ADVANCE PAY DELIVERED?
	Semester Hrs	Quarter Hrs		
12-24-81			25	☐ YES ☒ NO

17 ADDRESS OF VETERANS ADMINISTRATION

VA Regional Office (28)
Federal Building
111 West Huron St.
Buffalo, NY 14202

17A SIGNATURE OF TRAINER: Meg A. Bytes

17B TITLE OF TRAINER: Director, F.C.I.

17C NAME OF SCHOOL: F.C.I., Inc.

17D DATE SIGNED: 1-6-81

VA FORM NOV 1979 22-1905

Incarcerated Felon--Reentrance

SECTION D - CERTIFICATION OF TRAINEE'S STATUS (VA USE ONLY)

18 TYPE OF TRAINING

- [X] SCHOOL ONLY
- [ ] ON-THE-JOB AND SCHOOL (Majority on-the-job)
- [ ] INSTITUTIONAL ON-FARM (Employer-trainer)
- [ ] TRAINING IN THE HOME
- [ ] CORRESPONDENCE ONLY
- [ ] SCHOOL AND CORRESPONDENCE
- [ ] INDEPENDENT INSTRUCTOR
- [ ] SPECIAL SERVICE (Tutorial, reader or other)
- [ ] SCHOOL AND ON-THE-JOB (Majority school)
- [ ] ON-THE-JOB AND CORRESPONDENCE
- [ ] SHELTERED WORKSHOP
- [ ] OTHER (Specify)
- [ ] ON-THE-JOB ONLY
- [ ] INSTITUTIONAL ON-FARM (Self-proprietorship)
- [ ] SPECIAL RESTORATIVE

19 EXPECTED DATE OF REHABILITATION	20 TRAINING TIME (Complete only for school type of training)	21 SRP CASE
12-24-81	[X] FULL TIME [ ] 3/4 [ ] 1/2	[X] SRP [ ] NOT SRP

22 CHANGE OF STATUS EFFECTED FOR WHICH THIS CERTIFICATION ISSUED (Check appropriate block or blocks)

- [ ] TRAINING DECLINED
- [ ] TRAINING INTERRUPTED
- [ ] REHABILITATED
- [ ] CHANGE IN PLACE OF TRAINING
- [ ] INDUCTED INTO TRAINING
- [ ] DISCONTINUED
- [ ] FOR RECORD PURPOSES
- [ ] OTHER (Specify)
- [X] REENTERED TRAINING
- [ ] MEDICAL REASONS
- [ ] CHANGE OF EMPLOYMENT OBJECTIVE

23 EFFECTIVE DATE(S) OF CHANGE OF STATUS	24 ENDING DATE OF AWARD (Last pay date)
1-5-81	12-24-81

25 REASON AND AUTHORITY FOR CHANGE OF STATUS (Enter the basis for the change of status including the facts and circumstances involved and cite the specific subparagraph(s) of VA Regulations under which the change of status is being effected.)

-Incarcerated Felon Ineligible for Subsistence Allowance.

-VA Will Pay Tuition and Fees.

-Prepare Record Purpose Award per DVB Manual M28-2, par. 3.07.

-Copy to RO Finance activity for voucher payment purposes.

26 WAGE SCHEDULE — A TYPE OF TRAINING: [ ] APPRENTICE [ ] OTHER

B. PERIOD	C. RATE (If less than monthly) HOURLY	C. RATE (If less than monthly) WEEKLY	D. MONTHLY
E. BEGINNING WAGE OF TRAINED WORKER			

F NO. OF HOURS IN STANDARD WORK WEEK	G. OVERTIME RATE

THIS IS TO CERTIFY that the information given above is correct and that all applicable VA instructions governing vocational rehabilitation under Chapter 31 have been complied with.

DATE	SIGNATURE AND TITLE OF RESPONSIBLE PERSON

Incarcerated Felon--Reentrance

Exhibit 5

Form Approved
OMB No. 76-R0050

VETERANS ADMINISTRATION
AUTHORIZATION AND CERTIFICATION OF ENTRANCE OR REENTRANCE INTO TRAINING AND CERTIFICATION OF TRAINEE STATUS
Chapter 31, Title 38, USC

1 FILE NUMBER: C 36 222 333

IMPORTANT No further benefits may be paid under this program unless this form is completed and filed as required by existing law (38 U.S.C. 1780).

SECTION A – NOTICE TO VETERAN

2 NAME AND MAILING ADDRESS OF VETERAN

Hummel D. Diggs
Colorado Correctional Institution
Bicentennial, CO 80008

INSTRUCTIONS TO VETERAN

a. You are authorized to report on or about the date shown in item 8 to the school or training on-the-job establishment shown in item 9 for the purpose of beginning or resuming the course of training authorized in item 3 below.

b. Present your copy of this form to the school or training on-the-job establishment shown in item 9. It will serve as your introduction.

c. If travel is involved, covering instructions are attached or will be provided

SECTION B – AUTHORIZATION TO SCHOOL, TRAINING ON-THE-JOB ESTABLISHMENT OR OTHER FACILITY

You are hereby authorized to enter or reenter the veteran named in Item 2, into vocational rehabilitation in the following course.

3 COURSE	4 ESTABLISHED LENGTH OF COURSE (If reentrance, months remaining)	5 ADVANCE PAYMENT AUTHORIZED?
Mining Engineering	44	☐ YES ☒ NO

6 EMPLOYMENT OBJECTIVE	7 DOT CODE	8 EFFECTIVE DATE OF THIS AUTHORIZATION
Mining Engineering	010-061-014	10-1-80

9 NAME AND MAILING ADDRESS OF SCHOOL OR TRAINING ON-THE-JOB ESTABLISHMENT

Graves School of Mines
800 Tunnel Vision Ave.
Precipice, Colorado 80999

INSTRUCTIONS TO SCHOOL OR OTHER TRAINING FACILITY

Please complete Section C and return the original of this form to the address shown in Item 17. The veteran named in Item 2 has been given a copy of this form and should present it to you when he reports for training.

Vouchers for the veteran's tuition, books, and supplies are paid directly to the institution by VA in arrears in accordance with governing regulations and document indicated in item 11. Please forward vouchers for these charges to the office listed in item 17.

10A SIGNATURE OF VOCATIONAL REHABILITATION SPECIALIST: L. M. Rehab, Jr.

10B DATE SIGNED: 9-24-80

SECTION C – CERTIFICATION TO VETERANS ADMINISTRATION THAT THE VETERAN HAS ENTERED OR REENTERED AND IS PURSUING TRAINING *(To be completed by trainer)*

11 I CERTIFY THAT – The veteran named in Item 2 began or resumed the course of training shown in Item 3 on the date shown in Item 12 (this date must not be earlier than that shown in Item 8) and he is now pursuing or enrolled in that course. Charges for this training are in accordance with our current (Check appropriate box)

☐ VA CONTRACT OR AGREEMENT ☐ SCHOOL CATALOG ☐ BROCHURE WITH PUBLISHED SUPPLEMENT

12 DATE VETERAN BEGAN OR RESUMED TRAINING

13 ENDING DATE OF PROGRAM SCHOOL YEAR OR OTHER ENROLLMENT PERIOD (Longest possible enrollment period should be specified)	14 NO. OF CREDIT HOURS REGISTERED FOR THIS TERM		15 CLOCK HOURS PER WEEK	16 ADVANCE PAY DELIVERED?
	Semester Hrs	Quarter Hrs		☐ YES ☐ NO

17 ADDRESS OF VETERANS ADMINISTRATION

VA Regional Office (28)
Denver Federal Center
Denver, CO 80225

17A SIGNATURE OF TRAINER

17B TITLE OF TRAINER

17C NAME OF SCHOOL

17D DATE SIGNED

VA FORM NOV 1979 **22-1905**

Misdemeanor Termination

SECTION D - CERTIFICATION OF TRAINEE'S STATUS (VA USE ONLY)

18. TYPE OF TRAINING

- [X] SCHOOL ONLY
- [ ] ON-THE-JOB AND SCHOOL (Majority on-the-job)
- [ ] INSTITUTIONAL ON-FARM (Employer-trainer)
- [ ] TRAINING IN THE HOME
- [ ] CORRESPONDENCE ONLY
- [ ] SCHOOL AND CORRESPONDENCE
- [ ] INDEPENDENT INSTRUCTOR
- [ ] SPECIAL SERVICE (Tutorial, reader, or other)
- [ ] SCHOOL AND ON-THE-JOB (Majority school)
- [ ] ON-THE-JOB AND CORRESPONDENCE
- [ ] SHELTERED WORKSHOP
- [ ] OTHER (Specify)
- [ ] ON-THE-JOB ONLY
- [ ] INSTITUTIONAL ON-FARM (Self-proprietorship)
- [ ] SPECIAL RESTORATIVE

19. EXPECTED DATE OF REHABILITATION	20. TRAINING TIME (Complete only for school type of training)	21. SRP CASE
5-8-84	[X] FULL TIME [ ] 3/4 [ ] 1/2	[X] SRP [ ] NOT SRP

22. CHANGE OF STATUS EFFECTED FOR WHICH THIS CERTIFICATION ISSUED (Check appropriate block or blocks)

- [ ] TRAINING DECLINED
- [ ] TRAINING INTERRUPTED
- [ ] REHABILITATED
- [ ] CHANGE IN PLACE OF TRAINING
- [ ] INDUCTED INTO TRAINING
- [ ] DISCONTINUED
- [X] FOR RECORD PURPOSES
- [X] OTHER (Specify)
- [ ] REENTERED TRAINING
- [ ] MEDICAL REASONS
- [ ] CHANGE OF EMPLOYMENT OBJECTIVE

23. EFFECTIVE DATE(S) OF CHANGE OF STATUS	24. ENDING DATE OF AWARD (Last pay date)
10-1-80	5-8-84

25. REASON AND AUTHORITY FOR CHANGE OF STATUS (Enter the basis for the change of status including the facts and circumstances involved and cite the specific subparagraph(s) of VA Regulations under which the change of status is being effected.)

-Veteran Incarcerated Because Of Misdemeanor.
-All Program Costs Paid By State, except for books and supplies.
-No Payment To Veteran. Terminate subsistence DLP per DVB Circular 28-80-3, Appendix K.
-Continue award through 5-8-84 at "NONE" rate for record purposes and for voucher payment of books and supplies.

26. WAGE SCHEDULE	A. TYPE OF TRAINING [ ] APPRENTICE [ ] OTHER		
B. PERIOD	C. RATE (If less than monthly) HOURLY	C. RATE (If less than monthly) WEEKLY	D. MONTHLY
E. BEGINNING WAGE OF TRAINED WORKER			
F. NO. OF HOURS IN STANDARD WORK WEEK	G. OVERTIME RATE		

THIS IS TO CERTIFY that the information given above is correct and that all applicable VA instructions governing vocational rehabilitation under Chapter 31 have been complied with.

DATE	SIGNATURE AND TITLE OF RESPONSIBLE PERSON

Misdemeanor Termination

Exhibit 6

AUTHORIZATION OF SUBSISTENCE ALLOWANCE
(UNDER CHAPTER 31, TITLE 38, U.S. CODE)

1. VA FILE NO.: C 38 921 699
2. PAYEE NO.: 00
3. STATION NO.: 307

4. TYPE OF AWARD (Check)
☐ 1 - ORIGINAL ☐ 2 - AMENDED ☐ 3 - STOP PAYMENT ☒ 4 - REOPENED ☐ 5 - ORIG. OR REOPENED AWARD TO ADDITIONAL PAYEE ☐ 6 - REHABILITATION LUMP SUM PAYMENT

5. ENTITLEMENT CODE (Check one)
☐ 08 - WWII SA & DC ☐ 09 - KOREAN SA & DC ☐ 04 - SA ONLY ☒ *SEE BELOW

6. NAME AND ADDRESS OF SCHOOL OR ESTABLISHMENT (List all now attending)
Famous Computer Institute
1200 Rocky Road
Elmira, N.Y. 10707

7. DEPENDENTS
☒ NONE ☐ SPOUSE ☐ CHILDREN (Specify No.) ____ ☐ MOTHER ☐ FATHER

8. TWO INITIALS - LAST NAME OF VETERAN
G N A S T R E Y

9. NAME OF COURSE
Information Systems
Programming
020.187-010

ACTION CODES

TYPE
1. Commenced Training
2. Recommenced Training
3. Interrupted
4. Discontinued
5. Subsistence Allowance Changed
6. Employment Objective Changed
7. Rehabilitated
8. Other (Specify in 12)
9. Entitlement Expired

REASON
A. Beginning of Term
B. End of Term
C. Trainee Wages
D. Journeyman Wage Rate
E. Dependency Change
F. Training Not Medically Possible
G. Unsat. Progress
H. Other (Specify in Item 12)
I. Entitlement Expired

10. AUTHORIZATION OF SUBSISTENCE ALLOWANCE

LINE NO.	ACTION CODE START (A)	MONTHLY RATE OF SUBSISTENCE (B)	EFFECTIVE STARTING DATE (C)	PERCENT OF DISABILITY (D)	TRAINING TIME - HOURS (E)	MONTHLY TRAINEE WAGE RATE (F)	MO. BEG. WAGE RATE OF TRNG. WORKER (G)
1	2A	NONE	1-5-81	20%	F-25c		
2	3B	NONE	12-25-81				
3							
4							

11. POWER OF ATTORNEY
☐ AL ☐ ARC ☒ DAV ☐ VFW ☐ OTHER (Specify)

12. REMARKS
Incarcerated Veteran.
Record purpose award for voucher payment purposes only.
(Copies 2 & 5 of this form destroyed)

☒ PL 87-815 ☐ PL 88-132

13. NAME AND ADDRESS OF PAYEE
G O W E R N A S T R E Y
L O C K B O X 1 0 1 0 1
A T T I C A N Y 1 0 7 7 7

14. PRIOR PAYMENT INFORMATION (Required if this authorization adjusts a payment made prior to the end of the current month.)

MONTHLY RATE OF SUBSISTENCE (A)	EFFECTIVE STARTING DATE (B)

THE PAYEE IS ENTITLED to the above allowance under the provisions of Chapter 31, Title 38, U.S. Code.

15. APPROVAL DATE: 1/9/81
16. SIGNATURE OF AUTHORIZING OFFICIAL: A. M. Graff

FINANCE USE ONLY

17. PERIOD FROM
18. DEDUCTIONS: A. AMOUNT | B. SYMBOL
19. NET AMOUNT DUE

VA FORM NOV 1978 22-1907a
SUPERSEDES VA FORM 22-1907a, JAN 1971, WHICH WILL NOT BE USED
R & E FOLDER 1

Record Purpose Subsistence Allowance Award

Exhibit 7

Response Form for Information Regarding Conviction

Veterans Administration

NOTICE TO VETERANS ADMINISTRATION OF VETERAN OR BENEFICIARY INCARCERATED IN PENAL INSTITUTION

1. VA FILE NO. (If known)
C-38 912 345

NOTE: Pursuant to Title 38, U.S.C., sections 505, 1682, 1780 and 3113, awards of Veterans Administration benefits for veterans and beneficiaries are subject to adjustment or discontinuance while such persons are incarcerated.

TO	ADDRESS OF VA REGIONAL OFFICE VA Regional Office (28) 941 N. Capitol St., NE. Washington, D.C. 20421	FROM	NAME AND ADDRESS OF INSTITUTION U. S. Penitentiary Rockville, MD 20999

2. FIRST-MIDDLE-LAST NAME OF VETERAN	3A. SERVICE NO.	3B. SOCIAL SECURITY NO.	3C. DATE OF BIRTH
William Sidney Porter	RA 14836522	248-99-6666	12/22/43

4. NAME OF PERSON INCARCERATED, IF OTHER THAN VETERAN	5. RELATIONSHIP TO VETERAN

6. DATE OFFENSE WAS COMMITTED	7. TYPE OF OFFENSE FOR WHICH COMMITTED	8. DATE OF COMMITMENT FOLLOWING CONVICTION
	☐ FELONY ☐ MISDEMEANOR	

9. LENGTH OF SENTENCE	10. SCHEDULED RELEASE DATE	11A. IS INDIVIDUAL IN A WORK RELEASE OR HALFWAY HOUSE PROGRAM	11B. DATE ENTERED PROGRAM
		☐ YES ☐ NO (If "Yes," complete Item 11B)	

12. DATE	13. NAME AND TITLE OF INSTITUTIONAL OFFICIAL	14. SIGNATURE OF INSTITUTIONAL OFFICIAL

VA FORM 1981 **21-4193** SUPERSEDES VA FORM 21-4193, DEC 1977 WHICH WILL NOT BE USED 613588

[FR Doc. 81-16310 Filed 6-2-81; 8:45 am]
BILLING CODE 8320-01-C

Medical Facilities Improvement Project; Veterans Administration Medical Center, Birmingham, Ala.; Finding of no Significant Impact

The Veterans Administration (VA) has assessed the potential impacts that may occur as a result of the construction of a Medical Facilities Improvement Project at the VA Medical Center in Birmingham, Alabama.

The project consists of five components: Ambulatory Care Improvements, Clinical Services Renovation, Ward Modernization, Education, Education and Research Facilities, and Administration. Some of these components, Ambulatory Care and Clinical Service, would be located in new construction adjacent to the south side of the hospital along Eighth Avenue in a multi-level addition. Another addition on the east side would have new space for ward modernization. Education and Research Facilities would be based in a bridge configuration spanning Eighteenth Street and the Administration Services would be completed in existing interior space.

There will be increased demand for parking as a result of this action and as the VA health care delivery program continues to grow at the VAMC Birmingham location. The VA is now actively involved in planning for increased ridesharing programs which will help mitigate this impact. However, due to the urban nature of this facility and the lack of sufficient parking spaces, parking will continue to be a problem, as it is today.

The temporary or short-term impacts associated with the implementation of this project include construction impacts such as dust, fumes, noise, traffic, and visual appearance. Mitigating actions will be implemented to reduce or eliminate these construction impacts by applying the VA's Environmental Protection Construction Specifications. These specifications will require the contractor to take appropriate actions to control the potential problem areas. The project will comply with the required Federal, State, and local codes and regulations.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: May 27, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-16479 Filed 6-2-81; 8:45 am]

BILLING CODE 8320-01-M

Data Processing Center, Hines, Ill.; Emergency Generators; Finding of no Significant Impact

The Veterans Administration (VA) has assessed the potential impact that might occur as a result of the development of the Emergency Generator project at the Data Processing Center (DPC), Hines, Illinois.

The project involves the construction of a relatively small building (2500 gross square feet) to house new emergency generators. The generators will provide emergency power for the computer room and the associated air conditioning equipment with the DPC. There were no alternatives considered as the DPC must have the emergency power source for its operations and this power source is most efficiently located adjacent to the source of demand at the DPC. A no action alternative would leave the DPC vulnerable to shut-down in the event of an emergency.

The only long term potential impact associated with this project would be in the operation of the generators on a routine maintenance schedule or in the event of an emergency. The generator units have operational characteristics that include noise, engine emissions and vibrations. These conditions will be mitigated to the greatest extent possible through appropriate location, design and engineering.

Short term impacts associated with the development of the project are related to the temporary impacts of the construction of the facility. These potential impacts include fugitive dust, engine emissions, noise, erosion/sedimentation and visual impacts. The VA's Environmental Protection Specifications will be applied to the project which will mitigate, to the greatest extent possible, the problem areas. Proper mufflering and maintenance of equipment, operation during permitted hours and noise buffering and proper engineering of exposed soil and material stockpiles are some of the components of the environmental protection plan.

There are no significant environmental issues unresolved at this time.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirement of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P. E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, NW., Washington, D.C., (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: May 21, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-16480 Filed 6-2-81; 8:45 am]

BILLING CODE 8320-01-M

V 4 6 / 1 0 6
J E 3 8 1
UMI

Suns

This sectio
contains n
under the
Act" (Pub.
552b(e)(3).

CONTENT

Commodity
sion .....
Federal De
tion .....
Metric Boar
Nuclear Re

1

COMMODI
COMMISSI
TIME AND
1981.
PLACE: 203
D.C., eight
STATUS: C
MATTERS
Surveillan
CONTACT
INFORMAT
[S-865-81 Filed
BILLING COD

2

FEDERAL D
CORPORAT
Pursuan
"Governm
U.S.C. 552
the Federa
Corporatio
meet in op
Monday, J
following
Disposit
meetings.
Recomm
payment f
expenses
receiversh
Gibbs, Rope
Wisconsi
liquidatio
Company
Milwauke
Memora
Proposed
337 of the
regulation
offer custo

Sunshine Act Meetings

Federal Register
Vol. 46, No. 106
Wednesday, June 3, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Federal Deposit Insurance Corporation	2, 3
Metric Board	4
Nuclear Regulatory Commission	5, 6

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11. a.m. Friday, June 12, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stucky, 254–6314.

[S–865–81 Filed 6–1–81; 12:44 pm]

BILLING CODE 6351–06–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 8, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activites:

Gibbs, Roper, Loots & Williams, Milwaukee, Wisconsin, in connection with the liquidation of American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Memorandum and Resolution re: Proposed amendments to Parts 332 and 337 of the Corporation's rules and regulations which would allow banks to offer customer-sponsored credit card accounts and check guarantee programs.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directred to Mr. Hoyle L. Robinson, Excutive Secretary of the Corporation, at (202) 389–4425.

Dated: June 1, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–867–81 Filed 6–1–81; 3:09 pm]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 8, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9), (A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Application for consent to acquire assets and and assume liabilities and establish a branch:

American Pacific State Bank, Los Angeles (P.O. Sun Valley), California, for consent to acquire a portion of the assets of and assume the liability to pay a portion of the deposits made in the Granada Hills Branch of Manufacturers Bank, Los Angeles, California, and to establish the Granada Hills Branch of Manufacturers Bank as a branch of American Pacific State Bank.

Request for rescission of a condition imposed in granting consent to establish a branch:

Hood Canal State Bank, Mason County (P.O. Shelton), Washington.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,801–L—East Gadsden Bank, Gadsden, Alabama

Case No. 44,814–L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin

Case No. 44,815–L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Memorandum and Resolution re: South Texas Bank, Houston, Texas

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of Banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550, 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 1, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–868–81 Filed 6–1–81; 3:05 pm]

BILLING CODE 6714–01–M

4

METRIC BOARD.—Research Committee.

TIME AND DATE: 9 a.m. to 5 p.m., Tuesday, June 9, 1981 (closed session); 10 a.m. to 1 p.m., Wednesday, June 10, 1981 (open session).

PLACE: United States Metric Board, 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

STATUS: Portions of the meeting will be open to the public and portions of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Two briefings on Research Activities: (1) Detailed report of three research projects and their preliminary findings will be made. This portion of the meeting will be held all day Tuesday, June 9, 1981. This portion will be closed under exemption 5 U.S.C. 552(c)(9)(B) because premature release of this information would have a significant adverse impact on the successful completion of the three projects under review by the Committee, (2) Discussions and priority rankings of the FY 83 Research Call. This portion of the meeting will be held at the Wednesday, June 10, 1981 session and is open to the public.

CONTACT PERSON FOR FURTHER INFORMATION:
C. Edward McEvoy, Director of Research (703) 235–2583.

Louis F. Polk,
Chairman, United States Metric Board.

[S–864–81 Filed 6–1–81; 12:39 pm]
BILLING CODE 6250–01–M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Thursday, June 4, 1981.

PLACE: Commissioners conference room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: (10 a.m.)—

1. Discussion and Possible Vote on Full-Power License for Sequoyah—2 (approximately 1½ hours, public meeting).
2. Affirmation/Discussion Session (public meeting). Affirmation and/or Discussion and Vote:
   a. GPU Federal Tort Claim—Draft Decision.
   b. Commission Review of ALAB–603, St. Lucie (delayed from May 28).
   c. Motion for a Stay of Certain Aspects of Final Rule on Fire Prot. for Oper. Nuclear Power Plants (delayed from May 28).
   d. Memo re Conflict of Interest Exemption for P. Shewmon.
   e. Potential Litigation over Possible *in Camera* Hearings in Houston Lighting & Power Co.

1:30 p.m.

1. Briefing on McGuire Operating License (tentative) (approximately 1½ hours, public meeting).
2. Discussion of McGuire Operating License (tentative) (approximately 1½ hours, closed meeting).

ADDITIONAL INFORMATION: By votes of 4–0 on May 28, 1981, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business required that affirmation of Madden FOIA Appeal, held that day, be held on less than one week's notice to the public and that Discussion of Response to Duke Power's Request for a Waiver, Exception or Exemption from the Full Provisions of Appendix B to 10 CFR Part 2 (Closed Meeting), held that day, be held on less than one week's notice to the public.

Affirmations of Amendments to 10 CFR 19 to Establish Staff Authority to Call Meetings with Licensees, Revised TMI–1 Restart Order, Financial Protection for TMI Units 1 and 2 and Proposed Response to Honicker Petition, scheduled for May 28, 1981, were cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Dated: May 28, 1981.

Walter Magee,
Office of the Secretary.

[S–863–81 Filed 6–1–81; 3:08 pm]
BILLING CODE 7590–01–M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Week of June 1, 1981 (revised).

PLACE: Commissioners' conference room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, June 2—*

10 a.m.

1. Briefing on 10 CFR 60, Disposal of High-Level Radioactive Wastes in Geologic Respositories: Technical Criteria (public meeting, as announced).

2 p.m.

1. Discussion of Revised Licensing Procedures (approximately 1½ hours, public meeting, as announced).
2. Time Reserved for Discussion of Management-Organization and Internal Personnel Matters (closed meeting, as announced).

Thursday, June 4—

10 a.m.

1. Discussion and Possible Vote on Full-Power License for Sequoyah-2 (public meeting, as announced).

2. p.m.

1. Discussion of Need for Power Rule (approximately 1½ hours, public meeting, previously announced for June 3.
2. Affirmation/Discussion Session (public meeting, as announced, but time changed).

Affirmation and/or Discussion and Vote:

a. GPU Federal Tort Claim—Draft Decision.
b. Commission Review of ALAB–603, St. Lucie.
c. Motion for a Stay of Certain Aspects of Final Rule on Fire Protection for Operating Nuclear Power Plants.
d. Memo re Conflict of Interest Exemption for P. Shewmon.
e. Potential Litigation over Possible *in Camera* Hearings in Houston Lighting & Power Co.

ADDITIONAL INFORMATION: Briefing on McGuire Operating License (public meeting) and Discussion of McGuire Operating License (closed meeting), scheduled for 6/4, have been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Dated: May 29, 1981.

Walter Magee,
Office of the Secretary.

[S–866–81 Filed 6–1–81; 3:08 pm]
BILLING CODE 7590–01–M

Federal Register

Wednesday
June 3, 1981

Part II

Department of Health and Human Services

National Institutes of Health

Protection of Human Research Subjects

V 46 / 106 JE 3 81 UMI

DEPART
HUMAN

National

45 CFR P

Protectio
Subjects

AGENCY:
HHS.

ACTION:

SUMMARY
Federal R
final ame
Health a
for the pr
subjects.
which ap

FOR FURT
F. Willia
Director,
Room 3A
Health, B
Telephon

§ 46.116

1. On p
§ 46.116(
"(c)." As
"paragra
seeking."

Dated: M

D. S. Fred

Director, N

[FR Doc. 81-1

BILLING COD

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

45 CFR Part 46

Protection of Human Research Subjects; Correction

AGENCY: National Institutes of Health, HHS.

ACTION: Final rule; correction.

SUMMARY: On January 26, 1981, the **Federal Register** published (46 FR 8365) final amendments to Subpart A of the Health and Human Services regulations for the protection of human research subjects. This notice corrects an error which appeared in that document.

FOR FURTHER INFORMATION CONTACT: F. William Dommel, Jr., Assistant Director, OPRR, Westwood Building, Room 3A18, National Institutes of Health, Bethesda, Maryland 20205, Telephone: (301) 496–7163.

§ 46.116 [Corrected]

1. On page 8390, first column, § 46.116(a), line 3, insert "or (d)" after "(c)." As corrected, the line reads "paragraph (c) or (d) of this section, in seeking."

Dated: May 21, 1981.

D. S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 81–16173 Filed 6–2–81; 8:45 am]

BILLING CODE 4110–08–M

V
4
6
/
1
0
6
J
E
3
8
1
UMI

federal register

Wednesday
June 3, 1981

Part III

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Model Comprehensive Programs for High-Risk Youth; Response to Public Comment and Notice of Issuance of Program Announcement

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

"Model Comprehensive Programs for High-Risk Youth"; Response to Public Comment and Notice of Issuance of OJJDP Program Announcement

AGENCY: Office of Juvenile Justice and Delinquency Prevention (OJJDP).

ACTION: Notice of Issuance and Response to Public Comment.

SUMMARY: Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention, pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601, et seq., is issuing an addition to the National Priority Program and Discretionary Program Announcement, published in the **Federal Register** on February 15, 1980. It will not in any way impact upon the programs or regulations presently set out in that announcement or affect the eligibility of those individuals applying for previously announced programs.

This announcement does not require a Regulatory Impact Analysis under § 3d of Executive Order 12291, or a regulatory flexibility analysis under the Regulatory Flexibility Act, P.L. 354.

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention (OJJDP), published in the **Federal Register** on January 9, 1981, a draft Program Announcement for a Program to Develop and Support Model Comprehensive Programs for High-Risk Youths. This notice sets forth the final program guideline and Appendix F of this notice summarizes the public comments received pertaining to the draft announcement and details the changes made. Funds for this program came from the Office of Juvenile Justice and Delinquency Prevention; the Office of Youth Programs of the Employment and Training Administration, U.S. Department of Labor; and the Department of Health and Human Services. OJJDP funds for this project have already been obligated. DOL and HHS funds will be used to support the action projects.

FOR FURTHER INFORMATION CONTACT: Mr. William Modzeleski, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (202) 724–7751.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

Office of Juvenile Justice & Delinquency Prevention Program Announcement

"Model Comprehensive Programs for High-Risk Youths"

Contents

I. Executive Summary
II. Questions and Answers
III. Purpose and Objectives of the New Federal Initiatives
IV. Background and Program Description
  A. Origins of Act Together
  B. Role of Act Together
  C. Target Population
V. Essential Elements of Comprehensive Programs
  A. Desired Characteristics of Sponsoring Agencies
  B. Desired Characteristics of Comprehensive Programs
  C. Mobilization of Additional Resources
  D. The Development of an Explicit Replication Strategy
VI. Requirements for the Concept Papers
  A. Explanation of Local Rationale for a Comprehensive Program
  B. Description of your Approach to Combining and Coordinating Local Resources to Provide Comprehensive Services
  C. Statement of Organizational Capacity
  D. Supporting Documentation
VII. Evaluation and Selection of Concept Papers for Further Development
VIII. Competition Conditions for Submitting a Concept Paper
IX. Intent to Submit a Concept Paper
X. Appendices
  A. Suggested Format for Cover Page
  B. Suggested Format for Supporting Information
  C. Estimated Budget Items for Demonstration Grant Suggested Format
  D. Concept Paper Reviewing Criteria
  E. Intent to Submit a Concept Paper
  F. Summary of Comments Received and Changes made to Draft Announcement of Model Comprehensive Comprehensive Programs for High-Risk Youths

I. Executive Summary

These guidelines are the first step in developing a national demonstration to encourage comprehensive service programs for "high-risk youths." In this case, the term "high-risk youths" (described more precisely in a later section) refers generally to those young people who are usually the hardest to reach and the hardest to serve well, in part, because of their numerous needs and problems.

A key idea of this demonstration is to find new ways to deliver comprehensive multi-purpose programming for young people for whom single-purpose programs are simply not sufficient. The demonstration seeks to answer questions about the potential value of more comprehensive projects, as well as ways to implement them effectively.

The national demonstration will be conducted in the following way: (1) groups interested in applying for funds will submit concept papers for comprehensive programs that meet the needs of the high-risk youths they intend to serve; (2) in June/July, Act Together will select between 15–30 concept papers to be developed as full proposals; and (3) in September/October, Act Together will recommend funding for approximately 15 projects to the federal agencies that support this demonstration.

These guidelines constitute only the procedures for entering the first stage of the process, namely the submission of concept papers. While a variety of agencies and organizations are eligible to submit concept papers and to qualify for grant consideration, only those organizations which can demonstrate a very clear commitment, current capacity, staff capability, recent experience, and other concrete factors bearing upon effectiveness will have a realistic chance of having their concept paper selected. Interested organizations should look first at the "Desired Characteristics of Sponsoring Agencies" (section V.A. in this document) involving current organizational capacity, recent demonstrated interests, staff background, etc., before deciding whether to submit a concept paper. For those who decide to submit a concept paper, a cover page, a typed, double-spaced narrative of no more than 10 pages, supporting information, and tentative budget figures must be completed.

The background, objectives, and procedures of this demonstration effort are described in subsequent sections of these guidelines. Certain features of the process are, however, important to note from the outset:

1. This is a demonstration effort supported by several agencies of the federal government. The immediate purpose is to pool resources to encourage the development of model cost-effective comprehensive youth programs, to reduce redtape, and to avoid duplication of services. The ultimate goal is to test whether and how comprehensive programs better serve the needs of high-risk young people. Another goal is to encourage greater local initiative in the use of all possible resources for comprehensive youth service programs.

2. The demonstration is being implemented and coordinated by the

intermediary corporation, Act Together, Inc., which is working in a unique partnership with the federal agencies and the private sector.

3. The procedure for submitting concept papers is designed as the first step in a process which will lead to demonstration grants.

4. The concept paper should anticipate the fact that a demonstration grant for a comprehensive program will cover no more than one-half of the costs of operating that program.

5. Project operators who receive demonstration grants will be expected to work with Act Together to make information available about their program for the purpose of assessment and review. The information will be for the purpose of helping other program operators around the country learn from the experience of each project's successes and failures.

6. A key objective of this competition and demonstration is to serve youths with problems whose needs cannot be met by existing, often fragmented, programs at the local level. This process seeks to avoid the counterproductive and expensive situation in which a young person must have a certain label or stigma alienating himself or herself from society-at-large in order to qualify for service support.

7. Another key objective of the entire process is to simplify the reporting requirements for grantees, and to determine the extent to which such simplification aids the provision of comprehensive services.

8. Organizations submitting concept papers will need to document previously proven effectiveness and local credibility in reaching and serving the proposed population, in harnessing local resources, and in operating projects efficiently and responsibly.

9. No funds will be available to maintain currently on-going projects in their present form. Before an on-going project will be considered for a demonstration grant, it must show that a number of new services will be delivered to high-risk youths, and/or that additional new sub-group(s) of high-risk youths will be served, or that the on-going project will be broadened in such a way as to make it of potential value for national replication.

10. The process is designed to encourage the development of comprehensive projects which will (a) become self-sustaining and outlive the demonstration, and (b) provide services which will bring participants to a point of substantially greater self-sufficiency.

If the model programs prove effective, this demonstration can show that opportunities for the development of a productive and self-sufficient lifestyle can be created for even those young people whose opportunities are currently most constricted; that federal support agencies and local service agencies can "act together" to insure that enough of the right services are available; that the needs of the whole person can be addressed; and that administrative obstacles to serving high-risk yongsters can be overcome.

II. Questions and Answers

1. What is the definition of "youth"?

For the purposes of this grant competition, the term "youth" refers to an individual 14 through 21 years old. Nothing, however, in this definition shall serve to restrict the applicability of state or local laws, ordinances, regulation, etc.

2. Why, in this competition, is the federal government focusing only on comprehensive programs for high-risk youth?

The federal government recognizes that this population has multiple problems and is particularly hard to reach and hard to serve. This is an attempt by the government to spur coordination of available resources at the federal, state, and local levels, and to develop comprehensive, multi-service programs which meet the diverse needs of these young people.

3. Why is the federal government funding only demonstration projects?

Though much has been accomplished in the past decade, much more still needs to be learned about serving high-risk youths. The targeting of this money will help determine what services this population most needs and how these services can best be provided. It is hoped that the knowledge gained from these demonstration programs will be used to improve federal policy, to bring about greater cooperation among federal agencies serving young people and to improve coordination of existing regulations and audit requirements affecting youth-serving agencies. These models can also provide the impetus to local agencies to utilize more effectively funds available from all sources, including private organizations and state and local government.

4. Must programs focus exclusively on high-risk youths, or may other young people be included?

These programs must focus on high-risk populations. Programs must focus on multiple (i.e., more than one) problems of this population (e.g., ex-offenders, high school drop-outs, or drug abusers). Programs are desired which serve young people based on their needs as opposed to their categorical label.

5. What is meant by comprehensive programs?

Comprehensive programs include services from a range of different categories including employment and training services, and other services such as residential and shelter services, health services, mental health and drug abuse-related services, personal development services, recreational programs and educational activities.

6. How will this competition for grants be conducted?

The competition will take place in two phases. First, interested organizations are being asked to submit concept papers outlining their plans for coordinating and improving services to high-risk youths in their community. These guidelines outline the conditions and requirements for the submission of concept papers. The second phase of the competition will be among those groups whose concept papers are selected (up to 30). Each of these organizations will be asked to prepare a full proposal. It is expected that approximately half of those submitting full proposals will be selected for demonstration grants.

Act Together, Inc., will provide additional information and guidelines for full proposal development after concept papers have been selected for the second phase of the competition.

7. Who may submit concept papers?

The competition is open to existing public or private youth-serving agencies that meet all requirements stated below. These include, but are not limited to, juvenile justice projects, public schools, alternative schools, youth advocacy programs, state and local government agencies, community development agencies, and community-based organizations.

In order for an agency to be eligible it (1) must be already providing a minimum of three categories of services to high-risk youths; (2) must be receiving funds from a minimum of two sources, from the following four key categories of funding (federal, state, local governmental, private) and (3) must have an exemplary administrative record. To qualify as a funding category, a minimum of 10% of the program budget must be provided by an agency or agencies in that category.

In order to provide an opportunity for agencies which have done considerable planning for the provision of services to high-risk youths but which have not as yet started direct delivery of those services, consideration will be given to concept papers from such agencies. These agencies must have been in the process of planning a coordinated youth services program for a period of six

months or more. They must also have received previous funding designed specifically for developing a coordinated youth service program. Persons associated with the agency must have demonstrated their effectiveness in serving high-risk youths in other capacities. In addition, these agencies must show that a demonstration grant will be instrumental in launching the direct service program.

If a concept paper is selected from an agency which has planned but not yet delivered services that agency must be able to meet all requirements expected of any service agency funded under this demonstration once it receives funds.

This competition is for the purpose of funding comprehensive youth service programs which *deliver direct services* to high-risk youths. It is not for funding networking or collaboration agencies which do not themselves deliver direct services.

8. Will some organizations have a better chance of being selected for the competition?

Yes. Reviewers of concept papers will be using several important criteria. Among these will be: a promising approach to the coordination of comprehensive services; a demonstrated understanding of the needs of the population these organizations propose to serve; a good track record; knowledge of existing local resources; and the potential to serve as national models for replication. More specific information on criteria for selection is provided in Appendix D.

9. How much funding will the government provide for these demonstration programs?

The federal government will provide *no more than one-half of the high-risk youth service portion of the program budget* for the implementation of each demonstration project.

It is anticipated that a majority of grant awards will be for up to $150,000, although a few grants can be made for up to $350,000. No consideration will be given to an organization anticipating awards of over $350,000. Grants made in the $150,000 to $350,000 range must show adequate justification and must be able to demonstrate they will be able to continue the program. Act Together will atttempt to assure that grants are made to institutions which can carry on the program after the demonstration period is completed. It is interested in stimulating community funds and resources for the program to the greatest degree possible.

Demonstrations will be funded for one 15-month period only. This is consistent with OJJDP's continuation policy.

It is possible that a large influx of funds into a local program can actually cause long-term damage to that program.

10. What will the concept paper include?

The concept paper should consist of a cover page, a narrative on the proposed program (not more than 10 typewritten pages, double-spaced), supporting information and budget planning figures. These are described in detail later in this document.

11. Should an intent to submit a concept paper be mailed to Act Together?

Yes. In order to aid the reviewing process, Act Together would like each potential applicant to complete and mail the statement in Appendix E. This form should be in the offices of Act Together within two weeks of the publication date of these guidelines.

12. How long will the selection process take?

Concept papers are due on July 5, 1981. A decision on which concept papers will be selected to compete for demonstration grants will take approximately one month.

13. What happens after an organization is selected to submit a full proposal?

All organizations whose concept papers are chosen for full proposal development will be invited to a technical assistance workshop where proposal requirements will be outlined carefully. The final proposal will be expected to describe the actual implementation of the project. In addition, it must demonstrate that necessary community linkages have been established. The final proposal will also have to show that a high level of coordination among the necessary agencies has already taken place.

14. Can these demonstration funds be used to pay wages to participants who are involved in a work experience?

No. However, programs are encouraged to offer paid work experiences and to seek funds for this purpose from local sources, such as CETA and private organizations.

15. What laws and regulations will apply if several federal agencies are providing the funds?

Existing federal laws must, of course, provide the basis for granting federal funds to worthy projects. The legal and regulatory basis for providing the funds under this demonstration allow for more coordination with less administrative burden.

It is important to note that the participating federal agencies and Act Together are jointly pledged to reduce the amount of bureaucratic red tape involved. Act Together will play an active role in clarifying procedures for the programs and will work with federal agencies to simplify these procedures.

16. For how long a period will the demonstration grants be funded?

Demonstration grants will be funded for 15 months.

17. Must an assessment plan be included in the concept paper?

No. Interested agencies must be aware, however, that if their concept paper is chosen for full proposal development they must cooperate with Act Together in developing an appropriate plan for assessing the effectiveness of the program. Proposals should contain a capability statement indicating the experience and ability of the agency to cooperate with an assessment.

18. Whom do I contact for additional information?

Questions should be referred to: Act Together, Inc., 1511 K Street, N.W., Suite #805, Washington D.C. 20005.

The telephone number is 202/833-2395.

III. Purpose and Objectives of the New Federal Initiatives

During the past two decades, the number of programs offering services to high-risk youths has increased dramatically. Almost without exception these programs have grown out of the recognition of a service gap.

In the federal arena, separate youth programs have been legislatively created and funded to deal with individual facets of the overall problem. This situation has proliferated to the point that there are over 50 separate federal programs that relate to youth. Each program has its own regulations, funding procedures, eligibility requirements, and often encourage widely diverse and sometimes conflicting solutions to similar problems.

While the "Block Grant" approach proposed by the current Administration will overcome many of the serious problems caused by the multiplicity and categorical nature of the present system, it cannot be expected to overcome them all. High-risk youths have problems which extend beyond the social services system. Therefore when dealing with the population it is necessary to develop projects which obtain funding from more than one source, i.e., labor and education. Secondly, because of the historical nature of categorical funding most agencies serving high-risk youths have little experience in comprehensive programming. Therefore, it becomes difficult to increase the efficiency of youth programming regardless of what

is done at the federal level unless the local youth-serving agencies are given assistance in the replication of model programs.

The expressed purpose of this demonstration is to develop and implement comprehensive multi-service projects which can provide models for those agencies/organizations serving high-risk youths. These models will encourage local youth-serving agencies to develop effective comprehensive programs which not only address the varied needs of the target population, but also effectively utilize funds available from all sources, including private organizations and state and local government. This demonstration recognizes the fact that federal dollars are not the only source of revenue for programs serving high-risk youths, that there should not be overreliance on federal funding, and that only through effective management and the maximum utilization of all resources will a program be able to continue to serve the community.

This new initiative is designed to find ways to coordinate services to meet the multiple needs of high-risk youths. A major objective, then, is not just to fund programs which will provide an interesting package of services to young people, but rather to fund programs which enable policy-makers to determine whether a comprehensive approach can be more effective and under which circumstances. The demonstration program grant is intended to give programs the support and resources to consolidate appropriate linkages and to cement the working relationships that will eliminate the gaps in the local delivery system.

Act Together will promote the flow of information from the local level to the federal agencies involved, consult with local program developers in the design and implementation of their programs, and help local program operators draw out the policy implications of their program experiences. It will support the local community to find cost-effective programs to serve this important population.

IV. Background and Program Description

A. *Origins of Act Together*

The creation of Act Together, Inc., and the launching of this new national demonstration, had their origins with the creation of a Federal Executive Branch Interagency Working Group on Youth in the Spring of 1979. The Working Group was composed of officials from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Department of Agriculture, the (then) Department of Health, Education and Welfare (presently HHS), and the Department of Labor. To date these agencies have provided the funds for this demonstration: OJJDP, DOL and HHS.

The interagency group was organized because there was great concern that federal programs serving "troubled" or "high-risk" youths were not sufficiently coordinated, and that information about successful program initiatives or models was not being disseminated adequately. It was felt that greater coordination among federal agencies, and a corresponding increase in cooperation among agencies at the local level, could result in greatly increased cost and program effectiveness, and a sharp reduction in the paperwork which local youth-serving agencies are required to prepare.

Deliberations of the Working Group focused on several key areas of concern:

1. developing cost-effective models for national replication;
2. promoting greater coordination among local agencies;
3. improving the management ability of local youth service agencies, especially their management of integrated services; and
4. coordinating youth-related research, development, and evaluation activities.

To achieve greater coordination among youth services, the Working Group approved the creation of a new, national intermediary organization. This organization would assist in identifying, nationwide, promising approaches for coordinating youth services and would work closely with the federal agencies in achieving its goals of streamlining youth policies, regulations, and programs.

With financial support from the Edna McConnell Clark Foundation, a private task-force was established to create the new intermediary in cooperation with the government agencies. This joint private/public initiative led to the creation of Act Together, Inc., an independent, private, not-for-profit organization governed by a Board of Directors made up of persons distinguished for their contributions to the youth field. Act Together subsequently entered into a Cooperative Agreement with the lead agency of the Working Group. The Agreement calls for Act Together to assist the federal agencies to carry out the demonstration described herein.

B. *Role of Act Together*

Act Together has the general responsibility to work with federal, state and local agencies in identifying programs and strategies with the potential to serve as national models, to document and publicize the performance record of comprehensive programs, to provide technical assistance, and to work with the Federal Coordinating Council in making recommendations for improving youth policies and administrative practices.

The Coordinating Council on Juvenile Justice and Delinquency Prevention is established under Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. Its purpose is to coordinate all federal juvenile delinquency programs and to make recommendations annually to the President and the Congress with respect to the coordination of overall policy, and the development of objectives and priorities for national programs designed to served troubled youth.

This demonstration is also intended to provide valuable data and experience to federal agencies and to Act Together, and will be used to shed light on the more important barriers to the development of coordinated youth services for high-risk populations.

Act Together's technical assistance to grantees will focus to the greatest extent on practical and high-priority matters: how to enhance the cooperation and contributions of state and local resource agencies, how to reach out to others who may be interested in adapting program elements, how to reduce administrative problems, how to support state and local public officials in their efforts to improve youth services, and how to document program activities in a way that would be of interest to others. Act Together as a resource will actively help funded projects define the barriers to comprehensive service delivery and work toward the resolution of these problems.

With regard to the competition itself, the role of Act Together is to:

1. assist in the preparation and dissemination of these guidelines.
2. receive and provide for a thorough and proper review of all concept papers.
3. recommend applicants for demonstration grants to the federal agencies;
4. receive and review all full proposals resulting from the concept paper phase of the competition for demonstration grants;
5. ascertain the local credibility of statements in full proposals prior to final selection of grantees;
6. provide the recipients for these grants with technical assistance and project monitoring during the operations; and
7. develop and implement a program of learning and replication activities based on the demonstration projects.

C. *Target Population*

The young people served by this demonstration have been characterized as high-risk because the failure to provide a comprehensive approach to their needs now can result in the risk of long-term dependency, unproductive behavior, and costlier investments later. For the purposes of this grant competition, the term young person or youth refers to individuals 14 through 21 years old.

High-risk young people are those critically in need of basic academic skills, new vocational opportunities, mental health services, crisis counseling, and other support services tied together in some meaningful whole. They are the young people who may be alienated from or cynical about schools, employers, families, and even traditional human services agencies. They may be making a dangerous living on the "streets." They may already be involved in the juvenile justice system, or "abusers" of drugs or alcohol. They may live in the inner city, or in a remote rural area, isolated in either instance from any real opportunity.

Even where institutions reach out to assist the poor, the disadvantaged, and the disaffected, for some reason or other those young people are not reached.

Some categories of "high-risk" youths are easier to identify than others: teenage parents whose prospects for future success and survival are already much poorer than their counterparts; youths who have serious behavioral problems; young urban dwellers from various minority groups, many of whose members drop out or are forced out of school prior to graduation; youthful offenders; or Hispanic youth whose past education has been consistently interrupted by the movement of migrant streams.

These young people may be status offenders, may have been rejected by their families or the institutions within their community. Some may have a long history of incarceration, a transient family life, or may be from a family with a long history on the public assistance rolls. They might also have limited English-speaking ability, or read below even a sixth grade level. They may have been deprived of both educational and economic opportunities and access to agencies which commonly provide services to young people. They need, especially, programs which provide them with re-entry points into the service system and which help prevent them from dropping off or dropping out again. (It is expected that the target population groups selected for this demonstration will have two, three, or more of the characteristics like those mentioned in this section.)

V. Essential Elements of Comprehensive Programs

A. *Desired Characteristics of Sponsoring Agencies*

One of Act Together's major objectives is to support existing agencies which have already proven their ability to obtain multiple funding bases, which are already serving various high-risk youths effectively, and which can meet an ambitious start-up timetable for an expanded or improved program. However, agencies which are not currently providing services but which show evidence of a long-standing commitment to and planning for a comprehensive youth-service delivery program are eligible to submit concept papers as mentioned previously. In reviewing concept papers, Act Together will be looking for some of the following key characteristics:

1. Documented evidence of existing local service gaps and/or barriers to coordination at the local level;

2. Accurate data on the specific needs of the population which the sponsoring agency proposes to serve;

3. Evidence of previous staff experience and commitment in managing grants and developing effective linkages among community resources;

4. Evidence of ability to attract funds from a variety of federal, state, local, governmental and private sources to support programs for young people who are hard to reach and hard to serve;

5. Proven effectiveness of "entrepreneurial" ability in getting many local component programs to work together;

6. An ability to manage and operate youth programs in accord with good management accounting and auditing procedures;

7. The ability to make a small staff and limited resources go far in terms of services to high-risk youths—and to avoid cumbersome bureaucracy; and

8. An innovative and promising design for coordinating youth services which are based on local needs rather than a theoretical model.

In order to experiment with the effectiveness of a variety of public and private agencies as leaders in local coordination efforts, several kinds of agencies will be eligible to participate. These include, but are not limited to, juvenile justice projects, public schools, alternative schools, youth advocacy programs, community development agencies, community-based organizations, and state and local agencies. Agencies or organizations which are responsible only for the coordination of services and collaboration among different agencies are eligible only if they propose to provide direct services according to the criteria contained in these guidelines.

In every instance, the agency submitting a concept paper must be able to demonstrate a capacity for effective service; for careful management and budgeting practices; for immediate credibility in the community to be served; for attracting resources, cooperation, and support from the schools, the courts, the CETA prime sponsor, and other local agencies; and for a continuing concern with the needs of neglected populations. Locally credible agencies proposing to provide new or expanded services to groups previously shut out from such services will have an advantage.

An important characteristic of a successful applicant agency will be the capacity and commitment to participate in an appropriate assessment effort. Act Together will collaborate with the grantee in formulating the nature of their assessment effort.

B. *Desired Characteristics of Comprehensive Programs*

The agencies selected to develop full proposals must ultimately demonstrate that their comprehensive programs will represent a significant advance over the current state of fragmented youth programming at the local level and have the potential of advancing the ~~state~~ of the art. A concept paper will be expected to show:

1. Capacity to develop comprehensive services tailored to the individual needs of high-risk youths, to include a variety of youths with divergent needs;

2. Specific ideas about what innovative approaches can be undertaken to integrate existing local service more efficiently;

3. An understanding of how to pull together a variety of funding sources (e.g., employment and training, special education, foster care, mental health, health, juvenile justice, etc). to produce projects which are long-lasting and comprehensive rather than short-term and limited;

4. A serious commitment to design or redesign projects for maximum adaptability to other places, and to maintain the kind of documentation and on-going self-analysis deemed necessary to facilitate the replication of successful ideas;

5. Goals for the young people to be served which demonstrate thoughtful commitment to building their self-sufficiency and their capacity for independent living;

6. A willingness to combine innovative ideas and the practices from other exemplary programs with what local agencies already know how to do well, in order to create valuable improvements in current practice;

7. The specific ways in which the action agency plans to work with other agencies and people in order to insure the accessibility of services to high-risk youths; and

8. That the program is a recognized resource for referrals from institutions in the community serving high-risk youths.

9. That the agency has addressed employment and training services for high-risk youths.

C. *Mobilization of Additional Resources*

All model projects will be expected to mobilize a considerable proportion of additional resources through linkages with other local programs, and the creative marshalling of public and private funding sources. Act Together will recommend grants which request a maxmium of one out of every two project dollars. Each project must be designed to obtain the maximum possible support from local, state, federal, and private sources. The requirement that at least one-half of the funds be from sources other than this competition requires also that these funds be applied directly to the service program being proposed. However, the project dollars from other sources need not be "new" dollars. For example, funds used to meet this minimum one-half requirement may be applied from an ongoing program to the operation of a more comprehensive program for high-risk youths.

D. *The Development of an Explicit Replication Strategy*

Agencies submitting concept papers should be aware that those receiving a demonstration grant will be expected to cooperate with Act Together in communicating to other youth program operators throughout the country about what they have learned in their demonstration.

VI. Requirements for the Concept Papers

Describe, as succinctly and specifically as possible, the nature of the problem(s) your program will address. This would include a description of the target populations your program would serve, the dimensions of the community to be served, the particular gap(s) or weakness(es) in present (local) service delivery, and the main barriers to delivering adequate services.

A. *Explanation of Local Rationale for a Comprehensive Program*

This is an important statement, which should justify why a more comprehensive strategy is needed in your local area and explaining what you mean by a comprehensive program for the populations you propose to serve. Discuss how the delivery of services could be improved for the target populations, and how the current barriers to delivering services can be overcome.

B. *Description of your Approach to Combining and Coordinating Local Resources to Provide Comprehensive Services*

This section should describe how you propose to involve others in such a way that implementation of a comprehensive program could begin in the fall of 1981. The information you provide here should demonstrate a knowledge of possible funding sources and service providers of complementary service, and your thoughts regarding your strategy for obtaining additional monies and influence. You should describe the programs of those with whom you intend to work in the design and implementation of a comprehensive youth service project. Describe the potential value and impact of the services you hope to provide.

C. *Statement of Organizational Capacity*

This is a statement of your organization's ability to manage the program based on the expertise of staff members and the recent administrative record of your organization. Describe your experience in managing grants, developing effective linkages among community resources, and successfully serving high-risk youths. State specifically the resources which other agencies have already been willing to pledge to the effort, and what additional commitments you have obtained. Organizations should also include descriptions of the experience and training of key staff personnel.

D. *Supporting Documentation*

Suggested items are outlined in Appendices B and C. Appendix A is suggested format for a cover page. A statement of financial management capability should be attached.

VII. Evaluation and Selection of Concept Papers for Further Development

All concept papers will be evaluated by experienced outside reviewers, Act Together staff, the Board of Directors of Act Together, Inc., and representatives of the federal agencies which are cooperating in this initiative. The reviewing criteria to evaluate these applications are included in Appendix D.

After the concept papers are submitted, they will be read and evaluated by federal staff, outside reviewers and Act Together staff. The top 50 to 60 concept papers will be forwarded to the Board of Directors. The Board will recommend from 15 to 30 concept papers for full proposal development. The federal agencies must approve these decisions. This procedure is designed to take approximately four weeks. It is planned that the award of demonstration grants from the competition funding the selected concept papers can coincide with the start of the new federal fiscal year.

In the course of reviewing concept papers, a variety of factors will be considered in order to arrive at a funding mix of projects that will facilitate analysis and replication, both of which are major purposes of this demonstration. Such factors, for example, might include geographic distribution, target population, service emphasis, and funding sources.

The criteria by which concept papers will be judged should be clear from the areas of emphasis in these guidelines and especially from the weighted scores of various categories listed in Appendix D. The potential capacity of the organization to deliver improved services to hard to serve youth, the creation of a program that is replicable, and the capacity to marshall local resources and support are three of the most important criteria, and these three qualities need to be demonstrated in as convincing a manner as possible. The capacity of project staff both to deal with the target population and to manage grants will count heavily. A clear and precise understanding of the population to be served is important, as are the potential effectiveness and ambitiousness of the combination of services to be provided.

VIII. Competition Conditions for Submitting a Concept Paper

1. *Narrative and Supporting Documentation*—The narrative description of the program should not exceed 10 pages, typed and double-spaced. Along with this description each submitting agency should provide supporting information following the suggested outline in Appendix B and must also provide planning and budgetary figures for the items listed in Appendix C.

2. *Attachments*—If you wish, you may include brief background material to support or document aspects of your concept paper. Reading the attachments, however, should not be necessary for understanding the proposed project. Each attachment should be designated clearly (Attachment 1, Attachment 2,

etc.) and all the attachments should total no more than six sheets of paper.

3. *Signatory*—The original cover page should bear the signature of the Board Chairperson, Director or other authorized representatives of the organization which is submitting the concept paper.

4. *Number of Copies*—One (1) original and four (4) copies of the concept paper, (cover page, narrative, supporting information, budgetary planning figures, and attachments, if any) must be submitted.

5. *Deadline and Mailing Address*—To be considered for the competition, a concept paper must be submitted using one of the following methods:

a. The concept paper can be brought to the offices of Act Together by 5:00 p.m. July 5, 1981. NO CONCEPT PAPERS WILL BE ACCEPTED AFTER 5:00 p.m. The offices of Act Together are located at: 1511 K Street, NW., Suite #805, Washington, D.C. 20005.

b. A concept paper also may be mailed to Act Together. If this procedure is followed, the submission must bear a postmark indicating that it was mailed before midnight July 5, 1981. A postage meter mark is not acceptable. Applications should be mailed to: Act Together, Inc., 1511 K Street, NW., Suite #805, Washington, D.C. 20005.

As soon as the submission is received, Act Together will send an acknowlegment. All submitting agencies will be notified by mail of final decisions.

Submissions MADE AFTER THE DEADLINE WILL BE DEEMED INELIGIBLE AND RETURNED TO THE SENDER. If further information is needed, write or call Act Together (202/833–2395).

IX. Intent to Submit a Concept Paper

Act Together requests that all submitting agencies complete and mail a statement of their intent to participate in the competition (Appendix E). This form should be in the offices of Act Together by July 5, 1981. This will help in planning for the review process of concept papers.

Appendix A—Suggested Format for Cover Page

Concept Paper for National Demonstration of Model Comprehensive Programs for High-Risk Youths

Concept Paper for National Demonstration of Model Comprehensive Programs for High-Risk Youths

Name and Address and Telephone Number of Organization submitting concept paper.

_____

_____

All current funding sources and categories (federal, state, local governmental, private) for high-risk youth activities in your organization.

_____

_____

Types of services currently provided for high-risk youths.

_____

_____

Types of high-risk youths currently served by comprehensive programs.

_____

_____

_____

—*Signature of Authorized Officer*

_____

Title

Date_____

Appendix B—Suggested Format for Supporting Information

Please address all items listed below. Include as an addition to the narrative. Be as brief as possible. Use the space provided. Not to exceed three pages.

1. Whom your program will serve (e.g., demographic characteristics, type of high-risk, numbers, sex).

2. Sources in the community which are currently referring high-risk youths to your agency; new referral sources which would be included in your demonstration.

3. Identification of the major services your program will provide. (Asterisk the services that would be new.)

4. Local services which are needed or which require improvement (in order of priority); your approach to integrate these services into a comprehensive program.

5. The most serious barriers in providing priority services (as you listed above) for high-risk youths; your plan to overcome those barriers.

6. Institutions that you will draw together during the demonstration period. Most important commitments you have obtained from them which will be used during the demonstration period.

7. Changes you hope to see in the young people who go through your program.

8. Plans to continue the comprehensive program after the demonstration period has been completed.

9. Qualities and experience of the Executive Director which will contribute to the program's success.

10. Use of current sources of funds in the demonstration and other sources of funds you would seek to attract to your program.

11. Innovative operations of your agency that you would see as valuable for replication.

12. Description of the capacity of your organization to collaborate and coordinate with Act Together in the implementation of an assessment design. (Do not describe a design.)

13. Documentation of your program's credibility in the community and capacity to deal with high-risk youths. (List, e.g., evaluations, continued and/or new funding, media coverage, awards.)

APPENDIX C—Estimated Budget Items for Demonstration Grant Suggested Format

It is understood that these are estimates. Full budget development will be expected for agencies who are invited to develop their concept papers into full proposals. Nevertheless, it is vital to include estimated category figures, staffing patterns and the projected total to determine the appropriate financial category.

(Provide information on these and any other applicable categories) Specify the number of months to which the budget is applicable.

Act Together Demonstration Funds
Other Program Funds
Personnel _____
Fringe benefits _____
Travel/Transportation _____
Equipment _____
Supplies _____
Contractual (Subcontractor Consultants) _____
Other _____
Total Direct Charges _____
Total a. _____ b. _____
Total Program Costs

_____

(addition of a and b)

Breakdown of Program Costs by Funding Source

Act Together Funds $ _____
Source A (_____) $ _____
Source Title
Source B (_____) $ _____
Other sources (Titles _____) $ _____
_____ _____
_____ _____

Appendix D—Concept Paper Reviewing Criteria

Total = 100 (Weightings in Parentheses)

1. Does the organization offer convincing evidence that it can achieve a substantial improvement in terms of providing coordinated services to high-risk youths in the target area? (15)

(Only programs including an employment and training component will be eligible to receive full weighting in this category.)

2. Does the concept paper demonstrate that the organization has the potential to develop program ideas worth replicating? (15)

3. Does the project show the current staff capacity and administrative ability established commitment, and proven effectiveness to be a model? (15)

4. Does the organization demonstrate the ability and experience to serve high-risk youths? (15)

5. Is there indication that the program will be able to harness local/state or other resources to become self-supporting? Is there evidence of understanding and success in current local support for the agency? (10)

6. Is the target population clearly defined and does the program proposed show a

sophisticated understanding of the population it proposes to serve? (10)

7. Does the organization show evidence that it has the capacity and community acceptance necessary to build the linkages and network necessary for a comprehensive program? Does the program record integrate such linkages? (10)

8. Will there be involvement at the level of staff, board, consultants, advisory groups, etc., of individuals from the same community as the high-risk youths? (5)

9. Is there evidence that the target population will respond to the proposed services and view them as useful and meaningful? (5)

APPENDIX E—Intent to Submit a Concept Paper

If your agency is planning to submit a concept paper, please complete the portion below the dotted line and mail to:
Act Together, Inc., 1511 K Street, N.W., Suite #805, Washington, D.C. 20005

This will enable Act Together to estimate how many papers will be received and plan accurately for the review process. This statement of intent should be in the offices of Act Together by ————. Thank you.

Yes. We plan to submit a concept paper for selection in the search for demonstration models of comprehensive programs for high-risk youths.

Name of organization:

_____

Name of contact person:

_____

Address of organization:

_____

_____

_____

Telephone number of organization:

_____

Appendix F—Summary of Comments Received and Changes Made to Draft Announcement of Model Comprehensive Programs for High-Risk Youths

The Draft Guidelines for the Model Comprehensive Programs for High-Risk Youths published in the January 9, 1981, **Federal Register**, were responded to by 13 different organizations including the Board of Directors of "Act Together," the Intermediary formed to implement this demonstration program. An analysis of the comments indicates that most respondents were supportive of the guideline. The following is a summary of the comments received and OJJDP's responses to the comments.

A. *Match*

Comment: OJJDP should pay 100% of federal cost. Funds for future years should be provided on a declining basis.

Response: OJJDP is not requiring that the particular project component being funded with federal funds be matched. What it is requesting is that the entire program receive at least half of its funds from other sources. What we are attempting to demonstrate is that sources other than the federal government could and should be utilized to develop and implement comprehensive programming for high-risk youths.

B. *Eligibility*

Comment: Three concerns were raised on this issue. The first dealt with the eligibility of organizations which have been planning to develop comprehensive programs, the second dealt with the eligibility of consortiums or networks, and the third dealt with strengthening the eligibility criteria to ensure only programs which have had some experience in this area were eligible. There was a general reluctance to open eligibility up to agencies who did not have a past track record in this area.

Response: OJJDP concurs that organizations which have actively been planning the development of comprehensive programs be eligible for this competition providing they can demonstrate they meet the requirements of a direct service provider once funds are obtained.

OJJDP views this as a demonstration program designed, among other things, to test the utility of comprehensive non-categorical programming. The intent of the program is to have one organization responsible for total service provision. Although we recognize that a few critical services may have to be obtained from other organizations, the responsibility for the total delivery of services must be provided by the funded service agency. Consortiums of networks will be eligible only if they fulfill all eligibility requirements.

Eligibility has been tightened somewhat to ensure that programs are truly comprehensive, i.e., providing a minimum of three categories of service. The draft guideline required an applicant to provide more than one category of service. The final guideline requires that a minimum of three categories of service be provided.

C. *Evaluation*

Comment: The guidelines should stress evaluation as part of the project.

Response: As OJJDP is initially requesting concept papers, the primary focus will be on programmatic issues such as design, conceptual framework, target population, etc. The final applications will have a heavy emphasis on assessment of program effectiveness.

D. *Target Population*

Comment: Two divergent points of view were presented on this issue. One called for the expansion of the target population and the other called for tightening of the target population.

Response: Upon review of the target population OJJDP has decided to maintain the existing criteria. It is recognized that the criteria is rather broad, however, this was done deliberately to ensure that no population within wide parameters categorized and documented as "high-risk" is excluded.

E. *Period of Award*

Comment: We were encouraged to increase funding for all aspects of this program. A three to four year cycle was recommended.

Response: Because of the nature of the program and the varied funding sources, no promise of funding beyond the initial award could be made.

F. *Focus of Program*

Comment: It was questioned as to whether the focus was the linking of programs or the development of comprehensive projects.

Response: The primary focus of the program is the development of comprehensive programs. OJJDP encourages the linkage with other programs to ensure maximum utilization of all resources and the rendering of services not capable of being provided efficiently by the host program.

G. *Criteria*

Comment: Geographical distribution and economic factors were recommended as selection criteria.

Response: OJJDP intends to utilize geographical distribution as a criteria in its final selection. However, this factor will be utilized only to avoid funding more than two projects in one state. Economic factors will also be used as a criteria for selection. This is not a sole criteria and therefore, will be viewed along with other criteria.

H. *Restriction on Use of Funds*

Comment: One respondent felt the restriction against using project funds to pay wages was unrealistic.

Response: OJJDP placed this restriction on the grant because of the limited amount of funds available and correspondingly the rather costly nature of paying wages. If a program was permitted to pay wages for an employment type program, little else could be done. This restriction does not preclude an agency from utilizing other funds for this activity.

I. *Concept Paper*

Comment: OJJDP was encouraged to utilize concept papers rather than full applications in its selection process.

Response: OJJDP concurs in this recommendation and in order to save time and reduce costly application development procedures will ask that interested applicants submit a brief concept paper.

J. *Elimination of Two-Phase Process*

Comment: OJJDP originally proposed a two-step procedure. The first would be for Planning and Coordination grants and the second would be for the Action grants. Only those receiving Planning and Coordination grants would be eligible to compete for the Action grants. Because of the time consuming nature of this type of process, OJJDP was asked to consider the development of a quicker, less burdensome procedure.

Response: OJJDP concurs that the original procedure was rather burdensome and therefore has adopted a procedure whereby interested applicants would be asked to submit a short concept paper related to their proposed program. Approximately 15–30 applicants who submitted concept papers would be asked to develop complete applications. *One* grant for planning, coordination and service delivery would be provided to applicants based upon a competitive process.

[FR Doc. 81-16511 Filed 6-2-81; 8:45 am]
BILLING CODE 4410-18-M

V 4 6 / 1 0 6
J E 3 8 1
UMI

federal register

Wednesday,
June 3, 1981

Part IV

Department of Energy

Office of Conservation and Renewable Energy

Industrial Energy Conservation Program; Corporate Identification and Proposed Exempt Corporations and Adequate Reporting Programs

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

Industrial Energy Conservation Program; Identification of Corporations for Purposes of Industrial Energy Efficiency Improvement and Recovered Materials Utilization Reporting

AGENCY: Department of Energy.

ACTION: Notice of corporate identification.

SUMMARY: The Department of Energy (DOE) is identifying corporations which consumed at least one trillion British thermal units (Btu's) of energy in calendar year 1980 in any of the major energy-consuming industries, as required by DOE's regulations at 10 CFR 445.15(b) which implements Section 373(b) of the Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act.

Section 445.12 of these regulations required certain corporations which consumed at least one trillion Btu's of energy in calendar year 1980 in any of the 20 major energy-consuming industries identified by DOE to file a certified statement to that effect with DOE. The deadline to file this report with DOE was February 28, 1981. Based on the reports filed in response to this information and reports filed previously, DOE identifies the corporations listed in the appendix to this notice.

Identified corporations are subject to reporting requirements imposed by statute. Were it not for this legal requirement, DOE would not publish this notice or require such reporting.

The Administration has proposed to Congress to prohibit DOE from expending any funds to carry out this reporting program during Fiscal Year 1982. Notwithstanding this Administration proposal, the identified corporations are required to meet the reporting requirement of 10 CFR Part 445—Subpart C for Calendar Year 1980.

A corporation may file a request with DOE to modify its identification on the grounds of technical or clerical error as provided in 10 CFR § 445.16.

FOR FURTHER INFORMATION CONTACT:

Tyler E. Williams, Jr., Office of Industrial Programs, CE–122.1, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252–2371.

Pamela M. Pelcovits, Office of General Counsel, GC–33, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252–1325.

Issued in Washington, D.C., May 28, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 81–16543 Filed 6–2–81; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CAS–RM–80–304]

Industrial Energy Conservation Program; Proposed Exempt Corporations and Adequate Reporting Programs

AGENCY: Department of Energy.

ACTION: Notice of proposed exempt corporations and adequate reporting programs.

SUMMARY: The Department of Energy (DOE) is proposing to exempt certain corporations from the requirement of filing corporate reporting forms directly with DOE and to determine as adequate certain industrial reporting programs for sponsor reporting, pursuant to Section 376(g)(1) of the Energy Policy and Conservation Act and DOE's regulations set forth at 10 CFR 445.37. The proposed exempt corporations and the respective sponsors of proposed adequate reporting programs are listed alphabetically by industry in the appendix to this notice.

DOE will receive written comments with respect to this proposed list.

The requirement to issue this list is imposed by statute. While the exemption procedure reduces the reporting burden on affected corporations, DOE would not require corporate reports directly or through sponsors, were it not for the legal requirement to do so. The Administration has proposed to Congress to prohibit DOE from expending any funds to carry out this reporting program for Fiscal Year 1982. Notwithstanding this Administration proposal, exempt corporations are required to meet the appropriate reporting requirements of 10 CFR Part 445—Subpart C for Calendar Year 1980.

DATE: Written comments must be received by July 6, 1981.

ADDRESS: Comments should be addressed to: Carol A. Snipes, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station 6B–025, 1000 Independence Avenue SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Tyler E. Williams, Jr., Office of Industrial Programs, CE–122.1, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–2371.

Pamela M. Pelcovits, Office of General Counsel, GC–33, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–1325.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) has issued Part 445 of Chapter II of Title 10 of the Code of Federal Regulations (10 CFR Part 445; 45 FR 10194; February 14, 1980) which sets out the requirements of DOE's Industrial Energy Conservation Program, required by Part E of Title III of the Energy Policy and Conservation Act (Pub. L. 94–163) (EPCA), as amended by the National Energy Conservation Policy Act (Pub. L. 95–619) (NECPA).

DOE has today issued a list of identified corporations as required by 10 CFR 445.15(b). Identified corporations are required to meet the applicable reporting requirements set forth in Subpart C of Part 445.

Subpart D of Part 445 sets forth the criteria and procedures for an identified corporation to be exempt from filing directly with DOE the corporate reporting form required by § 445.22 through participation in the adequate reporting program of a sponsor. A sponsor files an aggregated report, based on reports from its participants, with DOE pursuant to § 445.23. The requirements for a request to be an exempt corporation are provided in § 445.34, and the requirements for a request to be a sponsor with an adequate reporting program are provided in § 445.35. The deadline for filing such requests with DOE for reports on energy consumption in calendar year 1980 was February 28, 1981.

Based on the requests received by DOE, DOE has made a preliminary determination in accordance with § 445.37 of DOE's regulations and Section 376(g)(1) of the EPCA and proposes to exempt certain corporations from the reporting requirements of § 445.22(c)(1) and to determine as adequate certain industrial reporting programs. The appendix to this *Notice* sets forth sponsors of adequate reporting programs alphabetically by 2-digit SIC industry. Following each sponsor are the names of those corporations that DOE proposed to exempt from direct reporting requirements through their full participation in that sponsor's reporting program.

Parentheses with the word "partial" follow any corporation which will be reporting other than its total energy data in any particular 2-digit SIC code through the program sponsor under

V4610
6
JE3
81
UMI

which it is listed. This signifies that the corporation will be reporting only part of its data for that SIC code through that sponsor and may be reporting the rest of its efficiency data through another sponsor or sponsors or directly to DOE.

Comments on this proposal should be submitted to the address indicated in the "ADDRESS" section above on or before July 6, 1981. Five copies of all written comments should be provided. Envelopes should be identified: "Attn: Docket No. CAS-RM-80-304."

After considering any comments, DOE will exempt corporations and determine the adequacy of the reporting programs in which they participate and publish a list of corporations and sponsors of reporting programs in the Federal Register pursuant to § 445037.

Issued in Washington, D.C., May 28, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

List of Corporations Identified for Calendar Year 1979

(Includes subsequent amendments for 1980 as a result of corporate notification to DOE since previous notice 45 FR 33034 May 20, 1980)

SIC 20—Food and Kindred Products

A. E. Staley Manufacturing Company
Adolph Coors Company
Amalgamated Sugar Company
American Brands Inc.
American Crystal Sugar Company
American Home Products Corporation
American Maize-Products Company
AMFAC Inc.
AMPCO Foods Inc.
AMSTAR Corporation
Anderson Clayton & Company
Anheuser-Busch Inc.
Archer Daniels Midland Company
Beatrice Foods Company
Borden Inc.
Bunge Corporation
California & Hawaiian Sugar Company
California Canners and Growers Company
Campbell Soup Company
Campbell Taggart Inc.
Cargill Inc.
Carnation Company
Castle & Cooke Inc.
Central Soya Company Inc.
Coca Cola Company
Conagra Inc.
Consolidated Foods Corporation
Continental Grain Company
CPC International Inc.
Curtice-Burns Inc.
Dubuque Packing Company
Eli Lilly and Company
Farmland Industries Inc.
Federal Company
Flowers Industries Inc.
Foremost-McKesson Inc.
G. Heileman Brewing Company Inc.
General Foods Corporation
General Host Corporation
General Mills Inc.
George A. Hormel & Company
Gerber Products Company
Gold Kist Inc.
Grain Processing Corporation
Grain Terminal Association
Great A & P Tea Company Inc.
Greyhound Corporation
H. J. Heinz Company
Hanson Industries Inc.
Hershey Food Corporation
Heublein Inc.
Holly Sugar Corporation
Hunt International Resources Corporation
IC Industries Inc.
Imperial Sugar Company
International Telephone & Telegraph Corporation
Interstate Brands Corporation
Iowa Beef Processors Inc.
J. R. Simplot Company
Jos. Schlitz Brewing Company
Joseph E. Seagram & Sons Inc.
Keebler Company
Kellogg Company
Kraft Inc.
Kroger Company
Ladish Malting Company
Land O'Lakes Inc.
Liggett Group Inc.
Lykes Brothers Inc.
Mars Incorporated
MBPXL Corporation
Michigan Sugar Company
Mid-America Dairymen Inc.
Midwest Solvents Company Inc.
Minn-Dak Farmers Cooperative
Monitor Sugar Company
Moorman Manufacturing Company
Nabisco Inc.
National Distillers & Chemical Corporation
National Starch & Chemical Corporation
National Sugar Refining Company
Nestle Enterprises Inc.
Norton Simon Inc.
Olympia Brewing Company
Oscar Mayer & Company
Pabst Brewing Company
Pepsico Inc.
Perdue Inc.
Philip Morris Inc.
Pillsbury Company
Procter & Gamble Company
Quaker Oats Company
R. J. Reynolds Industries Inc.
Ralston Purina Co.
Rapid American Corporation
Rath Packing Company
Refined Syrups & Sugars Inc.
Revere Sugar Corporation
Riceland Foods Inc.
Safeway Stores Inc.
Savannah Foods & Industries Inc.
SCM Corporation
Southern Minnesota Sugar Cooperative
Standard Brands Inc.
Stokely-Van Camp Inc.
Stroh Companies Inc.
Sunkist Growers Inc.
Swift & Company
Thomas J. Lipton Inc.
Tillie Lewis Foods Inc.
Tri/Valley Growers Inc.
Twin City Foods Inc.
United Brands Company
Univar Corporation
Universal Foods Corporation
Wilson Foods Corporation

SIC 21—Tobacco Products

American Brands Inc.
Brown & Williamson Tobacco Corporation
Philip Morris Inc.
R. J. Renolds Industries Inc.

SIC 22—Textile Mill Products

American Thread Company
Armstrong World Industries Inc.
Avondale Mill Inc.
Bibb Company
Burlington Industries Inc.
Cannon Mills Company
Coats & Clark Inc.
Colgate-Palmolive Company
Collins & Aikman Corporation
Cone Mills Corporation
Consolidated Foods Corporation
Cranston Print Works Company
Crompton Company Inc.
Daisy Hosiery Mill Inc.
Dan River Inc.
Dixie Yarns Inc.
Fieldcrest Mills Inc.
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Graniteville Company
Greenwood Mills Inc.
Gulf & Western Industries Inc.
J. P. Stevens & Company Inc.
Johnson & Johnson
Kiddie Tot Hosiery Mills Inc.
M. Lowenstein & Sons Inc.
Milliken & Company
Mohasco Corporation
Northwest Industries Inc.
RCA Corporation
Reeves Brothers Inc.
Riegel Textile Corporation
Shaw Industries Inc.
Spartan Mills Inc.
Sperry and Hutchinson Company
Springs Mills Inc.
Standard Oil Company (Indiana)
Standard-Coosa-Thatcher Company
Texfi Industries Inc.
Thomaston Mills Inc.
Ti-Caro Inc.
United Merchants & Manufacturers Inc.
West Point-Pepperell Inc.
WWG Industries Inc.

SIC 23—Apparel and Other Textile Products

None

SIC 24—Lumber and Wood Products

Bendix Corporation
Boise Cascade Corporation
Champion International Corporation
Crown Zellerbach Corporation
Evans Products Company
Georgia-Pacific Corporation
Jim Walter Corporation
Koppers Company Inc.
Louisiana-Pacific Corporation
Macmillan Bloedel Inc.
Masonite Corporation
Potlatch Corporation
Southwest Forest Industries Inc.
Time Inc.
Weyerhaeuser Corporation
Willamette Industries Inc.

SIC 25—Furniture and Fixtures

None

SIC 26—Paper and Allied Products

Abitibi Corporation
Abitibi Southern Corporation
Alaska Lumber & Pulp Company Inc.
Alton Box Board Company
American Can Company
Appleton Papers Inc.
Arcata Corporation
Armstrong World Industries Inc.
Austell Box Board Corporation
Bell Fibre Products Corporation
Bird & Son Inc.
Blandin Paper Company
Boise Cascade Corporation
Bowater Inc.
Certainteed Corporation
Champion International Corporation
Chesapeake Corporation
Clevepak Corporation
Consolidated Papers Inc.
Consolidated Packaging Corporation
Continental Group Inc.
Crown Zellerbach Corporation
Dennison Manufacturing Company
Dexter Corporation
Diamond International Corporation
Eddy Paper Company Limited
Erving Paper Mills Inc.
Federal Paper Board Company Inc.
Finch Pruyn & Company Inc.
Flintkote Company
Fort Howard Paper Company
Fraser Paper, Limited
GAF Corporation
Garden State Paper Company Inc.
General Refractories Company
Georgia-Pacific Corporation
Gilman Paper Company
Great Northern Nekoosa Corporation
Green Bay Packaging Inc.
Gulf & Western Industries Inc.
Gulf States Paper Corporation
Hammermill Paper Company
Hollingsworth & Vose Company
Howard Paper Mills Inc.
International Paper Company
International Telephone & Telegraph Corporation
Interstate Paper Corporation
James River Corporation of Virginia
Jim Walter Corporation
Johns-Manville Sales Corporation
Johnson & Johnson
Kimberly-Clark Corporation
Litton Industries Inc.
Longview Fibre Company
Louisiana-Pacific Corporation
Macmillan Bloedel Inc.
Marcal Paper Mills Inc.
Masonite Corporation
Mead Corporation
Menasha Corporation
Minnesota Mining & Manufacturing Company
Mobil Oil Corporation
Mosinee Paper Corporation
National Gypsum Company
Newark Boxboard Company
Newton Falls Paper Mill Inc.
Olin Corporation
Owens-Corning Fiberglas Corporation
Owens-Illinois Inc.
P. H. Glatfelter Company
Pacific Paperboard Products Inc.
Penntech Papers Inc.
Pentair Industries Inc.
Philip Morris Inc.
Pineville Kraft Corporation
Port Huron Paper Company
Potlatch Corporation
Procter & Gamble Company
SCM Corporation
Scott Paper Company
Simpson Paper Company
Sonoco Products Company
Southeast Paper Manufacturing Company
Southwest Forest Industries Inc.
St. Joe Paper Company
St. Regis Paper Company
Stone Container Corporation
Tenneco Inc.
Time Inc.
Times Mirror Company
Union Camp Corporation
United States Gypsum Company
Virginia Fibre Corporation
Wausau Paper Mills Company
Western Paper & Manufacturing Company
Westvaco Corporation
Weyerhaeuser Company
Willamette Industries Inc.

SIC 27—Printing and Publishing

Arcata Corporation
City Investing Company
Moore Business Forms Inc.
R. R. Donnelley & Sons Company
W. F. Hall Printing Company

SIC 28—Chemicals and Allied Products

Abbott Laboratories
Air Products & Chemicals Inc.
Airco Inc.
Akzona Inc.
Allied Chemical Corporation
Aluminum Company of America
Amerada Hess Corporation
American Can Company
American Cyanamid Company
American Hoechst Corporation
American Home Products Corporation
American Petrofina Inc.
American Synthetic Rubber Corporation
Arizona Chemical Company
Asarco Incorporated
Ashland Oil Inc.
Atlantic Richfield Company
Avtex Fibers Inc.
B. F. Goodrich Company
Badische Corporation
BASF Wyandotte Corporation
Baxter-Travenol Laboratories Inc.
Beker Industries Corporation
Big Three Industries Inc.
Borden Inc.
Borg-Warner Corporation
Bristol-Myers Company
Buffalo Color Corporation
C. F. Industries Inc.
Cabot Corporation
Cargill Inc.
Carus Chemical Company Inc.
Celanese Corporation
CIBA-GEIGY Corporation
Cities Service Company
Coastal Corporation
Colgate-Palmolive Company
Cominco American Inc.
Commonwealth Oil Refining Company
Conoco Inc.
Copolymer Rubber & Chemical Corp.
CPC International Inc.
Diamond Crystal Salt Company
Diamond Shamrock Corporation
Dow Chemical Company
Dow Corning Corporation
E. I. DuPont De Nemours & Company
Eagle Picher Industries Inc.
Eastman Kodak Company
El Paso Products Company
Eli Lilly and Company
Estech General Chemicals Corporation
Ethyl Corporation
Exxon Corporation
Farmland Industries Inc.
Felmont Oil Corporation
Ferro Corporation
Firestone Tire & Rubber Company
First Mississippi Corporation
FMC Corporation
Freeport Minerals Company
GAF Corporation
Gardinier Big River Inc.
General Electric Company
General Host Corporation
General Tire & Rubber Company
Georgia-Pacific Corporation
Getty Oil Company
Goodyear Tire & Rubber Company
Great Lakes Chemical Corporation
Green Valley Chemical Corporation
Greyhound Corporation
Gulf & Western Industries Inc.
Gulf Oil Corporation
Gulf Resources & Chemical Corporation
Halcon International Inc.
Hardy Salt Company
Henkel Corporation
Hercules Incorporated
Hoffmann-La Roche Inc.
ICI Americas Inc.
International Minerals & Chemicals Corporation
Inter North Inc.
J. M. Huber Corporation
J. R. Simplot Company
Johnson & Johnson
Kaiser Aluminum & Chemical Corporation
Kerr-McGee Corporation
Koppers Company Inc.
Kraft Inc.
Lever Brothers Company
Linden Chemical & Plastics Inc.
Lubrizol Corporation
Mallinckrodt Inc.
Merck & Company Inc.
Merichem Company
Miles Laboratories Inc.
Minnesota Mining & Manufacturing Company
Mississippi Chemical Corporation
Mobay Chemical Corporation
Mobil Oil Corporation
Monsanto Company
Morton-Norwich Products Inc.
N-Ren Corporation
Nalco Chemical Company
National Distillers & Chemical Corporation
Newmont Mining Corporation
NIPRO Inc.
NL Industries Inc.
North American Rayon Corporation
Northwest Industries Inc.
Occidental Petroleum Corporation
Olin Corporation
Pennwalt Corporation

Pfizer Inc.
Phillips Petroleum Company
PPG Industries Inc.
PQ Corporation
Proctor & Gample Company
Publicker Industries Inc.
Quaker Oats Company
Reichhold Chemicals Inc.
Reilly Tar & Chemical Corporation
Reynolds Metals Company
Richardson-Merrell Inc.
Rohm And Haas Company
SCM Corporation
Shell Oil Company
Sherex Chemical Company Inc.
Sherwin-Williams Company
Signal Companies Inc.
SimCal Chemical Company
Soltex Polymer Corporation
Squibb Corporation
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Stauffer Chemical Company
Sterling Drug Inc.
SunOlin Chemical Company
Tenneco Inc.
Terra Chemicals International Inc.
Texaco Inc.
Texasgulf Inc.
Thiokol Corporation
Tyler Corporation
Union Camp Corporation
Union Carbide Corporation
Union Oil Company of California
Uniroyal Inc.
United States Borax & Chemical Corporation
United States Steel Corporation
United Technologies Corporation
Upjohn Company
Vertax Inc.
Virginia Chemicals Inc.
Vulcan Materials Company
W. R. Grace & Company
Warner-Lambert Company
Westvaco Corporation
Weyerhaeuser Company
Williams Companies
Witco Chemical Corporation

SIC 29—Petroleum and Coal Products

Agway Inc.
Amerada Hess Corporation
American Petrofina Inc.
Asamera Oil (U.S.) Inc.
Ashland Oil Inc.
Atlantic Richfield Company
Beacon Oil Company
Bird & Son Inc.
Certainteed Corporation
Champlin Petroleum Company
Charter International Oil Company
Cities Service Company
Clark Oil & Refining Corporation
Coastal Corporation
Commonwealth Oil Refining Company
CONOCO Inc.
Crown Central Petroleum Corporation
Crystal Oil Company
Diamond Shamrock Corporation
Dorchester Gas Corporation
Earth Resources Company
Edgington Oil Company
Energy Cooperative Inc.
Exxon Corporation
Farmers Union Central Exchange Inc.
Farmland Industries Inc.
Fletcher Oil & Refining Company
GAF Corporation
Getty Oil Company
Great Lakes Carbon Corporation
Gulf Oil Corporation
Holly Corporation
Hunt Oil Company
Husky Oil Company
Indiana Farm Bureau Cooperative Association
Jim Walter Corporation
Johns-Manville Sales Corporation
Kern County Refinery Inc.
Kerr-McGee Corporation
Koch Industries Inc.
Koppers Company Inc.
Little America Refining Company
Louisiana Land & Exploration Company
Marathon Oil Corporation
Mobil Oil Corporation
Murphy Oil Corporation
National Cooperative Refinery Association
OKC Corporation
Oklahoma Refining Company
Owens-Corning Fiberglas Corporation
Pennzoil Company
Petrolite Corporation
Phillips Petroleum Company
Placid Refining Company
Powerine Oil Company
Pride Refining Inc.
Quaker State Oil Refining Corporation
Rock Island Refining Corporation
Shell Oil Company
Southern Union Company
Southland Oil Company
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Sun Company Inc.
Tenneco Inc.
Tesoro Petroleum Corporation
Texaco Inc.
Texas Eastern Transmission Corporation
Time Oil Company
Tosco Corporation
Total Petroleum Inc.
Union Oil Company of California
Uniroyal Inc.
United Refining Company
USA Petroleum Corporation
Vickers Petroleum Corporation
Winston Refining Company
Witco Chemical Corporation

SIC 30—Rubber and Miscellaneous Plastics Products

Amerace Corporation
American Cyanamid Company
Armstrong Rubber Company
B. F. Goodrich Company
Baxter-Travenol Laboratories Inc.
Budd Company
Carlisle Corporation
Continental Group Inc.
Cooper Tire & Rubber Company
Dart Industries Inc.
Dayco Corporation
Dunlop Tire & Rubber Corporation
Eagle Picher Industries Inc.
Ethyl Corporation
Exxon Corporation
Firestone Tire & Rubber Company
Gates Rubber Company
General Electric Company
General Motors Corporation
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Michelin Tire Corporation
Minnesota Mining & Manufacturing Company
Owens-Illinois Inc.
Union Carbide Corporation
Unirpyal Inc.
W. R. Grace & Company
Westinghouse Electric Corporation

SIC 31—Leather and Leather Products

None

SIC 32—Stone, Clay and Glass Products

AFG Industries Inc.
Allied Chemical Corporation
Allied Products Company
Alpha Portland Cement Company
Amcord Inc.
American Standard Inc.
Amsted Industries Inc.
Anchor Hocking Corporation
Arkansas Lousiana Gas Company
Armco Inc.
Armstrong World Industries Inc.
Ash Grove Cement Company
Austin White Lime Company
Ball Corporation
Belden Brick Company
Bethlehem Steel Corporation
Bickerstaff Clay Products Company Inc.
Boren Clay Products Company
Brockway Glass Company Inc.
California Portland Cement Company
Can-Am Corporation
Capitol Aggregates Inc.
Centex Corporation
Certainteed Corporation
Citadel Cement Corporation
CLM Corporation
Combustion Engineering Inc.
Coors Container Company
Coplay Cement Manufacturing Company
Corning Glass Works
Crane Company
Cyprus Hawaiian Cement Company
Dart Industries Inc.
Delta Macon Brick & Tile Company
Dickey Company
Domtar Industries Inc.
Dorsey Corporation
Dravo Corporation
Dresser Industries Inc.
Dundee Cement Company
Eagle Picher Industries Inc.
Edw C. Levy Company
Englehard Minerals & Chemicals Corporation
Ferro Corporation
Filtrol Corporation
Flintkote Company
Florida Mining & Materials Corporation
Ford Motor Company
GAF Corporation
Gallo Glass Company
General Telephone & Electronic Corporation
General Dynamics Corporation
General Electric Company
General Portland Inc.
General Refractories Company
General Shale Products Corporation
Georgia-Pacific Corporation
Giant Portland & Masonry Cement Company
Gifford-Hill & Company Inc.
Glen-Gery Corporation
Glenshaw Glass Company Inc.

Guardian Industries Corporation
Gulf & Western Industries Inc.
Harsco Corporation
Ideal Basic Industries Inc.
Independent Cement Corporation
Indian Head Inc.
Interpace Corporation
J. E. Baker Company
Jim Walter Corporation
Johns-Manville Sales Corporation
Justin Industries Inc.
Kaiser Aluminum & Chemical Corporation
Kaiser Cement & Gypsum Corporation
Kennecott Corporation
Kerr Glass Manufacturing Corporation
Keystone Portland Cement Company
Kohler Company
Kraft Inc.
Lancaster Colony Corporation
Latchford Glass Company
Lehigh Portland Cement Company
Libbey-Owens-Ford Company
Liberty Glass Company
Lone Star Industries Inc.
Louisville Cement Company
Martin-Marietta Corporation
McDermott Inc.
McDonough Company
Midland Glass Company Inc.
Minnesota Mining & Manufacturing Company
Mississippi Lime Company
Missouri Portland Cement Company
Monarch Cement Company
Monolith Portland Cement Company
National Bottle Manufacturing Company
National Can Corporation
National Cement Company
National Gypsum Company
Newmont Mining Corporation
Northwestern State Portland Cement Company
Norton Company
Norton Simon Inc.
OKC Corporation
Oregon Portland Cement Company
Owens-Corning Fiberglas Corporation
Owens-Illinois Inc.
Pacific Coast Building Products Company
Pacific Holding Corporation
Penn-Dixie Industries Inc.
Pfizer Inc.
Philip Morris Inc.
Pomona Corporation
PPG Industries Inc.
Puerto Rican Cement Company Inc.
Rangaire Corporation
Raybestos Manhattan Inc.
Reichhold Chemical Inc.
Republic Steel Corporation
Rinker Portland Cement Corporation
River Cement Company
Rockwool Industries Inc.
Round Rock Lime Company
San Antonio Portland Cement Company
Solite Corporation
South Dakota Cement Company
Southdown Inc.
St. Clair Lime Company
Texas Industries Inc.
United States Gypsum Company
United States Steel Corporatation
Vulcan Materials Company
Warner Company
Weyerhaeuser Company
Wheaton Industries
Whitehall Cement Manufacturing Company
Woodville Lime & Chemical Company

SIC 33—Primary Metal Industries

A. Finkl & Sons Company
Alcan Aluminum Corporation
Allegheny Ludlum Industries Inc.
Allied Chemical Corporation
Alumax Inc.
Aluminum Company of America
Amax Inc.
American Can Company
American Cast Iron Pipe Company
American Telephone & Telegraph Company
Amsted Industries Inc.
Armco Inc.
Asarco Inc.
Athlone Industries Inc.
Atlantic Richfield Company
Atlantic Steel Company
Bethlehem Steel Corporation
Budd Company
Cabot Corporation
Cargill Inc.
Carpenter Technology Corporation
Caterpillar Tractor Company
Ceco Corporation
Century Brass Products Inc.
Chromium Mining & Smelting Corporation
Clow Corporation
Colt Industries Inc.
Connors Steel Company
Consolidated Aluminum Corporation
Copperweld Corporation
Crane Company
Cyclops Corporation
Dana Corporation
Dayton Malleable Inc.
Dow Chemical Company
Eastmet Corporation
Engelhard Minerals & Chemicals
Ethyl Corporation
Evans Products Company
Florida Steel Corporation
Ford Motor Company
GK Technologies Inc.
General Electric Company
General Motors Corporation
Great Lakes Carbon Corporation
Grede Foundries Inc.
Gulf & Western Industries Inc.
Gulf Resources & Chemical Corporation
Guterl Special Steel Corporation
Hanna Mining Company—Silicon Division
Hanna Nickel Smelting Company
Hayes-Albion Corporation
Huntington Alloys Inc.
IC Industries Inc.
Inland Steel Company
Inspiration Consol Copper Company
Interlake Inc.
International Minerals & Chemical Corporation
Jim Walter Corporation
Jones & Laughlin Steel Corporation
Kaiser Aluminum & Chemical Corporation
Kaiser Steel Corporation
Kennecott Corporation
Keystone Consolidate Industries Inc.
Korf Industries Inc.
Laclede Steel Company
Louisiana Land & Exploration Company
Lukens Steel Company
MacAlloy Corporation
Martin Industries Inc.
Martin Marietta Corporation
McDermott Inc.
McLouth Steel Corporation
Mead Corporation
Midland-Ross Corporation
National Distillers & Chemical Corporation
National Steel Corporation
National-Standard Company
Neenah Foundry Company
Newmont Mining Corporation
NL Industries Inc.
Noranda Aluminum Inc.
Northwest Industries Inc.
Northwest Steel Rolling Mills Inc.
Northwestern Steel & Wire Company
Ohio Ferro-Alloys Corporation
Olin Corporation
Outboard Marine Corporation
Pechiney Ugine Kuhlmann Corporation
Penn-Dixie Steel Corporation
Phelps Dodge Corporation
Phoenix Steel Corporation
Quanex Corporation
Republic Steel Corporation
Revere Copper and Brass Inc.
Reynolds Metals Company
Roane Electric Furnace Company Inc.
RSR Corporation
Satralloy Inc.
Sharon Steel Corporation
Shenango Inc.
SKW Alloys Inc.
Southwire Company
St. Joe Minerals Corporation
Structural Metals Inc.
Teledyne Inc.
Tenneco Inc.
Textron Inc.
Timken Company
Tyler Corporation
Union Carbide Corporation
United States Steel Corporation
United Technologies Corporation
Vulcan Materials Company
Wabash Alloys Inc.
Washington Steel Corporation
Wheeling Pittsburgh Steel Corporation
White Consolidated Industries Inc.

SIC 34—Fabricated Metal Products

Allegheny Ludlum Industries Inc.
Aluminum Company of America
American Can Company
American Standard Inc.
Ampco-Pittsburgh Corporation
Amsted Industries Inc.
Babcock & Wilcox Company
Bethlehem Steel Corporation
Budd Company
Cameron Iron Works Inc.
Canton Drop Forging & Manufacturing Company
Combustion Engineering Inc.
Continental Group Inc.
Crown Cork & Seal Company Inc.
Cyclops Corporation
General Motors Corporation
Gulf & Western Industries Inc.
Harsco Corporation
Inland Steel Company
International Telephone & Telegraph Corporation
Jos. Schlitz Brewing Company
Kaiser Aluminim & Chemical Corporation
Kohler Company
Ladish Company
Martin Marietta Corporation

National Can Corporation
National Steel Corporation
Olin Corporation
Remington Arms Company Inc.
Reynolds Metals Company
Rockwell International Corporation
Signal Companies Inc.
SKF Industries Inc.
Stanley Works Inc.
Textron Inc.
TRW Inc.
United States Steel Corporation
Wallace Murray Corporation
Wyman-Gordon Company

SIC 35—Machinery, Except Electrical

Allis-Chalmers Corporation
Arkansas Louisiana Gas Company
Borg-Warner Corporation
Briggs & Stratton Corporation
Bucyrus-Erie Company
Caterpillar Tractor Company
Clark Equipment Company
Colt Industries Inc.
Control Data Corporation
Cooper Industries Inc.
Cummins Engine Company Inc.
Dana Corporation
Deere & Company
Digital Equipment Corporation
Dresser Industries Inc.
Eaton Corporation
Emerson Electric Company
Federal-Mogul Corporation
FMC Corporation
Ford Motor Company
General Electric Company
General Motors Corporation
Harnischfeger Corporation
Hughes Tool Company
IC Industries Inc.
Ingersoll-Rand Company
International Harvester Company
International Business Machines Corporation
Litton Industries Inc.
Mesta Machine Company
Outboard Marine Corporation
Rexnord, Inc.
Rockwell International Corporation
SKF Industries Inc.
Sperry Rand Corporation
Tenneco Inc.
Timken Company
Trane Company
TRW Inc.
United Technologies Corporation
Xerox Corporation
Westinghouse Electric Corporation
White Consolidated Industries Inc.

SIC 36—Electric, Electronic Equipment

A. O. Smith Corporation
Airco Inc.
Allied Chemical Corporation
American Telephone & Telegraph Company
Bendix Corporation
Emerson Electric Company
GK Technologies Inc.
General Electric Company
General Motors Corporation
General Telephone & Electronic Corporation
Great Lakes Carbon Corporation
Harvey Hubbel Inc.
Hughes Aircraft Company
Johnson Controls Inc.
Maytag Company
McGraw-Edison Company
Minnesota Mining & Manufacturing Company
Raytheon Company
RCA Corporation
Reliance Electric Company
Rockwell International Corporation
Square D Company
Stackpole Carbon Company
Sunbeam Corporation
Texas Instruments Inc.
Union Carbide Corporation
Westinghouse Electric Corporation
Whirlpool Corporation
White Consolidated Industries Inc.

SIC 37—Transportation Equipment

A. O. Smith Corporation
American Motors Corporation
Avco Corporation
Bendix Corporation
Bethlehem Steel Corporation
Boeing Company
Borg-Warner Corporation
Budd Company
Chrysler Corporation
Dana Corporation
Dayton-Walther Corporation
Eaton Corporation
Ford Motor Company
Fruehauf Corporation
General Dynamics Corporation
General Electric Company
General Motors Corporation
Goodyear Tire & Rubber Company
Grumman Corporation
Hercules Inc.
Hughes Aircraft Company
Litton Industries Inc.
Lockheed Corporation
Martin-Marietta Corporation
McDonnell Douglas Corporation
Northrop Corporation
Pullman Inc.
Rockwell International Corporation
Signal Companies Inc.
Tenneco Inc.
Textron Inc.
Thiokol Corporation
TRW Inc.
United Technologies Corporation
Vought Corporation

SIC 38—Instruments and Related Products

Eastman Kodak Company
GAF Corporation
Johnson & Johnson
Minnesota Mining & Manufacturing Company
Polaroid Corporation
Warner-Lambert Company

SIC 39—Miscellaneous Manufacturing Industries

Armstrong World Industries Inc.
Congoleum Corporation

Proposed Exempt Corporations and Sponsors of Adequate Reporting Programs

SIC 20—Food and Kindred Products

American Bakers Association

Campbell Soup company (partial)
Campbell Taggart, Inc.
Consolidated Foods Corporation (partial)
Flowers Industries Inc.
G. Heileman Brewing Company, Inc. (partial)
ITT Continental Baking Company Inc. (partial)
Interstate Brands Corporation

American Feed Manufacturers Association

Archer Daniels Midland Company (partial)
Cargill Inc.
Central Soya Company Inc. (partial)
Gold Kist Inc.
Land O'Lakes, Inc. (partial)
Moorman Manufacturing Company
Ralston Purina Company (partial)

American Frozen Food Institute

Campbell Soup Company (partial)
Con Agra Inc. (partial)
J. R. Simplot Company

American Meat Institute

Beatrice Foods Company (partial)
Consolidated Foods Corporation (partial)
Farmland Industries Inc.
Geo. A. Hormel & Company
General Host Corporation (partial)
Greyhound Corporation
ITT Continental Baking Company Inc. (partial)
Oscar Mayer & Company
Rath Packing Company
Swift & Company
United Brands Company
Wilson Foods Corporation

Biscuit & Cracker Manufacturers Association

American Brands Inc. (partial)
Keebler Company
Nabisco Inc. (partial)

Chemical Manufacturers Association

National Distillers Products Company

Corn Refiners Association

A. E. Staley Manufacturing Company (partial)
American Maize-Products Company
Anheuser-Busch Inc. (partial)
CPC International Inc.
Grain Processing Corporation
H. J. Heinz Company (partial)
National Starch & Chemical Corporation

Grocery Manufacturers of America, Inc.

A. E. Staley Manufacturing Company (partial)
American Home Products Corporation
Ampco Foods Inc.
Amstar Corporation
Anderson Clayton & Company
Archer Daniels Midland Company (partial)
Beatrice Foods Company (partial)
Borden Inc. (partial)
Carnation Company
Central Soya Company, Inc. (partial)
Coca-Cola Company
Consolidated Foods Corporation (partial)
General Foods Corporation
General Mills Inc.
Great A & P Tea Company Inc.
H. J. Heinz Company (partial)
Hershey Foods Corporation
Heublein Inc.
I. C. Industries Inc.
ITT Continental Baking Company Inc. (partial)
Kellogg Company
Kraft Inc.
Kroger Company
Mars Inc.
Nabisco Inc. (partial)
Pepsico Inc.
Pillsbury Company
Procter & Gamble Company

Quaker Oats Company
Ralston Purina Company (partial)
Savannah Foods & Industries Inc. (partial)
Standard Brands Incorporated
Thomas J. Lipton Inc.
Universal Foods Corporation

National Food Processors Association

California Canners and Growers Company
Campbell Soup Company (partial)
Castle & Cooke Inc.
Curtice-Burns Inc.
Gerber Products Company
H. J. Heinz Company (partial)
Norton Simon Inc.
R. J. Reynolds Industries, Inc.
Stokely-Van Camp Inc.
Sunkist Growers Inc.
Tri/Valley Growers Inc.

National Frozen Food Association

ITT Continental Baking Company Inc. (partial)

National Meat Association

Dubuque Packing Company
Iowa Beef Processors Inc.
MBPXL Corporation

Pharmaceutical Manufacturers Assocation

Eli Lilly and Company

U.S. Beet Sugar Association

Amalgamated Sugar Company
American Crystal Sugar Company
Consolidated Foods Corporation (partial)
Holly Sugar Corporation
Michigan Sugar Company
Minn-Dak Farmers Cooperative
Monitor Sugar Company
Southern Minnesota Sugar Cooperative

U.S. Brewers Assocation

Adolph Coors Company
Anheuser-Busch Inc. (partial)
Archer Daniels Midland Company (partial)
Grain Terminal Association (partial)
G. Heileman Brewing Company, Inc. (partial)
Jos. Schlitz Brewing Company
Ladish Malting Company
Olympia Brewing Company
Pabst Brewing Company
Philip Morris, Inc. (partial)
The Stroh Companies Inc.

U.S. Cane Sugar Refiners Association

Archer Daniels Midland Company (partial)
Borden Inc. (partial)
California & Hawaiian Sugar Company
Imperial Sugar Company
National Sugar Refining Company
Refined Syrups & Sugars Inc.
Revere Sugar Corporation
Savannah Foods & Industries Inc. (partial)

SIC 22—Textile Mill Products

American Textile Manufacturers Institute

American Thread Company
Avondale Mills Inc.
Bibb Company
Burlington Industries Inc.
Cannon Mills Company
Clinton Mills Inc.
Coats & Clark Inc.
Colgate-Palmolive Company
Collins & Aikman Corporation
Cone Mills Corporation
Cranston Print Works Company
Crompton Company Inc.
Dan River Inc.
Dixie Yarns Inc.
Fieldcrest Mills Inc.
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Graniteville Company
Greenwood Mills Inc.
J. P. Stevens & Company Inc.
Johnson & Johnson
M. Lowenstein & Sons Inc.
Milliken & Company
Northwest Industries Inc.
Reeves Brothers Inc.
Riegel Textile Corporation
Spartan Mills Inc.
Sperry and Hutchinson Company (partial)
Springs Mills Inc.
Standard-Coosa-Thatcher Company
Texfi Industries Inc.
Thomaston Mills Inc.
Ti-Caro Inc.
United Merchants & Manufacturers Inc.
West Point-Pepperell Inc.

Carpet & Rug Institute

Mohasco Corporation
Shaw Industries Inc.
Sperry and Hutchinson Company (partial)
Standard Oil Company (Indiana)
WWG Industries Inc.

SIC 24—Lumber and Wood Products

National Forest Products Association

Boise Cascade Corporation
Champion International Corporation
Crown Zellerbach Corporation
Georgia-Pacific Corporation
Kimberly-Clark Corporation
Koppers Company Inc.
Louisiana-Pacific Corporation
Macmillan Bloedel Inc.
Masonite Corporation
Potlatch Corporation
Southwest Forest Industries Inc.
Time Inc.
Union Camp Corporation
Weyerhaeuser Company
Willamette Industries Inc.

SIC 26—Paper and Allied Products

American Paper Institute

Abitibi Corporation
Abitibi-Price Southern Corporation
Alton Box Board Company
American Can Company
Appleton Papers Inc.
Arcata Corporation
Austell Box Board Corporation
Bell Fibre Products Corporation
Blandin Paper Company
Bosie Cascade Corporation
Bowater Incorporated
Champion International Corporation
Chesapeake Corporation
Clevepak Corporation
Consolidated Packaging Corporation
Consolidated Papers Inc.
Continental Group Inc.
Crown Zellerbach Corporation
Dennison Manufacturing Company
Dexter Corporation
Diamond International Corporation
Eddy Paper Company Limited
Erving Paper Mills Inc.
Federal Paper Board Company Inc.
Finch Pruyn & Company Inc.
Fort Howard Paper Company
Fraser Paper, Limited
GAF Corporation
Garden State Paper Company Inc.
Georgia-Pacific Corporation
Gilman Paper Company
Great Northern Nekoosa Corporation
Green Bay Packaging Inc.
Gulf & Western Industries Inc.
Gulf States Paper Corporation
Hammermill Paper Company
Hollingsworth & Vose Company
International Paper Company
International Telephone & Telegraph Corporation
James River Corporation of Virginia
Johnson & Johnson
Kimberly-Clark Corporation
Litton Industries Inc.
Longview Fibre Company
Macmillan Bloedel Inc.
Marcal Paper Mills Inc.
Masonite Corporation
Mead Corporation
Menasha Corporation
Mobil Oil Corporation (partial)
Mosinee Paper Corporation
National Gypsum Company
Newark Boxboard Company
Newton Falls Paper Mill Inc.
Olin Corporation
Owens-Illinois Inc.
PH Glatfelter Company
Pacific Paperboard Products Inc.
Penntech Papers Inc.
Pentair Industries Inc.
Pineville Kraft Corporation
Port Huron Paper Company
Potlatch Corporation
Procter & Gamble Company
Scott Paper Company
Simpson Paper Company
Sonoco Products Company
Southeast Paper Manufacturing Company
Southwest Forest Industries Inc.
St. Joe Paper Company
St. Regis Paper Company
Stone Container Corporation
Tenneco Inc.
Time Inc.
Times Mirror Company
Union Camp Corporation
Virginia Fibre Corporation
Wausau Paper Mills Company
Western Paper & Manufacturing Company
Westvaco Corporation
Weyerhaeuser Company
Willamette Industries

Chemical Manufacturers Association

Minnesota Mining & Manufacturing Company
Mobil Oil Corporation (partial)

Glass—Pressed & Blown (Battelle Institute)

Owens-Corning Fiberglas Corporation

SIC 28—Chemicals and Allied Products

Aluminum Association

Aluminum Company of America
Reynolds Metals Company

American Feed Manufacturers Association

Cargill Inc.

Chemical Manufacturers Association
Air Products & Chemicals Inc.
Airco Inc.
Akzona Inc.
Allied Chemical Corporation
American Can Company
American Cyanamid Company
American Hoechst Corporation
American Petrofina Inc.
Arizona Chemical Company
Ashland Oil Inc.
Atlantic Richfield Company
Avtec Fibers Inc.
B F Goodrich Company
Badische Corporation
BASF Wyandotte Corporation
Big Three Industries Inc.
Borden Inc. (partial)
Borg-Warner Corporation
Buffalo Color Corporation
Cabot Corporation
CARUS Chemical Company Inc.
Celanese Corporation
CIBA-GEIGY Corporation
Cities Service Company
Commonwealth Oil Refining Company
CONOCO Inc.
CPC International Inc.
Diamond Crystal Salt Company
Diamond Shamrock Corporation
Dow Chemical Company
Dow Corning Corporation
E I Du Pont De Nemours & Company
Eastman Kodak Company
El Paso Products Company
Ethyl Corporation
Exxon Corporation
Firestone Tire & Rubber Company
FMC Corporation
Freeport Minerals Company
GAF Corporation
General Tire & Rubber Company
Georgia-Pacific Corporation
Getty Oil Company
Goodyear Tire & Rubber Company
Great Lakes Chemical Corporation
Greyhound Corporation
Gulf Oil Corporation
Halcon International Inc.
Henkel Corporation
Hercules Incorporated
ICI Americas Inc.
International Minerals & Chemicals Corporation (partial)
Inter North Inc.
Kaiser Aluminum & Chemical Corporation
Kerr-McGee Corporation
Koppers Company Inc.
Kraft Inc.
Lever Brothers Company
Lubrizol Corporation
Mallinckrodt Inc.
Merichem Company
Minnesota Mining & Manufacturing Company
Mobay Chemical Corporation
Mobil Oil Corporation
Monsanto Company
Morton Norwich Products Inc.
Nalco Chemical Company
National Distillers & Chemical Corporation
NIPRO Inc.
NL Industries Inc.
Occidental Petroleum Corporation (partial)
Olin Corporation
Pennwalt Corporation
Pfizer Inc.
Phillips Petroleum Company
PPG Industries Inc.
PQ Corporation
Procter & Gamble Company
Reichhold Chemicals Inc. (partial)
Reilly Tar & Chemical Corporation
Rohm and Haas Company
Shell Oil Company
Sherex Chemical Company Inc.
Soltex Polymer Corporation
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Stauffer Chemical Company
SunOlin Chemical Company
Tenneco Inc.
Texaco Inc.
Texasgulf Inc.
Thiokol Corporation
Union Carbide Corporation
Uniroyal Inc.
United States Borax & Chemical Corporation
United States Steel Corporation (partial)
Upjohn Company (partial)
Velsicol Chemical Corporation
Vertac Inc. (partial)
Virginia Chemicals Inc.
Vulcan Materials Company
W. R. Grace & Company
Westvaco Corporation
Weyerhaeuser Company
Witco Chemical Corporation

Fertilizer Institute
Beker Industries Corporation
Borden Inc. (partial)
C F Industries Inc.
Coastal Corporation (Wycon Chemical Company)
Cominco America Inc.
Estech General Chemicals Corporation
Farmland Industries Inc.
First Mississippi Corporation
Gardinier Big River Inc.
Getty Oil Company
Green Valley Chemical Company
International Minerals & Chemical Corporation (partial)
J. R. Simplot Company
Mississippi Chemical Corporation
Occidental Petroleum Corporation (partial)
Reichhold Chemicals Inc. (partial)
Terra Chemicals International Inc.
Tyler Corporation (Atlas Powder Company)
Union Oil Company of California
United States Steel Corporation (partial)
Vertac Inc. (partial)
The Williams Companies

Pharmaceutical Manufacturers Association
Abbott Laboratories
American Home Products Corporation (partial)
Eli Lilly & Company
Hoffmann-La Roche Inc.
Johnson & Johnson
Merck & Company Inc.
Miles Laboratories Inc.
Richardson Merrell Inc.
Squibb Corporation
Upjohn Company (partial)
Warner-Lambert Company

SIC 29—Petroleum and Coal Products

American Petroleum Institute
Agway Inc.
American Petrofina Inc.
Asamera Oil (US) Inc.
Ashland Oil Inc.
Atlantic Richfield Company
Beacon Oil Company
Champlin Petroleum Company
Charter International Oil Company
Cities Services Company
Clark Oil & Refining Corporation
Coastal Corporation
Commonwealth Oil Refining Company
CONOCO Inc.
Crown Central Petroleum Corporation
Crystal Oil Company
Diamond Shamrock Corporation
Dorchester Gas Corporation
Earth Resources Company
Energy Cooperative Inc.
Exxon Corporation
Farmers Union Central Exchange Inc.
Farmland Industries Inc.
Fletcher Oil & Refining Company
Getty Oil Company
Gulf Oil Corporation
Holly Corporation
Hunt Oil Company
Husky Oil Company
Indiana Farm Bureau Cooperative Association
Kerr-McGee Corporation
Koch Industries Inc.
Little America Refining Company
Marathon Oil Company
Mobil Oil Corporation
Murphy Oil Corporation
National Cooperative Refinery Association
OKC Corporation
Pacific Resources Inc.
Pennzoil Company
Phillips Petroleum Company
Placid Refining Company
Powerine Oil Company
Quaker State Oil Refining Corporation
Rock Island Refining Corporation
Shell Oil Company
Southern Union Company
Southland Oil Company
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Sun Company Inc.
Tenneco Inc.
Tesoro Petroleum Corporation
Texaco Inc.
Texas Eastern Transmission Corporation
Time Oil Company
Tosco Corporation
Total Petroleum Inc.
Union Oil Company of California
USA Petroleum Corporation
Vickers Petroleum Corporation
Winston Refining Company
Witco Chemical Corporation

Chemical Manuacturers Association
GAF Corporation
Great Lakes Carbon Corporation
Koppers Company Inc.
Uniroyal Inc.

Glass—Pressed and Blown (Battelle Institute)
Owens-Corning Fiberglas Corporation

SIC 30—Rubber and Miscellaneous Plastic Products

Chemical Manufacturers Association
American Cyanamid Company

Dart Industries Inc.
Ethyl Corporation
Exxon Corporation
Minnesota Mining & Manufacturing Company
Union Carbide Corporation
United States Steel Corporation
W. R. Grace & Company

Rubber Manufacturers Association

Armstrong Rubber Company
B. F. Goodrich Company
Carlisle Corporation
Cooper Tire & Rubber Company
Dayco Corporation
Dunlop Tire & Rubber Corporation
Firestone Tire & Rubber Company
Gates Rubber Company
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Owens-Illinois Inc.
Uniroyal Inc.

SIC 32—Stone, Clay and Glass Products

Brick Institute of America

Belden Brick Company
Bickerstaff Clay Products Company Inc.
Boren Clay Products Company
Delta Brick & Tile Company
General Dynamics Corporation (partial)
General Shale Products Corporation
Glen-Gery Corporation
Justin Industries Inc.

Chemical Manufacturers Association

Englehard Minerals & Chemicals Corporation
GAF Corporation
Minnesota Mining & Manufacturing Company
Reichhold Chemicals Inc.
Vulcan Materials Company (partial)

Expanded Shale Clay and Slate Institute

Lehigh-Portland Cement Company (partial)
Solite Corporation
Vulcan Materials Company (partial)

Glass—Flat (Eugene L. Stewart)

AFG Industries Inc.
Combustion Engineering Inc.
Ford Motor Company
Guardian Industries Corporation
Libbey-Owens-Ford Company
PPG Industries Inc.

Glass Packaging Institute

Anchor Hocking Corporation (partial)
Ball Corporation
Brockway Glass Company Inc. (partial)
Coors Container Company
Dart Industries Inc.
Dorsey Corporation
Gallo Glass Company
Glenshaw Glass Company Inc.
Indian Head Inc.
Kerr Glass Manufacturing Corporation
Kraft Inc.
Latchford Glass Company
Liberty Glass Company
Midland Glass Company Inc.
National Bottle Manufacturing Company
National Can Corporation
Norton Simon Inc.
Owens-Illinois Inc. (partial)
Philip Morris Inc.
Wheaton Industries

Glass—Pressed & Blown (Battelle Institute)

Anchor Hocking Corportion (partial)
Brockway Glass Company Inc. (partial)
Certainteed Corporation
Corning Glass Works (partial)
Owens-Corning Fiberglass Corporation
Owens-Illinois Inc. (partial)

Gypsum Association

Domtar Industries Inc. (partial)
Flintkote Company (partial)
Georgia-Pacific Corporation
Jim Walter Corporation (partial)
National Gypsum Company (partial)
Pacific Coast Building Products Company (partial)
United States Gypsum Company (partial)

National Lime Association

Ash Grove Cement Company (partial)
Bethlehem Steel Corporation (partial)
Cutler-Magner Company
Domtar Industries Inc. (partial)
Dravo Corporation
Edw. C. Levy Company
Flintkote Company (partial)
General Dynamics Corporation (partial)
J. E. Baker Company (partial)
Kaiser Aluminum & Chemical Corporation (partial)
Martin Marietta Corporation (partial)
National Gypsum Company (partial)
Pfizer Inc. (partial)
Rangaire Corporation
Round Rock Lime Company
St. Clair Lime Company
United States Gypsum Company (partial)
Vulcan Materials Company (partial)
Warner Company
Woodville Lime & Chemical Company

Portlant Cement Association

Alpha Portland Cement Company
Amcord Inc.
Arkansas Louisiana Gas Company
Ash Grove Cement Company (partial)
California Portland Cement Company
Capitol Aggregates Inc.
Centex Corporation
Citadel Cement Corporation
Coplay Cement Manufacturing Company
Crane Company
Cyprus Hawaiian Cement Company
Dundee Cement Company
Filtrol Corporation
Flintkote Company (partial)
Florida Mining & Materials Corporation
General Portland Cement Company
Giant Portland & Masonry Cement Company
Gifford-Hill & Company Inc.
Gulf & Western Industries Inc. (partial)
Ideal Basic Industries Inc.
Independent Cement Corporation
Kaiser Cement & Gypsum Corporation
Keystone Portland Cement Company
Lehigh Portland Cement Company (partial)
Lone Star Industries Inc.
Louisville Cement Company
Martin Marietta Corporation (partial)
McDonough Company
Missouri Portland Cement Company
Monarch Cement Company
Monolith Portland Cement Company
National Cement Company
National Gypsum Company (partial)
Newmont Mining Corporation
Northwestern St. Portland Cement Company
OKC Corporation
Oregon Portland Cement Company
Penn-Dixie Industries Inc.
Rinker Portland Cement Corporation
River Cement Company
San Antonio Portland Cement Company
South Dakota Cement Company
Southdown Inc.
Texas Industries Inc. (partial)
United States Steel Corporation
Whitehall Cement Manufacturing Company

Refractories Institute

Allied Chemical Corporation
Combustion Engineering Inc. (partial)
Corning Glass Works (partial)
Dresser Industries Inc. (partial)
Ferro Corporation (partial)
General Refractories Company (partial)
Interpace Corporation (partial)
J. E. Baker Company (partial)
Kaiser Aluminum & Chemical Corporation (partial)
Kennecott Corporation
Martin Marietta Corporation (partial)
McDermott Inc.
Norton Company (partial)
Pfizer Inc. (partial)
United States Gypsum Company (partial)

Tile Council of America

National Gypsum Company (partial)

SIC 33—Primary Metal Industries

Aluminum Association

Alcan Aluminum Corporation
Alumax Inc.
Aluminum Company of America
American Can Company
Atlantic Richfield Company (partial)
Cabot Corporation
Consolidated Aluminum Corporation
Ethyl Corporation
Kaiser Aluminum & Chemical Corporation
Martin Marietta Corporation
National Steel Corporation (partial)
Noranda Aluminum Inc.
Pechiney Ugine Kuhlmann Corporation (partial)
Revere Copper and Brass Inc. (partial)
Reynolds Metals Company
Southwire Company

American Die Casting Institute

Hayes-Albion Corporation (partial)

American Foundrymen's Society

American Cast Iron Pipe Company
Clow Corporation
Dayton Malleable Inc.
Grede Foundries Inc.
Hayes-Albion Corporation (partial)
Jim Walter Corporation (partial)
Mead Corporation
Teledyne Inc. (partial)

American Iron & Steel Institute

A. Finkl & Sons Company
Allegheny Ludlum Industries Inc.
Armco Inc.
Athlone Industries Inc.
Atlantic Steel Company
Bethlehem Steel Corporation
Cargill Inc.
Carpenter Technology Corporation
Ceco Corporation
Colt Industries Inc.
Crane Company
Cyclops Corporation
Eastmet Corporation

V 46 / 106
JE 3 81
UMI

Florida Steel Corporation
Ford Motor Company
Guterl Special Steel Corporation
Inland Steel Company
Interlake Inc. (partial)
Kaiser Steel Corporation
Keystone Consolidated Industries Inc.
Korf Industries Inc.
Laclede Steel Company
LTV Corporation
Lukens Steel Corporation
McDermott Inc.
McLouth Steel Corporation
National Steel Corporation (partial)
Northwest Industries Inc. (partial)
Northwest Steel Rolling Mills Inc.
Northwestern Steel & Wire Company
Penn-Dixie Steel Corporation
Phoenix Steel Corporation
Republic Steel Corporation
Sharon Steel Corporation
Shenango Inc.
Structural Metals Inc.
Teledyne Inc. (partial)
Timken Company
United States Steel Corporation
Washington Steel Corporation
Wheeling Pittsburgh Steel Corporation

American Mining Congress

Amax Inc.
Asarco Inc.
Atlantic Richfield Company (partial)
Inspiration Consol Copper Company
Kennecott Corporation (partial)
Louisiana Land & Exploration Company (partial)
Newmont Mining Corporation (partial)
Phelps Dodge Corporation (partial)
St. Joe Minerals Corporation

Chemical Manufacturers Association

Allied Chemical Corporation
Great Lakes Carbon Corporation

Construction Industry Manufacturers Association

Caterpillar Tractor Company
Tenneco Inc.

Copper & Brass Fabricators Council

Atlantic Richfield Company (partial)
Century Brass Products Inc.
Kennecott Corporation (partial)
Louisiana Land & Exploration Company (partial)
National Distillers & Chemical Corporation
Olin Corporation
Phelps Dodge Corporation (partial)
Revere Copper & Brass Inc. (partial)

Ferroalloys Association

Chromium Mining & Smelting Corporation
Dow Chemical Company
Hanna Mining Company—Silicon Division
Hanna Nickel Smelting Company
Interlake Inc. (partial)
International Minerals & Chemical Corporation
MacAlloy Corporation
Newmont Mining Corporation (partial)
Ohio Ferroalloys
Roane Electric Furnace Company
Satralloy Inc.
SKW Alloys
Union Carbide Corporation

SIC 34—Fabricated Metal Products

Aluminum Association

Aluminum Company of America
Kaiser Aluminum & Chemical Corporation
Martin Marietta Corporation
Reynolds Metals Company

American Boiler Manufacturers Association

Babcock & Wilcox Company
Combustion Engineering Inc.

Can Manufacturers Institute

American Can Company
Continental Group Inc.
Crown Cork & Seal Company Inc.
Jos Schlitz Brewing Company
National Can Corporation

Chemical Manufacturers Association

Olin Corporation
Remington Arms Company Inc.

SIC 35—Machinery, Except Electrical

Air Conditioning & Refrigeration Institute

Emerson Electric Company
IC Industries
Trane Company

Computer & Business Equipment Manufacturers Association

Control Data Corporation
Digital Equipment Corporation
International Business Machines Corporation
Sperry Rand Corporation
TRW Inc.
Xerox Corporation

Construction Industry Manufacturers Association

Bucyrus-Erie Company
Caterpillar Tractor Company
Clark Equipment Company
Cummins Engine Company Inc.
FMC Corporation
Ford Motor Company
Harnischfeger Corporation
Ingersoll-Rand Company
Tenneco Inc.

SIC 36—Electric, Electronic Equipment

Chemical Manufacturers Association

Great Lakes Carbon Corporation
Minnesota Mining & Manufacturing Company

National Electrical Manufacturers Association

Airco Inc.
Allied Chemical Corporation
Emerson Electric Company
Harvey Hubbell Inc.
Johnson Controls Inc.
McGraw-Edison Company
Reliance Electric Company
Square D Company
Union Carbide Corporation

SIC 37—Transportation Equipment

Aerospace Industries Association of America

Boeing Company
General Dynamics Corporation (partial)
Grumman Corporation
Hughes Aircraft Corporation
Lockheed Corporation
Martin Marietta Corporation
McDonnell Douglas Corporation
Northrop Corporation
Textron Inc. (partial)
Thiokol Corporation
TRW Inc.
Vought Corporation

Chemical Manufacturers Association

Hercules Incorporated
Tenneco Inc.

Motor Vehicle Manufacturers Association

American Motors Corporation
Chrysler Corporation
Ford Motor Company (SIC Code 33, Recovered Materials)
General Motors Corporation (SIC Code 30, 33, Recovered Materials)

SIC 38—Instruments and Related Products

Chemical Manufacturers Association

Eastman Kodak Company
GAF Corporation
Minnesota Mining & Manufacturing Company

Pharmaceutical Manufacturers Association

Johnson & Johnson
Warner-Lambert Company

[FR Doc. 81-16544 Filed 6-2-81: 8:45 am]
BILLING CODE 6450-01-M

V 4 6 / 1 0 6
J E 3 8 1
UMI

federal register

Wednesday
June 3, 1981

Part V

Department of Housing and Urban Development

Office of Assistant Secretary for Community Planning and Development

Community Development Block Grants: Subpart F—Small Cities Program

V 46 / 106 JE 3 81 UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-81-870]

Community Development Block Grants: Subpart F—Small Cities Program

AGENCY: Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: The Department is amending its regulations which cover Community development block grants as they relate to the Small Cities Program. Special procedures applicable only to Puerto Rico are being added to the Small Cities Program regulations. This rule incorporates portions of Subpart F—Small Cities Program and adds new provisions that deal with factors unique to Puerto Rico.

EFFECTIVE DATE: July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Helen Duncan, Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410, telephone number 202-755-6322. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: This revision to Subpart F was published as a proposed rule in the **Federal Register** on November 3, 1980 (45 FR 72691), and interested persons were invited to participate in the making of the final rule by providing written comments by January 2, 1981. HUD received three comments in response to the proposed rule; and considered each comment in developing this final rule. One response was generally supportive of the proposed rule. The remaining comments will be discussed in this preamble. The word "municipio" has been substituted wherever the phrase "units of general local government" has been used, recognizing the municipio as the unique eligible unit of general local government in the Commonwealth of Puerto Rico.

Factors unique to the municipios in the Commonwealth of Puerto Rico, such as the relatively large amount of funds provided, large percentage of population below the poverty level, large number of economically depressed areas, and the fact that there are only approximately 72 municipios eligible for funding under the Small Cities Program, make a competitive system unnecessary. Therefore, HUD has determined that a formula method of distributing funds to eligible municipios under the Small Cities Program in the Commonwealth of Puerto Rico to be a logical and equitable system. A major advantage will be a more simplified application process which will save considerable staff time for eligible applicants and HUD staff. Additionally, municipios will have a predictable level of community development funding, subject to their own performance.

Since funds will be distributed to municipios in predictable amounts, eligible applicants will submit only one application annually. A preapplication will no longer be required. Application submission dates will be established by HUD.

Applicants will be notified of submission dates and amounts for which they may apply. The requirement that clearinghouses must have advance notification of intent to apply for a Federal grant will be satisfied by HUD.

The Housing and Community Development Act of 1974 as amended in 1977, provides in Section 106 that in making Small Cities grants ". . . the Secretary shall establish for each participating unit of general local government an annual grant at an amount meaningful to the size of the unit and the program identified. . . ." HUD complies with this requirement in that the basic grant amount to be invited is computed and coupled with the provision to adjust the grant amount to ensure that the grant amount will be sufficient to produce meaningful projects.

Section 106 continues by saying that ". . . the Secretary shall consider such things as . . ." and lists eleven considerations. In determining the basic amounts and making the adjustments described in this rule, HUD has directly taken into account five of the eleven considerations. Additionally, in reviewing the application submitted, HUD will consider whether an applicant has ignored the needs for economic development or has ignored the need to deal with serious threats to health and safety. This review will directly or indirectly address five of the remaining six considerations. This is discussed in detail under General Comments.

Many of the changes made to Subpart F in § 570.436 are for the purpose of eliminating references to preapplications and to single purpose and comprehensive grants, which are not applicable to the Small Cities Program in the Commonwealth.

General Comments in Response to the Proposed Rule

One commentor felt that HUD should identify the issues taken directly into account in determining basic grants amounts and adjustments, and the remaining issues indirectly addressed in the application review.

The issues directly addressed in grant determination are:

Issues To Be Addressed and Section of Regulations That Addresses Issues

Grant amount meaningful to size of unit—§ 570.436(c)(2)(i)
Prior and present funding levels—§ 570.436(c)(2) (i), (iii), (iv), (v)
Past performance in community development activities—§ 570.436(c)(2) (iv), (v)
Age of housing stock and extent of poverty—§ 570.436(c)(1)(i) (B), (C)
Capacity to carry out the program—§ 570.436(c)(3)(iv), § 570.436(g)(3)(ii)(J)

The issues indirectly addressed in the review process are:

Engaging in economic redevelopment activities—§ 570.436(g)(5)(ii)(B)
Potential for increased employment as a result of community development activities—§ 570.436(g)(5)(ii)(B)
Physical and economic deterioration within the unit—§ 570.436(g)(5)(ii)(D), § 570.436(c)(1) (B), (C)
Extent to which program activity is necessary to alleviate serious threat to health and safety—§ 570.436(g)(5)(ii)(B)
Regional Center of Economic Development and Activity*
Impact of unit's growth of national policy or direct Federal program decisions*

Section 570.436(b) lists those portions of 24 CFR 570 Subpart F that apply to this section.

Section 570.436(c) establishes the method of determining the basic grant amount for each municipio. It further details the steps to be followed in making adjustments to the basic grant amount for each municipio. A minimum grant amount sufficient to ensure a meaningful program will be established. Following determination of basic grant amounts for each municipio, those municipios that would not receive the minimum grant amount will have their grants adjusted upward to the minimum. Those amounts added to the amount set aside for application by the Commonwealth would be deducted from the total amount of funds available. Each remaining municipio's basic grant would then be reduced proportionally to compensate for the adjustment. Further adjustments in grant amounts for each

*While not limited to considerations of the implication of National policies or Centers of Regional growth, the municipios and particularly the Commonwealth can and should consider such issues in choosing projects to include in their applications.

municipio may be made at the discretion of HUD, based on past performance in administering prior grants and the capacity to effectively and efficiently administer the basic grant amount.

One commentor raised concerns relative to taking into account available data pertaining to physical and economic deterioriation and unemployment prior to submission of an application while admitting that such data is limited and somewhat unreliable. HUD agrees that available data on physical and economic deterioration and unemployment is not uniformly available and that attempts to take such factors into account prior to application submission would in effect require at least a limited form of competition. Such a competition, HUD believes, would complicate the process and reduce the simplicity that this regulation is designed to accomplish.

One commentor felt that the amount of funds set aside for the Commonwealth of Puerto Rico should be spelled out. However, HUD feels that it is appropriate to make the judgment on direct funding to the Commonwealth based on past experience and needs to be addressed.

Section 570.436(d) incorporates 24 CFR 570.302 into this section, which is the entitlement program's method for determining program benefits to low- and moderate-income persons, and which will be used for the Small Cities Program in Puerto Rico.

§ 570.436(e) details the application requirements. Municipios will submit every third year, beginning with its first application on or after October 1, 1980, a summary of its three year community development and housing plan, a comprehensive strategy, a three year project summary, and a Housing Assistance Plan. A project summary, cost summary, maps, annual housing action program, assurances, and any clearinghouse comments with the applicant's explanation of inconsistencies, if any, with areawide plans, shall be submitted annually.

One commentor said it was not clear if an economic development activity should be included in the three year project summary or when such activities are proposed in the current annual application. All projects proposed for the three year period must be included in the three year project summary, and in the appropriate annual application.

One commentor said that the economic development strategy which must include evidence of financial commitment or interest by a developer, or in the absence of such commitment, feasibility studies by the applicant, unnecessarily limits the flexibility and usefulness of the stretegy and places a heavy burden on the applicant. HUD agrees that the proposed language is ambiguous and has revised the language. HUD does not intend to specify minimum requirements for justification of economic development activities as part of the Comprehensive Strategy, but rather wants applicants to consider relevant factors in establishing a Comprehensive Strategy. HUD does, however, expect applicants to indicate as part of the Project Summary, § 570.436(e)(2), the information that it has to expect that an economic development project is likely to be successful.

One commentor suggested that the degree and complexity of a CDBG program being undertaken by an applicant should be considered in evaluating performance. It is HUD's intent that those factors should be considered, and has included that in the rule.

Application forms with instructions will be furnished by HUD. Because of the new approach to funding, applicants will not be required to submit the form dealing with title VI of the Civil Rights Act of 1964. HUD should have sufficient information based on annual submissions and past performance to make the necessary Title VI finding.

A performance assessment report will be required annually, and will be used as a factor in judging the applicant's performance in carrying out its community development program.

§ 570.436(f) provides for program amendments.

One commentor recommended that the entitlement regulation regarding CDBG amendments at § 570.312(a) be substituted for § 570.436(f), since § 570.312(a) contains specific thresholds which remove the uncertainty regarding program amendments. HUD feels that the entitlement regulation at § 570.312(a) is unnecessarily complex for the Small Cities Program. Further, the Small Cities Program rule is familiar to the Small Cities Program user.

§ 570.436(g) details the actions taken by HUD in reviewing and approving an application, and details the conditions under which HUD will conditionally approve, or disapprove an application.

One commentor expressed concern with the procedure that review of an application include assessment of the coordination of housing assistance and community development activities, with the implication that every applicant must include housing assistance. No such implication is intended, nor is it appropriate. It is the intent of the regulations that each community will develop a program which prioritizes programs to meet its need.

Further concern was expressed with criteria for disapproval of an application, § 570.436(g)(5), with the question of whose experience is the determining factor in whether a proposed activity will alleviate the conditions they were designed to affect. HUD's Area Office Manager would ultimately make the necessary judgment for disapproval under § 570.436(g)(5). HUD, however, has no intention of using this authority in any but the most extreme cases. For example, in a particular municipio, if for two years homes have been designated for rehabilitation and yet through experience are found to be so deteriorated as to make rehabilitation impossible, and yet the municipio continues to designate seriously deteriorated homes for rehabilitation, the Area Manager would have the authority, after consultation with the municipio, to disapprove the application.

Similarly, with regard to an applicant not addressing serious economic development needs or serious threats to health and safety, HUD will continue to respect local choice regarding priority needs to be addressed. The plainly inappropriate judgment with regard to not addressing serious economic development or public health and safety needs would only be made in cases in which no serious needs were being addressed. The regulations are clarified to that effect.

The commentor also pointed out that § 570.436(g)(5)(D) requires the applicant to address ". . . areas of significant concentration of deteriorated housing and blight. . . ." Faulty construction, building materials, dilapidated condition, etc., could make them infeasible and uneconomical to rehabilitate, but the applicant risks disapproval of the application by failure to address the condition. Again, no such implication is intended, nor is it appropriate. It is the intent of the regulations that each community will develop a program which prioritizes programs to meet its locally determined needs. The regulations are clarified to that effect.

§ 570.436(h) contains the provisions for Citizen Participation that are applicable to the Commonwealth of Puerto Rico under this new approach.

§ 570.436(i) contains the OMB Circular No. A-95 procedures that apply to the Commonwealth of Puerto Rico.

The Department has determined that an environmental impact statement is not required with respect to this rule. A copy of the Finding of No Significant

Impact is available for inspection in the Office of the Rules Docket clerk, Room 5218, 451 Seventh Street, S.W., Washington, D.C. 20410.

The Small Cities Program is listed in the Catalog of Federal Domestic Assistance under the number 14.219, *Community Development Block Grants/Small Cities Program.* OMB Circular A-95 applies to the Small Cities Program.

Pursuant to § 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

I. 24 CFR Part 570, Subpart F is amended in the table of contents by adding § 570.436 to read as follows:

* * * * *

Subpart F—Small Cities Program

* * * * *

Sec.

570.436 Special procedures applicable to the Commonwealth of Puerto Rico.

* * * * *

II. Part 570, Subpart F is amended by adding § 570.436 to read as follows:

§ 570.436 Special procedures applicable to the Commonwealth of Puerto Rico.

(a) *General.* This section shall apply to the Small Cities Program in the Commonwealth of Puerto Rico.

(b) *Scope and Applicability.* (1) *Applicable regulations.* 24 CFR 570.420 (a), and (c) shall apply to this section.

(2) *Program Objectives.* The Small Cities Program in Puerto Rico provides grants to municipios and to the Commonwealth in both metropolitan and nonmetropolitan areas to undertake the same community development activities as may be funded under the entitlement program. The application must be consistent with one or more of the following purposes: (i) Support realistic and attainable strategies for expanding low- and moderate-income housing opportunities;

(ii) Promote expansion of housing choice for low- and moderate-income persons outside areas of minority and low- and moderate-income concentrations or in revitalizing neighborhoods;

(iii) Promote more rational land use;

(iv) Provide increased economic opportunities for low- and moderate-income persons;

(v) Correct deficiencies in public facilities which affect the public health or safety, especially of low- and moderate-income persons.

(3) *Program Design.* The program as a whole must principally benefit low- and moderate-income persons and directly impact on the applicant's needs. All activities contained within such program must either benefit low- and moderate-income persons, or aid in the prevention or elimination of slums or blight, or meet other community development needs having a particular urgency.

(c) *Grant Amount.* (1) *Basic Grant Amount.* A basic grant amount shall be determined for each eligible municipios based on a ratio of the total amounts available each for metropolitan and nonmetropolitan areas to the average of the following ratios for each eligible municipio:

(i) *Metropolitan.*

(A) The population of the eligible municipio and the population of all eligible municipios in the metropolitan areas of the Commonwealth;

(B) The extent of poverty in the eligible municipio and the extent of poverty in all eligible municipios in the metropolitan areas of the Commonwealth; and

(C) The extent of housing overcrowding in the eligible municipio and the extent of housing overcrowding in all the eligible municipios in the metropolitan areas of the Commonwealth.

In determining the average of ratios under this paragaph, the ratio involving the extent of poverty shall be counted twice and each of the other ratios shall be counted once $(0.25+0.50+0.25=1.00)$.

(ii) *Nonmetropolitan.* Nonmetropolitan funds shall be allocated according to the formula in paragraph (c)(1)(i) of this section, except that the ratio shall compare population, poverty, and housing overcrowding in nonmetropolitan areas and nonmetropolitan eligible municipios.

(2) *Adjustments.* The following adjustments may be made in determining the amounts for which applicant shall be invited to apply:

(i) A minimum grant amount shall be established for municipios which shall be sufficient to ensure meaningful projects;

(ii) A set aside, in an amount to be determined by HUD, may be established for the Commonwealth;

(iii) An adjustment may be made for any applicant approved for multiyear funding prior to Fiscal Year 1981, at a level exceeding its basic grant amount.

(iv) An application from an applicant having received a prior Community Development Block Grant may be invited for less than the basic grant amount where past performance is judged by the HUD to be below acceptable levels based on considerations of factors in paragraph (c)(3)(iv) of this section.

(v) An application from an applicant having received a prior Community Development Block Grant may be invited for more than the basic grant amount where past performance is judged by the Area Office to be superior based on considerations of factors in paragraph (c)(3)(iv) of this section.

(3) *Amount of invitation.* In determining the amount for which each eligible municipio shall be invited to submit an application, the following steps will occur:

(i) The amount necessary to bring each municipio up to the minimum grant amount as determined in paragraph (c)(2)(i) of this section shall be calculated and set aside along with any amount set aside for the Commonwealth. This shall be done separately for metropolitan and nonmetropolitan areas;

(ii) Any community with approved multiyear funding for Fiscal Years 1981 and/or 1982 at a funding level exceeding their basic grant amounts, may be funded at the approved level for those years;

(iii) Each municipio basic grant amount, as determined in accordance with paragraph (c)(1) of this section, will be reduced on a pro rata basis so that the total of adjusted basic grant amounts, which includes the minimum grant amount described in paragraph (c)(2)(i) of this section, any adjustments necessary to meet multiyear commitments described in paragraph (c)(2)(iii) of this section and the amount for the Commonwealth described in paragraph (c)(2)(ii) of this section, will equal the total metropolitan and nonmetropolitan allocations, respectively;

(iv) Past performance adjustments may then be made for each municipio and for the Commonwealth in accordance with paragraph (c)(2)(iv) or (c)(2)(v) of this section. Any increase in grant amounts for superior performance cannot exceed the decrease in grant amounts for performance below acceptable levels. Past performance adjustments may be made, considering:

(A) Capacity to effectively and efficiently utilize the grant amount;

(B) Rate of drawdown

(C) Rate of obligation of funds

(D) Performance under the Housing Assistance Plan

(E) Compliance with other program requirements based on monitoring visits and audits.

(v) Each eligible municipio and the Commonwealth shall be invited to submit an application for the amount determined by the preceding steps. Applicants shall be advised no less than 45 days in advance of date for

submission of applications, of amounts of grants to be provided.

(d) *Program benefit to low- and moderate-income persons.* Program benefits to low- and moderate-income persons shall be determined in accordance with § 570.302 of Subpart D.

(e) *Application requirements.*

(1) *Community Development and Housing Plan Summary.* Each applicant shall submit in a form prescribed by HUD, a summary of its three year community development and housing plan. This document shall be submitted every third year as part of the annual application for funds, beginning with the first application submitted on or after October 1, 1980. It shall summarize the applicant's community development and housing needs, describe a comprehensive strategy for meeting those needs, and specify both short- and long-term objectives to be met by the strategy. The community development and housing plan summary shall include:

(i) *A narrative summary* of the applicant's community development and housing needs, particularly those of low- and moderate-income households and any special needs of identifiable segments of the total group of lower income persons. The narrative shall include a brief description of the major needs for neighborhood revitalization, for community facilities and public improvements, for housing and for economic development needs.

(ii) *Comprehensive strategy.* The applicant shall describe how it proposes to meet its identified community development and housing needs, particularly those of low- and moderate-income households residing in or expected to reside in the community and any special needs of identifiable segments of the lower income population. The provision of all improved community facilities and public improvements, including supporting health, social and similar services where necessary or appropriate, shall be described in a manner that fully ensures opportunity for participation by, and benefits to the handicapped. The strategy shall include the following components:

(A) *Communitywide component* which describes the development strategy of the applicant, the major objectives the applicant seeks to accomplish, the priorities it has established, and the factors it has taken into account in selecting areas for treatment and designing programs to meet identified needs.

(B) *Neighborhood revitalization* shall include the strategy for maintaining and preserving viable neighborhoods and for upgrading neighborhoods affected by blight and deterioration. The strategy shall emphasize the actions to be taken that will improve conditions for low- and moderate-income persons residing in or expected to reside in the community.

(C) *Housing.* (*1*) Describe a communitywide strategy to improve housing conditions and to meet the housing assistance needs that have been identified. The strategy shall include a Housing Assistance Plan (HAP) as described in § 570.437. It shall include: the strategy for any programs to be carried out on a communitywide basis, such as provision of rehabilitation financing for low- and moderate-income persons or elimination of detrimental conditions; regulatory and other actions proposed to foster housing maintenance and improvements; strategy for increasing the choice of housing opportunities for low- and moderate-income persons, including members of minority groups and female-headed households, efforts to achieve expanded housing opportunities and actions to affirmatively further fair housing; and any community facilities and improvements to be provided in furtherance of the applicant's housing strategy and to assure accomplishment of goals for assisted housing.

(*2*) When displacement or other hardships to low- and moderate-income persons will result from Community Development Block Grant funded acquisition, demolition, code enforcement, and rehabilitation, the strategy shall describe what steps will be taken to minimize involuntary displacement and to enable displaced persons to remain in the same neighborhood if they prefer.

(iii) *Economic development.* A description of the applicant's strategy for economic development is required from applicants that propose block grant funded economic development activities. The strategy shall include a description of:

(*A*) *Major needs* for economic development in the locality.

(*B*) *The activities proposed* to further economic development and to attract private investment, including the coordination of block grant funded activities with other local actions, and a timetable for provision of other Federal and State resources.

(*C*) *The number and types of permanent jobs* expected to result from economic development projects, particularly jobs for unemployed or underemployed population groups and low- and moderate-income persons, and the types and extent of any job training which will be provided to them.

(*D*) *Evidence of financial commitments or interest by developers* in new or expanded employment facilities, or feasibility studies, or other documents evidencing the marketability of new or expanded employment facilities.

(2) *Project Summary.* All applicants shall, after consideration of appropriate environmental factors pursuant to 24 CFR 58, describe the project that will be undertaken which includes:

(i) A description of the project which states its purpose, location, and the sequence of activities;

(ii) Whether the project or activity principally benefits low- and moderate-income persons, aids in the prevention or elimination of slums and blight, or meets other community development needs having a particular urgency;

(iii) A description of the activities which comprise each project, and their estimated costs and timing;

(iv) The amounts and sources of other public funds and private investments anticipated to be provided;

(v) Anticipated accomplishments.

(3) *Three year project summary.* In addition to the project summary required under paragraph (e)(2) of this section, applicants shall also submit a three year project summary. It shall consist of a tabular summary of the projects proposed to be carried out with block grant funds during the next three years to implement the applicant's comprehensive strategy, grouped by location, the anticipated timing, the goals to be accomplished, the population benefitting, and the estimated block grant and other funds to be provided, and indicating whether the activity principally benefits low- and moderate-income persons, aids in the prevention or elimination of slums and blight, or meets other community development needs having a particular urgency.

(4) *Cost summary.* Each applicant shall submit a cost summary annually on a form prescribed by HUD.

(5) *Housing Assistance Plan.* Each applicant shall submit a Housing Assistance Plan in accordance with § 570.437.

(6) *Certifications of assurances.* The certifications of assurance required by § 570.307 of Subpart D shall be submitted by all applicants except that in lieu of § 570.307(d) the applicant shall certify that it:

(i) Has prepared and followed a written citizen participation plan that meets the requirements of (h);

(ii) Has provided citizens with an opportunity to participate in the development of the Housing Assistance Plan;

(iii) Has provided adequate notices of public hearings as required by the written plan;

(iv) Has held hearings on the proposed application before adoption of a resolution or similar action by the local governing body authorizing the filing of the application;

(v) Will provide for citizen participation when considering amendments to the Community Development Program and the Housing Assistance Plan; and

(vi) Will provide for citizen participation in the planning, implementation and assessment of the Community Development Program including the development of the report on performance and the submission of views to the HUD Area Office.

(7) *Map requirements.* Maps must be submitted which include the following information identified by census tract (or enumeration district):

(i) Location of areas with concentrations of low- and moderate-income persons;

(ii) Locations of the proposed activities described in the program schedule and, if applicable, the three year project summary, including boundaries of areas in which activities will be concentrated and service areas of activities where appropriate;

(iii) The median income of the municipio in which the proposed activities are to be undertaken;

(iv) General locations of proposed new or rehabilitated housing assistance;

(v) The location of areas with concentrations of substandard and deteriorated housing.

Maps should be clearly legible and all required maps submitted shall be of the same scale and cover the same areas. The applicant may submit supplementary maps of a different scale, at its discretion, where this will increase clarity. More than one type of information may be combined on one map if the information is clearly legible when combined.

(8) *Threshold requirements.* Notwithstanding the provisions of paragraph (c) of this section, HUD shall review the progress of each eligible applicant based on the performance assessment report, taking into consideration the size of the block grant and the degree and complexity of the program. If the progress is so inadequate as to indicate that the eligible applicant does not have the capacity to effectively handle a new grant, or a portion thereof, in addition to the grant currently under contract, that applicant shall not be invited to submit an application for current year funding. Also, if the applicant's performance under its HAP does not meet the standards provided at 24 CFR 570.909(e)(2)(i) and (ii), it will not be invited to submit an application for current year funding.

(9) *Performance assessment report.* Performance assessment reports shall be submitted to HUD at a time prescribed by the Area Office, but sufficiently in advance of application submission dates so that performance adjustments can be considered based on the information submitted in the report, along with other information available to HUD.

(10) *Application submission dates.* HUD shall establish deadlines for submission of applications by letter of notification to eligible applicants. This notification will be provided at least 45 days prior to the date by which the applicant must submit the completed application to HUD.

(f) *Program Amendments.*

(1) HUD may consider amendments if they are necessitated by actions beyond the control of the applicant. Recipients shall request prior HUD approval for all program amendments involving new activities or alteration of existing activities that will significantly change the scope, location, or objectives of the approved activities or beneficiaries.

(2) *Housing Assistance Plan amendments.* (i) Grant recipients shall request prior HUD approval of Housing Assistance Plan amendments when the recipient proposes to take an action which would:

(A) increase any three-year goal for a household type or housing type by more than the limitations allowed in 24 CFR Part 891, Subpart B, *Applications for Housing Assistance in areas with Housing Assistance Plan;*

(B) decrease any three-year goal; or

(C) revise the general location for assisted housing.

(ii) Changes not listed in paragraph (f)(2)(i) do not require prior HUD approval, but must be reported to HUD in the grantee's performance assessment report described in § 570.906, *Performance report.*

(3) *A–95 and citizen participation requirements.* Whenever an amendment requires HUD approval, the requirements of this Subpart for A–95 review and citizen participation must be met. The recipient shall provide the A–95 clearinghouse with thirty days in which to review and comment on the proposed amendment prior to its submission to HUD.

(g) *HUD review and actions on applications.* (1) *Applications.* Only applications from communities that have been invited to apply are accepted for review, and then only if:

(i) The application has been received before the deadline that has been established by the Area Manager, unless the Area Manager decides that an extension of the deadline is warranted;

(ii) The application requirements are complete;

(iii) The funds requested do not exceed the amount of the invitation by HUD;

(iv) Any conditions that were established at the time of invitation are satisfied; and

(v) The application is submitted to the clearinghouse prior to or concurrently with submission to HUD. The applicant shall indicate in its application the date it was submitted to the clearinghouse.

(2) *Review and notification.* While HUD is not required to review discretionary applications within 75 days, it will try to do so. Following the review, HUD promptly notifies the applicant of the actions taken with regard to its application.

(3) *Scope of review.* (i) HUD will normally base its review upon the applicant's assurances, statements of facts and data, and other information. The Secretary reserves the right, however, to consider relevant evidence which challenges the assurances, and information submitted by the applicant, and to require additional information or assurances from the applicant as warranted by such evidence.

(ii) The review will include, but need not be limited to, the following matters contained in the application and the performance assessment report, or derived from monitoring:

(A) Eligibility of proposed activities;

(B) That the program identified in the application has a reasonable cost relationship to the amount of the grant;

(C) Program benefit to low- and moderate-income persons in accordance with the provisions of § 570.302;

(D) Housing Assistance Plan conformity to the requirements of § 570.437;

(E) Coordination of housing assistance and community development activities;

(F) Consistency of the needs stated in the plan with generally available data;

(G) Appropriateness of proposed plans and programs to meeting the applicant's needs and objectives;

(H) Compliance with previous contract conditions or other corrective and remedial actions required by HUD;

(I) Experience regarding the effectiveness of the proposed activities in meeting the community development needs in the locality;

(J) Applicant's capacity to carry out the program proposed as evidenced by its previous performance record; and

(K) Compliance with the requirements of this Part and other applicable laws and regulations.

(4) *Criteria for conditional approval.* HUD may make a conditional approval in which case the grant will be approved but the obligation and utilization of funds for affected activities will be restricted. The reason for the conditional approval and the actions necessary to remove the condition shall be specified. Failure to satisfy the condition may result in a reduction or termination of the grant. Conditional approval may be made:

(i) Where local environmental reviews under § 570.603 have not yet been completed;

(ii) The requirements of § 570.607 regarding the provision of public services and flood or drainage facilities have not yet been satisfied;

(iii) Pending site and neighborhood standards approval for proposed housing projects, if applicable;

(iv) Where there is substantial evidence that there had been, or there will be, a lack of substantial progress, nonconformance, noncompliance, or a lack of continuing capacity, as described in § 570.909. In such case, the reason for the conditional approval and the actions necessary to remove the condition shall be specified. Failure to satisfy the condition may result in a reduction in the annual grant amount pursuant to § 570.910(b)(10).

(5) *Criteria for disapproval of an application.* HUD may disapprove an application if:

(i) On the basis of significant facts and data generally available and pertaining to community and housing needs and objectives, HUD determines that the applicant's description of such needs and objectives is plainly inconsistent with such facts and data. The data to be considered may be published data accessible to both the applicant and HUD such as census data; or other data available to both the applicant and HUD, such as recent local, areawide or Commonwealth comprehensive planning data;

(ii) On the basis of the application, or other available information, HUD determines that the activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant. The following are examples of situations in which activities may be determined to be "plainly inappropriate" to meeting the identified needs of the applicant:

(A) Experience over a period of time has demonstrated that the types of activities proposed have not been or are unlikely to be effective in alleviating the conditions they were designed to affect;

(B) The applicant has identified serious economic development needs or serious threats to health and safety; activities are eligible which could address the needs with the likelihood of substantial positive results, and yet the applicant neither proposes such activities, nor proposes to address any other serious need;

(C) The application does not meet the requirements of § 570.302(b)(2) with respect to the extent of funding proposed to principally benefit low- and moderate-income persons;

(D) The applicant has identified areas containing significant concentrations of deteriorated housing and blight and neither proposes to undertake a program of activities in any such areas, nor proposes addressing any other serious need;

(E) Proposed activities will have a detrimental effect on low- and moderate-income persons or members of minority groups, and adequate measures to mitigate those effects are not proposed;

(F) Actions essential to accomplish housing assistance goals, including supportive community development activities, are not proposed;

(G) Housing goals, locations, and strategy do not meet the criteria of § 570.437;

(H) The proposed program does not reflect previous requirements of HUD for corrective or remedial actions, or activities proposed have previously been the basis of such requirements.

(iii) HUD determines that the application does not comply with the requirements of this Part with specific regard to the primary purposes of principally benefitting persons of low and moderate income, or aiding in the prevention or elimination of slums or blight, or meeting other community development needs having a particular urgency, or with other applicable laws, or the application proposes activities which are ineligible under Subpart C of this Part;

(iv) Conditions established at the time of invitation have not been fully met;

(v) There is new evidence of a lack of performance or capacity of a recipient to carry out the proposed activities;

(vi) Performance under the HAP is inadequate.

(6) *Previous audit findings and outstanding monetary obligations.* HUD shall not invite an application from any applicant that has an outstanding audit finding for any HUD program, or has an outstanding monetary obligation to HUD. However, the Regional Administrator may provide waivers to this prohibition, but in no instance shall a waiver be provided when funds are due HUD, unless a satisfactory arrangement for repayment of the debt has been made.

(h) *Citizen participation requirements.* (1) *General.* Each applicant shall provide citizens with an adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of the program. The applicant shall provide adequate information to citizens, hold public hearings at the initial stage of the planning process to obtain views and proposals of citizens, and provide citizens an opportunity to comment on the applicant's community development performance. Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its Community Development Plan.

(2) *Written Citizen Participation Plan.* To achieve these goals, each applicant shall prepare and follow a written citizen participation plan that serves as a citizens' guide to interacting with the block grant program in a meaningful way. Citizens shall be involved in the development of, and any changes to the plan. The plan shall remain in effect until all activities assisted under this Subpart are completed or until it is superseded by a new plan. The plan must provide procedures that meet the following requirements:

(i) Provide a process of citizen participation at the communitywide level with regard to the overall application, the Community Development Program, and the assessment of performance where applicable.

(ii) Solicit and respond in a timely manner, to views and proposals of citizens, particularly low and moderate income persons, members of minority groups, and residents of blighted areas where activities are proposed. Written responses shall be made to written proposals.

(iii) Provide technical assistance to facilitate citizen participation, where requested. The level and type of technical assistance shall be determined by the applicant.

(iv) Provide adequate notices of public hearings and the availability of the report on assessment of performance, where applicable, in a timely manner and in such a way as to make them accessible and understandable to all citizens, including non-English speaking persons. The plan must state the number of days prior to a hearing that a notice will be published.

(v) Schedule hearings to obtain citizen views and to respond to citizen proposals at times and locations which permit broad participation, particularly by low- and moderate-income persons, members of minority groups, handicapped persons, and residents of blighted neighborhoods and project areas.

(vi) A public hearing shall be held during the planning process and a public hearing shall be held prior to the submission of the application to the Area Office. Additionally, a minimum of one separate hearing shall be held to provide citizens an opportunity to assess performance under previous grants prior to submission of the performance assessment report to HUD;

(vii) Conduct at least one public hearing during the grant closeout process, prior to submission to HUD of the assessment of performance report, if such a report has not been made and a hearing has not been held concerning performance in the last 12 months.

(viii) Provide full public access to program records and information and make affirmative efforts to get adequate information to citizens, especially persons of low and moderate income and residents of blighted neighborhoods and project areas. The citizen participation plan shall identify the information that will be made available to the public by the applicant.

(ix) Conduct a minimum of two public hearings on any amendment requiring HUD approval. A public hearing shall be held to consider the merits of the amendment in its formative stages and a public hearing shall be held on the amendment when it is ready for submission. Citizens, particularly affected citizens, shall also be involved in amendments not requiring prior HUD approval, budget revisions, and changes to the Community Development Program and the Housing Assistance Plan. The methods by which citizens will be involved shall be described in the plan.

(x) Involve citizens in planning, implementing and assessing the Community Development Program and performance. The methods by which citizens and citizen organizations will be given the opportunity to assess and submit comments on the applicant's community development performance shall be described in the plan.

(xi) Advise citizens of the bases and process to be used to submit objections to HUD to the approval of an application.

(xii) Ensure low- and moderate-income persons and minorities substantial representation on any advisory committee.

(xiii) Provide bilingual opportunities at public hearings, when necessary.

(xiv) Provide written responses to written complaints generally within 15 working days.

(3) *Requirements for citizen participation in the application process*—(i) The objective of citizen participation is to provide for meaningful citizen input in the decision making process during the consideration of priorities and of options associated with the development and submission of the application. The applicant shall assure that the following citizen participation requirements have occurred:

(A) Developed and made available to the public a written Citizen Participation Plan at the beginning of the application stage that meets the requirements of paragraph (2). The procedures outlined in this plan were followed during the planning and development of the application prior of its submission to the HUD Area Office.

(B) Provided the public with the following information:

(*1*) Amount of funds that may be applied for by the applicant for community development.

(*2*) Range of activities that may be undertaken with these funds, the kind of activities previously funded if any, and the progress made with respect to those activities.

(*3*) The processes to be followed in soliciting and responding to the views and proposals of citizens in a timely manner.

(*4*) A summary of other important program requirements.

(ii) The applicant shall provide certifications of assurance as prescribed in § 570.436(e)(6).

(4) *Post Approval Stage.* The applicant shall assure citizen participation when considering subsequent amendments to the Community Development Program and the Housing Assistance Plan in accordance with the requirements at (h)(2)(ix), and during closeout in accordance with (h)(2)(vii).

(5) *Assessment of performance.* A copy of each written citizen comment or complaint on the grantee's community development performance, the grantee's assessment of the comment or complaint, and the grantee's description of any actions taken and any written response made to the comment or complaint, if any, shall be submitted to HUD with the report on assessment of performance.

(6) *Consideration of objections to applications—(i) Notice of Submission of application.* The applicant shall at the time of submission to HUD, publish a notice in a newspaper of general circulation stating that the application has been submitted to HUD and is available to interested parties upon request, and describing the conditions whereby citizens may submit objections to approval of applications by HUD, as described below.

(ii) *Citizen objections to applications.* Persons wishing to object to approval of an application by HUD may make such objection known to the appropriate HUD Area Office. HUD will consider objections made only on the following grounds:

(A) The applicant's description of needs and objectives is plainly inconsistent with available facts and data.

(B) The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant.

(C) The application does not comply with the requirements of this Subpart or other applicable law.

(D) The application proposes activities which are otherwise ineligible under this Part.

Such objections should include both an identification of the requirements not met and, in the case of objections made on the grounds that the description of needs and objectives is plainly inconsistent with significant, generally available facts and data, the data upon which the persons rely. Although HUD will consider objections submitted at any time, such objections should be submitted within 30 days of the publication of the notice that the application has been submitted to HUD in accordance with paragraph (6)(1) of this section. HUD will not approve an application until at least 45 days after receipt of the application.

(7) *Citizen comment to HUD.* Persons may comment to the Area Office at any time concerning the applicant's failure to comply with the citizen participation requirements contained in this section.

(i) *Modified OMB Circular No. A–95 procedures.* (1) *General.* (i) Applicants for grants under the Small Cities Program must comply with all of the procedures set forth in Part I of OMB Circular No. A–95 except as modified below. These procedures also require that program amendments which must receive HUD approval shall be submitted to the clearinghouse for a thirty day review and comment period prior to submission to HUD pursuant to 24 CFR 52.101(g).

(ii) All applicants are urged to contact their A–95 clearinghouse for forms and instructions which the clearinghouse has developed to facilitate its review, and to

consult with the clearinghouse during development of the application.

(iii) The clearinghouse will be of assistance to the applicant and to HUD if its review addresses the subject matter of comments and recommendations in item 5, Part I, Attachment A of OMB Circular No. A–95, with emphasis on consistency with Commonwealth, areawide and local plans, and compliance with environmental and civil rights law.

(2) *Clearinghouse notification.* The A–95 requirement that the clearinghouse be notified of an applicant's intent to apply for Federal assistance will be satisfied by HUD. Each fiscal year HUD will advise the clearinghouse, with a copy to the applicant, of those communities invited to apply for grants under this section. This notification will be provided at least 60 days prior to the date by which the applicant must submit the completed application to HUD. Upon receipt of its copy of the HUD notification to the clearinghouse, the applicant shall make arrangements with the clearinghouse regarding early transmittal of information describing the contents of the application.

(3) *A–95 procedures for applications.* (i) Applications for grants shall be submitted to the areawide A–95 clearinghouse prior to or concurrent with the submission of the application to HUD. The clearinghouse shall have 45 days from receipt of the application in which to conduct its review and provide a response to the applicant with a copy to HUD. The clearinghouse must clearly identify the applicant and the activity or program to which the comments are addressed. Applicants are urged to provide applications to the clearinghouse prior to submission to HUD whenever possible.

(ii) HUD shall take no final action on the application until comments have been received or until 45 days after the application filing deadline. If the A–95 review comments contain any findings of inconsistency with Commonwealth, areawide, or local plans, significant adverse urban impacts, noncompliance with environmental laws, or failure to provide equal opportunity, the applicant must consider these findings and state what action it plans to take as a result of these findings and the reasons therefor. Further, HUD shall make no decision on the application until all adverse clearinghouse findings are resolved.

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95.123); and Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., May 7, 1981.

Donald G. Dodge,

Acting General Deputy, Assistant Secretary for Community Planning & Development.

[FR Doc. 81–16629 Filed 6–2–81; 8:45 am]

BILLING CODE 4210–01–M

V 4 6 / 1 0 6
J E 3 8 1
UMI

Federal Register

Wednesday
June 3, 1981

Part VI

Department of the Interior

Fish and Wildlife Service

Receipt of Application for Endangered Species Permit

U.S. DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

APPLICANT: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, Maryland.

SPECIES: California condor (*Gymnogyps californianus*).

FILE NO.: PRT 2-8045.

PURPOSE: Recovery of the species through captive propagation, radio telemetry, and other scientific research techniques.

LONG RANGE OBJECTIVE: To establish a secure and self-sustaining wild population of California condors.

SUMMARY OF PROPOSED PROJECT: The initial recovery effort will extend over a three-year period (up to summer 1984) and will include but will not necessarily be limited to (1) Taking nine condors from the wild to establish a captive breeding population, (2) to radio-tag 12 free-flying condors and an unlimited number of pre-flight immatures, (3) to visit active and inactive nests to salvage parts, weigh and measure young birds and to remove sharp rocks from nest sites, (4) take blood samples from adult birds for various tests, and (5) take other samples of body parts (e.g., feathers) for various tests and examinations. All activities will be closely coordinated with the California Department of Fish and Game (CDF&G).

DURATION OF PROPOSED STUDY: Through the year 2015.

KEY PERSONNEL INVOLVED IN THE STUDY: See Appendix to this notice.

Outline of California Condor Endangered Species Permit Application

I. Trapping and Handling Procedures

A. *Trapping:* Condors will be captured using cannon or rocket nets at baited trap sites. These capture methods were chosen after an evaluation of the relative merits of several trapping methods (i.e., cannon net, rocket net, walk-in trap, and clap trap) was performed on African vultures, turkey vultures, black vultures, and Andean condors in the wild. The cannon/rocket net method has an excellent record of safety.

B. *Handling:* Each trapping operation will involve at least 4 experienced bird handlers, including a veterinarian well supplied with appropriate medical equipment. No more than 3 condors will be captured during each trapping, and only 2 condors will be captured during the first trapping operation to ensure safe handling and to document the effectiveness of the trapping method. Trappings may be photographed or filmed for record-keeping purposes. Precautions will be taken to handle birds carefully and to minimize stress. Trapped birds will be held one hour or less; however, birds which are candidates for the captive breeding program may be held 1–2 days pending determination of sex.

C. *Sexing and Tissue Sampling:* The sex of all birds captured will be determined by chromosomal analysis of blood and feathers. The sexing procedure is to be performed at the San Diego Zoo.

D. *Tissue Samples:* 1. From each trapped bird, and from Topa-topa (an adult bird already in captivity), a 17cc blood sample will be drawn from a wing or neck vein for (1) heavy metal and organochlorine compound analysis (5cc for each), (2) parasite, pathogen, and DNA studies (5cc), (3) enzyme polymorphism studies (0.5cc), and (4) sexing purposes (1.5cc). The enzyme polymorphism studies are expected to give important information as to the degree of inbreeding in the wild population and may provide guidance for selection and pairing of birds for captive breeding to maximize outbreeding. The organochlorine, heavy metal, parasite, and pathogen studies will reveal current exposure to environmental stresses. The DNA hybridization studies will provide guidance to which species is/are taxonomically closest to the California condor. This will enable various tests (e.g., drug tolerance) to be conducted on surrogate species prior to using the test or procedure on California condors. The 17cc blood sample represents only 0.2% of adult condor body weight and presents no threat to the animal.

2. From each California condor trapped from the wild 3 developing feathers will be plucked for use in feather pulp sexing. Two grams of feather material from up to 20 contour feathers will be taken for heavy metal analysis.

E. *Other Examinations:* Each trapped California condor will be weighed, measured, and photographed in detail and undergo the following additional procedures: (1) tracheal and cloacal swabs for culturing bacteria and viruses, (2) checks for external parasites and molt, and (3) fecal samples (if available) for indications of parasite burdens.

II. Radio Telemetry Program

A. *Objective:* To radio-tag 12 adult or subadult free-flying condors, and to radio-tag an unlimited number of pre-flight immatures at nest sites.

B. *Schedule:* Trapping will begin in September 1981. Initially only two condors will be trapped to determine, over a one month period, if the radio equipment produces any adverse effects on the birds. If no adverse problems arise, 4 more birds will be radioed to make a total of six birds for the 1981–82 trapping season. Known breeding birds will not be trapped after February 1 of any year to preclude disturbance during the breeding season. During the 1982–83 and 1983–84 trapping seasons, 4 and 2 condors, respectively, will be trapped and radioed. In addition, between June 1982 and January 1983, one pre-flight immature condor will be radioed at a nest site. This should generally involve only one visit to the nest; however, an initial brief visit may be made to determine the age of the bird. Any pre-flight immature condor found after January 1983 may be radioed. If the numbers of condors scheduled for telemetry are not radioed during the scheduled seasons, the deficiency will be made up in following years. Changes in the number of birds to be radioed in any particular season may be made with consent of the CDF&G. Throughout the duration of the recovery effort, all phases of the radio telemetry program will be coordinated closely with the CDF&G.

C. *Materials:* Wing-mounted solar-powered transmitters, weighing about 60 grams each and known to last 3–4 years or more, appear to be the best design for the birds and for this long-term study. The overall weight of the radio packages for each bird is about 120 grams which represents approximately 1.3% of body weight, well below the 4% body weight limit usually recommended in avian telemetry. No detrimental effects of similar patagial radio tags have been noted on numerous turkey vultures and black vultures tagged and monitored by other scientists. These tags have been tested on wild and captive Andean condors and have shown no signs of associated tissue damage or impairment of behavior.

Monitoring of radioed California condors will be from ground vehicles and a small airplane. In addition, an array of 10–12 mountain-top radio receivers with directional antennae will be established to provide automatic, unmanned coverage of essentially all of the condor range. This system is expected to plot gross movements of the birds except when they descend into canyons, and will be partially operational sometime in 1982. Regular mapping of bird movements will allow identification of important flyways, feeding areas, roosting areas, and nest

V 46 / 106
J E 3 8 1
UMI

sites, and will provide a means to find injured or dead animals.

III. Entry into Nest Sites

A. *Inactive Nests:* Entry into inactive nests will be made to collect addled condor eggs, eggshells, and feathers, and to remove sharp rocks and other debris which may cause egg breakage if the nest site is used by breeding birds. Eggshells and feathers will be collected and analyzed for organochlorines and heavy metals, respectively.

B. *Active Nests:* Entry into active nests will be to (1) remove potential egg-breakage objects, (2) attach radio-transmitters to pre-flight immature condors, and (3) examine and measure pre-flight birds to determine whether growth-rate or parasite problems exists. Pre-flight birds are partially feathered and are large enough for safe attachment of radio equipment but are not so large as to pose a risk of pre-mature fledging or difficult capture.

Beginning 20 days after hatching, growth data will be collected monthly from nestlings and pre-flight birds beginning with the 1984 breeding season.

IV. Formation of a Captive Population

A. *Objective:* To take four males and four females from the wild, and one bird of the opposite sex to the one adult (Topa-topa) now in captivity to provide a captive breeding stock of 5 pairs.

B. *Schedule:* During the first trapping season (September, 1981–May, 1982), 3 reproductively inactive free-flying condors (i.e. potential breeders) will be taken from the wild. At least one will be of a sex opposite to that of Topa-topa for pairing purposes.

Determination of reproductive status of adults will be made through radio-telemetry; adults will be considered reproductively inactive if they remain unpaired during the normal courtship and egg-laying period (through the end of March).

Four and two reproductively inactive wild condors will be taken during the second (September, 1982–May, 1983) and third (September, 1983–May, 1984) trapping seasons, respectively. Breeding adults, eggs, or nestlings, will be taken in the event of a drastic population decline and only upon agreement with CDF&G.

If the number of condors approved for captive propagation is not taken during the scheduled period, the deficiency will be made up during remaining trapping seasons. Injured or sick birds salvaged from the wild may also become part of the captive breeding group.

The CDF&G will be consulted closely in all phases of the captive breeding project, including work to be done after the initial 3 year period (i.e. after the 1983–84 season) and will be provided with monthly, mid-year, and annual reports.

C. *Breeding Facilities:* Captured condors will be held, cared for, and bred at new facilities to be built at the 1,800 acre San Diego Wild Animal Park. Husbandry procedures will be similar to those used at the Patuxent Wildlife Research Center (PWRC) for Andean condors.

The park is directly associated with the San Diego Zoo which has a modern propagation center, full curatorial staff, veterinary hospital, and research section. The San Diego Zoo has had extensive experience with captive propagation of Andean condors.

The facilities will be patterned after the Andean condor complex at the PWRC which measures about 12m x 12m x 5m for each pair of birds. The pens have roosting and nesting compartments and perches, and are covered with 5 x 10cm welded wire. Condors will be fed a standard diet of such items as livestock, big game, rabbits, mice, rats, guinea pigs, and other similar foods. Birds will be given regular physical examinations and medical treatment as required.

Transport of captured condors from the field to the breeding facility will be by air or car with individual fiberglass sky-kennels (70 x 64 x 91cm) floored with indoor-outdoor carpet. A veterinarian will be in attendance during transport (5 hrs. by car, 2.5 hrs. by air).

V. Justification

Twelve pages of the application text are devoted to describing the research and recovery effort. Despite over 40 years of research and management efforts of its behalf, the California condor has shown continued decline and is now so reduced in numbers that it is virtually certain to become extinct unless fundamentally new approaches to recovery are initiated. There is an urgent need for expanded research to elucidate factors responsible for the population's decline and initiation of captive-breeding efforts as a safeguard against extinction. The plan outlined in the application is supported by the U.S. Congress (through a budget add-on specifically for the California condor), National Audubon Society, U.S. Forest Service, U.S. Bureau of Land Management and California Department of Fish and Game.

VI. Other Pertinent Information

A. The application contains 9 appendices:

Appendix 1—Reports on trips to Southern Africa and Peru to evaluate trapping techniques.
Appendix 2—Emergency procedures for aiding a California condor that is injured or threatened with injury or death.
Appendix 3—Cooperative Agreements, contracts, proposals and letters of intent of cooperators.
Appendix 4—Names, addresses, and qualifications of key personnel (see appendix of this notice).
Appendix 5—Documentation of the 1980 accidental death of a nestling wild California condor and recommended procedures for avoiding or decreasing such mortalities.
Appendix 6—Phase I. Initial plan of research for recovery of the California condor.
Appendix 7—Past, current, and proposed activities involving California condor habitat.
Appendix 8—Captive progpagation of condors and cranes at the Patuxent Wildlife Research Center.
Appendix 9—Study of the Andean condor at the Patuxent Wildlife Research Center.

B. The application is submitted as part of a cooperative agreement entitled "National Audubon Society—U.S. Fish and Wildlife Service, California Fish and Game Department, U.S. Forest Service, and U.S. Bureau of Land Management Cooperative California Condor Conservation Program." The objectives of this agreement are (1) to implement the California Condor Recovery Plan, (2) to cooperate on field research in behalf of the California Condor Conservation Program, (3) to cooperate on public information and education, and (4) to provide for ongoing reviews of the recovery program with the assistance of the American Ornithologist's Union.

C. California Condor Recovery Plan: This permit application is the initial step to satisfy the overall objective of the California Condor Recovery Plan which is "to stop the decline of the species and increase the population to a secure level."

D. An Environmental Impact Assessement (EIA) has been completed in draft by the USFWS Office of Endangered Species to satisfy the National Environmental Policy Act (NEPA). The final EIA will be completed by July, 1981. Copies of the draft EIA are available from the Office of Endangered Species USFWS, Washington, D.C. 20240, and the Sacramento USFWS Area Office, (address listed below).

Documents and other information submitted with this application are available to the public during normal business hours at the following location:

(1) Federal Wildlife Permit Office, USFWS, Room 605, 1000 N. Glebe Road, Arlington, VA, or by writing Director,

USFWS, FWPO, P.O. Box 3654, Arlington, VA 22203; (2) Area Office, USFWS, Room E–2740, Federal Bldg., 7800 Cottage Way, Sacramento, CA 95825; (3) California Condor Research Center, 87 North Chestnut, Ventura, CA 93001; (4) Region 1, USFWS, Suite 1692, Lloyd 500 Bldg., 500 NE Multnomah St., Portland, OR 97232; (5) Region 2, USFWS, P.O. Box 1306, Albuquerque, NM 87103; (6) Region 3, USFWS, Federal Bldg., Fort Snelling, Twin Cities, MN 55111; (7) Region 4, USFWS, P.O. Box 95067, Atlanta, GA 30347; (8) Region 5, USFWS, Suite 700, One Gateway Center, Newton Corner, MA 02158; (9) Region 6, USFWS, Box 25486, Denver Federal Center, Denver, CO 80225, and Region 7, USFWS, 1101 E. Tudor Rd., Anchorage, AK 99057.

Interested persons may comment on this application and on the environmental assessment by writing: Director, USFWS, FWPO, P.O. Box 3654, Arlington, VA 22203 within 45 days after date of publication. Please refer to file number PRT 2–8045 when submitting comments.

Dated: May 20, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

Appendix—Names and Addresses of Key Personnel

U.S. Fish and Wildlife Service

Dr. Lucille Stickel, Director, Patuxent Wildlife Research Center, Laurel, MD 20811
Dr. H. Randolph Perry, Jr. and Dr. James Carpenter, Endangered Wildlife Research Program, Patuxent Wildlife Research Center, Laurel, MD 20811
Dr. Noel F. R. Snyder, Research Biologist, California Field Station, Endangered Wildlife Research Program, PWRC, California Condor Research Center, 87 North Chestnut, Ventura, CA 93001
Dr. Milton Friend, Director, National Wildlife Health Laboratory, University of Wisconsin, c/o Dept. of Veterinary Sciences, 1655 Linden Drive, Madison, WI 53706

National Audubon Society

Mr. John C. Ogden, Senior Staff Scientist, California Condor Research Center (CCRC), 87 North Chestnut, Ventura, CA 93001
Mr. John C Borneman, Condor Research Representative, CCRC
Mr. Bruce Barbour, Staff Scientist, CCRC
Mr. Jessee Graham, Staff Scientist, CCRC
Mr. William Lehman, Staff Scientist, CCRC
Mr. Lawrence A. Riopelle, Staff Scientist, CCRC
Mr. Alexander Sprunt IV, NAS, Research Director, Tavernier, FL 33070

San Diego Wild Animal Park, (P.O. Box 551, San Diego, CA 92112)

Dr. Arthur C. Risser, Jr., Curator of Birds
Dr. Kerry A. Muller, Assistant Curator of Birds
Dr. Philip Terry Robinson
Dr. Philip K. Ensley
Dr. Kurt Benirschke
Dr. Arden Bryan Bercovitz
Dr. James E. Oosterhuis
Dr. James M. Dolan, Jr.
Dr. Lester S. Nelson

Others

Dr. Charles G. Sibley, Peabody Museum of Natural History, Yale University, New Haven, CT 06520
Dr. Kendall Corbin, Bell Museum of Natural History, Univerity of Minnesota, Minneapolis, MN 55455
Dr. Stanley A. Temple, Department of Wildlife Ecology, University of Wisconsin, Madison, WI 53706

[FR Doc. 81–16549 Filed 6–2–81; 8:45 am]
BILLING CODE 4310–55–M

V 46 / 106 / JE 3 81 UMI

Reader Aids

Federal Register

Vol. 46, No. 106

Wednesday, June 3, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register--What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title

3 CFR

Executive Orders:
February 14, 1933 (Revoked by PLO 5944).....29710
11476 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 12306).....29693
12198 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12306.....29693
Proclamations:
4846.....29691

7 CFR

700.....29453
953.....29454
1944.....29239
979.....29693
991.....29693
Proposed Rules:
993.....29271

8 CFR

214.....29456

9 CFR

82.....29456
92.....29239, 29240

10 CFR

51.....29457
376.....29680
390.....29680
440.....29242
Proposed Rules:
30.....29712
40.....29712
70.....29712

12 CFR

Proposed Rules:
213.....29245
226.....29246
569a.....29246
701.....29247, 29481
720.....29248

13 CFR

124.....29251
Proposed Rules:
124.....29276

14 CFR

39.....29252, 29253
71.....29254-29256
73.....29256
97.....29257
Proposed Rules:
71.....29278-29281
75.....29280, 29281
323.....29282
302.....29718
399.....29285, 29719, 29727

15 CFR

370.....29457
Proposed Rules:
330.....29662
331.....29662
332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662

16 CFR

13.....29458
460.....29256
1212.....29696

18 CFR

141.....29459
271.....29697, 29699
375.....29700

19 CFR

101.....29462
Proposed Rules:
200.....29729

21 CFR

520.....29464
Proposed Rules:
1308.....29484

24 CFR

235.....29256
570.....29908

26 CFR

1.....29465
11.....29465

27 CFR

4.....29260
19.....29261
240.....29261
245.....29261
250.....29261
270.....29261
275.....29261

28 CFR

0 29704

Proposed Rules:

31 29438

29 CFR

Proposed Rules:

530 29485

31 CFR

51 29261

32 CFR

199 29704
294 29705

Proposed Rules:

298a 29486

33 CFR

Proposed Rules:

100 29288

38 CFR

21 29474

40 CFR

52 29707
60 29262
61 29262
122 29708
162 29708
260 29708
261 29708
264 29708
265 29708

Proposed Rules:

52 ..... 29289, 29488
81 29281
123 29292

41 CFR

15-1 29709

43 CFR

5400 29262

Public Land Orders:

1281 (Revoked by 5883) 29263
5883 29263
5943 29710
5944 29710

44 CFR

Proposed Rules:

55 29292
61 29292
67 29729-29732
300 29264

45 CFR

46 29883
235 29264

Proposed Rules:

71 29732

47 CFR

61 29264
64 29474

Proposed Rules:

73 29488

49 CFR

1 29269
172 29392
575 29269
1033 29480
1056 29711

50 CFR

17 29481
661 29733

Proposed Rules:

17 29490

V 46 / 106
J E 3 8 1
UMI

AGENCY

The follow
documents
(Monday/T

Monday
DOT/S
DOT/C
DOT/F
DOT/F
DOT/F
DOT/N
DOT/R
DOT/S
DOT/U
CSA

Document
will be a
day follow
Comments
Comments

REMIND

The "remi
the Feder
this list ha

**Deadline
of June**

26487

21143

21148

21367

21185

27147

23958

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of June 7 through June 13, 1981

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

26487 5–13–81 / Separation of functions in agency proceedings: draft recommendations; comments by 6–12–81

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

21143 4–9–81 / Gypsy moth regulated areas list; final rule; comments by 6–8–81

21148 4–9–81 / Pink bollworm regulated areas list; final rule; comments by 6–8–81

Rural Electrification Administration—

21367 4–10–81 / Electric and telephone borrowers; Telecommunications program (Bulletin 345–3); acceptance of standards, specifications equipment contract forms, etc.; comments by 6–9–81

CIVIL AERONAUTICS BOARD

21185 4–7–81 / Air carriers; amendment of fuel cost, and consumption reporting provisions; comments by 6–8–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

27147 5–18–81 / Fishery management plan for Atlantic Sea Scallops, (Placopecten magellanicus prepared by New England Fishery Management Council; comments by 6–11–81

23958 4–29–81 / Mid-Atlantic Fishery Management Council, Fishery Management Plan; comments by 6–8–81

COMMODITY FUTURES TRADING COMMISSION

20679 4–7–81 / Proficiency examinations for associated persons; delegation of authority; comments by 6–8–81

CONSUMER PRODUCT SAFETY COMMISSION

26262 5–11–81 / Chain saws and their components and replacement parts; proceeding to develop a consumer product safety standard; comments by 6–10–81

ENERGY DEPARTMENT

Conservation and Renewable Energy, Office of the Assistant Secretary—

25466 5–7–81 / Residential energy efficiency program; compliance with the Regulatory Flexibility Act; comments by 6–8–81

Federal Energy Regulatory Commission—

26353 5–12–81 / Request for a declaratory order from the Commonwealth of Massachusetts clarifying the method of calculation of avoided cost of an all requirements utility; comments by 6–11–81

ENVIRONMENTAL PROTECTION AGENCY

1165 1–5–81 / Air pollutants, hazardous; national emission standards for benzene fugitive emissions; comments by 6–8–81

[Comment period extended at 46 FR 9960, 1–29–81]

26506 5–13–81 / Air quality control regions, criteria and control techniques; attainment status designations: Ohio; comments by 6–12–81

25485 5–7–81 / Air quality revision of the Virginia State Implementation Plan; comments by 6–8–81

26074 5–11–81 / Approval and promulgation of State Implementation plans; Arkansas submission of volatile organic compound (VOC) regulation for Set II Control Technique Guideline Sources; comments by 6–10–81

26504 5–13–81 / Approval and promulgation of State plans for designated facilities and pollutants; Idaho; comments by 6–12–81

26504 5–13–81 / Designation of areas for air quality planning purposes; attainment status designations: Minnesota; comments by 6–12–81

20698 4–7–81 / Lead-in-gasoline test procedure; comments by 6–8–81

26355 5–12–81 / Massachusetts; designations of areas for air quality planning purposes; redesignation of attainment areas—primary and secondary sulfur dioxide standards; comments by 6–11–81

21769 4–14–81 / Performance of new stationary sources: Coal preparation plants, review of standards; comments by 6–15–81

26499 5–13–81 / Revision of the Pennsylvania State Implementation plan; comments by 6–12–81

26075 5–11–81 / State and Federal Administrative Enforcement of Implementation Plan requirements after statutory deadlines; administrative order issued by New Jersey Department of Environmental Protection to Owens-Illinois, Inc.; comments by 6–10–81

21396 4–10–81 / Water pollution, pulp, paper, paperboard and builders paper and roofing felt, point source categories effluent limitations guidelines, pretreatment standards, and new source performance standards; comment period extended to 6–9–81

[*See also* 46 FR 1430, 1–6–81, and 46 FR 15287, 3–5–81]

FEDERAL COMMUNICATIONS COMMISSION

22215 4–16–81 / Amendments to registration standards; comments by 6–12–81

17233 3–18–81 / Automation of the use of measurement data for AM broadcast stations; reply comments extended to 6–8–81

[*See also* 45 FR 82973, 12–17–80]

23498 4–27–81 / FM broadcast station in Brownsville, Edinburg, Harlingen, Raymondville, Rio Grande City, Texas; changes in table of assignments; comments by 6–9–81

23496 4–27–81 / FM broadcast station in Gurdon, Arkansas; changes in table of assignments; comments by 6–9–81

28681 5–28–81 / FM broadcast station; Maine; reply comments by 6–12–81

23497 4–27–81 / FM broadcast station in Milan, Georgia; changes in table of assignments; comments by 6–9–81

22910 4–22–81 / FM broadcast stations in Mountain Home and Marshall, Ark., and Thayer, Mo.; reply comments extended to 6–11–81

[*See also* 46 FR 15298, 3–5–81]

23774 4–28–81 / FM broadcast station; Weed, Calif.; change in table of assignments; comments by 6–9–81

FEDERAL LABOR RELATIONS AUTHORITY

26488 5–13–81 / Case processing; representation, unfair labor practice, negotiability, and arbitration cases and procedural requirements for parties in cases before authority; comments by 6–12–81

FEDERAL TRADE COMMISSION

21019 4–8–81 / Children's advertising, proposed termination of proceeding; comments by 6–8–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

25602 5–8–81 / Antibiotic drugs; bacampicillin hydrochloride certification; comments by 6–8–81

25604 5–8–81 / Antibiotic drugs; sterile cefotaxime sodium certification; comments by 6–8–81

25607 5–8–81 / Antibiotic drugs certification; corrections and technical changes; comments by 6–8–81

[*See also* 39 FR 18922, 5–30–74]

INTERIOR DEPARTMENT

Mines Bureau—

25653 5–8–81 / Helium, sales and rental of containers from the Bureau of Mines; comments by 6–10–81

National Park Service—

23389 4–24–81 / Integral vistas associated with visibility protection for Federal class I areas, identification; guideline availability and preliminary list; reopening of comment period; comments by 6–8–81

[*See also* 46 FR 3046, 1–15–81]

Surface Mining Reclamation and Enforcement Office—

20688 4–7–81 / Abandoned mine land reclamation program; comments by 6–8–81

22902 4–22–81 / Interim and permanent regulatory modifications; comments by 6–8–81

INTERSTATE COMMERCE COMMISSION

22911 4–22–81 / Practices of motor common carriers of passengers—checked baggage prohibitions and liability exemptions; comments by 6–8–81

LABOR DEPARTMENT

Employment and Training Administration—

27462 5–19–81 / Comprehensive Employment and Training Act; Amendments to Title VII and Public service employment base average annual wage provisions; comments by 6–8–81

[*See also* 46 FR 25645, 5–8–81]

Occupational Safety and Health Administration—

23740 4–28–81 / Access to employee exposure and medical records; construction industry; administrative stay; comments by 6–12–81

PERSONNEL MANAGEMENT OFFICE

21355 4–10–81 / Life insurance, Federal employees; basic and optional plans, correction; participation requirement for continuation of life insurance during receipt of workers' compensation; comments by 6–9–81

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—

21634 4–13–81 / Installation of a single center, high-mounted stoplamp on passenger cars, in addition to the stoplamp presently required; comments by 6–10–81

[*See also* 46 FR 2132; 1–8–81]

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

21197 4–9–81 / Consideration of establishment of a viticultural area in Mendocino County, Calif.; comments by 6–8–81

21194 4–9–81 / Consideration of establishment of a viticultural area in San Luis Obispo County, Calif.; comments by 6–8–81

21623 4–13–81 / Designation of a viticultural area in Amador County, Calif. to be known as "Shenandoah Valley," comments by 6–12–81

Customs Service—

21194 4–9–81 / Amendments to "country of origin" determination provisions; comments by 6–8–81

Internal Revenue Service—

26660 5–14–81 / Proposed excise tax regulations under the Crude Oil Windfall Profit Tax Act of 1980; comments by 6–8–81

VETERANS ADMINISTRATION

26499 5–13–81 / Veterans education; Advance payment of educational assistance allowance; comments by 6–12–81

Deadlines for Comments on Proposed Rules for the Week of Jue 14 through June 20, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

26786 5–15–81 / Dried prunes in Calif.; specification changes; comments by 6–15–81

Animal and Plant Health Inspection Service—

22197 4–16–81 / Quarantine of California to control Mediterranean fruit fly; comments by 6–15–81

V46/106 JE3 81 UMI

Food Safety and Quality Service–

22383 4–17–81 / Revision of shell egg standards and grades; comments by 6–16–81

26787 5–15–81 / U.S. standards for grades of mixed nuts in the shell; comments by 6–15–81

Rural Electrification Administration—

22383 4–17–81 / Public information; REA bulletins specification for filled telephone cable; comments by 6–16–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

23957 4–29–81 / Atlantic butterfish fishery, initial approval and availability of plan amendment; comments by 6–15–81

26658 5–14–81 / Proposed clarification of term "directly affecting the coastal zone"; comments by 6–15–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

27963-27966 5–22–81 / High-cost gas produced from right formations (4 documents); comments by 6–17–81

24585 5–1–81 / Natural gas; sales and transportation by interstate pipelines and distributors; comments by 6–15–81

ENVIRONMENTAL PROTECTION AGENCY

27129 5–18–81 / Approval and promulgation of State Implementation Plans; Utah's Total Suspended Particulates and lead; comments by 6–17–81

27131 5–18–81 / Designation of areas for air quality planning purposes; Alabama; proposed redesignation of Marion, Lamar, and Fayette Counties; comments by 6–17–81

21999 4–15–81 / Hazardous waste and hazardous waste management; availability of information; comments by 6–15–81

27502 5–20–81 / Proposed approval of revision of Florida State Implementation Plan; comments by 6–19–81

27503 5–20–81 / Proposed approval of revision to Georgia State Implementation Plan; comments by 6–19–81

27504 5–20–81 / Proposed approval of revision to Kentucky State Implementation Plan; comments by 6–19–81

26793 5–15–81 / State implementation plans; identification of State regulatory provisions; New Jersey, Puerto Rico, and Virgin Islands; comments by 6–15–81

27504 5–20–81 / Supplementary approval of Massachusetts State Implementation Plan; comments by 6–19–81

[*See also* 45 FR 61293, 9–16–81]

22400 4–17–81 / Textile mills point source category effluent limitations guidelines pretreatment standards, and new source performance standards; comments by 6–16–81

[Originally published at 46 FR 8590, 1–27–81]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

22395 4–17–81 / Employment discrimination; procedures for handling complaints; comments by 6–16–81

21784 4–14–81 / Privacy Act Regulations; comments by 6–15–81

FEDERAL COMMUNICATIONS COMMISSION

20708 4–7–81 / FM broadcast stations; table of assignments; Arroyo Grande and Pismo Beach, Calif.; reply comments by 6–15–81

20709 4–7–81 / FM broadcast stations; table of assignments; Powell, Wyo.; reply comments by 6–15–81

20711 4–7–81 / FM broadcast stations; table of assignments; San Manuel, Miami, Claypool, Summerhaven, Ariz.; reply comments by 6–15–81

83592 12–19–80 / Revision of Amateur Radio Service Rules into plain English; comments by 6–19–81

21791 4–4–81 / Table of television channel allotments; reply comments by 6–15–81

81796 12–12–80 / Television channel allotments; reply comments by 6–15–81

[Originally published at 45 FR 72902, 9–18–80]

26507 5–13–81 / Television pickup on a secondary basis to the Local Television Transmission Service, amendment to make a certain frequency available; comments by 6–19–81

FEDERAL LABOR RELATIONS AUTHORITY

16058 3–10–81 / Foreign service; organization, functions, authority delegations, systems of records, and processing of cases (interim rules); comments by 6–15–81

Federal Reserve System—

24576 5–1–81 / Collection of checks and other items and transfer of finds by Reserve Banks (Regulation J); comments by 6–19–81

22600 4–20–81 / Interpretation of regulation regarding class of depositors class of depositors eligible to maintain NOW account at member banks; comments by 6–15–81

FOREIGN SERVICE IMPASSE DISPUTES PANEL

16058 3–10–81 / Foreign service; organization, functions, authority delegations, systems of records, and processing of cases (interim rules); comments by 6–15–81

FOREIGN SERVICE LABOR RELATIONS BOARD

16058 3–10–81 / Foreign Service; organization, functions, authority delegations, systems of records and processing of cases (interim rules); comments by 6–15–81

HEATH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

22389 4–17–81 / Iodomestic assay method for ampicillin and amoxicillin; comments by 6–16–81

Public Health Service—

22616 4–20–81 / Provision of abortion services by the Indian Health Service; comments by 6–19–81

Social Security Administration—

22609 4–20–81 / Social security benefits, etc.; reduction of retroactive benefits; comments by 6–19–81

[Corrected at 46 FR 23765, Apr. 28, 1981]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner Office of Assistant Secretary for Housing—

21932 4–14–81 / Comprehensive Improvement Assistance Program requirements; comments by 6–15–81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

28192 5–26–81 / Export of bobcat, lynx, river otter, Alaskan gray wolf, and Alaskan brown bear taken in 1981–82 season; comments by 6–15–81

18666 3–25–81 / Proposed 1981–82 migratory game bird hunting regulations (preliminary); comments for proposed regulations frame works for Alaska, Puerto Rico and the Virgin Islands, by 6–19–81

INTERSTATE COMMERCE COMMISSION

26799 5–15–81 / Motor carriers; duplicate operating rights; policy statement; comments by 6–15–81

26801 5–15–81 / Motor property carriers; control of duplicate operating rights; comments by 6–15–81

JUSTICE DEPARTMENT

22395 4–17–81 / Employment discrimination; procedures for handling complaints; comments by 6–16–81

Drug Enforcement Administration—

22393 4–17–81 / Schedules of controlled substances; denial of petition to decontrol mazindal; rescheduling of mazindal into schedule IV; comments by 6–16–81

Prisons Bureau—

24902 5–1–81 / Control, custody, care, treatment, and instruction of inmates; comments by 6–15–81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

22243 4–16–81 / Availability of segment of draft Federal Acquisition Regulation; comments by 6–17–81

POSTAL SERVICE

26792 5–15–81 / Unpaid and part-paid mail addressed to U.S. government offices; comments by 6–15–81

SECURITIES AND EXCHANGE COMMISSION

22602 4–20–81 / Going private transactions by certain issuers or their affiliates; comments by 6–19–81

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration—

27146 5–18–81 / Transportation of liquefied petroleum gas in intrastate commerce; comments by 6–16–81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

21624 4–13–81 / Reporting taxes due to the Insular Governments on Puerto Rican and Virgin Islands spirits bottled in the U.S.; comments by 6–15–81

Internal Revenue Service—

27968 5–22–81 / Income tax; Dollar-value LIFO inventory; comments by 6–16–81

VETERANS ADMINISTRATION

27361 5–19–81 / United States Government Life Insurance and National Service Life Insurance; interest rates and dividends; comments by 6–18–81

Next Week's Meetings

ARTS AND HUMANITIES, NATIONAL FOUNDATION

26957 5–15–81 / Humanities Panel, Washington, D.C. (closed), 6–9, 6–10, 6–11 and 6–12–81

28051 5–22–81 / Inter-Arts Panel (Folk Arts Section), Washington, D.C. (partially open), 6–11 through 6–13–81

28463 5–27–81 / Florida Advisory Committee, Tampa, Fla. (open), 6–10–81

24978 5–4–81 / Massachusetts Advisory Committee, Boston, Mass. (open), 6–11–81

23089 4–23–81 / New York Advisory Committee, New York, N.Y. (open), 6–9–81

28953 5–29–81 / Susanville District Grazing Advisory Board, Susanville, Calif. (open), 6–9–81

COMMERCE DEPARTMENT

International Trade Administration—

24980 5–4–81 / Importers and Retailer's Textile Advisory Committee, Washington, D.C. (open), 6–9–81

24980 5–4–81 / Management-Labor Textile Advisory Committee, Washington, D.C. (open), 6–9–81

27981 5–22–81 / Semiconductor Technical Advisory Committee, Discrete Semiconductor Device Subcommittee, Washington, D.C. (partially open), 6–9–81

27982 5–22–81 / Semiconductor Technical Advisory Committee, Washington, D.C. (closed), 6–10–81

27984 5–22–81 / Semiconductor Technical Advisory Committee, Microcircuit Subcommittee, Washington, D.C. (partially open), 6–9–81

27985 5–22–81 / Semiconductor Technical Advisory Committee, Semiconductor Manufacturing Materials and Equipment Subcommittee, Washington, D.C. (closed), 6–9–81

Minority Business Development Agency—

27986 5–22–81 / General Business Services Program, Washington, D.C. (open), 6–8–81

National Oceanic and Atmospheric Administration—

26673 5–14–81 / Mid-Atlantic Fishery Management Council, Philadelphia, Pa. (open), 6–10 through 6–12–81

26520 5–13–81 / Western Pacific Fishery Management Council, Maui, Hawaii (partially closed), 6–9 and 6–10–81

27501 5–20–81 / Workshop to discuss issues identified in draft technical support document for environmental requirements for licensing ocean thermal energy conversion facilities and plantships, Washington, D.C. (open), 6–12–81

DEFENSE DEPARTMENT

Air Force Department—

27518 5–20–81 / USAF Scientific Advisory Board, Washington, D.C. (closed), 6–9 and 6–10–81

27517 5–20–81 / USAF Scientific Advisory Board, Kirtland AFB, N. Mex. (closed), 6–10 and 6–11–81

Army Department—

27993 5–22–81 / Armed Forces Epidemiological Board, Washington, D.C. (open), 6–11 and 6–12–81

Office of the Secretary—

27746 5–21–81 / Defense Science Board Review on MX Missile Basing, Washington, D.C. (closed), 6–11 through 6–13–81

27373 5–19–81 / Defense Science Board Task Force on Electronic Warfare, Washington, D.C. (closed), 6–9–81

22923 4–22–81 / Wage Committee, Washington, D.C. (closed), 6–9–81

ENERGY DEPARTMENT

27520 5–20–81 / National Petroleum Council, Arctic Oil and Gas Resources Committee, Coordinating Subcommittee, Los Angeles, Calif. (open), 6–9–91

19970 4–2–81 / National Petroleum Council, Environmental Conservation Committee, Coordinating Subcommittee, Washington, D.C. (open), 6–10–81

27391 5–19–81 / State Planning Council on Radioactive Waste Management, Washington, D.C. (open), 6–8–81

Bonneville Power Administration—

26522 5–13–81 / Badger Canyon-Grandview Area (open), Benton City, Wash., 6–9–81; Richland, Wash., 6–10–81

FEDERAL HOME LOAN BANK BOARD

24686 5–1–81 / Federal Savings and Loan Advisory Council, Washington, D.C. (open), 6–8 through 6–10–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

28945 5–29–81 / Alcohol Human Resources Development Review Committee, Rockville, Md. (partially open), 6–4 and 6–5–81

28945 5–29–81 / Federal Activities for Alcohol Abuse and Alcoholism Interagency Committee, Washington, D.C. (open), 6–9–81

26695 5–14–81 / National advisory committees, Washington, D.C. and various cities in Maryland (partially open), 6–8 through 6–12–81

Food and Drug Administration—

27394 5–19–81 / Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat, and Dental Devices Panel, Washington, D.C. (partially open), 6–8 and 6–9–81

National Institute for Occupational Safety and Health—

27181 5–18–81 / Safety and Occupational Health Study Section, Rockville, Md. (closed), 6–10 and 6–11–81

27181 5–18–81 / Workshop on Engineering Control Technology, College Station, Tex. (open), 6–11 and 6–12–81

National Institutes of Health—

28014 5–22–81 / Advisory Committee to the Director, NIH, Bethesda, Md. (open), 6–8 and 6–9–81

V 46 / 106 JE 3 81 1 UMI

24301 4–30–81 / Allergy and Clinical Immunology Research Committee, Bethesda, Md. (partially open), 6–10–81

24711 5–1–81 / Bladder and Prostatic Cancer Review Committee, Bladder Cancer Review Subcommittee, Hershey, Pa. (partially open), 6–10 and 6–11–81

28015 5–22–81 / Biomedical Library Review Committee, Review of Medical Library Resource Improvement Grant Applications Subcommittee, Bethesda, Md. (partially open), 6–12–81

28015 5–21–81 / Board of Scientific Counselors, DCT, National Cancer Institute, Bethesda, Md. (partially open), 6–11 and 6–12–81

28015 5–22–81 / Board of Scientific Counselors, National Eye Institute, Bethesda, Md. (partially open), 6–8 and 6–9–81

24711 5–1–81 / Cancer Control Grant Review Committee, Bethesda, Md. (partially open), 6–8 and 6–9–81

28016 5–22–81 / Cancer Special Program Advisory Committee, National Cancer Institute, Bethesda, Md. (partially open), 6–13 and 6–14–81

28017 5–22–81 / Clinical Cancer Education Committee, National Cancer Institute, Silver Spring, Md. (partially open), 6–10–81

24714 5–1–81 / Genetic Basis of Disease Review Committee, Bethesda, Md. (partially open), 6–11 and 6–12–81

28017 5–21–80 / Microbial Physiology Study Section, Rockville, Md. (partially open), 6–11 and 6–12–81

[*See also* 46 FR 24712, 5–1–81]

24302 4–30–81 / Microbiology and Infectious Diseases Advisory Committee, Bethesda, Md. (open), 6–9 and 6–10–81

22464 4–17–81 / National Institute on Aging, Board of Scientific Counselors, Baltimore, Md. (partially open), 6–8 and 6–9–81

28752 5–28–81 / Pharmacological Sciences Review Committee, Bethesda, Md. (partially open), 6–9 and 6–10–81

28752 5–28–81 / President's Cancer Panel, Bethesda, Md. (open) 6–12–81

24712 5–1–81 / Research Grants Divison, Allergy & Immunology Study Section, Georgetown, Washington, D.C., (partially open), 6–11 through 6–13–81

24712 5–1–81 / Research Grants Division, Applied Physiology & Orthopedics Study Section, Bethesda, Md., (partially open), 6–8 through 6–10–81

24712 5–1–81 / Research Grants Division, Behavioral & Neurosciences E Study Section, Chevy Chase, Md. (partially open), 6–12–81

24712 5–1–81 / Research Grants Division, Biochemistry Study Section, Washington, D.C. (partially open), 6–10 through 6–13–81

24712 5–1–81 / Research Grants Division, Biophysics & Biophysical Chemistry A Study Section, Rosslyn, Va. (partially open), 6–12 through 6–14–81

24712 5–1–81 / Research Grants Division, Biophysics & Biophysical Chemistry B Study Section, Chevy Chase, Md. (partially open), 6–11 through 6–13–81

24712 5–1–81 / Research Grants Division, Chemical Pathology Study Section, Bethesda, Md. (partially open), 6–8 through 6–10–81

24712 5–1–81 / Research Grants Division, Diagnostic Radiology Study Section, Bethesda, Md. (partially open), 6–8 through 6–10–81

24712 5–1–81 / Research Grants Division, Epidemiology & Disease Control Study Section, Silver Spring, Md. (partially open), 6–8 through 6–11–81

24712 5–1–81 / Research Grants Division, Experimental Cardiovascular Sciences Study Section, McLean, Va. (partially open), 6–9 through 6–11–81

24712 5–1–81 / Research Grants Division, Experimental Virology Study Section, Bethesda, Md. (partially open), 6–7 through 6–10–81

24712 5–1–81 / Research Grants Division, Genetics Study Section, Bethesda, Md. (partially open), 6–11 through 6–13–81

24712 5–1–81 / Research Grants Division, Hematology Study Section, Chevy Chase, Md. (partially open), 6–11 through 6–13–81

24712 5–1–81 / Research Grants Division, Medicinal Chemistry Study Section, Georgetown, Washington, D.C. (partially open), 6–10 through 6–12–81

24712 5–1–81 / Research Grants Division, Neurological Sciences Study Section, Washington, D.C. (partially open), 6–11 through 6–13–81

[*See also* 46 FR 28019, 5–22–81]

24712 5–1–81 / Research Grants Division, Oral Biology & Medicine Study Section, Chevy Chase, Md. (partially open), 6–9 through 6–12–81

24712 5–1–81 / Research Grants Division, Pathobiological Chemistry Study Section, Bethesda, Md. (partially open), 6–10 through 6–13–81

24712 5–1–81 / Research Grants Division, Physiology Study Section, Georgetown, Washington, D.C. (partially open), 6–10 through 6–13–81

24712 5–1–81 / Research Grants Division, Reproductive Biology Study Section, Bethesda, Md. (partially open), 6–8 through 6–11–81

24712 5–1–81 / Research Grants Division, Social Sciences & Population Study Section, Washington, D.C. (partially open), 6–8 through 6–10–81

24712 5–1–81 / Research Grants Division, Virology Study Section, Bethesda, Md. (partially open), 6–11 through 6–13–81

Public Health Service—

21829 National Toxicology Program, Phthalates Conference, Washington, D.C., 6–9, 6–10 and 6–11–81

HISTORIC PRESERVATION ADVISORY COUNCIL

27560 5–20–81 / Meeting, Washington, D.C., 6–11–81

INTERIOR DEPARTMENT

Land Management Bureau—

25356 5–6–81 / Arizona: Phoenix/Lower Gila Resource Areas (Phoenix District) Grazing Advisory Board, Phoenix, Ariz. (open), 6–10–81

26703 5–14–81 / Battle Mountain District, Tonopah, Nev. (partially open), 6–12–81

26703 5–14–81 / Denver-Raton Mesa Regional Coal, Pueblo, Colo. (open), 6–11–81

22269 4–16–81 / District Grazing Advisory Board, Ely, Nev. (open), 6–10–81

27563 5–20–81 / Intergovernmental Planning Program, South Atlantic Regional Technical Working Group, New Orleans, La. (open), 6–11–81

28953 5–29–81 / Medford District Advisory Council, Subcommittee meeting, Medford, Oreg. (open), 6–12–81

23124 4–23–81 / Redding District Multiple Use Advisory Council, Dorris, Calif. (open), 6–11–81

25564 5–7–81 / Salt Lake District Grazing Advisory Board, Salt Lake City, Utah (open), 6–9 and 6–10–81

25565 5–7–81 / Salt Lake District Advisory Council, Dugway, Utah (open), 6–11–81

National Park Service—

28518 5–27–81 / Cape Cod National Seashore Advisory Commission, South Wellfleet, Mass. (open), 6–12–81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

27416 5–19–81 / Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development, Washington, D.C. (open), 6–8 and 6–9–81

LABOR DEPARTMENT

Occuptional Safety and Health Administration—

28047 5–22–81 / Construction Safety and Health Advisory Committee, Washington, D.C. (open), 6–10, 6–11, and 6–12–81

LIBRARIES AND INFORMATION SCIENCE NATIONAL COMMISSION

28275 5–26–81 / Meeting, Atlanta, Ga. (closed), 6–11–81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

26411 5–12–81 / NASA Advisory Council, Space Systems and Technology Advisory Committee, Langley Field, Va. (open), 6–8 and 6–9–81

27424 5–19–81 / NASA Advisory Council, Space Systems and Technology Advisory Committee, (open), Greenbelt, Md., 6–9 through 6–11–81 and Washington, D.C., 6–11 and 6–12–81

NATIONAL SCIENCE FOUNDATION

28052 5–22–81 / Policy Research and Analysis and Science Resources Studies Advisory Committee, Washington, D.C. (open), 6–11 and 6–12–81

28052 5–22–81 / Social and Economics Science Advisory Committee, Sociology Subcommittee, Washington, D.C. (closed), 6–12 and 6–13–81

NUCLEAR REGULATORY COMMISSION

27804 5–21–81 / Reactor Safeguards Advisory Committee, Washington, D.C. (partially open), 6–4 through 6–6–81

24337 4–30–81 / Safety Goal Project, Atlanta, Ga. (open), 6–11–81

[Rescheduled at 46 FR 26721, 5–14–81]

NUCLEAR SAFETY OVERSIGHT COMMITTEE

28053 5–22–81 / Meeting, Washington, D.C. (open), 6–8–81

PRESIDENT'S ECONOMIC POLICY ADVISORY BOARD

29015 5–29–81 / Meeting, Washington, D.C. (closed), 6–11–81

STATE DEPARTMENT

28779 5–28–81 / Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Washington, D.C. (open), 6–10–81

VETERANS ADMINISTRATION

16174 3–11–81 / Wage Committee, Washington, D.C. (closed), 6–11–81

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Forest Service—

26089 5–11–81 / Craggy Mountain Wilderness Study Area, Asheville, N.C., 6–10–81

DEFENSE DEPARTMENT

Navy Department—

19969 4–2–81 / Naval Discharge Review Board, San Diego, Calif., 6–12 and 6–13–81

DELAWARE RIVER BASIN COMMISSION

28206 5–26–81 / Application by Borough of Boyertown to increase existing water supply allocation from Trout Run Reservoir, Boyertown, Pa., 6–10–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

28672 5–28–81 / Incremental Pricing Regulations, Washington, D.C., 6–9–81

ENVIRONMENTAL PROTECTION AGENCY

18561 3–25–81 / Benzene Emissions from Benzene Storage Vessels, Research Triangle Park, N.C., 6–9–81

20706 4–7–81 / Hazardous waste management system; standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities and EPA administered permit programs, Chicago, Ill., 6–8 and 6–9; Washington, D.C. 6–11 and 6–12–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration—

19603 3–13–81 / Pharmaceutical Reimbursement Board; Proposed Maximum Allowable Cost (MAC) Limits, Baltimore, Md., 6–11–81

INTERNATIONAL TRADE COMMISSION

18633 3–25–81 / Unrefined montan wax from East Germany, Washington, D.C., 6–8–81

TREASURY DEPARTMENT

Internal Revenue Service—

17229 3–18–81 / Custodial accounts for regulated investment company stock, Washington, D.C., 6–4–81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing May 27, 1981.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

APPLICATIONS DEADLINES

28895 5–29–81 / Ed—International Understanding Program; application for awards by 7–20–81

28892 5–29–81 / Commerce—MBDA—Specialized Consultant Services Program; applications by 7–10–81

MEETING

28945 5–29–81 / HHS/ADAMHA—Alcohol Human Resource Development Review Committee, Rockville, Md. (partially open), 6–4 and 6–5–81

28531 5–27–81 / NFAH—Museum Panel, Wash., D.C. (partially open), 6–15 and 6–16–81

Other Items of Interest

28309 5–26–81 / HHS/HDSO—Native American programs; availability of FY 1982 financial assistance

28536 5–27–81 / NRC—Grant awards to two technical societies to coordinate efforts to develop a Procedures Guide for the performance of probabilistic analysis of the safety of nuclear power plants.

V 46 / 106 JE 3 81 UMI

hington,

rage

; standards
us waste
PA
and 6–9;

d; Proposed
nore, Md.,

many.

stment

ed by the
of Public

ams which
s week.

gram;

sultant

source
(partially

partially

ams;

societies
ide for the
ty of

V 46/10 6
J E 3 8 1
UMI

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

Code of Federal Regulations

Revised as of January 1, 1981

Quantity	Volume	Price	Amount
_____	Title 14—Aeronautics and Space (Parts 1 to 59)	$7.50	$ _____
_____	Title 16—Commercial Practices (Parts 0 to 149)	6.50	_____
		Total Order	**$** _____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____ Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Charge to my Deposit Account No.

☐☐☐☐☐☐-☐

Order No._____

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

6-4-81
Vol. 46 No. 107
Pages 29921-30072

federal register

Thursday
June 4, 1981

Highlights

29921 **Renewal of Trade Agreements with Romania and Hungary** Presidential determination

29953 **Social Security** HHS/SSA proposes to reduce from 12 months to 6 months the maximum retroactivity of all applications for certain non-disability benefits.

29985 **Student Aid** ED announces special allowance rates for quarter ending March 31, 1981 for the Guaranteed Student Loan Program.

29964 **Child Support Enforcement** HHS/Office of Child Support proposes to expand Federal financial participation in the costs of cooperative agreements with courts and law enforcement officials.

29955 **Minority and Women-Owned Businesses** Interior/GS proposes to rescind rule on nondiscrimination in Outer Continental Shelf leasing activities.

29967, 29968 **Hazardous Materials Transportation** DOT/RSPA proposes to simplify, and clarify requirements for transportation of wet electric storage batteries. RSPA also proposes to authorize use of nonspecification cargo tanks for transportation of liquified petroleum gas in intrastate commerce under certain conditions. (2 documents)

CONTINUED INSIDE

V 4 6 / 1 0 7
J E 4
8 1
UMI

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

29928 **Consumer Protection** CPSC modifies policy on associations between its staff and voluntary standards development groups.

29923 **Aliens** Justice/INS codifies practice of invalidating a visa petition after the beneficiary becomes a lawful permanent alien.

29995 **Federally-Owned Inventions** GSA announces availability of draft regulations on licensing

Privacy Act Documents

29984 DOD/DIA
29981 DOD/Army

30022 **Sunshine Act Meetings**

Separate Parts of This Issue

30050 **Part II, Interior/BLM**

Cont

29921
29923
29924
30002
29981
29964
29933
29933
29954
30017
29931
29952

Contents

Federal Register
Vol. 46, No. 107
Thursday, June 4, 1981

The President
ADMINISTRATIVE ORDERS
29921 Romania and Hungary; renewal of trade agreements (Presidential Determination No. 81–9 of June 2, 1981)

Agricultural Marketing Service
RULES
29923 Oranges (navel) grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Forest Service.

Alaska Natural Gas Transportation System, Office of Federal Inspector
RULES
29924 Regulatory Flexibility certification

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
30002 Halifax Hospital Medical Center et al.

Army Department
See also Engineers Corps.
NOTICES
29981 Privacy Act; systems of records

Child Support Enforcement Office
PROPOSED RULES
Federal financial participation:
29964 Cooperative agreements with courts and law enforcement officials; costs

Coast Guard
RULES
29933 Claims procedures; correction
Safety zones:
29933 Mississippi River Gulf Outlet, etc.; interim
PROPOSED RULES
Regulated navigation area:
29954 Chesapeake Bay Entrance
NOTICES
Citizenship oath filing:
30017 Bunge Corp.

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
RULES
Reports:
29931 Contract markets, futures commission merchants, foreign brokers, large traders; exchanges of futures for physicals, deliveries, open positions, etc.; deferral of effective date; correction
PROPOSED RULES
29952 Regulatory Flexibility Act; implementation

Consumer Product Safety Commission
RULES
29928 Voluntary standards; activities and organizations; employee membership and involvement; policy modification
PROPOSED RULES
29951 Dual-purpose child resistant packaging; meeting; correction

Customs Service
PROPOSED RULES
29953 Customs bond structure revision; correction

Defense Department
See Army Department; Defense Intelligence Agency; Engineers Corps.

Defense Intelligence Agency
NOTICES
29984 Privacy Act; systems of records

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
30001 Big-T Pharmacy, Inc.

Economic Regulatory Administration
NOTICES
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
29985 Tucson Electric Power Co.; hearing; correction

Education Department
NOTICES
29985 Guaranteed student loan program; special allowances

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
Conduct standards:
29985 Divestiture requirements; supervisory employees; waivers granted

Engineers Corps
RULES
Danger zones:
29934 Vieques Island, Puerto Rico

Environmental Protection Agency
RULES
Hazardous waste programs; interim authorizations; various States:
29935 California
PROPOSED RULES
Air pollution; standards of performance for new stationary sources:
29955 Appliances, industrial surface coating; volatile organic compounds; emissions limit; correction

NOTICES
Air pollution; ambient air monitoring reference and equivalent methods applications, etc.:
29986 Atomic absorption and X-ray fluorescence spectrometry methods for lead
29986 Monitor Labs Model 8440E Nitrogen Oxides Analyzer et al.
29987 Monitor Labs Model 8810 Photometric Ozone Analyzer

Federal Aviation Administration
RULES
Airworthiness directives:
29925 Beech
29924 Lockheed
29926 Sikorsky
29927 Control zones
PROPOSED RULES
29947-29951 Transition areas (6 documents)
NOTICES
Meetings:
30017 Aeronautics Radio Technical Commission
30017 Informal airspace; Military Operations Area (MOA), N.H., proposed establishment

Federal Deposit Insurance Corporation
NOTICE
30022 Meetings; Sunshine Act (4 documents)

Federal Election Commission
NOTICES
30023 Meetings; Sunshine Act

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
29940, 29942 Alabama et al. (2 documents)
PROPOSED RULES
Flood elevation determinations:
29956 New Hampshire et al.
29956 New Jersey; correction

Federal Energy Regulatory Commission
NOTICES
30023 Meetings; Sunshine Act

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
30018 King County, Wash.; intent to prepare
30018 Marion County, Ind.; withdrawn

Federal Home Loan Bank Board
NOTICES
30023 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
29987 Agreements filed, etc.
30023 Meetings; Sunshine Act

Federal Railroad Administration
NOTICES
Transaction assistance applications:
30019 Consolidated Rail Corp.

Federal Reserve System
NOTICES
30023 Meetings; Sunshine Act

Federal Trade Commission
RULES
Prohibited trade practices:
29928 James B. Lansing Sound, Inc.

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
30020 Northeastern Insurance Co. of Hartford

Forest Service
NOTICES
Meetings:
29979 Caribou National Forest Grazing Advisory Board Committee

General Services Administration
PROPOSED RULES
Property management:
29955 Licensing of federally-owned inventions; draft availability

Geological Survey
RULES
Outer Continental Shelf; oil, gas, and sulphur operations:
29932 Oil and gas, unavoidable discharges; royalty on unprocessed gas; clarification and notice to lessees and operators (NTL)

Health and Human Services Department
See Child Support Enforcement Office; Health Services Administration; Social Security Administration.

Health Services Administration
NOTICES
29988 Health education assistance loan (HEAL) program; interest rates; correction

Immigration and Naturalization Service
RULES
29923 Aliens; petition to classify as immediate relative of U.S. citizen or preference immigrant; multiple petition use prohibited

Indian Affairs Bureau
NOTICES
Child proceedings, reassumption of jurisdiction; petition receipt, approval, etc.:
29988 Penobscot Indian Nation; correction
Irrigation projects; operation and maintenance charges:
29988 Flathead Irrigation Project, Mont.

Interior Department
See also Geological Survey; Indian Affairs Bureau; Land Management Bureau.
PROPOSED RULES
Nondiscrimination:
29955 Minority and female-owned business enterprises; involvement in Outer Continental Shelf leasing activities; rescission

International Trade Administration
NOTICES
Countervailing duty petitions and preliminary determinations:
29979 Ferrochrome from South Africa

International Trade Commission
NOTICES
30023 Meetings; Sunshine Act

Interstate Commerce Commission
RULES
Motor carriers:
29945 Household goods transportation; revision of operational regulations; partial deferral of effective date
NOTICES
Motor carriers:
29994, 29995 Finance applications (3 documents)
29995, 29996 Permanent authority applications (2 documents)
29997 Permanent authority applications; restriction removals
30001 Permanent authority applications; restriction removals; correction
Railroad services abandonment:
30001 Baltimore & Ohio Railroad Co. et al.

Justice Department
See also Antitrust Division; Drug Enforcement Administration; Immigration and Naturalization Service.
RULES
Organization, functions, and authority delegations:
29931 Contract Review Committee
29931 Land and Natural Resources Division Assistant Attorney General; approval of conveyances
NOTICES
Pollution control; consent judgments:
30002 Erie Sewer Authority et al.
30002 Spearfish, S. Dak., et al.

Land Management Bureau
RULES
Public land orders:
29937 Alaska
29939 Idaho
29938 Oregon (2 documents)
29939 Washington (2 documents)
29939 Wyoming
NOTICES
Alaska native claims selections:
29990 Native allotment applications for lands that may be valuable for minerals
Environmental statements; availability, etc.:
29989 Lakeview District-Warner Lakes Resources Area, Oreg.; land use planning
29991 Rogue National Wild and Scenic River Area, Oreg.
Meetings:
29989 Craig District Advisory Council; field tours
29990 Medford District Advisory Council
29991 Worland District Advisory Council
Opening of public lands:
29988 California
Outer Continental Shelf; oil and gas lease sales:
30050 Gulf of Mexico
Sale of public lands:
29989 California
29990 Oregon

National Highway Traffic Safety Administration
RULES
Fuel economy standards, average; passenger automobile; exemptions:
29944 Rolls-Royce Motors, Ltd.
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
30019 Lafer S.A.; glazing materials

National Mediation Board
NOTICES
30024 Meetings; Sunshine Act

National Oceanic and Atmospheric Administration
NOTICES
Fishermen's contingency fund:
29980 Claims notification

National Transportation Safety Board
NOTICES
30006 Accident reports, safety recommendations and responses, etc.; availability

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
30007 Isotope Measurements Laboratories, Inc.
30008 Southern California Edison Co. et al.

Postal Rate Commission
NOTICES
30024 Meetings; Sunshine Act

Railroad Retirement Board
NOTICES
30024 Meetings; Sunshine Act

Research and Special Programs Administration, Transportation Department
PROPOSED RULES
Hazardous materials:
29973 Exemptions, individual; conversion into rules of general applicability
29967 Liquefied petroleum gas; transportation in intrastate commerce
29968 Wet electric storage batteries; transportation requirements

Securities and Exchange Commission
NOTICES
Hearings, etc.:
30008, 30009 American Electric Power Co., Inc. (3 documents)
30010 Banque Francaise du Commerce Exterieur et al.
30014 Freedom Fund, Inc.
30015 IDS Cash Management Fund II, Inc.
30010 Trusteed Income Estates Certificates Original Series
30024 Meetings; Sunshine Act
Self-regulatory organization; proposed rule changes:
30010 Boston Stock Exchange, Inc.

30013 Chicago Board Options Exchange, Inc.
30009 National Association of Securities Dealers, Inc.
30016 Pacific Stock Exchange, Inc.
Self-regulatory organizations; unlisted trading privileges:
30009 Midwest Stock Exchange, Inc.

Social Security Administration
PROPOSED RULES
Social security benefits:
29953 Retroactivity of benefit applications; intent to develop

Textile Agreements Implementation Committee
NOTICES
Cotton textiles:
29981 Pakistan

Trade Representative, Office of United States
NOTICES
Committees; establishment, renewals, terminations, etc.:
30017 Commodity Policy Advisory Committee

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department.
NOTICES
Alaska conservation system unit lands; uniform Federal transportation and utility system consolidated application form (Editorial note: This document appeared in the **Federal Register** for June 3, 1981)

Treasury Department
See Customs Service; Fiscal Service.

Veterans Administration
NOTICES
Meetings:
30020 Wage Committee
30020 Wage Committee annual report; availability

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
29979 Caribou National Forest Grazing Advisory Board Committee, Lava Hot Springs, Idaho (open), 7–9–81

INTERIOR DEPARTMENT
Land Management Bureau—
29989 Craig District Advisory Council Field Tours, various locations (open), 7–10 and 7–11–81, 8–14 and 8–15–81 and 9–11–81
29990 Medford District Advisory Council, Medford, Oreg. (open), 7–10–81
29991 Worland District Advisory Council, Worland, Wyo. (open), 8–12–81

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
30017 Informal Airspace, Lincoln, N.H. (open), 6–4–81
30017 Radio Technical Commission For Aeronautics, Special Committee 137 on Airborne Area Navigation Systems (open), Washington, D.C. (open), 6–29 through 7–1–81

VETERANS ADMINISTRATION
30020 Veterans Administration Wage Committee, Washington, D.C. (closed), 7–9, 7–23, 8–6 and 9–3–81

HEARINGS

JUSTICE DEPARTMENT
Drug Enforcement Administration—
30001 Big-T Pharmacy, Inc., order to show cause, Knoxville, Tenn., 6–9–81

CFR PART

A cumulativ
the Reader

3 CFR
Executive O
May 9, 189
(Revoked
PLO 594
February 6,
(Revoked
PLO 594
April 17, 19
(Revoked
part by PL
5415 (Revo
PLO 594
Administrati
Presidential D
No. 81-9
of June 2
7 CFR
907
8 CFR
204
10 CFR
1500
1502
1534
14 CFR
39 (3 docu
71
Proposed R
71 (6 docu
16 CFR
13
1031
1032
Proposed R
Ch. II
17 CFR
15
16
17
18
21
Proposed R
Ch. I
19 CFR
Proposed R
Ch. I
20 CFR
Proposed R
404
28 CFR
0 (2 docu
30 CFR
250
33 CFR
25
165
204
Proposed R
162
40 CFR
123
Proposed R
60
101–4

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
May 9, 1898 (Revoked by PLO 5949)..... 29939
February 6, 1926 (Revoked by PLO 5948)..... 29938
April 17, 1926 (Revoked in part by PLO 5950)..... 29939
5415 (Revoked by PLO 5947)..... 29938
Administrative Orders:
Presidential Determinations:
No. 81-9 of June 2, 1981..... 29921

7 CFR
907..... 29923

8 CFR
204..... 29923

10 CFR
1500..... 29924
1502..... 29924
1534..... 29924

14 CFR
39 (3 documents)..... 29924-29926
71..... 29927
Proposed Rules:
71 (6 documents)..... 29947-29951

16 CFR
13..... 29928
1031..... 29928
1032..... 29928
Proposed Rules:
Ch. II..... 29951

17 CFR
15..... 29931
16..... 29931
17..... 29931
18..... 29931
21..... 29931
Proposed Rules:
Ch. I..... 29952

19 CFR
Proposed Rules:
Ch. I..... 29953

20 CFR
Proposed Rules:
404..... 29953

28 CFR
0 (2 documents)..... 29931

30 CFR
250..... 29932

33 CFR
25..... 29933
165..... 29933
204..... 29934
Proposed Rules:
162..... 29954

40 CFR
123..... 29935
Proposed Rules:
60..... 29955
101-4..... 29955

43 CFR
Public Land Order:
5169 (Amended by PLO 5396 and 5951)..... 29937
5179 (Amended by PLO 5250 and 5951)..... 29937
5180 (Amended by PLO 5418 and 5951)..... 29937
5250 (Amended by PLO 5951)..... 29938
5396 (Amended by PLO 5951)..... 29937
5418 (Amended by PLO 5951)..... 29937
5945..... 29939
5946..... 29939
5947..... 29938
5948..... 29938
5949..... 29939
5950..... 29939
5951..... 29937
Proposed Rules:
35..... 29955

44 CFR
64 (2 documents)..... 29940, 29942
Proposed Rules:
67 (2 documents)..... 29956

45 CFR
Proposed Rules:
304..... 29964

49 CFR
531..... 29944
1056..... 29945
Proposed Rules:
171..... 29967
172 (2 documents)..... 29968, 29973
173 (3 documents)..... 29968-29973
175..... 29968
178..... 29973

V
4
6
/
1
0
7
J
E
4
8
1
UMI

Federal R
Vol. 46, N
Thursday,

Title 3—

The P

[FR Doc. 8
Filed 6-3-
Billing cod

Federal Register
Vol. 46, No. 107
Thursday, June 4, 1981

Presidential Documents

Title 3—

The President

Presidential Determination No. 81–9 of June 2, 1981

Renewal of Trade Agreements with Romania and Hungary—Findings and Determinations under Subsection 405(b)(1) of the Trade Act of 1974

Memorandum for the United States Trade Representative

Pursuant to my authority under the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978), I find, pursuant to subsection 405(b)(1) of that Act, that a satisfactory balance of concessions in trade and services has been maintained during the lives of the Agreements on Trade Relations between the United States and the Socialist Republic of Romania and the Hungarian People's Republic. I further determine that actual or foreseeable reductions in United States tariffs and non-tariff barriers to trade resulting from multilateral negotiations have been satisfactorily reciprocated by the Socialist Republic of Romania and by the Hungarian People's Republic.

These findings and determinations shall be published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
Washington, June 2, 1981

[FR Doc. 81-16842
Filed 6-3-81; 11:36 am]
Billing code 3195-01-M

V
4
6
1
0
7
J
E
4
8
1
UMI

Rule

This secti
contains
general a
of which
the Code
published
U.S.C. 15
The Code
by the S
Prices of
first FED
month.

DEPART

Agricultu

7 CFR Pa

[Navel Or

Navel Or
Designat
Limitatio

AGENCY:
USDA.

ACTION:

SUMMARY
the quan
navel ora
market d
June 11, 1
provide f
navel ora
marketin
orange in

EFFECTIV

FOR FURT
William

SUPPLEM
This rule
USDA pr
12291 an
significa
regulatio
agreeme
907, as a
regulatin
grown in
Californi
effective
Marketin
amended
is based
informat
Orange A
upon oth
hereby f
to effect
act.

Rules and Regulations

Federal Register
Vol. 46, No. 107
Thursday, June 4, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 525]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period June 5, 1981–June 11, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and is not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone, 202–447–5975.

The committee met again publicly on June 2, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 907.825 is added as follows:

§ 907.825 Navel Orange Regulation 525.

The quantities of navel oranges grown in Arizona and California which may be handled during the period June 5, 1981, through June 11, 1981, are established as follows:

(1) District 1: 1,000,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1981

D. S. Kuryloski
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-16846 Filed 6-3-81; 11:30 am]
BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Multiple Use of Petition Prohibited

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule codifies Service practice for invalidating a visa petition after the beneficiary becomes a lawful permanent resident alien. The petition thereafter cannot be used to support a priority date or subsequent status classification through attempted multiple use.

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW, Washington, D.C. 20536. Telephone, (202) 633–3048.

For specific information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW, Washington, D.C. 20536. Telephone, (202) 633–3946.

SUPPLEMENTARY INFORMATION: It is the Service's practice to consider any visa petition invalid after it has been used to support a beneficiary's adjustment of status to that of a lawful permanent resident alien. This practice applies to acquiring lawful permanent residence under both sections 222 and 245 of the Act. Petition to classify Status of Alien Relative for Issuance of Immigrant Visa, Form I–130, and Petition to Classify Preference Status of Alien on Basis of Profession or Occupation, Form I–140 are within the ambit of this practice. The reaffirmation or reinstatement referred to in paragraph (c) of 8 CFR 204.4, relating to a subsequent petition by the same petitioner for the same

beneficiary, applies only when the beneficiary's status has not been adjusted previously to that of a lawful permanent resident alien.

Compliance with the provisions of 5 CFR Part 553 as to notice of proposed rule making is unnecessary because the amendment merely codifies long standing policy and practice and is not newly restrictive in nature.

Accordingly, Chapter 1 of Title 8 Code of Federal Regulations is amended as follows:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Section 204.4 is amended by adding paragraph (f) to read as follows:

§ 204.4 Validity of Approved Petitions

* * * * *

(f) *Exception to Revalidation.*

Any petition approved under Section 204(b) of the Act ceases to convey a priority date or visa classification, and cannot be restored after it has been used by a beneficiary to obtain either an adjustment of status to lawful permanent residence or admission as an immigrant to lawful residence based upon a consular immigrant visa.

(Secs. 103 and 204; 8 U.S.C. 1103 and 1154)

Certification

In accordance with 5 U.S.C. 605(b), this rule will not have a significant economic impact on a substantial number of small entities nor is it a major rule as defined in E.O. 12291 because the rule merely codifies long standing Service policy and practice.

Dated: March 4, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-16654 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-10-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

10 CFR Parts 1500, 1502 and 1534

Certification to Office of Advocacy Regarding the Regulatory Flexibility Act

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice of Certification that Final Rules Do Not Have a Significant Economic Impact on a Substantial Number of Small Entities.

SUMMARY: Take notice that on May 22, 1981, the Federal Inspector certified that two rules, published by the Office of the Federal Inspector (OFI) on April 16, 1981, on OFI functions, powers and duties and its organization (46 FR 22328) and on enforcement procedures for ANGTS equal opportunity regulations (46 FR 22334) have no significant economic impact on a substantial number of small entities. This certification, to the Office of Advocacy at the Small Business Administration, is rendered pursuant to the Regulatory Flexibility Act (RFA), Pub. L. 96-354, 5 U.S.C. 605(b).

FOR FURTHER INFORMATION CONTACT: Mr. Ned Hengerer, General Counsel, Office of the Federal Inspector, ANGTS, Room 3407, Post Office Building, 1200 Pennsylvania Ave., NW, Washington, D.C. 20044 (202) 275-1144.

The first (final) rule, 10 CFR Parts 1500 and 1502, represents a pro forma statement of OFI functions, powers, and duties and OFI organization. With no proposed rulemaking preceding the final rule, it is outside the scope of the RFA. Section 4, 5 U.S.C. 601. Moreover, because it merely describes the OFI, the final rule imposes no economic impact, whether on small or large entities.

The second (final) rule, 10 CFR Part 1534, establishes enforcement procedures for the ANGTS equal opportunity regulations, which the OFI is required to enforce. Because the proposed rulemaking was published before January 1, 1981, this final rule is likewise outside the scope of the RFA. Nevertheless, if significant economic impact results (a questionable assumption), it will not fall on a substantial number of small entities. The primary entities subject to this final rule are the three companies sponsoring ANGTS, the largest privately-financed construction project in U.S. history: By definition, they are not small business entities. The secondary entities subject to this final rule are the major suppliers of goods and services for this construction. Most of them are also large companies. Finally, the intended beneficiaries of this final rule include minority and female business enterprises, most of which are "small business entities" under the RFA. 5 U.S.C. 601(3).

Dated: May 22, 1981.

John T. Rhett,

Federal Inspector.

[FR Doc. 81-16070 Filed 6-3-81; 8:45 am]

BILLING CODE 6820-AW-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-SO-30; Amdt. 39-4127]

Airworthiness Directives; Lockheed Model 382 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and repair, if necessary, of the left and right Buttock Line 20.00 Longeron Splice Joints at Fuselage Station 597.00 on certain Lockheed Model 382 series airplanes. The AD is needed to determine if an out-of-tolerance condition exists which can result in a negative margin of safety and possible failure of the longeron at the critical loading condition.

DATE: Effective June 5, 1981. Compliance required during the next "B" or "C" inspection/check, whichever occurs first, after the effective date of the AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from the Lockheed-Georgia Company, Marietta, Georgia 30063.

A copy of the service bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: Jack Bentley, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: It has been determined that during production assembly of Lockheed Model 382 series airplanes center fuselage, the Buttock Line 20.00 Longeron Splice Angles at Fuselage Station 597.00 on some airplanes were inadvertently located higher or lower than required. This condition caused the center line of the bolts in the longeron splices to be shifted from their designed locations. The out-of-tolerance misalignment can result in a negative margin of safety and possible failure of the longeron at the critical loading condition. Since this condition is likely to exist on or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection and repair, if necessary, of the right and

left Buttock Line 20.00 Longeron Splice Joints located in the center fuselage just below the upper skin panel and slightly aft of the center wing rear beam at Fuselage Station 597.00. If out-of-tolerance misalignment conditions are found to exist, operating restrictions for pressurization, ramp cargo load and maximum operating airspeed are required until repairs are accomplished.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

Lockheed: Applies to Model 382 series airplanes, Serial Numbers 3940 and 4101 through 4871 except 4834, 4839, 4850, and 4853, certificated in all categories.

Compliance required during the next "B" or "C" inspection/check, whichever occurs first after the effective date of this AD, unless already accomplished. To prevent possible failure of the longerons, accomplish the following:

a. Inspect the center fuselage upper longeron splice bolts, immediately aft of fuselage station 597.00, along buttock line 20.00, on each side of the airplane, for correct installation, and determine the condition category of the airplane in accordance with Lockheed-Georgia Company Service Bulletin No. A382–53–29, Revision 1, dated April 24, 1981, or later FAA approved revision.

b. If an out-of-tolerance condition is found to exist, accomplish one of the following:

1. Based on the condition category, placard the airplane in accordance with Lockheed-Georgia Company Service Bulletin No. A382–53–29, Revision 1, dated April 24, 1981, or later FAA approved revision, and incorporate Airplane Flight Manual (AFM) Supplement No. 382–11, dated February 18, 1981. The AFM Supplement may be obtained from the Lockheed-Georgia Company, Marietta, Georgia 30063. If repairs are accomplished in accordance with b.2., placards and AFM Supplement may be discarded.

2. Repair the airplane in accordance with Lockheed-Georgia Company Service Bulletin No. A382–53–29, Revision 1, dated April 24, 1981, or later FAA approved revision, or an alternate method of compliance, approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

c. An alternate method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

d. Special flight permits may be issued in accordance with FAR 21.197 and 121.199 to operate airplanes to a base in order to comply with the requirements of this AD.

This amendment becomes effective June 5, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in East Point, Georgia, on May 26, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-16016 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 81-CE-9-AD; Amdt. 39-4126]

Airworthiness Directives; Beech Models 65-88, 65-90, 65-A90, B90, C90, E90, 100, A100, and B100 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which supersedes AD 77–23–07, Amendment 39–3082, and applies to the same 1137 Beech Models 65–88, 65–90, 65–A90, B90, C90, E90, 100, A100 and B100 airplanes. It requires repetitive visual inspections of cast acrylic cabin and cockpit side windows and "on condition" replacements with stretched acrylic windows. This action is needed because cast acrylic windows have failed despite compliance with AD 77–23–07.

DATE: Effective date June 11, 1981.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Beechcraft Service Instructions No. 0711–110, Revision III, applicable to this AD, may be obtained from Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. A copy of the instructions is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591, and Office of Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Ross R. Spencer, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942–4219.

SUPPLEMENTARY INFORMATION: The FAA has determined that a cast acrylic window failed so as to cause decompression of 17 airplanes which had reportedly or presumably been inspected in accordance with AD 77–23–07. During two of these failures, window fragments hit and slightly injured the occupant who was seated next to the window when it failed. The FAA has determined that inspection criteria and inspection intervals of AD 77–23–07 are inadequate. More stringent and more frequent inspections are required by the following new AD. As before, required inspections may be discontinued for an airplane when the Aircraft Maintenance Record clearly shows that each cast acrylic cabin and cockpit side window in the airplane has been replaced with a stretched acrylic window. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Beech: Applies to the following models and serial numbers of airplanes certificated in any category unless the Aircraft Maintenance Record clearly shows that each cast acrylic window has been replaced with a stretched acrylic window of the Beech Part Number specified in Paragraph C of this AD.

Models	Serial numbers
65–88	LP–1 through LP–26, LP–28 and LP–30 through LP–47.
65–90, 65–A90, B90 and C90.	LJ–1 through LJ–660.
E90	LW–1 through LW–178.
100 and A100	B–1 through B–226.
B100	BE–1 through BE–6.

COMPLIANCE: Required as indicated unless already accomplished. To

prevent decompression and possible injury caused by failure of a cast acrylic window, accomplish the following in accordance with Revision III of Beechcraft Service Instructions Number 0711–110, hereinafter called said instructions:

(A) Visually inspect each cast acrylic window in accordance with said instructions at the following times:

1. Initially, within 50 hours time-in-service after the effective date of this AD, and

2. Repetitively, within each 50 hours time-in-service for each window previously found to have mild star crazing as defined by said instructions, and

3. Repetitively, within each 300 hours time-in-service for a window previously found to be free of all defects defined by said instructions, and

4. Within 50 hours time-in-service after any stripping and repainting in the area of the window, and

5. No later than 1 year after the last previous inspection.

(B) Polish away each minor scratch in accordance with said instructions. Inspect in accordance with Paragraph A of this AD after this polishing is accomplished.

(C) Prior to next flight after each required inspection, replace each window that is found to have any crack, fissure, stress craze, or scratch not polished away per Paragraph, B, above. Use procedures in said instructions to install a stretched acrylic window of a Beech Part Number specified below.

Window	Beech part number
Round, cabin area	50–420013–1053.
Oval, baggage area	50–440014–837 or –838.
Cockpit, side, standard	50–420066–317 or –318.
Cockpit, side, oversize	50–420066–353 or –354.

(D) Make an appropriate entry in the Aircraft Maintenance Record which, along with previous entries, clearly shows each location at which a stretched acrylic window has been installed.

(E) Compliance specified in Paragraphs A, B and C of this AD is not required if the pressurization system is deactivated as follows, and the aircraft is operated in accordance with this limitation:

1. Secure the "Test/Dump" switch in the "Dump" position, and

2. Fabricate a placard, "Cabin Pressurization Prohibited" of 3/16-inch or larger letters and install it on the control panel adjacent to pressurization system controls, and

3. Insert a copy of this AD in the "Limitations" section of the airplane flight manual.

4. Make an appropriate entry in the Aircraft Maintenance Record showing compliance with this paragraph. The provisions of this paragraph may be accomplished by the holder of at least a private pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person, provided the airplane is not used in air carrier service.

(F) Aircraft may be flown unpressurized to a location where the inspections/repairs required by this AD can be performed.

(G) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building 2299, Wichita, Kansas 67209; Telephone (316) 942–4285.

This AD supersedes AD 77–23–07, Amendment 39–3082.

This Amendment becomes effective June 11, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Beech Aircraft Corporation, 9709 East Central, Wichita, Kansas 67201. These documents may also be examined at FAA, Central Region Office, 601 East 12th Street, Kansas City, Missouri 64106, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Central Region in Kansas City, Missouri.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on May 26, 1981.

James O. Robinson,

Acting Director, Central Region.

[FR Doc. 81–16617 Filed 6–3–81; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 81–NE–08; Amdt. 39–4124]

Airworthiness Directives; Sikorsky S–62 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On March 16, 1981, an emergency airworthiness directive (AD), No. T81–06–53, was issued requiring a daily visual inspection, a periodic dye penetrant inspection, and the removal of defective rotor brake discs. This is required to prevent operation with cracked rotor brake discs. The AD is now being published in the **Federal Register** as an amendment to the Federal Aviation Regulations.

DATES: Effective June 4, 1981. Compliance schedule—As prescribed in text of AD.

ADDRESSES: To obtain copies of the Alert Service Bulletin, referenced in the AD, contact Manager, Technical Services, Commercial Customer Service, Sikorsky Aircraft Division, North Main Street, Stratford, Connecticut 06602. A copy of the Alert Service Bulletin is contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Bernard Schaffer, Systems Section, ANE–213, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone: (617) 273–7332.

SUPPLEMENTARY INFORMATION: The emergency airworthiness directive was adopted and made effective to all known United States operators of Sikorsky S–62 helicopters on March 16, 1981. It was required as the result of an in-flight failure of a rotor brake disc.

This condition still exists, and this AD is now being published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public

procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

SIKORSKY AIRCRAFT DIVISION: Applies to S–62 Series helicopters, certificated in all categories, equipped with P/N S6235–20213 (Goodyear 9430301) rotor brake disc.

Compliance required as indicated, unless previously accomplished:

A. To prevent operation with cracked rotor brake discs, accomplish the following:

(1) Prior to the next flight and prior to the first flight of each day thereafter, visually inspect the rotor brake disc for cracks in accordance with Paragraph E(1) of Sikorsky Alert Service Bulletin 62B35–12.

(2) Within the next 10 flight hours, and every 120 flight hours thereafter, do a detailed inspection of the rotor brake disc installation and a dye penetrant inspection of the rotor brake disc for possible cracks, in accordance with Paragraph E(2) of Sikorsky Alert Service Bulletin 62B35–12.

(3) If crack indications exist, replace the disc in accordance with the applicable Sikorsky S–62 Maintenance Manual, and resume inspections per Paragraphs A(1) and A(2) above.

B. To prevent grounding of helicopters due to nonavailability of serviceable rotor brake discs, the rotor brake system may be temporarily deactivated as follows:

(1) Remove rotor brake cylinder (with bracket) and disc from main gearbox per applicable Sikorsky S–62 Maintenance Manual. Cap and clamp lines.

(2) Placard cockpit to indicate that rotor brake system is not operational.

(3) Rotor brake systems may be reactivated, as soon as serviceable discs are available, by reinstalling cylinder, bracket, and disc in accordance with the applicable Sikorsky S–62 Maintenance Manual. Remove placard from cockpit, and resume inspections per Paragraphs A(1) and A(2) above.

C. Report within 24 hours any discrepancies found to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

D. Upon request of the operator, an equivalent means of compliance with the requirements of this AD may be approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

Reporting approved by the Office of Management and Budget under OMB No. 04–R0174.

Note.—Sikorsky Alert Service Bulletin No. 62B35–12, dated March 12, 1981, applies to this AD.

The manufacturer's Alert Service Bulletin and Maintenance Manual identified and described in this directive are incorporated herein and made a part thereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Manager, Technical Services, Commercial Customer Service, Sikorsky Aircraft Division, North Main Street, Stratford, Connecticut 06602. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803 and FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591.

This amendment becomes effective June 4, 1981, except for recipients of the Emergency AD, dated March 16, 1981, for whom it became effective upon receipt.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Burlington, Massachusetts, May 22, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81–16822 Filed 6–3–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 81–SO–25]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Redesignation of Control Zone, Greenville, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment redesignates the Greenville, South Carolina, control zone, from part-time with regular hours to part-time with irregular hours and corrects the airport name to Greenville Downtown Airport. This redesignation provides the capability of making minor changes in the effective control zone hours by issuance of a Notice to Airmen.

EFFECTIVE DATE: 0901 GMT, August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Eleanor J. Williams, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

In Subpart F, § 71.171 (46 FR 455), Part 71 of the Federal Aviation Regulations (14 CFR Part 71) the Greenville, South Carolina, control zone is designated as part-time, 0700 to 2300 hours, local time, daily. This conforms with the present Greenville Downtown Airport Traffic Control Tower (ATCT) hours of operation.

Due to declining aircraft activity, on July 1, 1981, the ATCT hours of operation will be reduced to 0700 to 2200 hours, local time, daily. Since weather observations and two-way radio communications are provided by the ATCT, it is necessary to change the effective hours of the control zone to coincide with those of the ATCT. The capability of changing the effective hours of the control zone by a Notice to Airmen is provided by this amendment when minor variations in time are anticipated to conform with seasonal trends in aircraft activity.

Since the aforementioned action will have minimal impact upon the user, it is found that notice and public procedure hereon are impracticable and contrary to the public interest.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations redesignates the Greenville, South

Carolina, control zone from part-time with regular hours to part-time with irregular hours and corrects the airport name in the control zone description.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart F, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (46 FR 455) is further amended, effective 0901 GMT, August 6, 1981, as follows:

Greenville, S.C.

"• • • Greenville Municipal Downtown Airport • • •" is deleted and "• • • Greenville Downtown Airport • • •" is substituted therefor; and "• • • effective from 0700 to 2300 hours, local time, daily • • •" is deleted and "• • • This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory • • •" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on May 26, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-16630 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-1785]

James B. Lansing Sound, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order, among other things, reopens the proceeding and modifies the order issued by the Commission on August 24, 1970, 77 F.T.C. 1165, 35 FR 15807, by replacing Paragraph I(2) of the original order with one containing additional language which permits the firm to establish lawful, reasonable and non-discriminatory minimum standards for its dealers, and to withhold its products from dealers who fail to maintain those standards.

DATES: Final order issued Aug. 24, 1970. Modifying order issued May 20, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580, (202) 376-2863.

SUPPLEMENTARY INFORMATION: In the Matter of James B. Lansing Sound, Inc. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, and appearing in 35 FR 15807, remain unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Reopening and Modification of Order is as follows:

By petition of April 10, 1981, respondent James B. Lansing Sound, Inc. ("JBL") requests that Paragraph I(2) of the Commission's order issued against JBL on August 24, 1970 be modified so that the order would no longer prohibit JBL from establishing performance standards for sellers of its loudspeakers. Pursuant to section 2.51 of the Commission's Rules of Practice the petition was placed on the public record for comment. Attorneys for Best Products Co., Inc. filed the only comment requesting that the Commission deny JBL's petition.

JBL had previously petitioned the Commission to modify the consent order; the Commission denied this petition by order dated August 29, 1978. The Commission found that although there had been a change of law since the order was issued the petition had made an inadequate showing of the need for the requested relief.

Upon consideration of JBL's petition and supporting materials and the public comment, the Commission now finds that JBL has a very small market share and that JBL would likely suffer significant competitive injury unless the order is modified. Further the Commission notes that the proposed modification relates only to a nonprice vertical restraint that the Commission's complaint had not alleged to be a reinforcing mechanism for resale price fixing. For these reasons the Commission has determined that the order should be modified.

Accordingly, it is ordered, That the proceeding be, and it hereby is, reopened.

It is further ordered, That the order to cease and desist be, and it hereby is, modified by substituting the following for Paragraph I(2).

2. Preventing or prohibiting any independent dealer or distributor from reselling his products to any person or group of persons, business or class of businesses, except as expressly provided herein. This order shall not prohibit James B. Lansing Sound, Inc. from establishing lawful, reasonable, and non-discriminatory minimum standards for its dealers, including standards that relate to promotion and store display, demonstration, inventory levels, service and repair, volume requirements and financial stability; nor shall this order prohibit respondent from requiring its dealers who sell JBL products for resale to make such sales only to dealers who maintain such minimum standards.

By direction of the Commission.
Commissioner Pertschuk did not participate.
Commissioner Bailey voted in the negative.

Carol M. Thomas,

Secretary.

[FR Doc. 81-16601 Filed 6-3-81; 8:45 am]

BILLING CODE 6750-01-M

[1] Filed as part of the original document.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1031 and 1032

Voluntary Standards Activities; Modification of Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission is issuing modifications to its policy concerning association with voluntary standards development groups. These modifications deal primarily with procedural matters such as the frequency of staff reports on voluntary standards, meetings with voluntary standards development groups and terms used to describe the levels of involvement with voluntary standards groups.

EFFECTIVE DATE: These modification take effect July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Bert Simson, Director, Office of Program Management, Consumer Product Safety

Commission, Washington, D.C. 20207, (301) 492–6554.

SUPPLEMENTARY INFORMATION:

Commission policy statements concerning voluntary safety standards and involvement of Commission staff with voluntary standards development groups reflect the Commission's belief that voluntary standards can significantly contribute to the Commission's goal of reducing hazards associated with consumer products. In 1978, the Commission published guidelines and requirements at 16 CFR 1031 entitled Employee Membership and Participation in Voluntary Standards Organizations, which set forth the criteria for staff involvement with voluntary standards groups. A Commission statement of policy and procedure at 16 CFR 1032, entitled Commission Involvement in Voluntary Standards Activities, describes the extent and form of Commission involvement in these activities and how these affect Commission programs.

The Commission has had considered experience with voluntary standards efforts and groups since these statements became effective and believes that some modifications would make the program more effective and efficient. Consequently, on November 19, 1980 (45 FR 76447), the Commission proposed the following:

(1) Program managers may occasionally attend meetings of voluntary standards development groups with which Commission staff may be involved for the purpose of providing guidance based on program needs; (2) to avoid confusion, the descriptions of levels of Commission staff involvement with voluntary standards development groups is changed, although the extent of substantive involvement is unchanged; (3) preparation of staff reports to the Commission on staff involvement with voluntary standards development is changed from quarterly to semiannually because experience shows that semiannual reports would be sufficiently informative.

The Commission received comments from four persons on these proposed revisions. A summary of the proposed revisions, the rationale underlying the proposed revisions and a discussion of the comments received follows.

(1) Occasional attendance of program managers at meetings.

Current regulations provide that program managers are among Commission employees who may not take part in voluntary standards development efforts unless the Commission permits such participation on a case-by-case basis. The Commission was concerned that a conflict of interest could occur if program managers, responsible for making recommendations to the Commission about voluntary standards, were to take part in those activities. Such conflicts, however, have not, in fact, materialized. This may be due, in part, to the fact that there is no inconsistency between the two functions and, in part, due to the higher levels of review to which recommendations of program managers are subject. These higher levels of review will not be specifically referred to in the modifications issued below.

This change is warranted by the Commission's experience over the past several years with the attendance of program managers at occasional meetings of voluntary standards development groups, in which Commission technical staff members have been involved. Occasional attendance by program managers has helped focus deliberations of voluntary standards groups and speed up the development process. By the nature of their work, program managers deal with multidisciplinary coordination of the staff's technical skills within current Commission projects. Thus, at critical junctures in the development of voluntary standards, program managers are in a position to communicate Commission policy on all aspects of a project and to assess whether timely progress within the context of Commission policy is taking place.

Based on this experience, the Commission proposed modifying § 1031.5(b)(4) by providing that: "with advance approval by the Executive Director, to be provided on a case-by-case basis, program managers may occasionally, not regularly, attend meetings of voluntary standards development groups in order to provide the program context for the voluntary standards development efforts with which Commission technical employees may be involved." Further, the Commission proposed that § 1031.5(i), as set forth below, provide that any recommendations made by a program manager concerning voluntary standards be reviewed by higher level Commission employees.

There were two comments on this section. One commenter suggested that one senior staff manager should be responsible for deciding which activities should be initiated and attended and that Program Managers should regularly attend meetings of voluntary standards organizations.

The Commission believes that when there is CPSC involvement in a voluntary standards effort, technical staff, as opposed to program managers, should attend most of the meetings of voluntary standards development groups since most of the deliberations are of a technical nature. Program Managers should concentrate their efforts on meetings where Commission policy and work progress are discussed. With regard to the suggestion that one senior manager make decisions about initiating and attending voluntary standards meetings, it is now the practice for senior management to make such decisions, except for the decision to "participate" in a voluntary standards activity, which can only be made by the Commission. The decision to "monitor" a voluntary standards activity can be made only by the Executive Director. Once those decisions are made, however, and there is an ongoing voluntary standard monitoring or participation activity, decisions about who should attend which meetings are made by the appropriate Program Managers in conjunction with the Director of the Office of Program Management (OPM) and the Executive Director.

(2) Terms to describe levels of CPSC staff involvement with voluntary standards development groups.

In the past, the Commission has used three terms to describe Commission involvement in voluntary standards activities. In ascending order of involvement, these are liaison, monitoring and participating. Liaison has been used to describe a minimal form of involvement which consisted of providing voluntary standards groups with Commission materials and maintaining some contact with them. Monitoring was used to describe closer contact, including attendance at meetings and staff review of meeting minutes and draft voluntary standards. Participation involved regular attendance of CPSC staff, as nonvoting members, at voluntary standards development meetings and active involvement of staff in technical committee deliberations. In addition to the expenditure of staff time, participation sometimes involves the expenditure of resources for research, engineering support or information and education programs for certain voluntary standards efforts. The initial decision to participate in a voluntary standard development effort always required a vote of the Commission. Liaison and monitoring could be undertaken upon approval of the Executive Director.

Experience has shown that the critical factor distinguishing the levels of

Commission involvement in voluntary standards activities is the expenditure of staff time and resources. There is a distinction then between participation (which involves significant Commission resources) and the two other levels, monitoring and liaison (which do not). There is no real distinction between liaison and monitoring. Because the terms are so closely related and do not by themselves differentiate the extent of staff involvement, the Commission proposed that these two terms be combined under one term. Accordingly, the Commission proposed to modify section 1032.2(b) to combine present descriptions of liaison and monitoring into one term, monitoring. The term participation is unchanged and the decision to participate in a voluntary standards effort still requires Commission approval; the decision to monitor can be made by the Executive Director.

One commenter suggested changing the terms "monitoring" to "participating" and "participating" to "supporting" because he believes that these terms accurately describe the Commission's voluntary standards activities.

Based on staff experience in the area, the Commission believes that the critical change that needs to be made is to reduce the descriptive levels of the Commission's involvement in the voluntary standards from three to two, because descriptions of additional levels are not meaningful. The important distinction that needs to be made is between the level that involves significant staff time or expenditure of resources and the level that does not. Reducing the number of terms to two makes that distinction more precise. Rather than introducing a new term to describe either of the two levels, staff believes that using terms with which the public is already familiar will result in greater understanding of the change. Moreover, introduction of a new term, "supporting," as suggested, could be misleading since the Commission is always supportive of voluntary efforts to increase the safety of products.

The Commission therefore modifies section 1032.2, as proposed and set forth below.

(3) Frequency of reports on voluntary standards activities.

The Commission proposed revising section 1032.2(c) to require semiannual rather than quarterly reports on voluntary standards activities. Experience has shown that quarterly reports are not needed to keep the Commission abreast of voluntary standards activities. The Commission is informed about the voluntary standards efforts in which the staff is participating actively within the context of ongoing hazard programs; quarterly reporting on other efforts tends to be repetitive and provides little new or useful information. Twice-yearly reports can keep the Commission adequately informed.

Two commenters believe that the reports should continue to be prepared quarterly. One commenter states that semi-annual reporting "may be contrary to the recommendations being developed by the Department of Commerce in implementing the provision of OMB Circular A–119 regarding the establishment of a central register of all voluntary standards activities in which Federal agencies are involved." Whether the recommendations for the implementation of OMB A–119 will call for quarterly reporting is not known, but since the Commission has found that semi-annual reports are sufficient to keep the agency informed about voluntary standards activities, it believes that such reports will be adequate for the purposes of the Department of Commerce. Accordingly, the Commission concludes that section 1032.2(b) should be revised as proposed and set forth below.

There were other comments filed on the subject of voluntary standards generally rather than on the three revisions to the policy being proposed. One commenter questioned statements in the "Supplementary Information" section of the **Federal Register** notice of November 19, 1980, which described the way the Commission's Division of Voluntary Standards was formerly organized. The commenter believes the statement "formerly a discrete staff unit dealt with voluntary standards development activities as such, rather than regarding such activities as integral parts of ongoing Commission programs" is inaccurate and unfair. What that statement intended to convey was that until recently, voluntary standards activities were supervised by a manager within the Office of Program Management who coordinated such activities across hazard program lines. These responsibilities are now shared by seven program managers, each responsible for a particular hazard area. Voluntary standards now stand alongside mandatory standards activities as integral parts of ongoing Commission hazard programs.

Several commenters suggested that the Commission follow more closely OMB Circular A–119. OMB Circular A–119, entitled "Federal Participation in the Development and use of Voluntary Standards," was issued on January 17, 1980. The Circular seeks to establish a policy of relying on voluntary standards with respect to Federal procurement, whenever feasible, and encourages the participation of federal agencies in voluntary standards bodies which conduct their activities in accordance with specified due process and other criteria. The Circular also seeks to facilitate the coordination of federal agency participation in voluntary standards. As an independent federal agency, the Commission is not bound by the provisions of OMB Circular A–119. CPSC has, nonetheless, commented extensively on the Circular and agrees with its purpose. Consistent with its own mandate, the Commission will continue to adhere to the principles the Circular intends to further and believes its policy with regard to voluntary standards is consistent with the spirit and intent expressed in A–119.

There were several other comments concerning the importance of participation and representation of federal agencies on voluntary standards generating committees and the general comment that the Commission's proposed revisions evidence a reduction of interest in voluntary safety standards. The Commission concludes that these proposed revisions demonstrate a continuing commitment to a program that will efficiently and effectively further the use of voluntary standards whenever they can aid the Commission in its effort to reduce unreasonable risk of injury and death from consumer projects.

Conclusion

After considering the four comments, and the opinion of the Commission's staff on the proposed revisions to the voluntary standards policy, the Commission finds that the proposed revisions are in the public interest and will further the work of the Commission with voluntary standards development groups. Therefore, under the Consumer Product Safety Act, 15 U.S.C. 2051 et seq., the Commission amends Part 1031 and Part 1032 of Title 16, Chapter II, Subchapter A, as follows:

1. Section 1031.5 is amended by revising paragraphs (b)(4) and (i) to read as follows:

§ 1031.5 Participation criteria.

(a) * * *

(b) * * *

(4) Programs Managers in the Office of Program Management except that: with advance approval of the Executive Director, to be provided on a case-by-case basis, program managers may occasionally, not regularly, attend

meetings of voluntary standards development groups in order to provide the program context for the voluntary standard development efforts with which Commission technical employees may be involved.

* * * * *

(i) Commission employees who monitor or participate in the development of a voluntary standard, and who later participate in an official capacity in the evaluation of that standard, shall describe clearly in their evaluation of that standard the extent of their involvement in its development. Any evaluation or recommendation shall be reviewed by higher-level commission employees.

* * * * *

2. Section 1032.2(b) is amended by changing the word "three" to "two" in the third sentence, by revising and combining paragraphs (b)(1) and (b)(2) into paragraph (b)(1), and by renumbering paragraph (b)(3) as (b)(2) as follows:

§ 1032.2 Extent and form of Commission involvement in the development of voluntary standards.

* * * * *

(b) [Amended]

* * * * *

(1) Monitoring. Monitoring involves maintaining an awareness of the voluntary standards development process through oral or written inquiries, receiving and reviewing minutes of meetings and copies of draft standards, and attending meetings for the purpose of observing and commenting during the standards development process. For example, monitoring involves responding to requests from voluntary standards organizations, standards development committees, trade associations and consumer organizations, by providing information concerning the risks of injury associated with particular products, NEISS data, summaries and analyses of in-depth investigation reports; discussing Commission goals and objectives with regard to voluntary standards and improved consumer product safety; responding to requests for information concerning Commission programs; and initiating contacts with voluntary standards organizations to discuss cooperative voluntary standards activities.

(2) Participating. * * *

* * * * *

3. Section 1032.3 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1032.3 Determination of Commission involvement in voluntary standards activities; summary of activities.

(a) The Executive Director shall approve Commission activities that are within the definition of "monitoring."

* * * * *

(c) The Office of Program Management is responsible for preparing a semiannual summary of such activities for the Commission. The summary shall set forth, among other things, voluntary standards meetings attended, dates of the meeting, staff members in attendance, location of the meetings, the status of the CPSC involvement, and the extent to which each of the criteria set out in section 1032.5 for staff participation is being met for each proceeding.

Dated: May 29, 1981.

Sayde E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-16853 Filed 6-3-81; 8:45 am]

BILLING CODE 6355-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 15, 16, 17, 18, and 21

Deliveries and Exchanges of Futures for Physicals; Reporting Open Positions

Correction

In FR Doc. 81-14434, appearing on page 28472, in the issue of Wednesday, May 13, 1981, make the following change:

The date at the end of the DATE: section, now reading "June 12, 1981." should be changed to read "June 21, 1981."

BILLING CODE 1501-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR, Part 0

[Order No. 947-81]

Delegation of the Attorney General's Authority

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order delegates to the Assistant Attorney General in charge of the Land and Natural Resources Division authority to approve conveyances made or accepted by the Secretary of the Interior on behalf of the United States pursuant to authority granted in the Act of June 4, 1934, 48 Stat. 836. The effect of this delegation is to reassign to the Assistant Attorney General, Land and Natural Resources Division, the approval authority granted to the Attorney General by the Act of June 4, 1934, 48 Stat. 836. This delegation will provide efficient and effective management and coordination of the Department's authority under the Act of June 4, 1934, 48 Stat. 836.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: James T. Draude, Trial Attorney, General Litigation Section, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 (202/633-3796).

SUPPLEMENTARY INFORMATION: This order deals with agency management; therefore, it is not required to be, and has not been, published in proposed form for comment under 5 U.S.C. § 553(b); it is not a rule within the meaning of, or subject to, the Regulatory Flexibility Act, 5 U.S.C. § 601, *et seq.;* and it is not a rule within the meaning of, or subject to, Executive Order No. 12291 ("Federal Regulation").

Accordingly, by virtue of the authority vested in me as Attorney General by 5 U.S.C. § 301 and 28 U.S.C. § 510, Part 0 of Title 28, Code of Federal Regulations, is hereby amended by adding a new § 0.69a to read as follows:

§ 0.69a Delegation respecting approval of conveyances

The Assistant Attorney General in charge of the Land and Natural Resources Division, and such members of his staff as he may specifically designate in writing, are authorized to exercise the power and authority vested in the Attorney General by the Act of June 4, 1934, 48 Stat. 836, with respect to approving the making or acceptance of conveyances by the Secretary of the Interior on behalf of the United States.

Dated: May 26, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-16804 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 0

[Order No. 946-81]

Procurement Matters; Editorial Amendment

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order sets forth the functions of the Contract Review

Committee, which was created by an internal order on January 16, 1981. The procurement authority previously conferred upon the Assistant Attorney General for Administration and the bureaus will be limited to the extent that certain procurement activities will be subject to the review of the Committee.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: William L. Vann, Executive Secretary, Contract Review Committee, Office of Personnel and Administration, Justice Management Division, Department of Justice, Washington, D.C. 20530 ((202) 724–7837).

SUPPLEMENTARY INFORMATION: This rule pertains to agency management and contracts. It is not a rule within the meaning of or subject to the requirements of either Executive Order No. 12291 ("Federal Regulation") or the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*

By virtue of the authority vested in me as Attorney General by 28 U.S.C. 509 and 510, and 5 U.S.C. 301, § 0.139 of Title 28 of the Code of Federal Regulations is revised as follows:

§ 0.139 Procurement matters.

The following shall control as to procurement matters:

(a) Except as to those matters designated by the Assistant Attorney General for Administration, to whom the responsibility for control of expenditures is assigned by Subpart O, the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of the Federal Prison Industries, the Commissioner of the Immigration and Naturalization Service, the Administrator of the Drug Enforcement Administration, the Director of the Office of Justice Assistance, Research and Statistics and the Director of the U.S. Marshals Service are, as to their respective jurisdictions, authorized to exercise the authority vested in the Attorney General by law with respect to procurement matters. The Department of Justice Contract Review Committee will review contracts, prior to award, as specified in paragraph (b) of this section, except that contracts of the Federal Bureau of Investigation shall be reviewed within that Bureau.

(b) The Department of Justice Contract Review Committee is established for the purpose of providing a review of proposed contract awards to ensure compliance with procurement statutes, established regulations, and Department of Justice procurement policies and procedures. Contract review shall be limited to:

(1) Noncompetitive sole-source contracts and modifications or amendments to contracts, including such contracts pertaining to automatic data processing equipment, supplies, services or maintenance, which exceed $50,000.

(2) Formal contracts, regardless of contract type, exceeding $100,000 and contract modifications or amendments to existing formal contracts which cause the total contract costs to exceed $100,000.

(3) Other unusual or difficult contracts that are of a potentially controversial nature as identified by either the procurement office supporting the organizational component or the Contract Review Committee based on information which has come to the Committee's attention.

(c) The Assistant Attorney General for Administration is authorized to postaudit and correct any procurement transactions throughout the Department entered into pursuant to the delegation of authority set forth in paragraph (a) of this section, and to inspect at any time the procurement operations of the Federal Bureau of Investigation, the Bureau of Prisons, the Federal Prison Industries, the Immigration and Naturalization Service, the Drug Enforcement Administration and the U.S. Marshals Service.

Dated: May 26, 1981.

William French Smith,

Attorney General.

[FR Doc. 81–16003 Filed 6–3–81; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Royalty on Unprocessed Gas; Rule Intent

AGENCY: U.S. Geological Survey, Interior.

ACTION: Clarification of the intent of the revised 30 CFR 250.66, in part, and related Notice to Lessees and Operators (NTL).

SUMMARY: The qualifying remarks issued herein are a further interpretation of the intent of the revised 30 CFR 250.66, in part, and its companion NTL as related to royalty on injected gas or liquids.

FOR FURTHER INFORMATION CONTACT: Price McDonald, Branch of Offshore Field Operations, Conservation Division, U.S. Geological Survey, Mail Stop 640, Reston, Virginia 22092, Telephone (703) 860–6831.

SUPPLEMENTARY INFORMATION: Principal author: Price McDonald, Branch of Offshore Field Operations, Conservation Division, U.S. Geological Survey, Mail Stop 640, Reston, Virginia 22092, Telephone (703) 860–6831. In the **Federal Register** issue of April 2, 1981 (Vol. 46, No. 63, page 19935), an erratum notice served to change the regulation 30 CFR 250.66 such that the second sentence would read as follows:

> Royalty is not due on gas or liquids produced from, and reinjected to, a reservoir within the same lease or unit until such time as they are finally produced from a reservoir.

In the **Federal Register** issue of April 17, 1981 (Vol. 46, No. 74, page 22468), a Final Revision to Notice to Lessees and Operators (NTL) provided supplementary information to point out through a discussion on custody transfer that the NTL in effect should be read and interpreted the same as the regulation. The summary statement read as follows:

> This revision is being made to eliminate language that now permits gas and liquids that are to be used for reinjection to be used for such purposes outside a lease or unit area.

The above changes were brought about by questions involving different royalty rates within a field, following the revision of the regulation 30 CFR 250.66 and the issuance of a companion NTL, published in the **Federal Register** December 11, 1980 (Vol. 45, No. 240, pages 81562–63 and 81669–71).

Since the April 1981 changes and discussion, additional questions have arisen regarding interpretation. These late questions have centered about the matter of using produced gas and/or associated liquids for improved recovery purposes by producing and injecting on contiguous leases without unitizing. In such cases, the usual question has been "could the royalty payment on the produced gas or associated liquids be delayed until ultimately produced for sale?"

The answer is "yes" with certain qualifications, as follows:

(1) The injection project must be approved by the appropriate Deputy Conservation Manager with due consideration to adequate and proper measurement facilities.

(2) Production and injection of gas and/or associated liquids must be within the same field as defined by the Deputy Conservation Manager.

(3) The project, when crossing lease or unit lines, must have a common operator with full control and responsibility for operations.

(4) The project reservoirs, when involving multiple OCS leases with different royalty rates, must be unitized.

(5) The project reservoirs, when involving state leases, must be unitized.

The above remarks are set forth to further interpret the regulation 30 CFR 250.66, in part, and its companion NTL, as issued and in effect currently. The intent of the regulation and NTL is to cause royalty to be due when produced, for gas and/or associated liquids that are to be used for injection purposes outside a lease or unit area, when the above qualifications are not met.

Dated: May 29, 1981.

Robert L. Rioux,

Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81-16596 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 25

[CGD 80-033]

Claims Regulations

Correction

In FR Doc. 81-14567, appearing in the issue of Monday, May 18, 1981 at page 27107, make the following changes:

1. On page 27109 in the table of contents to Part 25, in Subpart B the 2d entry now reading "25.203 Claims not payable." should be changed to read "25.205 Claims not payable."
2. The entries in Subpart C of the table of contents should be changed to read "25.301" and "25.303".
3. In § 25.105 under the paragraph beginning "*Claim*", the third line now reading "the payment of a certain sum of money," should be changed to read "the payment of a sum certain of money,".

BILLING CODE 1505-01-M

33 CFR Part 165

[CGD 8-81-801]

Safety Zone; Mississippi River Gulf Outlet

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule.

SUMMARY: The Coast Guard is amending its Safety Zone Regulations, 33 CFR 165, by establishing a safety zone in the Mississippi River Gulf Outlet (MRGO), The Michoud Slip, and the Inner Harbor Navigation Canal (IHNC). As the number and size of the vessels utilizing the MRGO increases, so does the need to coordinate their movements to minimize the possibility of environmental or economic harm befalling the Port of New Orleans as a result of a collision. This Safety Zone is being established to prevent larger vessels from having dangerous meeting situations between the seaward entrance and LT 62 of the MRGO. These regulations are published as interim final rules instead of proposed rules due to the hazardous condition currently existing in the MRGO.

DATE: Effective date: June 4, 1981.

COMMENT DATE: Comments must be received by July 20, 1981.

ADDRESS: Comments shall be submitted to the Captain of the Port, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, Louisiana 70117. The comments will be available for inspection or copying at the Captain of the Port Office, Room A-104. Normal working hours are between 7:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR G. J. E. Thornton, Port Safety Officer or LTJG M. R. Beskeen, Waterways Safety Officer, c/o U.S. Coast Guard, Captain of the Port, 4640 Urquhart Street, New Orleans, Louisiana 70117, Telephone (504) 589-7108.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names, addresses, identify the notice (CGD 8-81-801) and the specific section of the interim rule to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed post card or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken. No public hearing is planned, but one may be held if a written request for a hearing is received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

DRAFTING INFORMATION: The principal persons involved in the drafting of this rulemaking are LCDR G. J. E. Thornton, Port Safety Officer and LTJG M. R. Beskeen, Waterways Safety Officer, U.S. Coast Guard, Captain of the Port, 4640 Urquhart Street, New Orleans, Louisiana 70117, Tel. (504) 589-7108. The project attorney is LCDR R. A. Brunell, c/o Commander, Eighth Coast Guard District (d1), Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130, Tel. (504) 589-6188.

DISCUSSION OF RULE: The MRGO was authorized by PL 455 and approved March 1956, as a feature of the project "Mississippi River, Baton Rouge to Gulf of Mexico". It consists of a ship channel 36 feet deep and 500 feet wide, extending approximately 76 miles in a land cut and open water from the junction of the IHNC and the Gulf Intracoastal Waterway (GIWW) in New Orleans to the 38-foot contour in the Gulf of Mexico. Jetties for the reduction of shoaling, a turning basin, and a lock and connecting channel with the Mississippi River are salient features of the project.

From the junction of the GIWW and the IHNC, the channel follows the GIWW to the vicinity of LA Highway 47 (Paris Road) bridge, from whence it proceeds in a generally southeasterly direction along the south shore of Lake Borgne through the marshes, across Chandeleur Sound between Breton and Grand Gosier Island, to the 38-foot contour in the Gulf of Mexico. In the open waters of the Gulf, the channel dimensions increase to 38 feet by 600 feet.

The physical makeup of the Port of New Orleans along the Mississippi River consists primarily of general cargo wharves and transit sheds with minimum room for expansion. The shift to intermodal cargo handling has generated heavy demands for land intensive container facilities. Expansion can best be accommodated on the land area serviced by the MRGO.

Traffic on the MRGO has grown rapidly. In 1979 there were 1,572 ship passages, which amounts to a 108% increase over 1970 figures. The growth in both absolute ship traffic and tonnage can be attributed to the combined capabilities of the New Orleans Bulk Terminal, the France Road Container Terminal, new roll-on, roll-off facilities and private terminals. The Public Bulk Terminal is scheduled to begin handling significant amounts of coal, thus attracting ever larger bulk carriers. The increase in the number of transits does not necessarily impact adversely on navigation in the MRGO. However due to the increasing size of some of these vessels with drafts approaching the controlling depth of the MRGO, encounters between these larger vessels in the lower MRGO below the jetties

have become hazardous. The area of the open water channel below the jetties is affected by the frequent and variable cross-currents. These currents are created by the current circulation patterns of Breton Sound, and make it dangerous for larger vessels to meet or overtake other vessels in this portion of the waterway.

This section of the MRGO is linked to the wetlands by numerous bayous, canals, inlets and tidal influence and comprises some of the best private and commercial fishing areas in the Gulf of Mexico. A collision and resulting chemical spill here could have widespread and irreversible effects on the delicate balance of this ecosystem, which in turn would adversely affect the commercial fishing industry. Additionally, any collision which results in blocking the MRGO would have immediate adverse economic impact on the Port of New Orleans. With the exception of smaller vessels able to use the IHNC Lock, blockage of the MRGO cuts off all shipping to the terminals in the IHNC. As the trade in the MRGO accounts for 30% of the total for the Port, any closure would have severe economic implications. The purpose of this Safety Zone is to establish single lane traffic between vessels, including tows, over 600 feet in length, or over 80 feet in beam, or with draft of over 30 feet in the open part of the MRGO between Lighted Buoy 1 (LLNR 2014) and Light 62 (LLNR 2068). It is necessary to include the entire MRGO and IHNC and the Michoud Slip in this Safety Zone because once a vessel departs its berth (outbound) or enters the channel (inbound) there is no authorized anchorage or safe mooring between the Gulf of Mexico and the IHNC. Transit of the Safety Zone by these specified large vessels will be coordinated by the New Orleans Vessel Traffic Service (VTS).

Vessels, including tows, exceeding any of the above size constraints and intending to transit the lower MRGO between Light 62 and Lighted Buoy 1 must first obtain permission to transit this Safety Zone. Contact with VTS to obtain authorization for movement shall be made two hours prior to the time the vessel is otherwise ready to transit. This requirement also applies to vessels arriving from sea.

Both inbound and outbound vessels shall reconfirm their authorization to enter or move within the Safety Zone with the VTS immediately prior to beginning their movement in the Safety Zone to ensure that no meeting or overtaking situation between specified large vessels will occur in the MRGO below Light 62. The specified large vessels shall also be required to notify VTS immediately upon passing several progress points within the Safety Zone to provide the necessary information upon which to base subsequent entry or movement decisions in order to minimize delays while ensuring the integrity of the intent of the Safety Zone.

The two hour advance request for authorization of entry into or movement within the Safety Zone shall be made to VTS via Channel 12 VHF-FM (156.600 MHz) or by telephone (504) 589-2772 or 589-2773. The required reconfirmation of movement or entry authorization, immediately prior to actual movement or entry, shall be made to VTS via Channel 12 VHF-FM. During transit the inbound specified large vessels shall notify VTS immediately upon passing MRGO Lighted Buoy 1, MRGO Light 33 (LLNR 2046.50) and MRGO Light 62 via Channel 12 VHF-FM. During the transit outbound, vessels shall notify VTS immediately upon getting underway and upon passing the junction of the MRGO & the GIWW (Mile 60.0 MRGO), MRGO Light 62, MRGO Light 33, and MRGO Lighted Buoy 1 via Channel 12 VHF-FM. Vessels which do not meet any of the size constraints or which do not intend to transit the MRGO between Lighted Buoy 1 and Light 62 are not required to obtain permission to enter or move within this Safety Zone at this time. However, the Captain of the Port may require other vessels to comply with these provisions if deemed necessary to maintain the intent of this Safety Zone. These regulations are published as interim final rules instead of proposed rules due to the hazardous condition currently existing in the MRGO. The delays associated with the rulemaking process are unacceptable with this Safety Zone. These regulations are effective upon publication and are subject to revision upon termination of the comment period.

INTERIM RULE: In consideration of the foregoing, the Coast Guard amends Part 165 of Title 33 Code of Federal Regulations by adding a new § 165.801 Mississippi River Gulf Outlet to read as follows:

§ 165.801 Mississippi River Gulf Outlet.

(a) The area enclosed by the following boundary is a Safety Zone—The Mississippi River Gulf outlet from Lighted Buoy 1 (LLNR 2014) northwesterly to its junction with the Gulf Intracoastal Waterway and then westerly to, and including, the Inner Harbor Navigation Canal and easterly to and including the Michoud Slip.

(b) Vessels over 600 feet in length, or over 80 feet in beam, or with a draft in excess of 30 feet, and intending to transit that portion of the Safety Zone from its seaward entrance at Lighted Buoy 1 to the jetty at Light 62 (LLNR 2068) must receive permission to enter or move within the Safety Zone. Vessels meeting this criteria will not meet or overtake each other in this seaward portion of the safety zone.

(c) All vessels meeting the criteria of paragraph (b) of this section shall notify New Orleans Vessel Traffic Service (VTS) two hours prior to intended entry into or movement within the Safety Zone to obtain permission to enter. VTS can be contacted via Channel 12 VHF-FM (156.600 MHz) or by telephone (504) 589-2772 or 589-2773. Inbound vessels meeting the criteria of paragraph (b) shall notify New Orleans VTS immediately prior to entry into the Safety Zone, and upon passing MRGO Lighted Buoy 1, MRGO Light 33 (LLNR 2046.50), and MRGO Light 62 on Channel 12 VHF-FM. Outbound vessels meeting the criteria of paragraph (b) shall notify New Orleans VTS immediately prior to movement, immediately upon getting underway, and as the vessel passes the junction of the Mississippi River-Gulf Outlet and the Gulf Intercoastal Waterway (Mile 60.0 MRGO), MRGO Light 62, MRGO Light 33 and MRGO Lighted Buoy 1 on Channel 12 VHF-FM.

(d) Movement within this Safety Zone is normally unrestricted for vessels that do not meet the criteria of paragraph (b) of this section. The Captain of the Port may require other vessels within this defined zone to comply with the general regulations governing safety zones as contained in 33 CFR 165.20 whenever necessary for the protection of vessels, structures and water and shore areas.

(86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(n)(4))

Dated: April 8, 1981.

R. J. Clements,

Captain, U.S. Coast Guard, Captain of the Port, New Orleans, La.

[FR Doc. 81-16692 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 204

Danger Zone Regulations; Vieques Island, Puerto Rico

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Army is amending the regulations which establish a danger zone in the Caribbean Sea and Vieques Sound in the vicinity of Eastern Vieques with respect only to the identity of the enforcing agency. This amendment reflects a change in agency organization.

EFFECTIVE DATE: July 6, 1981.

ADDRESS: HQDA, DAEN–CWO–N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, (202) 272–0200 or write Office of the Chief of Engineers, ATTN: DAEN–CWO–N, Washington, D.C. 20314.

SUPPLEMENTARY INFORMATION: Regulations were promulgated by the Department of the Army under 33 CFR Part 204.234 on June 24, 1974, establishing a danger zone in the waters around the eastern end of Vieques Island, Puerto Rico. Paragraph (b)(2) of the regulations which authorize the Commander, Caribbean Sea Frontier to enforce these regulations is changed to designate the Commander, U.S. Naval Forces Caribbean as the enforcing agency. The Department of the Army has determined that Notice of Proposed Rulemaking and public procedures thereto are unnecessary and impracticable since the amendment reflects only an agency's organizational change and will have no significant impact on the public. Accordingly, 33 CFR 204.234(b)(2) is amended as set forth below:

Note.—This regulation is issued with respect to a military function of the Defense Department and provisions of E.O. 12291 do not apply.

The Department of the Army has also determined that this proposed rule will not have a significant economic impact on a substantial number of entities and thus does not require the preparation of a regulatory flexibility analysis.

§ 204.234 Caribbean Sea and Vieques Sound in vicinity of Eastern Vieques, bombing and gunnery target area.

* * * * *

(b) Regulations.

* * * * *

(2) The regulations will be enforced by the Commander, U.S. Naval Forces Caribbean, U.S. Naval Station, Roosevelt Roads, Puerto Rico, and such agencies and subordinate commands as he/she may designate.

Dated: May 11, 1981.

Robert K. Dawson,

Deputy Assistant Secretary of the Army (Civil Works).

[FR Doc. 81–16802 Filed 6–3–81; 8:45 am]

BILLING CODE 3710–92–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW–9–FRL 1836–6]

Hazardous Waste Management Programs: Phase I Interim Authorization for California

AGENCY: Environmental Protection Agency, Region IX.

ACTION: Final rule; approval of State program.

SUMMARY: The State of California has applied for interim authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act and EPA guidelines for the approval of State hazardous waste programs (40 CFR Part 123). EPA has determined that the State's program meets all applicable statutory and regulatory requirements and is granting Phase I interim authorization to California to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program in its jurisdiction.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Paul D. Blais, Hazardous Materials Branch, U.S. EPA, Region IX, 215 Fremont Street, San Francisco, California 94105; (415) 556–5455.

SUPPLEMENTARY INFORMATION:

I. Background

In 1972, the California Legislature passed the Hazardous Waste Control Act which authorized the State Department of Health Services (DOHS) to develop and implement a hazardous waste management program. The State adopted its first hazardous waste regulations in 1974. The State's legislation was subsequently strengthened and expanded through legislative initiatives in 1978 and 1980.

Program elements, including a computerized manifest system, a permitting program, and a compliance monitoring and enforcement program, have been operating for several years. The State has demonstrated a continuing commitment to improve its hazardous waste program, and has devoted adequate resources to implement its program. This development of the State's hazardous waste program has led to my determination that California's program meets all EPA requirements for Phase I interim authorization.

The State of California submitted a draft application for Phase I interim authorization on July 30, 1980. In our comments to the State we identified three major problem areas, namely: (1) possible deficiencies in the State's coverage of the universe of hazardous waste covered under RCRA; (2) deficiencies in the State's ability to implement and enforce technical facility standards substantially equivalent to 40 CFR 265; and (3) deficiencies in the State's manifest system.

In addition to the three major problem areas, we indicated to the State that there were several areas which could not be reviewed by EPA because the material was incomplete or omitted. The areas where review was delayed for lack of information were the Attorney General's Statement and the Program Description.

The State submitted its final application on October 31, 1980. The application demonstrated that the first major problem area regarding the universe of hazardous waste, had been remedied. This was accomplished by the passage of legislation (AB 2691) which redefined "handling," "processing," and "waste."

The second problem area, concerning interim status standards for facilities, was also resolved by the State. By means of recently passed legislation (AG 3132), the State has issued interim status permits to all treatment, storage and disposal facilities which had submitted complete Part A permit applications to Region IX. We have determined that each interim status permit contains conditions which are substantially equivalent to the RCRA interim status standards.

The third problem area, concerning deficiencies in the State's manifest system, has also been resolved. On October 5, 1980, the State adopted a new California Hazardous Waste Manifest which meets all the EPA and DOT requirements. The State also elaborated in its Program Description that it would use computer cross-matching procedures to verify that interstate shipments went only to approved facilities in other States; to verify that all international shipments arrived at their destination; and to follow up on shipments which appeared not to have been properly delivered.

One additional issue emerged during EPA's review of the Attorney General's Statement contained in the State's final application. This was the question of the State's ability to share program information with EPA upon request without restrictions as required by 40 CFR 123.132. On December 4, 1980, the Attorney General's office submitted a letter to clarify several items contained in his Statement dated October 31,1980.

In this clarification it was stated that the regulations in 40 CFR Part 2 provide restrictions on dissemination of State program information consistent with California's Health and Safety Code Section 25173, and therefore, the State had the authority to share confidential information with EPA without restriction.

II. Response to Public Comments

On November 7, 1980, (45 FR 73977) a notice was published in the **Federal Register** inviting the public to offer comments on the California application for Phase I interim authorization at a public hearing to be conducted by Region IX on December 9, 1980. This notice also invited the public to submit written comments on the California application by December 9, 1980.

The public hearing was held on December 9, 1980. Seven presentations were made at this hearing. As a result of several complaints from the public at the public hearing about the unavailability of a complete application at the Department of Health Services offices in Berkeley and Los Angeles, Region IX extended the public comment period ten days until December 19, 1980. During the public comment period, Region IX received twenty written comments on the California application. All comments received by Region IX were reviewed and considered in reaching a decision on the California application for interim authorization.

Of the 27 public comments received by Region IX, six completely endorsed the approval of the State program, six opposed authorization of the State program because it regulated tannery waste not covered by the Federal program, ten endorsed authorization but with reservations because aspects of the State's program are more stringent than the Federal program, three complained about the unavailability of the State's application during the comment period, one complained about government regulation in general and one comment addressed the status of the State's permit program. The subject matter of the comments ranged from very general to specific. This summary is presented generally in the order of subjects which received the most comments first and those receiving the fewest comments last.

Comment: Ten commenters expressed reservations in endorsing authorization of the California program because various aspects of the State program are more stringent than the Federal requirements. Most of these comments stated that the use of two toxicity extraction procedure tests and the use of both the EPA and California hazardous waste lists were confusing, burdensome, and expensive.

Some commenters also were concerned that the draft California Assessment Manual (CAM) would be considered by EPA as part of the State's interim authorization application. Since the CAM had not yet gone through State rulemaking procedures but was referred to in the application, they felt this was inappropriate.

Response: EPA is required to grant Phase I interim authorization to any State hazardous waste management programs which meet the minimum requirements of EPA regulations. Regulations specifically outline interim authorization requirements for Phase I interim authorization in 40 CFR 123, Subpart F. During interim authorization nothing in 40 CFR 123 precludes a State from adopting or enforcing requirements which are more stringent or more extensive than those required under this Part (see 40 CFR 123.1(k)1).

EPA has determined that the State's definitions and lists of hazardous and extremely hazardous wastes meet the minimum requirement that they cover a universe of waste nearly identical to that which is controlled by the Federal program under 40 CFR Part 261. The draft CAM was not critical to EPA's decision on substantial equivalence. EPA views the CAM as a tool used by the State to further define hazardous wastes pursuant to State regulations. The CAM will be desirable to provide the State a mechanism for adding other wastes to its listings to maintain an equivalent universe of waste. EPA will review the final version of the CAM when the State seeks final authorization. At that time, EPA will be required to determine that the State's listing and CAM are fully equivalent to the Federal program's listing and characteristics.

Comment: Six commenters criticized the State program for not delisting chromium-containing waste from the leather tanning industry as EPA had recently done.

Response: See discussion of the previous issue for authority of the State under RCRA to establish more stringent program requirements.

Comment: Six commenters stated that California's Hazardous Waste program was substantially equivalent to the Federal program under RCRA and the regulations published in 40 CFR 123, Subpart F, and recommended that EPA should grant the State Phase I interim authorization.

Response: EPA agrees with this determination.

Comment: Three commenters complained about the unavailability of a complete application at the State's offices in Berkeley and Los Angeles on the date indicated in the Public Notice, and requested an extension of the public comment period.

Response: EPA extended the public comment period ten days to accommodate the request for additional time to review the State's application. Two brief letters of support were received during the extended period.

Comment: One commenter raised several questions about the status of the State's permit program. The commenter questioned whether the State could impose interim status standards substantially equivalent to 40 CFR 265, whether the State had met the requirements of 40 CFR 123.124(g)(3), and whether the State's permitting procedures would qualify for Phase II interim authorization.

Response: California issued interim status permits to all treatment, storage, and disposal facilities for which Region IX received a complete Part A permit application. The State also met the requirements of 123.124(g)(3) by appending to its final application the fourth quarter FY 80 grant report on the status of its permit program. A copy of this quarterly report was sent directly to the commenter. Finally, EPA agrees with the commenter that questions remain regarding the adequacy of the State's permit program to qualify for Phase II interim authorization. However, EPA has determined that the State program does meet all the requirements for Phase I interim authorization. Consequently, the issues raised by the commenter do not apply to the State's ability to qualify for Phase I authorization which is presently at issue. The commenter's points are well taken and will be considered when California applies for Phase II interim authorization, or for final authorization at some future time.

III. Decision

EPA has reviewed the State of California's complete application for Phase I interim authorization and has determined that the State program is "substantially equivalent" to the Phase I Federal program as defined in 40 CFR 123. In accordance with Section 3006(c) of RCRA, the State of California is hereby granted interim authorization to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in California will be subject to the State of California hazardous waste program in lieu of the Federal hazardous waste program (40 CFR Parts 260–263

and 265) and will not again be subject to Phase I of the Federal Program unless 1) the State fails to obtain final authorization by the deadline specified in 3006(c) of RCRA and implementing regulations or 2) authorization is withdrawn for cause by EPA.

IV. Compliance with Executive Order 12291

Under Executive Order 12291, EPA must prepare a Regulatory Impact Analysis on "major regulations." A "major regulation" is defined as "any regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

EPA's decision to approve California's Phase I Hazardous Waste Program is not a major regulation because its effect is to suspend the applicability of certain Federal regulations in the State of California. In the absence of this decision, persons handling hazardous waste in California would have to comply with Parts 261–263 and 265 of Title 40 of the Code of Federal Regulations in addition to all California hazardous waste management regulations. For this reason it is virtually inconceivable that this regulation would result in the significant impacts that characterize a "major regulation".

This regulation was submitted to the Office of Managment and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in room 2711, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, and are available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

V. Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended 42 USC §§ 6912(a), 6926, 6974(b).

Dated: March 23, 1981.

Louise P. Giersch,

Acting Regional Administrator.

[FR Doc. 81-16728 Filed 6-3-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5951

Alaska; Modification of Withdrawals and Classification of Lands for Selection by the State of Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: The purpose of this public land order is to modify and amend several public land orders and to classify lands as suitable for selection by the State of Alaska under either the Alaska Statehood Act or § 906(b) of the Alaska National Interest Lands Conservation Act.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT:

Beaumont C. McClure, Washington, D.C., 202–343–6511 or

Robert W. Arndorfer, Alaska State Office, 907–271–5055

Pursuant to the authority vested in the Secretary by § 204(a) of the Act of October 21, 1976, 43 U.S.C. 1714(a), and by § 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), it is ordered as follows:

1. The following listed public land orders, which withdrew lands from State selection pursuant to the authority vested in the President and delegated to the Secretary in Executive Order No. 10355, are hereby modified and amended to the extent necessary to permit selection by the State of Alaska under either the Alaska Statehood Act, 72 Stat. 339, or § 906(b) of the Alaska National Interest Lands Conservation Act, 94 Stat. 2437, to the extent that such orders include the following described lands and to the extent that such lands are outside the National Petroleum Reserve in Alaska, the Noatak National Preserve, the Gates of the Arctic National Park, and those lands described in Public Land Order No. 5860, dated May 4, 1981, 46 FR 25619–25620.

Affected Public Land Orders

Public Land Order No. 5169, dated March 9, 1972, 37 FR 5572–5573; as amended by Public Land Order No. 5396, dated September 14, 1973 38 FR 26376–26377.

Public Land Order No. 5179, dated March 9, 1972, 37 FR 5579–5583; as amended by Public Land Order No. 5250, dated September 12, 1972, 37 FR 18730–18733.

Public Land Order No. 5180, dated March 9, 1972, 37 FR 5583–5584; as amended by Public Land Order No. 5418, dated March 25, 1974, 39 FR 11547–11548.

Affected Lands

Umiat Meridian

T. 7 S., R. 16W.,
  Secs. 17 to 20, inclusive;
  Secs. 25 to 36, inclusive.
T. 8 S., R. 16 W.,
T. 9 S., R. 16 W.,
T. 10 S., R. 16 W.,
T. 7 S., R. 17 W.,
  Secs. 5 to 11, inclusive;
  Secs. 13 to 36, inclusive.
T. 8 S., R. 17 W.,
T. 9 S., R. 17 W.,
T. 10 S., R. 17 W.,
T. 11 S., R. 17 W.,
  Secs. 1 to 18, inclusive.
T. 12 S., R. 17 W.,
  Secs. 19 to 30, inclusive.
T. 7 S., R. 18 W.,
  Secs. 1 to 3, inclusive;
  Secs. 10 to 15, inclusive;
  Secs. 22 to 27, inclusive;
  Secs. 34 to 36, inclusive.
T. 8 S., R. 18 W.,
  Secs. 1 to 3, inclusive;
  Secs. 10 to 15, inclusive;
  Secs. 22 to 27, inclusive;
  Secs. 34 to 36, inclusive.
T. 9 S., R. 18 W.,
  Secs. 1 to 4, inclusive;
  Secs. 9 to 16, inclusive;
  Secs. 21 to 28, inclusive;
  Secs. 33 to 36, inclusive.
T. 10 S., R. 18 W.,
  Secs. 1 to 4, inclusive;
  Secs. 9 to 16, inclusive;
  Secs. 21 to 28, inclusive;
  Secs. 33 to 36, inclusive.
T. 11 S., R. 18 W.,
  Secs. 1 to 4, inclusive;
  Secs. 9 to 16, inclusive.
T. 12 S., R. 18 W.,
  Secs. 21 to 28, inclusive.

Kateel River Meridian

T. 32 N., R. 12 E.,
  Secs. 1 to 4, inclusive;
  Secs. 9 to 16, inclusive;
  Secs. 21 to 28, inclusive.
T. 33 N., R. 12 E.,
  Secs. 1 to 5, inclusive;
  Secs. 8 to 17, inclusive;
  Secs. 20 to 29, inclusive;
  Secs. 32 to 36, inclusive.
T. 34 N., R. 12 E.,
  Secs. 8 to 17, inclusive;
  Secs. 20 to 29, inclusive;
  Secs. 32 to 36, inclusive.
T. 32 N., R. 13 E.,
  Secs. 1 to 30, inclusive;
  Secs. 33 to 36, inclusive.
T. 33 N., R. 13 E.,
T. 34 N., R. 13 E.,
T. 32 N., R. 14 E.,
  Secs. 2 to 11, inclusive;
  Secs. 14 to 23, inclusive;
  Secs. 26 to 35, inclusive.
T. 33 N., R. 14 E.,

Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 34 N., R. 14 E.,
Secs. 7 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.

Containing an aggregate of approximately 392,000 acres.

2. Pursuant to the authority vested in the Secretary by § 17(d)(1) of the Alaska Native Claims Settlement Act, the lands described in paragraph 1 of this order are hereby classified as suitable for State selection and are hereby opened to such selection.

3. As provided in § 6(g) of the Alaska Statehood Act, the State of Alaska is provided a preference right of selection for the lands described herein until 10:00 a.m. Alaska Daylight time on October 5, 1981. After this time and date, the lands will be open to selection by the State and other forms of appropriation only to the extent specifically provided by statute, regulation, court decree, contract, or public land order.

4. This order and classification are intended to apply only to those lands described in paragraph 1 and which are outside the National Petroleum Reserve in Alaska, the Noatak National Preserve, the Gates of the Arctic National Park, and those lands described by Public Land Order No. 5860, dated May 4, 1981, 46 FR 25619–25620.

5. Prior to the tentative approval for patent of any of the lands selected by said State of Alaska that are classified by this order, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, licenses, permits, rights-of-way, or easements, in accordance with § 906(k) of the Alaska National Interest Lands Conservation Act, shall not be impaired by this order and classification. Applications for leases under the mineral leasing laws will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

James G. Watt,

Secretary of the Interior.

May 29, 1981.

[FR Doc. 81-16631 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-31-M

---

43 CFR Public Land Order 5947

[OR 20521]

Oregon; Revocation of Executive Order No. 5451

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew 40 acres of public land as a lookout station. This action will restore the land to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 3, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5451 of September 25, 1930, which withdrew the following described public land for use by the Bureau of Land Management as a lookout station, is hereby revoked:

Willamette Meridian

T. 37 S., R. 12 E.,
Sec. 28, SW¼SW¼.

The area described contains 40 acres in Klamath County.

2. At 10 a.m. on July 3, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 3, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on July 3, 1981, the land will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 28, 1981.

[FR Doc. 81-16638 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

---

43 CFR Public Land Order 5948

[OR 20238]

Oregon; Revocation of Public Water Reserve No. 101

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order affecting 599.50 acres of land withdrawn as a public water reserve. This action will restore 40 acres of the land to such forms of disposition as may by law be made of national forest lands. The balance, containing 559.50 acres, remains segregated from the public land laws generally, including the mining laws, for the Hart Mountain National Antelope Refuge.

EFFECTIVE DATE: July 3, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of February 8, 1926, which withdrew the following described lands for public water reserve purposes is hereby revoked in its entirety:

Willamette Meridian

Public Water Reserve No. 101

T. 37 S., R. 25 E.,
Sec. 12, NE¼NE¼.
T. 36 S., R. 26 E.,
Sec. 6, lot 7.
T. 37 S., R. 26 E.,
Sec. 28, SW¼;
Sec. 32, E½.

Fremont National Forest

T. 40 S., R. 16 E.,
Sec. 15, SW¼NW¼.

The area described aggregates 599.50 acres in Lake County.

2. At 10 a.m. on July 3, 1981, the land in T. 40 S., R. 16 E., will be open to such forms of disposition as may by law be made of national forest lands.

3. The above described lands, except as described in paragraph 2, are withdrawn as part of the Hart Mountain National Antelope Refuge and remain segregated from operation of the public land laws generally, including the United States mining laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 28, 1981.

[FR Doc. 81-16639 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5950

[W-31206]

Wyoming; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a public water reserve and restores the lands to the operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 3, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307–778–2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Interpretation No. 217 of May 14, 1935, is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian, Wyoming

T. 35 N., R. 110 W.,
Sec. 5, E½NW¼ (lot 3, SE¼NW¼);
Sec. 8, W½SE¼.
T. 33 N., R. 112 W.,
Sec. 1, SW¼SE¼;
Sec. 12, NW¼NE¼.

The area described contains 239.04 acres in Sublette County.

2. At 10 a.m. on July 3, 1981, the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 3, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on July 3, 1981. They have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 28, 1981.

[FR Doc. 81–16640 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5946

[I–14560]

Idaho; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will partially revoke a Secretarial order which withdrew lands in the Boise Valley Reclamation Project. The lands are embraced in allowed homestead entries.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho State Office, 208–334–1735.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of December 22, 1903, which withdrew lands for the Boise Valley Reclamation Project, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

T. 5 N., R. 5 W.,
Sec. 31, SE¼NW¼, NE¼NW¼.

The area described contains 80 acres in Canyon County.

2. The lands are embraced in allowed entries under the homestead laws.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 28, 1981.

[FR Doc. 81–16599 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5945

[OR 20933 (Wash.)]

Washington; Withdrawing Public Lands for use of the Department of the Army for Dam and Reservoir Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 400.27 acres of public land for uses in support of the additional hydroelectric generating units constructed at Chief Joseph Dam.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–321–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for use of the Corps of Engineers, U.S. Department of the Army, in connection with the Chief Joseph Dam Additional Units Project.

Willamette Meridian

T. 29 N., R. 28 E.,
Sec. 9, SW¼SW¼;
Sec. 30, Lot 2.
T. 30 N., R. 28 E.,
Sec. 25, NW¼NE¼;
Sec. 35, SW¼SE¼.
T. 30 N., R. 27 E.,
Sec. 28, SE¼SE¼;
Sec. 29, NE¼NW¼;
Sec. 34, SW¼NW¼ and NE¼SW¼.
T. 30 N., R. 28 E.,
Sec. 9, SE¼SE¼;
Sec. 14, NE¼SW¼.

The areas described aggregate 400.27 acres in Douglas County, Washington.

2. The lands in Sec. 25, T. 30 N., R. 28 E.; Sec. 29, T. 30 N., R. 27 E.; and Sec. 9, T. 30 N., R. 28 E., are also withdrawn for Power Site Reserve 129 by Executive Order of July 2, 1910.

3. Management of grazing, wildlife habitat and mitigation areas, recreation, fire protection, public access, cultural resources, and realty actions on the withdrawn lands will be under terms and conditions that have been agreed upon between the Corps of Engineers and the Bureau of Land Management and which may be revised by consent of both parties.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Dated: May 26, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81–16598 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5949

[OR 22118 (WASH)]

Washington; Revocation of Executive Order

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive Order which withdrew 8.17 acres of land for public purposes. This action permits restoration of the land to operation of the mining laws provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of May 9, 1898, which withdrew the following described lands for public purposes is hereby revoked:

Williamette Meridian

T. 41 N., R. 3 W.,
Sec. 33, Lot 6.

The area described contains 8.17 acres in Whatcom County, Washington.

2. The surface estate of the land has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–4); therefore, unless and until appropriate rules and regulations are issued, the land will not be open to location under the United States mining laws. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P. O. Box 2965, Portland, Oregon 97208.

Dated: May 28, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-16600 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6069]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program, (202) 755–5581 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elasped since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Alabama: Shelby	Alabaster, city of	010192B	Dec. 13, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 4, 1976	June 15, 1981.
Arkansas:					
Craighead	Jonesboro, city of	050048B	June 20, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Oct. 26, 1973 and Oct. 8, 1976.	Do.
Benton and Washington.	Springdale, city of	050219B	Sept. 26, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	April 5, 1974 and Mar. 5, 1976	Do.
Connecticut: New London.	East Lyme, town of	090096B	Oct. 23, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Sept. 13, 1974 and Dec. 24, 1976.	Do.
Florida:					
Martin	Ocean Breeze Park, town of	120163B	Apr. 15, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Aug. 2, 1974 and Apr. 2, 1976	Do.
Do	Unincorporated areas	120161B	May 19, 1972, emergency; June 15, 1981, regular; June 15, 1981, suspended.	July 29, 1977	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Georgia:					
De Kalb	Clarkston, city of	130067A	Aug. 7, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 21, 1975	June 15, 1981.
Do	Pine Lake, city of	130070B	Feb. 27, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Apr. 12, 1974 and Apr. 16, 1976.	Do
Illinois:					
Du Page and Cook.	Bartlett, village of	170059B	Aug. 6, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Apr. 12, 1974 and Aug 6, 1976	Do
Cook	Des Plaines, city of	170081C	Oct. 13, 1972, emergency; June 15, 1981, regular; June 15, 1981, suspended.	May 4, 1973, June 28, 1974, and July 16, 1976.	Do
St. Clair	Fayetteville, village of	170628B	May 12, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 22, 1974 and June 4, 1976.	Do
Fulton	Liverpool, village of	170762C	Dec. 10, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Dec. 28, 1973, Aug 1, 1975 and Dec. 28, 1979	Do
Lake	Waukegan, city of	170397B	Mar. 12, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	May 10, 1974 and July 9, 1976.	Do
Iowa:					
Story	Cambridge, city of	190255B	July 29, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Aug. 16, 1974 and July 11, 1975.	Do
Lee	Unincorporated areas	190182B	Sept. 11, 1978, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 21, 1977	Do
Kentucky:					
Boone	Unincorporated area	210013B	Aug. 28, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Dec. 27, 1974 and Dec. 30, 1977.	Do
Bourbon	Paris, city of	210015B	July 23, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 16, 1974 and Feb. 20, 1976	Do
Maryland:					
Somerset	Crisfield, city of	240062A	Apr. 28, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 23, 1976	Do
Do	Unincorporated areas	240061A	May 8, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	April 25, 1975	Do.
Massachusetts:					
Worcester	East Brookfield, town of	250303B	Sept. 18, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 7, 1974 and June 11, 1976.	Do
Berkshire	Monterey, town of	250030B	July 7, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Mar. 15, 1974 and Aug 13, 1976.	Do
Michigan: Washtenavo.	Ypsilanti, township of	260542B	Apr. 8, 1977, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Apr. 8, 1977	Do.
Barry	Hastings, township of	260648B	Nov. 19, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Dec. 16, 1977	Do.
Minnesota: Morrison	Unincorporated areas	270617B	Mar. 20, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Apr. 21, 1978	Do.
Mille Lacs and Sherburne.	Princeton, city of	270292B	Mar. 20, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	May 10, 1974 and Feb. 13, 1976.	Do.
Missouri:					
Adair	Novinger, city of	290003B	June 4, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 7, 1974 and Dec. 12, 1975.	Do.
St. Louis	Peerless Park, village of	290378A	Oct. 1, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 3, 1975	Do.
New Jersey:					
Burlington	Fieldsboro, borough of	340543B	May 1, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Nov. 29, 1974 and Oct. 3, 1975.	Do.
Bergan	Montvale, borough of	340052B	May 2, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Sept. 6, 1974 and June 18, 1976.	Do
New York:					
Yates	Dresden, village of	360956A	Mar. 6, 1980, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 20, 1976	Do
Chemung	Wellsburg, village of	360157B	Mar. 16, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 1, 1973 and June 25, 1976.	Do.
Ohio:					
Cuyahoga	Bratenahl, village of	390734A	June 9, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	July 11, 1975	Do.
Do	Brooklyn Heights, village of	390101B	May 16, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 8, 1974 and Apr. 23, 1976.	Do
Montgomery	Miamisburg, city of	390413B	Aug. 1, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Mar. 1, 1974 and July 23, 1976	Do
Cuyahoga	Shaker Heights, city of	390129A	Oct. 28, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Aug. 1, 1975	Do.
Oklahoma:					
Tulsa and Osage	Sand Springs, city of	400211B	Aug. 5, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	July 26, 1974 and Apr. 22, 1977	Do.
Pennsylvania:					
Allegheny	Bethel Park, borough of	420012A	Sept. 3, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Dec. 10, 1976	Do.
Washington	California, borough of	420848A	July 5, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Oct. 8, 1976	Do.
Beaver	Center, township of	422310A	Aug. 11, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 17, 1975	Do.
Washington	Centerville, borough of	422552A	Mar. 22, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 28, 1975	Do.
Berks	Brecknock, township of	421053B	Nov. 24, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Sept. 13, 1974 and May 14, 1976.	Do.
Clinton	Colebrook, township of	420324C	July 25, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Mar. 22, 1974, Dec. 24, 1976, and Jan. 20, 1980.	Do.
Luzerne	Dupont, borough of	422250A	July 29, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 14, 1975	Do.
Beaver	Economy, borough of	420109B	June 4, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Apr. 5, 1974 and June 4, 1976	Do.
Erie	Edinboro, borough of	420448B	Jan. 21, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 7, 1974 and June 4, 1976.	Do.
Blair	Frankstown, township of	421387A	Aug. 16, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Dec. 13, 1974	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Allegheny	Heidleburg, borough of	420043B	Feb. 21, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 1, 1974 and June 4, 1976.	June 15, 1981.
Lackawana	Lehigh, township of	422459B	Mar. 11, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 28, 1975 and Apr. 11, 1980.	Do.
Cumberland	Middlesex, township of	420363B	Apr. 15, 1977, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 8, 1974 and Apr. 15, 1977.	Do.
Allegheny	Penn Hills, township of	421092B	Sept. 20, 1974 emergency; June 15, 1981, regular; June 15, 1981, suspended.	Sept. 20, 1974 and Dec. 26, 1975.	Do.
Luzerne	Pittston, township of	421834B	Nov. 14, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 24, 1975 and Feb. 15, 1980.	Do.
Bucks	Richland, township of	421095B	May 15, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Oct. 25, 1974 and June 18, 1976.	Do.
Beaver	Rochester, township of	421322A	Mar. 11, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Dec. 27, 1974	Do.
Adams	Reading, township of	420004B	Jan. 26, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 23, 1974 and Dec. 31, 1976.	Do.
York	West Manchester, township of	422233B	Aug. 22, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Nov. 15, 1974 and Oct. 17, 1975.	Do.
South Carolina:					
Lexington	Unincorporated areas	450129B	Sept. 6, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Sept. 6, 1974 and June 30, 1978.	Do.
Dorchester	Summerville, town of	450073C	June 3, 1977, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 14, 1974; April 19, 1976 and June 3, 1977.	Do.
Tennessee:					
Shelby	Bartlett, city of	470175B	Dec. 28, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 24, 1974 and June 3, 1977.	Do.
Davidson and Sumner	Goodlettsville, city of	470287A	Apr. 21, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Aug. 15, 1975	Do.
Texas: Atascosa	Unincorporated areas	480014B	Aug. 5, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 17, 1975 and Nov. 29, 1977.	Do.
Virginia: Giles	Unincorporated areas	510067B	Oct. 24, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Aug. 2, 1974 and Mar. 5, 1976.	Do.
Washington: King	Kirkland, city of	530081B	Apr. 19, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 28, 1974 and Sept. 12, 1975.	Do.
Wisconsin:					
Calumet	Brillion, city of	550036C	Apr. 22, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Mar. 8, 1974; Apr. 4, 1975 and Mar. 11, 1977	Do.
Outagamie	Combined Locks, village of	550304B	Mar. 27, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 21, 1974 and Sept. 19, 1975.	Do.
Dodge	Unincorporated areas	550094B	July 18, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 3, 1975 and Feb. 9, 1979	Do.
Outagamie	Little Chute, village of	550307B	May 29, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 14, 1974 and Aug. 29, 1975.	Do.

[1] Certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 26, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16501 Filed 6-3-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6068]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program (202) 755–5581 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or

construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Alabama: Jefferson	Fultondale, city of	010121C	May 5, 1981, Suspension withdrawn	May 24, 1974, Jan. 9, 1976 and July 6, 1979.
Florida: Seminole	Unincorporated areas	1202898	...do	Jan. 17, 1975 and Apr. 8, 1977.
Illinois: Cook	Sauk Village, village of	170157D	...do	Mar. 8, 1974, June 4, 1976, Nov. 19, 1976 and July 7, 1978.
Indiana: Madison	Frankton, town of	180154C	...do	Dec. 17, 1973, Sept. 12, 1975 and June 15, 1979.
Michigan:				
Macomb	Harrison, township of	260123C	...do	Nov. 16, 1973 and July 2, 1976.
Ingham	Lansing, township of	260632A	...do	Feb. 4, 1981.
Oakland	Rochester, city of	2603268	...do	Apr. 11, 1975 and Nov. 19, 1976.
Minnesota:				
Wright	Hanover, city of	2705408	...do	Nov. 23, 1973 and June 4, 1976.
Hennepin	Hopkins, city of	2701868	...do	Nov. 9, 1973 and May 7, 1976.
Mille Lacs	Milaca, city of	2702898	...do	May 10, 1974 and Apr. 30, 1976.
Fillmore	Peterson, city of	2701288	...do	Aug. 30, 1974 and Feb. 20, 1976.
Missouri: Butler	Neelyville, city of	290046A	...do	Dec. 6, 1974.
New Jersey: Bergen	Park Ridge, borough of	3400638	...do	Jan. 23, 1974 and Sept. 17, 1976.
North Carolina: Halifax	Unincorporated areas	3703278	...do	June 23, 1978.
North Dakota: Cass	Casselton, city of	3600208	...do	May 24, 1974 and Feb. 27, 1976.
Oregon: Clakamas	Barlow, city of	410013A	...do	Jan. 10, 1975.
Texas:				
Henderson	Athens, city of	480324B	...do	Aug. 23, 1974 and Apr. 9, 1976.
Fannin	Bonham, city of	4802228	...do	June 7, 1974 and June 4, 1976.
Dallas	Desoto, city of	4801728	...do	Aug. 2, 1974 and Apr. 16, 1976.
Willacy	Lyford, city of	480655A	...do	May 17, 1974.
Vermont: Windham	Jamaica, town of	500131B	...do	June 28, 1974 and May 10, 1977.
Washington:				
Kittitas	Ellensburg, city of	530234C	...do	Dec. 12, 1973, Apr. 16, 1976 and Mar. 13, 1979.
Kattitas	Unincorporated areas	5300958	...do	Nov. 6, 1977.
King	Renton, city of	5300888	...do	June 7, 1974 and Nov. 7, 1975.
Kittitas	South Cle Elum, city of	530283A	...do	July 11, 1975.
Pennsylvania:				
Beaver	West Mayfield, borough of	422331A	Dec. 23, 1974, emergency, Apr. 15, 1981, regular, Apr. 15, 1981, suspended, May 4, 1981, reinstated.	Mar. 28, 1975.
Bradford	Ridgebury, township of	420173C	May 29, 1973, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended, May 4, 1981, reinstated.	Jan. 9, 1974 and Aug. 8, 1975.
Iowa: Washington	Riverside, city of	190648	May 6, 1981, emergency	Aug. 13, 1976.
Pennsylvania:				
Lancaster	Fulton, township of	421774B	July 11, 1975, emergency, Apr. 15, 1981, regular, Apr. 15, 1981, suspended, May 8, 1981, reinstated.	Sept. 6, 1974 and July 23, 1976.
Dauphin	Wiconisco, township of	421030B	Sept. 26, 1973, emergency, Apr. 15, 1981, regular, Apr. 15, 1981, suspended, May 8, 1981, reinstated.	Dec. 13, 1974 and Sept. 17, 1976.
Michigan: Clinton	Victor, township of	260720 New	May 11, 1981, emergency	
Pennsylvania: Lakawanna	Benton, township of	421749	...do	Jan. 10, 1975
Illinois: Lake	Lake Bluff, village of	170373B	May 11, 1981, emergency, May 11, 1981, regular.	Feb. 1, 1974, Feb. 6, 1976 and Jan. 16, 1981
California: San Luis Obispo	Atascadero, city of	060700	May 14, 1981, emergency	Sept. 16, 1980.
New Jersey: Somerset	Montgomery, township of	3404398	Aug. 20, 1974, emergency, April 1, 1981, regular, Apr. 1, 1981, suspended, May 15, 1981, reinstated.	July 26, 1974 and June 4, 1976.
Texas:[1] Harris	La Porte, city of	485467C	Aug. 28, 1970, emergency, Feb. 12, 1971, regular.	Feb. 17, 1971, July 1, 1974 and Aug. 22, 1975.

[1] The City of La Porte, Harris County, Texas annexed the City of Lomax, Harris County, Texas. The FIRM for La Porte is being revised to include the annexed areas of Lomax which will be Zone C. The Lomax areas currently have an effective LOMA dated January 13, 1981.

DELETION: The Township of Wayne, Indiana has terminated its joiner agreement with the City of Noblesville, Hamilton County, Indiana. Please delete the Township of Wayne from eligibility under the City of Noblesville effective May 4, 1981. The Township of Wayne is now under the planning and zoning jurisdiction of the unincorporated areas of Hamilton County, Indiana. Hamilton County is not participating in the NFIP at this time.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: May 26, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16502 Filed 6-3-81; 8:45 am]

BILLING CODE 6718-03-M

V 4 6 / 1 0 7
7 J E 4 8 1
UMI

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. LVM 77-02; Notice 5]

Passenger Automobile Average Fuel Economy Standards; Exemption From Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final decision to grant exemption from average fuel economy standards and to establish alternative standards.

SUMMARY: This notice exempts Rolls-Royce Motors, Ltd. (Rolls-Royce) from the generally applicable average fuel economy standards of 19.0 miles per gallon (mpg) and 20.0 mpg for 1979 and 1980 model year passenger automobiles, respectively, and establishes alternative standards. The alternative standards are 10.8 mpg in the 1979 model year and 11.1 mpg in the 1980 model year.

DATES: The exemptions and alternative standards set forth in this notice apply in the 1979 and 1980 model years.

FOR FURTHER INFORMATION CONTACT: Robert Mercure, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–755–9384).

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) is exempting Rolls-Royce from the generally applicable average fuel economy standards for the 1979 and 1980 model years and establishing alternative standards applicable to that company in those model years. This exemption is issued under the authority of section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act) (15 U.S.C. 2002(c)). Section 502(c) provides that a manufacturer of passenger automobiles that manufactures fewer than 10,000 vehicles annually may be exempted from the generally applicable average fuel economy standard for a particular model year if that standard is greater than the manufacturer's maximum feasible average fuel economy and if the NHTSA establishes an alternative standard applicable to that manufacturer at the low volume manufacturer's maximum feasible average fuel economy. In determining the manufacturer's maximum feasible average fuel economy, section 502(e) of the Act (15 U.S.C. 2002(e)) requires the NHTSA to consider:

(1) Technological feasibility;
(2) Economic practicability;
(3) The effect of other Federal motor vehicle standards on fuel economy; and
(4) The need of the Nation to conserve energy.

This final rule was preceded by a notice announcing the NHTSA's proposed decision to grant an exemption to Rolls-Royce for the 1979 and 1980 model years (45 FR 67108; October 9, 1980). NHTSA received two comments on that proposed decision.

The first comment was submitted by Rolls-Royce, in response to an invitation in the proposed decision for the company to explain why it could not have improved the fuel economy of its 1980 cars certified to the 49-state emission standards. Specifically, Rolls-Royce used fuel injection and a 3-way catalyst on its 1980 California vehicles, which resulted in improved fuel economy for those vehicles compared with the 1979 California vehicles. NHTSA did not have sufficient information to determine whether it would have been feasible to have also made this change to the 1980 49-state models. Lacking sufficient information, the agency raised the issue in the proposed decision, and invited Rolls-Royce to provide specific information to show that the change would not have been feasible. If the company did not provide the information, NHTSA would then consider deciding that the change was feasible.

In response, Rolls-Royce stated that fuel injection and 3-way catalysts were new technologies to the company, and that it was necessary to have a limited run with the new technologies to give the company experience with manufacturing them before including the technologies on all their vehicles. Additionally, Rolls-Royce stated that the 1980 California vehicles were certified at a low enough emissions level that the certification can be carried over for the 1981 and 1982 California and 49-state emissions standards. By not having to retest for compliance with those standards, the company will save an estimated $50,000 in each of the two model years.

The company also argued that it has decided to produce only one model type for emissions purposes—one that complies with both the 49-state and California emissions standards—beginning in the 1981 model year. By so doing, Rolls-Royce will join all the other low volume manufacturers except Checker Motors in producing a vehicle that complies with both sets of emissions standards. This is important for marketing flexibility, so that the low volume manufacturer can sell its cars in California or the other 49 states depending on the actual demand. When the company produces two models (49-state and California), it must forecast how many of each to make. It cannot sell 49-state vehicles in California, or vice-versa, when actual demand differs from forecasted demand. Such a decision by Rolls-Royce is not unreasonable.

Rolls-Royce argued that use of fuel injection and a 3-way catalyst on its 1980 49-state vehicles would have required additional and different development work for the company to optimize the fuel consumption and emissions to the less-stringent 49-state standards. This development would have been useful only for that one model year, since the company was not planning to certify vehicles to these less stringent standards in the foreseeable future, as explained above. Given the company's limited engineering staff, it decided to devote all of its efforts to achieving emissions levels in its 1980 California vehicles that would satisfy the 1981 and 1982 California and 49-state requirements, instead of splitting its effort between that and achieving optimal settings for its 49-state vehicles, which would be used only for the 1980 model year. Rolls-Royce also argued that it was erroneous for the agency to imply that the use of fuel injection with a 3-way catalyst was responsible for the fuel economy improvement on its 1980 California vehicles. NHTSA recognizes that the fuel rich mixtures required for efficient operation of the 3-way catalyst would be above the level required for minimum fuel consumption, and that any potential fuel economy improvements would depend on the specific vehicle involved and the stringency of the applicable emissions standards. However, without resolving this latter argument, NHTSA concludes that it would not have been economically practicable for Rolls-Royce to have incorporated fuel injection and the 3-way catalyst on its 1980 49-state vehicles. This decision is based on the newness of the technology to the company, marketing considerations, the staff and resources available to the company, and the fact that the company is certifying only one model type in 1981 and subsequent model years.

The other comment was submitted two weeks after the comment period had closed. This comment criticized the timing of the agency's proposal, and the procedure used to reach a final decision on the feasibility of Rolls-Royce using

fuel injection and 3-way catalysts on its 1980 49-state vehicles. The comment argued that the agency should have set the proposed alternative standard at the level Rolls-Royce would have achieved had it used fuel injection and the 3-way catalyst, and then lowered the standard only if Rolls-Royce was able to show that it could not have used the technology. This suggestion appears to be a distinction without a difference, because following either it or the procedure chosen by the agency required the manufacturer to demonstrate that it could not have used the item of technology, or the maximum feasible average fuel economy for the manufacturer would be calculated as if the manufacturer had used the item. The agency notes that by raising the point in the proposed decision, there was sufficient notice and opportunity to comment (as required by the Administrative Procedure Act) to permit the final decision to include the use of fuel injection when calculating the manufacturer's maximum feasible average fuel economy.

This comment also raised two substantive objectives to the proposed decision. First, the comment stated, "NHTSA has concluded that Rolls-Royce was justified in foregoing any engine improvements because Rolls-Royce said doing so might well have increased NO_x emissions (45 FR at 67111)." This objection is a misstatement of the proposal, in which NHTSA said that a reduction in engine size without an accompanying weight reduction for the vehicle might well have increased NO_x emissions. This is because emissions of oxides of nitrogen increase with increased engine loading due to the higher operating temperatures. Increased engine loading can occur with either the substitution of a smaller engine or the use of a lower axle ratio on the same engine. Rolls-Royce reported no net fuel economy gain from reducing engine size, after retuning the engine to control the higher NO_x emissions. Further, the agency considered other engine improvements, such as alternative engines, but determined they were not technologically feasible, with no mention of NO_x emissions.

The second objection was that the rear axle ratio used by Rolls-Royce could have been reduced. However, the agency set forth the reasons that this reduction would not be technologically feasible and economically practicable at 45 FR 67112, and the commenter did not explain why it considered the proposed finding to be erroneous or less than maximum feasible. Accordingly, the agency reaffirms its finding.

After analyzing the public comments received on the proposed decision, NHTSA believes that the fuel economy levels proposed therein represent Rolls-Royce maximum feasible average fuel economy for the 1979 and 1980 model years. Therefore, based on its conclusions that it was not technologically feasible and economically practicable for Rolls-Royce to improve the fuel economy of its 1979 and 1980 model year automobiles above an average of 10.8 mpg and 11.1 mpg, respectively, that other Federal automobile standards did not affect achievable fuel economy beyond the extent considered in this analysis, and that the national effort to conserve energy will be negligibly affected by the granting of the requested exemptions and establishment of alternative standards, NHTSA concludes that the maximum feasible average fuel economy for Rolls-Royce in the 1979 and 1980 model years was 10.8 and 11.1 mpg, respectively. Therefore, the agency is exempting Rolls-Royce from the generally applicable standards and is establishing alternative standards of 10.8 mpg for the 1979 model year and 11.1 mpg for the 1980 model year.

In consideration of the foregoing, 49 CFR Part 531 is amended by revising § 531.5(b)(2) to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(2) Rolls-Royce Motors, Inc.

Average fuel economy standard	*Miles per gallon*
Model year:	
1978	10.7
1979	10.8
1980	11.1

* * * * *

Authority: Sec. 9, Pub. L. 89–670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94–163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 49 CFR 1.50.

Issued on May 28, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81–18655 Filed 6–3–81; 8:45 am]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1056

[Ex Parte No. MC–19 (Sub-No. 36)]

Practices of Motor Common Carriers of Household Goods; Revision of Operational Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final operational rules: Deferral of effective date in 49 CFR 1056.2.

SUMMARY: By Decision served and published on March 11, 1981, 46 FR 16200, the Commission adopted revised operational regulations to be applicable to motor common carriers of household goods effective June 9, 1981.

Included in the regulations adopted is a requirement that carriers provide to each prospective individual shipper an informational publication, *Your Rights and Responsibilities When You Move*, form OCP–100. This requirement is contained in 49 CFR 1056.2(a)(1).

There is to be included in the OCP–100 publication a post card type questionnaire to be used by consumers to advise the Commission of certain data concerning their move. The questionnaire is identified as *Moving Service Questionnaire*, form OCP–100–A. The requirement for the inclusion of this questionnaire is deferred until January 1, 1982.

DATE: The requirement for Moving Service Questionnaire, form OCP–100–A, to be included in form OCP–100, Your Rights and Responsibilities When You Move, is deferred until January 1, 1982. This decision is effective on May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Ray G. Atherton, Jr., (202) 275–7844 or W. F. Sibbald, Jr. (202) 275–7148.

SUPPLEMENTARY INFORMATION: Due to the information gathering purpose of the questionnaire approval must be obtained from the Office of Management and Budget (OMB) before the form may be put into use. For reasons not within the control of the Commission application for approval of the form was not made until May 1, 1981, and as of this date said application is pending a final decision.

The motor carriers which are responsible for the distribution of the publication, form OCP–100, are required to provide the publication at their own expense. Within recent days inquiries have been received from carriers and commercial printers regarding the pending OMB approval, and the OMB

forms number which must be printed on the form OCP–100–A questionnaire, and it is evident that further delay will seriously hinder the good-faith efforts of the industry to comply with 49 CFR 1056.2(a)(1) on the June 9, 1981, effective date.

To resolve this issue it has been decided to suspend the requirement that the *Moving Service Questionnaire*, form OCP–100–A, be included in and as part of the publication, *Your rights and Responsibilities When You Move*, form OCP–100, until January 1, 1982. This period of suspension will enable the carriers to purchase the OCP–100 publication in economical quantities and will allow for the orderly transition to the use of a publication which includes the questionnaire. This change of date will not interfere with the commission's collection of data on a calendar year basis. The requirement for the inclusion of the questionnaire, is, therefore, suspended until January 1, 1982.

All form OCP–100 publications printed and distributed during the suspension period and without the questionnaire included should be amended by placing in an appropriate footnote a statement to read:

The Moving Service Questionnaire is not required to be included in booklets distributed prior to January 1, 1982.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Decided: May 26, 1981.

By The Commission, Acting Chairman Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16662 Filed 6–3–81; 8:45 am]

BILLING CODE 7035–01–M

V 4 6 / 1 0 7 J E 4 8 1 UMI

Prop

This secti
contains
proposed
regulations
is to give
opportunity
making pr
rules.

DEPARTI

Federal A

14 CFR P

[Airspace

Proposed

AGENCY:
Administ

ACTION:

SUMMARY
action is
controlle
Minnesot
Runway
procedur
Internatio
Minnesot
the basis
airport of
with an a
procedur
action is
aircraft u
instrume
other airc
weather

DATE: Co
before Ju

ADDRESS
proposal
Counsel,
Docket C
2300 East
Illinois 60

A publ
examinat
the Office
Federal A
East Deve
60018.

FOR FURT
Edward F
Procedur
AGL–530
2300 East
Illinois 60

SUPPLEM

Proposed Rules

Federal Register
Vol. 46, No. 107
Thursday, June 4, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-GL-51]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Baudette, Minnesota, to accommodate a VOR Runway 30 instrument approach procedure into the Baudette International Airport, Baudette, Minnesota, which was established on the basis of a request from the local airport officials to provide that airport with an additional instrument approach procedure. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual weather conditions.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 80-GL-51, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above surface to 700 feet for a distance of approximately 2.5 nautical miles beyond that now depicted. The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 80-GL-51, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 10, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Baudette, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981 (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is amended to read:

Baudette, Minnesota

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Baudette International Airport, Baudette, Minnesota, (latitude 48°43'15"N, longitude 94°36'00"W); within 3 miles each side of the 107° bearing from Baudette International Airport extending from the 6.5 mile radius to 8 miles east of the airport; within 3 miles each side of the 307° bearing from Baudette International Airport extending from the 6.5 mile radius to 8.5 miles west of the airport excluding that portion outside of the United States.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the critieria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 19, 1981.

Frederick M. Isaac,

Chief, Airports Division, Director, Great Lakes Region.

[FR Doc. 81-16618 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-GL-1]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Phillips, Wisconsin, in order to accommodate a new instrument approach into Price County Airport, Phillips, Wisconsin, which was established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-1, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-1, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 10, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Phillips, Wisconsin. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Phillips, Wisconsin

That airspace extending upward from 700' above the surface within a 6.5 mile radius of Price County NDB (latitude 45°42'11" N, longitude 90°24'45" W) and 3 miles either side of the 063° bearing of the Price County NDB from 6.5 miles to 8.5 miles.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 19, 1981.

Frederick M. Isaac,

Chief, Airports Division, Director, Great Lakes Region.

[FR Doc. 81-16619 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-GL-5]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Wheaton, Minnesota, in order to accommodate a new instrument approach into Wheaton Municipal Airport, Wheaton, Minnesota, which was established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-5, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground, except for a small portion of airspace in South Dakota which will be lowered from 3400' to 700' AGL. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-5, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 10, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Wheaton, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Wheaton, Minnesota

That airspace extending upward from 700' above the surface within a 6.5-mile radius of the Wheaton Municipal Airport (latitude 45°47'00" N, longitude 96°32'45" W) at Wheaton, Minnesota, and 3 miles either side of the 152° bearing of the Wheaton NDB from 6.5 miles 8.5 miles.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 19, 1981.

Frederick M. Isaac,

Chief, Airports Division, Director, Great Lakes Region.

[FR Doc. 81-16620 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AWE-10]

Proposed Alteration to Transition Area, Ely, Nevada

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the transition area for the Ely Airport-Yelland Field, Ely, Nevada in order to provide additional controlled airspace for aircraft executing an instrument approach procedure to the Ely Airport-Yelland Field Airport utilizing the Ely, Nevada VORTAC.

DATE: Comments must be received on or before June 25, 1981.

ADDRESSES: Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6270.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data or arguments as they may desire. Communications should be addressed to Docket Number [illegible] in triplicate to the Chief, [illegible] Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before June 25, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling (213) 536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Ely, Nevada. This action will provide controlled airspace for aircraft utilizing IFR procedures to and from Ely Airport-Yelland Field.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by redescribing the transition area as follows:

§ 71.181 Ely, Nevada.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely, Nevada VOR, within 5 miles northeast and 9.5 miles southwest of the Ely VOR 303° radial, extending from the VOR to 18.5 miles northwest; within 3.5 miles each side of the Ely VOR 014° radial, extending from the VOR to 14.5 miles northeast; and that airspace extending upward from 1200 feet above the surface within a 22-mile radius of the Ely VOR; within 7 miles northwest and 10 miles southwest of the Ely VOR 335° radial, extending from the 22-mile radius area to 38 miles northwest of the Ely VOR; and within 5 miles east and 7.5 miles west of the Ely VOR 014° radial, extending from the 22-mile radius area to 24.5 miles north of the Ely VOR.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on May 21, 1981.

John D. Mattson,

Director, Western Region.

[FR Doc. 81-16821 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-GL-6]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Red Wing, Minnesota, in order to accommodate a new instrument approach into Red Wing Municipal Airport, Red Wing, Minnesota, which was established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-6, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-6, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 10, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Red Wing, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Red Wing, Minnesota

That airspace extending upward from 700' above the surface within a 6.5-mile radius of the Red Wing Municipal Airport (latitude 44°35'23" N, Longitude 092°29'07" W) at Red Wing, Minnesota, and within 3 miles either side of the 275° bearing of the Red Wing NDB extending from 6.5 miles to 8.5 miles.

This amendment is proposed under the authority of Section 307(a), Federal

Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 19, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-16048 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-GL-4]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Owatonna, Minnesota, in order to accommodate a revised instrument approach procedure into the Owatonna Municipal Airport, Owatonna, Minnesota. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-4, 2300 East Devon Avenue, Des Plaines, Illinois 60018

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-4, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 10, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Owatonna, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Owatonna, Minnesota

That airspace extending upward from 700' above the surface within a 7-mile radius of Owatonna Municipal Airport (latitude 44°07'15"N, longitude 093°15'16"W) and within 2 miles each side of the 316° bearing from the Owatonna Municipal Airport from the 7-mile radius to 8 miles northwest of the airport excluding the portion within the Faribault, Minnesota, transition area.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.6 of the Federal Aviation Regulations (14 CFR 11.61).

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 19, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-16049 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Dual-Purpose Child Resistant Packaging; Public Meeting

Correction

In FR Doc. 81-15439 appearing at page 27721 in the issue of Thursday, May 21, 1981, please make the following correction:

On page 27721, under the column "DATES:", the fifth line, the telephone

number which reads "(202) 634–700" should be corrected to read "(202) 634–7700", and the word "by" should be added following the telephone number and before the word "June" which is the first word of the sixth line.

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Act; Plan for the Periodic Review of Rules

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of a Plan for the Periodic Review of Commission Rules.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the Regulatory Flexibility Act, is publishing a plan for the periodic review of rules which have or will have a significant economic impact on a substantial number of small entities. Under the plan, a year of review will be scheduled for rules affecting each major category of entity regulated by the Commission. The substantive rules of the Commission relating to that category will be reviewed within that year's time. The first of the scheduled reviews will commence five years hence.

FOR FURTHER INFORMATION CONTACT: Nancy Yanofsky, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, Telephone: (202) 254–5716.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. § 601 *et seq.*, ("RFA"), requires each agency to consider the effect on small entities of the substantive rules it promulgates. In this regard, Section 610 of the RFA, 5 U.S.C. Section 610, provides in part:

> Within one hundred and eighty days after the effective date of this chapter, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact upon a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities. The plan shall provide for the review of all such agency rules existing on the effective date of this chapter within ten years of that date and for the review of such rules adopted after the effective date of this chapter within ten years of the publication of such rules as the final rule. . . .

Accordingly, the Commission has prepared a plan for review of those of its rules which may have significant economic impact on small entities regulated by the Commission.

The rules of the Commission are set forth in a number of Parts which constitute Chapter I of Title 17 of the Code of Federal Regulations. Those rules which set forth substantive requirements for entities regulated by the Commission are set forth in separate Parts, each generally concerning a particular category of affected entities. For example, the regulations set forth in Parts 1, 17 and 155 of the Commission's rules generally deal with requirements imposed on futures Commission merchants ("FCMs"), while Part 4 of the Commission's rules concerns commodity pool operators ("CPOs") and commodity trading advisors ("CTAs"). Parts 8, 16 and 100 generally deal with contract markets, and Parts 18 and 19 generally concern large traders.[1] Thus, it appears appropriate that the Commission conduct its review of substantive rules in accordance with their existing organization, and that all Parts primarily relating to one of the major categories of entities regulated by the Commission—contract markets, floor brokers, FCMs, CPOs, CTAs and large traders—be reviewed together. The Commission believes it is feasible to complete review of those rules relating to each of the categories of regulated entities within a year's time.[2]

In establishing this plan for review of its rules, the Commission notes that it has taken into account the fact that many of the rules in chapter 1 were adopted by the Commission since it commenced operation in April 1975 and thus have been in existence for less than six years. Further, some major aspects of its rules applicable to regulated entities have recently undergone major revision. Thus, minimum financial requirements for FCMs have recently been revised, and additional revisions have been proposed.[3] Further, a complete revision of Part 4 of the Commission's rules, concerning requirements imposed on CPOs and CTAs, has recently been adopted.[4] Consequently the Commission does not believe it necessary to undertake review of its rules, for purposes of the RFA, during the next five years, and believes that it would be most appropriate to undertake much of its review toward the end of the ten-year period prescribed by the RFA.[5]

The RFA requires that the review of all rules existing on January 1, 1981 be completed by January 1, 1991.[6] The RFA further requires that:

> Each year, each agency shall publish in the **Federal Register** a list of the rules which have a significant economic impact on a substantial number of small entities, which are to be reviewed pursuant to this section during the succeeding twelve months. The list shall include a brief description of each rule and the need for and legal basis of such rule and shall invite public comment upon the rule.

5 U.S.C. § 610(c).

The Commission believes that it may most effectively implement this

---

[1] Several of the rules in Part I concern contract markets (*e.g.*, Rules 1.41–1.45, 1.50–1.54, 1.60), or traders (*e.g.*, Rules 1.47–1.48), rather than FCMs, and some rules in Part I apply to all persons regulated by the Commission (*e.g.*, Rule 1.31 concerning general record-keeping requirements), or to all FCMs and contract market members (*e.g.*, Rule 1.35(a)). Those rules which apply primarily to contract markets and their members, large traders or entities other than FCMs will be reviewed together with the rules concerning that entity. The more general rules applying to all FCMs and others will be reviewed together with all rules applying to FCMs. Similar considerations apply to Parts 15, 21, 155 and 166. In this connection, Section 605(c) of the RFA, 5 U.S.C. § 605(c), provides that "in order to avoid duplicative action, an agency may consider a series of closely-related rules as one rule for the purposes of section . . . 610 of this Title."

[2] The Commission notes that it has proposed its own definitions of "small entities" for purposes of the RFA. 46 FR 23940 (April 29, 1981). The Commission proposes that designated contract markets and registered FCMs and CPOs not be considered small entities. In addition, those business concerns which are large traders in commodity futures would not be considered small entities for purposes of the Commission's large trader reporting requirements. If the proposed definitions are adopted, many of the Commission rules listed at the end of this release as scheduled for review will not in fact require review. If, however, the task of review proves to require more extensive analysis of all rules applicable to a particular category of regulated entity, and the task proves too great to be accomplished within a year, the Commission notes that the RFA permits the extension of the completion date by one year at a time for a total of not more than five years. 5 U.S.C. § 610.

[3] See Minimum financial Reporting Requirements, 45 FR 79416, 79498 (Dec. 1, 1980); Extension of Comment Period, 46 FR 16691 (March 13, 1981).

[4] See 46 FR 28004 (May 8, 1981).

[5] The RFA provides that in reviewing rules, one factor to be considered is "the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule." 5 U.S.C. Section 610(b)(5).

[6] In this regard, the Commission notes that, since it plans to review such rules in the context of the category of regulated entity to which it applies, it expects that rules promulgated since January 1, 1981 will be reviewed at the same time as the other rules concerning that category. If, however, that proves unfeasible because the new rule is promulgated shortly before the review period for that category or because the rule represents a major revision in itself, a separate date for review will be established in accordance with 5 U.S.C. Section 610(a).

requirement by completing its annual review for the preceding year, and commencing review of those rules scheduled for the next twelve months, at the time it publishes its regulatory flexibility agenda in October of each year.[7] In this way, it will be able at the same time to publish in the agenda any contemplated rule revisions resulting from the previous year's review of existing rules. Therefore, the Commission proposes to commence and complete its annual reviews by November 1 of each year, in accordance with the following schedule:[8]

Subject	Commission rules	Review period
Rules primarily related to FCMs	Parts 1 (except Rules 1.35(c)–(h), 1.38–1.39, 1.41–1.45, 1.47–1.54, 1.60), 17, 21, 155 (except Rule 155.2) and 166, and Rule 15.05	November 1985–October 1986
Rules primarily related to CPOs and CTAs	Part 4	November 1986–October 1987
Registration rules[9]	Part 3	November 1987–October 1988
Rules primarily related to large traders	Parts 15 (except Rule 15.05), 18, 19 and 150, and Rules 1.47–1.48	November 1988–October 1989
Rules primarily related to contract markets and floor brokers	Parts 7, 8, 16, 20, 100 and 180, and Rules 1.35(c)–(h), 1.38–1.39, 1.41–1.45, 1.50–154, 1.60 and 155.2	November 1989–October 1990

[9] The Commission has recently designated a new Part 3 of its rules, and consolidated in that Part most of its procedures for registration with the Commission. Thus, procedures for the registration of FCMs, associated persons of FCMS, CPOs and CTAs will be set forth in Part 3, replacing present Rules 1.7–1.10(a)(1), 1.10a–1.11, and 1.13–1.15. Part 3 will not, however, be effective until July 1, 1982. See Revision of Registration regulations, Final Rules, Designation of New Part, 45 FR 80485 (Dec. 5, 1980), deferral of effective date, 46 FR 24941 (May 4, 1981). Consequently, review of this Part has been scheduled to occur after review of the other rules relating to FCM, CPOs and CTAs.

Issued in Washington, D.C., on May 28, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-16623 Filed 6-3-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Ch. I

Proposed Revision of the Customs Bond Structure and Solicitation of Comments

Correction

In FR Doc. 81-15597 appearing on page 28172 in the issue of Tuesday, May 26, 1981, second column, the "**DATES**" paragraph should have read as follows:

"**DATES:** Comments must be received on or before July 27, 1981."

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Decreased; Retroactivity of Benefit Applications

AGENCY: Social Security Administration, HHS.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Social Security Administration plans to revise its regulations on applications to reflect a 1980 change in the law which reduces from 12 months to 6 months the maximum retroactivity of all applications for social security insurance benefits that are not based on the worker's disability or the disability of a widow or widower. The applications affected are those for old-age benefits, widow's and widower's benefits not based on disability, wife's, husband's, and child's benefits based on the earnings record of a person not entitled to disability benefits, and mother's, father's, and parent's benefits. This change is required by section 1011 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) and affects applications filed after February 1981. The revision will change 20 CFR 404.621(a), 404.622, and 404.603(b). HHS has determined that the proposed amendment to the regulations does not meet the criteria in Executive Order 12291 for a major regulation.

FOR FURTHER INFORMATION CONTACT: Linda Freud, 1121 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2539.

Dated: May 4, 1981.

Herbert R. Doggette, Jr.,

Acting Commissioner of Social Security.

[FR Doc. 81-16668 Filed 6-3-81; 8:45 am]

BILLING CODE 4110-07-M

---

[7] The RFA requires that a regulatory flexibility agenda, describing those rules which an agency expects to propose or promulgate which are likely to have a significant economic impact on a substantial number of small entities, be published in October and April of each year. 5 U.S.C. section 602(a).

[8] The following Parts of the Commission rules are not included in the plan for review, for the reasons stated:

—Parts 2, 9, 10, 11, 12, 13, 14, 140, 145, 146 and 147 relate solely to agency organization, procedure and practice and therefore are not rules requiring regulatory flexibility analysis within the meaning of the RFA. See 5 U.S.C. section 601(2).

—Part 30 sets forth a general rule on fraud in connection with commodity transactions, and has no significant economic impact on a substantial number of small entities.

—Part 31 sets forth rules establishing a temporary moratorium on "leverage transactions," and regulates those few leverage firms who are exempt from the moratorium. The few businesses engaged in these transactions do not constitute "a substantial number of small entities."

—Part 32 covers commodity option transactions and provides in section 32.11 for a ban on most commodity options, except for "trade options" and "dealer options." The Commission does not have rules specifically regulating transactions in trade options. The few businesses engaged in "dealer option" transactions with the public do not constitute "a substantial number of small entities." See Proposed Reissuance of and Amendments to Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities, 46 FR 23469, 23477 (April 27, 1981).

—Part 170 sets forth standards governing Commission review of applications for registration as a futures association under Section 17 of the Act. Such an association, if registered, would constitute a self-regulatory organization for various entities regulated by the Commission, and would not in itself be a small entity.

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD 79–120]

Regulated Navigation Areas—Chesapeake Bay Entrance

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to remove § 162.50 of its regulations which covers navigation in Thimble Shoal Channel, Chesapeake Bay. This removal is necessary to resolve a conflict over the size of the draft of vessels allowed to navigate the Thimble Shoal Channel. In § 162.50, vessels must have a draft of 20 feet or more. In § 128.501(c)(4) the requirement is that vessels using the channel for navigation must have a draft not less than 25 feet. The conflict between these two regulations has caused much confusion. The removal of the 20 foot limitation as stated in § 162.50 should eliminate this confusion.

DATE: Comments may be received on or before July 20, 1981.

ADDRESSES: Comments may be mailed to Commandant (G–CMC/24) (CGD 79–120), U.S Coast Guard, Washington, DC 20593. Comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC, between 7:00 a.m. and 5:00 p.m., Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT: Ensign Edward G. LeBlanc, Office of Marine Environment and Systems (G–WWM–2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593, (202) 426–4958 between 7:00 a.m. and 4:30 p.m., Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person submitting them, identify this notice (CGD 79–120) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If acknowledgment is desired, a stamped addressed post card should be enclosed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in the drafting of this proposal are: Ensign Edward G. LeBlanc, Project Manager, Office of Marine Environment and Systems, and Lieutenant George J. Jordan, Project Counsel, Office of the Chief Counsel.

Discussion of the Proposed Regulation

In 1948 the Corps of Engineers (COE) promulgated regulations for the Thimble Shoals Channel at the entrance to Chesapeake Bay (33 CFR 207.140). These regulations limited use of the main channel to vessels with drafts of 20 feet or more. Other vessels would have to use the auxiliary channels which are immediately adjacent to the main channel. These regulations included an exemption for passenger-carrying vessels and certain emergency uses.

In 1974 the Coast Guard established a regulated navigation area to protect the Chesapeake Bay Bridge-Tunnel (CBBT) under the authority of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221). These regulations increased the draft limitation to 25 feet and removed the exemption for passenger-carrying vessels.

The preamble to the notice of proposed rulemaking (38 FR 34779, Dec. 18, 1973) stated that the Corps of Engineers would revoke their regulation after the regulated navigation area was established. However, this revocation was never done.

Enforcement responsibility for certain Inland Waterways Navigation Regulations was transferred from the U.S. Army Corps of Engineers to the Coast Guard on September 29, 1977 (42 FR 51758). At the time of the transfer, only minor changes, such as changing the term "District Engineer" to either "District Commander" or "Captain of the Port" as appropriate, were made to make the regulations compatible with Coast Guard operations. During this transfer 33 CFR 207.140 was inadvertently transferred to the Coast Guard and redesignated 33 CFR 162.50.

Because the regulations in Part 128 and Part 162 are inconsistent concerning draft limitations, confusion has occurred between vessels navigating Thimble Shoal Channel. The Coast Guard therefore proposes to reconcile these differences by deleting § 162.50.

When the Coast Guard proposed adopting a 25 foot draft restriction in 39 FR 32132, September 5, 1974, only one comment was received concerning the draft limitation and that comment dealt with the conditions when shallow draft vessels would be permitted to use the main channel. Since authorization to use the main channel by shallow draft vessels can be obtained from the COTP under § 128.501(c)(9)(i), this comment was not acted upon.

The Coast Guard's basis of concern is that shallow draft vessels are now frequently transiting the channel, creating a potentially hazardous situation with larger, less maneuverable vessels. The inconsistency of draft limitation requirements between the two sections will be eliminated, with the 20 foot limitation now contained in § 162.50(a) being deleted and the 25 foot limitation in § 128.501(c)(4) becoming effective for all vessels.

Because the provisions of § 162.50 (b) and (c) are also provided for in § 128.501 (c)(1) and (c)(8) respectively, § 162.50 will be deleted in its entirety to avoid redundancy.

Evaluation

The proposal regulations have been evaluated under Executive Order 12291 and the Coast Guard has determined that this proposal is not a major regulation. The proposed regulations have also been evaluated under the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations," dated May 22, 1980 and have been determined to be nonsignificant. The reason for this determination is that this amendment is primarily editorial, the impact is minimal, and the only requirement on vessels with 20–25 foot drafts is that they use the immediately adjacent channels instead of the main channel. The impact is considered so minimal that a draft evaluation is not required.

For these reasons, pursuant to section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, Pub. L. 96–354, September 19, 1980), it is certified that the proposed amendments will not have a significant economic impact on a substantial number of small entities.

In consideration of the above, it is proposed that Title 33 of the Code of Federal Regulations be amended as follows:

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

§ 162.50 [Removed]

1. By removing § 162.50.

Dated: April 21, 1981.

(33 U.S.C 1231; 49 CFR 1.46(n)(4))

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-16604 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-1844-1]

Standards of Performance for New Stationary Sources; Industrial Surface Coating: Appliances; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction of proposed rule.

SUMMARY: This notice is to correct a typographical error in FR Doc. 80-40137 (AD-FRL-1625-8), Wednesday, December 24, 1980, appearing on page 85095, third column, paragraph (b) of § 60.450 regarding performance standards for industrial surface coating for appliances.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5624.

Paragraph (b) of § 60.450 should be corrected to read as follows: "The provisions of this subpart apply to each affected facility identified in paragraph (a) of this section that commences construction, modification, or reconstruction after December 24, 1980."

Dated: May 28, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-16652 Filed 6-3-81; 8:45 am]

BILLING CODE 6560-26-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-4

Licensing of Federally Owned Inventions

AGENCY: General Services Administration.

ACTION: Notice of availability and request for comment on draft regulation.

SUMMARY: Public Law 96-517 provided a statutory basis for the licensing of federally owned inventions. The statute provided further that implementing regulations be prescribed by the General Services Administration. A draft of such regulations has been developed by the Patent Subcommittee of the Interagency Procurement Policy Committee, GSA. When published the regulation will replace the regulations currently prescribed in 41 CFR 101-4.1 of the Code of Federal Regulations (i.e., the Federal Property Management Regulations).

Since the statute becomes effective July 1, 1981, it will be necessary for us to publish the regulation initially in its present form and prior to the receipt of comments in order to satisfy the statute. After the receipt of comments, we will revise the regulation, as appropriate.

DATE: Comments should be submitted on or before July 31, 1981.

ADDRESS: Interested parties may obtain copies of the draft regulation and submit comments to the Federal Procurement Regulations Directorate (VR), GSA, Room 1107, Crystal Square Bldg. 5, Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, telephone 703-557-8947.

Dated: June 1, 1981.

William B. Ferguson,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 81-16606 Filed 6-3-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Geological Survey

43 CFR Part 35

Nondiscrimination Against Minority and Women-Owned Business Enterprises in Outer Continental Shelf Leasing Activities

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: On December 3, 1980, the Department of the Interior published in the **Federal Register** a notice of final rulemaking concerning 43 CFR Part 35, relating to Nondiscrimination Against Minority and Women-owned Business Enterprises in Outer Continental Shelf Leasing Activities. The effective date of the rule was January 2, 1981. Upon request of the Office of Management and Budget (OMB), the reporting and recordkeeping requirements of the regulations were suspended on February 26, 1981. The Department of the Interior now proposes to rescind the final rule.

DATE: Comments on this proposal to rescind the rule must be received on or before July 6, 1981.

ADDRESSES: Comments may be mailed to: David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860-7395, (FTS) 928-7395.

SUPPLEMENTARY INFORMATION: In the legislative history of the 1978 amendments to the OCS Lands Act, Congress expressed concern that existing Federal equal employment and procurement programs might not be applicable to OCS activities. In Section 604 of the Act, Congress required the Department to take such affirmative action as it deemed necessary to prohibit unlawful employment practices and to assure that no person is excluded from participation in OCS activities on the basis of unlawful discrimination. The law authorizes the Department to promulgate such rules as are necessary to implement affirmative action.

Following the notice of final rulemaking, the Department received from industry numerous comments and petitions for reconsideration of the necessity for the rule. The Secretary believes there is merit in the legal arguments presented in the petitions for reconsideration of the regulations. The comments from industry evidence a history of voluntary commitments and programs that support equal opportunity for the socially and economically disadvantaged. The comments indicated that reports and records of such activities are already provided to other Federal Agencies and, therefore, would be available to the Department if needed. Furthermore, there has been no showing of unlawful discriminate practices on the OCS to necessitate regulatory requirements.

The Secretary has reconsidered the rule and determined that existing programs and Federal regulatory requirements are sufficient to meet his affirmative action responsibilities. Therefore, it is proposed to rescind 43 CFR Part 35.

PART 43 [REMOVED]

Environmental Impact Analysis, Regulatory Analysis, and Small Entity Flexibility Analysis.

The Department of the Interior has determined that proposed rescission of these regulations, 43 CFR Part 35, does

not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an Environmental Impact Statement is not required. The Department has determined that the proposed rescission is not a major action and does not require the preparation of a Regulatory Impact Analysis under Executive Order 12291. The Department has also determined that rescission of the rule will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility analysis is not required.

May 7, 1981.

Perry Pendley

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-16624 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5843]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Delaware, Hunterdon County, New Jersey, previously published at 45 FR 42701 on June 25, 1981.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, 9202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Delaware, Hunterdon County, New Jersey, previously published at 45 FR 42701 on June 25, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following locations to be correctly identified with the corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for Brookville Creek, Wickecheoke Creek, and Third Neshanic River in the Township of Delaware, New Jersey, the descriptions should be amended to read as follows.

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Brookville Creek.	700' upstream of Stone Dam (broken).	*152
Wickecheoke Creek.	1,600' above Lower Creek Road.	*135
	3,600' upstream of Lower Creek Road.	*149
Third Neshanic River.	Approximately 400' upstream of downstream crossing of Brion Road.	*220

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator

Issued: May 20, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16530 Filed 6-3-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6073]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.4(a).

These elevations, together with the flood plain management measures required by section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

V46/107 JE4 81 UMI

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)
New Hampshire	Hampton Falls, town, Rockingham County	Atlantic Ocean	Entire Hampton Falls shoreline	*9.0
Map available for inspection at the Hampton Falls Town Office, Brown Road, Hampton, New Hampshire.				
Send comments to Honorable William Marston, Chairman of the Hampton Falls Board of Selectmen, Brown Road, Hampton Falls, New Hampshire 03844.				
New Hampshire	Marlborough, town, Cheshire County	Minnewawa Brook	Downstream corporate limits	*635
			Canada Street bridge (upstream side)	*663
			East Terrace Street bridge (upstream side)	*713
			State Route 124 bridge (upstream side)	*728
			Confluence of Robbins Brook	*753
			Approximately 2,420 feet upstream from State Route 101 bridge	*796
		Robbins Brook	Confluence with Minnewawa Brook	*753
			Downstream crossing of State Route 101 bridge (upstream side)	*812
			Ryan Road bridge (downstream side)	*832
			Approximately 1,720' upstream from Ryan Road bridge	*877
			Approximately 4,500' upstream from Ryan Road bridge	*921
			Approximately 8,350' upstream from Ryan Road bridge	*1,028
			Approximately 10,790' upstream from Ryan Road bridge	*1,058
		South Branch Ashuelot River	Downstream corporate limits	*639
			Old Iron bridge (upstream side)	*682
			Approximately 950' upstream from Old Iron bridge	*961
Maps available for inspection at the Marlborough Municipal Building, Main Street, Marlborough, New Hampshire.				
Send all comments to the Honorable David Cheney, Chairman of the Marlborough Board of Selectmen, Box 522, Marlborough, New Hampshire 03455.				
New Jersey	Hampton, borough, Hunterdon County	Murconetcong River	Downstream corporate limits	*335
			Approximately 3,100' upstream of corporate limits	*340
			State Route 31 (upstream side)	*344
Maps available for inspection at the Office of the Borough Clerk, Borough Hall, Hampton, New Jersey.				
Send comments to Honorable Hugh Farley, Mayor of Hampton, Borough Hall, P.O. Box 417, Hampton, New Jersey 08827.				
North Carolina	Unincorporated areas of Henderson County	French Wood River	Just downstream of Fanning Bridge Road	*2,059
			Just upstream of Kings Road (State Highway 191)	*2,065
			Just upstream of Johnson Road	*2,071
			Approximately 500 feet upstream of Etowah School Rd.	*2,083
		McDowell Creek	Just upstream of State Highway 191	*2,115
		Cane Creek	Just upstream of Southern Railway	*2,071
			Just upstream of Mills Gap Road (First Crossing)	*2,085
		Hoopers Creek	Just upstream of Jackson Road	*2,099
			Just upstream of Southern Leveston Road	*2,107
			Approximately 250 feet upstream of Hoopers Creek Road.	*2,132
		Mud Creek	Just upstream of U.S. Highway 25	*2,064
			Just upstream of Balfour Road	*2,078
			Downstream of Crail Farm Rd	*2,109
			Just downstream of Little River Rd	*2,120
		Clear Creek	Just downstream of Interstate Highway 26	*2,061
			Just upstream of Fruitland Road	*2,107
		Devils Fork	Just upstream of Interstate 26	*2,093
			Approximately 130 feet upstream of Howard Gap Road.	*2,109
			Just upstream of Dana Road	*2,129
		Bat Fork Creek	At New Hope Road	*2,061
		Mill Pond Creek	Just upstream of an unnamed county road	*2,076
		Boylston Creek	Just downstream of Banner Farm Rd	*2,073
Maps available for inspection at Henderson County Commissioners Building, 244 Second Avenue East, Hendersonville, North Carolina 28739.				
Send comments to Mrs. Mildred Barringer, Chairman, Board of County Commissioners or Mr. Joel R. Mashburn, County Administrator, 244 Second Avenue East, Hendersonville, North Carolina 28739.				
Oklahoma	Town of Hulbert, Cherokee County	Double Spring Creek	Just upstream of State Highway 51	*596
			Just upstream of Birch Street	*609
		Stream A	Just upstream of Main Street	*596
		Stream [redacted]	Just upstream of State Highway 80	*589
Maps available for inspection at Town Hall, Main Street, Hulbert, Oklahoma 74441.				
Send comments to Mayor Frank Teague or Pam Fielden, Court Clerk, P.O. Box 147, Hulbert, Oklahoma 74441.				
Oklahoma	Town of Kiefer, Creek County	Childres Creek	Just upstream of County Road	*674
			Just upstream of State Highway 67	*681
Maps available for inspection at Town Hall, Ohio Avenue, Kiefer, Oklahoma 74041.				
Send comments to Mayor Earl Keylon, P.O. Box 337, Kiefer, Oklahoma 74041.				
Oklahoma	Town of Muldrow, Sequoyah County	Little Skin Bayou	Just upstream of U.S. Highway 64	*463
		Poague Branch	Approximately 400 feet upstream of Bland Street	*481
			Just upstream of U.S. Highway 64	*494
Maps available for inspection at Town Hall, 100 South Main Street, Muldrow, Oklahoma 74948.				
Send comments to Mayor Avos Rogers or Ms. Donna Russell, Town Clerk, Town Hall, P.O. Box 429, Muldrow, Oklahoma 74948.				
Oregon	Dundee (city), Yamhill County	Willamette River	Eastern corporate limits along shoreline	*100

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at City Recorder's Office, 675 Highway 99, Dundee, Oregon.				
Send comments to the Honorable Jack Crabtree, P.O. Box 201, Dundee, Oregon 97115.				
Oregon	Newberg (city), Yamhill County	Ideas Creek	Intersection of Southern Pacific Railroad tracks and the channel.	*158
		Chehalem Creek	Approximately 430 feet downstream of the intersection of First Street with the channel.	*105
Maps available for inspection at Planning Department, 414 East 1st Street, Newberg, Oregon.				
Send comments to the Honorable Elvern Hall, 414 East 1st Street, Newberg, Oregon 97132.				
Oregon	Sweet Home (city), Linn County	South Santiam River	At intersection of upstream side of Pleasant Valley Road and South Santiam River.	*492
		Ames Creek	At intersection of 14th Avenue and Ames Creek	*543
Maps available for inspection at City Hall, 1140 12th Avenue, Sweet Home, Oregon.				
Send comments to the Honorable Bob Aharbaugh, 1140 12th Avenue, Sweet Home, Oregon 97386.				
Oregon	Tigard (city), Washington County	Tualatin River	At south end of SW 92nd Avenue	*126
		Fanno Creek	100 feet upstream from center of SW Bonita Road	*137
			At Johnson Court	*155
		Summer Creek	300 feet upstream from center of Southwest 121st Street.	*169
		Ash Creek	50 feet downstream from center of Shade Avenue	*161
Maps available for inspection at Engineering Department, City Hall, 12420 SW Main Street, Tigard, Oregon.				
Send comments to the Honorable Wilbur Bishop, P.O. Box 23397, Tigard, Oregon 97223.				
Oregon	Willamina (city), Yamhill County	Willamina Creek	150 feet upstream from center of South Main Street	*224
Maps available for inspection at City Recorder's Office, 411 N.E. C Street, Willamina, Oregon.				
Send comments to the Honorable Francis Eddy, P.O. Box 629, Willamina, Oregon 97396.				
Oregon	Yamhill (city), Yamhill County	Yamhill Creek	At intersection of downstream side of Tualatin Valley Highway (State Highway 47) and Yamhill Creek.	*151
Maps available for inspection at City Hall, 205 S. Maple, Yamhill, Oregon.				
Send comments to the Honorable Bruce Keefer, P.O. Box 26, Yamhill, Oregon 97148.				
Pennsylvania	Norwood, borough, Delaware County	Darby Creek	Downstream corporate limits	*10
			Upstream corporate limits	*10
Maps available for inspection at the Borough Building, Norwood, Pennsylvania.				
Send comments to Honorable Gerald Baltuskonis, Council President of Norwood, P.O. Box 65, Norwood, Pennsylvania 19074.				
Pennsylvania	South Coatesville, borough, Chester County	West Branch Brandywine Creek	Downstream corporate limits	*264
			Private Road approximately 2,800 feet upstream of corporate limits (upstream side).	*294
			Legislative Route 15236 (upstream side)	*299
			Conrail (upstream side)	*304
			Upstream corporate limits	*308
Maps available for inspection at the South Coatesville Borough Building, Modena Road, Coatesville, Pennsylvania.				
Send comments to Honorable Worth Taylor, Council President of South Coatesville, Modena Road, Coatesville, Pennsylvania 19320.				
Texas	City of Missouri City, Fort Bend and Harris Counties	Stafford Run	Just upstream of Cartwright Road	*70
			Approximately 1,500 feet downstream of Court Road	*71
		Oyster Creek	Just upstream of FM 1092	*64
		Brazos River	Approximately 300 feet south along the Missouri Pacific Railroad from the intersection of Senior Road and Missouri Pacific Railroad.	*67
		Mustang Bayou	Just downstream of Turtle Creek Drive	*76
			Just downstream of Cherry Hills Drive extended	*76
Maps available for inspection at City Hall, 310 Orchard Street, Missouri City, Texas 77459.				
Send comments to Mayor John B. Knox or Mr. Bob Herrera, City Manager, City Hall, P.O. Box 666, Missouri City, Texas 77459.				
Texas	Paris, city, Lamar County	Big Sandy Creek	Corporate limits	*494
			Confluence of Big Sandy Creek Tributary No. 3	*507
			27th Street Southeast	*519
			Confluence of Big Sandy Creek Tributary No. 7	*529
			Polk Street	*554
		Big Sandy Creek Tributary No. 2	Approximately 250' upstream of Woodlawn Street	*571
			Confluence with Big Sandy Creek	*502
			Upstream of U.S. Highway 271	*519
		Big Sandy Creek Tributary No. 3	Approximately 625' upstream of U.S. Route 82	*548
			Confluence with Big Sandy Creek	*507
			Downstream of Mahaffey Lane	525
			Upstream of Houston Street	*557
		Big Sandy Creek Tributary No. 4	Confluence with Big Sandy Creek	*514
			27th Street Southeast	*533
			Approximately 880' upstream of Price Street	*562
		Big Sandy Creek Tributary No. 6	Confluence with Big Sandy Creek Tributary No. 4	*536
			Approximately 50' upstream of Cherry Street	*568
		Big Sandy Creek Tributary No. 7	Confluence with Big Sandy Creek	*529
			17th Street Northeast	*563
			Approximately 675' upstream of 17th Street Northeast	*569
		Big Sandy Creek Tributary No. 8	Confluence with Big Sandy Creek	*546

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Hearon Street	*560
			Approximately 1,050' upstream of Hearon Street	*574
		Baker Branch	Corporate limits	*503
			Upstream of Old Brookston Road	*513
			Confluence of Baker Branch Tributary No. 10	*536
			Approximately 980' upstream of Bonham Street	*572
		Baker Branch Tributary No. 10	Confluence with Baker Branch	*536
			Approximately 550' upstream of Sherman Street	*560
		Baker Branch Tributary No. 24	Confluence with Baker Branch	*506
			7th Street Southwest	*514
		Cottonwood Branch Tributary No. 11.	Corporate limits	*521
			Texas and Pacific Railroad	*533
			Upstream Sherman Street	*571
			Approximately 375' upstream of Austin Street	*584
		Pine Creek Tributary No. 12	Corporate limits	*505
			Approximately 2,750' upstream of Campbell Street	*524
		Pine Creek Tributary No. 13	Confluence with Pine Creek Tributary No. 12	*508
			28th Street, NW. (downstream side)	*557
			Approximately 50' upstream of 28th Street Northwest	*558
		Smith Creek	Approximately 850' downstream of downstream corporate limits.	*512
			Park Street	*530
			Shiloh Street	*569
			Approximately 475' upstream of Cherry Street	*587
		Smith Creek Tributary No. 15	Corporate limits	*522
			Shiloh Street	*554
			Approximately 3,250' upstream of Houston Street	*589
		Smith Creek Tributary No. 16	Corporate limits	*522
			Approximately 750' upstream of Henderson Street	*537
		Stillhouse Creek	Corporate limits	*506
			Center Street	*533
			Approximately 300' upstream of Provine Street	*573
		Stillhouse Creek Tributary No. 18	Confluence with Stillhouse Creek	*512
			Belmont Street	*563
			Approximately 750' upstream of Booth Street	*585
		Stillhouse Creek Tributary No. 20	Corporate limits	*514
			Upstream of Ridgeview Street	*573
		Stillhouse Creek Tributary No. 21	Confluence with Stillhouse Creek Tributary No. 20	*530
			Approximately 200' upstream of Fairfax Street	*581
		Stillhouse Creek Tributary No. 22	Corporate limits	*507
			Upstream of Loop Highway 286	*537
		Stillhouse Creek Tributary No. 23	Confluence with Stillhouse Creek Tributary No. 22	*522
			Loop Highway 286	*539

Maps available for inspection at the Office of the City Manager, City Hall, 131 First SE., Paris, Texas.

Send comments to Honorable Billy Joe Burnett, Mayor Pro-Tem of Paris, P.O. Box 1037, Paris, Texas 75460.

Texas	City of Richmond, Fort Bend County	Brazos River	Just upstream of Jackson Street extended	*85
			Just downstream of Hillcrest Drive extended	*83

Maps available for inspection at City Hall, 402 Morton Street, Richmond, Texas 77469.

Send comments to Mayor Hilmore G. Moore or Mr. Keith Crawford, City Manager, City Hall, 402 Morton Street, Richmond, Texas 77469.

Texas	City of Sugarland, Fort Bend County	Oyster Creek	Just downstream of Southern Pacific Railroad	*75
			Just upstream of Oyster Creek Drive	*74
		Brazos River	Just south of the intersection of Route 6 and the levee (southwest of Char Lake).	*75

Maps available for inspection at City Hall, 255 Guenther Street, Sugarland, Texas 77478.

Send comments to Mayor Walter McMeans or Mr. Lee Duggan, Councilman, City Hall, P.O. Box 110, Sugarland, Texas 77478.

Texas	City of Taylor, Williamson County	Mustang Creek	Just downstream of Missouri Kansas Texas Railroad	*514
			Just downstream of South Main Street (State Highway 75).	*517
			Just downstream of North Bound Carlos Parker Loop (U.S. Highway 79).	*533
		Bull Branch	Just upstream of East Third Street	*522
			Just upstream of Burkett Street	*537
			Just downstream of Davis Street	*569
		Mustang Creek Tributary 1	Just upstream of Missouri Pacific Railroad	*551
			Just upstream of Lake Drive	*587
		Gravel Pit Draw	Just downstream of Missouri Pacific Railroad	*524
			Just downstream of U.S. Highway 79	*551
		Railroad Lake Draw	Just downstream of Missouri Pacific Railroad	*533
			Just upstream of Missouri Pacific Railroad	*557
			Just upstream of U.S. Highway 79	*558

Maps available for inspection at City Hall, 400 Main Street, Taylor, Texas 76574.

Send comments to Mayor George Rucieha or Mr. Dan Mize, City Manager, City Hall, P.O. Box 410, Taylor, Texas 76574.

Utah	Centerville (city), Davis County	Parrish Creek	Intersection of Creek View Road and 400 West Street	#1
		Deuel Creek	Approximately 50 feet south of the intersection of Parrish Lane and Frontage Road.	#3
			Upstream side of the upstream crossing of 100 South Street over the channel.	*4,545
		Stone Creek	Intersection of the southern corporate limits and the channel.	*4,254

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Barnard Creek	Approximately 500 feet west of the intersection of Chase Lane and State Highway 106.	#1
		Ricks Creek	200 West Street over the channel	*4,270
			Upstream side of State Highway 106 over the channel	*4,316
	Maps available for inspection at City Recorder's Office, 521 N. 400 West, Centerville, Utah.			
	Send comments to the Honorable Golden Allen, 521 N. 400 West, Centerville, Utah 84014.			
Utah	Davis County (unincorporated areas)	Hooper Canyon Creek	Upstream edge of 3350 South	*4,645
		North Canyon Creek	Upstream edge of Davis Boulevard	*4,677
		Davis Creek	Upstream edge of Frontage Road	*4,249
		Steed Creek	Upstream edge of Frontage Road	*4,252
		Haight Creek	Upstream edge of Union Pacific Railroad	*4,278
		Baer Creek	125 feet downstream from center of Union Pacific Railroad.	*4,280
		Holmes Creek	50 feet upstream from center of Fairfield Road	*4,378
		North Fork Holmes Creek	Approximately 1,250 feet east of center of intersection of State Highway 106 and 700 South.	*4,329
		Kays Creek	Downstream edge of 1200 West	*4,267
		Snow Creek	Center of Adamswood Road	*4,420
		Rudd Creek	At eastern corporate limits of the City of Farmington	*4,704
		Barton Creek	Center of 1800 North	*4,224
	Maps available for inspection at Surveyor's Office, Davis County Courthouse, Farmington, Utah.			
	Send comments to the Honorable Ernest Eberhard, Davis County Courthouse, Farmington, Utah 84025.			
Utah	South Ogden (city), Weber County	Burch Creek	Upstream side of Country Club Drive over channel	*4,420
			Downstream side of Harrison Boulevard over the channel.	*4,756
	Maps available for inspection at City Building Inspector's Office, 525 39th Street, South Ogden, Utah.			
	Send comments to the Honorable J. Farrell Shepherd, 525 39th Street, South Ogden, Utah 84403.			
Virginia	Hallwood, town, Accomack County	Messongo Creek	Downstream Corporate Limits	*11
			1st Conrail Bridge (Upstream side)	*18
			Upstream Corporate Limits	*23
	Maps available for inspection at the Town Hall, Hallwood, Virginia.			
	Send comments to the Honorable Zeb B. Barfield, Mayor of Hallwood, Box 204, Hallwood, Virginia 23359.			
Washington	Port Townsend (city), Jefferson County	Port Townsend Bay	Approximately 150 feet south of the intersection of Quincy Street and Water Street.	*10
			Intersection of Washington Street and Kearney Street	#1
		Strait of Juan de Fuca	Approximately 200 feet north of the intersection of Kuhn Street and 58th Street.	*10
		Admiralty Inlet	Approximately 100 feet east of the intersection of Hudson Street and Cosgrove Street.	*8
	Maps available for inspection at City Engineer's Office, 540 Water Street, Port Townsend, Washington.			
	Send comments to the Honorable Barney McClure, 540 Water Street, Port Townsend, Washington 98368.			
Wisconsin	(Unincorporated), Fond du Lac County	Silver Creek	Just upstream of county boundary (at Dead End Road)	*803
			Just upstream of U.S. Highway 23	*812
			About 0.35 mile upstream of County Highway NN (at Ripon corporate limits).	*826
			Just upstream of Douglas Street (at Ripon corporate limits).	*929
		South Branch Rock River	Just downstream of Willow Road	*940
			At confluence with West Branch Rock River	*869
			About 0.25 mile upstream of U.S. Highway 151 (near Waupun corporate limits).	*873
		West Branch Rock River	About 440 feet downstream of County Highway MMM	*889
			Just upstream of county boundary (at State Highway 49).	*866
			Just upstream of County Highway D	*874
			About 2.5 miles upstream of County Highway D	*877
		West Branch Fond du Lac River	About 0.75 mile downstream of U.S. Highway 41 (at Fond du Lac corporate limits.	*760
			Just upstream of U.S. Highway 41 West Frontage Road.	*769
			Just upstream of Esterbrook Road	*792
			Just upstream of Townline Road	*815
			Just downstream of State Highway 23	*846
			About 0.7 mile downstream of County Highway KKK	*854
			About 1.1 miles upstream of County Highway KKK	*869
		East Branch Fond du Lac River	About 0.8 mile downstream of U.S. Highway 41 (at Fond du Lac corporate limits).	*771
			Just upstream of Soo Line Railroad	*809
			Just upstream of River Road	*826
			About 1.2 miles upstream of County Highway D	*833
		Parsons Creek	At confluence with East Branch Fond du Lac River	*820
			Just upstream of County Highway FFF	*835
		Clamshell Creek	Just upstream of County Highway B	*862
			Just upstream of Lincoln Road	*751
		West Fork Clamshell Creek	About 0.96 mile upstream of Lincoln Road	*752
			At mouth	*752
		Popular Creek	About 0.6 mile upstream of mouth	*761
			Just upstream of U.S. Highway 45	*750

V 46/107 JE4 81 UMI

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
			About 0.85 mile upstream of U.S. Highway 45	*761
		Anderson Creek	Just upstream of U.S. Highway 45	*750
			Just upstream of Minnesota Avenue	*772
			Just upstream of State Highway 175	*783
			About 1.0 mile upstream of State Highway 175 (just downstream of Melody Lane)	*797
		Mosher Creek	Just upstream of U.S. Highway 45	*751
			About 0.25 mile upstream of U.S. Highway 45 (at North Fond du Lac corporate limits)	*754
			At western North Fond du Lac corporate limits	*774
			About 150 feet upstream of U.S. Highway 41 East Frontage Road	*779
		Supple Creek	At North Fond du Lac corporate limits	*752
			Just downstream of Chicago and North Western Railroad (at Fond du Lac corporate limits)	*753
		Luco Creek	About 0.15 mile upstream of U.S. Highway 151	*750
			At confluence of Taycheedah Creek	*752
		Taycheedah Creek	Just upstream of State Highway 23	*769
			Just upstream of County Highway K	*806
			Just upstream of Grandview Road	*918
			Just upstream of County Highway UU	*948
			Just upstream of second crossing of Artesian Road	*964
			About 3 miles upstream of County Highway UU (at Old County Highway T)	*1,020
		Milwaukee River	At county boundary	*943
			Just upstream of Ashford-Auburn Drive	*959
			Just downstream of County Highway Y crossing (at Campbellsport corporate limits)	*986
			About 1.4 miles upstream of the upstream Campbellsport corporate limits	*1,003
		West Branch Milwaukee River	Downstream county boundary	*942
			Just upstream of Chicago and North Western railroad	*953
			Just downstream of Schrauths Mill Dam	*971
			Just upstream of Schrauths Mill Dam	*979
			Just downstream of Town Road	*994
		East Branch Milwaukee River	Just upstream of County Highway F	*999
			Just downstream of Long Lake Dam	*1,005
			Just upstream of Long Lake Dam	*1,010
			At eastern county boundary	*1,013
		Lake Winnebago	Shoreline	*750

Maps available for inspection at the County Zoning Administrator's Office, Fond du Lac County Courthouse, 190 South Main Street, Fond du Lac, Wisconsin.

Send comments to Honorable Wilbert Halback, County Board Chairman, Fond du Lac County, Fond du Lac County Courthouse, 190 South Main Street, Fond du Lac, Wisconsin 54935

Wisconsin	(V), Germantown, Washington County	Menomonee River	About 1.45 miles downstream of State Highway 41	*842
			About 0.53 mile upstream of Lovers Lane	*853
			At confluence with Menomonee River	*850
		North Branch Menomonee River	About 150 feet upstream of Holy Hill Road	*853
			About 150 feet downstream of Chicago and North Western railroad	*885
			About 0.53 mile upstream of State Highway 145	*900
			About 1.1 miles upstream of State Highway 145	*925
		West Branch Menomonee River	At confluence with Menomonee River	*850
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad (upstream of Maple Drive)	*867
			Just upstream of Freistadt Road (about 0.25 mile downstream of Golden Dale Road)	*905
			Just downstream of State Highway 41	*914
			About 0.28 mile upstream of Hilltop Drive	*930
		Bonnwell Creek	Just downstream of Bonnwell Road	*860
			Just downstream of Rockfield Road	*886
		Little Cedar Creek	About 1.02 miles downstream of Chicago and North Western railroad	*851
			About 1.0 mile upstream of Fond du Lac Road	*860
		Willow Creek	Just upstream of Lannon Road	*843
			Just upstream of State Highway 145	*857
			Just downstream of Amy Belle Road	*892
		Tributary No. 1	Just downstream of South Division Road	*844
			About 0.83 mile upstream of South Division Road	*853
			Just upstream of Glenwood Drive	*898
		Tributary No. 1A	At confluence with Tributary No. 1	*844
			About 130 feet upstream of Division Road	*851
			About 0.58 mile upstream of Division Road	*864
		Tributary No. 1B	At confluence with Tributary No. 1	*859
			About 0.43 mile upstream of Pilgrim Road	*873
		Tributary No. 2	About 0.97 mile downstream of Western Avenue	*848
			About 260 feet downstream of Mequon Road	*852
			About 650 feet upstream of Mequon Road	*857
		Tributary No. 3	At confluence with Menomonee River	*850
			About 0.56 mile upstream of confluence with Menomonee River	*855
			Just downstream of East Lovers Lane Road	*852
			About 0.38 mile upstream of East Lovers Lane Road	*857
		North Crossway	About 0.76 mile downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*769
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*779

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Office of the Engineer, Village Hall, N122 W17177 Fond du Lac Avenue, Germantown, Wisconsin.				
Send comments to Honorable Robert R. Packee, Village President, Village of Germantown, Village Hall, N122 W17177 Fond du Lac Avenue, Germantown, Wisconsin 53022.				
Wisconsin	(C), Milwaukee, Milwaukee and Washington Counties	Lake Michigan	At shoreline within community	*584
		Menomonee River	Mouth at Milwaukee River	*584
			About 0.7 mile upstream of North 16th Street	*584
			About 300 feet downstream of North 27th Street	*590
			About 100 feet upstream of North 27th Street	*597
			About 600 feet upstream of West Wisconsin Avenue	*607
			Just upstream of U.S. Highway 41	*626
			Just downstream of West Burleigh Street	*686
			Just downstream of North 124th Street	*710
			Just upstream of West Mill Road	*732
			About 0.75 mile upstream of West Good Hope Road (at county boundary).	*742
		Little Menomonee River	Mouth at Menomonee River	*702
			Just downstream of West County Line Road	*720
		Kinnickinnic River	Mouth at Milwaukee River	*584
			Just downstream of Interstate 94	*590
			About 150 feet upstream of South 20th Street	*630
			Just upstream of South 43rd Street	*650
			About 100 feet upstream of confluence of Lyons Park Creek.	*668
		Wilson Park Creek	Mouth at Kinnickinnic River	*634
			About 0.3 mile upstream of mouth	*637
			About 500 feet downstream of West Lakefield Drive	*646
			Just downstream of West Layton Avenue	*664
		Lyons Park Creek	Mouth at Kinnickinnic River	*667
			About 700 feet upstream of South 55th Street	*739
		Milwaukee River	Mouth of Lake Michigan	*584
			Just downstream of North Avenue Dam	*585
			Just upstream of North Avenue Dam	*600
			Just downstream of East Capitol Drive	*606
			Just downstream of West Silver Spring Drive	*625
		Lincoln Creek	Mouth at Milwaukee River	*622
			Just downstream of West Silver Spring Drive	*669
		Shallow Flooding (overflow from Lincoln Creek).	Area bordered by North Sarcombt Street, North 40th Street, West Capitol Drive and North 30th Street and West Ruby Avenue.	#2
		Honey Creek	Just downstream of Blue Mound Road	*682
			Just upstream of West Blue Mound Road	*685
			About 500 feet upstream of South 84th Street	*694
			Just upstream of West Oklahoma Avenue	*731
			Just downstream of West Cold Spring Road	*751
Maps available for inspection at the Office of the Building Inspector, Room 1007, Municipal Building, 841 North Broadway Street, Milwaukee, Wisconsin.				
Send comments to Honorable Henry W. Maier, Mayor, City of Milwaukee, Municipal Building, 841 North Broadway Street, Milwaukee, Wisconsin 53202.				
Wisconsin	(Unincorporated), Racine County	Hushers Creek	At confluence with Root River	*671
			Just upstream of Seven and Half Mile Road	*674
			About 240 feet downstream of County Highway H	*706
			Just upstream of County Highway H	*713
		Hoods Creek	At confluence with Root River	*648
			About 2,850 feet downstream of State Highway 38	*672
			Just upstream of Airline Road	*692
			Just upstream of County Highway H	*719
			About 1,900 feet upstream of State Highway 20	*730
		Root River Canal	About 1.19 miles downstream of Seven Mile Road	*686
			Just downstream of Six Mile Road	*693
			About 0.8 mile upstream of Five Mile Road	*697
		Hoods Creek Tributary	At confluence with Hoods Creek	*726
			About 1.1 miles upstream of confluence with Hoods Creek.	*728
		Root River	About 4.0 miles downstream of Abandoned Railroad (at downstream corporate limit).	*636
			Just downstream of Four Mile Road	*656
			About 0.55 mile upstream of 43rd Street	*680
		West Branch Root River Canal	At confluence with Root River Canal	*697
			Just upstream of Washington Avenue	*702
			About 0.31 mile upstream of 58th Road	*707
		East Branch Root River Canal	At confluence with Root River Canal	*697
			Just upstream of Three Mile Road	*704
			About 0.07 mile upstream of 50th Road	*720
			About 0.36 mile downstream of Ives Groves Road	*730
			Just upstream of 55th Drive	*750
			About 0.14 mile downstream of County Highway KR	*762
		Tributary No. 1 of the West Branch Root River Canal.	Just downstream of County Highway KR	*768
			At confluence with West Branch Root River Canal	*698
			Just downstream of County Highway K	*706
			About 400 feet upstream of County Highway K	*712
			Just upstream of Private Farm Bridge (about 1.0 mile downstream of Five Mile Road).	*723
			Just upstream of Five Mile Road	*737
			About 0.39 mile upstream of County Highway U	*743
		Tributary No. 2 of West Branch Root River Canal.	At confluence of West Branch Root River Canal	*701
			About 3,800 feet upstream of County Highway U	*717

V 46 / 107 JE 4 81 1 UMI

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary No. 2A of West Branch Root River Canal.	At confluence of Tributary No. 2 with West Branch Root River Canal.	*702
			Just upstream of Farm Bridge (about 0.73 mile upstream of confluence of Tributatory No. 2 with West Branch Root River Canal).	*707
			About 1.66 miles upstream of confluence with Tributary No. 2 of West Branch Root River Canal.	*721
		Tributary No. 3 of West Branch Root River Canal.	At confluence with West Branch Root River Canal	*702
			Just upstream of 63rd Drive	*716
			About 0.36 mile upstream of 63rd Drive	*721
		Muskego Drainage Canal	At confluence with Wind Lake	*773
			About 2,250 feet upstream of Loomis Road	*774
		White River	Just downstream of Bienemann Road	*766
			About 5,500 feet upstream of Bienemann Road	*768
		Des Plaines River	Just upstream of County Highway KR	*706
			About 3,100 feet upstream of County Highway KR	*711
		Unnamed Tributary No. 1 to Des Plaines River.	Just upstream of First Street	*736
			About 1,860 feet upstream of First Street	*754
		Unnamed Tributary No. 2 to Des Plaines River.	At downstream corporate limits	*707
			About 1,060 feet upstream of corporate limits	*713
		Honey Creek	At confluence with White River	*766
			About 6,300 feet upstream of Spring Prairie Road	*770
		Eagle Creek	Just upstream of County Highway A	*763
			Just upstream of Noble Square Road	*792
			Just upstream of County Highway N	*796
			Just downstream of Eagle Lake Outlet Structure	*796
		Unnamed Tributary to Goose Lake Branch Canal.	At confluence with Goose Lake Branch Canal	*772
			Just downstream of North Britton Road	*775
		Goose Lake Branch Canal	At confluence with Wind Lake Canal	*772
			About 5,350 feet upstream of Hansen Road	*773
		Wind Lake Drainage Canal	About 2,000 feet downstream of State Highway 36	*766
			Just upstream of Wind Lake Road	*773
		Unnamed Tributary to Wind Lake	About 800 feet downstream of Wind Lake Road	*773
			About 1,700 feet upstream of Farm Bridge (about 10,150 feet upstream of County Highway S).	*776
		Waxdale Tributary	At confluence with North Branch Pike River	*670
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*671
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*678
			Just upstream of Village of Sturtevant upstream corporate limit.	*713
			About 0.66 mile upstream of Village of Sturtevant upstream corporate limits.	*736
		Waubeesee Lake Canal	At confluence with Wind Lake Drainage Canal	*773
			Just upstream of County Road 36	*777
			Just upstream of Wind Lake Road	*779
		Kilbourn Road Ditch	About 5,900 feet downstream of Braun Road	*729
			About 2,200 feet upstream of Braun Road	*735
		Tributary to Kilbourn Road Ditch	At confluence with Kilbourn Road Ditch	*730
			About 2,970 feet upstream of confluence of Kilbourn Road Ditch.	*735
		Hoosier Creek	At confluence with Fox River	*754
			Just upstream of State Highway 142	*756
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*767
			Just upstream of Weller Road	*770
		Hoosier Creek Canal	At confluence with Hoosier Creek	*756
			About 2.3 miles upstream of confluence with Hoosier Creek (at Farm Bridge).	*773
		Hoosier Branch Canal	At confluence with Hoosier Creek	*755
			At Wheatland Road	*755
		Spring Brook	At confluence with Fox River	*757
			Just upstream of Soo Line Railroad	*764
			Just upstream of State Highway 83	*768
			Just upstream of Fish Hatchery Road	*799
			Just downstream of Lake Bohner Control Structure	*805
		Fox River	At downstream corporate limits	*752
			Just downstream of State Highway 83	*762
			At upstream corporate limits	*777
		Tributary to Pike River	Just upstream of County Highway KR	*615
			Just upstream of Lathrop Avenue	*632
		Chicory Tributary	At confluence of North Branch Pike River	*668
			Just downstream of Chicago and North Western railroad.	*674
			Just upstream of Chicago and North Western railroad	*676
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*705
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*719
			About 2,650 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*723
		North Branch Pike River	At downstream corporate limits	*657
			Just upstream of Chicory Road	*668
			Just upstream of State Highway 20	*680
			Just upstream of Chicago and North Western railroad	*687
			Just upstream of County Highway C	*692

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Unnamed Tributary No. 1 to North Branch Pike River.	At confluence with North Branch Pike River	*661
			Just downstream of Chicago and North Western Railroad.	*673
			Just upstream of Chicago and North Western Railroad	*679
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*699
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*705
			About 2,550 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*714
		Lake Michigan	Shoreline	*584
		Tichigan Lake	Shoreline	*776
		Fox River Lake	Shoreline	*776
		Eage Lake	Shoreline	*799
		Bohner Lake	Shoreline	*805
		Brown's Lake	Shoreline	*770
		Wind Lake	Shoreline	*773
		Long Lake	Shoreline	*781
		Waubeesee	Shoreline	*781
		Buena Lake	Shoreline	*776

Maps available for inspection at the Office of the Zoning Administrator, Racine County Highway and Office Building, 14200 Washington Avenue, Racine, Wisconsin.

Send comments to Honorable Leewood E. Hoeppner, County Board Chairman, Racine County, Racine County Highway and Office Building, 14200 Washington Avenue, Racine, Wisconsin 53177.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 21, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16531 Filed 6-3-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Part 304

Federal Financial Participation in Costs of Cooperative Agreements With Courts and Law Enforcement Officials

AGENCY: Office of Child Support Enforcement (OCSE), Department of Health and Human Services.

ACTION: Notice of proposed rulemaking.

SUMMARY: The child support enforcement program in many States relies heavily on the cooperation of courts for the processing of child support cases. Some courts have experienced marked increases in the volume of such cases as a direct result of the IV–D program. To compensate courts for this increased activity, title IV–D of the Social Security Act permits Federal matching for IV–D related court costs by means of cooperative agreements between courts and IV–D agencies. In addition, title IV–D permits child support agencies to enter into similar cooperative arrangements with certain law enforcement officials to provide for the prosecution of child support cases.

Section 404 of Pub. L. 96–265, the Social Security Disability Amendments of 1980, amended Section 455 of the Social Security Act effective July 1, 1980 to expand the availability of Federal financial participation (FFP) in court costs. This statute for the first time permits FFP in certain costs incurred by courts in connection with the actual judicial decision making process. These proposed regulations implement the new statutory provisions. In addition, OCSE proposes several changes in the language of the existing regulations at 45 CFR 304.21 to provide greater clarity for users of the regulations. No substantive changes are proposed with respect to agreements with law enforcement officials.

DATE: Consideration will be given to written comments and suggestions received by August 3, 1981.

ADDRESS: Address comments to: Director, Office of Child Support Enforcement, Department of Health and Human Services, Suite 900, 6110 Executive Blvd., Rockville, Maryland 20852, ATTN: Policy Branch. Agencies and organizations are requested to submit comments in duplicate. The comments will be available for public inspection Monday through Friday, 8:30 a.m. to 5:00 p.m., in Room 1010 of the Department's offices at the address above.

FOR FURTHER INFORMATION CONTACT: Eileen Brooks, Policy Branch, OCSE, telephone (301) 443–5350.

SUPPLEMENTARY INFORMATION:

Background

Federal policy governing the financing of prosecutorial law enforcement officials under agreements with IV–D agencies has undergone little change since the inception of the IV–D program. However, the policy with respect to courts has been gradually liberalized to permit increased Federal financial participation.

Original Federal policy under title IV–D provided FFP only in costs of compensation of certain court employees performing IV–D functions. FFP in all the administrative costs in support of these individuals and all other ordinary administrative costs of the judiciary system was prohibited under this early policy.

An expanded level of FFP in court costs was established by a final rule published by OCSE July 31, 1978 (43 FR 33249). It was later applied retroactively to July 1, 1975 under an amendment published October 3, 1979 (44 FR 56939). This expanded FFP is provided for in existing regulations at 45 CFR 304.21.

These regulations prohibit FFP in "any costs incurred by a court in making judicial determinations," including both personnel and administrative court costs associated with the judicial determination process. Under these regulations, however, FFP is available in the costs of compensation of non-judicial staff and in certain administrative costs, such as office space, furnishings, supplies, computers, etc., incurred in providing child support enforcement services under the IV–D program. Costs of compensation of court referees and court masters are also eligible for FFP, but only if the referee or master does not make the actual judicial determination or sign the court order.

The Department has historically distinguished the costs of making judicial determinations from the costs of performing other child support functions, such as collection and enforcement, under cooperative agreements with courts. It has been our position that funding the costs of judicial decision making could raise questions concerning the impartiality of the judicial process. Thus, while OCSE policy has permitted FFP in certain costs incurred by courts in providing IV–D services in the interest of encouraging expansion and improvement of the child support enforcement program, it has not permitted FFP in any personnel or other administrative costs incurred in the course of the judicial determination process.

New Statutory Provisions

Effective July 1, 1980, Section 404(a) of Pub. L. 96–265 expands the availability of FFP in IV–D related court activities. Personnel and administrative costs incurred in making judicial determinations with respect to cases receiving child support enforcement services under a State's IV–D plan are now eligible for FFP under the amended statute, with the exception of "expenditures for, or in connection with, judges and other individuals making judicial determinations." Further, Section 404 also provides that FFP in these newly eligible costs is available only in costs above the calendar year 1978 level. The latter provision is discussed in greater detail below under the heading, "Maintenance of Effort Provision."

New Expenditures for Which FFP Is Available

Section 404(a) of Pub. L. 96–265 permits FFP in the costs of support staff and administration of court activities related to judicial determinations with respect to cases receiving services under the IV–D State plan. Under Section 404 the costs of judicial support staff such as bailiff, stenographer and court recorder, which were previously ineligible because they are costs related to judicial determinations, are now eligible for Federal matching. In addition, administrative costs of courts attributable to judicial determinations, with the exception of those administrative costs directly related to the judicial decision maker, are now eligible for FFP under the Child Support Enforcement program. We propose to define these eligible administrative costs to include office space, equipment, furnishings, travel and supplies incurred on behalf of judicial support staff performing IV–D functions under a cooperative agreement.

Under the provisions of Pub. L. 96–265, the prohibition against FFP in costs directly associated with judges and other officials who make judicial decisions remains in effect. Thus, these proposed regulations at 45 CFR 304.21(b) specify that court costs which remain *ineligible* for FFP are those associated with compensation of judges and other individuals who make judicial determinations, as well as the costs of personal office space, equipment, furnishings, travel, training and supplies incurred on behalf of such persons.

Maintenance of Effort Provision

Section 404(a) of Pub. L. 96–265 provides that "the aggregate amount of the expenditures" for which reimbursement is claimed under this statute must be "reduced (but not below zero) by the total amount of [such] expenditures * * * which were made by the State for the 12-month period beginning January 1, 1978." This provision insures that the Federal role with respect to the newly eligible court costs is one of encouraging increased court time for cases receiving IV–D services through State and local courts under cooperative agreements, rather than matching expenses which have been financed solely by State and local governments before Federal assistance was available.

Although the statute quoted above refers to 1978 expenditures "made by the State," OCSE proposes to interpret the statutory maintenance of effort provision as applying to each cooperative agreement under which FFP is claimed. We believe this is the most practical interpretation of this requirement because it will necessitate that expenditure totals be accumulated only one time, generally at the local level. A statewide expenditure total would require that aggregate court costs for all cooperative agreements be maintained by the State in addition to costs for each individual agreement. Only when the aggregate Statewide costs were exceeded would any of the costs of making judicial determinations be eligible for FFP. Under a Statewide application of the maintenance of effort clause, the impact of courts that refuse to participate in the expansion of IV–D activities permitted by the new statute would be to increase the 1978 base year "deductible" expenditures without adding to the eligible expenditures for the current period. This would be burdensome on the those courts interested in participating. Accumulating costs on the State level could thus frustrate the intent of Congress by discouraging increased court participation in the adjudication of IV–D cases in those courts that are willing to increase their expenditures. We believe that applying the maintenance of effort requirements by agreement rather than Statewide is therefore more advantageous to interested courts, in addition to being more practical.

For the above reasons, then, we propose at 45 CFR 304.21(c) that for each cooperative agreement, the State or local jurisdiction must spend up to its calendar year 1978 level of expenditures for the activities eligible under Section 404 of Pub. L. 96–265 before it can receive FFP in expenditures for IV–D judicial determinations above this level. This rule would apply both to agreement covering individual courts and those covering multiple courts. The administration of this provision would require that 1978 expenditures for applicable eligible items be reconstructed for each cooperative agreement.

Reconstruction of 1978 Costs

According to Section 404(a), the 1978 costs which must be subtracted from claims for FFP in the newly covered court activities are those "attributable to the performance of services which are directly related to, and clearly identifiable with, the operation of [the IV–D State] plan." Thus, the 1978 base period expenditures which are reconstructed by courts in order to make claims for FFP under Section 404 should include only expenditures incurred on behalf of cases receiving services under the IV–D State plan. Cases receiving services under the IV–D State plan during the 1978 base period are those for which either (a) an assignment under 45 CFR 232.11 was in effect, or (b) an application for services under 45 CFR 302.33 had been made. Expenditures for other types of child support cases must

not be included in the reported calendar year 1978 costs.

Section 404(a) specifies that the 1978 base period expenditures which are used to reduce the amount of Federal reimbursement for the newly eligible costs must be the "total amount" of such costs which were incurred in 1978. OCSE interprets this to apply even if claims filed under an agreement do not include all the costs for which reimbursement is available under Section 404. Therefore, we propose that the 1978 base period expenditure figure for each agreement must include *all* the costs incurred in calendar year 1978 for the activities now eligible under Section 404, regardless of whether all such costs are currently claimed for reimbursement under the agreement.

Determination of 1978 base period expenditures may prove to be administratively difficult for courts which did not keep records according to IV–D case costs in 1978 and are now required to reconstruct these costs in retrospect. In recognition of this potential difficulty, which is unavoidable under the requirements of the statute, OCSE has instructed its regional offices to assist States in developing acceptable methods of reconstructing 1978 costs incurred on behalf of IV–D cases. The regulations at § 304.21(e) specify that the method used to reconstruct 1978 costs must conform to OCSE instructions and, as required, must be approved by the regional office. Specific instructions on documentation required to support claims for FFP under cooperative agreements are contained in OCSE–AT–77–3, dated January 28, 1977. The acceptable methods for documenting costs in OCSE–AT–77–3 are: daily time records, predetermined fixed rates negotiated with the IV–D agency, sampling techniques, and other alternative methods the IV–D agency may propose. OCSE proposes at § 304.21(e) that any method used to reconstruct 1978 costs must receive prior approval by the regional office.

State Agency Requirement

In order both to provide a record of the 1978 expenditure levels required by the statute and to encourage State oversight with regard to the new expenditure items, OCSE proposes at § 304.21(d) to require State IV–D agencies to submit a 1978 expenditure figure to the Regional Office for each cooperative agreement under which FFP is claimed for costs associated with judicial decisions. This requirement would apply both to existing and to new cooperative agreements. The 1978 figures must be calculated according to an approved methodology, as noted above. Again, this rule would apply by agreement, not necessarily by court, so that only one 1978 expenditure figure would be submitted for each agreement, regardless of the number of courts under that agreement.

OMB Review

The Department is required to submit to the Office of Management and Budget for review and approval the proposed amendment to 45 CFR 304.21 because of its impact on recordkeeping and reporting requirements. The Department will submit this section to OMB.

Interim Instructions

Section 404 of Pub. L. 96–265 was effective July 1, 1980. Because of the short time between enactment of the statute and its effective date, OCSE issued an Action Transmittal (OCSE–AT–80–14, dated August 29, 1980) to establish interim procedures for FFP in the newly eligible court costs, pending the development of regulations for this purpose. A subsequent Action Transmittal (OCSE–AT–80–17, dated December 5, 1980) revised certain instructions contained in the earlier Action Transmittal. The instructions contained in these Action Transmittals are generally consistent with these proposed regulations, and will be effective until final regulations are published.

For the reasons discussed in the preamble, OCSE proposes to revise 45 CFR 304.21 to read as follows:

§ 304.21 Federal financial participation in the costs of cooperative agreements with courts and law enforcement officials.

(a) *General.* Subject to the conditions and limitations specified in this Part, Federal financial participation (FFP) at the 75 percent rate is available in the costs of cooperative agreements with appropriate courts and law enforcement officials in accordance with the requirements of § 302.34 of this chapter. "Law enforcement officials" means district attorneys, attorneys general, and similar public attorneys and prosecutors and their staff. When performed under written agreement, costs of the following activities are subject to reimbursement:

(1) The activities, including administration of such activities, specified in § 304.20(b)(2)–(8) of this chapter;

(2) Reasonable and essential short term training of court and law enforcement staff assigned on a full or part time basis to child support enforcement functions under the cooperative agreement.

(b) *Limitations.* Federal financial participation is not available in:

(1) Service of process and court filing fees unless the court or the law enforcement agency would normally be required to pay the cost of such fees;

(2) Costs of compensation (salary and fringe benefits) of judges or other individuals who make judicial decisions.

(3) Costs of travel or training incurred by judges or other officials who make judicial determinations.

(4) Office related costs, such as office space, equipment, furnishings and supplies, incurred for judges or other officials who make judicial determinations.

(c) *Special conditions pertaining to costs of judicial determinations.* FFP in the costs of judicial determinations incurred by courts under cooperative agreements is subject to the following conditions:

(1) Administrative and personnel costs incurred by courts as part of the judicial determination process are eligible for FFP in that portion of the costs which in any calendar year exceeds the total amount of expenditures incurred in making judicial determinations on behalf of cases receiving services under the IV–D State plan during calendar year 1978, with the exception of the limitations specified in paragraph (b) of this section.

(2) Claims for FFP in expenditures incurred under paragraph (c)(1) of this section with respect to a particular cooperative agreement will be paid only after such expenditures within the calendar year exceed the level of calendar year 1978 expenditures.

(d) *State agency requirement.* For each cooperative agreement under which FFP in costs associated with judicial determinations is claimed, the State IV–D agency shall submit to the Regional Office the lump sum total of all calendar year 1978 costs related to judicial determinations incurred on behalf of cases receiving services under the IV–D State plan, except those costs specified in paragraphs (b)(2) through (4) of this section.

(e) *Methods of determining costs.* The method of calculating eligible expenditures incurred by courts and law enforcement officials under cooperative agreements must conform to OCSE instructions to account for specific costs incurred on behalf of cases receiving services under the IV–D State plan. The method used to reconstruct 1978 expenditures under the requirements of paragraphs (c) and (d) of this section must be approved by the Regional Office, in accordance with OCSE instructions.

(f) *When agreements take effect.* FFP is available in IV–D costs incurred as of

the first day of the calendar quarter in which a cooperative agreement or amendment is signed by parties sufficient to create a contractual arrangement under State law.

Note.—The Office of Child Support Enforcement has determined that this document is not a major rule as described by Executive Order 12291 because it does not meet any of the criteria set forth in Section 1 of the Executive Order.

(Section 1102 of the Social Security Act, 42 U.S.C. 1302 and Section 452(a) of the Social Security Act, 42 U.S.C. 652(a)

(Catalog of Federal Domestic Assistance Program No. 13.679, Child Support Enforcement Program)

Dated: February 25, 1981.

Louis B. Hays,

Acting Director, Office of Child Support Enforcement.

Approved: March 1, 1981.

Richard S. Schweiker,

Secretary, Health and Human Services.

[FR Doc. 81-16681 Filed 6-3-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 173

[Docket No. HM-166-I; Notice No. 81-2]

Transportation of Liquefied Petroleum Gas In Interstate Commerce

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) proposes to amend Part 173 of 49 CFR to authorize the use of nonspecification cargo tanks for the transportation of liquefied petroleum gas (LPG) in intrastate commerce under certain conditions. This action is necessary because individual States have adopted the Department's Hazardous Materials Regulations which require the use of DOT Specification MC-330 or MC-331 cargo tanks. The intended effect of this action is to allow continued use of nonspecification cargo tanks for the transportation of LPG in intrastate commerce until they are taken out of service and replaced with new tanks that meet DOT requirements.

DATE: Comments must be received by June 16, 1981.

ADDRESS: Send comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 7th Street, S.W., Washington, D.C. 20590. (202) 472-2726.

SUPPLEMENTARY INFORMATION: Since passage of the Hazardous Materials Transportation Act (HMTA) of 1974 (49 U.S.C. 1801 et. seq.) the MTB has encouraged the adoption of the Hazardous Materials Transportation Regulations (49 CFR Parts 170 to 179) by the States in order to promote uniformity in safety regulation throughout the nation. Certain areas of transportation safety demand a strong, predominant Federal role. In the HMTA's Declaration of Policy and in the Senate Committee language reporting out what became section 112 of the HMTA, Congress indicated a desire for uniform national standards in the field of hazardous materials transportation and, with the HMTA, gave the Department of Transportation the authority to promulgate those standards. Although the HMTA has not totally precluded State or local action in this area, it is the MTB's opinion that, to the extent possible, Congress intended to make such State or local action unnecessary.

It has come to the attention of the MTB that the adoption by individual States of the Hazardous Materials Transportation Regulations has created an anomalous situation in certain States for certain cargo tank owners and operators. DOT regulations require cargo tanks for LPG to be constructed in compliance with either DOT Specification MC-330 or MC-331. However, a number of cargo tanks not subject to DOT regulations (nor ICC regulations prior to 1967) have been constructed and used in intrastate commerce for many years. While they were manufactured in accordance with certain consensus standards and were otherwise qualified for use, they do not meet the standards now required in DOT regulations. The result of a State's adoption and enforcement of DOT regulations is to immediately require that all cargo tanks in that jurisdiction comply with DOT specifications without provision for an adequate transition period.

MTB also has been advised of a difficulty encountered by a carrier based in Nevada. For a number of years, this carrier operated only small cargo tank trucks (commonly referred to as "bobtails") in intrastate commerce. Due to a change in business conditions, it became necessary for the carrier to acquire a cargo tank semitrailer (meeting DOT requirements) for carriage of LGP from California to its base in Nevada. Upon entering interstate operations, all of the carrier's operation, including operation of the small cargo tanks, came under DOT jurisdiction. The MTB believes that appropriate relief should be provided to remedy a situation that may not be uncommon and believes the conditions proposed in this NPRM, in association with allowing use of non DOT specification cargo tanks, assure an adequate level of safety for the transportation of LPG in small cargo tanks during the transition period.

This proposal is limited in its applicability to intrastate commerce, including a cargo tank operated by a motor carrier that may operate other motor vehicles in interstate commerce.

The proposed revision would allow the continued use of a cargo tank for transportation of LP gas that is not marked according to Specification MC-330 or MC-331, provided it (1) is marked and conforms to the edition of the ASME Code in effect when it was manufactured; (2) has a minimum design pressure of 250 psig; (3) has a capacity of 3500 gallons or less; (4) was manufactured prior to January 1, 1981; (5) conforms to NFPA Pamphlet 58; (6) has been inspected and tested in accordance with § 173.33 as specified for Specification MC-330 or MC-331; and (7) it is operated in conformance with the regulations except the specification requirements.

The procedure proposed in this NPRM will allow the continued safe use of cargo tanks constructed in conformance with the ASME Code when a State upgrades its regulatory program by adopting the Hazardous Materials Transportation Regulations, as well as allowing continued use of such tanks for local shipments by interstate carriers. MTB has been advised by industry representatives that all new tanks are being manufactured in compliance with DOT specifications; therefore, new construction after January 1, 1981, is not covered by this NPRM.

It is also proposed to update the reference in § 171.7(d)(6) to Pamphlet 58 of the National Fire Protection Association since this is the edition currently available from that organization.

The MTB has determined that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities.

If this proposed regulation is not adopted, there will be a serious economic hardship on small LPG carriers because their nonspecification cargo tanks will no longer be authorized for transportation of LP gas in several States. New DOT specification tanks would have to be purchased and delivery to LPG customers would be severely disrupted.

In consideration of the foregoing, 49 CFR Part 171 and 173 would be amended to read as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.7, paragraph (d)(6) would be revised to read:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(6) NFPA Pamphlet No. 58 is titled, "Standard for the Storage and Handling of Liquefied Petroleum Gases," 1979 edition.

* * * * *

2. In § 173.315, Note 2 following the table and paragraph (k) would be revised to read:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

Note 1.—* * *

Note 2.—See § 173.32 for authority to use other portable tanks and for manifolding cargo tanks, see § 173.301(d).

* * * * *

(k) A nonspecification cargo tank meeting, and marked in conformance with the edition of the ASME Code in effect when it was fabricated may be used for the transportation of liquefied petroleum gas if it—

(1) Has a minimum design pressure of 250 psig;

(2) Has a capacity of 3,500 gallons or less;

(3) Was manufactured prior to January 1, 1981, as verified by its ASME certificate;

(4) Conforms to NFPA Pamphlet 58;

(5) Has been inspected and tested in accordance with § 173.33 as specified for Specification MC–330 or MC–331;

(6) Is operated exclusively in intrastate commerce, including its operation by a motor carrier otherwise engaged in interstate commerce; and

(7) Is operated in conformance with the other requirements of this subchapter (e.g. Part 172).

* * * * *

(49 U.S.C. 1803, 1804, 1808; (49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of Appendix A to Part 106))

Note.—The Materials Transportation Bureau has determined that this proposed regulation is not a major rule under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the Docket. I certify that this proposed regulation, if published as a final rule, will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C. on May 5, 1981.

Alan I. Roberts,

Associate Director for Office of Hazardous Regulation, Materials Transportation Bureau.

[FR Doc. 81-16424 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-60-M

---

49 CFR Parts 172, 173, 175

[Docket No. HM–173; Notice No. 81–4]

Requirements for Transportation of Wet Electric Storage Batteries

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to simplify, clarify and otherwise improve those requirements of the Hazardous Materials Regulations that pertain to the transportation of wet electric storage batteries ("wet cell batteries"). Specifically, it proposes (1) a revision of requirements applicable to the air transport of wheelchairs equipped with wet cell batteries, in order to enhance air transport safety and facilitate the travel of handicapped persons who use wheelchairs; (2) new test criteria which effectively define the term "nonspillable" as applied to wet cell batteries; and (3) new shipping names to distinguish between acid and alkaline corrosive battery fluids in order to aid emergency response efforts and to simplify shipping names and make them consistent with international shipping descriptions.

DATE: Comments must be received by August 3, 1981.

ADDRESS: Comments must be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket (Docket HM–173) and be submitted in five copies. The Dockets Branch is located in room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public dockets may be reviewed between the hours 8:30 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazzullo, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426–2075.

SUPPLEMENTARY INFORMATION: On February 28, 1980, the MTB published a notice (Docket HM–173; Notice 80–4) in the **Federal Register** (45 FR 13153) which announced two public meetings and requested public comment concerning the need for revising those Hazardous Materials Regulations (HMR) which are applicable to the transportation of wet electric storage batteries. Of particular concern was the development of standards for the safe transport on passenger-carrying aircraft of wheelchairs equipped with wet cell batteries. Proposals contained in this notice of proposed rulemaking are based on written comments received by the MTB, public input received at the two informal meetings (one on April 3, 1980, in Washington, DC, and the other on April 16, 1980, in Denver, Colorado) in response to Notice 80–4, and on the MTB's own rulemaking initiative. Specific proposals and background information are discussed by subject area in the following paragraphs.

I. Air transport of wheelchairs equipped with wet electric storage batteries (§§ 173.250, 175.10)

The HMR generally prohibit the carriage of wet cell batteries on passenger-carrying aircraft but there are two exceptions, in §§ 173.250(a) and 173.260(d), which permit their carriage when installed in self-propelled vehicles. Unfortunately, the provisions of these exceptions are not well known, are subject to misunderstanding and are considered inadequate with regard to achieving an acceptable level of safety. Inadequacies include lack of requirements with regard to packaging, hazard identification and carrier handling and operating procedures for battery equipped wheelchairs. Based on comments submitted in response to Notice 80–4, there is a need to prescribe requirements for securing batteries to wheelchairs, protecting them from short circuits, deactivating the wheelchairs and, in certain circumstances, for removing and packaging batteries separate from the wheelchairs. There also is a need for carrier operating requirements with regard to stowing wheelchairs in cargo compartments, stowing batteries away from other

incompatible hazardous materials, and notifying pilots as to the locations of wheelchairs on aircraft. Interested persons should refer to Notice 80–4 for a more detailed discussion of some of the problems and issues involved in the transportation on passenger-carrying aircraft of wheelchairs equipped with wet cell batteries.

There are several alternatives pertaining to the transport of wheelchairs which were discussed in Notice 80–4, but which have not been proposed herein because, based on comments received, they do not appear feasible. Briefly, they are:

1. *Battery housings.* Housings for batteries which are integral to wheelchairs, impervious to battery fluid and leaktight do not appear to be generally available at present.

2. *Nonspillable batteries.* It does not appear feasible, in terms of cost and energy efficiency, to require the use of nonspillable batteries at the present time. The MTB notes, however, that at least one battery manufacturer is in the process of marketing a nonspillable, gel-type, battery which may prove to be competitive with currently used "spillable" lead acid batteries.

3. *Additional packaging.* For batteries which remain installed in wheelchairs during transport, it may not be cost effective, or necessary from a safety standpoint, to prescribe packaging requirements. It would appear that if batteries are secured to wheelchairs and the wheelchairs are in turn secured upright in aircraft cargo compartments, then the risk of spillage of battery fluid is minimal. Under the stated conditions, adequate handling procedures may be all that are required in order to achieve an acceptable level of safety. Risks could be reduced further by use of spill-resistant vent caps, absorbent materials, taping fill caps or other means but these alternatives could be left to the discretion of shippers and carriers.

4. *Hazard Identification.* There does not appear to be a need, from a safety standpoint, to describe shipments involving wheelchairs on shipping papers. Further, due to the readily identifiable nature of a battery equipped wheelchair, requirements pertaining to hazard warning labels, orientation markings and shipping name markings appear necessary only in certain instances.

Several changes have been proposed in this notice to eliminate present misunderstandings and to achieve an improved level of safety regarding the transport of wheelchairs equipped with wet cell batteries. A new entry, "Battery, *electric storage,* wet, acid *or* alkaline, with wheelchair" would be added to the Hazardous Materials Table in § 172.101. Columns 5(a) and 5(b) would both reference §§ 173.250 and 175.10 as applicable sections for both packagings and exceptions. A "No limit" reference in column 6(a) would clarify that the units are permitted on passenger-carrying aircraft.

Section 173.250 would be revised for clarity. For other than transport on passenger-carrying aircraft, wet cell battery equipped wheelchairs would continue to be shipped subject to the minimal requirements of § 173.250 pertaining to securement and protection against short circuits. For transport on passenger-carrying aircraft, § 173.250 would reference § 175.10 as the applicable packaging section.

New requirements would be added in § 175.10 for transporting wheelchairs equipped with wet cell batteries on passenger-carrying aircraft. Wheelchairs equipped with nonspillable batteries would be transported subject only to requirements that the batteries be protected against short circuits and either be securely attached to the wheelchairs or be removed and boxed. This proposal represents a departure from requirements currently applicable to wheelchairs equipped with nonspillable batteries only to the extent that the batteries would not need to be boxed (or housed) if securely attached to wheelchairs.

For other than nonspillable batteries, it is proposed to permit batteries to be removed from wheelchairs to facilitate their shipment, but only on aircraft whose cargo compartment configurations cannot accommodate the upright loading or stowage of wheelchairs with batteries installed. In order to achieve an adequate level of safety, the batteries would be packaged in leaktight containers which have been rendered "tilt proof" either by securing them to pallets or by securing them upright in the cargo compartment using positive means of securement such as restraining straps. When so shipped, the outside containers would be marked to indicate upright orientation and with the shipping name "Battery, wet, acid *or* alkaline, with wheelchair" and would be labeled with CORROSIVE hazard warning labels. Use of absorbent material would be required as an inside packaging material. This proposal represents a relaxation of existing requirements which forbid the transport on passenger-carrying aircraft of "spillable" batteries, other than when such batteries remain installed in self-propelled vehicles. The change is believed necessary to facilitate the shipment of battery equipped wheelchairs in those situations where cargo compartment configurations do not permit upright loading and storage.

New provisions in § 175.33 would be added with regard to notifying the pilot-in-command, orally or in writing, as to the location on aircraft of any wheelchair equipped with batteries (other than nonspillable batteries). This is similar to existing provisions for other hazardous materials which require written notification to the pilot. Provisions in §§ 175.78 and 175.79 would forbid the stowage of batteries in a position which might allow contact with flammable solids, oxidizing materials or organic peroxides and would require that batteries be secured upright in cargo compartments. For aircraft cargo compartment configurations that can accommodate upright loading and storage, new handling procedures, contained in § 175.10, would require that bateries remain installed in the wheelchairs, be securely attached to them and be protected against short circuits. Batteries would be disconnected from drive motors to prevent accidental activation of wheelchairs during shipment. Wheelchairs would be secured upright in cargo compartments by appropriate means. So as not to alter air carrier baggage handling procedures or require costly modifications to cargo compartments, the proposed provisions would not prescribe the means by which wheelchairs would be secured upright.

It is intended that these proposed changes will clarify requirements applicable to wheelchairs equipped with wet cell batteries and will enhance the safety of transporting them. In turn, the changes should facilitate the mobility of wheelchair users in reducing the reluctance of certain air carriers and pilots to transport these items and by permitting wheelchairs to be carried in a manner which is not presently permitted (i.e., with batteries removed) on certain aircraft.

II. Defining "nonspillable" batteries (§§ 173.260(d), 175.10)

Electric storage batteries, which contain electrolyte or corrosive battery fluid and are "of the nonspillable type", are excepted by § 173.260(d) from all other regulatory requirements (such as packaging, labeling and description requirements) when the batteries are securely boxed and protected against short circuits. It has become apparent through reports of incidents, requests for interpretations and comments submitted to the MTB that there is a need to define the term "nonspillable" as that term is used in § 173.260.

In Notice 80–4 the MTB requested public comment pertaining to defining a nonspillable wet cell battery in terms of appropriate regulatory standards. The MTB suggested criteria for two tests, one involving vibration and the other involving altitude (pressure differentials). Commenters to the notice were generally supportive of the MTB's suggested criteria. It would appear that these tests are a reasonable reflection of the demands imposed on batteries under conditions normally incident to transportation. Therefore, the tests are proposed to be added in § 173.260(d) as defining criteria for nonspillable batteries essentially in the form suggested in Notice 80–4, but with some editorial revision for the purpose of clarification.

III. General revision of regulations applicable to wet electric storage batteries (§§ 172.101, 173.250)

A revision of proper shipping names in § 172.101 is proposed in order to distinguish, between acid and alkaline battery fluid for emergency response purposes and to simpify certain shipping names. For example, "Electrolyte (acid) battery fluid (*not over 47% acid*)" would become "Battery fluid, acid", and the terms "electric storage" would become optional in describing batteries. All shipping names for batteries and battery fluid would be located in one section of the Hazardous Materials Table. A new proper shipping name "Battery, *electric storage*, dry (*containing* potassium hydroxide, dry, *solid, flake, bead or granular*)" would be added to accommodate dry batteries containing dry potassium hydroxide, classed corrosive material. New shipping names would be added for batteries shipped with wheelchairs and for nonspillable batteries, in order to clarify requirements for those items. In addition, § 173.250 has been revised for clarity and to reference new provisions applicable to wheelchairs equipped with wet cell batteries.

These proposals do not represent the termination of MTB's review of regulations applicable to batteries. Additional changes, both substantive and editorial, may be proposed at a future date after the MTB completes its review.

In consideration of the foregoing, 49 CFR Parts 172, 173 and 175 would be amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. The Hazardous Materials Table in § 172.101 would be amended as follows:

§ 172.101 Hazardous materials table.

(1)	(2) Hazardous materials descriptions and proper	(3) Hazard class	(3)(a) Identification	(4) Label(s) required	(5) Packaging:	(b)	(6) Maximum net quantity in one package	(a)	(b)	(7) Water shipments
*	*	*	*	*	*	*	*	*	*	*
	Battery, electric storage, dry (containing potassium hydroxide, dry, solid, flake, bead or granular)	Corrosive material		Corrosive						
*	*	*	*	*	*	*	*	*	*	*

§ 172.101 Hazardous materials table.

(1) */A/W	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(3)(a) Identification Number	(4) Label(s) required (if not excepted)	(5) Packaging: (a) Exceptions	(5) Packaging: (b) Specific requirements	(6) Maximum net quantity in one package: (a) Passenger carrying aircraft or rail car	(6) Maximum net quantity in one package: (b) Cargo only aircraft	(7) Water shipments: (a) Cargo vessel	(7) Water shipments: (b) Passenger vessel	(7) Water shipments: (c) Other requirement
	DELETIONS										
	Alkaline battery fluid	Corrosive-material	NA2797	Corrosive	173.244	173.249, 177.257	1 Quart	5 gallons	1, 2	1, 2	
	Alkaline battery fluid with empty storage battery	Corrosive material	NA2797	Corrosive	None	173.258	Forbidden	5 pints	1, 2	1, 2	
	Battery charger with electrolyte (acid) *or* alkaline battery fluid.	Corrosive material	NA2794	Corrosive	None	173.259	Forbidden	5 pints	1, 2	1, 2	
	Battery, electric, storage, wet	Corrosive material	NA2794	Corrosive	173.260	173.260	Forbidden	No limit	1, 2	1, 2	
	Battery, electric, storage, wet with automobile, auto parts, engine (*or other specifically named mechanical apparatus*).	Corrosive material	NA2794	Corrosive	173.250	173.260	No limit	No limit	1, 2	1, 2	Keep dry.
	Battery, electric storage, wet, with containers of electrolyte (acid) *or* alkaline battery fluid.	Corrosive material	NA2794	Corrosive	None	173.258	Forbidden	2 gallons	1, 2	1, 2	
	Battery fluid. See Electrolyte (acid) *or Alkaline battery fluid.*										
	Electric storage battery, wet. *See* Battery, electric storage, wet.										
	Electrolyte (acid) *or* alkaline battery fluid, packed with dry-storage battery.	Corrosive material	NA2797	Corrosive	None	173.258	Forbidden	5 pints	1, 2	1, 2	
	Electrolyte (acid) *or alkaline battery fluid, packed with battery charger, radio current supply device, or* electronic equipment and actuating device.	Corrosive material	NA2797	Corrosive	None	173.259	Forbidden	5 pints	1, 2	1, 2	
	Electrolyte (acid) battery fluid (*not over 47% acid*)	Corrosive material	UN2796	Corrosive	173.244	173.257	1 quart	5 gallons	1, 2	1, 2	
	ADDITIONS										
	Alkaline battery fluid. *See* Battery fluid, alkaline										
	Alkaline battery fluid with *empty* storage battery. *See* Battery fluid, alkaline, with storage battery.										
	Battery charger with alkaline battery fluid. *See* Battery fluid, alkaline, with battery charger.										
	Battery charger with electrolyte (acid). *See* Battery fluid, acid, with battery charger.										
	Battery, dry (*containing* potassium hydroxide, dry *solid, flake, bead, or granular*)	Corrosive material	NA1813	Corrosive	173.244	173.245b	25 pounds	100 pounds	1, 2	1, 2	Keep dry.
	Battery, *electric storage*, wet, acid	Corrosive material	UN2794	Corrosive	173.260	173.260	Forbidden	No limit	1, 2	1, 2	
	Battery, *electric storage*, wet, acid *or* alkaline, with automobile, auto parts, engine (*or other specifically named mechanical apparatus*).	Corrosive material	NA2794	Corrosive	173.250	173.260	No limit	No limit	1, 2	1, 2	Keep dry.
	Battery, *electric storage*, wet, acid *or* alkaline, with wheelchair.	Corrosive material	NA2794	Corrosive	173.250, 175.10	173.250, 175.10	No limit	No limit	1, 2	1, 2	Keep dry.
	Battery, *electric storage, wet, acid or alkaline*, nonspillable.	Corrosive material	NA2794	None	173.260						
	Battery, *electric storage*, wet, alkaline	Corrosive material	UN2795	Corrosive	173.260	173.260	Forbidden	No limit	1, 2	1, 2	
	Battery fluid, acid	Corrosive material	UN2796	Corrosive	173.244	173.257	1 quart	5 gallons	1, 2	1, 2	
	Battery fluid, acid, with battery charger, radio current supply device, *or* electronic equipment and actuating device	Corrosive material	UN2796	Corrosive	None	173.259	Forbidden	5 pints	1, 2	1, 2	
	Battery fluid, acid, with *electric storage* battery	Corrosive material	UN2796	Corrosive	None	173.258	Forbidden	5 pints	1, 2	1, 2	
	Battery fluid, alkaline	Corrosive material	UN2797	Corrosive	173.244	173.257	1 quart	5 gallons	1, 2	1, 2	
	Battery fluid alkaline, with battery charger, radio current supply device, *or* electronic equipment and actuating device.	Corrosive material	UN2797	Corrosive	None	173.259	Forbidden	5 pints	1, 2	1, 2	
	Battery fluid, alkaline, with *electric storage* battery	Corrosive material	UN2797	Corrosive	None	173.258	Forbidden	5 pints	1, 2	1, 2	
	Electric storage battery, wet, acid *or* alkaline. *See* Battery, *electric storage*, wet, acid *or* alkaline.										
	Electrolyte (acid) battery fluid (*not over 47% acid*). *See* Battery fluid, acid.										

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.250, paragraph (a) would be revised, paragraph (b) would be redesignated paragraph (d), and new paragraphs (b) and (c) would be added, as follows:

§ 173.250 Automobiles, other self-propelled vehicles, engines or other mechanical apparatus.

(a) Except as provided in paragraph (b) of this section, automobiles and other self-propelled vehicles equipped with wet electric storage batteries are excepted from all other requirements of this subchapter when shipped as prescribed in subparagraphs (1) or (2) of this paragraph, unless other hazardous materials are transported on the self-propelled vehicles, in which instance the regulations covering these other materials apply.

(1) When batteries are removed from the self-propelled vehicles and loaded in the transport vehicle therewith, the batteries must be so loaded, blocked and braced as to prevent short circuits, spillage of batery fluid or movement within the transport vehicle.

(2) When batteries are installed in self-propelled vehicles they must be completely protected against short circuits and so secured that spillage of battery fluid will not occur under conditions normal to transportation.

(b) For transportation by passenger-carrying aircraft, wheelchairs equipped with wet electric storage batteries must be shipped as prescribed in § 175.10 of this subchapter.

(c) When wet electric storage batteries or batteries packed in containers with battery fluid are shipped as part of carload or truckload shipments of automobile parts or assembly materials, they are subject to no other requirements of this subchapter when the batteries and battery fluid are boxed or crated and so loaded, blocked and braced as to prevent short circuits of the batteries, spillage of battery fluid and movement of the materials in the transport vehicle under conditions normal to transportation. When other hazardous materials are included in the shipments, the regulations covering these other materials apply.

* * * * *

3. In § 173.260, paragraph (d) would be revised to read as follows:

§ 173.260 Electric storage batteries, wet.

* * * * *

(d) Nonspillable wet electric storage batteries capable of withstanding the tests prescribed in (1) and (2) of this paragraph without leakage of battery fluid are excepted from all other requirements of this subchapter when protected against short circuits and securely packaged so as to withstand conditions normal to transportation.

(1) *Vibration test.* Battery is rigidly clamped to the platform of a vibration machine and a simple harmonic motion having an amplitude of 0.03 inches (0.06 inches maximum total excursion) is applied. The frequency is varied at the rate of one cycle per second per minute betwen the limits of 10 to 55 cycles per second. The entire range of frequencies and return is traversed in 95±5 minutes for each mounting position (direction of vibration) of the battery. The battery must be vibrated in three mutually perpendicular directions, one of which must be with the terminal face of the battery inverted, for equal time periods.

(2) *Pressure differential test.* Following the vibration test, the battery is stored for six hours at 78°F. ± 7°F. under an external partial pressure of 2 pounds per square inch absolute. The battery must be tested in three mutually perpendicular positions, one of which must be with the terminal face of the battery inverted, for at least six hours in each position.

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

4. In § 175.10, paragraph (b) would be added to read as follows:

§ 175.10 Exceptions.

* * * * *

(b) Wheelchairs equipped with wet electric storage batteries may be carried in cargo compartments on passenger-carrying aircraft when transported in accordance with the provisions of (1), (2) and (3) of this paragraph. Shipments are subject to no other requirements of this subchapter except those requirements in §§ 175.33, 175.78 and 175.79 which are applicable to batteries.

(1) Wheelchairs equipped with batteries of a nonspillable type, as defined in § 173.260(d) of this subchapter, may be transported subject to no other requirements of this subchapter provided the batteries are:

(i) Protected against short circuits, and

(ii) Securely attached to the wheelchairs or removed and boxed.

(2) For carriage on aircraft in cargo compartments which can accommodate upright loading and stowage of wheelchairs, the wheelchairs must be transported as follows:

(i) Batteries must remain installed on wheelchairs, be securely attached to them, and terminals must be protected against short circuits;

(ii) Wheelchairs must be deactivated by removing connections at battery terminals or by otherwise disconnecting the power source, and

(iii) Wheelchairs must be secured upright in cargo compartments.

(3) For carriage on aircraft in cargo compartments which cannot accommodate upright loading or storage of wheelchairs, batteries may be removed from wheelchairs and carried in strong outside containers, as follows:

(i) Outside containers must be leaktight, impervious to battery fluid, and rendered tilt proof by securing to pallets or by securing in cargo compartments using restraining straps, brackets, or holders;

(ii) Batteries must be protected against short circuits, secured upright in the outside containers and surrounded by absorbent material sufficient to absorb their total liquid contents, and

(iii) Outside containers must be marked to indicate proper orientation, be marked "Battery, wet, with wheelchair", and be labeled with CORROSIVE labels (§ 172.442 of this subchapter).

Note.—It is recommended that batteries which are not nonspillable be fitted with spill resistant vent caps when feasible.

4. In § 175.33, paragraph (b) would be added to read as follows:

§ 175.33 Notification of pilot-in-command.

* * * * *

(b) When wheelchairs equipped with wet electric storage batteries, other than nonspillable batteries, are transported under the provisions of § 175.10(b)(2) or (b)(3) of this subchapter, the pilot-in-command shall be notified before takeoff as to their location in the aircraft.

5. In § 175.78, paragraph (a) would be revised to read as follows:

§ 175.78 Stowage compatibility of cargo.

(a) No person may stow a package, or a wet electric storage battery other than a nonspillable battery, containing a corrosive material on an aircraft next to or in a position that will allow contact with a package of flammable solids, oxidizing materials, or organic peroxides.

* * * * *

6. § 175.79 would be revised to read as follows:

§ 175.79 Orientation of cargo.

(a) A package, or a wet electric storage battery other than a nonspillable battery, containing hazardous materials and marked "THIS SIDE UP", "THIS END UP", or with arrows to indicate proper orientation, must be loaded and stored aboard an aircraft in accordance with such markings and secured in a

manner that will prevent any movement that would change the orientation of the package or battery.

(b) A package, or a wet electric storage battery other than a nonspillable battery, containing liquid hazardous material and not marked as indicated in paragraph (a) of this section must be loaded and stored with closures up and secured as prescribed in paragraph (a) of this section.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of App. A Part 106.)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and DOT procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.). Based on limited information available concerning size and nature of entities likely to be affected by this proposal, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposal will not affect not-for-profit enterprises or small governmental jurisdictions. Small businesses potentially affected include air carriers and storage battery manufacturers and shippers. The economic impact on such small entities will be minimal. A regulatory evaluation and environmental assessment are available for review in the Docket.

Issued in Washington, D.C., on May 29, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-16670 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-60-M

---

49 CFR Parts 172, 173 and 178

[Docket HM-139-D; Notice 81-3]

Conversion of Individual Exemptions Into Regulation of General Applicability

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations.

Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe. In addition, these proposed changes would eliminate the need for recordkeeping by the exemption holder(s); eliminate the need for marking the exemption number on the package and shipping paper(s), and, eliminate the need for MTB to receive, review, docket, evaluate, and issue a renewal of the exemption every two years.

DATE: Comments must be received on or before July 20, 1981.

ADDRESS: Send comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 Seventh Street, SW, Washington, D.C. 20590. (202-472-2726).

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the following table is founded upon either: (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application for an exemption. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

These proposals would not significantly affect the cost of regulatory enforcement, nor would additional costs be imposed on the private sector, consumer, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for that exemption and effectively terminate it. Upon such termination, the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals, each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on the proposals may wish to address both the proposed amendment and the exemption application.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

The MTB has determined that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities.

This proposal will not affect not-for-profit enterprises, or small governmental jurisdictions.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption of application	Proposed amendment
DOT-E 5520	Pennwalt Corp., Amchem Products.	§ 173.245(a), § 173.256(a). See E-8444 for proposed change to § 173.256.	Authorizes shipments of Compound, cleaning liquid; Compound cleaning liquid (containing hydrofluoric acid); Compound, lacquer, paint or varnish removing, liquid; Compound, rust preventing, and Compound, rust removing in a DOT Specification 57 steel portable tank. Tanks constructed of material other than stainless steel must have a polyethylene liner. (Modes 1, 2, 3).	To add paragraph (38) to § 173.245 to read as follows: (38) Specification 57 (§ 178.253 of this subchapter). Metal portable tank. Authorized only for Acetic acid, glacial; Compound, cleaning liquid; Compound, lacquer, paint, *or* varnish removing, liquid; Compound, rust preventing *or* Compound, rust removing; and Phosphoric acid not exceeding 85 percent strength. Tanks constructed of a material other than stainless steel must have a polyethylene liner impervious to the solution.
DOT-E 6616	Fenwal Inc	§§ 173.301(k), 178.51-2, 178.51-10, 178.51-12, 178.51-13, 178.51-19.	To manufacture mark and sell a non-DOT specification spherical, steel pressure vessel manufactured in compliance with DOT Specification 4BA with certain exceptions for the shipment of certain hazardous and non-hazardous materials pressurized with nitrogen not to exceed 360 psig at 70° F. (Modes 1, 2, 3, 4, 5).	To revise paragraph § 173.301(k) by adding 4BA spherical type cylinders and by revising §§ 178.51-2, 178.51-10, 178.51-12, 178.51-13, and 178.51-19 to read: (k) *Outside packagings.* Specification 2P, 2Q, 3E, 3HT, 4BA spherical type, 4D, 4DA, 4DS, 9 [1], 39, 40 [1] and 41 [1] must be shipped in strong outside packagings or securely mounted on pallets to provide protection for the cylinders and any attachments to the cylinders. * * * **§ 178.51-2 Type, size, and service pressure.** (a) *Type.* Cylinders may be spherical or cylinderical in shape. Closures made by the spinning process are not authorized. (1) Spherical type cylinders must be made from two seamless hemispheres joined by the welding of one circumferential seam. (2) Cylindrical type cylinders must be of welded or brazed construction. (b) *Size.* The capacity of the cylinder must be 1,000 pounds water capacity or less. (c) *Service pressure.* The service pressure must be at least 225 and not over 500 pounds per square inch gauge. * * * **§ 178.51-10 Wall thickness.** (a) * * * (b) Cylinders that are cylindrical in shape must have the wall stress calculated by the formula: $S=[P(1.3D^2+0.4d^2)]/(D^2-d^2)$ Where: S = Wall stress in pounds per square inch; P = minimum test pressure prescribed for water jacket test; D = outside diameter in inches; d = inside diameter in inches. (c) Cylinders that are spherical in shape must have the wall stress calculated by the formula: $S=PD/4tE$ where: S = wall stress in pounds per square inch; P = test pressure prescribed for water jacket test, i.e., at least 2 times service pressure, in pounds per square inch; D = outside diameter in inches; t = minimum wall thickness in inches; E = 0.85 (provides 85 percent weld efficiency factor which must be applied in the girth weld area and heat affected zones which zone shall extend a distance of 6 times wall thickness from center line of weld); E = 1.0 (for all other areas). (d) For cylinders with wall thickness less than 0.100 inch, the ratio of tangential length to outside diameter shall not exceed 4.0. * * * **§ 178.51-12 Openings in cylinders.** (a) Any opening must be placed on other than a cylindrical surface. (b) Each opening in a spherical type cylinder must be provided with a fitting, boss, or pad of weldable steel securely attached to the container by fusion welding. (c) Each opening in a cylindrical type cylinder must be provided with a fitting, boss, or pad, securely attached to container by brazing or by welding or by threads. If threads are used, they must comply with the following: (1) Threads must be clean-cut, even, without checks and tapped to gauge. (2) Taper threads to be of length not less than as specified for American Standard taper pipe threads. (3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage. * * * **§ 178.51-13 Pressure relief devices and protection for valves, safety devices, and other connections, if applied.** (a) Must be as required by the Department of Transportation's regulations that apply (see §§ 173.34(d), 173.124(a), 173.301(g), and 173.301(k) of this chapter. * * *

V 46 / 107 JE4 81 UMI

Exemption No.	Applicant holder	Regulation affected	Nature of exemption of application	Proposed amendment
(a) * * *				**§ 178.51-19 Marking.** (b) * * * (c) Location of markings. Markings may be stamped plainly and permanently in the following locations on the cylinder: (1) Cylindrical type cylinder. (i) On shoulders and top heads not less than 0.087 inch thick. (ii) On side wall adjacent to top head for side walls not less than 0.090 inch thick. (iii) On a cylindrical portion of the shell which extends beyond the recessed bottom of the cylinder constituting an integral and nonpressure part of the cylinder. (iv) On a plate attached to the top of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must be at least 1/16 inch thick and must be attached by welding, or by brazing at a temperature of at least 1100° F., throughout all edges of the plate. * * *
DOT-E 6798	Allied Chemical Koppers Co.	§ 173.164(a)	Authorizes shipments of Chromic acid, solid in a DOT Specification 56 steel portable tank. Referenced exemption also authorizes the use of a non-specification portable tank "Invert-A-Bin." This proposed change would not eliminate the need for DOT-E 6798 for the non-specification tanks. (Modes 1 and 2).	To add paragraph (7) to § 173.164 to read as follows: (7) Specification 56 (§ 178.252 of this subchapter). Steel portable tank.
DOT-E 6809	H. J. Baker & Bros., Inc.,	§ 173.182(b)(6)(ii)	Authorizes shipments of Potassium nitrate in the same type of bag as authorized for ammonium nitrate (no organic coating) and ammonium nitrate fertilizer. (Modes 1 and 3).	To amend the last sentence of paragraph (b)(6)(ii) in § 173.182 to read as follows: (ii) * * * Authorized only for ammonium nitrate (no organic coating), ammonium nitrate fertilizer, and potassium nitrate; or * * *
DOT-E 7423	Dow Chemical, Reade Mfg. Co. Inc., Rossborough Mfg. Co., NL Industries, Inc., Armco, Inc.	§§ 172.101, 173.154, 173.220(b)(2), 176.76(g)(5).	Authorizes shipments of Magnesium powder, magnesium aluminum alloy powder, and magnesium salt coated granules, water reactive, in DOT Specification 56 aluminum portable tanks. For Magnesium, salt coated granules the MTB proposes to add a new Table entry in § 172.101 which would authorize the same packaging as prescribed for Calcium carbide. (Modes 1, 2 and 3).	To amend column (2) of the Table entry in § 172.101 for Magnesium metal (*powdered, pellets, turnings, or ribbons*) by adding Magnesium-aluminum powder at the end of the present entry. Also, magnesium aluminum powder would be added at the end of the heading in § 173.220 and included in the introductory text of § 173.220(b) and § 173.220(b)(2). Magnesium, granules, coated, would be added to the heading in § 173.178 and to the Table in § 172.101 to read as follows:

Section 172.101 Hazardous Materials Table

(1)* +/ E/A/W/	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(3A) Identification number	(4) Label(s) required (if not excepted)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
					(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	(Add)										
	Magnesium granules, coated, *partical size not less than 149 microns*	Flammable solid	UN2950	Flammable solid and Dangerous when set.	None	§ 173.178	25 pounds	100 pounds	1,2	1,2	Segregation same as for flammable solids labeled Dangerous when wet.
	Calcium silicon (*powder*)	Flammable solid	UN1406	Flammable solid and Dangerous when wet.	§ 173.153	§ 173.178	Forbidden	25 pounds	1,2	4	Segregation same as for flammable solids labeled Dangerous when wet.

Exemption No.	Symbols	Prior exemption No.	Regulations affected	Nature of exemption thereof
DOT-E 7528			173.315	To authorize the transportation in commerce of certain flammable gases in DOT Specification 4L cargo tanks.
DOT-E 8105			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8253			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8260			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8340			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8341			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8342			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8447			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8449			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8534			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
	8601-N		173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
	8608-N		173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
	8615-N		173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
	8616-N		173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
	8617-N		173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 7622			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 7658			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 7869			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8087			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8121			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8136			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8146			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8332			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.
DOT-E 8338			173.34	To authorize the transportation in commerce of certain flammable liquids in DOT Specification 106A500X tank cars.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption of application	Proposed amendement
DOT-E 7528	Central Steel	§ 178.118-10(a)	Authorizes the use of a formerly all 18 gauge, 55-gallon capacity, "Sterilpac" type tight head steel drum coverted to fully comply with DOT Specification 17H except that the markings precribed in 49 CFR § 178.118-10(a) may be embossed on the body of the drum, no more than six inches from top crul. use of drum is limited to those classes of materials identified in 49 CFR § 178.28(m). (Modes 1,2,3,4).	To revise the introductory text of paragraph (a) to § 178.118-10 to read as follows. (a) Marking on drums which have been converted to Specification 17H from an all 18-gauge tight head drum may be embossed on the body of the drum, no more than six inches from top curl, by marking each drum by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows: * * *
DOT-E 8105	Active Steel Drum Co			
DOT-E 8253	Allied Drum Service, Inc.			
DOT-E 8260	Bayonne Barrel & Drum Co.			
DOT-E 8340	Columbus Steel Drum Co.			
DOT-E 8341	Pacific Coast Drum Co.			
DOT-E 8342	Great Lakes Container Corp.			
DOT-E 8447	Queen City Barrel Co			
DOT-E 8449	Tn-State Steel Drum Co.			
DOT-E 8534	Consolidated Container Corp.			
8601-N	Acme Barrel			
8608-N	Feldman Barrel & Drum.			
8615-N	Harbison Brother, Inc			
8616-N	Hyman Drum & Barrel Corp.			
8617-N	Western N.Y. Barrel & Drum,. Co. Inc.			
DOT-E 7822	E.I. DuPont	§ 173.365	Authorizes shipments of p-nitrobenzyl bromide (Alpha-Bromo-4-Nitro-toluene) a Poison B, Solid, n.o.s., in DOT Specification 56 portable tanks with non-sifting closures in truckload lots. (Mode 1).	To revise paragraph (a)(11) of § 173.375 to read as follows (11) Specification 56(§ 178.252 of this subchapter) Metal portable tank with sift-proof closures. Authorized only for p-nitrobenzyl bromide.
DOT-E 7658	Spectro Industries Inc	§ 173.505(b)	Authorizes the shipment of Consumer commodities, ORM-D by private and contract motor carriers in a corrugated fiberboard tray covered by a heat shrinkable polyethylene film. HM-139C on July 10, 1980 made a change to §§ 172.101 and 173.505(b) based on an exemption request (8276-N) which also eliminated the need for E-7658 except for shipments by contract carriers. (Mode 1).	To revise § 173.505(b) to read: (b) Strong outside packagings as specified in § 173.1200 of this subchapter are not required for materials classed as ORM-D when utilized in cases, carts or similar overpacks and when shipped by a private or contract motor carrier from a distribution center to a retail outlet.
DOT-E 7869	Oxy Metal Industries Corp.	§ 173.245	Authorizes shipments of Compound, rust preventing (contained nitric acid, 19% maximum) and phosphoric acid (40% maximum) in DOT Specification 57 portable tanks, fabricated of Type 316 stainless steel. (Mode 1).	See proposed change for E-5520 above.
DOT-E 8087	Union Carbide	§ 173.154	Authorizes shipments of a Water reactive solid, n.o.s. identified as a catalyst M-1 material, classed as a flammable solid and silver oxide classed as an oxidizing material in a DOT Spec. 56 portable tank. (Mode 1).	To revise paragraph (a)(5) of § 173.154 to read as follows: (5) Specification 56 (§ 178.252 of this subchapter). Metal portable tank. Authorized only for silver oxide.
DOT-E 8121	Republic Steel Corp	§ 173.245(a)	Authorizes shipments of Compound, cleaning liquid (containing 50% maximum phosphonc acid) and a nonhazardous material in DOT Spec. 57 portable tanks haveing a sump bottom outlet. (Mode 1).	See proposed changes for E 5520 above.
DOT-E 8136	Eastman Kodak Co	§§ 173.245, 173.277	Authorizes shipments of 15% sodium hypochlorite solution, acetic acid glacial, or phosphoric acid solution in DOT Spec. 57 portable tanks made of 316 stainless steel. (Phosphonic solution not to exceed 85% strength.) (Mode 1).	To revise paragraph (c) of § 173.277 to read as follows: (c) Specification 57 (§ 178.253 of this subchapter). Stainless steel portable tank.
DOT-E 8146	Thiokol Corp. Rocket Research Co.	§ 173.375	Authorizes shipments of Sodium azide, powder in DOT Specification 56 stainless steel portable tanks and a non-DOT specification collapsible flexible container described as Super Sack. This proposed change pertains only to the Specifications 56 portable tank. No part of the tank or fittings that come in contact with the azide may have copper, lead or mercury other metals known to react with sodium azide. Tanks may be equipped with a bottom clean out plug. Top loading and unloading only. (Modes 1 and 2).	To add paragraph (3) to § 173.375(a) to read as follows: (3) Specification 56 (§ 178.252 of this subchapter). Stainless steel portable tank designed for top loading and unloading only. Tanks may be equipped with a bottom clean out plug. No part of the tank or fittings that come in contact with the sodium azide may contain any metal such as copper, lead, silver or mercury which can form explosive azide compounds. Each transport vehicle must be loaded by the consignor and unloaded by the consignee or by persons trained by the consignor. Not authorized for transportation by water.
DOT-E 8332	Drew Chemical	§ 173.276	Authorizes shipments of Hydrazine, aqueous solution, rust preventing compound and liquid cleaning compounds in steel or stainless steel DOT Specification 57 portable tanks having a maximum capacity of 420 gallons and designed to carry commodities having a specific gravity of 1.65 maximum.. Hydrazine must be transported in stainless steel tanks only. (Modes 1,2).	To add paragraph (12) to §173.276(a) to read as follows: (12) Specification 57 (§ 178.253 of this subchapter). Stainless steel portable tank. Authorized for hydrazine, aqueous solution only.
DOT-E 8338	Dow Chemical Co.	§ 173.357(b)(3)	Authorizes the shipment of Chloropicrin mixture (*containing no compressed gas or Poison A liquid*) in DOT Specification 17C steel drums of 55-gallon capacity. (Modes 1,2,3)	To amend § 173.357(b)(3) by increasing the capacity of the Specification 17C drum from 30 gallons to 55 gallons.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption of application	Proposed amendment
DOT-E 8347	Fabricated Metals Inc.	§§ 173.119(b), 173.128(a)(3), 173.132(a)(2).	Authorizes shipments of corrosion inhibitor C-156, emulsion, breaker E-9, silicone antifoam liquid SAG-5310, methanol and combustible liquids in DOT Specification 57 steel or stainless portable tanks having a design pressure of not less than 9 psig and a capacity between 260 and 520 gallons. (Mode 3).	To revise paragraph (6) of § 173.119(b) to read as follows: (6) Specification 57 (§ 178.253 of this subchapter). Steel portable tank. Also, authorized for transportation by water when having a minimum design pressure of 9 psig and equipped in accordance with § 178.253-4, but no device may open at less than 5 psig. Authorized for liquids with flash points above 20°F. and a vapor pressure not over 16 psia at 100°F. To revise paragraph (3) of § 173.128(a) to read as follows: (3) Specification 52,[1] or 57 (§ 178.253 of this subchapter). Metal portable tank. Not authorized for transportation by water except as prescribed in § 173.119(b)(6) of this subchapter. To revise paragraph (2) of § 173.132(a) to read as follows: (2) Specification 52,[1] or 57 (§ 178.253 of this subchapter). Metal portable tank. Not authorized for transportation by water except as prescribed in § 173.119(b)(6) of this subchapter.
DOT-E 8351	DuBois Chemical Co	§ 173.245	Authorizes shipments of solutions containing sodium or potassium hydroxide or solutions containing phosphoric acid in DOT Specification 57 stainless steel portable tanks having a capacity of 330 gallons. (Mode 1).	See proposed change for E-6520.
DOT-E 8434	Union Carbide	§§ 173.154, 173.178	Authorizes shipments of calcium silicon powder as a water reactive solid, n.o.s. in packaging precribed in 49 CFR § 173.178. (Modes 1 and 2).	To add Calcium silicon powder to the Table in § 172.101 and to the heading in § 173.178.
8613-N	Chemical Express Co.	§ 173.131(a)(2)	Requested an exemption to lower the flash point of road asphalt, or tar, liquid, from 73°F. to 50°F. (Mode 1).	To revise paragraph (a)(20 of § 173.131 to read as follows: (2) In cargo tanks that are at least equivalent in design and construction to Specification MC-306 (§§ 178.340, 178.341 of this subchapter) except for the requirments of §§ 178.340-10, 178.341-3, 178.341-4, and 178.341-5.
DOT-E 8384	Oakite Products, Inc.	§ 173.256	Authorizes shipments of Compounds, cleaning, liquid containing not more than 20 percent hydrofluoric acid in DOT Specification 57 steel portable tanks of not more than 330-gallon capacity having a polyethylene liner. Bottom discharge outlets, piping and venting devices are prohibited. (Mode 1).	To revise § 173.256 by adding paragraph (b) to read as follows: (b) Compounds, cleaning, liquid containing not more than 20 percent hydrofluoric acid, by weight, may also be shipped in specification containers as follows:
DOT-E 8444	DuBois Chemical	§ 173.256		(1) Specification 57 (§ 178.253 of this subchapter). Metal portable tank. Tanks constructed of a material other than stainless steel must have a polyethylene liner impervious to the solution.

(49 U.S.C. 1803, 1804, 1808; (49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of Appendix A to Part 106))

Note.—The Materials Transportation Bureau has determined that this proposed regulation is not a major rule under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the Docket. I certify that this proposed regulation if published as a final rule, will not have a signifcant economic impact on a substantial number of small entities.

Issued in Washington, D.C. on May 29, 1981.

Alan I. Roberts,

Associate Director for Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-16671 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-60-M

Notices

Federal Register
Vol. 46, No. 107
Thursday, June 4, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Intermountain Region, Caribou National Forest Grazing Advisory Board Committee; Meeting

The Caribou National Forest Grazing Advisory Board Committee will meet at 9:00 a.m., July 9, 1981, at the parking lot of the community swimming pool in Lava Hot Springs, Idaho. After a short meeting, a tour of the Pebble-Toponce area on the Pocatello Ranger District will follow.

The purpose of this meeting and field trip is to secure recommendations for use of range betterment funds and grazing allotment plans.

The meeting will be open to the public. Persons who wish to attend should notify Frank G. Beitia, Caribou Supervisor's Office, telephone 208–236–6705. Written statements will be filed with the Board before or after the meeting.

The Board has established the following rule for public participation: Non-livestock owners are asked to withhold comments until the close of business and then submit their comments to the Chairman of the Board.

Dated: May 27, 1981.

Frank G. Beitia,

Acting Forest Supervisor.

[FR Doc. 81–16850 Filed 6–3–81; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Ferrochrome From South Africa; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On April 27, 1981, the Department of Commerce published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" with respect to ferrochrome from South Africa. The notice stated that the Department had preliminarily determined that this merchandise did not benefit from a net subsidy from January 1, 1981 through April 10, 1981. Interested parties were given an opportunity to present written or oral comments. The Department did not receive any comments. Therefore, the Department determines that ferrochrome from South Africa did not benefit from a net subsidy for that period.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 9, 1981 a notice of "Countervailing Duty Order" was published in the **Federal Register** (46 FR 21155). The Order, which was effective March 11, 1981, stated that, based on an order of the Court of International Trade, the Department of Commerce ("the Department") had detemined that exports of ferrochrome from the Republic of South Africa were provided bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports of ferrochrome into the United States from the Republic of South Africa were subject to countervailing duties. The Department suspended liquidation and required a cash deposit of estimated countervailing duties of 4 percent of the f.o.b. invoice price of the merchandise. The Order included a notice of intent to conduct an administrative review of this Order as required by the court and by section 751 of the Tariff Act. On April 27, 1981 the Department published a notice of the preliminary results of that review (46 FR 23512).

Scope of Review

The ferrochrome covered by this review is currently classifiable under item numbers 606.22, 606.24 and 923.18 of the Tariff Schedules of the United States. The program cited by our Order as constituting a bounty or grant is the charging by South African Railways and Harbours of preferential railroad freight rates upon shipments of ferrochrome for export from the Republic of South Africa. This review covers the period January 1, 1981, the effective date of South African Railways' suspension of its freight rate differential for ferrochrome shipments, through April 10, 1981, the date the Department began its verification process.

Analysis of Program

The Department received official inforamtion from the Republic of South Africa that South African Railways and Harbours had terminated the railroad freight rate differential between shipments of ferrochrome destined for foreign and domestic markets. This termination was made effective January 1, 1981. This information has been verified by a review of the official documents of South African Railways and Harbours.

Final Results of the Review

As a result of this review, we determine that ferrochrome from the Republic of South Africa has not benefitted from a bounty or grant (net subsidy) for the period under consideration. Therefore, the Department will instruct Customs officers to liquidate all unliquidated entries of this merchandise exported on or after January 1, 1981 and entered, or withdrawn from warehouse, for consumption on or after March 11, 1981 through April 10, 1981 without regard to countervailing duties. Further, we will instruct the Customs Service not to require the deposit of estimated countervailing duties on shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of final results of this review. The suspension of liquidation shall remain in effect for entries entered on or after April 11, 1981, until the publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 2, 1981.

[FR Doc. 81-16816 Filed 6-4-81: 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notification of claims pursuant to Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV). Notification 3–81.

SUMMARY: 50 CFR 296.8 requires that the Chief, Financial Services Division (FSD), publish in the **Federal Register** a notice of claims received under the Title IV Program. Any interested person may, on or before July 6, 1981, submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to be admitted as a party to any hearing concerning the claim.

IMPORTANT DATE: Any evidence concerningany claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before July 6, 1981.

ADDRESS: Send evidence and any request to be admitted as a party to any hearing to: Mr. Michael L. Grable, Chief, Financial Services Division, Attention: Kathryn Hensley, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Washington, D.C. 20235 (telephone 202 634–4688).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (FCF) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require the publication in the **Federal Register** of a notice of each claim submitted (see 50 CFR 296.8(a)(l)(iii)). Each **Federal Register** notice published shall contain the following information: (a) a brief statement of the nature and dollar amount of the claim, and the location where the damage or loss occurred; (b) a statement that the Chief, FSD, may seek a proposed settlement agreement under 50 CFR 296.8(c); and (c) a statement that an interested person or any other person may, on or before July 6, 1981 submit to the Chief, FSD, any evidence concerning either the claim or a proposed settlement agreement.

50 CFR 296.8(a)(3)(i) provides that any interested person may submit evidence at any hearing concerning a claim in accordance with 50 CFR 296.10(d), or on any proposed settlement under 50 CFR 296.8(c). Any person who intends to submit evidence must notify the Chief, FSD, NMFS, in writing, describing specifically the evidence to be submitted on or before July 6, 1981.

Any interested person may request to be admitted as a party to any hearing which is conducted concerning the claim. Such request must be filed with the Chief, FSD, in writing, not later than 30 days after publication of the notice of claim in the **Federal Register** Such request will be ruled on by the Administrative Law Judge (ALJ).

50 CFR 296.8(c) provides that the Chief, FSD, may contact a claimant and negotiate a proposed settlement of the claim. If the claimant agrees to a proposed settlement, the Chief, FSD, will, no sooner than 30 days after publication of the notice of the claim in the **Federal Register,** forward the proposed settlement agreement to the General Counsel, NOAA. The Chief, FSD, may also forward to the General Counsel, NOAA, an agency recommendation concerning the claim. Such recommendation may be, among other things, to: (i) approve the claim, (ii) approve a proposed settlement of the claim, or (iii) deny the claim.

If the recommendation is to deny the claim, the General Counsel, NOAA, will promptly refer it to the ALJ for adjudication. If the recommendation is to approve the claim or for a proposed settlement, the General Counsel will publish a notice of the recommendation in the **Federal Register.** Not sooner than 15 days after that notice is published, the General Counsel will send to the ALJ the claim, the Agency recommendation, any request by an interested person to submit evidence or to be admitted as a party to any hearing, and any request that an oral hearing be conducted concerning the claim. The ALJ will then adjudicate the case.

The following claim published in **Federal Register** notification 4–80 (FR Doc. 8027667 at page 58180) in error is hereby corrected: FCF–29–80 Locational coordinate should be 28°42.9'N 92°10.8'W instead of 27°20.2'W 97°09.9'W.

The following claims have been received.

Claim No.	Nature of loss and location	Amount
FCF–75–79	On 8/26/79 claimant lost a 65' net, shark gear, plastic false tail, easy line, and 1 day fishing time while trawling for shrimp at the following coordinated: 28°33.5' N 90°36.0' W.	[1] $1,789.01 [2] 1,596.00 [3] 13.87
	Total	3,398.88
FCF–03–79	On 9/2/80 claimant lost 3 40' nets, tickler chains, lazy lines, 2-pair 9' x 40' doors, sled, set of 7/16 x 50 fathom bridles, and 5 days fishing time while trawling for shrimp at the following coordinates: 29°03.9' N 93°43.1' W.	[1] $4,224.00 [2] 7,850.00 [3] 204.00
	Total	12,278.00
FCF–05–81	On 10/20/80 claimant lost nets, bridles, dummy doors, pair of 8' x 40'' doors, chain, rope, floats, leads and 4 days fishing time while trawling for shrimp at the following coordinates: 27°33.1' N 96°51.1' W.	[1] $6,422.96 [2] 3,335.00 [3] 172.00
	Total	9,929.96
FCF–09–81	On 10/26/80 claimant lost a trawl board, dummy board, tickler chain, nuts shackles, thimbles, nets, and 5 days fishing time while trawling for shrimp at the following coordinates: 29°16.4' N 94°29.8' W.	[1] $1,444.46 [2] 5,000.00 [3] 0
	Total	6,444.46
FCF–10–81	On 8/18/80 claimant lost a net, bag, cables, chain shaffing gear, and 5½ hours fishing time while trawling for shrimp at the following coordinates: 29°04.0' N 93°29.7' W.	[1] $1,245.93 [2] 500.00 [3] 0
	Total	1,745.93
FCF–16–81	On 11/10/79 claimant lost 2 35' nets, 2 tickler chains, shackles, lazy line, bag ties, sled, legs and 1 pair 8' x 40' doors while trawling for shrimp at the following coordinates: 28°40.3' N 91°25.8' W.	[1] $3,256.83 [2] 0 [3] 0
	Total	3,256.83

[1] Gear loss.
[2] Economic loss.
[3] Consequential loss.

Anyone wishing to submit evidence concerning any of these claims, or to become a party to any hearing, must contact, in writing, Mr. Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235, on or before July 6, 1981 (telephone (202) 634–4688).

Dated: May 28, 1981.

Robert K. Crowell

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-16609 Filed 6-3-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Restraint Level for Certain Cotton Textile Products From Pakistan; Announcement of an Increase

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the consultation level for other cotton apparel products in category 359, produced or manufactured in Pakistan and exported during the eighteen-month period which began on January 1, 1981.

(A detailed description of the textile categories in terms of TSUSA numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), and May 5, 1981 (46 FR 25121)).

SUMMARY: Under the terms of the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, agreement has been reached to increase the consultation level for cotton textile products in Category 359 from 400,109 pounds to 1,052,283 pounds during the agreement period which began on January 1, 1981 and extends through June 30, 1982.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 24, 1980 there was published in the **Federal Register** (45 FR 85140) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton textile products, including Category 359, produced or manufactured in Pakistan and exported to the United States during the eighteen-month period which began on January 1, 1981 and extending through June 30, 1982. In accordance with the terms of the bilateral agreement the United States Government has agreed to increase the consultation level for textile products in Category 359 to 1,052,283 pounds. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level to the designated amount.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textile products, produced or manufactured in Pakistan.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 29, 1981, and for the eighteen-month period beginning on January 1, 1981 and extending through June 30, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 359, produced or manufactured in Pakistan, not to exceed the adjusted eighteen-month level of restraint of 1,052,283 pounds.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-16636 Filed 6-3-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Deletion and Amendments to System Notices

AGENCY: Department of the Army.

ACTION: Proposed deletions of and amendments to systems notices.

SUMMARY: The Department of the Army proposes to amend its inventory of systems notices by deleting 5 and amending 2 systems notices for systems of records subject to the Privacy Act of 1974. Specific changes to the amended system notices are set forth below, followed by the amended system notices printed in their entirety.

DATE: Actions shall be effective as proposed on July 6, 1981 unless comments are received which would result in a contrary determination.

ADDRESSES: Written public comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-R, Room 1146, Hoffman Building I, Alexandria, VA 22331 prior to July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General (DAAG-AMR-R), HQDA, at the above address; telephone: 703/325-6163.

SUPPLEMENTARY INFORMATION: Department of the Army systems of records as required by Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579; 88 Stat 1896, et seq.) appear at:

FR Doc. 79-37052 (44 FR 73729), December 17, 1979
FR Doc. 81-85 (46 FR 1002), January 5, 1981
FR Doc. 81-897 (46 FR 6460), January 21, 1981
FR Doc. 81-3374 (46 FR 9692), January 29, 1981
FR Doc. 81-5883 (46 FR 13544), February 23, 1981
FR Doc. 81-7250 (46 FR 15531), March 6, 1981
FR Doc. 81-7621 (46 FR 16111), March 11, 1981
FR Doc. 81-10724 (46 FR 21220), April 9, 1981
FR Doc. 81-12660 (46 FR 23523), April 27, 1981
FR Doc. 81-15109 (46 FR 27518), May 20, 1981

The System Notices being amended do not fall within the criteria of Subsection 552a(o) of Title 5 of the United States Code.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 1, 1981.

DELETIONS

A0228.03DAMH

System name:

Historical Inquiry Files (44 FR 73785), December 17, 1979.

Reason:

Records are contained in proposed amended system notice A0228.01DAMH, Army History Files, appearing in this **Federal Register.**

A0228.aDAMH

System name:

Historical Photographic Files (44 FR 73786), December 17, 1979.

Reason:

Records are contained in proposed amended system notice A0228.01DAMH, Army History Files, appearing in this **Federal Register**.

A0701.bAMC

System name:

Retirement Services Control Reference Paper Files (44 FR 73851), December 17, 1979.

Reason:

Information in this system of records is covered by system notice A0725.01cDAPC, Personnel Actions—Personal Affairs.

A0726.04aDAAG

System name:

Casualty Case Files (44 FR 73906), December 17, 1979.

Reason:

Information in this record system which may be subject to the Privacy Act is covered in A0726.06 being amended in this **Federal Register**.

A0726.04bDAAG

System name:

Report of Casualty (44 FR 73906), December 17, 1979.

Reason:

Information in this system is not subject to the Privacy Act.

AMENDMENTS

A0228.01DAMH

System name:

Historian's Background Material (44 FR 73785), December 17, 1979.

Changes:

System name:

Delete entry and substitute therefor: "Army History Files".

Categories of individuals covered by the system:

Delete entry and substitute therefor: "Military and civilian personnel associated with the Army; individuals who seek information concerning US Army activities."

Categories of records in the system:

Delete entry and substitute therefor: "Biographical resumes and personal working files of US Army personnel; personal papers donated by individuals for historical research; photographs of Army personages; requests for historical documents regarding US Army activities, and responses thereto."

Authority for maintenance of the system:

Add: "Title 5 U.S.C., Section 301."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Change period to semi-colon and add: "* * * to assist in preparing official studies of the US Army and events pertaining thereto."

Storage:

After "tapes", insert "and photographs".

Retention and disposal:

Add: "* * * Some are retired to the Washington National Records Center when no longer needed in historical offices; others are transferred to the Military History Research Collection at Carlisle Barracks, PA for preservation."

Notification procedure:

Delete entry and substitute therefor: "Individuals wishing to inquire whether this system of records contains information about them should contact the SYSMANAGER."

Record access procedures:

Delete entry and substitute therefor: "Individuals may request access to their records by contacting the SYSMANAGER, furnishing their full name, social security number, and signature."

Contesting record procedures:

After "determinations", delete remainder of entry and add the following: "* * * are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry and substitute therefor: "From the individual, his/her Army record, photographs, official Army documents, public records."

System exempted from certain provisions of the act:

Delete entry and substitute therefor: "Portions of this system which fall within the 5 U.S.C. 552a(k)(1) are exempted from subsection (d) of the act."

A0726.06DAAG

System name:

Casualty Information System (CIS) (44 FR 73907), December 17, 1979.

Changes:

System location:

Delete entry and substitute therefor: "The Adjutant General's Office, Headquarters, Department of the Army, Casualty and Memorial Affairs Directorate, Casualty Services Division, Washington, DC 20310."

Categories of individuals covered by the system:

After "procedures", delete period and add: "* * * specified in Army Regulation 600–10."

Categories of records in the system:

Delete entry and substitute therefor: "Computer data base contains information on casualties since 1961, including name, social security number, date of birth, branch of service, organization, duty, Military Occupational Specialty, rank, sex, race, religion, home of record, and other pertinent information related to one's casualty status."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry and substitute therefor: "Information from the historical statistical record is used to provide monthly statistics to Army and Defense components of the type, number, place and cause of death of Army members and to respond to public inquiries."

Notification procedure:

Delete entry and substitute therefor: "Information may be obtained from the SYSMANAGER at the address given, or by telephoning Area Code 703, 325–7990."

Contesting record procedures:

After "determinations", delete remainder and add the following: "* * * are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete information following "* * * field commands."

A0228.01DAMH

SYSTEM NAME:

Army History Files.

SYSTEM LOCATION:

U.S. Army Center of Military History, Headquarters, Department of the Army, Washington, DC 20310.

Decentralized segments exist at historical offices at HQDA staff and field operating agencies, major commands, and the USA Military

Historical Research Collection, Carlisle Barracks, PA 17013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel associated with the Army; individuals who seek information concerning U.S. Army activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical resumés and personal working files of U.S. Army personnel; personal papers donated by individuals for historical research; photographs of Army personages; requests for historical documents regarding U.S. Army activities; and responses thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012; Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information of a general nature concerning U.S. Army history in response to inquiries; to assist in preparing official studies of the U.S. Army and events pertaining thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, tapes, and photographs in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in secured areas accessible only to persons having need for the information in the performance of official duties.

RETENTION AND DISPOSAL:

Historical material and photographs are retained in historical reference collections permanently. Some are retired to the Washington National Records Center when no longer needed in historical offices; others are transferred to the Military History Research Collection at Carlisle Barracks, PA for preservation.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Military History, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individuals may request access to their records by contacting the SYSMANAGER, furnishing their full name, social security number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, his/her Army record, photographs, official Army documents, public records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system which fall within 5 U.S.C. 552a(k)(1) are exempted from subsection (d) of the act.

A0726.06DAAG

SYSTEM NAME:

Casualty Information System (CIS).

SYSTEM LOCATION:

The Adjutant General's Office, Headquarters, Department of the Army, Casualty and Memorial Affairs Directorate, Casualty Services Division, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army personnel reported as casualties in accordance with casualty notification procedures specified in Army Regulation 600–10.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer data base contains information on casualties since 1961, including name, social security number (SSN), date of birth, branch of service, organization, duty Military Occupational Specialty, rank, sex, race, religion, home of record, and other pertinent information related to one's casualty status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from the historical statistical record is used to provide monthly statistics to Army and Defense components of the type, number, place and cause of death of Army members and to respond to public inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, computer printouts, and punch cards.

RETRIEVABILITY:

By name, SSN.

SAFEGUARDS:

All information is restricted to a secure area in buildings which employ security guards. Computer printouts and magnetic tapes and files are protected by password known only to properly screened personnel possessing special authorization for access.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General's Office, Headquarters, Department of the Army (ATTN: DAAG–PEC), Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER at the address given, or by telephoning Area Code 703, 325–7990.

RECORD ACCESS PROCEDURES:

Written requests should contain the individual's name, current address and telephone number and should identify the person who is the subject of the inquiry by name, rank and SSN. Personal visits may be made to the Casualty Services Division, Office of the Adjutant General at Hoffman Building I, 2461 Eisenhower Avenue, Alexandria, VA 22331. For personal visits, individual should provide acceptable identification such as military identification card, valid driver's license, or social security card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulations 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From casualty reports received from Army field commands.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-16678 Filed 6-3-81; 8:45 am]
BILLING CODE 3710-08-M

Defense Intelligence Agency

Privacy Act of 1974; Amendment of a System Notice

AGENCY: Defense Intelligence Agency.

ACTION: Amendment of a system notice.

SUMMARY: The Defense Intelligence Agency proposes to amend the notice for one of its system of records subject to the Privacy Act by making certain minor administrative changes to more clearly reflect the contents of the system and the manner in which it is retained. The specific changes to the system are set forth below followed by the amended system notice in its entirety.

DATE: This action shall be effective on July 6, 1981, unless comments are received which result in contrary determination.

ADDRESSES: Comments should be sent to the System manager identified in the notice below.

FOR FURTHER INFORMATION CONTACT: Mrs. Helen E. Shufford, Chief, Administrative Management Branch (RTS–IC) Defense Intelligence Agency, Room B–112, Cafritz Building, Washington, D.C. 20301, telephone (202) 695–1040.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency inventory of system of records notices as prescribed by the Privacy Act, Title 5, United States Code, Section 552a (Pub. L. 93–579; 88 Stat. 1896, et seq.) has been published at:

(FR Doc. 81–897 (46 FR 6460), January 21, 1981)

These changes do not require an altered system report under the provision of subsection 552a(o), of Title 5 of the United States Code.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services Department of Defense.

June 1, 1981.

Changes

LDIA 0819

System Name:

DIA Financial Management.

Changes

Categories of Records in the System:

Delete the first sentence.

Routine Uses of Records Maintained in System, Including Categories of Users and the Purposes of Such Uses:

Delete the third and fourth sentences and insert.

"Information will be disclosed to the current employer of civilian employees who have left the agency with the exception of the Departments of State and Air Force."

Record Source Categories:

Delete the words "Finance Office" and insert "and Air Force Finance Offices"

LDIA 0819

SYSTEM NAME:

DIA Financial Management.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian and military employees of DIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents supporting claims of indebtedness to the United States Government. Applications for the waiver of erroneous payment or indebtedness. Correspondence from civilian employees related to financial transactions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 creating the Defense Intelligence Agency as a separate agency of the Department of Defense under his direction and therein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information is used to determine eligibility for waiver of erroneous payment and remission of indebtedness. To support claims of the United States Government for the collection of erroneous payments made. To process employee's claims of payroll problems. Information will be disclosed to the current employer of civilian employees who have left the agency with the exception of the Departments of State and Air Force.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSAL OF RECORDS IN THE SYSTEM.

STORAGE:

Manual in paper files and cards.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are cut off each fiscal year and held for 2 years and then retired to the Washington National Records Center. They are destroyed when 10 years old. Temporary records are destroyed in 4 years of 2 years after a General Accounting Office audit.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number and date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E–223, Pentagon, Washington, D.C.

RECORDS ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number and date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E–223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administration review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed

to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E–223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Data is supplied from a number of sources including the individual concerned, the U.S. Army and Air Force Finance Offices and Agency officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–16661 Filed 6–3–81; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF EDUCATION

Guaranteed Student Loan Program; Special Allowance Rates for Quarter Ending March 31, 1981

The Secretary announces that for the three-month period ending March 31, 1981, except with respect to loans to which Section 438(b)(2)(D) of the Higher Education Act applies, a special allowance at an *annual rate* of 11 and ⅝ percent will be paid to holders of eligible Guaranteed Student Loan Program Loans having an applicable annual interest rate of 7 percent and a special allowance at an *annual rate* of 9 and ⅝ percent will be paid to holders of eligible Guaranteed Student Loan Program Loans having an applicable annual interest rate of 9 percent.

The two special allowance rates were computed under the statutory formula of section 438(b) of the Higher Education Act of 1965, as amended by the Education Amendments of 1980 (Pub. L. 96–374, October 3, 1980). Under this formula, the quarterly special allowance rates are computed by determining the average of the bond equivalent rates of the 91-day Treasury bills auctioned during this three-month period (15.03 percent), by subtracting from this average either 3.5 percent for 7 percent loans (11.53) or 5.5 percent for 9 percent loans (9.53), by rounding the remainders upward to the nearest one-eighth of 1 percent (11⅝ percent and 9⅝ percent, respectively), and by dividing the resultant percents by four (2.90625 percent and 2.40625 percent, respectively).

Thus, the special allowance to be paid for this period will be 2.90625 percent for loans with an applicable annual interest rate of 7 percent, and 2.40625 percent for loans with an applicable annual interest rate of 9 percent, computed on the average unpaid principal balance (not including unearned interest added to principal) of all eligible loans held by lenders.

(20 U.S.C. 1087–1(b))

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program)

Dated: May 29, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–16658 Filed 6–3–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case No. 52970–9039–01, 02, 03, 04–82; Docket No. ERA–FC–81–012]

Tucson Electric Power Company; Public Hearing

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of hearing; correction.

SUMMARY: This document corrects a notice of May 26, 1981 (46 FR 28210).

Under the section entitled Supplementary Information, appearing on page 28211, column one, the third paragraph, second sentence is corrected to read as follows: "Presentations were made by, among others, ERA, TEP, the Southwest Gas Corporation and the Sierra Club, Grand Canyon Chapter." In the same section, column two, paragraph three, the second sentence is corrected to read as follows: "Following the publication of the NOIP and the Notice of Availability of the Tentative Staff Analysis, ERA received requests for a public hearing from Southern Arizonans for Fair Energy Rates, the Phoenix Building and Construction Trades Council and the Southern Arizona Building and Construction Trades Council* * *" Fourth paragraph, same column, the first sentence is corrected to read as follows: "At the public hearing, ERA will provide interested persons an opportunity to present oral or written data, views and arguments on the pending prohibition order proceedings."

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

May 29, 1981.

[FR Doc. 81–16628 Filed 6–3–81; 8:45 am]

BILLING CODE 6450–01–M

Conduct of Employees; Waiver Pursuant to Section 602(c) of the Department of Energy Organization Act (Pub. L. 95–91)

Section 602(c) of the Department of Energy Organization Act (Pub. L. 95–91) authorizes the Secretary of Energy to waive the divestiture requirements of section 602(a) of the Act for "supervisory employees" (as defined in section 601(a) of the Act) of the Department who have official relationships with, or financial interests in, "energy concerns" (as defined in section 601(b) of the Act).

Walter R. Pettiss, who has been appointed Administrative Assistant and Chief of Staff to the Secretary of Energy, has an offical relationship with, and the following other interests in, Milliken and Company. Mr. Pettiss has been granted a leave of absence by the company from April 13, 1981, to April 10, 1982. In addition, he has vested interests in the Milliken Salaried Employees Pension Plan and both vested and non-vested interests in the Milliken Salaried Employees Savings and Supplemental Retirement Plan. Milliken has been determined to be an energy concern within the meaning of section 601(b)(2) of the Department of Energy Organization Act.

It has been established to my satisfaction that Mr. Pettiss has vested interests, within the meaning of section 602(c) of the Department of Energy Organization Act, in the Milliken Salaried Employees Pension Plan and the Milliken Salaried Employees Savings and Supplemental Retirement Plan; and that requiring divestiture of his aforementioned employment relationship to Milliken and Company or of his non-vested interests in the Milliken Salaried Employees Savings and Supplemental Retirement Plan would impose exceptional hardship on him within the meaning of section 602(c) of the Act with respect to such relationship and interests for the period April 13, 1981 to April 10, 1982.

Mr. Pettiss' official duties as Administrative Assistant and Chief of Staff to the Secretary of Energy would require little, if any, involvement on his part in particular matters that could have a direct and predictable effect on Milliken and Company or his interests therein. Nevertheless, he will be directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect on the company or his interests in the company, unless the Secretary and the counselor agree that the financial interest in the particular matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him.

Dated: May 27, 1981.

James B. Edwards,

Secretary.

[FR Doc. 81-16627 Filed 6-3-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[RD-FRL 1845-2]

Ambient Air Monitoring Reference and Equivalent Methods; Amendment to Reference Methods for NO_2

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7049, 41 FR 11255, 41 FR 52694), has approved additional options to two reference methods, designation numbers RFNA-0677-021 (42 FR 37434) and RFNA-0280-042 (45 FR 9100). The options, for both of the methods, allow the use of a permeation distillation dryer in the ozone generation air stream. While the method identification numbers remain the same, the method descriptions are amended to read as follows:

(1) RFNA-0677-021, "Monitor Labs Model 8440E Nitrogen Oxides Analyzer," operated on a 0-0.5 ppm range (position 2 of range switch), with a time constant setting of 20 seconds, and with or without any of the following options:

TF Sample Particulate Filter With TFE Filter Element
V Zero/Span Valves
FM Flowmeters
DO Status Outputs
R Rack Mount
018A Ozone Dry Air
018B Ozone Dry Air—No Drierite

(2) RFNA-0280-042, "Monitor Labs Model 8840 Nitrogen Oxides Analyzer," operated on a range or either 0-0.5 ppm or 0-1.0 ppm, with an internal time constant setting of 60 seconds, a TFE sample filter installed on the sample inlet line, and with or without any of the following options:

02 Flowmeter
03A Rack Ears
03B Slides
05A Zero/Span Valves
05B Valve/Relay
06 Status
07A Input Power Transformer 100 VAC, 50/60 Hz
07B Input Power Transformer 220/240 VAC, 50 Hz
08A Pump Pac Assembly with 09A (115 VAC)
08B Pump Pac Assembly with 09B (100 VAC)
08C Pump Pac Assembly with 09C (220/240 VAC)
08D Rack Mount Panel Assembly
09A Pump 115 VAC 50/60 Hz
09B Pump 100 VAC 50/60 Hz
09C Pump 220/240 VAC 50 Hz
011A Recorder Output 1 Volt
011B Recorder Output 100 MV
011C Recorder Output 10 MV
012A DAS Output 1 Volt
012B DAS Output 100 MV
012C DAS Output 10 MV
013A Ozone Dry Air
013B Ozone Dry Air—No Drierite

These methods are available from Monitor Labs, Incorporated, 10180 Scripps Ranch Boulevard, San Diego, California 92131.

These changes are made in accordance with 40 CFR 53.14, based on additional information submitted by the applicant subsequent to the original designations (42 FR 37434, July 21, 1977, and 45 FR 9100, February 11, 1980). As designated reference methods, these methods are acceptable for use by States and other control agencies for purposes which require use of reference or equivalent monitoring methods.

Additional information concerning the use of these designated methods may be obtained from the original Notices of Designation (42 FR 37434 and 45 FR 9100) or by writing to: Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Technical questions concerning the method should be directed to the manufacturer.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 81-16633 Filed 6-3-81; 8:45 am]

BILLING CODE 6560-35-M

[RD-FRL 1845-3]

Ambient Air Monitoring Reference and Equivalent Methods; Designation of Ambient Air Monitoring Equivalent Method for Lead

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7049, 41 FR 11255, 44 FR 37916), has designated another equivalent method for the determination of lead in suspended particulate matter collected from ambient air. The new designated method is:

EQL-0581-052, "Determination of Lead Concentration in Ambient Particulate Matter by Wavelength Dispersive X-Ray Fluorescence Spectrometry."

A notice of receipt of application for this method appeared in the **Federal Register**, Volume 46, January 19, 1981, page 5064.

This method has been tested by the applicant (California Department of Health Service, Air and Industrial Hygiene Laboratory) in accordance with the test procedures prescribed in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA had determined, in accordance with Part 53, that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file at EPA's Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina, and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

This method uses the sampling procedure specified in the reference method for the determination of lead in suspended particulate matter collected from ambient air (43 FR 46258). The lead content of the sample is measured by wavelength-dispersive X-ray fluorescence spectrometry using the lead Lb line at 0.0983 nm or the lead La line at 0.1175 nm. For optimum sensitivity to lead, the X-ray fluorescence spectrometer should be equipped with the following: (1) vacuum optical path; (2) pulse height analyzer or other means of energy discrimination; (3) LiF 200 analyzing crystal; (4) X-ray tube with a tungsten, molybdenum, or other suitable target. Technical questions concerning the method should be directed to the California Department of Health Services, Air and Industrial Hygiene Laboratory, 2151 Berkeley Way, Berkeley, California 94704.

As a designated equivalent method, this method is acceptable for use by States and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979). For such use, the method must be used in strict accordance with the procedures and specifications provided in the method description. States or other agencies using X-ray fluorescence spectrometric methods that employ procedures and specifications significantly different from those in this method must seek approval for their particular method under the provisions of § 2.8 of Appendix C to 40 CFR Part 58 (Modifications of Methods by Users) or may seek designation of such methods as equivalent methods under the provisions of 40 CFR Part 53.

Additional information concerning this action may be obtained by writing to Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection

Agency, Research Triangle Park, North Carolina 27711.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 81-16634 Filed 6-3-81; 8:45 am]

BILLING CODE 6560-35-M

[RD-FRC 1845-1]

Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for an Equivalent Method Determination

Notice is hereby given that on April 27, 1981, the Environmental Protection Agency received an application from Monitor Labs, Incorporated to determine if its Model 8810 Photometric Ozone Analyzer should be designated by the Administrator of the EPA as an equivalent method under 40 CFR Part 53 (40 FR 7044, 41 FR 11255). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the **Federal Register.**

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 81-16632 Filed 6-3-81; 8:45 am]

BILLING CODE 6560-35-M

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 24, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

AGREEMENT NO. 10422.

FILING PARTY: Seymour H. Kligler, Esquire, Brauner, Baron, Rosenzweig, Kligler, Sparber & Bauman, 120 Broadway, New York, New York 10271.

SUMMARY: Agreement No. 10422, among Korea Shipping Corporation (KSC), Neptune Orient Lines, Ltd. (NOL), and Orient Overseas Container Line, Inc. (OOCL), provides for a cooperative arrangement whereby the parties will exchange space on vessels operated by each other. The scope of the agreement will include trade between ports and points in the United States (excluding Alaska and all commonwealths, territories and possessions of the United States but including Hawaii and Puerto Rico) and ports and points in the Republic of Korea, China, Hong Kong, Japan (including Okinawa), Thailand, Malaysia, Republic of Singapore, Indonesia, Republic of the Philippines, and, by transshipment, only, the Arabian Gulf and Australia. The parties will operate two services: (a) between ports in Hawaii and on the Pacific Coast of the United States and ports in the Far East and Southeast Asia ("Pacific Service"); and (b) between ports on the Atlantic and Gulf coasts of the United States and Puerto Rico and ports in the Far East and Southeast Asia ("Atlantic Service"). Vessels in the Atlantic Service may call at ports in California. The services will be operated either by direct shipment or transshipment, except that transportation to and from the Arabian Gulf and Australia will be by transshipment only. The parties will operate 18 vessels in the trade. KSC will operate 5 vessels, NOL will operate 5 vessels and OOCL will operate 8 vessels. Each of the vessels will have a capacity between 1,500 and 2,300 TEUs. No more than 8 vessels nor less than 7 vessels will be operated in the Pacific Service and the balance will be operated in the Atlantic Service. The parties agree to exchange space on vessels operated by each of them for space on vessels operated by others. The parties will receive in exchange the same number of TEUs as they make available on vessels operated by it to the other parties. No party may receive in exchange an amount of space in excess of the total amount of space on all vessels operated by it in the trade. Each party will be responsible for the utilization of its allocation. Any space which is not utilized by any party may be chartered or sub-chartered to any other party and such party will compensate the party from whom the space was chartered or sub-chartered. The value of the space allocated will be determined by the parties. Except as provided in the Agreement, no party will directly or indirectly conduct or operate any container liner service in the trade. Each party will take steps to become a party to each conference or other rate making agreement in the trade provided 75 percent of the containerized cargo moving in any trade to which any such conference or rate agreement is applicable is moving on vessels operated by conference/rate agreement members. Each party will retain absolute and complete independence in voting as a party to such conference or rate agreement. Except as may be required by any conference or rate agreements, any party may charge such rate for the transportation of container cargo as it sees fit. Each party will control on its own the following: cargo solicitation; payment of claims; collection of freight and other charges; utilization and allocation of space; supply; rental and movement of containers; preparation of documents; and appointment of agents and sub-agents. The parties will cooperate with each other to rationale sailings in each of the services and arrange advertising and sailing schedules so as to avoid conflicting dates. The parties will jointly negotiate and enter into leases, licenses, or assignments of terminal facilities and jointly contract for stevedoring and other terminal services. Each party requiring containers or other equipment agrees that it will lease or sub-lease such containers or equipment from any other party having a surplus. The parties will assist each other in positioning such containers and equipment where required at rates and terms to be agreed upon. The parties may enter into agreements which do not conflict with the terms of this agreement. The agreement provides for its termination on the fifth anniversary of the effective date. Upon becoming effective, Agreement No. 10422 is intended to supersede Agreement No. 10186, as amended. Agreement No. 10422 replaces Agreement No. 10409, a tripartite agreement between KSC, OOCL and NOL, withdrawn prior to Commission consideration.

By Order of the Federal Maritime Commission.

Dated: May 29, 1981.

Joseph C. Polking,

Acting Secretary,

[FR Doc. 81-16595 Filed 6-3-81; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending June 30, 1981"; Correction

IN FR Doc. 81-13550 (46 FR 25352) published in the issue of Wednesday, May 6, 1981, the fourth and fifth statements, third column, item 1, page 25352 reads "However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent. This would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months."

These statements should read "However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months."

Dated: May 27, 1981.

John H. Kelso,

Acting Administrator.

[FR Doc. 81-16597 Filed 6-3-81; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Flathead Irrigation Project, Montana

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 209 DM8 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3, and by authority delegated to the Project Engineer and to the Superintendents by the Area Director in 10 BIAM 7.0 §§ 2.70–2.75. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Section 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

Pursuant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operation and maintenance charges and related information applicable to the Flathead Irrigation Project, St. Ignatius, Montana. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928, (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provision. One comment was received during the 30 day period which did not justify any changes and in effect was mostly a request for information.

In compliance with the above, the operation and maintenance charges for the lands under the Flathead Irrigation Project, Montana, for the season of 1981 and 1982 and subsequent years until further notice, are hereby fixed as follows:

For the season of 1981 for lands not included in an Irrigation District but including lands held in trust for Indians, the rate per acre for the various divisions are as follows:

	Per acre
Jocko	$7.93
Mission Valley	8.11
Camas	6.96

For the season of 1982 for lands included in an Irrigation District, the Project charge per acre is as follows:

	Per acre
Jocko Valley Irrigation District	$7.45
Mission Irrigation District	6.00
Flathead Irrigation District	5.72

E. M. Axtell,

Project Engineer, Flathead Irrigation Project.

[FR Doc. 81-16647 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

Notice of Receipt and Approval of Petition for Reassumption of Jurisdiction Over Indian Child Custody Proceedings by the Penobscot Indian Nation

Correction

In FR Doc. 81-14915 appearing on page 27397 in the issue of Tuesday, May 19, 1981; third column, the last line of "EFFECTIVE DATE" should have read: "on July 17, 1981."

BILLING CODE 1505-01-M

Bureau of Land Management

[CA-9071]

California; Order Providing for Opening of Land

By virtue of the authority contained in Section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818 (1970), and in accordance with the authority delegated to me by the State Director, California, State Office, Bureau of Land Management, dated January 13, 1977 (42 FR 3901), as amended, and pursuant to the determination of the Federal Energy Regulatory Commission, it is ordered as follows:

1. By order dated May 11, 1981, the Federal Energy Regulatory Commission vacated the land withdrawals in their entirety for transmission line projects No. 782 and 1154 affecting portions of the following described lands. These lands are located within the Modoc National Forest, the Mission Indian Reservation, vacant public lands located in Modoc and San Diego Counties, California and privately owned lands not subject to disposition under the public land laws:

San Bernardino Meridian

Power Project No. 782

T. 8 S., R. 2 W.,
Sec. 34.
T. 9 S., R. 2 W.,
Sec. 2;
Sec. 13;
Sec. 24;
Sec. 25.

Mount Diablo Meridian

Power Project No. 1154

T. 43 N., R. 13 E.,
Sec. 13;
Sec. 23;
Sec. 24.
T. 43 N., R. 14 E.,
Sec. 13;
Sec. 18.
T. 42 N., R. 15 E.,
Sec. 2 thru 4.
T. 43 N., R. 15 E.,
Sec. 28;
Sec. 29;
Sec. 33.
T. 42 N., R. 16 E.,
Sec. 6.

2. Of the lands described in Paragraph 1, the following is National Forest land and lies within the boundaries of the Modoc National Forest. That portion of said land lying within the boundaries of PP 1154 shall at 10:00 a.m. on July 8, 1981, be open to such disposition as may be made of National Forest land.

Modoc National Forest Mount Diablo Meridian

Power Project No. 1154

T. 43 N., R. 14 E.,
Sec. 13, S½SE¼.
T. 42 N., R. 15 E.,
Sec. 2, Lots 15, 23, and 24;
Sec. 3, Lots 13, 14, 18, and 19;
Sec. 4, Lot 17.
T. 43 N., R. 15 E.,
Sec. 28, SW¼;
Sec. 29, Lot 4 and S½SE¼;
Sec. 33, NE¼NW¼.

3. Of the lands listed in Paragraph 1, the following lie within the boundaries of the Mission Indian Reservation. That portion of said land lying within the boundaries of Power Project 782, shall at 10:00 a.m. on July 8, 1981, be relieved of the segregative effect of power project.

Mission Indian Reservation San Bernardino Meridian

Power Project No. 782

T. 9 S., R. 2 W.,
Sec. 24, E½SW¼.;
Sec. 25, NE¼NW¼, NW¼NE¼, N½N½SW¼NE¼.

4. At 10:00 a.m. on July 8, 1981, the following described unappropriated, unreserved public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classification and the requirements of applicable law:

Mount Diablo Meridian

Power Project No. 1154

T. 43 N., R. 13 E.,
Sec. 13, SE½SW¼, SW¼SE¼;
Sec. 23, NW¼SE¼;
Sec. 24, N½NW¼.
T. 43 N., R. 14 E.,
Sec. 18, NW¼SE¼.
T. 42 N., R. 16 E.,
Sec. 6, Lot 7 and SE¼SW¼.

5. Of the lands described in Paragraph 1, the following are privately owned and not subject to disposition under the public land laws:

San Bernardino Meridian

Power Project No. 782

T. 9 S., R. 2 W.,
Sec. 2, Lots 3 and 4, E½SE¼, NW¼SE¼, SW¼NE¼;
Sec. 13, E½SW¼.

Mount Diablo Meridian

Power Project No. 1154

T. 43 N., R. 13 E.,
Sec. 13, N½SE¼.
T. 43 N., R. 14 E.,
Sec. 18, Lot 3, NE¼SW¼, E½SE¼.

All lands not otherwise withdrawn or reserved have been open to application and offers under the mineral leasing laws and to location under the United States mining laws, subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

May 29, 1981.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81–16843 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

Conveyance of Public Land—CA 8704; Calaveras County, California

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), Edward Harrison Stokes and Linda Lee Stokes, Route 3, Box 46, Angeles Camp, California 95222, have purchased by noncompetitive sale public land in Calaveras County, California, described as follows:

Mount Diablo Meridian, California

T. 3 N., R. 13 E.,
Sec. 32, Lot 32.
Containing 6.39 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Mr. and Mrs. Stokes.

Dated: May 29, 1981.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81–16845 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

Colorado: Craig District Advisory Council; Field Tours

In accordance with Pub. L. 94–579, notice is hereby given that there will be a series of field tours by the Craig District Advisory Council according to the following schedule:

July 10–11, 1981—White River Resource Area
August 14–15, 1981—Kremmling Resource Area
September 11, 1981—Little Snake Resource Area

The purpose of the tours is to acquaint the council members with the resource management problems encountered by BLM in the field and to observe the progress of various District projects on-the-ground.

The public is welcome to accompany the Advisory Council on the field tours. However, the public must provide their own transportation and lunch. Anyone interested in attending the tours should notify the District Manager, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81626, by July 1, 1981.

The White River Resource Area tour will depart from the Resource Area Office on East Highway 13 in Meeker, Colorado, at 9:00 a.m., July 10, 1981. The Kremmling Resource Area tour will depart from the Kremmling Resource Area Office on East Highway 40 in Kremmling, Colorado, at 9:30 a.m., August 14, 1981. The Little Snake Resource Area tour will depart from the Craig District Office on East Highway 40 in Craig, Colorado, at 9:00 a.m. on September 11, 1981.

Dated: May 27, 1981.

Lee Carie,

District Manager.

[FR Doc. 81–16841 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

Lakeview District-Warner Lakes Resource Area; Invitation To Comment

In accordance with 43 CFR 1601.3, Notice is hereby given that the Bureau of Land Management, Lakeview District, is progressing with land use planning in Harney County. The Lakeview District completed Step II of the Management Framework Plan (M.F.P.) in 1980 and the Grazing Environmental Impact Statement (E.I.S.) is currently under review in draft form. The MFP amendment being prepared will carry out the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA) with specific regard to section 603, Bureau of Land Management Wilderness Study, on portions of the Warner Lakes Resource Area.

The first phase of wilderness review, an intensive inventory, has been completed. The collected data will now be used to evaluate the capabilities and limitations of the land for resource use and development in three Wilderness Study Areas (W.S.A.s). The units involved are contained in both the Lakeview and Burns BLM Districts and this effort is timed to coordinate with planning efforts under way in the Andrews Resource Area of the Burns District. Management recommendations will affect approximately 215,300 acres of public land in units 1–146 A and 1–146 B Hawksie-Walksie, inventoried by the Lakeview District, and 2–84 Basque Hills, inventoried by the Burns District.

BLM resource specialists in range, recreation, wildlife, minerals and cultural resources, together with socio-economic specialists will comprise an inter-disciplinary team developing this plan.

General types of issues anticipated include: allocation of vegetation for use by livestock, wildlife, watershed protection, water quality, ORV activities and other recreation uses, Wilderness and Areas of Critical Environmental Concern.

The plan and ensuing E.I.S. will provide the basis for resource allocations and will define and guide subsequent management decisions within the Warner Lakes Resources Area.

Specific notices of meetings and opportunities for public participation will be announced in the future. Those who desire to discuss the BLM planning and environmental assessment efforts and the available information may do so by contacting the District Manager, Bureau of Land Management, P.O. Box 151, Lakeview, Oregon 97630, (503) 947–2177.

Malcolm T. Shrode,

Acting District Manager.

May 26, 1981.

[FR Doc. 81–16587 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

Medford District Advisory Council; Meeting

Notice is hereby given in accordance with 43 CFR Part 1780 that a meeting of the Medford District Advisory Council will be held on Friday, July 10. The Meeting will begin at 9 AM and will end at 12 noon in the Oregon Room of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon.

The agenda for the meeting will include:

1. General announcements of BLM Medford District activities.
2. A review of the 1982 annual work plan and budget, including a status report on 1981 timber receipts.
3. A review of the 1982 timber sale plan.
4. A status report on the amending of Medford's two management framework plans to include grazing wilderness, and areas of critical environmental concern.
5. Plans for future meetings.

The meeting is open to the public and news media. Interested persons may make oral statements to the Council between 11:30 AM and 12 noon or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the Public Information Officer, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97501, telephone 503/776–4198, by close of business July 7. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary of minutes of the Council meeting will be maintained at the District Office and be available for public inspection and reproduction at the cost of duplication.

Hugh R. Shera,

District Manager.

May 20, 1981.

[FR Doc. 81–16590 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

Native Allotments Act of May 17, 1906; Land Described in Native Allotment Applications That May Be Valuable for Minerals; Decision

May 27, 1981.

Section 905(a)(3) of the Alaska National Interest Lands Conservation Act of December 2, 1980, provides that allotment applications will not be legislatively approved if they describe land which the Secretary determines may be valuable for minerals. The deadline for such determinations is June 1, 1981.

Pursuant to the authority delegated to me, I hereby determine on behalf of the Secretary that the following Native Allotment applications describe land that may be valuable for minerals, excluding coal, oil and gas.

The applicants have been or will be notified of this decision.

F–17154
F–17117
F–17144
F–17754
F–17146
F–17141
F–17162
F–17147
F–17165
F–17452
F–17116
F–17143
F–17155
F–17142
F–14352
F–15032
F–14782
F–15559
F–17013
F–11935
F–17750
F–15012
F–15013
F–18013
F–18272
F–18663
F–14382
F–13989
F–18439
F–18593
F–19006
F–17048
F–18550
F–17487
F–19057
F–18219
F–18400
F–17913
F–15986
F–17595
F–14125
F–18962
F–18917
F–16514
AA–7188
AA–7129
AA–7192
AA–7218
AA–7259
AA–7276
AA–7282
AA–7291
AA–7293
AA–7298
AA–7305
AA–7446
AA–7455
AA–7479
AA–7505
AA–7508
AA–7515
AA–7524
AA–7525
AA–7538
AA–7547
AA–7556
AA–7612
AA–7644
AA–7646
AA–7747
AA–7807
AA–7823
AA–7824
AA–7920
AA–7936
F–530
F–560
F–575
F–1267
F–1640
F–2680
F–7589
F–11659
F–12049
F–12292
F–12554
F–12582
F–13054
F–13061
F–13188
F–13361
F–13363
F–13431
F–13432
F–13543
F–13549
F–13622
F–13696
F–13707
F–13755
F–13794
F–13849
F–14000
F–14027
F–14199
F–14346
F–15760
F–15770
F–15874
F–15875
F–16210
F–16248
F–16345
F–16354
F–16362
F–16365
F–16386
F–16423
F–16428
F–16427
F–16446
F–16511
F–16512
F–16515
F–16645
F–16926
F–16927
F–16952
F–16968
F–16969
F–17025
F–17028
F–17027
F–17635
F–17636
F–17646
F–17731
F–17739
F–17748
F–17771
F–17774
F–17775
F–17782
F–17783
F–17790
F–17874
F–17877
F–17878
F–18133
F–18206
F–18244
F–18245
F–18282
F–18297
F–18368
F–18398
F–18399
F–18442
F–18500
F–18545
F–18572
F–18573
F–17244
F–19368
F–17175
F–171921
AA–7528
F–17108
A–07584
A–057129
A–04897
A–01746
A–02902
AA–5615
AA–5612
AA–04612
A–04490
AA–05618
A–012490
A–012492
A–012491
A–012489
A–012820
AA–6565
A–02888

Curtis V. McVee,

State Director.

[FR Doc. 81–16591 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 24747]

Noncompetitive Sale of Public Land in Malheur County, Oregon; Realty Action

The following described land has been identified as suitable for disposal by sale under Sec. 203 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 2750; 43 U.S.C. 1713, at not less than fair market value:

Willamette Meridian, Oregon

T. 21 S., R. 38 E.,
Sec. 21, NW¼NE¼SW¼NW¼ and NW¼SW¼NW¼.

Containing 12.5 acres.

The land is being sold noncompetitively to John W. Wharton who currently occupies the land without authorization. Mr. Wharton and his

family have occupied the land since approximately 1920 and have attempted to secure title under the Desert Land Act of 1877 and the Color-of-Title Act of 1928. Applications under these authorities have been previously rejected; however, the 9th District Court of Appeals ordered June 11, 1975, that the Whartons be allowed another opportunity to apply under the Desert Land Act. This application was also rejected by decision of the Assistant Secretary of the Interior dated August 8, 1980; however the decision specified that the land described above could be sold to Mr. Wharton at fair market value.

The direct sale will protect the equity investment in the improvements on the land and eliminate the hardship if Mr. Wharton were compelled to remove or otherwise dispose of the improvements. The land is difficult and uneconomic to manage as a part of the public lands. The sale is consistent with the Bureau of Land Management's planning for the land and with local planning and zoning. Resolution of this unauthorized occupancy through sale is in the public interest.

The terms and conditions applicable to this sale are:

1. A right-of-way for ditches or canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

3. The patent, when issued, will contain a restrictive convenant pursuant to Executive Order 11988 of May 25, 1977, that the land lying below 2955 feet in elevation will be used only for farming or ranching and not for dwellings or buildings because of flood hazard potential.

4. A Certificate of Water Right dated February 1, 1912, will go with the property if sold to Mr. Wharton, but would be reserved to the United States in any conveyance to another party if Mr. Wharton declines to purchase the land.

Detailed information concerning the sale is available for review at the Oregon State Office, Bureau of Land Management, 729 N.E. Oregon Street, P.O. Box 2965, Portland, Oregon 97208.

On or before July 20, 1981, interested parties may submit comments to the State Director, Bureau of Land Management, at the above address. Any adverse comments will be evaluated by the State Director who may vacate or modify this reality action and issue a final determination. In absence of any action by the State Director, this realty action will become the final determination.

Dated: May 26, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-16646 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

Worland District Advisory Council; Meeting

May 29, 1981.

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Worland District Advisory Council will be held on Wednesday, August 12, 1981 at 9:00 a.m. at the Bureau of Land Management Office Annex, 1701 Robertson Avenue, Worland, Wyoming 82401.

The agenda for the meeting will include: a workshop resolving conflict within the Management Framework Plan for the Grass Creek Resource Area, and any discussion in response to public statements presented at the meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 1:00 and 1:30 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address on or before Tuesday, August 11, 1981. Written statements must be received by close of business on August 11, 1981. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction, during regular business hours, within 30 days following the meeting.

John A. Kwiatkowski,

District Manager.

[FR Doc. 81-16644 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

Prohibited Acts in Rogue National Wild and Scenic River Area

Pursuant to 43 CFR 8351.2-1, the following is prohibited on the lands and water surface within the Rogue River component of the National Wild and Scenic Rivers System administered by the Bureau of Land Management (BLM) which are described in Exibit A of this Order. The Order shall remain in effect until further notice.

1. Boating

Going onto or being upon the Rogue River between Grave Creek and the Siskiyou National Forest Boundary at Marial using and type of floatable craft or object without: (1) A four agency Rogue Wild and Scenic River management group permit (of which BLM is a signatory), or (2) a joint BLM/US Forest Service (USFS) permit, or (3) an individual BLM permit for such use. The provisions of this paragraph shall not be applicable to persons engaged in non-commercial boating trips on the River from the day after Labor Day to the Friday preceding Memorial Day.

2. Boat Launching

Using any of the Lands described in Exhibit A located between Grave Creek and the Siskiyou National Forest boundary at Marial for the purpose of entering or going upon the Rogue River with any type of floatable craft or object without: (1) A four agency Rogue Wild and Scenic River management group permit (of which BLM is signatory), or (2) a joint BLM/Forest Service permit, or (3) an individual BLM permit for such use. The provisions of this paragraph shall not be applicable to persons engaged in non-commercial boating trips on the River from the day after Labor Day to the Friday preceding Memorial Day.

3. Operation of Motorized Boats

Operation of any motorized boat on the Rogue River between Grave Creek and the Siskiyou National Forest boundary at Marial between May 15 and November 15. The provisions of this paragraph shall not be applicable to persons having a valid BLM permit for such use.

4. Camping

a. Camping for a period longer than 14 consecutive days, or as posted.

b. Camping in any area posted as closed to that use.

c. Occupying any portion of a developed or undeveloped recreation site for other than recreation purposes.

d. Occupying between 10 p.m. and 6 a.m. a place designated for day use only.

5. Building, Maintaining, Attending or Using a Fire

a. Carelessly or negligently throwing or placing any burning substance, or any other substance or thing which may cause a fire, or firework or explosive, into any place where it might start a fire; causing timber, slash, brush, or grass to burn except as authorized by BLM permit; leaving a fire without completely extinguishing it; allowing a fire to escape from control; or building, attending, maintaining or using a campfire without adequately removing all flammable material from around the campfire, which could allow its escape.

b. Failing to observe state fire closure regulations or notices issued by the Oregon State Department of Forestry.

6. Improper Disposal of Trash or Human Waste

a. Placing in or near a river, stream, or other water any substance which does or may contribute to polluting such river, stream, or other water.

b. Failing to dispose of all trash or human waste either by removing it from the area or by depositing it into receptacles or at places provided for such purposes. Human waste may also be buried six to eight inches deep in the soil, away from campsites and water.

c. Leaving in a trash container or dump, any trash brought as such from private property.

7. Disorderly Conduct

a. Engaging in fighting, or in threatening, abusive, indecent, or offensive behavior.

b. Making unreasonable noise.

c. Being nude where a person may be observed by the general public. No person under the age of 10 years shall be considered nude under this paragraph.

8. Other Acts

a. Violation of the terms of any written permission or permit issued by the BLM which authorizes an act or omission otherwise prohibited by the Order.

b. Operating motorized vehicles off roads within BLM Wild and Recreational Sections of the Rogue National Wild and Scenic River corridor; except for the following four areas which are open to day use vehicle parking on the gravel bar, from the day after Labor Day to the Friday preceding Memorial Day. These four limited access points are the gravel bar fishing areas at Rand Recreation Site, Rocky Riffle Recreation Site, Griffin Park Group Recreation Site and Applegate Recreation Site.

c. Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property: (1) from the Friday preceding Memorial Day through Labor Day from the lands or waters between Grave Creek and the Siskiyou National Forest boundary at Marial, or (2) at any time within 150 yards of a residence, building, developed or undeveloped recreation site, or occupied area, or (3) at any time across or on any public road; or across or on any trail of body of water whereby any person or property is exposed to injury or damage as a result of such discharge.

d. Constructing, placing, or maintaining any kind of road, trail, fence enclosure, communication equipment, building or other structure of improvement without a BLM permit.

e. Damaging, disturbing, or removing any timber or other vegetation or forest product, except as authorized by a BLM permit, or timber sale contract. The provisions of this paragraph shall not be applicable to the use by campers of reasonable amounts of dead and down timber for campfires.

f. Defacing, disturbing, or removing any natural feature or any property of the United States.

g. Entering any structure owned or controlled by the United States when such structure is not designated open to the public.

h. Digging in, disturbing, or removing any archaeological, paleontological or historical site, or removing, disturbing, injuring or destroying any archaeological, paleontological, or historical object, without a BLM permit.

i. Digging, scraping, disturbing, or removing natural land features for the purpose of mineral prospecting or mining. The provisions of this paragraph shall not be applicable to: (1) valid existing mining rights, (2) to recreational gold panning that does not require digging, dredging, or sluicing, or (3) to the use in accordance with State law and regulations of up to a three inch diameter motorized suction dredge in the river channel between the mouth of the Applegate River and Grave Creek.

j. Using or possessing a bicycle, motorized vehicle, or saddle, pack or draft animal on the Rogue River Trail from the trailhead at Grave Creek to the Siskiyou National Forest boundary at Marial, or the Rainie Falls Trail from the trailhead at Grave Creek to Rainie Falls.

k. Operation or use of any aircraft within 1,000 feet of the water surface, from the Friday preceding Memorial Day through Labor Day, between Grave Creek and the Siskiyou National Forest boundary at Marial. The provisions of this paragraph shall not be applicable to the operation and use of aircraft by persons forced to land due to circumstances beyond their control and by persons with a BLM permit for such use.

l. Failing to exhibit required permits and identification when requested by a BLM Authorized Officer or representative.

m. Selling or offering for sale any merchandise or conducting any kind of business enterprise without a BLM permit.

n. Threatening, resisting, intimidating, or interfering with any BLM official or employee engaged in or on account of the performance of his or her official duties in the administration of the National Wild and Scenic Rogue River.

The provisions of paragraphs 1, 2, 3, 4, and 8 b, c, j, and k shall not be applicable to any Federal, State or local officer or member of any organized rescue or fire fighting force in the performance of an official duty.

Done at Medford, Oregon, this 29th day of May, 1981.

Wayne A. Boden,

Medford District Manager, Bureau of Land Management.

Violation of these prohibitions is punishable by a fine of not more than $500 or imprisonment for not more than 6 months, or both. Title 16 U.S.C. Section 1281(c) and Title 16 U.S.C. Section 3.

Exhibit A

The lands and water surface administered by the Bureau of Land Management to which this order applies are as follows:

1. Lands administered by the Bureau of Land Management between the mouth of the Applegate River and Grave Creek (Recreational Section of the Rogue National Wild and Scenic River):

Williamette Meridian

T. 34 S., R. 7W.,
- Sec. 6, lots 4, 5, 6, and 7;
- Sec. 18, lot 4, SW¼SE¼SW¼;
- Sec. 19, lots 2 and 4, W½E½NW¼, plus that property describd in those deeds recorded in the Josephine County Deed Records in Vol. 314 page 978 and Vol. 312 page 1122;
- Sec. 30, lot 1 including a portion of M. S. No. 734, Robert Dean Placer Mining Claim;
- Sec. 31, lot 4 SE¼SW¼, W½SW¼SE¼.

T. 34 S., R. 8W.,
- Sec. 1, lots 8, 9, 10, 11, 12, and 13, SE¼SE¼SW¼, SE¼NW¼SE¼;
- Sec. 11, SE¼SE¼SE¼;
- Sec. 12, lots 1, 2, 3, 4, 5, 6, 7, and 8, NW¼NE¼NE¼, SE¼SW¼NW¼, E½NW¼SW¼, NW¼NW¼SE¼;
- Sec. 13, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, NE¼NW¼SW¼, M. S. No. 796 Grubstake;
- Sec. 14, E½NE¼NE¼;
- Sec. 24, lots 1, 3, 4, 5, and 8, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 321 page 1348, Vol. 321 page 1346, Vol. 320 page 1669, and Vol. 321 page 2000;
- Sec. 25, lots 1, 2, 3, 6, 8, and 9, SE¼NE¼NW¼, SE¼SW¼, portion of M. S. No. 734 Robert Dean Placer claim;
- Sec. 36, lots 2 and 12, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 317 page 968, Vol. 322 page 19, and Vol. 330 page 1098.

T. 35 S., R. 7 W.,
- Sec. 3, S½SW¼SW¼;
- Sec. 4, lots 5, 6, 7, 8, and 9, S½NW¼SE¼, plus that property described in that deed recorded in the Josephine County Deed Records in Vol. 316 page 382;

Sec. 5, lots 5, 6, 7, 8, 9, 10, 11, and 12, SW¼NW¼, NE¼SW¼;
Sec. 6, lots 1, 2, 3, 4, 6, and 12, SE¼NW¼, plus that property described in that deed recorded in the Josephine County Deed Records in Vol. 317 page 1465;
Sec. 9, lots 1 and 2, N½NW¼NE¼;
Sec. 10, lots 1, 4, 5, 6, 7, and 8, all those portions of land in lots 2 and 3, and the SE¼NE¼ lying south and west of the Marlin-Galice Road, N½SW¼NW¼, SE¼SW¼NW¼, NE¼NE¼SW¼, E½NW¼NE¼SW¼, NE¼SW¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 11, that property described in those deeds recorded in the Josephine County Deed Records in Vol. 308 page 725, Vol. 309 page 865, Vol. 308 page 1272, Vol. 308 page 1270, Vol. 308 page 1274, and a portion of that property described in Vol. 323 page 975;
Sec. 14, that property described in those deeds recorded in the Josephine County Deed Records in Vol. 323 page 427, Vol. 321 page 1300, Vol. 324 page 1464, Vol. 307 page 1100, and a portion of that property described in Vol. 323 page 975;
Sec. 15, NE¼NE¼NE¼;
Sec. 23, lots 3 and 7, E½NE¼NW¼, E½W½NE¼NW¼, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 329 page 1313, Vol. 330 page 181, Vol. 329 page 1836, Vol. 340 page 2020, Vol. 332 page 192, Vol. 335 page 726, Vol. 331 page 1066, Vol. 321 page 1298, and a portion of those properities described in Vol. 319, page 48 and Vol. 287 page 726;
Sec. 24, lots 1 and 2, NE¼SW¼, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 336 page 1578, Vol. 336 page 2007, and a portion of that property described in Vol. 319 page 48 and Vol. 287 page 726;
Sec. 25, lots 1, 3, and 4, N½NE¼NW¼, SW¼NE¼NW¼, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 307 page 1103, Vol. 333 page 1391, Vol. 313 page 370, and a portion of those properties described in Vol. 336 page 196, Vol. 333 page 2047, Vol. 330 page 192, Vol. 326 page 1963 (correction deed in Vol. 330 page 514), and Vol. 330 page 194;
Sec. 26, lot 3, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 314 page 1567, Vol. 318 page 1874, Vol. 320 page 781, Vol. 330 page 190, and a portion of those properties described in Vol. 336 page 196, Vol. 333 page 2047, Vol. 330 page 194, Vol. 326 page 1963 (correction deed in Vol. 330 page 514), Vol. 330 page 192, and Vol. 298 page 85;
Sec. 35, lot 1, an island lying in portions of the S½NE¼ and the N½SE¼, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 313 page 1220, Vol. 327 page 1356, Vol. 319 page 1478, Vol. 285 page 557, and a portion of that property described in Vol. 278 page 734;
Sec. 36, lots 1 and 2, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 326 page 1711, Vol. 283 page 449, Vol. 328 page 1200, and a portion of those properties described in Vol. 326 page 1963 (correction deed in Vol. 330 page 514), and Vol. 289 page 973.

T. 35 S., R. 8 W.,
Sec. 1, lots 1, 2, 3, 4, excluding M. S. No. 865 Genevieve Placer, 5, and 8, E½NW¼SW¼, N½NW¼SE¼, SW¼NW¼SE¼, plus an island lying on the S½SW¼.

T. 36 S., R. 6 W.,
Sec. 18, a portion of the property described in that deed recorded in the Josephine County Deed Records in Vol. 324 page 1458;
Sec. 19, a portion of that property described in that deed recorded in the Josephine County Deed Records in Vol. 324 page 1458.

T. 36 S., R. 7 W.,
Sec. 1, that property described in those deeds recorded in the Josephine County Deed Records in Vol. 326 page 1707 and Vol. 323 page 438;
Sec. 2, lots 8, 9, and 10, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 283 page 607, Vol. 319 page 1487, Vol. 314 page 352, Vol. 281 page 147, Vol. 322 page 1584, Vol. 305 page 388, and Vol. 326 page 1201;
Sec. 11, lots 5, 6, 7, and 8, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 316 page 1291, Vol. 333 page 152, Vol. 316 page 287, and a portion of that property described in Vol. 312 page 1124;
Sec. 12, lots 1 and 2, W½SW¼;
Sec. 13, a portion of that property described in that deed recorded in the Josephine County Deed Records in Vol. 324 page 1458;
Sec. 14, that property described in those deeds recorded in the Josephine County Deed Records in Vol. 316 page 1967, Vol. 308 page 610, Vol. 313 page 372, Vol. 327 page 1358, Vol. 306 page 643, and a portion of that property described in Vol. 312 page 1124.

2. Lands administered by the Bureau of Land Management between Grave Creek and the Siskiyou National Forest boundary at Marial (Wild Section of the Rogue National Wild and Scenic River).

Willamette Meridian

T. 33 S., R. 7 W.,
Sec. 31, lot 4.

T. 33 S., R. 8 W.,
Sec. 31, SE¼SE¼SE¼;
Sec. 32, lots 1, 2, 3, 4, 5, 6, and 7, S½SE¼NE¼, E½NW¼SW¼;
Sec. 33, lots 1, 2, 3, 4, 5, 6, 7, and 8, S½SW¼NW¼, NE¼SE¼SW¼, W½SE¼SW¼, N½S½SE¼;
Sec. 34, lots 1, 3, 4, 5, 6, 7, 8, 9, and 10, W½SE¼NW¼, SE¼SE¼NW¼, N½SW¼SW¼, SE¼SW¼, M. S. No. 553 Gold Ring;
Sec. 35, lots 9 and 10, M. S. No. 553 Gold Ring, SE¼SW¼;
Sec. 36, lot 5 and SW¼SE¼.

T. 33 S., R. 9 W.,
Sec. 8, S½SE¼SW¼, S½SW¼SE¼, SW¼SE¼SE¼;
Sec. 15, S½SW¼SW¼;
Sec. 16, lots 1, 2, 3, 4, and 5, W½NW¼NW¼, SE¼NW¼NW¼, W½SE¼NW¼, E½SW¼SW¼, NW¼SW¼SW¼, W½NW¼SE¼, SE¼NW¼SE¼, S½SE¼SE¼;
Sec. 17, lots 1, 2, 3, 4, 5, 6, 7, and 8, N½SW¼NE¼, N½NW¼SW¼, NE¼NE¼SE¼;
Sec. 18, lots 1, 2, 3 excluding Winkle Bar and Winkle Bar Extension M. S. No. 844, 4 excluding Winkle Bar and Winkle Bar Extension M. S. No. 844, 5 excluding Winkle Bar and Winkle Bar Extension M. S. No. 844, 6, 7, 8, 9, 11, 12, and 13, SE¼NE¼NE¼, SW¼NE¼NW¼;
Sec. 21, lots 1, 2, and 3, N½SW¼NE¼, SE¼SW¼NE¼, N½NE¼NW¼, SE¼NE¼NW¼, NE¼NE¼SE¼;
Sec. 22, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, S½SE¼NE¼, NW¼NW¼, N½NW¼SW¼, N½SW¼SE¼;
Sec. 23, lots 1, 2, and 3, SW¼NE¼SW¼, W½SW¼SE¼;
Sec. 26, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, W½NW¼NE¼, SW¼NW¼SE¼, W½SW¼SE¼;
Sec. 27, E½NE¼NE¼;
Sec. 35, lots 1, 2, 3 excluding St. Charles Placer M. S. No. 862, 4, 5, 6, excluding Boston Placer and St. Charles Placer M. S. No. 862, 7 excluding Boston Placer M. S. No. 862, 8, 9, and 10, W½NW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, E½NW¼SW¼, S½NE¼SE¼.
Sec. 36, lots 1, 2, and 3, SW¼NE¼SW¼, S½NW¼SW¼.

T. 33 S., R. 10 W.,
Sec. 9, lots 1, 2, 3, and 4, S½SW¼NE¼, SE¼NE¼, E½NE¼SW¼, SW¼NE¼SW¼, N½SE¼SE¼;
Sec. 10, lots 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, and 13, S½NE¼NE¼, SE¼NW¼NE¼, NW¼SW¼SW¼, N½NE¼SE¼, except for that property described in Vol. 40 page 642 of the Curry County Deed Records;
Sec. 11, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, SW¼NW¼NW¼, W½SE¼NW¼, SE¼SE¼NW¼, NE¼SW¼SW¼, W½NW¼SE¼, SE¼NW¼SE¼, SW¼NE¼SE¼;
Sec. 12, lots 1 and 2, W½SW¼SE¼, SE¼SW¼SE¼;
Sec. 13, lots 1, 2, 3, 4, 5, 6, 7, and 8, NE¼SE¼NW¼, NE¼NE¼SE¼;
Sec. 14, lots 1, 2, and 3, NE¼NE¼NW¼.

T. 34 S., R. 8 W.,
Sec. 1, lots 1, 2, 3, 4, 5, 6, and 7, NW¼SW¼NE¼, NW¼NW¼SW¼, an island in the SW¼NW¼ (lots 5 and 6);
Sec. 2, lots 1, 2, 3, 4, 5, 6, 7, and 8, NE¼SW¼NW¼, N½SE¼NW¼, N½NE¼SE¼, an island in the SE¼NE¼ (lots 7 and 8);
Sec. 3, lot 1;
Sec. 5, lots 3, 4, and 5, NW¼SW¼NW¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, N½NE¼SW¼, NW¼NE¼SE¼, N½NW¼SE¼.

T. 34 S., R. 9 W.,
Sec. 1, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, N½N½SE¼;
Sec. 2, lots 1, 2, and 3.

3. The Rogue River from the mouth of the Applegate River downstream to the Siskiyou National Forest boundary at Marial.

[FR Doc. 81-16642 Filed 6-3-81; 8:45 am]
BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: May 27, 1981.

By the Commission, Krock, Joyce, and Dowell.

MC-F-14452F, filed July 25, 1980 (supplemental publication) (previously published in the **Federal Register** on August 28, 1980). CLARK TRANSFER, INC. (Clark) (P.O. Box 190, Burlington, NJ 08016)—PURCHASE—UNTCO, INC. (UNTCO) (850 N. Luzerne Street, Philadelphia, PA 19124) Representatives: David A. Sutherland, 1150 Connecticut Avenue, NW, Suite 400, Washington, DC 20036 and Francis W. McInerny, 1000 Sixteenth Street, NW, Washington, DC 20036. The purpose of the supplemental publication is to include in the scope of authority being acquired by Clark the authority issued to Untco in permit No. MC-148605 (Sub-No. 2F) on December 19, 1980 and in certificate No. MC-107615 (Sub-No. 11F) on February 19, 1981. The permit authorizes transportation, as a motor contract carrier, over irregular routes, of general commodities (except commodities in bulk), between points in Connecticut, Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, Nassau, Suffolk, and Westchester Counties, NY; New York, NY; and the District of Columbia. The certificate in No. MC-107615 (Sub-No. 11F) authorizes transportation as a motor common carrier, over irregular routes, of printed matter, (1) from North Bergen, NJ and Harrisonburg and Lancaster, PA to points in Virginia, (2) from Luray, VA to points in Pennsylvania, Wilmington, DE, Baltimore, MD, Newark, NJ and New York, NY; and (3) from East Greenville, PA to points in Delaware, Maryland (except Baltimore), New Jersey, Virginia, West Virginia, and in Rockland, Suffolk and Westchester Counties, NY which are not within the New York, NY commercial zone. Authority sought for purchase by GREY GOOSE CORPORATION LIMITED, 10572 101st Street, Edmonton, Alberta, Canada T5H 2R8, of the stock of CONCORD COACH LINES LTD., 5006 47th Avenue, Lloydminister, Alberta, Canada 59V OW3, and control by Laidlaw Transportation Limited, P.O. Box 3020 Stn. "B", Hamilton, Ontario, Canada L6L7X7 and in turn by M. G. DeGroote, P.O. Box 3020 Stn. "B", Hamilton, Ontario, Canada L6L 7X7. Representative: Jeremy Kahn, Kahn and Kahn, 1511 K Street, N.W., Washington, DC 20005. Concord Coach holds a certificate in MC-14335 authorizing transportation of passengers in round trip operations beginning and ending at ports of entry on the United States-Canada boundary line in Montana and North Dakota, and extending to points in the United States, restricted to traffic beginning and ending at points in the Provinces of Alberta and Saskatchewan. Grey Goose Corporation holds no Interstate Commission authority. Laidlaw Transportation Limited controls Laidlaw Transport Limited and Boss-Linco Lines, Inc. both motor carriers of property and Grey Goose Bus Lines (Manitoba) Limited and Travelways Tours Ltd., both motor carriers of passengers conducting operations beginning and ending at points in Canada and extending to points in the United States. (Hearing site: Washington, D.C.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16604 Filed 6-3-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the

Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 C.F.R. 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC–FC 78671. By decision of May 19, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Remy Moving & Storage Corp. of Certificate No. MC–143641 issued March 16, 1978 to Robert J. Corduck and Jeanne L. Corduck d.b.a. as East Coast Movers authorizing the transportation over irregular routes of *Household goods,* between Fall River, MA and points within 10 miles thereof, on the one hand, and, on the other, points in NH, VT, MA, RI, CT, NY, NJ, PA, and VA.. Between Cambridge, MA and points in MA within 20 miles thereof, on the one hand, and, on the other, points in ME, NH, MA, RI, CT, and NY. *Household goods,* as defined by the Commission, between Falmouth, MA and points in MA within 50 miles thereof, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and the District of Columbia. Between points in that part of Barnstable County, MA and east of a line beginning at Cape Cod Bay and extending south through Barnstable, MA to the Nantucket Sound, and north of a line beginning at Barnstable and extending east through Yarmouth, MA to the Atlantic Ocean, including the points named, on the one hand, and, on the other, points in CT, RI, and MD. *Used furniture,* uncrated between Provincetown, MA and New York, NY.

By decision of January 20, 1981, old Review Board Number 3 granted the application in No. MC–434 (Sub-No. 3). It was published in the **Federal Register** at 46 FR 11720 (February 10, 1981) and is directly related to No. MC–FC 78671. The grant was unopposed. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Avenue N.W., Suite 1112, Washington, D.C. 20036.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16863 Filed 6–3–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC–FC–78991. By decision of February 18, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to T. D. MURPHY, d.b.a. MOVE FILM EXPRESS OF MESA, AZ of a portion of Certificate No. MC–121335 (Sub-No. 2) issued November 30, 1978, to FILM TRANSPORT CO., OF CAL., INC., OF LOS ANGELES, CA authorizing the transportation of *Films and articles associated with the exhibition of motion pictures,* between Los Angeles on the one hand, and, on the other, points in Arizona on and south of a line beginning at the junction of Interstate Hwy. 10 and the Arizona-California State line, then along Interstate Hwy. 10 to junction U.S. Hwy. 60, then over U.S. Hwy. 60 to junction U.S. Hwy. 70 at Globe, AZ, then over U.S. Hwy. 70 to its intersection with the Arizona-New Mexico State line. Representative: Theodore W. Russell, attorney at law, 1545 Wilshire Blvd., Los Angeles, CA 90017.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16865 Filed 6–3–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OPY 5–76]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 29, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to

comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 142629 (Sub-4), filed May 13, 1981. Applicant: ED HOPSON PRODUCE COMPANY, INC., P.O. Box 3287, Oxford, AL 36203. Representative: John W. Cooper, P.O. Box 56, Mentone, AL 35984, 205–634–4885. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154989 (Sub-1), filed May 19, 1981. Applicant: JAMES N. ALLEN, INC., 308 Leasure Way, New Bethlehem, PA 16242. Representative: James N. Allen (same address as applicant), (814) 275–4064. Transporting *general commodities*, between Gerald, OH, Alum Rock, Blairs, Brightwood, Coverdale, Foxburg, Jefferson, Jewell, Kahles Siding, Library, Library Junction, McMurray, Parkers Landing, Ritts, St. Petersburg and Turkey, PA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 156038, filed May 15, 1981. Applicant: MERLE D. SHEFFIELD, d.b.a. SHEFFIELD & GARDNER TRUCKING, P.O. Box 3469, Logan, UT 84321. Representative: Irene Warr, 311 S. State St., Suite 280 Salt Lake City, UT 84111, (801) 531–1300. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agriculture limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, between points in the U.S.

[FR Doc. 81–16667 Filed 6–3–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP5–94]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 29, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 121718 (Sub-5F), filed December 2, 1980, previously noticed (Republication) in the **Federal Register** issue of December 23, 1981. Applicant: MURPHY BONDED WAREHOUSE, INC., 4002 Mansfield Road, Shreveport, LA 71103. Representative: Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005. Transporting *General commodities* (except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in AR in and south of Sevier, Howard, Pike, Clark, Dallas, Calhoun, Bradley, and Ashley Counties, and those points in Texas in and east of Red River, Hopkins, Rains, Van Zandt, Henderson, Cherokee, Angelina, and Jasper Counties, to Shreveport, LA.

Note.—Purpose of republication to modify the authority as above.

MC 147028 (Sub-3), filed January 12, 1981, previously noticed in **Federal Register** issue of February 3, 1981. Applicant: MICHAEL L. GINEVRA, d.b.a. MICHAEL L. GINEVRA TRUCKING, 304 Kings Crown, San Antonio, TX 78233. Representative: Greg P. Stefflre, 261 South Figueroa, Los Angeles, CA 90012, (213) 485–1081. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Reikes Crisa Corp., of Omaha, NE.

Note.—This republication changes the commodity description of the previous notice.

[FR Doc. 81–16666 Filed 6–3–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 93]

Motor Carriers; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: June 1, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restiction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 1041 (Sub-4)X, filed May 21, 1981. Applicant: B.N. CORKUM TRANSPORTATION COMPANY, a corporation, 326 Ballardvale Street, P.O. Box 429, Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 2F, and 3F certificates to (1) broaden the commodity descriptions from wood pulp, finished paper and paper and paper products, to "pulp, paper, and related products" in the lead and Sub-No. 2; remove all exceptions from its general commodity authority except classes A and B explosives in the lead; (2) broaden cities to counties in Sub-Nos. 1 and 2, Andover, Lawrence and Wilmington, MA, with Essex and Middlesex Counties, MA; in Sub-No. 2, Winslow and Westbrook, ME, with Kennebec, and Cumberland Counties, ME; in Sub-No. 3, replace a facility at Saylesville, RI, with Providence County, RI; (3) delete "in bulk" restrictions in all referenced authority; (4) authorize radial service in lieu of existing one-way authority between the above counties and points in five New England States in Sub-Nos. 1, 2, and 3; and (5) authorize service to all intermediate points along a described regular route in the lead.

MC 85970 (Sub-54)X, filed May 13, 1981. Applicant: SARTRAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-No. 28 certificate to (1) broaden the commodity description by removing exceptions from general commodities (except classes A and B explosives), and (2) authorize service to all intermediate points on its regular route (4a) between Dyersburg and Nashville, TN.

MC 65668 (Sub-1)X, filed May 14, 1981. Applicant: P. J. CASEY & SON, INC., 40 Industrial Drive, Canton, MA 02021. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its lead certificate to (1) broaden the commodity description to "furniture and fixtures, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, metal products, and machinery" from kitchen fixtures (2) replace Boston, MA, with Suffolk, Norfolk, Middlesex, Essex, and Plymouth Counties, MA; and (3) authorize radial in lieu of one-way authority.

MC 106485 (Sub-24)X, filed May 13, 1981. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 642, Lisbon, ND 58054. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 7, 10, 12, 13, 15, 20F, E1, and 23 certificates to (1) broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", in all of the above sub-numbers; (2) authorize service at all intermediate points where service is limited to specified intermediate points or no intermediate point service: in the lead, between Lisbon, ND, and Moorehead, MN; between Ellendale, ND, and Aberdeen, SD; between Hecla, SD, and Aberdeen, SD; between South St. Paul, MN, and Edgeley, ND; and between Lisbon, ND, and Moorehead, MN; in Sub-No. 7, between Aberdeen, SD, and Jamestown, ND; in Sub-No. 12, between Enderlin, ND, and junction ND Hwy. 32 and unnumbered highway south of Enderlin; in Sub-No. 15, between Fargo, ND, and Sisseton, SD; and between St. Paul, MN, and Sisseton, SD; in Sub-No. 20, between Mobridge, SD, and Mandan, ND; and in Sub-No. 23, between Leola, SD, and Aberdeen, SD; (3) replace terminal sites and/or cities with county-wide authority: in Sub-No. 10, off-route point terminal site located on MN Hwy. 49 in Eagan Township, Dakota County, MN, with Dakota

County, MN; and on irregular routes in Sub-Nos. 13 and El, Fargo, ND, and Cass County, ND; Moorehead, MN, with Clay County, MN; and Sisseton, New Effington, Hammer, Claire City, and Rosholt, SD, with Roberts County, SD; and (4) change one-way to radial authority between Sisseton, SD, and points within 35 miles thereof, and, South St. Paul, MN, in Sub-No. 13.

MC 111401 (Sub-621)X, filed May 11, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-Nos. 284, 430, 443, 449, 463, 473, 480, 481, 499, 505, 511F, 520F, 521F, 529F, 535F, 539F, 542F, 549F and 581F certificates to (A) broaden the commodity descriptions to (1) "commodities in bulk" from chemicals and/or liquid chemicals, in Sub-No. 284, 430 part (3) 443, 449, 480, 499 part (4) 520F part (3), 521F, 529F, part (1) and 539F; petroleum products in Sub-Nos. 430 part (2), 521F, 542F part (3) and 549F; flour, in Sub-No. 463; sulphuric acid, in Sub-No. 473; anyhdrous ammonia, nitrogen fertilizer solutions and urea liquor, in Sub-No. 481; sodium bichromate solutions, toxaphene solutions and creosote oil, in Sub-No. 499; alumia, slurry and antifreeze, in Sub-No. 505; lubricating oil, in Sub-Nos. 511F and 542F; natural latex and liquid fertilizer solutions, in Sub-No. 520F; phosphorus trichloride, in Sub-No. 529F part (2); chrome sulphate and soybean oil, in Sub-No. 542F; and tallow, in Sub-No. 581F, (2) "food and related products" from meats, meat products and meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the *Descriptions* case, in Sub-No. 535F, and, (3) "chemicals and related products" from urea, in Sub-No. 430 part (1); (B) remove the restriction prohibiting the transportation of specified commodities, in Sub-Nos. 430, 449, 473 part (2), 480, 521F and 535F; (C) remove the "foreign commerce" restriction, in Sub-No. 499 part (4); (D) remove the "originating at and/or destined to" restriction, in Sub-Nos. 443, 511F, 535F and 581F; (E) remove the "in bulk" and/or "in tank vehicles" restriction, in all certificates; (F) remove the restrictions prohibiting service to (a) AK and HI, in Sub-Nos. 449, 473 part (2) and 539F, (b) the origin State of LA, in Sub-Nos. 539F, and 449; (G) change plantsite or city-wide authority to county-wide authority: Garyville, LA to St. John The Baptist Parish, LA, in Sub-Nos. 284 and 449; Lawrence, KS to Douglas County, KS, Crossett, AR to Ashley County, AR, and Columbus, OH to Franklin County, OH, in Sub-No. 430; Enid, OK to Garfield County, OK, in Sub-No. 463; Borger, TX to Hutchinson County, TX and Norman, OK to Cleveland County, OK, in Sub-No. 473; Odessa, TX to Ector County, TX, in Sub-No. 480; Woodward, OK to Woodward County, OK, in Sub-No. 481; Corpus Christi, TX to Nueces County, TX, Los Fresnos, TX to Cameron County, TX, Altus, TX to Jackson County, TX, Lone Star, TX to Morris County, TX, Bossier City, LA to Bossier Parish, LA and Pascagoula, MS to Jackson County, MS, in Sub-No. 499; Bauxite, AR to Saline County, AR and Abbeville, LA to Vermillion Parish, LA, in Sub-No. 505; Houston, TX to Harris County, TX, Blair, NE to Washington County, NE and Arab, AL to Marshall County, AL, in Sub-No. 520F; Pensacola, FL to Escambia County, FL, and Le Moyne, AL to Mobile County, AL, in Sub-No. 529F; Dodge City, KS to Ford County, KS, in Sub-No. 535; Lake Charles, LA to Calcasieu Parish, LA, in Sub-No. 539F; Amarillo, TX to Potter County, TX, in Sub-No. 542; Wichita, KS to Sedgwick County, KS, Tulsa, OK to Tulsa County, OK and Princeton, LA to Bossier Parish, LA, in Sub-No. 542; and Oklahoma City, OK to Oklahoma County, OK, in Sub-No. 549; (H) authorize radial authority to replace existing one-way service between points in various combinations of States throughout the U.S. and (G) remove the restriction against tacking the authority with other authority held by the carrier in Sub-No. 284.

Note.—Applicant's ability will be governed by 49 CFR 1042.10(b).

MC 115840 (Sub-126)X, filed May 7, 1981. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Chester G. Groebel (same as above). Applicant seeks to remove restrictions in its lead and Sub-Nos. 17, 54, 61, 73, 76, 90, 100G (Parts 4, 17 and 23) and 114 certificate and E–letter notices 9 (Parts 1, 2 and 3), 11, 12, 73 (Parts 1 and 2), 109, and 119 (Part 3) to (1) broaden the commodity descriptions to (a) "metal products and commodities the transportation of which because of size or weight require the use of special equipment," from iron and steel mill products and commodities the transportation of which because of their size or weight require the use of special equipment and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size of weight require the use of special equipment, in its lead certificate; (b) "building materials as described in App. VII 61 MCC 209, through 229 of the *Descriptions* case," from insulating materials and mineral wool, loose or in packages, in Sub-No. 17; cast, reinforced and prestressed concrete and concrete products, in Sub-No. 54; bituminous fiber conduit, in Sub-No. 61; plastic pipe, plastic fittings, connections, valves, hydrant, extrusions, and gaskets (except commodities in bulk) and materials, equipment and supplies used in the manufacture of the above commodities, in Sub-No. 76; plastic pipe, plastic molding, plastic valves, plastic fittings, plastic siding and accessories and materials used in the installation thereof (except commodities in bulk), in Sub-No. 90; such fibre pipe and fibre pipe fittings, iron and steel, and iron and steel articles (except in bulk) as are used in the operation, production, processing or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, in Sub-No. 100G (Part 4); and, cast, reinforced in prestressed concrete, and concrete products the transportation of which because of size or weight require the use of special equipment, in E-letter notice 11, (c) "agricultural machinery implements and parts as described in App. VI 61 MCC 209 of the *Descriptions* case," from farm tractors and related machinery, tools, parts and supplies, moving in connection therewith, in Sub-No. 73; iron and steel farm implements (except commodities which because of their size or weight require the use of special equipment), in E-letter notice 9 (Parts 1, 2, and 3); farm implements encompassed in iron and steel mill products and farm implements the transportation of which because of their size or weight require the use of special equipment and related machinery parts and related contractors' materials and supplies composed of farm implements, when their transportation is incidental to the transportation of the above commodities when by reason of size or weight require the use of special equipment, in E-letter notice 12; pipe, fittings, iron castings, accessories, sand hoppers, conveyors, dust collectors and meter boxes which are used in the agricultural, water treatment, food processing and institutional supply industries, in E-letter notice 73 (Parts 1 and 2); and farm tractors and related machinery, tools, parts and supplies moving in connection therewith (restricted to commodities which are transported on trailers), in E-letter notice 109(d) "machinery and building materials, as described in App. VI 61 MCC 209 of the *Descriptions*

case," from such iron and steel articles and contractors' equipment, materials and supplies (except cement and commodities in bulk), used in the operation, production, processing or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, in Sub-No. 100G (Part 17 and (e) "metal products" from such valves, hydrants, fittings, components, parts and accessories (except in bulk), as are used in the operations, production, processing or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors and meter boxes, in Sub-No. 100G (Part 23); zinc slabs, dust, oxide, residue, dross and skimmings, lead sheet and metallic cadmium, and materials, equipment and supplies used in the manufacture and distribution of the foregoing commodities, in Sub-No. 114; and aluminum pipe, aluminum valves, and aluminum hydrants which because of size or weight require the use of special equipment, and aluminum fittings, and aluminum gaskets (except in bulk), when their tansportation is incidental to the transportation of commodities named above, in E-letter notice 119 (Part 3); (2) remove plantsite restrictions (a) at Marietta and Atlanta, GA, in Sub-No. 54 and E-letter notice 11; (b) in Jefferson County, AL, in Sub-No. 61; (c) Rockaway, NJ, in Sub-No. 76; and (d) Williamsport, MD, in Sub-No. 90; (3) broaden the city-wide service to county-wide authority (a) Jefferson and Shelby Counties, AL, from Birmingham, AL, and points within 10 miles thereof, in its lead certificate and E-letter notice 12; (b) Jefferson County, AL, from Birmingham and Leeds, AL, in Sub-No. 17; (c) Cobb, DeKalb, Clayton, and Fulton Counties, GA, from Marietta and Atlanta, GA, in Sub-Nos. 54 and E-letter notice 11; (d) St. Charles, Orleans, Plaquemines and St. Bernard Counties, LA, from new Orleans, LA, in Sub-No. 73, and, E-letter notices 9 (Part 1) and 109; (e) Morris County, NJ, from Rockaway, NJ, in Sub-No. 76; (f) Washington County, MD, from Williamsport, MD, in Sub-No. 90; (g) Beaver County, PA, from Josephtown, PA, in Sub-No. 114; (h) Adams County, MS, from Natchez, MS, in E-letter notice 9 (Part 2); and, (I) Warren County, MS, from Vicksburg, MS, in E-letter notice 9 (Part 3); (4) remove the restriction prohibiting service to points in AK, and HI, in Sub-No. 76; and (5) authorize radial authority to replace existing one-way service between points in various combinations of southeastern States and points in the U.S., in Sub-Nos. 17, 54, 61, 73, 76, 90, 100G (Parts 4, 17 and 23), and, E-letter notices 9 (Parts 1, 2 and 3), 11, 12, 73 (Parts 1 and 2) and 109.

MC 117786 (Sub-134)X, filed May 11, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Applicant seeks to remove restrictions in its Sub-Nos. 22, 23, 27, 31, 41, 48, 49, 57, 61, 63, 64, 68, 69, 73, 75, 82, 84, 86, 90, 96, 97, 101, 103, 104, 107, 109, 110, and 111 certificates to (A) broaden the Commodity description in Sub-Nos. 23 from alcoholic beverages, to "food and related products" in Sub-No. 27, from nuts, bolts, and steel articles, to "metal products"; in Sub-No. 41, from (1) paper labels and tags, and (2) materials, equipment and supplies used in the printing and distribution of paper labels and tags, to "pulp, paper and related products"; in Sub-No. 49, from canned seafood and pet food, to "food and related products" in Sub-No. 57, from store display racks or stands, fibreboard, paperboard and paper and parts of the named commodities, knocked down or folded flat, to "store display racks, fibreboard, and pulp, paper and related products"; in Sub-No. 63, from (1) such merchandise as is dealt in by wholesale, retail, chain grocery and feed business houses, and (2) materials, ingredients and supplies used in the manufacture, distribution, and sale of the products in (1) above, to "(1) such merchandise as is dealt in by wholesale, retail, chain, grocery, and feed stores, and (2) supplies used in the manufacture, distribution and sale of the products in (1) above"; in Sub-No. 69, alcoholic beverages, to "food and related products" in Sub-No. 75, (1) paint, paint ingredients, putty, caulking and glazing compounds, adhesive cement and glue, and (2) such commodities as are used in the manufacture, production, and distribution thereof, to "paint, paint ingredients, adhesives, and related items, and (2) such commodities as are used in the manufacture and distribution of items in (1) above"; in Sub-No. 82, from frozen foods, to "food and related products"; in Sub-No. 84, paper and paper forms and products and commodities used in the manufacturing and distribution of paper and paper forms, to "pulp, paper and related products"; in Sub-No. 86, alcoholic beverages, in Sub-No. 104, alcoholic beverages, and in Sub-No. 107, alcoholic liquors and wines, to "food and related products"; and (B) broaden the territorial scope by (a) replacing one-way authority with radial authority in Sub-Nos. 22, 23, 27, 31, 41, 48, 49, 57, 61, 64, 68, 69, 73, 82, 84, 86, 96, 97, 101, 103, 104, and 110; (b) replacing named cities and terminal sites with counties: in Sub-No. 23, Franklin County, KY (Frankfort, KY) and Denver County, CO (Denver, CO); in Sub-No. 27, Los Angeles County, CA (Los Angles, CA), Maricopa County, AZ (Phoenix, AZ), Dallas County, TX (Dallas, TX); in Sub-No. 31, Oak Lawn County, IL (Bridgeview, IL); in Sub-No. 41, Montgomery County, OH (Dayton, OH); in Sub-No. 48, Coington County, KY (Ludlow, KY); in Sub-No. 49, San Diego County, CA (San Diego, CA); in Sub-No. 57, Montgomery County, OH (Dayton, OH); in Sub-No. 61, Franklin County, OH (Columbus, OH); in Sub-No. 63, Denver County, CO (Denver, CO)); in Sub-No. 64, Lawrence County, AL (Courtland, AL) and Harris County, TX (Pasadena, TX); in Sub-No. 69, Moore County, TN (Lynchburg, TN); in Sub-No. 75, Montgomery County, OH (Dayton, OH), Miami County, OH (Tipp City, OH), Cook County, IL (Alsip, IL), Dade County, FL (Miami, FL), Dallas County, TX (Dallas, TX), Los Angeles County, CA (La Mirada) and Santa Clara County, CA (San Jose, CA); in Sub-No. 84, Franklin County, OH (Columbus, OH) and Dallas County, TX (Dallas, TX); in Sub-No. 96, Washoe County, NV (Reno, NV), Alameda County, CA (Oakland, CA), Solano County, CA (Fairfield, CA), Harris County, TX (Houston, TX), Los Angeles County, CA (Los Angeles); in Sub-No. 101, Maricopa County, AZ (Phoenix, AZ); in Sub-No. 103, Montgomery County, OH (Dayton, OH); in Sub-No. 104, Denver County, CO (Denver, CO); in Sub-No. 107, Jefferson County, KY (Louisville, KY), Franklin County, KY (Frankfort, KY); Armstrong County, PA (Schenely, PA), and Coffee County, TN (Tullahoma, TN); in Sub-No. 109, El Paso County, CO (Colorado Springs, CO); and in Sub-No. 111, Hancock County, IA (Britt, IA), Cerro Gordo County, IA (Mason City, IA), Martin County, MN (Fairmont, MN), Eau Claire County, WI (Eau Claire, WI), Green County, WI (Monroe, WI), and Columbia County, WI (Portage, WI), (c) removing facility limitations, in Sub-No. 22, Cincinnati, OH; in Sub-No. 27, Los Angeles, CA, Phoenix, AZ; in Sub-No. 41, Dayton, OH; in Sub-No. 48, Ludlow, KY; in Sub-No. 61, Chicago, IL, Columbus, OH, Los Angeles, CA; Oakland, CA; in Sub-No. 63, Denver, CO; in Sub-No. 64, Courtland, AL, Pasadena, TX; in Sub-No. 73, Cincinnati, OH; in Sub-No. 75, Dayton, Tipp City, OH, Alsip IL, Baltimore, MD, Boston, MA, Atlanta, GA, Miami, FL, Dallas, TX, LaMirada, San Jose, CA; in Sub-No. 96, Reno, NV, Oakland, Fairfield, CA, Houston, TX, Los Angeles, CA, Kansas City, MO; in Sub-No. 97, Florence, KY; in

Sub-No. 104, Denver, CO; in Sub-No. 109, Colorado Springs, CO, in Sub-No. 110, Phoenix, AZ; in Sub-No. 111, Britt, IA, Mason City, IA, Fairmont MN, Kansas City, MO, Eau Claire, Monroe, Portage, WI, (c) removing "except in bulk" from Sub-Nos. 22, 64, and 111; removing "except frozen commodities and commodities in bulk" from Sub-No. 61; removing "except in bulk in tank vehicles" from Sub-No. 104; removing "except commodities in bulk and chemicals in containers" from Sub-No. 90; removing "except AK and HI from Sub-No. 110 and Sub-No. 75; removing "except hides" from (6) of Sub-No. 111.

MC 126310 (Sub-1)X, filed May 15, 1981. Applicant: MUIR TRUCKING SERVICE, INC., P.O. Box 368, Ivanhoe, CA 93235. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from iron and steel pipe to "metal products" and broaden the territory description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 129788 (Sub-20)X, filed May 22, 1981. Applicant: NASS TRUCK LINES, INC., P.O. Box H, Wenona, IL 61377. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 16F certificate to broaden the commodity description in part (1) from glass and glass products, to "clay, concrete, glass, or stone products" in connection with its operations between La Salle County, IL, and, MI, WI, IN, KY, MO and OH.

MC 134441 (Sub-8)X, filed May 18, 1981. Applicant: DESERT COASTAL TRANSPORT, INC., 3015 E. G Street, Ontario, CA 91764. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 7F certificates to (1) broaden the commodity descriptions to (a) "farm products" from seed, in Sub-No. 1 (part 1); (b) "food and related products" from bananas, Sub-No. 1 (part 7), frozen berries, in Sub-No. 1 (part 9), bananas in mixed loads with fresh fruits and vegetables, and fresh fruits and vegetables when moving at the same time and in the same vehicle with bananas, in Sub-No. 1 (part 10), and bananas when moving in mixed loads with fresh fruits and vegetables, in Sub-No. 7F; (c) "chemicals and related products and pulp, paper and related products" from fertilizer and waxed paper, in Sub-No. 1 (part 2); (d) "machinery and supplies, farm products, and containers," from farm machinery, agriculture commodities, bagging and ties for baling cotton, and empty containers for farm produce, in Sub-No. 1 (part 4); and (e) "chemicals and related products, lumber and wood products, and furniture or fixtures" from insecticides, fertilizer, lumber, and uncrated furniture, in Sub-No. 1 (part 5); (2) remove the restriction against traffic having a prior movement by water, in Sub-No. 7F; (3) change its one-way authorities to radial authorities between named points in CA and AZ; (4) replace cities with county-wide authority as follows: Los Angeles and Los Angeles Harbor with Ventura, Los Angeles and Orange Counties, CA, Arlington, Blythe, Berkeley, Downey, Norwalk, Santa Clara, Long Beach and Wilmington with Riverside, Alameda, Los Angeles, and Santa Clara Counties, CA, and Tucson and Phoenix with Pima and Maricopa Counties, AZ, in Sub-No. 1; and Port Hueneme with Ventura County, CA, in Sub-No. 7F; and (5) expand Yuma, AZ and 25 or 50 miles of Yuma, AZ to Yuma County, AZ, and Brawley, CA and 25 miles of Brawley, CA to Imperial County, CA, in Sub-No. 1.

MC 136635 (Sub-58)X, filed May 13, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-Nos. 13F and 34F certificates to (1) broaden the commodity descriptions from automotive parts and materials used in the manufacture of motor vehicles (except commodities in bulk), to "transportation equipment and materials, equipment and supplies used in the manufacture and distribution of transportation equipment" in both authorities; (2) replace facilities and city-wide authority with county-wide authority: facilities at (a) South Bend, IN with St. Joseph County, IN, in Sub-No. 13F, and (b) Indianapolis, IN, with Marion County, IN, in Sub-No. 34F.

MC 139294 (Sub-8)X, filed May 26, 1981. Applicant: H.T.L., INC., P.O. Box 122, Fairfield, AL 35064. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Applicant seeks to remove restrictions in its Sub-No. 5F certificate to (1) broaden the commodity descriptions from steel and steel products, equipment, materials, and supplies to "metal products"; (2) delete an "except commodities in bulk" restrictions; (3) delete facilities restrictions and broaden cities to county-wide authority: Gadsden and Fairfield, AL, with Etowah and Jefferson Counties, AL; and (4) authorize radial service in place of one-way authority between the counties named above and points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA and WV.

MC 141249 (Sub-6)X, filed May 22, 1981. Applicant: MALCOLM POWELL, d.b.a. POWELL TRUCKING, Route 1, Lumber City, GA 31549. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Applicant seeks to remove restrictions from its MC 141330 Sub-No. 1 permit to (1) broaden the commodity description from lumber to "building materials," and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 144502 (Sub-2)X, filed May 22, 1981. Applicant: INTERMODAL FREIGHT SYSTEMS, INC., 144 Pennsylvania Avenue, P.O. Box 423, Kearny, NJ 07032. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden its commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) remove the exception against service to AK and HI; and (3) remove the restriction requiring a prior or subsequent movement by rail.

MC 146090 (Sub-3)X, filed May 19, 1981. Applicant: WESTERN MOTOR EXPRESS d.b.a. WESTERN TRANSPORT, 7843 Chatfield Street, Whittier, CA 90606. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from wrought steel pipe, the transportation of which, because of size or weight, requires the use of special equipment, to "those commodities which because of their size or weight require the use of special handling or equipment"; (2) replace one way with radial authority; and remove the facilities limitations at Los Angeles County, CA to authorize service (a) between Los Angeles County, CA, and points in Los Angeles, San Bernardino and Riverside Counties, CA, and (b) between points in Los Angeles, San Bernardino and Riverside Counties, CA and points in Arizona.

MC 147452 (Sub-9)X, filed May 26, 1981. Applicant: W.D.W. TRUCKING, INC., 2620 S.W. 66th Terrace, Miramar, FL 33023. Representative: E. Stephen Heisley, 805 McLachlen Bank Building,

666 Eleventh Street, NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its MC–145692F permit to (1) broaden the commodity description from aluminum articles and building materials, and materials, equipment and supplies used in their manufacture and distribution to "metal products and building materials;" (2) to remove the commodities in bulk limitation, and (3) to broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 148150F (Sub-1)X, filed May 14, 1981. Applicant: BROTHERS TRUCKING, INC., R.D. No. 2, Manchester, PA 17345. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Applicant seeks to remove restrictions from its lead certificate to (1) remove the size and weight restriction for its iron and steel authority; (2) remove the originating at or destined to restriction; and (3) replace York, PA, with York County, PA, in its radial authority between York and numerous States.

MC 149397 (Sub-1)X, filed May 19, 1981. Applicant: HELEN REAGAN d.b.a. SOUTHEAST TRUCKING COMPANY, 8418 Tallmadge Road, R.D. No. 6, Ravenna, OH 44266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity descriptions: in part (1), to "building materials", from dock levelers; in part (3), to "metal products", from reinforcing wire and reinforcing wire fabric; in parts (4), to "machinery", from equipment used in the manufacture of concrete pipe; replace facilities with county-wide authority: in part (1), facilities at or near Clare, MI, and Cudahy, WI, with Clare County, MI, and Milwaukee County, WI; in parts (2), (3) and (4), facilities at or near Mogardore, OH, with Summit County, OH; in parts (3) and (4), facilities at or near Palmyra, Uhrichsville, and Newton, OH, Portage, MI, and Croydon and Oakdale, PA, with Portage, Tuscarawas, and Hamilton Counties, OH, Kalamazoo County, MI, Croydon, PA, and Allegany County, PA; in part (3) facilities at or near Relay, MD, with Baltimore County, MD; and in part (5), Palmyra Township, OH, with Portage County, OH; and (3) change its one-way to radial authority between the above-named points, and points in States in the eastern half of U.S.

[FR Doc. 81–16662 Filed 6–3–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 52]

Permanent Authority Decisions; Restriction Removals; Decision—Notice

Correction

In FR Doc 81–11844, at page 22669, in the issue of Monday, April 20, 1981, on page 22677, the first column, last paragraph, in the first line, correct "MC–15183 (Sub-2)X" to read "MC–151813 (Sub-2)X".

BILLING CODE 1505–01–M

[Docket No. AB 19 (Sub-49F)]

Baltimore & Ohio Railroad Co. and Buffalo, Rochester & Pittsburgh Railway—Abandonment in the City of Rochester, Monroe County, NY; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a certificate and decision decided May 19, 1981, a finding, was made by the Commission, Review Board Number 3, stating that the present and future public convenience and necessity permit the abandonment by the Baltimore and Ohio Railroad Company and the Buffalo, Rochester and Pittsburgh Railway Company of segment of their line known as the Rochester Belt Line between railroad valuation stations 364 + 17 (milepost 6.89) and 461 + 59.4 (milepost 8.74) a distance of 1.85 miles, located in the City of Rochester, Monroe County, NY, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

A certificate of public convenience and necessity (served with the decision) will be issued to the Baltimore and Ohio Railroad Company and the Buffalo, Rochester and Pittsburgh Railway Company based on the above-described finding of abandonment 30 days after publication of this notice. However, issuance will be delayed if: (1) an appeal is filed and considered; or (2) within 15 days from the date of publication the Commission further finds that:

(a) a financially responsible person (including a government entity) has offered financial assistance (in the form or a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417 Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(b) it is likely that such proffered assistance would: (i) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(ii) cover the acquisition cost of all or any portion of such line of railroad.

An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension or modifications) is in effect. Information and procedure regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448 effective October 1, 1980). All interested persons are advised to follow the instructions continued therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16484 Filed 6–3–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80–34]

Big-T Pharmacy, Inc.; Hearing

Notice is hereby given that on October 15, 1980, the Drug Enforcement Administration, Department of Justice, issued to Big-T Pharmacy, Inc., William M. Osborne, President, Newport, Tennessee, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke Respondent's DEA Certificate of Registration AB6792825.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, June 9, 1981, in Courtroom No. 214, U.S. Courthouse, 501 W. Main Street, Knoxville, Tennessee.

Dated: May 27, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-14402 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-09-M

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants by the City of Spearfish, South Dakota

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 20, 1981, a proposed consent decree in *Butte-Lawrence Water Quality Association, Inc., et al.* v. *City of Spearfish, et al.*, C.A. No. 79-5015; *United States* v. *City of Spearfish, et al.*, C.A. No. 79-5024 (D.S.D.) was lodged with the United States District Court for the District of South Dakota. The proposed consent decree establishes a schedule of compliance for construction of an advanced secondary sewage treatment facility by the City of Spearfish, South Dakota under an EPA grant which will eliminate the illegal discharge of pollutants from the present lagoon treatment facility. In addition, the proposed decree requires the payment of stipulated penalties for violation of certain of its provisions in the amount of $500.00 per day.

The proposed consent decree may be examined at the office of the United States Attorney, 317 Federal Building & U.S. Courthouse, 515 Ninth Street, Rapid City, South Dakota 57701; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2644, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice. The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *Butte-Lawrence Water Quality Association, Inc., et al.* v. *City of Spearfish, et al.*, C.A. No. 79-5015; *United States* v. *City of Spearfish, et al.*, C.A. No. 79-5024 (D.S.D.) DOJ Reference #90-5-1-4-85.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-16593 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Require Compliance by the City of Erie, Pennsylvania Wastewater Treatment Plant With Its NPDES Permit and the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 15, 1981, a proposed consent decree in *United States* v. *The Erie Sewer Authority, the City of Erie, the Commonwealth of Pennsylvania, and Hammermill Paper Company* (W.D.Pa., No. 78-136) was lodged with the United States District Court for the Western District of Pennsylvania. The proposed consent decree settles a lawsuit field by the United States on behalf of the Environmental Protection Agency ("EPA") against the Erie Sewer Authority and the City of Erie which alleged violations of its NPDES discharge permit and the Clean Water Act by the Erie wastewater treatment plant. The Commonwealth of Pennsylvania was joined as a defendant pursuant to Section 309(e) of the Clean Water Act which requires that a state be a party to any action filed against a municipality under the Act.

Under the terms of the proposed consent decree, the Erie Sewer Authority ("Authority") and the City of Erie ("City") have agreed to meet the terms of the NPDES permit by mid-1982, at the earliest, 1984 at the latest, depending on the effect of various control measures to be taken. They have agreed to install four new dissolved air flotation thickeners, to study and make recommendations concerning the feasibility of chemical treatment, the effect of projected increases in loading from the principal industrial contributor, Hammermill Paper Company, and the sludge handling and disposal process. The parties have agreed to implement those recommendations which are approved by EPA. In addition, the City agrees to calibrate its monitoring meters and to take other measures to insure that those meters are in consistent operating condition. Further, the City and Authority have agreed to enforce the terms of a flow and loading agreement between them and Hammermill Paper Company in the event that exceedances result in noncompliance with the NPDES permit.

The proposed decree provides stipulated penalties for failure to comply with many of its requirements, the penalties to be paid into a trust fund to be used solely for projects which exceed the requirements of law. Upon entry of this proposed decree by the Court, the City and Authority will receive one-half of the balance of their secondary treatment grant which had been withheld by EPA, the rest to be refunded once certain steps required unde the proposed decree have been accomplished.

The proposed decree does not settle the lawsuit filed by the United States against the Hammermill Paper Company in this same action. That lawsuit is the subject of a separate settlement which is currently under review by the Department of Justice.

The proposed consent decree may be examined at the Clerk's office, United States District Court for the Western District of Pennsylvania, United States Courthouse, Sixth and State Streets, Erie, Pennsylvania 16501 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1252, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. There is a copying charge of $2.40 reflecting a rate of $.10 per page for the 24-page decree. Checks should be made payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *The Erie Sewer Authority, et al.*, D.J. Ref. 90-5-1-1-609.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-16594 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

United States v. Halifax Hospital Medical Center, et al.; Comments on Proposed Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the proposed judgment filed with the United States District Court for the Middle

District of Florida in *United States v. Halifax Hospital Medical Center, et al.* Civil Action No. 78–554–Orl–CIV–Y, were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

In the matter of United States of America, Plaintiff, v. *Halifax Hospital Medical Center; Volusia County Medical Society, Inc.,* Defendants.

Civil Action No. 78–554–Orl–CIV–Y, plaintiff's response to comments on the proposed final judgment.

The plaintiff has received three comments on the proposed Final Judgement as to defendant Halifax Hospital Medical Center which relate to portions of Paragraph V. Copies of these comments are attached; these letters and this response will be promptly published in the **Federal Register** as required by 15 U.S.C. 16(d).

A. Response to Comments by Robert E. Nord, Esq.

By letter dated April 16, 1981, Robert E. Nord, Esq. objected to the underlined portion of Paragraph V of the proposed decree:

Defendant Center is enjoined and restrained from establishing or maintaining a professional procurement committee or any other committee, and from adopting or engaging in any policy, practice or procedure, whose purpose or foreseeable effect is to discourage and physician from seeking medical staff privileges at the Center, or to exclude any physician from the center's medical staff:

(1) because such physician is affiliated, or proposes to affiliate, with an HMO; or

(2) *because of any purported lack of need for additional physicians in such physician's area of specialization;*

provided, however, that nothing in this paragraph V shall prevent the Center from entering into contracts with one or more physicians or physician practice groups providing for the exclusive provision at the Center of medical specialties which are principally hospital-based.

Mr. Nord characterizes the provision in question as one with anticompetitive ramifications. However, he does not set forth his reasoning in reaching this conclusion. Rather he contends that quality-of-care requires that hospitals have the option of restricting the number of physicians in certain areas of medical specialization.

In the government antitrust suits, the provisions of a proposed Final Judgement relate to a specific factual context. In this case the government contended that the defendant discouraged non-local physicians from making applications for medical staff privileges by establishing a so-called procurement committee. Based on a telephone survey of the already-privileged physicians in a prospective applicant's medical specialty, the committee sent letters to prospective applicants stating that there was "no professional need" in the community for additional physicians in their specialty. Although we contend this practice was set up in response to a perceived threat that the local health maintenance organization (HMO) was recruiting non-local physicians, the government's evidence would show that this practice also affected various physicians who had no intention to affiliate with the HMO. The commentator's suggestion, therefore, that any anticompetitive conduct could be met by merely enjoining the hospital's exclusionary practices directed at HMO physicians is inconsistent with the facts the government would have attempted to prove at trial.

The decree prohibits the hospital from using two criteria—affiliation with HMOs or purported lack of need for another physician in a particular specialty—as grounds for discouraging or denying staff privileges. It does not prohibit the hospital from setting objective standards relating to physician qualifications or quality of medical care. In our view, this decree would not prevent the defendant from limiting the use of certain of its facilities provided that it had ascertained by objective standards (and not those prohibited by this injunction) that there was reason to believe that the quality of health are of its patients was or would be affected if such actions were not taken and if the solution adopted directly addressed the quality of care question and was applied objectively and non-discriminatorily.

The standard by which the Court must determine the public interest is whether the provisions are consistent with the allegations in the complaint and the enforcement of the antitrust laws. *United States v. Associated Milk Producers, Inc.,* 394 F. Supp. 29 (WD Mo. 1975), *aff'd* 534 F.2d 113 (8th Cir.); *U.S. v. Gillette Co.,* 406 F. Supp. 713 (D. Mass. 1975); *U.S. V. Morgan Drive Away, Inc.,* 1976–1 Trade Cases ¶60,949 (D.D.C. 1976). The provision at issue is consistent with the allegations in the complaint and with the evidence underlying those allegations. The provision's inclusion in this matter will have no effect on enforcement of the antitrust laws in other factual contexts.

B. Response to Comments by James E. Pohlman, Esq.

Mr. Pohlman objects in his letter, dated May 8, 1981, to a different portion of Paragraph V. His concern is with the limiting proviso which states:

provided, however, that nothing in this Paragraph V shall prevent the Center from entering into contracts with one or more physicians or physician practice groups providing for the exclusive provision at the Center of medical specialties which are principally hospital-based.

The argument advanced by Mr. Pohlman is based on his mistaken interpretation that this provision constitutes "judicial authorization" for, and unconditionally condones, exclusive contracts between hospitals and physicians. The decree neither condones nor condemns such practices. The proviso merely excludes them from coverage by the decree. Without such a provision, any and all exclusive contracts would have fallen within the injunctive provisions of subparagraph (2). Exclusive contracts are not *per se* illegal and should any exclusive contract unreasonably restrict competition it would, of course, still be subject to antitrust challenge. Since this practice was not involved in the lawsuit, it was appropriately excluded from the decree's injunctive provisions.

The standard for the public interest determination, whether the provisions are consistent with the allegations and the enforcement of the antitrust laws, *supra,* is met with respect to Mr. Pohlman's concerns. The proviso is not inconsistent with the allegations and its inclusion is a necessary limitation on the preceding subparagraph (2).

C. Response to Comments by Rickart F. Pfizenmayer, Esq.

Mr. Pfizenmayer challenges the limiting proviso in Paragraph V as vague and as unnecessarily endorsing the practice of exclusive contracts between hospitals and physicians. He urges that at a minimum the proviso be redrafted to expressly exclude anesthesiologists and that the Department solicit the views of the Federal Trade Commission as to the antitrust merits of exclusive contracts.

The government submits, as in the preceding response, that the proviso excludes from coverage of the decree an issue which was not within the scope of the lawsuit. With respect to the inclusion or exclusion of given medical specialties, we suggest that general

terminology is desirable since the practice, irrespective of who are parties to any such contracts, is not before the court.

Conclusion

The plaintiff respectfully submits that entry of the proposed decree is in the public interest.

Dated: May 21, 1981.

Respectfully submitted,

Terrence F. McDonald, Esq.,

Attorney, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, Tel: (202) 633–3082.

Certificate of Service

I, Terrence F. McDonald, Esq., counsel for the plaintiff, United States of America, certify that a copy of Plaintiff's Response to Comments on the Proposed Final Judgment have been served on the 22nd of May, 1981 by hand on counsel for the defendant, Owen M. Johnson, Jr., and by first class mail, postage prepaid on William Crotty, Esq., counsel for the defendant, Post Office Box 5488, Daytona Beach, Florida 32018.

Terrence F. McDonald,

Attorney, U.S. Department of Justice, Washington, D.C. 20530.

April 16, 1981.

Re: *U.S. vs. Halifax Hospital Medical Center.*

Mr. John W. Poole, Jr.,
Chief, Special Litigation Section, Antitrust Division, U.S. Department of Justice, 10th & Pennsylvania Avenue, N.W., Room 7218, Washington, D.C. 20530.

Dear Mr. Poole: I have reviewed with interest the proposed Consent Decree in *U.S. vs. Halifax Hospital Medical Center*, and note, with particular interest, that portion of the Decree which would foreclose the right of the hospital to restrict the number of physicians holding privileges at the hospital to perform certain procedures by reason of the fact that there are already sufficient physicians with privileges in a particular area to satisfy needs. I seriously question whether any provision of this nature is necessary to the proposed Decree, and object to its inclusion because of its anticompetitive ramifications.

There are two major drawbacks to the particular provisions in the consent decree to which I refer:

1. It apparently limits the hospital's ability to assure that the individual physician seeking staff privileges to perform certain procedures actually has the opportunity to perform a particular number of surgical procedures of a defined character in order to maintain his professional proficiency. Unless the physician performs a particular procedure a certain number of times each month, or each year, that physician can no longer legitimately hold himself out as being professionally competent to perform that procedure.

2. The hospital may not control the manner in which professional responsibility for patient care is managed. I have personally represented a large hospital (800-bed) which had to halt the performance of cardiac surgery because of a high mortality rate. Two different physician groups included several physicians who had privileges to perform cardiac surgery; the professional background, board certification, training and skill of the physicians was well established. Nevertheless, the hospital determined that by diffusing responsibility for post-operative patient care among the different groups of physicians, the quality of the care—and indeed the very lives of patients—was adversely effected. In other words, proper health care—particularly in the context of surgery—requires a continual service by the physician most interested in the patient.

I have been involved with several antitrust suits involving organizations and institutions involved in the field of health care, and recognize that it is important to protect the competitive opportunities of physicians and others practicing in the context of health maintenance organizations, particularly where organized resistance by individual providers of health care is encountered. Nevertheless, the particular provision in the Consent Decree would restrict the hospital's opportunity to consider and apply important criteria in granting hospital staff privileges to individual physician applicants. I do not believe that it is necessary to the Decree which is being entered, and it represents a superficial understanding of some of the unique characteristics of the health care "industry". The legitimate need to avoid concerted anticompetitive conduct by the hospital can be adequately met by enjoining it from using the existing needs of the hospital for certain medical specialists for the primary purpose of excluding from the medical staff physicians practicing with HMO's.

I understand that you will provide a copy of these comments to the Court. Please advise me if that understanding is in error.

Very truly yours,

Robert E. Nord.

May 8, 1981.

Re: *United States v. Halifax Hospital Medical Center, et al.;* Civil Action No. 78–554–Orl–CIV–Y.

Mr. John W. Poole, Jr.,
Chief, Special Litigation Section, Antitrust Division, U.S. Department of Justice, 10th & Pennsylvania Avenue, N.W., Room 7218, Washington, D.C. 20530.

Dear Mr. Poole: We have reviewed in the **Federal Register** of March 18, 1981, the proposed Final Judgment as to Defendant, Halifax Hospital Medical Center in the above-captioned case. On behalf of our client, the Ohio Society of Anesthesiologists ("OSA"), and pursuant to 15 U.S.C. § 16(b), we are submitting the following comments. We understand that you will file a copy of these comments with the court.

The main concern of the OSA is with Section V of the Final Judgment which enjoins the defendant from discouraging any physician from seeking staff privilege, either because the physician is affiliated with a health maintenance organization ("HMO"), or because of an alleged lack of need for physicians in any given specialty. The conclusion of this section contains the following provision:

provided, however, that nothing in this paragraph V shall prevent the Center from entering into contracts with one or more physicians or physician practice groups providing for the exclusive provision at the Center of medical specialties which are principally hospital-based.

We question the advisability of these language reasons.

First, this explicit authorization of exclusive contracts in unnecessary under the facts before the court. The gravamen of the complaint in this case was that the defendants had conspired to impair the ability of an HMO to operate in the area. The conduct challenged by the government related to specific acts of discrimination against HMO's and their members. Thus, while these specific acts may be enjoined, it is unneccessary to give a judicial authorization for exclusive contracts between hospitals and physicians.

Second, by unconditionally condoning exclusive contracts between hospitals and physicians, the above-quoted section would circumvent established precedents dealing with the analysis of exclusive contracts. Federal antitrust law traditionally has analyzed exclusive arrangements on a case-by-case basis under the rule of reason. *See, e.g., Tampa Electric Company v. Nashville Coal Company,* 365 U.S. 320 (1961). Under the state and federal decisions dealing with exclusive contracts between physicians and hospitals, moreover, courts consistently have examined all relevant factors concerning the challenged arrangement. *Hyde v. J. Jefferson Parish Hospital District No. 2,* (Case No. 78–750, E.D. La., decided January 26, 1981); *Radiology Prof. Corp. v. Trinidad,* 195 Colo. 253, 577 p.2d 748 (1978) (and cases cited therein). The cited passage from the proposed Final Judgment does not recognize the need for such a case-by-case analysis.

We hope that these comments have been helpful. If you would wish any additional information or would have any questions concerning these comments, please contact us.

Very truly yours,

James E. Pohlman.

May 18, 1981.

Re: United States v. Halifax Hospital Medical Center—Proposed Final Consent Judgment, 46 Fed. Reg. 17314 (March 18, 1981).

John W. Poole, Jr.,
Chief, Special Litigation Section, Antitrust Division, U.S. Department of Justice, 10th & Pennsylvania Avenue, N.W., Room 7218, Washington, D.C. 20530.

Dear Mr. Poole: This firm acts as counsel to The American Society of Anesthesiologists ("ASA"), a national medical organization composed of approximately 17,500 physicians engaged in the practice of anesthesiology. On behalf of ASA, we object to the inclusion in the Final Judgment in *United States v. Halifax Hospital Medical Center,* Civil Action No. 78–554–Orl–CIV–Y, of the proviso to Paragraph V which states:

* * * that nothing in this paragraph V shall prevent the Center from entering into contracts with one or more physicians or physician practice groups providing for the exclusive provision at the Center of medical specialties which are principally hospital-based.

That proviso is vague, is unnecessary to securing relief for the conduct which is the subject of the complaint, and, without full consideration of the pertinent facts or of the issues raised, gives unconditional Justice Department and Court sanction to exclusive arrangements between hospitals and certain favored medical specialists which are both anticompetitive and detrimental to quality patient care.

* * * * *

In the first instance, it is not clear which medical specialties are "medical specialties which are principally hospital-based" and thus covered by the proviso. Some medical specialties, such as pathology and radiology, are usually in some form of employment or agency relationship with the hospital and are frequently characterized as "hospital-based." So characterizing and including anesthesiologists is inappropriate and lacks any substantial basis in fact. It is, of course, true that most of the medical services of anesthesiologists are performed within the physical confines of a hospital. However, with only minor percentage exception, anesthesiologists perform their services as independent medical professionals, and are compensated for these services on the basis of a fee charged to the individual patient. They are no more "hospital-based" than, for example, are surgeons, invasive cardiologists and obstetricians, who are part of the medical care team with which the anesthestiologist is most frequently involved and who similarly perform most of their services in a hospital. At a minimum, therefore, the proviso should be redrafted to clarify which specialists are covered and to exclude anesthesiologists.

Definitional deficiencies aside, the proviso sanctioning exclusive arrangements is a gratuitous license which goes beyond the issues raised by the complaint and is unnecessary to a settlement of those issues. The complaint is directed at activities of the Defendant Center and of the local county medical society alleged to have impaired the ability of a local health maintenance organization to compete in health care delivery. Included among these activities were discouraging non-local physicians contemplating affiliation with the HMO from locating in the county and denial of staff appointments to physicians contemplating affiliation with the HMO. The exclusive contracts excepted by the proviso from the operation of Paragraph V's prohibitions against denying physicians medical staff privileges must have nothing to do with the existence of the HMO and the affiliation of individual physicians with the HMO. If they did, presumably the Department of Justice would not have agreed to the proviso since to do so would have permitted a vestige of discrimination against HMO-affiliated physicians to remain uncorrected. The proviso thus goes beyond the issues raised in the complaint.

One can speculate that the proviso was justified by the Defendant Center as a clarification of Paragraph V's prohibition against denying a physician medical staff privileges "because of any purported lack of need for additional physicians in such physician's area of specialization." However, it is indeed ironic, if not anomalous, that a proposed consent decree which purports to eliminate anticompetitive restrictions on medical staff privileges permits a particular exclusionary practice without any analysis of the anticompetitive impact of such practice. This is expecially troubling since the apparent purpose could be achieved in a less anticompetitive manner more clearly related to the gravamen of the complaint. Quite simply, the part of the prohibition of Paragraph V in question could be dropped entirely since the prohibition against denying a physicians staff privileges "because such physician is affiliated, or proposes to affiliate, with an HMO" is sufficiently broad to cover any activity based on the improper discrimination. Alternatively, if it is deemed appropriate specifically to address the possible claim that additional physicians are not needed, that prohibition could be rephrased to prohibit the exclusion of any physician from the Center's medical staff:

because of any purported lack of need for additional physicians in such physician's area of specialization *where the purpose or foreseeable effect of exclusion on such basis is to deny the physician medical staff privileges because he is affiliated, or proposes to affiliate, with an HMO.* (change underlined)

This approach at least leaves open for future determination in light of the pertinent facts the question of whether exclusion from the medical staff on grounds other than HMO affiliation is a violation of the antitrust laws.

If that issue must be addressed with respect to exclusive contracts, it is submitted that the proviso is ill-conceived and ill-advised as a matter of substantive antitrust law and policy. What could be more anticompetitive than an agreement which *insures* that there will be no competition in the provision of anesthesiology services at a hospital? A monopoly is created by an agreement foreclosing otherwise qualified physicians from practicing their specialty in a hospital simply because another physician or practice group is favored by the hospital administration and the physicians seeking to practice in the hospital are unable, or unwilling, to enter into a financial arrangement with the physician or group having the exclusive contract. Further, such an arrangement in effect ties the provision of anesthesia services to the provision of hospital surgical facilities—a patient undergoing surgery or another procedure requiring anesthesia services is compelled to purchase those services from a single source. What opportunities that may have existed for competition among anesthesiologists by virtue of surgeon selection or patient request are thus eliminated.

In any event competition among anesthesiologists is restrained. Anesthesiologists are not like other physicians who have the privilege of admitting patients. The exclusion of those other physicians from the staff of a particular hospital does not eliminate competition so long as those physicians have privileges in some other hospital. They can compete with physicians having exclusive arrangements at one hospital by simply admitting their patients to another hospital. Anesthesiologists on the other hand usually are, and can be, retained only after a patient is admitted to the hospital. The existence of an exclusive contract in that hospital thus necessarily forecloses competition among anesthesiologists with respect to any actual or prospective patient in the hospital.

The scenario may vary—the physician seeking the opportunity to practice may have just completed his training and be entering private practice for the first time; he may be an experienced physician new to the community; or he may even be a physician who has been practicing in the hospital but who has left, or been forced out of, the group having the exclusive contract, or who has had his staff privileges terminated because of a newly created exclusive arrangement. Whatever the case, the effect is the same. The physician is denied the opportunity to practice. More importantly, patients are denied access to an alternative source of the medical service they need, which alternative may be less expensive, or higher quality, or both.

It is sometimes said that such exclusive arrangements are desirable, or perhaps even necessary, in order to assure quality service to patients on an efficient basis. In this vein it is asserted that such arrangements permit standardization of procedures, improved efficiency and personnel morale, better scheduling and availability of services, better supervision and training of physicians, technique specialization, facilitation of the exchange of information, and the enhancement of full utilization of expensive equipment. Even if valid, these justifications are insufficient as a matter of antitrust law. The United States Supreme Court has made it plain that the purpose of antitrust analysis is to assess a challenged restraint's impact on competitive conditions and that alleged public health, safety and welfare justifications for conduct which suppresses or destroys competition are not cognizable under the antitrust laws. *National Society of Professional Engineers* v. *United States*, 435 U.S. 679 (1978).

Even if admissible on some "market necessity" theory, as to anesthesiology these justifications do not have an inevitable basis in fact. In many hospitals throughout the country, the anesthesiology service is staffed by individual physicians and practice groups which have no financial relationship with the hospital or among themselves. The necessary organization of the service and scheduling of coverage are achieved through a departmental administration or through cooperation between the surgeons and the anesthesiologists with which they have established working relationships. Evidently, the anesthesia service in these hospitals operates satisfactorily since they have not found it necessary to impose an exclusive arrangement on the anesthesiology staff.

ASA agrees with this judgment and strongly opposes exclusive contracts in anesthesiology. It has found that exclusive contracts can lead to under-utilization of operating room time, create disincentives for providing optimal anesthesia care, and permit a hospital to abuse its responsibility to evaluate the qualifications of physicians seeking staff privileges. For these reasons, it is ASA's position that where a hospital's other clinical departments have open staffs, the anesthesiology staff should be open to any qualified anesthesiologist willing to share in the responsibilities for providing necessary anesthesia service. This position is embodied in Paragraph VI of the ASA Statement of Policy adopted by the ASA House of Delegates last October. A copy of the Statement of Policy if attached for reference.

It will be noted that this position is not an ethical constraint and that ASA is committed to a policy of competition among anesthesiologists. As part of a settlement of a Federal Trade Commission investigation of provisions in ASA's ethical documents relating to contract practice, ASA agreed to (and did) adopt the policy that and anesthesiologist is free to choose whatever arrangement he prefers for compensation of his professional services. It further agreed not to "coerce" anesthesiologists into practicing only on a fee-for-service basis. In this connection, it is certainly fair to ask why, if it is not proper for ASA to dictate that anesthesiologists structure their compensation arrangements in a manner believed by it to be in the best interests of quality patient care, it is not similarly improper for a hospital in the exercise of its monopoly power and in concert with others to force anesthesiologists to have a particular financial relationship with the hospital or another physician because its administration believes such an arrangement to be in the best interests of quality patient care. The fostering of a truly competitive market for anesthesiology services, not to mention simple equity, would require that coercion from another element of the market equation be avoided as well.

Finally, it is worth noting in passing that we are aware that the staff of the Federal Trade Commission has for some time been conducting an investigation into exclusive contracts for the provision of medical services. We do not know what the staff's position is, but it does not appear that there has been any consultation between the Department of Justice and the FTC on the proposed proviso. As the antitrust enforcement agency which has perhaps been the most aggressive in pursuing alleged anticompetitive activities in the health care industry, the FTC's views are certainly pertinent. We would hope that the FTC will comment on the proviso in question. If it does not, its views ought to be solicited by the Justice Department or the Court if it is determined that the subject of exclusive contracts must be addressed in this Final Judgement.

ASA strongly urges that these comments be given the most serious consideration. We understand that they will be submitted to the Court. If we can provide any additional information or can amplify these comments, we would be pleased to do so.

Sincerely,

Rickard F. Pfizenmayer.

[FR Doc. 81-16586 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-23]

Recommendations, Responses; Availability

Following investigation of the engine flameout occurring last March 25 on Bell 206L-1 helicopter, N 1077N, the Board on May 22 issued these "Class II, Priority Action" recommendations to the Federal Aviation Administration:

Issue an Airworthiness Directive to require that those Allison 250-C28 and -C30 engines identified by the manufacturer as having the PN 6899243, Revision A, splined adapters installed be removed from service. (A-81-59)

Review and evaluate the manufacturing processes and quality assurance procedures for these splined adapters to ensure product integrity and safety. (A-81-60)

Recent Responses from the Federal Aviation Administration—

A-76-31 through -44 (May 1).—Current status of recommendations, reported initially at 41 FR 15953, Apr. 8, 1976:

A-76-31: FAA is continuing research to determine magnitude of windspeed component changes during thunderstorms, expects to improve information on wind shear conditions using terminal area Next Generation Radar (NEXRAD), and may issue proposed rule on requirements for airborne wind shear systems.

A-76-32: FAA is implementing a Low-Level Wind Shear Alert System (LLWSAS) to detect the horizontal wind shear caused by thunderstorm gust fronts and strong cold fronts near airports; NEXRAD may help to detect, classify, and track thunderstorms; programs are underway to develop means to transmit hazardous weather information to the cockpit.

A-76-33: FAA has invested substantial R&D resources in developing sensors to detect variations in wind components, is increasing instrument landing systems (ILS's) at air carrier service airports, and is implementing the Microwave Landing System where an ILS is impractical. FAA's flight service station automation program will enhance transmittal of a hazardous weather information to the cockpit.

A-76-34: Too many variables are involved to require inclusion of the wind shear pentration capability of an airplane as an operational limitation in the operations manual, but FAA is preparing an advisory circular on installation and use of airborne equipment.

A-76-35: FAA is installing LLWSAS to provide comparison of windspeed and direction, sensed at remote locations on the airport, relative to those values sensed at center field locations.

A-76-36: FAA has 18 Air Route Traffic Control Centers (ARTCC's) with commissioned Center Weather Service Units (CWSU) and plans to install and test auto dial conference call capabilities in the CWSU at the Indianapolis ARTCC; plans use of FSS automation system components to disseminate weather information to FSS's and CWSU's; an operational test/evaluation of the Color Weather Radar System at Cleveland ARTCC is scheduled for completion by year's end.

A-76-37 through -41: FAA notes previous closing by official Board action.

A-76-42: FAA is developing equipment and procedures to permit transition from instrument to visual references during final segments of instrument approach, is implementing autoland by publication of procedures and certification of aircraft facilities and aircrews for Category III operations, is expanding implementation of ILS's to provide that service to a wider user group, and has underway installation of additional Visual Approach Slope Indicator systems (VASI) at some precision and nonprecision approach runways. FAA has amended 14 CFR Parts 91 and 121 to clarify criteria for commencing and continuing instrument approaches and instrument landing procedures and minimums. Joint FAA/NASA program to determine benefits to safety during transition attributable to a head-up display are expected in 1981. Approval of a head-up display for use on a supplemental basis has been completed on recently certificated DC-9-80.

A-76-43: A 4-year study shows that many problems involved in wind shear encounters may be avoided.

A-76-44: FAA believes the LLWSAS satisfied intent of this recommendation, which called for program to produce accurate and timely forecasts of wind shear in the terminal area.

A-76-80 and -81 (May 11).—Responds to Board letter of Sept. 22, 1980, commenting on response of Sept. 8, 1976. FAA issued, Feb. 4, 1980, Amendment 25-51 revising 14 CFR 25.785 to upgrade safety requirements for flight attendant seats, and Amendment 121-155 revising 14 CFR 121.311 to retroactively apply § 25.785 flight attendant seat requirements to airplanes in air carrier operations. FAA is revising TSO-C39a, Aircraft Seats and Berths, to include specific dimensional and energy absorption requirements for flight attendant seats, and TSO-C22 to include requirements for shoulder harness installations. (Ref. 41 FR 41767, Sept. 23, 1976)

A-78-23 through -26 (May 15).—Supplements June 27, 1978, response. FAA has completed analysis of helicopter pilot workload and is now on a helicopter accident analysis program to classify accidents caused by pilot factors. FFA/NASA program will determine optimum/advanced helicopter display and integrated control systems in helicopter design. FAA is developing a human factors program to improve the man/machine interface of controllers and pilots. (Ref. 43 FR 324676, July 27, 1978)

A-80-101 through -104 (May 11).—Responds to Board comments of Mar. 26, 1981, on response dated Dec. 15, 1980. To collect weather and airport information from remote locations FAA will provide HF transceivers as needed, until they can be replaced with more reliable "meteor burst" or satellite communications. FAA is reexamining future inspector staffing requirements in Alaska, including potential location assignment of domiciled inspectors. FAA continues to test "meteor burst" technology; a third collection site was installed at Togiak, Alaska. "Slow scan" and "live scan" television observations tested at two Alaskan locations: The one at Unakleet was not successful due to lack of contrast in the terrain, and FAA plans to expand the test to include programed stops in the equipment for better orientation; the test at Valdez was highly successful because of excellent terrain contrast, and three additional sites are now funded for further testing. (Ref. 46 FR 2224, Jan. 8, 1981)

Other Recent Responses—

I-80-2, from the Federal Railroad Administration, May 5.—To develop guidelines for handling tank cars containing pressurized liquefied gases, FRA will determine and characterize the range of damage types which tank car heads and shells sustain through reviews of past accidents, visits to railroad repair shops, and direct observations at accident sites. (Ref. 45 FR 71870, Oct. 30, 1980)

P-79-32, from the Lone Star Gas Company, May. 12.—All service lines will be installed and existing service lines will be replaced as needed up to the point of measurement. Lone Star is implementing its revised policy by filing for franchise amendments and is supporting an amendment to the reauthorization bill for the State Plumbing Board to clarify the right of the company to work on customer-owned service lines without a master plumber's license. (Ref. 45 FR 43290, June 26, 1980); Board letter of Sept. 29, 1980)

R-76-23, from the Federal Railroad Administration, May 6.—Amtrak has informed FRA that retrofitting of coupler assemblies was completed June 19, 1980, including installation of direct coupling of turnbuckles and elimination of the hook and link coupling arrangement. (Ref. 45 FR 3414, Jan. 17, 1980; Board letter of Feb. 5, 1980)

R-80-54, from the Federal Railroad Administration, May 14.—FRA does not intend to amend 49 CFR 221.15(c)3. FRA is informed that Southeastern Pennsylvania Transportation Authority plans to implement a retrofit program for installation of colored rear-end marking devices on their equipment, which may result in discontinuance of use of rear headlights as marking devices. (Ref. 46 FR 11075, Feb. 5, 1981)

R-81-30, from the Amalgamated Transit Union, May 4.—ATU agrees to assist and cooperate with UMTA to bring about emergency response training or rail rapid transit employees (Ref. 46 FR 17684, Mar. 19, 1981)

Note.—Copies of Board recommendation letters, responses and related correspondence are available without charge. All requests must be in writing, identified by recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer

May 29, 1981.

[FR Doc. 81-16605 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Byproduct Material License No. 12-13568-01; EA 81-32]

Isotope Measurements Laboratories, Inc.; Order to Show Cause

I

Isotope Measurements Laboratories, Incorporated, 3304 Commercial Avenue, Northbrook, Illinois (the "Licensee") is the holder of Byproduct Material License No. 12-13568-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes the licensee to possess byproduct material incident to the receipt, storage and delivery to specificlly licensed recipients. The license was issued on February 24, 1970, and is due to expire on February 28, 1985.

II

The findings of a Commission investigation conducted during the period June 30, 1980 through January 6, 1981 revealed that the licensee was receiving byproduct material from client hospitals who were not authorized to manufacture and distribute radiopharmaceuticals, and was distributing these materials to other of the licensee's client hospitals in Indiana and Southern and Central Illinois. This practice continued after the Commission had denied on April 27, 1979, a request by the licensee for authorization to elute radiopharmaceuticals and distribute these eluates to other of the licensee's client hospitals. This denial was based on the fact that the licensee did not submit the necessary information required by 10 CFR 32.72 for a specific license to manufacture and distribute radiopharmaceuticals for medical use under group licenses. This unauthorized distribution further continued in some areas after representatives of the licensee attended an enforcement conference conducted by Commission representatives with several of the licensee's client hospitals on June 20, 1980, at which the unauthorized distribution practices were discussed. Furthermore, the licensee continued this practice at two hospitals in Central and Southern Illinois after receipt of an Immediate Action Letter dated August 8, 1980, which confirmed the Commission's understanding that the licensee would cease the unauthorized practices at all locations.

From the foregoing, it is apparent that the licensee has engaged in a practice of chronic noncompliance with the Commission's requirements including the continuation of an unauthorized practice after the April 27, 1979 license amendment denial, and the failure to comply fully with the commitments confirmed in the August 8, 1980 Immediate Action Letter.

III

In view of the foregoing and pursuant to Sections 81, 161(b) and 186 of the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2, 20, 30, 32 and 35, it is hereby Ordered that:

The licensee show cause in the manner hereinafter provided why all activities under Byproduct Material License No. 12-13568-01 should not be suspended.

IV

The licensee may show cause within thirty days of the date of this Order by filing a written answer under oath or affirmation which sets forth the matters of fact and law on which the licensee relies. Any answer which the licensee intends to satisfy the show cause requirement shall include plans and procedures for conducting future activities in compliance with Commission requirements. Specifically, those plans and procedures should demonstrate that sufficient controls have been implemented to assure that: (1) employees engaged in operations under the license are trained to perform such operations in accordance with Commission requirements; and (2) effective management systems exist to assure the conduct of IML's licensed

activities in accordance with Commission requirements. The licensee may answer, as provided in 10 CFR 2.202(d), by consenting to the entry of an order in substantially the form proposed in this Order to Show Cause. Upon failure of the licensee to file an answer within the specified time, the Director, Office of Inspection and Enforcement, may issue without further notice an order suspending licensed activities.

V

The licensee or any other person who has an interest affected by this Order may request a hearing within thirty days of the date of this Order. Any answer to this Order or any request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, DC 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a person other than the licensee requests a hearing, that person shall describe specifically, in accordance with 10 CFR 2.714(a)(2), the person's interest and the manner in which that interest is affected by this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in section II of this Order, Byproduct Material License No. 12-13568-01 should be suspended.

Dated at Bethesda, Maryland this 28th day of May 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81-16656 Filed 6-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361-OL, 50-362-OL]

Southern California Edison Co. et al. (San Onofre Nuclear Generating Station, Units 2 and 3); Order

Time and Place of Hearing on Seismic Issues

May 29, 1981.

The public hearing on seismic issues in this proceeding will begin at 9:00 a.m., local time, on June 22, 1981 in San Diego, California in Courtroom 8 of the United States District Court. The Courtroom is located in the Federal Building at 940 Front Street.

It is so Ordered.

Dated at Bethesda, Maryland this 29th day of May, 1981.

For the Atomic Safety and Licensing Board.

James L. Kelley,

Chairman, Administrative Judge.

[FR Doc. 81-16657 Filed 6-3-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22072; (70-6579)]

American Electric Power Company, Inc.; Proposal by Holding Company To Act as Surety for a Subsidiary

May 29, 1981.

American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a declaration with this Commission pursuant to sections 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder.

AEP proposes to act as surety for Wheeling Electric Company ("Wheeling"), a public utility subsidiary of AEP, in connection with Wheeling's plan to place increased electric rates into effect subject to refund. Pursuant to an order of the Public Service Commission of West Virginia, Wheeling may place such rates into effect commencing June 27, 1981, pending completion of an investigation by the West Virginia Commission with respect to the rate increase. The amount of the bond is estimated at $4,700,000, equal to the estimated additional annual revenue that the increased rates will provide. AEP will charge no fee to Wheeling for acting as surety.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 22, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16672 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22073; (70-5943)]

American Electric Power Co., Inc.; Proposed Issuance and Sale of Common Stock Pursuant to Dividend Reinvestment and Stock Purchase Plan

May 29, 1981.

American Electric Power Company, Inc. ("AEP"), 180 East Broad Street, Columbus, Ohio 43215, a registered holding company, has filed with this Commission a post-effective amendment to its declaration in this proceeding pursuant to sections 6(a) and (7) of the Public Utility Holding Company Act of 935 ("Act") and Rule 50(a)(5) promulgated thereunder.

By orders dated February 8, 1977, April 19, 1978, March 29, 1979, August 8, 1979, and May 1, 1980 (HCAR Nos. 19879, 20506, 20979, 21180, and 21544), AEP was authorized to issue and sell, from time to time through June 30 1981, up to 12,000,000 shares of its authorized but unissued common stock, $6.50 par value, pursuant to its Dividend Reinvestment and Stock Purchase Plan ("Plan';'). Through May 8, 1981, a total of 9,893,348 shares had been issued and sold, leaving a balance of 2,106,652 shares available for issuance and sale.

AEP now proposes to issue and sell, from time to time through June 30, 1982, up to an additional 7,000,000 shares of its authorized unissued common stock, plus the unsold balance of the shares of common stock heretofore authorized by the Commission for issuance, pursuant to the Plan. The price of shares purchased with reinvested cash dividends is 95% of the average of the daily high and low sales prices of AEP's common stock on the New York Stock Exchange for the five trading days ending on the day of purchase.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 26, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by

certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will not notifed of any hearing, if ordered, and will recieve a copy of any notice or order issued in this matter. After said date, the delcaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16673 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22070; (70-6126)]

American Electric Power Co., Inc.; Proposed Issuance and Sale of Common Stock to Trustee for System Employees Savings Plan

May 29, 1981.

American Electric Power Company, Inc. ("AEP"), 180 East Broad Street, Columbus, Ohio 43215, a registered holding company, has filed with this Commission a post-effective amendment to its declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

By orders dated April 25, 1978, April 27, 1979, and June 24, 1980 (HCAR Nos. 20516, 21022, and 21639), AEP was authorized to issue and sell, from time to time through June 30, 1981, up to 1,500,000 shares of its authorized unissued common stock, $6.50 par value, to Bankers Trust Company, the Trustee for the AEP System Employees Savings Plan ("Savings Plan"). Through May 15, 1981, a total of 1,081,400 of such shares had been sold to the Trustee for a total price fo $20,671,975, leaving a balance of 418,600 shares.

AEP now proposes to issue and sell to the Savings Plan Trustee, from time to time through June 30, 1982, up to an additional 300,000 shares of its authorized unissued common stock, plus the unsold balance of the shares of common stock heretofore authorized by the Commission for issuance, to said Trustee. The pricie to the Trustee of such shares on any date of sale will be the average of the high and low sales price of AEP's common stock on the New York Stock Exchange on such date, but in no event less than the par value thereof.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 26, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16674 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 28, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Amsouth Bancorporation, Common Stock, $1 Par Value (File No. 7-5933)
Louisiana General Services Inc., Common Stock, $1 Par Value (File No. 7-5934)
Mitel Corporation, Common Stock, No Par Value (File No. 7-5935)
Nortek Incorporated, Common Stock, $1 Par Value (File No. 7-5936)
Santa Anita Operating Company/Santa Anita Realty Enterprises Incorporated, Paired Certificates, Common Stock, $.10 Par Value (File No. 7-5937)
Engelhard Corporation, Common Stock, $1 Par Value (File No. 7-5938)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 18, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16675 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17830; File No. SR-NASD-81-7]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

June 1, 1981.

On April 27, 1981, the National Association of Securities Dealers, Inc. (the "NASD" 1735 K Street, NW., Washington, D.C. 20006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends Article I, Schedule C, Parts I and II of the NASD By-Laws concerning the registration requirements for principals and representatives. Parts I and II were adopted as interim measures pending Commission approval of proposed Rule 15b7-1 and would expire on May 31, 1981. The proposal deletes the May 31, 1981, expiration date for Parts I and II, thereby extending indefinitely the applicability of these provisions. The NASD has requested that this proposed rule change receive accelerated approval pursuant to Section 19(b)(2) of the Act.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17796, May 11, 1981) and by publication in the **Federal Register** (46 FR 27590 (1981)). No written statements with respect to the proposed rule change were filed with the Commission.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication for the notice of filing thereof, since deletion of the May 31, 1981, expiration date for Parts I and II will ensure continuous qualification and

registration of persons associated with NASD members pending Commission action on proposed Rule 15b7–1. The NASD expects to submit conforming amendments to Schedule C upon Commission approval of proposed Rule 157b–1 or an amended version thereof.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–16676 Filed 6–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11799; (811–110)]

Trusteed Income Estates Certificates Original Series; Proposal To Terminate Registration

May 29, 1981.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Trusteed Income Estates Certificates Original Series ("Trust"), 919 18th Street NW., Washington, D.C. 20006, registered under the Act as a unit investment trust, has ceased to be an investment company as defined by the Act.

Information contained in the files of the Commission indicates that the Trust was organized as a common law trust in the state of New Jersey by trust agreement dated April 1, 1933. The Trust filed Form N–8A, Notification of Registration, with the Commission on November 1, 1940. According to its Form N–8A, the Trust last offered its securites to the public on February 26, 1938. Commission records indicate that the Trust is presently inactive and has no reported assets.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of that investment company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 23, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the proposal accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Trust at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the proposal herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponenments thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

[FR Doc. 81–16677 Filed 6–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 17819; SR–BSE–81–4]

Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change

On April 16, 1981, the Boston Stock Exchange, Inc. One Boston Place, Boston, Massachusetts 02108 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change to amend Chapter II, Section 16 of its Rules relating to short selling by broker-dealers to permit a broker-dealer, under certain specified circumstances, to effect short sales of a security at a price equal to the price associated with that broker-dealer's most recent communicated offer for that security.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17737, April 20, 1981) and by publication in the **Federal Register** (46 FR 23361, April 24, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: May 27, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–16609 Filed 6–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11797; 812–4809]

Banque Francaise du Commerce Exterieur and BFCE U.S. Finance Corp.; Application for an Order Exempting Applicants From All Provisions of the Act

May 28, 1981.

Notice is hereby given that Banque Francaise du Commerce Esterieur ("BFCE") and BFCE U.S. Finance Corporation, c/o Peter H. Darrow, Esq., Cleary, Gottlieb, Steen & Hamilton, One State Street Plaza, New York, NY 10004 ("BFCE U.S. Finance") (together, "Applicants") filed an application on January 21, 1981, and an amendment thereto on May 8, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of respresentations contained therein, which are summarized below.

Business of Applicants

Applicants state that BFCE was established in 1947 pursuant to French Decree dated June 1, 1946, for the purpose of facilitating the financing of French foreign trade, and that its primary activity is to carry out the program of government export financing. According to the Applicants, BFCE is the only financial institution in France empowered to perform this specialized function. Its principal office is located at 21, Boulevard Haussmann, 75009 Paris, France.

BFCE provides government financing in francs for medium- and long-term credits extended to French exporters or foreign purchasers in connection with the export of French goods and services, by refinancing the major part of the medium-term portion of these credits

which are provided by French banks and the entire amount of the long-term portion of the credits provided by those banks to French exporters and by directly financing the long-term portion of credits to foreign purchasers of French exports. Except for certain short-term credits, governmental financing of export credits is subject to the issuance of disaster and political risk insurance. BFCE also refinances certain expenses of French exporters not covered by foreign purchaser's advance or progress payments and it guarantees, for the Treasury Division of the Ministry of the Economy ("Treasury"), foreign investment by French individuals and companies against certain political risks.

The application states that BFCE obtains the funds for its governmental export financing from refinancing operations with the Banque de France (in the case of medium-term refinancing), from loans granted by the Treasury, from bank loans, from money market operations and from the sale of its debt securities on various capital markets. The application further states that more than 97% of BFCE's outstanding long-term indebtedness in the form of debt securities, bank loans and loans from the Treasury has been incurred to fund its long-term government export financing; that the funds obtained for this purpose from loans and the sale of those securities are segregated from BFCE's other funds; and that all of BFCE's borrowings to fund its governmental financing operations are guaranteed by the Republic of France ("Republic"). Applicants affirm that the government guaranteed borrowings have included two public offerings in the United States registered under the Securities Act of 1933 (the "1933 Act").

Applicants represent that any difference between the cost of funds raised for government export finance activity through bank loans and debt issues and the interest income derived from the sued of those funds is, after commissions to BFCE at rates fixed by the Treasury, for the account of the Treasury. Applicants assert that BFCE's government export financing operations accounted for approximately 68% of its assets at December 31, 1977, 67% at December 31, 1978, and 67.1% at December 31, 1979 (based on its published French financial statements).

Applicants acknowledge that, in addition to government export financing, BFCE engages in all the financing and other activities normally engaged in by French commercial banks, with particular specialization in matters involving international commerce, expecially imports, exports and foreign investments. According to the application, in the commercial banking area, BFCE's most important activities are the receipt of deposits and the extension of credit. The application states that at December 31, 1979, loans (including interbank loans) not part of BFCE's government financing program amounted to $8,308 million or 72.5% of its assets not attributable to government export financing, and deposits and money market borrowings secured by bills of $5,306 million and $3,394 million, respectively, represented 75.9% of liabilities not attributable to government export financing. (All dollar amounts are computed based upon the conversion rate from French francs as of December 31, 1979.)

Applicants state that like all major European banks (as well as many foreign merchant banking subsidiaries of American banks) BFCE engages in various types of investment banking activities outside the United States and that these activities accounted in 1979 for less than 0.5% of BFCE's operating income. According to the application, in conjunction with its foreign trade financing activities, BFCE provides French companies with technical advice with respect to foreign trade, particularly financing methods. BFCE has made investments in French and foreign companies which promote French foreign trade and which provide specialized financial services to French importers and exporters and has also made quity investments in, and in some cases is represented on the boards of directors of, various French and foreign financial institutions and consortium banks.

The application states that BFCE U.S. Finance was formed on January 15, 1981, to serve as a financing vehicle for BFCE, and that all of the outstanding shares of capital stock of BFCE U.S. Finance will be owned by BFCE. The application also states that since it is intended that the sole business of BFCE U.S. Finance will be the provision of funds to BFCE, virtually all of its assets will consist of amounts receivable from BFCE. The principal office of BFCE U.S. Finance will be 306 South State Street, Dover, Delaware.

Regulation of BFCE

Applicants allege that BFCE is subject to extensive government regulation in France, both as a financial institution empowered to engage in governmental export financing activities and as a commercial banking institution. The application states that the share capital of BFCE may be held only by certain public agencies of the Republic and certain financial institutions in which the Republic has a controlling interest, and, furthermore, that any change in shareholders must be approved by government decree and any change in the amount of the share capital of BFCE or in the distribution thereof among its shareholders must be authorized by the Minister of the Economy.

The application states that all of the members of the board of directors of BFCE are appointed for a five-year term by government decree, and the two highest ranking executive officers, the chairman of the board and the general manager, are appointed by the Minister of the Economy upon the board's recommendation. In addition, two special representatives of the government, appointed by the Ministers of the Economy and the Budget, are entitled to attend all board and committee meetings and have veto power over any board decisions, subject to appeal to the Minister of the Economy.

With respect to BFCE's commercial banking activities, the application states that BFCE is subject to the same panoply of corporate and banking regulations as other French banks and French branches of foreign banks, as principally administered, often on a cooperative basis, by the Conseil National du Credit, Commission de Control des Banques, and Association Francaise des Banques. These regulations include restrictions relating to liquidity, assets and loan coverage, reporting requirements and exchange control regulations. In addition, the application represents that commercial banking operations in France are significantly affected by monetary policies established by the Ministry of the Economy and implemented by the Conseil National du Credit and the Banque de France. The application states that BFCE, as a foreign bank with a branch in New York, is subject to certain of the regulatory and reporting requirements of the Federal Reserve Board pursuant to the International Banking Act of 1978.

Proposed Commercial Paper and Future Offerings

Applicants propose that BFCE U.S. Finance issue and sell in the United States short-term negotiable promissory notes of the type generally referred to as commercial paper (the "Notes"), the proceeds of which (except for amounts needed to repay maturing securities of BFCE U.S. Finance) will be made available to BFCE in the form of loans or deposits for use in its non-governmental finance-related banking activities. The application states that payment of the

Notes will be unconditionally guaranteed by BFCE, but will not be guaranteed by the Republic. The application also states that under current French law, interest payments on commercial paper issued by French banks could be subject to a French withholding tax, and, that accordingly, it is proposed that BFCE U.S. Finance issue the commercial paper. Applicants aver that should there be a change regarding the imposition of the withholding tax, BFCE may also issue the Notes directly.

According to Applicants, the Notes will be in mimimum denominations of $100,000, and the Notes and guarantees thereof will rank *pari passu* among themselves. Applicants state that the Notes will be sold through one or more major dealers experienced in the marketing of commercial paper to the types of investors that ordinarily participate in the United States commercial paper market and will not be advertised or otherwise offered for sale to the general public. Applicants undertake to ensure, as an express condition of any order granting their application, that each dealer in the Notes will provide each offeree prior to any sale of Notes to that offeree with a memorandum which describes the business of BFCE and BFCE U.S. Finance and contains the financial statements contained in BFCE's most recently filed Form 18–K or, if and when BFCE shall cease to be required to file that annual report, BFCE's most recent publicly available official financial statements examined by its statutory auditors in accordance with generally accepted accounting standards in France. Applicants state that the financial statements will include or be accompanied by a paragraph highlighting the material differences between French accounting standards applicable to French banks and generally accepted accounting principles employed by United States banks. Applicants represent that the memorandum will be updated as promptly as practicable to reflect material adverse changes in BFCE's business and financial status and will be at least as comprehensive as those customarily used in offering commercial paper in the United States.

The application avers that the characteristics of the Notes will qualify them for exemption from registration under Section 3(a)(3) of the 1933 Act. Applicants represent that they will not issue and sell the Notes until they have received an opinion of special legal counsel in the United States to the effect that, under the circumstances of the proposed offering, the Notes would be entitled to the exemption afforded by Section 3(a)(3) of the 1933 Act. Applicants further represent that, prior to issuance, the Notes will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and that their United States counsel will certify to the Commission, if requested, that such a rating has been received.

Applicants state that Morgan Guaranty Trust Company of New York will be appointed authorized agent to issue the Notes from time to time, and that Applicants will appoint Morgan Guaranty Trust Company of New York, the manager of BFCE's New York branch, the Commission or a corporate entity which normally acts in that capacity to accept any process which may be served in any state or federal action by the holder of any Note against Applicants based on the Notes or the guarantees relating thereto. Applicants state that they will expressly accept the jurisdiction of any state or federal court in the city and state of New York in respect of any action, and will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes or otherwise.

Applicants state that they or either of them may, from time to time, offer other debt securities for sale in the United States. According to the application, any such securities issued by BFCE US Finance would be unconditionally guaranteed by BFCE. In connection with any such offering, Applicants undertake (1) to ensure that offerees will be provided prior to any sale of the securities with disclosure documents no less comprehensive than is customary for offerings of similar debt securities in the United States, (2) to cause the appointment of an agent to accept any process which may be served on them in any action based on the securities offering, (3) to obtain an opinion of special legal counsel in the United States as to compliance with, or availability of exemption from, the 1933 Act, and (4) to accept expressly the jurisdiction of any state or federal court in the city or state of New York in connection with any action based on the securities offering and will also be subject to suit in any other court in the United States which would have jurisdiction. Applicants further undertake that all future issues of securities offered for sale in the United States by BFCE or BFCE US Finance shall have received prior to issuance one of the three highest investment grades from at least one nationally recognized statistical rating organization.

Requested Relief Under the Act

Section 3(a)(3) of the Act defines "investment company" to include any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of that issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis. BFCE states that while it believes that it is not an "investment company" within the meaning of the Act, it recognizes that some uncertainty exists concerning whether at least some foreign commercial banks and export banks are "investment companies" under the Act. Accordingly, Applicants state, they are making this application under Section 6(c) of the Act which provides in part that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that approval of this application would be appropriate in the public interest. They believe that if they were deemed to be investment companies they effectively would be precluded from access to the United States commercial paper market, a major financing source, to their competitive disadvantage in comparison with many of the large United States banks which are BFCE's competitors in much of its commercial lending activities. Applicants also submit that an exemption would be consistent with the protection of investors and the purposes and policies fairly intended by the Act. They assert that like commercial banks subject to examination and supervision by United States banking authorities, BFCE is subject to extensive regulation by French banking authorities and, further, that it is indirectly substantially owned by the Republic which has a decisive role in appointing its directors. Applicants note that BFCE on May 27,

1975, received a no-action response from the staff of the Commission with respect to BFCE's contention that it need not register as an "investment company" under the Act (public availability date: June 26, 1975). Applicants state that as a result of changed circumstances they believe BFCE can no longer rely upon the no-action position taken by the Commission's staff in connection with its 1975 public offering. Applicants allege that the rationale for granting a Section 6(c) exemption to BFCE extends to BFCE US Finance as well because of the close relationship of the two companies, because the sole business of BFCE US Finance will be to operate as a financing vehicle for BFCE, and because the obligations of BFCE US Finance will be guaranteed unconditionally by BFCE. Thus, Applicants aver that the purchase of the Notes will be equivalent to purchasing obligations of BFCE.

Notice is further given That any interested person may, not later than June 22, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–16612 Filed 6–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17821; File No. SR–CBOE–80–25]

Chicago Board Options Exchange, Inc.; Self-Regulatory Organizations

Comments requested on or before June 25, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 11, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Text of the Proposed Amendment

The following text amends the proposed Interpretations and Policies to Rule 8.1 set forth in File No. SR–CBOE–80–25, filed on October 14, 1980. Deletions from and additions to the text of the originally proposed Interpretations and Policies are indicated respectively by brackets and italics. The proposed change to Rule 6.24 also set forth in File No. SR–CBOE–80–25 is not affected by this filing.

Rule 8.1. No change.

* * * Interpretations and Policies:

0.1 Options transactions effected on the Exchange which result from orders transmitted from off the floor of the Exchange by a Market-Maker shall be deemed to be initiated on the floor of the Exchange and shall count as Market-Maker transactions for the purposes of this Chapter and Rule 3.1 provided that (a) such orders result in closing transactions or (b) at the time such orders are transmitted to the floor of the Exchange the Market-Maker is temporarily absent from the Exchange floor and such orders result in options transactions which *either* provide a [bona fide] *permitted* hedge of, *or were reasonably anticipated by the Market-Maker at the time such orders were transmitted to provide a permitted hedge of,* open options positions then carried by the Market-Maker in a Market-Maker account *which were acquired in transactions initiated on the floor of the Exchange.*

.02 For the purposes of Interpretation .01, [a bona fide hedge shall occur when an adverse change in the market price of the initial options position would be reasonably anticipated to be offset by a countervailing change in the market price of the subsequent options position, provided that such subsequent position is in respect of the same underlying security as the intitial options position.] *an options transaction provides a permitted hedge when the position acquired in the transaction offsets an options position previously opened in the Market-Maker's account in a transaction initiated on the floor of the Exchange which is "in or at the money" and which is not offset by an underlying security position or by another options position in the account, for an equal or greater number of shares of the same underlying security, which is "in the money." "In or at the money," with respect to a call option, indicates that the current market price of the underlying security is not more than one standard exercise interval below the exercise price of the option, and, with respect to a put option, that the current market price of the underlying security is not more than one standard exercise interval above the exercise price of the option. "In the money," with respect to a call option, indicates that the current market price of the underlying security is not below the exercise price of the option, and, with respect to a put option, that the current market price of the underlying security is not above the exercise price of the option.*

.03 For the purposes of Interpretation .01, a Market-Maker may effect [bona fide] *permitted* hedge transactions using off-floor orders on no more than 30 business days per calendar year while temporarily absent from the Exchange floor. Each Market-Maker shall be responsible for determining the number of days on which off-floor [bona fide] *permitted* hedge transactions have been executed by him during a calendar year.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Amendment

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change.

Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

This Amendment Number Four changes the text of the original filing in three ways. These changes were made as a result of informal suggestions from the staff of the Board of Governors of the Federal Reserve System. First, the amendment makes clear that Market-Makers can use off-floor orders to hedge only those options positions acquired in transactions initiated on the trading floor of the Exchange. Second, it includes as a permitted hedge resulting

from orders transmitted from off the floor, those options transactions that reasonably were anticipated by a Market-Maker to provide a permitted hedge at the time the orders were transmitted. Third, the amendment replaces the subjective definition of a permitted hedge with an objective definition.

Under amended Interpretation .02, an options transaction would provide a permitted hedge when the position acquired in the transaction offsets an options position previously opened in the Market-Maker's account which is "in or at the money" and which is not offset by an underlying security position or by another options position in the account which is "in the money" for an equal or greater number of shares of the same underlying security. The definitions of "in the money" and "in or at the money" options positions are identical to those contained in Section 220.4(g) of Regulation T of the Federal Reserve Board as amended effective August 11, 1980. Accordingly, permitted hedges under the proposed rule change would correspond with "permitted offset positions" in Section 220.4(g) of Regulation T.

In amending Section 220.4(g), the Federal Reserve Board determined to allow preferential credit treatment to underlying stock transactions that hedge options positions in a Market-Maker's account, since such transactions aid the Market-Maker in performing his obligations to make a market in options. Similarly, by limiting the proposed rule change to options transactions which close out or hedge (or which were reasonably anticipated to hedge) previously opened options positions, the Exchange believes that a Market-Maker's use of off-floor orders would be restricted to situations in which such orders would support the Market-Maker's on-floor market-making obligations.

The proposed rule change also would permit a Market-Maker to effect options transactions using off-floor orders, even though such transactions would not qualify as permitted hedges of positions in the Market-Maker's account as of the end of the day, during which the transactions were effected, if the transactions were reasonably anticipated by the Market-Maker at the time such orders were transmitted to provide a permitted hedge of such positions. This provision would apply to a transaction only if (i) the Market-Maker in fact anticipated that the transaction would provide a permitted hedge and (ii) such anticipation was reasonable in view of the Market-Maker's options positions and the price of the underlying security at the time the off-floor order was transmitted.

This provision is needed because the definition of permitted hedge in Interpretation .02 requires that the options positions being hedged be "in or at the money;" that is, within one standard exercise price interval of being "in the money." Under that definition, an options position could move from being within one standard exercise price interval of being "in the money" to being outside of such interval during the day of the transaction, depending upon market price movements of the underlying stock. A Market-Maker could thus effect an options transaction through an off-floor order, reasonably believing at the time that it would provide a permitted hedge of an options position then carried in his account, only to discover later that the transaction did not provide a permitted hedge due to a price movement in the underlying stock. In that event, without the "reasonably anticipated" provision, the transaction would not qualify as a "Market-Maker transaction." Therefore, the resulting position would have to be manually removed from the Market-Maker's account and carried in a customer account, which would cause serious recordkeeping problems for the Market-Maker and his clearing firm, even though the Market-Maker reasonably believed at the time that the transaction would provide a permitted hedge.

III Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

May 28, 1981.

[FR Doc. 81-16611 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11793; 811-1560]

Freedom Fund, Inc.; Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

May 28, 1981.

Notice is hereby given That the Freedom Fund, Inc., 99 High Street, Boston, MA 02110 ("Applicant"), a Massachusetts company registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on March 9, 1981 for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that, pursuant to an Agreement and Plan of Reorganization between Applicant and Keystone Custodian Funds, Inc., as trustee of Keystone Custodian Fund, Series K-1 ("K-1"), made as of June 30, 1980, as amended on October 24, 1980 (the "Agreement"), all of the assets of Applicant have been transferred to K-1 in exchange for shares of beneficial interest in K-1 and the assumption by K-1 of all the liabilities of Applicant.

The application states that in a vote taken on March 20, 1980, the Board of Directors of Applicant unanimously

approved the proposed reorganization of Applicant with K–1 and recommended its approval to the stockholders of Applicant. It is asserted that, on October 16, 1980, the Board of Directors of Applicant expressly authorized the termination and liquidation of Applicant pursuant to the Agreement. The application further states that the reorganization was approved by the stockholders of Applicant on October 24, 1980. On that date, Applicant also received K–1 shares in exchange for its assets, for distribution on a pro-rata basis to its shareholders of record as of that date. It is asserted that the number of shares delivered was determined on the basis of the net value of the assets and liabilities transferred by Applicant, and the net asset value per share of K–1, both calculated as of 4:00 p.m. on October 24, 1980. The application states that these values were determined in accordance with the procedures customarily utilized by K–1 in valuing its own assets.

The application states that the distribution of K–1 shares to stockholders whose shares of Applicant were not represented by certificates but were held in Plan Accounts was accomplished by the establishment of an Open Account Plan envidencing an appropriate number of K–1 shares in the name of each such stockholder. It is asserted that the K–1 shares to be distributed to stockholders whose shares of Applicant are represented by certificates have been credited to an account of the Bradford Trust Company ("Bradford") as custodian for such stockholders. It is asserted that, as each stockholder of Applicant surrenders his certificates, Bradford will issue a certificate to the stockholder for an appropriate number of whole shares of K–1 and cash equal to the current redemption price of any fractional shares, unless the stockholder at that time elects to have his shares credited to an Open Account Plan. The application states that distributions to stockholders whose shares of Applicant are represented by certificates are currently being made in accordance with the procedure described above.

The application state that, on January 22, 1981 Applicant filed Articles of Dissolution with the Secretary of State of the Commonwealth of Massachusetts and has subsequently dissolved. Finally, it is represented that the Applicant does not intend to engage in any further business activities other than those necessary to wind up its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given That any interested person may, not later than June 22, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a Statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–16010 Filed 6–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11795 811–3014]

IDS Cash Management Fund II, Inc.; Notice of Filing of Application Pursuant to Section 8(f) of the Investment Company Act of 1940 For an Order Declaring that Applicant Has Ceased To be an Investment Company.

May 28, 1981.

Notice is hereby given That IDS Cash Management Fund II, Inc. 1000 Roanoke Building Minneapolis, Minnesota 55402 ("Applicant"), registered under the investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 11, 1981, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant, a Nevada corporation, was organized and registered under the Act on March 21, 1980. Simultaneous with such registration, Applicant filed a registration statement under the Securities Act of 1933 (File No. 2–67005) registering an indefinite number of its shares of common stock in connection with a proposed public offering of such shares. This registration statement was declared effective by the Commission on April 4, 1980, and the public offering was commenced on April 7, 1980.

Applicant states that after certain reserve requirements applicable to money market funds were rescinded, all of its public securityholders on August 1, 1980, voluntarily redeemed 59,550,634 shares, which were all of Applicant's shares then outstanding (valued at $1.00 per share) except for 100,000 shares owned by Investors Diversified Services, Inc. ("IDS"), Applicant's investment adviser. All of the proceeds from the redeemed shares where reinvested in shares of IDS Cash Management Fund, Inc. ("CMF"). On the same day Applicant's assets valued at $59,550,634 were conveyed to CMF, leaving Applicant with net assets of $99,926. On February 12, 1981, IDS redeemed 99,000 of the 100,000 shares of Applicant which it owned, leaving Applicant with net assets of $1,000. IDS then transferred such net assets to CMF by giving CMF its remaining 1,000 shares of Applicant. On February 13, 1981, Applicant was merged into CMF pursuant to a Plan of Reorganization adopted by CMF's Board of Directors on February 12, 1981, under the provisions of the Nevada Corporation Code. CMF, as the sole shareholder of Applicant on the date of the merger, succeeded to all the rights and liabilities of Applicant. All expenses of the merger of Applicant into CMF were either assumed by, or paid by IDS.

The application states that Applicant currently has no debts or other outstanding liabilities; it has no assets; it has no securityholders; and it is not a party to any litigation or administrative proceedings. Furthermore, according to the application within the last 18 months Applicant has not for any reason transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of

Applicant. Finally, Applicant states that it is not now engaged, and does not propose to engage, in any business activities other than those that may be necessary for the winding up of its affairs. According to the application Applicant's legal existence has terminated by operation of Nevada law as a result of its merger into CMF and the filing of a Certificate of Ownership and Merger with the Secretary of State of Nevada.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than June 22, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controvered, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc 81–16813 Filed 6–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 17818 SR–PSE–81–5]

Pacific Stock Exchange, Inc.; Filing of Amendment to Proposed Rule Change and Order Approving Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), notice is hereby given that on May 4, 1981, the Pacific Stock Exchange, Incorporated 618 South Spring Street Los Angeles, California 90014 ("PSE") filed with the Commission copies of an amendment to a proposed rule change under Rule 19b–4 which would initiate a one-year pilot program with respect to the appointment and evaluation of specialists and the creation of new specialists' posts.[1] In general, the pilot program has been amended to address certain potential anti-competitive consequences of the evaluation process and to enhance the procedural safeguards which would be afforded in proceedings to deny registration to an applicant specialist and to reallocate securities from a registered specialist.

Pursuant to the amendments, all non-specialist floor members will be invited to complete an evaluation questionnaire for each registered specialist which participating floor members have the ability to evaluate. The Equity Listing and Allocation Committee ("Committee") will meet with all participating members and provide written instructions on the purpose and proper procedure for completing the evaluation questionnaires. PSE staff will tabulate each completed questionnaire in order to obtain two quantitative measures for each registered and applicant specialist: (1) a total evaluation score based upon the answers to all questions on the questionnaires, and (2) a question-by-question evaluation score. Along with these scores, the Committee will receive a compilation of all comments received with respect to specific securities in which an evaluator has indicated that a specialist's performance is substandard.

The amendments also provide additional procedural safeguards with respect to the qualification of applicant specialists and the evaluation of registered specialists. The pilot has been amended to require that the Committee provide the applicant or registered specialist with: (1) notice of and the basis for any negative recommendation which will be made to the Board of Governors; (2) an opportunity to respond to any negative determination made by the Committee prior to any recommendation made to the Board; (3) the right to appeal any adverse determination to the Board; and (4) the right to submit a written statement to the Board at the same time the Committee's recommendation is being considered or to appear before the Board and make an oral statement addressing such determination or recommendation.

Furthermore, the PSE has agreed to undertake the following during the pilot program: (1) to consider the possibility of expanding the use made of specialists' performance evaluations by authorizing the Committee to cancel a specialist's registration in selected stocks, both local and dually listed, where his performance has been found to be substandard; (2) to continue to study existing methods and to consider new methods of evaluating specialist performance and of enhancing due process rights; and (3) to inform the Commission if the PSE decides to terminate its pilot program before the end of one year from the date of commencement of the pilot and to provide a report of the reasons for the decision and the results of its undertakings.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. SR–PSE–81–5.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

[1] Notice of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 17647, March 20, 1981) and by publication in the **Federal Register** (46 FR 19372, March 30, 1981).

The Commission finds good cause for approving the proposed rule change, as amended, prior to the thirtieth day after the date of publication of notice of filing of the amendment thereof. The proposed rule change was filed initially with the Commission on March 13, 1981, and was noticed for public comment for the statutory time period. The Commission believes that it is appropriate to approve the proposed rule change on an accelerated basis since no comments were received with respect to the initial filing and the amendments noticed herein merely clarify and make more specific the provisions of the proposed rule change.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16614 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Commodity Policy Advisory Committee, Establishment

The U.S. Trade Representative has taken steps to establish a Commodity Policy Advisory Committee. This Committee will be chartered pursuant to Section 135(c)(2) of the Trade Act of 1974 (19 U.S.C. 2155), as amended; the Federal Advisory Committee Act (5 U.S.C. App. 1); and Section 4(d) of Executive Order No. 11846, March 27, 1975. The charter of this Committee will be filed 15 days from the date of this notice.

The Commodity Policy Advisory Commitee will advise, consult with, and make recommendations to the United States Trade Representative and relevant cabinet agencies regarding policy issues related to negotiation or operation of international agreements affecting trade in commodities.

The Committee will meet approximately three or four times per year, depending on the needs of the U.S. Trade Representative. The U.S. Trade Representative or his designee will convene meetings of the Committee.

Members of the Committee shall be appointed by, and serve at the discretion of the U.S. Trade Representative. Representatives from the private sector wishing further information or to be considered for appointment to serve on the Committee should contact: The United States Trade Representative, Office of Private Sector Liaison, 600 17th Street, N.W., Room 123, Washington, D.C. 20506, (202) 395-6120.

Phyllis O. Bonanno,

Director, Office of Private Sector Liaison.

[FR Doc. 81-16615 Filed 6-3-81; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-041]

Qualification of Bunge Corp. as a Citizen of the United States

Notice is given that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Bunge Corporation of One Chase Manhattan Plaza, New York, New York 10005, incorporated under the laws of the State of New York, did on April 14, 1981, file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in Form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(a) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on May 13, 1981, issued to Bunge Corporation a certificate of compliance on Form CG-1262, as provided for in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire three years from May 30, 1981, unless there first occurs a change in the corporate status requiring a report under 45 CFR 67.23-7.

Dated: June 1, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-16679 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-14-M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 137—Airborne Area Navigation System; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 137 on Airborne Area Navigation Systems to be held on June 29-30 and July 1, 1981 in RTCA Conference Room 267, 1717 H Street, NW, Washington, D.C., commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Fifth Meeting Held on July 8-10, 1980; (3) Review of Comments Received on Fourth Draft of Minimum Operatinal Performance Standards for Airborne Area Navigation Systems; and (4) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretriat, 1717 H Street, NW, Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on May 28, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-16606 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Aviation Administration

Informal Airspace Meeting

AGENCY: Federal Aviation Administration/DOT.

ACTION: Notice of informal airspace meeting.

SUMMARY: Notice is hereby given that a public informal airspace meeting will be held to give interested persons the opportunity to comment on the proposed establishment of a Military Operations Area (MOA) in the State of New Hampshire to be called Yankee II by the Department of the Air Force.

DATE: June 4, 1981.

Notice is hereby given that a public informal airspace meeting will be held at the Lin-Wood High School, Main Street, Lincoln, New Hampshire, at 7:30 p.m., on Thursday, June 4, 1981, to give interested persons the opportunity to comment on the proposed establishment of a Military Operations Area (MOA) in the State of New Hampshire to be called Yankee II by the Department of the Air Force.

Yankee II will be located beneath part of the existing Yankee I MOA at an altitude ranging from 100' AGL to 9,000 MSL. The public is invited to attend this informal airspace meeting to present facts pertinent to the safe and efficient use of Navigable Airspace as it relates to the proposal. The topic of discussion will be the aeronautical effects this proposal may have on the safe and efficient use of Navigable Airspace. Environmental issues will not be addressed at this meeting. Comments concerning environmental aspects relating to this proposal should be directed to: Headquarters National Guard Bureau, Environmental Planning Division, Andrews AFB, Maryland 20334.

Comments may be submitted in writing at this meeting or within five days thereafter, addressed to the following: Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803. For further information contact Mr. David J. Hurley, Chief, Operations, Procedures and Airspace Branch, ANE-530, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7285, office hours 8:00 a.m. to 4:30 p.m.

Issued in Burlington, Massachusetts, on May 22, 1981.

David J. Hurley,

Chief, Operations, Procedures and Airspace Branch.

[FR Doc. 81-16607 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; King County, Washington

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed road improvement project located in King County, Washington.

FOR FURTHER INFORMATION CONTACT: William J. Glover, Environmental Engineer, Federal Highway Administration, Suite 501, Evergreen Plaza, 711 South Capitol Way, Olympia, Washington 98501, telephone (206) 753-9480.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Washington Department of Transportation and King County Department of Public Works will prepare an environmental impact statement (EIS) on a proposal to widen Petrovitsky Road in King County, Washington. The proposed improvement would involve the reconstruction of Petrovitsky Road between 108th Avenue SE (SR 515) and 140th Avenue SE for a distance of 2.25 miles. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration include (1) taking no action; (2) using alternate travel modes; (3) widening the existing two-lane roadway to four lanes; (4) constructing a four-lane limited access roadway; and (5) constructing a five-lane roadway. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to provide organizations and citizens who have previously expressed interest in this proposal. A series of public meetings will be held in King County between June and November, 1981. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues, identified comments and suggestions are invited from all interested parties. Comments or suggestions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.)

Issued on: May 28, 1981.

William J. Glover,

Environmental Engineer, Washington Division, Olympia, Washington.

[FR Doc. 81-16569 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Marion County, Ind.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Withdrawal of notice of intent.

SUMMARY: -The FHWA is issuing this Notice to advise the public that an environmental impact statement (EIS) will not be prepared for the proposed I-165 corridor between I-69 and the existing interchange of I-70 and I-65 in downtown Indianapolis, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. John Breitwieser, Staff Environmental Specialist, Federal Highway Administration, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone: 317/269-7481.

SUPPLEMENTARY INFORMATION: The FHWA Indiana Division issued a Notice of Intent to prepare an EIS for the proposed development of an I-165 corridor between I-69 and the existing interchange of I-70 and I-65 in downtown Indianapolis on May 12, 1980 (45 FR 31247). FHWA is withdrawing that Notice at this time because of overwhelming public objections during the development phase to impacts the I-165 corridor would impose on residences, businesses and the surrounding neighborhoods. A joint request from the Governor of the State of Indiana and the Mayor of Indianapolis for the withdrawal of the I-165 segment and the substitution of these funds for other transportation improvement projects within the Indianapolis urbanized area, is being reviewed at this time.

Questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to the program)

Issued on: May 27, 1981.

George D. Gibson, Jr.,

Division Administrator, Indianapolis, Indiana.

[FR Doc. 81-16473 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[Docket No. RFA-305-80-1; Notice No. 3]

Consolidated Rail Corporation; Expedited Supplemental Transaction Proposals

AGENCY: Federal Railroad Administration (FRA)), Department of Transportation (DOT).

ACTION: Final determination regarding the development of an expedited supplemental transaction proposal (Expedited STP) pursuant to section 305(f) of the Regional Rail Reorganization Act of 1973 (Act), 45 U.S.C. 745(f).

SUMMARY: On April 16, 1981, FRA published Notice No. 2 (46 Fed. Reg. 22300) requesting public comments by May 18, 1981, on the preliminary determinations of FRA regarding the development of an Expedited STP for the transfer of all rail properties of the Consolidated Rail Corporation (Conrail) in the States of Connecticut and Rhode Island (the Rail Properties) to another railroad in the region for the purpose of providing freight service. After giving due consideration to the public comments, the FRA has determined that it cannot make the three affirmative statutory determinations which are a condition precedent to initiating an Expedited STP.

FOR FURTHER INFORMATION CONTACT: Steve Black, Office of Federal Assistance, (202) 472-7180. Office hours are 8:30 a.m. to 5:00 p.m. e.d.s.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: The Providence and Worcester Railroad (P&W) is the only railroad to have submitted a proposed Expedited STP to FRA. In Notice No. 2, FRA preliminarily determined that it could not make two of the three statutory findings (45 U.S.C. 745(f) (A) and (B)) which are a condition precedent to an Expedited STP. FRA cited the uncertainty regarding Conrail's future and the wide divergence in Conrail and P&W positions on the terms of an Expedited STP.

Summary of Public Comments

Several individual shippers and community groups in Connecticut and in Massachusetts (on connecting lines that might be transferred) provided comments supporting the proposal of the P&W that the Rail Properties be transferred to it. Seven members of Congress and the Governor of Rhode Island also wrote in support of P&W's proposal.

The State of Vermont and the Connecticut Association of Railway Shippers, representing 18 major rail shippers which together ship approximately 80 percent of all freight traffic shipped by rail in the State of Connecticut, submitted statements in agreement with the preliminary determinations of FRA outlined in Notice No. 2. Several other shippers independently expressed agreement with the preliminary determinations.

Conrail filed a statement supporting FRA's preliminary determinations and opposing the transfer of the Rail Properties under the terms as proposed by the P&W. Conrail commented that—

- P&W's proposed revenue divisions would result in Conrail revenue losses of $10.2 million—$13.6 million (1979 dollars) per year in excess of the revenue division proposal advanced by Conrail as being fair and equitable; Conrail recognized that if its division proposal were adopted P&W would have a net loss on the Rail Properties.
- P&W's annual Title V labor protection obligations resulting from the transfer of these lines could range as high as $4.8 million (if P&W hires only 560 of the 720 surplus Conrail employees associated with the Rail Properties, as P&W has proposed) to $21 million (if none of these Conrail employees transfers to P&W and if their remaining with Conrail results in the total displacement of 720 Conrail employees). Conrail notes that these labor protection costs are significantly in excess of the projected $1 million P&W expects to earn from these lines.
- P&W must agree to pay Amtrak fixed charges attributable to freight operations over these lines.
- Finally, Conrail expressed its disagreement with P&W over the methodology that should be used in valuing the Rail Properties and reaffirmed the need to resolve the pending litigation between P&W and Conrail.

Nothing in the public comments of the supporters of an Expedited STP is persuasive that the rationale which FRA cited as a reason for its preliminary determinations is invalid.

Recent Developments

Since FRA made the preliminary determinations, DOT has submitted legislation to the Congress (S. 1100 and H.R. 3448), which would provide for the transfer of all Conrail's properties used in freight services to financially responsible parties. The bill would also replace the costly Title V labor protection provisions with a more reasonable program. Entities acquiring Conrail properties would negotiate with employee representatives on the selection and protection of employees. Acquiring entities would not be required to bear the labor protection costs for Conrail employees who are not hired. The Senate Commerce Committee has acted favorably on the bill. A sale to P&W or other prospective buyers would be possible under the proposed legislation.

Final Determination

Sections 305(d)(7) and 508 of the Regional Rail Reorganization Act of 1973, as amended, require an acquiring railroad under an Expedited STP to agree to afford labor protection at the levels presently prescribed in Title V of the Act, to all Conrail employees adversely affected by a transfer of the Rail Properties. The P&W's proposal indicates that P&W is willing to assume only such labor protection costs as will be reimbursed by the Federal Government. Congressional action on the future of northeast rail service including revisions of the labor protection obligation of an acquiring entity could dramatically affect the operations and profitability of the Rail Properties. Because of the present uncertainties regarding the future of the Conrail system, the potentially high labor protection costs associated with a transfer of the Rail Properties under existing law, and the wide divergence in Conrail and P&W positions on the purchase price and other terms of an Expedited STP, FRA is unable to find—

(1) that any potential transferee is financially capable of assuming the freight operations obligations of Conrail on a financially self-sustaining basis. (This determination does not constitute a ruling on the operating and financial capabilities of the P&W); or

(2) that a transfer of the Rail Properties at this time would promote the establishment and retention of a financially self-sustaining railroad system in the States of Connecticut and Rhode Island adequate to meet the needs of such States.

Issued in Washington, D.C., on May 27, 1981.

Robert W. Blanchette,

Administrator.

[FR Doc. 81-16373 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP80-13; Notice 2]

Lafer S.A.; Grant of Petition for Determination of Inconsequential Noncompliance With Glazing Materials Regulations

This notice grants the petition by Lafer S.A. of Sao Paulo, Brazil, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent

noncompliance with 49 CFR 571.205, *Glazing Materials*, The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on September 4, 1980 (45 FR 58743) and an opportunity afforded for comment.

Paragraph S6.4 of Standard No. 205 requires that each manufacturer who cuts a section of glazing material for use in a motor vehicle shall mark the material to identify it. Lafer's United States representative, Lafer Auto Sales, imported 50 motor vehicle kits in 1979 and 1980 whose "side wing, passenger and vent windows" did not carry the required AS–2 marking and the manufacturer's assigned identification number. Lafer argues that the noncompliance is inconsequential as the glazing, other than the omitted marking, complies with all requirements of Standard No. 205. A certificate of compliance from the glazing manufacturer accompanied the petition.

No comments were received on the petition.

Lafer's noncompliance with glazing marking requirements is similar to that of Volkswagen (Docket IP80–3), which was necessitated by the failure of the company to mark AS–1 on 505 replacement windshields imported from Mexico. NHTSA denied that petition (45 FR 79217) on the basis of comments from State inspection officials who replied that vehicles with unmarked windshields would be subject to rejection under their inspection codes. The NHTSA observed that "the noncompliance has a direct impact upon the vehicle safety inspection process, diverting public resources with no corresponding safety benefit" in determining that the noncompliance is inconsequential as it relates to motor vehicle safety.

The Lafer noncompliance differs in magnitude (50 kits) and criticality (AS–2 side window glazing). Even though no State officials commented this time, NHTSA's inquiry showed the likelihood that glazing in areas other than the windshield would be inspected and be subject to rejection if not marked. One jurisdiction, however, indicated when the problem was explained to them, that it would accept a certificate that the glazing was AS–2. Lafer has indicated its willingness to the agency to supply such a certificate to the owners of the 50 vehicle kits, a factor lacking in the Volkswagen case. For these reasons the agency has decided to grant Lafer's petition.

Accordingly, petitioner has met its burden of persuasion. It is hereby determined that the noncompliance described above is inconsequential as it relates to motor vehicle safety and Lafer's petition is granted.

The engineer and attorney primarily responsible for this notice are Ed Jettner and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on May 29, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–16635 Filed 6–3–81; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 28]

Northeastern Insurance Co. of Hartford; Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to Northeastern Insurance Company of Hartford, Hartford, Connecticut, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on federal bonds is hereby terminated effective June 30, 1981.

The company was last listed as an acceptable surety on federal bonds at 45 FR 44509, dated July 1, 1980.

With respect to any bonds currently in force with Northeastern Insurance Company of Hartford, bond approving officers of the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226. Telephone (202) 634–5010.

Dated: May 27, 1981.

William E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81–16680 Filed 6–3–81; 8:45 am]

BILLING CODE 4810–35–M

VETERANS ADMINISTRATION

Veterans Administration Wage Committee; Availability of Annual Report

Pursuant to the provisions of section 10(d) of Pub. L. 92–463 (Federal Advisory Committee Act) and OMB Circular A–63 of March 27, 1974, notice is hereby given that the Annual Report of the Veterans Administration Wage Committee for calendar year 1980 has been issued.

The report summarizes activities of the Committee on matters related to wage surveys and pay schedules for Federal prevailing rate employees. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications Division, Room 1026, Adams Building, Washington, D.C. 20540

Veterans Administration, Office of the Committee Secretary, VA Wage Committee, Room 1108, 810 Vermont Avenue, NW., Washington, D.C. 20420

Dated: May 29, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81–16625 Filed 6–3–81; 8:45 am]

BILLING CODE 8320–01–M

Veterans Administration Wage Committee; Meetings

Under the provisions of section 10 of Pub. L. 92–463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, July 9, 1981
Thursday, July 23, 1981
Thursday, August 6, 1981
Thursday, September 3, 1981

The meetings will convene at 2:30 p.m. and will be held in Room 1175A, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System (blue-collar) employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, as amended by Pub. L. 94–409, meetings may be closed to the public when they are concerned with matters listed under section 552b, Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c)(2)), and those involving trade secrets and commercial or financial

information obtained from a person and privileged or confidential (5 U.S.C. 552b(c)(4)).

Accordingly, I hereby determine that all portions of the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention.

Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW, Washington, DC 20420.

Dated: May 29, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-16626 Filed 6-3-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 107
Thursday, June 4, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Deposit Insurance Corporation	1, 2, 3, 4
Federal Election Commission	5
Federal Energy Regulatory Commission	6
Federal Home Loan Bank Board	7
Federal Reserve System (Board of Governors)	8
Federal Maritime Commission	9
International Trade Commission	10
National Mediation Board	11
Postal Rate Commission	12
Railroad Retirement Board	13
Securities Exchange Commission	14

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, June 1, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum proposing the renewal of a two-year lease with Storage Technology Corporation for rental and maintenance of computer disk equipment.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: June 1, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S–874–81 Filed 6–2–81; 11:43 am]
BILLING CODE 6714–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF CHANGE IN SUBJECT MATTER OF AGENCY MEETING.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, June 1, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Notice of acquisition of control:
Palm Beach Lakes Bank
West Palm Beach, Florida

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: June 1, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S–875–81 Filed 6–2–81; 11:43 am]
BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, June 9, 1981, members of the Board of Directors of the Federal Deposit Insurance Corporation will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to hear an oral presentation in connection with the application of an insured State nonmember bank for consent to establish a branch.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 2, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S–876–81 Filed 6–2–81; 11:43 am]
BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:10 a.m. on Tuesday, June 2, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a final decision with respect to an administrative enforcement proceeding against an insured State nonmember bank.

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public

interest did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) thereof (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting took place in the Chairman's Office, Room 6023, of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: June 2, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-881-81 Filed 6-2-81; 3:48 pm]

BILLING CODE 6714-01-M

5

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, June 9, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Audits. Litigation. Personnel.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-879-81 Filed 6-2-81; 2:22 pm]

BILLING CODE 6715-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION.

Notice of meeting

June 2, 1981.

TIME AND DATE: 3 p.m., June 3, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.W., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Staff briefing on Section 208 of PURPA.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[S-880-81 Filed 6-2-81; 3:30 pm]

BILLING CODE 6450-01-M

7

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, June 4, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: Request for approval.

No. 495, June 2, 1981.

[S-871-81 Filed 6-2-81; 10:35 am]

BILLING CODE 6720-01-M

8

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Tuesday, June 9, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the board requests that an item be moved to the discussion agenda.

1. Request by The Bank of Tokyo, Ltd., Tokyo, Japan, for permission to issue certificates of deposits through an agency outside its home state.

2. Proposal to amend Regulation T (Credit by Brokers and Dealers) regarding the use of foreign currency in a margin account. (Proposed earlier for public comment; Docket No. R-0250.)

3. Proposed amendment to Regulation Y (Bank Holding Companies and Change in Bank Control) permitting bank holding companies to perform appraisals of single-family residences. (Adopted earlier with provision for public comment; Docket No. R-0310.)

Discussion Agenda:

4. Proposal to establish International Banking Facilities within the United States. (Proposed earlier for public comment; Docket No. R-0214.)

5. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: June 1, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-870-81 Filed 6-2-81; 9:50 am]

BILLING CODE 6210-01-M

9

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., June 9, 1981.

PLACE: Hearing Room One, 1100 L Street, NW, Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public.

1. Report of the Managing Director of Actions Pursuant to Delegated Authority During the Month of April, 1981.

2. Informal Docket No. 998(I)—Ideal Toy Corp. v. Evergreen Line—Review of Settlement Officer's Decision.

3. Docket No. 80-54—Time/Volume Rate Contracts—Tariff Filing Regulations Applicable to Carriers and Conferences in the Foreign Commerce of the United States—Consideration of Comments on Proposed Rule.

Portion closed to the public:

1. Docket No. 80-52—Agreements Nos. 10186, As Amended; 10322, As Amended; 10377, 10364 and 10329—Possible Reopening of Proceeding.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523-5725.

[S-877-81 Filed 6-2-81; 12:54 pm]

BILLING CODE 6730-01-M

10

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 2:15 p.m., Monday, June 15, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
a. Ultrafiltration membranes (Docket No. 733).
5. Investigation 337-TA-76 (Certain Food Slicers)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-882-81 Filed 6-2-81; 3:53 pm]

BILLING CODE 7020-02-M

11

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, June 10, 1981.

PLACE: Board hearing room, eighth floor, 1425 K Street, NW, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Staff report and recommendations regarding amendments to the current NMB Representation Manual.
2. Staff report and recommendations regarding adjustments to the current NMB Freedom of Information Act fee schedule.
3. Ratification of Board actions taken by notation voting during the month of May, 1981.
4. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary; Tel: (202) 523–5920.

Date of notice: May 29, 1981.

[S–878–81 Filed 6–2–81; 1:34 pm]

BILLING CODE 7550–01–M

12

POSTAL RATE COMMISSION.

TIME AND DATE: 10:15 a.m., Tuesday, June 2, 1981.

PLACE: Conference room, room 500, 2000 L Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Personnel matters.
[Closed pursuant to 5 U.S.C. 552b(c)(2)(6)]

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–869–81 Filed 6–1–81; 4:05 pm]

BILLING CODE 7715–01–M

13

RAILROAD RETIREMENT BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46, FR 29375, Monday, June 1, 1981.

TIME AND DATE: 10:00 a.m., June 8, 1981.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

CHANGE IN THE MEETING: Additional item to be considered at the portion of the meeting will be closed to the public:

(H) Appeal from referee's denial of disability annuity. Riley Horn.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board: COM No. 312–751–4920, PTS No. 387–4920.

[S–873–81 Filed 6–2–81; 11:05 am]

BILLING CODE 7905–01–M

14

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: May 28, 1981.

CHANGE IN THE MEETING: Additional item. The following additional item will be considered at the closed meeting scheduled for Tuesday, June 2, 1981, at 10:00 a.m.:

Settlement of administrative proceeding of an enforcement nature.

Chairman Shad and Commissioners Loomis, Evans and Friedman determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272–2091.

June 1, 1981.

[S–872–81 Filed 6–2–81; 10:44 am]

BILLING CODE 8010–01–M

V 46 / 107 JE 4 81 UMI

Federal Register

Thursday
June 4, 1981

Part II

Department of the Interior

Bureau of Land Management

Outer Continental Shelf, Gulf of Mexico; Oil and Gas Lease Sale No. RS-1; Leasing Systems

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf
Gulf of Mexico

Proposed Oil and Gas Lease Sale No. 66

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Section 19 of the OCS Lands Act, as amended, provides the affected states the opportunity to review the proposed sale notice. The following is a proposed sale notice for Sale No. 66 in the Gulf of Mexico. This notice is hereby published as a matter of information to the public.

Ed Hastey
Director, Bureau of Land Management
Associate

Date: May 30, 1981

Approved:

Donald Paul Hodel

Donald Paul Hodel
Secretary of the Interior

V 4 6 / 1 0 7
J E 4 8 1
UMI

PROPOSED SALE NOTICE - 66

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., c.s.t., October __, 1981; or by personal delivery to _____

_____

New Orleans, Louisiana, between 8:30 a.m., c.s.t. and 9:30 a.m., c.s.t., October __, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., October __, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR _____ 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., October __, 1981," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A, for bonus bid tracts. An example of the form for tracts offered under the net profit share bid with a fixed cash bonus is provided in Attachment A hereto. The net profit share bid should be expressed as a percentage, to a maximum of three decimal places after the decimal point (i.e., 50.123%). Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams or leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must

submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, as a percentage to a maximum of five decimal places, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $3 per acre or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Net Profit Share: Bids on tracts 66-10, 66-11, 66-19, 66-20, 66-33, 66-46, 66-48, 66-49, 66-88, 66-92, 66-93, 66-104, 66-105, 66-107, 66-114, 66-119, 66-120, 66-169, 66-170, 66-171, 66-172, 66-174, 66-175, 66-177, 66-178, 66-181, 66-182, 66-188, 66-189, 66-190, 66-196, 66-202, and 66-208 must be submitted on a cash bonus basis with a fixed net profit share rate of 50 percent. Tracts 66-10, 66-11, 66-104, and 66-105 will have a capital recovery factor equal to 1.0 and tracts 66-107, 66-114, 66-119, and 66-120 will have a capital recovery factor of 0.50. All of the remaining tracts listed in this paragraph will have a capital recovery factor equal to 0.25. The net share payment shall be calculated according to the Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Net Profit Share Bidding with Fixed Cash Bonus. Bids on tracts 66-21, 66-22, 66-32, 66-90, 66-91, 66-94, 66-95, 66-96, 66-97, 66-100, 66-101, 66-106, 66-113, 66-163, 66-164, 66-167, 66-168, 66-173, 66-176, 66-179, 66-180, 66-183, 66-184,

66-193, 66-194, 66-195, 66-199, 66-200, 66-201, 66-205, 66-206, and 66-207 must be submitted on a variable profit share basis with a fixed cash bonus of $4 million. All tracts except 66-100, 66-101, 66-106, and 66-113 will have a capital recovery factor of 0.25. Tract 66-113 will have a capital recovery factor of 1.00. Tracts 66-100, 66-101, and 66-106 will have a capital recovery factor of 0.50.

The Department of Energy published final regulations for this system under court order on May 25, 1981. The Supreme Court has granted certiorari to review the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Energy Action Educational Foundation v. Andrus, Civil No. 79-1633. That Appeals Court ruling required the promulgation of regulations on variable net profit share/fixed cash bonus and work commitment/fixed cash bonus bidding systems and the good-faith experimentation with those systems in OCS lease sales. Oral arguments are expected to be heard next fall. The Department has asked the Justice Department to seek a stay on the implementation of that decision.

Since the Supreme Court has not yet had a chance to consider this case, and the Justice Department request for a stay has not been acted upon, tracts are proposed to be offered under the variable net profit share system to facilitate its use in Sale 66 if that should be necessary or advisable. Based upon the status of Supreme Court review, and of the request for a stay of the court ruling, and if necessary, further analysis of the Energy Action opinion, a final decision on the offering of tracts under this system will be announced in the final Notice of Sale to be published in September 1981. So far, the variable net profit share system has been incorporated into the Proposed Notices for Sales A66, 56, and 60.

(c) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum annual royalty payment of $3 per acre of fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., c.s.t., October __, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

Revisions of Department of Labor regulations on Affirmative Action requirements for Government contractors (including lessees) have been assigned a deferred effective date of June 29, 1981, pending review of those regulations (see Federal Register of April 28, 1981, at 46 F.R. 23742). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1) regarding the aggregate value of contracts over a 12-month period (see the Federal Register of December 30, 1980, at 45 F.R. 86231-86232).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

6. Bid Opening. Bids will be opened on October __, 1981, beginning at 10:00 a.m., c.s.t., at an address to be announced in the final Notice of Sale. The opening of the bids is for the sole purpose of publicly announcing and recording bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, October __, 1981, that bid will be returned unopened to the bidder, as soon thereafter as possible.

V 4 6 / 1 0 7
J E 4 8 1
UMI

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it provides for a cash bonus in the amount of $25 or more per acre or fraction thereof. No profit share bid will be considered for acceptance unless it provides for a profit share rate of at least 30 percent.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Leasing Maps/Official Protraction Diagrams. Tracts offered for lease may be located on the following leasing maps/official protraction diagrams which are available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) Outer Continental Shelf Leasing Maps - Louisiana Nos. 1 through 12. This set of 27 maps sells for $17.

(b) Outer Continental Shelf Official Protraction Diagrams:

NH 16-7 Viosca Knoll

NH 16-8 Destin Dome

NH 15-12 Ewing Bank

NH 16-10 Mississippi Canyon

NG 15-3 Green Canyon

NG 16-6

NG 17-4 Charlotte Harbor

These sell for $2 each.

12. Tract Descriptions. Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice. Some of the blocks are included in prior environmental impact statements rather than the environmental statement prepared for this sale.

The tracts offered for bid are as follows:

Tract
66-1
66-2
66-3
66-4
66-5
66-6
66-7
66-8
66-9
66-10
66-11
66-12

OCS

Tract
66-13
66-14
66-15

Tract
66-16
66-17
66-18
66-19
66-20
66-21
66-22
66-23
66-24
66-25

V 4 6 / 1 0 7
J E 4
8 1
UMI

TENTATIVE TRACT LIST

SALE 66

OCS LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Revised July 22, 1954).

Tract	Block	Description	Acreage
66-1	41	All	5000
66-2	42	All	5000
66-3	50	All	5000
66-4	55	All	5000
66-5	98	All	5000
66-6	106	All	5000
66-7	151	All	5000
66-8	152	All	5000
66-9	154	All	5000
66-10	163	All	5000
66-11	164	All	5000
66-12	263	All	5000

OCS LEASING MAP, EUGENE ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 4A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
66-13	279	All	5000
66-14	280	All	5000
66-15	320	All	5000

OCS LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954)

Tract	Block	Description	Acreage
66-16	10	1/	4131.67 est.
66-17	25	2/	3361.27 est.
66-18	35	All	5000
66-19	78	All	5000
66-20	81	All	5000
66-21	101	All	5000
66-22	102	All	5000
66-23	128	All	5000
66-24	139	All	4913.33
66-25	231	All	5000

OCS LEASING MAP, SHIP SHOAL AREA, SOUTH ADDITION, LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
66-26	251	All	5000
66-27	268	All	5000
66-28	277	All	5000
66-29	278	All	5000
66-30	289	All	5000
66-31	302	All	5000
66-32	322	All	5000
66-33	323	All	5000

OCS LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
66-34	47	All	5000
66-35	48	All	5000
66-36	49	All	5000
66-37	68	All	5000
66-38	69	All	3772.18
66-39	70	All	5000
66-40	71	All	5000
66-41	78	All	5000
66-42	79	All	5000
66-43	80	All	3772.18
66-44	147	All	5000
66-45	182	All	2148.46

OCS LEASING MAP, SOUTH TIMBALIER AREA, SOUTH ADDITION, LOUISIANA MAP NO. 6A
(Approved September 8, 1959; Revised July 22, 1968)

Tract	Block	Description	Acreage
66-46	217	All	5000
66-47	219	All	5000
66-48	292	All	5000
66-49	293	All	5000
66-50	297	All	5000
66-51	298	All	5000
66-52	299	All	4503.30

V 4 6 / 1 0 7
J E 4 8 1
UMI

OCS LEASING MAP, GRAND ISLE AREA, LOUISIANA MAP NO. 7
(Approved June 8, 1954)

Tract	Block	Description	Acreage
66-53	29	S½	2500

OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

Tract	Block	Description	Acreage
66-54	28	S½S½	1250
66-55	67	N½	2500
66-56	85	1/	2630.00 est.

OCS LEASING MAP, WEST DELTA AREA, SOUTH ADDITION, LOUISIANA MAP NO. 8A
(Approved September 8, 1959; Revised November 24, 1961)

Tract	Block	Description	Acreage
66-57	111	All	5000

OCS LEASING MAP, SOUTH PASS AREA, LOUISIANA MAP NO. 9
(Approved June 8, 1954; Revised July 22, 1954; Revised May 11, 1973)

Tract	Block	Description	Acreage
66-58	44	All	4999.96
66-59	46	All	4999.96
66-60	50	All	4999.96
66-61	51	All	4999.96

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
66-62	27	All	4994.55
66-63	28	All	4994.55
66-64	29	All	4994.55
66-65	30	All	4994.55
66-66	39	All	4994.55
66-67	55	1/	912.45 est.
66-68	56	1/	4898.85 est.
66-69	57	S½	2497.77
66-70	63	All	4994.55
66-71	64	1/	4988.25 est.
66-72	100	N½; N½N½S½; SE¼NE¼SE¼; E½SE¼SE¼	3355.713
66-73	110	All	4994.55
66-74	117	All	4994.55
66-75	119	All	4994.55
66-76	124	All	4994.55
66-77	125	All	4994.55
66-78	130	All	4994.55
66-79	131	All	4994.55
66-80	137	All	4994.55
66-81	138	All	4994.55
66-82	139	All	4994.55
66-83	141	All	4994.55

OCS LEASING MAP, MAIN PASS AREA, SOUTH AND EAST ADDITION,
LOUISIANA MAP NO. 10A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
66-84	206	All	4994.55
66-85	207	All	4994.55
66-86	235	All	4994.55
66-87	238	All	4994.55
66-88	266	All	4994.55
66-89	273	All	4994.55
66-90	277	All	4994.55
66-91	278	All	4994.55

V 46 / 107 J E 4 8 1 UMI

OCS OFFICIAL PROTRACTION DIAGRAM, VIOSCA KNOLL NH 16-7
(Approved October 10, 1972; Revised February 15, 1973; Revised August 1, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-92	204	All	5760
66-93	249	All	5760
66-94	250	All	5760
66-95	251	All	5760
66-96	294	All	5659.67
66-97	295	All	5760
66-98	522	All	5760
66-99	566	All	5760
66-100	816	All	5221.36
66-101	817	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, DESTIN DOME NH 16-8
(Approved October 10, 1972; Revised August 1, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-102	485	All	5760
66-103	530	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, EWING BANK NH 15-12
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-104	349	All	5688.15
66-105	350	All	2964.93
66-106	438	All	3542.89
66-107	482	All	3831.26
66-108	828	All	3730.68
66-109	872	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, MISSISSIPPI CANYON NH 16-10
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-110	20	All	2508.86
66-111	21	All	5164.76
66-112	64	All	5286.78
66-113	309	All	5760
66-114	397	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, GREEN CANYON NG 15-3
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-117	18	All	5760
66-118	62	All	5760
66-119	148	All	5760
66-120	192	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, NG 16-6
(Approved June 5, 1974; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-121	172	All	3226.88
66-122	215	All	5760
66-123	216	All	3498.97
66-124	260	All	3770.65
66-125	304	All	4041.93
66-126	347	All	5760
66-127	348	All	4312.78
66-128	391	All	5760
66-129	392	All	4583.23
66-130	612	All	5760
66-131	655	All	5760
66-132	656	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-133	57	All	5760
66-134	58	All	5760
66-135	100	All	5760
66-136	101	All	5760
66-137	102	All	5760
66-138	135	All	5760
66-139	136	All	5760
66-140	146	All	5760
66-141	177	All	5760
66-142	178	All	5760
66-143	179	All	5760
66-144	180	All	5760
66-145	189	All	5760
66-146	190	All	5760
66-147	222	All	5760

Tract
66-148
66-149
66-150
66-151
66-152
66-153
66-154
66-155
66-156
66-157
66-158
66-159
66-160
66-161
66-162
66-163
66-164
66-165
66-166
66-167
66-168
66-169
66-170
66-171
66-172
66-173
66-174
66-175
66-176
66-177
66-178
66-179
66-180
66-181
66-182
66-183
66-184
66-185
66-186
66-187
66-188
66-189
66-190
66-191
66-192

V 46/107 JE4 81 UMI

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)
(Continued)

Tract	Block	Description	Acreage
66-148	223	All	5760
66-149	224	All	5760
66-150	232	All	5760
66-151	233	All	5760
66-152	267	All	5760
66-153	275	All	5760
66-154	276	All	5760
66-155	309	All	5760
66-156	310	All	5760
66-157	353	All	5760
66-158	397	All	5760
66-159	398	All	5760
66-160	399	All	5760
66-161	400	All	5760
66-162	401	All	5760
66-163	406	All	5760
66-164	407	All	5760
66-165	444	All	5760
66-166	445	All	5760
66-167	450	All	5760
66-168	451	All	5760
66-169	488	All	5760
66-170	489	All	5760
66-171	490	All	5760
66-172	491	All	5760
66-173	492	All	5760
66-174	494	All	5760
66-175	495	All	5760
66-176	533	All	5760
66-177	534	All	5760
66-178	535	All	5760
66-179	536	All	5760
66-180	577	All	5760
66-181	578	All	5760
66-182	579	All	5760
66-183	580	All	5760
66-184	581	All	5760
66-185	584	All	5760
66-186	585	All	5760
66-187	586	All	5760
66-188	621	All	5760
66-189	622	All	5760
66-190	623	All	5760
66-191	629	All	5760
66-192	630	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)
(Continued)

Tract	Block	Description	Acreage
66-193	665	All	5760
66-194	666	All	5760
66-195	667	All	5760
66-196	668	All	5760
66-197	673	All	5760
66-198	674	All	5760
66-199	709	All	5760
66-200	710	All	5760
66-201	711	All	5760
66-202	712	All	5760
66-203	717	All	5760
66-204	718	All	5760
66-205	753	All	5760
66-206	754	All	5760
66-207	755	All	5760
66-208	756	All	5760
66-209	759	All	5760
66-210	760	All	5760
66-211	761	All	5760

1/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13).

2/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13), excluding any valid state leases.

V 46 / 107 J E 4 8 1 UMI

13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on (1) a cash bonus basis with a fixed net profit share, listed in paragraph 4 (a), and (2) a net profit share basis with a fixed cash bonus, listed in paragraph 4 (b), Form 3300-1 will be amended as follows:

Sec. 4. Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share.

The lessee agrees to pay a net profit share rate of _____ percent with a ____ capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations, the term DCM refers to the Deputy Conservation Manager, Offshore Field Operations, Gulf of Mexico OCS Region, U. S. Geological Survey, and the term Manager refers to the Manager of the New Orleans OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the DCM, having reason to believe that a site, structure, or object of historical or archaeological significance (hereinafter referred to as "cultural resource") may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements.

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, (hereinafter referred to as "operation"), the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys, as well as other pertinent natural and cultural environmental data, shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present, the lessee shall: (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager for review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation No. 2

(To be included only in leases resulting from this sale for tracts 66-121 through 66-211).

Prior to any drilling activity or the construction or placement of any structure for exploration or development on this lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the DCM, as part of his exploration and/or development plan, a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum radius of 1,820 meters of the proposed exploration or production activity site.

For the purpose of this stipulation, "live bottom areas" are defined as those areas which concern biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough broken or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna.

V 46 / 107
J E 4 8 1
UMI

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the DCM photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the DCM will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

(a) The relocation of operations to avoid live bottom areas;
(b) The shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;
(c) The transportation of drilling fluids and cuttings to approved disposal sites; and
(d) The monitoring of live bottom areas to assess the adequacy of any mitigating measures taken and the impact of lessee initiated activities.

Stipulation No. 3

(To be included only in leases resulting from this sale for tracts 66-121 through 66-211).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents, or employees, being conducted as a part of, or in connection with the programs and activities of the Armament Division, Eglin AFB, FL.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and its agents, employees, or invitees, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Armament Division of Eglin AFB, FL, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Armament Division, Eglin AFB, FL, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 4

(To be included only in leases resulting from this sale for tracts 66-32, 66-33, 66-48, 66-49, 66-50, 66-52, 66-56 through 66-61, 66-106 through 66-112, 66-114, and 66-117 through 66-120).

Portions of this lease may be subject to mass movement of sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the DCM's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads, and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed, all such unstable areas must be mapped. The DCM may also require soil testing before exploration and production operations are allowed.

Stipulation No. 5

(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraphs 4(a) and 4(b) of this notice).

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value, however, not more than 16-2/3 percent of the production saved, removed, or sold from the lease area may be taken as a net profit share payment in amount, except as provided in Sec. 15(d); additional net profit share payments shall be calculated to include the value of such production in excess of 16-2/3 percent.

V 46 / 107 J E 4 8 1 UMI

Stipulation No. 6

(To be included only in the leases resulting from this sale for tracts 66-104, 66-105 and 66-113).

All or portions of this tract may be subject to mass movement of sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the Deputy Conservation Manager's (DCM) satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads, and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

Prior to the emplacement of exploration or production structures or seafloor production equipment, site-specific surveys and analyses must be conducted to determine the potential mass movement of sediments. These may include geophysical surveys, coring, mapping, in situ or laboratory geotechnical analyses, and other studies specified by the DCM. Permissible loading will be determined on the basis of the site-specific studies. Any facilities which could overload unstable bottom sediments will be prohibited. Quarters, work areas, and hydrocarbon treating and storage equipment must be isolated or protected from the effects of submarine slides. These requirements may necessitate the use of buoyant platforms and storage facilities or remote bottom-founded platforms located in stable sites.

All production wells must be equipped with subsurface-safety devices, as approved by the DCM to automatically prevent the flow of hydrocarbons from the well in the event of damage to the surface-safety systems. Such devices must be located below the zone of potential mass movement.

14. Information to Lessees. The Department of the Interior will seek the advice of the States of Louisiana, Mississippi, Alabama, and Florida, and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely affected by the proposed activities, then the Deputy Conservation Manager, Offshore Field Operations, USGS, in consultation with the Regional Director, U.S. Fish and Wildlife Service; the Manager, BLM; the States; EPA; and other Federal agencies with jurisdiction and expertise to protect the environment, will require the lessee, pursuant to Section 5(a) of the Outer Continental Shelf (OCS) Lands Act of 1953, as amended, to undertake any measures to protect live bottom areas.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with Section 4(e) of the OCS Lands Act, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with Section 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give

particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

Bidders are advised that the Department of Energy is authorized, under Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

Bidders are advised that the West Indian Manatee (sea cow) is a marine mammal which is officially listed as an endangered species by the Department of the Interior. It is protected by the Endangered Species Act of 1973, as amended (86 Stat. 1027, 16 U.S.C. 1361-1407), and various other State and Federal laws and regulations. On October 22, 1979 (44 FR 60963), Interior promulgated regulations (50 CFR 17.100-17.108) providing a means for establishing manatee protection areas. Also, there is the Florida Manatee Sanctuary Act of 1978 declaring the entire State of Florida as "refuge and sanctuary for the manatee." A Cooperative Agreement between Interior and Florida on endangered species became effective on June 23, 1976. A similar Cooperative Agreement with the State of Georgia became effective on October 6, 1977.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Attachment A
Suggested Bid Form
for Net Profit Share Bidding with a Fixed Cash Bonus

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Percent Net Profit Share Bid (1)	Amount of fixed Cash Bonus Submitted with Bid
_____	_____	_____

Proportionate Interest of Company(s) Submitting Bid

Qualification No._____ Company _____

Percent Interest _____ Address_____

_____

_____

_____
Signature

(Please type signer's name under signature)

(1) Express as a percent to a maximum of three decimal places after the decimal point. Example: 50.123%.

[FR Doc. 81-16584 Filed 6-3-81; 8:45 am]
BILLING CODE 4310-84-C

Reader Aids

Federal Register

Vol. 46, No. 107

Thursday, June 4, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3
29921-30072.....4

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949).....29939
February 6, 1926 (Revoked by PLO 5948).....29938
April 17, 1926 (Revoked in part by PLO 5950).....29939
5415 (Revoked by PLO 5947).....29938
February 14, 1933 (Revoked by PLO 5944).....29710
11476 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 2306).....29693
12198 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12306.....29693
Proclamations:
4846.....29691
Administrative Orders:
Presidential Determinations:
No. 81-9 of June 2, 1981.....29921

7 CFR

700.....29453
907.....29923
953.....29454
1944.....29239
979.....29693
991.....29693
Proposed Rules:
993.....29271

8 CFR

204.....29923
214.....29456

9 CFR

82.....29456
92.....29239, 29240

10 CFR

51.....29457
376.....29680
390.....29680
440.....29242
1500.....29924
1502.....29924
1534.....29924
Proposed Rules:
30.....29712
40.....29712
70.....29712

12 CFR

Proposed Rules:
213.....29245
226.....29246
569a.....29246
701.....29247, 29482
720.....29248

13 CFR

124.....29251
Proposed Rules:
124.....29276

14 CFR

39.....29252, 29253, 29924-29926
71.....29254-29256, 29927
73.....29256
97.....29257
Proposed Rules:
71.....29278-29281, 29947-29951
75.....29280, 29281
323.....29282
302.....29718
399.....29285, 29719, 29727

15 CFR

370.....29457
Proposed Rules:
330.....29662
331.....29662
332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662

16 CFR

13.....29458, 29928
460.....29256
1031.....29928
1032.....29928
1212.....29696
Proposed Rules:
Ch. II.....29951

17 CFR

15.....29931
16.....29931
17.....29931
18.....29931
21.....29931

Proposed Rules:
Ch. I..... 29952

18 CFR
141..... 29459
271..... 29697, 29699
375..... 29700

19 CFR
101..... 29462
Proposed Rules:
Ch. I..... 29953
200..... 29729

20 CFR
Proposed Rules:
404..... 29953

21 CFR
520..... 29464
Proposed Rules:
1308..... 29484

24 CFR
235..... 29256
570..... 29908

26 CFR
1..... 29465
11..... 29465

27 CFR
4..... 29260
19..... 29261
70..... 29261
240..... 29261
245..... 29261
250..... 29261
270..... 29261
275..... 29261

28 CFR
0..... 29704, 29931
Proposed Rules:
31..... 29438

29 CFR
Proposed Rules:
530..... 29485

30 CFR
250..... 29932

31 CFR
51..... 29261

32 CFR
199..... 29704
294..... 29705
Proposed Rules:
298a..... 29486

33 CFR
25..... 29933
165..... 29933
204..... 29934
Proposed Rules:
100..... 29288
162..... 29954

38 CFR
21..... 29474

40 CFR
52..... 29707
60..... 29262
61..... 29262
122..... 29708
123..... 29935
162..... 29708
260..... 29708
261..... 29708
264..... 29708
265..... 29708
Proposed Rules:
52..... 29289, 29488
81..... 29281
60..... 29955
104-4..... 29955
123..... 29292

41 CFR
15-1..... 29709

43 CFR
5420..... 29262
Public Land Orders:
1281 (Revoked by 5883)..... 29263
5169 (Amended by PLO 5396 and 5951)..... 29937
5179 (Amended by PLO 5250 and 5951)..... 29937
5180 (Amended by PLO 5418 and 5951)..... 29937
5250 (Amended by PLO 5951)..... 29937
5396 (Amended by PLO 5951)..... 29937
5418 (Amended by PLO 5951)..... 29937
5883..... 29263
5943..... 29710
5944..... 29710
5945..... 29939
5946..... 29939
5947..... 29938
5948..... 29938
5949..... 29939
5950..... 29939
5951..... 29937
Proposed Rules:
35..... 29955

44 CFR
64..... 29940, 29942
Proposed Rules:
55..... 29292
61..... 29292
67..... 29729-29732, 29956
300..... 29264

45 CFR
46..... 29883
235..... 29264
Proposed Rules:
71..... 29732
304..... 29964

47 CFR
61..... 29264
64..... 29474
Proposed Rules:
73..... 29488

49 CFR
1..... 29269
172..... 29392
531..... 29944
575..... 29269
1033..... 29480
1056..... 29711, 29945
Proposed Rules:
171..... 29967
172..... 29968, 29973
173..... 29968-29973
175..... 29968
176..... 29973

50 CFR
17..... 29481
661..... 29733
Proposed Rules:
17..... 29490

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 27, 1981

V
4
6
1
0
7
J
E
4
8
1
UMI

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

Code of Federal Regulations

Revised as of October 1, 1980

Quantity	Volume	Price	Amount
_____	Title 46—Shipping (Parts 200–399)	$7.50	$ _____
_____	Title 47—Telecommunication (Parts 200–399)	6.50	_____
_____	Title 47—Telecommunication (Parts 0–19)	7.50	_____
		Total Order	$ _____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $ _____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐–☐

Order No _____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

6-5-81
Vol. 46 No. 108
Pages 30073-30326

federal register

Friday
June 5, 1981

Highlights

30039, 30114 **Federal Home Loan Banks** FHLBB amends rules on payment of FSLIC insurance on accounts evidenced by negotiable instruments. FHLBB also proposes to remove geographic restrictions on the establishment and use of remote service units by Federally chartered savings and loan associations. (2 documents)

30113 **"NOW" Accounts** FHLBB requests comments on eligibility of individuals and organizations to hold accounts at member institutions.

30227 **Treasury Notes—Series E-1986** Treasury/Sec'y announces interest rate of 13⅞ percent per annum.

30167 **Imports—Television** Commerce/ITA publishes results of study on whether various countries are transhipping televisions from Japan into the U.S.

30322 **Grains** USDA/FGIS amends regulations on supervision of weighing services. (Part IV of this issue)

30225, 30226 **Government Procurement** OMB gives guidance on administering the labor surplus area program and subcontracting with small businesses and small disadvantaged businesses. (2 documents)

CONTINUED INSIDE

V 4 6 / 1 0 8
J E 5
8 1
UMI

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

30084 **Government Procurement—Handicapped Persons** Committee for Purchase from the Blind and Other Severely Handicapped amends recordkeeping and specification procedures.

30223 **Agriculture** OMB reviews recordkeeping and reporting requirements for fruit, vegetable, and specialty crop marketing orders.

30300 **Potentially Toxic Substances** EPA proposes that manufacturers and processors of dichloromethane, nitrobenzene, and 1,1,1-trichloroethane be required to test them for health and environmental effects. (Part III of this issue)

30168 **Large Power Transformers From the United Kingdom** Commerce/ITA issues preliminary results of administrative review of antidumping finding.

30150 **Telephones** FCC proposes deregulation of wiring inside customer premises.

30238 **Minimum Wages** Labor/ESA publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

30228 **Sunshine Act Meetings**

Separate Parts of This Issue

30233 **Part II, Labor/ESA**
30300 **Part III, EPA**
30322 **Part IV, USDA/FGIS**

Con

30073

30075,
30077
30012

30084

30159

30228

30115

30169

30221

30171
30173

30172

30169

Contents

Federal Register
Vol. 46, No. 108
Friday, June 5, 1981

Agricultural Marketing Service
RULES
Cotton:
30073 Fiber and processing tests; fee schedule; interim rule and request for comments
30075, 30077 Pears, plums, and peaches grown in Calif. (2 documents)
30012 Lemons grown in Calif. and Ariz.

Agriculture Department
See Agricultural Marketing Service; Federal Grain Inspection Service; Forest Service; Soil Conservation Service.

Blind and Other Severely Handicapped, Committee for Purchase from
RULES
Procurement:
30084 Workshop responsibilities and specification changes

Civil Aeronautics Board
NOTICES
Hearings, etc:
30159 Western Air Lines, Inc.; Texas-Alberta coach fare increases
30228 Meetings; Sunshine Act

Civil Rights Commission
NOTICES
30228 Meetings; Sunshine Act

Commerce Department
See International Trade Administration.

Consumer Product Safety Commission
PROPOSED RULES
30115 Chain saws and their components and replacement parts; safety standard development; correction
NOTICES
Complaints issued:
30169 Crown-Tex Corp.; prehearing conference and hearing

Copyright Office, Library of Congress
NOTICES
30221 Copyright registration cancellation in uncollectible check cases; policy decision

Economic Regulatory Administration
NOTICES
Consent orders:
30171 Luke Brothers, Inc.
30173 Ryder Truck Rental, Inc.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
30172 Minnegasco Energy Center, Inc.

Education Department
NOTICES
Committees; establishment, renewals, terminations, etc.:
30169 Indian Education National Advisory Council; membership nominations
Meetings:
30170 Federal Impact Aid Program Review Commission

Employment Standards Administration
NOTICES
30238 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Colo., D.C., Fla., Ga., Idaho, Iowa, La., Md., Mich., Miss., N.Y., Okla., Pa., S.C., Texas, Va., Wash., & Wis.)

Energy Department
See Economic Regulatory Administration; Energy Information Administration; Federal Energy Regulatory Commission; Southeastern Power Administration

Energy Information Administration
NOTICES
30174 Monthly petroleum product sales form (EIA-740), proposed; request for presurvey consultation comments

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
30082 Michigan
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
30116 Ohio; extension of time
Toxic substances:
30300 Dichloromethane, nitrobenzene, and 1,1,1-trichloroethane; test rule
NOTICES
Air quality: prevention of significant deterioration (PSD):
30194 Nonapplicability determinations
Environmental statements; availability, etc.:
30193 Agency statements; weekly receipts
30194 C. F. Industries, Inc., South Pasture phosphate mine, Hardee County, Fla.

Federal Communications Commission
RULES
Radio stations; table of assignments:
30087 Arkansas
30086 Idaho; correction
30091 Kansas
30088 Missouri
30091 South Carolina
30089 Utah
Television stations; table of assignments:
30090 Illinois
30089 Kentucky
30090 Texas

PROPOSED RULES
Common carrier services:
30124 Satellite communications; direct broadcast satellite service, interim; regulatory policy development
30150 Telephone companies; customer premises inside wiring, deregulation; advance notice
30152 Telephone companies; uniform system of accounts; station connections, etc.; extension of time
Radio stations; table of assignments:
30154 Louisiana
30153 Minnesota
30153 Vermont
NOTICES
Hearings, etc.:
30194 American Telephone & Telegraph Co.
Meetings:
30195 Marine Services Radio Technical Commission
30228 Meetings; Sunshine Act

Federal Deposit Insurance Corporation
RULES
Authority delegations:
30079 Bank Supervision Division Director; memoranda of agreement relating to avoidance, mitigation, or acceptance of adverse effects on historic properties

Federal Emergency Management Agency
PROPOSED RULES
Flood elevation determinations:
30115 Alabama et al.
30124 New York

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
30182 Boston Edison Co.
30182 Central Maine Power Co.
30182 Connecticut Yankee Atomic Power Co.
30182 Copolymer Rubber & Chemical Corp.
30183 Delhi Gas Pipeline Corp.
30183 Delmarva Power & Light Co. (2 documents)
30184 Detroit Edison Co.
30184 Duquesne Light Co.
30184 El Paso Electric Co.
30184 Greenman, Frederic E.
30185 Illinois Power Co.
30185 Indiana & Michigan Electric Co.
30185 Koessel, Donald R.
30185 Louisiana Intrastate Gas Corp.
30186 Louisiana Resources Co.
30186 Minnesota Power & Light Co.
30186 Mississippi River Transmission Corp.
30187 Northern Natural Gas Co.
30187 Northern States Power Co.
30188, 30189 Ohio Power Co. (3 documents)
30189 Pacific Power & Light Co.
30192 Pataya Storage Co. et al.
30189 Southern Company Services, Inc.
30190 Texas Gas Transmission Corp.
30190 Upper Peninsula Power Co.
30191 Utah Power & Light Co.
Natural gas companies:
30180 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend
Small power production facilities; qualifying status; certification applications, etc.:
30181 ARCO Polymers, Inc.
30188 Norton Co.

Federal Grain Inspection Service
RULES
Grain standards:
30322 Weighing services; exemptions and issuance of certificates, etc.; interim rule and request for comments

Federal Home Loan Bank Board
RULES
Federal Savings and Loan Insurance Corporation:
30079 Insurance of accounts evidenced by negotiable instruments; interpretation
PROPOSED RULES
Federal home loan bank system:
30113 NOW accounts, ownership; eligibility of individuals and organizations; interpretation
Federal savings and loan systems:
30114 Remote service unit operations; geographic restrictions

Federal Procurement Policy Office
NOTICES
Federal Procurement Regulations, Defense Acquisition Regulation, and NASA Procurement Regulations:
30226 Small business concerns and concerns owned by socially and economically disadvantaged individuals; subcontracting supplement (Policy Letter 80-2)
30225 Labor surplus area program (Policy Letter 81-2)

Federal Reserve System
NOTICES
Bank holding companies; proposed de novo nonbank activities:
30196 Dominion Bankshares Services, Inc.
30228 Meetings; Sunshine Act

Fish and Wildlife Service
NOTICES
30200 Endangered and threatened species permit applications

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
30081 Crambe meal, heat toasted
Food additives:
30080 Polydextrose
PROPOSED RULES
Human drugs:
30115 Antibiotic drugs; revocation of monographs; correction
NOTICES
Food additives, petitions filed or withdrawn:
30196, 30197 American Cyanamid Co. (2 documents)
30197 Chemidyne Corp.
30198 SSC Industries, Inc.
30199 Toray Industries, Inc.
Laser variance approvals, etc.:
30200 Triton Community College; correction

Medical devices:
30197 Cordis programmable neural stimulator and neural lead; premarket approval
Radiological health:
30199 Potassium iodide as thyroid-blocking agent, use during emergency draft recommendations; availability
30198 Tomato juice; identity standards deviation; temporary permits for market testing

Foreign Claims Settlement Commission
NOTICES
30228 Meetings; Sunshine Act

Forest Service
NOTICES
Meetings:
30157 National forest System Advisory Committee
Wilderness study areas:
30157 Oh-Be-Joyful, Gunnison National Forest, Colo.; hearing

General Services Administration
NOTICES
Authority delegations:
30196 Defense Department Secretary (2 documents)

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
30200 Marathon Oil Co.

Health and Human Services Department
See Food and Drug Administration.

Immigration and Naturalization Service
RULES
30078 Aliens; petition to classify as immediate relative of U.S. citizen or preference immigrant; evidence of family relationship as stepparent or stepchild

Interior Department
See Fish and Wildlife Service; Geological Survey; Land Management Bureau; Surface Mining Reclamation and Enforcement Office.

International Trade Administration
NOTICES
Antidumping:
30168 Large power transformers from United Kingdom
30163 Television receiving sets, monochrome and color, from Japan
30167 Televisions from Japan; results of examination of possible transshipments
Countervailing duty petitions and preliminary determinations:
30160 Float glass from Belgium
30161 Ski-lifts and parts from Italy
30162 Steel welded wire mesh from Italy

International Trade Commission
NOTICES
Import investigations:
30216 Synthetic L—methionine from Japan

Interstate Commerce Commission
RULES
Tariffs and schedules:
30092 Motor carrier rate bureaus; final rules and standards
PROPOSED RULES
Rail carriers:
30156 Commuter rail service continuation subsidies; determination standards; rebuttal of presumption that owner is dominant user; advance notice
NOTICES
Environmental statements; availability, etc.:
30215 Tongue River Railroad Line construction, Mont.; scoping meeting
Motor carriers:
30212 Fuel costs recovery, expedited procedures
30203 Intercorporate hauling operations; intent to engage in
30213 Permanent authority applications
30206 Permanent authority applications; restriction removals
30215 Temporary authority applications; correction
Rail carriers:
30205 Cost recovery procedures; railroad cost index
30212 Southern Pacific Transportation Co.; contract tariff exemption
Railroad service abandonment
30203 Baltimore & Ohio Railroad Co.
30211 Seaboard Coast Line Railroad Co.

Justice Department
See Foreign Claims Settlement Commission; Immigration and Naturalization Service.

Labor Department
See also Employment Standards Administration; Mine Safety and Health Administration.
NOTICES
Adjustment assistance:
30217 Fab-Tec, Inc.
30217 Jackson Crankshaft Co.
30218 Kalamazoo Stamping & Die Co.
30218 Lawnlite Co., Inc.
30219 Microdot, Inc.
30219 Van Dresser Corp. et al.
30219 U.S. Steel Corp.

Land Management Bureau
RULES
Public land orders:
30085 Montana
NOTICES
Coal leases, exploration licenses, etc.:
30201 Utah
Meetings:
30201 Southern Rio Grande Planning Area, multiple use recommendations; Las Cruces District Office
Sale of public lands:
30201 Colorado

Library of Congress
See Copyright Office, Library of Congress

Management and Budget Office
See also Federal Procurement Policy Office.
NOTICES
30223 Agriculture Department marketing orders; fruit, vegetable, and specialty crops; information requirements review

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
30216 Jeddo-Highland Coal Co.

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
30222 Georgia Power Co. et al.
30223 Virginia Electric & Power Co.
Meetings:
30222 Reactor Safeguards Advisory Committee (2 documents)
30229 Meetings; Sunshine Act

Personnel Management Office
NOTICES
Excepted service:
30227 Schedules A, B, and C; current excepted service appointing authorities, list; publication delay

Securities and Exchange Commission
NOTICES
30229 Meetings; Sunshine Act

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
30157 Lamar County Recreation Park RC&D Measure, Ala.
30157 Leelanau County Roads RC&D Measure, Mich.
30158 Raymond Creek Irrigation Co. Gravity Sprinkler System Farm Irrigation RC&D Measure, Wyo.
30158 Upper Sugar River Watershed, Wis.
30159 Wolf Creek Watershed, Mont.

Southeastern Power Administration
NOTICES
30192 Kerr-Philpott projects; proposed rate extensions and adjustment; hearing and inquiry

State Department
RULES
Visas:
30082 Nonimmigrant; crew-list visas; payment of fees

Surface Mining Reclamation and Enforcement Office
NOTICES
Surface coal mining operations; lands unsuitable for mining; petitions, designations, etc.:
30202 Montana

Treasury Department
NOTICES
Notes, Treasury:
30227 E-1986 series

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
30157 National Forest System Advisory Committee, Washington, D.C. (open), 6-17 and 6-18-81
30157 Oh-Be-Joyful Wilderness Study Area, Crested Butte, Colo., 7-7-81

CONSUMER PRODUCT SAFETY COMMISSION
30169 Crown-Tex Corp., New York, N.Y., 7-21 through 7-23-81 and 7-28 through 7-30-81

EDUCATION DEPARTMENT
30170 Commission on Review of the Federal Impact Aid Program, Washington, D.C. (open), 7-16 and 7-17-81

ENERGY DEPARTMENT
Southeastern Power Administration—
30192 Kerr-Philpott System, proposed rate extensions and rate adjustment, Raleigh, N.C., 7-9-81

FEDERAL COMMUNICATIONS COMMISSION
30195 Radio Technical Commission for Marine Services, Washington, D.C. (open), 6-16, 6-18, 6-23 and 6-24-81

INTERIOR DEPARTMENT
Land Management Bureau—
30201 Southern Rio Grande Planning Area, Las Cruces, N. Mex. (open), 7-8-81 and Truth and Consequences, N. Mex. (open), 7-9-81

INTERSTATE COMMERCE COMMISSION
Tongue River Railroad Line Construction—
30215 Ashland, Mt., (open), 6-23-81 and Broadus, Mt., (open), 6-23-81

NUCLEAR REGULATORY COMMISSION
30222 Reactor Safeguards Advisory Committee, Advanced Reactors Subcommittee, Park Ridge, Ill. (partially open), 6-22 and 6-23-81
30222 Reactor Safeguards Advisory Committee, Waste Management and Reactor Radiological Effects Joint Subcommittee, Washington, D.C. (partially open), 6-22 and 6-23-81

V46/108
JE5 81
UMI

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
28.....30073
800.....30322
910.....30112
917 (2 documents).....30075, 30077

8 CFR
204.....30078

12 CFR
303.....30079
570.....30079

Proposed Rules:
526.....30113
545.....30114

16 CFR

Proposed Rules:
Ch. II.....30115

21 CFR
172.....30080
573.....30081

Proposed Rules:
430.....30115
436.....30115
440.....30115
444.....30115
448.....30115
452.....30115

22 CFR
41.....30082

40 CFR
52.....30082

Proposed Rules:
52.....30116
773.....30300

41 CFR
51-4.....30084
51-5.....30084

43 CFR

Public Land Orders:
5952.....30086

44 CFR

Proposed Rules:
67 (2 documents).....30116, 30124

47 CFR
73 (9 documents).....30086-30091

Proposed Rules:
2.....30124
23.....30124
31 (2 documents).....30150, 30152
73 (3 documents).....30153, 30154
94.....30124

49 CFR
Ch. X.....30092

Proposed Rules:
1127.....30156

V 46 / 108 JE 5 81 UMI

Rule

This sectio
contains r
general ap
of which
the Code
published
U.S.C. 15
The Code
by the Su
Prices of
first FEDE
month.

DEPARTM

Agricultu

7 CFR Pa

Cotton Fi

AGENCY: A
USDA.

ACTION: In
for comme

SUMMARY:
Service re
performin
tests to re
providing
reflects a
language
accordanc

DATES: In
comments
August 1,

ADDRESS:
Harvin R.
Testing Br
Agricultur
Departme
Annex Bu
20250. The
developin
impact of
published
"Supplem

FOR FURTH
Harvin R.

SUPPLEME
final rule
USDA pro
accordanc
and has b
William T
Administr
Operation
action wil
on a subst
entities.

Rules and Regulations

Federal Register
Vol. 46, No. 108
Friday, June 5, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Cotton Fiber and Processing Tests

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: The Agricultural Marketing Service revises the schedule of fees for performing cotton fiber and processing tests to reflect increased costs in providing the service. This action also reflects a review of this rule as to language and applicability in accordance with Executive Order 12291.

DATES: Interim rule effective July 1, 1981; comments must be received on or before August 1, 1981.

ADDRESS: Comments may be mailed to Harvin R. Smith, Chief, Standards and Testing Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 312, Annex Building, Washington, D.C., 20250. The options considered in developing this final rule, and the impact of implementing each option, are published in their entirety in "Supplementary Information."

FOR FURTHER INFORMATION CONTACT: Harvin R. Smith (202–447–2167).

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291, and has been classified "nonmajor." William T. Manley, Deputy Administrator, Marketing Program Operations, has determined that this action will not have a significant impact on a substantial number of small entities.

Early harvested cotton from the 1981–82 cotton crop will be received by the Cotton Division for fiber testing services during the month of July 1981. To insure uniformity in the fee structure for the entire 1981–82 season, it is necessary to make the revised fees effective July 1, 1981. Due to the nearness of such effective date, an interim final rule with a comment period is necessary.

Background

Requests from cotton breeders, in 1941, led to the enactment of an amendment to the Cotton Statistics and Estimates Act of 1927 (7 U.S.C. 471–476). This amendment provides for "* * * analysis of fiber properties, spinning tests, and other tests of the quality of cotton samples submitted * * * by cotton breeders and other persons * * *" and is known as the Cotton Service Testing Amendment (7 U.S.C. 473d). This amendment further provides that the services are to be offered on a fee basis, with such fees to cover the costs of the service rendered.

Testing service is provided by a USDA fiber testing laboratory in Clemson, S.C. Tests are available, upon request, to private sources on a fee basis, and to USDA and cooperating governmental agencies on a transfer of funds basis.

While the testing laboratory provides important services to cotton breeders and other persons, it also contributes significantly to the USDA mission by providing information and analysis for: (1) quality reports and surveys, (2) cotton classing supervision, (3) screening cotton bales under consideration for use as staple standards. Services provided under the Cotton Service Testing Amendment are strictly on an at-cost basis. All other services are funded from appropriations.

Options Analysis

In complying with Executive Order 12291 this rule was reviewed on the basis of four options.

The laboratory offers modern and timely testing services. It is able to efficiently satisfy the demands placed on it. Therefore, no need is seen to increase the level of service. Should a long-term surge in demand occur, the question would be reexamined. Likewise, a reduction of the services offered, either in types or in volume, would be counterproductive to the furtherance of the best interests of the cotton industry and to the optimal utilization of governments resources due to the other activities which such a move would affect.

The Cotton Service Testing Amendment specifies that the Secretary of Agriculture is "* * * authorized to make analyses of fiber properties, spinning tests, and other tests of the quality of cotton samples * * *" It does not obligate the Secretary to perform the analyses; however, it has been determined that abolition of the services would be detrimental to the cotton industry and against the mandates of other programs.

The cotton fiber and processing tests are presently performed in a technologically modern manner. The tests are performed efficiently and with dispatch. The tests and the testing procedures are regularly reviewed by highly competent textile and fiber engineers. The services are now being provided at an optimal level for the industry and the government. There is no need for a change in capacity or capabilities.

Fees

During FY 1980, a total of 36,000 tests were performed for private sources for a total of $65,000 in fees collected. The current schedule of fees has been in effect since August 1, 1979. Operating costs have increased significantly since that time including, but not limited to, increased costs for supplies, salaries and benefits. To comply with the Cotton Service Testing Amendment requiring fees to cover the cost of the service, fees are increased effective July 1, 1981.

The fees for the individual tests offered to the public are calculated based on (1) labor costs, (2) cost of supplies, and (3) overhead. Since the last fee change, federal salaries have increased around 13%, utilities have jumped an average of 43%, and materials/supplies have increased by 75%. During this same period the total costs of providing testing services have increased close to 18%.

The average of the increases due to take effect July 1981 has been held down to 19%, or about 9% per year, approximately the yearly average jump in the GNP deflator price index.

Findings

The cotton fiber and processing testing service meets the needs of many segments of the cotton industry. The services provided play a limited but important role in the cotton industry and have a significant impact on the work of the USDA. Many of the tests performed are of a unique nature and impact on the research and development aspects of the cotton industry.

Based on the above reasons, it has been determined (1) that the cotton fiber and processing tests provided by USDA should continue to be offered as before and (2) the fees charged for the various tests should be increased an average of 19% to cover the costs of the service rendered.

Highlight of Changes to the Regulations

The introductory and definitional sections were simplified to conform with present day styling (§§ 28.950, 28.952, 28.955).

The micronaire reading will be based on two specimens from each sample, instead of one, so as to provide a higher level of accuracy, and to conform to the standards set by the International Standards Organization and the American Society of Testing and Materials (§ 28.956, item 7.0).

In order to keep up with technological advances in the textile industry an open-end spinning test has been added (§ 28.956, item 9.1).

The tests relating to blending and dyeing were deleted since, of late, there has been no demand for them. New tests are being developed for these areas and will be introduced should a demand for them be expressed (§ 28.956, items 26.0, 27.0, 28.0 and 29.0).

Individual High Volume Instrument measurements are deleted (§ 28.956, item 30.0) and are now offered only as a single aggregate test (§ 28.956, redesignated item 25.0).

At the request of the cotton industry, a test for measuring the amount of reducing substances (sugars) has been added. This test permits the identification of bales which may pose spinning problems due to excessive sugar content (§ 28.956, redesignated item 27.0).

The section relating to "Fees and charges for inspection and checkloading services" (old § 28.958) has been deleted. The services covered by this section are obsolete. Programs have changed and the provisions are out of date.

Most fees have been changed and the Section and/or item numbers have been redesignated so as to maintain a consistent numbering system.

Amendments. The following amendments are made to 7 CFR Part 28, Subpart E.

1. In § 28.950, paragraphs (c) and (e) are revised to read as follows:

§ 28.950 Terms defined.

* * * * *

(c) *Administrator.* The Administrator of the Agricultural Marketing Service, or any other officer or employee of the Service to whom authority has been delegated to act for the Administrator.

* * * * *

(e) *Director.* The Director of the Cotton Division, or any other officer or employee of the Division to whom authority has been delegated to act for the Director.

* * * * *

2. Section 28.952 is revised to read as follows.

§ 28.952 Testing of samples.

The Director or an authorized representative, upon written requests, shall make fiber and processing tests of the properties of cotton samples and report the results thereof to the persons from whom such requests are received, subject to compliance by such persons with the regulations in this subpart and to the payment by them of fees as prescribed herein.

3. Section 28.955 is revised to read as follows.

§ 28.955 Disposition of samples.

The remnants of samples accumulated in the making of tests under the regulations in this subpart shall become the property of the Government unless the applicant requests that such remnants be returned. Returns will be at the applicant's expense.

4. Section 28.956 is revised to read as follows.

§ 28.956 Prescribed fees.

Fees for fiber and processing tests shall be assessed as listed below.

Item No.	Kind of test	Fee per test
1.0	Furnishing USDA calibration cotton in the short, medium, long and extra long staple lengths, including standard values for length by both array and Fibrograph methods, strength by flat bundle method at ⅛-inch gauge, and maturity and fineness by the Causticaire methods:	
	a. By surface delivery, 1-lb. sample	$17.00
	b. By air delivery within the U.S., 1-lb. sample	20.00
	c. By air delivery outside the U.S., 1-lb. sample	24.00
2.0	Furnishing international calibration cotton standards with standard values for micronaire reading and Pressley fiber strength at zero gauge:	
	a. By surface delivery, ½-lb. sample	12.00
	b. By air delivery within U.S., ½-lb. sample	14.00
	c. By air delivery outside the U.S., 1-lb. sample	18.00
3.0	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each ⅛-inch group, average length and average length variability as based on 3 specimens from a blended sample:	
	a. Ginned cotton lint, per sample	40.00
	b. Cotton comber noils, per sample	50.00
	c. Other cotton wastes, per sample	60.00
3.1	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each ⅛-inch group, average length, and average length variability as based on 2 specimens from a blended sample:	
	a. Ginned cotton lint, per sample	35.00
	b. Cotton comber noils, per sample	40.00
	c. Other cotton wastes, per sample	50.00
3.2	Fiber array of cotton samples, including punned or absorbent cotton. Reporting the average percentage of fibers ½-inch and longer by weight, the average of fibers shorter than ¼-inch by weight, average length, and average length variability as based on 3 specimens from each sample, per sample	45.00
4.0	Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and average length uniformity as based on 4 specimens from a blended sample, per sample	4.50
	Minimum fee unless performed in connection with other tests requiring a blended specimen	9.00
4.1	Fiber length of ginned cotton lint by Fibrograph method. Reporting the length of each sub-sample and average length and average length uniformity for each group of replicate sub-samples as based on 2 specimens from each of 3 or more replicate unblended sub-samples, per sub-sample	3.50
	Minimum fee	7.00
5.0	Pressley strength of ginned cotton lint by flat bundle method for either zero or ⅛-inch gauge as specified by applicant. Reporting the average strength as based on 6 specimens from a blended sample, per sample	5.00
	Minimum fee unless performed in connection with other tests requiring a blended sample	10.00
5.1	Pressley strength of ginned cotton lint by flat bundle method for either zero or ⅛-inch gauge as specified by applicant. Reporting the strength of each sub-sample and the average strength for each group of replicate sub-samples as based on 2 specimens for each of 3 or more replicate unblended sub-samples, per sub-sample	3.00
	Minimum fee	9.00
5.2	Stelometer strength and elongation of ginned cotton lint by the flat bundle method for ⅛-inch guage. Reporting the average strength and elongation as based on 6 specimens from a blended sample, per sample	5.50
	Minimum fee, unless performed in connection with other tests requiring blended sample	11.00
5.3	Stelometer strength and elongation of ginned cotton lint by the flat bundle method for ⅛-inch gauge. Reporting the strength and elongation of each sub-sample and the average of the group of replicate sub-samples as based on 2 specimens from each of 3 or more unblended samples, per sub-sample	3.50
	Minimum fee	10.50
6.0	Fiber maturity and fineness of ginned cotton lint by the Causticaire method. Reporting the average maturity, fineness, and micronaire reading as based on 2 specimens from a blended sample, per sample	7.00
	Minimum fee	21.00
7.0	Micronaire readings on ginned lint. Reporting the micronaire reading as based on 2 specimens from each sample, per sample	.40
	Minimum fee	4.00

Item No.	Kind of test	Fee per test
8.0	Neps content of ginned cotton lint. Reporting the neps per 100 square inches as based on the web prepared from a 3-gram specimen by using accessory equipment with the mechanical fiber blender, per sample	9.00
9.0	Cotton carded yarn spinning test. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn neps and classification and fiber length as well as comments summarizing any unusual observations as based on the processing of 6 pounds of cotton in accordance with standard laboratory procedures at one of the standard rates of carding of 6½, 9½, or 12½ pounds-per-hour into two of the standard carded yarn numbers of 8s, 14s, 22s, 36s, 44s, or 50s; employing a standard twist multiplier unless otherwise specified, per sample	100.00
9.1	Cotton carded yarn spinning test (open-end) for short staple (31/32nd inches and shorter) cottons. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn neps, and classification and fiber length as well as comments summarizing any unusual observations as based on the processing of 6 pounds of cotton in accordance with standard laboratory procedures at a carding rate of 12½ pounds-per-hour into 8s yarn using a sliver weight of 60 grains per yard; a rotor speed of 45,000 RPM; an opening roll speed of 7,200 RPM; a twist multiple of 4.5; and a rotor diameter of 46 millimeters	75.00
10.0	Spinning potentials test. Determining the finest yarn which can be spun with no ends down and reporting spinning potential yarn number. This test requires an additional 4 pounds of cotton, per sample	90.00
11.0	Cotton combed yarn spinning test. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn neps, and classification and fiber length as well as comments summarizing any unusual observations as based on the processing of 8 pounds of cotton in accordance with standard procedures at one of the standard rates of carding of 4½, 6½, or 9½ pounds-per-hour into two of the standard combed yarn numbers of 22s, 36s, 44s, 50s, 60s, 80s, or 100s employing a standard twist multiplier unless otherwise specified, per sample	125.00
12.0	Cotton carded and combed yarn spinning test. Reporting the results as based on the processing of 10 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing the same carding rate and the same yarn numbers for both the carded and the combed yarns, per sample	175.00
13.0	Cotton carded and combed yarn spinning test. Reporting the results as based on the processing of 9 pounds of cotton into two of the standard combed yarn numbers employing different carding rates and/or yarn numbers for the carded and combed yarns, per sample	195.00
14.0	Two-pound cotton carded yarn spinning test available to cotton breeders only. Reporting data on yarn skein strength, yarn appearance, yarn neps and the classification and the fiber length of the cotton as well as comments on any unusual processing performance as based on the processing of 2 pounds of cotton in accordance with standard procedures into two standard carded yarn numbers employing a standard twist multiplier, per sample	75.00
15.0	Processing and testing of additional yarn. Any carded or combed yarn number processed in connection with spinning tests including either additional yarn numbers or additional twist multipliers employed on the same yarn numbers, per additional lot of yarn	20.00
15.1	Processing and furnishing of additional yarn: Any yarn number processed in connection with spinning tests. Approximately 300 yards on each of 16 paper tubes for testing by the applicant, per additional lot of yarn	30.00
16.0	Twist in yarns by direct-counting method. Reporting direction of twist and average turns per inch of yarn:	
	a. Single yarns based on 40 specimens per lot of yarn	70.00
	b. Plied or cabled yarns based on 10 specimens, per lot of yarn	18.50
17.0	Skein strength of yarn. Reporting data on the strength and the yarn numbers based on 25 skeins from yarn furnished by the applicant, per sample	7.00
17.1	Appearance grade of yarn furnished on bobbins by applicant. Reporting the appearance grade in accordance with ASTM standards as based on yarn wound from one bobbin, per bobbin	3.00
17.2	Furnishing yarn wound on boards in connection with yarn appearance tests, per yarn number	3.00
18.0	Strength of cotton fabric. Reporting the average warp and filling strength by the grab method as based on 5 breaks for both warp and filling of fabric furnished by the applicant, per sample	12.00
18.1	Cotton fabric analysis. Reporting data on the number of warp and filling threads per inch and weight per yard of fabric as based on at least three (3) 6 x 6-inch specimens of fabric which were processed or furnished by the applicant, per sample	25.00
19.0	Color of ginned cotton lint. Reporting data on the reflectance in terms of Rd values and the degree of yellowness in terms of b values as based on the Nickerson-Hunter Cotton Colorimeter on samples which measure 5 x 6½ inches and weigh approximately 50 grams per sample	.40
	Minimum fee	4.00
20.0	Furnishing color standards, including a set of standard tiles and a master diagram for use in calibrating Nickerson-Hunter Cotton Colorimeters, per set	90.00
20.1	Furnishing replacement calibration tiles for above sets, each tile	10.00
20.2	Furnishing a Colorimeter calibration sample box containing 6 cotton samples with color values Rd and +b plotted on a color diagram based on the Nickerson-Hunter Cotton Colorimeter, per box	18.00
20.3	Furnishing new Colorimeter readings on samples in calibration boxes returned for check readings, per 6-sample box	4.00
21.0	Furnishing copies of test data worksheets. Includes individual observations and calculations which are not routinely furnished to the applicant, per sheet	1.50
22.0	Foreign matter content of cotton samples. Reporting data on the non-lint content as based on the Shirley-Analyzer separation of lint and foreign matter:	
	a. For samples of ginned lint or comber noils, per 100-gram specimen	4.00
	Minimum fee	8.00
	b. For samples of ginning and processing wastes other than comber noils, per 100-gram specimen	10.00
	Minimum fee	20.00
23.0	Furnishing identified cotton samples. Includes samples of ginned lint, stock at any stage of processing or testing, waste of any type, yarn or fabric selected and identified in connection with fiber and/or spinning tests, per identified sample	2.00
24.0	Furnishing additional copies of test reports. Includes extra copies in addition to the 2 copies routinely furnished in connection with each test item, per additional sheet	.75
24.1	Furnishing a certified relisting of test results. Includes samples or sub-samples selected from any previous tests, per sheet	5.00
25.0	High Volume Instrument (HVI) Measurements. Reporting micronaire, length (UHM), length uniformity, ⅛-inch gauge strength, color and trash content. Based on a 6 oz. (170 g) sample, per sample	1.30
	Minimum fee	13.00
26.0	Calibration cotton for use with High Volume Instruments, per 5 pound package	50.00
27.0	Sugar content of cotton. Reporting the percent sugar content as based on a quantitative analysis of reducing substances (sugars) on cotton fibers, per sample	3.00
	Minimum fee	12.00
28.0	Classification of ginned cotton lint is available in connection with other fiber tests, under the provisions of 7 CFR 28, § 28.56, at the fees prescribed by 7 CFR 28, § 28.116. Classification includes grade, staple, and micronaire reading based on a 6 oz. (170 g) sample.	

§ 28.958 [Removed]

§§ 28.959 through 28.962 Redesignated as §§ 28.958 through 28.961.

5. Section 28.958 is removed. Consequently the following changes have been made in the numbering of the subsequent sections:

§ 28.959 is redesignated § 28.958.
§ 28.960 is redesignated § 28.959.
§ 28.961 is redesignated § 28.960.
§ 28.962 is redesignated § 28.961.

Dated: June 1, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-16794 Filed 6-4-81; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 917

[Peach Reg. 13]

Fresh Pears, Plums, and Peaches Grown in California; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule.

SUMMARY: This regulation sets minimum grade and size requirements for shipments of specified varieties of fresh California peaches for the period June 5, 1981, through August 15, 1981. Such action is designed to promote orderly marketing of suitable quality and sizes of fresh California peaches in the interest of producers and consumers.

DATES: Interim rule effective June 5, 1981; comments which are received by July 6, 1981 will be considered.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley.

Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Peach Commodity Committee, established under the order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on May 6, 1981, to consider supply and market conditions and other factors affecting the need for regulation. The committee estimates fresh shipments of California peaches at 13.1 million packages, compared with actual shipments of 12.8 million packages last season. The committee reports that the 1981 California peach crop is sizing normally and is of good quality.

The grade and size requirements are necessary to prevent the shipment of California peaches of a lower grade or smaller size than specified and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers consistent with the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) shipment of the current crop of peaches is underway; (2) the current California peach regulation (45 FR 32309; 44917) will expire May 31, 1981; (3) the California peach regulation was recommended by the committee following discussion at a public meeting; (4) California peach handlers have been apprised of these requirements for California peaches and the effective date; (5) the requirements are basically the same as those currently in effect.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, a new § 917.456 is added to read as follows: (§ 917.456 expires August 15, 1981, and will not be published in the annual Code of Federal Regulations).

§ 917.456 Peach Regulation 13.

(a) During the period June 5, 1981, through August 15, 1981, no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(2) Any package or container of Armgold, Desertgold, Royal April, Royal Gold, or Springold variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the box; or

(ii) Such peaches in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 96 peaches.

(3) Any package or container of any type of Babcock, Bonjour, Cardinal, Dixired, Early Coronet, Early Royal May, Firecrest, First Lady, Flavorcrest, JJK–1, June Lady, May Lady, Merrill Gemfree, Royal May, Springcrest, Royal Crest, May Crest, or Tizz variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 84 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (3) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 79 peaches.

(4) Any package or container of Coronet, Indian Red, Merrill Gem, Redhaven, Redtop, or Regina variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (4) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

(5) Any package or container of Angelus, Autumn Gem, Bella Rosa, Belmont, Cal Red, Carnival, Early Fairtime, Early O'Henry, Elegant Lady, Fairtime, Fay Elberta, Fayette, Fiesta, Fire Red, Flamecrest, Fortyniner, Franciscan, Gem Crest, Halloween, Jody Gaye, July Elberta (Early Elberta, Kim Elberta, and Socala), July Lady, Kearney, Mardigras, Merricle, O'Henry, Otani, Pacifica, Parade, Paradise, Preuss Suncrest, Red Cal, Redglobe, Red Lady, Regular Elberta, Rio Oso Gem, Scarlet Lady, Sparkle, Summerset, Summertime, Suncrest, Sun Lady, Toreador, Treasure, or Windsor variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (5) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 64 peaches.

(b) During the period June 5, 1981, through July 2, 1981, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), or (5) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the box; or

(2) Such peaches in any container when packed other than as specified in subparagraph (1) of this paragraph (b) are of a size that a 16-pound sample,

representative of the peaches in the package or container, contains not more than 96 peaches.

(c) During the period July 3, 1981, through August 15, 1981, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), or (5) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(2) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(3) Such peaches in any container when packed other than as specified in subparagraphs (1) or (2) of this paragraph (c) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

(d) As used herein, "U.S. No. 1" and "standard pack" mean the same as defined in the United States Standards for Peaches (7 CFR 2851.1210–1223); and "No. 22D standard lug box" and "No. 12B standard fruit (peach) box" mean the same as defined in Section 1380.19(18) of the "Regulations of the California Department of Food and Agriculture."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-16849 Filed 6-4-81; 8:45 am]

BILLING CODE 3410-02-M

---

7 CFR Part 917

[Plum Reg. 18]

Fresh Pears, Plums, and Peaches Grown in California; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule.

SUMMARY: This regulation sets minimum grade and size requirements for shipments of specified varieties of fresh California plums for the period June 5, 1981, through August 15, 1981. Such action is designed to promote orderly marketing of suitable quality and sizes of fresh California plums in the interest of producers and consumers.

DATE: Interim rule effective June 5, 1981; comments which are received by July 6, 1981 will be considered.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This aciton is based upon the recommendations and information submitted by the Plum Commodity Committee, established under the order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on May 7, 1981, to consider supply and market conditions and other factors affecting the need for regulation. The committee estimates fresh shipments of California plums at 12.6 million packages, compared with actual shipments of 11.3 million packages last season. The committee reports that the 1981 California plum crop is sizing normally and is of good quality.

The grade and size requirements are necessary to prevent the shipment of California plums of a lower grade or smaller size than specified and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) shipment of the current crop of plums is in progress and this regulation should be applicable to all shipments during the season; (2) the current California plum regulation (45 FR 33596; 47115; 54724) will expire May 31, 1981; (3) the California plum regulation was recommended by the committee following discussion at a public meeting; (4) California plum handlers have been apprised of these requirements and the effective date; and (5) the requirements are essentially the same as those currently in effect.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, a new § 917.457 is added to read as follows: (§ 917.457 expires August 15, 1981, and will not be published in the annual Code of Federal Regulations).

§ 917.457 Plum Regulation 18.

(a) During the period June 5, 1981, through August 15, 1981, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1: *Provided*, That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(b) During the period June 5, 1981, through August 15, 1981, no handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade: *Provided*, That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(2) Any lot of packages or containers of Autumn Queen, Casselman, Empress, Freedom (42–26), Grand Rosa, Improved Late Santa Rosa, King David, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, SW–1, and Swall Rosa plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade: *Provided*, That maturity shall be determined by the application of color standards by variety or such other tests

as determined to be proper by the Federal or Federal-State Inspection Service.

(c) During the period June 5, 1981, through August 15, 1981, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

Table I

Column A, variety	Column B, plums-per-sample
Ace	55
Amazon	64
Andys Pride	69
Angeleno	67
Autumn Rose	72
Beauty	91
Bee Gee	66
Black Beaut	74
Black Knight	58
Burmosa	60
Casselman	63
Durado	74
Ebony	66
El Dorado	68
Elephant Heart	53
Empress	57
Freedom (42-26)	56
Fresno Rosa	62
Friar	58
Frontier	61
Gar-Rosa	71
Golden Glow	60
Grand Rosa	54
July Santa Rosa	69
Kelsey	47
King David	50
King's Black	58
Laroda	58
Late Santa Rosa (including Improved Late Santa Rosa and Swall Rosa)	64
Linda Rosa	68
Mariposa	61
Midsummer	63
Nubiana	58
President	57
Queen Ann	50
Queen Rosa	53
Red Beaut	74
Red Rosa	64
Redroy	58
Rosa Ann	66
Rosa Grande	63
Rose Ann	60
Royal Red	74
Roysum	74
Santa Rosa	69
Simka, Amosa, New Yorker	50
Standard	63
Tragedy	114
Wickson	51

(d) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the United States Standards for Fresh Plums and Prunes (7 CFR 2851.1520–1538).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-16850 Filed 6-4-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Evidence of Family Relationship Between Petitioner and Beneficiary as Stepparent or Stepchild

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule eliminates the former requirements of establishing active parental interest in a stepchild's support, instruction, and general welfare by a petitioner before visa preference may be granted to a beneficiary as a stepparent or stepchild. The rule adopts the holding in *Palmer* vs. *Reddy*, 622 F.2nd 463 (CA–9, 1980) and the Board of Immigration Appeals decision in *Matter of McMillan* of January 13, 1981.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536 Telephone: (202) 633–3048

For Specific Information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536 Telephone: (202) 633–3946

SUPPLEMENTARY INFORMATION: On July 3, 1979, the Board of Immigration Appeals decided the *Matter of Moreira*, Interim Decision #2720 and again as Interim Decision #2792 (May 6, 1980) where it held that a visa petition by a stepmother in behalf of the illegitimate child of her husband required a showing that the stepparent had, prior to the child's eighteenth birthday, shown an active parental interest in the child's support, instruction, and general welfare. The Board's decision was followed by amending 8 CFR 204.2(c)(3) and (5) to add the qualifying criterion. The amendment was published in the **Federal Register** at 45 FR 41392 on June 19, 1980 to be effective on July 21, 1980.

In the *Matter of McMillan*, (January 13, 1981), the Board has reversed its position in *Matter of Moreira*, and has conformed to the holding of *Palmer vs. Reddy*, 622 F.2nd 463 (C.A.–9, 1980). In *Palmer*, the Ninth Circuit specifically rejected both the *Moreira* "active parental interest" test and its predecessor, the "close family unit" rule, concluding that persons who become stepchildren through the marriage of a natural parent prior to their eighteenth birthday are entitled to visa preference as a class under section 101(b)(1)(B) of the Act without further qualification. This rule amends the existing regulation by deleting the *Moreira* requirements and follows the holding in *Palmer* as interpreted by the *Matter of McMillan*.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date are unnecessary because this amendment is required to conform the regulation to the most recent case law.

This regulation is exempt from postponement and reconsideration under section 8(a)(2) of Executive Order 12291, and has been approved for promulgation by the Office of Management and Budget.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended:

PART 204—PETITION TO CLASSIFY ALIEN AS A PREFERENCE IMMIGRANT

In § 204.2, paragraphs (c)(3) and (5) are revised to read as follows:

§ 204.2 Documents.

* * * * *

(c) *Evidence of family relationships between petitioner and beneficiary.*

* * * * *

(3) *Petition for child.* If a petition is submitted by a mother in behalf of a child, regardless of the child's age, the birth certificate of the child showing the name of the mother must accompany the petition. If a petition is submitted by a father or stepparent in behalf of a child, regardless of age, a certificate of marriage of the parents, proof of legal termination of their prior marriages, and the birth certificate of the child must accompany the petition.

* * * * *

(5) *Petition in behalf of a parent.* If a petition is submitted in behalf of a mother, the petitioner's birth certificate showing the name of the mother must accompany the petition. If a petition is submitted in behalf of a father or stepparent, the petitioner's birth certificate and the marriage certificate

of his/her parent and stepparent must accompany the petition, as well as proof of the legal termination of their prior marriages, if any.

(Secs. 101, 103, and 204; 8 U.S.C. 1101, 1103, and 1154)

Certification

In accordance with 5 U.S.C. 605(b), this rule will not have significant economic impact on a substantial number of small entities and, it is exempt from postponement and reconsideration under section 8(a)(2) of the E.O. 12291.

Dated: March 4, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-16700 Filed 6-4-81; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 303

Applications, Requests, Submittals, and Notices of Acquisition; Delegation of Authority

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: This rule amends Part 303 of FDIC's regulations to provide for a delegation of authority by FDIC's Board of Directors to the Director of the Division of Bank Supervision and thence to the Regional Directors to enter into memoranda of agreement relating to the avoidance, mitigation or acceptance of adverse effects on National Register or eligible property purusant to regulations of the Advisory Council on Historic Preservation which implement the National Historic Preservation Act.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: Margaret M. Olsen, Senior Attorney, FDIC, 550 17th Street, N.W., Washington, D.C. 20429, (202) 389-4433.

SUPPLEMENTARY INFORMATION: The National Historic Preservation Act ("NHPA") requires agencies (including independent agencies with authority to license undertakings) to take into account the effect of an undertaking on any district, site, building, structure or object that is included or eligible for inclusion in the National Register before approving the undertaking. 16 U.S.C. 470f. The regulations of the Advisory Council on Historic Preservation ("Council") in relevant part require the agency to take the following steps. 36 CFR Part 800. The agency must first determine whether an undertaking would have an adverse effect on National Register or eligible property. If the undertaking will have an adverse effect, the agency must: (1) prepare a preliminary case report requesting the Council's comments, (2) advise the State Historic Preservation Officer ("SHPO") of this request, and (3) proceed with the consultation process set out in § 800.6 of the Council's regulations. Under § 800.6, the agency, the SHPO and the Executive Director of the Council are designated as the consulting parties and are to enter into a memorandum of agreement relating to the avoidance, mitigation or acceptance of adverse effects on National Register or eligibile property.

In order to expedite FDIC's processing of covered applications, the FDIC's Board of Directors has delegated the authority to enter into such memoranda to the Director of the Division of Bank Supervision and thence to the Regional Director of the Region in which the bank is located. Section 303.13 of FDIC's regulations (12 CFR 303.13) is amended to reflect this delegation.

This amendment relates solely to the internal practices and procedures of the FDIC. The Board of Directors has determined that the notice and delayed effective date requirements of the Administrative Procedure Act (5 U.S.C. 553) are not applicable. The amendment would not affect the recordkeeping or reporting requirements or the competitive status of any insured bank. In view of this, the FDIC has not explored any alternative regulatory approaches for small banks and has concluded that a cost-benefit analysis (including a small bank impact statement) regarding the change is unnecessary. Also, since the amendment is a rule of agency procedure, the requirements of the Regulatory Flexibility Act would not apply; however, the amendment will not have any significant economic impact on a substantial number of small banks.

12 CFR Part 303 is amended as follows:

1. The authority citation for Part 303 is revised as follows:

Authority: Secs. 2(5), 2(6), 2(7[j]), 2(9 "Seventh" and "Tenth"), 2(18), 2(19), Pub. L. 797, 64 Stat. 876, 881, 891, 893 as amended by Pub. L. 86-163, 74 Stat. 129; sec. 2, Pub. L. 87-827, 76 Stat. 953; Pub. L. 88-593, 78 Stat. 940; Pub. L. 89-79, 79 Stat. 244; sec. 1, Pub. L. 89-356; 80 Stat. 7; sec. 12(c), Pub. L. 89-185, 80 Stat. 242, sec. 3, Pub. L. 89-597, 80 Stat. 824; Title II, secs. 201, 205, Pub. L. 89-695, 80 Stat. 1055; sec. 2(b), Pub. L. 90-505, 82 Stat. 856; secs. 6(c)(7), (12), (13), Pub. L. 95-369, 92 Stat. 616-620; Title III, secs. 306, 309 and Title VI, sec. 602, Pub. L. 95-630, 92 Stat. 3677, 3683 (12 U.S.C. 1815, 1816, 1817(j), 1818, 1819 "Seventh" and "Tenth", 1828, 1829).

2. Section 303.13 is amended by adding a new paragraph (n) to read as follows:

§ 303.13 Other delegations of authority.

* * * * *

(n) *National Historic Preservation Act.*

The Board of Directors has delegated to the Director of the Division of Bank Supervision, or, where confirmed in writing by the Director of the Division of Bank Supervision, to the Regional Director of the Region in which the bank is located, the authority on behalf of the Board of Directors to enter into memoranda of agreement pursuant to regulations of the Advisory Council on Historic Preservation which implement the National Historic Preservation Act. The Director of the Division of Bank Supervision may limit his/her delegation of authority to the Regional Director to applications wherein the applicant has agreed in writing to conditions relating to the National Historic Preservation Act which may be imposed by the Regional Director.

By order of the Board of Directors June 1, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-16828 Filed 6-4-81; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 570

Insurance of Accounts; Interpretation

AGENCY: Federal Home Loan Bank Board.

ACTION: Interpretive rule.

SUMMARY: The Federal Home Loan Bank Board is issuing an interpretive rule regarding payment of FSLIC insurance on accounts evidenced by negotiable instruments. This rule merely clarifies existing FSLIC insurance coverage.

DATE: This interpretation is incorporated in the Board's rules and regulations as of May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Attorney, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Telephone: (202) 377-6444.

SUPPLEMENTARY INFORMATION: Title 12 U.S.C. 1726(a) authorizes the Federal Savings and Loan Insurance

Corporation ("Corporation" or "FSLIC") to insure the accounts of federally and state-chartered institutions described therein. Pursuant to 12 U.S.C. 1728(a), the Federal Home Loan Bank Board has issued regulations at 12 CFR Parts 561 *et seq.* defining the insurance coverage provided by the FSLIC.

The insurance regulations at 12 CFR 561.3 define an "insured account" as "a savings account, tax and loan account, or checking account held by an insured member in an institution insured by the Corporation." An "insured member" is defined in general terms by 12 CFR 561.2 as the holder of an insured account at an insured institution. These regulations do not specifically resolve the question of who is to be treated as the insured member with regard to insured account funds evidenced by a negotiable instrument.

When the holder of a certificate account negotiates the certificate of deposit evidencing the account to a third party, the holder of the certificate becomes the owner of the account and should be treated as the insured member for purposes of settlement of insurance in the event of default of the institution. Similarly, when the holder of an insured NOW account or checking account gives a check to a third party, the drawer of the check considers the transaction as a transfer of funds from his account to the third party. Funds represented by a cashier's check, money order, or similar instrument issued by an insured institution are considered an insured "checking account" under 12 CFR 571.11a, and the institution is obligated to pay those funds to the holder of such instrument who presents it for payment.

Policy considerations dictate that the owner of such a negotiable instrument be treated as an insured member entitled to FSLIC insurance coverage for the account funds represented by the instrument. The owner of the instrument is entitled to payment of the funds, and is the party most interested in filing a claim for insurance coverage in the event of default of the institution. To rule otherwise would damage public confidence in insured institutions and would detrimentally affect the collectibility of such payment instruments. For reasons such as these the regulations of the Federal Deposit Insurance Corporation ("FDIC") at 12 CFR 330.11 and 330.12 specifically provide that the owner of a negotiable instrument evidencing an insured deposit obligation of an insured bank is entitled to FDIC insurance coverage as if the owner were shown as a depositor of the evidenced funds on the records of the insured bank. The insurance regulations of the National Credit Union Administration contain a substantially identical rule at 12 CFR 745.11 and 745.12.

The Board's regulations at 12 CFR 564.1 permit the FSLIC to determine "from the account contracts and books and records of the institution, *or otherwise*, the insured members thereof and the amount of the insured account or accounts of each such member" (emphasis added). Pursuant to this authority, the FSLIC has treated owners of negotiable instruments evidencing insured account funds as insured members (*see* Op.G.C. April 24, 1981); however, this rule of practice has never been codified.

The Board is issuing an interpretation of 12 CFR 564.1 in order to clarify who is the insured member with regard to funds represented by a negotiable instrument. This interpretive rule specifically designates the owners of such instruments as insured members for purposes of insurance settlement. In addition, this rule clarifies that a collecting institution acting solely as agent of the owner shall be treated as agent of the owner for purposes of receiving a disbursement from the FSLIC.

Because this is an interpretive rule, it is exempt from the notice, comment, and advance publication requirements of 5 U.S.C. 553. In accordance with Recommendation No. 76–2 of the Administrative Conference of the United States, this interpretive rule will be preserved in the *Code of Federal Regulations*.

Accordingly, the Board hereby amends Part 570, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 570—BOARD RULINGS

Add a new § 570.12, to read as follows:

§ 570.12 Insurance of accounts evidenced by negotiable instruments.

(a) *General.* Section 564.1 of this chapter authorizes the Corporation to determine the insured members of an institution in default "from the account contracts and the books and records of the institution, or otherwise." If any insured account is evidenced by a negotiable account certificate, negotiable draft, negotiable cashier's or officer's check, negotiable certified check, negotiable money order, negotiable traveler's check, negotiable letter of credit, or any other negotiable instrument, the owner of such instrument will be recognized for all purposes of claim for insured accounts to the same extent as if such person's name and interest were disclosed in the account contracts, books and records of the institution as an insured member, provided the instrument was in fact negotiated to such person prior to the date of the closing of the institution. Affirmative proof of such negotiation must be offered in all cases to substantiate the claim. For purposes of this section, the term "insured account" includes monies received by the insured institution in payment for a cashier's check, money order, traveler's check, or similar instrument payable by the institution or payable out of funds of the institution on deposit with another financial institution.

(b) *Collecting institution acting as agent.* Where an institution in default has become obligated for the payment of an item forwarded for collection by an institution acting solely as agent, the owner of the item shall be entitled to insurance coverage if the conditions of the preceding paragraph are met. Such collecting institution shall be recognized as the agent of such owner for the purpose of making an assignment of the rights of such owner against the insured institution to the Corporation and for the purpose of receiving payment on behalf of such owner.

(12 U.S.C. 1431(e)(2)(c), 1724, 1725, 1726, 1728; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 81–16740 Filed 6–4–81; 8:45 am]
BILLING CODE 6720–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 79F–0051]

Polydextrose; Food Additives Permitted for Direct Addition to Food for Human Consumption

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of polydextrose as a bulking agent, formulation aid, humectant, and

texturizer in certain specified foods. Pfizer Central Research, Pfizer, Inc., filed a petition requesting such use.

DATES: Effective June 5, 1981; objections by July 6, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: FDA announced in a notice published in the **Federal Register** of April 17, 1979 (44 FR 22816) that a food additive petition (FAP 9A3441) had been filed by Pfizer Central Research, Pfizer, Inc., 235 E. 42d St., New York, NY 10017, proposing that the food additive regulations be amended to provide for the safe use of polydextrose as a low-calorie bulking agent in certain foods, with secondary effects as a formulation aid, humectant, and texturizer.

FDA has evaluated data in the petition and other relevant material and concludes that polydextrose is safe under its prescribed conditions of use and that the food additive regulations should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 172 is amended in Subpart I by adding new § 172.841, to read as follows:

§ 172.841 Polydextrose

Polydextrose as identified in this section may be safely used in food in accordance with the following prescribed conditions:

(a)(1) Polydextrose (CAS Reg. No. 68424–04–4) is a partially metabolizable water-soluble polymer prepared by the condensation of a melt which consists of approximately 89 percent D-glucose, 10 percent sorbitol and 1 percent citric acid, on a weight basis.

(2) Polydextrose may be partially neutralized with potassium hydroxide.

(b) It is used in accordance with good manufacturing practices as a bulking agent, formulation aid, humectant, and texturizer in the following foods when standards of identity established under section 401 of the act do not preclude such use: baked goods and baking mixes (restricted to fruit, custard, and pudding-filled pies; cakes; cookies; and similar baked products); chewing gum; confections and frostings; dressings for salads; frozen dairy desserts and mixes; gelatins, puddings, and fillings; and hard and soft candy.

(c) If the food containing the additive purports to be or is represented for special dietary uses, it shall be labeled in compliance with Part 105 of this chapter.

(d) The label and labeling of food a single serving of which would be expected to exceed 15 grams of the additive shall bear the statement: "Sensitive individuals may experience a laxative effect from excessive consumption of this product".

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 6, 1981 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 5, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 1, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–16838 Filed 6–4–81; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 573

[Docket No. 79F–0323]

Food Additives Permitted in Feed and Drinking Water of Animals; Crambe Meal, Heat Toasted

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to reflect the safe use of heat toasted crambe meal in feedlot cattle feeds. A food additive petition providing for this use was filed by the U.S. Department of Agriculture, Northern Regional Research Center, Peoria, IL.

DATES: Effective June 5, 1981; objections by July 6, 1981.

FOR FURTHER INFORMATION CONTACT: William D. Price, Bureau of Veterinary Medicine (HFV–123), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3442.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 9, 1979 (44 FR 65190), a notice was published to reflect the filing of a food additive petition (FAP–2176) by the U.S. Department of Agriculture, Northern Regional Research Center, 1815 N. University St., Peoria, IL 61604, proposing that Part 573 (21 CFR Part 573) be amended to provide for the safe use of crambe meal in the feed of feedlot cattle. Crambe meal is used as a source of protein in an amount not to exceed 4.2 percent of the total ration. FDA has evaluated the data in the petition and other relevant material and concluded that Part 573 should be amended to provide for the safe use of crambe meal as set forth below.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment. Therefore, an environmental impact statement will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding as required by 21 CFR 25.1(f)(1)(iv) may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 573 is amended by

adding a new § 573.310 to read as follows:

§ 573.310 Crambe meal, heat toasted.

(a) The additive is the seed meal of *Crambe abyssinica* obtained after the removal of oil from the seed and hull. The oil may be removed by pre-press solvent extraction or by solvent extraction alone. The resulting seed meal is heat toasted.

(b) The additive conforms to the following percent-by-weight specifications: moisture, not more than 11 percent; oil, not more than 4 percent; crude protein, not less than 24 percent; crude fiber, not more than 26 percent; glucosinolate calculated as epi-progoitrin, not more than 4 percent; goitrin, not more than 0.1 percent; nitrile calculated as 1-cyano-2-hydroxy-3-butene, not more than 1.4 percent. At least 50 percent of the nitrogen shall be soluble in 0.5 *M* sodium chloride. Myrosinase enzyme activity shall be absent.

(c) The additive is used or intended for use in the feed of feedlot cattle as a source of protein in an amount not to exceed 4.2 percent of the total ration.

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 6, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 5, 1981.

(Sec. 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 348))

Dated: May 28, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-16456 Filed 6-4-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF STATE

Office of the Secretary

22 CFR Part 41

[Departmental Reg. 108.808]

Nonimmigrant Visas; Crew-list Visas

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Bureau is amending its regulations covering crew-list visas as they relate to payment of fees for the issuance of such visas. Also, the Bureau is changing reference to Immigration and Naturalization Service Form I-151—Alien Registration Receipt Card to IMS Form I-551.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: Gerald M. Brown, Chief, Legislation and Regulations Division, Visa Services, Bureau of Consular Affairs, (202) 632-1900.

SUPPLEMENTARY INFORMATION: The Immigration and Naturalization Service's Form I-151 referred to in § 41.127(b)(1) has been redesignated as Form I-551 to reflect that Service's regulations. In addition, the listing of crew-list visa issuance fees in paragraph (C) of § 41.127 has been eliminated and the wording of this paragraph has been changed to refer to the Schedule of Fees in section 22.1 of this Title. The current Schedule of Fees prescribes crew-list visa issuance fees on a range of $35.00 to $152.00 depending on the number of crew members included on the manifest. Compliance with section 553 of Title 5 of the United States Code as to Notice of Proposed Rulemaking and delayed effective date is unnecessary in this instance because the amendments are technical and administrative in nature. In addition, the amendments are exempt from sections 2 and 3 of Executive Order 12291 of February 17, 1981 under section 1(a)(3) of that Order.

1. In line twenty-six of § 41.127(b)(1) the reference to form "I-151" is changed to "I-551".

2. Paragraph (c) of § 41.127 is revised to read:

§ 41.127 Crew-list visas.

* * * * *

(c) *Fee.* A fee shall be charged in accordance with the Schedule of Fees for Consular Services set forth in § 22.1 of this chapter for the visaing of any crew list, except that no fee shall be charged for a crew-list visa issued in the case of an American vessel.

* * * * *

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

Dated: April 3, 1981.

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

[FR Doc. 81-16727 Filed 6-4-81; 8:45 am]

BILLING CODE 4710-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1790-4]

Michigan State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On August 13, 1979 (44 FR 47350), the United States Environmental Protection Agency (EPA) proposed rulemaking and solicited public comment on revisions to the Michigan State Implementation Plan (SIP). These revisions included several requirements of the 1977 Amendments to the Clean Air Act which are not Part D requirements. On October 12, 1979, the State responded to EPA's notice of proposed rulemaking (44 FR 38587). No other public comments were received. The purpose of this notice is to announce EPA's final rulemaking action on these revisions to the Michigan SIP.

EFFECTIVE DATE: This rulemaking action becomes effective on July 6, 1981.

ADDRESSES: Copies of the SIP revision are available for inspection during normal business hours at the following addresses:

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917

Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Judy Kertcher, Regulatory Analysis Section, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6038.

SUPPLEMENTARY INFORMATION: On April 25, 1979, the State of Michigan submitted revisions to its State Implementation Plan (SIP) to EPA. The submittal addressed several requirements of the 1977 Clean Air Act (Act) Amendments which are not Part D requirements. Although incorporation of these provisions is required by law, failure to achieve final approval by July 1, 1979 did not trigger the economic and growth sanctions associated with Part D.

On August 13, 1979 (44 FR 47350, 47357), EPA proposed rulemaking on these general requirements and invited public comment. On October 12, 1979, the State responded to EPA's notice of proposed rulemaking. No other public comments on these revisions were received. This notice announces EPA's final rulemaking action on these revisions to the Michigan SIP.

Section 110(a)(2)(K)—Permit Fees

This section requires the owner or operator of each major stationary source to pay the permitting authority as a condition of any permit required by the Act a fee to cover reasonable costs of processing an application for a permit and of implementing and enforcing the terms and conditions of the permit. Michigan has in effect Rule 366.82 which details a comprehensive air pollution surveillance fee system. EPA proposed to approve this system as meeting the requirements of section 110(a)(2)(K) on August 13, 1979 (45 FR 47350, 47358). No comments on this revision were received. Therefore, EPA approves the Michigan permit fee system as meeting the requirements of section 110(a)(2)(K).

Section 126—Interstate Pollution

Section 126(a)(1) of the Act requires that the SIP provide for written notice to nearby states of any proposed major stationary source which may significantly contribute to levels of air pollution in excess of the National Ambient Air Quality standards in that state. Except for an agreement with Canada, Michigan's SIP submittal of April 25, 1979, did not include procedures for the required written notice to other nearby states.

In the proposed rulemaking of August 13, 1979 (44 FR 47350, 47357), EPA proposed to disapprove this portion of the SIP unless Michigan submitted a schedule to develop these procedures and to submit them to EPA as a revision to the Michigan SIP.

State Response: In its October 12, 1979 response to the notice of proposed rulemaking, Michigan stated that it had an ongoing program of notification in cases of potential interstate pollution. The State committed itself to continuation of this program.

USEPA Final Determination: The procedures on which the state is relying have not been submitted to EPA as part of the Michigan SIP. Therefore, EPA disapproves this revision to the Michigan SIP as not satisfying the requirements of section 126(a)(1).

Section 126(a)(2) requires the State to identify existing major sources which may significantly contribute to levels of air pollution in neighboring states.

On October 31, 1977, the Chief of the Air Quality Division of the Michigan Department of Natural Resources (MDNR) sent letters with this information to each bordering state. EPA proposed to approve this action on August 13, 1979 (44 FR 47350, 47358). No comments on this revision were received. Therefore, EPA approves this revision to the Michigan SIP as meeting the requirement of Section 126(a)(2).

Section 127—Public Notification

Section 127 requires the SIP to contain measures for effective notification of the public on a regular basis of instances or areas in which any national primary ambient air quality standard is exceeded, to advise the public of hazards associated with such pollution and to enhance public awareness of measures which can be taken to prevent such standards from being exceeded. The Air Quality Division of the MDNR proposes to publish annually an Air Quality Report summarizing all validated air monitoring data collected in the previous calendar year. This Report will outline standards, generalized health and welfare effects and other monitoring concerns and will be mailed upon request.

In addition, MDNR proposes to distribute to major news outlets an annual article which not only lists the pollutants for which primary standards have been violated, but also contains: (1) Information regarding certain violations of ambient air quality standards for individual pollutants; (2) explanations of the primary health related standards and associated health effects for that pollutant and (3) methods by which members of the public may participate in enforcing the standards for the pollutant. Michigan has submitted Rules 1301 through 1308 to provide for notifying the public of air pollution episodes, the adoption of episode emission abatement programs, and the issuance of episode orders.

EPA proposed approval of this revision to the Michigan SIP on August 13, 1979 (44 FR 47350, 47358). No comments on this revision or USEPA's proposed approval were received. Therefore, EPA approves this revision to the Michigan SIP as meeting the requirements for public notification.

Section 128—State Boards

Section 128 of the Act requires that any board which approves permits or enforcement orders under the Act contain a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under the Act and that members of any such board adequately disclose any potential conflicts of interest. The Governor of Michigan submitted a questionnaire to the members of the Air Pollution Control Commission to determine which members could be certified as representing the public interest and as not deriving a significant portion of their income from persons subject to permits or orders. The response to the questionnaire indicated that the majority of the board membership met the requirements of section 128. The Governor has committed himself to having all prospective commissioners complete the questionnaire and to make appointments so that the commission will continue to represent the public interest as required by section 128 of the Act.

EPA proposed to approve the use of the questionnaire and the commitment of the Governor as meeting the requirements of section 128 of the Act on August 13, 1979 (44 FR 47350, 47357), on the condition that the Governor make a further commitment to submit the questionnaire annually to members of the Air Pollution Control Commission and to submit annually the results to EPA. Alternatively, the Governor or his designee must make a commitment to develop and adopt regulations assuring that the members of the Air Pollution Control Commission meet the requirements of this section.

State Response: The Governor in a letter dated April 10, 1981 committed to annually administer and submit this questionnaire.

EPA Final Determination: EPA believes that this commitment is adequate and therefore will approve Michigan's provisions for State Boards.

as meeting the requirements of Section 128 of the Act.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The SIP approvals announced today are not major because they only approve State actions. They do not impose any new regulatory requirements. The disapprovals announced today are also not major because they impose no new regulatory requirements. The approved Michigan SIP currently contains no requirement for notifying neighboring State of pending SIP revisions and no requirement for State board disclosures of conflicts of interest. EPA's disapprovals do not change this status quo; they merely notify the state that its SIP continues to be deficient in these areas. Moreover, these requirements are largely procedural in nature. Any actions approving or disapproving submitted neighbor state notifications or state board disclosures would not be anticipated to have an annual effect on the economy of $100 million or more or ■ major economic impact on industry or the public.

This regulation was submitted for review to the Office of Management and Budget as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at EPA Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, IL 60604.

Under section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date of this publication. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by USEPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1980.

(Sec. 110(a), 126 and 128 of the Clean Air Act as amended (42 U.S.C. 7410(a), 7426 and 7428))

Dated: April 9, 1981.

Walter C. Barber,

Acting Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

1. Section 52.1170(c) is amended by revising paragraph (c)(16) and by adding paragraph (c)(38) to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(16) On April 25, 1979, the State submitted its nonattainment area plan for areas designated nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained Michigan's Part D attainment plans for particulate matter, carbon monoxide, sulfur dioxide, transportation and new source review, plus a copy of Michigan's existing and proposed regulations. USEPA is not taking action at this time to include in the federally approved SIP certain portions of the submittal: provisions in R 336.1310 concerning open burning; 336.1331, insofar as it may pertain to process sources in the iron and steel category and site specific revisions; 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356 and 1357 as they pertain to specific iron and steel source operations; Part 5, Extension of Sulfur Dioxide Compliance Date for Power Plants Past January 1, 1980; Part 7, Emission Limitations and Prohibitions—New Sources of Volatile Organic Compound Emissions; R336.1701–1710 controlling minor sources of volatile organic compounds; Part 11, Continuous Emission Monitoring; Part 13, Air Pollution Episodes; Part 16, Organization and Procedures; and Part 17, Hearings.

* * * * *

(38) On April 10, 1981 the Governor of Michigan committed to annually administer and submit the questionnaire developed for the purposes of Section 128.

2. Section 52.1181 is added as follows:

§ 52.1181 Interstate pollution.

(a) The requirements of Section 126(a)(1) of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, the procedures on which the state is relying to notify nearby states of any proposed major stationary source which may contribute significantly to levels of air pollution in excess of the National Ambient Air Quality Standards in that state.

3. Section 52.1182 is added as follows:

§ 52.1182 State boards.

(a) The requirements of Section 128 of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, the measures on which the state is relying to insure that the Air Pollution Control Commission contains a majority of members who represent the public interest and do not derive a significant portion of their income from persons subject to permits or enforcement orders under the Act and that the board members adequately disclose any potential conflicts of interest.

[FR Doc. 81-16723 Filed 6-4-81; 8:45 am]

BILLING CODE 6560-26-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

41 CFR Parts 51-4 and 51-5

Workshop Responsibilities and Specification Changes

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Final rule.

SUMMARY: The Committee amends its regulations on the files which workshops must maintain on blind persons and on the procedures relating to changes in specifications or other descriptions of commodities or services on the Procurement List. The change regarding blind persons limits the requirements to those required by law. The methods used by the Government in describing commodities have changed substantially since the current provisions of § 51–5.11 were established in 1973. The changes provide guidance regarding the actions to be taken when there is a change in the specification, description or designation of a commodity on the Procurement List or the scope of work or other conditions in the provision of a service on the Procurement List.

EFFECTIVE DATE: June 5, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On November 21, 1980, the Committee published a proposed rule (45 FR 77080) to revise § 51–4.3 of 41 CFR Part 51–4 and to revise § 51–5.11 and add § 51–5.12 of 41 CFR Part 51–5.

The background and reasons for the changes were discussed in the notice announcing the proposed rule. One comment was received on Part 51–4 which proposed that the rule be amended to distinguish between the physically handicapped and the mentally retarded in maintaining the files on the disabling conditions that cause an individual to qualify as other

severely handicapped. This comment was based on a misunderstanding of the requirements of the Committee's regulations regarding the need for recertification by a physician, psychiatrist, or psychologist of an other severely handicapped individual's disabling condition. If the disabling condition is of a permanent nature or is expected to degenerate, no follow-up report by a physician, psychiatrist, or psychologist is required.

In view of the above, the comment was not accepted. However, minor changes in wording were adopted in § 51–4.3(a)(6) and in § 51–4.3(b) (1) and (2) requiring the reports in each case to be "signed". These changes make it clear that the reports in the workshops' files must be signed by the person authorized to make the determinations contained in the respective reports. The wording in § 51–4.3(b)(2) has also been changed to clarify the fact that preadmission and reevaluation reports must state that the other severely handicapped individual is not capable of engaging in normal competitive employment.

One agency commented on two aspects of the proposed changes in Part 51–5. It pointed out that the requirement for the 90-day notification period contained no provision for a procuring activity to meet its emergency needs once a new specification or description had been adopted. A new paragraph (d) has been added to cover this contingency.

It also questioned the need for § 51–5.12 and pointed out that the composition or manner of fabrication of the replacement item might well affect its suitability for manufacture by the blind and other severely handicapped. Wording has been added in § 51–5.12 to require that a qualified workshop must be capable of producing the replacement item at a fair market price.

The specifications or descriptions for commodities on the Procurement List are being revised or updated on a continuing basis. From time to time those commodities are assigned new national stock numbers or other item designators generally without any significant change in the commodity itself. When this occurs, the new number or designators must be reflected on the Procurement List since each commodity on the Procurement List carries an identifying number or designator for control purposes.

The new § 51–5.12 will permit the Committee to make these administrative changes in the case of replacement commodities which have not been previously procured and which a qualified workshop can produce. This section would not apply where a commodity on the Procurement List is being replaced by another commodity which has previously been procured from commercial sources.

One additional change was made in the last sentence of § 5.11(b) where the words "To the date for its implementation", were changed to "to placing an order for a commodity covered by the new specification or description." This change removes a possible ambiguity of when a new specification is "implemented."

An administrative change has been made in § 51–5.1–2(b) to correct the address of the National Industries for the Blind.

This rule is not a major rule as defined in section 1(b) of Executive Order 12291 of February 17, 1981 and, therefore, a Regulatory Impact Analysis is not required under Section 3 of that Executive Order.

The recordkeeping requirements contained in § 51–4.3 have been approved through May 31, 1983, OMB No. 3037–0005. This has been reflected in § 51–4.3.

Accordingly 41 CFR Part 51–4 is amended as follows:

PART 51–4—WORKSHOPS

1. In § 51–4.3 add the recordkeeping authority note under the caption, and revise subparagraphs (6) and (7) of paragraph (a) to read:

§ 51–4.3 Responsibilities.

(The recordkeeping requirements of this section have been approved for use through May 31, 1983, Office of Management and Budget Number 3037–0005.)

(a) * * *

* * * * *

(6) Maintain a file on each blind individual which includes a written report reflecting visual acuity and field of vision of each eye, with and without glasses, signed by a person licensed to make such an evaluation.

(7) Maintain an ongoing placement program operated by or for the workshop to include liaison with appropriate community services such as the State employment service, employer groups and others; and list with one or more of these services those individuals capable of normal competitive employment.

2. Remove subparagraph 51–4.3(a)(8).

3. Revise paragraph 51–4.3(b) to read:

§ 51–4.3 Responsibilities.

* * * * *

(b) Each workshop for other severely handicapped participating under the Act shall, in addition to the requirements of paragraph (a) of this section, maintain a file for each other severely handicapped individual which includes:

(1) A written report signed by a licensed physician, psychiatrist, or qualified psychologist reflecting the nature and extent of the disability or disabilities that cause such person to qualify as other severely handicapped.

(2) Reports which state that the individual is not capable of engaging in normal competitive employment. These reports shall be signed by a person or persons qualified by training and experience to evaluate the work potential, interests, aptitudes, and abilities of handicapped persons and shall normally consist of preadmission evaluations and reevaluations prepared at least annually. The file on individuals who have been in the workshop for less than two years shall contain the preadmission report and, where appropriate, the next annual reevaluation. The file on individuals who have been in the workshop for two or more years shall contain, as a minimum, the reports of the two most recent annual reevaluations.

PART 51–5—PROCUREMENT REQUIREMENTS AND PROCEDURES

4. Change the address for the National Industries for the Blind in paragraph 51–5.1–2(b) to read as follows:

§ 51–5.1–2 Allocations and Orders.

* * * * *

(b) * * *

Agency and Agency Symbol

National Industries for the Blind, 3530 Moncure Avenue, Falls Church, Virginia 22041—IB

* * * * *

5. Revise § 51–5.11 including the caption to read as follows:

§ 51–5.11 Specification changes and similar actions.

(a) Specifications or other descriptions for commodities on the procurement list may undergo a series of changes to keep current with industry changes and agency needs. Since it is not feasible to show the latest revision

current on the publication date, only the basic specification or description is referenced in the procurement list. Procurement agencies shall notify the workshop and the central nonprofit agency concerned of the latest applicable specification or description.

(b) When a Government department or agency is changing the specification or description of a commodity on the Procurement List, including a change that involves the assignment of a new national stock number or item designation, the office assigned responsibility for the action shall obtain the comments of the Committee and the central nonprofit agency concerned on the proposed change and shall notify the workshop and the central nonprofit agency concerned at least 90 days prior to placing an order for a commodity covered by the new specification or description.

(c) Similarly for services, the procuring activity shall notify the workshop and central nonprofit agency concerned at least 90 days prior to the date that any changes in the scope of work or other conditions will be required.

(d) When, in order to meet its emergency needs, a procuring activity is unable to give the 90-day notification required in paragraphs (b) and (c) above, the procuring activity shall, at the time it places the order or change notice, inform the workshop and the central nonprofit agency in writing of the reasons it cannot meet the 90-day notification requirement.

6. Add a new § 51–5.12 to read as follows:

§ 51–5.12 Replacement commodities.

When a commodity on the Procurement List is replaced by another commodity which has not been previously procured, and a qualified workshop can produce the replacement commodity in accordance with the Government's quality standards and delivery schedules and at a fair market price, the replacement commodity is automatically on the Procurement List and shall be procured from the workshop designated by the Committee. The commodity being replaced shall continue to be included on the Procurement List until there is no longer a requirement for that commodity.

(Pub. L. 92–28, 41 U.S.C. 46–48c, 85 Stat. 77)

C. W. Fletcher,

Executive Director.

[FR Doc. 81–16792 Filed 6–4–81; 8:45 am]

BILLING CODE 6820–33–M

DEPARMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5952

[M–51236]

Montana; Emergency Withdrawal of Bob Marshall, Scapegoat, and Great Bear Wilderness Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 1.5 million acres of national forest lands in the Bob Marshall, Scapegoat, and Great Bear Wilderness Areas from mineral leasing in response to an emergency withdrawal resolution adopted by the House Interior and Insular Affairs Committee on May 21, 1981.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Sue Bosma, 202–343–6486.

By notice and an appropriate Committee resolution of May 21, 1981, the Secretary of the Interior was informed by the House Interior and Insular Affairs Committee that an emergency situation exists in the Bob Marshall, Scapegoat, and Great Bear Wilderness Areas and that extraordinary measures should be taken to preserve values that would otherwise be lost. The resolution directs the Secretary to immediately withdraw all of the Federal lands in the Bob Marshall, Scapegoat, and Great Bear Wilderness Areas, within the Flathead, Helena, Lewis and Clark and Lolo National Forests, from all forms of disposition under all laws pertaining to mineral leasing and all amendments thereto, subject to valid existing rights. Therefore, pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, and in accordance with subsection (e) of Section 204 of the Act, it is ordered as follows:

1. Subject to valid existing rights and existing withdrawals and reservations, all of the Federal lands in the Bob Marshall, Scapegoat, and Great Bear Wilderness Areas, as designated by Public Laws 88–577, 92–395, and 95–546, are hereby withdrawn from all forms of disposition under all laws pertaining to mineral leasing and all amendments thereto, subject to valid existing rights. The lands aggregate approximately 1,537,000 acres in Flathead, Lewis and Clark, Missoula, Pondera, Powell, and Teton Counties, Montana.

2. The lands withdrawn by this order are depicted on U.S. Forest Service exterior boundary maps for the Bob Marshall, Scapegoat, and Great Bear Wilderness Areas. The maps are on file in the Bureau of Land Mangement, Division of Lands, Realty, and Withdrawals, Room 3070, Main Interior Building, 18th and C Streets N.W., Washington, D.C. 20240, and in the Bureau of Land Management's Montana State Office, Granite Tower, 222 North 32nd Street, Billings, Montana 59107.

3. Except to the extent that this order may withhold the aforementioned Federal lands from all forms of disposition under all laws pertaining to mineral leasing and all amendments thereto, subject to valid existing rights, all other provisions of law applicable to the aforementioned wilderness areas shall remain in full force and effect.

4. This emergency withdrawal shall remain in effect until January 1, 1984.

James G. Watt,

Secretary of the Interior.

June 1, 1981.

[FR Doc. 81–16716 Filed 6–4–81; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80–250; RM–3404 and RM–3479]

FM Broadcast Station in Chubbuck, & Pocatello, Idaho; Changes Made in Table of Assignments; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This action substitutes FM Channel 252A for FM Channel 280A at Chubbuck, Idaho. Channel 280A at Chubbuck is short-spaced to Channel 277 at Idaho Falls, Idaho. This action eliminates the short-spacing.

DATES: Effective July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

ERRATUM

Adopted: May 19, 1981.

Released: May 27, 1981.

By the Chief, Policy and Rules Division.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Chubbuck, and Pocatello, Idaho). BC Docket No. 80–250, RM–3404, RM–3479.

1. By *Report and Order* adopted April 10, 1981, and released April 23, 1981, (46 FR 23455; April 27, 1981) the Commission assigned Channel 280A to Chubbuck, Idaho, as that community's first FM assignment. In so doing, the Commission inadvertently overlooked a mileage separation conflict with the then pending assignment of Channel 277 to Idaho Falls, Idaho. The distance between the two communities is approximately 45 miles, while the required separation between third adjacent Class A and Class C channels is 65 miles. Channel 277 was recently assigned in Docket 80–249, adopted April 10, 1981. To correct this short-spaced assignment, we are now substituting Channel 252A for Channel 280A at Chubbuck. Channel 252A meets all the mileage separation requirements.

2. Accordingly, it is ordered, That effective July 20, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, IS AMENDED as follows:

City	Channel No.
Chubbuck, Idaho	252A

3. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

4. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau (202) 632–7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16817 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 79-1; RM-366 and RM-3351]

Radio Broadcast Services; FM Broadcast Station in Clinton and Bald Knob, Arkansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 221A to Clinton, Arkansas, in response to a request filed by Weber-King Radio. The assignment could provide Clinton with a first FM and first local nighttime aural service. In addition, the license for Station KUCA, Conway, Arkansas, has been modified to specify Channel 217C.

DATE: Effective July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 21, 1981.

Released: May 27, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Clinton and Bald Knob, Arkansas); BC Docket No. 79–1, RM–3166; RM–3351; second report and order; (proceeding terminated).

1. The Commission has before it the *Further Notice of Proposed Rule Making and Order to Show Cause*, 46 FR 9975, published January 30, 1981, proposing to assign Channel 221A, to Clinton, Arkansas, with a site restriction of approximately 10 kilometers (6 miles) and to modify the license for Station KUCA, Conway, Arkansas, from Channel 218C to Channel 217C.[1] Comments in support were filed by Weber-King Radio, the proponent of the Clinton assignment. A response to the Order to Show Cause was submitted by the University of Central Arkansas, licensee of Station KUCA.

2. Weber-King supports the proposal, states it will apply for Channel 221A, if assigned, and that it would provide reimbursement to Station KUCA for its frequency change. The University of Central Arkansas ("UCA") opposed the move to Channel 217C citing a reception problem with its present signal (on Channel 218C) in the Little Rock area and with the reception of Station KLRE-FM, Little Rock (Channel 213C) in the Conway area allegedly due to the closeness in frequency separation (5 channels or 1 MHz). A switch to Channel 217C or 4 channels removed would increase the problem according to UCA. A different frequency substitution, such as 89.0 MHz,[2] however, is recommended by UCA.

3. First, as to Clinton's needs, we have found sufficient justification for the assignment of Channel 221A which could provide a first FM and full-time local aural service to Clinton. We now turn to the issue concerning the modification of Station KUCA's license. We previously considered the availability of other frequencies reserved for noncommercial educational use at Conway,[3] and opted for Channel 217C to avoid reception problems with VHF television Channel 6, which is in operation at Mountain View, Arkansas, by Station KEMV. The distance from Conway to the Mountain View television station is 51.5 miles. As has been our policy in other cases involving possible interference to the reception of television Channel 6, we attempt to allocate frequencies in the upper portion of the noncommercial educational band. In this case, Channel 217C was the highest frequency available as a substitute for Channel 218C. The Commission's protection ratios which are used to allocate noncommercial educational frequency protects channels up to the third adjacency. See § 73.509(d)(3). The alleged problem here involves a fifth adjacent channel which we have proposed to be replaced by a fourth adjacent channel (Channel 213C, Little Rock, to Channel 217C, Conway). Therefore, even assuming a problem exists as it may in other areas of the country, our accepted standards do not ordinarily provide protection to the extent needed here. While we have no specific information as to the nature or extent of the reception problems involving Station KUCA and KLRE–FM, we may assume for argument's sake that a reception problem exists. Nevertheless, we believe that the potential problem to the reception of Channel 6 would be more serious. We have, since 1966, recognized the Channel 6 interference problem,[4] and we have sought to avoid the allocation of noncommercial educational frequencies on the lower end of the band.[5] We have, on occasion, gone so far in the cited cases as to reserve commercial channels for noncommercial educational use to avoid the Channel 6 interference problem. We do not believe such a step is necessary here since Channel 217C is available. As we have stated earlier, our protection standards do not extend to fourth adjacent channels[6] especially where no showing has been made as to the nature and extent of the problem or

[1] The required mileage separation between Channel 221A at Clinton, and Channel 218C at Conway is 65 miles. Taking into account the site restriction on the Clinton assignment, the channels would still be short-spaced by 24 miles.

[2] The frequency, 89.0 MHz, is not available for the main broadcast operation. Rather 88.9 MHz (Channel 205) or 89.1 MHz (Channel 206) could be utilized for this purpose.

[3] A study by our staff indicates that Channels 208, 207, 210, 211 and 217 are also available for use at Conway.

[4] See *Policy to Govern Change of FM Channels to Avoid Interference to TV Reception*, 6 R.R. 2d 672 (1966) and *FM Interference to TV Reception*, FCC 67–1012, *Public Notice* released September 1, 1967.

[5] See *Muncie, Indiana*, 59 FCC 2d 778 (1976); *Waco, Texas*, 10 FCC 2d 865, 872 (1967).

[6] See *Vandalia, Missouri*, 47 R.R. 2d 238.

the attempts undertaken to correct the reception difficulties. Therefore, we find that Channel 217C should be substituted for use by Station KUAC, Conway.

4. It is our impression that UCA did not oppose a modification of its frequency since it did not request a hearing on the proposal. Rather, we believe that UCA merely preferred an alternate substitute frequency. In paragraph 7 of the *Further Notice of Proposed Rule Making*, we indicated that the failure to request a hearing would be construed as consent to the proposed license modification. Nevertheless, since we normally give 30 days to submit a statement consenting to the license modification, see paragraph 6 *infra.*, UCA may use that process to inform us that it objects to the modification ordered herein. Should UCA refuse to consent, it would be necessary for it to apply for renewal of its license on Channel 217C at the license expiration date of June 1, 1982,[7] as is our policy in such cases.[8]

5. Accordingly, it is ordered, That effective July 20, 1981, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, the FM Table of Assignments § 73.202(b) of the Commission's Rules is amended to read as follows for the city listed below:

City	Channel No.
Clinton, Arkansas	221A.
Conway, Arkansas	217C.

6. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license for Station KUCA held by the University of Central Arkansas is modified effective July 20, 1981, to specify operation on Channel 217C instead of Channel 218C with the condition that it will receive reimbursement for the switch in frequencies from the permittee of Channel 221A, Clinton, Arkansas. The licensee shall inform the Commission in writing by no later than July 20, 1981, of its consent to this modification. Station KUCA may continue to operate on Channel 218C until a permit is issued for Channel 221A at Clinton. In addition:

(a) At least 30 days before commencing operation on Channel 217C, the licensee of Station KUCA shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 217C.

(b) At least 10 days prior to commencing operation on Channel 217C, the licensee of Station KUCA shall submit the measurement data required of an applicant for an FM broadcast station; and

(c) The licensee of Station KUCA shall not commence operation on Channel 217C without prior Commission authorization.

7. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by certified mail, return receipt requested, to the University of Central Arkansas, P.O. Box A, Conway, Arkansas, 72032.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16729 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

[7] See Section 73.1020 of the Commission's Rules.

[8] See *Transcontinent Television Corp. v. FCC*, 308 F. 2d 333 (1961); *Mitchell, South Dakota*, 62 FCC 2d 70 (1976).

---

47 CFR Part 73

[BC Docket No. 80-317; RM-3542]

Radio Broadcast Services; FM Broadcast Station Piedmont, Missouri; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 285A to Piedmont, Missouri, in response to a petition filed by Wayne County Broadcasting Co., Inc. The assignment could provide Piedmont with a first fulltime local aural broadcast service.

EFFECTIVE DATE: July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 19, 1981.

Released: May 28, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Piedmont, Missouri); BC Docket No. 80–317, RM–3542; report and order, (proceeding terminated).

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 43811, published June 30, 1980, in response to a petition filed by Wayne County Broadcasting Co., Inc. ("petitioner"), proposing the assignment of Channel 285A to Piedmont, Missouri, as that community's first FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel if assigned. No oppositions to the proposal were received.

2. Piedmont (population 1,906), in Wayne County (population 8,546),[1] is located approximately 175 kilometers (108 miles) south of St. Louis. It is presently served by daytime-only AM Station KPWB, licensed to petitioner. Channel 285A could be assigned to Piedmont in compliance with the minimum distance separation requirements.

3. In support of its proposal, petitioner submitted information with respect to Piedmont which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 285A to Piedmont, Missouri. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first fulltime local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, That effective July 20, 1981, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Piedmont, Missouri	285A.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16730 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-568; RM-3548]

TV Broadcast Station in Paintsville, Kentucky; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF TV Channel 69 to Paintsville, Kentucky, in response to a petition filed by Hometown Television, Inc. The assignment could provide Paintsville with a first local television service.

DATE: Effective July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 19, 1981.

Released: May 29, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Paintsville, Kentucky); BC Docket No. 80-568, RM-3548; report and order, (Proceeding Terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 64987, published October 1, 1980, proposing the assignment of UHF television Channel 69 to Paintsville, Kentucky, as that community's first television assignment. The *Notice* was issued in response to a petition filed by Hometown Television, Inc. ("petitioner"). Petitioner filed comments in which it reiterates its intention to apply for authority to construct and operate a station on Channel 69 on Paintsville, Kentucky. No oppositions to the proposal were received.

2. Paintsville (population 3,868),[1] the seat of Johnson County (pop. 17,539), is located approximately 70 kilometers (45 miles) south of Ashland. It has no local television service.

3. The Commission believes that the public interest would be served by assigning UHF television Channel 69 to Paintsville, Kentucky. Petitioner has shown that there is an apparent need for a first local television service to the community, and the assignment can be made in compliance with the minimum distance separation requirements.

[1] Population figures are taken from the 1970 U.S. Census.

4. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, That effective July 20, 1981, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Paintsville, Kentucky	69+

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16731 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-449; RM-3576]

Radio Broadcast Services; FM Broadcast Station in Smithfield, Utah; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 280A to Smithfield, Utah, in response to a petition filed by Cache Valley Broadcasting Company. The assignment could provide Smithfield with a first local aural broadcast service.

DATE: Effective July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 19, 1981.

Released: May 29, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Smithfield, Utah); BC Docket No. 80-449, RM-3576; *report and order;* (proceeding terminated)

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 55240, published August 19, 1980, in response to a petition filed by Cache Valley Broadcasting Company ("petitioner"), proposing the assignment of Channel 280A to Smithfield, Utah, as that community's first FM channel. Supporting comments were filed by petitioner in which it reaffirmed its intention to file for the channel, if assigned. No oppositions to the proposal were received.

2. Smithfield (population 3,342), in Cache County (population 42,331),[1] is located in north central Utah near the Idaho border. Channel 280A could be assigned to Smithfield in compliance with the minimum distance separation requirements.

3. In support of its proposal, petitioner submitted information with respect to Smithfield which is convincing as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 280A to Smithfield, Utah. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. Accordingly, it is ordered, That effective July 20, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Smithfield, Utah	280A

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16732 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-608; RM-3638]

TV Broadcast Station in Rio Grande City, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF TV Channel 40 to Rio Grande City, Texas, in response to a petition filed by Antonio L. Garza. The assignment could provide Rio Grande City with a first local television service.

DATE: Effective July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 19, 1981.

Released: May 29, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Rio Grande City, Texas); BC Docket No. 80-608, RM-3638; report and order; (proceeding terminated).

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 45 FR 69497, published October 21, 1980, proposing the assignment of UHF television Channel 40 to Rio Grande City, Texas, as that community's first commercial television assignment. The *Notice* was issued in response to a petition filed by Antonio L. Garza ("petitioner"). Supporting comments were filed by the petitioner in which he restated has intention to apply for the channel if assigned. However, in those comments, petitioner states that, if assigned, it no longer intends to operate in a commercial capacity, but rather as a noncommercial bilingual educational station in order to more adequately serve the needs of the community. No comments in opposition to the proposal were received.

2. Rio Grande City (pop. 5,676),[1] seat of Starr County (pop. 17,707), is situated in south Texas near the Mexican border, and is approximately 210 kilometers (130 miles) southwest of Corpus Christi. It has no local television service.

3. The *Notice* requested petitioner to provide information regarding the need for a first local television station at Rio Grande City. In its supporting comments, petitioner asserts that the proposed assignment would provide the community with its first local television service and could serve as a means of educating its largely Hispanic population.

4. The Commission believes that the public interest would be served by assigning UHF television Channel 40 to Rio Grande City which could be applied for as a noncommercial educational station if desired. Petitioner has shown that there is an apparent need for a first local television service to the community, and the assignment can be made in compliance with the minimum distance separation requirements.

5. Mexican concurrence in the assignment has been obtained.

6. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, That effective July 20, 1981, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Rio Grande City, Texas	40

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16733 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-658; RM-3584]

TV Broadcast Station East St. Louis, Illinois; Change Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF TV Channel 46 to East St. Louis, Illinois, in response to a petition filed by International Black Baptist Bible College. The assignment could provide East St. Louis with a first local television service.

DATE: Effective July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 19, 1981.

Released: May 29, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (East St. Louis, Illinois); BC Docket No. 80-658, RM-3584; report and order; (Proceeding Terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 82282, published December 15, 1980, proposing the assignment of UHF television Channel 46 to East St. Louis, Illinois, as that community's first local television assignment. The *Notice* was adopted in response to a petition filed by International Black Baptist Bible College ("petitioner"). Petitioner filed comments in which it incorporates by reference the information contained in its petition for rule making, and reaffirms its intention to apply for authority to construct and operate a station on Channel 46 in East St. Louis, if assigned. No comments in opposition to the proposal were received.

2. East St. Louis (pop. 69,996),[1] in St. Clair County (pop. 285,199), is located in southwest Illinois, directly across the Mississippi River from St. Louis, Missouri. It has no local television service.

3. The Commission believes that the public interest would be served by assigning UHF television Channel 46 to East St. Louis. Petitioner has shown that there is an apparent need for a first local television service to the community, and the assignment can be made in compliance with the minimum distance separation requirements.

4. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, That effective July 20, 1981, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended as follows:

[1] Population data are taken from the 1970 U.S. Census.

V46/108 JUN 5 1981 UMI

City	Channel No.
East St. Louis, Illinois	46

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16734 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 80-319; RM-3547]

Radio Broadcast Services; FM Broadcast Station in Seneca, Kansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 221A to Seneca, Kansas, in response to a petition filed by Kanza Broadcasters. The assignment could provide Seneca with a first local aural service.

EFFECTIVE DATE: July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 19, 1981.

Released: May 28, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Seneca, Kansas); BC Docket No. 80-319, RM-3547; *report and order;* (proceeding terminated).

1. The Commission has before it for consideration a *Notice of Proposed Rule Making,* 45 FR 45601, published July 7, 1980, in response to a petition filed by Kanza Broadcasters ("petitioner"), proposing the assignment of FM Channel 221A to Seneca, Kansas, as that community's first FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel if assigned. No oppositions to the proposal were received.

2. Seneca (population 2,182), in Nemaha County (population 11,825),[1] is located approximately 153 kilometers (95 miles) north of Topeka, Kansas. Channel 221A could be assigned to Seneca, provided the transmitter site is located approximately 5.6 kilometers (3.5 miles) south of Seneca to comply with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

3. In support of its proposal, petitioner submitted information with respect to Seneca which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 221A to Seneca, Kansas. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local aural broadcast service.

5. Authority for the adoption of the amendment is herein contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, That effective July 20, 1981, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Seneca, Kansas	221A

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16735 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 80-514; RM-3591]

Radio Broadcast Services; FM Broadcast Station Irmo, South Carolina; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 272A to Irmo, South Carolina, in response to a petition filed by Santee-Cooper Broadcasting Company. The assignment could provide Irmo with a first local aural service.

DATE: Effective July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 19, 1981.

Released: May 28, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Irmo, South Carolina); BC Docket No. 80-514, RM-3591; report and order (proceeding terminated).

1. The Commission has before it for consideration a *Notice of Proposed Rule Making,* 45 FR 58621, published September 4, 1980, in response to a petition filed by Santee-Cooper Broadcasting Company ("petitioner"), proposing the assignment of FM Channel 272A to Irmo, South Carolina, as that community's first FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Irmo (population 517), in the counties of Lexington (population 47,288), and Richland (population 198,161),[1] is located approximately 16 kilometers (10 miles) northwest of Columbia, South Carolina, the State Capital. Channel 272A could be assigned to Irmo, provided the transmitter site is located approximately 7.7 kilometers (4.8 miles) northeast of the community to comply with the minimum distance separation requirements of Section 73.207 of the Commission's Rules.

3. In support of its proposal, petitioner submitted information with respect to Irmo which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 272A to Irmo, South Carolina. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local aural broadcast service.

[1] Population figures are taken from the 1970 U.S. Census.

[1] Population figures are taken from the 1970 U.S. Census.

5. Authority for the adoption of the amendment herein is contained in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. Accordingly, it is ordered, That effective July 20, 1981, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Irmo, South Carolina	272A.

7. It is further ordered, That this proceeding is terminated.

8. For further information regarding this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16736 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 297 (Sub-5)]

Motor Carrier Rate Bureaus—Implementation; Final Rules and Standards

AGENCY: Interstate Commerce Commission.

ACTION: Decision; Final Rules and Standards.

SUMMARY: The Motor Carrier Act of 1980 (Act) provides new standards to govern the activities of motor carrier rate bureaus. On December 30, 1980, the Commission served a decision which set out rules and standards and required motor carrier rate bureaus to file new or amended agreements. That decision was effective February 2, 1981, and the new or amended agreements were to be filed 15 days after our decision on petitions to reopen and reconsider. In response to these petitions, the Commission issued final rules and standards in a decision served May 11, 1981. This document today sets forth the final rules and standards contained in the decisions served December 30, 1980 and May 11, 1981.

DATES: New or amended agreements must be filed by May 26, 1981. Comments on these agreements must be filed by July 10, 1981. Reply comments by the bureaus must be filed by July 30, 1981.

ADDRESS: All documents (original and 15 copies) must be submitted to: Interstate Commerce Commission, Room 5340, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, 202-275-7656.

SUPPLEMENTARY INFORMATION: This document is the latest document in a chain of actions related to the motor carrier rate bureau proceeding. For the benefit of the reader, we are setting out the applicable **Federal Register** documents in this proceeding.

At 45 FR 86736, December 31, 1980, documents were published providing for notice of availability of decision, policy statement and for conforming amendments to 49 CFR Part 1331.

At 46 FR 6971, January 22, 1981, the Commission extended the effective date of these final rules and standards contained in the decision and extended the time for filing new or amended agreements.

At 46 FR 16102, March 11, 1981, the date for filing new or amended agreements was set at 15 days from the date of our decision on the petitions to reopen.

This document clarifies CFR citations in the headings to certain previous **Federal Register** documents. In the notice of decision served December 30, 1980, and published in the **Federal Register** of December 31, 1980 (45 FR 86736-86737), the CFR citation in the heading "49 CFR Part 1331" is corrected to read "49 CFR Chapter X, Subchapter D". In subsequent documents which added a supplemental notice to the decision served December 30, 1980 (46 FR 2295, January 8, 1981), corrected the notice of decision served December 30, 1980 (46 FR 10920, February 2, 1981), and deferred and corrected the filing date for agreements (46 FR 15277, March 5, 1981; 46 FR 16102, March 11, 1981), the CFR citation in the headings "49 CFR Part 1331" is corrected to read "49 CFR Chapter X, Subchapter D". In documents which deferred the filing date for agreements and deferred both the effective date of the decision served December 30, 1980, and the effective date of conforming amendments to the CFR (46 FR 6971, January 22, 1981; 46 FR 7385, January 23, 1981), the CFR citation in the headings "49 CFR Part 1331" is corrected to read "49 CFR Chapter X, Part 1331 and Subchapter D".

Dated: May 29, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gilliam concurred in the result. Commissioner Clapp concurred with a separate expression.

Agatha L. Mergenovich,

Secretary.

Note.—This material will not appear in the code of Federal Regulations.
Served: December 30, 1980.

Interstate Commerce Commission

[Ex Parte No. 297 (Sub-5)]

Motor Carrier Rate Bureaus—Implementation of Pub. L. 96-296

Decided: December 19, 1980.

Rate bureau provisions of the Motor Carrier Act of 1980 explained and implemented.

Decision

I. Introduction

This proceeding was instituted on August 1, 1980,[1] pursuant to section 14 of the Motor Carrier Act of 1980, Pub. L. 96-296. That provision establishes new requirements and standards for motor carrier rate bureaus as a condition precedent to their continued antitrust immunity. The act further provides that motor carrier rate bureaus may continue to function under their previously granted immunity provided they: (1) Submit new or amended agreements to the Commission for approval within 120 days of the enactment of the statute; and (2) observe the requirements and standards of the act as well as any implementing regulations during the time amended agreements are being prepared, submitted, and considered by the Commission.

In our instituting notice, we adopted rules and interpretations to facilitate interim compliance with section 14 of the act.[2] We also invited public comment on whether our interim rules and interpretations should be adopted as the final standards. This decision represents our conclusions based upon our analysis of the statute, its legislative history, and public comments.

To preserve their antitrust immunity, motor carrier rate bureaus will be required to file new or amended agreements in conformity with our final standards. Revisions will be required only when existing agreement provisions are inconsistent with the final rules. To clarify our rules, we are offering sample amendments for bureau consideration.[3] The precise wording of

[1] 45 F.R. 55734 (August 21, 1980).

[2] This decision was stayed on October 6, 1980, by the United States Court of Appeals for the Fifth Circuit in No. 80-7674, *American Trucking Associations, Inc., et al.* v. *United States of America and Interstate Commerce Commission.*

[3] To the extent necessary, we are also ordering changes in bylaws. Bylaws must be consistent with

Continued

our samples need not be adopted. However, in any case where bureau amendments fail to conform to our final standards, we will disapprove the proposed amendments and consider terminating the agreement.

Sixteen rate bureaus, the American Trucking Associations, Inc., and the National Classification Committee (the Rate Bureaus) object to the institution of this proceeding for substantive matters other than quorum requirements. They believe that Congress carefully and narrowly tailored each of the requirements and prohibitions of section 14 as a limitation on the Commission's discretion. They argue that the substantive provisions were designed to be self-executing. They support this position by referring to Congress' specific direction that we establish by regulation reasonable quorum standards. The omission of similar language in other provisions of section 14 allegedly demonstrates that Congress did not envision a broad-based rulemaking to establish general rate bureau standards. According to these respondents, Congress contemplated a simple two-stage process. A first-stage submission of new or amended agreements by each bureau was to be followed by the consideration and disposition of each new or amended agreement by the Commission on a case-by-case basis.

Although certain provisions of section 14 are self-executing, the diversity of opinion expressed in the comments demonstrates that further clarification and interpretation is necessary. Under general principles of administrative law, notice and comment rulemaking is preferable to case-by-case adjudication when an agency is determining the standards that will govern the future conduct of an industry. *SEC* v. *Chenery Corp.*, 332 U.S. 194 (1947); *Morton* v. *Ruiz*, 415 U.S. 199 (1974); *NLRB* v. *Majestic Weaving Co.*, 335 F. 2d 854 (1966); *Pressly* v. *FCC*, 437 F. 2d 716 (1970).

In our notice, we referred to a second stage of this proceeding in which we would review the amended agreements on the basis of the revised national transportation policy (NTP) for motor carriers, 49 U.S.C. 10101(a)(7). We are not requiring rate bureaus to file briefs on the issue with their amended agreements. Instead, we will presume that a new agreement which is entirely consistent with the terms of this decision is not inconsistent with the NTP. We will, however, review the terms of each agreement filed for consistency.

Section 10706(b)(2) now requires Commission approval of collective ratemaking agreements "upon a finding that the agreement fulfills each requirement of this subsection, unless the Commission finds that such agreement is inconsistent with the [NTP]." It is apparent that a substantial change in the burden of proof associated with the approval of rate bureau agreements has been mandated by Congress.

In addition to the change in the burden of proof, Congress also established the Motor Carrier Ratemaking Study Commission. The Study Commission was directed to prepare and submit to the President and Congress before January 1, 1983, a comprehensive report assessing the merits of the collective ratemaking process and whether there is a need for continued antitrust immunity. A second-stage proceeding to evaluate each of the amended agreements on the basis of the revised NTP could interfere with the role of the Study Commission. Accordingly, when an amended agreement is in compliance with this decision, we will grant it antitrust immunity unless a substantial doubt has been raised that the agreement is consistent with the public interest.

We requested comments on whether our clarification of the various statutory provisions should be codified in the Code of Federal Regulations (CFR). We observed that, while regulations seem to be required for quorum standards, other statutory provisions are self-executing.

Having reviewed the comments, we have decided against codification. Our decision in the original *Rate Bureau Investigation*, 349 I.C.C. 811 (1975) and 351 I.C.C. 437 (1976),[4] has operated satisfactorily without codification. Copies of this decision will be available upon request and through publication in the Interstate Commerce Commission Reports. In addition, the sample amendments or their substance will appear in the approved rate bureau agreements which the bureaus will make available to the public upon request. Rules at 49 CFR Part 1331 applicable to motor rate bureaus which are inconsistent with or superceded by this decision will be repealed. To the extent rules governing bureau conduct remain relevant (§§ 1331.5 and 1331.6) they will be incorporated as standards in this decision.

Within 20 days from the service date of this decision, the motor carrier rate bureaus shall file new or amended agreements in conformity with the act as we have interpreted it in this final decision. This filing shall supercede any filing that may have been submitted for the purpose of satisfying the October 29th statutory deadline. Interested persons shall then have 45 days to comment upon the proposed agreements' compliance with our interpretation of 49 U.S.C. 10706(b). This time period is adequate to allow interested parties to study the proposed agreement at the Commission or at the bureau. The comments should refrain from addressing general issues of public interest unless a prima facie showing can be made that the agreement is inconsistent with the NTP. A copy of any comments filed shall be served on the respective bureaus and they will have 20 days to reply. Specific proceedings will be instituted only in the event of a prima facie showing or an inconsistency between this decision and the amended agreements.

II. New Standards Related to Bureau Operations

A. *Identification and description of the member carriers.*—49 U.S.C. 10706(b)(3)(A) provides that:

> Each carrier which is a party to an agreement must file with the Commission a verified statement that specifies its name, mailing address, and telephone number of its main office; the names of each of its affiliates; the names, addresses, and affiliates of each of its officers and directors; the names, addresses and affiliates of each person, together with an affiliate, owning or controlling any debt, equity, or security interest in it having a value of at least $1,000,000. In this subparagraph, "affiliate" means a person controlling, controlled by or under common control or ownership with another person and "ownership" means equity holdings in a business entity of at least 5 percent.

The sparse response to the requirements of identification and description suggests that those requirements are, in fact, self-explanatory. In response to certain questions asked in the comments, we note that: (1) The requirement applies only to business and not nonprofit organizations; and (2) the term "person" is defined in the 49 U.S.C. 10102(15).

B. *Right of Independent Action.*—49 U.S.C. 10706(b)(B)(ii) provides:

> [T]he organization may not interfere with each carrier's right to independent action and may not change or cancel any rate established by independent action after the date of enactment of this subsection, other than a general increase or broad rate

---

our interpretations. Since not all of the new procedures are applicable to each bureau, amendments will be required only in those areas applicable to a bureau's activities.

[4] Affirmed *Motor Carriers Tariff Ass'n, Inc.* v. *United States*, 559 F. 2d 1251 (4th Cir. 1977).

restructuring, except that changes in such rates may be effected, with the consent of the carrier or carriers that initiated the independent action, for the purpose of tariff simplification, removal of discrimination, or elimination of obsolete items.

Collective ratemaking by motor common carriers was immunized from the antitrust laws by the Reed-Bulwinkle Act in 1948. The carriers engage in these collective activities through rate bureau organizations which function pursuant to Commission-approved agreements. To mitigate the anticompetitive effects of collective ratemaking, Congress required rate bureaus to give their members the absolute right of independent action. Because the right of independent action is central to the grant of antitrust immunity, the Commission has always prohibited any interference with the free exercise of this right.

In Notification of Rate Proposals, 358 I.C.C. 487 (1978), we defined independent action as:

> any action taken by a common carrier member of a rate bureau,* * *,
>
> (i) to establish a rate to be published in the appropriate rate bureau tariff, or to cancel a rate for that carrier's account, or
>
> (ii) to instruct the rate bureau that an existing rate (whether established by independent action or collective action), that is proposed to be changed or canceled, be retained for that carrier's account and published in the appropriate bureau tariff, or
>
> (iii) to have published for its account in the appropriate rate bureau tariff a rate established by the independent action of another carrier. This definition applies regardless of the manner in which the carrier joins in the rate, as long as the rate published for the joining carrier's account is the same as the rate established by the other carrier under independent action 49 CFR 1331.6(A)(1).

We adopt this definition here as well as the 49 CFR 1331.6 requirements for changing rates published under independent action. Independent actions may be taken by one carrier, on a single-line rate, or by interlining carrier on a particular joint-line rate. As defined, independent action is not limited to the establishment of a separate rate for the account of one carrier. It also includes changes to any published rate made only for the independent actor's account, as well as the refusal to agree to particular changes sought by other carriers.

Recognizing that ratemaking freedom is crucial to price competition, our notice proposed to ban the docketing, publication, circulation, or discussion of independent actions in advance of Commission filing. We reasoned that rate bureaus exist primarily as a forum for collective action on matters related to more than one carrier. Independent action is not related to these activities or to the functioning of the bureau on matters of collective interest. Subject to the exceptions in the statute, the bureau's role with respect to independent action should be limited to the administrative function of tariff publication, as directed by the independent actor.

The majority of commentors oppose this proposal. Both shippers and carriers challenge our authority to make this requirement and the practical need for it. A number of shipper interests believe the simultaneous docketing proposal is self-defeating. They argue that independent actions should be exposed to public scrutiny before they become effective. The 30-day statutory notice period allegedly is not adequate. Without advance docketing, they maintain that a massive shipper monitoring effort would be necessary. They also argue that the benefits of independent action under simultaneous docketing are illusory and even harmful to shippers. For rate increases, they argue that without rate bureau docketing, shippers will inadvertently use carriers which proposed rate increases that became effective through independent action. For rate reductions, they argue that the actual benefits of an independent action would be shortlived or nonexistent. Westinghouse contends that by examining each new tariff publication carriers can "quickly inform the rate bureau to publish the same provision as the one established independently by another." National Small Shipments Traffic Conference and Drug and Toilet Preparation Traffic Conference (NASSTRAC/D&TPTC) allege that even if a carrier can obtain a temporary jump on its competitors, the advantage would be brief and minimal since few shippers would be aware of the independent action in time to tender freight. They also question the carriers' ability to advise shippers in advance of independent action rate reductions. The Bureau of Competition of the Federal Trade Commission disagrees with this analysis, contending that rates established under simultaneous docketing would enjoy sufficient lead time to make the action profitable to its initiator. Those shippers supporting our proposal urge that we require greater notice to shippers through bureau docket bulletins.

Our concern that collective ratemaking not interfere with independent action is a key part of this decision. As will be discussed, *infra*, we have taken many actions over the years to protect the right of independent action. However, following review of the comments, we do not believe it necessary, at this time, to ban advance notice of independent actions. Instead, we will require all agreements submitted for our approval to meet the following requirements which are consistent with our authority both prior and subsequent to the Motor Carrier Act of 1980:

(1) Proponents of independent actions have the absolute right to decide whether or when rate bureaus will docket these actions [5];

(2) The bureau must comply with the instructions of the proponent of an independent action with regard to whether or not the action should be docketed, and in the absence of explicit instructions shall refrain from docketing until the proposal has been filed with the Commission.

(3) There may be no rate bureau discussion of independent actions until they have become effective.

Carrier members of a rate bureau may publish an independent action in their own tariffs, or they may publish them in a bureau's tariffs, using the bureau as the tariff publishing agent. Independent actions published in a carrier's own tariffs are subject only to the notice requirements in 49 U.S.C. 10761–10766. Under those requirements, an independent actor need not notify other carriers or shippers of its proposal.

When a carrier chooses to publish its independent action in a bureau tariff, a particular procedure is usually followed. The carrier directs the bureau to publish an independent action, and the bureau will generally "docket" the action. "Docketing" consists of entering the proposal in bureau's files and then giving notice of the proposal to other carrier members of the bureau and shipper subscribers to this publication. Under this commonly used procedure, the bureau does not immediately file the independent proposal with the Commission. Instead, the bureau gives the members of the bureau time, generally 10 to 15 days, to indicate whether they want to join in the independent action and have it published for their accounts, and may also accept shipper protests which are then forwarded to the proponent of the action. After this waiting period ends, the bureau files the independent action with the Commission for the account of the proponent (unless instructions to withdraw it are given) and for any joining carriers.

Our proposal gives proponents of independent actions the absolute right

[5] Subject to three exceptions, discussed *infra*, related to general increases and broad rate restructurings and the restrictions applying to independent actions which change or cancel independent actions of other carriers.

to specify the publishing details when the bureau acts as publishing agent. Thus, an independent actor may request that no "docketing" occur (i.e., that no notice of the proposal be given to anyone), that docketing and filing with the Commission occur simultaneously (i.e., that notice of the proposal be given to other carriers and shippers concurrently with Commission filing), or that docketing occur some specified length of time prior to filing (*e.g.*, giving notice to other carriers and shippers 15 days prior to Commission filing). This gives the independent actor the same degree of control over a bureau-published independent action as the proponent has over publication in its own tariff. Essentially, we confer on an independent actor the same rights it had under the statute prior and subsequent to the Motor Carrier Act of 1980.

Prior to the 1980 amendments, rate bureaus had to grant each party to the agreement "the absolute right" to take independent action. The Commission has always interpreted that absolute right to mean that a carrier member of a rate bureau had to be completely free to choose between publishing its independent actions in its own tariffs, or having them published by the rate bureau. Thus, a bureau could not require a carrier to publish independent actions in the proponent's own tariff, *Rocky Mountain Motor Tariff Bureau, Inc.—Agreement*, 293 I.C.C. 585, 594–96 (1954), nor could the bureau require that idependent actions only be published in the bureau's tariffs, *Central States Motor Common Carriers—Agreement*, 289 I.C.C. 517, 524–25 (1953). Instead, the carrier had to be free to assign publication to an agent or to make its own publication, and in the latter case, the bureau could not require the carrier to conform to bureau procedures. *Rocky Mountain, supra*. Given these basic principles, we held, in *Southern Motor Carriers—Agreement*, 297 I.C.C. 603, 610 (1956), that any procedures or rules established by the bureau which might limit or restrain the right of a carrier to act independently in the publication of rates is objectionable, unless a stipulation is made that such procedures are advisory in nature only and not mandatory or binding upon the rights and privileges of any member.

These cases and others establish the principle that the right of independent action requires independent actors to have exactly the same publication options under a bureau agreement as they have with respect to proposals published totally apart from the bureau. It follows, therefore, that under the old law a bureau would have had to obey an independent actor's instruction to publish the independent proposal without any notice to anyone, advance or otherwise.

This principle is unaffected by the fact that most, if not all, bureau agreements incorporate provisions for the advance notice docketing procedure which are generally phrased in mandatory terms, and which give the impression of being firm requirements. The principle is also unaffected by the fact that the Commission long ago formally recognized the advance notice practice, and approved its use. See *Notice of Independent Action*, 332 I.C.C. 22, 23 (1967). As shown by the cases cited above, the advance notice procedure, even though commonly used, cannot be mandatory in a case of independent action. In fact, some current bureau agreements (*e.g.*, Rocky Mountain Motor Tariff Bureau) contain the exact language the Commission used in *Southern Motor Carriers, supra*, to emphasize that bureau procedures do not bind independent actors.

Some parties who submitted comments in the instant rulemaking, however, most notably the Rate Bureaus and NASSTRAC/D&TPTC argue that 49 CFR 1331.5 requires advance notice of all independent actions taken through a rate bureau.

This interpretation is incorrect. 49 CFR 1331.5 does not preclude a carrier from ordering a bureau to publish an independent action without notice.

49 CFR 1331.5 states:

> When independent action is announced and tariff publication is to be made by a publishing agent operating pursuant to an agreement under section 5a of the Interstate Commerce Act, notification thereof will be given by the agent to the same extent and in the same manner that the agent gives notice of actions proposed under procedures for collective consideration of the parties to the agreement; and no other joint or collective procedures under the agreement are thereby invoked.

This rule was adopted in Ex Parte No. 253, *Notice of Independent Action*, 332 I.C.C. 22 (1967). When we instituted Ex Parte No. 253 we knew that carriers often used bureaus to publish independent actions, and that the bureaus made a practice of giving advance notice of the proposals. 332 I.C.C. at 23. We were also aware that independent actions with advance notice could take on the characteristics of collective actions because advance notice allowed other carriers to join an independent action prior to its filing with the Commission. Prior to issuance of this rule, we had required the bureaus to notify shippers and the general public of ordinary collective actions, but had never required bureaus to notify *shippers* of independent actions that could in effect be converted to collective action through advance notice. Ex Parte No. 253 determined that the bureaus should be required, when a carrier proposes an independent action in which other carriers could join, to provide the same notice to shippers that they gave to carriers in the case of independent actions and to shippers and carriers in cases of collective actions. This conclusion (332 I.C.C. at 30) reflected the fact that the two kinds of actions were alike. Ex Parte No. 253 did no more than make the notice requirements for advance noticed independent actions equal to those for collective actions. Thus, Ex Parte No. 253 does not require the bureau to give advance notice of all independent actions. Rather, it simply requires the bureau also to notify shippers when advance notice of an independent action is given to carriers. Ex Parte No. 253 did not take away each carrier's well-established right to direct the bureau to publish an independent action without any advance notice.

The Motor Carrier Act of 1980 does not change this longstanding policy permitting carriers to specify exactly how they wish a bureau to handle their independent action requests. As relevant here, section 10706(b)(2) provides that a collective ratemaking agreement:

> Such agreement may be submitted to the Commission for approval by any carrier or carriers which are parties to such agreement and shall be approved by the Commission upon a finding that the agreement fulfills each requirement of this subsection, unless the Commission finds that such agreement is inconsistent with the transportation policy set forth in section 10101(a) of this title. The Commission may require compliance with reasonable conditions consistent with this subtitle to assure that the agreement furthers such transportation policy.

Two of the requirements referred to in this provision concern independent actions and are contained in new 10706(b)(3)(B)(ii) and (iii). In the words of the new act's legislative history these requirements place "strict limitations upon rate bureau treatment of independent actions * * *" H. Rept. 96–1069, 96th Cong., 2d sess. 30 (1980).

The key is the prohibition against bureau interference with a carrier's right of independent action. There is no indication in the statute or its history that this language makes the right of independent aciton any less absolute than it was under the old law. Rather, the new act, if anything, makes the right even more absolute by statutorily

prescribing the scope of bureau power to change or cancel independently set rates, and by prohibiting bureau protests or complaints against any independent action. Neither the new act nor its legislative history indicated that Congress intended to overturn the Commission's existing policy in this area.

From this analysis, it follows that the right to take independent action in bureau tariffs includes not only the right of each carrier to determine whether its action will be docketed but also the right to direct the bureau as to when it should be docketed, if it pursues this route. That is, each carrier may specify any period of advance docketing [6] or docketing simultaneous with Commission filing. Bureau agreements may not, in any way, restrict this exercise of choice. To ensure that these decisions are made by independent actions, *each agreement must require that, in submitting independent actions, the proponent must indicate in writing exactly whether the item is to be docketed or not and, if it is to be docketed, when docketing is to occur.* If specific instructions are not given, the bureau may not process the proposal until they are received.

As we are authorizing bureaus to docket independent actions in advance it is necessary to affirm a restriction on this process. There may be no bureau discussion of independent actions until they become effective.

This does not necessarily prohibit other carriers from having an independent action proposal published for their own actions. In effect, the carrier proposing an independent action will choose whether this is possible when it gives the bureau docketing instructions. If it wishes to gain a competitive advantage it may request docketing simultaneous with or after filing of a tariff schedule at the Commission. If a carrier chooses this course of action, we will not destroy its competitive advantage by granting other carriers special permission to file on less than statutory notice. Competitors may, without discussion of any sort, act independently to notify the bureau that they wish similar rate adjustments for their own accounts (again, subject to docketing instructions given to the bureau by each). If a competitor desires adjustment to its own account, it may request docketing under normal collective ratemaking procedures (subject to statutory restrictions on permissable discussion).

If, on the other hand, the independent actor requests the bureau to docket before a tariff supplement is filed, it is possible for a competitor to have the independent action published for its own account with the same effective date. The decision to join must be made, however, without discussion or collective agreement of any sort. If the competitor wants discussion, it may docket a similar proposal for collective action, but we will not permit the collectively discussed adjustment to become effective on less than statutory notice. To the extent necessary, we will amend outstanding special permission orders consistent with this approach.

In effect, the independent actor will control the process. It will have the ability to gain a competitive advantage if it so desires. We will not make simultaneous docketing mandatory, since there may be legitimate reasons why this would not be appropriate in certain situations. However, we intend to monitor independent action docketing practices closely and take any necessary action if we detect a consistent pattern of noncompetitive behavior.

Ex Parte No. 253, *supra*, recognized that independent actions could in effect, be converted to collective ones. We stressed at 332 I.C.C. 31–32 that "the similarity of procedure to be adopted between independent and conference [collective] action is to extend merely to the giving of public notice and not to any other procedures involved in collective consideration." This language indicates that an agreement permitting such discussion of independent actions would be unlawful. In fact, the Rate Bureaus state that they do not now permit discussion of independent actions after docketing. The Bureaus define docketing as:

> A term of art used in the transportation industry to refer to the ministerial procedure of entering in writing a proposed action, collective or individual, in the files of the bureau and providing notice of it to all interested persons upon its receipt by the bureau and prior to filing with the Commission * * *. Docketing entails only notice of a carrier's instruction to the bureau in the exercise of its right of independent action. It does not serve to institute collective procedures of any sort.

On their reply statement they also state:

> Some parties, notably the FTC and OSC, support the ICC's proposed bar on bureau discussion of IA's. Other parties, including DOT, question the ICC's proposal. None of these parties takes cognizance of the fact that the *bureau provides no means for discussion or collective consideration of IA's.* And the Commission expressly barred any such discussion in Ex Parte No. 253, *Notice of Independent Action, supra.* Hence, these parties are raising an issue that simply does not exist * * *. (Emphasis in original.)

Accordingly, our conclusion to ban any discussion of independent actions docketed by a bureau upon request of a proponent merely continues the current bureau practice.

We believe this conclusion is also consistent with the new act. As discussed above, Congress was especially concerned with guaranteeing the integrity of independent actions, distinct from collective ones, and we assume it was aware of our findings on this subject. While new section 10706(b)(3)(B)(i) might be read to allow discussion of independent actions following docketing we believe this section must be read as applying only to proposals docketed for *collective* action. Any other interpretation would constitute a dramatic change and there is no indication that Congress intended one. In fact, the legislative history of this section refers to section 4 as limiting the permissible scope of collective ratemaking.

We previously permitted the practice of docketing independent action in advance of filing to continue as long as it was not an "imperative requirement." See *Middle Atlantic Conference—Agreement,* 283 I.C.C. 683, 689 (1957) and *Southern Agreement, supra* at 616. However, circumstances have changed greatly under the new act. Competition has been assigned a primary role in rate regulation. While carriers always had the right not to docket independent actions, it was rarely, if ever, exercised. With the new emphasis on competition in rates and entry, it is an appropriate complement to the new act to encourage the carriers to take all actions, including the choice of whether or when to docket independent rate changes, to improve their competitive position.

To the extent that carriers continue to choose advance docketing of independent actions the practical concerns raised here by shippers are moot. Furthermore, a carrier's choice to docket simultaneously with tariff filing or not to docket at all need not result in the dire consequences shippers predict.

There has been and continues to be a great expansion in competitive alternatives. Shippers need not accept whatever rate or service is provided. They are now able to find more responsive transportation alternatives in most situations. Liberalized and expedited entry and restrictions removal policies make it relatively easy for a shipper to obtain quickly more responsive common or contract carrier service. Indeed, a carrier will have a clear incentive not only to apprise

[6] I.e., advance notice to shippers and carriers.

V 46 / 108 JUN 5 81 UMI

shippers of its own rates and services, but to alert shippers to the advantages its offerings enjoy over those of its carrier competitors.

Accordingly, we are not persuaded by arguments that without advance notice carriers can indulge in and benefit from surreptitious behavior. As the providers of a service in a competitive environment, carriers will be forced to become more responsive to their customers' needs and more aggressive in their pursuit of business and expansion. To be secretive or to act contrary to the best interest of shippers, will result in lost business. Carriers may advertise new rates and services in a variety of ways, and need not necessarily rely on the bureau docket bulletins as the most effective way to provide shippers with advance notice.

Advance docketing is not essential to the best interest of shippers, carriers, and the general public. With respect to the shippers and the public, competition will provide the most effective, albeit not the only, safeguard. Carriers may advertise new rates and services in many ways, including through their marketing and sales departments so that shippers may be informed of changes in advance. We disagree with the shippers' implication that they have a right when dealing with this industry, as opposed to any other to receive more advance notice of competitors' rates. In addition to the statutory notice period, traditional Commission remedies remain available in the case of unlawfulness.

In response to our earlier proposal, the Rate Bureaus assert that the carriers will be harmed because simultaneous docketing precludes them from concurrently exercising their right to compete. We cannot accept this argument. A carrier exercising its choice as to how or whether to provide notice to competing carriers should encourage real competition through the potential reward to the independent actor. Competing carriers may not use the rate bureau procedures to negate the effect of innovative rate proposals.

Rockwell International questions whether shippers may continue their practice of submitting proposals to the rate bureau without carrier sponsorship. In the *Rate Bureau Investigation*, we instituted the 120-day final disposition rule to insure reasonably expeditious processing of shipper proposals. Congress adopted this longstanding policy, and we reaffirm a shipper's right to submit rate proposals directly to the bureau.

With three exceptions, section 10706(b)(3)(B)(ii) of the act provides that rate bureaus "may not change or cancel any rate established by independent action." The three exceptions apply to tariff simplification, removal of discrimination, and elimination of obsolete items. This means that no carrier may propose a change in another carrier's independently set rate under the guise of its own independent action or as a collective proposal. We agree with the Rate Bureaus that this limitation should not be construed as a notice and consent requirement on a carrier seeking to change or cancel its previous independent action through a subsequent independent action. We make the following interpretations with regard to the three exceptions:

(1) Tariff simplification does not contemplate changes to independent rates for purposes of rate equalization. Rate equalization is not equivalent to tariff simplification.

(2) An item is obsolete only when a carrier has gone out of business or has verified that status in writing. Copies of such consent statements shall be made available to any interested party upon reasonable request and at a reasonable charge.

(3) Removal of discrimination, as noted by DOT, does not encompass the equalization of rates charged by different carriers.

The written consent of the carrier which initiated the independent rate must be obtained and kept on file before a rate change may be made under these three circumstances. Written consent must be voluntary without any kind of direct or indirect pressure or coercion and may not be waived under any circumstances.

General increases and decreases and broad rate restructurings are not subject to the same notice and consent requirements. However, these adjustments may not have the effect of canceling or eliminating any rate differential or difference in the application of rates established previously by independent action without prior written authorization of the initiator and any participants. General increases, reductions, or restructurings may only adjust independently established rates by the same amount or percentage as they change rates established through collective procedures for similar movements.

Sample amendment:

There is reserved to each carrier participating in a tariff published by this organization the free and unrestrained right to take independent action either before or after any determination is made under any procedure of this organization. Each carrier, in submitting an independent action proposal to the bureau for filing in its tariffs, has the right to prohibit docketing by the bureau and the right, if it chooses to have the item docketed, to establish the item of that docketing. New rates or other new tariff items proposed under independent action and docketed will not be discussed before or after ICC filing.

This organization will change or cancel a rate established by independent action only for the purposes of tariff simplification, removal of discrimination, or elimination of obsolete items.

With the exception of a member carrier changing or canceling its own independent action for its own account, the organization will use the following procedures to change or cancel an independently established rate, whether the change or cancellation is proposed under collective procedures or under the right of independent action:

1. Each carrier whose independently established rate would be affected, shipper, and other interested parties will be provided 14 days' notice (not counting the date the notice is sent) of any meeting at which a proposal to change or cancel a rate establishd by independent action will be considered. Notice will include: the rate, if there is one, limitations of weight or other restrictions pertaining to the existing rate and the proposed rate, the commodities moving under the rate, the relevant origin and destination points, each carrier whose independently established rate is proposed to be changed or canceled and the identity of the proponent of the change or cancellation.

2. Member carriers, shippers, and other interested parties shall have at least 14 days, after notice is sent to express their views to the appropriate committee of this organization. Their views may be expressed in writing, in person, or by any other means consistent with the established procedures of this organization.

3. A change or cancellation in independently established rates will only apply to those affected carrier members if those members have sent, and this organization has received, written consent to the change or cancellation. The written consent will clearly identify the rate and the change, and will be signed by a representative of the consenting carrier member. The rate will continue to be treated as an independently established rate for the account of any affected carrier which does not give written consent to the change or cancellation. This requirement may not be satisfied by written proxy.

General rate increases and broad rate restructurings are excepted from these requirements. However, these collective adjustments will not cancel rate differentials or differences in the application of rules existing as a result of any independent action taken previously, unless the initiator and any other participants in that independent action desiring to eliminate such rate differentials or applications first notify this organization in writing.

C. *Rate Bureau protests.*—49 U.S.C. 10706(b)(3)(B)(iii) provides:

[T]he organization may not file a protest or complaint with the Commission against any tariff item published by or for the account of any motor carrier of property.

The act imposes a total prohibition against bureau protests and complaints. Contrary to the assertion of NASSTRAC/D&TPTC, we have no discretion in this matter. The Rate Bureaus correctly contend that since the statute is clear, adoption of any implementing rule is unnecessary.

D. *Employee docketing.*—49 U.S.C. 10706(b)(3)(B)(iv) provides:

> [T]he organization may not permit one of its employees or any employee committee to docket or act upon any proposal effecting a change in any tariff item published by or for the account of any of its member carriers.

Having interpreted the term "docket" to include "propose," our notice prohibited organization employees from proposing changes in tariff items published by or for the account of member carriers. We interpreted the phrase "act upon" to refer to the consideration of proposed changes and any determination or recommendation concerning their merits, publication, or effectiveness. Thus, we proposed a broad prohibition which would include screening performed by committees, if bureau employees participated in committee consideration or determination.

We did not prohibit employees from providing legal advice to carriers. Nor did we prohibit them from developing general cost data to support general increases or acting as moderators at meetings, provided they did not participate in the substance of the discussions.

Historically, the Commission has been concerned that the judgment of rate bureau employees not be substituted for the judgment of the member carriers, particularly with regard to the level of rates and charges. In 1956, we stated that "[s]uch practices are contrary to the spirit, if not the letter, of section 5a and of the Commission's approval of section 5a agreements." *Southern Agreement, supra* at 617.

The legislative history of the new act indicates that Congress shares our continuing concern. Senate Report No. 96–641, 96th Cong., 2d sess. 14 (1980) expressed the Committee's strong belief "that rate bureau employees should play less of a part in determining carrier rates than the carriers themselves." S. Rept., *supra* at 14. The House Report also notes that "* * * many have contended that the entire process is controlled largely by rate bureau employees rather than by the carriers themselves." H. Rept., *supra* at 27.

On the other hand, Congress expressed respect for the expertise of rate bureau employees. The Senate Report noted that a strict prohibition against employee recommendations regarding changes in tariff items was removed from the Senate bill and replaced with the current provision. The report observed "* * * it is clear that these individuals have a good deal of expertise and that their recommendations are valuable to the member carriers." S. Rept., *supra* at 14. The House Report concurred, noting that "Many of these rates bureaus are staffed by skilled rate experts with technical expertise to process rate applications and to make recommendations and proposals to the members of the bureaus for changes in basic rate structure." H. Rept., *supra* at 27.

All of the parties agree that employees should not initiate or submit rate proposals nor make final determinations to adopt, reject, or otherwise dispose of proposals. The parties also stress the importance of employee expertise in developing effective competitive rate proposals. However, several parties state that the Commission has exceeded its statutory authority by limiting the activities of bureau employees to developing general increase cost data, presiding over meetings, and giving legal advice. The Motor Carriers Traffic Association, Inc., asserts that smaller carriers will be unable to engage in informed competitive pricing without the technical help and analysis of the bureau. The Oil Field Haulers Association, Inc., emphasizes that the role of bureau employees is to use their expertise in consultation with the carrier, so that dockets reflect the precise intentions of the proponent and comply with the Commission's tariff publishing rules.

The Rate Bureaus oppose our interpretation, alleging that it is inconsistent with the legislative history and incompatible with section 10706(b)(3)(D)(iv), which allows rate bureaus to provide "support services" for member carriers. The Rate Bureaus observe that our interpretation results in certain inconsistencies. For example, they question how shipper comments relating to general increases and decreases may be considered if the employees are prohibited from participating in the substance of carrier discussion.

The National Industrial Traffic League (NITL) agrees that employees should neither originate nor make a final determination or set policy about a rate proposal. NITL supports our interpretation but requests that it be clarified to permit the analysis of docketed proposals by rate bureau employees. The analysis would be upon the request of a member and could not result in a recommendation.

Respondents' arguments are persuasive and we will adopt and ratify the following rate bureau statement:

> Thus, the term "docket," as used here, refers to the act of proposing rates and the terms "act upon any proposal" refer to the act of determining whether to adopt, or otherwise dispose of a proposal. The statute does no more and no less than bar *these* employee activities and, in doing so, it accomplished the Congressional purpose of assuring that carriers will propose their own rates and make their own decision. (Rate Bureau comments at 27.)

Accordingly, we will permit bureau employees to offer the full benefit of their expertise to the member carriers. Upon request, they may perform the analysis and offer the advice that will enable the proponent of a rate change to docket the proposal in proper form. However, employee advice shall be available only as a resource to the carrier(s) which actually initiates the tariff proposals. We emphasize that any employee advice concerning independent action proposals shall remain confidential. Bureau expertise must not be used to compromise independent competitive pricing strategies. As an adjunct to our findings regarding the docketing of independent actions, no employee may divulge the existence of any instruction of a carrier member not to docket an independent action, or the absence of any explicit instruction on handling or docketing of an independent action, to any other carrier.

Our final interpretation of this section is compatible with a majority of the comments. However, compliance with this section will require substantial reorganization by the National Classification Committee (NCC). This issue is being addressed further in Ex Parte No. MC–98 (Sub-No. 1), *Investigation of Motor Carrier Classification System.* The NCC, in their joint comment with 10 regional rate bureaus observed specifically that:

> the restriction [in this section] was aimed at the prior practice of some bureaus, much criticized during the hearings on the MC Act, of allowing employee committees to propose rates and make dispositions of docketed proposals that became final absent appeal to a carrier committee. (Rate Bureau comment at 27.)

We agree that Congress intended to prevent this practice. However, it is our understanding that the NCC functions in this proscribed manner. The National Classification Board, an employee committee, makes a "recommended" disposition on all docketed

V 46 / 108 JE 5 81 UMI

classification proposals. Their recommendation becomes final, absent reconsideration by the board or appeal to the elected members of the NCC. The NCC, and all other bureaus relying on employee boards to initiate and/or to dispose substantively of tariff change proposals, shall submit amended agreements which comply with the new act.

Sample amendment.

Employees and employee committees of this organization will neither initiate a proposal nor determine whether to adopt, reject, or otherwise dispose of a proposal effecting a change in any tariff item published by or for the account of any member carrier.

Employees and employee committees may provide expert analysis and technical assistance to a member carrier in developing or evaluating a carrier initiated rate or rule proposal. Any advice concerning an independent action proposal shall remain confidential.

E. *Open meetings.*—49 U.S.C. 10706(b)(3)(B)(v) provides:

Upon request, the organization must divulge to any person the name of the proponent of a rule or rate docketed with it, must admit any person to any meeting at which rates or rules will be discussed or voted upon, and must divulge to any person the vote cast by any member carrier on any proposal before the organization.

The legislative history demonstrates strong congressional concern for closed rate bureau proceedings. Most objectionable is the practice of secret voting on specific rate proposals. The monitoring of rate bureau meetings is considered necessary to protect the public interest and foster the competitive goals of the act. The statutory sunshine requirement allows for adequate monitoring and provides a reasonable safeguard against potentially illegal activity.

Implicit in the unconditional right to be admitted to bureau meetings is the responsibility of the rate bureaus to afford reasonable notice of scheduled meetings. To protect that right, discussion or voting on rates will not be permitted unless the meeting is reasonably noticed. Reasonable notice of all meetings to discuss and/or vote on rates or rules shall be given by the organization in its docket bulletin. In addition to stating the time and place of the meeting, the notice must identify the rates or rules which will be on the agenda. If the subject concerns a rate, a list or general description of the commodities moving under the rate, the appropriate origin and destination points, the justification for the proposed action, and any other useful or relevant data shall be included in the notice.

We interpret the phrase "any person" to include representatives of motor carriers, nonbureau competitors, carriers by other modes, shippers, public interest groups, and government agencies. We agree with the Rubber Manufacturers that admission to meetings cannot be contingent upon compliance with any conditions or procedures. Thus, the unconditional right to attend meetings precludes any requirement of advance notice to the bureau. It also includes the right to take notes or use recording devices provided the conduct of the meeting is not disrupted.

Although the statute does not specifically permit any limitation on the number of attendees at meetings, it must be recognized that considerations of room capacity and safety may dictate reasonable limitations. Any unreasonable or arbitrary attempt to limit attendance at meetings is unacceptable.

The phrase "upon request" shall encompass all requests, however presented. The Rate Bureaus object to the requirement that requests for identification of a proponent and for votes cast should be answered immediately. Clearly, this information is readily available and its rapid retrieval should not burden the organization. A prompt response is necessary since dilatory actions tend to negate the usefulness of the information. Because of the availability of modern methods for tabulating and computerizing votes, the bureau's contention that 2 or 3 days are needed to respond is generally unacceptable unless a holiday or weekend intervenes. Requirements for written requests and the charging of a requestor for this information is unacceptable. Under the act, this information function is a basic responsibility of the bureaus. Further, the form of a request need not be limited to asking how a carrier voted on a specification. For example, bureaus must respond to requests for the indentity of those carriers which to approve or disapprove a particular item. The requestor cannot be expected to know the names of every voting carrier in order to get information to which he is entitled.

The basic thrust of open meetings is to protect the public's interest in rates established through collective procedures. The congressional mandate for sunshine is acknowledged by the Rate Bureaus. While based on convenience, the rate bureaus' reliance upon mail voting and telephonic communications could be interpreted as contrary to the sunshine requirement. Nevertheless, we will refrain from prohibiting their use. Instead, the bureaus are cautioned not to use these procedures to circumvent the restrictions on voting or discussion. If there is abuse, we will reopen this issue to consider corrective measures.

This section does not require admittance to or divulgence of information from meetings devoted to internal personnel rules and procedures of the organization.

Sample amendment:

Upon the request of any person, the name of the proponent of a rule or rate docketed with this organization, and the vote cast by any member on any proposal before this organization, shall be promptly divulged.

Any person requesting admittance to a meeting at which rates or rules are being discussed shall be admitted immediately. Note taking and sound recordings by attendees are permissible, provided the conduct of the meeting is not disrupted.

Notice shall be given of meetings at which rates or rules may be discussed and/or voted on. It will state the time and place of the meeting, the rate proposals or rules to be discussed or voted on, a list or general description of the commodities moving under the rate, the relevant origin and destination points, the justification for the proposed action, and any other relevant information.

Notice of meetings will be transmitted at the same time to each receiver (subscriber), member and nonmember, of the organization's docket bulletin.

F. *Proxy voting.*—49 U.S.C. 10706(b)(3)(B)(vi) provides:

The organization may not allow a carrier to vote for one or more other carriers without specific written authority from the carrier being represented.

In our notice, we proposed a signed and dated proxy with a brief statement of the type or duration of the authorization. The proxy could remain effective for 2 years, and there was no limit on the number of proxies a carrier could hold. The bureau would be responsible for maintaining copies and insuring compliance.

The Special Counsel comments favorably, and the Rate Bureaus reiterate their opposition to a specific rule or interpretation. However, our section on general standards, *infra*, and the relationship between general standards and proxy voting require modification of this proposal.

Section 10706(b)(3)(B)(i) provides that after January 1, 1981, only carriers with authority to participate may vote upon specific rate proposals. Under the general standards section, we have decided to require a simple written certification of authority on each voting ballot. Consistent with this approach, a proxy holder would be required to complete the ballot's certification of

authority for the absent carrier. As the Rate Bureaus observe, it would be difficult, if not impossible, to determine whether the absent carrier posssses appropriate authority for as many as several hundred votes per meeting. Therefore, we will require the proxy to specify the docket item(s) to be voted on and to contain a certification that the giver of the proxy possesses authority to participate in each specified item. In effect, the practicalities of adopting the Rate Bureau approach mean that a proxy can only extend to particular tariff proposals.

We will also require clear instructions to the proxy holder regarding how votes should be cast. Consistent with the congressional mandate, this will eliminate the proxy holder's voting discretion when it does not possess authority. This requirement also recognizes that the proxy holder and giver may be competitors, and their interests may not coincide. Each carrier should make its own decisions based on the demand for and the cost of its services. Proxies may not be accepted for the purpose of certifying permission to cancel any item established by independent action which the carrier represented by proxy either initiated or joined. Notice of approval to cancel such items must take the form of a letter so that it may be kept on file, and so that copies can be distributed on request and at reasonable charge.

To assure compliance with these requirements, the bureau shall provide standard proxy forms. A copy of each proxy exercised shall be made part of the voting record. A proxy may be revoked at any time, either by subsequent written verification or by the member carrier appearing at a meeting and voting on its own behalf. There is no limit to the number of proxies a carrier may hold.

Sample amendment:

Any carrier voting for another must possess a written proxy. The proxy must be dated and contain the signature of the carrier releasing the vote, the specific item or items for which the vote is released, the directions on how each vote is to be cast, and written certification that the carrier possesses authority for each specified docket item.

The bureau will provide standard proxy forms to members, and a copy of all proxies exercised will be made part of the voting record. There is no limit to the number of proxies a carrier may hold. A proxy may be revoked at any time by a subsequent written revocation or by the carrier appearing at the meeting and voting on its own behalf.

G. *Quorum standard.*—49 U.S.C. 10706(b)(3)(F) provides:

The Commission shall, by regulation, determine reasonable quorum standards to be applied for meetings of organizations established or continued under an agreement approved under this subsection.

In our notice, we decided that the use of a percentage figure was appropriate because it treats all bureaus equally, regardless of their size. For the discussion of rates and rules, we proposed 35 percent of the organization's membership as the quorum for the organization meeting and 35 percent of a committee's membership as the quorum for the committee meeting. Our decision was directed at preventing the Nomination of meetings by a small number of carriers.

The Rubber Manufacturers, the Special Counsel, and the National Association of Specialized Carriers, Inc. (NASC) support the 35-percent quorum. Western Motor Tariff Bureau, Inc., expresses satisfaction with a 35-percent quorum, provided it does not apply to organizational or other bureau meetings where tariff rates or rules are not discussed. Motor Carriers Tariff Association, Inc., a bureau consisting of smaller carriers, states that the 35-percent quorum, even when supplemented by proxy voting, would substantially impair its operations. Since small carriers lack the personnel to attend frequent meetings, it asserts that even a 25-percent representation has been difficult to achieve.

The Rate Bureaus support a 30-percent quorum. They oppose the application of the quorum standard to general membership meetings, contending that it would be unworkable and would stifle the bureaus' ability to conduct rate-related business. They also object to defining a quorum as a fixed percentage of the entire membership. The Rate Bureaus point out that this definition would be impractical because in most cases 35 percent of total bureau membership would greatly exceed the membership of even the largest bureau rate committees. Moreover, they note that the proposed definition would be inconsistent with traditional concepts of parliamentary procedure which relate the quorum exclusively to the size of the particular group or subgroup that is involved.

Establishment of the quorum at 30 percent of membership of the organization *or* 50 percent of the committee holding the meeting is reasonable from our perspective and appears generally acceptable to the participants. This was our intent in the notice. The quorum requirement shall apply to any bureau meeting when discussion includes the following subjects: general rate increases and decreases, tariff restructurings, specific rate adjustments, or rules and classifications proposed for tariff publication. Carrier members present by means of a proxy shall count towards the satisfaction of the quorum requirement. We will consider individual bureau requests for lower quorum requirements, but an exception will be granted only where genuine hardship is demonstrated.

Sample amendment:

At any meeting of the organization or committee of the organization, at which rates, rules, or classifications are discussed or considered, 30 percent of the membership of the organization or 50 percent of the committee shall constitute a quorum.

H. *Final disposition of cases.*—49 U.S.C. 10706(b)(3)(B)(vii) provides:

[T]he organization shall make a final disposition of a rule or rate docketed with it by the 120th day after the proposal is docketed, except that if unusual circumstances require, the organization may extend such period, subject to review by the Commission.

Congress essentially adopted Commission policy in this area. The statute provides that extensions beyond 120 days would be "subject to review by the Commission." In our notice, we construed this clause as an actual requirement that the bureaus petition for an extension of the 120-day time limit. We provided that petitions must be received at least 30 days prior to the expiration of the time limit or the pending proposal would automatically terminate.

The Rate Bureaus, the Rubber Manufacturers, and the Special Counsel oppose the prior approval provision. They assert that the congressional intent was simply to codify Commission policy and that the statutory language cannot support more than an after-the-fact review. The Rate Bureaus point out that it is not always possible to know by the 90th day whether an extension will be necessary. The Rubber Manufacturers assert that automatic termination would adversely affect the shipping community, the original proponent and principal beneficiary of the rule. It would permit the carriers to disapprove a rate proposal without action and therefore without the individual accountability that is contemplated by the sunshine provisions of the new act. With one exception, all parties support the continuation of the current policy with Commission oversight to prevent abuse. Rockwell International advocates an automatic approval policy whenever the 120-day time limit has expired. Rockwell International asserts that this

V 46 / 108
JE 5 81
UMI

is the most effective method to deal with inaction on shipper proposals.

We are persuaded that the statutory language contemplates an after-the-fact review along the lines established in our *Rate Bureau Investigation.* However, in adopting the Rate Bureau approach, we also adopt the construction of the 120-day period that was contained in our notice. If the 120th day falls on a Saturday, Sunday, or public holiday, the final day for disposition will be the first working day thereafter.

As our policy has been in effect for a few years, we assume that the bureaus have already amended their bylaws to reflect this requirement. However, as necessary they should amend their bylaws to include the above construction of the 120-day provision.

III. Standards for Member Carrier Voting and Discussion of Collectively Established Rates

A. *General standards.*—49 U.S.C. 10706(b)(3)(B)(i) provides:

> [S]ubject to the provisions of subparagraphs (C) and (D) of this paragraph, (I) the organization may allow any member carrier to discuss any rate proposal docketed, but (II) after January 1, 1981, only those carriers with authority to participate in the transportation to which the rate proposal applies may vote upon such rate proposal.[7]

The intent to infuse additional competition into the ratemaking process cannot be more evident than in the provisions which define the limits for discussion and voting on collectively established rates. In contrast to rates established by independent action, collectively established rates, whether single or joint line, may be docketed, discussed, and voted upon by any member carrier until January 1, 1981. After that date, docketing and discussion may continue in the traditional manner, but voting is limited to those carriers with authority to operate under the proposed rates.

To guarantee that voting is limited to carriers with the appropriate authority, we proposed that each bureau submit a plan for identifying eligible carriers. The bureau would be required to make a sworn certification that each vote taken is limited to carriers with the requisite authority.

The Rate Bureaus contend that anything beyond their enforcement of an individual carrier certification is a practical impossibility. Specifically, they refer to the number of carriers that may be voting in any one instance and both the length and complexity of the certificates. The problem is compounded by the difficulty in ascertaining joint-line authorities, the effect of commercial zones and restriction removals, and the accuracy of the bureau's records. Additionally, they object to an individual sworn certification contending that it would constitute an extreme and highly disruptive burden in view of the number of ballots cast during a meeting. In the alternative, they propose including a written affirmation on the voting ballot. They assert that this will be equally effective since a carrier voting without authority will be in violation of the agreement and subject to penalties regardless of a sworn certification.

The Special Counsel suggests that a sworn certification raises more questions than it answers. It questions who will take the oath and execute the document and seeks clarification as to whether the oath must be taken with first-hand knowledge of each operating authority. The Special Counsel proposes that we emphasize that the bureau and its members will lose their antitrust immunity, at least for the particular vote, as a result of the participation by an ineligible carrier. With this understanding, the bureaus would be permitted to develop their own plans.

Realistically, there may be instances in the future when a quorum may be convened but only one or two carriers will have the requisite authority to vote on a specific rate proposal. In these circumstances, the bureau may be able to comply with the proposed certification requirement. Nevertheless, we are persuaded that our proposal is impractical for the average bureau vote and unnecessarily severe since voting by an ineligible carrier would expose the bureau and its membership to antitrust prosecution on that particular vote. Accordingly, we shall adopt the bureau proposal and require that a written affirmation be made part of the voting ballot for each individual vote. However, if the bureau has actual knowledge of carrier violations, it must take appropriate action to enforce this provision. Failure to do so may lead to its being considered a party to the violation.

The Automobile Transporters Tariff Bureau, Inc., questions whether a member carrier may vote on a collective action rate proposal if it has authority to participate in the transportation to which the rate applies but is not a party to the tariff because of a prior independent action. Our primary concerns are that there be no restraint upon the right of independent action and that authority to participate is honored as the threshold requirement in voting. Beyond this, the membership of the individual bureaus may determine whether to require participation in the tariff item as an additional requirement in voting upon collective action rates.

Rockwell International questions the status of a rate proposal when a quorum has convened but none of the carriers present, in person or by valid proxy, possess authority to participate in the transportation service to which the rate proposal applies. Section 10706(b)(3)(B)(i) establishes actual authority as the prerequisite for voting. Accordingly, there can be no voting unless at least one carrier present, in person or by proxy, possesses the authority for a lawful vote.

Sample amendment:

> While any member carrier may discuss (unless otherwise proscribed) any collectively established rate proposals docketed, after January 1, 1981, only those carriers with authority to participate in the transportation to which the proposed rates apply may vote on the rates.
>
> A written affirmation will be made by each carrier for itself and for the proxies it holds concerning individual eligibility to vote on collectively established rates after January 1, 1981.

B. *Single-line rates.*—49 U.S.C. 10706(b)(3)(D) provides:

> No agreement approved under this subsection may provide for discussion of or voting upon single-line rates on or after January 1, 1984, except that such date shall be July 1, 1984, if the Motor Carrier Ratemaking Study Commission does not submit its final report under section 14(b)(4) of the Motor Carrier Act of 1980 on or before January 1, 1983 * * *

In our notice, we stated that compliance with this section required the prohibition of advance docketing of single-line movements in rate bureau proposals. A single-line rate is defined in section 10706(b)(1) as a "rate, charge, or allowance proposed by a single motor common carrier of property that is applicable only over its line and for which the transportation can be provided by that carrier."

The Rate Bureaus oppose our proposal, contending that the section may never take effect or its effective date may be delayed pending the report of the Motor Carrier Ratemaking Study Commission. They assert that it is premature to adopt any interpretations. We cannot agree. The public and the industry will benefit from a clear and comprehensive statement interpreting this section. Moreover, section 10706(b)(4) provides that we may issue regulations to implement the restrictions

[7] Subparagraphs (C) and (D) refer to released rates, zone of rate freedom adjustments and single-line rates. They are discussed elsewhere in this decision.

of section 10706(b)(3)(D) to take effect on or after the date antitrust immunity is terminated.

The Mobile Transportation Rate Bureau, Inc., the Gulf Ports Association, Inc., and the Rate Bureaus maintain that our proposal is unreasonable and contrary to the intent of Congress. They argue that a prohibition of advance docketing will not serve the public interest. We believe our amended standards for independent actions and reasoning for them apply equally here. Carriers must be given the choice whether to give advance notice to their competitors of single-line rates changes, and if it is given through the docket, the timing of the notice. Congress decided to eliminate antitrust immunity for discussion and voting on single-line rates. As the Special Counsel observed, advance docket notice to competitors of single-line rate changes should not be allowed to circumvent the ban on collective action. Contrary to the assertions of the parties, specific permission to carriers to choose not to or how to docket is necessary precisely to accomplish congressional intent. In the practical sense, the choice not to docket would produce any independent action. Therefore, with respect to single-line rates, all rate bureau agreements shall be modified to permit carriers to prohibit, after January 1, 1984 (or July 1, 1984), docketing in advance of filing or to direct the timing of the docketing. Discussion and voting are prohibited after this date. The agreements shall also prohibit inclusion of single-line and joint-line rates in one proposal.

The Department of Defense inquires whether the definition of single-line rates includes household goods tariffs and section 10721 (government) tenders, when these rates are published on a mileage basis, without regard to origin or destination ("general application rates"). The problem stems from the applicability of one set of rates to both single and joint-line movements. Nevertheless, it is clear that rates which apply to any single-line movement of household goods fall within the statutory definition of single-line rates. In the past, household goods carriers sought exemption from the requirements of the *Rate Bureau Investigation, supra*, asserting that their service is "unique" and unlike that of general-commodity carriers. The exemption was denied upon a finding that there is no substantive difference in the respective collective ratemaking processes. There is nothing in the act or legislative history to suggest that an exemption was contemplated for household goods tariffs. Rather, the legislative history reveals Congress' recognition that this section would require extensive procedural changes. Both the House and the Senate Reports observed.

> Under current practices, most tariff rates are identical for both single-line and joint-line movements. Thus when [the carriers] discuss individual rates, they generally do not distinguish between single-line and joint-line rates. This has not always been the case, however, and need not be in the future.
> * * * * *
> The Committee is aware of the fact that this will result in a significant change in the way that motor carriers price their services. It will mean that consideration of single-line and joint-line rates must be done separately. It will put a greater burden upon individual carriers to determine their own cost structures and or the most optimum rates from their individual company point of view to offer the shipping public. But on balance, the Committee believes that there will be public benefits that greatly outweigh the burdens of changing to a new system—namely, more competitive pricing. H. Rept., *supra* at 27–28; & Rep., *supra* at 13.

Accordingly, household goods carriers will be required to revise their agreement to the same extent as all other motor common carriers of property.

Section 10721 provides antitrust immunity for government traffic in the following terms:

> A carrier may quote or tender a rate established under an agreement made and approved under section 10706 of this title, but the exemption from the antitrust laws provided by that section applies only when the filing requirements of this paragraph are met.

Section 10706 is the source of antitrust immunity for the collective determination of tenders for government traffic, provided carriers comply with the filing requirements of section 10721. Since section 10706 provides the scope of the immunity, the elimination of antitrust immunity on single-line rates in section 10706(b)(3)(D), effective January 1, 1984 (or July 1, 1984), must also apply to government traffic. Therefore, after antitrust immunity is lifted, carriers shall not collectively set single-line rates for tender or quotation on government traffic.

Sample amendment:

> After January 1, 1984 (or July 1, 1984), all single-line rate proposals will be treated as independent actions. After this date, there shall be no discussion or voting on single-line rates by the bureau members or committees. Single-line rates shall not be included in the same item as joint-line rates, except as authorized by 49 U.S.C. 10706(b)(3)(B).

IV. Specific Exceptions to These Standards

A. *General increases and decreases.*—49 U.S.C. 10706(b)(3)(D)(i) provides an exception to the limitation on single- and joint-line ratemaking for general increases and decreases. This exception is subject to the following restrictions:

> (1) The agreement must provide procedures to give shippers at least 15 days' notice of a proposal;
> (2) Shippers must be given the opportunity to present comments on the proposal before it is filed with the Commission;
> (3) Discussion of these proposals must be limited to industry average carrier costs; and
> (4) After January 1, 1984 (or July 1, 1984), there may be no discussion of individual markets or particular single-line rates, even if discussion is limited to industry average costs.

We interpreted "notice" to mean advance notification to shipper subscribers through the bureau's docket bulletin. Since the act gave us discretion to require a longer notice period, we proposed that notice be issued at least 4 weeks before filing and that at least 2 weeks be provided for filing and serious consideration of written comments. For the purposes of this decision, we adopt the definition of a general increase contained in 49 CFR 1331.6(a)(5):

> A "general increase," when the term is used in reference to a motor common carrier rate increase, is a proposed general adjustment of substantially all the rates published in a rate bureau's tariff or tariffs.

The Rate Bureaus object to the implementation of this section before 1984. They assert that the exception for voting and discussion on general increases and decreases applies only to the single-line voting and discussion restriction which takes effect in 1984. We disagree. There is nothing in the act or legislative history to indicate that the effectiveness of this section was to be delayed until 1984. Rather, the delayed implementation of only the portion of the section relating to individual markets and particular single-line rates, convinces us that none of the other provisions should be delayed. Until January (or July) 1, 1984, rate bureaus may permit, but not require, single-line rates to be filed under collective procedures. This will permit a carrier, if it chooses, to submit single-line rates for discussion and voting. After the elimination of this possibility in 1984, docketing of all single-line rates will be tantamount to docketing of independent actions and no filing under collective procedures will be permissible. In addition, apart from the exceptions stated in section 10706(b)(3)(D), no proposal which includes both single-line and joint rates may be discussed or voted on as of the 1984 cutoff date.

V.46/108 JUN 5 81 UMI

The Rubber Manufacturers and the NITL support our proposal with the former reciting the advantages of greater dialogue and the resolution of disputes before Commission filing. The bureaus generally contend that a 4-week notice period before Commission filing is too long. A bureau could give notice, allow 2 weeks for comments, meet for discussion and voting, and still be required to wait another 2 weeks before the 4-week period expires. The Special Counsel suggests that the 15-day notice period provided in the section is sufficient.

The Western Motor Tariff Bureau, Inc., and NASC point out that a notice period "before the filing date of the proposal" may not be the most effective way to provide adequate notice. The legislative intent was to facilitate shipper comment on pending rate proposals. Practicality dictates that shipper comments should arrive before the bureau meets to discuss and vote. Therefore, the critical time element is the time of the meeting rather than the time of filing. These respondents suggest that the notice period should be expressed in terms of the time before the meeting.

We agree that the proposed 4-week notice period before filing may produce unnecessary delay. Consistent with bureau suggestions, we will reframe the notice period in terms of time before discussion or voting. We will adopt a 15-day notice period prior to discussion and/or voting. Consistent with our treatment of the 120-day time limit for disposition of rate bureau dockets, the 15-day period will not include Saturdays, Sundays, or legal holidays. This formulation can also apply to mail voting. However, if mail voting is utilized, the bureaus must arrange to inform the carriers of shipper comments early enough to permit serious consideration. Shipper comments shall be accepted until the time of the meeting.

The American Paper Institute, Inc. (API), questioned whether the term "industry average carrier cost information" includes regional average costs. API states that national cost data lacks probative value in a discussion of a regional bureau's tariff change. We accept API's interpretation. In our opinion, the discussion of regional industry average costs is permitted by the statute.

In this regard, the Rate Bureaus argue that Congress did not intend to limit all discussion to industry average costs when a general increase or decrease is being considered. The Rate Bureaus interpret this section as restricting cost discussions to regional industry average costs. Other pertinent issues, including the need for an increase, its effect on shippers, and its lawfulness, remain appropriate grounds for discussion. However, the act plainly states and the legislative history corroborates that "discussion of such increase is limited to industry average carrier costs." Some of the topics of discussion suggested by the Rate Bureaus, such as the need for an increase or its lawfulness, would be inextricably involved in a full discussion of costs. However, we cannot interpret the unambiguous words of Congress to condone discussion beyond "industry average carrier costs." In any case, we do not see this as a problem. To the extent any carrier believes that a general rate increase will adversely affect its own competitive posture or that of its shippers, it may take independent action.

Sample amendment.—General rate increases and decreases may be discussed and voted on only if:

(1) Shippers receive notice, through docket bulletin publication, at least 15 (excluding Saturdays, Sundays and legal holidays) days prior to the time a proposal is to be discussed and/or voted upon;

(2) Shippers are accorded the opportunity to present either oral or written comments for consideration at the meeting;

(3) Shippers' comments are given appropriate weight and consideration in discussion and voting upon the proposals;

(4) Discussion is limited to regional industry average carrier cost information; and after January 1, 1984 (or July 1, 1984), discussion may not include individual markets or particular single-line rates.

B. *Changes in tariff structures.*—49 U.S.C. 10706(b)(3)(D)(iii) extends the same exception granted for discussion and voting on general increases or decreases to changes in tariff structures (broad rate restructurings). The exception applies if discussion is limited to industry average carrier costs, and does not include discussion of individual markets or particular single-line rates after the elimination of antitrust immunity for single-line rates.

DOT urges us to interpret the phrase "broad rate restructuring" and to state how we will insure that restructuring will not be used to interfere with independent action rates. This record does not permit us to formulate a definition. We defer to Ex Parte No. MC–82, *New Procedures in Motor Carrier Revenue Proceedings* where a comprehensive record on this issue has been assembled.

For interim guidance we note a colloquy which generally discusses changes in tariff structure. This statement presents the view that a change in tariff structure is broad in scope and nature; may affect both single- and joint-line rates over a large geographical area; may involve multiple commodities, rates, rate scales, origins and destinations; and may include both increases and reductions in rates. See 126 Cong. Rec. H5411 (daily ed. June 19, 1980) (remarks of Rep. Boner).

Contrary to API's observations, our interpretation of this section was not intended to complicate matters. We intended to make clear that calling something a broad tariff change could not be used to evade other statutory restrictions, such as the protections for independent action or the ban on collective setting of single-line rates effective in 1984.

The proper forum for discussion of rate relationships and other restricted topics is between the affected shipper and its carrier. The carrier may then propose necessary changes either for its own account or for collective action.

Sample amendment:

Discussion of changes in tariff structure (broad tariff restructurings) is limited to regional industry average carrier cost information. After January 1, 1984 (or July 1, 1984), discussions of individual markets or particular single-line rates are also prohibited.

C. *Zone of freedom and released rates.*—49 U.S.C. 10706(b)(3)(C) provides:

No agreement approved under this subsection may provide for discussion of or voting on rates to which the provisions of section 10708(d) or 10730(b) of this title apply, except that rates established or filed under section 10730 of this title before the date of enactment of the Motor Carrier Act of 1980 or changes with respect to such rates may be discussed or voted on under agreements approved under this subsection until January 1, 1984.

Section 10708(d) establishes a zone of rate freedom for motor carriers of property and freight forwarders. Essentially, carriers are allowed increases up to 10 percent above rates in effect the year before and reductions dówn to 10 percent below rates in effect on July 1, 1980, without Commission intervention on the reasonableness issue. Subsection (d)(4) continues our authority to suspend and investigate any rate proposal within the zone on the basis of discriminatory or predatory pricing.

This section prohibits discussion of and voting on adjustments within the zone and released rates. The legislative history states that no collective action on these items is permitted, and that the rates may be proposed only by individual carriers (H. Rept., *supra* at 29), i.e., through independent actions.

Section 10708(d)(4) provides antitrust immunity for the "docketing and publication" of rates in the zone. The legislative history indicates that the purpose of this immunity is to permit the Rate Bureaus to perform administrative functions relating to rates which cannot be collectively considered or established. To emphasize that there is to be no collective consideration of these rates the drafters stated:

> The Committee does not intend by the use of the language "docketing and publication of such rates" to preclude the Commission from issuing rules and regulations to assure that carriers who utilize the zone of rate freedom do so individually and not collectively. (H. Rept., *supra* at 75.)

As with ordinary independent action proposals, if a proposed rate change is docketed in advance of filing, all competing carriers are notified and the advantage the independent actor might otherwise have had is nullified, especially in the short run. To protect the purpose of zone pricing and its independent nature it is necessary to affirm the right of proponent carriers to ban the docketing of zone rates or to have the sole discretion to choose when and for how long they will be docketed. Again, in the absence of explicit instructions for handling and docketing from the proponent of an independent action, the bureau may not docket the item until the proposal has been filed with the Commission.

We believe that our proposal is consistent with the immunity granted by the act for docketing and publication of zone rate proposals. The act denies us authority to disallow bureau docketing or publication of zone rates. However, the legislative history establishes that we may issue rules and regulations to assure that docketing and publication of zone rates do not become a subterfuge for collective consideration. Moreover, since advance docketing offers opportunity for informal carrier discussion, failure to take action risks negating the act's specific prohibition against discussion of or voting on zone rates. Moreover, our amended approach does no more than give each carrier member of the bureau the right it already had to direct bureau processing of its independent actions.

Section 10730(b) pertains to released rates. It permits the establishment of rates for the transportation of property (other than household goods) which limit the carriers' liability to a value established by written declaration of the shipper or by written agreement between the carrier and shipper. This section specifically prohibits any discussion of or voting on released rates if the rates have not yet been established when the act goes into effect. The legislative history states that all collective ratemaking on new released rates is prohibited. In view of our decision on zone rates, we believe that the same standards for docketing of new released rate proposals are warranted. Contrary to Rate Bureau assertions, the legislative history does not require advance docketing to assure that shippers are informed at all stages of the process. The legislative history does require that the carriers, in their tariffs or by any other means, fully and clearly inform shippers "about the kinds of rates and liability rules they agree to." Competition, along with recourse to traditional Commission remedies, will provide a safeguard against unreasonable and discriminatory released rates. Carriers acting individually may and should inform shippers in advance of released rate filings by consulting with them. If the "fully informed" requirement of the legislative history were to be interpreted as advocated by the Rate Bureaus, Congress would not have banned rate bureau discussion.

Section 10706(b)(3)(C) also provides that until January 1, 1984, the ban against discussion or voting shall not apply to rates already in effect. After January 1, 1984, released rates regardless of the date they were established may not be the subject of collective action. The legislative history is silent as to what constitutes a new as opposed to an already effective released rate for the purposes of permissible collective action. This presents interpretation problems since existing released rates established collectively may be expanded or substantially revised. We will interpret the limitation on collective action such that the expansion of a preexisting released rate or the inclusion of related new commodities under preexisting released rates, for whatever reason, will result in the establishment of a new released rate for the purpose of activating the statutory ban against collective action. To avoid further proceedings before the Commission individual carriers may choose to establish new released rates rather than attempting to amend released rate orders.

As noted, no discussion or voting on zone of rate freedom adjustments or new released rates is permitted by the statute. If a carrier wishes, it may permit docketing of these adjustments prior to filing with the Commission. However, unlike independent actions, other carriers do not have the option of docketing the same proposal under normal collective ratemaking procedures. They may, however, notify the bureau (individually and without discussion) that they want similar rate adjustments for their own publication. We will not permit use of special permission authority to circumvent another carrier's competitive initiative in this situation. Until January 1, 1984, our treatment of "old" released rates will be identical to that afforded independent actions.

Sample amendment:

> Each carrier has the right to determine whether or how the bureau will docket rate adjustments under 49 U.S.C. 10708(d) and 10730(b). No discussion or voting on rates proposed under the zone of rate freedom is permitted. Released rates, as defined by section 10730(b), may only be discussed or voted on, until January 1, 1984, if collectively established or filed with the Interstate Commerce Commission prior to July 1, 1980.

D. *Changes in commodity classification.*—49 U.S.C. 10706(b)(3)(D)(ii) provides an exception to the limitations on single- and joint-line ratemaking for changes in commodity classification. We noted that under this exception all carriers would continue to discuss and vote on changes, whether or not they hold authority to transport the commodities for which classification changes are proposed. The breadth of activity covered under this exemption is being determined in Ex Parte No. MC–98 (Sub-No. 1), *supra*.

The NCC, the New England Motor Rate Bureau, the Bulk Carriers Conference, and any other bureaus which develop and maintain freight classifications may continue functions permitted under the exception without need for an amendment to implement this provision. However, all bureau operations, including classification change procedures, must comply with the other new standards including those relating to open meeting, employee docketing, proxy, and quorum. The new standards will generally require conforming amendments from all bureaus.

The House Committee expressed concern that abuse of this section might result in collectively set single-line rates after 1984. The Committee stated that it "intends that changes in commodity classification solely for the purpose of affecting single-line rates to individual shippers or individual markets would not be immune from the antitrust laws." H. Rept., *supra* at 28. Allegations that the commodity classification is being used to set single-line rates may be made through the strike mechanism of the Tariff Integrity Board (TIB), *infra*, or through investigation, suspension, or

V 46 / 108 JE 5 81 UMI

complaint procedures. These congressional concerns prompted us to expedite our deliberations in Ex Parte No. MC–98 (Sub-No. 1), *supra*.

E. *Permissible bureau functions.*—49 U.S.C. 10706(b)(3)(D)(iv) provides that the prohibition against the discussion of or voting on single-line rates and the requirement that voting be limited to carriers with authority to participate in the transportation to which the rate proposal applies do not apply to:

> [P]ublishing of tariffs, filing of independent actions for individual member carriers, providing of support services for members, and changes in rules or regulations which are of at least substantially general application throughout the area in which such changes will apply.

Activities are not included in the prohibition on rate discussion. Bureaus may continue to perform these services for carrier members without the requirement of a new amendment.

V. Burden of Proof of Violations and Effect of Violations

49 U.S.C. 10706(b)(3)(E) provides:

> In any proceeding in which a party to such proceeding alleges that a carrier voted, discussed, or agreed on a rate or allowance in violation of this subsection, that party has the burden of showing that the vote, discussion, or agreement occurred. A showing of parallel behavior does not satisfy that burden by itself.

This section places the burden of proof upon the alleging party to show that the violation occurred. The reference to "parallel behavior" (behavior of one or more parties that is similar or identical, absent proof of intent to agree) means that it is not sufficient to show that a carrier ultimately published the same rate. A showing of parallel behavior without more would not establish an unlawful price-fixing agreement. This is a difficult level of proof.

To assure bureau compliance with the act, we will rely, in part, on shipper monitoring. The open meeting requirement will obviously encourage compliance. However, because it is unrealistic to expect most shippers to attend meetings, we believe some recordkeeping requirement is also necessary. As an interim standard, we required bureaus to make sound recordings of all meetings.

With the exception of DOT and the Bureau of Competition of the Federal Trade Commission, the parties oppose a sound recording requirement. The bureaus and various shipper interests contend that the sunshine provision of open meetings is an adequate deterrent to illegal activity. They argue that sound recordings inhibit the free exchange of ideas, and will prove more burdensome, time consuming, and expensive than beneficial. The Rate Bureaus refer to the *Rate Bureau Investigation*, where we rejected a verbatim transcript requirement, finding instead that the record failed to support a program of constant monitoring.

The Rate Bureaus submit that the Staggers Rail Act of 1980 adopts a limiting sound recording requirement and if Congress intended a similar requirement for motor carrier bureaus, it would have expressly provided for it. The Rubber Manufacturers suggest that imposition of a sound recording requirement should be instituted as a remedial measure, only upon a strong showing that a bureau has exceeded the boundaries of permissible activities. As an alternative, NITL suggests that the bureaus be required to file the minutes of their meetings, including the voting record on each docket, with the Commission. The minutes would be kept confidential.

We have decided against a sound recording program at this time. Our regulations at 49 CFR 1253.20 provide that every carrier organization operating under an approved agreement is required to maintain reports or minutes of all oral proceedings. These records must be filed and kept readily available for examination by Commission representatives.

In our notice, we expressed concern for the lack of definite remedies for proven rate bureau violations. We anticipated a need for immediate administrative remedies to assure the integrity and consistency of our regulation. In addition to the possible remedy of withdrawal of immunity for serious and continuing violations, we proposed to adopt a standard providing that proof of significant violations of an approved agreement will result in tariff rejection. Allegations of lesser violations would subject the tariff item to suspension or investigation.

The Rate Bureaus contend that the specific requirements of section 14 of the new act do not expressly provide for withdrawal of immunity. Rather, section 14 is said to provide continued immunity under previously approved agreements during the period new or amended agreements are being considered by the Commission. The bureaus infer that Commission action under section 10706 can do no more than determine whether or not an agreement qualifies for approval. As long as bureau agreements conform to section 14, the congressional grant of immunity allegedly protects "all parties and other persons with respect to making or carrying out the agreement."

The Rate Bureaus also oppose rejection or suspension and investigation as remedies for violations of rate bureau procedures. They argue that specific remedies are neither contemplated nor authorized by the act, and that the Commission lacks authority to create a new "remedy" for perceived violations of the antitrust law.

We believe that the bureaus' restrictive interpretation of our responsibilities is neither warranted by the act nor in keeping with the goals of the NTP.[8] The Commission's responsibilities uner section 10706 do not preclude withdrawal of rate bureau immunity. As a practical matter, the power to grant approval implies a power to reconsider and withdraw the approval. Exercise of the power to reconsider and withdraw immunity is necessary if the Commission is to perform effectively its express duties under the act. Moreover, if we accepted the Rate Bureau interpretation, we would effectively be limiting section 10706(b)(3)(E) to antitrust proceedings. Since the section refers to "any proceeding" we think it is sufficiently broad to apply to rejection, suspension and investigation, and complaint proceedings provided the burden of proof falls on the party alleging rate bureau improprieties. *American Trucking Assns.* v *United States*, 344 U.S. 298, 309–10 (1953), and *Permian Basin Area Rate Cases*, 390 U.S. 747 (1968). Moreover in *Atchison, Topeka & S. F. Ry. Co.* v. *Aircoach Transp. Assn.*, 253 F. 2d 877, 886 (D.C. Cir. 1958),[9] and *Luckenback-Steamship Company* v. *United States*, 179 F. Supp. 605, 613 (1959)[10] the courts concluded that although the Commission does not have *exclusive* primary jurisdiction over questions of "5a" coverage whenever antitrust violations are raised, the agency may, nevertheless, make the first decision on such matters since it is charged with administering the statute under which the agreements were approved.

Pursuant to 49 U.S.C. 10762(e), the Commission is expressly authorized to reject tariffs published in violation of the act or our regulations. See *Acme Fast Freight, Inc. Common Carrier*

---

[8] The NTP constitutes substantive law to be implemented by the Commission. See *American Lines* v. *L&N.R. Co.*, 392 U.S. 571 (1968); *Schaffer Transportation Co.* v. *United States*, 355 U.S. 83 (1957); *Dixie Carriers* v. *United States*, 351 U.S. 56 (1956); *Need for Defining Reasonable Dispatch*, 351 I.C.C. 812, 829 (1976).

[9] Certiorari denied at 361 U.S. 930 (1960).

[10] Judgment partially vacated but antitrust phase affirmed at 364 U.S. 260.

Application.[11] The courts have concluded that regulatory agencies possess inherent authority to reject tariff matter and have construed that authority to extend beyond technical requirements of form and order. *Municipal Light Bds.* v. *FPC*, 450 F. 2d 1341, 1346 (D.C. Cir. 1971), cert. denied, 405 U.S. 989 (1972).

We recently established a TIB [12] to act in those cases where our limited tariff examination program fails to identify unlawful tariff before they become effective.

In our notice, we proposed to reject tariffs when they were shown to have been adopted or published under procedures that violated rate bureau agreements. The TIB will entertain all allegations of rate bureau agreement violations. Those found to have merit will be submitted to the Office of Consumer Protection for detailed investigation. After receiving the results of this investigation the TIB may act or send its recommendations to the Commission for possible action. A shipper may file a verified complaint seeking to have tariff material stricken before, or within 60 days after, the effective date of the tariff.

In addition to seeking rejection, a shipper may seek suspension or investigation on the grounds of rate bureau agreement violations. As we have the power to strike or reject a tariff for these violations, we clearly have the power to take this less drastic action.

This process is obviously related to the strike mechanism. If a tariff suspended on the grounds of possible rate bureau violations is subsequently stricken, the suspension or investigation proceeding will be moot. On the other hand, a final decision not to strike for the reason that a clear violation has not been proven will leave the disputed tariff in place and thereby permit the continuation of the suspension or investigation proceeding.

Frequent rejections or formal proceedings in which rate bureau violations are proven for tariffs of a particular bureau may suggest a pattern of abuse which would warrant more serious study of a bureau under 49 U.S.C. 10706(b) and the NTP.

In addition to rejecting tariffs which have been adopted or published under procedures which violate approved agreements, we retain the option of referring the findings of any investigation into such violations to the antitrust enforcement agencies. We reiterate that the only permissable activity which enjoys immunity from the antitrust laws is that carried out under the detailed procedure in the agreement and bylaws. We intend to enforce vigorously compliance with these procedures so that the public may enjoy the benefits Congress anticipated when it enacted the rate bureau provisions of Pub. L. 96–296.

VI. Additional Considerations

This decision is intended to consolidate in one place all of our substantive regulations and interpretations with respect to motor carrier rate bureaus. Therefore, it is appropriate that we review previous Commission actions to determine which have been superceded by this decision.

In our *Rate Bureau Investigation, supra,* we made 26 findings of fact regarding the operation of rate bureaus. Several of these findings, as they apply to motor carrier rate bureaus, are modified or reversed as a result of this decision. For instance, finding 13 decided that public notice of rate proposals need not identify the proponent. This finding has now been superceded by the requirements mandated for changing or canceling independently established rates. Finding 22 prohibited the rate bureaus from protesting the independent actions of their members. This prohibition has been expanded to embrace the independent action of any motor carrier. Findings 24 and 25 found the continuation of antitrust immunity to be in the public interest. The act essentially lifted the antitrust immunity with respect to zone rates and new released rates, and effective January 1, 1984, will lift immunity for single-line rates and all released rates.

To the extent that these and any other findings contained in the *Rate Bureau Investigation* are inconsistent with this decision they are reversed.

Several regulations in Part 1331 of Title 49 of the CFR entitled "Section 5a Applications," [13] are modified or made inapplicable to motor carrier rate bureaus by this decision. While notice of particular changes to the CFR was not given in our August decision, it is clear that there was actual notice of the possibility of such changes. In fact, many commentors referred to our existing rules. Accordingly, we believe we may finalize repeal of inconsistent regulation concurrent with adoption of this new set of standard. The following sections generally provide the procedures for new rate bureau applications and remain applicable to motor carriers:[14]

49 CFR 1331.1 Form and contents of application.
49 CFR 1331.2 Required exhibits.
49 CFR 1331.3 Procedure.
49 CFR 1331.4 New parties to an agreement.

The intent of § 1331.5, Public Notice, has been discussed and incorporated in our new standards. It will be revised to apply to nonmotor bureaus.

Section 1331.6 as it applies to motor bureaus is repealed. Relevant portions of it are incorporated in this decision. It remains applicable to other than motor carrier rate bureaus and will be retitled, and other necessary conforming amendments made. (See concurrently issued **Federal Register** notice of final rules.)

VI. Ultimate Findings and Conclusions

Upon consideration of the entire record in this proceeding, we find that the above interpretations and sample amendments are consistent with the congressional intent expressed in the new act and its legislative history and are within our authority to prescribe.

The following is a list of the Special Permission Authorities canceled. Any other permission of like impact are also canceled.

Name of agent	Special permission No.
Rocky Mountain Motor Tariff Bureau, Inc	80–2711–M
Motor Carriers Traffic Association Incorporated	80–4413
Steel Carriers' Tariff Association, Inc	77–3130–M
Eastern Central Motor Carriers Association, Inc	80–2433–M
New England Motor Rate Bureau, Inc	80–2779–M
Central and Southern Motor Freight Tariff Association	80–2516–M
National Association of Specialized Carriers, Incorporated	80–4037 81–0515
Central States Motor Freight Bureau, Incorporated	80–2518–M
Niagara Frontier Tariff Bureau, Inc	81–0499
Intermountain Tariff Bureau, Inc	81–0511
Western Motor Tariff Bureau, Inc	81–0500
Oil Field Haulers Association, Inc	81–0517
Southern Motor Carriers Rate Conference	80–2822–M
Middlewest Motor Freight Bureau	72–3559–M 76–2509–M
Middle Atlantic Conference	80–2527
Ohio Motor Freight Tariff Committee	80–3227–M

This proceeding does not significantly affect the quality of the human environment or the conservation of energy resources and will not have an adverse impact on small business.

[11] 17 M.C.C. 549 (1939), affirmed *sub nom. Acme Fast Freight* v. *United States*, 30 F. Supp. 968 (1940), affirmed 309 U.S. 638 (1940).

[12] Ex Parte No. 387, *Tariff Integrity Board.*—— I.C.C.——(decided September 27, 1979), modified, I.C.C.——(decided September 25, 1980).

[13] The title and format of this part reflect the pre-4R Act statute when section 5a applied to all regulated carriers. The 4R Act created a new section 5b exclusively pertaining to rail carriers. Section 5b is recodified at 49 U.S.C. 10706(a) and section 5a is recodified at 49 U.S.C. 10706(b). Our rule changes reflect these amendments.

[14] Other rules, *e.g.*, 49 CFR 1253.20, remain applicable.

Commissioner Gilliam, concurring:

In my concurring opinion to the notice adopting interim rules and interpretations in this proceeding, I set out my preliminary views on the role of the Commission under section 14 of the Motor Carrier Act of 1980. My position was basically that the strict, self-executing standards exacted by the Congress are evidence of their intent to reduce the substantial discretion previously invested in the Commission to approve or disapprove agreements. After reviewing the comments filed in response to the notice, I remain convinced that my initial interpretation is correct. I believe this decision proves my point.

The majority's decision marks a retreat from the proposal contained in the notice. There are some valid interpretations made in the decision, but on the whole it provides very little guidance and merely traces the requirements of the statute. This is the main reason I am concurring in the result, because with one major exception, this decision will make no appreciable difference.

The one exception is the section on remedies for rate bureau violations which I discussed in my previous opinion. I do not believe the Commission has the authority under the statute to suspend and investigate rate proposals on the basis of alleged rate bureau violations. My reading of the statute is that the *status quo* remains unchanged in this area and that the exclusive remedy is disapproval of the agreements. As I stated before, if carriers do not adhere to the specific terms of their agreements then they are automatically operating without immunity subject to the operation of the antitrust laws, regardless of any action taken by the Commission. As far as tariff rejection on the basis of alleged violations is concerned, it is arguable that in egregious situations the Commission may be able to reject tariffs before they go into effect on these grounds.

I am already on record in Ex Parte No. 367, *Tariff Integrity Board*, as questioning whether tariff rejection after the fact is legally defensible. This is precisely the type of situation that I feared when I dissented in that case. Tariff rejection on the basis of antitrust violations carries with it severe consequences for carriers. This is not merely a technical publishing error that we are talking about, but the spector of antitrust prosecution that we are raising in summarily rejecting a tariff on this basis. I believe the Commission should stick to its area of expertise—transportation. We bring this expertise into play in the rate bureau area when we review agreements for approval based on compliance with the statutory standards and the goals of the transportation policy. There is an agency vested with the power to enforce the antitrust laws. It is the Justice Department not the Commission acting on our behalf. Congress has spoken on the question of rate bureaus. We should implement their intent and not attempt to increase our regulation whether it be through actual formal proceedings or through our enforcement efforts.

Issued under authority of Pub. L. 96–296, 49 U.S.C. 10321 and 10706, and 5 U.S.C. 553.

By the commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioner Gilliam concurring with a separate expression. Commissioner Clapp reserves his right to submit a separate expression at a later date.

Agatha L. Mergenovich,

Secretary.

Appendix A

List of parties

1. Alaska Carriers Association, Inc.
2. Aluminum Association, Inc.
3. American Bakers Association.
4. American Paper Institute, Inc.
5. American Retail Federation.
6. American Trucking Associations, Inc.
7. Automobile Transporters Tariff Bureau, Inc.
8. Bureau of Competition, Federal Trade Commission.
9. Bulk Carrier Conference, Inc.
10. Central and Southern Motor Freight Tariff Association, Inc.
11. Central States Motor Freight Bureau, Inc.
12. Grant M. Davis, Ph. D.
13. Department of Defense.
14. Department of Transportation.
15. Drug and Toilet Preparation Traffic Conference, Inc.
16. Eastern Central Motor Carriers Association, Inc.
17. Firestone Tire and Rubber Company.
18. Georgia Freight Bureau, Inc.
19. Gulf Ports Association, Inc.
20. Heavy & Specialized Carriers Tariff Bureau.
21. Household Goods Carriers' Bureau, Inc.
22. Middle Atlantic Conference.
23. Middlewest Motor Freight Bureau.
24. Mobile Transportation Rate Bureau, Inc.
25. Motor Carriers Traffic Association, Inc.
26. National Association of Specialized Carriers, Inc.
27. National Classification Committee.
28. National Industrial Traffic League.
29. National Small Shipments Traffic Conference, Inc.
30. New England Motor Rate Bureau, Inc.
31. Niagara Frontier Tariff Bureau, Inc.
32. Office of Special Counsel, Interstate Commerce Commission.
33. Ohio Motor Freight Tariff Committee, Inc.
34. Oil Field Haulers Association, Inc.
35. Oxford Chemicals, Inc.
36. Pacific Inland Tariff Bureau.
37. Rockwell International Corporation.
38. Rocky Mountain Motor Tariff Bureau, Inc.
39. Rubber Manufacturers Association.
40. Southern Motor Carriers Rate Conference.
41. Steel Carriers' Tariff Association, Inc.
42. Western Motor Tariff Bureau, Inc.
43. Westinghouse Electric Corporation.

[Ex Parte No. 297 (Sub-No. 5)]

Motor Carrier Rate Bureaus—Implementation Clarification and Errata

We are changing our order served December 30, 1980, because it does not accurately reflect the Commission vote in various respects. In addition, we are resolving ambiguities and inconsistencies, making minor editorial changes, and correcting typographical errors. 49 U.S.C. 10322(g)(1).

1. Page 1, line 2 of text, insert "(Act.)" after "Pub. L. 96–296.".

2. Page 1, lines 5, 9, and 13 of text, change "act" to "Act".

3. Page 3, line 34, change "act" to "Act".

4. Page 3, line 38, change "49 U.S.C. 10706(b)." to "49 U.S.C. 10706(b) and any unrelated new amendments."

5. Page 4, line 5, after "agreements." add the following paragraph:

Section 14(e) of the Act grants rate bureau interim antitrust immunity. To continue that existing immunity Section 14(e) requires the bureaus to (1) comply with 49 U.S.C. 10706; (2) comply with the requirements of this decision; and (3) submit amended agreements to the Commission for approval.

To meet these three conditions precedent, the bureaus shall take the following steps. Bureaus shall comply with 49 U.S.C. 10706 until this decision becomes effective, after which the bureaus shall also comply with this decision. On the date we have prescribed, bureaus shall file amended agreements reflecting 49 U.S.C. 10706 and this decision's requirements.

If all of these steps are taken in the prescribed sequence, the existing antitrust immunity will continue uninterrupted until the Commission finally disposes of the amended agreement.

6. Page 5, line 1, change "any" to "[A]ny".

7. Page 5, line 11, revise to read "action. (49 U.S.C. 1331.6(A)(1))".

8. Page 5, line 15, change "carrier" to "carriers".

9. Page 5, line 40, change "which proposed rate increases that" to "whose rate increases".

10. Page 7, line 1, change "docketing" to "Docketing".

11. Page 9, line 16, change "actions" to "action".

12. Page 9, line 33, change "act's legislative history" to "Act's legislative history,".

13. Page 9, line 35, change "H. Rept." to "H.R. Rept."

14. Page 9, line 39, change "act' to "Act".

15. Page 10, line 1, change "act" to "Act".

16. Page 10, line 14, delete and insert "not docket the proposal until it has been filed with the Commission."

17. Page 10, line 16, change "advance" to "advance,".

18. Page 10, line 23, change "advantage" to "advantage,".

19. Page 10, line 36, delete and insert "effective date. The decision to file a similar independent action must be made, however, without dis-".

20. Page 11, line 16, change "The Bureau" to "They".

21. Page 11, line 23, change "On" to "In".

22. Page 11, line 33, change "act." to "Act."

23. Page 11, line 38, change "docketing" to "docketing,".

24. Page 12, lines 7 and 11, change "act" to "Act".

25. Page 12, line 27, delete "carrier".

26. Page 13, line 2, change "other" to "other,".

27. Page 13, line 19, change "act" to "Act".

28. Page 14, line 16, correct spelling for "time".

29. Page 14, line 16, after "docketing." insert the following:

In the absence of explicit instructions for handling and docketing from the proponent of an independent action, the bureau may not docket the item until the proposal has been filed with the Commission.

30. Page 14, line 17, change "before or after ICC filing." to "until they have become effective.".

31. Page 14, line 18, insert the following additional paragraph:

When a carrier submits an independent action to the bureau and chooses to have the item docketed, notification will be given by the bureau to the same extent and in the same manner that the bureau gives notice of actions proposed under collective procedures.

32. Page 14, lines 44 and 45, and page 15 lines 1–5, should be printed in 8-point type.

33. Page 15, line 36, change "act" to "Act".

34. Page 15, line 40, delete "S. Rept . supra at 14."

35. Page 16, lines 3 and 14, change "H. Rept." to "H. R. Rept.".

36. Page 16, line 5, change "noted" to "notes".

37. Page 17, line 1, change "persuasive" to "persuasive,".

38. Page 17, line 9, after "carriers." insert "We will also continue the practice permitting shippers to obtain the assistance of rate bureau employees in developing and presenting tariff proposals."

39. Page 17, line 9, change "they" to "bureau employees".

40. Page 17, line 12, change "carrier(s)" to "party(ies)".

41. Page 17, line 13, change "initiates" to "initiate(s)".

42. Page 17, line 39, change "act." to "Act."

43. Page 18, line 5, after "member carriers" insert "or shippers" and after "a carrier" insert "or shipper".

44. Page 18, line 16, change "act." to "Act."

45. Page 19, lines 12, and 13, delete and insert the following

venes. Charges and requirements for written requests to obtain this information are unacceptable. Under the Act, this information

46. Page 19, line 17, change "which" to "which vote".

47. Page 19, line 19, change "he" to "it".

48. Page 23, line 4, change "act." to "Act".

49. Page 23, line 8, delete "International".

50. Page 25, line 23, add "*".

51. Page 26, line 4, change "rates" to "rate".

52. Page 27, line 7, change "H. Rept" to "H. R. Rept." and "S. Rep." to "S. Rept.".

53. Page 28, line 5, change "act" to "Act".

54. Page 28, line 22, after "delayed." delete remainder of paragraph and insert the following:

Section 10706(b)(3)(D) states that section 10706(b)(3)(B)(i)(II) only applies to general rate increases under the stated conditions. Apparently, general rate increases would be impossible as of January 1, 1981, when the requirement of actual authority for voting becomes effective, unless the restrictions were observed. Literally, carriers without authority to participate in every rate affected by a general rate increase could not vote. This clearly was not contemplated by Congress, and we have no choice but to conclude that the restrictions in subparagraph (D)(i) must take effect immediately.

55. Page 29, line 31, "act" to "Act".

56. Page 29, lines 41 and 42, change "." to ":", begin on next line with "General" indented and in 8-point type.

57. Page 30, line 35, change "effect" to "effective".

58. Page 31, lines 18 and 29, change "H. Rept." to "H. R. Rept."

59. Page 31, line 39, change "filled" to "filed".

60. Page 31, line 34, change "nature" to "nature,".

61. Page 32, lines 2, 8, and 17, change "act" to "Act" or "Acts".

62. Page 32, line 6, delete "Moreover," and change "since" to "Since".

63. Page 32, line 7, change "offers" to "offers the".

64. Page 32, line 35, change "rates" to "rates,".

65. Page 32, lines 35 and 36, change "established" to "established,".

66. Page 33, line 4, change "Commission" to "Commission,".

67. Page 33, line 11, delete ", however,".

68. Page 33, line 13, change "We" to "However, we".

69. Page 33, line 22, at the end of the sentence, add the following additional material:

In the absence of explicit instructions for handling from the proponent of an independent action, the bureau may not docket the item until the proposal has been filed with the Commission.

70. Page 34, line 2, change "H." to "H.R.".

71. Page 34, line 8, at the end of the sentence, add the following additional material:

Abuse of this exception could lead to withdrawal of Commission approval for the collective consideration of classification proposals.

72. Page 34, line 17, change "Activities" to "The activities listed above".

73. Page 34, line 33, change "act" to "Act".

74. Page 34, line 36, change "some" to "a".

75. Page 35, line 11, change "limiting" to "limited".

76. Page 35, line 34, change "act" to "Act".

77. Page 35, line 38, change "Commission action" to "the Commission".

78. Page 36, lines 3, 7, and 29, change "act" to "Act".

79. Page 37, line 2, change "unlawful tariff" to "unlawful tariffs".

80. Page 37, line 6, delete everything after "agreements." and insert the following material:

The Tariff Integrity Board will entertain all allegations of rate bureau agreement

violations. Those found to have merit will be submitted to the Office of Consumer Protection for detailed investigation. The results of this investigation and the Tariff Integrity Board's recommendations will be submitted to the Commission for possible action.

81. Page 37, line 26, change "a bureau" to "the bureau".

82. Page 38, line 13, change "act" to "Act".

83. Page 38, line 25, change "regulation" to "regulations".

84. Page 38, line 26, change "standard" to "standards".

85. Page 39, line 3, change "VI" to "VII".

86. Page 39, line 6, change "act" to "Act".

87. Page 39, line 5 of concurring opinion, change "exacted" to "enacted".

88. Page 41, line 1, change "Appendix A" to "Appendix".

89. Page 41, line 2, delete and insert "List of parties filing comments".

90. Page 44, lines 31 and 32, delete and insert the following new material:

5. The quorum for holding meetings at which rates, rules, or classifications are discussed or considered is 30 percent of the membership of the organization or 50 percent of the membership of the respective committee.

91. Page 44, line 38, insert the following additional material:

7. To retain antitrust immunity, the bureaus shall comply with 49 U.S.C. 10706 and this decision, when it becomes effective. Then, on the prescribed date, the bureaus shall submit for our approval agreements amended in accordance with 49 U.S.C. 10706 and this decision.

Dated: January 29, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Served: May 11, 1981.

Interstate Commerce Commission

[Ex Parte No. 297 (Sub-No. 5)]

Motor Carrier Rate Bureaus—Implementation of Pub. L. 96–296

Decided: April 27, 1981.

Petitions to reopen and reconsider granted in part. Certain clarifications offered.

Appearances as shown in prior decision.

Decision *

By the Commission.

* **Editorial Note.**—Pages referred to in parenthesis are pages in the Original Decision.

The National Association of Specialized Carriers, Inc., (NASC), the National Small Shipments Traffic Conference jointly with the Drug and Toilet Preparation Traffic conference (NASSTRAC/DTPTC), and various motor carrier rate bureaus (Bureaus)[1] have petitioned pursuant to 49 CFR 1100.98(d) for reopening and reconsideration of our decision served December 30, 1980.[2]

We are persuaded that the decision should be reopened and modified in certain aspect.[3] We will also respond to a number of issues raised in the petitions and make clarification of our earlier decision as necessary. Issues raised in the petitions and not addressed here were considered and were concluded properly and adequately resolved in the prior decision as supplemented by the Notice.

Advance Notice of Independent Actions

NASC, NASSTRAC/DTPTC, and the Bureaus allege that the December decision is materially in error because it wrongly concludes that 49 CFR 1331.5's advance notice procedure need not be mandatory when carriers adjust rates independently. They argue that our December decision, in effect, reversed 1331.5 and cannot be justified under provisions of the act, as amended, which clearly contemplate a continuation of past rules covering independent actions (IA's).

We disagree. As pointed out in our December decision and clarified in our Notice (p. 2-No. 31), if notice of an IA is given, the public and the carriers will receive it at the same time. It is equality of notice which 1331.5 prescribes and which the December decision retains. The argument that the December decision is internally inconsistent regarding bureau docketing actions when a carrier has not given specific instruction was adequately addressed in the Notice (p. 2, Nos. 16 and 29).

[1] Central and Southern Motor Freight Tariff Association, Inc., Central States Motor Freight Bureau, Inc., Eastern Central Motor Carriers Association, Inc., Middle Atlantic Conference, Middlewest Motor Freight Bureau, National Classification Committee, New England Motor Rate Bureau, Inc., Niagara Frontier Tariff Bureau, Inc., Pacific Inland Tariff Bureau, Rocky Mountain Motor Tariff Bureau, Inc., and Southern Motor Carrier Rate Conference.

[2] On January 29, 1981, we issued a Notice of Clarification and Errata, referred to here as the Notice. That document addresses a number of the issues raised in the petitions.

[3] NASSTRAC/DTPTC request than we delete a sentence, attributed to them, which asserts that a total prohibition against bureau protests and complaints is discretionary (decision p. 15). The sentence beginning with "Contrary * * *" and ending with "* * * matter." (lines 10 and 11) is to be struck from the prior decision.

Rate Increases

NASSTRAC/DTPTC also contend that the December decision fails to protect the rights of shippers and the public in not requiring advance notice of independent actions increasing rates or restricting available service. This issue, however, was directly addressed in our December decision and also discussed in our denial of the petitions for stay. The stay decision (p. 2), served January 29, 1981, discusses the procedural remedies available to shippers. Moreover, both decisions describe the congressional intention to rely on marketplace forces to protect shippers and the public (decision, p. 12 and stay, p. 3).

Special Permissions

NASC and the Bureaus argue that cancellation of the special permission orders authorizing short notice publication of rate changes is unlawful because it was done without notice. However, the stay decision (p. 2) points out that special permission authorizations (which are, from a procedural standpoint, informal agency actions) may be withdrawn at any time and that, in any event, the Bureaus were given more than 30 days' notice but failed to show the cancellation inappropriate.

Recording Devices

NASC contends that allowing recording devices to be used at bureau meetings constitutes material error. We disagree.

The December decision (p. 18) responds to the clear congressional concern that rate bureau meetings be open in order to ensure adequate public monitoring of collective actions. In our view, this outweighs speculation that recordings could be used in frivolous litigation. There are adequate legal safeguards to prevent that from becoming a reality.

Quorums

Next, the Bureaus and NASC criticize our prescription of quorum percentages. The Bureaus contend that the 50-percent requirement for committee membership is unworkable. While we are not persuaded by the criticisms of inadequate notice and lack of flexibility that (the December decision (p. 22) provides for relaxation of the quorum standards where genuine hardship exists), we have been persuaded that the 30-percent requirement is appropriate for committee, as well as general meetings. The prior decision is amended accordingly. It is, thus,

unnecessary to address NASC's request for interpretation.

Single-Line Rates

NASC and the Bureaus challenge the December decision's interpretation (at pp. 25–27) of 49 U.S.C. 10706(b)(3)(D)'s effect on single-line rates. They contend that the inclusion serves no useful purpose, ignores Congress' intention to have the Motor Carrier Ratemaking Study Commission (Study Commission) resolve this issue, and is prejudicial.

In our view Congress did not intend to preclude totally our discussion of this section. Indeed, we note that 49 U.S.C. 10706(b)(4) permits us to issue regulations implementing 10706(b)(3)(D), once antitrust immunity is terminated. The December decision clearly provides only our interpretation of 49 U.S.C. 10706(b)(3)(D) for the public's understanding of our position. Given the role of the Study Commission, our decision does not purport to resolve with finality the underlying issues.

General Increases and Decreases and Tariff Structure Changes

NASC and the Bureaus also question the December decision's handling of general increases and decreases. They argue that our decision misreads 49 U.S.C. 10706(b)(3)(D)(i) and implements it prematurely.

We find these concerns unjustified. In our Notice (p. 4, No. 54) we clarified our views regarding the (D)(i) restrictions' present applicability and stated our belief that they are immediately effective. It is clear that Congress did not intend that the limitation on voting to those with actual authority to participate in the transportation to which a rate applies would eliminate general rate increases. The language of section 10706(b)(3)(D) indicates that this is true only so long as the (D)(i) restrictions are observed, however.

Another related issue raised by petitioners involves the limitation on discussions of general increases or decreases and tariff structure changes to regional industry average carrier cost information. Petitioners argue that, because a bureau is composed of carriers operating nationally, it is inappropriate to limit discussions to regional cost data.

In our prior decision, at pages 29 and 30, we discussed this issue and concluded that industry (and, therefore, national) average cost discussions also are permitted by the statute. Inadvertently, the sample amendments use the phrase "regional industry average cost." As the word "regional" should not have appeared, we now strike it.

We appreciate NASC's concern in this area. We had no intention to limit a bureau's discussion more narrowly than the scope of its agreement. We realize that a bureau such as NASC, with its scope defined by type of transportation rather than geographic boundaries, has a clear need to discuss more than regional industry average costs.

At the same time, however, we believe API's concerns (decision, p. 29) is a valid one. Bureaus should take care that the cost data they submit are representative of the needs of that bureau's membership.

The alleged inconsistency in our method of calculating the 15-day notice period for general increase proposals (decision, p. 29) compared to the 120-day compliance period (decision, p. 23) misunderstands our intent. Our discussion of the 15-day requirement was intended to exclude only those Saturdays, Sundays, or legal holidays falling on the 15th day. We did not intend to eliminate all weekends and holidays from the 15-day computation. Under the statute, 15 calendar-days must elapse before the general increase proposal discussion notice requirement can be fulfilled.

Zone of Freedom and Released Rates

All three petitioners challenge the December decision's findings (at pp. 31–33) relating to independent actions under the zone of freedom and the released rates provision (49 U.S.C. 10706(b)(3)(c)). NASC contends that advance notice is required under 49 CFR 1331.5 and does not chill competition. This argument, however, ignores the congressional intent in 10706(b)(3)(c) to insulate actions taken under this section from collective consideration (decision, p. 31). The discretion authorized in our decision helps to ensure that actions taken under the zone are not collective.

NASSTRAC/DTPTC request clarification of the December decision's statement that carriers should consult with and provide information regarding released rates to shippers in advance. We envision carriers consulting with shippers and agreeing in advance to particular released rates. Advance agreement is necessary if a carrier proposes to eliminate full value rates. On the other hand, no shipper approval is required (although we would still encourage it) if a new released rate will alternate with existing full value rates. We see no need to establish detailed requirements regarding the negotiations.

The Bureaus disagree with the December decision's interpretation of what constitutes a "new" as opposed to an existing released rate (decision, pp. 32–33). They argue that our interpretation is contrary to the Motor Carrier Act of 1980 and was established in contravention of 5 U.S.C. 553(b)(A). However, as we stated in our stay decision, a notice of proposed rulemaking is sufficient if it provides a description of the subjects and issues involved in the rulemaking. *California Citizens Band Association* v. *United States*, 375 F. 2d 43, 48 (9th Cir. 1967); *Ethyl Corp.* v. *Environmental Protection Agency*, 541 F. 2d 1, 48–49 (D.C. Cir. 1976). Here the public was informed that we were considering issues involved in implementing the released rate provision. A description of what constitutes a new or changed released rate was an integral part of this implementing process and could reasonably be expected. Finally, we cannot agree that Congress precluded our interpretation of this section. A discussion of its ramifications was necessary in determining where the public interest lies. In implementing this section, an interpretation of what constituted a new released rate was unavoidable. The Bureaus' arguments do not convince us that our definition is improper.

10706 Unrelated New Amendments

NASSTRAC/DTPTC charge that the December decision limits shipper comments on proposed amendments to bureau agreements solely to those amendments implementing section 10706. However, as stated in our Notice (p. 1, No. 4), interested parties may also comment on "any unrelated new amendments." Thus, comments addressing any nonsection 10706 proposed amendment will be accepted and reviewed.

49 CFR 1331.6

NASSTRAC/DTPTC criticize the December decision (p. 38) as having repealed 49 CFR 1331.6 when its abolition would render p. 5 of the decision unintelligible. However, the decision at p. 38 provides that "relevant portions of it are incorporated in this decision." At page 5, we specifically incorporated the § 1331.6 definition of independent action rates as well as its requirements for changing these rates.

Definition of Notice

NASSTRAC/DTPTC believe that adequate notice of bureau meetings (decision, p. 18) should be defined. They suggest that to be reasonable, notice should be at least 14 days if by first-class mail and 10 days if a more expeditious form of notice is used.

We believe it unnecessary at this time to define the term "reasonable notice."

V 46 / 108 JUN 5 1981 UMI

What is reasonable will depend on the particular circumstances surrounding a proposal. Because of the interest expressed by NASSTRAC/DTPTC in this issue, however, we note that typically, bureaus give no less than 15 days' notice of items being considered for collective action, and we believe this is reasonable.

Proxy Voting

The Bureaus criticize the December decision's (at pp. 20–21) implementation of the act's proxy voting provision, 49 U.S.C. 10706(b)(3)(B)(vi). They contend that our implementation renders proxies useless in situations where a proposal is amended, and thus, our implementation is inconsistent with the congressional affirmation permitting proxy voting.

We disagree. Proxy voting is not eliminated but circumscribed in conformance with the congressional mandate that ratemaking results from an individual carrier's appraisal of the demand for and cost of its particular services. Proxies may indicate the breadth of the carrier's position, i.e., to what extent it would approve an amendment.

Burden of Proof and Effect of Violations

The December decision (at pp. 34–37) properly delineated the factual presentation necessary to demonstrate a violation of this section. The decision's description of violation remedies, including the use of the Tariff Integrity Board (TIB) to reject tariffs, is criticized by the Bureaus as exceeding our delegated authority.

We find that the Bureaus' contentions regarding burden of proof and effect of violations under 49 U.S.C. 10706(b)(3) are without merit. Our Notice (p. 5, No. 80) clarifies the TIB's role in enforcing 10706(b)(3). Under the December decision's procedures and as stated in the stay decision (p. 2), tariffs violating rate bureau agreements will only be rejected upon complaint. TIB procedures provide the Bureaus with a full hearing and appeal rights. In our view, the December decision properly describes our authority to reject tariffs (decision, p. 36) adopted in violation of rate bureau agreements.

This decision will not significantly affect the quality of the human environment or conservation of energy resources.

Commissioner Clapp, concurring in part and dissenting in part:

As my concurrence to the decision served December 30, 1980 notes, a meaningful Commission oversight and enforcement role would make the elaborate tariff rejection mechanism unnecessary. There is reason to believe, however, that we inadvertently have hindered an effective oversight effort by eliminating a docketing requirement for rate increases published as independent actions in bureau tariffs.

The practical ability of shippers to protest tariff increases helps discourage potential pricing abuses before the fact. Shippers rely heavily on the rate bureau docket bulletins as a relatively inexpensive source of information (compared to the cost of subscribing to all bureau tariffs) about these independent action increases. As a result, the elimination of a docketing requirement for rate increases has impaired the practical ability of shippers to protest parallel (even if not simultaneous) rate hikes and other tariff adjustments that are not truly independent, even though they are labeled as such. Ironically, this works at cross purposes with a primary goal of the Motor Carrier Act of 1980—the encouragement of independent pricing based on individual carrier initiative.

The elimination of a docketing requirement for independent action rate decreases should enhance competition because individual carriers will have every incentive to use the most effective means of advertising possible (be that the docket bulletin or some other mechanism). However, the incentive to publicize rate increases before the fact is not nearly as strong. For the present, the elimination of required docketing of independent action increases should be limited to those published under Section 10708(d)'s zone of rate flexibility. Since the statute does not permit those increases to be challenged as unreasonably high there is a limited need for a right of protest, and experience with filings under the zone will provide a sound empirical basis for evaluating the need for any additional steps.

It is ordered:

The proceeding is reopened and the petitions for reconsideration are granted to the extent discussed in this decision. In all other respects, the petitions are denied.

In accordance with our notice served February 27, 1981, new or amended agreements must be filed 15 days from the service date of this decision. Interested parties then have 45 days to file comments on the proposed agreements, and the Bureaus may reply within 20 days.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gilliam concurred in the result. Commissioner Clapp concurred in part and dissented in part with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Clapp, concurring in part and dissenting in part:

As my concurrence to the decision served December 30, 1980 notes, a meaningful Commission oversight and enforcement role would make the elaborate tariff rejection mechanism unnecessary. There is reason to believe, however, that we inadvertently have hindered an effective oversight effort by eliminating a docketing requirement for rate increases published as independent actions in bureau tariffs.

The practical ability of shippers to protest tariff increases helps discourage potential pricing abuses before the fact. Shippers rely heavily on the rate bureau docket bulletins as a relatively inexpensive source of information (compared to the cost of subscribing to all bureau tariffs) about these independent action increases. As a result, the elimination of a docketing requirement for rate increases has impaired the practical ability of shippers to protest parallel (even if not simultaneous) rate hikes and other tariff adjustments that are not truly independent even though they are labeled as such. Ironically, this works at cross purposes with a primary goal of the Motor Carrier Act of 1980—the encouragement of independent pricing based on individual carrier initiative.

The elimination of a docketing requirement for independent action rate decreases should enhance competition because individual carriers will have every incentive to use the most effective means of advertising possible (be that the docket bulletin or some other merchanism). However, the incentive to publicize rate increases before the fact is not nearly as strong. For the present, the elimination of required docketing of independent action increases should be limited to those published under section 10708(d)'s zone of rate flexibility. Since the statute does not permit those increases to be challenged as unreasonably high there is a limited need for a right of protest and experience with filings under the zone will provide a sound empirical basis for evaluating the need for any additional steps.

[FR Doc. 81-16651 Filed 6-4-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 308]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period June 7–13, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: June 7, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on June 2, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Section 910.608 is added as follows:

§ 910.608 Lemon Regulation 308.

The quantity of lemons grown in California and Arizona which may be handled during the period June 7, 1981, through June 13, 1981, is established at 330,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: June 4, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–16966 Filed 6–4–81; 8:45 am]

BILLING CODE 3410–02–M

Proposed Rules

Federal Register
Vol. 46, No. 108
Friday, June 5, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL HOME LOAN BANK BOARD

[No. 81-295]

12 CFR Part 526

Ownership of NOW Accounts

May 29, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Interpretive rules; request for comments.

SUMMARY: The Federal Home Loan Bank Board intends to adopt interpretive rules regarding the eligibility of individuals and organizations to hold NOW accounts at member institutions. The Board is soliciting public suggestions regarding the proper scope of existing regulatory eligibility criteria and will consider these comments when formulating the final interpretive rules.

DATE: Comments must be received by July 7, 1981.

ADDRESS: Comments should be sent to the Public Information Office, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Office of General Counsel, Federal Home Loan Bank Board (202–377–6444), at the above address.

SUPPLEMENTARY INFORMATION: By the Depository Institutions Deregulation and Monetary Control Act of 1980, Congress authorized depository institutions nationwide to offer NOW (negotiable order of withdrawal) accounts beginning December 31, 1980. (Sec. 303, Pub. L. 96–221, 94 Stat. 132 (1980), 12 U.S.C. 1832.) This statutory authority restricts NOW accounts to:

> Deposits or accounts which consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit. (12 U.S.C. 1832(a)(2))

On September 30, 1980, the Board adopted regulations regarding NOW accounts, which contain eligibility criteria substantially identical to those quoted above. (Res. No. 80–613, 45 FR 66781, Oct. 8, 1980.) Section 526.1(1) of the Board's Federal Home Loan Bank System regulations provides:

> The [NOW] account must consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and which is not operated for profit. (12 CFR 526.1(1))

The Board's Office of General Counsel has issued several opinion letters interpreting the NOW account eligibility criteria, addressing inquiries on a case-by-case basis. In the course of responding to inquiries, the need for guidelines to the interpretation of the eligibility criteria has become evident. Upon the recommendation of its staff, the Board intends to adopt an interpretative rule regarding the scope of the eligibility criteria at 12 CFR 256.1(1) in the near future. As part of the rulemaking process, the Board is soliciting public comment to assist in determining the appropriate scope of the implementing regulatory language. The following list summarizes the specific interpretive issues on which the Board solicits comments. The Board also solicits views on all other aspects of this question upon which interested persons would like to comment.

1. *"Beneficial interest."* The threshold issue regarding eligibility to hold a NOW account is which individuals or organizations hold "the entire beneficial interest" in the deposited funds. The Office of General Counsel has interpreted the term "beneficial interest" to include: (1) the interests of beneficiaries in fiduciary situations such as trusts and decedents' estates; (2) beneficial ownership interests arising under property law; and (3) interests in specific property arising out of a contract such as an escrow agreement. The Board requests comments regarding the proper scope of the term "beneficial interest" in light of the policies underlying the NOW account authority.

2. *"Individuals" vs. "organization."* When applying the NOW account eligibility criteria, a member institution must determine whether a group of individuals holding a "beneficial interest" in NOW account funds constitutes an "organization" for purposes of the eligibility criteria. An organization can hold a beneficial interest in NOW account funds only if it is operated primarily for certain qualifying purposes and not for profit.

The Board has interpreted the term organization to include "a corporation, government or governmental subdivision or agency, business trust, partnership or association, or any other legal or commercial entity." (Preamble, Res. No. 80–613, *supra; see* U.C.C. § 1–201(28).) The Board requests comments on the following specific issues:

a. Should government entities be considered "organizations"? Only if they constitute "organizations" could member institutions offer public units NOW accounts. The term "organization" has been interpreted in the past by the Board, the Federal Reserve Board, and the Federal Deposit Insurance Corporation to include government entities, thus permitting government entities that are operated for a qualifying purpose (such as public schools) to hold NOW accounts.

b. Should the funds of a sole proprietorship business be deemed owned by an "individual" or an "organization"? Sole proprietorships have not traditionally been considered "organizations" with an existence independent of their sole proprietors; however, sole proprietorships have been given entity status for some legal purposes. The Board has previously construed "organization" to exclude sole proprietorships on the basis of the traditional rule and also because it would be difficult for a member institution to determine whether funds in an individual's NOW account are funds of his or her sole proprietorship business.

c. Should a husband and wife who own and operate an unincorporated business be permitted to deposit business funds in a NOW account? This form of business is generally considered a "partnership" under state law, and thus would be an ineligible "organization" for purposes of owning a NOW account. Such an interpretation gives rise to special problems, however, because the marital property laws of some states may give both spouses an ownership interest in a business that would be deemed the sole

proprietorship of one spouse under the marital property laws of other states. The Board presently permits a husband and wife who own an unincorporated business to deposit the business funds in a NOW account because the Board believes the eligibility criteria should be applied in a manner that will yield consistent results on a nationwide basis without regard to peculiarities of state marital property law.

3. *Qualifying purposes for organizations.* An organization may hold a NOW account if it is not operated for profit and it is "operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes."[1] There is little guidance in the legislative history to aid in the interpretation of the term "other similar purposes."

At present, the Board looks to past Federal Reserve Board interpretations of this language (which appears in the definition of "savings deposit" in Regulation Q (12 CFR 217.1(e))). This policy has not yielded workable interpretive guidelines and in some instances has produced seemingly inconsistent results. For example, trade associations have been held eligible to hold NOW accounts, but hospitals have been deemed ineligible. It has become apparent that a more comprehensive policy regarding the interpretation of the qualifying purposes language must be formulated in order to facilitate interpretation of this language by the public and the regulated industry. The Board solicits comments regarding the following alternatives and requests suggestions regarding additional alternatives:

a. The term "other similar purposes" could be interpreted to include those purposes that nonprofit organizations usually serve. Thus, any organization with a nonprofit charter would qualify to hold a NOW account at a member institution.

b. Eligibility for income tax exemption under 26 U.S.C. 501(c)(3) and those other provisions of the Internal Revenue Code deemed to be consistent with the policies underlying the NOW account eligibility criteria could give rise to eligibility under 12 U.S.C. 1832(a)(2) and 12 CFR 526.1(1).[2]

4. *Government entities.* The eligibility of a government entity to hold a NOW account depends on whether it is operated primarily for a qualifying purpose. One option is to consider a governmental purpose to be a "similar purpose" described in 12 U.S.C. 1832(a)(2) and 12 CFR 526.1(1). Another alternative is to recognize as eligible only those government entities operated primarily for those purposes which qualify private sector non-profit organizations. A third possibility, as proposed by the Federal Reserve Board, is to permit governmental units to hold NOW accounts only if the deposited funds are for the exclusive use of schools, libraries, colleges, universities, or hospitals or other medical facilities.[3] The Board seeks comments on these and other viable alternatives.

The Board believes that Congress intended the eligibility criteria of 12 U.S.C. 1832(a)(2) to be applied uniformly to all depository institutions authorized to issue NOW accounts. Therefore, following receipt of comments from the public, the Board will communicate with the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the National Credit Union Administration [4] for the purpose of coordinating a uniform approach to interpreting the eligibility criteria.

(Sec. 303, Pub. L. 96-221, 94 Stat. 132 (1980), 12 U.S.C. 1832)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-16801 Filed 6-4-81; 8:45 am]

BILLING CODE 6720-01-M

[1] The language of 12 U.S.C. 1832(a)(2) does not include the word "fraternal." The statutory eligibility criteria were adopted substantially verbatim from the definition of "savings deposit" in Regulation Q (12 CFR 217.1(e)), which includes the word "fraternal." The Board believes the omission of the world "fraternal" from the statutory language was a legislative oversight, and thus has included the word "fraternal" in its regulations at 12 CFR 526.1(1).

[2] The Federal Reserve Board has proposed to recognize as eligible those non-profit organizations described in 26 U.S.C. 501(c)(3) through (13) and (19), and Section 528. (46 FR 22600, April 20, 1981.)

[3] 46 FR 22600, April 20, 1981.

[4] The National Credit Union Administration must enforce identical eligibility criteria with regard to share draft accounts at Federal credit unions pursuant to 12 U.S.C. 1785(f).

---

12 CFR Part 545

[No. 81-296]

Geographic Restrictions on Remote Service Unit Operations

May 29, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Bank Board proposes to amend its regulations by removing geographic restrictions on the establishment and use of remote service units ("RSUs") by Federally chartered savings and loan associations. This amendment would give Federal associations competitive parity with other financial institutions in the area of RSU-type operations.

DATE: Comments must be received by: July 7, 1981.

ADDRESS: Send comments to the Public Information Office, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: K. Diane Boyle, Office of Industry Development (202-377-6720), or Michael D. Schley, Office of General Counsel (202-377-6444), at the above address.

SUPPLEMENTARY INFORMATION: Section 5(a) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(a)) authorizes the Federal Home Loan Bank Board to regulate RSU operations of Federal savings and loan associations and Federally-chartered mutual savings banks.[1]

The Board's regulations at 12 CFR 545.4-2(c) currently impose the following geographic restrictions limiting RSU operations to the state of a Federal association's home office or the primary service area of any of its out-of-state branch offices:

(c) *General.* A Federal association may establish or use RSUs and participate with others in RSU operations in the State of its home office, in the county in which any of its out-of-State branches are located, or, where an out-of-state branch is located in a Standard Metropolitan Statistical Area (SMSA), in that portion of the SMSA located in the same State as the out-of-state branch.

* * *

These geographic restrictions on RSU operations hinder Federal associations' ability to compete with other financial institutions in providing RSU-type services to their established customers. For instance, national banks, which compete directly with Federal associations by offering savings deposits, home mortgage and consumer lending, and trust services, can use customer-bank communications terminals on an interstate basis, provided certain conditions are met. (Office of the Comptroller of the Currency, Letters of the Chief Counsel, No. 153, July 7, 1980.) Many state-chartered commercial banks and savings and loan associations and Federally and state-chartered credit unions are also now authorized to establish or share automated teller machines ("ATMs") and other RSU-type electronic funds transfer ("EFT") devices on an interstate basis. Several

[1] For purposes of the Board's RSU regulations and this discussion, the term "Federal association" includes Federally-chartered mutual savings banks.

V 46 / 108 JUN 5 1981 UMI

hundred banks, associations, and credit unions now share one EFT network of ATMs and point-of-sale terminals operating on an interstate basis in Wisconsin and Michigan. In addition, numerous financial institutions participate in one ATM network operating in several Rocky Mountain and upper-midwestern states. Similar EFT systems are now operating on a multistate regional basis in California and Oregon; in Iowa and South Dakota; in Pennsylvania, New Jersey, and Delaware; in Kentucky and Ohio; and in Minnesota and Wisconsin.

Federal associations, in contrast, may offer RSU services only to customers in their home state and in the primary service area of any out-of-state branches. This limitation precludes full-scale participation in existing interstate EFT networks, and thus places Federal associations at a competitive disadvantage.

The present regulation imposes geographic restrictions on RSU operations that reflect the Board's general policy concerning normal *branch office operations* of Federal asociations (12 CFR 556.5(a)(3)(i)). However, RSUs have never been treated as "branch offices" by the Board or the courts and have not been subject to the application and aproval requirements relating to branch offices (12 CFR 545.14 *et seq.*). Since the services available to customers through RSUs are more limited than those available at branch offices, the policy against interstate operations that applies to branch offices should not be applied to RSUs as well. Customers cannot open savings accounts or establish loan accounts through RSU devices such as automated teller machines and point-of-sale terminals. Rather, RSUs provide a convenient service used primarily for cash disbursements, deposits, interaccount fund transfers, and loan payments. Deployment and use of RSUs does not give rise to the same competitive considerations that are inherent in branch office operations.

The Board believes that RSU operations of Federal associations should not be subject to geographic limitations similar to those imposed on the establishment of branch offices,[2] and proposes to eliminate the existing geographic restrictions from its regulations.

[2] This conclusion is supported by the final report of the National Commission on Electronic Fund Transfers (*EFT in the United States: Policy Recommendations and the Public Interest*, pp. 11, 12 (Oct. 28, 1977)) and the recommendations of the McFadden Study (Dept. of Treasury, *Geographic Restrictions on Commercial Banking in the United States: The Report of the President*, p. 19 (Jan. 1981)).

The Board solicits comments on this proposed rule. A 30-day comment period is appropriate because the proposed rule would relieve an existing regulatory restriction, and is desirable in order to relieve Federal associations' competitive disadvantage as quickly as possible.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Board is providing the following initial regulatory flexibility analysis.

1. *Reasons, objectives, and legal basis underlying this proposed rule.* These factors are discussed elsewhere in the supplementary information.

2. *Small entities to which the proposed rule will apply.* The proposed rule will apply only to savings and loan associations and mutual savings banks that are Federally chartered.

3. *Impact of the proposed rule on small Federal associations.* The proposed rule is unlikely to have an adverse effect on small associations. Currently all Federal associations can deploy or share EFT terminals on a statewide basis, but a majority of them do not have or share detached terminals. The proposed expansion of authority is likely to have its greatest effect in interstate SMSAs and smaller interstate non-SMSA markets.

Since EFT terminals cannot be used to open a savings or loan account, their greatest role will be to allow Federal associations to service their existing customers. This is likely to take one of two forms. First, suburban residents who work and bank in out-of-state cities will be able to use RSUs in the suburbs during non-work hours. Second, suburban associations will gain access to out-of-state central city locations through EFT terminals.

Although associations engaging in EFT operations may be more attractive to potential depositors, the proposed expansion of EFT authority is unlikely to significantly increase any such competitive advantage. Participation in interstate EFT systems will allow small associations to provide selected services to their customers over a much larger area; thus, this proposed rule could substantially benefit small institutions.

4. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap, or conflict with the proposed rule.

5. *Alternatives to the proposed rule.* The proposed rule does not impose new restrictions or burdens on the regulated industry; thus, there are no tiering alternatives that would have less impact on small entities.

Accordingly, the Board proposes to amend Part 545, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below:

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Revise paragraph (c) of § 545.4–2, to read as follows:

§ 545.4–2 Remote service units (RSUs).

* * * * *

(c) *General.* A Federal association may establish or use RSUs and participate with others in RSU operations; however, no RSU may be used to enable accountholders to open a savings account or establish a loan account.

* * * * *

(12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-16602 Filed 6-4-81; 8:45 am]

BILLING CODE 6720-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Chain Saws and Their Components and Replacement Parts; Proceeding To Develop a Consumer Product Safety Standard

Correction

In FR Doc. 81–14137 appearing at page 26262, in the issue of Monday, May 11, 1981, please make the following correction:

On Page 26262, first column, third complete paragraph after "DATES:", eighth line, "June 3, 1981" should be changed to read "June 30, 1981."

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 436, 440, 444, 448, and 452

[Docket No. 81N–0066]

Antibiotics for Human Use; Revocation of Certain Monographs

Correction

In FR Doc. 81–13875, appearing in the issue of Friday, May 8, 1981, at page 25651 make the following changes:

1. On page 25652, in the first column the last paragraph should be designated "C.".

2. On page 25652, in "§ 436.204 [Amended]" the sixth line now reading "Phenethicillin V hydrabamine and" should be changed to read "Penicillin V hydrabamine and".

3. On page 25652, in "§ 444.44 [Removed]" change the word now reading "undercylenate" to read "undecylenate".

BILLING CODE 1505-01-M

U.S. ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1846-1]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Extension of public comment period.

SUMMARY: On May 4, 1981, the U.S. Environmental Protection Agency proposed to disapprove the State of Ohio's Sulfur Dioxide (SO_2) State Implementation Plan (SIP) for Lucas County (46 FR 24966). At the time of the proposed rulemaking, a 30 day public comment period was provided. However, in response to the Ohio Environmental Protection Agency's request, the public comment period is extended to July 20, 1981.

DATE: Comments must be received on or before (Monday) July 20, 1981. If possible please send an original and four copies.

ADDRESSES: Comments should be submitted to:
Gary Gulezian, Chief, Regulatory Analysis Section, USEPA, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:
Debra Marcantonio at (312) 886-6088.

Dated: May 28, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-16722 Filed 6-4-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6074]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevation are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at anytime enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Unincorporated Areas of Etowah County	Coosa River	Just upstream of State Highway 177	*514
		Big Wills Creek	Just upstream of U.S. Highway 59	*531
			Just upstream of U.S. Highways 431 and 278	*556
		Little Wills Creek	Just upstream of Madison Avenue	*529
		Dry Creek	Just upstream of Pleasant Valley Road	*514
		Airport Tributary	Approximately 7,000 feet upstream of State Highway 77.	*523
		Black Creek	Just upstream of Delmont Drive	*718
	Maps available for inspection at Etowah County Courthouse, 800 Forrest Avenue, Gadsden, Alabama 35901.			
	Send comments to Mr. Robert V. Hitt, Chairman or Ms. Ann Beard, Secretary, Etowah County Courthouse, 800 Forrest Avenue, Gadsden, Alabama 35901.			
Arkansas	Camden, City, Ouachita County	Ouachita River	Downstream Corporate Limits	*116
			Approximately 0.34 mile upstream of upstream Corporate Limits.	*117
		Two Bayou	Downstream Corporate Limits	*113
			Downstream St. Louis & Southwestern Railroad	*115

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Cash Road	*117
			Upstream Corporate Limits	*117
			Approximately 1,700' upstream of upstream Corporate Limits.	*118
		Chaffie Creek	Confluence with Two Bayou	*115
			Upstream Cash Road	*119
			Approximately 2,300' upstream of Cash Road	*129
			Downstream St. Louis & Southwestern Railroad	*135
		Wadleigh Branch	Confluence with Two Bayou	*116
			Upstream State Route 45 (Downstream crossing)	*119
			Upstream State Route 45 (Upstream crossing)	*126
			Approximately 1,300' downstream of Husemen Drive	*132
			Spillway of Berg Lake	*140
		Tributary 1	Confluence with Two Bayou	*115
			Upstream Boulder Street	*125
			Upstream Pierce Street	*133
			Downstream Tote Street	*145
		Tributary 2	Confluence with Chaffie Creek	*116
			Approximately 800' downstream of St. Louis & Southwestern Railroad.	*124
			Downstream St. Louis & Southwestern Railroad	*130
			Downstream Monticello Street	*140
			Downstream Fairview Road	*152
		Tributary 3	Confluence with Wadleigh Branch	*122
			Upstream Washington Street	*130
			Approximately 185' upstream Haynes Avenue	*135
		Tributary 4	Confluence with Tributary 3	*124
			Approximately 50' downstream Harding Avenue	*132
			Approximately 100' upstream Copeland Street	*138
			Downstream State Routes 4 and 24	*144
		Tributary 5	Confluence with Wadleigh Branch	*120
			Approximately 150' downstream Garland Avenue	*130
			Downstream Sycamore Avenue	*135

Maps available for inspection at the City Council Chamber, City Hall, 206 Van Buren Street, Camden, Arkansas.

Send comments to Honorable Ronnie Lyon, Acting City Manager of Camden, P.O. Box 278, Camden, Arkansas 71701.

Colorado	Gunnison (City), Gunnison County	Gunnison River	At intersection of 7th Street and Virginia Street	*7677
		Tomichi Creek	At intersection of abandoned railroad and Tomichi Creek.	*7676

Maps available for inspection at Enginering Department, 201 West Virginia, Gunnison, Colorado.

Send comments to the Honorable Santo J. Sangosti, P.O. Box 239, Gunnison, Colorado 81230.

Colorado	Monte Vista (City), Rio Grande County	Rio Grande River	At intersection of Gunbarrel Road (U.S. Highway 285) and Rio Grande River.	*7659

Maps available for inspection at City Manager's Office, 720 1st Avenue, Monte Vista, Colorado.

Send comments to the Honorable Wade Wood, 720 1st Avenue, Monte Vista, Colorado 81144.

Connecticut	Ellington, Town, Tolland County	Hockanum River	Downstream Corporate Limits	*217
			Upstream of Windermere Road	*222
			Upstream of Lower Butcher Road	*226
			Upstream Corporate Limits	*237
		Willimantic River	Downstream Corporate Limits	*435
			Upstream Corporate Limits	*452

Maps available for inspection at Ellington Planning Office, Building Inspector and Selectman's Office, Ellington Town Hall, Ellington, Connecticut 06029.

Send all comments to the Honorable Mary Miller, Chairwoman of the Ellington Board of Selectmen, Ellington Town Hall, Ellington, Connecticut 06029.

Idaho	Clark Fork (City), Bonner County	Lightning Creek	Intersection of Burlington Northern Railroad and channel.	*2086
			Intersection of State Highway 200 and channel	*2101
		Clark Fork	Intersection of Mosquito Creek and State Highway 200	*2077
		Mosquito Creek	Intersection of eastern corporate limits and channel	*2081

Maps available for inspection at City Hall, 3rd and Main, Clark Fork, Idaho.

Send comments to the Honorable Robert C. Hays, P.O. Box 789, Clark Fork, Idaho. 83811.

Illinois	(C) Elgin Cook and Kane Counties	Fox River	At downstream corporate limits	*706
			Just upstream of Elgin Dam	*713
			About 0.5 mile upstream of Interstate 90	*716
		Tyler Creek	At confluence with Fox River	*715
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*757
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*765
			About 500 feet upstream of Eagle Road	*793
			Just downstream of Randall Road	*815
		Tyler Creek Tributary	About 0.4 mile downstream of Highland Avenue	*796
			About 400 feet upstream of Highland Avenue	*804
			Just upstream of Randall Road	*822
		Poplar Creek	Just upstream of Raymond Street	*706
			About 800 feet downstream of Bluff City Boulevard	*712
			Just upstream of U.S. Route 20 Bypass 718	
			Just upstream of Villa Street	*725
			Just upstream of Campus Drive	*737
			About 0.4 mile upstream of Irving Park Road	*749

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Willow Creek	At mouth	*718
			About 800 feet upstream of Laurel Street	*726
Maps available for inspection at the Clerk's Office, Civic Office, Civic Center, 150 Dexter Court, Elgin, Illinois. Send comments to Honorable Richard L. Verbic, Mayor, City of Elgin, Civic Center, 150 Dexter Court, Elgin, Illinois 60120.				
Illinois	(Uninc.) Kane County	Jelkes Creek	Mouth at Fox River	*716
			Just upstream of State Route 31	*718
			About 4000 feet upstream of Boncosky Road	*741
		Sleepy Creek	Mouth at Fox River	*717
			Just downstream of Locust Street	*733
		McKee Road Tributary	Mouth at Mill Creek	*699
			Just downstream of Skyline Drive	*700
			Just upstream of Skyline Drive	*705
			About 2700 feet upstream of Fabyan Parkway	*709
			About 4700 feet upstream of Fabyan Parkway	*717
		Mill Creek	Mouth at Fox River	*652
			Just upstream of State Route 31	*660
			Just downstream of Mooseheart Road	*673
			Just upstream of Mooseheart Road	*684
			Just downstream of Randall Road	*689
			Just upstream of Wenmath Road	*701
			At Kaneville Road	*712
		Blackberry Creek	Just upstream of Baseline Road	*659
			Just upstream of Forrest Preserve Road (upstream crossing).	*690
			Just upstream of Scott Road	*706
			Just upstream of Hughes Road	*746
			Just downstream of Keslinger Road	*797
			Just upstream of Chicago and North Western railroad	*810
		Blackberry Creek Tributary A	Mouth at Blackberry Creek	*673
			Just downstream of East-West Tollway	*678
		Blackberry Creek Tributary B	Mouth at Blackberry Creek	*675
			Just upstream of State Route 56	*684
			About 1.2 miles upstream of Seavey Road	*710
		Blackberry Creek Tributary C	Mouth at Blackberry Creek	*706
			About 1.7 miles upstream of Seavey Road	*721
		Blackberry Creek Tributary D	Mouth at Blackberry Creek	*739
			Just downstream of Keslinger Road	*807
		Ferson Creek	Mouth at Fox River	*692
			Just downstream of Bolcum Road	*753
		Waubansee Creek	About 3,000 feet downstream of Elgin, Joliet and Eastern Railroad.	*665
			About 3,600 feet upstream of Farnsworth Avenue	*670
		Mahoney Creek	Just downstream of Burlington Northern Railroad	*673
			About 350 feet upstream of Pine Street	*694
		Hampshire Creek Tributary	Mouth at Hampshire Creek	*868
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*876
			About 0.26 mile upstream of Terwilliger Avenue	*885
		Indian Creek	About 1,100 feet downstream of Sheffer Road	*695
			Just upstream of Sheffer Road	*699
			About 1,000 feet upstream of Bitter Road	*725
		Norton Creek	Mouth at Fox River	*693
			Just downstream of State Route 25	*698
			Just downstream of Dunham Road	*739
			About 2,500 feet upstream of Dunham Road	*741
		Brewster Creek	Mouth at Fox River	*697
			About 600 feet upstream of Private Nursery Road	*711
		North Arm Brewster Creek	Mouth at Brewster Creek	*697
			About 510 feet upstream of mouth at Brewster Creek	*698
		Tyler Creek	About 200 feet downstream of Eagle Road	*791
			About 2,400 feet upstream of confluence of Tyler Creek Tributary.	*801
			Just upstream of Randall Road	*815
			About 100 feet downstream of Big Timber Road	*864
		Tyler Creek Tributary	Mouth at Tyler Creek	*796
			About 400 feet upstream of Highland Avenue	*804
			About 1,100 feet upstream of Randall Road	*827
		Poplar Creek	Mouth at Fox River	*706
			About 400 feet upstream of St. Charles Street	*710
		Fox River	About 3,000 feet downstream of Indian Trails Road	*634
			About 4,000 feet upstream of Indian Trails Road	*641
			About 3,400 downstream of confluence of Mill Creek	*651
			About 2,400 feet upstream of South Batavia Dam	*660
			At confluence of Ferson Creek	*692
			About 2,000 feet upstream of Illinois Central Gulf Railroad.	*698
			About 800 feet upstream of confluence of Poplar Creek.	*707
			Just downstream of Interstate 90	*715
			About 3,750 feet upstream of confluence of Jelkes Creek.	*718
			Upstream county boundary	*733

Maps available for inspection at the Kane County Government Center, Department of Planning and Zoning, 719 Batavia Avenue, Geneva, Illinois.

Send comments to Honorable Phillip Ellsesom, Chairman of the Kane County Board, Government Center, 719 Batavia Avenue, Geneva, Illinois 60134.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V) Makanda, Jackson County	Drury Creek	About 1.0 mile downstream of County Road 29	*434
			About 0.48 mile upstream of Illinois Central Gulf Railroad	443

Maps available for inspection at the Village Clerk's Home, Makanda, Illinois.

Send comments to Honorable Edward D. McGuire, Mayor, Village of Makanda, Village Hall, Route #1, Makanda, Illinois 62958.

Illinois	(C) Oregon	Tributary No. 1	About 150 feet upstream of confluence with Lake Mistake Drain	*703
			About 1120 feet upstream of confluence with Lake Mistake Drain	*709
		Lake Mistake Drain	Just upstream of Burlington Northern Railroad	*703
			Just upstream of confluence of Tributary No. 1	*703

Maps available for inspection at the Clerk's Office, City Hall, 115 North 3rd Street, Oregon, Illinois.

Send comments to Honorable James L. Barnes, Mayor, City of Oregon, City Hall, 115 North 3rd Street, Oregon, Illinois 61061.

Illinois	(V) Roscoe, Winnebago County	Rock River	About 750 feet downstream of Roscoe Road	*720
			About 200 feet upstream of confluence of North Kinnikinnick Creek	*721
		South Kinnikinnick Creek	Confluence with Rock River	*721
			About 350 feet upstream of Main Street	*725
			About 0.64 mile upstream of Main Street	*736
		North Kinnikinnick Creek	Confluence with Rock River	*721
			About 200 feet upstream of Elevator Road	*726
			About 0.28 mile upstream of Elevator Road	*729
			About 0.71 mile upstream of Elevator Road	*738
		McDonald Creek	Just upstream of Swanson Road	*750
			About 2,050 feet upstream of Swanson Road	*756

Maps available for inspection at the Village Hall, 10595 Main Street, Roscoe, Illinois.

Send comments to Honorable Frank Gimbrone, Village President, Village of Roscoe, 10595 Main Street, Roscoe, Illinois 61073.

Illinois	(V) Westhaven, Cook County	Tinley Creek	About 200 feet downstream of 163rd Street	*699
			About 1,400 feet upstream of 88th Avenue	*701
			About 200 feet upstream of 167th Street	*703
			Just downstream of Hobart Avenue	*708
			Just upstream of Hobart Avenue	*710
			At the upstream corporate limits	*721

Maps available for inspection at the Village Hall, 16801 South 94th Street, Tinley Park, Illinois.

Send comments to Honorable James P. O'Brien, Village President, Village of Westhaven, Westhaven Village Hall, 16801 South 94th Street, Tinley Park, Illinois 60477.

Indiana	(Uninc.) Bartholomew County	Flatrock River	About 600 feet upstream of Conrail	*626
			About 700 feet upstream of U.S. Highway 31	*630
			Just upstream of 400 North Road	*637
			About 600 feet upstream of 550 North Road	*649
			Just downstream of 800 North Road	*660
			At north central county boundary	*677
		East Fork White River	At southeastern county boundary	*584
			About 0.2 mile upstream of 800 South Road	*592
			About 0.1 mile downstream of confluence of Clifty Creek	*606
			At confluence of Flatrock River and Driftwood River	*623
		Driftwood River	About 0.2 mile upstream of Lowell Road	*635
			Just downstream of Tannehill Road	*647
			About 0.85 mile upstream of Hendricks Ford Road	*658
		Haw Creek	Just upstream of 175 East Road	*643
			About 2.0 miles upstream of 175 East Road	*656
			Just upstream of 600 East Road	*682
			About 0.8 mile upstream of 600 East Road	*690
			Just downstream of confluence of Little Haw Creek	*697
		Little Haw Creek	Mouth at Haw Creek	*697
			About 200 feet upstream of 775 East Road	*702
			About 200 feet downstream of 690 North Road	*719
			About 100 feet downstream of 900 East Road	*734
		Clifty Creek	At confluence of East Fork White River	*606
			Just upstream of Gladstone Avenue	*610
			About 0.25 mile upstream of State Highway 7	*620
			About 400 feet upstream from confluence of Sloan Branch	*634
			About 0.1 mile downstream of 500 East Road	*642
		Denios Creek	Mouth at East Fork White River	*604
			About 0.2 mile upstream of Conrail	*612
			About 300 feet upstream of Interstate 65	*625
			Confluence of Denios Creek Tributary	*633
		Denios Creek Tributary	At confluence of Denios Creek	*633
			About 700 feet upstream of 150 South Road	*637
			Just downstream of Mile House Road	*645
		Opossum Creek	Mouth at East Fork White River	*610
			About 0.55 mile downstream of U.S. Alternate Highway 31	*612
			Just downstream of 150 West Road	*615
			Just upstream of 200 South Road	*618
			Just upstream of Interstate 65	*629

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 100 feet downstream of 300 West Road	*638
			Just downstream of 110 South Road	*639
		East Fork White Creek	About 800 feet downstream of 600 South Road	*606
			About 400 feet upstream of 550 South Road	*615
			Just downstream of 500 West Road	*622
			About 0.7 mile upstream of State Highway 58	*637
		East Fork White Creek Tributary No. 1.	About 0.15 mile downstream of 600 South Road	*606
			Just upstream of 400 West Road	*612
			About 0.8 mile upstream of 400 West Road	*622
		East Fork White Creek Tributary No. 2.	Mouth at East Fork White Creek	*612
			About 120 feet downstream of 450 South Road	*627
			About 200 feet upstream of 400 South Road	*634
			About 200 feet downstream of 550 West Road	*646
		Wolf Creek	About 0.45 mile upstream of 325 West Road	*627
			About 1.2 miles upstream of 500 West Road	*645
		Lutheran Lake Tributary	Mouth at South Fork White Creek	*603
			About 0.16 mile upstream of Waymansville Road	*606
		Catherine Creek	Mouth at Driftwood River	*630
			About 0.9 mile upstream of 325 West Road	*631
			Just downstream of upstream crossing of 200 North Road.	*638
			About 0.1 mile downstream of Camp Atterbury Military Reservation eastern boundary.	*640
		Ensley Ditch	Mouth at Flatrock River	*664
			About 260 feet upstream of 950 North Road	*675
			About 0.5 mile upstream of 950 North Road	*684
		Big Slough	Mouth at Flatrock River	*637
			Just upstream of 450 North Road	*644
			About 211 feet upstream of 550 North Road	*649
			About 0.53 mile upstream of 850 North Road	*655
		Big Slough Tributary	Mouth at Big Slough	*652
			About 850 feet upstream of 650 North Road	*656
			About 200 feet upstream of 100 West Road	*659
			Just downstream of 50 West Road	*661
		South Fork White Creek	About 2.1 miles downstream of confluence of Lutheran Lake Tributary.	*596
			About 0.45 mile upstream of Lake Road	*603
		North Ogilville Tributary	Mouth at East Fork White Creek Tributary No. 2	*626
			Just downstream of State Highway 58	*633
			About 0.22 mile upstream of State Highway 58	*641
		Airport Tributary	Mouth at Denoe Creek	*605
			Just upstream of 450 South Road (downstream crossing).	*610
			About 160 feet downstream of 100 West Road	*614
			Just upstream of 450 South Road (upstream crossing)	*618
			Just downstream of 175 West Road	*628

Maps available for inspection at the City Hall, 5th and Franklin, Columbus, Indiana.

Send comments to Honorable William Davis, Chairman of the County Planning Commission, Bartholomew County, County Courthouse, Room 33, 3rd and Franklin, Columbus, Indiana 47201.

Indiana	(T) Cedar Lake, Lake County	Cedar Creek	Lake Dalecarlia inlet	*686
			Just upstream of West 144th Avenue	*690
			Outlet of Cedar Lake	*695

Maps available for inspection at the Planning Commission Office, 7808 W. 338th Place, Cedar Lake, Indiana.

Send comments to Honorable Lamont Wolf, Town Board President, Town of Cedar Lake, P.O. Box 460, 7808 W. 338th Place, Cedar Lake, Indiana 46303.

Indiana	(T) Dyer, Lake County	Hart Ditch	At Main Street	*621
			Just upstream of 213th Street	*626
			Just upstream of Edmond Drive	*629
			Just upstream of Louisville and Nashville Railroad	*632
			Just upstream of Hart Street	*636
			About 1,000 feet upstream of western corporate limits	*638
		Dyer Ditch	At mouth	*622
			Just upstream of 213th Street	*626
			About 0.39 mile downstream of U.S. Route 30	*629
			Just downstream of U.S. Route 30	*635
			About 0.04 mile downstream of Louisville and Nashville Railroad.	*636
			Just upstream of Louisville and Nashville Railroad	*642
			At Novak Road	*642

Maps available for inspection at the Town Hall, 226 East Schulte Street, Dyer, Indiana.

Send comments to Honorable Charles Warmelink, Town Board President, Town of Dyer, Town Hall, 226 East Schulte Street, Dyer, Indiana 46311.

Indiana	(T) Munster, Lake County	Little Calumet River	Downstream corporate limits (about 0.4 mile downstream of Hohman Avenue).	*598
			Upstream corporate limits (at confluence with Hart Ditch).	*599
		Hart Ditch	About 200 feet upstream of Ridge Road	*604
			About 350 feet downstream of Fran-Lin Parkway	*610
			About 475 feet upstream of Conrail	*619
			About 1,300 feet upstream of Main Street	*622
		Schoon Ditch	Just downstream of White Oak Avenue	*607
			Just upstream of Greenwood Avenue	*609
			About 1,100 feet upstream of Calumet Avenue	*614

Maps available for inspection at the City Hall, 805 Ridge Road, Munster, Indiana.

Send comments to Honorable Eric Anderson, Town Manager, Town of Munster, City Hall, 805 Ridge Road, Munster, Indiana 46321.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Iowa	(C) Ft. Madison, Lee County	Unnamed Creek	Approximately 900 fet downstream of U.S. Highway 61	*538
			Approximately 350 feet upstream of 48th Street	*544
			Approximately 3,000 feet upstream of 48th Street	*556
		Penitentiary Creek	Just downstream of Burlington Northern railroad	*526
			At upstream corporate limits	*554
		Dry Creek	About 1,100 feet downstream of Burlington Northern railroad	*524
			About 400 feet upstream of A Avenue (at upstream corporate limits)	*572
		Fork Creek	Just downstream of Burlington Northern railroad	*525
			At upstream corporate limits	*549
		French Creek	About 100 feet downstream of Burlington Northern railroad	*525
			Just downstream of H Avenue	*535
			Just upstream of H Avenue	*541
			Just downstream of D Avenue	*545
			Just upstream of D Avenue	*551
			At upstream corporate limits	*558
		Mississippi River	Approximately 7.3 miles downstream of Atchison, Topeka and Santa Fe Railway	*723
			Approximately 1.4 miles above Atchison, Topeka and Santa Fe Railway	*526

Maps available for inspection at the Municipal Building, 811 Avenue E, Ft. Madison, Iowa.

Send comments to Honorable Robert F. O'Malley, Mayor, City of Ft. Madison, P.O. Box 349, Ft. Madison, Iowa 52627.

Massachusetts	Ayer, Town, Middlesex County	Nashua River	Downstream Corporate Limits	*213
			Downstream Dam	*219
			Upstream Corporate Limits	*222
		Nonacoicus Brook	Confluence with Nashua River	*218
			Upstream second Boston and Maine Railroad Bridge	*226
			Confluence of Long Pond Brook	*228
		Bowers Brook	Confluence with Nonacoicus Brook	*228
			Upstream Corporate Limits	*228
		James Brook	Downstream Corporate Limits	*213
			Upstream Ayer Road	*223
			Approximately 1,950' upstream of Ayer Road	*233
			Upstream Corporate Limits	*240
		Long Pond Brook	Confluence with Nonacoicus Brook	*228
			Approximately 3,860' upstream Snake Hill Road	*229
		Bennetts Brook	Approximately 2,320' downstream Private Road	*210
			Upstream Private Road	*220
			Upstream Boston & Maine Railroad Bridge	*227
			Downstream Willow Road	*238
			Downstream Littleton Road	*245
			First upstream Corporate Limits	*250
			Second downstream Corporate Limits	*251
			Upstream second Private Road	*258
			Downstream Snake Hill Road	*263
			Second Upstream Corporate Limits	*266

Maps available for inspection at the Planning Board, Ayer Town Hall, Main Street, Ayer, Massachusetts.

Send all comments to the Honorable Murry Clark, Chairman of the Ayer Board of Selectmen, Ayer Town Hall, Main Street, Ayer, Massachusetts 01432.

Massachusetts	Boston, City, Suffolk County	Boston Harbor-Massachusetts Bay	North, northeast, and northwest shoreline of Logan International Airport	*9.5
			Belle Isle Inlet from Suffolk Downs Race Track to Logan International Airport	*9.5
			Deer Island—northwestern shore	*9.5
			Deer Island—southeastern, southern and eastern shore	*10.0
			Extending from confluence with Mystic and Chelsea Rivers south and southeast to Reserved Channel	*10.0
			Extending from Reserved Channel southeast and east to Outer Harbor Islands and Corporate Limits	*10.0
			Conrail right-of-way from confluence with Chelsea River to Boston Inner Harbor	*10.0
			Thompson Island—northeastern shore	*10.0
			Thompson Island—northwestern and southwestern shore	*10.5
			Mystic River—west of Mystic River Bridge to Corporate Limits	*10.5
			Chelsea River—east of Andrew P. McArdle Bridge to Corporate Limits	*10.5
			Old Harbor—entire shoreline	*10.5
			Dorchester Bay and Savin Hill Cove—entire shoreline extending to the Neponset River	*11.5
		Charles River	Downstream Corporate Limits	*91
			Upstream Corporate Limits	*91
		Charles River Basin	Upstream Corporate Limits	*4.5
			Upstream New Charles River Dam	*4.5
			Downstream New Charles River Dam	*10.0
		Mother Brook	Confluence with Neponset River	*40
			Upstream Corporate Limits	*51

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Muddy River	Confluence with Charles River Basin	*4
			Upstream Louis Pasteur Bridge	*10
			At Willow Pond	*11
		Neponset River	Confluence with Dorchester Bay	*11.5
			Downstream Lower Mills Dam	*11.5
			Upstream Lower Mills Dam	*16
			Upstream MBTA Bridge (1st upstream crossing)	*22
			Upstream Bluehill Parkway	*26
			Upstream Tileston & Hollingsworth Dam	*35
			Confluence of Mother Brook	*40
			Upstream Corporate Limits	*44
		Stony Brook	Upstream Enneking Parkway	*57
			Downstream Access Road	*61
			Upstream Access Road	*67
			Approximately 1,000' upstream Access Road	*95
			Approximately 2,300' upstream Access Road	*120
			At Turtle Pond	*133

Maps available for inspection at the Zoning Division, Boston Redevelopment Authority, Boston City Hall, Boston, Massachusetts.

Send all comments to the Honorable Kevin B. White, Mayor of Boston, Boston City Hall, Boston, Massachusetts 02114.

Massachusetts	Clarksburg, Town, Berkshire County	North Branch Hoosic River	Downstream Corporate Limits	*691
			Approximately 100' upstream of Private Drive; 710' upstream of downstream Corporate Limits.	*906
			Downstream of Dam	*932
			Upstream of Cross Road	*949
			Approximately 100' upstream of River Road (State Route 8).	*1,016
			Upstream of Private Drive off River Road	*1,030
			Downstream of Henderson Road	*1,062
			Upstream Corporate Limits	*1,075
		Hudson Brook	Downstream Corporate Limits	*1,005
			Approximately 1,450' upstream of downstream Corporate Limits.	*1,027
			Upstream of Daub Drive	*1,046
			Upstream of Cross Road	*1,052
			Downstream of Middle Road	*1,064
			Approximately 1,100' upstream of Middle Road	*1,097

Maps available for inspection at the Town Hall, Briggsville School, Route 8, Clarksburg, Massachusetts.

Send comments to the Honorable Forist McLean, Chairmen of the Board of Selectmen, Town Hall, Briggsville School, Route 8, Clarksburg, Massachusetts.

Massachusetts	Southbridge, Town, Worcester County	Quinebaug River	Approximately 0.4 mile downstream of downstream Corporate Limits.	*386
			Confluence of Lebanon Brook	*394
			Upstream of Sanderdale Dam	*408
			Confluence of Cady Brook	*422
			Downstream of Harrington Company Dam	*470
			Upstream Corporate Limits	*512
		McKinstry Brook	Confluence with Quinebaug Rivr	*460
			Downstream of Pleasant Street	*486
			Approximately 0.5 mile upstream of Pleasant Street	*506
		Lebanon Brook	Confluence with Quinebaug River	*394
			Upstream of Ashland Street	*408
			Upstream of State Route 169	*502
			Approximately 1.0 mile upstream of State Route 169	*540
			Approximately 1.3 mile upstream of State Route 169	*551
		Cady Brook	Confluence with Quinebaug River	*422
			Upstream of Vinton Street	*465
			Upstream Corporate Limits	*492
		Cohasse Brook	Confluence with Quinebaug River	*419
			Upstream of Lebanon Hill Road	*475
			Upstream of Eastford Road (second crossing)	*552
			Approximately 1.0 mile upstream of Eastford Road (second crossing).	*579
			Approximately 1.2 mile upstream of Eastford Road (second crossing).	*636

Maps available for inspection at the Southbridge Town Hall, 41 Elm Street, Southbridge, Massachusetts.

Send all comments to the Honorable Peter Boyer, Chairman of the Southbridge Board of Selectmen, Southbridge Town Hall, 41 Elm Street, Southbridge, Massachusetts 01550.

Michigan	(V) Augusta, Kalamazoo County	Kalamazo River	About 1.0 mile downstream of Conrail	*793
			About 1.1 miles upstream of Fulton Street	*795
		Augusta Creek	At mouth	*794
			About 2,170 feet upstream of Washington Street	*805

Maps available for inspection at the Village Hall, 109 West Clinton Street, Augusta, Michigan.

Send comments to Honorable Thomas Conor, Village President, Village of Augusta, Village Hall, 109 West Clinton Street, Augusta, Michigan 49012.

Michigan	(V) Concord, Jackson County	North Branch Kalamazoo River	Just upstream of Spring Arbor Road	*977
			Just downstream of Main Street	*979
			Just upstream of Main Street	*988
			About 2,200 feet upstream of Conrail	*988

Maps available for inspection at the Village Hall, 110 Hanover Street, Concord, Michigan.

Send comments to Honorable Halsey Ganks, Village President, Village of Concord, Village Hall, 110 Hanover Street, Concord, Michigan 49237.

Proposed Base (100-Year, Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(Twp.) Ross, Kalamazoo County	Kalamazoo River	About 1,800 feet downstream of Conrail	*794
			About 1.1 miles upstream of Fulton Street	*795
Maps available for inspection at the Township Hall, P.O. Box 475, Augusta, Michigan.				
Send comments to Honorable Donald Slighty, Supervisor, Township of Ross, P.O. Box 475, Augusta, Michigan 49012.				
Minnesota	(C) Aitkin, Aitkin County	Mississippi River	Flooding within corporate limits	*1,203
		Ripple River	Just upstream of Second Street	*1,203
			About 2,400 feet upstream of Minnesota Avenue South.	*1,204
Maps available for inspection at the City Hall, 109 1st Avenue, N.W., Aitkin, Minnesota				
Send comments to Honorable Carol Norris Mayor, City of Aitkin, City Hall, 109 1st Avenue, N.W., Aitkin, Minnesota 56431.				
Minnesota	(Uninc.) Aitkin County	Mississippi River	Downstream county boundary	*1,201
			About 6.4 miles upstream of confluence of Sissabagemah Creek.	*1,203
			About 4.1 miles downstream of U.S. Highway 169	*1,206
			At confluence of Willow River	*1,212
			About 850 feet downstream of Soo Line Railroad	*1,214
			About 5.0 miles upstream of Soo Line Railroad	*1,216
			Center of Section 6, Township 51 North, Range 23 West.	*1,234
			About 5.5 miles upstream of center of Section 6, Township 51 North, Range 23 West.	*1,236
		Ripple River	Mouth at Mississippi River	*1,203
			About 3,500 feet upstream of mouth	*1,203
		Sissabagemah Creek	At confluence with Mississippi River	*1,203
			Just downstream of U.S. Highway 169	*1,203
		Big Sandy Lake	Shoreline	*1,224
		Sandy River Lake	Shoreline	*1,224
		Flowage Lake	Shoreline	*1,224
		Aitkin Lake	Shoreline	*1,224
Maps available for inspection at the Aitkin County Courthouse, Aitkin, Minnesota.				
Send comments to Honorable Don Davies, County Board Chairman, Unincorporated Areas of Aitkin County, County Courthouse, Aitkin, Minnesota 56431.				
Minnesota	(C) Hokah Houston County	Root River	About 500 feet downstream of State Highway 16	*649
			About 1.0 mile upstream of State Highway 16	*654
		Thompson Creek	Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*650
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*653
			Just downstream of dam	*658
			Just upstream of dam	*670
			About 1.0 mile upstream of County Highway 18	*681
Maps available for inspection at the City Hall, 56 Main Street, Hokah, Minnesota.				
Send comments to Honorable Edward Lonkoski, Mayor, City of Hokah, City Hall, 56 Main Street, Hokah, Minnesota 55941.				
Missouri	(C) Carl Junction, Jasper County	Center Creek	About 700 feet downstream of Joplin Street	*855
			At confluence of Cooley Branch	*864
			About 2,000 feet upstream of State Highway 171	*872
			About 1.75 miles upstream of State Highway 171	*878
		Cooley Branch	Just upstream of County Highway Z	*864
			About 1,600 feet upstream of County Highway Z	*878
		Briar Brook	Just upstream of Briarbrook Drive	*858
			About 800 feet upstream of Briarbrook Drive	*865
Maps available for inspection at the City Hall, P.O. Box 447, Carl Junction, Missouri.				
Send comments to Honorable Frank Dean, Mayor, City of Carl Junction, City Hall, P.O. Box 447, Carl Junction, Missoun 64834.				
Missouri	(C) Webb City, Jasper County	Center Creek	At confluence of Sunset Creek, just upstream of County Road	*884
			About 5,000 feet upstream of confluence of Sunset Creek	*888
		Sunset Creek	Just downstream of County Road	*897
			Just downstream of Carl Junction Road	*917
			Just upstream of Carl Junction Road	*922
			Just upstream of Broadway Street	*944
			About 125 feet downstream of St. Louis-San Francisco Railway.	*959
			About 100 feet upstream of St. Louis-San Francisco Railway.	*967
			Just downstream of Madison Street	*968
		Southwest Creek	About 600 feet upstream from mouth	*945
			About 100 feet upstream of State Highway 171	*953
		Mine Branch	About 250 feet downstream of Missoun Pacific Railroad.	*940
			Just downstream of Daugherty Street	*952
			About 1,650 feet upstream of Daugherty Street	*958

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)

Maps available for inspection at the City Hall, P.O. Box 30, Webb City, Missouri.

Send comments to Honorable P. D. Crockett, Mayor, City of Webb City, City Hall, P.O. Box 30, Webb City, Missouri 64870.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 21, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16536 Filed 6-4-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6072]

National Flood Insurance Program; Proposed Base Flood Elevation and Zone Designations for the City of Corning, New York

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed elevations and zone designations described below.

The proposed elevations and zone designations will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period of comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed elevations and zone designations are available for review of the Mayor's Office, Corning, New York.

Send comments to: The Honorable Joseph J. Nasser, Mayor, City of Corning, City Hall, Corning, New York 14830.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed elevations and zone designations (100-year flood) for the City of Corning, New York in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C 4001–4128, and 44 CFR 67.4 (a) (presently appearing at its former Section, 24 CFR 1917.4 (a)).

The proposed elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevation and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet) (national geodetic vertical datum)
Chemung River	Southernmost corporate limit.	920
Chemung River	Brisco Bridge	928
Chemung River	Westernmost corporate limit.	931
Post Creek	Confluence with Chemung River.	923

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 18, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-16537 Filed 6-4-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 23 and 94

[Gen. Docket No. 80-603; FCC 81-181]

Inquiry Into the Development of Regulatory Policy in Regard to Interim Direct Broadcast Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed policy statement and rulemaking.

SUMMARY: This Notice sets forth the proposed rules and policies for interim direct broadcast satellite (DBS) service. DBS is a new service by which television and other video signals may be transmitted from a satellite to individual residences. DBS has the potential to provide additional channels of video programming throughout the country. The Commission has made a preliminary determination that DBS would serve the public interest. Action is being taken at this time to provide for the eventual implementation of this new service.

DATES: Comments must be received on or before July 1, 1981.

Reply comments must be received on or before July 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Florence Setzer or Bruce Franca, Office of Plans and Policy, (202) 653–5940.

SUPPLEMENTARY INFORMATION: As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis to the expected impact of this proposed action on small entities. This initial regulatory flexibility analysis is set forth as Appendix E of this document. A copy of this Notice, which includes a regulatory flexibility analysis, has been sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with the Regulatory Flexibility Act.

In the matter of inquiry into the development of regulatory policy in regard to Direct Broadcast Satellites for the period following the 1983 Regional Administrative Radio Conference, Gen. Docket No. 80–603.

Adopted: April 21, 1981.
Released: June 1, 1981.

By the Commission: Commissioners Lee, Chairman; and Jones concurring in part and issuing statements; Commissioner Quello concurring and issuing a statement; Commissioners Washburn and Fogarty issuing separate statements.

I. Introduction and Summary

1. This *Notice* sets forth proposed policies and conditions to govern the authorization of experimental and developmental direct broadcast satellite (DBS) services during the interim period prior to the 1983 Regional Administrative Radio Conference (RARC–83) and the subsequent adoption of permanent rules for DBS.[1] In the *Notice of Inquiry* in this Docket, we requested public comment concerning whether the Commission should authorize a DBS system prior to RARC–83. The Commission also requested comment concerning what procedures should be used to authorize such a system, what regulatory constraints should be placed on its operation, how much spectrum should be made available to an interim DBS system, and whether frequencies assigned to it should be exclusive or shared with terrestrial microwave systems.[2] We have received and considered the comments and reply comments in this Docket, as well as an application for a satellite-to-home subscription television service filed by the Satellite Television Corporation (STC).

2. The policies and the amendments to the Table of Frequency Allocations proposed in this proceeding are based upon our preliminary judgment that the authorization of domestic DBS systems in the 12 GHz band would serve the public interest. Direct broadcast satellites promise to offer valuable services by providing several additional channels of video programming throughout the country. In many areas, particularly rural ones, they would offer the only good-quality video reception and might offer the only pay video service.

3. We believe that authorization of a DBS system would not conflict with the Commission's long-standing commitment to local broadcasting. We believe that the Commission has the legal authority to establish a nonlocal video transmission system, and we have evidence that competition from an interim DBS system would do little or no harm to local broadcasters and would not reduce the services they provide to the public.

4. We recognize that DBS would operate on frequencies now allocated to terrestrial microwave users. Because we do not yet know the demand for DBS or its ultimate spectrum needs, we will attempt to accommodate interim DBS systems with as little disruption as possible to the terrestrial users now in the 12 GHz band. We propose to require that terrestrial licensees provide protection from harmful interference to U.S. DBS systems authorized by the Commission and operating in accordance with the plan approved by the 1983 RARC, and to foreign DBS systems operating in accordance with the plan approved by the 1983 RARC. But our interim rules would not, before the 1983 RARC, displace any microwave users now licensed in the band and would not prohibit new licensees from operating in the band, though new entrants would be required to provide interference protection to DBS systems. In addition, the Commission intends in the near future to initiate an inquiry into the needs of terrestrial microwave users and possible methods of accommodating their needs in other bands.

5. We cannot establish permanent regulatory policies for DBS until after RARC–83 because we do not yet know what frequencies or orbital slots will be allotted to the United States or what technical parameters will be imposed by international agreement. We believe, however, that authorization of experimental and developmental DBS systems under interim policies in the near future would serve the public interest because it would enable us to avoid protracted and unnecessary delays in inaugurating a service that may prove highly valuable. We also believe that knowledge gained from the operation of an experimental DBS system, including information about consumer demand for the service, the characteristics of the technology, and the effects of interference from other users in the band, will help us to make informed decisions in establishing permanent regulations and allocating spectrum between DBS and other services.

6. In order not to prejudge either our negotiating position at RARC–83 or our permanent domestic policies for DBS, we proposed policies that will allow maximum flexibility in the interim period. Thus we will impose only those requirements we believe necessary to prevent frequency interference, to comply with international agreements, and to ensure that any system authorized under interim rules will be able to come into compliance with the outcome of RARC–83 and any permanent rules or policies established by the Commission. For example, we propose no rules concerning prices or service offerings beyond those required by statute. The technical requirements we propose are those established by the 1977 World Administrative Radio Conference (WARC–77).

7. We will accept applications for interim DBS systems for filing at this time, though we do not expect that a final disposition of any application will be made until completion of the instant rulemaking.[3] All applications will be placed on public notice, and public comment will be invited, for a period of 45 days. We will not assign frequencies to DBS systems until after the 1983 RARC.

II. Background

8. The Commission began consideration of domestic policies for DBS with a *Notice of Inquiry* issued on October 29, 1980 requesting public comment on issues related to the development of regulatory policy for DBS systems in the United States.[4] The *Notice of Inquiry* requested comment on two staff reports dealing with DBS, one having to do with technical characteristcs of DBS systems and the

[1] In this Notice, we use the terms direct broadcast satellite (DBS) service and broadcasting-satellite service (BSS). We use DBS when discussing domestic policy matters and BSS with regard to frequency allocation matters, in particular with reference to the Table of Frequency Allocations. For the purposes of this document, the terms can generally be regarded as synonymous.

[2] *Notice of Inquiry*, Docket 80–603, 45 FR 72719 (November 3, 1980).

[3] See the accompanying *Public Notice*.

[4] Ibid.

other with appropriate regulatory policies for DBS.[5]

9. Frequency and orbital allotments, as well as other technical parameters, for the broadcasting-satellite band in the United States will be decided at RARC–83.[6] The Commission recognized that permanent regulatory policies for DBS could not be established until these allotments are known, since they will affect both the amount and the kinds of service possible in the United States under international agreement. The *Notice of Inquiry* poses two sets of questions, one dealing with permanent regulatory policies and the other with regulatory policies for the interim period prior to RARC–83.

10. The deadlines for comments and reply comments concerning interim policies were November 28, 1980 and December 15, 1980, respectively; deadlines for comments and reply comments concerning permanent regulatory policies were January 31, 1981 and March 31, 1981, respectively. The Commission subsequently issued an order extending the filing deadlines for comments on interim regulations to December 5, 1980 and December 22, 1980.[7] Petitions for further extensions of the deadlines were denied.[8]

11. On December 17, 1980 the Commission received an application from STC requesting authorization to begin construction of satellites for use in a satellite-to-home video broadcasting system.[9] We placed STC's application in the record in Docket 80–603, inviting public comment on the portions of the application directly relevant to possible interim DBS authorizations and extending the deadlines for comments and reply comments on interim policies to February 2, 1981 and February 17, 1981, respectively. At the same time the deadlines for comments on permanent regulatory policies were extended to March 31, 1981 for comments and May 29, 1981 for reply comments.[10]

12. In response to a petition from the National Association of Broadcasters, the Commission issued an *Order* clarifying the intent of its Order of December 22, 1980.[11] The Commission extended the deadlines for comments on permanent regulatory policies to April 30, 1981 for initial comments and June 30, 1981 for reply comments.[12]

13. Numerous comments and reply comments were filed by interested parties, primarily terrestrial microwave and broadcast interests. Appendix A contains a list of the commenters, arranged alphabetically within interest groups. Summaries of the comments and of STC's application are available on request.[13]

III. Procedural Issues and Policy on Interim Authorizations

14. In our October 29, 1980 *Notice of Inquiry*, we invited comments on the standards and procedures that should be applied in processing any applications received during the interim period. We stated that no determination had been reached with respect to whether applications for DBS experiments should be processed under Part 5 or Part 74 of the Commission's Rules, or on whether the Commission should adopt new rules specifically tailored to possible DBS experiments.

15. Many of those commenting addressed these threshold questions concerning appropriate procedures for processing DBS applications and the appropriate timing of the Commission's consideration of such applications. STC, the only commenter who, in fact, has filed an application for interim DBS service, has proposed that its application be processed immediately, in an *ad hoc* adjudicatory proceeding, and without reference to any of the Commission's existing rules relating to experimental radio services. Although STC apparently concedes that the Commission's existing experimental rules may apply to its proposal, it believes these rules were designed for experiments of a more routine nature and thus should not govern its application.

16. At the same time, STC also opposes the adoption of any new rules specifically designed for experimental DBS services. According to STC, the rulemaking course would be inadvisable in this instance because a rulemaking involving a major new service like DBS would require years to complete, and hence could delay the public's receipt of the benefits of DBS service for a decade. STC also urges that experimentation with DBS would be indispensible to productive rulemaking and therefore should be conducted prior to completing a rulemaking. As a legal matter, STC contends, the Commission has broad discretion to resolve any policy issues raised by its application in either adjudicatory or rulemaking proceedings. Furthermore, STC asserts, the Commission has used the *ad hoc* approach in analogous cases involving new experimental services.

17. In contrast, other commenters have asserted that neither Part 5 nor Part 74 of our rules is applicable to DBS experiments as proposed by STC. According to these parties, the Part 5 rules are designed primarily for the

---

[5] Bruno Pattan, *Technical Aspects Related to Direct Boadcost Satellite Systems* (Federal Communications Commission, Office of Science and Technology, September 1980); and Florence O. Setzer, Bruce A. Franca, and Nina W. Cornell, *Policies for Regulation of Direct Broadcast Satellites* (Federal Communications Commission, Office of Plans and Policy, October 1980).

[6] The Commission has been actively engaged in planning for RARC–83, which will allot frequencies and orbital slots for the broadcasting-satellite service among Region 2 (Western Hemisphere) nations. A detailed orbit and frequency allotment plan for the broadcasting-satellite service in Regions 1 and 3 was adopted at WARC–77. Final allotments in Region 2 were left open until RARC–83, but interim provisions for Region 2 use of the broadcasting-satellite band pending RARC–83 were adopted. International Telecommunications Union, *Final Acts of World Administrative Radio Conference* (1977). The 1979 World Administrative Radio Conference (WARC–79) included an allocation in the band 12.3–12.7 GHz for the broadcasting-satellite service and provided that the 12.1–12.3 GHz band would be divided between the fixed-satellite service and the broadcasting-satellite service in a manner to be decided at RARC–83, with the upper sub-band including an allocation for the broadcasting-satellite service. It also included the feeder links for broadcasting satellites in the issues to be covered by RARC–83. Criteria for sharing between the broadcasting-satellite service and the terrestrial services in the same frequency band will also be established at RARC–83. International Telecommunications Union, *Final Acts of World Adminstrative Radio Conference* (1979).

To begin preparations for RARC–83, the Commission issued a *Notice of Inquiry*, Docket 80–396, 45 FR 51914 (August 8, 1980), requesting comment to assist in developing possible negotiating positions for the conference. In response to opinions expressed in the comments, the Commission also established an Advisory Committeee to assist in conference preparations. The order establishing the committee stated that its function was to deal with issues arising in Docket 80–396, having to do with international allotments, and not with domestic issues raised in the instant proceeding, Docket 80–603. *Memorandum Opinion and Order*, Docket 80–396, 45 FR 51914 (August 8, 1980).

[7] *Order Extending Time: Comments and Reply Comments*, 45 FR 78188 (November 25, 1980).

[8] *Order Denying Requests for Extension of Time in Which to File Comments and Reply Comments*, adopted December 5, 1980, released December 5, 1980.

[9] Satellite Television Corporation, *Application of Satellite Television Corporation for a Satellite-to-Home Subscription Television Service*, 5 vols., Docket 80–603, December 1980.

[10] *Order Extending Time: Comments and Reply Comments*, 45 FR 85125 (December 24, 1980).

[11] *Order*, adopted March 30, 1981, released April 3, 1981.

[12] *Order*, adopted March 30, 1981, released March 31, 1981.

[13] The National Black Media Coalition (NBMC) filed a petition for rulemaking (RM–3502) on October 5, 1979 dealing with rules and policies to further the advancement of black Americans in mass communications. Proposal 33 of this petition included twelve suggestions for regulatory policies to be applied to DBS and was referred to the Ofice of Plans and Policies' working group on DBS for their consideration. In addition, coments filed in response to Proposal 33 by the Satellite Program Network (SPN) were also forwarded to the working group. As we indicated in our Notice of Inquiry, we have placed NBMC's Proposal 33 and the comments of SPN into the record of this proceeding and will consider them in dealing with permanent DBS regulatory policies for DBS.

development of radio equipment, and thus are not suited to STC's proposal. The Part 74 rules are also deemed unsuitable since they were designed for customary terrestrial broadcast facilities. Several parties, however, have concluded that the Commission's Part 5 rules, governing developmental radio authorizations, should apply to STC's application.

18. Virtually all of the commenters, however, to the extent that they address this matter, oppose STC's suggestion that the Commission should process the STC application on a purely *ad hoc* basis, without reference to the Commission's existing experimental or developmental rules and prior to the Commission's adoption of new rules and policies for DBS services. Although no party appears to contest STC's assertion that the Commission is empowered to resolve the issues raised by STC's application in an adjudicatory setting, the commenters have vigorously urged that the use of adjudicatory procedures would be inappropriate in this instance. The commenters stress that STC's application raises major issues of communications policy, as well as significant questions of competing claims to the 12 GHz spectrum by broadcasting-satellite services and terrestrial fixed services now operating in this band. These major policy concerns, they contend, should be conprehensively considered in a rulemaking rather than within the framework of *ad hoc* adjudications of particular applications. Furthermore, these commenters claim that, once DBS services have been authorized, it will be impossible to resolve these major policy questions objectively in a subsequent rulemaking designed to fashion a permanent regulatory foundation for this service. Pointing to the massive financial investment that will be made both by STC and by the public, they urge that it would be difficult, if not impossible, for the Commission later to consider any regulatory options that might require major modifications in an already entrenched service. For example, these parties assert, the threshold policy question of whether DBS service is even in the public interest would effectively be resolved by such authorizations. For similar reasons, some parties contend that the Commission should not even attempt to devise interim rules for DBS experiments. In their view, interim authorization policies or rules would fatally prejudice the outcome of any rulemaking initiated to decide permanent regulatory policies for DBS. Thus, because it will be impossible to design permanent policies for DBS until after the 1983 RARC, these parties conclude that no authorizations should be made until permanent rules have been established after the RARC.

19. The Commission, of course, has broad discretion when crafting procedures to effectuate its statutory responsibilities. *See, e.g., FCC v. National Citizens Committee for Broadcasting*, 436 U.S. 775 (1978); *United States v. Storer Broadcasting Company*, 351 U.S. 192 (1956); *FCC v. Pottsville Broadcasting Company*, 309 U.S. 134 (1940). While generally rulemaking proceedings are used to develop broad substantive policy, the choice between proceeding by rule and by *ad hoc* litigation lies primarily with the agency. *NLRB v. Bell Aerospace*, 416 U.S. 267 (1974); *SEC v. Chenery Corp.*, 332 U.S. 194 (1947). The procedure selected, however, must be related to the issues of the case, and interested parties must have an opportunity to participate consistent with due process of law. *Bell Telephone Company of Pennsylvania v. FCC*, 503 F. 2d 1250 (3rd Cir.), *cert. denied*, 422 U.S. 1026 (1976). Absent a contrary statutory mandate, compelling circumstances, or constitutional constraints, an agency's procedural decisions will be left undisturbed by a reviewing court. *Vermont Yankee Nuclear Power Co. v. Natural Resource Defense Council*, 435 U.S. 519 (1978); *United States v. Florida East Coast R. Co.*, 410 U.S. 224 (1973).

20. In selecting our procedural methods here, we are mindful of our responsibility to "study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective uses of radio in the public interest." 47 U.S.C. 303(g). We recognize that administrative delay can impede technological progress, particularly where large financial and technical risks are involved. On balance, however, we believe that the public interest would be better served by resolving certain threshold policy questions associated with DBS in this rulemaking rather than in the context of particular applications as suggested by STC.

21. Our determination to proceed initially by rulemaking, rather than solely by *ad hoc* adjudication, has been influenced primarily by our realization that the authorization of any experimental DBS service that requires a substantial investment by consumers or a substantial change in the video services available to consumers, as is contemplated by STC's application, is likely to have lasting implications for the future use of radio spectrum in the 12 GHz band. The Commission, however, has not yet addressed the central policy question of how much spectrum in the 12 GHz band, if any, should be made available for broadcast satellite services.[14] In this case, because of increasing demands on the 12 GHz band by fixed terrestrial services, and due to the likelihood that any sharing of frequencies in this band between DBS and the terrestrial services in a given geographic area will be difficult, if not impossible, we believe that the use of rulemaking procedures to address these fundamental spectrum allocation issues is especially appropriate. The principal purpose of using rulemaking procedures in such instances is to assure that all existing and potential users of the radio spectrum are afforded a full and fair opportunity to make their views known to the Commission before any major policy decisions are reached.[15] Therefore, in accordance with our conclusion that rulemaking procedures are called for in this matter, we have proposed herein that the domestic Table of Frequency Allocations be provisionally amended, as set forth in Appendix D to permit the authorization of developmental and experimental DBS services in the 12.2 to 12.7 GHz band.

22. As discussed above, to the extent that our authorization of any DBS services, even on an experimental or developmental basis, may have the effect of permanently resolving fundamental policy issues connected with the service, and especially major spectrum allocation issues, we have decided to address those threshold policy questions in a preliminary but comprehensive manner in this rulemaking proceeding. Thus, our preliminary assessment that the authorization of DBS services in the 12 GHz band would serve the public interest, discussed in paragraphs 25–27 below, forms the basis for the

---

[14] Although an allocation to the broadcasting-satellite service was included in the 12.3–12.7 GHz band at WARC–79, this band is still reserved domestically for terrestrial fixed services.

[15] See also, § 2.102(b)(1) of the Commission's Rules, which contemplates that, apart from certain carefully defined situations not present here, rulemaking proceedings will be conducted to amend the Table of Frequency Allocations before authorizing any use of frequencies that is not in accordance with the Table. See also, 47 CFR §§ 5.253(e), 25.390(h). The Commission may, of course, grant inconsistent assignments on a case-by-case waiver basis. See *Report and Order* in Docket 16404, 7 RR 2d 1679 (1966). However, the Commission's willingness to make inconsistent frequency assignments in individual cases has often hinged upon a finding that the frequencies being requested were not likely to be used by the services for which they were allocated. See, *e.g., Tele-vue Systems, Inc.*, 66 FCC 2d 120, 121 (1977). The circumstances here are quite different.

provisional amendments to the Table of Frequency Allocations proposed in this proceeding.

23. At the same time, we reject the arguments of those commenters who urge that we defer any consideration of DBS applications until after we have completed a rulemaking that establishes, with finality, all regulatory policies for this new service. As explained more fully in paragraphs 58–61 below, we believe that there is a substantial public interest in proceeding immediately to authorize experimental and developmental DBS services. Furthermore, to the extent that granting such authorizations creates any risk that some regulatory options for the service may be foreclosed, we believe that the risk can be effectively minimized through the imposition of appropriate conditions on all interim authorizations. We believe any remaining risks are acceptable when balanced against the benefits of providing for a period of experimentation before adopting final policies, and the further benefits of achieving a substantially earlier inauguration of service.

24. Finally, respecting the issue of whether interim authorizations for DBS services should be processed under any of the existing rules for experimental services, we note that the procedural course we have fashioned is consistent with that which is contemplated in Part 5 of the Commission's Rules.[16] The Part 5 experimental rules are designed to cover all experimental radio station authorizations except those authorized under the experimental rules of the various services.[17] Therefore, we believe that the procedures described in that Part provide a reasonable guide in these circumstances. Rather than attempting to process DBS applications pursuant to all of the general provisions of Part 5, however, we find it appropriate to promulgate new policies and conditions designed expressly for experimental and developmental DBS services.[18] In essence, our policy, when considering such applications, will be to maintain a flexible and open approach that is patterned after the open entry policy we have used for the domestic satellite service. The specific contours of this policy are discussed in Section VI, *infra*.

IV. Preliminary Determination That the Establishment of DBS Systems Is in the Public Interest

25. As indicated above, we believe that the authorization of DBS systems, even on an experimental or development basis, may have lasting and permanent implications. STC's development proposal, for example, will require a massive financial investment by the satellite operator and will entail a substantial investment by individual consumers. In light of these factors, we believe it is advisable, prior to authorizing such systems, to make a preliminary assessment that the overall public interest would be served by the eventual establishment of these services on a regular or permanent basis. See also, 47 CFR 5.253(e), 74.103(d).

26. With respect to the ultimate public interest in authorizing DBS services, we believe that the benefits of establishing DBS systems are clear. As pointed out by STC and the National Telecommunications and Information Administration (NTIA), DBS systems will have a unique capability to provide television and other video services to all the people of the United States, including those in the rural and remote areas that are not now adequately served by the terrestrial broadcast system. For example STC notes that there are 1.2 million households in the United States without access to any television service and over 4 million households that receive only one or two channels.[19] Further, the provision of DBS service may provide people throughout the United States with several additional channels of programming and greater diversity of types and sources of programming. The additional demand for programming engendered by the service may also provided incentives for expansion of the program production industry. Moreover, by providing some or perhaps all of its service in a subscription mode, DBS may be able to provide programming for specialized audiences that might not be supported through conventional advertiser-financed programming systems. In addition, DBS has the potential to provide needed public services such as educational programming and the dissemination of medical information. Finally, DBS may provide the vehicle for introduction of new video services, such as high-definition television, to the American public.

27. We believe that DBS shows promise of greatly expanding and improving the video services available to the American public. Comments in this proceeding made clear, however, that provision of DBS services may conflict with the interests of terrestrial microwave operations now using the 12.2–12.7 GHz band, and with the interests of broadcasters, who feel that DBS may adversely affect the present local broadcasting system. We believe, as discussed in detail below, that the advantages accruing to the American public from additional video services would far outweigh the costs to existing microwave operators and broadcasters. Accordingly, we believe that it is appropriate at this time to make a preliminary determination that the provision of DBS service will serve the public interest, convenience, and necessity.

Spectrum Allocation and Sharing Issues (DBS and Fixed Services)

28. Many commenters argue that the authorization of DBS systems in the 12 GHz band could have an adverse impact on operational-fixed microwave systems now operating in this band. They state that these terrestrial systems serve vital functions both in industry and for local governments.[20] They also indicate that there are no adequate substitutes for the 12 GHz band because the lower

[16] Section 5.253(e) of Part 5 provides that frequencies will not be assigned for the development of a service for which no frequencies have been allocated "until the Commission has made a preliminary determination that the public interest, convenience, or necessity would be served by the establishment of the service." See *United Television, Inc.*, 14 RR 571 (1956). Thus, in paragraphs 24–26 below, we have made the preliminary public interest determination specified by the rule. See also, 47 CFR 74.103(d). In addition, § 5.253(e) provides that requests for developmental authorizations on non-allocated frequencies must be accompanied by a rulemaking petition requesting an amendment to the Table of Allocations, while § 5.253(d) contemplates that rulemaking petitions should be filed if the developmental service is related to an established service, but is to be operated in a manner that is contrary to the rules governing the established service. However, pursuant to § 5.253(f), the Commission may defer action on any rulemaking petitions required by these two sections and "authorize a grant of limited duration for the sole purpose of developing data which the Commission finds necessary to make the determinations with respect to such petitions." See *Raydist Navigation Corp.*, 8 RR 1118 (1953), *reconsideration denied*, 8 RR 1124 (1954). As is contemplated by these provisions, we have addressed in the instant rulemaking proceeding only those fundamental spectrum allocation and other major policy issues that we believe might effectively be preempted if we attempted to defer entirely our consideration of these issues until after one or more DBS experiments have been authorized. As discussed above, however, we also believe that it is neither necessary nor desirable to attempt to resolve all of the possible regulatory issues associated with DBS service before granting developmental authorizations.

[17] See *Notice of Proposed Rulemaking* in Docket 9751 (Revision of Part 5), 15 FR 5121 (1950).

[18] The Commission, of course, retains the discretion to devise specific policies and rules for DBS experiments, just as it has adopted special experimental rules for many other services.

[19] Satellite Television Corporation, *Application*, vol. 1, *Overview of Proposed System and Regulatory Framework*, p.14.

[20] For example, such comments were received from the Aerospace and Flight Test Radio Coordinating Council, the American Petroleum Institute, the Association of American Railroads, and the California Public-Safety Radio Association, Inc.

frequency bands available to this service, such as those at 2 and 6 GHz, are extremely congested and do not provide the bandwidths necessary to accommodate the high-density data and video transmissions that some users require.[21] Further, the higher bands (e.g., 18 and 23 GHz) are not adequate substitutes, according to these commenters, because equipment is not readily available for use in these bands, and the propagation characteristics of the bands make them less attractive. Some commenters also indicated concern about the effects on other services of the use of the 17 GHz band for DBS feeder links.

29. We believe that the concerns expressed by the commenters deserve serious attention. We do not believe, however, that our concerns for the present operational-fixed microwave users should preclude the introduction of DBS service. We believe the potential benefits of DBS justify some adjustments in other services.[22] Further, we believe that interim rules and policies may be established that permit DBS operation without, in the near term, dislocating existing terrestrial users in the 12 GHz band, and that the Commission can devise ways to minimize the impact of permanent DBS systems on terrestial users.

Use of the 12 GHz Band

30. We propose that interim DBS systems be authorized in the 12.2–12.7 GHz band. This is generally consistent with WARC–79 which provides for BSS operations in the 12.1–12.7 GHz band. The Commission's rules presently provide only for the use of the 12.2–12.7 GHz band by the fixed service.[23] Part 23 of the Commission's rules provides for the operation of international control stations in this band, and Part 94 provides for the operation of operational-fixed stations in the band.

31. According to the Commission's *Master Frequency File* (MFF), no facilities have been licensed to operate in the 12.2–12.7 GHz band pursuant to Rule Part 23. However, over 1400 radio links have been authorized pursuant to Rule Part 94.[24] According to FCC Class of Service Codes, the occupants of the 12 GHz band are distributed among classes of service as follows:

Radio service	Percent of total
Industrial (Less Business)	14.9
Business	43.3
Land Transportation	7.5
Aviation	0.5
Public Safety/Local Government	26.5
Undesignated Services (OF)	7.3

As can be seen, the 12 GHz band is occupied by a wide variety of users. Furthermore, as indicated by their comments in this proceeding, most users have chosen to use this band because of crowding at the lower frequencies, or because they require channel bandwidths greater than available at lower frequencies. It also seems clear that use of the 12 GHz band occurs mainly around major urban areas.[25]

Use of the 17 GHz Band

32. We propose to permit operation of feeder links for interim DBS systems, which are allocated as part of the fixed-satellite service, in the 17.3–17.8 GHz band pending the outcome of the 1983 RARC. This choice is consistent with existing international provisions. A new footnote (3794 H) to the allocations table adopted at WARC–79 states, "[t]he use of the band 17.3–18.1 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for the broadcasting-satellite service." Further, WARC–79 Resolution CH calls for planning the Region 2 BSS feeder links in a bandwidth equal to that provided for the downlinks. It has generally been the position of the United States that the lower portion of the 17.3–18.1 GHz band should be used for BSS uplinks.

33. The band 17.3–17.7 GHz is shared with the Government radiolocation service. Arrangements have been made, however, to restrict the power of radiolocation systems to ensure compatibility with BSS feeder links.

34. A few experimental licenses have been granted in the 17.3–17.7 and 17.7–17.8 GHz bands. Otherwise, according to the Commission's *Master Frequency File*, no facilities have been licensed to operate in the band segment 17.3–17.7 GHz, and a single six-hop system has been licensed in the band segment 17.7–17.8 GHz. Thus, in the near future we do not expect sharing between the services to pose a significant problem in these bands. We may eventually, however, require some type of coordination procedure similar to the one used between the fixed-satellite service and the fixed service at 6 GHz.

Proposed Allocations for Interim DBS and Terrestrial Operations

35. In order to provide for the authorization of interim DBS systems, we have proposed to amend the Table of Frequency Allocations (§ 2.106 of our rules) as described above to permit interim DBS operations in the 12.2–12.7 GHz band (downlinks) and the 17.3–17.8 GHz band (uplinks).[26] We also propose changes in the service rules (§§ 23.20 and 94.65).

36. To assure that interference from fixed service operators will not prevent reception of DBS signals, we propose that when frequencies are assigned to DBS systems in accordance with RARC–83, and DBS satellites are in operation, terrestrial licensees in the 12 GHz band will be required to make whatever adjustments in technical parameters or assigned frequencies are necessary to prevent harmful interference to operating DBS systems.[27] Thus the terrestrial users will be subject to reassignment within the 12 GHz band or other appropriate bands if they cause interference to a DBS system and cannot adjust their technical parameters to eliminate the interference. While we

[21] The 12 GHz band provides for the use of 10 and 20 MHz channels, while the lower bands are limited to 5 and 10 MHz channels.

[22] The compatibility of the various radio services to which spectrum has been allocated at 12 and 17 GHz has been the subject of much analysis and discussion. These studies and discussions indicate that problems of compatibility exist in both the 12 and 17 GHz bands. At 12 GHz, the fixed service transmitters can cause interference to the broadcasting-satellite service ground receivers, while at 17 GHz, the fixed-satellite service uplink transmitters used by DBS operators can cause interference to fixed service receivers. Generally, the broadcasting-satellite service and the fixed service at 12 GHz cannot coexist within the same geographic area when operating on the same or adjacent frequencies, but they can coexist when operating on widely separated frequencies.

[23] As can be seen in Appendix C, the spectrum lying between 12.2 and 12.7 GHz in the United States is currently allocated exclusively for non-Government use. There are allocations to the fixed service between 12.2 and 12.5 GHz and to the fixed service and fixed-satellite service between 12.5 and 12.7 GHz.

[24] For the purposes of this analysis, a radio link is defined as a one-way transmission on a single discrete frequency between a transmitter and receiver. Thus, a two-way, point-to-point communications circuit requires two radio links, one for each direction of transmission. The Commission's Microwave Application Processing System (MAPS) data base indicates that, as of January 1981, 1426 radio links have been licensed to operate in the 12.2–12.7 GHz band. The MAPS system is used to process all license applications seeking authority to operate in accordance with the provisions of Rule Part 94, and is the input source to the MFF for licenses issued under Rule Part 94. Because the number of licensees in the 12 GHz band is increasing and there are lags in processing data on new and expired licenses, the MAPS data may underestimate the actual number of radio links.

[25] Usage in seventeen Standard Metropolitan Statistical Areas (SMSA's) has been analyzed. Several of these (Boston, Cleveland, Dallas, Los Angeles) have been designated as congested areas by the Commission. FCC Public Notice, "Private Microwave Congested Areas," August 27, 1979.

[26] See Appendix D.

[27] Studies indicate that the terrestrial microwave operations are likely to cause interference to DBS home receivers, while DBS transmissions will probably cause little or not interference to the terrestrial microwave users. See for instance Hiroshi Akima, "Sharing of the Band 12.2–12.7 GHz Between the Broadcasting-Satellite and Fixed Services," (Boulder, Colorado: Institute for Telecommunication Sciences, January 1980)

propose to allow additional terrestrial operations in the 12 GHz band, applications will be carefully reviewed to ensure that the proposed operations cannot be accomplished elsewhere in the spectrum and that they will not cause harmful interference to DBS systems operating in accordance with our domestic rules or to DBS systems of other countries operating in accordance with the international plan. Thus new entrants will be subject to the same conditions as existing licensees, and will also be subject to reassignment in the 12 GHz band or other appropriate bands if adjustments in technical parameters do not eliminate interference.

37. In making this proposal, we realize that until RARC–83 is completed we will not know which frequencies will be allotted internationally to the United States for DBS services. As a result we will not know which terrestrial users will be required to move to accommodate DBS systems, and which will not need to make any changes. Many terrestrial operators may be unaffected by the operation of domestic DBS systems and may continue to operate indefinitely in the 12 GHz band. Nevertheless, we have concluded that it will serve the interests both of terrestrial fixed service licensees and of DBS applicants if we begin now to plan for all reasonable contingencies pending the outcome of the RARC. Taking this measure now will allow us to consider DBS applications during this interim period with some assurance that sufficient spectrum will be available in this band to permit DBS operations within a short time after the RARC is completed. We will also assure that existing terrestrial licensees will be afforded a sufficient period of time to prepare for a possible transition to other bands if such a move proves necessary.

38. We recognize that considerable costs would be associated with removal of 12 GHz operations to the higher bands. Such moves would require changes in antennas and other auxiliary equipment, as well as the provision of new transceivers.[28] The Commission welcomes comment on who should bear the cost of the relocation of the existing terrestrial users. Under the rules proposed here the terrestrial users would bear the entire cost. Given the lead time required to construct a satellite, however, these rules would allow terrestrial users a minimum of 3½ years' notice before they would be required to change frequencies. In this period of time normal depreciation of existing equipment would lessen the impact of equipment replacement.

39. An alternative that would further lessen the cost to terrestrial users would involve setting a period of time during which existing terrestrial operators would be permitted to remain in the band even if a DBS system were in operation. If a sufficiently long time period were allowed, these terrestrial users would be able to acquire equipment to operate on new frequencies in the normal course of equipment replacement. Under such an arrangement, reception of DBS signals during this period would be impossible in many areas because of interference from terrestrial users, and the financial impact on the DBS operator might be severe. The DBS operator, however, might have alternatives available that would lessen the impact. For instance, receiving equipment might be developed that could provide acceptable service despite interference from terrestrial users. The trade-off between equipment cost and interference rejection is clearly relevant to the potential viability of this alternative. DBS operators would also have the option of reaching agreements with terrestrial users to lessen or eliminate interference, possibly paying all or part of the costs of relocating them on other frequencies. We would expect these alternatives to apply only to existing terrestrial licensees. We would expect that any terrestrial licensees who submitted applications after the date of adoption of this *Notice* would be required to pay the full cost of relocation, since they would have entered the band with full knowledge that they would not be permitted to cause harmful interference to DBS operations. We invite comment on the desirability and practicability of these alternatives and their application both to existing terrestrial licensees and to those applying for licenses in the future.

40. To provide for the continued growth of the terrestrial fixed services, we intend, in the near future, to initiate a proceeding to establish rules for the use of higher, undeveloped fixed service bands and to re-examine the rules governing use of the fixed service in the lower bands.[29] Among the issues that will be addressed in the proceeding are (1) need for minimum path length criteria for the use of each of the available bands, (2) bandwidth requirements and appropriate channeling plans for all bands, (3) feasibility of continued use of the 12 GHz band, and (4) coordination and loading practices needed to ensure efficient use of the spectrum. Our first efforts will concentrate on developing appropriate rules and standards for the fixed service bands between 17 and 40 GHz.[30] They will establish a use plan for these bands that takes into account (1) the pending proceedings and petitions, (2) the actions of the 1979 WARC with respect to spectrum allotments and technical standards, (3) the fact that the spectrum must be shared among services, and (4) the fact that both Government and non-Government stations will require access to the spectrum. At some later date, we will reexamine the rules and standards for 2 and 6 GHz operations.

41. We believe that the course of action described above is a prudent one. These proposals are consistent with past international and domestic actions. We note that WARC–79 included an international allocation to the broadcasting-satellite service in the 12.1–12.7 GHz band.[31] In addition, WARC–79 placed restrictions on the terrestrial services at 12 GHz by stating that "* * * existing and future terrestrial radio communication services shall not cause harmful interference to

---

[28] According to one equipment manufacturer, the replacement cost of a typical redundant terminal facility (which consists of two transceivers, two antennas, one antenna tower, transmission lines, and other ancillary equipment) is about $75,000. Site acquisition cost may add a substantial amount to this figure. Assuming 1500 operating two-way radio links, each including redundant equipment to provide "hot" standby operation, the present total investment in equipment is $225,000,000. Obviously there is a considerable investment in fixed service operations at 12 GHz, which must be taken into account in our decisions regarding the usage of the 12 GHz spectrum.

Transceivers are generally fixed tuned, so that a change of operating frequency, even within the 12 GHz band, may require replacement of part of the transceiver equipment, though not of the entire installation. Preliminary financial data indicate that the cost of such a change would range between $2,000 and $10,000 per transceiver, depending on the extent of the move within the 12 GHz band. Relocation of a radio terminal facility to the 18 GHz band could cost as much as $88,000.

[29] In Docket 79–337, we recently adopted relaxed technical standards to promote the development of low-cost, low-power microwave equipment in the 22.0–23.6 GHz band. In adopting these new standards, we indicated that our objective was "to stimulate the development of systems in the 22.0–23.6 GHz band, which is sparingly used, and to accommodate some of the existing and future operations which are now authorized in the 12.2–12.7 GHz band."

[30] Generally, systems operating in the 12 GHz band can be divided into four categories: (1) One-way, very short-haul video surveillance systems; (2) short-haul, multi-hop systems connecting two buildings located close together; (3) single- or multi-hop spur systems providing connection to a long-haul, backbone system; and (4) long-haul, backbone systems connecting two or more widely separated locations or cities. A preliminary analysis of the path lengths of the 1428 radio links contained in the MAPS data base reveals that the median path length is about 7 km, and the mean path length is about 14.5 km. It would appear that 18 GHz and even 23 GHz spectrum could support the operation of many of the existing 12 GHz systems, although at higher costs to users.

[31] See Appendix B.

the space services operating in accordance with the broadcasting-satellite Plan to be prepared * * * and shall not impose restrictions on the elaboration of such a Plan * * *"[32] The Commission has also previously taken action to indicate to terrestrial microwave licensees operating in the 12 GHz band that some future adjustment might be necessary in their operations to accommodate the implementation of the broadcasting-satellite service.[33]

42. We further note that the 12 GHz band is just beginning to be developed in much of the United States. We believe that action at this time will allow us to meet the needs of both DBS and operational-fixed microwave operations with the least disruption to either of them.

DBS and Local Broadcasting

43. Some commenters claim that authorization of DBS system would conflict with a Commission responsibility to maintain local broadcasting services.[34] Some assert that the Communications Act requires broadcasting operations to serve local communities rather than broad geographic areas; others simply state that DBS would cause undesirable economic harm to local broadcasters.

Legal Authority To Authorize Nonlocal Service

44. Several parties contend that authorization of DBS systems, whether on a permanent or an interim basis, would be fundamentally at odds with the structure of local broadcasting enbodied in the Communications Act. According to these parties, under the Act, broadcast frequencies must be allocated to provide service for particular cities and communities. ABC asserts, for example, that the structure of broadcast service in the Unites States is based on the existence and operation of local broadcast stations attuned to and serving local community needs. ABC also refers to a recent Network Inquiry Staff Report, which recognized "localism" to be the fundamental underpinning of Commission television regulation.[35] Another commenter, the Maryland-District of Columbia-Delaware Broadcasters Association, asserts that a failure to comply with localism concepts would violate Section 307 of the Act, 47 U.S.C. 307(b), which requires that the Commission distribute licenses, frequencies, hours of operation, and power among the several states and communities to provide a fair, efficient, and equitable distribution of radio service. Therefore, these parties assert, because DBS systems may serve broad land masses without focusing on the needs of particular local communities, the Commission may not authorize DBS systems without first obtaining Congressional approval.

45. In response, DBS proponents, principally STC, assert that the Communications Act grants the Commission wide discretion in authorizing various communications services and in no way forecloses a nonlocal broadcast service. STC points out that Section 307(b) of the Act does not compel the local assignment of broadcasting frequencies. Rather, that Section mandates only a fair, efficient, and equitable distribution of service and does not require a local distribution of facilities. Thus, according to STC, the selection of the means for the provision of broadcast services, whether local or nonlocal, is a matter that lies within the Commission's discretion.

46. We believe it is clear that the Communications Act provides the Commission sufficient descretion to authorize nonlocal broadcast services. Section 1 of the Act, 47 U.S.C. 1, charges the Commission with regulating interstate communication by wire and radio so as to make available so far as possible, to all the people of the United States, a rapid, efficient, nationwide, wire and radio communications service. To implement this charge, Congress granted the Commission authority to classify stations, prescribe the nature of the service to be rendered by each station class, fix station locations, establish areas or zones to be served by any station, and make such rules and regulations as may be necessary to carry out the provisions of the Act. See 47 U.S.C. 303 (a), (b), (d), (h), and (r). These broad powers have been repeatedly construed as an intent by the Congress to endow the Commission with wide discretion in deciding how best to utilize all of the nation's airwaves to attain the statute's goals. See *FCC* v. *Pottsville Broadcasting Co.*, 309 U.S. 134 (1940), *National Broadcasting Co.* v. *United States*, 319 U.S. 190 (1943). Nothing in this broad mandate directs the Commission to license broadcast stations to particular individual cities or communities, nor do the words "local" or "localism" appear in the statute.

47. To be sure, as ABC notes, localism has been a fundamental underpinning of Commission television regulation. But this underpinning was established by Commission choice, not by statutory command. As ABC points out in its Further Comments, the Commission's Network Inquiry Staff concluded that the Commission had "*decided* to meet its obligations under section 307(b) of the Communications Act by insuring that viewers would be provided service via a system of locally-assigned channels."[36] Section 307(b), though, does not foreclose other, or additional, means of fairly, efficiently, and equitably distributing radio service among the several states and communities should the Commission find them in the public interest.[37] The Commission has in fact authorized clear channel AM radio stations that serve large geographic areas.

48. Furthermore, one of the Commission's primary functions under the Act is to "[s]tudy new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest * * *" 47 U.S.C. 303(g). Therefore to construe the Act as prohibiting Commission consideration and authorization of new communications services like DBS, merely because the satellite technology involved holds a unique potential for

---

[32] International FN 3787D. WARC–79 also adopted International FN 3787E, which placed restrictions on any interim broadcasting-satellite operations by stating that "* * * the Region 2 space services, existing or planned before the 1983 Regional Administrative Radio Conference for Region 2, shall not impose restrictions on the elaboration of the Plan for the broadcasting-satellite service in Region 2 and shall be operated under the conditions set forth by that Conference."

[33] Several months prior to WARC–77, the Commission began adding a note to all operational-fixed microwave licenses issued in the band 12.2–12.7 GHz. This note reads as follows:

The band 12.2–12.7 GHz may become available for broadcast satellites as a result of the 1979 World Administrative Radio Conference. If this occurs, existing licensees in the band may have to make changes in their systems as it may be required to insure compatibility with broadcast satellite operations. This license is to be accepted by the licensee with this understanding.

[34] These include the ABC, CBS, NBC Television Network Affiliates Association, the American Broadcasting Companies Inc., the Association of Maximum Service Telecasters, the Joint Filing of Broadcasters, and the National Association of Public Television Stations.

[35] FCC Network Inquiry Special Staff, *New Television Networks: Entry, Jurisdiction, Ownership and Regulation, Final Report* (October 1980).

[36] Ibid, p. I–26.

[37] In fact, during Congressional debate on Section 9 of the Radio Act of 1927, predecessor of Section 307(b) of the 1934 Act, it was explained that:

We have recognized * * * that it is not the right of a community to demand a station, not a right of a particular State to demand a station, but it was the right of the entire people to service that should determine the distribution of those stations; and it is written here in express language that it shall be the duty of this commission * * * to make such a distribution of stations, licenses and power as well give all the communities and States fair and equitable service, and that is the sound basis on which legislation of this character should be founded. We have done that. 68 Cong. Rec. 2580 (1927) (Statement of Congressman White)

serving large land areas, would be contrary to the statute's clear directive.

Impact on Local Broadcasters

49. As usually stated, the economic argument against permitting DBS or other competitors to enter a market in competition with local television broadcasters is that competition from DBS would reduce the audiences of advertiser-supported over-the-air television stations, which would reduce the stations' profits and their ability to provide public-service programming or locally-originated programming. Local news and information and other local programs would then become less available, and the quality of programming would decline for those unwilling or unable to subscribe to DBS or other pay programming.

50. The Commission will consider economic harm to broadcasters in authorizing a new service only if there is a convincing showing that a significant loss in income to the broadcasters would occur, that the amount of public service programming would decline as a result, and that the loss would not be offset by programming offered by the applicant. The Commission is not directly concerned with the profitability of specific broadcasters, but only with the ultimate effect on service to consumers.[38]

51. We have evidence from several sources suggesting the probable effects on local broadcasters of competition with other sources of video programming. First, several studies have dealt with the effects of cable television on the audiences of over-the-air broadcasters. Many of these were used by the Commission in the distant signal carriage and syndicated exclusivity proceedings.[39] A report by Kalba Bowen of Broadcasters discusses the effect of DBS on local broadcasters.[40] Finally, a study by Arthur D. Little, Inc. for Comsat General Corporation explicitly estimates the effects of DBS on the audiences of local broadcasters.[41]

52. The ultimate penetration of cable television was estimated using the results of several econometric studies in the *Report* in Docket 21284, "Inquiry into the Economic Relationship Between Television Broadcasting and Cable Television." The report concluded that cable penetration might, at most, reach 48 percent of all households.[42] The presence of cable television was estimated to reduce local station audiences by less than 10 percent, and the incremental audience diversion caused by eliminating the signal carriage rules was predicted to be less than 10 percent in all but the most extreme cases.[43] A study of allegations that particular stations had suffered or would suffer adverse effects from deletion of the distant signal rules showed that even where audience diversion occurred a decline in real revenues was uncommon and appeared unrelated to the presence of cable.[44] The *Report* found that cable television had a negligible effect on local programming or public service programming of local broadcasters. It concluded that audience diversion of the magnitude found did not pose a threat to conventional television or the ability of television broadcasters to serve their communities.[45]

53. Since the *Report* in Docket 21284 dealt only with retransmission of over-the-air signals and not with pay cable, the estimates fail to take account of the ability of more attractive programming to cause greater penetration and audience diversion. They also use data from a period before most cities were wired for cable, so that the communities studied may not be representative of the nation as a whole. Unlike DBS, cable may increase the audiences of some stations, particularly UHF stations, by improving their reception quality. Differences in price and numbers of channels between DBS and cable would also affect penetration and audience diversion. For these reasons, the results of the studies reported above cannot be applied directly to DBS. We should emphasize, however, that the levels of penetration and audience diversion found in the studies of cable appeared to have negligible effects on the services provided by local stations.

54. The report by Kalba Bowen Associates explicitly addressed the effect of DBS on local broadcasters. While no quantitative estimates were made, it concluded that DBS "would at most accelerate the introduction of pay TV, especially in areas where cable or STV is not yet available," and that the effects of a pay DBS system on local advertiser-supported broadcasters would be minor.[46] The major adverse effects, it concluded, would be those on MDS and STV, since these provide single-channel pay services that would appear less attractive to viewers than multi-channel DBS or cable systems.[47]

55. The study by Arthur D. Little, Inc. estimates the diversion of audiences from local broadcasters to DBS. Based on current demand for pay video services with various characteristics, econometric estimates were made of the demand for DBS depending on the availability of competing services, the relative prices of DBS and other services, the number of DBS channels, the attractiveness of pay services to consumers, and the amount of differentiation in services between DBS and its competitors.

56. Given viewers' preferences in 1979, a three-channel DBS system priced at $20 a month in competition with pay cable was estimated to attract from 1 to 8 percent of television households, depending on how different the programming and other characteristics of DBS were perceived to be from those of other pay services. With no pay video competiton, penetration would range between 12 and 16 percent. At $24 per month, DBS penetration was estimated at between 0 and 6 percent in competition with pay cable and between 9 and 12 percent with no competition. We should note that STC plans to charge between $14 and $18 per month for programming and an additional $6 to $10 per month for leased equipment. A. D. Little estimates total subscribers to a three-channel system introduced in 1983 at between 2 and 7 million households. If introduced in 1990 DBS would have slightly smaller audiences due to increased competition from other pay video services.[48]

---

[38] The Commission has considered this issue at length in the VHF drop-in proceeding. See *Notice of Proposed Rulemaking* in Docket No. 80-499, 45 FR 72902 (November 3, 1980), and *Report and Order* in Docket No. 20418, 45 FR 7359 at para. 52 (November 4, 1980). See also *WLVA, Inc. (WLVA-TV), Lynchburg, Va.* v. *FCC*, 459 F. 2d 1286, 1297 (D.C. Cir. 1972).

[39] Among these are National Cable Television Association, Comments in Docket 21284, March 15, 1978; Motion Picture Association of America, Reply Comments in Docket 21284, June 20, 1978; National Association of Broadcasters, Comments, "The Impact of Cable TV on Local Station Audience," prepared by Wharton Econometric Forecasting Associates, Docket 21284, March 15, 1978; and R. E. Park, "Audience Diversion Due to Cable Television: A Statistical Analysis of New Data," the Rand Corporation, prepared for the Federal Communications Commission, January 1979, attached as Appendix A to the Report in Docket 21284. These studies will not be considered in detail here because they are discussed at length in the *Report* in Docket 21284 and the *Report and Order* in Dockets 20988 (Syndicated Exclusivity) and 21284 (Distant Signal Carriage), adopted July 22, 1980, released September 11, 1980.

[40] Berge Ayvasian, Melville Blake, and David Cantor, "Direct Broadcast Satellites: Preliminary Assessment of Prospects and Policy Issues," Kalba Bowen Associates, September 22, 1980.

[41] Satellite Television Corporation, *Application*, vol. 5: *Pay Television Services via Direct Broadcast Satellite: Demand and Impact in the 1980's*, by Arthur D. Little, Inc., May 1980.

[42] *Report* in Docket 21284, para. 96.

[43] Ibid., paras. 116-117.

[44] Ibid., para. 133.

[45] Ibid., para. 73.

[46] Ayvasian, Blake, and Cantor, p. 23.

[47] Ibid., p. 24.

[48] Satellite Television Corporation, *Application* vol. 5, pp. 4-27—4-33.

57. Estimates of the change in broadcasters' audience share as a result of DBS were made using the estimates of penetration discribed above with data from A. C. Nielsen surveys of viewing by pay cable households and data from telephone surveys conducted by A. D. Little. Using the extreme assumption of a penetration rate of 16 percent, maximum audience diversion was estimated to be 3 percent.[49]

58. The estimates from the A. D. Little study must be used with caution, in part because of the possibility of large statistical errors. In addition, the impact of a DBS service may be higher than predicted because, as the study points out, the estimates are based on data from cable systems having a single pay channel, which are probably less attractive than a multi-channel system would be. On the other hand, the estimate of audience diversion assumes a penetration rate that DBS would achieve only with no competition from other services. In competition with pay cable, where both offered three pay channels for $24 per month, DBS subscribers were estimted at not more than 5 percent of television households. Thus diversion of audiences from television broadcasters may be greatly overstated.

59. Despite the possibility of large errors in these estimates, the order of magnitude of the predicted effects of DBS on local broadcasters' audiences is such that actual effects of a system such as STC's will almost certainly be far smaller than the effects predicted for cable, which the Commission has judged to have a negigible effect on local broadcasters. Thus we feel confident that the effect of such a DBS system on local television profits, and on the availability of programming to viewers, will also be negiligible. We believe that the probability of a substantial decline in the services provided by local broadcasters, as a result of introduction of an interim DBS system, is far too small to justify delaying introduction of DBS service. The multiple channels of programming and high-quality reception that DBS could provide, and its ability to serve isolated rural areas that not receive little or not television service, would far outweigh any loss in existing service. If several DBS systems were in operation, their combined effect on local broadcasters would undoubtedly be greater than that of a single system. But we have no way to predict how many DBS applications we may receive or the magnitude of their combined effect. We do not believe that we should base our policies on speculations concerning events that may never occur.

[49] Ibid., p. 5–11.

V. Public Interest in Authorizing Interim DBS Service

60. An important aspect of our statutory mandate to "encourage the larger and more effective use of radio" is to ensure that the benefits of new communications services are made available to the American people in the most timely manner possible. Therefore, having made a preliminary judgment that the establishment of DBS systems would serve the public interest, we intend to proceed expeditiously to consider and process applications to provide this service. As pointed out by STC, because of the exceptionally long lead times required for satellite construction, our refusal to consider DBS applications either during the interim period before the RARC or prior to the establishment of permanent policies for this service would probably mean that no DBS systems would be operational until the end of this decade. If we begin the authorization process now, however, actual service could start within four years or less. It seems clear, therefore, that by granting interim authorizations, we will permit a substantially earlier implementation of the service, thereby achieving the important statutory objective of facilitating and encouraging the introduction of new communications services.

61. Authorization of experimental DBS systems before the formulation of permanent regulations will also provide valuable experience that will enable us to make more informed judgments concerning desirable permanent regulations and standards for DBS. For instance, if a system goes into operation before permanent regulations are established, the number of subscribers to the experimental system will provide evidence concerning the demand for video services provided by DBS and the amount of spectrum needed to provide them. Evidence of the demand for DBS services will help the Commission to allocate spectrum between DBS and terrestrial microwave services in response to their relative needs. Observation of the operation of the video programming market in the presence of DBS will also allow a more accurate judgment of the amount of competition present and the need for specific provisions to maintain competitive markets. In addition, observation of the technical performance of the system may give us information about technical characteristics that will be useful inspectrum planning and will provide system operators information needed to improve the technology of later systems.

62. In considering whether to proceed with interim authorizations, we have fully considered the arguments of those commenters who believe that no DBS applications should be considered until permanent policies have been established for DBS after the RARC. Many commenters express fear that interim authorizations would comprise the United States' negotiating position at the RARC, or would commit the Commission to long-term policies or technical standards before we have obtained sufficient information to make sound judgments. As will be explained in detail below, however, we have concluded that the concerns expressed by these commenters are not of sufficient weight to override the substantial public benefits that will be achieved by bringing this important new service to the American people within a relatively short period of time and allowing a period of experimentation before adopting final policies.

63. In considering the effects of interim DBS authorizations on permanent policies, we should also note that a lead time of several years is required to construct a satellite. Thus, even if we authorize construction now, no satellite can be launched until after the outcome of RARC–83 is known. Consequently, any modifications necessary to conform with RARC–83 or with permanent regulatory policies can be made before launch of the satellite. In addition, the expected lifetime of a satellite is only seven to ten years. Policies adopted for a first generation of satellites can be modified for later generations without greatly affecting the interests of the owner of the initial system. Thus our ability to change policies without inflicting losses is much greater for DBS than it might be in the case of other services where equipment has a longer expected life.[50]

Effects on our Negotiating Position at RARC–83

64. Some commenters have asserted that authorization of a DBS system prior to RARC–83 will restrict the United States' negotiating flexibility at the RARC.[51] For that reason, these parties

[50] Of course, some changes in technical parameters would make transmissions from later satellites incompatible with receiving equipment owned by the public. If imposed by the Commission, such changes might impose severe costs either on the operator of the later satellite or on the public.

[51] Among these are the ABC, CBS, NBC Television Network Affiliates Association, the American Broadcasting Companies, Inc., the Association of Maximum Service Telecasters, and Cox Broadcasting Corporation.

argue that no interim authorizations should be granted. We find these arguments unpersuasive.

65. We believe that our approval of one or more DBS applications would be consistent with the United States' basic negotiating posture at the RARC. Both WARC–77 and WARC–79 anticipated that Region 2 countries might wish to implement interim DBS systems. The Resolutions and provisions of WARC–77 and WARC–79 governing the 1983 RARC provide that Region 2 will, in fact, establish a plan for the broadcasting-satellite service and that this plan will be based upon individual reception.[52] It also seems clear that at RARC–83 the United States will support the establishment of some of DBS system in Region 2.

66. Furthermore, we believe that the amount of the spectrum and number of orbital positions alloted to the United States for DBS at the 1983 RARC is likely to exceed that which is needed to accommodate any domestic DBS authorizations granted before the Conference. Our approval of interim applications is, therefore, unlikely to have a controlling effect on the total amount of spectrum and orbit space that is requested by the United States.

67. We also have reason to expect that the characteristics of the Region 2 plan for DBS services will be similar to, or at least no more restrictive than, the plan already adopted at WARC–77 for Regions 1 and 3. Consequently, if we authorize only systems that possess the capability to meet these expected RARC requirements, we can be confident that our negotiating flexibility will not be compromised.[53]

68. For example, the plan for Regions 1 and 3 was based on orbital locations resulting in a minimum elevation angle for receiving antennas of 20 degrees. The plan also took into account the influence of orbital position on the eclipse period. Consistent with these parameters, satellites serving the eastern U.S. almost certainly would not be required to locate any further west than 115° W longitude, which would result in a receiver elevation angle of about 20 degrees in Maine. In addition, due to eclipse considerations, satellites would probably not be required to locate more than 15 degrees east of this location. Therefore, if we authorize only interim proposals that possess the ability to relocate satellites as much as 15 degrees, we will be able to negotiate freely with respect to the issue of satellite orbital positions.

69. The WARC–77 plan also designated the specific frequency channels to be used by each nation in Regions 1 and 3. When considering interim applications, the Commission may withhold the assignment of specific frequencies to applicants until after the 1983 Conference. The approval of interim applications, without assigning particular frequencies, almost certainly will have no effect on our position at RARC concerning frequency allotments.

70. The satellite antenna pattern also specified at WARC–77. The WARC–77 plan was based upon elliptical antenna patterns that covered the entire designated service area, and usually a considerable amount of territory outside it, within a 3dB contour. It is not clear whether Region 2 will use elliptical antenna patterns or shaped beams for planning purposes. It is possible, however, to fashion DBS proposals that are flexible enough to meet either of these contingencies. For example, a shaped beam pattern would normally be compatible with (i.e., would cause less interference than) an elliptical pattern providing service to the same area.

71. We also recognize that the United States has not decided upon the appropriate size for DBS service areas. Nevertheless, so long as applicants proposed service areas no larger than those ultimately decided upon by the U.S., their proposals would be compatible with any final U.S. position. Furthermore, the United States almost certainly would not press for service areas significantly smaller than a time zone. Thus, if authorizations were limited to proposals that contemplate service areas not significantly larger than a time zone, our RARC preparation would be unaffected.

72. The WARC–77 plan also designated signal polarization for Regions 1 and 3 and recommended that circular polarization be used in Region 2.[54] STC, for example, has indicated its intention to use circular polarization, alternating adjacent U.S. service areas between right hand circular polarization and left-hand circular polarization. Admittedly, the grant of authorizations to construct DBS systems that use circular polarization during this interim period might influence the United States to press for circular polarization at RARC–83. A large body of expertise favors the use of circular polarization, however, and a U.S. decision at this time to opt for circular polarization does not appear unwarranted.[55] Certainly, no significant cost or orbit/spectrum efficiency issues are involved. The Commission can find no technical reason, however, for selecting the polarization sense (i.e., whether to use right hand or left hand circular polarization in particular service area) at this time, and will therefore only require that the polarization sense of any authorized system be compatible with the RARC–83 results.

73. Another characteristic designated in the WARC–77 plan was effective isotropic radiated power (e.i.r.p.) of the satellite. The value suggested for Region 2 by WARC–77 was 61 dBW, corresponding to a received power flux density of −105 dB(W/m²)at the edge of coverage. Even if the final RARC plan deviated from this value, however, no significant problem would arise. The Commission could simply require that all authorized interim systems make any necessary modifications to conform to the Region 2 plan.[56]

74. WARC–77 also adopted a 27 MHz necessary bandwidth in the plan for Regions 1 and 3 and recommended an 18 MHz necessary bandwidth for Region 2 individual reception systems. It is not likely that this country, or any other Region 2 country, would propose planning based upon less than 18 MHz signal bandwidth. Therefore, so long as applications propose bandwidths no greater than 18 MHz, our flexibility to negotiate on the issue of appropriate signal bandwidth will be unaffected. With regard to systems that might employ wider (more than 18 MHz) bandwidth emissions (for example to provide high-definition television

---

[52] See WARC–79 *Final Acts*, Appendix 30, Article 12; WARC–79 *Final Acts*, Resolution 701 (CH); and WARC–77 *Final Acts*, Article 12. While planning will be based on individual reception, administrations may implement either community or individual reception systems. We believe that this is a reasonable approach since planning based on individual reception would not preclude the use of community reception where desired, while the converse may not be true.

[53] The *Final Acts* of WARC–77 also provide that administrations may implement systems that employ technical characteristics different from those specified in the plan so long as such action does not result in interference in excess of that provided for in the plan.

[54] At one time the U.S. expressed concern over circular polarization use by the broadcasting-satellite service because of use of linear polarization by the fixed-satellite service. Since WARC–79 separated these services in the allocations table, this concern no longer exists.

[55] Circular polarization is generally preferred because the rotational orientation of the ground receiver antenna is not critical, and therefore mounting costs may be reduced. It is also easier to maintain orthogonality between two satellites serving adjacent areas using circular polarization than using linear polarization. We consider this alignment problem to be important because of the potentially large number of home DBS receivers.

[56] It has been suggested, for example, that improvements in receiver noise temperatures since WARC–77 have made possible a reduction in satellite e.i.r.p. Interim licensees could make accommodtions for any reduction in e.i.r.p. by one of several methods, including permitting a slightly lower grade of service, using more sensitive receivers, and using slightly larger receive antennas.

service), the U.S. is presently attempting to develop a planning approach for the 1983 RARC that would permit flexibility in emission bandwidths. We presently have under study the possibility of block assignments, which would permit us to provide for systems employing wider bandwidths.[57] In the meantime, the issue of high-definition television service or oher wide-band services via DBS will be considered on a case-by-case basis.[58]

75. From the foregoing, it seems clear that any interim DBS system that is capable of meeting the parameters outlined above will not significantly affect our ability to negotiate freely at the 1983 RARC. Furthermore, we believe that we can minimize any inhibiting effect that interim authorizations might have on our negotiating posture by taking two measures. First, we propose to grant interim authorizations subject to a condition that licensees will be required to conform to any final RARC–83 requirements. If applicants are aware that they must bear the costs of eventual compliance with the Conference results we believe that system operators will have a strong incentive to build into their proposals sufficient flexibility to accommodate any reasonable outcome of the RARC. Second, in order not to influence the U.S. position with regard to frequency allotments, we propose to withhold specific assignments of frequencies and orbital locations until after the Conference.

76. Finally, we note the arguments of some commenters that, apart from its effects on the United States' flexibility to develop specific proposals for the RARC, the authorization of interim DBS systems would weaken the United States' negotiating position for other reasons.[59] They claim, for example, that other Region 2 administrations would be more inclined to counter concrete United States proposals with definite positions of their own, or that other nations would be able to extract concessions from the United States by attacking technical parameters that might be needed by an authorized system. Some claim, in addition, that interim authorizations would increase the credibility of *a priori* planners, who argue that specific orbital allotments should be reserved for less developed nations. On the other hand, STC argues that the existence of concrete U.S. requirements actually will strengthen the United States' negotiating posture at the conference.

77. With regard to these claims, we find it plausible that other Region 2 administrations would be more willing to accommodate immediate, demonstrable U.S. needs than vague conjectures as to possible U.S. requirements. We also believe that the existence of definite DBS proposals could assist in formulating realistic, detailed U.S. plans. In any case, we believe that attempts to predict other countries' responses to interim authorizations are at best extremely speculative. Therefore, we have concluded that these arguments for delaying any DBS authorizations until after the RARC do not justify postponing the introduction of a service that appears desirable on other grounds.

Effects on Permanent Regulatory Policies

78. Many commenters expressed concern that approving a DBS application in the near future would commit the Commission to long-term regulatory policies before we have sufficient information and before sufficient consideration had been given to all possible regulatory options.[60] We are well aware that some basic regulatory decisions cannot reasonably be made until the outcome of the 1983 RARC is known. For instance, until we know how many channels are available to the United States for DBS, we will not know whether it is desirable to impose restrictions on the control of multiple channels by DBS operators. We believe, however, that the policies proposed herein provide the Commission with sufficient flexibility to permit almost any regulatory policies to be imposed at a later date.

79. The proposed interim policies would require, for instance, that all interim authorizations be subject to the condition that the Commission may modify any of the terms of the authorization at any time upon reasonable notice. Operators of experimental systems would also be required to come into compliance with permanent regulations that are implemented later.

80. Many commenters have argued that the size of the investment in a DBS system would commit the Commission to the terms of any system that was authorized. We might indeed be hesitant to cancel entirely the authorization of an operating system, but in view of our preliminary findings concerning the likely public interest benefits of DBS we would almost certainly have no occasion to do so.

81. To ensure that we maintain our future flexibility, we have attempted to propose as few rules as possible for experimental systems. For instance, we propose not to classify experimental DBS systems as broadcasters, common carriers, or private radio services. We believe that requiring a change from one regulatory structure to another (for instance, from the experimental structure we propose to a conventional broadcast or common carrier regulatory structure), would not have a major impact on the profitability of the operation. Consequently, we would not hesitate to make such changes if we believed them to be a desirable means of maintaining competition or enhancing program diversity.

Effects on Technical Standards

82. Several commenters have expressed concern that authorization of a DBS system under interim rules would commit the Commission to the technical standards of that system, and that those standards might not be the most appropriate permanent standards.[61] Of these commenters, some fear that the Commission would adopt the technical parameters of the first system as mandatory standards for later systems, thus blocking technological change and limiting the variety of service offerings. Others assert that, even if the Commission sets no technical standards, the first DBS system will inevitably set *de facto* standards for the industry. They contend that a second system operator will probably provide signals compatible with receiving equipment already owned by the public, even though another system design might be technically superior.

83. We agree with those commenters who assert that it would be unwise at this time for the Commission to impose technical standards on DBS systems. Imposing rigid standards would establish permanent operational parameters based on current technology that would be very difficult to change and would almost certainly reduce the incentive for further development of DBS technology. On the other hand, if the Commission sets no compatibility standards at this time, system operators will be free to offer new services in response to advances in technology or changes in consumer tastes. The

[57] By block assignment, we mean assignment of a broad segment of contiguous spectrum in a particular orbital position.

[58] See paragraph 83 *infra*.

[59] These commenters include the ABC, CBS, NBC Television Network Affiliates Association, the Association of Maximum Service Telecasters, and the National Broadcasting Corporation.

[60] Among these commenters are the ABC, CBS, NBC Television Network Affiliates Association, the American Broadcasting Companies, Inc., Cox Broadcasting Corporation, Hubbard Broadcasting, Inc., and the National Association of Broadcasters.

[61] These commenters include CBS, Inc., the Joint Filing of Broadcasters, the National Association of Broadcasters, RCA American Communications, Inc., Hubbard Broadcasting, Inc.

benefits of allowing experimentation and innovation may be particularly great at the introduction of a new technology, when technological change occurs most rapidly. Thus, we believe that by allowing experimentation with a variety of technical characteristics, the Commission will, in fact, provide entrepreneurs the best possible opportunity to provide the services most valued by consumers.

84. We also believe that members of the industry are likely to have more resources and better information than the Commission with which to address technical details of system design, and to have very strong incentives to make correct technical judgments regarding DBS system performance parameters. Thus we have no reason to believe if an initial DBS system sets *de facto* technical standards for the service that those standards would necessarily be less appropriate than standards the Commission might set at this time. We also believe, however, that the authorization of interim systems is unlikely to prevent later systems from offering services that the public prefers. If consumers find the characteristics of a second, incompatible system very desirable they will be willing to pay for the additional equipment required, and the probability is high that demand for the second system will be great enough that the two systems will profitably coexist or that the second system will supplant the first.[62]

85. The Commission also wishes to encourage experimentation with high-definition television (HDTV) systems, and with other technologies that might be used with direct broadcast satellites as well.[63] We particularly encourage experimentation with techniques that may result in transmission of HDTV signals in an RF bandwidth comparable to that currently used by NTSC signals. Convertability between the HDTV and NTSC systems might also usefully be explored in interim DBS systems. While the Commission has made no policy decisions regarding HDTV systems, we will entertain applications for both HDTV and community reception systems, as well as applications for other innovative DBS services, on a case-by-case basis.

[62] For a further discussion of the issue of compatibility standards, see Setzer, Franca, and Cornell, pp. 63–69.

[63] Considerable interest has been shown in HDTV technology. Both CBS and STC discussed HDTV systems in their comments. Studies of HDTV systems have been conducted in Japan, and Society of Motion Picture and Television Engineers (SMPTE) study group issued a report on HDTV in 1980. *SMPTE Journal*, February and March 1980.

86. While the industry may be in a better position than the Commission to judge the most appropriate technical standards for system performance, in the absence of explicit prices for the use of frequencies and orbital positions market forces will not lead to standards for orbit and spectrum utilization that properly take into account the scarcity of orbit and spectrum space. Consequently, administrative technical standards remain necessary for controlling orbit and spectrum utilization. The Commission's responsibility for administering the orbit and frequency resource will require us to examine technical issues carefully as they arise during the interim period. To assure an orderly transition from interim DBS technical parameters to permanent parameters, the Commission encourages DBS designers and operators to consider the optimization of orbit and spectrum utilization as an important planning issue. The recommendations adopted at WARC–77 were based on technology that has since been superseded, and may yield less-than-optimum orbit and spectrum utilization. Therefore we encourage operators of interim DBS systems to explore the use of recent technological advances, such as improved antennas and ground receiver equipment that would allow a lower satellite e.i.r.p. than specified in WARC–77, in order to achieve better orbit and spectrum utilization.

Conclusion

87. We conclude that the Commission can authorize interim DBS systems without causing our negotiating position to deteriorate at RARC–83 and without committing ourselves prematurely to any technical standards or regulatory policies. The Commission must examine individual applications with care, however, to assure that the characteristics of any system authorized are consistent with likely outcomes of RARC–83, and that they are flexible enough to accommodate any permanent rules or technical standards.

VI. Proposed Policies and Conditions for Interim DBS Systems

88. When considering DBS applications in the interim period, we believe that our basic policy should be to maintain an open and flexible approach that will allow the business judgments of individual applicants to shape the character of the service offered. By proceeding in this manner, we intend to encourage the submission of a wide variety of proposals and thereby achieve the full benefits of experimentation with this new service. As NTIA and STC further point out, by adopting a flexible approach the Commission would be extending to the broadcast satellite field the same unstructured regulatory framework that proved successful in promoting the development of the domestic satellite service. Although the types of communications services provided by the DOMSATS and by DBS differ in some respects, we agree with these commenters that the DOMSAT open entry policy may profitably be applied in order to gather the information necessary to develop permanent DBS regulations. In sum, therefore, during this developmental period we do not intend to require that DBS applicants structure their proposals according to any particular regulatory model. Applicants may submit proposals that include some or all elements of broadcast, common carrier, or private radio services, or none of them.

Regulatory Policies

89. In our view, one of the chief benefits of allowing a period of experimentation with DBS services will be that it will help us determine the extent to which the imposition of any regulatory constraints on the service is either necessary or desirable. We believe therefore, that at this early and developmental stage, the purposes of an experimental system can best be served by allowing as much flexibility as possible, since we can gain the most information about the potential market for the service by allowing the operator to experiment with service offerings and financing methods to find those that consumers prefer and that are most profitable. Prohibiting some methods of operation from the beginning in an experimental system will prevent us from ever gaining information about their effects. Accordingly, we intend to impose on DBS services only those regulatory requirements that are expressly mandated by the Communications Act.[64] We propose no

[64] The appropriate statutory provisions will depend on the specific characteristics of the service each applicant proposes, including the proposed method of financing, whether the service would be offered to the general public, and the degree of control the applicant would exercise over program content. If the proposal falls within any of the conventional regulatory classifications for radio services, i.e., broadcast, common carrier, or private radio, we will impose the statutory requirements of that service.

For example, in cases where applicants intend to provide services to private residences, either in homes or apartments, and, in addition, will retain the authority to control the content of the satellite transmissions, the express provisions of the Communications Act that govern broadcasting services, i.e., Title III, Part I of the Act, will apply. Applicants who propose such services may be able

Continued

additional restrictions on program content, service offerings, or methods of financing.

90. Direct broadcast satellite services may be entering a highly competitive market in which only minimal regulation will be needed. The OPP Staff Report on DBS regulatory policy concludes that in a competitive market with many sources of programming, like the predicted post-1985 video programming market, neither broadcast nor common carrier regulation will be appropriate. The Staff Report claims that in such a market diversity of programming is likely to be available without Commission intervention, and individual operators will be constrained by competition to provide programming the public wants at prices reflecting production costs. Requiring specific services or market behavior will increase the costs of the operator and limit the services available to the public with little corresponding benefit.[65] An important piece of information to be gained is whether, in fact, a DBS system will operate in a manner the Commission considers desirable without extensive regulation.

91. We do not intend to limit DBS experiments to those of a purely technical nature, as some commenters have urged. In our view, the largely untried nature of this new service will make market and operational trials to determine consumer reaction especially important.

92. The Public Service Satellite Consortium has advocated in its comments that the Commission require DBS operators to reserve time or frequencies for educational or public-service applications. The Society for Private and Commercial Earth Stations recommends that the Commission establish a right of access at market rates for all entertainment programming, essentially requiring the DBS operator to function as a common carrier. Proposals to reserve time for specific uses or to impose access requirements would both require the system operator to relinquish control of programming, and we believe that both would be undesirable. With substantial restrictions on programming the service provided may appear much less desirable to the public. The expected demand for the service, and the expected return on investments in the system, may be so small that entrepreneurs will be unwilling to invest, and the service may never be initiated. This problem will be particularly severe for an initial system. Since little is known about the demand for the service, we feel it is desirable to allow the system operator to try to provide what he believes to be the best possible service. Of course, our permanent regulations could always require time to be reserved for specific uses if it were considered desirable.

93. In setting forth these guidelines, we realize that it is impossible to foresee all of the regulatory issues that may arise when considering specific proposals. In individual cases, it may be necessary to impose regulatory constraints that are more restrictive than those suggested above, though our general posture will be to avoid such restrictions where possible. All experimental authorizations, however, will be subject to any further rules or policies that may be promulgated in subsequent rulemaking proceedings to devise permanent policies for this service.

Technical Standards

94. Applicants will be required to conform to certain minimal technical requirements. These consist of the technical guidelines specified in the WARC–77 Final Acts. Furthermore, all experimental authorizations will be subject to modification, as the Commission deems necessary, in order to comport with determinations made at RARC–83. Deviations from the guidelines of the WARC–77 or from the outcome of the 1983 RARC may be permitted with Commission approval provided they do not cause interference to operational or planned systems of other administrations in excess of that specified in the Final Acts of the 1977 WARC.

95. We do not believe that it is in the public interest to set further standards at this time. Direct broadcast satellite technology is still experimental and will probably remain so for the immediate future. We believe that setting standards at this time may prevent or slow the introduction of new and innovative technologies or services and the ultimate benefits these new technologies and services may bring. We feel that the public interest will be best served by a regulatory policy that is flexible enough to allow for different system approaches in the interim period. We feel that this type of approach has proven beneficial in the domestic satellite service and should prove the same with DBS. Nevertheless, we recognize that this approach requires DBS providers to assume the risk that the Commission may mandate standard technical parameters in the future, just as providers of domestic satellite services assume the risk that future rulemaking proceedings may alter their operations (e.g., the orbital spacing of satellites).

Licensing and Procedural Requirements

96. Applications for authorization to construct DBS systems will be accepted from the date of adoption of this notice. By this Notice, we are proposing the following licensing and procedural requirements for interim DBS systems:

(a) Each application for an interim DBS system shall include a showing describing the type of service that will be provided, the technology that will be employed, and all other pertinent information. The application may be presented in narrative format.

(b) Applications may include requests for particular frequencies and orbital positions. However, specific frequencies and orbital positions shall not be assigned to interim DBS operators until completion of the 1983 RARC. Furthermore, while the cut-off date of the application will be considered in establishing the priority of such requests, (see (d) below) the Commission shall generally consider all frequencies and orbital positions to be of equal value, and conflicting requests for frequencies and orbital positions will not necessarily give rise to comparative hearing rights as long as unassigned frequencies and orbital slots remain.[66]

(c) Each application for an interim DBS system shall be placed on public notice for 45 days, during which time interested parties may file comments related to the application.

(d) A 45 day cut-off period shall also be established for the filing of applications to be considered in conjunction with the original application. Additional applications filed before the cut-off date shall be considered to have equal priority with

---

to demonstrate that, because of particular features of their proposals, the services they provide should not be deemed to be broadcasting services as defined in the Act, the merits of such arguments will, of course, be considered. In addition, in the phase of this proceeding that deals with permanent policies for DBS we will consider the possibility that subscription direct-to-home programming services should be classified as "hybrid" services rather than as true broadcasting services. The staff has raised the further possibility that, because of the hybrid features of subscription services, the Commission may have the discretion to exempt them from statutory provisions that were intended to apply to conventional broadcasting services. See also, *Chartwell Communications Group* v. *Westbrook*, 637 F. 2d 459 (6th Cir. 1980). Until that legal issue has been addressed and resolved in the phase of this proceeding dealing with permanent policies, however, subscription DBS services will be subject to these express statutory provisions. Because of the long lead time required for satellite construction, some of the legal and policy issues relating to DBS services may be resolved by the Commission before any experimental DBS service becomes operational.

[65] Setzer, Franca, and Cornell, pp. 70–80.

[66] Our policy in this regard is similar to that adopted for the domestic satellites. See *Western Union Telegraph Company*, 46 FCC 2d 162, 165 (1974).

the original application and shall be considered together in the assignment of frequencies and orbital positions. If applications have included requests for particular frequencies or orbital positions, the cut-off date shall be considered in establishing the priority of such requests.

(e) Each application for an interim DBS system, after the public comment period and staff review, shall be acted upon by the Commission to determine if authorization of the system is in the public interest.

(f) It is the intention of the Commission that in most circumstances the regulatory policies in force at the time of authorization to construct a satellite shall remain in force for that satellite throughout its operating lifetime. Satellites authorized at a later date, however, shall be subject to any further policies and rules established prior to their authorization.

(g) Authorization of an interim DBS system shall be issued for a period of three years.[67]

Conclusion

97. The proposed amendments to the Table of Frequency Allocations and the service rules are presented in Appendix D. We believe the policies proposed herein will allow provision of interim DBS services to the American public in an efficient and expeditious manner without undue harm to competing interests. We believe that they will allow us the flexibility to establish whatever long-term rules and policies appear desirable.

98. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy of the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1232.

99. Authority for this proposed rulemaking is contained in Sections 1, 4 (i) and (j), 303 (g) and (r), and 403 of the Communications Act of 1934, as amended (47 U.S.C. 1). Pursuant to applicable procedures set forth in §§ 1.415 and 1.46 of the Commission's rules, interested parties may file comments on or before July 1, 1981 and reply comments on or before July 16, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

100. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility anslysis (IRFA) of the expected impact of these proposed policies and rules on small entities. The IRFA is set forth in Appendix E. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this Notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 50 U.S.C. et. seq.)

101. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting documents. If participants want each Commissioner to receive a personal copy of their comments, an original plus eleven copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554, Attention: Docket No. 80–603. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554. For further information on this proceeding, contact Florence Setzer or Bruce Franca, (202)/653–5940.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William Tricarico,

Secretary.

Appendix A

The following parties, listed according to interest group, submitted comments or replies in this proceeding.

Terrestrial Interests

1. Aerospace and Flight Test Radio Coordinating Council (AFTRCC).
2. Association of American Railroads (AAR).
3. California Public-Safety Radio Association, Inc. (CPRA).
4. Central Committee on Telecommunications of the American Petroleum Institute (API).
5. County of Los Angeles (LA County).
6. Harris Corporation through Farinon Electrical Operations (Farinon).
7. Manufacturers Radio Frequency Advisory Committee (MRFAC).
8. Pacific Gas and Electric Company (PGE).
9. Rockwell International Corporation (Rockwell).
10. Special Industrial Radio Service Association Inc. (SIRSA).
11. Utilities Telecommunication Council (UTC).

Broadcast Interests

1. ABC, CBS, NBC Television Network Affiliates Association (Network Affiliates).
2. ABC Television Affiliates Association (ABC Affiliates).
3. American Broadcasting Companies, Inc. (ABC).
4. The Association of Maximum Service Telecasters (MST).
5. CBS Inc. (CBS).
6. Corporation for Public Broadcasting (CPB).
7. Cox Broadcasting Corporation (CBC).
8. Home Box Office, Inc. (HBO).
9. Hubbard Broadcasting, Inc. (Hubbard).
10. Joint Filing of Broadcasters (Broadcasters).

[67] For the present time, we envision that action on any interim DBS application shall be limited to granting authority to construct proposed satellites. Authority to launch satellites will be given at a later date. The three-year authorization period will commence at initiation of service.

V 4 6 4 1 0 8 JE 5 81 UMI

11. Maryland-District of Columbia-Delaware Broadcasters Association, Inc. (MDCD).
12. National Association of Broadcasters (NAB).
13. National Association of Public Television Stations (NAPTS).
14. National Broadcasting Company, Inc. (NBC).
15. Satellite Television Systems, Inc. (Satellite Television).

Other Comments

1. Mr. Charles H. Andrews, Sr. (Andrews).
2. Consumer Electronics Group of the Electronics Industries Association (EIA).
3. National Telecommunications and Information Administration (NTIA).
4. Oak Communications Inc. (Oak).
5. Public Service Satellite Consortium (PSSC).
6. RCA American Communications, Inc. (RCA).
7. Satellite Television Corporation (STC).
8. Society for Private and Commercial Earth Stations (SPACE).
9. Western Communications Research Institutes, Inc. (WCRI).
10. Western Union Telegraph Company (Western Union).

BILLING CODE 6712-01-M

Note.—Appendix B will not appear in the CFR.

APPENDIX B

Post-1979 WARC
International Allocations Plan
and
Possible United States Allocations Plan
for the band segments 11.7 - 12.75 and 17.3 - 18.1 GHz

INTERNATIONAL TABLE			UNITED STATES TABLE		
			GOVERNMENT	NON-GOVERNMENT	
Region 1 Allocation GHz	Region 2 Allocation GHz	Region 3 Allocation GHz	Allocation GHz	Allocation GHz	FCC RULE PART(s)
11.7 - 12.5 FIXED BROADCASTING BROADCASTING-SATELLITE Mobile except aeronautical mobile	11.7 - 12.1 FIXED 3787G FIXED-SATELLITE (space-to-Earth) Mobile except aeronautical mobile 3785H 3787/405BC 3787A	11.7 -12.2 FIXED MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE	11.7 - 12.1	11.7 - 12.1 FIXED-SATELLITE (space-to-Earth) Mobile except aeronautical mobile 3785H 3787/405BC 3787A	Domestic Public Fixed (21)
	12.1 - 12.3 FIXED 3787G FIXED-SATELLITE (space-to-Earth) MOBILE except aernautial mobile BROADCASTING BROADCASTING-SATELLITE	3785/405BA 3785H	12.1 - 12.3	12.1 - 12.2 FIXED-SATELLITE (space-to-Earth) BROADCASTING-SATELLITE Mobile except aeronautical mobile 3785H 3787/405BC 3787B 3787D 3787E	Domestic Public Fixed (21)
		12.2 - 12.5 FIXED MOBILE except areonautical mobile BROADCASTING		12.2 - 12.3 FIXED FIXED-SATELLITE (space-to-Earth) BROADCASTING-SATELLITE	International Fixed Public (control) (23) Private Operational-Fixed Microwave (94) [Broadcast Satellite (?)]

INTERNATIONAL TABLE			UNITED STATES TABLE		
			GOVERNMENT	NON-GOVERNMENT	
Region 1 Allocation GHz	Region 2 Allocation GHz	Region 3 Allocation GHz	Allocation GHz	Allocation GHz	FCC RULE PART(s)
	3785H 3787/405BC 3787B 3787C 3787D 3787E			3785H 3787/405BC 3787B 3787D 3787E	
3785/495BA 3785H	12.3 - 12.7 FIXED MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE	3785/405BA 3785B 3785H	12.3 - 12.7	12.3 -12.7 FIXED BROADCASTING-SATELLITE	International Fixed Public (control) (23) Private Operational-Fixed Microwave (94) [Broadcast Satellite (?)]
12.5 - 12.75 FIXED-SATELLITE (space-to-Earth) (Earth-to-space)	3785H 3787/405BC 3787D 3787E 3787F	12.5 - 12.75 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile BROADCASTING-SATELLITE 3785A		3785H 3787/405BC 3787D 3787E 3787F	
3785H 3788/405BD 3788A 3789/405BE	12.7 - 12.75 FIXED FIXED-SATELLITE (earth-to-space) MOBILE except aeronautical mobile 3785H	3785H	12.7 - 12.75	12.7 - 12.75 FIXED FIXED-SATELLITE (Earth-to-space) 3785H NG53 NG118	Auxiliary Broadcasting (74) Cable Television Relay (78) Domestic Public Fixed (21)

* * * * *

UMI 1 3 5 E C 8 0 1 7 6 4 7

INTERNATIONAL TABLE			UNITED STATES TABLE		
			GOVERNMENT	NON-GOVERNMENT	
Region 1 Allocation GHz	Region 2 Allocation GHz	Region 3 Allocation GHz	Allocation GHz	Allocation GHz	FCC RULE PART(s)
17.3 - 17.7			17.3 - 17.7	17.3 - 17.7	
	FIXED-SATELLITE (Earth-to-space) 3794H Radiolocation		Radiolocation	FIXED-SATELLITE (earth-to-space) 3794H	[Broadcast Satellite (?)]
	3794G		USYY28 G59	USYY28	
17.7 - 18.1			17.7 - 18.1	17.7 - 18.1	
	FIXED FIXED-SATELITTE (space-to-Earth) (Earth-to-space) 3794H MOBILE			FIXED FIXED-SATELLITE (space-to-earth) (earth-to-space) 3794H MOBILE	Domestic Public Fixed (21) [Broadcast Satellite (?)]

* * * * * *

INTERNATIONAL FOOTNOTES

3785H In the use of the band 11.70 - 12.75 GHz in Regions 1, 2 and 3, see Resolutions CH, CI, CJ, CK and CL.

3787/405BC The use of the band 11.7 - 12.7 GHz in Region 2 by the fixed-satellite and broadcasting-satellite services is limited to national and sub-regional systems and is subject to previous agreement between the administrations concerned and those having services, operating planned to operate in accordance with the Table, which may be affected (see Articles N11, N13, N13A, and Resolution No. BO).

3787B The 1983 Regional Administrative Radio Conference for Region 2 will divide the band 12.1 - 12.3 GHz into two sub-bands. It will allocate the lower sub-band to the fixed-satellite service and the upper sub-band to the broadcasting-satellite, broadcasting, mobile except aeronautical mobile, and fixed services, all services being on a primary basis.

3787D In Region 2, in the band 12.1 - 12.7 GHz, existing and future terrestrial radiocommunication services shall not cause harmful interference to the space services operating in accordance with the broadcasting-satellite Plan to be prepared at the 1983 Regional Administrative Radio Conference for Region 2, and shall not impose restrictions on the elaboration of such a Plan. The lower limit of this band shall be modified in accordance with the decisions of that Conference for Region 2 (see No. 3787B).

3787E In the band 12.1 - 12.7GHz, the Region 2 space services, existing or planned before the 1983 Regional Administrative Radio Conference for Region 2, shall not impose restrictions on the elaboration of the Plan for the broadcasting-satellite service in Region 2 and shall be operated under the conditions set forth by that Conference.

3787F In Region 2, in the band 12.3 - 12.7 GHz, assignments to stations of the broadcasting-satellite service made available in the Plan to be established by the 1983 Regional Administrative Radio Conference for Region 2 may also be used for transmissions in the fixed-satellite service (space-to-earth), provided

satellite service made available in the Plan to be established by the 1983 Regional Administrative Radio Conference for Region 2 may also be used for transmissions in the fixed-satellite service (space-to-earth), provided that such transmissions do not cause more interference or require more protection from interference than the broadcasting-satellite service transmissions operating in accordance with that Plan. With respect to the space services, this band shall be used principally for the broadcasting-satellite service. The lower limit of this band shall be modified in accordance with the decisions of that Conference for Region 2 (see No. 3787B).

3794H The use of the band 17.3 - 18.1 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for the broadcasting-satellite service.

UNITED STATES FOOTNOTES

US110 In the frequency bands 3100-3300 MHz, 3500-3700 MHz, 5250-5350 MHz, 8500-9000 MHz, 9200-9300 MHz, 9500-10000 MHz, 13.4-14.0 GHz, 15.7-17.3 GHz, 24.05-24.25 GHz and 33.4-36.0 GHz, the non-Government radiolocation service shall be secondary to the Government radiolocation service and to airborne doppler radars at 8800 GHz, and shall provide protection to airport surface detection equipment (ASDE) operating between 15.7-16.2 GHz.

USYY28 Stations in the radiolocation service in the band 17.3-17.7 GHz, shall be restricted to operating powers of less than 51 dBw EIRP after feeder link stations for the broadcasting-satellite service are authorized and brought into use.

GOVERNMENT FOOTNOTES

G59 In the bands 902-928 MHz, 3100-3300 MHz, 3500-3700 MHz, 5250-5350 MHz, 8500-9000 MHz, 9200-9300 MHz, 13.4-14.0 GHz, 15.7-17.7 GHz and 24.05-24.25 GHz, all Government non-military radiolocation shall be secondary to military radiolocation, except in the sub-band 15.7-16.2 GHz airport suface detection equipment (ASDE) is permitted on a co-equal basis subject to coordination with the military departments.

Note.—Appendix C will not appear in the CFR.

APPENDIX C

Pre-1979 WARC
International Allocations Plan
and
Current United States Allocations Plan
for the band segments 11.7 - 12.75 and 15.7 - 19.7 GHz

INTERNATIONAL TABLE			UNITED STATES TABLE		
			GOVERNMENT	NON-GOVERNMENT	
Region 1 Allocation GHz	Region 2 Allocation GHz	Region 3 Allocation GHz	Allocation GHz	Allocation GHz	FCC RULE PART(s)
11.7 - 12.5	11.7 - 12.2	11.7 - 12.2	11.7 - 12.2	11.7 - 12.2	
FIXED MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE	FIXED FIXED-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE	FIXED MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE		FIXED-SATELLITE (space-to-Earth) BROADCASTING-SATELLITE Mobile	Domestic Public Fixed (21)
	405BB 405BC	405BA		NG105	
	12.2 - 12.5		12.2 - 12.5	12.2 -12.5	
		FIXED MOBILE except aeronautical mobile BROADCASTING		FIXED	International Fixed Public (control) (23) Private Operational-Fixed Microwave (94)
405BA				NG8 NG52	

INTERNATIONAL TABLE			UNITED STATES TABLE		
			GOVERNMENT	NON-GOVERNMENT	
Region 1 Allocation GHz	Region 2 Allocation GHz	Region 3 Allocation GHz	Allocation GHz	Allocation GHz	FCC RULE PART(s)
12.5 - 12.75	12.5 - 12.7	12.5 - 12.7	12.5 - 12.7	12.5 - 12.7	
FIXED MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE	FIXED MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE	FIXED MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE		FIXED BROADCASTING-SATELLITE Mobile	Domestic Public Fixed (21)
	405BB 405BC	405BA		NG105	
	12.7 - 12.75		12.7 - 12.75	12.7 - 12.75	
		FIXED MOBILE except aeronautical mobile BROADCASTING		FIXED	International Fixed Public (control) (23) Private Operational-Fixed Microwave (94)
405BA				NG8 NG52	

INTERNATIONAL TABLE			UNITED STATES TABLE		
			GOVERNMENT	NON-GOVERNMENT	
Region 1 Allocation GHz	Region 2 Allocation GHz	Region 3 Allocation GHz	Allocation GHz	Allocation GHz	FCC RULE PART(s)
12.5 - 12.75 FIXED-SATELLITE (space-to-Earth) (Earth-to-space) 405BD 405BE	12.5 - 12.75 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE except aeronautical mobile	12.5 - 12.75 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile	12.5 - 12.75	12.5 - 12.7 FIXED FIXED-SATELLITE (Earth-to-space) NG8 NG52	International Fixed Public (control) (23) Private Operational-Fixed Microwave (94)
				12.7 - 12.75 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE NG53 NG52	Auxiliary Broadcasting (74) Cable Television Relay (78) Domestic Public Fixed (21)
15.7 - 17.7 RADIOLOCATION 407 408			15.7 - 17.7 RADIOLOCATION US110 G59	15.7 - 17.7 Radiolocation US110	Private Land Mobile (90)

INTERNATIONAL TABLE			UNITED STATES TABLE		
			GOVERNMENT	NON-GOVERNMENT	
Region 1 Allocation GHz	Region 2 Allocation GHz	Region 3 Allocation GHz	Allocation GHz	Allocation GHz	FCC RULE PART(s)
17.7 - 19.7 FIXED FIXED-SATELLITE (space-to-earth) MOBILE			17.7 - 19.7	17.70 - 18.36 FIXED FIXED-SATELLITE (space-to-earth)	Domestic Public Fixed (21)
				18.36 -19.04 FIXED FIXED-SATELLITE (space-to-earth) NG106	Domestic Public Fixed (21) Private Operational-Fixed Microwave (94)
				19.04 - 19.70 FIXED FIXED-SATELLITE (space-to-earth)	Domestic Public Fixed (21)

* * * * *

UNITED STATES FOOTNOTES

US100 In the frequency bands 3100-3300 MHz, 3500-3700 MHz, 5250-5350 MHz, 8500-9000 MHz, 9200-9300 MHz, 9500-10000 MHz, 13.4-14.0 GHz, 15.7-17.7 GHz, 24.05-24.25 GHz and 33.4-36.0 GHz, the non-Government readiolocation service shall be secondary to the Government radiolocation service and to airborne Doppler radars at 880 MHz, and shall provide protection to airport surface detection equipment (ASDE) operating between 15.7-16.2 GHz.

GOVERNMENT FOOTNOTES

G59 In the bands 902-928 MHz, 3100-3300 MHz, 3500-3700 MHz, 5250-5350 MHz, 8500-9000 MHz, 9200-9300 MHz, 13.4-14.0 GHz, 15.7-17.7 GHz and 24.05-25.25 GHz, all Government non-military readiolocation shall be secondary to military radiolocation, except in the sub-band 15.7-16.2 GHz airport surface detection equipment (ASDE) is permitted on a co-equal basis subject to coordination with the military departments.

NON-GOVERNMENT FOOTNOTES

NG8 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in the area already assigned frequencies in accordance with the Table of

assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in the area already assigned frequencies in accordance with the Table of Frequency Allocations.

NG52 Stations used for transmission of program material to cable television (CATV) systems, which are authorized to operate in the band 12.2-12.7 GHz on November 22, 1965, may continue to be authorized to so operate until August 1, 1980, under the conditions specified in that license.

NG53 In band 12.7-12.95 GHz, television pickup stations and CARS pickup stations shall be assigned channels on a co-equal basis and shall operate on a secondary basis to stations operating in accordance with the Table of Frequency Allocations.

NG105 Pending adoption of specific rules concerning sharing of the band 11.7-12.2 GHz between the broadcasting-satellite and fixed-satellite services, systems in the service may be authorized on a case-by-case basis subject to the condition that adjustments in certain system design or technical parameters (including but not limited to orbital location, channel use, etc) may become necessary during the system lifetime in order to accomodate ue of the band by systems of the same or other service.

BILLING CODE 6712-01-C

BILLING CODE 6712-01-C

Appendix D

Parts 2, 23 and 94 of chapter I of title 47 of the Code of Federal Regulations are proposed to be amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

A. In § 2.106, in the table, at Column (6), for the blocks including the frequency bands 12.2–12.7 GHz and 17.3–17.8 GHz, add the following new footnote:

§ 2.106 Table of frequency allocations.

USxxx—Pending adoption of further specific rules concerning usage of the band 12.2–12.7 GHz by the fixed, fixed-satellite, and broadcasting-satellite services and of the band 17.3–17.8 GHz by the fixed, fixed-satellite, mobile, and radiolocation services, systems in these services may be authorized subject to the condition that adjustments in certain system design or technical parameters (including but not limited to channel use, orbital location, etc.) may become necessary during the system lifetime in order to accommodate use of the bands by systems of the same or other services. The necessity for such adjustments, and their extent, will be dependent upon the Final Acts of the 1983 Regional Administrative Radio Conference and subsequent Commission decisions.

PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

B. In § 23.20, paragraph (a) is revised to read as follows:

§ 23.20 Assignment of frequencies.

(a) Only those frequencies which are in accordance with § 2.106 of this chapter may be authorized for use by stations in the Fixed Public and Fixed Public Press Services. Selection of specific frequencies within such bands shall be made by the applicants therefor. After an application has been filed with the Commission for a particular frequency, its availability for assignment as requested will be determined by a study of the probabilities of interference to and from existing services assigned on the same or adjacent frequencies and, if necessary, by coordination with other agencies utilizing frequencies in these ranges. The applicant will be notified of the results of such study and coordination. All new assignments of frequencies may be made subject to certain conditions as may be required to minimize the possibility of harmful interference to existing services. Upon the assignment of frequencies by the Commission to broadcasting-satellite stations authorized in accordance with the Region 2 Plan for the Broadcasting-Satellite Service, licensees in the fixed service in the band 12.2–12.7 GHz shall make such adjustments in technical parameters and/or assigned frequency as are necessary to prevent harmful interference to operating U.S. broadcasting-satellite stations. Harmful interference shall not be caused to stations of other countries operating in accordance with the Region 2 plan for the broadcasting-satellite service.

* * * * *

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

C. In § 94.65, paragraph (h) is revised to read as follows:

§ 94.65 Frequencies.

* * * * *

(h) *12,200–12,700 MHz:* Upon the assignment of frequencies by the Commission to broadcasting-satellite stations authorized in accordance with the Region 2 Plan for the Broadcasting-Satellite Service, licensees in the fixed service in the band 12.2–12.7 GHz shall make such adjustments in technical parameters and/or assigned frequency as are necessary to prevent harmful interference to operating U.S. broadcasting-satellite stations. Harmful interference shall not be caused to stations of other countries operating in accordance with the Region 2 plan for the broadcasting-satellite service.

* * * * *

Appendix E—Initial Regulatory Flexibility Analysis

Why Is Action Contemplated

Action is being taken to permit the introduction of direct broadcast satellite (DBS) service in the United States. The Commission in this *Notice* has made a preliminary determination that the provision of this new service is in the public interest. The Commission has indicated that DBS service has the potential of providing additional television and other video services to all the people of the United States, including those in the remote and rural areas of the country that are not presently being adequately served by the terrestrial "over-the-air" broadcast system. Further, DBS service will provide the American people with additional diversity in video programming and will provide additional incentives to the program production industry, thereby enhancing competition in al video markets. Moreover, by providing some or all of its service in a subscription mode a DBS system will be able to provide services for certain groups whose needs might not be met through conventional advertiser-supported mass programming.

Objectives and Legal Basis for Proposed Rule

Our objective in proposing these policies and rules is to provide a regulatory environment that will permit the development of direct broadcast satellite service. Our legal basis for this action can be found in Sections 1, 4 (i) and (j), 303 (g) and (r), and 403 of the Communications Act of 1934, as amended.

Small Entities Affected

At this time, we cannot estimate the number or types of Commission licensees that are small entities and would be affected by this action. We believe that DBS service will provide additional competition for local television, cable, STV, and MDS operations. Studies conducted thus far however, have concluded that any DBS system that might go into operation in the foreseeable future would have a negligible impact on the audiences of local television operations. Any effect that would occur would result from the addition of new competitors rather than from increasing the costs of local stations or otherwise affecting their ability ro provide service.

The provision of DBS service may also affect existing terrestrial microwave users of the 12 GHz band. Since DBS and terrestrial microwave operations apparently cannot use the same frequencies in the same geographic area without causing unacceptable interference to DBS receivers, some terrestrial operators may have to move to other frequency bands for DBS to be able to operate in some areas. Changing frequencies will require replacement of some or all transmitting and receiving equipment. We presently cannot determine, however, whether or not the terrestrial users are "small entities" for the purposes of the Regulatory Flexibility Act. Furthermore, the number of users and the extent to which they may be affected cannot be determined at this time.*

Reporting, Record-Keeping, and Compliance Requirements

According to our proposed rules and policies, DBS applicants will have to provide a filing describing the type of service that will be provided, the technology that will be employed, and any other pertinent information. We believe that this provision is in keeping with the requirements of the service. In view of the large investments involved in placing a satellite in operation, DBS applicants will almost certainly not be "small entities" as described in the Regulatory Flexibility Act. No reporting requirements are imposed on anyone except DBS applicants.

Relevant Federal Rules Which May Conflict, Duplicate or Overlap the Proposed Rule

To our knowledge, there are other Federal rules that conflict with, duplicate or overlap the proposed policies and rules contained in this *Notice.*

Specific Alternatives That Could Accomplish the Same Objectives

The Regulatory Flexibility Act requires that each initial analysis describe "any significant alternatives to the proposed rule which may accomplish the stated objectives of the applicable stautes and which minimize any

*The number of terrestrial users affected will depend on the outcome of the 1983 Regional Administrative Radio Conference and the number of DBS systems implemented in the United States.

significant economic impact of the proposed rule on small entities." We believe the only significant alternative available to our proposed policies and rules is one that would probably not permit the introduction of DBS service. If terrestrial microwave users were allowed to remain indefinitely in the 12 GHz band, even though they caused interference to DBS receivers, the loss of audience to DBS operations would probably be sufficiently great to prevent their becoming economically viable. We do not believe that such a decision is in the public interest or in keeping with the stated objectives of the Communications Act. We note that our policies and rules have recognized and taken into account the potential impact of DBS on other entities and services and has attempted to minimize such impacts. For example, our rules would affect only thjose terrestrial microwave users that caused harmful interference to operating DBS systems. Further, affected terrestrial operations will be provided with a transition period in which to move to alternative frequencies or cease operation, and may receive compensation for the costs of relocation.

Comments

The FCC is seeking public comment on the initial regulatory flexibility analysis. The FCC is particularly seeking comment from small entities (*i.e.*, small businesses, small organizations, and small jurisdictions under the Regulatory Flexibility Act) as to how the regulations will affect them and how the regulations may be tiered or otherwise modified to impose less stringent requirements on small entities which will still adequately protect the public interest and promote safety of life and property. Those small entities which offer comments on how the regulations could be modified to take into account the differing needs of small entities should specifically discuss:

(1) The size of their business and how the proposed regulations would result in a significant economic burden upon them as compared to larger organizations in the same business;

(2) How the proposed regulations could be modified to take into account their differing needs or capabilities;

(3) The benefits that would accure, or the detriments that would be avoided, if the proposed regulations were modified as suggested by the commenter; and

(4) How the proposed regulations, as modified, would more closely equalize that impact of FCC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individuals or groups.

Statement of Chairman Robert E. Lee, Docket 80-603, Direct Broadcast Satellite

Following the Commission meeting discussing this rulemaking, I publicly expressed my enthusiasm for what I believe is the birth of the new era of space video. My enthusiasm, however, hasn't blinded me to the serious public policy questions the Commission must face in the future. The fundamental question is what regulatory scheme should be imposed on this new service. Is it a broadcast service, a common carrier service in the traditional mold, or something different? The record before us today is not adequate to answer these questions, and we don't have to address them now in order to authorize the first steps in the development of a new service for the public.

Today the Commission makes the preliminary findings that the public interest may support the development of DBS and, by proposing to allot spectrum space for DBS, made acceptance of applications possible. Over the next few years, the Commission will grapple with the applicability of broadcast policies such as media concentration limits and financial interest restrictions and common carrier policies such as nondiscriminatory access to transponders to this embryonic service. The public, the industry, and the Congress surely will comment at length about the most appropriate regulatory structure. At the end of this process I expect to see an exciting new service for the public take its place in the competitive marketplace along with the services we now enjoy.

I am sensitive to the concerns of existing services, both broadcast and cable, about their role once DBS systems begin operation. I think that all services can be accommodated. Looking ahead, I can envision DBS supplementing the outstanding local broadcasting system now in place. The Commission can't deny new service simply to protect existing ones, and it hasn't done so in the past. I believe that the existing program distribution providers will adapt to the new challenge of DBS and will continue to provide the valuable local voice which the public wants.

April 23, 1981.

Statement of Commissioner Anne P. Jones Concurring in Part

In re: Inquiry into the development of regulatory policy in regard to Direct Broadcast Satellites for the period following the 1983 Regional Administrative Radio Conference—General Docket No. 80-603.

The fate of the Direct Broadcast Satellite (DBS) concept should be determined to the fullest extent possible by the marketplace, and not by government decisionmakers. Unfortunately, there is a conflict between the proposed use of the spectrum by DBS and its current use by existing services. Because of this conflict, a higher burden is placed upon the Commission in making a public interest finding in favor of DBS. Since we are just beginning to understand the nature of this conflict, I am afraid that the Commission's preliminary determination that DBS is in the public interest may be premature.

In an attempt to establish the rules for interim DBS systems rapidly, the Commission instituted a bifurcated proceeding. Many important questions were deferred to the Inquiry on Permanent Regulatory Policies. Comments in this proceeding are not due until April 30, 1981, with reply comments due on June 30, 1981. As a result, the record available at this time may not be adequate to support the public interest finding necessary to proceed with the processing of interim DBS system applications.

Terrestrial microwave systems currently occupy the 12.2–12.7 GHz band which would be utilized by DBS. These microwave systems are used by railroads, electrical utilities, manufacturers, local governments and others. Such systems can cause severe interference to DBS home receivers. There are many possible solutions to this interference problem, including the segmentation of the 12.2–12.7 GHz band, added shielding to the terrestrial microwave antennaes and moving the terrestrial microwave systems to another band. Most of these solutions will require changes to the terrestrial microsave systems, so the issue of who will pay for these changes must also be addressed.

Because an applicant for an interim DBS system would possess the technical means, the financial resources and the commercial motivation to undertake studies of the interference problem and its possible solutions, I consider it unfortunate that the Commission did not require such a showing as a part of an interim application. Although the Commission does not intend to assign specific frequencies to DBS systems at this time, many aspects of this interference problem could still be studied.

Nevertheless, I am hopeful that the data required for the Commission to make an informed decision will be made available either in the Inquiry on Permanent Regulatory Policies or in the applications for interim DBS systems, so that we can act on this matter in an expeditious fashion.

Concurring Statement of FCC Commissioner James H. Quello

In re: Direct Broadcast Satellite Services.

I concur with the Commission action today accepting Comsat's innovative interim DBS application on a developmental basis and also issuing a comprehensive rulemaking on DBS that provides all parties an opportunity to present their views. The Commission action today encourages prompt development of direct-to-home satellite TV and provides an interesting and significant opportunity to study and evaluate a satellite-transmitted pay service.

However, we must preserve future options in regulation, development and structuring to assure a continuing universal *local* broadcast service to communities throughout the nation. I believe local service to the public was intended and is implied by the Communications Act. We must be careful not to restructure the entire broadcast system to favor pay services over a free service to the public.

I doubt that overall public interest will be served by any radical change that threatens or reduces the ability of broadcasters to support a wide range of local news, entertainment and public and emergency services fostering the well-being and progress of our communities. The same concerns apply to national and international news, emergency services and public affairs programming provided by existing network service free of any direct cost to viewers or listeners.

We must carefully develop a record to establish to what extent DBS will eventually be regulated as a common carrier, a broadcast service or a private radio service.

April 21, 1981.

Separate Statement of Commissioner Abbott Washburn

In re: Docket 80–863 (Direct Broadcast Satellite).

Public Interest Finding. Today the Commission, by unanimous vote, has made a preliminary finding that provision of DBS service is in the public interest.[1] This despite the fact that there will be some (as yet undetermined) measure of disruption to the fixed terrestrial service. DBS, we found, has important potential to serve the larger public and, in particular, to provide television to rural areas and other currently underserved populations—in line with the broad mandate of the Commission to regulate in a manner ". . . so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service. . . ." [2]

Local TV Service. The evidence considered thus far in the studies done by Kalba Bowen Associates [3] and Arthur D. Little [4] which assessed the effects of DBS on audiences of local broadcasters shows that local broadcast services would be threatened only to a slight or negligible degree by the type of satellite service we are dealing with here. This determination is, of course, only preliminary. As we proceed, care must be exercised to insure that this new service does not diminish local programmers' ability to meet communities' needs for news, educational, political and entertainment programming. There will be ample time to gather more facts and assess comments as the Commission moves to permanent rules, at some distance in the future. (DBS systems are not likely to become operational before 1985.)

Decision Helpful to RARC–1983. Our action today—by accepting for comment one application for DBS service and welcoming others—will strengthen the U.S. position at the Regional Administrative Radio Conference to be held in 1983. It puts the U.S. in a posture to demonstrate our country's affirmative interest in the practical application of this innovative new technology.

Spur to the Economy. The Commission has made clear that it does not want the government to stand in the way of this new and potentially beneficial service. Setting the stage for commercial application of DBS technology holds the promise of "creating new jobs and providing equipment manufacturers with both new domestic and international markets", as the Secretary of Commerce, speaking for the Administration, stressed in a letter to Chairman Lee last week. [5]

Statement of Commissioner Joseph R. Fogarty

In re: Notice of Proposed Policy Statement and Rulemaking in Gen. Docket No. 80–603 –Direct Broadcast Satellites (DBS).

I am extremely pleased that the Commission has made substantial and expeditious progress toward deciding the interim policies, rules, and spectrum allocation to govern the authorization of direct broadcast satellite (DBS) systems prior to the adoption of permanent rules following the 1983 Regional Administrative Radio Conference (RARC–83). Moreover, the public interest would be ill-served by any undue delay in allowing Satellite Television Corporation (STC)—and any other similarly interested entrepreneurs—to develop and test this exciting DBS technology and service. STC is making a substantial investment and taking an equally substantial risk in seeking to prove the worth and value of DBS to the American consumer. While today the Commission makes the critical "preliminary determination" that "the provision of DBS service will serve the public interest, convenience, and necessity," it is important to remember that it is the private sector, and firms such as STC, which must make this hopeful finding a reality. The Commission therefore has an obligation to ensure that its regulatory process does not impede or obstruct the ultimate proof of DBS, that is, proof in the marketplace. With this action, I believe we are well on the way to meeting that obligation to the American public. As a result, the citizens of this country may benefit from this marvelous proposed service years before they would if we were to delay action today.

[FR Doc. 81–16768 Filed 6–4–81; 8:45 am]
BILLING CODE 6712–01–M

---

47 CFR Part 31

[CC Docket No. 79–105; FCC 81–246]

Deregulation of Customer Premises Inside Wiring

AGENCY: Federal Communications Commission.

ACTION: Advance notice of proposed rulemaking; further notice of inquiry.

SUMMARY: In the *First Report and Order* in the matter of *Amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's Rules and Regulations with respect to accounting for stations connections, optional payment plan revenues and related capital costs, customer provided equipment and the sale of terminal equipment (CC Docket No. 79–105), which was adopted on March 11, 1981, the Commission adopted a policy providing for the expensing of the inside wiring portion of station connections, rather than the continued capitalization of these amounts. This transition from capitalization to expensing was to be phased in over a four-year period.*

While the expensing of the inside wiring portion of station connections would accomplish part of the Commission's desire to have ratepayers pay for the costs they impose on telephone companies, the Commission indicated a belief that the full accomplishment of this objective was only possible through the deregulation of inside wiring. Accordingly, in the Further Notice the Commission seeks comment on the deregulation of inside wiring not only for telephone carriers but for all carriers subject to the Commission's jurisdiction. The Commission seeks comment on the efficacy of the proposed deregulation and the accounting changes required to effectuate such a policy.

DATES: Comments must be filed on or before July 31, 1981, and reply comments on or before August 31, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Douglas Slotten, Policy and Program Planning Division, Common Carrier Bureau, (202) 632–9342.

SUPPLEMENTARY INFORMATION: The initial Notice of Proposed Rulemaking was published at 44 FR 48988 (1979). The First Report and Order was adopted on November 6, 1980, 46 FR 19481 (released March 31, 1981).

Adopted: May 18, 1981.

Released: May 26, 1981.

By the Commission.

1. The *Further Notice of Inquiry* instituted herein is undertaken to insure that each customer fully assume the burden of the inside wiring portion of station connections expenditures which that customer has caused to be incurred. In our initial *Notice of Proposed Rulemaking* in this Docket, we proposed to expense costs which had been, and were being, capitalized in account 232, "Station connections," to place the burden of inside wiring expenditures directly upon the cost causative customer, 44 FR 48988. However, the change in the accounting treatment from a capitalization to an expensing policy which we contemplated in our original Notice may simply adjust the intertemporal inequities among ratepayers. By expensing inside wiring additions to account 605, this Commission can only require that future ratepayers, as a class, will not pay for

---

[1] "* * * we believe that it is appropriate at this time to make a preliminary determination that the provision of DBS service will serve the public interest, convenience and necessity". (Notice of Proposed Policy Statement and Rulemaking, adopted this date, page 11, paragraph 27.)

[2] 47 U.S.C. 1.

[3] "Direct Broadcast Satellites: Preliminary Assessment of Prospects and Policy Issues". Kalba Bowen Associates, September 22, 1980.

[4] "Pay Television Services Via Direct Broadcast Satellite: Demand and Impact in the 1980's". Arthur D. Little, Inc., May 1980.

[5] Letter to FCC Chairman Robert E. Lee from Secretary of Commerce Malcom Baldrige, dated April 7, 1981.

station connections expenditures which occurred in earlier time periods. It cannot, as a practical matter, insure that ratepayers who occasion inside wiring expenditures in a particular time period separately and completely pay for those expenditure outlays. Thus, the remedial actions suggested in the initial Notice would not fully address our concerns with respect to the cost causative customer.

2. It does not appear possible to achieve fully our objective of charging the cost of inside wiring [1] to the cost causative customer in a regulated environment. Under regulation, all that the Commission could do would be to order revisions in the tariff charges of the telephone companies so that subscribers would pay for the material and labor costs associated with the interstate portion of any new inside wiring provided them. One difficulty with such a scheme is that we do not have available on a subscriber-by-subscriber basis the costs for inside wiring assigned interstate pursuant to the FCC NARUC Separations Manual. Any attempt by this Commission to impose cost-based charges for the interstate portion of inside wiring would very likely require the expenditure of substantial additional regulatory resources and might prove burdensome to carriers and subscribers as well. For example, within the present regulatory context, subscribers might be confused by this Commission's imposition of a separate installation charge for inside wiring. Moreover, the bulk of the investment in inside wiring is assigned intrastate by the FCC NARUC Separations Manual. The revenue requirement associated with this investment is therefore recovered through charges imposed in intrastate tariffs over which we have no control. The relationship between the charges levied pursuant to intrastate tariffs and the intrastate costs of the underlying facilities and services (including inside wiring) is a matter entirely within the purview of the individual state commissions. Consequently, even if this Commission were to take the additional steps necessary to prescribe new cost-based charges for inside wiring, it would still be unable to insure that the overall costs for such wiring were being paid for by the cost causative customer. In short, there does not appear to be any reasonable alternative means of effecting payment by those customers who give rise to the station connection expenditures other than detariffing of inside wiring.

3. We therefore seek comment on the following alternative to the present regulatory scheme: "inside wiring" would not be provided pursuant to tariff, either on a "bundled" or on an "unbundled" basis. Regulated firms would offer wiring services, to the extent they chose to do so, on a nonregulated basis. Unregulated firms could also provide inside wiring, if this policy were adopted. By permitting unregulated firms to provide inside wiring to consumers, we believe that competition among these firms will result in prices for inside wiring that approximate production costs.

4. The regulatory issues associated with cost allocation of inside wiring analogize easily to comparable issues relating to terminal equipment which we resolved in the *Second Computer Inquiry* (Final Decision), 77 FCC 2d 384 (1980), Reconsideration, 84 FCC 2d 50 (1980). In the case of terminal equipment, we acted in light of a decade of experience in which numerous firms had marketed many and varied devices which met user needs. Although we do not now possess a similarly expansive record for deregulation of inside wiring, we anticipate that deregulation of inside wiring will result in development of a large number of firms, many of which may be local electrical contractors, which will have incentives to develop cost effective procedures for the installation of inside wiring which meet the specific needs of individual users. We expect that carriers will react to this competition by diversification in terms of price and equipment offerings.

5. We seek, however, further clarification as to the possible nature of this marketplace. In order to assist us in obtaining necessary information we ask commenting parties to address the following specific questions:

(1) Is there any evidence suggesting that the entry of new firms into this market may not be easy and rapid enough to prevent the persistent exercise of monopoly power by the incumbent form or firms? Is there any evidence of significant entry barriers into this market? In particular, do building codes present any problems which inhibit fair competion or distort the pricing of the competitive provision of inside wiring? Are there other features of this market that might limit the extent of entry?

(2) What kinds of existing firms are likely potential competitors with the telephone companies in this market? For example, can electrical contractors be regarded as likely potential entrants in the supply of inside wiring?

(3) Will consumers possess sufficient information—either through their own efforts, consumer groups or industry sources—to adequately evaluate the offerings of different vendors?

6. The Commission is also interested in receiving comment on the amount of any additional costs or any cost savings that will result from the deregulation of inside wiring. Commenting parties should consider the following areas of potential impact: the distributional shift of inside wiring costs among various classes of users, e.g., business, residential, government, rural, and urban; the impact on the provision of unregulated terminal equipment; the cost savings from reduced regulatory burdens; the impact on recordkeeping and accounting requirements; and the impact on local, intrastate, and interstate rates and services. Interested persons should also comment on any other impacts they consider to be relevant to the Commission's decision-making process. In measuring any impact, the Commission is interested in the direct and the indirect cost considerations. This includes the comparison of such costs under a regulated structure with those of an unregulated environment. This comparison should be made for the Commission's proposal, as well as for any proposal suggested by a commenting party. Alternatives, if any, that will reduce the cost of deregulation should be proposed and evaluated.

7. It is our intent that carriers compete in the inside wiring market without restriction. However, carriers should not be able to cross-subsidize competitive inside wiring with monopoly local exchange revenues. In order to guard against possible cross-subsidization it may be appropriate to require that when inside wiring is made available by the Bell Companies, it is offered through an unregulated and separated subsidiary. Such a requirement would be consistent with our rationale in *Computer Inquiry II* (*see* particularly paras. 208–214 of the Final Decision, 77 FCC 2d 384). Specifically, we found in that proceeding, that for the Bell System the advantages of separate subsidiaries in preventing cross-subsidization were greater than the alleged speculative losses in vertical integration and incentives to innovate. Accordingly, we seek comment on whether Bell System Companies offering inside wiring should

[1] The term "inside wiring" refers generally to that portion of telephone plant, including both labor and material, accounting for in Account 232, "Station Connections," which is installed on the station apparatus side of the protector block. The precise definition of inside wiring is at issue in CC Docket 81–216, FCC 81–130 (released April 10, 1981). The scope of any deregulation and the accounting changes in Account 232 discussed herein will comport with the decision in that Docket.

be required to do so on a detariffed basis either through the separate subsidiary established in our *Second Computer Inquiry* or through another separate subsidiary meeting the separations standards adopted in the *Second Computer Inquiry*.

8. The Commission also seeks comment on what procedures will be necessary to permit a smooth transition from the offering of inside wiring on a regulated basis to the offering of inside wiring on a detariffed basis. Comments should address the transition procedures required for carriers subject to separate subsidiary requirements as well as for carriers offering inside wiring directly to subscribers. Finally, we ask parties to comment on whether the deregulation of inside wiring associated with large PBXs should be accomplished simultaneously with the deregulation of the associated PBXs, and what problems result if it is, or if it is not, so timed.

9. Further, with respect to carriers in general, we request comments on any changes in the Uniform System of Accounts which may be necessary or helpful in guarding against the cross subsidization of de-regulated inside wiring with regulated, monopoly-based revenues. In addition, we request comments on any revisions in the Uniform System of Accounts which are required to effectuate the subclassification of account 232 "Station connections–inside wiring" and "Station connections–other." In particular, we would like the parties to comment on what modifications, if any, should be made to insure that resources (trucks, equipment, personnel, etc.) which are used in the joint provision of tariffed and detariffed activities are accurately and separately split between those activities. If new accounts or sections are suggested, the proper definition and content, and required changes to sections of the Commission's Rules and Regulations should be set forth. In our original Notice of Proposed Rulemaking, 44 FR 48988, we proposed expensing only those station connections costs included in account 232 "Station connections" for carriers subject to Part 31 of our Rules and Regulations. However, we see no reason why the same considerations relevant to the deregulation of inside wiring for carriers subject to Part 31 would not be applicable as well to carriers subject to Parts 33, 34 and 35 of our Rules and Regulations. Therefore, we seek comment on the adoption of a uniform policy of deregulation of inside wiring, to be applied to all carriers subject to those parts of our Rules and Regulations, and we request comments on the specific changes to our accounting rules which will be necessary to accomplish such a result. It has also come to our attention that there are costs associated with inside wiring presently recorded in account 234, "Large Private Branch Exchanges." Therefore, to insure that our deregulatin policy is applied to all inside wiring, we invite comments on the necessary definitions to identify the cost of the inside wiring portion of account 234. These comments should be supported by a description of the activities involved with inside wiring as well as cost elements associated with each activity. Also, recommended changes to the account language for account 234 should be included.

10. On April 10, 1981, the Commission issued a *Notice of Proposed Rulemaking and Notice of Inquiry CC Docket No. 81–216, supra*, to prescribe electrical specifications and engineering requirements for inside wiring under Part 68 of the Commission's Rules. As part of that proceeding, we will attempt to further define—whether by example or otherwise—the "demarcation point" for inside wiring. It is our intention to complete the technical standards (Part 68) rulemaking within the same general timeframe as the inquiry initiated herein. As stated in the *First Report and Order* in this Docket, we believe that there presently exists among telephone engineers and within the industry as a whole substantial agreement as to the location of the demarcation point for typical inside wiring arrangements. For this reason, we do not believe that further specificity in defining the term "demarcation point" will have a significant impact upon this proceeding or the central question of whether deregulation is appropriate or in the public interest. Thus, even if the Part 68 proceeding is decided after deregulation, any changes or adjustments necessary will almost certainly be minimal. However, if any party believes differently, it should make known this difference and the reasons therefore in its comments.

11. Accordingly, it is ordered, pursuant to sections 1, 4(i), 4(j), and 220 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), and 220, that this Further Notice of Inquiry is hereby instituted.

12. It is further ordered, pursuant to § 1.430 of the Commission's Rules and Regulations, 47 CFR § 1.430, that an original and five(5) copies of all statements or briefs shall be furnished to the Commission. Responses filed in this proceeding will be available for public inspection during regular business hours in the Commission's Docket Reference Room.

13. It is further ordered, pursuant to § 1.430 of the Commission's Rules, 47 CFR 1.430, That interested persons may file comments on or before July 31, 1981, and reply comments on or before August 31, 1981. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

14. It is further ordered that the Secretary of the Federal Communications Commission shall cause this *Further Notice of Inquiry* to be published in the **Federal Register** and in the Federal Communications Commission Reports.

15. It is further ordered that, pursuant to Section 220(i) of the Communications Act of 1934, as amended, 47 U.S.C. 220(i), the Secretary shall cause to be served on each state commission a copy of the *Further Notice of Inquiry*.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-16099 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 31

[CC Docket No. 79-105; RM-3017]

Uniform System of Accounts for Class A and Class B Telephone Companies; Accounting for Station Connections, Optional Payment Plan Revenues and Related Capital Cost, Customer Provided Equipment and Sale of Terminal Equipment; Order Extending Time for Filing Oppositions to Petition for Reconsideration

AGENCY: Federal Communications Commission.

ACTION: Petition for Reconsideration; Extension of time for filing oppositions.

SUMMARY: AT&T requested and was granted permission for an extension of time in filing opposition to a Petition for Reconsideration of a proceeding on uniform system of accounts for Class A and Class B telephone companies filed by the People of the State of California and the Public Utilities Commission of California. Also, AT&T requested and was granted permission to file more than 25 pages in the opposition noted above but no more than 35 pages.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael Wilson, Common Carrier Bureau, (202) 632–3863.

SUPPLEMENTARY INFORMATION:

Order

Adopted: May 27, 1981.
Released: May 29, 1981.

By the Chief, Accounting and Audits Division.

In the Matter of Amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's Rules and Regulations with respect to accounting for station connections, optional payment plan revenues and related capital costs, customer provided equipment and sale of terminal equipment; (CC Docket No. 79–105 RM–3017).

1. The American Telephone and Telegraph Company (AT&T) has filed a request for an extension of time for filing its opposiiton to the Petition for Reconsideration filed by the People of the State of California and the Public Utilities Commission of California (46 FR 26693; 5–14–81).[1] It requests extension up to and including the date when oppositions to the Petition for Clarification filed by the National Association of Regulatory Utility Commissioners (NARUC) are due. AT&T also requested that it be permitted to file an opposition to the California and NARUC Petitions in excess of 25 pages[2] but no more than 35 pages.

2. In support of its request AT&T asserts that an extension of time is warranted because California and NARUC raise similar fundamental and complex issues regarding the scope and effect of the Commission's order. California questions the extent to which the order affects California (i.e., intrastate) ratemaking policies. NARUC raises that same question and further questions the power of the Commission to extend the Uniform System of Accounts (USOA) to accounting for intrastate operations. Therefore, AT&T believes that the most efficient way to respond to these petitions is to file a single responsive pleading.

3. AT&T notes that its preliminary work indicates that 25 pages will be insufficient to analyze and discuss fully the complex and fundamental issues raised by California and NARUC regarding the basic jurisdictional authority of the Commission. Further, it notes this is the first time in this proceeding such issues have been raised. AT&T also points out that if it filed separate oppositions, under the rules each pleading could be 25 pages.

4. We will grant the request of AT&T in view of the similarity of the petititons filed by California and NARUC. We agree that it would be more efficient to respond to both petiitons with one pleading. Further, we feel that a pleading of 35 pages is warranted under the circumstances present here.

5. Accordingly it is ordered, pursuant to authority delegated in Section 0.291 and 0.91 of the Commission's Rules and Regulations, 47 CFR §§ 0.291 and 0.91 (1979), that the requests of American Telephone and Telegraph Company for an extension of time and for permission to file an opposition to the California and NARUC petitions in excess of 25 pages are granted.

6. It is further ordered, That interested parties shall file oppositions to these petitions on or before June 11, 1981. Replies shall be filed on or before June 22, 1981.

Federal Communications Commission.
Gerald P. Vaughan,
Acting Chief, Accounting & Audits Division.

[FR Doc. 81–16718 Filed 6–4–81; 8:45 am]
BILLING CODE 6712–01–M

[1] This petiton was published in the Notices section of the **Federal Register**.

[2] See Commission Rules, Section 1.429(f).

---

47 CFR Part 73

[BC Docket No. 80–667; RM–3354]

FM Broadcast Station in St. Johnsbury, Vt.; Changes Made in Table of Assignments; Request Dismissed

AGENCY: Federal Communications Commission.

ACTION: Dismissal of proposed rule (Report and Order).

SUMMARY: This document dismisses a request to assign FM Channel 288A to St. Johnsbury, Vermont, for lack of continuing interest.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (St. Johnsbury, Vermont); Report and order (Proceeding Terminated).

Adopted: May 1, 1981.
Released: May 7, 1981.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making*, 45 FR 73980, published November 7, 1980, proposing the assignment of Channel 288A to St. Johnsbury, Vermont. The only comments received were from Northeast Kingdom Broadcasting (Northeast), successor in interest to Twin State Broadcasters, Inc., the original petitioner.

2. Northeast, licensee of AM Station WSTJ, St. Johnsbury, indicates that it is not interested in operating an FM station in St. Johnsbury, since the Commission recently approved an FM channel assignment to Lyndon, Vermont. Northeast does not believe that a third broadcast station in this area is viable.

3. The Commission generally refuses to assign FM channels where no party has stated it is willing to apply to operate a station on the proposed channel. In view of the withdrawal of Northeast's commitment to apply for a St. Johnsbury FM station and the absence of another interest in the channel, we shall not assign Channel 288A to St. Johnsbury.

4. It is ordered, That the petition filed by Twin State Broadcasters, Inc. to assign Channel 288A to St. Johnsbury, Vermont, is dismissed.

5. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

6. It is further ordered, That this proceeding is terminated.

Federal Communications Commission.
Henry L. Baumann,
Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–16717 Filed 6–4–81; 8:45 am]
BILLING CODE 6712–01–M

---

47 CFR Part 73

[BC Docket No. 81–347; RM–3765]

FM Broadcast Station Glenwood, Minnesota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 257A to Glenwood, Minnesota, in response to a petition filed by Dove Broadcasting, Inc. The assignment would provide Glenwood with a first local aural service.

DATES: Comments must be filed on or before July 20, 1981, and reply comments on or before August 10, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 19, 1981.

Released: June 1, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Glenwood, Minnesota); BC Docket No. 81-347, RM-3765; notice of proposed rulemaking.

1. *Petitioner, Proposal, Comments:*

(a) A petition for rulemaking [1] was filed by Dove Broadcasting, Inc. ("petitioner"), proposing the assignment of FM Channel 257A to Glenwood, Minnesota, as that community's first FM allocation.

(b) Channel 257A could be assigned to Glenwood in compliance with the minimum distance separation requirements.

(c) Petitioner states it will apply for the channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Glenwood, the seat of Pope County, is located approximately 192 kilometers (120 miles) northwest of St. Paul, Minnesota.

(b) *Population:* Glenwood—2,584; Pope County—11,107.[2]

(c) *Local Aural Broadcast Service:* None.

3. *Economic Considerations:* Petitioner states that Glenwood has its own stores, industries, banks, a savings and loan association, churches, schools, clubs and civic organizations, and that it has a low unemployment rate of 4.2 percent. Further, it states it is located near the agricultural region of Starbuck, and Glacial State Park, which is the site of numerous recreational activities. In justification of its proposal, petitioner states that it has no local service, is served by one weekly newspaper, and by cable television. The nearest community with broadcast service is Alexandria, approximately 27 kilometers (17 miles) distant.

4. Canadian concurrence in this proposal must be obtained since Glenwood is located within 400 kilometers (250 miles) of the Canadian border.

5. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No. Present	Channel No. Proposed
Glenwood, Minnesota		257A.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before July 20, 1981, and reply comments on or before August 10, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceedings will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-16738 filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Public Notice of the petition was given on October 17, 1980, Report No. 1253.

[2] Population figures are taken from the 1970 U.S. Census.

---

47 CFR Part 73

[BC Docket No. 81-346; RM-3766]

FM Broadcast Station in Rayville, Louisiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 221A to Rayville, Louisiana, as its first FM channel assignment, in response to a petition filed by North Louisiana Broadcast Enterprise.

DATES: Comments must be filed on or before July 20, 1981, and reply comments on or before August 10, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 19, 1981.

Released: June 1, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Rayville, Louisiana); BC Docket No. 81-346, RM-3766; notice of proposed rule making.

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by North Louisiana Broadcast Enterprise ("petitioner"), proposing the assignment of FM Channel 221A to Rayville, Louisiana, as that community's first FM channel.

(b) The channel can be assigned to Rayville with a site restriction in order to conform with the minimum distance separation requirements.

(c) Petitioner states it will apply for the channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Rayville, the seat of Richland County, is located approximately 320 kilometers (200 miles) northwest of New Orleans, Louisiana.

(b) *Population:* Rayville—3,962; Richland County—21,774.[2]

(c) *Local Aural Broadcast Service:* Rayville is served by daytime-only AM Station KRIH.

3. *Economic Considerations:* Petitioner indicates that the economic base is derived from the fact that Rayville is the main trade area for Richland County, which is primarily an agricultural region, and has an abundant supply of such natural resources as crude oil and gas. Petitioner has submitted demographic and economic data with respect to Rayville to support the need for a first FM assignment.

4. *Technical Data:* The transmitter site must be located approximately 4.0 kilometers (2.5 miles) northeast of Rayville, to avoid short-spacing to existing Station KVCL-FM, Winnfield, Louisiana. Petitioner indicates in its Engineering Statement that the transmitter would be located approximately 7 kilometers (4.4 miles) east of Rayville, to conform with the mileage separation requirements of § 73.207 of the Commission's Rules.

5. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Rayville, Louisiana		221A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before July 20, 1981, and reply comments on or before August 10, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings such as this one, which involve assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be

[1] Public Notice of the petition was given on October 17, 1980, Report No. 1253.

[2] Population figures are taken from the 1970 U.S Census.

made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-16739 Filed 6-4-81; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1127

[Ex Parte No. 293 (Sub-8)]

Standards for Determining Commuter Rail Service; Continuation Subsidies

AGENCY: Interstate Commerce Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Rail Services Planning Office (RSPO) is reopening Ex Parte No. 293 (Sub-No.8), Standards for Determining Commuter Rail Service Continuation Subsidies (Standards) to comply with a recent Court of Appeals ruling invalidating the irrebuttable presumption that the owner of a rail property is the dominant user. RSPO requests that interested parties submit comments on ways to amend the Standards to incorporate the Appeals Court decision.

DATE: Comments may be filed on or before July 3, 1981.

ADDRESS: An original and six copies of any comments should be mailed to: Interstate Commerce Commission, Section of Rail Services Planning, Room 5355, Washington, D.C. 20423, Attn: RSPO Commuter Standards.

FOR FURTHER INFORMATION CONTACT: Stephen M. Grimm (202) 275-0838.

SUPPLEMENTARY INFORMATION: On August 15, 1978 RSPO issued Interpretation No. 9 to the Standards (43 FR 37693, August 24, 1978). In the Interpretation RSPO held that the owner of a rail property was presumed to be the dominant user. The Standards were subsequently amended to incorporate this presumption (45 FR 43 January 2, 1980, and 45 FR 20106 March 27, 1980).

The Southeastern Pennsylvania Transportation Authority (SEPTA) took exception to the RSPO Interpretation and filed a complaint with the United States Court of Appeals for the Third Circuit. On March 12, 1981 the Court ruled that RSPO erred in holding to the "irrebuttable presumption that the owner of a rail property is the dominant user." The Court found that RSPO's assumption "may not reflect the relative use of the line by the type of service provided". As a consequence of the Court ruling, RSPO is reopening the Standards and is requesting comments on (1) grounds for rebutting the presumption that the owner is the dominant user and (2) the impact that the rebuttal of the presumption would have on the assignment of costs.

Grounds for Rebuttal

We recognize the difficulty of establishing grounds for rebutting the presumption that the owner of a rail property is the dominant user. consequently we request that interested parties submit proposed criteria for this purpose. Any proposals should include a detailed description of the criteria accompanied by a discussion of its feasibility, simplicity, advantages and disadvantages.

We note that several simple statistical measures have been previously utilized to measure the usage of properties. These include gross ton-miles, train-miles, train-hours, car-miles, and number of trains. RSPO requests comments on the validity and appropriateness of these measures as criteria. We also request comments on the merit of employing the Speed Factored Gross Tons Formula as a criterion.

Assignment of Base Cost

RSPO used the presumption that the owner is the dominant user to allocate or assign certain costs, including the base or fixed costs of a property. If the owner is found not to be the dominant user then these costs must be reassigned. RSPO invites comments on how and to whom these costs should be assigned. Parties should specifically address whether these costs should be (1) wholly assigned to the dominant user or (2) allocated between the users of the property.

Copies of the Appeals Court decision are available from RSPO.

This is not a major Federal action significantly affecting the quality of the human environment, or the conservation of energy resources. This proposed rulemaking does not appear to have a negative impact on small business.

(49 U.S.C. 10362)

Issued: May 29, 1981.

Alexander Lyall Morton,

Director, Rail Services Planning Office.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16725 Filed 6-4-81; 8:45 am]
BILLING CODE 7035-01-M

Notic

This sectio
contains d
proposed r
public. Not
investigatio
decisions a
authority, f
applications
organization
of docume

DEPARTM

Forest Se

National F
Committe

The Nat
Committee
D.C., June
be held in
Building, 1
Avenue, S
8:00 a.m.

This Co
members f
geographic
the Secreta
Forest Ser
manageme
The purpos
the Commi
recommen
1981 and t
subjects: e
wilderness
demands o
growth and
future.

John B. C
Secretary f
Environme
Advisory C
cochair thi

The mee
public. Per
should not
Secretary,
Box 2417, F
D.C. 20013,
Written sta
the Commi
meeting.

Douglas R. L

Associate C

May 29, 1981
[FR Doc. 81-670
BILLING CODE

Notices

Federal Register
Vol. 46, No. 108
Friday, June 5, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

National Forest System Advisory Committee; Meeting

The National Forest System Advisory Committee will meet in Washington, D.C., June 17–18, 1981. The meeting will be held in the South Agriculture Building, 12th and Independence Avenue, SW., Room 1331, beginning at 8:00 a.m.

This Committee, comprised of 12 members from a broad spectrum of geographic and interest areas, advises the Secretary of Agriculture and the Forest Service on the planning and management of the National Forests. The purpose of the meeting is to review the Committee's previous recommendations developed in January 1981 and to address three additional subjects: energy minerals and leasing in wildernesses, investments to meet future demands on National Forests and old growth and timber supplies for the future.

John B. Crowell, Jr., Assistant Secretary for Natural Resources and the Environment, and Kay Ceniceros, Advisory Committee chairperson, will cochair this meeting.

The meeting will be open to the public. Persons who wish to attend should notify Floyd J. Marita, Executive Secretary, USDA-Forest Service, P.O. Box 2417, Room 3021–S, Washington, D.C. 20013, telephone (202) 447–6341. Written statements may be filed with the Committee before or after the meeting.

Douglas R. Leisz,

Associate Chief.

May 29, 1981.

[FR Doc. 81–6702 Filed 6–4–81; 8:45 am]

BILLING CODE 3410–11–M

Oh-Be-Joyful Wilderness Study Area Proposal; Hearing Announcement

Notice is hereby given that two public hearings will be held on a proposal for the future management of the Oh-Be-Joyful Wilderness Study Area comprised of approximately 5,500 acres within the Gunnison National Forest in the County of Gunnison in the State of Colorado. The first hearing will begin at 7:30 p.m. on July 7, 1981, in the school auditorium in Crested Butte. The second hearing will begin at 7:30 p.m. on July 8, 1981, in the John C. Mitchell Hall, Denver Botanic Gardens.

A draft study report/environmental impact statement containing a map and information about the proposal may be obtained from the Forest Supervisor, Grand Mesa, Uncompahgre, and Gunnison National Forests, 1063 Main Street, Delta, Colorado 81416.

Individuals and organizations may express their views by appearing at either of these hearings or may submit written comments for inclusion in the official record to the Forest Supervisor at the above address. To be included in the official record, written comments must be received by August 10, 1981.

Dated: June 1, 1981.

Douglas R. Leisz,

Associate Chief, Forest Service.

[FR Doc. 81–16703 Filed 6–4–81; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Lamar County Recreation Park RC&D Measure, Alabama; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest V. Todd, State Conservationist, Soil Conservation Service, 138 South Gay Street, Auburn, Alabama 36830, telephone number (205) 821–8070.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Lamar County Recreation Park RC&D Measure, Lamar County, Alabama.

The environmental assessment of this federally-assisted action indicates that the proposed measures will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Ernest V. Todd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of basic recreational facilities on an existing lake. The planned works of improvement include picnic sites, group shelters, a pedestrian trail, parking lot, access road, play areas, primitive camping, tennis court, sanitary facility, water supply and nature study area.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Ernest V. Todd. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 6, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: May 22, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–16785 Filed 6–4–81; 8:45 am]

BILLING CODE 3410–16–M

Leelanau County Roads RC&D Measure, Michigan; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone number (517) 337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Leelanau County Roads RC&D Measure, Leelanau County, Michigan.

The environmental assesment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this porject.

The measure concerns a plan for the installation of practices for critical area treatment. The planned works of improvement include critical area planting, armored channels and rock riprap, and grade stabilization structures (corrugated metal pipe). Total construction cost is estimated to be $40,000; $17,550 RC&D funds, and $22,850 local funds.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are avialable to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 6, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: May 26, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81–16786 Filed 6–4–81; 8:45 am]
BILLING CODE 3410–16–M

Raymond Creek Irrigation Company Gravity Sprinkler System Farm Irrigation RC&D Measure, Wyoming; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Frank S. Dickson, State Conservationist, Soil Conservation Service, Room 3113, Federal Building, 100 East B Street, P.O. Box 2440, Casper, Wyoming 82602, telephone 307–265–5550, ext. 5201.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Raymond Creek Irrigation Company Gravity Sprinkler System Farm Irrigation RC&D Measure, Lincoln County, Wyoming.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Frank S. Dickson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for farm irrigation. The planned works of improvement include installation of a diversion structure, and the installation of main and lateral pipelines and other related sprinkler system appurtenances for the gravity sprinkling of about 960 acres of crop and hay land.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Frank S. Dickson. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available fo fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 6, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 1, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81–16787 Filed 6–4–81; 8:45 am]
BILLING CODE 3410–16–M

Upper Sugar River Watershed, Wisconsin; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Cliffton A. Maguire, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wisconsin 53711, telephone 608–264–5351.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Sugar River Watershed, Dane County, Wisconsin.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Cliffton A Maguire, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection, primarily to improve the quality of the stream corridor by reducing organic waste, bacterial contamination, sediment deposition, and nutrient levels. The planned works of improvement include installaton of 52 agricultural waste management systems, applying best management practices on 13,230 acres of cropland, applying stream-bank protection consisting primarily of livestock exclusion to 6 miles of perennial stream, and treating critical sediment sources near all perennial streams in the project area.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be

reviewed by contacting Mr. Cliffton A. Maguire. The FNSI has been sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 6, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 28, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-16756 Filed 6-4-81; 8:45 am]

BILLING CODE 3410-16-M

Wolf Creek Watershed, Montana; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Van K Haderlie, State Conservationist, Soil Conservation Service, Room 410, Federal Building, 32 East Babcock, P.O. Box 970, Bozeman, Montana 59715, telephone 406–587–5271, ext. 4322.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Wolf Creek Watershed, Fergus County, Montana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Van K Haderlie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The environmental evaluation considered flood plain and wetlands, and the selected plan was developed consistent with Presidential Executive Orders 11988 and 11990.

The project concerns a plan for the installation of an interdependent diking system and associated appurtenances consisting of four dikes, two floodways, one waterway, one row of pilings, three culverts, and elevating one segment of the county road.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Van K Haderlie. The FNSI has been prepared and sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of this proposal will not be initiated until 30 days after the date of this publication in the **Federal Register** (July 6, 1981).

Dated: May 28, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-16789 Filed 6-4-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 81–6–3; Docket 39648]

Western Air Lines, Inc.; Texas-Alberta Coach Fare Increases Proposed; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May 1981.

Western Air Lines, Inc. (Western), has filed tariffs for effectiveness June 1, 1981, which propose, *inter alia*, 20 percent increases in its coach fare between Dallas and Houston, on the one hand, and Calgary and Edmonton, on the other. In justification of its proposal, Western states that its initial fares for these markets reflected cost adjustments through December 31, 1980; [1] The Board has subsequently promulgated a 5.7 percent cost-related increase in the U.S. domestic Standard Industry Fare level (SIFL),[2] which the Board is using as a regulatory benchmark with respect to U.S.-Canada fares; and Western is also entitled to 15 percent in upward fare flexibility. The carrier maintains that the proposed 20 percent increase is therefore within the bounds of SIFL plus flexibility.

We have decided to suspend Western's proposed coach fare increases.

In granting Western authority to provide nonstop service in these markets, we attached a condition to Western's certificate to ensure that the carrier abide by the fares it had proposed in the route proceeding. Condition (6) of Western's certificate states, "The holder shall file initial tariffs at levels no higher than those * * * in Docket 36419, adjusted to reflect increases in industry average costs accruing after the date the fare proposals * * * were calculated."

Western's initial tariffs represented a 33 percent increase over the carrier's route case proposal. Although this adjustment was slightly above the calculated change in industry average costs (as measured by the SIFL) plus 5 percent, the SIFL in force during April appeared to understate current cost trends.[3] In recognition of this understatement, and in view of the fact that a new SIFL adjustment would be promulgated on May 1,[4] just five days after the carrier began service, we decided to allow Western's initial fares to take effect. The new SIFL costs have, in fact, shown Western's initial fares to be reasonable (see the Appendix).

Western's proposed 20 percent increase, however, would result in levels which exceed its route case proposal, adjusted by the most recent SIFL plus 5 percent flexibility,[5] by about 15 percent. Absent any showing of special circumstances, we cannot allow them to be implemented.

By suspending and investigating this tariff filing, the Board is not foreclosing fare increases if justified. It is the Board's policy to permit fare increases above the statutory maximum, including the established zones of fare flexibility, where they are justified by evidence of cost increases or by market circumstances which could not have been foreseen when the original fare proposals were prepared in the route case. Here, Western's fare increase was filed before it began service in this market, and was not accompanied by any evidence to support it. If Western subsequently produces evidence that a

---

[1] Western's initial tariffs became effective April 9, 1981, and the carrier instituted service in these markets on April 26, 1981, pursuant to a Board certificate issued by Order 80–7–188, June 4, 1980. In that order, we reviewed the *Texas-Alberta-Alaska case*, Docket 36419. According to Western, its initial fare levels reflected those the carrier had proposed as at September 30, 1979, in the proceeding, adjusted for subsequent cost increases.

[2] Order 81–2–107, February 24, 1981. This increase took effect March 1, 1981.

[3] Order 81–2–107.

[4] Order 81–4–175, April 29, 1981.

[5] We can find no basis for Western's claim that it is entitled to 15 percent upward flexibility.

fare increase is warranted, the Board is prepared to reconsider its action and to allow a new tariff filing on short notice. Absent such a showing, we see no basis for such a radical departure from the fare proposal that was such an important factor in the selection of Western to serve this limited entry route.

Accordingly, under the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204(a), 403, 801, and 1002(j) thereof:

1. We shall institute an investigation to determine whether the proposed increased coach (Y) fares between Dallas/Houston, Texas, on the one hand, and Calgary/Edmonton, Alberta, Canada, on the other hand, on 160th and 161st Revised Page 178, 133rd Revised Page 179, and 68th Revised Page 180–A to C.A.B. No. 258, issued by Airline Tariff Publishing Company, Agent, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful; and if we find them to be unlawful, to act appropriately to prevent the use of such fares;

2. Pending hearing and decision by the Board, we suspend and defer the use of the fares on the tariff pages specified in paragraph 1 above from June 1, 1981, to and including May 31, 1982, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [6] and, unless disapproved by the President, it shall become effective on June 1, 1981; and

4. We shall file copies of this order in the aforesaid tariff and serve them upon Western Air Lines, Inc.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[7]

Secretary.

[6] This order was submitted to the President on May 21, 1981.

[7] All Members concurred.

Appendix.—*Western's Texas-Alberta Coach Fares (One Way)*

	Per route proceeding [1]	Adjusted to 5-1-81 [2]	Initial filing [3]	Proposed [4]	Increase (percent)
Dallas-Calgary	$115	$159	$153	$184	20.3
Dallas-Edmonton	123	170	163	196	20.2
Houston-Calgary	132	182	175	210	20.0
Houston-Edmonton	140	193	186	223	19.9

[1] Levels as of 9-30-79, from Exhibit WA-420, Docket 36419.
[2] Route proceeding proposal adjusted for change in SIFL costs since 9-30-79, plus 5 percent upward fare flexibility: (1.7604/1.34487) x 1.05 = 1.3744.
[3] Effective 4-9-81, and applicable to transportation beginning 4-26-81.
[4] For effectiveness 6-1-81.

[FR Doc. 81-16746 Filed 6-4-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Float Glass From Belgium; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on float glass from Belgium. The reviewed time period for the two known exporters to the United States is July 18, 1980 through December 31, 1980. As a result of this review, the Department has preliminarily determined to assess countervailing duties equal to the calculated value of the net subsidy as a percent of the f.o.b. invoice price of the merchandise. The rate for Boussois-Souchan-Neuvesel is 1.16 percent *ad valorem* and for Glaceries de Saint Roch S.A. it is 3.61 percent *ad valorem*. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Claire A. Rickard, Office of Compliance, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202–377–1487).

Procedural Background

On January 7, 1976 the Department of the Treasury ("Treasury") published a negative "Notice of Final Countervailing Duty Determination", with respect to float glass from Belgium (41 FR 1299), determining that no bounty or grant was being paid or bestowed, directly or indirectly, upon its manufacture, production, or exportation.

The petitioner challenged that determination and, on July 17, 1980, the U.S. Customs Court (now the Court of International Trade) held in *ASG Industries, Inc.* v. *United States*, 14 Cust. Bull. 20 (Aug. 6, 1980), that imports of float glass from Belgium, manufactured by Boussois-Souchan-Neuvesel ("BSN") and Glaceries de Saint Roch S.A. ("GSR"), did in fact benefit from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 ("the Tariff Act") (19 U.S.C. 1303), as in effect prior to amendment by the Trade Agreements Act of 1979 ("the TAA").

On January 1, 1980, the provisions of title I of the TAA became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from Treasury to the Department of Commerce ("the Department"). As a result, following the court's decision the Department suspended liquidation on July 18, 1980 and published in the Federal Register of February 5, 1981 (46 FR 10905) a countervailing duty order applicable to float glass from Belgium. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on float glass from Belgium.

Scope of the Review

The merchandise covered in this review is flat glass manufactured by the float process from Belgium. It is currently classifiable under item numbers 543.21 through 543.69 of the Tariff Schedules of the United States (TSUS). Entries of float glass which has been substantially further manufactured (e.g., into tempered glass or laminated glass) are not subject to this countervailing duty order.

The review covers BSN and GSR, the two known exporters of this merchandise to the United States. The time period covered by the review is July 18, 1980 through December 31, 1980. We have preliminarily determined that these companies received subsidies under four of six possible programs: Interest rate rebates, capital grants, exemption from real property taxes, and exemption from some local taxes.

The Government of Belgium has submitted information regarding all six programs on behalf of BSN and GSR. Because this information is incomplete, we have used the best information available in several instances.

Analysis of Programs

The Belgian Government provides to companies located in qualifying regional development areas interest rate rebates of up to 5 percent on ¾ of the investment for a five year period. GSR received a rebate during the review period amounting to 1.82 percent *ad valorem*. BSN did not take advantage of this program to the best of our knowledge.

Both GSR and BSN received capital premiums, normally granted by the government for the acquisition of industrial buildings or equipment, during the review period. The *ad valorem* values of these grants are 0.06 percent for BSN and 0.66 percent for GSR.

An exemption from the Precompte Immobilier, a tax on the theoretical rental income of land owned by a firm, is granted to such firms located in qualifying underdeveloped areas in Belgium. We did not have adequate verified information on the exact amount of this subsidy. Therefore, we used the estimated maximum benefit, supplied earlier by the Belgian Government, of this exemption. For each company we calculated the value of this subsidy to be 1.1 percent *ad valorem*.

Finally, GSR, which is located in a regionally depressed area, benefitted from a government program to exempt such firms from local taxes, the value of this subsidy being 0.003 percent *ad valorem*. BSN, whose plant is located adjacent to such an area, not inside it, did not receive any local tax ememption to the best of our knowledge.

The fifth and sixth potential subsidy programs are accelerated depreciation for capital equipment and an exemption from paying a capital registration tax. To the best of our knowledge, neither BSN nor GSR received any benefits from either of these programs.

Preliminary Results of Review

As a result of our review, we preliminarily determine the aggregate net subsidy rate for the period July 18, 1980 through December 31, 1980 conferred upon BSN to be 1.16 percent *ad valorem* and that conferred upon GSR to be 3.61 percent *ad valorem*.

The Department intends to instruct the Customs Service to assess countervailing duties on merchandise entered, or withdrawn from warehouse, for consumption on or after July 18, 1980 and exported on or before December 31, 1980 at the rate of 1.16 percent of the f.o.b. invoice price for BSN and at the rate of 3.61 percent of the f.o.b. invoice price for GSR.

Further, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties at the 1.16 percent *ad valorem* rate for BSN and at the 3.61 percent *ad valorem* rate for GSR. These rates shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. This requirement shall remain in effect until publication of the final results of the next administrative review. Pending publication of the final results of the present review, the suspension of liquidation and deposit requirements previously ordered will continue.

Interested parties may submit written comments on these preliminary results on or before July 6, 1981, and may request disclosure and/or a hearing on or before June 22, 1981. Any request for an administrative protective order must be made on or before June 10, 1981. The Department will publish a notice of the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-16749 Filed 6-4-81; 8:45 am]

BILLING CODE 3510-25-M

Ski-Lifts and Parts Thereof From Italy; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on ski-lifts and parts thereof from Italy. The review covers the period January 1, 1980, through December 31, 1980. As a result of this review, the Department has preliminarily determined the net amount of the subsidy to be the full value of the rebates for these products under Italian Law 639. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On November 22, 1968, a final countervailing duty determination on ski-lifts and parts thereof from Italy, T.D. 68-288, was published in the **Federal Register** (33 FR 17291). The notice stated that the Department of the Treasury had determined that exports of ski-lifts and parts thereof from Italy benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). On April 3, 1980, the International Trade Commission ("the ITC") notified the Department that an injury determination for this order had been requested under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date. The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on ski-lifts and parts thereof from Italy.

Scope of the Review

Imports covered by this review are ski-lifts and parts thereof imported directly or indirectly from Italy (see Appendix A). These imports are currently classifiable under item 664.10, Tariff Schedules of the United States, except in the case of parts for which there are various, specific classifications.

The review covers the period January 1, 1980, through December 31, 1980, and is limited to rebates granted under Italian Law 639 of July 5, 1964, which was the only program found countervailable in the Final Determination.

Preliminary Results of the Review

Under Italian Law 639, exporters receive rebates to customs duties and certain indirect taxes on the export of

specified products containing iron and steel. The rates differ for particular types of products. For ski-lifts and parts thereof from Italy (see Appendix A), the rebates are between 15 and 35 lire per kilogram.

The Government of Italy provided no response to our questionnaire of August 20, 1980, nor were our follow-up requests for information answered. Our independent investigation has confirmed that the rates legislated in Law 639 still apply in full for exports of this merchandise to the United States.

Because we have received no information to indicate that any part of the rebates is not countervailable, we preliminarily determine that the rates of net subsidy conferred upon producers exporting to the United States are those listed in Appendix A.

The Department intends to instruct the Customs Service to assess countervailing duties at the rates listed in Appendix A on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980. The provisions of section 303(a)(5) of the Tariff Act, prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Accordingly, the Department also intends to instruct the Customs Service to assess countervailing duties on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980 in the amounts set forth in T.D. 69–91. (The lower rates are due to allowable offsets reported on during the initial investigation but not reported during this review.) In addition, should the ITC find that there is injury or likelihood of injury to an industry in the United States, the Department intends to instruct the Customs Service to assess countervailing duties at the rates listed in Appendix A on all unliquidated entries of ski-lifts and parts thereof entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31, 1980.

Further, a cash deposit of the estimated countervailing duties listed in Appendix A shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, the existing deposit of estimated duties shall continue to be required, at the rates set forth in T.D. 69–91, on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended on entries made on or after April 3, 1980 until the Department is notified of a determination by the ITC.

Interested parties may submit written comments on these preliminary results on or before July 6, 1981, and may request disclosure and/or a hearing on or before June 22, 1981. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

June 1, 1981.

Appendix A

	Per kilogram (lire)
Stations	18
Electric Motor	35
Gasoline Engine	35
Panel	15
Towers	18
Sheave	20
Chairs	15
Cable	20
Launching	20
Monorail	15
Other metal parts	15
Non-metallic parts	None

In the case of importation of a complete ski lift, countervailing duties will be collected on the basis of the countervailing duties applicable to the component parts thereof, as enumerated above.

[FR Doc. 81-16750 Filed 6-4-81; 8:45 am]

BILLING CODE 3510-25-M

Steel Welded Wire Mesh From Italy; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on steel welded wire mesh from Italy. The review covers the period January 1, 1980, through December 31, 1980. As a result of this review, the Department has preliminarily determined the net amount of the subsidy to be the full value of the rebate for this product under Italian Law 639. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 1, 1968, a final countervailing duty determination on steel welded wire mesh from Italy, T.D. 68–149, was published in the **Federal Register** (33 FR 8224). The notice stated that the Department of the Treasury had determined that exports of steel welded wire mesh from Italy benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferredd from the Department of the Treasury to the Department of Commerce ("the Department"). On April 3, 1980, the International Trade Commission ("the ITC") notified the Department that an injury determination for this order had been requested under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date. The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on steel welded wire mesh from Italy.

Scope of the Review

Imports covered by this review are steel welded wire mesh imported directly or indirectly from Italy. These imports are currently classifiable under item 642.80, Tariff Schedules of the United States.

The review covers the period January 1, 1980, through December 31, 1980, and is limited to rebates granted under Italian Law 639 of July 5, 1964, which

was the only program found countervailable in the Final Determination.

Preliminary Results of the Review

Under Italian Law 639, exporters receive rebates of customs duties and certain indirect taxes on the export of specified products containing iron and steel. The rates differ for particular types of products. For steel welded wire mesh the rebate is 20 lire per kilogram.

The Government of Italy provided no substantive response to our questionnaire of July 23, 1980, nor was a response to our follow-up requests for data more informative. Our independent investigation has confirmed that the rate legislated in Law 639 still applies in full for exports of this merchandise to the United States.

Because we have received no information to indicate that any part of the rebate is not countervailable, we preliminarily determine that the rate of net subsidy conferred upon producers exporting to the United States is 20 lire per kilogram.

The Department intends to instruct the Customs Service to assess countervailing duties of 20 lire per kilogram on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980. The provisions of section 303(3)(5) of the Tariff Act, prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Accordingly, the Department also intends to instruct the Customs Service to assess countervailing duties of 15.28 lire per kilogram, the amount set forth in T.D. 68–149, on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980. (The lower rate is due to allowable offsets reported on during the initial investigation but not reported during this review.) In addition, should the ITC find that there is injury or likelihood of injury to an industry in the United States, the Department intends to instruct the Customs Service to assess countervailing duties of 20 lire per kilogram on all unliquidated entries of steel welded wire mesh entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31, 1980.

Further, a cash deposit of estimated countervailing duties of 20 lire per kilogram shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, the existing deposit of estimated duties of 15.28 lire per kilogram shall continue to be required on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended on entries made on or after April 3, 1980 until the Department is notified of a determination by the ITC.

Interested parties may submit written comments on these preliminary results on or before July 6, 1981, and may request disclosure and/or a hearing on or before June 22, 1981. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-16751 Filed 6-4-81; 8:45 am]

BILLING CODE 3510-25-M

Television Receiving Sets, Monochrome and Color, From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On February 13, 1981, the Department of Commerce published the preliminary results of its administrative review of the dumping finding on television receiving sets from Japan. The review covered ten exporters and the period April 1, 1979, through March 31, 1980.

Interested parties were given an opportunity to submit oral and written comments on the preliminary results. After consideration of the extensive written and oral comments received, the Department has adjusted the margins for eight of the exporters.

The results of the Department's examination of possible transshipments of television receiving sets from Japan will be the subject of a separate notice.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202–377–2657).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 10, 1971, a finding of dumping with respect to monochrome and color television receiving sets ("televisions") from Japan was published in the **Federal Register** as Treasury Decision 71–76 (36 FR 4597).

On February 13, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 12220–3) the preliminary results of its administrative review of the finding. We afforded parties to the proceeding an opportunity to present written and oral comments. The Department held a hearing on the preliminary results on April 2, 1981.

In accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now completed its administrative review of the finding on televisions from Japan.

Scope of the Review

Imports covered by this review are shipments of television receiving sets, monochrome and color, from Japan. Television receiving sets are currently classifiable under items 685.1103–48, 685.1300 and 685.1455–60 of the Tariff Schedules of the United States, Annotated (TSUSA). Television receiving sets encompass, but are not limited to, units known as projection televisions, receiver monitors, kits (containing all the parts necessary to assemble a complete television receiver) and sub-assemblies containing the components necessary to receive a broadcast television signal and produce a video image. Not included are monitors (not capable of receiving a broadcast television signal), certain combination units (combinations of television receivers with other electrical entertainment components such as tape recorders, radio receivers, etc.) and sub-assemblies not containing the components essential for receiving a broadcast television signal and producing a video image.

The review covered the exportations, by the ten known firms covered by the finding, of Japanese television receiving sets which were entered, or withdrawn from warehouse, for consumption during the period April 1, 1979, through March 31, 1980.

The Department has examined whether certain televisions imported from Taiwan, Korea, Hong Kong and Singapore are transshipments of such merchandise exported from Japan, and

the results of that examination will be the subject of a separate **Federal Register** notice.

Analysis of Comments Received and Other Corrections

1. The domestic parties challenged the Department's use of prices to related parties in determining foreign market value ("FMV"). For four companies (General, NEC, Otake Trading and VCJ) the Department did not rely on related party sales at all. There is no known equity interest between these firms and those customers whose transactions we used to establish foreign market value. Four other firms (Hitachi, Matsushita, Mitsubishi and Sanyo) made sales to both related and unrelated customers. The Department compared sales to related firms with sales to unrelated firms and found that the adjusted prices did not differ or, if they did, as with Sanyo, the Department used the adjusted prices to the unrelated purchasers. There is no known equity interest between these firms and their customers identified as unrelated. Sharp and Toshiba sold only to related distributors. We accepted Toshiba's sales to related parties because the Department found that the prices of these sales fairly reflected the prices of sales by other manufacturers of comparable merchandise in the home market. For Sharp, we did not gather or analyze the information necessary to determine if sales were at arms-length prices. In the absence of any information on sales at another level of trade in the home market or to third counties, we have decided to use constructed value for Sharp. In subsequent administrative reviews, we intend to develop the information necessary to determine whether such transactions are at arms-length prices.

2. The domestic parties argued that claims for circumstances of sale adjustments to FMV must be based on specific proof of exact costs incurred in the sale of television sets rather than on allocation of costs based on sales volume. We disagree. Section 353.15 of the Commerce Regulations provides that "reasonable allowances will be made" for circumstances of sale which cause the seller to incur direct costs in connection with sales of the product in question. Where the claimant proves that it incurred selling costs but does not have precise product-related accounting records, the actual amount of the adjustment may be based on a reasonable allocation of selling costs from product sales records. In the present review, the circumstance of sale adjustments claimed by the manufacturers were based on corporate records of expenditures for the review period and were verified to be reasonably allocated based on the expenses of the narrowest corporate accounting unit possible for each company.

3. The domestic parties argued that all of the Department's allowances of claims for adjustments to foreign market value are impermissible because the Department did not establish a direct causal relationship between the alleged differences in circumstances of sale and any difference between the United States price and foreign market value. In their view, the Department must require proof not only that there are quantifiable differences in circumstances of sale but also that these differences affect the price differential to the extent of the claimed adjustment. We disagree. All adjustments were made in accordance with § 353.15(d) of the Commerce Regulations which states the reasonable allowances will be made for the *costs* to the seller of any differences in circumstances of sale. This regulation is consistent with section 773(a)(4) of the Tariff Act, which states that an allowance will be made for any price difference "wholly or partly" due to differences in circumstances of sale. We conclude that the differences in cost constitute a reasonable indication of the differences in price.

4. The domestic parties argued that we should base the calculation of foreign market value on information derived from the administration of the Japanese Commodity Tax Law rather than on actual prices. In the alternative, they argued that we should use calculations based on the Commodity Tax Law to test the validity of adjusted selling prices in the home market. According to section 733 and 751 of the Tariff Act, we must use actual prices in the home market, in the absence of evidence refuting their reliability, to determine foreign market value. The Depoartment here has used actual verified prices between unrelated parties, actual verified prices between related parties in accordance with the discussion above, or constructed value. Even if we accepted the argument of the domestic firms that firms in Japan are related by the very nature of the Japanese business community, the statute would obligate the Department to turn from related party sales in the home market to (1) third country sales or (2) constructed value, before resorting to any "best evidence" approach such as the Japanese Commodity Tax.

5. The domestic parties argued that the exporter's sales price ("ESP") offset is contrary to the statute and must not be allowed as an adjustment to foreign market value. We made adjustments for the ESP offset in accordance with § 353.15(c) of the Commerce Regulations. The exporter's sales price offset is intended to permit an equitable adjustment to foreign market value where a comparable expense is required by section 772(e)(2) of the Tariff Act to be deducted from the U.S. price. The ESP offset is a long-standing administrative practice, used as early as 1960. Congress, in its amendments to the antidumping law in 1974 and 1979, did not alter or bar the practice.

6. The domestic parties argued that foreign market value must represent a price certain at the time of exportation and, therefore, the Department may not include in its calculations after-sale rebates. We disagree. Rebates, whether or not fixed at the time of sale, represent a reduction in the net return to the manufacturer and must be deducted in the calculation of the foreign market value. The granting of such rebates has been a long-standing administrative practice. For the companies under review, the certainty of the rebate was well-established at the time of every purchase.

7. The domestic parties have taken the position that the only discounts and rebates which may be considered in determining foreing market value are those "freely offered" to all purchasers. We disagree. Congress in 1958 amended the existing antidumping law to delete the "freely offered" requirement which previously applied to the calculation of foreign market value. A major goal of the 1958 amendments was to conform the definition of foreign market value, set forth in section 205 of the Antidumping Act of 1921 ("the 1921 Act"), with the definition of "fair value" found in section 14.7 of the Treasury Regulations beginning in 1955 (H.R. Rep. No. 1261, 85th Cong., 1st Sess. at 6 (1957)). There is a long-standing administrative practice to reflect, in the foreign market value calculations, all rebates and discounts to the extent actually provided, regardless of whether they were offered to all purchasers. Judicial decisions, interpreting the meaning of the phrase "freely offered" in the context of Customs Appraisement Laws are irrelevant to interpretation of the current antidumping law from which Congress deleted the phrase.

8. General argued that in calculating a weighted average home market price based on sales to all retail stores, we have chosen an overly broad level of trade to compare with its U.S. sales to a large department store. Instead, General

V 46 / 108 J E 5 8 1 UMI

would have the Department use the home market sales to large department stores. Section 353.19 of the Commerce Regulations requires that we choose a price "* * * generally * * * at the same commercial level of trade." We generally consider all retail sales outlets to be at the same level of trade because they serve the same sector of the population—end users. Therefore, we do not believe it appropriate to utilize a subgroup of retailers in determining a foreign market value.

9. General similarly claimed that sales to a leasing company in the U.S. should be compared to sales to large retail stores in the home market rather than to a weighted average of sales to all retail stores. We could compare the sales to the leasing company to those at a similar level of trade in the home market, if one existed. In the absence of such a level of trade, that is, leasing companies in Japan, we used sales to all retail establishments. Since we do not have data on average marketing and distribution costs for the two levels, we could not make a level of trade adjustment.

10. General disputed the calculation of margins on its transactions made prior to April 1, 1979, citing language from the Department's preliminary notice that margins were based on "sales" in the period April 1, 1979, through March 31, 1980. The Department did err in the wording of its notice of preliminary results. However, the Department totally disagrees with General's contention that we are bound by that error. This review covers entries made in the period April 1, 1979, through March 31, 1980. The Department has calculated margins on the sales of such entries. In purchase price situations, sales by definition are made prior to importation of the merchandise. See section 772 of the Act (19 U.S.C. 1677a). For this reason, some sales of General's televisions which occurred prior to the review period are covered by this administrative review.

11. We recalculated General's foreign market value to add an adjustment improperly deducted for certain newspaper advertising. Such advertising is not directly related to sales of televisions.

12. In the case of Hitachi, we had deducted the cost of samples as a selling expense in computing exporter's sales prices. We have corrected our calculations by reducing the selling expenses by the cost of those sets.

13. Matsushita and VCJ claimed that an incentive discount to promote installment sales, granted to their related credit companies, should be allowed as an adjustment to foreign market value. Such transactions between related parties are intracorporate transfers of funds for which no adjustment is allowable.

14. Matsushita and VCJ claimed that the ESP offset should not be restricted to the amount of indirect selling expenses incurred in the U.S. but that the full amount of home market indirect selling expenses incurred should be allowed as a circumstance of sale adjustment. We disagree. Section 353.15(c) of the Commerce Regulations limits the ESP offset deduction to "* * * the amount of the selling expenses incurred in the United States market."

15. In our preliminary calculation of the ESP offset limit for Matsushita and VCJ, we included certain direct selling expenses and excluded certain indirect expenses and commissions paid by subsidiaries in the United States. We have corrected the error to comply with §353.15(c) of the Commerce Regulations.

16. In calculating our preliminary results, we made an adjustment to Matsushita's foreign market value for the cost of a "Rebate for Improvement of Business Operations" which was paid to its distributors and to its related credit companies. Since the payments to the credit companies are intracorporate transfers of funds, we have disallowed the adjustment to the extent that it is paid to the credit companies.

17. Mitsubishi claimed that, in the case of a model on which value was added by its affiliate in the U.S. prior to sale, adjustments for expenses in the U.S. should be calculated on the net value, after deduction of the "value added" in the U.S. We have decided that the cost of the U.S. "value added" portion was properly subtracted after deduction of expenses incurred in selling the merchandise in the U.S. Mitsubishi's methodology would overstate the U.S. price of the imported merchandise by including in that price those selling expenses attributable to the U.S. "value added" portion.

18. Mitsubishi argued that since the authority, in section 773(b) of the Tariff Act, to disregard home market sales at less than cost is not normally applied to below cost sales of obsolete and end-of-model-year merchandise, the Department erred in rejecting for comparison purposes the home market sales of one of Mitsubishi's models. Considerations relevant to a determination of obsolescence include the time during the model year or sale period when below cost sales begin, the company's sales record for the model at prices above and below cost, and the explanation the company provides for its marketing strategy and sales record. The Department believes that information submitted by Mitsubishi demonstrates that the model in question was essentially never competitive from the time of its introduction, rather than obsolete at the time the company began selling it below cost. Accordingly, we could not use the sales prices of this model to determine foreign market value.

19. Mitsubishi claimed that adjustment should be made for indirect selling expenses incurred at home market service centers. We consider three of the four expense items to be eligible for inclusion in the ESP offset (§ 353.15(c) of the Commerce Regulations): differences between repair costs borne by the consumer and actual repair costs, indirect expenses associated with shipments of replacement parts due to "epidemic failure", and indirect expenses associated with the normal sale of replacement parts to distributors. The fourth item, expenses for Service Center Headquarters and service technical costs, contains elements not related to sales and is not allowable as an adjustment to foreign market value.

20. Mitsubishi claimed that we should allow an adjustment to foreign market value for bad debts incurred on home market sales, either as a circumstance of sale or as part of the exporter's sales price offset, because we deducted bad debt expenses incurred in the U.S. market when calculating exporter's sales prices. We have determined that bad debts were properly deducted in determining exporter's sales price because they are expenses generally incurred in selling the merchandise in the U.S. as provided in section 772(e)(2) of the Tariff Act. In the past, bad debts have been deducted from foreign market value as a part of the ESP offset which is defined in § 353.15(c) of the Commerce Regulations. Bad debts are not an appropriate circumstance of sale adjustment under § 353.15(a) of the Commerce Regulations. The Department could have deducted bad debt expenses to the extent that they did not exceed the ESP offset limit, provided that such expenses were incurred in the market under consideration. The Mitsubishi bad debt claim in the home market was based on the corporate experience in both the domestic and export markets and, as such, we could not include it in the ESP offset.

21. Otake Trading argued that foreign market value for its 5 inch and 9 inch sets should be based on sales to West Germany, not to Canada. For 5 inch sets, the volume sold to West Germany is greater than the volume sold to Canada. Section 353.5 of the Commerce

Regulations states first in the order of preference that the third country selected as the foreign market should be that where the product has the greatest degree of similiarity to the product sold in the U.S., "* * * provided the volume of sales to such country is deemed adequate." The test under the statute and regulations is not a test of comparison to U.S. volume but to third country sales. We have selected Canada as the third country since the sets sold in that market are the most similar to sets sold in the United States (and more similar than those sold in West Germany). Since Canadian sales account for 16.6 percent of all third country sales of 5 inch sets, we find the volume of sales to Canada sufficient. We are using sales of 9 inch sets to West Germany for comparison with sales of 9 inch sets to the United States because all sales of 9 inch sets to third countries were made to West Germany.

22. Otake Trading, relying on section 773(f) of the Tariff Act, argued that we should calculate one weighted average foreign market value for a particular model for the entire period of review rather than claculate a foreign market value based on the foreign market transaction price in effect nearest the date of each U.S. transaction. Section 773(a) of the Tariff Act requires that foreign market value in a purchase price situation be ascertained "as of the date of such purchase or agreement to purchase", in other words, that foreign market value be based on the foreign market transaction price nearest the date of the U.S. transactions. Furthermore, we find that a weighted average approach as provided for in section 773(f) of the Tariff Act is inappropriate in this case because there was only one transaction price in effect at any one time during the period.

23. Otake Trading claimed that we should not deduct commissions paid to related parties in our calculations of purchase price and foreign market value. We agree; commissions paid to relatd parties are considered intracorporate transfers of funds.

24. In calculating the exporter's sales price for Sharp Electronics Corporation, the Department initially used individual transaction prices and deducted weighted average expenses associated with each model within each of four channels of distribution. Sharp argued that, in making the calculation, the Department should have used a single weighted average price and one weighted average *ad valorem* expense for all channels. Alternatively, Sharp argued that the Department should have used a weighted average price within each distribution channel and one weighted averaged *ad valorem* expense for each channel. The Department finds Sharp's first approach unacceptable. The Department believes that the second proposal could mask the existence of margins. To test this, the Department calculated margins under the second approach and compared them to the Department's initial individual transaction price approach. As a result if the margins under the Department's original approach were *de minimis*, the Department has adopted Sharp's alternative approach. However, in those instances where the Department's initial margins were significant, the Department has continued to utilize its original individual transaction price approach.

25. Sharp claimed that the limit placed on the ESP offset was improperly calculated in that it was based on actual amounts rather than percentages. Section 353.15(c) of the Commerce Regulations permits an allowance up to the amount of selling expenses in the U.S. market, not for the ratio of U.S. selling expenses to U.S. selling prices.

26. In the case of Toshiba we corrected our calculations to deduct inland freight and shipping charges in Japan from the United States price and to add the difference in packing to the foreign market value.

27. Because sales at less than cost were found for one VCJ model sold in the home market and initially used for comparison, we have now calculated a constructed value for comparison with the United States price of the exported model.

28. In our preliminary calculations of VCJ's ESP on sales (in lieu of commissions) to sales representatives and to employees, we deducted sales promotion, advertising and selling expenses. We have not deducted such expenses in making our final calculation because they were not incurred on such transactions. In addition, certain indirect expenses not previously deducted in the calculation of the ESP for these sales have now been deducted.

29. For various companies, we have corrected improper exchange rates, errors in adjustment calculations, or improper model comparisons where these errors have been brought to our attention or where we have noted them ourselves.

30. Several Japanese manufacturers argued that dumping duties should not be assessed on sample sets, gifts, or sets sold at discounted prices to employees and sales representatives. Goods entered for consumption have been considered subject to a finding whenever ownership was transferred from the exporter of such goods. Since gifts and sales to employees and sales representatives are transfers of ownership, such "non-commercial" disposals of televisions entered during this review period are subject to this finding and, to the extent that they exist, dumping duties should be assessed. Similarly, televisions imported as samples are subject to the finding unless the exporter retains ownership of the television.

Final Results of the Review

The Department has revised the preliminary results of its review after consideration of comments by parties to the proceeding and after correcting other errors in the preliminary calculations. We therefore determine that the following dumping margins, expressed as weighted averages for all entries during the period April 1, 1979, through March 31, 1980, exist:

Japanese manufacturer	Margin (percent)
General Corp	6.20
Hitachi Corp	0.16
Matsushita Electric Industries, Ltd	0
Mitsubishi Electric	0.34
Nippon Electric Corp	0
Otake Trading Co., Ltd	3.37
Sanyo Electric	0
Sharp Corp	0.30
Toshiba Corp	0
Victor Company of Japan	0

In accordance with the injunction of the U.S. Court of Appeals for the District of Columbia Circuit against liquidation of television entries subject to T.D. 71-76, suspension of liquidation shall continue. If appropriate after dissolution of the injunction, the Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins above shall be required (as a percent of the entered value) on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. Since all of General's margins occurred on importations during the first 11 days of the review period, and no margins occurred in the rest of the period, we have determined that no cash deposit shall be required on importations of televisions manufactured by General. Because the weighted average margins listed above for Hitachi, Sharp and Mitsubishi are less than 0.5 percent and therefore *de minimis*, the Department shall not require cash deposits on those manufacturers' entries. These deposit requirements, and waiver of deposit for

General, Hitachi, Sharp and Mitsubishi, shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of March, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

June 2, 1981.

[FR Doc. 81-16813 Filed 6-4-81; 8:45 am]

BILLING CODE 3510-25-M

Television From Japan; Results of Examination of Possible Transshipments

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Results of Examination of Possible Transshipments.

SUMMARY: The Department of Commerce has examined television imports from four countries to determine whether the shipments are transshipments of televisions from Japan. The examination covered twenty-six exporters in Korea, Taiwan, Hong Kong and Singapore, for varying periods through March 31, 1980.

One third country firm indicated that it acts as an exporter of Japanese televisions, but does not transship them or claim any country of origin other than Japan. Our investigation showed no transshipments by any of the other twenty-one firms for which analysis is complete.

For four firms the Department has not received sufficient information to determine whether transshipments exist. Upon receiving the necessary inforamtion we will complete the analysis for these firms.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: Brian D. Kelly, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. (202-377-2923).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 10, 1971, a dumping finding with respect to television receiving sets from Japan was published in the **Federal Register** as Treasury Decision 71-76. On April 7, 1977 the Customs Service suspended liquidation of television entries from Taiwan and Korea pending determination whether exports from those countries were actually transshipments subject to the dumping finding on Japanese televisions. In 1979, liquidation of television entries from Hong Kong and Singapore was also suspended for the same reason.

Customs was concerned with the possibility that kits or subassemblies were being exported from Japan for completion in a third country before final export to the United States. On June 22, 1979, the Customs Service determined that such units, capable of being assembled into complete televisions, would be subject to the dumping finding.

On January 2, 1980, the authority for administering the antidumping duty law (including the authority to determine whether merchandise is subject to an order) was transferred from the Treasury Department to the Department of Commerce ("the Department").

Scope of the Examination

The imports covered by this examination are television receiving sets ("televisions") from Korea, Taiwan, Hong Kong and Singapore. Television receiving sets are currently classifiable under items 685.1103-48, 685.1300 and 685.1455-60 of the Tariff Schedules of the United States, Annotated (TSUSA). Television receiving sets encompass, but are not limited to, units known as projection televisions, receiver monitors, kits (containing all the parts necessary to assemble a complete television receiver) and sub-assemblies containing the components necessary to receive a broadcast television signal and produce a video image. Not included are monitors (not capable of receiving a broadcast television signal), certain combination units (combinations of television receivers with other electrical entertainment components such as tape recorders, radio receivers, etc.) and sub-assemblies not containing the components essential for receiving a broadcast television signal and producing a video image. This examination includes all firms known by the Department to have suspended entries on or before March 31, 1980. The examination covers separate time periods through that date.

Four firms have not submitted sufficient information to allow a determination concerning their exports. These firms will be covered in a subsequent notice.

Interested parties were invited to submit written comments on the results of the examination. No comments were received.

Criteria for Determining Japanese Origin

For the purpose of enforcing the dumping finding on Japanese televisions, the Department considers a television to be any unit capable of receiving a broadcast television signal and producing a video image. Kits and sub-assemblies which, upon assembly, function as completed televisions fall within the scope of the definition.

The Department identified six major components necessary for a television to receive a broadcast television signal and produce a video image. The six components we evaluated are: the cathode ray tube, the tuner(s), the chassis assembly, the main printed circuit board, the flyback transformer and the deflection yoke. Each is of significant value in itself or requires substantial transformation of the unit for its inclusion. For a set exported from a third country, if any of the six components did not originate in Japan, the Department considered that set not to be Japanese. The Department asked the exporters from the four countries to demonstrate for each unit exported to the United States that at least one of the six components did not originate in Japan.

Results of the Examination

From our examination of television exports from Korea, Taiwan, Hong Kong and Singapore, we conclude that the following firms are not transshipping Japanese televisions:

Firm name	Review period
Korea:	
Korea T.T	7/1/77-3/31/80
Samsung	10/1/76-3/31/80
Gold Star	3/1/76-3/31/80
Taihan Electric Wire Rope	6/1/77-3/31/80
Bando Sangsa	10/1/74-3/31/80
Korea National Electric	10/1/74-3/31/80
Korea Television	10/1/76-3/31/80
Kumho	4/1/78-3/31/80
Taiwan:	
Tatung	4/1/75-3/31/80
Sampo	10/1/76-3/31/80
Sanyo (Taiwan)	8/1/76-3/31/80
Matsushita (Taiwan)	10/1/74-3/31/80
New General	1/1/79-3/31/80
Orion Electric (Taiwan)	12/1/78-3/31/80
Prince Electronics	1/1/78-3/31/80
Philips Video Products (Taiwan)	4/1/77-3/31/80
RCA Taiwan	9/1/78-3/31/80
Lodestar Enterprises	10/1/76-3/31/80
Hong Kong: T.V. Masters	3/1/79-3/31/80
Singapore:	
United Electronic Engineering Corporation	1/1/79-3/31/80
Hitachi (Singapore)	4/1/79-3/31/80

The following Taiwanese firms have not yet submitted sufficient information to allow us to judge whether their exports are in fact transshipments, and will be covered by a subsequent examination.

Firm	Review period
AOC International	1/1/79-3/31/80
Sylvania Philco (Taiwan)	7/1/78-3/31/80
Shirasuna Electric	4/1/78-3/31/80
United Electronics International	1/1/78-3/31/80

The following Hong Kong firm has acted as an exporter of Japanese sets but does not transship them or claim any country of origin other than Japan. These units shall be included in an administrative review of the dumping finding on Japanese televisions:

O T C International (HK)	1/1/77-3/31/80

With the exception of the units from the four firms for which the Department has not completed its examination, the Department intends to order resumption of liquidation of all televisions from Hong Kong, Taiwan, Korea, and Singapore for third country exporters.

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 2, 1981.

[FR Doc. 81-16812 Filed 6-4-81; 8:45 am]

BILLING CODE 3510-25-M

Large Power Transformers From the United Kingdom; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination To Revoke

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke.

SUMMARY: As a result of an administrative review of the antidumping finding on large power transformers from the United Kingdom, the Department of Commerce has tentatively determined to revoke the finding. There are four known exporters of this merchandise to the United States. Three of the four were excluded from the finding on April 7, 1976. This review covers the one remaining exporter, GEC Power Transformers, Ltd., and indicates there were no sales at less than fair value from April 30, 1970 through April 9, 1975, and there were no sales from that time through June 30, 1980. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: Sid Briggs, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5346).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 14, 1972, a dumping finding with respect to large power transformers from the United Kingdom was published in the **Federal Register** as Treasury Decision 72-164 (37 FR 11773). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** on March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on large power transformers from the United Kingdom. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of large power transformers, that is, all types of transformers rated 10,000 KVA (kilovolt-amperes) or above, used in the generation, transmission, distribution, and utilization of electric power. Such transformers are currently classifiable under items 682.0765 and 682.0775 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of four firms which export large power transformers to the United States. On April 7, 1976, Ferranti, Ltd., Hawker Siddley Electric Export Ltd., and Parsons Peebles Power Transformers, Ltd. were excluded from the finding (41 FR 14731). This review covers the remaining exporter, GEC Power Transformers, Ltd., and all sales, not covered by prior appraisement instructions ("master lists"), during the period from April 30, 1970 through June 30, 1980. The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by such master lists, is under review. Liquidation has been suspended pending disposition of the issue.

Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act, since all sales were made prior to exportation through a related U.S. firm to unrelated pruchasers in the U.S. Purchase price was calculated on the basis of the delivered price with adjustments, where applicable, for U.S. duty, U.S. and foreign inland freight, ocean freight, storage expenses on behalf of the unrelated customer, marine insurance and handling. Adjustments claimed for selling expenses were not allowed due to insufficient supporting evidence. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. The home market prices are delivered prices and adjustments were made for inland freight and differences in packing. In accordance with § 153.10 of the Customs Regulations, where differences in U.S. and home market purchase dates resulted in significant escalation in costs, adjustments were made based on published monthly wage and material cost indices used in the industry. Adjustments were also made for differences in installation costs and for costs incurred in dealing with the Central Electricity Generating Board. In accordance with section 153.11 of the Customs Regulations adjustments were also made for differences in efficiency and in the physical characteristics of the transformers being compared. The difference in efficiency considers the internal transformer power losses and provides a measure of quality for the transformer.

Owing to the complexity of large power transformer design, the Department derived the theoretical price for each of the compared models by pricing the components of such models from price lists in standard manuals routinely used in the industry in the determination and analysis of transformer pricing. The Department then applied the ratio of the theoretical prices of the U.S. and home market transformers to the actual unadjusted home market price, in order to create a foreign market value adjusted for differences in the merchandise. Adjustments claimed for selling expenses were disallowed due to inadequate supporting evidence. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of purchase price to foreign market value,

we preliminarily determine that for the period April 30, 1970 through April 9, 1975, there were no sales at less than fair value. There have been no sales to the United States from April 9, 1975 through June 30, 1980.

As provided for in § 353.54(e) of the Commerce Regulations, GEC Power Transformers, Ltd. has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that its large power transformers thereafter imported into the United States are being sold at less than fair value.

Tentative Determination

As a result of our review we tentatively determine to revoke the finding on large power transformers from the United Kingdom. If the finding is revoked, it shall apply to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Interested parties may submit written comments on this determination on or before July 6, 1981 and may request disclosure and/or a hearing on or before June 22, 1981. Any request for an administrative protective order must be made no later than June 10, 1981.

The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing. The Department will issue appraisement instructions separately directly to the Customs Service.

This administrative review, tentative determination to revoke and notice are in accordance with sections 751 (a)(1) and (c) of the Tariff Act (19 U.S.C. 1675 (a)(1), (c)) and § 353.54(e) of the Commerce Regulations (19 CFR 353.54(e)).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 1, 1981.

[FR Doc. 81-16684 Filed 6-4-81; 8:45 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 81-2]

Crown-Tex Corp. Prehearing Conference; Notice of Hearing

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Prehearing Conference, Notice of Hearing in a proceeding under the Consumer Product Safety Act (CPSC Docket No. 81-2).

DATES: Prehearing Conference: June 30, 1981, 9:30 a.m., Hearing on the merits: July 21, 1981 through July 23, 1981 for the complainant's case, and reconvening July 28, 1981 through July 30, 1981 for the respondent's case.

ADDRESS: Both the prehearing conference and the hearing will be held in Hearing Room A, 6th Floor, CPSC New York Regional Office, 6 World Trade Center, Vesey St., New York, NY.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (202) 634-7700.

SUPPLEMENTARY INFORMATION: The principal issue presented is whether the respondent violated reporting requirements in the Consumer Product Safety act in a compalint filed by the Commission (published in the **Federal Register** March 4, 1981, 46 FR 15197), and if so, the appropriate civil penalty which should be imposed. Additional issues presented for adjudication are stated in the complaint, answer and pleadings filed by the parties.

Dated: June 2, 1981.

Sheldon D. Butts,

Deputy Secretary, Consumer Product Safety Commisison.

[FR Doc. 81-16748 Filed 6-4-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF EDUCATION

Acceptance of Nominations for Membership on the National Advisory Council on Indian Education

AGENCY: Department of Education.

ACTION: Acceptance of nominations for membership on the National Advisory Council on Indian Education; closing date.

1. *Introduction.* In accordance with 20 U.S.C. 1221g, "National Advisory Council on Indian Education," notice is hereby given that nominations of Indians, as defined below, will be accepted by the Secretary of Education from Indian tribes and organizations in order to make to the President of the United States recommendations of individuals for membership on the National Advisory Council on Indian Education. The Council consists of fifteen (15) members appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and who must represent diverse geographic areas of the country. (Pub. L. 92-318, section 442(a), 20 U.S.C. 1221g(a))

In order to be assured of consideration, nominations submitted to the Secretary of Education by Indian tribes and organizations must be received no later than July 6, 1981. Nominations are being requested in order to make recommendations for five (5) membership positions, which will begin on September 30, 1981. Each Presidential appointment will be for a term of three years ending September 29, 1984.

(20 U.S.C. 1233b(a)(1))

2. *Definition.* "Indian" means an individual who (a) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside, or who is a descendant, in the first of second degree, of any such member, or (b) is considered by the Secretary of the Interior to be an Indian for any purpose, or (c) is an Eskimo or Aleut or other Alaska Native.

(Pub. L. 92-318, section 453(a), 20 U.S.C. 1221h(a))

3. *Functions of the Council.* The Council is directed to:

(a) Submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(20 U.S.C. 1221f(a))

(b) Advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and Section 1005 of Title X of the Elementary and Secondary Education Act of 1965 (both as added by Title IV of Pub. L. 92-318 and as amended), and with respect to adequate funding thereof;

(c) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), Section 1005 of Title X of the Elementary and Secondary Education Act of 1965, and Section 316 of the Adult Education Act (all as added by Title IV of Pub. L. 92-318 and as amended), and make recommendations to the Secretary with respect to their approval;

(d) Evaluate programs and projects carried out under any program of the Education Department in which Indian children or adults can participate or from which they can benefit, and

disseminate the results of such evaluations;

(e) Provide technical assistance to local educational agencies and to Indian education agencies, institutions, and organizations to assist them in improving the education of Indian children;

(f) Assist the Secretary in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Pub. L. 81–874) (as added by Title IV, Part A, of Pub. L. 92–318); and

(g) Submit to the Congress not later than June 30 of each year a report on its activities, including any recommendation it may deem necessary for the improvement of Federal education programs in which Indian childen or adults participate, or from which they can benefit, and including a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs.

(Pub. L. 92–318, section 442(b); 20 U.S.C. 1221g(b))

4. *Nomination categories.* Nominations submitted to the Seretary of Education should be made according to the following categories:

(a). *Professional educators.* Indians with active experience as professionals in the areas of early childhood, elementary, secondary, higher, special, vocational, and adult education, such as, teachers, professors, administrators, specialists (e.g., curriculum, language, math, etc.), counselors, and researchers.

(b) *Laypersons involved in education.* Indians with active experience as laypersons involved with education such as school board members, Parent-Teacher Association members, parents of school-age children, or those with other lay involvement.

(c) *Students.* Indians who are college students or who have reached or passed their junior year of high school at the time of nomination.

(d) *Individuals with other than education experience.* Indians who do not have education experience, preferably those individuals who have experience in a field involving Indian affairs.

5. *Nomination review procedure.* The Deputy Assistant Secretary for Indian Education will gather members of the Office of Indian Education staff to screen nominations received and address appropriate criteria including those set out below. A list of recommended individuals will be compiled as a result of this screening and will be forwarded to the Secretary of Education for review. This list will be accompanied by a list of all individuals nominated.

The Secretary of Education will then make recommendations to the President of the United States and forward a list of recommended individuals, as well as the complete list of all individuals nominated, for the President's review and necessary action.

6. *Criteria for recommendations.* To maintain a balanced representation on the Council, priority consideration will be given to nominees in categories other than professional educators. Every effort will be made to recommend individuals representing diverse geographic areas of the country, particularly from those areas with large Indian populations. Consideration will also be given to the balance on the Council in terms of sex, and urban and rural (reservation and non-reservation) representation during the screening process.

The following factors will be considered in selecting individuals to be recommended for appointment: Indian education experience; general education experience; education expertise in the areas of early childhood, elementary, vocational, special and adult education; education background; previous council or committee experience; honors and awards received; and organizational memberships.

Nominees will also be considered on the basis of their knowledge of and experience with both local community and national issues.

7. *Nomination procedure.* Nominations must be submitted to the Secretary of Education on Form OE–543, which may be obtained by writing or telephoning the Office of Indian Education, U.S. Department of Education, FOB–6, Room 2177, 400 Maryland Ave., SW., Washington, D.C. 20202, telephone 202–245–8060. To be assured of considerations, a nomination should be mailed or hand-delivered no later than July 6, 1981. If the nomination is late, the Department of Education may lack sufficient time to review it with other nominations and may decline to accept it.

(a) *Nominations delivered by mail.* A nomination sent by mail must be addressed to the above office and address. The use of registered or at least first class mail is encouraged. Proof of mailing must consist of a legible U.S. Postal Service dated postmark or legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. Nominating Indian tribes or organizations should check with the local post office before relying on this method.

(b) *Nominations delivered by hand.* A nomination to be hand-delivered must be taken to the Office of Indian Education, Room 2177, Federal Office Building Six, 400 Maryland Avenue, SW., Washington, D.C. Hand-delivered nominations will be accepted daily between the hours of 7:30 a.m. and 4:00 p.m., Washington, D.C., time, except Saturdays, Sundays, and Federal Holidays.

8. *Incomplete forms.* Incomplete forms will be returned to the nominating Indian tribe or organization accompanied by checklist detailing information necessary for completion. Completed forms must be returned to the Office of Indian Education no later than July 6, 1981, or fifteen (15) days after the date on the checklist (whichever is later), in order to be considered for recommendation by the Secretary. Proof of mailing will be the same as stated in paragraph 7 above.

Dated: May 29, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–16659 Filed 6–4–81; 8:45 am]

BILLING CODE 4000–01–M

Commission on the Review of the Federal Impact Aid Program; Meeting

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program, the members of which were appointed by the President on August 15, 1979, will hold a business meeting on July 16 and 17, 1981, in Washington, D.C. The meeting will be open to the general public, and all interested persons are invited to attend. Notice of the meeting is given in accordance with policies of the Commission in favor of proper notice to the public of Commission proceedings and public participation therein.

DATE: July 16–17, 1981. The Commission will meet at 9:00 a.m. and continue until business is completed.

ADDRESS: Education Department, Room 3000 FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

TENTATIVE AGENDA: The Commission members will consider adoption of a final report and other Commission business.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street, NW., Suite 837, Washington, D.C. 20036, tel. no. (202) 653–5817.

Authority and Function

The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Pub. L. 95–961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Public Law 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than September 1, 1981. Such recommendations are to include proposed legislation to accomplish the recommendations. Public Law 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

Records

Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, NW., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C., on the 1st day of June, 1981.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 81–16747 Filed 6–4–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Luke Brothers, Inc.; Consent Order

AGENCY: The Economic Regulatory Administration, DOE.

ACTION: Notice of consent order and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: May 12, 1981.

COMMENTS BY: July 6, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 (Phone) 214/767–7745.

SUPPLEMENTARY INFORMATION: On May 12, 1981, the Office of Enforcement of the ERA executed a Consent Order with Luke Brothers, Inc., of Calera, Oklahoma. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of less than $500,000 or more in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Luke Brothers, Inc. wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Luke Brothers, Inc. effective as of the date of its execution by the DOE and Luke Brothers, Inc.

I. The Consent Order

Luke Brothers, Inc. (Luke) is a firm engaged in the retail sales of propane and, during the audit period, was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Luke, the Office of Enforcement, ERA and Luke entered into a Consent Order, the significant terms of which are as follows:

1. During the period November 1, 1973 through September 30, 1975, Luke allegedly sold propane above the allowable prices specified at 10 CFR Part 212, Subpart F and 6 CFR Part 150, Subpart L.

2. Luke and the DOE have agreed to a settlement of $9,000. Luke agreed to make payment on the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Luke.

3. This Consent Order constitutes neither an admission by Luke that ERA regulations have been violated nor a finding by the ERA that Luke has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Luke agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $9,000 in the manner specified in I. 2. above. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges may have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing

the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim, to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Luke Consent Order." We will consider all comments we receive by 4:30 p.m. local time, on July 6, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 27th day of May, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-16741 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-015; OFC Case No. 65012-9122-03-12]

Minnegasco Energy Center, Inc.; Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Availability of Tentative Staff Analysis.

SUMMARY: On April 8, 1980, Minnegasco Energy Center, Inc., (MEC) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent general use exemption from the statutory provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq., (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in new major fuel burning installations (MFBI's). The basis for the requested exemption is the applicant's claim of lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum in the unit for which the exemption is requested.

The MFBI for which the petition is filed is an oil or natural gas-fired packaged boiler (identified hereafter as Unit 3) to be installed at MEC's heating plant located in Minneapolis, Minnesota. The proposed boiler will have a design heat input rate of 242 million Btu's per hour for natural gas and 233 million Btu's per hour for residual fuel oil.

ERA accepted the petition on May 8, 1980, and published notice of its acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the **Federal Register** on August 11, 1980 (45 FR 53202). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, interested persons were afforded an opportunity to request a public hearing. The period expired September 25, 1980. No comments were submitted. No hearing was requested.

Based upon the ERA staff's review and analysis of the information presently contained in the record on this proceeding, a Tentative Staff Analysis has been made recommending that ERA issue an order which would grant a permanent general use exemption based on the applicant's lack of an alternative fuel supply at a cost which does not substantially exceed the cost of using imported petroleum in the unit for which the exemption is requested. Pursuant to 10 CFR § 501.64, notice of the availability of the Tentative Staff Analysis is hereby issued and interested persons are invited to submit written comments in regard to this matter, and any interested person may also submit a written request that ERA convene a public hearing.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available upon request at: ERA, 2000 M Street, NW, Room B-110, Washington, DC, Monday through Friday, 8:00 AM-4:30 PM.

ERA will issue a final order granting or denying the petition for permanent exemption from the prohibitions of the Act within six months after the end of the public comment period provided for in this notice, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension, will be published in the **Federal Register.**

DATES: Written comments on the Tentative Staff Analysis are due on or before June 19, 1981. A request for public hearing must also be made within the same 14-day comment period.

ADDRESSES: Fifteen copies of written comments or a request for public hearing shall be submitted to the Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, DC 20461. Docket Number ERA-FC-80-020 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room B-110, Washington, DC 20461 (202) 653-4033;

Edward J. Peters, Jr., Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128, Washington, DC 20461 (202) 653-3934;

Marya A. Rowan, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW, Room 6G-087, Washington, DC 20585 (202) 252-2967;

William H. Freeman, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M. Street, NW, Room 3207, Washington, DC 20461 (202) 653-4496.

SUPPLEMENTARY INFORMATION:

Minnesgasco Energy Center, Inc. (MEC) proposes to install a packaged boiler at its Minneapolis, Minnesota facility. The proposed unit has a design heat input rate of 242 million Btu's per hour for natural gas and 233 million Btu's per hour for residual fuel oil. Title II of FUA prohibits the use of natural gas or petroleum in certain new MFBI's unless an exemption for such use has been granted by ERA.

On April 8, 1980, MEC filed a petition with ERA requesting a permanent general use exemption for the proposed unit (Unit 3) based on the lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. MEC's petition was filed under the provisions of section 505.22 of the then effective interim rule implementing the provisions of Title II of FUA (published on May 15 and 17, 1979, at 44 FR 28530 and 28950 respectively). Subsequently, on June 6, 1980, ERA published in the **Federal Register** its final rule on the criteria and procedures for petitioning for an exemption from the prohibitions of FUA (10 CFR Parts 500, 501 and 503, 45 FR 38276 and 38302). The eligibility requirements for the permanent exemption based on the lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum are contained at 10 CFR § 503.32 of the final rule. However, the final rule revoked,

effective June 6, 1980, the cost calculation methodology contained at §§ 503.5 and 505.5 of the interim rule.

A cost calculation methodology must be employed by ERA in analyzing those exemptions provided for in FUA, such as the one requested by MEC, which require a determination of whether the cost of using certain alternate fuels substantially exceeds the cost of using imported petroleum as a primary energy source. A Notice of Proposed Rulemaking (NOPR) on a new Calculation for the Cost of Using Alternate Fuels was published in the **Federal Register** on June 23, 1980, at 45 FR 42190.

As MEC's petition was filed with ERA prior to the revocation of § 505.5, the pertinent interim rule cost calculation, MEC was given the option, as provided in the NOPR, of having ERA (1) analyze its petition using the NOPR as guidance, or (2) hold the petition in abeyance pending finalization of the cost calculation methodology. By letter of July 14, 1980, MEC requested that its petition be processed as expeditiously as possible using the NOPR as guidance. On December 24, 1980, ERA's final rule on the cost calculation was published in the **Federal Register** at 10 CFR 503.6 and 504.12 (45 FR 84967) and became effective on January 23, 1981.

Based upon the criteria contained in 10 CFR 503.32 and employing the cost calculation methodology prescribed in 10 CFR 503.6, the ERA staff has reviewed the information contained in the record of this proceeding to date and has made a Tentative Staff Analysis which recommends that an order be issued to MEC granting a permanent general use exemption for Unit 3 based upon lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

Recommended Terms and Conditions

The ERA staff also has tentatively determined and recommends that any order granting the exemption described above should, pursuant to section 214 of the Act, be subject to the following term and condition:

(1) The quality of any petroleum to be burned in the unit will be the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the exemption requested. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Issued in Washington, D.C. on May 30, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-16796 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-01-M

Ryder Truck Rental, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: May 11, 1981. Comments by: July 6, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone 214/767-7745.

SUPPLEMENTARY INFORMATION: On May 11, 1981, the Office of Enforcement of the ERA executed a Consent Order with Ryder Truck Rental, Inc. of Miami, Florida. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Ryder Truck Rental, Inc. wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Ryder Truck Rental, Inc. effective as of the date of its execution by the DOE and Ryder Truck Rental, Inc.

I. Consent Order

Ryder Truck Rental, Inc. (Ryder) with its home office in Miami, Florida is a firm engaged in the resale of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. The Office of Enforcement of the Economic Regulatory Administration (ERA) and Ryder entered into a Consent Order to resolve certain civil actions which could be brought by ERA as a result of its audit of the crude oil resales by Ryder. The significant terms of the Consent Order with Ryder are as follows:

1. This Consent Order concerns the sale of crude volumes of crude oil resold by Ryder during the period February 1, 1975 through December 1978, and is intended by Ryder and DOE to resolve only those matters set forth in this Consent Order.

2. Ryder allegedly applied the provisions of 10 CFR Part 212, Subparts F and L incorrectly when determining the prices to be charged for certain domestic crude oil.

3. The Consent Order constitutes neither an admission by Ryder that DOE regulations have been violated nor a finding by the DOE that Ryder has violated DOE regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Ryder Truck Rental, Inc. agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $130,000.00, including interest, on or before 30 days after the effective date of this Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67.

In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected person, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Ryder Truck Rental, Inc.'s Consent Order." We will consider all comments we receive by 4:30 p.m., local time, July 6, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Tex., on the 27th day of May, 1981.

Wayne I. Tucker,

District Manager of Enforcement, Southwest District Office, Economic Regulatory Administration.

[FR Doc. 81-16744 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration Tresurvey Consultaion Program

AGENCY: Energy Information Administration, DOE.

ACTION: Request for Presurvey Consultation Comments on Proposed DOE Monthly Petroleum Product Sales Form, EIA-740.

SUMMARY: As part of its continuing effort to reduce paperwork burden, the Department of Energy (DOE), through its Energy Information Administration (EIA), conducts a presurvey consultation program which provides for public comment in the early development stages of new or revised reporting forms. This program is designed to ensure that requested data can be provided in the desired format, the cost of reporting is minimized, reporting forms are designed to be clearly understood, and reporting burden estimates accurately reflect the impact of the collection requirements on respondents.

Previously, these presurvey consultations were conducted primarily by mail or telephone with a sample of potential respondents and with various industrial associations, public interest groups, and other government agencies. In order to extend the opportunity for commenting to a larger audience, EIA is now publishing proposed forms and instructions in the Federal Register. However, when EIA needs comments quickly, or where the target population is relatively narrow, we may conduct these presurvey consultations by mail, telephone, and/or personal visit.

At this time, EIA is requesting comments on the Monthly Petroleum Product Sales form. It is described in the Supplementary Information Section of this Notice. Interested persons are asked to review the form and instructions and provide comments in the format prescribed below.

EFFECTIVE: 30-day comment period begins with the date of this notice.

FOR FURTHER INFORMATION CONTACT: Director, Survey and Statistical Design Division, Energy Information Administration, Room 4146, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633-9464.

SUPPLEMENTARY INFORMATION: EIA has designed the EIA-740, Monthly Petroleum Product Sales form to replace 17 petroleum product data collection forms. The forms are listed below:

B Series—Surveys of Fuel Oil Dealers (6 forms)
EIA-9A—No. 2 Heating Oil Supply/Prices
EIA-9B—No. 2 Heating Oil Telephone Survey
EIA-25—Prime Suppliers Report
EIA-460—Petroleum Industry Monthly Report for Product Prices (excluding Part VI which will be retained)
FEA-P-306-M-O—Refiner/Importer monthly Report for Product Prices
FEA-P-314-M-O—Monthly Survey of Distillate & Residual Fuel Oil Sales to Ultimate Consumers
FEA-P-315-M-O—Monthly Survey of Propane Sales Volume to Ultimate Consumers
SG Series—Survey of Gallonage Sales of Gasoline (4 forms)

The Form EIA-740 retains State deliveries data and certain key sales data, which are useful to contingency planning or which meet legal requirements, while substantially reducing industry burden. The respondents to the form will be refiners, importers, natural gas plant operators, fuel oil distributors, and jobbers. The current respondents to the EIA-9A, EIA-25, and the FEA-P-315 will make up the majority of respondents. The form was designed to replace the 17 forms listed above and to enhance certain key statistical data used by Federal and State government agencies. Data to be collected include the volume of and revenues related to selected petroleum product sales. Types of data no longer to be collected are retail gasoline service station and jobber market data, fuel oil dealer margins, inventories and capacities of fuel oil dealers, detailed breakout of wholesale prices, and minor product prices.

Collection of product data by State and sales category provides the information necessary to analyze various market shares distributions, such as:

- Shifts in product distribution over time.
- Shares of product market by company and by aggregations of selected types of companies; such as large refiners, small refiners, importers, resellers, etc.
- Shares of market by sales to end-users versus non-end-users.
- Product mix related to total products.
- Prices by sector of sale.

The sales data reported on the EIA-740 would provide, on one form, information for monitoring market shares and product prices.

Proposal

State governments, members of Congress and the National Governors' Association have advised EIA that they have a vital need for information on the volumes of first deliveries of petroleum products into their State intended for consumption in that State. This data, in an expanded format is now collected on

the EIA–25, Prime Suppliers Report. Currently, companies send a copy of the EIA–25 to State agencies in the States in which they deliver prime supplies.

To ensure that the States will receive the data they need, the EIA is requesting comment on the continuance of this practice with the EIA–740. By providing the States with copies of Parts I, II and III of the EIA–740, industry will likely avoid a proliferation of forms from the various States to collect the same data.

It is, therefore, proposed that each company submit a copy of Parts I, II and III directly to the appropriate State agency at the same time it files the entire form with EIA.

Printed below are the form and instructions along with a suggested format for providing comments. This format specifies the areas of particular interest to DOE and also provides space for reviewers to comment on issues of concern to them. The use of this format will facilitate DOE's ability to address comments. Please review the form and send your comments within 30 days of this notice to the address above.

Issued in Washington, D.C., May 29, 1981.

Wray Smith,

Assistant Administrator for Energy Systems and Support, Energy Information Administration.

BILLING CODE 6450-01-M

UMI 1 8 3 5 7 8 0 1 \ 8 4 V

EIA-740
MONTHLY PETROLEUM PRODUCT SALES

PART I - IDENTIFICATION DATA DRAFT

1. Respondent's EIN
2. Name
3. Street/Box/RFD
4. City
5. State
6. Zip Code
7. Name of Contact Person
8. Telephone Number of Contact Person
9. What type of report is this?
   - ☐ Original
   - ☐ Revison, to Report Dated → Month / Day / Year
10. Date of Report — Month / Day / Year
11. State _____

PART II - CERTIFICATION

I certify that the information provided herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title
Signature	Date of Signing

TITLE 18 USC 1001 makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, ficitious, or fraudulent statements as to any matter within its jurisdiction.

Company data will be treated as confidential and proprietary to the extent that it is entitled to such treatment under Section 14 of the Federal Energy Administration Act of 1974.

PART III: First Deliveries in State for Consumption in State

1. Reporting Month _____

PRODUCT	a. Actual Deliveries for Last Month (_____) Volume (gallons)	b. Estimated Deliveries for Next Month (_____) Volume (Gallons)
2. Unleaded Gasoline		
3. Leaded Gasoline		
4. Gasohol		
5. Aviation Gasoline		
6. Naphtha Jet Fuel		
7. Kerosene Jet Fuel		
8. Kerosene		
9. Diesel Fuel Oil		
10. Distillate Fuel Oil		
11. No. 4 Fuel Oil		
12. Residual Fuel Oil ≤1% Sul.		
13. Residual Fuel Oil >1% Sul.		
14. Propane		

EIA-740
MONTHLY PETROLEUM PRODUCT SALES

PART IV: Total Sales

Company

EIA-740
MONTHLY PETROLEUM PRODUCT SALES

PART IV: Total Sales

DRAFT

Company _____

Last Month _____ State _____

PRODUCT	Sales to End-Users								Sales to Non-End Users			
	Company Operated Retail Outlets		Residential (Single Family Dwellings)		Agricultural		Other Sales to End-Users		Retail Outlets (Except Company Operated)		Other Sales to Non-End Users	
	a. gallons	b. dollars	c. gallons	d. dollars	e. gallons	f. dollars	g. gallons	h. dollars	i. gallons	j. dollars	k. gallons	l. dollars
1. Unleaded Gasoline												
2. Leaded Gasoline												
3. Gasohol												
4. Aviation Gasoline												
5. Naphtha Jet Fuel												
6. Kerosene Jet Fuel												
7. Kerosene												
8. Diesel Fuel Oil												
9. Distillate Fuel Oil												
10. No. 4 Fuel Oil												
11. Residual Fuel Oil ≤1% Sul.												
12. Residual Fuel Oil >1% Sul.												
13. Propane												

14. No. of Motor Gasoline Stations ☐

BILLING CODE 6450-01-C

Monthly Petroleum Product Sales—Form EIA–740

Instructions

I. *Purpose:*

The Monthly Petroleum Product Sales form is designed to provide two basic types of data:

- First deliveries of petroleum products into a State for end-use in that State, and
- Sales volumes and realized revenues of petroleum products to end-users and non-end-users.

II. *Who Should Submit.* The form is to be filed by entities such as refiners, importers, natural gas plant operators, fuel oil distributors, propane dealers and others which either deliver or sell petroleum products to end-users and/or to non-end-users. Any entity which makes a first delivery of a petroleum product into a State intended for consumption in that State should file the form ("first deliveries" are defined in Appendix B). Such deliveries are reported in Part III of the form. Part IV of the form is filed by all companies reporting on Part III and by selected samples of fuel oil distributors, propane sellers and other such entities.

III. *Where to Submit:*

The respondents to the form are to file only one form per month for each State in which first deliveries and/or petroleum product sales are made.

One copy of the EIA–740 for each State should be completed by the respondent and submitted to: U.S. Department of Energy, Energy Information Administration, Washington, D.C.

In addition, a copy of Parts I, II and III for each State should be submitted to the appropriate State energy office or office of emergency preparedness. A list of those State offices is in Appendix A.

IV. *When to Submit.* The Monthly Petroleum Product Sales form should be submitted no later than the 20th of the reporting month. The deliveries reported in Part III are actual for the month prior to the reporting month and estimated for the month after the reporting month. The sales reported on Part IV are actual data for the month prior to the reporting month.

V. *Sanctions.* This report is mandatory under Public Law 93–275, *The Federal Energy Administration Act of 1974.*

VI. *Provisions for Confidentiality.* (To be added later.)

VII. *Definitions.* See Appendix B.

VIII. *General Instructions:*

- Report all volumes rounded to the nearest whole gallon.

Report all revenues realized from reported sales rounded to the nearest whole dollar.

- Exclude all taxes from the reported revenue.

IX. *Specific Instructions:*

Part I: Identification Data—complete as indicated.

Part II: Certification—complete as indicated.

Part III: First Deliveries in State for Consumption in State.

1. Enter at item 1 the reporting month. The reporting month is the calendar month in which the report is required to be filed.

2. Enter at the column b heading the last month. The last month is the month immediately prior to the reporting month.

3. Enter at the column c heading the next month. The next month is the month immediately after the reporting month.

4. Complete columns b and c for items 2 through 14 where appropriate. Enter *only* volumes for those petroleum products which your firm delivered for the *first time* into the State designated in Part I, item 11 and which were/are apparently intended for end-use in that State. Product definitions are in Appendix B.

Important

A list of respondents to Part III is attached as Appendix C. Do not report deliveries to listed firms in Appendix C. These firms will report the first deliveries of those products in the State where the volumes are apparently intended for end-use. For example, firm "X" sells products to firm "Y" in Ohio for apparent end-use in Ohio. Firm "X" does not report the delivered products in Part III of EIA–740. Firm "Y" will report the deliveries in Part III of the form for the State of Ohio.

Part IV: Total Sales:

1. Enter your firm's name and the State for which these data are being reported.

2. Enter the last month. The last month is the month immediately prior to the reporting month.

3. Total sales of the listed petroleum products represent all sales regardless of whether they are first sales made in the State or are intended for consumption in that State. The listed petroleum products are defined in Appendix B.

4. *Sales to End-Users*—in columns a through h, enter the appropriate volumes and revenues generated by the sales of those volumes for each listed petroleum product sold to end-users. Do not double count—if sales qualify for more than one column heading in Sales to End-Users, the sales should be reported in the Agricultural column. The Other End-Use Sales column is for those transactions to end-users in categories other than the first three end-use categories. End-user categories are defined in Appendix B.

5. *Sales to Non-End-Users*—in columns i through l, enter the appropriate volumes and revenues generated by the sales of those volumes for each listed petroleum product sold to non-end-users. If uncertainty exists, whether a sale is to a "Retail Outlet (Except Company Operated)," enter the sales volumes and associated revenues under columns k and l, "Other Sales to Non-End-Users." Non-End-User categories are defined in Appendix B.

6. Enter in item 14 the number of company operated retail motor gasoline stations in the reported State from which the volumes and revenues in columns a and b were derived.

Appendix A—State Energy and Emergency Preparedness Offices [Reserved]

(To be added later.)

Appendix B—Definitions

Petroleum Products

Finished leaded motor gasoline. A complex mixture of relatively volatile hydrocarbons, with or without small quantities of additives, all of which have been blended to form a fuel suitable for use in spark ignition engines. Meets the detailed requirements for gasoline listed in ASTM D–439 or Federal Specifications VV–G–1690B, to include no more than 10 percent boiling at 122 degrees F under atmospheric pressure to at least 90 percent at 274 degrees F at atmospheric pressure, with Reid vapor pressures ranging from 9 to 15 psi. Consits of: Finished (Marketable) leaded gasoline—produced with the use of any lead additive, containing more than 0.05 grams of lead per gallon or more than 0.005 grams of phosphorus per gallon. The actual lead content of any given gallon, however, may vary as a function of the size of the producer and company—specific EPA waiver provisions. For example, producers of 5,000 gallons or less per day may include 0.8 to 2.65 grams per gallon; large producers, 0.5 to 0.8 grams per gallon. Include: Both premium and regular grades, depending on the octane rating. Exclude: Any blendstock until blending has been completed and the blendstock is incorporated in the finished leaded gasoline and no longer separately identified. Also excludes any alcohol to be used in the blending of gasohol.

Finished unleaded motor gasoline. A complex mixture of relatively volatile hydrocarbons as described above of "leaded motor gasoline" and meets the

same requirements for distillation temperatures and vapor pressure. Consists of: Finished (marketable) unleaded gasoline containing no more than 0.05 grams of lead per gallon and not more than 0.005 grams of phosphorus per gallon, regardless of the size of the producer. Include: Both premium and regular grade, depending on the octane rating. Exclude: Any blendstock until blending has been completed and the blendstock is incorporated in the finished unleaded gasoline and no longer separately identified. Also excludes any alcohol to be used in the blending of gasohol.

Finished aviation gasoline. All special grades of gasoline for use in aviation reciprocating engines, as given in ASTM Specification D910 and Military Specification MIL–G–5572.

Gasohol. A blend of alcohol and finished motor gasoline consisting of (a) 90 percent or less finished motor gasoline, leaded or unleaded as described above, and (b) 10 percent or more alcohol (ethanol or methanol).

Jet fuel-naphtha type. A fuel in the heavy naphtha boiling range with an average gravity of 52.8 degrees API and 20 to 90 percent distillation temperatures of 290 degrees F to 470 degrees F and/or meeting Military Specification MIL–T–5624L (Grade JP–4). Used for turbojet and turboprop aircraft engines, primarily by the military.

Jet fuel-kerosene type. A quality kerosene product with an average gravity of 40.7 degrees API, a 10 percent distillation temperature of 400 degrees F and an end-point of 572 degrees F covered by ASTM Specification D1655 and Military Specification MIL–T–5624L (Grade JP–5 and JP–8). Used primarily as fuel for commercial turbojet and turboprop aircraft engines. A relatively low freezing point distillate of the kerosene type.

Kerosene. A petroleum distillate in the 300 degrees F to 550 degrees F boiling range and generally having a flash point higher than 100 degrees F by ASTM method D56, a gravity range from 40 degrees to 46 degrees API, and a burning point in the range of 150 degrees F to 175 degrees F. It is a clean-burning product suitable for use as an illuminant when burned in wick lamps. Includes grades of kerosene called range oil having properties similar to No. 1 fuel oil. Used in space heaters, cook stoves, and water heaters.

Diesel fuel. Diesel fuel grade No. 1 and No. 2 as defined in American Society for Testing and Materials (ASTM) D975–71. If doubt exists whether the fuel oil is to be used as diesel fuel, the product should be entered as distillate fuel oil.

Distillate fuel oil, less No. 4 fuel oil. A general classification for one of the petroleum fractions which, when produced in conventional distillation operations, has a boiling range from 10 percent point at 400 degrees F to 90 percent point at 640 degrees F. Included are products known as Nos. 1 and 2 heating oils conforming to ASTM Specification D396 and diesel fuel conforming to ASTM Specification D975 for No. 1–D and No. 2–D.

No. 4 fuel oil. A Fuel oil for commercial burner installations not equipped with preheating facilities. Extensively used in industrial plants. This grade is a blend of distillate fuel oil and residual fuel oil stocks which conforms to ASTM Specification D396 or Federal Specification VV–F–815C for this grade. Kinematic viscosities are between 5.8 and 26.4 percent at 100 degrees F. Also included is No. 4–D which conforms to ASTM Specification D975.

Residual fuel oil. Topped crude of refinery operations. Includes No. 5 and No. 6 fuel oils as defined in ASTM Specification D396 and Federal Specification VV–F–815C; Navy Special fuel oil in Military Specification MIL 859E, including Amendment 2; and Bunker C fuel oil.

Propane. A normally gaseous paraffinic compound (C_3H_8); it is covered by ASTM Specification D1835 and GPA Specifications for commercial and HD–5 propane and ASTM Specification D2154 for special duty propane.

Other Terms

Agricultural. Sales to end-users in this sector are transactions to persons or firms operating farms or ranches. These include sales of the listed products for use in tractors, irrigation pumps, and other agricultural machinery, as well as that used for crop drying, smudge pot fuel, space heating of buildings (including farm residences), cooking, and other uses by the agricultural industry. End-use sales to those engaged in agricultural activities are to be entered in this sector rather than Company Operated Retail Outlets or Residential, even though they may qualify for either of those categories.

Company operated retail outlets. These are motor gasoline and/or diesel service stations operated by the responding company or person.

First deliveries in State for consumption in State. These are the first deliveries of a petroleum product into a given State for intended end-use in that State. The list in Appendix C identifies the firms now known to conduct such transactions. When there are deliveries to firms listed in Appendix C, the seller does not report those deliveries as first deliveries in that State for consumption in that State. The buyer whose name is on the list in Appendix C will decide which of those delivered volumes are to be reported by it on Part III of the form.

Other sales to end-users. These are transactions made by the respondents within the reported State to categories of end-users other than customers of Company Operated Retail Outlets, Residential customers and Agricultural customers. Where doubt exists whether a transaction is qualified for entry in those three end-use categories, the volumes and associated revenues should be entered under Other End-Use Sales.

Other sales to non-end-users. These are transactions made by the respondent within the reported State to entities other than retail outlets. Where there is doubt whether the product being sold will be sold at a retail outlet, the volumes and associated revenues should be reported in Other Sales to Non-End-Users.

Residential. These are transactions by the respondent to single family dwellings. These include any private household to which the respondent bills the head of that household for the products involved in the transaction.

Retail outlets (except company operated). These are transactions by the respondent to retail outlets from which the petroleum products involved are likely to be sold directly to end-users. When doubt exists whether the products will be sold directly to end-users, the volumes and associated revenues should be reported as Other Sales to Non-End-Users.

Total sales. These transactions are all sales of the listed products by the respondent within the reported State irrespective of the sequence of sale or projected State of intended end-use. These data will not necessarily match those reported in Part III, First Deliveries in State for Consumption in State.

Appendix C—Suppliers Providing First Deliveries of Products for End-Use in States [Reserved]

(To be added later)

Comment Format

The following is the format for providing comments on proposed Form EIA–740, "Monthly Petroleum Product Sales."

1. Do the instructions provide sufficient information to enable you to complete the form? Yes☐ No☐

2. Are the instructions sufficiently clear? Yes☐ No☐
If no, which instructions require further clarification?

3. Should additional terms be defined? Yes☐ No☐
Please list these additional terms.

4. Is the form layout easy to follow and understand? Yes☐ No☐
If no, what changes would you make?

5. Do you know of other Federal, State or local agencies that collect similar data? Yes☐ No☐
If yes, please list agencies.

6. Is sufficient time allowed for your firm to complete the form and comply with this data request? Yes☐ No☐
If no, how long do you estimate it will take to complete the form?

7. Is the information necessary for completing the form readily available? Yes☐ No☐
If no, please explain.

8. Are the reporting units specified in the form consistent with those generally used by your firm for recordkeeping and reporting purposes? Yes☐ No☐
If no, please explain.

9a. How many person hours would it take your firm to complete one copy of the form, as attached? (Include the time it takes to research information, aggregate findings, write and type material, if appropriate.) ——— person hours.
9b. If subsequent reports are to be filed, indicate any differences in person/hours that would change the reporting time shown above.

10. Estimate the cost of completing the form including the cost of administrative review and correction errors.
$—

11. Please explain any aspect of the form you feel warrants comment, particularly any factor you consider unsatisfactory.

12. How would you improve the form?

13. In your opinion, does the form EIA–740 serve the purpose as defined. Yes☐ No☐

14. As noted earlier, State governments have a need for actual and projected data covering first deliveries of petroleum products for consumption in their State.
Are you willing to continue to send a copy of these data, as represented on the EIA–740 in Parts I, II, and III, to the appropriate State offices each month? Please give your reasons. Yes☐ No☐

Please check the box if interested in receiving a summary of the consultation results. ☐

[FR Doc. 81–16743 Filed 6–4–81; 8:45 am]
BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. G–3894–004, et al.]

ARCO Oil & Gas Co., Division of Atlantic Richfield Co., et al.; Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

June 1, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft.[1]	Pressure base
G–3894–004, D, May 12, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	United Gas Pipeline Company, South Cabeza Creek Field, Goliad County, Texas.	(1)	
G–3894–005, D, May 12, 1981	do	United Gas Pipeline Company, Cabeza Creek Area, Goliad County, Texas.	(1)	
G–5339–000, C, May 18, 1981	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	United Gas Pipeline Company, Carthage Field, Panola County, Texas.	(2)	14.73
CI81–336–000 (CI77–267), B, May 14, 1981.	Napeco Inc., 122 South Michigan Avenue, Chicago, Illinois 60603.	Natural Gas Pipeline Company of America, Thornwell South Field, Jefferson Davis Parish, Louisiana.	(3)	
CI81–337–000, A, May 12, 1981	Pioneer Production Corporation, P.O. Box 2542, Amarillo, Texas 79189.	Transwestern Pipeline Company, Section 22, Township 2N, Range 9ECM, Cimarron County, Oklahoma.	(4)	14.73

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft.[1]	Pressure base
CI81-338-000, E, May 18, 1981[5]	Southland Royalty Company (Succ. in Interest to Shenandoah Oil Corporation), 1000 Fort Worth Club Tower, Fort Worth, Texas 76102	Northern Natural Gas Company, Pandale Area, Crockett County, Texas.	([6])	14.73
CI81-339-000, E, May 18, 1981[5]	do	Transwestern Pipeline Company, Lovett Unit No. 2 - NW/4 NW/4 of Section 17, Block B-3, PSL Survey, Winkler County, Texas.	([7])	14.73
CI81-340-000, E, May 18, 1981[5]	do	Transwestern Pipeline Company, Lovett Unit No. 1 described as the NE/4 NW/4 of Section 17, Block B-3, PSL Survey, Winkler County, Texas.	([7])	14.73
CI81-341-000, E, May 18, 1981[5]	do	Northern Natural Gas Company, Christmas No. 1 Well located in the NW/4 NW/4 of Section 11, Township 20 South, Range 37 East, Lea County, New Mexico.	([8])	14.73
CI81-342-000, E, May 18, 1981[5]	do	Northwest Pipeline Corporation, Rock Island No. 1 Well located in the W/2 of Section 22, Township 29 North, Range 9 West, San Juan County, New Mexico.	([10])	14.73
CI81-343-000, E, May 18, 1981[5]	do	Northwest Pipeline Corporation, Mesaverde Formation in the Burroughs State No. 4 Well located in the SW/4 of Section 2, Township 27 North, Range 9 West, San Juan County, New Mexico.	([11])	14.73
CI81-344-000, E, May 18, 1981[5]	do	Mountain Fuel Supply Company, Osgood Federal 1-19 Well located in the N/2 of Section 19, Township 13 North, Range 100 West, 6th P.M., Sweetwater County, Wyoming, S/2 of Section 18, Township 13 North, Range 100 West, 6th P.M., Sweetwater County, Wyoming.	([12])	1473
CI81-345-000, E, May 18, 1981[5]	do	Northern Natural Gas Company, E. R. Moore No. 1 Well located in: Section 56, Block 101, AB&M Survey, Pecos County, Texas.	([13])	14.73
CI81-346-000, E, May 18, 1981[5]	do	Transwestern Pipeline Company, Federal "I" No. 1 Well located in S/2 of Section 21, Township 6 South, Range 27 East, Chaves County, New Mexico.	([14])	14.73
CI81-347-000, E, May 18, 1981[5]	do	Natural Gas Pipeline Company of America, Sun State No. 1 Well located in the N/2 of Section 23, Township 11 South, Range 34 East, Lea County, New Mexico.	([15])	14.73
CI81-348-000, E, May 18, 1981[5]	do	Northern Natural Gas Company, J. W. Robbins No. 1 Well located in Section 26, Block 126, T&STL RR Co. Survey, Pecos County, Texas	([16])	14.73
CI81-349-000, B, May 18, 1981	Holly Energy Inc., 2600 Diamond Shamrock Tower, 717 North Harwood St., Dallas, Texas 75201.	Transwestern Pipeline Company, N/2 Sec. 27, T-17-S, R-26-E, Eddy County, New Mexico	([17])	
CI81-350-000, A, May 18, 1981	Cabot Corporation, One Houston Center, Suite 1000, Houston, Texas 77010	Columbia Gas Transmission Corporation, Blocks A-446, A-447 and A-448, High Island Area, Offshore Texas.	([18])	14.73
CI81-351-000, A, May 20, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Transcontinental Gas Pipe Line Corporation, High Island Block A-447 and A-448, Offshore Texas	([19])	14.73

[1] Contract expired July 1, 1980; Land no longer productive of gas and ARCO plans no further development.
[2] Applicant is filing under Gas Purchase Contract dated March 1, 1976, amended November 1, 1980.
[3] The J. M. Petitjean #1 Well has been depleted and there are no remaining economically producible reserves. The well has been plugged and abandoned
[4] Applicant is filing under Gas Purchase Contract dated September 1, 1980.
[5] Effective as of February 1, 1979, Southland acquired all of Shenandoah's interest in properties.
[6] Applicant is filing under Gas Purchase Contract dated July 10, 1970.
[7] Applicant is filing under Gas Purchase Agreement dated March 4, 1959, amended by Gas Purchase Agreement dated November 1, 1979
[8] NOT USED
[9] Applicant is filing under Gas Purchase Agreement dated February 16, 1954.
[10] Applicant is filing under Gas Purchase Agreement dated January 2, 1967.
[11] Applicant is filing under Gas Purchase Agreement dated January 12, 1965
[12] Applicant is filing under Gas Purchase Agreement dated February 1, 1966.
[13] Applicant is filing under Gas Purchase Contract dated April 1, 1958.
[14] Applicant is filing under Gas Purchase Agreement dated April 16, 1971.
[15] Applicant is filing under Gas Purchase Contract dated August 7, 1975.
[16] Applicant is filing under Renewal Gas Purchase Contract dated June 4, 1976.
[17] Depletion of reserves.
[18] Applicant is filing under Gas Purchase Contract dated December 22, 1980.
[19] Applicant is filing under Gas Purchase Contract dated May 15, 1981.
Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession

[FR Doc. 81-16769 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-30-000]

ARCO Polymers, Inc.; Notice of Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 2, 1981.

On April 30, 1981, ARCO Polymers, Inc., of Monaca, Pennsylvania, filed with the Federal Energy Regulatory Commission an application to be certified as a qualifying congeneration facility pursuant to § 292.207 of the Commission's rules.

The facility is a topping-cycle cogeneration facility which uses coal as its primary energy source. The power production capacity of the facility is 31.5 megawatts. Energy is used to generate steam which is passed through a turbogenerator to produce electrical power. The reject heat from the power production system is used to provide thermal energy for use in an adjacent manufacturing process. The facility was installed in June, 1943. No electric utility, electric utility holding company, or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before July 6, 1981, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16770 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-464-000]

Boston Edison Co.; Notice of Filing

May 29, 1981.

The filing Company submits the following:

Take notice that on May 14, 1981, Boston Edison Company ("Edison") tendered for filing an amendment to its non-firm transmission tariff under which transmission charges are computed on a daily basis. The Company also filed a service agreement and exhibits specifying the power to be transmitted for the towns of Braintree and Taunton, Massachusetts.

Edison requests an effective date for the amendment of October 8, 1980, the date on which service commenced thereunder.

Edison states that it has served the filing on the Towns of Braintree and Taunton and on the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16752 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-188-000]

Central Maine Power Co.; Notice of Revision of Fuel Adjustment Clause

June 1, 1981.

Pursuant to ordering paragraph (c) of the Commission's order issued February 20, 1981, in the above captioned docket, Central Maine Power Company submitted the following materials designed to revise the proposed fuel adjustment clause:

(1) First Revised Sheet 3 of 4 of the proposed W-3 Tariff schedule; and

(2) a two page sample calculation illustrating the above revision.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16771 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-360]

Connecticut Yankee Atomic Power Co.; Notice of Compliance Filing

June 1, 1981.

Take notice that Connecticut Yankee Atomic Power Company (Connecticut Yankee) submitted a compliance filing on May 15, 1981, pursuant to Opinion No. 102 which was issued November 21, 1980, in Docket No. ER78-360. This report advises the Commission that Connecticut Yankee has made refunds to its customers for the difference between the Company's originally filed rates and the compliance rates. As enclosures Connecticut Yankee submitted (1) monthly billing determinants and revenues at proposed rates for the period November 5, 1978, through March 31, 1981; (2) monthly billing determinants and revenues at compliance rates for the period November 5, 1978, through March 31, 1981; and (3) computation of the monthly refunds, including interest, for the monthly billings for the period November 5, 1978, through March 31, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16753 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-39-000]

Copolymer Rubber and Chemical Corp.; Notice of Application for Adjustment From Incremental Pricing Regulations and for Interim Relief

June 2, 1981.

Take notice that on May 20, 1981, Copolymer Rubber and Chemical Corporation (Applicant) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (Supp. II 1978). Applicant seeks interim and final relief from § 282.204(d)(7) of the Commission's regulations. That section provides that if the owner or operator of an industrial boiler fuel facility files an exemption affidavit with the Commission, and sends a copy to the facility's natural gas supplier, the facility shall be exempt from incremental pricing as of the first full month following the date the affidavit is filed.

Applicant filed with the Commission an affidavit for a partial cogeneration exemption for its Baton Rouge plant on May 20, 1981. Applicant would therefore be exempt from incremental pricing as of June 1, 1981, under the above-described regulation. Applicant seeks an adjustment of this regulation in order to permit the partial exemption to become effective as of May 1, 1981. In support of this request, Applicant notes that a temporary certificate authorizing natural gas service to its Baton Rouge facility by Mid-Louisiana Gas Company (Mid-Louisiana) was granted by the Commission on April 30, 1981 (Docket No. CP81-204), and service was commenced on May 1, 1981. Applicant states that as soon as the certificate was issued, it began to prepare its exemption affidavit. Applicant further states that in telephone conversations with

Commission staff it became aware that a difference of opinion existed between itself and staff as to the extent to which its Baton Rouge facility qualifies for a cogeneration exemption. Applicant notes that it subsequently met with staff in an attempt to resolve these differences and in order that the affidavit could be completed accurately. Applicant asserts that because it attempted to file the affidavit at the earliest practicable date following issuance of the certificate, equitable principles support deeming the affidavit to be effective May 1, 1981.

Applicant further states that Mid-Louisiana will not render a bill for May gas sales to Applicant until early June, 1981, and that Mid-Louisiana supports Applicant's request that the exemption be deemed effective as of May 1, 1981.

The procedures applicable to this adjustment proceeding are set forth at 18 CFR § 1.41. Any person desiring to participate shall file a petition to intervene in accordance with § 1.41(e). All such petitions must be on file on or before June 22, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16772 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ST79-5-001; ST79-16-001; ST79-17-001; ST80-10-001; ST80-78-001]

Delhi Gas Pipeline Corp.; Notice of Application for Approval of Rates

June 2, 1981.

Take notice that on April 17, 1981, Delhi Gas Pipeline Corporation (Delhi), Fidelity Union Tower Building, Dallas, Texas 75201, filed in Docket Nos. ST79-5-001, ST79-16-001, ST79-17-001, ST80-10-001 and ST80-78-001 an application, as supplemented April 29, 1981, pursuant to § 284.123(b)(2) of the Commission's Regulations for approval of rates charged for transporting natural gas in the State of Oklahoma pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA) all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Delhi states that it is proposing herein to increase the rate it charges for transportation services conducted pursuant to section 311(a) of the NGPA from the currently effective rate of 29.5 cents per million Btu to 39.07 cents per million Btu. Delhi says the rate of 29.5 cents per million Btu has been in effect since July 1, 1980, and has previously been approved by the Commission.

Delhi submits that the proposed rate of 39.07 cents per million Btu is fair and equitable and that such rate is the same rate currently being charged Oklahoma Natural Gas, the principal intrastate customer of Delhi. Delhi states that the proposed rate increase is necessitated by the increased costs experienced by it, the current economic conditions affecting the financial markets and the current level of rates charged Oklahoma intrastate customers.

Delhi states, that it is presently transporting gas through its Western Oklahoma System on behalf of Transwestern Pipeline Company, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and Columbia Gas Transmission Corporation pursuant to Section 311(a) of the NGPA. Additionally, Delhi says that it is transporting gas through its Kinta System on behalf of Northern Natural Gas Company, a Division of InterNorth, Inc., which transportation is also pursuant to section 311(a) of the NGPA.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16773 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-470-000]

Delmarva Power & Light Co.; Notice of Filing

May 29, 1981.

The filing company submits the following.

Take notice that Delmarva Power & Light Company on May 18, 1981, tendered for filing a Supplement to its Border Line Interchange Agreement with Philadelphia Electric Company, designated FPC Electric Rate Schedule No. 2 of Delmarva and FPC Electric Rate Schedule No. 7 of PE, reflecting proposed increased rates and charges. The proposed changes would increase revenues under the Border Line Agreement by $2,082, based upon estimated sales for the twelve-month period ending August 1982.

The company states the foregoing tariff changes are being filed so that it can achieve revenues adequate to cover its costs of providing service.

Copies of the filing were served upon the Delaware Public Service Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the Pennsylvania Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16754 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-469-000]

Delmarva Power & Light Co.; Notice of Filing

May 29, 1981.

The filing company submits the following.

Take notice that Delmarva Power & Light Company on May 18, 1981, tendered for filing a Supplement to its Border Line Interchange Agreement with Conowingo Power Company, designated FPC Electric Rate Schedule No. 8 of Delmarva and FPC Electric Rate Schedule No. 3 of CP, reflecting proposed increased rates and charges. The proposed changes would increase revenues under the Border Line Agreement by $383, based upon estimated sales for the twelve-month period ending August 1982.

The company states the foregoing tariff changes are being filed so that it can achieve revenues adequate to cover its costs of providing service.

Copies of the filing were served upon the Delaware Public Service Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the

Pennsylvania Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16755 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-59-001]

The Detroit Edison Co.; Notice of Supplemental Application

June 1, 1981.

Take notice that on May 20, 1981, The Detroit Edison Company, a corporation organized under the laws of the states of Michigan and New York, with principal business offices in Detroit, Michigan, filed a Supplemental Application pursuant to Section 204 of the Federal Power Act, seeking authorization to increase the amount of short-term debt securities outstanding from $800 million to $1 billion, with no change in the issuance or maturity dates.

Any person desiring to be heard or to make any protest with reference to said Supplemental Application should, on or before June 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Supplemental Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16756 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-466-000]

Duquesne Light Co.; Notice of Filing

May 29, 1981.

The filing Company submits the following:

Take notice that Duquesne Light Company (Duquesne) on May 15, 1981, tendered for filing Modification No. 1 to Duquesne Light Company Rate Schedule FERC No. 16, a Temporary Transmission Agreement Between Duquesne Light Company and St. Joe Resources Company (St. Joe). Modification No. 1 is effective April 28, 1981.

Duquesne states that Modification No. 1 provides for an increase in the temporary transmission service from a maximum of 17 megawatts to a maximum of 27 megawatts. The charge by Duquesne for the temporary transmission service has not been changed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10) All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16758 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-298]

El Paso Electric Co.; Notice of Filing of Refund Compliance Report

June 1, 1981.

The Filing Company submits the following:

On April 6, 1981, the El Paso Electric Company (El Paso) filed a refund Compliance Report in accordance with the Commission's direction. El Paso states that a review of specific interest calculations uncovered an error. The amount of refund should be $164,306.56 rather that the $170,370.38 cost stated in the original Compliance filing.

El Paso further states that it has received $6,063.56 from the Southern California Company as reimbursement of this overpayment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with this Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). on or before June 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16759 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1958-000]

Frederic E. Greenman; Notice of Application

May 29, 1981.

The filing individual submits the following:

Take notice that the following application was filed by Frederic E. Greenman on May 18, 1981, pursuant to Section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, viz:

Title and Company

Vice President—New England Power Company.

Clerk—Yankee Atomic Electric Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16760 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-465-000]

Illinois Power Co.; Notice of Proposed Tariff Change

May 29, 1981.

The filing Company submits the following:

Take notice that Illinois Power Company ("the Company") on May 15, 1981 tendered for filing proposed changes in the following rate schedules:

Rate Schedule FERC No. 79, applicable to the City of Princeton
Rate Schedule FERC No. 80, applicable to the City of Waterloo
Rate Schedule FERC No. 81, applicable to the City of Peru
Rate Schedule FERC No. 82, applicable to the City of Mascoutah
Rate Schedule FERC No. 83, applicable to the Village of Freeburg
Rate Schedule FERC No. 84, applicable to the Cities of Breese and Carlyle
Rate Schedule FERC No. 85, applicable to the City of Highland

The proposed changes would increase revenues from jurisdictional sales and service by approximately $1,100,000 based on the twelve month period ending July 31, 1982.

The Company states that with the present rates it would earn a rate of return of only 6.8 percent on electric sales to these customers during the twelve months ending July 31, 1982. Continuing increases in cost of capital, labor, materials and supplies are expected to further reduce the Company's earnings. The Company states that the electric rate changes made by this filing are necessary to more fully provide compensation for these increasing costs. The Company proposes the increased rates become effective on June 15, 1981 as agreed to by the Company and each of its seven Partial Requirements customers.

Copies of this filing were served upon the Company's electric partial requirements customers and the Illinois Commerce Commission, Springfield, Illinois.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16774 Filed 6-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-471-000]

Indiana & Michigan Electric Co.; Notice of Filing

May 29, 1981.

The filing company submits the following.

Take notice that American Electric Power Service Corporation on behalf of its affiliate, Indiana & Michigan Electric Company (I&M) tendered for filing on or before May 18, 1981, Modification No. 4 and Modification No. 5 to the Federal Energy Regulatory Commission I&M's Rate Schedule No. 70 which represents the Agreement with Richmond Power & Light Company (RP&L). These proposed Modifications are stated to be a filing in compliance with the Federal Energy Regulatory Commission's Order No. 84, issued May 7, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16791 Filed 6-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ID-1961-000]

Donald R. Koessel; Notice of Application

May 29, 1981.

The filing individual submits the following:

Take notice that on May 18, 1981, Donald R. Koessel filed an application pursuant to Section 305(b) of the Federal Power Act and the Commission's order issued March 27, 1981 in Docket No. EL81-5-000 to hold the following positions:

Director—Otter Tail Power Company
Executive Vice President and Chairman of Trust Committee—First National Bank of Minneapolis

Any person desiring to be heard or to protest said aplication should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before June 15, 1981. Protest will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16737 Filed 6-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-333-000]

Louisiana Intrastate Gas Corp.; Notice of Application

June 2, 1981.

Take notice that on May 11, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. CP81-333-000 an application pursuant to § 284.127 of the Commission's Regulations for authorization to transport natural gas on a long-term basis for Texas Gas Transmission corporation (Texas Gas) and for approval of the rate for such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an agreement between Applicant and Texas Gas, dated January 29, 1981, Applicant proposes to transport natural gas from various points of delivery in East Baton Rouge, West Baton Rouge, and Pointe Coupee Parishes, Louisiana, and to redeliver equivalent volumes, less Texas GAS' *pro rata* share of compressor fuel, company use and unaccounted for gas, at points in Iberville and Lafayette Parishes, Louisiana. Further, it is indicated, that pursuant to an amendment to the agreement, additional transportation service would be performed in East Baton Rouge and Pointe Coupee Parishes, Louisiana. Applicant states that the proposed service is for a term of 15 years and as long thereafter as the operation of the

Tuscaloosa Pipeline is economically justified. Applicant asserts that the estimated total volume of gas to be transported under the agreement is the total volumes of committed gas purchased by Texas Gas during the term of the agreement and that although committed gas includes gas for which the first sale prices are currently regulated under the Natural Gas Policy Act of 1978 (NGPA) (provided the same is committed under a gas purchase contract under which "deep, high cost gas" as defined in Section 107 of the NGPA is also dedicated), at present all gas to be transported is deep, high cost gas.

Applicant proposes to charge Texas Gas a fee of 20.0 cents per million Btu for each million Btu redelivered at the points of redelivery has specified in the transportation agreement. The additional service described in the amendment to the agreement would be performed for no additional fee. Further, it is stated that Applicant has the right to increase its rates so as to be reimbursed for any increased severance tax and to file with any entity or entities having jurisdiction over its rates to receive a higher rate.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing there in must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16775 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-332-000]

Louisiana Resources Co.; Notice of Application

June 2, 1981

Take notice that on May 11, 1981, Louisiana Resources Company (Applicant), P.O. Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. CP81-332-000 an application pursuant to § 284.127 of the Commission's Regulations for authorization to transport natural gas on a long-term basis for Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport gas for Texas Gas for a term of 15 years from the date of initial delivery at Point J in Iberville Parish, Louisiana. Applicant would redeliver such gas at a point of interconnection with Texas Gas in Cameron Parish, Louisiana. The application indicates that the maximum daily quantity to be transported is 125 billion Btu, with an estimated total quantity of 423,190 billion Btu.

Applicant asserts that because of the operational benefits accruing to it by reasons of the transportation service proposed, the rate or charge for such service would be 0.0 cent per million Btu.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16776 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-5]

Minnesota Power & Light Co.; Notice of Filing

June 1, 1981.

Take notice that on May 8, 1981, the Minnesota Power & Light Company (MP&L) filed with the Commission a compliance filing to FERC Opinion Number 112 and 112A.

Any person desiring to be heard or to protest said compliance filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.18, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16777 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-329-000]

Mississippi River Transmission Corp.; Notice of Application

June 2, 1981.

Take notice that on May 11, 1981, Mississippi River Transmission Corporation (Mississippi River), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP81-329-000 an application pursuant to section 7 of the Natural Gas Act and § 157.7(e) of the Regulations thereunder (18 CFR 157.7(e)) for permission and approval to abandon during the 12-month period commencing June 7, 1981, direct sale service and facilities no longer required for deliveries of natural gas to Mississippi River's customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Mississippi River's ability to act with reasonable dispatch in abandoning service and removing direct sale measuring, regulating and related facilities.[1]

The application indicates that Mississippi River would not abandon any direct service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission from the customer to terminate service could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules

[1] Mississippi River states that it would abandon service and facilities only when deliveries to any one direct sale customer would not exceed 100,000 Mcf of natural gas during the last year of service.

of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Mississippi River to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16778 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-309-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Notice of Application

June 2, 1981.

Take notice that on April 29, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-309-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), for resale, from production offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is purchasing 25 percent of the gas produced in West Cameron Block 222 from Cities Service Company, 100 percent of the gas produced in West Cameron Block 238A from ARCO Oil and Gas Company, Division of Atlantic Richfield Company, and 47.3 percent of the gas produced in Eugene Island Block 384 from Union Texas Petroleum, a Division of Allied Chemical Corporation. In order to provide the necessary transportation of the gas to its primary pipeline system Applicant has entered into transportation agreements with Tennessee and other pipeline companies. In partial consideration of Tennessee's transportation of such gas, delivery of the gas to processing plants, and the reservation for Applicant and Applicant's producer-suppliers of processing rights associated with said gas, Applicant proposes to sell pursuant to an agreement dated November 25, 1980, the following portions of the gas to Tennessee:

Supply source	Minimum percent of annual volume available to Tennessee (November-October)	Daily percentage availability		Effective date of sale	Rate [1]
		Winter season (November-April)	Summer season (May-October)		
West Cameron Block 222	25	20 percent of applicant's purchase	30 percent of applicant's purchase	July 1, 1980	$3.07
West Cameron Block 238A	30	30 percent of applicant's purchase	30 percent of applicant's purchase	July 1, 1980	2.89
Eugene Island	25	25 percent of applicant's purchase	25 percent of applicant's purchase	Feb. 16, 1981	2.51

[1] Applicant proposes to sell gas to Tennessee at rates based upon Applicant's monthly actual cost of service at the point of delivery to Tennessee. The rates set forth herein are the estimated actual costs of service per Mcf for the first year.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16679 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP76-287-001]

Northern States Power Co. (Minnesota); Notice of Petition To Amend

June 2, 1981.

Take notice that on May 6, 1981, Northern States Power Company (Minnesota) (NSP-Minn), 414 Nicollet Mall, Minneapolis, Minnesota 55401 filed in Docket No. CP76-287-000 a petition to amend the order issued

January 12, 1977 in said docket [1] pursuant to Section 7(c) of the Natural Gas Act so as to authorize it to implement a revised LNG Agreement between it and Northern Natural Gas Company (Northern), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

NSP-Minn states that, in order to supplement its pipeline supplies, it has constructed an LNG peaking facility near St. Paul, Minnesota called the Westcott Plant which consists of liquefaction, storage, and vaporization facilities, which is capable of a liquefaction rate equal to 10,000 Mcf per day, a vaporization rate equal to 138,000 Mcf per day, and a maximum storage volume equal to 2,130,000 Mcf. On January 12, 1977, NSP-Minn was issued a certificate of public convenience and necessity authorizing it to receive, liquefy, store, vaporize, and redeliver natural gas to Northern pursuant to an LNG Agreement dated December 17, 1975. NSP-Minn states that it and Northern have now executed a revised LNG Agreement dated March 11, 1981 with a primary period ending March 26, 1983. The new agreement was necessitated, it is alleged, by significant operating and pricing considerations.

NSP-Minn says that, pursuant to the terms of the new agreement, Northern would deliver to NSP-Minn up to 4,800 Mcf per day of natural gas plus an additional 20 percent of such volumes for use as fuel, and that the maximum annual volume NSP-Minn would be obligated to receive for liquefaction is 1,000,000 Mcf in each summer period. NSP-Minn says that, during the winter period, NSP-Minn, as requested by Northern, would redeliver up to 65,000 Mcf per day. Further, NSP-Minn says that Northern would deliver to it fuel volumes equal to 2.5 percent of the volumes vaporized for redelivery each day redelivery occurs. Northern's LNG volume in storage at the end of each month, according to NSP-Minn, would be adjusted to reflect boil-off losses. NSP-Minn says that, on a best efforts basis and by mutual agreement, Northern may deliver volumes for liquefaction and storage and NSP-Minn may vaporize volumes for redelivery at times outside the respective liquefaction or vaporization periods or in amounts additional to NSP-Minn's vaporization periods or in amounts additional to NSP-Minn's contractual obligations.

According to NSP-Minn, the new agreement revised the prior agreement by:

(1) Reducing the demand charge from $1.65 per Mcf to $1.47 per Mcf.

(2) Increasing the service charge from 62.0 cents per Mcf to 90.0 cents per Mcf.

(3) Increasing the charge for additional annual volumes from $1.00 per Mcf to $1.25 per Mcf.

(4) Increasing the volumes Northern is required to deliver for fuel from 16 percent to 20 percent.

(5) Reducing Northern's maximum daily vaporization entitlement from 73,000 Mcf per day to 65,000 Mcf per day.

(6) Requiring Northern to deliver vaporization fuel equal to 2.5 percent of vaporized redelivered volumes.

(7) Athorizing NSP-Minn to adjust Northern's LNG inventory to reflect winter boil-off losses.

(8) Authorizing NSP-Minn to reduce Northern's daily redelivery entitlement for the 1981–82 heating season and to reduce Northern's annual liquefaction entitlement for the 1982–83 heating season under certain conditions.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16780 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the Federal Power Commission. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. QF81-17-000]

Norton Co.; Notice of Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 2, 1981.

On April 21, 1981, Norton Company of Worcester, Massachusetts completed a filing with the Federal Energy Regulatory Commission (Commission) of an application to be certified as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility is an existing oil- and gas-fired steam topping cycle cogeneration facility. The facility has an installed capacity of 6 megawatts and supplies 24,000,000 kwh per year, about one-third of the Norton Company's plant needs. Thermal output in the cogeneration process is more than 5 percent of the total energy output of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16781 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-463-000]

Ohio Power Co.; Notice of Filing

May 29, 1981.

The filing Company submits the following:

Take notice that Ohio Power Company, on May 13, 1981, tendered for filing proposed changes in its FERC Electric Service Rate Schedule No. 18, applicable to service to Wheeling Electric Company. The proposed changes would increase revenues from jurisdictional sales and service by $9,122,000 based on the 12-month period ending December 31, 1981. Ohio Power Company proposed that the rates and charges and terms and conditions of service revised by this filing become effective July 15, 1981.

Copies of the filing were served upon Wheeling Electric Company and the Public Service Commission of West Virginia, Capitol Building, Charleston, West Virginia.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16762 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-462-000]

Ohio Power Co.; Notice of Filing

May 29, 1981.

The filing Company submits the following:

Take notice that Ohio Power Company, on May 15, 1981, tendered for filing proposed changes in its FERC Electric Tariff MRS For Municipal Resale Electric Service, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $1,481,000 based on the 12-month period ending December 31, 1981. Ohio Power Company proposed that the rates and charges and terms and conditions of service revised by this filing become effective July 15, 1981.

Copies of the filing were served upon the affected municipal customers and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16763 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-472-000]

Ohio Power Co.; Notice of Filing

May 29, 1981.

The filing company submits the following.

Take notice that American Electric Power Service Corporation (AEP) on May 18, 1981, tendered for filing on behalf of its affiliate Ohio Power Company (OPCo.) Supplement No. 6 dated April 9, 1981, to the Agreement dated April 1, 1974, between American Municipal Power-Ohio, Inc. (AMP-Ohio) and Ohio Power Company, OPCo.'s Rate Schedule FERC No. 74.

Sections 1 and 2 of Supplment No. 6 provide for an increase in the demand charge for Short Term and Limited Term Power from $0.85 to $1.05 per kilowatt per week and $4.50 to $5.50 per kilowatt per month respectively. Both schedules proposed to become effective February 23, 1981.

Applicant states that since the use of Short Term Power and Limited term Power connot be accurately estimated, for the twelve-month period succeding the date of filing, it is impossible to estimate the increase in revenues resulting from its Supplement for such period. Applicant's Appendix V which is included with the filing of this Supplement, demonstrate that the increase in revenues which would have resulted had the Supplement been in effect during the twelve-month period ending December 1980 would have been $7,000.01 (i.e., from $59,402.70 to $66,402.71) for Short Term Power and $81,000.00 (i.e., from $695,989.50 to $775,989.50) for Limited Term Power.

Copies of the filing were served upon AMP-Ohio, the Orrville Municipal Utilities and Public Utilities Commission of Ohio.

Any person desiring to be herd or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16782 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-49-000]

Pacific Power & Light Co.; Notice of Application

June 1, 1981.

Take notice that on May 18, 1981, Pacific Power & Light Company (Applicant) a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to engage in negotiations for the placement of no more than $300 million of Pollution Control Revenue Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16764 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-468-000]

Southern Company Services, Inc.; Notice of Filing

May 29, 1981.

The filing company submits the following:

Take notice that Southern Company Services, Inc., on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company, on May 18, 1981, tendered for filing Amendment No. 1 to the Transmission Facility Charge Allocation Agreement between those companies. The Amendment provides for the inclusion of certain additional transmission facilities within the Agreement where the facilities, owned by one of the parties to the Agreement, are to be used principally for the benefit

of another party to the Agreement. Rates for such compensation are not revised by this filing, only the facilities to which such rates are applicable.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16765 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-153]

Texas Gas Transmission Corp.; Notice of Petition To Vacate

June 2, 1981.

Take notice that on May 11, 1981, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky, filed in Docket No. CP79-153 a petition pursuant to Section 7 of the Natural Gas Act to vacate in part an Order Amending Order Permitting and Approving Abandonment, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is indicated that on January 22, 1979, Texas Gas filed in Docket No. CP79-153 an application for authority to abandon direct industrial service to Mississippi Power and Light Company (MP&L) and to abandon certain related facilities which consisted of two 10-inch meter runs. The request for abandonment, according to Texas Gas, was a result of the expiration on October 6, 1978, of its authorization to sell natural gas to MP&L. Texas Gas says that, pursuant to a letter agreement dated August 1, 1978, both parties agreed to terminate the sales contract, and that on April 17, 1979, the Commission granted an order permitting the requested abandonment authorization. Subsequently, according to Texas Gas, on May 30, 1980, it filed a motion to vacate the April 17 order as it related to the facilities authorized to be abandoned. This motion, it is stated, was filed at the request of both MP&L and Michigan Consolidated Gas Company (Mich-Con) who had entered into certain agreements involving the sale of gas to MP&L under the provisions of Order No. 30. In order to perform the services described under these agreements, it is stated, Mich-Con approached Texas Gas concerning the delivery of gas to MP&L utilizing the two sales meter runs owned by Texas Gas.

On August 7, 1980, the Commission issued an Order Amending Order Permitting and Approving Abandonment in the instant docket. This order amended the April 17, 1980 order so as to vacate abandonment authorization for the two sales meter runs exclusively. Such order specifically restricted the use of these two meter runs for the purpose of facilitating the transporation of gas by Mich-Con to MP&L under Order No. 30 unless requisite authorization for other uses was received before the expiration of Order No. 30 which date is May 31, 1981.

According to Texas Gas, by this petition, it requests the Commission to vacate that part of the August 7, 1980 order which restricts the use of the two 10-inch meter runs for the purpose of effectuating the order No. 30 transaction described above. As more fully set forth in the original abandonment application, Texas Gas says, the two meter runs in question are located adjacent to a third meter run presently utilized to serve Mississippi Valley Gas Company (MVG). Texas Gas says it now wishes to retain the two meter runs in place in order to provide increased operating flexibility for deliveries to MVG. Texas Gas states that the manifolding of the one Mississippi Valley meter run and the two MP&L meter runs is such that no alteration or additional cost is required to provide the expanded flexbility to the Mississippi Valley Meter Station. This added operating flexbility, it says, will benefit both Mississippi Valley and Texas Gas by providing greater distribution of the gas delivered to Mississippi Valley without exceeding its present contract demand as filed in its FERC Gas Tariff, Third Revised Volume No. One.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by 't in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16783 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-144-000 and ER81-144-001]

Upper Peninsula Power Co.; Order Accepting for Filing and Suspending Rates, Granting Waiver, Consolidating Proceedings, and Establishing Procedures

Issued: May 29, 1981.

On November 26, 1980, in Docket No. ER81-144-000, Upper Peninsula Power Company (UPPCO) tendered for filing rates applicable to its seven firm power wholesale customers. In addition, the Company proposed a service curtailment plan. A public hearing has been ordered in Docket No. ER81-144-000.[1]

Subsequently, on April 8, 1981, UPPCO tendered for filing in Docket No. ER81-144-001, revisions to its filed cost of service study, together with corresponding revised firm power rates.[2] UPPCO states that the instant submittal corrects errors which the company has identified in its cost of service study relating to the computation of Operation and Maintenance (O&M) expenses and income tax. The revisions reduce the proposed revenue increase from $654,021 (16.28%) to $473,575 (11.97%) for the test year. This reduction is reflected in the revised rates.

UPPCO requests that the revised rates become effective on June 30, 1981, the effective date previously designated for the originally filed rates. In addition, UPPCO seeks waiver of § 35.17(b) of the regulations, which prohibits the filing of changes to rates that are subject to suspension, absent express Commission permission. In support of its request for waiver, UPPCO states that the rates, as

[1] By order issued January 23, 1981, the firm power service rates were suspended for five months to become effective on June 30, 1981, subject to refund. The Commission suspended the service curtailment plan for one day to become effective on February 1, 1981, subject to the outcome of a hearing. The instant submittal makes no change in the curtailment plan.

[2] *See* Attachment A for rate schedule designations and customer identification.

revised, will result in lower charges to its wholesale customers than those originally proposed. Also, UPPCO asserts that the revised rates will reduce any refund obligation that may result from the proceeding instituted in Docket No. ER81-144-000.

Public notice of the filing was issued on May 4, 1981, with comments, protests, or petitions to intervene due on or before May 19, 1981. No responses were filed.

Discussion

The revisions made by UPPCO to its cost of service study appear to represent only the correction of a computational error in summing the various allocated O&M expenses for the wholesale customers, which resulted in an overstatement of the total allocated O&M expense. The income tax revisions appear to reflect only the increased taxable income resulting from the lower O&M expense deduction.

Because the instant submittal reduces the test year revenue increase by approximately $180,446 and seeks to eliminate computational mistakes, we find that good cause exists to permit UPPCO to substitute the revised cost of service and rates for those originally filed. However, even in light of these corrections, our analysis indicates that UPPCO's revised rates have not been shown to be just and reasonable and that they may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing, and suspend them as ordered below.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances are presented here. As discussed above, the revised rates reflect UPPCO's correction of a computational error, and result in lower charges to the wholesale customers than those under the originally filed rates. Furthermore, we note that no protests or objections to the filing have been received. Accordingly, we shall suspend the revised rate schedules to become effective June 30, 1981, subject to refund.

The originally filed rates were set for investigation in Docket No. ER81-144-000. Because common questions of law and fact are presented, we shall consolidate the instant docket with the ongoing proceeding. Additionally, we note that in our order of January 23, 1981, in Docket No. ER81-144-000, the Commission summarily rejected UPPCO's inclusion of Accumulated Deferred Investment Tax Credits (ADITC) as a separate component of its capitalization. The previous summary disposition of ADITC is applicable to the revised rates as well.

The Commission orders:

(A) Waiver of the requirements of section 35.17(b) of the regulations prohibiting changes in suspended rate schedules is hereby granted.

(B) UPPCO's submittal is hereby accepted for filing, and the revised rates are substituted for the originally filed rates and are suspended to become effective June 30, 1981, subject to refund.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [(18 CFR Chapter I (1980))], a public hearing shall be held concerning the justness and reasonableness of UPPCO's rates.

(D) Docket No. ER81-144-001 is hereby consolidated with the proceedings in Docket No. ER81-144-000, for purposes of hearing and decision.

(E) The administrative law judge designated to preside in Docket No. ER81-144-000 shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER81-144-001 with the pending proceeding.

(F) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[Docket No. ER81-144-001]

Attachment—Upper Peninsula Power Company

Filed: April 8, 1981
Dated: Undated
Description: Rate WR-1—
Sheet 1 as corrected 3/31/81

Designation	Other party
Supplement No. 1 to Supplement No. 16 to Rate Schedule FPC No. 2.	Wisconsin Electric Power Company.
Supplement No. 1 to Supplement No. 17 to Rate Schedule FPC No. 3	Wisconsin Electric Power Company
Supplement No. 1 to Supplement No. 16 to Rate Schedule FPC No. 6	Village of Baraga
Supplement No. 1 to Supplement No. 16 to Rate Schedule FPC No. 7.	Village of L'Anse.
Supplement No. 1 to Supplement No. 14 to Rate Schedule FPC No. 11.	City of Negaunee
Supplement No. 1 to Supplement No. 16 to Rate Schedule FPC No. 14.	Alger-Delta Cooperative Electric Association
Supplement No. to Supplement No. 16 to Rate Schedule FPC No. 15.	Ontonagon County REA
Supplement No. to Supplement No. 3 to Rate Schedule FPC No. 23	City of Gladstone

[FR Doc. 81-16784 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-121]

Utah Power & Light Co.; Notice of Filing

June 1, 1981.

Take notice that on May 20, 1981, the Utah Power & Light Company (UP&L) filed with the Commission a compliance filing to FERC Opinion No. 113.

Any person desiring to be heard or to protest said compliance filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.18 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16786 Filed 6-4-81; 8:45 am]

BILLING CODE 6450-85-M

[3] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

[Docket Nos. CP80-581 and CP81-308-000]

Pataya Storage Co. and El Paso Natural Gas Co.; Notice of Informal Technical Conference

June 2, 1981.

Take notice that on June 9, 1981 through June 11, 1981, an informal technical conference will be held at the offices of Pataya Storage Company, 5241 Spring Mountain Rd., Las Vegas, Nevada 89114.

The purpose of the conference is to enable Staff to acquire additional information from Pataya Storage Company (Pataya) and El Paso Natural Gas Company (El Paso) regarding Pataya's proposal in Docket No. CP80–581 to solution-mine two underground cavities in a salt formation located in Mohave County, Arizona. Pataya plans to construct brine-settling and evaporation ponds to hold the brine removed from the caverns. The brine-settling ponds will cover an area in excess of a square mile.

Pataya additionally plans to construct 30 miles of 16-inch pipeline to interconnect with El Paso's main transmission line in Mohave County, Arizona. El Paso's application requests authorization to transport natural gas on behalf of Southwest Gas Corporation to be delivered to Pataya at a proposed interconnection.

For further information, contact Donald K. Hart, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, Tel. (202) 357–8841.

The informal conference is open to the public; however, attendance or participation at the conference will not serve to make attendees parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the applicant's filing are on file with the Federal Energy Regulatory Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16767 Filed 6-4-81, 8:45 am]

BILLING CODE 6450-85-M

Southeastern Power Administration

Proposed Rate Extensions and Rate Adjustment, Public Hearing, and Opportunities for Public Review and Comment

AGENCY: Southeastern Power Administration (Southeastern), DOE.

ACTION: Notice of proposed rate extensions and rate adjustment for Kerr-Philpott System, notice of public hearing and opportunity for review and comment.

SUMMARY: Southeastern proposes to extend the currently approved rate schedules KP–1–B and KP–2–B for Kerr-Philpott Projects power for a 12-month period through September 30, 1982. Southeastern also proposes to adjust the JHK–1–B rate schedule to pass through the increased costs of wheeling to the preference customers served through the facilities of the Carolina Power and Light Company (CP&L).

Opportunities will be available for interested persons to review the present rates, the proposed rate, and the supporting studies, to participate in a hearing and to submit written comments. Southeastern will evaluate all comments received in this process.

DATES: Written comments are due on or before August 14, 1981. A public information and public comment forum will be held in Raleigh, North Carolina, on July 9, 1981.

ADDRESSES: Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635. The public comment forum will begin at 10 a.m. on July 9, 1981, in room 505, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27601.

FOR FURTHER INFORMATION CONTACT: Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635, (404) 283–3261.

SUPPLEMENTARY INFORMATION: The Federal Power Commission by order issued February 18, 1976, in Docket No. E–7002 confirmed and approved Wholesale Power Rate Schedules KP–1–B, KP–2–B, and JHK–1–B applicable to Kerr-Philpott Projects' power for a period ending June 30, 1980. On April 22, 1980, the Assistant Secretary for Resource Applications confirmed and approved on an interim basis extension of those rates for a 15-month period through September 30, 1981. Southeastern was in the process of developing a new written power marketing policy and requested the extension to allow time to finalize the policy. On January 29, 1981, the Federal Energy Regulatory Commission by order in Docket No. EF80–3041 confirmed and approved the rate schedules on a final basis.

Southeastern is still in the process of finalizing the power marketing policy and is therefore requesting an extension of such rates to allow time to finalize the policy, renegotiate contracts, and permit applicable rates appropriate to such revised policy to be developed, confirmed and approved, and placed in effect.

There is one major change in the data which was used to determine the required revenue level. The wheeling cost to the customers served by the facilities of CP&L increased substantially. Southeastern is proposing to adjust rate schedule JHK–1–B, to simply pass this added cost on to the effected customers.

Discussion

Existing rate schedules are predicted upon a March 1975 repayment study and other supporting data all of which are contained in FPC Docket No. E–7002. Expenses were considerably less during the period 1975–1979 than originally estimated in the 1975 study. Therefore, Southeastern had a very favorable repayment position when the original 15-month extension was requested. The repayment study prepared in April of 1980 showed that existing rates were adequate through fiscal year 1980, and therefore an extension was requested and allowed.

The repayment study prepared in March of 1981 shows that the repayment status is good. Current plans anticipate finalizing the new power marketing policy within the next fiscal year. This policy is expected to materially affect the rates in the future. Therefore, it was decided not to go through the process of preparing detailed cost of service and rate design studies to provide revenues for only a one year period.

Wheeling cost for those customers who are served by the facilities are the only costs that have increased materially above those that were used in the 1975 repayment study and the 1980 repayment study.

In the proposed rate schedule JHK–1–C, an offsetting wheeling charge has been added to the other charges in JHK–1–B. The charge was developed to distribute the increased costs ratably over the 30,000 kw of capacity that is sold to those customers. The monthly rate so computed is $0.56 per kilowatt of contract capacity. Southeastern anticipates that this rate schedule may only be in effect for a one year period. The unaffected rates are a monthly capacity charge of $1.25 per kilowatt of contract demand and energy charge of 5.00 mills per kilowatt-hour. At the time that the new rates are designed to implement the power marketing policy, all costs will be reanalyzed, and appropriate rates will be established.

In developing the extension of rates and the rate adjustment, Southeastern considered revenue requirements as determined by the March 1981 system repayment study. The study is available for examination at the Samuel Elbert Building, Elberton, Georgia 30635, as are the 1975 and 1980 repayment studies and the proposed rate schedules.

Issued in Elberton, Georgia May 28, 1981.

Harry F. Wright,

Administrator.

[FR Doc. 81-16742 Filed 6-4-81, 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1846-6]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104) Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR 1506.9) during the week of May 26, 1981 to May 29, 1981.

REVIEW PERIODS: The 45-day review period for Draft EISs' listed in this notice is calculated from June 5, 1981 and will end on July 20, 1981. The 30-day review period for Final EISs' as calculated from June 5, 1981 will end on July 6, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209. (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 245-3006.

Dated: June 2, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

FS: Draft—Mill Creek Wilderness Designation, Jefferson National Forest, Giles County, Virginia (EIS Order No. 810411)

FS: Draft—Mountain Lake Wilderness Study, Jefferson National Forest, Craig and Giles Counties, Virginia and Monroe County, West Virginia (EIS Order No. 810412)

FS: Final—Hells Canyon National Recreation Area Comprehensive Management Plan, Baker and Wallowa Counties, Oregon and Nez Perce, Idaho and Adams Counties, Idaho (EIS Order No. 810418)

Army Corps of Engineers

Draft—Riverport Port Facilities, Permit, Jefferson County, Kentucky (EIS Order No. 810406)

Draft—Haikey-Fry Watershed Local Flood Protection, Tulsa County, Oklahoma (EIS Order No. 810408)

Draft—Baltimore Harbor and Channels Improvement, Maryland and Virginia (EIS Order No. 810424)

Final—Bayou Boeuf Fabrication Yard Expansion, Permit, Assumption Parish, Louisiana (EIS Order No. 810387)

Final—Lucky Peak Hydropower Development, Ada County Idaho (EIS Order No. 810409)

Final—West Carrollton Water Resources Development, Miami River, Little Miami River and Mill Creek Basin, Montgomery County, Ohio (EIS Order No. 810420)

Draft Supplement—Swinomish Channel Maintenance Dredging, Skagit County, Washington (EIS Order No. 810404)

Final Supplement—Lock Haven Local Flood Protection Plan, Clinton County, Pennsylvania (EIS Order No. 810413)

Reestablishment of EIS Availability Date: COE:Final—Cooperative Aquatic Plant Control Program, South Carolina—published FR May 22, 1981—based on the actual availability of this EIS, EPA has reestablished the date filed as May 29, 1981 and the end of the review period as July 6, 1981 (EIS Order No. 810276)

Department of Commerce

NOAA: Draft—Mullica River Estuarine Sanctuary, Grant Award, Atlantic, Burlington Ocean Counties, New Jersey (EIS Order No. 810426)

Department of the Interior

BLM: Draft—Southern Rio Grande Planning Area Grazing Management Program, Dona Ana, Sierra, Luna, Socorra and Otero Counties, New Mexico; the review period for this EIS has been extended until July 24, 1981 (EIS Order No. 810422)

BR: Draft—Grand Coulee Dam Riverbank Stabilization, Douglas County, Washington; the review period for this EIS has been extended until July 28, 1981 (EIS Order No. 810417)

Department of the Navy

Final Supplement—San Diego Naval Regional Medical Center, San Diego County, California (EIS Order No. 810419)

Department of Transportation

FHWA: Draft—US 264 Bypass of Wilson, Wilson to Greenville, Wilson County, North Carolina; the review period for this EIS has been extended until July 24, 1981 (EIS Order No. 810405)

FHWA: Draft—Route 36 Widening and Realignment, Humbolt and Trinity Counties, California; the review period for this EIS has been extended until August 3, 1981 (EIS Order No. 810415)

FHWA: Draft—Springfield Railroad Relocation Demonstration Project, Sangamon County, Illinois (EIS Order No. 810425)

FHWA: Draft—I-110 Completion, US 90 to Charleston Street, Harrison County, Mississippi; the review period for this EIS has been extended until July 31, 1981 (EIS Order No. 810427)

FHWA: Final—M-37/MI-82 Bridge Over C&O Railway and Penoyer Creek, Newaygo County, Michigan (EIS Order No. 810410)

FHWA: Final—FL-525 Construction, I-4 to US 98, Polk County, Florida (EIS Order No. 810423)

Environmental Protection Agency

EPA1: Draft—Falmouth Wastewater Collection and Treatment Facilities, Barnstable County, Massachusetts (EIS Order No. 810414)

EPA4: Draft—Farmland Phosphate Mine, NPDES Permit, Hardee County, Florida; the review period for this EIS has been extended until July 28, 1981 (EIS Order No. 810421)

Extension: EPA2: Draft—Lajas-Boqueron 201 Facilities Plan, Puerto Rico—published FR May 29, 1981—the review period for this EIS has been extended until July 23, 1981 (EIS Order No. 819394)

Department of Housing and Urban Development

Draft—Highlands Ranch Housing Development, Mortgage Insurance, Douglas County, Colorado (EIS Order No. 810416)

104H: Final—East Hendersonville Revitalization Project, CDBG, Henderson County, North Carolina; Federal action cannot be taken in regards to this project until completion of the minimum 90 day period (July 9, 1981) (EIS Order No. 810407)

[FR Doc. 81-16614 Filed 6-4-81, 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1846-5]

Intent To Prepare an Environmental Impact Statement

AGENCY: Environmental Impact Statement Branch, Surveillance and Analysis Division, Environmental Protection Agency, Region IV.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS).

PURPOSE: In accordance with section 102(2)(C) of the National Environmental Policy Act, the EPA has identified a need to prepare an EIS and therefore publishes this Notice of Intent to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT:
Ms. A. Jean Tolman, Project Officer, Environmental Impact Statement Branch, U.S. Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone: (Commercial) 404/881-7458, (FTS) 8/257-7458.

SUMMARY:

Description of Proposed Action

The EPA, Region IV will prepare an EIS on the proposed C.F. Industries, Inc. (CFI) South Pasture Phosphate Mine in Hardee County, Florida. CFI proposes to construct and operate an open pit phosphate mining and beneficiation facility projected to produce 2 million tons per year of phosphate rock for the first 4 years and 4 million tons per year for the remaining 18 years of the 22-year life of the mine. The proposed project will be located on a 15,000 acre site lying east of Horse Creek in the northwest portion of Hardee County. The proposed facility has been declared a New Source as defined in Section 306 of the Clean Water Act. Operation of the facility would require a National Pollutant Discharge Elimination System (NPDES) permit. A permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act also may be required. EPA has accepted lead agency responsibility for the development of the EIS.

Description of Alternatives

The major alternatives to be addressed include: location of the beneficiation facility; routing, treatment and disposal of waste and wastewater streams; mining and reclamation techniques; air and water pollution controls; and "no action." The "no action" alternative is defined as non-issuance of the NPDES permit.

Public Participation

Participation by Federal, State and local agencies as well as by interested private organizations and citizens is invited.

Significant issues to be addressed in the EIS include possible impacts from radiation, impacts to surface water and groundwater quality, wetlands preservation and restoration, and socioeconomics.

A public scoping meeting will be held at 7:30 p.m. on July 13, 1981, in the Hardee County Agricultural and Civic Center, located at Altman Road and Stenstrom Road in Wauchula, Florida. The purpose of the meeting is to develop and provide comments on the scope of issues that should be addressed in the EIS.

The Draft EIS is tentatively scheduled for issuance by December of 1982.

All interested parties are encouraged to submit their names and addresses to the person above for inclusion on the mailing list for the Draft EIS and other related notices.

Dated: June 2, 1981.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

[FR Doc. 81-16815 Filed 6-4-81; 8:45 am]

BILLING CODE 6560-37-M

[A-1-FRL 1845-6]

Prevention of Significant Deterioration of Air Quality (PSD); Determination of Exemption; Medical Area Total Energy Plant, Boston, Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final determination of exemption.

SUMMARY: The purpose of this notice is to announce that on May 27, 1981, the EPA Region I Office issued a final determination that the Medical Area Total Energy Plant (the Facility) located at Brookline Avenue and Francis Street, Boston, Massachusetts is exempt from EPA's PSD review requirements (40 CFR 52.21(j)-(r)). The Facility is owned by the Medical Area Total Energy Plant, Inc. (MATEP), which is a wholly-owned subsidiary of the President and Fellows of Harvard University (Harvard). The determination was issued because the institutional arrangement involving Harvard, certain hospitals affiliated with Harvard's Medical School, MATEP, and the Facility is such as to render the Facility a "nonprofit health or education" institution pursuant to Section 169(1) of the Clean Air Act. 42 U.S.C. 7479(1), and 40 CFR 52.21(i)(4)(vi). Accordingly the installation and operation of six diesel engines at the Facility will not be subject to these PSD review requirements.

DATES: The determination was effective on May 27, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Harley F. Laing, Chief, Air Branch, U.S. Environmental Protection Agency Region I, J. F. Kennedy Federal Building—Room 1903, Boston, Massachusetts 02203, (617/223-4450).

SUPPLEMENTARY INFORMATION: This final determination of exemption was made response to a request, dated March 2, 1981, by the Honorable Edward J. King, Governor of the Commonwealth of Massachusetts.

Copies of this Final Determination and all information used in making the determination are available for public inspection at the U.S. Environmental Protection Agency Region I, Library, John F. Kennedy Federal Building—Room 2100B, Boston, Massachusetts 02203. Copies of the determination are also available for public inspection at Massachusetts Department of Environmental Quality Engineering, Air and Hazardous Materials Division, One Winter Street, 8th Floor, Boston, Massachusetts 02108; Brookline Main Library, 361 Washington Street, Brookline, Massachusetts 02146; and Betty Powers Library, Mission Park, 25 Mission Park Drive, Boston, Massachusetts 02115.

The determinations a final action under the Clean Air Act. Under Section 307(b)(1) of the Act, judicial review of this determination is available only by the filing of a petition for review in the United States Court of Appeals for the First Circuit by August 4, 1981. Under section 307(b)(2) of the Clean Air Act, this final determination shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

Leslie Carothers,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region I.

May 27, 1981.

[FR Doc. 81-16715 Filed 6-4-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81-236; Transmittal Nos. 13633, 13686]

American Telephone & Telegraph Co., Revisions to Tariff F.C.C. No. 260, Series 7000, Type 7008 (Satellite Television Service); Memorandum Opinion and Order

Adopted: May 21, 1981.

Released: May 28, 1981.

By the Acting Chief, Common Carrier Bureau.

1. Before the Bureau is a petition of Midwestern Relay Company (MRC) to reject tariff revisions filed under Transmittal No. 13686 by the American Telephone and Telegraph Company (AT&T). These revisions would advance the effective date of tariff material covering interconnection by other common carriers (OCC) with Type 7008 channels. The interconnection provisions thus relate to AT&T's recent proposal to offer Satellite Television Service, which the Commission suspended for five months and set for investigation. *See Memorandum Opinion and Order* FCC 81-165 (released April 22, 1981) (*Order*).

2. In the *Order*, at paras. 14–15, the Commission discussed the procedural complexity surrounding AT&T's tariff filings on Satellite Television Service and the need for Commission action prior to receipt of petitions against the latest revisions. To ensure that all arguments would be considered, the Commission directed the Bureau to enter a subsequent order including in the investigation any substantial questions of lawfulness raised by MRC or other interested persons in pleadings unavailable during preparation of the *Order*. For reasons explained below, we add one issue to the investigation, and otherwise deny MRC's petition.

3. MRC argues that, as proposed, Satellite Television Service would bar direct downlink connection of the facilities of other common carriers with those of AT&T.[1] MRC interprets the interconnection provisions as requiring a Service Terminating Arrangement between AT&T's satellite and non-AT&T receive-only earth stations. Such a configuration, according to MRC, is wholly unjustified, and, moreover, is technically impossible, since the two facilities cannot be physically connected.

4. AT&T for its part, denies that its tariff would bar interconnection with other common carriers, and states that it has already provided the technical information necessary for such interconnection. As for the tariff references to Service Terminating Arrangement, AT&T explains that they are applicable only in the case of terrestial interconnection, and therefore are not relevant to the receipt of a satellite signal by an earth station.

5. Despite AT&T's protestations, we find that sufficient confusion exists to include this matter in our investigation of Satellite Televisions Service. Indeed, AT&T's assurance that Service Terminating Arrangements are not required for a receive-only earth station seems to conflict with language in its proposed tariff:

> Television channels furnished by an Other Common Carrier may be connected with Type 7008 inter-exchange channels for television transmission provided that:
> —Connection at the studio or station of the customer or user or at the premises of the Other Common Carrier is made through a Service Terminating Arrangement provided by the telephone company.

Tariff F.C.C. 260, proposed 14th revised page 122.2, para. 3.2.7.

6. If in fact Service Terminating Arrangements are not required for receive-only earth stations, the foregoing language may be contrary to the requirement of § 61.55(f) of the Commission's Rules, 47 CFR 61.57(f), that tariff language be clear and unambiguous. We expect AT&T to provide additional information in the investigation on its plans for dealing with all aspects of interconnection by OCC's. Other parties in turn will be provided an opportunity to comment on these arrangements.

7. Accordingly, it is ordered, That, pursuant to authority delegated by Section 0.291 of the Commission's Rules and Regulations, 47 CFR 0.291 and by *Memorandum Opinion and Order* in this proceeding (FCC 81–165), Midwest Relay Company's petition to reject Tranmittal No. 13686 is denied.

8. It is further ordered, That the issues of interconnection discussed in paragraphs 3–6 above are added to this investigation.

9. It is further ordered, That the American Telephone and Telegraph Company shall address the added issues in its direct case to be submitted by June 11, 1981, pursuant to *Memorandum Opinion and Order* (FCC 81–165). Other parties may address the issue in their reply cases or comments due 30 days thereafter.

10. It is further ordered, That this action is effective immediately.

11. It is further ordered, That the Secretary shall cause this Memorandum Opinion and Order to be published in the **Federal Register**.

Federal Communications Commission

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-16693 Filed 6-4-81, 8:45 am]

BILLING CODE 6712-01-M

[1] MRC raises several other points which either have already been addressed in the *Order* or are without merit.

Radio Technical Commission for Marine Services (RTCM); Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RMTC) meetings is as follows:

Special committee No. 75, "MPS—Automatic Coordinate Conversion Systems"

Notice of 11th Meeting: Tuesday, June 16, 1981—9:00 a.m., Conference Room 6336, Nassif (DOT) Building, 400 Seventh Street, S.W. at D Street, Washington, DC.

Agenda

1. Call to Order: Chairman's Report
2. Administration Matters.
3. Review of draft specifications.

Mortimer Rogoff,

Chairman, SC–75, 4201 Cathedral Avenue, N.W., Apartment 1W, Washington, DC 20016, Phone: (202) 362–5462.

Executive Committee Meeting

Notice of April Meeting: Thursday, June 18, 1981—9:30 a.m., Conference Room A–110, 1229 20th Street, N.W., Washington, D.C.

Agenda

1. Administration Matters.
2. Special Committee Reports.
3. Discussion of U.S. Coast Guard Prioritized List of Subjects for Possible Development of Standards.
4. Consideration of International Associates as a special category of RTCM membership.
5. Consideration of Terms of Reference for a new Special Committee to study Universal Marine Telephone Compatibility.

Special Committee No. 78

Notice of 5th Meeting: Tuesday, June 23, 1981—9:30 a.m., Conference Room 6248, Nassif (DOT) Building, 400 Seventh Street, S.W. at D Street, Washington, DC.

Agenda

1. Call to order and administrative matters
2. Review of Federal Radionavigation Plan

John C. Fuechsel,

Chairman SC–78, National Ocean Industries Association, 1100 17th Street, N.W., Washington, DC, Phone: (202) 785–5116.

Special Committee No. 74, "Digital Selective Calling"

Notice of 20th Meeting, Tuesday, June 23, 1981—9:00 a.m., Wednesday, June 24, 1981—9:00 a.m., Conference Room 7424, Nassif (DOT) Building, 400 Seventh Street, S.W. (at D Street), Washington, DC.

Agenda

1. Call to Order: Chairman's Report.
2. Administrative Matters.
3. Meeting of Ship Station Safety Working Group and Coast Station Working Group
4. Future work assignments.

T. de Haas,

Chairman, SC–74, National Telecommunications and Information Administration, 325 Broadway: Building 22, Boulder, CO 80303, Phone: (303) 497–3728.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-16691 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage to *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifiying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 18, 1981.

A. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Viriginia 23261: Dominion Bankshares Corporation, Roanoke, Virginia (insurance activities; Virginia): to engage through its subsidiary, Dominion Bankshares Services, Inc., in acting as insurance agent or broker with respect to credit life insurance, credit accident and health insurance and credit disability insurance and nonconvertible term life insurance related to or arising out of loans or credit transactions involving Dominion Leasing Corporation, a subsidiary of Dominion Bankshares Corporation. These activities would be conducted from an office in Roanoke, Viriginia, serving the State of Virginia.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16690 Filed 6-4-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-7]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Illinois Commerce Commission involving the applicability of PURPA to the Iowa-Illinois Gas and Electric Company.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Illinois Commerce Commission involving the applicability of PURPA to the Iowa-Illinois Gas and Electric Company.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall forward to the General Services Administration copies of its testimony and briefs within 60 days of formal submission.

Dated: May 26, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-16690 Filed 6-4-81; 8:45 am]

BILLING CODE 6820-AM-M

Dated: May 22, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-16689 Filed 6-4-81; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-8]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Jersey Board of Public Utilities involving gas and electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the New Jersey Board of Public Utilities involving the application of the Public Service Electric and Gas Company for an increase in its gas and electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall forward to the General Services Administration copies of its testimony and briefs within 60 days of formal submission.

Dated: May 26, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-16690 Filed 6-4-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81F-0156]

American Cyanamid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that the American Cyanamid Co. has filed a petition proposing to amend the food additive regulations to provide for the safe use of sodium acrylate-acrylamide resins to control organic and mineral scale in beet sugar juice and liquor or cane sugar juice and liquor by the polymerization and hydrolysis of acrylamide.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9A3475) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 173.5 *Acrylate-acrylamide resins* (21 CFR 173.5) be amended to provide for the safe use of sodium acrylate-acrylamide resins to control organic and mineral scale in beet sugar juice and liquor or cane sugar juice and liquor by the polymerization and hydrolysis of acrylamide.

The agency has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding, contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 26, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–16450 Filed 6–4–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81F–0154]

American Cyanamid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that the American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 1,3,5-Tris(4-*tert*-butyl-3-hydroxy-2,6-dimethylbenzyl)-1,3,5-triazine-2,4,6-(1H,3H,5H)-trione, as an antioxidant in polypropylene and high-density polyethylene, without limitation regarding the condition of use.

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3548) has been filed by the American Cyanamid Co., Wayne, NJ 07470, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of 1,3,5-Tris(4-*tert*-butyl-3-hydroxy-2,6-dimethylbenzyl)-1,3,5-triazine-2,4,6-(1H,3H,5H)-trione (Chemical Abstracts Service Registry No. 40601–75–1), as an antioxidant in polypropylene and high-density polyethylene complying with § 177.1520 *Olefin polymers* (21 CFR 177.1520), without limitation regarding the condition of use.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979, 44 FR 71742).

Dated: May 26, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–16451 Filed 6–4–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81F–0158]

Chemidyne Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Chemidyne Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of α-hydro-*omega*-hydroxy-poly (oxyethylene)/poly(oxypropylene) (minimum 15 moles)/poly (oxyethylene) block polymer as a foam control and rinse adjuvant in hog dehairing machines.

FOR FURTHER INFORMATION CONTACT: James B. Lamb, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 0A3512) has been filed by the Chemidyne Corp., 8679 Freeway Dr., Macedonia, OH 44056, proposing that the food additive regulations be amended to provide the safe use of α-hydro-*omega*-hydroxy-poly (oxyethylene)/poly(oxypropylene) (minimum 15 moles)/poly (oxyethylene) block polymer as a foam control and rinse adjuvant in hog dehairing machines.

The agency has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's findings of no significant impact and the evidence supporting that document may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 26, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–16448 Filed 6–4–81; 8:45 am]

BILLING CODE 4110–03–M

[Dcket No. 81M–0136]

Cordis Corp.; Premarket Approval of Cordis Programmable Neural Stimulator Models 900A, B, E, F, X, Y, and Cordis Neural Lead

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Cordis Programmable Neural Stimulator, Models 900A, B, E, F, X, Y, and the Cordis Neural Lead, sponsored by Cordis Corp., Miami, FL. After reviewing the recommendation of the Neurological Device Section of the Respiratory and Nervous System Devises Panel, FDA notified the sponsor that the application

was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by July 6, 1981.

ADDRESS: Request for copies of the summary of the safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On July 7, 1980, Cordis Corp., Miami, FL, submitted to FDA, an application for premarket approval of the Cordis Programmable Neural Stimulator, Models 900A, B, E, F, X, Y, and the Cordis Neural Lead. The application was reviewed by the Neurological Device Section of the Respiratory and Nervous System Devices Panel, an FDA advisory committee, which recommended approval of the application. On April 14, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval and is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before July 6, 1981, file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 28, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. ■-16446 Filed 6-4-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0152]

SSC Industries, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that SSC Industries, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of oxidized polyethylene as a component of defoamer formulations employed in the processing of nutrient supplements such as edible protein.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7A3315) has been filed by SSC Industries, Inc., P.O. Box 90987, East Point, GA 30344, proposing that Subpart H of Part 172 (21 CFR Part 172) of the food additive regulations be amended by adding a new section to provide for the use of oxidized polyethylene as a component of defoamer formulations employed in the processing of nutrient supplements such as edible protein.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: May 26, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-16449 Filed 6-4-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81P-0171]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a temporary permit has been issued to the Morgan Packing Co., Inc., to market test tomato juice from concentrate. The purpose of this temporary permit is to permit the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than September 3, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of indentity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to the Morgan Packing

Co., Inc., Austin, IN 47102. The permit covers limited interstate marketing tests of tomato juice that deviates from the standard of identity prescribed for tomato juice under § 156.145 (21 CFR 156.145). The product is prepared from tomato paste that complies with the requirements of § 155.191(a)(1) (21 CFR 155.191(a)(1)). The test product is equivalent to a single-strength tomato juice normally found in the marketplace. The finished product contains not less than 5.5 percent tomato soluble solids. The permit provides for the temporary marketing of 200,000 cases of twelve 46-ounce cans and 50,000 cases of forty-eight 5½-ounce cans of the product to be distributed in the States of Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, Wyoming, West Virginia, and in the District of Columbia.

The test product is to be packed at the Morgan Packing Co., Inc., plant located in Austin, IN.

The principal display panel of the label states the product's name as "tomato juice from concentrate". Each of the ingredients used in stated on the lable as required by the applicable sections of 21 CFR Part 101, except that the tomato ingredient complying with the requirements of § 155.191(a)(1) is declared as "tomato concentrate". This permit is effective for 15 months, beginning on the date the new food is introduced or caused to be introduced into interstate commerce, but no later than September 3, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

Dated: May 28, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-16447 Filed 6-4-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0151]

Toray Industries, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Toray Industries, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of Nylon 12 and Nylon 12/6 as components of side seam cement formulations.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food Drug, and Cosmetic Act (sec 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3556) has been filed by the law offices of Weil, Gotshal & Manges, 1101 Connecticut Ave. NW., Washington, DC 20036, on behalf of Toray Industries, Inc., proposing that § 175.300(b)(3)(xxxii) (21 CFR 175.300(b)(3)(xxxii)) of the food additive regulations be amended for the safe use of Nylon 12 and Nylon 12/6 as components of side seam cement formulations.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: May 26, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-16452 Filed 6-4-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N-0087]

Potassium Iodide as a Thyroid-Blocking Agent in a Radiation Emergency; Draft Recommendations on Use

AGENCY: Food and Drug Administration.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of draft recommendations about administering potassium iodide to the general public in a radiation emergency. The draft recommendations prepared by FDS's Bureau of Radiological Health and Bureau of Drugs are being made available for public comment to provide FDA with views to be considered for incorporation into any final recommendations that the agency may develop on this use of potassium iodide.

DATE: Comments by September 3, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. The draft recommendations are on display in the Dockets Management Branch, and copies may be obtained from Bernard Shleien at the address below.

FOR FURTHER INFORMATION CONTACT: Bernard Shleien, Bureau of Radiological Health (HFX-4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6220, or

Edwin V. Dutra, Jr., Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fisher Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 22, 1980 (45 FR 69904), the Federal emergency Management Agency (FEMA) outlined the responsibilities of several Federal agencies concerning emergency response planning guidance that the agencies should provide to State and local authorities. The October 22, 1980, notice updated a prior notice on the same subject that the General Services Administration (GSA) published in the **Federal Register** of December 24, 1975 (40 FR 59494). (GSA responsibility for emergency management was transferred by Executive Order 12148 to FEMA.)

The Department of Health and Human Services (HHS) responsibilities for emergency-response planning include assisting State and local authorities in developing plans for perventing adverse effects from exposure to radiation in the event that radioactivity is released into the environment. These plans are to include the prophylactic use of drugs that would reduce the radiation dose to specific organs from the sudden release into the environment of large quantities of radioactivity that might include several radioactive isotopes of iodine.

As one step in meeting HHS responsibilities, FDA issued a notice in the **Federal Register** of December 15, 1978 (43 FR 58798), announcing FDA's conclusion that potassium iodide is safe and effective for use as a thyroid-blocking agent in a radiation emergency under certain specified conditions of

use. The notice also announced, however, that potassium iodide has not been used to such an extent or for such a period of time under radiation emergency conditions to permit the conclusion that the drug may be marketed without an approved new drug application; thus, in the interest of the public safety, the notice encouraged interested persons to submit to the agency new drug applications for potassium iodide in oral dosage forms for use as a thyroid-blocking agent. Now, potassium iodide as a thyroid-blocking agent for use in a radiation emergency is available commercially in both a tablet and a solution form (see 45 FR 11912; February 22, 1980).

FDA is now making available draft recommendations on the use of potassium iodide to provide information and guidance to State and local public health agencies and other persons responsible for formulating response plans for use in developing emergency plans and for use in the emergency response to radiation accidents.

The draft recommendations prepared by the agency's Bureau of Radiological Health and Bureau of Drugs discuss projected levels of radiation following a radiation accident that would warrant the use of potassium iodide as a thyroid-blocking agent for the general public. It recommends establishing an integrated system for disseminating information about the proper use of potassium iodide and for reporting suspected or actual occurrences of side effects from the use of the drug. The draft also recommends that authorities make the general public aware of where and how they may contact medical personnel for assistance in a radiation emergency.

One purpose of the draft recommendations is to facilitate a national consensus on the use of potassium iodide during a radiation emergency. They also may serve as provisional guidance to State and local officials and the nuclear industry, should a serious nuclear accident occur. These draft recommendations are not free of controversy. The agency specifically invites comment on the following controversial issues:

(1) Whether the benefits to be derived from protection of the thyroid gland from projected doses of 10–20 rads outweight the potential for side effects from potassium iodide administered at the recommended dose regimen, and if not, at what projected radiation dose the benefit/risk decision is favorable?

(2) Whether the probability of a nuclear power plant incident resulting in releases of radiodine at levels high enough to justify the administration of potassium iodide to the public is so small that the recommenations are unnecessary?

Further, the issuance of such guidance on potassium iodide use must be put into the entire context of radiation emergency planning. The use of potassium iodide in a radiation emergency is not a panacea, and needs to be balanced against the cost and effectiveness of other protective measures such as seeking shelter, evacuation, or respiratory protection. Persons are invited to comment in addition on these issues as well.

Interested persons may, on or before September 3, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding these draft recommendations. Comments received after September 3, 1981, may be considered, depending on the stage of development of any final recommendations. Four copies of any comments should be submitted, except that individuals may submit one copy. Comments should be identified with the docket number found in brackets in the heading of this document. The draft recommendations and receiving comments may be seen in the Dockets Management Branch between 9 a.m.and 4 p.m., Monday through Friday.

Dated: May 27, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81–16588 filed 6–4–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80P–0135]

Triton Community College; Approval of Variance for the Cernan Space Theater Laser Light Show and Laser Projector

Correction

In FR Doc. 81–13584, appearing in the issue of Friday, May 8, 1981, at page 25700, make the following change:

In the third column the address in the third line of the SUPPLEMENTARY INFORMATION section now reading "2200 Fifth Ave.," should be changed to read "2000 Fifth Ave."

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Don's Desert Gem, RR Box 33K, Hereford, AZ 85615

The applicant requests a permit to sell in interstate commerce and export artificially propagated specimens of endangered and threatened cacti.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–8010. Interested persons may comment on this application on or before July 6, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: May 29, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81–16795 Filed 6–4–81; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Reciept of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Marathon Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1618, Block 89, South Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information

contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 29, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-16687 Filed 6-4-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[Colorado 31241]

Colorado; Notice of Realty Action Noncompetitive Sale of Public Lands in Rio Blanco County

The following described land has been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value.

Sixth Principal Meridian

T. 1 N., R. 102 W.,
Sec. 1, Lot 8, and SE¼SE¼;
Sec. 12, NE¼NE¼.

The land described aggregates 106.87 acres of Rio Blanco County.

This land is being offered at direct sale to the Town of Rangely, Colorado.

The sale of this land to the Town of Rangely allow for orderly growth. The Town plans to use Lot 8 of Section 1 for a commercial park. The remaining 80 acres is planned to be used for a model subdivision.

This sale is consistent with the Bureau of Land Management's planning system and has been discussed with the Rio Blanco County Commissioners. The Town's proposed purchase of these lands has been the subject of public meetings: acquisition and use of the lands is consistent with Rio Blanco County and Town of Rangely planning and zoning. The public interest would be served by offering thes lands for direct sale to the town. The land will not be offered for sale until 60 days after the date of this notice.

The terms and conditions applicable to the sale are:

1. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All mineral rights will be reserved to the United States.

3. The sale of this land will be subject to all valid existing rights, including the right of any prior mineral permittee or lessee to occupy so much of the surface of the lands as may be reasonably required for mineral leasing operations, without liability to the patentee or successors in interest for damage to improvements resulting from such mineral activity.

Detailed information concerning the sale, including the planning documents, environmental assessment, and the record of public discussions is available for review at the Bureau of Land Management White River Resource Area Office, Meeker, Colorado 81641, telephone Area Code (303) 878-5084.

For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Any adverse comments will be evaluated by the State Director who will issue a notice of determination to proceed with, modify, or cancel the action.

For a period of 45 days from the date of first publication indicated below, persons asserting a claim to or interest in the described lands, other than existing leases under the mineral leasing laws, may file such claim with the chief, Division of Technical Services, Bureau of Land Management, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, together with evidence that a copy thereof has been served on the Mayor, Town of Rangely, Colorado.

Dated: May 28, 1981.

Lee Carie,

District Manager.

[FR Doc. 81-16685 Filed 6-4-81; 8:45 am]

BILLING CODE 4310-84-M

Mulltiple Use Recommendations for the Southern Rio Grande Planning Area Public Meetings

AGENCY: Bureau of Land Management, Las Cruces District, Interior.

ACTION: Notice of meetings.

SUMMARY: The Bureau of Land Management, Las Cruces District Office will conduct a meeting open to the public, limited only by the space available.

DATES AND ADDRESSES: Public meetings are scheduled at the Branigan Library, 200 W. Picacho, in Las Cruces on July 8, 1981, and at the Convention Center, corner of Daniels and McAdoo, in Truth or Consequences on July 9, 1981. Both meetings will begin at 10:00 a.m.

FOR FURTHER INFORMATION CONTACT: Diana Edwards, Public Information Officer, Las Cruces District, Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico, 88004. Phone: (505) 523-5571.

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to receive written and oral statements about conflicting resource uses in the Southern Rio Grande Planning Area. The basis for the meeting will be the multiple use analysis and recommendations (Management Framework Plan Step 2) completed by the Area Managers as well as the proposed action for the Environmental Impact Statement (EIS) on livestock grazing.

The agenda for the meeting is as follows:

1. Introduction and overview of the planning process.

2. Presentation of Area Manager's multiple use recommendations (Management Framework Plan Step II).

3. Presentation of Proposed Action for the Environmental Impact Statement on livestock grazing.

4. Discussion Period: Expression of opinions and concerns about conflicting resource uses in the Southern Rio Grande.

Daniel C. B. Rathbun,

District Manager.

May 29, 1981.

[FR Doc. 81-16686 Filed 6-4-81; 8:45 am]

BILLING CODE 4310-84-M

[U-47751]

Utah; Notice of Invitation by B. J. Mining to Participate in Coal Exploration Program

May 27, 1981.

B. J. Mining is inviting all qualified parties to participate in a program for the exploration of coal reserves on the Roan Cliffs approximately 50 miles northeast of Green River, Utah. The lands are located in Grand and Uintah Counties, and are described as follows:

T. 16 S., R. 23 E., SLM, Utah,
Secs. 25, 26, and 35, all.
T. 17 S., R. 23 E., SLM, Utah,
Secs. 1, 3, 10, 11, and 12, all.
T. 15 S., R. 24 E., SLM, Utah,
Secs. 34, and 35, all.
T. 16 S., R. 24 E., SLM, Utah,
Secs. 1, 3, 9-11, 14, 15, 17-22, and 29-31, all;
Sec. 4, E½;
Sec. 8, S½.
T. 17 S., R. 24 E., SLM, Utah,
Sec. 6, all.
Containing 17,981.62 acres.

Any party electing to participate in this exploration program must send written notice of such election to the

Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and B. J. Mining, 1454 West 5910 South, Salt Lake City, Utah 84107. Such written notice must be received within 30 days after publication in the **Federal Register** .

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. A copy of the exploration plan, as submitted by B. J. Mining, is available for public review during normal business hours, in the following office, under Serial No. U–47751: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Robert E. Anderson,

Chief, Division of Technical Services.

May 27, 1981

[FR Doc. 81–16726 Filed 6–4–81; 8:45 am]

BILLING CODE 4310–84–M

Office of Surface Mining Reclamation and Enforcement

Notice of Receipt of a Complete Petition for Designation of Lands as Unsuitable for Surface Coal Mining Operations

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of Receipt of a Complete Petition for Designation of Lands as Unsuitable for Surface Coal Mining Operations and Request for Comments.

SUMMARY: Notice is given that the Office of Surface Mining and the Montana Department of State Lands have received a petition to designate certain lands in 16 Townships in southeastern Montana as unsuitable for surface coal mining operations, pursuant to Section 522 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272) and the Montana Strip and Underground Mine Reclamation Act (Part 2, Chapter 4, Title 82, MCA). Interested persons are requested to submit relevant information and comment on the issues raised in the petition at this time.

DATE: Information on which to base analyses of the issues raised by the petitioner is being sought from all interested parties. In order to be timely considered comments should be received preferably by August 4, 1981.

ADDRESS: Comments should be sent to: Regional Director, Region V, Office of Surface Mining, Brooks Towers 1020 15th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Paul E. Bodenberger, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado, 80202, phone 303–837–5966, or Sandi Johnson, Montana Department of State Lands, 1625 Eleventh Avenue, Helena, Montana 59601, Phone 406–449–4560.

SUPPLEMENTARY INFORMATION: Under Section 522 of the Surface Mining Control and Reclamation Act of 1977 and its implementing regulations, persons with interests which are or may be adversely affected by surface coal mining operations may petition the Office of Surface Mining to have an area of Federal land designated as unsuitable for all or certain types of surface coal mining operations. The State of Montana has a similar provision for land under its jurisdiction. Both agencies have been jointly named in a petition to designate certain intermingled Federal, State and private lands as unsuitable for surface coal mining. The petitioners allege that:

1. Reclamation of the lands is neither technologically nor economically feasible under either the Federal or the State act, the Federal regulatory program or the State regulatory program. 30 U.S.C. 1272(a)(2); 30 CFR 762.11(a); 30 CFR Parts 764 and 769; 82–4–228(2)(a) MCA; ARM 26.4.1141 through 26.4.1148.

2. Mining will affect renewable resource lands which would suffer a substantial loss or reduction of long-range productivity of water supply and of food and fiber products. 30 U.S.C. 1272(a)(3)(B); 30 CFR 762.11(b)(3); 30 CFR Parts 764 and 769; 82–4–228(2)(b)(iii) MCA; ARM 26.4.1141 through 26.4.1148.

The petition was initially submitted on December 1, 1980, but was rejected as incomplete by OSM on December 19, 1980, with regard to the Federal lands and on December 19, 1980, by the State of Montana for lands under State jurisdiction. The petition was found to be incomplete because the petitioners had not adequately tended to establish the truth of the allegations by means of facts and supporting evidence. See 30 CFR 764.13(b)(2).

The petition was resubmitted jointly to the OSM and the State of Montana by letter of December 26, 1980. It was received by OSM On December 29, 1980. The resubmittal was determined complete by both OSM and the State of Montana on January 19, 1981.

The following is a list of petitioners and a description of the land involved.

Petitioners: Northern Plains Resource Council, Tongue River Agriculture Protection Association, Tri-County Ranchers Association, and Rosebud Protective Association.

State: Montana.

Counties: Rosebud and Powder River.

Petition Area is described as: T 1.N, 44.E., M.P.M., Sections 25 through 36;

T 1.S., R 44.E., M.P.M., all;

T 1.S., R 45.E., M.P.M., all;

T 2.S., R 44.E., M.P.M. except sections 16 through 20, 28 through 33, and those portions of sections, 8, 9, 10, 15, 21, 22, 27, 34, and 35 lying within the boundaries of the Northern Cheyenne Indian Reservation;

T 2S., R 45.E., M.P.M. except sections 1 through 3, 8 through 17, 23, 24, 27, 33 through 35, and those portions of sections 4, 20 through 22, 25, 26, 28, 29 and 36 lying within the boundaries of the Custer National Forest;

T 3.S., R 44.E., M.P.M. except sections 4 through 8, 16 through 20, 30, and 31, and those portions of sections 2, 3, 9, 10, 15, 21, 22, 28, 29, 32, and 33 lying within the boundaries of the Northern Cheyenne Reservation;

T 3.S., R 45.E., M.P.M. except sections 2 and 10, and those portions of sections 4, 12, 14, and 24 lying within the boundaries of the Custer National Forest;

T 4.S., R 43.E., M.P.M. except sections 1 through 12, 14 through 22, 28 through 32, and those portions of sections 23, 24, 26, 27, and 33 through 35 lying within the boundaries of the North Cheyenne Reservation;

T 4.S., R 44.E., M.P.M. except sections 6, 10 through 14, 23 through 28, and 33 through 36, and those portions of sections 5, 7, 8, and 18 lying within the boundaries of the Northern Cheyenne Reservation, and sections 15, 21, and 22 lying within the boundaries of the Custer National Forest;

T 4.S., R 45.E., M.P.M., except sections 19, 30 through 32, and those portions of section 29 lying within the boundaries of the Custer National Forest;

T 5.S., R 42.E., M.P.M. except sections 1 through 16, and those portions of sections 17, 18, 20 through 26 lying within the boundaries of the Northern Cheyenne Reservation.

T 5.S., R 43.E., M.P.M. except sections 5, 6, 11 through 15, 21 through 28, 32 through 36, and those portions of sections, 4, 7, 8, 9, 17, 18, and 19 lying within the boundaries of the North Cheyenne Reservation;

T 5.S., R 44.E., M.P.M. *only* those portions of sections 4, 5, 8, 9, 10, 16, 21, 22, 27, 33, 34, and 35 of which the surface is privately owned;

T 5.S., R 45.E., M.P.M. except sections 5 through 8, 17 through 21, 28 through 33, and those portions of sections 14, 22, 23, 27, and 34 lying within the boundaries of the Custer National Forest;

T 6.S., R 42.E., M.P.M. all;

T 6.S., R 43.E., M.P.M. except sections 1 through 4, 9 through 14, 24, 27, and 34 through 36, and those portions of sections 15, 22, 23, 25, and 26 lying within the boundaries of the Custer National Forest.

Petitioners do not seek a designation for those lands which lie within the boundaries of the Northern Cheyenne Indian Reservation, of where surface

coal mining operations are currently prohibited (i.e., Custer National Forest). The petition is also not directed to any existing coal mine as presently permitted.

A review of the area's suitability for mining will be undertaken by this Office and by the State of Montana. Factual information such as coal resource data on Federal lands will be supplied by the U.S. Geological Survey. In addition the Bureau of Land Management, as the Federal surface managing agency, will make recommendations on the petition.

Because the Federal and non-Federal lands of the petition area are thoroughly intermingled, it is anticipated that processing the petition will involve a cooperative effort between the Montana Department of State Lands and the Office of Surface Mining. However, the decision authority on non-Federal lands rests with the State of Montana, and the decision authority on Federal lands with the Department of the Interior See 30 U.S.C. 1253(a)(5) and 45 FR 21560 (State Program Approval). A decision on the petition will be made by December 29, 1981.

Copies of the petition may be obtained upon request at the addresses below. The public record on the petition is available for public review during normal working hours at the Division of State and Federal Programs, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202; at the Montana Department of State Lands, Reclamation Division, 1625 Eleventh Avenue, Helena, Montana 59601; and the Montana Department of State Lands, Reclamation Division, 1245 North 29th Street, Room 207, Billings, Montana 59101.

After reviewing and analyzing available information, OSM will issue a draft evaluation document which will be available for public review. This will be followed by a public hearing to be held in the locality of the area covered by the petition. Notice of the time and place of the hearing will be given at a later date.

After completion of the analyses and hearing mentioned above, the Department may designate the area or a portion thereof as unsuitable for all or certain types of surface coal mining operations (which includes the surface effects of underground mining). The agency may also decline to designate all or any part of the area as unsuitable.

Andrew V. Bailey,

Acting Director.

[FR Doc. 81-16818 Filed 6-4-81; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-19 (Sub-53)]

Baltimore & Ohio Railroad Co.—Abandonment—Near Lake Junction and Lester in Medina County, Ohio; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided May 20, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, that the public convenience and necessity permit the abandonment by the Baltimore and Ohio Railroad Company (B&O) of the line of railroad extending between milepost 127.4 near Lake Junction, and milepost 137 near Lester, OH a distance of 9.58 miles in Medina County, OH, subject to the conditions for the protection of employees developed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 ICC 91 (1979). A certificate of abandonment will be issued to the B&O based on this finding unless within 15 days from the date of publication the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen D. Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 90 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. § 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained herein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16712 Filed 6-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. *Parent Corporation and Address of Principal Office:* American Hoist & Derrick Company, 63 South Robert Street, St. Paul, Minnesota 55107, and its divisions:

(a) American Hoist & Derrick Company, St. Paul, Minnesota
(b) American Hoist & Derrick Company, Road Machinery Division (Bros), Minneapolis, Minnesota
(c) American Hoist & Derrick Company, Excavator Division, Duluth, Minnesota
(d) American Hoist & Derrick Company, Cleveland Trencher Division, Cleveland, Ohio
(e) American Hoist & Derrick Company, Fort Wayne Machinery Division, Fort Wayne, Indiana
(f) American Hoist & Derrick Company, Bay City Manufacturing, Bay City, Michigan
(g) American Hoist & Derrick Company, Bay City Steel Casting Division, Bay City, Michigan
(h) Lucker Manufacturing Company, King of Prussia, Pennsylvania
(i) Crosby—Portland, Maine
(j) Crosby—Wood-Ridge, New Jersey
(k) Crosby—Fort Wayne, Indiana
(l) Lebus Manufacturing Company, Longview, Texas
(m) National Swage, Jacksonville, Arkansas
(n) Crosby McKissick, Tulsa, Oklahoma
(o) Western Block, Lockport, New York
(p) Crosby Owensboro, Owensboro, Kentucky
(q) Harris Press & Shear Division, Cordele, Georgia

2. Wholly-owned Subsidiaries which will Participate in the Operations, and the States of Incorporation:

(a) Waterous Company, St. Paul, Minnesota; a Minnesota corporation, and its division, Traverse City Iron Works, Traverse City, Michigan
(b) Smith-Berger Manufacturing Corporation, Seattle, Washington; a Washington corporation
(c) Farwell, Ozmun, Kirk & Co., So. St. Paul, Minnesota; a Minnesota corporation, and its division, Harper McIntire in Cedar Rapids, Iowa
(d) Forman Ford Paint, Inc., Golden Valley, Minnesota, a Minnesota corporation
(e) Taylor Manufacturing Company, Tulsa, Oklahoma; an Oklahoma corporation
(f) American Hoist of Canada, Ltd., Brampton, Ontario; a foreign subsidiary

1. Parent Corporation: The Duchossois/Thrall Group, Inc., P.O. Box 218, Chicago Heights, IL 60411.

2. Subsidiaries: (i) Thrall Car Manufacturing Company (Delaware), (ii) Chamberlain Manufacturing Company (Iowa).

1. Parent corporation and address of principal office: Fluor Corporation 3333 Michelson Drive, Irvine, California 92730.

2. Wholly-owned subsidiaries which will participate in the operations and States of incorporation: (i) C. A. Roberts Co., an Illinois corporation; and (ii) Kilsby Tubesupply Company, a California corporation.

1. Parent corporation and address of principal office: Fluor Corporation, a Delaware corporation, 3333 Michelson Drive, Irvine, California 92730.

2. Wholly-owned subsidiaries which will participate in the operations and states of incorporation:

Aftermarket Diesel, Inc., South Carolina
Amarillo Freightliner Sales, Inc., Texas
C. A. Roberts Co., Illinois
Deer Park Equipment Company, California
Fluor Canada Ltd., Canada
Fluor Constructors International, Inc., California
Fluor Distribution Companies, Inc., California
Fluor Drilling Services, Inc., California
Fluor Engineers and Constructors, Inc., California
Fluor Alaska, Inc., Alaska
Fluor Northwest, Inc., Alaska
Fluor Mining & Metals, Inc., California
Fluor Pipe and Piling Company, Delaware
Fluor Power Services, Inc., Delaware
Goldston Inc., North Carolina
Goldston Transfer, Inc., North Carolina
Jacksonville Freightliner, Inc., Florida
Kilsby Tubesupply Company, California
Liquefied Coal Development Corporation, California
Oklahoma City Freightliner, Inc., Oklahoma
Republic Supply Company of California, California
Fluor Supply Company, Texas
Triad Freightliner, Inc., North Carolina.

1. Parent corporation and address of principal office: General Cinema Corporation, 27 Boylston Street, Chestnut Hill, Massachusetts 02167

2. Wholly-owned subsidiaries which will participate in the operations, and state(s) of incorporation:

(i) GCC Beverages, Inc., a Delaware corporation
(ii) Holiday General Corporation, a Massachusetts corporation
(iii) Pepsi-Cola Bottlers of Washington, D.C., Inc., a Delaware corporation
(iv) Pepsi-Cola Bottlers of Akron, Inc.,[1] an Ohio corporation
(v) Pepsi-Cola Bottlers of Youngstown, Inc.,[1] an Ohio corporation
(vi) South Florida Beverage Corporation,[1] a Florida corporation
(vii) Sunkist Soft Drinks, Inc., a Delaware corporation
(viii) GCC Beverages of Mass., Inc., a Massachusetts corporation

1. Parent corporation and address of principal office: George Tope Company, Inc., 140 Midland Executive Bldg., P.O. Box 3789, Midland, Texas 79702.

2. Wholly-owned subsidiary which will participate in the operations, and address of its principal office: (a) Freehill, Inc., 1511 West Montgomery, P.O. Box 3789, Midland, Texas 79702.

1. Parent corporation and address of principal office: Hon Industries Inc., 414 East Third Street, Muscatine, Iowa 52761.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(a) The HON Company, unincorporated
(b) Corry Jamestown Corporation, Iowa
(c) Holga Metal Products Corporation, Iowa
(d) Murphy-Miller Co., Iowa
(e) Norman Bates Inc., Iowa
(f) Oakes Manufacturing, Inc., North Dakota
(g) The Prime-Mover Co., Iowa
(h) Hiebert, Inc., Iowa
(i) Heatilator Inc., Iowa

1. *Parent Company:* Pabst Brewing Company, 917 W. Juneau Avenue, Milwaukee, Wisconsin.
2. *Wholly-owned subsidiaries are as follows:*

[1] Wholly owned by Holiday General Corporation.

Premier Malt Products, Inc., 1037 W. McKinley Avenue, Milwaukee, Wisconsin 53201
P-L Biochemicals, Inc., 1037 W. McKinley Avenue, Milwaukee, Wisconsin 53201
Blitz-Weinhard Co., 1133 W. Burnside Street, Portland, Oregon 97209

1. The parent corporation is Peoples Drug Stores, Incorporated (Maryland), with its principal office at 6315 Bren Mar Drive, Alexandria, Virginia 22312.

2. Wholly owned subsidiaries which will participate in the operations, and states of incorporation, are as follows:

Peoples Drugs Stores, Inc., West Virginia
Peoples Drug Stores, Incorporated, Delaware
Peoples Drug Stores, Incorporated, New Jersey
Peoples Prescription Center, Inc., Virgina
Peoples Service Drug Stores, Inc., Delaware
Peoples Service Drug Stores, Inc. Maryland
Peoples Service Drug Stores, Incorporated, North Carolina
Peoples Service Drug Stores, Incorporated, Virginia
The Lane Drug Company, Ohio
The Reed Drug Company, Georgia
Health Mart, Inc., Delaware
Alliance Family Centers, Inc., Ohio
B. H. Krueger, Inc., New York
Gray's Southgate, Inc., Virginia
H. A. Woods Drug Company, Inc. Indiana

1. Parent corporation and address of principal office: Petra International Corporation, 4608 South Garnett, Suite 400, Tulsa, OK 74145.

2. Wholly owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(1) Petra Drilling Corporation, 4608 South Garnett, Suite 400, Tulsa, OK 74145
(2) Petra Petroleum Corporation, 4608 South Garnett, Suite 400, Tulsa, OK 74145
(3) Arden Drilling Company, 4608 South Garnett, Suite 400, Tulsa, OK 74145
(4) ADC, Inc., 4608 South Garnett, Suite 400, Tulsa, OK 74145
(5) Petra Transportation Corporation, 4608 South Garnett, Suite 400, Tulsa, OK 74145

1. Parent corporation and address of principal office: Roundy's, Inc., 11300 West Burleigh Street, Wauwatosa, Wisconsin 53222.

2. Wholly owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Jondex Corporation (Wisconsin)
(ii) Ropak, Inc. (Wisconsin)
(iii) W–Marketing, Inc. (Wisconsin)
(iv) Villard Ave. Shop-Rite, Inc. (Wisconsin)
(v) Shop-Rite, Inc. (Wisconsin)
(vi) National Ave. Shop-Rite, Inc. (Wisconsin)
(vii) Pick 'N Save Warehouse Foods, Inc. (Wisconsin)
(viii) Kee Wholesale, Inc. (Wisconsin)
(ix) Cedarburg Dairy Inc. (Wisconsin)
(x) Super Market Investors, Inc. (Wisconsin)
(xi) Lila's Supermarket, Inc. (Wisconsin)
(xii) Supermarket Development Corporation (Wisconsin)
(xiii) United Foods of Delavan, Inc. (Wisconsin)
(xiv) United Foods of Hartford, Inc. (Wisconsin)
(xv) United Foods of Lake Geneva, Inc. (Wisconsin)
(xvi) United Foods of West Bend Inc. (Wisconsin)
(xvii) United Foods of Elkhorn, Inc. (Wisconsin)
(xviii) Midwest Grocery of Appleton, Inc. (Wisconsin)

1. Parent corporation and address of principal office: The Standard Oil Company, an Ohio Corporation, Midland Building, 101 Prospect Avenue, Cleveland, Ohio 44115.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

I. BP Oil Inc.—An Ohio Corporation
II. Vistron Corporation—An Ohio Corporation
III. Mountaineer Carbon Company—A West Virginia Corporation
IV. Old Ben Coal Company—A Delaware Corporation

1. Parent corporation and address of principal office: United Brands Company, 1271 Avenue of Americas, New York, New York 10020.

2. Wholly-owned subsidiary which will participate in the operations and address of their respective principal office: Roberts & Oake, Inc., 4240 Blue Ridge Blvd., Suite 820, Kansas City, MO 64123.

1. Parent corporation and address of principal office: Walgreen Co., 200 Wilmot Road, Deerfield, Illinois.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of respective principal offices.

a. Walgreen Oshkosh, Inc., 200 Wilmot Road, Deerfield, IL 60015
b. Rennebohm Drug Stores, Inc., 200 Wilmot Road, Deerfield, IL 60015
c. Walgreen Drug, Inc., 200 Wilmot Road, Deerfield, IL 60015
d. Walgreen Texas Co., 200 Wilmot Road, Deerfield, IL 60015
e. Walgreen Louisiana Co., Inc., 200 Wilmot Road, Deerfield, IL 60015
f. Walgreen Racine, Inc., 200 Wilmot Road, Deerfield, IL 60015
g. Bond Drug Company of Clinton, 200 Wilmot Road, Deerfield, IL 60015
h. Bond Drug Company of Illinois, 200 Wilmot Road, Deerfield, IL 60015
i. Walgreen Arizona Drug Co., 200 Wilmot Road, Deerfield, IL 60015
j. Walgreen Milwaukee, Inc., 200 Wilmot Road, Deerfield, IL 60015
k. Walgreen Southgate Corp., 200 Wilmot Road, Deerfield, IL 60015
l. Walgreen Woodmar, Inc., 200 Wilmot Road, Deerfield, IL 60015
m. Walgreen Capitol Court, Inc., 200 Wilmot Road, Deerfield, IL 60015
n. Walgreen South Dakota, Inc., 200 Wilmot Road, Deerfield, IL 60015
o. Walgreen Pentagon Co., 200 Wilmot Road, Deerfield, IL 60015
p. Walgreen of Puerto Rico, Inc., 200 Wilmot Road, Deerfield, IL 60015
q. Walgreen of San Patricia, Inc., 200 Wilmot Road, Deerfield, IL 60015
r. Walgreen Fremont Co., 200 Wilmot Road, Deerfield, IL 60015
s. Walgreen Hastings Co., 200 Wilmot Road, Deerfield, IL 60015
t. Walgreen Lincoln Co., 200 Wilmot Road, Deerfield, IL 60015
u. Robin Hood Restaurants of Illinois, Inc., 200 Wilmot Road, Deerfield, IL 60015
v. Walgreen Cudahy, Inc., 200 Wilmot Road, Deerfield, IL 60015
w. Walgreen New Berlin, Inc., 200 Wilmot Road, Deerfield, IL 60015
x. Walgreen West Bend, Inc., 200 Wilmot Road, Deerfield, IL 60015
y. Walgreen Altoona Co., 200 Wilmot Road, Deerfield, IL 60015
z. Globe Stores, Inc., 200 Wilmot Road, Deerfield, IL 60015
a'. Flint Realty Co., 200 Wilmot Road, Deerfield, IL 60015
b'. Chambly Creations, Inc., 200 Wilmot Road, Deerfield, IL 60015
c'. Fountain Products Corporation, 200 Wilmot Road, Deerfield, IL 60015
d'. Globe Discount City of Arizona, Inc., 200 Wilmot Road, Deerfield, IL 60015
e'. Globe Discount City of Louisiana, Inc., 200 Wilmot Road, Deerfield, IL 60015
f'. Globe Discount City of New Mexico, Inc., 200 Wilmot Road, Deerfield, IL 60015
g'. Grenada Advertising Agency, Inc., 200 Wilmot Road, Deerfield, IL 60015
h'. Home Drug Company, 200 Wilmot Road, Deerfield, IL 60015
i'. Intercom Pharmacy Systems, Inc., 200 Wilmot Road, Deerfield, IL 60015
j'. International Travel Service, Inc., 200 Wilmot Road, Deerfield, IL 60015
k'. Lord Jim, Inc., 200 Wilmot Road, Deerfield, IL 60015
l'. Luxury Mint Corporation, 200 Wilmot Road, Deerfield, IL 60015
m'. Memphis Warehouse Co., 200 Wilmot Road, Deerfield, IL 60015
n'. Nicollet & Ninth Corporation, 200 Wilmot Road, Deerfield, IL 60015
o'. Nutrition Research Laboratories, Inc., 200 Wilmot Road, Deerfield, IL 60015
p'. RAO Corporation, 200 Wilmot Road, Deerfield, IL 60015
q'. Sanborns Mexico (Texas), 200 Wilmot Road, Deerfield, IL 60015
r'. Wag's Restaurants of Illinois, Inc., 200 Wilmot Road, Deerfield, IL 60015
s'. Walgreen Canada Limited, 200 Wilmot Road, Deerfield, IL 60015
t'. Walgreen Drug (Ontario) Limited, 200 Wilmot Road, Deerfield, IL 60015
u'. Walgreen Fond du Lac, Inc., 200 Wilmot Road, Deerfield, IL 60015
v'. Walgreen Laboratories, Inc., 200 Wilmot Road, Deerfield, IL 60015
w'. Walgreen Oconomowoc, Inc., 200 Wilmot Road, Deerfield, IL 60015
x'. Walgreen of Hato Rey, Inc., 200 Wilmot Road, Deerfield, IL 60015
y'. Walgreen Eastern Co., Inc., 200 Wilmot Road, Deerfield, IL 60015
z'. Walgreen Properties, Inc., 200 Wilmot Road, Deerfield, IL 60015
a''. Walgreen Waukesha, Inc., 200 Wilmot Road, Deerfield, IL 60015
b''. W O C Optical, Inc., 200 Wilmot Road, Deerfield, IL 60015
c''. Worthmore Cosmetic and Vitamin Co., 200 Wilmot Road, Deerfield, IL 60015

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16711 Filed 6-4-81, 8:45 am]
BILLING CODE 7035-01-M

[Ex parte No. 290 (Sub-No. 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approval of railroad cost index.

SUMMARY: The Commission has decided to approve the cost index filed by the Association of American Railroads under the procedures of Docket Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures*. The October 1, 1980 index is 118.6. The first quarter, 1981 index is 125.4 and the second quarter, 1981 index is 127.9. the rail cost adjustment factors are 1.057 for the first quarter, 1981 and 1.078 for the second quarter, 1981. When discounted by Ex Parte 386 and Ex Parte 311 fuel increases, the Rail Cost Adjustment factor is 1.011, applicable to rates presently in effect.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Felder, (202) 275–7656, or Raymond Hobbs (technical), (202) 275–7457.

SUPPLEMENTARY INFORMATION: By decision served April 17, 1981, 46 FR 22594 (4–20–81), we outlined the procedures for calculation of the Interim Mid-Quarter Index of Railroad costs and the methodology for computing the Rail Cost Adjustment Factor. We also decided to require the Association of American railroads (AAR), no later than 20 days before the end of each quarter, to calculate and submit to the Commission the mid-quarter index.

We have received AAR's calculations of the mid-quarter index and have found that these calculations comply with the guidelines outlined in our decision served April 17, 1981.

The indices derived from these calculations are shown in the table below.

Interim Mid-Quarter Index (1979–100)

Category	10/1, 1980	Q1, 1981	Q2 1981
Salaries, wages and supplements	112.6	119.6	119.6
Fuel	153.1	170.8	187.5
Other materials and supplies	119.1	121.9	123.6
Other expenses	117.3	121.7	124.0
Weighted Average [1]	118.6	125.4	127.9

[1] Based on the following 1979 weights:

	Percent
Salaries, wages and supplements	49.9
Fuel	9.6
Other Materials and supplies	12.5
Other Expenses	28.0

The Rail Cost Adjustment Factors for first and second quarters, 1981, are computed in the following table.

Rail Cost Adjustment Factor

Item	10/1, 1980	Q1, 1981	Q2, 1981
Weighted Index	118.6	125.4	127.9
Rail Cost Adjustment Factor		1.057	
			1.078

In computing the Rail Cost Adjustment Factor, the October 1, 1980 index was used in the denominator in lieu of the mid-quarter index for fourth quarter, 1980. We believe that this is appropriate, since the application of the adjustment factor commenced with rates at the October 1, 1980 level.

AAR's calculations included a discounting computation designed to give effect to Ex Parte 386 and Ex Parte 311 fuel increase taken since October 1, 1980. We have reviewed these calculations and have restated the discounting computation in the table below. Since the effect of the increases taken is compounded, the effective portions of these increases were multiplied, rather than added, in our restatement. The resulting 1.2 percentage points for the discounted Rail Cost Adjustment Factor, when applied to the October 1, 1980 rates, result in a remaining allowable increase of 1.1 percent applicable to present rates.

Rail Cost Adjustment Factor Discount

Line	Ex parte number	Effective date	Factor increase	Portion allocated to post 10/1/0 (percent)	Factor in effect
1	386	12/31/80	1.050	[1] 74	1.037
2	311	1/17/81	1.011	[1] 91	1.010
3	311	2/20/81	1.011	100	1.011
4	311	4/07/81	1.007	100	1.007
Total (Line 1xLine 2xLine 3xLine 4)					1.066
Rail Cost Adjustment Factor					107.8
Discounted Rail Cost Adjustment Factor					106.6
Discount (percentage points)					1.2
Rail Cost Adjustment Factor					

Applicable to Present Rates (107.8 – 106.6) = 1.011

[1] Rate increases allocated to post October 1, 1980, based on relative portion of increased costs incurred after that date.

This decision will not significantly affect the quality of the human environment or conservation of energy resources. Although this proceeding is not subject to Public Law 96–354, it is out opinion that it will not have a significant adverse impact on a substantial number of small entities.

(49 U.S.C. 10321, 10701a, 5 U.S.C. 553.)

Dated: June 1, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16708 Filed 6-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 94]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: June 2, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC-FF-53 (Sub-3)X, filed May 11, 1981. Applicant: YELLOW FORWARDING COMPANY, P.O. Box 7270, Shawnee Mission, KS 66207. Representative: David R. Schneider, P.O. Box 1540, Edmond, OK 73034; William Martin (same as applicant). Applicant seeks to remove restrictions in No. FF-53 permit as required to be modified by Finance Docket 29113F to (1) remove the exceptions of AK and HI, (2) remove restriction to traffic consigned for export, (3) change one-way to radial authority (a) between KS and points in a described portion of the US, and points in AK and HI, (b) between points in CA, and, points in the U.S., (c) between points in HI, and, points in AK, and (d) change territorial authority from specific points in SD, NE and KY and points in IL, MO, IN, IA, MI, MN, WI, OH, PA,

NY, and WV to Vancouver, British Columbia to between the above-mentioned points, and, points in WA.

MC 7840 (Sub-41)X, filed May 1, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. REPRESENTATIVE: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 8F, 13F, 14F, 20F and 22F certificates to (1) broaden the commodity descriptions from paper and paper products, and materials, equipment and supplies used and useful in the manufacture and shipping of the commodities named above to "pulp, paper, and related products," in Sub-Nos. 8F, 13F, 14F, 20F and 22F and from plastic film to "rubber and plastic products, in Sub-No. 14, (2) remove the "in-bulk" restriction, in Sub-Nos. 13F, 14F and 20F, (3) replace authority to serve specified plantsites or points with county or city-wide authority as follows: (a) St; Lawrence County, NY, for a facilities at Newton Falls, NY in Sub-No. 8; (b) Des Moines County, IA and Henderson County, IL for facilities at Burlington, IA; Gary IN for a plantsite at Gary; Kalamazoo, MI, for a facilities at Kalamazoo, MI; Clinton and Lewis Counties, NY, for plantsites at Lyons Falls and Plattsburg, NY; Cincinnati, OH for a plantsite at Cincinnati, OH; and Essex County, VT, for a plantsite at Gilman, Vt in Sub-No. 13; (c) New Castle County, DE, for facilities at Newark and New Castle, DE; Decatur County, IN, for a facility at Greensburg, IN. Jefferson, Saratoga, Warren and Washington Counties, NY, for facilities at Carthage and South Glen Falls, NY; and Boone County, KY, for a facility at Florence, KY in Sub-No. 14; (d) Christian and Will Counties, IL for facilities at Lockport and Taylorville, IL; St. Louis, MO, for a plantsite at St. Louis, Washington County, ME for a plantsite at Woodland, ME; Albany, Orange, and Wayne Counties, NY, for a facility at Guilderland Center, and Thomson and Warwick, NY; Richmond County, NC, for Hamlet, NC; Berks County, PA, for Reading, PA; Richmond, VA for plantsite at Richmond and Lincoln County, WI, for Tomahawk, WI in Sub.-No. 20; and (e) Clinton County, NY, for Plattsburg, NY in Sub-No. 22; (4) broaden the territorial description in Sub. No. 22 from one-way authority to radial authority between Clinton County, NY, and several States and DC; (5) remove the "originating at and destined to" restrictions in Sub-Nos. 8, 13, and 14; and (6) eliminate the restriction prohibiting transporting traffic from Plattsburg, NY, to MI and OH in Sub 13F.

MC 8958 (Sub-48)X, filed March 26, 1981, previously noticed in the **Federal Register** of April 13, 1981, republished as corrected this issue. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 W. Federal Street, Youngstown, OH 44501. Representative: James W. Muldoon, 50 W. Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 12, 13, 18, 21, 24, 25, 26, 27, 32F, 38F, 39F, 40F, 41F, 42F, 43F, 44F, 45F, 46F certificates and letter notices E1 through E20 and E23 through E25 as follows: In its lead, part (1), broaden the commodity description from bar steel, iron and steel castings, engine parts, forgings, and wooden patterns to "metal products, transportation equipment and lumber and wood products"; authorize service at all intermediate points between Grove City, PA, and, Mount Vernon, OH; and eliminate the "minimum 20,000 pounds" restriction; part (2), broaden metal, metal products, malt beverages and empty beverage containers, agricultural implements and parts, steel storage cabinets and automobile wheels, wheel rims and bands to "metal products, food and related products, machinery, and transportation equipment"; authorize service at all intermediate points between Pittsburgh, PA, and, Warren, OH and between Youngstown, OH, and, Pittsburgh, PA; part (3), remove all exceptions except classes A and B explosives from its general commodities authority; part (4) broaden rough-iron castings to "metal products"; broaden Grove City to Mercer County, PA and Hamilton to Butler County, OH; part (5), broaden Sharon to Mercer County, PA; remove the "delivery only to points in MI" restriction; part (6), broaden malt beverages to "food and related products"; part (7), remove all exceptions except classes A and B explosives from its general commodities authority; broaden plantsites located in Novi Township and Sterling Township to Oakland and Macomb Counties, MI; eliminate the restriction against service to points in IN lying within the Chicago, IL, CZ; broaden Libertyville and Grayslake, to Lake County, IL; part (8), remove all exceptions except classes A and B explosives from its general commodities authority; part (9), broaden household goods, contractors' equipment, machinery, and iron and steel articles, of the kind used in construction and manufacture, to "household goods, and such commodities as are dealt in or used by manufacturers or distributors of contractors' equipment, machinery, and metal products"; part (10) broaden metal, metal products, asphalt, roofing cement, and prepared roofing materials to "such commodities as are dealt in or used by manufacturers or distributors of metal products and building materials and petroleum and petroleum products"; part (12) remove all exceptions except classes A and B explosives from its general commodities authority; remove the restriction against service between Chicago, IL and Detriot, MI; in Sub-No. 12, broaden the commodity description from building materials, steel pipe, machinery, factory equipment, and contractors' equipment to "such commodities as are dealt in or used by manufacturers or distributors of "building materials, metal products, machinery, factory equipment and contractors' equipment"; eliminate the "except in bulk, in tank or hopper type vehicles" restriction; in Sub-No. 13, broaden the commodity description from metal, metal products, machinery, and iron and steel articles of the kind used in construction and manufacture to "metal products and machinery"; replace a plantsite at Burns Harbor with Porter County, IN; remove the "originating at/or destined to" restrictions; in Sub-No. 18, broaden the commodity description from iron and steel articles to "metal products and material, equipment, and supplies used in the manufacture or distribution of metal products"; replace a plantsite in Putnam County with Putnam County, IL; eliminate the restriction "against commodities in bulk"; and remove the "originating at or destined to" restriction; in Sub-No. 21, remove all exceptions except classes A and B explosives from its general commodities authority; replace a plantsite in Sterling Township with Macomb County, MI; in Sub-No. 24, remove all exceptions except classes A and B explosives from its general commodities authority; in Sub-No. 25; broaden the commodity description from pipe and tubing to "building materials"; replace a plantsite at Hometown with Schuylkill County, PA; in Sub-No. 26, remove all exceptions except classes A and B explosives from its general commodities authority; replace facilities at Romeo with Macomb County, MI; in Sub-No. 27, broaden iron and steel articles to "metal products"; replace facilities at Reading with Berks County, PA; eliminate the "originating at and destined to" restriction; in Sub-No. 32F, broaden the commodity description from iron and steel articles to "metal products"; eliminate the restriction against the use of "dump vehicles"; in Sub-No. 38F, broaden the commodity

description from iron and steel articles and materials, equipment and supplies to "such commodities as are dealt in or used by manufacturers or distributors of metal and metal products"; expand Welton to Brooke and Hancock Counties, WV; and eliminate the "except commodities in bulk" restriction; in Sub-Nos. 39F, 40F, 41F, 42F, 43F, 44F, 45F, 46F, E1, E2, E3, E10, E11, E16, E17, E19, and E20, broaden the commodity descriptions from specified metal products such as iron and steel articles, steel storage racks and aluminum articles and materials, equipment and supplies used in the manufacture and distribution of such commodities to "such commodities as are dealt in or used by manufacturers or distributors of metal products"; in Sub-Nos. E4, E5, E6, E7, E8, E12, E13, and E14, broaden the commodity description from iron and steel articles the kind used in construction and manufacture, and contractors' equipment and machinery to "such commodities as are dealt in or used by manufacturers or distributors of metal products, building materials, machinery and equipment"; in Sub-Nos. E9, E18, and E23, broaden the commodity description from metal, metal products, asphalt, roofing cement and prepared roofing materials to "such commodities as are dealt in or used by manufacturers or distributors of metal products, building materials, and petroleum and petroleum products"; in Sub-Nos. E15, E24, and E25 remove all exceptions except classes A and B explosives from its general commodities authority; in Sub-No. 39F through 46F remove the "except commodities in bulk" restriction; in Sub-No. E3, E8, E9, E20, and E23 remove the "except commodities in bulk and those requiring special equipment" restrictions; in Sub-No. 39F, broaden New Haven and Windsor to New Haven and Hartford Counties, CT; in Sub-No. 40F, replace a plantsite at Strongsville with Cuyahoga County, OH; in Sub-No. 41F, replace a plantsite at East Hartford, CT with Hartford County, CT; in Sub-No. 42F, replace a plantsite at New Britain, CT with Hartford County, CT; and in Sub-No. 43F, replace a plantsite at Perth Amboy with Perth Amboy, NJ; in Sub-No. E2, and E20, broaden Monroe to Monroe County, MI; in Sub-No. E3, E8, E9, broaden Libertyville and Grayslake to Lake County, IL, Belvidere to Boone County, IL; in Sub-No. E10, E11, E15, E19, E20, and E23, broaden Belvidere to Boone County, IL; in Sub-No. E16, E17, E18, E20 replace a plantsite in Putnam County with Putnam County, IL; in Sub-No. E25, replace plantsites in Oakland and Macomb Counties, MI with Oakland and Macomb Counties, MI, a plantsite at Romeo with Macomb County, MI, and broaden Belvidere, IL to Boone County, IL. In each of its above numbered certificates expand its one-way authority to radial authority between various combinations of points in the U.S. The purpose of this republication is to correct the commodity descriptions in part (9), part (10) and Sub-No. 12.

MC 9153 (Sub-8)X, filed May 20, 1981. Applicant: J. R. CHRISTONI, INC., North Cherry Street Ext., Wallingford, CT 06492. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 5, 6 and 7 certificates to (1) broaden the commodity authority in its lead docket from general commodities with the usual exceptions to "general commodities (except Classes A and B explosives)"; from machinery and steel to "machinery and supplies, waste or scrap materials, and metal products", and from "steel to metal products and waste or scrap materials"; (2) broaden the commodity authority in Sub-Nos. 2 and 4 from steel and steel articles to "metal products and waste or scrap materials"; (3) broaden the commodity authority in Sub-Nos. 5, 6 and 7 from tanks and machinery and machinery and steel to "machinery and supplies, transportation equipment, waste or scrap materials, and metal products"; (4) expand the territorial description in its lead docket from one-way to radial authority between New Haven County, CT and, New York, NY and points in MA and RI; (5) expand the territorial description to authorize county-wide authority on its irregular route authority from Wallingford, CT to New Haven County, CT, from the Town of Newington, CT to Hartford County, CT and from the City of Hartford, CT to Hartford County, CT in the lead; from Glastonbury, CT to Hartford County, CT in Sub-No. 2; from Wallingford, CT and Seabrook, NH to New Haven County, CT and Rockingham County, NH in its Sub-No. 4; and from Hainesport, NJ to Burlington County, NJ in its Sub-No. 5.

MC 76262 (Sub-7)X, filed May 15, 1981. Applicant: WEIR-COVE MOVING & STORAGE COMPANY, 4224 Freedom Way, Weirton, WV 26062. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3 and 5 to (1) broaden the commodity descriptions to (a) "general commodities (except classes A and B explosive)" from general commodities (with exceptions), in the lead; (b) "lumber and wood products" from wood boxes, skids, plywood, packing cases, and lumber, in the lead; (c) "metal products" from tin plate and iron and steel products, in truckload lots, in the lead; (d) "metal products" from iron and steel and aluminum articles, in the Sub-No. 3; and (e) "metal products" from iron and steel articles in the Sub-No. 5; (2) authorize service at all intermediate points in connection with its regular-route operations between Martins Ferry, OH and Weirton, WV in the lead; (3) replace Weirton, WV with Brooke and Hancock Counties, WV, in irregular route portion of the lead; (4) remove truckload lot restrictions in the lead; and (5) remove a restriction against commodities in bulk in Sub-No. 5.

MC 81835 (Sub-9)X, filed May 18, 1981. Applicant: MONIOWCZAK TRANSIT COMPANY, P.O. Box 235, Escanaba, MI 49829. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684. Applicant seeks to remove restrictions in its lead and Sub-No. 7 certificates to (1) broaden its commodity descrition to "food and related products", from malt beverages, wines, and carbonated beverages, in both certificates; (2) replace its cities with county-wide authority: in the lead, Manistique, Escanaba, and St. Ignace, MI with Schoolcraft, Delta, and Mackinac Counties, MI; and in Sub-No. 7, Escanaba, MI with Delta County, MI and South Bend with St. Joseph County, IN, Milwaukee with Milkwaukee, Ozaukee, Waukesha, Racine, and Washington Counties, WI in both authorities; St. Louis with St. Louis, St. Charles and Jefferson Counties, MO, St. Louis, MO, and St. Clair, and Madison Counties, IL in Sub-No. 7, and Chicago with Cook, Dupage, Lake, and Will Counties, IL in the lead; and (3) change its one-way to radial authority between combinations of the above points.

MC 104523 (Sub-82)X, filed May 15, 1981. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 40 certificate to (1) broaden the commodity description from (a) building and landscaping materials and stone and stone products to "building materials, ores and minerals, and clay, concrete, glass or stone products;" (b) materials used in the laying or erection of electrical transmission lines to "such commodities as are used in the laying or erection of electrical transmission lines;" (c) floor covering to "textile mill products, lumber and wood products, clay, concrete, glass or stone products, rubber and plastic products, and metal products;" and (d) buildings, knocked

down or in sections to "metal products and lumber and wood products;" (2) remove exceptions of commodities in bulk, lumber, cement, and roofing materials; (3) remove restrictions against the transporation of stone and stone products from specified counties in Texas, fencing from Houston, TX to points in MO, KS, and CO, and stone and stone products from points in specified counties in CO; and of Irving, TX; (4) replace Wheatland, WY with Platte County; and (5) change one-way authorities to radial authorities between points in the central U.S.

MC 119560 (Sub-23)X, filed May 14, 1981. Applicant: SOUTHERN BULK HAULERS, INC., P.O. Box 278, Harleyville, SC 29448. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 4, 6, 8, 11, 14, 16, 17, 18, 20F, 21F and 22F certificates to (1) broaden the commodity description from (a) cement, brick, and sand to "building materials" in the lead and Sub-Nos. 2, 3, 4, 6, 11, 14, and 16; (b) lumber (except plywood and veneer) to "building materials and lumber and wood products" in Sub-No. 8 and 18F; (c) lumber amd fiberboard to "building materials, lumber and wood products, and pulp, paper and related products" in Sub-No. 21F; (d) fertilizer, fertilizer materials, anhydrous ammonia, urea, and soda ash and dry terephthalic acid to "chemicals and related products" in Sub-Nos. 17 and 20F; and (e) aluminum articles, and materials, equipment, and supplies to "metal products and materials, equipment and supplies used in their manufacture" in Sub-No. 22F; (2) remove the restrictions (a) in bulk in Sub-Nos. 11, 14, 17 and 20F; (b) against transportation of flint sand from Shuler, SC to Atlanta, GA in Sub-No.11; (c) in tank vehicles, hopper-type vehicles, and dump vehicles in Sub-No. 17; (d) in tote bins and hopper-type vehicles in Sub-No. 20; and (e) ex-rail in Sub-Nos. 2 and 3; (3) eliminate the facilities limitation in the lead and Sub-Nos. 18F, 21F and 22F; (4) expand city to county-wide authority from Harleyville and Summerville to Dorchester County, SC in the lead and Sub-Nos. 16 and 18F; Cayce to Lexington County, SC, and Conyers to Rockdale County, GA, in Sub-No. 6; Four Holes (Four Hole Station) and Charleston to Orangesburg and Charleston Counties, SC, in Sub-No. 8; and Holly Hill and Walterboro to Orangeburg and Colleton Counties, SC, in Sub-No. 21F; and (5) change one-way to radial authority between numerous points throughout the U.S.

MC 123581 (Sub-1)X, filed May 18, 1981. Applicant: BILMAR CORPORATION, Broad and Hazel Streets, Clifton, NJ 07011. Representative: Joseph R. Siegelbaum, 17 Academy Street, Newark, NJ 07102. Applicant seeks to remove restrictions in its lead permit to broaden the commodity description from steels, metals, and steel and metal products to "metal products", and broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 125628 (Sub-6)X, filed May 18, 1981. Applicant: S. S. BAIRD & SONS, LTD., 155 Whiting Road, Fredericton, New Brunswick, Canada E3B 5Y5. Representative: Bernard J. Kompare, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description to "lumber or wood products" from lumber and fuel blocks; (2) authorize radial service for existing one-way authority; and (3) replace named ports of entry in Maine with all ports of entry in Maine on the International Boundary line betwen the U.S. and Canada.

MC 126271 (Sub-2)X, filed May 20, 1981. Applicant: KODIAK TRANSFER, INC., P.O. Box 347, Kodiak, AK 99615. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101; J. M. Stern, Jr., P.O. Box 1672, Anchorage, AK 99510. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", and (2) broaden the territorial description to the Third Judicial District of AK from Homer and Seward, AK.

MC 129742 (Sub-14)X, filed May 20, 1981. Applicant: PUROLATOR COURIER, LTD., Valhalla Executive Center, 304 The East Mall, Islington, Ontario, Canada M9B 6C7. Representative: Peter A. Greene, Suite 700, 1920 N Street, N.W., Washington, D.C. 20036. Applicant seeks to broaden the territorial authority in MC 129456 Sub.-No. 4 permit to allow service between points in the United States, under contract(s) with unnamed banks and banking institutions.

MC 136635 (Sub-61)X, filed May 14, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub. Nos. 7F and 26F certificates to (1) broaden the commodity description from refrigeration equipment in Sub-No. 7F to "machinery"; and from lawn and garden tractors, snow blowers, parts and attachments for these commodities and materials equipment and supplies used in the manufacture and assembly of garden tractors, in Sub-No. 26F to "machinery and materials, equipment, and supplies used in the manufacture and distribution of machinery"; (2) remove facilities limitations at and replace (a) South Bend, IN, with St. Joseph County, IN, Lansing, MI, with Ingham County, MI, Hopkins, MN, with Hennepin County, MN, Leetsdale, PA, with Allegheny County, PA, West Springfield, MA, with Hampten County, MA, Little Rock, AR, with Pulaski County, AR, and Doraville, GA, with DeKalb County, GA, in Sub-No. 26F; and (b) Niles, MI, with Berrien County, MI, in Sub-No. 7F; and (3) replace one-way with redial authority between Berrien County, MI, and the eastern portion of the U.S.

MC 141914 (Sub-101)X, filed April 27, 1981. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666—Eleventh St. N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-Nos. 9, 16, 28, 32, 57, 65, 66, 67, 74, 79, 83, 84, 95 and 96 certificates, to (1) in Sub-No. 57F broaden the commodity descriptions to "general commodities (except classes A and B explosives and household goods, as defined by the Commission)" from (a) glass products, metal products, plastic products, clay and clay products, feldspar, and talc, (b) molds and machinery used in the manufacture of glass products, (c) bottle coating systems, (d) parts and accessories for the commodities in (b) and (c) above and (e) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (a) through (d) above, remove the in bulk restriction; broaden the territorial description by replacing facilities at Flat River, MO with county-wide authority to authorize radial service between St. Francois County, MO, and, points in the U.S.; remove the AK and HI exception; (2) in Sub-No. 66F, broaden the commodity description to "general commodities (except classes A and B explosives and household goods, as defined by the Commission)" from (a) glass products, metal products, plastic products, clay and clay products, feldspar, and talc, (b) molds and machinery used in the manufacture of glass products, (c) bottle coating systems, (d) parts and accessories for the commodities in (b) and (c) above.

and (e) materials, equipment and supplies used in the manufacture and distribution of the commodities in (a), (b), (c) and (d) above; remove the AK and HI restrictions, and broaden the territorial description be replacing by replacing facilities at Flat River, MO with county-wide authority to authorize radial service between St. Francois County, MO, and, points in the U.S.; remove the AK and HI exception; (2) in Sub-No. 66F broaden the commodity description to "general commodities (except classes A and B explosives and household goods, as defined by the Commission)" from (a) glass products, metal products, plastic products, clay and clay products, feldspar, and talc, (b) molds and machinery used in the manufacture of glass products, (c) bottle coating systems, (d) parts and accessories for the commodities in (b) and (c) above, and (e) materials, equipment and supplies used in the manufacture and distribution of the commodities in (a), (b), (c) and (d) above; remove the AK and HI restrictions, and broaden the territorial description be replacing facilities at Centralia, IL with county-wide authority to authorize service between Marion County, IL, and points in the U.S., and remove the in bulk exceptions; (3) in Sub-No. 79F broaden the commodity descriptions to "general commodities (except classes A and B explosives and household goods as defined by the Commission)" from (a) glass, metal, plastic, feldspar, talc, and clay articles and products, (b) gift items, (c) molds and machinery used in producing glass, plastic, and metal articles, (d) bottle coating systems, (e) parts and accessories for the commodities in (a), (b), (c) and (d) above, and (f) materials, equipment, and supplies used in the production, sale, and distribution of the above described commodities; broaden the territorial description be replacing facilities at Springfield, KY with county-wide authority to authorize service between Washington County, KY, and, points, in the US; remove the AK and HI restrictions, (4) broaden the commodity description from residential heating cooling units, components, accessories, and equipment used in the manufacturing of the named commodities to "machinery", in Sub-Nos. 9 and 16; from paint, paint materials, stains, varnishes, protective coating materials, and athletic field surfacing materials and component materials used in the manufacture of the above commodities to "chemical and related products, and rubber and plastic products", in Sub-No. 28; from vinyl coated fabrics and plastic sheeting (except cellulose) exceeding 15 pounds per square foot, to "textile mill products and rubber and plastic products", in Sub-No. 32F; from automotive fluids (except in bulk), and new containers, used in the transportation and storage of automotive fluids to "petroleum and petroleum products, chemicals and related products, and containers", in Sub-No. 67F; from refrigerant jell, cooler boxes, athletic and gymnasium equipment, athletic dressings, freezers, and refrigerators to "chemicals and related products, rubber and plastic products, athletic and gymnasium equipment, textile mill products, and machinery," in Sub-No. 74F; from carpet strip and carpet adhesive to "metal products and chemicals and related products" and from nails to "metal products," in Sub-No. 83F; from adhesives, cleaning, preserving and sealing products, solvents, strains, plastic carpeting, carpet strip and moldings (except commodities in bulk) and equipment and supplies used in the installation of the commodities above to "chemicals and related products, plastic and rubber products, metal products, and lumber and wood products," in Sub-No. 84F; from alcoholic liquors and materials, supplies and equipment used in the manufacture, distribution and sales of alcoholic liquors to "food and related products," in Sub-No. 95; and from general commodities (with exceptions) to "general commodities (except classes A and B explosives and household goods as defined by the Commission)," in Sub-No. 96; (5) replace one-way authority with radial authority in Sub-Nos. 9, 16, 28, 65F, 74F, 83F and 84F; (6) broaden the territorial description by substituting county-wide and city-wide authority for city-wide authority and facilities: Fort Smith, AR (for Ft. Smith, AR), in Sub-No. 9; Baldwin County, GA (for Milledgeville, GA), in Sub-No. 16; Cambridge, MA (for facilities at Cambridge, MA), in Sub-No. 28; Columbus, OH and Indianapolis, IN (for facilities at Columbus, OH and Indianapolis, IN), in Sub-No. 32F; Fort Smith, AR, Bentonville and Whites Counties, AR (for facilities at Fort Smith, Bentonville and Searcy, AR) and Anderson County, TX (for Palestine, TX), in Sub-No. 65F; Denton County, TX (for Roanoke, TX), in Sub-No. 67F; Orange County, CA (for Tustin, CA), in Sub-No. 74F; Buncombe County, NC (for Asheville, NC), and Bryan County, GA (for Savannah, GA), in Sub-No. 83F; Kalamazoo County, MI (for Kalamazoo, MI) and Montgomery and Greene Counties, OH (for Dayton, OH), in Sub-No. 84F; Posey County, IN (for Mt. Vernon, IN) and Greene County, MO (for Springfield, MO), in Sub-No. 96; (7) remove the "in bulk" restrictions, in Sub-Nos. 28, 95 and 96, and (8) remove the AK and HI exceptions, in Sub-Nos. 67F, 74F, 95 and 96.

MC 145954 (Sub-3)X, filed May 12, 1981. Applicant: FOUR TRUCKERS,

INC., Post Office Box 1211, Morganton, NC 28655. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from new furniture to "furniture and fixtures"; (2) delete the plantsite restriction; (3) replace city-wide authority in Drexel, Morganton, Hildebran, Marion, Mocksville, High Point, and Shelby, NC, with county-wide authority in Burke, Cleveland, Davie, McDowell and Guilford Counties, NC; and (4) authorize radial service between points in above-specified Counties and points in AZ, CA, ID, NV, OR and WA.

MC 147521 (Sub-8)X, filed May 15, 1981. Applicant: J.S.I., 918 E. Vermont Ave., Anaheim, CA 92806. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Applicant seeks to remove restrictions from its Sub-Nos. 1F and 6F certificates to: (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 1F; and from wood products to "lumber and wood products" in Sub-No. 6F; and (2) expand facilities at Vernon, CA to Los Angeles County, CA in Sub-No. 1F.

MC 147661 (Sub-3)X, filed May 18, 1981. Applicant: H & W TRUCKING, INC., 108 East Walnut St., Cardington, OH 43315. Representative: E. H. Van Deusen, P.O. Box 97, Dublin, OH 43017. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from truck bodies and truck body parts to "transportation equipment"; (2) eliminate the facilities limitations and expand city to county-wide authority from Merced to Merced County, CA, Atlanta to Fulton, DeKalb, Cobb and Clayton Counties, GA, Urbana to Champaign County, IL, Cardington and Wooster to Morrow and Wayne Counties, OH, and Durant to Bryan County, OK; and (3) remove the restriction against service to AK and HI.

MC 150037 (Sub-3)X, filed May 18, 1981. Applicant: TRANSIT, INC., P.O. Box 81081, A.M.F., Clevelend, OH 44181. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description from general commodities with exceptions, to "general commodities (except classes A and B explosives);" (2) remove the airport facilities limitations at Cleveland, OH, New York, NY, Newark, NJ, Detroit, MI, Knoxville, TN, Charlotte, NC, Miami, FL, Dallas and Houston, TX, Boston, MA, Hartford, CT, Philadelphia, PA, Baltimore, MD, and the District of Columbia; and (3) remove the restriction requiring prior or subsequent movement by air.

MC 150490 (Sub-2)X, filed May 21, 1981. Applicant: CONN WEST TRUCKING, INC., 4000 East Rd., Lima, OH 45807. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions to "machinery, metal products, transportation equipment, and materials, equipment and supplies used in the manufacture, sale and distribution of these commodities" from machinery, engine brakes, and materials and supplies (part 1), generators, engines, and materials and supplies (part 2), engines, generators, radiators, trailers, and materials and supplies (part 3), generators, generators parts, and materials and supplies (part 4), motor vehicle parts, and materials and supplies (part 6), internal combustion engines, engine parts, engines and generators combined, rough casting, and materials, equipment and supplies (part 7), and materials, equipment, supplies, and parts used in the manufacture and distribution of motor vehicles (part 5); (2) eliminate except "AK and HI and commodities in bulk" restrictions; (3) remove the size or weight restriction; and (4) replace cities with county-wide authority as follows: West Hartford and Bridgeport with Hartford and Fairfield Counties, CT; Attleboro with Bristol County, MA; Lima with Allen County, OH; Doylestown with Bucks County, PA; and, Elk Grove Village and Harvey with Cook County, IL.

[FR Doc. 81-16710 Filed 6-4-81; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-48)]

Seaboard Coast Line Railroad Co.—Abandonment—in Jefferson County, FL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated May 27, 1981, the Commission, Review Board Number 2, found that the public convenience and necessity require or permit abandonment by Seaboard Coast Line Railroad Company of a line of railroad extending from MP 772.15 near Drifton to MP 776.69 near Monticello, in Jefferson County, FL, a total distance of 4.54 miles, subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to Seaboard Coast Line Railroad Company based on this finding permitting abandonment unless within 15 days from the date of this publication the Commission also finds that:

(1) a financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) it is likely that:

(a) if a subsidy, the assistance would cover the difference between the revenues attributed to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) if a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after and offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448, effective October 1, 1980) and 49 CFR 1121.38.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16713 Filed 6-4-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-32)]

Southern Pacific Transportation Co. Exemption for Contract Tariff ICC-SP-C-0008

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and may file a supplement to its previously-filed contract tariff to become effective on June 18, 1981. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: Southern Pacific Transportation Company (SP) has previously filed contract tariff ICC–SP–0008 on thirty days' notice to become effective on June 18, 1981. The underlying contract provides for the transportation of aggregates for a one-year period. On May 26, 1981, SP filed a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e) so that it may file a supplement to this contract tariff that will also become effective on June 18, 1981.

Petitioner states that the rate level and escalation provisions which appear in the contract and tariff on file do not correctly represent the agreement reached by the parties. To rectify this mistake, the parties have executed a supplemental agreement. Petitioner requests that the tariff supplement reflecting the parties' actual agreement be permitted to become effective on June 18, 1981, the date originally intended by the parties.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. However, the Commission has granted relief under its section 10505 exemption authority in appropriate circumstances.

The petition will be granted. SP has already filed a tariff covering the involved transportation service on 30 days' notice. The tariff supplement will only affect the base rate and escalation provisions. Allowing the supplement to become effective on June 18 will not affect other terms of the contract tariff of which interested parties will have had 30 days' notice. In these circumstances, authorization of a provisional exemption is warranted.

SP requests that the tariff supplement be permitted to be filed "on one day's notice effective June 18, 1981." Its petition, however, indicates that an amended agreement has already been executed. SP is advised that the tariff supplement should be filed as soon as possible after service of this decision.

Petitioner has already agreed to be bound by the following conditions:

If the Commission permits the contract to become effective on June 18, 1981, this fact neither shall be construed to mean that this a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contract or to disapprove it.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff supplement to filed in conformity with our tariff publishing regulations may become effective on June 18, 1981. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Decided: June 1, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16709 Filed 6-4-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 311]

Motor Carriers; Expedited Procedures for Recovery of Fuel Costs; Decision

Decided: June 2, 1981.

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.4-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.2-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 2.1-percent surcharge for United Parcel Service, or the 6.9-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by

delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. June 5, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix—*Fuel Surcharge*

June 1, 1981

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

June 1, 1981 ..... 132.7¢

	Transportation performed by—			
	Owner-operator[1]	Other[2]	Bus carriers	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.4	3.2	6.9	[3]2.9
Percent surcharge allowed	18.5	3.2	6.9	[4]2.1

[1]Apply to all truckload rated traffic.
[2]Including less-than-truckload traffic.
[3]The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increased in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4]The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates

[FR Doc. 81-16790 Filed 6-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exeption of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants withregulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-5-74

Decided: May 29, 1981.

MC 83539 (Sub-544), filed May 4, 1981. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, Dallas TX 75227. Representative: Thomas E. James, P.O. Box 270535, Dallas, TX 75227, (214) 288-3305. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Rigney & Roe, Inc., of Houston, TX, its divisions and subsidiaries.

MC 99019 (Sub-13), filed May 14, 1981. Applicant: KILLIAN BULK TRANSPORT, INC., 100 Katharine St., Buffalo, NY 14210. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202, (716) 854-5870. Transporting *chemicals and related products*, between points in Erie County, NY, on the one hand, and, on the other, points in OH and PA.

MC 99749 (Sub-8), filed May 14, 1981. Applicant: BOURNE'S TRANS., INC., 1029 Pear St., Brockton, MA 02401. Representative: Jon F. Hollengreen, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004, (202) 628-4600. Transporting *general commodities* (except classes A and B explosives), between points in CT, ME, MA, NH, RI, and VT.

MC 99808 (Sub-8), filed May 8, 1981. Applicant: C-LINE EXPRESS INC., P.O. Box 540, 525 Silverado Trail, Napa, CA 94558. Representative: George James (same address as applicant), (707) 255-7644. Transporting *pulp, paper and related products*, between San Francisco, Oakland, and Richmond, CA, on the one hand, and, on the other, points in Yolo, Glenn, Colusa, Tehama, and Shasta Counties, CA.

MC 99919 (Sub-11), filed May 15, 1981. Applicant: FREMONT EXPRESS, INC., P.O. Box Q, 620 E. Factory, Fremont, NE 68025. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 68509, 402-476-8062. Transporting *such commodities* as are used in the manufacture and distribution of fiberglass and fiberglass products, between points in (a) NE on the one hand, and, on the other, Minneapolis-St. Paul, MN; points in Leavenworth, Wyandotte and Johnson Counties, KS; Polk and Warren Counties, IA; Tarrant, Dallas, Ellis, Johnson, Parker, Wise and Denton Counties, TX; (b) Sedgwick County, KS, on the one hand, and, on the other, Minneapolis-St. Paul, MN; points in Platte, Clay, Jackson and Cass Counties, MO; Polk and Warren Counties, IA; and Tarrant, Dallas, Ellis, Johnson, Parker, Wise and Denton Counties, TX. (2) *general commodities* (except classes A and B explosives), between points in Dodge County, NE on the one hand, and, on the other, points in Leavenworth, Wyandotte, Johnson and Sedgwick Counties, KS; Platte, Clay, Jackson and Cass Counties, MO; Denver, Jefferson, Adams, Arapahoe and Douglas Counties, CO; Sebastian,

Critten and Crawford Counties, AR; IL; Polk and Warren Counties, IA; Minneapolis-St. Paul, MN; Montgomery and Philadelphia Counties, PA; Shelby and Warren Counties, TN; DeSoto County, MS; Denton, Collin, Rockwell, Kaufman, Ellis, Tarrant and Dallas Counties, TX; Marathon, Ozauke Counties, WI and Allen County, IN.

MC 101619 (Sub-11), filed April 22, 1981, previously noted in **Federal Register** (republication) issue of May 13, 1981. Applicant: HOVER TRUCKING CO., P.O. Box 758, 1431 So. 11th St., Niles, MI 49120. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second St., Elkardt, IN 46516, (219) 292–3597. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, points in Elkhart, Kosciusko, LaGrange, LaPorte, Marshall, Noble, Porter, St. Joseph, and Starke Counties, IN, and points in MI.

Note.—Purpose of republication is to modify the authority as above.

MC 108188 (Sub-16), filed May 18, 1981. Applicant: ROLLO TRUCKING CORP., INC., 295 Broadway, Keyport, NJ 07735. Representative: Fred H. Daly, 2550 M Street NW., Suite 475, Washington, DC 20037, 202–293–3204. Transporting *commodities in bulk,* between points in New York in and east of Warren, Hamilton, Herkimer, Oneida, Onondaga, Cortland, and Tioga Counties; points in PA in and east of Tioga, Lycoming, Clinton, Centre, Junita, Perry, Cumberland, and Adams Counties; and points in NJ, on the one hand, and, on the other, points in NY, NJ, CT, RI, MA, VT, NH, ME, IL, FL, GA, IN, IA, KY, MD, MI, MO, NC, OH, AL, PA, SC, TN, TX, VA, WV and DC.

MC 109448 (Sub-32), filed May 19, 1981. Applicant: PARKER TRANSFER CO., P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of home applicances and air-conditioning units between points in Iowa County, IA and Lincoln County, TN, on the one hand, and, on the other, points in the U.S.

MC 113119 (Sub-14), filed May 19, 1981. Applicant: C.S.I. INC., d.b.a., CONTRACT SERVICES, INC., Trewigtown Rd., Colmar, PA 18915. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, 717–344–8030. Transporting *building materials,* between points in Bucks, Montgomery, and Philadelphia Counties, PA, Cattaraugus County, NY, Madison County, TN, Hancock and Breckenridge Counties, KY, and Fayette County, AL, on the one hand, and, on the other, points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundaries of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 121589 (Sub-9), filed May 19, 1981. Applicant: N & W TRANSFER, INC., P.O. Box 188, Nehawka, NE 68413. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114, 402–227–0814. Transporting *waste or scrap materials not identified by industry producting,* between points in CO, SD, NE, KS, OK, MN, IA, MO, WI, IL, MI, OH and IN.

MC 124679 (Sub-137), filed May 8, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same address as applicant), (801) 972–2712. Transporting *furniture and fixtures,* between the facilities of Prima Corporation at points in NC, MI, TX, and MN, on the one hand, and, on the other, points in the U.S.

MC 135989 (Sub-27), filed May 19, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, Co 80209, (303) 320–6100. Transporting *transportation equipment,* between points in the U.S., under continuing contract(s) with Texoma Axle-Parts Mfg. Co., of Sherman, TX.

MC 135989 (Sub-28), filed May 19, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, Co 80209, (303) 320–6100. Transporting *transportation equipment,* between points in the U.S., under continuing contract(s) with Mazda Motors of America (Central), Inc., of Compton, CA.

MC 136888 (Sub-15), filed May 13, 1981. Applicant: NORMAN & SON, INC., 7255 Avenue N, Houston, TX 77011. Representative: Timothy Mashburn, 1806 Rio Grande, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. Transporting *commodities in bulk,* between points in the U.S.

MC 144189 (Sub-16), filed May 18, 1981. Applicant: CORPORATE TRANSPORT INC., 107 7th North St., Liverpool, NY 13088. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *such commodities* as are dealt in by manufacturers and distributors of paper and paper products, between points in the U.S., under continuing contract(s) with Climax Manufacturing Co., of Castorland, NY.

Vol. No. OPY–5–75

Decided: May 29, 1981.

MC 144999 (Sub-8), filed May 4, 1981. Applicant: JEM TRUCKING COMPANY, INC., P.O. Box 217, Wilkesboro, NC 28697. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, 601–355–3543. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Lovette Company of North Wilkesboro, NC.

MC 146628 (Sub-10), filed May 12, 1981. Applicant: HUNT SUPER SERVICE, INC., P.O. Box 270, Bradley, IL 60915. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *food and related products,* between points in the U.S., under continuing contract(s) with Ko-Pak, Inc., of Momence, IL, and (2) *portable earth station,* between points in the U.S., under continuing contract(s) with American Telephone & Telegraph Company of Chicago, IL.

MC 146648 (Sub-3), filed May 5, 1981. Applicant: NIMCO TRUCKING, INC., 308 S. 25th St., Boise, ID 83702. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701, 208–336–5955. Transporting (1) *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Johns-Manville Sales Corporation of San Mateo, CA, and (2) *scrap batteries, scrap metal, and automobile bodies,* between points in the U.S., under continuing contract(s) with Northern Iron and Metals Co., of Boise, ID.

MC 146699 (Sub-4), filed May 14, 1981. Applicant: DeSOTO TRAIL, INC., 282 E. Main St., Franklin, NC 28734. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers S, 3390 Peachtree Road NE., Atlanta, GA 30326, (404) 262–7855. Transporting *such commodities* as are dealt in or used by manufacturers of wire and cable, between points in the U.S., under continuing contract(s) with Intercomp Wire & Cable Division, American Components, Inc., of Hayesville, NC.

MC 147028 (Sub-4), filed May 13, 1981. Applicant: MICHAEL L. GINEVRA d.b.a., MICHAEL L. GINEVRA, TRUCKING, 304 Kings Crown, San Antonio, TX 78233. Representative: Greg

P. Stefflre, 261 South Figueroa, Los Angeles, CA 90012, (213) 485–1081. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of asphalt and vinyl floor tile, between points in the U.S., under continuing contract(s) with Azrock Industries, Inc., of San Antonio, TX.

MC 147549 (Sub-3), filed May 18, 1981. Applicant: ROADAIR LEASING, INC., 3999 Erie Ave., Cincinnati, OH 45208. Representative: David Earl Tinker, 1000 Connecticut Avenue NW., Suite 1112, Washington, DC 20036, (202) 887–5868. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Super X Drugs Corporation, of Cincinnati, OH, and Consolidated Ceramic Products, Inc., of Blanchester, OH.

MC 149568 (Sub-6), filed May 11, 1981. Applicant: TRUCK SERVICE COMPANY, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Philipp Brothers Chemicals, Inc., of New York, NY.

MC 150509 (Sub-4), filed April 28, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Ave., Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Union Camp Corporation, of Wayne, NJ.

MC 150509 (Sub-5), filed April 28, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Ave., Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Carter Wallace, Inc., of Cranbury, NJ.

MC 150509 (Sub-7), filed May 18, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren, 5600 First Ave., Brooklyn, NY 11220, (212) 492–7332. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Wiki Wiki Corporation, of Carson, CA.

MC 151899 (Sub-4), filed May 7, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main St., Fort Atkinson, WI 53538. Representative: Anthony E. Young, 20 South LaSalle St., Chicago, IL 60603, (312) 782–8880. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Idlewilde Foods, Inc., of Pomfret Center, CT, and its divisions, subsidiaries and affiliates.

MC 152759, filed May 11, 1981. Applicant: ACTIVE TRUCK LINE, INC., 15666 Slover Ave., Fontana, CA 92335. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655–3573. Transporting (1) *metal products,* between points in San Bernardino and Riverside Counties, CA, Salt Lake and Utah Counties, UT, Larimer County, CO, and Harris County, TX, on the one hand, and, on the other, points in CA, OR, NV, AZ, UT, WA, MT, ID, WY, CO, NM, and TX, (2) *chemicals and related products,* between Los Angeles, CA, points in San Bernardino County, CA, Yellowstone and Cascade Counties, MT, Harris and Tarrant Counties, TX, on the one hand, and, on the other, points in CA, OR, NV, AZ, UT, WA, MT, ID, WY, CO, NM, and TX, and (3) *machinery,* between points in San Bernardino and Sacramento Counties, CA, Maricopa and Pima Counties, AZ, Clark and Carson City Counties, NV, and Salt Lake County, UT, on the one hand, and, on the other, points in CA, OR, NV, AZ, UT, WA, MT, ID, WY, CO, NM, and TX.

MC 153690, filed May 15, 1981. Applicant: HOLLAND TRUCK & TRAILER REPAIR, INC., 1534 East 168th St., South Holland, IL 60473. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, (312) 726–9722. Transporting *wrecked and disabled motor vehicles,* between Chicago, IL, on the one hand, and, on the other, points in AL, AR, CO, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NE, NJ, NY, OH, PA, TN, VA, WI, WV, and DC.

MC 155949, filed May 14, 1981. Applicant: DAWMAN S. GAY, JR., Rt 2, Box 344–M, St. Augustine, FL 32084. Representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, FL 32302, 904–576–1221. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at points in St. Johns, Putnman, Duval and Volusia Counties, FL, and extending to points in GA, MS, LA, SC, TN and DC.

MC 155989, filed May 15, 1981. Applicant: NICHOLAS CRNEK, JR., d.b.a. RELIABLE TRUCK LINES, 9920 Reeck Rd., Allen Park, MI 48101. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941–5313. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Aluma-Systems, Inc., of Downsview, Ontario, Canada.

[FR Doc. 81-16793 Filed 6-4-81; 8:45 am]
BILLING CODE 7035-01-M

Tongue River Railroad Line Construction; Supplemental Scoping Meetings

AGENCY: Interstate Commerce Commission, Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Notice of supplemental scoping meetings.

SUMMARY: By notice published in 45 FR 48494, 7–10–80, the Interstate Commerce Commission (ICC) indicated that it would prepare an Environmental Impact Statement (EIS) dealing with the proposed construction of a rail line along the Tongue River between the proposed Montco mine (south of Ashland) and Miles City in Rosebud and Custer Counties, MT. In a supplemental notice appearing at 46 FR 22274, 4–16–81, the ICC announced that the scope of the EIS would be expanded to address the impacts associated with the construction of a newly proposed spur line to be built along Otter Creek between Ashland and a point eight to ten miles southeast of Ashland. Both railroad lines are designed to provide access to proposed and potential coal mines in Rosebud and Powder River Counties.

Two scoping meetings were held on August 7, 1980 at Miles City, at which public comment on issues to be addressed in the EIS was invited. The purpose of this present notice is to announce the scheduling of two other (supplemental) scoping meetings which are to be held in the Band Room of the Labre Indian School in Ashland, MT at 3:00 P.M. on June 23, 1981 and at the Community Center in Broadus, MT at 7:30 P.M. on June 23. These scoping sessions are being arranged to afford interested members of the public an opportunity (a) to comment on any new environmental impacts that would be occasioned by construction of the Otter Creek Spur and (b) to suggest how the scope of the EIS might be changed in light of the proposal to construct a line along Otter Creek.

FOR FURTHER INFORMATION CONTACT: Ms. Carole Dawkins, Energy and Environment Branch, Room 5380, Interstate Commerce Commission, 12th and Constitution Avenue, NW.

Washington, DC 29423. Telephone: (202) 275–7658.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16791 Filed 6–4–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81–13326, appearing on page 25008 in the issue of Monday, May 4, 1981, make the following correction:

On page 25010, fifth line, the word "*Meat*" should have read "*Metal*".

BILLING CODE 1505–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 751–TA–4]

Synthetic L-Methionine From Japan; Institution of Section 751(b) Review Investigation

AGENCY: United States International Trade Commission..

ACTION: Institution of section 751(b) review investigation concerning affirmative determination in Investigation No. AA1921–115. Synthetic Methionine from Japan.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has initiated an investigation pursuant to section 751(b) of the Tariff Act of 1930, 19 U.S.C. 1675(b) (Supp. III 1979), to review its determination in Investigation No. AA1921–115. The purpose of the investigation is to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, if the antidumping order regarding synthetic methionine from Japan were to be modified or revoked with respect to synthetic 1–methionine provided for in item 425.04 of the Tariff Schedules of the United States.

SUPPLEMENTARY INFORMATION: On May 14, 1973, the Commission determined that an industry in the United States was injured within the meaning of the Antidumping Act, 1921, by reason of imports of synthetic methionine from Japan determined by the Secretary of Treasury to be sold or likely to be sold at less than fair value (hereinafter "LTFV").

On July 3, 1973, the Department of the Treasury issued a finding of dumping, 7 Cust. B. 630 (1973); T.D. 73–188, and published notice thereof in the **Federal Register**, 38 FR 18382.

On December 15, 1980, the Commission received a request to review its affirmative determination in Investigation No. AA1921–115. The request was filed under section 751(b) of the Tariff Act of 1930 by Kyowa Hakko USA, Inc., an importer of synthetic 1-methionine from Japan.

The Commission requested comments from the public regarding the proposed institution of a review investigation in a notice published in the **Federal Register** on April 15, 1981 (46 FR 22087). No comments adverse to institution were received. Accordingly, on the basis of the Kyowa Hakko petition and information obtained by the Commission staff, the Commission on May 28, 1981, voted to institute Investigation No. 751–TA–4. The Commission determined that the petition showed that following changed circumstances sufficient to warrant review: (1) The likelihood that there is no industry in the United States which produces synthetic 1-methionine, and (2) the likelihood that synthetic 1-methionine from Japan is not like any form of synthetic methionine produced in the United States.

The investigation will be conducted in accordance with § 207.45(b) of the Commission's Rules of Practice and Procedure (46 FR 18023) (March 23, 1981). The purpose of this investigation is to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded if the present antidumping order were to be modified or revoked to exclude synthetic 1-methionine. Modification or revocation of the dumping finding as to synthetic 1-methionine would not affect the Commission's affirmative determination as to other forms of synthetic methionine from Japan.

Dates: Pursuant to section 207.45(b) of the Commission's Rules of Practice and Procedure (46 FR 18023 (March 23, 1981)), the 120-day period for completion of this investigation began on May 28, 1981, the date of institution.

Public Hearing. Any person with an interest in this investigation may request in writing that the Commission hold a public hearing in connection with this investigation. Any such request must be received by the Commission within 14 days of the date of publication of this notice of investigation in the **Federal Register**

Written Submissions.—Any person may submit to the Commission on or before June 19, 1981, written statements of information pertinent to the subject matter of the investigation. A signed original and nineteen true copies of such statements must be submitted in accordance with § 201.8 of the Commission's Rules of Practice and Procedure, 19 CFR 201.8 (1980).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential business data." Confidential submissions must conform with the requirements of § 201.6 of the Rules of Practice and Procedure, 19 CFR 201.6. All written submissions, except confidential business data, will be available for public inspection.

FOR FURTHER INFORMATION CONTACT: John MacHatton, supervisory investigator, Office of Investigations, U.S. International Trade Commission, (202) 523–0439; Warren H. Maruyama, Office of the General Counsel, U.S. International Trade Commission, (202) 523–0143.

By Order of the Commission.

Issued: June 3, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–16721 Filed 6–4–81; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M–81–111–C]

Jeddo-Highland Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Jeddo-Highland Coal Company, Post Office Box 450, Pittston, Pennsylvania 18640 has filed a petition to modify the application of 30 CFR 77.216–4 (water, sediment or slurry impoundments and impounding structures; reporting requirements; certification) to its Jeddo No. 7 Breaker, Hazleton Shaft Breaker, and Lion Fine Coal Plant, all located in Luzerne County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that annual reports be submitted to the District Manager on the conditions of impoundment structures.

2. As an alternative to filing annual reports, petitioner proposes to:

a. Make no changes or modifications to existing physical conditions of the

structures which will affect their safety or stability;

b. Make regular bi-weekly inspections of these impoundments by qualified personnel;

c. Strictly adhere to all maintenance and inspection required by plans previously submitted and approved by MSHA pursuant to 30 CFR 77.216, et seq.;

d. Take precautions and corrective action, if necessary, in accordance with the approved plans;

e. Make no changes in the operating procedures for maintaining the recommended freeboard, as specified in the approved plans;

f. Monitor and control the amount of water in these systems so at no time will the quantity of water be great enough to create a hazard.

3. Petitioner states that this proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 6, 1981. Copies of the petition are available for inspection at that address.

Dated: May 27, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. ■-16803 Filed 6-4-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-9000]

Fab-Tec, Inc.; Negative Determination on Reconsideration

On May 1, 1981, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers producing conveyor and material handling equipment at Fab-Tec, Incorporated, Warren, Michigan.

In the application for adminstrative reconsideration, the applicant suggested that the millwrights' activity at Buick Motor Division be considered as an appropriate subdivision of Fab-Tec, Inc. The peitioner alleges that the Department of Labor placed undue reliance on the fact that sales of Fab-Tec, Inc. increased in comparison to prior years while sales of contractual work by Local 1102 members was drastically reduced; that although the Labor Department's statement that average employment of plant employees at Fab-Tec, Inc. was stable is accurate, it is applied to an improper work force, that is, the contractural employment at Buick dropped to almost zero as the next phase of contracted work was not started because of auto sales drop; and that the Labor Department wrongly interpreted the petitioner's allegations, in that the petitioner did not allege employment had decreased at Fab-Tec, Inc., but that employment had decreased at the Buick Motor Divison where Local 1102 members were contracted to maintain production of transmission parts.

Even if the Department were to consider the millwrights working for Fab-Tec at Buick as employees of an appropriate subdivision of Fab-Tec, such workers may be certified only if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service worker's firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports. General Motors cannot be considered to be the petitioning workers' firm. GM cannot be considered as the workers' firm nor can the workers be considered "de facto" employees of GM. Under the circumstances, the petitioning millwrights would not be certifiable.

The Department's original denial was based mainly on the fact that sales of Fab-Tec, Incorporated, increased in 1979 compared to 1978 and during January-September 1980 compared to the same period in 1979. Average employment of Fab-Tec workers remained stable in 1979 compared with 1978 and increased during January-October, 1980 compared with the same period in 1979.

Further, automobiles or auto transmissions cannot be considered as directly competitive with the conveyor or material handling equipment produced at Fab-Tec, Incorporated. Therefore, increased imports of these final articles would not provide a basis for certifying the Fab-Tec workers even if sales or production and employment had declined.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of Fab-Tec, Incorporated, Warren, Michigan.

Signed at Washington, D.C. this 29th day of May 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-16805 Filed 6-4-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,329]

Jackson Crankshaft Co.; Negative Determination Regarding Application for Reconsideration

By an application dated April 24, 1981, the United Auto Workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing crankshafts at the Jackson Cranskshaft Company, Jackson, Michigan. The determination was published in the Federal Register on April 14, 1981 (46 FR 21864).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union claims that Jackson Crankshaft Company's major customer shifted its purchases of crankshafts from Jackson to a foreign supplier. The union also contends that workers who were employees of a competitor of Jackson's were certified and that the Jackson workers should receive the same treatment as those certified workers.

The Department's review indicated that the worker petition did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey which represented the major portion of the subject firm's 1979 and 1980 sales revealed that the major customers either reduced imports of crankshafts in 1980 compared to 1979 or

that increased imports represented only an insignificant portion of Jackson's sales decline in 1980 compared to 1979.

The Department's certification for workers at the other crankshaft firm was based mainly on that firm's major customer substantially reducing its purchases from it in 1980 while increasing its imports. Although this same customer is also a major customer of Jackson Crankshaft, it only reduced its purchases marginally from Jackson in 1980. Since the decrease in Jackson's sales to this customer was only marginal, the import displacement could not have been an "important" factor in Jackson's net sales decline and in the significant separations of workers. The major part of Jackson Crankshaft's sales decline came from another o.e.m. customer which, at the same time, reduced its import purchases of crankshafts.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 28th day of May 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-16806 Filed 6-4-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9531]

Kalamazoo Stamping & Die Co.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 28, 1980 in response to a petition which was filed on behalf of workers at Kalamazoo Stamping & Die Company, Kalamazoo, Michigan. Workers at the plant produce automotive stampings including, primarily, heat shields, motor mounts, support assemblies, vibration dampers, and transmission covers.

U.S. imports of vibration dampers increased both absolutely and relative to domestic production in 1979 compared with 1978 and in 1980 compared with 1979.

U.S. imports of vibration dampers increased both absolutely and relative to domestic production in 1979 compared with 1978 and in 1980 compared with 1979.

U.S. imports of shields increased both absolutely and relative to domestic production in 1979 compared with 1978 and in 1980 compared with 1979.

Preliminary estimates indicate that U.S. imports of mounting brackets for steering columns increased both absolutely and relative to domestic production in Model Year 1980 compared with Model Year 1979.

Preliminary estimates indicate that U.S. imports of pedal mounts increased both absolutely and relative to domestic production in Model Year 1980 compared with Model Year 1979.

The Department conducted a survey of customers which purchased heat shields, motor mounts, support assemblies, vibration dampers or transmission covers, five categories of stamping which, together, accounted for more than half of the subject firm's sales and sales declines during the period under investigation.

Surveyed customers reported that they had decreased purchases of heat shields, support assemblies, vibration dampers, and transmission covers and increased import purchases both absolutely and relative to total purchases for each of the four categories of stampings during the period under investigation.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with heat shields, vibration dampers, support assemblies, and transmission covers produced at Kalamazoo Stamping & Die Company, Kalamazoo, Michigan contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Kalamazoo Stamping & Die Company, Kalamazoo, Michigan who became totally or partially separated from employment on or after September 15, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-16807 Filed 6-4-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,007

Lawnlite Company, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 11, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Portland, Tennessee plant of Lawnlite Company, Incorporated. The workers produce primarily outdoor furniture.

Evidence developed in the course of the investigation revealed that all of the criteria have been met.

U.S. imports of metal outdoor furniture increased absolutely and relative to domestic shipments in 1979 compared to 1978 and in 1980 compared to 1979.

The Department of Labor conducted a survey of the major customers of the Portland, Tennessee plant of Lawnlite Company, Incorporated. The survey revealed that customers which represented a significant portion of the sales decline of the Portland, Tennessee plant of Lawnlite Company, Incorporated increased purchases of imported outdoor furniture during the first seven months of 1980 compared to the first seven months of 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with outdoor furniture and ladders produced at the Portland, Tennessee plant of Lawnlite Company, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In

accordance with the provisions of the Act, I make the following certification:

All workers of the Portland, Tennessee plant of Lawnlite Company, Incorporated who became totally or partially separated from employment on or after January 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-16808 Filed 6-4-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8310]

Microdot, Inc., Elicon Corbin Division; Revised Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

On April 1, 1981 the Department issued a certification covering certain workers at the Corbin plant of Microdot, Incorporated (Elicon Corbin Division, Corbin, Kentucky) as eligible to apply for trade adjustment assistance (TA-W-8310). That decision was published in the **Federal Register** on April 10, 1981 (46 FR 21502).

Subsequent to the decision it was determined that there may have been an error in the conduct of the investigation, in particular concerning the identification of the import-impacted product as designated in the decision of April 1.

Consequently, on April 28, 1981 the Office of Trade Adjustment Assistance reopened its investigation in this case. Notice of the Reopening of Investigation was published in the **Federal Register** on May 5, 1981 (46 FR 25164).

Further investigation has revealed that certain products produced by the subject firm and identified in the original investigation as wiring harnesses had been improperly identified. Those products incorrectly identified as wiring harnesses have now been correctly identified as lamp assemblies.

The original determination certified workers engaged in employment related to the production of wiring harnesses as eligible to apply for trade adjustment assistance. Since the company does not produce wiring harnesses, that certification is not valid. The determinations reached with regard to workers producing switches, junction blocks, specialty plastics and non-automotive products remain unchanged. It was determined that these workers did not meet the criteria for certification.

A new investigation was conducted to determine whether workers engaged in employment related to the production of lamp assemblies met the criteria for certification of eligibility to apply for worker adjustment assistance.

In the following determination, without regard to whether any of the other criteria have been met, with respect to workers producing lamp assemblies, the following criterion has not been met.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department of Labor surveyed customers which had reduced pruchases of lamp assemblies from Microdot, Incorporated, Elicon Corbin Division. The survey results revealed that the responding customers either did not purchase imported lamp assemblies or that their purchases of imported lamp assemblies were insignificant in relation to their total purchases of lamp assemblies.

Conclusion

After careful review, I determine that all workers of Microdot, Incorporated, Elicon Corbin Division, Corbin, Kentucky are denied eligibility to apply for adjustment assistance benefits under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1981.

Harry J. Gilman,

Supervisory International Economist Office of Foreign Economic Research.

[FR Doc. 81-16809 Filed 6-4-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6462T]

U.S. Steel Corp., Gary Works; Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 ("the Act") and in accordance with Section 223 of the Act, on February 6, 1980 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers engaged in employment related to the production of coated sheet at the U.S. Steel Corporation's Gary Works, Gary, Indiana. The notice of certification was published in the the **Federal Register** on February 15, 1980 (45 FR 10488).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in section 223(d) of the Act and 29 CFR 90.17(a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of U.S. Steel's Gary Works are no longer attributable to the conditions specified in Section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should no be terminated. *Provided*, that such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 15, 1981.

The record of the certification (TA-W-6462) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affiars, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-16810 Filed 6-4-81; 8:45 am]

BILLING CODE 4510-28-M

Van Dresser Corp., et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period May 26–29, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or porportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8044: Van Dresser Corp., Norwalk, OH
TA-W-9352: Loubella Extendables, Inc., Los Angeles, CA
TA-W-9378: K-Lee Dresses, Inc., Hammonton, NJ
TA-W-9394: E.H.M. Knitting Corp., Brooklyn, NY
TA-W-9449: Press-Way, Inc., Warren, MI
TA-W-9515: Rockwell International, Amforge Div., Damen Ave. Plant, Chicago, IL
TA-W-9974, 9975 and 9976: Republic Steel Corp., Central Alloy District, South Plant, Canton, OH, Massillon, OH, and the Enduro Div., Canton, OH
TA-W-9999: Modern Plastics Corp., Benton Harbor, MI
TA-W-9761: Lydall, Inc., Colonial Fiber Div., Rogers Plant, Bar Mills, ME
TA-W-12,296: Con-Air, Inc , Eastlake, OH
TA-W-10,025: Four Star Corp., Cadillac, MI
TA-W-10,346: Fitzsimons Mfg. Co., West Branch Tube Div., West Branch, MI
TA-W-10,490: Motorola, Inc., Automotive Products Div., Arcade, NY
TA-W-11,618: B&P Cedar Products, Inc., Pe Ell, WA
TA-W-11,481: Messenger Cedar Products, Elma, WA
TA-W-10,991: Barjo Plastic Products, Inc., Burton, MI
TA-W-10,034 and 10,595: Hoover Universal, Inc., Georgetown, KY and Adrian, MI
TA-W-10,344: Buffalo Grinding Service, Inc., Buffalo, NY
TA-W-9592: Century Brass Products, General Products Div., Waterbury, CT
TA-W-9603: Master Products Co., Yale, MI
TA-W-9784: International Telephone & Telegraph Corporation, ITT United Plastics Division, Vassar, MI
TA-W-10,005: Kenco Plastics, Inc., Owenboro, KY

TA-W-9956; RCA Corporation, Solid State Division, Findlay, OH

Investigation revealed that criterion (2) has not been met. Sales and production did not decrease during the period under investigation.

TA-W-10,269; St. Regis Paper Co., Libby, MT

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,969; Thunder Bay Mfg. Co., Alpena, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tools and dies for automotive use are negligible.

TA-W-12,628; T&C Coal Co., Cycone, WV

Investigation revealed that criterion (3) has not been met. All coal mined at T&C Coal Co. is exported to Italy.

TA-W-12,330; Alliance Machine Co., Alliance, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of cranes did not increase as required for certification. Further evidence revealed that sales of coke oven equipment increased steadily since production began in 1979.

TA-W-12,295; Ingalls Steel Corp., Washington, DC

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of fabricated structural steel did not increase as required for certification.

TA-W-12,274; Beaver Specialties, Inc., Beaver Dam, WI

Investigation revealed that criterion (3) has not been met. U.S. imports of television and stereo cabinets are negligible.

TA-W-12,513; Bethlehem Mines Corp., Hanover Quarry, Hanover, PA

Investigation revealed that criterion (3) has not been met. None of the workers engaged in basic steelmaking operations at either of the plants receiving limeston from Hanover Quarry are currently certified eligible to apply for adjustment assistance benefits and thus the separations of workers at the Hanover Quarry can not be related to a facility whose workers independently meet the statutory criteria for certification at this time.

TA-W-11,599; Distel Tool & Machine Co., Inc., Warren, MI

Investigation revealed that criterion (3) has not been met. U.S. imports of stamping dies are negligible.

TA-W-11,377—11,407; General Motors Corp., Detroit, MI

Investigation revealed that criterion (3) has not been met. A direct and significant connection cannot be established between layoffs at the parts distribution facilities and production declines at certified GM assembly plants or component parts.

TA-W-11,095; Paw-S Industries, Inc., Sterling Heights, MI

Investigation revealed that criterion (3) has not been met. U.S. imports of industrial patterns and core boxes (including models) and of jigs and fixtures are negligible.

TA-W-10,388; Central Die Sinking Co., Holt, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of forging dies are negligible.

TA-W-10,310; Colonial Rubber Works, Inc., Dyersburg, TN

Investigation revealed that criterion (3) has not been met. With respect to automotive sponge parts, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to rug underlay and thermoplastics, U.S. imports of the respective basket categories are negligible. With respect to custom mixed rubber compounds, layoffs are attributable to normal business fluctuations.

TA-W-9501; Freightliner Corp., Indianapolis, IN

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of Class 8 heavy trucks did not increase as required for certification.

TA-W-9369; Jumping Jacks Shoes, Inc., Monett, MO

Investigation revealed that criterion (3) has not been met. With respect to children's shoes, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to women's shoes, the decline is attributable to an ownership transfer in May 1980.

TA-W-8945; Kaiser Steel Corp., Eagle Mountain Mine, Eagle Mountain, CA

Investigation revealed that criterion (3) has not been met. Declines in production at the Eagle Mountain were attributable to reduced demand from Kaiser's Steel Mfg. Div. whose basic steel workers were deemed eligible to apply for adjustment assistance.

V 46 / 108 J 5 E 8 1 UMI

TA-W-8630; Lighthouse Footwear, Inc., Skowhegan, ME

Investigation revealed that criterion (3) has not been met. A survey of customers which reduced Spring 1980 orders to Lighthouse revealed that most respondents reduced purchases of imported shoes during the period January-June 1980 compared with the same period in 1979.

TA-W-11,422; NAP Consumer Electronics Corporation, Batavia, NY

Investigation revealed that criterion (3) has not been met. Imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-11,660; Mari-anne Bag Corporation, New Windsor, NY

A certification was issued covering all workers of the firm separated on or after January 27, 1980.

TA-W-9043; Bossert Mfg. Corp., Utica, NY

A certification was issued covering all workers of the firm engaged in employment related to the production of camshaft bracket assemblies separated on or after August 1, 1979. With respect to workers engaged in employment related to the production of other stampings, the investigation revealed that criterion (3) has not been met.

TA-W-10,177; Asheville Mica Co., Newport News, VA

A certification was issued covering all workers of the firm separated on or after August 1, 1979.

TA-W-10,855; Rockwell International, Kenton, OH

A certification was issued covering all workers of the firm engaged in employment related to the production of trailer axles separated on or after November 1, 1979.

With respect to axle housing, hubs and drums the investigations revealed that criterion (3) has not been met. A survey of the firm's customers revealed that increased imports did not contribute importantly to employment declines at the firm.

TA-W-9531; Kalamazoo Stamping & Die Co., Kalamazoo, MI

A certification was issued covering all workers of the firm separated on or after September 15, 1979.

TA-W-10,007; Lownlite Co., Inc., Portland, TN

A certification was issued covering all workers of the firm separated on or after January 1, 1980.

I hereby certify that the aforementioned determinations were issued during the period May 26-29, 1981. Copies of these determinations are available for inspection in Room S-5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-16811 Filed 6-4-81, 8:45 am]

BILLING CODE 4510-28-M

LIBRARY OF CONGRESS

Copyright Office

Policy Decision Regarding Immediate Cancellation of Registration in Uncollectible Check Cases

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of Policy Decision.

Cancellation of Copyright Registration Where Check Received in Payment of Statutory Fee Is Returned as Uncollectible

1. Background

Section 708 of the Copyright Act, title 17 of the United States Code, prescribes a schedule of fees that must be remitted to the Copyright Office in payment of registration and other services rendered to the public under the Act. Section 408 of the Act provides that application to register a claim to copyright may be made "by delivering to the Copyright Office the deposit specified by this section, together with the application and fee specified by sections 409 and 708."

The Copyright Office examines claims to copyright and issues certificates of registration in accordance with section 410(a). Registration is ordinarily completed before any check received in payment of the statutory registration fee would be returned as uncollectible. Unfortunately, in a certain percentage of cases, the check remitted in payment of the registration fee is later returned to the Copyright Office marked "insufficient funds." Registration has been made already, but the required statutory fee has not been paid.

Until now, it has been the practice of the Copyright Office to correspond with the remitter of the check and request payment of the fee. It has also been the practice of the Office to write several letters repeating this request, if the fee is not paid. Finally, if the fee is not paid after several letters have been sent, the Copyright Office then cancels the registration.

2. Policy Decision

The Copyright Office has reconsidered its practice of engaging in extensive correspondence to request payment of the proper statutory fee, which the statute specifies must be paid to obtain a valid registration of a claim to copyright. The administrative cost of this extensive correspondence, which is frequently unsuccessful, exceeds the moneys recovered.

Effective immediately, the Copyright Office has adopted the following procedure in processing uncollectible check cases:

When a check received in payment of the registration fee is returned to the Copyright Office marked "insufficient funds" or is otherwise marked uncollectible, the Copyright Office will take immediate steps to cancel any registration for which the dishonored check was submitted; the Office will write one letter to the remitter notifying the person or entity that the check was returned to us as uncollectible, that we have canceled the registration for which no fee was paid, and that the certificate of registration is null and void and should be returned. When a registration is cancelled, appropriate notations are placed in the original record clearly showing that the registration has been cancelled.

If the applicant wishes to re-apply for registration following cancellation of a registration on the ground of an uncollectible check, it is necessary to submit a new application, a new deposit, and the statutory fee. The Copyright Office reserves the right to require a certified check or money order in appropriate cases.

Dated: May 19, 1981.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 81-16737 Filed 6-4-81, 8:45 am]

BILLING CODE 1410-03-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on June 22 and 23, 1981, at the Roadway Inn, 5615 North Cumberland, Park Ridge, IL. The Subcommittee will discuss matters relating to the development of liquid metal fast breeder reactor safety design criteria. Notice of this meeting was published May 19.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Monday and Tuesday, June 22 and 23, 1981, 8:30 a.m. until the conclusion of business each day.

Safety design bases for the Department of Energy (DOE) conceptual design of an advanced liquid metal fast breeder reactor.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the DOE, their contractors, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 2, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-16798 Filed 6-4-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Joint Subcommittee on Waste Management and Reactor Radiological Effects; Meeting

The ACRS Joint Subcommittee on Waste Management and Reactor Radiological Effects will hold a meeting on June 22 and 23, 1981, in Room 1046, 1717 H Street, N.W., Washington, DC. The Subcommittee will review and discuss the proposed rule on Technical Criteria for Disposal of High-Level Radioactive Wastes in Geological Repositories (10 CFR Part 60) and the NRC Safety Research Program Budget for fiscal year 1983 related to waste management and reactor radiological effects.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The majority of the meeting will be open to public attendance. The Subcommittee will be considering some predecisional budget information associated with the NRC Safety Research Program Budget for fiscal year 1983. In order to perform this review, the ACRS must be able to engage in frank discussion with members of the NRC Staff. Therefore it may be necessary to close portions of this meeting (Sunshine Act Exemption 9(B)). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Monday and Tuesday, June 22 and 23, 1981, 8:30 a.m. until the conclusion of business each day.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant employee, Mr. Garry Young (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. John C. McKinley.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee act, that it may be necessary to close portions of this meeting to public attendance to protect 1978 NRC Authorization Act to review the NRC Research Program and Budget and to report the results of the review to Congress. The authority for such closure is Exemption 9(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: June 2, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-16797 Filed 6-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-321]

Georgia Power Co., et al.;Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 86 to Facility Operating License No. DPR-57, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1 (the facility) located in Appling

County, Georgia. The amendment is effective as of the date issuance.

The amendment revises the Technical Specifications to enable operation of the Plant after the Cycle 5 Reload, at licensed power.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 6, 1981, (2) Amendment No. 86 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of May 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-16799 Filed 6-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 30 and No. 11 to Facility Operating License Nos. NPF-4 and NPF-7 issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Units No. 1 and No. 2 (the facility) located in Louisa County, Virginia. The amendments are effective on May 29, 1981.

The amendments consist of changes to the Technical Specifications which revise the Administrative Controls, Section 6. The changes reflect corporate and plant reorganizations including the addition of an Assistant Station Manager. A Safety Evaluation and Control group has been established which replaces the System Nuclear Safety and Operating Committee.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated July 30, August 28, October 15, 1980 as supplemented August 1, 1980 and February 23, 1981; (2) Amendment No. 30 and No. 11 to Facility Operating Licenses No. NPF-4 and NPF-7, respectively, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 22nd day of May 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-16800 Filed 6-4-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Review of Information Requirements of Department of Agriculture Marketing Orders

AGENCY: Office of Information and Regulatory Affairs, Office of Management and Budget.

ACTION: Notice of review of Fruit, Vegetable, and Speciality Crop Marketing Order recordkeeping and reporting requirements under the authority of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

SUMMARY: Information is needed on the information collection activities of the 47 fruit, vegetable, and speciality crop marketing orders established by the U.S. Department of Agriculture. The reporting and recordkeeping requirements imposed by orders on the public and industry are subject to review and clearance by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

DATE: Written comments are due to OMB by August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Ellett, Office of Management and Budget, 726 Jackson Place, N.W., Room 3228, NEOB, Washington, D.C. 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:

1. Background

Under the authority of the Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) the Secretary of Agriculture has established 47 fruit, vegetable, and specialty crop marketing orders. (These are listed in Appendix A.) These orders usually authorize regulation of the volume and quality of agricultural commodities marketed. Other activities under these orders include the standarization of containers or pack, and the funding of research and market develpment projects.

The 47 marketing orders regulate the marketing of 33 commodities produced in 37 States. A marketing order is a legal instrument which is binding upon handlers of the commodity concerned within the specified production area covered by the order.

Marketing orders regulations affect the marketing of comodities by imposing one or a combination of the following controls: (a) grade and size limitations; or (b) rate-of-flow limitations; or (c) quantity limitations.

Grade and size limitations establish minimum requirements for the quality of the commodity sent to market. Rate-of-

flow marketing orders specify the flow of produce to market, evening out the amount marketed from week-to-week. Quantity controls limit the amount of produce sent to market, and divert excess supply to other uses.

Each marketing order functions through an administrative committee the members of which are appointed by the Secretary of Agriculture. These committees have the authority to require producers, handlers, and other persons to submit reports and maintain records on such matters as the volume of shipments and quantities in storage. Failure to comply with these requirements may result incivil or criminal actions being instituted against handlers.

2. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980 OMB must ensure that paperwork and reporting requirements imposed by the Federal government is minimized.

In particular, the Office of Management and Budget is to: prevent unnecessary duplication of information collection; require Federal agencies to establish their need for information; demonstrate their capacity to use requested information; specify the relationship of information requests to specific responsibilities; and establish that adequate safeguards are maintained to protect materials collected under a pledge of confidentiality. The same statute requires all Federal agencies to secure clearance from the Office of Management and Budget and to refrain from collecting information for which clearance has not been obtained, or has been denied. After December 31, 1981, no member of the public is legally obligated to respond to an information request in OMB approval has not been given.

3. Paperwork and Reporting Requirements for Marketing Orders

The Office of Management and Budget has determined that all information and records required to be submitted or retained under fruit, vegetable, and speciality crop marketing orders must be cleared pursuant to the Paperwork Reduction Act of 1980. Marketing order administrative committees collect information on production, shipments, inventory, exports, and other agricultural activity. Typical of forms used to collect the information are:

- Cumulative Prune Export Shipments (Prune Administrative Committee)
- Texas Citrus Crop Prospects (Texas Valley Citrus Committee)
- Growers Weekly Report Form Fresh Shipments Under Waiver (Stone Fruit (peaches) Marketing Committee)
- Shippers Report (Tokay Marketing Agreement)
- Current Inventory Report (Cranberry Marketing Committee)
- Onion Diversion Report (Idaho-Eastern Oregon Committee)
- Daily Report Sheet Under Waiver of Inspection (Oregon-California Potato Committee)
- Registration of Celery Producers (Florida Celery Committee)
- Report of Shipments and Commitments (Almond Board of California)

4. Information Requested

USDA is in the process of conducting a thorough review of marketing order information collections including a review of the need for each item of information and an examination of Departmental use of these data.

However, in order to provide OMB with additional information on the burdens of marketing orders, comment is solicited from the public and affected handlers.

Information is needed on whether:

(1) Respondents are able to supply information at the time and in the form requested;

(2) Each information requirement is accompanied by an explanation of the intended use of the information;

(3) In the judgment of the respondent, the information required is appropriate and required for the stated purpose;

(4) The information collection imposes unreasonable burdens on small businesses;

(5) Administrative committees consult with respondents on the need for and content of information requirements;

(6) Identical information is solicited by separate means at separate times under same order;

(7) Identical information is solicited by other Department of Agriculture agencies or by other agencies of the Federal Government;

(8) The effect on producers and handlers of removing or reducing information requirements would be positive or negative;

(9) There are alternative means for marketing orders to secure such information as required to discharge their responsibilities.

Information is also needed on the number, content, frequency of completion, cost and maintenance of all recordkeeping and reporting requirements imposed on producers and handlers. It would be helpful to obtain cost information on the basis of hours and dollars expended each year.

5. Comments

Information on the reporting and recordkeeping requirements of market orders should be sent to Charles A. Ellett, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 3228, Washington, D.C. 20503. For further information phone (202) 395-7340.

Jim J. Tozzi,

Deputy Administrator, Office of Information and Regulatory Affairs.

Marketing Orders Established by United States Department of Agriculture

Market Order

1. M.O. 904—Grapefruit Grown in California.
2. M.O. 905—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida.
3. M.O. 906—Fresh Oranges and Grapefruit Grown in Texas
4. M.O. 907—California-Arizona Navel Oranges.
5. M.O. 908—California-Arizona Valencia Oranges.
6. M.O. 910—Lemons Grown in California and Arizona.
7. M.O. 911—Limes Grown in Florida.
8. M.O. 912—Indian River Grapefruit.
9. M.O. 913—Florida Interior Grapefruit.
10. M.O. 915—Avocados Grown in South Florida.
11. M.O. 916—Fresh Nectarines Grown in California.
12. M.O. 917—Fresh Pears, Plums, and Peaches Grown in California.
13. M.O. 918—Fresh Peaches Grown in Georgia.
14. M.O. 919—Peaches Grown in Mesa County, Colorado.
15. M.O. 921—Fresh Peaches Grown in Designated Counties in Washington.
16. M.O. 922—Apricots Grown in Designated Counties in Washington.
17. M.O. 923—Sweet Cherries Grown in Designated Counties in Washington.
18. M.O. 924—Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon.
19. M.O. 925—Grapes Grown in Southeastern California.
20. M.O. 926—Tokay Grapes Grown in San Joaquin County, California.
21. M.O. 927—Pears Grown in Oregon, Washington, and California.
22. M.O. 928—Papayas Grown in Hawaii.
23. M.O. 929—Cranberries Grown in Ten Designated States.
24. M.O. 930—Cherries Grown in Eight Designated States.
25. M.O. 931—Oregon-Washington Bartlett Pears.
26. M.O. 932—Olives Grown in California.
27. M.O. 945—Potatoes Grown in Idaho and Malheur County, Oregon.
28. M.O. 946—Irish Potatoes Grown in Washington.
29. M.O. 947—Oregon-Northern California Irish Potatoes.
30. M.O. 948—Irish Potatoes Grown in Colorado.

V 46 / 108 JE 5 81 UMI

31. M.O. 950—Irish Potatoes Grown in Maine.
32. M.O. 953—Irish Potatoes Grown in Virginia and North Carolina.
33. M.O. 958—Onions Grown in Idaho and Malheur County, Oregon.
34. M.O. 959—Onions Grown in South Texas.
35. M.O. 965—Tomatoes—Rio Grande Valley of Texas.
36. M.O. 966—Tomatoes Grown in Florida.
37. M.O. 967—Celery Grown in Florida.
38. M.O. 971—Lettuce Grown in South Texas.
39. M.O. 979—Melons Grown in South Texas.
40. M.O. 981—California Almonds.
41. M.O. 982—Oregon and Washington Filberts.
42. M.O. 984—California Walnuts.
43. M.O. 985—Far West Spearmint Oil.
44. M.O. 987—California Dates.
45. M.O. 989—California Raisins.
46. M.O. 991—Washington, Oregon, Idaho and California Hops.
47. M.O. 993—California Dried Prunes.

[FR Doc. 81-16706 Filed 6-4-81; 8:45 am]
BILLING CODE 3110-01-M

Office of Federal Procurement Policy

[OFPP Policy Letter 81-2]

Policy Guidance for the Labor Surplus Area Program

May 29, 1981.

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Policy Letter 81-2.

SUMMARY: By publication in the Federal Register of August 7, 1980, the Office of Federal Procurement Policy set forth for public and Government agency comment a proposed policy letter to clarify certain issues raised in connection with the existing policy guidance on Labor Surplus Area (LSA) set-asides. This Policy Letter reflects the comments received as well as some additional matters.

It provides that:

1. The Administrator of GSA, in consultation with heads of executive agencies, is to establish annual LSA targets based on total estimated dollars to be obligated.

2. Contracts awarded under set-asides pursuant to Public Law 96-302 shall be recorded by departments and agencies in fulfillment of their labor surplus area targets.

3. Contracts awarded under Pub. L. 96-302 for construction and other sit-specific contracts shall also be recorded in fulfillment of labor surplus area targets.

4. Contracts awarded under section 15(j) of the Small Business Act shall, to the extent possible, be recorded as awards against agency or departmental labor surplus area targets if the costs to be incurred by the contractor and its first tier subcontractors on account of manufacturing, production, etc., in labor surplus areas exceed 50% of the contract price.

5. Contracts awarded under section 15(j) to a non-manufacturer shall, to the extent possible, be similarly recorded if the costs to be incurred by the manufacturer and its first-tier subcontractors on account of manufacturing, production, etc., in labor surplus areas exceed 50% of the contract price.

6. GSA should ensure that firms performing in labor surplus areas are so listed in Federal Supply Schedules; agencies placing orders against GSA multiple award schedules are encouraged to use LSA firms to the maximum extent possible. GSA will establish Government-wide targets for agencies using Federal Supply schedules and the Federal Procurement Data System will identify awards of agencies to LSA firms against GSA multiple award schedules.

7. Subcontracts under set-asides to LSA firms by GOCOs shall be counted towards an agency's LSA performance.

8. Non-competitive awards under the 8(a) program, purchases from blind and handicapped workshops, and from Federal Prison Industries shall not be counted towards an agency's LSA performance.

9. Agencies should consider "other appropriate methods" of meeting LSA targets, as indicated in E.O. 12073.

DATE: The changes set forth herein will be effective July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Owen Birnbaum, Deputy Associate Administrator for Regulatory Policies and Practices, 395-3455.

William E. Mathis,

Acting Administrator.

May 29, 1981.

Policy Letter 81-2

To the Heads of Executive Departments and Establishments

Subject: Policy Guidance for the Labor Surplus Area Programs

Government procurement policy should be uniform and consistent in application. This Policy Letter provides uniform clarification of issues raised in connection with existing policy guidance on the labor surplus area program.

1. Target Setting and Performance

a. In accordance with Executive Order 12073 of August 16, 1978, the Administrator of General Services is required to establish annual LSA targets in consultation with the heads of executive agencies. These targets are to be based on total estimated dollars to be *obligated* under LSA set-aside contracts during a fiscal year.

b. (1) Sections 15 (d), (e), and (f) of the Small Business Act (PL 96-302, July 2, 1980) accord priority in awarding of contracts and subcontracts to firms performing in areas of unemployment or underemployment or within labor surplus areas. These sections set forth the following priorities for small business set-aside programs: (i) total set-aside for small business concerns located in a labor surplus area; (ii) total set-aside for small business concerns; (iii) partial set-aside for small business concerns located in a labor surplus area; (iv) partial set-aside for small business concerns; and (v) total set-aside for firms not eligible under the first four priorities, not small business, and performing in labor surplus areas. Contracts awarded under such set-asides shall be recorded by departments and agencies in fulfillment of their labor surplus area targets.

(2) The requirements of Public Law 96-302 apply to construction and other "site-specific" contracts. Such contracts, when awarded under set-asides, shall also be recorded by departments and agencies in fulfillment of their labor surplus area targets.

c. (1) To the extent possible under existing record-keeping procedures, awards made under section 15(j) of the Small Business Act ("small business-small purchase set-asides" as described in OFPP Policy Letter 80-6, July 22, 1980) should also be recorded as labor surplus area awards against an agency or departmental target goal if the costs to be incurred by the contractor and its first tier subcontractors on account of manufacturing, production or appropriate services in labor surplus areas exceed 50 percent of the contract price.

(2) Under said section 15(j) and OFPP Policy Letter 80-6, July 22, 1980, award may be made under a small business-small purchase set-aside to a non-manufacturer furnishing the product of any domestic manufacturer, regardless of size. If the costs incurred by such manufacturer and its first-tier subcontractors on account of manufacturing, production, or appropriate services in labor surplus areas exceed 50 percent of the contract price, the amount of the award should also be recorded, to the extent possible, as a labor surplus area award.

2. GSA Multiple Award Schedule Contracts

a. GSA should ensure that firms performing in labor surplus areas are so listed in Federal Supply Schedules.

b. Agencies are encouraged to use LSA firms to the maximum extent possible when placing orders against GSA multiple award schedule contracts.

c. The Federal Procurement Data System report on LSA contracts will contain a separatge category indentifying all agency orders against GSA multiple award schedules. GSA will establish Government-wide LSA targets for each agency for these schedule contracts, based on past performance and estimated future potential.

d. Each agency will report its individual performance on the basis of actual obligations under these schedules. GSA will

be responsible for monitoring agency performance and encouraging agencies to achieve the schedule targets.

3. GOCO Subcontracting

Subcontracts by Government-owned Contractor Operated (GOCO) facilities shall be counted toward an agency's LSA set-aside performance when these subcontracts are performed substantially in LSA's and are designated as set-asides.

4. Section 8(a) Contracts, Purchases From the Blind and Handicapped, Federal Prison Industries, and Other Single Source Contracts

Section 15(d) of the Small Business Act indicates that LSA set-asides are to be made when there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards will be made at reasonable prices. In view of this statutory procedure designed to assist Labor Surplus Areas, agencies shall not count non-competitive 8(a) contracts, purchases from blind and handicapped workshops and purchases from Federal Prison Industries toward their LSA set-aside performance. However, if an agency or the Small Business Asministration is able to set aside a particular product or service for competition among firms in labor surplus areas which are also in the 8(a) program, such contracts may be counted toward LSA set-aside performance.

5. "Other Appropriate Methods" To Meet LSA Procurement Targets

a. Executive Order 12073, August 16, 1978, states in part that the GSA Administrator, in cooperation with the heads of Executive agencies, shall encourage the use of set-asides or "other appropriate methods" to meet LSA procurement targets.

Accordingly, agencies should consider, and be alert to, such other possible methods as are appropriate to their procurement mission. Such agency efforts will assist in meeting the objects of E.O. 12073 and "foster economic development in labor surplus areas."

Effective Date: This Policy Letter is effective July 1, 1981.

Concurrence: This Policy Letter has been concurred in by the Director of OMB.

William E. Mathis,

Acting Administrator.

[FR Doc. 81-16704 Filed 6-4-81; 8:45 am]

BILLING CODE 3110-01-M

OFPP Policy Letter 80-2; Supplement No. 1

Regulatory Guidance on Section 211 of Public Law 95-507

May 29, 1981.

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Supplement to OFPP Policy Letter 80-2, April 29, 1980.

SUMMARY: OFPP Policy Letter 80-2, April 29, 1980, published in the **Federal Register** on May 9, 1980 (45 FR 31028) set forth amendments to be made to the Federal Procurement Regulations (FPR), the Defense Acquisition Regulation (DAR) and the National Aeronautics and Space Administration Procurement Regulations (NASAPR).

This supplement to Policy Letter 80-2 resolves certain problems and questions which have arisen in the administration of OFPP Policy Letter 80-2, April 29, 1980.

It provides that:

1. Modifications over $500,000 to a contract already containing a plan do not require a new subcontracting plan, but the modification must contain new separate goals or revised goals.

2. The subcontracting plan for an individual procurement may incorporate an overall "master" plan.

3. An approved commercial products plan remains applicable beyond the fiscal year in whch it is approved, if contract deliveries extend beyond that fiscal year.

4. Contract-by-contract records are not required under a commercial products plan.

5. There is flexibility in determining the extent of required monitoring of subcontactor performance, and agencies may relieve prime contractors of this responsibility when appropriate.

DATE: The provisions of the supplementary Policy Letter will be effective June 30, 1981, but may be followed immediately.

CONTACT: Owen Birnbaum, Deputy Associate Administrator for Regulatory Policies and Practices, 395-3455.

William E. Mathis,

Acting Administrator.

May 29, 1981.

Policy Letter 80-2, Supplement No. 1
To The Heads of Executive Departments and Establishments
Subject: Regulatory Guidance on Section 211 of Public Law 95-507

Government procurement policy should be uniform and consistent in application. The purpose of this supplementary Policy Letter is to provide a uniform resolution to certain problems and questions which have arisen in the administration of OFPP Policy Letter 80-2, April 29, 1980 (45 FR 31028, May 9, 1980).

1. The question has been raised whether it is necessary to obtain a new subcontract plan if a modification over $500,000 ($1 million for construction) is made to a contract already containing a plan. Policy Letter 80-2 indicates that subcontracting plans must be included, pursuant to Public Law 95-507, in contracts *and contract modifications* over the statutory thresholds. it also requires that the "contracting officer promptly negotiate appropriate revisions to agreed subcontracting percentage and dollar goals if any subsequent amendments to the contract will have a major impact on the original planned volume or type of contracting effort."

It is not necessary for the contracting officer to obtain a new subcontract plan if a modification over $500,000 ($1 million for construction) is made to a contract already containing a plan. The modification may incorporate the existing plan by reference. However, the modification must either contain separate goals for the new effort or revise the original goals.

2. Another question has been raised as to whether the terms of an overall or "master" company subcontracting plan may be incorporated by reference into a specific plan submitted for a given contract over the statutory thresholds. This is acceptable provided: (1) the master plan contains all the elements required by the statute; (2) subcontract goals for small and small disadvantaged firms are specifically set forth in each contract or modification over the statutory thresholds; (3) any changes to the plan deemed necessary and required by the contracting officer in areas other than goals are specifically set forth in the contract or modifications; (4) the contracting officer has copies of the entire plan; and (5) the resident Procurement Center Representative (PCR) of the Small Business Administration has had an opportunity to comment on the master plan.

3. A third question relates to the applicability of an approved commercial products plan beyond the fiscal year in which it is approved. Policy Letter 80-2 states that:

"If a commercial product is offered the required subcontracting plan may relate to the company's production generally (both for commercial and non-commercial products) rather than solely to the item being procured under the government contract. In such cases, the contractor shall be required to submit one company-wide annual plan to be reviewed for approval by the first agency with which it enters into a prime contract (which requires a subcontracting plan) during the fiscal year, or by another agency satisfactory to the contracting officer."

The approved plan shall apply to all deliveries made under contracts entered into during the contractor's fiscal year, even through those deliveries are made in a succeeding fiscal year. The contractor shall submit a new plan to the first agency with which it enters into a contract (over the statutory threshold) during a succeeding fiscal year. The new plan shall apply to all deliveries made under contracts entered into during the succeeding fiscal year, no matter when those deliveries are made.

4. Also with respect to commercial products plans, there is a question whether the contractor is required to keep "contract-by-contract" records pursuant to paragraphs 3f (3) and (6) of the Small Business and Small Disadvantaged Business Subcontracting Plan (Negotiated) and (Advertised) clauses. Such contract-by-contract records would be incompatible with the concept and purpose of an annual company-wide plan, and are not required.

Accordingly, OFPP Policy Letter 80-2 is amended by adding the following sentence at the end of paragraphs 3f(3) and 3(f)(6) of both the Negotiated and Advertised clauses: "This

requirement does not apply to a plan submitted pursuant to par. 6, hereof."

5. Paragraph 3d of the clause entitled "Small Business and Small Disadvantaged Business Subcontracting Plan (Negotiated)", as set forth in Policy Letter 80–2, provides for flowdown of the subcontracting plan requirements to all non-small business subcontractors which receive subcontracts over the applicable thresholds. Further, the prime contractor is required to describe its "procedures for the review, approval, and monitoring for compliance with such plans."

This requirement has raised questions of what is meant by monitoring and whether, in some cases, the prime contractor should be relieved of this responsibility.

If interpreted literally to require each prime contractor to monitor its subcontractors' compliance, by plant visits and examinations of records, this could result in situations such as: (1) several contractors monitoring the same subcontractor, to review essentially the same information, which would at a minimum be disruptive and redundant; (2) the prime contractor being monitored by one or more of the subcontractors which it is monitoring, where the prime/sub relationships are reversed; and (3) problems concerning access to records, particularly when the prime contractor and the subcontractor are competitors. This disruption, duplication and additional unnecessary cost do not appear to be justified or necessary. In many instances, particularly where a subcontractor is also performing Government prime contracts, the Government already has a representative either on the scene or available who is monitoring the firm's performance as a prime contractor. The Government representative, in such cases, should be familiar with the firm's overall plan for subcontracting with small and small disadvantaged businesses, and therefore in the best position to determine whether the firm is meeting its goals either as a prime contractor or as a subcontractor. Accordingly, departments and agencies may, in their regulations, notwithstanding the last sentence of the aforesaid paragraph 3d, relieve the prime contractor from this obligation when they deem it appropriate. An agency's decision to relieve a contractor from its obligation to monitor for compliance should take into consideration an existing Government presence at the subcontractor's plant and whether the monitoring can be accomplished most economically and efficiently through Government or prime contractor activity.

Whether monitoring is done by the prime contractor or by the Government, the degree of monitoring will vary depending on the circumstances. Such factors as access to records, subcontract dollar amount, the subcontractor's past performance in meeting goals, and many others must be considered in reviewing the procedures for monitoring compliance.

While there is some flexibility, as indicated by the foregoing discussion, with respect to monitoring for compliance, prime contractors are *not* relieved of their obligation to review and approve their subcontractor's plans.

Effective date: This supplementary Policy Letter is effective June 30, 1981.

Concurrence: This supplementary Policy Letter has been concurred in by the Director of the Office of Management and Budget.

William E. Mathis,

Acting Administrator.

[FR Doc. 81-16705 Filed 6-4-81, 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice of delay in publication date of listing of current Schedule A, B and C excepted service appointing authorities.

SUMMARY: In final regulations published April 3, 1981, which decodified individual schedule A, B and C appointing authorities, OPM announced its intention to publish an annual notice of all such authorities, current as of June 30, in the **Federal Register**. Because of the time required to prepare the consolidated notice for publication, the first annual notice will instead be prepared as of August 31, 1981, and will be published in early September. Thereafter, the consolidated annual notice of Schedule A, B and C authorities will be published as of June 30 of each year.

FOR FURTHER INFORMATION CONTACT: William Bohling, Noncompetitive Staffing and College Relations Branch, Staffing Services, (202) 632–6000.

SUPPLEMENTARY INFORMATION: OPM maintains continuing information on the status of all Schedule A, B and C excepted appointing authorities. Interested parties needing information about specified authorities may obtain such information by contacting the Noncompetitive Staffing and College Relations Branch, Room 6A12, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415, or by calling (202) 632–6000.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

[FR Doc. 81-16701 Filed 6-4-81, 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 16–81]

Series E–1986; Interest Rate

May 29, 1981.

The Secretary announced on May 28, 1981, that the interest rate on the notes designated Series E–1986, described in Department Circular—Public Debt Series—No. 16–81 dated May 21, 1981, will be 13⅞ percent. Interest on the notes will be payable at the rate of 13⅞ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-16688 Filed 6-4-81, 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 108
Friday, June 5, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Civil Rights Commission	2
Federal Communications Commission	3
Federal Reserve System (Board of Governors)	4
Foreign Claims Settlement Commission	5
Nuclear Regulatory Commission	6
Securities and Exchange Commission	7

1

CIVIL AERONAUTICS BOARD.

[M-317 Amdt. 1, June 1, 1981]

Notice of addition of item

TIME AND DATE: 10 a.m., June 4, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 13a. Draft final rule to eliminate from Part 241 the provision that service segment data shall not be released to the public until reports for a specific reporting period have been received from all reporting carriers and processed by the Board. (OC) (Memo 553).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-889-81 Filed 6-3-81; 3:28 pm]

BILLING CODE 6320-01-M

2

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: June 9, 1981, 9 a.m.-5 p.m.; June 10, 1:30-5 p.m.; June 11, 9 a.m.-4 p.m.

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, DC.

STATUS: Open to public.

MATTERS TO BE CONSIDERED: June 9:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Review of Voting Rights Act Study
IV. Review of Budget Impact Statement

June 10:

V. Review of Union Study II
VI. Approval of Euro-Ethnic Proposal
VII. Memorandum re Proposed Revocation of Title IX Provision

June 11:

VIII. Review of "Civil Rights Issues in the Combined Federal Campaign"
IX. State Advisory Commitee Re-charters
A. California
B. Delaware
C. North Carolina
D. Wyoming
X. Transmittal of South Dakota Advisory Committee Report Entitled "Native American Participation in South Dakota's Political System"
XI. Transmittal of Oklahoma Advisory Committee Report entitled "Affirmative Action in Employment in Oklahoma"
XII. Civil Rights Developments in the Eastern Region
XIII. Staff Director's Report
A. Status of Funds
B. Personnel Report
C. Office Directors' Reports

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division, (202) 254-6697.

[S-885-81 Filed 6-3-81; 11:56 am]

BILLING CODE 6335-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

A special closed commission meeting, Tuesday, June 2, 1981.

The Commission will hold a Special Closed Meeting on the subject listed below on Tuesday, June 2, 1981, at 2 p.m., in Room 856, 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Broadcast—1—Commission briefing on Region 2 and 9 kHz matters. Commission staff will brief the Commission on Region and 9 kHz matters in preparation for Congressional hearings to be held June 4 and June 11, 1981.

The prompt and orderly conduct of Commission business requires that less than 7-day notice be given consideration of this item.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: June 2, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-883-81 Filed 6-3-81; 8:59 am]

BILLING CODE 6712-01-M

4

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, June 10, 1981.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report concerning bank holding company inspections.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: June 2, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-886-81 Filed 6-3-81; 1:57 pm]

BILLING CODE 6210-01-M

5

FOREIGN CLAIMS SETTLEMENT COMMISSION.

[FCSC Meeting Notice No. 5-81]

Announcement in regard to Commission meetings and hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Wednesday, June 17, 1981 at 10:30 a.m.
Consideration of decisions involving claims of American Citizens against the People's Republic of China and Claims for Vietnam Prisoner of War Compensation

Subject matter listed above not disposed of at the scheduled meeting.

may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. Request for information, or advance notice of intention to observe a meeting, may be directed to Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. 20579

Dated at Washington, D.C. on June 1, 1981.

Judith H. Lock,

Administrative Officer.

[S–887–81 Filed 6–3–81; 2:16 pm]

BILLING CODE 4410–01–M

6

NUCLEAR REGULATORY COMMISSION.

DATES: Tuesday, June 9 and Wednesday, June 10, 1981.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, June 9:*

10 a.m.

1. Briefing on McGuire Operating License (approximately 1 hour, public meeting)
2. Discussion of McGuire Operating License (closed meeting)

2 p.m.

1. Discussion of Revised Licensing Procedures (public meeting)

Wednesday, June 10:

2 p.m.

1. Briefing on Comments on EPA-Proposed Guidance for Occupational Exposures (public meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202) 634–1410.

June 2, 1981.

Walter Magee,

Office of the Secretary.

[S–888–81 Filed 6–3–81; 2:49 pm]

BILLING CODE 7590–01–M

7

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 8, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 9, 1981, at 10:00 a.m. and on Thursday, June 11, 1981, following a 10:00 a.m. open meeting. An open meeting will be held on Thursday, June 11, 1981, at 10:00 a.m.

The Commissioners, their legal assistancts, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Friedman and Thomas determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 9, 1981, at 10:00 a.m., will be:

Formal orders of investigation
Settlements of administrative proceedings of an enforcement nature
Chapter X proceeding
Formal order of investigation and access to investigative files by Federal, state, or self-regulatory authorities
Freedom of Information Act appeals
Regulatory matters bearing enforcement implications
Settlement of injunctive action
Institution of administrative proceedings of an enforcement nature
Institution of injunctive action
Litigation matter
Proposed order in administrative proceeding of an enforcement nature

The subject matter of the closed meeting scheduled for Thursday, June 11, 1981, following the 10:00 a.m. open meeting, will be:

Institution of injunctive actions
Administrative proceeding of an enforcement nature

The subject matter of the open meeting scheduled for Thursday, June 11, 1981, at 10:00 a.m., will be:

1. Consideration of whether to propose for comment a release which would make the regional stock exchanges subject to Securities Exchange Act Rule 11b–1, regarding the regulation of specialists, with respect to any security which is listed on any such exchange and which is not listed on either the American or New York Stock Exchange. For further information, please contact Michael A. Cline at (202) 272–2402.

2. Consideration of whether to grant the request of Kutak Rock & Huie for a waiver of imputed disqualification pursuant to Rule 8(e) of the Commission's Conduct Regulation. For further information, please contact Myrna Siegel at (202) 272–2430.

3. Consideration of whether to withdraw a proposed amendment to Rule 3c–2 under the Investment Company Act of 1940. For further information, please contact Marsha Gilman at (202) 272–3036.

4. Consideration of whether to grant the application of Heizer Corporation, ("Heizer"), a business development company within the meaning of Section 2(a)(48) of the Investment Company Act of 1940 ("Act"), requesting an order pursuant to Section 6(c) of the Act granting an exemption from Section 57(a)(4) of the Act and Rule 17d–1 thereunder to the extent necessary to permit Heizer to provide for its officers and employees a Simplified Employee Pension Plan qualified under Section 408(k) of the Internal Revenue Code of 1954. For further information, please contact Barbara Fraser at (202) 272–3017.

5. Consideration of whether to authorize the publication of a release announcing amendments to Rule 242 of the Securities Act of 1933 which permit certain issuers engaged in mining operations to rely on that Rule in the offer and sale of their securities. For further information, please contact Daniel Abdun-Nabi at (202) 272–2644.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272–2467.

June 2, 1981.

[S–884–81 Filed 6–3–81; 11:03 am]

BILLING CODE 8010–01–M

V 46/108 UMI 81

federal register

Friday
June 5, 1981

Part II

Department of Labor

Employment Standards Administration,
Wage and Hour Division

Minimum Wages for Federal and
Federally Assisted Construction; General
Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Colorado: CO80-5140	Oct. 24, 1980
Iowa: IA81-4021	Apr. 19, 1981
Louisiana: LA81-4024	May 1, 1981.
Maryland: MD81-3026	Apr. 24, 1981
New York: NY81-3018	Mar. 27, 1981
Oklahoma: OK80-4008	Jan. 5, 1980
Michigan: MI80-2065	Aug. 15, 1980
Pennsylvania:	
PA79-3020	July 20, 1979
PA80-3025	Apr. 11, 1980
PA80-3026	Apr. 11, 1980.
PA80-3027	Apr. 18, 1980.
PA80-3028	Apr. 11, 1980.
PA80-3029	Apr. 25, 1980
PA80-3030	May 30, 1980
PA80-3031	Aug. 29, 1980
PA80-3032	May 30, 1980.
PA80-3037	May 2, 1980
PA80-3038	May 23, 1980
PA80-3043	July 7, 1980
PA80-3044	July 25, 1980
PA80-3056	Sept. 12, 1980
PA80-3060	Oct. 10, 1980
PA80-3075	Dec. 5, 1980
Texas:	
TX80-4098	Dec. 5, 1980
TX81-4006	Jan. 6, 1981
TX81-4007	Jan. 6, 1981
TX81-4015	Apr. 3, 1981
TX81-4030	May 8, 1981
TX81-4032	May 8, 1981
Washington: WA81-5107	Apr. 3, 1981
Wisconsin: WI80-2013	Apr. 2, 1980

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida: FL80-1075 (FL81-1240)	June 20, 1980
Georgia: GA79-1058 (GA81-1241)	Mar. 30, 1979.
Idaho: ID80-5146 (ID81-5125)	Dec. 12, 1980
Maryland: DC80-3040 (DC81-3040)	May 16, 1980
Mississippi: MS81-1154 (MS81-1239)	Jan. 6, 1981
New York:	
NY79-3030 (NY81-3038)	Aug. 31, 1979
NY79-3036 (NY81-3034)	Dec. 21, 1979.
NY80-3035 (NY81-3033)	Apr. 25, 1980.
South Carolina: SC79-1128 (SC81-1242)	Sept. 14, 1979

Texas: TX80-4076 (TX81-4037)	Oct. 10, 1980.
TX80-4097 (TX81-4036)	Dec 5, 1980.
TX81-4026 (TX81-4038)	May 1, 1981.
Virginia: DC80-3040 (DC81-3040)	May 16, 1980.
Washington, D.C. DC80-3040 (DC81-3040).	May 16, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 29th day of May 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

JUN 18 1981 80-1764

Modification Page 1

DECISION NO. CO80-5140 - Mod. #5
(45 FR 70691 - October 24, 1980)
Las Animas, Otero, and Pueblo Counties, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Zone 1: 0-12 miles from Post Office					
Electricians	$13.99	$1.00	3%+1.00		1½%
Cable Splicers	15.39	1.00	3%+1.00		1½%
Zone 2: 12-20 miles from Post Office:					
Electricians	14.82	1.00	3%+1.00		1½%
Cable Splicers	16.22	1.00	3%+1.00		1½%
Zone 3: 20-32 miles from Post Office:					
Electricians	15.37	1.00	3%+1.00		1½%
Cable Splicers	16.77	1.00	3%+1.00		1½%
Zone 4: 32-50 miles from Post Office:					
Electricians	16.06	1.00	3%+1.00		1½%
Cable Splicers	17.46	1.00	3%+1.00		1½%
Zone 5: Over 50 miles from Post Office:					
Electricians	16.99	1.00	3%+1.00		1½%
Cable Splicers	18.39	1.00	3%+1.00		1½%
Electrical contracts under $20,000.00 in Zones 4 and 5	10.75	1.00	3%+1.00		1½%
Sprinkler Fitters	15.31	.95	1.40		.08

DECISION #IA81-4021 MOD. #2
46 FR 21560 April 19, 1981
STATEWIDE (Except Scott County) IOWA

CHANGE:					
ZONE 1:					
POWER EQUIPMENT OPERATORS:					
Group 1	$10.14	.50	.50		.10
Group 2	10.14	.50	.50		.10
Group 3	9.75	.50	.50		.10
Group 4	9.34	.50	.50		.10

Modification Page 2

DECISION NO. LA81-4024 - MOD. #1
(46 FR 24820 - May 1, 1981)
Statewide Louisiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Cement masons - Zone 7	$10.85	.60			
Electricians:					
Zone 2 - Electricians	14.00	.60	3%		.02
Cable splicers	14.50	.60	3%		.02

DECISION NO. MD81-3026 - MOD. #1
(46 FR 23382 - April 24, 1981)
Counties of Anne Arundel (excluding the D. C. Training School), Baltimore, Baltimore City, Maryland and for Heavy Construction Projects in Harford and Howard Counties, Maryland

CHANGE:					
ELEVATOR CONSTRUCTORS					
Mechanics	13.60	1.345	.95	a+b	.035
Helper	9.52	1.345	.95	a+b	.035
Probationary Helpers	6.80				
PAINTERS:					
Brush, roller, spackling, taping and wallcovering	11.20	1.10	.70		.09
Steel, spray, swinging stages, boatswain chair, sand and waterblasting, steam cleaning, and epoxies	11.95	1.10	.70		.09
Ames tool-bazooka	12.20	1.10	.70		.09
SPRINKLER FITTERS:					
Harford & Howard Counties and the remainder of Anne Arundel and Baltimore Counties	14.88	.95	1.40		.09

Modification Page 3

DECISION NO. NY81-3018 - Mod. #1
(46 FR 19174 - March 27, 1981)
Albany, Rensselaer, Saratoga & Schenectady Counties, New York

Modification Page 4

DECISION NO. NY81-3018 - Mod. #1
(46 FR 19174 - March 27, 1981)
Albany, Rensselaer, Saratoga & Schenectady Counties, New York

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
SCHEDULES #1, #2, & #3 (ZONE II), & #4					
CLASS D	11.87	.70	1.00	a	.025
CEMENT MASONS (Heavy & Highway)					
SCHEDULES #1, #2, #3 & #4	11.65	.70	1.00		
LABORERS (Heavy & Highway)					
SCHEDULE #1 (ZONE II) &					
SCHEDULE #2 (ZONE I)					
CLASS A	9.69	1.20	1.00	e	.15
CLASS B	9.89	1.20	1.00	e	.15
CLASS C	10.09	1.20	1.00	e	.15
CLASS D	10.29	1.20	1.00	e	.15
SCHEDULE #3 (ZONE II) &					
SCHEDULE #4					
CLASS A	9.84	.90	1.20		.10
CLASS B	10.04	.90	1.20		.10
CLASS C	10.24	.90	1.20		.10
CLASS D	10.44	.90	1.20		.10
MARBLE					
SCHEDULES #1, #2, #3 & #4	12.45	.70	1.00		
POWER EQUIPMENT OPERATORS (Heavy & Highway)					
SCHEDULES #1, #2 & #3					
GROUP 1	13.09	1.25	1.45	e	.15
GROUP 2	12.65	1.25	1.45	e	.15
GROUP 3	11.41	1.25	1.45	e	.15
GROUP 4	10.31	1.25	1.45	e	.15
SCHEDULE #4					
GROUP 1	13.09	1.25	1.45	e	.15
GROUP 2	12.65	1.25	1.45	e	.15
GROUP 3	11.41	1.25	1.45	e	.15
GROUP 4	10.31	1.25	1.45	e	.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OK80-4008 - Mod. #2					
45 FR 1375-January 5, 1980					
Comanche County, Oklahoma					
CHANGE:					
Painters	$8.05		.20	.70	.05
DECISION #MI80-2065 Mod #3					
(45 FR 54623 August 15, 1980)					
Allegan, Berrien, Calhoun, Clinton, Eaton, Ingham, Jackson & Kalamazoo Counties, Michigan					
ADD:					
ROOFERS:					
Berrien County:					
Composition, Damp, Waterproof	$12.75	.60	.50		.03
Slate, Tile & Asbestos	13.27	.60	.50		.03

UMI 1 8 5 E L 8 0 1 \ 6 4 V

DECISION NO. PA79-3020 - MOD. #5
(44 FR 42880 - July 20, 1979)
Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania

DECISION NO. PA80-3025 - MOD. #8
(45 FR 25015 - April 11, 1980)
Adams & York Counties, Pennsylvania

DECISION NO. PA80-3026 - MOD. #7
(45 FR 25017 - April 11, 1980)
Lehigh County, Pennsylvania

DECISION NO. PA80-3027 - MOD. #8
(45 FR 26654 - April 18, 1980)
Schuylkill County, Pennsylvania

DECISION NO. PA80-3028 - MOD. #7
(45 FR 25019 - April 11, 1980)
Berks County, Pennsylvania

DECISION NO. PA80-3029 - MOD. #8
(45 FR 28069 - April 25, 1980)
Lebanon County, Pennsylvania

DECISION NO. PA80-3030 - MOD. #6
(45 FR 36764 - May 30, 1980)
Luzerne County, Pennsylvania

DECISION NO. PA80-3031 - MOD. #5
(45 FR 59747 - August 29, 1980)
Bradford, Tioga, Union Counties, Pennsylvania

DECISION NO. PA80-3032 - MOD. #7
(45 FR 36767 - May 30, 1980)
Columbia, Montour & Snyder Counties, Pennsylvania

DECISION NO. PA80-3037 - MOD. #7
(45 FR 29522 - May 2, 1980)
Sullivan County, Pennsylvania

DECISION NO. PA80-3038 - MOD. #6
(45 FR 35148 - May 23, 1980)
Lancaster County, Pennsylvania

DECISION NO. PA80-3043 - MOD. #7
(45 FR 45849 - July 7, 1980)
Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania

DECISION NO. PA80-3044 - MOD. #6
(45 FR 49839 - July 25, 1980)
Northumberland County, Pennsylvania

DECISION NO. PA80-3056 - MOD. #4
(45 FR 60748 - September 12, 1980)
Lackawanna, Susquehanna, Wayne and Wyoming Counties, Pennsylvania

DECISION NO. PA80-3060 - MOD. #4
(45 FR 67531 - October 10, 1980)
Lycoming County, Pennsylvania

DECISION NO. PA80-3075 - MOD. #3
(45 FR 80638 - December 5, 1980)
Northampton County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
HEAVY & HIGHWAY CARPENTERS/PILEDRIVERMEN	11.02	.70	.90		
LABORERS: (HEAVY AND HIGHWAY)					
Asphalts, tampers, concrete pitmen, puddlers & rubbers, Highway guard rail, right of way and property line fence, Highway slab reinforcing placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen & signalmen, leaser beam (pipe laying, paving machine)	9.71	.70	.30		
Pneumatic and electric tool op. jackhammers, paving breakers, concrete saws, whacker vibrators, sheet hammers, steward, chain saws, pipelayers, asphalt rake, lute or screed men, concrete block layers	9.91	.70	.30		
Caisson-open air below 8 feet, cofferdam open air-below 8 feet where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road) wagon drill diamond point drill, gunite nozzle operators	10.26	.70	.30		
Blasters	10.49	.70	.30		
Reinforcing steel placers bonding, aligning and securing and burning and welding in conjunction with reinforcing steel	10.55	.70	.30		
Concrete surfaces	10.93	.70	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Free Air Tunnels and Rock Shafts					
Outside laborers in conjunction tunnels & rock shafts	10.35	.70	.30		
Chuck tenders, muckers, nippers, miners, & drillers helpers, inside laborers	10.64	.70	.30		
Miners, drillers, blasters, pneumatic shield operators lining, spotting & timers workmen, reinforcing steel placer, bonding, aligning and securing and concrete surfacers	11.12	.70	.30		
POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION					
Group 1	12.67	10%	10.3%		1.3%
Group 2	11.83	10%	10.3%		1.3%
Group 3	11.32	10%	10.3%		1.3%
Group 4	10.88	10%	10.3%		1.3%
Group 5	10.33	10%	10.3%		1.3%
Group 6	12.92	10%	10.3%		1.3%
Group 6-A	13.17	10%	10.3%		1.3%
Group 6-B	13.42	10%	10.3%		1.3%

UMI 1 8 5 E J 8 0 1 / 6 4 V

Group 1: Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pavers 21E and over, gradalls, all front end loaders, 4 cu. yds. and over, tandem scrapers, pippin type backhoes, Boat Captains, Batch plant with mixer, drill self contained (drillmaster type), CMI autograde, machines similar to above.

Group 2: Conveyor loader (EUC type), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, bulldozers and tractors, asphalt plant engineers, rollers (high grade finishing), all loaders under 4 cu. yds., mechanic-welders, motor patrols, machines similar to above

Group 3: Welding machine, well points, compressors, pumps heaters, farm tractors, form line graders, fine grade machine, ditch witch type trencher, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman - (for power equipment) conveyors loaders other than EUC type, conveyors, machines similar to above.

Group 4: Fireman

Group 5: Oilers and deck hands

Group 6: On all machines with booms (including jibs, masts, leads, etc.) 100 ft and over

Group 6-A: 150 ft. and over

Group 6-B: 200 ft. and over

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY & HIGHWAY TRUCK DRIVERS:					
CLASS I					
Helper, stake body truck (single axle), dumpster	11.07				
Class II					
Dump trucks, tandem & batch trucks, semi-trailer, agitator mixer trucks, ready mix and dumpcrete type vehicles, asphalt distributor when used for transportation stake body truck (tandem)	11.14				
Class III					
Euclid type, off-highway equipment back or belly dump truck and double hitched equipment, straddle (ross) carrier, lowbed trailers	11.63				
BUILDING & HEAVY CONSTRUCTION:					
POWER EQUIPMENT OPERATOR:					
Excluding the following Counties; Lackawanna, Susquehanna, Wyoming, Monroe, Pike, Wayne & Luzerne					
GROUP 1	14.27	10%	10.3%	a	1.3%
GROUP 2	13.98	10%	10.3%	a	1.3%
GROUP 3	13.11	10%	10.3%	a	1.3%
GROUP 4	12.34	10%	10.3%	a	1.3%
GROUP 5	11.87	10%	10.3%	a	1.3%
GROUP 6	10.96	10%	10.3%	a	1.3%
GROUP 7	14.52	10%	10.3%	a	1.3%
GROUP 7-A	14.77	10%	10.3%	a	1.3%
GROUP 7-B	15.01	10%	10.3%	a	1.3%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helocopters, machines similar to the above

GROUP 2 : All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over, machine similar to the above.

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines concrete breaking machines, rollers, seaman pulverzing mixer, power broom, seeding spreader, tireman (for power equipment) machines similar to above

GROUP 5: - Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc): 100 ft. and over

GROUP 7-A: 150 ft. and over
GROUP 7-B: 200 ft. and over

FOOTNOTES:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. TX80-4098 - MOD. #3 (45 FR 80643 - December 5, 1980) Bowie County, Texas					
CHANGE:					
Line construction:					
Linemen	$14.45		3%		1/2%
Cable splicers	14.88		3%		1/2%
Hole digger op., heavy equipment ops. (or pole cat equivalent); powdermen	13.15		3%		1/2%
Line truck driver (winch op.)	11.85		3%		1/2%
Jackhammer man	10.84		3%		1/2%
Groundman	9.68		3%		1/2%
Truck driver (flat bed, ton & half & under)	10.26		3%		1/2%
DECISION NO. TX81-4006 - MOD. #2 (46 FR 1547 - January 6, 1981) Brazos County, Texas					
CHANGE:					
Pipefitters	15.20	.95	.80		.06
DECISION NO. TX81-4007 - MOD. #3 (46 FR 1548 - January 6, 1981) Ector & Midland Cos., Texas					
CHANGE:					
Ironworkers:					
Structural, ornamental & reinforcing	11.70	.55	1.70		.10
All ironworkers on jobs 30 miles or more from Terminal (midway Odessa-Midland)	11.825	.55	1.70		.10

UMI 1 8 3 7 8 0 1 7 6 4 7

Modification Page 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4015 - MOD. #3 (46 FR 20448 - April 3, 1981) Jefferson & Orange Cos., Texas					
CHANGE:					
Roofers:					
Composition	$12.71	.57	.50	.35	.06
Slate & tile	13.46	.57	.50	.35	.06
Kettlemen	11.83	.57	.50	.35	.06
DECISION NO. TX81-4030 - MOD. #1 (46 FR 25984 - May 8, 1981) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas					
CHANGE:					
Electricians:					
Zone 1 - Electricians	13.38	.60	3%+.50		1/2%
Cable splicers	14.72	.60	3%+.50		1/2%
Zone 2 - Electricians	13.10	.60	3%		1/10%
Cable splicers	13.35	.60	3%		1/10%
Ironworkers - Zone 2	11.825	.55	1.70		.10
Line construction:					
Zone 1:					
Lineman; operators	13.10	.60	3%		1/2%
Cable splicers	13.35	.60	3%		1/2%
Groundman	70%JR	.60	3%		1/2%
Zone 2:					
Linemen	13.38	.60	3%+.50		1/2%
Cable splicers	14.72	.60	3%+.50		1/2%
Groundmen	8.84	.60	3%+.50		1/2%
Operator-hole digger, line truck	10.29	.60	3%+.50		1/2%
Flat bed truck driver	7.76	.60	3%+.50		1/2%
ADD:					
Roofers	8.00				

Modification Page 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4032 - MOD. #2 (46 FR 25981 - May 8, 1981) Galveston & Harris Cos., Texas					
CHANGE:					
Pipefitters	$15.20	.95	.80		.06
Roofers:					
Composition	12.71	.57	.50	.35	.06
Slate & tile	13.46	.57	.50	.35	.06
Kettlemen	11.83	.57	.50	.35	.06
DECISION NO. WA81-5107 - Mod #6 (46 FR 20452 - April 3, 1981) Statewide Washington					
ADD:					
LINE CONSTRUCTION: (Fringe Benefits only)					
Group 7		.45	3% + 1.10	.10	1/2%
CHANGE:					
ELECTRICIANS:					
Area 4:					
Electricians	$19.62	.98	3% + 1.80		.10
Cable Splicers	21.58	.98	3% + 1.80		.10
Area 6:					
Electricians	18.50	.90	3% + 2.00	5%	.02
Cable Splicers	20.35	.90	3% + 2.00	5%	.02
Area 8:					
Electricians	19.55	.90	3% + .45		.04
Cable Splicers	21.51	.90	3% + .45		.04
PLASTERERS:					
Area 2	16.23	1.00	2.00		.12
ROOFERS:					
Area 4:					
Roofers; Waterproofers	15.13	.95	1.37		.10
Slate and Tile Roofers	15.33	.95	1.37		.10
SHEET METAL WORKERS:					
Area 2	20.12	3% + .79	.94		.14
Area 5	19.29	3% + .88	1.68		.14
Area 6	18.80	3% + .88	1.68		.14
LABORERS (AREA 2)					
Group 1A	9.27	1.10	1.40		.08
Group 1B	14.30	1.10	1.40		.08
Group 2	14.64	1.10	1.40		.08
Group 3	14.78	1.10	1.40		.08
Group 4	14.88	1.10	1.40		.08

Modification Page 15

Modification Page 16

DECISION NO. WA81-5107 (Cont'd)

DECISION NO. WA81-5107 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LABORERS (AREA 1)					
BUILDING CONSTRUCTION					
All Counties and portions of Counties East of the 120th Meridian (Except DOE Hanford Site in Benton and Franklin Counties)					
Group 1	13.07	1.12	1.30		.10
Group 2	13.32	1.12	1.30		.10
Group 3	13.57	1.12	1.30		.10
Group 4	13.82	1.12	1.30		.10
LABORERS (AREA 4)					
Group 1A	9.27	1.10	1.40		.08
Group 1B	14.30	1.10	1.40		.08
Group 2	14.64	1.10	1.40		.08
Group 3	14.78	1.10	1.40		.08
Group 4	14.88	1.10	1.40		.08
POWER EQUIPMENT OPERATORS (AREA 2)					
All Counties and portions of Counties West of the 120th Meridian (Except those enumerated in Area 3)					
Group 1	18.12	1.20	1.75		.16
Group 2	17.62	1.20	1.75		.16
Group 3	17.18	1.20	1.75		.16
Group 4	16.82	1.20	1.75		.16
Group 5	16.52	1.20	1.75		.16
Group 6	14.72	1.20	1.75		.16

DECISION NO. WA81-5107 (Cont'd)

CHANGE:

CEMENT MASONS (AREA 1)

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Group 1	$14.55	15.70	16.15	16.85	17.50
Group 2	15.05	16.20	16.65	17.35	18.00
Group 3	15.55	16.70	17.15	17.85	18.50
FRINGE BENEFITS:					
Health & Welfare	1.00				
Pension	1.75				
Appr. Training	.15				

LABORERS (AREA 1) HEAVY & HIGHWAY CONSTRUCTION
All Counties and portions of Counties East of the 120th Meridian except DOE Hanford Site in Benton and Franklin Counties

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Group 1	13.07	14.22	14.67	15.37	16.02
Group 2	13.32	14.47	14.92	15.62	16.27
Group 3	13.57	14.72	15.17	15.87	16.52
Group 4	13.82	14.97	15.42	16.12	16.77
FRINGE BENEFITS:					
Health & Welfare	1.12				
Pension	1.30				
Appr. Training	.10				

POWER EQUIPMENT OPERATORS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian except DOE Hanford Site in Benton and Franklin Counties

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Group 1	13.10	14.25	14.70	15.40	16.05
Group 2	13.40	14.55	15.00	15.70	16.35
Group 3	13.95	15.10	15.55	16.25	16.90
Group 4	14.10	15.25	15.70	16.40	17.05
Group 5	14.25	15.40	15.85	16.55	17.20
Group 6	14.50	15.65	16.10	16.80	17.45
Group 7	14.75	15.90	16.35	17.05	17.70
Group 8	15.75	16.90	17.35	18.05	18.70
FRINGE BENEFITS:					
Health & Welfare	1.30				
Pension	2.00				
Appr. Training	.10				

UMI 1 8 3 5 7 3 0 8 7 6 4 V

DECISION NO. WA81-5107 (Cont'd)

CHANGE:

TRUCK DRIVERS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian except DOE Hanford Site in Benton & Franklin Counties

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Group 1	$14.52	15.67	16.12	16.82	17.47
Group 2	14.56	15.71	16.16	16.87	17.51
Group 3	14.62	15.77	16.22	16.92	17.57
Group 4	14.71	15.86	16.31	17.01	17.66
Group 5	14.92	16.07	16.52	17.22	17.87
Group 6	14.96	16.11	16.56	17.26	17.91
Group 7	15.02	16.17	16.62	17.32	17.97
Group 8	15.06	16.21	16.66	17.36	18.01
Group 9	15.17	16.32	16.77	17.47	18.12
Group 10	15.21	16.36	16.81	17.51	18.16
Group 11	15.52	16.67	17.12	17.77	18.47
Group 12	15.66	16.81	17.26	17.96	18.61
Group 13	15.82	16.97	17.42	18.12	18.77
Group 14	15.96	17.11	17.56	18.26	18.91

FRINGE BENEFITS:
Health & Welfare 1.34
Pension 1.47
Appr. Training .09

DECISION NO. WI80-2013 - MOD. #5

(45 FR 32382 - April 2, 1980)
Milwaukee, Ozaukee, Washington, Waukesha Cos., Wisconsin

Change:

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$14.12	1.60	1.35	.51	.12
Millwrights	14.94	1.60	1.35	.51	.12
Piledrivermen	15.02	1.60	1.35	.51	
Electricians	15.49	1.20	3%+.68	10%	2½%

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Duval
DECISION NUMBER: FL81-1240 DATE: Date of Publication
Supersedes Decision No. FL80-1075 dated June 20, 1980 in 45 FR 41831
DESCRIPTION OF WORK: Building Construction (does not include single family homes or apartments of four stories or less)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	12.93	.65	1.10		.08
Boilermakers	12.90	1.375	1.20		.04
Bricklayers	11.65	.55	.50		.06
Carpenters & Piledrivermen	11.32	.72	.80		.06
Cement Masons	10.31	.45	.40		.01
Electricians					
Wiremen	12.15	.60	3% +.81	.81	.07
Cable Splicer	12.50	.60	3% +.81	.81	.07
Elevator Constructors					
Mechanics	11.29	1.195	.95	a & b	.035
Helper	7.90	1.195	.95	a & b	.035
Probationary Helper	5.645				
Ironworkers	11.65	.70	.90		.03
Laborers					
Gunnite Workers, Mechanical Tool Operators, Power Buggy Operators, & Pipelayers	7.42	.30	.25		
Unskilled	7.22	.30	.25		
Linemen					
Linemen	12.00	.45	3% +1.00	.70	.10
Cable Splicer	12.20	.45	3% +1.00	.70	.10
Heavy Equipment Operator	10.60	.45	3% + .85	.64	.10
Winch Truck Operator	8.41	.45	3% + .68	.51	.10
Groundmen	5.86	.45	3% + .47	.35	.10
Millwrights	11.64	.72	.80		.05
Painters	9.95	.70	.60		
Plasterers	9.00	.40	.30		
Plumbers	12.75	.70	.80		.10
Roofers					
Roofers	10.86	.50	.25		.025
Kettlemen	8.15	.50	.25		.025
Sheet Metal Workers	11.50	3% +.91	.96		.12
Sprinkler Fitters	12.65	.85	1.20		.13
Welders - Rate for craft					

FL81-1240 cont.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers					
Dump Trucks, Flat Bed Trucks, Pole Trucks, Pickup Trucks, Semi-Trailer Trucks, Tractor Trailer Trucks, Transit Mix Trucks, Water Trucks	7.42	.30	.25		

SUPERSEDEAS DECISION

STATE: GEORGIA COUNTIES: CAMDEN, GLYNN, & McINTOSH
DECISION NUMBER: GA81-1241 DATE: DATE OF PUBLICATION

FL81-1240 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Group I	12.18	.55	.50		.06
Group II	11.00	.55	.50		.06
Group III	8.80	.55	.50		.06

GROUP I - Crane or derrick operator, clam shell operator, dragline operator, piledriver operator including Auger & Boring Machine operator for drilling in piling, backhoe operator, hydra crane operator, grade all operator, shovel operator, patrol operator, cable ways operator, tug boat captain (150 H.P. or more), multi-bowl operater (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cubic yard scrapers), side boom cat operator, multi-drum hoist operator for rigging work, mechanic (heavy equipment), tower crane operator (stationary, climbing, and traveling), gantry crane operator, locomotive crane operator, bridge crane operator (over 20 ton capacity), concrete pump with boom (mobile) operator, high lift or fork lift operator (10' or higher),
GROUP II - Bulldozer operator, bridge crane operator (20 tons & under), highlift or forklift operator (less than 10'), straddle buggy operator, hoist operator (other than rigging work) including winch truck operator where winch truck is not mobile and used as a hoist, trenching machine operator (ladder & wheel type) over 6' cut and over 24'' in width, concrete paver operator, scraper operator, front end loader operator, fireman-floating equipment, mobile winch truck operator, self propelled sub-grader operator, asphalt paving machine operator, lubricating engineer (mobile plant), pavement breaker operator,
GROUP III - Tractor operated sweeper operator, trenching machine operator (ladder & wheel type) maximum cut 6' and maximum width 24'', fireman, self propelled roller operators, wellpoint pump operator & supervise installation (one operator for 3 pumps, not including standby units, within 300 ft. radius), asphalt distributor operator, water truck driver, motor boat operator, oiler, pumpman (other than wellpoint) up to and including pumps within 300 ft. radius, conveyor operators (motor operated), welding machine operator (3 or more combustion type), pulver mixer operator, compressor operator (from 1 up to and including 3 compressors) within 300 ft. radius, self propelled sweeper operator, combination pump, compressor & combustion type welding machine operator. (any group of 3 units) with 300 ft. radius, concrete mixer operator, concrete pump operator, tractor, tractor operator, street sweeping machine operator

FOOTNOTES:
a. Six Paid Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, & Christmas Day
b. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years; 8% for more employee who has worked in business more than 5 years.
Unlisted Classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: GEORGIA COUNTIES: CAMDEN, GLYNN, & McINTOSH

DECISION NUMBER: GA81-1241 DATE: DATE OF PUBLICATION

Supersedes Decision Number GA79-1058, dated March 30, 1979, in 44 FR 19110.

DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS (includes single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 7.25				
BRICKLAYERS	8.67				
CARPENTERS	6.00				
CEMENT MASONS	6.50				
DRYWALL FINISHERS	6.85				
DRYWALL HANGERS	7.28				
ELECTRICIANS	7.00				
INSULATION INSTALLERS	4.97				
IRONWORKERS	7.00				
LABORERS:					
Unskilled	4.00				
Asphalt rakers	4.25				
Plasterer tenders	4.39				
Mason tenders	4.75				
Pipe layers	4.81				
PAINTERS	6.45				
PLASTERERS	7.40				
PLUMBERS & PIPEFITTERS	7.30				
ROOFERS	6.77				
SHEET METAL WORKERS	6.64				
SOFT FLOOR LAYERS	6.50				
TILE SETTERS	6.50				
TRUCK DRIVERS	4.66				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.58				
Bulldozer	5.25				
Front end loader	5.00				
Motor grader	6.00				
Roller	4.58				
Spreader - screed	5.25				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).					

UMI 1 8 0 1 3 5 7 8 0 1 6 4 V

SUPERSEDEAS DECISION

STATE: Idaho COUNTIES: Statewide
DECISION NUMBER: ID81-5125 DATE: Date of Publication
Supersedes Decision No. ID80-5146 dated December 12, 1980, in 45 FR 81960
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:*					
Area 1	$16.84	.85	$1.45		.04
Area 2	14.36	.77	1.52		
BOILERMAKERS:*					
Area 1	16.01	1.30	1.25	1.00	.04
Area 2	14.71	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons:*					
Area 1	15.00		1.00		
Area 2	15.38	.80	1.00		.05
Area 3	14.19	1.00	1.10		.05
Area 4	12.25	.90	1.00		
Area 5	13.90	.90	.60		
Area 6	12.95	.90	.75		
CARPENTERS:*					
Area 1:					
Carpenters Floor Finisher; Floor Layer; Floor Sander Operator; Sawfiler; Shinglers; Stationary Power Saw Operators, and Operators of other stationary power wood-working tools; Pile-drivermen	14.04	.96	1.20		.10
Carpenters working burned, charred, creosoted or similarly treated materials; Boom Man	14.19	.96	1.20		.10
Millwrights and Machine Erectors	14.29	.96	1.20		.10
Piledriver (creosoted material)	14.54	.96	1.20		.10
	14.44	.96	1.20		.10

*See AREA Descriptions - Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:* (Cont'd)					
Area 2:					
Zone 1:					
Carpenters; Floor Layers; Shinglers; Drywall Applicator	$12.10	$1.25	$1.30	$1.00	.20
Saw Filer; Stationary Machine Operator; Pile-drivermen; Bridgeman and Wharf Builders; Automatic Pile Threader	12.27	1.25	1.30	1.00	.20
Millwrights and Machine Erector; Piledriverman's Boom Man	13.39	1.25	1.30	1.00	.20
Zone 2:					
Carpenters; Floor Layers; Shinglers; Drywall Applicator	13.60	1.25	1.30	1.00	.20
Saw Filer; Stationary Machine Operator; Pile-driverman; Bridgeman and Wharf Builders; Automatic Pile Threader	13.77	1.25	1.30	1.00	.20
Millwrights and Machine Erector; Piledriverman's Boom Man	13.89	1.25	1.30	1.00	.20
Zone 3:					
Carpenters; Floor Layers; Shinglers; Drywall Applicator	13.85	1.25	1.30	1.00	.20
Saw Filer; Stationary Machine Operator; Pile-driverman; Bridgeman and Wharf Builders; Automatic Pile Threader	14.02	1.25	1.30	1.00	.20
Millwrights and Machine Erector; Piledriverman's Boom Man	14.14	1.25	1.30	1.00	.20

*See AREA Descriptions - Page 3
*ZONE Descriptions - following Truck Drivers' Classifications

AREA DESCRIPTIONS

CEMENT MASONS* (AREA 1)
Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce,

AREA DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of a line bisecting Idaho County); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties
Area 2: Remaining Counties and Idaho County (south of a line bisecting Idaho County)

BOILERMAKERS:
Area 1: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties
Area 2: Remaining counties

BRICKLAYERS; Stonemasons:
Area 1: Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties
Area 2: Clearwater, Idaho, Latah, Lewis, and Nez Perce Counties
Area 3: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties
Area 4: Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties
Area 5: Bingham County (north of City of Blackfoot); Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton Counties
Area 6: Bannock and Bear Lake Counties; Bingham County (south of the City of Blackfoot); Caribou, Franklin, Oneida, and Power Counties

CARPENTERS:
Area 1: Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the northern boundary of Township #29 North); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties
Area 2: Remaining Counties and Idaho County (south of the 46th Parallel)

CEMENT MASONS* (AREA 1)
Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$14.55	$15.70	$16.15	$16.85	$17.50
2	15.05	16.20	16.65	17.35	18.00
3	15.55	16.70	17.15	17.85	18.50

FRINGE BENEFITS:	
Health and Welfare	$ 1.00
Pension	1.75
Apprenticeship Training	0.15

Group 1: Rodding, Tamping, Floating, Troweling, Patching, Stoning, Rubbing, Sack Rubbing; All exposed aggregate finishing; Setting of Screeds, Screed Forms, curb and gutter and sidewalk forms; Preparation of all concrete for caulking of the joints and the caulking of expansion joints; Preparation of concrete for the application of hardeners, sealers and curing compounds and their application; Grouting and dry packing of machine base; Removal of Snap Ties and She-bolts prior to patching of concrete

Group 2: Power Troweling Machine Operator; Troweling of magnesite, torganal or material with epoxy bases or oxichloride base; All power Grinders, Bushing Hammer, Chipping Gun; Gunnite Nozzleman; All Sandblasting for architectural finishes and exposing of aggregate for finish; Concrete sawing and cutting for expansion joints and scoring for decorative pattern; Operating of Clary-type Floats, Longitudinal Floats, Rodding Machines, and Belting Machines; Scarifiers

Group 3: Grinding, Bushing or Chipping of toxic materials or high-density concrete; Operating of power tools on a scaffold

*See ZONE Descriptions - following TRUCK DRIVERS' Classifications

UMI 1 8 3 1 3 5 7 8 0 1 1 6 4 V

CEMENT MASONS* (AREA 2)
Remaining Counties and Idaho County (south of the 46th Parallel)

GROUPS	ZONE 1	ZONE 2	ZONE 3
1	$11.64	$13.14	$13.39
2	11.84	13.34	13.59
FRINGE BENEFITS:			
Health and Welfare	$ 1.04		
Pensions	1.00		
Vacation	1.50		
Apprenticeship Training	0.25		

Group 1: Cement Mason (including but not limited to hand chipping and patching; All types grouting and painting of all concrete construction; Screed setting including screed pins; Dry packing of all concrete including Embeco; Plugging and filling all voids, etc., concrete construction; Waterproofing of concrete with thurnseal or similar materials)

Group 2: Cement Mason (magnesite, terrazzo and mastic composition, two component epoxies);Clary and similar type screed operator; Jackson Vibrator and similar type Screed Operator; Sandblasting of concrete for architectural finishes only; Power Chipping and Bush-hammer; All color concrete work; Power Trowel Operator; Power Grinder Operator; Gunite and composition floor layer)

*See ZONE Descriptions - following TRUCK DRIVERS' Classifications

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:*					
Area 1:					
Electricians	$17.85	.95	3%+.40		.02
Cable Splicers	18.25	.95	3%+.40		.02
Area 2:					
Electricians	13.90	.75	3%+1.00		1%
Cable Splicers	15.29	.75	3%+1.00		1%
Area 3:					
Electricians; Technicians	14.25	.75	3%+1.00		1%
Cable Splicers	15.68	.75	3%+1.00		1%
ELEVATOR CONSTRUCTORS:*					
Area 1:					
Elevator Constructors	16.835	1.195	.95	a	.035
Helpers	11.78	1.195	.95	a	.035
Probationary Helpers	8.42				
Area 2:					
Elevator Constructors	12.91	1.195	.95	a	.035
Helpers	9.04	1.195	.95	a	.035
Probationary Helpers	6.455				
GLAZIERS:*					
Area 1	11.84	.69	.80		
Area 2	12.51	.42	.70	4%	.02
Area 3	12.81	.49	.30		
Area 4	10.05	.42	.10	b	
IRONWORKERS:*					
Ornamental; Reinforcing; Structural:					
Area 1	15.66	.93	1.90		.10
Area 2	15.35	.93	1.90		.10
Area 3	13.19	.90	1.45		.02
MARBLE SETTERS:*					
Area 1	15.00		1.00		
Area 2	15.38	.80	1.00		.05
Area 3	14.19	1.00	1.10		.05
Area 4	12.25	.90	1.00		
Area 5	13.90	.90	.60		
Area 6	11.25	.90	.75		

*See AREA Descriptions - Page 7

AREA DESCRIPTIONS

AREA DESCRIPTIONS

ELECTRICIANS:
Area 1: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties
Area 2: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties
Area 3: Remaining Counties

ELEVATOR CONSTRUCTORS:
Area 1: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties
Area 2: Remaining Counties, except Adams, Lemhi, Valley, and Washington Counties

GLAZIERS:
Area 1: Benewah and Clearwater Counties; Idaho County (the north part, from a line running east and west through the north limits of Elk City); Latah, Lewis, and Nez Perce Counties
Area 2: Bonner, Boundary, Kootenai, and Shoshone Counties
Area 3: Ada; Adams, Boise, Canyon, Elmore, and Gem Counties; Gooding County (the west part, from a line running north and south through the eastern limits of the City of Bliss); Idaho County (the south part from a line running east and west through the north limits of Elk City); Owyhee, Payette, Valley and Washington Counties
Area 4: Remaining Counties and Gooding County (the wast part, from a line, running north and south through the eastern limits of the City of Bliss)

IRONWORKERS:
Area 1: Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties
Area 2: Those portions of Adams, Idaho, Valley, and Washington Counties located south of the 46th Parallel and north of the Weiser-Gibbonsville Line
Area 3: Remaining Counties and those portions of Adams, Idaho, Valley and Washington Counties located south of the Weiser-Gibbonsville Line

MARBLE SETTERS:
Area 1: Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties
Area 2: Clearwater, Idaho, Latah, Lewis, and Nez Perce Counties
Area 3: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties
Area 4: Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties
Area 5: Bingham County (north of the City of Blackfoot); Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton Counties
Area 6: Bannock and Bear Lake Counties; Bingham County (south of the City of Blackfoot); Caribou, Franklin, Oneida, and Power Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:*					
Area 1:					
Brush	$13.43	.69	$ 1.10		.02
Spray; Steel; Steam Cleaning; Rollers (over 9" or 10" handle); Finish Drywall Taper	13.93	.69	1.10		.02
Swing Stage, over 30 ft. high	14.13	.69	1.10		.02
Bitumastic; Sand Blast; Bridge; Towers; Stacks; Steeples; Tanks on Legs	14.23	.69	1.10		.02
Tapers	13.28	.69	1.10		.02
Area 2:					
Painters and Tapers	11.37	.63	.50		
Area 3:					
Painters and Tapers	12.37	.63	.50		
Area 4:					
Work within 28 ft. of the surface:					
Painters and Tapers	11.74	.69	.50		1%
Spray	12.50	.69	.50		1%
Sand Blasting; Steel	12.45	.69	.50		1%
Work over 28 ft. in height, or downhole more than 28 feet:					
Painters and Tapers	12.74	.69	.50		1%
Spray	13.50	.69	.50		1%
Sand Blasting; Steel	13.45	.69	.50		1%
PLASTERERS:*					
Area 1	12.61	.95	1.50		.15
Area 2	10.71	1.04	.85	1.25	.20
PLASTERERS' TENDERS:*					
Area 1	12.35	.97	1.10		.10
PLUMBERS:*					
Area 1	18.98	.90	1.45		.12
Area 2	14.67	1.24	2.40		.10

*See AREA Descriptions - Page 9

UMI 1 8 3 5 7 3 0 1 7 6 4 7

AREA DESCRIPTIONS

PAINTERS:
Area 1: Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (the north part, from a line running east and west through the north limits of Elk City); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties
Area 2: Ada, Adams, Boise, and Canyon Counties; Elmore County (except Mt. Home AFB); Gem County; Gooding County (the west part, from a line running north and south through the eastern limits of the City of Bliss); Idaho County (the south part, from a line running east and west through the north limits of Elk City); Owyhee, Payette, Valley, and Washington Counties
Area 3: Elmore County (Mt. Home AFB)
Area 4: Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, and Fremont Counties; Gooding County (the east part, from a line running north and south through the eastern limits of the City of Bliss); Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton, and Twin Falls Counties

PLASTERERS:
Area 1: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties
Area 2: Remaining Counties

PLASTERERS' TENDERS:
Area 1: Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties

PLUMBERS:
Area 1: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Nez Perce, and Shoshone Counties
Area 2: Remaining Counties (excluding Idaho and Lewis Counties)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:*					
Area 1	$13.06	.85	1.45		.10
Area 2:					
Roofers; Kettlemen	13.00	.85	.30		
Roofers working with coal tar and pitch products	15.00	.85	.30		
Area 3	11.83	.85	.50		
SHEET METAL WORKERS:*					
Area 1	16.74	3[illegible]+.73	1.50		.20
Area 2	13.71	.73	.96		.21
Area 3	12.63	.95	.69		.10
SOFT FLOOR LAYERS:*					
Area 1	10.41	.47	1.00		
Area 2	12.39	.69	.60		
Area 3	8.26	.49	.10		.10
SPRINKLER FITTERS	15.84	.95	1.40		.08
TERRAZZO WORKERS and TILE SETTERS:*					
Area 1	15.00		1.00		
Area 2	13.50	.80	2.00		
Area 3	14.19	1.00	1.10		.05
Area 4	12.25	.90	1.00		
Area 5	13.90	.90	.60		
Area 6	11.[illegible]5	.90	.75		
WELDERS: Receive the rate prescribed for craft performing operation to which welding is incidental.					

*See AREA Descriptions - Page 11

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for 5 years' service, 6% of basic hourly rate for 6 months' to 5 years' ser-

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for 5 years' service, 6% of basic hourly rate for 6 months' to 5 years' service, as Vacation Pay Credit. Seven Paid Holidays: A thru G.
b. All employees who have been employed for a period of one year shall have 2 weeks' vacation with pay, also seven Paid Holidays: A, B, C, E, F, G, plus Veterans' Day

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving; G-Christmas Day

AREA DESCRIPTIONS

ROOFERS:
Area 1: Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties
Area 2: Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, and Gem Counties; Idaho County (south of the 46th Parallel); Lemhi, Owyhee, Payette, Valley, and Washington Counties
Area 3: Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, and Teton Counties

SHEET METAL WORKERS:
Area 1: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties
Area 2: Ada, Adams, Blaine, Boise, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Idaho, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, Valley, and Washington Counties
Area 3: Remaining Counties

SOFT FLOOR LAYERS:
Area 1: Clearwater County; Idaho County (the north part from a line running east and west through the north limits of Elk City); Latah, Lewis, and Nez Perce Counties
Area 2: Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties
Area 3: Ada, Adams, Boise, Canyon, Elmore, and Gem Counties; Gooding County (the west part, from a line running north and south through the eastern limits of the City of Bliss); Idaho County (the south part, from a line running east and west through the north limits of Elk City); Owyhee, Payette, Valley, and Washington Counties

TERRAZZO WORKERS and TILE SETTERS:
Area 1: Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties
Area 2: Clearwater, Idaho, Latah, Lewis, and Nez Perce Counties
Area 3: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties
Area 4: Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties
Area 5: Bingham County (north of the City of Blackfoot); Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton Counties
Area 6: Bannock and Bear Lake Counties; Bingham County (south of the City of Blackfoot); Caribou, Franklin, Oneida, and Power Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (AREA 1): Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties:					
Building Construction:					
Group 1	$13.07	$1.12	$1.30		.10
Group 2	13.32	1.12	1.30		.10
Group 3	13.57	1.12	1.30		.10
Group 4	13.82	1.12	1.30		.10

Heavy and Highway Construction

Groups	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
1	$13.07	$14.22	$14.67	$15.37	$16.02
2	13.32	14.47	14.92	15.62	16.27
3	13.57	14.72	15.17	15.87	16.52
4	13.82	14.97	15.42	16.12	16.77

FRINGE BENEFITS:

Health and Welfare	$1.12
Pensions	1.30
Apprenticeship Training	0.10

*See ZONE Descritpions - following TRUCK DRIVERS' Classifications

UMI 1 8 3 5 7 8 0 1 7 6 4

LABORERS (AREA 1)
Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties

Building, Heavy and Highway Construction

Group 1: Brush Hog Feeder; Carpenter Tender; Cement Handler; Concrete Crewman (includes stripping of forms, hand operating jacks on slip form construction, application of concrete curing Compounds, Pumpcrete Machine, Signaling, handling the Nozzle of Squeezecrete or similar machine - 6 inches and smaller); Concrete Signalman; Crusher Feeder; Demolition (includes clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (includes guard rails, guide and reference posts, sign posts and right-of-way markers); Form Cleaning Machine Feeder, Stacker; General Laborer; Grout Machine Header Tender; Bullgang, Concrete Crewman, Dumpman and Pumpcrete Crewman, including distributing pipe, assembly and dismantle, and Nipper; Nipper; Rip-rap Man; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural mover (includes separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Track Laborer (RR); Truck Loader; Well-point Man; Window Cleaner

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Setter, paving; Grade Checker using level; Jackhammer Operator; Brakeman, Finisher, Vibrator and Form Setter; Nozzleman (includes squeeze and flow-crete nozzle); Nozzleman, water, air or steam; Pavement Breaker, under 90 lbs.; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Railroad equipment, power-driven, except dual mobile power Spiker or Puller; Railroad power Spiker or Puller, dual mobile; Rodder and Spreader; Tamper (includes operation of Barco, Essex and similar tampers); Trencher, Shawnee; Tugger Operator; Wagon Drills; Water Pipe Liner; Wheelbarrow, power-driven

Group 3: Air Track Drill; Brush Machine (includes horizontal construction joint clean-up brush machine, power-propelled); Caisson Worker, free air; Chain Saw Operator and Faller; Concrete Stack (includes laborers whenworking on free-standing concrete stacks for smoke or fume control above 40 ft. high); Gunite (includes operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (includes Grade Checkers and Elevation control); Miner, Nozzleman for concrete, and Laser Beam Operator on tunnels; Monitor Operator, air track or similar mounting; Mortar Mixer; Nozzleman (includes Jet Blasting Nozzleman, over 1200 lbs., Jet Blast Machine, power-propelled, Sandblast Nozzle); Pavement Breaker, 90 lbs. and over; Pipelayer (includes working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Value or Meter Installer, Tamper); Pipewrapper; Vibrators, all

Group 4: Drills with dual masts; Raise and Shaft Miner, Laser Beam Operator on raises and shafts; Powderman (receives, $0.25 additional per hour); Welder, electric, manual or automatic

LABORERS (AREA 2)
Remaining Counties and Idaho County (south of the 46th Parallel)

Groups	Zone 1	Zone 2	Zone 3
1	$ 9.36	$10.86	$11.11
2	9.46	10.96	11.21
3	9.56	11.06	11.31
4	9.66	11.16	11.41
5	9.71	11.21	11.46
6	9.96	11.46	11.71
7	10.21	11.71	11.96
	Underground Work:		
8	9.51	11.01	11.26
9	9.66	11.16	11.41
10	9.96	11.46	11.71

FRINGE BENEFITS:	
Health and Welfare	$ 0.90
Pensions	1.49
Vacation	0.60
Apprenticeship Training	0.15

*See ZONE Descriptions - following TRUCK DRIVERS' Classifications

LABORERS (AREA 2)
Remaining Counties and Idaho County (south of the 46th Parallel)

LABORERS (AREA 2)
Remaining Counties and Idaho County (south of the 46th Parallel)

Group 1: General Laborers; Sloper, clearing and grading; Form Stripper; Concrete Crew; Concrete Curing Crew; Carpenter Tender; Asphalt Laborer; Hopper Tender; Heater Tender; Stake Jumper; Choker Setter; Spreader and Weighman; Power Wheelbarrow; Scouring Concrete; Rip Rap Man (hand placed); Fence Erector and Installer, manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Crusher Tender; Cribbing and Shoring (in open ditches); Machinery and parts Cleaner; Leverman, manual or mechanical; Demolition, salvage; Landscaper; Tool Room Man

Group 2: Chuck Tender; Driller Tender; Air Tampers; Gunite Nozzleman Tender; Pipewrapper; Tar Pot Tender; Concrete Sawyer; Signalman, handling cement; Dumpman; Steam Nozzleman; Air and water Nozzleman (Green Cutter, concrete); Vibrator (less than 4"); Pumpcrete and Grout Pump Crew; Hydraulic Monitor

Group 3: Pipelayer, including sewer, drainage, sprinkler systems and water lines; Free Air Caisson; Jackhammer; Paving Breaker; Powderman Tender; Asphalt Raker; Gasoline powered Tamper; Electric Ballast Tamper; Sand Blasting; Form Setter, airport paving; Gunman (Gunite); Manhole Setter; Hand guided machines, such as Roto Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc.; Form Setter (highway, curb and gutter); Vibrator (4" and over); Timber Faller and Bucker; Metal Pan Installer

Goup 4: Hod Carrier; Mason Tender; Plaster Tender; Mason Tender (concrete); Terrazzo-Tile Tender

Group 5: Highscaler; Wagon Drill; Grade Checker; Gunite Nozzleman

Group 6: Diamond Drills; Drillers on Drills with Manufacturers' rating 3" or over

Group 7: Powderman

Group 8: Reboundman; Chucktender; Nipper; Dumpman; Vibrator (less than 4"); Brakeman; Mucker; Bullgang

Group 9: Form setter and Mover

Group 10: Miners; Machinemen; Timbermen; Steelmen; Drill Doctors; Spaders and Tuggers; Spilling and/or Caisson Workers; Vibrator (over 4")

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION WORKERS:					
(AREA 1):					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties:					
Cable Splicers; Leadman Pole Sprayer	$17.71	.45	3%+1.70	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	16.00	.45	3%+1.70	.10	1/2%
Tree Trimmer	14.44	.45	3%+1.70	.10	1/2%
Line Equipment Man	13.78	.45	3%+1.10	.10	1/2%
Head Groundman (Chipper):					
Head Groundman; Powderman; Jackhammer Man	12.05	.45	3%+1.10	.10	1/2%
Groundman	11.32	.45	3%+1.10	.10	1/2%
(AREA 2):					
Remaining Counties:					
Lineman	14.42	.45	3%+.75		1%
Line Equipment Mechanic:					
Base Shop	12.73	.45	3%+.75		1%
Right-of-way	13.63	.45	3%+.75		1%
Line Equipment Serviceman	12.73	.45	3%+.75		1%
Line Equipment Operator	12.95	.45	3%+.75		1%
Groundman	10.58	.45	3%+.75		1%
Cable Splicer	15.92	.45	3%+.75		1%

ZONE PAY for AREA 1 ONLY:
Each classification will receive the base rate plus ZONE A-$1.25, Zone B-$2.00, Zone C-$2.75, Zone $-$4.00

BASE ZONE - 0 to 3 miles from geographical center of towns listed below.
ZONE A - 3 to 20 miles radius from geographical center of towns listed below
ZONE B - 20 to 35 miles radius from geographical center of towns listed below
ZONE C - 35 to 50 miles radius from geographical center of towns listed below
ZONE D - in excess of 50 miles from geographical center of towns listed below

Spokane, Orofino, Coeur d'Alene, Sand Point, Kellogg, Lewiston

POWER EQUIPMENT OPERATORS (AREA 1)
Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties

Groups	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
1	$ 13.10	$ 14.25	$ 14.70	$ 15.40	$16.05
2	13.40	14.55	15.00	15.70	16.35
3	13.95	15.10	15.55	16.25	16.90
4	14.10	15.25	15.70	16.40	17.05
5	14.25	15.40	15.85	16.55	17.20
6	14.50	15.65	16.10	16.80	17.45
7	14.75	15.90	16.35	17.05	17.70
8	15.75	16.90	17.35	18.05	18.70

FRINGE BENEFITS:

Health and Welfare	$ 1.30
Pension	2.00
Apprenticeship Training	0.10

*See ZONE Descriptions - following TRUCK DRIVERS' Classifications

POWER EQUIPMENT OPERATORS (AREA 1)
Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties

Group 1: Bit Grinders; Bolt Threading Machine; Compressors (under 2,000 CFM, gas, diesel or electric power); Crusher Feeder (mechanical); Deckhand; Driller's Tender; Fireman and Heater Tender; Grade Checker; Tender, Mechanic or Welder, H.D.; Hydro-seeder, Mulcher, Nozzleman; Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar or compacting vibrator) except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2,000 CFM or over, 2 or more, gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (Bucket Elevators and Conveyors); Longitudinal Float; Mixer (portable, concrete); Pavement Breaker (Hydra-hammer and similar); Power Broom; Railroad Ballast Regulation Operator (self-propelled); Railroad power Tamper Operator (self-propelled); Railroad Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Rons and similar on construction job only); Tractor (farm type R/T with attachments, except Backhoe); Tugger Operator

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Batmh Plant and Wet Mix Operator, single unit (concrete); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Bending Machine; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Deck Engineer; Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Locomotive Engineer; Mixermobile; Mucking Machine; Post Hole Auger or Punch; Pump (Grout or Jet); Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (to D-6 or equivalent and Traxcavator); Traverse Finishing Machine; Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pumps (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Drills (Churn, Core, Calyx or Diamond); Equipment Serviceman, greaser and oiler; Hoist (2 or more drums or Tower Hoist); Loaders (Overhead and Front End, under 4 yds. R/T); Pave or Curb Extruders (asphalt or concrete); Refrigeration Plant Engineers (under 1,000 tons); Rubber-tired Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depty capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill, under 8 in. bit)

30258 Federal Register / Vol. 46, No. 108 / Friday, June 5, 1981 / Notices

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties

Group 5: Asphalt Plant Operator; Assistant Refrigeration Plant and Chiller Operator (under 1,000 tons); Backfiller, Trackmounted (Gradall and similar); Batch Plant and Wet Mix Operator, multiple unit (concrete); Boiler Operator; Brakeman; Bridge Deck Finishing Machine; Bridge Paver; Combination Slusher and Motorman; Concrete Batch Plant Operator; Concrete Mixer (one bag); Concrete Paver (16 E or similar); Concrete Paving Machine (Cleary, Johnson or similar); Concrete Spreader; Crusher Feeder (Hand); Dope Pots (non-agitated); Finishing Machine (Bidwell, Clipper or similar); Hoist (Tugger); Hydraulic Monitor; Loaders (Overhead and Front End, 4 yds. and over R/T); Mucking Machine (Crown); Pipe Bending Machine; Pipe Cleaning Machine; Pipe Wrapping Machine; Power Jumbo Operator; Pump (Gunite); Rigger; Rotomist Operator; Shotcrete Machine (Gunite); Slip Form Pumps; Spreader Box (Tractor); Tractor (D-6 or equivalent and Traxcavator); Tractor (Push Cat); Trenching Machines (7 ft. depty capacity and over); Tunnel Boring Machine Operator; Vacuum Drill (Reverse Circulation Drill, 8 in. bit and over)

POWER EQUIPMENT OPERATORS (AREA 2)
Remaining Counties and Idaho County (south of the 46th Parallel)

Groups	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
1	$ 13.10	$ 14.25	$ 14.70	$ 15.40	$16.05
2	13.40	14.55	15.00	15.70	16.35
3	13.95	15.10	15.55	16.25	16.90
4	14.10	15.25	15.70	16.40	17.05
5	14.25	15.40	15.85	16.55	17.20
6	14.50	15.65	16.10	16.80	17.45
7	14.75	15.90	16.35	17.05	17.70
8	15.75	16.90	17.35	18.05	18.70

FRINGE BENEFITS:

Health and Welfare	$ 1.30
Pension	2.00
Apprenticeship Training	0.10

*See ZONE Descriptions - following TRUCK DRIVERS' Classifications

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties

Group 5: Backhoe (under 1 yd.); Cranes (25 tons and under); Derricks and Stifflegs (under 65 tons); Drilling equipment (8 inch bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Piledriving Engineers; Paving (dual drum); Railroad Track Liner Operator (self-propelled); Refrigeration Plant Engineer (1,000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

Group 6: Asphalt Plant Operator; Automatic Sub-grader (Ditches and Trimmers)(Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (1 yd. to 3 yds.); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Blade (finish and bluetop)(Automatic, CMI, ABC and similar when used as automatic); Boat Operator; Boom Cats (side); Cableway Controller (dispatcher); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (over 25 tons, including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yds.); Drill Doctor; H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yds. including 8 yds.); Multiple Dozer units with single blade; Quad-track or similar equipment; Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Rubber-tired Scrapers, multi-engine power with one scraper (Euclid, TS 24 and similar); Rubber-tired Scraper, one motor with one scraper (40 yds. and over); Rubber-tired Scraper, multiple-engine power with one scraper (Euclid, TS 24 and similar); Push Pull or Help Mate in use; Rubber-tired Scraper, multiple engines with two scrapers; Shovels (under 3 yds.); Tractors (D-6 and equivalent and over); Trenching Machines (7 ft. depth and over)

Group 7: Backhoe (3 yds. and over); Cableway Operators; Clamshell Operator (3 yds. and over); Cranes (over 45 tons, to 85 tons); Derricks and Stifflegs (65 tons and over); Draglines (3 yds. and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yds. to 10 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 8: Cranes (85 tons and over, and all climbing, rail and tower); Loaders (Overhead and Front-end, 10 yds. and over); Helicopter Pilot

POWER EQUIPMENT OPERATORS (AREA 2)
Remaining Counties and Idaho County (south of the 46th Parallel)

Groups	Zone 1	Zone 2	Zone 3
1	$11.26	$12.76	$13.01
2	11.42	12.92	13.17
3	11.79	13.29	13.54
4	12.10	13.60	13.85
5	12.27	13.77	14.02
6	12.45	13.95	14.20
7	12.81	14.31	14.56
8	13.04	14.54	14.79
9	13.27	14.77	15.02
10	13.51	15.01	15.26
FRINGE BENEFITS:			
Health and Welfare	$ 1.18		
Pensions	1.22		
Apprenticeship Tr.	0.10		

*See ZONE Descriptions - following TRUCK DRIVERS' Classifications

*See ZONE Descriptions - following TRUCK DRIVERS' Classifications

POWER EQUIPMENT OPERATORS (AREA 2)
Remaining Counties and Idaho County (south of the 46th Parallel)

Group 1: Brakemen; Crusher Plant Feeder (mechanical); Deckhand; Drill Tenders; Grade Checkers; Heater Tender; Land Plane; Pumpman

Group 2: Air Compressor; Asphalt Refrigeration Plant Operator; Bell Boy; Bit Grinder; Blower Operator (cement); Bolt Threader Machine Operator; Broom; Cement Hog; Concrete Mixer; Concrete Saw, multiple cut; Discing - harrowing or mulching (regardless of motive power); Distributor Leverman; Drill Steel Threader machine Operator; Fireman - all; Heavy Duty Mechanic Tender or Welder Tender; Hoist - single drum; Hydraulic Monitor Operator, Skid-mounted; Oiler (single piece of equipment); Pugmixer, Box or Screed Operator; Spray Curing Machine; Tractor, rubber-tired farm-type using attachments

Group 3: A-Frame Truck (Hydra Lift, Swedish Cranes, Ross Carrier, Hyster on construction jobs); Battery Tunnel Locomotive; Belt Finishing Machine; Cable Tenders (underground); Chip Spreader Machine (self-propelled); Hoist, 2 or more drums or Tower Hoist; Hydralift - Fork Lift and similar (when hoisting); Oiler (underground); Power Loader (Bucket Elevator, Conveyors); Road Roller (regardless of motive power)

Group 4: Boring Machine (earth or rock) (Quarry Master, Joy) (tractor mounted); Drills: Churn, Core, Calyx or Diamond; Front End and Overhead Loaders and similar Machines (up to and including 4 yds.) (rubber-tired); Grout Pump; Hydra-hammer; Locomotive Engineer; Longitudinal Float Machine; Mixermobile; Spreader Machine; Tractor, rubber-tired, using Backhoe; Transverse Finishing Machine, Trenching Machine, Waggoner Compactor and similar; Asphalt Spreaders

Group 5: Concrete Plant Operator; Concrete Road Paver (dual); Elevating Grader Operator; Euclid Elevating Loader; Generator Plant Operator, mechanic (diesel, electric); Post Hole Auger or Punch Operator; Power Shovels and Draglines, under 1 yard; Pump-crete; Refrigeration Plant Operator; Road Roller (finishing high-type pavement); Service Oiler; Skidder, rubber-tired; Subgrader; Multiple station Beltline Operator (Teton Dam Project only)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)
Remaining Counties and Idaho County (south of the 46th Parallel)

Group 6: Asphalt Pavers, self-propelled; Asphalt Plant Operator; Blade Operator (motor patrol); Concrete Slip Form Paver; Cranes, up to and including 50 tons; Crusher Plant Operator; Derrick Operator; Drilling Equipment (Bit under 8 inches) (Robbins Reverse Circulation and similar); Front End and Overhead Loaders and similar Machines (over 4 yds. to and including 7 yds.); Koehring Scooper; Heavy Duty Mechanic or Welder; Mucking Machine (underground); Multi-batch Concrete Plant Operator; Piledriver Engineer; Power Shovels and Draglines (1 yd. to and including 3½ yds.); Tractor, Crawler type, including all attachments; Refrigeration Plant Operator (over 1,000 tons); Trimmer Machine Operator; Tournapulls, Euclid and similar, to and including 40 yards

Group 7: Cableway Operator; Continuous Excavator (Barber Greene WL-50); Cranes, over 50 tons; Dredges; Drilling Equipment (Bit 8 inches and over) (Robbins Reverse Circulation and similar); Fine Grader, CMI or equivalent; Front End and Overhead Loaders and similar Machines (over 7 yds.); Power Shovels and Draglines (over 3½ yds.); Quad type Tractors with all attachments; Tournapulls, Euclid and similar, over 40 yds. to and including 50 yds.; Multiple Scraper Units; Tower Crane Operator

Group 8: Tournapulls, Euclid and similar, over 50 yards to and including 75 yards

Group 9: Tournapulls, Euclid and similar, over 75 yards to and including 100 yards

Group 10: Tournapulls, Euclid and similar, over 100 yards

TRUCK DRIVERS (AREA 1)
Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Western Latah County

*See ZONE Descriptions

TRUCK DRIVERS (AREA 1)
Benewah, Bonner, Boundary, and Clearwater Counties; Idaho

TRUCK DRIVERS (AREA 1)
Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties

Groups	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
1	$14.52	$15.67	$16.12	$16.82	$17.47
2	14.56	15.71	16.16	16.87	17.51
3	14.62	15.77	16.22	16.92	17.57
4	14.71	15.86	16.31	17.01	17.66
5	14.92	16.07	16.52	17.22	17.87
6	14.96	16.11	16.56	17.26	17.91
7	15.02	16.17	16.62	17.32	17.97
8	15.06	16.21	16.66	17.36	18.01
9	15.17	16.32	16.77	17.47	18.12
10	15.21	16.36	16.81	17.51	18.16
11	15.52	16.67	17.12	17.77	18.47
12	15.66	16.81	17.26	17.96	18.61
13	15.82	16.97	17.42	18.12	18.77
14	15.96	17.11	17.56	18.26	18.91

FRINGE BENEFITS:

Health and Welfare	$ 1.34
Pension	1.47
Apprenticeship Training	0.09

*See ZONE Descriptions - following TRUCK DRIVERS'

*See ZONE Descriptions

TRUCK DRIVERS (AREA 1)
Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties

Group 1: Fish Truck; Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Swamper; Leveeperson loading trucks at bunkers; Pickup hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber-tired pulling Trailer or similar equipment); Water Tank Truck 1,800 gallons and under

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross, Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end and bottom dump (under 6 yds.); Water Tank Truck (1,801 to 4,000 gallons)

Group 4: Auto Crane - 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. and under); Flaherty Spreader, Box Driver, Flat Bed Truck (using power take off); Fork Lift (over 3,000 lbs.); Oil Distributor Driver (road, Bootperson, Leverperson Tender); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yds. to 6 yds.); Water Tank Truck (4,001 to 6,000 gallons); Wrecker and Tow Trucks

Group 5: Burner, Cutter and Welder; Oil Distributor Driver (road, Bootperson, Leverperson); Service Greaser; Tireperson No. 2; Trucks, side, end and bottom dump (over 6 yds. to 12 yds.)

Group 6: A-Frame; Water Tank Truck (6,001 to 8,000 gallons)

Group 7: Dumptor (over 6 yds.); Semi-truck and Trailer, 50 tons and under Lowboy; Transit Mixers and Trucks hauling concrete (6 yds. to and including 10 yds.); Trucks, side, end and bottom dump (over 12 yds. to and including 20 yds.)

UMI 1 8 5 m c 8 0 - 1 \ 6 4 V

TRUCK DRIVERS (AREA 1) (Cont'd)
Benewah, Bonner, Boundary, and Clearwater Counties; Idaho County (north of the 46th Parallel); Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties

Group 8: Low Boy (over 50 tons); Tractor with steer trailer; Truck-mounted Crane (with load-bearing surface, either mounted or pulled); Water Tank Truck (8,001 to 10,000 gallons)

Group 9: Flaherty Spreader Box Driver; Flowboys; Fork Lift, 16,000 lbs. and over; Semi-end Dumps; Transit Mixers and Trucks hauling concrete (over 10 yds. to and including 15 yds.); Trucks, side, end and bottom dump (over 20 yds. to and including 30 yds.); Water Tank Trucks (10,001 to 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D. W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, whichever is greater; Transit Mixers and Trucks hauling concrete (over 15 yds. to and including 20 yds.); Trucks, side, end and bottom dump (over 30 yds. to and including 40 yds.); Water Tank Truck (12,001 to 14,000 gallons)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yds.); Trucks, side, end and bottom dump (over 40 yds. to and including 50 yds.)

Group 13: Truck, side, end and bottom dump (over 50 yds. to and including 100 yds.)

Group 14: Trucks, side, end and bottom dump (over 100 yds.); Helicopter Pilot hauling employees or material

TRUCK DRIVERS (AREA 2)
Remaining Counties and Idaho County (south of the 46th Parallel)

Groups	Zone 1	Zone 2	Zone 3
1	$11.38	$12.88	$13.13
2	11.44	12.94	13.19
3	11.50	13.00	13.25
4	11.56	13.06	13.31
5	11.61	13.11	13.36
6	11.87	13.37	13.62
7	11.93	13.43	13.68
8	11.99	13.49	13.74
9	12.10	13.60	13.85
10	12.16	13.66	13.91
11	12.22	13.72	13.97
12	12.28	13.78	14.03
13:			
Class A	11.76	13.26	13.51
Class B	11.97	13.47	13.72
Class C	12.10	13.60	13.85
Class D	12.28	13.78	14.03
Class E	12.39	13.89	14.14
Class F	12.51	14.01	14.26
Class G	12.79	14.29	14.54
Class H	13.02	14.52	14.77
Class I	13.25	14.75	15.00
14	12.67	14.17	14.42

FRINGE BENEFITS:	
Health and Welfare	$ 1.15
Pension	1.40
Vacation	0.90
Apprenticeship Training	0.25

*See ZONE Descriptions - following TRUCK DRIVERS' Classifications

TRUCK DRIVERS (AREA 2)
Remaining Counties and Idaho County (south of the 46th Parallel)

TRUCK DRIVERS (AREA 2)
Remaining Counties and Idaho County (south of the 46th Parallel)

Group 1: Leverman loading at Bunkers; Pilot Car or Escort Driver

Group 2: Flat Bed, 2 axle and Pickup hauling materials; Water Tank Truck (1,800 gallons and under); Fork Lift (3,000 and under)

Group 3: Flat Bed, 3 axle; Fuel Truck (1,000 gallons and under); Greaser; Tireman; Serviceman; Buggymobile; Man Haul (Shuttle truck or bus)

Group 4: Transit Mix Truck, 3 yds. and under; Truck Tenders; Slurry or Concrete Pumping Truck

Group 5: Flat Bed using power takeoff; Water Tank Truck (over 1,800 to 4,000 gallons); Semi-trailer, Low Boy, up to 96,000 lbs. GVW; Bulk Cement Tanker, up to 96,000 lbs. GVW; Fork Lift, over 3,000 lbs. (Bull Lift, Hydro Lift); Ross Hyster and similar straddle equipment; "A" Frame Truck (Swedish Crane, Iowa 3,000, Hydro-lift)

Group 6: Transit Mix Truck, over 3 yds. to 6 yds.

Group 7: Water Tank Truck, over 4,000 gallons; Fuel Truck, over 1,000 gallons

Group 8: Transit Mix Truck, over 6 yds. to 8 yds.; Dumpters

Group 9: Distributor or Spreader Truck; Field Tireman, Serviceman; Snow Plow (truck mounted); Transit Mix Truck, over 8 yds. to 10 yds.

Group 10: Low Boy, 96,000 lbs. GVW and over; Bulk Cement Tanker, 96,000 lbs. GVW and over

Group 11: Transit Mix Truck, over 10 yds.

TRUCK DRIVERS (AREA 2) (Cont'd)
Remaining Counties and Idaho County (south of the 46th Parallel)

Group 12: Turnarocker and similar equipment

Group 14: Truck, side, end and bottom dump:
Class A: 6 yards and under
Class B: Over 6 yards - including 14 yards
Class C: Over 14 yards - including 20 yards
Class D: Over 20 yards - including 30 yards
Class E: Over 30 yards - including 40 yards
Class F: Over 40 yards - including 50 yards
Class G: Over 50 yards - including 75 yards
Class H: Over 75 yards - including 100 yards
Class I: Over 100 yards

Group 14: Truck Mechanic

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))

ZONE DESCRIPTIONS
For CEMENT MASONS, LABORERS (Heavy and Highway Construction), POWER EQUIPMENT OPERATORS, and TRUCK DRIVERS

AREA 1

Zone 1:. Area within a 15 mile radius from the center of the Cities listed below

Zone 2: Area within 15-30 mile radius from the center of the Cities listed below

Zone 3: Area within 30-45 mile radius from the center of the Cities listed below

Zone 4: Area within 45-90 mile radius from the center of the Cities listed below

Zone 5: Area over 90 mile radius from the center of Cities listed below

Spokane Coeur d'Alene Lewiston

ZONE DESCRIPTIONS
For CARPENTERS, CEMENT MASONS, LABORERS, POWER EQUIPMENT OPERATORS and TRUCK DRIVERS

AREA 2

Zone 1: That area within the State of Idaho located within 20 miles on either side of I-84 from the Oregon-Idaho State Line on the west to the intersection of I-84 and I-86 in Cassia County, then following I-86 to Pocatello, then following I-15 north to Idaho Falls, then following State Highway #191 north to the intersection with Moody Road (approximately 2 miles north of the City of Rexburg, Idaho); then following I-15 south from the City of Pocatello to a point approximately 1 mile south of the City of Downey, Idaho, which point is located by extending the northerly boundary of Franklin County to the west

Zone 2: That area within the State of Idaho located over 20 miles and within 50 miles on either side of I-84 from the Oregon-Idaho State Line on the west to the intersection of I-84 and I-86 in Cassia County, then following I-86 to Pocatello, then following I-15 north to Idaho Falls, then following State Highway #191 north to the intersection with Moody Road (approximately 2 miles north of the City of Rexburg, Idaho); then following I-15 south from the City of Downey, Idaho, which point is located by extending the northerly boundary of Franklin County to the west

Zone 3: The remaining area of that portion of the State of Idaho south of Parallel 46 (the Washington-Oregon State Line extended eastward to Montana) that is not included in Zone 1 or Zone 2 as described above.

SUPERSEDEAS DECISION:

STATE: MISSISSIPPI COUNTIES: Attala, Choctaw, Chickasaw, Clay, Noxubee, Oktibbeha, Webster, Lowndes,

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: STEUBEN

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Attala, Choctaw, Clay, Noxubee, Oktibbeha, Webster, Lowndes, Monroe, and Winston

DECISION NUMBER: MS81-1239 DATE: Date of Publication

Supersedes Decision No.: MS81-1154, January 6, 1981, 46 FR 1925

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and apartments up to and including four stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$6.62				
BRICKLAYERS	7.50				
CARPENTERS	5.75				
CEMENT MASONS	5.75				
DRYWALL FINISHERS	5.42				
DRYWALL HANGERS	5.98				
ELECTRICIANS	5.00				
IRONWORKERS, Reinforcing	4.50				
INSULATORS	5.83				
LABORERS	3.72				
PAINTERS, Brush	4.82				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.25				
Bulldozer	4.50				
Tractor	5.00				
PLUMBERS & PIPEFITTERS	6.83				
ROOFERS	5.00				
SHEET METAL WORKERS	5.16				
SOFT FLOOR LAYERS	5.20				
TRUCK DRIVERS	3.72				
WELDERS - receive rate prescribed for craft to which it is incidental					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: STEUBEN

DECISION NO. NY81-3038 DATE: DATE OF PUBLICATION

Supersedes Decision No. NY79-3030 dated August 31, 1979 in 44 FR 51481

DESCRIPTION OF WORK: Building (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.07	1.40	.90		.01
BOILERMAKERS	13.70	1.275	1.775		.03
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, TILE & TERRAZZO WORKERS	11.65		1.00		
CARPENTERS					
Twps. of Prattsburg & Pulteney, Village of Hammondsport, Pleasant Valley to Rheims, Village of Tyrone to Watkins Glen					
Carpenters	12.51	.95	1.45		.005
Millwrights & Piledrivers	12.61	.95	1.45		.005
Carpenters & Piledrivers, (Heavy & Highway)	11.71	.95	1.45		.005
Twps. of Troupsburg, Hartsville, Fremont, Wayland, Jasper, Hornellsville, Avoca, Cohocton, Bath, Canisteo, Howard, Dansville, Wheeler, Cameron, Greenwood & West Union					
Carpenters & Soft Floor Layers	11.20	.80	1.35	a	.02
Millwrights & Piledrivers	11.45	.80	1.35	a	.02
Carpenters, (Heavy & Highway)	11.21	.90	1.46	b	.025
Diver Tender	11.70	.80	1.35		.02
Remainder of County					
Carpenters & Soft Floor Layers	10.51	.60	1.35		.02
Millwrights & Piledrivers	10.76	.60	1.35		.02
Carpenters & Piledrivers, (Heavy & Highway)	11.51	.60	1.46	b	.025
CEMENT MASONS, (Heavy & Highway)	12.30		1.00		
ELECTRICIANS	13.80	1.00	3%+1.00	c	.05
GLAZIERS	9.97	.45	.65		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS					
Twps. of Atlantic and South Dansville					
Structural, Ornamental, Reinforcing, Machinery Movers, Riggers, Rodmen, Fence Erectors & Stone					
Derrickmen	13.05	1.00	1.05		.10
Sheeters	13.30	1.00	1.05		.10
Sheeters, Bucker-up	13.175	1.00	1.05		.10
Remeinder of County					
Structural, Ornamental, Reinforcing, Riggers, Rodmen, Machinery Movers, Fence Erectors & Stone					
Derrickmen	12.55	.85	1.05		.05
Sheeters	12.80	.85	1.05		.05
Sheeters, Bucker-up	12.80	.85	1.05		.05
LABORERS, (Building)	9.97	.60	.45		
PAINTERS					
Twps. of Cameron, Thurston, Bradford, Campbell, Erwin, Lindley, Hornby, Corning City Caton, Addison & Rathbone					
Brush	10.05	.55	.60		
Swing Scaffold and Chair, Power Grinder with Respirator	10.55	.55	.60		
Sandblasting-Steamcleaning, Acid or High Pressure					
Structural Steel Steeple Jack over 100'	10.25	.55	.60		
Spray	10.90	.55	.60		
Toothpick Stagein over 25" & Structural Scaffold in excess of 39°	10.30	.55	.60		
Spray Epoxy and Bridges	11.30	.55	.60		
Paper and Vinyl Hangers	10.40	.55	.60		
Epoxy-Brush or Roll	10.60	.55	.60		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
Remainder of County					
Brush	12.205	1.375	.40		.11
Swing Stage, Sandblasting, Spray, Scaffold Work, Bosun Chair and Epoxy or Similar	12.455	1.375	.40		.11
35' from road level	13.87	1.375	.40		.11
PLUMBERS & STEAMFITTERS					
Twps. of Avoca, Canisteo, Cohocton, Dansville, Fremont, West Union, Greenwood, Hartsville, Hornellsville, Howard, Wheeler, Jasper, Prattsburg, Pulteney Troupsburg, Wayland, Woodhull, Cameron, Rathbone & Tuscarora	14.30	2.485	1.22		.20
Remainder of County	12.40	.60	1.05		.15
ROOFERS	11.00	.99	1.19		
SHEET METAL WORKERS	13.66	3%+.60	.80		.12
SPRINKLER FITTERS	14.52	.85	1.20		.08

WELDERS-receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTES:

a. Two hours off with pay on Election Day

b. Paid Holidays: Independence Day and Labor Day

c. Employee shall work 4 hours and receive 8 hours pay on Christmas Eve

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION					
CLASS A	10.44	.75	.50	a	
CLASS B	10.64	.75	.50	a	
CLASS C	10.84	.75	.50	a	
CLASS D	11.04	.75	.50	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill tenders, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortor mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or crew op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), ametylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setter, stone or granite curb setters.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	11.60	1.40	3%+1.00	a	
Cable Splicer	15.35	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.44	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.28	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.70	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.25	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.925	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.26	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.94	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.95	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.555	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.16	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.46	1.40	3%+1.00	a	

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations Maintenance Jobs or Projects					
Journeyman Lineman	13.95	1.40	3%+1.00	a	
Certified Lineman Welder	14.65	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Equipment Operator	13.95	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Groundman Truck Drivers	11.16	1.40	3%+1.00	a	
Groundman	10.46	1.40	3%+1.00	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I:					
A	12.09	.80	.50	a	.10
B	12.37	.80	.50	a	.10
C	12.64	.80	.50	a	.10
D	12.92	.80	.50	a	.10
E	13.47	.80	.50	a	.10
F	14.03	.80	.50	a	.10
G	14.57	.80	.50	a	.10
H	15.13	.80	.50	a	.10
GROUP II	12.09	.80	.50	a	.10
GROUP III	11.90	.80	.50	a	.10
GROUP IV	10.76	.80	.50	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F; providing employee works the working day immediately preceding the holiday, or on the scheduled work day immediately following the holiday.

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I - Cranes:
A - 121 ft. & under
B - Between 121 - 151 ft.
C - Between 151 - 201 ft.
D - Between 201 - 251 ft.
E - Between 251 - 301 ft.
F - Between 301 - 351 ft.
G - Between 351 - 401 ft.
H - Between 401 - 451 ft.

GROUP II - Air tugger, backhoe, clamshell, dragline, shovel and similar machines over three eighths (3/8) cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds and all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift) hoist (on steel erection), mucking machine, Ross Carrier (and similar types), three drum hoist (when all drums are in use)

GROUP III - "A" Frame truck, back filling machine, Barber Green and similar type loader, belt crete and similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors; four (4) not to exceed 2000 c.f.m. combined capacity, three (3) or less with more than 1200 c.f.m., but not to exceed 200 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less), (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, forklift (with factory rating of less than (15) fifteen ft. of lift.), high pressure boiler (over 15 pounds pressure), hoist (1 or 2 drums), Motor grader, maintenance engineer, post hole digger, sheepsfoot roller, side boom, stone crusher, submersible Electric Pump, when used in lieu of well point system, tandem roller, Tournedozer and similar types, tournapull, tower mobile and similar kinds trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system

GROUP IV - Any combination (not to exceed three (3) pieces of equipment) pumps, welding machines or mechanical conveyors, (over 12 ft. in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, Fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor, milers

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION					
GROUP I	13.09	1.25	1.45	a	.15
GROUP II	12.65	1.25	1.45	a	.15
GROUP III	11.41	1.25	1.45	a	.15
GROUP IV	10.31	1.25	1.45	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Paid Holidays: A through F, providing the employee works the day before and the day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver, tractor drawn belt type loader, truck crane, tunnel shovel

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION (CONT'D)

GROUP II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), Hi-pressure - boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders,locomotive maintenance/ engineer/greaseman/welder, mixer (for stablized base self-monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point systems, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV - Aggregate plant, boiler (used in conjunctinn with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet - (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: TOWNSHIP OF WAYLAND					
CLASS 1	9.74	1.10	.90	a	
CLASS 2	9.79	1.10	.90	a	
CLASS 3	9.84	1.10	.90	a	
CLASS 4	9.99	1.10	.90	a	
CLASS 5	10.14	1.10	.90	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:
CLASS 1 - Pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpster, greasers, truck tiremen.

CLASS 2 - Tandems, batch trucks and mechanics.

CLASS 3 - Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4 - Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loader, and straddle (ross) carrier.

CLASS 5 - Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: TOWNSHIP OF VERONA					
CLASS 1	9.74	1.10	.90	a	
CLASS 2	9.79	1.10	.90	a	
CLASS 3	9.84	1.10	.90	a	
CLASS 4	9.99	1.10	.90	a	
CLASS 5	10.14	1.10	.90	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:
CLASS 1 - Pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpster, greasers, truck tiremen.

CLASS 2 - Tandems, batch trucks and mechanics.

CLASS 3 - Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4 - Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loader, and straddle (ross) carrier.

CLASS 5 - Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ONEIDA
DECISION NO.: NY81-3034 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY79-3036 dated December 21, 1979 in 44 FR 56402
DESCRIPTION OF WORK: Building Construction (excluding single family

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVER: REMAINDER OF COUNTY					
CLASS 1	9.78	1.11	.85	a	
CLASS 2	9.83	1.11	.85	a	
CLASS 3	9.88	1.11	.85	a	
CLASS 4	10.03	1.11	.85	a	
CLASS 5	10.18	1.11	.85	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:
CLASS 1 - Pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and part chaser.

CLASS 2 - Tandems, batch trucks, mechanics and dispatcher.

CLASS 3 - Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4 - Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5 - Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ONEIDA
DECISION NO.: NY81-3034 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY79-3036 dated December 21, 1979 in 44 FR 56402
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.83	.90	.93		.06
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS, CEMENT MASONS, POINTERS, CAULKERS, CLEANERS, PLASTERERS AND STONE MASONS (Building)	11.85	.70	1.04		
CEMENT MASONS, (Heavy & Highway)	11.61	.70	1.04		
CARPENTERS, (Building)					
Carpenters & Soft Floor Layers	10.97	.70	.65	a	.03
Piledrivermen & Millwrights	11.22	.70	.65	a	.03
CARPENTERS, (Heavy & Highway)	12.015	.80	.75	a	.03
ELECTRICIANS					
Verona and Vienna Twps. west of State Highway 13					
Electricians	15.30	.87	3%+1.10		.08
Cable Splicers	16.40	.87	3%+1.00		.08
Remainder of County					
Electricians	13.55	.80	3%+ .60		.07
Cable Splicers	14.75	.80	3%+ .60		.07
ELEVATOR CONSTRUCTORS	13.025	1.195	.95	b+c	.035
ELEVATOR CONSTRUCTORS' HELPERS	9.12	1.195	.95	b+c	.035
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	6.51				
GLAZIERS					
Twps. of Florence, Camden, Vienna, Annsville, Verona, Vernon, Augusta, Lee, Rome City, Ava, Western, Floyd, Boonville & Stemben	11.50	.80			.01
IRONWORKERS					
Structural, Ornamental, Reinforcing, Machinery Mover, Rigger, Rodmen, Fence Erector and Stone					
Derrickman	12.17	1.11	1.02		.04
Shooters	12.42	1.11	1.02		.04
Shooters, Bucker-up	12.295	1.11	1.02		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Building)					
Twps. of Forestport, Remsen, Trention, Marcy, Deerfield, Whitestown, New Hartford, Kirkland, Marshall, Paris, Sangerfield, Bridgewater & the City of Utica					
Laborers	9.02	.90	.95	d	
Pipelayers, mortar mixers (hand or machine), motor buggy operator, (walk behind), power high lift	9.17	.90	.95	d	
Blasters, form setters and motor buggy rider type	9.52	.90	.95	d	
Wagon drill operator	9.42	.90	.95	d	
Remainder of County					
Laborers, Common	9.905	.65	.75	e	
All rock drilling equipment	10.35	.65	.75	e	
Blasters	10.505	.65	.75	e	
Vibrator op., chain saw op., gas buggy op., acetylene torch op. on demolition work, pipelayers, scaffold builders, mortar mixer, pavement breaker	10.105	.65	.75	e	
MARBLE SETTERS, TERRAZZO WORKERS & TILE SETTERS	11.85	.70	1.04		
PAINTERS					
Twps. of Florence, Camden, Vienna, Annsville, Verona, Vernon, Augusta, Rome City, Ava, Western, Floyd, Boonville, and Steuben					
Brush & Roller	11.16	.80	.50	g	
Paperhangers, Vinyl Hanger & Tapers	11.80	.80	.50	g	
Metalizing	13.53	.80	.50	g	
Steel, Working with picks, Bosun Chair, Window Jacks, Swing Stage, Safety Belts, Steeple Jack, Spray, Sandblasting, Steamcleaning, Epoxy, Bridge and Hydroblasting	11.92	.80	.50	g	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd)					
Remainder of County					
Brush	12.44				
Spray	13.04				
Sandblasting	13.44				
Paper and Vinyl Hangers, Epoxy, Steel, Taping, Swing Stage, Bosun Chair and Monkey Suit	12.69				
PLUMBERS AND STEAMFITTERS	13.46	.89	1.36		.05
ROOFERS	13.15	1.00	2.00		
SPRINKLER FITTERS	14.52	.85	1.20		.08

Welders - Recieve rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day

FOOTNOTES:

a. Holidays: B and D provided the employee is on the payroll the week before and the week after the holiday.

b. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit

c. Holidays: A through F, and the day after Thanksgiving

d. Holidays: B and D provided the employee works the day immediately before and the day immediately following the holiday

e. Holidays: A through E, plus 2 hours off with pay on Election Day for the purpose of voting, provided the employee works the day before the holiday and the day after the holiday

g. Holidays: C, D, and E.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

Twps. of Florence, Camden, Annsville, Lee, Aya, Boonville, Western, Steuben, Vienna, Rome, Floyd, Westmoreland, Vernon, Augusta and Verona

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
Brush & Roller	11.16	.80	.50	g	
Paperhangers, Vinyl Hanger & Tapers	11.80	.80	.50	g	
Metalizing	13.53	.80	.50	g	
Steel, Working with picks, Bosun Chair, Window Jacks, Swing Stage, Safety Belts, Steeple Jack, Spray, Sandblasting, Steamcleaning, Epoxy, Bridge and Hydroblasting	11.92	.80	.50	g	

Twps. of Florence, Camden, Annsville, Lee, Aya, Boonville, Western, Steuben, Vienna, Rome, Floyd, Westmoreland,Vernon, Augusta and Verona

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION					
CLASS A	10.54	.75	.75	a	
CLASS B	10.74	.75	.75	a	
CLASS C	10.94	.75	.75	a	
CLASS D	11.14	.75	.75	a	

PAID HOLIDAYS:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill tenders, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, motor mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setter, stone or granite curb setters.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION Remainder of County:					
CLASS A	8.74	1.50	1.45	a	
CLASS B	9.94	1.50	1.45	a	
CLASS C	9.14	1.50	1.45	a	
CLASS D	9.34	1.50	1.45	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill tenders, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breakers, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setter, stone or granite curb setters.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	11.60	1.40	3%+1.00	a	
Cable Splicer	15.35	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.44	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.28	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.70	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.25	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.925	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.26	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.94	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.95	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.555	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.16	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.46	1.40	3%+1.00	a	

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations Maintenance Jobs or Projects					
Journeyman Lineman	13.95	1.40	3%+1.00	a	
Certified Lineman Welder	14.65	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Equipment Operator	13.95	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Groundman Truck Drivers	11.16	1.40	3%+1.00	a	
Groundman	10.46	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

POWER EQUIPMENT OPERATORS:
Building construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1 - Asphalt Plant Operator, Asphalt Spreader, Backhoe (1 cu. yd. and over), Batch Plant Operator, Boiler Operator, Bulldozer, Caisson Drill, Central Mix Plant Operator, Combination Backhoe Front End Loader (1 cu. yd. and over), Compressor Battery Operator (3 or more), Concrete Breaker (truck mounted), Concrete Mixer (2 bags and over), Concrete Pump (truck mounted), Concrete Saw (self propelled), Crane, Derrick, Dragline, Elevator Operator (2 or more), Excavator, Finishing Machine, Forklift (4 stories or more), Grader, Grooving and Grinding Machine, Guardrail Punch, Hoist (2 or more), Hydraulic Boom Truck, Hydro-Blaster, Locomotive, Mechanic, Milling Machine, Motor Patrol, Pavement Breaker, Pile Driver, Power Shovel, Pre-Stress Wire Wrapping Machine, Rigger, Roller, Scraper, Shovel, Side Boom, Slip Form Paver, Spreader, Stone Crusher, Subgrader, Tamper (self propelled), Tractor, Trenching Machine, Truck Crane Oiler, Vacuum Blaster, Welder	13.95	1.40	3%+1.00	a	
CLASS 2 - Air Compressor Battery Operator (2 or less), Asphalt Curb Machine, Asphalt Plant Oiler, Backfiller, Boring Machine, Bull Float, Burner, Chain Saw, Concrete Breaker (hand held), Concrete Mixer (1 bag), Concrete Pump (hand held), Concrete Saw (hand held), Concrete Vibrator, Crane Oiler, Elevator Operator (1), Fireman, Forklift (3 stories or less), Generator, Heater, Hoist (1), Hydro-Seeder, Light Plant, Mechanic Helper, Mulching Machine, Oiler, Pavement Breaker (hand held), Pump (4" and over), Roller (asphalt), Sander, Signal Person, Tamper (hand held), Tar Pot, Tractor (small), Welder Helper	13.25	1.40	3%+1.00	a	
CLASS 3 - Air Compressor Battery Operator (1), Air Track Operator, Bobcat, Brick Saw, Chain Saw, Concrete Mixer (1 bag), Concrete Vibrator, Curb Machine, Fireman, Generator, Heater, Hydro-Seeder, Light Plant, Mechanic Helper, Mulching Machine, Oiler, Pump (4" and over), Sander, Signal Person, Tar Pot, Tractor (small), Welder Helper	12.555	1.40	3%+1.00	a	

POWER EQUIPMENT OPERATORS: Building Construction Cont'd

CLASS 2 (Cont'd) - Monorail Machine, Parapet Concrete or Pavement Grinder, Post Hole Digger (truck or tractor mounted), Power Sweeper (Wayne or similar), Pump 4" and over,

POWER EQUIPMENT OPERATORS:
Building construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	13.11	1.25	1.25	a	.15
CLASS 2	12.43	1.25	1.25	a	.15
CLASS 3	11.06	1.25	1.25	a	.15
CLASS 4	13.90	1.25	1.25	a	.15
CLASS 5	13.61	1.25	1.25	a	.15
CLASS 6	15.11	1.25	1.25	a	.15
CLASS 7	14.11	1.25	1.25	a	.15

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, providing employee has worked five consecutive working days before and the working day after the holiday.

CLASSIFICATIONS:
CLASS 1 - Air Plako, Asphalt and Blacktop Roller, Automated Concrete Spreader (CMI or equiv.), Automated Fine Grade Machine (CMI), Backhoe, Belt Placer, Blacktop Spreader (such as Barber Greene & Blaw Knox), Blacktop Plant (automated), Blast or Rotary Drill (Truck or cat mounted), Boom Truck, Cableway, Caisson Auger, Carry-all Scraper-Self loading, Central Mix Plant (Automated), Cherry Picker - over five(5) ton capacity, Compressor, Pump, Generator or Welding Machine (when used in a battery of not more than four (4)), Crane, Crusher - Rock, Derrick, Diesel Power Unit, Dragline, Dredge, Dual Drum Paver, Elevating Grader (self-propelled or towed), Elevator Hoist-Two Cage, Excavator-All Purpose-Hydraulically operated, Fork Lift (Factory rating 15 ft. or more), Front End Loader (4 c.y. and over), Gradall, Grader (Power), Head Tower (Saurman or equal), Hoist (2 or 3 Drum), (LCM's) work Boat Operator, Light plants; compressors and generators, Locomotive, Maintenance Engineer, Maintenance Welder, Mine Hoist, Micking Machine or Mole, Overhead Crane - Fixed Permanent, Pile Driver, Quarry Master or Equivalent, Refrigeration Equip.-For Soil Stabilization, Sea Mule, Shovel, Side Boom, Slip Form Paver, Straddle Buggy (Ross Carrier, Lumber Carrier), Tractor Drawn Belt Type Loader (Euclid Loader), Trenching Machine (digging capacity of over 4 ft. depth), Tug Operator (Manned, rented equip. excluded), Tunnel Shovel, Vibro or Sonic Hammer Controls (when not mounted in proximity to the Rig Operator)

CLASS 2 - "A" Frame Truck, Blacktop Plant (non-automatic), Boring Machine, Bulldozer, Cage-Hoist, Carry-All Scraper, Central Mix Plant (non-automated), Cherry Picker - five (5) tons and under, Compressor (500 C.F. and over), Concrete Paver (Single Drum over 16S), Concrete Pump, Core Boring Machine, Drill Rigs - Tractor mounted, Elevator - as a material hoist, Fork Lift (factory rating less than 15 ft.), Front End Loader (under 4 c.y.), Gunite Machine, High Pressure Boiler (15lbs. & over), Hoist (one drum), Hydraulic Breaking Hammer (Drop Hammer), Koiman Plant Loader (screening gravel), Maintenance Grease Man, Mixer for stabilized base-self propelled (Seaman Mixer),

POWER EQUIPMENT OPERATORS: Building Construction Cont'd

CLASS 2 (Cont'd) - Monorail Machine, Parapet Concrete or Pavement Grinder, Post Hole Digger (truck or tractor mounted), Power Sweeper (Wayne or similar), Pump 4" and over, Pump-Crete or Squeeze-Crete, Road Widener (front end of Grader or self propelled), Roller, Shell Winder (motorized), Snorkel (overhead arms), Snowblower control man, Trenching Machine (digging capacity of 4 ft. or less), Tugger Hoist, Vibro Tamp, Well Drill, Well Point System (Submersible Pumps when used in lieu of well-point system), Winch (motor driven), Winch Truck Winch Cat

CLASS 3 - Compressor (up to 500 C.F.), Concrete Paver or Mixer (under 16S), Concrete Pavement Spreaders and Finishers (not automated), Conveyor (over 12 ft.), Electric Submersible Pump (4" and over), Farm Tractor with or without accessories, Fine Grade Machine (not automated), Fireman, Form Tamper, Generator (2,500 Watts and over), Grout pump Hydraulic Pump, Mechanical Heaters - More than two (2) Mechanical Heaters or any Mechanical Heater or Heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating) plus one self contained heating unit (i.e. Sundog or Air Heat type, New Holland Hay Dryer type excluded), Mulching Machine, Oiler, Parts Man, Post Driver (Truck or Tractor Mounted), Power Driven Welding Machine - 300 amp. and over (other than all electric) one Welding Machine under 300 amp. will not require an enginneer unless in a battery, Power Heaterman (hay dryer), Pump (under 4"), Revinous Widener (road widener), Single Light Plant, Steam Cleaner or Jenny, Tractor with or without towed accessories,

CLASS 4 - Master Mechanic

CLASS 5 - Tower Crane, Quad 9 Bulldozer or Multibowl Scraper

CLASS 6 - Crane or Derrick with a boom length over 300 ft. including jib

CLASS 7 - Crane or Derrick with a boom length over 150 ft. including jib

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION					
GROUP I	12.99	1.35	1.45	a	.15
GROUP II	12.55	1.35	1.45	a	.15
GROUP III	11.31	1.35	1.45	a	.15
GROUP IV	10.21	1.35	1.45	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Paid Holidays: A through F, providing the employee works the day before and the day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I - Automated concrete spreader (CMI), automatic fine grade, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker, (over 5 tons capacity) concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated)(gradall or similar), fork lift (factor rated 15 ft. and over), front end loader (4 c.y. and over), Head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power garder, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver tractor drawn belt-type loader, truck crane, tunnel shovel.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D

GROUP II - Backhoe (tractor mounted, rubber tired), bitumonous spreader and mixer, blacktop plant (non-automated), blast or rotary drill (truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders locomotive, maintenance engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widner, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

GROUP III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity; or 3 or less with more than 1200 C.F.M. but to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

GROUP IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type of combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), light plants, mulching machine, oiler parapet-concrete or pavement grinder, power broom (towed), power heaterman, revimius widener, shell winder, steam cleaner, tractor.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
GROUP I	12.99	1.35	1.45	a	.15
GROUP II	12.55	1.35	1.45	a	.15
GROUP III	11.31	1.35	1.45	a	.15
GROUP IV	10.21	1.35	1.45	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Paid Holidays: A through F, providing the employee works the day before and the day after the holiday.

TRUCK DRIVERS

GROUP I - Articulated dump, batch truck, boom truck, dump crete, dump truck (over 16 cu. yds.), flat bed (over 3 ton), lowboy, mixer, oil distributor, pole trailer, refrigerator truck, skid rig, stake truck, tandem dump truck (6 cu. yds. and over), tandem flat bed truck (2 axles and over), tandem transport, tank truck, transit mix, transport, trailer (under 50 ton), trailer (50 ton and over), water truck.

GROUP II - Dump truck (under 16 cu. yds.), pickup truck, tandem dump truck (under 6 cu. yds.), tandem flat bed truck (under 2 axles), tandem truck.

GROUP III - Fork lift (under 15 ft.), helper, mechanic, oiler, partsman, serviceman, tireman, tractor.

GROUP IV - Flagman, guard, watchman.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTIES: BROOME & CHENANGO
DECISION NO.: NY81-3033 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY80-3035 dated April 25, 1980 in 45 FR 28010
DESCRIPTION OF WORK: Building Construction (does not include single

TRUCK DRIVERS (Heavy & Highway)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS 1	9.78	1.11	.85	a	
CLASS 2	9.83	1.11	.85	a	
CLASS 3	9.68	1.11	.85	a	
CLASS 4	10.03	1.11	.85	a	
CLASS 5	10.18	1.11	.85	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: CLASSIFICATIONS

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flat-boy, material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser

CLASS 2
Tandems, batch trucks, mechanics and dispatcher

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributors, trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTIES: BROOME & CHENANGO
DECISION NO.: NY81-3033 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY80-3035 dated April 25, 1980 in 45 FR 29010
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr
ASBESTOS WORKERS	13.83	.90	.93		.06
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS					
Broome County and Chenango County (Twps. of Tyner, Oxford, Smithville Flats, Brisben, Geneqantslet, Green, Coventry, Coventryville, West Bainbridge, North Afton and Afton)					
Bricklayers, Cement Masons, Plasterers, Stone Masons, Tile Setters, Terrazzo Workers, Marble Masons, Pointers, Caulkers & Tuckers					
Work performed on projects over $500,000 total project cost	13.15	.70	.90		.03
Work performed on projects under $500,000 total project cost	8.61	.70	.55		
Cement Masons (Heavy & Highway)	11.75	.70	.90		
Chenango County (Remainder of County)					
Bricklayers, Cement Masons, Plasterers, & Stone Masons					
Total project cost under $250,000	11.21	1.00	.60		.01
Total project cost over $250,000	12.81	1.00	.69		.01
Marble Mason, Tile & Terrazzo Workers	12.41	1.00	.69		.01
Cement Masons (Heavy & Highway)	11.65	1.00	.69		.01
CARPENTERS					
Broome County and Chenango County (Twps. of Afton and the Southwest portion of Greene)					
Carpenters & Soft Floor Layers	10.86	.55	.70		.07

UMI 1 8 3 1 5 8 0 1 6 4 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (Cont'd)					
Millwrights & Piledrivermen (Building)	11.11	.55	.70		
Carpenters & Piledrivermen (Heavy & Highway)	12.32	.55	.70		.025
Chenango County (Rmmainder of County)					
Carpenters, Dockbuilders, Millwrights, & Piledrivermen	11.20	.80	1.15	.55	.05
ELECTRICIANS					
Chenango County (New Berlin & Sherburne)					
Electricians	13.55	.80	3%+.60		.07
Cable Splicers	14.75	.80	3%+.60		.07
Broome County & Chenango County (Remainder of County)					
Electricians	13.26	.89	3%+.77	.66	.05
Cable Splicers	15.01	.89	3%+.77	.66	.05
ELEVATOR CONSTRUCTORS					
Broome County & Chenango County (except twps. of Columbus, New Berlin & Sherburne)					
Elevator Constructors	11.295	1.195	.95	a+b	.035
Elevator Constructors' Helpers	7.91	1.195	.95	a+b	.035
GLAZIERS	9.97	.45	.65		.03
IRONWORKERS					
Chenango County (Twps. of Smyrna, Sherburne, New Berlin, Columbus, Plymouth, North & Norwich)					
Structural, Ornamental, Reinforcing, Rodmen, Riggers, Machinery Movers & Stone Derrickmen	12.17	1.11	1.02		.04
Sheeter	12.42	1.11	1.02		.04
Sheeter, Bucker-up	12.295	1.11	1.02		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (Cont'd)					
Broome County and Chenango County (Remainder of County)					
Structural, Ornamental, Reinforcing, Rodmen, Riggers, Machinery Movers, Fence Erector, & Stone					
Derrickmen	11.80	.96	1.16		.02
Sheeters	12.05	.96	1.16		.02
Sheeters, Bucker-up	11.925	.96	1.16		.02
LABORERS, (Building)					
Chenango County (Twps. of Columbus, New Berlin, South New Berlin, and Sherburne)					
Total project cost over $500,000					
Unskilled and Flagmen Mortar Mixer, Plaster Mixer, Power Buggy, Signal Man, Asphalt Worker, Chipping Hammer 12 lbs. or over, Tamp Operator, Vibrator Operator, & Chain Saw Operator	10.25	.95	1.42		
Powderman, Pipelayer, Form and Joint Setter, Concrete Bootman, Gunite, Sandblasting, Epoxy, Wagon Drill, Jackhammer and Air Track Drill	10.40	.95	1.42		
Blasters	10.51	.95	1.42		
Total project cost under $500,000	10.85	.95	1.42		
Unskilled and Flagmen Mortar Mixer, Plaster Mixer Power Buggy, Signal Man, Asphalt Worker, Chipping Hammer 12 lbs. or over, Tamp Operator, Vibrator Operator, and Chain Saw Operator	8.85	.95	1.30		
	9.00	.95	1.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Building) (Cont'd)					
Powderman, Pipelayer, Form and Joint Setter, Concrete Bootman, Gunite, Sandblasting, Epoxy, Wagon Drill, Jackhammer and Air Track Drill	9.10	.95	1.30		
Blasterers	9.45	.95	1.30		
Broome County and Chenango County (Remanider of County) All Classes of Common Laborers & Wreckers, Mason Tenders, Scaffold Builders, Bootmen Working in Concrete, Hod Carriers, Mortar Mixer (Hand or Machine) Asphalt Levelers, Vibrator Operator, Sewer Pipe Layer, Tunnel Laborer, Rockmen & Driller, Powderman, Pheumatic Tool Operators with 3/4" Bits and Over	9.68	.80	.80		
LATHERS					
Total project cost over $500,000	10.805		.25		.01
Total project cost under $500,000	9.16		.25		.01
PAINTERS					
Painters	9.85	.55	.70		
Spray Epoxy	11.10	.55	.70		
Bridges	11.32	.55	.70		
Structural Steel, Spray, Steeple Jack	10.85	.55	.70		
Epoxy	10.10	.55	.70		
Swing Chair, Swing Scaffold, Roll over 10", and Sandblasting	10.35	.55	.70		
PLUMBERS & STEAMFITTERS					
Total project cost over $500,000	12.73	.72	.55	5%+.64	.21
Total project cost under $500,000	9.91	.72	.55	5%+.64	.21

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	9.91	.64	1.20		
SHEET METAL WORKERS					
Brome County	13.66	3%+.60	.80		.12
SPRINKLER FITTERS	14.52	.85	1.20		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a)(1)(ii)).					

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and the Day after Thanksgiving.

b. Employer contributes 8% of basic hourly rate for 5 years or more of service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit.

UMI 1 8 3 5 7 3 0 1 6 4 V

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubutiom Work					
Journeyman Lineman & Technician	11.60	1.40	3%+1.00	a	
Cable Splicer	15.35	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.44	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.28	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.70	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.25	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.925	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundmen Truck Driver	10.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.26	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experiemced	9.94	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.95	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.555	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.16	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.46	1.40	3%+1.00	a	

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations Maintenance Jobs or Projects					
Journeyman Lineman	13.95	1.40	3%+1.00	a	
Certified Lineman Welder	14.65	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Equipment Operator	13.95	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Groundman Truck Drivers	11.16	1.40	3%+1.00	a	
Groundman	10.46	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day. Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

Chenango County (townships of Sherburne, Columbus, [illegible] New Berlin)

Broome County and Chenango County (Remainder of County)

Chenango County (townships of Sherburne, Columbus, [illegible] New Berlin)

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.67	1.42	.95	a	
CLASS B	9.87	1.42	.95	a	
CLASS C	10.07	1.42	.95	a	
CLASS D	10.27	1.42	.95	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generator for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

Broome County and Chenango County (Remainder of County)

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	10.24	.85	.95	a	
CLASS B	10.44	.85	.95	a	
CLASS C	10.64	.85	.95	a	
CLASS D	10.84	.85	.95	a	

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnote:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

CLASS DESIGNATIONS:
CLASS A - Laborers, drill helpers, flagmen, outboard and hand boats

CLASS B - Bull float, chain saw, concrete aggregate, bin concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, mil and air tool operators, wrecking laborer.

CLASS C - All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D - [illegible]

UMI → 8 5 m c 8 0 → \ 6 4 V

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
CLASS I	$ 9.75	.50	.90	a	.10
CLASS II	9.50	.50	.90	a	.10
CLASS III	9.25	.50	.90	a	.10
CLASS IV	9.00	.50	.90	a	.10
CLASS V	8.70	.50	.90	a	.10
CLASS VI	7.33	.50	.90	a	.10

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I - Cranes with boom and jib, 175 feet and over

CLASS II - Cranes with boom and jib, 130 feet and over

CLASS III - Cranes with boom and jib, 100 feet and over

CLASS IV - Automatic fine grader, backhoe, cableway, caisson auger, cherry picker (straddle - mobile type), cherry picker (hydralic crane) over 5 ton, not more than (4), crane, derrick, diesel power unit, dragline, excavators (gradall type, hydraulically operated), front end loader (4 cubic yards and over), hign speed conveyors (in one line), piledriver, shovel, two and three drum hoist, vibro or sonic hammer controls (when not mounted by rig operator), tower crane

CLASS V - "A" frame truck (when used in setting of installation of material), bulldozer, carry-all scrapper, cherry picker (5 ton or under), compressor (300 cubic feet and over), concrete paver and mixer, (16S and over), concrete pump, core boring machine, machine, crop dryer (when used as heater), dinkey locomotive, elevator cage hoist, fork lift, full time welder on maintenance, front end loader (under 4 cubic yard), grease truck, high pressure boiler, one drum hoist, maintenance engineer, post hole digger, power grader, pumps (4 inch and over), roller, side boom, test boring machine, tractor mounted backhoe, trenching machine, two cage elevator hoist, tugger hoist, vibro tamp, well drill, well point system

CLASS VI - Concrete mixer (under 16S), conveyor, (over 12 foot), firemen, hydraulic pumps, oiler, mechanical heaters (more than two (2) mechanical heaters), power driven welding machine (300 amp. and over, other than all electric - one welding machine under 300 amp. will not require an engineer unless in a battery), pump (under 4 inch), tractor (farm type), steam jenny

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F; (provided an employee works the day before and the day after the holiday).

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	12.99	1.35	1.45	a	.15
GROUP II	12.55	1.35	1.45	a	.15
GROUP III	11.31	1.35	1.45	a	.15
GROUP IV	10.21	1.35	1.45	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, providing the employee works the day before and the day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker, (over 5 tons capacity) concrete pump (8" or over) crane, cranes 5 derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated)(gradall or similar), fork lift (factor rated 15 ft. and over), front end loader (4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power garder, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill (truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over),hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive, maintenance engineer/foreman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 and 5 and over) over 2000 C.F.M. combined capacity, concrete paver (under 16S), concrete pump (8" and over), crane, derrick, diesel power unit, dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated)(gradall or similar), fork lift (factor rated 15 ft. and over), front end loader (4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power garder, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.

Group IV - Bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill (truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over),hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive, maintenance engineer/foreman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity; or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors(any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system). light plants, mulching machine, oiler, parapet-concrete or pavement grinder, power broom (towed), power heaterman, revinius widerner, shell winder, steam cleaner, tractor.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	9.78	1.11	.85	a	
CLASS 2	9.83	1.11	.85	a	
CLASS 3	9.88	1.11	.85	a	
CLASS 4	10.03	1.11	.85	a	
CLASS 5	10.18	1.11	.85	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck firemen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

UMI 1 8 3 5 7 8 0 1 6 4 7

SUPERSEDEAS DECISION

STATE: SOUTH CAROLINA

COUNTIES: LEXINGTON & RICHLAND

DECISION NUMBER: SC81-1242

DATE: DATE OF PUBLICATION

Supersedes Decision Number SC79-1128, dated September 14, 1979, in 44 FR 53661.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 7.00				
ASBESTOS WORKERS	9.00				
BRICKLAYERS	7.12				
CARPENTERS	6.47				
CEMENT MASONS	5.83				
ELECTRICIANS	7.86				
GLAZIERS	7.21				
IRONWORKERS	6.75				
LABORERS	3.78				
PAINTERS	5.43				
PLASTERERS	7.00				
PLUMBERS & PIPEFITTERS	8.70				
ROOFERS	4.95				
SHEET METAL WORKERS	9.72	.30	.48		.04
SOFT FLOOR LAYERS	5.65				
TILE SETTERS	7.57				
TRUCK DRIVERS	4.16				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.52				
Bulldozer	5.00				
Crane	5.75				
Front end loader	6.00				
Paving machine	4.42				
Roller	4.00				
Scraper - pan	4.69				
Screed	4.42				
Spreader	4.42				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: TEXAS

COUNTY: Wichita

DECISION NUMBER: TX81-4037

DATE: Date of Publication

Supersedes Decision No. TX80-4076, dated October 10, 1980 in 45 FR 67535

DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to and including 4 stories).
(Use current heavy and highway general wage determination for Paving and utilities Incidental to Building construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.99	.70	1.00		.03
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS and STONEMASONS	12.30		.60		.05
CARPENTERS:					
Carpenters	12.25	.48	.70		.10
Millwrights	12.75	.48	.70		.10
CEMENT MASONS	10.94				
ELECTRICIANS:					
Electricians	13.10	.60	3%		1/10%
Cable splicers	13.35	.60	3%		1/10%
ELEVATORS CONSTRUCTORS:					
Mechanics	11.14	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Helpers (Prob.)	50%JR				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	11.70	.55	1.70		.10
Ironworkers on jobs 30 miles or more from the City of Wichita Falls	11.825	.55	1.70		.10
LABORERS:					
Group 1: General Laborer	7.05	.30	.27		
Group 2: Pipelayer (concrete and clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	7.18	.30	.27		
Group 3: Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer; Gunite over 1½" thick; Nozzlemen & machine operator	7.30	.30	.27		
Group 4: Powderman, blaster	7.55	.30	.27		
LATHERS	7.65				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman; Lineman Operator	$13.10	.60	3%		½%
Cable splicers	13.35	.60	3%		½%
Groundman	70%JR	.60	3%		½%
MARBLE SETTERS	8.61				
PAINTERS:					
Brush	7.50				
Spray	8.50				
PLASTERERS	12.25				.01
PLUMBERS and PIPEFITTERS:					
Zone 1 - within 25 miles of Wichita Falls City limits	12.65	.50	1.00		.05
Zone 2 - over 25 miles of Wichita Falls City limits	13.15	.50	1.00		.05
SHEET METAL WORKERS	12.84				.09
TERRAZZO WORKERS	7.50				
TILE SETTERS	6.50				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 months - none; 6 months to 5 years - 6%; over 5 years - 8% of basic houlry rate
b - Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$10.025	.65	.625		.15
Group 2	10.925	.65	.625		.15
Group 3	11.325	.65	.625		.15

Group 1: Oiler - Fireman

Group 2: Air Compressors, Pumps, Welding Machine, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators, building; Form Graders; Hoist, single drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cu. ft.; Screening Plants; Crushing Plant; Fork Lifts (short, under 25 ft.); Concrete Pumps (all types); Bobcat type equipment; Ford Tractor or like with any attachments (except blade and mower on rear)

Group 3: Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 ft.); Winch Trucks; Six wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cu. ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 ft. of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-to; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressor and Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

UMI 1 8 3 5 7 8 0 - 1 \ 6 4 \

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Lubbock
DECISION NO: TX81-4036 DATE: Date of Publication
Supersedes Decision No. TX80-4097, dated December 5, 1980 in45 FR 80044.
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes & apartments up to and including 4 stories). (Use current heavy and highway general wage determination for Paving & Utilities Incidental to Building

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.50	.80	1.35		.02
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS & STONEMASONS	10.70	.57	.30		.03
CARPENTERS	11.30	.48	.60		.01
CEMENT MASONS	8.15				
ELECTRICIANS:					
Electricians	13.25	.60	3%		1/10%
Cable splicers	13.50	.60	3%		1/10%
IRONWORKERS:					
Structural; Ornamental; Reinforcing	11.70	.55	1.70		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	11.025	.55	1.70		.10
LABORERS:					
GROUP 1-Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all construction laborers except those named below	6.96	.30	.27		
GROUP 2-Air tool op. (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete & clay & all non-metallic pipe); handling, laying & cleaning pumpcrete pipe	7.23	.30	.27		
GROUP 3-Mortar mixers, mason tenders, plasterers tenders, cement finisher tender, lather tender	7.16	.30	.27		
GROUP 4-Wagon drill	7.31	.30	.27		
GROUP 5-Blasters & Powderman	7.56	.30	.27		
LINE CONSTRUCTION:					
Linemen	13.25	.60	3%		1/10%
Operators	80%JR	.60	3%		1/10%
Groundmen	55%JR	.60	3%		1/10%
Flat bed truck driver	70%JR	.60	3%		1/10%
PAINTERS:					
Brush	9.85				
Spray; Sandblasters	10.60				
PLUMBERS & STEAMFITTERS	12.80	.50	.55		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	$13.12	.50	.72		.12
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental					
POWER EQUIPMENT OPERATORS					
GROUP 1	10.025	.65	.625		.15
GROUP 2	10.925	.65	.625		.15
GROUP 3	11.325	.65	.625		.15

GROUP 1 - Oiler-Fireman
GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear)

GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 ft. of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractorvators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressors & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson,

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise

DECISION NO.: TX81-4038 DATE: Date of Publication

Supersedes Decision No. TX81-4026, dated May 1, 1981 in 46 FR 24801

DESCRIPTION OF WORK Building Projects (does not include single family homes and apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving Incidental to Building Con struction in Tarrant Co. and for Paving & Utilities Incidental to Building Construction in remaining Cos.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.99	.70	1.00		.03
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS & STONEMASONS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson. Hunt, Kaufman & Rockwall Cos.	12.98	.57	.50		.07
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	12.97	.57	.50		.04
CARPENTERS:					
ZONE 1 - Grayson County:					
Carpenters	12.29	.80	.75		.005
Millwrights	12.69	.80	.75		.005
Piledrivermen	12.79	.80	.75		.005
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos:					
Carpenters	13.14	.80	.80		.08
Millwrights	14.51	.80			.08
CEMENT MASONS:					
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant, & Wise Counties.	13.95	.40	.80		
ZONE 2 - Collin, Dallas, Ellis, Hunt, Kaufman, & Rockwall Counties	13.13	.65	.75		.02
ELECTRICIANS:					
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
Electricians	13.00	.60	7%		1%
Cable splicers	13.25	.60	7%		1%
ZONE 2 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman, & Rockwall Cos.					
Electricians	13.20	.60	7%		1%
Cable splicers	14.52	.60	7%		1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Mechanics	$11.14	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	12.41	.40	.75		.025
IRONWORKERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto (excluding northwest corner), Rockwall, Tarrant & Wise (excluding northwest 1/2) Cos.	12.78	.55	1.45		.07
ZONE 2 - Palo Pinto, (northwest corner) & Wise (northwest 1/2) Cos.	11.825	.55	1.70		.10
LABORERS:					
ZONE 1 - Grayson County:					
GROUP 1 - Unskilled labor	7.145	.30	.40		.02
GROUP 2 - Air tool op. jackhammer, vibrator), mason tenders & mortar mixers, pipelayers	7.395	.30	.40		.02
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	7.83	.30	.40		.02
GROUP 2	7.98	.30	.40		.02
GROUP 3	8.08	.30	.40		.02
GROUP 4	8.23	.30	.40		.02

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - All hand digging dirt work & backfilling; firing of salamanders, loading & unloading of materials to & from hoist or cages; loading & unloading of tools & equipment; wheeling, placing & pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking & razing of buildings & all structures; Cleaning & clearing of all debris; handling of broken concrete or other damanged or undamaged materials; removing, moving, handling & greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders, checking materials & tools in & out of receiving lots & sheds tool house men; landscaper; asphalt ironer & raker; waterproofing tender; dumper; spotter; concrete pumpcrete pipe (handling & laying); carpenter tender

GROUP 2 - All power tool & equipment operators (gas, electric or air); cutting torch man; concrete grademan; power buggy operator; wagon drill operator, well driller, drilling rig tender; cement finisher tender; metal pan & steel form men; handling creosoted materials; liquid acids or like materials injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrows or buggies previously used by laborers, scale men on batch plants

GROUP 3 - Concrete & clay pipe (handling & laying); mason handler; scaffold builder; mason tender; hod carrier mortar mixers; lather tenders, plaster tenders; water pump operators up to 4 inches; cement masons tenders; mortar mixers; hod carriers; dry mixers; tank cleaning; all pipe doping, treating & wrapping, including all men working with dope, mortar & plaster mixing machines; grout machines, pump crete machines, gunite mixing machine, including placing & cleaning of pipe & conduits used in placing of concrete, handling & placing of gunite materials from stockpile; screening sand, running sand dryer & loading & operating sand blaster, except nozzle, conveying, stocking & handling of all materials for brickmasons, lathers, cement finisher, plasterers; ditch work over 6 ft. & cleaning out drill piers

GROUP 4 - Sand blaster, blaster powderman; gunite worker; gunite nozzleman & terrazzo grinder

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LATHERS	$12.18				.04
LINE CONSTRUCTION:					
Linemen	13.20	.60	7%		1/2%
Cable splicers	14.52	.60	7%		1/2%
Operators	13.86	.60	7%		1/2%
Groundmen	9.24	.60	7%		1/2%
MARBLE, TILE & TERRAZZO WORKERS:					
Collin, Dallas, Denton, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	11.86		.30		
MARBLE & TILE FINISHERS:					
Collin, Dallas, Denton, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	8.99				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Brush	$12.495	.55	.75		.07
GROUP 2 - All wall covering work: paper, fabric sheeting, flexwood, etc.	12.745	.55	.75		.07
GROUP 3 - Ames tools op.	12.62	.55	.75		.07
GROUP 4 - Structural steel, stage work, bosun chair, spray gun, sandblasting & windmw jacks & fire escapes	12.87	.55	.75		.07
ZONE 2 - Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
GROUP 1	12.10		.30		.12
GROUP 2	12.35		.30		.12
GROUP 3	13.35		.30		.12

GROUP 1 - Brush

GROUP 2 - Spray, wallcovering; pressure roller; sandblasting; structural steel; bosun chair, window jack & window sill; stage, fire escape; steel storage tank; stilts; mittens; ames tools, drywall finishing

GROUP 3 - Steeple jack (radio & TV towers, smoke stacks, chimneys & water towers & similar facilities & flag poles atop buildings located closer to the edge of the building than the height of the pole); toxic material rate (creosote, coal tar products or similar materials injurious to the skin)

PLASTERERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	9.44	.45		.50	.03
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	12.21				.01

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hood, Hunt, Kaufman & Rockwall Counties	$12.76	.43	1.00		.10
ZONE 2 - Denton, Johnson, Palo Pinto, Tarrant & Wise Counties	13.53	.64	1.00		.12
ROOFERS:					
GROUP 1 - Slate & tile	11.775				
GROUP 2 - Composition & built-up roofing, damp-proofing & bituminous waterproofing	11.625				
SHEET METAL WORKERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Rockwall, Tarrant & Wise Counties	12.645	.60	.84		.145
ZONE 2 - Palo Pinto Co.	12.84				.09
SOFT FLOOR LAYERS	10.85	.40	.40		.03
SPRINKLER FITTERS	14.68	.95	1.40		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a. 1st 6 months - none; 6 months to 5 years - 6%; over 5 years - 8% basic hourly rate
b. Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day G-Christmas Day

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - Dallas County:					
GROUP 1	$ 7.89	.65	.90		.125
GROUP 2	12.615	.65	.90		.125
GROUP 3	13.015	.65	.90		.125

GROUP 1 - Oilers
GROUP 2 - Air compressor, water pumps, welding machines (2 to 6 machines) & generators; Blade grader; towed; Flex plane Form Grader; Concrete mixer; less than 14 cu. ft.; Pulsometer; Wagon drill operator; Conveyor, Hoist, single drum; Scraper 3 cu. yd. or less; Bob cat with loader
GROUP 3 - Heavy duty mechanic; Asphalt mixer operator on job; Blade grader;, self-propelled; Bull clam; Backfiller; Bulldozer & all cat type tractors; Backhoe; Concrete mixers, over 14 cu. ft.; Crusher operator on job. Concrete batch plant operator; Clam shell; Cranes (all types); Truck mounted or crawler requires oiler including groves (hydraulic) or similar type over 12½ ton capacity; Escalated rate on crane and derricks booms: .01¢ per hour, per foot over 90' including jib; draglines; derricks, power operated (all types); DW-10 caterpillar, S-8 Euclid and similar tractors; Elevating grader, self-propelled; Foundation drilling machines (all); Forklifts, used in handling machinery on construction; Gradeall; Hoist, motor driven 2 drums or more; Locomotive crane; Mixmobile; Paving mixers (all types); Piledriver; Pumpcrete machines; Pneumatic rollers, self-propelled; Shovels, power operated; Scrapers, over 3 cu. yds.; Scoopmobile; Trenching machines, all types; Winch trucks, when pole and winch is used; Water well drilling machines, used on construction; Well point pump; Welding machines (7 to 13 machines)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
ZONE 2 - Collin, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	$7.765	.65	1.00		.15
GROUP 2	12.49	.65	1.00		.15
GROUP 3	12.89	.65	1.00		.15

GROUP 1 - Oiler-Fireman

GROUP 2 - Air compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon drill; Elevators Building; Form Graders; Hoist, Single drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cu. ft.; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment

GROUP 3 - Ford Tractor or like with any attachments (except blade and mower on rear); Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Forklifts (over 25 ft.); Winch Truck, Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cu. ft. or over; Blade Graders, selfpropelled; Cableways; Cranes-power operated to 100 ft.; Derricks; power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one; man; Heavy Duty Mechanic

Unlisted classifications needed for work not included within the scope of the classifcations listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATES: DISTRICT OF COLUMBIA, MARYLAND AND VIRGINIA

COUNTIES: DISTRICT OF COLUMBIA; MARYLAND-MONTGOMERY AND PRINCE GEORGES; AND D.C. TRAINING SCHOOL; VIRGINIA-INDEPENDENT CITY OF ALEXANDRIA, ARLINGTON AND FAIRFAX COUNTIES

DECISION NO.: DC81-3040
DATE: DATE OF PUBLICATION
Supersedes Decision No. DC80-3040, dated May 16, 1980, in 45 FR 32528.
DESCRIPTION OF WORK: Building Construction (Does not include single family homes and apartments up to and including 4 stories) and also excluding the Independent City of Alexandria, Heavy Construction (excluding Water and Sewer Lines), Highway Construction (District of Columbia Only), Water and Sewer Lines (District of Columbia, and Montgomery County, Maryland only)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINES: All Counties					
BUILDING CONSTRUCTION: Excluding Alexandria, Virginia					
ASBESTOS WORKERS	14.39	.86	1.57		.03
BOILERMAKERS - BLACKSMITHS	14.275	1.275	1.00		.04
BRICKLAYERS	14.75	1.29	1.00		.15
CARPENTERS	13.42	.80	.70		.05
CARPET LAYERS	8.30	.30			
CEMENT MASONS	12.80	1.205	1.00		.11
DIVERS	23.20	.80	.65		.05
DIVER TENDER	13.61	.80	.70		.05
ELECTRICIANS	13.55	.75	3%+.80		.13
ELEVATOR CONSTRUCTORS	13.095	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	9.17	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	6.55				
GLAZIERS	12.23	.71	.70		.05
IRONWORKERS:					
Structural, ornamental and chain link fence	13.71	.95	1.25		.07
Reinforcing	12.44	.87	1.15		.07
LABORERS (EXCLUDING, HEAVY CONSTRUCTION)					
Common laborers, landscapers	10.42	.80	.75		.08
Acetylene burners used on wrecking	11.05	.80	.75		.08
Air tool op., scaffold builders, paving breakers, towmasters, buggy mobiles, spaders, mortar men and scootretes	10.60	.80	.75		.08

	Basic	Fringe Benefits Payments
LABORERS (EXCLUDING, HEAVY CONSTRUCTION)		
Concrete laborers, concrete specialists, concrete rubbers, concrete strippers, concrete wall washers, curb setters, grade checkers, hand operated concrete vibrators, hand operated power saws, jackhammer operators, pavement breakers, pipelayers, power buggy operators, rip rap men, sandblasters, sewer and catch basin men, shovel operators, tamper operators, timbermen, tunnel laborers, wagon drill operators, and wrecking laborers	10.80	.80 .75 .08
Asphalt laborers, asphalt shovelers, asphalt spreaders, asphalt tampers, asphalt workers, chain saw operators, chuck tenders, curb machine operators, dumpmen, fence erectors, form movers, form setters, gunite nozzlemen, gunite operators, gunite rodmen, gunite shooters, hydraulic monitor operators, mason tenders, material hoistmen, material yardmen, mortar mixers, pipe caulkers, pipe wrappers, plasterers' helpers, power jumbo operators, rigging men, rodmen, scaffold erectors, signalmen, stonecutters, tool crib attendants, toolmen, topmen, tunnel muckers, and vibrator operators	10.95	.80 .75 .08
Caissonmen, deep tunnel laborers, gas welders, and miners	11.05	.80 .75 .08
Powdermen	11.30	.80 .75 .08
LATHERS	13.42	.80 .70 .05
MACHINISTS	13.61	.80 .70 .05
MARBLE SETTERS	13.42	.80 .70 .05
MILLWRIGHTS	13.61	.80 .70 .05
PAINTERS:		
Brush, roller and spray	12.80	1.205 1.00 .11
Paperhangers and taping only	13.00	1.205 1.00 .11
Steel only	13.30	1.205 1.00 .11
PILEDRIVERMEN	13.42	.80 .70 .05
PLASTERERS	13.42	.80 .70 .05
PLUMBERS AND PIPEFITTERS	13.61	.80 .70 .05
POWER EQUIPMENT OPERATORS:		
Asphalt plant operators, backhoe/excavator/trackhoe operators, batch operators, boiler and throttle valve operators, bulldozer operators, caisson drill operators, central mix plant operators, compressor and welder operators, concrete breaking machine operators, concrete mixer operators (skip type), concrete pump operators, conveyor operators, crane operators, crusher operators, curb and gutter machine operators, derrick operators, dinky operators, directional boring machine operators, ditching machine operators, drilling machine operators, elevating belt loader operators, elevating grader operators, finishing machine operators, forklift operators, gradall operators, grinding machine operators, guardrail machine operators, heavy duty repairmen, hoist operators, hydraulic boom truck operators, hydro-seeder operators, locomotive operators, mechanics, milling machine operators, mine hoist operators, mine motormen, mine pump operators, motor patrol operators, pavement breaker operators, pavement brake operators, pavement scarifier operators, pipe bending machine operators, pipe cleaning machine operators, pipe cleaning machine operators (tractor mounted), pipe coating machine operators, pipe cutting machine operators, pipe handling machine operators, pipe jacking machine operators, pipe laying machine operators, pipe liner machine operators, pipe machine operators, pipe threading machine operators, post driver operators, power jumbo operators, power plant operators, pug mill operators, push cat operators, push loader operators, quad operators, roller operators, rotary snow plow operators, scraper operators, shovel operators, slip form paver operators, spreader box operators, subgrader operators, tamper operators, tractor operators, trenching machine operators, truck crane operators, tunnel boring machine operators, tunnel liner operators, vacuum blaster operators, vacuum cleaning machine operators, and well point operators	13.55	.75 3%+.80 .13
ROOFERS	12.80	1.205 1.00 .11
SHEETMETAL WORKERS	13.61	.80 .70 .05
SPRINKLER FITTERS	13.61	.80 .70 .05
TERRAZZO FINISHERS	13.42	.80 .70 .05
TERRAZZO MECHANICS	13.61	.80 .70 .05
TILE SETTERS	13.42	.80 .70 .05
TILE SETTERS' HELPERS	9.17	1.195 .95 a+b .035
TRUCK DRIVERS:		
Dump trucks, flat bed trucks, pole trailers, semi-trailers, tandem trucks, transit mix trucks, and water trucks	12.80	1.205 1.00 .11
Fuel and lubrication trucks	13.00	1.205 1.00 .11
Mechanic trucks	13.30	1.205 1.00 .11
WATERPROOFERS	12.80	1.205 1.00 .11
WATER AND SEWER LINES (District of Columbia, and Montgomery County, Maryland only):		
BRICKLAYERS	14.75	1.29 1.00 .15
CARPENTERS	13.42	.80 .70 .05
CEMENT MASONS	12.80	1.205 1.00 .11
ELECTRICIANS	13.55	.75 3%+.80 .13
LABORERS:		
Common laborers, landscapers	10.42	.80 .75 .08
Acetylene burners used on wrecking	11.05	.80 .75 .08
Air tool op., scaffold builders, paving breakers, towmasters, buggy mobiles, spaders, mortar men and scootretes	10.60	.80 .75 .08
Concrete laborers, concrete specialists, concrete rubbers, concrete strippers, concrete wall washers, curb setters, grade checkers, hand operated concrete vibrators, hand operated power saws, jackhammer operators, pavement breakers, pipelayers, power buggy operators, rip rap men, sandblasters, sewer and catch basin men, shovel operators, tamper operators, timbermen, tunnel laborers, wagon drill operators, and wrecking laborers	10.80	.80 .75 .08
Asphalt laborers, asphalt shovelers, asphalt spreaders, asphalt tampers, asphalt workers, chain saw operators, chuck tenders, curb machine operators, dumpmen, fence erectors, form movers, form setters, gunite nozzlemen, gunite operators, gunite rodmen, gunite shooters, hydraulic monitor operators, mason tenders, material hoistmen, material yardmen, mortar mixers, pipe caulkers, pipe wrappers, plasterers' helpers, power jumbo operators, rigging men, rodmen, scaffold erectors, signalmen, stonecutters, tool crib attendants, toolmen, topmen, tunnel muckers, and vibrator operators	10.95	.80 .75 .08
Caissonmen, deep tunnel laborers, gas welders, and miners	11.05	.80 .75 .08
Powdermen	11.30	.80 .75 .08
PILEDRIVERMEN	13.42	.80 .70 .05
PLUMBERS AND PIPEFITTERS	13.61	.80 .70 .05
POWER EQUIPMENT OPERATORS:		
Asphalt plant operators, backhoe/excavator/trackhoe operators, batch operators, boiler and throttle valve operators, bulldozer operators, caisson drill operators, central mix plant operators, compressor and welder operators, concrete breaking machine operators, concrete mixer operators (skip type), concrete pump operators, conveyor operators, crane operators, crusher operators, curb and gutter machine operators, derrick operators, dinky operators, directional boring machine operators, ditching machine operators, drilling machine operators, elevating belt loader operators, elevating grader operators, finishing machine operators, forklift operators, gradall operators, grinding machine operators, guardrail machine operators, heavy duty repairmen, hoist operators, hydraulic boom truck operators, hydro-seeder operators, locomotive operators, mechanics, milling machine operators, mine hoist operators, mine motormen, mine pump operators, motor patrol operators, pavement breaker operators, pavement brake operators, pavement scarifier operators, pipe bending machine operators, pipe cleaning machine operators, pipe cleaning machine operators (tractor mounted), pipe coating machine operators, pipe cutting machine operators, pipe handling machine operators, pipe jacking machine operators, pipe laying machine operators, pipe liner machine operators, pipe machine operators, pipe threading machine operators, post driver operators, power jumbo operators, power plant operators, pug mill operators, push cat operators, push loader operators, quad operators, roller operators, rotary snow plow operators, scraper operators, shovel operators, slip form paver operators, spreader box operators, subgrader operators, tamper operators, tractor operators, trenching machine operators, truck crane operators, tunnel boring machine operators, tunnel liner operators, vacuum blaster operators, vacuum cleaning machine operators, and well point operators	13.55	.75 3%+.80 .13
TRUCK DRIVERS:		
Dump trucks, flat bed trucks, pole trailers, semi-trailers, tandem trucks, transit mix trucks, and water trucks	12.80	1.205 1.00 .11
Fuel and lubrication trucks	13.00	1.205 1.00 .11
Mechanic trucks	13.30	1.205 1.00 .11
WELDERS - RECEIVE RATE PREVAILING FOR CRAFT TO WHICH WELDING IS INCIDENTAL		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION NO. DC81-3040

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (EXCLUDING, HEAVY CONSTRUCTION) CONT'D:					
Pipelayers	10.73	.80	.75		.08
Plumbers' laborers	8.50	.60	.45		.05
Powdermen	11.885	.80	.75		.08
Powersaw, well point	10.73	.80	.75		.08
Plasterer tender	11.04	.80	.75		.08
Operators of scootcretes, buggymobile, mixer operator not in conjuction with plastering machine	11.35	.80	.75		.08
Mixer operator in conjunction with plastering machine	11.66	.80	.75		.08
LATHERS	12.21	.80	.65		.05
LEADBURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION:					
Linemen, cable splicers, equipment operators	14.56	.60	3%		.5%
Truck with winch, truck pole or steel handling	8.34	.60	3%		.5%
MARBLE SETTERS	14.30	1.185	.90		.05
MARBLE SETTERS' HELPERS	7.35				
MILLWRIGHTS	14.05	.80	.70		.05
MOTOR REPAIRMAN (Removal and reinstalling of electrical motors)	9.87	.70	3%+.80	h	
PAINTERS (EXCLUDING FAIRFAX CO.)					
Brush, spray, paperhangers, tapers	12.40	.96	1.10		.08
Steel, sandblasting, swing stage, power brushing	12.90	.96	1.10		.08
PAINTERS (FAIRFAX CO.)	7.13				
PILEDRIVERMEN	13.72	.80	.70		.05
PLASTERERS	13.40	.65	.75		.06
PLUMBERS	12.85	1.[illegible]	1.20		.[illegible]7

DECISION NO. DC81-3040

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition	12.21	.74	.50		.10
Slate, tile mopmen, waterproofer, sprayers, sprandrel and ironite	12.81	.74	.50		.10
Material handlers (only to supply materials and to prepare decks for new roofs or repairs)	8.25	.74	.50		.10
SHEET METAL WORKER	14.03	1.49g	1.44		.14
SOFT FLOOR LAYERS (EXCLUDING FAIRFAX CO.)	11.06	.80	.65		.05
SOFT FLOOR LAYERS (FAIRFAX CO.)	6.81				
SPRINKLER FITTERS (EXCLUDING PRINCE GEORGES AND MONTGOMERY COUNTIES)	15.37	.95	1.40		.08
SPRINKLER FITTERS (MONTGOMERY AND PRINCE GEORGES COUNTIES)	14.88	.95	1.40		.08
STEAMFITTERS, REFRIGERATION AND AIR CONDITION MECHANIC	12.99	1.09	1.25		.16
STONE MASONS	14.30	1.185	.90		.05
STONE CUTTERS:					
Fitters and trimmers	12.23		.60	d	
Ornamental carvers	11.49		.60	d	
Figure carvers	11.69		.60	d	
TERRAZZO AND MOSAIC WORKERS	12.81	.80	1.20		.04
TERRAZZO WORKER' HELPERS	9.95	.70	.70		.04
TILE SETTERS	12.81	.80	1.20		.04
TILE SETTERS' HELPERS	9.95	.70	.70		
TRUCK DRIVERS:					
Boom trucks	9.35	.74	.425	e+f	
Small dump, water sprinkler, grease and oil	9.10	.74	.425	e+f	
Flat, pick-up hauling materials, small Eumlids, dump over 8 wheels	9.20	.74	.425	e+f	
Trailers, low boys, tractor pulls	9.40	.74	.425	e+f	
Helpers	8.95	.74	.425	e+f	
Carryalls, large Euclids, Euclid water sprinkler, tunnel work under ground	9.50	.74	.425	e+f	
Mechanics	9.25	.74	.425	e+f	

DECISION NO. DC81-3040

RIGGERS AND WELDERS - Receive rates prescribed for crafts performing and welding are incidental.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, plus the Friday after Thanksgiving Day.

b. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday).

d. Holidays: A-D-E-F and Veteran's Day.

e. Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceeding and following the holiday.

f. One weeks paid vacation providing the employee has worked 3 years and and a minimum of 1450 hours during any calendar year.

g. Employer contributes to Health & Welfare $1.49, in District of Columbia, and $1.62, in all other areas.

h. Employer contributes to employees who have worked six (6) months or more, shall be given two and one-half days vacation or equivalent thereof. All men in the employ of the employer three (3) years or more shall be given two (2) week's vacation with pay or the equivalent thereof. All men in the employ of the employer ten (10) years or more shall be given three (3) weeks vacation with pay or the equivalent thereof.

DECISION NO. DC81-3040

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINES):					
GROUP I	10.54	.65	.78		.08
GROUP II	10.72	.65	.78		.08
GROUP III	10.79	.65	.78		.08
GROUP IV	10.85	.65	.78		.08
GROUP V	11.10	.65	.78		.08
GROUP VI	11.35	.65	.78		.08
GROUP VII	11.505	.65	.78		.08
GROUP VIII	12.005	.65	.78		.08

CLASSIFICATIONS

LABORERS:
GROUP I - Carloader, choker setter, concrete crewman, crushed feeder, demolition laborer (including salvaging all material, loading and cleaning up), wrecking, driller tenders, dumpman, flagman, fence erector and installer (including installation and erection of fence, guard rails, median rails, reference posts, guide posts and right-of-way markers), form stripper, general laborers, railroad track laborer, riprap man, scale man, stake jumper, structure mover (includes foundation, separation, preparation, cribbing, shoring, jacking and unloading of structures), water nozzleman, timber bucker and faller, truck loader, water boys

GROUP II - Combined air and water nozzlemen, cement handler, dope pot fireman (nonmechanical), form cleaning machine, mechanical railroad equipment (includes spiker, puller, tie cleaner, tamper pipe wrapper, power driven wheelbarrow, operators of hand derricks, towmasters, scootcretes, buggymobiles and similar equipment), tamper or rammer operator, trestle scaffold builders over one tier high, power tool operator (gas, electric or pneumatic), sandblast or gunnite tailhose man, scaffold erector (steel or wood), vibrator operator (up to 4'), asphalt cutter, mortar men, shorer and lagger, creosote material handler, corrosice enamel or equal, paving breaker and jackhammer operators

DECISION NO. DC81-3040

CLASSIFICATION - CONT'D

GROUP III - Multi-section pipe layer, non-mentallic clay and concrete pipe layer (including caulker, collarman, jointer, rigger and jacker) thermite welder and corrugated metal culvert pipe layer

GROUP IV - Asphalt block pneumatic cutter, asphalt roller, walking chain-saw with attachment, concrete saw (walking), high scalers, jackhammer (using over 6' of steel), vibrator (4' and over), well point installers, air-trac operator

GROUP V - Asphalt screeder, big drills, cut of the hole drills (1¼ piston or larger) down the hole drills (3½" piston or larger), gunnite or sandblaster nozzleman, asphalt raker, asphalt tamper, for setter, demolition torch operator, shotcrete nozzlemen and potman

GROUP VI - Powderman, master for setters

GROUP VII - Brick paver (asphalt block paver, asphalt block saw man, asphalt block grinder; hasting block or similar type)

GROUP VIII - Miners

DECISION NO. DC81-3040

LABORERS (HEAVY CONSTRUCTION):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.88$	.65	.78		.08
GROUP II	11.23$	.65	.78		.08
GROUP III	12.06$	.65	.78		.08
GROUP IV	12.38$	.65	.78		.08

CLASSIFICATIONS

TUNNELS, RAISES AND SHAFTS FREE AIR

GROUP I
Brakeman, bull gang, dumper, trackman, concrete man

GROUP II
Chuck tender, powdermen in prime house, form setters and movers, nippers, cableman, hosemen, groutman, bell or signalman, top or bottom vibrator operator, caulkers' tenders

GROUP III
Miners, rodmen, re-bar underground, concrete or gunnite nozzlemen, powderman, timberman and re-timberman, wood steel including liner plate or any other support, material, motorman, caulkers, diamond drill operators, riggers, cement finishers - underground, welders and burners, shield driver, air trac operator, shotcrete nozzleman and potman

GROUP IV
Mucking machine operator (air)

DECISION NO. DC81-3040

HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINES: BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	13.22	.80	.70		.12
GROUP II	12.93	.80	.70		.12
GROUP III	12.76	.80	.70		.12
GROUP IV	12.56	.80	.70		.12
GROUP V	12.50	.80	.70		.12
GROUP VI	12.48	.80	.70		.12
GROUP VII	12.47	.80	.70		.12
GROUP VIII	12.27	.80	.70		.12
GROUP IX	12.25	.80	.70		.12
GROUP X	12.02	.80	.70		.12
GROUP XI	11.47	.80	.70		.12
GROUP XII	11.27	.80	.70		.12
GROUP XIII	9.15	.80	.70		.12

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP I - 35 ton cranes and above, tower anc climbing cranes

GROUP II - Back hoes, boom-cat, cableways, cranes or derricks, draglines, elevating graders, hoists, multiple concrete conveyors, elevators (permanent), paving micers, pile driving engines, power shovels, tunnel shovels, mucking machines, batch plant, concrete pumps, locomotives (standards, narrow guage), power driven wheel scoops and scrapers (50 cu. yd. struck capacity or above), front end loader above 3½ cu. yd., boom trucks, moles, shields, tunnel mining machines, loaders used as muckers in tunnel mining, gradalls, shotcrete machines and grout pumps with discharge of two inches I.D. or more, drill rigs

GROUP III - Hydraulic back hoes of less than ½ yd. capacity, mounted on tractors, front end loader above 2-3/4 to 3½ cu. yd.

GROUP IV - Air compressor on steel

GROUP V - Mechanic, mechanic-welder, welder

GROUP VI - Front end loader, highlift, fork lift

GROUP VII - Boilers (skeleton), trenching machines, tug boat, well drilling machines

DECISION NO. DC81-3040

POWER EQUIPMENT OPERATORS CLASSIFICATION (CONT'D)

GROUP VIII - Concrete mixer, tunnel motorman

GROUP IX - Power driven wheel scoops and scrapers (below 50 cu. yd. struck capacity), blade graders, motor graders, bulldozers

GROUP X - Rollers, asphalt spreaders, bullfloat finishing machines, concrete finishing machines, concrete spreaders, fine graders

GROUP XI - Air compressors (except steel), welding machines, pumps, generators, space heaters, wellpoints, deepwells, hydraulic pumps

GROUP XII - Firemen

GROUP XIII - Oilers

DECISION NO. DC81-3040 (DISTRICT OF COLUMBIA ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAVING AND INCIDENTAL					
GRADING					
ASPHALT SHOVELER	8.00	.30	.40		
ASPHALT RAKER	8.21	.30	.40		
ASPHALT TAMPER	8.11	.30	.40		
BRICKLAYERS	14.75	1.29	1.00		.15
CARPENTERS	13.42	.80	.70		.05
CEMENT MASONS	8.48	.30	.40		
CONCRETE SAW OPERATORS	8.21	.30	.40		
CONCRETE SHOVELER	8.11	.30	.40		
FORM SETTER	8.48	.30	.40		
LABORERS:					
Laborers	7.95	.30	.40		
Jackhammer	8.16	.30	.40		
Hand Burner Operator	8.11	.30	.40		
POWER EQUIPMENT OPERATORS:					
Concrete Spreader Operator, Finishing Machine, Roller (rough), Compressor Rubbertired Loader (1-½ cu. yds., or less), Asphalt Plant Mixer	8.21	.30	.40		
Loader Operator Tracks (2-½ cu. yds. or less), Burner Planer, Bulldozer, Mechanic or Welder, Rubber Tired Loader (over 1-½ cu. yds.)	8.43	.30	.40		
Asphalt Spreader, Hydraulic Backhoe (½ cu. yd., or less), Asphalt Plant Engineer, Asphalt Roller Operator, Concrete Breaker (machine)	8.48	.30	.40		
Crane Operator, Concrete Paving Operator	8.64	.30	.40		
Shovel Operator	8.75	.30	.40		
Gradall Operator (1-½ cu. yds. or less), Motor Grader, Operator Tracks over 2-½ cu. yds.	9.44	.30	.40		

DECISION NO. DC81-3040	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (CONT'D)					
G-1000 Gradall Operator (over 1½ cu. yds.)	9.71	.30	.40		
Power Broom, Oiler	8.11	.30	.40		
Sand Setter	8.48	.30	.40		
TRUCK DRIVERS:					
Truck Drivers (standard)	7.95	.30	.40		
Tandem	8.07	.30	.40		
Tractor trailer (capable of moving heavy equipment	8.48	.30	.40		

DECISION NO. DC81-3040 (DISTRICT OF COLUMBIA AND MONTGOMERY COUNTY, MARYLAND ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
SEWER AND WATER LINES					
BRICKLAYERS	14.75	1.29	1.00		.15
CARPENTERS	13.42	.80	.70		.05
CEMENT MASONS	12.80	1.205	1.00		.11
IRONWORKERS: REINFORCING	12.44	.87	1.15		.07
LABORERS:					
Open Cut:					
Laborers, jackhammer, rammers and spaders	5.78	.33	.25		.03
Timberman, sheeting-men, shoring-men, caulkers pipelayers helpers	5.93	.33	.25		.03
Bottom man	5.83	.33	.25		.03
Wagon drillers, air track drillers	6.13	.33	.25		.03
Pipelayers	6.13	.33	.25		.03
Rock drillers	5.88	.33	.25		.03
Tunnel:					
Brakeman, bull gang, dumper, trackmen, concrete man	6.415	.33	.25		.03
Chuck tender, powder in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal men, top or bottom, vibrator operator, caulkers' tenders	6.715	.33	.25		.03
Miners, rodmen, re-bar underground, concrete or gunite nozzlemen, powermen, timbermen and retimberman wood or steel including liner plate or any other support material, motorman, caulkers, diamond drill riggers, cement finishers (underground), welders and burners, shield driver	7.365	.33	.25		.03
Mucking machine operator (air	7.615	.33	.25		.03

DECISION NO. DC81-3040 (DISTRICT OF COLUMBIA AND MONTGOMERY COUNTY, MARYLAND ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
SEWER AND WATER LINES CONT'D					
COMPRESSED AIR: (All rates per day)					
Gauge Pressure Pounds / Work Period					
From 1 to 14 / 7 hours	72.74	.33	.25		.03
From 14 to 18 / 6 hours	76.08	.33	.25		.03
From 18 to 22 / 5½ hours	79.41	.33	.25		.03
From 22 to 26 / 5 hours	82.76	.33	.25		.03
From 26 to 32 / 4 hours	86.09	.33	.25		.03
From 32 to 38 / 3 hours	89.44	.33	.25		.03
From 38 to 44 / 2½ hours	92.77	.33	.25		.03
PILEDRIVERMEN	13.72	.80	.70		.05
PLUMBERS	12.85	1.22	1.20		.27
POWER EQUIPMENT OPERATORS:					
Backhoes, cable ways, cranes, draglines power shovels, tunnel shmvels, tunnel mumking machines, derricks, 1 cu. yd. and mver	9.39	.35	.45		.05
Backhoes, cableways, cranes derricks, dragline, tunnel shovels, tunnel mucking machines up to 1 cu. yd., boom cats, elevating graders, hoists, paving mixers, piledriving engines, batch plants concrete pumps	9.14	.35	.45		.05
Trenching machines (above 8' 3")	8.94	.35	.45		.05
Backhoes (hydraulic, under ½ c.y.)	9.02	.35	.45		.05
Trenching machines (up to 8' 3"), boilers skeleton, well drilling machines	8.84	.35	.45		.05
Air compress, tunnel	8.81	.35	.45		.05
Front end loaders (high lift), bulldozers	8.79	.35	.45		.05

DECISION NO. DC81-3040 (DISTRICT OF COLUMBIA AND MONTGOMERY COUNTY, MARYLAND ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SEWER AND WATER LINES CONT'D					
POWER EQUIPMENT OPERATORS CONT'D					
Concrete mixers, power wheel scoops and scrapers, motorgraders, tunnel motor men, blade graders, tunnel mechanics	8.69	.35	.45		.05
Mechanics	9.02	.35	.45		.05
Bulldozer, hydraulic tampers	8.59	.35	.45		.05
Roller	8.49	.35	.45		.05
Air compressors, pump, welding machine well points	8.415	.35	.45		.05
TRUCK DRIVERS:					
Dump trucks	6.10	.415	a		
Dump trucks over 8 wheels	6.20	.415	a		
Flat trucks	6.20	.415	a		
Trailers	6.45	.415	a		
Fuel and oil trucks	6.10	.415	a		
Euclids	6.60	.415	a		

FOOTNOTE:

a. $10.00 per week when employee has worked 90 days and work three days in any work week.

[FR Doc. 81-16557 Filed 6-4-81; 8:45 am]
BILLING CODE 4510-27-C

V 4 6 / 1 0 8
J E 5 8 1
UMI

federal register

Friday
June 5, 1981

Part III

Environmental Protection Agency

Dichloromethane, Nitrobenzene and 1,1,1-Trichloroethane; Proposed Test Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 773

[OPTS-47004; TSH-FRL 1809-7]

Dichloromethane, Nitrobenzene and 1, 1, 1-Trichloroethane; Proposed Test Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing that manufacturers and processors of dichloromethane, nitrobenzene, and 1,1,1-trichloroethane test these chemicals for health and environmental effects. The Interagency Testing Committee recommended that these chemicals be given priority consideration for testing by EPA. EPA has considered the need to test these chemicals and has made the necessary statutory findings to require testing. The rule would require manufacturers and processors to test these chemicals according to test standards EPA has adopted.

DATES: Please submit written comments on or before August 30, 1981. The comment period for this rule is longer than normal to permit comment on the application of environmental test standards scheduled to be published in July 1981. EPA will hold a public meeting for this rule in Washington, D.C. For further information on arranging to speak at the meeting see section X. of this preamble.

ADDRESSES: Please address your comments to: Document Control Officer, Management Support Division (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Please include the document control number OPTS-47000 on all of your comments.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office, (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm 511 East Tower, 401 M St. SW., Washington, DC 20460, Toll-free: (800-424-9065), In Washington, D.C.: (544-1404), Outside the USA: (Operator—202-544-1404).

The support documents referred to in this preamble are available on request from the Industry Assistance Office.

SUPPLEMENTARY INFORMATION:

I. Introduction

This proposal is part of an ongoing EPA program to require testing of chemical substances. This program implements section 4 of the Toxic Substances Control Act (TSCA, Pub. L. 94-469, 90 Stat. 2003, 2601) which reflects the U.S. policy

that adequate data should be developed with respect to the effect of chemical substances and mixtures on health and the environment and that the development of such data should be the responsibility of those who manufacture and process such chemical substances and mixtures [TSCA section 2(b)(1)].

Section 4 of TSCA authorizes the Administrator of the Environmental Protection Agency (EPA) to require manufacturers (including importers) and processors of identified chemical substances and mixtures to test the chemicals in accordance with applicable EPA test rules [section 4 (a) and (b)]. TSCA requires that each section 4(a) test rule: identify the chemical substances and mixtures for which testing is being required, provide standards for the development of test data, and designate deadlines for the submission of data development in response to the rule [section 4(b)(1)].

In order to require that a chemical be tested, the EPA Administrator must make three findings relating to the chemical's risk or exposure potential, the insufficiency of data available to EPA, and the need to test. These findings are explained in subsequent sections of this preamble.

Section 4(e) of TSCA established an Interagency Testing Committee (ITC) to recommend to EPA a list of chemicals to be considered for testing. The ITC may designate up to 50 entries at any one time for priority consideration by EPA. At the present time the list contains 45 designations. TSCA requires EPA to respond to such designations within 12 months of the date they are made either by initiating rulemaking under section 4(a) or publishing in the **Federal Register** reasons for not initiating rulemaking.

Today under section 4(a), EPA is proposing health and environmental effects testing requirements for three chemicals: dichloromethane (methylene chloride), 1,1,1-trichloroethane (methyl chloroform), and nitrobenzene. Today's notice constitutes EPA's response to the ITC recommendation that the Agency initiate rulemaking for these three chemicals. These proposed rules, however, do not require testing for all effects recommended by the ITC. This notice and accompanying support documents, which are available from the EPA Industry Assistance Office at the address listed above, explain EPA's basis for believing that the required findings can be made for certain effects and its reasons for not proposing to require testing for other effects recommended for testing by the ITC.

The Agency's first proposed test rule package, published in the **Federal Register** of July 18, 1980 (45 FR 48510), discusses the implementation of section 4 of TSCA and several general issues which are applicable to today's test rule. The issues of particular interest are: the Agency's position on existing or required test standards; the effective period of a rule; testing responsibilities; exemptions; reporting requirements and deadlines for subchronic, reproductive and teratogenicity health effects testing; and the Agency's policy regarding selection of test substances for test rules.

Although comments on these issues are not being solicited today, EPA will consider any comments submitted on these issues insofar as they apply to testing proposed in today's notice.

In response to concern about the time and level of resources required to prepare the first test rule package, and in light of a court decision finding inadequate EPA's reasons for not proposing test rules within 12 months of receiving certain ITC recommendations, the Agency has substantially changed its approach to promulgating test rules. The new approach involves a more restricted literature search and the development of less detailed support documents. Support documents will be written for the sole purpose of setting forth the technical analysis needed to make the statutory findings. They will not attempt to provide a comprehensive assessment of the chemical or a review of all published literature pertaining to that chemical.

A. Explanation of Section 4(a)(1)(A) Findings

Section 4(a) provides the Administrator of EPA two complementary means to require manufacturers and processors to test chemicals that may be hazardous to human health or the environment. The first means for requiring testing is a set of legal findings that is based on information about the potential risk of the chemical [section 4(a)(1)(A) findings]. The second is a set of findings based on information showing substantial production and substantial human exposure or environmental release of the chemical [section 4(a)(1)(B) findings].

Section 4(a)(1)(A) authorizes EPA to require testing of a chemical substance to develop health and environmental data if the Agency finds that:

(1)(A)(i) The manufacture, distribution in commerce, processing, use, or

disposal of a chemical substance or mixture, or that any combination of such activities, may present an unreasonable risk of injury to health or the environment.

(ii) There are insufficient data and experience upon which the effects of such manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and

(iii) Testing of such substance or mixture with respect to such effects is necessary to develop such data.

This discussion summarizes briefly EPA's approach to each of the findings EPA must make before requiring testing under this provision. A more detailed explanation of EPA's rationale for interpretation of the finding is included in EPA's first proposed test rule published in the **Federal Register** of July 18, 1980 (45 FR 48528).

May present an unreasonable risk. EPA uses the term "risk" to include both hazard and exposure potential. Making this finding involves a consideration of several factors, namely, that the chemical (1) may present a hazard, (2) may present a risk, and (3) may present an unreasonable risk.

EPA will consider a variety of factors to suggest the potential health or environmental hazard of a substance. Such factors may include evidence on one adverse effect which may suggest that another adverse effect may occur, knowledge of a chemical's physical and chemical properties, structural relationships to other chemicals with demonstrated adverse effects, data from inconclusive tests, and case history data.

In determining that a chemical may present a risk, EPA must consider both the potential hazard and the potential for human or environmental exposure. However, section 4(a)(1)(A) focuses on those situations in which EPA has a basis for suspecting toxicity, and reflects the fact that a potential for risk may be significant even when exposure is low. Therefore, to make the "may present a risk" finding under section 4(a)(1)(A), it is sufficient for the Agency to show that there is a reasonable likelihood that exposure may arise because of activities associated with the manufacturing, processing, distribution, use or disposal of the chemical. Where monitoring or other specific exposure information is unavailable, the Agency will rely upon reasonable conclusions about exposure potential.

EPA believes that the finding that a substance may present an unreasonable risk contemplates a process of balancing the potential severity of harm from the chemical against the effects of the proposed regulatory action on the availability of benefits of the chemical. It is clear that Congress intended the stringency of this test to vary according to the nature of the action. EPA has proposed pursuing the following policy for the purpose of section 4(a)(1)(A)(i).

If there is substantial evidence that exposure to a chemical may lead to a serious health effect, including a possible increase in mortality, or adverse environmental effects, and that humans or the environment may be exposed to the chemical, EPA will presume that the activities in question (manufacturing, processing, using, transporting, disposing) "may present an unreasonable risk" unless the rule is likely to result in a significant loss to society of the benefits of the substance. In the latter instances, if EPA's analysis shows that the costs of testing may cause manufacturers or processors to cease or severely restrict their commercial activities, EPA will weigh this potential adverse impact against the benefits of testing before presuming that the chemical may present an unreasonable risk.

See EPA's first proposed test rule published in the **Federal Register** of July 18, 1980, (45 FR 48528), for further discussion of this subject.

Insufficiency of data. The initial step in EPA's approach to this finding is to determine whether studies have been done for the effects under consideration. This effort mainly involves review of existing literature. Next, EPA critically evaluates the design, execution and results of each relevant study to determine whether the study alone, or in combination with others, provides sufficient data to assess the chemical's hazards; that is, does the available information provide the basis for defining the hazard component of a decision whether the chemical does or does not present an unreasonable risk? When this analysis is done in conjunction with the determination that the chemical may present an unreasonable risk, the combined effect of the section 4(a)(1)(A)(i) and 4(a)(1)(A)(ii) findings is the determination that existing information is sufficient to raise the question of potential risk but insufficient to resolve it.

EPA does not require that existing studies meet current EPA test standards in order to be accepted as sufficient. In deciding whether it is necessary to seek further testing for effects for which some data exist, EPA has considered such factors as the benefits of obtaining more data and greater certainty, the likelihood that additional testing would resolve any uncertainties, the cost and economic impact of new testing, the nature of the effects of concern and the likely importance of those effects relative to others already adequately characterized, in defining the needs for control of exposure to the chemical in question. When EPA does conclude that the data are insufficient and more testing is needed, it may be because the studies that have been completed have resulted in equivocal results, or because the existing studies, whether of good or bad quality, do not furnish enough information for EPA to judge the magnitude of risk to populations that are or may be exposed to the chemical or to estimate a level below which the risk can be reduced to a reasonable level.

Necessity for testing. The first aspect of this finding will largely flow from the previous determinations that there are insufficient data and experience to reliably determine or predict the chemical's effects and, where EPA is proceeding under section 4(a)(1) (A), that there is a basis for concern as to the possibility of such risks.

In addition, the Agency must take into consideration ongoing testing of a chemical in determining whether additional testing should be required. In order to do that, EPA examines the protocol and any interim data results of each relevant ongoing study known to the Agency to decide whether the study is likely to produce data which would obviate the need for further testing. The same considerations used by the Agency in evaluating whether there are sufficient data and experience to assess the chemical have been used to evaluate the adequacy of ongoing testing. Where EPA concludes that the ongoing study is likely to meet its needs, there is no need to require additional testing. However, if the final data ultimately generated by the ongoing study do not allow EPA to carry out a reliable risk assessment, EPA at that time will reconsider its decision not to propose a rule for the effect under consideration. Where EPA's review of an ongoing study indicates that serious defects in the design or execution of the study already exist, and are likely to prevent an adequate assessment of the risk upon receipt of the final data, EPA may propose additional testing immediately.

After concluding that there is a need to develop data, EPA must also evaluate whether testing is capable of developing the necessary information. Even if the Agency finds that a chemical may pose a risk from a particular effect, and that there are insufficient data and experience, EPA cannot require a chemical to be tested if no testing methodology exists which would lead to the production of the necessary data, or if, for example, a suitable cohort for an

epidemiology study cannot be identified. The publication of a generic section 4(a) test standard for a particular effect constitutes EPA's finding that tests conducted according to that standard generally are capable of providing the needed data. Alternatively, EPA may propose a chemical-specific standard for a particular effect without addressing the broader question of its application as a "generic" test standard.

B. Explanation of Section 4(a)(1)(B) Findings

Section 4(a)(1)(B) authorizes EPA to require testing of a chemical substance to develop health and environmental data if the Agency finds that:

(1)(B)(i) a chemical substance or mixture is or will be produced in substantial quantities, and (I) it enters or may reasonably be anticipated to enter the environment in substantial quantities or (II) there is or may be significant of substantial human exposure to such substance or mixture;

(ii) There are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted; and

(iii) Testing of such substance or mixture with respect to such effects is necessary to develop such data.

This discussion summarizes EPA's approach to making the first of the three findings listed above. Findings 4(a)(1)(B)(ii) and (iii) are identical to findings 4(a)(1)(A) (ii) and (iii) which were discussed in the previous section.

In contrast to the first finding required by section 4(a)(1)(A) which requires EPA to consider the potential of a chemical to pose an unreasonable risk to human health or the environment, section 4(a)(1)(B)(i) requires EPA to consider only quantity of production and potential exposure or release.

EPA is not proposing generally applicable criteria for making section 4(a)(1)(B)(i) findings in this rulemaking. It is the Agency's view that establishment of strict numerical definitions of substantial production, substantial exposure or release, or significant exposure is neither feasible nor desirable at this stage of implementing section 4 of TSCA. Rather, it is EPA's intention to make judgments on these factors on a case-by-case basis, at least until some additional experience is gained. The Agency seeks public comments on this approach and any suggestions of criteria that might be considered for future rulemaking. As is discussed in the individual chemical sections, it is the Agency's view that all three chemicals in this rulemaking clearly would meet any reasonable definition of substantial production, since they are manufactured in quantities of hundreds of millions of pounds per year. Similarly, large portions of the dichloromethane and 1,1,1-trichloroethane production are employed in dispersive and consumer uses, resulting in substantial environmental release and human exposure. A 4(a)(1)(A) approach was taken with respect to nitrobenzene's human health effects because human exposure to nitrobenzene is more limited than it is to dichloromethane and 1,1,1-trichloroethane; however, a 4(a)(1)(B)(i) finding for nitrobenzene was made for environmental effects testing.

C. Basis for Determination of Testing Requirements When Rule is Based on Section 4(a)(1)(B) Findings

The effects of concern for section 4 test rules based on section 4(a)(1)(A) findings are identified in the course of making the findings that the chemical may present an unreasonable risk to human health or the environment. Because section 4(a)(1)(B) findings are based solely on production and exposure or release, and because the Congress intended that this section be used to require testing of chemicals having extensive production, exposure, and release even in the absence of existing data providing evidence of those chemicals' potential to cause specific effects, EPA must use a different approach to define the effects of concern for chemicals on which substantial production and exposure or release findings are made.

The Agency has considered a variety of effects for which it believes data generally are needed to perform an adequate assessment of chemicals which are found to have substantial production, human exposure, and environmental release. The effects were selected for their potential to cause or increase the likelihood of significant injury to humans or economically important nonhuman species or to significantly disrupt normal environmental processes.

Each of the chemicals in this rule for which substantial production and exposure or release findings are made (health and environmental effects for dichloromethane and 1,1,1-trichloroethane and environmental effects only for nitrobenzene) was then considered with respect to these effects of concern, the chemicals' known and expected patterns of human exposure and environmental release or transport, and available data to identify those effects for which EPA believes findings can be made under section 4(a)(1)(B)(ii). The likely adequacy of any ongoing testing for these effects and the availability of suitable test methods was then considered in determining whether the section 4(a)(1)(B)(iii) finding could be made.

The specific testing being proposed for each chemical and the Agency's reasons for believing that any existing tests for those effects are inadequate are summarized in the subsequent sections of this Preamble and discussed in greater detail in the accompanying Support Documents for this proposed rulemaking. Also discussed are EPA's reasons for not requiring tests for any specific effects of concern identified by the ITC but not included in today's proposals.

The paragraphs below summarize the Agency's reasons for believing that each of the effects for which testing of one or more chemicals is proposed in this rule under section 4(a)(1)(B) is of concern.

1. *Human health effects*—a. *Acute toxicity: oral, dermal, and inhalation.* Acute toxicity data must be available to assess the potential risk of poisoning due to a single exposure to any given chemical. These studies provide data to determine the median lethal dose (LD_{50}) of the chemical substance and permit estimates of the chemical's toxicity relative to that of other substances. They may also provide data to predict a chemical's mechanism of toxicity, to demonstrate its specific toxic effect on target organs and functions, to determine differences in sensitivity to the substance among species, and to compare toxicities associated with different routes of exposure. In addition, acute tests serve as range-finding tests to determine appropriate doses for subchronic tests.

b. *Acute dermal irritation/corrosion.* Data indicating the capacity of a chemical to cause irritation and/or corrosive effects on the skin of laboratory animals permit an evaluation of the possible hazards to humans which may arise from dermal exposure to a substance. This evaluation is used to guide health and safety practices for the handling of a chemical substance.

c. *Acute eye irritation/corrosion.* Data indicating the capacity of a substance to injure the eye and associated mucous membranes help determine the hazard of a chemical substance which accidentally enters the eye, as may occur during handling of the substance.

d. *Skin sensitization.* Data indicating the capacity of a chemical to induce a state of delayed sensitization when it comes in contact with the skin of laboratory animals help determine the hazard of a chemical substance that comes in contact with the skin, such as

may occur during any activity involving handling of the substance.

e. *Chronic toxicity.* Data from chronic toxicity studies indicate what major toxic effects to expect from repeated long-term exposure to the test substance and what target organs or functions may be affected. These data may also provide information on the delayed effects of chemicals that may be due to bioconcentration of test substances or their metabolities. In certain instances, the reversibility of these effects as well as the rate of absorption, metabolism and excretion of the chemicals may also be determined. Chronic toxicity data help determine the hazard of a chemical substance that is repeatedly ingested, inhaled, or absorbed through the skin, such as may occur during any human activity in proximity to vapors of the chemical, during handling of the substance, or when water contaminated with the substance is drunk.

f. *Mutagenicity.* Data from mutagenicity studies may indicate the capacity of a substance to alter (produce mutations) in the genetic materials of a cell either at the gene or chromosome level. Gene or chromosome mutations may result in effects that are transmitted to future generations. Because some chemicals induce only one type of genetic alteration, test sequences for both gene (point) mutations and chromosomal abberrations are needed. Information indicating a mutagenic consequence is used to assess the potential of a chemical substance to alter genetic information. Congress indicated that mutagencity was a health effect of special concern for regulatory action [TSCA section 4(f)].

g. *Reproduction and teratogenic effects.* Data from reproductive and teratogenicity tests show whether a substance may affect whether humans or animals may bear young and, if they do, whether the fetus or young develop normally. From these tests, specific data can be obtained which indicate the effects of the substance on pregnant females and on male and female reproductive organs, general reproductive performance of both sexes, fertilization, implantation, embryonic tissue differentation and organogenesis, prenatal growth and functional maturation, birth, lactation, maternal care of offspring, postnatal growth, and survival fecundity. Information indicating a reproductive or teratogenic consequence is used to assess the ability of a chemical substance to produce birth defects or impair reproductive functions. Congress indicated that birth defects was a health effect of special concern for regulatory action in TSCA section 4(f).

h. *Oncogenicity.* Data from oncogenicity studies indicate whether a substance is likely to produce tumors in test animals as a result of repeated long-term exposure. Existing tests for mutagenicity are not adequate for a full evaluation of oncongenic potential. Short-term tests are not sensitive to all classes of chemicals and may not predict the oncogenic ability of chemicals, particularly those which act through non-genetic mechanism. Thus, long-term, repeated-dose testing in animals must be performed to throughly evaluate whether or not a chemical may be oncogenic. In addition, past experience with oncogenic studies on animals has confirmed their usefulness in predicting the oncogenicity of such chemicals as vinyl chloride, aflatoxin, and asbestos, which are now widely accepted as human oncogens. Congress indicated that cancer was a health effect of special concern for regulatory action [section 4(f)].

i. *Neurotoxicity.* Data from neurotoxicity studies are necessary to provide information on the ability of a substance to produce acute and chronic neurotoxic effects. However, TSCA test standards for neurotoxicity testing have not yet been developed. Therefore, no neurotoxicity testing will be proposed by EPA at this time.

2. *Environmental effects.* For the three chemicals under consideration, the Agency has determined that all major sectors of the environment (i.e., land, freshwater, saltwater, air) are potentially exposed to each chemical; consequently, effects of concern for the environment include toxicity to freshwater, saltwater, and terrestrial organisms.

a. *Aquatic vertebrates: acute and chronic toxicity.* Fish are of significant commerical and recreational importance to humans. Some of the species most sensitive to toxicant are also of high economic importance (e.g., salmon, trout). Data on both saltwater and freshwater aquatic vertebrates are necessary because there are major physiological differences between saltwater and freshwater organisms. Also, data on both warmwater and coldwater fish are necessary because the sensitivity of fish to a given toxicant may depend markedly on the water temperature to which the fish are adapted.

Acute toxicity data on fish must be available to assess the potential risk of poisoning due to short-term exposure, such as might be encountered duriing spills or near wastewater outfalls, and to provide data necessary to select dose levels for long-term (chronic) testing. Early life stage or full life cycle toxicity data must be available to determine potential effects resulting from long-term exposure: the early life stage test covers that portion of the life cycle generally shown to be most sensitive to toxicants and therefore functions adequately as a substitute for a full life cycle test.

b. *Aquatic invertebrates: acute and chronic toxicity.* Many aquatic invertebrates are of significant commercial importance to humans, e.g., shrimp, clams, oyster. In addition, many aquatic invertebrate species serve as a food base for higher trophic level organisms (organisms higher in the food chain), including commercially valuable fish and endangered waterfowl. As with aquatic invertebrates, data on both saltwater and freshwater aquatic invertebrates are necessary because there are major physiological differences between saltwater and freshwater organisms.

Acute toxicity data on aquatic invertebrates are necessary to determine the potential risk of poisoning due to short-term exposure such as might be encountered during spills or near wastewater outfalls, and to provide data necessary to select dose levels for long term (chronic) testing. Data from multigeneration toxicity tests are necessary to assess potential effects of long term exposure.

c. *Aquatic plant toxicity.* Algae (free-floating unicellular plants) and vascular aquatic plant life (e.g., seaweed, duckweed) are at the botton of food webs that support all aquatic vertebrates and much terrestial life. In addition, many vascular aquatic plants provide habitats for fish and invertebrates and can play an important role in nutrient recycling.

Both depletion and stimulation of aquatic plant life can present significant environmental problems. Decreased plant production may result in decreased fish production, while excessive stimulation of plant growth can lead to effects which may decrease production of commercially important fish species and decrease the aesthetic and recreational value of a water body.

Data on both algae and vascular plants are necessary because there are major differences between these organisms with respect to phylogeny, habitat, uptake of chemicals, and physiology. Data on both saltwater and freshwater plant species is necessary because chemical transformations can be very different in the two media, and because there are major physiological differences between saltwater and freshwater organisms.

d. *Birds and mammals: acute and chronic toxicity.* Birds and mammals provide important recreational resources for humans and are vital links in maintaining ecological balance. Also, an increasing number of bird and mammal species are being classified as endangered species.

Data on both birds and mammals are necessary because there are major differences between these organisms with respect to phylogeny, reproduction, and physiology. Acute toxicity data on birds and mammals must be available to assess the potential risk of poisoning due to short-term exposure to a chemical such as might be encountered during spills. The acute oral test on laboratory mammals listed under Human Health Testing (section (1)(a)) is acceptable for assessing the acute hazard of toxicants to wild mammals. The acute test on birds is ordinarily a 5-day dietary test to simulate natural exposure. If the test substance is volatile, a single oral dose test is generally more appropriate because maintaining nominal concentrations in the feed would be difficult in the dietary test. Other toxicity tests must be performed to test for potential effects resulting from long-term exposure. The 90-day subchronic test on laboratory mammals listed under Human Health Testing (section (1)(e)) is acceptable for assessing the chronic hazard of toxicants to wild mammals. Long-term testing on birds must include the reproductive phase of the life cycle because it is generally the most sensitive to toxicants.

e. *Terrestrial plants.* Terrestrial plants are of obvious importance to agriculture and forestry. Also, terrestrial plants are at the botton of the food web that supports most terrestrial life. Terrestrial plants may be exposed to section 4 chemicals through rainfall and contaminated irrigation water.

There are several important plant functions that may be affected by toxicants, including root elongation, seed germination, shoot and leaf growth, and flowering. Impairment of any of these functions may result in death or reduced productivity. Test data must be available to assess potential effects on these functions.

f. *Bioconcentration.* A major potential hazard exists to both the environment and humans from toxicants that concentrate in plant and animal tissues. Organisms that consume plants or other animals with high body burdens of a toxicant may be exposed to concentrations several orders of magnitude above those in the abiotic environment (water, sediment, soil, air). For example, top trophic level carnivorous birds have experienced serious reproductive effects (eggshell thinning) resulting from food chain transport of DDT and other pesticides. Humans are also top level carnivores and therefore may receive very high levels of toxicants that bioconcentrate.

It is also possible that high tissue levels of a toxicant can be rapidly transferred to the same organism's blood stream, resulting in acute or chronic effects. This phenomenon may occur as the animal is rapidly using up its fat reserves, such as occurs when salmon or birds migrate.

For many chemicals, a reasonable prediction of the potential to bioconcentrate can be made by determining the chemical's fat solubility relative to its water solubility. The "octanol/water partition coefficient" is a term used to denote this physicochemical characteristic. It is a measure of solubility in octanol relative to that in water and is usually expressed as the logarithm of the coefficient ("log P_{oct}", "Kow"). The coefficient has been shown to correlate well with indices of bioconcentration determined from actual uptake studies using fish. However, for chemicals that concentrate significantly in tissues other than fat (e.g., muscle), the Log P_{oct} may underestimate actual bioconcentration.

Data are needed on a variety of organisms because bioconcentration potential varies depending on physiological characteristics, feeding behavior, and mode of respiration.

g. *Other effects of concern.* Other effects of concern include toxicity to terrestrial invertebrates, alteration of microorganism functions, and ecosystem effects. No TSCA section 4 test standards are available for these effects and therefore no testing for these effects is being proposed by EPA at this time.

3. *Chemical fate: persistence and transport.* Data are required for environmental persistence and/or transport characteristics that play significant roles in governing chemical fate in compartments of the environment where exposure to humans or other life forms is possible. These data are needed in order to perform a complete assessment of risk posed by a chemical to humans or the environment.

D. Test Standrds

The Agency is developing a series of generic standards for development of test data (TSCA, Pub. L 94–469; 90 Stat. 2006; 15 U.S.C. 2603). These standards will then be available to incorporate in specific chemical testing rules as they are issued under section 4 of TSCA. Previously-issued proposals covered the development of data on chronic health effects and Good Laboratory Practices for health effects, published in the **Federal Register** of May 9, 1979 (44 FR 27334), and also on acute and subchronic toxicity, mutagenic, teratogenic and reproductive effects and metabolism studies published in the **Federal Register** of July 26, 1979 (44 FR 44054). The Agency proposed standards for development of test data on certain physical and chemical characteristics of substances and Good Laboratory Practices related to environmental effects testing published in the **Federal Register** of November 21, 1980 (45 FR 77332). The notice covered testing for Density/Relative Density, Melting Temperature, Vapor Pressure, Octanol/Water Partition Coefficient and Soil Thin Layer Chromatography.

Today's test rule proposes that dichloromethane, nitrobenzene, and 1,1,1-trichloroethane be tested for various environmental effects. Test standards for these effects were scheduled to be published prior to this proposal; however, publication of these standards has been delayed several months and is now scheduled for July 1981. Because of this delay, the comment period for this rule has been extended to August 30 to permit comment on the applicability of the environmental standards to this rule.

The EPA has been a full and regular partner in extensive international consultations and negotiations in the Organisation for Economic Cooperation and Development (OECD) during the development of its chemical testing and other requirements under TSCA. U.S. experts, along with those of other OECD member states, have worked since 1977 to develop agreed chemical testing guidelines and good laboratory practices. The Agency places a high priority on these activities because of benefits both for international chemical trade and for more effective health and environmental protection.

In developing test standards for section 4, EPA will pursue consistency with OECD test guidelines, and a concerted effort will be made to incorporate OECD wording. However, where EPA language provides a substantial improvement or is necessary to comply with a U.S. statutory or judicial requirement, it will be used. Additions to, or deletions from, the OECD Guidelines will be strictly limited and a rationale provided in such cases. Additions will generally be limited to suggested or preferred criteria or to explanatory (rather than required) phrases such that the basic requirements cannot be construed as being different.

V46/108 JUN 5 1981 UMI

E. Testing Being Performed by EPA

EPA will perform initial mutagenicity testing and testing on various environmental effects and chemical fate processes for which TSCA section 4 test standards will not be available in the near future. The environmental effects and chemical fate tests which EPA will perform include acute and chronic toxicity to coldwater saltwater vertebrates, full life cycle tests on terrestrial plants, and tests for chemical persistence.

EPA does not intend to perform such tests routinely because, as TSCA section 2 states, the development of data on the effects of commercial chemicals should be the responsibliity of the manufacturers and processors of those chemicals. EPA is making an exception to this general policy in this case as it did for mutagenicity testing proposed for chloromethane and the chlorinated benzenes in the **Federal Register** of July 18, 1980 (45 FR 48510) because it believes this exception to be in the public interest. This belief rests on these reason: (1) EPA's sponsorship of these tests will contribute to the Agency's development of test standards in these areas; (2) information on these effects is important to the assessment of these chemicals and we believe it is important not to delay testing; and (3) the cost of this testing is relatively low.

In the case of mutagenicity testing, EPA has been unable to develop specific criteria for test sequencing decisions that are suitable for inclusion in section 4 test standards. EPA believes that such criteria are important to insure consistency between various laboratories in their determinations of whether to stop testing or proceed to the next test in the sequence. In addition, EPA has not yet developed test standards to be followed in the gene mutation sequence or the in vivo cytogenetics test for chromosomal aberration. Based on its evaluation of the results of these tests, EPA will decide whether to propose that the final tests of the mutagenicity sequence be performed by industry.

F. Voluntary Testing by Industry

In late February 1981, EPA was approached by representatives of the manufacturers of dichloromethane and 1,1,1-trichloroethane to discuss the possibility of voluntary testing for these substances. This resulted in two meetings (March 16, 1981 and March 25, 1981) to discuss the environmental and health effects testing needs for these two substances. While these meetings were quite productive, and resulted in a useful exchange of ideas and information among the persons in attendance, they have not yet resulted in the development of a voluntary testing program. Should a voluntary testing program be developed for these substances that would satisfy the Agency's need for sufficient data to reasonably predict or determine the effects of the exposure to, or environmental release of these chemcials, EPA will withdraw this proposal insofar as it relates to dichloromethane and 1,1,1-trichloroethane. In addition, these meetings have resulted in the submission of certain health and enviornmental effects testing data by industry that had not previously been submitted to the Agency or evaluated by it. The data submitted to date have been summary in nature and thus could not be adequately evaluated. EPA is attempting to obtain sufficient backup materials relating to these studies to enable it to evaluate their adequacy. Should this evaluation demonstrate that adequate data are available to reasonably predict or determine those effects, EPA will modify this proposal to delete the proposed testing requirements for those effects.

II. Dichloromethane

A. Introduction

Dichloromethane (CH_2Cl_2, methylene chloride, CAS No. 75–09–2) is a clear, colorless, volatile liquid at standard temperature and pressure. Dichloromethane is a high production chemcial (U.S. production in 1979, 634 million pounds). U.S. dichloromethane production in the first 11 months of 1980 showed a sharp decrease, with a production of 537 million pounds projected for the entire year.

Dichloromethane has a variety of uses. Major uses are as a paint-stripping solvent, as a urethane foam-blowing agent, as a vapor-degreasing and dip solvent for metal cleaning and as a solvent for aerosol products.

The manufacturing, processing and use of dichloromethane results in exposure of both workers and consumers. The National Occupational Hazard Survey (NOHS) estimated that approximately 2.5 million persons are exposed to dichloromethane annually in occupational settings. Dichloromethane is also an ingredient in many consumer products: cleaning agent, aerosols, adhesives, paints and paint removers.

The Interagency Testing Committee (ITC) recommended that dichloromethane be tested for carcinogenicity, mutagenicity, teratogenicity, other chronic effects, and environmental effects, and that epidemiology studies be done.

B. Findings

With the exception of subchronic cardiovascular effects, EPA is basing its proposed testing requirements on the authority of section 4(A)(1)(B) of TSCA.

EPA finds that dichloromethane is produced in substantial quantities (634 million pounds/yr), and that its production is expected to increase in the future.

EPA also finds that substantial numbers of persons are exposed to dichloromethane both in occupational settings and as consumers. EPA also finds that there is substantial release to the environment. Of the dichloromethane produced in the U.S., approximately 84% (499 million pounds/yr) is expected to reach the environment.

EPA also finds with respect to he areas listed below that there are insufficient data and experience to determine the effects resulting from the manufacture, processing, distribution in commerce, use, or disposal of dichloromethane, and that testing is necessary to develop such data:

Health effects:
- Acute dermal sensitization
- Reproduction

Environmental effects:

Aquatic vertebrates
- Chronic toxicity

Aquatic invertebrates
- Chronic toxicity

Birds
- Acute toxicity
- Chronic toxicity

Terrestrial plants
- Early seedling growth

Bioconcentration
- Plant uptake/translocation
- Aquatic vertebrate

The proposed testing and reporting requirements for each of these effects are described below. Testing recommended by ITC or identified with an effect of concern, but not proposed above, will be handled as described in the following paragraphs.

EPA is not proposing testing for chemcial fate, acute health effects (except for skin sensitization), chronic effects, teratology, or for certain environmental effects, e.g., acute toxicity to aquatic vertebrates and invertebrates, aquatic invertebrate bioconcentration , toxicity to mammals, seed germination, because it believes that existing information is adequate. EPA will perform testing on some of the environmental effects for which no

standards are available as described in I.E. of this preamble.

Oncogenicity testing of dichloromethane is being performed by the National Cancer Institute (NCI) and the EPA believes that the NCI studies should be sufficient for the Agency's needs; therefore, no additional oncogenicity testing is being proposed at this time.

EPA believes that mutagenicity testing according to a testing sequence would be appropriate, and will perform the initial testing itself because no criteria for progressing from initial tests to higher level tests are available. EPA will propose higher tier tests if needed based on analysis of lower tier results. There are no test standards available for neurobehavioral toxicity so neurobehavioral testing is not proposed at this time. Industry is sponsoring an epidemiology study; therefore, no studies of this type are being proposed at this time.

On the basic of acute toxicity studies in dogs which showed increased arterial pressure and myocardial contractibility and evidence of exposure of large numbers to dichloromethane at levels where effects might occur, EPA finds under section 4(a)(1)(A) that dichloromethane may present an unreasonable risk of adverse cordiovascular effects to humans. EPA also finds that there are insufficient data on the effects to the cardiovascular system of nonacute exposure to dichloromethane and that testing is necessary.

The analysis and findings upon which the above determinations are based are presented in the Dichloromethane Support Document which is available from the Industry Assistance Office.

C. Persons Required to Test

Section 4(b)(3)(B) specifies that the activities for which the Administrator makes section 4(a) findings (manufacturing, processing, distribution, use and/or disposal) determine who bears the responsibility for testing. Manufacturers are required to test if the findings are based on manufacturing, distribution, use or disposal. Processors are required to test if the findings are based on processing, distribution, use or disposal.

Because exposure to dichloromethane occurs through several routes, persons who manufacture or process dichloromethane, and those who intend to manufacture or process dichloromethane within the period ending five years beyond the date required for the submission of the last final report of this test rule will be subject to this test rule. Because "manufacture" is defined in section 3(7) of TSCA to include "import," importers of dichloromethane are subject to this rule.

Because TSCA contains provisions to avoid duplicative testing, not every person subject to this rule must individually conduct testing. Section 4(b)(3)(A) of TSCA provides that EPA may permit two or more manufacturers or processors who are required to designate one such person or a qualified third person to conduct the tests and submit data on their behalf. Section 4(c) specifically provides that any person required to test may apply to EPA for an exemption from that requirement.

EPA is not proposing to require the submission of equivalence data as a condition for exemptions from the proposed testing. As noted below, EPA is interested in evaluating the effects attributable to dichloromethane itself, and has specified a relatively pure grade substance for testing. Please see EPA's proposed statement of exemption policy for more information published in the **Federal Register** of July 18, 1980 (45 FR 48512).

D. Test Substance

The EPA is proposing that a relatively pure grade of dichloromethane be used as the test substance. The proposed test substance contains no stabilizers. Most commercial grades of dichloromethane contain one or more stabilizers, which may have toxicological effects of their own, making it more difficult to evaluate dichloromethane's toxicity from tests on a technical grade substance. A purity of 99.95% which corresponds to the material used in the NCI bioassay is specified in this rule.

E. Proposed Testing

Because the most common human exposure is expected to be by inhalation of dichloromethane vapors, the route of administration for health effects testing must be by inhalation with the exception of the dermal sensitization study. In the dermal sensitization study the test substance must be injected intradermally because it is highly volatile and would not, therefore, remain on the skin for an adequate period of time if applied topically.

The route of administration for each environmental effects test is specified in the generic test standard for that effect, with exceptions as noted below.

The following are effects of concern discussed in I.C. of this preamble, for which EPA is proposing testing.

1. *Acute effects—dermal sensitization.* The EPA is proposing that an acute dermal sensitization test be conducted in accordance with test standards to be promulgated under 40 CFR 772.112–26. The proposed standard was published in the **Federal Register** of July 26, 1979 (44 FR 44054).

2. *Subchronic cardiovascular toxicity.* Because there is no generic subchronic cardiovascular test standard available at this time, the Agency is proposing a chemical-specific standard for this test rule which includes the performance of five major tests: right and left heart catheterization; electrocardiographic monitoring; cardiac sensitization studies; determination of carboxyhemoglobin and dichloromethane levels in the blood; and histopathology. Since the heart has both electrical and mechanical functions, all of the above-mentioned procedures are deemed necessary to adequately evaluate the effect of dichloromethane on the cardiovascular systems as explained below.

a. *Cardiac catheterization.* The measurements which are normally taken, during a cardiac catheterization provide functional information involving the chambers and great vessels of the heart. Any deviations from normal will identify functional disturbances caused by subchronic dichloromethane exposure.

b. *Electrocardiographic monitoring.* Changes in the electrocardiogram such as the production of ectopic beats or the appearance of more serious arrhythmias, tachycardia, flutter, fibrillation, will provide information on any disturbance of cardiac rhythm and/or of conduction including the potential presence of ischemic damage to the myocardium.

c. *Cardiac sensitization.* If the administration of normally non-arrhythmogenic doses of epinephrine cause a statistically significant number of aberrations in the electrocardiogram following dichloromethane exposure, then this observation suggests that the threshold for the production of arrhythmias may have been lowered. The highest dose of epinephrine which should be used in any sensitization study is that does which produces ectopic beats or more serious arrhythmias such as tachycardia, fibrillation, flutter. This information is essential to evaluate any potential hazard which may exist due to long-term exposure to dichloromethane, not only for those individuals predisposed to cardiovascular disease or other stress condition but to normal individuals as well.

d. *Analysis of dichloromethane and carboxyhemoglobin levels in the blood.* Dichloromethane is capable of being metabolized to carbon monoxide which

readily combines with hemoglobin to produce carboxyhemoglobin. This substance decreases the oxygen-carrying capacity of the blood and can lead to tissue ischemia at high levels. It is, therefore, important to determine if carboxyhemoglobin levels are significantly increased following exposure to dichloromethane and to determine the potential correlation between the levels of carboxyhemoglobin and the dichloromethane concentration in the blood. Given this information, it may be possible to determine whether or not the cardiovascular changes which may arise are due to the formation of carboxyhemoglobin or, rather, are a direct effect of dichloromethane on the heart or nervous system. Histopathologic changes on the specified tissues will be used to demonstrate: (1) that permanent tissue damage has occurred; (2) that the cells have been injured by the toxic influence, but have not yet been permanently damaged; or (3) that physiological changes in the function of the heart have occurred due to dicholormethane exposure but have not produced concurrent cellular injury or death.

The dog is specified as the test animal for the proposed Subchronic Cardiovascular Test Standard for the following reasons: (1) based on results found in the literature, the dog appears to be more sensitive to the cardiovascular effects of dichloromethane than the rodents; (2) the majority of the existing acute cardiovascular toxicity test data has been determined in the dog; (3) being a proven, reliable model, the dog is used extensively in cardiovascular studies; and (4) the use of a large animal will facilitate the performance of the required tests. Either males or females may be employed; however, testing must be carried out on dogs of one sex to reduce any additional variable.

The Agency proposed an initial test dose of 250 ppm. This choice is based on a study in which a single two-hour exposure of dogs to 500 ppm dichloromethane produced changes in myocardial contractility and mean arterial pressure, induced arrhythmias, and increased carboxyhemoglobin levels in the blood (Adams, 1975, The Effects of carbon monoxide and methylene chloride on the canine heart, Ph.D. Thesis, Texas A&M University). The initial 250 ppm dose was chosen because long-term exposure to 500 ppm may lead to excessive toxicity that may jeopardize test animal survival for the entire test period. Negative results obtained with dichloromethane exposure at this level will obviate the need for further testing. Statistically significant results within the parameters designated in the test standard will necessitate repetition of the entire test procedure at one-half the previous exposure concentration. This procedure must be followed until the analysis of the data ceases to express statistical significance. However, in the event that three exposure levels have been tested and statistically significant changes in the designated parameters are still maintained, testing may be terminated at this point. This proposed study is necessary to determine a "no observable effect level" for dichloromethane, with respect to cardiovascular toxicity. If the data permit, a mathematical extrapolation to a "no observable effect level" should be made.

3. *Reproductive toxicity.* The EPA is proposing that a reproductive effects test be done in accordance with test standards to be promulgated under 40 CFR 772.116–3. The proposed standard was published in the **Federal Register** of July 26, 1979 (44 FR 44054).

4. *Aquatic vertebrates—chronic toxicity.* The EPA is proposing early life stage toxicity testing on a coldwater and a warmwater freshwater fish species and on a saltwater fish species in accordance with test standards to be proposed in the **Federal Register** in July, 1981 (see discussion in I.D. of this preamble). The coldwater freshwater species tested must be the rainbow trout (*Salmo gairdneri*) because this species is generally more sensitive to toxicants than the brook trout (*Salvelinus fontinalis*).

5. *Aquatic invertebrates—chronic toxicity.* The EPA is proposing life cycle toxicity testing on a freshwater and saltwater invertebrate in accordance with test standards to be proposed in the **Federal Register** in July, 1981. The freshwater invertebrate test must be flow-through due to the high volatility of dichloromethane. Evaporation of dichloromethane in the static renewal procedure would result in difficulty in maintaining nominal exposure levels.

6. *Birds—acute toxicity.* The EPA is proposing acute toxicity testing on two species of birds in accordance with proposed FIFRA guidelines published in the **Federal Register** of July 10, 1978 (43 FR 29696, § 163.71–1). The FIFRA guidelines for acute avian toxicity are being proposed as test standards specific to this chemical in this rule.

7. *Birds—chronic toxicity.* The EPA is proposing reproductive toxicity testing on two species of birds in accordance with the test standards to be proposed in the **Federal Register** in July, 1981.

Dose level selection is proposed to be made as follows:

High dose (ppm)—0.125 x LD_{50} (in mg/kg) obtained in single oral dose acute toxicity test

Medium dose (ppm)—0.167 x high dose

Low dose (pm)—0.028 x high dose

Also, because dicholormethane is highly volatile, special dietary procedures are proposed.

8. *Terrestrial plants—early seeding growth.* The EPA is proposing early seedling growth testing in accordance with test standards to be proposed in the **Federal Register** in July 1981. EPA proposes that each species must be tested twice, once using the foliar route of exposure and once using the nutrient medium as the route of exposure, because plants may be exposed by either route and toxicity may be significantly dependent upon the route of exposure.

9. *Bioconcentration—plant uptake/translocation.* The EPA is proposing plant uptake/translocation testing in accordance with test standards to be proposed in the **Federal Register** in July, 1981. The most sensitive monocot and the most sensitive dicot observed in the early seedling growth test must be tested because high sensitivity may be the result of high rates of uptake, and bioconcentration potential may differ significantly between monocots and dicots. Testing on more species is recommended but not required. Each species must be tested twice, one using the foliar route of exposure and once using the nutrient medium as the route of exposure, because plants may be exposed by either route.

10. *Bioconcentration—aquatic vertebrate.* The EPA is proposing aquatic vertebrate bioconcentration testing in accordance with test standards to be proposed in the **Federal Register** in July, 1981.

F. Reporting Requirements

For mammalian reproduction testing and subchronic cardiovascular testing, the EPA is proposing that a Study Plan be submitted 90 days before the initiation date of the test and preferably earlier than this deadline. Interim Quarterly Summary Reports are required for the reproductive toxicity test. Interim reports are required for subchronic cardiovascular toxicity at the end of each testing sequence. The proposed deadlines for submission of the Final Reports are 30 months from the date of the final test rule for reproduction testing and 23 months from the date of the final test rule for subchronic cardiovascular testing.

For all other testing proposed for dichloromethane, EPA is proposing that a Study Plan be submitted by the initiation date of the test and preferably earlier than this deadline. No interim reports are required. The proposed deadline for submission of the Final Report is 15 months for bird reproduction testing and the plant uptake/translocation test, and 12 months for all other tests. These deadlines are calculated from the effective date of the final rule. For a discussion of the basis for these frames, see the **Federal Register** of July 18, 1980 (45 FR 48535) and V. of this preamble.

C. Issues for Public Comment—Dichloromethane

1. What procedures will assure maintenance of the desired dose levels of dicholoromethane when administered in the diet for bird feeding studies?

The volatility of dichloromethane (b.p. 40°C) presents some difficulty in providing dosed diets for feeding studies, since the compound may be lost relatively rapidly by evaporation. EPA is proposing a requirement that the time be determined over which 25% loss of dichloromethane from the diet occurs, and that the replacement of treated diet be governed by this information. EPA is suggesting including the use of corn oil as a vehicle to reduce the likelihood of test substance loss. EPA is interested in comments as to the adequacy of these procedures and the availability of alternative procedures to assure that the desired dose levels are achieved.

2. Are the skin sentitization studies performed by Industrial Bio-Test adequate for dichloromethane?

Just before publication of this proposed test rule, Dow Chemical Company sent in two negative studies on the skin-sensitizing capacity of dichloromethane. Both were human studies one of 125 persons of all races, sexes, and a variety of ages. The other study was on 50 persons, also a mixed population. The studies were performed by Industrial Bio-Test on aerosol antiperspirant products. The products in the first test contained 20–21.5% dichloromethane, and were applied twice daily as a spray for 12 weeks. The other experiment used products containing 15% dichloromethane sprayed on patches which were applied for 24 hours, three times a week for three weeks, with a subsequent challenge two weeks later. The Agency invites comment on the use of these studies in fulfillment of the proposed skin-sensitization testing and requests that the following issues be addressed:

(a) the substances tested contained 15–21.5% dichloromethane. Although these compounds represent active products in use, the testing proposed by the EPA requires the use of a relatively pure chemical. Do the low concentrations compromise the value of the studies?

(b) Because the compounds tested were mixtures where dichloromethane was not the major component, there is a possibility that a negative interaction occurred, and that one or more other chemicals in the mixture masked or blocked a positive reaction to the dichloromethane. Is the likelihood of such an effect great enough to cause rejection of the studies' results?

(c) The EPA skin-sensitization test standard requires that a specific amount of chemical be injected intradermally to insure that exposure to a measured amount of the compound occurs. The human studies exposed the subjects in the manner by which they would normally be exposed to the particular products; directly by a spray, or indirectly, by spraying the substance and applying this to the skin. Using these methods the exact amounts applied cannot be determined. Are these drawbacks in methodology serious enough to invalidate the studies' results?

III. Nitrobenzene

A. Introduction

Nitrobenzene ($C_6H_5NO_2$; CAS No 98–95–3), also named nitrobenzol and oil of mirbane (Merck Index, 1976), is a pale yellow, oily liquid at room temperature and pressure with a characteristic bitter almond odor and a sweet taste.

The annual production of nitrobenzene was 575 million pounds in 1978. Nitrobenzene is manufactured by the direct nitration of benzene, using a mixture of nitric and sulfuric acids. Most of the crude product is converted to aniline. About 2.5–3 percent of the nitrobenzene produced each year, amounting to 12.75 million pounds, has various other uses, mostly as a solvent in the production of cellulose ethers and in Friedel-Crafts alkylation reactions, with one percent used (6 million pounds) in the manufacture of dye intermediates, metal polishes, and other solvent uses.

The Interagency Testing Committee recommended that nitrobenzene be tested for carcinogenicity, mutagenicity, and environmental effects.

B. Findings

1. *Health effects findings.* EPA is basing its proposed health effects testing requirement for nitrobenzene on the authority of section 4(a) (1) (A) of TSCA.

i. EPA believes that the manufacture, processing, distribution in commerce, use, and disposal of nitrobenzene may present an unreasonable risk of injury to human health due to reproductive and teratogenic activity, for the following reasons:

a. EPA has found that there are existing data and experience which indicate a potential human health hazard from nitrobenzene with respect to these effects.

b. EPA believes that persons are exposed to nitrobenzene in the workplace, as consumers, and as a result of release of nitrobenzene into the environment.

c. EPA does not believe that the rule will result in a loss to society of the benefits of the substance because the Agency's economic analysis has shown that the impact of test costs is minimal. (The Level I Economic Evaluation, available from the Industry Assistance Office, details the support for this belief.)

ii. Therefore, EPA believes that the activities in question may present an unreasonable risk. EPA also finds that there are insufficient data to predict the teratogenic and reproductive effects of nitrobenzene and that testing of nitrobenzene is necessary to develop such data. Therefore, EPA is proposing testing for structural teratogenic and reproductive effects. The proposed testing and reporting requirements for these effects are summarized in E. of this Preamble.

Health effects testing recommended by ITC or identified as an effect of concern but not proposed above, will be handled as follows:

a. Oncogenicity testing of nitrobenzene is being performed by the National Cancer Institute (NCI) and the EPA believes that NCI studies should be sufficient for the Agency's needs for oncogenicity, subchronic effects, and chronic effects testing; therefore, no additional testing for these effects is being proposed at this time.

b. EPA believes mutagenicity testing according to a testing sequence would be appropriate and will perform the initial tests itself because no criteria for progressing from initial testing to higher level tests are available. EPA will propose higher tier tests if needed based on analyses of lower tier results.

c. The EPA has decided not to proposed epidemiological testing at this

time because a suitable study population has not been identified.

d. Neurotoxicity/behavioral effects testing is not being required because EPA has not yet developed standards for these effects.

2. *Environmental effects findings.* EPA is basing its proposed environmental effects testing requirement on the authority of section 4(a) (1) (B) of TSCA.

i. EPA finds that nitrobenzene is produced in substantial quantities (575 million pounds in 1978).

ii. EPA also finds that there is substantial release to the environment. Of the nitrobenzene produced in the U.S. approximately 12.75 million pounds is expected to reach the atmosphere (1978 figures). A substantial quantity is believed to enter the equatic environment, and rainout would carry part of the atmospheric emission to soil and from there to water.

iii. EPA also finds with respect to the areas listed below, that there are insufficient data and experience to determine the effects resulting from the manufacture, processing, distribution in commerce, use, or disposal of nitrobenzene, and that testing is necessary to develop such data:

Aquatic Vertebrates
  Acute toxicity
  Chronic toxicity
Aquatic Invertibrates
  Chronic toxicity
Birds
  Acute toxicity
  Chronic toxicity
Terrestrial plants
  Root elongation/seed germination
  Early seedling growth
Bioconcentration
  Plant uptake/translocation
Chemical fate
  Soil adsorption

The proposed testing and reporting requirements for each of these effects are described in III.E. of this preamble.

EPA is not proposing testing on acute toxicity to aquatic invertebrates, aquatic plants, and mammals because data for these effects are sufficient. EPA will perform testing on some enviromental effects for which no standards are available as described in I.E. of this preamble.

The analysis and findings upon which the above determinations are based are presented in the Nitrobenzene Support Document which is available from the Industry Assistance Office.

C. Persons Required to Test

Section 4(b)(3)(B) specifies that the activities for which the Administrator makes section 4(a) findings (manufacture, processing, distribution, use and/or disposal) determine who bears the responsibility for testing. Manufacturers are required to test if the findings are based on manufacturing, distribution, use, or disposal. Processors are required to test if the findings are based on processing, distribution, use, or disposal.

Because both health risk and exposure result from the manufacture, processing, and use of nitrobenzene, all persons who manufacture or intend to manufacture nitrobenzene, and who process or intend to process it within the period ending five years beyond the date required for the submission of the last Final Report will be subject to this test rule. Because "manufacture" is defined in section 3(7) of TSCA to include "import," importers of nitrobenzene are subject to this rule.

Every person subject to this rule does not have to individually conduct testing because TSCA contains provisions to avoid duplicative testing. Section 4(b)(3)(A) of TSCA provides that EPA may permit two or more manufacturers or processors who are required to designate one such person or a qualified third person to conduct the tests and submit data on their behalf. Section 4(c) specifically provides that any person required to test may apply to EPA for an exemption from that requirement.

EPA is not proposing to require the submission of equivalence data as a condition for exemptions from the proposed testing because EPA is requiring the testing of a technical grade of nitrobenzene that the Agency believes is representative of all grades currently being manufactured. Please see EPA's proposed statement of exemption policy for more information published in the **Federal Register** of July 18, 1980 (45 FR 48512).

D. Test Substance

The test substance will be nitrobenzene of at least 99.9 percent purity. This purity has been chosen because it is a widely-available representative technical grade and has been specified by the NCI for use in their testing.

E. Proposed Testing

The route of administration for health effects should correspond to the usual route of exposure to humans: inhalation. The route of administration for each environmental effects test is specified in the generic test standard for that effect with exceptions as noted below.

1. *Structural teratogenic effects.* EPA is proposing that a structural teratogenicity study be conducted in accordance with the structural teratogenicity test standard to be promulgated under 40 CFR 772.116–2. The proposed standard was published in the **Federal Register** of July 26, 1979 (44 FR 44054). Although the test standard allows for a choice of two species among four (hamster, rabbit, mouse, rat), the rat and a choice of one other species are proposed for this rule because the rat has been demonstrated to be sensitive to nitrobenzene in teratogenic tests.

2. *Reproductive effects.* EPA is proposing that a two-generation reproductive effects study of nitrobenzene in one rodent species be conducted in accordance with test standards to be promulgated under 40 CFR 772.116–3. The proposed standard was published in the **Federal Register** of July 26, 1979 (44 FR 44054).

3. *Aquatic vertebrates—acute toxicity.* The EPA is proposing acute toxicity testing on a coldwater species of freshwater fish in accordance with the test standards to be proposed in the **Federal Register** in July 1981. (See I.D. of this preamble for further discussion.) The static procedure is proposed because nitrobenzene degradation products are suspected of being a major factor in toxicity. The flow-through procedure would not allow degradation products to build up in the test vessel.

4. *Aquatic vertebrates—chronic toxicity.* The EPA is proposing early life stage toxicity testing on a coldwater and warmwater freshwater fish species and on a saltwater fish species in accordance with the test standards to be proposed in the **Federal Register** in July 1981. The coldwater freshwater species tested must be the rainbow trout (*Salmo gairdneri*) because this species is generally more sensitive to toxicants than the brook trout (*Salvelinus fontinalis*).

5. *Aquatic invertebrates—chronic toxicity.* The EPA is proposing life cycle toxicity testing on a freshwater and saltwater invertebrate in accordance with the test standards to be proposed in the **Federal Register** in July 1981. The freshwater invertebrate test must be static renewal because nitrobenzene degradation products are suspected of being a major factor in toxicity. The flow-through procedure would not allow degradation products to build up in the test vessel.

6. *Birds—acute toxicity.* The EPA is proposing acute toxicity testing on two species of birds in accordance with the proposed FIFRA guidelines published under 163.71–1 in the **Federal Register** of July 10, 1978 (43 FR 29696). The FIFRA guidelines for acute toxicity are being proposed as test standards specific to the chemicals in this rule. An acute oral

LD_{10} must be calculated or extrapolated to provide the basis for dose selection in the bird chronic toxicity test.

7. *Birds—chronic toxicity.* The EPA is proposing chronic toxicity testing on species of birds in accordance with the test standard to be proposed in the **Federal Register** in July 1981. Dose level selection must be as follows:

High dose ppm—0.125 x LD_{10} (in mg/kg) obtained in acute bird toxicity test.
Medium dose (ppm)—0.167 x high dose.
Low dose (ppm)—0.028 x high dose.

8. *Terrestrial plants—root elongation/seed germination.* The EPA is proposing root elongation/seed germination testing in accordance with the test standard to be proposed in the **Federal Register** in July 1981.

9. *Terrestrial plants—early seedling growth.* The EPA is proposing early seedling growth testing in accordance with the test standard to be proposed in the **Federal Register** in July 1981. Each species must be tested twice, once using the foliar route of exposure and once using the nutrient medium as the route of exposure, because plants may be exposed by either route.

10. *Bioconcentration—plant uptake/translocation.* The EPA is proposing plant uptake/translocation testing in accordance with the test standard to be proposed in the **Federal Register** in July 1981. The most sensitive monocot and the most sensitive dicot observed in the early seedling growth test must be tested because high sensitivity may be the result of high rates of uptake, and bioconcentration potential may differ significantly between monocots and dicots. Testing on more species is recommended but not required. Each species must be tested twice, once using the foliar route of exposure and once using the nutrient medium as the route of exposure, because plants may be exposed by either route.

11. *Soil adsorption.* EPA is proposing soil adsorption testing according to the test standard to be promulgated under 40 CFR 772.122–5. The proposed standard was published in the **Federal Register** of November 21, 1980 (45 FR 77352).

F. Reporting Requirements

Proposed reporting requirements for teratogenic effects are as follows. A Study Plan shall be submitted to EPA no later than the initiation of the teratogenic effects testing. No Interim Summary Reports will be required. The Final Report shall be submitted to EPA no later than 12 months after the effective date of this rule.

Proposed reporting requirements for reproductive effects are as follows. A Study Plan shall be submitted to EPA at least 90 days prior to the start of reproductive effects testing. Interim Quarterly Summary Reports shall be submitted to EPA beginning with the initiation of testing and ending with submission of the Final Report. The Final Report shall be submitted to EPA no later than 30 months after the effective date of this rule.

For all other testing proposed for nitrobenzene, EPA is proposing that a Study Plan be submitted by the initiation date of the test and preferably earlier. The deadline for submission of the Final Report is 15 months for bird reproduction testing and the plant uptake/translocation test, and 12 months for all other tests. These deadlines are calculated from the effective date of the final rule.

G. Major Issues for Comment

1. Should the Agency consider testing by dermal application?

In the health effects tests required, the route of administration is specified as inhalation. Nitrobenzene is rapidly absorbed through both the lungs and the skin. In studies of exposure of humans to vapor, more than twice as much was absorbed by inhalation as through the skin. It is suggested that dermal contact is a great hazard in industry and probably the most significant route of exposure for the general population, via products containing nitrobenzene as a solvent. Thus, there is reason to consider dermal application as the route of administration for testing. But since there is rapid absorption through the lungs, and the vapor pressure of nitribenzene is high, constant lung absorption is probable in any exposure situation, regardless of whether the worker makes skin contact with the liquid or vapor. It was this consideration that led EPA to propose inhalation as the route of administration.

IV. 1,1,1-TRICHLOROETHANE

A. Introduction

1,1,1-Trichloroethane, also known as methyl chloroform, is a colorless, nonflammable volatile liquid. Approximately 716 million pounds of 1,1,1-trichloroethane were produced in the United States in 1979, of which about 30 million pounds were exported. Imports of the chemical were essentially negligible. About 60 percent of the domestic production is obtained from vinyl chloride, about 30 percent is obtained from vinylidene chloride, and the remainder is produced by thermal chlorination of ethane.

Because 1,1,1-trichloroethane is an excellent solvent for greases, oils, tars, waxes and a wide range of other organic materials, its major use is in the metal cleaning industry, primarily in cold cleaning and vapor degreasing processes. An estimated 422 million pounds of 1,1,1-trichloroethane were consumed in these processes in 1979. It is also used in commercial and consumer products such as aerosols, adhesives, textiles, paints, inks, drain cleaners, film cleaners, spot removers, pharmaceuticals and leather tanners.

The Interagency Testing Committee (ITC) recommended that 1,1,1-trichloroethane be tested for carcinogenicity, mutagenicity, teratogenicity, and chronic effects (with specific attention to neurological, cardiovascular and renal systems) and that an epidemiology study be done.

B. Findings

The EPA is basing its proposed testing requirements on the authority of section 4(a)(1)(B) of TSCA.

EPA finds that 1,1,1-trichloroethane is produced in substantial quantities.

EPA also finds that substantial numbers of persons are exposed to 1,1,1-trichloroethane both in occupational settings involving manufacture, processing, and use of the chemical, and as consumers.

EPA also finds substantial release to the environment. Of the 1,1,1-trichloroethane produced in the United States in 1978, 75 percent was estimated to have been released into the environment. Measurable amounts of 1,1,1-trichloroethane have been reported in the atmosphere, soil, rainwater, marine and fresh surface waters, and groundwater. Residues of 1,1,1-trichloroethane have been measured in the tissues of aquatic and terrestrial plants and animals.

EPA also finds with respect to the following areas that there are insufficient data and experience to determine effects of the manufacture, processing, distribution in commerce, use, or disposal of 1,1,1-trichloroethane and that testing is necessary to develop such data:

Health Effects:
Structural teratogenicity
Environmental Effects:
Aquatic vertebrates
Acute toxicity
Chronic toxicity
Aquatic invertebrates
Chronic toxicity
Birds
Chronic toxicity
Terrestrial plants
Root elongation/seed germination
Early seedling growth
Bioconcentration
Plant uptake/translocation

The proposed testing and reporting requirements for each of these effects are described below.

Testing recommended by ITC or identified as an effect of concern but not proposed above, will be handled as described in the following paragraphs.

EPA is not proposing testing for acute health effects, reproductive effects, chemical fate or for certain environmental effects (acute toxicity to aquatic invertebrates, toxicity to mammals, acute bird toxicity, toxicity to algae, and aquatic vertebrate and invertebrate bioconcentration) because it believes that existing information is adequate. EPA will perform testing on some environmental effects for which no standards are available as described in I.E. of this preamble.

Oncogenicity testing of 1,1,1-trichloroethane is being performed by the National Cancer Institute (NCI) and the EPA believes that NCI studies should be sufficient for the Agency's needs; therefore, no oncogenicity testing is being proposed at this time.

EPA believes that mutagenicity testing according to a testing sequence would be appropriate, and will perform the initial testing itself because no criteria for progressing from initial test to higher level tests are available. EPA will propose higher tier tests if needed based on analysis of lower tier results.

The EPA has decided not to propose epidemiological testing at this time because a suitable study population has not been identified. No chronic effects testing is being proposed because the EPA is awaiting results of an ongoing NTP study which may provide sufficient data for the Agency's needs. The analysis and findings upon which the above determinations are based are presented in the 1,1,1-Trichloroethane Support Document which is available from the Industry Assistance Office.

C. Persons Required To Test

Section 4(b)(3)(B) specifies that the activities for which the Administrator makes section 4(a) findings (manufacture, processing, distribution, use and/or disposal) determine who bears the responsibility for testing. Manufacturers are required to test if the findings are based on manufacturing, distribution, use, or disposal. Processors are required to test if the findings are based on processing, distribution, use, or disposal.

Because of the potential for exposure of industrial workers, consumers and the environment during the manufacture, processing, use and disposal of 1,1,1-trichloroethane, the EPA is proposing to require that persons who manufacture or process 1,1,1-trichloroethane and those who intend to manufacture or process 1,1,1-trichloroethane within the period ending five years beyond the date required for the submission of the last final report of this test rule, will be subject to this test rule. Because "manufacture" is defined in section 3(7) of TSCA to include "import," importers of trichloroethane are subject to this rule.

Because TSCA contains provisions to avoid duplicative testing, not every person subject to this rule must individually conduct testing. Section 4(b)(3)(A) of TSCA provides that EPA may permit two or more manufacturers or processors who are required to designate one such person or a qualified third person to conduct the tests and submit data on their behalf. Section 4(c) specifically provides that any person required to test may apply to EPA for an exemption from that requirement.

EPA is not proposing to require the submission of equivalence data as a condition for exemption from the proposed testing. As noted below, EPA is interested in evaluating the effects attributable to 1,1,1-trichloroethane itself, and is specifying a test substance to achieve this purpose. Please see EPA's proposed statement of exemption policy for more information published in the **Federal Register** of July 18, 1980 (45 FR 48512).

D. Test Substance

All commercial grades of 1,1,1-trichloroethane contain up to 8 percent stabilizer(s). Although several hundred additives have been patented, most are not used regularly. Some of those which have been identified in the various commercial products and the percent by volume of the product are: nitromethane, 0.4–1.8 percent; butylene oxide, 0.4–0.8 percent; dioxane, 2.5–3.5 percent; dioxolane, 1.0–1.4 percent; methyl ethyl ketone, 1.0–1.4 percent; toluene, 1.0–1.4 percent; sec-butyl alcohol, 0.2–0.3 percent; and isobutyl alcohol, 1.0–1.4 percent. The potential toxicological effects of some of these stabilizers may make it difficult to evaluate 1,1,1-trichloromethane's toxicity from tests on a technical grade substance. Unstabilized 1,1,1-trichloroethane is available in small quantities at high cost; however, it is not known how long it remains pure once exposed to air. Therefore, EPA is proposing a 1,1,1-trichloroethane test substance containing 0.5 percent butylene oxide stabilizer for use in tests proposed in this rule for 1,1,1-trichloroethane. This product contains the least amount of stabilizer of any product available and is currently being used by NTP in an oncogenicity bioassay on 1,1,1-trichloroethane.

E. Proposed Testing

Because the most extensive human exposure is through inhalation, the proposed route of administration for the health effects testing is inhalation.

The route of administration for each environmental effects test is specified in the generic test standard for that test with exceptions as noted below.

The following are effects of concern discussed in I.C. of this preamble for which EPA is proposing testing.

1. *Teratogenicity.* The EPA is proposing that a structural teratogenicity study be conducted in accordance with the structural teratogenicity standards to be promulgated under 40 CFR 772.116–2. The proposed standard was published in the **Federal Register** of July 26, 1979 (44 FR 44054).

2. *Aquatic vertebrates—acute toxicity test.* The EPA is proposing acute toxicity testing on a coldwater species of freshwater fish in accordance with test standards to be proposed in the **Federal Register** in July 1981. The flow-through procedure is necessary because 1,1,1-trichloroethane is highly volatile. Evaporation of 1,1,1-trichloroethane in the static procedure would result in difficulty in maintaining nominal exposure levels.

3. *Aquatic vertebrates—chronic toxicity.* The EPA is proposing early life stage toxicity testing on a coldwater and warmwater freshwater fish species and on a coldwater saltwater fish species in accordance with test standards to be proposed in the **Federal Register** in July 1981. The coldwater freshwater species tested must be the rainbow trout (*Salmo gairdneri*) because this species is generally more sensitive to toxicants than the brook tyrout (*Salvelinus fontinalis*).

4. *Aquatic invertebrates—chronic toxicity.* The EPA is proposing life cycle toxicity testing on a freshwater and saltwater invertebrate in accordance with test standards to be proposed in the **Federal Register** in July 1981. The freshwater invertebrate test must be flow-through, or static with precautions taken to avoid loss of test substance due to the volatility of 1,1,1-trichloroethane. Evaporation of 1,1,1-trichloroethane in the static renewal procedure may result in difficulty in maintaining nominal exposure levels.

5. *Birds—chronic toxicity.* The EPA is proposing chronic toxicity testing in two species of birds in accordance with the test standard to be proposed in the **Federal Register** in July 1981. Does level

selection is proposed to be made as follows:

High dose (ppm)—2510 mg/kg x0.125
Medium dose (ppm)—0.167 X high dose
Low dose (ppm)—0.028 X high dose

Also, because 1,1,1-trichloroethane is highly volatile, special dietary procedures are proposed.

8. *Terrestrial plants—root elongation/seed germination.* The EPA is proposing root elongation/seed germination testing in accordance with the test standard to be proposed in the **Federal Register** in July 1981.

7. *Terrestrial plants—early seedling growth.* The EPA is proposing early seedling growth testing in accordance with the test standard to be proposed in the **Federal Register** in July 1981. Each species must be tested twice, once using the foliar route of exposure and once using the nutrient medium as the route of exposure, because plants may be exposed by either route and toxicity may significantly depend upon the route of exposure.

8. *Bioconcentration—plant uptake/translocation.* The EPA is proposing plant uptake/translocation testing in accordance with the test standard to be proposed in the **Federal Register** in July 1981. The most sensitive monocot and the most sensitive dicot observed in the early seedling growth test must be tested because high sensitivity may be the result of high rates of uptake, and bioconcentration potential may differ significantly between monocots and dicots. Testing on more species is recommended but not required. Each species must be tested twice, once using the foliar route of exposure and once using the nutrient medium as the route of exposure, because plants may be exposed by either route.

F. Reporting Requirements

For all testing propose for 1,1,1-trichloroethane, EPA is proposing that a Study Plan be submitted by the initiation date of the test and preferably earlier than this deadline. No interim reports are required. The proposed deadline for submission of the Final Report is 15 months for bird reproductive testing and the plant uptake/translocation test, and 12 months for all other tests. These deadlines are calculated from the effective date of the final rule. For a discussion of the basis of these time frames, see FR 48535 (July 18, 1980) and V. of this preamble.

G. Major Issues for Public Comment

1. Which product should be used for testing?

See III.D. of this preamble for discussion.

2. What procedures will assume maintenance of the desired dose levels of 1,1,1-trichloroethane when administered in the diet for bird feeding studies?

The volatility of 1,1,1-trichloroethane (vapor pressure-100 mm at 20°C) presents some difficulty in providing dosed diets for feeding studies since the compound may be lost relatively rapidly by evaporation. EPA is proposing a requirement that the time be determined over which 25 percent loss of 1,1,1-trichloroethane from the diet occurs, and that the replacement of treated diets be governed by this information. EPA is suggesting the use of corn oil as a vehicle to reduce the likelihood of test substance loss. EPA is interested in comments as to the adequacy of these procedures and the availability of alternative procedures to assume that the desired dose levels are achieved.

3. Should teratology testing be proposed?

The York et al. teratology study failed to demonstrate any maternal toxicity. Such toxicity is generally regarded as a mandatory element of any teratology test from which a reasonable determination of lack of teratogenic effects can be made. Nevertheless, this study was conducted at a level that was seven times the TLV. While it appears clear that this study would not be sufficient to reasonably determine that no unreasonable risk of teratogenicity exists, is the data sufficient to reasonably predict that no unreasonable risk of terata exists?

V. Reporting Requirements

A. Study Plans and Interim Quarterly Summary Reports

In the first proposed section 4 test rule published in the **Federal Register** of July 18, 1980 (45 FR 48510), EPA proposed requiring Study Plans for all tests required under any section 4 test rule and also Interim Quarterly Summary Reports for all long-term tests. EPA also proposed in the first rule that long-term test Study Plans must be submitted 90 days before initiation of the test, while short-term test Study Plans only need to be submitted by the date of test initiation. The rationale behind these proposed requirements was provided in the first test rule and will therefore not be repeated here. An analysis of the comments received on these proposed requirements will be provided in the preamble to the final rule based on the July 18, 1980 proposal which should be promulgated in the fall of 1981. Any changes made as a result of those comments will be reflected in the final rule for dichloromethane, nitrobenzene, and 1,1,1-trichloroethane.

Interim reporting requirements are proposed for cardiovascular testing because it is a lengthy test. Interim reports would provide a current status of the study. These reports should be brief and impose minimal burden, but would provide summary information on such things as hemodynamic parameters, statistics on the hemodynamic parameters, histopathological changes in tissues examined, and biochemical parameters. Because dosing is proposed to be performed sequentially, EPA is proposing that the reports be submitted at the end of each testing sequence rather than on a quarterly basis.

Reporting requirements for reproductive effects were discussed in the July 18, 1980 proposal (45 FR 48510). Because of the length of the test, submission of a Study Plan at least 90 days prior to the start of testing and submission of Interim Quarterly Summary Reports were proposed.

All remaining tests proposed in this rule (i.e., dermal sensitization testing and all environmental effects and fate testing) are short-term tests; therefore, Study Plan deadlines are the date of test initiation and no Interim Quarterly Summary Reports are required.

B. Final Report Deadline

EPA is required by TSCA section 4(b)(1)(C) to specify the time period during which persons subject to a test rule must submit test data. In determining deadlines for submission of Final Reports for each type of test, EPA has considered and allowed an amount of time it believes is reasonable for a number of factors that affect the time period needed for satisfactory testing. These factors include coordination among persons subject to the rule to permit agreement on joint testing programs, development of Study Plans, set-up and execution of required tests, analysis of test results, and preparation of Final Reports. The proposed time frame for these factors as they relate to tests proposed in this rule on structural teratogenicity, reproduction, and subchronic effects are detailed in the first proposed section 4 test rule published in the **Federal Register** of July 18, 1980 (45 FR 48510). An analysis of comments received on the first proposed rule will be provided in the preamble to the final rule based on the July 18, 1980 proposal which should be promulgated in the fall of 1981.

Using the same approach as was used in the July 18, 1980, proposal, the

UMI

proposed Final Report deadline for subchronic cardiovascular testing (23 months after the effective date of this rule) has been determined in Table 1 by adding the time estimated to accomplish each of the tasks listed above.

Table 1.—*Time frame for subchronic cardiovascular testing (months)*

Activities	Allotted times
1. Coordination among test sponsors	2
2. Study plan preparation [1]	4
3. 90-day pre-test reporting requirement	3
4. Test performance [2]	9
5. Analysis of test results, preparation of final report	5
6. Final report deadline	23

[1] Study Plan preparation: The time period allotted for Study Plan preparation is indicated below and is designed to permit the necessary activities precedent to initiation of the required testing.

[2] Time periods reflect time to perform three tests in accordance with the maximum number of repetitions in EPA's test rule.

Study Plan Time Frame (months)

Activities	Time allotted
1. Acquisition and acclimation of test animals	1
2. Development of experimental protocol	1
3. Control catheterization for each dog following exposure to air for one week in inhalation chamber	1
4. Determination of epinephrine doses in each dog for the cardiac sensitization portion of the protocol	1
Total	4

For all other tests EPA proposes that a Final Report deadline of 12 months from the effective date of the Final Rule is reasonable with the exception of the bird reproduction test and the plant uptake/translocation test, which are allowed 15 months each. These proposals are based on the fact that each test, except bird reproduction and plant uptake/translocation, has a comparable or shorter test performance time period than the 90-day subchronic health effects test for which a Final Report deadline of 12 months was proposed in the first rule. When the other activities, (i.e., coordination among test sponsors, Study Plan preparation, data analysis, and Final Report preparation), were considered collectively, the time period for each test was determined to be comparable or shorter than the 90-day subchronic health test. The Final Report deadline for the bird reproduction test includes an additional three months because the test performance period lasts 5–6 months. The Final Repart deadline for the plant uptake/translocation test also includes an additional three months because the test performance period lasts 4–6 months.

VI. General Issues for Public Comment

The public is encouraged to submit comments on various matters discussed in the preamble and accompanying support documents In addition, EPA specifically requests comments on the issues relating to specific chemicals highlighted at the end of each chemical specific section and the general issues discussed below.

1. Should section 4(a)(1)(B) findings be made on a case-by-base basis or should criteria be developed for substantial production/release and exposure? If so, what criteria should be recommended?

EPA has chosen to make section 4(a)(1)(B) findings on a case-by-case basis in this rule rather than define criteria for substantial production, substantial release and substantial or significant human exposure. The Agency believes that it does not have the experience at this time to establish such criteria. If specific criteria are desirable for future test rules, EPA would appreciate specific recommendations and why they are appropriate.

2. Are the effects of concern identified by EPA appropriate for the chemicals in this rulemaking?

In I.C. of this preamble EPA identified certain health effects for dichloromethane and 1,1,1-trichloroethane and environmental effects for all three chemicals contained in this rule on the basis of exposure characteristics for the purposes of determining the adequacy of information under a section 4(a)(1)(B) finding. The Agency seeks comment on whether there are available data or exposure to reasonably determine or predict the effects of chemicals in some or all of the identified areas of concern or if additional areas of testing should be considered by EPA.

3. Are the reporting deadlines proposed in today's rule appropriate?

This rule proposes reporting requirements for the subchronic cardiovascular test, dermal sensitization test, and various environmental effects (see V. of this preamble). Reporting deadlines for other health effects were proposed in the **Federal Register** of July 18, 1980 (45 FR 48535).

VI. Economic Analysis of Proposed Rule

To evaluate the potential economic impact of test rules, EPA has adopted a 2-stage approach. All candidates for test rules go through a Level I analysis; this analysis consists of evaluating each chemical (or chemical group) on four principal market characteristics: (1) demand sensitivity, (2) cost characteristics, (3) industry structure, and (4) market expectations. The results of the Level I analysis (along with consideration of the cost of the required tests) indicate whether the possibility of a significant adverse economic impact exists. Where the indication is negative, no further economic analysis is done for that chemical substance or group. However, for those chemical substances or groups where the Level I analysis indicates a potential for significant economic impact, a more comprehensive and detailed analysis is conducted. This Level II analysis attempts to predict more precisely the magnitude of the expected impact.

Cost of the Test Requirements for Nitrobenzene, Dichloromethane, and 1,1,1-Trichloroethane

[Dollars in thousands]

Compound	Total cost	Annualized cost [1]
Nitrobenzene	$224–706	$58.1–183.4
Dichloromethane	236–744	61.3–192.8
1,1,1-Trichloroethane	86–292	22.4– 75.8

[1] 25 percent cost of capital for 15 years.

A. Dichloromethane

The Level I analysis indicated that no significant economic impact to dichloromethane producers would result from the proposed test rule. A Level II analysis was unnecessary.

This conclusion is based on the following considerations: first, the demand for dichloromethane in its major markets appears to be relatively insensitive to changes in price. Furthermore, the market outlook for dichloromethane is quite optimistic. In addition, the per unit cost increase attributable to testing is very small, up to 0.03 cents per lb., or 0.15 percent of the 1979 price (based on 1979 production of 633.2 million lbs.). Such small cost increases could probably be passed on by producers and none of the producers should be particularly impacted by the increased cost.

B. Nitrobenzene

The Level I analysis indicated that the proposed test rule will not pose any significant economic impact on nitrobenzene manufacturers. A Level II analysis was not needed.

This conclusion is based upon the following considerations: first, the demand for nitrobenzene (and products derived from nitrobenzene) appears to be expanding and market prospects for this compound seem quite good. Second, a small number of large firms produce nitrobenzene, and no firm is expected to be placed at a comparative disadvantage due to testing costs. In addition, the per unit cost increase due

to testing is extremely small, about .01 to .02 cents per pound or .03 percent to .08 percent of the 1979 price (based on 1979 production of 952.4 million lbs.).

C. 1,1,1-Trichloroethane

Again, the Level I analysis indicated that the proposed test rule will not pose any significant economic impact on 1,1,1-trichloroethane producers. A Level II analysis was not needed.

The following factors contributed to this conclusion: first, the demand for 1,1,1-trichloroethane is expected to grow modestly but steadily. Second, the firms producing 1,1,1-trichloroethane all have a significant share of the market and none are expected to be at a comparative disadvantage in absorbing costs. Finally, the per unit cost increase due to testing is extremely small, ranging up to .01 cent per pound or 0.07 percent of the 1979 price (based on 1979 production of 716.3 million lbs.).

VIII. Availability of Test Facilities and Personnel

In addition to the requirements discussed previously, section 4(b)(1) requires EPA to consider "the reasonably foreseeable availability of the facilities and personnel needed to perform the testing proposed in this rule." The Agency believes that there will be available resources to perform the required testing. EPA today proposes testing for three single chemicals only and anticipates that many manufacturers and processors subject to the rule will elect to arrange for joint testing or apply for an exemption from testing to minimize the number of tests that will be performed. Furthermore, this is only the second test rule proposed by EPA; therefore, the cumulative impact of EPA actions would be expected to be small. Because this may not be the case after EPA promulgates several test rules, EPA has initiated a study of the availability of test facilities for future section 4 test rules.

IX. Environmental Impact Statement

EPA is not required to prepare environmental impact statements under the National Environmental Policy Act (NEPA), 41 U.S.C. 4321 et seq. for test rules, and has determined that voluntary preparation of an environmental impact statement is not appropriate for regulations issued under section 4 of TSCA. See the preamble to the Agency's rules for compliance with NEPA published in the **Federal Register** of November 6, 1979 (44 FR 64174).

X. Public Meetings

If persons wish to present comments and questions on these proposed rules to EPA officials who are directly responsible for developing the rule and supporting analyses, EPA will hold a public meeting on September 17, 1981 in Washington, D.C. An opportunity for presentation of oral comments is required by section 4(b)(5). This meeting is scheduled after the deadline for submission of written comments on the proposed rule to allow EPA and the public commentors to discuss issues raised in written comments. Information on the exact time and place of the meeting is available from the Industry Assistance Office.

Persons who wish to attend or present comments at the meeting should call the OTS Industry Assistance Office toll-free number 800–424–9065 (in Washington, D.C., 554–1404). While the meeting will be open to the public, active participation will be limited to those persons who arranged to present comments and designated EPA participants. Persons who wish to attend the meeting should call the Industry Assistance Office before making travel plans since the meeting will not be held if members of the public do not wish to make oral comments.

The Agency will transcribe each meeting and will include the written transcripts in the public record. Participants are invited, but not required, to submit copies of their statements prior to or on the day of the meeting. All such written materials will become part of EPA's record for this rulemaking.

XI. Public Record

EPA has established a public record for this rulemaking (docket number OPTS–47004) which is available for inspection in the OPTS Reading Room from 8:00 a.m. to 4:00 p.m. on working days (Rm. E–107, 401 M St., SW., Washington, D.C. 20460). This record includes basic information considered by the Agency in developing this proposal. The Agency will supplement the record with additional information as it is received. The record includes the following information:

(1) **Federal Register** notices pertaining to this rule:

(a) Notice of proposed rule on nitrobenzene, dichloromethane and 1,1,1-trichloroethane.

(b) Notices containing the ITC designation of nitrobenzene, dichloromethane and 1,1,1-trichloroethane to the Priority List.

(c) Notices containing EPA's proposed health effects test standards and Good Laboratory Practice Standards (44 FR 27334 and 44 FR 44054).

(d) Notice of proposed rule on exemption policy and procedures.

(e) Notice containing the Notice of Proposed rule on reimbursement policy and procedures.

(f) Notice containing EPA's proposed environmental effects test standards.

(g) Notice containing EPA's proposed chemical fate test standards.

(h) Notice of proposed rulemaking on chloromethane and chlorinated benzenes (45 FR 48524).

(2) Support documents:

(a) Dichloromethane Support Document.

(b) 1,1,1-Trichloroethane Support Document.

(c) Nitrobenzene Support Document.

(d) Level I Economic Evaluation: Dichloromethane.

(e) Level I Economic Evaluation: 1,1,1-Trichloroethane.

(f) Level I Economic Evaluation: Nitrobenzene.

(3) Minutes of Informal Public Participation Meetings.

(4) Communications Before Proposal:

(a) Written: Public and Intra-agency or Interagency Memoranda and Comments.

(b) Memoranda of telephone conversations.

(c) Meetings.

(5) Public comments on the ITC reports.

(6) Reports—published and unpublished data.

XI. Classification of Rule

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The regulations for these three chemical substances are not major because they do not meet any of the criteria set forth in section 1(b) of the Order. First, the annual cost of the testing prescribed for the three chemicals is less than $1 million over the testing and reimbursement period. (Nitrobenzene: $58,000–182,000; 1,1,1-Trichloroethane: $60,000–188,000; dichloromethane: $84,000–261,000.) Second, because the cost of the required testing will be distributed over very large quantities of production, the rules will have only very minor effects (less than 0.1 percent a year) on producer's cost or user's prices for each of the chemicals. Finally, taking into account the nature of the market for these products, the low level of costs involved, and the expected nature of the mechanisms for sharing the costs of the required testing, EPA concludes that there will be no significant adverse economic effects of any type as a result of this rule.

The regulation was submitted to the Office of Management and Budget for

V46/108 JUN 5 1981 UMI

review as required by Executive Order 12291. Any comments from OMB to EPA, and any EPA response to those comments, are included in the public record.

XIII. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), (15 USC 601, Pub. L. 96-354, Sept. 19, 1980), EPA is certifying that these testing rules, if promulgated, will not have a significant impact on a substantial number of small entities.

The test rules, if promulgated, may impose some costs on manufacturers, processors and users of the chemicals. Manufacturers (which, for the purposes of this rule includes importers) and processors of the chemicals will be subject to a requirement to either perform the required testing, or obtain an exemption based on the fact that the testing will be carried out by another person. Although EPA has not adopted a definition of small business for TSCA section 4 purposes, EPA's economic analysis has identified the manufacturers and importers of the three chemicals and none of these firms could be considered a small business by any reasonable definition. All have total sales in excess of $100 million.

The Agency has not attempted to identify the large number of companies which would be subject to these testing rules as "processors." However, even assuming that a large number of these processors are small businesses, EPA has several bases for concluding that none will experience a significant economic impact as a direct result of these rules.

1. Small processors will not perform testing themselves, or to participate in organization of the testing effort. Based on comments from industry, EPA expects that, after this rule becomes final, manufacturers of the substance (and perhaps major processors) will attempt to organize a testing consortium to pay for the required testing. After a suitable period, one or more parties are expected to indicate to EPA that they will take responsibility for developing the required data. Because there are many large companies involved with each of these chemicals, both as manufacturers and processors, there is no reason to anticipate that any small business will be involved in these discussions.

2. Small processors will experience only very minor costs in securing exemption from testing requirements. Once these testing responsibilities are accepted, persons not included in the testing consortium (including any small business) would be required to obtain an exemption from testing [TSCA section 4(c)]. EPA believes that the cost of applying for an exemption would be very small. Under the proposed exemption policy published in the **Federal Register** of July 18, 1980 (45 FR 58512) the application would need to identify the applicant, the requirements from which the applicant was seeking an exemption, and citation of the study or studies upon which the exemption may be based. These minimal requirements may be reduced even further in light of comments on the proposed exemption policy.

3. Small processors are unlikely to be affected by reimbursement requirements. Any person who receives an exemption would be subject to a statutory requirement [TSCA section 4(c)(3)] to provide a "fair and equitable reimbursement" to the person or persons who assumed prime responsibility for testing. However, EPA believes that the legal liability of small processors to provide reimbursement is likely to remain a theoretical one, because existing voluntary testing groups often waive reimbursement from many small manufacturers and most processors. Therefore such processors will not be directly affected by the need to provide reimbursement or by the administrative costs of participation in the reimbursement process. EPA's proposed reimbursement rules presume that only manufacturers will contribute directly, although they leave open the possibility that manufacturers will seek contributions from some or all processors in particular situations. If reimbursement is sought from processors, the extent of the burden to be imposed on small businesses will depend on EPA's reimbursement procedures, including reporting requirements for processors and the formula for allocating testing costs between processors and manufacturers, and among processors. However, even in these cases the impact on processors would be softened by the TSCA requirement that market share and competitive position be considered in determining reimbursement. A more detailed discussion of the impact of these features on small businesses will be found in EPA's forthcoming proposed rule for section 4 reimbursement.

Processors of the chemicals which are not subject to reimbursement requirements, and users of the chemicals, may experience an indirect impact as a result of cost increases imposed on manufacturers and other persons who either pay for the testing initially or provide reimbursement to those who do. However, even if the entire per-pound cost is passed on through the market, EPA's Economic Evaluation shows that there would be no significant impact. The estimated percentage cost increase which may result from these rules is a fraction of one percent per chemical.

XIV. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (PRA) (44 U.S.C. 3501 *et seq.*) authorizes the Director of the Office of Management and Budget to review certain information collection requests by federal agencies. The test rules proposed in this notice, if promulgated, could result in the submission of several types of information related to the required testing, including study plans for each test required, interim reports on the status of certain tests as they are being conducted, and final reports for all tests by various manufacturers and processors subject to the testing requirement. For the reasons set out below, however, EPA believes that the test rules contained in this notice do not constitute information collection requests as defined in the PRA.

On the basis of industry comments, EPA believes that in most cases a single consortium or person would step forward to perform all the tests or one particular test for a chemical. If one or more persons accept responsibility for the conduct of testing, under section 4(c) of TSCA other manufacturers and processors of the chemical may be relieved from performance of testing by application to the Administrator although they might bear some responsibility for the costs of testing. Thus the requirements for submittal of a study plan, interim reports, and a final report for required tests do not appear to constitute an "information collection request" under sections 3502(4) and (11) of PRA, because they would not impose identical reporting requirements on ten or more persons. Even if several persons take responsibility for testing, the reporting called for by these rules consists of information which is uniquely related to the different tests which are being required.

EPA's rules for submittal of exemption applications under section 4(c) of TSCA were proposed on July 18, 1980 (45 FR 48512). Section 770.405 and .406 of EPA's proposed rules set forth the requirements for filing and content of exemption applications. Because these rules were proposed before the effective date of the PRA, they were not subject to that portion of the Act which requires that proposed rules containing a collection of information requirement be submitted to the Director of OMB. Nevertheless, the actual exemption

application process is triggered by the promulgation of test rules on particular chemicals. In view of this, it is possible that proposal of particular test rules may be viewed as the appropriate time for OMB review of the information collection aspects of exemption applications. However, EPA believes a generic treatment of the applicability of the requirements of the PRA to exemptions is more appropriate. EPA takes this position because the Agency is considering suggestions for modification of the exemption reporting requirement contained in the July proposal which, if accepted, would minimize the significance of this issue. Comments received on that proposal suggested that in certain circumstances exemptions be granted automatically, without the requirement for an application. Because the issues relating to exemption applications were fully addressed in that earlier rulemaking, EPA is not requesting comment on the subject in this notice.

Imposition of testing requirements could eventually trigger a requirement to report certain information in connection with a reimbursement proceeding. Comments from interested industries cause EPA to believe that this will happen only rarely. EPA's proposed reporting requirements in connection with reimbursement proceedings will be addressed in a forthcoming notice.

Although this proposed rule does not contain any information collection requirement subject to the review and clearance functions of the PRA, in the course of reviewing these testing rules and associated requirements such as exemption rules, EPA will give full consideration to whether the information sought is necessary and will have practical utility to the Government. In addition, if a determination is later made that any of these requirements are subject to the PRA, EPA will ensure that any information collection contained in the final rule fully complies with the applicable procedural requirements.

Dated: May 29, 1981.

Anne M. Gorsuch,

Administrator.

Therefore, it is proposed that Chapter I of 40 CFR Subpart B be amended by adding §§ 773.1500, 773.3050 and 773.4400 to proposed Part 773 to read as follows:

Subpart B—Chemical Substances

§ 773.1500 Dichloromethane.

(a) *Identification of test substance.* (1) Dichloromethane (CAS 75–09–2, also know as methylene chloride) shall be tested in accordance with this Part.

(2) Dichloromethane of 99.95% purity or greater and specific gravity of 1.320, shall be used as the test substance in all tests. The test substance shall contain no stabilizers.

(b) *Persons required to test.* (1) All persons who manufacture, process, or intend to manufacture or process dichloromethane from (effective date of this rule) to (five years form the date the last final report is due) shall conduct tests and submit data as specified by this Part.

(2) Any person subject to the requirements of this section may apply to EPA for an exemption from testing pursuant to Subpart E of Part 770.

(c) *Health effects testing*—(1) *Acute effects-dermal sensitization*—(i) *Required testing.* (A) An acute dermal sensitization study shall be conducted on dichloromethane in accordance with the test standard in 772.112–26 of this chapter.

(B) The route of administration shall be intradermal injection. Appropriate dilution must be done if excessive irritation or ballooning of tissue occurs using neat dichloromethane.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to EPA no later than 12 months after the effective date of this rule.

(2) *Subchronic cardiovascular toxicity*—(i) *Study design.* (A) *Species and age.* Testing must be performed on young adult dogs.

(B) *Number and sex of animals.* At least three dogs must survive the test period. Dogs of the same sex are required.

(C) *Exposure concentration level.* The dogs will be exposed initially to 250 ppm dichloromethane in an inhalation chamber. However, if repetition of the study is required based on a determination described in paragraph (c)(2)(iii) of this section, each repetition shall use one-half the previous exposure concentration.

(D) *Duration of testing.* Animals must be exposed to dichloromethane at least 7 hours per day, 5 days per week over a 90-day period.

(E) *Controls.* Each dog shall serve as its own control.

(ii) *Study conduct.* Standards for the performance of a subchronic inhalation study can be obtained in § 772.112–33 of this chapter. General laboratory practice standards for health effects testing published in section 772.100–2 of this chapter must be followed.

(A) *General.* Each dog must be challenged with epinephrine hydrochloride prior to the exposure to dichloromethane and once a month thereafter during the 90 day test period. This experiment must be carried out prior to the cardiac catheterization (or equivalent technique for hemodynamic measurements) since it is important that stress to the animal be minimized during this procedure. The epinephrine should be administered intravenously and only electrocardiographic (EKG) monitoring is required. Prior to dichloromethane exposure, each dog shall be challenged with increasing doses of epinephrine to establish a minimum effective dose which would give rise to ectopic beats or more serious arrythmias in the individual animals. EKG changes must be recorded during each drug challenge. This procedure shall be repeated at 1, 2 and 3 month intervals during exposure to dichloromethane. When determining the new minimum effective dose at each 30-day time period, the starting dose for epinephrine in the series of challenges shall be 1/5 of the previously established minimum effective dose. Increased doses of epinephrine should be administered at 30 minute intervals until a new minimum effective dose is established.

(B) *Observations.* Animals must be under surveillance for any overt physiological and behavioral changes during inhalation exposure.

(C) *Catherterization.* (*1*) The procedure to be used for the cardiotoxicity testing of dichloromethane is right and left heart catheterization in the unanesthetized dog. Guidance for the methodology can be obtained by modification of the procedure of Will and Bisgard (1972). Cardiac catheterization of unanesthetized large domestic animals. (Journal of Applied Physiology. 33: 400–401). However, other established techniques using the unanesthetized dog are acceptable provided that the technique allows for the accurate measurement of the designated hemodynamic parameters. Several techniques are documented in the literature which utilize indwelling monitoring devices such as catheters and pressure transducers. These procedures may lead to difficulty in maintaining animal survival for the specified treatment period. However, if a procedure is employed using indwelling monitoring devices, a non-halogenated anesthetic which has no cardiac activity shall be used to carrry out the surgical implantation of such devices. In addition, an adequate postoperative period shall be allowed for recovery from the anesthesia since all hemodynamic measurements must be

determined on the unanesthetized animal.

(*2*) A control cardiac catheterization shall be performed on each animal following a one week exposure to circulating air in an inhalation chamber for seven hours per day, five days per week. Following the control period, each dog shall be exposed in an inhalation chamber to an atmospheric concentration of 250 ppm dichloromethane. At the end of each 30 day interval, a left and a right heart catheterization shall be performed on each animal. If a technique is employed which necessitates a catheterization prior to each data collection, a minimum of a one hour equilibration period is required between the completion of catheterization and the initiation of data collection. In the event that indwelling devices are used in the study, a minimum of one hour equilibration period is also required for each dog after it has been secured to the monitoring instrument(s).

(D) *Cardiovascular testing.* (*1*) The parameters which are to be measured in each animal during the control catheterization and the catheterization performed at 30 day intervals during exposure are as follows: atrial and pulmonary capillary wedge pressures; ventricular pressures; aortic and pulmonary artery pressures; blood O_2 saturations; the calculation of cardiac output (e.g., using the Fick Principle or the Indicator Dilution Method) and vascular resistance; the rate of rise of left ventricular pressure with time (LV dP/dt); electrocardiogram—Standard Lead II; heart rate; and determination of dichloromethane content in the blood.

(*2*) A control carboxyhemoglobin measurement must be made followed by a measurement at two and four weeks after the start of exposure to dichloromethane. If the two and four week measurements do not differ statistically from the control measurement of each dog, carboxyhemoglobin measurements may be performed at one month intervals, thereafter. However, if the carboxyhemoglobin levels recorded at the second and fourth weeks are statistically different from the control measurements, carboxyhemoglobin analysis should then be performed at two week intervals until the termination of exposure. Procedures and literature references for carboxyhemoglobin analysis of the blood can be obtained by references to Curtius and Roth (1978. Clinical biochemistry: principles and methods, Vol. II Berlin/New York: Walter de Gruyter and Co.).

(E) *Body weights.* Animals must be weighed at least weekly. At the end of the 90-day experimental period the dogs will be sacrificed for pathological examination.

(F) *Handling of moribund and dead animals.* All moribund animals must be sacrificed and undergo gross necropsy; the designated tissues must be taken for histopathology. Those animals found dead during the course of the study must undergo gross necropsy and the tissues designated for histopathology must be salvaged if death occurred within 16 hours of necropsy.

(G) *Pathology procedure*—(*1*) *Gross necropsy.* The gross necropsy shall include an initial physical examination of the external surfaces and all orifices followed by an internal examination of tissue and organs in situ. Speical examination shall be made and reported concerning th stutus of the pericardial sac, any abnormalties of the pericardial fluid, epicardial surface, coronary arteries, myocardium, endocardium, atria septa, valves, chordac tendinae, and papillary muscles. The thickness of the myocardium of the right and left ventricles shall be measured and recorded. In addition, a detailed gross examination shall be made of any gross lesions, the lungs, kidneys, liver adrenals and aorta.

The weight of the heart, lungs, liver, and kidneys shall be recorded after careful dissection and trimming.

(*2*) *Histopathology examinations.* Histopathological examinations are required only when a significant change is observed in one or more of the following parameters after 90 days of exposure: the minimum effective dose of epinephrine which produced ectopic beats and/or more serious arrythmias, electrocardiogram carboxyhemoglobin levels in the blood, cardiac output, LV dp/dt, and ventricular pressures. Following tissue fixation in an appropriate fixative for the specific tissue(s), the following microscopic examination shall be made: all gross lesions (with a margin of normal tissue); heart (representative sections of the atrium, right and left ventricles, including SA and AV nodal tissue, and cross sections of the right and left coronary arteries); lungs (representative sections from each lobe(s)); liver (two lobes); kidneys (representative sections from both kidneys to include cortex, medulla, and renal pelvis); aorta (representative section from abdominal aorta at iliac bifurcation and arch of aorta at the origin the bracheocephalic branches, left common carotid, and left subclavian arteries.

(iii) *Data evaluation.* Statistical analysis on all measured hemodynamic parameters should be carried out using an analysis appropriate to the repeated measures design of the study. Examples of such analysis include analysis of variance (or Friedman's ranked sums) and profile analysis; however, the multiple paired t-test on control versus dosed time periods or pairwise Hotelling's T^2 using all parameters simultaneously will be considered acceptable. If, at the end of the 90 day experimental period, exposure to 250 ppm dichloromethane does not result in statistically significant alterations from control in the electrocardiogram and one of the following parameters: ventricular pressure, cardiac output and vascular resistance, or LV dP/dt, then no additional testing need be done. Measurement of these parameters is required by paragraph (c)(3)(ii)(D)(*1*). On the other hand, if exposure to dichloromethane *does cause* statistically significant alterations from control in the electrocardiogram and one of the following parameters: venticular pressure, cardiac output and vascular resistnace, or LV dP/dt, then the 90 day subchronic study must be repeated two additional times unless a no observable effect level is reached on the first repetition. Each repetition of the study shall use one-half the previous exposure concentration.

(iv) *Reporting Requirements.* (A) A study plan shall be submitted at least 90 days before the initiation of the study. The following information shall be included: identification of the sponsor and the testing facility; qualifications and training of the personnel involved with the study; a detailed study protocol; and dates for initiation and completion of major phases of the subchronic study along with a schedule for the submission of interim and final reports.

(B) An interim summary report containing a statistical analysis of all of the test results and histopathology data shall be submitted to EPA within 30 days of completion of each testing sequence.

(C) The Final Report shall be submitted to EPA no later than 23 months after the effective date of the final test rule. This report shall include a summary and analysis of all test results including electrocardiograms, hemodynamic parameters, biochemical tests, behavioral changes, and histopathology, from each testing sequence as well as an overall summary and interpretation of the data. In addition, verified copies of all raw data such as laboratory notebooks and EKG recordings shall be submitted to the Agency with the final report.

(3) *Reproductive effects*—(i) *Required testing.* (A) Testing for reproductive

effects shall be performed in accordance with the test standard in § 772.116–3 of this chapter.

(B) The route of administraion shall be inhalation.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA at least 90-days prior to the start ot testing.

(B) Interim Quarterly Summary Reports shall be submitted to the EPA during the test period.

(C) The Final Report shall be submitted to EPA no later than 30 months after the effective date of this test rule.

(d) *Environmental effects and fate testing*—(1) *Aquatic vertebrates—chronic toxicity*—(i) *Required testing.* Early life stage toxicity tests on the fathead minnow (*Pimephales promelas* Rafinesque), rainbow trout, (*Salmo gairdneri*) and sheepshead minnow (*Cyprinodon variegatus*), shall be performed in accordance with the test standard in [insert CFR # when available].

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to the EPA no later than 12 months after the effective date of this rule.

(2) *Aquatic invertebrates—chronic toxicity*—(i) *Required testing.* Flow-through life cycle toxicity tests on *Daphnia magna* or *Daphnia pulex* and on *Mysidopsis bahia* shall be performed in accordance with the test standards in [insert CFR # when available].

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to the EPA no later than 12 months after the effective date of this rule.

(3) *Birds—acute toxicity*—(i) *Required testing.* (A) Single oral dose acute toxicity tests on two species of birds shall be performed in accordance with the proposed FIFRA guidelines in § 163.71–1 of this chapter.

(B) An acute oral LD_{10} must be calculated or extrapolated in addition to determination of an LD_{50}.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to the EPA no later than 12 months after the effective date of this rule.

(4) *Birds—chronic toxicity*—(i) *Required testing.* (A) Bird reproduction tests on two species of birds shall be performed in accordance with the test standard in [insert CFR # when available].

(B) Dose level selection must be as follows:

High Dose (ppm)—0.125 × LD_{10} (in mg/kg) obtained in single oral does acute bird toxicity test

Medium dose (ppm)—0.167 × high dose

Low dose (ppm)—0.28 × high dose

(c) The following special procedures must be followed for diet preparation.

(*1*) The time over which 25 percent loss of test substance from the diet occurs must be determined. The treated diet offered to test birds must then be replaced at a frequency so that there will not be more than a 25 percent reduction from initial concentrations.

(*2*) To meet the above requirement, it is suggested that corn oil be used as a test substance carrier because it is likely to reduce loss from volatilization. Also, care should be taken at the end of each day to ensure that birds do not have the opportunity to eat treated diets that may lose more than 25 percent of the test substance before the next replacement.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to the EPA no later than 15 months after the effective date of this rule.

(5) *Terrestrial plants—early seedling growth*—(i) *Required testing.* (A) Early seedling growth tests shall be performed in accordance with the test standard in [insert CFR # when available].

(B) The test shall be performed twice for each species, once using the foliar route of exposure and once using the nutrient medium as the route of exposure.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted no later than 12 months after the effective date of this rule.

(6) *Bioconcentration—plant uptake/translocation*—(i) *Required testing.* (A) A plant uptake/translocation test shall be performed in accordance with the test standard in [insert CFR # when available].

(B) Testing is required on a minimum of two species—the most sensitive monocot and the most sensitive dicot as determined in the early seedling growth test required in paragraph (d)(5) of this section. Testing of more species is recommended but not required.

(c) The test shall be performed twice for each species, once using the foliar route of exposure and once using the nutrient medium as the route of exposure.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted no later than 15 months after the effective date of this rule.

(7) *Bioconcentration — aquatic vertebrates*—(i) *Required testing.* A bioconcentration test shall be performed in accordance with the test standard in [insert CFR # when available].

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted no later than 12 months after the effective date of this rule.

§ 773.3050 Nitrobenzene.

(a) *Identification of test substance.* (1) Nitrobenzene (CAS No. 98–95–3, also known as nitrobenzol and oil of mirbane) shall be testing in accordance with the Part.

(2) Nitrobenzene of at least 99.9 percent purity shall be used as the test substance in all of these tests.

(b) *Persons required to test.* (1) All persons who manufacture, process, or intend to manufacture or process nitrobenzene from (effective date of the rule) to (five years from the date the last final report is due) shall conduct tests and submit data as specified by this Part.

(2) Any person subject to the requirements of this section may apply to EPA for an exemption from testing pursuant to Subpart E of Part 770 of this chapter.

(c) *Health effects testing*—(1) *Reproductive effects*—(i) *Required testing.* (A) Testing for reproductive effects on one rodent species shall be performed in accordance with the test standard § 772.116–3 of this chapter.

(B) The route of administration shall be inhalation.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA at least 90 days prior to the start of testing.

(B) Interim Quarterly Summary Reports shall be submitted to EPA during the test period.

(C) The Final Report shall be submitted to EPA no later than 30 months after the effective date of this rule.

(2) *Structural teratogenic effects*—(i) *Required testing.* (A) A test for structural teratogenicity shall be conducted on nitrobenzene in accordance with the test standard in § 772.116–2 of this chapter. The rat and one other species shall be tested.

(B) The route of administration shall be inhalation.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation of the testing.

(B) No interim summary reports are required.

(C) The Final Report shall be submitted to EPA no later than 12 months after the effective date of this rule.

(d) *Environmental effects and fate testing*—(1) *Aquatic vetebrates—acute toxicity*—(i) *Required testing.* A static acute toxicity test on the rainbow trout (*Salmo gairdneri*) shall be performed in accordance with the test standard (insert CFR # when available).

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted no later than 12 months after the effective date of this rule.

(2) *Aquatic vertebrates—chronic toxicity*—(i) *Required testing.* (A) Early life stage toxicity tests on the rainbow trout (*Salmo gairdneri*), fathead minnow (*Pimephales promelas* Rafinesque) and sheepshead minnow (*Cyprinodon variegatus*), shall be preformed in accordance with the test standard in (insert CFR = when available).

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to EPA no later than 12 months after the effective date of this rule.

(3) *Aquatic invertebrates—chronic toxicity*—(i) *Required testing.* (A) A static renewal life cycle test on *Daphnia magna* or *Daphnia pulex* and a flow-through life cycle test on *Mysidopsis bahia* shall be performed in accordance with the test standard in (insert CFR # when available).

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to EPA no later than 12 months after the effective date of this rule.

(4) *Birds—acute toxicity*—(i) *Required testing.* (A) Single oral dose acute toxicity tests on two species of birds shall be performed in accordance with the proposed FIFRA guidelines under § 163.71–1 of this chapter.

(B) An acute oral LD_{10} must be calculated or extrapolated in addition to determination of an LD_{50}.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to EPA no later than 12 months after the effective date of this rule.

(5) *Birds—chronic toxicity*—(i) *Required testing.* (A) Bird reproduction tests on two species of birds shall be performed in accordance with the test standard in (CFR # when available).

(B) Dose level selection must be as follows:

High dose (ppm)—0.125 × LD_{10} (in mg/kg) obtained in the single oral dose acute bird toxicity test

Medium dose (ppm)—0.167 × high dose

Low dose (ppm)—0.028 × high dose

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to the EPA no later than 15 months after the effective date of this rule.

(6) *Terrestrial plants—early seedling growth, seed germination/root elongation.* (i) *Required testing.* (A) Early seedling growth and seed germination/root elongation tests shall be performed in accordance with the test standards in (insert CFR = when available).

(B) The early seedling growth test shall be performed twice for each species, once using the foliar route of exposure and once using the nutrient medium as the route of exposure.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to EPA no later than 12 months after the effective date of this rule.

(7) *Bioconcentration—plant uptake/translocation*—(i) *Required testing.* (A) A plant uptake/translocation test shall be performed in accordance with the test standard in (insert CFR # when available).

(B) Testing is required on a minimum of two species—the most sensitive monocot and the most sensitive dicot as determined in the early seedling growth test required in paragraph (d)(7) of this section.

(C) The test shall be performed twice for each species, once using the foliar route of exposure and once using the nutrient medium as the route of exposure.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted no later than 15 months after the effective date of this rule.

(8) *Soil adsorption*—(i) *Required testing.* (A) Testing for soil adsorption shall be conducted in accordance with the test standard in § 772.122–5 of this chapter.

(B) At least one soil from each of the following soil orders must be used in the soil thin-layer chromatography test method: Alfisol, Inceptisol, Mollisol, and Vetisol. Each soil must have: an organic matter content between one and four percent; a pH between five and seven; and a cation exchange capacity between 7 and 25 meg/100g. At least one soil must have Kaolinite as its dominant clay mineral; in addition, the other soils must have illite or montmorillonite as the dominant clay mineral. Also, at least one soil must have a redox potential more negative than −185mV.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of testing.

(B) No interim reports are required.

(C) The Final Report shall be submitted to EPA no later than 12 months after the effective date of this rule.

§ 773.4400 1,1,1-Trichloroethane.

(a) *Identification of test substance.*

(1) 1,1,1-Trichloroethane (CAS NO. 71–55–6, also known as methyl chloroform) shall be tested in accordance with this Part.

(2) 1,1,1-Trichloroethane stabilized with 0.5 percent butylene oxide shall be used as the test substance in all tests.

(b) *Persons required to test.* (1) All persons who manufacture, process or intend to manufacture or process 1,1,1-trichloroethane from (effective date of the rule) to (5 years from the date the last final report is due) shall conduct tests and submit data as specified by this Part.

(2) Any person subject to the requirements of this Section may apply to EPA for an exemption from testing pursuant to Subpart E of Part 770.

(c) *Health effects testing*—(1) *Structural teratogenic effects*—(i) *Required testing.* (A) A test for structural teratogenicity shall be performed in accordance with the test standards in § 772.116–2 of this chapter.

(B) The route of administration shall be inhalation.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to EPA no later than 12 months after the effective date of this rule.

(d) *Environmental effects and fate testing*—(1) *Aquatic vertebrates—acute toxicity.* (i) *Required testing.* (A) A flow-through acute toxicity test on the rainbow trout (*Salmo gairdneri*) shall be performed in accordance with the test standard in [insert CFR # when available].

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to the EPA no later than 12 months after the effective date of this rule.

(2) *Aquatic vertebrates—chronic toxicity tests*—(i) *Required testing.* (A) Early life stage toxicity tests on the fathead minnow *(Pimephales promelas* Rafineque), rainbow trout (*Salmo gairdneir),* and sheepshead minnow (*Cyprinodon variegatus*), shall be performed in accordance with the test standard in [insert CFR# when available].

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to the EPA no later than 12 months after the effective date of this rule.

(3) *Aquatic invertebrates—chronic toxicity*—(i) *Required testing.* (A) Flow-through life cycle tests on *Daphnia magna* or *Daphnia pulex* and on *Mysidopsis bahia* shall be performed in accordance with the test standard in [insert CFR# when available].

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to the EPA no later than 12 months after the effective date of this rule.

(4) *Birds—chronic toxicity*—(i) *Required testing.* (A) Bird reproduction tests on two species of birds shall be performed in accordance with the test standard in [insert CFR# when available].

(B) Dose level selection must be as follows:

High dose (ppm)—0.125 × 250 (mg/kg)
Medium dose (ppm)—0.167 × high dose
Low dose (ppm)—0.028 × high dose

(C) Special procedures must be followed for diet preparation:

(*1*) The time over which 25 percent loss of test substance from the diet occurs must be determined. The treated diet offered to test birds must then be replaced at a frequency so that there will not be more than a 25 percent reduction from initial concentrations.

(*2*) To meet the above requirement, it is suggested that corn oil be used as a test substance carrier because it is likely to reduce loss from volatilization. Also, care should be taken at the end of each day to ensure that birds do not have the opportunity to eat treated diets that lose more than 25 percent of the test substance before the next replacement.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted to the EPA no later than 15 months after the effective date of this rule.

(5) Terrestrial plants—early seedling growth, seed germination/root elongation—(i) *Required testing.* (A) Early seedling growth and seed germination/root elongation tests shall be performed in accordance with the test standards in [insert CFR #'s when available].

(B) The early seedling growth test shall be performed twice for each species, one using the foliar route of exposure and once using the nutrient medium as the route of exposure.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later tha the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted no later than 12 months after the effective date of this rule.

(6) *Bioconcentration— plant uptake and translocation*—(i) *Required testing.* (A) A plant uptake/translocation test shall be performed in accordance with the test standard in [insert CFR# when available]. Testing is required on a minimum of two species—the most sensitive monocot and the most sentitive dicot as determined in the early seedling growth test required in paragraph (d)(5) of this section.

(B) The test shall be performed twice for each species, once using the foliar route of exposure and once using the nutrient medium as the route of exposure.

(ii) *Reporting requirements.* (A) The Study Plan shall be submitted to the EPA no later than the initiation date of the test.

(B) No interim reports are required.

(C) The Final Report shall be submitted no later than 15 months after the effective date of this rule.

[FR Doc. 81–16724 Filed 6–4 81; 8:45 am]
BILLING CODE 6560–31–M

federal register

Friday
June 5, 1981

Part IV

Department of Agriculture

Federal Grain Inspection Service

Revisions to Regulations to Reflect Changes Resulting From Amendment to the U.S. Grain Standards Act

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Revisions to the Regulations To Reflect Changes Resulting From Amendment to the U.S. Grain Standards Act

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Interim final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) amends its regulations to reflect changes resulting from Pub. L. 96–437 which amended the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*) (Act). The regulations relate to the exemption of mandatory official weighing of certain grain transfers, the issuance of Class Y weight certificates by certain weighers as a timely, cost effective service, establishing unit fees for supervision of weighing services and reduction of minimum contract requirement time. The regulations also establish a redefined supervision of weighing service (Class Y weighing) which would be available at export elevators at export port locations.

DATES: Effective date: June 5, 1981. Comment date: Comments are due on or before August 4, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to the Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127 Auditors Building, 1400 Independence Avenue SW., Washington, D.C. 20250, telephone (202) 447–3910. All comments received will be made available for public inspection at the above office during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: George T. Lipscomb, Director, Weighing Division, USDA, FGIS, Room 3117, Auditors Building, 1400 Independence Avenue SW., Washington, D.C. 20250, telephone (202) 382–1731.

SUPPLEMENTARY INFORMATION: This interim action is issued in conformance with Executive Order 12291 and has been determined to be "nonmajor." The agency has followed the procedures of Executive Order 12291 with respect to this rule.

David R Galliart, Acting Administrator, FGIS, has determined that this interim action will not have a significant economic impact on a substantial number of small entities, because most users of the service do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (Pub. L 96–354, 94 Stat. 1164–1170) and the amended regulations implement amendments to the Act eliminating mandatory inbound grain weighing requirements on export elevators at export port locations. Further, the amended regulations also provide for a revised supervision of weighing service which is voluntary and is available upon request. This action removes constraints and relieves all entities, large and small, of the costs of using official weighing (Class X), except when official weighing is mandatory under the Act.

Under the authority in Section 16(a) of the Act, as amended (7 U.S.C. 87e), notice is given that the Administrator of FGIS is revising various sections of the Part 800 regulations under the Act. This revision will reflect recent amendments to the Act and establish a revised supervision of weighing service (Class Y) which meets the needs of both interior elevators and export elevators at export port locations.

Pub. L. 96–437 amended the Act to exempt from mandatory official weighing the transfers of grain into or out of export elevators at export port locations for the following type shipments: (1) Intracompany shipments of grain into an export elevator by any mode of transportation, (2) intercompany shipments of grain transferred into an export elevator by transportation modes other than barges, and (3) grain transferred out of an export elevator by any mode of transportation to destinations within the United States.

Accordingly, the regulations need to be revised to reflect the changes in the Act. Also, FGIS is redefining the Class Y weighing service with appropriate fees for export elevators at export port locations and revising the regulations and fees for Class Y services at interior locations. Several trade groups and many export elevators have requested that FGIS make such service available at export port locations at the earliest date. Therefore, it is appropriate to amend the regulations to provide for supervision of weighing service (Class Y), upon request, at export elevators at export port locations.

The notice to implement the provisions of Pub. L. 96–437 published in the October 23, 1980 **Federal Register** (45 FR 70425), provided for an orderly implementation of the provisions of the law. That notice provided that after November 24, 1980, the grain industry would have the following options available for weighing exempted grain:

1. Official weighing (Class X),
2. Supervision of weighing (Class Y), or
3. No weighing services.

Amended regulations are needed to provide for the second option, supervision of weighing service (Class Y), at export elevators at export port locations, since the current regulations do not provide for Class Y weighing at these locations.

During the 45-day comment period after publication of the notice providing the three options on October 23, 1980, no written comments were received; however, the grain trade provided FGIS with oral comments and recommendations with respect to supervision of weighing services (Class Y) for export elevators at export port locations. In summary, their comments were that the Class Y service should be cost effective, provide for flexible supervision by official personnel based on individual facility needs, and permit supervision of weighing certificates (Class Y) to be signed and issued by approved elevator personnel. Industry requested the service be made available as soon as possible. In response to those oral comments, FGIS is amending the Part 800 regulations under the Act (see 45 FR 15802–15873) to redefine Class Y weighing service to:

1. Provide that Class Y weight certificates may be issued by an approved weigher,
2. Establish unit fees for supervision of weighing services (Class Y), and
3. Reduce the present 6-month minimum contract requirement to a 3-month minimum contract requirement.

The revision of the regulations to permit Class Y weight certificates to be issued by approved weighers who are employed by or at an approved weighing facility is needed to provide a timely, cost effective service. As a practical matter, if would not be cost effective to provide a supervision of weighing service (Class Y) that represented a viable alternative to the official weighing service (Class X) if only official personnel are permitted to issue Class Y weight certificates.

Further, unless approved weighers are permitted to issue Class Y weight certificates, export elevators receiving a large volume of grain by trucks or railcars would require the issuance of the certificates by official personnel with the attendant costs. This would require that the elevator pay the costs for such services rather than the more economical supervised service where the certificates may be issued by approved weighers.

Adequate supervisory controls can be maintained over the approved weighers through application of Section 7A(f) of the Act. This section of the Act requires that as a condition for receiving supervision of weighing services, the operator of a facility must have

demonstrated to the satisfaction of the Administrator that the operator will permit only competent persons with a reputation for honesty and integrity and who are approved by the Administrator to operate the scales and to handle grain in connection with weighing of the grain. Further, the weighing activities performed by these approved weighers will be subject to such supervision by official inspection personnel as is determined by the Administrator to be adequate to reasonably assure the integrity and accuracy of the weighing service. Failure on the part of any approved elevator personnel to properly weigh and certify the weight of grain could result in withdrawal of services by the Administrator.

Establishing a unit fee for supervision of weighing services (Class Y) represents a change from the hourly rate in the current fee schedule. This change is being made because it is impractical to charge an hourly rate for a type of service that is based on supervision by the spot-check method. The difficulty of maintaining accurate records of the exact length of time involved in each spot check and the variations in time involved from shift to shift and day to day would make it difficult for users of the service to project their costs or to verify the accuracy of charges received. By using a cost-per-unit fee, users of the service can easily estimate their costs of service and easily verify the bills received. The reduced recordkeeping by the FGIS will also be reflected in lower fees to the users of the service.

Because of the difference in the nature of supervision of weighing services at export elevators at export port locations from that performed at interior locations, separate levels of fees have been established for each of these locations. Since official personnel are almost always present at export elevators to provide mandatory inspection and weighing services, fees for supervision of weighing services (Class Y) at these locations are much lower than at interior locations. Travel time, travel costs, and nonproductive time are much higher when providing services to interior elevators. These higher costs must be reflected in the fees for Class Y services at interior locations.

The minimum contract requirement time is reduced from 6 months to 3 months because it is estimated that 3 months will be adequate time in which to plan and commit staff for the performance of this service. However, a facility under contract may elect not to have specified unit trains Class Y weighed upon sufficient notice given to the supervising agency. It is necessary to continue the requirement for a minimum contract period to avoid any possibility that users of the service would request to stop and start services indiscriminately, thus creating a difficult situation for FGIS and official agencies with respect to budgeting, staffing, and supervision.

Comments are solicited for 60 days after publication of this interim document. A final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Consideration will be given to submitted comments and to all other information available to the U.S. Department of Agriculture before making a final determination with respect to these revisions.

The following paragraphs of the Part 800 regulations under the Act (45 FR 15802–15873) are being amended:

1. Section 800.15(b)(2) is revised to read as follows:

§ 800.15 Services.

* * * * *

(b) * * *

(2) *Intercompany barge receipts.* The person who operates an export elevator at an export port location shall be responsible for complying with the Class X weighing requirements and regulations with respect to all intercompany grain shipments received by barge.

* * * * *

§ 800.19 [Amended]

2. Section 800.19 is amended by removing (b)(3) and renumbering (b)(4) as (b)(3).

3. Section 800.71 is amended by revising paragraph (a) to include reference to "supervision of weighing"; amending the "Note" at the end of Schedule A, Table 1 to reflect that the footnotes will be found at the end of new Table 3; amending the caption of Table 2 to add "(Class X)", and to delete "or supervision of" from item (1) in Table 2, and adding a "Note" at the end to Table 2; adding a new Table 3; and revising footnote (1) in Schedule B, Table 1 to delete "or Class Y", so as to read as follows:

§ 800.71 Fees assessed by the Service.

(a) *Official inspection, official weighing, and supervision of weighing.* The fees shown in schedules A and B apply to official grain inspection, official weighing, and supervision of weighing services performed by the Service in the United States and official inspection and official weighing in Canada.

Schedule A.—*Fees for Official Inspection, Official Weighing, and Supervision of Weighing Services Performed by the Service in the United States* [1]

Table 1

* * * * *

NOTE.—The footnotes for table 1 are shown at the end of table 3.

Table 2

Official Weighing Services (Class X)

* * * * *

(1) Official weighing services (per man-hour per Service representative) .....

* * * * *

NOTE.—*The footnotes for table 2 are shown at the end of table 3.*

Table 3

Supervision of Weighing Services (Class Y)

Export elevators at export port locations:	
(1) Barge (per barge or part barge)	$5.00
(2) Boxcar (per car or part car)	1.00
(3) Hopper car (per car or part car)	1.00
(4) Truck or trailer (per truck or trailer or part truck or part trailer)	.50
(5) Unit trains (per each car or part car of unit train)	1.00
(6) Extra copies of certificates and reports (per copy)	2.50
All other locations:	
(1) Barge (per barge or part barge)	10.00
(2) Boxcar (per car or part car)	3.50
(3) Hopper car (per car or part car)	3.50
(4) Truck or trailer (per truck or trailer or part truck or part trailer)	2.50
(5) Unit trains (per each cars or part car of unit train)	3.50
(6) Extra copies of certificates and reports (per copy)	2.50

[1] The fees include the cost of performing official inspection and official class X or class Y weighing functions by Service representatives. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see § 800.72, paragraphs (a) and (b).

[2] If it is found that there was a material error in the inspection from which a reinspection, an appeal inspection, or a Board appeal inspection is taken, the specified reinspection, appeal inspection, or Board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error, see § 800.0(b)(45) and § 800.73(h).

[3] Board appeal inspections are based on file samples. The fee for Board appeal inspection service shall be $34.00 per sample during a regular workday and $40.00 per sample during a nonregular workday, except for protein which shall be $15.00 per sample.

[4] Online inspection services include all inspection services which are based on official samples obtained from a flowing stream of grain during the loading or unloading of grain.

[5] Not applicable.

[6] The unit fee.

[7] Same fees as in (1)(i)(B), plus applicable sampling charge—see (2).

[8] Only one inspection or weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

[9] For application of fee for standby, see § 800.72(b).

[10] If at the request of the Service a file sample is located and forwarded by an agency for official appeal, the agency may, upon request, be reimbursed by the Service at the rate of $2.50 per sample for the cost of locating and forwarding the sample(s).

[11] For application of fee for extra copies of certificates, see § 800.160(c)(3).

Schedule B.—*Fees for official inspection and weighing services performed by the Service in Canada*[1]

Table 1

* * * * *

[1] The fees include the cost of performing official inspection and official class X weighing functions by Service representatives. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see sec. 800.72, paragraphs (a) and (b).

* * * * *

4. In § 800.77, paragraph (c) is revised to read as follows:

§ 800.77 Kinds of weighing services.

* * * * *

(c) *Class Y weighing service.* This service consists of (1) an approved weigher physically weighing each identified lot of bulk or sacked grain, determining that all grain is removed from or delivered to the appropriate carrier without avoidable waste or loss, recording the weight information, and issuing a Class Y weight certificate; and (2) official personnel partially or completely supervising the loading or the unloading of the grain, the weighing, the recording of weight information, and the issuing of the Class Y weight certificates.

5. In § 800.115, paragraph (b)(3) is revised to read as follows:

§ 800.115 Who may request original services.

* * * * *

(b) * * *

(3) *Class Y weighing.* A request for Class Y weighing services at (i) an export elevator at an export port location shall be made for a contract period of 3 months or longer for all lots received or shipped in a specified type of carrier; and (ii) other than an export elevator at an export port location shall be made for a period of 3 months or longer for all lots shipped from or to a specified location, or all lots shipped from or to a specified location in a specified type of carrier: *Provided,* That in the case of unit trains, a facility under contract may elect not to have specified unit trains Class Y weighed upon sufficient notice given to the supervising agency.

* * * * *

6. In § 800.160, paragraphs (e) and (f)(1) are revised to read as follows:

§ 800.160 Official certificates; issuance and distribution.

* * * * *

(e) *Who may issue certificates*—(1) *Authority* (i) Certificates for official inspection or Class X weighing services provided under the Act may be issued only by official personnel who are specifically licensed or authorized to perform and to certify the results of the service reported on the certificates. Only an official inspector may issue an official certificate which shows an official grade determination; only an official weigher may issue an official weight certificate which shows a Class X weight; (ii) certificates for Class Y weighing services provided under the Act may be issued only by individuals who are licensed or authorized or are approved weighers to perform and to certify the results of the service as reported on the Supervision of Grain Weight Certificate. Only an official weigher or approved weigher may issue a certificate which shows a supervision of weighing (Class Y) result.

(2) *Exception.* Each certificate shall be issued, in the case of official inspection or Class X weighing, by the licensed or authorized individual, or in the case of Class Y weighing, by the licensed or authorized individual, or an approved weigher, in the best position to know (i) whether the official inspection or Class X or Class Y weighing service being certificated was performed in an approved manner, and (ii) whether each determination made is accurate. If more than one licensed or authorized individual, or an approved weigher, participates in providing an official inspection or Class X or Class Y weighing service, the individual who makes the final determination needed to complete the service shall issue the certificate. Nothing in this paragraph shall preclude supervisory personnel from issuing a certificate if the individual is licensed or authorized to do so, or the individual is an approved weigher, and has determined that each fact stated on the certificate is accurate.

(f) *Name requirement*—(1) *Nonexport.* The name or the signature of the individual who issues an official inspection certificate or Class X or Class Y weight certificate shall be shown on the original of each certificate. The name shall be shown on each copy. Upon request of an applicant, both the name and the signature of the person who issues a certificate, other than an export certificate, shall be shown on the original of the certificate.

* * * * *

7. Section 800.161 is amended by revising paragraphs (b)(2), (6), (9)(v), (31), (32), and (35) to read as follows:

§ 800.161 Official certificate requirements.

* * * * *

(b) * * *

(2) *Agency name.* (i) For an official inspection certificate or a Class X weighing certificate, the name of the issuing official agency; or, if the certificate is issued by a delegated State, a field office, or the Board of Appeals and Review, the name United States Department Agriculture—Federal Grain Inspection Service; (ii) for a Class Y weighing certificate, the name of the official agency, delegated State, or the United States Department of Agriculture—Federal Grain Inspection Service whichever provides for the supervision of the Class Y service.

* * * * *

(6) *Location of issuing office.* (i) For official inspection or Class X weighing services, the name of the city, town, port, or other location, and the State where the certificate is prepared and issued; (ii) for Class Y weighing services, the name of the facility, city, town, port, or other location, and the State where the certificate is prepared and issued.

* * * * *

(9) * * *

(v) For a certificate that shows the results of a Class Y weighing service by an approved weigher, "I certify that I am *employed* by or at the *identified facility* and approved to weigh the kind of grain covered by this certificate and that on the above date the identified grain was weighed with the following results:"

* * * * *

(31) *Name.* (i) The name or the signature, or both, of the licensed or authorized person who issued the official inspection or Class X weight certificate, stated in accordance with the provisions of § 800.160(g); (ii) the name or the signature, or both, of the licensed or authorized person, or the approved weigher, who issued the Class Y weight certificate.

(32) *Authority and purpose.* (i) For official inspection or official weighing service (Class X), a statement as follows: "This certificate is issued under the authority of the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*), and the regulations thereunder (7 CFR 800.0 *et seq.*). It is issued to show the kind, class, grade, quality, condition, or quantity of grain; or the condition of a carrier or container for the storage or transportation of grain; or other facts relating to grain as determined by official personnel. The statements on the certificate are considered true at the time and place the inspection or the weighing service was performed. The certificate shall not be considered representative of the lot if the grain is transshipped or is otherwise transferred from the identified carrier or container or if grain or other material is added to or removed from the total lot. If this

certificate is not canceled by a superseding certificate, it is receivable by all officers and all courts of the United States as prima facie evidence of the truth of the facts stated therein. This certificate does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal law."

(ii) For a supervision of weighing service (Class Y), a statement as follows: "This certificate is issued under the authority of the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*), and the regulations thereunder (7 CFR 800.0 *et seq.*) to show the weight of grain at the time and place of weighing. It may not represent the weight at a different date or place. The statements on the certificate are considered true at the time and place the supervision of weighing service was performed. If this certificate is not canceled by a superseding certificate, it is receivable by all officers and all courts of the United States as prima facie evidence of the truth of the facts stated therein. This certificate does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal law."

* * * * *

(35) *Supervision of weighing (Class Y).* For a certificate that shows Class Y weighing, the statements: (i) In bold print "The Class Y grain weight indicated on this certificate was determined by persons employed by or at the identified facility who are occasionally supervised by the supervising agency. The supervising agency did not determine the weight of the grain identified on the certificate."; and (ii) "This certificate meets the supervision of weighing requirements of Section 3(y), 7A(c), and 7A(e) of the U.S. Grain Standards Act; it does *not* meet the requirements for official weighing under Section 5 of the U.S. Grain Standards Act."; and (iii) in ghost or shadow type diagonally across the face of the certificate, the words "Class Y weighing."

8. Section 800.170 is amended by revising paragraphs (a) and (b) to read as follows:

§ 800.170 When a license or authorization or approval is required.

(a) *Requirement.* (1) Any individual who performs or represents that he or she is licensed or authorized to perform any or all inspection or Class X weighing services under the Act must be licensed or authorized by the Service to perform each service. (2) Any individual who performs or represents that he or she is licensed or authorized, or an approved weigher, to perform Class Y weighing services under the Act must be licensed or authorized, or approved, by the Service to perform this service.

(b) *Excepted activities.* A license or authorization, or approval for weighing, under the Act and regulations is not required for (1) opening or closing a carrier or container of grain, or transporting or filing official samples, or similar laboring functions; (2) typing or filing official inspection and weighing certificates or other official forms or performing similar clerical functions; (3) performing official equipment testing functions with respect to official inspection equipment; (4) performing inspection, weighing, or scale testing functions that are not conducted for the purposes of the Act; or (5) performing scale testing functions by a State or municipal agency or by the employees of such agencies.

* * * * *

(Sec. 9, 18, Pub. L. 94–582, 90 Stat. 2875 and 2884 (7 U.S.C. 79a and 87e))

Done in Washington, D.C., on June 1, 1981.

D. R. Galliart,
Acting Administrator.

[FR Doc. 81-16745 Filed 6-4-81; 8:45 am]
BILLING CODE 3410-02-M

V
4
6
/
1
0
8
J
E
5
8
1
UMI

Reac

INFORMA

PUBLICA

Code of
CFR Unit

General i
Incorporat
Printing s

Federal R
Correction
Daily Issu
General i
Public Ins
Scheduling

Laws
Indexes
Law numb

Slip law o

Presidenti
Executive
Public Pap
Weekly C

Privacy A

United St

SERVICES
Agency se
Automatio
Dial-a-Reg
Chicago
Los Ang
Washing
Magnetic
volumes
Public brie
What It
Public Insp
Regulation
Special Pr
Subscriptio
Subscriptio
TTY for th

FEDERAL

29239-294
29453-296
29691-299
29921-300
30073-303

Reader Aids

Federal Register

Vol. 46, No. 108

Friday, June 5, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3
29921-30072.....4
30073-30326.....5

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949).....29939
February 6, 1926 (Revoked by PLO 5948).....29938
April 17, 1926 (Revoked in part by PLO 5950).....29939
February 14, 1933 (Revoked by PLO 5944).....29710
5451 (Revoked by PLO 5947).....29938
11476 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 2306).....29693
12198 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12306.....29693

Proclamations:
4846.....29691

Administrative Orders:
Presidential Determinations:
No. 81-9 of June 2, 1981.....29921

7 CFR

28.....30073
700.....29453
800.....30322
907.....29923
910.....30012
917.....30075, 30077
953.....29454
979.....29693
991.....29693
1944.....29239

Proposed Rules:
993.....29271

8 CFR

204.....29923, 30078
214.....29456

9 CFR

82.....29456
92.....29239, 29240

10 CFR

51.....29457
376.....29680
390.....29680
440.....29242
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:
30.....29712
40.....29712
70.....29712

12 CFR

303.....30079
570.....30079

Proposed Rules:
213.....29245
226.....29246
526.....30113
545.....30114
569a.....29246
701.....29247, 29482
720.....29248

13 CFR

124.....29251

Proposed Rules:
124.....29276

14 CFR

39.....29252, 29253, 29924-29926
71.....29254-29256, 29927
73.....29256
97.....29257

Proposed Rules:
71.....29278-29281, 29947-29951
75.....29280, 29281
323.....29282
302.....29718
399.....29285, 29719, 29727

15 CFR

370.....29457

Proposed Rules:
330.....29662
331.....29662
332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662

16 CFR

13.....29458, 29928
460.....29256
1031.....29928
1032.....29928
1212.....29696

Proposed Rules:
Ch. II..... 29951, 30115

17 CFR
15..... 29931
16..... 29931
17..... 29931
18..... 29931
21..... 29931
Proposed Rules:
Ch. I..... 29952

18 CFR
141..... 29459
271..... 29697, 29699
375..... 29700

19 CFR
101..... 29462
Proposed Rules:
Ch. I..... 29953
200..... 29729

20 CFR
Proposed Rules:
404..... 29953

21 CFR
172..... 30080
520..... 29464
573..... 30081
Proposed Rules:
430..... 30115
436..... 30115
440..... 30115
444..... 30115
448..... 30115
452..... 30115
1308..... 29484

22 CFR
41..... 30082

24 CFR
235..... 29256
570..... 29908

26 CFR
1..... 29465
11..... 29465

27 CFR
4..... 29260
19..... 29261
70..... 29261
240..... 29261
245..... 29261
250..... 29261
270..... 29261
275..... 29261

28 CFR
0..... 29704, 29931
Proposed Rules:
31..... 29438

29 CFR
Proposed Rules:
530..... 29485

30 CFR
250..... 29932

31 CFR
51..... 29261

32 CFR
199..... 29704
294..... 29705
Proposed Rules:
298a..... 29486

33 CFR
25..... 29933
165..... 29933
204..... 29934
Proposed Rules:
100..... 29288
162..... 29954

38 CFR
21..... 29474

40 CFR
52..... 29707, 30082
60..... 29262
61..... 29262
122..... 29708
123..... 29935
162..... 29708
260..... 29708
261..... 29708
264..... 29708
265..... 29708
Proposed Rules:
52..... 29289, 29488, 30116
60..... 29955
81..... 29281
123..... 29292
773..... 30300

41 CFR
15–1..... 29709
51–4..... 30084
51–5..... 30084
Proposed Rules:
104–4..... 29955

43 CFR
5420..... 29262
Public Land Orders:
1281 (Revoked by 5883)..... 29263
5169 (Amended by PLO 5396 and 5951)..... 29937
5179 (Amended by PLO 5250 and 5951)..... 29937
5180 (Amended by PLO 5418 and 5951)..... 29937
5250 (Amended by PLO 5951)..... 29937
5396 (Amended by PLO 5951)..... 29937
5418 (Amended by PLO 5951)..... 29937
5883..... 29263
5943..... 29710
5944..... 29710
5945..... 29939
5946..... 29939
5947..... 29938
5948..... 29938
5949..... 29939
5950..... 29939
5951..... 29937
5952..... 30086
Proposed Rules:
35..... 29955

44 CFR
64..... 29940, 29942
Proposed Rules:
55..... 29292
61..... 29292
67..... 29729–29732, 29956, 30116, 30124
300..... 29264

45 CFR
46..... 29883
235..... 29264
Proposed Rules:
71..... 29732
304..... 29964

47 CFR
61..... 29264
64..... 29474
73..... 30086–30091
Proposed Rules:
2..... 30124
23..... 30124
31..... 30150, 30152
73..... 29488, 30153, 30154
94..... 30124

49 CFR
Ch. X..... 30092
1..... 29269
172..... 29392
531..... 29944
575..... 29269
1033..... 29480
1056..... 29711, 29945
Proposed Rules:
171..... 29967
172..... 29968, 29973
173..... 29967, 29968, 29973
175..... 29968
178..... 29973
1127..... 30156

50 CFR
17..... 29481
661..... 29733
Proposed Rules:
17..... 29490

AGENCY P

The following
documents co
(Monday/Thu

Monday
DOT/SEC
DOT/COA
DOT/FAA
DOT/FHW
DOT/FRA
DOT/NHT
DOT/RSP
DOT/SLS
DOT/UMT
CSA

Documents
will be a Fe
day followin
Comments
Comments

List of Pub

Note: No pu
Office of the
Laws.

Last Listing

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 27, 1981.

V 4 6 / 1 0 8
J E S 8 1
UMI

V 46/10 8
J E 5 8 1
UMI

Just Released

Code of Federal Regulations

Revised as of January 1, 1981

Quantity	Volume	Price	Amount
_____	Title 7—Agriculture (Parts 1120-1199)	$6.00	$ _____
_____	Title 15—Commerce and Foreign Trade (Parts 0-299)	5.50	_____
		Total Order	$ _____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No. ___ _____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____. Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

6-8-81
Vol. 46 No. 109
Pages 30327-30480

federal register

Monday
June 8, 1981

Highlights

30340 **Iranian Assets Control** Treasury/FACO provides for the transfer of financial assets to the Federal Reserve Bank of New York.

30336 **Foreign Investments in U.S.** Commerce/BEA provides for benchmark survey of direct investment for 1980.

30468 **Education Loans—Veterans** VA solicits comments on loan procedures for flight training.

30392 **Government Contracts—Computers** GSA suggests contracting practices for software development.

30328, 30349 **Nuclear Power Plants** NRC expedites hearing process for construction and operation applications. The Commission also proposes hearing modifications for domestic licensing. (2 documents)

30476 **Grant Programs—Water Pollution Control** EPA publishes 1980 subject index list of regional administrator protest determinations. (Part II of this issue)

30369 **Telecommunications** GSA distributes proposed regulation on procuring and contracting for commercial telecommunications services.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

30369 **Federal Records Management** GSA/NARS proposes to update approval and concellation procedures for government-wide standard and optional forms.

30338 **Imported Anchors** Treasury/Customs specifies, with certain exceptions, that anchors shall be permanently and legibly marked with the country of origin.

30473 **Sunshine Act Meetings**

Separate Parts of This Issue

30476 **Part II, EPA**

V 4 6 / 1 0 9 J E 8 8 1 UMI

Con

30430

30372

30373

30373
30373

30374

30354

30327

30338

30378

30378,
30379

30336

Contents

Federal Register
Vol. 46, No. 109
Monday, June 8, 1981

Agriculture Department
See Commodity Credit Corporation.

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
30430 Laramie County Liquor Dealers Association

Child Support Enforcement Office
PROPOSED RULES
30372 State plan approval and grant procedures; withholding of advance funds for not reporting; form simplification

Civil Aeronautics Board
NOTICES
30373 Certificates of public convenience and necessity and foreign air carrier permits
Hearings, etc.:
30373 Air Chicago fitness investigation
30373 Wien Air Alaska mainline and bush mail rates investigation, et al.
30374 Wings International Airways fitness investigation

Coast Guard
PROPOSED RULES
Drawbridge operations:
30354 New Jersey

Commerce Department
See Economic Analysis Bureau; International Trade Administration; Maritime Administration National Oceanic and Atmospheric Administration.

Commodity Credit Corporation
RULES
30327 Cooperative marketing associations; eligibility requirements for price support; interim

Customs Service
RULES
Country of origin marking:
30338 Anchors, imported; policy statement

Defense Department
See also Engineers Corps; Navy Department.
NOTICES
Meetings:
30378 Military Personnel Testing Advisory Committee
Senior Executive Service:
30378, 30379 Performance Review Board; membership (2 documents)

Economic Analysis Bureau
RULES
Direct investment surveys:
30336 Foreign direct investment in U.S.; 1980 BE-12 benchmark

Economic Regulatory Administration
NOTICES
Remedial orders:
30387 Bill Forney, Inc.

Education Department
NOTICES
Meetings:
30383 Ethnic Heritage Studies National Advisory Council

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
Environmental statements; availability, etc.:
30383 Uranium mill tailings site and vicinity properties, inactive; Durango, Colo.; remedial actions and scoping meetings
Trespassing on Department property:
30385 Los Alamos National Laboratory, N. Mex.; off-limits designation

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
30377 Norfolk, Va.; Chesapeake Bay shoreline beach erosion control and hurricane protection
30376 Norfolk Disposal Site, Va.; dredged material in Atlantic Ocean

Environmental Protection Agency
RULES
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
30342 Diquat
Pesticides; tolerances in animal feeds:
30339 Diquat
Pesticides; tolerances in food:
30338 Diquat
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
30355 California
30360 Illinois
30361 Kansas; correction
30361, 30364 Maine (2 documents)
30365 Massachusetts
30366 Texas
Air quality planning purposes; designation of areas:
30368 Vermont
NOTICES
30476 Grants; State and local assistance:
Treatment works construction; Regional Administrator protest determinations issued during 1980; subject index list

Federal Aviation Administration
RULES
Airworthiness directives:
30332 Bell
30332 Consolidated Aeronautics, Inc.; final rule and request for comments
30333 Piper
30334 Sikorsky; final rule and request for comments
30335 Control zones
PROPOSED RULES
30352 Rulemaking petitions; summary and disposition
30353 Transition areas
30354 VOR Federal airways; correction
NOTICES
Aircraft certification status, etc.:
30467 Dowty Rotol
30454 Aircraft position light and anticollision light installations; advisory circular; availability and inquiry

Federal Bureau of Investigation
NOTICES
Meetings:
30433 National Crime Information Center Advisory Policy Board

Federal Communications Commission
RULES
Radio stations; table of assignments:
30343 Nebraska
30344 North Carolina
PROPOSED RULES
Radio stations; table of assignments:
30372 Texas; extension of time
NOTICES
Hearings, etc.:
30389 Communications Satellite Corp.
30392 Radio conference for planning of broadcasting-satellite service; inquiry
30391 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies
30391 Television broadcast applications accepted for filing and notification of cut-off date; correction

Federal Energy Regulatory Commission
NOTICES
30473 Meetings; Sunshine Act

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
30467 Dawson County, Nebr.; intent to prepare

Federal Home Loan Bank Board
NOTICES
30473, 30474 Meetings; Sunshine Act (3 documents)

Federal Labor Relations Authority
RULES
Sub-regional office addresses, listing:
30327 Denver, Colo.; correction

Federal Maritime Commission
NOTICES
Freight forwarder licenses:
30392 Jean G. Dill, Custom Broker et al.

Federal Service Impasses Panel
RULES
Sub-regional office addresses, listing
30327 Denver, Colo.; correction

Federal Trade Commission
RULES
Prohibited trade practices:
30337 Horizon Corp.

Foreign Assets Control Office
RULES
30340 Iranian assets control regulations

General Services Administration
See also National Archives and Records Service.
PROPOSED RULES
Procurement:
30369 Telecommunications services; procurement and contracting
NOTICES
Procurement:
30392 Software development contracting guidelines

Health and Human Services Department
See Child Support Enforcement Office; Health Services Administration; National Institutes of Health.

Health Services Administration
RULES
30343 Conduct of persons and traffic on Federal enclaves; correction

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
30388 Cases filed

Interior Department
See Land Management Bureau; National Park Service.

International Trade Administration
NOTICES
Antidumping:
30374 Viscose rayon staple fiber from Belgium
Scientific articles; duty free entry:
30374 California State University

Interstate Commerce Commission
NOTICES
Motor carriers:
30415, 30417 Finance applications (2 documents)
30411, 30419, 30421 Permanent authority applications (3 documents)
30425 Permanent authority applications; restriction removals
30398 Temporary authority applications

Justice Department
See Antitrust Division; Federal Bureau of Investigation.

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
30397 Outer Continental Shelf; Gulf of Mexico; oil and gas lease sales

V 4 6 / 1 0 9 J E 8 8 1 UMI

Management and Budget Office
NOTICES
30436, 30445 Agency forms under review (2 documents)

Maritime Administration
NOTICES
Applications, etc.
30376 Moore McCormack Lines, Inc., et al.

National Aeronautics and Space Administration
NOTICES
Senior Executive Service:
30433 Performance Review Board; membership

National Archives and Records Service
PROPOSED RULES
Records management:
30369 Standard and optional forms; approval and cancellation procedures

National Credit Union Administration
NOTICES
30474 Meetings; Sunshine Act

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
30467 International Harvester Co.; controls and displays

National Institutes of Health
RULES
30343 Conduct of persons and traffic on Federal enclaves; correction
NOTICES
Committees; establishment, renewals, terminations, etc.:
30397 Arthritis National Advisory Board et al.

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
30348 Atlantic groundfish; yellowtail flounder catch limitations
30345 Pacific Halibut Commission, International; fisheries regulations
NOTICES
Marine mammal permit applications, etc.:
30375 Engineers Corps; Philadelphia District
30375 LGL Environmental Research Associates
30376 Rigley, Dr. Louis

National Park Service
NOTICES
Environmental statements; availability, etc.:
30398 Mesa Verde National Park, Colo.; new entrance road
Management and development plans:
30397 Grand Canyon National Park, Ariz.; Colorado River plan

Navy Department
NOTICES
Meetings:
30382 Chief of Naval Operations Executive Panel Advisory Committee

Nuclear Regulatory Commission
RULES
Practice rules:
30328 Domestic licensing proceedings; hearing process
PROPOSED RULES
Practice rules:
30349 Domestic licensing proceedings; hearing process
NOTICES
Environmental statements; availability, etc.:
30435 General Electric Co.; reactor, Pleasanton, Calif.
30435 Licensing program, regional (Conn., Del., Maine, Mass., N.J., Pa., and Vt.)
Meetings:
30433, 30434 Reactor Safeguards Advisory Committee (3 documents)
30435 Safety goal, plan for developing; inquiry; extension of time

Oceans and Atmosphere, National Advisory Committee
NOTICES
30433 Meetings

Securities and Exchange Commission
NOTICES
Hearings, etc.:
30451 Appalachian Power Co. et al.
30451 Arkansas Power & Light Co.
30452 Montrose Investors, Inc.
Self-regulatory organizations; proposed rule changes:
30450 American Stock Exchange, Inc., et al.

Small Business Administration
NOTICES
Applications, etc.:
30452 James River Capital Associates
30452 Osher Capital Corp.
30453 Tracy Corp.
Disaster areas:
30452 Montana
30453 Texas

State Department
NOTICES
Meetings:
30453 Shipping Coordinating Committee

Trade Representative, Office of United States
NOTICES
Import quotas:
30450 Window shades and components; inquiry

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

Treasury Department
See also Customs Service; Foreign Assets Control Office.
NOTICES
Tax treaties, income; various countries:
30468 Pakistan; meeting
30468 Sri Lanka; meeting

Veterans Administration
NOTICES
Education benefits:
30468 Flight training loans; inquiry
Environmental statements; availability, etc.:
30472 St. Paul, Minn.; Fort Snelling National Cemetery, conceptual master plan

MEETINGS ANNOUNCED IN THIS ISSUE

DEFENSE DEPARTMENT
Navy Department—
30382 Chief of Naval Operations Executive Panel Advisory Committee, Science and Technology Subpanel, Alexandria Va. (closed), 6–23 and 6–24–81
Office of the Secretary—
30378 Defense Advisory Committee on Military Personnel Testing, Washington, D.C. (open), 6–29 and 6–30–81

EDUCATION DEPARTMENT
30383 Ethnic Heritage Studies National Advisory Council, Washington, D.C. (open), 6–24 through 6–26–81

JUSTICE DEPARTMENT
Federal Bureau of Investigation—
30433 National Crime Information Center, Boise, Idaho (open), 6–17 and 6–18–81

NUCLEAR REGULATORY COMMISSION
30434 Reactor Safeguards Advisory Committee, Washington, D.C. (open), 6–25 and 6–26–81
30433 Reactor Safeguards Advisory Committee, Class–9 Accidents Subcommittee, Washington, D.C. (open), 6–24–81
30434 Reactor Safeguards Advisory Committee, Emergency Core Cooling Systems Subcommittee, Idaho Falls, Idaho (partially open), 6–23 and 6–24–81

OCEANS AND ATMOSPHERE NATIONAL ADVISORY COMMITTEE
30433 Meeting, Independent Areas Task Force, Fisheries Subgroup, Washington, D.C. (open), 6–17 and 6–18–81

STATE DEPARTMENT
30453 Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Radio-communications Working Group, Washington, D.C. (open), 6–18–81

TREASURY DEPARTMENT
Office of the Secretary—
30468 USA-Pakistan Tax Treaty Issues, Washington, D.C. (open), 7–7–81
30468 USA-Sri Lanka Tax Treaty Issues, Washington, D.C. (open), 7–7–81

CFR PAR
A cumulat
the Reade
5 CFR
Ch. XIV
7 CFR
1425
10 CFR
2
Proposed F
2
14 CFR
39 (4 docu
71
Proposed F
Ch. I
71 (2 docu
15 CFR
806
16 CFR
13
19 CFR
134
21 CFR
193
561
31 CFR
535
33 CFR
Proposed F
117
40 CFR
180
Proposed F
52 (7 docu
81
41 CFR
Proposed F
Ch. 1
1–4
101–11
101–37
45 CFR
3
Proposed F
301
47 CFR
73 (2 docu
Proposed F
73
50 CFR
301
651

V 46 / 109 JE 8 81 1 UMI

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
Ch. XIV..... 30327

7 CFR
1425..... 30327

10 CFR
2..... 30328

Proposed Rules:
2..... 30349

14 CFR
39 (4 documents)..... 30332-30334
71..... 30335

Proposed Rules:
Ch. I..... 30352
71 (2 documents)..... 30353, 30354

15 CFR
806..... 30336

16 CFR
13..... 30337

19 CFR
134..... 30338

21 CFR
193..... 30338
561..... 30339

31 CFR
535..... 30340

33 CFR

Proposed Rules:
117..... 30354

40 CFR
180..... 30342

Proposed Rules:
52 (7 documents)..... 30355-30366
81..... 30368

41 CFR

Proposed Rules:
Ch. 1..... 30369
1-4..... 30369
101-11..... 30369
101-37..... 30369

45 CFR
3..... 30343

Proposed Rules:
301..... 30372

47 CFR
73 (2 documents)..... 30343, 30344

Proposed Rules:
73..... 30372

50 CFR
301..... 30345
651..... 30348

V 4 6 / 1 0 9
J E 8 8 1
UMI

Rule

This sec
contains
general
of which
the Code
published
U.S.C. 15
The Cod
by the S
Prices of
first FED
month.

FEDERA
AUTHOR
THE FE
AUTHOR
IMPASS

5 CFR C

Correcti
Telepho

AGENCY:
Authorit
Counsel
Authorit
Impasse

ACTION:
the Final

SUMMAR
April 23,
to the Fe
Authorit
Offices p
[45 FR 80
Amendm
telephon
Denver,
which is
City, Mis
documen
telephon
Colorado

FOR FUR
Laurence
Counsel,

Accor
(d)(7)(a)
FR 80467
regulatio
Counsel
on April
correcte

Appendix
Addresse

* * *

(d) The
Directors

* * *

Rules and Regulations

Federal Register
Vol. 46, No. 109
Monday, June 8, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL LABOR RELATIONS AUTHORITY, GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY, AND FEDERAL SERVICE IMPASSES PANEL

5 CFR Ch. XIV

Correction of Sub-Regional Office Telephone Number

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Correction of an Amendment to the Final Rules and Regulations.

SUMMARY: This document corrects the April 23, 1981 Amendment (46 FR 23043) to the Federal Labor Relations Authority's listing of Sub-Regional Offices published on December 5, 1980 (45 FR 80467). The April 23, 1981 Amendment set forth a new address and telephone numbers for the Authority's Denver, Colorado Sub-Regional Office which is within the Authority's Kansas City, Missouri Regional Office. This document corrects the commercial telephone number of the Denver, Colorado Sub-Regional Office.

FOR FURTHER INFORMATION CONTACT: Laurence M. Evans, Assistant General Counsel, (202)–254–9561.

Accordingly, Appendix A, paragraph (d)(7)(a) (45 FR 3482 as amended by 45 FR 80467) of the final rules and regulations of the Authority, General Counsel and Panel, previously amended on April 23, 1981 (46 FR 23043), is corrected to read as follows:

Appendix A to 5 CFR Ch. XIV—Current Addresses and Geographic Jurisdictions

* * * * *

(d) The Office addresses of the Regional Directors of the Authority are as follows:

* * * * *

(7)(a) *Denver, Colorado Sub-Regional Office*—1531 Stout Street, Suite 301, Denver, Colorado 80202, Telephone: FTS–327–5224, Commercial: (303) 837–5224.

* * * * *

(5 U.S.C. 7134)

Dated: June 3, 1981.

Ronald W. Haughton,
Chairman.
Henry B. Frazier III,
Member.
Leon B. Applewhaite,
Member.
H. Stephan Gordon,
General Counsel.

[FR Doc. 81-16946 Filed 6-5-81; 8:45 am]
BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1425

[Amdt. 7]

Cooperative Marketing Associations: Eligibility Requirements for Price Support

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Commodity Credit Corporation (CCC) is amending the Regulations Governing Cooperative Marketing Associations Eligibility Requirements for Price Support in which an approved cooperative may request the Executive Vice President, CCC, or an authorized designee, for authorization to carry forward losses incurred on an eligible pool of a crop of a commodity. An authorization to carry forward losses may be granted when CCC determines that such action will result in the equitable treatment of all members participating in comparable eligible pools in the period needed to offset losses and is not contrary to the purposes of the price support program. The authorization is primarily based on a plan developed by the cooperative. This amendment will eliminate the requirement that the cooperative obtain prior approval of such plan by its membership. Instead, the amendment requires that the plan contain provisions for notifying present members and applicants for membership of the plan to deduct eligible pool losses from subsequent pool gains.

DATES: Interim rule effective June 8, 1981, comments must be received on or before August 7, 1981.

ADDRESS: Interested persons may send comments to the Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Richard M. Ackley, Cooperative Section, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–9221. A final Regulatory Impact Analysis is being prepared and will be available from Richard M. Ackley.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures established in accordance with the provisions of Executive Order 12291 and has been classified "not major." It has been determined that it is not practical and contrary to the public interest for CCC to follow the procedures of Executive Order 12291 with respect to this rule and that this interim rule warrants publication without prior opportunity for public comment.

A notice of proposed rulemaking was published on December 24, 1980, 43 FR 50988, requesting comments with respect to a number of proposals involving the eligibility of cooperative marketing associations to obtain price support under various programs of the CCC. One such proposal included the carrying forward of losses by a cooperative marketing association from an eligible pool of a commodity against subsequent eligible pools of a commodity on which price support is obtained. The proposed rule stated that CCC would permit a cooperative marketing association to carry forward such losses only if a detailed plan for the carrying forward of the losses was approved by CCC. The proposed rule also set forth the factors which were to be considered in developing the plan as well as certain provisions which were to be included in the plan.

Under the final rule as adopted on April 3, 1981 (46 FR 20149), the regulations contained an additional requirement not mentioned in the notice of proposed rulemaking. This provision stated that the cooperative marketing associations were required to obtain

prior approval of the plan by the membership of the association. Subsequent to the adoption of this provision, it has come to our attention that this requirement may cause undue hardship and financial burden on the cooperatives since in many instances the membership of the cooperatives has already met to conduct the business of the cooperative. It has been further pointed out that in most cases the articles of incorporation and bylaws of a cooperative authorize the board of directors to conduct the day-to-day operations of the association. This authority includes, generally, the authority to approve such items of business as the carrying forward of losses.

As explained in the preambles to the proposed rule and the final rule, it was the overall objective of the amendment to permit cooperatives more flexibility in carrying out their operations. The changes made by this interim rule will further that objective by permitting cooperatives participating in price support programs to approve the carrying forward of losses in accordance with procedure established in their articles of incorporation and bylaws. In most cases, this action requires only the approval of the board of directors of the cooperative rather than the membership as a whole.

Due to the nature and purpose of the changes made by this interim rule, it has been determined that this interim rule should be made effective without prior opportunity for public comment. About 300 cooperatives are qualified to participate in this program. The cooperatives have a wide variety of fiscal years, many of which have recently ended or are about to end in the near future. As a practical matter, many of these cooperatives would be unable to avail themselves of the benefits of the loss carry-forward provision due to the membership approval requirement. At the same time, practical considerations and regulatory requirements (e.g., internal revenue service rules on earnings distribution) would preclude these cooperatives from postponing decisions on carrying forward losses while the Department implemented normal rulemaking procedures.

Comments on this interim rule are requested. All comments must be received no later than August 7, 1981, in order to be assured of consideration. After review of the relevant comments, a final rule will be published in the **Federal Register**.

Interim Rule

Accordingly, 7 CFR Part 1425 is amended as follows:

1. The authority citation for Part 1425 is as follows:

AUTHORITY: Secs. 4 and 5, Pub. L. 80–806, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 103, 105A, 107A, 201, 301, 401, Pub. L. 81–439, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444(f), 1444c, 1445b, 1446, 1447, 1421)

2. 7 CFR 1425.13(f)(2) is revised to read as follows:

* * * * *

(f) *Losses.* * * *

(2) The Executive Vice President, CCC, or an authorized designee, may authorize an approved cooperative to carry forward losses incurred on an eligible pool of a crop of a commodity when CCC determines that such action will result in the equitable treatment of all members participating in comparable eligible pools in the period needed to offset losses and is not contrary to the purposes of the price support program. This authorization will be approved on the basis of a plan for the carrying forward of losses as submitted to CCC by an approved cooperative. The authorization will be continued on the condition that the approved cooperative remains in substantial compliance with the plan, as reflected in periodic progress reports. Any losses incurred subsequent to those contained in the approved plan may only be carried forward against subsequent eligible pools in accordance with a revised plan which has been approved by the Executive Vice President, CCC, under the criteria specified in this subparagraph. Factors which must be considered in such a plan include, but are not limited to, the following: (i) The stability of membership and participation between affected pools; (ii) the financial condition of the cooperative; and (iii) whether the loss can reasonably be expected to be amortized and recovered from future earnings over the proposed time period. The plan must also include the following: (i) A provision for notifying existing and new members of the cooperative of the plan to deduct eligible pool losses from subsequent eligible pool gains; and (ii) a procedure for maintaining necessary data and records needed to generate periodic progress reports as directed by the Executive Vice President, CCC.

Signed at Washington, D.C., on June 2, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-16860 Filed 6-5-81; 8:45 am]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Rules of Practice for Domestic Licensing Proceedings; Expediting the NRC Hearing Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission has adopted several amendments to its Rules of Practice to facilitate expedited conduct of its adjudicatory proceedings on applications to construct or operate nuclear power plants. These amendments authorize the licensing boards to make oral rulings on written motions during the course of a prehearing conference or a hearing, preclude parties from filing responses to objections to a prehearing order unless the licensing board so directs, revise the schedule for filing proposed findings of fact and conclusions of law, and permit summary disposition motions to be filed at any time during the course of the proceeding.

EFFECTIVE DATE: June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Trip Rothschild, Esq., Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (202–634–1465).

SUPPLEMENTAL INFORMATION: On March 17, 1981 the Commission published in the **Federal Register** (46 FR 17216) a Notice of Proposed Rulemaking soliciting public comments on six proposed changes to the Commission's Rules of Practice, 10 CFR Part 2. The principal purpose of the proposed amendments was to shorten the hearing process on applications to construct or operate a nuclear power plant, without reducing the overall quality or fairness of NRC adjudicatory proceedings. In response the Commission received more than 600 comments. The comments are set forth and analyzed in SECY 81–252, a publicly available memorandum from the Commission's General Counsel to the Commission and, therefore, only a brief summary of the more significant comments is contained in this Notice.

The Commission also sought comment on a proposed model hearing schedule which would serve as a guideline for NRC's administrative judges. The Commission is still deliberating on the proposed schedule and, therefore, a model schedule is not set forth in this notice.

V 46 6 4 10 09 JUN 8 81 UMI

1. Eliminate Discovery Against the NRC Staff

Currently, parties to NRC licensing proceedings may engage in formal discovery against the NRC staff. The Commission sought comment on a proposed rule which would eliminate formal discovery against the staff. Most of the commenters opposed the proposal, arguing that their participation in a proceeding would be severely impeded if they could not obtain relevant information from the NRC staff through formal discovery prior to the commencement of the hearing or that elimination of discovery against the staff might lengthen the licensing process. A majority of the Commission does not support the proposed rule and it has not been adopted. However, the Commission has under consideration a different proposal which would limit the number of interrogatories that a party may file against another party in an NRC adjudicatory proceeding. Public comment would be sought in a future rulemaking proceeding on any such proposal.

2. Permit the Licensing Boards to Rule Orally on Written Motions

Under 10 CFR 2.730(e), licensing boards are required to issue written orders on those motions submitted to them in writing. The Commission sought comment on a proposed rule which would permit the boards, where appropriate, to issue oral rulings addressing such motions during the course of a prehearing conference or hearing.

Many of the nuclear industry commenters supported the proposed rule change noting that it could expedite the hearing process by enhancing the ability of the licensing boards to rule promptly on motions pertaining to procedural matters. Several emphasized, however, that if oral rulings are permitted, a board must take care to fully spell out its reasoning.

Intervenors, on the other hand, opposed the rule change because of a concern that they would not promptly learn of oral rulings. Intervenors frequently limit their attendance at the hearings to the days when their contentions are being litigated, and do not have the resources to purchase transcripts. Intervenors asserted that without prompt notification they could miss filing deadlines imposed by the boards in oral rulings and the period for seeking reconsideration of a board's ruling could expire before they learned of the ruling.

After evaluating these comments, the Commission has adopted a rule which amends 10 CFR 2.730(e) to permit the boards to make oral rulings on written motions, but will require the board to ensure that the parties are promptly notified of the ruling. This will permit oral rulings where this could expedite the proceedings, or is otherwise appropriate, without prejudicing any party. Several mechanisms are available to notify absent parties of the ruling. The Board may notify the party by phone; it may direct one of the parties present to contact the absent party; or it may serve the transcript pages containing the order on all parties. The Commission encourages the boards at a minimum to serve the transcript pages. When the boards rule orally they are also directed to take special care to fully set forth the reasoning behind the decision.

3. Prohibit Motions to Reconsider Prehearing Orders

Under 10 CFR 2.751(d) and 2.752(c) parties other than the NRC staff may file, within five days after service of a board prehearing order, an objection to the order. Such an objection constitutes, in effect, a motion requesting the board to reconsider its ruling. The NRC staff has ten days after service of the order to request reconsideration. The Commission sought comment on a proposed rule which would preclude parties from filing requests for reconsideration of prehearing orders.

Virtually all commenters opposed the proposed rule change arguing that mistakes which could significantly affect the proceeding might be prevented if motions for reconsideration are not permitted. Moreover many commenters argued that the proposed rule would not result in significant time savings because such motions which are without merit can be promptly answered and denied, and the proceeding may continue while the motions for reconsideration are pending. It was further argued that it is unclear how the proposed change would save time, particularly in comparison with the time which would be required should the licensing board be reversed for an error which a party wished to but could not bring to the board's attention.

The Commission agrees with the commenters and therefore has not adopted the proposed rule. However, the Commission has adopted other changes to its regulations pertaining to objections to or motions for reconsideration of prehearing orders. The Commission has observed that objections or motions for reconsideration are not frequently granted. The Commission therefore is amending its regulations to take away the right of a party to file an answer to an objection or motion for reconsideration. Responses will only be permitted, if the licensing board so directs. This means that motions which on their face have little merit will be summarily dismissed by the board. Parties will be asked to respond only to those motions that a board believes may have some merit.

In addition, although the Commission's present rules do not so dictate, it is possible under the present practice for an objection or motion for reconsideration to have the effect of staying the effectiveness of the board's order until the board rules on the matter. The Commission has adopted an amendment to its regulations which provides that filing of an objection to or a motion for reconsideration does not stay the effectiveness of the prehearing order, unless the board for good cause shown determines that the decision should be stayed pending board action. Thus parties are to proceed with prehearing matters on admitted contentions, even though objections to or motions for reconsideration of the ruling admitting the contentions are pending before the board. This approach would be consistent with existing regulations pertaining to petitions for reconsideration of final board decisions, 10 CFR 2.771(c).

4. Permit Licensing Board Chairman to Rule on Prehearing Matters Without Consulting Other Board Members

Under 10 CFR 2.721(d) and 2.718, when a licensing board is not in session, the chairman of the board (who is always qualified in the conduct of administrative proceedings) is vested with the power to rule on procedural requests. This includes ruling on intervention petitions, contentions, motions for summary disposition requests to compel a party to respond to interrogatories, and requests for extention of time. However, in practice the board chairman does not rule alone on petitions for leave to intervene, contentions, or motions for summary disposition because the technical expertise of the administrative judges serving on the board who have scientific backgrounds is frequently essential in ruling on such motions. The Commission sought comment on a proposed rule which would permit the licensing board chairman to act alone on all prehearing matters. It would be within the discretion of the chairman to consult with the other administrative judges before taking action.

Few commenters supported this proposal. The commenters argued that it would be a serious error to allow the

chairman to act alone in issuing substantive orders on prehearing matters, such as ruling on contentions and motions for summary disposition. On this point the commenters emphasized that prehearing orders set the framework for the hearing and therefore the technical administrative judges should contribute to the decision. Others commented that centralized decisionmaking may be appropriate in times of crisis, but is not necessary in licensing proceedings. Others argue that the proposal was inconsistent with Congress' intent in establishing three member panels to preside over NRC hearings.

Based upon the review of these comments, the Commission has decided not to amend 10 CFR 2.721 as proposed. The Commission believes that the present practice whereby all three board members participate in acting upon substantive prehearing orders should continue.

5. Eliminate the Right of the Applicant to File a Reply to Other Parties' Proposed Findings of Fact and Conclusions of Law

Under 10 CFR 2.754(c) unless otherwise directed by the board, the applicant must file its proposed findings of fact and conclusions of law within 20 days after the record is closed. The filings from the other parties, except for the NRC staff are due 30 days after the close of the record. Staff's filing must be filed by day forty. The applicant must file its reply to the other parties' submissions within ten days after service of the other parties' filings. The Commission sought comment on a proposed rule which would eliminate the right of the applicant to file a reply submittal.

A few commenters supported the proposed rule change arguing that the applicant should be given only one opportunity to set forth its views and that the licensing board is capable of making its findings without having a reply finding from the applicant. However, most commenters opposed the rule change. Because the applicant has the burden of proof in NRC initial licensing proceedings, many argued that fairness dictates the it should have the last word. It was also argued that the applicant's reply filing served a useful function because it focused on the disputes between the parties and permitted prompt resolution of issues by the board. Finally, many commenters noted that if the applicant wished to expedite the proceeding, it could waive the opportunity to file a reply pleading.

After reviewing these comments, the Commission has decided not to eliminate the right of the applicant to file a reply pleading. However, it has adopted amendments to 10 CFR 2.754 which alter the time limits for filing proposed findings of fact. Experience indicates that because of the complexity of NRC proceedings the applicant frequently is unable to file its proposed findings within the prescribed 20-day period and the Board must establish another filing schedule. The Commission therefore is modifying the schedule to make it more realistic. Under the new regulations the applicant's submission will be due thirty days after the record closes, the filing of other parties (except for the NRC staff) will be due 40 days after the record closes. The staff's pleading will be due 50 days after the record closes. The applicant's response will be due 5 days after the staff files its proposed findings, five days earlier than the ten days allowed under prior regulations. The Commission contemplates that staff would hand-deliver or air express its filing to the applicant to provide applicant a reasonable time to respond. Although boards are authorized to deviate from this suggested schedule, it is expected that absent special circumstances, including considerations of fairness, the board will not authorize use of a more extended filing schedule. In cases with few parties, and few contentions, the boards are encouraged to order use of a more compressed filing schedule.

6. Eliminate Requirement That Motions for Summary Disposition be Submitted no Later Than 45 Days Before the Commencement of the Hearing

Under 10 CFR 2.749(a) parties to proceedings must file any motions requesting summary disposition at least 45 days prior to the start of the hearing. The Commission sought comment on a proposed rule which would permit motions for summary disposition to be filed at any time. However, the board would be authorized to set appropriate time limits for the filing of such motions which would be tailored to fit the circumstances.

Although a few commenters favored the proposed change because it would provide greater flexibility in the use of these motions, most commenters opposed the proposed change. The major arguments advanced against the proposal are that if there is no genuine factual dispute which exists on a particular issue, a competent attorney should recognize that well before the hearing, and that late filed motions actually disrupt and delay the hearing. Commenters frequently noted that most motions for summary disposition are filed against intervenors, who generally have limited resources. Because responding to summary disposition motions requires a substantial effort, if motions are filed just before the hearing or during the hearing itself, intervenors will be required to divert resources from ongoing efforts to prepare testimony or to prepare for cross-examination. Late filed motions similarly distract the other parties to the proceeding as well as the board which must rule on the motion. Several commenters suggested that if the boards are given the discretion to permit motions for summary disposition to be filed less than 45 days prior to the commencement of the hearing, they should be directed to reject summarily motions which would unduly divert parties' resources away from the hearing.

After evaluating these comments, the Commission has adopted a rule which provides that motions for summary disposition may be filed at any time, but that the boards are to reject motions filed right before the hearing or during the hearing itself where response to such motions would require the other parties or the board to divert substantial resources from the hearing. Boards are directed in each case at an early date to set forth an appropriate scheduled for filing motions for summary disposition. This approach should provide the board maximum flexibility in setting a schedule for the filing of such motions, but will discourage filing of motions right before the hearing or during the hearing itself.

The Commission has also adopted one other minor amendment to the regulations. In 1980 the Commission adopted an amendment to 10 CFR 2.749(a) which provides that a party may file an answer in support of a motion for summary disposition, as well as in opposition to such a motion. The Commission also revised the regulations to permit the party opposing the motion for summary disposition to file a supplemental response which addresses any new matters raised in answers supporting the motion. The Commission directed its boards to establish expeditious time limits on a case-by-case basis for the filing of any response to supporting statements consistent with the requirements of fairness.

The Commission has amended the regulations to provide for a ten-day response period rather than having the boards establish the time for response on a case-by-case basis. Unlike the other amendments addressed in this Notice, the Commission did not seek public comment on this minor change. The Commission has determined that public comment is not required because the amendment is procedural in nature.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects the Commission's rules of practice and procedures by permitting expedition of the licensing process.

Because the amendments are related only to matters of procedure, the Commission is making the amendments effective upon publication in the **Federal Register**. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 2, are published as a document subject to codification to be effective upon publication in the **Federal Register**:

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. In § 2.730, paragraph (e) is revised to read:

§ 2.730 Motions.

* * * * *

(e) The Board may dispose of written motions either by written order or by ruling orally during the course of a prehearing conference or hearing. The Board should ensure that parties not present for the oral ruling are notified promptly of the order.

* * * * *

2. In § 2.749, paragraph (a) is revised to read as follows:

§ 2.749 Authority of presiding officer to dispose of certain issues on the pleadings.

(a) Any party to a proceeding may move, with or without supporting affidavits, for a decision by the presiding officer in that party's favor as to all or any part of the matters involved in the proceeding. There shall be annexed to the motion a separate, short and concise statement of the material facts as to which the moving party contends that there is no genuine issue to be heard. Motions shall be filed within such time as may be fixed by the presiding officer. Any other party may serve an answer supporting or opposing the motion, with or without affidavits, within twenty (20) days after service of the motion. There shall be annexed to any answer opposing the motion a separate, short and concise statement of the material facts as to which it is contended that there exists a genuine issue to be heard. All material facts set forth in the statement required to be served by the moving party will be deemed to be admitted unless controverted by the statement required to be served by the opposing party. The opposing party may within ten days after service respond in writing to new facts and arguments presented in any statement filed in support of the motion. No further supporting statements or responses thereto shall be entertained. The board may dismiss summarily motions filed shortly before the hearing commences or during the hearing if the other parties or the board would be required to divert substantial resources from the hearing in order to respond adequately to the motion.

* * * * *

3. In § 2.751a, paragraph (d) is revised to read as follows:

§ 2.751a Special prehearing conference in construction permit and operating license proceedings.

* * * * *

(d) The presiding officer shall enter an order which recites the action taken at the conference, the schedule for further actions in the proceeding, any agreements by the parties, and which identifies the key issues in the proceeding, makes a preliminary or final determination as to the parties in the proceeding, and provides for the submission of status reports on discovery. The order shall be served upon all parties to the proceeding. Objections to the order may be filed by a party within five (5) days after service of the order, except that the staff may file objections to such order within ten (10) days after service. Parties may not file replies to the objections unless the Board so directs. The filing of objections shall not stay the decision unless the presiding officer so orders. The board may revise the order in consideration of the objections presented and, as permitted by § 2.718(i), may certify for determination to the Commission or the Atomic Safety and Licensing Appeal Board, as appropriate, such matters raised in the objections as it deems appropriate. The order shall control the subsequent course of the proceeding unless modified for good cause.

4. In § 2.752, paragraph (c) is revised to read as follows:

§ 2.752 Prehearing conference.

(c) The presiding officer shall enter an order which recites the action taken at the conference, the amendments allowed to the pleadings and agreements by the parties, and which limits the issues or defines the matters in controversy to be determined in the proceeding. Objections to the order may be filed by a party within five (5) days after service of the order, except that the regulatory staff may file objections to such order within ten (10) days after service. Parties may not file replies to the objections unless the board so directs. The filing of objections shall not stay the decision unless the presiding officer so orders. The board may revise the order in the light of the objections presented and, as permitted by § 2.718(i) may certify for determination to the Commission or the Atomic Safety and Licensing Appeal Board, as appropriate, such matters raised in the objections as it deems appropriate. The order shall control the subsequent course of the proceeding unless modified for good cause.

5. In § 2.754, paragraph (a) is revised to read as follows:

§ 2.754 Proposed findings and conclusions.

(a) Any party to a proceeding may, or if directed by the presiding officer shall, file proposed findings of fact and conclusions of law, briefs and a proposed form or order of decision within the time provided by the following subparagraphs, except as otherwise ordered by the presiding officer:

(1) The party who has the burden of proof shall, within thirty (30) days after the record is closed, file proposed findings of fact and conclusions of law and briefs, and a proposed form of order or decision.

(2) Other parties may file proposed findings, conclusions of law and briefs within forty (40) days after the record is closed. However, the staff may file such proposed findings, conclusions of law and briefs within fifty (50) days after the record is closed.

(3) A party who has the burden of proof may reply within five (5) days after filing of proposed findings and conclusions of law and briefs by other parties.

* * * * *

(Sec. 161p., Pub. L. No. 83–703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. No. 93–438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C. this 3rd day of June, 1981.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-16870 Filed 6-5-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-24; Amdt. 39-4125]

Bell Model 214 Helicopter; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection of and application of corrosion protection to Bell Helicopter Textron Model 214 helicopter main rotor spindle attachment pin retention bolts. This AD also establishes a 1,200 flight-hour retirement life for these bolts. The manufacturer has received two reports of missing or broken attachment pin retention bolts after flights. Examination of the remains of one bolt revealed the failure resulted from stress corrosion. Failure of a bolt could result in loss of a spindle attachment pin, which would then result in loss of a main rotor blade. This AD is needed to establish inspection, rework, and retirement criteria to prevent bolt failure and possible loss of a helicopter.

DATES: Effective June 11, 1981. Compliance required as indicated in the AD.

ADDRESSES: Alert Service Bulletin 214-81-17 may be obtained from Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, Attention: Product Support.

A copy of the service bulletin is contained in the Rules Docket at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: H. A. Armstrong, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 517.

SUPPLEMENTARY INFORMATION: All Bell Model 214 helicopters have four spindle attachment pin retention bolts, P/N EWB26-10H90, installed. The manufacturer has received two reports where one of the four bolts was found missing or broken after flight. An examination of the remnant of one of the bolts indicated the failure resulted from stress corrosion. Severe corrosion and pitting was found on the shank of the bolt. Failure of a bolt could result in loss of a spindle attachment pin, which would then cause loss of a main rotor blade and subsequent loss of the helicopter. To prevent bolt failure, all spindle attachment pin retention bolts require inspection and protection from corrosion within the next 50 hours' time in service following the effective date of this AD. Further, a retirement life of 1,200 flight hours is established for these bolts. No previous mandatory retirement life was established for these bolts.

The time required to accomplish this inspection is approximately 1 hour for all four bolts. Bolts that show evidence of corrosion or that exceed the retirement life established by this AD will require replacement.

Since a situation exists that requires immediate adoption of this AD, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective immediately to all U.S. owners and operators of Bell Model 214 helicopters.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Bell Helicopter Textron (BHT): Amendment 39-4125. Applies to all Model 214 series helicopters certified in all categories (Airworthiness Docket No. 81-ASW-24).

To prevent possible failure of main rotor spindle attachment pin retention bolts, P/N EWB26-10H90, accomplish the following:

(a) Unless Bell Helicopter Textron Alert Service Bulletin 214-81-17 has been previously complied with, within the next 50 hours' time in service after the effective date of this AD:

(1) Remove and inspect each of the four main rotor spindle attachment pin retention bolts, P/N EWB26-10H90, for evidence of corrosion.

(2) Replace all bolts exceeding 1,200 hours' time in service or showing evidence of corrosion.

(3) When installing the bolts, assure that each bolt is installed using corrosion prevention compound MIL-C-16173 grade 1 or 2 or equivalent on the shank of the bolt. Wipe threads clean prior to installing the nuts. Torque the nut to 150 foot-pounds.

(b) Bolts, P/N EWB26-10H90, now have a 1,200 hour retirement. Record the 1,200 hour retirement life in the aircraft records.

(c) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

(d) In accordance with FAR 21.197, flight is permitted to a base where the inspection and repairs required by this AD may be accomplished.

This amendment becomes effective June 11, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1656(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Note.—This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Tex., on May 22, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-16884 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 79-NE-13, Amdt. 39-4128]

Consolidated Aeronautics, Inc., Colonial C-1, Colonial C-2, Lake LA-4, Lake LA-4A, Lake LA-4P, and Lake LA-4-200; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: Amendment 39-3589 (44 FR 60719), Airworthiness Directive (AD) 79-21-09, is amended by changing the applicability to a more limited number of airplanes.

DATES: Effecitve date June 8, 1981. Comments on the rule must be received on or before July 8, 1981. Compliance schedule—as prescribed in text of AD.

ADDRESS: Send comments in duplicate to: DOT, FAA, New England Region, Office of the Regional Counsel, ANE-7, Attn: Rules Docket Clerk, Docket No. 79-NE-13, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Vavruska, Systems and Equipment Section (ANE-213), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7332.

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

Amendment 39-3589 (44 FR 60719), AD 79-21-09, was issued to add fuses in the electrically unprotected power lines which bypass the battery relay in the bilge pump and anchor light circuits. After issuing Amendment 39-3589, it came to the attention of the FAA that some of the affected airplanes have bilge pumps and/or anchor lights installed with power lines which do not bypass the airplane battery relay. Therefore, the AD is amended to apply to only those airplanes which have bilge pumps or anchor lights with power lines which bypass the battery relay.

Request for Comments on the Rule

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received before the end of the comment period will be considered by the Administrator, and the AD may be further amended in the light of comments received. All comments will be available both before and after the comment period in the Rules Docket for examination by interested persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), Amendment 39-3589 (44 FR 60719), AD 79-21-09, is amended by replacing the opening applicability paragraph with the following:

Consolidated Aeronautics: Applies to Colonial C-1, Colonial C-2, Lake LA-4, Lake LA-4A, Lake LA-4P, and Lake LA-4-200 airplanes with an anchor light or bilge pump installed with a power line which bypasses the battery relay.

This amendment becomes effective June 8, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c); Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is relieving in nature and does not place a further burden on the public. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Mass., on May 27, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-16883 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 81-SO-31, Amdt. No. 39-4129]

Piper Models PA-28RT-201/201T, PA-34-200/200T Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and, if required, modification of the rudder torque tube fitting on certain Piper Models PA-28RT-201, PA-28RT-201T, PA-34-200, and PA-34-200T airplanes. The AD is needed to prevent elongation of the attachment holes of the rudder torque tube fitting, which could result in looseness of the rudder and loss of rudder effectiveness, and possible loss of control of the airplane.

DATE: Effective June 16, 1981. Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from Piper Aircraft Corporation, Lock Haven Division, Lock Haven, Pennsylvania 17745, telephone (707) 748-6711.

A copy of the service bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, ASO-212, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: Insufficient torque may exist on the four rudder sector assembly attachment bolts on certain Piper Models PA-28RT-201, PA-28RT-201T, PA-34-200, and PA-34-200T airplanes. There have been 17 reports of loose attachment bolts on the rudder torque tube fitting. If this condition exists and is left uncorrected, elongation of the attachment holes and damage to the rudder torque tube fitting could occur, which could result in loss of rudder effectiveness and possible loss of control of the airplane. Since this situation is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection and, if required, modification of the rudder system on certain Piper Models PA-28 and PA-34 series airplanes. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

Piper Aircraft Corporation: Applies to the following serial numbered Models PA-28 and PA-34 series airplanes, certificated in all categories:

PA-28RT-201 (Arrow IV)—
28R-7918001 through 28R-8118032
PA-28RT-201T (Turbo Arrow IV)—
28R-7931001 through 28R-8131050
PA-34-200 (Seneca)—
34-7250001 through 34-7450220
PA-34-200T (Seneca II)—
34-7570001 through 34-8170065

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent loss of rudder effectiveness and possible loss of control, accomplish the following:

a. Visually inspect the rudder torque tube attachment fitting and hardware, replace parts as required, and modify the rudder system, if required, in accordance with Piper Aircraft Corporation Service Bulletin No. 699, dated April 1, 1981, and Piper Inspection Kit, P/N 764 100V.

b. Make appropriate maintenance record entry.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

This amendment becomes effective June 16, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in East Point, Ga., on May 28, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-16882 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 81-NE-09, Amdt. 39-4130]

Sikorsky S-76A Helicopters Certificated in All Categories; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons emergency telegraphic Airworthiness Directive (AD) T-81-07-51, which was previously made effective as to all known operators of the Sikorsky S-76A helicopters certificated in all categories, by individual telegrams. This amendment is required because of a recent in-flight fracture of a main rotor spindle.

This amendment makes mandatory specific paragraphs of Sikorsky Customer Service Bulletin 76-65-22B and requires removal from service of all main rotor spindles with 700 hours or more time in service and, prior to further flight, a fluorescent penetrant inspection of main rotor spindles with more than 200 hours time in service on March 20, 1981. Recurrent fluorescent penetrant and spindle shear bearing diametrical clearance inspections and replacement of the spindle and shear bearings under specified conditions are also required. Investigation of the recent fracture is in progress, and revision of this amendment can be expected after further investigation.

DATES: Effective June 11, 1981, as to all persons except those persons to whom it was made immediately effective by the telegram dated March 20, 1981. Comments must be received on or before July 10, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 81-NE-12, New England Executive Park, Burlington, Massachusetts 01803.

The applicable service bulletins may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. Copies of the service bulletin are contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Stephen J. Soltis, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7336.

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

On March 20, 1981, emergency telegraphic AD T-81-07-51 was issued and made effective immediately to all known operators of the Sikorsky S-76A helicopter. This telegraphic AD required immedate removal from service of all main rotor spindles with 700 hours or more time in service; an initial and repetitive fluroescent penetrant inspection of main rotor spindles; inspection of the spindle shear bearings for diametrical clearance; and replacement of the spindle and shear bearing under specified conditions.

This action was required because of a recent in-flight fracture of a main rotor spindle. It is suspected that spindle shear bearing wear may have contributed to the spindle fatigue failure. Since this condition can develop on other helicopters of the same type design, this AD, which establishes a main rotor spindle replacement time and makes mandatory specific paragraphs of Sikorsky Customer Service Bulletin 76-65-22B, is being issued.

FAA engineering evaluation of this incident and corrective action is continuing, and revision of this AD can be expected as additional data becomes available.

Need for Amendment

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule and was not preceded by notice and public procedure, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended effective June 11, 1981, by adding the following new AD:

Sikorsky Aircraft: Applies to S-76A series helicopters certificated in all categories. Compliance required as indicated.

To prevent fracture of main rotor spindles, accomplish the following:

1. For main rotor spindles, P/N 76102-08001 series, with more than 200 hours time in service on March 20, 1981, compliance required prior to further flight, unless already accomplished within the last 100 hours time in service, and thereafter for all spindles upon removal and/or replacement of either the main rotor spindle, P/N76102-08001 series, the spindle bearing inner race, P/Ns SB 5206-102/-103/-104, or the spindle bearing outer race, P/N SB 5206-202.

Remove and fluorescent penetrant inspect main rotor spindles, P/N 76102-08001 series, for cracks in accordance with Sikorsky Alert Service Bulletin 76-6513A, paragraph G(6), dated April 24, 1980, or later FAA approved revision.

If a crack indication is found, replace the main rotor blade spindle with a new or serviceable main rotor blade spindle, prior to

next flight, in accordance with Sikorsky S-76A Maintenance Manual, SA4047-76-2, Section 65-12-02.

2. Prior to further flight, remove from service all main rotor spindles, P/N 76102-08001 series, with 700 or more hours time in service, and replace with a serviceable spindle in accordance with the instructions contained in Chapter 65 of the Sikorsky S-76A Maintenance Manual, SA4047-76-2.

3. Thereafter, remove from service all spindles, P/N 76102-08001 series, upon accumulation of 700 hours time in service, and replace with a serviceable spindle in accordance with the instructions contained in Chapter 65 of the Sikorsky S-76A Maintenance Manual, SA4047-76-2.

4. For main rotor spindles, P/N 76102-08001 series, or spindle shear bearing inner races, P/N SB 5206-202, with more than 200 hours time in service on March 20, 1981, compliance required within the next 5 hours time in service after March 20, 1981, unless already accomplished, and thereafter for all spindles upon removal and/or replacement of either the main rotor spindle, P/N 76102-08001 series, the spindle bearing inner race, P/Ns SB 5206-102/-103/-104, or the spindle bearing outer race, P/N SB 5206-202. Inspect the shear bearing inner/outer races for diametrical clearance, and replace the main rotor spindle if the diametrical clearance exceeds 0.015 inches, in accordance with Sikorsky Customer Service Bulletin No. 76-65-22B, paragraph G(2), dated May 1, 1981, or later FAA-approved revision. Spindles known to have operated with less than 10 hours time in service with diametrical clearances in excess of 0.015 inches may be returned to service.

5. For all main rotor spindles with more than 200 hours time in service on March 20, 1981, and on all other spindles before the accumulation of 225 hours time in service which do not have a record of Kahr bearings installed, compliance required within the next 25 hours time in service after March 20, 1981, unless already accomplished, and thereafter for all spindle/bearings at intervals not to exceed 350 hours time in service.

Inspect for wear and vendor origin the main rotor spindle shear bearings outer race, P/N SB 5206-202, and inner race, P/Ns SB 5206-102/-103/-104, and replace, as necessary, in accordance with Sikorsky Customer Service Bulletin No. 76-65-22B, paragraphs G(4) and G(5), dated May 1, 1981, or later FAA-approved revision.

6. Aircraft may be ferried to a base for compliance with this AD in accordance with § 21.197 of the Federal Aviation Regulations.

7. Upon request of the operator, an alternate means of compliance with the requirements of this AD may be approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

8. Report within 24 hours any discrepancies found and the spindle time in service to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C.

This amendment becomes effective June 11, 1981, as to all persons except those persons to whom it was made immediately effective by the telegram dated March 20, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

Note.—This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Burlington, Mass., on May 28, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-16881 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-ASW-20]

Alteration of Control Zone: Longview, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of the control zone at Longview, Texas. This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing the Gregg County Airport. The amendment is necessary due to the future possibility of part-timing of the Longview Airport Traffic Control Tower (ATCT). If the facility is reduced to less than a 24-hour status, there will be no weather reporting available when the facility is nonoperational. Therefore, the airport will not meet the requirements for a control zone during this period.

DATES: Effective date August 6, 1981. Comments on the rule must be received before July 27, 1981.

ADDRESSES: Send comments on the action in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region: Docket No. 81-ASW-20, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT:

Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F § 71.171 as republished in the **Federal Register** on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zone description at Longview, Texas, will necessitate an amendment to this subpart. A statement at the end of the current description must be inserted in order to have the capability of part-timing the control zone by use of a Notice to Airmen (NOTAM) when the ATCT is not operational.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the description of the Longview, Texas, control zone. Because this action reduces a burden on the public by releasing controlled airspace, I find that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 G.m.t., August 6, 1981, by adding:

The control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11/61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Tex., on May 29, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-16879 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

BE-12, Benchmark Survey of Foreign Direct Investment in the United States—1980

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: This action amends the regulations to provide for the BE-12, Benchmark Survey of Foreign Direct Investment in the United States, 1980. Section 4(b) of the International Investment Survey Act of 1976, Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108 (the Act), requires that a benchmark survey of foreign direct investment in the United States be conducted at least once every five years. Such a survey will be conducted covering the year 1980.

EFFECTIVE DATE: This rule is effective June 8, 1981.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230 (202) 523-0657.

SUPPLEMENTARY INFORMATION: The Department has determined that this rule is not "major" under Executive Order 12291, nor does it have a significant economic impact on a substantial number of small business entities and is in accordance with 5 U.S.C. 601 *et seq.* (The Regulatory Flexibility Act). The public use burden will be undertaken within the Department of Commerce allocated FY 1981 Information Collection Budget ceiling.

In the January 22, 1981 **Federal Register**, Volume 46, No. 14, BEA published two notices soliciting comments concerning proposed rules; the first—"BE-12, Benchmark Survey of Foreign Direct Investment in the United States, 1980; Solicitation of Written Public Comments on Proposed Survey Form and Associated Rule Changes"—appeared on pages 7214-43; the second—"Direct Investment Surveys; Solicitation of Written Public Comments on Proposed Survey Rule Changes"—appeared on page 7244. Because of the recent restrictions on issuing final regulations, those two notices have been reconstituted into two new final rule notices, one that covers rule changes that will result in a reduction in reporting burden on the public and another that provides for the BE-12 benchmark survey, which will increase the reporting burden on the public. This final rule notice is the latter; the former notice was previously published in the **Federal Register**. (46 FR 23225, April 24, 1981)

All comments received were considered in developing the final rules and survey forms. The final rules for the BE-12 survey are the same as the proposed rules; no changes have been made. Numerous small changes were made to the report form, but, substantively, it is the same as the proposed report form.

Part 806 is therefore modified as set forth below.

George Jaszi,

Director.

Section 806.17 is revised to read as follows:

§ 806.17 Rules and regulations for BE-12, benchmark survey of foreign direct investment in the United States—1980.

A BE-12, Benchmark Survey of Foreign Direct Investment in the United States will be conducted covering 1980. All legal authorities, provisions, definitions, and requirements contained in 806.1 through 806.13, and 806.15 (a) through (g) are applicable to this Survey. Specific additional rules and regulations for the BE-12 Survey are given below.

(a) Basic requirement—A BE-12 report is required for each U.S. affiliate, i.e., for each U.S. business enterprise in which a foreign person owned or controlled, directly or indirectly, 10 percent or more of the voting securities if an incorporated U.S. business enterprise, or an equivalent interest if an unincorporated U.S. business enterprise, at any time during the business enterprise's 1980 fiscal year. A business enterprise's 1980 fiscal year is the business enterprise's financial reporting year that has an ending date in calendar year 1980. For a business enterprise that does not have a financial reporting year, such as investment in unimproved real estate, or does not have a financial reporting year ending in calendar year 1980, its 1980 fiscal year is deemed to be the same as calendar year 1980. A report is required even though the foreign person's equity interest in the U.S. business enterprise may have been established, acquired, liquidated or sold during the reporting period.

(b) Exemption—A U.S. affiliate as consolidated, or aggregated in the case of real estate investments, is not required to file a BE-12 report if:

(1) Each of the following three items for the U.S. affiliate (not the foreign parent's share) was between −$1,000,000 and +$1,000,000 during the reporting period:

(i) Total assets,

(ii) Sales or gross operating revenues, excluding sales taxes, and

(iii) Net income after provision for U.S. income taxes, and

(2) The U.S. affiliate did not own 200 acres or more of U.S. land during the reporting period (if the U.S. affiliate owned 200 acres or more of U.S. land, it must report regardless of the value of the three items listed above).

If a U.S. business enterprise is a U.S. affiliate but is not required to file a completed Form BE-12 because it falls below the exemption levels, then it must complete and file a "Claim for Not Filing a Form BE-12" with item 5 of the Claim marked and the information requested in item 5 provided. (The Claim is on the last page of the standard Form BE-12 and should be detached for filing.)

(c) Banks—A specialized report form (Form BE-12 BANK) has been adopted for U.S. affiliates that are banks (including bank holding companies), that is, for U.S. business enterprises over 50 percent of whose total revenues are generated by activities classified in industry code 600. Use of specialized Form BE-12 BANK is at the discretion of BEA; in situations where use of Form

BE–12 BANK is not clear-cut, permission to use it must be secured from BEA in advance of filing. Nonbank U.S. affiliates owned by a U.S. affiliate that is a bank or a bank holding company may not be consolidated on Form BE–12 BANK, but must be reported separately on a standard Form BE–12. Activities of nonbank U.S. affiliates that provide support to the parent bank company, such as a real estate subsidiary set up to hold the office building occupied by the parent company, are considered part of the bank activity. Form BE–12 BANK, where its use is permitted, stands in place of Form BE–12, and the instructions given for Form BE–12 BANK should be so construed.

(d) Due date—A completed and certified 1980 Form BE–12 must be filed with BEA not later than August 15, 1981.

(e) Inquiries concerning Form BE–12 should be directed to: U.S. Department of Commerce, Bureau of Economic Analysis (BE–50/IN), Washington, D.C. 20230. Telephone (202) 523–0547 or (202) 523–0632.

[FR Doc. 81–16914 Filed 6–5–81; 8:45 am]

BILLING CODE 3510–06–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9017]

Horizon Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order requires, among other things, a Tucson, Arizona land sales company, one of the largest sellers of undeveloped land in the Southwest, to establish as specified in the order, a $14.5 million trust fund to be distributed to eligible past purchasers. The order also requires the firm to make prescribed disclosures regarding the risks involved in undeveloped land investment; provide purchasers with a cooling-off period in which to cancel their dealings; and furnish a "NOTICE TO BUYERS" that provides prospective purchasers with pertinent information regarding the property, roads, utilities and recreational facilities. Respondent is further prohibited from discouraging purchasers from consulting with a real estate specialist prior to purchase; using high pressure sales tactics; using state and federal property reports as endorsements and utilizing certain contractual provisions, including one whereby defaulting purchasers forfeit all payments made. Additionally, the firm is required to ensure that $45 million is spent to improve certain properties over a 20-year period and establish and maintain a surveillance program designed to detect violations of the order.

DATES: Complaint issued March 11, 1975. Final order issued May 15, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PM, Alan N. Schlaifer, Washington, D.C. 20580. (202) 523–3909. FTC/PM, S. Ricardo Narvaiz, Washington, D.C. 20580. (202) 523–3660.

SUPPLEMENTARY INFORMATION: In the Matter of Horizon Corporation, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly, 13.10–1 Availability of merchandise and/or facilities; § 13.15 Business status, advantages or connections, 13.15–20 Business methods and policies, 13.15–30 Connections or arrangements with others, 13.15–35 Contracts and obligations, 13.15–240 Properties and rights, 13.15–245 Prospects, 13.15–275 Stock, product, or service; § 13.35 Condition of goods; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.85 Government approval, action, connection or standards, 13.85–35 Government endorsement, 13.85–65 States; § 13.90 History of product or offering; § 13.105 Individual's special selection or situation; § 13.125 Limited offers or supply; § 13.143 Opportunities; § 13.155 Prices, 13.155–5 Additional charges unmentioned; § 13.160 Promotional sales plans; § 13.175 Quality of product or service; § 13.185 Refunds, repairs, and replacements; § 13.195 Safety, 13.195–30 Investment; § 13.205 Scientific or other relevant facts; § 13.240 Special or limited offers; § 13.250 Success, use or standing; § 13.275 Undertakings, in general; § 13.285 Value. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533–15 Destruction of records and/or data, 13.533–20 Disclosures, 13.533–35 Employment of independent agencies, 13.533–45 Maintain records, 13.533–55 Refunds, rebates and/or credits, 13.533–57 Restitution, 13.533–60 Release of general, specific, or contractual constrictions, requirements, or restraints. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1370 Business methods, policies, and practices; § 13.1430 Government endorsement, sanction or sponsorship; § 13.1435 History; § 13.1540 Reputation, success or standing; § 13.1560 Stock, product or service.

Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1595 Condition of goods; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1632 Government endorsement or recommendation; § 13.1663 Individual's special selection or situation; § 13.1710 Qualities or properties; § 13.1725 Refunds; § 13.1740 Scientific or other relevant facts; § 13.1747 Special or limited offers; § 13.1760 Terms and conditions, 13.1760–50 Sales contract; § 13.1765 Undertakings, in general; § 13.1775 Value. Subpart—Misrepresenting Oneself and Goods—Prices: § 13.1776 Prices; § 13.1778 Additional costs unmentioned. Subpart—Misrepresenting Oneself and Goods—Promotional Sales Plans: § 13.1830 Promotional sales plans.

Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1882 Prices, 13.1882–10 Additional prices unmentioned; § 13.1885 Qualities or properties; § 13.1889 Risk of loss; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions, 13.1905–50 Sales contract. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.1935 Earnings and profits; § 13.1985 Individual's special selection or situation; § 13.2000 Limited offers or supply; § 13.2015 Opportunities in product or service; § 13.2040 Returns and reimbursements; § 13.2063 Scientific or other relevant facts; § 13.2090 Undertakings, in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Final Order, including further order requiring report of compliance

[1] Copies of the Complaint, Initial Decision, Opinion, Appendices and Final Order filed with the original document.

therewith, is filed as a part of the original document.

Carol M. Thomas,

Secretary.

[FR Doc. 81-15914 Filed 6-5-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 134

[T.D. 81-162]

Specific Country of Origin Marking Requirements for Imported Anchors

AGENCY: Customs Service, Treasury.

ACTION: Ruling; Policy statement under § 134.42, Customs Regulations.

SUMMARY: Customs has learned that the country of origin on imported anchors, classified under item 652.03, Tariff Schedules of the United States, is sometimes marked by means of paint stenciling. Typically, anchors are stored outdoors and are subject to weathering which causes the paint stenciled marking to either be washed off or become obscured due to rust. This document gives notice that, with certain specified exceptions, anchors shall be permanently and legibly marked with the country of origin by die stamping, raised lettering, or an equally permanent method of marking.

DATE: This ruling shall be effective as to merchandise entered, or withdrawn from warehouse, for consumption on or after September 8, 1981.

FOR FURTHER INFORMATION CONTACT: James Bartley, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5765).

SUPPLEMENTARY INFORMATION:

Background

Section 304(a), Tariff Act of 1930, as amended (19 U.S.C. 1304(a)), provides that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. That section also authorizes the Secretary of the Treasury to require specific methods of marking articles.

Part 134 of the Customs Regulations (19 CFR Part 134), sets forth the regulations implementing the country of origin marking requirements of 19 U.S.C. 1304(a), together with certain marking provisions of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). Section 134.42, Customs Regulations (19 CFR 134.42), provides that specific methods of marking merchandise with its country of origin may be required by the Commissioner of Customs in accordance with 19 U.S.C. 1304(a), and that notices of such rulings shall be published in the Federal Register and the Customs Bulletin.

Customs has learned that the country of origin marking requirements are not being applied uniformly to imported anchors, classified under item 652.03, TSUS. Sometimes, the name of the country of origin on these articles is marked by means of paint stenciling. Generally, anchors are stored outdoors and are subject to weathering which causes the paint stenciled markings to either be washed off or become obscured due to rust.

Permanent marking of imported anchors is needed to insure that an ultimate purchaser in the United States will be aware of the country of origin of the articles. Further, it appears that often when anchors are imported, they are "used" rather than new articles and that some of the anchors are of United States origin. In these cases, permanent markings will aid Customs officers in establishing whether used anchors imported into the United States are entitled to an exemption from the payment of duty as products of the United States.

Specific Method of Marking Required

To provide for uniformity of application of the country of origin marking requirements of 19 U.S.C. 1304, and to clarify those marking requirements, imported anchors shall be marked with their country of origin as follows:

1. Anchors, imported individually or in bulk by a distributor for resale to ultimate purchasers in the United States, shall each be permanently and legibly marked with the country of origin by die stamping, raised lettering, or an equally permanent method of marking. Anchors which are marked with the name of a location in the United States also shall be marked with the name of the country of origin preceded by, and in close proximity to, words such as "Made in," "Product of," or other words of similar meaning. This marking must be permanent and legible and in letters of comparable size as the name of the location in the United States.

2. There are two exceptions from the general country of origin marking requirements stated above for imported anchors, which are *not* marked with the name of a location in the United States.

(a) If the anchors are ordered directly from a foreign supplier by a contractor or other ultimate purchaser in the United States who will use them and not offer them for resale, and if Customs is satisfied that the anchors were made in the country named in the invoice, they may be excepted from country of origin marking under 19 U.S.C. 1304(a)(3)(H).

(b) If the anchors are imported directly from a foreign supplier by a carrier, vessel owner, or shipbuilder, for use by the importer and not intended for sale in its imported or any other form, the anchors may be excepted from country of origin marking under 19 U.S.C. 1304(a)(3)(F).

Authority

This notice is being published in accordance with section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), and section 134.42, Customs Regulations (19 CFR 134.42).

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations and Information Division, Office of Regulations and Rulings (566-8237). However, personnel from other offices of the Customs Service participated in its development.

Dated: June 1, 1981.

Jack T. Lacy,

Acting Commissioner of Customs.

[FR Doc. 81-16096 Filed 6-5-81; 8:45 am]

BILLING CODE 4810-22-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 9H5239/R79; PH-FRL-1847-1]

Diquat; Tolerances for Pesticides in Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a regulation for residues of the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium] derived from the application of the dibromide salt and calculated as the cation, in or on the food item, processed potatoes (including potato chips) at 0.5 part per million (ppm). This regulation was requested by Chevron Chemical Co. This regulation will establish the maximum permissible level for diquat in processed potatoes.

EFFECTIVE DATE: Effective on June 8, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk,

Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of November 9, 1979 (44 FR 65130) that Chevron Chemical Co., 940 Hensley St., Richmond, CA 94894, had submitted a food additive petition (FAP 9H5239) to the EPA. The petition proposed that 21 CFR 193.160 be amended by establishing a regulation permitting residues of the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium] derived from the application of dibromide salt and calculated as cation in or on processed potatoes (including potato chips) at 0.2 ppm.

The petitioner subsequently amended the petition by submitting a revised Section F proposing that the tolerance be increased from 0.2 ppm to 0.5 ppm.

No comments were received in response to this notice of filing. The data submitted in the petition and other relevant material have been evaluated.

The studies which provide the basis for the issuance of this food additive regulation are detailed in the regulation establishing tolerances for residues of diquat on certain raw agricultural commodities, which also appears in this issue of the **Federal Register.**

Based on a NOEL of 0.5 mg/kg in a 2-year rat feeding study (no cataracts observed at this level) and a safety factor of 100, the acceptable daily intake (ADI) is 0.005 mg/kg/day. For a 60 kg individual, the maximum permissible intake (MPI) is 0.30 mg/day. This tolerance and other currently pending tolerances will utilize 30.26 percent of the ADI.

There are no regulatory actions pending against registration of this chemical. The metabolism of diquat in plants and animals is adequately understood and an analytical method (high pressure liquid chromatography (HPLC) and spectrophotometry) is available for enforcement purposes. Two related documents, FAP 95239/R80 establishing a regulation for diquat on processed, dried potato waste and PP 9F2265/R329 establishing tolerances on several raw agricultural commodities, appear elsewhere in this issue of the **Federal Register.**

Based on the information considered by the agency, the pesticide is considered useful for the purpose for which the food additive regulation is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 86 Stat. 973–999, 89 Stat. 751; 7 U.S.C. 136(a) et seq. Therefore, the regulation amending 21 CFR Part 193 is established as set forth below, permitting residues of diquat in or on processed potatoes (including potato chips) at 0.5 ppm.

Any person adversely affected by this regulation may, on or before July 8, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St. SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945). Effective on June 8, 1981.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: May 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR 193.160 is amended by redesignating the existing text as paragraph (a), reserving paragraph (b) and adding paragraph (c) to read as follows:

§ 193.160 Diquat

(a) * * *

(b) [Reserved]

(c) A food additive regulation of 0.5 part per million is established for residues of diquat in processed potatoes (includes potato chips).

[FR Doc. 81–16856 Filed 6–5–81; 8:45 am]

BILLING CODE 6560–32–M

---

21 CFR Part 561

[FAP 9H5239/R80; PH–FRL–1847–2]

Diquat; Tolerances for Pesticides in Animal Feeds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a regulation permitting residues of the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium] derived from the application of the dibromide salt and calculated as the cation, in or on processed, dried potato waste at 1.0 part per million (ppm). This regulation was requested by Chevron Chemical Co. This regulation will establish the maximum permissible level for diquat in processed, dried potato waste.

EFFECTIVE DATE: June 8, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 9, 1979 (44 FR 65130) that Chevron Chemical Co., 940 Hensley St., Richmond, CA 94894, had submitted a feed additive petition (FAP 9H5239) to the EPA. The petition proposed that 21 CFR Part 561 be amended by establishing a regulation permitting residues of the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium] derived from the application of dibromide salt and calculated as cation in or on the animal feed, processed dried potato waste at 1.0 ppm.

No comments were received in response to this notice of filing. The data submitted in the petition and other relevant material have been evaluated. The studies which provide the basis for the issuance of this regulation are detailed in the regulation establishing tolerances for residues of diquat or

certain raw agricultural commodities which also appears in this issue of the **Federal Register.**

Based on a NOEL of 0.5 mg/kg in a 2-year rat feeding study (no cataracts observed at this level) and a safety factor of 100, the acceptable daily intake (ADI) is 0.005 mg/kg/day. For a 60 kg individual, the maximum permissible intake (MPI) is 0.30 mg/day. This tolerance and other currently pending tolerances will utilize 30.26 percent of the ADI.

There are no regulatory actions pending against registration of this chemical. The metabolism of diquat in plants and animals is adequately understood and an analytical method (high pressure liquid chromatography (HPLC) and spectrophotometry) is available for enforcement purposes. Two related documents, FAP 9H5239/R79 establishing a regulation for diquat on processed potatoes and PP 9F2265/R329 establishing tolerances for diquat on several raw agricultural commodities, appear elsewhere in this issue of the **Federal Register.**

Based on the information considered by the agency, the pesticide is considered useful for the purpose for which the feed additive regulation is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such uses are in accordance with label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 86 Stat. 973–999, 89 Stat. 751; 7 U.S.C. 136(a) et seq. Therefore, the regulation amending 21 CFR Part 561 establishing a feed additive regulation permitting residues of diquat in or on processed, dried potato waste at 1.0 ppm; is established as set forth below.

Any person adversely affected by this regulation may, on or before July 8, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on June 8, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: May 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR Part 561 is amended by adding § 561.215 to read as follows:

§ 561.215 Diquat.

A feed additive regulation of 1.0 part per million (ppm) is established for residues of the desiccant diquat [6,7-dihydrodipyrido (1.2-a:2',1'-c) pyrazinediium] derived from application of the dibromide salt and calculated as the cation, in processed, dried potato waste.

[FR Doc. 81-16855 Filed 6-5-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations: Transfer of Financial Assets to Federal Reserve Bank of New York

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purposes of the amendments are: (1) to direct banks and other persons holding Iranian financial assets to transfer them to the Federal Reserve Bank of New York on or before noon, E.D.T., June 19, 1981; (2) to revoke the policy of not seeking to impose criminal and civil sanctions on holders of Iranian property who do not comply with the transfer requirements of the Iranian Assets Control Regulations; (3) to provide additional guidance on the meaning of the term "commercially reasonable" rates of interest; (4) to make clear that no transfer requirement under § 535.213 or § 535.214 shall be deemed to authorize or compel any payment or transfer of any obligation under a standby letter of credit, performance bond, or similar obligation as to which a blocked account has been established pursuant to § 535.568 or as to which payment is prohibited under an injunction obtained by the account party; and (5) to require that persons making the required transfers of financial assets of Iran to the Federal Reserve Bank of New York promptly report on those transfers to the Office of Foreign Assets Control.

The amendments are needed to facilitate the ongoing implementation of the Iran-U.S. agreements of January 19, 1981, providing for the release of the hostages detained in Iran and the transfer of Iranian property blocked by the United States. See further discussion under "Supplementary Information".

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202) 376–0236.

SUPPLEMENTARY INFORMATION: In a recent decision, *Chas. T. Main International, Inc.* v. *Khuzestan Water & Power Authority*, No. 80–1027 (1st Cir., May 22, 1981), the United States Court of Appeals for the First Circuit held that the President has authority to order the transfer of blocked Iranian assets without regard to attachments or other judicial orders obtained subsequent to the November 14, 1979, blocking order, and that he has the authority to settle claims of U.S. parties against Iranian entities by providing for their submission to binding arbitration.

Similarly, the United States Court of Appeals for the District of Columbia Circuit, in *American International Group* v. *Islamic Republic of Iran*, No. 80–1779 (D.C. Cir., May 22, 1981), reviewed the Executive Orders nullifying attachments and suspending claims in implementation of the January 19, 1981, agreements, and rendered a judgment that the suspension of claims "is a lawful exercise of the President's power to arrange for the settlement of claims of American nationals against the governments of foreign states," and directed that attachments and other provisional remedies be vacated. These decisions confirm the legal judgments reached by the present Attorney General of the United States, and his predecessor, upholding the President's authority to order the prompt transfer of property in which Iran has an interest. Further, they provide the basis for

revocation of the policy established by the prior regulations against the seeking of civil and criminal sanctions against persons who hold or control Iranian property required to be transferred.

Section 203(a)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(3)), Section 1–103 of Executive Order 12279, Section 1–103 of Executive Order 12280, Section 1–103 of Executive Order 12281 and Section 535.219 of the Iranian Assets Control Regulations provide that compliance with the transfer directives of the Iranian Assets Control Regulations shall, to the extent thereof, be a full acquittance and discharge for all purposes of the obligations of the person so complying and further provide that no person shall be liable in any United States court for anything done or omitted in good faith compliance therewith.

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

31 CFR Part 535 is amended as follows:

1. Section 535.213 is amended by the revocation and removal of paragraph (b), by adding a new paragraph (b) in its place, and by adding paragraph (d) as follows:

§ 535.213 [Amended]

* * * * *

(b) Transfers of funds, securities or deposits under paragraph (a) of this section shall be in accordance with the provisions of § 535.221 of this part, and such funds, securities or deposits, plus interest at commercially reasonable rates from November 14, 1979, to the transfer date, shall be received by the Federal Reserve Bank of New York on or before noon, E.D.T., June 19, 1981. For periods for which rates are to be determined in the future, whether by agreement between Iran and the bank or otherwise (see § 535.440), interest for such periods shall be transferred to the Federal Reserve Bank of New York promptly upon such determination. Persons in possession or control of property required to be transferred by this section shall take all actions they believe necessary to effect the required transfers.

* * * * *

(d) The transfers of securities required by this section shall be made notwithstanding § 535.202.

2. Section 535.214 is amended by the revocation and removal of paragraph (b), by adding a new paragraph (b) in its place, and by adding paragraph (d) as follows:

§ 535.214 [Amended]

* * * * *

(b) Transfers of funds and securities under paragraph (a) of this section shall be in accordance with the provisions of § 535.221 of this part, and such funds and securities shall be received by the Federal Reserve Bank of New York on or before noon, E.D.T., June 19, 1981. Persons in possession or control of property required to be transferred by this section shall take all actions they believe necessary to effect the required transfers.

* * * * *

(d) The transfers of securities required by this section shall be made notwithstanding § 535.202.

3. Section 535.221 is amended by the revocation and removal of paragraphs (a), (b) and (f), by the revision of paragraphs (c) and (d) and by the redesignation of paragraphs. As revised, § 535.221 reads as follows:

§ 535.221 Compliance with directive provisions.

(a) Transfers of deposits or funds required by §§ 535.213 and 535.214 of this part shall be effected by means of wire transfer to the Federal Reserve Bank of New York for credit to the following accounts: with respect to transfers required by § 535.213, to the Federal Reserve Bank of New York, as fiscal agent of the United States, Special Deposit Account A, and with respect to transfers required by § 535.214, to the Federal Reserve Bank of New York, as fiscal agent of the United States, Special Deposit Account B.

(b) Securities to be transferred as required by §§ 535.213 and 535.214 of this part that are not presently registered in the name of Iran or an Iranian entity shall be delivered to the Federal Reserve Bank of New York in fully transferable form (bearer or endorsed in blank), accompanied by all necessary transfer documentation, *e.g.*, stock or bond powers or powers of attorney. All securities transferred, including those presently registered in the name of Iran or an Iranian entity, shall be accompanied by instructions to deposit such securities to the following accounts: with respect to transfers required by § 535.213, to the Federal Reserve Bank of New York, as fiscal agent of the United States, Special Custody Account A, and with respect to transfers required by § 535.214, to the Federal Reserve Bank of New York, as fiscal agent of the United States, Special Custody Account B.

(1) Securities which are in book-entry form shall be transferred by wire transfer to the Federal Reserve Bank of New York to the appropriate account named in this paragraph.

(2) Definitive securities which are in bearer or registered form shall be hand delivered or forwarded by registered mail, insured, to the Federal Reserve Bank of New York, Safekeeping Department, to the appropriate account named in this paragraph.

(c) If a security in which Iran or an Iranian entity has an interest is evidenced by a depositary receipt or other evidence of a security, the legal owner of such security shall arrange to have the security placed in fully transferable form (bearer or endorsed in blank) as provided in paragraph (b) of this section, and transferred pursuant to paragraph (b)(2) of this section.

(d) Any person delivering a security or securities to the Federal Reserve Bank of New York under paragraph (b) shall provide the Bank at least 2 business days prior written notice of such delivery, specifically identifying the sending person, the face or par amount and type of security, and whether the security is in bearer, registered or book-entry form.

4. Section 535.337 is revised to read as follows:

§ 535.337 Funds.

For purposes of this part, the term "funds" shall mean monies in trust, escrow accounts and similar special funds, money market funds, cash balances held by a broker/dealer, currency and coins. It does not include accounts created under § 535.568.

5. Section 535.438 is amended by redesignating the existing text as paragraph (a) and by adding a new paragraph (b) as follows:

§ 535.438 [Amended]

* * * * *

(b) No transfer requirement under §§ 535.213 or 535.214 shall be deemed to authorize or compel any payment or transfer of any obligation under a standby letter of credit, performance bond or similar obligation as to which a blocked account has been established pursuant to § 535.568 or as to which payment is prohibited under an injunction obtained by the account party.

6. Section 535.440 is revised to read as follows:

§ 535.440 Commercially reasonable interest rates.

For purposes of §§ 535.212 and 535.213, what is meant by "commercially

reasonable rates" depends on the particular circumstances. In the case of time or savings deposits, the "commercially reasonable rate" is that rate provided for by the deposit agreement or applicable law. With respect to other obligations where the rate remains to be determined, it is presently expected that the "commercially reasonable rate" will be the rate agreed upon by the bank and Iran. However, where a deposit has in fact operated as a demand account under Treasury license, it would be appropriate to treat the deposit for purposes of §§ 535.212 and 535.213 as a non-interest-bearing account.

7. New § 535.620 is added as follows:

§ 535.620 Report of transfer of domestic bank assets and financial assets held by nonbanking institutions.

(a) *Requirement for reports.* A report shall be filed on Form TFR-620 by any bank or nonbanking institution regarding any transfer to the Federal Reserve Bank of New York under §§ 535.213 and 535.214 within 5 business days of such transfer.

(b) *Contents of report.* Each report shall contain the following information:

(1) Name and address of the transferor (indicate whether bank or nonbanking institution).

(2) Name and telephone number of person to be contacted about the transfer.

(3) Description of the property transferred with a list of accounts transferred, including account party, account number, and account amount, with breakdown between principal and interest.

(4) Total value (market value in the case of securities) of each transfer.

(5) Date and time of transfer.

(6) A statement as to how interest was calculated, including rate(s) of interest and period(s) for which the rate(s) was applied.

(c) *Filing.* Reports shall be prepared in triplicate. Two copies shall be sent in a set to Unit 620, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. The third copy shall be retained for the reporter's records.

(d) *Confidentiality of reports.* Reports under this section are regarded as privileged and confidential but may be disclosed to Iran.

(Secs. 201–207, 91 Stat. 1626, 50 U.S.C. 1701–1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 26605; E.O. No. 12276, 46 FR 7913; E.O. No 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; and E.O. No. 12294, 46 FR 14111)

Dated: June 4, 1981.

Dennis M. O'Connell,

Director.

Approved:

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-17022 Filed 6-4-81; 3:47 pm]

BILLING CODE 4810-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP-9F2265/R329; PH-FRL 1847-3]

Diquat; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium] derived from the application of the dibromide salt and calculated as the cation in or on certain raw agricultural commodities. This regulation was requested by Chevron Chemical Co. This regulation establishes the maximum permissible level for residues of diquat in or on these commodities.

EFFECTIVE DATE: Effective on June 8, 1981.

ADDRESS: Written objections may be filed with the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 9, 1979 (44 FR 65130) that the Chevron Chemical Co., 940 Hensley St., Richmond, CA 94894, had submitted a pesticide petition (PP 9F2265) to the EPA. The petition proposed that 40 CFR 180.226 be amended by the establishment of tolerances for the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium] derived from application of the dibromide salt and calculated as the cation in or on the raw agricultural commodities eggs, milk, meat, fat, and meat byproducts of poultry at 0.01 part per million (ppm) and meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.02 ppm, and potatoes at .10 ppm.

The petitioner subsequently amended the petition by submitting a revised section F proposing that the tolerances be increased from 0.01 ppm to 0.02 ppm for eggs, milk and meat, fat, and meat byproducts of poultry.

No comments were received in response to the notice of filing. The data submitted in the petition and other relevant material have been evaluated.

This tolerance regulation is supported by the following studies: Eight acute oral feeding studies (rats, rabbits, mice, dogs, cows, and hens); two acute intraperitoneal studies (rat and rabbit); two acute dermal studies (rabbits); one acute skin irritation study (rat); one acute subcutaneous injection study (rat); two acute eye irritation studies (rabbits), one acute inhalation study (rat); two subchronic dermal studies (rabbits); two subchronic inhalation studies (rats); five chronic feeding studies (rats and dogs); one reproduction study (one-generation; rat); one teratology study (rat); and one oncogenic study (mouse).

A 2-year rat feeding study has demonstrated a NOEL of 10 ppm (i.e. no cataracts were observed at 10 ppm). In this same study, at 1,000 ppm, other than the appearance of cataracts, there was no effect on survival rate, hematology, clincial biochemistry, urinalysis, organ weights, incidence of tumors, and gross and microsopic tissue changes. Reproduction was not impaired in rats at a dietary intake level of 500 ppm, in a study where the same parents produced three consecutive litters. The 500 ppm level was nonteratogenic to rats. An 80-week feeding study showed that a 300 ppm (highest tested) level was nononcogenic to mice. Twenty daily applications of diquat dibromide to intact rabbit skin resulted in a NOEL of 20 mg of diquat cation/kg of body weight. Fifteen 6-hour daily inhalation exposures indicated that a NOEL was higher than 1.0 microgram/liter of air for rats, mice, guinea pigs, and dogs. Single (acute) exposures to diquat dibromide by oral or dermal routes resulted in the following LD_{50} values (mg cation/kg body weight): Rat, oral equals 400–440, and rabbit, dermal greater than 500. Single oral exposure of rats to a formulation containing 19.3 percent of

diquat cation resulted in an LD_{50} of 810 mg/kg and no gross or microscopic pathological tissue changes were observed at the 1,800 mg/kg level. No opacity or iritis occurred after a formulation containing 18.9 percent of diquat cation was sprayed into rabbits' eyes, and the eyes remained unwashed for 14 days.

The following additional data are required to fill gaps in the toxicity base and support registration: Acute and subchronic (21 days) inhalation studies (technical diquat dibromide and formulated product); acute dermal toxicity studies (technical); primary dermal irritation potential study (formulated product); primary eye irritation studies (technical and formulated product); a second teratology study in species other than rat; a multigeneration reproduction study; and mutagenicity studies.

Based on a NOEL of 0.5 mg/kg in the 2-year rat feeding study (no cataracts observed at this level), and a safety factor of 100, the acceptable daily intake (ADI) is 0.005 mg/kg/day. For a 60 kg person, the maximum permissible intake (MPI) is 0.300 mg/day. These tolerances, and other currently pending tolerances, utilize 30.26 percent of the ADI.

There are no regulatory actions pending against the registration of this chemical. The metabolism of diquat in plants and animals is adequately understood and an analytical method (high pressure liquid chromatography (HPLC) and spectrophotometry) is available for enforcement purposes. Two related documents, FAP 9H5239/R79 and FAP 9H5239/R80 establishing regulations permitting residues of diquat in processed potatoes (including potato chips) and processed, dried potato waste, respectively, appear elsewhere in this issue of the **Federal Register**.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances for diquat residues in or on the raw agricultural commodities will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before July 8, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St. SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on June 8, 1981.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: May 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.226 is revised to read as follows:

§ 180.226 Diquat; tolerances for residues.

Tolerances are established for residues of the plant growth regulator diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium] derived from application of the dibromide salt and calculated as the cation in or on the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat	0.02
Cattle, mbyp	0.02
Cattle, meat	0.02
Eggs	0.02
Goats, fat	0.02
Goats, mbyp	0.02
Goats, meat	0.02
Hogs, fat	0.02
Hogs, mbyp	0.02
Hogs, meat	0.02
Horses, fat	0.02
Horses, mbyp	0.02
Horses, meat	0.02
Milk	0.02
Potatoes	0.1
Poultry, fat	0.02
Poultry, mbyp	0.02
Poultry, meat	0.02
Sheep, fat	0.02
Sheep, mbyp	0.02
Sheep, meat	0.02
Sugarcane	0.05

[FR Doc. 81–16854 Filed 6–5–81; 8:45 am]

BILLING CODE 6560–32–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Health Services Administration

45 CFR Part 3

Conduct of Persons and Traffic on Certain Federal Enclaves; Correction

AGENCY: National Institutes of Health and Health Services Administration, Public Health Service, Department of Health and Human Services.

ACTION: Final rule; correction.

SUMMARY: This notice corrects a typographical error which appears in 45 CFR 3.23(c) of the regulations relating to parking published at 45 FR 41821, June 20, 1980.

FOR FURTHER INFORMATION CONTACT: William G. Ketterer, Senior Attorney, NIH, Office of the General Counsel, Building 31, Room 2B–50, National Institutes of Health, Bethesda, Maryland 20205, Telephone: (301) 496–6043.

SUPPLEMENTARY INFORMATION: On June 20, 1980, final regulations governing conduct and traffic on the NIH and Staten Island Federal Enclaves were published in the **Federal Register** (45 FR 41820), and subsequently were codified as 45 CFR Part 3 (revised as of October 1, 1980.) Paragraph (c) of § 3.23 of Title 45 CFR is corrected by amending the word "part" in the first line to read "park." As corrected paragraph (c) reads as follows: "(c) Visitors must park in areas identified for that purpose by posted signs or similar instructions, such as, 'visitor parking' and 'reserved for visitors'."

Dated: June 1, 1981.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 81–16928 Filed 6–5–81; 8:45 am]

BILLING CODE 4110–08–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80–239; RM–3473]

FM Broadcast Station in Orchard, Nebr.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 287 to Orchard, Nebraska, in response to a petition filed by Jerry L.

Miller. The assignment could provide Orchard with a first local aural broadcast service, as well as render significant first and second FM and nighttime aural services to surrounding areas and populations.

DATE: Effective August 3, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: May 26, 1981.

Released: June 2, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Orchard, Nebraska).

By the Chief, Policy and Rules Division:

1. The Commission has under consideration herein the *Notice of Proposed Rule Making*, 45 FR 37869, published June 5, 1980, which proposed the assignment of Class C FM Channel 287 to Orchard, Nebraska, as that community's first FM assignment, in response to a petition filed by Jerry L. Miller ("petitioner"). Supporting comments were filed by the petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Orchard (population 467),[1] in Antelope County (population 9,047), is located approximately 225 kilometers (140 miles) northwest of Omaha, Nebraska. The channel could be assigned to Orchard provided the transmitter site is located approximately 8 kilometers (5 miles) northwest of that community to comply with the minimum distance separation requirements of Section 73.207 of the Commission's Rules.

3. In support of its proposal, petitioner submitted information with respect to Orchard which is persuasive as to its need for a first FM channel assignment. In addition, petitioner pointed out, as it had earlier, that a substantial first FM service to 9,793 persons in a 4,264 square kilometer (1,666 square mile) area, second FM service to 8,543 persons in a 3,018 square kilometer (1,179 square mile) area, first nighttime aural service to 3,860 persons in a 2,122 square kilometer (829 square mile) area, and second nighttime aural service to 6,828 persons in a 2,828 square kilometer (1,105 square mile) area would be provided.

4. As requested in the *Notice*, petitioner submitted a preclusion study which indicates that the twenty-three precluded communities, with populations in excess of 1,000 and without any present FM assignments, have numerous alternative channels available for assignment.

5. We believe that the public interest would be served by the assignment of Channel 287 to Orchard, Nebraska. An interest has been shown for its use and such assignment could provide the community with a first local aural broadcast service, as well as rendering significant first and second FM and nighttime aural services to surrounding areas and populations.

6. Authority for the adoption of the amendment herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. Accordingly, it is ordered, That effective August 3, 1981, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Orchard, Nebr	287

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16829 Filed 6-5-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-237; RM-3361, 3721]

FM Broadcast Stations in Wilson and Grifton, N.C.; Changes Made in Table of Assignments; Radio Broadcast Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 257A to Grifton, North Carolina, in response to a proposal filed by Evelyn Joyce Ivey. The assignment could provide Grifton with a first local aural service. It also denies the request of BBC Broadcasting Corp. to assign the same channel to Wilson, North Carolina as that community's second local FM service.

DATE: Effective July 27, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: May 26, 1981.

Released: June 1, 1981.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Wilson and Grifton, North Carolina).

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making* herein, 45 FR 37239, published June 2, 1980, proposing the assignment of FM Channel 257A to Wilson, North Carolina, as that community's second FM assignment, in response to a petition filed by BBC Broadcasting Corp. ("petitioner"). Petitioner filed comments reiterating its intent to file for the channel, if assigned to that community. Comments and a counterproposal [1] were submitted by Evelyn Joyce Ivey ("Ivey"), in response to the *Notice*, in which she seeks assignment of Channel 257A to Grifton, North Carolina, as that community's first local aural FM broadcast service. She also stated therein her intent to file for the channel if assigned to Grifton. No replies to the counterproposal were received.

2. Since the distance between Wilson and Grifton is 64 kilometers (40 miles), and the required mileage separation for co-channel Class A assignments is 104 kilometers (65 miles), the proposals are mutually exclusive. No other channels are available for assignment to either community.

3. Wilson (population 29,347), is located in Wilson County (population 57,600), approximately 61 kilometers (38 miles) east of Raleigh, North Carolina. Wilson is presently served locally by fulltime AM Station WGTM, daytime-only AM Stations WLLY and WVOY,

[1] Population figures are taken from the 1970 U.S. Census.

[1] Public Notice of the Counterproposal was given August 13, 1980, Report No. 1244.

and FM Station WXXY (Channel 291). Grifton (population 1,860), which has no local service, is located on the border between Pitt County (population 73,900), and Lenoir County (population 55,204),[2] approximately 112 kilometers (70 miles) southeast of Raleigh and 64 kilometers (40 miles) southeast of Wilson.

4. Petitioner has previously submitted its community profile to reflect its stated need for a second FM service. Ivey, in her counter-proposal, points out that Grifton is a rapidly growing community with its own form of administration. She provides the preliminary 1980 Census data estimated population of 2,186 for Grifton, a 17.5% increase. Further, she states that the town is predominately residential, but that it has prospered for many years as the central area of an historical farming district. She also states that it has its own municipal services, stores, professional offices, financial institutions, schools, churches and civic organizations. The nearest radio stations are located 12–20 miles distant, in Kinston and Greenville, North Carolina, according to Ivey.

5. As assignment to Wilson would provide a second FM service to a community of over 29,000 population; conversely, if made to Grifton, that community would receive a first local aural FM broadcast service. In comparing these mutually-exclusive proposals, we place a higher priority on the extent of local aural services over the relative size of the communities.[3] While Wilson is a larger community than Grifton, it is adequately served by three AM stations and one FM. Basing our determination in accordance with the Commission's established FM priorities, lending preference to a first local aural service over a second FM service to a community, we will assign Channel 257A to Grifton.

6. In order to comply with the Commission's minimum distance mileage separation requirements, a site restriction of 5.2 kilometers (3.2 miles) east of Grifton is required for this assignment to avoid short-spacing to existing Station WQTR (Channel 256), in Whiteville, North Carolina.

7. Accordingly, it is ordered, That effective July 27, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the following community:

City	Channel No.
Grifton, N.C.	257A

8. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

9. It is further ordered, That the petition of BBC Broadcasting Corp. to assign Channel 257A to Wilson, North Carolina, is denied.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16828 Filed 6-5-81; 8:45 am]

BILLING CODE 6712-01-M

[2] Population figures are taken from the 1970 U.S. Census.

[3] See *Further Notice of Proposed Rule Making* in Docket 14185, FCC 62-867 (1962); *Anamosa and Iowa City, Iowa*, 46 FCC 2d 520, 524–525 (1974); *Springdale, Arkansas and Washburn, Missouri*, 46 FR 16268, published March 12, 1981.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

Pacific Halibut Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of final rule.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission, publishes notice of regulations promulgated by that Commission and approved by the United States Government to govern the Pacific halibut fishery for 1981.

The purpose of this regulation is to achieve conservation measures, and protective measures where necessary, to help rebuild and sustain at an adequate level the halibut stocks of the northern Pacific Ocean and Bering Sea.

EFFECTIVE DATE: June 7, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, (907) 586–7221, or Executive Director, International Pacific Halibut Commission, P.O. Box 5009, University Station, Seattle, Washington 98105, (206) 634–1838.

SUPPLEMENTARY INFORMATION: The International Pacific Halibut Commission (IPHC), under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington on March 29, 1979), has promulgated regulations governing the Pacific Halibut Fishery for 1981. The regulations have been approved by the Secretary of State of the United States of America and by the Governor-General of Canada, by Order-in-Council. On behalf of the International Commission, the regulations are now published in order to provide notice of their effectiveness, and to inform persons subject to the regulations of the restrictions and requirements established therein. The regulations are very similar to those which have been in effect in previous years under the Convention.

Because approval by the Secretary of State of the IPHC regulations is a foreign affairs function, *Jensen* v. *National Marine Fisheries Service*, 512 F. 2d 1189 (9th Cir., 1975), Executive Order 12291 and the Regulatory Flexibility Act, do not apply to this notice of the effectiveness and content of the regulations. Because there is no additional request of information from individuals, small businesses and other persons, this action does not increase the Federal paperwork burden under 44 U.S.C. 3501 *et seq.*

Dated: June 3, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR Part 301 is amended as follows:

1. The authority citation for Part 301 is revised to read as follows:

Authority: 5 UST 5; TIAS 2900; 16 USC 772–772j.

2. Part 301 is revised to read as follows:

PART 301—PACIFIC HALIBUT FISHERIES

Sec.

301.1 Regulatory areas.
301.2 Commercial fishing for halibut.
301.3 Fishing seasons.
301.4 Closed periods.
301.5 Closed area.
301.6 Catch limits.
301.7 Size limits.
301.8 Licensing of vessels.
301.9 Requirements for halibut processors.
301.10 Fishing gear.

Sec.
301.11 Retention of tagged halibut.
301.12 Supervision of unloading and weighing.
301.13 Sport fishing for halibut.
301.14 Previous regulations superseded.

Authority: 5 UST; TIAS 2900; 16 U.S.C. 772–772j.

§ 301.1 Regulatory areas.

(a) "Convention waters" means the waters off the west coasts of the United States and Canada, including the southern as well as the western coasts of Alaska, within the respective maritime areas in which each Party exercises exclusive fisheries jurisdiction as of March 29, 1979. For purposes of this Convention, the "maritime area" in which a Party exercises exclusive fisheries jurisdiction includes without distinction areas within and seaward of the territorial sea or internal waters of that Party. All bearings are magnetic, unless otherwise stated, and all positions are determined by the most recent charts issued by the United States Coast and Geodetic Survey or National Ocean Survey.

(b) Area 2 includes all waters east of a line running north-west one-quarter west (312°) from Cape Spencer Light (latitude 58°11'57" N., longitude 136°38'18" W.), and south and east of a line running south one-quarter east (177°) from said light, and is subdivided as follows: Area 2A includes all waters off the coasts of California, Oregon, and Washington in which the United States claims exclusive fisheries jurisdiction; Area 2B includes all waters off the coast of British Columbia in which Canada claims exclusive fisheries jurisdiction; and Area 2C includes all waters off the coast of Alaska, that are south of Cape Spencer, in which the United States claims exclusive fisheries jurisdiction.

(c) Area 3 includes all waters north and west of Area 2 that are east of the meridian of 170° W., excluding the Bering Sea, and is subdivided as follows: Area 3A includes all waters between Area 2 and a line extending from the most northerly point on Cape Aklek (latitude 57°41'15" N., longitude 155°35'00" W.,) to Cape Ikolik (latitude 57°17'17" N., longitude 154°47'18" W.), then along the Kodiak Island coastline to Cape Trinity (latitude 56°44'50" N., longitude 154°08'44" W.), then southeast by east one-quarter east (121°); Area 3B includes all waters between Area 3A and the meridian of 170° W.

(d) Area 4 includes all waters in the Bering Sea and all waters in the Gulf of Alaska west of the meridian of 170° W.

(e) The boundary between Area 3 and 4 is from Cape Kabuch Light (latitude 54°49'00" N., longitude 163°21'36" W.) to Cape Sarichef Light (latitude 54°36'00" N., longitude 164°55'42" W.), then to a point in Pumicestone Bay on Unalaska Island (latitude 53°31'45" N., longtitude 166°58'15" W.), then to Anangula (Ananiuliak) Island Light (latitude 52°59'48" N., longtitude 168°55'06" W.), then to the point of intersection with the meridian of 170° W. on Chuginadak Island (latitude 52°49'42" N., longtitude 170°00'00" W.); then true south.

§ 301.2 Commercial fishing for halibut.

The regulations and requirements in Section 3 to 12 pertain only to commercial fishing. The regulations for sport fishing are listed in Section 13.

§ 301.3 Fishing seasons.

The fishing seasons for each Regulatory Area are shown in the following table and will apply, providing that the catch limits specified in Section 6 are not taken earlier.

Regulatory area	Fishing period	Opening date	Closing date
2A	1	June 7	June 21.
	2	July 7	July 21.
	3	Aug. 6	Aug. 20.
	4	Sept. 5	Sept. 19.
2B	1	May 7	May 22.
	2	June 7	June 22.
	3	July 7	July 22.
	4	Aug. 6	Aug. 21.
	5	Sept. 5	Sept. 20.
2C	1	June 7	June 14.
	2	July 12	July 19.
3A	1	June 7	June 20.
	2	July 12	July 26.
	3	Aug. 16	Aug. 29.
	4	Sept. 19	Oct. 2.
3B	1	June 7	June 20.
	2	July 12	July 25.
	3	Aug. 26	Sept. 7.
	4	Sept. 26	Oct. 11.
4	1	June 7	June 22.
	2	July 14	July 29.
	3	Aug. 20	Sept. 4.
	4	Sept. 26	Oct. 11.

(b) Notwithstanding the provisions of paragraph (a), if Area 3A is closed under the provisions of Section 6 during either the first or second fishing period and prior to attaining the catch limit in Area 3B, Area 3B will close on the same date. Area 3B will reopen on August 25 and continue on the schedule specified in paragraph (a) until the catch limit specified in Section 6 is attained.

(c) Notwithstanding the provisions of paragraph (a), if Area 3A is closed under the provisions of Section 6 prior to attaining the catch limit in Area 4, Area 4 will close on the same date. Area 4 will reopen for an additional fishing period 10 days after the closure of Area 3A and remain open until the catch limit specified in Section 6 is attained, or November 15, whichever is earlier.

(d) Each fishing period shall begin at 1500 hours and terminate at 0600 hours on the designated dates. All hours of opening and closing shall be Pacific Standard Time (see table on last page).

§ 301.4 Closed periods.

(a) All waters shall be closed to commercial halibut fishing except as provided in Section 3 and the retention and landing of any halibut caught during any closed period is prohibited.

(b) Except as provided in Section 10(c), these regulations shall not prohibit fishing for species of fish other than halibut during the closed periods, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged. Nor shall these regulations prohibit the International Pacific Halibut Commission, hereinafter referred to as "the Commission", from conducting or authorizing fishing operations for research purposes.

§ 301.5 Closed area.

All waters in the Bering Sea (Area 4) that are east of a line from Cape Sarichef Light to a point northeast of St. Paul Island (latitude 57°15'00" N., longitude 170°00'00" W.), and south of a line from the latter point to Cape Newenham (latitude 58°39'00" N., longitude 162°10'25" W.) are closed to halibut fishing and no person shall fish for halibut therein, or shall have halibut in his possession therein except in the course of a continuous transit across the area.

§ 301.7 Catch limits.

(a) The total allowable catch of halibut to be taken in Area 2 during the halibut fishing periods shall be limited to 9,000,000 pounds (4,082 metric tons). It shall be divided as follows: 200,000 pounds (91 metric tons) of the total allowable catch may be caught in Area 2A; 5,400,000 pounds (2,449 metric tons) of the total allowable catch may be caught in Area 2B; and 3,400,000 pounds (1,542 metric tons) of the total allowable catch may be caught in Area 2C.

(b) The total allowable catch of halibut to be taken in Area 3 during the halibut fishing periods shall be limited to 13,000,000 pounds (5,897 metric tons). It shall be divided as follows: 11,000,000 pounds (4,990 metric tons) of the total allowable catch may be caught in Area 3A; 2,000,000 pounds (907 metric tons) of the total allowable catch may be caught in Area 3B.

(c) The total allowable catch of halibut to be taken in Area 4 during the halibut fishing periods shall be limited to 1,000,000 pounds (454 metric tons).

(d) The Commission will determine and announce the dates on which the catch limits will be attained in each area. Fishing for halibut in the area will be prohibited after that date.

§ 301.7 Size limits.

(a) No person, firm, or corporation shall take or have in possession any halibut that with head on is less than 32 inches (81.3 centimeters) as measured in a straight line, passing over the pectoral fin, from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. If the head has been removed, a size limit of not less than 24 inches (61.0 centimeters) as measured from the base of the pectoral fin, at its most anterior point, to the extreme end of the middle of the tail shall apply (see illustration on back page).

(b) It is unlawful for any person while on a fishing vessel and engaged in commercial fishing to mutilate or otherwise disfigure a halibut in any manner which prevents determining the minimum size set forth in paragraph (a) of this section.

§ 301.8 Licensing of vessels.

(a) All vessels 5 net tons or over that fish for halibut with setline gear must be licensed by the Commission. Vessels of less than 5 net tons or vessels which use hook and line gear other than setlines do not need a Commission license. The Commission's license requirements do not obviate licensing requirements of State or Federal Governments.

(b) The halibut license must be carried on the vessel at all times and shall be subject to inspection by customs and fishery officers of the Governments of Canada or the United States, hereinafter referred to as "the Governments" or by representatives of the Commission.

(c) The halibut license shall be issued without fee by customs or fishery officers of the Governments or by representatives of the Commission. Halibut licenses need not be renewed except that a new license is required for a vessel that is sold, transferred, renamed, or redocumented.

(d) The captain or operator of any vessel licensed under these regulations that shall fish for halibut in Area 4 must obtain a vessel clearance which must be validated both prior to such fishing and prior to unloading any halibut. This vessel clearance and validation shall be obtained at Dutch Harbor, Alaska, from United States customs officers, or from fishery officers if there are no United States customs officers. This regulation does not apply to fishermen who are resident in Area 4, and who unload all of their catches at ports within Area 4.

(e) A halibut license shall not be valid for halibut fishing nor for possession of halibut in any area closed to halibut fishing except while in transit to an area open to halibut fishing, or to or within a port of sale. The license shall be invalid for the possession of halibut if the licensed vessel is fishing or attempting to fish for any species of fish in any area closed to halibut fishing.

(f) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(g) No person on any vessel required to be licensed under subsection (a) shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued in conformity with the provisions of this section.

(h) The captain or operator of any vessel holding a license under these regulations shall keep an accurate log of all fishing operations including date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of two years and shall be open to inspection by authorized representatives of the Commission.

(i) The captain, operator, or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the Commission or by any officer of the Governments to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

§ 301.9 Requirements for halibut processors.

(a) All persons, firms, or corporations that buy halibut or receive halibut from fishing or transporting vessels or other carrier, shall keep records of each purchase or receipt of halibut, showing date, locality (statistical area), name of vessel, person, firm, or corporation purchased or received from, and the amount in pounds according to trade categories of the halibut.

(b) These records shall be retained for a period of two years and shall be open to inspection by officers of the Governments or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(c) The possession of halibut known to have been taken in contravention of these regulations is prohibited.

§ 301.10 Fishing gear.

(a) Halibut are to be taken only with hook and line gear. The retention or possession of halibut taken with any other gear, such as nets or pots, is prohibited.

(b) The retention or possession of halibut is prohibited when any commercial fishing gear other than hook and line gear or nets used solely for the capture of bait are on board.

(c) No person or vessel that has deployed any longline fishing gear in any area of convention waters during the 72 hours immediately preceding the opening of any applicable halibut fishing period shall catch, retain, or possess halibut in convention waters prior to the opening of the succeeding halibut fishing period.

§ 301.11 Retention of tagged halibut.

Nothing contained in these regulations shall prohibit any vessel at any time from retaining and landing a halibut which bears a Commission tag at the time of capture, provided that the halibut with the tag still attached is reported at the time of landing and made available for examinations by representatives of the Commission or by officers of the State, Provincial, or Federal Governments.

§ 301.12 Supervision of unloading and weighing.

The unloading and weighing of halibut may be subject to the supervision of customs or other authorized officers to assure the fulfillment of the provisions of these regulations.

§ 301.13 Sport fishing for halibut.

(a) Sport fishing is permitted from March 1 to October 31, and may be conducted with no more than two hooks attached to a handline or rod, or by spear. Not more than two halibut of any size per person per day shall be caught, possessed, or landed from a vessel that is engaged in sport fishing. After two halibut have been taken by any person, those halibut shall be landed before that person takes more halibut on any succeeding day.

(b) No sport-caught halibut shall be possessed aboard a vessel when the fish or shellfish aboard said vessel are destined for commercial use (sale, trade, or barter).

§ 301.14 Previous regulations superseded.

These regulations shall supersede all previous regulations of the Commission. These regulations shall be effective each succeeding year, until superseded.

International Pacific Halibut Commission

Robert W. Schoning, Chairman
Michael Hunter, Vice Chairman
Neils M. Evens
William W. Gilbert
Donald McLeod
Peter C. Wallin

Approved by: The Governor-General of Canada, by Order-In-Council, The Secretary of State of the United States of America.

[FR Doc. 81-16920 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 651

Atlantic Groundfish (Cod, Haddock and Yellowtail Flounder)

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of adjustment in yellowtail flounder catch limitations.

SUMMARY: This notice increases the catch limitation (pounds per week or trip, whichever is the longer period) for the open fisheries for all vessels landing yellowtail flounder from the management area west of 69° W. longitude. This action is necessary to correct an inconsistency between the present catch limitations for open and closed fishery conditions and to resolve misreporting problems with catches and catch locations. This should enhance the reliability of reported catch statistics.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930; or Frank Grice, Chief, Fisheries Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: 50 CFR 651.23 and Appendix B establish catch limitations for the commercial catching or landing of yellowtail flounder from each of two management areas (east of 69° W. longitude and west of 69° W. longitude). Section 651.23(f) gives the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), authority to adjust catch limitations for certain conservation and management purposes as specified in that section.

The Regional Director, Northeast Region, National Marine Fisheries Service (NMFS), has recommended that the catch limitation for yellowtail flounder west of 69° W. longitude be increased from the present 1,500 pounds per week or trip (whichever is the longer period) to 5,000 pounds per week or trip (whichever is the longer period), effective for all vessel classes. This action is necessary to resolve two fishery-related problems which are the result of the present catch limitation west of 69° W. longitude. The present catch limit of 1,500 pounds per week or trip west of 69° W. longitude for open fishery conditions potentially restricts total weekly catches for a vessel more than the 1,000 pounds per trip catch allowance under a fishery closure. This could occur during a closure when two or more 1,000 pound trips are completed within a week. By increasing the catch limitation for an open fishery, within limits established by the final regulations, the present inconsistency between catch limitations for open and closed fishery conditions will be resolved.

The second problem is due to the existence of different catch limits east and west of 69° W. longitude. The limit west of 69° W. longitude is 1,500 pounds per week or trip (whichever is the longer period), while the limit east of 69° W. longitude is 5,000 pounds per week or trip. This situation has resulted in misreporting by fishermen of catches and catch locations. Misreporting introduces error to the fishery data needed to assess the condition of yellowtail flounder stocks.

Appendix B to 50 CFR Part 651, which contains the catch limitations for the FCZ by species, management area, and vessel class, has been revised to conform with this action and is reprinted at the end of this document.

Classification

The Acting Administrator, NOAA, has determined that this action is not a major rule and does not require a regulatory impact analysis under Executive Order 12291. The Federal paperwork burden, as defined by 44 U.S.C. 3501 *et seq.*, is not increased for individuals and small businesses. Since this action implements existing regulations, a regulatory flexibility analysis, under 5 U.S.C. 601 *et seq.*, is not required. The environmental impact for this action was covered by the final environmental impact statement and supplements prepared for the fishery management plan for Atlantic groundfish and its amendments.

Signed at Washington, D.C., this 29th day of May 1981.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

50 CFR Part 651 is amended as follows:

1. The authority citation for Part 651 reads as follows.

Authority: 16 U.S.C. 1801 *et seq.*

2. In Part 651, Appendix B is revised to read as follows:

Appendix B—*Catch Limitations*

Vessel class	Gulf of Maine	Georges Bank and south
Cod (pounds per week) [1]		
Mobile gear:		
0-60 GRT	2,000	8,500
61-125 GRT	4,000	13,000
Over 125 GRT	5,500	15,000
Fixed gear	4,500	14,500
Haddock (pounds per week) [1]		
Mobile gear:		
0-65 GRT	5,000	7,000
61-125 GRT	7,000	14,000
Over 125 GRT	10,000	20,000
Fixed gear	16,000	16,000

Vessel class	West of 69° W. longitude	East 69° W. longitude
Yellowtail flounder: [2]		
0-60 GRT	5,000	5,000
61-125	5,000	5,000
Over 125 GRT	5,000	5,000

[1] No overruns are allowed. A vessel is allowed to land only the larger of the limits from either management area.

[2] Pounds per week or per trip, whichever is the longer time period. No overruns are allowed. In no instance may a vessel land more than 5,000 pounds of yellowtail flounder from the FCZ per week or per trip, whichever is longer, regardless of whether that vessel fished east of 69° W., west of 69° W., or in both areas.

[FR Doc. 81-16926 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 109
Monday, June 8, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Rules of Practice for Domestic Licensing Proceedings; Modifications to the NRC Hearing Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering several amendments to its Rules of Practice to facilitate expedited conduct of its adjudicatory proceedings. These amendments would require a person seeking intervention in formal NRC hearings to set forth the facts on which the contentions are based and the sources or documents used to establish those facts, limit the number of interrogatories that a party may file on another party in an NRC proceeding, and permit the boards to require oral answers to motions to compel and service of documents by express mail. An alternative formulation of the amendments would also require an increased threshold showing in support of a contention as a prerequisite to admission for hearing.

DATES: Comment period expires on June 29, 1981. No requests for extensions of time will be granted.

ADDRESSES: All interested persons who desire to submit comments in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Martin G. Malsch, Esq., Deputy General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C 20555 (202) 634–1465.

SUPPLEMENTARY INFORMATION: In recent weeks the Commission has been examining its hearing process to determine if there are means to expedite the hearing process without reducing its quality or fairness. As a result of this review the Commission has sought comment on several proposed amendments to 10 CFR Part 2, the Commission's Rules of Practice (46 FR 17216, March 18, 1981) and issued a "Statement of Policy on the Conduct of Licensing Proceedings." The Commission is soliciting comments on the following additional changes to the Commission's Rules of Practice:

1. Intervention in NRC Proceedings

Formal administrative hearings are always conducted by NRC as part of its proceedings on applications for constuction permits for nuclear power plants and frequently on applications for operating licenses and license amendments. Any member of the public whose interest may be affected by the proceeding is entitled to participate in NRC hearings under 10 CFR 2.714 and section 189a of the Atomic Energy Act (42 U.S.C. 2239a).

The Commission is concerned that its present intervention process is not satisfactorily serving the public's interest in efficient resolution of nuclear plant licensing issues. Trial-type hearings are generally acknowledged as best-suited for the resolution of contested factual issues. Thus, one means to more efficient decisionmaking is to reduce the possibility that time and resources may be expended by the parties and hearing tribunals in a proceeding on issues that do not involve material factual disputes. To this end, the proposed amendment seeks to relate the Commission's rules on intervention (10 CFR 2.714) more clearly and directly to the fact-oriented character of NRC licensing hearings. Under the proposal, a person who petitions to intervene and request a hearing would be required to set forth at the outset the facts on which the contention is based and the sources or documents used or intended to be used to establish those facts. This requirement would give other parties early notice of an intervenor's case so as to afford opportunity for an early motion for summary disposition where there is no factual dispute. The Commission official designated to rule on intervention questions could dismiss or otherwise impose a sanction respecting any petition, request, or contention that is found not to satisfy the requirement.

The Atomic Energy Act of 1954, as amended (42 U.S.C. 2239a) provides that "the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding." Commission rules for intervention (10 CFR 2.714(b)) further provide that a person who petitions to intervene in a proceeding must later submit "a supplement to his petition to intervene which must include a list of contentions which petitioner seeks to have litigated * * * and the bases for each contention set forth with reasonable specificity." To participate as a party, the petitioner must advance at least one contention that satisfies this requirement. The requirement of a list of contentions was intended to serve as the mechanism by which a would-be intervenor informs the parties to the proceeding and the hearing tribunal of the issues upon which the intervenor wishes to be heard. The list of contentions, in turn, was intended to crystallize the question whether such issues are germane to matters properly within the scope of the proceeding as set out in the notice of hearing or notice of opportunity for hearing. Admitted contentions are included as matters in controversy in a proceeding and, thus, govern the scope of administrative discovery under 10 CFR 2.740(b)(1).

Under present practice, the Commission official designated to rule on intervention questions examines each contention to determine whether (1) the contention is stated with the requisite specificity, (2) the basis is adequately delineated, and (3) the issue sought to raised is cognizable in an individual licensing proceeding. *Alabama Power Co.* (Joseph M. Farley Nuclear Plant, Units 1 and 2), ALAB–182, 7 AEC 210, 216–17 (1974).

The examination is limited to what appears within the four corners of the contention as stated. No inquiry is made into the merits of the contention. All that is required is that the petitioner "state his reasons (i.e., the basis) for his contention * * *" *Houston Lighting and Power Co.* (Allens Creek Nuclear Generating Station, Unit 1), ALAB–590,

11 NRC 542, 548 (1980). The petitioner is under no obligation to demonstrate the existence of some factual support for a contention, as a precondition to its acceptance under 10 CFR 2.714. That obligation currently arises later in the proceeding, either in opposition to a motion for summary disposition filed by another party (10 CFR 2.749) or at the evidentiary hearing. ALAB–590 *supra*, 11 NRC at 549–51.

Under the proposed amendment, an interested person petitioning to intervene in an NRC licensing proceeding and requesting a hearing must set forth in the supplement required by 10 CFR 2.714(b) a concise statement of the facts supporting each contention together with references to the specific sources and documents which have been or will be relied on to establish such facts. Thus, the amendment would strengthen one of the purposes of the present rule, which is to give notice to the parties and the adjudicatory board of a would-be intervenor's concern, by also requiring notice of (1) the facts on which the concern is based, and (2) the sources or references which have been or will be used to establish those facts. References by title to lengthy or general studies and reports would not suffice. If, for example, the BEIR Report or the Reactor Safety Study is relied upon, specific portions of the document must be referenced.

The amendment would permit the staff or applicant to seek and the presiding NRC official to compel a more specific or definite statement if the would-be intervenor (1) fails to submit any facts, sources, or references at all, or (2) submits purported facts, sources, or references which are so vague as to give inadequate notice. The presiding officer would have the authority to impose appropriate sanctions against a person whose supplement failed to satisfy the proposed requirement, including the power to dismiss a contention. As under existing practice, a person who fails to file a supplement which satifies the requirement with respect to at least on contention would not be permitted to participate as a party. See 10 CFR 2.714(b).

The proposed changes does not permit the NRC official authorized to rule on petitions for intervention to consider whether the facts, sources, or references contained in a supplement are legally sufficient to prove the contention. However, an obviously insufficient factual or evidentiary basis could prompt the staff or applicant to move early for summary disposition.

In recognition that one purpose of the contention process is to help frame the scope of subequent proceedings, an intervenor admitted to a proceeding would not be permitted, absent good cause, to seek or establish facts or rely on sources as to which notice was not given when the contention was admitted. However, an intervenor would not be limited to the facts, sources, and references identified in his supplement if he can show good cause such as, for example, newly discovered facts, sources, or references not reasonably available when the contention was admitted.

The Commission believes that the proposed amendment would not unlawfully restrict the intervention rights provided by the Atomic Energy Act of 1954 (42 U.S.C. 2239a) or the Administrative Procedure Act (5 U.S.C. 554–557). The amendment is intended to curtail an intervenor's right to participate only on these issues where the intervenor fails to identify the facts, sources, and references on which the intervenor has or will rely for the contention.

A member of the public has no absolute or unconditional right to intervene in a nuclear power plant licensing proceeding under the Atomic Energy Act. *BPI* v. *Atomic Energy Commission*, 502 F. 2d 424 (D.C. Cir. 1974). Section 189a of the Act which provides for intervention is subject to the Commission's rulemaking power under section 161p and, thus, to reasonable procedural requirements designed to further the purposes of the Act. *BPI* v. *Atomic Energy Commission, supra*, 502 F. 2d at 427, 428; *see also American Trucking Ass'ns, Inc.* v *United States*, 627 F. 2d 1313, 1320–23 (D.C. Cir. 1980). Furthermore, the right to intervention under section 189a for a member of the public is explicitly conditioned upon a "request." The proposed amendments would, in effect, provide that a "proper request" by a member of the public shall include a statement of the facts supporting each contention together with references to the sources and documents on which the intervenor relies to establish those facts. Finally, the Administrative Procedure Act creates no independent right to intervene in nuclear licensing proceedings. See *Easton Utilities Commission* v. *Atomic Energy Commission*, 424 F. 2d 847, 852 (D.C. Cir. 1970) (en banc); cf. *National Coal Operators' Assn.* v. *Kleepe*, 423 U.S. 388, 398–99, 46 L. Ed. 2d 580, 96 S. Ct. 809 (1976).

Comments also are requested on an alternative amendment to the rules on intervention that would impose additional requirements on persons seeking to intervene in nuclear licensing hearings. In particular, would-be intervenors could not have a contention admitted for hearing under the alternative formulation if the documents and other information submitted fail to demonstrate that there exists a genuine issue of material fact to be heard. The NRC official authorized to rule on intervention matters could use his or her technical knowledge in deciding whether a genuine issue of fact exists. Further, the alternative amendment would require the facts asserted in support of a contention to be sufficient to state a *prima facie* case. Finally, a contention raising only an issue of law would not be admitted for hearing but, rather, would be decided on the basis of briefs and/or oral argument in accordance with procedures to be established by the NRC presiding officer.

2. Limit on Interrogatories

Currently, parties to NRC proceedings may file interrogatories on the other parties without any specific limit. The Commission is requesting comment on a proposed rule which would provide that unless leave to file additional interrogatories is granted by a licensing board, parties may not file more than 50 interrogatories on another party in a single NRC proceeding. This rule would apply to all NRC proceedings including hearings on construction permit and operating license applications, license amendment proceedings, antitrust hearings, and enforcement proceedings. For purposes of the rule, in determining what constitutes an interrogatory, each subpart of a question (whether or not designated as such) would be considered as an interrogatory, except that requests for supporting reasoning relied upon or the name of a witness who will testify on a matter covered by an interrogatory response will not count as separate interrogatories. The rule would be applied in NRC proceedings prospectively. Thus, regardless of how many interrogatories a party has filed prior to the effective date of the rule, it could still file an additional 50 interrogatories on each party if the period for discovery has not been closed.

The Board may grant requests to file interrogatories exceeding the limit set forth in the rule if it determines that: (a) a response to the extra interrogatories is essential for the party to adequately prepare its case, taking into account the number of contentions in the proceeding, the complexity of issues, and timing of issuance and number of staff/applicant documents; (b) the information sought is

not otherwise reasonably available; and (c) the party was not improvident in its overall use of its first 50 interrogatories. This rule is designed to alleviate strains placed on the resources of the participants in NRC proceedings when an inordinate number of interrogatories are filed. In recent years, more than 20 United States district courts have adopted rules which similarly limit the number of interrogatories that may be filed on a party without leave of the court.

Even if this rule is adopted, the NRC staff would continue its practice of voluntarily making pertinent staff documents available to the public, and responding to requests for production of documents under 10 CFR 2.741 and the Freedom of Information Act.

3. Motions to Compel Discovery

Under the Commission's current regulations, parties may file responses to motions to compel. To expedite NRC proceedings, the Commission is proposing amendments to its regulations which would provide the Boards with the discretion to order that the responses be made orally in a conference telephone call or other prehearing conference, rather than in writing.

4. Service

The Commission is also proposing to permit its licensing boards to require service of documents by express mail (next day delivery). Currently, the Commission's rules provide five days for service of documents. Use of express mail in limited circumstances could reduce this time to two days.

The Commission would expect express mail delivery to be required only in those proceedings where it appears that construction of a facility may be finished prior to the completion of the operating license proceedings, or other similar circumstances where expedition is especially important. Because of the expense of express mail delivery, parties should be required to use that form of service only on those parties who are required to respond to the pleading being served. For example, a party may be required to file interrogatories on a party by express mail, but should not be required to express mail copies of the interrogatories to the Board or to the parties to the proceeding which are not being asked to respond to the interrogatories. Alternatively, if a party prefers not to use express mail, when so ordered by the Board, it could use first class mail and file its document three days earlier.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule affects the Commission's rules of practice and procedures by permitting expedition of the licensing process.

Proposed Regulatory Changes

Pursuant to the Atomic Energy Act of 1954, as amended, the energy Reorganization Act of 1974, as amended, and section 553 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 2 are contemplated.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. *Option A:* In § 2.714, paragraph (b) is revised to read as follows:

§ 2.714 Intervention.

* * * * *

(b) Not later than fifteen (15) days prior to the holding of the special prehearing conference pursuant to § 2.751a, or where no special prehearing conference is held, fifteen (15) days prior to the holding of the first prehearing conference, the petitioner shall file a supplement to his petition to intervene which must include a list of the contentions which petitioner seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity. The supplement must set forth a concise statement of the facts supporting each contention together with references to the specific sources and documents and portions thereof which have been or will be relied upon to establish such facts. A petitioner who fails to file such a supplement which satisfies the requirements of this paragraph with respect to at least one contention will not be permitted to participate as a party. Additional time for filing the supplement may be granted based upon a balancing of the factors in paragraph (a)(1) of this section.

Option B: In § 2.714, paragraph (b) is revised to read as follows:

§ 2.714 Intervention.

* * * * *

(b)(1) Not later than fifteen (15) days prior to the holding of the special prehearing conference pursuant to § 2.751a, or where no special prehearing conference is held, fifteen (15) days prior to the holding of the first prehearing conference, the petitioner shall file a supplement to his petition to intervene which must include a list of the contentions which petitioner seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity. The supplement must set forth a concise statement of the facts supporting each contention together with references to the specific sources and documents and portions thereof which have been or will be relied upon to establish such facts. A petitioner who fails to file such a supplement which satisfies the requirements of this paragraph with respect to at least one contention will not be permitted to participate as a party. Additional time for filing the supplement may be granted based upon a balancing of the factors in paragraph (a)(1) of this section.

(2) A contention shall not be admitted for hearing if the documents and other information submitted under paragraph (1) of this subsection fail to demonstrate that there is a genuine issue of material fact to be heard. In particular, failure to make such a submission or vagueness of the contention is sufficient ground for rejection.

(3) In making the decision as to whether a genuine issue of material fact exists, the members of the Boards may use their technical knowledge to judge the merit of the contention.

(4) A contention raising only an issue of law shall be decided on the basis of briefs or oral argument in accordance with procedures to be established by the presiding officer or the Board.

(5) A contention shall not be admitted if the facts asserted are legally insufficient to support the contention or if the contention is immaterial or irrelevant to the proposed action which is before the presiding officer or the Board.

2. Section 2.710 is revised to read as follows:

§ 2.710 Computation of time.

In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday at the place where the action or event is to occur, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon by mail, five (5) days shall be added to the prescribed period. Only two (2) days

shall be added when a document is served by express mail.

3. In § 2.712, paragraph (c) is revised to read as follows:

§ 2.712 Service of papers, methods, proof.

* * * * *

(c) How Service may be made. Service may be made by personal delivery, by first class, certified or registered mail including air mail, by telegraph, or as otherwise authorized by law. Where there are numerous parties to a proceeding, the Commission may make special provision regarding the service of papers. The presiding officer may require service by express mail.

* * * * *

4. In § 2.720, paragraph (h)(2)(ii) is revised to read as follows:

§ 2.720 Subpoenas.

* * * * *

(h) * * *

(2) * * *

(ii) In addition, a party may file with the presiding officer written interrogatories to be answered by NRC personnel with knowledge of the facts designated by the Executive Director for Operations. Upon a finding by the presiding officer that answers to the interrogatories are necessary to a proper decision in the proceeding and that answers to the interrogatories are not reasonably obtainable from any other source, the presiding officer may require that the staff answer the interrogatories. The limits on the number of interrogatories that may be served on a party pursuant to § 2.740b apply to the staff.

* * * * *

5. In § 2.730, paragraph (h) is added which reads as follows:

§ 2.730 Motions.

* * * * *

(h) Where the motion in question is a motion to compel discovery under this section or § 2.740(f), parties may file answers to the motion pursuant to paragraph (c) of this section. The Board, in its discretion, may order that the answer be given orally during a telephone conference or other prehearing conference, rather than in writing.

* * * * *

6. In § 2.740b, paragraph (c) is added which reads as follows:

§ 2.740b Interrogatories to parties.

* * * * *

(c) No party may file more than fifty (50) interrogatories on another party during the course of the proceeding, unless leave to do so is granted by the presiding officer. For purposes of this section each subpart of a question (whether or not designated as such) is considered as an interrogatory, except that requests for supporting reasoning relied upon or the name of a witness who will testify on a matter covered by an interrogatory response will not count as separate interrogatories. The Board will grant leave to file additional interrogatories if it determines that: (1) response to the extra interrogatories is essential for a party to prepare adequately its case, taking into account the number of contentions in the proceeding, the complexity of issues, and timing of issuance and number of staff/applicant documents; (2) the information sought is not otherwise reasonably available; and (3) the party was not improvident in its overall use of its first 50 interrogatories.

Dated at Washington, D.C. this 3rd day of June, 1981.

For the Commission

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-16571 Filed 6-5-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-10]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before: August 10, 1981.

ADDRESS: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on June 2, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Petitions for Rulemaking

Docket No	Petitioner	Description of the rule requested
21595	Irwin Diamond	Amend 14 CFR 121.538(a) to delete the following language, "remove all X-ray and scientific film from their carry-on baggage and items before inspection. If the X-ray system exposes any carry-on baggage or item to more than one milliroentgen during the inspection, the certificate holder shall post a sign which advises passengers to remove film of all kinds from their carry-on baggage and items before inspection" and insert in lieu thereof the following "remove all film from their carry-on baggage and items before inspection. The certificate holder shall post a sign which advises passengers that 'This X-ray machine is not film safe' or in the alternative that 'X-ray inspection may affect ordinary undeveloped film.'" The petitioners state that the signs are inaccurate, untruthful, misleading, and contrary to scientific fact and personal experience of travelers in that the X-ray machine even if they expose ordinary undeveloped film to one-half of one milliroentgen of radiation can damage the film either through one dose of radiation or the cumulative effect of several inspections.
21571	Bernard M. Diamond, M.D	Amend § 23.1447 adding para. (a)(5) "A nasal cannula may be used for pilots at or below 20,000 feet and for passengers at or below 22,000 feet instead of an oxygen dispensing unit (mask) covering the nose and mouth." This rule change will give users an optional method to comply with oxygen breathing requirements on aircraft.
21669	Air Polynesia, Inc.	Amend § 145.71 to remove that portion of the regulation that states, "if the Administrator finds that the station is necessary for maintaining or altering U.S.-registered aircraft outside the United States" and § 145.73(a) to allow certified foreign repair stations to work on any U.S.-registered aircraft. Petitioner states the restriction against domestic operators being authorized to use FAA-approved foreign repair stations is outmoded. Many foreign repair stations are highly competent, and the fortuity of whether an aircraft operates partly or wholly outside the United States should not determine what FAA repair facilities it can use.

Petitions for Rulemaking: Denied

Docket No.	Petitioner	Description of the rule requested
None this period		

[FR Doc. 81-16885 Filed 6-5-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ACE-8]

Transition Area, Boonville, Missouri; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Boonville, Missouri, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Jesse Viertel Memorial Airport, utilizing the Hallsville VORTAC as a navigational aid.

DATE: Comments must be received on or before July 18, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106. Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12 Street, Kansas City, Missouri 64106. All communications received on or before July 18, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Boonville, Missouri. To enhance airport usage, an additional instrument approach procedure to the Jesse Viertel Memorial Airport is being established, utilizing the Hallsville VORTAC as a navigational aid. The establishment of this new instrument approach procedure, based on this navigational aid, entails alteration of the transition area at Boonville, Missouri, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by altering the following transition area:

Boonville, Missouri

That airspace extending upwards from 700 feet AGL within a 5-mile radius of the Jesse Viertel Memorial Airport (Latitude 39°56'50" N, Longitude 92°41'19" W) and within 4 miles

each side of the 249° radial of the Hallsville VOR, from the 5-mile radius area to 19 miles SW of the Hallsville VOR, and within 3 miles each side of the 012° bearing from the Jesse Viertel Airport, extending from the 5-mile radius area to 8 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a signficant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on May 28, 1981.

James O. Robinson,

Acting Director, Central Region

[FR Doc. 81-16880 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AWA-6]

Proposed Alteration of VOR Federal Airway

Corrections

In FR Doc. 81-15025 appearing on page 27719 in the issue of Thursday, May 21, 1981; the heading should have appeared as set forth above, and on page 27720, second column, the sixth line from the bottom of the page, should have read as set forth below: "214°T (229°M) radials; Lebanon; to"

BILLING CODE 1505-01-M

Coast Guard

33 CFR Part 117

[CGD 81-034]

Drawbridge Operation Regulations; Passaic River, N.J.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Bergen County, New Jersey, the Coast Guard is reconsidering changing the regulations governing the Union Avenue drawbridge across the Passaic River, mile 13.2, Rutherford. The draw is presently required to open on signal. The draw would continue to open on signal from 8 a.m. to midnight and would require at least eight hours notice from midnight to 8 a.m. This proposal is being made because of a steady decrease in requests for nighttime openings. This change would relieve the County of the responsibility of providing full-time drawtenders and may still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before July 23, 1981.

ADDRESS: Comments should be submitted to and are available for examination from 8 a.m. to 4:30 p.m., Monday through Friday, at the office of the Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, New York, New York 10004 (212-668-7165).

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Aids to Navigation Branch, Third Coast Guard District, Bldg. 135A, Governors Island, New York, New York 10004 (212-668-7165).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting views, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed envelope or postcard. The Commander, Third Coast Guard District, will evaluate all communications and determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The principal persons involved in drafting this rule are: Richard A. Gomez, Project Manager, and Lieutenant Bruce H. Tobey, Project Attorney, Third Coast Guard District.

Discussion of Proposed Rule

An advance notice of proposed rulemaking was published in the **Federal Register** of April 14, 1980 (45 FR 25082), concerning changes to the operation regulations for the Union Avenue drawbridge, as well as those for the Jackson Street, Bridge Street, and Clay Street drawbridges across the Passaic River. Substantial opposition was expressed by the waterway users and it was decided to withdraw the proposals for the Jackson, Bridge, and Clay Street drawbridges. However, after reexamination, it was felt that the affected public should have the opportunity to comment on the Union Avenue drawbridge alone because there are relatively few openings during the proposed period.

The monthly number of openings from midnight to 8 a.m. have significantly decreased from 13 in 1976 to seven in 1977, five in 1978, 2.5 in 1979, and an average of 1.5 for the first nine months of 1980. The proposal would therefore have no more than a minimal impact on vessels. By eliminating the need for drawtenders to be stationed on the bridge from midnight to 8 a.m., the proposal would benefit Bergen County.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not be be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 dated May 22, 1980). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant impact on a substantial number of small entities.

In consideration of the foregoing, it is proposed that Part 117 of Title 33, Code of Federal Regulations, be amended as set forth below:

1. By redesignating Subdivisions (v), (vi) and (vii) of § 117.200(a)(4) as Subdivisions (vi), (vii) and (viii), respectively.

2. By adding a new § 117.200(a)(4)(v) to read as follows:

§ 117.200 Newark Bay, Passaic and Hackensack Rivers, N.J. and their navigable tributaries; bridges.

(a) * * *

(4) * * *

(v) Union Avenue bridge at Rutherford, mile 13.2, Passaic River. The draw shall open on signal from 8 a.m. to midnight. From midnight to 8 a.m., the draw need open only if at least eight hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: May 4, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 81-16906 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-1839-3]

California; Southeast Desert Air Basin Nonattainment Area Plan; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the California State Implementation Plan (SIP) were submitted to the Environmental Protection Agency (EPA) by the Governor's designee. These revisions consist of a Control Strategy and regulations for the Southeast Desert Air Basin (SEDAB) and constitute the Nonattainment Area Plan (NAP) for ozone (O_3). This air basin includes Imperial County and portions of the following counties: Los Angeles, Riverside and San Bernardino. The intended effect of the revisions is to meet the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas" for this air basin.

The Imperial County portion of the SEDAB Control Strategy is not addressed in this notice but is discussed in the November 10, 1980 **Federal Register** notice (45 FR 74480).

The EPA invites public comments on these revisions, the identified deficiencies, the suggested corrections and associated proposed deadlines, and whether they should be approved, conditionally approved, or disapproved, especially with respect to the requirements of Part D of the Clean Air Act.

DATE: Comments may be submitted up to July 8, 1981.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn.: Air & Hazardous Materials Division Air Programs Branch, SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revision and EPA's associated Evaluation Report are contained in document file NAP-CA-10 (Southeast Desert Air Basin), and are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812

Public Information Reference Unit, Room 2404 (EPA Library), 401 M Street, SW, Washington, D.C. 20460

In addition, copies of the applicable nonattainment area plan are avilable at the following locations:

South Coast Air Quality Management District, 9150 Flair Drive, El Monte, CA 91731

Southern California Association of Governments, 600 S. Commonwealth Avenue, Los Angeles, CA 90005

San Bernardino County Air Pollution Control District, 1111 E. Mill Street, Bldg. #1, San Bernardino, CA 92401

Los Angeles County Air Pollution Control District, 500 W. Temple Street, Los Angeles, CA 90012

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, SIP Section, Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX (415) 556-2938.

SUPPLEMENTARY INFORMATION: .

EPA Proposed Actions

The NAP for the Southeast Desert Air Basin portion of Los Angeles, Riverside and San Bernardino Counties has been evaluated for conformance with Part D of the Clean Air Act.

This notice provides a description of the NAP, summarizes the applicable Clean Air Act requirements, compares the NAP to those requirements, and proposes approval or conditional approval for each portion of the NAP.

The following portions of the SEDAB NAP for ozone for Los Angeles, Riverside and San Bernardino Counties have been determined to be consistent with Part D and are proposed to be approved and incorporated into the SIP: Emission inventory, modeling, emission reduction estimates, attainment provision, reasonable further progress, legally adopted measures (Riverside only), emissions growth, annual reporting, resources, public and government involvement, and public hearing requirements.

The following portions of the NAP for ozone contain minor deficiencies with respect to Part D and are proposed to be approved and incorporated into the SIP, with the condition that each deficiency be corrected by a specified deadline: legally adopted measures (except Riverside) and permit program.

Approval or conditional approval of all portions of the NAP for these counties would be sufficient to lift the current prohibition on construction of certain major new or modified sources in these nonattainment areas. This prohibition is required by the Clean Air Act and is discussed in detail in the July 2, 1979 **Federal Register** notice (44 FR 38471).

EPA is proposing in this notice to conditionally approve the Los Angeles, Riverside and San Bernardino portions of the SEDAB NAP for ozone. Upon final rulemaking action, conditional approval would be sufficient to lift the construction prohibition in this nonattainment area with respect to ozone.

Background

New provisions of the Clean Air Act, amended in August 1977, Pub. L. No. 95-95, require States to revise their SIPs for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the attainment status for all areas within the state. The Administrator promulgated these lists with certain modifications, on March 3, 1978 (43 FR 8962), and November 16, 1979 (44 FR 65986). State and local governments were required to develop, adopt and submit revisions to their SIP for nonattainment areas, by January 1, 1979 which meet the requirements of Part D of the Clean Air Act and which provide for attainment of the NAAQS as expeditiously as practicable.

On April 4, 1979 (44 FR 20372), EPA published a General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas. In addition, EPA published Supplements to the General Preamble on July 2, August 28, September 17, and November 23, 1979 (44 FR 38583, 50371, 53761 and 67182). The General Preamble supplements this notice by identifying the major considerations that will guide EPA's evaluation of the plan submittal.

The SEDAB portion of the Los Angeles, Riverside and San Bernardino Counties are all designated nonattainment for the primary standard for ozone and total suspended particulate matter (TSP). Imperial County is designated nonattainment for ozone.

On February 14, 1980 the Air Resources Board requested that SEDAB be redesignated from "nonattainment" to "unclassified" for TSP, in which case TSP plans would not be required. The redesignation request will be addressed in a separate **Federal Register** notice. However, regardless of the final outcome of the redesignation request, the present designation remains in effect until EPA promulgates a revised designation. Until then, an approvable TSP control strategy is required before requirements of Part D of the Clean Air Act, as amended in 1977, can be met.

Description of Proposed SIP Revision

On February 22, 1980 the California Air Resources Board (ARB) submitted the SEDAB ozone Control Strategy (Chapter 19) to EPA as a revision to the California SIP. The Los Angeles County and San Bernardino County portions of the control strategy were prepared by the Air Resources Board staff. The South Coast Air Quality Management District (SCAQMD) staff prepared the Riverside County portion of the Control Strategy with the assistance of the Southern California Association of Governments (SCAG).

The SEDAB Control Strategy is comprised mainly of four local nonattainment area plans (including the Imperial County plan) and the corresponding ARB resolutions. The plans for the three counties addressed in this notice, consist of the following major components:

—A basic description of the nonattainment area including topography, air monitoring network, and air quality standards;
—An emission inventory identifying emission source categories and their estimated present and, in some cases, projected emissions;
—A discussion of the specific control strategies selected from the listing of potential control measures and incorporated into the plan including their description, implementation, and impact;
—An identification of resources as they apply to the selected control strategies; and
—A discussion of the public participation, intergovernmental consultation, and continuing planning processes.

The ARB Resolutions provide the following information for the Southeast Desert Air Basin:

—The attainment/nonattainment designation for each area pollutant and consequent schedule for the review, adoption and approval of the SIP revision.
—A summary of each locally adopted NAP which includes a discussion of the control strategy and requirements for an adequate nonattainment plan, and a summary of findings and recommended ARB action.

The locally adopted plans indicate that attainment by 1982 of the ozone standard in Los Angeles, San Bernardino and Riverside is not possible despite the implementation of all reasonably available control measures. An extension of the ozone attainment date until no later than December 31, 1987 has been requested. The control measures described in the plan include:

—A program to ensure that new industrial sources do not add to the air pollution problem in the basin;
—Controls on the use of products which contain organic solvents;
—Controls to limit emissions from petroleum handling operations;
—Mobile source controls;
—Stationary source controls.

In addition to those portions of the February 22, 1980 submittal described above, this notice considers the following amendments to the Los Angeles and San Bernardino County rules and regulations submitted to EPA on the indicated dates as revisions to the SIP by the Governor's Designee. These rules supplement the Control Strategy.

San Bernardino County

May 23, 1979

Rule 442 Usage of Solvents
Rule 463 Storage of Organic Liquids
Rule 1113 Architectural Coatings

September 5, 1980

Regulation XIII—New Source Review

Rule 1301 General Requirements
Rule 1302 Definitions
Rule 1303 Applicability and Analysis
Rule 1304 Exemptions from Regulation XIII
Rule 1305 Special Permit Provisions
Rule 1306 Emission Calculations
Rule 1307 Emission Offsets
Rule 1308 Eligibility of Emission Offsets
Rule 1310 Analysis, Notice, and Reporting
Rule 1311 Power Plants
Rule 1313 Permits to Operate

November 28, 1980

Rule 67 Fuel Burning Equipment (Deletion)

December 15, 1980

Rule 461 Gasoline Transfer and Dispensing
Rule 462 Organic Liquid Loading

Los Angeles County

September 5, 1980

Regulation XIII—New Source Review

1301 General
1302 Definitions
1303 Applicability and Analysis
1304 Exemptions from Regulation XIII
1305 Special Permit Provisions
1306 Emission Calculations
1307 Emission Offsets
1308 Eligibility of Emission Offsets
1310 Analysis, Notice and Reporting
1311 Power Plants
1313 Permits to Operate

This notice also considers the addition of the SEDAB portion of Riverside County into the SCAQMD as a revision to the SIP. This revision was submitted to EPA on August 11, 1980 by the ARB. The effect of the proposed revision is to make all the SCAQMD rules applicable throughout Riverside County.

Criteria for Approval

The following list summarizes the basic requirements for nonattainment area plans. The citations which follow, referring to portions of the Clean Air Act, provide the bases for those requirements.

1. An accurate inventory of existing emissions (172(b)(4)).

2. A modeling analysis indicating the level of control needed to attain by 1982 and in the case of an extension request, by 1987 (172(a)).

3. Emission reduction estimates for each adopted control measure (172(a)).

4. A provision for expeditious attainment of the standards (172(a)).

5. Provisions for reasonable further progress as defined in Section 171 of the Act (172(b)(3)).

6. Adoption in legally enforceable form of all measures necessary to provide for attainment or, in certain circumstances where adoption by 1979 is not possible, a schedule for development, adoption, submittal, and implementation of these measures (172(b)(2)(8) and (10)).

7. An identification of an emissions growth increment (172(b)(5)).

8. Provisions for annual reporting with respect to items (5) and (6) above (172(b)(3) and (4)).

9. A permit program for major new or modified sources (172(b)(6) and 173).

10. An identification of and commitment to the resources necessary to carry out the plan (172(b)(7)).

11. Evidence of public, local government, and State involvement and consultation (172(b)(9)).

12. Evidence that the proposed SIP revisions were adopted by the state after reasonable notice and public hearing (172(b)(1)).

13. For carbon monoxide and ozone SIP revisions that provide for attainment of the primary standard later than 1982:

a. A permit program for major new or modified sources requiring an evaluation of alternative sites and consideration of environmental and social costs (172(b)(11)(A)).

b. A provision for implementation of all reasonably available control measures for mobile and transportation sources (172(a)(2)).

c. A commitment to establish, expand, or improve public transportation to meet basic transportation needs (110(a)(3)(D) and 110(C)(5)(D)).

d. In addition to the above, for major urbanized areas, a specific schedule and legal authority for implementation of a vehicle emission control inspection and maintenance program (172(b)(11)(B)).

14. For ozone nonattainment areas requiring an extension beyond 1982, the revision must also provide for adoption of legally enforceable regulations to reflect the application of reasonably available control technology (RACT) to those volatile organic compound (VOC) stationary sources for which EPA has published a Control Techniques Guideline by January 1978, and a commitment to adopt RACT regulations for additional sources to be covered by future guidelines (172(a)(2)). For rural areas (and urban areas that demonstrate attainment by 1982), only large sources (more than 100 tons/year emissions) must be so regulated.

Discussion

The paragraph numbers below correspond to the Part D Nonattainment Area Plan (NAP) requirements discussed in the preceding section, Criteria for Approval. In this section the word "plan(s)" means the overall SEDAB NAP or portions of the NAP, specific to certain area(s). EPA policy for approval of ozone NAPs submitted as 1979 SIP revisions differentiates between rural and urban ozone nonattainment areas and is discussed in the General Preamble. Based on the definition of rural areas and the policy, the ozone plans for the Los Angeles, San Bernardino and Riverside County nonattainment area portions of the Southeast Desert Air Basin have been reviewed against the rural requirements. As referenced in the General Preamble, EPA's minimum requirements for an approvable 1979 rural nonattainment area plan do not require that all of the fourteen Criteria for Approval listed above be fully met. Each criterion is discussed in depth below. Where a plan deficiency is identified, recommendations for revision of the plan are specified. As noted in the Summary section, EPA reviewed the ozone plans for conformance with the criteria and, in this section, identifies the portions of the plans that (1) are approvable, or (2) are conditionally approvable.

1. *Emission Inventory.* The ozone plans for the Los Angeles, San Bernardino and Riverside County portions of the Southeast Desert Air Basin (hereinafter termed the three County plans) each include an emission inventory for hydrocarbons (HC) for the base year 1976. The Los Angeles and San Bernardino County plans indentify emission source categories and their estimated emissions for the base year and projected emissions for 1982 and 1987. The Riverside County plan identifies emission source categories and their estimated emissions for the base year only.

The base year HC inventories for the three County plans appear to be reasonably comprehensive, current and accurate and EPA therefore proposes to approve this portion of the three County plans.

2. *Modeling.* None of the three County plans contains an air quality modeling analysis that allows calculation of emission reductions needed to project attainment of the 0.12 parts per million primary ozone standard by 1982. However, as referenced in the General Preamble for Proposed Rulemaking (44 FR 20376), EPA policy does not require a specific demonstration of attainment by rural ozone areas in the 1979 SIP revisions. Therefore, absence of such model is not considered a deficiency and EPA proposes to approve this portion of the three County plans.

3. *Emission Reduction Estimates.* Emission reduction estimates are not provided for all HC control measures contained in the three County plans. However, since EPA policy does not require a specific demonstration of attainment by rural ozone areas in the 1979 SIP revisions, the absence of emission reduction estimates for each adopted or scheduled control measure or for related groups of control measures is not considered a deficiency and EPA proposes to approve this portion of the three County plans.

4. *Attainment Provision.* The three County plans do not quantitatively provide for attainment of the primary ozone standard by the statutory dates. However, EPA policy for rural O_3 areas does not require a specific demonstration of attainment. Thus, EPA proposes to approve the ozone attainment portion of the three County plans.

5. *Reasonable Further Progress.* The three County plans do not contain a demonstration of reasonable further progress for attainment of the ozone standard. As referenced in the General Preamble, the 1979 ozone SIP revision for rural areas need not provide for annual incremental reductions in emissions which would demonstrate reasonable further progress. Thus, EPA proposes to approve this portion of the three County plans.

6. *Legally Adopted Measures.* On August 11, 1980, the State submitted, as a revision to the SIP, Riverside County Resolution 79–362 which adds the eastern portion of Riverside County which is in the SEDAB, into the South Coast Air Quality Management District (SCAQMD). The effect of this proposed revision is to make all the SCAQMD rules applicable throughout Riverside County. The State also provided documentation necessary to confirm that this action took place pursuant to State law. EPA proposes to include this revision into the SIP and therefore proposes to approve this portion of the SEDAB NAP for Riverside County. Because the SCAQMD rules are, on the whole, more stringent than the current federally enforceable rules in Riverside (SEDAB portion), EPA proposes to include this revision into the SIP.

Volatile Organic Compounds (VOC) Rules. For rural ozone nonattainment areas such as the SEDAB, the plans must include adopted, legally enforceable regulations which reflect the application of reasonably available control technology (RACT) for those major stationary source categories (i.e., those with over 100 tons/year potential emissions) for which EPA has published a Control Technique Guideline (CTG) document. In addition, the three County plans must contain a commitment to adopt RACT regulations for major sources in categories to be addressed by future CTG documents.

The CTG's provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT, based on EPA's current evaluation of the capabilities and problems general to an industry. The State may develop case-by-case RACT requirements, independent of EPA's recommendation, for any source or groups of sources. Therefore, the basis for an EPA decision to approve a regulation as satisfying the requirements of the Act for RACT consists of the applicable CTG document, any material which must be submitted by the State justifying that the regulation satisfies the requirements of the Act for RACT (based on the economic and technical circumstances of the particular sources being regulated), and public comment on the submitted regulation and supporting material.

The three County plans indicate that of the 15 source categories (addressed by 11 CTG documents) for which adopted regulations are required, six exist in the San Bernardino and Riverside County nonattainment area portion of the SEDAB, and five exist in the Los Angeles County portion.

The source categories which exist in the three County nonattainment area portion of the SEDAB include service stations, bulk plants, bulk terminals, degreasing operations, and cutback asphalt; in addition, fixed-roof tanks exist as a source category in the San Bernardino and Riverside County

nonattainment area portion of the SEDAB. The following regulations were submitted by the State on the dates show, in response to the requirements for RACT:

Los Angeles County Plan (Los Angeles Air Pollution Control District rules)

No new rules submitted

San Bernardino County Plan (San Bernardino Air Pollution Control District rules)

Rule 463 Storage of Organic Liquids (submitted May 23, 1979)
Rule 461 Gasoline Transfer and Dispensing
Rule 462 Organic Liquid Loading (submitted December 15, 1980)

Riverside County Plan. SCAQMD Rule 462, Rules 1108 and 1108.1, Rule 461, and Rule 1122, were evaluated relative to nonattainment area plan requirements and incorporated into the SIP in a separate **Federal Register** Notice (46 FR 5965, January 21, 1981).

The following regulations are currently part of the approved State Implementation Plan (SIP) for the air pollution control districts (APCD) listed below. These regulations have also been evaluated, since they contain control requirements for some of the above-noted source categories:

Los Angeles County Plan (LA-APCD rules)

Rule 462 Organic Liquid Loading (submitted June 8, 1977)

Riverside County Plan (SCAQMD rules)

Rule 463 Storage of Organic Liquids (submitted November 4, 1977)

EPA has reviewed the submitted regulations and the previously-approved regulations listed above in relation to the respective CTG for each of the categories. Based on the information in the CTGs, EPA believes that the regulations are adequate to fulfill the requirements for RACT for service stations, bulk plants and bulk terminals. In addition, EPA believes the regulations are adequate to fulfill the requirements for RACT for degreasing, cutback asphalt and fixed-roof tanks in Riverside County.

The present SIP submittal does not indicate that all regulations have been adopted for all of the necessary reasonably available control technology (RACT) for volatile organic compound (VOC) sources. Specifically, regulations have not been submitted in legally enforceable form for inclusion in the SIP for cutback asphalt operations or solvent metal degreasing for the Los Angeles and San Bernardino County plans and therefore these plans do not satisfy the requirements of Sections 172(b)(2) and (b)(3) of the Clean Air Act. The State has, however, submitted model rules applicable to each of these source categories. The State has requested that EPA regard the model rules as "draft rules," and review each of these rules for consistency with EPA statutory requirements. Based on the information in the CTGs, EPA believes the model rules contain control requirements sufficient to fulfill the requirement for RACT. However, the plans may not be fully approved until adopted rules are submitted (or the State certifies that no major sources exist). If the State submits adopted regulations which are similar and equivalent to the model rules, the regulations for the above mentioned categories would be approvable, and would fulfill the requirements for RACT for these source categories. EPA may proceed to final rulemaking upon receipt of such adopted regulations without further notice to the public.

As stated above, the three County plans must contain a commitment to adopt VOC RACT regulations for source categories to be covered by future CTG documents. The plans contain a resolution committing to implement all other reasonably available control measures needed to attain the standard as expeditiously as practicable. It is concluded that this commitment is adequate.

San Bernardino and Riverside Counties have fulfilled the requirement for floating roof tanks by submission of the rules described above which also regulate fixed-roof tanks. The Los Angeles County Plan indicates it has no floating roof tanks.

The Los Angeles County plan contains a commitment to adopt a control measure for architectural coatings. Although this source category has not been addressed by the CTG documents published by EPA as of January 1978, the State has found this measure to be appropriate, enforceable and reasonably available to regulate emissions from this source category. Therefore, EPA proposes to approve and incorporate this commitment into the SIP.

The State has also submitted the following regulations which implement control tactics included in the San Bernardino County plan on May 23, 1979:

Rule 442 Usage of Solvents
Rule 1113 Architectural Coatings

These regulations should be approved for inclusion in the SIP, since they will strengthen the SIP.

The legally adopted measures portion of the three County plans is proposed to be approved with the following condition:

Los Angeles County Plan

San Bernardino County Plan

State submittal to EPA 90 days following notice of final rulemaking of one of the following: (a) certification that there are no major sources of cutback asphalt or degreasing operations in the Los Angeles or San Bernardino County portions of the SEDAB; or (b) adopted regulations which represent RACT. Adopted regulations which are similar and equivalent to the model rules would satisfy this condition.

All submitted regulations are to contain emission limitations, schedules of compliance, and other items necessary to meet Part D requirements for rural areas.

40 CFR Part 52

In addition to the proposed rulemaking action, the following Federally promulgated regulations from the Code of Federal Regulations, 40 CFR Part 52, are proposed to be rescinded or amended because they have been replaced by a revised set of control measures or regulations contained in the three County plans, and/or they have been invalidated by previous legal action:

Los Angeles County—Southeast Desert Air Basin

A. *52.233 Review of new sources and modifications.* Subparagraphs (d)(8)(i) and (g)(ix)(a) are proposed to be rescinded. Also, subparagraphs (h), (i), and (j) have been invalidated by the Clean Air Act (CAA) amendments of 1977.

B. *52.238 Attainment dates for national standards.* The attainment dates in this section are proposed to be changed in accordance with the submitted nonattainment plan.

52.269(a) Control Strategy and Regulations:

Photochemical oxidants (hydrocarbons) and carbon monoxide
Replaced by newly submitted control strategy

San Bernardino County—Southeast Desert Air Basin

A. *52.233 Review of new sources and modifications.* Subparagraphs (d)(8)(iii) and (g)(ix)(c) are proposed to be rescinded.

B. *52.238 Attainment dates for national standards.* The attainment dates in this section are proposed to be changed in accordance with the submitted nonattainment plan.

52.269(a) Control Strategy and Regulations:

Photochemical oxidants (hydrocarbons) and carbon monoxide
Replaced by newly submitted control strategy

Riverside County—Southeast Desert Air Basin

A. *52.233 Review of new sources and modifications.* Subparagraphs (d)(8)(ii) and (g)(ix)(b) are proposed to be rescinded. Also, subparagraphs (h), (i), and (j) have been invalidated by the CAA amendments of 1977.

B. *52.238 Attainment dates for national standards.* The attainment dates in this section are proposed to be changed in accordance with the submitted nonattainment plan.

52.269(a) Control Strategy and Regulations:

Photochemical oxidants (hydrocarbons) and carbon monoxide
Replaced by newly submitted control strategy

Rule 67, Fuel Burning Equipment, specifies emission limits for new sources of fuel burning equipment in the SEDAB. Since the emission requirements for new fuel burning sources are being replaced by equivalent or better control requirements contained in the SEDAB nonattainment area plan, the recission of Rule 67 is proposed to be approved, as applied to new sources. However, in order to prevent existing sources from removing control equipment, the emission limit of Rule 67 is also proposed to be partially retained, applicable only to (existing) sources granted permits prior to final recission of Rule 67 by EPA.

7. *Emissions Growth.* The three County plans contain adopted New Source Review rules (see Criteria #9, Permit Program for further discussion) which use emission offsets for major new or modified stationary sources to limit emissions growth. This approach is acceptable and EPA proposes to approve this portion of the three County plans.

8. *Annual Reporting.* The three County plans do not specifically contain provisions for annual reports of reasonable further progress including an updated emission inventory. EPA policy for rural ozone plans does not specifically require the 1979 plans to contain all of the above items. Thus, EPA proposes to approve this portion of the three County plans.

9. *Permit Program.* The three County plans provide for a permit program as required by Sections 172 (b)(6) and 173 of the Act through the submittal of New Source Review (NSR) rules which have been adopted in a legally enforceable manner as required by Section 172 (b)(10).

On the dates noted previously, the governor's designee submitted NSR rules for the Riverside,[1] Los Angeles, and San Bernardino County portions of the Southeast Desert Air Basin.

Section 173 of the Act contains the requirements for approval of a permit program. EPA has established guidance based on Section 173 in (1) EPA's Emission Offset Interpretative Ruling (January 16, 1979, 44 FR 3274) and (2) EPA's proposed amendments to regulations for NSR and the Emission Offset Interpretative Ruling (September 5, 1979, 44 FR 51924).

EPA has reviewed the NSR rules for the three County plans with respect to the guidance based on Section 173. The NSR rules for the three County plans do contain differences from the Section 173 guidance. The most significant difference is as follows:

Rule 1306, "Emission Calculations" in all three County plans allows using the highest three years of the past five years period to determine "existing" emissions when company records are used to calculate emissions for offsets. In addition, in the Los Angeles and Riverside County rule, emission increases up to 100 lbs/day are not counted where the October 8, 1976 cutoff date is used.

An NSR permit program cannot be approved or conditionally approved with this deficiency; hence, certain portions of the rule noted above are being proposed for disapproval. Specifically, EPA is proposing to disapprove the following portions of the rule.

1. *Los Angeles County*
Riverside County
San Bernardino County

In Rule 1306(c)(1)(B)(ii), 1306(c)(1)(C), 1306(d)(1)(B)(ii), and 1306(d)(1)(C): "* * * which have occurred during the highest three years of the last five year period, (which exhibited the highest emission levels), divided by the total number of actual operating days in those three years (divided by three): *Provided,* The applicant demonstrate that such permit units have been operated at least 90 days during each of such three years."

2. *Los Angeles County*
Riverside County

In Rule 1306(a)(1), sentence 3.

[1] The NSR rules for the South Coast Air Basin were conditionally approved in a separate **Federal Register** Notice (see 46 FR 5966, January 21, 1981). EPA is proposing in today's notice to approve the addition of the SEDAB portion of Riverside County into the SCAQMD as a revision to the SIP. The effect of the proposed revision is to make all the SCAQMD rules applicable throughout Riverside County. SCAQMD NSR rules are being noticed in this proposed rulemaking since they have not previously been evaluated relative to the Riverside County portion of the SEDAB.

Aside from these disapprovable portions, the NSR rules for the three plans contain only minor deficiencies with respect to the Section 173 requirements including the definitions of "stationary source" and lowest achievable emission rate (LAER). [All of the deficiencies are described in EPA's Evaluation Report, which is available at the locations identified in the addresses portion of this notice. Additionally, the Evaluation Report contains a review of the submitted rules with respect to particulate matter since the SEDAB is designated nonattainment for both ozone and TSP.

It should be noted that EPA has published two final rulemaking notices on the September 5, 1979 proposed amendments to EPA's NSR regulations and the Emission Offset Interpretive Ruling. These notices, published on May 13, 1980 (45 FR 31307) and August 7, 1980 (45 FR 52676), amend EPA's requirements for NSR under Section 173. The State is required to comply with the August 7, 1980 requirements by 60 days following publication of final rulemaking.

EPA proposes to conditionally approve and incorporate into the SIP the submitted NSR rules for the three County plans, with the proposed deletions, with the following condition. The NSR rules in the three County plans must be revised and submitted as a SIP revision 60 days following publication of final rulemaking. In revising the NSR rules, the following must be addressed: (1) Any new requirements in EPA's amended regulations for NSR (45 FR 31307, May 13, 1980 and 45 FR 52676, August 7, 1980) which the rules for the three County plans do not currently satisfy; and (2) those deficiencies cited in EPA's Evaluation Report Addendum which still apply despite EPA's new NSR requirements (contained in Document File NAP–CA–10 at the EPA Library in Washington, D.C. and the Region IX Office).

10. *Resources.* The State has noted in its submittal of the three County plans for the SEDAB that the locally adopted plans and ARB amendments constitute policy level commitments to perform necessary actions including tactic implementation, commitments to further study, and preparation of the 1982 Plan revisions. The State submittal is acceptable and therefore EPA proposes to approve this portion of the three County plans.

11. *Public and Government Involvement.* The three County plans provide evidence of public, local government, and State involvement and consultation in the planning process. In

addition, the official SIP submittal identifies air quality, health, welfare, economic, energy and social effects of the plan provisions. The SIP submittal also includes a summary of public comments. EPA therefore proposes to approve this portion of the three County plans.

12. *Public Hearing.* The Riverside County Plan meets the requirements of Section 172(b)(10) since it includes evidence that the plan was adopted by the local co-lead agencies on March 29, 1979, after reasonable notice and public hearing. The Los Angeles and San Bernardino County Plans also meet the requirements of Section 172(b)(10) since the plans include evidence of adoption by the State on November 29, 1979, after reasonable notice and public hearing. Therefore, EPA proposes to approve this portion of the three County plans.

13. *Extension Requirements for Ozone.*

14. *Extension Requirements for VOC RACT.* As referenced in the General Preamble, the 1979 ozone SIP revision for rural nonattainment areas need not contain a specific demonstration of attainment.

Therefore, the extension requirements of Criteria 13 and 14 identified above do not apply to the ozone portion of the plans.

Public Comments

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP submitted by the State. This proposal also includes draft volatile organic compound rules which have been adopted as model rules after public hearing by the State. These model rules have not yet been adopted and submitted to EPA by the State as legally enforceable rules. However, the State has requested EPA to review these model rules and invite public comment on whether these draft rules meet the requirements of Part D of the Clean Air Act. EPA may proceed to final rulemaking without providing further opportunity for public comment if the State adopts and submits rules equivalent to these model rules.

The Regional Administrator hereby issues this notice setting forth the SIP revision described above as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office.

The EPA Region IX Office specifically invites public comment on whether to conditionally approve the items identified in this notice as deficiencies in the NAP. EPA is further interested in receiving comments on the specified dates for the State to submit the corrections, in the event of conditional approval. Comments received on or before July 8, 1981, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the Addresses Section of this notice.

The Administrator's decision to approve, conditionally approve, or disapprove the proposed revisions will be based on the comments received and on a determination whether the revisions/scheduled revisions meet the requirements of Section 110(a)(2) and Part D of the Clean Air Act, and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

EPA believes the available period for comment is adequate because:

(1) The Control Strategy has been available for inspection and comment since May 9, 1980.

(2) EPA's notice published in the May 9, 1980 **Federal Register** indicated that the comment period would be 30 days; and

(3) EPA has a responsibility under the Act to take final action as soon as possible after July 1, 1979 on that portion of the SIP that addresses the requirements of Part D.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified (46 FR 8709) that the attached rule will not have a significant economic impact on a substantial number of small entities.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it only approves state actions. It imposes no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Secs. 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)))

Dated: April 23, 1981.

Frank M. Covington,

Acting Regional Administrator.

[FR Doc. 81-16659 Filed 6-5-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL-1842-3]

Proposed Approval of Illinois Total Suspended Particulate State Implementation Plan for Continental Grain Co.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. Environmental Protection Agency (USEPA) proposes to approve a temporary variance from the requirement of induced draft equipment for control of total suspended particulate (TSP) emissions from grain elevators for a Continental Grain Company facility located in Crossville, White County, Illinois. Because this variance represents a temporary relaxation of the federally approved Illinois State Implementation Plan, it must be approved by USEPA before it becomes effective under the Clean Air Act 42 U.S.C. 7410. The purpose of this notice is to invite public comment on the temporary exemption, and on USEPA's proposed rulemaking action.

DATE: Written comments must be submitted on or before July 8, 1981.

ADDRESSES: Copies of the SIP revision, USEPA's evaluation and public comments received are available for inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

In addition, copies of the SIP revision are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62708

Written comments should be sent to: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6038.

SUPPLEMENTARY INFORMATION: On May 29, 1980, the Illinois Pollution Control Board (IPCB) issued an Opinion and Order granting a variance from the requirements of Rule 203(d)(8)(B) for

Chapter 2 of the Air Pollution Control Regulations which relate to the requirement for induced draft equipment for control of total suspended particulate (TSP) emissions. This variance was granted to Continental Grain Company's grain elevator located in Crossville, White County, Illinois. This variance expired on July 1, 1980. It was submitted to USEPA by the Illinois Environmental Protection Agency on July 29, 1980.

Prior to September 1, 1979, this facility was exempt from the requirement of induced draft control equipment under Rule 203(d)(8)(D) which exempts existing facilities handling not more than 2,000,000 bushels of grain annually and which are located outside a major population area from meeting this requirement. Continental Grain lost this exemption when a review of its records as a part of the permit renewal process indicated that this facility's annual grain throughput exceeded the limit which would continue its eligibility for an exemption from this requirement.

The purpose of the variance granted by IPCB was to allow the continued operation of this facility until the dust collection equipment required by Rule 203(d)(8)(B) could be installed. The required equipment has now been installed. Since this variance proposes continuation of the *status quo* with regard to TSP emissions from this source and since this area is an attainment area for TSP, USEPA proposes approval of this variance.

USEPA solicits comments on this proposed SIP revision and the proposed USEPA action from all interested parties. Comments should be submitted to the address listed in the front of this notice. Public comments received on or before July 8, 1981 will be considered in USEPA's final rulemaking on the SIP. All comments received will be available at Region V Office, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified on January 27, 1981 (46 FR 8709), that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation is not major because it merely approves a State variance which has already expired. The variance allowed this Continental Grain Company facility an extension until July 1, 1980, for compliance with the TSP control requirements under Illinois Rule 208(d)8B.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by, executive order 12291.

This Notice of Proposed Rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: May 18, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-16858 Filed 6-5-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-7-FRL-1835-7]

Approval and Promulgation of State Implementation Plans: Kansas

In FR Doc. 81-15416, appearing on page 27972 in the issue of Friday, May 22, 1981, make the following correction:

On page 27972, third column, the "**DATES**" paragraph should have read as follows:

DATES: The period for receiving comments on the state's submittal and what EPA's final action should be will extend from this date of publication until 30 days after publication of the proposed rulemaking.

BILLING CODE 1505-01-M

---

40 CFR Part 52

[A-1-FRL 1838-8]

Approval and Promulgation of Implementation Plans—Maine; Revision to the Maine State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to conditionally approve certain rules proposed by the Maine Department of Environmental Protection (DEP) under Chapter 115, Equivalent Air Quality Strategy "Bubble" Regulation. This proposed regulation, amending the Maine State Implementation Plan (SIP) contains provisions for sources meeting specified eligibility criteria to satisfy SIP emission limitations by alternative emission reduction strategies, commonly referred to as "bubbles." EPA also proposes not to require that every bubble adopted under proposed Regulation Chapter 115 be submitted as a SIP revision. Specifically, EPA proposes to exempt from the SIP revision process those alternative emission reduction strategies, adopted in accordance with the provisions of proposed Regulation Chapter 115, for which the use of predictive air quality models is unnecessary for the demonstration of air quality equivalency and those bubbles at sources whose potential to emit is less than 100 tons per year (TPY).

The DEP has proposed adoption of Regulation Chapter 115 through their SIP revision procedures. Concurrently, EPA is proposing to conditionally approve the revision contingent upon its amendment by DEP to incorporate conditions specified herein prior to final adoption. This concurrent review, which EPA refers to as "parallel processing," is designed to reduce the time necessary for EPA review of SIP revisions and is being used on a trial basis by Region I.

DATE: Comments must be received on or before July 8, 1981.

ADDRESSES: Copies of Maine proposed Regulations, Chapter 115, Equivalent Air Quality Strategy "Bubble" Regulation; all documents referenced herein; and EPA's evaluation are available during normal business hours at EPA, Region I, Room 1903, J.F.K. Federal Building, Boston, MA 02203; the Public Information Reference Unit, EPA, 401 M Street, SW., Washington, DC 20460; and the Department of Environmental Protection, State House, Augusta, ME 04330.

Comments should be addressed to Harley F. Laing, Chief, Air Branch, Environmental Protection Agency, Region I, J.F.K. Federal Building, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, Air Branch, EPA Region I, J.F.K. Federal Building, Boston, MA 02203, (617) 223-4448.

SUPPLEMENTARY INFORMATION:

I Background

On December 11, 1979, EPA published its bubble policy, 44 FR 71779. That policy outlined criteria for allowing sources to have alternative emission reduction strategies made part of a SIP on the grounds that such bubbles would be more cost-effective than those emission limits previously specified in the existing SIP. One criterion stated was that each bubble had to be submitted to EPA as an individual SIP revision, 44 FR 71782.

On November 24, 1980 EPA proposed conditional approval of Subsection (c)(4) and (c)(5) of the New Jersey Administrative Code (N.J.A.C.) 7-27-16.6, 44 FR 77459, which specified rules for sources of volatile organic compounds (VOC) to bubble their emissions by allowing such sources to

adopt alternative emission reduction options within the New Jersey SIP. Also included in that publication was EPA's proposal not to require that such VOC emission reduction strategies be submitted as individual SIP revisions. On April 6, 1981 EPA promulgated these proposals, 46 FR 20551.

On January 16, 1981, the Administrator issued a detailed statement on bubble policy changes. That announcement included EPA's decision to propose to allow states to adopt general rules for approving bubbles for particulate matter and sulfur dioxide where no ambient air quality modeling is required as part of their technical analyses, and for bubbles of any pollutant at a source with the potential to emit less than 100 TPY; and the decision to propose to eliminate the requirement that these two types of bubbles, in addition to hydrocarbon bubbles of any size, be submitted as SIP revisions. The Administrator's announcement stated that EPA would propose to allow states to approve such bubbles without federal review, so long as a general rule containing acceptable requirements for allowing these bubbles has been incorporated into the state's SIP and has been approved by EPA.

II The Maine Equivalent Air Quality Strategy Bubble Regulation

The state of Maine has proposed bubble rules under DEP Regulations, Chapter 115, Equivalent Air Quality Strategy Bubble Regulation. Under this regulation sources are allowed to meet emission limitations for various emission points different from those specified in the existing SIP. The regulation encourages source owners and operators to seek additional pollution reductions where the cost of control is low in exchange for less control where the cost is high thereby resulting in a more economical mix of controls. The regulation requires that the net air quality effect must be positive, that is, air quality must be improved as a result of adoption of an alternative control strategy.

The proposed regulation specifies eligibility requirements, criteria for determining air quality equivalency, and criteria where such equivalency can be determined without the use of predictive air quality modeling.

To be eligible under proposed Regulation Chapter 115, the source must be an existing source located in an area designated as attainment or unclassifiable according to Section 107 of the Clean Air Act (42 USC 7407 et seq.) or in an area designated nonattainment for which the state has submitted and EPA has approved a SIP revision to bring the area into compliance with the applicable ambient air quality standard. Under the proposed regulation, the source must demonstrate that all emission standards allowed under the alternative control strategy can be included as legally binding permit conditions.

Any source approved to apply an alternative control strategy under this chapter shall be licensed under approved DEP Regulations, Chapter 108, developed to satisfy the requirements of 40 CFR 51.18, and the issuances of such licenses shall be governed by Section 590, Title 38 M.R.S.A. Proposed Regulation Chapter 115 states that copies of the old and new licenses issued to any source approved to use an alternative control strategy will be forwarded to EPA.

Proposed Regulation Chapter 115 states that upon request by EPA the source must provide written acknowledgement that the new emission limitations specified under the bubble are federally enforceable. Under Maine's proposed bubble rules, a source must demonstrate that the alternative strategy would not change a requirement specified in any existing court decree. Maine's proposed regulation specifies that no source may use this chapter as a means of increasing emissions above any applicable New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAPS). (40 CFR Part 60 and 61) standard.

Under Maine's proposed criteria for demonstrating air quality equivalency, the source must affirmatively demonstrate that the proposed mix of emission controls results in an overall net air quality improvement. Any bubble involving emission points with different height and discharge characteristics will impact different locations to varying degrees with some increases and some decreases in impact; a net air quality improvement will be deemed to have occurred whenever the sum of the products of each change in concentration and its respective area is less than zero. The Maine proposed regulation clearly states that at no location may any allowed air quality degradation of any area result in a violation of any ambient air quality standard including any national ambient air quality standard (NAAQS) and prevention of significant deterioration (PSD) increment or remaining increment. Maine's proposed regulation specifies that whenever the applicable concentrations and areas are determined through predictive air quality modeling, the methods and procedures of EPA's *Guideline on Air Quality Models* (OAQPS 1.2–080) will be used. The state may determine under the provisions of proposed Regulation Chapter 115 that a net air quality improvement will occur without the use of air quality modeling if:

(1) Allowable plant-wide emissions do not increase,

(2) Emission points are in the same immediate vicinity but not necessarily colocated,

(3) Emission points are of similar effective stack height, and

(4) There is a net reduction in actual emission.

Proposed Regulation Chapter 115 states that whenever air quality equivalency must be determined through complex modeling procedures, the alternative control strategy must also undergo federal review and approval by EPA.

Other criteria for demonstrating equivalency include that the alternative mix of controls must result in a net reduction in emissions for the same air contaminant, and must not rely on fugitive emission reductions except to the extent that the increased emissions are also fugitive in nature. Maine's proposed bubble rules further require that the net reduction must be real and quantifiable, disallowing crediting as an emission reduction any difference between allowable emissions and actual emissions whether due to existing equipment historically performing pollution reduction beyond allowable levels, or because of a source historically operating on a schedule or at a capacity less than that allowable under the SIP or any applicable license. In no instance, under proposed Regulation Chapter 115, may the level a source is bubbling against exceed allowable emission levels. The Maine bubble rules require that all emission reductions must be achieved prior to any emission increases allowed, and must be reasonably expected to impact the same general location as any allowed increases except that VOC bubbles may occur anywhere within the same AQCR. Proposed Regulation Chapter 115 states that bubbles need not be confined to one physical plant site.

Maine's proposed bubble rules state that in the event that an area is later designated nonattainment for an air contaminant, emission standards set under this chapter are subject to re-evaluation, and that wherever a new emission standard is developed, additional reductions to meet the new standard must be made, either directly at the affected source of through the

V 46 / 109 JUN 8 81 UMI

provisions of this chapter. Proposed Regulation Chapter 115 specifically cautions that future standards may require additional controls from sources employing an approved alternative strategy under this chapter.

III Today's Proposed Action

EPA is proposing to approve the Maine bubble regulation proposed under DEP Regulations, Chapter 115, Equivalent Air Quality Strategy "Bubble" Regulation, provided it is amended to meet the following conditions prior to final adoption:

(1) Under the criteria whereby air quality equivalency may be determined without the use of ambient air quality modeling, the Maine regulation must define the phrases "same immediate vicinity" and "similar effective stack height". In discussions between EPA and the state; the DEP has indicated that prior to final adoption Chapter 115 shall define "same immediate vicinity" to mean that the distance between any of the emission points under a bubble shall be equal to or no greater than 100 meters, and shall define "similar effective stack height" to mean that the effective stack height at which any increase is taking place is in compliance with Section 123 of the Clean Air Act and is equal to or no greater than 10% higher than the effective stack height at which any decrease occurs. EPA proposes to approve these definitions for "same immediate vicinity" and "similar effective stack height" for the criteria in Maine's Regulation Chapter 115 for determining air quality equivalency without the use of predictive air quality models.

(2) The Maine regulation must require that whenever air quality equivalency must be determined through any use of predictive air quality models and/or complex terrain is encountered, the alternative control strategy proposed must also undergo federal review and approval by EPA via the SIP revision process except for bubbles at sources whose potential to emit is less than 100 TPY.

(3) The Maine regulation must state that bubbles involving the trade of fugitive emission must also undergo federal approval via the SIP revision process.

(4) Although sources allowed alternative control strategies under proposed Regulation Chapter 115 shall be issued licenses in accordance with Title 38, Section 590, M.R.S.A. which provides for public notice, comment, and hearing during the licensing process; the Maine regulation must also provide for informing the public *after* a source is issued final approval for an alternative control strategy.

(5) The Maine bubble rules must state that no source may use Regulation Chapter 115 to avoid meeting the required emission level of any applicable best available control technology (BACT) or lowest achievable emission rate (LAER) determination.

(6) The Maine rules must specify provisions for bubbles involving hazardous pollutants which are equivalent to or more restrictive than those provisions of EPA's bubble policy 44 FR 71784.

(7) Maine's bubble regulation must require that each emission point under a bubble have a specified emission limitation with an approvable test method for demonstrating compliance.

(8) Maine's bubble rules must provide that emission reductions due to shutdowns or curtailments credited as part of an approved alternative control strategy, must be offset should the source apply to restart the shutdown equipment or resume the original operating schedule of any curtailment.

EPA's review of proposed Regulation Chapter 115, revising the Maine SIP, indicates that it is approvable if it is amended to include the conditions of this section of this notice. During the public comment period and at the upcoming state hearings, the DEP will inform the public of these conditions and solicit comment on them. EPA is proposing approval of Regulation Chapter 115 contingent upon its amendment to incorporate the conditions specified herein today, before completion of the state public review period, and thus before final submittal of the revision to EPA. EPA refers to this new procedure as "parallel processing." If the proposed regulation is substantially changed, beyond including the conditions specified herein, during the public review period, EPA will re-evaluate those changes and publish a revised notice of proposed rulemaking. If no substantive changes are made to Regulation Chapter 115 other than those conditions specified herein, EPA will issue a notice of final rulemaking on the regulation. That final rulemaking action by EPA will be published only after Regulation Chapter 115, amended to include the conditions specified in this section of this notice, has been adopted in final and incorporated into the SIP by the state. "Parallel processing" is estimated to reduce the time necessary for final approval of SIP revisions by an average of 3 to 4 months.

IV Rationale

EPA proposes not to require that alternative emission control strategies adopted under Maine's bubble regulation be submitted for EPA approval as SIP revisions except for bubbles at sources with potential to emit in excess of 100 TPY where the air quality equivalency demonstration involves the use of predictive air quality models and/or when complex terrain is encountered, and for bubbles involving the trade of fugitive emissions. The Maine bubble regualtion's requirements when amended to include the conditions of Part III of this notice are sufficiently circumscribed and contain adequate safeguards to insure that their implementation *cannot* interfere with attainment and maintenance of ambient air quality standards and PSD increments.

The rationale for exempting certain types of bubbles from the requirement that each bubble be submitted as a SIP revision is laid out in detail in EPA's notice approving New Jersey's bubbles rules for hydrocarbons. *See* 46 FR 20554 (April 6, 1981). In brief, the key factor in approving a bubble lies in determining whether that bubble's ambient air quality impact is equivalent to the impact of the existing SIP emission limits. Where hydrocarbons are concerned, ambient effects are modeled on an areawide rather than a source-specific basis. This means that all such emissions within a broad area are considered comparable, regardless of stack height, topography, etc. Thus, the ambient air quality impact of a proposed bubble will be quivalent to that of the original SIP if the emission limits for the emission points in the bubble add up to the same sum as the SIP emission limits for those points. This essentially arithmetic task is so mechanical that hydrocarbon bubbles developed in this manner cannot interfere with attainment and maintenance. *Id.*

The ambient air quality of other pollutants, such as particulates and sulfur dioxide, is dependent upon a variety of site-specific factors, such as the topography of the region, stack height, and the distance between stacks. This means that ordinarily, equal emissions from two different stacks will have different impacts on ambient air quality, and modeling will be necessary to decide just what those effects will be. However, if the stacks are close together and are of the same effective height, then emissions from those stacks will have a comparable ambient air quality impact. Thus, equal emissions from such stacks will be equivalent in their ambient effects. As a result, bubbles involving emission points which are close together and of similar effective stack height can be treated in the same

manner as hydrocarbon bubbles, which means that the state's procedures need only ensure that the sum of the emission limits for the emission points in the proposed bubble equals that of the emission limits in the SIP for those points. Since Maine's bubble rules should provide this assurance, EPA proposes to approve those rules. As EPA noted in its approval of New Jersey's bubble rules, approval of the rules in effect will constitute advance approval of each alternative set of emission limitations developed under them. 46 FR 20554.

As explained in the final rulemaking notice approving New Jersey's bubble rules, 46 FR 20554, (April 6, 1981) EPA believes that it can enforce alternative emission limitations adopted pursuant to carefully restricted EPA approved procedures like those proposed by Maine under Regulations, Chapter 115. Further, Maine's bubble regulations require that sources adopting alternative emission limitations have such limitation specified as permit conditions in a license as required by Regulations, Chapter 108, and that such licenses must be issued in accordance with Section 590, Title 38, M.R.S.A. Chapter 108, which was developed to meet the provisions of 40 CFR 51.18 and is part of the federally approved SIP for Maine. EPA has always considered permits issued under Section 590 to be federally enforceable. Therefore, any permit conditions of a license issued in accordance with this regulation are federally enforceable. Although not required by EPA, the Maine bubble regulation requires that sources provide written acknowledgement to EPA upon request, that any emission limitations adopted pursuant to that regulation are federally enforceable. In addition, EPA proposes to insert into its approval of the Maine bubble regulation a statement such as that made in the notice of final rulemaking approving New Jersey's bubble rules, 46 FR 20554, that emission limitations adopted pursuant to Maine Regulation Chapter 115 are deemed part of the Maine SIP and so may be enforced by EPA and by citizens.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action imposes no new requirements, and merely improves state rules. In addition, it provides for greater flexibility and the use of more cost-effective measures in meeting existing state requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulation Impact Analysis. This regulation is not major because, if promulgated, it will only approve Maine state actions enabling sources to meet the existing state requirements with more cost effective control strategies, with greater flexibility, and adds no new requirements. Further, this regualtion should reduce regulatory burdens by decreasing the time between application and implementation of certain alternative, more cost effective control strategies by eliminating the requirement that they be approved, individually, by EPA via the SIP revision process.

This regulation was submitted to the Office Management and Budget (OMB) for review as required by Executive Order 12291.

The Administrator's decision to approve the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Dated: April 28, 1981.

Leslie Carothers,

Acting Regional Administrator.

[FR Doc. 81-16857 Filed 6-5-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-I-FRL 1837-1]

Approval and Promulgation of Implementation Plans; Maine Lead State Implementation Plan

AGENCY: Environmental Protection (EPA).

ACTION: Proposed rulemaking.

SUMMARY: Revisions to the Main State Implementation Plan (SIP) were submitted to the Environmental Protection Agency (EPA) on August 7 and November 5, 1980. The intended effect of these revisions is to fulfill EPA requirements to develop a plan to attain and maintain the National Ambient Air Quality Standard (NAAQS) for lead (40 CFR Part 51) in Maine. EPA is proposing to approve the revisions.

The EPA invites public comments on these revisions, and the consistency of the revisions with respect to the requirements of the Clean Air Act.

DATE: Comments may be submitted to EPA at the address below on or before July 8, 1981.

ADDRESSES: Comments may be sent to: Harley E. Laing, Chief, Air Branch, Room 1903, J. F. Kennedy Building, Boston, Massachusetts 02203. Copies of the proposed revisions are available for public inspection during normal business hours at the following locations: Air and Hazardous Materials Division, Room 1903, J. F. Kennedy Building, Boston, Massachusetts 02203; Bureau of Air Quality Control, Ray Building, Hospital St., Augusta, Maine 04333 and the Public Information Reference Unit, Room 2404 (EPA Library), 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Betsy Horne, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, (617) 223–5609.

SUPPLEMENTARY INFORMATION:

Background

On October 5, 1978 EPA promulgated primary and secondary National Ambient Air Quality Standards for lead (43 FR 46246). Section 110 of the Clean Air Act, amended in August 1977 (42 U.S.C. 7410), requires each State to adopt and submit to the EPA Administrator, within nine months after promulgation of a National Ambient Air Quality Standard, a plan for attainment and maintenance of the standard in their area. The requirements of an approvable lead State Implementation Plan are set forth in 40 CFR Part 51 (see also 43 FR 46246). These provisions require the submission of air quality data, emissions data, a control strategy, air quality modeling, and a demonstration that the standard will be attained within the time frame specified by the Clean Air Act.

Description of the Proposed SIP Revisions

On August 7, 1980, the Commissioner of the Department of Environmental Protection submitted revisions to Maine's State Implementation Plan to attain and maintain the federal standard for lead. The revisions include a discussion of measured lead air quality data, emission inventories for stationary, mobile and area sources, a projected emissions inventory for mobile and area sources and a control strategy for reducing ambient lead emissions. Additional information was submitted on November 5, 1980,

including: (1) projected emissions for stationary sources; (2) a commitment to monitor the Louis Mack Company after it relocates; (3) a commitment to continue to investigate the impact of waste oil burning on lead emissions at International Paper in Jay; (4) a discussion of the State's authority to control new sources of lead emissions.

The summary contained in the August 7, 1980 submittal indicates that Maine is attainment for the lead NAAQS.

Through various control strategies, Maine's submittal indicates that the NAAQS for lead will be maintained. These strategies include a phase-down in the lead content of gasoline and improved fuel economy. Mobile and area source projections from the base year 1974 to 1984 show a marked decline in lead emissions.

The 1979 inventory for stationary sources shows that only one major point source exists in Maine. This source, International Paper at Jay, emits approximately 37 tons of lead per year from the combustion of automotive waste oil. The State has committed to continue its investigation concerning the effect of these emissions on ambient lead levels through analysis of local ambient data and diffusion modeling. In addition, two special purpose monitors will be established in Portland near the relocated Louis Mack Company (for fugitive emissions) and near Turkey's Bridge.

In the November 5, 1980 submittal, the State has indicated that it will review new lead sources and modifications to existing lead sources under the new source review regulation (Department Regulation 108) which are applicable to all pollutants and were previously approved by EPA as part of the Maine SIP. Further, the state has confirmed in the submittal that, at a minimum, all point sources which have the potential to emit five tons or more of lead per year will require a permit.

EPA's Proposed Action

EPA has evaluated the Maine plan by comparing it with the requirements for an approvable lead SIP as set forth in 40 CFR Part 51. As a result of this evaluation, EPA proposes to approve the plan.

Public Comments

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region I Office. Comments received on or before (30 days after publication) will be considered. Comments received will be available for public inspection at the EPA Region I Office and at the locations listed in the Addresses section of this notice.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination of whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act an.40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

The Department of Environmental Protection has certified that the public hearing requirements of 40 CFR 51.4 have been met.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore, subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves state actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 Fed. Reg. 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Section 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

(Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. Sections 7410(a) and 7601(a))

Dated: May 12, 1981.

Leslie Carothers,

Acting Regional Administrator.

[FR Doc. 81-16869 Filed 6-5-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-1-FRL-1838-2]

Approval and Promulgation of Implementation Plans; Revision to the Massachusetts State Implementation Plan, Proposed Rulemaking

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On September 16, 1980 (45 FR 61293) the Environmental Protection Agency (EPA) imposed various conditions on its approval of Massachusetts State Implementation Plan (SIP) revisions submitted to EPA on December 31, 1978 and May 16, 1979. One condition was a requirement that the State submit by October 7, 1980, Appendix J to its SIP revision, which sets forth policy guidance for the preparation of a comprehensive air quality analysis of transportation projects. Appendix J was submitted to EPA on January 5, 1981. EPA is proposing to approve the submittal as satisfying this condition. Interested persons are invited to comment on this Part D SIP revision. Public comments received within 30 days of the date of this publication will be considered in EPA's final decision.

DATE: Comments should be submitted on or before July 8, 1981.

ADDRESSES: Comments should be submitted to Harley Laing, Chief, Air Branch, Region I, Environmental Protection Agency, Room 1903, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Copies of the State's submittal are available for inspection at the following addresses: Environmental Protection Agency, Air Branch, Room 1903, J.F.K. Federal Building, Boston, MA 02203; Massachusetts Department of Environmental Quality Engineering, Division of Air Quality Control, One Winter Street, 8th floor, Boston, MA 02108 and Public Information Reference Unit, EPA, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

John L. Hanisch, Chief, Mobile Source Emissions Section, Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston, MA 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On September 16, 1980 (45 FR 61293) EPA set forth various conditions on its approval of revisions to the Massachusetts SIP which were submitted to EPA on December 31, 1978 and May 16, 1979. One such condition was a requirement that the State submit Appendix J by October 7, 1980. The appendix was to include policy guidance for the preparation of a comprehensive air quality analysis of transportation projects. Appendix J was submitted by Mr. Kenneth A. Hagg, Acting Director, Division of Air Quality Control, Massachusetts Department of Environmental Quality Engineering on January 5, 1981.

The submittal, entitled "Transportation Project Level Guidelines", describes the process for project level analyses. It discusses the project level criteria contained in Massachusetts SIP and the process by which the Department of Public Works and the Department of Environmental Quality Engineering will determine which projects are considered major actions and therefore require an environmental analysis, and which projects are considered categorical exclusions and therefore need no further air quality analysis. In addition, this document discusses each State agency's responsibility in this process and recommends information to be included in an air quality analysis for Environmental Impact Statements, Environmental Impact Reports and Findings of No Significant Impacts.

Upon review of this document, EPA feels that the State has submitted sufficient information to satisfy this condition imposed on the approval of its Part D SIP.

Proposed Action

EPA is proposing to approve Appendix J as meeting the condition stipulated in Part I(D)(1)(e) of the September 16, 1980 **Federal Register** notice (45 FR 61293).

Interested persons may submit written comments on the SIP revision up to 30 days after the date of this publication. Any comments filed regarding this notice will be available for public inspection in Room 1903, Air Branch at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it only approves state action and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes an SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

(Secs. 110 and 301 of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601)

Dated: April 27, 1981.

Leslie A. Carothers,

Acting Regional Administrator.

[FR Doc. 81-16804 Filed 6-5-81, 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-6-FRL 1836-7]

Approval and Promulgation of State Implementation Plans: Approval of Conditionally Approved Elements in the Texas Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to propose approval of certain elements of the State Implementation Plan (SIP) revisions for Texas, which were conditionally approved on March 25, 1980, (45 FR 19231). These revisions were submitted on December 21, 1979 and July 25, 1980 to fulfill the requirements of Part D of Title I of the Clean Air Act, as amended in 1977, with regard to nonattainment areas.

When originally submitted, certain portions of the SIP contained minor deficiencies which the State agreed to correct or justify by a specified deadline. The deadlines committed to were December 31, 1979 and August 1, 1980. EPA received the required documentation according to schedule and, based on the Agency's review of the material submitted, EPA is proposing to approve it and invites public comment on this proposed action. This proposed rulemaking means that the conditional approval will remain in effect until EPA takes final action on these revisions.

DATES: Interested persons are invited to submit comments on this proposed rulemaking on or before July 8, 1981.

ADDRESSES: Written comments should be submitted to the address below: Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270.

Copies of the State submittal and comments received on this proposed rulemaking will be available for inspection during normal business hours at the above address and the following locations:

Environmental Protection Agency,
Public Information reference Unit,
Room 2922, EPA Library, 401 "M" Street, SW., Washington, D.C. 20460
Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270 (214) 767-1518.

SUPPLEMENTARY INFORMATION:

Introduction

On August 1, 1979 (44 FR 45204), EPA published a notice of proposed rulemaking on the revisions to the Texas State Implementation Plan (SIP) which had been submitted by the Governor on April 13, 1979. Under that notice, the Agency discussed the SIP in detail and described the deficiencies of the SIP pursuant to Part D of the Act. In response to that notice of proposed rulemaking, the State committed to corrective actions on the deficiences and to submit the additional required information by specific deadlines.

EPA took final action to conditionally approve certain elements of the Texas plan on March 25, 1980. A discussion of conditional approval and its practical effect appears in supplements to the General Preamble published on July 2, 1979, and November 23, 1979.

The conditional approvals, being acted on under this proposal notice, are as follows:

(1) Under the conditional approval of Regulation V, the State was required to submit a demonstration of consistency with the Agency's 5 percent rule for degreasing operations in Harris County for which the State had included exemptions, and revisions to the regulation for cutback asphalt and additional control measures for degreasing operations. The demonstration was required to be submitted by December 31, 1979 and revisions to Regulation V by August 1, 1980.

(2) Under the conditional approval of the particulate matter (TSP) plans for San Benito, Brownsville, Corpus Christi 1,[1] Corpus Christi 2, Dallas 1, Dallas 3, and El Paso 4, the State was required to submit adopted control strategies and revisions to Regulation I (if necessary) by August 1, 1980.

EPA is proposing action on these items since the format of the State's submittals differed from that specified under the conditional approval and to

[1] This notation was used in the Texas SIP to differentiate among the nonattainment areas within one city. For example, the two nonattainment areas in Corpus Christi are Corpus Christi 1 and Corpus Christi 2.

afford the public an opportunity to comment on these submittals. Even though the State's submittals differ in format, EPA believes that the substance of the submittals satisfies the conditions for approval.

The Governor's submittal of July 25, 1980 included several additional revisions to the Texas SIP. However, only those revisions pertaining to the above mentioned conditional approvals are being acted on under this notice. All other revisions will be acted on in a subsequent **Federal Register** notice.

The remainder of today's notice briefly summarizes the conditions for approval, as specified in the March 25, 1980 notice and discusses EPA's review findings.

It should be noted that the Texas Air Control Board (TCAB) revised the numbering system of its regulations. To maintain consistency, the Subchapter numbers referred to in this notice correspond to those used in the March 25, 1980 notice. However, the new subchapter number, under the new numbering system, is referenced in parentheses, following the old subchapter number.

Regulation V

In the March 25, 1980 notice of final rulemaking, under the section which discussed Regulation V, "Control of Air Pollution from Volatile Organic Compounds," EPA noted several issues, for which the State's regulation deviated from the information in the Control Technique Guidelines (CTGs) and for which the State committed to submit additional information, supporting the deviations. These issues were as follows:

(1) In regard to Subchapter 131.07.59.101 (115.171), the State's method of control of volatile organic compound (V)C) emissions from the use of cutback asphalt was not consistent with the reasonably available control technology (RACT) requirements for this source category, and this subchapter did not include all nonattainment counties in which the use of cutback asphalt constituted 100 tons per year or more of VOC emissions on a countywide basis.

(2) In regard to Subchapters 131.07.59.102–104 (115.172–174), the State had not included the requirements for Control System B, and had included an exemption for degreasing operations, in Harris County, emitting less than 100 pounds per day.

In regard to these issues, the State was required to submit a demonstration, for the exemption indicating compliance with the Agency's 5 percent rule by December 31, 1979, and the necessary revisions to Regulation V by August 1, 1980.

On December 21, 1979, the State submitted a demonstration which indicated that its method of control of VOC emissions from the use of cutback asphalt was consistent with the RACT requirements for this source category and that it was consistent with the Agency's 5 percent rule.

In addition, the State submitted the required demonstration for the exemption for degreasing operations in Harris County. In that submittal the State indicated that it was unable to demonstrate consistency with the Agency's 5 percent rule for the exemption of those sources emitting less than 100 pounds per day. However, the State was able to show that an exemption level of 3 pounds per day would conform to the 5 percent rule. Therefore, in their December 21, 1979 submittal, the State committed to revise Regulation V to include an exemption level of 3 pounds per day rather than 100 pounds per day.

On July 25, 1980, the Governor of Texas submitted revisions to Regulation V which included the following provisions: extended the control requirements for cutback asphalt usage to all nonattainment counties in which emissions from this source category constituted 100 tons per year or more on a countywide basis; included the requirements for Control System B for degreasing operations; and, reduced the exemption level for degreasing operations in Harris County from 100 pounds per day to 3 pounds per day.

EPA has evaluated the State's submittals of December 21, 1979 and July 25, 1980 and, based on the Agency's review, is proposing to approve these portions of Regulation V. The conditional approval will remain in effect until EPA takes final action.

Particulate Matter

In the March 25, 1980 notice of final rulemaking, EPA conditionally approved the TSP plans for San Benito, Brownsville, Corpus Christi 1, Corpus Christi 2, Dallas, 1, Dallas, 3, and El Paso 4 based upon the State meeting the following schedule:

March 3, 1980—Draft SIP revision supplement submitted to EPA.

May 5, 1980—Public hearing completed.

August 1, 1980—Adopt revision, revised Regulation I as it pertains to control of nontraditional sources, if necessary, and submit to EPA.

The State informally submitted a draft SIP revision supplement on February 4, 1980, followed by formal submittal of the draft on April 7, 1980. This draft indicated that the Dallas 3 nonattainment area had originally been designated as nonattainment on the basis of incorrect data, and on March 28, 1980 the State officially submitted Board Resolution R80–5, which requested that Dallas 3 be redesignated as an attainment area. Since the Agency has not taken action on this redesignation request, EPA will take no action on the conditional approval for the Dallas 3 nonattainment area at this time.

In regard to the remaining nonattainment areas, the draft SIP revision supplement contained control strategies based on the application of fugitive dust controls as specified in Regulation I. With such controls, the State indicated that attainment of the primary National Ambient Air Quality Standard (NAAQS) would be achieved by December 31, 1982 and the secondary NAAQS by December 31, 1987.

Public hearings on the proposed control strategies were held from April 22 through April 24, 1980 at various locations throughout the State. On July 25, 1980, the Governor of Texas submitted the control strategies to be included as part of the SIP.

EPA has reviewed the control strategies and concurs with the State that the implementation of the control measures for fugitive dust, specified in Regulation I, will result in attainment of the primary TSP NAAQS by December 31, 1982 and the secondary TSP NAAQS by December 31, 1987. Therefore, EPA proposes to approve the TSP plans for San Benito, Brownsville, Corpus Christi 1, Corpus Christi 2, Dallas, 1, and El Paso 4.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule if promulgated constitutes a SIP approval under Section 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely proposing to approve a State action. It will impose no new regulatory action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: April 8, 1981.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 81-16861 Filed 6-5-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 81

[A-1-FRL-1837-5]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Redesignations: Vermont

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: A request for attainment reclassification for the State of Vermont was submitted to the Environmental Protection Agency (EPA) on December 11, 1980 by the Secretary of the Agency of Environmental Conservation. The intended effect of this action is to redesignate the attainment status for ozone of three counties: Addison, Chittenden and Windsor. Currently each of these areas is non-attainment for the pollutant ozone. EPA invites comment on its proposed approval of the request to redesignate ozone from non-attainment to attainment for Addison County and to unclassified for Windsor and Chittenden Counties.

DATE: Comments are invited on this proposed action and should be submitted on or before July 8, 1981.

ADDRESSES: Copies of the Vermont request are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 and the Agency of Environmental Conservation, Air and Solid Waste Programs, State Office Building, Montpelier, Vermont 05602.

Send comments to Harley F. Laing, Chief, Air Branch, Environmental Protection Agency, Region I, J.F. Kennedy Federal Building, Room 1903, Boston, Massachusetts 02203, Telephone: (617) 223-6883.

SUPPLEMENTARY INFORMATION:

Background

On February 19, 1980, EPA published final rulemaking in the **Federal Register** (40 FR 10775) approving Vermont's SIP revisions to meet the requirements of Part D (Plan Requirements for Non-Attainment Area) of the Clean Air Act (the Act) 42 U.S.C. 7401 et seq. as amended in 1977. Among the actions taken at that time was approval of the redesignation of the entire state except for Addison, Chittenden and Windsor Counties from non-attainment for ozone to unclassified. These three areas were approved as non-attainment for ozone and attainment plans were included in the State's March 21, November 21, November 27 and December 19, 1979 SIP revisions.

Description of the Vermont request:

For Addison County, Vermont has requested a redesignation from non-attainment for ozone to attainment based on ambient monitoring data which shows that there were no predicted or observed violations from 1978 through 1980. Addison County ozone readings over the last three years demonstrate attainment according to the procedures described in 40 CFR 50, Appendix H—Interpretation of the National Ambient Air Quality Standards for Ozone. For Windsor County, Vermont has requested a redesignation from non-attainment for ozone to unclassified. The document indicates that the reported violations of the standard in 1977 may have been biased by monitor calibration techniques. In addition, a comparision of 1977 data in Windsor and Addison Counties shows that for 75 of 79 days with violations, Windsor County readings were lower than those in Addison County. Since there is not sufficient evidence that Winsdor County has attained the ozone standard, Vermont has requested an unclassified designation until montioring data can be collected and a determination of attainment/non-attainment made.

Chittenden County was originally designated non-attainment on March 3, 1978 based on the 0.08 ppm ozone standard. In February, 1979, EPA amended the ozone standard and the methodology for calculating ozone violations, but Vermont had already issued a draft SIP revision. In a letter dated August 7, 1979 Vermont requested that EPA reevaluate the data determination for Chittenden County based on the new 0.12 ppm standard. A decision to require that Chittenden County remain designated non-attainment meant that major sources of volatile organic compound (VOC) emissions (precursors to the formation of ozone) must be required to install reasonably available control technology and that any new or modified major stationary source of hydrocarbons must install equipment to obtain the most stringent emission rate possible. On December 11, 1979 Vermont officially requested that Chittenden County be redesignated to unclassified.

Information supplementing the December 11, 1979 request was submitted in the December 11, 1980 document. It shows that the ozone monitor in downtown Burlington was subject to nitrogen oxide scavenging. Because the amount of bias for readings in 1978 and 1979 cannot be determined and because 1980 levels at the new monitoring site at the University of Vermont show no violation of the standard, Vermont is requesting that Chittenden County be redesignated from non-attainment for ozone to unclassified.

In the February 19, 1980 rulemaking EPA indicated that it would act on that request in a separate Notice and that if Chittenden County was finally redesignated unclassified, the regulations regarding storage of VOCs and bulk gasoline terminals (Regulations 5-523(1) and 5-523(3)) approved that date could be withdrawn from the federally approved SIP. The state will hold a public hearing on the withdrawal of these regulations from the federally-approved SIP. Once a SIP revision is received on this action, EPA will publish proposed rulemaking in the **Federal Register**.

Proposed Action

EPA is proposing to approve Vermont's request to redesignate from non-attainment for ozone to attainment for Addison County and to unclassified for Windsor and Chittenden Counties.

Interested persons are invited to comment on the Vermont request and whether it meets the requirements of the Clean Air Act. Comments should be submitted to the address listed in the front of this Notice.

Public comments received by July 6, 1981 will be considered in EPA's final decision on the Vermont request. All comments received will be available for inspection at EPA's Region I office, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes an attainment status redesignation under Section 107(d) within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes area air quality designations.

Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because this action imposes no regulatory requirements but only changes area air quality designations.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Sec. 110 of the Clean Air Act, as amended)

Dated: May 15, 1981.

Leslie Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 81-16909 Filed 6-5-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1 Appendix, Parts 1-4 and 101-37

Procurement and Contracting for Telecommunications

AGENCY: General Services Administration.

ACTION: Notice of distribution for review and comment of draft Federal Procurement Regulations (FPR) subpart.

SUMMARY: On May 29, 1981, the General Services Administration distributed to Federal agencies and other interested parties a proposed new FPR Subpart 1-4.13 in Part 1-4. Review and comments on the draft were requested to be submitted within 60 days. The new subpart is intended to replace, in part, existing regulatory coverage contained in FPR Temporary Regulation 51 in 41 CFR Ch. 1 App., (44 FR 41431, July 17, 1979) and Federal Property Management Regulations (FPMR) Subpart 101-37.4 in Part 101-37 and to provide provisions regarding procurement and contracting by Federal agencies of commercial telecommunications services.

DATES: Review and comments are invited through July 28, 1981.

ADDRESS: GSA (CPEP), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT:

Roger W. Walker, Procurement Policy and Regulations Branch, Policy and Analysis Division, Office of Policy and Planning, ADTS, 202-566-0194.

Dated: May 29, 1981.

Francis A. McDonough,

Deputy Commissioner for Government-wide Management, Automated Data and Telecommunications Service.

[FR Doc. 81-16950 Filed 6-5-81; 8:45 am]

BILLING CODE 6820-25-M

National Archives and Records Service

41 CFR Part 101-11

Records Management; Standard and Optional Forms

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Proposed rule.

SUMMARY: This proposed regulation updates and clarifies GSA/NARS procedures for both the approval and cancellation of Standard and Optional forms. The proposed subpart also sets forth agencies' responsibilities to develop, promulgate, and sponsor Government-wide forms through the Standard and Optional forms program.

DATE: Comments must be received by: July 23, 1981.

ADDRESS: Comments should be sent to the General Services Administration (NRSO), Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT:

Ms. Gail Dennis, Team Leader, Standard and Optional Forms Program (202-376-2343).

SUPPLEMENTARY INFORMATION: This subpart is in agreement with and supplements FPMR 101-11.208-1, Forms—agency program responsibilities.

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or other; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Accordingly, it is proposed to amend 41 CFR Part 101-11 as follows:

PART 101-11—RECORDS MANAGEMENT

1. The table of contents for Subpart 101-11.8 is revised to read as follows:

Subpart 101-11.8—Standard and Optional Forms Program

Sec.
101-11.800 Scope of subpart.
101-11.800-1 Objectives.
101-11.801 Authority.
101-11.802 Definitions.
101-11.802-1 Form.
101-11.802-2 Standard form.
101-11.802-3 Optional form.
101-11.802-4 Promulgating agency.
101-11.802-5 Sponsoring agency.
101-11.802-6 Exceptions.
101-11.802-7 Overprinting.
101-11.803 Agency responsibilities.
101-11.804 Approval/disapproval/cancellation procedures.
101-11.804-1 Approval and disapproval for Standard and Optional forms.
101-11.804-2 Cancellation of Standard and Optional forms.
101-11.805 Standard and Optional forms/public reports.
101-11.806 Standard and Optional forms coordination with interagency reporting approved by GSA/NARS.
101-11.807 Interagency Committee on Medical Records (ICMR) responsibilities.
101-11.808 Clearance of medical forms.
101-11.809 Exceptions to Standard forms.
101-11.809-1 Policy.
101-11.809-2 Procedure.
101-11.809-3 Review.
101-11.810 Employee suggestions.
101-11.811 Procurement of Standard Form 152.
101-11.812 Procurement of stocks of Standard and Optional forms.

Authority: Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

Subpart 101-11.8—Standard and Optional Forms Program

2. Subpart 101-11.8 is revised to read as follows:

§ 101-11.800 Scope of subpart.

This subpart prescribes procedures for agencies to follow in obtaining both the approval and cancellation of Government-wide Standard and Optional forms. This subpart also sets forth agencies' responsibilities to develop, promulgate, and sponsor Government-wide forms through the Standard and Optional Forms Program. This subpart is in agreement with and supplements § 101-11.208, Forms—agency program responsibilities.

§ 101-11.800-1 Objectives.

The objectives of the Standard and Optional forms program are to provide:

(a) Simplified Government-wide procedures;

(b) Cost-effective practices and procedures for creating, stocking, and distributing forms; and

(c) Creation of Standard and Optional forms based on a valid need and in compliance with applicable laws and regulations, such as the Freedom of Information Act (FOIA) (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), and Federal Information Processing Standards (FIPS) (40 U.S.C. 759; Executive Order 11717, dated May 9, 1973; and 15 CFR Part 6).

§ 101-11.801 Authority.

The Standard and Optional Forms Program was developed and operated by the Office of Management and Budget (OMB) consistent with the authorities prescribed by the Budget and Accounting Act of 1921. Responsibility for the program was assumed on May 29, 1967, by GSA/NARS through agreement with OMB.

§ 101-11.802 Definitions.

For the purposes of this subpart, the following definitions apply.

§ 101-11.802-1 Form.

A fixed arrangement of captioned spaces designed for entering and extracting prescribed information. This definition includes:

(a) Paper copy created or generated from equipment or devices employing memory storage, magnetic tape, cards, or programed formats; and

(b) Electronic displays created or used on visual display equipment, microfilm, or similar media.

Various reproduced items that do not have provisions for entering information are not considered to be forms. Items in this category are instruction sheets, instruction booklets, labels, and placards. These items may be assigned form numbers and controlled within the forms management program, but they are excluded from required or requested statistical reports of forms and identified as "nonform" or "other" items.

§ 101-11.802-2 Standard form.

A form prescribed by a Federal agency, consistent with its authority, and approved by GSA/NARS for mandatory Government-wide use.

§ 101-11.802-3 Optional form.

A form developed by a Federal agency for use in two or more agencies and approved by GSA/NARS for nonmandatory Government-wide use.

§ 101-11.802-4 Promulgating agency.

Any Federal agency, department, or commission that develops and prescribes a Standard form as defined in § 101-11.802-2.

§ 101-11.802-5 Sponsoring agency.

Any Federal agency, department, or commission that develops and prescribes an optional form as defined in § 101-11.802-3.

§ 101-11.802-6 Exceptions.

A GSA/NARS approved deviation from the mandatory use of a Standard form. There are two categories of exceptions: Content or format changes and construction changes.

(a) Content or format changes are changes to the wording or layout of the form (e.g., addition, deletion, or rearrangement).

(b) Construction changes are revisions in printing specifications that result in no changes in the content or arrangement of data on the form (e.g., paper changes, paper size changes, snapout sets, and marginally punched constructions).

§ 101-11.802-7 Overprinting.

The printing of pertinent identical entries in a captioned area on a Standard or Optional form (e.g., agency names and addresses, accounting codes, and organization codes).

§ 101-11.803 Agency responsibilities.

Each agency shall:

(a) Designate a liaison representative and alternate representative. Notifications of designees, including each designee's name, title, organizational location, and telephone number, and requests for clearance and all other communications concerning the Standard and Optional Forms Program shall be addressed to: General Services Administration (NR), Washington, DC 20408. Changes in designations shall be submitted within 30 calendar days after a new appointment is made.

(b) Provide NARS with a copy of the agency's internal instructions on Standard and Optional forms management.

(c) Develop new and revised Standard and Optional forms in accordance with the provisions of this subpart, the agency's mission, responsibilities, regulatory authority, applicable laws and regulation (§ 101-11.801(c)), and GSA/NARS forms analysis and design guidelines.

(d) Ensure that its new and revised Standard and Optional forms do not duplicate forms already available in the Standard and Optional Forms Program.

(e) Obtain GSA/NARS approval for each new, revised, and canceled Standard and Optional form.

(f) Coordinate with user agencies on each new, revised, and canceled Standard and Optional form.

(g) Review existing Standard and Optional forms for possible improvements, consolidations, and cancellations, at least annually.

(h) Reply to GSA/NARS information and printing proof requests within 10 workdays.

(i) Maintain records documenting all agency Standard and Optional forms actions.

§ 101-11.804 Approval/disapproval/cancellation procedures.

§ 101-11.804-1 Approval and disapproval for Standard and Optional forms.

The promulgating/sponsoring agencies and NARS have specific responsibilities in the area of forms approval/disapproval. Each promulgating/sponsoring agency shall:

(a) Request approval for proposed and revised Standard and Optional forms by submitting to GSA/NARS three each of the following: Standard Form 152, Request for Clearance, Procurement, or Cancellation of Standard and Optional Forms; the justification; the draft form; the proposed implementing instructions (Standard forms) or availability announcement (Optional forms); a list of the names, titles, and organizations of persons with whom this material was coordinated; a list of concurrences; a summary of any major problems on which agreement could not be reached; a list of potential users and their projected annual usage; and a cost-effectiveness evaluation. NARS will (1) verify the need; (2) ensure the requirement will not result in duplicate forms; and (3) assess the impact on users.

(b) Request approval of the form from NARS. If approved, NARS will assign it an edition date and, if required, a form number or other identification, as appropriate; return the approved Standard Form 152 to the liaison representative of the promulgating/sponsoring agency; and enter the approved form in the Standard and Optional forms inventory. (Edition dates, once assigned, may not be changed by an agency.) If the form is disapproved, NARS will notify the requesting agency on the Standard Form 152.

(c) Ensure that the following appear on all Standard and Optional forms: the Standard/Optional form number assigned by GSA/NARS, the edition date, the name of the promulgating/sponsoring agency, and, for Standard forms only, a citation of the agency regulation that requires its mandatory

V 46 / 109 JUN 8 1 UMI

use. Normally this citation will be located on the first page of the form in the lower right corner.

(1) Two sided forms shall bear the form number and edition date on both sides. In addition, the word "back" must apear on the reverse of the form.

(2) If the form is three or more pages, the second and succeeding pages will be identified by the form number, the page number, and the edition date.

(3) Placement of this identifying information on the pages of a multiple-page form is optional, depending on whether or not the form is to be bound.

(d) Notify using agencies of approved Standard or Optional form(s) by formal directive or announcement. The document prescribing the form shall include the following information: (1) Purpose; (2) form title; (3) form number; (4) edition date; (5) format (including a facsimile if possible); (6) preparation instructions; (7) intended use (mandatory or optional); (8) frequency of use; (9) number of copies; (10) guidance on use and disposition of present stocks; (11) the supply source; (12) when available, the approximate availability date; and (13) if the form is also a report, the interagency report control number and/or Office of Management and Budget (OMB) approval number.

§ 101-11.804-2 Cancellation of standard and optional forms.

The promulgating/sponsoring agencies and NARS have specific responsibilities in the area of cancellation. Standard and Optional forms are cancelled when:

(a) A promulgating/sponsoring agency believes a Standard or Optional form is no longer needed, and recommends its cancellation to NARS by submitting a Standard Form 152, a justification statement, and a draft of the proposed cancellation notice. NARS will inform the promulgating/sponsoring agency on the returned Standard Form 152 whether the recommendation is approved or disapproved.

(b) A promulgating/sponsoring agency notifies the using agencies of the cancellation, when approved by NARS, by publishing a cancellation notice in the **Federal Register**.

§ 101-11.805 Standard and optional forms/public reports.

In accordance with applicable OMB guidance, Standard and Optional forms that also require approval by the Office of Management and Budget (OMB) under 44 U.S.C. 3501-3513 because they are to be used to collect information from the public or are the basis of statistical compilations of general public interest shall be submitted to OMB through NARS.

§ 101-11.806 Standard and optional forms coordination with interagency reporting approved by GSA/NARS.

As described in Subpart 101-11.11, NARS is responsible for approving interagency reporting requirements. Accordingly, when an agency plans to use new or revised Standard or Optional forms in conjunction with an interagency reporting requirement, the agency shall also submit a Standard Form 360, Request for Clearance of an Interagency Reporting Requirement.

§ 101-11.807 Interagency committee on medical records (ICMR) responsibilities.

The Interagency Committee on Medical Records (ICMR) is resonsible for standardizing and initiating forms used as medical records. GSA shall promulgate and sponsor these forms.

§ 101-11.808 Clearance of medical forms.

The ICMR chairperson shall initiate, sign, and submit all medical form requests (§ 101-11.807) to GSA, Office of Human Resources and Organization, Forms Management Branch (HRAF), Washington, DC 20405. HRAF will forward the package to NARS for processing in accordance with § 101-11.804-1.

§ 101-11.809 Exceptions to standard forms.

The following is NARS-prescribed policy and procedure in the area of exceptions to Standard forms.

§ 101-11.809-1 Policy.

(a) Agencies shall request NARS approval for exceptions to Standard forms. Overprints are not exceptions. The procurement and use of overprinted forms is at agency discretion and must be limited to quantities that are cost effective.

(b) Reproduction and stocking of approved exceptions to Standard forms is the responsibility of the requesting agency. (See FPMR 101-26.302.)

(c) Exceptions become void when the affected Standard form is revised by the promulgating agency, when the exception is altered, or, in the case of construction exceptions, when a usable standardized construction is stocked by the Federal Supply Service (FSS).

§ 101-11.809-2 Procedure.

(a) Agencies shall submit an exception request to NARS: Three copies of the proposed form, Standard Form 152, the justification, and, when available, the printing requisition. The justification shall explain the need and the reasons for the request (conclusive evidence that the Standard form cannot be used for the agency's purpose, cannot be used as prescribed, cannot be used in the existing construction, or is not cost beneficial); the proposed Standard form alteration(s) or deviation(s); and the resultant cost benefits.

(b) In the case of content and format changes GSA/NARS shall review the request and send a copy to the promulgating agency for a recommendation of approval or disapproval. NARS shall review the recommendation and forward a copy of the Standard Form 152 indicating approval or disapproval to the requesting agency and to the promulgating agency.

(c) In the case of construction changes, NARS shall approve or disapprove the request and send copies of the signed Standard Form 152 to the requesting and promulgating agencies and to GSA, FSS, Standard Forms Management Section.

(d) Approved exceptions must bear the notation on each page "Exceptions to SF (number) approved by NARS (month) (year)" below or near the form number element.

(e) When an exception is approved, GSA/NARS will forward the printing requisition, if available, to GSA, FSS, Standard Forms Management Section.

§ 101-11.809-3 Review.

(a) GSA/NARS shall review and analyze exceptions periodically, coordinate findings with FSS, and recommend form content, format, and construction changes to the promulgating agency.

(b) The promulgating agency shall implement the recommended changes in accordance with established procedures.

§ 101-11.810 Employee suggestions.

In accordance with Federal Personnel Manual Chapter 451, employee suggestions that propose changes in the design, printing specifications, content, or use of a Standard or Optional form shall be sent to the promulgating/sponsoring agency for evaluation. The promulgating/sponsoring agency will provide NARS with a copy of its evaluation. New and revised Standard and Optional forms created as a result of employee suggestions shall be processed in accordance with procedures provided in § 101-11.804-1.

§ 101-11.811 Procurement of Standard Form 152.

Supplies of Standard Form 152 may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA

regional office that provides support for the requesting activity. The national stock number is 7540-00-935-4084.

§ 101-11.812 Procurement of stocks of Standard and Optional forms.

General procedures for procuring stocks of Standard and Optional forms are in § 101-26.302, Standard and Optional Forms.

Dated: April 30, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-16919 Filed 6-5-81; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Part 301

Child Support Enforcement Program; Withholding of Advance Funds for Not Reporting

AGENCY: Office of Child Support Enforcement (OCSE), HHS.

ACTION: Proposed rule; supplemental notice.

SUMMARY: On January 6, 1981, the Department of Health and Human Services published a notice of proposed rulemaking in the **Federal Register** (Vol. 46, No. 3, page 1319) entitled "Withholding of Advance Funds for Not Reporting." In the preamble to that proposed regulation, HHS discussed forms for reporting expenditures and for reporting collections and distributions under the Child Support Enforcement program. The Office of Management and Budget (OMB) disapproved use of the specifically mentioned forms under the Paperwork Reduction Act (44 U.S.C. Chapter 35); their use is no longer required. Revised and simplified forms were submitted to OMB and have been approved under OMB numbers 0960-0235 and 0960-0238. States have been instructed that, with regard to current requirements in 45 CFR Part 301, they may claim reimbursement for expenditures made during the quarters ending December 31, 1980, March 31, 1981 and June 30, 1981 either on the old forms or on the approved new forms to meet the requirements of law. The purpose of this supplemental notice is to make clear that any final action taken on the January 6 proposed rule will also reflect this change.

FOR FURTHER INFORMATION CONTACT: Pera Daniels (301) 443-2910.

Dated: May 27, 1981.

John A. Svahn,

Director, Office of Child Support Enforcement.

[FR Doc. 81-16714 Filed 6-5-81; 8:45 am]

BILLING CODE 4110-07-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-234; RM-3744; RM-3774]

FM Broadcast Stations in Beaumont, Lake Jackson and Port Lavaca, Texas; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of Comment and reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding concerning the proposed assignment of FM channels to Beaumont, Lake Jackson and Port Lavaca, Texas. Petitioner, KIKK, Inc., states that additional time is needed to coordinate showings of the parties thereto.

DATES: Comments must be filed on or before June 10, 1981, and reply comments on or before July 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments and Reply Comments

Adopted: May 27, 1981.

Released: June 1, 1981.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Beaumont, Lake Jackson and Port Lavaca, Texas).

By the Chief, Policy and Rules Division.

1. On April 1, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 22008, published April 15, 1981, in the above-entitled proceeding. The dates for filing comments and reply comments are June 1, and June 22, 1981, respectively.

2. On May 22, 1981, counsel for KIKK, Inc., (KIKK), the proponent of RM-3774, filed a request seeking an extension of time for filing comments to and including June 10, 1981. Counsel states that additional time is necessary to coordinate various showings being prepared by several consulting engineers and the comments of the parties regarding this proceeding, which is one of the several rule making proceedings relating to pending applications by various FM stations in Houston, Texas, proposing to relocate their facilities to a common transmitter site. Counsel states further that none of the parties herein has interposed an objection to the instant request.

3. Accordingly, it is ordered, That the time for filing comments and reply comments in BC Docket No. 81-234, are extended to and including June 10, and July 1, 1981, respectively.

4. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-16827 Filed 6-5-81; 8:45 am]

BILLING CODE 6712-01-M

V.46/109/9 JUN 81 UMI

Notices

Federal Register
Vol. 46, No. 109
Monday, June 8, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 39643]

Air Chicago Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on June 5, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned judge.

Dated at Washington, D.C., June 2, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-16892 Filed 6-5-81; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See 14 CFR 302.1701 et seq.) Week Ended May 29, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures, such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
5-27-81	39657	Air Florida, Inc., 3900 N.W. 79th Avenue, Miami, Florida 33166 Application of Air Florida, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its certificate of public convenience and necessity for Route 197 authorizing it to engage in air transportation with respect to persons, property and mail at the point: Grand Rapids, Michigan Conforming Applications, motions to modify scope, and Answers may be filed by June 25, 1981.
5-27-81	39661	Capitol International Airways, Inc., P.O. Box 325, Smyrna, Tennessee 37167. Application of Capitol International Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests authorization to provide scheduled air transportation of persons, property and mail: Between any point or points within the United States and a point or points in Bahrain, Egypt, Greece, Kuwait, Oman, Qatar, and the United Arab Emirates. Conforming Aplications, motions to modify scope, and Answers may be filed by June 25, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16891 Filed 6-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-4; Docket Nos. 38019 and 38961]

Wien Air Alaska Mainline and Bush Mail Rates Investigation; Intra-Alaska Class Service Mail Rates; Order Establishing Informal Conference

Issued under delegated authority June 1, 1981.

Several parties participting in the first informal conference held on December 3, 1980, in the above proceedings indicated their desire that there be a second informal conference before any orders establishing final rates in these proceedings were prepared. The staff expressed the view that the possibility of such a conference should await the submission of required data and comments, which the parties were directed to file on January 30, and March 20, respectively.[1]

Data submissions were filed by six air carrier parties and the Postal Service. Comments on the data were filed by Wien Air Alaska, the Postal Service, Reeve Aleutian Airways and Kodiak Western Alaska. In addition, by letter dated May 21, 1981, the Postal Service requested that the Board permit the filing of reply comments, which were not authorized by the original procedures, in lieu of another conference. Specifically, it requested that (1) June 30, 1981, be established as the date for filing reply comments; (2) the filing of such comments be restricted to only those parties which filed initial comments; and (3) the Board proceed to issue an order to show cause and final rate order after reply comments had been reviewed.

By letter dated May 28, 1981, counsel for Alaska Airlines stated that his client supports the Postal Service's request for reply comments provided that (1) all parties, including those not filing initial comments, are permitted to file reply comments and (2) the due date for such comments is July 10, 1981, instead of June 30, 1981, as requested by the Postal Service. The letter also expressed the view that while "relatively indifferent", Alaska was not opposed to the establishment of a second conference.

While recognizing the desire of the Postal Service and other parties to proceed expeditiously, we believe, nonetheless, that a second conference will help to further clarify the issues and develop relevant information as well as to provide the Board with a better overall record for decision. Accordingly, the Bureau of Domestic Aviation will hold a conference on June 17, 1981, to amplify and supplement the data submitted by the parties and serve as the potential means for resolving any issues on which the parties believe they may be able to reach agreement. The views expressed in the comments indicate that the parties should be prepared to submit any necessary further information and discuss potential dispositions with respects to the following issues:

1. the cost weighting of non-priority mail over mainline sectors;

2. the appropriate directionality and circuity standards for rate-making purposes;

3. the treatment of future rate adjusments; and

4. the proper rate of return on investment for the carriage of intra-Alaska Mail.

One other issue for discussion at the conference will be the Postal Service's apparent policy to prefer interline service to Alaskan bush points that is provided under subcontract

[1] By Order 81-3-78, the due date for filing comments was May 1, 1981.

arrangements with the mainline carrier.[2] It is important, however, to clarify the intended scope of the conference's consideration of this issue. Since most of the parties have already filed comments on the issue of the legal validity of this interline restriction and, as previously indicated, the focus of this conference is primarily to develop information, the legal implications of the Postal Service's policy will not be a topic for discussion. Instead, the primary focus will be on information of a factual nature with respect to the distribution of mail destined for the bush, including the apportionment of such mail to new entrants.

Generally, the parties should be prepared to develop additional information on such matters as the methods and criteria used to select the subcontractors who are used to haul mail to the bush, the facilities available at bush destination hubs for mail storage and security, and the efficiencies of maintaining the current interline restriction vs. a policy which would permit interlining on the same basis used in the lower-48 states. Carrier and Postal Service personnel familiar with mail handling and distribution procedures within Alaska should be particularly helpful in discussing these matters and their participation is specifically encouraged.

As to the matter of reply comments, the requests of the Postal Service and Alaska for authority to file such comments are denied. The conference mechanism will afford adequate opportunity for the submission of data and views on matters already in the record, thus obviating the need for replies. If the parties believe that additional written comments are needed to supplement their oral presentations, the matter can be considered again.

Accordingly, 1. The Bureau of Domestic Aviation will hold a conference of the parties on the above-mentioned matters on June 17, 1981, at 10:00 a.m. in Room 910, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

2. This conference will be open to the public, but only the parties to Dockets 38019 and 38961 and the Board's staff will be permitted to participate;

3. The Assistant Director, Fares, Rates and Tariffs will preside at this conference and have the authority to rule on all procedural matters;

4. The provisions contained in 14 CFR 302.313 and 14 CFR 302.314 will apply to this conference;

5. The request of the Postal Service to forego a second informal conference in these proceedings is denied;

6. The requests of the Postal Service and Alaska Airlines for leave to file reply comments in these proceedings are denied;

7. A copy of this order will be served on Alaska Airlines, Alaska International Air, Kodiak-Western Alaska Airlines, Munz Northern Airlines, Reeve Aleutian Airways, Peninsula Airlines, Sea Airmotive, Wien Air Alaska and the Postmaster General.

This order will be published in the **Federal Register**.

Persons entitled to petition the Board for review of this order under the Board's Regulations, 14 CFR 385.50, may file their petitions within 10 days of the date of service of this order.

This order shall become effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within that period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

Norman D. Schwartz,

Assistant Director, Fares, Rates and Tariffs Bureau of Domestic Aviation.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16895 Filed 6-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39158]

Wings International Airways Fitness Investigation; Notice of Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on July 1, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned judge.

Dated at Washington, D.C., June 2, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-16893 Filed 6-5-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

California State University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00428. Applicant: California State University, Fullerton, 800 N. State College Blvd., Fullerton, CA 92634. Article: 501B Nanosecond Light Source with Observation PMT. Manufacturer: Photochemical Research Assoc., Inc., Canada. Intended use of article: See Notice of page 76721 in the **Federal Register** of November 20, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency stability of 0.1% and an amplitude stability of 5% as well as a pulse width equal to 2.6 nanoseconds. The Department of Health and Human Services advises in its memorandum dated February 19, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-16862 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From Belgium; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

[2] In accordance with procedures adopted at the first conference Alaska Airlines, Munz Northern Airlines, Peninsula Airlines, and the Postal Service filed separate comments on this issue. Peninsula, Wien and the Postal Service filed replies. These comments focused primarily on the Postal Service's legal authority to prescribe interlining restrictions.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from Belgium. The scope of the review is limited to the only known exporter, Fabelta Zwijnaarde N.V., and to the period January 1, 1978 through November 30, 1980. The review disclosed no shipments to the United States of this merchandise during this time period. There are no known unliquidated entries.

As a result of the review, the Department has preliminarily decided to require cash deposits equal to the calculated margins on the last known shipments for which margins have been found. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: June 8, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–337–2704).

SUPPLEMENTARY INFORMATION:

Procedural Background

On November 27, 1978, an antidumping finding with respect to viscose rayon staple fiber from Belgium was published in the **Federal Register** as Treasury Decision 78–469 (43 FR 55240). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding of viscose rayon staple fiber from Belgium.

Scope of the Review

This review covers imports of viscose rayon fiber, except solution dyed, in noncontinuous form, not carded, not combed, and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments). These fibers are currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA).

The only known Belgian exporter of this merchandise to the United States is Fabelta Zwijnaarde N.V. The review covers the period January, 1978 (the month of suspension of liquidation) through November 30, 1980. There are no known shipments to the United States during this time period and there are no known unliquidated entries.

Preliminary Results of the Review

As required by § 353.48 (b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 57.6%, based on the fair value weighted-average margin for Fabelta Zwijnaarde N.V., shall be required on all shipments of viscose rayon staple fiber from Belgium entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a) (1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary Import Administration.

June 1, 1981.

[FR Doc. 81–16833 Filed 6–5–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Issuance of Permit

On April 23, 1981, Notice was published in the **Federal Register** (46 FR 23098), that an application had been filed with the National Marine Fisheries Service by District Engineer-Corps of Engineers, 2nd and Chestnut Streets, Philadelphia, Pennsylvania 19106 to capture, weigh, measure, tag, stomach sample, and release shortnose sturgeon (*Acipenser brevirostrum*) in the Delaware River; and to collect eggs and larvae from spawning areas.

Notice is hereby given that on June 3, 1981, and as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Scientific Purposes Permit for the above taking to the Philadelphia District Engineer-Corps of Engineers, subject to certain conditions set forth therein.

Issuance of this permit, as required by the Endangered Species Act of 1973, is based on the finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Act.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: June 3, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–16916 Filed 6–5–81; 8:45 am]

BILLING CODE 3510–22–M

Issuance of Permit To Take Endangered Species

On March 30, 1981, Notice was published in the **Federal Register** (46 FR 19293), that an application had been filed with the National Marine Fisheries Service by LGL Environmental Research Associates, Sidney British Columbia, Canada, for a Scientific Research and Scientific Purposes permit to take up to 250 bowhead whales by harassment.

Notice is hereby given that on June 1, 1981, the National Marine Fisheries Service issued a Scientific Research and Scientific Purposes Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) to LGL Environmental Research Associates subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) was applied for in good faith; (2) will not

operate to the disadvantage of the endangered species which are the subject of this Permit; (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to Parts 220–222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W. Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: June 1, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species.

[FR Doc. 81-16917 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit To Take Marine Mammals

On April 27, 1981, Notice was published in the **Federal Register** (46 FR 23513), that an application had been filed with the National Marine Fisheries Service by Dr. Louis Rigley, Wilkes-Barre Pennsylvania, for a Scientific Research Permit to take up to 25 bottlenose dolphins by harassment annually for a period of four years.

Notice is hereby given that on June 3, 1981, the National Marine Fisheries Service issued a Scientific Research Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) to Dr. Louis Rigley subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: June 3, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-16918 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-22-M

Maritime Administration

[Docket No. S-691]

Moore McCormack Lines, Inc., Moore McCormack Bulk Transport, Inc., and Lachmar; Application

Notice is hereby given that Moore McCormack Lines, Inc. (Mormac) and Moore McCormack Bulk Transport, Inc. (Mormac Bulk) by application of June 3, 1981 have applied for written permission under section 805(a) of the Act for affiliated companies to own and operate either the 125,000 m^3 LNG tanker LAKE CHARLES or her sister ship LOUISIANA for one voyage in the domestic coastwise trade. Notice is also hereby given that Lachmar, by application dated June 3, 1981 as owner of both of the above vessels, both of which were built with construction-differential subsidy (CDS) has applied for written permission under section 506 of the Act for the temporary employment of either of the vessels in the domestic trade.

Lachmar has served notice that it intends to have either of the above vessels make a single voyage from Boston to Elba Island, Savannah with a load of approximately 77,000 m^3 of LNG with scheduled loading dates of June 26 to July 6.

Morgas, Inc. which is a 20 percent partner in Lachmar, and Gastrans, Inc. the operator of both the LAKE CHARLES and the LOUISIANA, are both subsidiaries of Moore McCormack LNG Transport, Inc. which is itself a subsidiary of Moore McCormack Resources, Inc. (Resources). Mormac and Mormac Bulk, both holders of long-term operating-differential subsidy (ODS) contracts, are also subsidiaries of Resources.

It is Lachmar's belief that no non-CDS vessels of suitable capacity required to perform the voyage are availble to load on or about June 26.

While publication of notice with respect to permission under section 506 is not required, the Maritime Administration believes it is appropriate to provide an opportunity for interested parties to comment on the application.

Any person, firm, or corporation having any interest in such application and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on June 15, 1981. If such comments deal with section 805(a) issues, they should be accompanied by a petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene on section 805(a) issues are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program Nos. 11.504 Operating-Differential Subsidies (ODS) and 11.600 Construction-Differential Subsidies (CDS))

By Order of the Assistant Secretary for Maritime Affairs.

Date: June 5, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-17128 Filed 6-5-81; 12:40 pm]

BILLING CODE 3510-15-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for the Disposal of Dredged Material in the Atlantic Ocean off the Mouth of the Chesapeake Bay (Referred to as the Norfolk Disposal Site)

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. The proposed action is the designation of an open water disposal site for dredged material from the Hampton Roads and lowere Chesapeake Bay Channels, Virginia. The site is located approximately 15 nautical miles east of the Chesapeake Bay entrance. The area is circular in shape with a 4 nautical mile radius centered at 36°59′N and 75°39′W. The Norfolk District is currently using an open water disposal site approximately 3 nautical miles east of Virginia Beach, Virginia. This is known as the Dam Neck Disposal Area.

2. Alternatives to be studied in this statement include the continued use of the Dam Neck Disposal Area, the cessation of all ocean dumping activities, and the various sites considered for the disposal area, including onshore disposal areas.

3a. The scoping process for the statement will be concluded during the 60 days following the date of this notice. The comments of interested Federal, State, and local agencies as well as organized groups and private individuals are requested before this time limit expires so that scheduling of any additional studies pertinent to the EIS can be done. If any group or person desires additional time for comments, please contact Norfolk District as soon as this requirement is evident.

3b. A variety of investigations have been underway for several years in order to determine the suitability of material from the Hampton Roads Channels and the lower Chesapeake Bay for ocean disposal. In addition, these investigations included the collection of background environmental data from the possible disposal area site and the management of the existing Craney Island Disposal Area for material not suitable for ocean disposal. The sources of material to be disposed of and the effect of the disposal of this material on the selected area will also be addressed. Any possible archeological and historical impacts of these proposed actions are also being investigated and will be addressed in the DEIS.

3c. Requests will be made of the following Federal and State agencies for assistance within their area of expertise during the scoping portion of the draft statement's preparation.

The U.S. Environmental Protection Agency
The National Oceanic and Atmospheric Administration
The National Marine Fisheries Service
The Virginia State Water Control Board
The U.S. Fish and Wildlife Service
The Virginia Department of Health
The Virginia Marine Resources Commission
The Virginia Institute of Marine Science

The U.S. Environmental Protection Agency (EPA) has had an integral role in developing the testing program for this action during the past several years. The EPA is expected to continue to provide close coordination throughout the EIS process. Other Federal and State agencies may be requested to provide information for the draft document if necessary.

3d. Future environmental review and consultation may be required for projects using the proposed ocean disposal area but the preparation and evaluation of the Draft and Final Environmental Impact Statement is expected to fulfill all immediate environmental coordination.

4. An Interagency meeting involving Federal and State environmental agencies will be held in lieu of a formal scoping meeting. A meeting will be held by Norfolk District during the next 60 days. These meetings may continue during the writing of the draft document if the need exists.

5. It is estimated that the Draft Environmental Impact Statement will be available for public review within six (6) months following the date of this notice.

Address: Questions concerning the proposed action and the DEIS can be answered by: Norfolk District, Corps of Engineers, James D. Haluska, Oceanographer, NAOEN-RE, 803 Front Street, Norfolk, VA 23510; Telephone (804) 441-3767, FTS 827-3767.

Dated: May 29, 1981.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81-16843 Filed 6-5-81; 8:45 am]

BILLING CODE 3710-EN-M

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Project Designed To Provide Beach Erosion Control and Hurricane Protection Along the Chesapeake Bay Shoreline in the City of Norfolk, Virginia

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. The 7.3 miles of shoreline along the southern shore of the Chesapeake Bay from the tip of Willoughby Spit to the entrance to Little Creek Inlet has been experiencing damage problems caused by storm tides and waves, and coastal erosion. Except for a few hundred feet adjacent to Little Creek Inlet the entire shoreline is within the limits of the city of Norfolk. The remaining segment is a part of the city of Virginia Beach. The flood plain included in the area of investigation is approximately 8.4 square miles of the northern section of the city of Norfolk. The Draft EIS will consider the impacts of remedial actions aimed at beach erosion control and hurricane protection in the project area.

2. Alternatives to be considered in this statement include no action; structural measures including artificial beach nourishment, groins, offshore breakwaters, seawalls, bulkheads and revetments, dune construction, etc. and non-structural measures including permanent evacuation, land acquisition, flood plain ordinances, etc.

3a. The scoping process for this statement will take place during the 4 months following the date of this notice of intent. The comments of interested Federal, State, and local agencies as well as organized groups and private individuals are requested before this time limit expires so that scheduling of studies pertinent to this EIS can be done.

3b. Investigations are currently underway which will identify and evaluate impacts of the considered plans on the environmental, social, historical and cultural resources of the study area. Significant issues to be considered in the DEIS include possible long and short term environmental impacts associated with structural alternatives including the removal of sand from borrow areas, sand nourishment activities along beach and intertidal areas, and development of sand dunes, breakwaters and other backshore and offshore features.

3c. Requests will be made of the following Federal and State agencies for assistance within their area of expertise during the scoping portion of the Draft statement's preparation:

The U.S. Fish and Wildlife Service
The National Marine Fisheries Service
The U.S. Environmental Protection Agency
The Virginia State Water Control Board
The Virginia Department of Health
The Virginia Marine Resources Commission
The Virginia Institute of Marine Science

The U.S. Fish and Wildlife Service has provided comments and suggestions concerning this action during the past several years, and is expected to maintain this role throughout the EIS process. Other Federal and State agencies may be requested to provide information for the draft document if necessary.

3d. Further environmental review and consultation may be required should there be any future changes in the project but the preparation and evaluation of the Draft and Final Environmental Impact Statement is expected to fulfill all immediate environmental coordination.

4. An interagency meeting involving Federal and State environmental agencies will be held in lieu of a formal scoping meeting. This meeting is expected to be held at the Norfolk

District Corps of Engineers within 3–4 months of the date of this notice.

5. It is estimated that the Draft Environmental Impact Statement will be available for public review within 1 year following the date of this notice.

Address: Questions about the proposed action and DEIS can be answered by: District Engineer, Norfolk District, Corps of Engineers, ATTN.: Craig Seltzer, Oceanographer, NAOEN-RE, 803 Front Street, Norfolk, Virginia 23510.

Dated: May 29, 1981.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81-16844 Filed 6-5-81; 8:45 am]

BILLING CODE 3710-EN-M

Office of the Secretary

Defense Advisory Committee on Military Personnel Testing

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Defense Advisory Committee on Military Personnel Testing is scheduled to be held from 9:30 AM to 5:00 PM, June 29, 1981 and from 9:30 AM to approximately 1:00 PM, June 30, 1981 in Room 1E801, The Pentagon. Meeting sessions will be open to the public.

The purpose of the meeting is to orient Committee members regarding their duties and responsibilities; to review the development and calibration of the Armed Services Vocational Aptitude Battery Forms 8, 9, and 10; and to plan the agenda for the next Committee meeting scheduled for October 27 and 28, 1981 in San Antonio, Texas.

Persons desiring to make oral presentations or submit written statements for consideration at the Committee meeting must contact Dr. W.S. Sellman, Executive Secretary, Defense Advisory Committee on Military Personnel Testing, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), Room 2B269, The Pentagon, Washington, D.C. 20301, telephone (202) 695-5525 no later than June 19, 1981.

M.S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 2, 1981.

[FR Doc. 81-16839 Filed 6-5-81; 8:45 am]

BILLING CODE 3810-70-M

Membership of the Inter-Defense Agency Performance Review Board

AGENCY: Office of the Secretary, DOD.

ACTION: Notice of the membership of the Inter-Defense Agency Performance Review Board.

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the Defense Agencies (Defense Audit Service, Defense Communications Agency, Defense Logistics Agency, Defense Mapping Agency, and the Defense Neclear Agency). The publication if PRB membership is required by 5 U.S.C. 4313(c)(4).

The Performance Review Board provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance and performance awards.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Sharon B. Brown, Chief, Senior Executive Service Division, Directorate for Personnel & Security, WHS, Office of the Secretary of Defense, Department of Defense, The Pentagon. (202) 695-4573 or 695-9313.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following are names and titles of the executives who have been appointed to serve as members of the Performance Review Board. They will serve a one-year renewable term, effective the date of this notice

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 3, 1981.

Inter-Defense Agency Performance Review Boards

Defense Audit Service

CURRY, James H., Deputy Director, Defense, Audit Service
RUSS, Richard T., Associate Director, Special Program Audits
MELING, Merle A., Associate Director, Financial, Management and Manpower Audits
THOMAS, William F., Associate Director, Systems and Logistics Audits
KEESEE, William K., Associate Director, Intelligence and Communications Audits

Defense Communications Agency

SIGNORI, David, Deputy Worldwide Military, Command and Control Systems, Systems Engineer (Systems Definition & Analysis)
BURGETT, Monte I., Associate Deputy Director for Research and Technology
CAIN, Marshall L., Assistant Manager, National Communications Systems, Technology and Standards
CAMPBELL, Bruce J., Assistant Manager, National Communications Systems, Plans and Operations
CLEAVELAND, Richard G., Technical Director, UAMHS Projects Management Office
GOERTZEL, Herbert B., Deputy Director for WWMCCS, ADP Technical Support
HARSHBARGER, Robert E., Assistant Deputy Director, National Military Communications System Automated Data Processing
HELMS, Robert, Comptroller
ISRAEL, David R., Worldwide Military Communications and Control System Systems Engineer
LAVEAN, Gilbert E., Chief, Systems Engineering
LEBOW, Irwin L., Chief Scientist and Associate Director
LEVINE, Robert H., Deputy Director, Defense Communications Engineering Center
LYONS, Robert E., Chief, Computer and Software Systems Division
MIQUELON, David S., Deputy Worldwide Military Communications and Control System Systems Engineer-Europe
MORRISS, Benham E., Deputy Director, Communications and Control Technical Center
PASQUARIELLO, Camillo J., Chief, Systems Plans and Programs Division
PUCCIARELLI, Samuel D., Assistant Deputy Director for Computer Services
RAFFENSPERGER, Maurice J., Senior Advisor for Technology
SELVAGGI, Phillip S., Chief Interoperability and Standards Division
THOMPSON, Martin A., Chief, Switched Systems Division
WHEALEN, John T., General Counsel
MILGRAN, Edith, Chief, Worldwide Military Command and Control Systems, Information System Office
DiNUCCI, Richard, Deputy, WWMCCS System Engineer

Defense Contract Audit Agency

OYER, Darrel J., Assistant Director, Resources
LOGSDON, Ray E., Assistant Director, Plans and Policy
STARRETT, Charles O., Jr., Deputy Director
QUILL, John J., Counsel
BROWN, James R., Assistant Director, Operations and Professional Development
EVANS, Paul, Regional Director, Atlanta
REED, William, Regional Director, Boston
HUBBARD, Robert B., Regional Director, Chicago

MIRCH, Patrick D., Regional Director, Los Angeles
DELLA BERNARDO, H., Regional Director, Philadelphia
TOPF, Bernard, Regional Director, San Francisco

Defense Investigation Service

O'DONNELL, Bernard, Director, Defense Intelligence Service
VACANT, Director of Operations

Defense Logistics Agency

CASSELL, William J., Comptroller, Defense Logistics Agency
JONES, James R., Sr., Chief, Operations Budget Division
BORDLEY, Robert G., Chief, Accounting and Finance Division
KABEISEMAN, Karl W., Counsel, Defense Logistics Agency
QUIGLEY, Gary P., Associate Counsel, Defense Logistics Agency
CHIESA, Raymond, Executive Director, Contracting
DUKE, John T., Chief, Plans and Policy Division
FOGLE, Grover D., Chief, Contracts Division
MACLIN, James, Deputy Executive Director, Supply Operations
HARVEY, Mary Ellen, Chief, Logistics Programs Division
BRUNER, Richard G., Executive Director, Technical and Logistics Services
ARNOLD, Robert, Chief, Property Disposal Division
MOORE, Donald E., Deputy Executive Director, Quality Assurance
GORDON, William V., Executive Director, Contract Management
HUDSON, Anthony W., Staff Director, Personnel
DELLAS, Raymond W., Staff Director, Small and Disadvantaged Business Utilization
SAUTER, Hubert E., Administrator, Defense Technical Information Center

Defense Mapping Agency

ANDERSON, Allen E., Assistant Deputy Director for Programming
AYERS, Lawrence F., Deputy Director for Programs, Production and Operations
BOALE, George D., Director of Personnel
DAUGHERTY, Kenneth I., Technical Director, DMA, Hydrographic/ Topographic Center
GILLIAM, Penman R., Deputy Director for Programs, Production and Operations
MACOMBER, Mark M., Technical Director, DMA Aerospace Center
MANCINI, Armando, Deputy Director for Systems and Techniques
MARTIN, Charles F., Chief, Advanced Technology Division
RHODES, Albert N., Chief, Program/ Budget Division (Deputy Comptroller)
ROTH, Frank E., Assistant Deputy Director, Production and Distribution
VAUGHN, John R., Comptroller
WEBB, Joe E., Chief, Acquisition Systems Development Division
WILLIAMS, Owen W., Deputy Director, Management and Technology
DURBIN, William P., Deputy Director, Programs, Production and Operations
SEPPELIN, Thomas O., Assistant Deputy Director for Plans and Requirements

Defense Nuclear Agency

CAREW, Paul, Comptroller
CONRAD, Edward, Deputy Director (Science and Technology)
FITZ, Harold, Chief, Electronics Vulnerability Division
KNOWLES, Cyrus, Assistant Deputy Director—Science and Technology (Testing)
OSWALD, Robert, Assistant Deputy Director—Science and Technology (Theoretical Research)
SEVIN, Eugene, Assistant to the Deputy Director (Science and Technology) for Experimental Research
SOPER, Gordon, Scientific Assistant to Deputy Director (Science and Technology)
STILL, Edwin T., Assistant to the Director (Biomedical Effects)

[FR Doc. 81-16840 Filed 6-5-81; 8:45 am]
BILLING CODE 3810-70-M

Membership of the Office of the Secretary, of Defense (OSD) Performance Review Board

AGENCY: Office of the Secretary DOD.

ACTION: Notice of the membership of the Office of the Secretary of Defense Performance Review Board.

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the Office of the Secretary of Defense, Field Activities, the Organization of the Joint Chiefs of Staff, the U.S. Court of Military Appeals, and the U.S. Mission to NATO. The publication of PRB membership is required by 5 U.S.C. 4313(c)(4).

The Performance Review Board provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance and performance awards.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Sharon B. Brown, Chief, Senior Executive Service Division, Directorate for Personnel & Security, WHS Office of the Secretary of Defense, Department of Defense, The Pentagon (202) 695-4573 or 695-9313.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following are names and titles of the executives who have been appointed to serve as members of the Performance Review Board. They will serve a one-year renewable term, effective the date of this notice.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 3, 1981.

Office of the Secretary of Defense Performance Review Board

Immediate Office

PURITANO, Vincent, The Executive Assistant to The Deputy Secretary of Defense
DOLVIN, Welborn G., Deputy Negotiator for the Department of Defense for Panama Canal Treaty Affairs and Joint Chiefs of Staff Representative, Mutual and Balanced Force Reductions Negotiations

Small Business

LEFTWICH, Norma B., Director, Small and Disadvantaged Business Utilization
WILLIAMS, Arthur F., Director, Disadvantaged Business Utilization Policy
FELSHER, Hal C., Director of Small Business and Economic Utilization Policy

IG Defense Intelligence

MICHEL, Werner E., Inspector General for Defense Intelligence

OUSD Policy

IKLE, Fred C., Under Secretary of Defense for Policy

Net Assessment

MARSHALL, Andrew W., Director of Net Assessment

Policy Planning

ESTES, Charles E., Jr., Director, Strategic Policy
SCHNEITER, George R., Deputy Director, DOD SALT Task Force
MINICHIELLO, Lee, Assistant Deputy Director for Strategic Systems and Senior OSD Advisor (Salt Overseas Element)
SCHILLING, David M., Director, General Purpose Forces Policy
BLAKER, James R., Personal Representative of the Secretary of Defense on the Mutual and Balanced Force Reductions Negotiations
FINCH, Louis C., Director, Mutual and Balanced Force Reductions Task Force

OUSD (Policy Review)

STILWELL, Richard G., Deputy Under Secretary of Defense (Policy Review)
STIVERS, Ronald H., Assistant Deputy Under Secretary of Defense (Policy Review)
WEISS, Gus W., Jr., Special Assistant for Space Policy Coordination
LIOPIROS, Kostas J., Director, Communications, Command and Control Policy
SNIDER, L. Britt, Director, Counterintelligence and Security Policy
VAN COOK, Arthur F., Director, Information Security
O'BRIEN, Thomas J., Director, Security Plans and Programs

OASD (ISA)

KOCH, Noel C., Principal Deputy Assistant Secretary of Defense (International Security Affairs)
BARRINGER, Philip E., Director, Foreign Military Rights Affairs
GAFFNEY, Henry H., Jr., Director, Near Eastern and South Asian Region
ARMITAGE, Richard L., Deputy Assistant Secretary of Defense (East Asia and Pacific Affairs)
BADER, George W., Deputy Director, European and NATO Affairs
LIGON, Walter B., Director, Security Assistance Plans and Requirements
GROTH, Carl H., Jr., Director, International Economic Affairs
FROST, Ellen L., Director, Defense Procurement Task Force

OATSD (AE)

WADE, James P., Assistant to the Secretary of Defense (Atomic Energy)/Chairman, Military Liaison Committee to DoE
BUTLER, Gunning, Jr., Staff Specialist for Arms Control Assessment
BERENSON, Paul J., Deputy Assistant to the Secretary of Defense (Atomic Energy) (Assessment)
TOBRINER, Matthew W., Senior Analyst for Long Range Resource Planning
MICHAEL, Louis G., Deputy Assistant to the Secretary of Defense (Atomic Energy) (Long Range Resource Planning)

OUSDR&E

DELAUER, Richard D., Under Secretary of Defense for Research and Engineering
SULLIVAN, Gerald D., Staff Specialist for International Programs and Policy
THOMAS, Ronald D., Director for Program Control and Administration
MITTINO, John A., Director, Materiel Acquisition Policy
GROVE, H. Mark, Staff Specialist, Defense System Computer Resources and Electronics
DONNELLY, Richard E., Deputy Director, Production Resources
TRIMBLE, Robert F., Director (Contracts and Systems Acquisition)
FISHER, Herbert L., Deputy Director, Contract Placement and Administration
BRANNAN, James T., Deputy Director, Defense Acquisition Regulatory System
KENDIG, John L., Deputy Director (Cost, Pricing and Finance)
SMITH, John E., Director, Major Systems Acquisition
MILLBURN, George P., Special Assistant to Deputy Under Secretary (Research and Advanced Technology)
FEINSTEIN, Joseph, Director, Electronics and Physical Sciences
MUSA, Samuel A., Staff Specialist for Electronic Warfare and Target Acquisition
SUMNEY, Larry, Staff Specialist, Electronic Device and Integrated Circuit Technology
MacCALLUM, John M., Jr., Staff Specialist for Search and Surveillance
DASHIELL, Thomas R., Staff Specialist for Chemical Technology
MAKEPEACE, Gershom R., Director (Engineering Technology)
SIEWERT, Raymond F., Jr., Staff Specialist for Aeronautics and Hydronautics
THORKILDSEN, Ray, Staff Specialist for Ordnance
PERSH, Jerome, Staff Specialist for Materials and Structures
KOPCSAK, George C., Staff Specialist, Weapons Technology
AIREY, John R., Director, Directed Energy Programs
LYNN, Verne L., Director, Defensive Systems
WINTER, William H., Staff Specialist for Defensive Systems
BERTAPELLE, Arthur H., Staff Specialist, Early Warning and Attack Assessment
MULLEN, James F., Director, Cruise Missile Systems
ATKINS, Marvin C., Director (Offensive and Space System)
RUFFINE, Richard S., Staff Specialist for Technology and Analysis (Offensive Systems)
JONES, Thomas K., DUSD (Strategic & Space Systems)
HARDISON, David C., Deputy Under Secretary of Defense Research and Engineering (Tactical Warfare Programs)
MINNEMAN, Milton J., Special Assistant for Plans and Analysis
CHEN, Martin F., Staff Specialist for Interdiction/Naval Strike
BERNARD, Charles W., Director, Office of Land Warfare
HORTON, Cyril F., Staff Specialist for Close Combat Systems
O'NEIL, William D., III, Director, Naval Warfare
McKINNEY, Edward J., Staff Specialist for Anti-Submarine and Undersea Surveillance
ANDERSON, David L., Staff Specialist for Tactical Ocean Surveillance and Electromagnetic Technology
TRANSUE, John R., Director, Office of Air Warfare
WILLIAMS, O. Charles, Jr., Staff Specialist, Close Air Support/ Battlefield Interdiction
LINDER, Isham W., Director, Defense Test and Evaluaiton
GREENLEE, Donald R., Staff Specialist for Strategic and Naval Warfare Systems
RICHARDSON, William A., Deputy Director for Test Facilities and Resources
WATT, Charles K., Deputy Director, Test and Evaluation for Strategic and Naval Warfare Systems
LOMACKY, Oles, Director, Technology Trade
MINTZ, Jeanne S., Speical Assistant for Planning and Requirements
KAPPER, Francis B., Director, Technology Export
GREINKE, Everett D., Director for NATO/European Affairs

OASD (C3I)

QUINN, Thomas, Deputy Assistant Secretary of Defense (Communications, Command and Control)
TURNER, Robert D., Special Assistant for Technical Plans and Research
SOLOMON, David L., Deputy Assistant Secretary of Defense (Technical Policy and Operations)
SALTON, George L., Director, Communications Systems
HAMILTON, Dale L., Staff Specialist for Satellite Communications Systems
FACEY, Albert G., Jr., Staff Specialist for Switched and Special Purpose Communications Systems
BABCOCK, James H., Deputy Assistant Secretary of Defense (Intelligence)
TETHER, Anthony J., Director, National Intelligence System
CITTADINO, John C., Director, Combat Support
PORTER, John M., Director , Electronic Warfare and C3 Countermeasures
MARQUIS, Dennis C., Special Assistant for NATO and European Theater Command and Control
KELLER, Michael I., Senior Staff Specialist for Electronic Subsystems Integration and Standardization
THOMAS, Reynold, Jr., Staff Specialist for WWMCCS and Other C3 Systems Architecture

STARR, Stuart H., Director, Systems Research and Evaluation
SULLIVAN, Alden P., Director, C3 Resources
HOWE, Richard G., Staff Specialist, Tactical Command and Control
WALKER, Stephen T., Director, Information Systems
LEWIS, William, Staff Specialist for Electronic Warfare and C3 Countermeasures
HAWKINS, Charles A., Jr., Director, Tactical Intelligence Systems

DARPA

POSSUM, Robert R., Director, Defense Advanced Research Projects Agency
ROMNEY, Carl F., Deputy Director for Research
PHILLIPS, William J., Director, Tactical Technology Office
CHARVONIA, David A., Director, DARPA Regional Office, Europe
SEPUCHA, Robert C., Assistant Director for Space Defense Technology
MANGANO, Joseph A., Assistant Director for Technology, Directed Energy Office
TANIMOTO, Douglas H., Director, Directed Energy Office
CHAPMAN, Ray E., Director, Program Management Office
GOODWYN, James C., Deputy Director, Program Management Office
KAHN, Robert E, Director, Information Processing Techniques Office
LEVINTHAL, Elliot C., Director, Defense Sciences Office
VANREUTH, Edward C., Assistant Director, Material Sciences
REYNOLDS, Richard A., Deputy Director, Defense Science Office
FIELDS, Craig I., Assistant Director, for Cybernetics Technology
THOMAS, Carl M., Director, Strategic Technology Office
PIKE, H. Alan, Deputy Director, Directed Energy Office
TEGNELIA, James A., Jr., Deputy Director, Tactical Technology Office
WILLIS, Nicholas, Assistant Director for Target Acquisition and Engagement
WHITMAN, Edward, Director for Ocean Monitoring and Control
HANSEN, John W., Deputy Director, Stretegic Technology Office
SCOTT, Richard U., Director, DARPA Regional Office, Pacific

MRA&L

KORB, Lawrence J., Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics)
JULIANA, James N., Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affarirs and Logistics)
SHOREY, Russell R., Special Assistant for Weapon Support
GROOVER, Charles W., Deputy Assistant Secretary of Defense (Requirements, Resources and Analysis)
CULOSI, Salvatore, Director for Logistics, Program/Budget and Analysis
COMPTON, James, Director, International Logistics and Support Analysis
SICILIA, Thomas G., Director, Research & Data
BERGMANN, Walter B., II, Director, Resource Management and Analysis
VALDES, William C, Deputy Assistant Secretary of Defense (Civilian Personnel Policy)
EARICH, Douglas R., Director, Management Studies
HAUGHTON, Claiborne D., Jr., Director of Compliance
MARTIN, Albert J., Jr., Director for Accession Policy
BRINKERHOFF, John R., Special Assistant to Deputy Assistant Secretary of Defense (Reserve Affairs)
STONE, Robert A., Deputy Assistant Secretary of Defense (Program Management)
FARBROTHER, Douglas, Staff Director (Program Management)
TILLSON, John, Director, Manpower Management
FITES, Jeanne B., Director, Intergovernmental Affairs
TUCKER, Alvin, Director for Training and Education
DONOVAN, Paul, Director, Mobilization and Deployment Planning
RILEY, Paul H., Deputy Assistant Secretary of Defense (Supply, Maintenance and Transportation)
ALTIZER, Harrell B., Director for Supply Management Policy
SHRIBER, Maurice, Staff Director/ Director Supply Policy and Programs
MOORE, Robert J., Staff Director, Materiel Management Systems Division
HYMAN, Paul J., Director, Transportation and Distribution Policy
MOORE, Robert H., Staff Director, Transportation Systems Division
TURKE, Joseph G., Director for Maintenance Policy
SMILEY, Orville L., Director, Automated Systems
FLIAKAS, Perry J., Deputy Assistant Secretary of Defense (Installations and Housing)
ROLLENCE, John F., Director for Facilities Programming
ROGNER, E. A., Director for Installation Management and Planning
BUZALSKI, Ernest A., Director, Base Requirements and Utilization
MARSHALL, Mortimer M., Director for Construction Standards and Design
SHEEHAN, William J., Senior Advisor to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) and to the Director, Office of Economic Adjustment
WINSHURST, Thomas H. E., Assistant Director for Operations
MARIENTHAL, George, Deputy Assistant Secretary of Defense (Energy, Environment and Safety)
NELSON, Wayne S., Director for Safety and Occupational Health Policy
SHARKEY, William J., Jr., Director for Energy Policy
SINGER, Neil M., Director, Special Projects
LACY, James L., Director, Organizational Programs
MEEHAN, Patrick J., Director, Housing Program
COAKLEY, William F., Director, Overseas and Nonappropriated Fund Personnel Management

OEA

LYNCH, John, Economic Advisor
RAUNER, Robert, Deputy Director, Office of Economic Adjustment

DoDDS

CARDINALE, Anthony, Director, DoD Dependent Schools
KILLIN, Edward C., Director, Pacific Region DoDDS

ASD(LA)

ROURKE, Russell A., Assistant Secretary of Defense (Legislative Affairs)
STEMPLER, Jack L., Assistant to the Secretary of Defense (Legislative Affairs)

OASD(C)

BORSTING, Jack R., Assistant Secretary of Defense (Comptroller)
SOVEREIGN, Michael G., Director, Special Projects Group
LOSE, Graydon I., Special Assistant to the Assistant Secretary of Defense (Comptroller)
QUETSCH, John R., Principal Deputy Assistant Secretary of Defense (Comptroller)
ROSEN, E., Deputy Assistant Secretary of Defense (Management Systems)
KRAFT, Herbert H., Jr., Principal Assistant to the Deputy Assistant Secretary of Defense (Management Systems)
CREHAN, John T., Director for Accounting Policy
McCARTY, Thomas F., Director for Cost Accounting Policy
SAYLOR, James W., Director, Financial Accounting Policy
MULCAHY, Kenneth C., Director, Policy Promulgation Division

TOULME, Clarence V., Director for Banking, International Finance and Professional Development
CARABELLO, John M., Director for Data Automation
LEARY, William H., III, Associate Director, Data Automation
SCOTT, Winfield S., Director for Management Information Control and Analysis
SCHMIDT, Raymond E., Deputy Comptroller for Audit Policy
WOEHRLE, Charles D., Director for Internal Audit Policy
SHYCOFF, Donald B., Director for Operations
McLAUGHLIN, Frank I., Deputy Director for Operations
GLAISTER, Clyde O., Director for Program and Financial Control
MELCHNER, John W., Deputy Director for Program and Financial Control
EATON, Nelson W., Deputy Director for Research and Development
HESSLER, David J., Director for Research and Development
SOUTH, Allen D., Director for Construction
BEACH, John W., Director for Plans and Systems
HARSHMAN, Richard A., Director for Procurement
TRODDEN, Stephen A., Deputy Director for Procurement
DUBE, Lawrence P., Director for Military Personnel
COOKE, David O., Deputy Assistant Secretary of Defense (Administration)/Director, Washington Headquarters Services
GOLDBERG, Alfred, Policy Analyst and Historian
EHLERS, Arthur H., Jr., Director for Organizational and Management Planning
CAVANEY, William T., Director, Defense Privacy Office/Executive Secretary, Defense Privacy Board
LIEBERMAN, Robert J., Deputy Director for Plans and Systems

OASD(HA)

MOXLEY, John H., III, Assistant Secretary of Defense (Health Affairs)
BEARY, John F., III, Principal Deputy Assistant Secretary of Defense (Health Affairs)
McKENZIE, Vernon, Deputy Assistant Secretary of Defense (Health Systems)

OCHAMPUS

WOOD, Theodore D., Director, Office of the Civilian Health and Medical Program of the Uniformed Services

PA&E

CHU, David, Director, Program Analysis & Evaluation
LEONARD, Michael, Deputy Assistant Secretary of Defense (Regional Programs)
TAPPARO, Frank A., Director, Asia Division
DAVIS, Paul K., Director, Special Regional Studies Division
MAJOR, Philip L., Director, Strategic Defensive and Theater Nuclear Forces Division
PERIN, David A., Director, Strategic Offensive Forces and Arms Limitation Division
MARGOLIS, Milton A., Deputy Assistant Secretary of Defense (Resource Analysis)
MORGAN, John D., Director, Cost and Economic Analysis
CHRISTIE, Thomas P., Deputy Assistant Secretary of Defense (General Purpose Programs)
PENNINGTON, Arthur W., Director, Naval Forces Division
FINSTERLE, James C., Director, Land Forces Division
CROTEAU, Robert J., Director, Tactical Air Division
CHRISTIE, Deborah P., Director, Mobility Forces Division

OASD (PA)

CATTO, Henry F. Jr., Assistant Secretary of Defense (Public Affairs)
WELLES, Benjamin, Principal Deputy Assistant Secretary of Defense (Public Affairs)
GOLDSMITH, John A., Special Assistant
HINKLE, Charles W., Director, Freedom of Information and Security Review

AFIS

CRANSTON, Robert, Director, American Forces Information Service

OGC

TAFT, William H. IV, The General Counsel
NIEDERLEHNER, Leonard, Deputy General Counsel
TROSCH, Dennis H., Assistant General Counsel (Logistics)
BRISKIN, Manuel, Assistant General Counsel (Fiscal Matters)
GILLIAT, Robert L., Assistant General Counsel (Manpower, Health and Public Affairs)

OATSD (Review & Oversight)

SHERICK, Joseph H., Assistant to the Secretary (Review and Oversight)

U.S. Mission to NATO

LEGERE, Laurence J., Defense Advisor, U.S. Mission to NATO
CALAWAY, Paul R., Deputy Defense Advisor for Research, Engineering and Acquisition
LOVELAND, Trafton, J., Director, Infrasturcture and Logistics Division
GONTAREK, Stanley J., Director, Communications and Electronics Division

WHS

SUNGENIS, Joseph, Director, Information Operations and Reports
BECKER, Karl F., Director of Personnel and Security
CRATCH, Geoffrey A., Director of Budget and Finance

International Military Activities Staff

SMITH, Homer D., Jr., Director of Logistics (International Staff)
SPAULDING, Harry S., Director of Logistics (NAMSA)
FEINBERG, Martin, Director of Finance, Central European Operating Agency (NATO Support Group)
JEFFERSON, Ralph H., Deputy Civilian Commandant (NATO College)
MARTIN, John D., Director, Nuclear Planning (International Staff)

OJCS

LESE, William G., Jr., Scientific and Technical Advisor to the Chief, SACA and Chief, Technical Support Division

DSAA

VON MARBOD, Erich, Deputy Director, Defense Security Assistance Agency
MORRIS, Herbert K., Comptroller
MURRELL, Billy C., Deputy Comptroller, DSAA
RUDD, Glenn A., Director, Security Assistance Operations
TYLER, John T., Jr., Deputy Director, Security Assistance Operations
WOODS, James, Director, Joint Financial Management Office

[FR Doc. 81-16841 Filed 6-5-81; 8:45 am]
BILLING CODE 3810-70-M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Science and Technology Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on 23–24 June 1981, from 8:30 a.m. to 5:30 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of autonomous homing weapons and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public

interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact: Lieutenant Kathleen M. Cummings, Executive Secretary, CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311, Telephone: (703) 756–1205.

Dated: June 5, 1981.

P. B. Walker,

Captain, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-17114 Filed 6-5-81; 10:03 am]

BILLING CODE 3810-71-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

National Advisory Council on Ethnic Heritage Studies; Meeting

AGENCY: Department of Education.

ACTION: Notice of Meeting of National Advisory Council on Ethnic Heritage Studies.

SUMMARY: This notice contains the schedule and agenda of a forth-coming meeting of the National Advisory Council on Ethnic Heritage Studies. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: June 24, 1981—9:00 a.m. to 4:30 p.m.; June 25, 1981—9:00 a.m. to 4:30 p.m.; June 26, 1981—9:00 a.m. to 12:30 p.m.

ADDRESS: Federal Office Building 6, Room 3000 (Large conference room), 400 Maryland Avenue, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence E. Koziarz, Director, Ethnic Heritage Studies Program, 400 Maryland Avenue, SW., Room 1128, Donohoe Building, Washington, D.C. 20202, Telephone: (202) 245–3471.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Ethnic Heritage Studies is established under Section 956 of the Elementary and Secondary Education Act of 1965 as added by the Education Amendments of 1972 (Pub. L. 92–319) and amended by the Education Amendments of 1978 (Pub. L. 95–561). The Council is established to advise the Secretary and the Assistant Secretary for Elementary and Secondary Education on the implementation of Part E of Title IX of the Elementary and Secondary Education Act of 1965 in order to provide assistance designed to afford students the opportunity to learn about their own cultural heritage and the contributions of the other ethnic groups of the Nation.

The Council shall advise concerning matters of general policy, arising from the administration of programs authorized by Part E of Title IX, of the Elementary and Secondary Education Act of 1965, and shall perform specific functions as follows: (a) make recommendations to the Secretary and the Assistant Secretary regarding the collection of data to facilitate program planning and evaluation; e.g., recommend a survey of needs to determine or modify program priorities, or suggest national or regional reviews of intercultural curriculum and personnel development; (b) suggest innovations to meet program needs or otherwise improve ethnic heritage studies; (c) suggest promising areas of inquiry to give direction to research; e.g., recommend ethnographic studies as required for substantial intercultural curriculum materials development; (d) provide such administrative and legislative proposals as may be appropriate; and (e) not later than June 30 of each year, submit to Congress, a report of its activities, findings, and recommendations.

The proposed agenda includes:

June 24, 1981

Council Business
Report on Contracts
Council Management
Report on FY 81 Funding
Committee Meetings

June 25, 1981

Final Review of Annual Report
Ethnic Data From Census
Committee Meetings

June 26, 1981

Report of Committees
Setting of FY 1982 Calendar and Agenda for the next meeting

Records are kept of all Council proceedings, and are available for public inspection at the Office of the National Advisory Council on Ethnic Heritage Studies, 1128 Donohoe Building, 400 6th Street, SW., Washington, D.C. 20202.

Signed in Washington, D.C. on June 1, 1981.

John H. Rodriguez,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 81-16806 Filed 6-5-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act; Intent To Prepare an Environmental Impact Statement and Conduct Public Scoping Meetings for Remedial Actions at the Inactive Uranium Mill Tailings Site and Vicinity Properties in and Near Durango, Colorado

AGENCY: Department of Energy.

ACTION: Notice is hereby given that the Department of Energy intends to prepare an environmental impact statement (EIS) to assess the environmental implications of remedial actions to be performed on the inactive uranium mill tailings piles and vicinity properties in and near Durango, Colorado.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS, in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA), to provide environmental imput into the selection of an appropriate strategy for the permanent disposal of the uranium mill tailings at the site of a now-dismantled uranium mill formerly owned by the Vanadium Corporation of America and at associated vicinity properties in and near Durango, Colorado. The DOE is currently considering as its proposed action the removal of the tailings to a specially prepared remote site for permanent disposal. In accordance with the Council on Environmental Quality regulations for compliance with NEPA (40 CFR Part 1501), the DOE is serving as the lead agency for preparation of the EIS; the Nuclear Regulatory Commission will participate as a cooperating agency.

The DOE invites interested agencies, organizations and members of the general public to submit comments or suggestions for consideration in connection with the preparation of the draft EIS. Comments may be submitted by mail or presented at scoping meetings to be held in Durango, Colorado, on June 30 and July 1, 1981. Upon completion of the draft EIS, notice of its availability will be announced in the **Federal Register**, and comments will be solicited. Comments on the draft EIS will be considered in preparing the final EIS.

ADDRESS: Written comments or suggestions on the scope of the EIS and requests to speak at the scoping meetings may be submitted to: Mr. R. H. Campbell, Uranium Mill Tailings Project Office, Albuquerque Operations Office, Department of Energy, P.O. Box 5400, Albuquerque, NM 87115.

Envelopes should be marked "DEIS for Durango tailings piles."

General information on the process followed by the DOE in preparing environmental impact statements may be obtained from: NEPA Affairs Division, Office of Environmental Compliance and Overview, Office of the Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness, U.S. Department of Energy, ATTN: Ms. Carol M. Borgstrom, Room 4G–064, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252–4600.

DATES: Written comments postmarked by July 13, 1981 will be considered in the preparation of the DEIS. Comments postmarked after that date will be considered to the maximum extent practicable. Scoping meetings will be held in Durango, Colorado, on June 30 and July 1, 1981. Requests to speak at these meetings should be received by R. H. Campbell at the above address by June 22, 1981.

Background Information

The uranium mill tailings at the former Vanadium Corporation of America site are on the southwest side of Durango, just outside the city limits. The mill, built on the site in 1942, originally processed vanadium ore. From 1943 to 1946 it reprocessed the vanadium tailings to recover uranium. Between 1949 and 1963 it processed uranium ore for the U.S. Atomic Energy Commission. The mill was shut down in 1963. Although the mill buildings have been removed, the tailings from the operations remain in two piles lying against a mountain slope and covering about 21 acres. In addition, some contaminated soil was transported offsite and used locally as fill on properties in the vicinity of the former Vanadium Corporation of America site.

In 1978 the U.S. Congress passed the Uranium Mill Tailings Radiation Control Act, Pub. L. 95–604. In this Act, the Congress found that uranium mill tailings may pose a significant radiation health hazard to the public and directed the DOE to designate inactive uranium processing sites for remedial action to remove this potential hazard. It required the DOE to carry out remedial action at each site in cooperation with other Federal agencies and with the states and Indian tribes affected by the action. It gave to the Nuclear Regulatory Commission (NRC) responsibility for consulting with the DOE over a range of subjects concerning the conduct of the remedial action, for concurring with the selected remedial action and with any cooperative agreement with a state or Indian tribe, and for licensing the maintenance of each tailings-disposal site after the remedial action is completed. In addition, the Environmental Protection Agency (EPA) was given the responsibility to set standards to protect public health, safety, and the environment at the tailings sites and the disposal sites.

In accordance with Pub. L. 95–604, the DOE has designated 25 sites for remedial action. One of them is the site outside Durango. The DOE has made preliminary assessments of the tailings piles there and of possible remedial actions. The State of Colorado has investigated several areas in which the tailings might safely be permanently disposed of and has recommended four of them as possible candidates for further study. The DOE has selected three of these sites for analysis in the draft EIS.

To most expeditiously fulfill its role in overseeing the remedial action, the NRC has decided to participate as a "cooperating agency" as defined by the Council on Environmental Quality regulations for implementing NEPA (40 CFR 1508.5). By participating in this manner, the NRC will avoid duplicating the DOE efforts in a separate NRC-prepared EIS for the Durango tailings.

The EPA has issued proposed standards governing the cleanup and disposal of residual radioactive material at inactive uranium processing sites, including the site near Durango, and intends to issue final standards by late 1981.

A document describing the preliminary assessment of the Durango tailings is the "Phase II Title I Engineering Assessment of Inactive Uranium Mill Tailings, Durango Site, Durango, Colorado" (DOE/UMT/0103), which is available for public inspection at the locations listed at the end of the notice.

In order to proceed with the selection of an appropriate remedial action, the DOE will prepare an EIS that will analyze the effects of the proposed action and alternatives. After the completion of a final EIS based on the draft EIS and comments on the draft EIS, the plan for remedial action on the Durango tailings will be selected, probably in 1982. The remedial action could then begin in 1983 and be completed during 1987, subject to the appropriation of sufficient funds by the Congress and by the State of Colorado to cover the remedial action costs.

Preliminary Identification of Environmental Issues

Those issues to be analyzed during the preparation of the EIS will include:

1. Exposures to radiation that the public and the workers on the project will receive from routine operations.
2. Exposures to radiation from hypothetical accidents that release radioactive material.
3. Changes in air quality caused by dust and other pollutants.
4. Effects on soils and mineral resources.
5. Effects on surface and ground waters.
6. Effects on plants and animals.
7. Changes in land use.
8. Changes in noise levels during the actions.
9. Effects on scenic, historic, and cultural resources.
10. Changes in population and effects on housing, social structure, services, and economic structure in the communities near the affected places.
11. Effects on transportation networks, including changes in traffic patterns and volumes.
12. Expected use of energy and other resources.
13. Effects of accidents other than effects arising from release of radioactive material.
14. Benefits of reprocessing the tailings to recover minerals.

The list is not intended to be all-inclusive nor to be a predetermination of impacts.

Analyses of the listed effects will be made for the mill-tailings site, the properties in the vicinity that are contaminated by materials from the mill-tailings site, the disposal sites, the reprocessing sites, if any, the transportation routes, and the sites where cover material is obtained. The analyses, made for all the alternative actions, will cover both the time when the remedial action is in progress and the time after it has been completed.

Preliminary Definition of Alternatives

The DOE will consider all reasonable alternatives to the proposed action and their environmental impacts. The alternative actions presently proposed for analysis in the draft EIS are briefly listed below. This list may be longer or shorter in the draft EIS itself.

1. No action. Under this alternative, the tailings would be left in place and no measures would be taken to control them.

2. Stabilization in place. Under this alternative the contaminated material at the vicinity properties would be returned and incorporated with the tailings at the former Vanadium Corporation of America site. All tailings and the other contaminated materials would then be stabilized at the site. The pile would be recontoured and cover material placed over it to reduce the radon flux to meet the EPA standards for permanent disposal.

3. Removing the tailings from the former Vanadium Corporation of America site and vicinity properties and disposing of them permanently below the ground in Bodo Canyon, an area about 2.5 road miles south-southwest of the present tailings piles.

4. Removing the tailings from the former Vanadium Corporation of America site and vicinity properties and disposing of them permanently below the ground in Long Hollow, an area about 10 road miles southwest of the present tailings piles. There are two options under this alternative. Under option 1, the mill tailings would be reprocessed by heap leaching at the disposal site to allow the recovery of minerals. Under option 2, the tailings would receive no reprocessing before final disposal.

5. Removing the tailings from the former Vanadium Corporation of America site and vicinity properties and disposing of them permanently below the ground in Pine Ridge, an area about 7 road miles southwest of the present tailings piles. This alternative has the same two options as alternative 4, and its methods of analysis will be similar.

Comments and Scoping Meetings

The DOE invites all interested parties to submit written comments or suggestions on the draft EIS and to attend the scoping meetings. The purposes of the meetings and of the request for written comments are to provide the DOE and the NRC with as much information from as many viewpoints as possible and to provide interested persons with opportunities to express their views. The DOE will then determine, in consultation with the NRC, the scope of the issues to be addressed in the draft EIS and will identify the significant issues related to the remedial action.

The public scoping meetings will be held in Durango, Colorado, on June 30 and July 1, 1981. The times and places will be announced in local news publications; they may also be obtained from R. H. Campbell at the address given above.

Persons desiring to make oral comments at the meetings should mail their requests to R. H. Campbell at the above address and should write "Durango scoping meetings" on the envelopes. They should notify the DOE of their desire to speak before June 22, 1981, so that the DOE may arrange a schedule for the presentations.

The DOE will establish procedures governing the conduct of the meetings. The meetings will not be conducted as evidentiary hearings, and those who choose to make statements may not be cross-examined by other speakers. To ensure that everyone who wishes to speak has a chance to do so, five minutes will be allotted to each speaker. Depending on the number of persons requesting to be heard, the DOE may allow longer times for representatives of organizations; persons wishing to speak on behalf of an organization should identify the organization in their request. Persons who have not submitted a request to speak in advance may register to speak at the scoping meetings; they will be called on to present their comments in the order of their registration.

Written comments and suggestions for issues to be addressed in the draft EIS should be sent to R. H. Campbell at the address given above by July 13, 1981. Written comments will be considered and given equal weight with oral comments in the preparation of the EIS.

On the completion of the draft EIS, notice of its availability will be announced in the **Federal Register**, and the Department of Energy will again solicit comments. Persons who do not desire to submit comments or suggestions during the scoping period may wish to receive a copy of the draft EIS for review and comment when it is issued; they should notify R. H. Campbell at the above address. Persons seeking further information may inquire at either of the addresses given above.

Transcripts of the scoping meetings will be prepared by DOE and made available at the Freedom of Information Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. In addition, members of the public may inspect the transcripts of the scoping meetings and other documents now planned for use in preparing the draft EIS at the following locations:

Freedom of Information Reading Room, Room 1E–190, Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585;
Durango Public Library, 1188 Second Avenue, Durango, Colorado 81301;
Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base East, Albuquerque, New Mexico 87115;
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60639;
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho 83401;
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada 89114;
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee 37830
Richland Operations Office, Federal Building, Richland, Washington 99352;
Energy Information Center, 215 Fremont Street, San Francisco, California 94105;
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina 29801;
Regional Energy/Environment Information Center, Denver Public Library, 1357 Broadway, Denver, Colorado 80210.

Dated at Washington, D.C., this 3d day of June 1981.

For the United States Department of Energy.

Barton R. House,

Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81-16897 Filed 6-5-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Designation of Los Alamos Laboratory Site as Off-Limits Area

AGENCY: Department of Energy.

ACTION: Proposed designation of Los Alamos Laboratory site as off-limits area in accordance with 10 CFR Part 860.

SUMMARY: The Department of Energy (DOE) proposes to designate the Los Alamos National Laboratory site an off-limits area in accordance with 10 CFR Part 860, making it a federal crime under U.S.C. 2278a for unauthorized persons to enter into or upon the Los Alamos National Laboratory site. If unauthorized entry into or upon the Laboratory site is into an area enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $5,000 or imprisonment for not more than one year or both. If unauthorized entry into or upon the Laboratory site is into an area not enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $1,000.

On April 23, 1980, DOE published in the **Federal Register** (45 FR 27464–27466, *corrected*, June 9, 1980 45 FR 38433) a final Notice which designated certain described areas, structures and facilities at the Los Alamos National Laboratory site as off-limits. Pursuant to 10 CFR 860.7, this Notice took effect on the date of its publication. No prior notice or period for public comment was provided for before the effective date of the final notice.

On January 5, 1981, the United States Court of Appeals for the Tenth Circuit in *United States v. Jonathan Seward, et al.*, Nos. 79–1711 through 79–1726, 79–1745, 79–1749, 79–1750, 79–1754, 79–1757, 79–1777 through 79–1790, 79–1795, 79–1800, 79–1802 through 79–1804, 79–1809, 79–1811, 79–1812, 79–1815 through 79–1817, 79–1822, through 79–1835, 79–1848 through 79–1855, 79–1857, 79–1858, 79–1860, 79–1861, 79–1931, 79–1932, 79–1934, 79–1936 through 79–1945, and 79–2037, issued a decision invalidating eighty-six trespass convictions on the ground that DOE's similar designation of boundaries of off-limits areas at the Rocky Flats Plant site published in the **Federal Register** on April 13, 1979 did not comply with the provisions of the Administrative Procedure Act, 5 U.S.C. 551, *et seq.*, and Title V of the Department of Energy Organization Act, 42 U.S.C. 7191, *et seq.* Pending any review of the decision of the Court, DOE, in deference to the Court, is publishing this proposed designation in accordance with the procedural requirements of 5 U.S.C. 551, *et seq.*, and 42 U.S.C. 7191, *et seq.*

DATE: Comments must be received on or before July 8, 1981.

ADDRESS: Send written comments to: Mr. Robert L. Morgan, Acting Assistant Secretary for Defense Programs, U.S. Department of Energy, Mail Stop 4–G–024, 1000 Independence Ave, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Jo Ann Williams, (202) 252–6975.

SUPPLEMENTARY INFORMATION:

A. Comment Procedure

Interested persons are invited to submit written comments with respect to the proposed designation. Comments should be identified on the outside of the envelope as "Comments on Los Alamos National Laboratory Site." All written comments filed pursuant to this notice will be available for inspection and copying during normal business hours at the DOE public document rooms at the following locations:

Washington, D.C., U.S.D.O.E., Forrestal Building, 1000 Independence Ave., SW.,

Albuquerque, New Mexico, Albuquerque Operations Office, U.S.D.O.E., Kirtland Air Force Base East.

B. Miscellaneous

In accordance with section 501(c)(1) of the Department of Energy Organization Act, DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy of large numbers of individuals or businesses. Accordingly, no public hearing is required.

DOE has determined that initial and final regulatory flexibility analyses required by sections 603 and 604 of the Regulatory Flexibility Act need not be prepared for these regulations because they would not exert, if promulgated, a significant economic impact on a substantial number of small entities.

Because this document is unlikely to have any significant effect on the environment, DOE has determined that the provisions of Section 7(a)(2) of the Federal Energy Administration Act, as amended, requiring that proposals having such effect be submitted to the Environmental Protection agency for review and comment, do not apply.

DOE has determined that these regulations are not "major rules" as defined in Section 1(b) of Executive Order 12291.

Notice is hereby given that the Department of Energy, pursuant to Section 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), Section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860 published in the **Federal Register** on July 9, 1975 (40 FR 28789,28790), and section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), purposes to designate the Los Alamos National Laboratory site as an off-limits area and to prohibit the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4 into or upon the Los Alamos National Laboratory site of the Department of Energy, such site consisting of the following described areas, structures, and facilities being located in Los Alamos County or Santa Fe County in the State of New Mexico and being more particularly identified as follows:

1. A certain parcel of land containing approximately 12,600 acres, more or less, situated entirely within Los Alamos county, being more particularly described as follows:

Beginning at a point where the south right-of-way line of west Jemez Road intersects the west right-of-way line of Diamond drive, said point lies within section 17, T. 19N., R.6E., N.M.P.M.; thence on a southerly direction along the west right-of-way line of Diamond Drive approximately 3,100 feet to a point of intersection with the south right-of-way line of Pajarito Road; thence southeasterly along said south right-of-way line of Pajarito Road an approximate distance of 35,000 feet to a point of intersection with the northwesterly right-of-way line of New Mexico State Road 4; thence meandering along said right-of-way line of New Mexico State Road 4 in a southwesterly direction a distance of approximately 32,500 feet; thence northwesterly along the right-of-way line of New Mexico State Road 4 a distance of approximately 38,500 feet to a point of intersection with the east right-of-way line of West Jemez Road; thence meandering northeasterly along the right-of-way line of West Jemez Road an approximate distance of 23,000 feet to the point and place of beginning.

2. A certain parcel of land situated entirely within Los Alamos County, more particularly described as follows:

Beginning at the intersection of the north right-of-way line of East Jemez Road and the east boundary of Los Alamos County; then northerly along the east boundary of Los Alamos County to the southerly boundary of the plat of Eastern Area No. 1, filed for record with the clerk of Los Alamos County as document No. 3924, plat book 1, page 55, on April 13, 1965; thence westerly along said plat boundary to a point where it meets the boundary of the plat of Eastern Area No. 2, filed for record with the clerk of Los Alamos County as document No. 4505, in plat book 1, page 57, on August 6, 1965; thence southerly and meandering along the boundary of the plat of Eastern Area No. 2; thence continuing in a westerly direction along said plat boundary to a point where it meets the boundary of the plat of Eastern Area No. 3, filed for record with the clerk of Los Alamos County as document No. 5986 in plat book 1, page 74, on February 21, 1966; thence westerly along the southerly boundary of the plat of Eastern Area No. 3 to a point where it meets diamond Drive; thence southerly along the east right-of-way line of Diamond Drive (projected to the bottom of the canyon) to the north right-of-way line of East Jemez Road; thence meandering along the north right-of-way line east Jemez Road in a southeasterly direction to the point of beginning.

3. A certain parcel of land situated entirely within Los Alamos County, more particularly described as follows:

Beginning at the intersection of the south right-of-way line of East Jemez Road and the east boundary of Los Alamos County; thence southerly, westerly, and southeasterly along the Los Alamos County line to its intersection with the right-of-way line of New Mexico State Road 4; thence southwesterly along said right-of-way line to its intersection with the northeasterly right-of-way line of Pajarito Road; thence meandering in a northwesterly direction along the north right-of-way line of Pajarito Road to its intersection with the east right-of-way line of Diamond Drive; thence northerly along the east right-of-way line of

Diamond Drive to its intersection with the south right-of-way line of East Jemez Road; thence meandering along the south right-of-way line of East Jemez Road in a southeasterly direction to the point of beginning; excepting:

(a) The Los Alamos County sanitary landfill; and

(b) The East Jemez Road Trailer Park as shown on the plat thereof filed for record with the clerk of Los Alamos County in plat book 1, page 80, on April 25, 1966.

4. Fire Station No. 1, Structure No. TA–3–41, Los Alamos County, Section 17, New Mexico Principal Meridian, Township and Range 19N, 6E.

5. Fire Station No. 2, located on Tract DD, plat of Eastern Area No. 1, Los Alamos County, recorded as hereinabove stated.

6. Fire Station No. 3, located on Tract JA, Survey of White Rock, Los Alamos County, filed for record with the clerk of Los Alamos County as document No. 4710 in plat book 1, page 62, on September 3, 1965.

7. Fire Station No. 4, located on Tract G, plat of North Community No. 2, Los Alamos County, filed for record with the clerk of Los Alamos County as document No. 4999 in plat book 1, page 69, on November 1, 1965.

8. Tank farm, located on Tract AA, plat of Eastern Area No. 1, Los Alamos County, recorded as hereinabove stated.

9. "Los Alamos Scientific Laboratory Records Center" and warehouse, located on "Tract WA–2, Eastern Area No. 2, Los Alamos County", as shown on the plat thereof filed for record with the clerk of Los Alamos County in plat book 1, page 95, on November 1, 1966.

10. The Los Alamos Area Office Headquarters Building located on Tract E, plat of Eastern Area No. 3, Los Alamos County, recorded as hereinabove stated.

11. The Health Research Laboratory located on Tract A, plat of Eastern Area No. 3, Los Alamos County, recorded as hereinabove stated.

12. A certain parcel of land containing approximately 1,010 acres, more or less, situated entirely within Los Alamos County, and more particularly described as follows:

Beginning at the northeast corner of Bandelier National Monument (Latitude 35° 47' 27" Longitude 106° 16' 1"); thence in a southerly direction along the common boundary of Bandelier National Monument and U.S. Department of Energy property to the north rim of the Rio Grande Canyon (also known as White Rock Canyon); thence in a northeasterly direction along the rim of the Rio Grande Canyon approximately 16,000 feet to its confluence with the south rim of Ancho Canyon; thence in a northwesterly direction along the rim of Ancho Canyon to New Mexico State Road 4; thence along the right-of-way line of New Mexico State Road 4 to the point of beginning. This area is further identified as Technical Area (TA)–33 and/or Hot Point (H–P) Site.

13. Structures, or other facilities, identified as indicated below with appropriate identification numbers or titles being posted at each such structure or other facility:

Structure or other facility	County	Section	New Mexico principal meridian, township and range
Los Alamos water well No. 1.	Santa Fe	13	19 N., 7 E.
Los Alamos well No. 1–B.	do	13	Do.
Los Alamos well No. 2	do	14	Do.
Los Alamos well No. 3	do	14	Do.
Los Alamos booster No. 1.	do	14	Do.
Los Alamos well No. 6	do	14	Do.
Los Alamos well No. 5	do	15	Do.
Los Alamos booster No. 2.	do	22	Do.
Los Alamos well No. 4	do	22	Do.
Los Alamos booster No. 3.	do	20	Do.
Los Alamos booster No. 4.	Los Alamos.	18	19 N., 6 E.
Guaje well No. 1	Santa Fe	10	19 N., 7 E.
Guaje well No. 1–A	do	4	Do.
Guaje well No. 2	do	4	Do.
Guaje well No. 3	do	4	Do.
Guaje well No. 4	do	5	Do.
Guaje well No. 5	do	5	Do.
Guaje well No. 6	do	6	Do.
Guaje booster No. 1	do	5	Do.
Guaje booster No. 2	Los Alamos.	1	19 N., 6 E.
Guaje booster No. 3	do	3	Do.
Los Alamos sand trap	Santa Fe	14	19 N., 7 E.
Guaje sand trap	do	5	Do.
Valve and pump house	Los Alamos.	17	19 N., 6 E.
Fill pump station	do	8	Do.
Guaje filter station	do	4	Do.
Western steam plant	do	16	Do.
Western pump station	do	17	Do.
Barranca tank No. 1 pump station.	do	3	Do.
East Rd. gas metering station No. 2.	do	14	Do.
Pueblo Canyon natural high pressure gas line suspension bridge.	do	9	Do.
Pajarito TA–0–173	Los Alamos.	17	19 N., 6 E.
Pajarito chlormator	Santa Fe	20	19N., 7E
Twin tanks	Los Alamos.	17	19 N., 6 E.
Sycamore tank	do	8	Do.
Group No. 11 tank	do	8	Do.
Group No. 12 tank	do	5	Do.
Community tank and pump.	do	17	Do.
Western tank	do	17	Do.
Barranca tank and pump No. 2.	do	2	Do.
TA–16–171, TA–16–404, TA–16 tank and micro-strainer.	Los Alamos.	(1)	19 N., 6 E.
TA–3 tank TA–0–6	do	17	Do.
Trailer court booster pump.	do	16	Do.
Backflow preventer (old trailer court).	do	15	Do.
Water Canyon gallery	do	25	19 N., 5 E.
Tech area gas metering station (TA–0–192).	do	17	19 N., 6 E.
South Sites gas metering station (TA–0–193).	do	17	Do.
Pajarito Rd. gas metering station TA–3.	do	21	Do.
8-in. takeoff (valve station) from 12-in line.	do	8	Do.
Trailer court metering station.	do	16	Do.
Gas meter to park service.	do	(1)	18 N., 6 E.
DOE building sewage lift station.	do	16	19 N., 6 E.

(1) Roman Vigil grant.

Notices stating the prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 will be posted at all entrances of said areas, structures, and other facilities and at intervals along the perimeters thereof as provided in 10 CFR 860.6.

Dated in Washington, D.C., this 19th day of May 1981.

Robert L. Morgan,

Acting Assistant Secretary for Defense Programs.

[FR Doc. 81–16898 Filed 6–5–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Bill Forney, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Bill Forney, Incorporated. This Proposed Remedial Order charges Forney with pricing violations in the amount of $617,184.00 connected with the sale of crude oil and condensate at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period September 1973 through September 1980 in the State of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7745. On or before June 23, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 27th day of May 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–16831 Filed 6–5–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Cases Filed; Week of May 15 Through May 22, 1981

During the week of May 15 through May 22, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 2, 1981.

Submission of Cases Received by the Office of Hearings and Appeals

[Week of May 15 through May 22, 1981]

Date	Name and location of applicant	Case No.	Type of submission
May 15, 1981	The 341 Tract Unit of the Citronelle Field, Mobile, Alabama	BEX-0212	Supplemental Order. If granted: A portion of the escrow account established in the December 21, 1980, Decision and Order (Case No. BEN-0078) issued to the 341 Tract Unit of the Citronelle Field would be disbursed.
May 15, 1981	Charter Oil Company, Jacksonville, Florida	BER-0140, BES-0161, BET-0161	Requests for Modification, Stay and Temporary Stay. If granted: The May 4, 1981, Decision and Order (Case No. DXE-2108) issued to Charter Oil Company by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations. The entitlements purchase obligations ordered in the May 4 Decision would be stayed pending a final determination on the firm's request for modification.
May 15, 1981	Texas City Refining Company, Washington, D.C.	BER-0139	Request for Modification. If granted: The April 15, 1981 Decision and Order (Case No. BEX-0192) issued to Texas City Refining Company by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 15, 1981	Young Refining Corporation, Washington, D.C.	BES-0160	Request for Stay. If granted: Young Refining Corporation would receive a stay of the April 22, 1981, Decision and Order (Case No. DEX-0104) issued to the firm by the Office of Hearings and Appeals pending judicial review.
May 18, 1981	Little America Refining Co./Cities Service Co., Tulsa, Oklahoma	BEJ-0199	Motion for Protective Order. If granted: Cibes Service Company would enter into a Protective Order with Little America Refining Company regarding the release of proprietary information to Cibes Service Company in connection with Little America Refining Company's Application for Exception (Case No. BEE-1064).
May 18, 1981	Little America Refining Company/Wyoming Refining Company, Washington, D.C.	BEJ-0200	Motion for Protective Order. If granted: Wyoming Refining Company (WRC) would enter into a Protective Order with Little America Refining Company (LARCO) regarding the release of proprietary information to WRC in connection with LARCO's Application for Exception (Case No. BEE-1064).
May 18, 1981	Office of Enforcement/Marbob Energy Corp., Washington, D.C.	BEF-0052	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the Consent Order (Case No. 6/0C00242) issued to Marbob Energy Corporation.
May 18, 1981	Office of Enforcement/Upham Oil & Gas Company, Washington, D.C.	BEF-0051	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the September 1979 Consent Order (Case No. 6D0V0031) issued to Upham Oil & Gas Company.
May 18, 1981	Office of Special Counsel, Washington, D.C.	BRZ-0104	Interlocutory Order. If granted: Texaco, Inc. would be deemed to have admitted specified factual findings in a Proposed Remedial Order that was issued to it on May 1, 1979 (Case No. DRO-0199).
May 19, 1981	Arent, Fox, Kintner, Plotkin & Kahn (Lebowitz), Washington, D.C.	BFA-0674	Appeal of Information Request Denial. If granted: The May 7, 1981, Information Request Denial issued to the firm by the Acting Deputy Administrator for the Economic Regulatory Administration would be rescinded, and Arent, Fox, Kintner, Plotkin & Kahn would receive access to certain DOE records.
May 19, 1981	Larry V. Ellis, Idaho Falls, ID	BFA-0675	Appeal of Information Request Denial. If granted: The April 23, 1981, Information Request Denial issued by the Idaho Operations Office would be rescinded, and Larry V. Ellis would receive access to certain DOE documents.
May 19, 1981	Marcum Oil Company, Savannah, Missouri	BRS-0162	Request For Stay. If granted: Marcum Oil Company would receive a stay of the December 19, 1978, Remedial Order (Case No. DRO-0214) issued to the firm by the Office of Hearings and Appeals pending a final determination on its Request for Modification/Recission.
May 20, 1981	Fawndell's Energy Systems, Washington, D.C.	BFA-0676	Appeal of Information Request Denial. If granted: The April 21, 1981, Information Request Denial issued by the DOE Office of Business Liaison Procurement and Assistance Management would be rescinded, and Fawndell's Energy Systems would receive access to certain DOE information.
May 20, 1981	OE/Summit Transportation, Washington, D.C.	BEF-0053	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the January 6, 1981, Consent Order issued to Summit Transportation.
May 20, 1981	Warrior Asphalt Co. of Alabama, Inc., Washington, D.C.	BYX-0211	Supplemental Order. If granted: The April 20, 1981, Decision and Order (Case No. DEX-0211) issued to Warrior Asphalt Co. of Alabama, Inc. by the Office of Hearings and Appeals would be amended to reflect certain adjustments which were not included in the previous calculation of the appropriate level of exception relief.
May 21, 1981	Elk Trading Company, Washington, D.C.	BFA-0677	Appeal of Information Request Denial. If granted: The April 22, 1981, Information Request Denial issued by the Office of Enforcement (ERA) would be rescinded, and Elk Trading Company would receive access to certain DOE information.

Notices of Objection Received

[Week of May 15, 1981 through May 22, 1981]

Date	Name and location of applicant	Case No
May 20, 1981	Greene Oil, Inc., Letcher, South Dakota	BEE-1484
May 21, 1981	Oasis Petroleum Corp., Culver City, CA	DEE-7983

[FR Doc. 81-16899 Filed 6-5-81, 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 81-195, CC Docket No. 81-355; File No. E-80-8; etc.]

Communications Satellite Corp. and Western Union International Inc.; Applications for Consolidated Hearing on Stated Issues

Adopted: April 23, 1981.

Released: May 29, 1981.

By the Commission:

In the Matter of the Application of Communications Satellite Corporation For authority to construct a "Standard B" earth station antenna and associated facilities at Hickam, Hawaii, for use in the provision of 1.544 Mbps service, for operation with the Intelsat system; CC Docket No. 81-353 File No. 391-CSG-P-80. For authority to construct a "Standard B" earth station antenna and associated facilities at Finegayan, Guam for use in the provision of 1.544 Mbps service, for operation with the Intelsat satellite system; CC Docket No. 81-354 File No. 392-CSG-P-80. For authority under Section 214 to provide 1.544 Mbps service through two "Standard B" InTELSAT earth stations located at Hickam, Hawaii, and Finegayan Guam, and for operation with the Intelsat satellite system and CC Docket No. 81-355 File No. I-P-C-85.

In the matter of Western Union International, Inc. Complainant v., Communications Satellite Corporation Defendant CC Docket No. 81-356 File No. E-80-8.

1. The Commission's September 9, 1980, Decision [1] in the captioned proceeding that denied the Communications Satellite Corporation (Comsat) construction applications was appealed by Comsat and the Justice Department.[2] Before the court considered these appeals, the Commission petitioned the court to remand the case for an evidentiary hearing and reconsideration of Comsat's Section 319(d) waiver request.[3] We noted in the petition that, after reviewing the court record, the Commission was persuaded that at least some of the relevant facts were clouded and should be explored and clarified in an evidentiary hearing. The court remanded the case on January 27, 1981.[4] The Purpose of this Order is to vacate our September 9, 1980, Order denying Comsat a Section 309(e) hearing and to designate the disputed issues for an expedited hearing. This order also grants Comsat a conditional Section 319(d) waiver to begin constructing the subject facilities. In addition, a related formal complaint has been designated for hearing herein.

Discussion

2. The primary reasons for denying Comsat's construction applications and Section 319(d) waiver requests were: (1) that the service as proposed will burden the general Comsat ratepayer; and (2) that since existing commerical facilities are underutilized, additional facilities constructed at ratepayer expense are unwarranted. The Commission also dismissed Comsat's companion Section 214 application that requested authorization for service and the designation of DoD as an authorized user.

3. Comsat's appeal was based upon a denial of its right to notice and hearing under Section 309(e) of the Communications Act prior to a denial of its construction application. In addition, Comsat sought to have the Commission rule upon the merits of its request to construct and operate the proposed earth stations pending appeal.[5] The Commission had denied this request as moot after it denied Comsat permanent construction authority. DOJ sought summary reversal of this Commission decision and Comsat asked the court for a writ of mandamus calculated to obtain interim relief.[6] Before the court considered the motion for summary reversal or the merits of Comsat's appeal, the Commission sought and was granted a remand of the case for the purpose of reconsidering our denial of evidentiary procedures. We now hold that certain issues in this case are not sufficiently clear to allow for a decision on the merits, and that these issues should be clarified in an evidentiary hearing. Moreover, since we also have been able to insure that the public will not be injured by a temporary grant of the facilities at issue, the September Order will be vacated.

4. At hearing, the Administrative Law Judge (ALJ) will consider whether the construction of the Hickam and Finegayan earth stations at ratepayer expense (as opposed to DoD expense) will best serve the public interest, convenience and necessity within the meaning of Section 309(a) of the Communications Act and Sections 201(c)(7), 201(c)(9), and 201(c)(10) of the Communications Satellite Act. The ALJ will also consider whether the rate proposed by Comsat adequately covers the cost of constructing the subject facilities and whether Comsat has properly allocated the costs among prospective users. The ALJ will consider what rate is just, fair, and reasonable in accordance with Section 205 of the Communications Act. Finally, the ALJ will consider whether the applications should be granted, and what relief is appropriate regarding formal complaint of WUI.[7]

---

[1] *Communications Satellite Corp.*, 80 F.C.C. 2d 170 (1980).

[2] *United States of America v. F.C.C.*, Nos. 80-2241; 80-2246 (D.C. Cir., appeal docketed October 9, 1980).

[3] *Motion for Remand*, Nos. 80-2241, 80-2246, filed Jan. 9, 1981. The Common Carrier Bureau had denied Comsat's request for a waiver to proceed with construction under Section 319(d) on February 4, 1980. The Bureau also denied Comsat's petition for reconsideration in an order released March 14, 1980. Mimeo No. 30296.

[4] *United States of America v. F.C.C.*, Nos. 80-2241; 80-2246, January 27, 1981.

[5] *Petition for Interlocutory Relief Pending Appeal*, File Nos. I-P-C-85, 319-CSG-P-80, 392-CSG-P-80, filed October 14, 1980.

[6] *Motion for Summary Reversal*, Nos. 80-2241, 80-2246, filed Dec. 12, 1980.

[7] The Western Union International, Inc., Complaint, File No. E-80-8, which asserts that Comsat (1) unjustly and unreasonably discriminated in charges in connection with the provision of like communications services in violation of Section 201(b) and 202(a) of the Act; and (2) through its unlawful bidding practices, precluded other authorized carriers from enjoying the nondiscriminatory use of, and equitable access to, the communications satellite system and satellite terminal earth stations in violation of Section 201(c)(2) of the Satellite Act, is being consolidated with the subject applications and considered by the ALJ in the evidentiary hearing.

5. In its petition for remand, the Commission stated that it would consider a renewed request by Comsat for interim construction authority pursuant to Section 319(d) of the Communications Act. On January 28, 1981, Comsat filed a renewed request to construct and operate the proposed facilities pending hearing. DoD filed a letter in support of Comsat's request on January 29, 1981.

6. In this most recent request, Comsat seeks authority to proceed with construction of the Hickam/Finegayan earth stations and to provide direct service to DoD on a temporary basis as trustee pending final outcome of the evidentiary hearing. To ensure that there would be no prejudice to any other party, Comsat is prepared to provide the Hickam/Finegayan service to the U.S. Government as a "trustee" until permanent authorization is issued for the service. Comsat has agreed to separately tariff and separately account for the costs and revenues relating to this service during the discharge of its trusteeship. Comsat will also assume the financial risk of pre-grant construction and the provision of the service, and will not pass on any burden from such construction or service to the general ratepayer. Comsat also recognizes the possibility that after a hearing or subsequent Court proceedings, it might not be granted permanent authority to provide the service. Thus, Comsat's shareholders would bear the financial risk that Comsat may be required to dispose of the earth stations. Additionally, DoD's supporting letter of January 29, 1981, recognizes that after hearing, if supported by substantial evidence of record, the Commission could exercise its prescription authority under Section 205 to require rate adjustments in the Comsat/DoD contract for this service. Moreover, according to DoD's letter, Section 7-1702.9 of the Defense Acquisition Regulations (32 C.F.R. § 7.434) would allow DoD to accept a Commission prescribed rate.

7. These guarantees alleviate many of the Commission's concerns about allowing Comsat to proceed with the construction of the Hickam/Finegayan facilities. We are persuaded on the basis of Comsat's and DoD's representations that the public interest, convenience and necessity will be served by a grant of interim construction authority pending hearing. We recognize that these representations are not free from dispute.[4] However, in light of the conditions that will be imposed on the interim construction authority, we believe that a Section 319(d) waiver may be granted without detriment to the public in this one instance. In addition to the conditions proposed by Comsat and DoD, the Commission will impose one condition that it feels are necessary to protect the public. First, the Commission will require that Comsat exclude the construction costs from its ratebase until further notice of the Commission.[5] Comsat is also on notice that as a result of the evidentiary hearing the costs of constructing the Hickam/Finegayan facilities may be disallowed from its ratebase entirely. Moreover, and most important, the Commission will require that if, as a result of the hearing, the construction of these facilities is found to be unwarranted, Comsat's shareholders will bear the financial risk that these facilities will remain idle indefinitely or have to be removed.

8. The Commission has decided to hold in abeyance the question of whether Comsat should be granted authority under Section 214 to provide the subject 1.544 Mbps service to DoD as an authorized user. Our reasons for this deferral are threefold. First, it was implicit in the Notice of Proposed Rulemaking in the Authorized User Proceeding, 77 F.C.C. 2d 535 (1980), that we would prefer to consider requests for authorized user status within the context of the broader proceeding. That proceeding is in its final stages and should be considered by the Commission in the very near future. Second, there are serious questions regarding Comsat's bidding practices that are the subject of the pending WUI complaint, File No. E-80-8, that will be resolved before the earth stations become operational. Third, the Commission has set the rate issues for expedited hearing and may resolve those issues prior to the completion of the earth stations. Therefore, we will defer consideration of the Section 214 issue either until completion of these proceedings or construction of the earth stations. If the construction of the facilities is completed prior to final Commission action on the pending proceedings, Comsat may request temporary 214 authority for the provision of service to DoD.

9. Accordingly, It is ordered, That pursuant to the provisions of Sections 4(i)–(j), 201, 202, 207, 208, 209, 309(e) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i)–(j), 201, 202, 205, 207, 208, 209, 309(e) and 403, and Sections 201(c)(7), 201(c)(9), 201(c)(10) of the Communications Satellite Act of 1962, as amended, the captioned applications of Comsat and the formal complaint (E-80-8) *are designated* for hearing in a consolidated proceeding on the following issues:

(a) Whether the construction of the Hickam and Finegayan earth stations at ratepayer expense is required by the public interest, convenience and necessity within the meaning of Section 309 of the Communications Act and Sections 201(c)(7), 201(c)(9), and 201(c)(10) of the Communications Satellite Act of 1962. Included in the determination shall be:

(1) Whether the existing commercial earth station at Pulantat, Guam, is likely to be utilized in an efficient and profitable manner; and

(2) Whether the efficient utilization of the proposed facilities would necessitate future diversions of circuits from the Pulantat facility.

(b) Whether the rate proposed by Comsat represents a just, and reasonable charge for the proposed service within the meaning of Section 201 of the Communications Act, such that the total facility costs are borne solely by the users of this facility, and if not, what rate if any, should be prescribed under Section 205 of the Communications Act. In this regard Comsat must also show:

(1) whether DOD and other U.S. government agencies will utilize the proposed facilities at full capacity according to Comsat's five-year projection; and

(2) whether Comsat's allocation of total costs among the users is just and reasonable.

(c) In light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience, and necessity.

(d) The facts and circumstances concerning COMSAT's response to rate and service data requests from Western Union International, Inc. for earth stations and 1.544 Mbps service between such stations at Hickam AFB, Hawaii and Finegayan Naval Base, Guam.

---

[4] NTIA has expressed the view that on the basis of all available information the national interest does not support the construction of these facilities at ratepayer expense, or the provision of direct service by Comsat to DoD as an authorized user. See letter from Acting Assistant Secretary for Communications and Information, U.S. Dept. of Commerce, to Acting Chief, Common Carrier Bureau dated March 13, 1981.

[5] As a result of Docket 16070, Comsat is permitted to include earth station construction costs in its ratebase prior to the institution of service. In this case, however, since the Commission is considering whether the ratepayer should bear the cost of these facilities, we will not allow Comsat to include any costs associated with the Hickam/Finegayan earth stations in its ratebase. *See*, 68 F.C.C. 2d 941 (1978).

UMI

(e) In light of the findings under issue (d): Whether Comsat's actions violated Sections 201(b), 202(a) of the Communications Act of 1934, as amended or Section 201(c)(2) of the Communications Satellite Act of 1962.

(f) If under issue (e), COMSAT is found to have violated Sections 201(b), 202(a) of the Communications Act of 1934, as amended or Section 201(c)(2) of the Communications Satellite Act of 1962, whether and to what extent COMSAT may be liable to Western Union International, Inc. for damages.

10. It is further ordered, That the burden of proof and burden of proceeding on issues (a), (b) and (c) are borne by COMSAT, on issues (d), (e) and (f) by WUI.

11. It is further ordered, That Comsat's renewed request for a waiver pursuant to Section 319(d) of the Communications Act *is granted* subject to the following conditons:

(a) Pending further order of this Commission, Comsat will construct the earth stations as trustee at the risk of its shareholders;

(b) Comsat will keep a separate account of all costs and revenues associated with the construction and operation of the Hickam and Finegayan earth stations;

(c) Pending further order of this Commission, Comsat will exclude from its ratebase all costs associated with the construction of the Hickam and Finegayan earth stations;

(d) Comsat and DOD will agree to accept a revised rate for Hickam-Finegayan service, if supported by the evidence adduced at the hearing, pursuant to Section 205 of the Communications Act;

(e) If after hearing the evidence proves that the earth stations are not warranted, Comsat's shareholders will bear the financial risk that Comsat is required to dispose of the earth stations.

12. It is further ordered, That the hearing should be expedited and held before an Administrative Law Judge at the Commission's offices in Washington, D.C. at a time to be specified.

13. It is further ordered, That the Administrative Law Judge shall conduct these proceedings in such a manner as to insure that within six (6) months of the release of this order and upon closing of the record, an initial decision is prepared and issued which shall be subject to the submission of exceptions and requests for oral argument, as provided in §§ 1.276 and 1.277 of the Commission's Rules, 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in Section 1.282 of those Rules. 47 CFR 1.282.

14. It is further ordered, That the entire Common Carrier Bureau will be separated with the exception of certain staff members to be designated by a subsequent order. This order shall be issued by the Chief, Common Carrier Bureau, prior to the commencement of the hearing.[10]

15. It is further ordered, That the Chief, Common Carrier Bureau, Comsat, DoD, and WUI ARE DESIGNATED parties to this proceeding.

16. It is further ordered, That the parties herein may avail themselves of an opportunity to be heard by filing with the Commission, pursuant to Section 1.221(e) of the Rules, 47 CFR 1.221(e), within 20 days of the release date of this Order, a written notice stating an intention to appear on the date set for hearing and present evidence on the issues specified.

17. It is further ordered, That the Secretary shall send a copy of this order by certified mail, return receipt requested, to Comsat, DoD and WUI and shall cause a copy to be published in the **Federal Register.**

18. It is further ordered, That the Commission's September 9, 1980, decision, *Communications Satellite Corp.*, 80 F.C.C. 2d 170 (1980), that denies Comsat a hearing under Section 309(e) of the Communications Act *is vacated.*

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-16820 Filed 6-5-81; 8:45 am]

BILLING CODE 6712-01-M

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date; Erratum

Correction to TV Cut-Off List Report No. A-28

Released: May 29, 1981.

On the Public Notice released April 10, 1981, captioned *TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date* (Mimeo #000130, Report No. A-26), published in the **Federal Register** on April 16, 1981 (46 FR 22263), the following application was listed as subject to the May 22, 1981 cut-off date for petitions to deny:

BPCT-810202KJ (KDUH-TV), Scottsbluff, Nebraska. Duhamel Broadcasting Enterprises, Channel 4. Change city of license from Hays Springs, Nebraska

Through inadvertence, the same application was again listed in the Public Notice (Mimeo #000874, Report No. A-28) released May 14, 1981, announcing television applications as being subject to a June 25, 1981, cut-off date. The latter listing was in error.

Accordingly, notice is hereby given that the above entry is deleted from Report No. A-28, released May 14, 1981 (Mimeo #000874).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-16819 Filed 6-5-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1289]

Petitions for Reconsideration of Actions in Rule Making Proceedings

Dated: June 4, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 C.F.R. § 1.429(e). Oppositioins to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Parts 2, 21, 87 and 90 of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems for the Provision of digital communications services. (Gen Docket No. 79-188, RM3247)

Filed by: John G. Puente, President, Donald Silverman, Vice Pres., Engineering & John S. Pfarr, Peter Tannenwald & Theodore D. Frank, Attorneys for Local Digital Distribution Company on 5-22-81. F. Thomas Tuttle, Kevin H. Cassidy & Sean A. McCarthy, Attorneys for Satellite Business Systems on 5-27-81.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Hertford, North Carolina) (BC Docket No. 80-246, RM-3614)

Filed by: James A Koerner, Attorney for Musicradio of North Carolina, Inc. on 5-21-81.

Subject: Amendment of Parts 2 and 15 of the Rules relating to verification and methods of measurement of computing devices (Gen Docket No. 80-284)

---

[10] We anticipate that the Office of Opinions and Review will require the assistance of Bureau Staff expertise in preparing the final order. Therefore, the Chief, Common Carrier Bureau will designate certain Staff members who have not participated in the adjudicatory process, as decision-making personnel by an order to be released prior to commencement of the hearing.

Filed by: Joseph M. Kittner, Lawrence J. Movshin & John S. Voorhees, Attorneys for Computer and Business Equipment Manufacturers Association on 5–26–81.

Federal Communicationis Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–16821 Filed 6–5–81, 8:45 am]

BILLING CODE 6712–01–M

[Report No. 16381]

Preparations Continued for 1983 Western Hemisphere Broadcast Satellite Conference (Gen. Docket No. 80–398); Action in Docket Case

May 22, 1981.

The Commission has adopted a Second Notice of Inquiry continuing its preparations for the 1983 Western Hemisphere (Region 2) Administrative Radio Conference for planning the 12 GHz broadcasting satellite service.

The Region 2 conference will be held under the auspices of the International Telecommunication Union. The FCC preparations will serve as the basis of the Commission's coordination with the National Telecommunications and Information Administration and the Department of State in formulation of U.S. proposals and position for the conference.

The First Notice of Inquiry, released July 25, 1980 (45 FR 51914, August 5, 1981), discussed conference preparations under three broad headings: basic service requirements, technical specifications and sharing criteria and planning principles and procedures. It also discussed the need for an advisory committee, which was established by an order released February 24, 1981.

The new Notice analyzed comments filed by interested persons, identifying areas of consensus and areas needing further study and comment. It also discussed initial FCC positions and requested comments on them. Further notices are expected to be adopted as planning for the conference continues.

Comments on matters discussed in the new Notice must be filed by July 24 and reply comments by August 24.

For further information contact Edward Jacobs, (202) 653–8102.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—Due to the effort to minimize publishing costs, the Notice of Inquiry will not be printed. However, copies may be obtained from the FCC Press office, Room 202, 1919 M St., NW., Washington, D.C. 20554.

[FR Doc. 81–16895 Filed 6–5–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Jean G. Dill Custom Broker (Jean G. Dill, d.b.a.)
U.S. Hwy. 29, Carolina Trade Zone Bldg., P.O. Box 33, Wellford, SC 29385

Vincent Manta
59–62 60th Street, Maspeth, NY 11378

S. Swartz (Serena Swartz, d.b.a.)
2701 Rockcreek Parkway, Suite 115, P.O. Box 12384, N. Kansas City, MO 64116

HC&D Forwarders International, Inc.,
1849 Old Bayshore Highway, Burlingame, CA 94010
Officers: Roy S. Kitamura, President; Wendell H. Marumoto, Secretary/Treasurer; Ellen F. Kitamura, Assistant Secretary/Treasurer

Dated: June 3, 1981.

By the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–16900 Filed 6–5–81; 8:45 am]

BILLING CODE 6730–01–M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR–51]

Federal Procurement; Software Development Contracting Guidelines

May 19, 1981

1. *Purpose.* This bulletin provides guidance in suggested practices for software development contracting and contract administration. The matters covered by this bulletin are related to provisions in the Federal Procurement Regulations (FPR) and the Federal Property Management Regulations (FPMR). However, the bulletin is not intended in any way to be directive or regulatory. Its purpose is strictly informational.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled or superseded.

3. *Background.* a. Federal agencies spend large sums of money for computer software development. Many software development contracts awarded by Federal agencies experience large cost overruns and lengthy delays. The computer software products acquired by Federal agencies often do not meet their needs.

b. The statements in paragraph 3a report the findings of a General Accounting Office (GAO) Report (FGMSD–80–4, November 9, 1979) on contracting for software development. The report states that specific guidelines are needed to assist agencies in dealing with the unique factors associated with software development contracting. The report lists the following common causes of software development contracting problems:

(1) Too little specific guidance,

(2) Failure of agencies to accurately estimate the stage of system development reached prior to contracting,

(3) Failure of agencies to control contractors through strict phasing and to prevent agency overcommitments,

Note.—The information in this bulletin is identical to the information in GSA Bulletin FPMR F–131.

(4) Failure of agencies to manage software development during execution of the contract,

(5) Sketchy or nonexistent contractual testing requirements,

(6) Failure of agencies to establish a single focal point for communication with contractors,

(7) Failure of agencies to adequately specify or enforce clauses for recovery when a contractor performs poorly, and

(8) Failure of contractors to provide adequate software documentation.

4. *Guidance.* Attachment A provides guidance for the critical phases in the software development process, such as definition of requirements, analysis and design, programing, documentation, and acceptance.

5. *Comment and further guidance.* GSA is interested in agency views regarding the pertinency and usefulness of this bulletin. Based upon these comments, GSA will consider whether additional guidance would be useful. This guidance could include more specific guidelines, model contract clauses, or techniques proven by an agency that would be useful in different or broader situations.

6. *Information and assistance.* For further information or assistance, contact the ADTS Office of Software

Development (703–756–6151), Contract Programs Division (202–566–0646), or Procurement Policy and Regulations Branch (202–566–0194).

Gerald McBride,

Assistant Administrator for Acquisition Policy.

May 19, 1981.

[GSA Bulletin FPR–51]

Attachment A

Software Development Contracting

1. *Definition of requirements. a.* The definition of requirements is the most critical phase of software system development and must be adquately addressed in the contracting process to achieve a sucessful result. The definition forms the basis for determining the scope of the contract and provides the basis for testing and accepting the product(s). Requirements should be documented clearly and in the greatest detail possible. They should be stated in functional terms where practicable. It may be unrealistic to completely determine at the outset all of the end requirements of the system. Recognition of this will allow structuring the development effort into several phases. The objective of each phase is to clarify and more rapidly define the remaining phases. This minimizes the commitment of funds until the nature of the development effort is understood and until it is possible to contract for fixed product deliverables at a firm fixed price.

b. The hardware and software (e.g., operating systems, data base mangement systems, and utility software) that define the enviroment in which the software must operate, the applications area, and the specific need and function that the software is to satisfy should be described to provide an informed basis for detail design and implementation decisions.

c. Applicable Federal standards should be cited in solicitation documents. Subpart 101–36.13 of the FPMR provides applicability provisions and standard solicitation document terminology.

d. Recognizing that the engineering of entirely new programs is inexact and risky, agencies should make efforts to retain the integrity of current systems by first examining the potential for incremental improvement of all or part of these systems. For example, this could include transfer from low level to high level languages, from sequential file processing to direct access or data base, from batch to online processing, and from unstandardized/undocumented code to standardized/documented code.

e. For these functions that cannot be engineered by incremental improvement, agencies should actively explore the purchase of existing, tested systems from reputable vendors and should screen the Federal Software Exchange Program (see FPMR 101–36.16) to determine if existing Government-owned, common-use software packages are available to meet their requirements.

f. Agencies should consider the uncertain, risky path of engineering completely new programs only a a least preferred alternative, when the required systems really are innovative.

g. The maximum use of structured analysis, design, and programing is recommended to enable the efficient development of software.

2. *Planning and phasing.* a. As stated in paragraph 1a, requirements are seldom known in complete detail at the outset and rarely remain static throughout the development process. Therefore, it is important to plan and implement software development in orderly, logical phases, with required review and acceptance (or modification) planned for each phase. It is equally important, recognizing the dynamic nature of the requirements, to plan for and control changes to specifications.

b. A particular software development might include a number of design, production, and implementation phases such as the following:

(1) Systems analysis,
(2) Requirements definition,
(3) Systems design,
(4) Detailed design,
(5) Programing,
(6) Debugging,
(7) Program test,
(8) Systems integration and test,
(9) Documentation,
(10) Operational use,
(11) Final test and acceptance, and
(12) Postimplementation evaluation.

c. Depending on the complexity and size of the system and the time and resources available for the development, these phases may be subdivided or combined. However, the phases should be well defined and documented in the early stages of planning to provide a basis for evaluating the progress of the development and the performance of the contractor. Since requirements rarely remain static, it is essential to:

(1) Deliberately cut off changes to the specifications during engineering phases,

(2) Define change procedures to be used at the conclusion of phases to assure the control of scope and budget, and

(3) Control the trend of continuously changing the system, by limiting changes to the release of planned discrete versions of the system and incorporating more user experience.

d. Appendix I to GAO Report FGMSD–80–4, dated November 9, 1979, contains a helpful digest of points to be considered in planning a software development procurement.

3. *Quality assurance.* a. One item that will contribute more than any other to the success of a software development project is quality assurance. This will be particularly true if the contract highlights the following:

(1) Exact definition of the quality expected,

(2) Unambiguous definition of the criteria for acceptance of each phase to assure quality, and

(3) Definition of the acceptance criteria methodology for measuring whether contract requirements are met.

b. To implement a phased approach to the management of a software development project, interim deliverable products and the criteria for accepting them shold be developed for each phase during the definition of requirements. An interim deliverable should be a substantive and tangible product necessary for the orderly completion of the project. However, when the interim deliverable is not sufficiently substantive to support a partial payment, interim deliverable products should not be used as a substitute for the use of a progress payments clause. As the development progresses, the detailed definition of interim products associated with development phases may include:

(1) System design specifications,

(2) Program design specifications, and

(3) Debugged and independently tested program modules and subsystems.

c. Since the development of new software is largely a human process, it can be assumed with certainty that untested programs contain errors both in logic and deviation from standards. The resolution of these errors consumes resources in an exponentially increasing manner the further through the life cycle they are allowed to continue before detection. Quality control at the point of accepting a new system consequently becomes key to assuring that the delivered product does not contain hidden additional costs passed on to the unwary buyer in the form of high maintenance costs. This is the key to reducing the resources (almost two-thirds of all programer time) required for software maintanance. It is important that unambiguous acceptance criteria be employed in the final acceptance of the completed system by the buyer. As a minimum, this should ensure (1) that the

software is comprehensively tested, (2) that the software produces exactly the required results, and (3) that the software has been prepared according to standards required in the contract to ensure maintainability.

b. A software buyer can be much more confident that these acceptance criteria have been met if they are constructed in such a way that compliance with the criteria can be measured with a computer utility program. This provides a discipline that ensures clear understanding between the contractor and the buyer as to the basis for acceptance and payment. This will ensure that:

(1) All software has been tested as indicated by a test execution monitor,

(2) The results produced by the programs are 100 percent accurately compared by a file comparator to the anticipated test data results defined during the design and program specification tasks, and

(3) The software (through the use of a code analyzer) meets the standards specified in the contract. These, as a minimum, will include Federal Information Processing Standards (FIPS) languages, but also may include standard indentation of code, "Go to-less" programing, or other forms of structuring.

e. The tools to accomplish the functions discussed in 3d are often available within the Government and are generally available from the private sector.

f. The acceptance criteria should be supplemented through consideration of other important factors, such as:

(1) Run time,

(2) Response time,

(3) Comprehensiveness of documentation, and

(4) Accuracy of documentation.

g. A Government official should be responsible for certifying that interim and final products satisfy the established acceptance criteria. A qualified Government official(s) should participate in and closely monitor testing. The best assurance of unambiguous conformance will be achieved through the use of machine-measurable acceptance criteria whenever possible. Satisfaction of acceptance criteria and certification by the assigned, responsible official should be a precondition for payment of invoices for partial payments based on interim deliverable products. The amount of the partial payments should not exceed the estimated value of the products delivered. Payments should not be made unless the products delivered have been accepted.

4. *Contracting techniques.* a. *Method of procurement.* If a software product has been developed and defined in detail and is frozen so that the job to be done is simply one of routine programing and testing, it should be possible to award a contract for a software project on the basis of formal advertising procedures (see FPR Part 1–2 or, if applicable, Defense Acquisition Regulations (DAR) Section 2). However, few projects are that well defined at the outset. As a result, the highly technical and creative nature of the work frequently necessitates evaluation of technical and management factors to ensure that awards are made to the best advantage of the Government, price and other factors considered. Therefore, many software developments involve the negotiated procurement method (see FPR Part 1–3 or, if applicable, DAR Section 3).

b. *Contract type.* (1) To the extent possible, agencies should ensure that the major portion of their overall systems engineering budgets are awarded on the basis of fixed-price contracts for specified fixed products. If requirements for the final system or a major portion of it are not well enough defined to be contracted for on a fixed-price basis, the agency should consider awarding a smaller cost reimbursement contract for requirements definition so that a subsequent fixed-price type arrangement can be employed.[1] Only in unusual situations should more than half of the overall systems engineering budget be contracted for on a cost-reimbursement basis. When used, however, a cost-plus-incentive-fee (CPIF) or cost-plus-award-fee (CPAF) type contract should be considered.

(2) Requirements type contracts, indefinite quantity type contracts, and basic ordering agreements also may be employed (see FPR 1–3.4 or, if applicable, DAR 3–4). These arrangements may be appropriate when the application to be developed, the hardware and system software involved, the personnel skill categories needed, and the type of overall system acquired are all known, but the precise requirements and the time of delivery are unknown.

(3) The contracting techniques set forth in paragraph 4b(2) normally involve task orders. When task orders are used, the guidance regarding definition of requirements, planning and phasing, and quality assurance should be followed regarding each individual requirement and each individual task order. In addition, every effort should be made to negotiate fixed-price task orders for specified fixed products, including, if necessary, the issuing of a small nonfixed-price type task order for requirements definition, to allow fixed-price task orders to be issued as the project progresses.

(4) A time-and-materials or labor-hour type contract is appropriate only when no other type of contract will suffice and it is urgent that work be initiated (see FPR 1–3.406 or, if applicable, DAR 3–406). This type of contract merely pays for hours and materials used, whether productive or not, and should only be entered into for very preliminary stages of feasibility exploration or preliminary design. The degree of Government monitoring required for this type of contract may cause problems in that Government "supervision" of contractor personnel may border on "personal services." Personal service contracts require specific authorization and generally should be avoided.

c. *Contract provisions.* It is necessary to define the scope and technical requirements in as much detail as possible and to define any critical technology required. Specific sections should be developed within the contract, listing:

(1) Deliverable items,

(2) Acceptance criteria for each item,

(3) Delivery schedule,

(4) Contractor responsibilities for materials,

(5) Government responsibilities for materials, and

(6) Remedial courses of action for problems involving items (1) through (5), above.

d. *Other provisions.* Provisions that will help to define the Government's and the contractor's roles and responsibilities and to protect the Government's interests include:

(1) Change authorization, pricing, and control methodology,

(2) Description of Government contract administration positions, including the functions and authorities of each,

(3) Definition of the rights of the Government and the limitations on the contractor's rights to the software, data, and information,

(4) Warranty limitations applicable to the Government-furnished software,

(5) Period of time during which the contractor will be required to correct any latent defects in the software,

[1] When entering into contracts for requirements definition, agencies should be careful to avoid placing the contractor in a position where the contractor's judgment may be biased or where an unfair competitive advantage exists; i.e., an organizational conflict of interest. Appendix G of the DAR contains guidance on how to avoid organizational conflicts of interest.

(6) Liquidated damages provision for late delivery and/or unacceptability of products (see FPR 1–1.315 or, if applicable, DAR 1–310), and

(7) Establishment of the Government's right to audit contractor and subcontractor records.

5. *Evaluation and award.* a. *General guidance.* (1) A contract award based on the lowest price available from responsible offerors, when offers are technically acceptable, is the preferred basis for an award when it is not necessary and appropriate to consider other factors. For example, this approach could be appropriate when the objective can be satisfied without paying the additional price that is associated with greater technical capability or when the impact of possible unsatisfactory performance on the objective can be estimated and tolerated. When these conditions do not apply (because the requirement is not defined in enough detail to permit award based solely on low price), technical and other nonprice award criteria should be used.

(2) The relative weights of price and nonprice factors should be justified and documented before solicitation issuance to ensure that the assignment of weights is not influenced (consciously or otherwise) by the form or content of proposals or the identification of offerors. This serves to protect the integrity of the selection process. The consideration of all offerors within the competitive range is required. Accordingly, no predetermined minimum acceptable cutoff should be established.

(3) There is no known objective technique for precisely determining the optimum weighting. While price generally will be a most important factor, lowest offered price need not be the controlling factor. However, when it is determined that technical weight and other factors should be considered together with price, all of the evaluation factors should be justified and well documented. The numerical weights assigned to technical and management factors will be based upon the informed judgment of those who develop the specification of requirements. This should be done after an analysis of the requirements relative to the following factors:

(a) Technical complexity of the application,

(b) Operational complexity of the application (e.g., interactive or local batch types and speeds of communications transmissions, etc.), and

(c) Managerial complexity of performance (e.g., dependence on the variability of the applications, users, and performance locations).

(4) Normally, only the relative importance of evaluation factors should be shown in the solicitation document. However, when the contracting officer determines that disclosure of numerical weights is necessary to clearly convey to offerors the relative importance of evaluation factors and the Government's negotiation position will not be impaired by such disclosure, numerical weights may be disclosed in the solicitation document (for those subject to the DAR, see 3–501(m)(i)). This determination should be made with appropriate recommendations from technical officials and should be documented in the contract file.

b. *Evaluation.* Because of the technical and management complexity of software development contracts, it is important that the qualifications (and responsibility) of offerors be carefully evaluated regarding their ability to perform. The engineering of software is a process that is frequently conceptually easy, yet the realization of any approach is fraught with the unexpected. Because of this, the two most important factors contributing to success of a project are how many of the problems have already been solved and how the vendor has institutionalized these solutions. These are not separable, and both are necessary to assure a high probability of success for the project. Solution of the problems can be demonstrated in many ways, such as prior experience in developing systems and components of systems in the application area and prior experience in the technological environment of systems in the application area. Such experience should be similar in size and complexity to the system being acquired. The institutionalizing of solutions can also be demonstrated in may ways, such as specific software tools, written procedures, framework systems or components, or organized teams of skilled, experienced staff. Factors such as these should be evaluated closely. The following methods are recommended:

(1) The offeror should identify the problems of developing the system, and specify how these problems have been solved by the offeror in the past and how the solution to these problems is built into the technological approach proposed.

(a) The specific tools to be applied to the engineering process should be described and the specific problem that they solve should be explained.

(b) Documented procedures to be followed that address problem areas should be described together with the nature of the problem they solve.

(c) The use of framework systems, packages, libraries, or macrogenerators that obviate the need for line-by-line development of all the new programs should be described. The offeror should indicate how these have been used previously and the problems that are solved by them.

(d) The offeror should describe how other experience that has solved problems in the engineering of similar sized systems will be used in this specific project. This may include specialized teams or individuals and specialized project training.

(2) The offeror should present a feasible plan for starting and continuing work under the contract, including managing the contract and resources, such as personnel and computers. Plans should be evaluated for feasibility, soundness, and depth of understanding of how the work will be accomplished.

(a) The location of the offeror's primary support office for the contract should be identified. The proposal should describe how corporate management will support the contract, including such items as the corporate chain of command, where contract management fits into the corporate organization, and delegations of authority—especially those to the contract management. These elements should be evaluated as to how well they will ensure responsiveness to Government requirements.

(b) The offeror should describe how the various phases of the software development will be organized, scheduled, and monitored. The proposal should describe the processes from receipt of a software development requirement through acceptance of deliverable products by the user. Planning, estimating, accounting, cost control, and administrative procedures should be described. Methods of handling multiple requirements and changes in scope, priorities, and schedules should be explained.

(c) The proposal should describe the offeror's personnel resources, operating procedures for recruiting, training, security clearance processing, and computers and other facilities to be applied. The extent of available resources and resources to be procured or recruited should be evaluated closely and should include consideration of the following:

(i) How and where personnel problems will be resolved, including the offeror's procedures for handling rejection of an individual proposed for assignment to a task;

(ii) The policies and procedures to be used in determining the skill categories and quantities of personnel necessary to satisfy requirements in a timely and economical manner in conformance with professional standards—the offeror's understanding of the solicitation and the presonnel consideration in operations of the type anticipated in the contract should be indicated:

(iii) The clarity and capability of the offeror's proposed staffing approach with respect to the generation of the quantity of personnel in the mix of skill categories and levels appropriate to the effort which are anticipated under the contract; and

(iv) With respect to any computer-time resources required, the clarity of the proposal and the offeror's capability to supply the levels and type of computer resources appropriate to the effort anticipated under the contract—this should include careful evaluation of communications, terminals, etc. for remote use of resources.

(3) The offeror should show the representative past experience of the firm in performing similar work. Each example should include the customer, description of work, size of the job in personnel and dollars, period of performance, and degree of success (dollars and time in relation to estimates). The examples should be evaluated based on their degree of similarity to the work to be covered by the contract, the offeror's degree of success, and the overall complexity of the examples given. It is particularly important that the prior experience has been accomplished under terms and conditions which are similar to the subject contract.

(4) Resumes should be submitted by the offeror for key management, supervisory, and technical personnel. Resumes should indicate the skill level for which the individual is proposed and qualifying education and chronological work experience. Each resume should be evaluated regarding the extent to which indicated skill levels are met and the degree of significant experience shown. "Significant" experience is that specialized experience that includes direct, participatory involvement of sufficient duration to achieve a continuing expertise at a level of responsibility appropriate to the skill level for which the resume is offered.

6. *Contract administration.* Software development projects present special problems. These problems should be addressed in the procurement planning, solicitation, and award phases. They also need special emphasis in the contract administration process. Software development is creative in the same sense that design engineering is creative and requires personnel with specific, high-level technical skills. In its later phases, it is production-oriented with precise requirements that have to be satisfied.

a. *Government-furnished facilities and services.* An important part of the planning for a software development contract is deciding which facilities, supplies, and services are to be provided by the contractor and which are to be provided by the Government. The determination should be based upon the best estimate of the most economical and efficient source for each item. The contract should clearly state who will furnish the property or the method and criteria for deciding who will furnish the property. Government-furnished items may include:

(1) Office space,
(2) Office supplies,
(3) Computer time,
(4) Terminals, and
(5) ADP media (cards, tapes, disks, printout paper, microfilm).

b. *Interpretation.* During each phase of software development, interpretations of technical and operational requirements will often be required. This function is especially important in the systems design and testing/acceptance phases. A frequent problem that arises is determining if a contract change is required and if a price change and/or a change in delivery is justified. This situation can occur when technical or operational requirements change, necessitating contract requirement or scope changes that may justify a price adjustment and/or a change in delivery. Contractor inefficiencies, oversights, or poor estimates are not justifications for price adjustments or changes in delivery. Care should be exercised to ensure that the decision to make a change is made consciously and is documented by a contract change rather than becoming a "constructive" change resulting from a technical interpretation. The technical and contracting authorities for each member of the contract administration team should be clearly identified and documented so that they and the contractor fully understand the role of each individual

c. *Performance monitoring.* To make informed decisions on contract administration matters during all phases of software development, the Government should closely monitor the progress and problems encountered in contractor performance. Frequent informal, personal contacts should be maintained with contractor management personnel. These continuing contacts should be supplemented by periodic progress and problem reports and status review meetings between contractor management and Government contract administration personnel. Reports should provide sufficient detail to properly convey the status of the project in terms of time, money, personnel, and other pertinent resources.

d. *Personnel.* (1) If an agency must contract for a phase of software development (e.g., requirements definition) on a cost-reimbursement or time-and-materials basis, the agency should define and agree with the contractor on functional, experience, and educational requirements for key technical and management positions prior to contract award. Nontechnical positions, such as those providing clerical, financial, and administrative support, are better left to the discretion of the contractor. Prior to their assignment to the contract, key personnel should have their resumes reviewed by a knowledgeable Government official to ensure that they meet the qualifications of the position to which they are to be assigned. These actions are normally not necessary when clear acceptance criteria are defined and the software development is contracted for on a fixed-price basis.

(2) Once accepted by the Government and assigned to the contract, an individual should be assigned work, supervised, and reassigned as necessary by the contractor without Government approval or interference. This will help to avoid any adverse inference regarding "personal services."

7. *GSA contracting arrangements.* a. GSA's Office of Software Development provides a variety of reimbursable services to agencies in selected phases of software development. Its Federal Conversion Support Center provides services to agencies in all phases of software conversion. These include technical and contractual assistance. Its Federal Compiler Testing Center provides services in the acceptance testing and validation of software. Finally, it operates the Federal Software Exchange Program to assist agencies in determining whether alternative systems exist.

b. The regional offices of GSA administer contracts under which firms provide systems analysis and programing services to Federal agencies who sign interagency agreements with CSA. For further information regarding these contracts, contact the regional ADTS Agency Services Coordination Division or the ADTS Central Office

V 4 6 / 1 0 9 J E 8 8 1 UMI

Contract Programs Division (202–566–0546).

[FR Doc. 81–16864 Filed 6–5–81; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Advisory Committees; Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the National Institutes of Health announces the establishment of the following committees by the Secretary, Department of Health and Human Services.

National Arthritis Advisory Board. This committee shall review and evaluate the implementation of the current Arthritis Plan; periodically update the Plan to ensure its continuing relevance; for the purpose of assuring the most effective use and organization of resources respecting arthritis, advise and make recommendations to the Congress and the Secretary, the Director of the National Institutes of Health, the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, and the heads of other appropriate Federal agencies for the implementation and revision of the Plan.

National Diabetes Advisory Board. This committee shall review and evaluate the implementation of the current Diabetes Plan; periodically update the Plan to ensure its continuing relevance; for the purpose of assuring the most effective use and organization of resources respecting diabetes mellitus, advise and make recommendations to the Congress and the Secretary, the Director of the National Institutes of Health, the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, and the heads of other appropriate Federal agencies for the implementation and revision of the Plan.

National Digestive Diseases Advisory Board. This committee shall review and evaluate the implementation of the current Digestive Diseases Plan; periodically update the Plan to ensure its continuing relevance; for the purpose of assuring the most effective use and organization of resources respecting digestive diseases, advise and make recommendations to the Congress and the Secretary, the Director of the National Institutes of Health, the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, and the heads of other appropriate Federal agencies for the implementation and revision of the Plan.

Authority for these committees shall terminate on September 30, 1983, unless the Secretary, HHS, formally determines that continuance is in the public interest.

Dated: May 29, 1981.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 81–16830 Filed 6–5–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Gulf of Mexico Outer Continental Shelf Oil and Gas Leasing; Notice of Intent To Prepare a Regional Environmental Impact Statement for the Gulf of Mexico

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and subsequent implementing CEQ regulations, and in keeping with the objective of streamlining the Outer Continental Shelf (OCS) leasing process, the Bureau of Land Management's New Orleans OCS Office intends to prepare a multisale regional environmental impact statement (EIS) for the Gulf of Mexico (GOM) OCS planning area. This area includes tracts offshore the five coastal states of Florida, Alabama, Mississippi, Louisiana and Texas.

The purpose of the regional EIS is to provide a detailed statement describing the environmental impact of, and alternatives to, a proposed major federal action. The action is the sale of leases for all GOM sale areas included on the 5-year OCS oil and gas leasing schedule.

The regional EIS will describe OCS oil and gas leasing program objectives and policies for the Gulf of Mexico, including but not limited to, the amount and location of leasing acreage; development and transportation assumptions; lease stipulations and other mitigation measures; and studies program requirements. It will also describe the environmental effects of the leasing program and the major alternatives being considered. It will focus on and analyze the major concerns and issues related to OCS oil and gas development in the GOM.

The scoping process will include meetings with representatives of government, industry and environmental interest groups. Additionally, solicitation will be made for the identification of issues and concerns from the public at large through coastal media contacts comprised of newspapers, radio and television. Should response from these solicitations indicate considerable public interest and concern about the proposal and need for additional public contact to define that concern, the New Orleans OCS Office will implement more direct communications with identified individuals and interest groups.

Further information about this regional EIS, or comments on the issues to be addressed therein, should be brought to the attention of Mr. Jack Holt, Regional EIS Coordinator, Environmental Assessment Division, New Orleans OCS Office, Suite 841, 500 Camp Street, Hale Boggs Federal Building, New Orleans, Louisiana 70130, telephone: 504–589–6541.

Dated: June 3, 1981.

Ed Hastey,

Associate Director, Bureau of Land Management.

[FR Doc. 81–16886 Filed 6–5–81; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

Grand Canyon National Park, Arizona, Draft Alternatives for the Colorado River Management Plan; Intent

Notice is hereby given that the National Park Service will hold a series of five public meetings in early July in Arizona, California, Colorado and Utah to hear comments on Grand Canyon National Park's draft alternatives for the Colorado River Management Plan.

A five-year phase out of outboard motors in favor of oar-propelled craft on the 270-mile stretch of the river within the park was adopted by the Park Service in 1979, but it was subsequently vetoed by the Congress last year. The four draft alternatives for river running, all of which permit use of motorized craft, now under review are: mixed motor and oar use all year; oar use only during the winter, from October 16 to April 15; oar use only in the fall and early winter, from October 1 to January 1, and three two-week periods set aside for the exclusive launching of oar trips between April 16 and October 15.

The public meetings on the plan each provide for an opportunity for the public to chat informally with Park Service representatives from 1 to 5 p.m. followed by a formal meeting from 8 to 11 p.m., local time.

The dates and locations of the meetings are:

Monday, July 6, American Room B, Little America Motel, 2515 Butler Avenue, Flagstaff, Arizona.

Tuesday, July 7, Maricopa County Board of Supervisors Auditorium, 205 West Jefferson, Phoenix, Arizona.

Thursday, July 9, Bear Creek Senior High School, 3490 South Kipling, Lakewood, Colorado.

Friday, July 10, Salt Palace, Room 220, 100 Southwest Temple, Salt Lake City, Utah.

Monday, July 13, Headquarters, Golden Gate National Recreation Area, Fort Mason, Foot of Franklin Street, San Francisco, California.

In so far as possible, all those who wish to provide oral comments will be given an opportunity to do so. Depending upon the number of persons who wish to speak, however, the presiding officer may limit the time for individual presentations. Written comments about the proposed plan may be submitted prior to August 12, 1981, when the record closes, to the Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon, Arizona 86023.

Copies of the draft alternatives may be reviewed at the following National Park Service offices: 1115 North First Street, Phoenix; 23018 Ventura Boulevard, Woodland Hills, CA; and 450 Golden Gate Avenue, San Francisco.

Copies are also at public libraries in a number of communities including Flagstaff, Page, Phoenix, Tucson and Tempe, Arizona; Boise, Idaho; Chicago, Denver, Eugene, Ore.; Jackson, Wyo.; Missoula, Mont.; St. Paul, Minn.; Salt Lake City; Santa Fe, N.M.; San Francisco; Seattle and Washington, D.C.

Dated: May 28, 1981.

Howard H. Chapman,

Regional Director, Western Region, National Park Service.

[FR Doc. 81-16901 Filed 6-5-81; 8:45 am]

BILLING CODE 4310-70-M

New Entrance Road for Mesa Verde National Park; Intent To Prepare an Environmental Impact Statement

AGENCY: National Park Service.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement and Request for Issues to be Discussed.

SUMMARY: The National Park Service proposes to construct a new entrance road into Mesa Verde National Park because the present road is subject to continual landslides. The proposed new road would modify an existing unpaved service road by regrading it, using several cuts and fills, and would require either a boundary change or acquisition of right-of-way. An existing waterline would also have to be relocated. These changes to the park have the potential for significant environmental impact, thus the Service has decided to prepare an environmental impact statement (EIS) on the proposal. Alternatives to be considered will include, but may not be limited to, the proposal, no action, and attempted stabilization of the existing entrance road. The EIS will discuss potential impacts on archeological resources, soils, plants and animals, scenery, safety, and socio-economic effects. The public is invited to suggest other issues, alternatives or impacts that it believes should be addressed in the EIS. Such comments will be received for 30 days following the publication of this notice at the addresses given below. The road problem has been well-known in the local area for a long period of time so that the National Park Service does not consider it necessary to hold a scoping meeting on the issues to be discussed. A public meeting on the draft EIS itself may be held at a later date; is so, the meeting will be announced well in advance.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Heyder, Superintendent, Mesa Verde National Park, Colorado 81330, telephone 303/529-4465; *or* Mr. Bob Kasparek, Compliance Officer, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225, telephone 303/234-4942.

Dated: June 1, 1981.

James B. Thompson,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 81-16905 Filed 6-5-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seeks authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-126

The following applications were filed in Region I.

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Roston, MA 02114.

MC 87451 (Sub-1-24TA), filed May 28, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same as applicant). *Contract carrier:* irregular routes: *Printed forms, telephone directories and work books and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* (except commodities in bulk, classes A & B explosives, and household goods as defined by the Commission), between points and places in the U.S. (except AK and HI) under continuing contract(s) with Courier Citizen Co., Lowell, MA. Supporting shipper: Courier Citizen Company, 165 Jackson Street, Lowell, MA 01852.

MC 141932 (Sub-1-21TA), filed May 28, 1981. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gradner (same as applicant). *Food and related products,* between the facilities of Hollywood Brands, Inc., in Crawford, Marion and Washington counties, IL, on the one hand, and, on the other, points in the U.S. in or east of MN, IA, MO, AR and LA. Supporting shipper: Hollywood Brands, Inc., 836 South Chestnut Street, Centralia, IL 62801.

MC 34087 (Sub-1-3TA), filed May 28, 1981. Applicant: NORMAN HILLS, Route 60, Fredonia, NY 14063. Representative: Norman Hills (same as

applicant). *Contract carrier:* irregular routes: *Food and related products* between Ottawa County, MI on the one hand, and, on the other, points in NY, NJ and PA; between Ottawa County, MI; Sandusky & Lucas Counties, OH on the one hand, and, on the other, points in Johnson & Muscatine Counties, IA; between points in Johnson & Muscatine Counties, IA on the one hand, and, on the other, points in MO on and east of U.S. Hwy 63 under continuing contract(s) with Heinz USA, Division of H. J. Heinz Company, Pittsburgh, PA. Supporting shipper: Heinz USA, Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 153967 (Sub-1–2TA), filed May 29, 1981. Applicant: CONTRANS, INC. (a Connecticut Corp.), 25 James Street, New Haven CT 06513. Representative: Donald S. Baillie, Fazzone, Nuzzo and Baillie, P.C. 515–525 Highland Avenue, P.O. Box 765, Cheshire, CT 06410. *General commodities,* between points in CT on the one hand, and, on the other, points in the New York, NY Commercial Zone. Supporting shippers: C.H. Dexter Corporation, 1 Elm Street, Windsor Locks, CT; EIS Division, 129 Worthington Ridge Road, Berlin, CT; Chloride Systems, Mallard Lane, North Haven, CT; Laticrete International, 91 Amity Road, Bethany, CT.

MC 156167 (Sub-1–1TA), filed May 27, 1981. Applicant: KEVIN STUBBS, Patten, ME 04776. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier:* irregular routes: *Hardwood veneer* from the premises of Patten Veneer Products, Inc. in Patten, ME to Rutland, VT; Bristol, NH; Buffalo and Cortland, NY; York, PA; Portland, TN; Chicopee, MA; and points on the international boundary line between the U.S. and Canada at Houlton and Calais, ME under a continuing contract(s) with Patten Veneer Products, Inc. of Patten, ME. Supporting shipper: Patten Veneer Products, Inc., Patten, ME 04765.

MC 156146 (Sub-1–1TA), filed May 27, 1981. Applicant: CONTRACT TRUCKING CORPORATION, Butternut Drive, East Syracuse, NY 13057. Representative: Thomas B. Hill, Leaseway Transportation Corp., 201 East Ogden Avenue, Hinsdale, IL 60521. *Contract carrier:* irregular routes: *Such merchandise as is dealt in by wholesale, retail and chain grocery, food and liquor establishments,* between Liverpool, NY, on the one hand, and, on the other, all points in NJ, CT, MA, ME, VT, NH, PA, OH, KY, and MD, under continuing contract(s) with Monarch Liquor, Liverpool, NY; M. Lichtman Liquor and Company, Liverpool, NY; and Paul-Jeffrey Co., Inc., Liverpool, NY. Supporting shipper(s): Monarch Liquor, 6497 Cross Roads Park, Liverpool, NY 13088; M. Lichtman Liquor and Company, 4527 Crown Road, Liverpool, NY 13088; and Paul-Jeffrey Co., Inc., Steelway Blvd., P.O. Box 512, Liverpool, NY 13088.

MC 151593 (Sub-1–2TA), filed May 28, 1981. Applicant: DON MONTEIRO TRUCKING INC., 122 Park Street, Stoneham, MA 02180. Representative: William F. Mix, 153 Grove Street, Lexington, MA 02173. *Tanks, fuel oil, truck, iron or steel, or aluminum, NOI, and materials, equipment and supplies used in the sale, distribution, and manufacture thereof (except materials in bulk and classes A and B explosives),* between Malden, MA, on the one hand, and, on the other, Quincy, IL, Baltimore, MD, Patterson, NJ, Blue Point, NY, Philadelphia, PA, Reading, PA, and Milwaukee, WI. Supporting shipper: Boston Steel & Mfg. Co., 490 Eastern Avenue, Malden, MA.

MC 17051 (Sub-1–5TA), filed May 21, 1981. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Avenue, Elizabeth, NJ 07202. Representative: Carl S. DiPiazza (same as applicant). *Wearing apparel* (1) between points in AL, AR, KY, MS, and TN, on the one hand, and, on the other, Jackson and Memphis, TN, and (2) between points in DE, on the one hand, and, on the other, points in MS and TN. Supporting shipper: Sears, Roebuck & Co., Sears Tower, Chicago, IL 60684.

MC 155525 (Sub-1–2TA), filed May 27, 1981. Applicant: AJL TRANSPORTATION, LTD., 831 Decarie Blvd., Suite 301, St. Laurent, Quebec, CD H4L 3L8.. Representative: H. Neil Garson, 3251 Old Lee highway, Suite 400, Fairfax, VA 22030. *Contract carrier:* irregular routes: *Synthetic staple fiber* from the facilities of Allied Chemical and its suppliers at Columbia and Irmo, SC; to points on the US/CD International Boundary line in the states of ME, MI, NY, and VT, under continuing contract(s) with Allied Chemical Corp, of New York, NY. Supporting shipper: Allied Chemical Corporation, 1400 Broadway, New York, NY 10018.

MC 152163 (Sub-1–2TA), filed May 27, 1981. Applicant: DARTMOUTH CONTRACT CARRIERS, INC., 70 Jenkins Street, New Bedford, MA 02740. Representative: Kenneth F. Braz (same as applicant). *General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT and DC. Supporting shipper(s): There are 17 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 42046 (Sub-1–1TA), filed May 27, 1981. Applicant: LUDDY'S EXPRESS, INC., 32 O'Brien Avenue, Whitman, MA 02382. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 02187. *General commodities, except household goods and Classes A and B explosives,* between points in CT, MA, ME, NH, RI, VT. Supporting shipper(s): There are 11 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 154121 (Sub-1–7TA), filed May 27, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Old Chester Roads, Gladstone, NJ 07934. Representative: George A. Olsen, P.O. Box 357 Gladstone, NJ 07934. *General commodities (except classes A and B explosives),* between the facilities used or utilized by Ajax Hardware Corp., its subsidiaries, division, vendors, and suppliers, located at City of Industry, CA; Chicago, IL; Cincinnati, OH; and Dallas, TX. Supporting shipper: Ajax Hardware Corp., 825 South Ajax Ave., City of Industry, CA 91749.

MC 145548 (Sub-1–2TA), filed May 27, 1981. Applicant: COMMUNITY TRANSIT LINES, INC., 315 Howe Ave., Passaic, NJ 07055. Representative: J. G. Dail, JR., P.O. Box LL, McLean, VA 22101 (703) 893–3050. *Contract:* Irregular: *passengers,* between 7th Ave. and 33rd St. (Pennsylvania Station), New York, NY, on the one hand, and, on the other, 60 Page Rd., Clifton, NJ, under continuing contract(s) with J. A. Preston Corp. Supporting shipper: J. A. Preston Corp., 71—5th Ave., New York, NY 10003.

MC 150254 (Sub-1–5TA), filed May 27, 1981. Applicant: ALLIED INTERNATIONAL TRUCKING CO., INC., 210 Beacham Street, Everett, MA 02149. Representative: Raymond P. Keigher, Esquire, 401 E. Jefferson Street, Suite 102, Rockville, MD 20850. *Chemicals and related products (except commodities in bulk, classes A and B explosives, and hazardous waste),* from points in Middlesex County, MA, to Bridgeport, CT; Atlanta, GA; Indianapolis, IN; Louisville, KY; Baton Rouge, LA; Lewiston, ME; Detroit, MI; Charlotte, NC; Charleston, SC; Milwaukee, WI; points in their respective commercial zones, and points in FL, IL, MD, NJ, NY, OH, PA, TX and

VA, for 270 days. Supporting shipper: Touraine Paints, Inc., TRC Division, 1760 Revere Beach Pkwy, Everett, MA 02149.

MC 147811 (Sub-1–6TA), filed May 26, 1981. Applicant: FLO–JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Donald E. Martin, 94 Auburn Street, Portland, ME 04103. *Contract carrier:* Irregular routes: *Building products and supplies,* between points on and east of the Mississippi River under continuing contract(s) with Superior Distributing of Waterville, ME. Supporting shipper: Superior Distributing, Waterville (Oakland), ME 04901.

MC 7840 (Sub-1–6TA), filed May 28, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 50 Cooper Street, Watertown, NY 13601. Representative: Michael D. Bromley, Suite 805, 666 Eleventh Street, NW, Washington, DC 20001. *Metal products; machinery; clay, concrete, glass or stone products; and waste or scrap materials,* between Rome, NY, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and LA. Supporting shipper: Revere Copper and Brass, Inc., P.O. Box 191, Rome, NY 13440.

MC 150451 (Sub-1–4TA), filed May 26, 1981. Applicant: G & L TRANSPORT, Route 9, Troy, ME 04987. Representative: Donald E. Martin, 94 Auburn Street, Portland, ME 04103. *Contract carrier:* Irregular routes: *metal construction materials,* from Portland, ME to points in the U.S., under continuing contract(s) with Douglas Brothers of Portland, ME. Supporting shipper: Douglas Brothers, Riverside Industrial Parkway, Portland, ME 04103.

MC 141932 (Sub-1–20TA), filed May 22, 1981. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner. *Food and related products and materials, equipment and supplies* between Cedartown, GA, Plainfield, IL and Tampa, FL on the one hand, and, on the other, points in the United States. Restricted to traffic originating at or destined to the facilities of Zartic Frozen Meats and Seafoods, Inc., 808 West Avenue, Cedartown, GA 30125.

MC 87855 (Sub-1–3TA), filed May 27, 1981. Applicant: J.V. MOTOR LINES, INC., 69 Thomas Street, E. Hartford, CT 06108. Representative: Hughan R. H. Smith, 26 Kennwood Place, Lawrence, MA 01841. *General commodities (except classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and hazardous waste)* between all points in MA, ME, NH, RI, VT, CT, NJ, NY and New York Commercial Zone. Supporting shipper(s): Transtop Inc., 666 Summer St., Boston, MA 02210; Industronics Inc., 489 Sullivan Ave., So. Windsor, CT 06074.

MC 150898 (Sub-1–8TA), filed May 27, 1981. Applicant:LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *Plastic board and accessories used in installation,* from Fallsington, PA to points in VA, DE, MA, DC, NJ, NY, CT, RI and MA, under continuing contract(s) with W.R. Grace and Co. of Cambridge, MA. Supporting shipper: W.R. Grace & Co., 62 Whittemore Avenue, Cambridge, MA 02140.

MC 156136 (Sub-1–2TA), filed May 26, 1981. Applicant: RAY KING TRANSPORTATION, 229 Cadwell Road, Pittsfield, MA 02101. Representative: Jack L. Schiller, 502 Flatbush Avenue, Brooklyn, NY 11225. *Contract carrier:* irregular routes: *Paper* from the facilities of Boyd Converting Company, Inc. located at or near Pittsfield, MA to W. Palm Beach, FL, Garden Grove, CA, and Ashland and Bedfore Heights, OH under continuing contract(s) with Boyd Converting Company, Inc. of Richmond, MA. Supporting shipper: Boyd Converting Company, Inc., Central Berkshire Blvd., Richmond, MA 01254.

MC 150951 (Sub-1–3TA), filed May 26, 1981. Applicant: CRANSTON TRUCKING COMPANY (DIVISION OF CRANSTON PRINT WORKS COMPANY), 1381 Cranston Street, Cranston, RI 02920. Representative: A. Joseph Mega, 11 Newark Street, Providence, RI 02908. *Textile goods, finished or unfinished* between the states of NC, SC, and GA, Fayetteville, TN, Danville and Fork Union VA, Lanett, AL and the facilities of the Newport Textile Company, Pawtucket, RI, under continuing contract(s) with Weiner & Bauer, Inc., New York, NY. Supporting shipper: Weiner & Bauer, Inc., 1040 Ave. of the Americas, New York, NY 10018.

MC 156166 (Sub-1–1TA), filed May 26, 1981. Applicant: ALBEE TRANSPORTATION INC., Center Street, Wolfeboro, NH 03894. Representative: William L. Albee, Ledge Hill Road, Tuftonboro, NH 03861. *Contract carrier:* irregular route: *Wooden gun stock material* from Perry, KS to Rochester, NY, under continuing contract(s) with K.W. Thompson Tool Co., Inc. of Rochester, NH. Supporting shipper: K.W. Thompson Tool Co., Inc., Juniper St., Rochester, NH 03867.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 145252 (Sub-II–8TA), filed May 27, 1981. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485, Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Wash., D.C. 20005. *Such commodities as are used in connection with the exploration and drilling of oil and gas wells,* from Hopewell, VA, Attapulgus, GA, Micaville, NC, Syracuse, NY, and Woodbridge, NJ, to points in WY, CO, TX, OK, NM, and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Isenman Chemicals Company, Inc., Greeley, Co 80632.

MC 141851 (Sub-II–1TA), filed May 28, 1981. Applicant: C. C. CALDWELL TRUCKING, INC., Route #2, P.O. Box 297, Bidwell, OH 45614. Representative: John L. Alden, Stiverson and Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Iron and steel, and iron and steel products,* between Callia County, OH, on the one hand, and, on the other, Tallahasse, FL and Memphis, TN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Robbins & Myers, Inc., P.O. Box 502, Bob-McCormick Rd., Gallipolis, OH 45631.

MC 146320 (Sub-II–5TA), filed May 26, 1981. Applicant: CHARLES A. STOECKLER, INC., 3 Spring St., Wilkes Barre, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Such commodities as are dealt in by retail department stores,* between Luzerne County, PA, on the one hand, and, on the other, points in that part of the U.S. on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN to the U.S.-Canada boundary line, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Jewelcor, Inc., Erie and Susquehanna Ave., Exeter, PA 18643.

MC 156147 (Sub-II–1TA), filed May 27, 1981. Applicant: TRANS-ALLIED CORP., Dundalk Marine Terminal, Baltimore, MD 21222. Representative: Michael P. Angelos (same as applicant). Contract, irregular: *(1) modular buildings, KD; (2) materials, equipment and supplies used in the manufacture of (1),* from the facilities of Hendrich Corp., Edinboro, PA, on the one hand, and on the other, pts. and places in the US, except AK and

HI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hendrich Corp., P.O. Box 819, Edinboro, PA 16412.

MC 136511 (Sub-II–7TA), filed May 27, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *Foodstuffs and materials and supplies used in the manufacture thereof,* between Merced County, CA, on the one hand, and, on the other, points in the United States for 270 days. Supporting shipper: Avoset Foods, Inc., 299 Fifth Ave., Gustine, CA 95322.

MC 156168 (Sub-2–1TA), filed May 28, 1981. Applicant: VOYAGER BUS LINES, INC., 13613 Engleman Drive, Laurel, MD 20811. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. *Passengers and their baggage,* in special and charter operations, beginning and ending at Washington, D.C., Alexandria, VA and Baltimore, MD, points in their respective commercial zones, and points in Baltimore, Howard, Montgomery and Prince Georges Counties, MD, and Arlington and Fairfax Counties, VA, and extending to points in the U.S. (except AK and HI), for 180 days. Support: There are 8 supporting shippers. Their statements may be viewed at the ICC Reg. Ofc., Philadelphia, PA.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 152987 (Sub-3–2TA), filed May 27, 1981. Applicant: MAGANN EQUIPMENT, INC., P.O. Box 1694, Summerville, SC 29483. Representative: A & B Trucking, Inc., Highway 17 North, Summerville, SC 29483. *Metal and metal articles; aluminum and aluminum products; billets, pipe, scrap, foil, plate, sheet, ingot, rod, slab, zinc and zinc alloys; ingots, scrap,* between Richmond County, GA; Georgetown, Berkeley, Charleston, Dorchester, Horry, Richland, Lexington, Orangeburg, Chester, Fairfield, Calhoun, and Orange Counties, SC, to points and places from points and places in the U.S. except AK and HI. Supporting shipper(s): Automotive Recycling Co., P.O. Box 979, Charleston, SC 29402.

Note.—Applicant intends to tack with existing authority in MC–152987 and subs thereunder.

MC 138157 (Sub-3–51TA), filed May 27, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). (1) *Animal feed (except in bulk)* from Ogden, UT to points in WA, OR, CA, NV, AZ, NM, CO, WY, MT, and ID; and (2) *materials, equipment, and supplies used in the manufacture, production, and distribution of animal feed (except in bulk)* from points in the United States to Ogden, UT. Restricted to traffic originating at or destined to the facilities of American Nutrition, Inc. Supporting shipper: American Nutrition, Inc., 29th and Reeves, Ogden, UT 84404.

MC 156100 (Sub-3–1TA), filed May 22, 1981. Applicant: CHARLES RAYMOND POWELL, d.b.a. GOLDEN TRIAD CARRIERS, P.O. Box 4145, Archdale, NC 27263. Representative: Lee A. Plummer, 5505 Weslo Willow Road, #113, Greensboro, NC 27409. *New Furniture (restricted to residential deliveries)* from NC to points in the U.S. (except AK and HI). There are fifteen (15) statements of support attached to the application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 146402 (Sub-3–15TA), filed May 22, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Bagged Charcoal and equipment, materials and supplies used in the manufacture and distribution thereof* from the facilities of Roseville Charcoal and Mfg. Company at Dixie, WV and McArthur, OH to points in and east of MN, IA, MO, AR, and LA. Supporting shipper: Roseville Charcoal and Manufacturing Company, P.O. Box 1188, Zanesville, OH 43701.

MC 155003 (Sub-3–6TA), filed May 20, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, Miss. 39212. Representative: Charles L. Moseley (same address as applicant). *Cleaning, washing and scouring compound, liquid or dry, plastic pot scourers, liquid bleach and fabric softeners in cartons, equipment, materials and supplies used in the manufacture, sale and distribution thereof,* between the facilities of Purex Corporation at locations throughout the U.S. and points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, KY, LA, MD, MA, MS, MO, NV, NJ, NM, NY, NC, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV. Supporting shipper: Purex Corporation, 9300 Rayo Avenue, South Gate, CA 90280.

MC 155003 (Sub-3–5TA), filed May 20, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, Miss. 39212. Representative: Charles L. Moseley (same address as applicant). *Commercial sound equipment (amplifiers, microphones, guitars, loud speakers) and other component parts of electronic accessories thereof. Equipments, materials and supplies used in the manufacture, sale and distribution thereof,* between points in Lauderdale County, MS and Scott County, MS on the one hand and on the other all points in the U.S. except AK and HI. Supporting shipper: Peavy Electronics, Inc., 711 A St., P.O. Box 2898, Meridian, MS 39301.

MC 155932 (Sub-3–1TA) filed May 21, 1981. Applicant: BELL TRUCKING COMPANY, INC., 131 Cecilianna Drive, Elizabethtown, KY 42701. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40602. *Asphalt flux, asphalt cement and emulsified asphalt,* between Jefferson County, KY, on the one hand, and, on the other hand, points in Harrison, Perry, Spencer, Dubois, Crawford, Floyd, Clark, Orange, Washington, Jefferson, Scott, Martin, Jackson, Lawrence, Switzerland, Jennings, Marion, Bartholomew, Shelby, Hancock, Rush, Morgan, Johnson, Monroe, Brown Decatur, Franklin, Ripley, Knox, Daviess, Pike, Gibson, Posey, Vandenburg and Warrick Counties, IN. Supporting shipper: Asphalt Material and Contruction, Inc., 4902 W. 86th Street, Indianapolis, IN 46268.

MC 155675 (Sub-3–1TA), filed May 22, 1981. Applicant: PORTER WARNER INDUSTRIES, INC., 3819 Dorris Street, Chattanooga, TN 37409. Representative: M. C. Ellis, Care of Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. *Contract* carrier; irregular route; *foundry core compounds* from Cook County, IL and Cuyahoga County, OH to Caddo Parrish LA under continuing contract(s) with Ashland Chemcial Company, of Columbus, OH. Supporting shipper: Ashland Chemical Company, P.O. Box 2219, Columbus, OH, 43216.

MC 17000 (Sub-3–3TA), filed May 22, 1981. Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald, TN 38462. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. *General commodities (except classes A and B explosives)* between Chapel Hill, TN and Nashville, TN. From Chapel Hill over US Hwy 31A to Nashville and return over the same route, serving all intermediate points. Applicant proposes to interline at Nashville, TN, and to tack with all of applicant's existing regular and irregular route authority. Applicant proposes to serve the commercial zones of all service points. Supporting shippers: Genesco, Inc., P.O. Box 1090, Nashville, TN 37202.

MC 156094 (Sub-3–1TA), filed May 21, 1981. Applicant: THOMAS G. AND CORA M. NORWOOD, d.b.a. NORWOOD TRUCKING COMPANY, 5100 Thacker Dairy Road, Greensboro, NC 27406. Representative: Cora M. Norwood (same address as applicant). *New Furniture* from Guilford County, NC to Dallas and Houston, TX, Miami and Ft. Lauderdale, FL, Atlanta, GA, and Denver, CO., Supporting shipper: Interline, 551 West Fairfield Rd., High Point, NC 27264.

MC 144827 (Sub-3–10TA), filed May 22, 1981. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. (1) *Flourescent lighting fixture and parts and accessories* from facilities of L & L Manufacturing Co., Inc., at Crystal, MN, to points in the US; and (2) *Parts and accessories and materials and supplies used in the manufacture of flourescent lighting fixtures* from Danville and Chicago, IL, and the commerical zones thereof; Altoona and Pennsburg, PA, and the commercial zones thereof; Lexington, Linden and Neward, NJ, and the commercial zones thereof; and New York, NY, and its commercial zone, to facilities of L & L Manufacturing Co., Inc. at Crystal, MN. Supporting shipper: L & L Manufacturing Co., Inc., 3300 Winpark Dr., Crystal, MN 55427.

MC 149123 (Sub-3–1TA), filed May 22, 1981. Applicant: BOAZ PRODUCE COMPANY, P.O. Box 220, Boaz, AL 35957. Representative: Eugene D. Anderson, 910 Seventeenth Street, N.W., Suite 428, Washington, D.C. 20006. (1) *Cards, envelopes, books, printed matter, and plastic* from Port Chester, NY to Walls, MS (2) *Fiberboard Cartons* from North Babylon, NY to Memphis, TN and Huntville, AL. Supporting shippers: Sacred Heart League Walls, Mississippi 38680, MC Packaging Corporation P.O. Box 1031 Melville, Long Island 11747.

MC 56799 (Sub-3–4TA), filed May 27, 1981. Applicant: CLAXON TRUCK LINE, INC., P.O. Box 678, Frankfort, KY 40602. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *Common carrier:* regular: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* (1) between Louisville and Munfordville, KY, over U.S. Hwy. 31W serving all intermediate points, (2) between Elizabethtown and Cub Run, KY, from Elizabethtown over KY Hwy. 61 to junction U.S. Hwy. 31E, thence over U.S. Hwy. 31E to junction KY Hwy. 88, thence over KY Hwy. 88 to Cub Run, KY, and return over same route serving all intermediate points and serving Buffalo, KY, as an off-route point, (3) between Sonora and Hodgenville, KY, over U.S. Hwy. 84 serving all intermediate points, (4) between the facilities of (a) USM Corporation, Parker-Kalon Division, (b) Union Underwear Company, Inc., and (c) Ingersoll-Rand Company, at or near Campbellsville, KY, and Louisville, KY: From Campbellsville, KY, over U.S. Hwy. 68 to junction KY Hwy. 61, thence over KY Hwy. 61 to junction Interstate Hwy. 65, thence over Interstate Hwy. 65 to Louisville, KY, and return over the same route serving no intermediate points, (5) between Elizabethtown and Lexington, KY, from Elizabethtown over Blue Grass Parkway to junction U.S. Hwy. 60, thence over U.S. Hwy. 60 to Lexington serving no intermediate points but serving the junction of Blue Grass Parkway and U.S. Hwy. 127 for joinder only, and (6) between Frankfort, KY, and the junction of U.S. 127 and Blue Grass Parkway serving no intermediate points but serving the junction of U.S. 127 and Blue Grass Parkway for joinder only. Applicant proposes to tack Routes 1 through 6 above with each other and with applicant's existing authority at Louisville, Frankfort, and Lexington, KY. Supporting shippers: 15 statements of support are attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 142467 (Sub-3–2TA), filed May 27, 1981. Applicant: DIXIE FREIGHT LINE, INC., 3291 Highway 82 East, Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. A. Regular routes: (1) *Farm implements, farm implement parts and farm supplies;* (2) *automobile, truck and bus parts and supplies;* (3) *electrical equipment, machinery, appliances, parts and supplies;* and (4) *pharmaceuticals, drugs, medical and hospital equipment and supplies, and such commodities as are dealt in or used by retail drug stores and pharmacies (except commodities of unusual value, hazardous wastes and hazardous materials, household goods as defined by the Commission, commodities in bulk and those requiring special equipment):* (a) Between Memphis, TN and Rolling Fork, MS, via Hwy. 61, serving all intermediate points including the termini; (b) Between Leland and Greenville, MS, via Hwy. 82, serving all intermediate points, including the termini; (c) Between Rolling Fork, MS, and the intersection of U.S. Hwys. 49 and 61, serving all intermediate points, including the termini: From Rolling Fork, via MS Hwy. 14 to its intersection with MS Hwy. 1; than via MS Hwy. 1 to its intersection with U.S. Hwy. 49 east of the Helena AR bridge; than via U.S. Hwy. 49 to its intersection with U.S. Hwy. 61, and return over the same route; (d) Serving all points in Bolivar, Coahoma, DeSoto, Sharkey, Tunica, and Washington Counties, MS, as off-route points in connection with carrier's otherwise authorized regular route service. Restricted against the transportation of any shipment or shipments from any one consignor at one location to any one consignee at one location weighing in the aggregate more than 2,500 pounds in any one day: B. Irregular routes: *Equipment, materials and supplies used in the manufacture, repair and servicing of vessels and watercraft (except commodities in bulk and those requiring special equipment):* Between points in AL, AR, DE, FL, GA, KS, KY, IA, IL, IN, LA, MI, MN, MO, MS, NC, OH, OK, PA, SC, TN, TX, VA, WI, and WV. Restricted against the transportation of any shipment or shipments from any one consignor at one location to any one consignee at one location weighing in the aggregate more than 15,000 pounds in any one day. There are eleven statements of support attached to this application which may be examined at the Atlanta Regional ICC Office, Atlanta, GA.

Note.—Applicant requests authority to tack with existing authority in MC 142467 [lead docket] and to interline with other carriers at Clarksdale, Cleveland, and Greenville, MS and Memphis, TN.

MC 2934 (Sub-3–37TA), filed May 28, 1981. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Engineering exhaust systems,* from Mayville, WI to all points in the United States (except AK and HI). Supporting shipper: Econonent Systems, Inc., Division of Maysteel Corp., 800 Horicon St., Mayville, WI 53030.

MC 155003 (Sub-3–9TA), filed May 28, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, MS 39212. Representative: Charles L. Moseley (same address as applicant). *Foodstuffs, except in bulk, not requiring refrigeration,* between points in CA, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Serv-A-Portion, 9140 Lurline Ave., Chatsworth, CA 91311.

MC 155003 (Sub-3–7TA), filed May 28, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, MS 39212. Representative: Charles L. Moseley (same address as applicant). *Iron and steel hardware used in building*

construction. Equipment, materials and supplies used in the manufacture, sale and distribution thereof, between points in MS, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Solar Hardware Company, P.O. Box 537, Taylorsville, MS.

MC 155003 (Sub-3–8TA), filed May 28, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, MS 29212. Representative: Charles L. Moseley (same address as applicant). *Mattresses, mops, brooms, brushes, plastic wares and other related household accessories. Equipment, materials and supplies used in the manufacture, sale and distribution thereof,* between points in MS, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Mississippi Industries for the Blind, 2501 N. West St., Jackson, MS.

MC 141088 (Sub-3–1TA), filed May 28, 1981. Applicant: KEYSTONE DELIVERY SERVICE, INC., 60 NW 37th St., Miami, FL 33127. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. *Contract,* irregular routes: (1) *Such merchandise as is sold or distributed by a manufacturer of cosmetics, and (2) equipment and supplies used in connection with such business,* between points in Brevard, Hillsborough, Indian River, Lake, Marion, Martin, Okeechobee, Orange, Osceola, Polk, St. Lucie, Seminole, Sumter and Volusia Counties, FL, under continuing contract(s) with Avon Products, Inc., Atlanta, GA. Restricted to traffic moving in interstate or foreign commerce. Supporting shipper: Avon Products, Inc., 2200 Cotillion Drive, Atlanta, GA 30348.

MC 682 Sub-3–2TA), filed May 28, 1981. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, Esq., 1000 Comecticut Avenue, N.W., Suite 1112, Washington, D.C. 20036. *General commodities (except classes A and B explosives),* between Austin, TX, on the one hand, and on the other points in AL, FL, GA, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, ND, OH, PA, SC, SD, TN, WV, and WI, under continuing contract(s) with International Business Machines Corporation of Princeton, NJ. Supporting shipper(s): International Business Machines Corporation, P.O. Box 10, Princeton, NJ 08540.

MC 151095 (Sub-3–3TA), filed May 28, 1981. Applicant: BLUE & WHITE EXPRESS, INC., Route 1, Box 278D, Richmond, KY 40475.Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *Metal products,* between points in OH, KY, IL, IN, TN, MI, MS, MO and GA. Supporting shipper(s): Baker Iron and Metal Company, 717 N. Limestone St., Lexington, KY 40502.

MC 141970 (Sub-3–1TA), filed May 28, 1981. Applicant: COOSADA TRUCKING COMPANY, INC., P.O. Box 3412, Montgomery, AL 36109. Representative: J.K. McCorkle, 626 Wesley Drive, Montgomery, AL 36111. *Contract carrier:* irregular routes; *flu dust in dump trailers,* from Demopolis, AL to Baton Rouge, LA and New Orleans, LA under a continuing contract(s) with Materials, Inc., Prattville, AL. Supporting shipper(s): Materials, Inc., P.O. Box 327, Prattville, AL 36067.

MC 129537 (Sub-3–10TA), filed May 28, 1981. Applicant: REEVES TRANSPORTATION CO., Route 5 Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan Street, Tampa, FL 33602. *Carpeting, carpet padding, floor covering, materials, equipment and supplies used in the manufacture and installation thereof,* between points in Mobile, Baldwin, and Escambia Counties, AL on the one hand, and on the other, points in the United States, except FL, GA, MS, AR, LA, TX, OK, and NM. Supporting shipper: C. H. Masland and Sons, P.O. Box 11467, Mobile, AL 36611.

MC 124117 (Sub-3–6TA), filed May 28, 1981. Applicant: EARL FREEMAN AND MARIE FREEMAN d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Malt beverages and brewery supplies,* between Fostoria, OH and its commercial zone, on the one hand, and, on the other, points in AL, FL and MS. Supporting Shipper: Stroh Brewing Company, 1 Stroh Drive, Detroit, MI 48226.

MC 111936 (Sub-3–7TA), filed May 29, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Coin-operated machines,* from points in Dade County, FL and Cook and Kane Counties, IL, to points in NC and SC. Supporting shipper: Palmetto State Dist. Co., Inc., 800 Semart Dr., Box 26717, Raleigh, NC 26711.

MC 111201 (Sub-3–3TA), filed May 28, 1981. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, Post Office Box 91247, East Point, GA 30364. Representative: Arhie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Pulp, paper and allied products,* between McMinn County, TN, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA. Supporting shipper: Bowater Southern Paper Company, Calhoun, TN 37309.

MC 124835 (Sub-3–10TA), filed May 28, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Sodium sulfate,* from Hamblen County, TN, to all points in the U.S., except AL, GA, KY, SC, TN, and VA. Supporting shipper: International Salt Co., Clarks Summit, PA 18411.

MC 148540 (Sub-3–1TA), filed May 28, 1981. Applicant: DIXIE GAS, INC., P.O. Box 40, Marks, MS 38646. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Anhydrous ammonia, in bulk, in tank vehicles,* from the facilities of Allied Chemical Corporation at Helena, AR to points in AL, KY, LA, MS, MO, and TN. Supporting shipper: Mississippi Chemical Corp., P.O. Box 388, Yazoo City, MS 39194.

MC 106074 (Sub-3–27TA), filed May 28, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221, S., Forest City, NC 28045. Representative: Clyde W. Carver, Atty., P.O. Box 720434, Atlanta, GA 30328. *Wine and foodstuffs* from points in CA, OR and ID to points in NC and SC. Supporting shippers: Better Beer and Wine Company, 2847 Commerce Drive, Columbia, SC 29304; ETL Corporation, P.O. Box 9525, Asheville, NC and State Distributing Corp., P.O. Box 18927, Raleigh, NC 27619.

MC 117427 (Sub-3–3TA), filed May 29, 1981. Applicant: G.G. PARSONS TRUCKING CO., P.O. Box 1085, North Wilkesboro, NC 28659. Representative: Dean N. Wolfe, Esq., Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Boots and shoes* from the facilities of Blue Ridge Shoe Company, division of Melville Corp. at Wilkesboro, Sparta, Boone, Hot Springs, Robersonville, and Aulander, NC, and Mountain City, TN; from the facilities of Miller Show Company, division of Melville Corp. at Brunswick and Norway, ME, and Somersworth, NH; and from the facilities of J.F. McElwain Company, division of Melville Corp. at Nashua, NH, and Athol, MA, to the facilities of Thom McAn Shoe Company at Brockton and Mansfield, MA and Danville, KY. Supporting shipper: J.F. McElwain Co., division of Melville Corp., 12 Murphy Drive, Nashua, NH 03061.

MC 156178 (Sub-3–1TA), filed May 29, 1981. Applicant: DONALD E. PECK, d.b.a. DON PECK'S MOVING & STORAGE, 1101 Chester Hack Drive, Paducah, KY 42001. Representative: George M. Catlett, Suite 708 McClure Bldg., Frankfort, KY 40601. *Contract carrier*, irregular routes, *such commodities as are dealt in by dealers of lumber and building materials*, between McCracken County, KY, on the one hand, and, on the other, points in IL, KY, MO and TN. Supporting shipper: Cole Lumber Company, Inc., 1035 Division Street, Paducah, KY 42001.

MC 116254 (Sub-3–29TA), filed May 29, 1981. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35631. Representative: M. D. Miller (same address as applicant). *Fertilizer and Fertilizer Materials*, from Baltimore, MD, to DE, NJ, NY, PA, and VA. Supporting shipper: Agrico Chemical Company, One Williams Center, Tulsa, OK 74101.

MC 155916 (Sub-3–2TA), filed May 28, 1981. Applicant: ARDMORE FARMS, INC., Post Office Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Plastic resins (except in bulk)*, from the facilities of American Venezuelan International Industries Corporation, Ltd., registered as AVI Industries, at or near Parkersburg, WV; Totowa and Trenton, NJ; Ottawa, IL; Houston, TX; Conneaut, OH; Spartanburg, SC; and Nashville and Knoxville, TN, to points in FL. Supporting shipper: AVI Industries, 1301 Highway 92 East, De Land, FL 32720.

MC 156184 (Sub-3–1TA), filed May 28, 1981. Applicant: QUICK TRANSPORTATION, INC., 1320 Elm Hill Pike, Nashville, TN 37210. Representative: Earl Douglas Ison, Jr. (same as above). *General commodities, except Classes A and B explosives*, between points in GA, IL, IN, KY, MI, MO, OH and TN. Supporting shipper(s): There are 62 statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 75840 (Sub-3–62TA), filed May 27, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA. 30326. *Chemical and allied products*, between the facilities of Olin Corporation located at Bradley and Hamilton Counties, TN, on the one hand, and, on the other, points in TX. Supporting Shipper: Olin Corporation, 120 Long Ridge Rd., Stamford, CT. 06904.

MC 156149 (Sub-3–1TA), filed May 27, 1981. Applicant: B & C BUS LINES COMPANY, INC., 266 Joule Street, Alcoa, TN 37701. Representative: Hugh E. DeLozier, Jr., P.O. Box 115, Maryville, TN 37801. Common; regular and irregular. (a) *passengers and their baggage and express and newspapers in the same vehicle with passengers* between Alcoa, TN, and Knoxville, TN, serving all intermediate points: (1) from Knoxville over U.S. Hwy 129 to Alcoa and return over the same route, and (2) from Knoxville over TN Hwy 33 to Alcoa and return over the same route; and (b) *passengers and their baggage in charter operations* from points in Blount County, TN, to points in the United States (including AK but excluding HI) and return. Applicant intends to interline with other carriers at Knoxville, TN. There are 18 support statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 25823 (Sub-4–2TA), filed May 27, 1981. Applicant: WERCH TRUCKING COMPANY, INC., Box 113, Berlin, WI 53923. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. *Contract Hydraulic equipment and materials, equipment, and supplies used in the manufacture and distribution of hydraulic equipment* (1) between Chicago, IL and St. Louis, MO, on the one hand, and, on the other, points in WI and the Upper Peninsula of MI; and (2) between Searcy, AR, Joplin, MO, and Omaha, NE, on the one hand, and, on the other, points in IL, MI, and WI. An underlying ETA seeks 120 days authority. Supporting Shipper: Sperry-Vickers, 6600 North 72nd Street, Omaha, NE 68122.

MC 94430 (Sub-4–5TA), filed May 22, 1981. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. *Calcined petroleum coke*, between Cresap, WV, on the one hand, and, on the other, points in OH. Supporting Shipper: Mountaineer Carbon Company, Midland Building, Cleveland, OH 44115.

MC 97569 (Sub-4–1TA), filed May 26, 1981. Applicant: DAVID G. BUNJER (Individual), Rural Route No. 174, Colton, SD 57018. Representative: (Same as applicant). *General Commodities:* interline at Sioux Falls, SD; from, to, or between the SD towns of Renner, Baltic, Dell Rapids, Colton, Chester, Lyons, Crooks, Franklin, Madison, Hartford, Humboldt, and Buffalo Ridge. Supporting shippers: Berge's Grocery Store, Colton, SD; Van's Coop, Colton, SD; Koopman and Sons Gas Co. Inc., 306 E. 7th, Colton, SD; Alpha Enterprises Inc., 329 E. 9th Colton, SD.

MC 97699 (Sub-4–1), filed May 27, 1981. Applicant: BARBER TRANSPORTATION COMPANY, 1970 Deadwood Ave, P.O. Drawer 1970, Rapid City, SD 57701. Representative: F. Kimball Joyner, Jr., 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Common; Regular; *General Commodities*, except Class A and B explosives, between Dickinson, ND and Williston, ND, serving all intermediate points and their commercial zones, from Dickinson, ND over U.S. Interstate Highway 94 to Belfield, ND, thence over U.S. Highway 85 to Williston, ND, and return over the same route. Applicant intends to tack the requested authority with its existing authority. Supporting shipper(s): There are 35 supporting shippers.

MC 118776 (Sub-4–8TA), filed May 26, 1981. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: L. F. Blackstun, (same address as applicant). *Beer and Related Advertising Material, and Empty Beer Containers*, (1) Between Ft. Wayne, IN on the one hand and Quincy, IL and Hannibal, MO, on the other, (2) Between Burlington, IA on the one hand and Columbus, OH and St. Louis, MO on the other. Supporting shippers: Balbort Beverage Company, 1820 Charles Street, Burlington, IA 52601; Gem City Distributors, 425 South Front, Quincy, IL 62301; Mark Twain Beverage, 305 South 8th Street, Hannibal, MO 63401.

MC 118838 (Sub-4–10TA), filed May 26, 1981. Applicant: GABOR TRUCKING, INC., Rural Route No. 4, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnel, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Metal products and machinery* between points in CA, IA, ID, IL, IN, MN, MO, MT, ND, NE, OH, OR, SD, WA, WI and WY, under a continuing contract(s) with Valley Industries, Inc., St. Louis, MO. Supporting shipper: Valley Steel Products Company, P.O. Box 429, Centralia, IL 62801.

MC 127187 (Sub-4–7TA), filed May 26, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402. *Contract* Irregular: *Lumber and wood*

products, between points in the U.S. under contract or continuing contracts with (1) T. W. Hager Lumber Company, Grand Rapids, MI, and its following affiliate companies: Marquette Lumbermen's Warehouse, Grand Rapids, MI; Ha-Marque Wood Preservers, Grand Rapids, MI; Marquette Fabricators, Sparta, MI; Marquette Gaylord Warehouse, Gaylord, MI; Marquette Saginaw, Saginaw, MI; Ha-Marque Reserve Warehouse, Indianapolis, IN; Ha-Marque Fabricators, Forrest, IL; Grand Rapids Sash and Door Company, Grand Rapids, MI, Constock Park, MI, Holt, MI, Schoolcraft, MI and Traverse City, MI; and (2) Schaberg Lumber Company, Lansing, MI. Supporting shipper(s): T. W. Hager Lumber Company, Grand Rapids, MI 49509; Schaberg Lumber Company, Lansing, MI. 48901.

MC 129974 (Sub-4–7TA), filed May 26, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. *Contract*, irregular: *Used electrical equipment, supplies and parts*, between Colman, SD, on the one hand, and, on the other, points in the U.S. Supporting shipper: Jerry's Electric, Inc., Colman, SD 57017.

MC 134552 (Sub-4–1TA), filed May 27, 1981. Applicant: TRANSAMERICAN CARRIER CO., Route 1, Box 28, Winthrop, MN 55396. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract*, Irregular. *Lumber and wood products*, between the facilities of Weekes Forest Products, Inc. at or near Minneapolis, MN, on the one hand, and, on the other, points in IA, MN, NE, ND, SD, WI and the upper peninsula of MI, under a continuing contract(s) with Weekes Forest Products, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Weekes Forest Products, Inc., P.O. Box 19229, Minneapolis, MN 55419.

MC 144036 (Sub-4–1TA), filed May 26, 1981. Applicant: J. R. PHILLIPS TRUCKING LIMITED, R.R. #2, Maidstone, Ontario, CD. Representative: Jeremy Kahn, 1511 K Street NW., Suite 733 Investment Building, Washington, DC 20005. *Scrap metal, in bulk*, between points in MI north of MI Hwy 55, on the one hand, and on the other, ports of entry on the U.S.–CD boundary line. Supporting shippers: Pazner Scrap Metals Co., Ltd., P.O. Box 2010, Walkerville, Ontario, CD; J. Kovinsky & Sons Ltd., P.O. Box 33987, Detroit, MI 48232.

MC 144696 (Sub-4–6TA), filed May 26, 1981. Applicant: MEEUWSEN PRODUCE, INC., 9525 Ransom St., Zeeland, MI 49464. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Foodstuffs and commodities used by restaurants, fast food outlets and food commissaries*, between Grand Rapids, MI, on the one hand, and, on the other, points in IL, MI, OH, WI, IN, KY, MO, PA, and IA. An underlying ETA seeks 120 days authority. Supporting shipper: Gordon Food Service, Inc., 333 50th St. SW., P.O. Box 1787, Grand Rapids, MI 49501.

MC 149094 (Sub-4–1TA), filed May 26, 1981. Applicant: JAMES PRINCL, an individual, d.b.a. JAMES PRINCL TRUCKING, 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Crude Asphalt, in bulk, in tank vehicles* from the facilities of Koch Asphalt Company at or near Dubuque, IA to Milwaukee and Oak Creek, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Koch Asphalt Company, 6866 South 10th Street, Oak Creek, WI 53154.

MC 150746 (Sub-4–14TA), filed May 27, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *Canned Goods* between Sycamore, IL, on the one hand, and, on the other, points in TX, AR, OK, MN and AZ. Supporting shipper: The Suter Company, P.O. Box 188, Sycamore, IL 60178.

MC 150867 (Sub-4–5TA), filed May 26, 1981. Applicant: PRESS EXPRESS, 15234 Ezers, Dolton, IL 60419. Representative: William H. Shawn, Suite 501, 1730 M St. NW., Washington, DC 20036. *Contract* irregular *those commodities which, because of their size or weight, require the use of special handling or equipment*, between all points in the U.S. (except Hawaii), for or on behalf of Wabash Power Equipment Co. Supporting shippers: Wabash Power Equipment Co., Wheeling IL 60090.

MC 153196 (Sub-4–3TA), filed May 27, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Personal care products* from the facilities of Northern Laboratories Inc., at or near Manitowoc, WI to Los Angeles, Burlingame and Ontario, CA; Sparks, NV; and Seattle, WA. An underlying ETA seeks 120 day authority. Supporting shipper, Northern Laboratories, Inc., 4701 Custer Street, Manitowoc, WI 54220.

MC 153197 (Sub-4–2TA), filed May 27, 1981. Applicant: ILLINOIS AUTO DELIVERY, INC., d.b.a Auto Delivery Co., 706 Center Street, Des Plaines, IL 60016. Representative: Keith G. O'Brien, 1729 H Street NW., Suite 200, Washington, DC 20006. *Motor vehicles except those over ¾ ton capacity in secondary movements in driveway service* between points in the U.S. Supporting shipper(s): Marquardt Buick, 1421 S. Barrington Rd., Barrington, IL 60010; Lou Back Rodt Chevrolet, P.O. Box 5647, 7070 Cherryvale North Blvd., Cherry Valley, IL 61125; Hogland and Moyles, 2200 East Devon, Elk Grove, IL 60007; Xonicx Medical Systems, 515 East Touhy Ave, Des Plaines, IL 60018.

MC 153273 (Sub-4–3TA), filed May 22, 1981. Applicant: SCHREIBER TRANSIT, INC., 425 Pine Street, Green Bay, WI 54305. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract* irregular: *fruit, fruit juice, juice concentrate and vegetables frozen* from points in CA and FL to Grand Rapids, MI under contract with Gordon Food Service, Inc. of Grand Rapids, MI. An underlying ETA seeks 120 days authority. Supporting shipper: Gordon Food Service, Inc., 333 50th St. SW, P.O. Box 1787, Grand Rapids, MI 49501.

MC 153648 (Sub-4–3TA), filed May 22, 1981. Applicant: PATRICK C. SENG, d.b.a. S & S TRANSPORT, Box 579, Grand Forks, ND 58201. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Contract:* Irregular: *Malt beverages*, from Memphis, TN and Dallas, TX, to points in Pennington, and Polk Counties, MN, and Grand Forks, Ward and Ramsey Counties, ND, under a continuing contract with Nodak Sales Co., Division of Grand Forks Coca Cola Bottling Co., Grand Forks, ND; Anderson Beverages, Inc., Crookston, MN; Pacific Gamble Robinson Co., Minot, ND; North Star Distributors, Inc., Devils Lake, ND; and Northwest Beverages, Inc., Thief River Falls, MN. An underlying ETA seeks 120 days authority. Supporting shippers: Nodak Sales Company, Division of Grand Forks Coca Cola Bottling Co., P.O. Box 955, Grand Forks, ND 58201; Anderson Beverages, Inc., 500 Marin, Crookston, MN 56716; North Star Distributors Inc., P.O. Box 771, Devils Lake, ND 58301; Northwest Beverages, Inc., P.O. Box 575, Thief River Falls, MN 56701, and Pacific Gamble Robinson Co., P.O. Box 1086, Minot, ND 58701.

MC 153829 (Sub-4–18TA), filed May 27, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul

MN 55102. *Ready to eat breakfast cereals,* from the facilities of the Kellogg Company at or near Omaha, NE, to points in IA, IL, MN, ND, SD and WI. Supporting shipper: The Kellogg Company, 9601 F Street, Omaha, NE 68127.

MC 154019 (Sub-4–1TA), filed May 26, 1981. Applicant: MICHEAL P. DUNN, d.b.a. MILLER TRANSPORTATION, 750 North Madison Street, Rockford, IL 61107. Representative: Martin J. Kennedy, 120 West Madison Street, Suite 718, Chicago, IL 60602. *Contract* irregular: *Fibreboard, fibre or paper boxes and cartons, paper and materials used in the manufacture of the above commodities* between points in the Rockford, IL Commerical Zone, on the one hand, and points in IA and WI on the other. An underlying ETA seeks 120 days authority. Supporting shipper: Longview Fibre Corporation, 1818 Elmwood Road, Rockford, IL 61103.

MC 154867 (Sub-4–2TA), filed May 26, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Dr., Randolph, WI 53956. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Precast concrete products* from Waupun and Randolph, WI and Stanwood, IA to points in IL, IN, IA, MI, MN, MO, OH, and WI. Underlying ETA seeks 120 days authority. Supporting shippers: Randolph Concrete Products, Inc., 321 Stark Street, Randolph, WI 539567; and Westra Contruction, Inc., Route 1, Waupun, WI 53963.

MC 155242 (Sub-4–1TA), filed May 27, 1981. Applicant: ADVANCE POOL DISTRIBUTION, INC., 3700 Central Avenue, Detroit, MI 48120. Representative: Alex J. Miller, 555 S. Woodward, Ste. 512, Birmingham, MI 48011. *General Commodities;* except Classes A and B explosives, between facilities of Advance Pool Distribution, Inc., Detroit, MI on the one hand, and, on the other, points in MI. Supporting shippers: K-Mart, 7373 West Side Ave., North Bergen, NJ 07047, and United Pool Distribution, Inc., 5330 East Main St., Columbus, OH 43213.

MC 155326 (Sub-4–2TA), filed May 26, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. *Pulp, paper and related products,* from Luke, MD and Covington, VA to points in and east of MN, IA, MO, AR and LA. Supporting shipper: Westvaco Corporation, Westvaco Building, 299 Park Ave., New York, NY 10017.

MC 155817 (Sub-4–1TA), filed May 22, 1981. Applicant: SPATARO MOVING & STORAGE, INC., 1848 N. 4th St., Milwaukee, WI. Representative: Lawrence P. Kahn, 633 West Wisconsin Ave., Suite 1703, Milwaukee, WI 53203. *General commodities (with the usual exceptions) and having a prior or subsequent movement by rail, air or water* between points in Racine, Kenosha, Milwaukee, Waukesha and Ozaukee, Counties, WI, on the one hand, and, on the other, points in the Chicago, IL, commercial zone. Supporting shippers: 1. Tropic Banana Co., 300 North Van Buren St., Milwaukee, WI 53202; 2. Jennaro Brothers, 322 North Broadway, Milwaukee, WI 53202.

MC 156002 (Sub-4–1TA), filed May 27, 1981. Applicant: CLAIR R. MESSERSMITH, Route 1, Wilson, MI 49896. Representative: James B. Hovland, 525 Lumber Exchange Building, Ten South Fifth St., Minneapolis, MN 55402. *Motocycles, parts and accessories therefor,* from Chicago, IL commercial zone to points in the Upper Peninsula of MI and Florence County, WI. Supporting shipper(s): Spread Eagle Marine & Cycle, Inc., Route 2, Box 251, Florence, WI 54121; Outdoor Recreational Products, Inc., 3700 10th St., Menominee, MI 49858; Honda of Marquette, Route 2, Box 89A, Marquette, MI 49855; Northern Marine, 1930 North Lincoln, Escanaba, MI 49829; Cycle City, Inc., 1415 Lincoln, Escanaba, MI 48829.

MC 156069 (Sub-4–2TA), filed May 26, 1981. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract:* Metal and metal products between Wheeling, IL, on the one hand, and, on the other, points in OH, MI, WI, MN, IA, IN, and MO. An underlying ETA seeks 120 days authority. Supporting shipper: Taubensee Steel & Wire Company, 600 Diens Drive, Wheeling, IL 60090.

MC 156088 (Sub-4–1TA), filed May 21, 1981. Applicant: R & S TRUCK LEASING, INC., 1651 Walker Road, Muskegon, MI 49442. Representative: D. Richard Black, Jr., 7610 Cottonwood Drive, P.O. Box 294, Jenison, MI 49428. *Pulp, paper and related products* between points in the U.S. under continuing contracts with Muskegon Paper Box and Scientific Games and Dittler Brothers, Inc. Supporting shipper: Muskegon Paper Box Co., Inc., 1801 Keating, Muskegon, MI 49442. Scientific Games, 309 Union, Sparta, MI 49345, Dittler Brothers, Inc., 55 Silver Creek, Sparta, MI 49345.

MC 156096 (Sub-4–1TA), filed May 22, 1981. Applicant: JUNTUNEN FARM & HOME OIL COMPANY, INC., P.O. Box 155, Barnum, MN 55707. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Contract-*irregular: (1) *Beer and soft drinks* and (2) *Materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above,* from Peoria, IL and LaCrosse and Milwaukee, WI to Moose Lake and Barnun, MN under a continuing contract(s) with Moose Lake Beverage Co., Inc., Moose Lake, MN. Supporting shipper: Moose Lake Beverage Co., Inc., 621 Industrial Rd, Moose Lake, MN 55767.

MC 156097 (Sub-4–1TA), filed May 22, 1981. Applicant: TRIPLE A TRANSFER, 215 W. Union St., Edwardsville, IL 62025. Representative: Clarence Scott, 215 W. Union St., Edwardsville, IL. 62025. *General commodities* between points in IL and MO. Including St. Louis, MO, and E. St. Louis, IL, commercial zones. Supporting shipper: L. J. Consolidators, St. Louis, MO 63147.

MC 156133 (Sub-4–1TA), filed May 26, 1981. Applicant: TRI STATE TIRE & RUBBER, INC., d.b.a. TANDEM TRANSPORT, 322 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 1000 United Central Bank Bldg. Des Moines, IA 50309. (1)(a) *Plastic pipe* from the facilities of Johns-Manville Sales Corporation at Wilton, IA and (b) *Building materials* from the facilities of Johns-Manville Sales Corporation at Rockdale and Waukegan, IL, and Alexandria, IN to points in DE, DC, IL, IN, IA, KY, MD, MI, NC, NJ, NY, OH, PA, SC, TN, VA, WV, and WI; and (2) Materials and supplies used in the manufacture and distribution of the commodities named in (1)(a) and (b) above from the states named therein to the facilities of Johns-Manville Sales Corporation named therein. An underlying ETA seeks 120 days authority. Supporting shipper: Johns-Manville Sales Corporation, 2222 Kensington Court, Oakbrook, IL 60521.

MC 56270 (Sub-4–5TA), filed May 28, 1981. Applicant: LEICHT TRANSFER & STORAGE CO., 1401 State Street, Green Bay, WI 54306. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Lumber & wood products, chemicals & related products and petroleum, natural gas & their products* between Meta, MA, Branson and Poplar Bluff, MO, Dickinson, ND and Stamford, NY, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30346.

MC 98476 (Sub-4–1TA) filed, May 26, 1981. Applicant: MACOIT CARTAGE CO., 15080 Commerce Drive N., Dearborn, MI 48120. Representative: Allen J. Counard, Esq., 4000 Town Center, Ste. 1470, Southfield, MI 48075. *Contract*-irregular: *Such commodities as are dealt in by retail and wholesale grocery stores and chain drug stores and equipment, materials, and supplies used in their manufacture* between points in the States of MI, OH, IN, WI, and IL. Supporting shipper: Procter & Gamble Co. & Subsidiaries, P.O. Box 599, Cincinnati, OH 45201.

MC 135410 (Sub-4–25TA), filed May 28, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Attorney at Law, 205 W. Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. *Alcoholic beverages* from points in CT, IN, KY, MD, MI, NJ, and NY to the facilities of Federated Ditributors, Chicago, IL, and subsidiaries Lake Shore Dist. Co., Rockford and Waukegan, IL, Illinois Wine & Spirits, Plainfield, IL, and Capitol Husting, Milwaukee, WI. Supporting shipper: Federated Distributors, 4130 S. Morgan, Chicago, IL 60609.

MC 150746 (Sub-4–15TA), filed May 28, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Chicago, IL 60603. *Building materials and materials equipment and supplies used in the manufacture, sale or distribution thereof,* from Evansville, WI; Terre Haute, IN; Houston, TX; Memphis, TN; Pine Bluff, AR; St. Louis, MO; and Rockford, Chicago and Melrose Park, IL and points in their respective commercial zones, to points in WI, IL and MN. Supporting shipper: Midstates Metal Building Systems, Inc., P.O. Box 224, Columbus, WI 53925.

MC 150746 (Sub-4–16TA), filed May 28, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Plastic and metal toys, games and hobby kits, and materials equipment and supplies used in the manufacture, sale or distribution thereof,* between Skokie, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Lindberg Products, Inc., 8050 North Monticello Avenue, Skokie, IL 60076.

MC 154469 (Sub-4–1TA), filed May 26, 1981. Applicant: WARREN L. ADAMS, d.b.a. WARREN TRANSPORTATION, 2667 English St., Maplewood, MN 55109. Representative: Same as applicant. *Microwave oven cavities made out of sheetmetal* from Osceola, Wisconsin in Polk County to Memphis, Tennessee in Shelby County. Supporting shipper: Northern Metals, Specialty Division, Western Industries, Inc., 805 Seminole Avenue, Osceola, WI. Underlying ETA seeks 120 days authority.

MC 155982 (Sub-4–1TA), filed May 28, 1981. Applicant: REIDELBERGER & SON, P.O. Box 86, DuQuoin, IL 63832. Representative: Brenda Schmidt, 101 West Sanger, Salem, IL 62881. *Contract* irregular: *Meat, meat products and articles distributed by meat packing houses,* from points in TN to points in KY, IN, IL and MO for the account of DuQuoin Packing Co. Supporting shipper: DuQuoin Packing Co., Box 186, DuQuoin, IL 62832.

MC 156152 (Sub-4–1TA), filed May 27, 1981. Applicant: IMPERIAL ENTERPRISES CORPORATION, 3440 Kossuth St., Lafayette, IN 47903. Representative: Robert E. Cohn, Equire, Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006. Common, irregular: *Passengers and their baggage, in nonscheduled charter bus operations* between West Lafayette and Lafayette, IN on the one hand, and points in WI, MN, IA, OH, MO, MI, IL, KY, TN, GA, VA, DC., and FL on the other.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 18080 (Sub-5–2TA), filed May 26, 1981. Applicant: CONLEY TRUCK LINE, INC., P.O. Box 2313, Grand Island, NE 68802. Representative: John K. Walker, P.O. Box 313, Wood River, NE 68883. *Lumber:* From pts in the state of WY on the one hand, and, on the other; pts in the U.S., except AK & HI. Supporting shipper: Star Studs Co., Div of New Idria, Inc., P.O. Box 517, Afton, WY 83110.

MC 41432 (Sub-5–11TA), filed May 26, 1981. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, Dallas, TX 75207. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Vacuum cleaners and parts and accessories used in the manufacture and production of vacuum cleaners;* between the facilities of The Kirby West Company located at Andrews, TX on the one hand, and, on the other, points in the U.S. Supporting shipper(s): The Kirby West Company, P.O. Box 670, Andrews, TX 79714.

MC 102546 (Sub-5–2TA), filed May 26, 1981. Applicant: BLUE FLASH EXPRESS, INC., Route 1, Box 233, Zachary, LA 70791. Representative: L. F. Aguillard, Route 1, Box 233, Zachary, LA 70791. Contract: Irregular. *Commodities in Bulk, Liquid or Dry,* between all points in the U.S. Applicant intends to tack with existing authority. Supporting shipper: Kaiser Aluminum & Chemical Corp., 10001 Lake Forest Blvd., Suite 615, New Orleans, LA.

MC 118535 (Sub-5–6TA), filed May 26, 1981. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Mr. Jim Tiona, Jr. (same as applicant). *Hazardous waste,* between pts in Jackson County, MO; Harris County, TX; Sumter County, AL; Cherokee County, KS; Jasper County, MO; Ottawa County, OK. Supporting shippers: Gulf Oil Chemicals Co., P.O. Box 6200 B, Pittsburg, KS 66762; Pfizer Agricultural Division, 1107 S MO 291, Lee's Summit, MO 64063; Eagle-Picher Industries, Inc., P.O. Box 1328, Joplin, MO 64801.

MC 119774 (Sub-5–6TA), filed May 26, 1981. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Fly ash, in bulk,* between points in Jefferson County, AR, on the one hand, and, on the other, points in AL, CO, FL, GA, IA, IL, IN, KS, KY, LA, MS, MO, NE, NM, NC, OH, OK, SC, TN, TX, VA and WV. Supporting shipper: Chem-Ash, Inc., P.O. Box 193, Redfield, AR 72132.

MC 128709 (Sub-5–5TA), filed May 27, 1981. Applicant: PARIS MOTOR FREIGHT, INC., P.O. Box 1787, Ft. Smith, AR 72901. Representative: Charles H. Schmidley (same as above). *Canned or prepackaged foodstuffs,* from Memphis, TN to points in AR, OK, and TX. Supporting shipper: Libby McNeill & Libby, 200 South Michigan Ave., Chicago, IL 60604.

MC 134229 (Sub-5–2TA), filed May 26, 1981. Applicant: RICHMOND TRANSFER, INC., Route 4, Box 1000, Richmond, MO 64085. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, P.O. Box 258, Liberty, MO 64068. *General commodities (except Classes A and B explosives and household goods),* between Ray and Lafayette Counties, MO, on the one hand, and, on the other, pts in AR, AZ, MO and TN. Applicant intends to tack and interline. Supporting shippers: Lawson Feed & Supply, Box 216, Lawson, MO, and American Wilcon Plastics, Inc., P.O. Box 157, Orrick, MO.

MC 145904 (Sub-5–11TA), filed May 26, 1981. Applicant: SOUTH WEST LEASING, P.O. Box 152, Waterloo, IA

50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *General commodities (except Classes A and B explosives),* between pts in the Chicago, IL, commercial zone on the one hand, and, on the other, pts in IL, IN, IA, KS, MI, MN, MO, NE, OH, SD, and WI. Applicant intends to tack with existing authority. Hazardous wastes will not be involved. Supporting shipper: Allstate Shippers Association, Inc., 6035 N.W. Highway, Chicago, IL 60631.

MC 150534 (Sub-5–2TA), filed May 26, 1981. Applicant: ENERGY SALES, INC., P.O. Box 128, Cabool, MO 65689. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068. *Petroleum and petroleum products* between Springfield, MO, and points in its commercial zone, on the one hand, and, on the other, Harrison, AR, Cicero, East St. Louis and Wood River, IL, Coffeyville, Kansas City and Witchita, KS, Muskogee, OK and Memphis, TN, and points in their commercial zones. Supporting shippers: Hugh Dennis Grease and Oil Company, Inc., P.O. Box 641, Springfield, MO 65801, Riffe Petroleum Company, P.O. Box 45860, Springfield, MO 65801.

MC 150783 (Sub-5–33TA), filed May 26, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie D. Sleeth, P.O. Box 757, Rogers, AR 72756. Contact: Irregular. *Such commodities as are dealt in or used by wholesale, retail discount, variety, and department stores* between points in Pulaski County, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Target Stores, Inc., Maumelle, AR.

MC 151383 (Sub-5–6TA), filed May 27, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative Fred Rahal, Jr., Rahal & Anderson, a Professional Corporation, Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: (1) *Iron and steel articles and commodities used in the manufacture and marketing of iron and steel articles,* between points in the U.S. under continuing contract(s) with Tulsa Steel Mfg. Co., Inc. of Tulsa, OK; (2) *Iron and steel articles and storage tanks,* between points in the U.S. under continuing contract(s) with Sapulpa Tank Company of Sapulpa, OK; and (3) *Iron and steel articles and storage tanks,* between points in the U.S. under continuing contract(s) with Webco Tank Co., Inc., of Sapulpa, OK. Supporting shippers: Tulsa Steel Mfg. Co., Inc., P.O. Box 9280, 7600 New Sapulpa Road, Tulsa, OK 74131. Sapulpa Tank Company, P.O. Box 1204, 10 West Burnham, Sapulpa, OK 74066. Webco Tank Co., Inc., P.O. Box 1208, 230 E. Jackson, Sapulpa, OK 74066.

MC 151637 (Sub-5–7TA), filed May 26, 1981. Applicant: LARRY BREEDEN TRUCKING, INC., 1301 Fayetteville Road, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *New Furniture, in cartons, and Materials, Equipment and Supplies used in the manufacture thereof,* between the facilities of Ayers Furniture Company, at or near Ft. Smith, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper Ayers Furniture Company, 1001 North Third Street, Ft. Smith, AR 72901.

MC 152146 (Sub-No. 5–1TA), filed May 26, 1981. Applicant: FAR WEST TRANSPORTERS, INC., 14901 Chandler Road, Omaha, NE 68138. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Such commodities as are dealt in or used by manufacturers or distributors of mobile homes,* between Schley, Thomas and Sumter Counties, GA; York and Polk Counties, NE; Sarasota and Union Counties, FL; Blair County, PA; Tulare County, CA; Lamar, Hunt, Leon and Van Zandt Counties, TX; Henry County, TN; Oneida County, NY; Payette and Washington Counties, ID; Larimer County, CO; Harnett County, NC; Cache County, UT; and Randolph County, IN, on the one hand, and, on the other, pts in the U.S. Supporting shipper: Champion Home Builders Co., 5573 East North Street, Dryden MI 48428.

MC 153723 (Sub-5–5TA), filed May 26, 1981. Applicant: A & M ENTERPRISES, INC., Post Office Box 884, Springdale, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Central Heating Units, Central Air Conditioning Units, Furnaces, Air Coolers, Water Evaporators, Condensing Units, Compressors, Electric Motors, Parts, Equipment and Supplies used in the manufacture, distribution and sale thereof,* between Ft. Smith, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Rheem Manufacturing Company, Inc., Heating & Air Conditioning Division, 5600 Old Greenwood Road, Ft. Smith, AR 72906.

MC 153799 (Sub-5–2TA), filed May 26, 1981. Applicant: EASON & SMITH ENTERPRISES, INC., P.O. Box 15463, Oklahoma City, OK 73155. Representative: Billy A. Gaines, P.O. Box 25186, Oklahoma City, OK 73125. *Contract;* Irregular. *Hazardous chemical waste,* from Oklahoma City, OK to Aurora, CO. Supporting shipper: OC/ALC PMKFC, Tinker AFB, OK 73145.

MC 155294 (Sub-5–1TA), filed May 26, 1981. Applicant: MARK MONTGOMERY, P.O. Box 1084, Searcy, AR 72143. Representative: Mark Montgomery, P.O. Box 1084, Searcy, AR 72143. *Contract;* Irregular. *Foodstuffs and materials, equipment, and supplies used in the manufacture, sale, and distribution of foodstuffs,* between points in AR, CO, NM, OK, and TX. Supporting shipper: Land O' Frost of Arkansas, Inc., Hastings Avenue, Searcy, AR 72143.

MC 155732 (Sub-5–1TA), filed May 27, 1981. Applicant: HEAD INTERSTATE TRANSPORT, INC., P.O. Box 629, Longview, TX 75606. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Contract;* irregular; *earthenware and/or articles distributed by gift shops* between the facilities of Marshall Pottery, Inc., located at or near Marshall & Dallas, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Marshall Pottery, Inc., P.O. Box 1839; Marshall, TX 75670.

MC 155796 (Sub-5–1TA), filed May 26, 1981. Applicant: TOM HASTINGS d.b.a. TRANSPORTATION SPECIALISTS, Suite 440, Commercial Federal Tower, Omaha, NE 68124. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Contract,* irregular; *Edible Grain Products and Byproducts and materials, supplies, and equipment used in the manufacture, sale and distribution thereof,* between points in the U.S. Supporting shipper: Con Agra, Inc., Kiewit Plaza, Omaha, NE 68131.

MC 156124 (Sub-5–1TA), filed May 26, 1981. Applicant: RAPID DELIVERY SERVICE, INC., P.O. Box 2516, Des Moines, IA 50315. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Paper and paper products,* between Polk County, IA, on the one hand, and, on the other, pts in NE. Supporting shipper: Jacobson Warehouse, 1400 Market Street, P.O. Box 224, Des Moines, IA 50309.

MC 156126 (Sub-5–1TA), filed May 26, 1981. Applicant: AMERICAN TRANSPORTATION & STORAGE, INC., 817 Atherton, Metairie, LA 70001. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Metal products,* between points in MS and AL, on the one hand, and, on the other, points in MS, LA and TX. Supporting shippers: American Steel Corporation, P.O. Box 1179, Kenner, LA 70063, and Henderson Steel Corp., P.O. Box 3368, Meridian, MS 39301.

MC 156132 (Sub-5–1TA), filed May 26, 1981. Applicant: APOLLO DISTRIBUTING, INC., P.O. Box 82912, Oklahoma City, OK 73108. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Contract, irregular, (1) *such merchandise as is dealt in by wholesale and retail chain grocery and food business houses; and* (2) *materials, ingredients, equipment and supplies used in the manufacture, distribution and sale of the products referred to in* (1) *above*, between Oklahoma County, OK and points in AR. Supporting shipper: Ralston Purina Co., Edmond, OK.

MC 119493 (Sub-5–62TA), filed May 29, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. *Metals, metal articles, plastic, plastic articles and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk,* between pts in FL, MO, and TX, on the one hand, and pts in the U.S. on the other. Restricted to traffic originating at or destined to facilities of Louisiana Plastics Inc.; Nichols-Kusan Inc.; and/or Carthage Cup Co. Supporting shippers: W. H. House, Chairman of the Board, Carthage Cup Co., P.O. Box 2586, Longview, TX 75601; Deborah Constant, Traffic Manager, Nichols-Kusan Inc., P.O. Box 1191, Jacksonville, TX 75766; W. Giblin, Traffic Manager, Louisiana Plastics, Inc., P.O. Box 16104, St. Louis, MO 63124.

MC 142672 (Sub-5–28TA), filed May 29, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O Box 1065, Fayetteville, AR 72701. *Foodstuffs, except in bulk*—Between Crisfield, MD; Braddock, NJ; Doylestown and Philadelphia, PA, on the one hand, and, on the other, points in the U.S Supporting shipper: Mrs. Paul's Kitchens, 5830 Henry Drive, Philadelphia, PA 19128.

MC 144603 (Sub-5–4TA), filed May 28, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *(1) Pulp, paper and allied products, printed matter; plastic articles; and (2) commodities used in the manufacture, sale and distribution of commodities listed in (1)* between Pts in Marion County, IL, on the one hand, and, on the other Pts in CA, and Pts in and east of the states of MN, IA, NE, KS, OK and TX. Supporting shipper: Jiffy Packaging Corporation, P.O. Box 469, Salem, IL 62881.

MC 145557 (Sub-5–4TA), filed May 28, 1981. Applicant: LIBERTY TRANSPORT, INC., P.O. Box 9182, Kansas City, MO 64168. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Meat, meat products, meat by products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766,* from Denison and Dubuque, IA, to Pts n DE, ME, MI, NC, NH, NJ, NY, OH, PA, SC, VA, VT, WV and DC. Supporting shipper: Dubuque Packing Co., Box 610, Denison, IA 51442.

MC 152758 (Sub-5–2TA), filed May 28, 1981. Applicant: STRONG TRANSPORT COMPANY, INC., 15534 West Hardy Road, Suite 130, Houstin, TX 77060. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. *General commodities (except classes A and B explosives* between points in the United States, restricted to traffic originating at or destined to the facilities of Valmont Industries, Inc., and its wholly-owned subsidiaries. Supporting shipper: Valmont Industries, Inc., Valley, NE 68064.

MC 155595 (Sub-5–9TA), filed May 29, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in or used by wholesale grocery or grocery distribution warehouses,* between Madison and Lee Counties, AL, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ,NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI. Supporting shipper: Ragland Brothers Company, P.O. Box 427, Dughill Road, Huntsville, AL 35804.

MC 155991 (Sub-5–1TA), filed May 29, 1981. Applicant: AMES E. HARTUNG and RICHARD H. REINMUTH d.b.a. LYNN COMPANY, 2015 20th Street, Gering, NE 69341. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Inedible meat products,* from Amarillo, TX to Los Angelos, CA. Supporting shipper: Kal Kan Foods, Inc.,3386 East 44th Street, Vernon, CA 90058.

MC 156076 (Sub-5–1TA), filed May 29, 1981. Applicant: ARTHUR A. ROLLER, d.b.a. ROLLER TRUCKING, P.O. Box 379, Beebe, 72012. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Lumber and Wood Products,* from the facilities of Commerical Lumber Sales, Inc., at North Little Rock, AR, to points in CO, OK and KS. Supporting Shipper: Commercial Lumber Sales, Inc., North Little Rock, AR.

MC 156060 (Sub-5–1TA), filed May 29, 1981. Applicant: TERRY M. ROBERTSON, d.b.a. ROBERTSON TRUCKING, 509 Fairview Drive, Bastrop, LA 71220. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Wooden plugs for the paper industry, and materials, equipment, and supplies used in the manufacture of such commodities,* between Bastrop, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, OK, TX and WI. Supporting Shipper: Boltz Manufacturing Company, Inc., 204 Cahoon St., Bastrop, LA 71220.

MC 156129 (Sub-1TA), filed May 28, 1981. Applicant: W & H TRANSPORTATION COMPANY, INC., P.O. Box 12463, Kansas City, MO 64116. Representative: Frank W. Taylor, Jr., Suite 600, Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. Contract; irregular; *New and used trucks and truck-tractors in drive-away, tow-away and truck-away modes* (1) between pts in the U.S. under a continuing contract with General Motors Corporation; and (2) between pts in the U.S. under continuing contracts with Westfall GMC Truck, Inc. and Rapid Ways, Inc. Supporting Shippers: General Motors Corporation, Truck and Coach Division, 660 South Boulevard East, Pontiac, MI 48053; Westfall GMC Truck, Inc., 9th and Burlington, North Kansas City, MO; Rapid Ways, Inc., I–435 and MO Hwy 210, Kansas City, MO.

MC 156185 (Sub-5–1TA), filed May 29, 1981. Applicant: GARY SPARKS, an individual, d.b.a. SPARKS TRUCKING CO., P.O. Box 234, Wilburton, OK 74578. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. *drilling mud, in bags,* from Wilburton, OK to points in AR. Supporting Shipper: O.B.I.—Hughes, a Div. of Hughes Tool Co., Oklahoma City, OK 73112.

MC 156199 (Sub-5–1TA), filed May 29, 1981. Applicant: GRUDLE TRUCKING, INC., Route 3, Glenwood, IA 51534. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Contract irregular *Frozen potato products,* from pts in ID, OR and WA to pts in NE, under continuing contract(s) with South Omaha Fruit Market, Inc. of Omaha, NE. Supporting Shipper(s): South Omaha Fruit Market, Inc., 3232 "H" Street, Omaha, NE 68107.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 150042 (Sub-6–2TA), filed May 22, 1981. Applicant: JOHN W. CAIN, d.b.a. CAIN TRUCK LINE, P.O. Box 538, Sunland Park, NM 88063. Representative: John W. Cain (same as applicant). *Contract;* irregular: *Foodstuffs and kindred products,* between points in the U.S., except AK and HI, under continuing contract(s) with SYSCO—H and R Food Supply Company, El Paso, TX; SYSCO—Southwest, Albuquerque, NM, for 270 days. Supporting shipper(s): SYSCO—H & R Food Service Company, 2000 Mills Ave., El Paso, TX 79982; SYSCO—Southwest, 1521 Broadway N.E., Albuquerque, NM 87125.

MC 140633 (Sub-6–2TA), filed May 26, 1981. Applicant: CAPITAL DELIVERY SYSTEMS, INC., P.O. Box 161115, Sacramento, CA 95816. Representative: John F. Parks III (same address as applicant). *Contract carrier;* irregular route: Cosmetics and toilet preparations (Avon Products), from Sacramento, CA to Reno, NV, and all points within a 50 air-mile radius of Reno, NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Avon Products, 2940 East Foothill Blvd., Pasadena, CA 91121.

MC 152521 (Sub-6–2TA), filed May 22, 1981. Applicant: FORTRANS, INC., 2892 Foothill Blvd., Oroville, CA 95695. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *Contract carrier;* irregular routes: *Machinery,* between points in the U.S. for the account of Ditch Witch Equipment Co., for 270 days. Supporting shipper: Ditch Witch Equipment Co., 3000 West Capitol Ave., Sacramento, CA 95691.

MC 118127 (Sub-6–1TA), filed May 26, 1981. Applicant: SOUTHEAST LEASING, d.b.a. HALE DISTRIBUTING COMPANY, 16036 Valley Blvd., Fontana, CA 92335. Representative: William J. Augillo, P.O. Box Z, Huntington, NY 11743. *Oak and oak stairs, stair parts and related hardware and supplies* necessary for installation thereof, between Cleveland, OH and CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Tack Construction, 2201 E. Winston Rd., Ste C, Anaheim, CA 92806.

MC 119639 (Sub-6–6TA), filed May 26, 1981. Applicant: INCO EXPRESS, INC., 3600 So. 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. *Materials, supplies and equipment utilized by hospitals and other medical and health care facilities,* between points in WA, OR, CA, ID, MT, UT, WY, NV, AZ, NM, and CO, for 270 days. Supporting shipper: Lumex, Inc., 12003 Woodruff Ave., Downey, CA 90242.

MC 139906 (Sub-6–75TA), filed May 28, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are used or dealt in by manufacturers and distributors of automotive, off-road, leisure and camping products* (except in bulk) between facilities of Dick Cepek, Inc., at or near South Gate, CA on the one hand, and, on the other, Phoenix and Tucson, AZ; Portland, OR, and Uniontown, PA and points in their respective commerical zones for 270 days. Supporting shipper: Dick Cepek, Inc., 5309 Tweedy Blvd., South Gate, CA 90280.

MC 133816 (Sub-6–3TA), filed May 26, 1981. Applicant: K & K WHOLESALE CO., P.O. Box 328, Lowell, OR 97452. Representative: Kenneth L. Parks (same as applicant). *Lime, except in bulk* from points in Clark County, NV, to points North of San Luis Obispo, Kings, Tulare, and Inyo County Lines in CA. From points in Contra Costa County CA, to points in Tooele, Salt Lake, Utah, and Grand counties, UT, and points in Klamath, Jackson, Josephine, Douglas, Lane and Deschutes counties, OR. From Tooele county UT to points in CA north of San Luis Obispo, Kings, Tulare and Inyo county lines in CA. Multnomah county OR and King, Pierce, Thurston, Lewis, Cowlitz and Clark counties, WA. for 270 days. Supporting shipper(s): Flintkote Cement & Lime Co., 215 Market St., San Francisco, CA 94105.

MC 156145 (Sub-6–1TA), filed May 21, 1981. Applicant: KEN GRAVES, d.b.a. KPS TRUCKING CO., 504 Florham Ave., San Dimas, CA 90773. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract Carrier,* Irregular routes: *Commerical refrigeration equipment,* from Los Angeles and Orange Counties, CA, to points in AZ, NV, OR and WA for the account of Hill Refrigeration Corporation, Subsidiary of Emhart Industries, Inc, of Los Angeles, CA, for 270 days. Supportng shipper: Hill Refrigeration Corporation, Subsidiary of Emhart Industries, 5804 E. Slauson Ave., Los Angeles, CA 90040.

MC 147066 (Sub-6–2TA), filed May 26, 1981. Applicant: LUCKY THIRTEEN TRUCKING CO., INC., 15200 Hesperian Blvd., Suite 103, San Leandro, CA 94578. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. *Contract Carrier,* Irregular routes: *Products and materials manufactured and/or distributed by Xerox Corporation,* between points in MT, ID, UT, NV, OR, WA, AZ and CA, under a continuing contract or contracts with Xerox Corporation of So. San Francisco, CA, for 270 days. Supporting shippers: Xerox Corporation, 546 Eccles Avenue, So. San Francisco, CA 94080.

MC 154236 (Sub-6–3TA), filed May 28, 1981. Applicants: MAMMOTH OF CALIFORNIA, INC., 6725 N Motel Dr., Fresno, CA 93711. Representative: Jerry J. Jackson (same as applicant). *Contract Carrier,* Irregular routes: *Unfrozen Foodstuffs (except in bulk) and ingredients used in the manufacture thereof,* between Fresno and Merced, CA, between Fresno and Volta, CA, between Stockton and Modesto, CA for the account of Benedict Sales Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Benedict Sales Corporation, 33 Benedict Place, Greenwich, CT 06830.

MC 153758 (Sub-6–3TA), filed May 26, 1981. Applicant: LAMPMAN BROKERAGE, INC., d.b.a. MASTRO ENTERPRISES, 4233 Sierra Madre, Room 103, Fresno, CA 93711. Respresentative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Contract;* irregular: *ice cream* from Woodbridge, NJ, to points in the U.S. for the account of Woodbridge Sweets, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Woodbridge Sweets, Inc., Amboy Ave., Woodbridge, NJ 07095.

MC 156177 (Sub-6–1TA), filed May 26, 1981. Applicant: LORA Z. McGEE, d.b.a. McGEE TRUCKING, Rt. 1, Box 167E, Eagle Creek, OR 97022. Representative: Charles B. McGee (same as applicant). *Building Materials,* between Portland, OR and points in OR, WA, ID, CA, MT, WY, UT, & NV, for 270 days. Supporting shipper: C. A. Conners Construction Co., P.O. Box 13610, Portland, OR 97213.

MC 43685 (Sub-6–6TA), filed May 26, 1981. Applicant: MERCER TRUCKING COMPANY, INC., P.O. Box 11585, Spokane, WA 99211. Representative: Dwight D. Dively (same as applicant). *Metal and metal products,* between points in CA on the one hand and points in OR, WA, and Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone counties, ID, on the other hand, for 270 days. Supporting shippers: There are 6 shippers. Their statements may be examined at the Regional Office listed.

MC 144572 (Sub-6–19TA), filed May 26, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Building materials,* from Boston, MA; Peru, IL; and Pittsburgh, PA and their commercial zones to Denver, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Jones Heartz Lime Co., Inc., 1450 West Colfax Ave., Denver, CO 80204.

MC 149100 (Sub-6–7TA), filed May 26, 1981. Applicant: JIM PALMER TRUCKING, 9730 Derby Dr., Missoula, MT 59801. Representative: William E. Seliski, Nr. 2 Commerce, P.O.B. 8255, Missoula, MT 59807, *Particleboard* from the facilities of Louisiana Pacific Corp. in Missoula County, MT to WI, MN, IL, MO, OH, MI, and IN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Louisiana Pacific Corporation, P.O.B. 4007, Missoula, MT 59806.

MC 155267 (Sub-6–1TA), filed May 26, 1981. Applicant: ROBERT PADEN, d.b.a. PRUDHOE BAY FREIGHT LINES, P.O. Box 8–436, Anchorage, AK 99508. Representative: Robert Paden (same as applicant). *Contract carrier:* Irregular routes: *General Commodities* between points in the U.S. under continuing contract(s) with Northern Ventures, Inc., for 270 days. Supporting shipper: Northern Ventures, Inc., 1107 East 74th St., Anchorage, AK 99502.

MC 146965 (Sub-6–3TA), filed May 26, 1981. Applicant: REDDING LUMBER TRANSPORT, INC., P.O.B. 3306, Redding, CA 96049. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Nonalcoholic Beverages and Materials, Equipment and Supplies used in the Distribution and Production of Nonalcoholic Beverages,* between Redding, CA and points in OR and NV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Medford Coca Cola Bottling Co., Inc., 1580 Beltline Rd., Redding, CA.

MC 154627 (Sub-6–2TA), filed May 26, 1981. Applicant: SEA-TRADE SERVICES, INC., 5658 West Marginal Way SW., Seattle, WA 98106. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. *General Commodities* (except Class A & II explosives and hazardous waste), restricted to shipments having immediately prior or subsequent movement by water, (a) between points in WA; and (b) between points in WA on the one hand, and, on the other, points in OR, ID and MT for 270 days. Supporting shipper: U.S. Navigation (Pacific), Inc., P.O. Box 7913, San Francisco, CA 94120.

MC 147042 (Sub-6–3TA), filed May 26, 1981. Applicant: SEARS TRUCKING, INC., 1760 So. Anaheim Blvd., Anaheim, CA 92805. Representative: Robert Evans (same address as applicant). (1) *Paper cups and other paper articles* (2) *Plastic cups and other plastic articles* (3) *Bakery goods* from Los Angeles County, CA to Kent, Renton and Seattle, WA; from Los Angeles Harbor Commercial Zone, CA to Los Angeles County, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sweetheart Cup Corp., 2155 E. 7th St., Los Angeles, CA 90023.

MC 138875 (Sub-6–54TA), filed May 22, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *Lumber or wood products* from Longview, WA to Lyons and Eugene, OR, for 270 days, an underlying ETA seeks 120 days authority. Supporting shipper: Treplex, Inc., P.O. Box 2663, Eugene, OR 97402.

MC 148425 (Sub-6–2TA), filed May 26, 1981. Applicant: SUNDANCE STAGE LINES, INC., 5920 Mission Gorge Rd., San Diego, CA 92120. Representative: Roger Curtis McKee, 110 West "C" St., Suite 1803, San Diego, CA 92101. (1) *Passengers and their baggage* in the same vehicle; Beginning and ending in the San Diego, CA Commercial Zone, and extending to all areas of the Continental U.S., except for the States of AZ, NM, CO, UT and NV, for 180 days. Supporting shippers; There are five (5) supporting shippers. Their statements may be examined at the Regional Office listed.

MC 128694 (Sub-6–1TA), filed May 26, 1981. Applicant: LEO C. TAYLOR, P.O. Box 665, Darby, MT 59829. Representative: Leo C. Taylor (same as applicant). *Contract Carrier,* Irregular Routes: *Wood, Lumber and Forest products,* from Darby, MT to points in ID, UT, CO, IA, and WY for the account of Deer Mountain Wood Products, for 270 days. Supporting shipper: Deer Mountain Wood Products, P.O. Box 583, Darby MT 59829.

MC 138206 (Sub-6–3TA), filed May 22, 1981. Applicant: TRULINE CORPORATION, 4455 South Cameron Ave., Las Vegas, NV 89103. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *Wallboard paper,* from points in Los Angeles County, CA to Florence, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Flintkote Company, P.O. Box 2218, Terminal Annex, Los Angeles, CA.

MC 145466 (Sub-6–2TA), filed May 28, 1981. Applicant: BERYL WILLITS, d.b.a. WILLIE'S GRAIN, 1145 33rd Ave., Greeley, CO 80631. Representative: Richard S. Mandelson, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. *Contract Carrier,* Irregular routes: *Airplane engines and parts,* from FL to CO, for 270 days. Supporting shipper: Combs Freightair, 33390 Syracuse, Denver, CO 80207.

MC 134387 (Sub-6–17TA), filed May 28, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Chemicals, non-flammable* from Phoenix, AZ, to Benicia, CA for 270 days. Supporting shipper: Weathercheck Wood Fiber Products, Inc., 4280 Iowa St., Unit J, Benicia, CA 94510.

MC 134387 (Sub-6–18TA), filed May 28, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Insulation materials,* from Granger, UT to points in CA, AZ, CO and TX for 270 days. Supporting shipper, Military Packaging, Inc., 637 W. 3560 South, Granger, UT 84119.

MC 155936 (Sub-6–1TA), filed May 28, 1981. Applicant: GREAT WESTERN TRANSPORTATION CO., INC., 8058 East Carol Way, Scottsdale, AZ 85260. Representative: Phil B. Hammond, 3003 North Central, Suite 2201, Phoenix, AZ 85012. *Contract Carrier:* Irregular routes *Nonexempt food or kindred products,* between points in AZ, AR, CA, CO, KS, TX and WA, for the accounts of Shamrock Foods Company, AME Food Service, Inc., and George Burns Company, for 270 days. An underlying ETA for 120 days has been granted. Supporting shippers: Shamrock Foods Company, 2926 W. Encanto Blvd., Phoenix, AZ 85009; AME Food Service, Inc., 8705 E. McDowell, Scottsdale, AZ 85257; and George Burns Company, 4215 No. Winfield Scott Plaza, Scottsdale, AZ 85251.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16647 Filed 6–5–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by

Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satified before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Vol. No. OPY–2–087

Decided: May 21, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 77972 (Sub-50), filed May 8, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *general commodities* (except classes A and B explosives) between points in Lauderdale and Scott Counties, MS, on the one hand, and, on the other, points in AK, AZ, CA, CO, CT, DE, HI, ID, IA, KS, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SD, UT, VT, VA, WA, WV, WI, WY, and DC.

Note.—Applicant indicates intention to tack with existing authority.

MC 97932 (Sub-6F), filed May 5, 1981. Applicant: WREN, INC., d.b.a. LAKEVILLE MOTOR EXPRESS, 1665 West County Road C, St. Paul, MN 55113. Representative: Richard L. Gill, 1805 American National Bank Building, St. Paul, MN 55101, (612) 224–9454. Over regular route, transporting *general commodities* (except classes A and B explosives), between Minneapolis-St. Paul, MN and Rochester, MN, over U.S. Hwy 52, serving all intermediate points.

MC 111792 (Sub-5), filed May 7, 1981. Applicant: PALMER BROS. INC., 4830 Warner Rd., Garfield Heights, OH 44125. Representative: E. H. van Deusen, P.O. Box. 97, Dublin, OH 43017, (614) 889–2531. Transporting *clay, concrete, glass, or stone products, chemicals and related products,* and *metal products,* between points in Cuyahoga County, OH and Kent County, MI, on the one hand, and, on the other, points in the U.S.

MC 114323 (Sub-25), filed May 15, 1981. Applicant: PAUL MARCKESANO AND SONS CO., INC., 36 Ferris St., Brooklyn, NY 11231. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *clay, concrete, glass or stone products,* between Jersey City, NJ, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, DE, MD, ME, NH, VT, VA, and DC.

MC 129572 (Sub-6), filed May 8, 1981. Applicant: ANDICO, INC., P.O. Box 1463, Provo, UT 84601. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting, *metal products,* between points in the U.S., under a continuing contract(s) with Pittsburgh-Des Moines Steel Corporation, of Stockton, CA.

MC 133133 (Sub-21), filed May 14, 1981. Applicant: FULLER MOTOR DELIVERY CO., 802 Plum St., Cincinnati, OH 45202. Representative: Norbert B. Flick, 2250 Beechmont Ave., Cincinnati, OH 45230, 513–231–4831. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of salt and salt products, between points in the U.S., under continuing contract(s) with Cargill, Inc., of Minneapolis, MN.

MC 135003 (Sub-5), filed May 14, 1981. Applicant: C.R.X. CORPORATION, INC., 5016–7th Place, Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant), 507–454–6980. Transporting *food and related products,* between points in AR, CT, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SD, TX, VA, VT, WI, WV, and DC.

MC 136012 (Sub-11), filed May 18, 1981. Applicant: UNITED STATES TRANSPORTATION, INC., 4963 Provident Dr., Cincinnati OH 45246. Representative: Michael Spurlock, 275 E. State St., Columbus OH 43215. Transporting *commodities in bulk,* between points in OH and KY, on the one hand, and, on the other, points in KY, IN, and WV.

MC 136212 (Sub-39), filed May 15, 1981. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, NE 69138. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 69509. Transporting *food and related products,* between points in the U.S.

MC 136393 (Sub-10), filed May 5, 1981. Applicant: NY, NJ, CONN, FREIGHT & MESSENGER CORP., 351 West 38th St., New York, NY 10018. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123, 212–239–4610. Transporting *such commodities* as are dealt in by retail department stores, between Los Angeles, Ontario, San Diego, and San Francisco, CA, Chicago, IL, New Orleans, LA, Baltimore, MD, Boston, MA, Detroit, MI, Kansas City and St. Louis, MO, Sparks, NV, Cincinnati, Cleveland, Columbus, and Dayton, OH, Portland, OR Forth Worth, Dallas, and Houston, TX, Seattle, WA, and Milwaukee, WI, on the one hand, and, on the other, points in AL, FL, GA, MS, NC, SC, TN, and DC.

MC 141742 (Sub-14), filed May 11, 1981. Applicant: FLOWERS

TRANSPORTATION, INC., P.O. Box B, Station A, Auburn, CA 95603. Representative: Ronald C. Chauvel, 100 Pine St., Ste 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *(1) Forest Products, (2) Lumber and Wood Products, and (3) Rubber and Plastic Products,* between points in CA, OR, WA, UT, WY, CO, ID, MT, AZ, IA, NV, AR, NM, TX, KS, NE, and OK.

MC 142383 (Sub-45), filed May 15, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th St., Winona, MN 55987. Representative: Gary Shurson (same address as applicant), 507–452–1032. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ardan, Inc., of Des Moines, IA.

MC 142823 (Sub-1), filed May 14, 1981. Applicant: CROSBY TRUCKING SERVICE, INC., P.O. Box 125, New Hope Rd., Staunton, VA 24401. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411–D Backlick Rd., Springfield, VA 22151, (703) 941–8200. Transporting *metal products,* between Harrisonburg and Winchester, VA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 144443 (Sub-2), filed May 15, 1981. Applicant: GENTRY TRUCKING COMPANY, P.O. Box 4196, Candler's Mountain Rd., Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517, (804) 369–5661. Transporting *general commodities* (except classes A and B explosives), between Danville, Lynchburg, Richmond, and Roanoke, VA, and Greensboro, NC, on the one hand, and, on the other, points in VA.

MC 144572 (Sub-52F), filed May 18, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box 6, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80632. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of X-ray equipment, between Los Angeles, CA, on the one hand, and, on the other, Denver, CO, Phoenix, AZ, and Bernalillo County, NM.

MC 144982 (Sub-16), filed May 15, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457–0804. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Ohio Valley Shippers Association, Inc., and (b) Nationwide Shippers Cooperative Association, Inc., both of Cincinnati, OH.

MC 144982 (Sub-17), filed May 18, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *such commodities* as are dealt in or used by manufacturers of glass products, between points in the U.S., under continuing contract(s) with Libbey Glass, Division of Owens-Illinois, Inc., of Toledo, OH.

MC 145533, filed May 12, 1981. Applicant: KERWIN F. JENSEN, P.O. Box 308, Cleveland, UT 84518. Representative: Kerwin F. Jensen (same address as applicant), 801–653–2233. Transportation *coal and coal products,* between points in Emery and Carbon Counties, UT.

MC 148143 (Sub-5), filed May 14, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg, (same address as applicant), 417–862–7460. Transporting *general commodities* (except classes A and B explosives), between the facilities of United Freight, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148143 (Sub-6), filed May 15, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801, Representative: John M. Ringenberg, (same address as applicant), 417–862–7460. Transporting *food and related products,* between points in Jefferson County, CO, on the one hand, and, on the other, points in TN.

MC 151193 (Sub-7), 1981 filed May 7, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same as applicant) (202) 499–3869. Transporting (1) *food and related products,* and (2) *such commodities* as are dealt in and distributed by supermarkets between points in the U.S., under continuing contract(s) with Allied Old English, Inc., of Port Reading, NJ.

MC 151473 (Sub-2), filed May 15, 1981. Applicant: THE B LINE, INC., 25 Adams St., Braintree, MA 02184. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413–781–8205. Transporting *building materials,* between points in MA, on the one hand, and, on the other, points in CT, ME, NH, NJ, NY, PA, RI, and VT.

MC 151763 filed May 18, 1981. Applicant: BOB WARD EQUIPMENT COMPANY, 10311 Shady Trail, Dallas, TX 75220. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103 (817) 332–4718. Transporting *machinery, between points in the U.S.*

MC 152352 (Sub-3), filed May 12, 1981. Applicant: WILLIAM TIMBLIN TRANSIT, INC., Route 1, Eden, WI 53019. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719 (608) 273–1003. Transporting *metal products* between the facilities used by National Material Corporation, at points in IL, IN, MI, OH and WI, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, OH, TN and WI.

MC 153723 (Sub-4), filed May 14, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison, P.O.Box 1065 Fayetteville, AR 72701, 501–521–8121. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of insulation materials, between the facilities of Eagle Picher Industries, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153743 filed May 19, 1981. Applicant: IMPERIAL SWEETENER DISTRIBUTORS, INC., 8016 Hwy US 90–A, Sugar Land, TX 77478. Representative: James R. Skiles (same address as applicant) (713) 491–9181. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) A. E. Staley Manufacturing Company, of Decatur, IL, and (b) Imperial Sugar Company, of Sugar Land, TX.

MC 154793 filed May 15, 1981. Applicant: WILLIAM C. WOODARD d.b.a. DRACO TRUCK RENTAL, Box 206, Greenbrier Pike, Springfield, TN 37172. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, 615–244–8100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United States Tobacco Company, of Greenwich, CT.

MC 155373, filed May 15, 1981. Applicant: WASTE DISPOSAL, INC., 888 Freewill Rd., Cleveland, TN 37311. Representative: Benny J. Green (same address as applicant) (615) 476–2293. Transporting *hazardous materials,* between points in the U.S., under continuing contract(s) with Velsicol Chemical Corporation, of Chattanooga, TN. Condition: Any permit to be issued in this proceeding shall be limited in

term to a period expiring 5 years from its date of issuance.

MC 155803F, filed May 7, 1981. Applicant: WARREN PAYNE, INC., Route 1, Box 154–B, Linwood, KS 66052. Representative: Donald J. Quinn, Commerce Bank Building Suite 232, 8901 State Line, Kansas City, MO 64114 (816) 444–7474. Transporting *general commodities*, (except classes A and B explosives), between points in AL, AZ, AR, CA, CO, GA, IL, IA, IN, KS, KY, MI, MD, MN, MO, NE, NV, NJ, NY, NC, OH, OK, PA, SC, TN, TX, WA, WV, and WI.

MC 155813F, filed May 7, 1981. Applicant: JAY A. NOELL, 2822 Mason St., Niles MI. 49120. Representative: Richard T. Bonelli, 17552 C.R. 10, Bristol, In. 46507 (219) 264–8223. Transporting such commodities as are dealt in or used by the manufacturers of automobile front wheel drive assembles and parts between points in the U.S., under continuing contract(s) with GKN Automotive Components Inc., of Sanford, NC.

MC 156012, filed May 15, 1981. Applicant: BEACH TRANSPORTATION COMPANY, 625 Mount, Missoula, MT 59801. Representative: Bradley J. Luck, P.O. Box 7909, Missoula, MT 59807 (406) 728–1200. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in the U.S.

Volume No. OPY–3–083

Decided: June 1, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 59444 (Sub-12), filed May 18, 1981. Applicant: WALLER TRUCK CO., INC., Route 2, Box 5900, Richmond, MO 64085. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221–1464. Transporting *food and related products*, between the facilities of Hunt and Wesson Foods, Inc., at or near Independence, MO, Memphis, TN, and Chicago, IL, on the one hand, and, on the other, points in AR, CO, IL, IA, KS, KY, MO, NE, and OK.

MC 124154 (Sub-111), filed May 18, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302 (904) 576–1221. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 124154 (Sub-112), filed May 18, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302 (904) 576–1221. Transporting *general commodities* (except classes A and B explosives), between the facilities of Union Carbide Corporation, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 127115 (Sub-26), filed April 13, 1981, previously noticed in **Federal Register**. on April 24, 1981. Applicant: MILLERS TRANSPORT, INC., 510 W. 4th N., Hyrum, UT 84319. Representative: Bruce W. Shand, 311 S. State St., Suite 280, Salt Lake City, UT 84111 (801) 531–1300. Transporting *iron and steel articles*, between points in Box Elder County, UT, on the one hand, and, on the other points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

Note.—This republication corrects the territorial description.

MC 127584 (Sub-9), filed May 18, 1981. Applicant: AERO TRANSPORTERS, INC., Box 551, Ellenville, NY 12428. Representative: Martin Werner, 888 Seventh Ave., New York, NY 10106 (212) 697–6969. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Cerro Wire & Cable Corp., a subsidary of The Marmon Group, or Maspeth, NY.

MC 135015 (Sub-5), filed May 18, 1981. Applicant: SOUTHERN TRANSIT COMPANY, INC., 1211 South 9th St., P.O. Box 3586, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902 (501) 782–1001. Over regular routes, transporting *general commodities* (except classes A and B explosives), between New Boston, TX and Texarkana, TX, over U.S. Hwy 82.

MC 135395 (Sub-4), filed May 18, 1981. Applicant: WAREHOUSE & TERMINAL CARTAGE CO., P.O. Box 1874, Bridgeview, IL 60454. Representative: James C. Hardman, 33 N. LaSalle St. Chicago, IL 60602 (312) 236–5944. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, MI, WI, Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee Counties, IA.

MC 136774 (Sub-23), filed May 15, 1981. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603 (312) 236–9375. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Associated Milk Producers, Inc., of Madison, WI.

MC 141914 (Sub-102), filed May 15, 1981. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant) (918) 783–5180. Transporting *rubber products*, between points in Coos County, NH, on the one hand, and, on the other, points in the U.S.

MC 145454 (Sub-18), filed May 18, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603 (312) 782–8880. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Universal Foods Corporation, of Milwaukee, WI.

MC 151225 (Sub-3), filed May 18, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Stevn E. Napper, 718 17th St., Suite 1700, Denver, CO 80202 (303) 825–5111. Transporting *ores and minerals*, between points in UT, on the one hand, and, on the other, points in CO.

MC 152485 (Sub-2), filed May 18, 1981. Applicant: REINVESTMENT, INC. d.b.a. MOBILE MINI–WAREHOUSING, INC., P.O. Box 11962, 6900 W. Buckeye Rd., Phoenix, AZ 85031. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014 (602) 264–4891. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. in and west of ND, SD, NE, KS, OK and TX.

MC 154104, filed May 19, 1981. Applicant: THREE RIVERS EXPRESS, INC., 509 West Cherokee, Wagoner, OK 74467. Representative: Farrell Rosson, 511 West Cherokee, Wagoner, OK 74467 (918) 485–2131. Transporting (1) *building materials;* (2) *steel buildings;* and (3) *appliances*, between points in the U.S., under continuing contract(s) with Rosson Lumber and Ready Mix Co., Inc., of Wagoner, OK.

MC 155104, filed May 19, 1981. Applicant: JOHN T. CYR & SONS, INC., 160 Gilman Falls Ave., Old Town, ME 14468. Representative: Clare Hudson Payne, P.O. Box 2110, Merrill Center, Bangor, ME 04401 (207) 947–0111 Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and character operations, beginning and ending at points in Aroostock, Washington, Hancock, Piscataquis, Waldo and Somerset Counties, ME, and extending to points in the U.S,

MC 155945, filed May 15, 1981. Applicant: L. W. STRAHLER, INC., P.O. Box 449, Route 2, Marietta, OH 45750. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215 (614) 228–

V 4 6 1 0 9 J E 8 8 1 UMI

8575. Transporting *clay, concrete, glass or stone products,* between points in Washington County, OH, on the one hand, and, on the other, points in KY, WV, PA, IN, MD, NY, TN, IL, VA, GA, NC, SC and FL.

MC 156045, filed May 15, 1981. Applicant: H.P. LEASING, INC., 44 Chandler Drive, Somerset, MA 02726. Representative: Francis E. Barrell, Jr., 10 Industrial Park Rd., Hingham, MA 02043 (617) 749–6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Transworld Adhesives and Chemical Corporation, of Rockland, MA; (2) Sarama Lighting of Mass., of Fall River, MA; and (3) Benny's, Inc., of Esmond, RI.

MC 156055, filed May 19, 1981. Applicant: CAMDEN TRANSPORT, INC., 2102 Laurel Rd., Lindenwold, NJ 08021. Representative: Sylvester Servance (same address as applicant) (215) 561–4000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with FMS, Inc., of Washington, DC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16848 Filed 6–5–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision—Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3. Members Krock, Joyce and Dowell.

MC–FC–78968. By decision of May 19, 1981, issued 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to HARDEE'S TRANSPORT, INC., of Jacksonville, FL, of Certificate Nos. MC 148788 (Sub-2F and 3F) issued to PORT CARRIERS, INC., on March 9, 1981, and December 12, 1980 respectively, and authorizing transportation of (1)(a) *general commodities* (except in bulk), in intermodal containers and (b) intermodal containers between points in Duval County, FL; Glynn and Chatham Counties, GA, and Chesteron County, S.C., on the one hand, and, on the other, points in Florida and Georgia, restricted to ex-water movement and (2) *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions, for the United States Government, between points in the United States. Representative is: James E. Wharton, Esq., Suite 811, Metcalf Bldg., 100 So. Orange Avenue, Orlando, FL 32802.

MC–FC–79018. By decision of April 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to RAMDO TRANSPORT, INC., of Fargo, ND of Permit MC 129484 (Sub-1, 3, 4 and 7), issued November 5, 1968, October 14, 1977, August 6, 1979, and April 8, 1981, respectively to MELVIN WANG of Fertile, MN d.b.a. M. WANG TRUCKING authorizing transportation as a motor contract carrier of *liquid fertilizer and liquid fertilizer ingredients,* from and to various points in Minnesota, Iowa, and North Dakota. No temporary authority or any other related application has been filed. Transferee holds no other motor carrier authority from the Commission. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108 (701) 237–4223.

MC–FC–79047. By decision of March 6, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to THE GREYHOUND CONNECTION, INC., of Chanute, KS of Certificate MC 133778 and MC 133778 (Sub-2F) issued May 5, 1970 and November 2, 1980 to R. W. LAUSCH of Chanute, KS authorizing the transportation over irregular routes of *dogs and dog racing equipment* between points in Kansas, Oklahoma, Texas, Colorado, Missouri, Nebraska, Arkansas, South Dakota, Massachusetts, Florida, Arizona, New Hampshire, Vermont, Rhode Island, Connecticut, Alabama and West Virginia. Representative is John L. Richeson, P.O. Box 7, Ottawa, KS 66067. TA application has not been filed.

MC–FC–79077. By decision of March 24, 1981, issued under 49 C.F.R. 1045.11, Review Board No. 3 approved the change of Control of Distributor Services, Inc., a broker of motor carrier freight transportation holding license No. MC 13074. Fifty percent of the commonstock of the corporate was authorized to be transferred from WILLIAM J. FARRELL, JR., to T. LAWRENCE VIGINENS, JR. As a result of the transaction T. Lawrence Vigurns, Jr., moved over all the common stock of the corporator. Representatives: Robert B. Einhorm, 12 South 12th Street, 3220 Pses Building, Philadelphia, PA 19107.

MC–FC–79108. By decision of May 1, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132 Review Board Number 3 approved the transfer to ALL–COAST TRANSPORTATION SERVICES, INC. of Salt Lake City, UT of Certificate MC 33641 (Sub-151F) issued 1/29/81 to IML FREIGHT, INC. of Salt Lake City, UT authority to operate as a common carrier by motor vehicle in interstate of foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) moving on bills of lading of freight forwarders as defined in 49 U.S.C. Section 10102(8), between points in the United States. Representative is: Michael J. Stecher, 256 Montomery Street, San Francisco, CA 94104. TA application has not been filed.

MC–FC–79109. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132

Review Board Number 3 approved the transfer to ROBBINS TRUCK LINE, INC. of Hardinsburg, KY of Certificate No. MC 139958 and (Sub-1, 3, 4, 5, 7, 10, 11, 12, 13, 14, and 15) issued 12/5/77, 3/7/78, 10/12/76, 12/21/78, 3/20/79, 11/12/80, 8/21/80, 11/12/80, 2/2/81, 2/2/81, 12/12/80 and 3/13/81 to R.T. TRUCK SERVICE, INC. of Hardinsburg, KY authorizing generally the transportation of (1) *paper and paper products* from Hawesville, KY to points in Ohio, West Virginia, Indiana, Illinois, Michigan, Missouri, Tennessee, Georgia, and North Carolina. (2) *General commodities*, between Louisville, KY and Scottsburg, IN, over specified routes. (3) *Materials, supplies and equipment* used in the manufacture of paper and paper products between Hawesville, KY on the one hand, and, on the other, points in Georgia, Ohio, West Virginia, Indiana, Illinois, Kentucky, Michigan, Missouri, North Carolina, and Tennessee. (4) *Chemicals in containers* from the facilities of Olin Chemicals at Doe Run, KY to points in Indiana, Illinois, Ohio, West Virginia, Michigan, Missouri, Tennessee, Georgia, North Carolina, Louisiana and Kentucky. (5) *General commodities* between Salem, IN and Louisville, KY, over specified routes. (6) *General commodities* between the junction of IN Hwy. 62 and IN Hwy. 56 and the Jefferson Proving Ground, Jefferson County, IN over specified routes (7) *Communication cable, iron and steelwire and materials, equipment and supplies* used in their manufacture between the facilities of Anaconda Wire and Cable Co. at LaGrange, KY, on the one hand, and, on the other, points in Kentucky, Indiana, Illinois, Ohio, West Virginia, Michigan, Missouri, Tennessee, Georgia, North Carolina, Louisiana, Alabama, South Carolina, Virginia, Pennsylvania, Arkansas, Texas, New York, Minnesota, Wisconsin, New Jersey, and Mississippi. (8) *Paint and materials, equipment and supplies* used in the manufacture of paint between the facilities of Pittsburgh Plate Glass at Delaware, OH, on the one hand, and, on the other, points in Kentucky, Georgia, Illinois, Texas, Ohio, Iowa, Louisiana, Missouri, Tennessee, Florida, Pennsylvania, Michigan and Virginia. (9) *Beverages and materials, equipment and supplies* used in their manufacture between the facilities of Kolmar Inc. at Austin, IN and points in Kentucky, Indiana, Illinois, Ohio, West Virginia, Michigan, Missouri, New Jersey, Mississippi, Tennessee, Georgia, North Carolina, Louisiana, Alabama, South Carolina, Virginia, Pennsylvania, Arkansas, Texas, New York, Minnesota, and Wisconsin. (10) *Such commodities as are dealt in or used by grocery and food business houses* between the facilities of Wetterau Foods, Inc. at Greenville, KY, on the one hand, and, on the other, points in Indiana, Illinois, Ohio, West Virginia, Michigan, Missouri, New Jersey, Mississippi, Tennessee, Georgia, North Carolina, Louisiana, Alabama, South Carolina, Virginia, Pennsylvania, Arizona, Texas, New York, Minnesota, and Wisconsin. (11) General commodities serving the facilities of Hobart Corp. at or near Seymour, IN, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. Representative is: Peter A. Greene, 1920 N St., NW., Washington, D.C. 20036. TA application has not been filed.

MC–FC–79110. By decision of May 1, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to GARY W. HALL, an Individual, of Garden City Park, NY, of Certificate MC 68308, issued to FRED SCHWANER, an Individual, d.b.a. CHARLES SCHWANER RICHMOND HILL STORAGE, of Garden City Park, NY, authorizing the transportation of *household goods*, over irregular routes, between New York, NY, and points in Nassau and Suffolk Counties, NY, on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania. Representative: Same as above.

Note.—Transferee holds no authority from this Commission. Application for TA has not been filed.

MC–FC–79140. By decision of May 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to HERBERT TRUCKING, INC. of Certificate MC 60398 issued to ROBERT A. BOUCHER d.b.a. BOUCHER BROS. EXPRESS authorizing the irregular-route transportation of (1) *household goods* between Lowell, MA and points in Massachusetts within 10 miles of Lowell, on the one hand, and, on the other, points in NH, MN, VT, RI, CT and NY; and (2) *textile machinery*, between Lowell, MA on the one hand, and, on the other, points in Pittsfield, Foxcraft, Skowhegan and North Vassalboro, ME, Winooski, VT, Norwich, CT, and points in NH and RI. Representative is: John M. Callan, Esq., 1174 Central Street, Lowell, MA 01852.

MC–FC–79141. By decision of May 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JAMES H. GERBER d.b.a. GERBER TRUCK SERVICE, Belleville, IL of Certificate MC 20042 issued May 22, 1944 to FAT's EXPRESS, of Belleville, IL authorizing the common carrier transportation of *General commodities*, except those of unusual value, and except livestock, dangerous explosives, *household goods* as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between St. Louis, MO, and Scott Field, IL, as follows: From St. Louis across the Mississippi River to East St. Louis, IL, thence over IL Hwy 13 to Belleville, IL, thence over IL Hwy 161 to junction unnumbered highway south of Scott Field, and thence over unnumbered highway to Scott Field. From St. Louis across the Mississippi River to East St. Louis, IL, thence over IL Hwy 15 to Belleville, IL, and thence as specified above to Scott Field. From St. Louis across the Mississippi River to East St. Louis, IL, thence over U.S. Hwy 50 to junction Kings-highway, thence over Kings-highway to junction IL Hwy 15, thence over Il Hwy 15 to Belleville, IL, and thence as specified above to Scott Field. From St. Louis across the Mississippi River to East St. Louis, IL, thence over Missouri Avenue to junction Ill Hwy 13, thence over Missouri Ave. to Junction IL Hwy 13, thence over IL Hwy 13 to Belleville, and thence to Scott Field as specified above. From St. Louis across the Mississippi River to East St. Louis, IL, thence over IL Hwy 3 to Cahokia, IL, thence over IL Hwy 13 to Belleville, and thence to Scott Field, as specified above; and return over those routes to St. Louis. Service is authorized to and from all intermediate points on the above specified routes. *Household goods* as defined by the Commission, and *mining machinery and supplies*, over irregular routes, between St. Louis, MO, on the one hand, and on the other, points and places in St. Clair County, IL. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Ste. 1400, St. Louis, MO 63105 (314) 727–0777.

MC–FC–79142. By decision of May 13, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Parts 1132, Review Board Number 3 approved the transfer to INTERSTATE TRUCKING CORP. of Elizabeth, NJ, of Certificate No. MC–1548 and MC–1548 (Sub-No. 1) issued April 7, 1941, and October 8, 1970, respectively, to Mercer Motor Freight, Inc., of Tenton, NJ, authorizing the transportation in No. MC–1548 of *General commodities*, except those of unusual value, and except liquors, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, commodities in bulk, commodities requiring special

equipment, and those injurious or contaminating to other lading. Between Trenton, N.J., and New York: From Trenton over U.S. Highway 1 to Jersey City, N.J., and thence across the Hudson River to New York, N.Y., and return over the same route. Between Trenton, N.J., and Wilmington, Del.: From Trenton over New Jersey Highway 37 to Junction New Jersey Highway 39, thence over New Jersey Highway 39 to junction U.S. Highway 130, thence over U.S. Highway 130 to Stevens, N.J., thence over U.S. Highway 130 to junction unnumbered highway, thence over unnumbered highway to Burlington, N.J., thence over unnumbered highway via Riverside and Riverton, N.J., to Camden, N.J., thence across the Delaware River to Philadelphia, Pa. and thence over U.S. Highway 13 to Wilmington, and return over the same route. Between Trenton, N.J., and Philadelphia, Pa., as follows: From Trenton across the Delaware River to Morrisville, Pa., and thence over U.S. Highway 1 to Philadelphia: From Trenton across the Delaware River to Morrisville, Pa., and thence over U.S. Highway 13 to Philadelphia; and return over these routes to Trenton. Service is authorized to and from all intermediate points on the above-specified routes, and the off-route points of Hopewell, Lambertville, Pennington, and Princeton, N.J., and points and places in the New York, N.Y. Commercial Zone, as defined by the Commission in 1 MCC 665, those in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, and Union Counties, N.J., and those in Delaware, Montgomery, and Philadelphia Counties, Pa.; in No. MC–1458 (Sub-No. 1) of *Ceramic wall tile, carpet cushioning, mechanics, rubber goods, plastic articles, commercial refrigerators, commercial cooling boxes, commercial cooling rooms,* and *cooling and breezing machines* and *parts thereof,* From Trenton, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y., with no transportation for compensation on return except as otherwise authorized. Application for TA has been filed. Transferee presently holds authority under Certificate No. MC–139521. Applicant's representative is: Ronald I. Shapss, Esquire, Attorney, 450 Seventh Avenue, New York, NY 10123, (212) 239–4610.

MC–FC–79144. By decision of May 15, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to BREMCO MILLS, INC. of New Bremen, OH of Permit No. MC–146397 (Sub-No. 2) issued November 14, 1980 to M.T.I. Trucking, Inc. of Indianapolis, IN authorizing the transportation by irregular routes of (1) *such commodities* as are dealt in by manufacturers of glass and plastic products, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodites in bulk), between points in Wisconsin, Michigan, Illinois, Missouri, Kentucky, Indiana, Ohio, Pennsylvania, and West Virginia, restricted to traffic originating at or destined to the facilites of Anchor Hocking Corporation at points in the designated territory, under continuing contract(s) with Anchor Hocking Corporation, at points in the above designated territory, under continuing contract(s) with Anchor Hocking Corporation, of Lancaster, OH. Applicant's representative is: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16911 Filed 6-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3. Members Krock, Joyce, and Dowell.

MC–FC–78891. By decision of May 6, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to D&S EXPRESS, INC. of Bound Brook, NJ, of a portion of Certificate No. MC–139595 (Sub-No. 1) issued April 11, 1975 to Mid-Atlantic Transportation Co., of Elizabeth, NJ, authorizing the transportation of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Suffolk County, NY, beyond the New York, NY, Commercial Zone, on the one hand, and, on the other, points in Hudson, Essex, Union, and Middlesex Counties, NJ. Applicants' representative: Thomas F. X. Foley, Esq., State Highway 34, Colts Neck, NJ 07722, (201) 780–0300.

Note.—A directly related extension application in No. MC–139596 (Sub-No. 1) is published in this same **Federal Register** issue.

MC–FC–78991. By decision of February 18, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to T. D. MURPHY, d.b.a. MOVIE FILM EXPRESS of Mesa, AZ, of a portion of Certificate No. MC–121335 (Sub-No.2) issued November 30, 1978, to Film Transport Co., of Cal., Inc., of Los Angeles, CA, authorizing the transportation of *films and articles associated with the exhibition of motion pictures,* between Los Angeles, on the one hand,and, on the other, points in Arizona on and south of a line beginning at the junction of Interstate Hwy 10 and the Arizona-California State line, then along Interstate Hwy 10 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 70 at Globe, AZ, then over U.S. Hwy 70 to its intersection with the Arizona-New Mexico State line. Applicant's representative: Theodore Wi. Russell, Attorney at Law, 1545 Wilshire Blvd., Los Angeles, CA 90017.

MC–FC–79062. By decision of May 5, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132,

Review Board Number 3 approved the transfer to KOHN TRANSPORT, INC. of Canton, OH of Permit No. MC–141925 (Sub-Nos. 4 and 5) and issued to Kohn Beverage, Inc., d.b.a. Kohn Transport, of Canton, OH, authorizing: *such commodities* as are dealt in or used by printer, (except commodities in bulk), from the facilities of Danner Press Corporation, at or near Canton, OH, to Detroit, MI, Erie, PA, and Syracuse, Rochester, and Buffalo, NY, under contract(s) with Danner Press Corporation, of Canton, OH. *Such commodities* as are dealt in or used by printers (except commodities in bulk), from the facilities of Danner Press Corporation at or near Canton, OH, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, and Wisconsin, under continuing contract(s) with Danner Press Corporation. Applicant's representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215.

Note.— The Review Board dismissed the applicatioin insofar as it involved transfer of authority conditionally granted in No. MC–147906, as no certificated authority has been issued in that proceeding, in the absence of compliance with Commission regulations.

MC–FC–79127. By decision of May 5, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to ALTON DELIVERY SERVICE, INC. of New York, New York of certificate No. of MC–141417, lead and Sub-No. 1, issued March 15, 1976 and July 24, 1979 respectively to Super Speed Delivery & Messenger Service, Inc. of New York, New York. The certificate authorized the transportation over irregular routes of (lead) *General commodities* (usual exceptions), between points in Bergen, Passaic, Essex, Hudson, Union and Middlesex Counties, NJ, on the one hand, and, on the other, New York, New York; (Sub-No. 1) *Textiles and textile picture kits,* between Lynchburg and Madison Heights, VA, Pawtucket, RI, Taylorsville, Statesville, Greenville, Aberdeen, Spindale, and Williamston, NC, Greenville, Lugoff, Simpsonville, Wateree, Kingstree and Williamston, SC, on the one hand, and on the other, Newburgh, NY, Derby, CT, Fall River and New Bedford, MA, Pawtucket, RI, and points in New Jersey on and north of U.S. Hwy 22. Applicant's representative is: John D. Heffner, Suite 307, 2011 Eye Street NW., Washington, DC 20006. Transferee holds no authority. TA lease is not sought.

MC–FC–79134. By decision of May 14, 1981, issued under 49 CFR 1132, Review Board Number 3 approved the Transfer to LINDSEY MOTOR EXPRESS, INC. of Cincinnati, OH of Permit No. MC–123540, MC–123540 (Sub-No. 3) and No. MC–123540 (Sub-No. 4) issued to Werlin Corporation of Cincinnati, OH authorizing the transportation of *dry fertilizer,* in bulk and in bags, from the plant site of the Armour Agricultural Chemical Co., of St. Bernard, Ohio, to points in Fleming, Bath, Lewis, Mason, Wolfe, Nicholas, Bourbon, Montgomery, Clark, Madison, Fayette, Garrard, Menifee, Rowan, Morgan, and Elliott Counties, KY., under a continuing contract, or contracts, with Armour Agricultural Chemical Co., of St. Bernard, Ohio; *fertilizer,* from St. Bernard and Cincinnati, Ohio, to points in Indiana, Kentucky, and these in Cabell, Calhoun, Lincoln, Putnam, Pleasants, Tyler, Wetzel, Mason, Roane, Wirt, Wood, and Wayne Counties, W. Va.; and *liquid fertilizer,* in bulk in tank vehicles, from Kingston, Ohio, to points in Indiana and Illinois (except East St. Louis and points in Illinois within the St. Louis, Mo.–East St. Louis, Ill., commercial zone as defined by the Commission), under continuing contract, or contracts, with Swift Agricultural Chemical Corporation; and in a pending request authority is sought to transport *commodities in bulk,* between points in the United States, under continuing contract(s) with Stauffer Chemical Company, of Westport, Ct., Sherwin Williams Co., of Mason, OH, Vulcan Materials, Company, of Wichita, KS, and Kaiser Agricultural Chemicals, of Savannah, GA. Applicant's representative: Paul F. Berry, 275 East State St., Columbus, OH 43215. TA lease is not sought. Transferee is a carrier.

MC–FC–79135. By decision of May 14, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to J. J. RIEDINGER d.b.a. OVERLAND COMMERCIAL COMPANY of Certificate No. MC–147748F issued January 6, 1981 to R. C. Kercheval and J. J. Riedinger, a partnership doing business as Overland Commercial Company authorizing the irregular route transportation of *general commodities* (except Class A and B explosives), between points in the Seattle, WA and Tacoma, WA Commercial zones restricted to traffic having a prior or subsequent movement by water. Applicant's representative is: George R. LaBissoniere, Attorney-At-Law, Suite 233, 15 S. Grady Way, Renton, WA 98055.

MC–FC–79138. By decision of May 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to B & F Towing & Salvage Co., Inc., of New Castle, DE of Certificate No. MC–124198 issued October 5, 1972, to P & S Service, Inc., of Jersey City, NJ, authorizing the transportation of *wrecked or disabled trucks, tractors, busses and passenger cars,* in towaway service, requiring the use of wrecker equipment, between points in New Jersey and New York, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island, and *replacement vehicles* for such wrecked or disabled trucks, tractors, and passenger cars, in towaway service, from points in New Jersey and New York, to points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island, with no transportation for compensation on return, except as otherwise authorized. An application for temporary authority has been filed. Transferee presently holds no authority from the Commission. Applicant's representative is: Robert J. Corber, Attorney, Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, DC 20036, (202) 862–2038.

MC–FC–79156. By decision of May 5, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 3 approved the transfer to Trans-Speed Delivery Service, Inc., of New York, New York of certificate No. MC–141417, (Sub-No. 3), issued October 31, 1979 to Super Delivery and Messenger Service, Inc. of New York, New York. The certificate authorizes transportation over irregular routes of *textiles* from Newburgh, NY, to New York, NY. Applicant's representative is: John D. Heffner, Suite 307, 2011 I Street, N.W., Washington, DC 20006. Transferee holds no authority. TA lease is not sought.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with

V 46 / 109 J E 8 8 1 UMI

applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell

MC 139595 (Sub-No. 1). By decision of May 6, 1981, issued under 49 U.S.C. 10920 Review Board Number 3 approved the application of D&S Express, Inc., authorizing the transportation of (1) *General commodities* (Classes A and B explosives), between Suffolk County, NY, on the one hand, and, on the other, points in New Jersey north of the southern boundaries of Mercer and Monmouth Counties, NJ, and points in Orange, Rockland, and Westchester Counties, NY, and (2) *textile mill products*, between Suffolk County, NY, on the one hand, and, on the other, points in New Jersey.

Note.—This application is directly related to a transfer proceeding pursuant to 49 U.S.C 10926 in MC–FC–78891, published in this same **Federal Register** issue.

Appendix B

No. MC–139596 (Sub-No. 1)

Authority to conduct the following operations will be issued in an appropriate document.

To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities*, Classes A and B explosives, between Suffolk County, NY, on the one hand, and, on the other, points in New Jersey north of the southern boundaries of Mercer and Monmouth Counties, NJ, and points in Orange, Rockland, and Westchester Counties, NY, and (2) *textile mill products*, between Suffolk County, NY, on the one hand, and, on the other, points in New Jersey.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16912 Filed 6-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251 Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness water carrier dual operations, or jurisdictional questions) we fined, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract"

Volume No. OPY-2-085

Decided: May 27, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 114533 (Sub-374), filed May 15, 1981. Applicant: GELCO COURIER SERVICES, INC., P.O. Box 1975, St. Paul, MN 555111. Representative: Sally g. Galway, (same address as applicant), 612/828-2781. Transporting, for or on behalf of the U.S. Government, *general commodities* except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155902, filed May 12, 1981. Applicant: JIMMIE R. LOGAN, d.b.a. MARBIE TRUCKING, 5042 Raven Oaks Drive, Omaha, NE 68154. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114, (402) 397-9900. Transporting *food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle, in such vehicle*, between points in the U.S.

Volume No. OPY-2-089

Decided: May 29, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 29452 (Sub-7), filed May 22, 1981. Applicant: BOW EXPRESS, INC., 1251 Taney, North Kansas City, MO 64116. Representative: Alfred L. King (same address as applicant), (816) 221-3411. Transporting *general commodities* (except classes A and B explosives), between Sedan, Caney, and Cedar Vale, KS, on the one hand, and, on the other, points in the U.S.

MC 71652 (Sub-53), filed May 14, 1981. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, Medford, OR 97501. Representative: Ronald C. Chauvel, 100 Pine St., Suite 2550, San Francisco, CA 94111, 415-986-1414. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156103 (Sub-1), filed May 26, 1981. Applicant: MASS TRANSPORT, INC., 12 Mason Street, Worcester, MA 01609. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle, in which no one package exceeds 100 pounds, between points in the U.S.

Volumn No. OP1-162

Decided: May 28, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 156011, filed May 15, 1981. Applicant: VICTOR R. CRANE, JR., d.b.a. MANATOR, 3920 Serenity Hills Dr., Vacaville, CA 95688. Representative: Daniel W. Baker, 100 Pine St., #2550, San Francisco, CA 94111 (415) 986-1414. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156061, filed May 20, 1981. Applicant: LAND & SEA, INC., Route 6, Twin Falls, ID 83301. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343-3071. As a *broker*, of *general commodities* (except used household goods) between points in the U.S.

MC 156081, filed May 15, 1981. Applicant: WAYNE M. WITHROW & CO., 29000 South Western Ave., San Pedro, CA 90732. Representative: John F. Peterson (same address as applicant) (213) 831-0201. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 156101, filed May 22, 1981. Applicant: TRANSPORT BROKERS, INC., P.O. Box 944, Bensalem, PA 19020. Representative: Richard Reuda, 135 North 4th Street, Philadelphia, PA 19106 (215) 627-1923. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 154381, filed May 18, 1981. Applicant: PRETLOW BROS. TRUCKING CO. INC., 121 E. Marshall St., Richmond, VA 23219. Representative: Revardo C. Pretlow (same address as applicant) (804) 780-2660. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151941 (Sub-2), filed May 15, 1981. Applicant: DELMONT E. HARTT, INC., P.O. Box 26, Etna, ME 04435. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101 (207) 773-5651. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) between points in the U.S.

Volume No. OPY-3-082

Decided: June 1 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 146674 (Sub-7), filed May 19, 1981. Applicant: K.I.T. MOTOR EXPRESS, INC., P.O. Box 4004, Louisville, KY 40204. Representative: Edward J. Kiley, 1730 M Street, NW., Suite 501, Washington, DC 20036 (202) 296-2900. Transporting *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 155995, filed May 15, 1981. Applicant: FRANKS OPERATING & DISTRIBUTING COMPANY, Route 1, P.O. Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant), (918) 783-5180. As a *broker of general commodities* (except household goods) between points in the U.S.

MC 156034, filed May 11, 1981. Applicant: EMERY A. JOHNSON, 3239 Halifax Ave., N. Robbinsdale, MN 55422. Representative: Emery A. Johnson (same address as applicant), (612) 21-1129. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Vol. No. OPY-4-170

Decided: June 2, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 156106, filed May 22, 1981. Applicant: RON KINSFATER, 10913 S.E. Wood, Milwaukie, OR 97222. Representative: (same as applicant) (503) 659-1272. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16909 filed 6-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–161

Decided: May 28, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

W 580 (Sub-10), filed April 30, 1981. Applicant: DRUMMOND LIGHTERAGE COMPANY, P.O. Box 2287, Seattle, WA 98111. Representative: Leo C. Franey, 700 World Center Building, 918 Sixteenth Street NW., Washington, DC 20006, (202) 785–3700. To operate as a *common carrier* by water, in interstate or foreign commerce, (1) by self-propelled vessels or by nonself-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, and (2) by towing vessels in the performance of general towage, between ports and points on the Atlantic Coast and tributary waterways, Gulf of Mexico Coast and tributary waterways (excluding the Mississippi River System above Baton Rouge, LA), and Pacific Coast and tributary waterways.

MC 2960 (Sub-48), filed April 13, 1981, and previously noticed in the **Federal Register** issue of April 29, 1981. Applicant: ENGLAND TRANSPORTATION CO. OF TEXAS, INC., 2301 McKinney, Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *general commodities* (except classes A and B explosives), between points in AR, TX, LA, and OK.

Note.—This republication includes AR in the radial territory.

MC 17000 (Sub-28), filed May 18, 1981 Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald TN 38462. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219, (615) 244–8100. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Chapel Hill, TN, and Nashville, TN, over U.S. Hwy 31A, serving all intermediate points.

MC 35831 (Sub-28), filed May 18, 1981. Applicant: E. A. HOLDER, INC., P.O. Box 69, Kennedale, TX 76060. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76106, (817) 332–4718. Transporting *mercer commodities*, between points in TX, LA and NM.

MC 61440 (Sub-211), filed May 18, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 Northwest 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157, (405) 840–7579. Transporting *general commodities* (except classes A and B explosives), serving points in Tuscaloosa County, AL, as off-route points in connection with applicant's authorized regular route operations.

MC 82841 (Sub-313), filed May 15, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339–3003. Transporting *such commodities* as are dealt in or used by agricultural and industrial equipment dealers and manufacturers (1) between points in Scott and Des Moines Counties, IA, on the one hand, and, on the other, points in IA, NE, SD, MO, KS, CO, WY, UT, MT, NM, AZ, CA, NV, ID, WA, and OR and (2) between points in Racine County, WI, on the one hand, and, on the other, points in MO, IA, NE, KS, SD, CO, and WY.

MC 85970 (Sub-55), filed May 8, 1981. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *metal products*, between points in Orange County, CA, on the one hand, and on the other, points in the U.S.

MC 88161 (Sub-100), filed May 18, 1981. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, WA 98108. Representative: Paul J. Monroe (same address as applicant), (206) 767–3605. Transporting *pulp, paper and related products, and lumber and wood products*, between points in the U.S., under continuing contract(s) with Weyerhaeuser Company, of Tacoma, WA.

MC 93840 (Sub-63), filed May 15, 1981 Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company and its subsidiaries, in the U.S., on the one

hand, and, on the other, points in the U.S.

MC 108121 (Sub-17), filed May 15, 1981. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., 18800 Southcenter Parkway, Tukwila, WA 98188. Representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101, (206) 623–7580. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Mazda Motors of America (Central), Inc. of Compton, CA.

MC 108121 (Sub-18), filed May 20, 1981. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., a corporation, 18800 Southcenter Parkway, Tukwila, WA 98188. Representative: Michael B. Crutcher, 2000 IBM Bldg., Seattle, WA 98101, (206) 623–7580. Transporting *transportation equipment*, between Tacoma, WA, and points in NV.

MC 111310 (Sub-65), filed April 20, 1981, previously noticed in the **Federal Register** issue of May 5, 1981. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman, Madison, WI 53703, (608) 256–7444. Transporting *food and related products*, between the facilities of Swift & Company at those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 113751 (Sub-47), filed May 18, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Sts., Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *food and related products* between the facilities used by Sanna Inc., a subsidiary of Beatrice Food Company at those points in the U.S., in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, CO, OK and TX.

MC 114761 (Sub-15), filed May 20, 1981. Applicant: GETTER TRUCKING INCORPORATED, 1635 North Frontage Road, Billings, MT 59101. Representative: John R. Davidson, Suite 805, First Bank Bldg., Billings, MT 59101, (406) 248–9156. Transporting (1) *mercer commodities* and (2) *pipe, and earth drilling materials, equipment, and supplies*, (a) between points in AK, AZ, CA, CO, ID, KS, MT, NE, ND, NM, NV, OK, OR, SD, TX, UT, WA, and WY, and (b) between points in AK, AZ, CA, CO, ID, KS, MT, NE, ND, NM, NV, OK, OR, SD, TX, UT, WA, and WY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 117730 (Sub-87), filed May 15, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route #47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, (312) 726–9722. Transporting *food and related products*, between points in Davidson County, TN, on the one hand, and, on the other, points in FL, GA, NC, PA, and SC.

MC 121720 (Sub-1), filed May 19, 1981. Applicant: FRANK'S TRANSFER, INC., 126 West Forest Grove, Phoenix, AZ 85041. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012, (602) 274–5146. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kinney Service Corporation, of Harrisburg, PA.

MC 123310 (Sub-24), filed May 20, 1981. Applicant: DOUG ANDRUS DISTRIBUTING, INC., 1820 W. Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *chemicals and related products* between points in ID, MT, OR, WA, WY and UT.

MC 134551 (Sub-23), filed May 19, 1981. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., No. 3 Caine Dr., Madison, IL 62060. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD, (301) 840–8565. Transportation (1) *chemicals and related products*, (2) *machinery*, and (3) *instruments and photographic goods*, between St. Louis, MO, on the one hand, and, on the other, those points in IL on and south of U.S. Highway 80.

MC 138800 (Sub-1), filed May 15, 1981. Applicant: THREE BROTHERS, INC., 40 "B" Street, Boston, MA 02127. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535–5430. Transporting *transportation equipment*, between points in MA, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, AR, and LA.

MC 143130 (Sub-2), filed May 8, 1981. Previously noticed in **Federal Register** issue of May 21, 1981. Applicant: RITCHIE BUS LINES, INC., 257 West Main Street, Northboro, MA 01530. Representative: Thomas N. Willess, 1000 Sixteenth St., NW., Suite 502, Solar Bldg., Washington, DC 20036, (202) 783–8131. Transportation *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in MA and RI, and those in Windham, Tolland, Hartford, New Haven, Middlesex, and New London Counties, CT, Merrimack, Rockingham, Hillsborough and Cheshire Counties, NH, York County, ME, and Windham County, VT, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI).

Note.—This republication clarifies the type of service to be performed.

MC 143280 (Sub-28), filed May 18, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transportation (1) *pulp, paper and related products*, (2) *chemicals and related products*, (3) *metal products*, and (4) *rubber and plastic products*, between points in Will County, IL, Brown and Winnebago Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 143600 (Sub-2), filed May 19, 1981. Applicant: H. K. DELIVERY SYSTEMS, INC., 836 West North Ave., Pittsburgh, PA 15233. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. Transporting *general commodities* (except classes A and B explosives), between Pittsburgh, PA, on the one hand, and, on the other, points in OH, PA, and WV.

MC 144140 (Sub-57), filed May 19, 1981. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant), (904) 357–1300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., Under continuing contract(s) with Rush-Hampton Industries, Inc. of Longwood, FL.

MC 145461 (Sub-4), filed May 15, 1981. Applicant: TENNESSEE-TEXAS EXPRESS, INC., P.O. Box 888, Gallatin, TN 37066. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *furniture and fixtures* between points in Sumner County, TN, and Fulton County, GA, on the one hand, and, on the other, points in the U.S.

MC 147400 (Sub-9), filed May 18, 1981. Applicant: RAEMARC, INC., 1903 Chicory Road, Racine, WI 53404. Representative: William D. Brejcha, 10 S. La Salle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Crown Cork & Seal Corporation, Inc., of Philadelphia, PA.

MC 147911 (Sub-6), filed May 20, 1981. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37149. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, (202) 347–8862. Transporting *chemicals and related products*, between points in Wilson County, TN, on the one hand, and, on the other, points in the U.S.

MC 148160 (Sub-2), filed May 20, 1981. Applicant: L. S. GEIST, INC., East Mountain Rd., P.O. Box 116, Hegins, PA 17938. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting (1) *food and related products* (a) between points in Coshocton County, OH, on the one hand, and, on the other, points in CT, MA, MD, NJ, NY, PA, and RI, (b) between points in Adams and Franklin Counties, PA, and Niagara County, NY, on the one hand, and, on the other, points in CT, DE, FL, GA, KY, MA, MD, ME, NC, NJ, NH, NY, RI, SC, VA, VT, and WV, and (c) between points in Berks County, PA, on the one hand, and, on the other, points in ME, MD, NH, NJ, VT, and NY, and (2) *packaging materials*, between points in GA, OH, MA, NJ, and NY, on the one hand, and, on the other, points in PA.

MC 148971 (Sub-4), filed May 20, 1981. Applicant: YOUNG'S EXPRESS, INC., 1501 North Warwicj Ave., Baltimore, MD 21216. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411–D Backlick Rd., Springfield, VA 22151, (703) 941–8200. Transporting *food and related products*, between points in CT, DE, MA, ME, MD, NJ, NY, PA, RI, VT, VA, WV, and DC.

MC 150741 (Sub-3), filed May 15, 1981. Applicant: HUEY TRANSPORTAION COMPANY, INC., 2802 Lomb Ave., Birmingham, AL 35208. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2881. Transporting *metal products and machinery*, between the facilities of Baron Industries, Inc. and its subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151080 (Sub-5), filed May 21, 1981. Applicant: SENATE CARTAGE COMPANY, INC., 1000 Jorie Blvd., Oak Brook, IL 60521. Representative: Lawrence T. Sansone, (same address as applicant), (312) 986–8050. Transporting *general commodities* (except classes A and B explosives), between the facilities of Capitol Freight Systems and its affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151350, filed May 20, 1981. Applicant: LARRY PEDERSON TRUCKING, INC., 301 St. Paul Ave., Fulda, MN 56131. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *general commodities* (except classes A and B explosives), between points in Murray County, MN, on the one hand, and, on the other, points in IA, MO, NE, SD, ND, and KS.

MC 151471 (Sub-8), filed May 18, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203, (303) 839–5856. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Armour Food Co. of Phoenix, AZ and National Beef Packing Co. of Liberal, KS.

MC 151660 (Sub-2), filed May 18, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same address as applicant), (214) 438–2851. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Company of Little Rock, AR.

MC 151880 (Sub-1), filed May 15, 1981. Applicant: K & K TRUCKING, INC., 806 Cullum St., Carthage, TN 37030. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 347–8862. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Nashville and Gainesboro, TN, (1) from Nashville over U.S. Hwy 70N to junction TN Hwy 53, then over TN Hwy 53 to Gainesboro, and return over the same route, and (2) from Nashville over U.S. Hwy 70N to junction TN Hwy 85, then over TN Hwy 85 to Gainesboro and return over the same route, serving in routes (1) and (2) above, Dixon Springs, TN as an intermediate point and points in Smith County, TN as off-route points.

MC 152001 (Sub-3), filed May 20, 1981. Applicant: HALL'S SPECIALTIES, INC., R.R.#1, Laotto, IN 46763. Representative: Constance J. Goodwin, Suite 800, Circle Tower, Five East Market St., Indianapolis, IN 46204, (317) 634–8313. Transporting *petroleum, natural gas and their products*, (1) between points in Allen County, IN, on the one hand, and, on the other, points in Allegheny County, PA, Cook County, IL, and Montgomery, Lucas and Franklin Counties, OH, and (2) between points in Huntington and St. Joseph Counties, IN, Berrien, Jackson and Ingham Counties, MI, and Allen and Lucas Counties, OH, on the one hand, and, on the other, points in IN, MI, and OH.

MC 152261 (Sub-2), filed May 18, 1981. Applicant: M. W. ETTINGER, INC., 2711 Fairview Avenue N., Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Modern Merchandising, Inc., of Minnetonka, MN.

MC 152620 (Sub-7), filed May 21, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., 999 North Main Street, Glen Ellyn, IL 60137. Representative: John H. King (same address as applicant), (312) 790–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Clevepak Corporation, of Milwaukee, WI.

MC 152980, filed May 20, 1981. Applicant: KRIGBAUM'S TRUCKING, INC., Rural Route #2, Box 1878, Covington, IN 47932. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703, (217) 528–8476. Transporting *printed matter* between Danville, IL, on the one hand, and, on the other, points in IN, MO, and MI.

MC 153550 (Sub-2), filed May 18, 1981. Applicant: MEXICAN ORIGINAL TRANSPORTATION, INC., P.O. Box 1368, Fayetteville, AR 72701. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting *metal products*, between the facilities used by Anchor Die Cast Division of PPA Industries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153550 (Sub-3), filed May 20, 1981. Applicant: MEXICAN ORIGINAL TRANSPORTATION, INC., P.O. Box 1368, Fayetteville, AR 72701. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting *food and related products*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 155470, filed May 26, 1981. Applicant: H & O TRANSPORT, INC., P.O. Box 357, Campbellsville, KY 42718. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219, (615) 244–8100. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of textile products, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 155370, filed May 15, 1981. Applicant: KEM CONTRACT CARRIERS, INC., Kirkwood Industrial Park, P.O. Box 1565, Binghamton, NY 13902. Representative: Donald C. Carmien, 501 Midtown Mall, P.O. Box 1922, Binghamton, NY 13902. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Spaulding Bakeries, Incorporated of Binghamton, NY.

MC 156010, filed May 18, 1981. Applicant: PENN'S BEST, INC., P.O. Box A–4, Canal St., Meshoppen, PA 18630. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *general commodities* (except classes A and B explosives), between points in PA, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NC, NH, NJ, NY, SC, VA, and VT.

MC 156020, filed May 19, 1981. Applicant: DAYLIGHT TRANSPORT, INC., 66–00 Long Island Expressway, Maspeth, NY 11378. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048, (212) 432–0940. Transporting *general commodities* (except classes A and B explosives) between New York, NY, and Los Angeles, CA.

MC 156041, filed May 18, 1981. Applicant: KARDON TRANSPORT, INC., 1201 Chestnut St., Philadelphia, PA 19107. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *petroleum, natural gas and their products, pulp, paper and related products, rubber and plastic products, and chemicals and related products,* between points in OH, MD, GA, AL, PA, NY, NJ, and IL, on the one hand, and, on the other, points in the U.S.

MC 156060, filed May 20, 1981. Applicant: ALL SEASONS GROUP TOURS, INC., 1828 Eastern Ave., Baltimore, MD 21231. Representative: Jeffrey W. Barber (same address as applicant), (301) 522–2300. As a *broker,* at Baltimore, MD, in arranging for the transportation of *passengers and their baggage,* beginning and ending at Baltimore City and points in Baltimore, Carroll, Harford, Anne Arundel, Frederick, Howard, Montgomery, and Prince Georges Counties, MD, Alexandria, and points in Arlington, Fairfax, Loudoun and Prince William Counties, VA, and DC, and extending to points in the U.S.

Volume No. OPY–4–161

Decided: June 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 96996 (Sub-2), filed May 20, 1981. Applicant: COLLINS CRANE & RIGGING SERVICE, INC., 408 Spring St., East Bridgewater, MA 02333. Representative: Joseph G. Collins (same address as applicant), (617) 378–3434. Transporting *Those commodities* which because of size or weight require the use of special handling or equipment, between points in CT, MA, ME, NH, NJ, NY, OH, PA, RI and VT.

MC 119176 (Sub-36), filed May 4, 1981. Applicant: THE SQUAW TRANSIT COMPANY, a corporation, P.O. Box 9368, Tulsa, OK 74107. Representative: Clayte Binion, 623 So. Henderson, 2nd Fl., Fort Worth, TX 76104 (817) 332–4415. Transporting *metal products,* between the facilities of Van Pelt Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143636 (Sub-16), filed May 19, 1981. Applicant: RON SMITH TRUCKING, INC., Rural Route No. 1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, 913 So. Sixth St., Springfield, IL 62703 (217) 753–3925. Transporting *coal,* between points in IN, IL and KY.

MC 156026, filed May 18, 1981. Applicant: DALE KINGSMORE, d.b.a. KINGSMORE GROUP, Rt. 4, Pineland Rd., Union, SC 29379. Representative: James M. Arthur, P.O. Box 705, Union, SC 29379 (803) 427–8662. To engage in operations, in interstate or foreign commerce as a *broker,* at Union County, SC, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* beginning and ending at Union County, SC, and extending to points in the U.S. including AK and HI.

Volume No. OPY–4–167

Decided: June 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 125996 (Sub-99), filed May 21, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424 (612) 927–8855. Transporting (1) *pulp, paper and related products,* (2) *rubber and plastic products,* (3) *machinery,* between points in WI, on the one hand, and, on the other, points in WA, OR, CA, AZ, NV, UT, ID, MT, WY, CO, NM and TX, and (4) *food and related products,* between Milwaukee, WI, Chicago, IL, Tampa and St. Petersburg, FL, points in Orange County, CA, Windham County, CT and Bucks County, PA, on the one hand, and, on the other, points in the U.S.

MC 135726 (Sub-5), filed May 21, 1981. Applicant: INLAND CONTRACT CARRIERS, INC., 2085 Hwy 143, West Bend, WI 53095. Representative: John H. LeSeur, 1224 Seventeenth St., N.W., Washington, D.C. 20036 (202) 347–7170. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Larpen Supply Company of Milwaukee, WI.

MC 146646 (Sub-148) filed May 21, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Pkwy., Birmingham, AL 35209 (205) 942–9116. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Distribution Services of America, Inc. of Boston, MA.

Volume No. OPY–4–168

Decided: June 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

W–16 (Sub-1), filed May 19, 1981.Applicant: S. C. LOVELAND CO., INC., 520 S. Front St., Philadelphia, PA 19147. Representative: Donald Macleay, Commonwealth Bldg., 1625 K St., NW., Washington, D.C. 20006, (202) 393–3390. Transporting by water, by self-propelled vessels and non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities,* (1) between ports and points along the Gulf of Mexico Coast and all tributary waterways, (2) between ports and points along the Pacific Coast and all tributary waterways, (3) between ports and points in (1) above, and ports and points in (2) above, and (4) between ports and points in (1) and (2) above, and ports and points along the Atlantic Coast and all tributary waterways except the Hudson River above the Port of New York.

MC 142066 (Sub-2), filed May 21, 1981. Applicant: THEOPHANE LAWRENCE SCHLEGEL AND DIANA GAYLE SCHLEGEL, a PARTNERSHIP d.b.a. CENTRAL PACIFIC FREIGHT LINES, 950 W. 1st., Eugene, OR 97402. Representative: John A. Anderson, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224–5525. Over *regular routes,* transporting *general commodities* (except classes A and B explosives), between Eugene, OR and Coos Bay, OR; from Eugene over Interstate Hwy 5, to the junction Interstate Hwy 5 and OR Hwy 99, then over OR Hwy 99 to the junction OR Hwy 38, then over OR Hwy 38 to U.S. Hwy

101, then over U.S. Hwy 101 to Coos Bay, serving all intermediate points and off-routes in Lane, Douglas, Coos and Curry Counties, OR.

MC 146846 (Sub-147), filed May 15, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355–A, Birmingham, AL 35217. Representative: James W. Segrest (Same address as applicant) (205) 849–5403. Transporting *such commodities* as are dealt in or used in the manufacture, distribution and assembly of trailers, mobile homes, and recreational vehicles, between the facilities LaSalle Deitch Company, Inc., at points in the U.S., on the one hand, and, on the other points in the U.S.

MC 149546 (Sub-7), filed May 5, 1981. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Eastman Kodak Company, of Rochester, NY.

MC 155987, filed May 13, 1981. Applicant: SHORT LINE BUS SYSTEMS, INC., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11201, (516) 482–0881. To engage in operation, in interstate or foreign commerce, as a broker, at Mahwah, NJ, in arranging for the transportation, by motor vehicles, of *passengers and their baggage*, between points in the U.S. (including AK and HI).

Volume No. OPY–4–169

Decided: June 2, 1981.

By the Commission, Review board No. 2, Members Carleton, Fisher, and Williams.

MC 146596 (Sub-2), filed May 22, 1981. Applicant: FRED McCALL TRUCKING, INC., 2079 Railroad St., Ontario, NY 14519. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043, (716) 681–7190. Transporting *stone products*, between points in Berkshire County, MA and Surry County, NC, on the one hand, and, on the other, points in CT, NJ, NY, and PA.

MC 147316 (Sub-3), filed May 26, 1981. Applicant: CRESTON TRANSPORTATION, INCORPORATED, East Hwy 34, Creston, IA 50801. Representative: Frank W. Davis, Jr., 2600 Ruan Center, Des Moines, IA 50309, (515) 243–6251. Transporting *empty cans, empty bottles, and components thereof*, between points in IA, on the one hand, and, on the other, points in MN, IL, WI, NE, IN, MI, and MO.

MC 149026 (Sub-29), filed May 22, 1981. Applicant: TRANS-STATES LINES, INC., P.O. Box 6645, Fort Smith, AR 72906. Representative: Larry C. Price (same address as applicant), (501) 785–6177. Transporting *general commodities* (except classes A and B explosives), between points in Buncombe County, NC and Benton County, AR, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–171

Decided: June 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 128746 (Sub-74), filed May 26, 1981. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 S. 61st St., Philadelphia, PA 19153. Representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 135936 (Sub-34), filed May 26, 1981. Applicant: C & K TRANSPORT, INC., Box 205, Webster City, IA 50591. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilson Foods Corporation of Oklahoma City, OK.

MC 136316 (Sub-3), filed May 22, 1981. Applicant: SMITH TRUCKING CO., INC., Route 4, Lancaster, SC 29720. Representative: Stuart R. Childs, One NCNB Plaza, Suite 3440, Charlotte, NC 28280, (704) 377–2086. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Shanklin Equipment, Inc., of Ft. Mill, SC.

MC 146386 (Sub-8), filed May 12, 1981. Applicant: NATIONAL RETAIL TRANSPORTATION, INC., 10 E. Oregon Ave., Building "A", Philadelphia, PA 19148. Representative: Richard Fueda, 135 N. Fourth St., Philadelphia, PA 19106, (215) 527–1923. Transporting *such merchandise* as is dealt in by department stores and food business houses, between Akron, Canton, Cleveland, Cincinnati, Columbus, and Dayton, OH, Philadelphia and Pittsburgh, PA, Providence, RI, Columbia and Greenville, SC, Memphis, TN, Austin, Dallas, Fort Worth, and Houston, TX, Milwaukee, WI, Birmingham, AL, Phoenix and Tucson, AZ, Los Angeles, Oakland, Sacramento, and San Diego, CA, Atlanta and Augusta, GA, Chicago, IL, Indianapolis, IN, Lexington and Louisville, KY, Charlotte, NC, Manchester, NH, New York and Rochester, NY, and those points in Allen and Clark Counties, OH, Monterey, San Mateo, Santa Barbara, and Santa Clara Counties, CA, Clarke County, GA, Kenton and Boone Counties, KY, Montgomery and Worcester Counties, MD, Middlesex, Essex, and Barnstable Counties, MA, and Gaston County, NC, on the one hand, and, on the other, points in the U.S. (except MN, UT, ND, SD, and NE).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16910 Filed 6-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 95]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 2, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the specific provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 52460 (Sub-328)X, filed May 11, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK 74107. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. Applicant seeks to remove restrictions in its Sub-Nos. 5, 6, 22, 23, 27, 28, 31, 35, 37, 41, 58, 67, 70, 72, 86, 87, 88, 91, 94, 127, 133, 189, 193, 194, 198, 206, 207, 231, 253, and 288 certificates and E–1, E–2, E–3, E–4, E–5, E–6, E–7, E–8, and E–9 letter notices to (1) broaden the commodity descriptions from natural or casing gasoline, petroleum products, petroleum, lubricating oils, creosote oil and coal tar, aviation gasoline, petroleum treating compounds, greases, vehicle body sealer and sound deadener compounds, filters, and residual fuel oil to "petroleum, natural gas and their products," in each certificate; (2) eliminate the facilities limitations in Sub-Nos. 86, 127, 133, 194, 206F, 231F, and 288F; (3) replace specific points or facilities authority with county-wide or city-wide authority as follows: Mankins, Eliasville and South Bend with Archer and Young Counties, TX, and Allen, Wynnewood, Ardmore, Cyril and Grandfield, with Pontotoc, Garvin, Carter, Caddo and Tillman Counties, OK, in Sub-No. 5; Mankins with Archer County, TX, and Beckett with Stephens County, OK, in Sub-No. 6; Borger with Hutchinson County, TX, and Enid, Oklahoma City and Tulsa with Garfield, Oklahoma and Tulsa Counties, OK, in Sub-No. 23; Oran with Scott County, MO, and Bald Knob with White County, AR, in Sub-No. 27; Tulsa with Tulsa County, OK, in Sub-No. 28; Tulsa with Tulsa County, OK, Waterloo with Black Hawk County, IA, Granite City with Madison County, IL, and St. Joe with Searcy County, AR, in Sub-No. 31; facilities at Amarillo with Randall County, TX, and Fort Smith with Sebastian County, AR, in Sub-No. 37; Little Rock with Pulaski County, AR, in Sub-No. 41; Oklahoma City and Tulsa with Oklahoma and Tulsa Counties, OK, in Sub-No. 67; Bossier City with Bossier Parish, LA, and Enid and Tulsa with Garfield and Tulsa Counties, OK, in Sub-No. 70; facilities at Port Arthur with Jefferson County, TX, in Sub-No. 72; Beaumont with Jefferson County, TX, in Sub-Nos. 86 and 87; Coffeyville, Wichita and El Dorado, with Montgomery, Butler and Sedgwick Counties, KS, in Sub-No. 88; Smith's Bluff with Jefferson County, TX, in Sub-No. 91; Enid with Garfield County, OK, in Sub-No. 94; facilities at Kansas City with Kansas City, KS, in Sub-No. 127; Almyra, Eudora, Harrisburg, Hickory Ridge, and Lonoke with Arkansas, Chicot, Poinsett, Cross and Lonoke Counties, AR, in Sub-No. 153; Port Arthur with Jefferson County, TX, in Sub-No. 189; facilities at West Memphis with West Memphis, AR, in Sub-No. 194; El Dorado with Butler County, KS, in Sub-No. 198; facilities at St. Louis with St. Louis, MO, in Sub-No. 206; facilities at Warren County with Warren County, MS, in Sub-No. 231; Hosston with Caddo Parish, LA, El Dorado with Butler County, KS, and Port of Catoosa with Rogers County, OK, in Sub-No. 253; Port Arthur with Jefferson County, TX, and Tulsa with Tulsa County, OK, in Sub-No. 288; Little Rock with Pulaski County, AR, in Sub-No. E–3; Tulsa with Tulsa County and Enid with Garfield County, OK, in Sub-No. E–4; and Ponca City with Kay County, OK, in Sub-No. E–5; (4) change one-way to radial authority between points throughout the U.S.; and (5) remove the following restrictions: (a) in bulk, in tank vehicles in Sub-Nos. 5, 6, 23, 27, 28, 31, 35, 37, 41, 58, 67, 153, 206F, 231F, E–7, E–8, and E–9; (b) in containers in Sub-Nos. 22, 70, 72, 86, 87, 88, 91, 94, 127, 133, 189, 193, 194, 198, 207F, E–1, E–2, E–3, E–4, E–5 and E–6; (c) mixed loads in Sub-No. 72; (d) in packages in Sub-No. 88; (e) in bulk in Sub-No. 288F; and (f) originating at and destined to in Sub-Nos. 86, 127, 133 and 206F.

MC 55896 (Sub-144)X, filed May 26, 1981. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 25, 27, 28, 30, 31, 40, 50, 51, 56, 83F, 94F, 97F, 98F, 105F, 114, 124F, and 143 certificates to(1) broaden the commodity descriptions from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in the lead and Sub-Nos. 8, 10, 11, 16, 18, 20, 25, 30, 31, 40, 50, 51, 56, 83, 94, 97, 98, 105, 114, 124, and 143; (b) meats, meat products, and meat by-products to "food and related products" in Sub-No. 12; (c) brick, clay products, and refractory products to "clay, concrete, glass, or stone products" in Sub-No. 22; (d) supplies used in construction work, roofing, plasterboard, and wallboard to "building materials" in Sub-No. 28; (2) authorize service to all intermediate points along described regular routes in the lead and Sub-Nos. 8, 11, 12, 16, 18, 30, 40, 50, 83, and 94; (3) delete facilities restrictions in the lead and sub-Nos. 8, 11, 12, 17, 18, 20, 27, 30, 31, 40, 50, and 114; (4) eliminate the restrictions limiting transportation to traffic having a prior or subsequent movement by rail, or in rail TOFC service on foreign/freight forwarders bills of lading in Sub-Nos. 97 and 98; (5) remove the exceptions of service to AK and HI in Sub-No. 105; (6) eliminate the "originating at or destined to" restrictions in Sub-Nos. 17, 20, 27, 31, 50, 83; (7) broaden city-wide authority to county wide authority: Wayne, Fayette and Marion Counties for Cambridge City, Connersville, and those points within five miles of Indianapolis, IN; Wayne County, MI for those points within five miles of Detroit, in the lead; Romulus Township, with Wayne County, MI, in Sub-No. 8; Momence, IL, with Kankakee County, IL in Sub-No. 12; Van Buren Township with Wayne County, MI, in Sub-No. 18; Toledo, OH, with Lucas County, OH, in Sub-No. 19; Burns Harbor with Porter County, IN, in Sub-No. 20; Detroit, Encorse, River Rouge, and Dearborn, MI, with Wayne County, MI, in Sub-No. 21; Mansfield, Franklin Village, and Detroit, MI, with Richland and Wayne Counties, MI; Charleston, WV, with Kanawha County, WV; Fallston, Kittanning and Bigler, PA, with Beaver, Armstrong, and Adams Counties, PA; Kankakee and St. Anne, IL, with Kankakee County, IL; Summerville, Lewis Run, Eastvale, Darlington and Bessemer, PA, with Jefferson, McKean, Beaver and Lawrence Counties, PA; Fairdale, KY, with Jefferson County, KY; Chicago, and Granite City, IL, with Cook and Madison Counties, IL; Franklin, MI, with Oakland County, MI, in Sub-No. 22; Toledo, OH, with Lucas County, OH in Sub-No. 25; Detroit, Port Huron, Romulus and Monroe, MI, with Wayne, Monroe, and St. Clair Counties, MI, in Sub-No. 28; Sterling Township with Macomb County, MI, in Sub-No. 30; Winchester, KY, with Clark County, KY, in Sub-No. 31; Romeo, MI, with Macomb County, MI, in Sub-No. 40; Lemont, Pekin, Lowell, Grayslake, Sheridan, Wedron, Triumph, and Utica, IL with St. Clair, Tazewell, and La Salle Counties, IL; Dayton and Wilson, IL, with La Salle and Livingston Counties, IL; Robertson, MO, with St. Louis County, MO; Burnside, La Crosse, and Ferris, IL, with Hancock County, IL; Fox Point, Greendale, West Milwaukee, Shorewood, Wauwatosa, West Allis and Whitefish Bay, WI, with Milwaukee County, WI; Lake Bluff, Lake Forest, Highwood, Highland Park, Glencor, Winnetka, Kenilworth, Wilmette and Evanston, IL, with Lake and Cook Counties, IL; Franksville, WI, with Racine County, WI; Whiting, Indiana

Harbor, East Chicago, and Hammond, IN, with Lake County, IN; North Aurora, Mooschart and Batavia, IL with Kane County, IL; Naperville, Lisle, Downers Grove, Westmont, Hinsdale, Western Spring, La Grange, Warrenville, West Chicago, Wheaton, Glen Ellyn, and Lombard, with Cook and Du Page Counties, IL; Peoria, IL, with Peoria County, IL; Rookfield and Jackson, WI, with Washington County, WI, in Sub-No. 50; Toledo, OH, with Lucas County, OH, in Sub-No. 51; Niles, OH, with Trumbull County, OH in Sub-No. 56; Edgerton, WI, with Rock County, WI, in Sub-No. 83; Franklin, IN, with Johnson County, IN, in Sub-No. 94; Chicago, IL, with Cook County, IL, in Sub-No. 97; Hartford City, IN, with Blackford County, IN, and Cincinnati, OH, with Hamilton County, OH, in Sub-No. 98; Keokuk, IA, with Lee County, IA, in Sub-No. 105; Chicago, IL, with Cook County, IL, and Cincinnati, OH, with Hamilton County, OH, in Sub-No. 114; Chicago, IL, with Cook County, IL, in Sub-No. 124; (8) authorize service at ports of entry on the US-Canada Boundary line in MI, in place of ports of entry on the Boundary line at Sault Saint-Marie, MI, in Sub-No. 22; (a) delete commodity restrictions such as "except in bulk" and the carriage of specified commodities in Sub-No. 22, 27, 28, 50; (10) remove the restriction against service to Chicago for traffic other than that moving from or to Chicago in Sub-No. 50, sheet No. 16; (11) authorize radial authority in lieu of existing one-way authority between numerous combinations of States throughout the U.S. in Sub-Nos. 17, 19, 22, and 25.

MC 61979 (Sub-14)X, filed May 20, 1981. Applicant: Y & T TRUCKING, INC., 48 Pollock Avenue, Jersey City, NJ 07305. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 9, 12 and 13 permits to (a) broaden the commodity descriptions from silicate of soda to "chemicals and related products and clay, concrete, glass and stone products"; from materials, supplies and equipment used in the manufacture of silicate of soda to "materials, supplies and equipment used in manufacture and distribution of chemicals and related products and clay, stone, glass and concrete products"; and from empty silicate of soda containers to "containers", in its lead; from chemicals to "chemicals and related products" in Sub-Nos. 12 and 13; (b) eliminate the restriction in containers, in bulk, in bulk in tank trucks or tank vehicles, in its lead and Sub-Nos. 9, 12 and 13; and (c) change territorial scope to between points in the U.S. under continuing contract(s) with unnamed shippers in the lead and named shippers in Sub-No. 9, 12 and 13.

MC 69492 (Sub-78)X, filed May 11, 1981. Applicant: HENRY EDWARDS TRUCKING COMPANY, INC., P.O. Box 97, Clinton, KY 42031. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Applicant seeks to (A) remove restrictions in its lead and Sub-Nos. 15, 16, 18, 19, 20, 23, 25, 26, 31, 33, 34, 36, 38, 41, 43, 44, 46, 48, 50, 51, 54, 56, 57, 58, 60, 62, 63, 67F, 72F and 74F certificates to (1) broaden the commodity description in its regular-route authority to remove all restrictions in its general commodity authority except "classes A and B explosives" in its lead and Sub-Nos. 16, 26, 33, and 50 certificates; (2) authorize service in connection with its regular route operations at all intermediate points in (a) lead certificate between Clinton, KY and St. Louis, MO; between Evansville, IN and Clinton, KY, (b) Sub-No. 19 between Belleville, IL and Jackson, TN; between Union City, TN and Jackson, TN, (c) Sub-No. 50 between Memphis, TN and Clinton, KY; (3) change one-way to radial authority in (a) lead certificate between Clinton, KY and Evansville, IN, (b) Sub-No. 19 between Belleville, IL and Jackson, TN; (4) broaden the commodity description from malt beverages in Sub-No. 19 to "food and related products"; (5) remove the restrictions limiting transportation to traffic delivered to, or received from, connecting carriers and against transportation of traffic originating at, destined to or interchanged at Mayfield, KY, Memphis, TN and St. Louis, MO or points within their commercial zones in Sub-No. 16; (6) in Sub-No. 50 remove originating at, destined to or interlined restrictions between Memphis, TN, on the one hand, and, on the other, Union City, TN, Paducah, KY and St. Louis, MO-East St. Louis, IL and points in their commercial zones; and remove the restriction against service to that part of the commercial zone of Memphis, TN which lies outside of Tennessee, (7) change one-way authority to radial authority in lead certificate and Sub-No. 19; applicant seeks (B) to remove restrictions in its irregular route authority by (1) broadening its commodity descriptions from (a) malt beverages in lead certificate and Sub-Nos. 15, 19, 43, 44, 48, 51, 54, 57, 58, 60, 62 and 74F to "food and related products", (b) malt beverages and related advertising materials in Sub-Nos. 20, 25, 31, 38 and 72F to "food and related products", (c) empty malt beverage containers in its lead certificate and Sub-No. 15 to "metal, clay, concrete, glass or stone products", (b) animal and poultry feed in its lead certificate to "such commodities as are dealt in or used by farms", (e) animal fats in bulk, in tank vehicles in its lead certificate to "commodities in bulk", (f) fruits and vegetables in its lead certificate to "farm products", (g) new furniture in lead certificate to "furniture and fixtures", (h) livestock in its lead certificate to "farm products", (i) animal feed, poultry feed, feed ingredients and insecticides in Sub-No. 18 to "such commodities as are dealt in or used by farms", (j) feed, feed ingredients, and insecticides in Sub-Nos. 23 and 48 to "such commodites as are dealt in or used by farms", (k) paper and paper products in Sub-No. 34 to "pulp, paper and related products", (l) aluminum extrusions in Sub-No. 36 to "metal products", (m) feed and feed ingredients in Sub-No. 38 to "such commodities as are dealt by farms", (n) lime, in bulk, in dump vehicles in Sub-Nos. 41 and 44 to "such commodities as are dealt in or used by farms", (o) wheat products, bran and shorts in bags in Sub-No. 43 to "such commodities as are dealt in or used by farms"; and lime, in bulk, in dump vehicles to "such commodities as are dealt in or used by farms", (p) fertilizer (except in tank vehicles) in Sub-No. 46 to "such commodities as are dealt in or used by farms", (q) rubber, rubber products and such other commodities as are manufactured or dealt in by rubber manufacturers in Sub-No. 56 to "rubber and plastic products and such other commodities as are manufactured or dealt in by rubber manufacturers", (r) general commodities with exceptions, to "general commodities (except Classes A and B explosives)", (s) scrap paper and scrap cardboard in Sub-No. 72F, to "pulp, paper and related products"; (2) change the territorial description to permit radial authority in all parts of its lead certificate and Sub-Nos. 15, 20, 23, 25, 31, 34, 36, 38, 41, 43, 44, 46, 48, 51, 54, 56, 57, 58, 60, 62, 67F and 74F; (3) broaden facilities or city-wide authority to county-wide authority in (a) lead certificate from Hornbeck, TN, to Obion County, TN; from points within three miles of Pryorsburg to Graves County, KY; from Logansport to Cass County, IN; from Humboldt and Dyersburg to Gibson, Crockett and Dyer Counties, TN; (6) Sub-No. 15 from Jackson and Union City to Madison and Obion Counties, TN, (c) Sub-No. 18 from Tiptonville and Ridgley, TN to Lake County, TN, from Murray, Lynn Grove and Clinton to Calloway and Hickman Counties, KY, (d) Sub-No. 20 from Woodland Mills to Obion County, TN,

(e) Sub-No. 23 from Vandalia, IL and Clinton, KY to Fayette County, IL and Hickman County, KY, (f) Sub-No. 25 from Union City, TN and Dresden, TN to Obion and Weakley Counties, TN, (g) Sub-No. 26 from Arlington and Clinton to Carlisle and Hickman Counties, KY, (h) from Clinton, KY and Union City, TN to Hickman County, KY and Union County, TN; and from Dyersburg to Dyer County, TN, (i) Sub-No. 34 from facilities at Wickliffe to Ballard County, KY, (j) Sub-No. 36 from Union City, TN and Pinckneyville, IL to Obion County, TN and Perry County, IL, (k) Sub-No. 38 from Jackson to Madison County, TN; and from Clinton, KY and Decatur, IL to Hickman County, KY and Macon County, IL, (l) Sub-No. 41 from Jonesboro, IL and Clinton and Cayce, KY to Union County, IL and Hickman and Fulton Counties, KY, (m) Sub-No. 43 from Dyersburg, Dresden and Jackson to Dyer, Weakley and Madison Counties, TN; from Woodland Mills to Obion County, TN; from Fort Wayne to Allen County, IN; from Martin to Weakley County, TN; from Teutopolis to Effingham County, IL; from Clinton to Hickman County, KY; and from Jonesboro to Union County, IL, (n) Sub-No. 44 from Dresden, Dyersburg and Jackson to Weakley, Dyer and Madison Counties, TN; and from Martin to Weakley County, TN; and from Jonesboro to Union County, IL, (o) Sub-No. 46 from Humboldt to Gibson County, TN, (p) Sub-No. 48 from Blytheville and Helena to Mississippi and Phillips Counties, AR; and from Fancy Farm and Folsomdale, to Graves County, KY, (q) Sub-No. 51 from Jackson, Dresden and Dyersburg to Madison, Weakley and Dyer Counties, TN; and remove the restriction limiting transportation to traffic originating at facilities at San Antonio, TX, (r) Sub-No. 54 from Jackson to Cape Girardeau County, MO; and from Martin to Weakley County, TN; and from Hopkinsville and Paducah to Christian and McCracken Counties, KY, (s) Sub-No. 56 from facilities at Mayfield to Graves County, KY; and from facilities at Union City, TN to Obion County, TN, (t) Sub-No. 57 from Woodland Mills, TN and Marston, MO to Obion County, TN and New Madrid County, MO, (u) Sub-No. 60 from LaCrosse, WI and Flat River, MO to LaCrosse County, WI and St. Francois County, MO, (v) Sub-No. 62 from Ft. Wayne, IN, Paducah, KY and Cairo, IL to Allen County, IN, McCracken County, KY and Pulaski County, IL, (w) Sub-No. 63F from Hickman to Fulton County, KY, (x) Sub-No. 67 from facilities at or near Mayfield to Graves County, KY; and from Waco to McLennon County, TX, (y) Sub-No. 72F from Hopkinsville and Paducah to Christian and McCracken Counties, KY; from Paris and Woodland Mills to Henry and Obion Counties, TN; and from Eden to Rockingham County, NC, (z) Sub-No. 74F from Cairo and Metropolis to Alexander and Massac Counties, IL; (4) remove restrictions in Sub-No. 48 against transportation of dry phosphatic animal and poultry feed ingredients and blends thereof originating at the facilities at or near Memphis, TN; (5) remove the restriction in Sub-No. 63F limiting transportation to traffic having a prior or subsequent movement by water; (6) remove the restriction in Sub-No. 18 against the movement of (a) traffic between St. Louis, MO, and points within the St. Louis, MO-East St. Louis, IL, Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Memphis, TN, and points in the commercial zone thereof, and (b) traffic received from, or delivered to, connecting carriers at St. Louis and Memphis, or at points within the commercial zones of those cities; from its authority between 6 TN and KY cities; (7) remove the restriction (a) in Sub-No. 50 against service to that part of the commercial zone of Memphis which lies outside of Tennessee, and against the handling of traffic which originates at, is destined to, or is interlined at Memphis, and points in its commercial zone, on one hand, and, on the other, that which originates at, is destined to, or is interlined at Union City, TN, and Paducah, KY, and points in their respective commercial zones, as defined by the Commission, and St. Louis, MO, and points in the St. Louis, MO-East St. Louis, IL, commercial zone, as defined by the Commission; and (b) in Sub-No. 51 limiting transportation to traffic originating at the named facilities; and (8) remove the exclusion of that portion of the Memphis, TN Commercial Zone in MS and AR from authority to serve Memphis in Sub-No. 26.

MC 99888 (Sub-8)X, filed May 20, 1981. Applicant: MAYFIELD TRANSFER CO., INC., 3200 West Lake St., Melrose Park, IL 60160. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1, 2, 3, 4, 5, and 7F certificates to (1) broaden its commodity descriptions: in Sub-No. 1, to "food and related products, and advertising and display material incidental and pertaining to the sale and distribution thereof", from candy, gum, confectionery products, and advertising and display material incidental and pertaining to the sale and distribution thereof; and in Sub-Nos. 2, 3, 4, 5, and 7F, to "general commodities (except classes A and B explosives)", from general commodities (with exceptions); and (2) remove the restrictions against the transportation of candy, gum, confectionery products, and related advertising material between portions of IL from its general commodity authority in Sub-No. 3.

MC 106920 (Sub-134)X, filed May 19, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 106F certificate to (1) broaden the commodity description in part (1) to "chemcials and related products, rubber and plastic products, metal products, coal and coal products, petroleum, natural gas and their products and food and related products" from chemicals, cleaners, scouring compounds, lubricants and foodstuffs; and (2) replace New Bremen, OH, with authority to serve Auglaize County.

MC 109019 (Sub-1)X, filed May 18, 1981. Applicant: MATHEW ANDRUK, d.b.a. MATTY'S TRUCKING, 24–19 81st Street, Jackson Heights, NY 11372. Representative: Jack L. Schiller, 502 Flatbush Avenue, Brooklyn, NY 11225. Applicant seeks to remove restrictions in its lead permit to (1) broaden its commodity description from lumber, sheet-rock, panels, celotex, shingles, sashes, doors, trim, door and window frames and moulding, to "building materials"; and (2) broaden its territorial description to between points in the U.S., under continuing contract(s) with unnamed shippers.

MC 114045 (Sub-582)X, filed May 26, 1981. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Arnold L. Burke, 180 North La Salle Street, Suite 3520, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-Nos. 479, 486, 503F, 511F, 534F, 561F, 566F, 572F, and 122 certificates to (1) broaden the commodity descriptions from (a) paper and paper products to "pulp, paper, and related products" in Sub-No. 479; (b) chemicals, drugs, medicines, toilet preparations, acids, and solvents, to "chemicals and related products" in Sub-Nos. 486, 511, and 534; (c) foodstuffs, alcoholic liquors to "food and related products" in Sub-Nos. 122, 503, and 561; (d) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 572; (2) delete

an "except in bulk" and vehicle restrictions in Sub-Nos. 122, 479, 486, 503, 511, 534; (3) delete plantsite restrictions in Sub-Nos. 122, and 486; (4) remove "originating at or destined to" restrictions in Sub-Nos. 122, 486, and 503; (5) broaden cities to counties: New Albany, IN, with Delaware County, IN, in Sub-No. 122; Corinth to Saratoga County, NY in Sub-No. 479; Plainfield, to Will County, IL, in Sub-No. 561; (6) eliminate the exception of service to AK and HI in Sub-No. 572; and (7) authorize radial service in lieu of one-way authority between the counties named above and points throughout the U.S. in Sub-Nos. 122, 486, 503, 511, 534, 566, and 572.

MC 124170 (Sub-168)X, filed May 29, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks in its Sub 104F certificate to (A) broaden the commodity descriptions to "food and related products" from (1) bananas and (2) agricultural commodities otherwise exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle with bananas and (B) expand one way authority to radial authority between New York, NY, and Philadelphia, PA, on the one hand, and, on the other, points in IL, IN, KY, OH, and PA.

MC 125168 (Sub-29)X, filed May 18, 1981. Applicant: OIL TANK LINES, INC., Box 190, Darby, PA 19023. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions in its Sub-Nos. 2, 9, 16, 19, 20, 21, 22 and 28 permits to (1) broaden the commodity description from lubricating oil in its Sub-No. 2, petroleum products in its Sub-No. 9, petroleum oils and petroleum oil additives in its Sub-No. 16, petroleum oils, petroleum wax, and petroleum oils and wax in its Sub-No. 19, petroleum and petroleum products (except petro-chemicals) in its Sub-No. 20, petroleum oils in its Sub-No. 21, petroleum products in its Sub-No. 22, and petroleum products (except petro-chemicals), and petroleum products (except petro-chemicals and petroleum wax) in its Sub-No. 28 to "petroleum, natural gas and their products" (2) remove in bulk, in tank vehicle restrictions wherever they appear; and (3) to broaden its territorial description in its Sub-Nos. 2, 9, 16, 19, 20, 21, 22 and 28 permits to between points in the United States, under continuing contract(s) with a named shipper.

MC 136146 (Sub-3)X, filed May 11, 1981. Applicant: EMPIRE WAREHOUSE, INC., 3141 South Platte River Drive, Englewood, CO 80110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden its commodity description from foodstuffs to "food and related products" and (2) remove the exception of fresh and frozen meat and meat products.

MC 139006 (Sub-29)X, filed May 20, 1981. Applicant: RAPIER SMITH, Rural Route 5, Loretto Road, Bardstown, KY. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 3F, 4F, 8F, 11F, 12, 14F, 15F, 16F, 17F, 18F, 19, 20F, 21F, 22F, and 23F certificates to (1) broaden the commodity description: in the lead and Sub-Nos. 22F and 23F, to "general commodities (except classes A and B explosives)", from general commodities (with exceptions); in Sub-Nos. 1, 8F, and 11F, to "lumber and wood products," from whiskey barrels, used or returned shipments of whiskey barrels, wooden barrels, and wooden barrels, set up; in Sub-Nos. 4F and 21F, to "food and related products", from malt beverages and malt beverages, in containers; in Sub-Nos. 12, 14F, 15F, 17F, 18F, and 20F, to "food and related products, and materials, equipment and supplies used in the manufacture or distribution thereof", from alcoholic beverages, and such commodities as are dealt in or used by manufacturers or distributors of alcoholic beverages, liquors and wines (with exceptions); in Sub-No. 16F, to "containers", from glass containers; in Sub-No. 19 part (1)(a), to "furniture and fixtures", from furniture parts, and in part (1)(b) to "primary metal products", from iron and steel articles; and in Sub-No. 3F, remove the in bulk exceptions; (2) replace cities and facilities with county-wide authority: in Sub-No. 1, Lynchburg, TN, with Moore County, TN; in Sub-Nos. 3F and 4F, Bardstown, KY, with Nelson County, KY; in Sub-No. 8F, Overpeck, OH, and Tullahoma, TN, with Butler County, OH, and Coffee County, TN; in Sub-No. 15F, Bardstown, KY, and Plainfield, IL, with Nelson County, KY, and Will County, IL; in Sub-No. 16F, Lincoln, IL, with Logan County, IL; in Sub-No. 17F, Loretto, KY, with Marion County, KY; in Sub-No. 20F, Bardstown, Frankfort, and Loretto, KY, Schenley, PA, and Tullahoma, TN, with Nelson, Franklin, and Marion Counties, KY, Armstrong County, PA, and Coffee County, TN; and in Sub-No. 21F, facilities at or near Detroit, MI and Perrysburg, OH, with Detroit, MI and Wood and Lucas Counties, OH; (3) change its one-way to radial authority between several specified cities, counties, and States in the U.S., in Sub-Nos. 1, 3F, 4F, 8F, 11F, 16F, 17F, 18F, 20F, and 21F; and (4) eliminate: in the lead, the restriction limiting service at Bardstown to the transportation of shipments received from or delivered to connecting carriers; in Sub-No. 1, the restrictions against service in Buffalo, NY, Akron, Cincinnati, Cleveland, Columbus, and Dayton, OH, Erie, PA, and Benton Harbor and Fennville, MI; in Sub-No. 3F, the originating at or destined to restriction; in Sub-No. 12, the restriction against the transportation of traffic from Peoria, IL, and Scobeyville, NJ, to points in MN and those in WI on and north of U.S. Hwy. 151; and in Sub-Nos. 19 and 22F, the AK and HI exceptions.

MC 139906 (Sub-161)X, filed May 18, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions from its certificate to: (1) replace facilities limitations at Baytown (Eldon), Borger, and Marble Falls, with Harris, Hutchinson, and Burnett Counties, TX; Havre De Grace, with Harford County, MD; Compton with Los Angeles County, CA; Edison with Middlesex County, NJ; Etowah with McMinn County, TN; Fort Dodge with Webster County, IA; Graniteville and Langley with Aiken County, SC; Hubert and Wrens with Twiggs and Jefferson Counties, GA; McCook and Quincy with Cook and Adams Counties, IL; Carthage with Jasper County, MO; and Westwood with Norfolk County, MA; (2) remove all exceptions except classes A and B explosives from its general commodities authority; and (3) remove the "AK and HI" exceptions.

MC 143591 (Sub-4)X, filed May 19, 1981. Applicant: FLOYD WILD, INC., P.O. Box 91, Marshall, MN 56258. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden the commodity description from agricultural chemicals (except sulphur limestone, and commodities in bulk, in tank vehicles), to "chemicals and related products" in its radial authority between a named MN county and points in IA and SD.

MC 144598 (Sub-4)X, filed May 18, 1981. Applicant: C & J TRANSPORT, INC., P.O. Box 42, North Vassalboro, ME

04962. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 3F certificates to (1) change the commodity descriptions (a) in Sub-No. 1F, from foodstuffs to "food and related products"; and (b) in Sub-No. 3F, from such merchandise as is dealt in by grocery stores and discount houses to "such commodities as are dealt in and distributed by wholesale, retail and chain grocery stores and food business houses and discount houses"; (2) delete restrictions on commodities, such as "except in bulk and tank and hopper-type containers"; (3) remove the "originating at and destined to" restriction in Sub-No. 1F; (4) in Sub-No. 1F, change Winterport, ME to Waldo County, ME; and (5) authorize radial service between specified points in several eastern States.

MC 147896 (Sub-7)X, filed May 18, 1981. Applicant: WESTERN SONTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: David B. Rosenmen, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, 3F, and 5F permits to (1) broaden the commodity description from floor covering products to "floor covering and related products" in Sub-No. 1F; from candles, candles in glass, candle sets and candle holders to "candles and related products" in Sub-No. 2F; and from Solvents and chemicals (except commodities in bulk) to "chemicals and related products" in Sub-No. 3F; and (2) broaden the territory description in all the above Sub-Nos. to between points in the U.S. under continuing contract(s) with named shippers.

MC 147909 (Sub-1)X, filed May 18, 1981. Applicant: CENTURY LINES, INC. 3725 Lakeside Ave., Cleveland, OH 44114. Representative: Lewis S. Witherspoon, 88 E. Broad St. Columbus, OH 43215. Applicant seeks to remove restrictions in its lead certificate to (1) remove all exceptions from its general commodities authority except "classes A and B explosives" (2) remove the restrictions limiting transportion to traffic in intermodal containers or in trailers, and (3) remove the restrictions to movement of traffic having a prior or subsequent movement by water or rail.

MC 149472 (Sub-5)X, filed May 26, 1981. Applicant: INTER-COASTAL, INC. 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: Alan Kahn, Barry d. Kleban, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions in its permits Nos. MC-139078 and MC-139078 (Sub-No. 8) and permit Nos. MC-145763 (Sub-Nos. 1F and 4F) to (1) broaden the commodity description from empty containers and plastic containers to "metal products and rubber and plastic products," in its lead and Sub-No. 1; from foodstuffs and food curing and preserving compounds (except in bulk, in vehicles requiring mechanical refrigeration) to "food and related products," in its Sub-No. 4; and (2) to broaden its territorial description in its lead, Sub-Nos. 1 and 4, to between points in the United States, under continuing contract(s) with named shippers.

MC 150496 (Sub-16)X, filed May 18, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver, P.O. box 188, Tontitown, AR 72770. Applicant seeks to remove restrictions in its sub-No. 3 certificate to (1) replace one-way authority with radial authority between AR, MS, MO, and OK, and points in the U.S., and (2) remove the exception of AK and HI.

MC 152337 (Sub-4)X, filed May 11, 1981. Applicant: CENTRAL STATES TRUCKING CO., 1311 South First Avenue, Maywood, IL 60153. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (a) remove the exceptions from its general commodity authority except classes A and B explosives; and (b) delete the restriction to traffic having a prior or subsequent movement by rail.

[FR Doc. 81-16008 Filed 6-5-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Laramie County Liquor Dealers Association; Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Sections 16(b)-(h), that a proposed Final Judgment and a Competitive Impact Statement have been filed with the United States District Court for the District of Wyoming in *United States* v. *Laramie County Liquor Dealers Association*, Civil No. C80-0239.

The complaint in this case alleged that the Association conspired to fix, raise, maintain, and stabilize prices of beer, wine and liquor sold to customers of Association members in violation of Section 1 of the Sherman Act.

The proposed Final Judgment prohibits the Association from fixing or establishing prices; from preparing or distributing price lists; from contacting any person who sells beer, wine or liquor because of the prices charged by that person; and from attempting to enforce any price or price list.

The proposed Final Judgment requires the Association to distribute copies of the Judgment to its members, present and future, and to all other retail liquor dealers to whom it provided price lists. It also requires the Association to hold a meeting in 1981 at which the Final Judgment is to be explained by an attorney to the retail liquor dealers of Laramie County. The proposed Final Judgment further requires the Association to direct its members to independently recompute their current prices.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Anthony E. Desmond, Chief, San Francisco Field Office, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102.

Joseph H. Widmar,
Director of Operations.

United States District Court—District of Wyoming

United States of America, plaintiff, v. Laramie County Liquor Dealers Association, an unincorporated association, defendant. Civil No. C80-0239.

Filed: May 29, 1981.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16], and without further notice to any party or any other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff or defendant in this or any other proceeding.

Dated:

For the Plaintiff, United States of America: William F. Baxter, *Assistant Attorney General;* Joseph H. Widmar, Anthony E. Desmond, *Attorneys, Department of Justice;* /s/ Tosh Suyematsu, *United States Attorney;* Gary R. Spratling, Christopher S. Crook, *Attorneys, Department of Justice.*

For the Defendant, Laramie County Liquor Dealers Association: Louis A. Mankus, *Attorney, Laramie County Liquor Dealers Assocation.*

United States District Court—District of Wyoming

United States of America, Plaintiff, v. Laramie County Liquor Dealers Association, an unincorporated association, Defendant. Civil No. C80–0239 Final Judgment.

Filed: May 29, 1981.

Plaintiff, United States of America, having filed its complaint herein on August 11, 1980 and the defendant, by its attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact of law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any isue of fact or law herein:

Now, therefore, without any adjudication of any issue of fact or law herein, and upon the consent of both parties hereto, it is hereby

Ordered, adjudged and decreed:

I.

This Court has jurisdiction of the subject matter herein and of the parties hereto. The Compliant states claims upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II.

As used in this Final Judgment:

(A) "Person" shall mean any individual, sole proprietorship, partnership, firm, association, corporation or other business entity;

(B) "Price list" means any list of retail prices charged or to be charged for liquor, or showing a range of retail prices to be charged or a method for charging retail liquor prices;

(C) "Liquor" means all alcoholic beverages for human consumption incuding wine, beer and spirits.

III.

The provisions of this Final Judgment are applicable to the defendant and also apply to each of defendant's officers, directors, agents, employees, successors and assigns, and members and to all other persons in active concert or participation with any of them, who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV.

Defendant is enjoined and restrained from:

(A) Fixing, establishing, maintaining or stabilizing any price for the sale of liquor;

(B) Advocating, suggesting, urging, advising, inducing or recommending that any person who sells liquor adhere to or otherwise base its liquor prices on any particular price list;

(C) Adopting, preparing, formulating, suggesting, publishing or distributing any price list;

(D) Adhering to, maintaining, or enforcing any price list or price to be charged for the sale of liquor;

(E) Making any individual contact, devising or putting into effect any procedure, or taking any action with reference to a person who sells liquor because of the prices charged for liquor by that person;

(F) Communicating to or exchanging with any person who sells liquor any information concerning actual or proposed prices for liquor, or price changes, discounts, delivery charges, or other terms and conditions of sale at which liquor is to be, or has been sold.

V.

(A) Defendant, Laramie County Liquor Dealers Association, shall direct its members, and all other persons to whom it or its members have distributed or provided price lists, at any time, to destroy all such price lists.

(B) Defendant, Laramie County Liquor Dealers Association, shall direct all of its members to independently and individually review and recompute their current prices and discounts for the sale of liquor based on current wholesale costs and market conditions, without reference to and without regard for any price lists distributed or provided at any time by said defendant or any other liquor dealer.

(C) Defendant's President, Robert L. McMurray, and its former Vice-President, Milton L. Nation, shall reduce to writing the result of their independent review and recomputation required by paragraph (B) of this Section, including a full explanation of the methodology employed by them, and shall mail or deliver the same to this Court, with a copy to plaintiff, within ninety (90) days after the entry of this Final Judgment, to be filed by the Clerk of the Court under seal, unavailable to the public except upon order of this Court.

(D) Defendant, Laramie County Liquor Dealers Association,

(1) shall within sixty (60) days after the date of entry of this Final Judgment, send a copy of this Final Judgment together with a letter identical in text to that attached to this Final Judgment as Appendix A, to each licensed liquor dealer in Laramie County, Wyoming;

(2) shall serve a copy of this Final Judgment together with a letter identical in text to that attached to this Final Judgment as Appendix A, upon all of its future members as they become members; and

(3) shall file with this Court and serve upon the plaintiff within ninety (90) days after the date of entry of this Final Judgment an affidavit as to the fact and manner of compliance with subsections (A), (B), and (D)(1) of this Section V.

(E) Defendant, Laramie County Liquor Dealers Association, shall conduct at least one meeting during 1981 to which it invites all of its members and all other licensed liquor dealers in Laramie County, during which meeting an attorney retained by defendant will explain this Final Judgment to the persons present and will also explain the applicability of federal and state (Wyoming) antitrust laws to the sale and distribution of liquor in Wyoming. Reasonable notice of the above-described meeting will be provided to plaintiff, who through its attorneys may attend the meeting to insure compliance with this provision.

VI.

Jurisdiction is retained by this Court for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

VII.

This Final Judgment shall be in full force and effect for a period of ten (10) years following entry of this decree.

VIII.

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge

Appendix A

Dear Sir: This letter and the enclosed Final Judgment are being sent to you as part of the settlement of a lawsuit brought by the United States against the Laramie County Liquor Dealers Association (*United States* v. *Laramie County Liquor Dealers Association.* Civil No. C80–0239). You should read the Final Judgment carefully and note that you, as an individual, under certain circumstances are bound by its provisions. The purpose of this letter is to help explain the provisions in the Final Judgment.

The essence and intent of the Final Judgment is that the Laramie County Liquor Dealers Association may not in any way prepare, publish, adopt, distribute, suggest, recommend, advocate or enforce any form of price list. The principal purpose of the Judgment is to prohibit the Association and its members from engaging in any joint activity concerning the prices to be charged for liquor, which includes beer, wine and spirits. Under the law and this Judgment, you or your retail liquor store must set your own prices for liquor (beer, wine and spirits) independently without consultation or agreement with the Association or any of its officers or members, or any other retail liquor dealer. You should review your current prices and discounts and recompute them without regard to any price lists prepared, suggested, or recommended by the Association or its officers or members and without consultation with any other retail liquor dealer.

If you have any price lists prepared, suggested, or recommended by the Association or its officers or members, you must destroy all such price lists.

United States District Court—District of Wyoming

United States of America, plaintiff v. Laramie County Liquor Dealers Association, an unincorporated association, defendant. Civil No. C80–0239.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. 16(b)], the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I.

Nature of the Proceeding

On August 11, 1980, the United States filed a civil Complaint under Section 4 of the Sherman Act (15 U.S.C. 4), alleging that defendant, Laramie County Liquor Dealers Association (defendant Association), and unnamed co-conspirators, had engaged in a combination and conspiracy to fix, raise, maintain, and stabilize the prices of beer, wine, and liquor sold to customers of Association members. The Complaint asks the Court to find that the defendant has violated Section 1 of the Sherman Act (15 U.S.C. 1) and further requests the Court to enjoin the continuance of the conspiracy.

II.

Practices Giving Rise to the Alleged Violation

Defendant is an unincorporated association whose members are retail liquor dealers located in Laramie County, Wyoming. The Government contends and was prepared to show at trial that beginning at least as early as 1968 and continuing to the date of the filing of the Complaint (August 11, 1980) that defendant prepared, published and distributed suggested retail price lists for beer, wine and liquor. These price lists were distributed both to members of the defendant and to other retail liquor dealers in Laramie County. The price lists were prepared at defendant's expense, with dues collected from defendant's members, and were usually revised and distributed several times each year. The Government was further prepared to show at trial that the price lists were used by retail liquor dealers who were members of the defendant Association to establish their prices and that defendant prepared and published the price lists with the intent and knowledge that the price lists would be used by its members and other retail liquor dealers in establishing their prices for beer, wine and liquor sold in Laramie County.

According to the Complaint, the practices described above have had the following effects: (a) price competition in the sale of beer, wine and liquor in Laramie County has been restrained; (b) prices for beer, wine and liquor sold to customers of defendant Association's members and co-conspirators have been artificially fixed, raised, maintained and stabilized; (c) customers of defendant Association's members and co-conspirators have been deprived of the opportunity to purchase beer, wine and liquor in an open and competitive market; and (d) competition between and among defendant Association's members and co-conspirators in the sale of beer, wine and liquor has been restrained.

III.

Explanation of the Proposed Consent Judgment

The United States and defendant Laramie County Liquor Dealers Association have agreed that the proposed Final Judgment, which is in a form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed Final Judgment provides that there has been no admission by anyone with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of this Final Judgment by the Court is conditioned upon a determination that the proposed judgment is in the public interest.

The proposed Final Judgment will prohibit the Laramie County Liquor Dealers Association from fixing or establishing prices and from suggesting, urging, inducing or recommending that any person who sells beer, wine or liquor, adhere to or otherwise base its prices on any price list (Sections IV(A) and (B)). The defendant Association will be prohibited from preparing, publishing, or distributing any price lists for beer, wine or liquor (Section IV(C)). The defendant Association is also prohibited from contacting persons who sell beer, wine or liquor with reference to the prices charged by that person and from attempting to enforce any price or price list (Sections IV(D) and (E)). The defendant Association is further prohibited from communicating or exchanging with any person who sells liquor information about prices or proposed prices (Section IV(F)).

In order to help put into effect the provisions of Section IV of the proposed Final Judgment, defendant Association is required to direct its members and other persons to whom it distributed price lists (1) to destroy all such price lists (Section V(A)), and (2) to independently and individually review and recompute their current prices without reference to defendant's or anyone else's price list (Section V(B)). The proposed Final Judgment also requires that defendant's President and former Vice President submit the results of their individual recomputations to the Court (Section V(C)). The defendant Association is further required to provide the Final Judgment to each licensed liquor dealer in Laramie County, as well as to all future members of defendant Association, and to have the Final Judgment explained to its members by an attorney at an Association meeting held in 1981 (Sections V(D) and (E)).

The proposed Judgment is designed to prevent any recurrence of the activities alleged in the Complaint. The provisions in the proposed judgment are intended to ensure that future retail beer, wine and liquor prices in Laramie County are determined by the individual decision of each retail liquor dealer without consultation with defendant Association or any other retail liquor dealer. The provisions of the Final Judgment will be in effect for a period of ten years.

IV.

Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment would be a full trial of the case. In the view of the Department of Justice, such a trial would involve substantial costs to the United States and is not warranted since the proposed Final Judgment provides the relief that the United Staters sought in its Complaint.

V.

Remedies Available to Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney fees. Under the provisions of Section 5(a) (15 U.S.C. 16(a)), this Final Judgment has no *prima facie* effect in the lawsuits which may be brought against the defendant.

VI.

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may submit written comments to Anthony E. Desmond, Department of Justice, Antitrust Division, 450 Golden Gate Avenue, San Franscisco, California 94102, within the 60-day period provided by the Act. The comments and the Government's responses to them will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of the judgment is necessary to the public interest. The proposed judgment itself provides that the Court will retain jurisdiction over this action, and that the parties may apply to the Court for such orders as may be necessary or appropriate for the modification or enforcement of the judgment.

VII.

Determinative Document

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)) were considered in formulating this proposed judgment.

Dated:

Gary R. Spratling,

Christopher S. Crook,

Attorneys, U.S. Department of Justice.

[FR Doc. 81-16913 Filed 6-5-81; 8:45 am]

BILLING CODE 4410-01-M

V 4 6 / 1 0 9 / J U N 8 1 UMI

Federal Bureau of Investigation

Advisory Policy Board of the National Crime Information Center; Meeting

The Advisory Policy Board of the National Crime Information Center (NCIC) will meet on June 17 and June 18, 1981, from 9:00 a.m. until 5:00 p.m. at the Red Lion Inn, 29th and Chinden Boulevard, Boise, Idaho.

The major topics to be discussed include:

(1) Status of implementation of the Interstate Identification Index Pilot Project.

(2) NCIC access by campus police agencies, railroad police agencies and regional communication centers.

(3) Reorganization of the NCIC Boat File.

(4) The presentation of proposals recommended by local and state users of the NCIC System and the quality of records within the System.

The meeting will be open to the public with approximately 45 seats available for seating on a first-come first-served basis. Any member of the public may file a written statement with the Advisory Policy Board before or after the meeting. Anyone wishing to address a session of the meeting should notify the Advisory Committee Management Officer, Mr. W. A. Bayse, FBI, at least twenty-four hours prior to the start of the session. The noification may be by mail, telegram, cable or hand-delivered note. It should contain the name, corporate designation, consumer affiliation or Government designation, along with a capsulized version of the statement and an outline of the material to be offered. A person will be allowed not more than 15 minutes to present a topic, except with the special approval of the Chairman of the Board.

Inquiries may be addressed to Mr. David F. Nomecek, Committee Management Liaison Officer, NCIC, Federal Bureau of Investigation, Washington, D.C. 20535, telephone number 202–324–2606.

Dated: May 31, 1981.

William H. Webster,

Director.

[FR Doc. 81–16885 Filed 6–5–81; 8:45 am]

BILLING CODE 4410–02–M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Independent Areas Task Force, Fisheries Subgroup;

Pursuant to section 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Fisheries Subgroup of the Independent Areas Task Force (IATF) of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet Wednesday and Thursday, June 17–18, 1981. The Subgroup will meet in Room 550, Page #2, 3300 Whitehaven St., NW. on June 17 and Room 418, Page #1, 2001 Wisconsin Ave., NW. on June 18.

The sessions, which will be open to the public, will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Wednesday, June 17 and will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Thursday, June 18. Discussions with non-Federal officials on fishery issues will be conducted at this meeting. The tentative agenda is as follows:

Wednesday, June 17

Room 550, Page 2

9:00 a.m.–9:30 a.m.—Opening Remarks–Jay Lanzillo
9:30 a.m.–10:30 a.m.—Briefing by James Crutchfield, University of Washington
10:30–12:00 noon—Briefing by John Mehos, Liberty Fish Co.
12:00 noon–1:00 p.m.—Lunch
1:00 p.m.–2:00 p.m.—Briefing by Douglas Gordon, National Food Processors
2:00 p.m.–3: p.m.—Briefing by Lucy Sloan, National Federation of Fishermen
3:00 p.m.–4: p.m.—Discussion of report

Thursday, June 18

Room 418, Page 1

9:00 a.m.–10:00 a.m.—Briefing by Gilbert Radonski, Sport Fish Institute
10:00 a.m.–11:00 a.m.—Briefing
11:00 a.m.–12:00 a.m.—Briefing by Spencer Apollonio, State of Maine
12:00 noon–1:00 p.m.—Lunch
1:00 p.m.–4:00p.m.—Discussion of report

NACOA has initiated a study to formulate national goals and objectives for the oceans in the decade of the 1980's and beyond. To support the conduct of this study, the Secretary of Commerce has established the IATF for NACOA. The IATF will be responsible for the preparation of preliminary recommendations in the areas of energy, fisheries, marine transportation, ocean minerals, ocean operations and services, and waste management and pollution.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Subgroup on Fisheries, Jay G. Lanzillo, in advance of the meeting. The Chairperson retains the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion, or Clarence P. Idyll, the Staff Member for the Fisheries Subgroup. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington, DC 20235.

Stephanie M. Jones,

Administrative Assistant.

[FR Doc. 81–16887 Filed 6–5–81; 8:45 am]

BILLING CODE 3510–12–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 81–53]

Performance Review Board; Senior Executive Service

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of amendment.

SUMMARY: In accordance with 5 U.S.C. (4314(c)4)), this Notice amends the initial NASA Notice 81–20, Performance Review Board; Senior Executive Service, 46 FR 12169, February 12, 1981, which was subsequently amended by NASA Notice 81–31, 46 FR 20337, April 3, 1981. This notice further amends the membership of the Performance Review Board; Senior Executive Service, by adding the appointment of John E. O'Brien (Term expires July 1982) to replace Gerald J. Mossinghoff (Term expires July 1982).

DATE: Effective June 4, 1981.

ADDRESS: Executive Personnel Management Program, NPD–32, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Philip D. Waller, telephone 202–755–8825.

A. M. Lovelace,

Acting Administrator.

[FR Doc. 81–16822 Filed 6–5–81; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Class-9 Accidents; Meeting

The ACRS Subcommittee on Class-9 Accidents will hold a meeting on June 24, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC to review the research budget associated with the Severe Accident Research Program. Notice of this meeting was published May 19.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or

written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Wednesday, June 24, 1981, 10:00 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant employee, Mr. David Bessette (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. Gary Quittschreiber.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 3, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-16872 Filed 6-5-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on June 23 and 24, 1981, at the Westbank Hotel, 475 River Parkway, Idaho Falls, ID. The Subcommittee will review the NRC Programs on Loss-of-Coolant-Accident (LOCA) and Transient Research, the LOFT Facility Research Program (Loss of Fluid Test) and will also discuss the NRC's FY 1983 Reactor Safety Research Program Budget. Notice of this meeting was published May 19.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The majority of the meeting will be open to public attendance. The Subcommittee will be considering some predecisional budget information associated with the NRC Safety Research Program Budget for FY 1983. In order to perform this review, the ACRS must be able to engage in frank discussion with members of the NRC Staff. Therefore it may be necessary to close portions of this meeting (Sunshine Act Exemption 9(B)). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Tuesday and Wednesday, June 23–24, 1981 8:00 a.m. until the conclusion of business each day.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect 1978 NRC Authorization Act to review the NRC Research Program and Budget and to report the results of the review to Congress. The authority for such closure is Exemption 9(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: June 3, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-16873 Filed 6-5-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Three Mile Island Unit 1; Meeting

The ACRS Subcommittee on Three Mile Island Unit 1 will hold a meeting on June 25 and 26, 1981 in Room 1046, 1717 H Street, N.W., Washington, D.C. to review the restart modifications required as a result of the TMI–2 accident. Notice of this meeting was published May 19.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Thursday and Friday, June 25 and 26, 1981, 8:30 a.m. until the conclusion of business each day.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Metropolitan Edison Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 3, 1981.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 81–16874 Filed 6–5–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–70]

General Electric Co., General Electric Test Reactor; Revised Notice of Availability of Applicant's Environmental Report and Notice of Intent To Publish an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, General Electric has filed an environmental report as part of their application for renewal of the operating license for General Electric Test Reactor located at the Vallecitos Nuclear Center near Pleasanton, California. The original request for renewal was submitted on October 21, 1975, and notice of Proposed Renewal of Facility License was published in the **Federal Register** on September 15, 1977 (42 FR 46427). The report, which discusses environmental considerations related to the continued operation of the facility, is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the report are also being made available at the Office of the Governor, Office of Planning and Research, 400 Tenth Street, Sacramento, CA 95814 and Association of Bay Area Governments, Hotel Claremont, Berkeley, CA 94705.

In order to determine the scope of the issues to be addressed in the EIS and to identify the significant issues related to the proposed license renewal, an open scoping meeting will be held in the Little Theatre at the Granada High School, 400 Wall Street, Livermore, CA 94550 at 9:30 a.m. on June 13, 1981.

After the environmental report has been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register** a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will issue a final environmental statement, the availability of which will be published in the **Federal Register**.

Any questions regarding the proposed license renewal or the environmental impact statement should be addressed to James R. Miller, Chief, Standardization and Special Projects Branch, Division of Licensing, Office of Nuclear Reactor Regulation, Washington, D.C. 20555, (301) 492–7014.

This Notice revises, in its entirety, the Notice issued May 22, 1981 and published in the **Federal Register** on May 29, 1981 (46 FR 29013).

Dated at Bethesda, Md, this 2d day of June 1981.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 81–16875 Filed 6–5–81; 8:45 am]

BILLING CODE 7590–01–M

Regional Licensing Program; Establishment

Effective July 1, 1981, the U. S. Nuclear Regulatory Commission will establish a regional licensing program in which selected parts of its materials licensing program will be conducted at its Region I Office in King of Prussia, Pennsylvania. Licenses in the following Region I Non-Agreement States, with the exception of federal facilities within these states, will be involved in the regional licensing program: Connecticut, Delaware, Maine, Massachusetts, New Jersey, Pennsylvania and Vermont.

The program will include (1) all licenses for medical uses of radioisotopes, except teletherapy sources and nuclear power pacemakers. (2) all academic licenses except irradiators, (3) all industrial licenses authorizing research and development and (4) licenses for industrial use of gauges (stationary and portable) and sources contained in gas chromatographs and x-ray fluorescence analyzers.

Effective July 1, 1981, all inquiries or applications for new licenses, amendments, or renewals should be sent to the following address: U.S. Nuclear Regulatory Commission, Region I Material Licensing Section, 631 Park Avenue, King of Prussia, Pennsylvania 19406.

For further information, please contact me at 301–427–4002.

Dated at Silver Spring, Maryland this 29th day of May 1981.

For the Nuclear Regulatory Commission.

Vandy L. Miller,

Chief, Material Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 81–16876 Filed 6–5–81; 8:45 am]

BILLING CODE 7590–01–M

Safety Goal; Extension of Period for Public Comment on Development

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of Period for Public Comment on Development of a Safety Goal.

The Nuclear Regulatory Commission hereby extends the period for public comment on development of a safety goal until June 25, 1981. Comments received after this date will be considered only to the extent practicable.

The NRC asked for public comment on documents and issues associated with the development of a safety goal and established an original deadline of May 26, 1981 for receipt of public comment (46 FR 18827, March 26, 1981). NRC had also expected to receive written and oral public comment in connection with four public meetings (46 FR 24336, April 30, 1981). These meetings were subsequently postponed. The postponement was announced in the **Federal Register** (46 FR 26721, May 14, 1981).

Because of the postponement of the public meetings and because of requests for an extension of the comment period

the NRC has decided to extend the period for written public comment until June 25, 1981.

Dated at Washington, District of Columbia this 3rd day of June 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-16877 Filed 6-5-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

June 1, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Farmers Home Administration
Application for FMHA Services
FMHA 410-1
On occasion
Individuals or households/farms
Farm operators and ranchers unable to obtain credit from
SIC: 011,013, 016, 017, 018, 019, 021, 024, 025, 027
Small businesses or organizations
Farm income stabilization, 218,000 responses, 109,000 hours; $81,280 Federal cost, 1 form; not applciable under 3504(h)
Charles A. Ellett, 202-395-7340

The consolidated Farm and Rural Development Act, as amended, authorizes FMHA to collect information necessary to determine applicants eligibility for the requested financial assistance.

Revisions

• Food Safety and Quality Service
Regulations Governing Inspection, Certification and Standards for Fresh Fruit, Vegetables and Other Products
FVQ-237, FVQ-292
On occasion
Businesses or other institutions
Processors
SIC: 964, 072
• Consumer and occupational health and safety, 81,700 responses, 4,170 hours; $42,527 Federal cost, 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The standardization and grading programs for fresh fruits, vegetables, edible nuts, peanuts and miscellaneous related products are authorized under the Agricultural Marketing Act of 1946. Grading service is available in all shipping areas under cooperative agreements between the Department and the cooperating agencies. These regulations are necessary in order that uniformity be obtained in providing the services as required by the act.

Extensions (Burden Change)

• Economics and Statistics Service
Off-Farm Stocks of Grain and Oilseed
Quarterly, other—see SF 83
Businesses or other institutions
Terminal elevators and warehouses, country elevators
SIC: 422
Small businesses or organizations
Agricultural research and services, 41,900 responses, 13,827 hours;

$335,000 Federal cost, 5 forms; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202–673–7974

Provides data to estimate quarterly off-farm stocks of major grains and oilseeds produced in the United States. Results combined with on-farm stocks (40-R0007) to estimate stocks in all positions. Farm legislation requires Secretary of Agriculture to consider carryover stocks relative to the Department's export-import program.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals 202–377–3627

New

• National Oceanic and Atmospheric Administration
Foreign Fishing: Northeast Pacific Ocean
On occasion
Businesses or other institutions
Foreign fishing vessels
Small businesses or organizations
Other natural resources, 6,600 responses, 1,650 hours; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Day-to-day management of foreign fishing operations across the west coast. Monitors catch so that overfishing will be prevented and fees required under 50 CFR 611.20 can be assessed.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Educational Research and Improvement
Residential and Migration of College Students, Fall 1981
ED (NCES) 2300–2.8
Biennially
Businesses or other institutions
Universities, colleges and community colleges
SIC: 822
Research and general education aids, 3,190 responses, 4,785 hours; $168,000 Federal cost, 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Residence and migration data are needed by the Department of Education, States, educational researchers, planning and budget officers and individual colleges for use in economic and financial planning and policy formulation particularly with regard to tracking the migration of students from State to State which has a direct impact on college costs, student financial needs, and sources of such funds.

• Office of Vocational and Adult Education
Demonstration and validation of a comprehensive Elementary/Secondary Career Education Project in a Local Setting
830–2 thru 8
Nonrecurring
Individuals or households/State or local governments
Students, parents, LEA personnel, and individuals
SIC: 941
Elementary, secondary, and vocational education, 1,207 responses, 10,260 hours; $184,053 Federal cost, 7 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Pre and post-test data for the school year 1981–82 are needed to assess processes and outcomes of the project's career education activities. If findings are positive, data will be submitted to the joint dissemination review panel for project approval replicable "Exemplary Career Education Model."

Extensions (Burden Change)

• Office of Educational Research and Improvement
Institutional Characteristics of Colleges and Universities, 1981–82 (HEGIS XVI)
ED (NCES) 2300–1 and 2300–1A
Annually
Businesses or other institutions
Colleges and univ. and their systems or central offices
SIC: 822
Research and general education aids, 3,422 responses, 1,057 hours; $186,565 Federal cost, 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Survey contains characteristics of institutions of higher education eligible for listing in education directory, colleges and universities. Includes name of institution, location, identification codes, telephone number, year established, enrollment, undergraduate tuition, and other basic information. Lists specific accreditations.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202–633–9464

New

• Conservation and Solar Energy
Survey of Clients and Comparison Nonclients of Selected Energy Extension Service Programs
CE–718 A–D
Nonrecurring
Individuals or households/State or local governments/businesses or other ins.
clients and control grp. of EES programs in 5 DOE regions
SIC: multiple
Small businesses or organizations
Energy conservation, 11,370 responses, 7,209 hours; $345,512 Federal cost, 4 forms; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

This information collection will be used to determine the impact, if any, of fifteen energy extension service (EES) programs in changing attitudes on energy, developing energy related knowledge and stimulating energy savings.

• Conservation and Solar Energy
EPA Home Energy Efficiency Program
BP–1418 A–F
On occasion, monthly
Individuals or households/businesses or other institutions
Hhlds. and utilities in the Pacific Northwest of the U.S.
SIC: 491, 881
Small businesses or organizations
Energy conservation, 358,368 responses, 352,275 hours; $2,768,825 Federal cost, 6 forms; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

The BPA home energy efficiency program (HEEP) is designed to encourage residential weatherization and conservation measures through BPA utility customers. This clearance is for the information collection aspects of the program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strand—202–245–7488

Reinstatements

• Social Security Administration
Quarterly Report on Recipient Fraud in Public Assistance Programs
SSA–4110
Semiannually
State or local governments
State public assistance agencies or fraud investigative
Public assistance and other income supplements, 108 responses, 1,296 hours; $3,800 Federal cost, 1 form; not applicable under 3504(h)
Barbara F. Young, 202–395–6880

Sections 402(a)(6) and 1902(a)(6) of the Social Security Act provide for information required to review the methods of dealing with questions regarding recipient fraud. The report is used to provide detailed information on recipient fraud in the AFDC and medicaid programs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Extensions (Burden Change)

• Housing Programs
Single Family Default Monitoring System (Initial Case Data Report)
HUD–92068A, HUD–92068B, HUD–92068C
Monthly
Businesses or other institutions
Holding and servicing mortgages
Small businesses or organizations
Mortgage credit and thrift insurance. 100,000 responses, 58,000 hours; $554,780 Federal cost, 3 forms; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

This form is used to initially report mortgages that are 90 days delinquent. This form is prepared by mortgagees and is used by HUD for purposes of tracking mortgages in default and foreclosure, and assists HUD in monitoring and evaluating mortgagee's servicing practices.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Land Management
43 CFR Parts 2800, 2880 Rights-of-Way Procedure
Nonrecurring
Individuals or households/State or local governments/farms/businesses or other institutions
Any member of the public who has a need to use the
SIC: multiple
Small businesses or organizations
Conservation and land management, 4,000 responses, 8,000 hours; $6,000 Federal cost, 1 form; NPRM under 3504(h)
Constance Buckley, 202–395–7340

The information supplied by an applicant is needed to allow the authorized officer to make a determination as to whether it is in the public interest to issue a right-of-way grant and to determine if the applicant is qualified to hold a grant.

• Bureau of Indian Affairs
25 CFR 52—Tribal Reorganization Under a Federal Statute
5–8302
Annually
Individuals or households, tribal members 18 yrs. of age or older wishing to vote
Area and regional development, 3,000 responses, 750 hours; $120,000 Federal cost, 1 form; not applicable under 3504(h)
Constance Buckley, 202–395–7340

Voter registration in conjunction with elections conducted by the Secretary of the Interior to adopt or amend tribal constitutions pursuant to law has resulted in a better election process. Voter eligibility questions are minimized by the registration form. Final rulemaking extends the procedure to tribes of Oklahoma and Alaska. List of eligible voters are developed from the registration forms. The starting date will be the first election after June 15, 1981.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

Extensions (Burden Change)

• Drug Enforcement Administration
Application for Procurement Quota for Controlled Substances
DEA 250
Annually
Individuals or households/businesses or other institutions
Manufacturers of controlled substances
SIC: 800
Small businesses or organizations
Federal law enforcement activities, 324 responses, 324 hours; $2,770 Federal cost, 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

Any registered dosage form manufacturer who wishes to purchase controlled substances in schedule II of the Controlled Substances Act must apply on DEA form 250 for a procurement quota, which limits the quantity that may be purchased. The information is used by DEA for establishing procurement quotas and exercising control over the procurement of controlled substances.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Employment and Training Administration
Postage Reduction Report
ETA 8550
On occasion
State or local governments
Federally funded State employment security agencies
SIC: 944
Training and employment, 265 responses, 133 hours; $2,588 Federal cost, 1 form; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Report is needed to verify the implementation of postage economy programs in State employment security agencies (SESA's). Report will be used to monitor the progress of postage economy programs in individual SESAs.

Extensions (No Change)

• Occupational Safety and Health Administration
Application for Accreditation to Perform Gear Certification and Related Documents
OSHA–70, 71, and 72
On occasion
Businesses or other institutions
Applicants wishing to perform accredited certification
Small businesses or organizations
Consumer and occupational health and safety, 40 responses, 40 hours; $12,000 Federal cost, 3 forms; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

The form is used by companies who are applying for accreditation under 29 CFR Part 1919 to inspect and certificate cranes and derricks used in the longshoring and shipyard industries. The OSHA 71 and 72 are companion documents used by the agencies.

Reinstatements

• Employment and Training Administration
Job Search Assistance Research Project
MT–300
Other—See SF83
Individuals or households
Welfare clients and eligibles
Training and employment, 10,500 responses, 7,875 hours; $8,400,000 Federal cost, 1 form; not applicable under 3504(h)
Arnold Strasser, 202–395–6880.

The information will be used by the Department of Labor to assess the desirability of providing job search assistance services to welfare recipients.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Federal Highway Administration
Endorsement for Motor Carrier Policies of Insurance for [1] Public Liability

[1] These reporting requirements will implement new minimum financial responsibility limits for motor carriers of property. Since these new limits must be established before July 1, 1981, according to the Motor Carrier Act of 1980, the ten-day comment period is waived to allow both motor carriers of property and the insurance industry maximum time to prepare themselves for these new financial liability limits.

V 46 / 109 / JUN 8 1981 UMI

Under Section 30 of the Motor Carrier Act of 1980
BMC–90
On occasion
Businesses or other institutions
Insur. Comp. that provide policies to reg. motor carriers
SIC: 962
Ground transportation, 260,000 responses, 13,000 hours; $2,008,000 Federal cost, 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

On July 1, 1981, all motor carriers subject to 49 U.S.C. 10927 must have endorsement attached to insurance policy to comply with 49 CFR 387.7. Endorsement contains language necessary to override exclusions or conditions in insurance policy at odds with intent of regulation thereby extending to the public protection intended by Congress.

• Federal Highway Administration
Motor Carrier Public Liability Surety Bond Under Section 30 [1] of the Motor Carrier Act of 1980
BMC–82
On occasion
Businesses or other institutions
Surety comp. who provide surety bonds to regulated carriers
SIC: 962
Ground transportation, 500 responses, 25 hours; $208,000 Federal cost, 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

On July 1, 1981 all motor carriers subject to 49 U.S.C. 10927 who satisfy the requirements of 49 CFR 387 with a surety bond must use required bond form. Bond forms contain language necessary to comply with the intent of regulation thereby extending to the public protection intended by Congress.

• Federal Railroad Administration
Annual Report—Railroad Operating Rules
Annually
Businesses or other institutions
Railroad transportation companies
SIC: 401
Ground transportation, 300 responses, 150 hours; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

The information supplied by the railroads in compliance with the requirements of 49 CFR Part 217, provides the Federal Railroad Administration with current information as to the depth and quality of training and testing of railroad employees on the operating rules of all railroads throughout the country.

• Federal Railroad Administration
Filing of Amendments to Operating Rules, Timetables, Timetable Special Instructions, Training and Testing Programs
On occasion
Businesses or other institutions
Railroad transportation companies
SIC: 401
Ground transportation, 200 responses, 100 hours; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

49 CFR 217.9 promulgated under 45 U.S.C. 431 and 438 requires a railroad to periodically conduct operational tests and inspections to determine the extent of compliance with the code of operating rules, timetables and timetable special instructions in accordance with a program filed with the Federal Railroad Administration.

• Federal Railroad Administration
Recordkeeping—Testing and Inspection Program
On occasion
Businesses or other institutions
Railroad transportation companies
SIC: 401
Ground transportation, 495,000 responses, 82,500 hours; 1 form; not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

49 CFR 217.11 promulgated under 45 USC 431 and 438 requires a railroad to periodically instruct each employee whose activities are governed by the railroad's operating rules on the meaning and application of those rules in accordance with a program filed with the Federal Railroad Administration.

• Federal Railroad Administration
Filing of Operating Rules, Timetables, Timetable Special Instructions, Training and Testing Programs
On occasion
Businesses or other institutions
Railroad transportation companies
SIC: 401
Ground transportation, 900 responses, 6,300 hours; 1 form; not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

49 CFR 217.7(A) promulgated under 45 USC 431 and 438 require a railroad to file with the Federal Railroad Administration a copy of its operating rules, timetables and timetable instructions.

Revisions

• Coast Guard
Report of Personal Injury or Loss of Life
CG–924E
On occasion
Businesses or other institutions
Companies that operate oil and gas extraction vessels
SIC: 131 138
Small businesses or organizations
Water transportation, 2,850 responses, 941 hours; $42,701 Federal cost, 1 form; NPRM under 3504(H)
Terry Grindstaff, 202–395–7340

The information collected is needed to inform the Coast Guard that death or injury has occurred. This information is then used by the Coast Guard in the conduct of subsequent investigations required by 43 U.S.C. 1348.

Reinstatements

• Federal Aviation Administration
Crewmember Certificate Application
FAA 8060–6
On occasion
Businesses or other institutions
Intern'l flight crewmembers of U.S. AI carriers
Air transportation, 2,500 responses, 33 hours; $60,000 Federal cost, 1 form; not applicable under 3504(H)
Corrinne Hayward, 202–395–7340

Federal Aviation Act of 1958, Section 602 (49 USC 1422) authorizes the issuance of Airman Certificate. 14 CFR 21 prescribes requirements for crewmember certification. Information collect is used to determine applicant eligibility.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Unreported Income of Informal Suppliers
TIR–81–29
Nonrecurring
Individuals or households
Households with telephones
Central fiscal operations, 0 responses, 0 hours; $225,000 Federal cost, 1 form; not applicable under 3504(H)
Warren Topelius, 202–395–7340

This effort will provide a more credible basis for estimating unreported income of informal suppliers (moonlighters and off-the-books suppliers) of goods and services who are unlikely to report this income denial of this request would limit our ability to estimate the tax and economic impact of underground economic activity.

• Internal Revenue Service
Excise Taxes
720
Quarterly
Businesses or other institutions
Airlines, manufacturers, coal mine operators, retailers

SIC: 501 503 504 505 508 371 641 631 478 444
Small businesses or organizations
Central fiscal operations, 381,200 responses, 724,547 hours; $770,186 Federal cost, 1 form; not applicable under 3504(H)
Warren Topelius, 202–395–7340

Form 720 is used to report excise taxes due from retailers and manufacturers on the sale or manufacture of various articles, to report taxes on facilities and services, and taxes on certain products and commodities (gasoline, lubricating oil, etc.). It enables IRS to monitor excise tax liability for various categories on a single form, and to collect the tax quarterly in compliance with the law and regulations (IRC Section 6011).

ACTION

Agency Clearance Officer—Mr. Dana Rodgers—202–254–8501

New

• Title I, Part C Pre-Application Inquiry
A–1034
Quarterly annually
State or local governments/businesses or other institutions
Low income individuals in educational programs
SIC: multiple
Small businesses or organizations
Social services, 550 responses, 1,100 hours; $10,000 Federal cost, 1 form; not applicable under 3504(H)
Diane Wimberly, 202–395–6880

This form will be used by those organizations who wish to inquire into the use of action resources to assist them in solving local community problems or initiating or supporting volunteer efforts.

• Title I, Part C Project Profile
A–1037
Quarterly annually
State or local governments/businesses or other institutions
Low income individuals in educational programs
SIC: multiple
Small businesses or organizations
Social services, 149 responses, 4,768 hours, $5,000 Federal cost, 1 form; not applicable under 3504(H)
Diane Wimberly, 202–395–6880

This form is intended to be used for accumulation of project data from the sponsor for the purpose of presentation to Congress as a portion of action's yearly programmatic appropriation request.

• Action/Title I, Part C Project Narrative
A–1036
Quarterly annually
State or local governments/businesses or other institutions
Low income individuals in educational programs
SIC: multiple
Small businesses or organizations
Social services, 24 responses, 960 hours; $20,000 Federal cost, 1 form; not applicable under 3504(H)
Diane Wimberly, 202–395–6880

The project narrative is designed to assist the potential sponsor to address the major activities associated with the administration of a volunteer project. Its purpose is to facilitate communication between the sponsor and action and, as such, is basic to the submission of an annual notice of grant award, once approved.

Extensions (burden change)

• Action/Title I, Part C Project Progress Report
A–1035
Annually
State or local governments/businesses or other institutions
Small businesses, state government and low income individuals
SIC: multiple
Small businesses or organizations
Social services, 2,980 responses, 5,960 hours; $20,000 Federal cost, 1 form; not applicable under 3504(H)
Diane Wimberly, 202–395–6880

This form is to be used on a quarterly basis by the sponsoring organization for the express purpose of measuring project well-being, or defining deficiencies (where applicable) as stated in the sponsor's goal and objectives cited in the project work plan.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

Revisions

• Part 212–Charter Trips by Foreign Carriers
On occasion
Businesses or other institutions
Foreign route air carriers
Small businesses or organizations
Air transportation, 99,871 responses, 47,600 hours; 0 form; not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

Eliminates reporting requirements that no longer seem necessary.

• Foreign Air Carrier Application for Authorization for Off-Route Charters
433
On occasion
Businesses or other institutions
Foreign air carriers
Small businesses or organizations
Air Transportation, 234 responses, 117 hours; 1 form; not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

Form 433 is an application to be used by foreign air carriers for authorization to conduct charter flights between the U.S. and a country other than the carrier's home country under provisions of the applicant's foreign air carrier permit and part 212 of the board's economic regulations.

• Part 207—Charter Trips and Special Services
On Occasion
Businesses or other institutions
Certificated route air carriers
Small businesses or organizations
Air transportation, 19,309 responses, 8,022 hours; 0 form; not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

Eliminates reporting requirements that no longer seem necessary.

• Terms, Conditions and Limitations of Certificates to Engage in Charter Transportation
On Occasion
Businesses or other institutions
Charter air carriers
SIC: 451
Small businesses or organizations
Air transportation, 2,694 responses, 760 hours; 1 form; not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

Eliminates reporting requirements that no longer seem necessary.

• Part 214—Terms, Conditions and Limitations of Foreign
Air Carrier Permits authorizing Charter Transportation Only
On Occasion
Businesses or other Institutions
Foreign charter air carriers
SIC: 451
Small businesses or organizations
Air transportation, 20,016 responses, 10,824 hours; 1 form; not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

Eliminated all reporting requirements in part 214 and consolidated them with similar requirements in part 212.

• Part 323—Terminations, Suspensions, and Reductions of Service
On Occasion
Businesses or other institutions
U.S. Direct air carriers
SIC: 451
Small businesses or organizations
Air transportation, 214 responses, 2,272 hours; 1 form; not applicable under 3504(H)

Terry Grindstaff, 202–395–7340

Would reduce airline suspension and termination notice requirements.

Reflecting the Board's loss of authority under section 401 (J) of the Federal Aviation Act on January 1, 1982. Section 401 (J) notices would be eliminated and new, less burdensome notice types would permit the board to carry out its authority under section 419.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202–287–0747

New

• Interlocutory Motion for Appeal
Nonrecurring
Individuals or households
Permittee, regional trial staff, intervenor
Pollution control and abatement, 8 responses, 640 hours; 1 form; not applicable under 3504 (H)
Edward H. Clarke, 202–395–7340

Any party may file a motion for an interlocutory appeal to the administrator.

• Petition to Administrator
Nonrecurring
Individuals or households/state or local governments/businesses or other inspermittee, regional trial staff, intervenor
Small businesses or organizations
Pollution control and abatement, 8 responses, 640 hours; 1 form; not applicable under 3504 (H)
Edward H. Clarke, 202–395–7340

Any part may file a petition to Appeal to the Administrator any matter set forth in the initial decision.

• Manual Value Discharge and Relief Valve Discharge Reports and Records
On Occasion
Businesses or other institutions
Ethylene dichloride, vinyl chloride, and polyvinyl chlor. pl.
SIC: 282
Pollution control and abatement, 232 responses, 464 hours; $1,933 Federal cost, 1 form; not applicable under 3504 (H)
Edward H. Clarke, 202–395–7340

Owner or operator shall submit a report of details of a relief valve charge has occurred, this report is documenting a violation.

• Demolition and Renovation Notification, Recordkeeping
On occasion
Businesses or other institutions
Demolition and renovation contractors
SIC: 179
Small businesses or organizations
Pollution control and abatement, 7,675 responses, 3,838 hours; $15,979 Federal cost, 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Owner or operator provides notification prior to renovation or demolition to allow Administrator time for scheduling an observer, ensuring compliance, and program planning. Recordkeeping and requests for alternative procedures allow the source flexibility in operations while remaining in compliance.

• Filing of Brief, Proposed Findings of Fact and Conclusions of Law
Nonrecurring
Businesses or other institutions
Permit applicant, agency trial staff
SIC: Multiple
Pollution control and abatement, 124 responses, 9,920 hours; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Each party may submit proposed findings of fact, conclusions of law and a brief in support thereof, each party may file a reply brief.

• Monitoring requirements for primary aluminum reduction plants
Other—see SF83
Businesses or other institutions
Each new, modified or reconstructed primary aluminum
SIC: 333
Small businesses or organizations
Pollution control and abatement, 1,095 responses, 274 hours; $625 Federal cost, 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Owner or operator shall record daily aluminum and anode weight, and maintain records of daily production nates for aluminum and anode, raw material feed rates and potline voltages for 2 years. EPA uses this data to assure production conditions are the same as when the source was originally performance tested.

• Appeal From or Review of Recommended Decision
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Permit applicant or agency trial staff
SIC: Multiple
Pollution control and abatement 62 responses, 4,960 hours; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Any party may take exception to any decision of the presiding officer and may appeal to the Administrator.

• Excess Emissions Report for New, Modified or Reconstructed Ammonium Sulfate Plants
Other—See SF83
Businesses or other institutions
Each covered ammonium sulfate manufacturing plant in the
SIC: 281
Small businesses or other organizations
Pollution control and abatement, 730 responses, 183 hours; $625 Federal cost, 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Sources shall monitor mass flow of ammonium sulfate feed or use weigh scales to directly measure production rate of ammonium sulfate. Source shall continuously monitor pressure drop across the control system. These records shall be kept two years and provide a means of insuring that the control equipment is being maintained well.

• Commercial Demonstration Permit
Nonrecurring
Businesses or other institutions
All new, modified or reconstructed electric utility steam
SIC: 491
Pollution control and abatement, 1 response, 3 hours; $62 Federal cost, 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Any source subject to the standard proposing to demonstrate an emerging technology may apply for a permit from the Administrator. This allows the source to meet a less stringent requirement as means of encouraging new technology.

• Request for a Non-Adversary Panel Hearing
Nonrecurring
Individuals or households, state or local governments, businesses or other institutions
Permit applicant, any interested person
SIC: Multiple
Pollution control and abatement, 62 responses, 62 hours; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Any person may request the Regional Administrator to hold a panel hearing, contents of the panel hearing request.

• EPA/Division of Stationary Source ENF.
Other—See SF83
Businesses or other institutions
All new, modified or reconstructed iron and steel plants
SIC: 331
Pollution control and abatement, 2,920 responses, 730 hours; $4,500 Federal cost, 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

The time and duration of each steel production cycle and each diversion of exhaust gases shall be recorded. The pressure loss through the Venturi construction and the water supply pressure to the control equipment shall be recorded continuously. These shall be reported quarterly if they indicate changes in operating conditions, and thus raise doubts the standard is being met.

• Request to Participate in a Panel Hearing
Nonrecurring
Businesses or other institutions
Regional trial staff
SIC: Multiple
Pollution control and abatement, 62 responses, 62 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Any person who wishes to participate in a panel hearing must file a request to participate, contents of request.

• Written Application for Alternative Monitoring Procedures Under NSPS
Nonrecurring
Businesses or other institutions
All covered sources which have continuous monitoring req.
SIC: 333, 491, 142, 327, 331, 121, 287, 495, 324, 281
Small businesses or organizations
Pollution control and abatement, 3 responses, 1 hour; $225 Federal cost, 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

This is designed to give more flexibility to the source in demonstrating compliance. Alternate monitoring procedure will be approved by the administrator when the required procedures are not practical. If an affected facility is operated infrequently or use of the specified system would provide inaccurate measurements, alternative systems may be approved.

• Submission of Written Comments on Draft Permits, Response To comments
Nonrecurring
Individuals or households/State or local Governments/Businesses or other institutions permit applicant, agency trial staff
SIC: Multiple
Pollution control and abatement, 124 responses, 4,960 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Allows parties second chance to emphasize points made in prior submission.

• Innovative Technology Waiver Under NSPS
Nonrecurring
State or local governments/businesses or other institutions any source subject to NSPS May apply
SIC: 333, 491, 142, 327, 331, 121, 287, 495, 324, 281
Small businesses or organizations
Pollution control and abatement, 1 response, 100 hours; $1,250 Federal cost, 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

A source may request a waiver with respect to any air pollutant to encourage the use of an innovative technology. This is designed to provide flexibility and would reduce source expenditure on control equipment.

• Monitoring Requirements for Granular Triple Superphosphates
Storage Facilities
Other—See SF83
Businesses or other institutions
Each covered granular triple susperphosphate storage
SIC: 287
Pollution control and abatement, 694 responses, 175 hours; $250 Federal cost, 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Source shall maintain an account of triple superphosphate in storage and a daily record of equivalent P2 05 stored. Source shall operate a monitoring device continously recording pressure drop across the scrubber. This assures the system is operating properly without the need for inspections or testing.

• Blanket Clearance Request for Human and Environmental Survey and Analysis Programs
Other—see SF83
Individuals or households/farms/businesses or other institutions community members in the vicinity of chemical problem
Pollution control and abatement, 1,000 responses; 500 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

The office of pesticides and toxic substances exposure evaluation division is requesting a blanket OMB clearance for human and environmental survey and analysis programs. Such a blanket clearance is critical to the ability of EED to respond in a responsible and meaningful manner to unexpected crisis situations calling for the assessment of exposure to toxic compound and the protection of human health.

• Fuel Additive Manufacturer Annual Report
EPA (DUR) 366
Annually
Businesses or other institutions
Manufacturers of fuel additives
SIC: 284, 286, 299
Small Businesses or organizations
Pollution Control and abatement, 3,546 responses, 3,546 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Each annual report gathers data on impurities, production quantity, and emission characteristics of one fuel additive.

• Fuel Manufacturer Quarterly Report—Gasoline
EPA (DUR) 368
Quarterly
Businesses or other institutions
Motor vehicle fuel manufacturers
SIC: 291, 132
Small businesses or organizations
Pollution control and abatement, 2,400 responses, 28,800 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Each report gives the concentration range during the last quarter of previously registered additives in a single gasoline blend. EPA uses the information to monitor type and quantity of gasoline additives.

• Fuel Manufacturer Quarterly Report—Diesel Fuel
EPA (DUR) 371
Quarterly
Businesses or other institutions
Motor vehicle fuel manufacturers
SIC: 291, 132
Small businesses or organizations
Pollution control and abatement, 1,600 responses, 19,200 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Each report gives concentration range during the reported quarter of previously reported additives in a single diesel fuel blend. EPA uses the data to monitor the type and quantity of additives in use.

• Fuel manufacturer annual report—diesel fuel
EPA (DUR) 372
Annually
Businesses or other institutions
Motor vehicle fuel manufacturers
SIC: 291, 132
Small businesses or organizations
Pollution control and abatement, 400 responses, 4,800 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Each annual report informs EOA of the chemical composition, methods of analysis, and fuel characteristics of a single diesel fuel blend. EPA uses the data to monitor pollution characteristics of the fuel.

• Fuel Manufacturer Notification for Motor Vehicle Gasoline
EPA (DUR) 367
Nonrecurring
Businesses or other institutions
Motor vehicle fuel manufacturers
SIC: 291, 132
Small businesses or organizations
Pollution control and abatement, 600 responses, 7,200 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Requested information notifies EPA of the chemical compositon and additives used by each fuel manufacturer. EPA uses the data to monitor new substances that may injure pollution control systems or increase pollution hazards.

• Fuel Manufacturer Notification—Diesel Fuel
EPA (DUR) 370A
Nonrecurring
Businesses or other institutions
Motor vehicle fuel manufacturers
SIC: 291, 132
Small businesses or organizations
Pollution control and abatement, 400 responses, 4,800 hours; 2 forms; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The form notifies EPA of the chemical composition, including additives, in a single diesel fuel blend for motor vehicles. EPA uses the data to monitor fuels and additives for effects on air quality and on pollution control systems.

Extensions (Burden Change)

• Fuel Manufacturer annual Report—Gasoline

EPA (DUR) 369
Annually
Businesses or other institutions
Motor vehicle fuel manufacturers
SIC: 291, 132
Small businesses or organizations
Pollution control and abatement, 600 responses, 7,200 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Each annual report informs EPA of the chemical composition, methods of chemical analysis, and fuel characteristics of a single gasoline fuel blend. EPA uses the data to monitor pollution characteristics of the fuel.

• Fuel Additive Manufacturer Notification Report
EPA (DUR) 365 & 365A
Nonrecurring
Businesses or other institutions
Manufacturers of fuel additives
SIC: 284, 286, 299
Pollution control and abatement, 788 responses, 1,576 hours; 2 forms; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This report notifies EPA of the uses and chemical properties of a new fuel additive. EPA uses the data to monitor the introduction into commerce of potential air pollutants and substances that may affect emission control systems.

Reinstatements

• NPDES Permit Application to Discharge Wastewater
EPA 7550–22, 7550–23 (7–73)
Nonrecurring
Businesses or other institutions/State or local governments/municipalities
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 300 responses, 3,000 hours, 2 forms; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

These application forms are needed to obtain information for the issuance and enforcement of wastewater discharge permits for municipal and new source industrial dischargers.

• Comment Card—Calendar of Federal Regulations
Semiannually
Individuals or households/State or local governments/farms/businesses or other institutions
Readers of calendar of Federal Regulations
SIC: All
Small businesses or organizations
Pollution control and abatement, 800 responses, 27 hours, $3,000 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

To assess calendar readership and usefulnesss of information in order to improve future editions.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—389–4251

New

• Consolidated Report of Income—Monthly—Large Mutual Savings Banks
8040/60
Monthly
Businesses or other institutions
FDIC-insured mutual savings banks having over $500 million
SIC: 603
Mortgage credit and thrift insurance, 960 responses, 1,440 hours, $22,956 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 395–6880

The survey provides information which FDIC uses to monitor savings bank deposit flows, and income-expense results under the prevailing economic conditions with continued high interest rates it is necessary to obtain this information on a monthly basis.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202–523–5326

Extensions (Burden Change)

• General Order 40—Financial Responsibility for Water Pollution
46 CFR 542
On occasion—semiannually—annually
Businesses or other institutions
4
SIC: 441, 442
Water transportation, 3,000 responses, 1,018 hours, $400,000 Federal cost, 0 form; not applicable under 35.04(h)
William T. Adams, 202–395–4814

In order for the FMC to implement section 311(p) of the Federal Water Pollution Control Act, amended by the Clean Water Act of 1977, regulations were needed. Therefore, General Order 40 (Pub. L. 95–217) was adopted.

• Application for Certificate of Financial Responsibility (Water Pollution)
FMC–321
On occasion
Businesses or other institutions
Foreign and domestic vessel operators using U.S. waters
SIC: 441, 442
Water transportation, 1,500 responses, 750 hours, 1 form; not applicable under 35.04(h)
William T. Adams, 202–395–4814

In order to issue a vessel a certificate of financial responsibility (water pollution) an application form completely filled out is required. This form will provide the FMC with information as to the owner, operator, size, flag, etc. of the vessels.

• Letter Requesting Data Omitted on Form FMC–321
FMC–11 (rev)
On occasion
Businesses or other institutions
Foreign and domestic vessel operators using U.S. waters
SIC: 441, 442
Water transportation, 1,000 responses, 250 hours, 1 form; not applicable under 35.04(h)
William T. Adams, 202–395–4814

When an insurance form FMC–322 has not been submitted or an incomplete form has been submitted. This letter is mailed to the applicant. Also, when an incomplete application form FMC–321 has been submitted. This form is sent

out requesting the additional data from the vessel operator.

• Letter requesting confirmation that a certificate is desired
FMC–346 (rev)
On occasion
Businesses or other institutions
Foreign and domestic vessel operators using U.S. waters
SIC: 441, 442
Water transportation, 300 responses, 75 hours; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

When evidence of insurance is received by the FMC for a vessel which has not received a certification of financial responsibility (water pollution), the applicant already has certification for other vessels. The applicant completes the reverse side of the letter and returns it with the necessary fees.

• Certificate of Financial Responsibility (Water Pollution)
FMC–329
Nonrecurring
Businesses or other institutions
Foreign and domestic vessel operators using U.S. waters
SIC: 441, 442
Water transportation, 2,850 responses, 237 hours; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Once an operator has demonstrated to the FMC proof of financial responsibility, a certificate of financial responsibility is issued. That certificate is presented to U.S. Customs or Coast Guard upon request.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202–633–0204

New

• Certificate of notification under 49 U.S.C. 11301(c)(1)—issuance of Short Term Notes
OP–F 230
On occasion
Businesses or other institutions
Privately owned regulated carriers
Ground transportation, 100 responses, 300 hours; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Regulated carriers issuing short term securities submit notice of issuance within 10 days after disposition as required under 49 U.S.C. 11301(c)(1).

Extensions: (Burden Change)

• Application for temporary authority under section 210A(a) of the Interstate Commerce Act
OP–MCB–95
On occasion
Businesses or other institutions
New & existing motor carriers seeking permits
Small businesses or organizations
Ground transportation, 30,000 responses, 60,000 hours; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

This form is filed by applicants seeking to operate as a motor carrier under the temporary authority provisions of the ICC Act. This data furnished must establish that there is an immediate and urgent need for the service within a territory having no carrier service capable of meeting that need.

• Special application for authority to sell securities without competitive bidding
OP–F–210
Nonrecurring
Businesses or other institutions
Privately owned rail carriers
Ground transportation, 15 responses, 450 hours; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Form OP–F–10 is an application filed by railroads for authority to sell securities without competitive bidding. Generally railroads are required to sell their securities through competitive bidding but there are times when this may not be feasible. This form is an application for exemption from these rules.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

New

• Emergency Notification System
Nonrecurring
Businesses or other institutions
NRC licensees
SIC: 483
Energy Information, policy, and regulation, 76 responses, 912 hours; $2,000 Federal cost, 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

NRC has an emergency notification system which is a dedicated telephone system used by licensees to report events that may endanger the public health and safety. Data needs to be collected to upgrade the capabilities of the system.

REVISIONS

• Amendment to 10 CFR 50: Additional TMI Related Requirements
Nonrecurring
Businesses or other institutions
Commercial nuclear power plants
SIC: 483
Energy information, policy, and regulation, 13 responses, 811,200 hours; $3,000,000 Federal cost, 1 form; not applicable under 3504 (H)
Jefferson B. Hill, 202–395–7340

Extensive investigations and reviews following the accident at Three Mile Island indicated the necessity for additional requirements for nuclear power plants. The issuance of these requirements, including the submittal of certain evaluations and reports, is vital to the NRC's mission to protect the health and safety of the public.

PEACE CORPS

Agency Clearance Officer—Richard Celeste—202–254–7970

Extension (No Change)

• Action/Peace Corps Volunteer Application Form
A–35
On occasion
Individuals or households
Citizens who apply for action or Peace Corps volunteer serv.
Foreign economic and financial assistance, 15,600 Responses, 15,600 hours; $160,000 Federal cost, 1 form; not applicable under 3504 (H)
Phillip T. Balazs, 202–395–4814

The Action/Peace Corps volunteer application is used to collect data to evaluate an individual applicant's eligibility and suitability for Peace Corps volunteer service. Peace Corps has no other means of obtaining the required qualifying data.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

REVISIONS

• Application for Ordinary Life Insurance (at age 70)
28–848 5A
On occasion
Individuals or households
Insured veteran
Income security for veterans, 1,000 responses, 83 hours; $4,330 Federal cost, 1 form; not applicable under 3504(H)
Robert Neal, 202–395–6880

The completed form is required by law, U.S.C. 704. The information collected is used to process the insured's request for replacement insurance for his/her modified life policy.

Extensions (No Change)

• Supplement to Application for Direct Loan (Dwelling or farm)
26–6921A
On occasion
Individuals or households/farms
Veterans in rural areas
SIC: 019 029 024
Veterans housing, 348 responses, 58 hours; $3,271 Federal cost, 1 form; not applicable under 3504 (H)
Robert Neal, 202–395–6880

Completed by Veterans eligible for direct loans authorized by 38 U.S.C. 1811 for construction of new home or alteration, improvement or repair of existing homes (38 U.S.C. 1810(A)(1), (3), (4), and (7)). Information collected is necessary for VA determinations concerning eligible purposes (38 U.S.C. 1810(A)) and reasonable value requirements (38 U.S.C. 1810(B)(5)).

C. Louis Kincannon,

Assistant Administrator For Reports Management.

[FR Doc. 81–16878 Filed 6–5–81; 8:45 am]

BILLING CODE 3110–01–M

Agency Forms Under Review

June 3, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

Extensions (Burden Change)

• Economics and Statistics Service
Potato Stocks Inquiry
Other—see SF83
Farms/businesses or other institutions
Potato storage operators
SIC: 134, 203
Small Businesses or organizations
Agricultural research and services, 7,630 responses, 1,277 hours, $120,000 Federal cost, 2 forms; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

Provides data to estimate all potatoes held by growers, processors and dealers. Estimates contribute to orderly marketing of potatoes by growers and handlers. Data also provided to estimate shrinkage and dumping during storage season. This estimate measures the keeping quality of potatoes.

Reinstatements

• Food Safety and Quality Service
Regulation on Shell Egg Grading
PY–157 & PY–100
On occasion
Businesses or other institutions
Egg packers and dealers
SIC: 964, 072
Consumer and occupational health and safety, 60,115 responses, 1,682 hours, $10,340 Federal cost, 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

These regulations set forth grading procedures, information on how to obtain and use the service, and operating procedures and facility and sanitation requirements for plants to qualify for the service. The regulations also contain the official U.S. standards, grades, and weight classes for shell eggs. While the program is voluntary, it is widely used since many of the outlets for shell eggs require that the product be officially graded for quality.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Revisions

• Maritime Administration
Application for admission to the United States Merchant Marine Academy
KP–2–65, KB 3–4
On occasion
Individuals or households
Persons desiring to gain admission and school officials
Water transportation, 2,000 responses, 10,000 hours, $142,300 Federal cost, 2 forms; not applicable under 3504(h)
William T. Adams, 202–395–4814

The application is used to apply for admission to the U.S. Merchant Marine Academy.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

Extensions (Burden Change)

• Department of the Navy
Application for MSC Afloat Employment
MSC 12310/1
On occasion
Individuals or households
Any person desiring to apply for MSC afloat employment
Department of Defense—Military, 8,000 responses, 16,000 hours, $1,000 Federal Cost, 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

The application for MSC afloat employment (MSC 12310/1) is required to establish eligibility for MSC afloat (seagoing) positions. Because the need for specific licenses and certification information is required a custom form is needed. The MSC form is used in lieu of SF–171 as previously approved under item 7 below.

Extensions (No Change)

• Department of the Air Force
Missile and Space Propellants Report (by Contractors)
AF 210, 588, 857, 858, 859, and 1994
On occasion/weekly/monthly/quarterly
Semiannually/other—see SF83
Businesses or other institutions
Contractors performing statements of work in awarded contr.
SIC: Multiple
Department of Defense—Military, 960 responses, 960 hours, $17,536 Federal cost, 6 forms; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

Utilized for management, control, procurement, and redistribution of assets. Forecast requirements data. Inventory and issue or transfer status of military owned propellants and fuels, from contractor operated fuels accounting stock record accounts.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Postsecondary Education
Loan Transfer Statement Guaranteed Student Loan Program
ED 1074
On occasion
Businesses or other institutions
Financial and credit institutions
SIC: 822, 601, 602, 603, 604, 605
Small businesses or organizations
Higher education, 16,265 responses, 32,530 hours; $85,000 Federal cost, 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This form is used to report the selling and buying of existing loans between lenders. Both lenders must sign and date the form prior to submission to ED by the buying lender.

• Office of Educational Research and Improvement
Final Financial Status and Performance Report—HEA Title II
A, B (training) and C
ED 606, ED 606–1, ED 606–2
Annually
Businesses or other institutions
Institutions of higher education, branches and combinations
SIC: 822, 823
Research and general education aids, 2,700 responses, 10,800 hours; $100,000 Federal cost, 3 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This consolidated report form is used to determine the utilization of grant funds administered by three discretionary grant programs—college library resources (HEA II–A), library career training (HEA II–B), and the strengthening research library resources program (HEA II–C). An additional supplementary performance report for II–A is necessary to confirm maintenance of effort assurance required of grantees in the college library resources program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Stenad—202–245–7488

New

• Social Security Administration
Quality review questionnaire—Disability
Quality review questionnaire—insured individual
SSA–4678, SSA–2930
Nonrecurring
Individuals or households
Beneficiaries receiving title II payments
General retirement and disability insurance, 6,000 responses, 2,000 hours; $4,300 Federal cost, 2 forms; not applicable under 3504(h)
Barbara F. Young, 202–395–6880

The SSA–4678 will be used in a special limited study of disability insurance beneficiaries aged 40 through 49 whose current family benefits were $250 or more. This study is designed to target a highly error prone group of disability insurance beneficiaries.

• Health Resources Administration
Functioning and Utilitzation of Nurse Practitioners
Nonrecurring
Businesses or other institutions
Administrators of practice settings which utilize NP's
SIC: 801, 804
Health, 1,050 responses, 488 hours; $175,846 Federal cost, 4 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Through onsite data collection and analysis, the roles and functions of nurse practitioners in various practice settings will be determined as well as the facilitators and barriers to utilization. This study will be helpful in developing programs which will optimize the use of NP's as primary care providers.

• Health Care Financing Administration
Hospice Evaluation Study
HCFA–286
Other—see SF 83
Individuals or households/businesses or other institutions
Approximately 5,700 terminally ill patients and their
SIC: 808
Small businesses or organizations
Health, 57,000 responses, 19,114 hours; $2,400,000 Federal costs, 12 forms; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The hospice evaluation study (HCFA 286 A to L) will be used to determine the effectiveness of providing hospice care to terminally ill patients, including medicare/medicaid beneficiaries.

Revisions

• Social Security Administration
Student Reporting Form
SSA–1383–SM
On occasion

Individuals or households
Qualified full-time students receiving social security
General retirement and disability insurance, 200,000 responses, 20,000 hours; $1,266,000 Federal cost, 1 form; not applicable under 3504(h)
Barbara F. Young, 202–395–6880

Section 202(d) of the Social Security Act provides for termination of child's social security benefits if certain conditions are met. This form is used to determine a student's continuing eligibility for these benefits.

DEPARTMENT OF TRANSPORTATION

Agency Clearence Officer—John Windsor—202–426–1887

• Research and Special Programs Administration
Recordkeeping Requirements for Cylinder Retesting and Reinspection
Other-see SF83
Individuals or Households/Farms/Businesses or other institutions
All cylinder owners who wish to recharge and ship charged cyl.
SIC: all
Small businesses or organizations
Other transportation, 1,000,000 responses, 200,000 hours; 1 form; not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

To verify that cylinders have not been damaged by handling or the materials with which they have been charged and are safe to recharge and transport.

• Federal Highway Administration
Written Notice of Death After Filling Accident Report Form
MCS–50T or 50B
On occasion
Individuals or households/businesses or other institutions
Motor carriers operating in interstate or foreign commerce
Small businesses or organizations
Ground transportation, 30 responses, 120 hours; 1 form; not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

After an accident report form MCS–50T or 50B has been filed, if a death occurs within 30 days from date of accident, written notice is required by 49 CFR 394.11 detailing items to be used to determine if an investigation is warranted and to update the accident data file.

• National Highway Traffic Safety Administration
Periodic Motor Vehicle Inspection
On occasion
State or local governments
State governments
SIC: 371
Ground transportation, 97,000,000 responses, 24,250,000 hours; 1 form; not applicable under 3504(H)
Corrinne Hayward, 202–395–7340

The highway safety standard on periodic motor vehicle inspection recommends that each State have an inspection program to identify unsafe conditions jwhich the owner is required to correct, and to maintain records to assess vehicle safety and program operation.

• National Highway Traffic Safety Administration
Driver Licensing
On occasion
State or local governments
• State and Local Governments
SIC: 371
Ground transportation, 143,300,000 responses, 3,200,000 hours; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

The highway safety standard on driver licensing recommends that each State maintain a record of each driver licensed and his driving history, with rapid accessibility for enforcement and other operational needs.

• National Highway Traffic Safety Administration
Motor Vehicle Registration
On occasion
State or local governments
State and local governments
SIC: 371
Ground transportation, 159,000,000 responses, 9,600,000 hours; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

The highway safety standard for motor vehicle registration recommends that each State have a records system which can rapidly identify each vehicle and its owner for financial responsibility control, assistance to law enforcement and the insurance and manufacturing industries, and accident research and operational planning.

Revisions

• Federal Aviation Administration
Application for Airman Medical Certificate or Airman Medical and Student Pilot Certificate—FAR 67
FAA 8500–8
Annually
Individuals or households
Airman medical cert., med. and student pilot cert. applicants Air transportation 572,000 responses, 291,000 hours; $3,994,600 Federal cost, 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Federal Aviation Act of 1958, section 602 (49 U.S.C. 1422), requires airmen to be physically able to perform the duties of the certificate sought. 14 CFR 67 prescribes minimum airman medical standards. Information collected shows applicant eligibility.

• Federal Aviation Administration
Maintenance, Preventive Maintenance, Rebuilding and Alterations—FAR 43
FAA 337
On occasion
Individuals or households/businesses or other institutions, mechanics, repa. stations, manufacturers and air carriers
Small businesses or organizations
Air transportation, 81,611,025 responses, 5,507,132 hours; $381,060 Federal cost, 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Federal Aviation Act of 1958, section 601 (49 U.S.C. 1421), authorizes the issuance of regulations governing inspection, servicing, and overhaul of aircraft engines, propellers and appliances. 14 CFR 43 prescribes regulations that implement section 601. Information collected shows compliance.

Reinstatements

• Coast Guard
AMVER Message
CG 4796
On occasion
Businesses or other institutions
Ships sailing on the high seas, worldwide
SIC: 441, 442
Small businesses or organizations
Water transportation, 216,000 responses, 10,800 hours; $1,200,000 Federal cost, 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

Merchant vessels send voluntary messages to the AMVER center with positions, courses, and speeds, etc., to enable the AMVER center to keep track of their dead-reckoning positions. These positions are used by maritime rescue authorities to assist other vessels in distress.

• Federal Aviation Administration
Airport Operating Certificate
FAA 5280–1 and 5280–2
On occasion, annually, other—see SF83
State or local governments
Operators of airports which serve air carriers
SIC: 458
Air transportation, 313,110 responses, 189,935 hours; $211,370 Federal cost, 2 forms; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Federal Aviation Act of 1958, section 610 (49 U.S.C. 1430), requires certain airport sponsors to have airport

operating certifications. FAR Part 14 CFR 139 prescribes requirements for airport operating certificates. Information collected is used to determine compliance.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

• Bureau of Alcohol, Tobacco and Firearms
User-Limited permit (18 U.S.C. Chapter 40, explosives)
ATF F 4709
Annually
Individuals or Households/businesses or other institutions; persons who sell explosives—largely for fireworks displays
SIC: 799
Small businesses or organizations
Federal law enforcement activities, 1,827 responses, 30 hours; $727 Federal cost, 1 form; not applicable under 3504 (h)
Kevin Broderick, 395-6880

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202-287-0747

New

• State Notification of Duty To Submit Inventory Information
Nonrecurring
State or local governments
Dir. of St. UIC program or the RA if EPA is running the PR.
Pollution control and abatement, 15,150 responses, 30,300 hours; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202-395-7340

The State must notify the permitee of his duty to submit inventory information to assure that an owner or operator is aware of this requirement.

• Variance Request (Fundamentally Different Factors)
Nonrecurring
Businesses or other institutions
Small number of NPDES industrial permit applicants
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 8 responses, 480 hours; $100 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

An industrial discharger seeking a variance from otherwise applicable effluent limitations based on the presence of fundamentally different factors must submit a request demonstrating why such variance is justified. EPA will evaluate the request. (40 CFR 122.53 (i) (1).

• Variance Request (Direct Industrial Discharger)
On occasion
Businesses or other institutions
Direct indust. discharges who can demonstrate innovative
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 30 responses, 1,800 hours; $100 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Applicants may submit data showing that their technology for meeting BAT and BCT requirements is innovative in order to delay the required compliance date by 3 years.

• Coordination With Federal and State Agencies
On occasion, weekly
State or local governments
States with authority to administer the 404 program
Pollution control and abatement, 1 response, 1 hour; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

This requirement will provide coordination between a State's areawide waste treatment management plan and the State's dredge and fill program so as to eliminate regulatory overlap and requires States to consult with other relevant State and Federal agencies when issuing dredge or fill permits so as to insure full input into the permitting process.

• Exclusion Request
Nonrecurring
Businesses or other institutions
Auto. mfgrs. includes major mfgrs. and sml. mfgrs., etc.
SIC: 371
Small businesses or organizations
Pollution control and abatement, 30 responses, 60 hours; $1,500 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

A manufacturer who desires a determination whether a particular type of vehicle is excluded from coverage by the Clean Air Act must submit specifications describing the size, use, top speed, etc. of the vehicle so a determination may be made.

• Fuel and Fuel Additive Waiver Guidelines
Nonrecurring
Businesses or other institutions
Fuel and fuel additive mfgrs. incld. oil cos., addi., etc.
Pollution control and abatement, 4 responses, 1,000 hours; $15,600 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

This information is necessary for the Administrator to determine if a new fuel or additive will cause or contribute to the failure of vehicles to meet emission standards and if a waiver of the Clean Air Act's section 211(f) prohibits should be granted.

• Unleaded Gasoline Field Inspection
Nonrecurring
Businesses or other institutions
Retail sellers of motor fuel, fleet users of motor fuel
SIC: 554
Small businesses or organizations
Pollution control and abatement, 15,000 responses, 250 hours; $10,000 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Used to record results of inspection for compliance with EPA's unleaded gasoline regulations and FTC's octane posting regulations. The forms are used in enforcement actions, and to place DA in a fuels data base.

• Stage I Vapor Recovery Inspection Form
Nonrecurring
Businesses or other institutions
Oper. of gaso. dispensing fac. (e.g., serv. stat. oper.)
SIC: 554
Small businesses or organizations
Pollution control and abatement, 2,065 responses, 35 hours; $680 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

EPA conduct inspections at gasoline dispensing facilities (primarily gasoline service stations) in order to determine compliance with Federal regulations and federally-approved State regulations requiring Stage I vapor recovery equipment. Inspection data, recorded on forms by the inspectors, is subsequently reviewed by EPA personnel for potential violations. Station personnel only provide background information.

• Source Compliance and State Action Reporting
Nonrecurring, quarterly
State or local governments
A respondent in this request is each State and local air
SIC: All
Pollution control and abatement, 220 responses, 20 hours; $170,000 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

This information on source compliance and enforcement actions taken by the States is needed to keep track of the compliance status of all

major sources and major State enforcement activities. It is used to assess progress in meeting air quality standards and to assure continued attainment of the standards.

• Public Notice of Emergency Permits
On occasion
State or local governments
States with authorization to administer the 404 program
Pollution control and abatement, 60 responses, 360 hours, 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

States are required to issue public notice of any emergency permits issued to insure that the public is made aware of the State's emergency action that may affect them and to allow an opportunity to comment on the State's emergency action.

• Request for Public Hearing
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
State or persons interested in permit application
Pollution control and abatement, 10 responses, 500 hours, 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Within 90 days of receipt of objection by EPA the State or any interested party may request that the R.A. hold a public hearing. A public hearing shall be held whenever requested by the State or if warranted by significant public interest.

• Preactivity Notification
On occasion
Individuals or households/farms/businesses or other institutions
Dischargers of dredged or fill material into waters of U.S.
Small businesses or organizations
Pollution control and abatement, 1,500 responses, 3,000 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Before an activity can be carried out under a general permit, the State director must be notified 30 days prior to commencement of the activity. If the applicant has not heard from the State within 15 days of submission, activity under the general permit may begin.

• Update of Part A Applications for Interim Status Facilities
On occasion
Businesses or other institutions
Persons treating, storing, or disposing of hazardous substance
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 2,640 responses, 7,920 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Revision of part A applications after promulgation of revised regulations under 40 CFR Part 261 (listing and identifying additional hazardous wastes) is necessary in order for the facility to obtain interim status for these wastes and is useful to EPA in deciding them to request part B of the application.

• Contents of Part B Application (RCRA)
Nonrecurring
State or local governments, businesses or other institutions
Persons wishing to treat, store, or dispose of hazardous substance
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 627 responses, 188,100 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Information is necessary to determine whether the facility can meet the various performance standards established under 40 CFR Part 264 to protect human health and the environment as required by 42 U.S.C. section 6924.

• Preparation of Revised Permit
On Occasion
State or local governments
States who have assumed 404 permitting responsibility
Pollution control and abatement, 300 responses, 3,000 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

When the State director has received an objection, a revised permit may be prepared to eliminate the objection. If no further objection is received from the R.A. within 15 days of receipt of revised permit, the State director may issue the permit.

• Information to Determine if a Facility Is a New Source
Nonrecurring
Businesses or other institutions
NPDES permit applicants
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 500 responses, 250 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

When an applicant provides this information to the regional administrator, it will enable EPA to decide if a facility is a new source and if it is subject to environmental review requirements under NEPA of the Clean Water Act.

• Permittee Recording of Injected Fluids
On Occasion
Businesses or other institutions
Owners or operators of underground injection wells
Small businesses or organizations
Pollution control and abatement, 1,300 responses, 650 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The permittee is required to keep records of the nature and composition of injected fluids for five years after plugging or abandonment to assure that the director will have access to this information if contamination of an underground source of drinking water is discovered.

• Contractor report of costs incurred in responding to hazardous substance emergencies
1900–55
Other—see SF83
Businesses or other institutions
Businesses having contracts with the USEPA for response to
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 90,000 responses, 63,000 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The report will document costs incurred by contractors responding to hazardous substance releases. It will be used as a management tool by EPA personnel to account for personnel, equipment, and material furnished by the contractor and to verify costs claimed for reimbursement by the contractor.

Extensions (Burden Change)

• Applicants Must Submit Information
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Dischar. of dredged or fill mater. into waters of the U.S.
Pollution control and abatement, 4,200 responses, 73,500 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The 1977 amendments to the Clean Water Act authorized the transfer of the existing 404 permit program from the Corps of Engineers to qualified States. These State programs must meet minimum requirements for approval and operation as set out in EPA's consolidated regulations. In approved States applicants will supply the information to the State rather than to the corps.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202–452–3512

Extensions (No Change)

• Report of Assets and Liabilities of U.S. Branches, and Agencies of Foreign Banks
FFIEC 002
Quarterly
Businesses or other institutions
U.S. branches and agencies of foreign banks
General government, 1,376 responses, 20,296 hours, $100,000 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 395–6880

This report of assets and liabilities, provides balance sheet information from all U.S. branches and agencies of foreign banks required for the supervisory and regulatory requirements of the International Banking Act of 1978. Additional uses of the data are to augment the bank credit, loan and deposit information needed for monetary policy decisions.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

New

• POW Medical Follow-Up
Nonrecurring
Individuals or households
Former prisoners of war: W.W. II, Korean conflict and controls
Hospital and medical care for veterans, 3,300 responses, 1,100 hours; $150,125 Federal cost, 3 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

Previous studies of American former prisoners of war have revealed excess morbidity and mortality during the years following repatriation. This study will investigate for how long and from what causes excess illnesses persist as well as whether chronic diseases are a more serious problem for former POW's.

Revisions

• Employment Questionnaire
21–4140
Annually
Individuals or households
Disabled veterans
Income security for veterans, 40,500 responses, 3,375 hours; $96,560 Federal cost, 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used as a control for total compensation evaluations based on individual unemployability. The information furnished by the veteran is reviewed annually for a maximum of 10 years or until age 60 to determine continued entitlement to the total compensation evaluation.

Reinstatements

• Daily Report of Workmen and Material
Other—see SF83
Businesses or other institutions
General contractors in the commercial building industry
SIC: 154
Small businesses or organizations
Hospital and medical care for veterans, 78,000 responses, 13,000 hours; $64,372 Federal cost, 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This report is used to aid the contracting officer to determine partial payments for materials stored on site and to assure that sufficient labor is dedicated to maintain the construction schedule. The report is prepared daily and will continue as long as the VA continues its construction program.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81-16915 Filed 6-5-81; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments: Section 337 Determination of the U.S. International Trade Commission Regarding Certain Window Shades and Components Thereof

June 2, 1981.

On May 29, 1981, the United States International Trade Commission (the Commission) issued an order excluding from entry into the U.S. imports of certain window shades and components thereof which had been determined to be infringing claims of U.S. Letters Patent 4,006,770, and causing substantial injury to an efficiently and economically operated domestic industry. The Commission issued the exclusion order following their investigation, No. 337–TA–83, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Under section 337(g), the President within 60 days may disapprove the determination of the Commission for domestic or foreign policy reasons, terminating the exclusion order on the day the Commission is notified of his disapproval. The President also may approve the determination expressly, making the order final immediately, or he may take no action, allowing the order to become final following the 60 day period provided for review.

Interested parties are invited to submit comments concerning domestic or foreign policy issues which should be considered in the review of the Commission determination and order. The original and 19 copies of the comments should be delivered to the Secretary, Trade Policy Staff Committee, 600 17th Street, Room 413, Washington, D.C. 20506. For further information call Alice Zalik (202) 395–3432.

Alice T. Zalik,

Chairman, Section 337 Committee.

[FR Doc. 81-16902 Filed 6-5-81; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 17833; File Nos. SR-Amex-81-8; SR-CBOE-81-6; SR-PSE-81-6; SR-Phlx-81-7]

American Stock Exchange, Inc., et. al.; Order Approving Proposed Rule Changes

June 1, 1981.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006; Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Illinois 60604,; Pacific Stock Exchange Inc., 301 Pine Street, San Francisco, California 94104; Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that the self-regulatory organizations listed above ("options exchanges") have filed with the Commission copies of proposed rule changes to amend the joint options allocation plan to provide for the replacement of involuntarily delisted options.[1]

Notice of the proposed rule changes by Amex, CBOE and Phlx, together with the terms of substance of the proposed rule changes, was given by the issuance of a Commission Release (Securities Exchange Act Release No. 17757 (April 27, 1981)) and by publication in the **Federal Register** (46 FR 24352 (April 30, 1981)). Notice of the proposed rule change by PSE, together with the terms of substance of the proposed rule change, was given by issuance of a Commission Release (Securities

[1] The proposed rule changes were filed on the following dates: American Stock Exchange, Inc. ("Amex"), April 16, 1981; Chicago Board Options Exchange, Incorporated ("CBOE"), April 20, 1981; Pacific Stock Exchange Incorporated ("PSE"), May 4, 1981; and Philadelphia Stock Exchange, Inc. ("Phlx"), April 24, 1981.

Exchange Act Release No. 17777 (May 6, 1981)) and by publication in the **Federal Register** (46 FR 28416 (May 12, 1981)). No comments were received concerning any of the proposed rule changes.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6. Moreover, the Commission finds good cause for approving the proposed rule change of the PSE prior to the thirtieth day after the date of publication of notice of filing thereof since it is identical in its terms to the proposals of the other options exchanges, which were published for the normal statutory comment period.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16887 Filed 6-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22075; (70-6361)]

Appalachian Power Co., et. al.; Proposal of Holding Company To Make Cash Capital Contributions to Subsidiary

June 2, 1981.

In the matter of Appalachian Power Co., 40 Franklin Road, Roanoke, Virginia 24009; Columbus and Southern Ohio Electric Co., 215 North Front Street, Columbus, Ohio 43215; Indiana & Michigan Electric Co., 2101 Spy Run Avenue, Fort Wayne, Indiana 46801; Kentucky Power Co., 1701 Central Avenue, Ashland, Kentucky 41101; Kingsport Power Co., 40 Franklin Road, Roanoke, Virginia 24009; Michigan Power Co., Post Office Box 367, Three Rivers, Michigan 49093; Ohio Power Co., 301 Cleveland Avenue, S.W., Canton, Ohio 44701; Wheeling Electric Co., 51 Sixteenth St., Wheeling, West Virginia 26003; American Electric Power Company, Inc., 2 Broadway, New York, New York 10004.

American Electric Power Company, Inc. ("AEP"), a registered holding company, and Appalachian Power Company ("Appalachian"), Columbus and Southern Ohio Electric Company ("CSOE") Indiana & Michigan Electric Company ("I&M"), Kentucky Power Company ("KPCO"), Kingsport Power Company ("Kingsport"), Michigan Power Company ("Michigan"), Ohio Power Company ("Ohio Power") and Wheeling Electric Company ("Wheeling"), public utility Subsidiaries, have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended pursuant to Sections 6(b) and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(2) promulgated thereunder.

By a prior order in this proceeding dated December 9, 1980 (HCAR No. 21832), AEP was authorized to issue and sell from time to time prior to January 1, 1982, short-term notes to 14 banks with lines of credit in an aggregate amount of $239,000,000, maturing no later than June 30, 1982. AEP was also authorized to make cash capital contributions from time to time subsequent to December 31, 1980 and prior to January 1, 1982, to Appalachian in the amount of $60 million, to CSOE in the amount of $40 million, to I&M in the amount of $90 million, to KPCO in the amount of $20 million and to Ohio Power in the amount of $60 million.

By post-effective amendment AEP seeks authority to also make cash capital contributions from time to time prior to January 1, 1982 to Kingsport in the aggregate amount of $2,000,000. The funds will be used to partially finance Kinsgport's general obligations, including estimated expenditures of $2,900,000 for Kingsport's 1981 construction program, and to serve other corporate purposes.

The application-declaration as amended by the post-effective amendment and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 26, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended by the post-effective amendment or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16890 Filed 6-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22074; (70-6607)]

Arkansas Power & Light Co.; Proposed Issuance and Sale of First Mortgage Bonds

June 1, 1981.

Arkansas Power & Light Company ("Arkansas"), First National Building, Little Rock, Arkansas 72203, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

Arkansas proposes to issue and sell up to $90,000,000 in principal amount of its first mortgage bonds of a series having a term of not less than five nor more than thirty years. The terms will be determined by competitive bidding. The bonds are to be issued as a new series under Arkansas' Mortgage and Deed of Trust, dated as of October 1, 1944, as heretofore supplemented and as proposed to be further supplemented. Arkansas intends to use the net proceeds derived from the issuance and sale of the bonds for the payment of a portion of its short-term indebtedness. Arkansas may request by amendment hereto that the sale of the bonds be excepted from the competitive bidding requirements of Rule 50.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 30, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16888 Filed 6-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11800; (811-2010)]

Montrose Investors, Inc.; Notice of Filing of Application Pursuant to Section 8(f) of the act for an Order Declaring That Applicant has ceased To Be an Investment Company

June 1, 1981.

Notice is hereby given that Montrose Investors, Inc. ("Applicant"), c/o Mr. Allen M. Singer, 11109 Deborah Dr., Potomac, MD 20854, a Delaware corporation register under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an applicaton on June 28, 1978, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant registered under the Act on January 22, 1970. The application states that at a meeting held on December 20, 1977, a plan of liquidation and dissolution was approved by shareholders. It is asserted that, pursuant to that plan, on December 30, 1977, a liquidating dividend amounting to $8.50 per share was distributed to shareholders of Applicant who had not redeemed their shares prior to that date. Finally, the application, states that, at the date of the filing of the application, the Applicant had no assets and no stockholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company will cease to be in effect.

Notice is further given that any interested person may, not later than June 26, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commisson, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Mangement, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16889 Filed 6-5-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-0146]

James River Capital Associates; Issuance of License

On January 30, 1981, a notice was published in the **Federal Register** (46 FR 10033) stating that an application has been filed by James River Capital Associates, 909 East Main Street, Richmond, Virginia 23219, with the Small Business Administration pursuant to §§ 107.4 and 107.102 of the regulations governing small business investment companies (SBIC's) under the provisions of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business February 9, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, the SBA issued License No. 03/03-0146 to James River Capital Associates, to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: June 2, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-16922 Filed 6-5-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area # 1989]

Montana; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Broadwater, Cascade, Gallatin, Granite, Jefferson, Lewis and Clark, Meagher, Missoula, Powell and Silver Bow counties and adjacent counties within the State of Montana constitute a disaster area because of damage resulting from severe storms and flooding beginning on or about May 19, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 27, 1981, and for economic injury until close of business on March 1, 1982, at: Small Business Administration, District Office, 301 South Park, Room 528, Federal Office Building, Drawer 10054, Helena, Montana 59601, or other locally announced locations. For recent changes in disaster loan eligibility, see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic assistance Program Nos. 59002 and 59008)

Dated: June 3, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-16923 Filed 6-5-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 03/03-0062]

Osher Capital Corp.; Application for Transfer of Control

Notice is hereby given that an Application has been filed with the Small Business Administration pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1980)) for the transfer of control of Osher Capital Corporation (OCC), Township Line Road & Washington Lane, Wyncote, PA 19095, a Federal license under the Small Business Investment Act of 1958 (Act) as amended (15 U.S.C. 661 et seq.).

Section 107.701 of the regulations provides in general that any transfer of 10 or more percent of the licensee's stock is considered a transfer of control and requires prior approval from the SBA.

At the present time there are twelve shareholders. Mr. Leonard Cantor, President-Treasurer and Director proposes to purchase 40 percent or 1,200 shares of the issued and outstanding stock from 6 existing shareholders. Upon consumation and approval, Mr. Cantor will have increased his ownership position from 20 to 60 percent of the issued and outstanding stock.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner, and the probability of a successful operation under his control in accordance with the Act and Regulations promulgated thereunder.

Notice is hereby given that any person, may not later than June 23, 1981 submit written comments on this Application to the Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in the Wnycote area.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: June 1, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-16921 Filed 6-8-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area 1992]

Texas; Declaration of Disaster Loan Area

Travis County and adjacent counties within the State of Texas constitute a disaster area, as a result of damage caused by rain and flooding which occurred on May 24–25, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on 1981, and for economic injury until the close of business on 1982, at:

Small Business Administration, District Office, 727 East Durango, Room A513, Federal Building, San Antonio, Texas 78206

or other locally announced locations. For recent changes in disaster loan eligibility, see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: June 1, 1981.

Donald R. Templeman,

Acting Administrator.

[FR Doc. 81-16924 Filed 6-5-81; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 08/08-0053]

Tracy Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102 (1980)) by Tracy Corporation (Applicant), 107 South Main Street, Salt Lake City, Utah 84110, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and sole shareholder are:

Name and address	Title and relationship	Percent of ownership
Tracy-Collins Bank and Trust Company, 107 South Main Street, Salt Lake City, Utah 84110.	Shareholder	100
Gilbert L. Shelton, 2309 Cottonwood Lane, Salt Lake City, Utah 84117.	Chairman of the Board & Director	
John C. Slater, 11527 S. High Mountain Drive, Sandy, Utah 84070.	President & Director	
Ted E. Steers, 1059 S. Millcrest Cr., Bountiful, Utah 84010.	Vice President & Director	
Charles R. Canfield, 2818 South Breeze Drive, Magna, Utah.	Vice President & Director	
Ben F. Armstrong, 1505 Arlington Drive, Salt Lake City, Utah 84103	Vice President & Director	
Ted May, 2096 Linden Circle, Salt Lake City, Utah 84121.	Vice President & Director	
J. Michael Holt, 1970 Logan Avenue, Salt Lake City, Utah.	Vice President & Director	
Peter Karl Ringger, 3790 South Becky Circle, Salt Lake City, Utah	Secretary, Treasurer & Director	
Brooke Grant, 1418 Military Way, Salt Lake City, Utah	Director	
John Alexander Dahlstrom, 4567 Mathews Way, Salt Lake City, Utah.	Director	

The Applicant proposes to begin operations with a capitalization of $545,000 and will be a source of equity capital and long-term loans for qualified small business concerns. The Applicant plans to provide management consulting services to small business concerns.

Matters involved in SBA's consideration of the application include, the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than June 23, 1981, submit written comments on the proposed SBIC to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street N.W., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in Salt Lake City, Utah.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 1, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-16925 Filed 6-5-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/415]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Notice of Meeting

The Working Group on Radio-communications of the Subcommittee on Safety of Life at Sea will conduct an open meeting on June 18, 1981, at 1:30 p.m., in Room 8238 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

This meeting is being held inside of the required two-week publication period in order to consider several issues concerning the Future Global Maritime Distress and Safety System which arose at the 23rd Session of the Subcommittee on Radio-communications held in London, on May 11–15, 1981. It is necessary to establish a work program to develop U.S. proposals to these issues well in advance of the next meeting of the Subcommittee.

The purpose of the meeting is to prepare position documents for the Twenty-fourth Session of the Subcommittee on Radio-communications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London, in May of 1982. In

particular, the working group will discuss the following topics:

—survival craft radio equipment
—operational requirements for future EPIRBs
—operational standards for shipboard radio equipment
—maritime distress system

For further information contact Mr. Richard Swanson, U.S. Coast Guard (G-OTM-S), Washington, D.C. 20593. Telephone (202) 426-0517.

Dated: June 4, 1981.

James A. Treichel,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 81-17101 Filed 6-5-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aircraft Position Light and Anticollision Light Installations; Availability of Advisory Circular and Request for Comments

AGENCY: Federal Aviation Administration.

ACTION: Notice of availability of draft Advisory Circular (AC) and request for comments.

SUMMARY: The draft Advisory Circular is intended to combine and update material contained in AC 20-30A and AC 43.13-2A, provided a method to calculate rear position obstructions, and summarize the airworthiness requirements for anticollision lights.

DATE: Commenters must identify file number AC 20-30B and comments must be received on or before July 8, 1981.

ADDRESS: Send all comments in duplicate on the draft to Federal Aviation Administration, Office of Airworthiness, Attention: Systems Branch (AWS-130), 800 Independence Ave. SW., Washington, D.C. 20591, or delivered in duplicate to Room 335-E, 800 Independence Ave. SW., Washington, D.C. 20591. Comments delivered must be marked file number AC 20-30B. Comments may be inspected at Room 335-E between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Philip J. Akers, Systems Branch (AWS-130), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Ave. SW., Washington, D.C. 20591 (Telephone (202) 426-8395)

SUPPLEMENTARY INFORMATION:

Comments Invited

Comments are solicited on all aspects of the draft Advisory Circular. A copy of the draft Advisory Circular may be obtained by contacting the person identified under "For Further Information Contact."

Issued in Washington, D.C. on June 2, 1981.

M. C. Beard,

Director of Airworthiness.

Advisory Circular

Department of Transportation,
Federal Aviation Administration,
Washington, D.C.

FAR Guidance Material

Subject: Aircraft Position Light and Anticollision Light Installations.

1. *Purpose.* This circular sets forth acceptable means, but not the only means, of showing compliance with the Federal Aviation Regulations (FAR) applicable to installed position lights and anticollision lights.

2. *Cancellation.* AC 20-30A dated April 18, 1968, is canceled.

3. *Related FAR Sections.*

a. Sections .1385 through .1401 of FAR Parts 23, 25, 27, and 29.

b. Sections .33 and .73 of FAR Part 91.

4. *Related Reading Material.*

a. Advisory Circular AC 20-74, Aircraft Position Lights and Anticollision Light Measurements.

b. Advisory Circular AC 43.13-2A, Acceptable Methods, Techniques, and Practices, Aircraft Alterations.

c. Technical Standard Order (TSO) C30b, Aircraft Position Lights.

5. *Background.* Airworthiness regulations and Technical Standard Orders prescribe minimum intensities, light distribution, overlap limits, allowable obstructions to light visibility, and color for position lights and anticollision lights.

6. *Laboratory Measurements.* Measurements of intensity, light distribution, and light color are normally made under laboratory conditions before installation. Advisory Circular 20-74 contains information concerning measurements of intensity, distribution, and color.

7. *Position Light System Installation.*

a. *Location.* In determining whether forward position lights have been "spaced laterally as far apart as practicable," and whether the rear position light has been "mounted as far aft as practicable," as required by the FAR's, each installation may be evaluated for special considerations. Examples of special consideration are:

(1) Would the number of malfunctions be significantly increased due to increased vibration or other environmental conditions if the lights were spaced farther apart, or mounted farther aft?

(2) Would accessibility for maintenance be significantly reduced if the lights were spaced farther apart or farther aft?

b. *Rear Position Light Obstructions.* A small light obstruction is permitted within dihedral angle A (aft) described in § .1387(d) of Parts 23, 25, 27, and 29. That obstruction is limited in size to 0.04 steradian and in position to the 30° cone described in § .1387(e) of Parts 23, 25, 27, and 29 and shown in Figure 1. Measurements to show compliance with the regulations can be made on actual aircraft or on appropriate scale drawings. The following procedure is one means of showing compliance with the regulations:

(1) On the side view drawing, draw a line through the light center perpendicular to the aircraft longitudinal axis. Draw a second line upward through the light center to the most aft point on the vertical stabilizer. The angle Z between the two lines is limited by the airworthiness rules to 30°. Figure 1 shows an example of angle Z.

(2) On the rear view drawing, draw angle W which is formed by two lines drawn upward from the light center to the maximum right and left obstructions within angle Z. When a protrusion causes a very small zone of obstruction it may be discounted unless total obstructions are near the regulatory limit. When a rear view drawing is not available, a combination of other drawings or measurements on the actual aircraft can be used to determine angle W.

(3) Multiply angle Z degrees by angle W degrees to obtain the amount of obstruction in square degrees. The method is conservative, as obstructions as wide as angle W may not exist throughout angle Z. Convert the measurement to steradians by dividing the square degree value by 3284. The number 3284 is a conversion factor to obtain steradians from square degrees.

8. *Anticollision Lights.*

a. *Airworthiness Requirements.*

Appendix 1, Tables 1 through 4, summarize the airworthiness requirements for anticollision lights and lists them according to the applicable amendments to the CAR's/FAR's. The airworthiness requirements for a specific aircraft can usually be determined by entering the applicable table with the latest amendment shown for the certification basis in the aircraft's type certificate data sheet.

BILLING CODE 4910-13-M

FIGURE 1. REAR POSITION LIGHT OBSTRUCTIONS

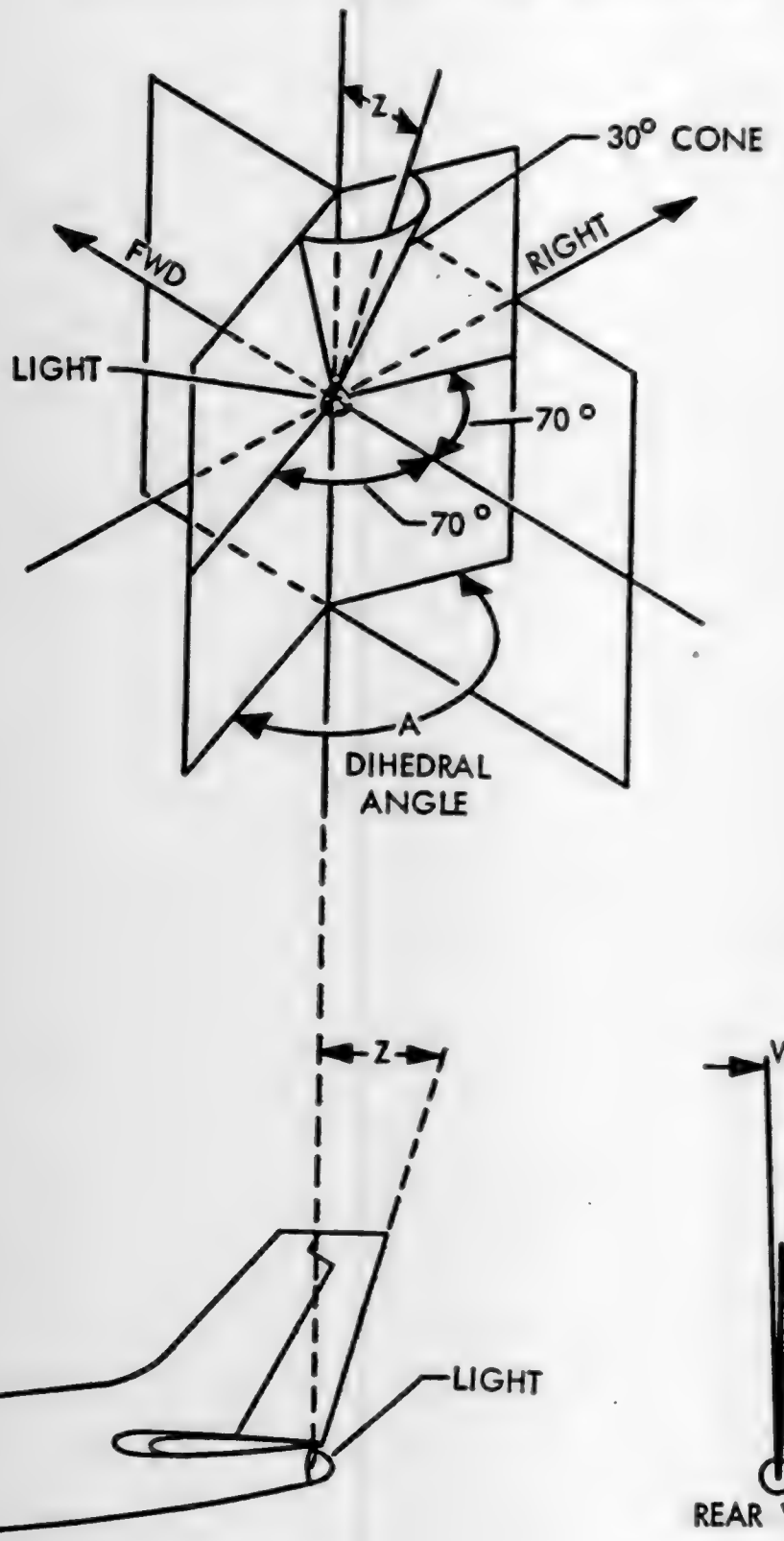

BILLING CODE 4910-13-C

V 4 6 / 1 0 9 J E 8 8 1 UMI

b. *Operational Requirements.* Some airworthiness requirements have been made retroactive by Amendment 91-90, which amended § 91.33(c)(3) of the FAR. The term "initially installed" used in this section refers to new installations based on newly-approved design data or any installation which includes a major change as defined in FAR 21.93(a) to the previously approved design data. In effect, new designs which have had no previous FAA approval are considered initially installed systems. Anticollision light installations approved by Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance), FAA Form 337, supplemental type certificate or amended type certificate prior to August 11, 1971, may be duplicated on like make and model aircraft without being considered initially installed.

c. *Obstruction Measurements.* When anticollision light obstructions are allowed within the required field of coverage, measurements on shadows, scale drawings or actual aircraft can be used to substantiate that solid angles of obstruction do not exceed regulatory limits. When masking is used to prevent the impairment of crew vision, the mask becomes an additional light obstruction. The amount of obstruction caused by the mask depends not only on the physical size of the mask, but also on the type and size of the light source. With rotating beacons, the mask obstruction may be slightly larger than indicated by the physical size of the mask. This condition results from the lack of a sharp cutoff of light at the mask edges. As the reflector rotates, there is a gradual reduction of light near the mask edges due to the relatively large size of the light source. Accurate measurement of mask obstruction can best be accomplished during the laboratory measurement of intensity and field of coverage. Otherwise, total obstructions measured very near the regulatory limit may actually exceed that limit.

d. The following procedures refer to the example shown in Figure 2. Scale drawings and measurements from the light unit are used in substantiating compliance with the anticollision light requirements. The procedure with variations can be applied to other aircraft. Variations include other shapes and vertical coverage requirements. The procedure converts scale drawing obstructions to a plot of horizontal versus vertical degrees where area units become square degrees. By counting the squares within obstructions and converting the sum to steradians, compliance can be shown. Scale drawings should be large enough to assure reasonable accuracy in the measurements. For the example, the vertical coverage requirement is ±30°.

(1) *Fuselage and Wings.*

(i) *Point selection.* On the top view, establish enough points to adequately follow the shape of obstructions. In the example of Figure 2, seven points are established and numbered to represent the left half of the fuselage and the left wing. Because of symmetry, measurements are limited to one side, and the measured obstructed area is doubled to account for the other side of the aircraft. Additional obstructions, not represented by the seven numbered points, include mask, wing struts, landing gear, and rudder. These additional obstructions are considered separately.

BILLING CODE 4910-13-M

FIGURE 2. ANTICOLLISION LIGHT OBSTRUCTIONS

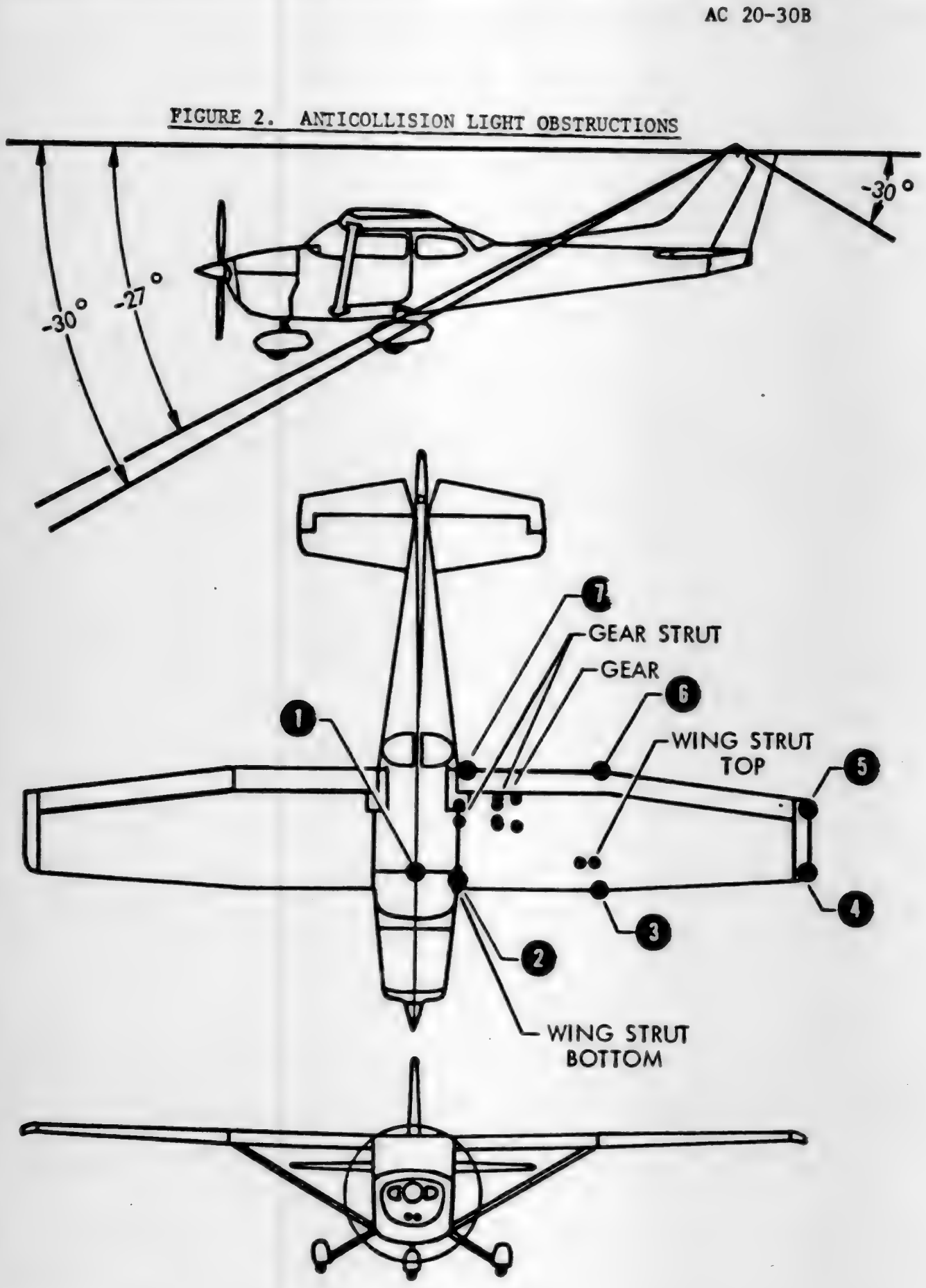

BILLING CODE 4910-13-C

(ii) *Horizontal angles.* On the top view of Figure 2, measure the horizontal angles between the aircraft centerline and lines connecting the anticollision light center to the numbered points.

(iii) *Vertical angles.* On the side view of Figure 2, measure the vertical angles from the horizontal plane passing through the anticollision light center to lines connecting the light center to the numbered points.

(iv) *Tabulation.* Tabulate the measured horizontal and vertical angles as shown in Table 1.

Note.—In lieu of direct angle measurements, distance measurements may be used to calculate the angles using trigonometry relationships.

(2) *Wing strut angles.* On the top view of Figure 2, establish right and left points for the strut top and fore and aft points for the strut bottom. Horizontal angles for the strut bottom points are approximately equal. Measure the horizontal and vertical angles to the four points and tabulate as shown in Table 1.

(3) *Main gear fairing.* On the top of Figure 2, establish four points for the main gear fairing obstruction. The rear obstruction limit is the $-30°$ vertical coverage requirement, and the forward obstruction extends to vertical angles of $-27°$. The effect of wheel fairing rounding is slight and is neglected. Measure the horizontal angles to the four points, and tabulate as shown in Table 1.

(4) *Main gear strut.* On the top view of Figure 2, establish four points for the main gear strut. Measure the horizontal and vertical angles to the four points, and tabulate as shown in Table 1.

(5) *Rudder obstructions.* On the side view of Figure 2, rudder obstructions occur aft of the anticollision light while all other obstructions are forward. Therefore, it is practical to measure rudder obstructions independently. On the side view of Figure 2, the rudder obstructs for 30 vertical degrees. On the top view, the obstruction is 3 horizontal degrees on the left side. The left side rudder obstruction is 90 square degrees; i.e., $30°x3° = 90$ square degrees.

(6) *Calculating obstructions.* The graph of Figure 3 shows plotting of the collected data of Table 1 as vertical degrees versus horizontal degrees. Each square is equal to one square degree so that obstructions can be measured by counting squares. Obstruction areas can be counted in zones bounded by vertical lines through the numbered points. Table 2 shows the counts including the rudder obstruction which was measured independent of the graph. Square degrees are converted to steradians by dividing by 3284.

BILLING CODE 4910-13-M

TABLE 1. OBSTRUCTION POINT ANGLES

OBSTRUCTION	POINT	HORIZONTAL ANGLE	VERTICAL ANGLE
Wing/Fuselage	1	0°	-7.5°
	2	7°	-7.0°
	3	25°	-5.5°
	4	47°	-7.5°
	5	52°	-12°
	6	32°	-13°
	7	8°	-12°
Strut	Top Right	22°	-8.5°
	Top Left	24°	-9.0°
	Bottom Upper	7°	-22°
	Bottom Lower	7°	-23.5°
Gear	Front Right	12°	-27°
	Front Left	15.5°	-27°
	Rear Right	13°	-30°
	Rear Left	16.5°	-30°
Gear Strut	Top Front	8°	-24°
	Top Rear	8°	-25°
	Bottom Front	13°	-28.5°
	Bottom Rear	13°	-29.5°
Mask (Positioned to eliminate reflections from prop)	Top Centerline	0°	-10°
	Top Left	10°	-10°
	Bottom Centerline	0°	-30°
	Bottom Left	10°	-30°

V 4 6 / 1 0 9 J E 8 8 1 UMI

AC 20-30B

FIGURE 3. ANTICOLLISION LIGHT OBSTRUCTED AREAS

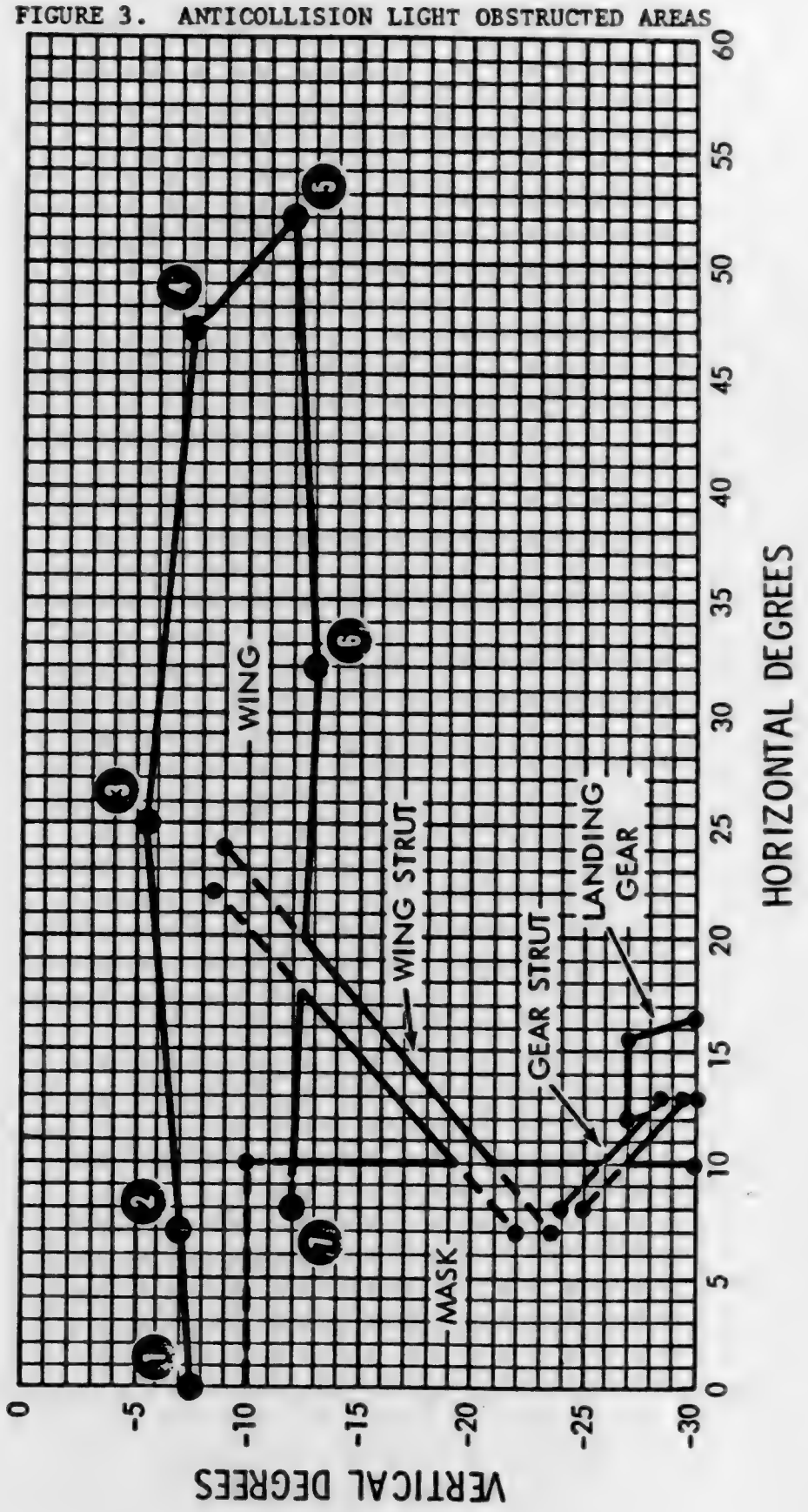

TABLE 2. OBSTRUCTION COUNT

ZONE	SQUARE DEGREES
Point 1 to Point 2	159
Point 2 to Point 3	198
Point 3 to Point 4	132
Point 4 to Point 5	14
Total Graph	503
Rudder	90
Total Left Side	593
TOTAL AIRPLANE	1186

Steradians: (1186/3284) = 0.36

TABLE 1. FAR 23/CAR 3 LIGHT FLASH

APPLICABLE	INTENSITY	VERTICAL	COLOR

V46109 JE8 81 UMI

TABLE 1. FAR 23/CAR 3

	APPLICABLE AMENDMENTS	INTENSITY (CANDLES)	VERTICAL COVERAGE	COLOR SPECS.	FLASH RATE	LIGHT OBSTRUCTION	REMARKS
1.	Before 3-1 (4/1/57)						No Anticollision Light Requirements
2.	Thru 3-1 (4/1/57)	100	±30	Aviation Red	40-100 Overlap 180	0.03 STER. 0.15 STER.	Position of Allowable Obstruction Limited
3.	Thru 3-7 (5/3/62)	100	±30	Aviation Red	40-100 Overlap 180	0.5 STER.	FAR 91.33(c)(3) requirements except that aviation white color acceptable
4.	Thru 23-11 (8/11/71)	400	±30	Aviation Red or Aviation White	40-100 Overlap 180	0.5 STER.	New Aviation White Limits
5.	Thru 23-20 (9/1/77)	400	±75	Aviation Red or Aviation White	40-100 Overlap 180	0.5 STER.	

TABLE 2. FAR 25/CAR 4b

	APPLICABLE AMENDMENTS	INTENSITY (CANDLES)	VERTICAL COVERAGE	COLOR SPECS.	FLASH RATE	LIGHT OBSTRUCTION	REMARKS
1.	Before 4b-8 (5/16/53)						No Anticollision Light Requirements
2.	Thru 4b-8 (5/16/53)			If Used Aviation Red	If Used 40-100		If Used, On-Off ratio Not less than 1:75
3.	Thru 4b-3 (3/13/56)			If Used Aviation Red	If Used 40-100		If Used, On-Off ratio Not less than 1:75 If Extra Light Installed, No Flash Rate Limit in Overlaps
4.	Thru 4b-4 (4/1/57)	100	±30	Aviation Red	40-100 Overlap 180	0.03 STER. 0.15 STER.	Position of Allowable Obstruction Limited FAR 91.33(c)(3) requirements except that aviation white color acceptable
5.	Thru 25-27 (8/11/71)	400	±30	Aviation Red or Aviation White	40-100 Overlap 180	0.03 STER. 0.15 STER.	New Aviation White Limits
6.	Thru 25-41 (9/1/77)	400	±75	Aviation Red or Aviation White	40-100 Overlap 180	0.03 STER. 0.15 STER.	

TABLE 3. FAR 27/CAR 6

APPLICABLE	INTENSITY	VERTICAL	COLOR	FLASH	LIGHT

TABLE 3. FAR 27/CAR 6

APPLICABLE AMENDMENTS	INTENSITY (CANDLES)	VERTICAL COVERAGE	COLOR SPECS	FLASH RATE	LIGHT OBSTRUCTION	REMARKS
1. Before Part 6 (4/1/57)						No Anticollision Light Requirements
2. Thru 6-1 (4/1/57)	100	±30	Aviation Red	40-100 Overlaps 180	0.03 STER.	
3. Thru 6-5 (5/3/62)	100	±30	Aviation Red	40-100 Overlaps 180	0.05 STER.	FAR 91.33(c)(3) requirements except that aviation white color acceptable
4. Thru 27-6 (8/11/71)	400	±30	Aviation Red or Aviation White	40-100 Overlaps 180	0.5 STER	New Aviation White Limits
5. Thru 27-10 (2/5/76)	150	±30	Aviation Red	40-100 Overlaps 180	0.5 STER.	Aviation White not acceptable

UMI 1 8 8 3 5 7 6 0 1 7 6 4 7

TABLE 4. FAR 29/CAR 7

	APPLICABLE AMENDMENTS	INTENSITY (CANDLES)	VERTICAL COVERAGE	COLOR SPECS.	FLASH RATE	LIGHT OBSTRUCTION	REMARKS
1.	Before Part 7 (8/1/56)						No Anticollision Light Requirement
2.	Adopt. Part 7	None	None	None	None	None	Approved Anticollision Light Required
3.	Thru 7-1 (4/1/57)	100	±30	Aviation Red	40-100 Overlaps 180	0.03 STER.	Obstruction Position Not limited
4.	Thru 7-5 (5/5/62)	100	±30	Aviation Red	40-100 Overlaps 180	0.5 STER.	FAR 91.33(c)(3) requirements except that aviation white color acceptable
5.	Thru 29-7 (8/11/71)	400	±30	Aviation Red or Aviation White	40-100 Overlaps 180	0.5 STER.	New Aviation White Limits
6.	Thru 29-11 (2/5/76)	150	±30	Aviation Red	40-100 Overlaps 180	0.5 STER.	Aviation White not acceptable

[FR Doc. 81-10719 Filed 6-5-81; 8:45 am]
BILLING CODE 4910-13-C

Dowty R.324 Pr Availabil

The for
the Dowt
(c) R.324
Novembe
1981.

The Di
Region ha
entitled "
Certificat
(c) R.321
Based on
certificati
approved
P61GL da

A copy
Type Cer
Models (c
Propellers
Dockets,
a copy of
report is
copying a
916, 800 I
Washingt
may be ob
Great Lak
Avenue, I

Issued in
1981.

Wayne J. B
Director, C

[FR Doc. 81-16
BILLING COD

Federal H

Environm
Dawson C

AGENCY: F
Administra

ACTION: N

SUMMARY
notice to a
environm
prepared
in Gothen
Nebraska

FOR FURT
Walter Ru
Engineer,
Centennia
Nebraska
5527. Ger
Developm
Departme
Lincoln, N
(402) 473-

SUPPLEME
FHWA, in
Nebraska
will prepa

Dowty Rotol Models (c) R.321 and (c) R.324 Propellers; Certification and Availability of Documents

The formal certification process for the Dowty Rotol Models (c) R.321 and (c) R.324 Propellers initiated in November 1980 was completed April 3, 1981.

The Director of the FAA Great Lakes Region has reviewed a document entitled "Decision Basis for the Type Certification of the Dowty Rotol Models (c) R.321 and (c) R.324 Propellers." Based on this summary of the certification process, the Director has approved issuance of Type Certificate P61GL dated April 13, 1981.

A copy of the "Decision Basis for the Type Certification of the Dowty Rotol Models (c) R.321 and (c) R.324 Propellers" is on file in the FAA Rules Dockets. The "Decision Basis" includes a copy of Type Certificate P61GL. The report is available for examination and copying at the FAA Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. Copies of the report may be obtained from the Director, FAA Great Lakes Region, 2300 E. Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Illinois on May 22, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-16863 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Dawson County, Nebraska

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Gothenburg, Dawson County, Nebraska.

FOR FURTHER INFORMATION CONTACT: Walter Running, Program Support Engineer, FHWA, Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508, Telephone: (402) 471-5527. Gerald Grauer, Project Development Engineer, Nebraska Department of Roads, P.O. Box 94759, Lincoln, Nebraska 68509, Telephone: (402) 473-4795.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Nebraska Department of Roads (NDOR), will prepare an environmental impact statement for a proposed project to provide a viaduct over the Union Pacific Railroad tracks on State Highway N-47, in Gothenburg, Dawson County, Nebraska. The proposed project consists of the construction of an overpass structure and related approach roadways with an overall length of approximately one mile. The proposed project is deemed necessary to provide for vehicle traffic movement without the delays caused by coal and freight train movements through Gothenburg.

Alternatives under consideration include (1) taking no action; and (2) constructing the proposed project.

Public information meetings were held in Gothenburg, on February 18, 1980 and on March 5, 1981 to discuss the concerns of the immediate community and the general public. No formal scoping meeting is planned at this time. A public hearing will be held after the Environmental Impact Statement has been made available for public and agency review and comment. Public notice will be given of the time and place of the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action should be directed to the FHWA or the NDOR at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: May 28, 1981.

Walter M. Running,

Program Support Engineer, Nebraska Division, Federal Highway Administration, Lincoln, Nebraska.

[FR Doc. 81-16720 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP81-14; Notice 1]

International Harvester Company; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

International Harvester Company of Fort Wayne, Indiana, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.101-80, Motor Vehicle Safety Standard No. 101-80, *Controls and Displays*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Paragraph S5.2.3 and Table 2 of Standard No. 101-80 require that certain internal displays on any passenger car manufactured on or after September 1, 1980, be identified with the appropriate International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide identifying words. Use of an identifying word was mandatory before September 1, 1980, and no symbols were required.

Harvester estimates that it has produced approximately 200 trucks since September 1, 1980 in which the headlamp switch is identified only by the word "LIGHTS", compliant with Standard No. 101, but noncompliant with Standard No. 101-80. Harvester argues that use of the previously acceptable wording creates no safety hazard as it is readily understandable by the public.

Interested persons are invited to submit written data, views and arguments on the petition of International Harvester Company described above. Comments should refer to the docket number and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. Is is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closinig date indicated below will be considered. The application and supporting materials will be filed, and all comments received after the closing date will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

Comment closing date: July 8, 1981.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 1, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-16852 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Treasury Announces Public Meeting To Discuss U.S.A.-Pakistan Tax Treaty Issues on July 7, 1981

The Treasury Department announced that it will hold a public meeting on July 7, 1981, to solicit the views of interested persons regarding issues being considered during negotiations of a new income tax treaty between the United States and Pakistan.

The public meeting will be held at the Treasury Department, at 1:30 p.m., in room 4426. Persons interested in attending are requested to give notice in writing by June 29, 1981, of their intention to attend. Notices should be addressed to Joel Rabinovitz, Deputy International Tax Counsel, Department of the Treasury, Washington, D.C. 20220.

The July public meeting follows the recent conclusion of the second round of negotiations between representatives of the United States and Pakistan to develop a new income tax treaty for the avoidance of double taxation and the prevention of tax evasion. The new treaty would replace the income tax treaty presently in effect between the United States and Pakistan which was signed in 1957.

In the course of the recent negotiations, many subjects of mutual concern were identified and discussed. Among the major issues being considered are: taxation of corporations organized in one country but managed or controlled in the other country; taxation of dividends, interest, and royalties; the rules relating to permanent establishments; the taxation of income from the operation of ships and aircraft; the taxation of capital gains; and the taxation of various forms of personal service income.

The Treasury seeks the views of interested persons in regard to the full range of income tax treaty issues, as well as other matters that may have relevance to an income tax treaty between the United States and Pakistan. The July 7 public meeting will provide an opportunity for an exchange of views, and will permit discussion of the United States position in regard to the issues presented.

Dated: June 1, 1981.

John E. Chapoton,

Assistant Secretary (Tax Policy).

[FR Doc. 81-16834 Filed 6-5-81; 8:45 am]

BILLING CODE 4810-25-M

Treasury Announces Public Meeting To Discuss U.S.A.-Sri Lanka Tax Treaty Issues on July 7, 1981

The Treasury Department announced that it will hold a public meeting on July 7, 1981, to solicit the views of interested persons regarding issues being considered during negotiations of an income tax treaty between the United States and Sri Lanka.

The public meeting will be held at the Treasury Department, at 3:30 p.m., in room 4426. Persons interested in attending are requested to give notice in writing by June 29, 1981, of their intention to attend. Notices should be addressed to Joel Rabinovitz, Deputy International Tax Counsel, Department of the Treasury, Washington, D.C. 20220.

The July public meeting follows the recent conclusion of the first round of negotiations between representatives of the United States and Sri Lanka to develop an income tax treaty for the avoidance of double taxation and the prevention of tax evasion. There is presently no treaty in effect between the United States and Sri Lanka.

In the course of the recent negotiations, many subjects of mutual concern were identified and discussed. Among the major issues being considered are: taxation of dividends, interest and royalties; rules relating to permanent establishments; the taxation of income from the rental of tangible personal property; and the taxation of income from the operation of ships and aircraft.

The Treasury seeks the views of interested persons in regard to the full range of income tax treaty issues, as well as other matters that may have relevance to an income tax treaty between the United States and Sri Lanka. The July 7 public meeting will provide an opportunity for an exchange of views, and will permit discussion of the United States position in regard to the issues presented.

Dated: June 1, 1981.

John E. Chapoton,

Assistant Secretary (Tax Policy).

[FR Doc. 81-16835 Filed 6-5-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Education Loans for Flight Training

AGENCY: Veterans Administration.

ACTION: Request for public comments.

SUMMARY: The Veterans Administration is publishing for public comment statements of procedures which have been adopted by the agency in order to implement some of the provisions of the Veterans' Rehabilitation and Education Amendments of 1980. These statements will better acquaint veterans, educational institutions and the public at large with the way these provisions will be implemented.

DATE: Comments must be received on or before July 8, 1981.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Comments will be available for review at the above address during normal business hours until July 20, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: This publication contains Appendix E to DVB Circular 22-80-39. This appendix implements the provisions of the Veterans Rehabilitation and Education Amendments of 1980 dealing with giving education loans to veterans in flight training. It has been distributed through normal channels. The Veterans Administration is implementing the procedures contained in the appendix. All comments received will be reviewed and used in changing the appendix, if necessary.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding this document to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until July 20, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to a VA field station will be informed that the records are available for

inspection only in Central Office and furnished the address and the above room number.

Approved: June 2, 1981.

D. Custis,

Acting Administrator.

DVB Circular 22–80–39

Appendix E

Department of Veterans Benefits,
Veterans Administration, Washington, D.C.
March 16, 1981.

VETERANS ADMINISTRATION EDUCATION LOANS FOR FLIGHT TRAINING

1. *Purpose.* This appendix provides instructions for implementing the provisions of Public Law 96–466 which amends 38 U.S.C. 1798 to allow loans for flight training.

2. *General.*

a. Pub. L. 96–46 authorizes the VA to grant education loans for enrollment in flight training for eligible students who will be reimbused at 60 percent of the approved charges. Loans may not be made if reimbursement will be made at the 90 percent rate. Current procedures governing loans for institutional training will apply to loans for enrollments in flight training unless specified otherwise.

b. The following are major differences applying to loans for flight training.

(1) A waiver of the 6-month course length requirement for loans will be required for each flight course for which a loan is requested unless the school can show that the average student requires at least 6 months to complete the course. (See par. 5.)

(2) The length of time it will take an individual student to complete a course will generally not be known at the time of the application. Consequently, it must be estimated for each student. (See par. 6.)

(3) Flight training will be presumed to meet the attendance requirements of 38 U.S.C. 1662(a)(2) and 1798(c).

3. *Application.*

a. The claimant will apply for an education loan for flight training on VA Form 22–8725, Application for Education Loan, which must be received before completion of the particular flight course for which application is made. A separate application will be required for each course and for each segment of a course which lasts over 6 months.

b. The current loan application form does not contain information and instructions on loans for flight training. Until such time as a revised application is published, additional development will be necessary to ensure that adequate information, as specified in paragraph 13, is provided with the application.

4. *Eligibility—Basic Criteria.*

a. *Student Eligible for Educational Assistance.* If the delimiting date of the application has not expired, he/she must be otherwise eligible for reimbursement at the 60 percent rate and enrolled in an approved flight training course.

b. *Student Not Eligible for Educational Assistance (Post-Delimiting-Date Loans).* Loans may be granted for a maximum of 2 years after the student's delimiting date applying the same criteria as for loans for institutional programs.

(1) If the delimiting date has expired, the following additional critiera must be met:

(a) The student has unused entitlement;

(b) The student is enrolled in a flight course approved for VA benefit purposes within his/her flight program on the date his/her delimiting date occurred and was entitled to receive reimbusement at the 60 percent rate on that date;

(c) The student must have received some flight training in the flight program within the 6-month period before his/her delimiting date; and

(c) The student continues to be enrolled in the same flight program during the loan period that he/she was enrolled in on the date his/her delimiting date occurred.

(2) Unused entitlement may be used to establish loan eligibility until the earliest of the following:

(a) Two years from the student's delimiting date; or

(b) Until unused entitlement used to establish loan eligibility has been exhausted; or

(c) Until the approved flight program in which the student was enrolled on his/her delimiting date is completed.

(3) A post-delimiting date loan period for flight training cannot begin before October 1, 1980.

(4) Once qualified for an education loan after the delimiting date, enrollment in the same flight program is required to qualify for another loan during a subsequent loan period.

5. *Six-Month Course Length Requirement.*

a. An education loan may be granted to a veteran attending a course not organized on a term, quarter, or semester basis if that course requires at least 6 months to complete. Since flight training courses generally are not organized in terms of a specific number of months of attendance, it will be necessary for the flight school to establish that the individual flight course for which a loan is requested meets the 6-month requirement.

(1) The flight school may submit evidence in the form of an affidavit signed by the president, owner or chief official of the school which establishes that it generally takes 6 months or longer to complete the course. The evidence must be sufficient to clearly demonstrate that on the average it took at least 6 months for students (veterans as well as nonveterans) to complete the course during the past 2 years. No loans may be approved until the evidence is received.

(2) If it is established that a course meets the 6-month requirement for loan purposes, appropriate notice must be given to the Authorization activity. It will not be necessary for the school to submit the evidence as described above for subsequent loans for the same course unless requested by the VA.

(3) Note that "course," as used in this context, refers to the individual course a student may pursue, such as commercial pilot, instrument rating, or multiengine rating; all are separate courses.

b. If the flight school is unable to submit evidence to establish that the course meets the 6-month requirement, a waiver of this requirement will be necessary before a loan can be considered for the flight course.

(1) A flight school may apply for a waiver to the Director of the VA regional office that has jurisdiction of the area where the school is located. The waiver application must be accompanied by an affidavit signed by the president, owner, or chief official of the school. The affidavit must certify all of the following:

(a) The percentage of students whose enrollments ended during the past 2 years who completed the flight course. This information may be established from the Occupational Graduate Employment Report (Schools), VA Form 22–8723, by dividing the entry on line 3 by the entry on line 1, and multiplying by 100;

(b) The percentage of all students (no exclusions for any reasons) completing the course over the past 2 years who obtained employment in the occupational category for which the flight course was designed to provide training or in a closely related occupation. This information may be established from VA Form 22–8723 by dividing the sum of the entries on line 16 and line 17 by the entry on line 12, and multiplying by 100;

(c) The average length of the course. This may be obtained by determining the average time over the past 2 years that was necessary for students to complete the flight course. Students not completing the course will not be included in this computation;

(d) The percentage of all students currently enrolled in the flight school receiving VA educational benefits. Do not include students receiving training under Part 61 of FAA regulations.

2. The Director of the regional office will review waiver requests to determine if they meet all of the following requirements:

(a) The course completion rate has been 75 percent or more for the preceding 2 years. This amount can be obtained from VA Form 22–8723 by dividing the entry on line 3 by the entry on line 1, and multiplying by 100;

(b) Seventy-five percent or more of the graduates of the flight course during the preceding 2 years have gained employment in the occupation for which trained or in a closely related occupation. This may be obtained from VA Form 22–8723 by dividing the sum of the entries on line 16 and line 17 by the entry on line 12, and multiplying by 100;

(c) The course requires at least 3 months to complete based on the average time that students needed to complete the course;

(d) The percentage of all students currently enrolled in the school receiving VA educational benefits does not exceed 35 percent. Do not include students receiving training under Part 61 of FAA regulations;

(e) The cumulative default experience on all VA educational loans made at the educational institution does not exceed 5 percent or 5 cases, whichever is greater. This may be determined from the station's current RCS 22–8, VA Education Loan Payment/Default Report. The percentage will be the total defaults divided by the total loans disbursed; and

(f) There have been no serious discrepancies discovered at the school by the State approving agency on supervisory visits or by the VA on compliance surveys during the previous 2 years.

(3) The application for waiver, other related information, and any decision based on the application will be made a part of the approval folder.

(4) If the above requirements have not been met, the regional office Director is authorized to deny requests for waiver. The denial letter to the school will state the reason for denial and advise the school that it may request an administrative review of the decision by Central Office within 1 year from the date of the denial letter. A copy of the denial letter will be filed in the approval folder. Such a request for review should be made to the regional office. If a request for review is received, the complete record, including the approval folder and compliance survey file, will be sent to the Field Director (225B) for review and final decision. The regional office will notify the school by letter when the record is forwarded to Central Office. The Central Office decision will be sent to the regional office Director for written notice to the school.

(5) If the requirements of subparagraph (2) above have been met, the regional office will prepare a memorandum to the Field Director (225B). This memorandum will briefly summarize the findings and will recommend concurrence in the waiver request. The complete record, including the approval folder and the compliance survey file, will be sent to the Field Director (225B) along with the memorandum. The regional office will notify the school by letter when the record is forwarded to Central Office. The Central Office concurrence or nonconcurrence will be sent to the regional office Director for written notice to the school. If a waiver is granted, appropriate notice must be given the Authorization activity.

c. Applications for education loans from veterans attending flight courses will be disapproved unless the individual course meets the 6-month requirement or a waiver has been granted. The applicant will be given the reasons for the disapproval by dictated letter and informed as to the evidence the school may submit to meet these requirements if the school has not previously applied.

6. *Loan Period.*

a. Since there generally is no definite time for completing a flight course, the length of the course for each student must be estimated for loan purposes by the flight school and the student to arrive at a reasonable completion date for the course. This estimate will be independent of the course length for all students completing the course as described in the preceding paragraphs since each student may pursue flight training at a different rate. It will not be advantageous to the student to arrive at an estimated completion date for loan purposes that is significantly later than the date he/she is expected to complete the course. (See par. 8c.)

b. A single loan period for a particular flight course may not exceed 6 months. If the veteran does not complete the particular course by the estimated completion date or within 6 months of the beginning of the loan period, whichever is earlier, he/she may apply for another loan for the course by submitting another loan application.

7. *Eligibility—Financial Criteria.* The applicant's income and expenses related to training are counted in a similar manner as loans for institutional training.

a. *Available Resources.* Income from sources such as estimated net income for the year, cash assets, family contributions, and non-VA financial assistance will be reported and counted as in claims for loans for other types of training. As with all education loans, reported resources should be examined as to the reasonableness of the amounts shown. The adjudicator or education clerk should develop for any reported resources that do not appear to be reasonable. For VA educational assistance, the applicant should report that portion of the total charges which the VA will reimburse for the flight training courses over the period to which the loan will apply.

b. *Allowable Expenses.*

(1) Only those expenses related to flight training will be included under Related Educational Expenses on the application. The expenses will be reported for the loan period. Books, supplies, commuting expenses, and other school-related expenses are allowable to the same extent as for loans for institutional training.

(2) The student may list charges for room and board in the same manner as for other institutional courses. Since most flight schools do not furnish room and board, the allowable amounts for these expenses may not exceed the room and board charges at the nearest State school or university which provides room and board. These amounts may be obtained or verified from current school catalogs and adjusted to correspond to the length of the flight course. If the flight school does furnish room and/or board, the school certifying official will provide the cost of these services on the application for the entire estimated length of the course. The allowable expenses may not exceed the room and board charges for the flight school.

(3) The school certifying official should report total charges for flight training that the student is expected to incur for the course.

8. *Loan Amount.*

a. *Determining Loan Amount.*

(1) *Income Computation.* Amounts reported for estimated current year net available taxable and nontaxable income will be multiplied by the appropriate factor according to the loan period as follows:

Period to which loan will apply (months)	Factor [1]
1–3	.25
4–5	.375
6	.50

[1] Factor by which income multiplied.

(2) *Adjustment of Total Charges.*

(a) The total charges for flight training and for room and board, if provided, reported for the length of the course must be adjusted if the estimated ending date of the course (item 15C on the application) is more than 6 months from the beginning date of the course. To adjust the charges to a 6-month basis, divide 6 by the number of months of the course and multiply the fraction obtained by the total charges of the course. Portions of a month of 15 or more calendar days will be rounded to the next higher month; fewer than 15 days will be dropped. To the extent that the charges are used to compute the amount of the loan, that portion of the charges will not be used again in computing a subsequent loan for the same course.

(b) For example, if the flight school reports a 9 month course with total charges of $6,000, charges of $4,000 (6/9 x $6,000) can be counted as expenses for the first loan period; the remaining $2,000 may be counted as expenses if a second loan is requested for the course.

(c) The veteran's income from VA educational assistance should not be less than 60 percent of the projected total flight charges unless he/she is no longer eligible for educational assistance.

(d) The flight charges that can be counted to compute the loan amount must be examined carefully if the veteran requests a second loan for the same flight course. Flight charges used to compute the amount for the initial loan for a course cannot be counted as expenses to compute a subsequent loan for the same course. For example, if approved charges for a flight course are $8,000 and the veteran claims $5,000 in flight charges for the initial loan, no more than $3,000 can be allowed as charges for a second loan for that course.

(3) *Maximum Loan Amount.* For courses estimated to be less than 6 months in length, the maximum loan that may be granted is at the rate of $270 per month. If the course is 6 months, the maximum loan amount for the period is $1,660. Portions of a month of 15 or more calendar days will be rounded to the next higher month for computation purposes; fewer than 15 days will be dropped. However, a course of less than 15 days will be considered as 1 month. If the course is longer than 6 months, these criteria will be applied separately to each additional period of up to 6 months.

(4) *Absolute Maximum.* In addition to the limitations on the loan amount due to the length of the course, there are limitations based on the amount of the veteran's remaining entitlement to educational assistance. For loans for flight training under chapter 34, the loan amount may not exceed the amount obtained by multiplying $302 (effective 10/1/80) times the number of months of remaining monthly entitlement. This rate was increased to $317 times remaining monthly entitlement effective January 1, 1981. If a loan period begins before January 1, 1981, and ends on or after that date, each portion of the period will be computed at the rate appropriate for that period. The two amounts will be combined.

b. *Approved Loan Amount.* The approved loan amount will be the lesser of the following:

(1) The amount needed;

(2) The amount requested;

(3) The maximum loan for the enrollment period (as computed according to subpar. a(3) above); or

(4) The absolute maximum (as computed according to subpar a(4) above).

c. *Adjustment of Approved Loan Amount.* Two loan periods for different courses may overlap if one course is completed and a loan request for a second course is received that covers a period beginning before the estimated completion date of the first course. The loan amount approved for the second course must be reduced to the extent that the actual loan amount due the student for the first course exceeds the amount paid. The following subparagraphs give an example of overlapping loan periods:

(1) The estimated length of the first course for which a loan is approved covers the period January 20, 1981, through April 10, 1981. The student actually completes the first course on March 12, 1981. The loan request for the second flight course covers the period March 16, 1981, through May 20, 1981.

(2) First, compute the loan amount for the second course. Second, recompute the loan amount for the first course by adjusting income and expenses for the actual length of the course and actual charges paid.

(3) If the recomputed loan amount for the first course is less than the loan amount paid for that course, deduct the difference from the loan amount approved for the second course. If the recomputed amount is equal to or greater than the amount paid, the full loan amount for the second course will be paid. NOTE: the amount of any loan granted will not be recomputed if the student completes a flight course before the estimated completion date except as provided in this subparagraph.

9. *Entitlement Accounting for Post-Delimiting-Date Loans.*

a. As in the case of institutional training, the Authorization activity must maintain a record of remaining entitlement used to establish loan eligibility. The entitlement remaining at the student's delimiting date will be reduced after payment of each loan by an amount equal to the number of months of entitlement that would be charged if the student had received reimbusement based on the rate of $302 (effective 10/1/80) and $317 (effective 1/1/81) during the period to which the loan applies.

b. For example, if the loan period is established as of January 10, 1981 through March 31, 1981, for course charges of $6,000, the entitlement remaining to establish additional loan eligibility would be reduced by the amount of entitlement that would be charged on $3,600 (60% of $6,000). The entitlement is computed as follows: $3,600 ÷ $317 = 11.3565 or 11.25 mos. ent. chg. (round down to next lowest quarter month).

c. Entitlement charges for loan purposes normally will not be adjusted if the reimburseable charges are actually less than originally estimated. However, entitlement may be adjusted if the actual charges are less than estimated and if the loan for that period is fully repaid.

10. *Processing Loan Payments.*

a. Loan payments for flight training as in the case of institutional training, will be drawn in favor of the veteran and mailed to the flight school. The school will then deliver the check to the student as soon as practicable after it is received and certify to the VA that the check has been delivered.

b. The school will use VA Form 4–5220a, Certification of Delivery of Education Loan Payment, to verify that it delivered the loan payment to the veteran. This form will be mailed to the flight school with the loan payment. When the school delivers the loan payment to the veteran, the certifying official will verify this fact on the VA Form 4–5220a. The school will retain a copy of the certification for their records and will return the original to the VA regional office at the address shown on the certification.

c. The delivery of the loan payment by the school and the certification of the delivery will entitle the school to the advance payment reporting fee.

d. If a school does not choose to deliver loan payment checks, or if it is determined that the school cannot satisfactorily care for and deliver them, the loan payment checks will be mailed directly to the student.

11. *Loan Repayment.*

a. The grace period for repayment will begin when flight training is terminated or the date of last training, whichever is earlier. Further, if during any 3-month period, the veteran completes less than 10 hours of training (flight time, ground school, or a combination of both), the grace period will begin at the end of the third month. The Finance activity will review flight certifications monthly to determine whether or not repayment can be deferred. If the student is not receiving education benefits but has been granted an education loan, the flight school should continue to submit monthly flight certifications to the Finance activity for that student. Such certifications should be clearly marked "EDUCATION LOAN ONLY." Repayment will be deferred if the veteran continues in flight training beyond the loan period or enrolls in another type of approved training on a half-time or greater basis.

b. The Promissory Note, VA Form 22–8726, and FL 22–891 indicate that the period for repayment will not commence until the student reduces attendance to less than half time. Until these forms are revised, indicate on the FL 22–891 or other dictated letter which is sent as cover letter to the Promissory Note that repayment of the loan will begin 9 months after flight training is terminated or at the end of a 3-month period if less than 10 hours of flight training are completed.

12. *Statistics.*

a. The following items will be added to the VA Education Loans report (RCS 22–10):

(1) Number of flight training loan applications received during current quarter;

(2) Number of flight training loan applications approved during current quarter;

(3) Number of flight training loan applications denied during current quarters;

(4) Number of post-delimiting-date flight training loan applications received during current quarter;

(5) Number of post-delimiting-date flight training loan applications approved during current quarter; and

(6) Number of post-delimiting-date flight training loan applications denied during current quarter.

b. The number of flight loan applications will not be included in the statistics now reported for applications for institutional training in the RCS 22–10.

c. The number of post-delimiting-date flight training loan application (items (4)–(6) above) will not be included in the statistics for the number of other flight training loan applications (items (1)–(3) above).

d. The statistics for loans for flight training for the quarter ending December 31, 1980, should be delayed and reported along with the statistics for loans for the quarter ending March 31, 1981. However, stations will report statistics for flight training loans for the quarter ending December 31, 1980, separately from the statistics for flight training loans for the quarter ending March 31, 1981.

13. *Information to Accompany Aplication.* Until a revised application is published to accommodate loan applications for flight training, the adjudicator or education clerk will ensure that the following information and instructions relating to flight training are provided with loan applications:

a. Instruction 2A: Inform the applicant that to be eligible for an education loan, he/she must be receiving or eligible to receive VA education benefits for reimbursement at 60% of authorized charges for enrollment in an approved flight course.

b. If the applicant's delimiting date has expired or will expire within a short time, he/she should be informed of the requirements for post-delimiting-date loans as explained in paragraph 4b of this circular.

c. Instruction 2C(1): A loan cannot be granted in an amount to exceed the applicant's months of entitlement remaining as of the beginning date of the loan period multiplied by $302 effective October 1, 1980, and $317 effective January 1, 1981.

d. Instruction 2C(3): For a flight course the maximum loan period for a single loan is 6 months although the applicant may reapply for a subsequent loan for the same course if the course has not been completed within 6 months or is scheduled to last for more than 6 months.

e. Instruction 2C(3)(B): The maximum loan amount is $270 per month of enrollment for loan periods of less than 6 months. For a loan period of 6 months, the maximum is $1,660.

f. Instruction 3A–Item 9: Inform the Applicant to indicate "Flight" in this item. In item 9f, indicate the period for which the loan is requested, but not to exceed 6 months.

g. Instruction 4–Item 15A: The school will also provide the name of the course for which the loan is to apply.

h. Instruction 4–Items 15B and D: These items need not be completed.

i. Instruction 4–Item 15C: The school will indicate the beginning date of the flight course and the date the applicant is expected to complete the course.

j. Instruction 4–Item 15E: Request the school to provide the total charges for flight training that the applicant is expected to incur for the course. The items for "Room and Board" should be completed only if the school provides and charges for room and/or board. The amounts for total charges for flight training and for room and/or board will be reported for the entire course, not for the loan period indicated in item 9f.

14. *Responsibilities of Education Liaison Representatives.* Education Liaison Representatives should inform flight schools of the provisions of this appendix. Particularly they should assist flight schools in developing the evidence on course length and on waiver of the course length requirement specified in paragraph 5.

Dorothy L Starbuck,

Chief Benefits Director.

[FR Doc. 81-16868 Filed 6-5-81: 8:45 am]

BILLING CODE 8320-01-M

Fort Snelling National Cemetery, St. Paul, Minnesota; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential cumulative environmental impacts that may occur as a result of the implementation of various projects included in the conceptual master plan for the Fort Snelling National Cemetery, St. Paul, Minnesota.

The conceptual master plan includes projects to develop more gravesite area, refine the entrance gate, provide an administration/service building complex and upgrade the landscape and grounds maintenance. These projects will be phased in design and constructon over a several year span. As the master plan is conceptual in scope, the individual projects are not totally designed and each is flexible in terms of exact size, location and timing.

Long term impacts associated with the implementation of the master plan include the development of approximately 300 acres acquired from the U.S. Army. This site existed as an unutilized/abandoned military installation, so in effect the VA is recycling existing Federal property. The National Cemetery will be carefully designed to provide a sensitive setting for the burial of eligible veterans and their dependents.

Short term impacts associated with this proposed development will include the impacts related to construction; air-borne particulates, noise, erosion, traffic and visual impacts. These temporary impacts will be mitigated through the application of the VA's environmental protection construction specification. These specifications will require the contractor to provide measures to eliminate or reduce soil erosion through proper engineering techniques, maintain equipment at proper levels to insure against excessive engine emissions and noise, control dust, and maintain the construction site in a professional condition to eliminate negative visual impacts.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, DC. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, NW, Washington, DC, (202) 389-2526. Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW, Washington, DC 20420.

Dated: June 2, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81-16853 Filed 6-5-81: 8:45 am]

BILLING CODE 8320-01-M

V 4 6 1 0 9
J E 8 8 1
UMI

Suns

This secti
contains
under the
Act" (Pub
552b(e)(3)

CONTEN

Federal E
sion .....
Federal Ho
National C

1

FEDERAL
COMMISSI
June 3, 198
TIME AND
PLACE: Ro
Street, N.
STATUS: C
MATTERS
Note.—I
deleted wi
CONTACT
INFORMAT
Secretary

This is
considere
not inclu
relevant t
however,
examined
Informati

The cor
miscellan
considere
The gas a
Thursday

Consent Po
10, 1981, Re

CAP-1. Pro
Pennsylv
Basin Co
CAP-2. Do
Edison C
Indiana
CAP-3. Do
Arkansa
CAP-4. Do
Yankee
CAP-5. Do
Michigar
CAP-6. Do
Electric
CAP-7. Do
Winnetk
Edison C

Sunshine Act Meetings

Federal Register
Vol. 46, No. 109
Monday, June 8, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Energy Regulatory Commission	1
Federal Home Loan Bank Board	2-4
National Credit Union Administration	5

1

FEDERAL ENERGY REGULATORY COMMISSION.

June 3, 1981.

TIME AND DATE: 10 a.m., June 10, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

The consent agendas, power and miscellaneous agendas will be considered on Wednesday June 10, 1981. The gas agenda will be considered on Thursday June 11, 1981.

Consent Power Agenda—492nd Meeting, June 10, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 4057, Commonwealth of Pennsylvania and Susquehanna River Basin Commission
CAP-2. Docket No. ER81-368-000, Detroit Edison Co., Consumers Power Co. and Indiana & Michigan Electric Co.
CAP-3. Docket Nos. ER80-373 and ER80-549, Arkansas Power & Light Co.
CAP-4. Docket No. ER80-717, Connecticut Yankee Atomic Power Co.
CAP-5. Docket No. ER81-48-000, Indiana & Michigan Electric Co.
CAP-6. Docket No. ER80-214, Pacific Gas & Electric Co.
CAP-7. Docket No. EL80-25, Village of Winnetka, Illinois v. Commonwealth Edison Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM81- , Revision of Form No. 80—Licensed Projects Recreation Report
CAM-2. Docket No. RM79-76 (Colorado—3), high-cost gas produced from tight formations
CAM-3. Docket No. RM79-76 (Louisiana—3), high-cost gas produced from tight formations
CAM-4. Docket No. RM79-76 (Louisiana—4), high-cost gas produced from tight formations
CAM-5. Docket No. GP80-2, Spradling Drilling Co.
CAM-6. Docket No. GP81- , Railroad Commission of Texas, Section 102 Determination, Paul E. Cameron, Jr., Inc., R. Chance No. 1 Well, FERC Control No. JD80-40279

Consent Gas Agenda

CAG-1. Docket No. RP81-62-000, National Fuel Gas Supply Corp.
CAG-2. Docket No. RP80-140, Columbia Gas Transmission Corp.
CAG-3. Texas Eastern Transmission Corp.
CAG-4. Docket No. RP81-23-000, El Paso Natural Gas Co.
CAG-5. Docket No. CI81-201-000, Diamond Shamrock Corp.; Docket No. CI81-196-000, Sonat Exploration Co.; Docket No. CI81-130-000, Getty Oil Co.
CAG-6. Docket No. CI78-968, United Gas Pipe Line Co.
CAG-7. Docket Nos. RP72-99 and TC79-6 (compensation), Transcontinental Gas Pipe Line Corp.
CAG-8. Docket No. CP80-211, Florida Gas Transmission Co. and Southern Natural Gas Co.
CAG-9. Docket Nos. CP78-123, et al., Northwest Alaskan Pipeline Co.
CAG-10. Docket No. CP80-342, United Gas Pipe Line Co.
CAG-11. Docket No. CP80-475, Montana-Dakota Utilities Co.
CAG-12. Docket No. CP81-56-000, Montana-Dakota Utilities Co.
CAG-13. Docket No. CP81-79-000, Natural Gas Pipeline Co. of America, Columbia Gulf Transmission Co. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-14. Docket No. CP81-87-000, Northern Natural Gas Co., Division of Internorth, Inc.
CAG-15. Docket No. CP81-106-000, Columbia Gas Transmission Corp.
CAG-16. Docket No. CP81-129-000, Texas Gas Transmission Corp.
CAG-17. Docket No. CP81-153-000, Columbia Gas Transmission Corp.
CAG-18. Docket No. CP81-161-000, Columbia Gulf Transmission Co.
CAG-19. Docket No. CP81-198-000, National Fuel Supply Corp.
CAG-20. Docket No. CP81-271-000, Columbia Gas Transmission Corp.

Regular Power Agenda

I. Licensed Project Matters

P-1. Project No. 3238, Marsh Island Hydro Associates; Project No. 3323, Bangor Hydro-Electric Co.

II. Electric Rate Matters

ER-1. Docket No. ER78-338 (phase I and phase II), Public Service Co. of New Mexico

Regular Miscellaneous Agenda

M-1. Reserved
M-2. Reserved
M-3. Docket No. RM79-76 (Colorado—10), high-cost gas produced from tight formations

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Reserved

II. Producer Matters

CI-1. Docket No. G-3636, Allied Chemical Corp.

III. Pipeline Certificate Matters

CP-1. Docket No. CP78-532, Ozark Gas Transmission System
CP-2. Docket No. CP74-92 (Remand), Micc, Inc.

Kenneth F. Plumb,
Secretary.

[S-890 Filed 6-4-81; 9:17 am]
BILLING CODE 6450-85-M

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 30023, Thursday, June 4, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, June 4, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled for Thursday, June 4, 1981.

Service Corporation Application—Alaska Federal Savings & Loan Association of Juneau, Juneau, Alaska

No. 497, June 4, 1981.

[S-891-81 Filed 6-4-81; 10:02 am]
BILLING CODE 6720-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, June 11, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

City of Chicago Home Improvement Loan Program
Recommendation for Designation of Robert C. Albanese as Supervisory Agent, FHL Bank of New York
Purchase of an Insurance Agency by the Wholly-Owned Service Corporation of—Athens Federal Savings & Loan Association (Federal Mutual) Athens, Georgia
Application to Exercise Trust Powers—Rossville Federal Savings & Loan Association, Rossville, Georgia
Application for Bank Membership—Coastal Savings Bank (Mutual), Portland, Maine
Application For Insurance of Accounts—Citizens Building & Loan Association, Plaquemine, Louisiana (Uninsured, Non-Member Mutual)
Request for Further Extension of Time for Completion of Organization—Houston Federal Savings & Loan Association, Warner Robins, Georgia
Merger—Crystal City Savings & Loan Association, Crystal City, Missouri *into* Community Federal Savings & Loan Association, St. Louis, Missouri
Service Corporation Application—Alaska Federal Savings & Loan Association of Juneau, Juneau, Alaska

No. 496, June 4, 1981.

[S–892–81 Filed 6–4–81; 10:03 am]

BILLING CODE 6720–01–M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, June 11, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled for Thursday, June 11, 1981.

Application for Bank Membership—Coastal Savings Bank (Mutual), Portland, Maine

No. 498, June 4, 1981.

[S–894–81 Filed 6–4–81; 2:40 pm]

BILLING CODE 6720–01–M

5

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, June 11, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Proposed deregulation of Sections 701.21–1, 701.21–2 and 701.21–3 of the NCUA Rules and Regulations regarding lending policies, amortization and payment of loans and lines of credit.
3. Proposed regulation—Section 701.21–3A to the NCUA Rules and Regulations regarding business relationship with line of credit lender.
4. Proposed amendments to Section 701.21–6 of the NCUA Rules and Regulations: real estate lending including use of due on sale clauses.
5. Proposed dergulation of Section 701.21–7 of the NCUA Rules and Regulations regarding loan participation.
6. Proposed regulation—Section 701.21–6B to the NCUA Rules and Regulations regarding adjustable rate mortgages.
7. Requests for assistance for three CDCUs under Section 705 of the NCUA Rules and Regulations—Community Development Credit Union Program.
8. Proposed regulation—Section 748 to the NCUA Rules and Regulations regarding minimum security devices and procedures.
9. Proposed policy on merger assistance under Section 208(a)(2) of the Federal Credit Union Act.
10. Report of assistance taken under delegations of authority.
11. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:30 a.m.

TIME AND DATE: 10:45 a.m., Thursday, June 11, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative adjudication. Closed pursuant to exemptions (8) and (10).
2. Proposed conversion. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Administrative action under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(II).
4. Administrative action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(II).
5. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9))A)(ii).
6. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(II).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357–1100.

[S–893–81 Filed 6–4–81; 12:23 pm]

BILLING CODE 7535–01–M

federal register

Monday
June 8, 1981

Part II

Environmental Protection Agency

Protest of Grantee Procurement Actions Under Grants for Construction of Publicly Owned Treatment Works; Subject Index List of Regional Administrator Protest Determinations Issued During 1980

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL-1847-4]

Protest of Grantee Procurement Actions Under Grants for Construction of Publicly Owned Treatment Works; Subject Index List of Regional Administrator Protest Determinations Issued During 1980

This notice publishes the 1980 subject index list for EPA Regional Administrator Protest Determinations. these determinations have been made under the EPA protest procedure set forth at 40 CFR 35.939.

This is the fourth EPA subject index and lists only the bid protest determinations issued during calendar year 1980. The first index, listing Regional Administrator protest determinations issued during the period 1974 through 1977, was published at 43 FR 29086–95 (July 5, 1978). This was supplemented by the index of 1978 protest determinations published at 44 FR 25812–18 (May 2, 1979) and the index of 1979 protest determinations published at 45 FR 58770–74 (September 4, 1980).

In 1980, 80 determinations were issued by EPA Regional Administrators. Each determination has been cited in this subject index by Grantee and State and includes a notation of the EPA Region in which the protest arose, the date of the determination, and the protester's name.

A brief descriptive parenthetical reference has been added to each citation.

Copies of the issued protest determinations may be obtained from any EPA Office of Regional Counsel or from the headquarters source identified below.

Interested parties are invited to submit comments concerning any improvement or correction to the subject index list to Lee DeHihns, Acting Assistant General Counsel, Grants (A–134), Office of General Counsel, United States Environmental Protection Agency, Washington, D.C. 20460. Comments should be made within sixty (60) days of this publication.

FOR FURTHER INFORMATION CONTACT:

Stephen M. Sorett, Esquire, Grants, Contacts, and General Administration Division (A–134); Office of General Counsel, United States Environmental Protection Agency, Washington, D.C. 20460; (202) 755–8108.

Mary Doyle,

Acting General Counsel (A–130).

May 29, 1981.

Ambiguity

1. San Buenaventura, CA (IX, 3–28–80) (A. A. Portanova & Sons) (difference between unit price and extended total).
2. Glennville, GA (IV, 4–4–80) (J. W. Meadors and Company) (unsolicited discount).
3. Port Austin Area Water and Sewer Atuhority, MI (V, 7–2–80) (Amado Cardenas, d/b/a Nashville Excavating Company) (MBE efforts prior to bidding).
4. Newaygo County Board of Public Works, MI (V, 7–21–80) (M. D. Taddie & Company, Inc.) (discount applied to single contract).
5. Rochester, MN (V, 7–24–80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Corporation) (MBE effort prior to bidding).
6. Newaygo County Board of Public Works, MI (V, 7–28–80) (R. S. Bennett & Company) (prequalified equipment to comply with specifications).
7. Ashley Valley Sewer Management Board, UT (VIII, 11–20–80) (Western Utility Contractors, Inc.) (difference between unit price and extended total).

A/E Procurement

1. Northwest Bergen County Sewer Authority, NJ (II, 1–10–80) (URS/MSR Engineers, Inc.) (oral interview, cost submission).
2. Hudson County Utilities Authority, NJ (II, 3–31–80) (E&R Engineers Limited) (time to protest).
3. San Antonio, TX (VI, 7–15–80) (Camp Dresser and McKee, Inc.) (terminate negotiations with initial selectee).
4. Vista Sanitation District/Encina Joint Powers, CA (IX, 7–30–80) (Don Todd Associates) (cost in evaluation).
5. Vista Sanitation District/Encina Joint Powers, CA (IX, 9–19–80) (Don Todd Associates) (reconsideration, reevaluate proposals).
6. Southwest Florida Regional Planning Council [Fort Myers], FL (IV, 12–3–80) (Jones, Edmunds and Associates/Missimer & Associates) (evaluation).

Award—Prime Contract

No entries.

Bid Shopping

1. Hastings, NE (VII, 3–7–80) (Horizon Construction Company; Olson Contruction Company) (failure to list MBE subs).
2. Johnson County, KS (VII, 4–1–80) (Sharp Brothers Contracting Company) (failure to list MBE subs).
3. Tacoma, WA (X, 4–3–80) (Worthington Pump Corporation) (equipment substitution).
4. Glennville, GA (IV, 4–4–80) (J. W. Meadors and Company) (Failure to list suppliers).
5. Port Austin Area Water and Sewer Authority, MI (V, 7–2–80) (Amado Cardenas, d.b.a. Nashville Excavating Company) (failure to list MBE subs).
6. County of Nassau, NY (II, 8–7–80) (Komline-Sanderson Engineering Corporation) (substitution for listed equipment).
7. San Jacinto River Authority [Woodlands], TX (VI, 10–3–80) (Industrial Contractors, Inc.) (listing of MBE subs).
8. DuPage County [Department of Public Works], IL (V, 12–15–80) (Paschen Contractors, Inc.) (failure to list subs).
9. Pierce County, WA (X, 12–23–80) (Frank Coluccio Construction Company) (failure to list subs).

Bids

A. Late

No entries.

B. Modification

1. Monmouth, OR (X, 8–21–80) (Chinook Pacific Corporation) (limiting time to accept bid).

C. Unbalanced

1. Glennville, GA (IV, 4–4–80) (J. W. Meadors and Company) (not automatically rejected).
2. Branford, CT (I, 5–28–80) (C. H. Nickerson & Co.) (zero unit price deduct).

Bonds

1. Norwich, CT (I, 2–1–80) (Fantoni Company) (bid bond not signed by principal).
2. Cecil County, MD (III, 8–11–80) (Hanks Contracting, Inc.) (bid bond not submitted).
3. Pierce County, WA (X, 12–23–80) (Frank Coluccio Construction Company) (bid bond as a percentage of bid).

Burden of Proof

1. DeKalb County, GA (IV, 2–29–80) (Southeast Grading, Inc.) (on procurement agency in award to other than low bidder).
2. Cordele, GA (IV, 5–1–80) (Franklin Aluminum Division/Hoover Universal, Inc.) (on protester in restrictive specification claim).
3. Clarksville, TN (IV, 6–5–80) (Penetryn Systems, Inc.) (on procurement agency if low bidder is nonresponsive).
4. Ashley Valley Sewer Management Board, UT (VIII, 11–20–80) (Western Utility Contractors, Inc.) (on protester to show violation of procurement principles).

Buy American Act Requirements

No entries.

Choice of Law

A. General

No entries.

B. Fundamental Federal Procurement Principles

1. Colfax Public Service District, WV (III, 8–29–80) (Salerno Brothers, Inc.) (bid rejection for failure to acknowledge wage rate addendum).
2. Alma, NE (VII, 9–4–80) (William Anderson Company, Inc.) (bidders advised of basis for evaluation).

C. GAO Decisions—Effect of

1. Norwich, CT (I, 2–1–80) (Fantoni Company) (absence of state law).

D. State Law

1. Mount Holly Sewerage Authority, NJ (II, 2–6–80) (Neshaminy Constructors, Inc.) (State Court action).
2. Metropolitan Sanitary District of Greater Chicago, IL (V, 2–27–80) (Shea-Kiewit) (post-award contract claim).
3. Hastings, NE (VII, 3–7–80) (Horizon Construction Company; Olson Construction Company) (State Open Meeting law).
4. Whiteville, NC (IV, 3–26–80) (Astor Bolden Enterprises, Inc. T/A Quality Sanitary Services Co.) (contractor bidding license, number of bids).
5. Sacramento Regional County Sanitation District, CA (IX, 5–9–80) (Burdick Contractors, Inc.) (state law on bid mistake).
6. Monmouth, OR (X, 8–21–80) (Chinook Pacific Corporation) (bid withdrawal).
7. Colfax Public Service District, WV (III, 6–29–80) (Salerno Brothers, Inc.) (state law does not require award to low bidder).
8. Northeast Ohio Regional Sewer District, OH (V, 9–4–80) (D. E. Williams Electric, Inc.) (relief for bid mistake).
9. Ashley Valley Sewer Management Board, UT (VIII, 11–20–80) (Western Utility Contractors, Inc.) (correction of error in unit price).
10. Ashley Valley Sewer Management Board, UT (VIII, 11–26–80) (Van Staveren Construction, Inc.) (state license, dollar bid amount).
11. Pierce County, WA (X, 12–23–80) (Frank Coluccio Construction Company) (reversal of decision to reject bids).

Competition

A. General

1. Odessa, TX (VI, 2–4–80) (Gifford-Hill and Company) (single pipe material).
2. Tolleson, AZ (IX, 3–17–80) (Hydro Conduit Corporation) (single pipe material).
3. Northeast Ohio Regional Sewer District, OH (V, 10–14–80) (ICI Americas, Inc.) (single material for carbon columns).

B. De Facto

1. Alma, NE (VII, 9–4–80) (William Anderson Company, Inc.) (4 of 8 bidders bid no charge for sealant).

C. Free and Open

1. Cordele, GA (IV, 4–10–80) (Ralph Healey & Associates, Inc.) (manufacturers only).

Conflict of Interest

1. Southwest Florida Regional Planning Council (Fort Myers), FL (IV, 12–3–80) (Jones, Edmunds and Associates/Missimer & Associates) (A/E with contracts to assess and to inspect seawalls).

Davis-Bacon Act

No entries.

Deferral of Procurement Action

No entries.

Descriptive Literature Requirement

No entries.

Enforcement

1. St. Petersburg, FL (IV, 1–10–80) (Municipal and Industrial Pipe Services, Ltd.) (limiting grant eligibility in rebidding).
2. Checotah, OK (VI, 6–16–80) (Sherman Machine and Iron Works, Inc.) (limiting additional cost if equipment reprocured).

Engineering Judgment

1. East Bay Dischargers Authority, CA (IX, 1–30–80) (Capital Controls Company) (rational basis to reject proposed equal).
2. Odessa, TX (VI, 2–4–80) (Gifford-Hill and Company) (rational basis for single material).
3. Whitehall, NY (II, 2–5–80) (Davis Water & Waste Industries, Inc.) (salient requirement to meet minimum need).
4. Tolleson, AZ (IX, 3–17–80) (Hydro Conduit Corporation) (justification for single material).
5. Puyallup, WA (X, 4–24–80) (Rodding-Cleaning Machines, Inc.) (requirement based on performance need).
6. Moorhead, MN (V, 6–3–80) (Waldor Pump & Equipment Company) (consultant's judgment to be rationally based).
7. Clarksville, TN (IV, 6–5–80) (Penetryn Systems, Inc.) (justification for single material).
8. County Sanitation Districts of Los Angeles County, CA (IX, 6–26–80) (Ingersoll-Rand Co.) (rational performance related basis).
9. Richmond, VA (III, 7–1–80) (Lane Construction Company; Clevepak Corporation) (equipment rejection for performance needs has rational basis).
10. Northeast Ohio Regional Sewer District, OH (V, 10–14–80) (ICI Americas, Inc.) (single material requirement has rational basis).

E.E.O.

No entries.

Evaluation of Bids

1. Mount Holly Sewerage Authority, NJ (II, 2–6–80) (Neshaminy Constructors, Inc.) (deletion of alternate item).
2. Tacoma, WA (X, 4–3–80) (Worthington Pump Corporation) (acceptance of equipment of different size).
3. Soldotna, AK (X, 4–25–80) (Interstate Company) (MBE documents as to positive efforts).
4. Branford, CT (I, 5–28–80) (C. H. Nickerson & Co.) (zero unit price, identical price for alternates).
5. Moorhead, MN (V, 6–3–80) (Waldor Pump & Equipment Company) (cost and performance basis).
6. Newaygo County Board of Public Works, MI (V, 7–21–80) (M. D. Taddie & Company, Inc.) (discount).
7. Newaygo County Board of Public Works, MI (V, 7–28–80) (R. S. Bennett & Company) (equipment efficiency and operating costs).

Experience Requirements

1. Orange County Sanitation Districts of Orange County, CA (IX, 5–22–80) (Ralph B. Carter Co.; Komline-Sanderson Engineering Corp.) (experience as prequalification factor).

Finality of Administrative Determinations

No entries.

Formal Advertising

No entries.

Grantee Responsibilities

1. Nashville, MI (V, 10–24–80) (Clark Construction Company) (MBE goals, investigation of MBE status).

Innovative and Alternative Technology

No entries.

Judicially Directed Review

No entries.

Jurisdiction

1. Pima County, AZ (IX, 2–20–80) (Ameron) (change order).
2. Metropolitan Sanitary District of Greater Chicago, IL (V, 2–27–80) (Shea-Kiewit) (change order).
3. Suffolk County, NY (II, 3–3–80) (Davis Construction Corp.) (retainage).
4. Metropolitan Sanitary Disrict of Greater Chicago, IL (V, 3–7–80) (Joint Venture of Pora Construction Company and Minority-Majority Construction Company) (delay claim).
5. Metropolitan Sanitary District of Greater Chicago, IL (V, 3–27–80) (Herlihy Mid-Continent Company) (claims).
6. Northwest Bergen County Sewer Authority, NJ (II, 5–5–80) (Interpace Corporation) (contract interpretation).
7. Portland, OR (X, 6–12–80) (Robbins & Myers, Inc.) (change order).
8. County of Nassau, NY (II, 6–7–80) (Komline-Sanderson Engineering Corporation) (equipment substitution).
9. Portland, OR (X, 6–7–80) (Robbins & Myers, Inc.) (change order).
10. Northeast Ohio Regional Sewer District, OH (V, 9–4–80) (D. E. Williams Electric, Inc.) (State law as to remedy for bid mistake).

Minority Business Enterprise

1. DeKalb County, GA (IV, 2–29–80) (Southeast Grading, Inc.) (good faith negotiations).
2. Hastings, NE (VII, 3–7–80) (Horizon Construction Company; Olson Construction Company) (falure to list MBE subs is curable).
3. Johnson County, KS (VII, 4–1–80) (Sharp Brothers Contracting Company) (failure to list MBE subs is curable).
4. Huntsville, TX (VI, 4–18–80) (Angleton General Mechanical, Inc.) (failure to furnish documentation of positive efforts is curable).
5. Burlingame, CA (IX, 4–25–80) (Pat Kennelly Construction Company) (failure to contact assistance center can be waived).
6. Soldotna, AK (X, 4–25–80) (Interstate Company) (failure to file MBE for with bid is curable).
7. Port Austin Area Water and Sewer Authority, MI (V, 7–2–80) (Amado Cardenas, d.b.a. Nashville Excavating Company) (specifications ambiguous in requiring positive efforts prior to bidding).
8. Rochester, MN (V, 7–24–80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Construction) (specifications ambiguous in requiring positive efforts prior to bidding).
9. Toledo, OH (V, 7–28–80) (Minority Earth Movers, Inc.) (MBE policy does not extend to WBE).

10. Rockford, MI (V, 8–1–80) (Nagel Construction, Inc.; Interstate Pipe Maintenance, Inc.; Clytus Industries, Inc.) (timeliness).

11. Albert Lea, MN (V, 9–18–80) (Orvedahl Construction, Inc.; Centennial Contractors Corp.; Johnson Brothers Corp.) (Grantee can make responsiveness dependent on pre-bid positive efforts).

12. San Jacinto River Authority [Woodlands], TX (VI, 10–3–80) (Industrial Contractors, Inc.) (goal attainment or positive efforts go to responsibility).

13. Nashville, MI (V, 10–24–80) (Clark Construction Company) (grantee can make MBE data a matter of responsiveness).

14. Webster, TX (VI, 10–31–80) (LEM Construction Company, Inc.) (positive efforts).

15. DuPage County [Department of Public Works], IL (V, 12–15–80) (Paschen Contractors, Inc.) (positive efforts).

16. Pierce County, WA (X, 12–23–80) (Frank Coluccio Construction Company) (MBE documentation as responsibility factor).

17. Bear Creek Valley Sanitary Authority, OR (X, 12–24–80) (Ausland Construction, Inc.) (post-bid efforts to meet MBE goals).

18. Clear Lake City, TX (VI, 12–29–80) (LEM Construction Co., Inc.) (MBE documentation is responsibility factor).

Mistake

1. San Buenaventura, CA (IX, 3–28–80) (A. A. Portanova & Sons) (unit price corrected).

2. Sacramento Regional County Sanitation District, CA (IX, 5–9–80) (Burdick Contractors, Inc.) (State law).

3. Marquette County, MI (V, 8–14–80) (Brumm Construction Company; O'Dovero Construction Company) (change order to cover bid mistake).

4. Northeast Ohio Regional Sewer District, OH (V, 9–4–80) (D. E. Williams Electric, Inc.) (upward adjustment relief as State law issue).

5. Ashley Valley Sewer Management Board, UT (VIII, 11–20–80) (Western Utility Contractors, Inc.) (unit price corrected).

Negotiated Procurement

No entries.

Nonrestrictive Specifications

1. Cordele, GA (IV, 1–15–80) (Tuttle/White Constructors, Inc.) (manufacturers only).

2. East Bay Dischargers Authority, CA (IX, 1–30–80) (Capital Control Company) (rejection of equipment).

3. Whitehall, NY (II, 2–5–80) (Davis Water & Waste Industries, Inc.) (pump lacks salient feature).

4. Fall River, MA (I, 2–13–80) (Passavant Corporation) (manufacturers only).

5. Anne Arundel County, MD (III, 2–13–80) (Sabatini Company) (pipe).

6. Tolleson, AZ (IX, 3–17–80) (Hydro Conduit Corporation) (pipe).

7. Cordele, GA (IV, 4–10–80) (Ralph Healey & Associates, Inc.) (manufacturers only).

8. Puyallup, WA (X, 4–24–80) (Rodding—Cleaning Machines, Inc.) (performance requirement).

9. Little Rock, AR (VI, 4–29–80) (Autotrol Corporation) (performance specifications).

10. Cordele, GA (IV, 5–1–80) (Franklin Aluminum Division/Hoover Universal, Inc.) (protester has burden of proof).

11. Northwest Bergen County Sewer Authority, NJ (II, 5–5–80) (New Holland Newcrete Products Division of New Enterprise Stone & Lime Co.) (national standards).

12. Clarksville, TN (IV, 6–5–80) (Penetryn Systems, Inc.) (single grout material).

13. Checotah, OK (VI, 6–18–80) (Sherman Machine and Iron Works, Inc.) (performance needs).

14. County Sanitation Districts of Los Angeles County, CA (IX, 6–26–80) (Ingersoll-Rand Co.) (cost effectiveness, equipment life).

15. Richmond, VA (III, 7–1–80) (Lane Construction Company; Clevepak Corporation) (performance requirements).

16. Northeast Ohio Regional Sewer District, OH (V, 10–14–80) (ICI Americas, Inc.) (single material).

Patents

No entries.

Prequalification

1. Fall River, MA (I, 2–8–80) (Performance Systems, Inc.) (sludge filter press).

2. Orange County Sanitation Districts of Orange County, CA (IX, 5–22–80) (Ralph B. Carter Co.; Euramca, Inc.; Komline-Sanderson Engineering Corp.) (belt filter press).

3. Newaygo County Board of Public Works, MI (V, 7–28–80) (R. S. Bennett & Company) (pumps).

Procedure

1. Fall River, MA (I, 2–13–80) (Passavant Corporation) (notice to others).

2. Anne Arundel County, MD (III, 2–13–80) (Sabatini Company) (moot, premature, readvertise).

3. DeKalb County, GA (IV, 2–29–80) (Southeast Grading, Inc.) (authority to award before resolution of subcontract protests, notice to others).

4. Tolleson, AZ (IX, 3–17–80) (Hydro Conduit Corporation) (short notice of protest hearing, notice to others).

5. Whiteville, NC (IV, 3–26–80) (Astor Bolden Enterprises, Inc. T/A. Quality Sanitary Services, Inc.) (failure to state basis, notice to others).

6. Soldotna, AK (X, 4–25–80) (Interstate Company) (grantee's hearing procedure).

7. Little Rock, AR (VI, 4–29–80) (Autotrol Corporation) (notice to others, raising new issues at EPA review).

8. Orange County Sanitation Districts of Orange County, CA (IX, 5–22–80) (Ralph B. Carter Co.; Komline-Sanderson Engineering Corp.) (time limits to present evidence).

Program Integrity

No entries.

Rational Basis Test

1. East Bay Dischargers Authority, CA (IX, 1–30–80) (Capital Control Company) (equipment fails to meet salient requirements).

2. Fall River, MA (I, 2–13–80) (Passavant Corporation) (no performance related rational basis for manufacturers only).

3. Cordele, GA (IV, 4–10–80) (Ralph Healey & Associates, Inc.) (no rational basis for manufacturers only).

4. Puyallup, WA (X, 4–24–80) (Rodding-Cleaning Machines, Inc.) (rational basis to require specific method of mixing grout).

5. Orange County Sanitation Districts of Orange County, CA (IX, 5–22–80) (Ralph B. Carter Co.; Komline-Sanderson Engineering Corp.) (high quality specifications had rational basis).

6. County Sanitation Districts of Los Angeles County, CA (IX, 6–26–80) (Ingersoll-Rand Co.) (hard abrasive surface for centrifuge had rational basis).

7. Vista Sanitation District/Encina Joint Powers, CA (IX, 7–30–80) (Don Todd Associates) (evaluation of engineering qualifications had rational basis).

8. Ashley Valley Sewer Management Board, UT (VIII, 11–20–80) (Western Utility Contractors, Inc.) (correction of unit price mistake had rational basis).

Reconsideration of Administrative Determinations

1. Pima County, AZ (IX, 3–17–80) (Ameron) (denied if issue is not protestable).

2. Checotah, OK (VI, 7–25–80) (Sherman Machine and Iron Works, Inc. [*Per* Lakeside Equipment Corporation]) (denied if no material factual mistake, new evidence or legal error).

3. Portland, OR (X, 8–7–80) (Robbins & Myers, Inc.) (decision affirmed when no material error of law or fact).

4. Vista Sanitation District/Encina Joint Powers, CA (IX, 9–19–80) (Don Todd Associates) (without new evidence or arguments, no reconsideration to require new RFP rather than new evaluation of prior RFP).

Rejection of All Bids

1. St. Petersburg, FL (IV, 1–10–80) (Municipal and Industrial Pipe Services, Ltd.) (Grantee's financial situation, limit federal share).

2. Anne Arundel County, MD (III, 2–13–80) (Sabatini Company) (specifications restrictive).

3. Port Austin Area Water and Sewer Authority, MI (V, 7–2–80) (Amado Cardenas, d.b.a. Nashville Excavating Company) (RA directed, ambiguous MBE specifications).

4. Newaygo County Board of Public Works, MI (V, 7–21–80) (M.D. Taddie & Company, Inc.) (no adverse effect of bid form ambiguity).

5. Rochester, MN (V, 7–24–80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Construction) (RA directed, ambiguous MBE specifications).

6. Newaygo County Bord of Public Works, MI (V, 7–28–80) (R.S. Bennett & Company) (RA directed, ambiguous MBE specifications).

Responsibility (see also *Responsiveness*)

1. Huntsville, TX (VI, 7–8–80) (Angleton General Mechanical, Inc.) (prior performance).

2. Webster, TX (VI, 10–31–80) (LEM Construction Company, Inc.) (positive MBE efforts).

Responsiveness

1. Norwich, CT (I, 2–1–80) (Fantoni Company) (authority to sign bid, bid bond not signed by principal).

2. Hastings, NE (VIII, 3–7–80) (Horizon Construction Company; Olson Construction Company) (bidder cannot offer different warranty).
3. Johnson County, KS (VII, 4–1–80) (Sharp Brothers Contracting Company) (MBE sub listing).
4. Tacoma, WA (X, 4–3–80) (Worthington Pump Corporation) (pump dimensions differing from specifications).
5. Glennville, GA (IV, 4–4–80) (J.W. Meadors and Company) (discount offer, sub listing).
6. Huntsville, TX (VI, 4–18–81) (Angleton General Mechanical, Inc.) (MBE documentation of positive efforts).
7. Soldotna, AK (X, 4–25–80) (Interstate Company) (MBE documentation).
8. Northwest Bergen County Sewer Authority, NJ (II, 5–5–80) (R.J. Longo Construction Co.) (failure to identify type of pipe to be used).
9. Sacramento Regional County Sanitation District, CA (IX, 5–9–80) (Burdick Contractors, Inc.) (acceptance of part of combination bid).
10. Branford, CT (I, 5–28–80) (C.H. Nickerson & Co.) (zero unit price, identical price for alternatives).
11. Clarksville, TN (IV, 6–5–80) (Penetryn Systems, Inc.) (compliance with specifications).
12. Port Austin Area Water and Sewer Authority, MI (V, 7–2–80) (Amado Cardenas, d.b.a. Nashville Excavating Company) (MBE sub listing).
13. Newaygo County Board of Public Works, MI (V, 7–21–80) (M.D. Taddie & Company, Inc.) (discount offer).
14. Rochester, MN (V, 7–24–80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Construction) (MBE sub listing).
15. Newaygo County Board of Public Works, MI (V, 7–28–80) (R.S. Bennett & Company) (prequalified equipment not meeting specifications, efficiency guarantee).
16. Rockford, MI (V, 8–1–80) (Nagel Construction, Inc.; Interstate Pipe Maintenance, Inc.; Clytus Industries, Inc.) (MBE documentation).
17. Cecil County, MD (III, 8–11–80) (Hanks Contracting, Inc.) (need for bid bond).
18. Monmouth, OR (X, 8–21–80) (Chinook Pacific Corporation) (conditional bid, limiting bid acceptance time).
19. Colfax Public Service District, WV (III, 8–29–80) (Salerno Brothers, Inc.) (failure to acknowledge addendum).
20. Alma, NE (VIII, 9–4–80) (William Anderson Company, Inc.) (bid of "free" for bid item).
21. Albert Lea, MN (V, 9–18–80) (Orvedahl Construction, Inc.; Centennial Contractors Corp.; Johnson Brothers, Corp.) (MBE documentation).
22. San Jacinto River Authority [Woodlands], TX (VI, 10–3–80) (Industrial Contractors, Inc.) (failure to attain MBE goal).
23. Nashville, MI (V, 10–24–80) (Clark Construction Company) (MBE documentation).
24. DuPage County [Department of Public Works], IL (V, 12–15–80) (Paschen Contractors, Inc.) (MBE documentation).
25. Pierce County, WA (X, 12–23–80) (Frank Coluccio Construction Company) (MBE sub listing).
26. Clear Lake City, TX (VI, 12–29–80) (LEM Construction Co., Inc.) (MBE documentation).

Review—Regional Administrator Authority—see Sua Sponte Review

No entries.

Salient Requirements

1. Cordele, GA (IV, 1–15–80) (Tuttle/White Constructors, Inc.) (manufacturers only not performance related).
2. East Bay Dischargers Authority, CA (IX, 1–30–80) (Capital Controls Company) (equipment will not satisfy needs).
3. Whitehall, NY (II, 2–5–80) (Davis Water & Waste Industries, Inc.) (metal connection was needed performance characteristic).
4. County Sanitation Districts of Los Angeles County, CA (IX, 6–26–80) (Ingersoll-Rand Co.) (hard surface abrasive requirement decreased maintenance cost).

Small Business

No entries.

Sole Source

1. Tacoma, WA (X, 4–3–80) (Worthington Pump Corporation) (not sole source if available from protester).

Specifications

No entries.

Standing

1. East Bay Dischargers Authority, CA (IX, 1–30–80) (Capital Controls Company) (supplier).
2. Tacoma, WA (X, 4–3–80) (Worthington Pump Corporation) (supplier alleging sole source).
3. Cordele, GA (IV, 5–1–80) (Franklin Aluminum Division/Hoover Universal, Inc.) (supplier alleging restrictive specifications).
4. Moorhead, MN (V, 6–3–80) (Waldor Pump & Equipment Company) (supplier's standing can be recognized by RA).

Sua Sponte Review

1. Cordele, GA (IV, 1–15–80) (Tuttle/White Constructors, Inc.) (restrictive specifications).
2. Tacoma, WA (X, 4–3–80) (Worthington Pump Corporation) (bid evaluation).
3. Moorhead, MN (V, 6–3–80) (Waldor Pump & Equipment Company) (bid evaluation on cost and performance basis).
4. Checotah, OK (IV, 7–25–80) (Sherman Machine and Iron Works, Inc.) (decision need not be based on parties' arguments).
5. Toledo, OH (V, 7–28–80) (Minority Earth Movers, Inc.) (WBE is not MBE).
6. Bear Creek Valley Sanitary Authority, OR (X, 12–24–80) (Ausland Construction, Inc.) (MBE efforts).

Subcontracts—Award

1. Tacoma, WA (X, 4–3–80) (Worthington Pump Corporation) (cancellation of subcontract).
2. Moorhead, MN (V, 6–3–80) (Waldor Pump & Equipment Company) (cost savings in alternate bid).
3. County of Nassau, NY (II, 8–7–80) (Komline-Sanderson Engineering Corporation) (supplier obtains no protest rights by being listed).

Summary Disposition

1. Anne Arundel County, MD (III, 2–13–80) (Sabatini Company) (moot or premature protest).
2. Pima County, AZ (IX, 2–20–80) (Ameron) (change order).
3. Metropolitan Sanitary District of Greater Chicago, IL (V, 2–27–80) (Shea-Kiewit) (unit price claim).
4. Metropolitan Sanitary District of Greater Chicago, IL (V, 3–27–80) (Herlihy Mid-Contient Company) (contract claim).
5. Hudson County Utilities Authority, NJ (II, 3–31–80) (E&R Engineers Limited) (untimely).
6. Moorhead, MN (V, 6–3–80) (Waldor Pump & Equipment Company) (lengthy submittals preclude dismissal).
7. Cecil County, MD (III, 8–11–80) (Hanks Contracting, Inc.) (untimely, lack of bid bond).
8. Whitewater, WI (V, 9–22–80) (Nagle-Hart, Inc.) (untimely).
9. Linden Roselle Sewerage Authority, NJ (II, 10–31–80) (Euramca Ecosystems, Inc.) (untimely).
10. Clear Lake City, TX (VI, 12–29–80) (LEM Construction Co., Inc.) (MBE compliance affects responsibility).

Time Limitations

1. Cordele, GA (IV, 1–15–80) (Tuttle/White Constructors Inc.) (written notice to supplier of rejection).
2. Fall River, MA (I, 2–13–80) (Passavant Corporation) (delay aggravated by grantee and EPA).
3. Hudson County Utilities Authority, NJ (II, 3–31–80) (E&R Engineers Limited) (one week to protest and to appeal).
4. Tacoma, WA (X, 4–3–80) (Worthington Pump Corporation) (oral notice of rejection).
5. Little Rock, AR (VI, 4–29–80) (Autotrol Corporation) (before bid opening).
6. Rochester, MN (V, 7–24–80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschem; Premier Electric Construction) (notice).
7. Toledo, OH (V, 7–28–80) (Minority Earth Movers, Inc.) (seeking clarification before filing protest).
8. Rockford, MI (V, 8–1–80) (Nagle Construction, Inc.; Interstate Pipe Maintenance, Inc.; Clytus Industries, Inc.) (RA refusal to waive one week appeal limit).
9. Cecil County, MD. (III, 8–11–80) (Hanks Contracting, Inc.) (one week to appeal to RA).
10. Marquette County, MI (V, 8–14–80) (Brumm Construction Company; O'Dovero Construction Company) (prompt action on actual knowledge).
11. Whitewater, WI (V, 9–22–80) (Nage-Hart, Inc.) (59 days after bid opening).
12. Linden Roselle Sewerage Authority, NJ (II, 10–31–80) (Euramca Ecosystems, Inc.) (appeal one month after grantee determination).
13. Dorchester County Sanitary Commission, MD (III, 11–5–80) (Andrews, Miller and Associates, Inc.) (9 days after grantee determination).
14. Newaygo County Board of Public Works, MI (V, 11–7–80) (D. J. Domas, Inc.) (failure to file detailed statement).

15. Bear Creek Valley Sanitary Authority, OR (X, 12-24-80) (Ausland Construction, Inc.) (8 days after bid opening).

Waiver

1. Norwich, CT (I, 2-1-80) (Fantoni Company) (failure to sign bid bond).
2. Johnson County, KS (VII, 4-1-80) (Sharp Brothers Contracting Company) (failure to submit MBE forms).
3. Huntsville, TX (VI, 4-18-80) (Angleton General Mechanical, Inc.) (MBE documentation).
4. Northwest Bergen County Sewer Authority, NJ (II, 5-5-80) (R. J. Longo Construction Co.) (failure to cross out pipe not to be used).
5. Monmouth, OR (X, 8-21-80) (Chinook Pacific Corporation) (limiting bid acceptance period and all or none qualification are not waivable).
6. Colfax Public Service District, WV (III, 8-29-80) (Salerno Brothers, Inc.) (failure to acknowledge addendum).

[FR Doc. 81-16851 Filed 6-5-81; 8:45 am]
BILLING CODE 6560-36-M

V 4 6 / 1 0 9
JE 8
8 1
UMI

Reade

INFORMAT
PUBLICAT
Code of Fe
CFR Unit
General info
Incorporation
Printing sche
Federal Reg
Corrections
Daily Issue
General info
Public Inspe
Scheduling o
Laws
Indexes
Law number
Slip law ord
Presidential
Executive or
Public Paper
Weekly Com
Privacy Act
United State
SERVICES
Agency serv
Automation
Dial-a-Reg
Chicago, I
Los Angel
Washingto
Magnetic tap
volumes (
Public briefi
What It Is
Public Inspe
Regulations
Special Proje
Subscription
Subscription
TTY for the
FEDERAL
29239-29452
29453-29690
29691-29920
29921-30072
30073-30326
30327-30480

Reader Aids

Federal Register

Vol. 46, No. 109

Monday, June 8, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations	
CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
Federal Register	
Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187
Laws	
Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030
Presidential Documents	
Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3
29921-30072.....4
30073-30326.....5
30327-30480.....8

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949).....29939
February 6, 1926 (Revoked by PLO 5948).....29938
April 17, 1926 (Revoked in part by PLO 5950).....29939
February 14, 1933 (Revoked by PLO 5944).....29710
5451 (Revoked by PLO 5947).....29938
11476 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 2306).....29693
12198 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12306.....29693

Proclamations:
4846.....29691

Administrative Orders:
Presidential Determinations.
No. 81-9 of June 2, 1981.....29921

5 CFR

Ch. XIV.....30327

7 CFR

26.....30073
700.....29453
800.....30322
907.....29923
910.....30012
917.....30075, 30077
953.....29454
979.....29693
991.....29693
1425.....30327
1944.....29239

Proposed Rules:
993.....29271

8 CFR

204.....29923, 30078
214.....29456

9 CFR

82.....29456
92.....29239, 29240

10 CFR

2.....30328
51.....29457
376.....29680
390.....29680
440.....29242
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:
2.....30349
30.....29712
40.....29712
70.....29712

12 CFR

303.....30079
570.....30079

Proposed Rules:
213.....29245
226.....29246
526.....30113
545.....30114
569a.....29246
701.....29247, 29482
720.....29248

13 CFR

124.....29251

Proposed Rules:
124.....29276

14 CFR

39.....29252, 29253, 29924-29926, 30332-30334
71.....29254-29256, 29927, 30335
73.....29256
97.....29257

Proposed Rules:
Ch. I.....30352
71.....29278-29281, 29947-29951, 30353, 30354
75.....29280, 29281
323.....29282
302.....29718
399.....29285, 29719, 29727

15 CFR

370.....29457
806.....30336

Proposed Rules:
330.....29662
331.....29662
332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662

16 CFR

13.....29458, 29928, 30337
460.....29256
1031.....29928
1032.....29928
1212.....29696

Proposed Rules:

Ch. II.....29951, 30115

17 CFR

15.....29931
16.....29931
17.....29931
18.....29931
21.....29931

Proposed Rules:

Ch. I.....29952

18 CFR

141.....29459
271.....29697, 29699
375.....29700

19 CFR

101.....29462
134.....30338

Proposed Rules:

Ch. I.....29953
200.....29729

20 CFR

Proposed Rules:

404.....29953

21 CFR

172.....30080
193.....30338
520.....29464
561.....30339
573.....30081

Proposed Rules:

430.....30115
436.....30115
440.....30115
444.....30115
448.....30115
452.....30115
1308.....29484

22 CFR

41.....30082

24 CFR

235.....29256
570.....29908

26 CFR

1.....29465
11.....29465

27 CFR

4.....29260
19.....29261
70.....29261
240.....29261
245.....29261
250.....29261
270.....29261
275.....29261

28 CFR

0.....29704, 29931

Proposed Rules:

31.....29438

29 CFR

Proposed Rules:

530.....29485

30 CFR

250.....29932

31 CFR

51.....29261
535.....30340

32 CFR

199.....29704
294.....29705

Proposed Rules:

298a.....29486

33 CFR

25.....29933
165.....29933
204.....29934

Proposed Rules:

100.....29288
117.....30354
162.....29954

38 CFR

21.....29474

40 CFR

52.....29707, 30082
60.....29262
61.....29262
122.....29708
123.....29935
162.....29708
180.....30342
260.....29708
261.....29708
264.....29708
265.....29708

Proposed Rules:

52.....29289, 29488, 30116, 30355–30366
60.....29955
81.....29281, 30368
123.....29292
773.....30300

41 CFR

15–1.....29709
51–4.....30084
51–5.....30084

Proposed Rules:

Ch. 1.....30369
1–4.....30369
101–11.....30369
101–37.....30369
104–4.....29955

43 CFR

5420.....29262

Public Land Orders:

1281 (Revoked by 5883).....29263
5169 (Amended by PLO 5396 and 5951).....29937
5179 (Amended by PLO 5250 and 5951).....29937
5180 (Amended by PLO 5418 and 5951).....29937
5250 (Amended by PLO 5951).....29937
5396 (Amended by PLO 5951).....29937
5418 (Amended by PLO 5951).....29937
5883.....29263
5943.....29710
5944.....29710
5945.....29939
5946.....29939
5947.....29938
5948.....29938
5949.....29939
5950.....29939
5951.....29937
5952.....30086

Proposed Rules:

35.....29955

44 CFR

64.....29940, 29942

Proposed Rules:

55.....29292
61.....29292
67.....29729–29732, 29956, 30116, 30124
300.....29264

45 CFR

3.....30343
46.....29883
235.....29264

Proposed Rules:

71.....29732
301.....30372
304.....29964

47 CFR

61.....29264
64.....29474
73.....30086–30091, 30343, 30344

Proposed Rules:

2.....30124
23.....30124
31.....30150, 30152
73.....29488, 30153, 30154, 30372
94.....30124

49 CFR

Ch. X.....30092
1.....29269
172.....29392
531.....29944
575.....29269
1033.....29480
1056.....29711, 29945

Proposed Rules:

171.....29967
172.....29968, 29973
173.....29967, 29968, 29973
175.....29968
178.....29973
1127.....30156

50 CFR

17.....29481
301.....30345
651.....30348
661.....29733

Proposed Rules:

17.....29490

V 46 / 109 / JE 8 81 UMI

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 27, 1981

V 4 6 1 - 0 6 9 J E 8 8 1 - UMI

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

Code of Federal Regulations

Revised as of October 1, 1980
(Correction)

Quantity	Volume	Price	Amount
_____	Title 47—Telecommunication (Part 80–End)	$7.50	$_____
_____	Title 47—Telecommunication (Parts 0–19)	6.50	_____
		Total Order	$_____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

V46/1099
JE83
81
UMI

6-9-81
Vol. 46 No. 110
Pages 30481-30622

federal register

Tuesday
June 9, 1981

Highlights

30481 **National Safe Boating Week** Presidential proclamation.

30485 **Presidential Task Force on the Arts and the Humanities** Executive order.

30483 **President's Commission on Hostage Compensation** Executive order.

30519 **Food Assistance Program** USDA/FNS announces intent to conduct demonstration project on alternatives to donation of USDA commodities to National School Lunch Program.

30488 **Federal Home Loan Bank** FHLBB amends merger rules for Federally chartered capital stock associations and other institutions and redefines "association".

30568 **Health and Safety** HHS/FDA announces availability of and solicits comments on the Chest X-Ray Referral Criteria Panel Draft Report.

30507 **Maritime Education and Training** Commerce/MA proposes regulations on merchant marine training at State maritime academies.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

30593 **Grant Program—Criminal Justice** Justice/NIJ announces competitive graduate research fellowships for doctoral candidates engaged in research and writing of dissertations.

30500 **Grant Program—General Administration** HHS/Sec'y implements cost principles for nonprofit organizations and amends rules on property acquired with grant support.

30497 **Emission Standards** EPA clarifies emission standards for carbon monoxide (CO) for certain 1982 model year light-duty vehicles.

30594 **Labor** Labor/ETA publishes annual list of labor surplus areas.

30620 **Warehouses—Grain** USDA/AMS proposes definitions and various provisions for transactions involving the storing and marketing of grain.

30568 **Antineoplastic Drugs** HHS/FDA announces availability of "Guidelines for the Clinical Evaluation of Antineoplastic Drugs".

Privacy Act Document

30495 Justice

30618 **Sunshine Act Meetings**

Separate Part of This Issue

30620 **Part II, USDA/AMS**

V 46 / 110 JE 9 81 1 UMI

Contents

Federal Register
Vol. 46, No. 110
Tuesday, June 9, 1981

The President
EXECUTIVE ORDERS
30483 Hostage Compensation, President's Commission on; extension of authority (EO 12307)
30485 Arts and the Humanities, Presidential Task Force on the (EO 12304838)
PROCLAMATIONS
30481 Boating Week, 1981, National Safe (Proc. 4847)

Executive Agencies

Actuaries, Joint Board for Enrollment
NOTICES
Meetings:
30593 Actuarial Examinations Advisory Committee

Agency for International Development
NOTICES
Authority delegations:
30593 Asia Mission Directors, et al.; procurement, source origin, and nationality waivers

Agricultural Marketing Service
RULES
30487 Potatoes (Irish) grown in N.C. and Va.; correction
PROPOSED RULES
Warehouse regulations:
30620 Grain storage; marketing transactions
NOTICES
Stockyards; posting and deposting:
30519 Ariton Livestock Auction et al., Ala.

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Forest Service; Rural Electrification Administration.

Animal and Plant Health Inspection Service
RULES
Livestock and poultry quarantine:
30487 Brucellosis
30488 Exotic Newcastle disease

Civil Aeronautics Board
NOTICES
Hearings, etc.:
30522 AAA Air Enterprises, Inc.; fitness determination
30521 Bridger Air fitness determination

Commerce Department
See Maritime Administration; National Oceanic and Atmospheric Administration; National Technical Information Service.

Customs Service
NOTICES
Petroleum products, approved public gauger:
30616 Commodity Control Services Corp.

Economic Regulatory Administration
NOTICES
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
30524 MacMillan Bloedel, Inc.
30525 Phillips Petroleum Co.

Employment and Training Administration
NOTICES
30594 Labor surplus area classifications; annual list

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
30524 Taiwan

Environmental Protection Agency
RULES
Air pollution control; new motor vehicles and engines:
30497 Carbon monoxide emission standards; 1982 model year light-duty vehicles; clarification
Air programs; approval and promulgation; State plans for designated facilities and pollutants:
30496 New Jersey and Virgin Islands
Air quality implementation plans; approval and promulgation; various States, etc.:
30496 Wisconsin
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
30499 Chlorothalonil
Pesticides; tolerances in food:
30494 (±)cyano(3-phenoxyphenyl) methyl (+)-4-(difluoromethoxy)-alpha-(1-methylethyl) benzeneacetate
PROPOSED RULES
Pesticides chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
30506 Ammonium chloride
NOTICES
Pesticides; temporary tolerances:
30561 American Cyanamid Co.
Pesticides; tolerances in animal feeds and human food:
30562 Ciba-Geigy Corp.
30562 FMC Corp. et al.
Toxic and hazardous substances control:
30563 Chemical substances inventory; removal of 2-naphthalenamine

Equal Employment Opportunity Commission
NOTICES
30618 Meetings; Sunshine Act

Federal Communications Commission
PROPOSED RULES
Common carrier services:
30516 Overseas communications services; international voice and record services provided by international record carriers and AT&T; removal of policy restrictions; extension of time
Radio stations; table of assignments:
30516 Colorado; withdrawn
30517 Florida; withdrawn
30517 Illinois; withdrawn
30518 Kansas; withdrawn

Federal Emergency Management Agency
RULES
Floor elevation determinations:
30500 Puerto Rico; correction
PROPOSED RULES
Flood elevation determinations:
30507 Puerto Rico; correction
NOTICES
Disaster and emergency areas:
30564 Montana
Radiological emergency; State plans:
30563 Mississippi

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
30489–30491 Ceiling prices; high cost natural gas produced from tight formations; Colorado (3 documents)
30491 Transportation certificates for natural gas for fuel oil displacement; program extension
PROPOSED RULES
Natural gas companies:
30505 Pipeline blanket certificates, interstate; routine transactions; extension of time and inquiry concerning inclusion of end-user natural gas
NOTICES
Hearings, etc.:
30544 Alabama River Pulp Co.
30544 Alabama-Tennessee Natural Gas Co.
30544–30545 Boston Edison Co. (5 documents)
30545 Central Hudson Gas & Electric Corp.
30546 Citizens Utilities Co.
30546 Clark University
30546 Columbia Gas Transmission Corp.
30528 Commonwealth Edison Co.
30546 Dalton, Ga.
30547 Duke Power Co.
30547 Florida Power Corp.
30529 Hawthorne Oil & Gas Corp. et al.
30548 Head, George F.
30548 Heider, Louis H.
30548 Herbein, John G.
30548 Hobart Corp.
30549 Hovey, Gale K.
30549 Hukill, Henry D.
30549 Indiana & Michigan Electric Co.
30549 Iowa Public Service Co.
30550 Kansas Gas & Electric Co.
30550 Keyes, B. H.
30550 Koppers Co., Inc.
30550–30551 Laketon Asphalt Refining, Inc. (3 documents)
30551 Louisiana Intrastate Gas Corp.
30529 Marathon Oil Co.
30552 Metropolitan Edison Co.
30530 Michigan Gas Storage Co.
30552 Midwestern Gas Transmission Co.
30552 Mitchell Energy Co., Inc.
30553 Montana Power Co. (2 documents)
30526, 30527 Montrose, Colo. (2 documents)
30553 New England Alternate Fuels, Inc.
30554 Newhall Refining Co., Inc.
30554 Niagara Mohawk Power Corp.
30554 Northern States Power Co.
30555, 30556 Phillips Petroleum Co. (5 documents)
30557 Southern California Edison Co. (2 documents)
30557 Texas Eastern Transmission Corp.
30558 Texas Gas Pipe Line Corp.
30558 Transcontinental Gas Pipe Line Corp. et al.
30558 Tribble, James E.
30559 Tucson Electric Power Co.
30559 Utah Power & Light Co.
30559 Valero Interstate Transmission Co.
30560 Western Gas Interstate Co.
30560 Wisconsin Public Power Incorporated System
Natural Gas Policy Act of 1978:
30531, 30554 Jurisdictional agency determinations (2 documents)
Small power production facilities; qualifying status; certification applications, etc.:
30557 Resource Recovery, Inc.

Federal Home Loan Bank Board
RULES
Federal savings and loan system:
30488 Stock associations; mergers between federally-chartered capital stock (Charter S) and other institutions
NOTICES
Applications, etc.:
30564 First Federal Savings & Loan Association of Front Royal

Federal Maritime Commission
NOTICES
30565 Agreeements filed, etc.
Energy and environmental statements; availability, etc.:
30564 Barber-Blue Sea Line and East Asiatic Co. Ltd.; sailing agreement termination

Federal Trade Commission
NOTICES
Cigarettes:
30566 "Tar," nicotine and carbon monoxide content of smoke of domestic cigarettes; listing; correction
Premerger notification waiting periods; early terminations:
30566 Chris-Craft Industries Inc.
30566 Fluor Corp.
30567 Mallory-Savoy Joint Venture Inc.
30567 Perlman, Clifford S.
30566 Roxboro Investments Ltd.

Fish and Wildlife Service
NOTICES
Environmental statements; availability, etc.:
30571 Reeves Bottom, Dunklin County, Mo.; bottomland hardwood habitat; proposed conservation

Food and Drug Administration
RULES
Food additives:
30493 Acrylate-acrylamide resins

30492 Dimethylpolysiloxane
PROPOSED RULES
30505 Lobsters, frozen; codex standard; termination of consideration
NOTICES
Food additives, petitions filed or withdrawn:
30568 Ralston Purina Co.
Human drugs:
30568 Antineoplastic drugs; clinical guidelines; availability
Medical devices:
30570 Cyber Lith IV; sequential pulse generator and programmer; premarket approval
30568 X-rays, chest; referral criteria panel draft report; availability
Meetings:
30567 Consumer participation; information exchange

Food and Nutrition Service
NOTICES
Child nutrition programs:
30519 School lunch program; demonstration project, alternatives to commodities donation

Forest Service
NOTICES
Meetings:
30521 Umatilla National Forest Grazing Advisory Board

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
30572 Amoco Production Co.
30572 Shell Oil Co.

Health and Human Services Department
See also Food and Drug Administration.
RULES
Grants, administration:
30500 Nonprofit organizations cost principles and property acquisition requirements

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; pending nominations:
30573 California et al.

Interior Department
See Fish and Wildlife Service; Geological Survey; Heritage Conservation and Recreation Service; Land Management Bureau; Reclamation Bureau

Internal Revenue Service
RULES
Employment taxes:
30495 Sick pay; voluntary withholding; temporary; correction
Income taxes:
30495 Bankruptcy Tax Act; elections relating to discharge of indebtedness, etc.; temporary; correction
NOTICES
30617 Art Advisory Panel; 1980 closed meetings; availability of report; correction

International Development Cooperation Agency
See Agency for International Development.

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
30502 Chicago, Milwaukee, St. Paul & Pacific Railroad Co.
30502 Special agents, accountants, and examiners; definitions; correction
NOTICES
Motor carriers:
30583-30585 Permanent authority applications (3 documents)
30585 Permanent authority applications; correction
30577 Permanent authority applications; operating rights applications
30578 Permanent authority applications; restriction removals
Rail carriers:
30577 Chicago & North Western Transportation Co.; contract tariff exemption

Justice Department
See also National Institute of Justice.
RULES
30495 Privacy Act; implementation

Labor Department
See Employment and Training Administration; Mine Safety and Health Administration; Pension and Welfare Benefit Programs Office.

Land Management Bureau
RULES
Public land orders:
30500 Idaho; correction
30500 Nevada; correction
NOTICES
Environmental statements; availability, etc.:
30575 Northern Idaho grazing management program; Coeur D'Alene District; inquiry
30575 San Juan Basin, N. Mex.
Management framework plans, review and supplement, etc.:
30575 New Mexico and Oklahoma
Meetings:
30576 Carson City District Advisory Council
Withdrawal and reservation of lands, proposed, etc.:
30576 Wyoming

Maritime Administration
PROPOSED RULES
Merchant marine training:
30507 State maritime academies and colleges
NOTICES
Foreign construction cost computation:
30522 Constellation class vessels; MA design C6-S-60b

Mine Safety and Health Administration
NOTICES
Environmental statements; availability, etc.:
30599 Hopewell township, Beaver County, Pa., Mine Emergency Operations Center; proposed acquisition

Petitions for mandatory safety standard modifications:
30599 Cobb Resources Corp.
30600 Noranda Mining, Inc.

National Institute of Justice
NOTICES
Grants solicitation, competitive research:
30593 Graduate research fellowship program

National Oceanic and Atmospheric Administration
NOTICES
Coastal zone management programs:
30524 Maryland, North Carolina, Oregon, and Rhode Island

National Technical Information Service
NOTICES
30522, 30523 Inventions, Government-owned; availability for licensing (2 documents)

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
30600 Burnside Steel Foundry Co.
30600 Commonwealth Edison Co.
30610 Duke Power Co.
30605 Florida Power & Light Co.
30605 Kansas Gas & Electric Co. et al.
30606 Metropolitan Edison Co. et al.
30606 Niagara Mohawk Power Corp.
30606 South Carolina Electric & Gas Co.
30607 Tennessee Valley Authority
30610 Virginia Electric & Power Co. (2 documents)
30618 Meetings; Sunshine Act

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
30600 Misener Profit Sharing Plan et al.

Postal Service
PROPOSED RULES
International mail:
30505 South Africa; express mail rates

Presidential Federalism Advisory Committee
NOTICES
30611 Meetings

Reclamation Bureau
NOTICES
Contract negotiations
30576 Pathfinder Irrigation District, Nebr.

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
30521 Wabash Valley Power Association, Inc.

Securities and Exchange Commission
NOTICES
30618 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
30613 Chicago Board Options Exchange, Inc.
30611 New England Securities Depository Trust Co.
30612 Securities Investor Protection Corp. (2 documents)

State Department
NOTICES
International conferences:
30614 Private-sector representatives on U.S. delegations; list
Meetings:
30616 Shipping Coordinating Committee

Treasury Department
See Customs Service; Internal Revenue Service.

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
30521 Umatilla National Forest Grazing Advisory Board, Pendleton, Oreg., 6–30 and 7–1–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
30567 Consumer Exchange Meeting, Philadelphia, Pa. (open), 6–25–81

INTERIOR DEPARTMENT
Land Management Bureau—
30576 Carson City District Advisory Council, Sparks, Nev. (open), 7–10–81

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES
30593 Actuarial Examinations, Washington, D.C. (partially open), 6–29 and 6–30–81

PRESIDENTIAL FEDERALISM ADVISORY COMMITTEE
30611 Meeting, Washington, D.C. (open) 6–23–81

STATE DEPARTMENT
Office of the Secretary—
30616 Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Washington, D.C., 6–17–81

V 46 / 110 JE 9 81 1 UMI

CFR PAR

A cumulat
the Reade

3 CFR
Executive
12285 (Am
EO 123
12307
12308
Proclamati
4847
7 CFR
953
Proposed
102
9 CFR
78
82
12 CFR
552
18 CFR
271 (3 doc
284
Proposed
157
375
21 CFR
173 (2 doc
193
Proposed
161
26 CFR
7a
35
28 CFR
16
39 CFR
Proposed
10
40 CFR
52
62
86
180
Proposed
180
43 CFR
Public Land
5865
5866
44 CFR
67
Proposed
67
45 CFR
74
46 CFR
Proposed
310
47 CFR
Proposed
Ch. I
73 (4 docu
49 CFR
1000
1033

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:
12285 (Amended by EO 12307)..... 30481
12307..... 30483
12308..... 30485

Proclamations:
4847..... 30481

7 CFR
953..... 30487

Proposed Rules:
102..... 30620

9 CFR
78..... 30487
82..... 30488

12 CFR
552..... 30488

18 CFR
271 (3 documents)..... 30489–30491
284..... 30491

Proposed Rules:
157..... 30505
375..... 30505

21 CFR
173 (2 documents)..... 30492, 30493
193..... 30494

Proposed Rules:
161..... 30505

26 CFR
7a..... 30495
35..... 30495

28 CFR
16..... 30495

39 CFR

Proposed Rules:
10..... 30505

40 CFR
52..... 30496
62..... 30496
86..... 30497
180..... 30499

Proposed Rules:
180..... 30506

43 CFR

Public Land Orders:
5865..... 30500
5866..... 30500

44 CFR
67..... 30500

Proposed Rules:
67..... 30507

45 CFR
74..... 30500

46 CFR

Proposed Rules:
310..... 30507

47 CFR

Proposed Rules:
Ch. I..... 30516
73 (4 documents)..... 30516–30518

49 CFR
1000..... 30502
1033..... 30502

V 46 / 110
JUN 9 1981
UMI

Federal Re
Vol. 46, No
Tuesday, Ju

Title 3—

The Pre

[FR Doc. 87-1
Filed 6-5-81;
Billing code 3

Federal Register
Vol. 46, No. 110
Tuesday, June 9, 1981

Presidential Documents

Title 3—

The President

Proclamation 4847 of June 4, 1981

National Safe Boating Week, 1981

By the President of the United States of America

A Proclamation

Americans enjoy a multitude of sports and recreational activities that serve to refresh the body and spirit. For many of our citizens, recreation means boating.

Those involved in recreational boating should always remember that the primary responsibility for safety rests with the individual. And while a cruise can be a wonderful experience for one person or an entire family, it can also result in tragedy.

Aware of the need for boating safety, the Congress enacted the joint resolution of June 4, 1958 (36 U.S.C. 161) as amended, requesting that the President proclaim a National Safe Boating Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning on June 7, 1981 as National Safe Boating Week.

All Americans who utilize our waterways for recreation should possess at least a minimum knowledge of safety afloat. I urge all Americans who engage in recreational boating to take advantage of the numerous safe boating courses sponsored by governmental and private organizations. I particularly urge inexperienced operators of small boats to enroll in these safety and educational programs. Learning the fundamentals of safe boating can do nothing but add to the potential pleasure and excitement of recreational boating.

I also invite the Governors of the States, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, and American Samoa, and the Mayor of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of June in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 87-17205
Filed 6-5-81; 4:55 pm]
Billing code 3195-01-M

V
4
6
1
1
0
J
E
9
8
1
UMI

[FR Doc. 81-
Filed 6-5-81;
Billing code

Presidential Documents

Executive Order 12307 of June 4, 1981

President's Commission on Hostage Compensation

By the authority vested in me as President by the Constitution and statutes of the United States of America, in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and to give the President's Commission on Hostage Compensation time to complete its work, it is hereby ordered that Executive Order No. 12285 (January 19, 1981) is amended as follows:

The first sentence of Section 1-202 of the Order is amended to read: "The Commission shall submit a report to the President no later than August 20, 1981."

The second sentence of Section 1-301 of the Order is amended to read: "In addition to conducting open meetings in accordance with the Federal Advisory Committee Act, the Commission may conduct public hearings to identify critical issues and possible solutions related to compensation."

Ronald Reagan

THE WHITE HOUSE,
June 4, 1981.

[FR Doc. 81-17178
Filed 6-5-81; 3:26 pm]
Billing code 3195-01-M

V 4 6 / 1 1 0 J E 9 8 1 UMI

Presidential Documents

Executive Order 12308 of June 5, 1981

Presidential Task Force on the Arts and Humanities

By the authority vested in me as President by the Constitution of the United States of America, and to establish in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), an advisory committee on arts and humanities of the United States, it is hereby ordered as follows:

SECTION 1. *Establishment.* (a) There is hereby established the Presidential Task Force on the Arts and Humanities. The Task Force shall be composed of no more than 36 members appointed by the President. No more than one member shall be a full-time Federal officer or employee. The remaining members shall not represent Executive agencies.

(b) The President shall designate three Cochairmen and one Vice Chairman from among the members of the Task Force.

SEC. 2. *Functions.* (a) The Task Force shall advise the President with respect to:

(1) methods to increase private support for the arts and humanities;

(2) ways in which Federal decisions regarding arts and humanities projects can rely more on the judgments of nongovernmental professionals, private sector groups, and individuals; and

(3) potential improvements in the management, organization and structure of (i) the National Foundation on the Arts and the Humanities (including the National Endowment for the Arts, the National Endowment for the Humanities and the Federal Council on the Arts and the Humanities) and (ii) other Federal arts and humanities programs.

(b) The Task Force shall report its findings and recommendations to the President, the Chairman of the National Endowment for the Arts, and the Chairman of the National Endowment for the Humanities.

SEC. 3. *Administration.* (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Task Force with such information with respect to arts and humanities issues as may be necessary for the effective performance of its functions.

(b) Members of the Task Force shall receive no compensation for their work on the Task Force. However, while engaged in the work of the Task Force, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707).

(c) The National Endowment for the Humanities shall, to the extent permitted by law and subject to the availability of funds, provide the Task Force with such administrative services, funds, facilities, staff and other support services as may be necessary for the effective performance of its functions.

SEC. 4. *General Provisions.* (a) Notwithstanding the provisions of any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, except that of reporting annually to the Congress, which are applicable to the advisory committee established by this Order, shall be performed by the Chairman of the National Endowment for the

Humanities, in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) The Task Force shall terminate on September 30, 1981, unless sooner extended.

Ronald Reagan

THE WHITE HOUSE,
June 5, 1981.

[FR Doc. 81-17206
Filed 6-5-81; 4:56 pm]
Billing code 3195-01-M

V 46 / 110 / J E 9 8 1 UMI

Rule

This sect
contains
general
of which
the Code
published
U.S.C. 15
The Code
by the S
Prices of
first FED
month.

DEPART

Agricult

7 CFR P

Irish Pot
Southea
Regulati

Correcti

In FR
the issue
page 294
of the fir
read "(d)

BILLING CO

Animal
Service

9 CFR P

Brucello

AGENCY:
Inspectio

ACTION:

SUMMAR
county o
of Gadsd
Lincoln i
Corson, C
Meade, a
the list o
Areas an
the list o
Areas. It
areas qua
Certified
effect of
restrictio
from thes
also add
Rabun, a
Gray and
Modified
and delet

Rules and Regulations

Federal Register
Vol. 46, No. 110
Tuesday, June 9, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 953

Irish Potatoes Grown in the Southeastern States; Handling Regulation

Correction

In FR Doc. 81-16421, at page 29454, in the issue of Tuesday, June 2, 1981, on page 29455, in the last column, first line of the first paragraph, correct "(1)" to read "(d)".

BILLING CODE 1505-01-M

Animal and Plant Health Inspection Service

9 CFR Part 78

Brucellosis Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: These amendments add the county of Drew in Arkansas, the county of Gadsden in Florida, the county of Lincoln in Idaho, and the counties of Corson, Custer, Dewey, McPherson, Meade, and Spink in South Dakota, to the list of Certified Brucellosis-Free Areas and delete these counties from the list of Modified Certified Brucellosis Areas. It has been determined that these areas qualify to be designated as Certified Brucellosis-Free Areas. The effect of this action will allow for less restrictions on cattle moved interstate from these areas. These amendments also add the counties of Banks, Echols, Rabun, and Stephens in Georgia, and Gray and Reagan in Texas, to the list of Modified Certified Brucellosis Areas and delete them from the list of Certified Brucellosis-Free Areas because it has been determined that these counties now qualify only as Modified Certified Brucellosis Areas. The effect of this action will provide for more restrictions on cattle moved interstate from these areas.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, USDA, APHIS, VS, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5961.

SUPPLEMENTARY INFORMATION: This final action is issued in conformance with Executive Order 12291 and has been determined to be "not major." The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

Dr. Paul Becton, Director, National Brucellosis Eradication program, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. The amendment designating areas as Certified Brucellosis-Free Areas relieves certain restrictions presently imposed on the interstate movement of cattle. These restrictions are no longer deemed necessary to prevent the spread of brucellosis from such areas. Therefore, the amendment should be made effective immediately in order to permit affected persons to move cattle interstate from such areas without unnecessary restrictions.

The amendment designating areas as Modified Certified Brucellosis Areas imposes restrictions presently not imposed on the interstate movement of cattle from these areas. The additional restrictions are necesssary in order to prevent the spread of brucellosis from such areas and, therefore, must be made effective immediately.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the change in brucellosis status affects less than 0.34 percent of the farms in the United States and does not have a significant economic impact on a substantial number of other types of small entities.

A complete list of brucellosis areas was published in the **Federal Register** (45 FR 85718-85720) effective December 30, 1980. These amendments add the county of Drew in Arkansas, the county of Gadsen in Florida, the county of Lincoln in Idaho, and the counties of Corson, Custer, Dewey, McPherson, Meade, and Spink in South Dakota, to the list of Certified Brucellosis-Free Areas in § 78.20 and delete these counties from the list of Modified Certified Brucellosis Areas in § 78.21, because it has been determined that such areas now come within the definition of a Certified Brucellosis-Free Area contained in § 78.1(l) of the regulations. These amendments add the counties of Banks, Echols, Rabun, and Stephens in Georgia, and Gray and Reagan in Texas, to the list of Modified Certified Brucellosis Areas in § 78.21 and delete these counties from the list of Certified Brucellosis-Free Areas in § 78.20, because it has been determined that they now qualify only as Modified Certified Brucellosis Areas as defined in § 78.1(m) of the regulations. This list is updated monthly and reflects actions taken under criteria for designating areas according to brucellosis status. The format of the authority citation for Part 78 is also revised. Accordingly, Part 78, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. The authority citation for Part 78 is revised to read as follows: Authority: Secs. 4-7 and 13 of the Act of May 29, 1884, as amended, 23 Stat. 32; secs. 1 and 2 of the Act of February 2, 1903, as amended, 32 Stat. 791-792; sec. 3 of the Act of March 3, 1905, as amended, 33 Stat. 1265; and secs. 3 and 11, P.L. 87-518, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f) 37 FR 28464, 28477; 38 FR 19141, unless otherwise noted.

2. In § 78.20, paragraph (b) is amended by adding: *Arkansas.* Drew; *Florida.* Gadsen; *Idaho.* Lincoln; *South Dakota.* Corson, Custer, Dewey, McPherson, Meade, Spink; and deleting: *Georgia.*

Banks, Echols, Rabun, Stephens; *Texas.* Gray, Reagan.

3. In § 78.21, paragraph (b) is amended by adding: *Georgia.* Banks, Echols, Rabun, Stephens; *Texas.* Gray, Reagan; and deleting: *Arkansas.* Drew; *Florida.* Gadsen; *Idaho.* Lincoln; *South Dakota.* Corson, Custer, Dewey, McPherson, Meade, Spink.

Done at Washington, D.C., this 3rd day of June 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-16975 Filed 6-8-81; 8:45 am]

BILLING CODE 3410-34-M

---

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Orange County and a portion of Los Angeles County in California because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portions of Orange County and Los Angeles County on May 26, 1981. Therefore, in order to prevent the dissemination of exotic Newcastle disease, it is necessary to quarantine the affected areas.

EFFECTIVE DATE: June 3, 1981.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8093.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Department has determined that this rule will have an annual effect on the country of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. J. K. Atwell, Deputy administrator, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. This amendment is necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the quarantine imposed due to the existence of exotic Newcastle disease affects only two premises, neither of which are owned by a small entity.

This amendment quarantines a portion of Orange County and a portion of Los Angeles County in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. The authority citation for Part 82 reads as follows:

Authority: Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464 28477; 38 FR 19141).

2. In § 82.3, new paragraph (c)(2) is added to read:

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(2) *California.* (i) The premises of Jack Schafer, 6441 Cosa Verdi Drive, Cypress, Orange County.

(ii) The premises of Jack Schafer, 12005 South Street, Artesia, Los Angeles County.

Done at Washington, D.C., this 3rd day of June 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-16976 Filed 6-8-81; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 552

[NO. 81-29]

Federal Stock Charter Amendments

May 29, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board is amending its regulations on mergers between Federally-chartered capital stock (Charter S) and other institutions insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") to clarify the Board's authority to waive or deem inapplicable certain regulatory requirements in a supervisory merger involving a Charter S association, and to amend the Board's definition of "association" to reflect statutory changes.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION, PLEASE CONTACT: Patricia C. Trask, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (telephone: 212/377-6474).

SUPPLEMENTARY INFORMATION: The Regulations for the Federal Savings and Loan system at 12 CFR 552.13 and 552.14 govern mergers and other combinations of Federally-chartered capital stock (Charter S) associations with other institutions having accounts insured by the Federal Savings and Loan Insurance Corporation ("FSLIC"). Section 552.15 of the Charter S regulations sets forth the authority of the Board to waive or deem inapplicable any of the requirements of §§ 552.13 and 552.14 in order to avert insolvency or imminent failure of a Charter S association.

This amendment clarifies that the Board may take similar action in a supervisory combination involving a Charter S association without regard to whether the Charter S association is the failing institution. The amendment does

not permit waiver of procedures, with respect to supervisory combinations, that would deprive stockholders of a non-failing constituent institution of any stockholder rights provided under §§ 552.13 and 552.14.

The Board also has taken this opportunity to eliminate the notice requirements in paragraph (h) of § 552.13 with regard to supervisory combinations. Such notices are regulatory requirements that, on balance, should not be imposed in the circumstances of a supervisory combination. Similar waivers of notice are already contained in other of the Board's regulations governing mergers and conversions (12 CFR Parts 546 and 563b, respectively).

The Board is also amending the definition of "association" in § 552.13(b)(1) by including Federal mutual savings banks to reflect changes made by Title XII of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95–630, 92 Stat. 3710).

The Board finds that observance of the notice and comment period of 12 CFR 508.12 and 5 U.S.C. § 553(b) and the 30-day delay of effective date of 12 CFR 508.14 and 5 U.S.C. § 553(d) are unnecessary because it is in the public interest for the Board to be able to exercise maximum flexibility immediately in resolving supervisory cases by merger or other combination.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 552, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 552—STOCK ASSOCIATIONS

1. Amend subparagraph (b)(1) of § 552.13 by inserting before the period at the end thereof the following phrase: ", or any Federal mutual savings bank".

2. Amend paragraph (h) of § 552.13 by adding new subparagraph (6), to read as follows:

§ 552.13 Combinations involving Charter S associations.

* * * * *

(h) *Notice.* * * *

(6) *Supervisory exception.* This paragraph (h) does not apply to combinations instituted for supervisory reasons.

3. Amend the first sentence of § 552.15 to read as follows:

§ 552.15 Supervisory combinations.

Notwithstanding the foregoing provisions of this Part, the Board may determine to waive or deem inapplicable any provision of §§ 552.13 or 552.14 of this Part insofar as it is deemed necessary to avert insolvency or imminent failure of an association as defined in § 552.13(b)(1). * * *

(Sec. 5(d)(11), 48 Stat. 131 (U.S.C. § 1464); Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. §§ 1725, 1728, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464); Pub. L. 95–630, 92 Stat. 3710; Reorg. Plan No. 3 of 1947, 12 CFR 4981, 3 CFR 1943–48 Comp., 1071)

By the Federal Home Loan Bank Board.

J. J. Finn

Secretary.

[FR Doc. 81–10660 Filed 6–8–81; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Order No. 152; Docket No. RM79–76 (Colorado—7)]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued: June 3, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas Conservation Commission that the Dakota Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective on June 3, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8616.

Order No. 152

Issued June 3, 1981.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr. and J. David Hughes. In the matter of High-Cost Gas Produced From Tight Formations, Docket No. RM79–76 (Colorado—7).

The Commission hereby amends § 271.703(d) of its regulations to include the Dakota Formation in Colorado as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued November 19, 1980 (45 FR 78701, November 26, 1980)[1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c), that the Dakota Formation be designated as a tight formation.

Evidence submitted by Colorado and the commenters supports Colorado's assertion that the Dakota Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Colorado recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices available immediately established good cause to waive the thirty day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraph (28) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket

[1] Comments were invited and favorable comments were received. No party requested a public hearing and no hearing was held.

No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(28) *Dakota Formation in Colorado.* RM79–76 (Colorado—8).

(i) *Delineation of formation.* The Dakota Formation is found in La Plata and Archuleta Counties, Colorado. It is located southeast of the City of Durango, Colorado, and is bounded on the north by the southern boundary of the Southern Ute Indian reservation. The Dakota Formation underlies Township 34 North, Ranges 6 and 7 West (South of the Ute Line), Sections 1 through 36, and Township 34 North,. Ranges 8 and 9 West (South of the Ute Line), Sections 1 through 24.

(ii) *Depth.* The Dakota Formation is defined as that formation the depth to the top of which averages approximately 7,600 feet and the base of which is defined by the top of the Morrison Formation.

[FR Doc. 81–17077 Filed 6–8–81; 8:45 am]

BILLING CODE 6450–85–M

---

18 CFR Part 271

[Order No. 151; Docket No. RM79–76 (Colorado—9)]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued June 3, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas Conservation Commission that the Corcoran Formation and Cozzette Formation each be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 3, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8559.

Order No. 151

Issued June 3, 1981.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr. and J. David Hughes. In the matter of High-Cost Gas Produced From Tight Formations, Docket No. RM79–76 (Colorado—9).

The Commission hereby amends § 271.703(d) of its regulations to include the Corcoran and Cozzette Formations in Colorado as designated tight formations eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued November 19, 1980 (45 FR 78703, November 26, 1980) [1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c), that the Corcoran and Cozzette Formations be designated as tight formations.

Evidence submitted by Colorado and the commenters supports Colorado's assertion that the Corcoran and Cozzette Formations meet the guidelines contained in § 271.703(c)(2). The Commission adopts the Colorado recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices available immediately establishes good cause to waive the thirty day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraphs (29) and (30) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(29) *Cozzette Formation in Colorado.* RM79–76 (Colorado—9).

(i) *Delineation of formation.* The Cozzette Formation is found in Mesa and Garfield Counties, Colorado. It is located northeast of the City of Grand Junction, Colorado, and occupies an area known locally as the Wagon Track Tight Gas and Sand area. The Cozzette Formation underlies Township 8 South, Ranges 98 and 99 West, Sections 1 through 36, and Range 100 West, Sections 21 through 28 and 33 through 36; Township 9 South, Range 97 West, Sections 1 through 24, 26 through 35, Ranges 98 and 99 West, Sections 1 through 36, Range 100 West, Sections 1 through 4, 9 through 14, 23, 24, 25 and 36; Township 10 South, Range 97 West, Sections 2 through 11, Range 98 West, Sections, 1 through 12, and Range 99 West, Sections 1 through 5 and 9 through 12.

(ii) *Depth.* The Cozzette Formation is defined as that formation occurring within the Mount Garfield Formation in the Mesaverde Group and which is found at an average measured depth of 2478 feet.

(30) *Corcoran Formation in Colorado.* RM79–76 (Colorado—9).

(i) *Delineation of formation.* The Corcoran Formation is found in Mesa and Garfield Counties, Colorado. It is located northeast of the City of Grand Junction, Colorado, and occupies an area locally known as the Wagon Track Tight Sand area. The Corcoran Formation underlies Township 8 South, Ranges 98 and 99 West, Sections 1 through 36, and Range 100 West, Sections 21 through 28 and 33 through 36; Township 9 South, Range 97 West, Sections 1 through 24, 26 through 35, Ranges 98 and 99 West, Sections 1 through 36, Range 100 West, Sections 1 through 4, 9 through 14, 23, 24, 25 and 36; Township 10 South, Range 97 West, Sections 2 through 11, Range 98 West, Sections 1 through 12, and Range 99 West, Sections 1 through 5 and 9 through 12.

(ii) *Depth.* The Corcoran Formation is defined as that formation occurring within the Mount Garfield Formation of

[1] Comments were invited and favorable comments were received. No party requested a public hearing and no hearing was held.

the Mesaverde Group and which is found at an average depth of 2873 feet.

[FR Doc. 81-17078 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

18 CFR Part 271

[Order No. 150; Docket No. RM79-76 (Colorado—8)]

High-Cost Gas Produced From Tight Formations; Adoption of Designation Recommendation

Issued June 3, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas Conservation Commission that the Sanastee Formation and Dakota Formation each be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective on June 3, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8559.

Order No. 150

Issued June 3, 1981.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr. and J. David Hughes. In the matter of High-Cost Gas Produced From Tight Formations, Docket No. RM79-76 (Colorado—8).

The Commission hereby amends § 271.703(d) of its regulations to include the Sanastee and Dakota Formations in Colorado as designated tight formations eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued November 19, 1980 (45 FR 78703, November 26, 1980)[1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c), that the Sanastee and Dakota Formations be designated as tight formations.

Evidence submitted by Colorado and the commenters supports Colorado's assertion that the Sanastee and Dakota Formations meet the guidelines contained in § 271.703(c)(2). The Commission adopts the Colorado recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices available immediately establishes good cause to waive the thirty day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraph (27) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(27) *Sanastee Formation in Colorado.* RM79-76 (Colorado—8).

(i) *Delineation of formation.* The Sanastee Formation is found in La Plata and Archuleta Counties, Colorado. It is located southeast of the City of Durango, Colorado, and is bounded on the north by the southern boundary of the Southern Ute Indian Reservation. The Sanastee Formation underlies Township 34 North, Ranges 6 and 7 West (South of the Ute Line), Sections 1 through 36, and Township 34 North, Ranges 8 and 9 West, Sections 1 through 24.

(ii) *Depth.* The Sanastee Formation is defined as that formation occurring within the Mancos shale at intervals from approximately 7500 to 7700 feet.

[1] Comments were invited and favorable comments were received. No party requested a public hearing and no hearing was held.

[FR Doc. 81-17079 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

18 CFR Part 284

[Order No. 30-F; Docket No. RM79-34]

Transportation Certificates for Natural Gas for the Displacement of Fuel Oil

Issued May 21, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: On May 17, 1979, the Federal Energy Regulatory Commission (Commission) issued Order No. 30 in Docket No. RM79-34 (44 FR 30323; May 25, 1979). That order established a short-term program authorizing the transportation of natural gas for the displacement of fuel oil. The program, which was originally scheduled to terminate on June 1, 1980, was extended by Order No. 30-D (45 FR 56046; August 22, 1980) through May 31, 1981. By this rule, the Commission again extends the Order No. 30 program until 90 days after a final rule becomes effective in Docket No. RM81-19. A Notice of Proposed Rulemaking was issued in Docket No. RM81-19 on March 10, 1981 (46 FR 16903; March 16, 1981).[1] The Commission invites written comments in Docket No. RM81-19 on whether the pipeline transportation of end-user natural gas for the displacement of fuel oil (presently encompassed in the order No. 30 program) should be included in the final rule in Docket No. RM81-19.

DATES: Effective Date: May 31, 1981. Comments must be received in Docket No. RM81-19 on whether the pipeline transportation of end-user natural gas for the displacement of fuel oil should be included in the final rule in Docket No. RM81-19 on or before June 21, 1981.

ADDRESS: All comments regarding Docket No. RM81-19 to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Robert C. Platt, Assistant Advisory Counsel, Office of the General Counsel,

[1] See FR Doc. 81-17007 in the Proposed Rule Section of this issue.

Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357–8457.

SUPPLEMENTARY INFORMATION: On March 10, 1981, Consolidated Edison Company of New York, Inc., National Gas and Oil Corporation, the Ohio Producers Group,[2] Public Service Electric and Gas Company, Salt River Project Agricultural Improvement and Power District, Long Island Lighting Company, Alabama-Tennessee Natural Gas Company, and Phelps Dodge Corporation (Petitioners) filed a petition in this Docket seeking a rulemaking pursuant to § 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7). Petitioners seeks an amendment of § 284.201(e) of the Commission's regulations to provide a temporary extension of the fuel oil displacement program promulgated in Order No. 30.[3] In addition, the Petitioners seek "a more effective program to replace Order No. 30," (petition at 5) which would embody eight design considerations.[4]

On May 17, 1979, the Commission issued Order No. 30 which established a short-term program authorizing the transportation of natural gas for the displacement of fuel oil. That order was adopted in response to a proposal of the Economic Regulatory Administration (ERA) of the Department of Energy which was referred to the Commission pursuant to Section 403(a) of the Department of Energy Organization Act, 42 U.S.C. 7173(a) (DOE Act).

In Order No. 30, the Commission authorized interstate pipelines to transport natural gas to end-users certified by the ERA.[5] In significant part, the Commission determined that the public interest was served by action to displace fuel oil with natural gas in order to relieve demand pressure on distillate and related stocks of petroleum products as the peak winter heating season approached. The Commission perceived the fuel oil shortages would be relieved by the beginning of the next summer period. Hence, the rule originally terminated the program on June 1, 1980.

On August 15, 1980, the Commission issued Order No. 30–D,[6] which extended the program through May 31, 1981. In Order No. 30–D, the Commission noted:

> By [May 31, 1981], the Commission expects to implement more effective programs to dispose of excess natural gas deliverabilities. It is our objective to reassess current policies and programs and so develop a comprehensive long term policy prior to May 31, 1981.

Such a comprehensive reexamination of the Commission's transportation policies was initiated in Docket Nos. RM81–19 and RM81–29.[7] In these dockets, the Commission proposed to issue blanket certificates to cover a variety of routine transactions. However, it does not appear that the Commission will be able to complete its consideration of public comments and issue final rules in the RM81–19 and RM81–29 Dockets prior to May 31, 1981. In addition, transportation contemplated by those proposed rules cannot occur until the Commission processes applications for blanket certificates. Accordingly, the Commission is extending the duration of the Order No. 30 program until 90 days after a final rule becomes effective in Docket No. RM81–19. This interim extension is accomplished by amending the definition of "fuel shortage emergency period" in § 284.201(e).

Written Comments

The Commission invites interested persons, who have not already done so, to submit written comments in Docket No. RM81–19 on whether the pipeline transportation of end-user natural gas for the displacement of fuel oil (presently encompassed in the Order No. 30 program) should be included in the final rule in Docket No. RM81–19.

An original and 14 conformed copies of written comments should be filed by June 21, 1981. Comments should reference Docket No. RM81–19 and should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Written comments will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Commission will consider all timely comments before acting on this issue in Docket No. RM81–19.

Effective Date

In order to avoid disruption of on-going transactions authorized under Order No. 30, this rule must take effect prior to June 1, 1981. For this reason, the Commission, in accordance with 5 U.S.C. §§ 553(b) and (d), finds that good cause exists to waive normal notice and effective date requirements. Accordingly, this rule is effective on May 31, 1981.

[Natural Gas Act, 15 U.S.C. § 717–717w; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301–3432; Department of Energy Organization Act, 42 U.S.C. § 7101–7352; E.O. 12009, 42 FR 46267.]

In consideration of the foregoing, Part 284 of Chapter I, Title 18, Code of Federal Regulations, is amended as set forth, effective May 31, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 284.201 is amended by revising paragraph (e) to read:

§ 284.201 Definitions.

* * * * *

(e) "Fuel Shortage emergency period" means the period starting May 13, 1979, and ending at 11:59 p.m. on the ninetieth (90th) day following the effective date in the final rule in Docket No. RM81–19.

* * * * *

[FR Doc. 81–16495 Filed 6–8–81; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 79F–0481]

Dimethylpolysiloxane Used as a Defoaming Agent in the Processing of Food, Viscosity Specification

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations by revising the viscosity specification for dimethylpolysiloxane when used as a defoaming agent in the processing of food, to read "300 to 1,050 centistokes at 25° C" rather than "300 to 600 centistokes at 25° C" as currently listed. ICI Americas, Inc., filed a petition requesting such revision.

---

[2] The Ohio Producers Group consists of Leader Equities Inc., Clinton Oil Company, Jadoil, Inc., W. E. Shrider Company, Wilson Petroleum Coporation, Hopewell Oil and Gas Development Co., and Edco Drilling and Producing, Inc.

[3] Docket No. RM79–34, issued May 17, 1979, 44 FR 30323 (May 25, 1979).

[4] On May 12, 1981, the ERA referred a similar set of rulemaking design criteria to the Commission pursuant to Section 403 of the DOE Organization Act.

[5] In a related rule, the ERA established a procedure to certify the eligibility of end-users for this program. 10 CFR Part 595, 44 FR 20398 (April 5, 1979).

[6] Docket No. RM79–34, Order No. 30–D, issued on August 15, 1980, 12 FERC ¶ 61,168, 45 FR 56046 (August 22, 1980).

[7] Docket No. RM81–19, Notice of Proposed Rulemaking issued on March 10, 1981, 46 FR 16903 (March 16, 1981); Docket No. RM81–29, Notice of Proposed Rulemaking, issued on April 27, 1981, 46 FR 24585 (May 1, 1981).

V 46 / 110 / JUNE 9 1981 UMI

DATES: Effective June 9, 1981. Objections by July 9, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 8, 1980 (45 FR 8725), FDA announced that a food additive petition (FAP 7A3340) had been filed by ICI Americas, Inc., Wilmington, DE 19897, proposing that § 173.340 *Defoaming agents* (21 CFR 173.340) be amended by revising the viscosity specification for dimethylpolysiloxane when used as a defoaming agent in the processing of foods.

FDA has evaluated data in the petition and other relevant material and concludes that the use of dimethylpolysiloxane with specifications as indicated herein is safe and that the food additive regulations should be amended as set forth below.

Further, the National Academy of Sciences will be requested to revise the viscosity specification for dimethylpolysiloxane as it is listed in the "Food Chemicals Codex," 2d Ed. (1972) to reflect the amendment of § 173.340.

Likewise, because the increase in the upper limit of the viscosity range will cause an increase in the upper limit of the specific gravity range of the additive, it will also be requested that the upper limit for this specification as listed in the "Food Chemicals Codex" be changed from 0.964–0.973 to read 0.964–0.977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)), Part 173 is amended in § 173.340(a)(2) by changing the viscosity specification in the item "dimethylpolysiloxane" in the list of substances to read as follows:

§ 173.340 Defoaming agents.

* * * * *

(a) * * *

(2) * * *

Substances	Limitations
Dimethylpolysiloxane (substantially free from hydrolyzable chloride and alkoxy groups, no more than 18 percent loss in weight after heating 4 hours at 200° C; viscosity 300 to 1,050 centistokes at 25° C; refractive index 1.400–1.404 at 25° C)	* * *

* * * * *

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 9, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 9, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 1, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–16836 Filed 6–8–81; 8:45 am]

BILLING CODE 4110–03–M

---

21 CFR Part 173

[Docket No. 79F–0419]

Acrylate-Acrylamide Resins; Safe Use as a Flocculent in Clarification of Corn Starch Hydrolyzate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of acrylate-acrylamide resins as a flocculent in the clarification of corn starch hydrolyzate. This action is based on a food additive petition filed by Tate & Lyle Process Technology, Ltd.

DATES: Effective June 9, 1981, objections by July 9, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 11, 1979 (44 FR 71461), FDA announced that a petition (FAP 9A3454) had been filed by Tate & Lyle Process Technology, Ltd., Cosmos House, Bromley Common, Bromley BR2 9NA, England, proposing that § 173.5 (21 CFR 173.5) be amended to provide for the safe use of acrylate-acrylamide resins as a flocculent in the clarification of corn starch hydrolyzate.

FDA has evaluated data in the petition and other relevant material and finds that acrylate-acrylamide resins are safe for their intended use and that § 173.5 should be amended as set forth below to include the petitioned additive.

The agency has carefuly considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an evironmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that document may be seen in the Dockets Management Branch, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 173 is amended in § 173.5 by revising paragraph (c) (1), to read as follows:

§ 173.5 Acrylate-acrylamide resins.

* * * * *

(c) * * *

(1) The aditive identified in paragraph (a) (1) of this section is used as a flocculent in the clarification of beet sugar juice and liquor or cane sugar juice and liquor or corn starch hydrolyzate in an amount not to exceed 5 parts per million by weight of the juice or 10 parts per million by weight of the liquor or the corn starch hydrolyzate.

. . . . .

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 9, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 9, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 1, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–16837 Filed 6–8–81; 8:45 am]

BILLING CODE 4110–03–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP OH5262/T68; PH–FRL–1847–8]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; (±)Cyano(3-Phenoxyphenyl)methyl (+)-4-(Difluoromethoxy)-Alpha-(1-Methylethyl)Benzeneacetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA has extended a temporary food additive regulation permitting residues of the insecticide (±)cyano(3-phenoxyphenyl)methyl (+)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate in or on cottonseed oil at 0.2 ppm.

EFFECTIVE DATE: Effective on June 9, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of August 12, 1980 (45 FR 53457) that a food additive regulation had been established permitting residues of the insecticide (±)cyano(3-phenoxyphenyl)methyl (+)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate in or on cottonseed oil at 0.2 ppm. The regulation was requested by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540.

The scientific data reported and other relevant material has been evaluated, and it has been determined that extension of this temporary food additive regulation will protect the public health. Therefore, 21 CFR Part 193 is amended as set forth below.

Any person adversely affected by this regulation may, on or before July 9, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on: June 9, 1981.

(Sec. 409(c)(1) 72 Stat. 1786, 21 U.S.C. 348(c)(1))

Dated: May 29, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR 193.99 is revised to read as follows:

§ 193.99 (±)Cyano(3-Phenoxyphenyl)methyl (+)-4-(Difluoromethoxy)-Alpha-(1-Methylethyl)Benzeneacetate.

A tolerance is established for the insecticide (±)cyano(3-phenoxyphenyl)methyl (+)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate in or on cottonseed oil at 0.2 part per million. Such residues may be present therein only as a result of the application of the insecticide in accordance with the provisions of an experimental use permit that expires April 10, 1982.

[FR Doc. 81–17104 Filed 6–8–81; 8:45 am]

BILLING CODE 6560–32–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 7a

[T.D. 7775]

Temporary Income Tax Regulations Under the Bankruptcy Tax Act of 1980; Various Elections

Correction

In FR Doc. 81-13621 appearing at pages 25291 in the issue of Wednesday, May 6, 1981, on page 25293, second column, § 7a.2(g), eighth line from the bottom, "wife" should read "husband."

BILLING CODE 1505-01-M

26 CFR Part 35

[T.D. 7773]

Temporary Employment Tax Regulations Under the Act of December 24, 1980 (Pub. L. 96-601); Voluntary Withholding From Sick Pay

Corrections

In FR Doc. 81-13344 appearing on page 24553 in the issue of Friday, May 1, 1981; make the following changes:

(1) On page 24555, second column, § 35.1 (h)(1)(ii), sixteenth line of *Example (2)*, insert "income" before "taxes".

(2) On page 24556, first column, § 35.2(a), third line, insert "the" before "sick".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 67-81]

Production or Disclosure of Material or Information

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Federal Bureau of Investigation (FBI) is amending its Privacy Act regulations by clarifying its reasons for having exempted its Central Records System, JUSTICE/FBI-002, from certain Privacy Act provisions.

DATE: This rule shall be effective June 9, 1981.

ADDRESSES: All comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-3452).

SUPPLEMENTARY INFORMATION: Paragraph (b)(2) of 28 CFR 16.96 has been revised to offer the public a clearer explanation of why the FBI's Central Records System, JUSTICE/FBI-002, is exempt from selected provisions of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). And, paragraphs (b) (1) and (2), the introductory text to paragraph (b) (3), and paragraphs (b) (4), (5), and (6) have been revised to make minor editorial corrections. Specifically, the term "paragraph," which had been inappropriately used to reference "subsections" of the Privacy Act, has been deleted and the term "subsection" has been substituted.

This rule does not constitute an amplification or expansion of the present FBI exemption rule published in 28 CFR 16.96. It simply offers the public a clearer explanation of why the exemptions which have already been promulgated are necessary. Since clarification of this rule is in the public interest, it has been determined that it is impracticable and unnecessary to provide opportunity for public comment and that it is contrary to the public interest to delay the effective date of this rule. This determination is made in accordance with 5 U.S.C. 553(b) (B) and (d)(3).

This rule is exempt from the application of Executive Order 12291 pursuant to section 1(a)(3).

Accordingly, pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, § 16.96 of Title 28 of the Code of Federal Regulations is amended as set forth below.

Dated: May 28, 1981.

William D. Van Stavoren,

Acting Assistant Attorney General for Administration.

Section 16.96 is amended by revising introductory text to paragraph (b), paragraphs (b) (1) and (2), introductory text to paragraph (b)(3), and paragraphs (b) (4), (5), and (6), all of which are reprinted below.

§ 16.96 Exemption of Federal Bureau of Investigation Systems—Limited access.

* * * * *

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because making available to a record subject the accounting of disclosures from records concerning him/her would reveal investigative interest by not only the FBI, but also by the recipient agency. This would permit the record subject to take appropriate measures to impede the investigation, e.g., destroy evidence, intimidate potential witnesses or flee the area to avoid the thrust of the investigation.

(2)(i) From subsections (d), (e)(4)(G) and (H), (f) and (g) because these provisions concern individual access to investigative records, compliance with which could compromise sensitive information classified in the interest of national security, interfere with the overall law enforcement process by revealing a pending sensitive investigation, possibly identify a confidential source or disclose information which would constitute an unwarranted invasion of another individual's personal privacy, reveal a sensitive investigative technique, or constitute a potential danger to the health or safety to law enforcement personnel.

(ii) Also, individual access to non-criminal investigative records, e.g., civil investigations and administrative inquiries, as described in subsection (k) of the Privacy Act, could also compromise classified information related to national security, interfere with a pending investigation or internal inquiry, constitute an unwarranted invasion of privacy, reveal a confidential source or sensitive investigative technique, or pose a potential threat to law enforcement personnel. In addition, disclosure of information collected pursuant to an employment suitability or similar inquiry could reveal the identity of a source who provided information under an express promise of confidentiality, or could compromise the objectivity or fairness of a testing or examination process.

(iii) In addition, from paragraph (d)(2) because to require the FBI to amend information thought to be incorrect, irrelevant or untimely, because of the nature of the information collected and the essential length of time it is maintained, would create an impossible administrative and investigative burden by forcing the agency to continuously retrograde its investigations attempting to resolve questions of accuracy, etc.

(3) From subsection (e)(1) because:

* * * * *

(4) From subsection (e)(2) because the nature of criminal and other investigative activities is such that vital information about an individual can only be obtained from other persons who are familiar with such individual and his/her activities. In such investigations it is not feasible to rely upon information furnished by the individual concerning his own activities.

(5) From subsection (e)(3) because disclosure would provide the subject

with substantial information which could impede or compromise the investigation. The individual could seriously interfere with undercover investigative activities and could take appropriate steps to evade the investigation or flee a specific area.

(6) From subsection (e)(8) because the notice requirements of this provision could seriously interfere with a law enforcement activity by alerting the subject of a criminal or other investigation of existing investigative interest.

* * * * *

[FR Doc. 81-17106 Filed 6-8-81; 8:45 am]
BILLING CODE 4410-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1831-5]

Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for the State of Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On February 6, 1981 (46 FR 11321), the U.S. Environmental Protection Agency (EPA) proposed approval of and solicited public comment on an air quality surveillance plan submitted by the State of Wisconsin as a revision to the Wisconsin State Implementation Plan (SIP). No public comments were received. This notice announces EPA's final approval of the air quality surveillance plan as a revision to the Wisconsin SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on July 9, 1981.

ADDRESSES: Copies of the SIP revision and EPA's evaluation are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

Copies of the submission are also available at: Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster Street, Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: Section 319 of the Clean Air Act, as amended, requires the U.S. Environmental Protection Agency (EPA) to establish monitoring criteria to be followed uniformly across the nation. Pursuant to this requirement and the recommendations of the Standing Air Monitoring Work Group (SAMWG), EPA, on May 10, 1979 (44 FR 27558), promulgated Rules and Regulations for Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions. The regulations revoke Part 51 of Title 40 of the Code of Federal Regulations and establish a new Part 58 entitled Ambient Air Quality Surveillance.

On April 18, 1980, the State of Wisconsin submitted to EPA a SIP revision to provide for modification of the existing air quality surveillance network. An amendment to the revision was submitted by the State of Wisconsin on September 15, 1980. EPA has reviewed the submission and determined that it meets the requirements of Sections 110 and 319 of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 58. The complete requirements for an air quality surveillance plan are outlined in 40 CFR 58.20, and were summarized in EPA's notice of proposed rulemaking published February 6, 1981 (46 FR 11321). At that time, EPA discussed the State's submission, and proposed approval of the Wisconsin air quality surveillance plan. Interested parties were given until March 9, 1981 to comment on the plan and on EPA's proposed approval. No comments were received.

This notice announces EPA's final rulemaking action to approve the air quality surveillance plan as a revision to the Wisconsin SIP.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of final rulemaking. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities. The action relates only to air quality surveillance to be carried out by one State and will not cause any significant economic impacts.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because EPA is approving provisions which are developed by and are effective in the State. EPA is not promulgating any requirements beyond the requirements imposed by the State.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

This Final Rulemaking is issued under the authority of Sections 110 and 319 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7619).

Dated: June 2, 1981.

Anne M. Gorsuch,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Wisconsin was approved by the Director of the **Federal Register** on July 1, 1980.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

Subpart YY—Wisconsin

Section 52.2570 is amended by adding paragraph (c) (19) as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

* * * * * *

(19) On April 18, 1980, the State of Wisconsin submitted a revision to provide for modification of the existing air quality surveillance network. An amendment to the revision was submitted by the State of Wisconsin on September 15, 1980.

[FR Doc. 81-17105 Filed 6-8-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 62

[A-2-FRL 1828-7]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; New Jersey and the Virgin Islands

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Regulations promulgated under the provisions of Section 111(d) of the Clean Air Act, as amended, require states to submit plans to the Environmental Protection Agency (EPA) to control fluoride emissions from

existing primary aluminum plants. Alternatively, a state can submit to the EPA a "negative declaration" which certifies that no existing primary aluminum plants are located within the state's boundaries. In the March 24, 1981 **Federal Register** (46 FR 18321) the EPA proposed approval of "negative declarations" submitted to it by the Territory of the Virgin Islands and New Jersey. Today's notice announces final approval of these "negative declarations."

DATE: This action is effective on June 9, 1981.

ADDRESSES: Copies of the "negative declarations" from the Virgin Islands and New Jersey are available for inspection at the following addresses:

Environmental Protection Agency, Region II, Air Programs Branch, 26 Federal Plaza, Room 1005, New York, New York 10278.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408.

New Jersey Department of Environmental Protection, Division of Environmental Quality, John Fitch Plaza, Trenton, New Jersey 08625.

Virgin Islands Department of Conservation and Cultural Affairs, Division of Environmental Health, Charlotte Amalie, St. Thomas, Virgin Islands 00801.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: Section 111(d) of the Clean Air Act, as amended, and 40 CFR Part 60 require states to submit plans to the Environmental Protection Agency (EPA) to control emissions of "designated pollutants" from "designated facilities." "Designated pollutants" are pollutants which are not included in a list published under the provisions of Section 108(a) or Section 112(b)(1)(A) of the Clean Air Act, but which are pollutants for which standards of performance for new sources have been established under Section 111(b) of the Clean Air Act. A "designated facility" is an existing facility which emits a designated pollutant and which would be subject to a new source performance standard for that pollutant if the facility were new. In lieu of a control plan, as provided for in 40 CFR Part 62, Subpart A, a state can submit to EPA a "negative declaration" which certifies that for a specific "designated pollutant" no "designated facilities" exist within its boundaries.

In the **Federal Register** of March 24, 1981 (46 FR 18321), EPA proposed approval of "negative declarations" relating to fluoride emissions from existing primary aluminum plants for New Jersey and the Virgin Islands. In the proposal, EPA invited the public to submit written comments on its intent to approve the "negative declarations." No comments were received. Therefore, EPA is hereby promulgating without change its approval of the "negative declarations" submitted by New Jersey and the Virgin Islands. Furthermore, this action is being made effective immediately since it imposes no hardship on any source.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. This action will impose no new regulatory requirements, but instead will exempt the State of New Jersey and the Territory of the Virgin Islands from the requirements of Subpart B of 40 CFR Part 60 for this particular designated pollutant.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it identifies areas where state plans are not needed, thereby reducing further regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Secs. 111 and 301(a), Clean Air Act, as amended (42 U.S.C. 7413 and 7601))

Note.—Incorporation by reference of the State Implementation Plans for the Territory of the Virgin Islands and the State of New Jersey was approved by the Director of the Federal Register on July 1, 1980.

Dated: June 3, 1981.

Anne M. Gorsuch,

Administrator.

Part 62, Subparts FF and CCC, Chapter I, Title 40 of the Code of Federal Regulations are amended by adding §§ 62.7602 and 62.13353 as follows:

* * * * *

Subpart FF—New Jersey

Fluoride Emissions From Primary Aluminum Reduction Plants

§ 62.7602 Identification of plan—negative declaration.

The New Jersey Department of Environmental Protection submitted, on September 29, 1980, a letter certifying that there are no existing primary aluminum plants in the State subject to Part 60 Subpart B of this Chapter.

* * * * *

Subpart CCC—Virgin Islands

Fluoride Emissions From Primary Aluminum Reduction Plants

§ 62.13353 Identification of plan—negative declaration.

The Virgin Islands Department of Conservation and Cultural Affairs submitted, on July 21, 1980, a letter certifying that there are no primary aluminum plants in the Territory subject to Part 60, Subpart B of this Chapter.

[FR Doc. 81-17106 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 86

[EN-FRL-1822-7]

Clarification of Regulations Establishing Emission Standards for Carbon Monoxide (CO) for Certain 1982 Model Year Light-Duty Vehicles.

AGENCY: Environmental Protection Agency. (EPA).

ACTION: Clarification of final rule.

SUMMARY: This notice clarifies the extent of coverage of a previous regulation which established a CO emission standard for one 1982 model year light-duty vehicle model for which EPA granted a waiver from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. § 7521(b)(5). The effect of this notice is to allow the affected manufacturer to introduce into commerce the vehicles in question under the less stringent waived CO emission standard prescribed below.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Schwartz Attorney/Advisor,

Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act (the Act), 42 U.S.C. § 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the statutory standard for CO, of 3.4 grams per vehicle mile (g/mi).

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for the 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. Upon granting a waiver application, the Act requires simultaneous promulgation of regulations adopting emission standards not permitting CO emissions from vehicles of the model to exceed 7.0 g/mi.

On September 13, 1979, EPA issued a waiver decision and final rule (44 FR 53376) establishing a substitute standard of 7.0 g/mi for the 1981 and 1982 model years for a 3.8 liter (L) vehicle model (engine family for purposes of that decision) produced by General Motors Corporation (GM). On January 12, 1981, GM sent EPA a letter which requested EPA to clarify whether its new 1982 model year 3.0L engine, derived from its 3.8L engine, was covered by the CO waiver granted to the 3.8L model.

EPA has concluded on the basis of the information in GM's letter and in GM's previous waiver application that the determinations made in the first CO waiver decision regarding the GM 3.8L/V-6 engine family are applicable to the 3.0L/V-6 engine, and that the technology represented by the 3.0L/V-6 is within the scope of the CO waiver granted the GM 3.8/V-6. GM has provided EPA with information that shows that the 3.0L/V-6 engine in question is similar to the 3.8L/V-6 in all major parameters except for a shorter piston stroke and consequent smaller displacement. The displacement difference between the two engines is within the 50 cubic inch displacement differential EPA has established for determining engine family relationship for certification purposes and the two engines will be employed in vehicles of similar weight and size. GM also projects slightly improved fuel economy for the 3.0L/V-6 relative to the GM 3.8L/V-8 model.

Recent certification durability test data do indicate that the 3.0L/V-6 version may be able to meet the 3.4 g/mi CO emission standard in certification testing. Nevertheless, GM's information indicates that the 3.0L/V-6 emissions control technology is substantially similar to that of the 3.8L/V-6 for which a waiver for the 1981 and 1982 model years was previously granted. The design difference between the 3.8L and 3.0L versions are minor enough to permit me to conclude that the emissions characteristics of the 3.8L/V-6 emission control system are representative of the emissions characteristics of the 3.0L/V-6 system.

For clarification, this notice amends 40 CFR 86.082-(a)(1)(ii) to reflect this decision.

Under section 553(b) of the Administrative Procedure Act, EPA finds that a notice of proposed rulemaking on these amendments and public procedures thereon is unnecessary and contrary to the public interest. These technical amendments clarify the scope of an earlier decision based upon notice, comment, and public hearing. Repeating those procedures would be unnecessary, and would delay production and introduction of the 3.0L/V-6 engine.

Note.—EPA has determined that this action is not a major rule under Executive Order 12291, 46 FR 13193 (February 19, 1981), and therefore does not require a Regulatory Impact Analysis. These technical amendments will have no adverse effects on the economy, and indeed should result in a cost savings for consumers and the affected manufacturer. These amendments should have no adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. section 601 *et. seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standard clarified by this notice directly affects only GM, which is not a "small entity" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. § 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. §§ 7521 and 7501(a))

Dated: April 22, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

40 CFR 86.082-8(a)(1)(ii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 light-duty vehicles.

(a)(1) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corporation	151 CID.
	258 CID.
BL Cars, Ltd.	215 CID.
	326 CID.
Chrysler Corporation	11.6 liter.
	1.7 liter.
	2.2 liter.
	12.6 liter.
	3.7 liter.
	5.2 liter/2V.
	5.2 liter/4V.
Ford Motor Company	1.6 liter.
	2.3L/Turbocharged.
General Motors Corporation	1.6L.
	1.8/2.0 liter.
	2.8 liter/173 CID-2V.
	3.0/3.8 liter/2V.
Toyota Motor Company, Ltd.	88.6 CID.

* * * * *

(Section 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a))

Subject: Clarification of Regulations Establishing Emission Standards for Carbon Monoxide (CO) for Certain 1982 Model Year Light-Duty Vehicles.

The Regulatory Flexibility Certification

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et. seq., EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standard clarified by this notice directly affects only GM, which is not a "small entity" under the Regulatory Flexibility Act. Pursuant to 5 U.S.C. section 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: June 3, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-17107 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-33-M

40 CFR Part 180

[PP 6F1799/R326; PH-FRL-1848-1]

Chlorothalonil; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile. The amendment to the regulation was requested by Diamond Shamrock Corporation. This regulation establishes maximum permissible levels for residues of chlorothalonil in or on the raw agricultural commodity soybeans.

EFFECTIVE DATE: Effective on June 9, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 6, 1976 (41 FR 27776) that Diamond Shamrock Corporation, Agricultural Chemicals Division, 1100 Superior Ave., Cleveland, OH 44114, has filed pesticide petition 6F1799 with the EPA.

The petition proposed that 40 CFR 180.275 be amended to establish a tolerance for the combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodity soybeans at 0.2 part per million. No comments were received in response to this notice of filing.

The data submitted in this petition and all other relevant material have been evaluated. The scientific data considered in support of this tolerance were: two 2-year dog feeding studies (negative, with no-observed-effect-levels (NOEL) of less than 0.15 percent and 60 ppm, respectively), and an 18-month rat feeding study (NOEL of less than 0.05 percent), a 2-year rat feeding study (NOEL of 60 ppm), a three-generation rat reproduction feeding study (NOEL of less than 0.5 percent), a second three-generation rat reproduction study (NOEL of 15,000 ppm) and a series of mutagenicity studies (cell transformation in newborn rats, DNA repair, mammalian cell Gene-Point, Ames, and an *in vitro* Mammalian Point Mutation) that resulted in negative findings except for a finding that chlorothalonil may interfere with DNA repair in TA-1538 cells. A cancer study performed by the National Cancer Institute (NCI) concluded that chlorothaonil was carcinogenic in male and female Osborne-Mendel rats, but not in $B_6C_3F_1$ mice. Deficiencies have been alleged in the report of the NCI study; however, the present tolerance regulation is based on the assumption that the NCI study is valid. In an Incremental Risk Assessment based on carcinogenic and chronic effects, the analysis showed that, based on the theoretical exposure and risk associated with this tolerance (and other proposed tolerances), the carcinogenic upper limits of risk are less than 1 in 10^{-7}.

In performing the incremental risk assessment, the agency considered the potential exposure to the new born child who may consume a soy-based milk substitute. A soy-based milk substitute consists of no more than 6 percent soy oil and soy meal. Assuming that a 5 kilogram (kg) child consumes 770 grams (gm) of soy-based milk substitute per day, this is equivalent to 9.24 gm of soy substances per kg of body weight per day. By comparison, the average adult diet of 1,500 gm consists of approximately 7.25 gm of dairy products per kg of body weight. As the exposure, on a gram per kilogram of body weight basis, is not substantially different for the new born child and the adult, the agency has concluded that there would be no significant incremental risk for infants consuming a diet of soybean formula.

Based on the dog feeding study, the NOEL is 60.0 mg/kg/day. Using a 100-fold safety factor, the allowable daily intake (ADI) is 0.015 mg/kg/day and the maximum permissible intake (MPI) is 0.9 mg/day for a 60-kg person. The establishment of this tolerance results in a theoretical exposure of 0.0028 mg per day and utilizes 0.03 percent of the ADI. Established tolerances and this proposed tolerance result in a maximum theoretical exposure of 0.7633 mg/day for a 60-kg person and utilize 84.81 percent of the ADI. Tolerances have previously been established for residues of chlorothalonil in or on a variety of raw agricultural commodities, ranging from 0.1 to 15 ppm (40 CFR 180.275).

The metabolism of chlorothalonil is adequately understood and an adequate analytical method is available for enforcement purposes (gas chromatography procedure coupled with electron capture detection).

Based on the information cited above, the agency has determined that the establishment of the tolerance for residues of the fungicide chlorothalonil in or on the raw agricultural commodity will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before July 9, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., S.W., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to sec. 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** on May 4, 1981 (46 FR 24950).

Effective on: June 9, 1981.

(Sec. 408(d) (2), 68 Stat. 514, (21 U.S.C. 347(d) (2)))

Dated: May 27, 1981.

Edwin L. Johnson,

Deputy Assistont Administrator, for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting the raw agricultural commodity "soybeans" in the table under § 180.275 to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

* * * * *

Commodity	Part per million
Soybeans	0.2

[FR Doc. 81-17103 Filed 6-8-81; 8:45 a.m.]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5865

[I-16921]

Idaho; Revocation of Stock Driveway Withdrawal Nos. 29, 48, and 237

Correction

In FR Doc. 81-15239 appearing at page 27651 in the issue of Thursday, May 21, 1981, please make the following change:

On page 27651, third column, "June 20, 1981" should appear after the words "**EFFECTIVE DATE**" where there is now a space.

BILLING CODE 1505-01-M

43 CFR Public Land Order No. 5866

[Nev-051741]

Nevada; Revocation of Executive Order No. 5105

Correction

In FR Doc. 81-15240 appearing at page 27652 in the issue of Thursday, May 21, 1981, please make the following change:

On page 27652, third column, under "**SUMMARY:**" the figure "73,328" should be corrected to read, "78,328".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket Nos. FEMA 5894, 5924, 5954]

Final Flood Elevation Determinations Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FIA.

ACTION: Correction of final rule.

SUMMARY: This document corrects a final rule on base (100-year) flood elevations for certain areas in the Commonwealth of Puerto Rico that appeared on pages 21006 and 21007 in 46 FR on April 8, 1981.

EFFECTIVE DATE: April 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTAL INFORMATION: All final elevations for all flooding sources in Rio De Bayamon Basin; Rio Fajardo Basin; Rio Grande de Loiza Basin; Rio Maunabo Basin; Rio Mamayes Basin; and Rio Tallaboa Basin, Commonwealth of Puerto Rico, appeared as "Elevation, in feet (NGVD)". The elevations should have appeared as "Elevation, meters above mean sea level (MSL)". The values appearing in the elevations column were all correct but the heading was not.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: May 29, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16987 Filed 6-8-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 74

Administration of Grants; Implementation of Cost Principles for Nonprofit Organizations and Amendments to Property Rules

AGENCY: Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: This amendment to the HHS Department-wide grants administration regulation implements Government-wide cost principles for nonprofit organizations. It also makes some changes in the regulation's rules on property acquired with grant support.

EFFECTIVE DATE: July 9,1981.

FOR FURTHER INFORMATION CONTACT: Richard G. Sullivan, Department of Health and Human Services, Room 533-H, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 755-7613.

SUPPLEMENTARY INFORMATION:

Cost Principles for Nonprofit Organizations

The Office of Management and Budget (OMB) published a notice in the **Federal Register** on April 26, 1977 inviting comments on proposed Government-wide cost principles for nonprofit organizations. Numerous comments on the proposal were received and a number of changes were made in response to the comments. OMB published the final principles in the **Federal Register** on July 8, 1980 (45 FR 46022) as OMB Circular A-122. The principles apply to nonprofit organizations other than State and local governments, Indian Tribal governments, institutions of higher education, hospitals, and certain other nonprofit organizations listed in Attachment C of Circular A-122.

HHS Implementation

This amendment to the Department's general grants administration regulation implements the new cost principles for nonprofit organizations. The amendment incorporates OMB Circular A-122 into the regulation by reference and automatically applies to any future changes to the Circular as of the start of an organization's first fiscal year beginning after OMB's publication of the change in the **Federal Register** (unless a different date is prescribed by OMB). Copies of the Circular will be provided to nonprofit organizations, upon request, by the Department's Regional Offices. This procedure is consistent with the procedure the Department follows in implementing other OMB Circulars on cost principles.

The amendment also includes provisions covering two cost elements—bid and proposal costs, and independent research and development costs—which are not covered by Circular A-122. In substance, these provisions are the same as the comparable provisions in the previous HHS cost principles for nonprofit organizations and therefore do not represent a substantive change to the regulation. As indicated in the amendment, the Department is continuing its long-standing policy of not allowing independent research and development costs (i.e., research and development which is not sponsored by grants, contracts, or other agreements). The Department believes that allowing these costs would have the effect of circumventing the process of evaluating proposed research and development projects and selecting the most meritorious projects for direct funding by the Department.

Paragraph 5. of Circular A–122 states that the nonprofit organizations listed in Attachment C to the Circular shall be subject to Federal cost principles applicable to commercial concerns. This part of the Circular is implemented in the amendment by requiring that these organizations use the cost principles for commercial concerns in Subpart 1–15.2 of the Federal Procurement Regulations (41 CFR 1–15.2). However, the provisions governing the treatment of independent research and development costs in Subpart 1–15.2 are inconsistent with the Department's long standing policy in this area as discussed in the previous paragraph. Allowing these provisions to be applied to nonprofit organizations subject to Subpart 1–15.2 would also be unfair to other nonprofit organizations receiving grants from the Department. Therefore, the amendment requires the same treatment of these costs for all nonprofit organizations, including those subject to subject to Subpart 1–15.2. This aspect of the amendment also does not represent a substantive change to the regulation since all nonprofit organizations were subject to this restriction under the HHS nonprofit cost principles.

Changes in Subpart on Property

Subpart O of this regulation implements the policies on equipment and other property acquired with grant support in OMB Circular A–102, "Uniform administrative requirements for grants-in-aid to State and local governments," and OMB Circular A–110, "Uniform administrative requirements for grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations."

Based upon those Circulars, Subpart O defines "equipment" as tangible personal property having a useful life of more than one year and a unit acquisition cost of $300 or more per unit. In contrast, OMB Circular A–122, which we are implementing by these amendments, defines equipment as an article of tangible personal property having a useful life of more than two years and an acquisition cost of $500 or more. OMB Circular A–21, revised, "Cost principles for educational institutions," also uses that definition.

OMB plans to revise the equipment definition in Circulars A–102 and A–110 to make it the same as the definition in the Circulars A–122 and A–21 cost principles. In the meantime, by memorandum dated October 1, OMB authorized Federal agencies to use the definition in the cost principles for the purpose of the equipment policies in Circulars A–102 and A–110. This will further the goal of standardization and eliminate a source of confusion for grantees. It will also reduce record-keeping and other burdensome requirements on recipients.

Accordingly, we are amending Subpart O of Part 74 by replacing the current definition for "equipment" by the one in OMB Circulars A–122 and A–21.

Subpart O includes a rule (74.141) on supplies that are left over at the end of the grant or subgrant for which they were acquired. The rule requires that the grant be credited if the supplies exceed $1,000 in aggregate market value and are not needed for any project or program currently or previously sponsored by the Federal Government.

The rule implements a policy in OMB Circulars A–102 and A–110. OMB has recently told us that it intends the policy to apply only to supplies that have not yet been put to use in the project or program for which they were acquired. Accordingly, we are amending 74.141 so that it will apply only to these supplies.

Waiver of Proposed Rulemaking Procedures

Since this amendment to HHS regulations merely incorporates Government-wide policy established by OMB after obtaining public participation, proposed rulemaking procedures are considered unnecessary.

The provisions of the amendment concerning bid and proposal costs and independent research and development costs do not represent substantive changes to the Department's regulations; therfore, proposed rulemaking procedures are also considered unnecessary for these provisions.

Finally, the changes in the definition of "equipment" and in the rule on supplies are suggested and authorized by OMB, the first for the sake of consistency with the cost principles and the second to reflect of the intent of OMB Circulars A–102 and A–110. The changes have the effects of relieving restrictions on grantees and subgrantees. Proposed rulemaking procedures are therefore considered unnecessary for these changes.

Other Information

Timing. The changes affecting cost principles for nonprofit organizations apply as of the start of an organization's first fiscal year beginning after July 9, 1981. Early or delayed implementation is permitted by mutual agreement between a nonprofit organization and the cognizant Federal agency designated under OMB Circular A–122.

The changes to Subpart O apply as of July 9, 1981.

Effect of change in definition of equipment. Beginning July 9, 1981, recipients may regard items of tangible personal property no longer included in the definition of equipment as supplies instead of equipment. They may elect to do so for previously acquired items still on hand as well as for newly acquired items.

The Department has determined that this is not a major rule as defined in Executive Order 12291. Pursuant to the provisions of 5 U.S.C. Section 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: May 28, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

Part 74 of Title 45, Code of Federal Regulations, is amended as follows:

1. The table of contents is amended by revising the entries for Section 74.141 and for appendix F to read as follows:

* * * * *

74.141 Unused supplies.

* * * * *

Appendix F [Reserved]

* * * * * *

Authority: 5 U.S.C. 301.

2. In § 74.132, the definition of "equipment" is revised to read as follows:

§ 74.132 Definitions.

* * * * *

"Equipment" means an article of tangible personal property that has a useful life of more than two years and an acquisition cost of $500 or more. Any recipient may use its own definition of equipment if its definition would at least inclulde all items of equipment as defined here.

* * * * *

3. Section 74.141 is revised to read as follows:

§ 74.141 Unused supplies.

(a) This section applies to supplies which have not yet been put to use in the project or program for which they were acquired when the grant or subgrant under which they were acquired expires or is terminated.

(b) If the unused supplies exceed $1,000 in total aggregate fair market value and are not needed for any project or program currently or previously funded by the Federal Government, the recipient may either retain or sell the supplies, and must credit the grant as follows:

(1) *Retained supplies.* The credit is computed by multiplying the Federal

share of the supplies times their current market value.

(2) *Sold supplies.* The credit is computed by multiplying the Federal share of the supplies times the proceeds from sale. However, the recipient may reduce the credit by 10% of the sales proceeds, for selling and handling expenses.

(c) For possible exemptions from this section, see § 74.135.

4. Section 74.174 is revised to read as follows:

§ 74.174 Other nonprofit organizations.

(a) Except as provided in paragraph (c) of this section, the principles to be used in determining allowable costs of activities conducted by nonprofit organizations (other than governments, institutions of higher education, and hospitals) are contained in OMB Circular A–122, including any amendments to the Circular published in the **Federal Register** by OMB. A copy of this Circular may be obtained from the Division of Cost Allocation in any HHS Regional Office. Unless otherwise prescribed by OMB, amendments to the Circular shall apply as of the start of an organization's first fiscal year beginning after the amendment is published in the **Federal Register**.

(b) OMB Circular A–122 does not cover the treatment of bid and proposal costs or independent research and development costs. The following rules apply to these costs for nonprofit organizations subject to the Circular:

(1) *Bid and proposal costs.* Bid and proposal costs are the immediate costs of preparing bids, proposals, and applications for potential Federal and non–Federal grants, contracts, and agreements, including the development of scientific, cost, and other data needed to support the bids, proposals and applications. Bid and proposal costs of the current accounting period are allowable as indirect costs. Bid and proposal costs of past accounting periods are unallowable in the current period. However, if the organization's established practice is to treat these costs by some other method, they may be accepted if they are found to be reasonable and equitable. Bid and proposal costs do not include independent research and development costs covered by subparagraph (2) of this paragraph, or preaward costs covered by Attachment B, Paragraph 33, of OMB Circular A–122.

(2) *Independent research and development costs.* Independent research and development is research and development conducted by an organization which is not sponsored by Federal or non–Federal grants, contracts, or other agreements. Independent research and development shall be allocated its proportionate share of indirect costs on the same basis as the allocation of indirect costs to sponsored research and development. The costs of independent research and development, including its proportionate share of indirect costs, are unallowable.

(c) The principles to be used in determining allowable costs of activities conducted by the nonprofit organizations listed in Attachment C to OMB Circular A–122 are contained in Subpart 1–15.2 of the Federal Procurement Regulations (41 CFR 1–15.2), except that the costs of independent research and development, including its proportionate share of indirect costs, are unallowable.

Appendix F [Reserved]

5. Appendix F to Part 74 is removed and reserved.

[FR Doc. 81–16879 Filed 6–8–81; 8:45 am]

BILLING CODE 4110–12–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1000

Definition of Special Agents, Accountants, and Examiners

AGENCY: Interstate Commerce Commission.

ACTION: Correction of final rule.

SUMMARY: The Commission recently revised the definition of special agents, accountants, and examiners in 49 CFR 1000.5(c) by final rule published on December 4, 1980 (45 FR 80292). The purpose of this document is to correct an inadvertent error made in that publication. Under 49 CFR 1000.5(c) the revised list of employee titles which follows the introductory text is now amended to add the title of "Administrative Law Judge" to the list which had been inadvertently left out.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: Virgil L. Schultz (202) 275–7236.

§ 1000.5(c) [Amended]

Accordingly, 49 CFR 1000.5(c) is amended by adding Administrative Law Judges to the list of employee titles.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16952 Filed 6–8–81; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1033

[Directed Service Order No. 1497]

Various Railroads—Directed Service—Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee)

Decided: June 1, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Directed Service Order No. 1497.

SUMMARY: Pursuant to Section 18(b) of the Milwaukee Road Restructuring Act (MRRA) Pub. L. No. 96–101, as amended by Pub. L. No. 96–254, 45 U.S.C. 916(b), and 49 U.S.C. 11125, the Commission is directing various carriers named in the appendix (DRCs) to provide service over described lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, debtor (Richard B. Ogilvie, Trustee) (Milwaukee).

This directed service order is being issued on the basis of a request for three consecutive directed service periods and related certifications by the Secretary of Transportation under 45 U.S.C. 916(b). Each directed service period will be limited to (30) thirty days in duration.

EFFECTIVE DATE: This directed service order shall become effective on June 2, 1981.

FOR FURTHER INFORMATION CONTACT: Joel E. Burns (202) 275–7849, or Michael Sullivan (202) 275–0826

SUPPLEMENTARY INFORMATION:

Decision of the Commission

Background

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee) filed for relief under former Section 77 of the Bankruptcy Act in December 1977. Pursuant to reorganization plans, Milwaukee embargoed service over several of its lines in South Dakota on March 1, 1980, and effected abandonment over these lines on June 28, 1980. On October 27, 1980, the Bankruptcy Court approved the sale of various abandoned Milwaukee lines to the South Dakota Railroad Authority.

Section 18 of the Milwaukee Railroad Restructuring Act (MRRA), 45 U.S.C. 916, as amended by Section 116 of the Rock Island Railroad Transition and Employee Assistance Act (RITEA), Pub. L. No. 96–254, provides for directed service over Milwaukee lines or line segments where, as in the case of South Dakota, legislation was enacted by the State legislature, prior to the date of enactment of RITEA, permitting the State to tender a *bona fide* offer for

acquisition of the lines or line segments. That section limits directed service to the 30-day period immediately prior to acquisition of an involved line or line segment. Further, that section requires that the Commission *shall* provide for directed service under 49 U.S.C. 11125, upon request, if the Secretary of Transportation determines that such service cannot be continued under the Emergency Rail Service Assistance Act.

Discussion and Conclusions

Section 18(b) of MRRA provides that the Commission shall, upon request, direct service for a period not to exceed 30 days over any milwaukee line for which the Secretary of Transportation makes an appropriate certification to the Commission. A request for service has been made and the Secretary has issued the appropriate certification for Milwaukee's lines described in the appendix. Therefore, we shall direct the named DRCs to perform operations over the certified lines. We believe that the selected DRCs will be able to perform the directed operations in an efficient, economical manner.

A request for directed service under Section 18(b) of MRRA, although nominally pursuant to 49 U.S.C. § 11125, in fact presents a special situation with respect to labor protection. Here, for instance, because the involved lines have not been operated since March 1, 1980, there has been no existing work force providing transportation over the lines within the recent past. Therefore, the provision of 49 U.S.C. § 11125(b)(4) that the "directed carrier hire the employees of the other carrier to the extent that they provided that transportation for the other carrier," simply does not apply to the unique circumstances of this request.

Further, former Milwaukee employees would likely not be readily available for employment during the short periods of directed service proposed by this order. In addition, restrictions on the hiring practices of the DRCs might prevent the execution of directed service within the funding constraints imposed by the Federal Railroad Administration. Given the brief time involved, and the likely cost-prohibitive effect of hiring practice restrictions on the DRCs, we conclude that the imposition of mandatory labor conditions is inappropriate here. Moreover, Milwaukee employees have alternative benefits available under MRRA, and ordinarily we do not encumber new rail operators with employee protective conditions. We see no need to burden this operation with costs that might foreclose renewed operation of these lines and eliminate potential positions for separated Milwaukee employees and others.

The service authorized in this decision is of very limited scope and regulation under 49 U.S.C. 10901 is not necessary to carry out the transportation policy of 49 U.S.C. 10101a. Therefore, pursuant to 49 U.S.C. 10505, we will exempt the DRC(s) described in the appendix from the provisions of 49 U.S.C. 10901. Because this exemption is necessary for the immediate commencement of the requested directed service, advance public notice of the exemption, under 5 U.S.C. 553 would be impracticable, unnecessary, and contrary to the public interest.

We will direct service for the period(s) set forth in Appendix A of this order.

The terms and conditions of this directed service are set forth below.

Terms and Conditions

Effective Date—DSO No. 1497 shall be effective on the first day following the service date of this decision.

Expiration Date—Unless modified by the Commission, this order will remain in effect, with respect, with respect to each particular DRC or line segment, according to the terms set forth in the appendix.

Operations—The DRCs are authorized, respectively, to operate over the Milwaukee tracks described in the appendix. Operation over the designated tracks includes use of facilities and appurtenances thereto that are necessary or reasonably related to train operations, including but not limited to: yards and yard facilities; maintenance facilities; communication, electrical, and signal facilities; locomotive and car repair facilities; scales; etc.

Reimbursement Procedures—Reimbursement for directed service under this decison shall be limited to the amount certified for such purpose and made available by the Secretary of Transportation under Section 104(b)(1) of RITEA, and shall include only those expenses necessary to rehabilitate the track pursuant to agreements between South Dakota and the Federal Railroad Administration. Any dispersal of funds, by the Commission, will be conditioned upon receipt of such funds from the Federal Railroad Administration in accordance with the Secretary's certification.

Track Safety—The DRCs are not authorized to expend funds to rehabilitate the track except as provided in governing agreements between South Dakota and the Federal Railroad Administration.

Cars and Operating Equipment—In operating the involved Milwaukee lines, each DRC shall use its own cars and operating equipment.

Preservation of Milwaukee Property—During the period of operation of Milwaukee lines, the DRCs shall be responsible for preserving the value of the lines in accordance with the acquisition agreement between South Dakota and the Milwaukee Trustee.

Liabilities and Expenses—Prior to commencing operations, each DRC shall obtain necessary insurance in an amount reasonably estimated to cover major liabilities and expenses arising out of wrecks or derailments, personal injury claims and actions, and damage to or destruction of property on directed service lines.

Compensation for Milwaukee Lines and Facilities—This order provides for the performance of directed service operations for a period of 30 days immediately prior to acquisition of the involved line by a state. Compensation, if any, to be paid for use of Milwaukee property during directed service operations shall be governed by the terms of the relevant acquisition agreement between the State and the trustee of Milwaukee's property.

Rates—The DRCs may adopt any existing local Milwaukee rates or may establish new through or local rates on less than one day's notice to the Commission and the public.

Operational Difficulties—Any operational or other difficulties associated with the authorized operations shall be resolved by the DRC and any other affected party through negotiated agreement or, failing agreement, by the Commission's Railroad Service Board.

Reporting Requirements—The DRCs shall submit to the Commission a report on the directed service operations. This report shall include a summary of the revenues collected and the expenses incurred in the directed service operations, in a form to be specified by the Commission's Bureau of Accounts. Revenue, expenses, and statistics resulting from directed service operations shall be internally maintained separate from the DRCs other railroad operations.

We find:

1. A request for directed service has been made and the Secretary of Transportation has issued a certification to the Commission, pursuant to Section 18(b) of Pub. L. 96–101, as amended by Pub. L. 96–254, with respect to the Milwaukee lines described in Appendix A.

2. The designated DRCs are capable of performing directed service over the described line.

3. This decision will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108, (1978).

4. Application of the provisions of 49 U.S.C. 10901 to the DRC described in the appendix is not necessary to carry out the transportation policy of 49 U.S.C. 10101 a and the service the DRC is authorized to perform is of limited scope. The DRC, pursuant to 49 U.S.C. 10505, should be exempted from the provisions of 49 U.S.C. 10901.

5. Advance public notice of the exemption specified in paragraph 4, above, would be impracticable, unnecessary, and contrary to the public interest.

It is ordered:

§ 1033.1497 Various railroads—directed service—Chicago, Milwaukee, St. Paul and Pacific Railroad Company, debtor (Richard B. Ogilvie, trustee)

(1) *Authority Exemption*—Pursuant to 49 U.S.C. 10505, the DRC(s) described in the appendix shall be exempt from regulation under 49 U.S.C. 10901 for the period of directed service.

(2) *Entry*—Each DRC is directed to enter upon and operate Milwaukee's lines described in the appendix pursuant to this directed service order. Entry, by each DRC respectively, shall occur and continue in accordance with the terms set forth in the appendix. Each DRC shall notify the Commission of its entry on the property immediately after such entry takes place.

(3) *Commission Filings*—All submissions filed in this proceeding should refer to "DSO No. 1497" and be sent to the following Commission offices in the Commission's Headquarters at 12th and Constitution Avenue, N.W., Washington, D.C. 20423:

- Office of the Secretary (Room 2215) (original)
- Railroad Service Board (Room 7115) (3 copies)
- Section of Finance (Room 5417) Office of Proceedings (3 copies)
- Section of Rail Service Planning (Room 5355) Office of Policy and Analysis (3 copies)

(4) *Applicability*—The provisions of this decision shall apply to intrastate, interstate, and foreign commerce.

(5) *Modifications*—The Commission retains jurisdiction to modify, supplement or reconsider this order at any time.

(6) *Funding*—All correspondence to the Commission containing requests for funding shall be addressed to: Ronald S. Young, Director, Bureau of Accounts, Interstate Commerce Commission, Room 6133, 12th and Constitution Avenue, NW, Washington, DC 20423.

Envelopes containing such requests shall have the notation "Milwaukee-DS" typed on the lower left corner.

(7) *Costs and revenues*—The DRC shall record the costs and revenues attributable to directed service in the manner prescribed in this decision and in 49 CFR 1126, 44 FR 6156, 8879 (1979) or as modified by the Bureau of Accounts, subject to the limitations set forth in the directed service certification of the Secretary of Transportation.

(8) *Service on Parties*—This decision shall be served on all parties. This decision shall also be served upon the American Short Line Railroad Association and upon the Association of American Railroads, Transportation Division (as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement).

(9) *Notice to General Public*—Notice of this decision shall be given to the general public by: (a) depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, DC; and (b) filing a copy with the Director, Office of the Federal Register.

(10) *Effective Date*—This decision and order shall be effective on the first day after its service date.

(11) *Expiration Date*—Unless otherwise modified by the Commission, this decision and order will expire with respect to the various DRCs in accordance with the terms set forth in the appendix.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum dissented with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Trantum, dissenting: I do not find this proposed rehabilitation project, with its incidental-at-best service, to constitute "directed service"as Congress and the Commission have used that term in the past. The $2.6 million cost should be borne by those in South Dakota who will benefit from the rehabilitation and operation of the lines, not by the Federal Government.

Milwaukee Lines Certified for Directed Service

1. A. *Carrier.* Railroad Builders, Inc.
B. *Certification Date.* May 29, 1981.
C. *Description of Line Segments.*
Group No. 1—Mitchell to Wolsey, S.D., Approx. 55 miles; Mitchell to Canton, S.D., Approx. 82 miles.
Group No. 2—Mitchell to Chamberlain, S.D., Approx. 67 miles; Mitchell to Scotland, S.D., Approx. 48 miles.
Group No. 3—Scotland to Elk Point, S.D., Approx. 68.5 miles.
D. *Service Period.*
Group No. 1—June 1 through June 30, 1981.
Group No. 2—July 1 through July 30, 1981.
Group No. 3—July 31 through August 29, 1981.
E. *Reimbursement.* In no event shall the aggregate of compensation paid or payable by the United States exceed $2,382,643 for the total directed service period.

[FR Doc. 81-16954 Filed 6-8-81; 8:45 am]
BILLING CODE 7035-01-M

V.46/110
0 JE 9 8 1
UMI

Prop

This sectio
contains n
proposed
regulations.
is to give
opportunity
making pri
rules.

DEPARTM

Federal E
Commissi

18 CFR Pa

[Docket No

Interstate
Routine T

AGENCY: F
Commissi

ACTION: Pr
comment p

SUMMARY:
Commissi
which wou
under the
certificate
necessity
16903, Mar
issued in D
21, 1981 (p
this notice
its fuel oil
pending is
blanket ce
Commissi
comments
transporta
for the dis
included i
certificate

DATE: Com
21, 1981.

ADDRESS:
Secretary,
Washingto

FOR FURTH
Kenneth F.
357-8400.

Kenneth F.
Secretary.

[FR Doc. 81-170

BILLING CODE

[1] See FR Do
issue.

Proposed Rules

Federal Register
Vol. 46, No. 110
Tuesday, June 9, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 157 and 375

[Docket No. RM81-19]

Interstate Blanket Certificates for Routine Transactions

AGENCY: Federal Energy Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On March 10, 1981, the Commission issued a proposed rule which would modify its procedures under the Natural Gas Act for issuing certificates of public convenience and necessity to interstate pipelines (46 FR 16903, March 16, 1981). In a final rule issued in Docket No. RM79-34 on May 21, 1981 (published concurrently with this notice)[1] the Commission extended its fuel oil displacement program pending issuance of the final rules on blanket certificates. By this notice, Commission extends the time for comments on whether the pipeline transportation of end user natural gas for the displacement of fuel oil should be included in the final rule on blanket certificate procedures.

DATE: Comments due on or before June 21, 1981.

ADDRESS: File comments with: Office of Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, FERC (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17007 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-01-M

[1] See FR Doc. 81-16495 in the Rules Section of this issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 161

[Docket No. 80N-0385]

Quick Frozen Lobsters, Rock Lobsters, Spiny Lobsters, and Slipper Lobsters; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Notice of Termination of Consideration.

SUMMARY: This notice terminates the review by the United States of the Codex Alimentarius Commission (Codex) "Recommended International Standard for Quick Frozen Lobsters". The response to the Food and Drug Administration's (FDA's) request for comments on the provisions of the Codex standard and on the desirability of establishing a U.S. standard for quick frozen lobsters indicates that there is neither sufficient interest in nor need to warrant proposing a U.S. standard for these foods. Therefore, FDA has terminated consideration of developing a U.S. standard for quick frozen lobsters based on the Codex standard.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 4, 1980 (45 FR 73095), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex "Recommended International Standard for Quick Frozen Lobsters" and to comment on the desirability and need for a U.S. standard for these foods. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission.

Two comments were received in response to the advance notice of proposed rulemaking. One of the comments opposed establishing a U.S. standard of identity and the other one suggested modifications to the standard without expressing either approval of, or opposition to, establishing a standard.Therefore, FDA concludes that there is neither sufficient interest in nor need to warrant proposing a U.S. standard, at this time, for quick frozen lobsters under the authority of 21 U.S.C. 341.

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick frozen lobsters based on the Codex standard. This action is without prejudice to future consideration of the development of a U.S. standard for quick frozen lobsters upon appropriate justification.

The Codex Alimentarius Commission will be informed that an imported food that complies with the requirements of the Codex standard for quick frozen lobsters may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: June 3, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-16947 Filed 6-8-81; 8:45 am]

BILLING CODE 4110-03-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates; Rates to the Republic of South Africa

AGENCY: Postal Service.

ACTION: Proposed international express mail rates to the Republic of South Africa.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service proposes to begin International Express Mail Service with the Republic of South Africa at rates indicated in the table below. The proposed rates are scheduled to become effective on July 20, 1981.

DATE: Comments must be received on or before July 8, 1981.

ADDRESS: Written comments should be directed to the General Manager, Rate Design Division, Rates and Classification Department, U.S. Postal Service, Washington, DC 20260. Copies of all written comments will be

available for public inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday in Room 8606, 475 L'Enfant Plaza West, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Martin R. Anker (202) 245–4418.

SUPPLEMENTARY INFORMATION: Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments and the Postal Service is exempted by 39 U.S.C. 410(a) from the provisions of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 533), the Postal Service invites interested persons to submit written data, views, or arguments concerning the proposed rates of postage for International Express Mail set out in the following table (designated Table 19 for inclusion as a separate country entry in the International Mail Manual, incorporated by reference 39 CFR 10.1).

In consideration of the foregoing, the Postal Service proposes to add Table 19 to the International Mail Manual to read as follows:

(39 U.S.C. 401,403, 404(2), 407, 410(a), Universal Postal Convention, Lausanne, 1974. T.I.A.S. No. 8231, Art. 6)

W. Allen Sanders,

Associate General Counsel,Office of General Law and Administration.

Table 19—Republic of South Africa International Express Mail

Custom designed service [1 2]		On demand service [3]	
Up to and including (pounds)	Rate	Up to and including (pounds)	Rate
1	29.00	1	21.00
2	33.50	2	25.50
3	38.00	3	30.00
4	42.50	4	34.50
5	47.00	5	39.00
6	51.50	6	43.50
7	56.00	7	48.00
8	60.50	8	52.50
9	65.00	9	57.00
10	69.50	10	61.50
11	74.00	11	66.00
12	78.50	12	70.50
13	83.00	13	75.00
14	87.50	14	79.50
15	92.00	15	84.00
16	96.50	16	88.50
17	101.00	17	93.00
18	105.50	18	97.50
19	110.00	19	102.00
20	114.50	20	106.50
21	119.00	21	111.00
22	123.50	22	115.50
23	128.00	23	120.00
24	132.50	24	124.50
25	137.00	25	129.00
26	141.50	26	133.50
27	146.00	27	138.00
28	150.50	28	142.50
29	155.00	29	147.00
30	159.50	30	151.50
31	164.00	31	156.00
32	168.50	32	160.50
33	173.00	33	165.00

[1] Rates in this table are applicable to each piece of International Customs Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pick up is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

[FR Doc. 81-16858 Filed 6-8-81; 8:45 a.m.]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300050; PH-FRL-1848-6]

Ammonium Chloride; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This amendment proposes that ammonium chloride, already listed as exempt from the requirement of a tolerance, be exempted for an additional use pattern. The present exemption (40 CFR 180.1001(c)) limits use to "Intensifier when used with ammonium nitrate as dessicant or defoliant." This proposed rule would add "Fire suppressant in aluminum phosphide and magnesium phosphide formulations." This proposal was submitted by Research Products Company.

DATE: Written comments must be received on or before July 9, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John A Shaughnessy, (703–557–7110).

SUPPLEMENTARY INFORMATION: At the request of Research Products Company, Box 1057, Salina, KS 67401, the Administrator, proposes to add an additional use to the present exemption of ammonium chloride. This would read "Fire suppressant in aluminum phosphide and magnesium phosphide formulations."

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient	Name and address of requestor	Basis for approval
Ammonium Chloride	Reserch Products Co Box 1057, Salina, KS 67401.	Presently cleared under 40 CFR 180.1001(c) when used with ammonium nitrate Also cleared under 21 CFR 182.90 for use in packaging of food. Used in medicine as expectorant, diuretic Naturally occuring material in human intra- and extra-cellular fluids.

Based on the above information, and a review of its use, it has been found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR 180.1001(c) will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under Federal Insecticide, Fungicide, and Rodenticide Act, which contains ammonium chloride may request, July 9, 1981, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear notation indicating both the subject and the petition and the document control number "[OPP–300050]." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS–767C), Room 514D CM No. 2, Environmental Protection Agency, Arlington, VA, from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this

regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e))

Dated: June 1, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR 180.1001(c) be amended by revising the entry "ammonium chloride" to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * * *		
Ammonium chloride		Intensifier when used with ammonium nitrate as dessicant or defoliant. Fire suppressant in aluminum phosphide and magnesium phosphide formulations.
* * * * *		

[FR Doc. 81-17102 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6048]

Proposed Flood Elevation Determinations Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FIA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations for the Commonwealth of Puerto Rico; Rio de La Plata Basin, that appeared on page 26083 in 46 FR on May 11, 1981.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: All proposed elevations for all flooding sources in Rio de La Plata Basin and Rio Grande de Manati Basin, Commonwealth of Puerto Rico, appeared as "Elevation in feet (NGVD)". The elevations should have appeared as "Elevation, meters above mean sea level (MSL)". The values appearing in the elevations column were all correct but the heading was not.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: May 29, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16986 Filed 6-8-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Part 310

Merchant Marine Training; Regulations and Minimum Standards for State Maritime Academies and Colleges

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Proposed rulemaking.

SUMMARY: The Maritime Administration proposes to amend its regulations relative to merchant marine training at the State maritime academies to conform the regulations to the provisions of the recently enacted Maritime Education and Training Act of 1980 (Pub. L. 96–453) and to revise the form of the agreement between the Maritime Administration and the State maritime academies and colleges.

DATES: Written comments by interested persons must be received on or before June 24, 1981. The standard agreement between the Maritime Administration and the six State maritime academies to be executed on or before July 1, 1981, provides that it is subject to the provisions of the regulations. Accordingly, an abbreviated comment period is required.

ADDRESS: Send the original and five (5) copies of the comments to the Secretary, Maritime Administration, Washington, D.C. 20230. All comments will be made available for inspection during normal business hours in Room 3099–B, Department of Commerce, 14th & E Streets, N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Erich J. Bernhardt, Academies Program Officer, Maritime Administration, Office of Maritime Labor & Training, Main Commerce Building, Washington, D.C. 20230 (202) 377–1170.

SUPPLEMENTARY INFORMATION: The Maritime Education and Training Act of 1980 (Pub. L. 96–453) contains a number of key provisions with respect to merchant marine training at the State maritime academies. The following is a summarization of the substantive changes the Maritime Administration is proposing to conform the regulations in Subpart A of 46 CFR Part 310 to the requirements of law, as amended by Pub. L. 96–453.

Section 310.2 Federal Assistance—We are proposing that a provision on fuel costs be added in the event that funds should be appropriated and be available for this purpose.

Section 310.3 Schools and Courses—The paragraph dealing with the use of the training ships is being revised to clarify the fact that the training ships may also be used as instructional and laboratory facilities and for berthing of entering class cadets on a limited basis. The provision concerning the admission of out-of-state students would be amended. It now states that a school must agree to admit residents of other states to the extent of "at least 10 percent of the school's student capacity." It would be amended to tie the 10 percent requirement to the size of the entering class rather than the student capacity, which may or may not be fully utilized. Finally, it provides that copies of the Federal Curriculum Standards for Merchant Marine Officer Training at the State maritime academies may be obtained from the Office of Maritime Labor and Training, Maritime Administration.

Section 310.4 Training Ship—As amended this section would provide greater detail about the responsibilities of the Federal Government and the schools in various areas such as the furnishing of a training ship, maintenance and repair, property aboard the ship, condition surveys, cruises, hospitalization and termination of use of a ship.

Section 310.5 Personnel—As amended it would further clarify the qualifications for the Commanding Officer of the training ship and require that the requisite two (2) years minimum experience as a Master, Chief Officer, Commanding Officer or Executive must have been obtained within the last five (5) years.

Section 310.6 Entrance Requirements—The proposed amendments provide that as a condition of Federal support cadets enrolled prior

to April 1, 1982, must take all necessary and positive steps to obtain a commission as Ensign, Merchant Marine Reserve, U.S. Naval Reserve. Further, it provides that such students will agree that a graduation certificate will not be issued to subsidized students until they pass the United States Coast Guard original licensing examination. Also, it provides for entrance requirements of students admitted on or after April 1, 1982. The requirements track the provisions of the Maritime Education and Training Act of 1980.

Section 310.7 Federal Student Subsistence Allowances and Student Incentive Payments—As revised this section sets forth the policy regarding subsidized cadets who are disenrolled or make a commitment to the Naval Reserve Officers Training Corps Program. Such individuals may not reclaim their original subsidy status.

A new provision on student incentive payments is proposed. Essentially, it describes the manner in which student incentive payments will be awarded and indicates that unused payments may be temporarily reallocated on a need basis to other academies. Also, it provides the form of a service obligation agreement which students sign in order to be able to receive the student incentive payment. The agreement contains stipulations concerning the use of Federal funds, completion of the course of instruction, completion of the licensing requirements, commissioning as an officer in a reserve component, and serving the foreign and domestic commerce and national defense of the United States for at least three (3) years following graduation. Further, the provision defines what is considered acceptable marine-related employment, i.e., positions of operational, management and administrative responsibility. A satisfactory year of afloat employment is also defined and the three year reporting requirements of the graduates are delineated.

Finally, it describes the consequences for breaching the service obligation agreement. Students who are in their junior or senior year may be ordered to active duty in the United States Navy for a period not to exceed two (2) years. Graduates who breach their agreement may be ordered to active duty in a uniformed service of the United States for a period not more than the unexpired portion of their three (3) year service requirement. The service obligation requirements may be waived in hardship cases. Also, in exceptional cases two (2) year deferments of the service obligation may be granted for the purpose of doing marine or maritime-related graduate study at an accredited graduate school.

Section 310.13 Form of Agreement—This section sets forth the format of a new agreement that will be effective July 1, 1981. It incorporates the provisions of Pub. L. 96–453, pertinent provisions from the current agreements, the latest addendum concerning an audit clause in the current contracts. Additionally, it reflects appropriate changes regarding style and terminology.

The Assistant Secretary of Commerce for Maritime Affairs has made a determination, pursuant to the provisions of Executive Order 12291 that the preparation of a regulatory impact analysis is not required. The proposed regulation is not considered a major rule under Executive Order 12291. The regulation concerns maritime training, would have no impact on U.S. commerce, and does not require preparation of a regulatory flexibility analysis, pursuant to the regulatory Flexibility Act of 1980 (Pub. L. 96–354). The reporting requirement imposed on six (6) State academies under § 310.7(b)(6) is exempt from the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511). The Maritime Administration will develop specific reporting requirements for State academy graduates which are subject to approval by the Office of Management and Budget. Accordingly, it is proposed that 46 CFR, Part 310, Subpart A be revised to read as follows:

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges

Sec

310.1 Definitions.
310.2 Federal assistance.
310.3 Schools and courses.
310.4 Training ship.
310.5 Personnel.
310.6 Entrance requirements.
310.7 Federal student subsistence allowances and student incentive payments.
310.8 Leave.
310.9 Medical attention and injury claims.
310.10 Discipline and dismissal.
310.11 Cadet uniforms.
310.12 Scope and effect.
310.13 Form of agreement.

§ 310.1 Definitions.

For purposes of §§ 310.1 through 310.13:

(a) "The 1958 Act" means the Maritime Academy Act of 1958, Public Law 85–672.

(b) "Act" means the Maritime Education and Training Act of 1980, Public Law 96–453.

(c) "Administration" means the Maritime Administration, United States Department of Commerce.

(d) "Agreement" means an agreement between a State maritime academy or college and the Assistant Secretary of Commerce for Maritime Affairs as authorized by the 1958 Act or the Act and set forth in § 310.13 of this part.

(e) "Secretary" means Secretary of Commerce.

(f) "Assistant Secretary" means the Assistant Secretary of Commerce for Maritime Affairs.

(g) " Cadet" means cadet enrolled in the United States Maritime Service and in good standing at a State or Territorial maritime academy or college meeting the requirements of the 1958 Act.

(h) "Commanding Officer" means the Commanding Officer of a training ship furnished by the Administration.

(i) "Deputy" means the Deputy Assistant Secretary.

(j) "Maritime Service" means the United States Maritime service.

(k) "Officers" means all officers and faculty employed by a State maritime academy or college.

(l) "Region Director" means the Director of the Administration's region office in which a School is located or in which a training ship is located.

(m) "School" means State or Territorial or Regional maritime academy or college meeting the requirements of the Act.

(n) "Superintendent" means the superintendent or president of a School.

(o) "Supervisor" means the employee of the Administration designated to supervise the Federal Government's interest in a School under the provisions of the Act, an agreement, and this subpart.

(p) "Training ship" means a vessel used for training by a school and furnished by the Administration to a State or Territory, and includes the ship itself and all its equipment, apparel, appliances, machinery boilers, spare and replacement parts and other property contained in it.

(q) "Midshipman" means a student in good standing at a State maritime academy or college who has accepted midshipman status in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve) under the Act.

§ 310.2 Federal assistance.

(a) The Assistant Secretary may enter into agreements with the present or later established schools (not more than one

such school in each State or Territory) meeting the requirements of the Act to make annual payments, for not in excess of four (4) years in the case of each such agreement, to be used for the maintenance and support of such schools. The amount of each such annual payment shall be not less than the amount furnished to such academy for its maintenance and support by the State or Territory in which such academy is located or, in the case of a Regional maritime academy an amount equal to the amount furnished to such academy for its maintenance and support by all States or Territories, or both, cooperating to support such academy but shall not exceed $100,000. However, the amount shall not exceed $25,000, if such academy does not meet the requirements of subsection 1304(f)(2) of the Act.

(b) Pursuant to the provisions of section 1304 (c) of the Act, The Assistant Secretary, may furnish to any State or Territory of the United States for use as a training ship by a school any suitable vessel that is under his or her jurisdiction, obtain such vessel from any department or agency of the United States, or may construct and furnish a suitable vessel, if such vessel is not available.

(c) The Assistant Secretary may pay to any school the amount of the costs of all fuel consumed by a training ship furnished under the provisions of section 1304 (c)(1) of the Act while such vessel is being used for training purposes by such a school.

(d) As a condition to receiving any payments or the use of any training ship under the provisions of the Act, the school shall comply with the requirements of the Act and this subpart and shall agree in writing to conform to such requirements.

(e) As a further condition to receiving any payments or the use of any training ship, a school shall agree that, with respect to the training program for merchant marine officers, consistent with provisions of the Act, the 1958 Act, and the Agreement, it will comply with the following provisions of law and implementing regulations duly promulgated thereunder, to the extent applicable, including, but not limited to: Title VI, Civil Rights Act, 1964, (42 USC 2000d);the Age Discrimination Act of 1975 (42 USC 6101); the Vocational Rehabilitation Act—Section 504 (29 USC 794); and 15 CFR Part 8. Each school shall give assurances that it will take any and all measures necessary to effectuate compliance.

§ 310.3 Schools and Courses.

(a) *Schools with Federal aid.* The following schools are presently operating with Federal aid under the 1958 Act or the Act:

California Maritime Academy
Maine Maritime Academy
Massachusetts Maritime Academy
State University of New York Maritime College
Texas Maritime College of the Texas A&M University at Galveston
The Great Lakes Maritime Academy

(b) *General rules for operation of schools.* (1) The schools shall maintain adequate berthing, messing and classroom instruction facilities ashore, or have plans to establish same at the earliest possible time, unless prevented from doing so by conditions beyond the control of the school. During a period a school is implementing an approved plan, cadets may be housed and instructed on a training ship. However,the approved plan may include the ongoing use of the training ship as an instructional and laboratory facility and for the berthing of entering class cadets for a period not to exceed six months for purposes of shipboard indoctrination.

(2) The school shall arrange for the cadet or midshipman to take the United States Coast Guard original licensing examination prior to the date of graduation.

(3) As a condition to receiving payments of any amount allowable by the 1958 Act and the Act in excess of $25,000 for any year, a school shall agree to admit student residents of other States to the extent of at least ten percent (10%) of each entering class, if such out-of-State students apply for admission and are otherwise qualified for such admission. The calculation of residents of other States shall exclude residents of foreign countries, but shall include residents of Territories and possessions of the United States (including the Commonwealth of Puerto Rico).

(4) Upon the request of the Administration a school shall furnish such reports and estimates as may be required in the preparation of Federal Budget estimates.

(5) State authorities shall prescribe and administer rules and regulations for the internal organization and administration of each school.

(6) The Administration shall have the right to inspect shore base facilities at all reasonable times.

(7) Records pertaining to a school, its officers, crew, cadets, the training ship, and shore base, shall be maintained by each school and shall be available to the Supervisor upon request. A detailed record of applications for admissions, enrollments, reenrollments, absences with or without leave, hospitalizations, determinations of students not in good standing, disenrollments, graduations, and other data concerning cadets and Midshipmen shall be kept by each school for the period of enrollment plus one year. Copies of these records shall be furnished to the Supervisor upon request.

(8) The Administration may include in any pamphlets, brochures or other public information materials an adequate description of each school giving the reader knowledge of the existence of the school, its purposes and where to obtain application forms and further information.

(c) *Curriculum.* (1) The minimum period of training shall be three (3) years. For the cadets and midshipmen at the schools located in California, Maine, Massachusetts, New York and Texas at least six (6) months of the total time must be aboard a training ship in cruise status. A maximum of two (2) months of training time aboard commercial vessels of not less than 2,500 horsepower may be substituted for two (2) months of the specified cruise time. For the cadets at the Great Lakes Maritime Academy, six (6) months of the time shall be aboard Great Lakes commercial vessels and an additional three (3) months shall be aboard either a training ship in a cruise status or Great Lakes commercial vessels while underway. Cadets in training status aboard commercial vessels shall sign on board as cadets and shall pursue their training within the framework of formal sea projects prepared and monitored by their respective schools.

(2) State authorities shall prescribe and be responsible for the courses of instruction and general system of training and the addition of such reasonable maritime courses as may be prescribed by Federal authorities, subject to approval by the Assistant Secretary. The curriculum as a composite shall, as a minimum, meet the requirements set out in the Federal Curriculum Standards for Merchant Marine Officers Training Program.

(3) Copies of the Federal Curriculum Standards for Merchant Marine Officers Training Program at the State maritime academies may be obtained from the Maritime Administration, Office of Maritime Labor and Training, Main Commerce Building, Washington, D.C. 20230.

§ 310.4 Training ship.

The Administration may furnish a training ship, if such is available, to each of the schools. Training ships which may be designated for use by an academy will be delivered to the academy at a location determined by the Maritime Administration, in condition found to be in class by the American Bureau of Shipping and certificated by the U.S. Coast Guard. If a training ship is not available, adequate cruising facilities shall be the responsibility of the State and its school. The furnishing of a training ship shall be subject to the following terms and conditions:

(a) *General provisions.* (1) The State and its school shall exercise reasonable care to safeguard the interests of the Administration and avoid (i) injury to any person aboard the training ship, and (ii) loss and damage of every nature with respect to the training ship. Also, the school shall have reasonable layup procedures during noncruise status of the training ship.

(2) Excerpts from log books and reports shall be submitted as directed by the Supervisor.

(3) Initial telegraphic or telephonic reports shall be made promptly to the Supervisor and the appropriate Region Director in the event of an accident causing (i) serious injury to any person, or to the training ship, or (ii) damage inflicted by the training ship upon any other ship or other property. Such reports shall be followed by complete written details of the occurrence.

(4) The Supervisor shall determine whether or not the berth of the training ship at the base in its home port is suitable from the standpoint of safe mooring. When the training ship is not on cruise, the Commanding Officer or Superintendent shall keep the Supervisor informed of the location of the training ship and any contemplated change of berth.

(5) The following notice shall be posted conspicuously aboard each training ship furnished to a State for use by a school:

> This training ship is the property of the United States of America. It is furnished to the State of _____ by the Department of Commerce, Maritime Administration, for the purpose of training young men and women to become officers in the merchant marine of the United States. Neither the State, the Commanding Officer, nor any other person has any right, power or authority to create, incur or permit to be imposed upon this vessel, any lien whatever.

(6) No changes requiring U.S. Coast Guard approval shall be made to the training ship without the written approval of the Administration.

(7) In the event of the termination of the use of a training ship by the State or by the Assistant Secretary, the State shall return to the State base port, the training ship and all property whatsoever owned by the Administration. Title to all additions, replacements, and renewals made by the State shall vest in the Administration without charge.

(b) *Termination of use.* The Assistant Secretary may terminate the use of a training ship upon such reasonable notice to the State as the circumstances may permit in the judgment of the Assistant Secretary. If use of the training ship is terminated by the Assistant Secretary, the Assistant Secretary may:

(1) Substitute another training ship;

(2) Require the sharing of a training ship by two or more schools: or

(3) Cooperate with the school in arranging for training time aboard commercial vessels for its cadets and midshipmen.

(c) *Property aboard the training ship.* The State shall have the complete use of a training ship as defined, subject to the following terms and conditions:

(1) All property or its equivalent shall be returned to the Administration when use of the training ship is terminated. The only exceptions are: spare and replacement parts consumed; and losses due to ordinary wear and tear, unavoidable accident and perils of the sea. All other property otherwise lost or destroyed shall be replaced at the expense of the State.

(2) Administration property shall not be permanently removed from the training ship to the shore base without the prior written approval of the Supervisor.

(3) The administration shall take inventories of State and Federal property aboard the training ship at such times as it deems necessary. The school, at its expense, shall furnish such assistance as may be necessary in taking such inventrories.

(d) *Condition Surveys.* Before a training ship is released to a school and manned by officers under State control, a condition survey shall be made by duly authorized representatives of the school and the Administration. If the training ship is found in order, the school representative shall sign a receipt for the training ship. Subsequently, after due notice to the State authorities, a condition survey may be made of the training ship whenever deemed advisable by the Administration, and, in any event, upon redelivery of the training ship by the State to the Administration.

(e) *Maintenance and repairs.* (1) A training ship shall be maintained in good repair by the Secretary as provided by the 1958 Act and the Act. Expenses for repairs, changes and alterations, repairs to equipage and replacements of equipage in accordance with the Administration's approved allowance lists for the training ship (i.e. authorized under the Act and to the extent that funds are available), shall be borne by the Administration under the following terms and conditions:

(i) When it is necessary to repair or drydock the training ship because of damage (except in an emergency, when on foreign cruise), the Commanding Officer or Superintendent shall notify the Supervisor and appropriate Region Director by telephone or telegraph in order to enable a representative of the Region Director, if available, to be present, when the survey of the damage is made.

(ii) Repairs which need not be carried out during the annual overhaul period shall be made by the Cadets or Midshipmen, if possible, under the supervision of the officers. When repair material is required for this purpose, the Commanding Officer or Superintendent shall forward to the Supervisor a list of such material and estimated costs, and a description of the repairs to be carried out by the cadets or midshipmen. The Supervisor shall promptly advise the Commanding Officer or Superintendent whether or not such work comes under the heading of repairs, and if procurement of the material is authorized.

(iv) Requisitions covering repairs, renewals, and betterments shall be prepared in quintuplicate by the heads of departments of the training ship and submitted by the Commanding Officer or Superintendent to the Supervisor at least forty-five (45) days before the date of the annual overhaul, with one copy to the Region Director.

(v) The State is authorized to expend not to exceed $5,000 for emergency repairs which become necessary while the training ship is on foreign cruise. The Adminstration shall reimburse the State upon submission of vouchers to, and approval by, the Assistant Secretary. To obtain reimbursement for emergency repairs estimated to cost in excess of $5,000, authorization must be obtained by the State from the Supervisor prior to undertaking such repaires. The Commanding Officer shall be responsible for all necessary filings with the United States Customs Service to avoid duties upon all emergency repairs

performed outside the United States. If penalties are imposed, for non-filing or improper filing, they shall be solely the responsibility of the State. Except as otherwise provided in this section, the State shall, at its own expense, accomplish the following:

(i) Undertake usual preventive maintenance of the training ship, adhere to minimum levels of preventive maintenance as prescribed by the Administration, and keep the training ship above the waterline clean and painted according to good maritime practices.

(ii) Cause the training ship to be fumigated if required by the Administration and forward to the Supervisor a copy of the fumigation certificate.

(iii) Pay for all consumable stores, freshwater and costs incidental to the operation of the training ship.

(iv) Pay for fuel of the training ship except that the Administration may assist in paying the cost of fuel consumed on the training ship while being used for training purposes if funds are appropriated and available for such purposes.

(f) *Cruises.* The school shall submit the cruise itinerary of the training ship including a listing of foreign ports to be visited, for approval of the Supervisor at least sixty (60) days in advance of the date such cruise is scheduled to begin. The Supervisor shall arrange with the Department of State for clearance of the training ship to visit foreign ports. Permission for the training ship to visit United States Naval stations or Naval bases shall be arranged by the Supervisor.

(g) *Hospitalization.* The school shall be responsible for all medical treatment and hospitalization of all persons aboard the training ship at all times, including officers and cadets and midshipmen. If available, facilities of the United States Public Health Service should be utilized.

(h) *Repatriation and return to home port.* The school shall be responsible for the return to the home port of the training ship of all persons, including officers and cadets and midshipmen, who originally embarked on a training cruise from a Continental United States port and who are left behind, after the departure of the training ship from any port, foreign or domestic, or are to be brought home from the ship at any time or for any reason. The school shall be solely responsible for all expenses of repatriation and return to home port.

§ 310.5 Personnel.

(a) *Selection and appointment of Superintendent and faculty by State authorities.*

(1) The State shall select and appoint the Superintendent of a school in accordance with qualifications established by appropriate State authorities. The State shall notify the Assistant Secretary whenever a new Superintendent is appointed and furnished with appropriate background information on the appointee for informational purposes.

(2) The State shall appoint faculty members in disciplines other than engineering and navigation on the basis of the same criteria used in the employment of such personnel in State-supported colleges and universities throughout the State. Faculty members in navigation and engineering courses, including steam and diesel, shall meet appropriate academic and practical experience standards adopted by the school and approved by the Administration.

(b) *Personnel for training ships.* (1) *Commanding Officer.* The Commanding Officer shall hold a valid Master's Ocean, Unlimited Tonnage license, including Radar Observer endorsement issued by the United States Coast Guard and must have served at least two (2) years within the last five (5) years as Master, Chief Officer, Commanding Officer, or Executive Officer either (i) on oceangoing vessels under the authority of said Master's Ocean, Unlimited Tonnage license, or (ii) in the case of sea service as a member of the Uniformed Services of the United States, on ships accepted by the United States Coast Guard as equivalent for qualifying service for issue of a Master's Ocean, Unlimited Tonnage license.

(2) *Chief Engineer.* The Chief Engineer must hold a valid Chief Engineer's (Steam) Ocean, Unlimited Horsepower license, issued by the United States Coast Guard and have served as Chief Engineer of an oceangoing steamship of comparable horsepower to that of the particular training ship.

(3) *Watch Officers.* Both Deck and Engineer Watch Officers in charge of a watch, underway, shall hold valid Ocean, Unlimited Tonnage licenses, issued by the United States Coast Guard, in their particular field.

(4) *Radio Officers.* During each training cruise the training ship will be required to have assigned one or more radio officers holding a valid license issued by the United States Coast Guard, in accordance with its regulations.

(5) *Licensed Engineer.* When a training ship boiler is in operation, there shall be a Licensed Engineer qualified to stand the watch aboard at all times.

(c) *Insignia for officers and other School personnel.* The State may furnish insignia for officers and other school personnel, other than officers of the United States Navy, United States Naval Reserve, United States Maritime Service and United States Coast Guard.

§ 310.6 Entrance requirements.

(a) *Enrollment prior to April 1, 1982.* A candidate for admission to a school who wishes to be considered for Federal student subsistence payments shall:

(1) Be a citizen of the United States.

(2) Agree in writing before admission to (i) complete the Naval Science curriculum (ii) take all necessary and positive steps to obtain a commission as ensign in the United States Naval Reserve, (iii) apply before graduation for such commission, and (iv) accept such commission if offered. A breach of this agreement will result in termination of cadet status and of Federal student subsistence payments, and may lead to legal action for recovery of all past such payments. The requirements of this paragraph shall not apply at The Great Lakes Maritime Academy.

(3) Agree in writing before admission to sit for the appropriate licensing examination of the United States Coast Guard and, further, agree that the School shall not issue a graduation certificate until the United States Coast Guard examination is passed. A breach of this agreement will result in termination of cadet status and of Federal student subsistence payments, and may lead to legal action for recovery of all past such payments.

(4) Meet the physical standards specified by the United States Coast Guard for original licensing as a merchant marine officer. The written certification of the Superintendent of the school, based on a physical examination by a doctor, the results of which are on record at the school, that a candidate meets these requirements, will be acceptable to the Administration.

(5) Possess a secondary school education or equivalent, satisfactory for admission as an undergraduate, to colleges or universities under control of the State in which the school is located.

(6) Meet requirements established by the school in regard to such criteria as the individual's secondary school grades, rank in graduating class, aptitude, achievement as measured by an objective examination, character, personality and qualities of leadership.

(b) *Enrollment on or after April 1, 1982.* A candidate for admission to a school who wishes to be considered for

the Federal student incentive payments shall:

(1) meet the requirements of subparagraphs 1, 4, 5 and 6 of paragraph (a) above.

(2) be at least seventeen (17) years of age and not have passed the twenty-fifth (25th) birthday on the day of enrollment at a school.

(3) apply for, be offered, and have accepted midshipman status in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve) and simultaneously have applied and been accepted for Enlisted Reserve status.

§ 310.7 Federal student subsistence allowances and student incentive payments.

(a)(1) In accordance with the Administration's established freshmen subsidy allocation for each school, the school shall select the individuals in its new entering class who will be enrolled in the United States Maritime Service as cadets and start to receive Federal student subsistence payments for uniforms, textbooks and subsistence as provided in the 1958 Act. The freshmen subsidy allocations for each school are as follows: California Maritime Academy 110; Maine Maritime Academy 150; Massachusetts Maritime Academy 77; State University of New York Maritime College 251; Great Lakes Maritime Academy 50; and the Texas Maritime College 35. Each student who meets the entrance requirements in § 310.6(a) and applies for enrollment in the United States Maritime Service shall be entitled to consideration for a student subsistence payment at a rate and under the conditions in the 1958 Act. The list identifying the selected students shall be forwarded to the Administration on or before October 31, 1981. The Federal student subsistence payments will be paid to the school while a cadet is in attendance but not in excess of four (4) academic years for any one student. There will be no substitution for students removed or dropped from the list of those originally receiving Federal student subsistence payments. Subsidized students who resign or are disenrolled from a school shall not, on subsequent reenrollment, be in a position to reclaim their subsidy status. The selection of the students to receive such payments shall be made by the school in accordance with criteria established by the school, with the prior approval of the Administration. The rate of Federal student subsistence payments will be determined by the Administration according to the 1958 Act or the Act.

(2) Subsidized cadets who make a commitment to the Naval Reserve Officer Training Corps will be removed from the Maritime Administration subsidy rolls effective on the date they receive funds from the United States Navy. Should they leave the Navy program for any reason they may not reclaim the Maritime Administration subsidy as a cadet.

(3) The Administration shall make the Federal student subsistence payments no more frequently than monthly, directly to the school upon the presentation of a statement containing the names of each cadet selected by the Academy (within the quotas furnished pursuant to paragraph (a) of this section) to be enrolled in the Maritime Service and to receive the Federal student subsistence payments. For newly selected Cadets in a new entering class, the statement supporting the first voucher for payment shall certify that the cadets have met the entrance requirements in § 310.6.

(4) All vouchers submitted for payment shall contain a certification by the Superintendent that the payment will be used to assist in defraying the cost of the uniforms, textbooks, and subsistence of each cadet on the basis of the amount to which the cadet is entitled, as reflected by the attached Daily Attendance Report. No cadet shall receive a federal student subsistence payment for any time during which he or she is absent without leave or for absence due to a condition not in line of duty, or when determined by the school to be not in good standing.

(5) If it appears that the amount appropriated by Congress under the Act shall not be sufficient to make payments at the maximum rate, not in excess of $1,200 per academic year per cadet, the Assistant Secretary, after consultation with the schools, may determine the exact rate to be paid at each school for the remainder of the fiscal year.

(b) *Federal student incentive payments.* (1) *General provisions.* In accordance with the Administration's established subsidy quotas for new entering classes entering after April of 1982, each school will identify to the Administration; the students who are to be considered for the student incentive payment authorized by the Act. The students so identified must meet the requirements of § 310.6(b). The Administration shall provide the school with the necessary service obligation agreements. The agreements will be signed by the designated students and returned by the school to the Supervisor and shall become effective when signed by the Supervisor or his or her designee. A copy shall be returned to the school for transmittal to the student. Payments will be issued to these midshipmen in amounts equaling $1,200 for each academic year of attendance. Payments shall commence to accrue on the day each such midshipman begins his or her first term of work at the school. Such payments shall be made quarterly to the midshipman until the completion of his or her course of instruction but in no event for more than four (4) academic years.

The school shall submit a monthly certified Daily Attendance Report listing the names of all designated midshipmen who are entitled to student incentive payments.

(2) Temporary reallocation of Federal student incentive payments. If a school does not have a sufficient number of eligible freshment to utilize all of its alloted payments, then the unused subsidies may be reallocated on a need basis to academies with eligible students. In the next academic year, each school's subsidy quota for entering students will revert to its original level.

(3) *Form of the Service Obligation Agreement.* The service obligation agreement shall obligate the midshipman to—

(i) use the student incentive payment to defray the cost of uniforms, books and subsistence;

(ii) complete the course of instruction at the school unless sooner separated by the school;

(iii) take the examination for a license as an officer in the merchant marine of the United States on or before the date of graduation from a school and to fulfill the requirements for such license not late than three (3) months after graduation;

(iv) maintain a license as an officer in the merchant marine of the United States for at least six (6) years following graduation from a school;

(v) apply for an appointment as, accept if tendered, and serve as a commissioned officer in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve), the United States Coast Guard Reserve, or any other Reserve unit of an armed force of the United States, for at least six (6) years following graduation from a school; and

(vi) serve the foreign or domestic commerce or both, and the national defense of the United States for at least three (3) years following graduation from a school—

(*a*) as a merchant marine officer serving on vessels documented under the laws of the United States or on vessels owned and operated by the

United States or by any State or Territory of the United States;

(*b*) as an employee in a United States maritime-related industry, profession, or marine science (as determined by the Assistant Secretary), if the Assistant Secretary determines that service under paragraph (a) is not available to such individual;

(*c*) as a commissioned officer on active duty in an armed force of the United States or in the National Oceanic and Atmospheric Administration; or

(*d*) by combining the services specified in clauses (a), (b) and (c).

(4) *Marine-related employment.* (i) graduates who intend to claim employment in a United States maritime-related industry, profession of marine science as meeting all or part of the service obligation under (3)(vi) above, shall submit evidence to the Supervisor that they have conscientiously sought employment as a merchant marine officer, and that such employment is not available. Such evidence and other information available, shall be considered in any finding. In view of current and projected employment opportunites, afloat, the Assistant Secretary will grant the shoreside employment option infrequently and only on the basis of comprehensive evidence.

(ii) The Assistant Secretary may consider the positions of operational, management and administrative responsibility in the following marine-related categories under the provisions of paragraph (3)(vi)(b) of this section: civilian employment in Federal and State agencies related to maritime affairs, steamship companies, stevedoring companies, vessel chartering and operations, cargo terminal operations, naval architecture, shipbuilding and repair, municipal and state port authorities, port development, marine engineering, and tug and barge companies. The above list is not all inclusive and is only intended to serve as a general guide.

(5) *Afloat employment year.* For purposes of the service obligation, a satisfactory year of afloat employment, shall be a number of days employed afloat that is at least equal to the median number of days of seafaring employment under Articles achieved by deck or engine officers in the most recent calendar year for which statistics are available.

(6) *Reporting requirement.* The schools shall promptly submit copies of all resignation forms (containing the name, reason, address and telephone number) of juniors and seniors to the Supervisor, to be used for monitoring and enforcement purposes. Each graduate shall submit an employment report form to the Supervisor on or before July 1 of each year following their year of graduation, for three years. In case a deferment has been granted to engage in a graduate course of study, semi-annual reports must be submitted for any extension of the three (3) year obligation period resulting from such deferments. Reporting forms will be distributed by the school and the Supervisor. The reporting requirement for graduates will not become effective until there are State academy graduates subject to this provision, not earlier than 1985. The specific form to be developed by the Maritime Administration shall be subject to approval by the Office of Management and Budget.

(7) *Breach of Agreement.*

(i) If the Administration determines that any midshipman who has attended a school for not less than 2 years has failed to complete the course of instruction at a school, the Secretary of the Navy may order that midshipman to active duty in the United States Navy, to serve for a period of time not to exceed 2 years. The Supervisor shall submit the list of those who have breached their agreement to the Chief of Naval Education and Training, Pensacola, Florida 32508.

(ii) If the Administration determines that a graduate of a school has broken his or her agreement under paragraph (3), the Secretary of the Navy may order that individual to active duty to serve a period of time not less than 2 years and not more than the unexpired portion of the service required. The Assistant Secretary for Maritime Affairs, in consultation with the Secretaries of Defense and Transportation, shall determine in which service the graduate shall serve such period of time.

(8) *Waivers*—Waivers may be granted in cases where there would be undue hardship or impossibility of performance of the provisions of the agreement due to accident, illiness or other justifiable reason. Applications for waiver will be submitted to the Supervisor.

(9) *Deferments*—

In exceptional cases the Administration may grant a deferment of all or part of the service commitment under clauses (3)(ii)—(vi) for a period not to exceed two years, only for graduates considered to have superior academic and conduct records while at the school, for the purpose of their entry after graduation into a marine-or maritime-related graduate course of study at an accredited graduate school. However, the Secretary of the department (including the Secretary of the department in which the U.S. Coast Guard is operating and the Secretary of Commerce with respect to the National Oceanic and Atmospheric Administration) which has jurisdiction over such service shall approve any deferment of service as a commissioned officer. Applications for such deferment shall be made through the Superintendent of Midshipman's school, who shall forward each application together with the Superintendent's recommendation for approval or disapproval and an evaluation of the applicant's academic and conduct records, to the Supervisor for appropriate action.

(10) *Determination of Compliance with Service Agreement, Appeals and Review Procedures*—

(*a*) An official of the Administration designated by the Supervisor shall:

(*i*) render determinations of whether a student or graduate has breached his or her service agreement;

(*ii*) grant or deny a deferment of the service obligation under subparagraph (g) above;

(*iii*) grant or deny a waiver of the requirements of the service agreement in hardship cases.

(*b*) A four-person Review Panel consisting of the Supervisor serving as Chairman, and representatives of the Department of the Navy, the NOAA Corps, and the U.S. Coast Guard, shall:

(*i*) consider appeals of the decisions of the designated official pertaining to a breached agreement in hardship cases;

(*ii*) consider appeals from denial of deferral by the designated official; and

(*iii*) consider any issues of procedure or of the merits of cases referred to it by the designated official.

(*c*) The procedures for processing determinations of compliance with the service agreement shall be developed by the Supervisor and approved by the Assistant Secretary. Actual notice of such procedures will be given to each student at the time of enrollment in the program.

The decisions of the Review Panel on appeals shall be final.

§ 310.8 Leave.

Cadet and midshipman leave without loss of Federal student subsistence or incentive payments shall be as follows, with the specific periods to be set at the discretion of the Superintendent on an academic year basis:

(a) If transferred to a hospital, or sick at home, or in the sick bay, not to exceed four (4) months.

(b) For an emergency due to the serious illness, injury or death of a very near relative, not to exceed seven (7) days.

(c) Annual leave not to exceed thirty (30) days.

(d) Christmas and Easter not to exceed a total of twelve (12) days. All legal holidays—Federal and State. This leave is in addition to that granted in paragraph (c) of this section.

(e) Leave in addition to that provided in paragraphs (1)—(4) of this section, may be granted only if approved in advance by the Supervisor upon direct request by the Superintendent.

§ 310.9 Medical attention and injury claims.

(a) *Medical attention and hospitalization.* The school shall be responsible for arranging that a medical officer shall be attached or on call to the school. During the cruise, a medical officer shall be assigned to the training ship.

(b) *Compensation claims of cadets or midshipmen.* Compensation claims for personal injuries or death sustained by a cadet or Midshipman in the performance of official duty shall be forwarded to the Supervisor for transmission to the Office of Workers' Compensation Programs. The Supervisor shall furnish necessary forms.

(c) *Medical care and compensation for Officers and other personnel.* Officers and other personnel of the school, and of the training ship may avail themselves of any medical facilities furnished by the State or Federal Government for which they qualify. See, for example, 42 CFR Part 32. Such persons who are not Federal employees shall look to the State alone for pay, allowances, compensation and other benefits during injury or illness.

§ 310.10 Discipline and dismissal.

(a) Each school shall establish and publish rules and regulations governing Cadet and Midshipman discipline and providing for a demerit system for infractions of these rules and regulations. Serious or excessive violations of the rules and regulations by a cadet or midshipman may be considered as evidence of inaptitude for the demanding career of a merchant marine officer and warrant dismissal by the school.

(b) Each cadet or midshipman shall, upon admission to the school, be furnished a copy of the school's rules and regulations.

(c) Any cadet or midshipman placed on probation for failure to meet the conduct requirements of the school may, at the discretion of the Superintendent, be listed as not in good standing for any period not to exceed six (6) months for the purpose of § 310.7(4).

§ 310.11 Cadet uniforms.

Cadet uniforms shall be supplied at the school in accordance with the uniform regulations of the school. Those regulations shall prescribe a distinctive insignia or device approved by the Assistant Secretary.

§ 310.12 Scope and effect.

(a) If any provisions of this subpart conflicts with laws and regulations of the State, the appropriate State authorities shall notify the Assistant Secretary in writing of such conflict and pertinent circumstances. The Assistant Secretary, as a matter of discretion, shall take, or not take, any action determined appropriate under the 1958 Act or the Act.

(b) The Assistant Secretary may, after consultation with the Superintendents of the schools issue binding executive instructions supplementing this subpart.

§ 310.13 Form of agreement.

(a) The form of agreement between the Assistant Secretary and a school for annual maintenance and support payments, Federal student subsistence and incentive payments and fuel assistance under the 1958 Act and the Act is set forth below. The form of agreement may be augmented by special, additional articles if requested by the State and if agreed to by the Assistant Secretary. Agreement by the Assistant Secretary will be rare and will occur only if (1) the State presents good cause (e.g. explicit requirement of State law) and (2) the requested addition is not inconsistent with the 1958 Act or the Act and this subpart.

United States of America, Department of Commerce, Maritime Administration

State Maritime Academy or College Agreement

This Agreement, entered into as of the 1st day of July 1981, by and between the United States of America, acting through the Department of Commerce, Maritime Administration (hereinafter called the "Administration") and the State of ———— (hereinafter called the "State"), acting through the ———— Maritime Academy (hereinafter called the "School").

Witnesseth

Whereas:

1. The Agreement is effective July 1, 1981. A number of its provisions will become effective October 1, 1981, or later, and are so indicated;

2. "The Maritime Education and Training Act of 1980," Public Law 96–453 (hereinafter called the "Act"), effective October 1, 1981, and its predecessor statute "The Maritime Academy Act of 1958," Public Law 85–672 (hereinafter called the "1958 Act"), provide for payments to State, Regional, and Territory maritime academies and colleges (hereinafter called "schools") for the maintenance and support of such schools;

3. The 1958 Act provides for payments to the schools for students in attendance at such schools commencing with the day such students begin their first term of work at such schools until the completion of the course of instruction, but in no event for more than four academic years;

4. The Act authorizes the Administration to make payments to students entering into a service obligation agreement with the Administration;

5. The Act authorizes the Administration to pay for the cost of all fuel consumed by a training ship furnished by the Administration while such vessel is being used for training purposes;

6. The Act and the 1958 Act provide for certain requirements regarding courses of instruction and educational standards which any such schools must meet in order to receive said payments referred to in paragraph 2 above; and,

7. The Administration has determined that the School has met or by virtue of this Agreement meets all the requirements referred to in paragraph 6 above.

Now, therefore, in consideration of the premises and of the mutual promises hereinafter set forth, the parties hereto agree as follows:

Article 1. *Assistance Payments.*

The Administration, subject to the provisions of Article 5 of this Agreement, agrees to make annual payments to the school for not in excess of four years if the school has a four-year course and not in excess of three years if the school has a three-year course under this Agreement to be used for the maintenance and support of the school. The amount of each such annual payment shall be not less than the amount furnished to the school for its maintenance and support by the State but shall not exceed $25,000, or $100,000 if the school meets the requirements of Article 5(b) of this Agreement.

Article 2. *Subsistence Payments.*

The Administration, subject to the provisions of Article 5 of this Agreement, agrees to make payments for each student enrolled in a subsidized status before April 1, 1982, at a rate not in excess of $1,200 for each academic year. These payments shall be made to the school for the account of each such subsidized student who is attending the school. The school agrees that such payments shall be used by the student to assist in defraying the cost of his or her uniforms, textbooks, and subsistence. It is further agreed that the payments under this Article 2 shall commence to accrue on the day each such subsidized student begins his or her first term of work at the school and that such payments shall be paid to the school in such installments as the Administration shall prescribe while such student is in attendance and until the completion of his or her course of instruction, but in no event for more than the normal period required, by the school, to complete the prescribed course.

Article 3. *Student Incentive Payments.*

The Administration, subject to the provisions of Article 5 of this Agreement,

agrees to provide the school with service obligation agreement forms for a specified number of students beginning the first term of work at the school on or after April 1, 1982. The service obligation agreement forms shall be signed by the designated students and returned by the school to the Administration which agrees to issue payments to these students in amounts equaling $1,200 for each academic year to assist them in paying the cost of uniforms, books and subsistence. It is further agreed that under Article 3 payments shall commence to accrue on the day each such subsidized student begins his or her first term of work at the school and that such payments shall be paid in such installments as the Administration shall prescribe while the student is in attendance and until the completion of his or her course of instruction, but in no event for more than the normal period required, by the school, to complete the prescribed course.

Article 4. *Fuel Payments.*

If funds are appropriated in any given fiscal year and are made available for expenditure by the Administration for fuel consumed by Government-owned training ships furnished to the schools, the allocation of such funds may be as determined in the discretion of the Administration.

Article 5. *Requirements.*

(a) In consideration of the payments to be made to the school pursuant to Articles 1, 2 and 4 of this Agreement, and of the payments to designated students enrolled in the school pursuant to Article 3 of this Agreement, the school shall, and as a condition of this Agreement agrees to,

(1) Provide courses of instruction in navigation, marine engineering (including steam and diesel propulsion), the operation and maintenance of vessels and equipment, and innovations being introduced to the merchant marine of the United States; and,

(2) Conform to such standards in such courses, in training facilities, in entrance requirements, and in instructors, as are established by the Administration after consultation with the Superintendents of schools.

(b) In addition to the condition provided in paragraph (a) of this Article 5 and as an express condition to receiving payments of any amount in excess of $25,000 for any one year under Article 1 of this Agreement, the school hereby agrees to admit to its courses of instruction otherwise qualified students resident in any other State or Territory in such numbers as the Administration shall prescribe, except that the number so prescribed shall not, at any time, exceed one third of the total number of students attending the school.

(c)(1) The school agrees that, with respect to the training program for merchant marine officers under the Act and the 1958 Act, and this Agreement, it will, to the extent applicable, comply with the following provisions of law and implementing regulations duly promulgated thereunder (including, but not limited to 15 CFR Part 8): Title VI, Civil Rights Act, 1964 (42 USC 2000d); Age Discrimination Act of 1975 (42 USC 6101); and Vocational Rehabilitation Section 504 (29 USC 794). The school further agrees that it will immediately take any measures necessary to effectuate this subparagraph (c)(1).

(2) It is agreed that these assurances are given in consideration of and for the purpose of obtaining and continuing in effect any financial assistance extended after the date hereof to the school by the Administration including any payments to be rendered pursuant to agreements extending financial assistance which were approved prior to such date, and any violation by the school of any of the provisions of this assurance of nondiscrimination shall constitute a breach of this Agreement and of each of such prior agreements.

(3) The school further recognizes and agrees that such financial assistance will be extended by the Administration in reliance upon the representations and agreements made in this assurance of nondiscrimination, and that the United States shall have the right (in addition to any of its other rights under its agreements with the school) to seek judicial enforcement of these assurances. These assurances are binding on the school, its principals, officers, employees, agents, successors, transferees, and assignees.

(d) The Administration is hereby authorized to examine and audit the books, records and accounts of the school whenever it is deemed necessary or desirable. Further, the school agrees to permit the making of photostatic or other copies of any such books, records, papers, memoranda or other documents and to furnish without charge, adequate office space and other facilities reasonably required by such auditors of the Administration or other persons designated by the Administration in the performance of their duties in administering the provisions of the payments provided under this Agreement. This provision complies with Federal Management Circular 73–6 providing for a single audit for educational institutions and assigning one Federal agency with the audit responsibility for schools receiving Federal aid.

Article 6. *Methods of Payment.*

(a) *Assistance Payments.* The school shall submit to the Administration annually, at the time and in the form approved by the Administration, a voucher for the assistance payment provided in Article 1 of this Agreement. Each voucher for an assistance payment whether under the Act or the 1958 Act, shall be supported by certified statements of operating expenses for the preceding year, of an estimate of operating expenses for the year with respect to which the voucher is submitted, of amounts furnished by the State to the school for maintenance and support, and of evidence of compliance with the requirements of paragraph (b) of Article 5 of this Agreement. Upon approval of such voucher by the Administration, payment shall be made by the Administration to the school.

(b) *Subsistence Payments.* The school shall submit a monthly voucher, in form approved by the Administration, for the subsistence payments provided in Article 2 of this Agreement. Each voucher for subsistence payments shall be supported by a certified Daily Attendance Report listing the names of all subsidized students and the number of days each was in attendance at the school and is entitled to payment as stated on such voucher. Upon approval of such voucher by the Administration, payment shall be made by the Administration to the school.

(c) *Student Incentive Payments.* The school shall submit a monthly certified Daily Attendance Report listing the names of all designated students who are entitled to the student incentive payments provided in Article 3 of this Agreement and the number of days each was in attendance at the school and is entitled to payment. The Administration shall issue quarterly payments directly to such students.

(d) *Fuel Payments.* Upon notice from the Administration that appropriated funds are available for fuel payments provided in Article 4 of this Agreement, the school will submit a statement of the fuel consumed by the Government-owned training ship supported by copies of all billings representing fuel purchases, a statement of fuel consumed while such ship was being used for training purposes, copies of appropriate fuel consumption entries in the engineering log, and such other information as the Administration may require. The Administration will prepare the necessary voucher and make payment to the school.

Article 7. *Public Information.*

It is agreed that the school shall include in its curriculum catalogue, student information pamphlets, brochures, and other public information materials, a detail description of the assistance available to the school and its students under the Act, the 1958 Act and this Agreement, including the service obligations of student and graduates who first enter the school on or after April 1, 1982.

Article 8. *Regulations.*

This Agreement is subject to all the provisions of Part 310, Subpart A, Title 46, Code of Federal Regulations, and the school hereby agrees to conform to said provisions as they may be amended from time-to-time during the period this Agreement is in effect.

Article 9. *Officials not to Benefit or be Employed.*

No member of or delegate to Congress, nor Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

Article 10. *Disputes.*

Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement shall be decided by the Director, Office of Maritime Labor and Training who shall reduce his or her decision to writing and mail or otherwise furnish a copy thereof to the school, which decision shall be final and conclusive unless within thirty (30) days from the date of receipt of such copy, the school appeals by mailing or otherwise furnishing said Director, Office of Maritime Labor and Training, a written appeal addressed to the Assistant Secretary for Maritime Affairs. The decision of the Assistant Secretary for Maritime Affairs, or his or her duly authorized representative, shall be final and conclusive. In connection with any appeal,

the school shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the school shall proceed diligently with performance of the Agreement in accordance with the decision of the Director, Office of Maritime Labor and Training.

Article 11. *Duration of Agreement.*

This Agreement is effective as of the day and year first set forth hereinabove and shall remain in full force and effect for a period of ——years after said date, unless sooner terminated by either party as herein provided.

Article 12. *Termination of Agreement.*

This Agreement may be terminated by either party upon sixty (60) days written notice to the other party, *provided, however,* that notwithstanding any such termination the parties hereto shall continue to be responsible for the faithful performance of all of the terms and provisions of this Agreement through the effective date of such termination. Termination or expiration of this Agreement shall neither affect nor relieve either party of any liability or obligation that may have arisen or accrued prior thereto.

Article 13. *Renewal of Agreement.*

Unless terminated by notice, as provided for herein under Article 12 of this Agreement, the rights and privileges granted to, and the obligations assumed by, the parties together with all other provisions of this Agreement shall continue in full force and effect and shall be renewed from year-to-year for an additional period of one (1) year from the expiration date herein, unless either party shall at least three (3) months prior to the date of expiration of any additional one (1) year period notify the other party in writing that it does not desire the Agreement to be extended for such additional one (1) year period. This Agreement, as extended year-to-year as aforesaid, may be amended, modified or supplemented in writing at any time by the mutual consent of the parties hereto.

Article 14. *Assignment Prohibited.*

It is hereby agreed by ther school that the Agreement, or any interest herein, shall not be assigned to any other person without the prior written consent of the Administration, which consent may be subject to such terms and conditions as the Administration deems appropriate.

Article 15. *Availability of Funds.*

It is understood and agreed by and between the parties hereto that the obligations under this Agreement shall be deemed executory to the extent of the monies available to said parties for the purpose thereof and no liability on account thereof shall be incurred beyond such available monies by either of said parties.

Article 16. *Prior Agreement.*

It is hereby understood and agreed by and between the parties hereto that the agreement in effect between the parties on the date prior to the effective date of this Agreement is superseded by this Agreement but only as to obligations not incurred prior to the expiration date of said prior agreement under the provisions of said prior agreement.

In witness whereof, the UNITED STATES OF AMERICA, represented as aforesaid, has caused this Agreement to be executed on its behalf in three counterparts as of the day and year first written hereinabove and actually on the —— day of ——— 19—.

Attest:

United States of America, Department of Commerce, Maritime Administration.

Secretary. ———————————

By: ———————————

———————————

Assistant Secretary of Maritime Affairs.

[Seal]

Attest:

State of ———————————

———————Maritime Academy

By: ———————————

[Seal]

Approved as to form:

———————————

General Counsel, Maritime Administration.

(Public Law 85–672, 72 Stat. 622 (46 U.S.C. 1381–1388) and Public Law 96–453, 94 Stat. 1997; Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Public Law 91–469 (84 Stat. 1036); Department of Commerce Organization Order 10–8 (38 FR 19707, July 23, 1973))

(Catalog of Federal Domestic Assistance Program No. 11–506 State marine schools)

Dated: June 2, 1981.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81–6929 Filed 6–8–81; 8:45 am]

BILLING CODE 3510–15–M

FEDERAL COMMUNICATION COMMISSION

47 CFR Ch. I

[CC Docket No. 80–632]

Overseas Communications Services; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking: Extension of Filing Periods.

SUMMARY: This Document grants request of National Telecommunications and Information Administration (NTIA) for extension of comments and reply dates in C.C. Docket No. 80–632 on overseas communications services. Extension granted to permit NTIA to complete and submit detailed study regarding proposed rulemaking. Intended effect of action is to provide Commission with most complete and meaningful record possible.

DATES: Comments now due on July 10, 1981. Replies due on August 21, 1981.

FOR FURTHER INFORMATION CONTACT: Stuart Chiron, Common Carrier Bureau, (202)632–7265.

In the matter of overseas Communications Services: (45 FR 76498: 11–19–80).

Adopted: May 29, 1981.

Released: June 1, 1981.

By the Common Carrier Bureau.

1. In this proceeding, the Commission is considering whether or not to change its 1964 TAT–4 policy decision, 37 F.C.C. 1151, which created an overseas voice-record dichotomy. As a result of TAT–4, AT&T has not been able to offer overseas record services (other than Dataphone), and the IRCs have not been able to provide overseas voice services (other Than Datel). The instituting order, FCC 80–585 (released October 28, 1980), established December 12, 1980, as the date for filing comments and January 16, 1981, as the date for replies. These dates have been subsequently extended. Comments are presently due on June 5 and replies on July 6, 1981.

2. On May 22, 1981, the National Telecommunications and Information Administration (NTIA) filed a motion to extend the time for comments and replies. In support of its request NTIA states that a thorough study of the international telecommunications industry being performed by a consultant, which will be submitted to the Commission, will not be completed until early July.

3. We believe that the record will be more complete and meaningful with the inclusion of the NTIA study. Since a delay will not harm any cognizable public interest we will grant NTIA's request. Accordingly, it is ordered that the date for all interested persons to file comments in CC Docket No. 80–632 is extended from June 5 to July 10, 1981, and that the date for filing replies is extended from July 6 to August 21, 1981.

4. This order is issued under § 0.291 of the Commission's Rules on Delegations of Authority, and is subject to review under § 1.115 of the Rules on Practice and Procedure.

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81–16959 filed 6–8–81; 8:45 a.m.]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 80–316; RM–3564]

Radio Broadcast Services; FM Broadcast Station in Fountain, Colo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rulemaking. (Report and Order.)

SUMMARY: Action taken herein dismisses a petition filed by Kurt M. Grow which requested the assignment of a Class A FM channel to Fountain, Colorado. The proceeding was terminated for failure of petitioner to make the requisite showing of initial and continuing interest in the proposed channel allocation.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: May 19, 1981.

Released: May 26, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 F.R. 43813, published June 30, 1980, proposing the assignment of FM Channel 292A to Fountain, Colorado, as that comunity's first local aural broadcast service, in response to a petition filed by Kurt M. Grow ("petitioner"). In the *Notice* we indicated that petitioner failed to state that he would apply for the channel, if assigned, and requested that he make a commitment to that effect.

2. According to Commission policy, a showing of continuing interest is required before a channel will be assigned. The petitioner herein, Kurt M. Grow, failed to file comments in response to the *Notice*. The period for filing comments in this proceeding has expired and no other party has expressed an interest in the proposed Class A assignment to Fountain.

3. In view of the foregoing, it is ordered, That the petition of Kurt M. Grow, proposing the assignment of FM Channel 292A to Fountain, Colorado, is hereby dismissed.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16960 Filed 6-8-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-318; RM-3549]

Radio Broadcast Services; FM Broadcast Station Greenville, Ill.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: This action dismisses a request from Charles N. Cutler to assign FM Channel 269A to Greenville, Illinois. Cutler indicates he is no longer interested in operating a station to serve Greenville.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: May 19, 1981.

Released: May 27, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 43810, published June 30, 1980, in response to a petition filed by Charles N. Cutler ("petitioner"), proposing the assignment of FM Channel 269A to Greenville, Illinois, as that community's first FM assignment.

2. In supplementary comments filed August 18, 1980, petitioner requests that its petition be dismissed since it has determined through an engineering survey that the channel could be put to better use at either of two other communities in conformity with the minimum distance separation requirements. Since no site restriction would be required at the other communities (a 12 kilometer (7.8 mile) site restriction is necessary for Greenville), a more efficient use of the allocation could be made. Cutler states that he may file for an assignment to either of the communities at some future date.

3. After careful consideration, we have concluded that it would be in the public interest to grant the requested dismissal. No party has indicated an interest in the proposed Greenville assignment.

4. Accordingly, it is ordered, pursuant to Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, that the request filed by Charles N. Cutler for dismissal of its petition proposing the assignment of Channel 269A to Greenville, Illinois, is granted.

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16963 Filed 6-8-81; 8:45 am]

Billing Code 6712-01-M

47 CFR Part 73

[BC Docket No. 80-570; RM-3555]

Radio Broadcast Services; FM Broadcast Station, Fort Pierce, Fla.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY Action taken herein dismisses a petition filed by Hubbard Broadcasting, Inc., which initially requested the assignment of a commercial television channel to Fort Pierce, Florida. The proceeding was teminated for failure of petitioner to state an interest in filing for the proposed assignment to Fort Pierce.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: May 19, 1981.

Released: May 26, 1981.

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 64983, published October 1, 1980, proposing the assignment of UHF-TV Channel 59 to Fort Pierce, Florida, as that community's second commercial television allocation, in response to a petition filed by Hubbard Broadcasting, Inc. ("petitioner").[1] No comments were filed in response to the *Notice*.

[1] Hubbard had proposed that the reservation on Channel *21 be deleted at Fort Pierce, and Channel 59 be substituted therefor and reserved. Petitioner's interest in that proposal apparently stemmed from

Continued

2. According to Commission policy, a showing of continuing interest is required before a channel will be assigned. The petitioner herein, Hubbard Broadcasting, Inc., failed to file any comments and the period for doing so has expired. No other party has expressed an interest in the proposed assignment of Channel 59 to Fort Pierce.

3. In view of the foregoing, it is ordered, That the petition of Hubbard Broadcasting, Inc., proposing the assignment of Channel 59 to Fort Pierce, Florida, is hereby dismissed.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16962 Filed 6-8-81; 8:45 am]

BILLING CODE 6712-01-M

---

the fact that it had applied for a construction permit for a 1,000 watt commercial translator station to operate on Channel 21 at Fort Pierce. However, even if Channel 21 were not reserved for noncommercial educational usage and Channel 59 substituted instead, an educational applicant would be able to apply for Channel 21, and a grant thereof would displace petitioner's proposed translator operation. For this, and other reasons set out in the *Notice*, it did not appear appropriate to change the Channel '21 reservation.

47 CFR Part 73

[BC Docket No. 80-518; RM-3545]

Radio Broadcast Services; FM Broadcast Station in Smith Center, Kans.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: This action dismisses a request from Ernest McRae and Jerry T. Venable ("petitioners") to assign FM Channel 231 to Smith Center, Kansas. Petitioners indicate they are no longer interested in operating a station to serve Smith Center.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: May 19, 1981.

Released: May 26, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 58616, published September 4, 1980, in response to a petition filed by Ernest McRae and Jerry T. Venable ("petitioners"), proposing the assignment of FM Channel 231 to Smith Center, Kansas, as that community's first FM assignment.

2. On May 5, 1981, petitioners filed a letter requesting dismissal of its petition. They state that from an assignment and channel usage standpoint, it would be preferable to assign Channel 231 to Downs, Kansas, instead, as that community's first FM assignment, and that it has concurrently filed a rule making petition seeking such assignment.

3. Since no other party has indicated an interest in the proposal, we shall dismiss the proposal so that the channel can be considered for assignment to Downs, Kansas.

4. In view of the foregoing, it is ordered, That the petition of Ernest McRae and Jerry T. Venable, proposing the assignment of Channel 231 to Smith Center, Kansas, is hereby dismissed.

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16961 Filed 6-8-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 110
Tuesday, June 9, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Ariton Livestock Auction, Ariton, Alabama, et al.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
AL-104 Ariton Livestock Auction, Ariton, Alabama.	May 26, 1959
AL-117 Demopolis Cattleman's Stockyard, Inc., Demopolis, Alabama.	May 18, 1959
AL-126 Gadsden Livestock Market, Gadsden, Alabama.	Oct. 1, 1965
AL-128 Georgiana Stockyards, Inc., Georgiana, Alabama.	Jan. 15, 1968
AL-129 Clarke County Livestock Corp., Grove Hill, Alabama.	May 20, 1959
AL-134 Tri-County Stockyards, inc., Hurtsboro, Alabama.	Oct 1, 1959
AL-150 Westbrook Livestock Auction Sales, Troy, Alabama.	May 15, 1959

Notice or other public procedure has not proceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective July 9, 1981. This notice shall become effective June 9, 1981.

(42 Stat. 159, as amended and supplemented (7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 3rd day of June 1981.

Jack W. Brinckmeyer,
Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-16967 Filed 6-8-81; 8:45 am]
BILLING CODE 3410-02-M

Food and Nutrition Service

Food Distribution Program: Alternatives to Donation of Commodities for the National School Lunch Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of demonstration project.

SUMMARY: This Notice announces the Department of Agriculture's intent to conduct a demonstration project involving alternatives to the donation of USDA commodities to the National School Lunch Program. This demonstration project is mandated by the Agriculture Appropriations Act for Fiscal Year 1981 (P.L. 96–528). the project will test two alternatives to the current commodities donation program for school lunches to determine the costs and effectiveness of each alternative, their effects on food usage in the National School Lunch Program, their impact on the farm sector and government price support and surplus removal programs, and the administrative feasibility of their implementation nationally.

The Notice of intent also sets forth the procedures by which the demonstration project will be conducted and solicits applications from school food authorities wishing to participate in the project.

EFFECTIVE DATE: This Notice shall be effective June 9, 1981.

APPLICATION: School food authorities desiring to participate in the project shall apply as detailed in the Notice of Intent no later than July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald Vogel, (202) 426–9322, Program Evaluation Staff, Room 622 GHI, Office of Policy, Planning, and Evaluation, Food and Nutrition Service, U.S. Department of Agriculture, 500 12th Street SW., Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: Title III of the Agriculture, Rural Development and Related Agencies Appropriations Act for Fiscal Year 1981 mandates that the Department of Agriculture conduct a demonstration project to examine two alternatives to the donation of agricultural commodities for the National School Lunch Program. One alternative (cash-in-lieu) will provide participating school food authorities (SFAs) with cash equal to the value of commodities to which they would have been entitled under the current commodity donation program. The other alternative will give participating SFAs commodity vouchers (hereafter referred to as commodity letters of credit) allowing the purchase of specific food items. In each case, the cash-in-lieu or commodity letters of credit will be given in place of donated commodities.

Approximately 30 SFAs will be selected for each alternative. Thirty additional SFAs will be chosen to act as control sites and will continue to operate under current regulations of the commodity donation program. SFAs chosen as demonstration projects will participate for four school years beginning in 1981–82, although actual implementation of alternatives to commodity distribution will occur in no more than 9 SFAs in the 1981–82 school year. The balance of the chosen SFAs will assume full demonstration implementation beginning with the 1982–83 school year. The fourth year (school year 1984–85) of participation will be optional to participating SFAs regardless of when full demonstration status begins. Evaluation of the demonstration projects will take place during the first three years. The evaluation will culminate with a report to Congress by December 15, 1984.

The eight SFAs that participated in the Department's 1978–79 cash-in-lieu study will be permitted, at their option to participate as adjunct cash-in-lieu project sites for all four years of the demonstration effort.

All current Food Distribution Program Regulations (7 CFR Par 250), except as specifically indicated in this Notice, shall govern the operation of this project.

Notice of Intent

In accordance with the Agriculture Appropriations Act for Fiscal Year 1981 (P.L. 96–528), the Secretary of Agriculture announces his intention to conduct two sets of pilot projects to test alternative methods of operating the commodity distribution program under

Section 14 of the National School Lunch Act. Under one set of projects (cash-in-lieu of commodities, hereafter called the cash-in-lieu projects) participating school food authorities (SFAs) will be given cash equal to the value of commodities to which they would have been entitled under the current commodity distribution program and will not be eligible to receive donated commodities. The other set of projects (hereafter called the commodity letter of credit projects) will provide participating SFAs with commodity letters of credit allowing the purchase of specific food items and will also preclude their receiving donated commodities. Thirty school districts will be selected for each set of pilot projects by June 30, 1981 and will be allowed to participate for four school years: 1981–82, 1982–83, 1983–84, and 1984–85. Other than the eight SFAs that participated in the 1978–79 cash-in-lieu study, no more than nine of the newly selected SFAs will actually receive cash or commodity letters of credit during the 1981–82 school year. All selected SFAs, however, will be involved in demonstration development and training activities during the 1981–82 school year. Full demonstration implementation for the balance of the selected SFAs will begin with the 1982–83 school year. The eight SFAs that participated in the 1978–79 cash-in-lieu study will be allowed once again to receive cash instead of commodities beginning with the 1981–82 school year.

Staggered implementation of demonstration projects is necessary because of possible legislative changes that may affect the existing commodity distribution program. Staggered implementation is also desirable to ensure overall efficiency of the demonstration effort.

Evaluation of the projects will take place during the first three years and will involve analysis of the food service operations of participating SFAs as well as comparisons across projects and with at least 30 control sites operating under the present commodity distribution program.

The study has four primary objectives:

1. To estimate and compare the costs (food, non-food, and administrative) and effectiveness associated with the commodity letter of credit, cash-in-lieu, and existing commodity donation programs;

2. To assess changes in food usage associated with the two alternatives relative to the existing commodity donation programs;

3. To estimate the impact which the two alternatives would have on agricultural commodity markets, farm incomes, the existing food distribution system, and government price support and surplus removal programs; and

4. To assess the administrative feasibility of implementing the commodity letter of credit and cash-in-lieu alternatives nationally and to compare systematically the cost/effectiveness of the three alternatives focusing on the distribution of costs and benefits to various constituents under each alternative.

In addition, the study will address other issues including the impact of the options on SFA operations, changes in the nutritional content of school lunches, changes in the quality of foods utilized by SFAs, the effect on student costs and participation in the school lunch program, changes in school lunch plate waste, and the impact on other USDA programs. The evaluation will culminate with a report to Congress by December 15, 1984.

For SFAs chosen to participate in the cash-in-lieu and commodity letter of credit projects, certain regulations described in CFR Part 250 relating to donated commodities will not be in force. The regulations include: S 250.4(h); S 250.6(e); S 250.6(h); S 250.8(a); and S 250.13(h). These changes will be in effect only during the time school districts participating in the project actually receive cash or commodity letters of credit.

This Notice invites SFAs to submit applications to participate in this study as pilot project sites. Approximately 90 SFAs will be chosen as participants. Selected SFAs will be assigned to the cash-in-lieu or the commodity letter of credit projects or will be control sites operating under the current commodity donation program. None of the SFAs participating in the cash-in-lieu or commodity letter of credit projects will be allowed to receive donated commodity foods while operating under either option. Selected SFAs shall sign agreements with the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture (USDA) detailing their rights, responsibilities, and limitations while participating in this study.

Approximately 30 school districts will be selected to participate in the cash-in-lieu pilot projects and will be given cash equal to the value of commodities they would have received under the current commodity distribution program. These funds may be used to purchase domestically produced food items for school lunch program use under the same conditions as funds provided under Section 4 of the National School Lunch Act. SFAs will be required to keep records on their school food service operations including food costs. These records will be made available to FNS or its designated representatives as needed.

Approximately 30 school districts will be selected to take part in the commodity letter of credit pilot projects and will be given commodity letters of credit authorizing the purchase of particular commodities. Each commodity letter of credit will specify the precise food item to be purchased, its minimum quality, the maximum amount which may be purchased (in terms of food quantity and/or dollar cost), and the time period during which the commodity letter of credit may be used. SFAs will be allowed to refuse up to 20 percent of the value of commodity letters of credit issued to them. To the extent possible, other commodity letters of credit will be issued to SFAs to replace those which are refused. As in the current program, however, there can be no guarantee of complete replacement. Participating SFAs will be required to purchase all food items from private suppliers and will be free to choose the form in which commodities are received. The commodity letters of credit can be used to pay for any items containing the relavant commodities, but only to the extent that those commodities are used as ingredients. Thus, a commodity letter of credit for cheese could be used to pay for the cheese part of pizzas, but not for entire pizzas. Again, SFAs will be required to keep detailed records on their school food service operations including food costs. These records will be made available to FNS personnel or their representatives.

Participating school districts can expect only minor changes in their operations beyond the switch from donated commodities to either cash-in-lieu or commodity letter of credit. SFAs operating under each alternative will receive no donated foods during the course of the study, but will receive their equivalent value in cash or commodity letters of credit. The total value of cash-in-lieu subsidies or commodity letters of credit received by project sites will be based upon the number of reimbursable meals served in the course of a school year. Whether cash-in-lieu or commodity letter of credit projects will also receive credit for "bonus" commodities provided under Section 416 and Section 32 has yet to be determined. The House Appropriations Committee Report on H.R. 3400, a bill making supplemental appropriations for fiscal year 1982 gives the Secretary several options with respect to bonus commodities that may be received by school districts

participating in the study. Specifically, the secretary is expected ". . . to either withhold, charge for, or earmark in some fahion . . ." bonus commodities for all study projects except those participating as comparison sites (House Report 97–29, p. 23). The Secretary's decision in this matter will be forthcoming. Applications to participate in the study can be withdrawn, if school districts so chose, after this decision is announced.

All participating SFAs, including control sites, may experience slight increases in required recordkeeping. In addition, FNS personnel or their representatives will visit each participating SFA approximately every six months for on-site data collection. During these visits, SFAs will be expected to provide limited assistance in identification and interpretation of SFA records.

Sites will be selected with the primary objective of obtaining a representative and unbiased sample of all school districts. Applicants will therefore be chosen randomly based on SFA characteristics. In addition, an effort will be made to ensure that the chosen sample is balanced in terms of attitudes toward and experience wih the school lunch program. To this end, all school districts, regardless of their attitudes concerning the present commodity distribution program or the project options, are encouraged to apply. If a balanced and representative sample of school districts cannot be obtained from among applicants, some school districts which did not apply to participate may be invited to become pilot project sites. FNS will consult with relevant State Agencies prior to final site selection. It is anticipated that site selection will be completed by July 31, 1981 so that the nine school districts chosen for advanced implementation during the 1981–82 school year will have time to incorporate new procedures.

School food authorities that desire to apply to participate in the pilot project shall respond by letter with a brief description of their food service operations. This letter should include as an attachment the applicant's monthly report for October 1980 (Form FNS–10).

In addition, applicants may wish to provide a brief discussion of the advantages and disadvantages for their own districts of *each* of the pilot project options *and* the current commodity distribution program. Applicants may also express a preference to participate in a particular option, but there is no assurance that such preference can be honored. Application letters should be sent to: Ronald Vogel, Program Evaluation Staff, Room 622 GHI, Office of Policy, Planning and Evaluation, Food and Nutrition Service, U.S. Department of Agriculture, 500 12th Street SW., Washington, D.C. 20250.

Such letters shall be postmarked no later than July 24, 1981.

Dated: June 13, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

[FR Doc. 81-17021 Filed 6-8-81; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Umatilla National Forest Grazing Advisory Board; Meeting

The Umatilla National Forest Grazing Advisory Board will meet at 8:00 a.m., June 30, 1981, at the U.S. Forest Service Office, 2517 S.W. Hailey Avenue in Pendleton, Oregon. The purpose of the meeting will be a field review of allotment planning on selected allotments of the Umatilla National Forest. This field review will be for two days, June 30 and July 1, 1981. The tour is in conjunction with the Society of Range Management Tour. The Board will be expected to make recommendations on the range allotment planning procedures and goals at the next regular scheduled meeting, as presented by the Forest Service during the tour.

Dennis E. Jones,

Acting Forest Supervisor.

June 1, 1981.

[FR Doc. 81-16972 Filed 6-8-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Wabash Valley Power Association, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) in connection with proposed financing assistance by REA for Wabash Valley Power Association, Inc., (WVPA) of Indianapolis, Indiana, to purchase selected high voltage substations and transmission lines which will be constructed by the Public Service Company of Indiana (PSI) as part of a Transmission Participation Agreement. These new transmission facilities include a 1.5 acre, 230/69 kV substation to be constructed near the town of Carmel in Hamilton County; a 3 acre, 345/138 kV substation near the town of Greensboro in Henry County; 7.3 miles of 230 kV transmission line and 2.5 miles of 69 kV transmission line in Hamilton County; 13.5 miles of 230 kV transmission line in Howard County; and 3.0 miles of 345 kV transmission line in Pike County.

WVPA prepared a Borrower's Environmental Report concerning the proposed project and an Environmental Assessment has been prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands, floodplains, and all other potential impacts of the proposed project have been adequately investigated.

Based on REA's independent evaluation, the REA Environmental Assessment, and WVPA's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20–21:320–21, Part I.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment, and WVPA's Borrower's Environmental Report may be reviewed in the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Washington, D.C. 20250, and at the office of Wabash Valley Power Association, Inc., 700 North High School Road, P.O. Box 24700, Indianapolis, Indiana 46224.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 3d day of June, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-16907 Filed 6-8-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Fitness Determination of Evanston Aviation, Inc., d.b.a. Bridger Air

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–6–23, Order To Show Cause.

SUMMARY: The Board is proposing to find that Evanston Aviation, Inc., d.b.a Bridger Air is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons

listed below no later than June 23, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–6–23.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–6–23 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–6–23 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 4, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–16992 Filed 6–8–81, 8:45 am]

BILLING CODE 6320–01–M

Fitness Determination of AAA Air Enterprises, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–6–24, Order to Show Cause.

SUMMARY: The Board is proposing to find that AAA Air Enterprises, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 23, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–6–24.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–6–24 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–6–24 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 4, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–16993 Filed 6–8–81, 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Maritime Administration

Reconstruction of Two Constellation Class Vessels, the SS Mormacaltair and the SS Mormacdrago, in Order To Increase Container Carrying Capacity; Intent To Compute Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost for the reconstruction of two *Constellation* class vessels, MA Design C6–S–60b, in order to increase their container carrying capacity by 31, 40-foot containers in Hold No. 3 and 48, 20-foot containers on deck.

Any person, firm or corporation having an interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on June 23, 1981 with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3009B, Department of Commerce Building, 14th & E Streets, N.W., Washington, D.C. 20230.

Dated: June 2, 1981.

By Order of the Maritime Subsidy Board, Maritime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81–16927 Filed 6–8–81, 8:45 am]

BILLING CODE 3510–15–M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to:

Office of Government Inventions and Patents,
U.S. Department of Commerce,
P.O. Box 1423,
Springfield, Virginia 22151

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

U.S. Department of Agriculture, Program Agreements and Pat. Branch, Admin. Ser. Div., Federal Building, Science and Education Admin., Hyattsville, MD 20782

Patent application 6–212,655: Controlled Release of Bioactive Materials Using Alginate Gel Beads, filed Dec. 3, 1980.

Patent application 6–223,509: Method of Purifying Fatty Acid Ester Products; filed Jan. 8, 1981.

U.S. Dept. of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent application 6–181,954: Monoclonal Antibodies Against Herpes Simplex Virus Types 1 and 2 Nucleocapsids and kit; filed Aug. 27, 1980.

U.S. Dept. of the Interior, Branch of Patents, 18th and C Streets, N.W., Washington, D.C. 20240

Patent application 6–211,556: Chromatography Developing Chamber; filed Dec. 1, 1980.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy; Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6–089,659: Automatic Elevator Control System; filed Oct. 30, 1980.

Patent application 6–153,474: Precision Laser Pulse Radiometer; filed May 27, 1980.

Patent application 6–187,888: Replaceable Fuel Nozzle Nut Lockwasher; filed Sept. 17, 1980.

Patent application 6–211,600: A Subseafloor Environmental Simulator; filed Dec. 1, 1980.
Patent application 6–219,291: A System for Remotely Determining Velocity of Sound in Water; filed Dec. 22, 1980.
Patent application 721,630: Laser Contour Mapping System; filed Aug. 25, 1976.
Patent 4,208,979: Pontoon Spudwell System; filed Jun 16, 1978; patented Jun 24, 1980. Not available NTIS.
Patent 4,229,402: Fiber Optic Connection Method; filed Jul 18, 1978; patented Oct 21, 1980. Not available NTIS.
Patent 4,231,107: Serriform Strip Crosstie Memory; filed Feb 14, 1978; patented Oct. 28, 1980. Not available NTIS.
Patent 4,231,311: Towable Pod Assembly for Protectively Disabling Incoming Torpedoes; filed Sep 1, 1978, patented Nov. 4, 1980. Not available NTIS.
Patent 4,232,417: Marine Mammal Retrieval Apparatus; filed Jan. 24, 1979; patented Nov. 11, 1980. Not available NTIS.
Patent 4,233,477: Flexible, Shapeable, Composite Accustic Transducer; filed Jan. 31, 1979; patented Nov. 11, 1980. Not available NTIS.
Patent 4,235,693: Submersible Energy Storage Apparatus; filed Nov. 9, 1979; patented Nov. 25, 1980. Not available NTIS.
Patent 4,236,043: Frequency Compression and Expansion Using an Electrooptical Processor; filed Apr. 13, 1979; patented Nov. 25, 1980. Not available NTIS.
Patent 4,240,272: Arctic Canteen; filed Jun 18, 1979; patented Dec. 23, 1980. Not available NTIS.

[FR Doc. 81–16934 Filed 6–8–81; 8:45 am]
BILLING CODE 3510–04–M

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT–APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to:

Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street SW., Washington, D.C. 20324

Patent application 6–206,412: Argon Purity Tester; filed Nov. 13, 1980.
Patent application 6–212,955: Load Balancer for Multiple Loads; filed Dec. 4, 1980.
Patent 4,244,212: Fluidic Pressure Ratio Sensor; filed May 25, 1979; patented Jan. 13, 1981. Not available NTIS.
Patent 4,244,271: Ammunition Feed Timing Mechanism; filed Jan. 10, 1979; patented Jan. 13, 1981. Not available NTIS.

U.S. Department of Agriculture, Program Agreements and Patent Branch, Admin. Ser. Div., Federal Building, Science and Education Administration, Hyattsville, MD 20782

Patent 4,249,855: Cyclone Dust Analyzer for Determining Microdust Content in Fibers; filed June 29, 1979; patented Feb. 10, 1981. Not available NTIS.
Patent 4,253,215: Lint Cleaning Apparatus for Automatic Control of Cotton Quality; filed Feb. 23, 1979; patented Mar. 3, 1981. Not available NTIS.
Patent 4,253,841: Process for Photoinitiated, Polymeric Encapsulation of Cotton Fibers in Durable-Press Textiles; filed Feb. 23, 1979; patented Mar. 3, 1981. Not available NTIS.
Patent 4,254,005: Abrasion Resistance and Strength of Cotton-Containing Fabric Made Resilient with N-Methylolacrylamide-Type Reagent; filed Feb. 6, 1980; patented Mar. 3, 1981. Not available NTIS.
Patent 4,254,022: Protein Concentrate from High-Protein Pearl Millet; filed Mar. 21, 1980; patented Mar. 3, 1981. Not available NTIS.

U.S. Dept. of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent application 6–183,521: Bisulfite Stabilization of 5-Azacytidine; filed June 27, 1980.
Patent 4,252,800: 7(alpha)-Methylnorethindrone Enanthate and Its Use in Long Term Suppression of Fertility in Female Mammals; filed October 5, 1979; patented February 24, 1981. Not available NTIS.

U.S. Department of the Interior, Branch of Patents, 18th and C Streets, NW., Washington, D.C. 20240

Patent Application: 6–168,815: Machine for Mixing and Injecting Water and Grout Into a Roof Bolt Hole; filed July 10, 1980.
Patent Application: 6–168,816: Preflush-Lixiviant Process for Solution Mining of Uranium Ore Beds; filed July 10, 1980.
Patent Application: 6–168,822: A Process of Electroplating a Platinum-Rhodium Alloy Coating; filed July 10, 1980.
Patent Application: 6–168,823: Readout Circuit for Linear Displacement Transducer; filed July 10, 1980.
Patent Application: 6–184,852: Sputtering Apparatus for Coating Elongated Tubes and Strips; filed September 8, 1980.
Patent Application: 6–195,539: Instrumentation for Surveying Underground Cavities; filed October 9, 1980.
Patent Application: 6–197,864: Production of Ferrochromium Alloys; filed October 17, 1980.
Patent Application: 6–200,109: Production of Metal Powder; filed October 24, 1980.
Patent Application: 6–200,111: Regeneration of Waste Metallurgical Process Liquor; filed October 24, 1980.
Patent Application: 6–206,246: Amine Flotation of Chromite from Acidic Pulps; filed December 12, 1980.
Patent Application: 6–206,247: Continuous Transducer Drift Compensator; filed November 12, 1980.
Patent 4,221,827: Method of Manufacturing a Gas Sensor; filed December 19, 1978; patented September 9, 1980. Not available NTIS.
Patent 4,222,611: In-situ Leach Mining Method Using Branched Single Well for Input and Output; filed August 16, 1979; patented September 16, 1980. Not available NTIS.
Patent 4,231,859: Molybdenite Flotation; filed November 27, 1979; patented November 4, 1980. Not available NTIS.
Patent 4,231,993: Recovery of Metal Values from Lead Smelter Matte; filed June 11, 1979; patented November 4, 1980. Not available NTIS.
Patent 4,235,163: Mine Face Ventilation system; filed July 6, 1979; patented November 25, 1980. Not available NTIS.
Patent 4,239,735: Removal of Impurities from Clay; filed September 6, 1979; patented December 16, 1980. Not available NTIS.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent Application: 6–176,151: Improved Droop Stop for Fully Atriculated Rotor; filed August 7, 1980.
Patent Application: 6–188,654: Safety Selector Switch; filed September 19, 1980.
Patent Application: 6–191,599: Phase Controlled Shuttering System with Selectable Shuttered and Unshuttered Modes; filed September 29, 1980.
Patent Application: 6–216,400: Safing and Arming Mechanism; filed December 15, 1980.
Patent Application: 6–219,463: Low Drag Underwater Vehicle Utilizing Boundary Layer Suction; filed December 23, 1980.
Patent Application: 6–222,113: Simple Method for Fabricating Multimode Fiber Optic Access Couplers; filed January 2, 1981.
Patent Application: 6–227,568: Wide Band Data Processing Technique; filed January 22, 1980.
Patent 4,234,044: Chemical Agent Injection System for Fire Fighting Equipment; filed September 27, 1978; patented November 18, 1980. Not available NTIS.

Patent 4,234,046: Pressure Differential Seafloor Coror-Carrier; filed April 30, 1979; patented November 18, 1980. Not available NTIS.

Patent 4,234,712: Polyphthalocyannine Resins; filed September 14, 1979; patented November 18, 1980. Not available NTIS.

Patent 4,236,401: Frequency Response Tester; filed May 24, 1979; patented December 2, 1980. Not available NTIS.

Patent 4,237,461: High-Speed Digital Pulse Compressor; filed February 15, 1979; patented December 2, 1980. Not available NTIS.

Patent 4,238,856: Fiber-Optic Acoustic Sensor; filed January 24, 1979; patented December 9, 1980. Not available NTIS.

Patent 4,244,386: Valve Having Pyrotechnic Separation Device; filed January 30, 1979; patented January 13, 1981. Not available NTIS.

[FR Doc. 81-16935 Filed 6-8-81; 8:45 am]

BILLING CODE 3510-04-M

National Oceanic and Atmospheric Administration

Coastal Zone Management Programs; Availability of Evaluation Findings

AGENCY: Office of Coastal Zone Management, NOAA, Commerce.

ACTION: Notice of Availability of Evaluation Findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for the Maryland, North Carolina, Oregon, and Rhode Island Coastal Zone Management Programs.

Section 312 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.) requires the conduct of a continuing review of the performance of each coastal state under its federally approved coastal zone management program. All 4 states evaluated were found to be adhering to their management programs as a result of which accomplishments are occurring with respect to resource protection, management of coastal development, increased recreational access, and improved government decisionmaking.

A copy of the findings made by the Acting Assistant Administrator for Coastal Zone Management for each of these states may be obtained on request from: Rosella Sussman, Evaluation Officer, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (telephone: 202/634-4245).

Dated: June 2, 1981.

Robert W. Knecht,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-16970 Filed 6-8-81; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" authorized by the Taiwan Relations Act of 1979 (Pub. L. 96-8).

The subsequent arrangement to be carried out under the above authority involves supply of the following material to the Institute for Nuclear Energy Research, Taiwan:

Contract Number WC-CI-7, 105.6 grams of uranium enriched to 4.30% in U-235, and 23.6 grams of uranium enriched to 2.84% in U-235.

The above materials are to be utilized in the Safeguards Analytical Laboratory Evaluation (SALE) Program. This program is designed to evaluate the capability of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle, and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than June 24, 1981.

For the Department of Energy.

Dated: June 3, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs International Nuclear and Technical Programs.

[FR Doc. 81-16945 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-81-008; OFC Case No. 65029-9202-01-11]

MacMillan Bloedel; Petition for Order Exempting Major Fuel Burning Installations

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and notice of availability of tentative staff analysis.

SUMMARY: On April 27, 1981, MacMillan Bloedel, Inc. (MBI) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting two new major fuel burning installations (MFBI's) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by DOE. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

MBI is seeking a temporary public interest exemption to burn No. 6 fuel oil or natural gas in one or two package boilers (depending on availability) to be located at its Pine Hill, Alabama linerboard, plywood and lumber producing facility. Eligibility and evidentiary requirements governing the use of petroleum and natural gas during the duration of a temporary public interest exemption as authorized under section 211(c) of FUA, are set forth at 10 CFR 503.25. Under subsection (a)(2) of that section, a temporary exemption is available for MFBI's which will be used only during that temporary period during which the petitioner's on-going construction of an alternate fuel fired facility is completed. MBI has petitioned for a temporary exemption from the prohibitions of Title II of FUA under 10 CFR 503.25 based upon the use of one or two (depending upon availability at time of need) package boilers during the expected 6- to 10-month conversion of an existing on-site boiler to coal and wood waste. ERA's decision in this proceeding will determine whether MBI will be granted the requested temporary exemption to use petroleum or natural gas in a rented package boiler(s) for a period of up to 10 months.

ERA has determined that MBI's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order which would grant MBI the requested exemption. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of acceptance of MBI's petition for exemption. A review of the petition and a summary of the Tentative Staff Analysis is provided in the Supplementary Information section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and

501.34(b), interested persons are invited to submit written comments on MBI's petition and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis noticed herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATES: Written comments on the acceptance of MBI's petition for exemption are due on or July 24, 1981. Any request for public hearing must also be made within the same 45-day period. The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of the MBI petition.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA–FC–81–008 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4477.

I. Dow Davis, IV, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20485, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: MBI is undertaking a major expansion of its Pine Hill complex in Pine Hill, Alabama. This expansion will include the installation of one new recovery boiler designed to burn black liquor (an alternate fuel), a new paper machine, modification of the existing paper machine to increase production, a new continuous digester for cooking hardwood chips, a post consumer waste pulping system, and the conversion of the facility's existing recovery boiler to burn pulverized coal and wood waste. Also planned is the installation of a new turbine generator and modification of fuel delivery, storage and handling facilities.

This plant expansion increases the overall requirement for process steam that will be accommodated by the conversion of the existing recovery boiler to coal and wood waste with a design heat input rate of 500,000 pounds of steam per hour. The conversion of this boiler cannot begin until the new recovery boiler has been installed and is reliably operating. At that time the rented package boiler(s) would be placed in service to supply the 6-month (or as much as 10-month) shortfall in steaming capacity due to the conversion down time which would require approximately 254 million Btus per hour heat input. MBI's consulting engineers have determined from a survey of major boiler manufacturers that package boilers of the design size and pressure needed are not commercially available to fire coal or other alternate fuels or mixtures of coal and fossil fuels.

MBI has provided, pursuant to 10 CFR 503.25(c), the requisite compliance plan and conservation measures.

ERA hereby gives notice that MBI's petition for a temporary public interest exemption for one or two (depending upon availability) package boilers is complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

Tentative Staff Analysis: The ERA staff has examined the aforementioned demonstrations made by MBI in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.25. Accordingly, the ERA staff has completed a Tentative Staff Analysis which tentatively recommends that an order be issued which would grant MBI the requested temporary public interest exemption for its planned rented boiler(s) not to exceed 10 months. This exemption can however, be extended upon approval of ERA for a period not to exceed five years.

Reporting Requirements: Under the ERA staff proposal, MBI must notify ERA when the package boiler(s) are placed in service, the date the units are removed from service, and the total fuel consumption of the unit(s) for the duration of their use. Such notifications shall be executed by a duly authorized representative of MBI. Cite OFC Case No. 65029–9202–01–11 on each document and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 65029–9202–01–11, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on this Tentative Staff Analysis.

The public file containing documents on this proceeding, supporting materials and the Tentative Staff Analysis is available for inspection upon request at ERA, Room B–110, 2000 M Street, NW., Washington, D.C., Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C., on May 30, 1981.

Robert I. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-16943 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA–FC–81–010; OFC Case Nos. 56353-9016-01-12, 56353-9016-02-12]

Phillips Petroleum Company; Petition for Order Exempting Major Fuel Burning Installation

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On April 9, 1981, Phillips Petroleum Company (Phillips) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting two new major fuel burning installations (MFBI's) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, (42 U.S.C. 8301 et seq.) (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by DOE. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Phillips is seeking permanent exemptions to burn natural gas in a mixture with regenerator effluent gases

(containing carbon monoxide, CO) in two field-erected CO boilers to be constructed at its Borger, Texas refinery. Eligibility and evidentiary requirements governing the use of natural gas in a mixture with alternate fuels, as authorized under section 212(d) of FUA, are set forth at 10 CFR 503.38. Phillips has petitioned for a permanent exemption from the prohibitions of Title II of FUA under 10 CFR 503.38 based upon the use of a fuels mixture containing approximately 81 percent natural gas. ERA's decision in this proceeding will determine whether Phillips will be granted the requested permanent exemptions to use natural as in a mixture with regenerator effluent gases in which the amount of natural gas used in the new MFBIs will be approximately 81 percent of the total annual Btu heat input of the primary energy sources for CO Boilers 29 and 40.

ERA has determined that Phillips' petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). A review of the petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701 (c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments on Phillips' petition and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. Any hearing request must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATES: Written comments on the acceptance of Phillip's petition for exemption are due on or before July 24, 1981. Any request for public hearing must also be made within the same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, D.C. 20461.

Docket No. ERA–FC–81–10 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B–110, Washington, D.C. 20461 Phone (202) 653–4055;

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128, Washington, D.C. 20461 Phone (202) 653–4477;

Marilyn Ross, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, S.W., Washington, D.C. 20585 Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: The MFBI's for which Phillips has requested the permanent fuels mixture exemptions are field-erected boilers having a design heat input rate of 497 million Btu's per hour for CO Boiler 29 and 500 million Btu's per hour for CO Boiler 40, a steam generating capacity of 350,000 pounds per hour each, and are designed to burn a mixture of regenerator effluent gases (containing carbon monoxide, CO) and natural gas. CO Boiler 29 will be located at the Borger, Texas refinery's Fluid Catalytic Cracking (FCC) unit 29: CO Boiler 40 will be located at FCC unit 40.

There are currently no CO boilers at the Borger facility. Phillips asserts in their petition that the installation of CO Boilers 29 and 40 in addition to increasing motive power, will reduce air pollution emissions by approximately 140,000 tons per year of carbon monoxide while reducing the overall natural gas consumption, as a boiler fuel, by 6.4% (the equivalent 178,000 barrels per year) for the total refinery.

To qualify for a permanent fuels mixture exemption in accordance with 10 CFR 503.38, a petitioner must demonstrate, to the satisfaction of ERA that:

(1) he proposes to use a mixture of natural gas or petroleum and an alternate fuel as a primary energy source; and

(2) the amount of petroleum or natural gas proposed for use in the mixture will not exceed the minimum percentage of the total annual Btu heat input of the primary energy sources needed to maintain operational reliability of the unit consistent with maintaining a reasonable level of fuel efficiency.

In addressing the eligibility and evidentiary requirements in 10 CFR 503.38 (a) and (c), Phillips states that it will be using FCC unit regenerator effluent gases as the primary energy source for CO Boilers 29 and 40. The company asserts that the regenerator effluent gases must be used in a mixture to maintain a combustion zone temperature high enough to sustain combustion of the CO.

Phillips has included as part of its petition the design specifications for CO Boilers 29 and 40, an engineering assessment of the proportions of natural gas needed to maintain operational reliability and a reasonable level of fuel efficiency, and an environmental impact analysis.

ERA hereby gives notice that Phillip's petition for permanent fuels mixtures exemptions for CO Boilers 29 and 40 have been determined to be complete as filed and are accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not consitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

The public file containing documents on this proceeding is available for inspection upon request at ERA, Room B–110, 2000 M Street, NW, Washington, D.C., Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on May 30, 1981.

Robert L. Davies,

Director Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–10944 Filed 6–8–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 4570–000]

City of Montrose, Colo.; Notice of Application for Preliminary Permit

June 1, 1981.

Take notice that the City of Montrose, Colorado (Applicant) filed on April 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4570 to be known as South Canal (Sites 2, 5, and 7) Project located on the South Canal in Montrose County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City of Montrose, Colorado, South 1st & Uncompahgre, P.O. Box 790, Montrose, Colorado 81402 and Mr. Jim Hokit, Uncompahgre Valley Water Users Association, 601 North Park—P.O. Box 69, Montrose, Colorado 81402. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the Water and Power Resources Service's (WPRS) South Canal and would consist of new

project facilities developed at three sites.

Site 2, located at South Canal Station 72 + 50, would consist of: (1) a radial gated intake structure with trashracks; (2) a 12-foot diameter penstock, 200 feet long; (3) a powerhouse with installed capacity of 600 kW; (4) a transmission line 1.25 miles long; (5) a tailrace; and (6) other appurtenances.

Site 5, located at South Canal Station 233 + 30, would consist of: (1) a trashrack and radial gated intake structure; (2) an 11-foot diameter penstock, 470 feet long; (3) a powerhouse with an installed capacity of 450 kW; (4) a transmission line 0.40 miles long; (5) a tailrace; and (6) other appurtenances.

Site 7, located at South Canal Station 472 + 00, would consist of: (1) a radial gated intake structure with trashrack; (2) a 10-foot diameter penstock, 600 feet long; (3) a powerhouse with an installed capacity of 900 kW; (4) a transmission line 0.35 miles long; (5) a tailrace; and (6) other appurtenances.

The Applicant estimates that the average annual energy output would be 4,750,000 kWh at Site 2, 3,960,000 kWh at Site 5, and 7,140,000 kWh at Site 7.

Purpose of Project—Project energy would be sold to the Colorado-Ute Electric Association.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under permit would not exceed $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4570. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17008 Filed 6-8-81, 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4569-000]

City of Montrose, Colo.; Notice of Application for Preliminary Permit

June 1, 1981.

Take notice that the City of Montrose, Colorado (Applicant) filed on April 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4569 to be known as Shavano Falls Project located on the M & D Canal, 6 miles west of Montrose, in Montrose County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City of Montrose, Colorado, South 1st & Uncompahgre, P.O. Box 790, Montrose, Colorado 81402 and Uncompahgre Valley Water Users Association, 601 North Park—P.O. Box 69, Montrose, Colorado 81402. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Montrose and Delta Diversion Dam and Canal and would consist of new project works including: (1) a concrete intake structure; (2) a 4-foot diameter steel penstock, 700 feet long; (3) a powerhouse with an installed capacity of 2,300 kW; (4) a transmission line 4.8 miles long; (5) a tailrace with diversion gates; and (6) other appurtenances. The Applicant estimates that the average annual energy output would be 13,250,000 kWh.

Purpose of Project—Project energy would be sold to the Colorado-Ute Electric Association.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydraulic, construction, economic, environmental, historic, and

recreational studies, and if the proposed project is determined feasible prepare an application for an FERC license. Applicant estimates cost of studies under permit would not exceed $15,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Gregory Wilcox's Shavano Falls Project No. 4024 filed on January 15, 1981, under 18 CFR (1980). Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4569. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17009 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4577-000]

Commonwealth Edison Co., Illinois; Notice of Application for Preliminary Permit

June 1, 1981.

Take notice that Commonwealth Edison Company (Applicant) filed on April 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4577 to be known as the Brandon Road Lock and Dam located on the Illinois River in Will County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Harlan Dellsy, Commonwealth Edison Company, P. O. Box 767, Chicago, Illinois 60690. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U. S. Army Corps of Engineers' Brandon Road Lock and Dam. The proposed project would consist of: (1) a proposed powerhouse containing an installed generating capacity of 15 MW; and (2) appurtenant facilities. The project would be located on Federal lands.

And Applicant estimates that the average annual energy output would be 70 Gwh.

Purpose of Project—The Applicant proposes to market the power output of the project to their customers.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time the Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. Applicant estimates the cost of the feasibility study would be about $41,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit commens on the described application for prelimnary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal requet for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company Project No. 3567 filed on October 14, 1981, under 18 C.F.R. (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any coments, protest, or petition to intervene must be received on or before June 30, 1981.

Filing and Service or Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4577. Any comments, protests, or peitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Divison of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17010 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-24]

Hawthorne Oil & Gas Corp., et al.; Notice of Petition for Declaratory Order

June 3, 1981.

On May 6, 1981, by their legal counsel, Hawthorne Oil & Gas Corporation, William B. Burkenroad, Jr., Arcade Enterprises, Inc., Republic Production Company of Texas (all hereinafter collectively referred to as "Hawthorne"), Conoco Inc. ("Conoco"), and Louisiana Gas System Inc. ("LGS Inc.") pursuant to Section 1.8(c) of the Commission's Rules of Practice and Procedure and the Administrative Procedure Act, 5 U.S.C. § 554(e), petition the Commission to issue a declaratory order confirming that a good faith settlement, with court approval, of a state court lawsuit involving the conflicting interpretations of an intrastate gas sales contract pricing clause, subject to Section 105 of the Natural Gas Policy Act, (NGPA), 15 U.S.C. § 3315, is sufficient to meet the Commission's rulings that such controversies should be litigated and decided in state court and not before the Commission.

Petitioners state that Hawthorne produces natural gas from leases which it owns as Lessee in Southwest Gueydan Field, Vermilion Parish, Louisiana. Such gas is sold to LGS Inc. (assignee of Conoco, formerly Continental Oil Company) pursuant to a gas sales contract dated June 1, 1971 (exhibit A to this Petition).

Gas sold by Hawthorne to LGS Inc. and its predecessor Conoco was and is transported and resold only in intrastate commerce within the State of Louisiana. The transmission system of LHS Inc. and its predecessor Conoco has not been and is not interconnected to any interstate natural gas transmission system subject to Commission jurisdiction under the Natural Gas Act. Sales by LGS Inc. and its predecessor Conoco have been and are only in intrastate commerce.

Therefore, Hawthorne's sales of natural gas to LGS Inc. and its predecessor Conoco, have not been and are not subject to the Commission's jurisdiction under the Natural Gas Act. However, on and after December 1, 1978, the gas sales contract has been subject to the provisions of Section 105 of the Natural Gas Policy Act and the Commission's Regulations thereunder.

A controversy over the interpretation of a pricing provision in the gas sales contract existed between the parties prior to enactment of the Natural Gas Policy Act. The Controversy also now extends to the periods on and after December 1, 1978, during which the Natural Gas Policy Act was and is applicable to the gas sales contract. That controversy is the subject of a suit brought by Hawthorne against LGS Inc., and its predecessor Conoco, which is now pending in the 14th Judicial District Court of the State of Louisiana, Calcasieu Parish under Docket No. 80-642.

All of the parties to that suit now desire to compromise and settle that lawsuit, subject to approval by the state court, and terminate the litigation between them.

Petitioners also state that it is the intent of the parties to submit that Agreement to the state court for approval by judgment, and, after such approval by judgment, implement the Agreement by execution of a Memorandum of Understanding and by pricing the natural gas sold and delivered on and after December 1, 1978, in accordance with the provisions of that Memorandum as long as the Natural Gas Policy Act applies during the remaining term of the contract.

The contract at issue contains what may be generally described as an "FPC clause." Under section 105(b)(1) of the NGPA, a seller may collect the lower of the price under the terms of the contract in effect on November 9, 1978, or the section 102 rate. Pursuant to the settlement, Hawthorne would generally collect a rate equal to the section 103 rate for the periods after November 30, 1978 until expiration of the term of the contract on May 13, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17011 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-22-000]

Marathon Oil Co.; Notice of Petition for Declaratory Order

June 2, 1981.

Take notice that on April 17, 1981, Marathon Oil Company, (Marathon) 539 South Main Street, Findlay, Ohio, 45840, filed with Federal Energy Regulatory Commission (Commission) a Petition for Declaratory Order pursuant to § 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7). Marathon requests that the Commission determine the maximum lawful price under section

105 of the Natural Gas Policy Act of 1978 (NGPA) for sales of gas under an existing intrastate contract which provides compensation for a basic contract rate which is less than the section 102 maximum lawful rate.

Specifically, Marathon states it is a major part-interest owner and operator of oil and gas leases in an unitized area known as the South Coles Levee Unit (SCLU) which covers all or parts of section 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14 and 15 of T31S, R25E, Kern County California. Marathon asserts the SCLU gas sales are subject to a 30-year Agreement dated September 1, 1964 with Pacific Lighting Gas Supply Company (now Pacific Lighting Service Company) (PacLight). Marathon alleges the contract provided that PacLight is to pay Marathon 120 percent or 150 percent, depending on the amounts of gas delivered, of the border price (basic contract price) during winter months. These winter rates allegedly exceed the section 105(b)(1) rate. This arrangement, Marathon further states, was developed to provide a supply of gas to help alleviate the seasonal load demand on PacLight's system.

Marathon requests the Commission to make a determination that the border price is the measure for determining the maximum lawful price and that the percentage payment for providing peak winter period delivery capability can be collected without being in violation of the NGPA.

Any person desiring to be heard or to protest this petition should, on or before July 9, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7012 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-110-001]

Michigan Gas Storage Co.; Notice of Extension Report

June 3, 1981.

Take notice that on April 17, 1981, Michigan Gas Storage Company (Michigan Gas), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. ST80-110-001 an extension report pursuant to Section 284.106 of the Commission's Regulations, reporting the extension of transportation of natural gas for and on behalf of Southeastern Michigan Gas Company (Southeastern), all as more fully set forth in the extension report which is on file with the Commission and open for public inspection.

Michigan Gas states that the subject transportation services are rendered pursuant to a three-party agreement, dated July 16, 1979, as amended, and that the parties to such agreement are Michigan Gas, Southeastern, and Consumers Power Company (Consumers Power). Michigan Gas says further that its transportation services under the subject agreement commenced on December 12, 1979 and the agreement will terminate on July 16, 1981 unless the extension herein proposed is allowed to take effect, in which event the agreement would be extended through July 16, 1983.

According to Michigan Gas, the volumes of natural gas transported by it under the proposed extension are estimated to continue at 2,400 Mcf per day and would likely total approximately 864,000 Mcf during such extended period.

It is stated that the purpose of the subject agreement is to increase Southeastern's gas supplies in those parts of its service area located in Michigan's Sanilac and Tuscola Counties while avoiding the need for any significant investment by Southeastern in additional facilities.

According to Michigan Gas, the rate charged by it for the transportation services herein described was 7.5 cents per Mcf, but would rise to 10.7 cents per Mcf under the proposed extension.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before June 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17013 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 434]

Determinations by Jurisdictional Agencies

Issued: June 2, 1981.

V 4 6 / 1 1 0 J E 9 8 1 UMI

Determinations by Jurisdictional Agencies

Issued: June 2, 1981.

					FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
-ALFORD PETROLEUM CORP			RECEIVED: 05/01/81 JA: TX				
R129261	2144P	4217531239	102-2	L & WHEELIS 2-79-F	LA BAHIA (2900)	99.0	TRUNKLINE GAS CO
-AMERICAN DELTA CORP			RECEIVED: 05/01/81 JA: TX				
R129501	32739	4205131284	102-2	MCHENRY UNIT #1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-AMMEX PETROLEUM CORP			RECEIVED: 05/01/81 JA: TX				
P129319	25340	4214930406	102-2	BANANAS UNIT #1	GIDDINGS (AUSTIN CHALK G	150.0	CLAJON GAS CO
R129319	25399	4214930406	103	BANANAS UNIT #1	GIDDINGS (AUSTIN CHALK G	150.0	CLAJON GAS CO
R129276	22036	4214900000	102-2	RAUCH UNIT #1 RRC #86597	GIDDINGS (AUSTIN CHALK G	292.0	CLAJON GAS CO
R129276	22036	4214900000	103	RAUCH UNIT #1 RRC #86597	GIDDINGS (AUSTIN CHALK G	292.0	CLAJON GAS CO
R129267	21687	4205100000	103	SHARON UNIT #1 RRC #12812	GIDDINGS (AUSTIN CHALK)	96.0	CLAJON GAS CO
R129267	21687	4205100000	102-2	SHARON UNIT #1 RRC #12812	GIDDINGS (AUSTIN CHALK)	96.0	CLAJON GAS CO
R129290	22390	4214900000	102-2	SKIPPER UNIT #1 RRC #86943	GIDDINGS (AUSTIN CHALK G	941.0	CLAJON GAS CO
R129290	22390	4214900000	103	SKIPPER UNIT #1 RRC #86943	GIDDINGS (AUSTIN CHALK G	941.0	CLAJON GAS CO
-AMOCO PRODUCTION CO			RECEIVED: 05/01/81 JA: TX				
R129433	31388	4220330739	107-TF	BATE GAS UNIT B NO 1	BLOCKER (COTTON VALLEY)	436.0	UNITED GAS PIPELI
R129443	31471	4220330618	107-TF	BRUNE-HURNETT B WELL NO 1	BLOCKER (COTTON VALLEY)	436.0	UNITED GAS PIPELI
R129436	31426	4236330975	107-TF	CARTHAGE GAS UNIT 18 WELL NO 1	CARTHAGE/COTTON VALLEY/	436.0	TENNESSEE GAS PIP
R129438	31430	4240130895	107-TF	CLYDE P GREEN GAS UNIT NO 1	DIRCIN (COTTON VALLEY)	176.0	LONE STAR CO
R129388	29157	4249531229	103	E T HUTCHINGS T-90 #11	KERMIT	67.5	CABOT CORP
R129330	25650	4241330246	108	EDWIN S MAYER JR/G/#4	SAWYER/CANYON/	1.0	LONE STAR GAS CO
R129327	25645	4241330263	108	EDWIN S MAYER JR/L/#1	SAWYER/CANYON/	0.8	LONE STAR GAS CO
R129328	25646	4210530891	108	F F HUME/B/#1	WHITEHEAD/STRAWN/	3.3	LONE STAR GAS CO
*R129364	27585	4203931504	103	GILBERT SNEED NC 29	HASTINGS EAST	3.7	TEXAS EASTERN TRA
R129325	25627	4213730114	108	H & C PETERSON #1	SAWYER/CANYON/	6.8	LONE STAR GAS CO
R129326	25633	4210530965	108	J F & M E SCUDERI/E/#1	WHITEHEAD/STRAWN/	10.6	LONE STAR GAS CO
R129444	31472	4220332501	107-TF	J G CHAPMAN /H/ GAS UNIT WELL NO 1	WOODLAWN/COTTON VALLEY/	436.0	EAST TEXAS INDUST
R129440	31467	4220330697	107-TF	J PHILLIP THOMPSON G U WELL # 1	BLOCKER (COTTON VALLEY)	436.0	UNITED GAS PIPELI
R129439	31444	4220330725	107-TF	KATHERINE J BROWN G U WELL #1	BLOCKER (COTTON VALLEY)	436.0	UNITED GAS PIPELI
R129432	31385	4220330743	107-TF	MACK V RUNNELS GAS UNIT NO 1	BLOCKER (COTTON VALLEY)	365.0	UNITED GAS PIPELI
R129615	34007	4227331950	103	MRS CORA LEE ECHOLS F #30	IATAN EAST (HOWARD)	0.4	GETTY OIL CO
R129437	31429	4229330478	107-TF	NEIL BEENE WELL NO 1	MEXIA JUNCTION (COTTON V	547.5	AMOCO GAS CO
R129441	31468	4220330719	107-TF	PATRICIA POPE WHALEY WELL #1	WOODLAWN (COTTON VALLEY)	306.0	EAST TEXAS INDUST
R129442	31469	4220330698	107-TF	PATTERSON-HERRIN GAS UNIT WELL NO 1	BLOCKER (COTTON VALLEY)	436.0	UNITED GAS PIPELI
R129227	17122	4235730856	103	PEARSON UNIT F WELL #2L	HANSFORD (MORROW UPPER)	195.6	NORTHERN NATURAL
R129431	31389	4220330752	107-TF	ROSA R ROSCOE GAS UNIT NO 1	BLOCKER (COTTON VALLEY)	365.0	UNITED GAS PIPELI
R129324	25624	4243531172	108	WILLIAM M ALLISON/F/#1	SAWYER/CANYON/	3.9	LONE STAR GAS CO
R129329	25652	4243531212	108	WILLIAM M ALLISON/E/#1	SAWYER/CANYON/	3.6	LONE STAR GAS CO
-ANDERSON PETROLEUM INC			RECEIVED: 05/01/81 JA: TX				
R129362	27468	4210532408	107-TF	A C MILLSPAUGH A 2-32	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
R129361	27453	4210532426	107-TF	L B COX A 1-F	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE
R129363	27477	4210532247	107-TF	PAULINE PRIESS B 1-102	SAWYER (CANYON)	75.0	SUTTON COUNTY PIP

BILLING CODE 6450-85-M

-ARCO OIL AND GAS COMPANY				RECEIVED: 05/01/81 JA: TX
R129574	2-240	4231131422	102-4	J W WHOLE 9 #4
R129462	31945	4.19500756	108	UNIVERSITY A DE BELL #1
-B M HESTER				RECEIVED: 05/01/81 JA: TX
R129269	22960	4220130945	102-4	HAMILTON 1-A
-HALL PRODUCING CO				RECEIVED: 05/01/81 JA: TX
R129511	24578	4213331256	103	OSBORNE B #1-ID1589A
-BILL J GRAHAM				RECEIVED: 05/01/81 JA: TX
R129457	31695	4230100000	108	O D FELDMAN #2
-BRIGHT & COMPANY				RECEIVED: 05/01/81 JA: TX
R129337	26040	4221500000	108	HAMMAN #1
R129336	26039	4221500000	108	REYNOLDS UNIT #1
-CAROLINA GROUP INC				RECEIVED: 05/01/81 JA: TX
R129460	31812	4214300000	108	MILLS
R129461	31813	4214300000	108	PYE #1
R129459	31810	4214300000	108	TIPTON #1
-CASHCO ENERGY CORPORATION				RECEIVED: 05/01/81 JA: TX
R129406	31830	4218500156	102-2	W A SANDERS NO 1
-CENTRAL PRODUCERS INC				RECEIVED: 05/01/81 JA: TX
R129234	19170	4229730002	103	SAMES NO 1 WELL
-CHAFIN & HEDGES				RECEIVED: 05/01/81 JA: TX
R129285	21150	4214900002	102-2	TAHOMA FARM & WELL #4
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 05/01/81 JA: TX
R129408	30270	4236500000	107-TF	CARTHAGE GAS UNIT 1-3
R129370	27918	4236500000	107	CARTHAGE GAS UNIT 36-2
R129376	27919	4236500000	107-TF	CARTHAGE GAS UNIT 36-2
*R129369	24356	4235500000	103	C P GARDNER NO 146
-CITIES SERVICE COMPANY				RECEIVED: 05/01/81 JA: TX
R129570	32885	4200330427	103	KING E NO 5
-COASTAL OIL & GAS CORP				RECEIVED: 05/01/81 JA: TX
R129534	32933	4237530754	103	IRVINS 1617NG
-COBRA OIL AND GAS CORPORATION				RECEIVED: 05/01/81 JA: TX
R129480	22094	4242130221	103	STRATFORD #1
-COLA PETROLEUM INC				RECEIVED: 05/01/81 JA: TX
R129348	26726	4248330672	103	ROGERS #1
-CONOCO INC				RECEIVED: 05/01/81 JA: TX
R129608	33013	4243331104	103	SCOGGINS UNIT #3 ID #14005
-CORPUS CHRISTI OIL AND GAS CO				RECEIVED: 05/01/81 JA: TX
R129408	30312	4224731274	102-4	ROBERT J HOLLEIN #2
-COSTA RESOURCES INC				RECEIVED: 05/01/81 JA: TX
R129467	31964	4219332282	103	ADAM NO 1 WELL #90920
-COTTON PETROLEUM CORPORATION				RECEIVED: 05/01/81 JA: TX
*R129342	26165	4229530675	103	ZERRETTE NO 1
-CPC EXPLORATION INC				RECEIVED: 05/01/81 JA: TX
R129225	17090	4205130304	102-4	ALTIMORE UNIT #1
R129226	17092	4205130354	102-4	STONEHENGE LTD #1
-CRYSTAL OIL COMPANY				RECEIVED: 05/01/81 JA: TX
R129331	25793	4236531044	103	MYERS A #1
-DALLAS PRODUCTION INC				RECEIVED: 05/01/81 JA: TX
R129394	25582	4202130041	102-4	SHAW NO 1 mmCIDE66110
-DALPORT OIL CORPORATION				RECEIVED: 05/01/81 JA: TX
R129476	32456	4240531451	102-4	CAMPBELL ESTATE NO 1
-DELTA DRILLING CO				RECEIVED: 05/01/81 JA: TX

RHODE RANCH EAST (WILCOX	1000.0	ARCO OIL & GAS CO
LANCASTER MILL (STRAWN)	11.0	EL PASO NATURAL G
HHH (9300) FIELD	265.0	UNITED TEXAS TRAN
GORMAN (RANGER)	219.0	LONE STAR GAS CO
WHEAT	5.6	PHILLIPS PETROLEU
MONTE CHRISTO (57)	21.0	VALERO INTERSTATE
WHITTED (6000-7000)	20.0	VALERO INTERSTATE
LIPAN (MARBLE FALLS)	19.0	NORTHERN GAS PROD
MORGAN MILL (MARBLE FALL	7.0	NORTHERN GAS PROD
MORGAN MILL (MARBLE FALL	16.4	NORTHERN GAS PROD
MILL (GEORGETOWN)	0.0	LONE STAR GAS CO
WHITE CREEK SOUTH (1950)	145.0	GASODUCTO INC
GIDDINGS (AUSTIN CHALK)	36.0	PHILLIPS PETROLEU
CARTHAGE (COTTON VALLEY)	877.0	TENNESSEE GAS PIP
CARTHAGE	124.1	TENNESSEE GAS PIP
CARTHAGE	124.1	TENNESSEE GAS PIP
STRATTON	0.0	TENNESSEE GAS PIP
DEEP ROCK (DEVONIAN)	105.0	PHILLIPS PETROLEU
PANHANDLE (RED CAVE)	95.0	COLORADO INTERSTA
TEXAS-HUGOTON	63.0	PHILLIPS PETROLEU
EAST PANHANDLE	18.0	PHILLIPS PETROLEU
ASPERMONT LAKE (CANYON S	0.7	CITIES SERVICE OI
EL REPOSO (6450	0.0	VALERO INTERSTATE
COSTA (CLEAR FORK LOWER)	182.5	NORTHERN NATURAL
KICKAPOO CREEK (TONKAWA)	275.0	UNITED GAS PIPE L
CALDWELL (AUSTIN CHALK)	75.0	MAYNARD/CPC PIPEL
CALDWELL (AUSTIN CHALK)	150.0	MAYNARD/CPC PIPEL
BETHANY N E (TRAVIS PEAK	189.8	UNITED GAS PIPELI
GRANBURY NORTH (STRAWN)	270.0	EMPIRE PIPELINE C
MIDKIFF (5660)	72.0	ARCO OIL & GAS CO

JOB #	API #	FIELD #	SEC TAX CODE	WELL NAME	FIELD NAME	PRICE	PURCHASER
R129368	27865	4210500000	103	FRIEND 89 #1	OZONA (CANYON SAND)	180.0	NORTHERN NATURAL
R129368	27869	4210500000	107-TF	FRIEND 89 #1	OZONA (CANYON SAND)	180.0	NORTHERN NATURAL
R129302	23932	4241300000	103	JONES B #4	ELDORADO (CANYON)	111.0	NORTHERN NATURAL
R129302	23932	4241300000	107-TF	JONES B #4	ELDORADO (CANYON)	111.0	NORTHERN NATURAL
R129360	27328	4241300000	103	WEST #5	ELDORADO (CANYON)	91.0	NORTHERN NATURAL
R129360	27328	4241300000	107-TF	WEST #5	ELDORADO (CANYON)	91.0	NORTHERN NATURAL
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 05/01/81 JA: TX			
R129372	28207	4229530779	103	ALEX FORN E NO 2	BRALFORD	100.0	
-DIRKS PETROLEUM CORP				RECEIVED: 05/01/81 JA: TX			
R129376	28251	4202531415	102-4	SARA GATOT ET AL NO 1	RAGSDALE (1100) FIELD	0.0	TRANSCONTINENTAL
-DISCOVERY OPERATING INC				RECEIVED: 05/01/81 JA: TX			
R129471	32104	4241330967	107-TF	LIN C #1	W C D (CANYON)	198.0	
-DKD JOINT VENTURE				RECEIVED: 05/01/81 JA: TX			
R129535	32834	4224931323	103	VALVERDE NO 1 WELL	TOM GRAHAM (3750) FIELD	46.0	DELHI GAS PIPELIN
-EAGLE PETROLEUM-J W KIRK INC				RECEIVED: 05/01/81 JA: TX			
R129403	30023	4246931631	102-4	HANNA #1	HANNA FIELD (PROPOSED)	0.0	INTRASTATE GATHER
-ECHO PRODUCTION INC				RECEIVED: 05/01/81 JA: TX			
R129569	32883	4223732316	103	RUTLEDGE #1	CUNCIFF SOUTH	73.0	LONE STAR GAS CO
-ENERGETICS INC				RECEIVED: 05/01/81 JA: TX			
R129612	33024	4214930636	102-2	ELIZABETH SCHWEMER #1 ID 13355	GIDDINGS (AUSTIN CHALK)	50.0	PHILLIPS PETROLEU
-ENRE CORP				RECEIVED: 05/01/81 JA: TX			
R129422	30937	4249731894	102-4	STRICKLAND #2	MONTEATH (ATOKA UPPER)	299.0	TEXAS UTILITIES F
-ENSERCH EXPLORATION INC				RECEIVED: 05/01/81 JA: TX			
*R129282	22324	4228531375	102-4	A J GUIDRY NO 1	SWEETHOME (EDWARDS)	792.0	VALERO TRANSMISSI
*R129282	22324	4228531375	103	A J GUIDRY NO 1	SWEETHOME (EDWARDS)	792.0	VALERO TRANSMISSI
*R129251	20710	4228531431	103	ALBERT SMOLIK NO 2	WORD N	0.0	VALERO TRANSMISSI
R129211	07444	4223732007	103	ALLISON YATES NO 4	LOONSVILLE (BCG)	115.0	LONE STAR GAS CO
R129513	32764	4226936379	102-2	EFFIE MAE HULL NO 1	BEAR GRASS	1082.0	UNITED GAS PIPELI
*R129212	07450	4221330156	103	FLOYD GOODGAME NO 2	TRI-CITIES (TRAVIS PEAK)	0.0	LONE STAR GAS CO
*R129293	22740	4228531457	103	M A POHL NO 2	WORD N	562.0	VALERO TRANSMISSI
R129292	22560	4201300000	103	L T URBANCZYK UNIT 2 NO 3-UT	FASHING	582.0	NATURAL GAS PIPEL
R129245	19490	4228531419	102-2	VLASTA SIMEK NO 1	SWEETHOME	900.0	VALERO TRANSMISSI
-ESENJAY PETROLEUM CORP				RECEIVED: 05/01/81 JA: TX			
R129268	21707	4212331044	102-4	HOT/-RANGNO. NO 1	HYNES (WILCOX 8100)	183.0	VALERO TRANSMISSI
-EXXON CORPORATION				RECEIVED: 05/01/81 JA: TX			
*R129428	31273	4236530900	107-TF	A L DAVIS #2	CARTHAGE (COTTON VALLEY)	646.0	ARMCO STEEL CORP
*R129429	31274	4236531055	107-TF	CARTHAGE GAS UNIT 2 RCSS 2	CARTHAGE (COTTON VALLEY)	800.0	ARMCO STEEL CORP
*R129435	31398	4236531056	107-TF	CARTHAGE GAS UNIT 32	CARTHAGE (COTTON VALLEY)	400.0	ARMCO STEEL CORP
R129416	30497	4233930471	103	CONROE FIELD UNIT #2715	CONROE	87.6	MORAN UTILITIES C
R129591	32972	4237133254	103	FORT STOCKTON UNIT #720	FT STOCKTON (YATES LOWER	221.0	NUECES CO
*R129510	32752	4200332526	103	FULLERTON CLEARFORK UNIT #1041	FULLERTON	13.0	PHILLIPS PETROLEU
*R129509	32751	4200332319	103	FULLERTON CLEARFORK UNIT #1317	FULLERTON	19.0	PHILLIPS PETROLEU
*R129508	32750	4200332405	103	FULLERTON CLEARFORK UNIT #1441	FULLERTON	5.0	PHILLIPS PETROLEU
*R129507	32748	4200332331	103	FULLERTON CLEARFORK UNIT #1733	FULLERTON	6.0	PHILLIPS PETROLEU
*R129506	32747	4200332332	103	FULLERTON CLEARFORK UNIT #1833	FULLERTON	8.0	PHILLIPS PETROLEU
*R129505	32746	4200332333	103	FULLERTON CLEARFORK UNIT #1941	FULLERTON	5.0	PHILLIPS PETROLEU
*R129504	32745	4200332329	103	FULLERTON CLEARFORK UNIT #2127	FULLERTON	2.0	PHILLIPS PETROLEU
*R129503	32744	4200332327	103	FULLERTON CLEARFORK UNIT #2233	FULLERTON	49.0	PHILLIPS PETROLEU
*R129587	32962	4200332395	103	FULLERTON CLEARFORK UNIT #2727	FULLERTON	44.0	PHILLIPS PETROLEU
*R129511	32753	4200332457	103	FULLERTON CLEARFORK UNIT #537	FULLERTON	20.0	PHILLIPS PETROLEU
*R129456	31493	4205930127	102-4	GENEVA STEVENS GAS UNIT #1	GLADEWATER (HAYNESVILLE)	0.0	ARMCO STEEL CORP
R129589	32964	4210332341	103	J R TURE A/C 1 #227L	SAND HILLS (TUBB)	15.0	EL PASO NATURAL G
R129585	32957	4210332402	103	J R TURE A/C 1 #237U	SAND HILLS (MCKNIGHT)	384.0	EL PASO NATURAL G

VOLUME 434 PAGE 004

	32856	4210332424	103	J P TURP A/C 1 #2390	SAND HILLS (MC KNIGHT)	67.0	EL PASO NATURAL G
*8129510	24539	4247330304	103	KATY GAS FLD CONSOL 4404L	KATY (11 AL)	200.8	UNITED TEXAS TRAN
8129296	23105	4224931027	103	KING RANCH SEELIGSON C-201 (86313)	TIJERINA-CANALES-BLUCHER	102.2	ARMCO STEEL CORP
*8129430	31275	4236530946	107-TF	L H PIRKLE C #3	CARTHAGE (COTTON VALLEY)	554.8	ARMCO STEEL CORP
8129286	32950	4200332363	103	MEANS/SAN ANDRES/ UNIT #862	MEANS	4.0	PHILLIPS PETROLEU
*8129434	31297	4215731114	102-4	PECAN GROVE ASSOCIATES #1	PECAN GROVE	400.0	ARMCO STEEL CORP
8129488	32963	4216531857	103	ROBERTSON CLEARFORK UNIT #1130	ROBERTSON N (CLEARFORK 7	21.0	PHILLIPS PETROLEU
8129490	32970	4216531847	103	SAM JENKINS F #3	JENKINS (SAN ANDRES)	3.0	PHILLIPS PETROLEU
*8129259	21356	4234730417	103	TRAWICK GAS UNIT 15 #3	TRAWICK (TRAVIS PEAK)	400.0	ARMCO STEEL CORP
*8129257	21350	4234730393	103	TRAWICK GAS UNIT 19 #3	TRAWICK (TRAVIS PEAK)	388.2	ARMCO STEEL CORP
*8129258	21354	4234730130	103	TRAWICK GAS UNIT 21 #3	TRAWICK (TRAVIS PEAK)	200.0	ARMCO STEEL CORP
*8129256	21344	4234730435	103	TRAWICK GAS UNIT 25 #2L	TRAWICK (TRAVIS PEAK)	450.0	ARMCO STEEL CORP
*8129291	22424	4220130970	103	WEBSTER FIELD UNIT #2768	WEBSTER	109.0	HOUSTON PIPELINE
-FLORIDA GAS EXPLORATION COMPANY			RECEIVED: 05/01/81 JA: TX				
8129305	24139	4243532320	103	HUNT NO 1	(UNNAMED CANYON SAND)	140.0	
8129305	24139	4243532320	107-TF	HUNT NO 1	(UNNAMED CANYON SAND)	140.0	
-FOREST OIL CORPORATION			RECEIVED: 05/01/81 JA: TX				
8129532	32818	4211531417	103	SCHOOLER NO 1 (RRC ID NC 63104)	JO HILL (SPRAYBERRY)	13.0	TEXACO INC
-GAGE & CO			RECEIVED: 05/01/81 JA: TX				
8129613	33035	4223733241	103	CHAMBERS ET AL #2 (91727)	JUPITER (CONGLOMERATE 3R	0.0	SOUTHWESTERN GAS
8129614	33036	4223733231	103	STEPHENS A #1 (91708)	JUPITER (CONGL 3RD)	0.0	SOUTHWESTERN GAS
-GENE POWELL			RECEIVED: 05/01/81 JA: TX				
8129420	30876	4240130852	107-TF	GLADNEY GAS UNIT WELL #1 (86849)	OAK HILL (COTTON VALLEY)	240.0	UNITED GAS PIPE L
-GEODYNAMICS OIL & GAS			RECEIVED: 05/01/81 JA: TX				
8129530	32853	4205131072	102-2	HYVL UNIT NO 1	CALDWELL (AUSTIN CHALK)	162.0	CHAMPLIN PETROLEU
-GETTY OIL COMPANY			RECEIVED: 05/01/81 JA: TX				
8129246	20049	4207900008	103	C S DEAN A UNIT NO 140-A	SLAUGHTER	15.0	AMOCO PRODUCTION
8129307	24262	4250131829	102-C	L D WEBB #2-C	BRAHANEY - DEVONIAN	0.0	SHELL OIL CO
8129308	24263	4250131807	102-C	L F WEBB #1-C	BRAHANEY-DEVONIAN	0.0	SHELL OIL CO
8129248	20198	4215500011	103	NEW HOPE DEEP UNIT #4-5-C	NEW HOPE (DEEP)	253.0	TEXAS UTILITIES F
-GOLDKINC PRODUCTION COMPANY			RECEIVED: 05/01/81 JA: TX				
8129270	21768	4208931100	102-4	JACKSON NC 2-T 86552	EATON (MIOCENE 2200)	165.0	HOUSTON PIPE LINE
8129418	30832	4224130336	102-C	LANIER NO 1	S E CALL	30.0	HOUSTON PIPE LINE
-GRACE PETROLEUM CORPORATION			RECEIVED: 05/01/81 JA: TX				
8129393	29565	4236530993	107-TF	CAPPS #1	CARTHAGE (COTTON VALLEY)	3.0	UNITED GAS PIPELI
8129350	26973	4228930367	102-4	M B FULLEN NO 1	BEAR GRASS (TRAVIS PEAK)	375.0	DELHI GAS PIPELIN
-GULF OIL CORPORATION			RECEIVED: 05/01/81 JA: TX				
8129218	12082	4200130430	103	JAKER UNIT I WELL #1 12107	KURTEN (WOODBINE)	18.0	PRODUCERS GAS CO
8129216	12077	4200130078	103	DRB UNIT II WELL #1	KURTEN (WOODBINE)	22.0	PRODUCERS GAS CO
8129583	32943	4213532425	103	GOLDSMITH SAN ANDRES UNIT NO 2-169	GOLDSMITH	11.5	PHILLIPS PETROLEU
8129217	12081	4200130384	103	HUMPHRIES UNIT III WELL #1	KURTEN (WOODBINE)	2.0	PRODUCERS GAS CO
8129219	12099	4200130356	103	LENZ UNIT I WELL #1	KURTEN (WOODBINE)	5.0	PRODUCERS GAS CO
8129446	31536	4217900000	108	REST # 19	PANHANDLE GRAY	4.0	KERR MCGEE CORP
*8129492	32615	4201331140	103	W T HURT ETAL NO 4	FASKEN (EDWARDS LIME A)	200.0	NATURAL GAS PIPEL
-GULFSTREAM PETROLEUM CORP			RECEIVED: 05/01/81 JA: TX				
8129317	25179	4217531400	102-4	DESMOND R PEREIRA NO 2	DIAL (3380 HOCKLEY)	146.0	UNITED GAS PIPE L
-GUPTON GAS CO			RECEIVED: 05/01/81 JA: TX				
8129274	21884	4236700000	103	JONES-EDWARDS #6	COLEEN (STRAWN)	96.0	SOUTHWESTERN GAS
-HAROLD D COURSON			RECEIVED: 05/01/81 JA: TX				
8129223	16586	4255700000	108	MAY LEE #1	FARNSWORTH S E /CLEVELAN	2.4	DIAMOND SHAMROCK
-HERD PRODUCING COMPANY INC			RECEIVED: 05/01/81 JA: TX				
*8129425	30948	4239530220	107-TF	FLOYD TURNER GAS UNIT NO 1	BALD PRAIRIE (CV-LIME)	600.0	TEXAS UTILITIES F
-HIGHLAND RESOURCES INC			RECEIVED: 05/01/81 JA: TX				

VOLUME 434 PAGE 005

8129353	27010	4200130838	102-4	HANKS ET AL UNIT II WELL NO 1	BLACKFOOT (NORTH) ROUSS	180.0	LONE STAR GAS CO
8129354	27011	4200130839	102-4	HANKS ET AL UNIT II WELL NO 2	BLACKFOOT (NORTH) ROUSS	180.0	LONE STAR GAS CO
8129355	27012	4200130840	102-4	HANKS ET AL UNIT II WELL NO 3	BLACKFOOT (NORTH) ROUSS	180.0	LONE STAR GAS CO

OPERATOR	LEASE	API	RRC DIST WELL INFO	FIELD NAME	PROD	PURCHASER
8129253	27010	4200130834	102-4 HANKS ET AL UNIT II WELL NO 1	BLACKFOOT (NORTH) RODESS	180.0	LONE STAR GAS CO
8129251	27008	4200103969	102-4 HANKS ET AL UNIT III WELL NO 1	BLACKFOOT NORTH (RODESSA	180.0	LONE STAR GAS CO
8129252	27009	4200130915	102-4 HANKS ET AL WELL NO 1	BLACKFOOT (NORTH) RODESS	180.0	LONE STAR GAS CO
-HILL PRODUCTION CO			RECEIVED: 05/01/81 JA: TX			
8129215	11469	4215130931	102-4 J W WICKHAM WELL #1	WICKHAM (PALO PINTO)	284.7	PALO DURO PIPELIN
-HINTON PRODUCTION COMPANY			RECEIVED: 05/01/81 JA: TX			
8129463	31850	4237330474	102-4 CARTER BROS NO 1	DAMASCUS (WOODBINE 9330)	500.0	ST REGIS PAPER CO
-HNG OIL COMPANY			RECEIVED: 05/01/81 JA: TX			
8129496	32593	4243532262	103 MORRISS 64-2 (88371)	SAWYER/CANYON/	14.6	INTRATEX GAS CO
8129486	32593	4243532262	107-TF MORRISS 64-3 (88371)	SAWYER/CANYON/	14.6	INTRATEX GAS CO
8129489	32597	4243532357	103 RICHARDSON 138-2 (89760)	SAWYER/CANYON/	43.8	INTRATEX GAS CO
8129489	32597	4243532357	107-TF RICHARDSON 138-2 (89760)	SAWYER/CANYON/	43.8	INTRATEX GAS CO
8129493	32692	4243532358	103 RICHARDSON 138-3 (89785)	SAWYER/CANYON/	62.1	INTRATEX GAS CO
8129493	32692	4243532358	107-TF RICHARDSON 138-3 (89785)	SAWYER/CANYON/	62.1	INTRATEX GAS CO
8129494	32701	4243532328	103 SAWYER 4-3 (89419)	SAWYER/CANYON/	36.5	INTRATEX GAS CO
8129494	32701	4243532328	107-TF SAWYER 4-3 (89419)	SAWYER/CANYON/	36.5	INTRATEX GAS CO
8129495	32703	4243532323	103 SIMMONS 3-1 (88167)	SAWYER/CANYON/	87.6	INTRATEX GAS CO
8129495	32703	4243532323	107-TF SIMMONS 3-1 (88167)	SAWYER/CANYON/	87.6	INTRATEX GAS CO
8129484	32591	4243532379	103 VANDERSTUCKEN 45-2 (90823)	SAWYER/CANYON/	146.0	INTRATEX GAS CO
8129484	32591	4243532379	107-TF VANDERSTUCKEN 45-2 (90823)	SAWYER/CANYON/	146.0	INTRATEX GAS CO
8129488	32595	4243532285	103 WADE 35-2 (87262)	SAWYER/CANYON/	62.1	INTRATEX GAS CO
8129488	32595	4243532285	107-TF WADE 35-2 (87262)	SAWYER/CANYON/	62.1	INTRATEX GAS CO
8129485	32592	4243532284	103 WADE 52-1 (89082)	SAWYER/CANYON/	146.0	INTRATEX GAS CO
8129485	32592	4243532284	107-TF WADE 52-1 (89082)	SAWYER/CANYON/	146.0	INTRATEX GAS CO
8129487	32594	4243532282	103 WADE 53-1 (89083)	SAWYER/CANYON/	2.6	INTRATEX GAS CO
8129487	32594	4243532282	107-TF WADE 53-1 (89083)	SAWYER/CANYON/	2.6	INTRATEX GAS CO
8129490	32598	4243532283	103 WADE 53-2 (89084)	SAWYER/CANYON/	20.4	INTRATEX GAS CO
8129490	32598	4243532283	107-TF WADE 53-2 (89084)	SAWYER/CANYON/	20.4	INTRATEX GAS CO
-HOU-TEX OIL & GAS CO			RECEIVED: 05/01/81 JA: TX			
8129404	30110	4240100000	107-TF W A YANDLE ESTATE NO 1	HENDERSON NORTH (COTTON	730.0	DELHI GAS PIPELIN
-HUGHES & HUGHES			RECEIVED: 05/01/81 JA: TX			
8129497	032726	4247932882	103 G H & G A COX A NO 4	LAS TIENDAS (WILCOX)	273.8	HOUSTON PIPE LINE
-HUGHES & HUGHES OIL AND GAS			RECEIVED: 05/01/81 JA: TX			
8129498	32727	4247932879	103 GEASLEY-CONNEVEY #12	LAS TIENDAS (WILCOX)	273.0	HOUSTON PIPE LINE
8129499	32728	4247932880	103 GEASLEY-CONNEVEY #13	LAS TIENDAS (WILCOX)	164.3	HOUSTON PIPE LINE
8129500	32729	4228730661	103 ELO MUELLER UNIT #1	GIDDINGS (AUSTIN CHALK)	400.0	CLAJON GAS CO
-HUMBLE EXPLORATION CO INC			RECEIVED: 05/01/81 JA: TX			
8129273	21868	4247730334	102-2 BETH DIANE #1 - 12762	GIDDINGS	22.0	PHILLIPS PETROLEU
8129273	21868	4247730334	103 BETH DIANE #1 - 12762	GIDDINGS	22.0	PHILLIPS PETROLEU
8129272	21867	4247730315	102-4 HIPPOLYTE #1 WELL / 85840	GIDDINGS	858.5	PHILLIPS PETROLEU
8129272	21867	4247730315	103 HIPPOLYTE #1 WELL / 85840	GIDDINGS	858.5	PHILLIPS PETROLEU
8129281	22135	4214930321	102-2 JACKIE SIMPSON - 12237	GIDDINGS	49.0	PHILLIPS PETROLEU
8129281	22135	4214930321	103 JACKIE SIMPSON - 12237	GIDDINGS	49.0	PHILLIPS PETROLEU
8129262	21500	4228730382	102-4 JOYCE ROGERS - 86219	GIDDINGS	826.7	PHILLIPS PETROLEU
8129262	21500	4228730382	103 JOYCE ROGERS - 86219	GIDDINGS	826.7	PHILLIPS PETROLEU
8129314	24885	4214930621	102-2 LINDA ANN MORGAN	GIDDINGS	27.0	PHILLIPS PETROLEU
8129314	24885	4214930621	103 LINDA ANN MORGAN	GIDDINGS	27.0	PHILLIPS PETROLEU
8129264	21502	4228730459	102-2 MARY KAY - 12262	GIDDINGS	377.8	PHILLIPS PETROLEU
8129264	21502	4228730459	103 MARY KAY - 12262	GIDDINGS	377.8	PHILLIPS PETROLEU
8129263	21501	4214930316	102-2 PATRICK LEE -12295	GIDDINGS	25.5	PHILLIPS PETROLEU
8129263	21501	4214930316	103 PATRICK LEE -12295	GIDDINGS	25.5	PHILLIPS PETROLEU
8129582	32939	4228730812	102-2 RHONDA K #1 - 13786	GIDDINGS - AUSTIN CHALK	1044.0	PHILLIPS PETROLEU
8129582	32939	4228730812	103 RHONDA K #1 - 13786	GIDDINGS - AUSTIN CHALK	1044.0	PHILLIPS PETROLEU

					VOLUME 434	PAGE 366		
8129365	27547	4214930668	102-2	ROBBIE BYLER #1-	GIDDINGS	155.0	PHILLIPS PETROLEU	
8129365	27547	4214930668	103	ROBBIE BYLER #1-	GIDDINGS	155.0	PHILLIPS PETROLEU	
8129269	21776	4247730328	102-2	SHIRLEY RUTHVEN #1 - 12741	GIDDINGS	288.0	PHILLIPS PETROLEU	
8129269	21776	4247730328	103	SHIRLEY RUTHVEN #1 - 12741	GIDDINGS	288.0	PHILLIPS PETROLEU	
8129299	23348	4214930403	102-2	SUE JOHNS #1 - 13042	GIDDINGS (AUSTIN CHALK)	365.0	PHILLIPS PETROLEU	
8129299	23348	4214930403	103	SUE JOHNS #1 - 13042	GIDDINGS (AUSTIN CHALK)	365.0	PHILLIPS PETROLEU	
8129297	23179	4214930469	102-2	SUSAN LUECKE #1 - 13240	GIDDINGS - AUSTIN CHALK	103.0	PHILLIPS PETROLEU	
8129297	23179	4214930469	103	SUSAN LUECKE #1 - 13240	GIDDINGS - AUSTIN CHALK	103.0	PHILLIPS PETROLEU	
8129235	19250	4228700000	102-2	SUSIE HOOTKINS #1 - 11971	GIDDINGS	316.0	PHILLIPS PETROLEU	
8129235	19250	4228700000	103	SUSIE HOOTKINS #1 - 11971	GIDDINGS	316.0	PHILLIPS PETROLEU	
8129300	23350	4214900000	102-2	VLASTA RICHTER #1-	GIDDINGS	0.0	PHILLIPS PETROLEU	
8129300	23350	4214900000	103	VLASTA RICHTER #1-	GIDDINGS	0.0	PHILLIPS PETROLEU	
-INTEGRAL ENERGY CORP				RECEIVED: 05/01/81 JA: TX				
8129238	19510	4232130530	103	STATE TRACT 157 #1	MATAGORDA BAY BLK 173 (2	105.0	DOW CHEMICAL U S	
-INTERNATIONAL OIL & GAS CORP				RECEIVED: 05/01/81 JA: TX				
8129260	21436	4210532141	102-2	DUDLEY 1-1	DUDLEY (DEVONIAN)	252.0	DELHI GAS PIPELIN	
8129275	21885	4210531803	102-2	DUDLEY 2 #1	DUDLEY (DEVONIAN)	121.0	DELHI GAS PIPELIN	
8129375	24242	4210532682	103	INGHAM 3R #1 069493	INGHAM (DEVONIAN)	0.0	EL PASO NATURAL G	
-INTERNORTH INC				RECEIVED: 05/01/81 JA: TX				
8129232	18914	4237131844	107-DF	HERSHENSON #1-S	WILDCAT	0.0	NORTHERN NATURAL	
8129222	25476	4221131149	103	PRATER #1-39	*KISCOE-MORROW	420.0	INTERNORTH INC	
-J CLEO THOMPSON				RECEIVED: 05/01/81 JA: TX				
8129410	30453	4243532241	107-TF	MAYER #1	SAWYER (CANYON)	474.0	NORTHERN NATURAL	
8129411	30454	4243532314	107-TF	MAYER #3	SAWYER CANYON	0.0	NORTHERN NATURAL	
8129412	30455	4241330845	107-TF	ROUSSELOT A 1	SAWYER (CANYON)	182.6	NORTHERN NATURAL	
8129413	30456	4241330858	107-TF	ROUSSELOT A 2	SAWYER (CANYON)	255.0	NORTHERN NATURAL	
8129414	30457	4210532977	107-TF	UNIVERSITY 29-1	OZONA (CANYON SAND)	0.0	PHILLIPS PETROLEU	
8129427	31257	4210500000	102-4	UNIVERSITY 35E-2	UNIVERSITY 31 (QUEEN)	9.0	PHILLIPS PETROLEU	
8129415	30472	4210532924	107-TF	UNIVERSITY 36-1	OZONA CANYON SAND	65.0	PHILLIPS PETROLEU	
-J M HUBER CORPORATION				RECEIVED: 05/01/81 JA: TX				
8129477	32465	4234100000	108	FULLER NO 7	PANHANDLE	85.0	COLORADO INTERSTA	
8129478	32466	4234100000	108	FULLER NO 8	PANHANDLE	85.0	COLORADO INTERSTA	
-JAMES K ANDERSON INC				RECEIVED: 05/01/81 JA: TX				
8129466	31962	4244131685	102-4	BETTIS L NO 1	E J SOUTH (FRY)	15.0	UNION TEXAS PETRO	
-JAMES M FORGOTSON				RECEIVED: 05/01/81 JA: TX				
8129468	31973	4245930444	107-TF	VERA ROSS ET AL GAS UNIT WELL NO 1	ROSEWOOD (HOSSTON-COTTON	200.0	ADVANCE TRANSPORT	
-JATAM INC				RECEIVED: 05/01/81 JA: TX				
8129571	32495	4243130928	103	JATAM INC KNIGHT - 142 (A2)	JAMESON (STRAWN)	48.0	SUN OIL CO	
-JENNINGS EXPLORATION CO				RECEIVED: 05/01/81 JA: TX				
8129447	31561	4250731288	102-4	NO 2 H&F PROPERTIES C 90265	ALLIGATOR SLOUGH (OLMOS)	116.0	VALERO TRANSMISSI	
-JOHN A NEWMAN				RECEIVED: 05/01/81 JA: TX				
8129473	32122	4208300000	108	MORRIS 30 # 3 (22804)	ZENO (MORRIS)	7.0	EL PASO NATURAL G	
-JOHN DEETER				RECEIVED: 05/01/81 JA: TX				
8129377	28391	4235531561	102-4	MILLNER GAS UNIT WELL NO 1	BRAYTON (1600)	90.0	HOUSTON PIPELINE	
-JOHN L COX				RECEIVED: 05/01/81 JA: TX				
8129335	25598	4246131579	103	DOLLIE #1 RRC # NA	BENEDUM (FUSSELMAN)	26.0	UNION TEXAS PETRO	
-JOHN R THOMPSON OPERATING INC				RECEIVED: 05/01/81 JA: TX				
8129209	01728	4246900000	103	C K MCCAN #1	KAY CREEK (2000)	91.3	TENNESSEE GAS PIP	
8129208	01727	4246900000	103	HENRY H HUBER # 1	MCKENZIE	127.8	TENNESSEE GAS PIP	
8129207	01720	4239100000	103	J F WELDER HEIRS # A-1	VIDAURI (5050)	91.3	TRANSCONTINENTAL	
8129206	01719	4239100000	103	J F WELDER HEIRS #1	GRETA (L-5)	91.3	NATURAL GAS PIPEL	
-JOHNNY G JONES				RECEIVED: 05/01/81 JA: TX				
8129239	19560	4213500000	108	J E PARKER NO 1	HARPER FIELD	2.0	PHILLIPS PETROLEU	

					VOLUME 434	PAGE 367		
8129240	19561	4213500000	108	J E PARKER NO 2	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129241	19562	4213500000	108	J E PARKER NO 4	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129242	19563	4213500000	108	J E PARKER NO 5	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129243	19564	4213500000	108	J E PARKER NO 6	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129244	19565	4213500000	108	J E PARKER NO 7	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129245	19566	4213500000	108	J E PARKER NO 8	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129246	19567	4213500000	108	J E PARKER NO 9	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129247	19568	4213500000	108	J E PARKER NO 10	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129248	19569	4213500000	108	J E PARKER NO 11	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129249	19570	4213500000	108	J E PARKER NO 12	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129250	19571	4213500000	108	J E PARKER NO 13	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129251	19572	4213500000	108	J E PARKER NO 14	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129252	19573	4213500000	108	J E PARKER NO 15	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129253	19574	4213500000	108	J E PARKER NO 16	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129254	19575	4213500000	108	J E PARKER NO 17	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129255	19576	4213500000	108	J E PARKER NO 18	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129256	19577	4213500000	108	J E PARKER NO 19	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129257	19578	4213500000	108	J E PARKER NO 20	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129258	19579	4213500000	108	J E PARKER NO 21	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129259	19580	4213500000	108	J E PARKER NO 22	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129260	19581	4213500000	108	J E PARKER NO 23	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129261	19582	4213500000	108	J E PARKER NO 24	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129262	19583	4213500000	108	J E PARKER NO 25	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129263	19584	4213500000	108	J E PARKER NO 26	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129264	19585	4213500000	108	J E PARKER NO 27	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129265	19586	4213500000	108	J E PARKER NO 28	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129266	19587	4213500000	108	J E PARKER NO 29	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129267	19588	4213500000	108	J E PARKER NO 30	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129268	19589	4213500000	108	J E PARKER NO 31	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129269	19590	4213500000	108	J E PARKER NO 32	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129270	19591	4213500000	108	J E PARKER NO 33	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129271	19592	4213500000	108	J E PARKER NO 34	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129272	19593	4213500000	108	J E PARKER NO 35	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129273	19594	4213500000	108	J E PARKER NO 36	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129274	19595	4213500000	108	J E PARKER NO 37	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129275	19596	4213500000	108	J E PARKER NO 38	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129276	19597	4213500000	108	J E PARKER NO 39	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129277	19598	4213500000	108	J E PARKER NO 40	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129278	19599	4213500000	108	J E PARKER NO 41	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129279	19600	4213500000	108	J E PARKER NO 42	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129280	19601	4213500000	108	J E PARKER NO 43	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129281	19602	4213500000	108	J E PARKER NO 44	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129282	19603	4213500000	108	J E PARKER NO 45	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129283	19604	4213500000	108	J E PARKER NO 46	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129284	19605	4213500000	108	J E PARKER NO 47	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129285	19606	4213500000	108	J E PARKER NO 48	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129286	19607	4213500000	108	J E PARKER NO 49	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129287	19608	4213500000	108	J E PARKER NO 50	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129288	19609	4213500000	108	J E PARKER NO 51	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129289	19610	4213500000	108	J E PARKER NO 52	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129290	19611	4213500000	108	J E PARKER NO 53	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129291	19612	4213500000	108	J E PARKER NO 54	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129292	19613	4213500000	108	J E PARKER NO 55	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129293	19614	4213500000	108	J E PARKER NO 56	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129294	19615	4213500000	108	J E PARKER NO 57	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129295	19616	4213500000	108	J E PARKER NO 58	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129296	19617	4213500000	108	J E PARKER NO 59	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129297	19618	4213500000	108	J E PARKER NO 60	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129298	19619	4213500000	108	J E PARKER NO 61	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129299	19620	4213500000	108	J E PARKER NO 62	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129300	19621	4213500000	108	J E PARKER NO 63	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129301	19622	4213500000	108	J E PARKER NO 64	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129302	19623	4213500000	108	J E PARKER NO 65	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129303	19624	4213500000	108	J E PARKER NO 66	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129304	19625	4213500000	108	J E PARKER NO 67	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129305	19626	4213500000	108	J E PARKER NO 68	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129306	19627	4213500000	108	J E PARKER NO 69	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129307	19628	4213500000	108	J E PARKER NO 70	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129308	19629	4213500000	108	J E PARKER NO 71	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129309	19630	4213500000	108	J E PARKER NO 72	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129310	19631	4213500000	108	J E PARKER NO 73	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129311	19632	4213500000	108	J E PARKER NO 74	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129312	19633	4213500000	108	J E PARKER NO 75	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129313	19634	4213500000	108	J E PARKER NO 76	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129314	19635	4213500000	108	J E PARKER NO 77	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129315	19636	4213500000	108	J E PARKER NO 78	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129316	19637	4213500000	108	J E PARKER NO 79	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129317	19638	4213500000	108	J E PARKER NO 80	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129318	19639	4213500000	108	J E PARKER NO 81	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129319	19640	4213500000	108	J E PARKER NO 82	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129320	19641	4213500000	108	J E PARKER NO 83	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129321	19642	4213500000	108	J E PARKER NO 84	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129322	19643	4213500000	108	J E PARKER NO 85	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129323	19644	4213500000	108	J E PARKER NO 86	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129324	19645	4213500000	108	J E PARKER NO 87	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129325	19646	4213500000	108	J E PARKER NO 88	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129326	19647	4213500000	108	J E PARKER NO 89	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129327	19648	4213500000	108	J E PARKER NO 90	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129328	19649	4213500000	108	J E PARKER NO 91	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129329	19650	4213500000	108	J E PARKER NO 92	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129330	19651	4213500000	108	J E PARKER NO 93	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129331	19652	4213500000	108	J E PARKER NO 94	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129332	19653	4213500000	108	J E PARKER NO 95	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129333	19654	4213500000	108	J E PARKER NO 96	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129334	19655	4213500000	108	J E PARKER NO 97	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129335	19656	4213500000	108	J E PARKER NO 98	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129336	19657	4213500000	108	J E PARKER NO 99	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129337	19658	4213500000	108	J E PARKER NO 100	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129338	19659	4213500000	108	J E PARKER NO 101	HARPER FIELD	2.0	PHILLIPS PETROLEU	
8129339	19660	4213500000	108	J E PARKER NO 102	HARPER FIELD	2.0	PHILLIPS PETROLEU	

8129240	19561	4213500000	108	J E PARKER NO 2	HARPER FIELD	2.0	PHILLIPS PETROLEU
8129241	19562	4213500000	108	J E PARKER NO 4	HARPER FIELD	2.0	PHILLIPS PETROLEU
8129242	19563	4213500000	108	J E PARKER NO 6	HARPER FIELD	2.0	PHILLIPS PETROLEU
8129254	21080	4238300000	108	S R LEESON NO 1	SPRAYBERRY TREND AREA	5.0	EL PASO NATURAL G
				RECEIVED: 05/01/81 JA: TX			
-JOJON PETROLEUM CO			102-2	CLARA DRISCOLL NO 1 81045			
8129214	10960	4235531170		RECEIVED: 05/01/81 JA: TX	CLARA DRISCOLL NW (5660)	9.0	TENNESSEE GAS PIP
-KAISER-FRANCIS OIL COMPANY			108	S E OLDAKER UNIT			
8129455	31688	4242100000	108	PENTIE HAMILTON NO 1	TEXAS HUGOTON	19.0	PHILLIPS PETROLEU
8129453	31692	4242100000	108	WHORTON B	TEXAS HUGOTON	19.0	PHILLIPS PETROLEU
8129454	31683	4242100000		RECEIVED: 05/01/81 JA: TX	TEXAS HUGOTON	19.0	PHILLIPS PETROLEU
-KEITH D GRAHAM			102-2	OPPENMANN EMIL #2 IL-12454			
8129574	32408	4205131179		RECEIVED: 05/01/81 JA: TX	GIDDINGS (AUSTIN CHALK)	145.3	CHAMPLIN PETROLEU
-LEAR PETROLEUM CORPORATION			108	POLK LEASE (WELL NO 5			
8129213	10354	4208700000		RECEIVED: 05/01/81 JA: TX	EAST PANHANDLE	0.4	EL PASO NATURAL G
-LEEDE OIL & GAS INC			102-2	HEFLEY GAS UNIT NO 1			
8129220	15247	4248830611		RECEIVED: 05/01/81 JA: TX	WILDCAT/UNDESIGNATED FIE	1095.0	PALO DURO PIPELIN
-LEWIS B BURLESON INC			102-4	PIONEER #1			
8129611	32020	4237133168		RECEIVED: 05/01/81 JA: TX	WEST BELDING YATES	120.0	APACHE GAS CORP
-MAGNUM RESOURCES INC			103	WACO #1 19856			
8129407	30255	4250335815		RECEIVED: 05/01/81 JA: TX	KNOX (BASAL CADDO)	36.5	SUN GAS GATHERING
-MARSHALL EXPLORATION INC			102-4	DUNAWAY C #4			
8129304	24982	4236332370	103	FLEWELLEN #1-LT	WILDCAT	300.0	SOUTHWESTERN GAS
8129367	27659	4218330432	107-TF	FLEWELLEN #1-LT	WILLOW SPRINGS (COTTON V	300.0	UNITED GAS PIPELI
8129367	27659	4218330432	102-4	J G DAVIS A #2	WILLOW SPRINGS (COTTON V	300.0	UNITED GAS PIPELI
8129303	25965	4236332215		RECEIVED: 05/01/81 JA: TX	BRANSON N (BIG SALINE)	365.0	SOUTHWESTERN GAS
-MAURICE L BROWN CO			108	BLOCKER - WAKE GAS UNIT #1			
8129450	31956	4220300000	108	BRANSON GREEN GAS UNIT #1	BLOCKER	21.0	UNITED GAS PIPE L
8129449	31579	4220300000	108	SCOTT GAS UNIT #1	BLOCKER	2.5	UNITED GAS PIPE L
8129581	32935	4220300000	108	TIMMINS GAS UNIT #C-1	BETHANY	21.0	UNITED GAS PIPE L
8129451	31583	4220300000		RECEIVED: 05/01/81 JA: TX	BETHANY	17.0	TENNECO INC
-MCALESTER FUEL COMPANY			102-4	KORKFUEHRER #1 09 1532			
8129472	32106	4246531650		RECEIVED: 05/01/81 JA: TX	MISSION VALLEY (9050 WIL	73.0	
-MCCORMICK OPERATING CO			103-4	GEORGE CAVE #1			
8129358	27283	4231732044		RECEIVED: 05/01/81 JA: TX	J L M (MISSISSIPPIAN)	100.0	NORTHERN NATURAL
-MCGOLDRICK OIL COMPANY			102-3	WERP GAS UNIT #1			
8129347	26551	4240130836	107-TF	WERP GAS UNIT #1	CYRIL (COTTON VALLEY)	584.0	UNITED GAS PIPE L
8129347	26551	4240130836		RECEIVED: 05/01/81 JA: TX	CYRIL (COTTON VALLEY)	584.0	UNITED GAS PIPE L
-MCMAHON-BULLINGTON DRLG CO			108	WOODY B - 2 72599			
8129458	31695	4236700000		RECEIVED: 05/01/81 JA: TX	DICEY (CONGLOMERATE)	8.0	TEXAS UTILITIES F
-MCMORAN EXPLORATION CO			102-4	STATE TRACT 472 WELL NO 1			
8129481	32544	4235531681		RECEIVED: 05/01/81 JA: TX	ENCINAL CHANNEL NE (L-2)	500.0	UNITED GAS PIPE L
-MGF OIL CORP			103	FREEMAN #1			
8129479	32527	4211531429	103	FREEMAN A #1	TEX-HAMON (DEAN)	24.7	ADOBE OIL & GAS C
8129483	32579	4211531443	103	CATES #1 (65126)	TEX-HAMON (DEAN)	24.5	
8129470	32088	4227332284	103	STIMSON-BURLEY B #2 26188	ACKERLY (DEAN SAND)	30.8	TEXACO INC
8129580	32530	4232930899		RECEIVED: 05/01/81 JA: TX	SPRAYBERRY (TREND AREA)	1090.8	NORTHERN NATURAL
-MITCHELL ENERGY CORPORATION			108	BUD BAILEY #1			
8129596	32984	4249700000	108	C B EDMONSON #10	HOCKSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
8129598	32990	4236300003	108	C B EDMONSON #11	BRAZOS (STRAWN)	0.0	SOUTHWESTERN GAS
8129603	33002	4236300000	108	C B EDMONSON #17	BRAZOS (STRAWN)	0.0	SOUTHWESTERN GAS
8129607	33006	4236300000	108	C B EDMONSON #2	BRAZOS (STRAWN)	0.0	SOUTHWESTERN GAS
8129606	33005	4236300000	108	C B EDMONSON #7	BRAZOS (STRAWN)	0.0	SOUTHWESTERN GAS
8129604	33003	4236300000			BRAZOS (STRAWN)	0.0	SOUTHWESTERN GAS

						VOLUME 434	PAGE 008	
						FIELD NAME	PROD	PURCHASER
8129305	32600	4206500000	108	GARNER WARE #1 00074		BRAZOS (STRAWN)	0.0	SOUTHWESTERN GAS
8129308	29549	4206500000	108	GARNER WARE #2 00074		BRAZOS (STRAWN)	0.0	SOUTHWESTERN GAS
8129395	29596	4206500000	108	GARNER WARE #4 00074		BOONESVILLE (BEND CONGL	585.3	NATURAL GAS PIPEL
8129397	29598	4206500000	108	GARNER WARE #5 00074		BUCK RANCH (STRAWN)	0.0	SOUTHWESTERN GAS
8129396	29597	4206500000	108	GARNER WARE #7 #00074		RHOME (ATOKA)	0.0	NATURAL GAS PIPEL
-PARAFFINE OIL CORP				RECEIVED: 05/01/81 JA: TX		BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
8129371	27961	4205700000	103	KEERAN NO 2		MORRIS (CONSOLIDATED CON	60.0	NATURAL GAS PIPEL
-PATRICK STEPHEN NIEDORF				RECEIVED: 05/01/81 JA: TX		RHOME (CADDO)	75.0	
8129244	19750	4249330467	103	WALTER M CARR #1 ID# 85689		BOONESVILLE (BEND CONGL	12.4	NATURAL GAS PIPEL
8129243	19749	4249330571	103	WAYNE REAMS #1 ID# 85690		BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 05/01/81 JA: TX		WEATHERFORD (MARBLE FALL	0.0	SOUTHWESTERN GAS
8129386	29097	4221131135	107-EP	ALEXANDER D #4		BOONESVILLE (BEND CONGL	650.0	NATURAL GAS PIPEL
8129230	17950	4249700000	108	BLANTON A #1		GREENWOOD (CADDO)	29.0	NATURAL GAS PIPEL
8129266	21669	4203300003	108	RANCH E NO 6		BOONSVILLE (BEND CONGL G	0.0	SOUTHWESTERN GAS
-PIPELINE SERVICES INC				RECEIVED: 05/01/81 JA: TX		BARROW (STRAWN)	3.5	NATURAL GAS PIPEL
8129356	27213	4250300003	103	HARELL RUTHERFORD		PEEK (CADDO LIME)	13.0	
8129355	27194	4250300003	103	SCHLITTLER 20232		BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
-PYRAMID EXPLORATION				RECEIVED: 05/01/81 JA: TX		BOONSVILLE (BEND CONGL)	15.0	NATURAL GAS PIPEL
8129385	29047	4249731817	103	RAYMOND STEVENS #20		GREENWOOD (CADDO)	13.0	NATURAL GAS PIPEL
8129369	27901	4249700000	108	SAM KIKER #1 28713		BOONSVILLE (BEND CONGL G	10.0	NATURAL GAS PIPEL
8129599	32996	4249700000	108	STACK ESTATE #1		BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
8129306	24252	4249731655	103	W T METTS #CL 88288		LEFTWICK (UPPER ATOKA CO	72.0	NATURAL GAS PIPEL
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 05/01/81 JA: TX				
8129475	32231	4235330996	102-4	E B BRIDGEFORD NO 1		WHITE HAT NW (ELLENBURGE	32.1	UNION TEXAS PETRO
8129456	32706	4216571263	103	RUSSELL (7000 CLEARFORK) UNIT #221		RUSSELL (CLEARFORK 7000)	4.7	PIONEER NATURAL G
-MOLE OPERATING COMPANY INC				RECEIVED: 05/01/81 JA: TX				
8129572	33004	4248100000	102-4	KOENIG NO 1		MARIA	0.0	FLORIDA GAS TRANS
-MULKEY ENGINEERING CO INC				RECEIVED: 05/01/81 JA: TX				
8129233	19061	4218100000	103	LOGSTON-GRAYSON COUNTY UNIT NO 1		SHERMAN (DAVIS)	150.0	LONE STAR GAS CO
-MURJO OIL & ROYALTY CO				RECEIVED: 05/01/81 JA: TX				
8129402	29915	4203673065	106	LADE-CARR B #1		BRAZOS EAST (CADDO)	14.0	LONE STAR GAS CO
-MUSTANG EXPLORATION CO INC				RECEIVED: 05/01/81 JA: TX				
8129344	26522	4212330960	102-4	BENNETT UNIT #1		MEYERSVILLE (FRIO 2200)	120.0	SUNBURST ENERGIES
-NEUMIN PRODUCTION CO				RECEIVED: 05/01/81 JA: TX				
*8129491	32612	4203500000	102-4	KOLODZIEJCZYK UNIT #1		HENZE E (REEDER)	0.0	TEJAS PIPE LINE C
8129465	31911	4205731012	102-4	STATE TRACT 81 WELL #1		PANTHER REEF S W E-4 FLT	0.0	ALUMINUM CO OF AM
-OILWELL OPERATORS INC				RECEIVED: 05/01/81 JA: TX				
8129399	29600	4206500000	108	GARNER WARE #1 00074		PANHANDLE	2.0	GETTY OIL CO
8129398	29549	4206500000	108	GARNER WARE #2 00074		PANHANDLE	2.0	GETTY OIL CO
8129395	29596	4206500000	108	GARNER WARE #4 00074		PANHANDLE	2.0	GETTY OIL CO
8129397	29598	4206500000	108	GARNER WARE #5 00074		PANHANDLE	2.0	GETTY OIL CO
8129396	29597	4206500000	108	GARNER WARE #7 #00074		PANHANDLE	13.0	GETTY OIL CO
-PARAFFINE OIL CORP				RECEIVED: 05/01/81 JA: TX				
8129371	27961	4205700000	103	KEERAN NO 2		KEERAN E (5840)	180.0	FLORIDA GAS TRANS
-PATRICK STEPHEN NIEDORF				RECEIVED: 05/01/81 JA: TX				
8129244	19750	4249330467	103	WALTER M CARR #1 ID# 85689		STOCKDALE/CARRIZO/	25.0	TESORO NATURAL GA
8129243	19749	4249330571	103	WAYNE REAMS #1 ID# 85690		STOCKDALE/CARRIZO/	36.0	TESORO NATURAL GA
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 05/01/81 JA: TX				
8129386	29097	4221131135	107-EP	ALEXANDER D #4		WASHITA CREEK HUNTON (19	0.0	NATURAL GAS PIPEL
8129230	17950	4249700000	108	BLANTON A #1		MORRIS (CONS CONGL)	20.1	UPHAM OIL & GAS C
8129266	21669	4203300003	108	RANCH E NO 6		PANHANDLE HUTCHINSON	12.0	EL PASO NATURAL G
-PIPELINE SERVICES INC				RECEIVED: 05/01/81 JA: TX				
8129356	27213	4250300003	103	HARELL RUTHERFORD		TERRELL CONGLOMERATE	13.8	SUN GAS GATHERING
8129355	27194	4250300003	103	SCHLITTLER 20232		DOLLIE SMITH (STRAWN 350	20.0	SUN GAS GATHERING

8129355	27144	4250300000	103	SCHLITTLER 20232	
-PYRAMID EXPLORATION				RECEIVED: 05/01/81 JA: TX	
8129448	31577	4240700000	102-A	MINOR NO 1	
-QUINTANA PETROLEUM CORP				RECEIVED: 05/01/81 JA: TX	
**129379	26667	4232130964	102-A	PIERCE-HEFFELFINGER UNIT 2 #1	
-R A W ENERGY CORP				RECEIVED: 05/01/81 JA: TX	
8129301	23445	4236731880	103	BRYANT #1 RRC ID #88872	
8129406	30193	4236731958	102-A	EASON #1	
-RALPH L WAY INC				RECEIVED: 05/01/81 JA: TX	
8129533	32819	4238331577	103	UNIVERSITY 9E #5	
-RAY HERRING				RECEIVED: 05/01/81 JA: TX	
8129279	22065	4242900000	103	NANTZ A-1	
-REMUDA OIL & GAS CO				RECEIVED: 05/01/81 JA: TX	
8129222	16564	4236530747	103	MOODY COTTON UNIT WELL NO 1	
8129222	16564	4236530747	107-TF	MOODY COTTON UNIT WELL NO 1	
-RUTHERFORD OIL CORP				RECEIVED: 05/01/81 JA: TX	
8129480	32534	4246900000	102-A	AUGUST GAUGLER #2	
-SAGE ENERGY CO				RECEIVED: 05/01/81 JA: TX	
8129332	25834	4231732145	103	COX RRC#62852	
8129334	25835	4231732141	103	MAHONEY A NO 3 RRC# 62518	
8129332	25833	4231732134	103	REED #2 RRC# 62617	
8129345	26403	4231732146	103	SCHMIDT RRC# 62782	
-SAMEDAN OIL CORPORATION				RECEIVED: 05/01/81 JA: TX	
8129568	32862	4270230120	102-O	STATE THACT 818L NO F-1	
-SANCHEZ-OBRIEN MINERALS CORP				RECEIVED: 05/01/81 JA: TX	
8129390	29464	4247932764	102-A	BRUNI MINERALS TRUST 2-A	
8129354	27051	4229732036	102-A	GEORGE WEST TOWNSITE NO 2	
8129249	20267	4247900000	102-A	SOPHIE J MARTIN NO 2 API NO 42 479	
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED: 05/01/81 JA: TX	
8129469	32011	4247900000	102-O	ALFREDO VILLAREAL GAS UNIT NO 1	
-SEAGULL OPERATING CO INC				RECEIVED: 05/01/81 JA: TX	
8129562	32741	4205130000	103	DAVID BLACK NO 4	
-SHELL OIL CO				RECEIVED: 05/01/81 JA: TX	
8129524	32775	4213500000	108	E HARPER UNIT #239	
8129525	32776	4213500000	108	E HARPER UNIT #307	
8129526	32777	4213500000	108	E HARPER UNIT #435	
8129523	32774	4213500000	108	EAST HARPER UNIT #18	
8129517	32768	4250100000	106	OWNBY S A UNIT #1	
8129316	25206	4204730816	102-A	RAMIREZ NO 1	
8129400	29701	4238900000	108	RAPE #7-L	
8129521	32772	4247500000	108	SEALY SMITH FDN #136	
8129522	32773	4216500000	108	SHARP J R #26	
8129382	28936	4232130917	102-A	SHELL ST LSE 76176 #1	
8129515	32766	4210500000	108	SOUTH CROSS UNIT #116	
8129516	32767	4210500000	108	SOUTH CROSS UNIT #158	
8129528	32780	4213500000	108	TXL -L- ACCT 4 #17	
8129527	32779	4213500000	108	TXL-L-A/C 2 #25	
8129518	32769	4210300000	108	UNIVERSITY 30-C #6	
8129519	32770	4210300000	108	UNIVERSITY 30-C #7	
8129520	32771	4210300000	108	UNIVERSITY 30-C #9	
-SIDWELL OIL & GAS INC				RECEIVED: 05/01/81 JA: TX	
8129560	32861	4248300000	108	A BOREN #1	
8129567	32868	4248300000	108	ARROW #1	

FIELD NAME	PROD	PURCHASER
DOLLIE SMITH (STRAWN 350	20.0	SUN GAS GATHERING
FLORES (10-M)	220.0	TEXAS EASTERN TRA
TIDEHAVEN (10500)	1095.0	TENNESSEE GAS PIP
POOLVILLE S W (CADDO)	15.0	LONE STAR GAS CO
DICEY S	2500.0	NATURAL GAS PIPEL
FARMER (SAN ANDRES)	11.7	NORTHERN NATURAL
JOHNNY (CONGL UPPER)	110.0	SUN GAS GATHERING
BECKVILLE NORTH (COTTON	0.0	ARKANSAS LOUISIAN
BECKVILLE NORTH (COTTON	0.0	ARKANSAS LOUISIAN
COLETTO CREEK E (2900) F	25.0	HOUSTON PIPE LINE
ACKERLY (DEAN SAND)	21.9	TEXACO INC
ACKERLY (DEAN SAND)	18.2	TEXACO INC
ACKERLY (DEAN SAND)	18.2	TEXACO INC
ACKERLY (DEAN SAND)	16.4	GETTY OIL CO
SAMEDAN FRIO	1500.0	EL PASO NATURAL G
JUANITA (LOBO) FIELD	0.0	TENNESSEE GAS PIP
GEORGE WEST TOWNSITE (SL	500.0	UNITED TEXAS TRAN
DOLORES CREEK (WILCOX 86	0.0	VALERO TRANSMISSI
LAREDO (5650)	500.0	VALERO TRANSMISSI
CHAMBERS (NAVARRO)	15.0	FERGUSON CROSSING
HARPER	0.6	PHILLIPS PETROLEU
HARPER	0.3	PHILLIPS PETROLEU
HARPER	0.3	PHILLIPS PETROLEU
HARPER	1.3	PHILLIPS PETROLEU
OWNBY	11.9	AMOCO PRODUCTION
LOPEZ RANCH (VICKSBURG 1	250.0	
WAHA W (CONSOLICATED DEL	5.5	EL PASO NATURAL G
MONAHANS (CLEAR FORK)	11.0	EL PASO NATURAL G
WASSON S (WICHITA-ALBANY	7.6	COLTEXO CORP
LAKE AUSTIN (MIO 165) (P	300.0	
CROSSETT S (DETRITAL)	8.6	SHELL OIL CO
CROSSETT S (DETRITAL)	4.9	SHELL OIL CO
TXL (SAN ANDRES)	5.6	SHELL OIL CO
TXL (SAN ANDRES)	2.0	SHELL OIL CO
DUNE	1.8	PHILLIPS PETROLEU
DUNE	1.8	PHILLIPS PETROLEU
DUNE	1.8	PHILLIPS PETROLEU
EAST PANHANDLE	8.3	ASHLAND OIL INC
EAST PANHANDLE	2.6	ASHLAND OIL INC

UMI 1 3 6 3 7 0 1 1 6 4 7

					VOLUME 4JH	PAGE 011	
					FIELD NAME	PROD	PURCHASER
R129564	32865	4208700000	108	BELL A-2	EAST PANHANDLE	18.0	ASHLAND OIL INC
R129566	32867	4208700000	108	BELL B-1	EAST PANHANDLE	2.7	ASHLAND OIL INC
R129565	32866	4208700000	108	BELL C-1	EAST PANHANDLE	17.0	ASHLAND OIL INC
R129563	32864	4208700000	108	BETENBOUGH #1	EAST PANHANDLE	15.8	ASHLAND OIL INC
R129572	32895	4208700000	108	BETENBOUGH #2	EAST PANHANDLE	6.8	ASHLAND OIL INC
R129562	32863	4208700000	108	BETENBOUGH #4	EAST PANHANDLE	17.0	ASHLAND OIL INC
R129561	32862	4248300000	108	BOREN #1	EAST PANHANDLE	2.4	ASHLAND OIL INC
R129559	32860	4208700000	108	LAYCOCK #1	EAST PANHANDLE	9.1	ASHLAND OIL INC
R129554	32854	4208700000	108	LAYCOCK #10	EAST PANHANDLE	5.8	ASHLAND OIL INC
R129553	32853	4208700000	108	LAYCOCK #11	EAST PANHANDLE	8.1	ASHLAND OIL INC
R129552	32852	4208700000	108	LAYCOCK #12	EAST PANHANDLE	8.0	ASHLAND OIL INC
R129551	32851	4208700000	108	LAYCOCK #15	EAST PANHANDLE	12.2	ASHLAND OIL INC
R129550	032850	4208700000	108	LAYCOCK #16	EAST PANHANDLE	9.3	ASHLAND OIL INC
R129549	32849	4208700000	108	LAYCOCK #17	EAST PANHANDLE	6.7	ASHLAND OIL INC
R129548	32848	4208700000	108	LAYCOCK #18	EAST PANHANDLE	6.4	ASHLAND OIL INC
R129558	32859	4208700000	108	LAYCOCK #2	EAST PANHANDLE	9.3	ASHLAND OIL INC
R129547	32847	4208700000	108	LAYCOCK #20	EAST PANHANDLE	8.3	ASHLAND OIL INC
R129546	32846	4208700000	108	LAYCOCK #21	EAST PANHANDLE	12.4	ASHLAND OIL INC
R129545	32845	4208700000	108	LAYCOCK #22	EAST PANHANDLE	8.0	ASHLAND OIL INC
R129557	32858	4208700000	108	LAYCOCK #3	EAST PANHANDLE	14.0	ASHLAND OIL INC
R129556	32857	4208700000	108	LAYCOCK #4	EAST PANHANDLE	8.4	ASHLAND OIL INC
R129555	32856	4208700000	108	LAYCOCK #6	EAST PANHANDLE	2.0	ASHLAND OIL INC
R129542	32842	4248300000	108	SMITH #1	EAST PANHANDLE	6.8	ASHLAND OIL INC
R129541	32841	4248300000	108	STALEY #2	EAST PANHANDLE	4.0	ASHLAND OIL INC
R129540	32840	4248300000	108	STALEY #3	EAST PANHANDLE	6.2	ASHLAND OIL INC
R129539	32839	4248300000	108	STALEY #4	EAST PANHANDLE	9.2	ASHLAND OIL INC
R129544	32844	4208700000	108	TINSLEY #A-1	EAST PANHANDLE	6.1	ASHLAND OIL INC
R129543	32843	4208700000	108	TINSLEY #A-2	EAST PANHANDLE	7.9	ASHLAND OIL INC
R129538	32838	4208700000	108	WATTENBARGER #1	EAST PANHANDLE	6.9	ASHLAND OIL INC
R129537	32837	4208700000	108	WATTENBARGER #3	EAST PANHANDLE	6.7	ASHLAND OIL INC
R129536	32836	4208700000	108	WATTENBARGER #4	EAST PANHANDLE	10.0	ASHLAND OIL INC
-SOLRAC ENERGY CORP				RECEIVED: 05/01/81 JA: TX			
R129316	25087	4213100000	108	HENDERSON-STATE #1 ID NO 84072	LABBE (1900)	15.0	HOPEHILL PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED: 05/01/81 JA: TX			
R129231	18569	4238300000	108	O F ROYD B #5-6	CALVIN	6.0	UNION TEXAS PETRO
-SOUTHWESTERN GAS EXPLORATION				RECEIVED: 05/01/81 JA: TX			
R129298	23270	4236731610	103	I M PEEK #1	RENO (CONGL)	135.9	SOUTHWESTERN GAS
-SUKAY OIL & GAS INC				RECEIVED: 05/01/81 JA: TX			
R129609	33017	4217930845	103	KRETZMEIR NO 1 (04712)	PANHANDLE GRAY COUNTY	11.0	GETTY OIL CO
R129610	33018	4217930846	103	KRETZMEIR NO 2 (04712)	PANHANDLE GRAY COUNTY	3.0	GETTY OIL CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 05/01/81 JA: TX			
R129579	32918	4235330559	102-4	GERTRUDE WITHERS #3	WITHERS (ELLENBURGER)	6.7	PALO DURO PIPELIN
R129531	32806	4243330549	103	I S MCMILLIN A/C 8 #4	MENGEL (TANNEHILL)	0.4	CITIES SERVICE CO
R129578	32917	4243330548	103	I S MCMILLIN A/C 8 #5	GUEST (CANYON SAND)	0.1	CITIES SERVICE CO
R129577	32916	4243330550	103	I S MCMILLIN A/C 8 #6	GUEST (CANYON SAND)	4.6	CITIES SERVICE CO
R129566	27621	4220730653	102-4	JANIE DAVIS NO 2	N LANSING	82.5	TEJAS GAS CORP
R129236	19268	4249731550	103	O PAYNE NO 3	BOONSVILLE (BEND CONGL)	913.0	NATURAL GAS PIPEL
R129221	15594	4239330631	103	PARSELL ESTATE NO 8	PARSELL	522.0	TRANSWESTERN PIPE
R129252	20752	4240100000	108	SCHUYLER JT -B- WELL NO 2	EAST TEXAS	0.4	ARCO OIL & GAS CO
R129576	32915	4221932946	103	SOUTHEAST LEVELLAND UNIT #255	LEVELLAND	1.0	AMOCO PRODUCTION
R129575	32914	4221932947	103	SOUTHEAST LEVELLAND UNIT #256	LEVELLAND	10.3	AMOCO PRODUCTION
R129529	32794	4221932944	103	SOUTHEAST LEVELLAND UNIT #257	LEVELLAND (SAN ANDRES)	6.5	AMOCO PRODUCTION
-SUNNYBROOK OIL & GAS INC				RECEIVED: 05/01/81 JA: TX			

VOLUME 4JH PAGE 011

8129271	21799	4240100000	108	W W SMITH REC ID #51980	MINDEN/ TRANSITION	15.0	TEXAS UTILITIES F
				RECEIVED: 05/01/81 JA: TX			
-SUPERIOR OIL CO							
8129210	06499M	4205730789	102-4	W L TRAYLOR D 10	MAUDE & TRAYLOR N (32)	163.0	VALERO TRANS CO
				RECEIVED: 05/01/81 JA: TX			
-SWANNER PROPERTIES							
8129380	28617	4250300000	103	PRATHER #2	REEVES (MARBLE FALLS)	2.4	SUN GAS GATHERING
				RECEIVED: 05/01/81 JA: TX			
-T A MACE							
8129253	20810	4229530744	103	MARGARET L DIXON #1	BRADFORD (CLEVELAND)	720.0	TRANSWESTERN PIPE
-TEJAS PRODUCTION CO							
8129229	17662	4250700000	103	GEORGE WINTERBOTHAM B NO 1	LEONA RIVER	196.0	VALERO TRANS CO
				RECEIVED: 05/01/81 JA: TX			
-TENNECO OIL COMPANY							
8129387	29117	4239330782	103	CHAMBERS 1-9	MENDOTA NW (GRANITE WASH	115.0	PIONEER NATURAL G
8129346	26447	4236531086	103	MARVIN GULLEY NO 15	EAST BETHANY	250.0	UNITED GAS PIPELI
8129346	26447	4236531086	107-TF	MARVIN GULLEY NO 15	EAST BETHANY	250.0	UNITED GAS PIPELI
8129320	25456	4247531944	103	O P ANDERSON #1	POQUITO (DELAWARE)	73.0	LONE STAR GAS CO
				RECEIVED: 05/01/81 JA: TX			
-TEXACO INC							
8129445	31507	4232930927	102-4	FIRST UNITED METHODIST CHURCH B #1	BRADFORD RANCH (ATOKA)	69.0	EL PASO NATURAL G
8129250	20387	4231732085	103	M C MAYFIELD #2	ACKERLY (DEAN SAND)	47.8	PIONEER NATURAL G
8129228	17344	4235530089	108	J D JENNINGS WELL #338	JENNINGS WEST	4.9	TENNESSEE GAS PIP
8129277	22060	4239131199	102-4	JAMIE HYNES A NCT-5 #10	REFUGIO-FOX (6400)	111.0	UNITED GAS PIPE L
8129278	22064	4239131199	102-4	JAMIE HYNES A NCT-5 #10C	REFUGIO-FOX (5200)	160.6	UNITED GAS PIPE L
-TEXAS OIL & GAS CORP							
8129392	29522	4202531190	102-4	JONES T #1	SINGLETON E (HOCKLEY)	0.0	UNITED GAS PIPELI
8129378	28393	4202531271	102-4	JONES T #2	SINGLETON E	0.0	UNITED GAS PIPELI
8129247	20174	4216130551	103	STEWARDS MILLS GAS UNIT #8-1	STEWARDS MILL (COTTON VA	100.0	
8129247	20174	4216130551	107-TF	STEWARDS MILLS GAS UNIT #8-1	STEWARDS MILL (COTTON VA	100.0	
8129421	30912	4217531306	103	TERRELL #3	TERRELL POINT	0.0	DELHI GAS PIPELIN
**8129464	31867	4245900000	107-TF	WILLIS J DUNN GAS UNIT LLLL NO 1	ROSEWOOD (HOSSTON-COTTON	110.0	DELHI GAS PIPELIN
				RECEIVED: 05/01/81 JA: TX			
-THE DOW CHEMICAL COMPANY							
8129512	32761	4247531820	103	F E SCOTT NO 1	SCOTT (CHERRY CANYON)	7.0	TRANSWESTERN PIPE
				RECEIVED: 05/01/81 JA: TX			
-THOMAS D COFFMAN INC							
8129339	26118	4214930482	102-2	KOCIAN NO 1 072295	GIDDINGS (AUSTIN CHALK)	45.0	SOUTH CEN-TEX GAS
8129340	26119	4205130727	102-2	LAWRENCE NO 1 079039	GIDDINGS (AUSTIN CHALK)	106.0	FERGUSON CROSSING
8129338	26116	4214930426	102-2	MAKINSON NO 1 065664	GIDDINGS (AUSTIN CHALK)	100.0	SOUTH CEN-TEX GAS
8129341	26122	4214930441	102-2	WATSON NO 1 068136	GIDDINGS (AUSTIN CHALK)	240.0	SOUTH CEN-TEX GAS
8129373	28227	4214930657	102-2	YOUNG NO 2 086720	GIDDINGS (AUSTIN CHALK)	8.6	SOUTH CEN-TEX GAS
-THOMAS-POWELL ROYALTY INC							
8129474	32124	4239931691	102-4	VICK # 1 (CA683)	WINGATE NW (GRAY)	191.0	UNION TEXAS PETRO
				RECEIVED: 05/01/81 JA: TX			
-TRANSCONTINENTAL OIL CORPORATION							
8129401	29807	4236531100	103	CARTER ESTATE NO 1	CARTHAGE (COTTON VALLEY)	219.0	UNITED GAS PIPELI
8129401	29807	4236531100	107-TF	CARTER ESTATE NO 1	CARTHAGE (COTTON VALLEY)	219.0	UNITED GAS PIPELI
-TRINITY OIL & GAS CORP							
8129237	19303	4213331936	103	KYLE RICH #2 #15378	FOSTER (MARBLE FALLS)	20.0	ODESSA NATURAL CO
				RECEIVED: 05/01/81 JA: TX			
-TRIPLE L OIL CO INC							
8129265	21580	4224931123	103	GORGET ET AL (86370)	ALFRED (2775) SAND	73.0	NUE-WELLS PIPE LI
				RECEIVED: 05/01/81 JA: TX			
-UNION OIL & MINERALS CORP							
8129417	30608	4205131002	102-4	PINTER #1	WILDCAT TUNIS EAST AUSTI	1000.0	FERGUSON PIPE LIN
				RECEIVED: 05/01/81 JA: TX			
-UNION OIL COMPANY OF CALIF							
8129514	32765	4229500000	109	GEORGE M ROBBINS #2	KELLN (TONKAWA-OIL)	9.0	PHILLIPS PETROLEU
				RECEIVED: 05/01/81 JA: TX			
-UNIT DRILLING & EXPLORATION CO							
8129391	29496	4219530735	102-4	BECK NO 1	BECK (CHESTER) FIELD	1095.0	TRANSWESTERN PIPE
				RECEIVED: 05/01/81 JA: TX			
-VANDERBILT RESOURCES CORPORATION							
8129313	24736	4246931530	102-4	P & H GAS UNIT NO 1	SCHROEDER (3100) PROPOSE	0.0	C-B GAS GATHERING
				RECEIVED: 05/01/81 JA: TX			
-VORTT EXPLORATION CO INC							

UMI 1 8 9 E C 0 1 1 6 4 V

VOLUME 434 PAGE 012

J...	J...	...	...	FIELD NAME	PRCL	PURCHASER
8129255	22954	4236300000	102-4 NO 1 HOBAUGH-LAWSON	MINERAL WELLS S (CONGL)	0.3	SOUTHWESTERN GAS
-W A MONCRIEF JR			RECEIVED: 05/01/81 JA: TX			
8129452	31601	4236730128	102 KNOX GAS UNIT #1	LAKE WEATHERFORD (BIG SA	3.2	SOUTHWESTERN GAS
-WAYMAN W BUCHANAN			RECEIVED: 05/01/81 JA: TX			
8129381	28860	4246131588	103 CONNELL EST A NO 3	SPRABERRY (TREND AREA)	14.5	PHILLIPS PETROLEU
8129359	27322	4214930529	103 MINNIE TAYLOR NO 1	GIDDINGS (AUSTIN CHALK)	33.0	PHILLIPS PETROLEU
8129357	27233	4214930403	103 MORGAN A NO 1	GIDDINGS (AUSTIN CHALK)	32.0	PHILLIPS PETROLEU
-WHALING THOMPSON & BRAME			RECEIVED: 05/01/81 JA: TX			
8129389	29460	420P331968	102-4 JOHN WOLF #1-A (90375)	VALERA N (GARDNER GAS)	301.0	ODESSA NATURAL CO
-WISENBAKER PRODUCTION CO			RECEIVED: 05/01/81 JA: TX			
*8129312	24723	4216130555	103 W A KEILS JR WELL NO 1- 064744	WILDCAT	90.0	DELHI GAS PIPELIN
*8129312	24723	4216130559	107-TF W A KEILS JR WELL NO 1- 064744	WILDCAT	90.0	DELHI GAS PIPELIN
-WORLD PRODUCERS INC			RECEIVED: 05/01/81 JA: TX			
8129288	22335	4236332165	102-4 BLANCH COOK #1	VAN DYKE (ATOKA)	110.0	NATURAL GAS PIPEL
8129287	22334	4236331827	102-4 GOEN #1	VAN DYKE (ATOKA)	25.0	NATURAL GAS PIPEL
8129285	22332	4236331961	102-4 GOEN A #2	VAN DYKE (ATOKA)	200.0	NATURAL GAS PIPEL
8129282	32554	4236732002	102-4 LAMB #2	CLAYTON (CONGL)	50.0	SOUTHWESTERN GAS
8129419	30437	4236731396	102-4 LESTER BYRD #1	MOBY DICK (STRAWN)	130.0	NATURAL GAS PIPEL
8129290	22951	4236731341	102-4 ROBERT L GRAVES #1	KUZELL (CONGLOMERATE)	110.0	NATURAL GAS PIPEL
8129283	22330	4236331874	102-4 WELLS-HENDERSON #1	VAN DYKE (STRAWN)	90.0	NATURAL GAS PIPEL
8129286	22333	4236332085	102-4 WHARTON #2	VAN DYKE (ATOKA)	107.0	NATURAL GAS PIPEL
8129284	22331	4236331875	102-4 WHARTON A #1	VAN DYKE (ATOKA)	55.0	NATURAL GAS PIPEL
-ZAPATA EXPLORATION CO			RECEIVED: 05/01/81 JA: TX			
8129424	30943	4270430174	102-4 S/L 68099 WELL 3-U	BRAZOS AREA 446L SE/4 (2	912.0	VALERO TRANSMISSI
8129423	30942	4270430174	102-4 S/L 86099 WELL 3-L	BRAZOS AREA 446-L SE/4 (	912.0	VALERO TRANSMISSI

OTHER PURCHASERS VOLUME NO 0434

8129212 DELHI GAS P L CORP
8129251 NATURAL GAS P L CO OF AMER

OTHER PURCHASERS VOLUME NO 3474

8129212	DELMI GAS P L CORP
8129251	NATURAL GAS P L CO OF AMER
8129256	HOUSTON LIGHTING & POWER CO
8129257	HOUSTON LIGHTING & POWER CO
8129258	HOUSTON LIGHTING & POWER CO
8129259	HOUSTON LIGHTING & POWER CO
8129282	UNITED TEXAS TRANS CO
8129291	HOUSTON LIGHTING & POWER CO
8129293	NATURAL GAS P-L CO OF AMER
8129309	COLUMBIA GAS TRANS
8129310	HOUSTON P L CO
8129312	LONE STAR GAS CO
8129342	NORTHERN NATURAL GAS CO
8129364	AMOCO GAS CO
8129379	VALERO TRANS CO
8129425	DELMI
8129428	HOUSTON LIGHTING & POWER CO
8129429	HOUSTON LIGHTING & POWER CO
8129430	HOUSTON LIGHTING & POWER CO
8129434	HOUSTON LIGHTING & POWER CO
8129435	HOUSTON LIGHTING & POWER CO
8129456	HOUSTON LIGHTING & POWER CO
8129464	WESTERN GAS CORP
8129491	ALUMINUM CO OF AMER
8129492	LONE STAR GAS CO
8129503	AMOCO
8129504	AMOCO
8129505	AMOCO
8129506	AMOCO
8129507	AMOCO
8129508	AMOCO
8129509	AMOCO
8129510	AMOCO
8129511	AMOCO
8129587	AMOCO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17005 Filed 6-8-81 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-32-000]

Alabama River Pulp Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 4, 1981.

On May 12, 1981, the Alabama River Pulp Company of Clairborne Mill, Perdu Hill, Alabama, filed with the Federal Energy Regulatory Commission (Commission) an application for certification as a qualifying cogeneration facility pursuant to section 292.207 of the Commission's rules.

The facility, installed in May, 1977, is located in Monroe County, Alabama. It is a topping-cycle cogeneration facility that uses biomass as its primary energy source. The facility has an installed capacity of 48 megawatts. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17040 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-283-001]

Alabama-Tennessee Natural Gas Co.; Amendment to Application

June 3, 1981.

Take notice that on May 11, 1981, Alabama-Tennessee Natural Gas Company (Applicant), P.O. Box 918, Florence, Alabama 35631, filed in Docket No. CP81-283-001 an amendment to its pending application in said docket for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act. The application requests authorization to render natural gas service to public Service Electric and Gas Company (Public Service). The gas was proposed to be used to displace oil for the generation of electricity. The instant amendment states that Public Service now proposes to use the gas for its system supply for resale and that the gas would be transported on behalf of Public Service by Texas Eastern Transmission Corporation pursuant to the provisions of Section 311(a)(1) of the Natural Gas Policy Act of 1978. Applicant's proposals are more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons having heretofore filed need not do so again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17062 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-508]

Boston Edison Co.; Compliance Filing

June 2, 1981.

Take notice that on May 19, 1981, Boston Edison Company submitted a compliance filing in the above-captioned proceeding pursuant to the Commission's letter order of May 1, 1981.

The compliance report advises the Commission that on May 15, 1981, Edison paid refunds to the Town of Reading for amounts collected under the Contract Demand Tariff. Edison states that the refund applies only to the first month of service at the higher rate.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17063 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-490-000]

Boston Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company, on May 26, 1981 tendered for filing a proposed initial rate schedule consisting of a contract for the sale of unit capacity to the Taunton (Massachusetts) Municipal Lighting Plant. The proposed effective date of the contract is February 21, 1981.

Copies of the filing were served on the Taunton Municipal Lighting Plant and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17041 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-492-000]

Boston Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company, on May 26, 1981 tendered for filing a proposed initial rate schedule consisting of a contract for the sale of unit capacity to the Taunton (Massachusetts) Municipal Lighting Plant.

Copies of the filing were served on the Taunton Municipal lighting plant and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commissions's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17042 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-479-000]

Boston Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company, on May 21, 1981 tendered for filing a proposed initial rate schedule consisting of a contract for the sale of unit capacity to the Braintree (Massachusetts) Electric Light Department. The proposed effective date of the contract is December 26, 1980.

Copies of the filing were served on the Braintree Electric Light Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17043 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-491-000]

Boston Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company, on May 26, 1981 tendered for filing a proposed initial rate schedule consisting of a contract for the sale of unit capacity to the Reading (Massachusetts) Municipal Light Department. The proposed effective date of the contract is December 22, 1980.

Copies of the filing were served on the Reading Municipal Light Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17024 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-489-000]

Central Hudson Gas & Electric Corp.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Central Hudson Gas & Electric Corporation (Central Hudson) on May 26, 1981 tendered for filing as a rate schedule an executed agreement dated May 18, 1981 between Central Hudson and Philadelphia Electric Company. The proposed rate schedule provides for the sale of firm capability

and associated energy by Central Hudson.

The rate schedule provides for a capability charge of $100 per megawatt per day of capability made available by Central Hudson and an energy charge equal to Central Hudson's incremental steam electric generating costs, including operation and maintenance costs and the incremental cost of transmission losses.

Central Hudson requests waiver of the notice requirements of § 35.3 of the Commission's Regulations so that the proposed rate schedule can be made effective on May 18, 1981 in accordance with the terms thereof.

Copies of the filing by Central Hudson were served upon Philadelphia Electric Company and the Public Service Commission of New York.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth P. Plumb,

Secretary.

[FR Doc. 81-17025 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-52-000]

Citizens Utilities Co.; Application

June 3, 1981.

Take notice that on May 22, 1981, Citizens Utilities Company (Applicant), filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to engage in negotiations as guarantor in connection with the proposed financing of not more than $35 million of pollution control facilities and other construction projects.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17026 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-117-000]

City of Dalton, Ga.; Application for Exemption

June 3, 1981.

Take notice that the City of Dalton, Georgia (Dalton) on April 29, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in Subpart D.

In its application for exemption, Dalton states that it should not be required to file the specified data for the following reasons:

Dalton Utilities entered into a joint venture for power production with the Georgia Power Company, the Ogelthorpe Power Corporation, and Municipal Electric Authority of Georgia (a group of municipal power systems) in 1977. This group has done joint load research for the purpose of fulfilling the reporting requirements of PURPA. Data reported by the Georgia Power Company provides the basis for an exemption for Dalton from the requirement to separately report such data.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45-day period such person must also serve a copy of such comments on: City of Dalton—Water, Light & Sinking Fund Commission, Attention: Mr. V. D. Parrott, Jr., President, P.O. Box 869, Dalton, Georgia 30720.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17027 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-28-000]

Clark University; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 4, 1981.

On April 27, 1981, Clark University of Worcester, Massachusetts, filed with the Federal Energy Regulatory Commission an application pursuant to section 292.207 of the Commission's rules.

The facility is a dual-fuel, topping-cycle cogeneration facility to be located at the applicant's campus in Worcestor, Massachusetts. The primary energy source for the facility will be natural gas. The power production capacity of the facility is 18 megawatts at an 80 percent power factor. The facility will provide heat and hot water to various buildings on the campus and all of the applicant's electrical needs. No portion of the facility will be owned by an electric utility, electric utility holding company, or any combination thereof.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17044 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-317-000]

Columbia Gas Transmission Corp.; Application

May 22, 1981.

Take notice that on May 4, 1981, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue SE., Charleston, West Virginia 25314, filed in Docket No. CP81-317-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional

compressor unit at its Seneca Compressor Station (Seneca) in Pendleton County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia Gas requests authorization to construct and operate a 13,750 horsepower gas turbine driver-centrifugal compressor unit at Seneca. Columbia Gas states that Seneca is located at a critical point on Columbia Gas' B System which partially supplies its Eastern Market Area, including the Washington-Baltimore Area, and that it is essential that this station have a high degree of reliability to permit operation at a high load factor during the winter period. Columbia Gas indicates that during winter/day design operations it would use the proposed 13,750 horsepower unit in firm service and the existing Seneca units, which consist of one 6,200 and two 3,165 horsepower units, in standby service.

Columbia Gas states that it would purchase a surplus GE Frame 3 turbine compressor unit from Columbia Gulf Transmission Company (Columbia Gulf), an affiliate, which can be upgraded to 13,750 horsepower. Such unit is currently at Columbia Gulf's Stanton Compressor Station and that the abandonment of said unit is currently pending before the Commission in Docket No. CP81-161-000, it is stated. Columbia Gas states that it also intends to purchase a surplus auxiliary equipment at its Seneca Compressor Station.

The application states that on February 26, 1981, a failure occurred in the regenerative unit of the existing 6,200 horsepower Seneca compressor unit, and that it has been estimated that this unit, which was installed in 1953, cannot be made operational until approximately November 1, 1981. Columbia Gas contends that without the availability of this unit, it would experience an approximate 113,000 Mcf per day reduction in the capability of the B System on a design day during the 1981-82 winter period. Additionally, other major accessory components of the existing 6,200 horsepower units are obsolete and efforts to keep the unit in operating condition have required repairs using material not specifically designed for the application, it is said. It is stated that a failure in one of the major components could render the compressor unit inoperable for periods of months, up to two years. The two existing 3,165 horsepower compressor units at Seneca are light duty Allison units primarily installed for peaking service, it is said.

Columbia Gas indicates that it intends to make every effort to complete installation of the Stanton unit at Seneca by November 1, 1980, in order to assure design day capabilities of the B system during the 1981-82 winter period.

Columbia Gas indicates that it would purchase the proposed facility from Columbia Gulf at its original cost less depreciation for an estimated net out-of-pocket cost of $861,831. The estimated total capital cost for installing and upgrading the proposed 13,750 horsepower compressor unit at Seneca would be $7,190,000 which cost would be financed from internally generated funds, Columbia Gas states.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17054 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-476-000]

Duke Power Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on May 21, 1981 a supplement to the Company's Electric Power Contract with Blue Ridge Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 142.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increase in designated demand: Delivery Point No. 13 from 3,300 KW to 6,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of July 20, 1981.

Accoding to Duke Power copies of this filing were mailed to Blue Ridge Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17045 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-475-000]

Florida Power Corp.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that on May 21, 1981, Florida Power Corporation (Florida Power) tendered for filing a revision to

the daily capacity charge for its scheduled interchange service to Florida Power & Light Company, Tampa Electric Company, the Orlando Utilities Commission, the Sebring Utilities Commission, the Jacksonville Electric Authority, and the Cities of Gainesville, Kissimmee, St. Cloud and Lakeland, Florida under interconnection agreements with each of these utilities. According to Florida Power, the revised charge of $82.66 per MW per day is based on 1980 data and is derived according to the same method shown in cost support schedules submitted with the interconnection agreements. According to Florida Power, the present daily capacity charge based on 1979 data is $73.45 per MW per day.

Florida Power requests that the revised daily capacity charge be made effective on May 1, 1981, and requests waiver of the notice requirement.

According to Florida Power, the filing has been served on each of the above-named utilities and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17046 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1960-000]

George F. Head; Filing

June 4, 1981.

The filing individual submits the following:

Take notice that on May 18, 1981, George F. Head filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Georgia Power Company
Director, Southern Electric Generating Company

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17047 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1959-000]

Louis H. Heider; Filing

June 4, 1981.

The filing individual submits the following:

Take notice that on May 26, 1981, Louis H. Heider filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Yankee Atomic Electric Company
Vice President, Vermont Yankee Nuclear Power Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17051 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1940-000]

John G. Herbein; Notice of Filing

June 1, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, John G. Herbein filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Metropolitan Edison Company
Vice President, GPU Nuclear Corporation

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17065 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-59-000]

Hobart Corp.; Filing of Petition for Review

June 3, 1981.

Take notice that Hobart Corporation Inc. on May 26, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before June 18, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested

order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before June 18, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17058 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID1941-000]

Gale K. Hovey; Notice of Filing

June 1, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, Gale K. Hovey filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President,—Metropolitan Edison Company
Vice President,—GPU Nuclear Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (19 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17064 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID1942-000]

Henry D. Hukill; Filing

June 1, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, Henry D. Hukill filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Metropolitan Edison Company
Vice President, GPU Nuclear Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17066 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-467-000]

Indiana & Michigan Electric Co.; Filing

June 3, 1981.

The filing company submits the following.

Take notice that American Electric Power Service Corporation (AEP) on May 18, 1981 tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (I&M) Modification No. 8, dated, May 1, 1981, to the Agreement, dated January 2, 1977, between The City of Richmond, Indiana and Indiana & Michigan Electric Company, I&M's Rate Schedule FERC No. 70.

Section 1 of Modification No. 8 provides for an increase in the demand charge for Short Term Power from $0.85 to $1.05 per kilowatt per week. This schedule proposed to become effective May 1, 1981.

Applicant states that since the use of Short Term Power cannot be accurately estimated, for the twelve-month period succeeding the date of filing, it is impossible to estimate the increase in revenue resulting from its modification for such period. Applicant's Appendix V which was included with the filing of this modification, demonstrates that the increase in revenue which would have resulted had the modification been in effect during the twelve-month period ending December 1980 would have been $3,000.00 (i.e., from $15,676.10 to $18,676.10) for when Indiana & Michigan Electric Company supplied Short Term Energy to Richmond Power & Light and $60,452.38 (i.e., from $1,186,612.20 to $1,247,064.58) for when Richmond Power & Light supplied Short Term Energy to Indiana & Michigan Electric Company.

Copies of the filing were served upon the City of Richmond, Indiana, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before June 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17048 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-51-000]

Iowa Public Service Co.; Application

June 3, 1981.

Take notice that on May 22, 1981, Iowa Public Service Company (Applicant) filed an application seeking authority to negotiate the proposed financing and guarantee of Pollution Control Revenue Bonds to finance its share of costs associated with the construction of pollution control facilities at Unit No. 1 of the Louisa Generating Station in Louisa County, Iowa.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or

1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17028 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-482-000]

Kansas Gas & Electric Co.; Filing

June 3, 1981.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company, on May 22, 1981 tendered for filing a proposed change in its FPC Electric Service Tariff No. 137. The proposed Amendment changes the minimum and maximum amounts of power.

The Amendment is necessary because the present demands have decreased due to customer load reduction.

Copies of this filing were served upon The Butler Rural Electric Cooperative Association, Inc.

Any person desiring to be heard or to protest said Application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commissions's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17029 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-40]

B. H. Keyes; Application for Staff Adjustment

June 3, 1981.

Take notice that on May 4, 1981, B. H. Keyes filed with the Commission an application for an adjustment from the Commission's regulations pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 et seq., and § 1.41 of the Commission's Rules of Practice and Procedure.

The applicant seeks an adjustment from § 271.804(c) of the Commission's regulations, which provides that in seeking a well eligibility determination under section 108 of the NGPA, the application must be based on a 90-day production period which falls entirely within the 180 days preceding the date the application was filed.

In support of his request, the applicant has stated the following facts. B. H. Keyes operates the Yockey No. 2 Well located in San Juan County, New Mexico. The well was completed for production in 1958, and produced into El Paso Natural Gas Company's gathering system from 1959 until December 1975. In December, 1975, the well stopped producing gas in measurable amounts and was disconnected from the pipeline on June 28, 1978. Several attempts were made prior to disconnection to cause production from the well by pressure build-up, but still no production was measured. Because the well was disconnected in June of 1978, the applicant asserts that it was not capable of production during the 180 days preceding the application, as would be required by § 271.804(c). Accordingly, the applicant requests that he be allowed to use a 90-day production period which falls within the last 180 days during which the well produced into the pipeline, in 1975.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's regulations.

Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with § 1.41(e) of the Commission's regulations. All petitions to intervene must be filed on or before June 24, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17023 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-27-000]

Koppers Co., Inc.; Application for Commission Certification of Qualifying Status as a Cogeneration Facility

June 4, 1981.

On May 11, 1981, the Koppers Company, Inc., of Pittsburgh, Pennsylvania, filed with the Federal Energy Regulatory Commission (Commission) a complete application to be certified as a qualifying congeneration facility.

The facility will be a topping-cycle cogeneration facility located at Tie Plant, Mississippi. The primary energy source of the facility is wood waste from the plant and nearby sawmills. No oil or natural gas will be used. Projected power generation is in the range from 500 to 750 kilowatts with extraction steam for processing in the range from 11,000 lb/hr. (out of 20,000 lb/hr.) to 6,000 lb/yr. (out of 20,000 lb/yr.). No electric utility, electric utility holding company or any combination thereof has more than a 50 percent ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before July 9, 1981 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17050 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-52-000]

Laketon Asphalt Refining, Inc.; Filing of Petition for Review

June 3, 1981.

Take notice that Hobart Corporation Inc. on May 22, 1981, filed a Petition for Review under 42 U.S.C. section 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before June 18, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a

participant in the Commission proceeding, must file a petition to intervene on June 18, 1981, accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17055 Filed 6–8–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RA81–54–000]

Laketon Asphalt Refining, Inc.; Filing of Petition for Review

June 3, 1981.

Take notice that Hobart Corporation Inc. on May 22, 1981, filed a Petition for Review under 42 U.S.C. Section 7194(b) (1977) (Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before June 18, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before June 18, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE, Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17056 Filed 6–8–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RA81–53–000]

Laketon Asphalt Refining, Inc.; Filing of Petition for Review

June 3, 1981.

Take notice that Hobart Corporation Inc. on May 22, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before June 18, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before June 18, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE, Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17057 Filed 6–8–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ST81–256–000]

Louisiana Intrastate Gas Corp.; Application for Approval of Rates

June 3, 1981.

Take notice that on May 4, 1981, Louisiana Intrastate Gas Corporation (LIG), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST81–256–000 an application pursuant to § 284.123(b)(2) of the Commission's Regulations for approval of rates charged for transporting natural gas for Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

LIG states that it has entered into a transportation agreement with Southern, dated February 10, 1981, whereby it would provide a transportation service for Southern for a two-year period. It is further stated that under the agreement, LIG is to accept gas from Southern for its account at specified points of interconnection and redeliver thermally equivalent volumes to Southern less gas consumed as compressor fuel, company use and unaccounted for gas.

LIG says that the transportation service would be provided for a fee of 20.0 cents for each million Btu redelivered by LIG to Southern. Further, LIG states that the gas to be transported hereunder is owned by Southern and that Southern is receiving such natural gas into its own facilities through a further transportation arrangement with Sugar Bowl Gas Corporation and that such gas is for Southern's system supply for resale.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's Rules.

Kenneth P. Plumb,

Secretary.

[FR Doc. 81-17067 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-474-000]

Metropolitan Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that on May 21, 1981, Metropolitan Edison Company (ME), on behalf of the signatories to the Susquehanna-Eastern 500 kV Transmission System Agreement (S-E Agreement) filed new Schedules 11.01 and 12.01 supplementing the S-E Agreement which is on file with the Commission, to become effective on March 23, 1981. ME states that the parties to this agreement are:

Atlantic City Electric Company
Delmarva Power & Light Company
Metropolitan Edison Company
Pennsylvania Power & Light Company
Philadelphia Electric Company
Public Service Electric & Gas Company
UGI Corporation

ME states that all of the parties to the S-E Agreement have approved the new Schedules and the filing by ME.

ME states that the new schedules set forth methods and procedures for determining use, use entitlements, and charges for use of the S-E Transmission System for uses other than those specified in Section 3.1 of the S-E Agreement, by either signatories or non-signatories; and for allocating payments among the signatories. There is no provision for any change in the monthly rate for excess of investment responsibility previously filed.

ME states that this filing has been sent to the Regulatory Commissions of Pennsylvania, New Jersey, Maryland, Delaware and Virgina for their information.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17030 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-17-000]

Midwestern Gas Transmission Co.; Informal Conference

June 1, 1981.

Take notice that a prehearing settlement conference in the above-referenced docket will be held on Tuesday, June 9, 1981, at 10:00 a.m., in a room to be designated that day at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17068 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3739-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

June 1, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Section 791(a)-825(r)] for proposed Project No. 3739 to be known as Calamus Dam Hydroelectric Project located at the United States Water and Power Resources Service's Calamus Dam on the Calamus River, in Loup County, near Burwell, Nebraska. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a United States Water and Power Resources Service's dam. Project No. 3739 would consist of: (1) a proposed powerhouse located just below the dam near the river outlet works, and having an estimated generating capacity of 1.6 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands.

The Applicant estimates that the average annual energy output would be 4,205,000 kWh.

Purpose of Project—Applicant plans to sell the generated output of energy to the Nebraska Public Power District or other local utilities.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a 36 month time period. Within the 36 month time period, the Applicant intends to conduct engineering, environmental, and legal examinations. The total cost of the proposed examinations in $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the enginering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before August 10, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 9, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and

Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 10, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3739. Any comments, notices of intent, competing applications protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17015 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-488-000]

Montana Power Co.; Filing

June 4, 1981.

The filing company submits the following:

Take notice that The Montana Power Company (Montana) on May 26, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with Puget Sound Power & Light Company (Puget). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Puget.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $552,200.00 based upon energy delivered from September 3, 1980 through September 30, 1980. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of September 3, 1980, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of an Agreement for the sale of firm energy between Montana and Puget. Montana states this agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17052 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-487-000]

Montana Power Co.; Filing

June 3, 1981.

The filing Company submits the following:

Take notice that The Montana Power Company (Montana) on May 26, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with the Southern California Edison Company (Edison). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Edison.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $3,655,359.09, based upon energy delivered from September 15, 1980 through December 30, 1980. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of September 15, 1980, is proposed and waiver of the Commission's notice requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of an Agreement for the sale of firm energy between Montana and Edison. Montana states that this agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17031 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-23-000]

New England Alternate Fuels, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 4, 1981.

On May 6, 1981, New England Alternate Fuels, Inc., of Brattleboro, Vermont, filed with the Federal Energy Regulatory Commission (Commission) a completed application of be certified as a qualifying small power production facility pursuant to section 292.207 of the Commission's rules.

The facility will be a small power production unit when a hourly output of approximately 2.5 megawatts. The facility will consist of a processing stage which will prepare fuel from railroad tiestubs, pallets, dry sawdust, light industrial and municipal waste fraction and miscellaneous other combustible waste materials. The primary energy source of the facility will be waste. Power production will be accomplished through the use of a steam turbine driven generator. No electric utility, electric utility holding company or any combination thereof will have any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17053 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-58-000]

Newhall Refining Co., Inc; Filing of Petition for Review

June 3, 1981.

Take notice that Hobart Corporation Inc., on May 20, 1981, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before June 18, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intevene on or before June 18, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17059 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-481-000]

Niagara Mohawk Power Corp.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on May 26, 1981, tendered for filing as a rate schedule, an agreement between Niagara and Long Island Lighting Co. (LILCO) dated August 28, 1980.

Niagara presently has on file an agreement with LILCO dated February 14, 1975 and amended April 12, 1977. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 91 with Supplement 1. The new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate for transmitting Fitzpatrick power and energy from the Power Authority of the State of New York to Long Island as provided for in the terms of the original agreement. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1980.

Copies of the filing were served upon Long Island Lighting Company and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17032 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-493-000]

Northern States Power Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Northern States Power Company, on May 26, 1981 tendered for filing the Municipal Transmission Service Agreement, dated April 30, 1981, with the City of St. James.

Northern States agrees to provide transmission service to the City of St. James to deliver the City's purchase of both WAPA power and energy and power and energy purchases from an Alternative Supplier.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17033 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[GP81-31-000]

P and S Oil and Gas Corp.; Petition to Vacate Final Well Category Determination and Request for Withdrawal

Issued: June 3, 1981.

In the matter of State of West Virginia Section 108 NGPA Determination P & S Oil and Gas Corporation Dickerson Well No. 7 JD No. 80-15958.

On March 23, 1981, the West Virginia Department of Mines, Office of Oil and Gas (West Virginia) filed with the Federal Energy Regulatory Commission (Commission) a petition to vacate and permit withdrawal of the final well

category determination for the P&S Oil and Gas Corporation (P&S) Dickerson Well No. 7 pursuant to the Commission's authority under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. Sections 3301–3432 (Supp. II 1978). West Virginia made an affirmative determination that the subject well qualifies as a stripper well under section 108 of the NGPA and that the determination became final on April 14, 1980, 45 days after the Commission received notice pursuant to Section 275.202(a) of the Commission's regulations.

Subsequent to the time that the determination became final, the Commission staff conducted an audit of P&S's stripper well filings. Staff found that the Dickerson Well No. 7, of three wells connected by one meter, has been plugged prior to filing and does not meet section 108 standards. The other two wells continue to qualify. As a result of this audit, P&S requested that West Virginia withdraw its final well category determination. West Virginia forwarded that request to the Commission.

Any person desiring to be heard or to protest this petition should on or before July 9, 1981 file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or a petition to intervene in accordance with Section 1.8 or 1.10 of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17037 Filed 6–8–81; 8:45 am]

BILLING CODE 6450–05–M

[Docket No. SA81–29–000]

Phillips Petroleum Co.; Application for Staff Adjustment Pursuant to Section 502(c) of the NGPA

June 2, 1981.

Take notice that on April 20, 1981, Phillips Petroleum Company (Phillips) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure. Phillips seeks a waiver of § 154.94(h)(2)(iii) of the Commission's regulations, wherein sellers of natural gas are required to file a rate change for gas production qualifying as NGPA section 108 gas within the thirty days after the well category determination becomes final.

Specifically, Phillips states that the Northern Natural Gas Company purchases the gas produced from the Jeffs Nos. 1 and 2 wells located in Reagan County, Texas and operated by Phillips. Phillips states that it filed for and received affirmative section 108 stripper well determinations from the appropriate jurisdictional agency. Phillips further states that the Commission acknowledged receipt of the well category determinations in the **Federal Register** and that the determinations became final on January 16, 1981 and March 16, 1981, respectively. Because of clerical oversight, however, Phillips claims that it failed to make the rate change filing required by § 154.94(h)(2)(iii) within the thirty days of the date of final determination.

Phillips states that it has incurred a loss of approximately $9,580 through April 22, 1981, as a result of its failure to make the timely rate change filing. Such loss will allegedly continue until the current rate change filing is effective. Phillips, therefore, requests that the rate change filing attached to its application be accepted to become effective on January 16, 1981 as though timely filed.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FR 18961, March 30, 1979) as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before June 24, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17069 Filed 6–8–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. SA81–30–000]

Phillips Petroleum Co.; Application for Staff Adjustment Pursuant to Section 502(c) of the NGPA

June 2, 1981.

Take notice that on April 24, 1981, Phillips Petroleum Company (Phillips) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure. Phillips seeks a waiver of § 154.94(h)(2)(iii) of the Commission's regulation, wherein sellers of natural gas are required to file a rate change for gas production qualifying as NGPA section 102(d) gas within the thirty days after the well category determination becomes final.

Specifically, Phillips states that the Transcontinental Gas Pipe Line Corporation purchases the gas produced from the OCSA–33S #18–D, OCS–33 #8, and the OCS–0333 #8–B wells. Phillips owns a nonoperating interest in these wells, which are operated by the Kerr-McGee Corporation (Kerr-McGee). Kerr-McGee filed for and received affirmative section 102(d) determinations from the United States Geological Survey. Phillips states that the Commission acknowledged receipt of the well category determinations in the **Federal Register** and that the determinations become final after 45 days. Phillips states that as a non-operating working interest owner, its name did not appear in the notices published in the **Federal Register**. As a result, Phillips claims it only recently learned of the well determinations made with respect to the wells in question, and consequently failed to make the rate change filing required by § 154.94(h)(2)(iii) within the thirty days of the date of final determination. Phillips states that it has incurred a loss of approximately $109,508 through March 31, 1981. Such loss will allegedly continue until the current rate change filing is effective. Phillips, therefore, requests that the rate change filing attached to its application be accepted to become effective on January 4, 1980 as though timely filed.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FR 18961, March 30, 1979) as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before June 24, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17070 Filed 6–8–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. SA81–32–000]

Phillips Petroleum Co.; Application for Staff Adjustment Pursuant to Section 502(c) of the NGPA

June 2, 1981.

Take notice that on May 4, 1981,

Phillips Petroleum Company (Phillips) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment under section 502(c) of the Natural Gas Policy Act and § 1.41 of the Commission's Rules of Practice and Procedure. Phillips seeks a waiver of § 154.94(h)(2)(iii) of the Commission's regulations, wherein sellers of natural gas are required to file a rate change for gas production qualifying as NGPA section 108 stripper well gas within the thirty days after the well category determination becomes final.

Specifically, Phillips states that the Cities Service Gas Company purchases the gas produced from the Eakins #1 well. Phillips owns a nonoperating interest in the well, which is operated by the Texas Oil & Gas Company (TXO). TXO filed for and received an affirmative section 108 determination from the appropriate jurisdictional agency. Phillips states that the Commission acknowledged receipt of the well category determination in the **Federal Register** and that the determination became final after 45 days. Phillips states that a nonoperating working interest owner, its name did not appear in the notices published in the **Federal Register**. As a result, Phillips claims it only recently learned of the well determination made with respect to the wells in question and, consequently failed to make the rate change filing required by § 14.94(h)(2)(iii) within the thirty days of the date of final determination. Phillips states that it has incurred a loss of approximately $2,370 through April 22, 1981. Such loss will allegedly continue until the current rate change filing is effective. Phillips, therefore, requests that the rate change filing attached to its application be accepted to become effective on March 5, 1981, as though timely filed.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FR 18961, March 30, 1979) as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before June 24, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17071 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-33-000]

Phillips Petroleum Co.; Application for Staff Adjustment Pursuant to Section 502(c) of the NGPA

June 2, 1981.

Take notice that on April 20, 1981, Phillips Petroleum Company (Phillips) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment under section 502(c) of the Natural Gas Policy Act (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure. Phillips seeks a waiver of § 154.94(h)(2)(iii) of the Commission's regulations, wherein sellers of natural gas are required to file a rate change for gas production qualifying as NGPA section 108 gas within the thirty days after the well category determination becomes final.

Specifically, Phillips states that the Panhandle Eastern Pipeline Company purchases the gas produced from the Thoreson No. 1 well, located in Texas County, Oklahoma. Phillips owns a nonoperating interest in the well, which is operated by the Ferguson Oil Company. (Ferguson). Ferguson filed for and received an affirmative section 108 determination from the appropriate jurisdictional agency. Phillips states that the Commission acknowledged receipt of the well category determination in the **Federal Register** and that the determination became final after 45 days. Phillips states that as a nonoperating working interest owner, its name did not appear in the notices published in the **Federal Register**. As a result, Phillips claims it only recently learned of the well determination made with respect to the wells in question, and consequently failed to make the rate change filing required by § 154.94(h)(2)(iii) within the thirty days of the date of final determination. Phillips claims that it will incur a substantial loss which will allegedly continue until the current rate change filing is effective. Phillips, therefore, requests that the rate change filing attached to its application be accepted to become effective on February 12, 1980, as though timely filed.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FR 18961, March 30, 1979) as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before June 24, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17072 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-28-000]

Phillips Petroleum Co.; Application for Staff Adjustment Pursuant to Section 502(c) of the NGPA

June 2, 1981.

Take notice that on April 24, 1981, Phillips Petroleum (Phillips) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure. Phillips seeks a waiver of § 154.94(h)(2)(iii) of the Commission's regulations, wherein sellers of natural gas are required to file a rate change for gas production qualifying as NGPA section 108 gas within the thirty days after the well category determination becomes final.

Specifically, Phillips states that the Tennessee Gas Pipeline Company purchases the gas produced from the Poole No. 1 well, located in Wharton County, Texas and operated by Phillips. Phillips states that it filed for and received an affirmative section 108 stripper well determination from the appropriate jurisdictional agency. Phillips further states that the Commission acknowledged receipt of the well category determination for the Poole No. 1 well became final on September 13, 1980. Because of clerical oversight, however, Phillips claims that it failed to make the rate change filing required by § 154.94(h)(2)(iii) within the thirty days of the date of final determination.

Phillips states that it has incurred a loss of approximately $18,630 through March 31, 1981 as a result of its failure to make the timely rate change filing. Such loss will allegedly continue until the current rate change filing attached to its application be accepted to become effective on September 13, 1980 as though timely filed.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FR 18961, March 30, 1979) as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to

intervene must be filed on or before June 24, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17073 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-19-001]

Resource Recovery (Dade County), Inc.; Request for a Declaratory Order

June 3, 1981.

On May 7, 1981, Florida Power and Light Company (FP&L) filed with the Federal Energy Regulatory Commission (Commission) a petition for a declaratory order pursuant to § 1.7(c) of the Commission's rules.

On March 13, 1981, Resource Recovery (Dade County), Inc. (RRD), filed a Notice of Qualification as a Small Power Production Facility in Docket No. QF81-19-000 pursuant to section 292.207(a) of the Commission's rules.

FP&L requests the Commission to issue a declaratory order contradicting RRD's Notice that it is a qualifying small power production facility. FP&L's petition is based on three assertions. First, FP&L assets that RRD repudiated a purchase contract with Dade County, in order to exploit the Commission's regulations and gain windfall revenues. Thus, FP&L argues that the facility is not a qualifying small power production facility because of the contractual relationships among the parties.

Second, FP&L asserts that the public interests requires that the Commission not permit RRD to classify itself as a qualifying small power production facility. This claim is also based on the contractual relationship of the parties and the assertion that qualifying status is not necessary to encourage small power production in this instance.

Finally, FP&L contests RRD's Notice of Qualifying Status as a Small Power Production Facility on the grounds that RRD does not have standing to give such notice because it does not have legal title to the facility.

Any person desiring to be heard on this matter should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with section 1.8 of the Commission's rules. All such petitions must be filed on or before July 9, 1981 and must be served on the Applicant. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17034 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-484-000]

Southern California Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that on May 26, 1981, Southern California Edison Company (Edison) tendered for filing a Letter Agreement with Eugene Water & Electric Board (EWEB) which sets forth the terms and conditions for the purchase and/or storage and return energy between EWEB and Edison.

Edison requests waiver of the Commission's prior notice requirements and an effective date of November 7, 1980 for this agreement.

Copies of this filing were served upon the Public Utilities Commisison of the State of California, and Eugene Water and Electric Board.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17035 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-485-000]

Southern California Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that on May 26, 1981, Southern California Edison Company (Edison) tendered for filing rate schedules in the following Agreements which have been executed by Edison and Arizona Electric Power Cooperative, Inc. (AEPCO).

1. Edison-AEPCO Firm Transmission Service Agreement
2. Edison-AEPCO Load Control Agreement
3. Agreement for Emergency Services

The Agreements set forth the terms and conditions under which (i) Edison will make firm transmission service available to AEPCO from Mead Substation in Southeastern Nevada to Mountain Center Substation near Palm Springs, California, (ii) the electrical capacity and energy requirements of Anza Electric Cooperative, Inc. will be integrated and dispatched by AEPCO, and (iii) reciprocal emergency service between Edison and AEPCO will be made available.

Edison requests waiver of the Commission's prior notice requirement and an effective date no later than July 1, 1981 for these rate schedules.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Arizona Electric Power Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17036 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-133-001, et al.]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 1, 1981.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on May 18, 1981, tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Fourth Revised Sheet No. 11
Original Sheet No. 11A

The above sheets are being filed pursuant to Article II, Future Refunds, of the Stipulation and Agreement in Docket

No. RP80-133-001, *et al.*, approved by Commission order dated April 3, 1981. Article II provides specifically for the filing of the above tariff sheets which were attached to the Stipulation and Agreement as Exhibit A.

Pursuant to the requirements of the Stipulation and Agreement, the proposed effective date of the above tariff sheets is the effective date of the Stipulation and Agreement, which is May 3, 1981. In its order dated April 3, 1981, the Commission waived compliance with any of its regulations necessary to effectuate the provisions of the Stipulation and Agreement, which would include the May 3, 1981, effective date for the above tariff sheets.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interest state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commissions's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17074 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-58-001 (PGA79-4]

Texas Gas Pipe Line Corp.; Tariff Sheet Filing

June 1, 1981.

Take notice that on May 18, 1981, Texas Gas Pipe Line Corporation, pursuant to § 154.38 of the Commission Regulations under the Natural Gas Act, filed a fifth Revised Sheet No. 4a to its FERC Gas Tariff, Second Revised Volume No. 1. Texas Gas states that the filed Tariff Sheets relate to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in Section 12 and the Incremental Pricing Surcharge Provision contained in Section 13 of the General Terms and Conditions of the Tariff. More specifically, Fifth Revised Sheet No. 4a reflects a net increase under that currently being collected to 25.30¢ per Mcf (at 14.65 psia) to be effective June 1, 1981.

Any person desiring to be heard and to make any protest with reference to said filing should on or before June 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the Commission's rule of practice and procedure (18 CFR 1.8, or 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become a parties to the proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules. Texas Gas' Tariff filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17075 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP77-108, et al.]

Transcontinental Gas Pipe Line Corporation, et al.; Filing of Pipeline Refund Reports and Refund Plans

June 1,1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 16, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
5/4/81	Transcontinental Gas Pipe Line Corporation	RP77-108	Report.
5/13/81	Consolidated Gas Supply Corporation.	RP80-61-008.	Report.
5/14/81	Kansas-Nebraska Natural Gas Company, Inc.	RP74-11-001, *et al.*	Amended Report.
5/18/81	Tennessee Gas Pipeline Company.	RP81-44-002.	Report.

Appendix—Continued

Filing date	Company	Docket No.	Type filing
5/18/81	East Tennessee Natural Gas Company.	RP78-65-009.	Report.
5/18/81	East Tennessee Natural Gas Company.	RP78-65-010.	Report.
5/18/81	East Tennessee Natural Gas Company.	RP78-12-011 and RP78-65-011.	Report.
5/18/81	Florida Gas Transmission Company.	RP72-134-023.	Report.
5/18/81	Alabama-Tennessee Natural Gas Company.	RP73-77-015.	Report.
5/18/81	Alabama-Tennessee Natural Gas Company.	RP73-77-016.	Report.

[FR Doc. 81-17018 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1741-000]

James E. Tribble; Application

June 4, 1981.

The filing individual submits the following:

Take notice that the following application was filed by James E. Tribble on May 21, 1981, pursuant to Section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, viz:

President and Director—Yankee Atomic Electric Company

Vice President—Vermont Yankee Nuclear Power Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17049 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-483-000]

Tucson Electric Power Co.; Filing

June 3, 1981.

The filing Company submits the following:

Take notice that Tucson Electric Power Company ("Tucson") on May 26, 1981, tendered for filing "Contract for Economy Energy Brokerage Transactions and Transmissions Service" dated March 11, 1981, between Tucson and the United States of America, Department of Energy, Western Area Power Administration ("the United States"). The primary purpose of this Agreement is to provide for the terms and conditions relative to the brokering of economy energy and transmission service associated therewith between the electric systems of the parties.

Any person desiring to be heard or to make any application with reference to said Agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Contract are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17038 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-121]

Utah Power & Light Co.; Filing

June 3, 1981.

Take notice that on May 13, 1981, the Utah Power & Light Company (UP&L), filed with the Commission a Refund Report applicable to the Mexican Hat Association for all amounts collected subject to refund under FERC Docket No. ER79-121 for the period September 11, 1979 to February 29, 1980, including interest.

Any person desiring to be heard or to protest said compliance filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17040 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-60-000]

Valero Interstate Transmission Co; Order Accepting for Filing and Suspending Proposed Rate Schedules, Rejecting Proposed PGA Revisions, Initiating Hearing and Establishing Procedures

Issued: May 29, 1981.

On April 30, 1981, Valero Interstate Transmission Company [1] (VITCO) filed in Docket No. RP81-60-000 a notice of rate changes under its FERC Gas Rate Schedule Nos. 1, 2 and 14 and under its Transportation Rate Schedule No. T-1. [2] The proposed rate changes reflect an increase in VITCO's gathering charge from 23.69 cent/Mcf to 27.04 cent/Mcf, resulting in a dollar increase in jurisdictional revenues of $2,430,687 annually. The proposed rate changes are based on a 12-month base period ending December 31, 1980, adjusted for known and measurable changes through the nine-months ending September 30, 1981. VITCO requests that the proposed rate changes be made effective, without suspension, on June 1, 1981.

VITCO states that the proposed rate increase is necessary to offset declining natural gas production from dedicated reserves, to increase rate of return and to recover increases in virtually all components of its cost of service. VITCO claims a need for a 13.66 percent overall rate of return yielding 18.00 percent return on common equity on VITCO's capitalization, 62.5 percent of which is common equity capital. Included in cost of service are an increased depreciation rate, increased operation and maintenance expenses, changed volumes and related gas supply expenses and treatment of transportation of liquids and liquefiables. Additionally, VITCO's filed cost of service contains a "provision for attrition allowance" of $197,800 to 1.69% of its claimed rate base. No explanation of this proposed allowance is provided in the filing.

In addition to the general rate increase filing, VITCO has filed for purchased gas cost adjustments under the provisions of its PGA clause in Docket No. TA81-2-56-000.[3] If the general rate increase, which also embodies a purchases gas adjustment, is suspended, VITCO then requests that the PGA increase be considered as a separate filing. Since, as set forth below, the general rate increase is being suspended for five months, the proposed purchased gas cost adjustment will be considered as a separate filing.

In conjunction with the general rate increase, VITCO has proposed to modify its PGA clause to reflect natural gas lost and unaccounted for and company-used gas. VITCO also proposes to include a provision to permit the recovery of costs incurred to transport off-system gas supplies to VITCO's system, as provided in the settlement agreement in Docket No. RP78-58.

Public notice of the filing was issued May 13, 1981, providing for protests or petitions to intervene to be filed on or before May 20, 1981. Petitions were filed by the parties listed in Appendix A. Having demonstrated an interest in this proceeding warranting their participation, the petitioners are granted intervention.

Based on a review of VITCO's general rate filing the Commission finds that the proposed rate changes have not not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we will accept the revised tariff sheets for filing, and suspend their effectiveness, subject to refund, and to the conditions set forth below.

[1] Valero Interstate Transmission Company (VITCO), a wholly-owned subsidiary of Valero Energy Corporation, is engaged in the gathering, transportation, and sale of natural gas produced from fields located in South Texas. VITCO sells gas to Transcontinental Gas Pipe Line Corporation, Natural Gas Pipeline Company of America and El Paso Natural Gas Company for interstate transportation and resale. Additionally, VITCO transports gas for certain producers to Mobil Oil Corporation's LaGloria Gas Processing Plan where liquids are extracted.

[2] The rate schedules subject to this rate filing include: FERC Gas Rate Schedules No. 1, Supplement No. 32; No. 2, Supplement No. 110; No. 14, Supplement No. 2 and Transportation Rate Schedule T-1, the tariff for service under certification issued in Docket No. CP79-458.

[3] The alternative rate schedules are designated FERC Gas Rate Schedules No. 1, Supplement No. 31; No. 2, Supplement No. 109; No. 14, Supplement No. 1.

In a number of suspension orders, [1] the Commission has addressed the considerations underlying its policy regarding rate suspensions. For the reasons given there, we have concluded that rate filing should generally be suspended for the maximum period permitted by statute where the preliminary study leads the Commission to believe that the filing may be unjust or unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here with respect to the tariff sheets for the VITCO system. Accordingly, subject to the conditions specified below, we shall suspend the VITCO tariff sheets for a period of five months permitting such rates to become effective, subject to refund thereafter, on November 1, 1981.

VITCO's proposal to modify its PGA clause to include costs of gas lost and unaccounted for, company-used gas and transportation by others is prescribed by § 154.38(d)(3) of the regulations. Accordingly, we shall require VITCO to file revised tariff sheets reflecting elimination of these rate adjustment provisions. The proposed revisions will, however, be treated as a proposal under Section 154.52 of the regulations and be considered an issue in this proceeding for possible prospective application.

The Commission Orders

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5 and 15 thereof, and the Commission's rules and regulations, an public hearing shall be held concerning the lawfullness of the revised rates proposed by VITCO.

(B) Pending hearing and decision, and subject to the conditions of the ordering pargaraphs below and those described in the body of this order, VITCO's proposed rate changes under FERC Gas Rate Schedule No. 1, Supplement No. 32, FERC Gas Rate Schedule No. 2, Supplement No. 110, FERC Gas Rate Schedule No. 14, Supplement No. 2, and under FERC Transportation Rate Schedule No. T-1 are accepted for filing and suspended for five months until November 1, 1981, subject to refund, and subject to the conditions set forth below.

(C) On or before October 1, 1981, VITCO shall file revised tariff sheets reflecting elimination of the rate adjustment provisions discussed in the body of the order. However, these proposals shall be an issue in this proceeding.

(D) Staff shall be required to serve top sheets on or before September 1, 1981.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a prehearing conference in this proceeding to be held within 10 days after the service to top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(F) The petitions to intervene listed in Appendix A to this order shall be permitted to intervene in this proceeding subject to the Commission's Rules and Regulations; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specificaly set out in the petitions to intervene; and *Provided, Further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17076 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[1] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980)(five month suspension).

[Docket No. TA81-2-52-002 (PGA81-2)]

Western Gas Interstate Co.; PGA Rate Adjustment (Revised)

June 1, 1981.

Take notice that on May 18, 1981, Western Gas Interstate Company ("Western") filed herein a revised Seventeenth Revised Sheet No. 3A to its FERC Gas Tariff, Original Volume No. 1. Said tariff sheet is proposed to become effective May 1, 1981.

The above described tariff sheet reflects a net decrease from those rates tendered for filing on March 31, 1981 of 9.47¢ per Mcf for Rate Schedule G-N, 2.55¢ per Mcf for Rate Schedule G-R, and 4.30¢ per Mcf for Rate Schedule G-S.

Western states that Commission's order dated May 4, 1981 conditionally accepted the PGA rate adjustment filed by Western on March 31, 1981, subject to the filing of revised rates within fifteen days of the issuance of said order to reflect the adjustments detailed in such order.

Western states that copies of this filing were served upon Western's transmission system customers and the interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17004 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4537-000]

Wisconsin Public Power Inc. System; Application for Preliminary Permit

June 1, 1981

Take notice that Wisconsin Public Power Incorporated System (Applicant) filed on April 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4537 to be known as Mississippi River Lock and Dam No. 5A located on Mississippi River in Winona County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Wisconsin Public Power Incorporated System, c/o Mr. Richard L. Olson, P.O. Box 927, Madison, Wisconsin 53701. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse containing generating units having a total installed capacity of 5,962 kW; (2) proposed 69-kV transmission lines; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. The Applicant estimates that the average annual energy output would be 30,972 MWh.

Purpose of Project—Energy produced at the project would be marketed to the municipal members of the Applicant.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time studies would be conducted to determine the engineering, economic, and environmental feasibility of the project, along with consulting Federal, State, and local agencies concerning the environmental effects of the project, in addition to preparing an FERC application for license. Applicant estimates the cost of the studies would be $52,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation Project No. 3641 filed on November 3, 1980, under 18 CFR § 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 1, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4537. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to : Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17019 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 9G2211/T303; PH-FRL-1848-4]

American Cyanamid Co.; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for the insecticide (±)cyano(3-phenoxyphenyl)methyl(+)-4-difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodity cottonseed at 0.1 part per million.

DATE: This temporary tolerance expires April 10, 1982.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registeration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 12, 1980 (45 FR 53568) that American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, had submitted pesticide petition 9G2211 to the EPA requesting that a temporary tolerance be established for the insecticide (±)cyano(3-phenoxyphenyl)methyl(+)-4-difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodity cottonseed at 0.1 part per million.

American Cyanamid Co., has requested a one-year extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated, and it has been determined that extension of the temporary tolerance will protect the public health. The temporary tolerance is being extended on the condition that the pesticide be used with the following provisions:

1. The total amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. American Cyanamid Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm will also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 10, 1982. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance.

This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition,

the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612) the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was publish in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: June 1, 1981.

Douglas D. Campt,

Director, Registration Division, Office Pesticide Programs.

[FR Doc. 81-17086 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-227; PH-FRL-1848-3]

Certain Pesticide Chemicals; Filing of Pesticide, Food, and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed pesticide, food, and feed additive petitions for certain pesticides in or on certain raw agricultural commodities, food, and feed items.

ADDRESS: Written comments to the product manager cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-227]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The designated product manager cited in each specific petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petition, food and feed additive petitions have been submitted to the agency to establish tolerances on certain raw agricultural commodities and food and feed additive regulations in or on certain food and feed items, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

FAP 1H5288. FMC Corp., Agricultural Chemical Group, 2000 Market St., Philadelphia, PA 19103, proposes that 21 CFR Part 193 be amended by establishing a food additive regulation permitting residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite, 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofluranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3, 7-benzofurandiol on raisins at 2.0 part per million (ppm). (PM 12, Jay S. Ellenberger, 703-557-7024.)

FAP 1H5288. FMC Corp., Agricultural Chemical Group, Philadelphia, PA 19103, proposes that 21 CFR Part 561 be amended by establishing a feed additive regulation permitting residues of the insecticide carobofuran, (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofluranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol on raisin waste at 3.0 ppm and dried grape pomace at 2.0 ppm. (PM 12, Jay S. Ellenberger, 703-557-7024.)

PP 1F2495. Ciba Geigy Corp., PO Box 11422, Greensboro, NC 27409, proposes to amend 40 CFR Part 180 be establishing tolerances for residues of the herbicide metolacher [2-chloro-*N*-2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)acetamide and its metabolites determined as 2-[(2-ethyl-6-methylphenyl)-amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound in or on raw agricultural commodity seed and pod vegetables at 0.3 ppm. The proposed analytical method for determining residues is gas chromatography. (PM 23, Richard F. Mountfort, 703-557-7070.)

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: May 28, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-17087 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-229, PH-FRL-1848-2]

Ciba-Geigy Corp.; Filing of Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Ciba-Geigy Corp., has filed a pesticide petition and a feed additive petition for the combined residues of metalaxyl and its metabolites in or on certain raw agricultural commodities and feed items.

ADDRESS: Written comments to: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-229]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: EPA gives notice that Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409, has submitted a pesticide petition and a feed additive petition to the EPA proposing the establishment of tolerances and a feed additive regulation permitting the combined residues of the fungicide metalaxyl [*N*-2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, each expressed as methalaxyl in or on certain raw agricultural commodities and feed items, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

FAP 1H5299. Proposes that 21 CFR Part 561 be amended by establishing a feed additive regulation for the combined residues of the fungicide metalaxyl [*N*-2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, each expressed as methalaxyl in or on dry tomato pomace at 16 parts per million (ppm);

wet tomato pomace at 4 ppm; processed tomato products at 3 ppm; and soybean hulls at 1 ppm; soybean meal at 1 ppm; and soybean soapstock at 1 ppm.

PP 1F2500. Proposes that 40 CFR Part 180 be amended by establishing tolerances for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, each expressed as metalaxyl in or on the following raw agricultural commodities: spinach at 10 ppm; soybean forage and fodder at 7 ppm; green onions at 5 ppm; wheat forage and straw at 2 ppm; tomatoes at 1 ppm; dry bulb onions at 1 ppm; kidney or cattle, goats, hogs, horses, poultry, and sheep at 1.0 ppm; broccoli at 0.6 ppm; cabbage at 0.6 ppm; cauliflower at 0.6 ppm; cucumbers, head lettuce, potatotes, and soybean grain at 0.5 ppm; melons at 0.3 ppm; liver of cattle, goats, hogs, horses, poultry, and sheep at 0.3 ppm; wheat grain at 0.2 ppm; cottonseed at 0.1 ppm; eggs and meat of poultry (excluding liver and kidney) at 0.05 ppm; meat, fat, and meat byproducts (excluding liver and kidney) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm; and milk at 0.02 ppm. The proposed analytical method for determining residues is by gas chromatography with flame ionization detector or mass spectrometry.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: May 28, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-17088 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-50027A; TSH-FRL-1847-7]

2-Naphthalenamine; Removal From the TSCA Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA, in reviewing the chemical substances included on the Toxic Substances Control Act (TSCA) Inventory, has concluded that the chemical substance known as 2-naphthalenamine (Chemical Abstracts Service Registry Number 91-59-8) was incorrectly reported. A notice appeared in the **Federal Register** of February 6, 1981 (46 FR 11356) announcing EPA's intent to remove the substance from the Inventory. EPA has determined that there is no on-going manufacture, importation or processing of this substance and the substance 2-naphthalenamine is considered to be not on the Inventory.

DATE: Effective on June 9, 1981.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. 511B, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: EPA announced in the **Federal Register** of February 6, 1981, its intent to remove from the TSCA Chemical Substances Inventory the chemical substance 2-naphthalenamine (Chemical Abstracts Service Registry Number 91-59-8) which is also known as 2-naphthlamine, *beta*-naphthylamine, *beta*-naphthalenamine, or 2-aminonaphthalene. This action was taken after an EPA investigation which indicated that the substance had originally been reported by only one firm, an importer, that later advised EPA that it had not imported the substance, i.e., the substance had been erroneously reported in place of a different substance. The investigation was initiated by EPA in response to a citizen's petition under section 21 of TSCA, requesting the Agency to take action to control the manufacture, importation or processing of 2-naphthalenamine which is a known human carcinogen.

In the February 6, 1981 **Federal Register** notice, EPA solicited public comment on its intent to remove 2-naphthalenamine from the TSCA Inventory. EPA was especially interested in receiving comments from those firms or persons who had manufactured, imported or processed the substance during the period of January 1, 1975 through February 6, 1981. During the 30-day comment period following the publication of the February 6, 1981 notice, the Agency received only one comment. The firm which submitted the comment did not identify itself as a manufacturer, importer or processor of 2-naphthalenamine, and did not express concern with the Agency's announced intent to remove the substance from the Inventory. The company did comment on the general procedures that the Agency should use to remove substances from the Inventory. The Agency is considering general policies and procedures for removal of substances from the Inventory. Those policies and procedures will be published in the future and comments such as those made by the company will be considered in establishing the policies and procedures.

With respect to 2-naphthalenamine, EPA has concluded that (1) the original Inventory report was incorrectly submitted, i.e., there was no manufacture or importation of this substance between January 1, 1975 and December 31, 1977, and (2) there has been no on-going manufacture, importation or processing of this substance since January 1, 1978.

Accordingly, with the publication of this notice of disposition, the substance known as 2-naphthalenamine is considered to be not on the TSCA Inventory—the presence of its name and synonyms in previously published versions of the Inventory notwithstanding. Effective with the publication of this notice, any person who intends to manufacture, import or process 2-naphthalenamine must comply with the premanufacture notification requirements under section 5 of TSCA.

Dated: June 1, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-17089 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-REP-4-MS-1]

Mississippi Radiological Emergency Response Plan for Plant Grand Gulf

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has responsibility for reviewing the State and local government plans, the State of Mississippi has submitted its radiological emergency plans to the FEMA Regional office. These plans support nuclear power plants which impact on Mississippi and include those of local governments near the Mississippi Power and Light company's Grand Gulf Nuclear Station located in Claiborne County, Mississippi.

DATE PLANS RECEIVED: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Harris M. Pope, Acting Regional Director, FEMA Region IV, 1375 Peachtree Street, NE., Atlanta, Georgia 30309, (404) 881-2400 or (912) 226-1761.

Notice

In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Response Plan for the State of Mississippi was received by the Federal Emergency Management Agency Region IV Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the Grand Gulf Nuclear Station, plans are included for Claiborne County.

Copies of the Plan are available for review at the FEMA Region IV Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 585 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Harris M. Pope, Acting Regional Director, at the above address on or before July 9, 1981.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Details of this meeting will be announced in The Vicksburg Evening Post and the Clarion Ledger at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

Harris M. Pope,

Acting Regional Director.

May 27, 1981.

[FR Doc. 81-16964 Filed 6-8-81; 8:45 am]

BILLING CODE 6718-01-M

[FEMA 640-DR]

Montana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Montana (FEMA-640-DR), dated May 27, 1981, and related determinations.

DATED: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634-7800.

Notice

Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of May 27, 1981, the President declared a major disaster as follows:

> I have determined that the damage in certain areas of the State of Montana resulting from severe storms and flooding beginning on or about May 19, 1981, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Montana.
>
> In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal funds under Pub. L. 93-288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent.
>
> The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.
>
> Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. John D. Swanson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.
>
> I do hereby determine the following areas of the State of Montana to have been affected adversely by this declared major disaster:
>
> For Individual Assistance and Public Assistance the Counties of:
>
> Broadwater, Cascade, Gallatin, Granite, Jefferson, Lewis and Clark, Meagher, Missoula, Powell, Silver Bow

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance)

Thomas R. Casey,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-16965 Filed 6-8-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-123]

First Federal Savings and Loan Association of Front Royal; Approval of Post-Approval Amendment of Conversion Application; Notice of Final Action

Notice is hereby given that on May 26, 1981, the Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), through the exercise of delegated authority, approved an amendment to the application of First Federal Savings and Loan Association of Front Royal, Front Royal, Virginia ("Association"), providing that the aggregate price of the stock to be sold in the conversion of the Association shall be not less than $663,000 nor more than $897,000. The conversion application of the Association was approved on March 13, 1981, by Board Resolution 81-148, which Resolution required that the conversion stock be sold for an aggregate price within a range from $780,000 to $1,040,000. Copies of the application and amendments thereto are available for inspection at the Office of the Secretary of FSLIC, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of FSLIC at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street NW., 10th Floor, Atlanta, Georgia 30303.

Dated: June 2, 1981.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-16980 Filed 6-8-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Barber-Blue Sea Line/East Asiatic Company Limited Sailing Agreement; Cancellation

Filing Party: Wade S. Hooker, Jr., Esquire, Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Agreement No. 10272.

Summary: On June 1, 1981, the Commission received notice of the termination of the participation of Barber-Blue Sea Line and The East Asiatic Company Limited in Agreement No. 10272. The agreement will be cancelled effective July 1, 1981, as set forth in the parties' notice to the Commission.

Dated: June 3, 1981.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-10951 Filed 6-8-81; 8:45 am]

BILLING CODE 6730-01-M

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Comm. ssion for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operators to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indica'e that this has been done.

Agreement No. T-3900-1.

Filing party: Mr. David Ainsworth, Assistant General Counsel, American President Lines, Ltd., 1950 Franklin Street, Oakland, California 94612.

Summary: Agreement No. T-3900-1, between Encinal Terminals (Encinal) and Eagle Services, Ltd. (Eagle), modifies the basic agreement between the parties which provides for the lease of a container crane and the area at Encinal Terminals which are used as a container facility at Alameda, California. The purpose of the modification is to amend certain provisions of the lease pertaining to the extent and time of completion of certain improvements to be constructed by Encinal Terminals, and for liquidated damages for delay, other specified contingencies related thereto, and the addition to and withdrawal of certain parcels from the terminal premises at the option of Encinal. Agreement No. T-3900-1 also amends the provisions of the lease on an interim basis for five years. These provide for an increase in the minimum rental obligation of Eagle and for other revisions of the compensation arrangements applicable to prospective preferential and secondary users of the leased premises. The interim amendments provide for Eagle to pay future increases in real property taxes on the leased premises. The agreement will become effective on the first day of the first month following approval by the Commission. Eagle has the option of terminating the lease amendments prior to the end of the five-year period. Upon termination the permanent lease shall again become effective. Except as provided, the terms and conditions of the basic agreement will remain in effect.

Agreement No. T-3975.

Filing party: Timothy Trushel, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street, NW., Washington, D.C. 20006.

Summary: Agreement No. T-3975, between the Port of Longview (Port) and Continental Grain Company (Continental), provides for the lease by Port to Continental of certain premises in the Port of Longview, Washington, for use as a public marine terminal for handling, storing and shipping bulk commodities. As compensation, Continental will pay Port a monthly rental based on tonnage of cargo handled and prevailing local wharfage rates, with an annual minimum rental of $100,000. The term of the lease is for five years, with two additional five-year renewal options.

Agreement No. 2744-45.

Filing party: Nathan J. Bayer, Exquire, Freehill, Hogan & Mahar, 21 West Street, New York, New York 10006.

Summary: Agreement No. 2744-45 would modify the Atlantic and Gulf/West Coast of South America Conference's basic agreement to provide that, (1) the members may agree upon the amount of brokerage and compensation payable to freight forwarders and the conditions of payment pursuant to applicable law and as set forth in the Conference tariffs; (2) notice of cancellation of a meeting shall be given at least one business day prior to a meeting; and (3) a vote of two-thirds of the members present is required to alter the amounts of brokerage or compensation payable to freight forwarders and the conditions of its payment.

Agreement No. 5660-31.

Filing party: Marc J. Fink, Esq., Billig, Sher & Jones, P.C., 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 5660-31, entered into by the member lines of the Marseilles/North Atlantic U.S.A. Freight Conference, would amend the scope of the basic agreement to include inland points in the United States.

Agreement No. 9355-9.

Filing party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 9355-9 modifies the Atlantic & Gulf American-Flag Berth Operators Agreement to provide that future modifications thereto may be filed by the Agreement Secretary or Legal Counsel on behalf of the member lines and when so directed by them.

Agreement No. 9988-12.

Filing party: Howard A. Levy, Ms. Patricia E. Byrne, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 9988-12 modifies the basic agreement of the Continental-U.S. Gulf Freight Association by authorizing the Conference Chairman, Secretary or Counsel to execute agreement modifications on behalf of conference members.

Agreement No. 10051-5.

Filing party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 10051-5, among the parties to the Mediterranean Force Majeure Agreement, amends that agreement to provide for the filing of future modifications by the Agreement Coordinator or Agreement Counsel on behalf of the member lines and at their direction.

Agreement No. 10118-6.

Filing party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 10118-6, among the members of the Atlantic Steamship Energy Conservation Agreement, modifies Article VII of the Agreement to allow that future amendments agreed upon by the parties may be executed by the Agreement

Coordinator, on behalf of the parties and at their direction.

Agreement No. 10421.

Filing party: Gary R. Edwards, Esquire, Ragan & Mason, 900 Seventeenth Street NW., Washington, D.C. 20006.

Summary: Agreement No. 10421 is a Cooperative Working Agreement between Pan American Mail Lane (PAML) and Linea Naviera Panatlantica, S.A. (LINAPA) which provides that each party will appoint Chester, Blackburn & Roder, Inc., as general agent for the performance of all management functions necessary for the operations of its ocean liner freight services in the foreign commerce of the United States.

PAML and LINAPA will each operate its liner freight service under the trade name of "Pan Atlantic Lines." Each carrier will issue its own bills of lading and will file and maintain its own tariffs, indicating that it is doing business as Pan Atlantic Lines.

The term of the agreement is without fixed limit.

By order of the Federal Maritime Commission.

Dated: June 3, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-16891 Filed 6-8-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

"Tar", Nicotine and Carbon Monoxide Content of the Smoke of 187 Varieties of Cigarettes; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects a Commission document previously published in the **Federal Register** on Thursday, May 28, 1981. The table of "Tar", Nocotine and Carbon Monoxide Content of One-Hundred Eighty Seven (187) Varieties of Domestic Cigarettes contained two typographical errors.

DATE: These corrections are effective on June 9, 1981.

FOR FURTHER INFORMATION CONTACT: Gregory E. Hales, FTC-SSR. Washington, D.C. 20580. (202) 724-1185.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-15726, appearing in the **Federal Register** issue for Thursday, May 28, 1981, 46 FR 28747, in the table on page 28749, the following corrections should be made:

The fourth line from the top should read:

Brand	Type
Arctic Lights	King size, filter, menthol

The ninth line from the bottom should read:

Brand	Type	Tar
Golden Lights 100's	100mm, filter	8

Carol M. Thomas,

Secretary.

[FR Doc. 81-16895 Filed 6-8-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Roxboro Investments Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Clarion Capital Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Roxboro. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 20, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17080 Filed 6-8-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Chris-Craft Industries Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Twentieth Century-Fox Film Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Twentieth Century. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 20, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17081 Filed 6-8-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Fluor Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed merger with St. Joe Minerals Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Fluor Corporation. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 20, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17082 Filed 6-8-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Mallory-Savoy Joint Venture Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all assets of Tyco Industries Inc. and all voting securities of Tyco Hong Kong Ltd. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by all parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 20, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17083 Filed 6-8-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Clifford S. Perlman is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Caesars World Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commision and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, an individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17084 Filed 6-8-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Loren Y. Johnson, District Director, Philadelphia District Office.

DATE: The meeting will be held at 9 a.m., Thursday, June 25, 1981.

ADDRESS: The meeting will be held at the William H. Green Bldg., Rm. 3306–3310, 6th and Arch Sts., Philadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT: Theresa A. Young, Consumer Affairs Technician, Food and Drug Administration, 2d and Chestnut St., Philadelphia, PA 19106, 215–597–0837.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Philadelphia District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: June 1, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-16823 Filed 6-8-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81D-0150]

Investigation of Drugs in Humans; Availability of Clinical Guidelines

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) announces the availability of clinical guidelines entitled "Guidelines for the Clinical Evaluation of Antineoplastic Drugs." The guidelines are intended to inform interested persons of what the agency's Bureau of Drugs (the Bureau) views as acceptable procedures and standards for conducting clinical investigations for this class of drugs.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Roger Gregorio, Bureau of Drugs (HFD-102), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4330 .

SUPPLEMENTARY INFORMATION: FDA is making available guidelines on the investigation of drugs in humans. The guidelines have been prepared by the Bureau of Drugs with assistance from FDA scientific advisory committees and other consultants to the agency. The guidelines contain current acceptable approaches to the study of a specific class of investigational drugs in humans.

This notice is issued under § 10.90(b) (21 CFR 10.90b)), which provides for the use of guidelines to outline procedures or standards of general applicability that are acceptable to FDA for a subject matter that falls within the laws administered by FDA. Although these guidelines are not a legal requirement, a person may be assured that in following an agency guideline(s) the procedures and standards will be acceptable to FDA. A person may also choose to use alternative procedures or standards for which there is scientific rationale even though they are not provided for in the guideline(s). A person who chooses to use procedures or standards not in the guideline(s) may discuss the matter further with the agency to prevent an expenditure of money and effort on work that FDA may later determine to be unacceptable.

The guidelines document subject to this notice is as follows:

HHS (FDA) No	Guideline title	GPO stock No	Cost
81-3112	Guidelines for the Clinical Evaluation of Antineoplastic Drugs	017-012-00294-3	$1.50

Copies of these guidelines can be bought from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington DC 20402, at the cost listed above for the document. Orders for copies must include the GPO stock number which is also listed.

Interested persons may submit written comments on these guidelines to the Dockets Management Branch (HFA-305), Food and Drug Administration (address above). Such comments will be considered in determining whether further amendments to, or revisions of, the guidelines are warranted. Comments should be in four copies (except that individuals may submit single copies), identified with the docket number found in brackets in the heading of this document. The guidelines document and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-16825 Filed 6-8-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0157]

Ralston Purina Co; Selenium

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Ralston Purina Co. has filed a petition proposing that the regulations be amended to provide for the safe use of selenium in prestarter and starter rations for swine at a level not to exceed 0.3 part per million in complete feed.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP-2185) has been filed by the Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188, proposing that § 573.920 *Selenium* (21 CFR 573.920) be amended to provide for the safe use of 0.3 part per million selenium as a nutrient in prestarter and starter rations for swine.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 1, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-16824 Filed 6-8-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N-0131]

Chest X-Ray Referral Criteria Panel Draft Report; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) announces the availablity of a draft report, "Chest X-Ray Referral Criteria Panel Draft Report, No. 1: Selected Screening Uses of the Chest X-Ray Examination" developed by a panel of physicians on the utility of selected chest x-ray screening examinations. This notice also describes FDA's planned procedures to facilitate the development and testing of referral criteria for medical radiological examinations.

DATE: Comments by September 8, 1981.

ADDRESSES: Requests for single copies of the draft report should be made in writing to the Bureau of Radiological Health (HFX-76), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jay A. Rachlin, Bureau of Radiological Health (HFX-76), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4600.

SUPPLEMENTARY INFORMATION: Through the Bureau of Radiological Health, FDA conducts and supports research and training to minimize unproductive radiation exposure from diagnostic radiological examinations (including nuclear medicine procedures). One possible source of unproductive

radiation exposure is radiological examinations that are not likely to affect patient management. To minimize requests for ineffective examinations, a referring physician needs up-to-date information about when a given radiological study is likely to provide needed diagnostic data. This information can take the form of decision guidelines based on patient signs, symptoms, or history and is commonly known as "referral criteria."

To assist in making this type of information available, FDA is facilitating the development, testing, and use of referral criteria for diagnostic radiological procedures. The agency believes that such information about the utility of radiological procedures can (1) assist physicians in using limited health-care and diagnostic radiological resources more effectively, and (2) help minimize unnecessary radiation exposure to the population.

Chest X-Ray Referral Criteria Panel Report

In its role as a facilitator, FDA has provided logistical support to a panel of physician experts in chest radiography to review the uses of chest x-ray examinations and to develop recommendations to help minimize unnecessary radiation exposure associated with chest x-ray examinations. The Chest X-Ray Referral Criteria Panel has prepared a draft report, "Selected Screening Uses of the Chest X-Ray Examination," which the agency is making available for comment.

The principal task of the panel has been critical assessment of the efficacy of chest x-ray screening examinations, many of which are performed in the absence of other medical evaluation such as clinical history, physical examination, or other diagnostic tests. An extensive review of the literature indicated an extremely low yield, from current practices, both of previously undiagnosed disease and of resulting patient benefit.

Because of the varied use of the chest x-ray examination, the panel established a number of working groups to examine separately the different screening applications of the chest x-ray examination. This first panel report examines and contains draft referral criteria statements for five of these applications: mandated routine screening examinations, routine prenatal examinations, routine hospital admission examinations, examinations for tuberculosis detection and control, and routine examinations in occupational medicine. The report also includes a general preamble to referral criteria for chest x-ray examinations, a list of the panel members, and an FDA annotated bibliography of the medical literature which formed the scientific basis for the referral criteria statements.

Additional reports of the Chest X-Ray Referral Criteria Panel may be developed later. A notice of availability of any such report will be published in the **Federal Register** when the report becomes available.

Background

During hearings held in July 1978, by a subcommittee of the House of Representatives on the issue of Health effects from exposure to low-level ionizing radiation, including medical and dental radiation, several physicians described their efforts to reduce possible overutilization of x-ray examinations by establishing and testing referral criteria. The subcommittee became convinced that physicians' use of referral criteria could lead to the best use of radiological resources and, at the same time, reduce radiation exposure.

The National Conference on Referral Criteria for X-Ray Examinations (Ref. *1*) was subsequently convened on October 25–27, 1978, in Washington, D.C. (see the **Federal Register** of October 6, 1978; 43 FR 46376). It provided a forum for the exchange of ideas and for the discussion of current medical x-ray referral criteria projects. Participants included individual clinicians, representatives of health-related government agencies, and State health departments, various medical specialists, insurance company representatives, lawyers, and consumers. The National Conference also provided participants an opportunity to discuss the causes of medical x-ray overutilization.

Workshop sessions were held to address specific issues and to formulate plans whereby the government and the private sector could work together to provide solutions. One workshop developed several recommendations concerning the benefits and use of referral criteria. These recommendations, endorsed by the National Conference participants, are summarized as follows:

1. Referral criteria could help to make the best use of x-ray examinations in medical practice and would result in lower radiation exposure to the public and more efficient utilization of limited radiological resources.

2. Referral criteria should be developed by members of the medical profession with the government acting as a facilitator. Small panels of experts representing various relevant medical and scientific disciplines should be convened to evaluate the literature and draft referral criteria.

3. Referral criteria should be developed on sound scientific bases and thoroughly tested in diverse clinical settings.

4. Ways should be provided for changing referral criteria when medical practices and perceptions change.

5. Radiologists should have a central role in the development of referral criteria for diagnostic x-ray examinations.

6. Referral criteria need to be voluntary so that physicians can adjust their referral decisions to unique patient circumstances and to changing medical knowledge and practices.

The agency agrees with the recommendations of National Conference participants and intends to participate by acting as a facilitator in the development, dissemination, and evaluation of referral criteria.

Method of Development

Determining with reasonable certainty whether or not a particular radiological examination will provide needed diagnostic information under particular circumstances usually can be accomplished only after considerable clinical evidence has been accumulated on many patients. In addition, even if a determination of efficacy is made in one clinical setting, the results may not be directly applicable in others. Therefore, FDA proposes that referral criteria be developed on the basis of the soundest possible science after the widest professional and public participation. The agency believes that the following strategy embodies these principles:

1. FDA intends to support, through contracts and grants, research on the utility of various diagnostic examinations, to aid in establishing scientific bases for referral criteria.

2. FDA will provide logistical support through a contractor for the convening of small panels of clinical and scientific experts to formulate draft referral criteria or statements on use for various diagnostic radiological examinations. This support will be based on FDA asessment of the literature, research results, advice from its Medical Radiation Advisory Committee, and recommendations from scientific and professional organizations. The agency will make the following available to the public through notices of availability published in the **Federal Register**: (1) reports of panel deliberations; (2) draft referral criteria or other efficacy information developed by the panels; (3) background; and (4) rationale for the criteria. Notices advertising these

reports and soliciting comments will also be published in the bulletins of relevant cooperating professional, scientific, and government organizations.

3. Consistent with the recommendation of National Conference participants that radiologists should have a central role in the development of referral criteria, the American College of Radiology (ACR), through its Radiation Advisory Committee, has volunteered to coordinate the professional review of draft referral criteria. ACR will distribute draft referral criteria for review to appropriate professional societies and will assemble and submit to FDA received comments. FDA, in turn, will send these comments, together with comments from other sources, such as individuals corresponding directly with the agency, to the referral criteria panels for their consideration.

4. FDA will endeavor to support clinical trials and demonstration projects if they appear advisable. According to agency policy, the study design of any such clinical trial or demonstration project will be reviewed, with particular emphasis on protection afforded human subjects.

5. The results of any clinical trials, together with review comments and other relevant material, will be referred back to the panel for development of a revised referral criteria report. FDA will announce the availability of any revised report through a notice in the **Federal Register.**

6. FDA will incorporate referral criteria into its education programs for the health professions, for example, in techical reports, which can be used by medical schools in training physicians, by professional societies for continuing education, and by individual physicians as reference sources for their practices (see, e.g., Ref. *2*). The criteria will not, however, be issued as regulations or even formal recommendations: FDA's role will be that of a facilitator.

The agency believes that developing and implementing referral criteria through a voluntary educational approach will modify medical practice by reducing the number of unnecessary radiological examination orders. Evidence that educational efforts help reduce unnecessary x-ray examinations is already available from small-scale projects performed by individual institutions and by Professional Standards Review Organizations.

7. As referral criteria are incorporated into clinical practice and experience with their use develops, FDA will solicit comments from the public, individual health professionals, and other appropriate groups regarding the usefulness of, and recommended changes to, the criteria. Based on such comments, further research, and pertinent information in the clinical and scientific literature, the agency will cooperate with the relevant professions to ensure that referral criteria reflect the current state of clinical and scientific knowledge.

Public Participation

The agency believes that referral criteria will be accepted and used only if there is a broad consensus among professionals as to the scientific bases and usefulness of the criteria. Therefore, in addition to relying on individual clinicians and professional organizations to participate in developing the criteria and in distributing and reviewing draft documents, to encourage public participation FDA will periodically publish in the **Federal Register** notices of availability of referral criteria documents. It will particularly solicit comments when a panel develops a draft report, but there will also be an opportunity to comment on the final reports when their availability is announced in the **Federal Register.** Those who respond to these notices or who comment on particular referral criteria will be kept informed through periodic mailing of revised and new drafts, final documents, and technical reports. Furthermore, FDA will maintain a list of respondents to this and related announcements as a mailing list for future panel reports and other significant referral criteria documents.

An additional opportunity for public participation in the development of referral criteria will be provided at the referral criteria panel meetings. FDA will assist the panels by publishing notices of these meetings in the **Federal Register** (see, e.g., the notice of the meeting of the Chest X-Ray Referral Criteria Panel, 46 FR 17888; March 20, 1981). The notice will include an agenda identifying open sessions and the topics of discussion. Interested persons will have the opportunity to submit written data and views to the panels or to request time for oral presentation during the open sessions. Reports of panel meetings will contain minutes of the open sessions, copies of written data and views submitted to the panels in open sessions, and summaries of and closed sessions. The reports will be rewarded to the Dockets Management Branch for public display.

References

The following information has been placed in the Dockets Management Branch (address above) and may be seen by interested persons from 9 a.m. to 4 p.m., Monday through Friday.

1. U.S. Department of Health, Education, and Welfare, Public Health Service, Food and Drug Administration, Bureau of Radiological Health, "The National Conference on Referral Criteria for X-Ray Examinations," October 25–27, 1978, HEW Publication (FDA) 79–8083, April 1979.

2. U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Radiological Health, "The Selection of Patients for X-Ray Examinations: The Pelvimetry Examination," HHS Publication (FDA) 80–8128, September 1980.

The agency invites and encourages additional data and comment on the Chest X-Ray Referral Criteria Panel Draft Report No. 1, single copies of which are available from the Bureau of Radiological Health at the above address. Interested persons may, on or before September 8, 1981, submit written comments on the report to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Comments should be in four copies (except that individuals may submit single copies) identified with the docket number found in brackets in the heading of this document. FDA will refer any such comments to the panel for consideration in developing a final report. The draft report and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 28, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81–16948 Filed 6–8–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81M–0108]

Intermedics, Inc., Premarket Approval of Cyberlith™ IV Model 259–01 Programmable A–V Sequential Pulse Generator and Series 522 Programmer

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the CyberLith™ IV Model 259–01 Programmable A–V Sequential Pulse Generator and Series 522 Programmer sponsored by Intermedics, Inc., Freeport, TX 77541. After reviewing the recommendation of the Circulatory Systems Devices Panel, FDA notified the

sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by July 9, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry A. Goldstein, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Springs, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On April 18, 1980, Intermedics, Inc., Freeport, TX, submitted to FDA an application for premarket approval of the CyberLith™ IV Model 259–01 Programmable A–V Sequential Pulse Generator and Series 522 Programmer. The application was reviewed by the Circulatory Systems Devices Panel, and FDA advisory committee, which recommended approval of the application. On March 6, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independant advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before July 9, 1981, file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–16949 Filed 6–8–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Environmental Impact Statement on the Proposed Conservation of Bottomland Hardwood Habitat Known as Reeves Bottom in Dunklin County, Mo.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that a draft environmental impact statement (DEIS) on the proposed conservation of bottomland hardwood habitat known as Reeves Bottom in Dunklin County, Missouri, will be available for public review by June 5, 1981, and comments and suggestions are hereby requested.

The DEIS considers environmental and other effects of conserving approximately 2,300 acres of bottomland hardwood habitat that has significant value to winteing waterfowl and other species of wildlife. The statement evaluates the impacts of several alternatives for preserving these lands. Five alternatives are considered including the Fish and Wildlife Service's preferred alternative, a combination of fee title and easement acquisition by Federal and State agencies.

DATE: Written comments must be received by August 17, 1981, in order to be included in the final environmental impact statement.

ADDRESS: Written comments should be addressed to: Mr. Gary L. Hickman, Area Manager, U.S. Fish and Wildlife Service, 200 East Pascagoula Street, Suite 300, Jackson, Mississippi 39201.

FOR FURTHER INFORMATION CONTACT: Robert M. Dawson, Land Acquisition Supervisor, U.S. Fish and Wildlife Service, 200 East Pascagoula Street, Suite 300, Jackson, Mississippi 39201. Telephone (Commercial) 601/960–4900 or (FTS) 490–4900.

Individuals who want copies of the DEIS for review should immediately contact the above individual. Copies will be sent to all agencies, organizations, and individuals who participated in the scoping process and to all others who have already requested copies.

SUPPLEMENTAL INFORMATION: The U.S. Department of the Interior, Fish and Wildlife Service (FWS) proposes to conserve, through a combination of State/Federal fee title and easement acquisition, approximately 2,300 acres of bottomland hardwood habitat in Dunklin County, Missouri. This area, referred to as Reeves Bottom, is locally known as Hornersville Swamp and is located in the extreme southeastern portion of the state. The primary purpose of the proposed action is the conservation of habitat that has been identified by the FWS as being significantly important to wintering waterfowl, particularly mallards, in the Lower Mississippi River Delta. Nationally, there are 33 priority categories of waterfowl habitat identified by the FWS within the United States. The bottomland hardwoods of the Lower Mississippi River Delta have been assigned a number 7 national priority.

To obtain input from the public on the Reeves Bottom conservation proposal, public meetings were held in Hornersville, Missouri, and Manila, Arkansas, during June 1980. To date, the response of State and local officials and the general public has been overwhelmingly in favor of the area being preserved. The principal concerns voiced at the meetings were: (1) Need for natural resource protection and enhancement on the area, (2) availability of the area for a wide range of public uses, including hunting, (3) concern over excessive drainage, and (4) the need for better water level management.

The Service has considered a range of alternatives for the conservation of Reeves Bottom. Before selecting State/

Federal fee title and easement acquisition as the preferred alternative, the following alternatives were considered: (1) No Action (Reliance on Zoning and/or Existing Legislation); (2) Fee Title Acquisition by the U.S. Fish and Wildlife Service; (3) Conservation by Easement and/or Lease Only; and (4) Fee Acquisition by the U.S. Army Corps of Engineers. All alternatives were considered in light of the degree of resource protection and enhancement offered, environmental consequences, costs involved, and consistency with FWS land acquisition policy. Funding for any land acquired by the FWS would come from the Migratory Bird Conservation Account (MBCA) which is derived from the sale of migratory bird hunting stamps.

The preferred alternative, Federal/State Fee Title and Easement Acquisition, recommends that the protection and conservation of Reeves Bottom be accomplished cooperatively between the Missouri Department of Conservation, the U.S. Army Corps of Engineers (COE), and the FWS, using a combination of fee title and easement acquisition. This approach is fully consistent with the above mentioned criteria for evaluation of alternatives.

Alternative 2, the No Action Alternative, includes reliance on zoning and/or existing legislation. This alternative would not meet FWS's habitat preservation objective and would allow current land use changes in the area to continue unabated. This action would be to the detriment of the area's wildlife and other natural resources.

Alternative 3, Fee Title Acquisition by the U.S. Fish and Wildlife Service, would entail fee title acquisition of the entire project area by the FWS. While this alternative would be in harmony with FWS's habitat preservation objectives, it would not be fully consistent with Service land acquisition policy which states that fee acquisition will be recommended only when other means of achieving program goals and objectives are not appropriate, available, or effective.

Alternative 4, Conservation by Easement and/or Lease Only, calls for the FWS to acquire easements and/or leases at Reeves Bottom as a means of protecting and conserving this area. This alternative was not selected because of landowner desires, the uncertainty of contract (lease) renewals, cost ineffectivness, and lack of long-term habitat conservation assurance.

Alternative 5 is Fee Title Acquisition by the U.S. Army Corps of Engineers. Under this alternative, the Memphis District of the Corps of Engineers would purchase the entire Reeves Bottom project area as an environmental quality feature of its St. Francis River Basin Project. This alternative was not considered viable since implementation would significantly increase the cost of the Corps of Engineers project.

Other Government agencies and several members of the general public contributed to the planning and evaluation of the proposal and to the preparation of this draft environmetal impact statement. A Notice of Intent to prepare an environmental impact statement (EIS) was published on February 20, 1980, in Vol. 45, No. 35 of the **Federal Register**.

Scoping for this DEIS included two public meetings to obtain suggestions and information from agencies, organizations, and the general public on the scope of issues to be addressed in the DEIS. These meetings were held at Honersville, Missouri, on June 2, 1980, and at Manila, Arkansas on June 3, 1980. Forty people attended the first meeting, and a formal statement of support for FWS conservation efforts was presented by the Missouri Department of Conservation. Nine persons attended the second meeting, and statements of support were given by the Northeast Arkansas Audubon Society and the Mississippi County (Arkansas) Wildlife Association. The comments, issues, and concerns expressed during the scoping process were considered in the proparation of this statement.

All agencies, organizations, and individuals are urged to provide comments and suggestions for improving this DEIS as soon as possible. All comments received by the dates given above will be considered in preparation of the final EIS on this proposed action.

Dated: June 1, 1981.

Walter O. Stieglitz,

Regional Director, Fish and Wildlife Service.

[FR Doc. 81-16933 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0829, Block 219, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practicers and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 1, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-16931 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 4240 and 3594, Blocks 300 and 301, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd.,

Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 1, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-16932 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-31-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 29, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 24, 1981.

Carol Shull,

Chief, Registration Branch.

CALIFORNIA

Humboldt County

Bridgeville vicinity, *Lower Blackburn Grade Bridge*, NW of Bridgeville on CA 36

San Francisco County

San Francisco, *Lydia, The (Archeological Site No. 4—SFR—94 H*, King St. and The Embarcadero

Santa Cruz County

Santa Cruz vicinity, *Brown, Allan, Site*

Shasta County

Redding, *Archeological Site No. CA–SHA–475*

Trinity County

Hayfork vicinity, *Archeological Site No. CA–TRI–140*

IOWA

Adair County

Greenfield, *Adair County Courthouse (County Courthouses in Iowa Thematic Resources)* Iowa Ave. and 1st St.

Allamakee County

Waukon, *Allamakee County Courthouse (County Courthouses in Iowa Thematic Resources)* 107 Allamakee St. (previously listed in the National Register 4–11–77)

Appanoose County

Centerville, *Apanoose County Courthouse (County Courthouses in Iowa Thematic Resources)* Van Buren and N. 12th St.

Audubon County

Exira, *Audubon County Courthouse (County Courthouses in Iowa Thematic Resources)* Washington and Kilworth Sts. (previously listed in the National Register 7–26–77)

Benton County

Vinton, *Benton County Courthouse (County Courthouses in Iowa Thematic Resources)* E. 4th St. (previously listed in the National Register 10–8–76)

Boone County

Boone, *Boone County Courthouse (County Courthouses in Iowa Thematic Resources)* N. State and W. 2nd Sts.

Calhoun County

Rockwell City, *Calhoun County Courthouse (County Courthouses in Iowa Thematic Resources)* Court and 4th Sts.

Chickasaw County

New Hampton, *Chickasaw County Courthouse (County Courthouses in Iowa Thematic Resources)* Prospect St.

Clay County

Spencer, *Clay County Courthouse (County Courthouses in Iowa Thematic Resources)* W. 4th St. and 3rd Ave.

Clayton County

Elkader, *Clayton County Courthouse (County Courthouses in Iowa Thematic Resources)* 111 High St. (previously listed in the National Register 10–8–76)

Clinton County

Clinton, *Clinton County Courthouse (County Courthouses in Iowa Thematic Resources)* Between 6th and 7th Aves.

Crawford County

Denison, *Crawford County Courthouse (County Courthouses in Iowa Thematic Resources)* Broadway

Dallas County

Adel, *Dallas County Courthouse (County Courthouses in Iowa Thematic Resources)* Town Sq. (previously listed in the National Register 11–26–73)

Davis County

Bloomfield, *Davis County Courthouse (County Courthouses in Iowa Thematic Resources)* Bloomfield Town Sq. (previously listed in the National Register 5–3–74)

Decatur County

Leon, *Decatur County Courthouse (County Courthouses in Iowa Thematic Resources)* 9th St.

Delaware County

Manchester, *Delaware County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Dickinson County

Spirit Lake, *Dickinson County Courthouse (County Courthouses in Iowa Thematic Resources)* Hill Ave.

Dubuque County

Dubuque, *Dubuque County Courthouse (County Courthouses in Iowa Thematic Resources)* 720 Central Ave. (previously listed in the National Register 6–23–71)

Fayette County

West Union, *Fayette County Courthouse (County Courthouses in Iowa Thematic Resources)* Pine St.

Franklin County

Hampton, *Franklin County Courthouse (County Courthouses in Iowa Thematic Resources)* Central Ave. and 1st St., N.W. (previously listed in the National Register 8–13–75)

Fremont County

Sidney, *Fremont County Courthouse (County Courthouses in Iowa Thematic Resources)* Clay St.

Greene County

Jefferson, *Greene County Courthouse (County Courthouses in Iowa Thematic Resources)* E. Lincoln Way and Chestnut Sts. (previously listed in the national register 12–14–78)

Grundy County

Grundy Center, *Grundy County Courthouse (County Courthouses in Iowa Thematic Resources)* Grundy Ave.

Hancock County

Garner, *Hancock County Courthouse (County Courthouses in Iowa Thematic Resources)* State St.

Hardin County

Eldora, *Hardin County Courthouse (County Courthouses in Iowa Thematic Resources)* Edgington Ave.

Harrison County

Logan, *Harrison County Courthouse (County Courthouses in Iowa Thematic Resources)* 7th St.

Henry County

Mount Pleasant, *Henry County Courthouse (County Courthouses in Iowa Thematic Resources)* Washington St.

Howard County

Cresco, *Howard County Courthouse (County Courthouses in Iowa Thematic Resources)* Elm St.

Ida County

Ida Grove, *Ida County Courthouse (County Courthouses in Iowa Thematic Resources)* 401 Moorehead St. (previously listed in the National Register 3–15–74)

Iowa County

Marengo, *Iowa County Courthouse (County Courthouses in Iowa Thematic Resources)* Court Ave.

Jackson County

Bellevue, *Jackson County Courthouse (County Courthouses in Iowa Thematic Resources)* Off IA 62

Jasper County

Newton, *Jasper County Courthouse (County Courthouses in Iowa Thematic Resources)* 1st Ave.

Jefferson County

Fairfield, *Jefferson County Courthouse (County Courthouses in Iowa Thematic Resources)* Court St.

Johnson County

Iowa City, *Johnson County Courthouse (County Courthouses in Iowa Thematic Resources)* S. Clinton St. (previously listed in the National Register 3–27–75)

Keokuk County

Sigourney, *Keokuk County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Lee County

Fort Madison, *Lee County Courthouse (County Courthouses in Iowa Thematic Resources)* 701 Avenue F (previously listed in the National Register 9–30–76)

Louisa County

Wapello, *Louisa County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Lucas County

Chariton, *Lucas County Courthouse (County Courthouses in Iowa Thematic Resources)* Courthouse Sq.

Lyon County

Rock Rapids, *Lyon County Courthouse (County Courthouses in Iowa Thematic Resources)* 3rd and Story Sts. (previously listed in the National Register 10–1–79)

Madison County

Winterset, *Madison County Courthouse (County Courthouses in Iowa Thematic Resources)* City Sq. (previously listed in the National Register 8–13–76)

Mahaska County

Oskaloosa, *Mahaska County Courthouse (County Courthouses in Iowa Thematic Resources)* Market St. and 2nd Ave.

Marion County

Knoxville, *Marion County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Marshall County

Marshalltown, *Marshall County Courthouse (County Courthouses in Iowa Thematic Resources)* Courthouse Sq. (previously listed in the National Register 11–21–72)

Mitchell County

Osage, *Mitchell County Courthouse (County) Courthouses in Iowa Thematic Resources)* 500 State St. (previously listed in the National Register 8–29–77)

Monona County

Onawa, *Monona County Courthouse (County Courthouses in Iowa Thematic Resources)* Iowa Ave.

Monroe County

Albia, *Monroe County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Montgomery County

Red Oak, *Montgomery County Courthouse (County Courthouses in Iowa Thematic Resources)* Coolbaugh and 2nd Sts.

Muscatine County

Muscatine, *Muscatine County Courthouse (County Courthouses in Iowa Thematic Resources)* 3rd St.

O' Brien County

Primghar, *O' Brien County Courthouse (County Courthouses in Iowa Thematic Resources)* Fir Ave.

Osceola County

Sibley, *Osceola County Courthouse (County Courthouses in Iowa Thematic Resources)* 3rd Ave. and 8th St.

Page County

Clarinda, *Page County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Plymouth County

LeMars, *Plymouth County Courthouse (County Courthouses in Iowa Thematic Resources)* E. 3rd Ave.

Pocahontas County

Pocahontas, *Pocahontas County Courthouse (County Courthouses in Iowa Thematic Resources)* Court Sq.

Polk County

Des Moines, *Polk County Courthouse (County Courthouses in Iowa Thematic Resources)* 6th and Mulberry Sts. (previously listed in the National Register 4–30–79)

Pottawattamie County

Avoca, *Pottawattamie County Sub Courthouse (County Courthouses in Iowa Thematic Resources)* Elm St.

Poweshiek County

Montezuma, *Poweshiek County Courthouse (County Courthouses in Iowa Thematic Resources)* Town Sq.

Ringgold County

Mt. Ayr, *Ringgold County Courthouse (County Courthouses in Iowa Thematic Resources)* Madison St.

Sac County

Sac City, *Sac County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Shelby County

Harlan, *Shelby County Courthouse (County Courthouses in Iowa Thematic Resources)* 7th and Courts Sts. (previously listed in the National Register 11–14–78)

Sioux County

Orange City, *Sioux County Courthouse (County Courthouses in Iowa Thematic Resources)* Off IA 10 (previously listed in the National Register 4–11–77)

Tama County

Toledo, *Tama County Courthouse (County Courthouses in Iowa Thematic Resources)* State St.

Taylor County

Bedford, *Taylor County Courthouse (County Courthouses in Iowa Thematic Resources)* Court Ave.

Van Buren County

Keosauqua, *Van Buren County Courthouse (County Courthouses in Iowa Thematic Resources)* 904 4th St. (previously listed in the National Register 11–9–77)

Wapello County

Ottumwa, *Wapello County Courthouse (County Courthouses in Iowa Thematic Resources)* Court St.

Washington County

Washington, *Washington County Courthouse (County Courthouses in Iowa Thematic Resources)* N. B Ave.

Webser County

Fort Dodge, *Webster County Courthouse (County Courthouses in Iowa Thematic Resources)* 701 Central Ave.

Winnebago County

Forest City, *Winnebago County Courthouse (County Courthouses in Iowa Thematci Resources)* J St.

Woodbury County

Sioux City, *Woodbury County Courthouse (County Courthouses in Iowa Thematic Resources)* 7th and Douglas Sts. (previously listed in the National Register 12–18–73)

Worth County

Northwood, *Worth County Courthouse (County Courthouses in Iowa Thematic Resources)* 921 Central Ave.

Worth County

Northwood, *Worth County Courthouse (County Courthouses in Iowa Thematic Resources)* Central Ave. between 10th and 11th Sts.

Wright County

Clarion, Wright County Courthouse (County Courthouses in Iowa Thematic Resources) Central Ave.

Ohio

Henry County

Napoleon, *Henry County Sheriff's Residence and Jail*, 123 E. Washington St.

Portage County

Kent, *Hopkins, Benjamin F., Stone Building*, Standing Rock Cemetery

Wisconsin

Monroe County

Kendall, *Kendalls Depot*, N. Railroad St.

Rock County

Janesville, *Janesville Public Library*, 64 S. Main St.

Waukesha County

Genesee Depot, *Genesee Town Hall*, Genesee St.

[FR Doc. 81-16845 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-03-M

Bureau of Land Management

New Mexico; Southeast Oklahoma Management Framework Plan—Underground Minable Coal Reserves

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice of Decision on the Amendment of Southeast Oklahoma Management Framework Plan.

SUMMARY: This notice is to advise the public that the District Manager, Albuquerque District, Bureau of Land Management, has issued three decisions on the amendment of the Southeast Oklahoma Management Framework Plan (MEP). The amendment decisions designated underground minable reserves of the Rock Island and Spiro-Bokoshe areas as suitable for further leasing consideration. A third decision designated surface minable area M1A–39 as unavailable for further leasing consideration. The State Director of New Mexico has concurred with the decisions.

SUPPLEMENTARY INFORMATION: The District Manager, Albuquerque District, Bureau of Land Management, has issued three decisions on the amendment of the Southeast Oklahoma Management Framework Plan (MFP), in response to direction received from the Regional Coal Team for the Western Interior Federal Coal Production Region, Oklahoma Subregion. The MFP amendment incorporated underground minable federal coal reserves, having a high or medium potential for development, into the land use planning process. Two amendment decisions designated underground minable reserves of the Rock Island and Spiro-Bokoshe areas as suitable for further leasing consideration. The amendment also incorporated surface minable reserves (area M1A–39) adjacent to underground reserves of the Spiro-Bokoshe area that were not previously included in the MFP. The third amendment decision designated area M1A–39 as unavailable for futher leasing consideration. The State Director of New Mexico has concurred with the decisions.

The amendment areas are located in LeFlore County, Oklahoma and include portions of the following described townships:

Indian Meridian, Oklahoma

T. 8 N., R. 24, 25, 26, and 27 E.
T. 9 N., R. 24, 25, and 26 E.

Copies of the Decision Document and Final Environmental Assessment are available for public review in the New Mexico State Office, U.S. Post Office and Federal Building, Santa Fe, New Mexico; at the Albuquerque District Office, 3550 Pan American Freeway, NE, Albuquerque, New Mexico; or at the Oklahoma Resource Area Office, 200 NW Fifth Street, Room 548, Oklahoma City, Oklahoma, during regular office hours. Individual copies of the document are available from the Oklahoma Area Manager, Bureau of Land Management, 200 NW Fifth Street, Room 548, Oklahoma City, Oklahoma 73102, telephone (405) 231–4481.

Any person who participated in the planning process and who has an interest which may be adversely affected by approval of the MFP amendment may file a protest on or before July 9, 1981. A protest may raise only those issues which were submitted for the record to the District Manager during the planning process. The protest shall be in writing and shall be filed with the State Director, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501. The protest shall contain the name, mailing address, telephone number and interest of the person filling the protest; a statement of the issue or issues being protested; a statement of the part of the amendment being protested; a copy of all documents addressing the issue or issues that were submitted during the amendment process by the protesting party or an indication of the date the issue or issues were discussed for the record; and a short, concise statement explaining why the District Manager's decision was wrong.

Implementation of the decision will begin no sooner than July 9, 1981, or upon resolution of any protest received by the State Director.

L. Paul Applegate,

District Manager.

[FR Doc. 81-16930 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Amendment

Federal Register Notice—Vol. 45, No. 221, dated Thursday, November 13, 1980, No. 4—*San Juan River Regional Coal Leasing EIS*, is amended as follows:

The coal lease exchange impact analysis as authorized by Pub. L. 96–475 dated October 19, 1980, will be assessed in a separate environmental analysis (EA). A news release will be prepared and published after publication in the **Federal Register.**

L. Paul Applegate,

District Manager.

May 29, 1981.

FR Doc. 81-16937 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 81-23]

Northern Idaho Grazing Management, Draft Environmental Impact Statement; DEIS Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Public comment period on Northern Idaho Grazing DEIS.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement for a proposed grazing management for the Coeur d'Alene District in northern Idaho. Approximately 121,000 acres of public lands are involved. Copies of the draft environmental impact statement are available for inspection at the following locations:

Coeur d'Alene District, Bureau of Land Management, 1808 North Third, Coeur d'Alene, Idaho 83814. Telephone: (208) 667–2561 (Ext. 356).

Cottonwood Resource Area Headquarters, Bureau of Land Management, Route 3, Box 181, Cottonwood, Idaho 83522. Telephone: (208) 962–3245.

Idaho State Office, Bureau of Land Management, Federal Building, 500 W. Fort Street, Boise, Idaho 83724. Telephone: (208) 334–1770.

Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street, NW., Washington, D.C. 20240.

A limited number of single copies may be obtained from the Idaho State Director, the Coeur d'Alene District Manager, or the Cottonwood Resource Area Manager, Bureau of Land Management, at the address noted above.

Notice is hereby given that the draft environmental impact statement is available for public review and comment. The Department of the Interior invites written comments on the adequacy of the draft statement.

DATE: July 27, 1981—Deadline for receiving written comments.

ADDRESS: Written comments on the Draft EIS should be sent to: Northern Idaho Grazing EIS, Cottonwood Resource Area Headquarters, Route 3, Box 181, Cottonwood, Idaho 83522.

FOR FURTHER INFORMATION CONTACT: Dick Todd or Richard Harms, Bureau of Land Management, Cottonwood Resource Area Headquarters, (208) 962–3245.

Dated: June 2, 1981.

T. G. Bingham,

Acting State Director, Idaho.

[FR Doc. 81-16838 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-84-M

Carson City District, Nevada; District Advisory Council Meeting

SUMMARY: The Carson City District Advisory Council will meet July 10, 1981 at 9:00 a.m. at the Palomino Valley Wild Horse and Burro Placement Center, about 18 miles north of Sparks, Nevada at 17800 Pyramid Lake Highway. Range Management will be the main subject.

Agenda

9:00 a.m. Call to order
9:30 a.m. Adjourn for field trip to the Antelope Mountain Grazing Allotment (12:00 Sack lunch
2:00 p.m. Reconvene
2:30 p.m. Range Management in Carson City District
3:00 p.m. Discussion and Public Statements —Adjournment

The public is welcome to attend the meeting, participate in the discussion, and make statements before the Council.

FOR FURTHER INFORMATION CONTACT: Stephen A. Weiss, Public Affairs Officer, BLM Carson City District, 1050 East William Street, Suite 335, Carson City, NV 98701.

Thomas J. Owen,

District Manager.

May 29, 1981.

[FR Doc. 81-16907 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-84-M

[W-0317252]

Wyoming; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of Interior proposes to continue the existing withdrawal of the following public lands made by Public Land Order No. 3976 of April 4, 1966, for a 20-year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2751; 43 U.S.C. 1714):

Sixth Principal Meridian, Wyoming

T. 21 N., R. 87 W.

The tract of land beginning at a point located 1,344.9 feet due south of the N¼ cor., sec. 20, T. 21 N., R. 87 W. bearing due west 577.1 feet; thence S. 59°30′ W. 696.3 feet; thence on the arc of a curve to the left, radius 1785; 124.6 feet; thence S. 55°30′ W. 72.0 feet; thence, on the arc of a curve to the left, whose back tangent bears S. 64°30′ W., radius 5560.0 feet, 1165.0 feet; thence S. 87°56′ E., 188.2 feet; thence due north 631.7 feet to the point of beginning.

The area described contains 13.3 acres in Carbon County, Wyoming.

The purpose of the withdrawal is a Bureau of Land Management administrative site. The withdrawal closed the described lands to all forms of appropriation under the public land laws including the mining laws, but not to leasing under the mineral leasing laws. No change in the segregative effect or use of the land would be effected by the continuation.

Comments, suggestions, or objections to this proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management, on or before June 12, 1981.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned before July 17, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings are scheduled and conducted in accordance with the BLM Manual, Section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigations to determine the existing and potential demands for the land and its reources and review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continution should be sent to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-16873 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With the Pathfinder Irrigation District; Intent To Negotiate a Repayment Contract

The Department of the Interior, through the Bureau of Reclamation, intends to initiate negotiations for an emergency loan repayment contract with the Pathfinder Irrigation District, Mitchell, Nebraska.

The district is a part of the Interstate Division of the North Platte Project located in southeastern Wyoming and western Nebraska along the North Platte River. Originally, the project was western Nebraska along the North Platte River. Originally, the project was authorized as the Sweetwater Project by the Secretary of the Interior on March 14, 1903, under the Reclamation Act of 1902 (32 Stat. 388), and later approved by the President on January 5, 1911. The Interstate Division is composed of the project lands in Wyoming and Nebraska on the north side of the North Platte River served by the Interstate Canal. The district operates and maintains the project works below station No. 2 of the Interstate Canal, including the Interstate Canal, laterals, drainage system, Lake Minatare, and Lake Alice.

The proposed repayment contract will provide for repayment by the district of up to $475,000 advanced to the district as an emergency loan. The funds were needed by the district for emergency repair of a sinkhole and void on the downstream face of the Lake Alice Dam No. 1.

All meetings scheduled by the Bureau with the district for the purpose of

discussing terms and conditions of the proposed repayment contract shall be open to the general public as observers. Advance notice of meetings shall be furnished only to those parties having previously furnished a written request for such notice at least 1 week prior to any meeting. Requests should be addressed to the Regional Director, Bureau of Reclamation, Attention: LM-440, P.O. Box 25247, Denver, Colorado 80225. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared to be available to the public. Unless significant public interest in the proposed contract is demonstrated in response to this notice, the availability of the negotiated draft contract will not be published or made the subject of a public hearing.

For further information on scheduled contract negotiating sessions and copies of the proposed contract form, please contact Messrs. Robin D. McKinley or Buddy J. Smith, Repayment Branch, at the above address: telephone (303) 234-3327 or 234-6562.

Dated: June 3, 1981.

Clifford L. Barrett,

Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81-10983 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (SUB-NO. 34)]

Chicago & North Western Transportation Co., Exemption for Contract Tariff ICC-CNW-C-0002

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). Its previously filed contract tariff will become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Chicago and North Western Transportation Company (C&NW) filed a petition on May 21, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its contemporaneously filed contract tariff ICC-CNW-C-0002, now June 25, 1981, so that the effective date would be on one day's notice.

The contract covers the transportation by C&NW of roofing granules for the Minnesota Mining & Manufacturing Company (3M). This shipper operates a plant at Havelock, Ontario, Canada which manufactures these granules. Because this plant has recently been struck by its employees, 3M must supply its Canadian customers from its Wausau, WI, plant during the course of the strike. The need for these Canadian shipments from Wausau has led 3M to seek an advancement of the original effective date of its contract with C&NW.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

We believe the strike at 3M's Ontario plant constitutes such an exceptional situation, and the petition will be granted. A denial of the petition could preclude 3M from responding efficiently to customer requirements during the course of the Havelock strike. There is no indication that C&NW's obligation to provide service to other shippers will be impaired by its performance under the contract. In these circumstances, authorization of a provisional exemption is warranted, and C&NW's contract tariff ICC-CNW-C-0002 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources. (49 U.S.C. 10505).

Dated: June 3, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis. Commissioner Alexis dissented in part with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Alexis, dissenting in part:

I find that no exceptional or emergency situation exists which warrants an exemption under Section 10505. The carrier is not prevented from making these movements under existing common carrier tariffs or seeking special permission to file a tariff on short notice if no applicable tariffs are on file.

[FR Doc. 81-10955 Filed 6-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP1-165]

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issues) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 730 (Sub-497F) (republication), filed March 11, 1980, published in **Federal Register** of June 26, 1980, and republished this issue. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. N. Colledge (same address as applicant). A decision by the Commission, Review Board 1, Decided March 27, 1981, served April 7, 1981, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *chemicals and petroleum*

products, in bulk, in tank vehicles, (1) from the facilities of Shell Chemical Co. and Shell Oil Co., in Harris County, TX, and at or near Geismar and Norco, LA, to points in the United States (except Alaska and Hawaii), and (2) from points in the United States (except Alaska and Hawaii), to the facilities of Shell Chemical Co. and Shell Oil Co., located in Louisiana and Texas. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is *expanded origin point of Harris County, TX.*

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16707 Filed 6-8-81: 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 96]

Restriction Removals; Decision-Notice

Decided: June 4, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 547 (Sub-6)X, filed May 27, 1981. Applicant: WALL TRUCK LINE, INC., 105 North Olive, Holden, MO 64040. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in its regular route portion of its authority; (b) iron and steel articles and prefabricated parts used in the manufacture and sale of agricultural implements to "metal and metal products" in the irregular route portion of its authority, (2) delete an "in containers" restriction in its regular route portion of its authority to transport sand, lumber, feed, meats, oil and grease; (3) broaden cities and/or off-route points to counties: the off-route point of Holden, MO, to Johnson County, MO; Ottawa, KS, to Franklin County, KS; (4) authorize service to all intermediate points along described regular routes between MO and KS; (5) delete restriction limiting service to the pick-up and delivery of livestock at off-route points in the regular route portion of its authority to tranport general commodities; (6) authorize radial service in place of one-way authority between various points in MO and KS in the irregular route portion to transport livestock.

MC 7840 (Sub-42)X, filed May 5, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 36F certificates and (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives), in Sub-No. 1 (part 1); to "pulp, paper and related products" from paper boxes, in Sub-No. 1 (part 4); paper and paper products, in Sub-No. 1 (part 5); and paper chip board, in Sub-No. 1 (part 6); from paper-mill rollers to "machinery", in Sub-No. 1 (part 8) and from (a) railway brakes, power pumps, castings, steel racks, and agricultural implements, (b) parts and accessories for the commodities named in (a) above and (c) materials, equipment, and supplies used in the manufacture and distribution of the commodities named in (a) and (b) above to "machinery and transportation equipment", in Sub-No. 36F, (2) broaden the territorial application by Substituting county-wide authority for city wide authority as follows: in paragraph 4, Lewis County, NY for Castorland, NY, Erie County for Erie, PA, Middlesex and Somerset Counties for New Brunswick and Bound Brook, NJ; in paragraph 5, Jefferson County for Carthage, NY, Worcester County for Baldwinville and Brookfield, MA; Cheshire for Ashuelot, NH; in paragraph 6, Jefferson County for West Carthage, NY, Caledonia, Chittenden, Orange, and Windham Counties for East Ryegate, Burlington, Wells River, and Putney, Vermont, and Cheshire and Hillsboro Counties, NH for Hinsdale, East Jaffrey, and Bennington, NH; in paragraph 8, Jefferson County for Carthage, NY and Chester County, for Downingtown, PA; (3) authorize radial service in lieu of existing one-way authority as follows: in paragraph 2, between St. Lawrence and Erie Counties, NY; in paragraph 3 between Erie and Franklin Counties, NY; in paragraph 4, between Lewis County, NY, and New York, NY, Erie County, PA, and Middlesex and Somerset Counties and Newark, NJ; in paragraph 5, between Jefferson County, NY and specified points and counties in Massachusetts and New Hampshire; in paragraph 6, between Jefferson County, NY, and specified points and counties in MA, NH, and VT; in paragraph 8, between Jefferson County, NY and New York, and Chester, PA; and (4) remove the AK and HI exception, in Sub-No. 36F.

MC 18459 (Sub-16)X, filed May 22, 1981. Applicant: BRITTON MOTOR SERVICE, INC., 740 Westminster Street, St. Paul, MN 55101. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 10F and 12F certificates to (1) broaden the commodity descriptions from iron and steel articles, materials, equipment and supplies to "metal products" in each certificate; (2) remove the "except commodities in bulk" restriction in Sub-No. 10F; (3) eliminate the facilities limitation from St. Paul, MN, to Minneapolis-St. Paul, MN, in Sub-No. 10F, and from Monroe to Monroe County, MI, in Sub-No. 12F; (4) change one-way to radial authority between Minneapolis-St. Paul, and, points in the U.S., in Sub-No. 10F; and Monroe County, MI, and, points in the U.S., in Sub-No. 12F; and (5) remove the restriction against transportation to points in AK and HI in Sub-No. 10F and 12F.

MC 52460 (Sub-330)X, filed May 15, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK 74107. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. Applicant seeks to remove restrictions in its Sub-Nos. 3, 84, 134, 141, 152, 155, 161, 162, 165, 166, 178, 192, 199, 201, 203, 204F, 210F, 211F, 212F, 213F, 217F, 218F, 221F, 225F, 232F, 235F, 236F, 237F, 245F, 247F, 249F, 251F, 256F, 258F, 260F, 261F, 266F, 270F, 271F, 275F, 277F, 278F, 279F, 280F, 282F, 283F, 284F, 286F, 287F, 290F, 292F, 295F, 300F, 301F and 306F certificates to (1) broaden the commodity descriptions from meat and packing house products, rice, canned goods, vinegar, and grape juice, hot sauces and chili peppers, malt beverages, unfrozen canned goods, foodstuffs, frozen foods, canned and preserved foodstuffs, candy, tallow, coffee and coffee products, frozen, canned and chilled citrus products, and beverages, pet foods and animal feeds, peanut butter and peanut butter packing supplies, non-alcoholic mixes and juices, to "food and related products" in each certificate except Sub-Nos. 212F, 232F, and 235F; (2) eliminate the facilities limitations in Sub-Nos. 84, 152, 155, 161, 166, 178, 199, 201, 203, 204F, 211F, 212F, 213F 217F, 218F, 225F, 232F, 236F, 237F, 249F, 251F, 256F, 260F, 261F, 270F, 271F, 278F, 280F, 283F, 287F, 290F, 292F, 300F and 301F; (3) replace specific point or facilities authority with county-wide or city-wide authority as follows: Fort Smith with Sebastian County, AR in Sub-No. 3; Kansas with Delaware County, OK in Sub-No. 84; Memphis with Shelby County, TN in Sub-No. 134, Lamar, MO with Barton County, MO; Memphis, TN with Shelby County, TN, Blytheville, Newort, Paragould and Helena, AR with Mississippi, Jackson, Phillips and Greene Counties, AR, and Franklin with St. Mary Parish, LA in Sub-No. 141; facilities at Amarillo with Potter and Randall Counties, TX in Sub-No. 152; facilities at Cactus with Moore County, TX in Sub-No. 155; facilities at Roswell with Chaves County, NM in Sub-No. 161; Enid, Ponca City and Poteau with Garfield, Kay and LeFlores Counties, OK, Memphis with Shelby County, TN, and Alamosa with Alamosa County, CO in Sub-No. 162; Golden with Jefferson County, CO, Belleville with St. Clair County, IL and Hannibal with Marion and Ralls Counties, MO in Sub-No. 165; facilities at Crete with Saline County, NE in Sub-No. 166; facilities at Perry with Houston County, GA in Sub-No. 178; Belledeau and St. Francisville with Avoiyelles and West Feliciana Parishes, LA in Sub-No. 192; facilities at Murfreesboro with Rutherford County, TN in Sub-No. 201; facilities at Troy with Pike County, AL in Sub-No. 203; facilities at Carrollton, Marshall, Macon and Moberly with Carroll, Saline, Macon and Randolph Counties, MO in Sub-No. 204; Chickasha with Grady County, OK in Sub-No 210; Dodge City with Ford County, KS in Sub-No. 211; facilities at Garland with Dallas, TX in Sub-No. 212; facilities at Greenville with Washington County, MS in Sub-No. 213; facilities at Lakeland with Polk County, FL in Sub-No. 217; facilities at Forest with Scott County, MS in Sub-No. 218; facilities at Russellville and Searcy with Pope and White Counties, AR in Sub-No. 221; facilities at Cleveland with Bradley County, TN in Sub-No. 225; facilities at St. Louis, MO with St. Louis, MO in Sub-No. 232; facilities at Bentonville, Fort Smith and Searcy With Benton, Sebastian, Crawford and White Counties, AR in Sub-No. 235; facilities at Dodge City with Ford County, KS in Sub-No. 236; facilities at Iowa City and Muscatine with Johnson and Muscatine Counties, IA in Sub-No. 237; Covington with Tipton County, TN in Sub-No. 245; facilities at Emporia with Lyon County, KS in Sub-No. 249; facilities at Sherman with Grayson County, TX in Sub-No. 251; facilities at New Orleans with New Orleans, LA in Sub-Nos. 256 and 260; facilities at Oak Grove with West Carroll Parrish, LA, and Moorhead with Sunflour County, MS in Sub-No. 261; facilities at Lake Wales with Polk County, FL in Sub-No. 266; facilities at Emporia and Wichita with Lyon and Sedgwick Counties, KS in Sub-No. 270; facilities at El Paso with El Paso County, TX in Sub-No. 271; facilities at Arkansas City with Cowley County, KS and Roswell with Chaves County, NM in Sub-No. 277; facilities at Hialeah with Dade County, FL in Sub-No. 278; facilities at Avery Island with Iberia Parrish, LA and Collinsville with Madison County, IL in Sub-No. 279; facilities at Holcomb with Finney County, KS in Sub-No. 280; Montezuma with Macon County, GA in Sub-No. 283; facilities at Palestine with Anderson County, TX in Sub-No. 286, facilities at Memphis with Shelby County, TN in Sub-No. 287; Stilwell with Adair County, OK in Sub-No. 290; facilities at Liberal with Seward County, KS in Sub-No. 292F; facilities at Corona with Riverside County, CA, and Byhalia with Marshall County, MS in Sub-No. 300F; and facilities at Great Bend, Topeka and Wichita with Barton, Sedgwick and Shawnee Counties, KS in Sub-No. 301F. (4) change one-way to radial authority between numerous points throughout the U.S.; (5) remove the following restrictions against commodities "bottles, in packages and containers" in Sub-No. 84, "in containers" in Sub-Nos. 141, 165, 203 and 278F, "except hides and commodities in bulk" in Sub-Nos. 152, 155, 161, 166, 211F, 236F, 270F, 280F, 292F, and 301F, "in bulk, in vehicles equipped with mechanical refrigeration" in Sub-Nos. 199, 212F, 217F, 221F, and 225F, "in tank vehicles" in Sub-Nos. 155, 211F, 212F, 217F, and 225F, "except hides and liquid commodities" in Sub-No. 284F, and "originating at and destined to" in Sub-Nos. 84, 152, 155, 161, 166, 199, 201, 211F, 212F, 217F, 218F, 225F, 232F, 236F, 237F, 249F, 271F, and 290F.

MC 101053 (Sub-12)X, filed May 26, 1981. Applicant: DRY BULK TRANSPORT, INC., R.D. #4, Marietta, OH 45750. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-No. 11F certificates to (1) broaden the commodity descriptions to (a) "commodities in bulk, ores and minerals, coal and coal products, and clay, concrete, glass or stone products" from Coal, cinders, slag, soil (earth or marl), gravel, slate stone (Unglazed and unmanufactured), bituminous concrete, ores, in bulk, sand (other than asbestos, bird, iron, monazite, processed or tobacco sand), and salt in bulk, in the lead (part 1); (b) "commodities in bulk" from coal, in bulk, in dump trucks, in the lead (part 2), coal in the lead (part 3) and lime, in bulk, in Sub-No. 11F; (2) replace Maysville, KY and Poterfield, OH, with Mason County, KY and Washington County, OH, in Sub-No. 11F; (3) eliminate "within 50 miles and beyond 50 miles of Weirton, WV, in the lead; and (4) replace one-way with radial authority between (a) Washington, Morgan, and Noble Counties, OH and Pleasants and Wood Counties, WV, in the lead (parts 1 and 2) and (b) Mason County, KY and Washington County, OH and IL, IN, OH, PA, WV, and MI, in the Sub-No. 11F.

MC 106920 (Sub-133)X, filed May 15, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 98F certificate to (1) broaden the territorial description from city-wide authority to county-wide authority: (a) Dorsey, MD, to Howard County, MD, (b) Lyons, IL, to Cook County, IL, and (c) Kansas City, KS, to Kansas City, KS–MO commercial zone; and (2) eliminate the "originating at or destined to" restriction.

MC 109136 (Sub-48)X, filed May 15, 1981. Applicant: ORIOLE CHEMICAL CARRIERS, INC., 1740 E. Joppa Road, Baltimore, MD 21234. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 30 and 46 permits to (1) broaden the commodity descriptions to (a) "plastic and plastic materials" from synthetic plastics, dry, in bulk, in tank or hopper vehicles, in Sub-No. 30, and (b) "chemicals and related products" from liquid sodium silicate, in bulk, in Sub-No. 46; (2) eliminate the plantsite restriction, in Sub-No. 30; and (3) broaden the territorial description to "between points in the U.S.," under continuing contract(s) with named shippers, in both permits.

MC 109692 (Sub-89)X, filed May 13, 1981. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 1401 Fairfax Trafficway, Bldg. D., Suite 315, Kansas City, KS 66115. Representative: Warren H. Sapp, P.O. Box 30010, Kansas City, MO 64112. Applicant seeks to remove restrictions in its lead and Sub-Nos. 13, 14, 15, 16, 18, 20, 21, 22, 24, 25, 33, 35, 36, 37, 39, 40, 43, 45, 47, 50, 51, 52, 54F, 62F, 63F, 64F, 65F, 69F, 70F, 71F, 72F, 73F, 74F, 75F, 76F, 81F, and 88F, certificates and E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11, E12, E13, E14, E15, E16, and E17 letter notices to broaden the commodity descriptions to (1) "farm products" from hides and wood, in the lead (part a); seeds in the lead (part k); and hides in Sub-No. 81F; (2) "food and related products" from malt beverages, and empty malt beverage containers, in the lead (parts b and c); feed in Sub-No. 13 (part g); canned goods and groceries, in Sub-No. 13 (part t); cheese and empty cheddar boxes and returned and processed cheese, in Sub-No. 22 (parts c and d); and animal feeds and feed ingredients, in Sub-No. 51; (3) "general commodities (except classes A and B explosives)" from general commodities (with exceptions), in the lead (parts d, e, t, and u), Sub-Nos. 13 (part b), 76F, E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11, E12, E13, E14, E15, E16, and E17; (4) "chemicals and related products" from salt, in the lead (part f) and Sub-Nos. 13 (part h) and 16; chemicals and insecticides, in the lead (part i); anti-freeze solutions, in the lead (part j); dry fertilizer, dry fertilizer materials, dry fertilizer ingredients, dry urea, and dry urea products, in Sub-No. 21; and chemicals and preservatives, in Sub-No. 33 (part b); (5) "metal products and waste and scrap materials not identified by industry producing" from scrap iron, metal, and rags, in the lead (part g); (6) "machinery and household goods" from farm implements and machinery, contractors machinery and equipment, and emigrant movables, in the lead (part n); (7) "building materials and metal products" from building materials, including road building materials, structural steel and tanks, in the lead (part o); (8) "farm products, machinery, food and related products and household goods" from grain, feed, emigrant movables, agricultural implements, farm supplies, and seed, in the lead (part q); (9) "metal products, Mercer commodities and machinery" from oil field supplies, construction iron, metal and steel articles and supplies, heavy machinery, and iron and steel pipe, in the lead (part p); (10) "machinery and metal products" from combines and parts thereof, in the lead (part r); windrowers and parts thereof, in the lead (part s); butcher shop equipment, farm machinery and parts, and road building machinery and parts, in the lead (part u); farm machinery and parts, and road building machinery and parts, in Sub-No. 14; irrigation systems, pipe and tubing, lighting and signal poles, and transmission poles, in Sub-No. 45 (part 1); irrigation systems and parts and accessories for irrigation systems, in Sub-No. 52 (part 1(a)); used irrigation systems, and equipment, materials and supplies used in the installation, in Sub-No. 52 (part 3); tractors and farm, industrial, construction and excavating machinery and parts, attachments, and accessories, in Sub-No. 63F; and agricultural machinery, and agricultural implements and parts and accessories and industrial machinery, construction machinery and equipment, parts, and accessories, in Sub-No. 73F; and pipe tubing, light poles, mast arms, brackets, bases and transmission poles and material, equipment and supplies, in Sub-No. 52 (parts 1 (b) and (c) and 2); pipe, couplings, pilings, well casings, well screens and tubing and material, equipment and supplies, in Sub-No. 72F; (11) "farm products, coal and coal products, and building materials" from feed, coal, tankage, grain, and building materials, in the lead (part v); (12) "such commodities as are used or dealt in by undertakers and funeral parlors" from undertaker's supplies, in the lead (part w); (13) "machinery, building materials and farm products" from agricultural machinery, building and fencing materials, feed, grain, twine, and seed, in Sub-No. 13 (part f), (14) "waste or scrap materials not identified by industry producing" from waste paper and junk, in Sub-No. 13 (part i); junk, in Sub-No. 13 (part r); and aluminum slag, in Sub-No. 35; (15) "furniture and fixtures" from furniture, in Sub-No. 13 (part j); (16) "farm products and food and related products" from eggs, empty egg containers and egg case materials, in Sub-No. 13 (parts k and l); (17) "petroleum, natural gas and their products, building materials, pulp, paper and related products, machinery, and transportation equipment" from petroleum products, fiber board boxes, brooders, chicken hatchery supplies, compressed gas, building materials, automobile tires, and tubes, and gasoline tanks and pumps, in Sub-No. 13 (part m); (18) "machinery and waste or scrap materials not identified by industry producing" from junk, gasoline tanks and pumps, and empty containers for producing compressed gas and petroleum products, in Sub-No. 13 (part n); (19) "pulp, paper and related products" from paper, and paper products and such commodities as are dealt in by retail grocery and food business houses" from paper, and paper products, and such commodities as are dealt in by retail grocery and food business houses, in Sub-No. 13 (part o); (20) "metal products and twine" from binder twine, fencing materials, bale ties, and baling wire and iron roofing, in Sub-No. 13 (part p); (21) "twine" from binder twine, in Sub-No. 13 (part q); (22) "Mercer commodities and machinery, and equipment, materials and supplies used in or in connection with construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof" from machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, inlcuding the stringing and picking up thereof, in Sub-No. 15; (23) "machinery" from combines, in Sub-No. 18; agricultural combines, in Sub-No. 20; fertilizer spreaders, sprayers and ammonia applicating equipment, in Sub-No. 43; and used irrigation systems, in Sub-No. 45 (part 3); (24) "chemicals and related products and building materials" form fertilizer and corrugated roofing, in Sub-No. 22 (part a); (25) "metal products, farm products, pulp, paper and related products, chemicals and related products, food and related products, and lumber and wood products" from seed, feed, wire, roofing materials, moulding,

and nails, and creamery supplies, viz: neutralizers, washing powder, tubs, barrels and fibre boxes, in Sub-No. 22 (part e); (26) "building materials" from prefabricated buildings, knocked down or in sections, in Sub-No. 22 (part f); roofing and roofing materials and supplies, in Sub-No. 39; pipe, (except iron and steel pipe), in Sub-No. 40; gypsum, gypsum products, and building materials, in Sub-No. 47; building materials and insulating materials, in Sub-No. 50; roofing and roofing materials and equipment supplies used in the installation and distribution, in Sub-Nos. 69F; and roofing and roofing materials, in Sub-No. 70F and 71F; (27) "metal products" from iron and steel and iron and steel articles, in Sub-No. 24; iron and steel articles, in Sub-Nos. 36, 54F, 62F, and 75F; equipment, materials, and supplies used in the manufacture of irrigation systems, in Sub-No. 45 (part 2); and fabricated metal products, in Sub-No. 74F; (28) "clay, concrete, glass or stone products" from clay and clay products, in Sub-No. 25; (29) "lumber and wood products" from lumber and lumber products, posts, poles and timber in Sub-No. 33; lumber and wood products, in Sub-No. 65F; and lumber products, wood products and forest products, in Sub-No. 88F; and (30 "machinery, building materials, and metal products" from solar energy heating and cooling systems, woodburning heating and appliances, and materials, equipment and supplies, in Sub-No. 64F. Applicant also seeks to (1) eliminate "except commodities in bulk", "pick-up only", "except in dump vehicles", "in bulk or package", "delivery only", "in truckload", "in bags", against tank vehicles" and "except AK and HI" restrictions wherever they appear in the above Sub-numbered authorities; (2) remove the originating at restrictions in Sub-Nos. 50, 54F, 62F, 70F, 72F, 73F, and 81F; (3) eliminate the facilities limitations in Sub-Nos. 24, 37, 40, 43, 45, 47, 50, 51, 52, 54F, 62F, 63F, 64F, 65F, 69F, 70F, 71F, 72F, 74F, 75F, and 81F; (3) replace cities with authority to serve the county as follows: Kanapolis, Agenda, Burr, Hollis, Linn, Maryville, Phillipsburg, Republic, Salina, Simpson, Wayne, Woodston, Stockton, Overland Park, (irregular route) and Glasco with Ellsworth, Republic, Cloud, Washington, Marshall, Phillips, Saline, Mitchell, Johnson, and Rooks Counties, KS, Lanham with Gage County, NE, points in NE within 15 miles of Lanham, NE, with Jefferson County, NE, points in KS within 15 miles of Lanham, NE, with Marshall and Washington Counties, KS and Kansas City, Independence, Martin City, and Lees Summit with Jackson County, MO, in the lead; Lyons, Hutchinson, Winfield, Iola, Humboldt, Chanute, Arkansas City, and Great Bend with Rice, Reno, Cowley, Allen, Neosha and Barton Counties, KS, in Sub-No. 13; St. Joseph with Buchanan County, MO, in the lead and Sub-No. 13; Wichita with Sedgwick County, KS, in Sub-Nos. 13, 14, and 33; Kanapolis with Ellsworth County, KS, in Sub-No. 16; Independence with Jackson County, MO, in Sub-No. 18; South Mound and Erie with Neosho County, KS, and Springfield with Greene County, MO, in Sub-No. 22; Pittsburg with Crawford County, KS, in Sub-Nos. 25 and 51; Hugo with Choctaw County, OK, in Sub-No. 33; Jones Mill, Magnolia, Arkdelphia, Russellville and Newport with Hot Springs, Columbia, Clark, Pope, and Jackson Counties, AR, and Rockwall and Plano with Rockwall and Collin Counties, TX in Sub-No. 35; Norfolk with Madison County, NE, in Sub-Nos. 36, 62F, and 75F; Springfield with Sangamon County, IL, in Sub-No. 40; Lenox with Taylor County, IA, in Sub-No. 43; Valley with Douglas County, NE, in Sub-Nos. 45, 52, 64F, and 72F; Southard with Blaine County, OK, in Sub-No. 47; Sterling with Whiteside County, IL, in Sub-No. 54F; Burlington with Des Moines County, IA, in Sub-No. 63F; West Memphis with Crittenden County, AR, in Sub-No. 65F; Little Rock with Pulaski County, AR, in Sub-No. 69F; Lubbock with Lubbock County, TX, Pueblo with Pueblo County, CO, and Long Beach with Los Angeles County, CA, in Sub-No. 72F; Franklin Park with Cook County, IL in Sub-No. 74F; and Dakota City with Dokota County, NE, Dension with Crowford County IA, and Emporia with Lyon County, KS, in Sub-No. 81F; (4) allow service at all intermediate points, in the lead (parts a, b, c, d, and e) and Sub-No. 13 (part b) and (5) change its one-way regular route authority to two-way authority, in the lead and Sub-No. 13 and its one-way irregular route authority to radial authority, wherever it exists in the above named sub-numbers.

MC 114098 (Sub-55)X, filed February 25, 1981, published in the **Federal Register** of March 17, 1981, is republished as follows: Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-Nos. 3, 49F, 50F, 51F and 52F certificates to (1) broaden the commodity description from hulled cottonseed and ground cottonseed flakes to "food and related products", from fertilizer "chemicals and related products," from building or roofing slabs (made of Portland cement with wood fibre or wood chips aggregate), and composition boards and sheets (not including wall boarding or insulation boarding) to "building materials," and from hardboard to "lumber and wood products" in Sub-No. 3; from lumber to "lumber and wood products" in Sub-Nos. 49F, 51F, and 52F; from iron and steel articles to "metal products" in Sub-No. 50 and 52F; (2) remove the in bulk, and in tank and hopper-type vehicles and in bags, and no flat-bed trailers restriction in Sub-No. 3; (3) replace specified cities with county-wide authority, from Black Mountain, and Charlotte, NC to Buncombe, and Mecklenburg Counties, NC, from Conway, NC, and points within 10 miles thereof to Northampton and Hertford Counties, NC, and Southampton County, VA, from Augusta, GA to Richmond and Columbia Counties, GA, and Aiken and Edgefield Counties, SC, from Spartanburg, SC to Spartanburg County, SC, and from Newark, OH, to Hicking County, OH in Sub-No. 3; (4) replace one-way authority with radial authority between Mecklenburg, NC, and, Richmond, GA, Spartanburg County, SC, and, points in NC, Richmond, VA, and, points in 12 named States and a described portion of TN, Northampton and Herford Counties, NC, and Southampton County, VA, and, 11 named States, AR (except Benton, AR) and a described portion of TN, Hicking County, OH, and, points in WV in part (A) of Sub-No. 3, between (a) Buncombe County, NC and points in SC, KY, and described portions of TN, NY, and PA, in part B of Sub-No. 3; between Goergetown County, SC, and, points in NC, SC, and VA in Sub-No. 49F; between (1) Georgetown County, SC, and, points in GA, MD, and TN, and (2) points in SC, and, points in NC in Sub-No. 51F; and between (1) Clarendon County, SC, and points in 5 States, and (2) between Surry County, NC, and points in SC in Sub-No. 52F. The purpose of this republication is to give notice of the broadening Sub-No. 52F, and authority to serve all counties in the Augusta, GA, commercial zone and all counties touching points within 10 miles of Conway, NC.

MC 124170 (Sub-166)X, filed May 18, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-No. 160 certificate to broaden the commodity description from meats, packing-house

products, and commodities used by packing houses to "food and related products".

MC 128639 (Sub-16)X, filed May 21, 1981. Applicant: CURRIER TRUCKING CORPORATION, Berlin-Gorham Road, Gorham, NH 03581. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its lead and Sub-Nos. 8, 10, 11, 12, and 14 certificates to (1) broaden the commodity descriptions to: (a) "lumber and wood products" from wood chips, sawdust, wood residuals, wood slabs, and wood flour, in the lead, and Sub-Nos. 8, 10, 12, and 14; (b) "pulp, paper, and related products" from wood pulp, paper, and paper products in the lead, and Sub-Nos. 11 and 14, (c) "furniture and fixtures and metal products", from towel cabinets and towel dispensers in Sub-No. 14 and; (d) "waste or scrap materials", from waste paper in Sub-No. 14; (2) remove the in-bulk restriction in lead and Sub-Nos. 8 and 10; (3) replace city-wide (Berlin and Gorham, NH) with county-wide authority (Coos County, NH), in the lead and Sub-Nos. 11 and 14; and (4) replace one-way with radial authority in the lead and Sub-Nos. 8, 12, and 14.

MC 129742 (Sub-15)X, filed May 20, 1981. Applicant: PUROLATOR COURIER LTD., Valhalla Executive Center, 304 The East Mall, Islington, Ontario, Canada M9B 6C7. Representative: Peter A. Greene, 1920 N Street, N.W., Suite 700, Washington, DC 20036. Applicant seeks to remove restrictions in its (Sub–Nos. 9, 11F and 12F) certificates to (1) eliminate exceptions to general commodities except "classes A and B explosives"; (2) eliminate size and weight restrictions; and (3) replace authority to serve specific ports of entry in certain States on the United States—Canada boundary line with the authority to serve any ports of entry in NY, MI, VT, ME, MN, and ND.

MC 135953 (Sub-22)X, filed May 20, 1981. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks removal of restrictions to (A) broaden the commodity descriptions to: "food and related products" in its No. MC–143103 (Sub–Nos. 1, 8F, and 19) permits, from cured and preserved meats in packages, from confectionery (except in bulk), and from meats, meat products and by-products, dairy products, articles distributed by meat-packing houses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers; and to "such commodities as are dealt in or used by manufacturers of animal feed and feed ingredients" in its Sub-No. 5F permit, from animal feed, ingredients, additives, materials and supplies used in the manufacture and distribution of animal feed (except in bulk; and (B) broaden the territorial descriptions in Sub–Nos. 1, 5, and 8 to authorize service between points in the U.S., under continuing contract(s) with named shippers.

MC 136635 (Sub-60)X, filed May 13, 1981, previously noticed in the **Federal Register** of June 1, 1981, republished as corrected this issue. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its MC–138479 and Sub-No. 1 permit acquired in MC–F–13672 to (1) broaden the commodity description from vinyl skirting, vinyl siding, asphalt siding and steel siding and materials, and supplies (except in bulk) to "building materials, and materials, equipment and supplies used in the manufacture and distribution of building materials" in each permit; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper, in each permit. The purpose of this republication is to show the correct MC number to be MC–136635 (Sub–60)X in lieu of MC–136635 (Sub–59)X.

MC 138308 (Sub-142)X, filed May 22, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub–No. 109F certificate to: (1) broaden the commodity description to "such commodities as are dealt in or used by retail, wholesale, discount, or variety stores" from such commodities as are dealt in our used by retail, wholesale, discount, or variety stores (except commodities in bulk and foodstuffs); (2) change its one-way authority to radial authority between points in AL, FL, GA, LA, MS, and TX, on the one hand, and, on the other, points in the U.S.; and, (3) eliminate the except AK and HI restriction.

MC 138732 (Sub-32)X, filed May 14, 1981. Applicant: OSTERKAMP TRUCKING, INC., P.O. Box 5546, Orange, CA 92667. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. Applicant seeks to remove restrictions in its No. MC 138732 (Sub-No. 2, 12, 16F, 20F and 31) certificates and its No. MC 133928 Sub-No. 15 and 18 permits to (1) broaden its commodity description from paper and paper products, and glass containers and materials, equipment and supplies used in the manufacturing and distribution of paper, paper products and glass containers to "pulp, paper, and related products; clay, concrete, glass or stone products; and containers" in Sub-No. 12; from agricultural field equipment and harvesting equipment, parts therefore, and materials and supplies used in the harvesting, cultivating and distribution of agricultural commodities to "machinery; those commodities which because of their size and weight require special handling or equipment; and equipment, materials and supplies used in the harvesting, cultivating and distributing of agricultural commodities" in Sub-No. 2; from in Sub-No. 16 bentonite clay and lignite coal, and in Sub-No. 20 from bentonite clay, lignite coal, and water impedance boards to "Mercer and earth drilling commodities; coal and coal products; clay, concrete, glass or stone products; and building materials"; and from pipe (except iron and steel pipe) and iron and steel articles, and aluminum and aluminum articles to "metal products", in Sub-No. 31F Parts (3) and (4); from wood fibreboard and accessories, soil amendments, lumber, lumber products, and bark to "such commodities as are dealt in by manufacturers, producers and distributors of building materials and lumber or wood products" in Sub-Nos. 15 and 18; (2) remove the restrictions against the transportation of commodities in bulk, in tank vehicles, liquid caustic soda in bulk, and soda ash in Sub-Nos. 12 and 31; (3) replace its city with County-wide authority in Sub-No. 20, Upton, WY with Weston County, WY; (4) remove the facilities restrictions contained in its Sub-Nos. 16 and 20; (5) change its one-way to radial authority in Sub-Nos. 16 and 20 between specified counties in MT, ND, SD, and WY and points in several Western States; and (6) authorize service between points in the United States under contract with named shippers in Sub-Nos. 15 and 18 permits.

MC 142905 (Sub-14)X, filed May 19, 1981. Applicant: PETROLEUM TRANSPORTATION CORPORATION, 9717 E. 42nd Street, Tulsa, OK 74145. Representative: Thomas N. Willess, 1000 Sixteenth Street, N.W., Suite 502, Solar Building, Washington, DC 20036. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F, 5F, 9F, 10F, and 13F certificates to (1) broaden the commodity description from (a) anhydrous ammonia, nitrogen fertilizer solutions, and urea liquor to "petroleum, products, animal feeds, and agriculture

fertilizer and ingredients" in the lead: (b) anhydrous ammonia and liquid fertilizer (except anhydrous ammonia) to "petroleum products and agriculture fertilizers and ingredients" in Sub-No. 4F, and "agriculture fertilizers and ingredients" in Sub-No. 5F; and (c) diesel fuel, liquefied petroleum gas, and natural gaosline to "petroleum products" in Sub-No. 9F, 10F and 13F; (2) eliminate the facilities limitations in the lead and Sub-No. 5F; (3) change city to county-wide authority from Woodward to Woodward County, OK, in the lead; Hoag to Gage County, NE, in Sub-No. 4F; Verdigris to Rogers County, OK, in Sub-No. 5F; Arkansas City to Cowley County, KS, in Sub-No. 9F; and Conway, Hutchinson and Little River to McPherson, Reno, and Rice Counties, KS, in Sub-No. 10F; and (4) authorize radial for one-way authority between points in the central portion of the U.S.

MC 143876 (Sub-3)X, filed May 19, 1981. Applicant: CURLY'S DELIVERY SERVICE, INC., P.O. Box 2207, Cedar Rapids Iowa 52406. Representative: J. L. Kazimour (same address as applicant). Applicant seeks to remove restrictions from its Sub-No. 2F certificate to: (1) remove the "except commodities in bulk, and those requiring special equipment" exceptions from its general commodities authority; (2) remove the facilities limitations at (a) Arcadia, Bakersfield, Chico, Chula Vista, Clovis El Cajon, Escondido, Fairfield, Fremont, Fresno, Modesto, Pacific Grove, Reeding, Sacramento, San Diego, Santa Maria and Visalia, CA, (b) Cedar Rapids, Davenport, Des Moines, Dubuque, Sioux City, and Waterloo, IA (c) Moline, Peoria, and Rockford, IL, (d) Indianapolis, IN, (e) Topeka and Wichita, KS, (f) Lincoln and Omaha, NE, (g) Las Vegas and Reno, NV, (h) New York, NY, (i) Tulsa, OK, (j) Chattanooga, Knoxville, Memphis, and Nashville, TN, (k) Beaumont, Brownsville, Bryan, Corpus Christi, El Paso, Galveston, Laredo, McAllen, Odessa, and Texarkana, TX, and (l) Charleston, WV, and replace with County-wide authority as follows: Los Angeles, Kern, Butte, San Diego, Frenso, Solano, Alameda, Stanislaus, Monterey, Shasta, Sacramento, Obispo, Santa Barbara and Tulare Counties, CA; Linn, Scott, Polk, Dubuque, Woodbury and Blackhawk Counties, IA; Rock Island, Henry, Peoria and Winnebago Counties, IL; Hendricks and Hancock Counties, IN; Shawanee and Sedgwick Counties, KS; Lancaster and Douglas Counties, NE; Clark and Washoe Counties, NV; New York, NY; Wagoner, Rogers, Tulsa, Pawnee Osage, and Creek Counties, OK; Marion, Hamilton, Anders, Knox, Shelby and Davidson Counties, TN; Orange, Cameron, Brazos, San Patricio, El Paso, Galveston, Webb, Hidalgo, Ector and Bowie Counties, TX; and Kanawha County, WV; and (3) remove the AK and HI exceptions.

MC 144323 (Sub-8)X, filed May 18, 1981. Applicant: RICHARD P. CHARAPATA, d.b.a. CHARAPATA TRUCKING, N30 W26466 Peterson Drive, Pewaukee, WI 53072. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, 5F, 6F, and 7F permits to (1) broaden the commodity descriptions from (a) steel wire and steel rods to "metal products", in Sub-No. 1F, (b) meats to "food and related products", in Sub-No. 2F, (c) magazines, books, periodicals and newspapers to "printed matter", in Sub-No. 5F, (d) polyethylene film and sheeting to "rubber and plastic products", in Sub-No. 6F, and (e) meats, meat products, and meat by-products, and articles distributed by meat-packing houses (except hides and commodities in bulk) to "food and related products", in Sub-No. 7F; and (2) broaden the territorial description to "between points in the U.S.," under continuing contract(s) with named shippers, in all permits.

MC 145059 (Sub-8)X, filed May 26, 1981. Applicant: SPINELLI BROS. TRUCKING, INC., 55 South Wade Blvd., Millville, NJ 08332. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden its commodity description from glass tableware, to "clay, concrete, glass or stone products"; and (2) replace city with county-wide authority and authorize radial service between points in Cumberland County, NJ (Millville), (NJ), and, points in AZ, CA, OR, UT, and WA.

MC 145380 (Sub-2)X, filed May 18, 1981. Applicant: CALIFORNIA-PACIFIC FREIGHT, INC., P.O. Box 7266, Los Angeles, CA 90022. Representative: Dean McCormick (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 1F certificate to eliminate the restriction limiting service to the transportation of traffic moving on freight forwarders bills of lading.

MC 145423 (Sub-7)X, filed May 15, 1981. Applicant: C. VAN BOXELL TRANSPORTATION, INC., 763 South Oakwood, Detroit, MI 48217. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in it lead certificate to (1) broaden the commodity description from coal tar and coal tar products, in bulk, in tank vehicles, to "chemicals and related products"; (2) broaden the territorial description from city-wide authority to county-wide authority: Detroit, MI, to Wayne, Macomb, Oakland, Washtenaw, and Monroe Counties, MI; and (3) authorize radial authority to replace existing one-way service between the above named counties, and, points in IL, IN, NJ, NY, OH, PA and WI.

MC 147131 (Sub-7)X, filed June 1, 1981. Applicant: KENNAMER BROTHERS, INC., P.O. Box 866, Grant, AL 35747. Representative: Donald B. Sweeney, Jr., 512 Massey Building, Birmingham, AL 35203. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F, 5F and 6F certificates to (1) broaden the commodity descriptions from meats, meat products, meat by-products, articles distributed by meat-packing houses, and dairy products to "food and related products" in all the above authority; (2) delete commodity restrictions such as "except in bulk, in tank, hides" in all authority; (3) delete plantsite restrictions in all the above authority; (4) remove "originating at or destined to" restrictions in Sub-Nos. 4, 5 and 6; (5) broaden cities to counties: Austin, Owatonna, and Albert Lea, MN, with Mower, Steele, and Freeborn Counties, MN, in the lead; Albert Lea, MN, with Freeborn County, MN; Monmouth and Peoria, IL, with Warren and Peoria Counties, IL; Des Moines, Cherokee, and Cedar Rapids, IA, with Polk, Cherokee, and Linn Counties, IA, in Sub-No. 5; Logansport, IN, with Cass County, IN; Marshall, MO, with Saline County, MO, and Omaha, NE, with Douglas and Sarpy Counties, NE in Sub-No. 6, and (6) authorize radial authority in lieu of existing one-way authority between the counties named above and points in eastern and mid-western States in the above authority.

[FR Doc. 81-16985 Filed 6-8-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 F.R. 80109.

Persons wishing to oppose an application must follow the rules under

49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–4–179

Decided: June 2, 1981.

By the Commission, Review Board 2, Members Carleton, Fisher and Williams.

MC 149416, filed May 21, 1981. Applicant: R. J. MOSUR d.b.a. R.J. MOSUR & SON, P.O. Box 244, Menominee, MI 49858. Representative: Daniel R. Dineen, 710 No. Plankinton Ave., Milwaukee, WI 53203 (414) 278–7410. Transporting *food and other edible products and byproducts* intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–180

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 151747(Sub-5), filed May 20, 1981. Applicant: WALTER BROTHERS TRUCKING, INC., 1266 No. Franklin St., Chambersburg, PA 17201. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180 (703) 442–8330. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16984 Filed 6–8–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular

routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No OP1–163

Decided: June 1, 1981.

By the Commission, Review Board Number 3, Members Parker, Chandler, and Fortier. Member Fortier not participating in part.

Applicant: NEWMAN BROS. TRUCKING COMPANY, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332–4415. Transporting *general commodities*, between Bonita Junction, Mahl, Trawick, Cushing Sacul, Reklaw, Stryker Creek, Ponta, Jacksonville, Frankston, Poynor, La Rue, Smitty, Athens, Forest Grove, Eustace, Mabank, Kemp, Kaufman, Crandall and Seagoville, TX, on the one hand, and, on the other, points in the U.S.

Note—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 147900 (Sub-5), filed May 27, 1981. Applicant: COLLINS FREIGHT SERVICE, 4073 Hooker Rd., Rosenburg, OR 97470. Representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204, (503) 228–5275. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 150801 (Sub-2), filed May 27, 1981. Applicant: ZIPP EXPRESS, INC., 718 N. Senate Ave., Indianapolis, IN 46202. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 152670, filed May 27, 1981. Applicant: CANNON MOVING & STORAGE, INC, 18335 Iona Ave., Lemoore, CA 93245. Representative: Trucia Hedge (same address as applicant), (209) 924–5328. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 156091, filed May 21, 1981. Applicant: RICHARD MARRS, P.O. Box 154, Rogers, MN 55374. Representative: Richard Marrs (same address as applicant), (612) 428–4894. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No OPY–4–172

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 152516 (Sub-2), filed May 20, 1981. Applicant: A & E ASSOCIATES, INC., 3710 South California Ave., Chicago, IL 60632. Representative: Gregory A. Stayart, Suite 1600, 10 South LaSalle St., Chicago, IL 60603, (312) 263–1600. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16957 Filed 6–8–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc 81–13050, published at page 24325, on Thursday, April 30, 1981, on page 24327, in the third column, in the second paragraph "MC 118537 (Sub-25)", in the fourteeth line, "IL, IN" should be corrected to read "IL, IA, IN".

BILLING CODE 1505–01–M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of these applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–164

Decided: June 1, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. Member Fortier not participating in part.

MC 7840 (Sub-No. 43), filed May 26, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper St., Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001, (202) 628–9243. Transporting *metal products, machinery, clay, concrete, glass or stone products, and waste and scrap materials*, between the facilities of

Revere Copper and Brass, Inc., and its subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 45721 (Sub-11), filed May 22, 1981. Applicant: WHITE BUS COMPANY, INC., 907 South Orange Ave., East Orange, NJ 07018. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Transporting *passengers and their baggage*, in charter operations, between points in NY, NJ, PA, DE, MA, RI, MD, NH, ME, CT, and DC.

MC 75840 (Sub-164), filed May 22, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, 3400 Third Ave. South, Birmingham, AL 35222, (205) 323–6721. Transporting (1) *food and related products*, (2) *pulp, paper and related products*, (3) *printed matter*, (4) *chemicals and related products*, (5) *rubber and plastic products*, and (6) *clay, concrete, glass or stone products*, between points in New Castle County, DE, Burlington, Passaic, Hudson, and Bergen Counties, NJ, Bucks County, PA, and Monroe County, NY, on the one hand, and, on the other, points in VA, TX, FL, NJ, MD, KY, MO, IL, OH, and PA.

MC 82841 (Sub-314), filed May 27, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339–3003. Transporting (1) *forest products*, and (2) *lumber and wood products*, between the facilities of Vanply, Inc., and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 94430 (Sub-54), filed May 22, 1981. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transporting *petroleum, natural gas and their products*, between points in Marshall, WV, on the one hand, and, on the other, points in OH.

MC 108341 (Sub-207), filed May 27, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant), (704) 372–3611. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 108461 (Sub-137), filed May 26, 1981. Applicant: SUNDANCE FREIGHT LINES, INC., 3737 West Buckeye Rd., Phoenix, AZ 85009. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with S. E. Rykoff of Phoeniz, AZ.

MC 109780 (Sub-77), filed May 26, 1981. Applicant: TRAILWAYS, INC., 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn (same address as applicant), (214) 655–7937. Over regular routes, transporting *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Hebron, NE and Beatrice, NE, over U.S. Hwy 136, serving all intermediate points.

MC 111201 (Sub-54), filed May 27, 1981. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, P.O. Box 91247, East Point, GA 30364. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345 (404) 321–1765. Transporting *pulp, paper and related products, rubber and plastic products, lumber and wood products*, and *such commodities* as are dealt in by home improvement centers, between those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 117730 (Sub-88), filed May 11, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602, (312) 726–9722. Transporting *food and related products*, (1) between New York, NY, Baltimore, MD, and Philadelphia, PA, on the one hand, and, on the other, points in IL, IN, KY, MI, NY, OH, PA, WV, and WI, and (2) between Albany, NY, Newark, NJ, Wilmington, DE, Charleston, SC, and Mobile, AL, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA, and WI.

MC 129031 (Sub-10), filed May 22, 1981. Applicant: KLAUSNER TRANSPORTATION CO., INC., 101 No. Avenue 18, Los Angeles, CA 90031. Representative: William Davidson, 5501 Pacific Blvd., Huntington Park, CA 90255, (213) 589–6073. Transporting *textile mill products*, and *such commodities* as are dealt in by retail department stores and retail chain stores, between points in the U.S., under continuing contract(s) with California Vendor Consolidators Corp., of City of Commerce, CA, Anita Shops, of Los Angeles, CA, and May Department Stores Company, of New York, NY.

MC 135921 (Sub-1), filed May 21, 1981. Applicant: HARCO TRUCKING CORPORATION 86 Garden St., Westbury, NY 11590. Representative: Peter Gregory Lordi, Jr., 4 Richard Ct., Butler, NJ 07405, (201) 429–8050. Transporting *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with Harmon Associates Corporation, of Westbury, NY, and Chesapeake Corporation of VA, West Point, VA.

MC 138861 (Sub-33), filed May 26, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St. NW., Suite 501, Washington, DC 20036, (201) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Juice Services, Inc., of Lincoln, RI.

MC 141950 (Sub-2), filed May 21, 1981. Applicant: IOWA MINNESOTA EXPRESS, LTD., 2216 5th Ave. South, Ft. Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *food and related products*, between points in Webster County, IA, on the one hand, and, on the other, points in the U.S.

MC 145321 (Sub-2), filed May 11, 1981. Applicant: RAY L. RICHTER, d.b.a. WOOD-PLY MATERIALS TRADING & TRANSPORT CO., P.O. Box 23127, Portland, OR 97223. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258, (503) 227–1681. Transporting *building materials*, between points in OR, WA, ID, NV, CO, AZ, and NM.

MC 146180 (Sub-8), filed May 26, 1981. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459–A, Kings Mountain, NC 28086. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave. NW., Washington, DC 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives), between point in the U.S., under contiuing contract(s) with (a) Allegheny International of Pittsburgh, PA, (b) Carmet, Inc., of Kings Mountain, NC, and (c) Chemetron Fire Systems of Granite Quarry, NC.

MC 147461 (Sub-7), filed May 22, 1981. Applicant: FEDERAL ARMORED EXPRESS, INC., 7675 Canton Center Dr., Baltimore, MD 21224. Representative: Eugene T. Liipfert, Suite 1100, 1660 L St., NW., Washington, DC 20036, (202) 452–74422. Transporting *currency, coin, securities, and other valuables*, between points in the U.S., under continuing contract(s) with banks and banking institutions.

MC 148791 (Sub-14), filed May 26, 1981. Applicant: TRANSPORT–WEST, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative:

V 46 / 110 JE 9 81 1 UMI

Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *soil sealant* between points in the U.S., under continuing contract(s) with Seepage Control, Inc., of Phoenix, AZ.

MC 148791 (Sub-15), filed May 26, 1981. Applicant: TRANSPORT–WEST, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kerley Chemical Corporation, of Phoenix, AZ.

MC 148791 (Sub-16), filed May 26, 1981. Applicant: TRANSPORT–WEST, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Church & Dwight Co., Inc., of Piscataway, NJ.

MC 148831 (Sub-4), filed May 27, 1981. Applicant: STUMPS REFRIGERATED EXPRESS, INC., R.R. #1, Box 57, Tiro, OH 44887. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *food and related products*, between points in Emmet and Woodbury Counties, IA, Minnehaha County, SD, and Martin and Nobles Counties, MN, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 149541 (Sub-2), filed May 15, 1981. Applicant: LEBARNOLD, INC., 625 South 5th Ave., P.O. Box 630, Lebanon, PA 17042. Representative: Francis W. McInerny, 1000 16th St., N.W. #502, Washington, DC 20036, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Armstrong World Industries, Inc., of Lancaster, PA, (b) E and B Carpet Mills, Inc., of Arlington, TX, (c) Empire Carpet Corporation of Teterboro, NJ, and (d) Thomasville Furniture Industries, Inc., of Thomasville, NC.

MC 149590 (Sub-2), filed May 27, 1981. Applicant: BOB STEWART TRUCKING, INC., 2607 Crosby, Bldg., 2–C, Klamath Falls, OR 97601. Representative: John A. Anderson, Suite 1600—One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224–5525. Transporting *machinery*, between points in CA, ID, NV, OR, and WA.

MC 152871 (Sub-2), filed May 21, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O. Box 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Columbine, division of Venta, Inc., of Denver, CO.

MC 154040, filed May 22, 1981. Applicant: JAY–MAR LEASING, INC., 7756 South Mobile, Burbank, IL 60459. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, (312) 726–9722. Transporting *textile mile products*, between points in IL, WI, MI, IN, IA, and MO.

MC 154640 (Sub-1), filed May 22, 1981. Applicant: THE SMITHFIELD PACKING COMPANY, INCORPORATED, P.O. Box 447, Smithfield, VA 23430. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627–0070. Transporting (1) *food and related products* and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Camellia Food Stores, Inc., of Norfolk, VA, L. M. Sandler & Sons, Inc., of Virginia Beach, VA, and Beverage Capital Corporation, of Baltimore, MD.

MC 154960 (Sub-1), filed May 22, 1981. Applicant: WALTCO CORPORATION, 117 Valley Dr., Carterville, IL 62918. Representative: Archie T. Walters, 6514 Maxwell Dr., Woodridge, IL 60515, (312) 968–4066, (312) 930–1050. Transporting *food and related products*, and *grain products*, between points in (1) IL and IN, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MO, MS, NC, SC, and TN, and (2) IL and IN.

MC 155210 (Sub-1), filed May 12, 1981. Applicant: S. B. MORABITO TRUCKING, INC., 3560 E. 55th St., Cleveland, OH 44105. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889–2531. Transporting *commodities in bulk*, between Buffalo, NY, and points in OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, AR, and LA.

MC 154211, filed May 22, 1981. Applicant: RECYCLING INDUSTRIES, INC., 385 Quincy Ave., Braintree, MA 02184. Representative: Donald L. Corey (same address as applicant), (617) 848–0612. Transporting *hazardous materials*, between those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundaries of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. Condition: to the extent that any certificate issued in this proceeding authorizes the transportation of hazardous materials, it shall expire 5 years from its date of issuance.

MC 155311, filed May 27, 1981. Applicant: SUNCO CARRIERS, INC., 2029 West Memorial Blvd., P.O. Box 2811, Lakeland, FL 33803. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *food and related products*, between points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, and VA.

MC 155580, filed May 22, 1981. Applicant: MEBANE TRUCKING COMPANY, a Corporation, P.O. Box 408, Mebane, NC 27302. Representative Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818 Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mebane Packaging Corporation, of Mebane, NC.

MC 156120, filed May 26, 1981. Applicant: RENAISSANCE LIMOUSINE SERVICES, INC., 79 Wall St., New York, NY 10005. Representative: Leonard M. Simon, 90 Broad St., New York, NY 10004, (212) 344–8790. Transporting *passengers and their baggage*, in round trip operations, beginning and ending at points in the New York, NY Commercial Zone, and extending to Atlantic City, NJ.

MC 156121, filed May 26, 1981. Applicant: KOPF TRUCKING, INC., 18470 Victoria Dr., Goshen, IN 46526. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *food and related products*, between points in IA, IL, IN, KY, MI, MN, MO, NE, OH, SD, and WI.

MC 156131, filed May 26, 1981. Applicant: FOX TRANSPORT CO., 303 E. Orleans St., Paxton, IL 60957. Representative: William L. Fox (same address as applicant), (217) 379–2521. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Baltimore Aircoil Co., Inc., Midwest Division, of Paxton, IL.

MC 156151, filed May 27, 1981. Applicant: TRI-COUNTY TECHNICAL COLLEGE, P.O. Box 587, Pendleton, SC 29670. Representative: Charles Gibson (same address as applicant), (803) 646–8361. As a *broker*, at Pendleton, SC, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in Anderson.

Pickens and Oconee Counties, SC, and extending to points in the U.S.

MC 156160, filed May 22, 1981. Applicant: BILL ROSS AND SON TRUCKING, INC., Route 6, Box 328, Dowagiac, MI 49047. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910, (517) 394–4222. Transporting *pulp, paper, and related products,* between points in the U.S., under continuing contract(s) with Foremart Containers, Inc., of Cedarburg, WI.

MC 156170, filed May 26, 1981. Applicant: METRO MOVING & STORAGE, INC., 11825 Mayfield, Livonia, MI 48150. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Transporting *household goods,* between points in MI, on the one hand, and, on the other, points in MN, WI, MI, IA, MO, OK, TX, AR, LA, IL, IN, OH, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, MD, DE, PA, NJ, NY, CT, and DC.

Volume No. OPY–2–086

Decided: May 27, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 8243 (Sub-2F), filed May 18, 1981. Applicant: VILLANI BUS COMPANY, INC., 811 East Linden Avenue, Linden, NJ 07036. Representative: Jeremy Kahn, 733 Investment Building, 1511 K Street, N.W., Washington, DC 20005. Transporting *passengers and their baggage,* in the same vehicle with passengers in round trip charter operations beginning and ending at points in NJ and extending to points in the U.S.

MC 47583 (Sub-146), filed May 20, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, 913–843–0110. Transporting (1) *lumber and wood products,* (2) *petroleum, natural gas and their products,* and (3) *coal and coal products,* between points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of clases A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 52793 (Sub-70), filed May 11, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center Street, Hillside, IL 60162. Representative: Ronald L. Hartman, Ernest E. Gallego, 777 Flower Street, Glendale, CA 91201, 213–506–1200. Transporting *automobiles,* between points in the U.S.

MC 52793 (Sub-71), filed May 12, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center Street, Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312–547–2184. Transporting *household goods,* between points in the U.S., under continuing contract(s) with The Babcock & Wilcox Company, of Barberton, OH.

MC 97862 (Sub-2), filed May 11, 1981. Applicant: J. R. BATEMAN WAREHOUSE, INC., 12 Summit Street, P.O. Box 151, Peabody, MA 01960. Representative: John M. O'Brien (same address as applicant), 617–532–1909. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, RI, and VT. Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of Certificate of Registration in No. MC–97862.

MC 107012 (Sub-714), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Transporting *household appliances between* San Diego County, CA, on the one hand, and, on the other, points in AL, AR, AZ, CO, FL, IA, ID, KS, LA, MN, MS, MT, ND, MN, OK, OR, SD, TN, TX, UT, WA, and WY.

MC 107012 (Sub-715), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429–2110. Transporting *general commodities* (except classes A and B explosives) between points in Hennepin, Ramsey, Winona, and Wabasha Counties, MN, Tarrant County, TX, Middlesex County, NJ, Cook County, IL, and Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-716), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429–2110. Transporting *clothing,* between points in the U.S.

MC 107012 (Sub-717), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429–2110. Transporting *metal products,* between points in Hill County, TX, on the one hand, and, on the other, points in AZ, NM, CO, WY, MT, UT, ND, SD, NE, KS, OK, AR, LA, MS, AL, and TN.

MC 107012 (Sub-718), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant) (219) 429–2224. Transporting *general commodities* (except class A and B explosives). between points in the U.S. under continuing contracts(s) with Apple Computer, Inc., of Cupertino, CA.

MC 107012 (Sub-719), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) (219) 429–2110. Transporting appliances, between points in Maricopa County, AZ, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, WY, and Dane County, WI.

MC 109172 (Sub-13), filed May 18, 1981. Applicant: NATIONAL MOTOR FREIGHT, INC. d.b.a. NATIONAL TRANSFER, INC., 5265 Utah South, Seattle, WA 98134. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055 (206) 235–4730. Transporting *general commodities* (except classes A and B explosives), between points in ID, OR, and WA.

MC 112822 (Sub-489), filed May 20, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant) 918–225–0365. Transporting *pulp, paper and related products,* between points in WI, on the one hand, on the other, points in CO, KS, MO, OK, and TX.

MC 114123 (Sub-53), filed May 13, 1981. Applicant: HERMAN R. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, Esquire, P.O. Box 1146, Harrisburg, PA 17108 (717) 233–5731. Transporting *food and related products,* between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 115413 (Sub-8), filed May 20, 1981. Applicant: BLISSFIELD TRUCK LINE, INC., 1–22155–SH2, Box 245, Archbold, OH 43502. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, 614–228–8575. Transporting *general commodities* (except classes A and B explosives), between points in Monroe, Lenawee, and Hillsdale Counties, MI, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA.

Note—Applicant intends to tack this authority with its existing regular-route authority.

MC 135152 (Sub-52), filed May 19, 1981. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202 (513) 241–4037. Transporting *such commodities* as are dealt in or used by manufacturers of games and toys, between Louisville, KY, on the one hand, and, on the other, points in the U.S.

MC 139482 (Sub-191), filed May 20, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel (same address as applicant) 507–354–8546. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of hospital supplies, between points in the U.S.

MC 141742 (Sub-15), filed May 13, 1981. Applicant: FLOWERS TRANSPORTATION, INC., P.O. Box B, Station A, Auburn, CA 95603. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111, 415–986–1414. Transporting *lumber and wood products, pulp, paper, and related products, and building materials,* between points in the U.S., under continuing contract(s) with Loiusiana Pacific Corporation, of Samoa, CA.

MC 142672 (Sub-170), filed May 18, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawyer F, Mulberry, AR 72947. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701, 501–521–8121. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of carpets, between the facilities of Trend Carpets, Inc., at Floyd County, GA, on the one hand, and, on the other, points in the U.S.

MC 144323 (Sub-9), filed May 18, 1981. Applicant: RICHARD P. CHARAPATA d.b.a. CHARAPATA TRUCKING, N30 W26466 Peterson Dr., Pewaukee, WI 53072. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203 (414) 273–7410. Transporting (1) *food and related products,* under continuing contract(s) with Wisconsin Beef Industries, Inc., of Eau Claire, WI, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of salt and salt products, under continuing contracts(s) with Cargill, Incorporated, Salt Division, of Minneapolis, MN, between points in the U.S.

MC 144572 (Sub-50), filed May 11, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, POB G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202 (303) 892–6700. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Sealright Company, Inc., of Kansas City, KS.

MC 145353 (Sub-2), filed May 18, 1981. Applicant: NELSON TRANSPORT, INC., P.O. Box 251, Willmar, MN 56201. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424 (612) 927–8855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Seeco, Inc., (b) Gillis Ag. Systems, Inc., both of Willmar, MN, and (c) Pennzoil Products Company, of Oil City, PA.

MC 145402 (Sub-12), filed May 20, 1981. Applicant: LAKE LINE EXPRESS, INC., P.O. Box 1021, Appleton, WI 54912. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705 (608) 238–3119. Transporting *general commodities* (except classes A and B explosives), between points in WI and the Lower Peninsula of MI, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, and WI.

MC 151162 (Sub-7), filed May 12, 1981. Applicant: LOWELL E. CAWOOD d.b.a. L. E. CAWOOD PRODUCE, P.O. Box 83, Springdale, AR 72764. Respresentative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of candy and confectionery products, (1) between points in McLennan County, TX, on the one hand, and, on the other, points in AZ, CA, IA, IL, IN, KS, KY, MI, MN, ND, NE, NJ, NY, OH, PA, SD, TN, WI, and WV, and (2) between Hackettstown, NJ, and points in Lancaster County, PA, on the one hand, and, on the other, points in AR, AZ, CA, CO, KS, LA, NM, NV, OK, OH, TN, TX, and UT.

MC 155773, filed May 20, 1981. Applicant: GERALD J. GROB d.b.a. JB & J TRUCKING, 5124 County Trunk P, Cross Plains, WI 53528. Representative: Michael J. Wynegaard, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting (1) *rubber and plastic products,* and (2) *food and related products,* between points in Dane County, WI, on the one hand, and, on the other, points in the U.S.

MC 155773 (Sub-1), filed May 20, 1981. Applicant: GERALD J. GROB d.b.a. JB & J TRUCKING, 5124 County Trunk P, Cross Plains, WI 53528. Representative: Michael J. Wynegaard, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of carpet, between points in GA, on the one hand, and, on the other, points in CO and WI.

MC 155903, filed May 12, 1981. Applicant: DAHLIA PLANTATION, INC., Route 2, Box 18, Tallulah, LA 71282. Representative: Gene Laird (same address as applicant) 318–574–0650 and 574–3632. Transporting (1) *mercer commodities,* (a) between points in Madison and Ouachita Parishes, LA, on the one hand, and, on the other, points in the U.S., (b) between points in Madison and Ouachita Parishes, LA, and (2) *such commodities* as are dealt in or used by manufacturers, assemblers, and distributors of tanks and tank parts, and metal products, between points in Madison Parish, LA, on the one hand, and, on the other, points in the U.S.

MC 155922, filed May 11, 1981. Applicant: S.B.S. TRUCKING, 523 Sims Drive, Saraland, AL 36571. Representative: Shelby White (same address as applicant) 205–675–3893. Transporting *lumber and wood products,* between points in AL, FL, GA, LA, MS, and TN.

MC 155933, filed May 11, 1981. Applicant: R & B TRUCKING, INC., 1226 Linden Avenue, Minneapolis, MN 55403. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402 (612) 339–4546. Transporting (1) *pulp, paper and related products,* between points in Outagamie, Shawanao and Wood County, WI, Milwaukee, WI, Minneapolis, MN, Kane County, IL; (2) *printed matter* between Minneapolis, MN and Milwaukee, WI, on the one hand, and, on the other, points in IL, IA, MN, SD, and WI.

MC 156063, filed May 20, 1981. Applicant: LEONARD LARSEN, 10105–A S.W. Day, Sherwood, OR 97140. Representative: Earle V. White, 2400 S.W. 4th Ave., Portland, OR 97201. 503–226–6491. Transporting *food and related products,* between points in Multnomah County, OR, on the one hand, and, on the other, points in Walla Walla, Franklin, Grant, Benton, and Yakima Counties, WA.

Volume No. OPY–2–088

Decided: May 29, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

FF–442 (Sub-5), filed May 18, 1981. Applicant: C-LINE FORWARDING, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St, NW, Suite 501, Washington, DC 20036. *As a freight forwarder,* in connection with the transportation of

general commodities (except classes A and B explosives), between points in the U.S.

MC 2392 (Sub-141), filed May 20, 1981. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 "F" St., Omaha, NE 68127. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd, Omaha, NE 68106. Transporting *commodities in bulk*, between points in LA, AR, IL, WI, MO, MN, IA, ND, SD, NE, KS, OK, TS, NM, CO, and WY.

MC 48113 (Sub-6), filed May 26, 1981. Applicant: MERCURY VAN LINES, INC., 18930 Gaithersburg-Laytonsville Road, Gaithersburg, MD 20760. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902 (301) 649–5074. Transporting *household goods, furniture and fixtures, and machinery*, (a) between those points in the U.S. on and east of U.S. Hwy. 85, and (b) between those points in the U.S. on and east of U.S. Hwy. 85, on the one hand, and, on the other, those points in the U.S. west of U.S. Hwy. 85.

MC 58923 (Sub-69), filed May 13, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, GA 30315. Representative: Fritz R. Kahn, 1660 L Street, N.W., Suite 1100, Washington, D.C. 20036, 202–452–7484. Over regular routes, transporting *general commodities* (except classes A and B explosives) (1) Between Vicksburg, MS, and Los Angeles, CA: from Vicksburg over Interstate Hwy 20 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles, and return over the same route, serving all intermediate points; (2) Between Memphis, TN, and Chicago, IL, over Interstate Hwy 55, serving all intermediate points; and (3) Between Knoxville, TN, and Cincinnati, OH, over Interstate Hwy 75, serving all intermediate points.

MC 65802 (Sub-76), filed May 14, 1981. Applicant: LYNDEN TRANSPORT, INC., 6515 W. Marginal Way, Southwest, Seattle, WA 98106. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. Transporting for or on behalf of the United States Government *hazardous materials* (except secret materials and sensitive weapons and munitions), between points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issue.

MC 85482 (Sub-3), filed May 20, 1981. Applicant: ACME MOTOR FREIGHT SERVICE, INC., 3333 S. Iron St., Chicago, IL 60608. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, 312–263–1600. Transporting *general commodities* (except classes A and B explosives), between points in Cook, DuPage, Grundy, Kane, Kankakee, Kendal, Lake, McHenry and Will Counties, IL and Lake and Porter Counties, IN, on the one hand, and, on the other, points in IL. Condition: Issuance of a certificate here is subject to prior or coincidental cancellation at applicant's written request of Certificate of Registration No. MC 85482 Sub No. 2, issued January 7, 1964.

MC 107012 (Sub-720), filed May 20, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219–429–2110. Transporting furniture and fixtures, between points in Dakota and Hennepin Counties, MN, on the one hand, and, on the other, points in AR, AZ, CA, CO, IA, ID, KS, KY, MT, NC, ND, NM, NV, OK, OR, SC, SD, TN, TX, UT, WA, and WY.

MC 135152 (Sub-51), filed May 15, 1981. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box 327, Weat Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Bldg., 524 Walnut St., Cincinnati, OH 45202 (513) 241–4037. Transporting *pulp, paper and related products*, between Trenton, NJ, and points in Mercer and York Counties, PA, on the one hand, and, on the other, points in KY, OH, and WV.

MC 142352 (Sub-9), filed May 15, 1981. Applicant: HAUSMAN TRUCKING, INC., 607 "D" Ave., Vinton, IA 52349. Representative: Jack H. Blanshan, 4839 Osgebrook Rd., Waterloo, IA 50701, 312–698–2243. Transporting *such commodities* as are dealt in by food business houses, between the facilities of Hunt-Wesson Foods, Inc., at points in IL, on the one hand, and, on the other, points in IA.

MC 145042 (Sub-11), filed May 22, 1981. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Avenue, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 489–5724. Transporting *food and related products*, between points in MI, on the one hand, and, on the other, points in IL, IN, OH, WI, MN, ND, SD, IA, MO, KY, TN, WV, VA, PA, NY, NJ, NC, and FL.

MC 147173 (Sub-64), filed May 14, 1981. Applicant: C & T TRUCKING, INC., 1050 Brookside Dr., Richmond, CA 94806. Representative: Brian S. Stern, North Springfield Professional Center II, 5411–D Backlick Rd., Springfield, VA 22151, (703) 941–8200. Transporting *such commodities* as are dealt in or used in the manufacture, construction and maintenance of telephone equipment and telephone systems, between points in Maricopa County, AZ, on the one hand, and, on the other, points in Alameda, San Diego, Sacramento, and Los Angeles Counties, CA.

MC 148203 (Sub-4), filed May 13, 1981. Applicant: COPPER CITY TRANSPORT, INC., Old Route 5S, RD #2, Frankfort, NY 13340. Representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, NY 13501, (315) 797–1970. Transporting *foodstuffs* between points in the U.S., under continuing contract(s) with Beech-Nut Foods Corporation, of Canajoharie, NY.

MC 150242 (Sub-3), filed May 21, 1981. Applicant: BRIAN DAWN TRUCKING, INC., Box 164, Tremont, IL 61568. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *feed, feed ingredients, dog food ingredients and meat scraps*, between points in IL, on the one hand, and, on the other, points in IA, IN, MI, MO and WI.

MC 151173 (Sub-3), filed May 13, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey, Jr. (same as applicant), (404) 478–4115. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Paradies and Co., Inc., of Atlanta, GA.

MC 151412 (Sub-1), filed May 19, 1981. Applicant: TALENT ANSWERING AND PURCHASING SERVICE, 251 Valley View Rd., Talent, OR 97540. Representative: Gary E. Stanley, 111 Valley View St., Talent, OR 97540, (503) 535–2647. Transporting (1) *lumber and wood products*, (2) *building materials*, (3) *metal products*, (4) *chemicals and related products*, (5) *such commodities* as are dealt in or used by manufacturers and distributors of garden products, (6) *forest products*, and (7) *clay, concrete, glass, and stone products*, between points in WA, OR, CA, NV, and AZ.

MC 152033 (Sub-4), filed May 22, 1981. Applicant: WILLIAM J. TIGHE TRUCKING COMPANY, INC., 1513 Palisade Ave., Union City, NJ 07087. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Union Camp Corporation, its subsidiaries, divisions, and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153813, filed May 20, 1981. Applicant: MIDWEST PACIFIC TRANSPORT, INC., 1351 S. 351st St., Federal Way, WA 98003. Representative: Bruce A. Wolf, 2120 Pacific Bldg., Seattle, WA 98104, (206) 624–5370. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Mr. Plywood, of Beaverton, OR.

MC 153813 (Sub-1), filed May 15, 1981. Applicant: MIDWEST PACIFIC TRANSPORT, INC., 1351 S. 351st St., Federal Way, WA 98003. Representative: Bruce A. Wolf, 2120 Pacific Bldg., Seattle, WA 98104, (206) 624–5370. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Marmon-Keystone, of Auburn, WA.

MC 155953F, filed May 14, 1981. Applicant: WADLEIGH'S, INC., d.b.a. KENOCO, 21 Water St., Hallowell, ME 04347. Representative: Donn G. Gifford (same as applicant), (207) 622–6301. Transporting *crushed glass* between points in the U.S., under continuing contract(s) with Maine Recycling, Inc., of Topsham, ME.

MC 156032 (Sub-1), filed May 18, 1981. Applicant: LEROY LEATHAM d.b.a. ROY LEATHAM TRANSPORT, INC., 5217 S.E. Aldercrest Rd., Milwaukie, OR 97222. Representative: John H. King, 50015 S.E. Coalman Rd., Sandy, OR 97055, 503–608–4742. Transporting *lumer and wood products*, between points in the U.S., under continuing contract(s) with Hampton Lumber Sales Co., of Portland, OR.

MC 156093 filed May 21, 1981. Applicant: LIZARD EXPRESS, 1515 West Mission Road, Alhambra, CA 91803. Representative: Marc A. Bronstein, 10517 Santa Monica Boulevard, Los Angeles, CA 90025, (213) 474–6504. Transporting *food and related products and machinery*, between points in the U.S., under continuing contract(s) with (a) Fritz Bottling Co., Inc., of Parker, AZ, (b) Sun Valley Beverage, Inc., of Yuma, AZ, and (c) III Counties Distributing Co., Inc., of Safford, AZ.

Volume No. OPY–2–090

Decided: May 28, 1981.

By the Commission, Review Board Number 1. Members Parker, Chandler and Fortier.

MC 107012 (Sub-712), filed May 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219–429–2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, container ends, and closures, between points in Cook County, IL, on the one hand, and, on the other, points in the U.S.

MC 118612 (Sub-14), filed May 14, 1981. Applicant: COLUMBIA TRUCKING, INC., 700 131st Pl., Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle St, Chicago, IL 60601. Transporting *petroleum, natural gas and their products*, and *coal and coal products*, between points in Vigo County, IN and Chicago, IL.

MC 128932 (Sub-16), filed May 19, 1981. Applicant: COMMERCIAL STORAGE & DISTRIBUTION COMPANY, 432 Richmond Rd., Texarkana, TX 75501. Representative: Alan F. Wohlstetter, 1700 K St. NW, Washington, DC 20006, 202–833–8884. Transporting (1) *food and related products*, between points in Tarrant, Dallas, Harrison, and Marion Counties, TX, on the one hand, and, on the other, points in Miller and Little River Counties, AR, and (2) *petroleum, natural gas and their products*, between points in Bossier and Caddo Parishes, LA and McLennon and Hill Counties, TX, on the one hand, and, on the other, points in Miller and Little River Counties, AR, and Bowie and Cass Counties, TX. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 129262 (Sub-8), filed May 18, 1981. Applicant: AYERS AND MADDUX, INC., 144 Escalada Drive, P.O. Box 1848, Nogales, AZ 85621. Representative: Fred H. Mackensen c/o Murchison & Davis, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067, 213–879–5955. Transporting *food and related products*, between ports of entry on the international boundary line between the United States and the Republic of Mexico, and points in TX, NM, AZ, and CA, on the one hand, and, on the other, points in the U.S.

MC 149282 (Sub-2), filed May 18, 1981. Applicant: CLIFFORD A. PARKHURST, 1229 Dakota North, Huron, SD 57350. Representative: Thomas J. Simmons, 5301 North Cliff, Box 380, Sioux Falls, SD 57101, (605) 339–3629. Transporting *transportation equipment*, between points in IL and MN, on the one hand, and, on the other, points in SD.

MC 151482 (Sub-2), filed May 13, 1981. Applicant: ROCK VALLEY CONTRACT CARRIERS, INC., 3571 Merchandise Drive, Rockford, IL 61109. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219, 412–471–1800. Transporting *machinery, printed matter*, and *food and related products*, between points in the U.S., under continuing contract(s) with (a) Economics Lab. Inc., of S. Beloit, IL, (b) Peabody-Welles, Inc., of Beloit, WI, (c) Kable News Co., of Mt. Morris, IL, (d) Swiss Colony, Inc., of Monroe, WI, and (e) Swiss Colony Stores, Inc., of Monroe, WI.

MC 153913 (Sub-3), filed May 18, 1981. Applicant: MISSOURI ALCOHOL FUEL, INC., 408 Thompson Bldg., Tulsa, OK 74103. Representative: Robert J. Wiruth (same address as applicant) (314) 636–8135. Transporting *petroleum, natural gas and their products*, between points in MO, on the one hand, and, on the other, points in KS. Condition: To the extent any certificate issed in this proceeding authorizes the tranasportation of classes A and II explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 155362, filed May 11, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Rd., Lebanon, IN 46052. Representative: John T. Wirth, 717—17th St., Ste. 2600, Denver, CO 80202, (303) 892–6700. Transporting *pulp, paper and related products, lumber and wood products, chemcial and related products, and platic and rubber products*, between the facilites used by International Paper Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155573, filed April 28, 1981. Applicant: M.S.R. TRUCKING, INC., 440 Hwy 29, N., Concord, NC 28525. Representative: Bill Martin (same address as applicant), 704–788–3182. Transporting *general commodities* (except classes A and B explosives), between points in VA, WV, TN, NC, SC, GA, FL and AL.

MC 155932, filed May 11, 1981. Applicant: BELL TRUCKING COMPANY, INC., 131 Cecilianna Drive, Elizabethtown, KY 42701. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40602, 1–502–875–3493. Transporting *such commodities* as are dealt in or used by manufacturers and sellers of asphalt flux, asphalt cement, and emulsified asphalt, between points in Jefferson County, KY, on the one hand, and, on the other, points in Harrison, Perry, Spencer, Dubois, Crawford, Floyd, Clark, Orange, Washington, Jefferson, Scott, Martin, Jackson, Lawrence, Switzerland, Jennings, Marion, Bartholomew, Shelby, Hancock, Rush, Morgan, Johnson, Monroe, Brown,

Decatur, Franklin, Ripley, Knox, Daviess, Pike, Gibson, Posey, Vandenburg, and Warrick Counties, IN.

MC 156022, filed May 18, 1981. Applicant: M & J SUMMERS TRUCKING, INC., 500 Evans St., Covington, IN 47933. Representative: Richard C. Kraege, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204, (317) 639–4511. Transporting *coal and coal products*, between points in Fountain County, IN, on the one hand, and, on the other, points in IL.

MC 156023, filed May 18, 1981. Applicant: TRAILER TRANSIT, INC., R.D. No. 1, Forsythe Rd., Presto, PA 15142. Representative: John A. Vuona, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *trailers*, between points in CT, DE, IL, IN, KY, MD, MA, MI, NC, NJ, NY, OH, PA, VA, WV, and DC.

MC 156032, filed May 18, 1981. Applicant: LEROY LEATHAM, d.b.a. ROY LEATHAM TRANSPORT, INC., 5217 S.E. Aldercrest Rd., Milwaukie, OR 97222. Representative: John H. King, 50015 S.E. Coalman Rd., Sandy, OR 97055, (503) 668–4742. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in the U.S., under continuing contract(s) with Workmans Forest Products, Inc., of Clackamas, OR.

MC 156062, filed May 19, 1981. Applicant: NYACK BUS CO., INC., 88 Brookside Ave., Nyack, NY 10960. Respresentative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022, (212) 759–3700. Transporting *passengers and their baggage*, in special and charter operations, in the same vehicle with passengers, beginning and ending at points in Rockland County, NY, and extending to points in the U.S.

Volume No. OPY–4–173

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 64806 (Sub-19), filed May 27, 1981. Applicant: R. P. THOMAS TRUCKING COMPANY, INCORPORATED, 807 W. Fayette St., Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *furniture and fixtures, between points in NC and VA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.*

MC 76266 (Sub-147), filed May 22, 1981. Applicant: ADMIRAL–MERCHANTS MOTOR FREIGHT, INC., 215 S. 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457–6889. Transporting *electrical equipment*, between the facilities of Gould, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 79646 (Sub-1), filed May 27, 1981. Applicant: BROOKS TRANSFER AND STORAGE CO., INC., 1301 North Blvd., Richmond, VA 23230. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Washington, DC 20036. Transporting *household goods*, between points in NH, VT, MA, RI, CT, NY, PA, NJ, DE, MD, WV, OH, VA, NC, SC, TN, GA, FL, and DC, on the one hand, and, on the other, points in the U.S. except AK, HI, ID, MT, ND, SD, UT, and WY.

MC 107576 (Sub-35), filed May 27, 1981. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 S.E. Water Ave., Portland, OR 97214. Representative: Ronald D. Browning (same address as applicant) (503) 239–5747. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 136816 (Sub-13), filed May 27, 1981. Applicant: THE UNIVERSE COMPANY, INC., 3523 "L" St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Transporting *building materials*, between Chicago, IL, on the one hand, and, on the other, points in NE, IA, MO, KS, MN, WI, MI, OH, and NJ.

MC 138466 (Sub-3), filed May 27, 1981. Applicant: R M K TRUCKING, INC., 2200 South Laflin, Chicago, IL 60608. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with American Can Company, of Meridian, MS.

MC 148376 (Sub-3), filed May 27, 1981. Applicant: BILCO TRANSPORTATION, INC., 660 Riverside Blvd., Watsonville, CA 95076. Representative: Eldon M. Johnson, 650 California St., San Francisco, CA 94108. Transporting *food and related products*, between points in CA, ID, OR, and WA.

MC 149406 (Sub-13), filed May 27, 1981. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. Transporting *machinery* between points in MN, on the one hand, and, on the other, points in CO, IA, ID, IL, IN, MT, NE, ND, OR, SD, WA, WI, and WY.

MC 151826 (Sub-5), filed May 27, 1981. Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., Washington, DC 20036, (202) 785–0048. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hercules Incorporated, of Wilmington, DE.

MC 154386, filed May 27, 1981. Applicant: DALE WILSON TRUCKING, INC., Route 41 North, P.O. Box 462, Greenfield, OH 45123. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing houses*, between points in McLean County, IL, Crawford County, KS, and Montgomery and Fayette Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 154396, filed May 27, 1981. Applicant: LORENZ MANUFACTURING COMPANY, a Corporation, Route 3, P.O. Box 127, Benson, MN 56215. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 South 5th St., Minneapolis, MN 55406, (612) 340–0808. Transportating *food and related products*, between points in the U.S., under continuing contract(s) with Supreme Pet Food Company, of De Graff, MN.

MC 154836, filed May 27, 1981. Applicant: R.T. FISHER, INC., 107 Water Lane, P.O. Box 1383, Tappahannock, VA 22560.Representative: Randolph T. Fisher (same address as applicant), (804) 443–3250. Transportating *automobile parts*, between points in the U.S., under continuing contract(s) with U.S. Automotive Manufacturing, Inc., of Tappahannock, VA.

MC 155206 filed May 27, 1981. Applicant: WILLIAM A. SIMMONS AND MERLIN E. HUDSON, d.b.a. S & H TRUCKING, 1305 E. Washington, Washington, IA 52353. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transportating *sand*, between Madison and Ogle Counties, IL on the one hand, and, on the other, points in Washington County, IA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16956 Filed 6–8–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 40.10 (Revised)]

Asia Mission Directors, et al.; Redelegation of Authority Regarding Waivers of Source, Origin, and Nationality for Procurement

Pursuant to the authority delegated to me by Delegation of authority No. 40 dated March 5, 1978 from the Deputy Administrator, I hereby redelegate to the Directors of A.I.D. Missions in Asia under my authority, to A.I.D. Representatives under my authority, to the Director of the Office of Project Development, Bureau for Asia, and to any duly designated person performing the functions of any such Mission Director, A.I.D. Representative, or Office Director in an acting capacity, the authority, after appropriate consultation with A.I.D. technical personnel and legal officers, to waive source, origin of nationality requirements with respect to the procurement of goods and services, other than transportation services, in cases in which the cost does not exceed $250,000 as set out in Delegation of Authority No. 40, *Provided however,* That authority to waive source and origin requirements for motor vehicle procurement, which waivers shall not exceed $25,000 for any one transaction, is redelegated only to Mission Directors, to the Director of the Office of Project Development, Bureau for Asia, and to any duly designated person performing the functions of such Mission Director or Office Director in an acting capacity, and *Provided further,* That A.I.D. Representatives may exercise the authority provided in this redelegation only for transactions which do not exceed $100,000.

The authority redelegated above may not be further redelegated.

All redelegations heretofore issued by me with regard to the authority to issue waivers for source, origin and nationality for procurement are hereby revoked to the extent such prior redelegations are inconsistent with this redelegation. This redelegation shall not be construed to affect the validity of any waiver or redelegation granted by a properly authorized official prior to the effective date of this redelegation, and any such waiver shall continue in effect unless modified or revoked by an official to whom such authority has been delegated by this redelegation.

This redelegation of authority shall be effective immediately.

Dated: July 23, 1981.

John H. Sullivan,

Assistant Administrator, Bureau for Asia.

[FR Doc. 81-16836 Filed 6-8-81; 8:45 am]

BILLING CODE 4710-02-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Room 4121, Department of the Treasury, 15th Street and Pennsylvania Avenue, Washington, D.C. on June 29, 1981 beginning at 9:30 a.m. and in Room 4426, Department of the Treasury on June 30, 1981 beginning at 9:00 a.m.

The purpose of the meeting is to discuss the format for the preparation and presentation of examination questions by the examination writing committees to the Advisory Committee, the topics and questions which may be recommended for inclusion on the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, section 1242(a)(1)(B) and the minimum acceptable pass score for the May 1981 examination.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the portion of the meeting dealing with discussion of questions which may appear on the Joint Board's examinations and the minimum acceptable pass score will fall within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such portion be closed to public participation.

The portion of the meeting dealing with the format for the preparation and presentation of examination questions by the examination writing committees to the Advisory Committee will begin at 9:30 a.m. on June 29 and will last no later than 3:00 p.m. on June 29. This portion of the meeting will be open to the public as space is available. Time permitting, after discussion of the topic by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should advise the Committee Management Officer in writing by June 22, 1981, to aid in scheduling the time available and should submit the written text, or at a minimum, an outline of comments they propose to make orally. Such comments will be limited to ten minutes in length.

Any interested person also may file a written statement for consideration by the Committee by sending it to the Committee Management Officer. Statements should be mailed to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220.

Dated: June 4, 1981.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 81-17039 Filed 6-8-81; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Graduate Research Fellowship Program; Grants Solicitation

The National Institute of Justice announces a competitive Graduate Research Fellowship Program to provide a limited number of Fellowships which will be awarded to doctoral candidates, through sponsoring institutions, to support students engaged in the research and writing of a doctoral dissertation in the area of criminal justice. Applicants must have completed all dissertation of internship prior to awarding of the grant.

There will be two cycles of the Graduate Research Fellowship program during Fiscal Year 1982. Submissions postmarked on or before October 31, 1981 will be considered submissions to the first cycle, and those postmarked after October 31, 1981 and before March 2, 1982 will be considered submissions to the second cycle. A number of grants will be awarded. The maximum award for each grant is $11,000, which provides a stipend for the student, allowance for dependents, major project costs and certain university fees.

Additional information and copies of the announcment may be obtained by sending a self-addressed mailing label to:

Solicitation—Graduate Research Fellowship Program, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850

Dated: May 15, 1981.

Harry M. Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 81-16971 Filed 6-8-81; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce the annual list of labor surplus areas, effective June 1, 1981.

FOR FURTHER INFORMATION: Contact James W. Higgins, Assistant Chief, Division of Labor Market Information, 601 D Street, NW. (Attention: TPPL), Washington, D.C. 20213 (202–376–7192).

SUPPLEMENTARY INFORMATION: The areas described below have been classified by the Assistant Secretary of Labor for Employment and Training as labor surplus areas for purposes of Executive Orders 12073 and 10582 pursuant to 20 CFR Part 654. The areas were so classified on the basis of the criteria set forth in 20 CFR 654.5 and placed on the "Listing of Eligible Labor Surplus Areas" for June 1, 1981 through May 31, 1982, effective June 1, 1981.

Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under this Order for classifying and designating areas which are labor surplus areas. Under Executive Order 10582, executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment, as defined by the Secretary of Labor. Areas of substantial unemployment are defined by Department of Labor regulations as labor surplus areas at 20 CFR 654.13.

The Department's labor surplus area classification procedures are set forth at 20 CFR Part 654. The regulations require that the Assistant Secretary for Employment and Training classify labor surplus areas and publish the labor surplus areas together with corresponding geographic descriptions. Accordingly, the following list of labor surplus areas is published for the use of all Federal departments and agencies in directing procurement activity and locating new plants or facilities.

Signed at Washington, D.C. on June 4, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982

Eligible labor surplus areas	Political jurisdictions included
Alabama	
Autauga County	Autauga County.
Barbour County	Barbour County.
Bibb County	Bibb County.
Birmingham City	Birmingham City in Jefferson County.
Bullock County	Bullock County.
Butler County	Butler County.
Calhoun County	Calhoun County.
Chambers County	Chambers County.
Chilton County	Chilton County.
Choctaw County	Choctaw County.
Clarke County	Clarke County.
Clay County	Clay County.
Colbert County	Colbert County.
Conecuh County	Conecuh County.
Cullman County	Cullman County.
Dallas County	Dallas County.
Escambia County	Escambia County.
Franklin County	Franklin County.
Gadsden City	Gadsden City in Etowah County.
Greene County	Greene County.
Hale County	Hale County.
Jackson County	Jackson County.
Lauderdale County	Lauderdale County.
Lawrence County	Lawrence County.
Limestone County	Limestone County.
Lowndes County	Lowndes County.
Balance of Madison County.	Madison County less Huntsville City.
Marengo County	Marengo County.
Marion County	Marion County.
Marshall County	Marshall County.
Mobile City County	Mobile City in Mobile County.
Monroe County	Monroe County.
Morgan County	Morgan County.
Perry County	Perry County.
Pickens County	Pickens County.
Randolph County	Randolph County.
Russell County	Russell County.
Sumter County	Sumter County.
Talladega County	Talladega County.
Walker County	Walker County.
Washington County	Washington County.
Wilcox County	Wilcox County.
Winston County	Winston County.
Alaska:	
Angoon Division	Angoon Division.
Bethel Division	Bethel Division.
Bristol Bay Borough Division.	Bristol Bay Borugh Division.
Bristol Bay Division	Bristol Bay Division.
Cordova-McCarthy Division.	Cordova-McCarthy Division.
Fairbanks Division	Fairbanks Division.
Haines Division	Haines Division.
Kenai-Cook Inlet Division	Kenai-Cook Inlet Division.
Ketchikan Division	Ketchikan Division.
Kobuk Division	Kobuk Division.
Kodiak Division	Kodiak Division.
Kuskokwim Division	Kuskokwim Division.
Matanuska-Susitna Division.	Matanuska-Susitna Division.
Nome Division	Nome Division.
Outer Ketchikan Division	Outer Ketchikan Division.
Prince of Wales Division	Prince of Wales Division.
Seward Division	Seward Division.
Sitka Division	Sitka Division.
Skagway-Yakutat Division.	Skagway-Yakutat Division.
Southeast Fairbanks Division.	Southeast Fairbanks Division.
Upper Yukon Division	Upper Yukon Division.
Valdez-Chitina-Whittier	Valdez-Chitina-Whittier.
Wade Hampton Division	Wade Hampton Division.
Wrangell-Petersburg Division.	Wrangell-Petersburg Division.
Yukon-Koyukuk Division	Yukon-Koyukuk Division.
Arizona:	
Apache County	Apache County.
Cochise County	Cochise County.
Gila County	Gila County.
Graham County	Graham County.
Navajo County	Navajo County.
Santa Cruz County	Santa Cruz County.
Yuma County	Yuma County.
Arkansas:	
Ashley County	Ashley County.
Bradley County	Bradley County.
Chicot County	Chicot County.
Clay County	Clay County.
Cleburne County	Cleburne County.
Cleveland County	Cleveland County.
Crawford County	Crawford County.
Dallas County	Dallas County.
Fort Smith City	Fort Smith City in Sebastian County.
Franklin County	Franklin County.
Greene County	Greene County.
Hot Spring County	Hot Spring County.
Jackson County	Jackson County.
Lawrence County	Lawrence County.
Lee County	Lee County.
Little River County	Little River County.
Logan County	Logan County.
Balance of Miller County	Miller County less Texarkana City Ark.
Mississippi County	Mississippi County.
Monroe County	Monroe County.
Montgomery County	Montgomery County.
Newton County	Newton County.
Ouachita County	Ouachita County.
Phillips County	Phillips County.
Poinsett County	Poinsett County.
Prairie County	Prairie County.
Randolph County	Randolph County.
Scott County	Scott County.
Searcy County	Searcy County.
Balance of Sebastian County.	Sebastian County less Fort Smith City.
Sharp County	Sharp County.
St. Francis County	St. Francis County.
Stone County	Stone County.
Texarkana City, Ark	Texarkana City, Ark in Miller County.
Van Buren County	Van Buren County.
White County	White County.
Woodruff County	Woodruff County.
California:	
Alpine County	Alphine County.
Amador County	Amador County.
Berkeley City	Berkeley City in Alameda County.
Butte County	Butte County.
Calaveras County	Calaveras County.
Compton City	Compton City in Los Angeles County.
Del Norte County	Del Norte County.
El Dorado County	El Dorado County.
Fresno City	Fresno City in Fresno County.
Balance of Fresno County.	Fresno County less Fresno City.
Glenn County	Glenn County.
Humboldt County	Humboldt County.
Imperial County	Imperial County.
Balance of Kern County	Kern County less Bakersfield City.
Kings County	Kings County.
Lake County	Lake County.
Lassen County	Lassen County.
Madera County	Madera County.
Mariposa County	Mariposa County.
Mendocino County	Mendocino County.
Merced County	Merced County.
Modesto City	Modesto City in Stanislaus County.
Mono County	Mono County.
Balance of Monterey County.	Monterey County less Salinas City.
Nevada County	Nevada County.
Oakland City	Oakland City in Alameda County.
Placer County	Placer County.
Plumas County	Plumas County.
Salinas City	Salinas City in Monterey County.
San Benito County	San Benito County.
San Bernardino City	San Bernardino City in San Bernardino County.

V. 46 / 110 / JE 9 81 UMI

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Balance of San Bernardino County.	San Bernardino County less Ontario City, and San Bernardino City.
Balance of San Joaquin County.	San Joaquin County less Stockton City
Santa Cruz County	Santa Cruz County.
Shasta County	Shasta County.
Sierra County	Sierra County.
Simi Valley City	Simi Valley City in Ventura County.
Siskiyou County	Siskiyou County.
Balance of Solano County	Solano County less Fairfield City and Vallejo City.
Balance of Stanislaus County.	Stanislaus County less Modesto City
Stockton City	Stockton City in San Joaquin County.
Sutter County	Sutter County.
Tehama County	Tehama County.
Trinity County	Trinity County.
Tuolumne County	Tuolumne County
Yolo County	Yolo County.
Yuba County	Yuba County
Colorado	
Archuleta County	Archuleta County
Conejos County	Conejos County
Costilla County	Costilla County.
Huerfano County	Huerfano County.
Lake County	Lake County.
Ouray County	Ouray County.
Pueblo City	Pueblo City in Pueblo County.
San Juan County	San Juan County
Connecticut:	
Ansonia Town	Ansonia Town.
Griswold Town	Griswold Town.
Killingly Town	Killingly Town
Meriden City	Meriden City.
New Haven City	New Haven City
Plainfield Town	Plainfield Town
Putnam Town	Putnam Town.
Sprague Town	Sprague Town
Sterling Town	Sterling Town.
Thomaston Town	Thomaston Town.
Thompson Town	Thompson Town.
Torrington City	Torrington City.
Voluntown Town	Voluntown Town.
Waterbury City	Waterbury City.
Winchester Town	Winchester Town.
Delaware:	
Kent County	Kent County.
Sussex County	Sussex County.
Wilmington City	Wilmington City in New Castle County.
Florida:	
Bay County	Bay County.
Franklin County	Franklin County
Glades County	Glades County
Gulf County	Gulf County.
Hardee County	Hardee County.
Hendry County	Hendry County.
Hernando County	Hernando County.
Indian River County	Indian River County.
Lake County	Lake County.
Miami Beach City	Miami Beach City in Dade County.
Okeechobee County	Okeechobee County.
Balance of Polk County	Polk County less Lakeland City.
St. John County	St. John County
St. Lucie County	St. Lucie County
Sumter County	Sumter County
Taylor County	Taylor County.
Washington County	Washington County
Georgia:	
Augusta City	Augusta City in Richmond County.
Burke County	Burke County.
Chattachoochee County	Chattachoochee County
Chattooga County	Chattooga County.
Fannin County	Fannin County.
Glascock County	Glascock County.
Mc Duffie County	Mc Duffie County.
Stewart County	Stewart County.
Taliaferro County	Taliaferro County.
Walker County	Walker County.
Warren County	Warren County.
Wilcox County	Wilcox County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Idaho:	
Adams County	Adams County
Benewah County	Benewah County
Boise County	Boise County
Bonner County	Bonner County.
Boundary County	Boundary County
Calmas County	Calmas County.
Clark County	Clark County.
Clearwater County	Clearwater County
Gem County	Gem County.
Idaho County	Idaho County.
Kootenai County	Kootenai County
Lemhi County	Lemhi County.
Lewis County	Lewis County.
Power County	Power County.
Valley County	Valley County.
Illinois:	
Alexander County	Alexander County
Bond County	Bond County
Calhoun County	Calhoun County.
Chicago City	Chicago City in Cook County
Clark County	Clark County.
Clay County	Clay County
Clinton County	Clinton County
Cumberland County	Cumberland County
Decatur City	Decatur City in Macon County
East St. Louis City	East St. Louis City in St. Clair County.
Edgar County	Edgar County.
Effingham County	Effingham County
Fayette County	Fayette County.
Franklin County	Franklin County.
Gallatin County	Gallatin County.
Greene County	Greene County.
Hamilton County	Hamilton County.
Hardin County	Hardin County.
Jackson County	Jackson County.
Jasper County	Jasper County.
Jefferson County	Jefferson County.
Jersey County	Jersey County.
Johnson County	Johnson County.
Joliet City	Joliet City in Will County.
Kankakee County	Kankakee County.
Knox County	Knox County.
La Salle County	La Salle County.
Madison County	Madison County.
Marion County	Marion County.
Massac County	Massac County.
Montgomery County	Montgomery County.
Peoria City	Peoria City in Peoria County.
Perry County	Perry County.
Pope County	Pope County.
Pulaski County	Pulaski County.
Putnam County	Putnam County.
Richland County	Richland County.
Rockford City	Rockford City in Winnebago County.
Saline County	Saline County.
Shelby County	Shelby County.
Springfield City	Springfield City in Sangamon County.
Tazewell County	Tazewell County.
Union County	Union County.
Vermilion County	Vermilion County.
Waukegan City	Waukegan City in Lake County.
Wayne County	Wayne County.
White County	White County.
Whiteside County	Whiteside County.
Williamson County	Williamson County.
Indiana:	
Adams County	Adams County
Anderson City	Anderson City in Madison County.
Blackford County	Blackford County.
Cass County	Cass County.
Crawford County	Crawford County.
Daviess County	Daviess County.
De Kalb County	De Kalb County.
Dearborn County	Dearborn County.
Elkhart County	Elkhart County.
Fayette County	Fayette County.
Fountain County	Fountain County.
Franklin County	Franklin County.
Ft Wayne City	Ft Wayne City in Allen County.
Gary City	Gary City in Lake County
Grant County	Grant County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Greene County	Greene County
Hammond City	Hammond City in Lake County
Harrison County	Harrison County
Henry County	Henry County
Balance of Howard County.	Howard County less Kokomo City
Jackson County	Jackson County
Jasper County	Jasper County
Jay County	Jay County
Jefferson County	Jefferson County
Jennings County	Jennings County
Knox County	Knox County.
Kokomo City	Kokomo City in Howard County.
La Porte County	La Porte County
Lagrange County	Lagrange County
Lawrence County	Lawrence County
Balance of Madison County.	Madison County less Anderson City.
Marshall County	Marshall County
Martin County	Martin County
Miami County	Miami County
Muncie City	Muncie City in Delaware County.
Noble County	Noble County.
Ohio County	Ohio County
Orange County	Orange County.
Perry County	Perry County
Putnam County	Putnam County.
Randolph County	Randolph County.
Ripley County	Ripley County.
Rush County	Rush County.
Scott County	Scott County.
Shelby County	Shelby County
South Bend City	South Bend City in St Joseph County.
Starke County	Starke County.
Steuben County	Steuben County
Switzerland County	Switzerland County
Tipton County	Tipton County.
Union County	Union County.
Vermillion County	Vermillion County.
Wabash County	Wabash County.
Washington County	Washington County
Wayne County	Wayne County.
Whitley County	Whitley County.
Iowa:	
Appanoose County	Appanoose County.
Floyd County	Floyd County
Winnebago County	Winnebago County.
Kentucky:	
Bath County	Bath County.
Bell County	Bell County.
Boyd County	Boyd County
Bracken County	Bracken County.
Breathitt County	Breathitt County.
Butler County	Butler County.
Caldwell County	Caldwell County.
Calloway County	Calloway County
Carlisle County	Carlisle County.
Carter County	Carter County.
Clay County	Clay County
Clinton County	Clinton County
Crittenden County	Crittenden County.
Edmonson County	Edmonson County
Elliott County	Elliott County.
Estill County	Estill County.
Floyd County	Floyd County.
Fulton County	Fulton County
Graves County	Graves County
Grayson County	Grayson County.
Harlan County	Harlan County.
Hart County	Hart County
Hickman County	Hickman County
Jackson County	Jackson County.
Johnson County	Johnson County
Knott County	Knott County.
Knox County	Knox County
Lawrence County	Lawrence County.
Lee County	Lee County.
Leslie County	Leslie County.
Letcher County	Letcher County.
Lewis County	Lewis County.
Lincoln County	Lincoln County
Magoffin County	Magoffin County.
Marion County	Marion County
Marshall County	Marshall County
Mc Creary County	Mc Creary County

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Menifee County	Menifee County.
Metcalfe County	Metcalfe County.
Monroe County	Monroe County.
Montgomery County	Montgomery County.
Morgan County	Morgan County.
Nelson County	Nelson County.
Owsley County	Owsley County.
Perry County	Perry County.
Powell County	Powell County.
Pulaski County	Pulaski County.
Robertson County	Robertson County.
Rockcastle County	Rockcastle County.
Russell County	Russell County.
Spencer County	Spencer County.
Todd County	Todd County.
Trimble County	Trimble County.
Washington County	Washington County.
Wayne County	Wayne County.
Whitley County	Whitley County.
Wolfe County	Wolfe County.
Louisiana	
Alexandria City	Alexandria City in Rapides Parish.
Allen Parish	Allen Parish.
Ascension County	Ascension County.
Avoyelles County	Avoyelles County.
Beauregard County	Beauregard County.
Catahoula County	Catahoula County.
Concordia County	Concordia County.
East Carroll County	East Carroll County.
Evangeline County	Evangeline County.
Franklin Parish	Franklin Parish.
Grant Parish	Grant Parish.
Iberville County	Iberville County.
Livingston County	Livingston County.
Madison Parish	Madison Parish.
Morehouse County	Morehouse County.
Balance of Ouachita	Ouachita Parish less Monroe City.
Balance of Rapides Parish	Rapides Parish less Alexandria City.
Richland Parish	Richland Parish.
Sabine Parish	Sabine Parish.
St. James Parish	St. James Parish.
St. Landry Parish	St. Landry Parish.
Tangipahoa Parish	Tangipahoa Parish.
Union Parish	Union Parish.
Vernon Parish	Vernon Parish.
Washington County	Washington County.
Webster Parish	Webster Parish.
West Carroll County	West Carroll County.
West Feliciana County	West Feliciana County.
Maine	
Aroostook County	Aroostook County.
Hancock County	Hancock County.
Knox County	Knox County.
Somerset County	Somerset County.
Waldo County	Waldo County.
Washington County	Washington County.
Maryland	
Allegany County	Allegany County.
Baltimore City	Baltimore City in Baltimore City.
Calvert County	Calvert County.
Caroline County	Caroline County.
Cecil County	Cecil County.
Dorchester County	Dorchester County.
Garrett County	Garrett County.
Kent County	Kent County.
Somerset County	Somerset County.
Washington County	Washington County.
Wicomico County	Wicomico County.
Worcester County	Worcester County.
Massachusetts	
Alford Town	Alford Town in Berkshire County.
Blackstone Town	Blackstone Town in Worcester County.
Brookfield Town	Brookfield Town in Worcester County.
Carver Town	Carver Town in Plymouth County.
Cummington Town	Cummington Town in Hampshire County.
Dunstable Town	Dunstable Town in Middlesex County.
Edgartown Town	Edgartown Town in Dukes County.
Fall River City	Fall River City in Bristol County.
Florida Town	Florida Town in Berkshire County.
Freetown Town	Freetown Town in Bristol County.
Granville Town	Granville Town in Hampden County.
Hardwick Town	Hardwick Town in Worcester County.
Harvard Town	Harvard Town in Worcester County.
Harwich Town	Harwich Town in Barnstable County.
Holbrook Town	Holbrook Town in Norfolk County.
Holland Town	Holland Town in Hampden County.
Kingston Town	Kingston Town in Plymouth County.
Lakeville Town	Lakeville Town in Plymouth County.
Leyden Town	Leyden Town in Franklin County.
Mashpee Town	Mashpee Town in Barnstable County.
Mendon Town	Mendon Town in Worcester County.
Merrimac Town	Merrimac Town in Essex County.
Middlefield Town	Middlefield Town in Hampshire County.
Millis Town	Millis Town in Norfolk County.
Millville Town	Millville Town in Worcester County.
Monroe Town	Monroe Town in Franklin County.
New Ashford Town	New Ashford Town in Berkshire County.
New Beford City	New Bedford City in Bristol County.
New Marlborough Town	New Marlborough Town in Berkshire County.
Newburyport City	Newburyport City in Essex County.
North Adams Town	North Adams Town in Berkshire County.
Orleans Town	Orleans Town in Barnstable County.
Phillipston Town	Phillipston Town in Worcester County.
Provincetown Town	Provincetown Town in Barnstable County.
Rochester Town	Rochester Town in Plymouth County.
Rockport Town	Rockport Town in Essex County.
Royalston Town	Royalston Town in Worcester County.
Sandwich Town	Sandwich Town in Barnstable County.
Savoy Town	Savoy Town in Berkshire County.
Tolland Town	Tolland Town in Hampden County.
Tyringham Town	Tyringham Town in Berkshire County.
Upton Town	Upton Town in Worcester County.
Wareham Town	Wareham Town in Plymouth County.
Wellfleet Town	Wellfleet Town in Barnstable County.
West Tisbury Town	West Tisbury Town in Dukes County.
Worthington Town	Worthington Town in Hampshire County.
Michigan	
Alcona Town	Alcona County.
Alger Town	Alger County.
Allegan County	Allegan County.
Alpena County	Alpena County.
Antrim County	Antrim County.
Arenac County	Arenac County.
Baraga County	Baraga County.
Barry County	Barry County.
Bay County	Bay County.
Benzie County	Benzie County.
Berrien County	Berrien County.
Branch County	Branch County.
Calhoun County	Calhoun County.
Cass County	Cass County.
Charlevoix County	Charlevoix County.
Cheboygan County	Cheboygan County.
Chippewa County	Chippewa County.
Clare County	Clare County.
Clinton County	Clinton County.
Clinton Township	Clinton Township in Macomb County.
Crawford County	Crawford County.
Dearborn City	Dearborn City in Wayne County.
Dearborn Heights City	Dearborn Heights City in Wayne County.
Delta County	Delta County.
Detroit City	Detroit City in Wayne County.
East Lansing City	East Lansing City in Ingham County.
Balance of Eaton County	Eaton County less Lansing City-Eaton.
Emmet County	Emmet County.
Flint City	Flint City in Genesee County.
Balance of Genesee County	Genesee County less Flint City.
Gladwin County	Gladwin County.
Gogebic County	Gogebic County.
Grand Rapids City	Grand Rapids City in Kent County.
Grand Traverse County	Grand Traverse County.
Gratiot County	Gratiot County.
Hillsdale County	Hillsdale County.
Houghton County	Houghton County.
Huron County	Huron County.
Balance of Ingham County	Ingham County less East Lansing City and Lansing City-Ingham.
Ionia County	Ionia County.
Iosco County	Iosco County.
Iron County	Iron County.
Isabella County	Isabella County.
Jackson County	Jackson County.
Kalamazoo City	Kalamazoo City in Kalamazoo County.
Balance of Kent County	Kent County less Grand Rapids City, and Wyoming City.
Keweenaw County	Keeweenaw County.
Lake County	Lake County.
Lansing City	Lansing City in Eaton County and Ingham County.
Lapeer County	Lapeer County.
Leelanau County	Leelanau County.
Lenawee County	Lenawee County.
Livingston County	Livingston County.
Luce County	Luce County.
Mackinac County	Mackinac County.
Balance of Macomb County	Macomb County less Clinton Township, Roseville City, St. Clair Shores City, Sterling Heights City, and Warren City.
Manistee County	Manistee County.
Marquette County	Marquette County.
Mason County	Mason County.
Mecosta County	Mecosta County.
Menominee County	Menominee County.
Midland County	Midland County.
Missaukee County	Missaukee County.
Monroe County	Monroe County.
Montcalm County	Montcalm County.
Montmorency County	Montmorency County.
Muskegon County	Muskegon County.
Newaygo County	Newaygo County.
Balance of Oakland County	Oakland County less Farmington Hills City, Pontiac City, Royal Oak City, Southfield City, Troy City and Waterford Township.
Oceana County	Oceana County.
Ogemaw County	Ogemaw County.
Ontonagon County	Ontonagon County.
Osceola County	Osceola County.
Oscoda County	Oscoda County.
Otsego County	Otsego County.
Pontiac City	Pontiac City in Oakland County.
Presque Isle County	Presque Isle County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Redford Township	Redford Township in Wayne County.
Roscommon County	Roscommon County.
Roseville City	Roseville City in Macomb County.
Saginaw City	Saginaw City in Saginaw County.
Balance of Saginaw County.	Saginaw County less Saginaw City.
Sanilac County	Sanilac County.
Schoolcraft County	Schoolcraft County.
Shiawassee County	Shiawassee County.
St. Clair Shores City	St. Clair Shores City in Macomb County.
St. Clair County	St. Clair County.
St. Joseph County	St. Joseph County.
Sterling Heights City	Sterling Heights City in Macomb County.
Taylor City	Taylor City in Wayne County.
Tuscola County	Tuscola County.
Van Buren County	Van Buren County.
Warren City	Warren City in Macomb County.
Balance of Washtenaw County.	Washtenaw County less Ann Arbor City.
Waterford Township	Waterford Township in Oakland County.
Balance of Wayne County.	Wayne County less Dearborn City, Dearborn Heights City, Detroit City, Livonia City, Redford Township, Taylor City, and Westland City.
Westland City	Westland City in Wayne County.
Wexford County	Wexford County.
Wyoming City	Wyoming City in Kent County.
Minnesota:	
Aitkin County	Aitkin County.
Becker County	Becker County.
Carlton County	Carlton County.
Cass County	Cass County.
Clearwater County	Clearwater County.
Cook County	Cook County.
Crow Wing County	Crow Wing County.
Hubbard County	Hubbard County.
Itasca County	Itasca County.
Kanabec County	Kanabec County.
Koochiching County	Koochiching County.
Mahnomen County	Mahnomen County.
Marshall County	Marshall County.
Morrison County	Morrison County.
Pine County	Pine County.
Red Lake County	Red Lake County.
Roseau County	Roseau County.
Balance of St. Louis County.	St. Louis County less Duluth City.
Mississippi:	
Alcorn County	Alcorn County.
Attala County	Attala County.
Benton County	Benton County.
Bolivar County	Bolivar County.
Coahoma County	Coahoma County.
George County	George County.
Greene County	Greene County.
Grenada County	Grenada County.
Holmes County	Holmes County.
Jackson County	Jackson County.
Jefferson County	Jefferson County.
Jefferson Davis County	Jefferson Davis County.
Kemper County	Kemper County.
Madison County	Madison County.
Marshall County	Marshall County.
Montgomery County	Montgomery County.
Noxubee County	Noxubee County.
Panola County	Panola County.
Quitman County	Quitman County.
Sharkey County	Sharkey County.
Stone County	Stone County.
Tate County	Tate County.
Tunica County	Tunica County.
Warren County	Warren County.
Washington County	Washington County.
Wilkinson County	Wilkinson County.
Winston County	Winston County.
Missouri:	
Bollinger County	Bollinger County.
Butler County	Butler County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Carter County	Carter County.
Clark County	Clark County.
Douglas County	Douglas County.
Dunklin County	Dunklin County.
Franklin County	Franklin County.
Jefferson County	Jefferson County.
Maries County	Maries County.
Mississippi County	Mississippi County.
Moniteau County	Moniteau County.
Oregon County	Oregon County.
Pemiscot County	Pemiscot County.
Ripley County	Ripley County.
Shannon County	Shannon County.
St. Louis City	St. Louis City in St. Louis City.
Stoddard County	Stoddard County.
Stone County	Stone County.
Texas County	Texas County.
Washington County	Washington County.
Wayne County	Wayne County.
Webster County	Webster County.
Montana:	
Glacier County	Glacier County.
Lincoln County	Lincoln County.
Mineral County	Mineral County.
Ravalli County	Ravalli County.
Sanders County	Sanders County.
Nevada:	
White Pine County	White Pine County.
New Jersey:	
Atlantic City	Atlantic City in Atlantic County.
Camden City	Camden City in Camden County.
Cape May County	Cape May County.
Balance of Cumberland County.	Cumberland County less Vineland City.
Elizabeth City	Elizabeth City in Union County.
Balance of Hudson County.	Hudson County less Bayonne City, Jersey City, and Union City.
Jersey City	Jersey City in Hudson County.
Newark City	Newark City in Essex County.
Balance of Ocean County.	Ocean County less Brick Township and Dover Township.
Passaic City	Passaic City in Passaic County.
Paterson City	Paterson City in Passaic County.
Trenton City	Trenton City in Mercer County.
Union City	Union City in Hudson County.
Vineland City	Vineland City in Cumberland County.
New Mexico:	
Balance of Bernalillo County.	Bernalillo County less Albuquerque City and Colonie Town.
Catron County	Catron County.
Guadalupe County	Guadalupe County.
Luna County	Luna County.
Mora County	Mora County.
Rio Arriba County	Rio Arriba County.
San Juan County	San Juan County.
San Miguel County	San Miguel County.
Taos County	Taos County.
New York:	
Buffalo City	Buffalo City in Erie County.
Cattaraugus County	Cattaraugus County.
Cayuga County	Cayuga County.
Chenango County	Chenango County.
Clinton County	Clinton County.
Balance of Erie County	Erie County less Amherst Town, Buffalo City, Cheektowaga Town, Hamburg Town, Tonowanda Town, and West Seneca Township.
Essex County	Essex County.
Franklin County	Franklin County.
Fulton County	Fulton County.
Genesee County	Genesee County.
Greene County	Greene County.
Hamburg Town	Hamburg Town in Erie County.
Hamilton County	Hamilton County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Herkimer County	Herkimer County.
Jefferson County	Jefferson County.
Lewis County	Lewis County.
Montgomery County	Montgomery County.
Mount Vernon City	Mount Vernon City in Westchester County.
Balance of Nassau County.	Nassau County less Glencove City, Hempstead Town, North Hempstead Town, and Oyster Bay Town.
New York City	New York City in Bronx County, Kings County, New York County, Queens County, and Richmond County.
Balance of Niagara County.	Niagara County less Niagara Falls City.
Niagara Falls City	Niagara Falls City in Niagara County.
Orange County	Orange County.
Orleans County	Orleans County.
Oswego County	Oswego County.
Balance of Rockland County.	Rockland County less Clarkstown Town, Orangetown Town, and Ramapo Town.
Schoharie County	Schoharie County.
St. Lawrence County	St. Lawrence County.
Balance of Suffolk County.	Suffolk County less Babylon Town, Brookhaven Town, Huntington Town, and Islip Town, and Smithtown Town.
Sullivan County	Sullivan County.
Warren County	Warren County.
Wyoming County	Wyoming County.
North Carolina:	
Brunswick County	Brunswick County.
Cherokee County	Cherokee County.
Clay County	Clay County.
Balance of Cumberland County.	Cumberland County less Fayetteville City.
Franklin County	Franklin County.
Graham County	Graham County.
Halifax County	Halifax County.
Hoke County	Hoke County.
Person County	Person County.
Robeson County	Robeson County.
Swain County	Swain County.
Tyrrell County	Tyrrell County.
Vance County	Vance County.
Warren County	Warren County.
Wilmington City	Wilmington City in New Hanover County.
North Dakota:	
McHenry County	McHenry County.
Rolette County	Rolette County.
Sioux County	Sioux County.
Ohio:	
Adams County	Adams County.
Akron City	Akron City in Summit County.
Ashtabula County	Ashtabula County.
Auglaize County	Auglaize County.
Belmont County	Belmont County.
Brown County	Brown County.
Canton City	Canton City in Stark County.
Cincinnati City	Cincinnati City in Hamilton County.
Clermont County	Clermont County.
Cleveland City	Cleveland City in Cuyahoga County.
Crawford County	Crawford County.
Dayton City	Dayton City in Montgomery County.
Defiance County	Defiance County.
Elyria City	Elyria City in Lorain County.
Erie County	Erie County.
Fayette County	Fayette County.
Fulton County	Fulton County.
Guernsey County	Guernsey County.
Hardin County	Hardin County.
Harrison County	Harrison County.
Henry County	Henry County.
Highland County	Highland County.
Hocking County	Hocking County.
Huron County	Huron County.
Jackson County	Jackson County.
Jefferson County	Jefferson County.
Lawrence County	Lawrence County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Lima City	Lima City in Allen County.
Lorain City	Lorain City in Lorain County.
Balance of Lorain County.	Lorain County less Elyria City, and Lorain City.
Balance of Lucas County.	Lucas County less Toledo City.
Balance of Mahoning County.	Mahoning County less Youngstown City.
Mansfield City	Mansfield City in Richland County.
Marion County	Marion County.
Medina County	Medina County.
Monroe County	Monroe County.
Morgan County	Morgan County.
Morrow County	Morrow County.
Noble County	Noble County.
Ottawa County	Ottawa County.
Paulding County	Paulding County.
Perry County	Perry County.
Pike County	Pike County.
Putnam County	Putnam County.
Sandusky County	Sandusky County.
Scioto County	Scioto County.
Seneca County	Seneca County.
Shelby County	Shelby County.
Balance of Summit County.	Summit County less Akron City.
Toledo City	Toledo City in Lucas County.
Balance of Trumbull County.	Trumbull County less Warren City.
Tuscarawas County	Tuscarawas County.
Warren City	Warren City in Trumbull County.
Warren County	Warren County.
Williams County	Williams County.
Wyandot County	Wyandot County.
Youngstown City	Youngstown City in Mahoning County.
Oklahoma:	
Choctaw County	Choctaw County.
Coal County	Coal County.
Haskell County	Haskell County.
Latimer County	Latimer County.
Pittsburg County	Pittsburg County.
Pushmataha County	Pushmataha County.
Sequoyah County	Sequoyah County.
Oregon:	
Baker County	Baker County.
Clatsop County	Clatsop County.
Columbia County	Columbia County.
Coos County	Coos County.
Crook County	Crook County.
Curry County	Curry County.
Deschutes County	Deschutes County.
Douglas County	Douglas County.
Grant County	Grant County.
Harney County	Harney County.
Hood River County	Hood River County.
Jackson County	Jackson County.
Josephine County	Josephine County.
Klamath County	Klamath County.
Lake County	Lake County.
Balance of Lane County	Lane County less Eugene City.
Lincoln County	Lincoln County.
Linn County	Linn County.
Tillamook County	Tillamook County.
Union County	Union County.
Wallowa County	Wallowa County.
Wheeler County	Wheeler County.
Pennsylvania:	
Altoona City	Altoona City in Blair County.
Armstrong County	Armstrong County.
Bedford County	Bedford County.
Balance of Blair County	Blair County less Altoona City.
Bradford County	Bradford County.
Bristol Township	Bristol Township in Bucks County.
Cambria County	Cambria County.
Cameron County	Cameron County.
Carbon County	Carbon County.
Chester City	Chester City in Delaware County.
Clarion County	Clarion County.
Clearfield County	Clearfield County.
Clinton County	Clinton County.
Columbia County	Columbia County.
Crawford County	Crawford County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Elk County	Elk County.
Erie City	Erie City in Erie County.
Fayette County	Fayette County.
Forest County	Forest County.
Fulton County	Fulton County.
Greene County	Greene County.
Huntingdon County	Huntingdon County.
Jefferson County	Jefferson County.
Juniata County	Juniata County.
Balance of Lackawanna County.	Lackawanna County less Scranton City.
Lawrence County	Lawrence County.
Balance of Luzerne County.	Luzerne County less Wilkes-Barre City.
Lycoming County	Lycoming County.
Mifflin County	Mifflin County.
Monroe County	Monroe County.
Montour County	Montour County.
Northumberland County	Northumberland County.
Philadelphia City	Philadelphia City in Philadelphia County.
Pike County	Pike County.
Potter County	Potter County.
Reading City	Reading City in Berks County.
Schuylkill County	Schuylkill County.
Scranton City	Scranton City in Lackawanna County.
Snyder County	Snyder County.
Somerset County	Somerset County.
Sullivan County	Sullivan County.
Susquehanna County	Susquehanna County.
Tioga County	Tioga County.
Washington County	Washington County.
Wayne County	Wayne County.
Westmoreland County	Westmoreland County.
Wilkes-Barre City	Wilkes-Barre City in Luzerne County.
Wyoming County	Wyoming County.
Rhode Island:	
Bristol Town	Bristol Town.
Central Falls City	Central Falls City.
Charlestown Town	Charlestown Town.
Johnston Town	Johnston Town.
New Shoreham Town	New Shoreham Town.
North Providence Town	North Providence Town.
Warren Town	Warren Town.
West Warwick Town	West Warwick Town.
South Carolina:	
Allendale County	Allendale County.
Barnwell County	Barnwell County.
Colleton County	Colleton County.
Georgetown County	Georgetown County.
Marion County	Marion County.
Marlboro County	Marlboro County.
McCormick County	McCormick County.
North Charleston City	North Charleston City in Charleston County.
Union County	Union County.
Tennessee:	
Bledsoe County	Bledsoe County.
Campbell County	Campbell County.
Cannon County	Cannon County.
Carroll County	Carroll County.
Claiborne County	Claiborne County.
Clay County	Clay County.
Cocke County	Cocke County.
Crockett County	Crockett County.
Cumberland County	Cumberland County.
De Kalb County	De Kalb County.
Decatur County	Decatur County.
Dickson County	Dickson County.
Fayette County	Fayette County.
Fentress County	Fentress County.
Franklin County	Franklin County.
Gibson County	Gibson County.
Grainger County	Grainger County.
Grundy County	Grundy County.
Hamblen County	Hamblen County.
Hancock County	Hancock County.
Hardeman County	Hardeman County.
Hardin County	Hardin County.
Haywood County	Haywood County.
Henderson County	Henderson County.
Jackson County	Jackson County.
Jefferson County	Jefferson County.
Lake County	Lake County.
Lauderdale County	Lauderdale County.
Lawrence County	Lawrence County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Lewis County	Lewis County.
Lincoln County	Lincoln County.
Macon County	Macon County.
McMinn County	McMinn County.
Meigs County	Meigs County.
Monroe County	Monroe County.
Morgan County	Morgan County.
Overton County	Overton County.
Perry County	Perry County.
Pickett County	Pickett County.
Polk County	Polk County.
Putnam County	Putnam County.
Rhea County	Rhea County.
Roane County	Roane County.
Scott County	Scott County.
Sevier County	Sevier County.
Stewart County	Stewart County.
Van Buren	Van Buren County.
Warren County	Warren County.
Wayne County	Wayne County.
Texas:	
Brownsville City	Brownsville City in Cameron County.
Balance of Cameron County.	Cameron County less Brownsville City.
Cass County	Cass County.
Dimmit County	Dimmit County.
El Paso City	El Paso City in El Paso County.
Balance of El Paso County.	El Paso County less El Paso City.
Balance of Hidalgo County.	Hidalgo County less Mc Allen City.
Killeen City	Killeen City in Bell County.
Laredo City	Laredo City in Webb County.
Loving County	Loving County.
Marion County	Marion County.
Maverick County	Maverick County.
McAllen City	McAllen City in Hidalgo County.
Newton County	Newton County.
Port Arthur City	Port Arthur City in Jefferson County.
Balance of Potter County.	Potter County less Amarillo City-Potter.
San Augustine County	San Augustine County.
Starr County	Starr County.
Texarkana, City Tex	Texarkana, City, Tex in Bowie County.
Val Verde County	Val Verde County.
Balance of Webb County.	Webb County less Laredo City.
Willacy County	Willacy County.
Zapata County	Zapata County.
Zavala County	Zavala County.
Utah:	
Garfield County	Garfield County.
Piute County	Piute County.
Sanpete County	Sanpete County.
Wsatch County	Wasatch County.
Vermont:	
Essex County	Essex County.
Grand Isle County	Grand Isle County.
Lamoille County	Lamoille County.
Orleans County	Orleans County.
Virginia:	
Alleghany County	Alleghany County.
Bath County	Bath County.
Brunswick County	Brunswick County.
Buena Vista City	Buena Vista City.
Caroline County	Caroline County.
Covington City	Covington City.
Dickenson County	Dickenson County.
Grayson County	Grayson County.
Highland County	Highland County.
Lancaster County	Lancaster County.
Lee County	Lee County.
Northampton County	Northampton County.
Northumberland County	Northumberland County.
Page County	Page County.
Radford City	Radford City.
Richmond County	Richmond County.
Russell County	Russell County.
Smyth County	Smyth County.
South Boston City	South Boston City.
Suffolk City	Suffolk City.
Sussex County	Sussex County.
Warren County	Warren County.
Westmoreland County	Westmoreland County.

V 46 / 110 / J E 9 8 1 UMI

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Williamsburg City	Williamsburg City.
Washington:	
Adams County	Adams County.
Chelan County	Chelan County.
Clallam County	Clallam County.
Columbia County	Columbia County.
Cowlitz County	Cowlitz County.
Douglas County	Douglas County.
Ferry County	Ferry County.
Franklin County	Franklin County.
Grant County	Grant County.
Grays Harbor County	Grays Harbor County.
Jefferson County	Jefferson County.
Kittitas County	Kittitas County.
Klickitat County	Klickitat County.
Lewis County	Lewis County.
Okanogan County	Okanogan County.
Pacific County	Pacific County.
Pend Oreille County	Pend Oreille County.
Skagit County	Skagit County.
Skamania County	Skamania County.
Stevens County	Stevens County.
Tacoma City	Tacoma City in Pierce County.
Wahkiakum County	Wahkiakum County.
Whatcom County	Whatcom County.
Yakima City	Yakima City in Yakima County.
Balance of Yakima County.	Yakima County less Yakima City.
West Virginia:	
Braxton County	Braxton County.
Calhoun County	Calhoun County.
Clay County	Clay County.
Fayette County	Fayette County.
Greenbrier County	Greenbrier County.
Harrison County	Harrison County.
Huntington City	Huntington City in Cabell County, and Wayne County.
Jackson County	Jackson County.
Lewis County	Lewis County.
Lincoln County	Lincoln County.
Logan County	Logan County.
Marion County	Marion County.
Marshall County	Marshall County.
Mason County	Mason County.
McDowell County	McDowell County.
Mingo County	Mingo County.
Nicholas County	Nicholas County.
Pendleton County	Pendleton County.
Pocahontas County	Pocahontas County.
Preston County	Preston County.
Putnam County	Putnam County.
Raleigh County	Raleigh County.
Randolph County	Randolph County.
Ritchie County	Ritchie County.
Roane County	Roane County.
Summers County	Summers County.
Taylor County	Taylor County.
Balance of Wayne County.	Wayne County less Huntington City-Wayne.
Webster County	Webster County.
Wetzel County	Wetzel County.
Wirt County	Wirt County.
Wyoming County	Wyoming County.
Wisconsin:	
Bayfield County	Bayfield County.
Balance of Calumet County.	Calumet County less Appleton City-Calumet.
Forest County	Forest County.
Janesville City	Janesville City in Rock County.
Lincoln County	Lincoln County.
Marquette County	Marquette County.
Menominee County	Menominee County.
Oconto County	Oconto County.
Balance of Rock County	Rock County less Janesville City.
Rusk County	Rusk County.
Sawyer County	Sawyer County.
Taylor County	Taylor County.
Trempealeau County	Trempealeau County.
Vilas County	Vilas County.
Washburn County	Washburn County.

[FR Doc. 81-17100 Filed 6-8-81: 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-23-M]

Cobb Resources Corp.; Petition for Modification of Application of Mandatory Safety Standard

Cobb Resources Corporation, 313 Washington, S.E., Albuquerque, New Mexico 87108 has filed a petition to modify the application of 30 CFR 57.4-43 (fire protection) to its London Mine located in Park County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that buildings within 100 feet of mine openings that are designated escapeways in exhaust air shall be constructed of fire resistant materials.

2. The London Water Tunnel has a portal of steel and concrete which extends 100 feet into the workings. Approximately 71 feet from the outward end of this structure is the mine shop/maintenance building which contains a compressor, maintenance equipment and the miners' changing room. The building is constructed of plyboard nailed to wooden studs and has been painted with fire-resistant paint.

3. The tunnel is not a designated escapeway; it is a normal exit in exhaust air.

4. Petitioner states that the 71 feet between the normal exit portal and the building painted with fire-resistant paint, in addition to the first 100 feet inside the portal being constructed of steel and concrete, warrant a modification of the standard. Petitioner further states that the safety of the miners would in no way be diminished by a modification.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 9, 1981. Copies of the petition are available for inspection at that address.

Dated: June 3, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances

[FR Doc. 81-16996 Filed 6-8-81: 8:45 am]

BILLING CODE 4510-43-M

Proposed Acquisition of Mine Emergency Operations Center—Hopewell Township, Beaver County, Determination That Environmental Assessment Is Not Necessary and Finding of No Significant Impact on the Environment

AGENCY: Mine Safety and Health Administration, Department of Labor (MSHA).

ACTION: Notice—Determination that environmental assessment is not necessary and that action will have no significant impact on the environment.

SUMMARY: The purpose of this notice is to announce a determination by MSHA under the National Environmental Policy Act (NEPA), and Council on Environmental Quality (CEQ) and DOL regulations implementing NEPA, that the planned acquisition by purchase of the property housing the MSHA Mine Emergency Operations Center in Hopewell Township, Beaver County, Pennsylvania, does not constitute the type of real property action which requires the preparation of an environmental assessment and, accordingly, that an environmental assessment will not be prepared. MSHA has determined that because no change in the use of the property is contemplated, the proposed action will have no significant impact on the environment.

FOR FURTHER INFORMATION CONTACT: Roy L. Bernard, Director of Technical Support, MSHA, Room 917, Ballston Tower No. 3, 4015 Wilson boulevard, Arlington, VA 22203, telephone 703-235-1580.

SUPPLEMENTARY INFORMATION: In accordance with NEPA, and CEQ and DOL regulations, MSHA has examined the possible environmental impact of its planned acquisition of the Mine Emergency Operations Center. The facility to be acquired consists of a building situated on six acres of land located in the Hopewell Township Industrial Park, Hopewell Township, Beaver County, Pennsylvania. Acquisition of the property is authorized by the bill providing for appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for fiscal year 1981, H.R. 7998 (passed by the House of Representatives on August 27, 1980), as adopted by H.J. Res. 644, Pub. L. 95-536, December 16, 1980.

The DOL regulation implementing NEPA, at 29 CFR § 110.10(B), provides, in pertinent part, that actions involving the purchase of property in connection with the establishment or substantial

alteration of a Job Corps center, or any similar Job Corps facility, or other property actions of a similar character by another agency, will normally require the preparation of an environmental assessment prior to determining whether either a finding of no significant impact or an environmental impact statement must be prepared. MSHA's planned acquisition of the Mine Emergency Operations Center, however, does not constitute either the establishment or substantial alteration of a facility. The facility to be purchased already houses the agency's mine emergency operations where equipment used by MSHA in rescue and recovery work in the event of a mine emergency or disaster is stored and maintained. The building consists of a warehouse/garage area, a maintenance/storage area, and an office area. The facility has been leased for this purpose for approximately three years and no change in the nature of the activities carried out at the facility is planned. Some renovation and repair of the building is contemplated after acquisition, but this work will not result in any expansion or substantial alteration of the existing facility. Accordingly, MSHA has determined that an environmental assessment is not necessary and that the proposed action will have no significant impact on the environment.

Dated: May 29, 1981.

Thomas J. Shepich,

Acting Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 81-16997 Filed 6-8-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-21-M]

Noranda Mining, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Noranda Mining, Inc., P.O. Box 1450, Park City, Utah 84060 has filed a petition to modify the application of 30 CFR 57.19-125 (hoist ropes; requirements) to its Ontario Project located in Summit County, Utah. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follow:

1. The petition concerns the requirement that hoist ropes wound in multiple layers have a length cut off at the drum end at least three times during the anticipated life of the rope.

2. Petitioner is currently using a #6 Welman Seaver Morgan hoist, manufactured in 1917 and powered by a 250 hp G. E. motor. It is a reel type, using a ⅝ inch by 5 inch flat cable.

3. As an alternative method, petitioner proposes to use this reel-type flat hoist rope without cutting off lengths at the drum, as would be done on a round hoist rope, because the wear point of the cable changes with each wrap, depending on the load weight.

4. Petitioner states that cutting the drum end of the cable would not affect the wear point and requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before (insert date 30 days from publication in the **Federal Register**). Copies of the petition are available for inspection at that address.

Dated: June 3, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-16998 Filed 6-8-81; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefit Programs

[Application No. D-1563]

Proposed Exemption for Certain Transactions Involving the Misener Profit Sharing Plan and Gulf Foundation, Inc. Profit Sharing Plan, St. Petersburg, Florida

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the leasing of barges and tugboats by the Misener Barge and Boat Rental, Inc. (MB&B, a corporation wholly owned by the Misener Profit Sharing Trust (MPT, a commingled investment trust)) to Misener Marine Construction (MMC, the sponsoring employer); (2) the servicing of MB&B barges and tugboats by MMC and Misener Industries Inc. (MIC, a corporation wholly owned by MMC); (3) the purchase of barges by MB&B from MIC; (4) the guarantee by MMC of loans made to MB&B by unrelated lending institutions; (5) the exchange of MB&B stock for MMC stock of comparable value; and (6) the cash sale of a parcel of real estate (the Real Estate) by the MPT to Mary Jane Misener a party in interest with respect to the MPT. The proposed exemption, if granted, would affect MB&B, MIC, MMC, MPT, participants and beneficiaries of those profit sharing plans participating the MPT and certain other persons participating in the transactions.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective from: (1) January 1, 1975 until the date of the stock exchange between MB&B and MMC for the leasing of the MB&B barge and tugboat fleet; (2) from January 1, 1975 until October 31, 1978 for the servicing of the MB&B barge and tugboat fleet; (3) from March 20, 1976 until May 23, 1977 for the purchase of barges from MIC; (4) from February 27, 1976 and prospectively for the guarantees of MMC; and (5) from the date the exemption grant is published in the **Federal Register** for the exchange of MB&B and MMC stock and sale of the Real Estate.

DATES: Written comments and requests for a public hearing must be received by the Department on or before July 20, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1563. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Antsen of the Department, telephone (202) 523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by counsel for MMC, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set

forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

Description of the parties

1. MMC is a closely held corporation the stock of which is owned primarily (seventy (70) percent), by Richard H. Misener (Misener) and his wife (Mary Jane Misener), the balance of the stock is owned by five other officers of MMC. MMC is in the marine construction business and has been involved in a wide range of projects including construction of seawalls, marinas, docking facilities, piers and bridges, installation of foundation pilings, laying of underwater cable and participation in pipeline construction. MMC has been in business in the Florida gulf coast area since 1945. It employs, on a controlled group basis, approximately 700 employees. As of its fiscal year ending October 31, 1980, MMC and its affiliates had combined gross sales of almost $75 million. During the same time period MMC had a before tax income of $1,939,993.

2. MMC is affiliated with two other companies—Gulf Foundation, Inc. (Gulf) and MIC. Gulf, a closely held corporation the stock of which is owned by the same individuals who own MMC, engages in various types of marine construction projects similar to MMC. Unlike MMC, Gulf employs union labor; however, the company's union employees are excluded from the Gulf employee benefit plans. MIC was incorporated in 1975 to construct barges for commercial use and has its plant facility in Tampa, Florida.

3. Gulf maintains its own profit sharing plan (the Gulf Plan) with approximately twelve (12) participants in a separate trust although the assets are commingled for investment purposes in the MPT. Employees of both MMC and MIC participate in the Misener Profit Sharing Plan (the Misener Plan). The Misener Plan has approximately two hundred seventy two (272) participants as of the plan year which ended October 31, 1980. The Misener Plan assets are held in a trust managed by three individual trustees (the Trustees): Misener (the President and Chairman of the Board of MMC), Violet O'Brien (O'Brien—Treasurer of MMC and Administrative Secretary to Misener) and John C. Dew, Esquire. Like the assets of the Gulf Plan, the Misener Plan assets have been commingled for investment purposes in the MPT. The Trustees also exercise investment responsibility over the assets of the MPT. As of October 31, 1980, MPT had total assets of $5,359,599. In addition to the Misener Plan, MMC also maintains a non-contributory pension plan containing $1.7 million in assets which is not involved in any of the transactions described in this exemption request.

Retroactive Transactions

1. Initially, the MPT was invested in common stock of unrelated companies and real estate. After several years of unsatisfactory investment performance, the Trustees decided to invest assets in a type of property in which they felt they had a special expertise—namely, barges and tugboats. The Trustees deemed that the purchase and leasing of such vessels would be a profitable investment. Barges serve as floating platforms upon which cranes, drilling equipment and various other types of heavy construction equipment can be positioned to do their work at sea. Tugboats are essentail to marine construction inasmuch as barges are not self-propelled and must be towed to work site locations. Thus, wherever there is a need for a barge there will usually be a need for a tugboat. The applicant represents that both types of vessels are rugged and durable with relatively long lives and hold their value extremely well.

2. On November 5, 1970, the Trustees incorporated MB&B. Such incorporation was accomplished based on advice of counsel to insulate MPT from liability based on activities of the barge and tugboat fleet. The capital for the new corporation was acquired from the MPT in exchange for all issued and outstanding stock of MB&B. The sole capitalization of MB&B by MPT in November of 1970 was in the amount of $29,750, at a time when MPT assets were valued in excess of $233,000. Subsequently, all additional capital needed in the operation of MB&B came from debt financing and profits of MB&B. Since its inception the directors of MB&B (the Directors) have included: Misener, O'Brien and Mr. Stanley A. Heaton (Heaton—the Executive Vice-President of MMC). Except for its officers/directors, whose duties are entirely ministerial, MB&B has no employees, nor does it occupy any office space. Since its formation MB&B has been engaged in the business of leasing barges and tugboats for work on marine construction projects. The only assets of MB&B have been its fleet of barges and tugboats which currently number fourteen and four respectively. The value of the MB&B stock held by the MPT is based on the sale value of the barge and tugboat fleet. As of October 31, 1980, the MB&B stock was valued at approximately $2.6 million, an amount that represents forty-nine (49) percent of the MPT total assets. Since its inception, the MB&B barge and tugboat fleet has been leased almost exclusively to MMC and Gulf for periods of time ranging from a few days to one year. The applicant submits that the rates charged MMC and Gulf were at all times fair and reasonable and that they were not less than the rates which MB&B would have charged unrelated parties. The applicants have demonstrated that the rental rates charged MMC and its affiliates were at least market rates for the barge and tugboat rental industry. The applicant has further represented that annually the Directors evaluated and established rates for their equipment based on known rental rates of competitive leasing companies.

3. Additionally, MB&B barges and tugboats had to be regularly serviced so as to assure their sea-worthiness and their ability to perform their designated functions. From a time predating the Act until October 31, 1978, MMC, and to a lesser extent MIC, provided a portion of the service and maintenance work for the MB&B fleet. The applicants represent that the fees charged MB&B for such work were at all times fair and reasonable in that they were the same rates charged to others for similar services. The applicants documented that MB&B received more favorable rates for similar services than would otherwise be available from an unrelated party in the local area.

4. Originally MB&B purchased its barges and tugboats from companies unrelated to the MMC controlled group. However, when MIC was established in August of 1975 the Directors sought to make acquisitions from MIC where they could be assured that MB&B would pay no more for any barge acquisition than it would have paid had they been acquired from unrelated parties. From the date of its incorporation until October of 1980, MIC had constructed for sale fifty-eight (58) barges. Between the dates March 20, 1976 and May 23, 1977, MB&B purchased six barges from MIC. In each instance the Directors took steps to ensure that

MB&B obtained the most favorable rate available for such transactions. Such steps included competitive bidding, purchases on a fixed cost basis and preferential prices based on flexibility in delivery dates and early placement of orders. The combined sale price for these barge acquisitions was $2,928,803.

5. All barge acquisitions were debt financed through local banking institutions with the barges serving as collateral for the loans. Two early barge acquisitions represented more than thirty-five (35) percent of MB&B's total acquisition expense. In both cases, long term notes were executed by MB&B with Exchange National Bank of Tampa (Exchange) to finance the acquisition of the vessels. MMC signed as guarantor on both notes obligating itself for the repayment for all indebtedness, obligations or liabilities incurred by MB&B for the purchase of barges up to $1.5 million. The issuance of this guarantee permitted Exchange to extend the credit to MB&B. These notes are still outstanding and MMC continues as guarantor. When MB&B made a major tugboat acquisition financed through Commercial Credit Industrial Corporation, MMC again guaranteed the note. This latter note was paid in full by MB&B during its fiscal year ending October 31, 1979. MMC did not receive any fee or other form of compensation for acting as guarantor. It agreed to guarantee the notes solely to further the interest of MB&B which in turn furthered the interest of MPT and the participating plans. By interposing its own capital and assets between a creditor and MPT the applicant suggests such conduct served to protect the assets of the MPT.

6. The MPT Trustees permitted MB&B to engage in the above described transactions with MMC and related companies based upon the advice of counsel that the transactions entered into by MB&B were not to be considered transactions of the MPT. Therefore, when the fiduciary responsibility provisions of the Act become effective in January of 1975, the MPT Trustees believed that the transactions were not prohibited transactions. While the MPT Trustees did not operate the MB&B with the prohibited transaction provisions of the Act in mind, they nevertheless, took those steps necessary in an ordinary business setting to assure themselves that their decisions were based on the best interests of those plans participating in the MPT and their respective participants and beneficiaries.

The Trustees of the MPT became aware of the existence of possible prohibited transactions through an attorney retained by Misener for estate planning purposes in late October of 1978. As soon as the possibility of prohibited transaction violations became known, the sales and servicing arrangements between MB&B and MMC or related companies were immediately terminated. However, the Directors determined that it would not be in the best interests of the MPT to discontinue the leasing arrangements with MMC because alternative leasing arrangements were uncertain and the Directors were concerned about the loss of rental income should the barges or tugboats sit idle for any period of time. In an effort to reduce the level of dependence between MB&B and the MMC controlled group, the Directors advertised the availability for lease of the MB&B fleet in trade publications but continued the existing leasing practices. Some unrelated third party rentals have been arranged as a result of these efforts. In addition, Trustees took steps to disclose to the Department the possible violations. On February 5, 1979 the Trustees noted the possible violations on the required annual financial filing of the MPT (Form 5500 filed with the Department and the Internal Revenue Service) and stated that an exemption application under section 408(a) of the Act and section 4975(c)(2) of the Code was being prepared. An application for exemption was subsequently filed on October 5, 1979. All legal fees resulting from the preparation and representation of MPT and the other parties in conjunction with the exemption application have been paid by MMC.

7. On July 18, 1975, MPT acquired the Real Estate from an unrelated party for $599,500. The Real Estate consists of twenty two (22) acres of waterfront property located in the Tampa Bay area. The Trustees entered into a ten (10) year net lease with MMC on August 1, 1975. MMC simultaneously sublet a portion of the Real Estate to MIC. Thereafter, the Real Estate was developed by MMC and MIC so that it could be used as the permanent site for MIC's barge fabrication business. In addition to the structures placed on the Real Estate, MMC also improved the property by the construction of a concrete seawall and a steel sheet pile bulkhead. MMC treated the seawall and bulkhead—valued at almost $335,000—as a contribution to the Misener Plan. The substantial improvements to the Real Estate prompted the Trustees to execute new leases based upon the increased value of the Real Estate. The Trustees agreed to lease twenty five (25) percent of the property to MMC for a ten year period beginning November 1, 1977. The Trustees leased the balance of the Real Estate to MIC, also for a ten year period beginning November 1, 1977. As of October 31, 1980, the Real Estate was valued at $1,054,000, a figure representing twenty (20) percent of MPT assets.

Prospective Transactions

1. With respect to the continuation of leasing arrangements of barges and tugboats between MB&B and the MMC controlled group, the Trustees originally sought administrative relief to continue the leasing arrangement because MB&B profitability had been primarily based on its relationship to MMC to ensure full utilization of its fleet. Absent an exemption or less the loss of MMC business can be made up by leasing barges to third parties, the profitability of MB&B's leasing business will suffer a loss to the detriment of the participating plans in the MPT and their participants and beneficiaries. Northern Trust Company (Northern), a party independent of and unrelated to MMC, has reviewed the options available to MPT and stated that an exchange by the MPT of its entire stockholding interest in MB&B for voting common stock of MMC of equal value would be the most appropriate resolution of the current leasing arrangement. Northern has stated that such a transaction would be in the interests of the affected plans and their participants and beneficiaries. While recognizing that no market exists for either stock, Northern stated that the transaction, through not improving the liquidity of the MPT, benefits the MPT by providing it with voting shares of a larger, more widely held enterprise. To assure that full value is received by the MPT, independent appraisers have been engaged by the MPT Trustees to determine the fair market value of both MB&B and MMC stock. No commissions for the exchange will be charged to the MPT and all appraisal fees will be paid by MMC. It is further understood that such an exchange, which will result in the MPT acquiring qualifying employer securities, will not result in the participating profit sharing plans exceeding that amount of such securities authorized by the respective plan documents. MMC has represented that the stock exchange will be consummated within sixty (60) days of the date a final grant of the exemption is published in the **Federal Register.**

2. In an effort to correct the prohibited transaction lease involving the Real Estate, the MPT Trustees propose a cash sale of the Real Estate to Mary Jane Misener, a party in interest with respect

V46/110 JE9 81 UMI

to both plans participating in the MPT. The sale price for the Real Estate will be the highest value of the property as individually determined by two qualified independent real estate appraisers. This decision to sell the Real Estate has been based on a statement by Northern. Inasmuch as a cash sale for fair market value will inprove MPT liquidity and provide the trustees with the opportunity to diversify the investments of MPT, it was Northern's opinion that such a sale would be in the interests of the plans participating in the MPT and their participants and beneficiaries. There will be no real estate commission charged to the MPT in connection with the sale transaction.

Scope of Proposed Exemption

1 The applicants seek exemptive relief for all prior transactions which include: (1) the leasing of both the barges and tugboats to the MMC controlled group; (2) the servicing of the barge and tugboat fleet by both MMC and MIC; (3) the purchase of barges from MIC; (4) a guarantee of the debt financing by MMC; (5) the leasing of the Real Estate to both MMC and MIC; and (6) the contributions in kind of improvements to the Real Estate. The applicants are also seeking prospective relief to permit the exchange of the MB&B stock for MMC of equal value and for the sale of the Real Estate to Mary Jane Misener for cash. The Department has determined that, based on the record which has been developed, it is able to propose relief for only those retroactive transactions involving MB&B and both prospective transactions. The Department has decided not to propose an exemption for the transactions involving the leasing of the Real Estate by MPT to both MMC and MIC and the contributions in kind of improvements to the Real Estate to the Misener Plan.

2. In summary, the applicant represents that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows:

a. With respect to the retroactive transactions involving MBB—

(1) The transactions between MB&B and the MMC controlled group commenced several yeares prior to the pasage of the Act and constituted an established practice. These transactions were engaged in subsequent to that date only because counsel had advised the Trustees that transactions of MB&B were not transactions of MPT;

(2) The original and sole commitment of MPT to the MB&B corporate venture was approximately twelve (12) percent of MPT assets in 1970;

(3) The violations were voluntarily disclosed by the MPT Trustees when brought to their attention. Thereupon, the MPT trustees immediately terminated all transactions other than those the termination of which would have had a detrimental impact on the operation of MB&B;

(4) The barge and tugboat leasing activities between MB&B and the MMC controlled group were operated in such a way as to ensure that MB&B rates were competitive with leases of similar equipment by unrelated parties;

(5) Purchases of services and equipment from the MMC controlled group were made only where the Directors were assured that MB&B could not have obtained a more favorable price on the open market from an unrelated party;

(6) MMC offered its corporate guarantee to protect MB&B from loss should the rental income generated through the leasing activities not be sufficient to service certain of its debt financed purchases; and

(7) Based on their experience in and knowledge of the marine construction industry, the MPT Trustees believed that the business relationships with the MCC controlled group were operated in a manner that was protective and in the best interests of the MPT participants.

b. With respect to the prospective exchange of stock—

(1) It will be a one time transaction which will result in the MPT holding qualifying employer securities in accordance with the plan documents of those plans participating in the MPT;

(2) The exchange of stock will be based on the values of the respective corporations as determined by qualified independent appraisals;

(3) All costs of appraisals or other expenses incidental to the transfer will be paid by MMC; and

(4) The Trustees have obtained a statement from an independent fiduciary that such a transaction would be in the interests of the MPT participating plans and their participants and beneficiaries.

c. With respect to the prospective sale of the Real Estate—

(1) It will be a one time transaction for cash;

(2) It will allow the MPT to sell the Real Estate for a profit at a price determined by the higher of two independent appraisals;

(3) The MPT will not be required to pay any real estate commissions incidental to the sale; and

(4) The Trustees have obtained a statement from an independent fiduciary that such a transaction would be in the interests of the MPT participating plans and their participants and beneficiaries.

Notice to Interested Persons

On or before June 19, 1981 notice of the proposed exemption will be provided to all active participants of both the Misener Plan and the Gulf Plan. The notice will be posted prominently on employee bulletin boards at all operating locations. Field personnel will be notified by direct mailings. Such notice shall contain a copy of the notice of pendency as published in the **Federal Register** and inform the interested persons of their right to comment and their right to request a hearing within the period set forth in the notice of pendency.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of

whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the following transactions for the time periods as noted:

1. Retroactive Relief for—

a. The servicing of the MB&B barge and tugboat fleet by MMC and MIC from January 1, 1975 until October 31, 1978; and

b. The purchase by MB&B of barges from MIC between March 20, 1976 and May 23, 1977,

provided the terms and conditions of the above described transactions have at all times been at least as favorable to the plans participating in the MPT as those they could have secured from unrelated third parties.

2. Retroactive and Prospective Relief for—

a. The leasing by MB&B of its barge and tugboat fleet to MMC and related companies from January 1, 1975 until the date of the stock exchange between MBB and MMC, provided that the terms and conditions of the leasing arrangements at all times have and will continue to be at least as favorable to the plans participating in the MPT as those they could have secured from unrelated third parties; and

b. The guarantee by MMC of loans made to MB&B by unrelated lending institutions from February 27, 1976 and continuing beyond the date this exemption grant is published in the **Federal Register** until MMC is released by such lending institutions; and

3. Prospective Relief for—

a. The exchange of all MB&B stock for shares of MMC stock within sixty (60) days after the effective date of the exemption; and

b. The cash sale of the Real Estate to Mary Jane Misener;

provided that the terms and conditions of the sale and exchange are at least as favorable to those plans participating in the MPT as similar transactions with an unrelated third party would be.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 4th day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-17081 Filed 6-8-81; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

[Byproduct Material License No. 12-03681-01 EA-81-14]

Burnside Steel Foundry Co.; Rescission of Order Imposing Civil Monetary Penalties

I

Burnside Steel Foundry Company, Chicago, Illinois (the "licensee") was the holder of Byproduct Material License No. 12–03681–01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorized the licensee to perform industrial radiography at 1300 East 92nd Street, Chicago, Illinois, in accordance with the conditions specified therein. The license was originally issued on June 19, 1958 and had been amended periodically since. The license was terminated on May 22, 1981.

II

A routine inspection was conducted of licensed activities under the license on October 1, 1980. The inspection showed the existence of a number of apparent items of noncompliance. This finding resulted in the issuance on February 2, 1981, of a Notice of Violation and Proposed Imposition of Civil Penalties.

III

By letter dated February 19, 1981, the licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties. In the February 19, 1981 response the licensee denied four of the apparent items of noncompliance, admitted the three remaining items, and stated the three admitted deficiencies had been corrected.

IV

Upon consideration of the answers received in the licensee's February 19, 1981 letter it was determined that the penalties proposed for the items of noncompliance designated in the Notice of Violation should be imposed except for Item 4. Accordingly, on April 1, 1981, an Order Imposing Civil Monetary Penalties in the cumulative amount of Two Thousand One Hundred Fifty Dollars was issued.

By letter dated April 7, 1981, the licensee responded to the Order Imposing Civil Monetary Penalties. In the April 7, 1981 response the licensee stated all radiography operations at Burnside Steel had ceased, the two cobalt-60 sealed sources had been disposed of and that it would request termination of its license. In response to the licensee's request, the Office of Nuclear Material Safety and Safeguards terminated License No. 12–003681–01 on May 22, 1981.

Accordingly, under the circumstances of this case, the Order Imposing Civil Monetary Penalties, dated April 1, 1981, is hereby rescinded.

Effective Date: June 2, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81-17090 Filed 6-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-237]

Commonwealth Edison Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Provisional Operating License No. DPR–19, issued to Commonwealth Edison Company, which amended the license for operation of the Dresden Nuclear Power Station, Unit No. 2, located in Grundy County, Illinois.

The amendment is effective as of the date of issuance.

The amendment authorizes operation of Dresden Unit No. 2 for four weeks with one recirculation loop out of service. The amendment adds 8 license conditions requiring a power level reduction and reduced safety system settings to provide an equivalent level of safety for operation with one recirculation loop out of service.

The application for amendment complies with the standards and requirements of the atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated May 24, 1981 as supplemented on May 27, 1981, (2) Amendment No. 61 to Provisional Operating License No. DPR–19 and (3) The Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of June, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81–17091 Filed 6–8–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–335]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR–67, issued to Florida Power & Light Company (the licensee), which revised the Technical Specifications for operation of the St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to clarify the term "OPERABLE" as it applies to single failure criterion for safety systems and modifies the decay time of spent fuel required for movement of the spent fuel cask, based on correction of a previous analysis error.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appriaisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated June 20 and October 16, 1980, (2) Amendment No. 40 to License No. DPR–67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 28th day of May 1981.

For the Nuclear Regulatory Commission.

Robert A Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81–17092 Filed 6–8–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. STN 50–482 OL]

Kansas Gas & Electric Co., et al. (Wolf Creek Generating Station, Unit 1); Hearing

June 3, 1981.

On December 18, 1980, the Nuclear Regulatory Commission published in the **Federal Register** (45 FR 83360) a notice of an opportunity for a hearing on the application of the Kansas Gas and Electric Co., et al., for an operating license at Wolf Creek Generating Station, Unit 1, in Coffey County, Kansas.

Timely requests for a hearing and intervention have been received from Wanda Christy, Mary Ellen Salava and Kansas for a Sensible Energy (KASE) and contentions submitted by the petitioners have been approved by the Board. The petitions of Francis Blaufuss and the Missouri-Kansas Section of the American Nuclear Society to intervene have been denied. The request of the Missouri Public Service Commission and the Kansas Corporation Commission to participate as an interested State agency are approved.

A hearing will be conducted in this proceeding. At the appropriate time the Board will hold a prehearing conference pursuant to 10 CFR 2.752. The Board is invited to attend any prehearing conference as well as the evidentiary hearing. In accordance with the rules, any person not a party to the proceeding, will be permitted to make a limited appearance statement at any session. Persons desiring to make a limited appearance statement are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For further details on any matters involved in this proceeding, including Orders of this Board, contact either the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, or the Coffey County Courthouse, Burlington, Kansas 66839.

As they become available, the following documents will be placed in the above locations:

The Safety Evaluation Report

The draft and final environmental statements

The report of the Advisory Committee on Reactor Safeguards

The proposed facility operating license

The technical specifications to be attached to the license

Dated at Bethesda, Maryland this 3rd day of June 1981.

For the Atomic Safety and Licensing Board.
James P. Gleason,
Chairman, Administrative Judge.
[FR Doc. 81-17093 Filed 6-8-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co. Jersey Central Power & Light Co., and Pennsylvania Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications for the facility to permit hot functional testing without requiring carbon analysis of the carbon filters for the control building emergency ventilation system and the reactor building purge exhaust system. This amendment is applicable only during the hot functional testing period which is part of the restart program and the carbon filters will be analyzed and replaced prior to reactor startup following any unusual activities (i.e., major construction or painting) which could degrade the filters.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 24, 1981, (2) Amendment No. 67 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of June 1981.

For the Nuclear Regulatory Commission.
John F. Stolz,
Chief, Operating Reactors Branch No. 4, Division of Licensing.
[FR Doc. 81-17094 Filed 6-8-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-63 to Niagara Mohawk Power Corporation (the licensee) which revised the Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to approve the instrumentation scale changes necessary to provide a common reactor reference level.

The application for the amendment coplies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 5, 1980, (2) Amendment No. 45 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 1st day of June 1981.

For the Nuclear Regulatory Commission.
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2, Division of Licensing.
[FR Doc. 81-17095 Filed 6-8-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-395]

South Carolina Electric & Gas Co.; Availability of Final Environmental Statement for the Virgil C. Summer Nuclear Station, Unit No. 1

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed operation of the Virgil C. Summer Nuclear Station, Unit No. 1, located in Fairfield County, South Carolina, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Richland County Public Library, 1400 Sumter Street, Columbia, South Carolina 29201. The Final Environmental Statement is also being made available at the State Clearinghouse, Office of the State Auditor, P.O. Box 11333, Columbia, South Carolina 29211, and at the Central Midlands Regional Planning Council, 800 Dutch Square Boulevard, Columbia, South Carolina 29210.

The notice of availability of the Draft Environmental Statement for the Virgil C. Summer Nuclear Station, Unit 1 and requests for comments from interested persons was published in the **Federal Register** on July 9, 1979 (44 FR 40130). A notice of availability of a Supplement to the Draft Environmental Statement and request for comments was published in the **Federal Register** on November 14, 1980 (45 FR 75399). The comments received from Federal, State, and local

V 46 / 110 / J E 9 8 1 UMI

agencies, and interested members of the public have been included as appendices in the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG–0719) may be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 1st day of June, 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-17096 Filed 6-8-81; 8:45 am]

BILLING CODE 7590-01-M

[License Nos. DPR-33, DPR-52, DPR-68; EA 81-30]

Tennessee Valley Authority (Browns Ferry Plant); Order Imposing Civil Monetary Penalties

I

Tennessee Valley Authority, 500A Chestnut Street Tower II, Chattanooga, TN 37401, (the "licensee") is the holder of License Nos. DPR–33, DPR–52 and DPR–68 (the "licenses") issued by the Nuclear Regulatory Commission (the "Commission"). License Nos. DPR–33, DPR–52 and DPR–68 authorize operation of the Browns Ferry Nuclear Plant in Limestone County, Alabama, under certain specified conditions and are due to expire on May 10, 2007, May 10, 2007, and July 31, 2008, respectively.

II

An inspection of the licensee's activities under the license was conducted on January 6–9 and 20–23, 1981, at the Browns Ferry Nuclear Plant in Limestone County, Alabama. As a result of this inspection, it appears that the licensee has not conducted its activities in full compliance with conditions of its licenses and with the requirements of NRC regulations. A written Notice of Violation and Proposed Imposition of Civil Penalities was served upon the licensee by letter dated March 20, 1981. The Notice stated the nature of the violations, the provisions of Nuclear Regulatory Commission regulations and license conditions which the licensee had violated, and the amount of civil penalties proposed for each violation. An answer dated April 3, 1981, to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for mitigation of the proposed civil penalties, as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed, except for Item C. Item C and its proposed civil penalty of $5,000 have been withdrawn.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96–295), and 10 CFR 2.205, it is hereby ordered that: The licensee pay civil penalties in the total amount of Forty-Five Thousand Dollars ($45,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the office of Inspection and Enforcement.

V

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proeedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the licensee violated NRC regulations and license conditions as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties, as modified in the Appendix to this Order; and,

(b) whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 3rd day of June 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conculsion

Each violation and associated civil penalty identified in the Notice of Violation and Proposed Imposition of Civil Penalties dated March 20, 1981, is restated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response to each item is presented. With the exception of items C and G the licensee admits the violations. The licensee asks, however, that the penalties for the admitted violations be mitigated by remission of the 25% increase over the base value civil penalty shown in Table 1 of the Interim Enforcement Policy. An evaluation of the licensee's arguments in support of mitigation is set forth at the end of this Appendix.

Statement of Noncompliance

A. Facility Operating License paragraph 2.D. (1)(b) for Units 1 and 2 and paragraph 2.E(2)(b) for Unit 3 require the licensee to install automatic pre-action sprinkler systems in all areas of the plant required for safe shutdown by the end of the first refueling outage of any of the plant units after August 20, 1976. Unit 1 completed the first refueling outage on January 15, 1978. Areas requiring automatic pre-action sprinkler systems were identified in Part X, Section A of TVA's document "Browns Ferry Nuclear Plant Design Changes for the Recovery From the Fire of March 22, 1975", which included the electrical cable area for the RHR service water pumps at the in take pumping structure.

Contrary to the above, an automatic pre-action sprinkler system has not been installed in the intake pumping station.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—$21,000.

Evaluation of Licensee Response

The licensee admits the violation. The licensee explains the failure to provide an automatic sprinkler system as an oversight. Once this oversight was detected, a continuous fire watch was established in the intake pumping station and was maintained until the sprinkler system was installed. The licensee now states that the sprinkler system is installed and tested.

Conclusion

The item as stated is a violation. The information provided by the licensee

does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

B. Facility Operating License Paragraphs 2.D(1)(e) for Units 1 and 2 and 2.E(2)(e) for Unit 3 require fire protection features of the emergency battery room complex to be changed to do one of the following: (1) provide a total fire rated barrier enclosure of the facility battery room complex that exceeds the fire load contained in the room; (2) reduce the fire load to be within the fire barrier capability of 1½ hours; or (3) provide a remote manual actuated sprinkler system in each room and provide the 1½ hours fire barrier separation. This change was required to be completed prior to the end of the first refueling outage. Unit 1 completed the first refueling outage on January 15, 1978.

Contrary to the above, the fire protection features provided for the battery rooms do not meet one of the three required modifications. TVA selected modification item 3 and provided a sprinkler system for each emergency battery room; however, a 1½ hour fire barrier was not provided. Ventilation ducts penetrate each battery room and are not equipped with fire dampers at each penetration. This voids the fire resistant rating of each enclosure.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—$8,000.

Evaluation of Licensee Response

The licensee admits the violation, but states that only the ventilation ducts which penetrate the battery rooms for Units 2 and 3 are not equipped with fire dampers. The fire barrier separation philosophy applied by the licensee in the design of the plant was to prevent a single fire from causing the loss of more than one battery room complex. Since battery rooms 2 and 3 are separated by a distance of approximately 193 feet, the licensee states that a single fire probably would not cause the loss of both battery rooms.

NRC guidelines and general industry practice encourage utilization of fire barriers to protect safety related components from a fire involving either the redundant component or other areas of the plant. The NFPA criteria for ventilation system (NFPA–90A, Air Conditioning Systems and NFPA–91, Blower and Exhaust Systems) require ducts passing through fire barriers to be equipped with fire dampers of a fire resistant rating equivalent to the barrier. The licensee's present battery rooms do not meet these criteria. The licensee is required to have battery rooms with 1½ hour-rated fire barriers. Physical separation of battery rooms does not relieve the licensee of this requirement.

Conclusion

The item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

C. Facility Operating License paragraphs 2.D(1)(c) and 2.D(1)(d) for Units 1 and 2 and paragraphs 2.E(2)(c) and 2.E(20)(d) for Unit 3 require a manual dry pipe sprinkler system for the cable spreading rooms and an automatic actuated carbon dioxide system for the cable spreading rooms.

Contrary to the above, the cable spreading rooms' dry pipe sprinkler systems are automatic operation and the carbon dioxide systems are manual in operation. A license change to describe the current operation of the fire suppression systems for the cable spreading rooms has not been obtained.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—$5,000.

Evaluation of Licensee Response

The licensee does not agree that this represents a violation. The licensee changed the method of actuation for the cable spreading rooms fire suppression systems based on recommendations from the NRC. The NRC was advised by letter dated April 20, 1978, that these changes were to be completed by April 30, 1978. The licensee considers that the NRC was given sufficient notification to amend the license.

While only the NRC can modify the conditions of a license, the licensee bears the responsibility of compliance with existing license conditions and the responsibility to seek amendments to its license when other conditions may be preferable to existing requirements. The provision in question was a specific condition of the Browns Ferry licenses, and the licensee was not authorized, therefore, to change the arrangement of the fire suppression systems prior to obtaining a license amendment.

The licensee has now sought an amendment to its license. Under the circumstances of this matter, the violation and the associated civil penalty have been withdrawn.

Conclusion

The violation has been withdrawn.

Statement of Noncompliance

D. Technical Specification 3.11.B requires that a continuous fire watch be established in the cable spreading rooms and a patrolling fire watch be established to make hourly checks of other (CO_2) protected locations whenever the CO_2 fire protection system is lost.

Contrary to the above, the fire watches for the cable spreading rooms were conducted intermittently and the patrolling fire watch did not enter the auxiliary instrument rooms for hourly checks for all three units when the CO_2 system was out of service on October 5, 1980 between 7:12 p.m. and 9:00 p.m.

This is a Severity Level III Violation (Supplement I.C.2). A similar item was identified in Inspection Report 50–259/80–34.

Civil Penalty—$5,000.

Evaluation of Licensee Response

The licensee admits the violation, but states that the violation occurred on October 15, 1980, rather than on October 5, 1980, as stated in the Notice. The licensee posted fire watches in the area lacking carbon dioxide protection, but failed to instruct the watches to enter the individual rooms as required by the Technical Specifications.

Conclusion

The item is corrected to indicate that the violation occurred on October 15, 1980. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

E. Technical Specification Section 4.11.A.1.b requires each high pressure fire protection system pump to be tested for operability once per month.

Contrary to the above, fire pump No. A was not tested for operability during October 1980.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—$2,000.

Evaluation of Licensee Response

The licensee admits the violation. This violation was due to operations personnel testing the diesel-driven fire pump twice during October 1980 while failing to test fire pump A.

Conclusion

This item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

F. Technical Specification Section 6.3.A.10 requires written procedures covering the fire protection and

prevention program to be prepared, approved and adhered to.

1. TVA Browns Ferry Emergency Plan—Fire, Explosion and Natural Disaster Plan, Section 11 requires each operating crew to participate in a fire drill at least once per three months.

Contrary to the above, each operating crew did not participate in a fire drill at least once per three months as required during 1980. The 1980 drill participation was: Group 1—two; Group 2—one; Group 3—one; Group 4—two; Group 5—one.

This is a Severity Level III Violation (Supplement I.2.C).

Civil Penalty—$3.000.

Evaluation of Licensee Response

The licensee admits the violation. The fire drills were not scheduled as required. However, each crew did participate in some drills during the year and three of the five crews did participate in at least a drill or a fire response during each quarter of 1980.

Conclusion

This item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

F. Technical Specification Section 6.3.A.10 requires written procedures covering the fire protection and prevention program to be prepared, approved, and adhered to.

2. TVA procedure MMI–75, Installation and Repair of Penetration and Fire Stops, Section 6.4.8 limits the maximum number of uncoated (not coated with "Flamemastic" fire resistance material) electrical cables within a cable tray to ten.

Contrary to the above, over ten uncoated electrical cables are installed in cable trays in all three units.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—$2.000.

Evaluation of Licensee Response

The licensee admits the violation. The licensee attributes this violation to the large number of NRC-required modifications and the tight schedule required for completion of these modifications. The number of cables which should be left uncoated within a cable tray apparently does not exist in either an NRC guideline or an industry standard. The limit of 10 uncoated cables was selected by TVA for administrative control. The cables used at Browns Ferry during the construction of the plant were combustible; however, most of the cables utilized in recent years contain a fire retardant outer jacket.

The licensee is required by the Technical Specifications to develop and implement procedures to which it can adhere. If a limitation to 10-cables per tray is overly restrictive, the procedures should have been revised if such a revision would be consistent with public health and safety. When a licensee promulgates procedures, the NRC expects the licensee to adhere to them.

Conclusion

This item as stated is a violation. The information provided by the licensee does not provide a sufficient basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

G. Technical Specifications Section 3.11.F states "If it becomes necessary to breach a fire stop, an attendant shall be posted on each side of an open penetration until work is completed and the penetration is resealed." The required attendant was not posted in each of the following examples:

1. The fire door (door No. 632) separating the Unit 1 electrical shutdown board rooms is a fire stop and must be maintained in the closed position.

Contrary to the above, door No. 632 was found open due to an inoperative door closer on January 21, 1981 and the required attendants were not posted.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—$2,000.

2. The fire stops separating the Unit 3 electrical shutdown board rooms include door Nos. 655 and 656 which are required to be maintained in the closed position.

Contrary to the above, door Nos. 655 and 656 were found blocked and wedged in the open position on January 21, 1981 and the required attendants were not posted.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—$2.000.

Evaluation of Licensee Response

The licensee denies that this situation is a violation of Technical Specification 3.11.F, but acknowledges that this item was a deviation from industry standards and good operating practice. The licensee notes that it has implemented the requirements of 10 CFR Part 50, App. R, on inspection of fire doors, and requests mitigation on this basis as well.

Devices installed or provided in fire barrier penetrations to restrict the spread of fire and smoke such as fire doors are fire stops; therefore, these fire doors are penetrations which require posting under the conditions of the Technical Specifications. While new regulation may indicate specific requirements for operation and surveillance of fire doors, the licensee is still expected to conform with existing requirements that may cover the same equipment.

Conclusion

The item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Evaluation and Conclusion With Respect to the Licensee's Arguments in Support of Mitigation

In accordance with the Interim Enforcement Policy, 45 FR 66754 (Oct. 7, 1980), a base penalty of $40,000 was assessed for the violations set forth in the Notice of Violation and Proposed Imposition of Civil Penalties. This base penalty was increased by 25% to $50,000, because TVA could have reasonably been expected to take effective measures to prevent these violations. In its answer to the Notice, the licensee gives the following basic reasons why the 25% increase is not warranted:

(1) The violations did not represent a significant programmatic breakdown in the licensee's fire protection program;

(2) The violations were isolated occurrences and were not willful and, therefore, do not reflect bad faith on the part of the licensee (see particularly responses to items A, E & F.2);

(3) No significant degradation of fire protection systems occurred as a result of the individual violations (see particularly responses to items B, D, E, F.1, & F.2); and

(4) The licensee took prompt corrective action (see particularly responses to items A, D, & G).

The NRC recognizes that the violations were not willful and were not the result of "bad faith" on the part of the licensee. Had these elements been present, it is likely that penalties at the statutory maximum would have been proposed and the concurrent issuance of orders would have been considered. Although no individual violation defeated the entire fire protection system, this factor was taken into account in our categorization of the entire list of violations at Severity Level III. The violations are still, in our view, significant because they reflect a partial degradation of the fire protection systems or a reduction in the confidence that equipment and personnel will be maintained and function as required.

While the licensee has taken prompt corrective action for the violations, such action is always required and does not serve as a basis for mitigating the penalties proposed here.

As a result of the 1975 fire at Browns Ferry, TVA should have been acutely aware of the importance of assuring that an adequate fire protection program was implemented at its nuclear plants. Even though TVA satisfied many of these requirements, the number of violations identified during the inspection indicate that TVA management did not exercise sufficient control over the fire protection program. TVA could have been reasonably expected to take effective measures to prevent the types of violations that were identified. The 25% increase over the base value civil penalty is appropriate owing to TVA's prior knowledge of the importance of meeting all fire protection requirements. Therefore, mitigation by remission of the 25% increase, as TVA requests, is not warranted.

[FR Doc. 81-17097 Filed 6-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virgina Electric & Power Co., Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-32 and Amendment No. 68 to Facility Operating License No. DPR-37 issued to Virginia Electric & Power Company (the licensee), which revised Technical Specifications for operations of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to delete reference to the proposed Appendix J to 10 CFR Part 50 and clarify the requirement for testing the personnel air lock.

The application for the amendment complies with the standards and requirements of the Atomic Energy of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 22, 1978, as supplemented January 9 and September 24, 1979, (2) Amendment Nos. 68 and 68 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of May, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactor Branch No. 1, Division of Licensing.

[FR Doc. 81-17098 Filed 6-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric & Power Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. NPF-4 issued to the Virginia Electric & Power Company (the licensee) for operation of the North Anna Power Station, Unit No. 1 (the facility) located in Louisa County, Virginia.

The amendment is administrative in nature in that it provides revised, retyped and renumbered pages to the license to facilitate ease in identifying current license conditions.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action see (1) Amendment No. 31 to License No. NPF-4 and (2) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of these items may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 28th day of May 1981.

For the Nuclear Regulatory Commission

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-17099 Filed 6-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 414A]

Duke Power Co.; Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Duke Power Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns a proposed additional ownership participant, the Piedmont Municipal Power Agency, for the Catawba Nuclear Station, Unit 2. The current holders of the construction permit are Duke Power Company and North Carolina Municipal Power Agency Number 1.

The information was filed in connection with the application by Duke Power Company for construction permits and operating licenses for two pressurized water reactors. Construction was authorized on August 7, 1975 at the Catawba site located in York County,

South Carolina. Although the Catawba facilities consist of two nuclear power plants, the proposed action affects only Catawba Nuclear Station, Unit 2.

The original application was dated November 10, 1972. The Notice of Receipt of Application for Construction Permits and Facility Licenses and availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on December 7, 1972 (37 FR 26053). Previously, the Notice of Hearing had been published in the **Federal Register** on December 1, 1972 (37 FR 25560).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina.

Any person who wishes to have his views on the antitrust matters with respect to the Piedmont Municipal Power Agency presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before July 21, 1981.

Dated at Bethesda, Md., this 8th day of May 1981.

For the Nuclear Regulatory Commission.

E. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-14928 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

PRESIDENTIAL FEDERALISM ADVISORY COMMITTEE

Open Meeting

June 8, 1981.

The Presidential Federalism Advisory Committee will meet on Tuesday, June 23, 1981, from 9:00 a.m. to 12:00 p.m. at the Departmental Auditorium on Constitution Avenue, between 12th and 14th Streets.

The Committee was established by Executive Order 12303 on April 8, 1981. The Chairman of the Committee is U.S. Senator Paul Laxalt. The Committee is composed of members from among private citizens of the United States, public officials from state and local governments, and members of the Legislative and Executive branches of the federal government who shall be appointed by the President. The members serve at the pleasure of the President.

The Committee shall advise the President with respect to the objectives and conduct of the overall federalism policy of the United States.

The Committee will discuss issue clusters in the following areas: (1) federalism and the return of authority and responsibility to state and local governments; (2) land and water issues; (3) housing and urban development; (4) education policy; (5) transportation; and (6) health and human services.

The meeting will be open to public observation. Written comments or statements may be submitted at any time before or after the meeting and should be related to the substantive matters identified above. Approximately 100 seats will be available for the public on a first come, first served basis. The committee meeting will be recorded and the transcript may be examined in the Committee's Office at the Old Executive Office Building, Room 122, 17th and Pennsylvania Avenue, NW., Washington, D.C.

Because of the need to obtain input on the President's federalism initiatives at the earliest possible date, less than 15 days' notice is being given.

For further information, contact Rick Neal at (202) 456-7150.

Richard S. Williamson,

Assistant to the President.

[FR Doc. 81-17225 Filed 6-8-81; 9:23 am]

BILLING CODE 3195-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17835; File No. SR-NESDTC-81-1]

New England Securities Depository Trust Co.; Temporary Increase on All New England Securities Depository Trust Company Billings to Participants

Comments requested on or before July 1, 1981. Pursuant to Section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 11, 1981 the New England Securities Depository Trust Company filed with the Securities and Exchange Commission the proposed change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

The New England Securities Depository Trust Company will impose a temporary 15% increase on all billings to participants effective for the period May 1, 1981, through September 30, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

(a) The purpose of the proposed temporary 15 percent increase on all New England Securities Depository Trust Company billings to participants was necessitated by increased costs in communications, data processing, leasehold, and personnel. The 15 percent, while temporary in nature, would assist the Depository to cover expenses and would allow the time required to complete a detailed study of all income and expenses prior to the next fiscal year beginning October 1, 1981.

(b) The proposed rule is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applying to the New England Securities Depository Trust Company because it represents an equitable allocation of reasonable fees and other charges among its participants. It would also insure prompt and accurate clearance and settlement of security transactions and fosters cooperation and coordination among others engaged in the clearance and settlement of security transactions by making the Depository more competitive.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed temporary increase was adopted to reflect increased inflation and operational costs while ensuring an efficient system for the settlement of trades and the safekeeping of assets. Since the above-stated economic factors are not unique to the New England Securities Depository Trust Company, it

is believed that no burdens have been placed on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and the Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purpose of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 1, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 3, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–17110 Filed 6–8–81: 8:45 am]

BILLING CODE 8010–01–M

[Release No. 17834 File No. SIPC–81–1]

Securities Investor Protection Corp., Filing of Proposed Rule Change and Order Approving Proposed Rule Change

June 3, 1981.

Pursuant to Section 3(e)(2) of the Securities Investor Protection Act of 1970, as amended, 15 U.S.C. 78(ccc)(e)(2) (the "SIPA Act"), notice is hereby given that on May 7, 1981, the Securities Investor Protection Corporation, 900 17th Street, NW, Washington D.C. 20006, filed with the Commission copies of a proposed rule change making technical conforming changes to SIPC Rules 100(a) and 300(a) [17 CFR 300.100(a) and 300(a)] which are necessitated by the Bankruptcy Reform Act of 1978.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before July 1, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. SIPC–81–1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C.

The Commission finds that the proposed rule change is in the public interest and is consistent with the purposes of the SIPA Act. The Commission further finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The proposed rule change is technical in nature and is necessitated by operation of law through the enactment of the Bankruptcy Reform Act of 1978.

It is therefore ordered, pursuant to Section 3(e)(2) of the SIPA Act, that the proposed rule change referenced above be, and it hereby is, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–17111 Filed 6–8–81: 8:45 am]

BILLING CODE 8010–01–M

[Release No. 98; File No. SIPC–81–1]

Securities Investor Protection Corp.; Filing of Proposed Rule Change Approving Proposed Rule Change

Pursuant to Section 3(e)(2) of the Securities Investor Protection Act of 1970, as amended, 15 U.S.C. § 78(ccc)(e)(2) (the "SIPA Act"), notice is hereby given that on May 7, 1981, the Securities Investor Protection Corporation, 900 17th Street NW., Washington, D.C. 20006, filed with the Commission copies of a proposed rule change making technical conforming changes to SIPC Rules 100(a) and 300(a) [17 CFR §§ 300.100(a) and 300(a)] which are necessitated by the Bankruptcy Reform Act of 1978.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before july 1, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SIPC–81–1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

The Commission finds that the proposed rule change is in the public interest and is consistent with the purposes of the SIPA Act. The Commission further finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The proposed rule change is technical in nature and is necessitated by operation of law through the enactment of the Bankruptcy Reform Act of 1978.

It is therefore ordered, pursuant to Section 3(e)(2) of the SIPA Act, that the proposed rule change referenced above be, and it hereby is, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–17112 Filed 6–8–81: 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34-17834; File No. SR-CBOE-81-4]

Chicago Board Options Exchange, Inc.; Securities Accounts and Orders of Marketmakers

Comments Requested on or Before July 1, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 22, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Additions are italicized; deletions are in brackets.

Securities Accounts and Orders of Marketmakers

Rule 8.9 (a) through (c) No change.

. . . Interpretations and Policies:

.01 [.02 In order to establish a joint account which acts in the capacity of a Market-Maker, there may not be more than two participants of which at least one shall be an individual who is registered as a Market-Maker. If the other participant in such joint account is to be a member organization, it shall either (a) have a registered Market-Maker register his membership for the organization, (b) have a nominee of the organization who is a registered Market-Maker or (c) be a clearing member which clears and carries such joint account. All references herein to individuals registered as Market-Makers shall mean those having appointments under Rule 8.7(b). Member organizations meeting the requirements of (a) and (b) above who participate in joint accounts shall be deemed to be registered as Market-Makers for the purpose of transactions in such accounts.] *A participant in a joint account must be either (i) a Market-Maker having an appointment under Rule 8.7(b) or (ii) a clearing member which carries the joint account. A Market-Maker may participate in a joint account on behalf of a member organization with which he is associated. Market-Makers participating in a joint account may be associated with the same member organization.*

.02 [.03] Each particpant in a joint account must [:]

[(a)] file with the [Department of Compliance] *Membership Department* and thereafter keep current a complete application on such form as is prescribed by the Exchange [;].

[(b) be registered in accordance with the provisions of Section 15(a)(i) of the Securities Exchange Act of 1934.]

Upon determination by the [Compliance Department] *Membership Department* not to disapprove a joint account, notice will be promply mailed to all Exchange members.

.03 [.04 The following formulae will be used in apportioning contract volume among participants in a joint account under Exchange Rules:

(a)] For purposes of evaluating Market-Maker performance in accordance with Rule 8.7, [all contract volume from] *trading activity in* the joint account shall be [assigned] *credited* to *the* participant [s based upon their profit and loss participation in the joint account as shown on the joint account application. Notwithstanding this, however, where only one participant is an individual Market-Maker, he shall be assigned all of the volume in the joint account] *initiating each transaction.*

[(b) For purposes of determining continued eligibility under Rule 8.3.02(1) for Supplemental Appointment only, if ■ participant in the joint account also acts as a Floor Broker, contracts in any Market-Maker joint account in which said Floor Broker participates shall be assigned to him in accordance with the formula set forth in (a) above and shall be aggregated with contracts executed as a Market-Maker which are cleared through any individual trading account of such Floor Broker. If the number of contracts executed as a Floor Broker on a quarterly basis do not exceed the total number of contracts executed as a Market-Maker, such participant will be required to obtain a Prinicipal Appointment.]

[(c) For purposes of assessing positions under Rule 4.11 and exercises under Rule 4.12, the following presumptions shall apply (lacking any other information regarding "inconcert" activity):

(i) A Market-Maker's position and exercises in his own trading account shall be aggregated with all of the positions in or exercises for any joint account in which he participates to determine whether or not the Market-Maker is in violation of Rule 4.11 and 4.12.

(ii) Positions in and exercises for a joint account shall be aggregated with the positions and exercises of each participant in the joint account to determine whether or not the joint account is in violation of Rule 4.11.

(iii) If one of the participants is a member organization, positions and exercises of the nominees of (and those registered for) the member organization (who are not also registered broker/dealers trading for their own account) must be aggregated in (i) and (ii) above.

.04 [.01] Each participant in [such] ■ joint account *and each member organization with which a participant is associated* shall be jointly and severally responsible for assuring that the account complies with the provisions of the Exchange Constitution, Rules and Interpretations thereof.

.05 To compute the positions or exercises attributable to each participant in a joint account for purposes of determining compliance with Rules 4.11 and 4.12, positions or exercises in the joint account shall be aggregated with all positions or exercises in options covering the same underlying security which any participant or any member organization associated with a participant holds or controls or is obligated in respect of.

[.05 Participants in the joint account may execute transactions with one another but shall not execute transactions with the joint account either as Floor Broker or Market-Maker.]

.06 No participant in a joint account shall effect a transaction, either for his own account or for the joint account, with another member acting on behalf of the joint account.

.07 [.06] No change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The proposed change to Rule 8.9 will allow an organization with which more than one market-maker is associated to form a single account in which all

transactions of the associated market-makers will be cleared and, for purposes of position limits, will be aggregated and netted. The proposed change also will allow multiple independent market-makers and/or market-makers associated with different organizations to form such joint market-making accounts. The proposed change, by permitting the establishment of group accounts among more than two market-makers, is designed to permit more effective utilization of capital by Exchange members engaged in market-making functions and thereby to enhance the quality of Exchange markets.

The requirement that joint-account participants be registered with the SEC as broker/dealers is eliminated from Rule 8.9. Under the present Rule participants can include member organizations; under the proposed Rule the only type of member organization that can participate in a joint account is the clearing member that carries the joint account. Nominees of member organizations who are market-makers with an appointment under Rule 8.7(b) can participate in a joint account under the proposed Rule. If they do not trade for their own account, nominees of member organizations do not have to be registered as broker/dealers. Therefore, the registration requirement has been eliminated from Rule 8.9. It should be noted that broker/dealer registration is required by Rules 3.2 and 3.3 for individuals and organizations owning a membership or memberships.

For purposes of surveillance and market-maker evaluation, the ability to identify each joint-account participant effecting a transaction will be maintained. Because the quality of Exchange markets will be enhanced without any diminution of surveillance capabilities, the proposed change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934, which is the statutory basis for this proposed rule change.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments on the proposed rule change were solicited or were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17109 Filed 6-8-81: 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 760]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its May 1981 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the **Federal Register** on August 24, 1978.

Dated: June 2, 1981.

John W. Kimball,

Director, Office of International Conferences.

United States Delegation to the International Natural Rubber Council Commodities, Kuala Lumpur, May 25–29, 1981

Representative

James C. Todd, Chief, Industrial and Strategic Materials, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Fred W. Siesseger, Director, Resources Policy Division, Department of Commerce

Adviser

James McGlinchey, American Embassy, Kuala Lumpur

Private Sector Advisers

Howard G. Chapel, Managing Director, Goodyear Orient Private, Ltd., Republic of Singapore

Charles T. Smith, Managing Director, Firestone Singapore Private, Ltd., Republic of Singapore

United States Delegation to the International Rubber Council, Interim Committee Commodities, Kuala Lumpur, May 19–22, 1981

Representative

Fred W. Siesseger, Director, Resources Policy Division, Department of Commerce

Alternate Representative

James C. Todd, Chief, Industrial and Strategic Materials, Bureau of Economic and Business Affairs, Department of State

Adviser

James McGlinchey, American Embassy, Kuala Lumpur

Private Sector advisers

Howard G. Chapel, Managing Director, Goodyear Orient Private, Ltd., Republic of Singapore

Charles T. Smith, Managing Director, Firestone Singapore Private, Ltd., Republic of Singapore

United States Delegation to the Steering Committee on Uranium Resources and Working Party on Uranium Resources, Nuclear Energy Agency/International Atomic Energy Agency (NEA/IAEA) Organization for Economic Cooperation and Development (OECD), Paris, May 19–21, 1981

Representative

John Patterson, Program Manager, Uranium Resources, Department of Energy

Adviser

Eleanor Steinberg, Bureau of Oceans and International Environment and Scientific Affairs, Department of State

Private Sector Adviser

Robert Nininger, Rockvile, Maryland

United States Delegation to the 26th Session, Subcommittee on Subdivision, Stability and Load Lines, Intergovernmental Maritime Consultative Organization (IMCO), London, May 18–22, 1981

Representative

William A. Cleary, Jr., Chief, Ship Characteristics Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

Kevin A. Feeney, LCDR, USCG, Ship Characteristics Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Ronald E. Angermuller, Director of Admeasurement, Panama Canal Commission
Joseph T. Lewis, Chief, Admeasurement Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Private Sector Advisers

Edward H. Middleton, Technical Advisor, Maritime Institute for Research and Industrial Development, Washington, D.C.
Thomas F. Robinson, General Manager, Technical Services; Bethlehem Steel Corporation, Sparrows Point, Maryland

United States Delegation to the International Sugar Organization, Council Commodities, London, May 18–22, 1981

Representative

Rollinde Prager, Office of the U.S. Trade Representative, Executive Office of the President

Alternate Representative

Paul Pilkauskas, American Embassy, London

Advisers

John Barcas, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State
Frank Padavano, Horticultural and Tropical Products Division, Department of Agriculture

Private Sector Advisers

Richard Blake, Executive Vice President, American Sugarbeet Growers Association, Washington, D.C.; May 18–19
David Carter, President, U.S. Beet Sugar Association, Washington, D.C.; May 28–19
Horace Godfrey, Vice President, Florida Sugar Cane League, Washington, D.C.; May 20–22
Harold Jenkins, Director, Raw Materials Division, Nabisco, Inc., East Hanover, New Jersey; May 18–19
Nicholas Kominus, President, U.S. Cane Sugar Refiners Association, Washington, D.C.; May 20–22
Eiler Ravnholt, Vice President, Hawaiian Sugar Planters Association, Washington, D.C.; May 20–22
Don Wallace, President, Don Wallace Associates, Washington, D.C.; May 18–19

United States Delegation to the 23rd Session, Subcommittee on Radio Communications of the Intergovernmental Maritime Consultative Organization (IMCO), London, May 11–15, 1981

Representative

Leonard V. Dorrian, Commander, USCG, Chief, Telecommunications Management Division, United States Coast Guard, Department of Transportation

Alternate Representative

Richard F. Carlson, Lt. Commander, USCG, Chief, Systems Development and Technology Branch, United States Coast Guard, Department of Transportation

Advisers

Gordon F. Hempton, Captain, USCG (Ret), Special Assistant, Private Radio Bureau, Federal Communications Commission
Earl J. Holliman, Chief, Frequency Management Staff, United States Coast Guard, Department of Transportation
Robert C. McIntyre, Engineer, Federal Communications Commission
Lawrence M. Palmer, International Staff, Federal Communications Commission
Thomas Walsh, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

M. Harvey Strichartz, American Radio Association, AFL–CIO, New York, New York
Kenneth P. Wenthen, Maritime Services Committee, New York, New York

United States Delegation to the Study Group I of the International Telecommunications Union (ITU/CCITT), Geneva, May 11–13, 1981

Representative

Earl S. Barbely, Federal Communications Commission, Washington, D.C.

Private Sector Advisers

Howard Briley, Communications Satellite Corporation, Washington, D.C.
John Costello, Graphnet, Inc., Englewood, New Jersey
Vincent LaScala, ITT World Communications, New York, New York
George McGuire, Western Union Telegraph Company, New York, New York
Joseph Mendres, Western Union International, Inc., New York, New York
Philip Onstad, Control Data Corporation, Greenwich, Connecticut
Dennis O'Shea, IBM Corporation, Armonk, New York
Gary Rosch, Attorney, Washington, D.C.
Robert Saunders, American Telephone and Telegraph Company, Basking Ridge, New Jersey

United States Delegation to the Steel Committee, Working Party Organization for Economic Cooperation and Development (OECD), Paris, May 11–12, 1981

Representative

John D. Darroch, Director, Office of Basic Industries, Department of Commerce

Advisers

Diane Cook, Office of International Trade, Department of Treasury
Dennis Finnerty, Assistant Chief, Special Trade Activities Division, Bureau of Economic and Business Affairs, Department of State
Joseph Papovich, Office of Foreign Economic Policy, Department of Labor

Private Sector Advisers

Frank Fenton, Vice President, American Iron and Steel Institute, Washington, D.C.
Peter Mulloney, Vice President, United States Steel Company, Pittsburgh, Pennsylvania
Jack Sheehan, Director, Legislative Department, United Steelworkers of America, Washington, D.C.
David Sobel, President, Interstate Steel Company, Des Plaines, Illinois

United States Delegation to the Meeting of the Facilitation Committee of the World Tourism Organization (WTO), Madrid, May 6–9, 1981

Representative

Jean O'Brien, Senior Policy Analyst, United States Travel Service, Department of Commerce

Private Sector Adviser

James Gorson, Facilitation Manager, Air Transport Association of America, Washington, D.C.

United States Delegation to the Seventh Session of the Administrative and Legal Committee of the Union for the Protection of New Plant Varieties (UPOV), Geneva, May 6–8, 1981

Representative

Stanley D. Schlosser, Office of Legislation and International Affairs, U.S. Patent and Trademark Office, Department of Commerce

Private Sector Adviser

Sidney B. Williams, Patent Attorney, Upjohn Company, Kalamazoo, Michigan

United States Delegation to the Working Group on Privileges and Immunities Protocol of the International Maritime Satellite Organization (INMARSAT), London, May 5–19, 1981

Representative

Horace F. Shamwell, Jr., Deputy Assistant Legal Adviser for Management, Office of the Legal Adviser, Department of State

Adviser

Samuel C. Keiter, U.S. Embassy, London

Private Sector Adviser

Robert D. Bourne, Communications Satellite Corporation, Washington, D.C.

United States Delegation to the Committee on International Investment and Multinational Enterprises (CIME), Working Group on Accounting Standards, Organization for Economic Cooperation and Development (OECD), Paris, May 5–7, 1981

Representative

Clarence Staubs, Office of the Chief Accountant, Securities and Exchange Commission

Private Sector Adviser

Richard D. Fitzgerald, Vice Chairman, Price Waterhouse International, New York, New York

United States Delegation to the Committee on the Challenges of Modern Society (CCMS) of the North Atlantic Treaty Organization, Brussels, May 5–6, 1981

Representative

The Honorable Darrell M. Trent, Deputy Secretary, Department of Transportation

Advisers

Harry C. Blaney III, Economic Adviser, U.S. Mission NATO
Margaret E. Brown, U.S. Coordinator for NATO/CCMS Activities, Environmental Protection Agency
David Fagan, Office of Solid Waste, Environmental Protection Agency
William R. Gemma, Associate Administrator for International Health Affairs, Department of Health and Human Services
F. Allen Harris, Director, Office of International Activities, Environmental Protection Agency
Terry Marie Levinson, Office of Advanced Conservation Technologies, Department of Energy
William A. Moffitt, CCMS Officer, Bureau of European Affairs, Department of State
John Schafer, Science and Education Administration, Department of Agriculture
Richard F. Walsh, Director, Office of Economics and Public Investment and Assistant to the Deputy Secretary, Department of Transportation
Patricia A. Woodring, CCMS Officer, U.S. Mission NATO

Private Sector Adviser

George Ball, Contract Manager, Monsanto Research Corporation, Dayton, Ohio

United States Delegation to the Sixth Preparatory Meeting on Cotton, United Nations Conference on Trade and Development (UNCTAD), Geneva, April 27–May 1, 1981

Representative

Frederick L. McEldowney, Office of the United States Trade Representative, Geneva

Alternate Representative

John Barcas, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State

Adviser

Gordon H. Lloyd, Tobacco and Cotton Division, Foreign Agricultural Service, Department of Agriculture

Private Sector Advisers

Carl C. Campbell, National Cotton Council of America, Washington D.C.
Peter E. Hirschfeld, First Vice President, American Cotton Shippers Association, Dallas, Texas
Carl J. Maneri, Chairman, Board of Governors, New York Cotton Exchange, New York, New York

United States Delegation to the Meeting of Study Group VII of the International Telecommunications Union (ITU/CCITT), Kyoto, Japan, April 23 to May 1, 1981

Representative

Thijs de Haas, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado

Adviser

Eric L. Scace, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington D.C.

Private Sector Advisers

Edmond J. Blauston, ITT World Communications, New York, New York
L. L. Butler, IBM Corporation Armonk, New York
Thomas Chin, Western Union International, New York, New York
Jerrold S. Foley, Burroughs Corporation, Detroit, Michigan
Harold Folts, National Communications System, Arlington, Virginia
Margaret Karp, GTE Telenet, Vienna, Virginia
Claude C. Kleckner, American Telephone and Telegraph Company, Basking Ridge, New Jersey

United States Delegation to the Aerodromes, Air Routes and Ground Aids (ADS) Divisional Meeting, International Civil Aviation Organization (ICAO), Montreal, April 22 to May 15, 1981

Representative

James W. Bushee, Chief, Design and Operations Criteria Division, Office of Airport Standards, Federal Aviation Administration

Alternate Representative

Luigi Iori, Group Leader, Design Standards Group, Office of Airport Standards, Federal Aviation Administration

Advisers

Robert Bates, Group Leader, NAVAIDS, Office of Airport Standards, Federal Aviation Administration
Walter M. Frucht, Civil Engineer, Office of Airport Standards, Federal Aviation Administration
Bertrand Ruggles, Airport Safety Specialist, Office of Airport Standards, Federal Aviation Administration
Leslie Vipond, Operations and Safety Specialist, Office of Airport Standards, Federal Aviation Administration

Private Sector Advisers

Edwin W. Abbott, Manager, Operational Facility Requirements, Air Transport Association, Washington D.C.
Jerry Fitzgerald, Manager, Aeronautical Service Division, John F. Kennedy Airport, Port Authority of New York and New Jersey

[FR Doc. 81-16968 Filed 6-8-81; 8:45 am]
BILLING CODE 4710-19-M

[Public Notice CM-8/414]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Panel on Bulk Cargoes under the SOLAS Subcommittee Working Group on Containers and Cargoes will conduct an open meeting on June 17, 1981, at 10:00 a.m., in Room 6200 of the Nassif Building, 400 7th and D Streets, SW., Washington, D.C. 20590.

The purpose of the meeting will be to discuss the proposed amendments to Appendix B of the IMCO Code of Safe Practices for Bulk Cargoes and in particular the entries for Ammonimum Nitrate Fertilizers, Coal, Grains (Cereals), Ore Concentrates, Direct Reduced Iron (DRI) and Seed Cake.

For further information contact Mr. John F. McAnulty, U.S. Coast Guard (G-MHM), Washington, D.C. 20593. Telephone (202) 426-1577. Or contact Captain S. Fraser Sammis, National Cargo Bureau, Inc., Suite 2757, One World Trade Center, New York, New York 10048. Telephone (212) 432-1280.

Dated: May 22, 1981.

James A. Treichel for,
John Todd Stewart,
Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 81-16974 Filed 6-8-81; 8:45 am]
BILLING CODE 4701-07-M

DEPARTMENT OF THE TREASURY

United States Customs Service

[T.D. 81-161]

Customs Approved Public Gauger

Approval of public gauger performing gauging under standards and procedures required by Customs.

Notice is hereby given pursuant to the provisions of 151.43 of the Customs Regulations (19 CFR 151.43) that the application of Commodity Control Services Corporation, 170 Broadway, New York, New York 10038, to gauge imported petroleum and petroleum products in the Customs Districts of New York, Houston, and New Orleans in accordance with the provisions of 151.43 of the Customs Regulations is approved.

Dated: May 29, 1981.

Anthony L. Piazza,

Director, Entry Procedures and Penalties Division.

[FR Doc. 81-16988 Filed 6-8-81; 8:45 am]

BILLING CODE 4810-22-M

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue; Availability of Report on Closed Meetings

Correction

In FR Doc. 81-13214 appearing at page 24769 in the issue of Friday, May 1, 1981, please make the following change:

On page 24769, first column, under "SUMMARY", second paragraph, first line, "$.30" should be changed to read "$1.30".

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 110
Tuesday, June 9, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Nuclear Regulatory Commission	2
Securities and Exchange Commission	3

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m. (eastern time), Wednesday, June 10, 1981.

PLACE: Commission Conference Room, 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW, Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open:

1. Freedom of Information Act Appeal No. 81-04-FOIA-019-MK, concerning a request for certain documents from a charge file.
2. Request for approval of OIC's Publication, "A Bibliography of Federal Equal Employment Information Materials."
3. A report on Commission Operations by the Executive Director.

Closed to the public:

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued June 3, 1981.

[S-895-81 Filed 6-5-81; 11.22 a.m.]

BILLING CODE 6570-06-M

2

NUCLEAR REGULATORY COMMISSION.

DATE: Week of June 8, 1981 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, June 10:

1 p.m.
1. Discussion and Vote on GPU Federal Tort Claim—Draft Decision (approximately 1 hour—closed meeting/ final portion may be open) (continued from affirmation session of June 4)

Tuesday, June 9:

10 a.m.
1. Briefing on McGuire Operating License (approximately 1 hour, public meeting) (as announced)
2. Discussion of McGuire Operating License (closed meeting) (as announced)

2 p.m.
1. Discussion and Vote on Operating License for Sequoyah—2 (public meeting) (continued from June 4)

Wednesday, June 10:

2 p.m.
1. Briefing on Comments on EPA-Proposed Guidance for Occupational Exposures (public meeting) (as announced)

Thursday, June 11:

10 a.m.
1. Discussion and Possible Vote on 10 CFR 60, Disposal of High-Level Wastes in Geologic Repositories: Technical Criteria (public meeting)

2 p.m.
1. Briefing on Pressurized Thermal Shock (approximately 1½ hours, public meeting)
2. Affirmation/Discussion Session (public meeting)

Items to be affirmed and/or discussed:
a. Significant Changes Decision in Summer Antitrust Matter
b. Publication of Guidelines for Mgmt. of Agreement State Radiation Control Programs
c. Reporting of Changes to Quality Assurance Programs
d. Commission Review of ALAB-603, St. Lucie (delayed from June 4)
e. Motion for a Stay of Certain Aspects of Final Rule on Fire Protection for Operating Nuclear Power Plants (delayed from June 4)

ADDITIONAL INFORMATION: Affirmation of Potential Litigation over Possible *In Camera* Hearings in Houston Lighting & Power Co., scheduled for June 4, has been cancelled. Affirmation/Discussion Session scheduled for June 4—Portion closed. Discussion of Revised Licensing Procedures, announced for June 9, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary Gilbert (202) 634-1410.

June 4, 1981.

Gary Gilbert,

Office of the Secretary.

[S-897-81 Filed 6-5-81; 3:15 pm]

BILLING CODE 7590-01-M

3

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: TO BE PUBLISHED.

STATUS: Open meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, June 2, 1981.

CHANGES IN THE MEETING: Additional item. The following additional item will be considered at an open meeting scheduled for Thursday, June 11, 1981, at 10:00 a.m.

Consideration of whether to grant Joseph V. Shields, Jr., relief from a bar imposed upon him in connection with a prior administrative proceeding. For further information, please contact Adele Geffen at (202) 272-2947.

Chairman Shad and Commissioners Loomis and Friedman determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272-2467.

June 4, 1981.

[S-896-81 Filed 6-5-81; 12:06 pm]

BILLING CODE 8010-01-M

Federal Register

Tuesday
June 9, 1981

Part II

Department of Agriculture

Agricultural Marketing Service

Marketing Transactions; Proposed Rulemaking

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 102

Marketing Transactions; Proposed Rulemaking

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This action defines by regulation the various storing and marketing transactions which can develop from transaction involving deposited grain in the operation of a licensed grain warehouse and which are subject to the terms and provisions of the United States Warehouse Act. The action further provides for bonding to support certain transactions for deposited grain which warehousemen may have involving the marketing, handling, and shipping of producer-owned grain other than as storage. Also, modest increases in the amount of bond, in the minimum bond requirements, and in minimum net asset requirements for regular storage transactions are specified. Interested persons are invited to submit written comments on the proposed regulations.

DATE: Written comments should be filed not later than August 10, 1981.

ADDRESS: Comments should be filed in triplicate with the Hearing Clerk, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dr. Orval Kerchner, Chief, Warehouse Development Branch, Warehouse Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202–447–3616).

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service (AMS), pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C 268, hereinafter the "Warehouse Act"), is amending the warehouse regulations for the storage of grain appearing in Part 102 of Subchapter E of Chapter 1 in Title 7 of the Code of Federal Regulations (7 CFR Part 102).

The U.S. Warehouse Act was passed by Congress in 1916. The Act provides for the licensing of such warehousemen as may apply to the Secretary of Agriculture, and (1) meet departmental standards, (2) agree to abide by the law and the regulations thereunder, and (3) who are, in his discretion, proper warehousemen within the intent of the law for the storage of agricultural products.

The primary objectives of the U.S. Warehouse Act are to: (1) protect producers and others who store their property in public warehouses; (2) assure the integrity of warehouse receipts as documents of title to be used as collateral for loans, and to facilitate trading in interstate commerce of agricultural commodities; and (3) set and maintain a standard for sound warehouse operations.

A warehouse receipt is acceptable only when it has integrity. Integrity means that the original depositor or a subsequent holder of a receipt must have reasonable assurance that the product covered by the warehouse receipt will be returned upon surrender of the receipt and a valid request for delivery. Failing to receive return of the product, the depositor of holder of the receipt must have the further assurance that the warehouseman is able to pay him for this breach of contract. Existing regulations deal adequately with the warehouseman's obligations and duties as a storer of grain.

Most, if not all, licensed warehousemen also operate a grain maketing business buying grain from producers through the same facilities used for the storage of grain. As grain is received over the scale, the perfect situation would be that it is either deposited for storage with a warehouse receipt demanded and issued or sold with payment demanded and made. However, often the grain's status is not declared by the owner as delivered; or it is deposited for storage with no receipt demanded or issued; or it is sold and payment not demanded or made. The sale or other disposition of grain deposited in a licensed warehouse leads to a full marketing relationship between the depositor and the warehouseman.

The usual marketing relationships have been complicated by another kind of transaction commonly known as price later or deferred pricing or delayed price grain. Such a transaction may be described as a sales contract that constitutes a bonafide sale and change of ownership from the seller to buyer, but which permits the seller to fix the price of the grain at a later date at a pre-agreed formula for determining such price. The seller may continue to have some control of the pricing of his grain but has no physical claim. Generally, no advance payment is made to the seller. The buyer has only a grain payable position with the seller. The seller has only a money receivable position, a common creditor status.

The business of storing and marketing often becomes inseparable and likewise the funds available to the total business often cannot be segregated. These situations create continuous, dual and at times uncertain obligations.

Consequently, there are risks for producers who sell deposited grain as well as for producers who store such grain. It therefore becomes consistent with objectives of the Act to define the various marketing transactions of a licensed grain warehouseman which are the regulatory concern of the Secretary under terms of the Act. A warehouseman engaging or about to engage in marketing activities with or on behalf of producers must give an initial notice to the Secretary and thereafter provide bond to protect such producers, failure to do so will be cause for suspension of license.

A sound warehouse operation must originate from a sound financial base and depositors in licensed warehouses must be assured that they will have some financial protection if a warehouseman's financial base worsens. The bonding requirements specified in these regulations to support a warehouseman's marketing transactions and the increases indicated in amount of the bond, in minimum bond requirements, and in minimum net asset requirements, are justified in order to maintain the acceptability and integrity of the Federal warehouse receipt; to protect a depositor's interest in commodities deposited in licensed warehouses; and to continue a sound system of warehouses for storage of agricultural commodities.

These actions will affect most grain warehousemen now licensed under the Act and those who may in the future decide to apply for license. The regulations defining the various storing and marketing transactions involving deposited grain generally conform to situations which already exist and it is contemplated that any new "procedures and requirements approved by the Secretary" shall only be those which are already recognized as good business practices. The proposed actions will enhance the security offered by licensed warehousemen to depositors and producers.

The economic impact on small entities is negligible. Operating under the Act is a voluntary election on the part of grain warehousemen. There presently are 1,835 grain warehouses licensed under the Act. This represents about 18 percent of the estimated 10,000 grain warehouses in the United States. Of

these 1,835 licensed grain warehouses, 1,767 or 96.3 percent have a minimum net asset position exceeding that required; and 1,810 or 98.6 percent already are furnishing a bond in excess of the minimum required by these regulations. Any burden resulting from these regulations may cause some warehousemen now licensed to terminate their licenses and some persons who might have applied not to do so.

The regulations, therefore, are proposed to be amended as follows:

1. Section 102.2 (l) and (n) (7 CFR 102.2 (l) and (n)) are revised and a new (w) (x) and (y) are added as follows:

§ 102.2 Terms defined.

* * * * *

(l) Warehouse—Unless the context otherwise clearly indicates, any building, structure, or other protected enclosure licensed or to be licensed under the Act, in which grain is or may be deposited for storage, marketing, handling, shipping, or other dispostion.

(n) Warehouseman—Any person lawfully engaged in the business of receiving grain for storage, or who sells, handles, ships or otherwise markets deposited grain and who holds an effective warehouseman's license under the Act.

* * * * *

(w) Deposit—A lot or parcel of grain received into a warehouse licensed under the Act for storage, marketing, handling, shipping, or other disposition.

(x) Depositor—A person making or who has made delivery of grain to a warehouse licensed under the Act for storage, marketing, handling, shipping or other disposition and/or who holds a warehouse receipt, contract or other documentation of such delivery.

(y) Producer—A depositor who also is the landowner, landlord or tenant involved in the production of the grain being deposited.

2. Section 102.6(a) is revised to read as follows:

§ 102.6 Net assets.

(a) Each warehouseman conducting a warehouse licensed, or for which application for a license has been made, under the regulations in this part, shall have and maintain above all exemptions and liabilities, total net assets liable for the payment of any indebtedness arising from the conduct of the warehouse in the amount of at least 20 cents per bushel for the maximum number of bushels of grain that his warehouse could accommodate when stored in the manner customary to the warehouse as determined by the Administrator: PROVIDED, That no person may be licensed as a warehouseman under the regulations in this part unless he has allowable net assets of at least $25,000: AND PROVIDED FURTHER, That any deficiency in net assets required above this $25,000 minimum may be supplied by an increase in the amount of the warehouseman's bond in accordance with section 102.14(a). In determining total net assets, credit may be given for insurable property such as buildings, machinery, equipment, and merchandise inventory, only to the extent that such property is protected by insurance against loss or damage by fire. Such insurance policies shall be in the form of lawful policies issued by one or more insurance companies authorized to do such business and subject to service of process in suits brought in the State in which the warehouse is located.

§ 102.7 [Amended]

3. Section 102.7 is amended by changing "$10,000.00" to "$25,000.00."

§ 102.9 [Amended]

4. Section 102.9(a) is amended by changing "$10,000.00" to "$25,000.00."

5. Section 102.14 is revised to read as follows:

§ 102.14 Amounts of bond; additional amounts.

(a) The amount of bond to be furnished for each warehouse under the regulations in this part shall be fixed at a rate of 20 cents per bushel of licensed capacity: PROVIDED, That in any case the amount of bond shall not be less than $25,000 or more than $500,000, except as prescribed herein and in paragraph (b) of this section. The licensed capacity shall be the maximum number of bushels of grain that the warehouse could accommodate as determined under § 102.6(a). In case of a deficiency in net assets above the $25,000 minimum required under § 102.6, there shall be added to the amount of bond an amount equal to such deficiency. In any other case in which the Secretary, or his designated representative, finds that conditions exist which warrant requiring additional bond, there shall be added to the amount of bond as determined under the other provisions of this section, a further amount to meet such conditions.

(b) A warehouseman who contracts with producers to buy, sell, handle, ship, or otherwise market their deposited grain shall give notice to the Secretary prior to first engaging in such activity and there shall be added to the amount of bond determined in accordance with paragraph (a) of this section an amount equal to 10 cents per bushel of licensed capacity, provided that such addition for this purpose shall not be less than $25,000 nor more than $250,000 in any case. Such increased amount of bond shall be solely for the benefit of producers who contract with the warehouseman to sell, handle, ship or otherwise market their grain in accordance with § 102.44 (b) hereof. Failure to give such notice or to provide such additional bond shall be grounds for suspension of the warehouse license.

(c) In case a warehouseman is licensed or is applying for licenses to operate two or more warehouses in the same State he may give a single bond meeting the requirements of the Act and the regulations in this part to cover all his warehouses within the State. In such case the warehouses to be covered by the bond shall be deemed to be one warehouse only for purposes of determining the amount of bond required under paragraphs (a) and (b) of this section.

6. Section 102.30 is revised to read as follows:

§ 102.30 Receipts for deposited grain.

(a) Receipts or other documentation indicating delivery to the warehouse must be issued for all grain deposited in a warehouse.

(b) Receipts need not be issued against nonstorage grain, but each warehouseman shall keep accurate records of the weights, kinds, and grades of all lots of nonstorage grain received into and delivered from his warehouse. Whenever the purpose for which any lot of nonstorage grain was received into a warehouse is changed so that its approximate delivery period from the warehouse becomes indeterminate, receipts shall be issued to cover such grain. Records required under this section with respect to nonstorage grain shall be retained, as a part of the records of the warehouse, for a period of one year after December 31 of the year in which the lot of nonstorage grain is delivered from the warehouse.

(c) Accurate records shall be maintained by the warehouseman for grain which the warehouseman moves direct from the producer to a terminal processor, river, or other point of delivery and which does not enter or is not handled through the licensed facility as well as for any nonstorage grain placed in temporary and nonlicensed areas.

7. Section 102.44 is revised to read as follows:

§ 102.44 Grain deposits.

(a) All grain received into a licensed warehouse is deemed to be deposited

subject to U.S. Warehouse Act and the terms and regulations applicable thereunder. Whoever deposits grain shall receive from the warehouseman a warehouse receipt or other documentation evidencing such deposit. The receiving, documentation, recording, marketing, handling, disposition, and protection of such grain including proceeds therefrom shall be in accordance with procedures and requirements approved by the Secretary and consistent with conditions existing at the warehouse where such grain is deposited.

(b) Persons, including producers, who store grain with the warehouseman and who fail to have such grain or any part thereof returned to them shall have access to the bond provided for in § 102.14(a) and (c); producers who sell their deposited grain or contract with the warehouseman to be their agent to handle, ship or otherwise market the grain deposited and who do not receive full payment for their grain in accordance with such sales agreement or contract shall have access only to the increased amount of the bond provided for in section 102.14(b) and (c). All claims against either part of the bond shall be without preference and on a pro-rata basis.

(c) Except as provided in § 102.27 each warehouseman shall accept all storage and nonstorage grain and shall deliver out all storage and nonstorage grain, other than specially binned grain, in accordance with the grades of such grain as determined by a person duly licensed to inspect and grade such grain and to certificate the grade thereof and in accordance with the weights of such grain as determined by a person duly licensed to weigh such grain and to certificate the weight thereof, under the Act, and the regulations in this part; or if an appeal from the determination of an inspector has been taken, such grain shall be accepted for and delivered out of storage in accordance with the grades as finally determined in such appeal.

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12291, "Federal Regulation." A determination has been made that this action should be classified as non-major under those criteria. Licensed grain warehousemen already engage in the marketing transactions which are regulated herein. Grain warehouses operating under the Act (and the proposed regulations apply only to such warehouses) generally have records and use procedures which are adequate to meet the new requirements; and any added burden in this respect would fall only on the Department in having to examine and develop information from such records.

The Administrator of Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities becaue of the proposed increase in the amount of bond, in the minimum bond requirements and in minimum net asset requirements. While there are some 1,835 licensed grain warehouses, 53% (972) of which could conceivably be termed small entities (total capacity of less than 1,000,000 bushels) only a small number, 68 or 3.7% have a net asset position below that to be required and only 25 or 1.4% are furnishing bond less than that to be required.

Done at Washington, D.C., June 3, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-16977 Filed 6-8-81; 8:45 am]

BILLING CODE 3410-02-M

V 4 6 / 1 1 0

J E 9 8 1

UMI

Reac

INFORMA

PUBLICA

Code of F
CFR Unit

General in
Incorporati
Printing sc

Federal Re
Correction
Daily Issue
General in
Public Insp
Scheduling

Laws
Indexes
Law numb

Slip law o

Presidentia
Executive
Public Pap
Weekly Co

Privacy Ac

United Sta

SERVICES
Agency se
Automation
Dial-a-Reg
Chicago,
Los Ang
Washing
Magnetic t
volumes
Public brie
What It
Public Insp
Regulations
Special Pro
Subscriptio
Subscriptio
TTY for th

FEDERAL

29239-2945
29453-2969
29691-2992
29921-3007
30073-3032
30327-3048
30481-3062

Reader Aids

Federal Register

Vol. 46, No. 110

Tuesday, June 9, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3
29921-30072.....4
30073-30326.....5
30327-30480.....8
30481-30622.....9

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949).....29939
February 6, 1926 (Revoked by PLO 5948).....29938
April 17, 1926 (Revoked in part by PLO 5950).....29939
February 14, 1933 (Revoked by PLO 5944).....29710
5451 (Revoked by PLO 5947).....29938
11476 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 2306).....29693
12198 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12285 (Amended by EO 12307).....30481
12306.....29693
12307.....30483
12308.....30485

Proclamations:
4846.....29691
4847.....30481

Administrative Orders:
Presidential Determinations:
No. 81-9 of June 2, 1981.....29921

5 CFR

Ch. XIV.....30327

7 CFR

28.....30073
700.....29453
800.....30322
907.....29923
910.....30012
917.....30075, 30077
953.....29454, 30487
979.....29693
991.....29693
1425.....30327
1944.....29239

Proposed Rules:
102.....30620
993.....29271

8 CFR

204.....29923, 30078
214.....29456

9 CFR

78.....30487
82.....29456, 30488
92.....29239, 29240

10 CFR

2.....30328
51.....29457
376.....29680
390.....29680
440.....29242
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:
2.....30349
30.....29712
40.....29712
70.....29712

12 CFR

303.....30079
552.....30488
570.....30079

Proposed Rules:
213.....29245
226.....29246
526.....30113
545.....30114
569a.....29246
701.....29247, 29482
720.....29248

13 CFR

124.....29251

Proposed Rules:
124.....29276

14 CFR

39.....29252, 29253, 29924-29926, 30332-30334
71.....29254-29256, 29927, 30335
73.....29256
97.....29257

Proposed Rules:
Ch. I.....30352
71.....29278-29281, 29947-29951, 30353, 30354
75.....29280, 29281
323.....29282
302.....29718
399.....29285, 29719, 29727

15 CFR

370.....29457
806.....30336

Proposed Rules:
330.....29662
331.....29662
332.....29662

340 29662
341 29662
342 29662
343 29662
350 29662
351 29662
352 29662
353 29662
354 29662

16 CFR

13 ..... 29458, 29928, 30337
460 29256
1031 29928
1032 29928
1212 29696

Proposed Rules:

Ch. II 29951, 30115

17 CFR

15 29931
16 29931
17 29931
18 29931
21 29931

Proposed Rules:

Ch. I 29952

18 CFR

141 29459
271 ..... 29697, 29699, 30489–30491
284 30491
375 29700

Proposed Rules:

157 30505
375 30505

19 CFR

101 29462
134 30338

Proposed Rules:

Ch. I 29953
200 29729

20 CFR

Proposed Rules:

404 29953

21 CFR

172 30080
173 ..... 30492, 30493
193 ..... 30338, 30494
520 29464
561 30339
573 30081

Proposed Rules:

161 30505
430 30115
436 30115
440 30115
444 30115
448 30115
452 30115
1308 29484

22 CFR

41 30082

24 CFR

235 29256
570 29908

26 CFR

1 29465
7a 30495
11 29465
35 30495

27 CFR

4 29260
19 29261
70 29261
240 29261
245 29261
250 29261
270 29261
275 29261

28 CFR

0 ..... 29704, 29931
16 30495

Proposed Rules:

31 29438

29 CFR

Proposed Rules:

530 29485

30 CFR

250 29932

31 CFR

51 29261
535 30340

32 CFR

199 29704
294 29705

Proposed Rules:

298a 29486

33 CFR

25 29933
165 29933
204 29934

Proposed Rules:

100 29288
117 30354
162 29954

38 CFR

21 29474

39 CFR

Proposed Rules:

10 30505

40 CFR

52 ..... 29707, 30082, 30496
60 29262
61 29262
62 30496
86 30497
122 29708
123 29935
162 29708
180 ..... 30342, 30499
260 29708
261 29708
264 29708
265 29708

Proposed Rules:

52 ..... 29289, 29488, 30116, 30355–30366
60 29955
81 ..... 29281, 30368
123 29292
180 30506
773 30300

41 CFR

15–1 29709
51–4 30084
51–5 30084

Proposed Rules:

Ch. 1 30369
1–4 30369
101–11 30369
101–37 30369
104–4 29955

43 CFR

5420 29262

Public Land Orders:

1281 (Revoked by 5883) 29263
5169 (Amended by PLO 5396 and 5951) 29937
5179 (Amended by PLO 5250 and 5951) 29937
5180 (Amended by PLO 5418 and 5951) 29937
5250 (Amended by PLO 5951) 29937
5396 (Amended by PLO 5951) 29937
5418 (Amended by PLO 5951) 29937
5865 30500
5866 30500
5883 29263
5943 29710
5944 29710
5945 29939
5946 29939
5947 29938
5948 29938
5949 29939
5950 29939
5951 29937
5952 30086

Proposed Rules:

35 29955

44 CFR

64 ..... 29940, 29942
67 30500

Proposed Rules:

55 29292
61 29292
67 ..... 29729–29732, 29956, 30116, 30124, 30507
300 29264

45 CFR

3 30343
46 29883
74 30500
235 29264

Proposed Rules:

71 29732
301 30372
304 29964

46 CFR

Proposed Rules:

310 30507

47 CFR

61 29264
64 29474
73 ..... 30086–30091, 30343, 30344

Proposed Rules:

Ch. I 30516
2 30124
23 30124
31 ..... 30150, 30152
73 ..... 29488, 30153, 30154, 30372, 30516–30518
94 30124

49 CFR

Ch. X 30092
1 29269
172 29392
531 29944
575 29269
1000 30502
1033 ..... 29480, 30502
1056 ..... 29711, 29945

Proposed Rules:

171 29967
172 ..... 29968, 29973
173 ..... 29967, 29968, 29973
175 29968
178 29973
1127 30156

50 CFR

17 29481
301 30345
651 30348
661 29733

Proposed Rules:

17 29490

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 27, 1981

6-10-81
Vol. 46 No. 111
Pages 30623-30796

federal register

Wednesday
June 10, 1981

Highlights

30772 **Recombinant DNA Research** HHS/NIH announces final plan for risk assessment program. (Part II of this issue)

30699 **Cigarette Advertising** FTC solicits comments on staff report.

30676 **Steel Belted Tires** Commerce/ITA announces preliminary results of administrative review of countervailing duty order on Michelin X Radials from Canada.

30739 **Research Facilities** NSF requests comments on interim report on the involvement of commercial and industrial firms with NSF-supported research facilities.

30623 **Commodity Reexports** Commerce/ITA reduces documentation requirements under distribution licenses.

30780 **Agricultural and Vegetable Seeds** USDA/AMS proposes to update and standardize botanical names, testing methods, and certification standards. Public hearings are also announced. (Part III of this issue)

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

30651 **Copyright** Library of Congress/Copyright Office terminates rulemaking proceedings on registration of claims to copyright in the graphic elements in book designs and other printed publications.

Privacy Act Documents

30649 State
30680 DOD/Navy

30747 **Sunshine Act Meetings**

Separate Parts of This Issue

30772 **Part II, HHS/NIH**
30780 **Part III, USDA/AMS**

V 4 6 J E 1 0 8 1 UMI

Con

30735
30735
30780
30645
30702
30680
30702
30702
30675
30675
30747

Contents

Federal Register
Vol. 46, No. 111
Wednesday, June 10, 1981

Agency for International Development
NOTICES
Authority delegations:
30735 Foreign Disaster Assistance, U.S. Office, Director
Meetings:
30735 International Food and Agricultural Development Board

Agricultural Marketing Service
PROPOSED RULES
Federal Seed Act:
30780 Botanical name changes, testing methods, and certification standards
30645 Raisins produced from grapes grown in Calif.

Agriculture Department
See Agricultural Marketing Service; Forest Service.

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Committees; establishment, renewals, terminations, etc.:
30702 Alcohol Human Resource Development Review Committee et al.

Army Department
See also Engineers Corps.
NOTICES
Environmental statements; availability, etc.:
30680 Rocky Mountain Arsenal, Colo.; transportation of WETEYE chemical bombs to Tooele Army Depot, Utah; supplement

Centers for Disease Control
NOTICES
Grants; availability, etc.:
30702 Comprehensive public health services; uniform national health program reporting system; 1981 cooperative agreement funds
Meetings (NIOSH):
30702 Health and safety effects of cold stress, and minority worker health and safety issues

Civil Aeronautics Board
NOTICES
Hearings, etc.:
30675 Puerto Rico International Airlines, Inc.; fitness determination
30675 United States-Chile show cause proceeding

Commerce Department
See International Trade Administration; Maritime Administration; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
NOTICES
30747 Meetings; Sunshine Act

Copyright Office, Library of Congress
PROPOSED RULES
30649 Cable systems; compulsory license; hearing
Claims registration:
30651 Books and other printed publications, design graphic elements; claims registration; withdrawal

Defense Department
See also Army Department; Engineers Corps; Navy Department.
NOTICES
Meetings:
30682 Science Board
30679 Military freight shipments moved (excluding personal property); mandatory use of new tender format

Economic Regulatory Administration
NOTICES
Consent orders:
30683 Ozona Gas Processing Plant
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
30682 New England Power Co. of Westborough, Mass.

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission.

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
30680 Cooperative aquatic plant control program, Ala.

Environmental Protection Agency
RULES
Hazardous waste:
30624 Treatment, storage, and disposal facilities, standards for owners and operator; financial responsibility; meeting
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
30624 Hirsutella thompsonii
Water pollution; effluent guidelines for point source categories:
30625 Electroplating; correction
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
30654 Maryland
30653 New Mexico
Air quality implementation plans; approval and promulgation; various States, etc., and air quality planning purposes; designation of areas:
30655 Pennsylvania
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
30662 Polyvinyl chloride

Water pollution; effluent guidelines for point source categories:
30663 Seafood, canned and preserved, processing; response to petition for modification; extension of time and additional information availability

NOTICES
30692 Energy conservation program, Federal; hearings; republication
Pesticides; temporary tolerances:
30693 Ethalfluralin
30694 Pendimethalin
30694 Thiobencarb
Pesticides; tolerances in animal feeds and human food:
30692 Dow Chemical Co. et al.
Toxic and hazardous substances control:
30695 Premanufacture notices; monthly status reports

Federal Communications Commission
PROPOSED RULES
Common carrier services:
30668 Deregulatory approaches and proposals; rates and facility authorization policies; extension of time

NOTICES
30699 FM broadcast applications accepted for filing and notification of cut-off date

Federal Deposit Insurance Corporation
NOTICES
30747 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency
RULES
Flood elevation determinations:
30628 California et al.
Flood insurance; communities eligible for sale:
30626 Ohio et al.

PROPOSED RULES
Flood elevation determinations:
30665 Puerto Rico
30663 Wisconsin

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
30683 Wisconsin Public Power Incorporated System
Natural Gas Policy Act of 1978:
30685 Jurisdictional agency determinations
30748 Meetings; Sunshine Act

Federal Home Loan Bank Board
NOTICES
Applications, etc.:
30699 Texas Federal Savings & Loan Association

Federal Maritime Commission
PROPOSED RULES
30667 National Environmental Policy Act; implementation categorical exclusions, etc.
Practice and procedure:
30666 Former employee to practice before Agency; conditions and restrictions

Federal Mediation and Conciliation Service
NOTICES
30699 Labor-management cooperation program; resumption of application process

Federal Register Office
NOTICES
30701 Basic building code; development and educational conference

Federal Reserve System
NOTICES
Applications, etc.:
30699 Sugarland Bankshares, Inc.
30748 Meetings; Sunshine Act

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
30646 Kennecott Corp.

NOTICES
30699 Cigarette advertising; staff report and inquiry

Fish and Wildlife Service
RULES
Migratory bird hunting:
30633 Hunting and conservation stamp contest

NOTICES
30706-30707 Endangered and threatened species permit applications (4 documents)

Forest Service
NOTICES
Environmental statements; availability, etc.:
30675 Pacific Northwest Region National Forest Lands; managing competing vegetation in Oreg., Wash. and Calif.

General Services Administration
See Federal Register Office.

Health and Human Services Department
See Alcohol, Drug Abuse, and Mental Health Administration; Centers for Disease Control; National Institute for Occupational Safety and Health; National Institutes of Health; Public Health Service.

Interior Department
See also Fish and Wildlife Service; Land Management Bureau; National Park Service.
NOTICES
Organization, functions, and authority delegations:
30708 Trans-Alaska Pipeline System

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
RULES
Export licensing:
30623 Reexport under distribution license, policy reducing documentation

NOTICES
Countervailing duty petitions and preliminary determinations:
30676 Michelin X-radial steel belted tires from Canada
Export privileges, actions, affecting:
30676 Williamson, Bryan, V., et al.

International Trade Commission
NOTICES
Import investigations:
30736 Hot air corn poppers and components

30736
30737
30737, 30738
30738
30738
30738
30632
30668
30709, 30722-30724
30735
30711
30718, 30724
30718
30718, 30722
30718
30722
30734
30706
30704
30706
30706
30705
30705
30705
30703
30704
30705
30706
30704

30736 Spirits from Ireland
30737 Stabilized hull units and components, and sonar units
30737, 30738 Steel rod treating apparatus and components (2 documents)
30738 Wheel locks and components
30738 Window shades and components
30738 Textile and apparel; investigation for purpose of gathering information on emerging export countries

Interstate Commerce Commission

RULES
Railroad car service orders; various companies:
30632 Chicago, Rock Island & Pacific Railroad Co.; track use by various railroads
PROPOSED RULES
Motor carriers:
30668 Agricultural cooperative exemption
NOTICES
Motor carriers:
30709, 30722-30724 Permanent authority applications (4 documents)
30735 Permanent authority applications; operating rights authority republication
30711 Permanent authority applications; restriction removals
30718, 30724 Permanent authority applications; restriction removals; correction (2 documents)
30718 Temporary authority applications
30718, 30722 Temporary authority applications; correction (2 documents)
Railroad services abandonment:
30718 Conrail
30722 Norfolk & Western Railway Co.
30734 Southern Pacific Transportation Co.

Land Management Bureau

NOTICES
Applications, etc.:
30706 Wyoming
Environmental statements; availability, etc.:
30704 Fort Richardson, Fort Wainwright, and Fort Greely, Alaska; adoption of Army Department statements concerning land withdrawals
30706 Outer Continental Shelf; five-year oil and gas lease sale schedule; proposed revision
Meetings:
30706 Battle Mountain Grazing Advisory Board
30705 Moab District Multiple Use Advisory Council
30705 Susanville District Grazing Advisory Board; correction
Motor vehicles, off-road, etc.; area closures and openings:
30705 Alaska
30703 Montana
Opening of public lands:
30704 Utah
Survey plat filings:
30705 Idaho
Wilderness areas; characteristics, inventories, etc.:
30706 Idaho; correction
Withdrawal and reservation of lands, proposed, etc.:
30704 Nevada

Library of Congress

See Copyright Office, Library of Congress.

Maritime Administration

NOTICES
Foreign construction cost computation:
30678 Tankers, MA design T8-S-100b, etc.; retrofitting

National Institute for Occupational Safety and Health

See Centers for Disease Control.

National Institutes of Health

NOTICES
Recombinant DNA molecules research:
30772 Risk assessment; final program plan

National Oceanic and Atmospheric Administration

RULES
Fishery conservation and management:
30633 Salmon fisheries, ocean; off coast of Calif., Oreg., and Wash.
PROPOSED RULES
Fishery conservation and management:
30674 Billfish, Western Pacific; hearings; correction
30674 Coastal migratory pelagics; fishery management plan; hearings
NOTICES
Marine mammal permit applications, etc.:
30679 Stewart, Brent S.; correction
Meetings:
30678 Caribbean Fishery Management Council
30679 Inter-Council Swordfish Steering Committee
30679 New England Fishery Management Council

National Park Service

NOTICES
Boundary establishment, descriptions, etc.:
30708 San Juan National Historic Site, P.R.; jurisdiction accepted
Meetings:
30707 Cuyahoga Valley National Recreation Area Advisory Commission
Mining plans of operation; availability, etc.:
30708 Death Valley National Monument

National Science Foundation

NOTICES
30739 Commercial and industrial firms, involvement with NSF-supported research facilities; request for comments on interim reports

Navy Department

NOTICES
30680 Privacy Act; systems of records

Nuclear Regulatory Commission

NOTICES
Applications, etc.:
30740 Carolina Power & Light Co.
30741 Consumers Power Co.
30741 Detroit Edison Co. et al.
30741 Indiana & Michigan Electric Co.
30743 Virginia Electric & Power Co.
Senior Executive Service:
30739 Performance Review Board; appointments

Postal Service
RULES
Procurement of property and services:
30623 Postal Contracting Manual; amendments

Public Health Service
NOTICES
Meetings; advisory committees:
30703 June

Securities and Exchange Commission
NOTICES
Hearings, etc.:
30743 State Mutual Securities, Inc., et al.
Self-regulatory organizations; proposed rule changes:
30743 Pacific Stock Exchange, Inc.
30745 Stock Clearing Corp. of Philadelphia

State Department
PROPOSED RULES
30649 Privacy Act; implementation

Treasury Department
NOTICES
Organization and functions:
30745 Assistant Secretary (Public Liaison and Consumer Affairs); establishment of office
30746 Industrial Economics Office; transfer to Internal Revenue Service from Assistant Secretary (Tax Policy)

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
30678 Caribbean Fishery Management Council, San Juan, Puerto Rico (open), 7–22 and 7–23–81
30678 Caribbean Fishery Management Council, Administrative Subcommittee and Education and Information Subcommittee, San Juan, Puerto Rico (open), 7–21–81
30679 Inter-Council Swordfish Steering Committee, San Juan, Puerto Rico (open), 7–20 and 7–21–81
30679 New England Fishery Management Council, Darvers, Mass. (open), 6–30 and 7–1–81

DEFENSE DEPARTMENT
Office of the Secretary—
30682 Defense Science Board Summer Study Panel, Operational Readiness with High Performance Systems, Arlington, Va. (closed), 6–29 and 6–30–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Centers for Disease Control—
30702 Health and Safety Effects of Cold Stress, Cincinnati, Ohio (open), 6–26–81
30702 Occupational Health and Safety Issues Affecting Minority Workers National Conference, Cincinnati, Ohio (open), 7–6 through 7–8–81
Public Health Service—
30703 Advisory Committees, Washington, D.C. (partially open), June meetings

INTERIOR DEPARTMENT
Land Management Bureau—
30706 Battle Mountain Grazing Advisory Board, Tanopah, Nev. (open), 7–28 and 7–29–81
30705 Multiple Use Advisory Council, Moab, Utah (open), 7–30 and 7–31–81
National Park Service—
30707 Cuyahoga Valley National Recreation Area Advisory Commission, Peninsula, Ohio (open), 6–25–81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
Agency for International Development—
30735 International Food and Agricultural Development Board, Washington, D.C. (open), 6–25–81

OFFICE OF THE FEDERAL REGISTER
30701 Basic Building Code, Hartford, Conn. (open), 6–22 through 6–26–81

CORRECTED MEETING

INTERIOR DEPARTMENT
Land Management Bureau—
30705 Susanville District Grazing Advisory Board, Susanville, Calif. (open), corrected from 6–9 to 7–9–81

HEARINGS

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
30780 Federal Seed Act Regulations, Washington, D.C. (open), 7–22 and Denver, Colo., 7–30–81

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
30674 South Atlantic Fishery Management Council, Greenville, N.C., 6–24; Savannah, Ga., 6–24; Charleston, S.C., 6–25 and Palm Beach Gardens, Fla., 6–25–81

ENVIRONMENTAL PROTECTION AGENCY
30692 Federal Energy Conservation Program, Washington, D.C., 7–14 and 7–15–81

LIBRARY OF CONGRESS
Copyright Office—
30649 Compulsory License for Cable Systems, Washington, D.C., 7–28–81

CORRECTED HEARING

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
30674 Western Pacific Fishery Management Council, Honolulu, Hawaii, 6–16; Hilo, Hawaii, 6–17; Kona, Hawaii, 6–18; Pago Pago, American Samoa, 6–25; Lihue, Kauai, 6–29; Kahului, Maui, 6–30; Saipan, Commonwealth of the Northern Mariana Islands, 7–11 and Agana, Guam, 7–13–81

CFR PARTS
A cumulative
the Reader
7 CFR
Proposed Rule
201
989
15 CFR
373
16 CFR
Proposed Rule
13
22 CFR
Proposed Rule
171
37 CFR
Proposed Rule
201
202
39 CFR
601
40 CFR
122
180
264
265
413
Proposed Rule
52 (3 docume
81
180
408
44 CFR
64
67
Proposed Rule
67 (2 docume
46 CFR
Proposed Rule
502
547
47 CFR
Proposed Rule
Ch. I
49 CFR
1033
Proposed Rule
1047
50 CFR
91
661
Proposed Rule
653
682

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
Proposed Rules:
201.....30780
989.....30645

15 CFR
373.....30623

16 CFR
Proposed Rules:
13.....30646

22 CFR
Proposed Rules:
171.....30649

37 CFR
Proposed Rules:
201.....30649
202.....30651

39 CFR
601.....30623

40 CFR
122.....30624
180.....30624
264.....30624
265.....30624
413.....30625
Proposed Rules:
52 (3 documents).....30653–30655
81.....30655
180.....30662
408.....30663

44 CFR
64.....30626
67.....30628
Proposed Rules:
67 (2 documents).....30663, 30665

46 CFR
Proposed Rules:
502.....30666
547.....30667

47 CFR
Proposed Rules:
Ch. I.....30668

49 CFR
1033.....30632
Proposed Rules:
1047.....30668

50 CFR
91.....30633
661.....30633
Proposed Rules:
653.....30674
682.....30674

V
4
6
J
E
1
0
8
1
UMI

Rule

This secti
contains r
general ap
of which
the Code
published
U.S.C. 15
The Code
by the Su
Prices of
first FEDE
month.

DEPARTI

Internatio

15 CFR P

**Policy Co
Distributi**

AGENCY: C
Administr
Administr

ACTION: F

SUMMARY
Regulatio
document
Distributi
373.3(i)(3)
only the s
that are re
requests t
make the
for reexpo
License co
reexport a
reexporte
shipped u
has been
document
commodit
individual
revision le
reexporte
U.S. comm

DATE: Effe

FOR FURTI
Mr. Archi
Exporters
Administr
Commerce
(Telephon

SUPPLEME

Rulemaki

Section
Administr
exempts r
thereunde
in rulemal

Rules and Regulations

Federal Register
Vol. 46, No. 111
Wednesday, June 10, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 373

Policy Concerning Reexport Under a Distribution License

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Export Administration Regulations are revised to reduce documentation for reexports under a Distribution License (see paragraph 373.3(i)(3) of the Regulations) to require only the same supporting documents that are required with individual requests to reexport. This reduction will make the documentation requirements for reexports under a Distribution License consistent with other forms of reexport authorization. Up to this time, a reexporter of commodities originally shipped under a Distribution License has been required to supply more documentation than a reexporter of commodities furnished under an individual validated license. This revision lessens the burden on the reexporter, thus facilitating resale of U.S. commodities.

DATE: Effective June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

Section 13(a) of the Export Administration of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that to the extent practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 12193, February 19, 1981), "Federal Regulation."

Accordingly, Part 373 of the Export Administration Regulations (15 CFR Part 373) is amended as follows:

1. Section 373.3(i)(3) is revised to read as follows:

§ 373.3 Distribution license.

* * * * *

(i) * * *

(3) Request for specific reexport authorization. A request for specific authorization for any reexport under a Distribution License that is not authorized by the provisions of § 373.3(i)(1) or (2) above, shall be submitted on a Form ITA–699P, Request to Dispose of Commodities or Technical Data Previously Exported, or by letter, to the Office of Export Administration (Room 1617M). (See § 374.3.) Each request shall be supported by any document that is required for an individual reexport request under the provisions of § 374.3(c).

(Sections 5, 13, 15, and 21, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. § 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: June 5, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81–17151 Filed 6–9–81; 8:45 am]

BILLING CODE 3510–25–M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Amendments to the Postal Contracting Manual.

SUMMARY: The Postal Service hereby announces several revisions of section 19 of the Postal Contracting Manual, which deals with mail transportation contracts.

EFFECTIVE DATE: May 10, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene A. Keller, (202) 245–4818.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the Code of Federal Regulations (See 39 CFR 601.100) has been amended by the issuance of PCM Circular No. 81–3, Revised, dated May 10, 1981.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the **Federal Register** and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the Basic Manual will receive these amendments from the Postal Service. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Explanation of these amendments to the Postal Contracting Manual follows:

Explanation:

Section 19 is amended

- To delete section 19–503.97 which prescribes certain restrictions regarding American flag preference in procurement of water transportation service;
- To permit renewal of certificated air carrier and uncertificated air route contracts; and
- To permit minor service changes to certificated air carrier contracts.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81–17227 Filed 6–9–81; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 264, and 265

[SWH-FRL-1850-7]

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

AGENCY: Environmental Protection Agency (EPA)

ACTION: Interim rule.

SUMMARY: On January 12, 1981, the Environmental Protection Agency issued an interim final regulation which established financial responsibility requirements applicable to owners and operators of hazardous waste treatment, storage and disposal facilities. The regulation included a requirement that those owners and operators maintain liability coverage of certain types and amounts during the operating lives of the facilities (40 CFR 264.147 and 40 CFR 265.147). The Agency announces that it will conduct meetings with interested persons of groups in response to comments regarding the liability coverage requirements.

DATES: The effective date for the regulations covered by this notice is October 13, 1981. EPA expects that it may hold meetings until June 16, 1981.

FOR FURTHER INFORMATION CONTACT: George A. Garland, Chief, Economic and Policy Analysis Branch, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), 401 M Street, SW., Washington, D.C. 20460, (202) 755-9190.

SUPPLEMENTARY INFORMATION: On January 12, 1981 (46 FR 2802), EPA promulgated interim final regulations under the Resource Conservation and Recovery Act of 1976. These regulations included, as part of the interim status and general standard financial responsibility requirements, requirements for owners and operators of hazardous waste management facilities to insure coverage for claims arising from accidents at their facilities.

The Agency extended the original March 13, 1981, deadline for comments on these regulations to March 27, 1981. Many of the comments received concerned the liability coverage requirement. Based upon those comments, EPA believes that meetings with representatives of the insurance industry and other persons interested in the liability requirement are necessary. In fact, the Agency held such a meeting on May 29, 1981, and expects that it may hold additional meetings until June 16, 1981. The Agency will prepare memoranda summarizing the issues discussed at each meeting as well as all significant information which is brought to the Agency's attention. The memoranda will be made available to the public by being placed promptly in the public docket for Section 3004, Parts 264 and 265 of the RCRA regulations.

The public docket is available for inspection and copying in Room 2711, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., and is open for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. The Agency invites all interested persons to review the memoranda and present any appropriate responses.

Dated: June 8, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-17360 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-30-M

---

40 CFR Part 180

[PP OF2400/R331; PH-FRL-1849-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities: "Hirsutella Thompsonii"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of *Hirsutella thompsonii* ABG-6065 fungus mycoacaricide under 40 CFR 180.1001(c) when applied to growing crops or to raw agricultural commodities after harvest for control of: the citrus rust mite; the blueberry mite; and the Bermuda turf mite. This regulation was requested by Abbott Laboratories. This regulation eliminates the need to establish a maximum permissible level for residues of *Hirsutella thompsonii*.

EFFECTIVE DATE: Effective on June 10, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of May 11, 1981 (46 FR 26168) that Abbott Laboratories, Chemical and Agricultural Products Division, N. Chicago, IL 60064, had filed a pesticide petition (PP OF2400) with the EPA. This petition proposed that an exemption from the requirement of tolerance be established for residues of the Mycoacaricide Wettable Powder *Hirsutella thompsonii* for use in or on all growing crops or to raw agricultural commodities after harvest, for control of: the citrus rust mite, the blueberry mite, and the Bermuda turf mite. No comments or request for referral to an advisory committee were received in response to this notice of filing.

The data submitted or referenced in this petition, as well as all other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included: acute oral toxicity and pathogenicity studies; an eye irritation study; primary skin irritation study; and acute dermal toxicity study; and acute inhalation toxicity and pathogenicity studies. There were no adverse effects indicated in the above data reviews.

Data submitted by Abbott Laboratories were:

1. Acute safety and infectivity of *Hirsutella thompsonii* applied to the abraded epidermis of the domestic rabbit.
2. Acute safety and infectivity of *Hirsutella thompsonii* administered orally to rats.
3. Acute ocular safety and infectivity of *Hirsutella thompsonii* administered to rabbits;
4. Acute safety and infectivity of *Hirsutella thompsonii* administered to rats by intratracheal instillation;
5. Mycotoxin screen;
6. Combined acute dermal toxicity and primary dermal irritation of MYCAR in rabbits;
7. Acute oral toxicity and infectivity of MYCAR in rats; and
8. Primary ocular irritation of MYCAR in rabbits.

The agency is currently in the process of promulgating proposed guidelines for the registration of biorational pesticides (i.e., Biochemical and Microbial Pest Control Agents). These guidelines would establish the standards for testing and the requirements for data submission to support the registration of biorational pesticides. The agency expects that the proposed guidelines will be published in the **Federal Register** in late summer of 1981.

No adverse effects were indicated by the test data submitted, and hence no additional toxicity and infectivity data will be necessary for the intended uses.

Any person adversely affected by this regulation may, on or before July 10, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St. SW., Washington, D.C. 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on June 10, 1981.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: June 2, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by adding § 180.1061 to read as follows:

§ 180.1061 Hirsutella thompsonii; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for *Hirsutella thompsonii* when applied to all raw agricultural commodities (postharvest) to control the citrus rust mite, the blueberry mite, and the Bermuda turf mite.

[FR Doc. 81–17185 Filed 6–9–81; 8:45 am]

BILLING CODE 6560–32–M

40 CFR Part 413

[WH–FRL–1827–6]

Electroplating Point Source Category; Effluent Limitations Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Correction to final amendments.

SUMMARY: This document corrects the final amendments to the Electroplating pretreatment standards for existing sources that appeared in the **Federal Register** on Wednesday, January 28, 1981, (46 FR 9462).

DATE: This correction is effective June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Frank H. Hund, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460, (202) 426–2582.

SUPPLEMENTARY INFORMATION: Amendments to the Electroplating pretreatment standards for existing sources were proposed on July 3, 1980, (45 FR 45322) and promulgated in final form on January 28, 1981, (46 FR 9462).

The effective date of these amendments was deferred until March 30, 1981, consistent with the President's memorandum of January 29, 1981. (See 46 FR 11972, Feb. 12, 1981). Today's notice corrects § 413.14 by deleting one phrase and adding another and a subsequent paragraph. The opening paragraph in § 413.14 and paragraph (a) should be identical to the opening paragraph and paragraph (a) in §§ 413.24, 413.44, 413.54, 413.64, 413.74 and 413.84. The phrase to be substituted and the paragraph to be added were inadvertently omitted from the January 28, 1981 notice.

In addition, today's notice corrects portions of the preamble published January 28, 1981, by publishing a recent letter from the Acting Administrator to counsel for the National Association of Metal Finishers (NAMF) and the Institute for Interconnecting and Packaging Electronic Circuits (IIPEC) concerning the Agency's plans for future regulation of the job shop and printed circuit board manufacturing segments of the electroplating industry. Although this letter was written in the context of litigation betweeen NAMF, IIPEC and EPA, the Agency believes that the contents of the letter are of general interest to the public and, accordingly, are appropriately published with this correction notice.

In brief, the letter states that the Agency does not intend to apply more stringent limitations to job shops and printed circuit board manufacturers covered by the existing electroplating pretreatment standards. The letter also states that the Agency presently intends to propose a limitation on the dumping of toxic organic solvents by all electroplaters, including jobs shops and printed circuit board manufacturers. The entire text of the letter is published below.

Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This correction notice is not major because it has no effect on the economy, will not increase costs for consumers, individual industries, government agencies or geographic regions and has no adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Letter from EPA to NAMF

Theodore L. Garrett, Esq. Covington & Burling, 888 Sixteenth Street, NW, Washington, D.C. 20006

Edward H. Hatton, Esq. Jenner & Block, One IBM Plaza, Suite 4400, Chicago, Illinois 60611

Re: National Association of Metal Finishers, et al., v. EPA, No. 79–2256; The Institute for Interconnecting and Packaging Electronic Circuits v. EPA, No. 79–2443.

Dear Messrs. Garrett and Hatton: The purpose of this letter is to resolve the uncertainty with respect to EPA's intention to impose more stringent pretreatment standards on the job sector of the electroplating industry and the printed circuit board manufacturers. This uncertainty arose from the preamble discussion contained in the January 28, 1981, final amendments to the electroplating pretreatment standards (40 CFR Part 413, 46 Fed. Reg. 9462). After considerable deliberation within the Agency, we have concluded that we will not impose more stringent limitations. A detailed discussion of the relevant issues follows.

As you know, the Settlement Agreement in the above-captioned cases provided that if EPA published, *inter alia*, a promise not to impose more stringent limitations on the job shop and printed circuit board segments of the industry, then the National Association of Metal Finishers (NAMF) and the Institute for Interconnecting and

Packaging Electronic Circuits (IIPEC) would dismiss their appeals of the electroplating regulations. The language required by the agreement was as follows:

> Therefore, EPA does not plan to develop more stringent new pretreatment standards for the job shop metal finishing segment in the next several years. Nor does EPA plan to develop in the next several years more stringent standards for the independent printed circuit board segment where significant economic vulnerability also exists.

This preamble discussion was proposed on July 3, 1980 (45 FR 45322) consistent with the terms of the Settlement Agreement.

The final amendments, however, differed from the language in the Settlement Agreement. Instead of promising not to impose more stringent standards for these segments of the industry, EPA stated that "it is unlikely that EPA will impose standards on job shops or printed circuit board manufacturers based on more advanced technology than that forming the basis for today's pretreatment standards." (46 FR 9464.) In other words, the Agency was unwilling to predict that the numerical standards would remain the same but was willing to predict that no additional technologies would be required in future regulations.

The Agency's uncertainty arose from incoming data concerning the next round of rulemaking for electroplaters. These future regulations, called "Metal Finishing" standards and limitations, will include the processes currently regulated by the electroplating standards, as well as additional processes. The metal finishing regulations will apply to both direct and indirect discharges. However, as we stated in the January 28 preamble, as work continued on the metal finishing regulations, the Agency might have had to reconcile the electroplating standards with the metal finishing standards. This uncertainty prevented the agency from promising not to impose more stringent limitations on job shops or printed circuit board manufacturers in the next round of rulemaking.

In addition, as we stated in the January 28 preamble, the Agency was in the process of considering limitations on the discharge of toxic organics by the industry. Preliminary investigations indicated that toxic organics could be controlled through best management practices with little economic impact on the industry, and the Agency was unwilling to rule out such controls for job shops and printed circuit board manufacturers.

Since the publication of the final amendments, the Agency has reviewed the data supporting the new metal finishing regulations. We have concluded that it would be unwise to apply more stringent limitations to the job shops and printed circuit board manufacturers covered by the existing pretreatment standards since we have completed the rulemaking to establish these standards and have reached a Settlement Agreement which provides certainty for your clients and avoids the need for further litigation. Accordingly, EPA does not plan to develop more stringent pretreatment standards in the next several years for the job shop and printed circuit board manufacturers covered by the existing regulation.

The Agency is still considering how to control the discharge of toxic organic solvents by the industry. We presently intend to propose a limitation on the dumping of toxic organic solvents by all electroplaters, including job shops and printed circuit board manufacturers. This additional control should result in very low cost to the industry, and, in fact, is predicted in many cases to result in cost savings due to the reclamation value of spent solvents. The limitation would take the form of a pretreatment standard for total toxic organics ("TTO"). As an alternative to monitoring for these organics, the plant operator or owner would be permitted to certify that toxic organic solvents are not being dumped into the plant's wastewater. Such certification would obviate the need for monitoring, including monitoring for other toxic organics that might come from sources other than the solvents.

We believe that this requirement is not only cost effective but in most cases will be of financial benefit to the industry. Since we do not anticipate an economic impact from this requirement, we believe it is consistent with the Settlement Agreement. The Agency welcomes your clients' views on such an approach. Moreover, the use of solvents is limited to those plants with solvent degreasing operations. These plants are estimated to be only 24 percent of the job shop sector. Of this 24 percent approximately 73 percent already reclaim their solvents, with the result that only 6.5 percent of job shops would have to alter their current practices. In addition, reclamation would prevent the discharge of 3.2 million pounds per year of toxic organics by this small segment of the job shop sector. We would be especially interested in any information they might have on the costs of solvent reclamation. If EPA formally proposes such a regulation, your clients will, of course, have every opportunity to participate in the rulemaking.

I hope this letter fully clarifies the Agency's current position and reassures your clients that EPA intends to comply with the terms of the Settlement Agreement.

Sincerely,

Walter C. Barber, Jr.,

Acting Administrator.

cc: Ellen Maldonado, Esq., Office of General Counsel

Nancy J. Marvel, Esq., Land & Natural Resources Division, Department of Justice, Washington, D.C. 20530.

Accordingly, EPA is correcting 40 CFR 413.14 as follows:

§ 413.14 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 40 CFR 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES):

(a) No user introducing wastewater pollutants into a publicly owned treatment works under the provisions of this subpart shall augment the use of process wastewater or otherwise dilute the wastewater as a partial or total substitute for adequate treatment to achieve compliance with this standard.

Dated: May 27, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-17171 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6076]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to pruchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Ohio: Stark	East Sparta, village of	390655	750630 emergency, 810501 regular.	740405
Alabama: Jefferson	Fultondale, city of	010121	750625 emergency, 810505 regular.	740524
Arkansas: Yell	Danville, city of	050318	750709 emergency, 810505 regular.	750207
Florida: Seminole	Seminole County [1]	120289	740529 emergency, 810505 regular.	750117
Illinois: Cook	Sauk Village, village of	170157	740430 emergency, 810505 regular.	740308
Indiana: Madison	Frankton, town of	180154	750605 emergency, 810505 regular.	731214
Maine:				
Cumberland	Casco, town of	230044	750620 emergency, 810505 regular.	740726
Do	Raymond, town of	230205	750515 emergency, 810505 regular.	741206
Michigan:				
Macomb	Harrison, township of	260123	721208 emergency, 810505 regular.	721208
Oakland	Rochester, city of	260326	760409 emergency, 810505 regular.	750411
Wayne	Sumpter, township of	260243	760903 emergency, 810505 regular.	740628
Minnesota:				
Wright	Hanover, city of	270540	741025 emergency, 810505 regular.	731123
Hennepin	Hopkins, city of	270166	740502 emergency, 810505 regular.	731109
Mille Lacs	Milaca, city of	270289	740509 emergency, 810505 regular.	740510
Filmore	Peterson, city of	270128	780807 emergency, 810505 regular.	740830
Missouri:				
Butler	Neelyville, city of	290046	750703 emergency, 810505 regular.	741206
Lincoln	Troy, city of	290641	800417 emergency, 810505 regular.	761029
North Carolina:				
Cabarrus	Cabarrus County [1]	370036	750707 emergency, 810505 regular.	741227
Halifax	Halifax County [1]	370327	761122 emergency, 810505 regular.	780623
North Dakota: Cass	Casselton, city of	380020	750312 emergency, 810505 regular.	740524
New Hampshire: Cheshire	Swanzey, town of	330026	750825 emergency, 810505 regular.	740719
New Jersey: Bergen	Park Ridge, borough of	340063	750219 emergency, 810505 regular.	740123
Oregon: Clackamas	Barlow, city of	410013	760210 emergency, 810505 regular.	750110
Tennessee: Obion	Union City, city of	470142	741025 emergency, 810505 regular.	740607

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Texas:				
Henderson	Athens, city of	480324	750410 emergency, 810505 regular	740823
Fannin	Bonham, city of	480222	750103 emergency, 810505 regular	740607
Dallas	De Soto, city of	480172	740612 emergency, 810505 regular	740802
Willacy	Lyford, city of	480665	750925 emergency, 810505 regular	740517
Do	Raymondville, city of	480666	741007 emergency, 810505 regular	740614
Cameron	San Benito, city of	480113	740513 emergency, 810505 regular	761105
Willacy	San Perlita, city of	480667	790216 emergency, 810505 regular	741025
Cameron	Santa Rosa, city of	480114	800829 emergency, 810505 regular	740517
Nolan	Sweetwater, city of	480502	750911 emergency, 810505 regular	741018
Vermont: Windham	Jamaica, town of	500131	750807 emergency, 810505 regular	740628
Washington:				
Kittitas	Cle Elum, city of	530096	750303 emergency, 810505 regular	740628
Do	Ellensburg, city of	530234	740522 emergency, 810505 regular	731217
Do	Kittitas County [1]	530095	740205 emergency, 810505 regular	771108
King	Renton, city of	530088	750513 emergency, 810505 regular	740607
Kittitas	South Cle Elum, city of	530263	761209 emergency, 810505 regular	750711
Grays Harbor	Westport, city of	530067	740806 emergency, 810505 regular	740621
Illinois: Lake	Lake Bluff, village of	170373	810511 emergency, 810511 regular	740201

[1] Total is: 41.

(44 CFR § 64.6)

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968): effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 28, 1981.

Richard W. Krim,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16982 Filed 6-9-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Gonzales (City), Monterey County (FEMA-5979)	Gonzales Slough	At intersection of Gonzales Slough and 5th Street	*135
		East Branch Gonzales Slough	20 Feet Downstream of the intersection of U.S. Highway 101 (South Bound Lane) and East Branch Gonzales Slough.	*145
	Maps available for inspection at City Hall, Gonzales, California.			
California	Yreka (City), Siskiyou County (FEMA-5979)	Yreka Creek	Montague Road over the channel	*2,571
			North edge of Raymond Street over the channel	*2,608
			South edge of Sharps Road over the channel	*2,684
			Intersection of South Main Street and West Oberlin Road.	#1
		Mumbug Gulch	East edge of Third Street over the channel	*2,590
			Intersection of Hearn Street and West Street	*2,641
		Greenhorn Creek	West edge of South Main Street over the channel	*2,685
			At the intersection of Greenhorn Road and South Main Street.	#1
	Maps available for inspection at Planning & Building Office, 701 4th Street, Yreka, California.			
Florida	Pasco County (Unincorporated Areas) (FEMA-5978)	Gulf of Mexico	Intersection of Dartmouth Avenue and Kenwood Drive	*12
			Intersection of Parkway Boulevard and Westwood Drive.	*13
		Anclote River	Intersection of River and Seven Springs Boulevard	*20
			Intersection of River and State Highway 54	*29
		Duck Slough	250 Feet Downstream of Intersection of Slough and Seven Spring Boulevard.	*15
		Hillsborough River	100 Feet Upstream of Intersection of River and Old Crystal Spring Road.	*61
		Pithlachascotee River	Intersection of River and Rowan Road	*11
			Intersection of River and DeCubellis Drive	*21
		Withlacoochee River	Intersection of River and State Highway 575	*72
			Intersection of Roosevelt, Canal, and Wilson Streets	*78
	Maps available for inspection at Pasco County Courthouse, 4025 Moonlake Road, New Port Richey, Florida 33552.			
Massachusetts	Hanson, Town, Plymouth County (Docket No. FEMA-5955)	Indian Head River	Downstream Corporate Limits	*26
			Downstream of State Street	*33
			Upstream of State Street	*39
			Upstream of Winter Street	*45
			Upstream Corporate Limits on Factory Pond	*50
		Indian Head Brook	Downstream Corporate Limits	*41
			Upstream of Washington Street	*47
			Upstream of Brook Street	*54
			Downstream of Liberty Street	*60
			Upstream of Liberty Street at Wampatuck Pond	*70
	Maps available for inspection at Memorial Town Hall, Hanson, Massachusetts.			
Massachusetts	(T) West Bridgewater, Plymouth County (Docket No. FEMA—5845).	Town River	About 2 miles downstream Main Street at the southern corporate limits.	*49
			Just upstream Main Street	*51
			Just upstream South Street	*61
			Approximately 0.3 mile upstream State Route 24 (at southern corporate limits).	*63
		Hockomock River	Approximately 0.6 mile downstream Maple Street (at southern corporate limits).	*63
			Just upstream of dirt road approximately 0.6 mile downstream Center Street.	*67
			Just downstream Manley Street (at confluence of Walnut Street Brook).	*72
			Just upstream Manley Street	*75
			Just upstream abandoned railroad (about 1 mile upstream West Street).	*80
		Willow Brook	At confluence with Town River	*50
			About 0.2 mile upstream Main Street	*64
		Salisbury Plain River	At eastern corporate limit	*62
			About 0.6 mile upstream Conrail	*66
		West Meadow Brook	At confluence with Town River	*63
			Just upstream South Elm Street	*65
			Just downstream Crescent Street	*75
			Just upstream dam	*82
			Just downstream dirt road (about 1.2 miles upstream Crescent Street).	*85
			Just upstream dirt road (about 1.2 miles upstream Crescent Street).	*91
			Upstream corporate limit	*102
		Black Betty Brook	At the confluence with West Meadow Brook	*91
			About 900 feet upstream Samuel Avenue	*101
	Maps available for inspection at the Town Clerk's Office, Town Offices, North Main Street, West Bridgewater, Massachusetts 02379.			
Michigan	(C) Kentwood, Kent County (Docket No. FEMA-6000)	Plaster Creek	At downstream corporate limits	*678
			About 200 feet downstream of 44th Street	*700
			Just upstream of 52nd Street	*717
			Just downstream of 60th Street	*731
		Little Plaster Creek	About 500 feet downstream of State Highway 37	*692
			Just downstream of 28th Street	*721
		Whiskey Creek	At the confluence with Little Plaster Creek	*696

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 200 feet downstream of State Highway 37 (near upstream corporate limits).	*714
			About 800 feet upstream of State Highway 37 (near upstream corporate limits).	*720
	Maps available for inspection at the Clerk's Office, City Hall, 4900 Breton, S.E., Kentwood, Michigan.			
Minnesota	(C) Morristown, Rice County (Docket No. FEMA-5979)	Cannon River	At downstream corporate limits	*998
			At upstream corporate limits	*1,003
	Maps available for inspection at the City Hall, P.O. Box 362, Morristown, Minnesota.			
Minnesota	(C) Hermantown, St. Louis County (Docket No. FEMA-6000).	Keene Creek	Approximately 1,200 feet downstream of Okerstrom Road (located 2,460 feet downstream of Morris Thomas Road).	*1,220
			About 220 feet downstream of Okerstrom Road (located 2,460 feet downstream of Morris Thomas Road).	*1,235
			About 270 feet upstream of Okerstrom Road (located 2,460 feet downstream of Morris Thomas Road).	*1,249
			About 80 feet downstream of Morris Thomas Road	*1,267
			About 80 feet upstream of Morris Thomas Road	*1,281
			Just downstream of Okerstrom Road (located 2,410 feet downstream of Hermantown Road).	*1,281
			Just upstream of Okerstrom Road (located 2,410 feet downstream of Hermantown Road).	*1,285
			About 120 feet downstream of Hermantown Road	*1,286
			Just downstream of Hermantown Road	*1,288
		Miller Creek	About 25 feet upstream of Haines Road	*1,335
			About 300 feet downstream of U.S. Highway 53 (northbound) (located 1,100 feet upstream of Haines Road).	*1,337
			Just upstream of U.S. Highway 53 (southbound) (located 1,160 feet upstream of Haines Road).	*1,343
			Just upstream of U.S. Highway 53 (northbound) (located 2,690 feet upstream of Haines Road).	*1,349
			About 230 feet downstream of Arrowhead Road	*1,350
			About 1,200 feet downstream of Swan Lake Road	*1,352
			Just downstream of Swan Lake Road	*1,356
	Maps available for inspection at the Hermantown City Hall, 3161 Maple Grove Road, Duluth, Minnesota.			
Montana	Yellowstone County (Unincorporated Areas) (FEMA-5778)	Yellowstone River	Intersection of Nahmis Avenue and U.S. Highway 312	*3,006
			Area 180 feet east of east end of Elaine Street	*3,069
			Intersection of Scenic View Drive and Orchard Lane	*3,141
			Intersection of Wise Lane and County Road	*3,187
			100 feet upstream from center of Duck Creek Road	*3,201
			260 feet downstream from center of U.S. Highway 310 and 212.	*3,270
			Southern end of Red Bridge Road	*3,305
		Blue Creek	Intersection of Somac and Quenta Lane	*3,168
			Intersection of Aquesta Avenue and Blue Creek Road	*3,338
			100 feet upstream from center of Bender Road	*3,416
			Intersection of creek and center of Helfrick Road	*3,509
			Confluence with Wyman Creek	*3,845
		Duck Creek	Intersection of Duck Creek Road and River Road	*3,222
			50 feet upstream from center of Duck Creek Road, upstream from confluence with Duck Creek Tributary.	*3,446
		Duck Creek Tributary	Confluence with Duck Creek	*3,437
		Alkali Creek	Intersection of creek and center of Alkali Creek Road, first upstream crossing from City of Billings corporate limits.	*3,247
		Canyon Creek	Intersection of creek and center of 40th Street SW	*3,202
			Intersection of creek and center of 48th Street West	*3,230
			50 feet upstream from center of Hesper Road	*3,283
			50 feet upstream from center of High Ditch Flume	*3,347
		Cove Creek	50 feet upstream from center of Cove Ditch Flume	*3,386
			50 feet upstream from center of Golfcourse Dam	*3,411
			50 feet upstream from intersection of creek and center of Molt Road (U.S. Highway 302).	*3,591
		Unnamed creek	25 feet upstream from center of Klenok Lane	*3,093
			50 feet north of intersection of Hardin Road and Maier Road.	*3,141
		Dry Creek	Intersection of Greenwood Avenue and South Frontage Road.	*3,133
			Intersection of Hillner Lane and Hemlock Drive	*3,180
	Maps available for inspection at County Courthouse, 217 N. 27th, Billings, Montana			
New Jersey	Milford, Borough, Hunterdon County (Docket No. FEMA-5841).	Delaware River	Downstream Corporaate Limits	*136
			Confluence of Milford Creek	*137
			Bridge Street (Upstream)	*140
			Upstream Corporate Limits	*141
		Milford Creek	Conrail	*137
			Bridge Street (Downstream)	*140
			550' upstream of Bridge Street	*147
			Confluence of Quequacommisacong Creek	*150
			Mount Nebo Road	*157
			700' upstream of Mount Nebo Road	*160
			1,870' upstream of Mount Nebo Road	*174
			Upstream Corporate Limits	*180

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Quequacommisacong Creek	Water Street (Downstream)	*151
			Dam (Downstream)	*154
			Dam (Upstream)	*158
			150' downstream of York Road	*163
			York Road (Upstream)	*167
			Upstream Corporate Limits	*168
	Maps available for inspection at the Milford Town Clerk's Office, Milford, New Jersey.			
New York	Buffalo, City, Erie County (Docket No. FEMA-5966)	Buffalo River	Confluence with Lake Erie	*581
			Upstream side of Seneca Street Bridge	*587
			Upstream side of South Ogden Street Bridge	*592
		Cazenovia Creek	Confluence with Buffalo River	*584
			Upstream side of Cazenovia Parkway Bridge	*595
			Corporate Limits	*599
		Scajaquada Creek	315' downstream from Interstate Route 190	*573
			Most downstream Conrail Bridge	*581
			Upstream side of State Route 198	*588
			Upstream crossing of Private Road	*592
			Approximately 3,000' downstream Private Drive	*609
	Maps available for inspection at City Hall, Division of Planning, Room 313, Buffalo, New York.			
New York	Newfane, Town, Niagara County (Docket No. FEMA-5973)	Eighteenmile Creek	Confluence with Lake Ontario	*249
			Downstream of Dam No. 1	*258
			Upstream of Dam No. 1	*303
			Ide Road	*304
			100' downstream of Ewings Road	*314
			100' upstream of Ewings Road	*317
			Downstream side of Dam No. 2	*319
			Upstream side of Dam No. 2	*331
			Condren Road	*339
			5,000' upstream of Condren Road	*345
			100' downstream of Jacques Road	*347
			400' upstream of Jacques Road	*350
			Downstream footbridge	*355
			Corporate Limits	*356
		Keg Creek	Confluence with Lake Ontario	*249
			Approximately 750' downstream of State Route 18	*254
			Approximately 75' downstream of State Route 18	*256
			State Route 18	*268
		Hopkins Creek	Confluence with Lake Ontario	*249
			125' downstream of State Route 18	*254
			150' upstream of State Route 18	*260
			100' downstream of Coomer Road	*263
			75' upstream of Coomer Road	*279
		East Branch Eighteenmile Creek	Confluence with Eighteenmile Creek	*354
			Downstream Lockport Corporate Limits	*358
			100' downstream of Day Road	*370
			100' upstream of Day Road	*373
			7,500' upstream of Day Road	*375
	Maps available for inspection at the Newfane Town Hall, 2896 Transit Road, Newfane, New York.			
New York	Tarrytown, Village, Westchester County (Docket No. FEMA-5973).	Sunnyside Brook	Confluence with Hudson River	*8
			Approximately 455' upstream confluence with Hudson River.	*11
			Approximately 175' downstream of downstream crossing of West Sunnyside Lane.	*31
			Approximately 95' upstream of downstream crossing of West Sunnyside Lane.	*48
			Upstream crossing of West Sunnyside Lane	*59
			Approximately 38' upstream of Private Road which is 390' upstream of upstream crossing of West Sunnyside Lane.	*91
			Approximately 175' upstream of Private Road	*98
			Approximately 426' upstream of Private Road and 144' downstream of footbridge.	*111
			At a footbridge 280' downstream of Old Croton Aqueduct.	*120
			Approximately 24' downstream of Old Croton Aqueduct.	*134
			Upstream of Old Croton Aqueduct	*151
			Approximately 52' downstream of Sunnyside Lane	*188
			Sunnyside Lane and Corporate Limits	*193
		Hudson River	Entire Shoreline	*8
	Maps available for inspection at the Tarrytown Village Administrator's Office, Village Hall, 21 Widey Street, Tarrytown, New York.			
New York	Warsaw, Village, Wyoming County (Docket No. FEMA-5911).	Oatka Creek	Corporate limits	*960
			Downstream of West Court Street	*996
			Downstream of South Main Street	*1,009
			Downstream of Washington Street	*1,010
			Upstream Corporate Limits	*1,033
		Crystal Brook	Confluence with Oatka Creek	*1,006
			Upstream of Oatka Street	*1,027
			500' upstream of Liberty Street	*1,044
	Maps available for inspection at the Warsaw Village Office, 15 South Main Street, Warsaw, New York.			

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(C) Centerville, Montgomery County (Docket No. FEMA-6000).	Centerville Tributary	At downstream county boundary	*817
			Just upstream of abandoned bridge	*871
			Just downstream of Bigger Road	*876
			Just upstream of Bigger Road	*882
			Just downstream of Forest Brook Boulevard near Bigger Road.	*887
			Just upstream of Forest Brook Boulevard near Bigger Road.	*893
			Just downstream of Clyo Road	*898
		Whites Corner Tributary	At downstream county boundary	*882
			Just upstream of Alexandersville-Bellbrook Road	*900
			About 0.67 miles upstream of Alexandersville-Bellbrook Road.	*943
		Sugar Creek	At downstream county boundary	*818
			Approximately 500 feet downstream Clyo Road	*918
	Maps available for inspection at the Office of the City Clerk, City Hall, 100 West Spring Valley Road, Centerville, Ohio.			
Pennsylvania	Foster, Township, McKean County (Docket No. FEMA-5966).	Tunungwant Creek	Downstream State boundary	*1,411
			Confluence with Foster Brook	*1,417
			Approximately 420' upstream of Chessie System	*1,424
		Foster Brook	Confluence with Tunungwant Creek	*1,417
			East Main Street (Upstream side)	*1,428
			Approximately 450' downstream of Fouth Street	*1,435
			Beechwood Road (Upstream side)	*1,466
			Fairview Heights (Upstream side)	*1,477
			Harrisburg Run Road (Upstream side)	*1,496
			Derrick Road (Downstream crossing—upstream side)	*1,519
			Derrick Road (Upstream crossing—upstream side)	*1,550
			State Route 646 (Upstream side)	*1,580
		Kendall Creek	Downstream Corporate Limits	*1,441
			Approximately 2,400' upstream of Corporate Limits	*1,457
			Lafferty Road (Upstream side)	*1,474
			Approximately 3,500' upstream of Lafferty Road	*1,495
			Confluence of Totten Hollow Road	*1,519
			Approximately 3,100' upstream of Totten Hollow Road	*1,546
			Approximately 1,100' downstream of State Route 246	*1,560
			State Route 246 (Upstream side)	*1,572
			Approximately 1,700' upstream of confluence of Tributary to Kendall Creek.	*1,591
			Approximately 4,000' upstream of State Route 246	*1,614
	Maps available for inspection at the Foster Township Building.			
South Dakota	Hill City (Town), Pennington County (FEMA-5979)	Spring Creek	150 feet downstream from centerline of downstream most crossing of Harney Peak Avenue.	*4,966
			150 feet upstream from centerline of upstream most crossing of Harney Peak Avenue.	*4,978
			150 feet upstream from centerline of Polar Street	*4,996
	Maps available for inspection at City Hall, Hill City, South Dakota.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal insurance Administrator)

Issued: May 28, 1981.

Richard W., Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16978 Filed 6-9-81; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amend. No. 1 to Eighteenth Revised Service Order No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor, (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Eighteenth Revised Service Order No. 1473.

SUMMARY: Eighteenth Revised Service Order No. 1473 authorized various railroads to use tracks and/or facilities of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee). The provisions of this order are extended for an additional ninety (90) days, and shall expire 11:59 p.m., September 30, 1981.

EFFECTIVE: 12:01 a.m., June 6, 1981, and continuing in effect until 11:59 p.m., September 30, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:

M. F. Clemens, Jr. (202) 275–7840.

Decided June 5, 1981.

Upon further consideration of Eighteenth Revised Service Order No. 1473 (46 FR 25312), and good cause appearing therefor:

It is ordered,

§ 1033.1473 Service Order No. 1473; Various Railroads Authorized To Use Tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee)

Eighteenth Revised Service Order No. 1473 is amended by substituting the following paragraph (N) for paragraph (N) thereof:

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

Effective date. This order shall become effective at 12:01 a.m., June 6, 1981.

This action is taken under authority of 49 U.S.C. 10304–10305 and Section 122, Public Law 96–254.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with Director, Office of the Federal Register.

By the Commission, Railroad Service Board members, Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17215 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 91

Migratory Bird Hunting and Conservation Stamp Contest; Notice of Contest Dates

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Announcement of contest, changing final rule entry dates.

SUMMARY: The Service announces the date and location of the 1981 Migratory Bird Hunting and Conservation Stamp Contest. The growing popularity of the contest has resulted in a steady increase in the number of entries, with over 1,500 in the 1980 contest. To provide adequate time for preparing entries for judging, the Service is also changing the entry deadline from October 15 to October 1.

DATES: This amendment is effective June 10, 1981. The new entry deadline is October 1. The contest will be held on November 5, 1981, beginning at 9 a.m.

ADDRESS: The 1981 contest will be held in the Department of the Interior Auditorium, 18th and C Streets, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Anastasi or Ms. Bea Boone, Public Affairs/Audio Visual, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 343–8770/5612.

SUPPLEMENTARY INFORMATION: The annual Migratory Bird Hunting and Conservation Stamp Contest is held by the U.S. Fish and Wildlife Service to select a design for the following year's Migratory Bird Hunting and Conservation Stamp, popularly known as the Duck Stamp. The contest has steadily increased in popularity, with 1,507 entries in the 1980 contest. As a result, the Service has determined that the entry deadline of October 15 (postmarked date) does not provide adequate time to acknowledge receipt and prepare the entries for judging before each year's contest. The proposed change to an October 1 deadline would allow a July 1 to October 1 period for submitting entries.

The Department has determined that this is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act. All other portions of the contest rules remain unchanged.

As provided in 50 CFR 91.14, entries may not portray any of the species that were the dominant feature for the winner of the Migratory Bird Hunting and Conservation Stamp Contest during the preceding 5 years. For the 1981 contest, the species ineligible are Ross' geese, hooded merganser, green-winged teal, mallards, and ruddy ducks.

In accordance with 50 CFR 91.22, the date and location of the 1981 contest is November 5, 1981, at 9 a.m. in the Department of the Interior Auditorium, 18th and C Streets, NW., Washington, D.C.

Since the deadline for submitting entries is purely administrative in nature and announced well in advance of October 1, the Service has determined that notice and public comment procedure on the change is unnecessary and would be contrary to the public interest. This modification would thus be immediately effective when published. Additionally, each applicant for the contest will be notified of the deadline when they request a copy of the contest rules and Reproduction Rights Agreement under 50 CFR 91.11.

For the reasons noted above, the Service is revising the last sentence of 50 CFR 91.11 as follows:

§ 91.11 Contest deadlines.

* * * * *

Entries may be received any time after July 1, but must be received or postmarked no later than midnight of October 1.

Dated: June 4, 1981.

C. F. Layton,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-17247 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon and Washington

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule with notice of availability of plan amendment.

SUMMARY: NOAA issues emergency regulations to implement on an interim basis the 1981 amendment to the fishery management plan for the salmon fisheries off the coasts of Washington, Oregon and California. Proposed regulations soon will be published for public review and comment. This action also constitutes a notice of availability and request for comments upon the plan amendment which was approved by the Assistant Administrator for Fisheries, NOAA, on May 18, 1981. Specific management measures and implementing regulations vary by fisheries and area, but generally establish fishing seasons, provide harvest guidelines or quotas and other inseason management modifications, set daily catch limits for recreational fisheries and size limits on fish. The 1981 amendment and implementing regulations are intended to prevent overfishing, to apportion equitably the ocean harvest between commercial and recreational fisheries, to allow more salmon to survive the ocean fisheries

and reach the various inside fisheries, to meet the U.S. obligations to treaty Indian fisheries, and to achieve spawning escapement requirements. The 1981 fisheries are presently being governed by regulations that were in place during 1980. These regulations are not adequate to meet conservation needs after June 1, 1981.

DATES: Interim rules are effective on June 5, 1981, and remain effective until July 20, 1981.

ADDRESS: Send comments on the 1981 amendment to the Director, Northwest Region, National Marine Fisheries Service (NMFS), 1700 Westlake Avenue North, Seattle, Washington 98109. Copies of the 1981 amendment, the regulatory impact review, and the final supplement to the final environmental impact statement are available from the Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins (Regional Director, NMFS) 206–442–7575.

SUPPLEMENTARY INFORMATION: The fishery management plan (FMP) for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California, prepared by the Pacific Fishery Management Council (the Council) was approved by the Assistant Administrator for Fisheries (Assistant Administrator) on March 2, 1978. Regulations to implement the FMP were first published on April 14, 1978, (43 FR 15629) as emergency rules; regulations to implement amendments to the FMP were last issued as a final rulemaking on July 31, 1980 (45 FR 50764).

The Council has amended the FMP to improve management of the salmon fisheries in 1981. A supplement to the environmental impact statement (SEIS) for the 1981 amendment has been filed with the Environmental Protection Agency. A notice of availability of the SEIS was published on May 1, 1981 (46 FR 24674). The Council held six hearings on the amendment during the period February 19–21, 1981. The current FMP amendment was approved by the Assistant Administrator on May 18, 1981, under section 304 of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson Act). The 1981 amendment is intended to: (1) provide adequate spawning escapements from ocean salmon fisheries for the various salmon runs; (2) meet treaty obligations to Indian fishermen; and (3) allow for a viable harvest for each segment of the salmon fishery, including the commercial and recreational ocean fisheries and the various internal water fisheries. NOAA issues a notice of availability of the FMP amendment for public review and comment, as required by Section 305(a) of the Magnuson Act.

Section 305(e) of the Magnuson Act authorizes the Secretary of Commerce to promulgate emergency regulations to implement fishery management plans. The Assistant Administrator has determined that the 1981 amendment should be implemented under that Section, by emergency regulations. This emergency rulemaking remains in effect for 45 days and may be extended for a second 45-day period. The regulations published here include both the regulations implementing the 1981 amendment and provisions from existing regulations not affected by the amendment (but which have been revised to some degree).

Proposed regulations soon will be published for public review. The final regulations, following publication in the **Federal Register**, will be effective for 1981 and subsequent years unless superseded or otherwise modified; except that, regulations establishing harvest guidelines and open seasons off California in 1981 (§ 661.10 to § 661.12) will remain in effect only for 1981. If regulations setting new harvest guidelines and open seasons off California are not adopted, approved, and implemented specifically for the 1982 season, then 1980 regulations (§ 661.10 to § 661.12) will apply in that area.

Status of the Salmon Resource in 1981

Current information on the abundance of the major stocks of chinook and coho salmon available to the ocean fisheries in 1981 indicates (1) that some stocks continue to be depressed, to the extent that their future productivity may be jeopardized if ocean harvests are not reduced, and (2) other stocks are expected to improve somewhat, although they are not expected to attain optimal levels of population abundance. The management objectives set forth in the FMP can only be achieved by carefully balancing a decrease of the ocean harvests for some areas with somewhat less restrictive regulations in other areas.

The following paragraphs summarize expectations regarding stock abundance for the 1981 fisheries and explain the basis for the desired levels of ocean harvests:

1. Coho stocks from the Oregon coast and Columbia River are predicted to be at a near-record low in 1981; only 772,000 coho can be taken in the ocean south of Cape Falcon without jeopardizing coho stocks. A reduction in the ocean harvest of these stocks is necessary to achieve the 1981 escapement goal. Spawning escapement of Oregon coastal and Columbia River coho stock showed improvement last year over the three previous years, but it was still quite far below desired levels. Harvests must continue to be restricted to allow an adequate number of coho to reach the spawning grounds.

2. Low abundance of natural runs of Washington coastal coho is predicted to continue; returns of artificially propagated stocks to hatcheries are expected to be similar to those of 1980. Reduced ocean harvests of these stocks in 1981 are necessary to meet natural-stock escapement and treaty-Indian allocation goals. As a result, only 620,000 coho can be taken in the ocean north of Cape Falcon without further depleting coho stocks returning to the Washington coast and Puget Sound.

3. Natural coho stocks from Puget Sound are predicted to be below average, but the abundance of hatchery coho can be expected to be slightly higher in 1981 than in 1980. Allocation and spawning escapement goals for coho in Puget Sound should be met with the exception of Skagit River. A complete ocean closure plus elimination of the Puget Sound sport fishery would not return enough coho to the Skagit to meet the spawning escapement goal.

4. Fall chinook stocks from the Columbia River remain at a depressed level and are not expected to be any more abundant in 1981 than in 1980. Fall chinook from the lower river and the Bonneville pool are managed mainly for hatchery production. The upriver bright fall chinook stocks will remain at a low level of abundance, but closures off southeast Alaska, along with closures off Washington when 620,000 coho are taken, should increase the size of the in-river fall chinook run. Populations of spring and summer chinook originating in the upper Columbia River basin are stabilizing at new-record lows; escapement goals are not attainable in 1981. These stocks, however, constitute a minor part of the ocean catches off the Washington coast, because the mature spring chinook have entered the river before the ocean fishing season begins and because summer chinook comprise only about four percent of the troll catch off the Washington coast during May.

5. California chinook stocks, although recovering from the 1975–77 drought, are expected to be below optimal levels. Fall chinook from the Klamath River are predicted to be substantially above the 1980 level, but catch restrictions in 1981 should be continued if the short-range spawning escapement goal is to be

realized. Sacramento River chinooks may return in numbers slightly above the 1980 run but are still well below historical levels.

The Council and its advisors considered these and many other factors during their deliberations on the 1981 amendment. The management measures adopted by the Council are considered to be those most consistent with the FMP objectives and with the requirements of the Magnuson Act.

The Ocean Salmon Fisheries

The ocean salmon fisheries primarily harvest chinook and coho salmon, although those off Washington usually harvest substantial numbers of pink salmon in odd-numbered years (e.g., 1981). The fisheries include commercial trollers and recreational anglers; a significant portion of the latter depend upon services provided by commercially-operated charterboats. Oceanic processes and ocean harvesting activities affect the numbers of fish returning to fisheries in internal waters and to spawning grounds, some as far inland as several hundred miles. Coho and chinook salmon range widely during their ocean residence, intermingling with the races from different spawning grounds. Ocean-harvested salmon are considered by many to be of the highest quality. Market qualities are also affected by the size and maturity of the fish, type of fishing gear used, and the degree of care in handling and processing the catch. All of these factors affect prices, and market supplies and demands. The Council has recognized that the ocean commercial salmon fishery and the ocean recreational salmon fishery involve different and distinct motivations and benefits; its management measures are intended to fully reflect those differences. Management goals for the commercial fishery, after giving full consideration to resource conservation requirements and legal decisions affecting distribution of the catches, are intended to optimize poundage yield and financial returns to commercial fishermen. Management of the recreational fishery is intended to achieve the greatest amount of angler participation and recreational satisfaction.

Treaty-Indian and Internal Water Fisheries

Some of the runs of salmon that contribute to the ocean fisheries are subject to treaties between the United States and various Indian tribes in Washington and on the Columbia River. The treaties reserve to the tribes a right to take a portion of the harvestable surplus of salmon that pass through their usual and accustomed fishing grounds. Recent Federal court decisions, affirmed by the United States Supreme Court, have interpreted the treaties as reserving to some tribes the right to harvest up to fifty percent of the runs that would return to their tribal fishing grounds. For Columbia River stocks, a separate agreement sets forth the obligations regarding the management of salmon returning to tribal fishing grounds. That agreement establishes numerical goals for salmon escapement from the ocean into the Columbia River and allocates the river harvest according to principles that are in lieu of the 50/50 allocation formula of the other treaty fisheries.

The Council, in developing the 1981 amendments to the management measures in the FMP, gave extensive consideration to the impacts that various management options would have on the rights of treaty-Indian fishermen. The Council gave thorough consideration to the expected returns of salmon to each of the areas of interest of the treaty tribes and designed these management measures to be consistent with treaty obligations. The inseason management provisions, particularly those which would automatically close the fishery when a specified number of fish are caught, should provide additional assurance that fishery obligations to treaty Indians will be met.

Certain season and area closures are applied to both commercial and recreational fisheries in the ocean to reduce ocean harvests in order to allow a greater proportion of the stocks to reach "inside" fisheries and to increase spawning escapements. Treaty-Indian fishermen, "inside" net fishermen other than treaty Indians, and recreational river fishermen should be assured a continuing opportunity to harvest salmon. There are significant commercial harvests in the internal waters of Washington State and on the Columbia River by fishermen other than treaty Indians. There is also an Indian reservation fishery on the Klamath River in California. These fisheries are expected to receive additional benefit under the 1981 regulations.

1981 Fishery Management Options

Six management options and corresponding management measures were set forth in January of 1981 in a document entitled "Proposed Plan for Managing the 1981 Salmon Fisheries off the Coast of California, Oregon and Washington." Three options were developed by the Council's Salmon Plan Development Team (Team); of these, one option was considered to contain restrictions necessary to meet the Council's stated goals, another option was slightly more liberal and the third was slightly more restrictive. The other three options, one much more restrictive and two much less restrictive, were proposed by representatives of the commercial trollers, recreational fishermen, and treaty-Indian fishery interests. This document was widely distributed. All options were considered at six public review hearings in the three coastal states and in Idaho. As a result of these hearings and written comments on the proposed plan, the Team refined the resultant management packages and analyzed their impacts. The Council adopted the management measures contained in the 1981 amendment following its review of the Team's analysis.

1981 Management Measures

The Council selected management measures which are intended to prevent overfishing in the ocean fisheries, to achieve treaty-Indian allocations, to minimize impacts on weaker salmon stocks, while equitably apportioning the increased regulatory burden, and minimizing shifts in fishing effort along the coast.

For California, the Council adopted management measures that are a combination of seasonal restrictions and harvest guidelines. The seasonal controls allow commercial fishing from May 1 to May 15 for chinook salmon only, with an all-species season from May 16 to May 31 and from July 1 to September 30. The recreational season is open now and will close November 15. Harvest guidelines permit a commercial catch of 300,000 chinook north of Point Arena and 265,000 chinook south of that point. Recreational guidelines permit catches of 15,000 and 115,000 north and south of Point Arena respectively, with a two fish daily bag limit. The seasons for either user group in either area will be closed for the year by the Director, Northwest Region, NMFS (Regional Director), if that particular guideline is reached, before the scheduled end of the 1981 season. Unused portions of the harvest are to be transferred to the other user group in those areas, but not between areas.

For Oregon, the Council adopted management measures for the commercial fishery south of Cape Falcon, which provide for an all-species-except-coho season from May 1 to May 31, and an all-species season from July 1 to September 8. The total troll catch of coho salmon south of Cape Falcon (including California) cannot exceed 548,000 fish. Procedures for inseason control, described later, provide that the

fishery will close when 548,000 coho are taken. A chinook-only season south of Cape Falcon opens on September 8 and closes on October 31. If it is necessary to close the all-species fishery before September 8, a special chinook fishery using only whole bait or 5-inch or longer salmon plugs would begin immediately from Cape Falcon to Cape Sebastian and would end on September 8. The recreational season is scheduled for May 15 to September 20 for the Oregon coast, and a chinook-only recreational fishery is scheduled south of Cape Blanco from September 21 to October 31. The bag limit is two fish per day. Inseason control of coho harvests also may close the recreational fishery when 224,000 coho are taken south of Cape Falcon (including California).

For the ocean fisheries off Oregon north of Cape Falcon and off Washington, the Council adopted management measures that allow commercial trolling for all salmon except coho from May 1 to May 31, and for all species of salmon from July 15 to September 1. The recreational season is from May 23 to September 7 with a daily bag limit of two fish per day, except that three fish per day, only two of which may be chinook and or coho, may be taken north of the mouth of the Queets River. Minimum size limit for coho for the recreational fishery is increased from 16 to 20 inches off Washington only. The coho harvest is limited to 372,000 troll-caught coho and a 248,000 recreational coho catch unless inseason information on the stocks and harvests require changing these numbers.

For the four treaty tribes fishing at their usual and accustomed fishing grounds in the ocean, the all-salmon season is from May 1 to October 31. The coho minimum size limit is 16 inches and the chinook minimum size limit is 28 inches except for persons exercising rights under the Treaty with the Makah for whom the chinook minimum size limit is 24 inches.

Inseason Management Procedures

A procedure for inseason management review, applicable only to coho off Washington and Oregon, was included in the 1980 regulations and, with some modification, is included also for the 1981 season. The inseason review is adopted again in recognition that preseason estimates of coho abundance north of Cape Falcon, Oregon, (i.e., the Washington Production Projection area or WPP) are less accurate than inseason estimates made after catch and catch-per-effort data are available. Projections of total ocean harvest for coho in the WPP area and the Oregon Production Index (OPI) area (i.e., south from Leadbetter Point, Washington) early in the season are subject to a variety of factors outside the Council's control (e.g., availability of albacore tuna as substitute targets for commercial trollers, weather conditions, salmon prices, and vessel operating costs). The inseason procedure provides for monitoring the fishery and updating the validity of estimates and projections for coho as the season progresses and more data are available. Current data may (1) verify that original stock estimates were accurate and that the original seasons should not be changed; (2) indicate that original stock abundance was overestimated and that the fishery should be closed immediately or earlier than originally planned; or (3) indicate that original stock abundance was underestimated and that the originally planned season should be extended or that the fishery should be reopened if prematurely closed by the Regional Director, as described below. After the opening of the all-species season, 21 days elapse before reliable catch and effort information is available for preliminary assessments. The preliminary assessments will be published in the **Federal Register**. After an additional 7 days of data are accumulated, plus 6 more days of agency analysis, final assessments are completed and recommendations are proposed by the State agencies. Agency reports are available on day 36. Two days are required for the Team to review the reports and prepare its recommendations (a process that was omitted in 1980), bringing the total elapsed time to 38 days for 1981. This is the absolute minimum time for NMFS and Team action. The Council's Scientific and Statistical Committee and its Salmon Advisory Subpanel meets with the Council on the 39th day. The Regional Director of NMFS makes his decision on the 40th day. Allowing two days for drafting decision documents, the decision will be filed with the Federal Register and becomes effective on the 43rd day. Current internal DOC review and E.O. 12291 requirements of a 10 day review by the Office of Management and Budget could extend this date even further. An exemption, if granted, could allow the 43 day response time to be more realistic.

Because the inseason management procedures would require a minimum of 43 days for implementation, it is possible that allowable harvest guidelines may be reached before that time. For this reason, separate WPP or OPI harvest guidelines are established for both the ocean troll and recreational fisheries, based on 1971–75 harvest ratios. If projections based on catch data indicate that a WPP or OPI harvest guideline will be reached by either the troll or recreational fishery before the 43rd day of the all-species troll season, then the Regional Director will publish a notice in the **Federal Register** as soon as possible before the projected attainment of the harvest guideline and will close the ocean troll and/or recreational fisheries in the affected areas on the date the harvest guideline is predicted to be attained. If the WPP guideline is reached, the area closed will be north of Cape Falcon; if the OPI guideline is reached, the area closed will be south of Cape Falcon to the Oregon-California border. For each area, the Regional Director will specify whether the troll or recreational fishery, or both, would be closed on that date.

The inseason management process will still continue and, subsequent to a closure, the Regional Director may determine that that fishing could be reopened if current stock abundance were higher than preseason predictions.

Off California, inseason management provisions consist only of provisions to close the fisheries if chinook harvest guidelines are reached before the end of the season. No provision is included for inseason evaluation of previously established harvest guidelines with the possibility of increasing the allowable catch. Data and procedures are not available for evaluating the abundance of the two or three year-classes of chinook salmon that are involved in the fishery.

Experimental Fishery in 1981

In the 1981 amendment, the Council made provision for an experimental fishery, proposed by the Washington Department of Fisheries (WDF), during calendar year 1981. The dimensions of that experimental fishery are as follows:

(a) *Area:* between Leadbetter Point, Washington (46°38'10" N. lat.) and Cape Falcon, Oregon (45°46'00" N. lat.), shoreward of a line 12 miles from the baseline from which the territorial sea is measured;

(b) *Season:* commences on September 20 and terminates on October 3;

(c) *Participants:* No more than 10 vessels (to be selected by WDF) each of which shall carry on board a letter of authorization from WDF and an observer placed by WDF.

The Assistant Administrator has determined that it is best to treat the Council's approval of this experimental fishery as a recommendation under Section 661.16 of these emergency regulations. That section provides criteria and procedures for the Regional

Director to use in allowing an experimental fishery. It also contains requirements relating to vessels which participate in the experimental fishery.

Changes in Regulations From 1980

Certain regulations published here implement the 1981 amendment. That is, §§ 661.10, 661.11 and 661.13 implement the 1981 management measures (areas, seasons, bag limits) for the commercial, recreational and treaty-Indian salmon fisheries. Section 661.12 implements the 1981 amendment's provisions regarding inseason management (including harvest guidelines). Section 661.16 implements the 1981 amendment's provision on experimental fisheries; this section also contains guidelines and procedures for the Regional Director to follow in permitting an experimental fishery and provisions regarding the vessels participating in such a fishery.

A new § 661.17, on scientific research activities, implements the Magnuson Act policy on this subject. It has been added with the aim of reducing enforcement activities against scientific research vessels which engage in scientific research activities on salmon.

Certain definitions in § 661.5 have been modified from the 1980 regulations. The definitions of commercial and recreational fishing have been changed in order to maximize the enforceability of this Part. The definitions of the OPI and WWP Areas have been modified to incorporate the original intent of utilizing these terms for inseason management.

Some sections (certain definitions in § 661.5 and certain prohibitions in § 661.7) from the 1980 regulations have been rewritten to track the language of the Magnuson Act. Various other sections have been reworded for purposes of clarity or have been consolidated, without substantive change from the 1980 regulations.

Supporting Documents and Data Sources

The salmon FMP and the 1981 amendment incorporate by reference a number of documents and data sources utilized in deriving salmon fishery managment measures. These documents and data sources or copies thereof will be made available to interested parties at reasonable times and places, and at a reasonable cost (if personal copies are desired), upon request to: H. A. Larkins, Regional Director, NMFS, 1700 Westlake Avenue, North, Seattle, Washington, 98109 (206) 442–7575.

Classification

The Assistant Administrator has determined that this amendment to the FMP is necessary and appropriate for conservation and management of the salmon fisheries resources off the coasts of California, Oregon and Washington, and that it is consistent with the Magnuson Act, including the national standards, and other applicable law, including treaty obligations.

The amendment has been initially approved and comments thereon are requested for a 45 day period. Recognizing the critical need for specific regulations for the 1981 ocean salmon fisheries, the Assistant Administrator has determined that an emergency exists and that these regulations are issued under Section 305(e) of the Magnuson Act. He has determined that continuance of the 1980 regulations would not provide the safeguards necessary for the resource, and it is necessary to promulgate these emergency regulations immediately.

The Assistant Administrator also finds that, because of the emergency situation, the emergency regulations must be promulgated prior to publication of notice of proposed rulemaking.

The Assistant Administrator finds for good cause that the reasons justifying promulgating emergency regulations under Section 305(e) of the Magnuson Act also make it impracticable and contrary to the public interest to provide notice and opportunity for comment upon, or to delay for 30 days the effective date of these emergency regulations, under the provisions of Section 553 (b) and (d) of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*

The final supplement to the environmental impact statement (SEIS) for this action, which supplements the original environmental impact statement and previous supplements prepared for the FMP, is on file with the Environmental Protection Agency. A notice of availability of this SEIS was published on May 1, 1981 (46 FR 24674), and the 30-day cooling-off period required by the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*, and regulations promulgated by the Council on Environmental Quality, 40 CFR Part 1500 *et seq.*, has run.

The NOAA Acting Administrator has determined that the FMP does not constitute a major rule under E.O. 12291 requiring a regulatory impact analysis. However, a regulatory impact review/initial flexibility analysis has been prepared. This review focuses on the issues and problems in the fishery and contains an analysis of the expected impacts of the adopted management measures and alternative management options. Some issues could only be partially analyzed because of data limitations. The review supports the determination that the proposed regulations is not likely to: result in an annual effect on the economy of $100 million or more; result in a major increase in costs or prices for consumers, the salmon industry, government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The regulatory impact review also demonstrates that the regulations to implement the 1981 amendment to the plan comply with the requirements of Section 2 of E.O. 12291:

(a) The management measures specified in the 1981 amendment are based upon adequate information concerning the need for the consequences of regulation of the salmon fisheries;

(b) The potential benefits to society from regulation of the salmon fisheries outweigh the potential costs to society;

(c) The regulatory objectives chosen maximize the net benefits to society; and

(d) Alternative approaches to regulatory objectives which involved the least net cost to society were chosen.

The NOAA Acting Administrator has determined that the resource emergency which justifies the promulgation of emergency regulations under Section 305(e) of the Magnuson Act also constitutes an emergency situation under Section 8(a)(1) of E.O. 12291. Because it is imperative to implement the 1981 amendment immediately, it is impracticable to comply with Section 3(c)(3), which requires that NOAA transmit to the Director of the Office of Management and Budget (OMB) a copy of every final non-major rule, at least 10 days prior to publication. However, a copy of these emergency regulations and the regulatory impact review has been transmitted to the Director of OMB.

The NOAA Acting Administrator has determined that the rules implementing the 1981 amendment will have a significant economic impact on a substantial number of small entities, for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601–12. An initial regulatory flexibility analysis (IRFA) has been prepared in conjunction with the regulatory impact review. A summary of the IRFA will be included in the preamble to the proposed regulations when those proposed rules

are published in the **Federal Register**, as required by 5 U.S.C. 603(a); the summary is not included here because the requirements of 5 U.S.C 603–604 do not apply to rules (such as these emergency regulations) which are exempted, for good cause from the requirements of 5 U.S.C. 553 regarding publication of a general notice of proposed rulemaking.

Neither the emergency regulations nor the FMP, as amended, purport to "conduct or sponsor the collection of information," which activities would be subject to the Paperwork Reduction Act requirements of 44 U.S.C. 3507.

Dated: June 5, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 661 is revised to read as follows:

1. The authority citation for Part 661 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Part 661, including the title, is revised to read as follows:

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF CALIFORNIA, OREGON, AND WASHINGTON

Sec.

661.1 Purpose.
661.2 Relation to U.S.-Canada Sockeye and Pink Salmon Convention.
661.3 Relation to State laws.
661.4 Effective dates.
661.5 Definitions.
661.6 Salmon management sub-areas.
661.7 General restrictions.
661.8 Facilitation of enforcement.
661.9 Penalties.
661.10 Commercial fishing.
661.11 Recreational fishing.
661.12 In-Season adjustments.
661.13 Treaty Indian fishing.
661.14 Emergency regulations.
661.15 Catch reports.
661.16 Experimental fisheries.
661.17 Scientific research.

Authority: 16 U.S.C. 1801 *et seq.*

§ 661.1 Purpose.

The purpose of this Part 661 is to provide for the management of the salmon fisheries off the coasts of Washington, Oregon and California in the Fishery Conservation Zone (the FCZ, also known as the 3-to-200 mile zone) over which the United States exercises exclusive fishery management authority (i.e., the Pacific Fishery Management Council Fishery Management Area). This Part 661 implements the Pacific Council's Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California, pursuant to authority conferred by the Magnuson Fishery Conservation and Management Act.

§ 661.2 Relation to U.S.-Canada sockeye and salmon convention.

This Part 661 does not apply to fishing for pink and sockeye salmon conducted under the Convention for the Protection, Preservation and Extension of the Sockeye Salmon Fishery of the Fraser River System as amended by the Pink Salmon Protocol, in U.S. Convention Waters between 48° North latitude and the provisional international boundary between the United States and Canada.

§ 661.3 Relation to State laws.

This Part 661 recognizes that any state law which pertains to vessels registered under the laws of that state while in the Fishery Management Area, and which is consistent with the Salmon Management Plan, including any state landing law, shall continue to have force and effect with respect to fishing activities addressed herein.

§ 661.4 Effective dates.

These regulations shall become effective as Emergency Regulations upon the date of filing with the **Federal Register**, and shall remain in effect for 45 days unless extended or replaced by Final Regulations. Any Final Regulations duly promulgated shall be effective until superseded or otherwise modified, except that those portions of §§ 661.10–661.12 relating to Sub-Area C (the FCZ adjacent to California) shall remain in effect no longer than the 1981 fishing season, after which time those portions of §§ 661.10–661.12 of the 1980 ocean salmon fishing regulations (45 FR 50764) relating to the FCZ adjacent to California shall again become effective for that area unless superseded or otherwise modified.

§ 661.5 Definitions.

(a) *Act*—means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801–1882.

(b) *Authorized Officer*—means:

(1) Any commissioned, warrant, or petty officer of the Coast Guard;

(2) Any certified enforcement agent or special agent of the National Marine Fisheries Service;

(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Secretary of Transportation to enforce the provisions of the Act; and

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (1) of this subsection.

(c) *Commercial fishing*—means fishing with troll fishing gear as defined in paragraph (v) of this section, or fishing for the purpose of sale or barter of the catch.

(d) *Council*—means the Pacific Management Council.

(e) *Dressed, Head-off Length of Salmon*—means the shortest distance between the mid-point of the clavicle arch (see illustration) and the fork of the tail, measured along the lateral line while the fish is lying on its side, without resort of any force or mutilation of the fish other than removal of the head, gills, and entrails.

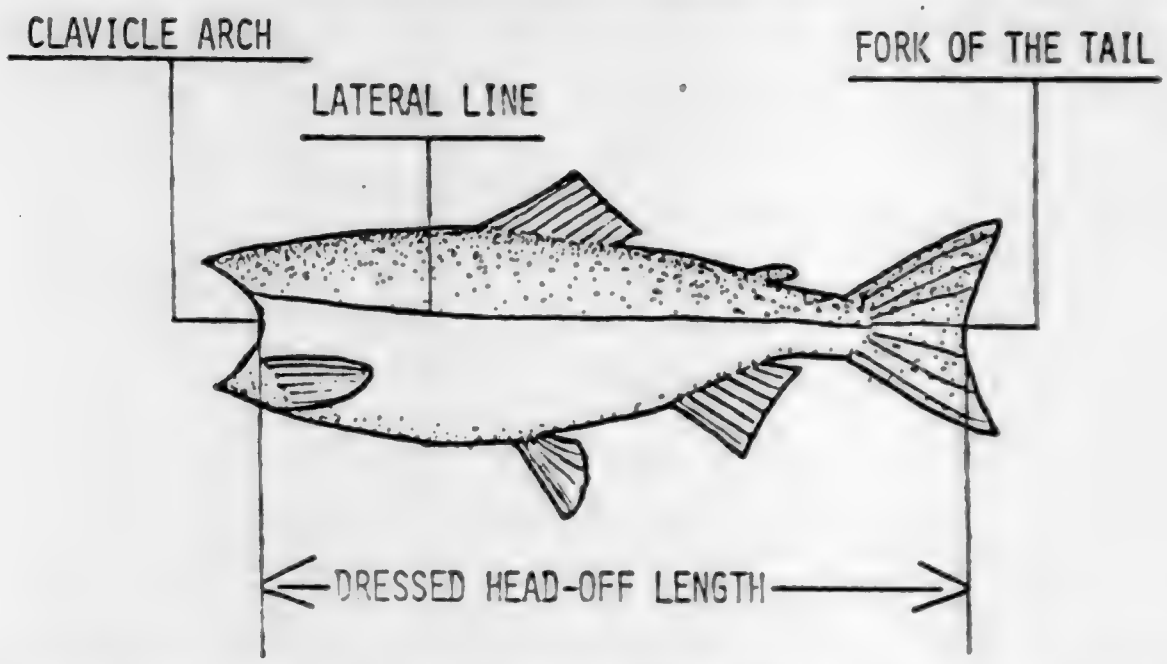

(f) *Dressed, Head-off Salmon*—means salmon that have been beheaded, gilled and gutted, without further separation of vertebrae, and are either being prepared for on-board freezing, or are frozen and will remain frozen until landed.

(g) *Fishing*—means:

(1) The catching, taking or harvesting of fish;

(2) The attempted catching, taking or harvesting of fish; or

(3) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish, or

(4) Any operations at sea in support of, or in preparation for, any activity described in paragraph (g)(1) through (g)(3) of this section.

(h) *Fishing Vessel*—means any boat, ship or, other craft which is used for, equipped to be used for, or of a type which is normally used for fishing.

(i) *Freezer Trolling Vessel*—means a fishing vessel, equipped with troll fishing gear, which has a present capability for (1) on-board freezing of the catch, *and* (2) storage of the fish in a frozen condition until they are landed.

(j) *Fishery Management Area*—means the Fishery Conservation Zone (FCZ) off the coast of Washington, Oregon and California between 3 and 200 miles offshore, and bounded on the north by the Provisional International Boundary between the U.S. and Canada, and bounded on the south by International Boundary between the U.S. and Mexico.

(k) *Land* or *Landing*—means bringing fish to shore or off-loading fish from a fishing vessel.

(l) *ODF&W*—means the Oregon Department of Fish and Wildlife.

(m) *Oregon Production Index (OPI) Area*—means marine waters of the territorial sea and the FCZ south of a line extended due west from Leadbetter Point, Washington, at 46°38'10" N. latitude.

(n) *Recreational Fishing*—means fishing with recreational fishing gear as defined in paragraph (o) of this section and not for the purpose of sale or barter.

(o) *Recreation fishing gear*—means conventional angling tackle consisting of a rod, reel, line, and hooks with bait or lures attached.

(p) *Regional Director*—means the Regional Director of the Northwest Region of the National Marine Fisheries Service, or his designee.

(q) *Salmon*—means any anadromous species of the family Salmonidae and genus *Oncorhynchus*, commonly known as Pacific salmon, including but not limited to:

Chinook (King) salmon—*Oncorhynchus tshawytscha.*

Coho (Silver) salmon—*Oncorhynchus kisutch.*

Pink (Humpback) salmon—*Oncorhynchus gorbuscha.*

Chum (Dog) salmon—*Oncorhynchus keta.*

Sockeye (Red) salmon—*Oncorhynchus nerka.*

(r) *Secretary*—means the Secretary of Commerce or a designee.

(s) *Single, barbless hook*—means a hook with a single shank and point, with no secondary point or barb curving or projecting in any other direction. Hooks manufactured with barbs can be made "barbless" by forcing the point of the barb flat against the main part of the point.

(t) *Sub-area*—means one of the three salmon management subdivisions of the Fishery Management Area, as specifically described in § 661.6(a).

(u) *Total length of salmon*—means the shortest distance between the tip of the snout or jaw (whichever extends furthest while the mouth is closed) and the tip of the longest lobe of the tail, without resort to any force or mutilation of the salmon other than fanning or swinging the tail.

(v) *Troll fishing gear*—means fishing gear that consists of one or more lines that drag hooks with bait or lures behind a moving fishing vessel, *and* which lines originate from a spool or receptacle which is affixed to the vessel during the fishing operation, which spool or receptacle is not disengaged from the vessel at any time during the fishing operation.

(w) *Washington Production Projection (WPP) Area*—means marine waters of the territorial sea and the FCZ, between the U.S.-Canada boundary [as defined § 661.6(a)(1) (i) and (ii)] and a line

extended due west from Cape Falcon, Oregon, at 45°46′00″, N. latitude. .

(x) *WDF*—means the Washington State Department of Fisheries.

§ 661.6 Salmon management sub-areas.

(a) The Fishery Management Area shall be divided into the following Sub-Areas for regulation of commercial and recreational salmon fishing, with the following designations and boundaries:

(1) Sub-Area A:

(i) Northeastern boundary—that part of a line connecting the light on Tatoosh Island, Washington, with the light on Bonilla Point on Vancouver Island, British Columbia, southerly of the International Boundary between the U.S. and Canada (at 48°29′37″ N. lat., 124°43′33″ W. long.), and northerly of the point where that line intersects with the boundary of the U.S. territorial sea.

(ii) Northern and northwestern boundary is a line [1] connecting the following coordinates:

48°29′37.19″ N. lat., 124°43′33.19″ W. long.;
48°30′11″ N. lat., 124°47′13″ W. long.;
48°30′22″ N. lat., 124°50′21″ W. long.;
48°30′14″ N. lat., 124°52′52″ W. long.;
48°29′57″ N. lat., 124°59′14″ W. long.;
48°29′44″ N. lat., 125°00′06″ W. long.;
48°28′09″ N. lat., 125°05′47″ W. long.;
48°27′10″ N. lat., 125°08′25″ W. long.;
48°26′47″ N. lat., 125°09′12″ W. long.;
48°20′16″ N. lat., 125°22′48″ W. long.;
48°18′22″ N. lat., 125°29′58″ W. long.;
48°11′05″ N. lat., 125°53′48″ W. long.;
47°49′15″ N. lat., 126°40′57″ W. long.;
47°36′47″ N. lat., 127°11′58″ W. long.;
47°22′00″ N. lat., 127°41′23″ W. long.;
46°42′05″ N. lat., 128°51′56″ W. long.;
46°31′47″ N. lat., 129°07′39″ W. long.;

(iii) Southern boundary: a line extended due West from Cape Falcon, Oregon, at 45°46′00″ N. latitude.

(2) Sub-Area B:

(i) Northern Boundary: A line extended due west from Cape Falcon, Oregon, at 45°46′00″ N. latitude.

(ii) Southern Boundary: A line extended due west from the Oregon-California border at 42°00′00″ N. latitude.

(3) Sub-Area C:

(i) Northern Boundary: A line extended due west from the Oregon-California border at 42°00′00″ N. latitude.

(ii) Southern Boundary: The United States-Mexico International Boundary, which is a line connecting the following coordinates:

32°35′22″ N. lat. 117°27′49″ W. long.;
32°37′37″ N. lat. 117°49′31″ W. long.;
31°07′58″ N. lat. 118°36′18″ W. long.;
30°32′31″ N. lat. 121°51′58″ W. long.

(b) Any person fishing subject to this Part 661 shall be bound by the above described international boundaries, notwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are published by the United States.

(c) The inner boundary of the Fishery Management Area is a line coterminous with the seaward boundaries of the States of Washington, Oregon, and California (the "3-mile limit").

(d) The outer boundary of the Fishery Management Area is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or is a provisional or permanent international boundary between the United States and Canada or Mexico.

§ 661.7 General restrictions.

The following restrictions apply to all salmon fishing in Sub-Areas A through C, except that the restrictions in this Part 661 shall not apply to fishing for pink and sockeye salmon regulated under the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System, as amended by the Pink Salmon Protocol, north of 48° north latitude.

(a) No person shall use nets to fish for salmon in the Fishery Management Area, except that a hand-held net may be used to bring hooked salmon on board a vessel.

(b) No person shall fish for, or take and retain any species of salmon:

(1) During closed seasons or in closed areas specified in this Part;

(2) Once any catch limit specified in this Part is attained;

(3) By means of gear or methods other than recreational fishing gear or troll fishing gear as defined in this Part 661; or

(4) In violation of any Field order issued under § 661.12.

(c) No person shall take and retain any species of salmon which is less than the minimum length specified in this Part [See §§ 661.7 (d), (e), (f), and (h); § 661.10(c); and § 661.11(c), regarding minimum lengths for commercially and recreationally caught fish, and exceptions for "Dressed, Head-off" salmon aboard a "Freezer Trolling vessel"].

(d) No person shall possess on board a fishing vessel in the Fishery Management Area any salmon for which a minimum total length is set by these regulations, in such condition that its total length cannot be determined; except that "Dressed, Head-off" salmon [as defined in § 661.5(f)] may be possessed aboard a "Freezer Trolling Vessel" [as defined in § 661.5(i)]. *Exception:* see Paragraph (h) of this section.

(e) No person while fishing shall possess on a fishing vessel during an open season in any Sub-Area, any salmon that is less than the minimum total length for that species in that Sub-area; except that "Dressed, Head-off" Salmon [as defined in § 661.5(f)] aboard a "Freezer Trolling Vessel" [as defined in § 661.5(i)] shall not be less than the "Dressed, Head-off length" [as defined in § 661.5(e)] for that species in that Sub-Area. *Exception:* see paragraph (h) of this section.

(f) No person, while on board a fishing vessel, shall multilate or otherwise disfigure any salmon in a manner that extends its length to conform to any minimum "Total Length" or "Dressed, Head-off length" requirement specified in this Part. Salmon may be gilled and gutted, if in doing so there is no separation of vertebrae. In addition, on board a "Freezer Trolling Vessel" [as defined in § 615.5(i)] salmon may be prepared [as defined in § 661.5(f)] for on-board freezing, if in doing so there is no further separation of vertebrae. *Exception:* see Paragraph (h) of this section.

(g) No person shall fail to return to the water immediately and with the least possible injury any salmon the retention of which is prohibited by this Part.

(h) No person shall remove the head of any salmon caught in the Fishery Management Area, nor possess a salmon with the head removed, if that salmon has been marked by removal of the adipose fin, which missing fin indicates that a Coded Wire Tag has been implanted in the head of the fish.

(i) No person shall possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, export, or land, any species of salmon or salmon part which was taken or retained in violation of the Act, this Part 661, or any regulation issued under the Act.

§ 661.8 Facilitation of enforcement.

(a) No person shall:

(1) Refuse to permit an Authorized Officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act, this Part, or any other regulation issued under the Act;

[1] The line joining these coordinates is the provisional international boundary of the U.S. FCZ as shown on NOAA/NOS Charts #18480 and #18002.

V 46 JE 10 81 UMI

(2) Forcibly assault, resist, oppose, impede, intimidate or interfere with any Authorized Officer in the conduct of any search or inspection described in Paragraph (a)(1) of this section;

(3) Resist a lawful arrest for any act prohibited by this Part; or

(4) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person knowing that such other person has committed any act prohibited by this Part.

(b) Each person aboard a fishing vessel shall comply immediately with instructions given by Authorized Officers to facilitate safe boarding and inspection of the vessel for purposes of enforcing the Act and this Part.

§ 661.9 Penalties.

Any person or fishing vessel found to be in violation of this Part 661 will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act.

§ 661.10 Commercial fishing.

(a) *Open seasons and areas.* The Fishery Management Area is closed to commercial salmon fishing as opened by this Part 661 or superseding regulations. All open fishing periods shall commence at 0001 hours and terminate at 2400 hours local time on the dates specified herein.

(1) Sub-Area A (U.S.-Canada Border to Cape Falcon, Oregon):

(i) The season for all salmon species, except coho, shall begin on May 1, and terminate on May 31.

(ii) The season for all salmon species, including coho, shall begin on July 15, and terminate on September 1.

(2) Sub-Area B (Cape Falcon to the Oregon-California border):

(i) The season for all salmon species, except coho, shall begin on May 1, and terminate on May 31.

(ii) The season for all salmon species, including coho, shall begin on July 1, and terminate on September 8.

(iii) The season for all salmon species, except coho, shall begin on September 9, and terminate on October 31.

(iv) If the July 1—September 8 season is terminated prior to September 8 pursuant to § 661.12, then a season for all salmon species, except coho, shall begin on the date of termination and continue until September 8 in that part of Sub-Area B between Cape Falcon and Cape Sebastian (at 42°19'26" N. lat.). During such season, no person shall use any fishing gear other than hooks with whole, natural bait, or salmon plugs at least five (5) inches in length.

(3) Sub-Area C (Oregon-California border to the U.S.-Mexico border):

(i) The season for all salmon species, except coho, shall begin on May 1, and terminate on May 15.

(ii) The season for all salmon species, including coho, shall begin on May 16, and terminate on May 31.

(iii) The season for all salmon species including coho, shall begin on July 1, and terminate on September 30.

(b) *Gear restrictions.* (1) No person shall engage in commercial salmon fishing using other than troll fishing gear [as defined in § 661.5(v)] in the Fishery Management Area; however in Subarea C, troll fishing gear need to be affixed to the fishing vessel as specified in § 661.5(v).

(2) No person shall engage in commercial salmon fishing in the Fishery Management Area using other than single, barbless hooks [as defined in § 661.5(s)] prior to July 15 in Subarea A, prior to July 1 in Subarea B, or prior to May 16 in Subarea C, except that bait hooks with natural bait attached as the primary attraction and hooks on artificial salmon plugs may be barbed. Spoons, wobblers, dodgers, flies and flexible plastic lures shall not be considered artificial salmon plugs under this sub-paragraph, and therefore must be equipped with barbless hooks in all Subareas during the time periods described in this Paragraph § 661.10(b)(2).

(c) *Length Restrictions.* Minimum total lengths of salmon and minimum dressed, head-off lengths of salmon are as follows:

	Minimum total length [1]	Minimum dressed head-off length [1]
Subarea A:		
Chinook	28	21½
Coho	16	12
Subarea B:		
Chinook	26	19½
Coho	16	12
Subarea C:		
Chinook	26	19½
Coho	22	16½
All subareas:		
Species other than Chinook and Coho	None	None

[1] In inches.

(d) *Steelhead.* No person engaged in commercial salmon fishing shall take and retain, or possess, any steelhead *(Salmo gairdneri)* within the Fishery Management Area.

(e) *Restriction on use of commercial troll fishing gear for recreational fishing.* No person while on a fishing vessel with troll fishing gear on board shall use any part of that troll fishing gear to engage in recreational fishing for salmon.

§ 661.11 Recreational fishing.

(a) *Open seasons and areas.* The Fishery Management Area is closed to recreational salmon fishing except as opened by this Part 661 or by superseding regulations. All seasons shall begin at 0001 hours and terminate at 2400 hours local time on the dates specified herein.

(1) In Subarea A (U.S.-Canada border to Cape Falcon, Oregon), the season for all salmon species shall begin on May 23 and terminate on September 7.

(2) In Subarea B (Cape Falcon to Oregon-California border), the season for all salmon species shall begin on May 15 and terminate on September 20.

(3) In that part of Subarea B between the Oregon-California border and Cape Blanco (42°15'14" N. lat.), a season for all species of salmon, except coho, shall begin on September 21 and terminate on October 31.

(4) In Subarea C (Oregon-California border to the U.S.-Mexico border) the season for all salmon species shall begin on the Saturday closest to February 15 and terminate on the Sunday closest to November 15. (For calendar year 1981, the opening date is February 14 and the closing date is November 15.)

(b) *Gear restrictions.*

(1) No person shall engage in recreational salmon fishing in the Fishery Management Area using other than recreational fishing gear [as defined in § 661.5(o)], to which may be attached not more than one artificial lure or natural bait, with no more than four single or multiple hooks.

(2) No person shall use more than one rod and line for recreational salmon fishing in Subareas A and B; there shall be no limit to the number of rods and/or lines used for recreational salmon fishing in Subarea C.

(3) No person engaged in recreational fishing for salmon in Subarea C may use weights of more than four (4) pounds attached directly to the line.

(4) Recreational fishing gear (as defined in § 661.5(o)) shall be held by hand by the angler while the angler is playing a hooked fish and reducing it to possession.

(c) *Length restrictions.*

Minimum total lengths of salmon are as follows:

	Minimum total length (in inches)
Subarea A:	
Chinook	24
Coho: FCZ off Washington	20
Coho: FCZ off Oregon	16

	Minimum total length (in inches)
Subarea B:	
Chinook	22
Coho	16
Subarea C:	
Chinook and Coho	[1] 22
All subareas:	
Species other than Chinook and Coho	None

[1] Except that one chinook or coho salmon per day may be less than 22 inches but not less than 20 inches.

(d) *Catch limits.* No person shall fish for, or take and retain, or possess more than two salmon per day while recreationally fishing in the Fishery Management Area; *except* that three salmon, only two of which may be chinook or coho, may be taken and retained, or possessed per day while recreationally fishing in the area between the mouth of the Queets River (47°31'42" N. lat.) and the U.S.-Canada border (WDF Salmon Punch-card Areas 3 and 4).

§ 661.12 In-season adjustments.

(a) *Automatic fishing season closures based on harvest guidelines.* Harvest guidelines for the salmon fisheries subject to this Part are:

(1) The WPP Area (U.S.-Canada border to Cape Falcon, Oregon):

The total harvest quota for coho salmon has been established at 620,000, of which 40% or 248,000 coho are allocated to the recreational fishery and 60% or 372,000 to the commerical fishery.

(2) The OPI south of Cape Falcon, including California: The total harvest quota for coho salmon has been established at 772,000 coho salmon, of which 29% or 224,000 salmon are allocated to the recreational fishery, and 71% or 548,000 coho to the commercial fishery; *provided that,* the 548,000 coho allocated to the commerical fishery shall be reduced by the number of coho projected to be taken incidentally during the open season specified in § 661.10(a)(2)(iv).

(3) The California Area (marine waters of the territorial sea and the FCZ between the Oregon-California border and the U.S.-Mexico Border):

(i) For that part of the California Area north of Point Arena (38°57'20" N. lat.) the total harvest quota for chinook salmon has been established at 315,000 salmon, with 300,000 allocated to the commerical fishery and 15,000 to the recreational fishery.

(ii) For that part of the California Area south of Point Arena, the total harvest quota for chinook salmon has been established at 380,000 salmon with 265,000 allocated to the commerical fishery and 115,000 to the recreational fishery.

(4) When a harvest guideline for the commercial, the recreational fishery, or both, in any Area or specified portion of an Area is projected by the Regional Director [for the area described in Paragraph (a)(3) of this section, the Southwest Regional Director of the National Marine Fisheries Service shall make the projections] to be reached prior to the end of a season scheduled in this Part 661, the Regional Director shall, by publication of a field order in the **Federal Register**, close the commercial or recreational fishery, or both, as of the date the harvest guideline will be reached in that Area or specified portion of an Area.

(5) If it appears that either the commercial or recreational fishery will not catch all of its quota of chinook salmon in either the area north of Point Arena or the area south of Point Arena in the California Area by the end of the scheduled season, the surplus that will not be harvested shall be re-allocated to the other fishery in that portion of the California Area by field order of the Regional Director upon recommendation of the Southwest Regional Director.

(6) Availability of Data: The Regional Director shall compile in aggregate form all data and information relevant to the projections and field orders specified in Paragraph (a) of this section and shall make them available for public review during normal office hours at the Northwest Regional Office, 1700 Westlake Avenue North, Seattle, Washington 98109, or subsequent address of that office. Data and information pertaining to the California Area shall also be available for public review at the Southwest Regional Office of the National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

(7) Public Comment: Interested persons may submit comments, relevant to the actions taken as described in Paragraph (a) of this section, to the Regional Director from the date of filing any required notices with the **Federal Register** through the 15th day following any closure of fishing.

(b) *Modifications of regulations based on in-season developments.*

(1) In addition to automatic fishing season closures based on harvest guidelines, the Regional Director may also modify the open seasons and catch limits in § 661.10 and § 661.11 in Sub-Areas A and B by issuing a field order in accordance with the provisions of this section, if the Regional Director determines that:

(i) Actual conditions of abundance and distribution of coho salmon, and of fishing effort and catches, differ from conditions anticipated prior to the opening of the fishing season; or

(ii) In-season modifications are reasonably necessary to provide adequate escapement of coho salmon from the ocean fisheries for spawning, to meet treaty Indian allocation requirements, or to maintain the historical harvest ratio between commercial and recreational salmon fisheries as set forth in Paragraph (b)(4) of this section.

(2) Procedures for *Preliminary* Determinations: Within 24 days following the opening of an All-Salmon Species season in Sub-Areas A or B, or the working day closest following, the Regional Director shall, based on catch data, make a preliminary projection of total ocean harvests that will occur by the end of the commercial and recreational salmon fishing seasons in the WPP and OPI Areas. The preliminary projections and determinations shall be published in the **Federal Register** and disseminated to public news media as soon as practicable after they are made.

(3) Procedures for *Final* Determinations and Field Orders: Within 40 days following the opening of an All-Salmon Species season in Sub-Areas A or B (hereinafter referred to as Day-40), or the working day closest following, the Regional Director, following consultation with the Chairman of the Council, the Director of WDF, and the Director of ODF&W, and taking into consideration all information received as provided for in this paragraph, shall estimate coho stock abundances in the WPP and OPI Areas and make a final projection of fishing effort and total ocean harvests that will occur by the end of the scheduled fishing season by the commercial and recreational fisheries. The final determinations by the Regional Director and any field order issued under Paragraph (b) of this section shall be published in the **Federal Register** and disseminated to public news media as soon as practicable after they are made, together with the reasons therefore. The following factors shall be considered in the final projection of coho abundance, ocean fishing effort and coho harvests in the WPP and OPI Areas:

(i) The amount, distribution, and trends of fishing effort and coho salmon catches of the commercial and recreational fisheries in the WPP and OPI areas as of Day-40, compared to similar data and time periods in prior years; and

(ii) The current and historical coho salmon harvest ratios between the

commercial fishery and the recreational fishery, as set forth in Paragraph (b)(4) of this section; and

(iii) Updated estimates of coho salmon abundance and distribution in the WPP and OPI Areas compared to the pre-season WPP and OPI predictions; and

(iv) Any available data from marked-fish recoveries, including analyses of recoveries of coho salmon with implanted coded-wire tags; and

(v) Any other available scientific information relevant to the abundance and distribution of coho salmon stocks, total fishing effort and catches of coho salmon in the WPP or the OPI Areas.

(4) Any modifications of fishing regulations made by the Regional Director under paragraph (b) of this section, shall, insofar as possible, maintain the historical coho salmon harvest ratios between the commercial and recreational fisheries as follows:

(i) For the WPP Area, a 60:40 coho harvest ratio between the commercial and recreational fisheries, respectively.

(ii) For the OPI Area south of Cape Falcon, a 71:29 coho harvest ratio between the commercial and recreational fisheries, respectively.

(5) Availability of Data: The Regional Director shall compile in aggregate form all data relevant to the preliminary projections and final determinations under paragraph (b) of this section, and shall make them available for public review during normal office hours at the Northwest Regional Office of the National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, or subsequent address of that office.

(6) Public Comments: Interested persons may submit comments that are relevant to the projections and determinations in paragraphs (b)(2) and (b)(3) of this section to the Regional Director, for at least 10 days following filing with the **Federal Register**.

(c) *Effective Dates.* (1) Any field order issued under Paragraphs (a) or (b) of this section shall be disseminated to public news media and shall be effective on the date specified in the field order or on the date the field order is filed with the **Federal Register**, whichever is later.

(2) Any field order issued under paragraphs (a) or (b) of this section shall remain in effect until the expiration date stated in the order, or until rescinded or superseded; *Provided that* no such field order shall have any effect beyond the end of the calendar year in which it issued, at which time provisions of this part 661 that were superseded by such field order shall again become effective until subsequently modified or superseded.

(d) Nothing contained in this Section shall limit the authority of the Secretary to issue emergency regulations under Section 305(e) of the Act as specified in § 661.14.

§ 661.13 Treaty Indian fishing.

(a) Persons authorized by the Makah Tribe to exercise rights under the Treaty with the Makah may fish for all salmon species in that portion of Sub-Area A north of 48°07'36" North latitude (Sandy Point) and such other areas as may hereafter be authorized for that tribe's treaty fishery by a federal court, from 0001 hours on May 1, to 2400 hours on October 31. Minimum size limits shall be 24-inches for chinook salmon and 16-inches for coho salmon. Except as specified by this paragraph (a), such persons are subject to the provisions of this Part 661, the Act, and any other regulation issued under the Act.

(b) Persons authorized by the Quileute and Hoh Tribes to exercise rights under the Treaty of Olympia, may fish for all salmon species in that portion of Sub-Area A south of 48°07'36" North latitude (Sandy Point) and north of 47°31'42" North latitude (mouth of Queets River), and such other areas as may hereafter be authorized for those tribes' fisheries by a federal court, from 0001 hours on May 1, to 2400 hours on October 31. Except as specified in this paragraph (b), such persons are subject to the provisions of this Part 661, the Act, and any other regulations issued under the Act.

(c) Persons authorized by the Quinault Tribe to exercise rights under the Treaty of Olympia, may fish for all salmon species in that portion of Sub-Area A south of 47°40'06" North latitude (Destruction Island) and north of 46°53'03" North latitude (Point Chehalis), and such other areas as may hereafter be authorized for that tribe's treaty fishery by a federal court, from 0001 hours on May 1, to 2400 hours on October 31. Except as specified by this paragraph (c), such persons are subject to the provisions of this Part 661, the Act, and any other regulations issued under the Act.

(d) The Secretary will give due consideration in promulgating emergency regulations under § 661.14 to the treaty fishing rights of Indian tribes with federally adjudicated usual and accustomed fishing grounds in the area affected by such regulations.

§ 661.14 Emergency regulations.

The Secretary may issue emergency regulations under Section 305(e) of the Act, if the Secretary determines that an emergency involving the salmon resource exists. Such emergency regulations will become effective upon filing with the **Federal Register**. Information on emergency regulations will be disseminated to affected persons through public news media.

§ 661.15 Catch reports.

This Part 661 recognizes that catch and effort data necessary for implementation of this Fishery Management Plan shall be collected by the States of Washington, Oregon and California under existing State data-collection provisions. No additional catch reports will be required of fishermen or processors as long as the data-collection and reporting systems operated by State agencies continue to provide the Secretary with statistical information adequate for management.

§ 661.16 Experimental fisheries.

(a) The Pacific Council may recommend to the Director of the Northwest Region of the National Marine Fisheries Service that experimental fisheries for research purposes be allowed in the Fishery Management Area, as may be proposed by the Council, the Federal Government, State Governments, and Treaty Indian Tribes having usual and accustomed fishing grounds in the Fishery Management Area.

(b) The Regional Director shall not allow any experimental fishery recommended by the Council unless he determines that the purpose, design, and administration of the experimental fishery are consistent with the goals and objectives of the Council's fishery management plan, the national standards (as set forth in § 301(a) of the Act), and other applicable law.

(c) Each vessel participating in any experimental fishery recommended by the Council and allowed by the Regional Director shall be subject to all provisions of this Part 661, except those portions necessarily relating to the purpose and nature of the experimental fishery. These exceptions shall be specified in a letter issued by the Regional Director to each vessel participating in the experimental fishery and that letter shall be carried aboard each participating vessel.

§ 661.17 Scientific research.

Nothing in this Part 661 is intended to inhibit or prevent any scientific or oceanographic research which is conducted in the fishery management area by a scientific research vessel. The Regional Director shall acknowledge any notification he might receive of any scientific or oceanographic research with respect to salmon being conducted

by a scientific research vessel, by issuing to the operator or master of that vessel a letter of acknowledgement, containing information on the purpose and scope (locations and schedules) of the activities. The Regional Director shall transmit copies of such letter to the Council, and to State and Federal administrative and enforcement agencies, to ensure that all concerned parties are aware of the research activities.

[FR Doc. 81-17136 Filed 6-5-81: 12:55 pm]

BILLING CODE 3510-22-M

V
4
6
J
E
1
0
8
1
UMI

Prop

This sec
contains
proposed
regulation
is to giv
opportuni
making p
rules.

DEPART

Agricult

7 CFR P

Raisins
in Califo

AGENCY:
USDA.

ACTION:

SUMMAR
rulemak
Seedless
Seedless
types. C
included
Dipped
are sepa
apply vo
establish
proposal
of the Ra
The Con
administ

DATES: C
June 30,

PROPOSE
1981.

ADDRESS
to the He
Agricult
Washing
be availa
regular b

FOR FUR
J. S. Mill
Branch,
AMS, US
(202) 447

SUPPLEM
proposal
USDA p
impleme
has beer
and, the

Willia
Adminis
Service,
will not
impact o
entities

Proposed Rules

Federal Register
Vol. 46, No. 111
Wednesday, June 10, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Varietal Types of Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking would classify Dipped Seedless, and Oleate and Related Seedless, raisins as separate varietal types. Currently, these raisins are included in a category designated Dipped and Related Seedless. Raisins are separated into varietal types to apply volume and quality regulations established under the order The proposal is based on a recommendation of the Raisin Administrative Committee. The Committee works with USDA in administering the order.

DATES: Comments must be received by June 30, 1981.

PROPOSED EFFECTIVE DATE: August 1, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, it is not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of entities because it would result in only minimal costs being incurred by the regulated 19 handlers.

J. S. Miller has determined that a comment period of less than 60 days is warranted. The final regulation should be issued by August 1, 1981, the beginning of the 1981–82 crop year, so that handlers can formalize their marketing plans for that crop year.

Information collection (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

This action would be taken under § 989.10 of the marketing agreement, and Order No. 989 (7 CFR 989), both as amended, regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Section 989.10 lists seven types of raisins, and provides that the Committee may, subject to the approval of the Secretary, change this list.

The seven listed varietal types are set forth as categories in § 989.110 and the raisins included in each category are defined. One of these is Category (2), Dipped and Related Seedless. That category includes raisins commonly referred to in the industry as water-dipped and soda-dipped, and oleate raisins.

The segment of the raisin industry making water-dipped and soda-dipped raisins is relatively small and is reasonably capable of tailoring supplies of those raisins to market needs. There are approximately 30 dehydrators in the industry capable of making water-dipped and soda-dipped raisins.

Production of oleate raisins is an outgrowth of the production of natural (sun-dried) raisins. Oleate raisins are of relatively recent origin to the U.S. raisin industry and were developed in order to reduce the time required to sun-dry raisins and reduce any problems associated with untimely rains during drying. Each producer making sun-dried raisins also is a potential producer of oleate raisins. There are roughly 4,800 producers making sun-dried raisins. Their number can fluctuate from year-to-year depending upon several factors, the most important of which is the prospective price for raisins versus the price offered by wineries for raisin variety grapes. The large number of producers and the versatility of the Thompson Seedless grape make it vitually impossible to tailor production of these raisins to free tonnage needs.

Currently, if a producer sprays grapes to accelerate the rate of drying, the dried product would be classified as Dipped and Related Seedless raisins. If oleate production is minimal, there would be little effect on any volume control percentages established for Dipped and Related Seedless raisins. However, if production of oleate raisins in any one year is substantial, the reserve percentage for Dipped and Related Seedless raisins would be inflated and the water-dipped segment's portion of the free tonnage for that year would be reduced.

Under the Committee's proposal, water-dipped, soda-dipped, and oleate raisins would be classified on the basis of whether or not they are sun-dried or artificially dried. Therefore, Category (2), "Dipped and Related Seedless" would be changed to "Dipped Seedless" and would include all raisins produced by artificial dehydration of seedless grapes which have or have not been dipped in or sprayed with water, with or without soda, oil, ethyl oleate, methyl oleate, or any other chemical, after such grapes have been removed from the vine and which have not been sulfured prior to drying. This category would not include raisins from Category (1), Natural (sun-dried) Seedless, Category (3), Golden Seedless, and proposed Category (8). Category (8), Oleate and Related Seedless would include all raisins produced by sun-drying of seedless grapes which have been dipped in or sprayed with water, with or without soda, oil, ethyl oleate, methyl oleate or any other chemicals, either while such grapes are on the vine or after they have been removed from the vine. This category would not include raisins in Categories (1), (3), and those proposed to be included in Category (2). The purpose of the proposal is to provide equity between the sun-dried and artificially dehydrated raisin segments of the industry in volume regulation computations.

Because of the similarity in appearance between the water-dipped, soda-dipped, and oleate raisins, the

proposal contains surveillance and identification requirements for the Dipped Seedless category. For the purpose of classifying raisins as Dipped Seedless, handlers would have to make arrangements with the inspection service for it to observe the production of water-dipped, soda-dipped, and any other raisins included in that category, and to classify those raisins as Dipped Seedless. The arrangement would have to be made in accordance with procedures prescribed by the inspection service. Each lot of raisins classified as Dipped Seedless would have to be stored separate and apart from all other varietal types and remain intact until processing and shipment. Any raisins presented for inspection similar in appearance to the raisins in the Dipped Seedless category which were not produced under the surveillance of the inspection service would be considered as raisins in the Oleate and Related Seedless category.

The proposed change in the term "Dipped and Related Seedless" to "Dipped Seedless", and the addition of the new category, "Oleate and Related Seedless" necessitates some conforming changes in Subpart—Supplementary Regulations (7 CFR 989.202–989.233; 45 FR 75164), Subpart—Conversion Factors (7 CFR 989.601), and Subpart—Quality Control (7 CFR 989.701–989.703; 45 FR 65512), and these changes also are proposed in this document.

The proposal follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

1. Section 989.110 of Subpart—Administrative Rules and Regulations (7 CFR 989.102–989.176) is revised to read as follows:

§ 989.110 Changed list of varietal types.

Pursuant to § 989.10, the list of varietal types of raisins contained in that section is changed to include the category "Oleate and Related Seedless" and by specifying definitions for each varietal type category as follows:

* * * * *

(b) Category (2), Dipped Seedless includes all raisins, other than those in Categories (1), (3), and (8), produced by artificial dehydration of seedless grapes which have or have not been dipped in or sprayed with water, with or without soda, oil, ethyl oleate, methyl oleate, or any other chemicals, after such grapes have been removed from the vine.

* * * * *

(h) Category (8), Oleate and Related Seedless includes all raisins, other than those in Categories (1), (2), and (3), produced by sun-drying of seedless grapes which are dipped in or sprayed with water, with or without soda, oil, ethyl oleate, methyl oleate, or any other chemicals either while such grapes are on the vine or after they have been removed from the vine.

(i) For the purpose of classifying any raisins included in Category (2), Dipped Seedless handlers shall request the inspection service to observe the production of any raisins included in that category, and classify them as Dipped Seedless. Such raisins shall be kept separate and apart from all other categories of raisins and this segregation shall be maintained until the raisins have been processed and shipped by the handler. The handler shall make arrangements with the inspection service for this observation and identification, and all arrangements shall be made in accordance with procedures prescribed by the inspection service. Raisins presented for inspection which possess the characteristics of Category (2), Dipped Seedless but were not produced under the surveillance of the inspection service shall be classified by the inspection service as Category (8), Oleate and Related Seedless.

Subpart—Supplementary Regulations

§ 989.210 [Amended]

2. Amend § 989.210 of Subpart—Supplementary Regulations (7 CFR 989.210–989.233; 45 FR 75164) by changing the term "Dipped and Related Seedless", to "Dipped Seedless, and Oleate and Related Seedless".

Subpart—Conversion Factors

§ 989.601 [Amended]

3. The conversion factor table in § 989.601 is revised by changing the term "Dipped and Related Seedless" to "Dipped Seedless" and by adding the varietal type "Oleate and Related Seedless" to the list immediately after "Zante Currant". The conversion factors for "Oleate and Related Seedless" for weight computation "After Stemmer and Blower Processing", and after "Completion of Processing" shall be .94 and .92, respectively.

Subpart—Quality Control

§ 989.701 [Amended]

4. Amend §989.701(b), 989.702, and 989.703 of Subpart—Quality Control (7 CFR 989.701–989.703; 45 FR 65512) by changing the term "Dipped and Related Seedless" wherever that term appears in those sections, to "Dipped Seedless, and Oleate and Related Seedless".

Dated: June 5, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-17126 Filed 6-9-81; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 811-0059]

Kennecott Corporation; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Stamford, Conn. manufacturer engaged in the production of various products, including fabric air filter bags utilized in the control of industrial air pollution, to timely divest its subsidiary, the Filter Media Division ("FMD"), in accordance with the terms of the order. Pending such divestiture, the firm would be required to operate its prospective acquisition, National Filter Media, as a separately managed entity. The order would further bar the company from certain acquisitions for a period of ten years without prior Commission approval.

DATE: Comments must be received on or before Aug. 10, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with an accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered

by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the Matter of Kennecott Corporation, a corporation. Agreement containing consent Order File No. 811–0059.

The Federal Trade Commission ("Commission") having initiated an investigation of the proposed acquisition of Dorr-Oliver, Inc. ("Dorr-Oliver") by Kennecott Corporation ("Kennecott"), and it now appearing that Kennecott, as proposed respondent, is willing to enter into an agreement containing an order in settlement of that investigation:

It is hereby agreed by and between Kennecott, by its duly authorized agent and its attorney, and counsel for the Commission, that:

1. Kennecott is a corporation organized, existing, and doing business under and by virtue of the laws of the state of New York, with it principal offices at Ten Stamford Forum, Stamford, Connecticut.

2. Kennecott admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Kennecott waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify Kennecott, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by Kennecott that the law has been or would be violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to Kennecott, issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order in disposition of the proceeding and make information public with respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to-order to Kennecott shall constitute service. Kennecott waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement, may be used to vary or contradict the terms of the order.

7. Kennecott has read the proposed complaint and order contemplated hereby. Kennecott understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Kennecott further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered That for the purposes of this order the following definitions shall apply:

1. "Kennecott" means Kennecott Corporation, a corporation organized, existing, and doing business under and by virtue of the laws of the state of New York, with its principal offices at Ten Stamford Forum, Stamford, Connecticut, as well as its officers, employees, agents, its parents, divisions, subsidiaries, affiliates, successors, assigns, and the officers, employees or agents of Kennecott's parents, divisions, subsidiaries, affiliates, successors, or assigns.

2. "Curtiss-Wright" means Curtiss-Wright Corporation, a corporation, organized, existing, and doing business under and by virtue of the laws of the state of Delaware, with its principal offices at One Passaic Street, Wood-Ridge, New Jersey, as well as its officers, employees, agents, its parents, divisions, subsidiaries, affiliates, successors, assigns, and the officers, employees or agents of Curtiss-Wright's parents, divisions, subsidiaries, affiliates, successors, or assigns.

3. "Dorr-Oliver" means Dorr-Oliver Inc., a corporation organized, existing, and doing business under and by virtue of the laws of the state of Delaware with its principal offices at 77 Havemeyer Lane, Stamford, Connecticut, as well as its officers, employees, agents, its parents, divisions, subsidiaries, affiliates, successors, assigns, and the officers, employees or agents of Dorr-Oliver's parents, divisions, subsidiaries, affiliates, successors, or assigns.

4. "Filter Media Division" or "FMD" means all assets, properties, titles to property, interests, rights and privileges of whatever nature, tangible and intangible, including, but not limited to, all real property, buildings, machinery, equipment, raw materials, inventory, customer lists, trade names, patents, patent applications, trademarks, orders for purchase that are unfilled on the date of the divestiture, and all other property of whatever description presently owned or operated, together with all additions, replacements, and improvements hereafter made, by the Filter Media Division of the Kennecott Engineered Systems Company, a division of Kennecott Corporation.

5. "National Filter Media" or "NFM" means the National Filter Media Corporation, a subsidiary of Dorr-Oliver. It includes all assets, properties, titles to property, interests, rights and privileges of whatever nature, tangible and intangible, including, but not limited to, all real property, buildings, machinery, equipment, raw materials, inventory, customer lists, trade names, patents, patent applications, trademarks, orders for purchase that are unfilled on the date of the divestiture, and all other property of whatever description presently owned or operated by NFM.

6. "Relevant Products" means fabric air filter bags, wet filtration media, and cages.

A. The term "fabric air filter bag" means a tubular or non-tubular, seamed or seamless bag, varying in length, width, and material, which is used within air pollution control systems called "bag houses."

B. The term "bag house" means a system used for the filtration of particulate matter from gas streams for environmental or safety reasons or for the recapture of valuable particulate.

C. The term "wet filtration media" means fabric filters of any shape used in industrial applications to separate liquids from solids.

D. The term "cages" means cylindrical wire mesh forms used in bag houses as a support for fabric air filter bags.

7. "Eligible Person" means any individual, corporation (including subsidiaries thereof), partnership, joint venture, trust, unincorporated association, other business or legal entity, or any combination thereof, approved by the Commission. Such approval shall be in the sole discretion of the Commission.

II

It is further ordered That Kennecott shall divest absolutely and unqualifiedly FMD to an Eligible Person within nine months from the date of the issuance of this order.

III

It is further ordered That divestiture under Paragraph II shall be in a manner which preserves the assets and business divested as a viable competitor.

IV

It is further ordered That, pending the divestiture of FMD required by Paragraph II of this Order, Kennecott shall not take any action other than in the ordinary course of business, without the consent of the Federal Trade Commission, to diminish the value of FMD.

V

It is further ordered That pending divestiture under Paragraph II required by this order:

A. Kennecott shall operate NFM as a separately managed subsidiary, separately maintaining its own financial books and records, internal auditors, employees and management. All earnings and profits of NFM shall be retained by NFM and shall not be distributed to Kennecott or any third party as dividends or in any other form.

B. Kennecott: (1) shall exert no control over or influence on or interfere in any way in any of the business decisions or operations of NFM; (2) shall not cause NFM, direcly or indirectly, to adopt policies preferred, suggested, or dictated by Kennecott; (3) shall not change NFM's existing policies or methods of operation. Furthermore, no Kennecott officer, director, employee, representative, or agent shall serve in any NFM position and no Kennecott officer, director, employee, representative or agent shall serve on NFM's Board of Directors.

VI

It is further ordered That, for a period of ten years from the date of issuance of this order, Kennecott, its parents, divisions, subsidiaries, affiliates, successors, or assigns, shall not, directly or indirectly, acquire any stock, share capital, or equity interest in, or assets used in the manufacture of any relevant product by, any concern, corporate or non-corporate, engaged in the manufacture or sale of any relevant product without the prior approval of the Federal Trade Commission.

VII

It is further ordered That Kennecott shall, within ninety days from the date of issuance of this order, and every ninety days thereafter until divestiture is completed, submit in writing to the Commission a report setting forth in detail the manner and form in which Kennecott intends to comply, is complying, and has complied with the terms of this order and such additional informaion relating thereto as may from time to time reasonably be required. All such report shall include a summary of contacts or negotiations with any one for the specified assets, the identity of all such persons, and copies of all written communications to and from such persons. After divestiture is completed, Kennecott shall submit in writing annual reports showing the manner and form of compliance with this order.

VIII

It is further order That for a period of ten years from the date of issuance of this order, Kennecott shall notify the Commission at least thirty days prior to any change in Kennecott which may affect compliance with the obligations arising out of this consent order, such as dissolution, assignment or sale resulting in the emergency of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation.

Kennecott Corporation, File No. 811–0059, Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has entered into an agreement to a proposed consent order with Kennecott Corporation ("Kennecott") concerning the acquisition by Kennecott of Dorr-Oliver Incorporated ("Dorr-Oliver"), a wholly-owned subsidiary of the Curtiss-Wright Corporation ("Curtiss-Wright"). Kennecott and Dorr-Oliver, through subsidiaries, are major manufacturers and direct competitors in the U.S. fabric air filter bag market. Fabric air filter bags are necessary components of baghouses, one of the principal methods of industrial air pollution control. The proposed order requires that Kennecott divest its Filter Media Division ("FMD"), which manufactures and sells fabric air filter bags with filtration media, and bag cages, and follow a course of conduct, pending divestiture, which preserves the assets and business of FMD as a going and viable business. The order also requires that, pending divestiture, Kennecott will operate separately and exert no control over or interfere in any way with the operation and business of National Filter Media Corporation ("NFM"), the Dorr-Oliver subsidiary which manufactures and sells fabric air filter bags. In addition, Kennecott has agreed to a ten year ban on certain acquisitions without prior approval of the FTC.

The proposed consent order is being placed on the public record for sixty days to receive comments from interested persons. Comments received during this period will become a part of the public record. After sixty days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Kennecott is a large, integrated producer of metals, minerals and metal products. It is the leading United States producer of copper, the second leading domestic producer of gold, and through it subsidiaries, is involved in a wide variety of other businesses. Its Kennecott Engineered Systems Company manufactures and sells pollution control equipment, and, through FMD, fabric air filter bags for use in industrial air pollution control.

Dorr-Oliver is primarily engaged in the manufacture and sale of process equipment used in environmental systems and holds over 85 percent of the voting stock in NFM.

The complaint underlying the proposed consent order alleges that Kennecott's aquisition of Dorr-Oliver violates Section 5 of the Federal Trade Commission Act and Section 7 of the Clayton Act in that the effects of the acquisition may be substantially to lessen competition or to tend to create a monopoly in the fabric air filter bag market. The proposed consent order discussed here is designed to maintain competition in that market. In addition, the consent order obligates Kennecott to divest two other product lines—wet filtration media and bag cages to further ensure the financial success of the divested entity.

The first paragraph of the proposed order supplies the necessary definitions for interpretation of the subsequent provisions. Under th terms of Paragraph II and Paragraph III of the order, Kennecott has agreed to divest FMD, as

a going concern and a viable competitor, within nine months from the date of the issuance of this order. In addition, under Paragraph II, Kennecott must receive FTC approval of the prospective acquirers prior to divestiture. Paragraph IV of the order prohibits Kennecott from diminishing the value of FMD prior to its divestiture. These provisions are designed to ensure that this acquisition will not result in the elimination of FMD as a viable competitor in the fabric air filter bag market and to avoid increased concentration in this market.

In order to assure that NFM also remains a viable competitor in the fabric air filter bag market and continues to compete with FMD during the period of time when Kennecott will own both companies, Paragraph V requires Kennecott to operate NFM as a completely separate entity with its own financial systems, employees and management, and furthermore, requires that all earnings and profits of NFM be retained by NFM. In addition, under Paragraph V, Kennecott may not exert any control, influence or interfere in any way with the business of NFM, nor may any person affiliated with Kennecott serve in any NFM position or on NFM's Board of Directors.

Under Paragraph VI of the proposed order, Kennecott may not, without prior approval of the Commission, purchase any concern engaged in the manufacture or sale of fabric air filter bags, wet filtration media, or "cages". This ban continues for ten years from the date of issuance of this order.

Paragraphs VII and VIII require Kennecott to make reports to the Commission detailing its ongoing compliance with the terms of the order and to notify the Commission of any changes in Kennecott which may affect its compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17201 Filed 6-9-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF STATE

22 CFR Part 171

[Document No. SD-171]

Access to Information—Privacy Provisions

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to amend Part 171 of Title 22 of the Code of Federal Regulations by exempting portions of a new record system from certain provisions of the Privacy Act of 1974 [5 U.S.C. 552a]. It may be necessary to exempt certain portions of the Records of the Inspector General of the Department of State and the Foreign Service (STATE-53) from the requirements of any part of the Act, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10), and (11), and (i).

DATE: Comments must be received by August 4, 1981.

ADDRESS: Send comments to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street, NW, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Frank M. Machak (202) 632-3411.

SUPPLEMENTARY INFORMATION: The Department is proposing the creation of a new record system, Records of the Inspector General of the Department of State and the Foreign Service, under the authority of Section 209 of the Foreign Service Act of 1980 which provides for investigations of allegations of waste, fraud, and mismanagement. The mandate of the Inspector General is consistent with the Administration's efforts to eliminate such violations in the Federal Government. While all files in the Office of the Inspector General are maintained by a coded case number, only those cases which will be referred to the Director General of the Foreign Service, the Office of Security, Medical Services, or the Department of Justice for review and possible action involving an individual will be retrievable by name (cross-referenced to the case file code number) as provided in the system description and subject to the provisions of the Privacy Act.

Pursuant to subsection (j)(2) of the Privacy Act, the Department intends to exempt those records referred to the Department of Justice in order to assure effective investigative and judicial proceedings in criminal cases. In addition, certain records contained within the system will be exempt from disclosure under subsections (k)(1), (k)(2), and (k)(5) of the Act in order to enable the Department to protect properly classified information, investigatory material compiled for law enforcement proceedings against an individual, and the identity of confidential sources in investigations for law enforcement or suitability purposes. The Department believes that the withholding of such information from release to the public is necessary in the interest of national security or of the preservation of the effectiveness of the investigative and judicial processes. The Department of State therefore proposes to amend the Privacy Provisions of its Access to Information regulations as set forth below.

§ 171.32 [Amended]

1. In § 171.32, paragraph (h) will be amended by inserting "and by the Inspector General of the Department of State and the Foreign Service" between "Security" and "may";

2. In § 171.32, paragraph (i) will be amended by inserting "Records of the Inspector General of the Department of State and the Foreign Service. STATE-53" after "Munitions Control Records. STATE-42";

3. In § 171.32, paragraph (j)(1) will be amended by inserting "Records of the Inspector General of the Department of State and the Foreign Service. STATE-53" after "Munitions Control Records. STATE-42";

4. In § 171.32, paragraph (j)(2) will be amended by inserting "Records of the Inspector General of the Department of State and the Foreign Service. STATE-53 after "Munitions Control Records. STATE-42" and;

5. In § 171.32, paragraph (j)(5) will be amended by inserting "Records of the Inspector General of the Department of State and the Foreign Service. STATE-53" after "Senior Personnel Appointment Records. STATE-47."

(Pub. L. 93-579, 88 Stat. 1897; 5 U.S.C. 552a)

Dated: April 30, 1981.

Richard T. Kennedy,

Under Secretary for Management.

[FR Doc. 81-17203 Filed 6-9-81; 8:45 am]

BILLING CODE 4710-05-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

Compulsory License for Cable Systems

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of public hearing.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is reviewing its regulations which implement portions of section 111 of the Copyright Act of 1976, title 17 of the

United States Code. That section prescribes conditions under which cable systems may obtain a compulsory license to retransmit copyrighted works, including the filing of Statements of Account. This notice announces and invites participation in a public hearing intended to elicit comments, views, and information which will assist the Copyright Office in considering alternatives, formulating tentative regulations to be later issued as proposed rules, and proposing revisions to the Statement of Account forms.

DATES: The hearing will be held on July 28, 1981 in Washington, D.C.

Anyone desiring to testify should submit a written request to present testimony by July 21, 1981, to the address set forth below. To assist the Copyright Office in scheduling witnesses we urge the public scrupulously to observe the date for requesting time to testify, even if written statements are submitted later. Ten copies of written statements must be received by the Copyright Office by 4:00 p.m., July 24, 1981.

ADDRESSES: Hearing location: The hearing will be held on July 28, 1981, at the James Madison Building of the Library of Congress, First and Independence Avenue, S.E., Washington, D.C. in the Assembly Room on the sixth floor, beginning at 9:30 a.m.

Written requests to present testimony and ten copies of written statements or of supplementary statements should be submitted as follows:

If sent by mail: Library of Congress, Department D.S., Washington, D.C. 20540.

If delivered by hand, copies should be brought to: Office of the General Counsel, James Madison Building, Room 407, First and Independence Avenue, SE., Washington, D.C.

All requests to testify should clearly identify the individual or group desiring to testify and the amount of time desired. The Copyright Office will try to contact all witnesses to confirm the time of their appearances.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287–8380.

SUPPLEMENTARY INFORMATION:

1. *Background.* Section 111(c) of the Copyright Act of 1976 (Act of October 19, 1976, 90 Stat. 2541) establishes a compulsory licensing system under which cable systems may make secondary transmissions of copyrighted works. The compulsory license is subject to various conditions, including the requirements that the cable systems comply with provisions regarding recordation of Notices of Identity and Signal Carriage Complement and Notices of Change of Identity or Signal Carriage Complement under section 111(d)(1), and deposit of Statements of Account and statutory royalty fees under section 111(d)(2).

On January 5, 1978, the Copyright Office published in the **Federal Register** (43 FR 958) new §§ 201.11 and 201.17 of its regulations governing the form, content, and filing of the Notices, Statements of Account, and statutory royalty fees. The Copyright Office emphasized in the preamble to the regulations that (43 FR 958):

> . . . we are dealing with an entirely new area of copyright law in which all parties concerned lack practical experience. Moreover, future actions by the Copyright Royalty Tribunal and Federal Communications Commission can be expected to affect the theory and application of our rules. Accordingly, these regulations must be considered somewhat experimental and subject to reconsideration as circumstances and experience develop.

On July 27, 1978, the Copyright Office announced in the **Federal Register** (43 FR 27827) the adoption of Statement of Account forms and published amendments to its regulations (37 CFR 201.17) to reflect changes necessitated by the new forms.

Further experience with these regulations led the Copyright Office to publish in the **Federal Register** on July 3, 1980 (45 FR 45270) certain clarifying and technical amendments to its regulations (37 CFR 201.17) governing the form, content, and filing of Statements of Account.

During the July 3, 1980 rulemaking proceeding, the Copyright Office received several comments suggesting substantive revisions to the regulations and Statement of Account forms (45 FR 45273):

> Based on their experience reviewing the Statements of Account submitted during the first three accounting periods, copyright owners noted in their comments particular areas where they feel further information and/or clarifications are needed. These areas principally concerns the designation of local and distant stations, classification of Canadian and Mexican stations, and problems resulting from the filings submitted on behalf of joint "individual" cable systems. In addition, some copyright owners proposed changes that they contend would streamline the royalty calculation steps required on forms CS/SA–2 and CS/SA–3.
>
> Comments on behalf of cable operators, on the other hand, suggested that a good deal of the information required on the Statements of Account for the purpose of assisting copyright owners and the Copyright Royalty Tribunal in the distribution of cable royalties is, in fact, unnecessary. They also advocated a review of our definition of "gross receipts for the 'basic service of providing secondary transmissions of primary broadcast transmitters' " based on recent technological advances and new marketing strategies affecting the types of services now available for a single monthly fee.

Although these issues were outside the scope of that rulemaking, the Copyright Office stated that it believes "that some of these developments do warrant a review or our cable regulations and Statement of Account forms at an appropriate time." (45 FR 45273).

Since that time, several administrative actions have been taken affecting the cable television compulsory license mechanism. First, on September 11, 1980, the Federal Communications Commission (FCC) published in the **Federal Register** (45 FR 60186) the decision to remove the cable television distant signal limitations and syndicated program exclusivity rules from the FCC regulations. Second, on September 23, 1980, the Copyright Royalty Tribunal published in the **Federal Register** (45 FR 63026) its determination of the 1978 cable royalty distribution. Finally, on January 5, 1981, the Copyright Royalty Tribunal published in the **Federal Register** (46 FR 892) its adjustment of the compulsory license royalty rates. Although all three of these actions presently are on appeal in the courts, the Copyright Office has decided that the initial administrative determinations warrant attention and may now provide an adequate basis for a review of the cable television regulations and Statement of Account forms.

Over the last few months, the issue of whether or not the cable television compulsory license should be retained, modified, or eliminated, has been addressed during hearings in both the Senate and the House of Representatives. On April 21, 1981, the Copyright Office advised Senator Strom Thurmond and Representative Robert W. Kastenmeier that the Office has concluded that the "cable compulsory license of section 111 should be eliminated, or at least, significantly modified." This conclusion was reiterated in greater detail during hearings held on April 29, 1981, before the Senate Committee on the Judiciary. Nothwithstanding this position taken in the context of possible legislative change, the July 28, 1981 public hearing is believed necessary to consider improvements in the administration of the existing cable compulsory license and is not intended as an alternative forum for consideration of legislative issues presently before the Congress.

V 4 6 JE 10 81 UMI

2. *Specific Questions.* The Copyright Office is interested in receiving comments and testimony relevant to the following questions:

A. *Distant Signal Equivalent [DSE] Value.*

(1) Should a cable system be permitted to make a prorated adjustment to the full DSE value of a distant television station added, deleted or carried on a part-time basis during an accounting period if that station is also carried full-time during any portion of that accounting period?

(2) Where two or more distant television stations are carried part-time on any one cable channel during an accounting period, should a cable system be required to set the total DSE values for those stations at not less than the full value of the signal carried most frequently during the accounting period?

(3) Should a cable system be required to classify its carriage of distant Canadian or Mexican television stations as "independent stations" and correspondingly assign to such stations a DSE value of one?

(4) Where a cable system carries a distant television station on a tiered basis so that only a portion of its subscribers are able to receive it, should the system be permitted to prorate the DSE value of the station on the basis of the receivable subscriber audience?

B. *Part-Time Carriage.*

(1) Should the Part-Time Carriage Log in Space J on Statement of Account form CS/SA–2 be discontinued? If not, what purposes does its retention serve?

(2) Should a cable system be permitted to prorate the DSE value of a distant television station on the basis of part-time carriage because of lack of activated channel capacity where the cable system uses one or more of its activated channels for services other than secondary transmissions (*e.g.*, local origination, subscription services, etc.)?

(3) What changes, if any, should be made to the Statement of Account forms and regulations with respect to part-time and substitute carriage as a result of the FCC elimination of its distant signal limitations and syndicated program exclusivity rules?

C. *Gross Receipts for the "Basic Service of Providing Secondary Transmissions of Primary Broadcast Transmitters."*

(1) Should a cable system be permitted to prorate its "basic service" gross receipts where it provides services other than secondary transmissions as part of its basic service?

(2) Where a cable system carries a distant television station on a tiered basis so that only a portion of its subscribers receive it, should the system be required to include any, all, or part of the tiered service gross receipts as part of its "basic service" gross receipts?

D. *Other Issues.*

(1) In the case of "all-band" carriage of FM radio stations, should the regulatory requirement for cable system monitoring activities (reported in Block 3 of Space H of the Statement of Account forms) be discontinued? If not, what purposes does its retention serve?

(2) In the case of carriage of local television stations, should cable systems be required to specify in Space G of the Statement of Account forms the basis for classifying the station as "local" (*i.e.*, within Grade B contour, significantly viewed, etc.)?

(3) Should the royalty computation formula in Space L of Statement of Account form CS/SA–2 be rewritten to read as follows: [1]

1. Subtract $41,500 [$55,500] from amount in "gross receipts" from Space K.
2. Multiply the amount in Line 1 by .01.....
3. Add $15.00 [$20.00] to the amount in Line 2.....
4. Total Royalty Fee Payable for Accounting Period. $

(17 U.S.C. 111, 702)

Dated: May 28, 1981.

David Ladd,

Register of Copyrights.

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 81–17238 Filed 6–9–81; 8:45 am]

BILLING CODE 1410–03–M

---

37 CFR Part 202

Registration of Claims to Copyright: Notice of Termination of Proposed Rulemaking Regarding Registration of Claims to Copyright in the Graphic Elements Involved in the Design of Books and Other Printed Publications

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of termination of proposed rulemaking.

SUMMARY: This notice of termination of proposed rulemaking is issued to advise the public that the Copyright Office of the Library of Congress is closing docket RM 79–2 without further action and does not intend to institute additional rulemaking proceedings at this time on the specific subject of registration of claims to copyright in the graphic elements involved in the design of books and other printed publications.

[1] Amounts in brackets represent adjustments to the "small system" gross receipts limitations adopted by the Copyright Royalty Tribunal on December 17, 1980 (46 FR 897) and presently on appeal in the courts.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559. Telephone (202) 287-8380.

SUPPLEMENTARY INFORMATION: Existing Copyright Office regulations preclude registration of claims to copyright in certain works that are not subject to copyright. Specifically, Copyright Office Regulation 202.1(a) prohibits registration based on "mere variations of typographic ornamentation, lettering or coloring." (37 CFR 202.1(a))

On August 14, 1979 (44 FR 47555), the Copyright Office issued an advance notice of proposed rulemaking, inviting interested persons to participate in a public hearing and to submit written comments intended to elicit views and information to assist the Copyright Office in considering all aspects of the question concerning the registration of claims to copyright in the design of books, periodicals, pamphlets, brochures, and other printed publications.

Within the stated limits of the inquiry, the Copyright Office sought clarification of the creative elements involved in "book design," *i.e.*, the arrangement or juxtaposition of text matter, pictorial matter, or combinations of text and pictorial matter, on a page, pages, or in an entire printed publication.

The Copyright Office solicited comments on the meaning of terms such as "layout", "format", "typography", "composition", "arrangement", "makeup", and "color schemes." We inquired whether these elements should be regarded as uncopyrightable ideas or concepts, or whether, alone or in combination, they could be considered copyrightable "works of authorship".

On October 10, 1979, a day-long hearing was held at the former location of the Copyright Office, Room 910, Crystal Mall, Building No. 2 1921 Jefferson Davis Highway, Arlington, Virginia. At that time testimony was received from nine witnesses. The period for written comments was extended to January 2, 1980. As of that closing date the Copyright Office had received twenty-four letters of comment. Four additional letters were received subsequently and have been considered in reaching the decision announced in this notice.

The written comments and oral testimony given at the hearing addressed various topics including technical definitions used in design, printing and publishing; the copyrightability of various subject matter and elements; infringement problems; a limited copyright approach

protection only against unauthorized photomechanical duplication; and others. The Copyright Office has carefully considered each of the comment letters and all of the oral testimony. Based on this review, the Copyright Office has decided not to propose further regulations concerning the registration of claims to copyright in the graphic elements involved in the design, of books, periodicals, pamphlets, brochures, and other printed publications.

Section 410(a) of title 17 of the United States Code (as amended by Pub. L. 94-553, 90 Stat. 2541), which became effective on January 1, 1978, authorizes the Register of Copyrights to issue a certificate of registration, after determining that the deposited material constitutes copyrightable subject matter and that other legal and formal requirements for copyright registration have been met. Section 102 extends copyright protection to "original works of authorship fixed in any tangible medium of expression * * *", and enumerates seven broad categories of copyrightable subject matter, including "literary works" and "pictorial, graphic, and sculptural works". These terms are defined in section 101 as follows:

> "Literary works", are works, other than audiovisual works, expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, film, tapes, disks, or cards, in which they are embodied.
>
> "Pictorial, graphic, and sculptural works" include two-dimensional and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, technical drawings, diagrams, and models. Such works shall include works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned; the design of a useful article, as defined in this section, shall be considered a pictorial, graphic, or sculptural work only if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately, from, and are capable of existing independently of the utilitarian aspects of the article.

Subsection (b) of section 102 seeks to make clear, in express language, that copyright protection for an original work of authorship does not extend to any ideas, systems, or concepts that are "described, explained, illustrated, or embodied in such work". In commenting on this provision, the legislative reports say:

> Copyright does not preclude others from using the ideas or information revealed by the author's work. It pertains to the literary, musical, graphic, or artistic form in which the author expressed intellectual concepts. (S. Rep. No. 94-473, 94th Cong. 1st Sess., at 54 (1975) and H.R. Rep. No. 94-1476, 94th Cong. 2d Sess., at 56 (1976).

Both Reports accompanying the 1976 Act state that the new law "in no way enlarges or contracts the scope of copyright protection under the * * * (previous 1909 copyright) law. Its purpose is to restate, in the context of the new single Federal system of copyright, that the basic dichotomy between (copyrightable) expression and (uncopyrightable) idea(s) remains unchanged". (H.R. Rep. No. 94-1476, 94th Cong. 2d. Sess., at 57 (1976) and S. Rep. No. 94-473, 94th Cong. 1st Sess., at 54 (1975). Moreover, the legislative history indicates that Congress intended to maintain the same standard of original authorship that had been established under the previous copyright law. (S. Rep. No. 94-473, 94th Cong. 1st Sess., at 50 (1975) and H.R. Rep. No. 94-1476, 94th Cong. 2d Sess., at 51 (1976).

Case law under the 1908 Act clearly established that in order to be copyrightable, books, periodicals, pamphlets, brochures, and other printed publications must contain an appreciable amount of original authorship, usually in the form of literary or pictorial expression. The decisions in a number of cases established that for a work to by copyrightable it must be on a basis other than typography, coloring, general format, or arrangement. That a work is distinctive, unique or pleasing in appearance, and embodies certain ideas of contrast or coloring does not necessarily afford a basis for copyright protection. Likewise, considerable time, effort, and expense may go into the creation of a work, but in the absence of sufficient original, creative expression to constitute a "work or authorship" required by the statute, the "work" does not constitute copyrightable subject matter.

It became evident from the written statements as well as testimony at the hearing that much of the protection sought can be secured under existing Copyright Office regulations and practices. For example, one witness, representing graphic designers and illustrators, presented a series of slides depicting examples of designs for which copyright protection was being urged. Among the examples appeared pictorial posters and illustrated title pages which the Copyright Office would register under existing regulations. Claims in the spacing and arrangement of text would not be registered under existing regulations and practices, however.

The testimony of a substantial number of witnesses was that book design as such should not be considered copyrightable. The elements of typography, layout, and design were said to be constructed within a narrow range of alternatives by unwritten rules of legibility and aesthetics of design. Among the objections of those opposing registration of book designs was the fear that there would be a proliferation of litigation and that the author's ability to license his or her work would be limited. Authors and publishers were also concerned that a separate copyright in the book design might involve an injunction against the distribution of the literary work itself where relief had been granted for even an unintentional infringement of a "book design." Many witnesses pointed to the difficulty of determining the exact scope of protection resulting from such registrations, and anticipated serious pervasive effects on the publishing and graphics industries.

Many of those commenting and testifying in favor of some protection for book design focused on limiting the right to actual reproduction of the design by photocopying, or the like. The statute in the United Kingdom proscribing photoduplication was cited as a model. Under the United Kingdom statute, it is an infringement for unauthorized persons to make "by any photographic or similar process * * * a reproduction of the typographical arrangement of the edition." [1] Such protection exists independently of any copyright in the text of a literary, dramatic, or musical work. The protection is for 25 years from the end of the calendar year in which the edition is first published.

Another witness also suggested that the right to prepare derivative works should be limited to exploitation of the design in the context of exploitation of the literary work for which the design was conceived.

Congress could legislate solutions that would afford limited copyright protection for graphic designers of literary works. However, relief of this sort is beyond the province of the Copyright Office.

The Copyright Office has concluded that existing practices and regulations accurately reflect established principles of statutory and case law. The Copyright Office makes subject matter determinations of registrability solely on the basis of the original creative *expression* (if any) embodied in the works submitted for registration. We recognize that designers may employ substantial effort and artistic skills in the planning and development of book

[1] Copyright Act, 1956, 4 & 5 Eliz. 2, c. 74, § 15(3).

designs. However, we believe that the arrangement, spacing, or juxtaposition of text matter which is involved in book design falls within the realm of uncopyrightable ideas of concepts. Therefore, the Office has decided to terminate its advance notice of proposed rulemaking and to continue its long-standing practice with respect to the graphic elements involved in the design of books, periodicals, pamphlets, brochures, and other printed publications.

(17 U.S.C. 702, 410)

Dated: May 29, 1981.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 81-17200 Filed 6-9-81; 8:45 am]

BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 1836-3]

Approval and Promulgation of Implementation Plans; New Mexico Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes approval of revisions to the State Implementation Plan for both the primary and secondary sulfur dioxide (SO_2) standards for San Juan County, New Mexico. These revisions include changes to the SO_2 emission limitations for the Arizona Public Service Company's Four Corners power plant and the Public Service Company of New Mexico's San Juan power plant. The proposed approval action is based on new monitoring and new dispersion modeling information on the expected impact of emissions on air quality in San Juan County in 1982 and 1984.

DATES: Interested persons are invited to submit comments on this proposed action on or before July 10, 1981.

ADDRESSES: Written comments should be submitted to: U.S. Environmental Protection Agency, Region 6, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270. The docket for the revision (NM-11-80) is available for inspection during normal business hours at the above address and at the following location: Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Randy Brown, Implementation Plan Section, Environmental Protection Agency, Region 6, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: New Mexico submitted its plan for attainment of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) to EPA in January 1979. On April 10, 1980 (45 FR 24460) EPA granted conditional approval to the plan for attainment of the primary and secondary SO_2 standards in San Juan County, New Mexico by the end of 1982. The conditionally approved plan included a Regulation 602 which set emission limits for Arizona Public Service Company's (APS) Four Corners power plant and Public Service Company of New Mexico's San Juan power plant. The plan approval was conditioned on State submittal of a compliance schedule for the Four Corners Plant. The State submitted that compliance schedule on August 18, 1980. However, based on certain monitoring data taken at critical high terrain locations allegedly indicating no violation of the standards, APS asked the State to revise the emission limits in Regulation 602. This request was denied. Litigation in State court among the State, APS, and environmental groups resulted in a settlement on August 21, 1980. As a result of the settlement, the State developed new emission limitations for both the Four Corners plant and the San Juan power plant, and after holding a public hearing, submitted a revised Regulation 602 and new compliance schedule to EPA for approval as a Part D SIP revision on November 24, 1980. A revised control strategy demonstration was submitted on February 6, 1981, with supplements submitted on February 17, 1981. In order to resolve questions regarding the enforceability of the provisions, the State also submitted on April 10, 1981 clarifications of language in the regulation and a memorandum of understanding between the State and APS on the procedure to be used by EPA in enforcing certain station emission limits.

The revised regulation contains both individual unit emission limits as well as overall plant limits. The revised emission limits provide for an average of 60 percent control for Four Corners units 1, 2 and 3 and no control on units 4 and 5 by the end of 1982, and an average of 72 percent control for the entire Four Corners plant (5 units total) by the end of 1984. This degree of control will be achieved by the installation of flue gas desulfurization units (scrubbers). In addition, the regulation requires the use of continuous emission monitors. Installation of emission controls for units 4 and 5 compliance with a 72 percent plant-wide reduction by the end of 1984 are considered by EPA to be as expeditious as practicable. Plant-wide average SO_2 emissions will be .47 lb/mmBtu for the Four Corners plant and .65 lb/mmBtu for the San Juan plant after 1984. Considering the use of low sulfur coal in these plants, the level of control achieved in 1984 is considered to be reasonably available control. Regulation 602 also provides some interim emission limits before the end of 1982, but the continuous emission monitors needed to enforce them will in some cases not be installed before the end of 1981. For purposes of EPA enforcement of these interim limits before the end of 1981, the provisions of 40 CFR 52.21(c) will be applicable. In any event, emission reductions from these limits were not used as a basis for attainment for any of the NAAQS.

EPA has evaluated the submittals and prepared an evaluation report.[1] EPA has determined that the revised plan should be proposed for approval to replace the conditionally approved plan, since it contains enforceable emission limitations and compliance schedules that allow attainment of the primary SO_2 standards by the end of 1982 and attainment of the secondary SO_2 standard by the end of 1984.

Acceptance of the revised plan for other than high terrain locations is based on the State's modeling anylysis which demonstrates the standards will be attained in 1982 and 1984. For high terrain locations the State has shown that there are potential SO_2 violations on the Hogback Mountain without application of controls in addition to those presently in operation at the Four Corners plant. However, the State's high terrain modeling is not appropriate for the Hogback Mountain and is not adequate to demonstrate the degree of control needed to show attainment of air quality standards. EPA's acceptance of the revised plan for high terrain locations must therefore be based on the available high terrain air quality data, the identification of expected maximum SO_2 locations by modeling, and required emission reductions included in the State's control strategy. Considering all the information available, it is EPA's judgment that on the high terrain in San

[1] EPA Review of New Mexico State Implementation Plan of November 24, 1980. April 1981.

Juan County there will be no violations of the primary standards after 1982 or the secondary standard after 1984. The demonstration is accepted with the plant operating at the maximum emission rates, or any combination of individual emission rates allowed by revised Regulation 602.

Under Executive Order 12291, EPA must judge whether a rule is major and therefore subject to the requirements of a Regulatory Impact Analysis. This proposed action is not a major rule because it imposes no new requirements, since it only proposes approval of State action. This proposed rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified (46 FR 8709) that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only proposes approval of State actions. It imposes no new requirements. In addition, this action only applies to two facilities.

This notice of proposed rulemaking is issued under the authority of Section 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7502.

Dated: April 22, 1981.

Francis E. Phillips,

Acting Regional Administrator.

[FR Doc. 81-17167 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-3-FRL 1840-5]

Proposed Revision of Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Maryland has submitted a revision to the Maryland State Implementation Plan (SIP). This submittal contains revisions to Sections .01 (Definitions) and .11 (Permits and Approvals) of COMAR 10.18.01, and Sections .05 (Control of Certain Sources) and .07 (Control and Prohibition of Carcinogenic and Toxic Substances) of COMAR 10.18.02, 10.18.03, 10.18.04, 10.18.05, 10.18.06, and 10.18.07.

DATE: Comments must be submitted on or before July 10, 1981.

ADDRESSES: All comments on the proposed revision should be directed to:

H. Sokolowski, Chief, MD, DE, DC Metro Section (3AH12), Air, Toxics & Hazardous Materials Division, U.S. Environmental Protection agency, Region III, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: AH024MD.

Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Carol D. Peters (3AH13), Phone: 215/597-8181.

Maryland Environmental Health Administration, Air Quality Programs, 201 W. Preston Street, Baltimore, MD 21201, ATTN: George Ferreri.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Carol D. Peters at (215) 597-8181.

SUPPLEMENTARY INFORMATION: On December 10, 1979, Harry Hughes, Governor of the State Maryland, submitted to EPA, Region III, a revision to amend the Regulations Governing the Control of Air Pollution in the State of Maryland. The State of Maryland submitted proof that public hearings were held July 30, 1979 in Hagerstown, August 1, 1979 in Baltimore, and on August 3, 1979 in Salisbury. The revision consists of the following changes:

A. COMAR 10.18.01 Control of Air Pollution in Maryland

1. Sections .01 AA. and AAA. Definitions—Minor administrative changes were made to the definitions of "National Emission Standards for Hazardous Air Pollutants Source" and "New Source Impacting on a Nonattainment Area (NSINA)." EPA is proposing these changes in the definitions for approval.

2. Section .11 Permits and Approvals—This revision significantly modifies the existing permit to construct, permit to operate, and registration regulations. The reorganization of the section was done to clarify the regulations. Certain terms have been added in Section A; "Applicant," "Application," "Completed Application," "Permit," and "Approval." These definitions appear to be approvable.

Regulations for determining whether a source or installation is required to obtain a permit (or approval) to construct have been consolidated into Section B. The phrase "Generating stations constructed by electric companies" is added to the exception list. Consolidated into Section C are the provisions listing those installations requiring operating permits. Sewage sludge incinerators have been added to the list of installations requiring an operating permit.

A new provision (Section D) has been added which requires the Department to provide a written determination to persons who are in doubt as to whether a particular source or installation is required to obtain a permit or approval to be constructed or operated.

Section E has been clarified and certain changes have been made to the provisions specifying the duration of permits and approvals. For example, the time limit for commencing construction after receipt of a permit would increase from 12 months to 18 months; a specific cross reference is made to the Maryland Administrative Procedure Act regarding the effect of expiration of a permit on a source or installation which is currently in operation.

Section F allows Maryland to attach reasonable conditions to the issuance of permits and approvals.

Section G clarifies the intended legal effect of air quality permits and approvals. However, prior to EPA final approval, the State should show how it can legally enforce the terms or conditions of a permit or approval which has expired or been suspended or revoked as stated in subsection .11G(3).

Section H is reserved. Section I is clarified to include New Source Impacting on a Nonattainment Area (NSINA). Evidence of compliance with State Workmen's Compensation Laws is added to the list of information to be provided in the application. Section J has minor administrative changes made in its wording.

Section K clarifies the basis for denial of permit and approval applications. The regulations are also modified to make it clear that there must be predicted compliance with NSPS, NESHAPS and NSINA requirements. Also, in the case of permits to operate, this revision would make it clear that compliance with terms and conditions of previous permits and approvals are to be taken into consideration in determining whether to issue an operating permit.

The State requires an applicant, in 10.18.01.11K(2)(b), to demonstrate that it would comply with the terms or conditions of a permit or approval which has expired or been suspended or revoked. The State should show its authority to require these conditions. The State should also identify the types of orders or consent agreements that are available to it under State law for

varying the substantive requirements of 10.18.01–.07 as they apply to a particular source or installation. A new subsection (.11K(3)) would authorize, but not require, Maryland to deny a permit application for failure to comply with certain procedural requirements, air pollution episode requirements, testing and monitoring requirements, reporting of excess emissions, etc.

Sections L, M, N, and O have not been modified. Section P is clarified as to the effects of filing late application for permits and approvals.

EPA is proposing to approve all changes to Section 10.18.01.11 as summarized in the above discussion, if the State provides the requested information.

B. COMAR 10.18.02, 10.18.03, 10.18.04, 10.18.05, 10.18.06, and 10.18.07

1. Section .05 Control of Certain Sources—Section A is modified to conform to the 1978 edition of 40 CFR Part 60 for New Source Performance Standards (NSPS). This section is being proposed for approval.

2. Section .07 Control and Prohibition of Carcinogens and Toxic Substances—This section is modified to conform to the 1978 edition of 40 CFR Part 61 for National Emission Standards for Hazardous Air Pollutants (NESHAPS). This section is proposed for approval.

Therefore, it is the tentative decision of the Administrator to approve the proposed revision of the Maryland State Implementation Plan.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified (46 FR 8709) that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709 (January 27, 1981)). The attached rule, if promulgated, would constitute a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This rule is not "major" for the same reasons it would not have significant economic impact. This action would only approve State actions and would impose no new requirements of its own.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7401–642)

Dated: May 13, 1981.

Jack Schramm,

Regional Administrator.

[FR Doc. 81-17289 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Parts 52 and 81

[A-3-FRL-1838-1]

Commonwealth of Pennsylvania, Proposed Section 107 Redesignations; Proposed Revisions on the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Allegheny County, Pennsylvania was designated nonattainment for Sulfur Dioxide (SO_2) and Total Suspended Particulates (TSP) on March 3, 1978 (43 FR 8962) and September 12, 1978 (FR 40502). Since that time many monitors have come into compliance with National Ambient Air Quality Standards (NAAQS). Furthermore, because of the uncertainty resulting from several attempts at SO_2 air quality diffusion modeling other designations are proposed to be changed.

On December 24, 1980, the Commonwealth of Pennsylvania submitted a revision to the Pennsylvania State Implementation Plan which redesignates areas within Allegheny County with respect to Ambient Air Quality Standards for Total Suspended Particulates and Sulfur Dioxide; provided for attainment of these standards in the County, and relaxes emission limitations for one major source in the county.

This Notice provides a complete description of the proposed redesignation and proposed SIP revisions, summarizes the Part D requirements, compares the revision to these requirements, identifies major issues and proposes EPA's action on these revisions.

The EPA invites public comments on this revision, the identified issues, and whether the redesignation and revision should be approved, disapproved or conditionally approved, especially with respect to the requirements of Part D of the Clean Air Act.

DATE: Comments must be submitted on or before August 10, 1981 to: Mr. H. G. Hanson (3AH11), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Curtis Building, Philadelphia, PA 19106.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Gregory Ham (3AH11)

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, Southwest (Waterside mall), Washington, DC 20460

Bureau of Air Quality Control, Pennsylvania Department of Environmental Resources, Fulton Bank Building, Third and Locust Streets, Harrisburg, PA 17120, ATTN: Gary L. Triplett

Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-Ninth Street, Pittsburgh, PA 15201

FOR FURTHER INFORMATION CONTACT: Gregory Ham (3AH11), U.S. Environmental Protection Agency, 6th & Walnut Streets, Curtis Building, Philadelphia, PA 19106, Telephone Number 215–597–2745.

SUPPLEMENTARY INFORMATION: New provisions of the Clean Air Act, enacted in August 1977, Pub. L. 95–95 (42 U.S.C. § 7472), required States to revise their SIPS for all areas that do not attain National Ambient Air Quality Standards (NAAQS). The amendments required each State to submit to the Administrator a list of the NAAQS attainment status for all areas within the State. The Administrator promulgated these lists on March 3, 1978 (43 FR 8962) and on September 12, 1978 (43 FR 40502).

The entire State of Pennsylvania was designated as nonattainment for ozone and various portions of the State, including Allegheny County, were designated as nonattainment for Total Suspended Particulate Matter (TSP), Sulfur Dioxide (SO_2), and Carbon Monoxide (CO). As a consequence, the Commonwealth of Pennsylvania submitted State Implementation Plan (SIP) revisions for most areas designated nonattainment on April 24, 1979, and June 7, 8, 12, 13, 1979. On July 24, 1979 (44 FR 43306), EPA proposed action on the Pennsylvania SIP and finalized its approval and conditional approval on May 20, 1980 (FR 33607).

For Allegheny County, the Ozone portion of the Pennsylvania State Implementation Plan was submitted to EPA on April 24, 1979 and conditionally approved by EPA on May 20, 1980 (45 FR 33607). However, for the SO_2 and TSP portions of the SIP for Allegheny County, work continued and several

different drafts were prepared. Public hearings were held on July 30, 31 and October 23, 1979 and March 24, 25, 31, April 1, and November 12, 1980. Finally, on December 24, 1980, Clifford Jones, Secretary of the Department of Environmental Resources, submitted a redesignation request for SO_2 and TSP in Allegheny county and a revision to the Pennsylvania SIP providing for the attainment of the National Ambient Air Quality Standards (NAAQS) for SO_2 and TSP in the redesignated areas. Included as part of the SIP was an emission relaxation for Duquesne Light's Cheswick power plant, from 0.6 lbs $SO_2/10^6$ Btu to 2.8 lbs $SO_2/10^6$ Btu, which is now determined to be in attainment area.

EPA has reviewed the redesignation request, the emission relaxation for Cheswick and the nonattainment SIP revision with respect to the requirements of the Clean Air Act and criteria described or referenced in the **Federal Register** notice published on April 4, 1979 (44 FR 20372). Today's notice proposes EPA's action on the State submittal. The April 4, 1979 notice to which interested persons may refer is entitled "General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas," and is incorporated herein by reference. This notice was further supplemented by the following **Federal Register** notices: July 2, 1979, 44 FR 38583, August 28, 1979, 44 FR 50371, September 17, 1979, 44 FR 53761 and November 23, 1979, 44 FR 67182.

A summary of the criteria for approving SIPs for nonattainment areas follows:

Criteria for Approval

The following list summarizes the basic requirements for nonattainment area plans.

1. Evidence that the proposed SIP revisions were adopted by the State after reasonable notice and public hearing.
2. A provision for expeditious attainment of the standards.
3. A determination of the level of control needed to attain the standards by 1982 and evidence that all criteria are met for approval of any extension beyond that date.
4. An accurate inventory of existing emissions.
5. Provisions for reasonable further progress (RFP) as defined in Section 171 of the Clean Air Act.
6. An identification of emissions growth.
7. A permit program for major new or modified sources, consistent with Section 173 of the Clean Air Act.
8. Use of Reasonably Available Control Technology (RACT) control measures as expeditiously as practicable.
9. Inspection and Maintenance (I/M), if necessary, as expeditiously as practicable.
10. Necessary transportation control measures, as expeditiously as practicable.
11. Enforceable regulations.
12. An identification of, and commitment to, the resources necessary to carry out the plan.
13. State commitments to comply with schedules.
14. Evidence of public, local government, and State, involvement and consultation.

Sulfur Dioxide

Background

Allegheny County Health Department, in response to the requirements of Part D of the Clean Air Act, undertook in 1978 a diffusion modeling study attempting to validate the CDMQC model using 1976 base year emissions and air quality data, and project air quality for compliance with existing regulations by 1982. Because of the complexities of transport and dispersion characteristics of pollutants in Allegheny County it was necessary to make several modifications to the basic air quality diffusion model. The major modifications in the basic model dealt with plume-terrain interaction and plume rise. The results of the initial validation run were unsatisfactory due primarily to gross overpredictions at the Hazelwood monitor. Subsequently, other validation runs were made using various combinations of modifications of major model features.

A comparison of the tested combinations of model features showed that all were improvements over the version used in the initial validation run. However, the model still significantly overpredicted at the Hazelwood monitor by 56% and underpredicted, in one case, a known violation at the Glassport monitor by 43%.

The Allegheny County Health Department after much consultation with its advisory groups decided to select the model which showed the best overall performance at all the sites and run the model for the 1982 annual compliance with existing regulations. The results showed numerous and widespread violations of the annual ambient SO_2 standard over a large unmonitored area of the Monongahela River Valley from near downtown Pittsburgh to Clairton and extending up to about 5 kilometers from the river. The higest predicted SO_2 value was 219 ug/m^3 near Homestead while various other Monongahela Valley areas showed values in the 150 to 180 ug/m^3 range.

The seven Allegheny County SO_2 continuous monitoring sites were predicted to be in compliance by the end of 1982 with the exception of the North Braddock monitor which showed a marginal violation at 83 ug/m^3 and the Hazelwood monitor which had a violation of 119 ug/m^3. It was theorized that the predicted violations at the Hazelwood monitor may have been caused by the models inability to predict SO_2 concentrations in areas where terrain considerations were vital to the accuracy of the prediction and this may have been a common occurrence throughout the County.

Based on the results of the validation and compliance runs for 1976 and 1982 respectively, Allegheny County concluded that the models were not accurately predicting air quality with any reasonable degree of certainty.

Section 107 Redesignation

Allegheny County Pennsylvania was designated nonattainment for Sulfur Dioxide and Total Suspended Particulates (TSP) on March 3, 1978 (43 FR 8962) and September 12, 1978 (43 FR 40502). Since that time, SO_2 data has shown a steady and consistent improvement in air quality levels at all monitored sites. The following chart shows the data used as the basis for the nonattainment designation and recent trends in SO_2 air quality levels.

Recent Annual SO_2 Data From Allegheny County Monitors

Monitor	9-76 to [1] 6-77	4-77 to 3-78	4-78 to 3-79	4-79 to 3-80	7-79 to 6-80
North Braddock	102	79	40	43	43
Liberty Boro	134	99	82	69	69
Glassport	97	81	45	53	53
Hazelwood	170	157	128	104	101
Logans Ferry	94	65	61	48	45
Bellevue	76	65	61	69	72
Downtown	71	55	45	51	48

[1] Basis of Original 107 Designation.

On the basis of this recent air quality data and the inherent problems of the modeling discussed above, Allegheny County has requested a change in the SO_2 designations from primary nonattainment Countywide to the following:

1. Unclassified for an area within an eight-mile radius of the Duquesne Golf Association Club House excluding the Hazelwood nonattainment area. This

area includes most of the modeling violations.

2. Unclassified for the area within a two-mile radius of the Bellevue monitor. This area includes the remainder of the modeled violations.

3. Primary nonattainment for the area within a two-mile radius of the Hazelwood monitor.

4. Attainment for the remaining portions of the County.

EPA has reviewed the modeling demonstration and air quality data submitted by the County, and agrees with the conclusions reached. Therefore, EPA is today proposing the approval of these Section 107 redesignations as listed above.

Nonattainment Plan

Control Strategy and Demonstration of Attainment

For those areas designated as nonattainment, the Clean Air Act requires Allegheny County to submit a revision to the Pennsylvania SIP to demonstrate attainment of the primary National Ambient Air Quality Standards (NAAQS) by December 31, 1982, and the secondary NAAQS as expeditiously as practicable. The County has submitted a plan providing for attainment of the primary standards by December 31, 1982. According to this plan, the current air quality in the Hazelwood area is directly related to the operation of the coke oven gas desulfurization unit at the Jones and Laughlin Steel Corporation (J&L) plant in the area. Ambient air quality data and unit operations data reported in the plan indicate the beneficial effect of the operation of the desulfurization unit on ambient SO_2 levels. The plan shows a direct correlation between improvements in air quality and operation of the desulfurization unit. Average SO_2 concentrations for days when the unit was not running were 74% higher than corresponding days in the following year when the unit was operating properly. These average values exceeded the annual average standard of 0.03 ppm. The average ambient SO_2 concentrations for periods when the unit was in stabilized operation met the ambient air quality standard, averaging 0.027 ppm. The Commonwealth and EPA recently signed a Consent Decree with J&L which in part addressed operational problems with the desulfurization unit. This decree requires J&L to bring the unit into compliance with the applicable County regulations, to submit monthly reports on the operation of the unit, and to retain a consultant to assist in the evaluation of the unit and make recommendations on actions needed to improve the reliability of this unit. The reporting and consulting requirements remain in effect until the unit availability has averaged 90% or more over a period of twelve consecutive months. This should result in more reliable operation of this unit and an overall improvement in air quality in the Hazelwood nonattainment area. Therefore, EPA proposes to approve the plan for the attainment of the SO_2 primary NAAQS by December 31, 1982.

According to an analysis using the Larsen statistical method, the short term standard should be attained if the annual standard is met, as the annual standard is the critical one. The County is currently attaining the secondary (3-hour) standard. No violations of the 3-hour SO_2 standard have occurred during the period from 1977 to the present. Furthermore, with the exception of the Hazelwood monitor, there have been no violations of the 24-hour SO_2 standard since 1978.

In the unclassified and nonattainment areas, the County has agreed to carry out additional evaluations of ambient sulfur dioxide concentrations. Additional monitors will be established in the nonattainment and unclassified areas where data will be collected for one year. The purpose of the monitoring is to better identify air quality levels and assess the accuracy of the modeled predictions. If any of these unclassified areas are found to be nonattainment, an attainment plan must be submitted within one year of the redesignation of these areas to nonattainment. This plan must provide for attainment of the applicable National Ambient Air Quality Standards (NAAQS) within three and one-half years of the date of plan approval by EPA. (EPA will take action on the plan within six months of submittal). Redesignation will occur within six months of the acquisition of four valid quarters of ambient SO_2 air quality data.) The EPA has reviewed the information submitted by the County, and is proposing that the plan be approved.

Emissions Inventory

The emissions inventory used in the development of this SO_2 plan is based on actual (vs. projected) emissions data from 1976. This data was used because at the time the plan development commenced, it was the latest year for which a complete set of data was available including industry fuel use and operations data. Projections for 1982 (the primary standard attainment data) and 1987 (the secondary attainment date) were developed from this 1976 data base, and include an allowance for growth of 0.5% per year.

Margin for Growth

The County accommodates growth of area sources and some point sources in the nonattainment area by including a growth increment of one half of one percent of the total Countywide sulfur dioxide emissions per year. Increases in emissions from major point sources will be provided for on a case-by-case emission offset basis.

Reasonable Further Progress

The County has submitted a graphical presentation of Reasonable Further Progress (RFP) for attaining the primary ambient SO_2 standard. In addition, a list of major events (i.e. shutdowns, startups, etc.) affecting SO_2 emissions was included. The expected overall effect will be a reduction of 17,000 tons per year of sulfur dioxide emissions from 1976 (actual emissions) to 1982 (projected emissions). EPA believes that these reductions are reasonable.

Reasonably Available Control Technology

The County has concluded that its Article (XX) regulations, which are applicable to existing sources, incorporate the requirements of Reasonably Available Control Technology (RACT). (The Article XX regulations were previously titled Article XVIII). EPA agrees with the County that the existing regulations satisfy RACT requirements. Therefore, EPA is proposing approval of the regulation.

Regulation Changes

Emission Relaxation-Attainment Area

In the areas redesignated as attainment both monitoring and modeling data show and predict attainment of primary and secondary standards. A relaxation of the regulations for these areas has been requested for existing plants above 5000 x 10^6 Btu/hour rated heat input and for those between 0.2 and 0.5 x 10^6 Btu/hr rated heat input. A demonstration submitted with this request showed that the attainment status of the area will not be jeopardized by these changes.

The previous limitations (1.0 lb/10^6 Btu) on the smaller units were found to have been unnecessary, and should have no effect on emission levels. Therefore, this regulation is not included in Arcticle XX (formerly Article XVIII). The relaxation for plants above 5000 x 10^6 Btu/hr. changes the limitation from 0.60 lbs SO_2 10^6 Btu to 2.80 lbs. SO_2 10^6 Btu. This relaxation affects only one plant in Allegheny County, the

Duquesne Light Company's Cheswick Power plant.

The Cheswick power plant is a coal-fired steam generating station rated at 5280 million Btu. The coal burned contained approximately 2.1% sulfur, with emissions averaging 3.5 lbs. SO_2 10^6 Btu, until the coal feed was changed in March 1980. The SO_2 emission reduction resulting from compliance with this revised regulation will amount to approximately 9,000 tons per year (based on 1976 actual operations and projected reasonable maximum operations). A real reduction will occur even though the regulation is being relaxed because the source is currently not in compliance with the previous regulation. Compliance with the revised regulation will be achieved by using a combination of low sulfur coal (about 1.0%S), and through improved coal cleaning to achieve an overall sulfur content of about 1.7%. Under the previous regulation, a flue gas desulfurization system would have been required. However, if in the future attainment of ambient air quality standards is jeopardized, the County may require additional controls as necessary to attain the air quality standards.

The County has submitted a demonstration that the emissions from Cheswick when added to existing air quality in the region will not cause a violation of any ambient air quality standard. This demonstration consisted of an analysis using the CRSTER model and five years of meteorological data, which conforms to the criteria which was developed as a result of the decision rendered in the Cleveland Electric Illuminating Company court case. EPA is proposing approval of this revision.

Regulation of SO_2 Emissions From Silicon Carbide Manufacturing

The County has proposed a regulation controlling the emissions of SO_2 from silicon carbide manufacturing processes. Currently, this process is controlled under Article XX with a process SO_2 emission limitation of 500 ppm. However, the County has determinded that this process regulation is not easily applicable to the one silicon carbide manufacturing process presently existing in the County. The revised regulation in Article XX establishes an equivalent degree of control (an 85% reduction in SO_2 emissions), but specifies control requirements as applicable to the silicon carbide process to facilitate enforcement. It also allows credit for the use of low-sulfur coke in the process. EPA is proposing approval of this regulation.

Total Suspended Particulates

Background

On December 24, 1980, the Commonwealth submitted a proposed revision to the Pennsylvania SIP for the attainment of the primary and secondary NAAQS for Total Suspended Particulates (TSP) in Allegheny County. This revision consists of a plan which contains: (1) an emission inventory, (2) a demonstration that more than Reasonably Available Control Technology (RACT) is needed for attainment of the standards, (3) a commitment to annual incremental reductions (Reasonable Further Progress), and (4) a proposal for further study of fugitive emissions which will result in the adoption of fugitive particulate regulations. For all those areas designated nonattainment, the plan provides for attainment of the primary standards by December 31, 1982, and the secondary standards by December 31, 1987.

EPA has reviewed th proposed TSP plan revision for Allegheny County. The following is a discussion of the plan and a summary of EPA's review.

Section 107 Redesignation

Allegheny County is currently designated nonattainment for TPS. This designation was requested in 1978 because of its administrative simplicity. However, in developing this plan, the County recognized the need for a review of this designation and a more accurate characterization of air quality within the County. In order to accurately assess current and future ambient particulate concentrations, the County conducted the following:

1. An exhaustive analysis of available data on air quality emissions, meteorological conditions and monitoring sites.

2. Special studies on the orgins of particulate matter.

3. An analysis of TSP emissions in the vicinity of steel plants.

As a result of these analyses, the County has requested a redesignation which divides the County into seven primary nonattainment areas, one unclassified area, and one secondary nonattainment area. The remaining areas of the County are in attainment of the primary and secondary standards. These areas are described as follows:

Primary Nonattainment

1. Five continuous segments (areas #3,4,5,6, and 8) of a three-mile wide strip which is within a perpendicular distance two miles north and east and one mile south and west of the river center line, from the I–79 Bridge on the Ohio River to the Westmoreland County Line on the Monongahela River, (area numbers are those used in a map and described in the plan).

2. An area within a 0.5 mile radius of the Greater Pittsburgh Airport monitor (area #2).

3. A one-mile wide strip centered on Turtle Creek from nonattainment area #6 (in number 1 above) to the Westmoreland County line (area #7).

Unclassified.

1. A three-mile wide strip within Allegheny County which is within a perpendicular distance two miles north and east of the Ohio River center line and one mile south and west of the Ohio river center line from the I–79 Bridge to the Beaver County line (area #1).

Secondary Nonattainment

1. An area within Allegheny County within a radius of two miles of the Springdale monitor (area #9).

Attainment

1. All remaining areas of the County.

The County has submitted data from twenty-four monitors located throughout the County as a basis for the redesignations proposed in this notice. The locations of these monitors were discussed in the plan, along with descriptions of local factors affecting ambient particulate levels in the vinicity of the monitors. The following chart indicates the most recent air quality data from these monitors.

Annual Average Particulate Levels in Allegheny County

	Site	Geometric mean (microgram per cubic meter)				
		1976	1977	1978	1979	1980
Logan's Ferry	3001	650	68	73	66	
Springdale	3101	61	77	.....	61	56
Greater Pittsburgh Airport	4401	77	70	85	79	67
Bellevue	4601	90	106	99	96	.....
Murray Towers	5602	87	97	88	82	70
Control Lab	5702	104	129	.....	.....	.....
Oakland 3	5708	.....	.....	97	87	75
County Office Building	5801	89	100	95	86	89
Court House	5802	166	168	145	130	.....
North Fayette	6201	62	62	61	59	53
Hazelwood 1	6903	100	102	.....	.....	.....
Hazelwood 2	6904	113	133	101	100	85
Kaufmann	6905	73	67	75	72	66
Swissvale	7004	118	127	136	108	81
Braddock	7102	133	146	141	164	101

Annual Average Particulate Levels in Allegheny County—Continued

	Geometric mean (microgram per cubic meter[a])					
	Site	1976	1977	1978	1979	1980
North Braddock	7104	104	118	110	97	.....
Wall	7201	74	75	81	68	.....
Duquesne 1	7502	100	108	108	96	79
Duquesne 2	7570	122	126	135	121	.....
Allegheny County Airport	7601	71	77	79	67	65
South Fayette	8001	55	60	59	57	49
Clairton	8601	90	99	94	78	86
Glassport	8602	102	147	109	87	.....
Liberty	8702	96	91	76	77	78
Coursin Hollow	8704	98	94	76	74	.....

EPA has reviewed the information submitted with the plan as a basis for the redesignation listed above. As monitoring data was used primarily in this analysis, the review focused on the accuracy and representativeness of the data, and the scale that each monitor represented. In general, the data used for this plan is adequate, and the siting requirements are satisfied for most monitoring sites. The monitors used as a basis for the nonattaiment area designations are mostly of the neighborhood scale, the scale preferred by EPA. Neighborhood scale is defined as an extended area of the city, or an area of uniform land use, from 0.5 to 4 kilometers wide. The three mile non-attainment corridor requested by the County encompasses the "neighborhood" area surrounding these monitors.

EPA agrees with the analysis conducted by the County as a basis for these redesignations, and is today proposing approval of the designations listed above.

Control Strategy and Demonstration of Attainment

The plan submitted by the County as part of its proposed SIP revision for TSP included studies of existing and projected particulate levels for the County. These studies indicate that the average annual particulate levels will decrease, but not sufficiently to attain the primary standard by December 31, 1982. Estimates have been made that between 60 and 80 percent of the projected 1982 ambient particulate levels will result from fugitive emissions if no further control strategies are implemented.

The demonstration submitted with this SIP consists of the following:

1. An exhaustive analysis of available air quality and emissions data, meterological conditions, and monitoring sites.
2. Special studies on the origins of particulate matter.
3. Analysis of TSP emissions in the vicinity of steel plants.

This approach was used because of various problems in areawide modeling of particulate concentrations. The reliability of such dispersion modeling techniques is dependent upon the detail and accuracy of information used in the modeling.

In order to better characterize TSP levels in Allegheny County, the TSP emissions inventory will be further refined. In addition, modeling of fugitive emissions, whether from traditional or non-traditional sources, is difficult and not easily validated. Fugitive emissions are a significant contributor to ambient particulate levels in the County, and emission sources are often located in complex configurations. The unique topographical features of the area further complicate attempts at dispersion modeling.

Because of these problems, the County proposed the use of a proportional rollback model for the evaluation of control strategy alternatives, along with near-field modeling of major steel-making facilities and a sampling analysis program to determine relative source impacts on ambient particulate levels.

The objective of the approach used by the County in analyzing ambient TSP data was to quantify the relative ambient particulate contributions from traditional and non-traditional sources, and to determine background concentrations. This analysis shows that currently point sources are contributing to ambient levels, but that by 1982 point source contributions will be relatively minor due to compliance with existing regulations. In addition, several Consent Decrees have been signed, detailing various fugitive emission controls on sources operated by the United States Steel Corporation, the Shenango Corporation, and the Jones and Laughlin Corporation. Despite this control, industrial non-traditional sources (e.g., material storage and in-plant traffic) will continue to contribute to high levels of particulates at most monitoring sites. However, some sites will be significantly affected by other traditional sources, and urban non-traditional sources (traffic dust, construction, demolition, etc.).

Allegheny County believes that the existing traditional source regulations are, at a minimum, equivalent to reasonably available control technology (RACT). Therefore, the attainment strategy which they have proposed consists primarily of the study and control of fugitive emissions. EPA agrees that fugitive emissions are a major contributor to existing nonattainment problems. EPA agrees that the existing regulations satisfy RACT requirements. Therefore, EPA is proposing approval of these regulations.

As part of its plan for attainment of the National Ambient Air Quality Standards (NAAQS) for particulates, the County has committed to conduct a study of non-traditional sources in the nonattainment areas. This study will consist of the following three parts:

a. Inventory of non-traditional sources.

b. Determination of non-traditional source contributions.

c. Evaluation of control program effectiveness.

The County has proposed that the study begin on January 1, 1981 with the implementation of fugitive regulations by June 30, 1982. The regulations that are finally implemented will further demonstrate attainment by December 31, 1982.

Upon completion of this study, the County will begin to examine the reasons for nonattainment of the secondary standard. This study will use the prior study as a basis, and will develop and implement control strategies for the attainment of the secondary standard. This study will begin on January 3, 1983, and regulations resulting from this second study should be implemented by December 1, 1986.

In the unclassified area, TSP monitors will be installed to determine the attainment status. One year of data will be collected, at which time the need for an attainment plan will be determined. If a plan is needed, it will be submitted within one year of the redesignation of these areas to nonattainment. This plan must provide for attainment of the applicable National Ambient Air Quality Standards (NAAQS) within three and one-half years of the date of plan approval by EPA. (This must happen within six months of submittal to EPA. Redesignation will occur within 6 months of the acquisition of 4 valid quarters of ambient SO_2 air quality data.)

EPA proposes to conditionally approve Pennsylvania's particulate control strategy for the County. The conditional approval would then be based on the County's commitment to conduct certain studies, to implement certain regulations and to achieve compliance by specified dates, all as outlined above. However, if Allegheny

County fails to meet its commitments on the schedule specified with regard to attainment of the primary standard, it will not be meeting its obligation under the Act and growth restrictions will again apply.

Emissions Inventory

The emissions inventory used in the development of this TSP plan is based on actual emissions data from 1976. This data was used because at the time the plan development commenced, it was the latest year for which a complete set of data was available. Projections for 1982 (the primary date) were developed from this 1976 data base, and include an allowance for growth of 0.5% per year.

Margin for Growth

This SIP revision accommodates growth of emissions from non-major stationary sources by assuming an annual growth rate of 0.5 percent, for sources for which no growth estimates were available. Growth of emissions from major stationary sources will be accommodated through an emission offset policy in the County's regulations. Further, if non-major source growth jeopardizes attainment or reasonable further progress, the County will require additional offsetting emission reductions for non-major sources. The offset program is discussed in more detail in a later section entitled *Offset Program for New and Modified Sources.*

Reasonable Further Progress

Allegheny County has submitted graphical presentations of Reasonable Further Progress (RFP) for five subareas of the County, and one for the overall area. Each of these graphs represent expected emissions levels, for the years from 1976 to 1987, and indicate estimated (or measured) ambient particulate levels for 1976, 1982, and 1987. Significant reductions are expected up until 1982 as a result of compliance with existing regulations. In addition, the County submitted lists of events (shutdowns, start-ups, control device installment, etc.) which will significantly affect emissions in each area. Also, regulations governing the control of fugitive emissions in non-attainment areas from source premises, parking lots, construction, mining and demolition activities (sections 521, 522, 524, 525 and 526 of the new Article XX) become effective January 31, 1982, and a regulation controlling fugitive emissions in transport activities (§ 523) becomes effective January 1, 1981. The RFP estimates include credits for the reductions resulting from the implementation of these regulations. The EPA has reviewed these RFP estimates and has found them to be generally adequate for the tracking of emission reductions and SIP progress.

General Comments

Offset Program for New and Modified Sources

Allegheny County has submitted as part of its plan a New Source Review program for the permitting of new and modified sources within the County. This includes any new, modified, reconstructed, or reactivated source. All major new or modified sources (those having potential emissions greater than 100 tons per year or more of any criteria pollutant), including applicable reconstructed and reactiviated sources located in, or significantly impacting, any nonattainment area, are subject to the County's offset regulations. The regulation requires a source to obtain offsets which will result in a net air quality benefit. The following ratios of actual emissions reductions to new emissions apply, as a minimum, to offsets obtained by a source:

Type of new emissions	Type of emission reductions	Ratio of required emission reduction to new emissions
Flue emissions	Flue emissions	1 to 1
Flue emissions	Fugitive emissions	2 to 1.
Fugitive emissions	Fugitive emissions	1.3 to 1 (where emissions are quantified by the same technique); 2 to 1 (where emissions are not quantified by the same technique).

These emission offsets were not included in developing estimates of reasonable further progress for attainment of the standards. Therefore, any net emission reductions produced by these offsets will be an additional benefit towards reasonable further progress. Other requirements include:

1. Establishment of emission limitations which specify the Lowest Achievable Emission Rate for the source or facility.

2. Demonstration that all other sources owned, operated, or under common control with the applicant in the Commonwealth of Pennsylvania are in compliance with all applicable SIP requirements, compliance orders, or court decrees.

Emission reductions committed to for emissions offsets must be enforceable by authorized State and/or local agencies and under the Clean Air Act. Internal offsets can be enforced at the Federal level through existing mechanisms in Pennsylvania, but external offsets would not presently be Federally enforceable. Therefore, EPA is asking the County to submit any external offsets to EPA as SIP revisions. This commitment should be submitted during the public comment period on this proposed revision.

Specific requirements for the permitting of major and non-major sources are contained in Chapter VIII of the County's regulations.

These regulations are generally consistent with the Commonwealth of Pennsylvania's offset regulations, and also satisfy the requirements of Section 173 of the Clean Air Act. EPA is therefore proposing the approval of these regulations as part of the Pennsylvania SIP.

Bubble Regulation

Chapter IX of the County's regulations allows for Alternative Emission Reduction Plans, commonly known as bubble plans. These allow a source operator to employ a mix of control measures on multiple sources to achieve a specified overall emission reduction, and would permit operators to place a greater burden of control on sources where the marginal cost is low. Any applications will be reviewed by the County in order to assure consistency with EPA's policy statement as published in the **Federal Register** notice of December 11, 1979 (44 FR 71780). Any plan approved by the County will then be submitted as a revision to the SIP. In the County's bubble regulation, it appears that the bubble plan is effective upon approval by the Director of the County Health Department. However, because each bubble proposal becomes effective only upon approval as a SIP revision by EPA, EPA proposes to take no formal action on the County's bubble regulation.

Review of Regulations

Several issues were raised during EPA's review of the regulations submitted as part of the county's plan. These issues are discussed in the following paragraphs.

Under Chapter IV, Regulation 401 C, an alternative standard may be established where fugitive emissions have been controlled, where reasonably available control technology has been applied, and where the owner or operator demonstrates that the remaining fugitive emissions are of minor significance. In the regulation, it is stated that the alternative standard is effective upon adoption by the Department. However, this alternative standard must be submitted to EPA for inclusion in the SIP, and can only

become effective upon EPA approval for such inclusion.

EPA does not have the authority to enforce odor regulations (§ 404 of the County's regulations). Therefore, they are not approved as part of the SIP.

Regulation 304, Delayed Compliance Order (DCO's), allows for the issuance of DCO's to sources needing extensions of any final compliance date. The Clean Air Act specifies that final compliance dates contained in the DCO cannot extend beyond July 1, 1979 or three years beyond the compliance date required by the SIP. Since the latest possible final compliance date for previously regulated sources (including SO_2 and TSP sources) has passed, only newly regulated sources of volatile organic compounds can be issued DCO's.

Commitments and Resources To Implement and Enforce Adopted Measures.

Allegheny County has made an adequate commitment of financial and manpower resources to implement the TSP and SO_2 studies and their results, and define air quality conditions in the currently unclassified areas. The EPA is working with Pa.DER and the County to better define the details of both studies.

Commitments To Comply With Schedules

The County has provided adequate commitments to perform a detailed study of nontraditional sources in the nonattainment areas according to the schedule which was included in this plan. This includes implementation of regulations by June 30, 1982, where the regulations would provide for an improvement in air quality and attainment of the primary standard by December 31, 1982.

Public Involvement and Analysis of Effects

The Clean Air Act requires a SIP to include evidence of involvement and consultation with the public, local government, legislature, and all other interested parties. The County has satisfied this requirement through the issuance of public mailings, public hearings, and representation of the public, industry, and local governments on various committees and board's invovled in the SIP process.

Also required in the SIP is an analysis of energy, economic, environmental and social impacts of the plan. The County has submitted a qualitative analysis which indicates that this plan will have a positive effect on the local economy, the social well-being of the area and on the environment (through attainment of the standards). The effects on the consumption of energy are expected to be minimal.

The public is invited to submit, to the address stated above, comments on whether the proposed changes to the regulations should be approved as a revision of the Pennsylvania State Implementation Plan.

The Administrator's decision to approve or disapprove the propsed revision will be based on the comments received and on a determination of whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

A supplement to an April 4, 1979 Notice of Proposed Rulemaking (44 FR 20372 (1979)) was published on July 2, 1979 (44 FR 38583 (1979)) involving among other things, conditional approval. EPA proposes to conditionally approve the plan where there are minor deficiencies and the County provides assurances that it will submit corrections on a specified schedule. This notice solicits comment on what items should be conditionally approved. A conditional approval will mean that the restrictions on new major source construction will not apply unless, (1) the County fails to submit, by dates to be scheduled, SIP revisions necessary to remedy the deficiencies, or (2) the revisions are not approved by EPA.

The deficiencies in the Pennsylvania Plan that are not corrected may be cause for disapproval of the proposed revisions to the SIP. EPA is aware, however, that Allegheny County is undertaking efforts to rectify plan deficiencies.

Pursuant to the provisions of the Regulatory Flexibility Act, 5 U.S.C. § 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act and attainment status designations under Section 107 of the Clean Air Act, will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). I have also determined that the SIP approval and attainment status redesignations proposed today would not be major rules within the meaning of Executive Order 12291. SIP approvals and today's attainment status designations, which change designations from nonattainment to attainment and unclassifiable, only approve State actions and impose no new requirements. Under the Clean Air Act inquiry into the economic reasonableness.

The measures propopsed today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations of any source will remain applicable and enforceable to prevent a source from operating without control or under less stringent controls, while it is moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of non-compliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exceptions to this rule are cases where there are conflicts between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for sources to comply with the regulations. In these situations, the State may exempt sources from compliance with the pre-existing regulations. Any exemption granted would be reviewed and acted on by EPA either as part of these proposed regulations or as future SIP revisions.

In addition, an existing requirement can be relaxed or revoked if it will not interfere with the attainment of standards.

Pursuant to the provisions of 5 U.S.C. § 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, would constitute a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. In addition, this action only approves State actions, and would impose no new requirements of its own.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it will not have an annual efect of $100 million or more on the economy, nor will it increase costs or adversely affect competition as specified in Section 1 of the Executive Order.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(42 U.S.C. §§ 7401–642)

Dated: May 14, 1981.

Jack Schramm,

Regional Administrator.

[FR Doc. 81-17197 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[OPP-300051; PH-FRL-1849-1]

Polyvinyl Chloride (PVC) Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This amendment proposes that polyvinyl chloride (film and resin) (PVC) be exempted from the requirement of a tolerance when used as an inert controlled-release dispenser for formulations of the attractant gossyplure [(*Z,Z*-) and (*Z,E*-) 7,11-hexadecadien-1-ol acetate] for residues in or on cottonseed.

DATE: Written comments must be received on or before (July 10, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesaticide Programs, 401, M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy (703-557-7110).

SUPPLEMENTARY INFORMATION: At the request of Herculite Products, Inc. 1107 Broadway, New York, NY 10010, the Administrator, proposes to amend 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for polyvinyl chloride (film and resin) when used as an inert controlled-release dispenser for formulations of the attractant gossyplure [(*Z,Z*-) and (*Z,E*-) 7,11-hexadecadien-1-ol-acetate on cottonseed].

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water, baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemptions.

Name of inert ingredient	Name and address of requestor	Basis for approval
Polyvinyl chloride (film and resin) (PVC)	Herculite Products, Inc. 1107 Broadway NY 10010	Presently cleared under 40 CFR 180.1001(e) for use on animals. Cleared by Food and Drug Administration for several uses as indirect food additives. [21 CFR 175.105, 21 CFR 175.300, 21 CFR 176.170, 21 CFR 176.180, 21 CFR 177.1210].

PVC has found widespread use in medical applications, often involving direct tissue contact. The low inherent toxicity is apparent in a published investigation of PVC used for medical purposes. (Autian, J. "Toxicology of Plastics" in *Toxicology the Basic Science of Poisons.* Casarett, L. J. and Doull, J. Eds. Macmillan, New York, 1975, pages 614-615.)

PVC has been manufactured in large quantities for over 30 years, with no reported effects associated with occupational exposure to the polymer (Autian, J. p.607).

Based on the proposed use of PVC dispensing a synthetic pheromone on cotton, the contribution of PVC to the diet is expected to be toxicologically insignificant. No overt hazard to applicators is expected.

Based on the above information, and a review of its use, it has been found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180, will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains polyvinyl chloride may request, on or before July 10, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear notation indicating both the subject and the document control number "[OPP-300051]." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS-767C), Rm. 514D CM #2, Environmental Protection Agency, Arlington, VA, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on June 10, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: June 1, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be amended by adding § 180.1060 to read as follows:

§ 180.1060 Polyvinyl chloride; exemption from requirement of tolerance.

Polyvinyl chloride (film and resin) is exempt from the requirement of a tolerance for residues in or on cottonseed, when used as an inert controlled-release dispenser for formulations of the attractant gossyplure [(*Z,Z*-) and (*Z,E*-) 7,11 hexadecadien-1-ol acetate] to disrupt the mating of the pink bollworm.

[FR Doc. 81-17166 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 408

[WH-FRL-1849-8]

Canned and Preserved Seafood Processing Point Source Category

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period and notice of availability of additional supporting information.

SUMMARY: On January 9, 1981, EPA published in the **Federal Register** a proposed response to a petition for modification and amendment of regulations governing wastewater discharges from certain seafood processors located in Alaska (46 FR 2544). The comment period was initially scheduled to expire March 10, 1981. On March 23, 1981, EPA published in the **Federal Register** a notice which extended the comment period until May 11, 1981 and made available additional supporting information (46 FR 18055). The purpose of this notice is to extend the period for comment on all aspects of the proposed response to the petition for modification and the amendment of regulations until July 10, 1981.

DATE: Comments on the proposed response to the petition and the amendments to BPT regulations for the "non-remote" Alaskan subcategories of the seafood processing industry must be submitted to EPA by July 10, 1981.

ADDRESS: Send comments in triplicate to: Mr. Daniel S. Lent, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: EGD Docket Clerk—Seafood Processing Industry.

The supporting information and all public comments submitted in response to this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (rear) PM-213 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460; EPA Region X, 1200 6th Avenue, Seattle, Washington 98101; and the EPA Alaska Operations Office, 701 "E" Street, Anchorage, Alaska. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel S. Lent at (202) 426-2707.

SUPPLEMENTARY INFORMATION: On January 9, 1981, EPA proposed a response to a petition for modification and an amendment of regulations for portions of the Canned and Preserved Seafood Processing Industry (46 FR 2544). More specifically, the proposed regulation amended effluent limitations based on the best practicable control technology currently available (BPT) for the "non-remote" Alaskan subcategories of the seafood processing industry. Comments on the proposal were to be submitted on or before March 10, 1981. Counsel for the petitioners initially requested a 60 day extension of the comment period, until May 11, 1981. EPA agreed to this request and extended the comment period until May 11, 1981, and also made available additional information for public review and comment. See the **Federal Register** for March 23, 1981 (46 FR 18055). Subsequently, counsel for the industry requested a six month extension of the comment period. EPA has decided to extend the comment period until July 10, 1981. Interested persons should be aware that subsequent to May 11, 1981, the Agency placed additional supporting information in the EPA Public Information Reference Unit, Washington, D.C., EPA Region X, and the EPA Alaska Operations Office. This information and the date made available is listed below:

1. Letter from the Agency to counsel for the petitioners dated May 28, 1981, listing the names of seafood processors sending waste solids from Anchorage to the Seward reduction facility. Available June 5, 1981.

2. Telephone memorandum on waste trucking from Anchorage to Seward, dated May 6, 1981. Available May 29, 1981.

In view of industry's familiarity with the pertinent issues from prior contacts with EPA, we believe that these actions will provide the petitioning seafood processors and other interested parties with sufficient opportunity to comment on the proposed response to petition and amendment of regulations.

Dated: June 4, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-17184 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6053]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Unincorporated Areas of Kenosha County, Wisconsin.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Kenosha News* on May 4, 1981, and at 46 FR 27137 on May 18, 1981, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Unincorporated Areas of Kenosha County, Wisconsin, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Wisconsin	(Unincorporated), Kenosha County	Pike River	About 1,100 feet downstream of State Highway 32	*591
			Just upstream of State Highway 32	*594
			Just downstream of confluence of Unnamed Tributary	*601
			Just upstream of abandoned railroad	*604
			Just upstream of County Highway Y	*608
			Just upstream of County Highway G	*617
			Just downstream of County Highway A	*619
			Just upstream of County Highway A	*624
			About 100 feet upstream of Petrifying Springs Park Road.	*633
			Just upstream of County Highway A (near confluence of South Branch Pike River).	*645
		North Branch Pike River	About 2,250 feet downstream of Alford Park Road	*587
			About 300 feet upstream of confluence of South Branch Pike River.	*646
			Just upstream of State Highway 31	*654
			Just downstream of corporate limit	*657
		Unnamed Tributary to Pike River	At confluence with Pike River	*601
			About 3,600 feet upstream of confluence with Pike River.	*602
			About 50 feet downstream of corporate limits	*611
			At corporate limits	*614
		South Branch Pike River	At confluence with Pike River	*645
			About 2,500 feet downstream of confluence of Somers Tributary.	*656
			About 300 feet downstream of County Highway E	*664
			About 400 feet upstream of County Highway E	*667
			Just downstream of Chicago and North Western railroad.	*673
			Just upstream of County Highway L	*675
			Just upstream of State Highway 43	*678
			About 2,800 feet upstream of State Highway 158	*680
		School Tributary	At confluence with South Branch Pike River	*646
			About 700 feet upstream of confluence with South Branch Pike River.	*647
			Just downstream of County Highway A	*656
			Just upstream of County Highway A	*661
			Just downstream of Chicago and North Western railroad.	*667
			Just upstream of Chicago and North Western railroad	*673
			Just upstream of County Highway EA	*682
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*696
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*706
		Somers Tributary	About 600 feet upstream of confluence with South Branch Pike River.	*661
			Just downstream of Chicago and North Western railroad.	*670
			Just upstream of Chicago and North Western railroad	*674
			Just upstream of County Highway EA	*679
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*695
			Just downstream of County Highway H	*703
		Tributary to Somers Tributary	At confluence with Somers Tributary	*679
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad bridge.	*691
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad bridge.	*698
		Unnamed Tributary to South Branch Pike River.	At confluence with South Branch Pike River	*675
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*677
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*689
		Barnes Creek South Outlet	At confluence with Lake Michigan	*584
			About 1,000 feet upstream of Third Avenue	*586
			About 400 feet downstream of divergence from Barnes Creek North Outlet.	*589
		Barnes Creek North Outlet	At confluence with Lake Michigan	*584
			Just upstream of First Avenue	*588
			Just downstream of Chicago and North Western railroad.	*590
			Just downstream of State Highway 32	*601
			About 200 feet upstream of State Highway 32	*607
		Des Plaines River	Just upstream of Wisconsin-Illinois State boundary	*674
			Just upstream of County Highway C	*680
			Just upstream of County Highway MB	*686
			Just upstream of State Highway 50	*692
			About 200 feet upstream of County Highway K	*695
			About 3,100 feet upstream of State Highway 43	*700
			Just downstream of Northern corporate limit	*706
		Kilbourn Road Ditch	At confluence with Des Plaines River	*680
			Just upstream of State Highway 50	*683
			Just upstream of County Highway K	*697
			Abut 200 feet upstream of State Highway 158	*700
			Just upstream of State Highway 43	*707
			About 0.8 mile downstream of County Highway E	*713
			Just upstream of County Highway E	*720

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of County Highway KR	*727
		Brighton Creek	At confluence with Des Plaines River	*696
			Just upstream of Gravel Pit Road	*698
			Just upstream of County Highway K	*708
			Just upstream of State Highway 45	*714
			About 600 feet upstream of Farm Road (near confluence of Salem Branch Brighton Creek).	*721
		Mud Lake Outlet	At confluence with Dutch Gap Canal	*757
			About 200 feet upstream of State Highway 45	*762
			About 1,700 feet upstream of State Highway 45 (near Gravel Road).	*763
		Fox River	Just upstream of Wisconsin-Illinois State boundary	*743
			Just upstream of Wilmet Dam	*745
			Just upstream of State Highways 50 and 83	*750
			Just downstream of northern corporate limit	*752
		Peterson Creek	At confluence with Fox River	*751
			Just downstream of 308th Avenue	*752
		Bassett Creek	At confluence with Fox River	*749
			Just upstream of County Highway J1	*756
			About 1.6 miles upstream of County Highway J1	*768
		Lake Michigan	Shoreline	*584
		Tributary to Kilbourn Road Ditch	At confluence with Kilbourn Road Ditch	*724
			About 2,700 feet upstream of confluence with Kilbourn Road Ditch.	*725
		Von Gunten Creek	About 1,350 feet downstream of the corporate limits	*632
			About 1,100 feet upstream of the corporate limits	*647
		Pike Creek	At the downstream corporate limits	*651
			About 200 feet downstream of State Highway 142	*657
			Just upstream of State Highway 142	*661
			About 100 feet downstream of 47th Street	*666
			At the upstream corporate limits	*683

Maps available for inspection at the Office of the Director of Planning and Zoning, County Courthouse, 912 56th Street, Kenosha, Wisconsin.

Send comments to Honorable Ronald J. Frederick, County Board Chairman, Kenosha County, County Courthouse, 912 56th Street, Kenosha, Wisconsin 53140.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: May 27, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration

[FR Doc. 81-16981 Filed 6-9-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6075]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4.

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insruance on existing buildings and their contents.

The proposed base (100-year) flood elevation for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	location	#Elevation, meters above mean sea level
Commonwealth of Puerto.	Rio Jacaguas Basin	Rio Jacaguas	Intersection of Puerto Rico Highway 1 and Puerto Rico Highway 510.	*11.0
			25 meters upstream of intersection of Rio Jacaguas and Puerto Rico Highway 49.	*77.0
		Rio Jacaguas (At Villalba)	20 meters downstream of intersection of Rio Jacaguas and Puerto Rico Highway 151.	*150.2
		Rio Inabon	50 meters upstream of intersection of Rio Inabon and Puerto Rico Highway 506.	*7.5
			20 meters upstream of intersection of Rio Inabon and Puerto Rico Highway 52.	*44.0
		Rio Guayo	20 meters downstream of intersection of Rio Guago and Puerto Rico Highway 14.	*64.0
		Caribbean Sea	At mouth of Rio Jacaguas	*1.8

Maps available for inspection at Puerto Rico Planning board, P.O. Box 41119, Minillas Station, Santurce, Puerto Rico.

Send comments to the Honorable Carlos Romero Barcelo, La Fortaleza, San Juan, Puerto Rico 00902.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 29, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16980 Filed 9-9-81: 845 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[Docket No. 81-38]

Former Employees; Rules of Practice and Procedure

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The present rule suggests that a former FMC employee wishing to practice before the agency, with respect to a matter that was pending during the employee's tenure, is absolutely precluded from such activity if "associated" with a barred former FMC employee, by reason of current common employer. This amendment would make clear that a former employee may practice before the FMC under such circumstances subject to certain conditions and restrictions.

DATES: Comments must be submitted on or before July 13, 1981

ADDRESS: Address comments and inquiries to: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: 46 CFR 502.32 (b) (2) requires a former employee wishing to appear or practice before the agency within one year of the termination of FMC employment of a particular matter, which was pending during the employee's tenure, to file an affidavit attesting, among other things, that the affiant "is not associated with " nor will be associated with any other former member, employee, or officer who is precluded from practicing, appearing or representing anyone before the FMC in connection with that matter.

The term "not associated with" is neither defined nor explained in section 502.32 (b) (2). The term could be read, however, as absolutely precluding an otherwise qualified former FMC employee from appearing before the agency solely because that employee now happens to be associated, by reason of a common employer, to another former FMC employee who is precluded by law or regulation from so appearing. The Commission did not intend such a result.

Section 502.32 (b) (2) is intended to forbid a former employee intending to practice before the agency on a particular matter, that was pending during the employee's tenure, from obtaining an unfair or unethical advantage by conferring with or soliciting the assistance of another former FMC employee who is precluded from appearing before the Commission in connection with such matter. Interpreted in this manner, § 502.32 (b) (2) is consistent with section 502.32 (c), which permits a former employee's partners or associates to appear before the Commission, even if the former employee is precluded from so doing, provided that such partners or associates do not discuss the matter with, utilize the services of, or share any fees with the former FMC employee. This is the standard the Commission intended to apply to associations among former employees rather than the absolute bar that could be implied from the existing language of § 502.32 (b) (2).

Therefore, pursuant to E.O. 11222 of May 11, 1965 (30 FR 6469), 18 U.S.C. 207, section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), and 5 U.S.C. 553, the Commission proposes to revise paragraph 2 of section 502.32 (b) of Title 46 of the Code of Federal Regulations as follows:

§ 502.32 [Amended]

* * * * *

(b) * * *

(2) Such applicant shall be required to file an affidavit to the effect that the particular Commission matter was not under the applicant's official responsibility as a member, officer or employee of the Federal Maritime Commission at any time within a period of one year prior to the termination of his or her service with the Commission; that the applicant will not: (i) utilize the service of, (ii) discuss any matter with, or (iii) share directly or indirectly any fees or revenues received for services provided in the particular matter with a partner, fellow employee, or legal or business associate who is a former member, officer or employee of the Commission and who is either permanently or temporarily precluded from practicing, appearing or representing anyone before the Commission in connection with the particular matter; and that the applicant's employment is not prohibited by any law of the United States or by the regulations of the

Commission. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files and records of the case.

By the Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-17138 Filed 6-9-81; 8:45 am]

BILLING CODE 6730-01-M

46 CFR Part 547

[General Order No. 45; Docket No. 81-36]

Procedures for Environmental Policy Analysis

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend section 547.4(a) of its environmental rules (46 CFR 547) to clarify certain existing categorical exclusions and to add several new exclusions. Based upon its administration of these rules, the Commission has concluded that several additional exclusions are warranted and will avoid unnecessary assessments on actions which have no potential for significantly affecting the environment. This action will allow both the Commission and the parties before it to more efficiently and effectively pursue those actions which are more likely to impact on the environment.

DATES: Comments (original and fifteen copies) on or before: July 27, 1981.

ADDRESS: Send comments to: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, telephone (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission's environmental rules presently contain a list of Commission actions for which no environmental analysis need be undertaken (46 CFR 547.4(a)). These actions are generally ministerial and involve operations which neither increase nor decrease air, water or noise pollution or the use of fossil fuels, recyclables or energy. Thus, they have no significant effect on the quality of the human environment and can be categorically excluded from the environmental assessment process.

This proposed rule amends present section 547.4(a) to clarify existing exclusions and to add six new classes of Commission actions which are also ministerial functions, or, as experience has shown, do not individually or cumulatively have a significant effect on the quality of the human environment.

Specifically, it is proposed that the last sentence of present section 547.4(a) be revised by adding the words "and rulemakings related thereto" to clarify its intended effect. In addition, subparagraph 547.4(a)(3) would be amended to exclude from environmental assessment, Commission actions involving certification of financial responsibility for water pollution cleanup pursuant to 46 CFR 544.

Wharfage agreements would be deleted from present section 547.4(a)(12), since they would be included within the scope of proposed section 547.4(a)(30)(iii).

Present subparagraph 547.4(a)(18), concerning adjudication of small claims, would be deleted, since such actions are presently excluded by section 547.4(a)(22). In place thereof, a new subparagraph 547.4(a)(18) would be added to exclude actions solely affecting the environment in a foreign country. This conforms with sections 547.7(a) and 547.8(a)(4) which indicate that a finding of no significant impact and an environmental impact statement will only consider the potential impacts on the environment of the United States and the global commons.

Proposed subparagraphs 547.4(a)(30) through 547.4(a)(32) would expand the list of exclusions to include certain agreements involving marine terminals, longshoreman wages or working conditions, container equipment, cranes and other cargo handling equipment. The Commission believes that such actions involve operations which do not have a significant effect on the environment and, therefore, can be excluded. Similarly, actions in proposed subparagraphs 547.4(a) (33) and (34), relating to general agency agreements, credit rules and performance bonds, appear to involve ministerial duties of common carriers which can be exempted from the other provisions of this rule.

Proposed subparagraph 547.4(a)(35) would exclude agreements involving self-policing systems or cargo inspection services. These types of agreements do not involve the actual operation or construction of vessels, equipment or facilities and they consequently will have no significant effect upon the environment.

Therefore, pursuant to 5 U.S.C. 553 and section 43 of the Shipping Act, 1916 (46 U.S.C. 814a), the Commission proposes to amend Part 547 of 46 CFR as follows:

§ 547.4 [Amended]

1. The last sentence of section 547.4(a) would read, "The following Commission actions, and rulemakings related thereto, are therefore excluded:";

2. Section 547.4(a)(3) would read, "Certification of financial responsibility for water pollution cleanup pursuant to 46 CFR Parts 542, 543, and 544";

3. Section 547.4(a)(12) would be amended to read, "Consideration of exclusive or non-exclusive equipment interchange or husbanding agreements filed for section 15 approval";

4. Present section 547.4(a)(18) would be deleted and replaced with a new section 547.4(a)(18) which would read, "Consideration of actions solely affecting the environment in a foreign country";

5. The following new subparagraphs would be added to section 547.4(a):

(30) Consideration of agreements for marine terminal facilities and/or services which involve:

(i) the use, operation, repair or maintenance of: existing structures and facilities, such as docks, berths, piers, wharves, container freight stations, apron areas, warehouses, transit sheds or offices, cranes and other cargo handling areas and facilities;

(ii) the construction of facilities or structures of less than 50,000 square feet; the installation of supporting equipment and facilities, including paving or grading involving no expansion of land area; the installation of surface or subsurface pipelines, fences, lights, and water, sewage, electrical, and gas utilities; or

(iii) the performance of dockage, wharfage, free-time, wharf demurrage, terminal storage, handling, loading and unloading, stevedoring, checking and heavy lift services;

(31) Consideration of agreements regulating employee wages, hours of work, working conditions or labor exchanges;

(32) Consideration of agreements involving the repair, leasing, pooling and checking of shoreside containers, container equipment, cranes, and other cargo handling equipment;

(33) Consideration of general agency agreements involving ministerial duties of a common carrier such as internal management, cargo solicitation, booking of cargo, or preparation of documentation;

(34) Consideration of agreements pertaining to credit rules and performance bonds; and

(35) Consideration of agreements between the members of two or more conferences or other rate-fixing agreements to discuss and agree upon common self-policing systems or cargo inspection services.

By the Commission.
Joseph C. Polking,
Acting Secretary.
[FR Doc. 81-17172 Filed 6-9-81; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 79-252]

Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: Based on a request by Eastern Microwave Inc. the period of time for filing reply comments on the further Notice of Proposed Rulemaking issued in this proceeding, Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor CC Docket 79-252, 46 FR 10924 (February 5, 1981), is extended to July 10, 1981.

DATES: Reply Comments; July 10, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael B. Fingerhut, Common Carrier Bureau (202) 632-6917.

Adopted: May 28, 1981.

Released: June 1, 1981.

By the Acting Chief, Common Carrier Bureau:

1. Before the Common Carrier Bureau is a motion filed by Eastern Microwave, Inc. (EMI) for an extension of time in which to file reply comments on the *Further Notice of Proposed Rulemaking (Further Notice)* issued in the above-captioned proceeding.[1] Under the current procedural schedule, reply comments are due June 5, 1981; EMI seeks a 60-day extension of this date to August 4, 1981.

2. In support of its request, EMI points out that many of the direct comments which were filed on this proceeding on May 1, 1981 are of considerable length and involve complex legal analysis. It argues that its ability to review these comments and develop a response representative of EMI's interest in this far-reaching proceeding is hampered both by the relatively short time frame in which reply comments must be prepared and the fact that EMI's counsel are actively engaged in two lawsuits of vital importance to the carrier.

3. We agree with EMI that because of the voluminous number of direct comments filed, the parties should have some additional time in which to prepare their replies. Based on our own review of the comments as well as the fact that at the request of several other parties the Bureau previously granted a two-month extension in the entire pleading cycle, *Order*, Mimeo No. CC 07462 (released February 26, 1981), we have decided to allow the parties until July 10, 1981 in which to submit their replies.

4. Accordingly, it is ordered, that pursuant to authority delegated under § 0.291 of the Commission's Rules and Regulations, 47 CFR § 0.291, the procedural date for filing reply comments in this proceeding is extended to July 10, 1981.

5. It is further ordered that, except to the extent granted, the motion for the extension of time of Eastern Microwave, Inc. Is denied.

6. It is further Ordered, that this Order is effective upon adoption.

7. It is further ordered, that a copy of this Order be published in the Federal Register.

Federal Communications Commission.
Joseph A. Marino,
Acting Chief, Common Carrier Bureau.
[FR Doc. 81-17139 Filed 6-9-81; 8:45 am]
BILLING CODE 6712-01-M

[1] *Further Notice of Proposed Rulemaking*, 84 FCC 2d 445 (1981).

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1047

[Ex Parte MC 75 (Sub-3)]

Agricultural Cooperative Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Section 24 of the Motor Carrier Act of 1980 raised the limit on nonfarm, nonmember regulated commodities which agricultural cooperatives could haul, from 15 to 25 percent of a cooperative's annual tonnage. With the increased percentage and the concern about sham cooperatives, Congress provided the Commission with enhanced enforcement powers over agricultural cooperatives hauling nonmember freight. The Commission proposes minimal report and record keeping requirements, and a requirement that non-resident agricultural cooperatives make their reports and records available within the United States. The "Notice to Commission of Intent to Perform Interstate Transportation for Certain Nonmembers Under 49 U.S.C. 10526(a)(5)," Form BOp. 102, has been redesignated as OCP 102 and will expire one year from the date filed by the agricultural cooperative. These provisions do not increase economic regulation over cooperatives but provide an improved monitoring mechanism to ensure that cooperatives are operating within the exemption.

DATE: Written comments are due July 27, 1981.

ADDRESS: The original and, if possible, 15 copies of comments should be sent to: Ex Parte No. MC-75 (Sub-No. 3), Room 7219, Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Phyllis Gunn (202) 275-7475.

SUPPLEMENTARY INFORMATION:

Background

Section 24 of the Motor Carrier Act of 1980 specifically permits the Commission (1) to prescribe the form in which records shall be kept by agricultural cooperative associations providing nonmember transportation; (2) to require the filing of reports containing answers to questions about transportation; (3) to inspect the lands, buildings, equipment, and records of any cooperative; and (4) to bring civil action against a cooperative and levy specific penalties for noncompliance with the inspection, record keeping, and reporting requirements.

The Proposed Rules

Records and Reports

The present regulations under 49 CFR 1047.22 prescribe the content of records but not the form in which they must be kept. Since most cooperatives do not organize transportation information in any particular order, it is difficult to monitor compliance with the nonmember, annual tonnage and revenue limitations.

Section 1047.22(b)(1), (2) and (3), as proposed, would hopefully remedy this situation. First, a single trip report for each member and nonmember haul containing the required shipment information shall be compiled. It can be maintained as a single document or as part of a continuous tally of all hauls. The trip reports must be kept in some type of order determined by the cooperative, either chronologically, by freight bill number, or some other means, and cross referenced to

supporting shipping and billing documents. These documents must also be kept and cross referenced to the trip reports. In § 1047.22(b)(1)(v), the weight of the shipment, rather than its volume, will be required to ensure that tonnages are properly figured.

The next proposal requires agricultural cooperatives performing nonmember transportation to compile a quarterly report of their tonnage and/or revenue figures for members; nonmembers who are farmers, cooperatives, federations thereof, and transportation otherwise exempt; other nonmembers; and the U.S. Government. Cooperatives should be maintaining this information in order to determine whether or not they are exceeding the tonnage and revenue limits. The new legislation sets a time limit of 30 days in which a cooperative must provide transportation information. The same time frame is proposed for the preparation of the quarterly reports.

It is reported that many so-called agents, sub-agents, and brokers are arranging transportation for a significant amount of regulated traffic under the name of a cooperative but without the knowledge of the cooperative they purport to represent. One step which can help curb such abuse is to have the cooperative maintain a list of all agents, sub-agents, and brokers it has authorized to represent it.

On the other hand, a cooperative may use its network of agents to scatter its transportation records throughout the country and hamper compliance monitoring significantly. To combat this problem, the regulations will mandate the keeping of all records and reports at the address specified in the Notice filed by the cooperative.

The Senate Committee on Commerce, Science, and Transportation "received testimony and informal comments that indicate a concern about so-called sham cooperatives that have been formed to take advantage of the exemption without truly being a transportation service for agricultural shippers." Determining whether or not the members of the cooperative are engaged to some extent in farming is the first step in identifying a sham operation. The agricultural cooperative would be required to maintain member qualification statements containing the basic information specified under Section 1047.22(c).

Although we believe these additional recordkeeping requirements will have minimal effect on legitimate cooperatives, we seek additional evidence and comments in assessing the paperwork burden presented by these proposals.

Form OCP 102

Form BOp 102, the "Notice to Commission of Intent to Perform Interstate Transportation for Certain Nonmembers Under 49 U.S.C. 10526(a)(5)," has already been redesignated as Form OCP 102 due to the reorganization of the Bureau of Operations into the Office of Consumer Protection. The new form designation was approved by the General Accounting Office on February 12, 1981, when the form was cleared for usage until December 31, 1981. The other change in the form involves the replacement of Section 203(b)(5) and 49 U.S.C. 10526(a)(5) due to the recodification of the Interstate Commerce Act.

The Notice, Form OCP 102, is required by 49 U.S.C. 10526(a)(5) for agricultural cooperatives intending to perform nonmember, nonfarm transportation. From 1968 (when the Notice was first required) to 1978, approximately 350 agricultural cooperatives filed Notices. The form was revised in July, 1978 and since then, approximately 48 cooperatives have refiled and an additional 60 new cooperatives have filed the Notice.

Although many of the agricultural cooperatives go out of business, the Notices which they filed remain in effect. A cooperative may be violating the requirements to make an annual filing and to file supplemental Notices when changes occur. However, such violations do not authorize the Commission to void the initial filing without initiating a formal procedure. Hence, it is impossible to tell how many Notices are actively used and whether or not the information on the form is accurate about the cooperative that filed it. Outdated Notices are misused by a sham cooperative or other illegal trucking operation to mislead shippers and state police into believing that it has "interstate operating authority." Even the "rights" to use the OCP 102 "authority" are sold to various trucking operations.

To help control these occurrences, we propose to amend the Form OCP 102 (see Appendix A) so that it expires one year from the date it is filed by the cooperative. The expiration date of the filing will be included in the annual publication of the Notice in the **Federal Register**. All cooperatives will have one year to refile and then all previously filed Notices will become null and void. This proposal will not place any extra burden on the cooperatives since they presently must file a Notice annually within 30 days of their annual meetings. This present requirement will be eliminated since the expiration date necessitates an annual filing if the cooperative intends to continue hauling for nonmembers.

Any changes in the information contained in the Notice on file will necessitate another filing of the Notice within 30 days of the changes to replace the outdated Notice. The language in the certification statement on the OCP-102 has been simplified with no substantive changes in content or meaning.

Agricultural Cooperatives Domiciled in Other Countries

Commission investigators are unable to monitor compliance of a cooperative domiciled in a foreign country, if it refuses to make its records available in the United States. The regulation proposed under Section 1047.24 would resolve this problem. It would require the non-resident to maintain copies of records at a designated place in the United States. The OCP 102 would be modified to require the address *in the United States* where records are maintained.

Without such a regulation, our ability to monitor compliance by a foreign-based agricultural cooperative doing business in the United States, is significantly reduced. Presently, there are seven cooperatives domiciled in Mexico which have filed Notices and the number is likely to increase.

Environmental and Energy Considerations

This proposed action does not significantly affect the quality of the human environment or the conservation of energy resources.

Initial Regulatory Flexibility Analysis

Amendments to the regulations are being proposed in response to Congressional concern about sham agricultural cooperatives and transportation for nonmembers which exceed the tonnage and revenue limits established by Congress. By providing additional enforcement powers over cooperatives in Section 24 of the "Motor Carrier Act of 1980," Public Law 96-296, passed July 1, 1980, Congress clearly intended for the agricultural cooperative statute to be fully monitored.

This statute is found under 49 U.S.C. 10526(a)(5). Its present form (except nonmember annual tonnage has been increased from 15 to 25 percent) is due to a statutory amendment made by Congress in 1968 when Public Law 90-433 was enacted. To implement the new legislation, a set of regulations defining the new provisions was adopted under 49 CFR 1047.20 through 1047.23 and 49

CFR 1003.1(a). These regulations were modified in 1978 under Ex Parte No. MC–75 (Sub-No. 1) to define further the agricultural cooperative statute and deal with the fast growing problem of sham cooperatives and other illegal operations. Unfortunately, these regulations were deficient in certain respects, especially concerning non-resident cooperatives and the record keeping responsibilities of all cooperatives. Under 49 U.S.C. 11144(c), Congress had limited the Commission from prescribing the form of any records to be maintained by agricultural cooperatives. However, this prohibition was eliminated under the "Motor Carrier Act of 1980" and a new section was enacted under 49 U.S.C. 10529 which permits the Commission to prescribe a form for records, require filing of reports, and inspection and copying of records. Specific penalties for noncompliance with the requirements are assigned. Thus, the statutory amendments have enabled us to propose amendments to carry out the Congressional mandate in this area.

Overall, the proposed revisions seek to systematize information agricultural cooperatives already must keep to ensure its compliance with the statute. However, basic information regarding farmer members, brokers, and agents supporting the cooperative, will be required for the first time and thus made available to the Commission for compliance monitoring.

Approximately 110 agricultural cooperatives have filed the required Notice since July 1978, and would be affected by these proposed amendments. They can range in size from one driver and truck to a fleet of a hundred or more trucks with drivers. Their operations are often nationwide regardless of the size of the cooperative, although some tend to operate predominately in one region of the country.

The legitimate agricultural cooperative will feel minimal effects from these record keeping requirements since it already keeps such records as part of its regular business practice. On the other hand, the sham cooperative probably maintains few of the records pertaining to members, brokers, agents, and nonmember transportation.

Most of the information required for the trip report will be obtained from the freight bill. Other information will need to be gathered from other sources and included in the trip report. The summary report will consist of the total tonnage and revenue figures contained in trip reports for one quarter. Names and addresses of farmer members, brokers, agents, and sub-agents should already be available to the cooperative.

Although the Commission can now require cooperative associations to submit reports, we are only proposing that such reports and records be maintained for possible inspection at the cooperative's office or in the case of non-resident cooperatives, at a place in the United States. Except for the cooperatives domiciled in a foreign country, there are no reproduction or mailing costs involved and clerical time spent on preparing records is greatly reduced.

The record and report keeping requirements will require at most, routine bookkeeping skills while other tasks may be accomplished by clerical personnel.

There are no other Federal rules which duplicate, overlap or conflict with the proposed rules.

The proposed amended regulations are straightforward and simple to comprehend. There are no significant alternatives which would accomplish the stated objectives. These proposed regulations will have a slight economic impact on relatively few small entities. To try to minimize the economic impact would require forfeiting some of the stated objectives and, thus, render the rulemaking unworthwhile.

A copy of this notice will be served on the Administrator of the Small Business Administration. Any input that agency intends to make should be presented within the 45-day comment period.

Amendments

We propose to amend Part 1047, Subtitle B, Chapter X of Title 49, of the Code of Federal Regulations, as follows:

1. In § 1047.20, paragraphs (a) and (b) are revised and paragraph (i) is added to read as follows:

§ 1047.20 Definitions.

* * * * *

(a) Cooperative Association. The term "cooperative association" means an association which conforms to the following definition in the Agricultural Marketing Act, approved June 15, 1929, as amended (12 U.S.C. 1141j): as used in this act, the term "cooperative association" means any association in which farmers act together in processing, preparing for market, handling, and/or marketing the farm products of persons so engaged, and also means any association in which farmers act together in purchasing, testing, grading, processing, distributing, and/or furnishing farm supplies and/or farm business services, Provided, however, that such associations are operated for the mutual benefit of the members thereof as such producers or purchasers and conform to one or both of the following requirements: First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; and Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum. And in any case to the following: Third. That the association shall not deal in farm products, farm supplies, and farm business services with or for nonmembers in an amount greater in value than the total amount of such business transacted by it with or for members. All business transacted by any cooperative association for or on behalf of the United States or any agency or instrumentality thereof shall be disregarded in determining the volume of member and nonmember business transacted by such association. Associations which do not conform to such definition are not eligible to operate under the partial exemption of 49 U.S.C. 10526(a)(5).

(b) Federation of cooperative associations. The term "federation of cooperative associations" means a federation composed of either two or more cooperative associations and one or more farmers, which federation possesses no greater powers or purposes than a cooperative association as defined in paragraph (a) of this section. Federations of cooperative associations which do not conform to such definition are not eligible to operate under the partial exemption of 49 U.S.C. 10526(a)(5).

* * * * *

(i) Non-resident. The term "non-resident" means a cooperative association or federation of cooperative associations which maintains its principal place of business and/or its transportation records required by 49 CFR 1047.22 in any place not within the United States.

2. Section 1047.21 remains unchanged.

§ 1047.21 Computation of tonnage allowable in nonfarm-non-member transportation.

* * * * *

3. Section 1047.22 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 1047.22 Nonmember transportation limitation, record and report keeping.

* * * * *

(b) Records and reports of interstate transportation when nonmember transportation is performed. Any cooperative association or federation of

cooperative associations performing interstate transportation for nonmembers and required to give notice to this Commission under § 1047.23 shall prepare and retain for a period of at least two years at the address specified in its OCP 102 on file, the following written records and reports of all interstate transportation performed for members and nonmembers.

(1) Each shipment shall be documents in a single trip report which shall contain:

(i) the date of the shipment,

(ii) cross references to the supporting shipping and/or billing documents,

(iii) the names and addresses of the consignor and consignee,

(iv) the origin and destination of the shipment,

(v) a description of the articles in the shipment,

(vi) the weight of the shipment,

(vii) a description of the equipment used either by unit number or license number and, in the event this equipment is nonowned, the names and addresses of its owners and drivers,

(viii) the total charges collected,

(ix) whether the transportation performed is

(A) member transportation,

(B) nonmember transportation for nonmembers who are farmers, cooperative associations, or federations thereof, and nonmember shipments which are exempt under Subchapter II, Chapter 105, Subtitle IV of Title 49 of the United States Code,

(C) other nonmember transportation, and if of category (C), how such transportation was incidental and necessary as defined in § 1047.21(a).

A copy of all leases executed by the cooperatives association or federation of cooperative associations to obtain equipment to perform transportation under 49 U.S.C. 10526 (a)(5) shall also be kept. All trip reports shall be maintained in an orderly fashion, in a single document or on a continuous ledger sheet, and may be computerized.

(2) Within 30 days of the end of each quarter in the fiscal year of each agricultural cooperative or federation thereof, the following information shall be compiled into a single report: (i) Total tonnage and revenue for each of the three categories described in Section 1047.22(b)(1)(ix); (ii) Total revenue from shipments transported for the U.S. Government; (iii) Names and addresses of all brokers, agents, and sub-agents authorized to represent the agricultural cooperative or federation thereof.

(3) Shipping and billing documents which provide the data for the above records and reports shall be maintained and cross referenced to the trip reports required under paragraph (b)(1) of this section.

(c) Member qualification statements. Any cooperative association or federation of cooperative associations required to give notice to this Commission under Section 1047.23 shall prepare and maintain a current list of its members' names and addresses, the date each member was admitted into the cooperative, the name of a person at the member's address who may be contacted about member's participation in the cooperative association, and a description of farm-related products produced by the member.

4. Section 1047.23 is revised to read as follows:

§ 1047.23 Notice to the Commission.

A cooperative association or federation of cooperative associations which performs or proposes to perform interstate transportation for nonmembers, who are not farmers, cooperative associations, or federations of cooperative associations, under 49 U.S.C. 10526(a)(5) (which transportation is not otherwise exempt under Subchapter II, Chapter 105, Subtitle IV of Title 49 of the United States Code) shall notify the Commission of its intent to perform such transportation. Such notification shall be given prior to the commencement of such operations and shall be in the form, contain the information, and be served in the manner called for in Form OCP 102. The Notice will expire one year from the filing date stamped on the Notice and must be refiled annually to comply with the notification requirement prior to the commencement of transportation for nonmembers. All previously filed Notices shall become null and void one year following the effective date of this section. Following the receipt of a properly completed Form OCP 102,[1] the Federal Register and put in a central file at the Commission, as public notice of the intent of the agricultural cooperative association or federation of cooperative associations to conduct interstate for-hire transportation for nonmembers under 49 U.S.C. 10526(a)(5). The information requested is of a continuing nature and any changes in the information concerning officers, directors, and location of transportation records in the Notice on file shall be brought to the Commission's attention by the filing of another Form OCP 102 within 30 days of such change which will replace the previously filed Form OCP 102. Forms which are incomplete or are not properly notarized will be rejected by the Commission.

5. Section 1047.24 is added to read as follows:

§ 1047.24 Reports and records of non-resident cooperative associations and federations thereof.

Each non-resident cooperative association or federation which is required to give notice to the Commission under § 1047.23 shall maintain true and current copies of the records and reports required by Section 1047.22, at a place within the United States designated by the non-resident in the Form OCP 102.

(49 U.S.C. 10321, 10526(a)(5), 10529, and 5 U.S.C. 553)

Decided: May 28, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum dissented with a separate expression.

Agatha L. Mergenovich,

Secretary.

The following Appendix A will not appear in the Code of Federal Regulations.

[1] Form OCP 102 is available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

BILLING CODE 7035-01-M

APPENDIX A

INTERSTATE COMMERCE COMMISSION NOTICE TO COMMISSION OF INTENT TO PERFORM INTERSTATE TRANSPORTATION FOR CERTAIN NONMEMBERS UNDER 49 U.S.C. 10526 (a)(5)	APPROVED BY GAO B-180230 (R0112) EXPIRES 3-31-81

COMPLETE LEGAL NAME OF COOPERATIVE ASSOCIATION OR FEDERATION OF COOPERATIVE ASSOCIATIONS

PRINCIPAL MAILING ADDRESS *(Street No., City, State and Zip Code)*	BUSINESS ADDRESS *(If different from principal mailing address)*

STATE OF INCORPORATION	DATE	NO. OF MEMBERS	ANNUAL MEETING	FISCAL YEAR

TYPE OF COOPERATIVE OR FEDERATION AND PRIMARY PURPOSE

PRINCIPAL OFFICERS *(Name, Title and Address)*	PRINCIPAL OCCUPATION AND BUSINESS ADDRESS	AFFILIATION WITH OTHER COOPERATIVES OR FEDERATION REQUIRED TO FILE NOTICE *(Past 5 years)*
1.		
2.		
3.		

DIRECTORS	PRINCIPAL OCCUPATION AND BUSINESS ADDRESS	AFFILIATION WITH OTHER COOPERATIVES OR FEDERATION REQUIRED TO FILE NOTICE *(Past 5 years)*
1.		
2.		
3.		
4.		

WHERE ARE ALL RECORDS OF YOUR MOTOR TRANSPORTATION MAINTAINED IN THE UNITED STATES? *(Street No., City, State and Zip Code)*

DESCRIBE TRANSPORTATION *(Commodities and Territory)* CONTEMPLATED TO BE PERFORMED BY YOU UNDER THE 25 PERCENT PROVISION OF 49 U.S.C. 10526(a)(5).

PERSON TO WHOM INQUIRIES AND CORRESPONDENCE SHOULD BE ADDRESSED

NAME	MAILING ADDRESS	PHONE NO. *(Include Area Code)*

(Receipt Stamp)

NOTE: The filing of this Notice is a proforma requirement and therefore does not constitute approval of the Interstate Commerce Commission or bear on the legitimacy of the named organization or its operations.

THE INFORMATION REQUESTED IS OF A CONTINUING NATURE AND ANY CHANGES IN THE INFORMATION CONCERNING OFFICERS, DIRECTORS, AND LOCATION OF TRANSPORTATION RECORDS IN THE NOTICE ON FILE SHALL BE BROUGHT TO THE COMMISSION'S ATTENTION BY THE FILING OF ANOTHER FORM OCP-102 WITHIN 30 DAYS OF SUCH CHANGE. THE FAILURE TO INFORM THE COMMISSION OF SUCH CHANGES MAY SUBJECT THE ASSOCIATION OR FEDERATION AND ITS OFFICERS AND DIRECTORS TO THE PENALTIES PRESCRIBED IN 18 U.S.C. § 1001.

THIS NOTICE EXPIRES ONE YEAR FROM THE ABOVE RECEIPT STAMP DATE

OCP-102 (4/81)

CERTIFICATION

(To be completed by each principal officer)

I certify that the above statements are true and correct; that I am a principal officer of the organization in whose behalf this Notice is filed and am duly authorized to sign said Notice; that I have acquainted myself with the requirements of 49 U.S.C. 10526(a)(5) and 10529 and the Commission's regulations (49 CFR 1047.20 to 1047.24, inclusive); that the organization is a cooperative association or federation thereof as defined in the Agricultural Marketing Act (12 U.S.C. 1141j) which intends to engage in interstate transportation for nonmembers who are neither farmers, cooperative associations, nor federations thereof, in addition to transportation otherwise exempt under Subchapter II, Chapter 105, Subtitle IV, Title 49 of the U.S. Code; that the original Notice is filed with the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423; that a copy of this Notice shall be carried upon each truck or tractor operating pursuant to 49 U.S.C. 10526(a)(5); and that according to 49 U.S.C. 10529, the Commission or its duly authorized employees may on demand and display of proper credentials (1) inspect and examine the lands, buildings, and equipment of the association or federation, and (2) inspect and copy any record of the association or federation.

I further certify that in signing the foregoing certificate I am aware that anyone who, in any matter within the jurisdiction of any agency of the United States, intentionally makes or uses any false, fictitious, or fraudulent writing or document, may be subject to prosecution and fined up to $10,000 and imprisoned for up to 5 years. (18 U.S.C. § 1001).

SIGNATURE	TYPED NAME AND TITLE
ADDRESS	DATE

COUNTY OF _____)
) SS:
STATE OF _____)

SUBSCRIBED AND SWORN TO BEFORE ME, A _____ IN AND FOR THE STATE AND COUNTY ABOVE NAMED, THIS _____ DAY OF _____, 19_____.

SIGNATURE	TYPED NAME AND TITLE
ADDRESS	DATE

COUNTY OF _____)
) SS:
STATE OF _____)

SUBSCRIBED AND SWORN TO BEFORE ME, A _____ IN AND FOR THE STATE AND COUNTY ABOVE NAMED, THIS _____ DAY OF _____, 19_____.

SIGNATURE	TYPED NAME AND TITLE
ADDRESS	DATE

COUNTY OF _____)
) SS:
STATE OF _____)

SUBSCRIBED AND SWORN TO BEFORE ME, A _____ IN AND FOR THE STATE AND COUNTY ABOVE NAMED, THIS _____ DAY OF _____, 19_____.

OCP-102 (4/81)

BILLING CODE 7035-01-C

Commissioner Trantum, dissenting:

I am very much opposed to the issuance of this Notice of Proposed Rulemaking. Inasmuch as the statute is permissive with regard to the use of Commission authority to impose new federal regulations on agricultural cooperatives, I would decline to do so at this time. I am particularly concerned that the Commission admits that it may never review or utilize any of the information it intends to require these businesses to compile. I doubt very much that this proposed action could stand the scrutiny of a cost/benefit analysis.

[FR Doc. 81-16953 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

Coastal Migratory Pelagics; Fishery Management Plan; Public Hearing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Public Hearing.

SUMMARY: The South Atlantic Fishery Management Council will hold hearings to allow for public input on proposed changes to the Coastal Migratory Pelagics (Mackerels) Fishery Management Plan.

DATES: Written comments will be accepted until June 26, 1981. Individuals or organizations wishing to comment on the proposed changes may do so at the hearings which will be held from 7:30 p.m. to 10:00 p.m. as follows:

June 24, 1981	Greenville, North Carolina
June 24, 1981	Savannah, Georgia
June 25, 1981	Charleston, South Carolina
June 25, 1981	Palm Beach Gardens, Florida

The proceedings will be recorded; the tapes will serve as the official transcript. A written summary of each hearing will also be prepared.

ADDRESSES: Send comments to Chairman, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, SC 29407.

Hearing Locations

June 24, 1981	Research Development Institute Auditorium, East Carolina University, Greenville, North Carolina
June 24, 1981	Savannah Science Museum, Savannah, Georgia
June 25, 1981	Marine Resources Auditorium, Charleston, South Carolina
June 25, 1981	Northeast County Courthouse Complex, Palm Beach Gardens, Florida.

FOR FURTHER INFORMATION CONTACT: David H. G. Gould, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle Suite 306, Charleston, SC 29407. Telephone 803 571-4366.

SUPPLEMENTARY INFORMATION: The South Atlantic and Gulf of Mexico Fishery Management Councils jointly prepared the Fishery Management Plan for Coastal Migratory Pelagics (Mackerels). The plan was disapproved by the National Marine Fisheries Service as originally written. Disapproval was based on three management measures: (1) Specifying a minimum size of 25 inches for king mackerel that are bought, sold, or processed commercially; (2) stipulating a minimum mesh size of 4¾ inches for king mackerel gill nets; and (3) prohibiting the use of purse seines in the king and Spanish mackerel fishery off the South Atlantic Coast.

The South Atlantic Fishery Management Council reconsidered these management measures and voted to: (1) delete the minimum 25 inch size limit for king mackerel; (2) reaffirm its position in support of the 4¾ inch minimum king mackerel gill net mesh size (and develop additional rationale); and (3) allow purse seiners to compete with:

(a) Other netters for up to 400,000 lbs. of king mackerel (the total allocation of king mackerel to netters is 5,122,800 lbs. The total allowable harvest by all gear types is 37 million lbs.), and

(b) Other users for up to 300,000 lbs. of Spanish mackerel (the total allowable harvest of Spanish mackerel is 27 million lbs.)

The South Atlantic council will hold hearings to allow for public comment on these proposed changes to this plan. When changes to the disapproved measures are accepted by both Councils, then the plan may be resubmitted to the National Marine Fisheries Service for reconsideration.

Dated: June 5, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-17225 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 682

Western Pacific Fishery Management Council; Public Hearings; Correction

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Correction of Notice of Public Hearings.

SUMMARY: On May 29, 1981 (46 FR 28883) a notice was published in the **Federal Register** 50 CFR Part 682 announcing a series of hearings to receive comments on a proposed fishery management program for billfish fisheries of the Western Pacific Region as described in the draft environmental impact statement/fishery management plan (DEIS/FMP). The notice has been amended as follows.

ADDRESSES: Public hearing locations: The June 18 hearing in Kona will take place at the King Kamehameha Hotel. The June 30 hearing in Kahului, Maui, will take place at the Kahului Library on Kaahumanu Street. A hearing will be held on July 11 in Saipan, Commonwealth of the Northern Mariana Islands, at 7:00 p.m. in the Governor's Conference Room.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1608, Honolulu, Hawaii 96813 (808) 523-1368, or Mr. Doyle Gates, Western Pacific Program Office, Southwest Region, NMFS, P.O. Box 3830, Honolulu, Hawaii 96812 (808) 946-2181.

Dated: June 5, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-17224 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 111
Wednesday, June 10, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Record of Decision, Final Environmental Impact Statement; A Programmatic Statement for Methods of Managing Competing Vegetation Pacific Northwest Region National Forest Lands In Oregon, Washington and Siskiyou and Del Norte Counties of California

Based on the analysis and evaluation in the Final Environmental Impact Statement for Methods of Managing Competing Vegetation, it is my decision to adopt Alternative 2 as the mix of methods to be used on appropriate National Forest Lands in the Pacific Northwest Region. Alternative 2 is: "Full use of all methods of vegetation management, except chemical use would be reduced. Use of chemicals would be critically examined for effects on adjacent land, streams, water systems, and nearness to communities." It is expected that a reduction in chemical use would be accomplished through consideration of local concerns and strict adherence to current law, regulation, policy, and guidelines. Seven alternatives were identified. All alternatives, except "no action," considering varying mixes of methods, including chemical, mechanical, manual, biological, and thermal.

Alternative 2 best meets all the evaluation criteria and gives due consideration to public input, public health and safety, environmental protection, cost effectiveness, employment opportunities, and accomplishment of assigned targets.

Alternative 2 was one of two alternatives identified as environmentally preferable.

The alternative selected provides adequate mitigation to avoid environmental harms.

Implementation may take place 45 days from the date of this decision. The decision to adopt Alternative 2 as described in the Final EIS is subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: June 2, 1981.

R. E. Worthington,

Regional Forester, Pacific Northwest Region.

[FR Doc. 81-17001 Filed 6-9-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 81-6-25]

Fitness Determination of Puerto Rico International Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81-6-25, order to show cause.

SUMMARY: The Board is proposing to find that Puerto Rico International Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 22, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-25.

FOR FURTHER INFORMATION CONTACT: Richard E. Clusman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5216.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-25 is available from the Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-25 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 4, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-17195 Filed 6-9-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-44]

United States-Chile Show Cause Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause; order 81-6-44.

SUMMARY: The Board proposes to institute the *United States-Chile Show Cause Proceeding*, Docket 39692, and consolidate the certificate applications of Pan American World Airways, Eastern Air Lines, and Air Florida, Inc. and other applicants, into this proceeding.

ANSWERS: Interested persons may answer these applications NO LATER THAN July 8, 1981. Copies of answers shall be filed with the Civil Aeronautics Board (23 copies, addressed to Docket 39692, Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428), and shall be mailed to Pan American World Airways, Eastern Air Lines, Air Florida, Inc., the Departments of State and Transportation and the Ambassador of Chile in Washington, D.C.

Answers must cite the docket number and must include a summary of testimony, statistical data or other such supporting evidence.

To get a copy of the complete order, request it from the Civil Aeronautics Board, Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Laurie Schaffer, (202) 673-5203, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20423.

By the Civil Aeronautics Board: June 5, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-17196 Filed 6-9-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Case No. 618 and Case No. 617]

Bryan V. Williamson, a/k/a Byron Williams and Datalec Ltd.; Order Temporarily Denying Export Privileges

The Office of Export Administration, Internatonal Trade Administration, (ITA), issued charging letters against the above named respondents, alleging the parties separately and in association with each other, violated the provisions of the Export Administration Regulations, 15 CFR 368 *et seq.* It petitioned for an order temporarily denying respondents all export privileges pending final resolution of the charges.

Bryan Williamson, a/k/a Byron Williams, was denied all export privileges by Order of August 20, 1968 43 FR 11841 (August 22, 1968). At that time the record disclosed that Williamson and others have connived and conspired to procure American-manufactured communications and electronic equipment for ultimate transshipment to proscribed distinations and persons. The evidence presented in support of the present petition leads to the conclusion that Datalec, 16 Haviland Road, Ferndown Industrial Estate Wimborne, Dorset, England BH21 7 RF is a dummy corporation, wholly owned and controlled by Williamson, dedicated to the purpose of evading the export laws of the United States, and that it has purchased and seeks to acquire additional American-controlled commodities for ultimate delivery to Eastern European destinations.

The record before me enforces the conclusion that to allow the export of any commodity for or on behalf of Williamson, a person long known for varied and continued violations of export laws, is inimical to the public welfare and may pose a threat to the national security.

I find that an order temporarily denying all export privileges to the respondents is reasonably necessary for the protection of the national security and the public interest to permit and facilitate enforcement of the Export Administration Act, and implementing regulations, pending the final disposition of the proceedings initiated against the parties as indicated above.

Accordingly, it is hereby ordered that:

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of the foregoing, participation in any such transaction, either in the United States, or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to a validated export license application, (b) in the peparation or filing of any export license application or reexportation authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade of services connected therewith.

IV. No person, firm corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any named respondent or related party, or whereby any named respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any named respondent or related party denied export privileges: or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Export Administration Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 3810, 14th and Constitution Avenue, NW Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative proceeding or proceedings initiated against the named respondents have been completed. A copy of this order shall be served upon the respondents.

Dated: June 4, 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81-17016 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-25-M

Michelin X-Radial Steel Belted Tires From Canada; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on Michelin X-

radial steel belted tires from Canada. The review is based upon information for the period January 1, 1978 through December 31, 1979. As a result of this review, the Department has preliminarily determined to assess countervailing duties equal to the calculated value of the net subsidies for 1978 and 1979. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Josephine A. Russo or Joseph A. Black, Office of Compliance, Room 2803 International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1168 or 377–1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 8, 1973, a "final Countervailing duty Determination," T.D. 73–10, was published in the **Federal Register** (38 FR 1018). The notice stated that the Department of the Treasury had determined that exports of Michelin X-radial steel belted tires from Canada benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of Title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was fransferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on Michelin X-radial steel belted tires from Canada.

Scope of the Review

Imports covered by this review are X-radial steel belted tires manufactured in Canade by Michelin tires (Canada), Limited (formerly Michelin tires Mamufacturing Company of Canada, Ltd.), such imports are currently classifiable under item number 772.51 of the Tariff Schedules of the United States (TSUS).

The review is based upon information for the period January 1, 1978 through December 31, 1979 and is limited to the programs found countervailable in the final determintion. Those programs are: (1) a preferential long-term loan from Industrial Estates Limited ("IEL"); (2) capital and training grants from the Federal Department of Regional Economic Expansion ("DREE") and IEL; and (3) a preferential property tax agreement.

Analysis of Programs

1. *IEL Loan.* In the final determination, Treasury countervailed against a 1970 $50 million loan agreement ("the 1970 agreement") with IEL at the preferential rate of 6 percent interest. Treasury ascertained the going rate for like funds to be 8 percent, thereby resulting in a 2 percent interest subsidy. Further, the 1970 agreement contained a pledge which tied the receipt of all of the grant monies to the repayment of the loan. In Michelin's September 11, 1980 response to our questionnaire, the company informed the Department of an agreement with IEL undertaken in 1972 ("the 1972 agreement") which changed certain of the terms of the 1970 loan contract. The 1972 loan agreement deferred payment of the first seven principal payments while financing that amount at higher interest rates. We have found that these amending provisions of the 1972 agreement do not result in a subsidy. We compared the interest rates on the deferred portion of the loan principal with the prevailing rates on the Canadian corporate bond and Eurobond markets in the month that the agreement became effective. Based on this data, the rates fixed by the 1972 agreement were not below market rates. For the loan principal that was not deferred and has continued to bear the original rate of 6 percent interest, we have calculated the subsidy rate by applying the same method used by Treasury in the final determination. We have preliminarily determined that the rates of benefit for this program are 0.49 and 0.22 percent *ad valorem* for 1978 and 1979, respectively.

2. *Capital and Training Grants.* Grants from DREE were direct cash grants for construction, expansion and/or modernization. Those from IEL were both training and capital grants. Since the 1970 loan agreement contained a pledge which tied all grants recieved to the repayment of the loan, Treasury calculated the benefit by allocating the grants over the same loan repayment schedule. The 1972 loan agreement discontinued this pledge, and, therefore, we will no longer apply our past method of allocation. Further, Michelin has received additional DREE grants for its later phases of expansion of capital plant and equipment. Consequently, we calculated the subsidy rates from the grants by determining those remaining portions of the capital grants that would be applicable to buildings and to machinery, and allocating them on a straightline basis over half the useful life of the assets (20 years for buildings; 10 years for machinery) beginning in the year each grant installment was received. We then divided the allocated monies by the value of production (discussed below). We have preliminary determined that the *ad valorem* rates of benefit from all of the capital grants for 1978 and 1979 are 2.33 and 2.07 percent, respectively. (See offset discussion below.)

For the IEL training grants received during 1973 and 1974, Treasury followed the same rationale for allocating each award over the life of the loan repayment schedule. The Department would normally expense a training grant in the year received. However, because the training grants are no longer tied to the loan's repayment, we have decided to approximate the normal approach by allocating the outstanding balances of these grants only to the year 1978, and divide by the value of production. This has resulted preliminarily in the subsudy rate of 1.63 percent *ad valorem* in 1978 and 0 percent in 1979.

Michelin requested that the Department take into consideration offsets due to costs incurred by location in an economically disadvantaged area. Under the TAA, offsets of this type can no longer be considered by the Department for entries made after January 1, 1980. However, since entries made after January 1, 1980. However, since entries covered by this review were made prior to the enactment of the TAA, the Department will allow such offsets if supported by sufficient evidence. Michelin did not provide verified evidence for these offsets; thus no offsets have been granted.

Michelin further requested that we take into account the after-tax consequences of the grant awards in calculating the amount of the subsidy. Under Canadian tax law, assets purchased with funds from DREE grants are not eligible for depreciation-related tax deduction. This, Michelin argues, increases the level of taxable income. The Department will not investigate the indirect consequences of domestic taxation law which flow from an alleged subsidy program unless that program is itself a provision of domestic taxation law. Thus, no adjustment has been made for this factor.

Lastly, Michelin requested that we make an adjustment for the payment made by Michelin to IEL for the release from the grant pledge. We have taken this payment into consideration on the

grounds that it represents a cost to Michelin for obtianing unrestricted use of the grant funds. We have applied this adjustment to the rate for 1979, the year in which the payment was made, resuling in an offset 0.24 percent *ad valorem*. The net subsidy for the capital grants after deduction of this offset is 1.83 percent in 1979.

3. *Preferential Property Tax Agreement*. The property tax agreement between IEL and the area taxing authorities provided for a flat rate of 1 percent property tax based on the actual costs of construction, rather than the appraised values. Each year, Treasury calculated the benefit by estimating the normal property tax incidence, and subtracting from this figure the payments made by Michelin on its 1 percent agreement. We have used this same method to determine the subsidy for 1978 and 1979. We have included the value of land in the total value of real property, since land is normally included in appraised values. We have preliminarily determined that the *ad valorem* rates under this program are 0.12 and 0.09 percent for 1978 and 1979, respectively.

In the calculation of all of the subsidy rates, we have decided to use the value of Michelin's exports to the United States as the best information available in representing the value of production. Michelin submitted in October 1980 values of production based upon an improper method of calculation. Further, Michelin declined to allow the Department to verify the production figures it furnished in response to our request. Michelin did offer, on May 12, 1981, to provide additional information and verification. However, we have not accepted this information since it was not provided in a timely manner.

Thus, while Michelin sells this merchandise in both the United States and Canadian markets, we are not able in a timely manner to verify from corporate books and records the production value of the merchandise sold in either, or the combined, markets. The only verified evidence of the production value of this merchandise consists of the value of exports to the United States. This information, which was obtained through the United States Government, was used, therefore, as the best evidence of the total production value of the merchandise.

We verified certain of the information presented by Michelin through examination of Canadian Government laws and documents; corporate loan contracts, cancelled checks and invoices and other documents; import statistics from the U.S. Government; and consultation with Canadian Government officials who are familiar with the specific programs in this case.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the aggregate net subsidy is 4.57 percent of the f.o.b. invoice price for 1978 and 2.25 percent *ad valorem* for 1979.

The Department intends to instruct the Customs Service to assess countervailing duties of 4.57 percent of the f.o.b. invoice price for 1978 and 2.25 percent *ad valorem* for 1979 on all unliquidated entries of Michelin X-radial steel belted tires from Canada exported during the period 1978 and 1979 respectively.

Further, a cash deposit of estimated countervailing duties of 2.25 precent of the f.o.b. invoice price shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, the suspension of liquidation and deposit requirements previously ordered will continue.

Interested parties may submit written comments on these preliminary results on or before July 9, 1981 and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made on or before June 15, 1981. The Department will publish the final results of the administrative review after analysis of issues raised in written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

June 4, 1981.

[FR Doc. 81-17119 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

Retrofitting of Four Tankers and Two OBOs To Comply With the Port & Tanker Safety; Intent To Compute Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of Section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost for retrofitting four MA Design T8-S-100b tankers and two MA Design OB8-S-90a OBOs to comply with the Port and Tanker Safety Act of 1978 (Pub. L. 95-474).

Any person, firm or corporation having any interest (within the meaning of Section 502(b)) in such computations may file written statements by the close of business on June 25, 1981, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets NW, Washington, D.C. 20230.

Dated: June 4, 1981.

By Order of the Maritime Subsidy Board, Maritime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-17138 Filed 6-9-81; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Education and Information Subcommittee; and Administration Subcommittee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), has established Education and Information and Administrative Subcommittees. The Council and its Subcommittees will hold separate meetings. The Council will hold its 36th regular meeting to consider status reports on fishery management plans (FMP's) under development; draft FMP for shallow-water reef fishes; draft FMP for coastal migratory pelagics resources and discuss the proposed participation of the Council on joint efforts of various Councils regarding and FMP for swordfish; discuss progress on preparation of the color-slide narrated presentation on Council activities, as well as discuss administrative matters and other Council business. The Education and Information Subcommittee will also meet to consider the color-slide narrated presentation on Council activities and discuss the Council's newsletter; the Administrative Subcommittee will meet to consider matters related to the Council's budget and administrative operations. These meetings are open to the public.

DATES: The Council meeting will convene on Wednesday, July 22, 1981, at approximately 9 a.m., and will adjourn on Thursday, July 23, 1981, at

approximately noon. The Council's Education and Information Subcommittee will meet on Tuesday, July 21, 1981, at approximately 1:30 p.m., and will adjourn at approximately 3 p.m. and the Council's Administrative Subcommittee meeting will also convene on the same day, at approximately 3:30 p.m., and will adjourn at approximately 5 p.m.

ADDRESS: The meetings will take place at the Conference Room Number 4, La Torre Annex, Caribe Hilton Hotel, San Juan, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753–4926.

Dated: June 5, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–17211 Filed 6–9–81; 8:45 am]

BILLING CODE 3510–21–M

Inter-Council Swordfish Steering Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The South Atlantic, Mid-Atlantic, New England, Gulf of Mexico, and Caribbean Fishery Management Councils, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), will hold inter-council meetings to review and discuss the source document of the Swordfish Fishery Management Plan.

DATES: The public meetings will convene on Monday, July 20, 1981, at approximately 9 a.m., and will adjourn on Tuesday, July 21, 1981, at approximately noon.

ADDRESS: The meetings will take place at the Caribbean Hilton International Hotel, San Juan, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: June 5, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–17212 Filed 6–9–81; 8:45 am]

BILLING CODE 3510–22–M

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), will meet to discuss the status of the groundfish and Atlantic sea herring fisheries; the Maine herring fishery management plan; reports of the Scientific and Statistical Committee, Advisory Subpanel and ad hoc enforcement committee; ovesight committee's reports on Atlantic sea scallops; environmental affairs committee's report; reports of the inter-council and Chairpersons'/Executive Directors' meetings; National Marine Fisheries Service's secretarial hearings and summary of comments received at public hearings, as well as other business.

DATES: The public meetings will convene on Tuesday, June 30, 1981, at approximately 10 a.m., and will adjourn on Wednesday, July 1, 1981, at approximately 5 p.m. The meetings may be lengthened or shorthened, or agenda items rearranged depending upon progress on the agenda.

ADDRESS: The meetings will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council; Suntaug Office Park, Five Broadway-Route One, Saugus, Massachusetts 01600.

Dated: June 5, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–17213 Filed 6–9–81; 8:45 am]

BILLING CODE 3510–22–M

National Marine Fisheries Service; Notice of Issuance of Permit

On April 23, 1981, Notice was published in the **Federal Register** (46 FR 23097), that an application had been filed with the National Marine Fisheries Service by Mr. Brent S. Stewart, Field Biologist, 1700 South Shores Road, San Diego, California 92109, for a permit to take 1,000 Northern elephant seals and four other species of marine mammals for scientific research. The Notice erroneously gave the address as 700 South Shores Road and did not address adequately the numbers of animals to be taken from the other four listed pinniped species. The number of California sea lions, harbor seals, Northern sea lions, and Northern fur seals is undetermined. These species may be inadvertently harassed in the course of aerial and beach walk surveys in conducting the Northern elephant seal research.

Notice is hereby given that on June 4, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Scientific Research Permit to Mr. Brent S. Stewart, to conduct population studies on one thousand (1,000) Northern elephant seals (*Mirounga angustirostris*) subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 4, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–17214 Filed 6–9–81; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Military Traffic Management Command; Tender Format Requirements To Move Military Freight

AGENCY: Military Traffic Management Command (MTMC), DOD.

ACTION: Request for Public Comment on Proposed Change.

SUMMARY: MTMC proposes, as a revised procedure, to require mandatory use of the new tender format now in Optional Form 280, to move military freight shipments (excluding personal property). MTMC proposes that it will not distribute, but will return, to the issuing carrier or rate bureau any military freight tender that has not been submitted in the revised tender format. The purpose of this notice is to seek public guidance before a final decision is made.

DATE: Written public comments should be received by July 15, 1981.

ADDRESS: Directorate of Inland Traffic (MT–INNT), 5611 Columbia Pike, Falls Church, Virginia 22041.

FOR FURTHER INFORMATION CONTACT: Mr. Martin Cunningham, Headquarters, Military Traffic Management Command, Attention: MT–INNT, 5611 Columbia Pike, Falls Church, Virginia 22041, Telephone: (202) 756–1567; 756–1149.

SUPPLEMENTARY INFORMATION: In FR 51817, November 7, 1978, and 44 FR 59249, October 15, 1979, the General Services Administration, under 49 U.S.C.

10721, published changes to the standard format used to tender rates to U.S. Government agencies. Accordingly, 41 CFR 101–40.306–1, was amended to encourage optional use of the new tender format, illustrated in 41 CFR 101–40.4906.2, and designated Optional Form 280. MTMC now proposes mandatory use by common carriers of the new tender format to move military freight (excluding personal property).

Copies of Optional Form 280 and of tender preparation instructions can be obtained either from the Superintendent of Public Documents, U.S. Government Printing Office, Attention: Public Documents, Washington, D.C. 20402 (Stock No. 022–000–00183–3), or from the American Trucking Associations, Inc., Government Traffic Department, 1616 P Street, NW., Washington, D.C. 20036.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 5, 1981.

[FR Doc. 81–17199 Filed 6–9–81; 8:45 am]

BILLING CODE 3810–70–M

Corps of Engineers; Department of the Army

Draft Supplement Environmental Impact Statement (DSEIS) for a Proposed Cooperative Aquatic Plant Control Program for the State of Alabama

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft supplement environmental impact statement (DSEIS).

SUMMARY: 1. *Description of Proposed Action:* The proposed action involves a cooperative program between the U.S. Army Corps of Engineers, Mobile District, and the State of Alabama Department of Conservation and Natural Resources to control/manage obnoxious aquatic plants in the waters of the State. The primary action involves herbicidal treatment, with the appropriate EPA-labeled herbicides, of Eurasian watermilfoil (*Myriophyllum spicatum*) and hydrilla (*Hydrilla verticillata*). The control efforts on Eurasian watermilfoil will be in limited areas of high public contact (i.e., boat channels, launching ramps) in the Mobile Delta area of south Alabama. Hydrilla control will be carried out initially on Coffeeville Lake on the Tombigbee River.

2. *Alternatives to the Proposed Action.* Alternatives considered include various degrees of plant management using chemical, biological, mechanical, and integrated control methodologies, as well as the no action alternative.

3. *Description of the Scoping Process.* Numerous releases through the local media have been made in an effort to inform the public of the proposed action. In addition, many presentations have been made to local civic, conservation, and fishing organizations. The DSEIS will undergo the public review process as required by the National Environmental Policy Act. Significant issues to be addressed in the DSEIS will include purpose and need for the proposed action, the environmental impacts of herbicidal control activity, and the degree of treatment.

4. *Scoping Meeting.* None scheduled.

5. *DSEIS Preparation.* The DSEIS should be completed and made available to the public in August 1981.

ADDRESS: Questions about the proposed action and DSEIS can be answered by: Mr. James B. Hildreth, PD–EE, U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, AL 36628.

Dated: June 2, 1981.

Robert H. Ryan,

Colonel, CE, Commander and District Engineer.

[FR Doc. 81–17153 Filed 6–9–81; 8:45 am]

BILLING CODE 3710–CR–M

Rocky Mountain Arsenal, Colorado; Filing of Final Second Supplement to Final Environmental Impact Statement, Transportation of Chemical Materiel, Operation RMT (October 1977)

A Final Environmental Impact Statement (FEIS) for the transportation of WETEYE chemical bombs from Rocky Mountain Arsenal, Colorado to Tooele Army Depot, Utah was filed in November 1977.

A first Supplement to the FEIS was filed in October 1978 to present the results of the 1978 Special Surveillance inspection of the munitions.

Section 809 of the Military Construction Authorization Act of 1981, Pub. L. 96–418, requires the Secretary of Defense, notwithstanding any other provision of law, to remove all chemical munitions from Rocky Mountain Arsenal, CO by October 10, 1981. In compliance with Section 809(b) of that Act, the Under Secretary of Defense (Research and Engineering) proposed to the Congress that the munitions be moved to Tooele Army Depot for future storage.

Although Section 809 of the Military Construction Act, 1981, exempts the removal of the WETEYE bombs from Rocky Mountain Arsenal from the requirements of other laws, the Departments of Defense and Army, as a matter of policy, are continuing to use the procedures of Section 102 of the National Environmental Policy Act, 42 U.S.C. section 4332 (1976) as a guide in planning the movement. Accordingly, a Second Draft Supplement to the Final Environmental Impact Statement was filed on February 20, 1981. This Final Supplement presents the results of the 1979 WETEYE Reassessment Inspection, changes in inspection criteria, and other clarifications to the FEIS.

Copies of this Final Second Supplement have been delivered to the Environmental Protection Agency and are being forwarded to concerned, Federal, state and local agencies, as well as congressional delegations and Chairmen of the Congressional Armed Services Committees. Interested organizations or individuals may obtain copies from Commander, U.S. Army Armament Materiel Readiness Command, Building 390, Attn: DRSAR–ASN (Mr. N. H. Baker), Rock Island, IL 61201 (Phone (309) 793–5916). In the Washington area, inspection copies may be seen in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310 (Phone (202) 694–1163).

Dated: June 5, 1981.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA(IL&FM).

[FR Doc. 81–17202 Filed 6–9–81; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Privacy Act of 1974; Addition of New Systems of Records

AGENCY: Department of the Navy (DON).

ACTION: Addition of a new system of records.

SUMMARY: The Department of the Navy proposes to add a new systems of records to its inventory of systems of records subject to the Privacy Act of 1974. The systems notices for this new system of records is set forth below.

DATES: The proposed actions will be effective without further notice on July 10, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should

be addressed to the systems managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, DC 20350; telephone 202-694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579; 88 Stat. 1896, et seq.) have been published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6696) January 21, 1981
FR Doc. 81-3277 (46 FR 9693) January 29, 1981
FR Doc. 81-10892 (46 FR 21226) April 9, 1981

The Navy submitted a new system report for this system under the provisions of Subsection 552a(o) of Title 5 of the United States Code, on May 1, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 5, 1981.

N1754

SYSTEM NAME:

Navy Family Support Program

SYSTEM LOCATION:

Navy Family Service Centers located at various Naval and Marine Corps activities. A list of the proposed 78 Family Service Center Sites and anticipated implementation year is attached.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps service members and their families/dependents. In certain overseas locations civilian Navy and Marine Corps employees may be eligible for services. In certain CONUS locations, civilian Marine Corps employees may be eligible for services.

CATEGORIES OF RECORDS IN THE SYSTEM:

File could contain personal information such as name, social security number, home address, telephone number, marriage counseling information, parent-child relationship information, family relations, financial data, and developmental disability information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Family Service Centers in the performance of their duties related to counseling/servicing the member and/or dependent.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of member.

SAFEGUARDS:

Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly cleared and trained. Building/rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Records are retained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-152), Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURES:

Written requests may be addressed to the appropriate Naval/Marine Corps activity concerned (mailing addresses are listed in the Navy directory in the component system notice). Individuals should provide proof of identity, full name, rank, dates of counseling, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Form submitted by the individual applying for counseling/assistance.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Navy and Marine Corps—*Family Service Center Sites*

Name of site/station and geographical location	Parent activity	Fiscal year
Annapolis, Maryland	NAVSTA	1983
Adak, Alaska	NAVSTA	1983
Alameda, California	NAS	1982
Atsugi, Japan	NAF	1983
Bangor, Washington	NAVSUBASE	1982
Barbers Point, Hawaii	NAS	1983
Bermuda, Bermuda	NAS	1983
Brooklyn, New York	NAVSTA	1983
Brunswick, Maine	NAS	1983
Cecil Field, Florida	NAS	1983
Charleston, South Carolina	NAVBASE	1981
Charleston, South Carolina	WEPSTA	1983
Chase Field, Texas	NAS	1983
Corpus Christi, Texas	NAS	1983
Dallas, Texas	NAS	1983
Gaeta, Italy	NAVSUPACTDET	1983
Great Lakes, Illinois	NTC	1982
Guam, Mananas Islands	NAVSTA	1982
Guantanamo Bay, Cuba	NAVSTA	1983
Gulfport, Mississippi	NAVCONST-BATTCEN	1983
Holy Loch, Scotland	NAVACTDET	1983
Jacksonville, Florida	NAS	1981
Keflavik, Iceland	NAVSTA	1983
Key West, Florida	NAS	1983
Kings Bay, Georgia	NAVSUPSUBASE	1982
Kingsville, Texas	NAS	1983
La Maddalena, Italy	NAVSUPOFF	1983
Lemmore, California	NAS	1983
Little Creek, Virginia	NAVPHIBASE	1983
Longbeach, California	NAVSTA	1981
Mare Island, California	NAVSTA	1983
Mayport, Florida	NAVSTA	1983
Memphis, Tennessee	NAS	1983
Meridan, Mississippi	NAS	1983
Miramar, California	NAS	1981
Moffett Field, California	NAS	1983
Naples, Italy	NAVSUPACT	1982
New London, Connecticut	NAVSUBASE	1982
New Orleans, Louisiana	NAVSUPACT	1983
Newport, Rhode Island	NETC	1983
Norfolk, Virginia	NAVBASE	1980-81
North Island, California	NAS	1981
Oceana, Virginia	NAS	1983
Okinawa, Okinawa (Japan)	FLTACT	1983
Orlando, Florida	NTC	1982
Patuxent River, Maryland	NAVAIRTESTCEN	1983
Pearl Habor, Hawaii	NAVSTA	1982
Pensacola, Florida	NAS	1981
Philadelphia, Pennsylvania	NAVSTA	1983
Port Hueneme, California	NAVCONST-BATTCEN	1982
Puget Sound, Washington	NAVSHIPYD	1983
Rota, Spain	NAVSTA	1980
Roosevelt Roads, Puerto Rico	NAVSTA	1980
San Diego, California	NAVSTA	1980-81
Sigonella, Italy	NAF	1983
South Weymouth, Massachusetts	NAS	1983
Subic Bay, Rep. of Philipines	NAVSTA	1983
Treasure Island, California	NAVSTA	1982
Washington, DC, District of Columbia	WNY	1982
Whidbey Island, Washington	NAS	1982
Whiting Field, Florida	NAS	1983
Yokosuka, Japan	FLTACT	1981

Became Operational During Current Year 1980

Name of Site and Geographical Location

MCAS, Cherry Point, North Carolina
MCB, Camp LeJeune, North Carolina
MCB, Camp Pendleton, California
MCAS, El Toro/MCAS, Tustin, California
MCB, Camp Butler, Okinawa, Japan
MCDEC, Quantico, Virginia
HQMC/Henderson Hall, Arlington, Virginia
MCAS, Yuma, Arizona
MCDB, Albany, Georgia
MCRD, San Diego, California
MCRD, Parris Island, South Carolina
MCAS, Iwakuni, Japan

MCAGCC, Twentynine Palms, California
MCAS, Beaufort, South Carolina
MCAS, Kaneohe Bay, Hawaii
MCLB, Barstow, California

[FR Doc. 81-17204 Filed 6-9-81; 8:45 am]
BILLING CODE 3810-71-M

Office of the Secretary

Defense Science Board Summer Study Panel on Operational Readiness With High Performance Systems, Advisory Committee Meeting

The Defense Science Board Summer Study Panel on Operational Readiness with High Performance Systems will meet in closed session on June 29–30 in Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At its meeting on June 29–30, 1981 the Defense Science Board Summer Study Panel on Operational Readiness with High Performance Systems will review the impact of high performance systems on the current state of readiness of U.S. forces.

In accordance with 5 U.S.C. App. 1 § 10(d) (1976), it has been determined that this Defense Science Board Summer Study Panel meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1976), and that accordingly, this meeting will be closed to the public.

June 2, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-17006 Filed 6-9-81; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case Nos. 52007-1626-01-82, 52007-1626-02-82, 52007-1626-03-82]

New England Power Co. of Westborough, Massachusetts, Salem Harbor Units 1, 2, and 3; Intention To Proceed With Prohibition Order Proceedings

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of its intention to proceed with the pending Prohibition Order Proceedings relating to certain powerplants owned by New England Power Company (NEP) of Westborough, Massachusetts, and located in Salem, Massachusetts, and identified as Salem Harbor units 1, 2 and 3.

Pursuant to sections 301(b) and 701(b) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA) proposed prohibition orders for Salem Harbor units 1, 2 and 3 were issued by ERA on March 28, 1980, and published in the **Federal Register** on April 3, 1980 (45 FR 22183).

Description of Prohibition Order Proceedings

In accordance with 10 CFR 501.51, the issuance of the proposed prohibition orders commenced an initial public comment period, during which period NEP was given an opportunity to challenge ERA's initial finding that Salem Harbor units 1, 2 and 3 have or previously had the technical capability to burn an alternate fuel (coal) as a primary energy source. The initial comment period was extended twice, to a final date of May 1, 1981, in order to allow the utility to conduct air quality modeling on the effects of coal burning at Salem Harbor and to discuss the modeling results with appropriate environmental agencies. During this period, the utility was required to furnish ERA with evidence bearing upon the other statutory findings which ERA must make prior to the issuance of a final prohibition order. The utility must also have identified, during this period, any exemptions for which the powerplant may qualify, but need not have submitted evidence attempting to demonstrate entitlement to an exemption.

The publication of this Notice of Intention To Proceed commences another three-month period during which NEP may present evidence to demonstrate that the powerplants would qualify for exemptions, which would constitute a defense to the issuance of final prohibition orders.

Subsequent to the end of this three-month period ERA will, if it intends to issue final prohibition orders, prepare and publish a notice of availability of a Tentative Staff Analysis concerning the findings ERA must make prior to issuance of final prohibition orders. Those findings, which are required by section 301(b) of FUA, are: (1) that the powerplant has the technical capability to use coal or another alternate fuel as a primary energy source, or it could have such capability without (A) substantial physical modification of the powerplant or (B) substantial reduction in the rated capacity of the powerplant; and (2) that it is financially feasible for the powerplant to use coal or another alternate fuel as its primary energy source.

The provisions of section 701(d) of FUA and 10 CFR 501.33 afford any interested person an opportunity to request a public hearing on the proposed prohibition order. Interested persons wishing a hearing must make their request, in writing, no later than 45 days after publication of the Notice of Availability of the Tentative Staff Analysis. In accordance with 10 CFR 501.33, the request must include a description of the requesting party's interest in the issue or issues involved, and an outline of the anticipated content of the presentation proposed to be made. The request should, to the extent possible, identify witnesses that are intended to be called and include, if possible, a summary of their anticipated testimony and/or questions expected to be asked. If a hearing is requested, the hearing will be held in accordance with Subpart C of 10 CFR Part 501. Interested persons may also submit written comments during this 45-day period.

After the hearing and comment period closes, ERA shall determine whether a final prohibition order will be issued based upon ERA's review of the entire administrative record. Any final prohibition order, together with a summary of the basis therefore, will be published in the **Federal Register**. Such order shall not take effect earlier than sixty days after publication.

Comments and Written Submission Received on Proposed Prohibition Order

NEP submitted comments on the proposed prohibition order by letter dated April 30, 1981, indicating that NEP is working with various local, state and federal officials to obtain the necessary approvals to allow coal burning at Salem Harbor units 1, 2 and 3. NEP indicates that it will continue to work towards conversion to coal as long as the proposition is financially feasible, in the economic interest of utility customers, and environmentally safe.

Neither NEP, nor any other interested persons, submitted any information contrary to ERA's initial finding that Salem Harbor units 1, 2 and 3 have or previously had the technical capability to burn an alternate fuel (coal) as a primary energy source.

In accordance with 10 CFR 501.51, NEP submitted evidence relating to the other findings tht ERA is required to make under section 301(b) of FUA, and identified, in their response dated April 30, 1981, those exemptions for which Salem Harbor units 1, 2 and 3 may qualify. The exemptions authorized by sections 311 and 312 of the Act which NEP identified are:

(a) Temporary exemption due to lack of alternate fuel supply, site limitations, or environmental requirements;
(b) Temporary exemption based upon future use of synthetic fuels;
(c) Temporary exemption based upon use of innovative technologies;
(d) Temporary exemption for units to be retired;
(e) Temporary public interest exemption;
(f) Temporary exemption for peakload powerplants;
(g) Temporary exemption for powerplants where necessary to maintain reliability of service;
(h) Permanent exemption due to lack of alternate fuel supply, site limitations, or environmental requirements;
(i) Permanent exemption due to certain state or local requirements;
(j) Permanent exemption for certain fuel mixtures containing natural gas or petroleum;
(k) Permanent exemption for emergency purposes;
(l) Permanent exemption for peakload powerplants;
(m) Permanent exemption for intermediate load powerplants;
(n) Permanent exemption for the use of LNG by certain powerplants; and
(o) Permanent exemption for installations necessary to meet scheduled equipment outages.

For further information contact:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, (202) 653-4055.

Steven Frank, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3302, Washington, D.C. 20461, (202) 653-4184.

James Renjilian, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

Issued in Washington, D.C., June 4, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-17191 Filed 6-9-81; 8:45 am]

BILLING CODE 6450-01-M

Ozona Gas Processing Plant; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Natural Gas Liquid Products, Attn.: Claude Corzatt, Program Operations Division, Office of Enforcement, 2000 M Street, NW., Room 5108, Washington, D.C. 20461, (202) 653-3541.

SUPPLEMENTARY INFORMATION: On December 7, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Ozona Gas Processing Plant (OGP) of Tyler, Texas on November 26, 1979, 44 FR 70538 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund amount paid by OGP pursuant to the Consent Order were requested to submit notice of their claims to the OE.

One comment was received. The commentor raised issues concerning its independent claims against another purchaser from OGP. The Consent Order, by its terms, only resolved civil claims between OGP and the Department of Energy. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, OGP refunded the sum of $177,000 by certified checks made payable to the United States Department of Energy in four installments. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

The following persons submitted claims to the OE:

Suburban Propane Gas Corporation
Growth Energy, Inc.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $177,000, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on June 1, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3rd day of June 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-17190 Filed 6-9-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4538-000]

Wisconsin Public Power Incorporated System; Application for Preliminary Permit

June 1, 1981.

Take notice that Wisconsin Public Power Incorporated System (Applicant) filed on April 15, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4538 to be known as Mississippi River Lock and Dam No. 6 located on Mississippi River in Winona County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Wisconsin Public Power Incorporated System, c/o Mr. Richard L. Olson, P.O. Box 927, Madison, Wisconsin 53701. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A proposed powerhouse containing generating units having a total installed capacity of 10,815 kW; (2) proposed 69-kV transmission lines; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. The Applicant estimates that the average annual energy output would be 42,440 MWh.

Purpose of Project—Energy produced at the project would be marketed to the municipal members of the Applicant.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time studies would be made to determine the economic, engineering, and environmental feasibility of the project. In addition, Federal, State, and local agencies would be consulted concerning the environmental effects of the project. Applicant estimates the cost of the studies would be $48,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before August 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4538. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17020 Filed 6-9-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies

Issued: June 2, 1981.

V 4 6 J E 1 0 8 1 UMI

Determinations by Jurisdictional Agencies

Issued: June 2, 1981.

JD CD	JD DT	API NO	SEC TWN RNG WELL NAME	FIELD NAME	PROD	PURCHASER
NORTH DAKOTA GEOLOGICAL SURVEY						
-ALPAR RESOURCES INC			RECEIVED: 05/04/81 JA: ND			
8129744	376	3305301080	102-4 NORSTOG 1A-3	CHERRY CREEK	144.0	AMINOIL USA INC
-JERRY CHAMBERS-OIL PRODUCER			RECEIVED: 05/04/81 JA: ND			
8129743	375	3300700507	102-4 2-26 MOSSER	T R FIELD	7.4	WESTERN GAS PROCE
8129742	374	3300700293	102-4 3-22 FRANKS CREEK STATE	T R	4.0	WESTERN GAS PROCE
-MARTIN OIL COMPANY			RECEIVED: 05/04/81 JA: ND			
8129741	373	3310500000	103 #35-1 JOHNSON	TIOGA MADISON	27.3	AMINOIL USA INC
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-ARCO OIL AND GAS COMPANY			RECEIVED: 05/04/81 JA: NM			
8129737		3002527158	103 G W TOBY WELL NO 5	LANGLIE MATTIX 7R QN	5.0	EL PASO NATURAL G
8129738		3002527232	103 H S RECORD WN WELL NO 5	EUNICE (7R QN SOUTH)	100.0	PHILLIPS PETROLEU
8129732		3002526602	103 STATE 157 B WELL #4	JALMAT	7.0	PHILLIPS PETROLEU
8129731		3002526560	103 STATE 367 WELL NO 4 (BLINEBRY)	BLINEBRY	35.0	WARREN PETROLEUM
8129730		3002526560	103 STATE 367 WELL NO 4 (TUBB)	TUBB	7.0	WARREN PETROLEUM
8129739		3002527101	103 T M LANKFORD WN WELL NO 2	LANGLIE MATTIX (7R QN)	15.0	EL PASO NATURAL G
-CITIES SERVICE COMPANY			RECEIVED: 05/04/81 JA: NM			
8129729		3001523469	103 STATE CZ NO 1	UND NORTH TURKEY TRACT (	365.0	
-CONSOLIDATED OIL & GAS INC			RECEIVED: 05/04/81 JA: NM			
8129733		3004524197	103 JAQUEZ #2	BASIN-DAKOTA	0.0	
-COQUINA OIL CORPORATION			RECEIVED: 05/04/81 JA: NM			
8129734		3002500000	108-ER JANDA STATE #1	LANGLIE-MATTIX	13.0	EL PASO NATURAL G
-ENSERCH EXPLORATION INC			RECEIVED: 05/04/81 JA: NM			
8129723		3004120565	103 PEARL JORDAN NO 2	NORTH PETERSON	80.0	TRANSWESTERN PIPE
-GETTY OIL COMPANY			RECEIVED: 05/04/81 JA: NM			
8129726		3004524312	103 BUNCE FEDERAL COM WELL NO 1E	BASIN DAKOTA	169.0	EL PASO NATURAL G
8129727		3004524355	103 NEW MEXICO E WELL NO 1E	BASIN DAKOTA	91.8	NORTHWEST PIPELIN
-MESA PETROLEUM			RECEIVED: 05/04/81 JA: NM			
8129740		3004524037	103 STATE COM AH #30E	BASIN DAKOTA	142.0	EL PASO NATURAL G
-MOBIL PROD TEXAS & NEW MEXICO INC			RECEIVED: 05/04/81 JA: NM			
8129735		3002500000	108 BRUNSON-ARCO NO 12	DRINKARD	5.0	NORTHERN NATURAL
8129736		3002511373	108 S E LONG NO 6	DRINKARD	7.9	NORTHERN NATURAL
-SOUTHLAND ROYALTY CO			RECEIVED: 05/04/81 JA: NM			
8129725		3004320450	103 DON EVANS #1	SOUTH BLANCO EXTENSION	80.0	EL PASO NATURAL G
-TENNECO OIL COMPANY			RECEIVED: 05/04/81 JA: NM			
8129724		3002527137	103 STATE LF-30 #1	KEMNITZ ATOKA-MORROW	29.0	TRANSWESTERN PIPE
-YATES PETROLEUM CORPORATION			RECEIVED: 05/04/81 JA: NM			
8129728		3001523154	103 JACKSON ESTATE BY #9	EAGLE CREEK - PERMO PENN	0.0	TRANSWESTERN PIPE
TENNESSEE OIL & GAS BOARD						
-BRADY ENERGY CORP			RECEIVED: 05/04/81 JA: TN			

UMI 8 0 1 3 6 4 V

JO NO	JA DKT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129745	A-588	4112920454	102-2	RALPH PEMBERTON-D LAVENDER #1	DOUGLAS BRANCH	21.9	INTRASTATE ENERGY
WEST VIRGINIA DEPARTMENT OF MINES							
-BEREA OIL AND GAS CORPORATION		RECEIVED: 05/04/81 JA: WV					
*8129820		4700101229	103	H L STEERMAN #1	VALLEY	17.6	CONSOLIDATED GAS
*8129819		4700101200	103	L O SHINGLETON #1	VALLEY	7.8	CONSOLIDATED GAS
*8129823		4700101240	103	R VOWLS #3	VALLEY	14.4	CONSOLIDATED GAS
*8129822		4700101241	102-3	R VOWLS #4	VALLEY	9.8	CONSOLIDATED GAS
*8129821		4700101241	103	R VOWLS #4	VALLEY	10.2	CONSOLIDATED GAS
*8129784		4700101203	103	T HARRIS #1	VALLEY	9.6	CONSOLIDATED GAS
-BURDETTE OIL & GAS CO INC		RECEIVED: 05/04/81 JA: WV					
8129769		4707300782	C 102-3	AUBRA GRACE THORN #3	BENS RUN	0.0	COLUMBIA GAS TRAN
8129770		4707300784	D 102-3	AUBRA GRACE THORN #4	BENS RUN	0.0	COLUMBIA GAS TRAN
8129768		4707300748	D 102-3	WALDO WAGNER #3	BENS RUN	0.0	COLORADO GAS TRAN
-BUTTES RESOURCES CO		RECEIVED: 05/04/81 JA: WV					
8129747		4701500986	108	BROWN GOSHORN #1	GEARY PROSPECT	4.3	COLUMBIA GAS CO
8129746		4701500985	108	BROWN GOSHORN #2	GEARY PROSPECT	4.3	COLUMBIA GAS CO
8129748		4701500988	108	BROWN GOSHORN #3	GEARY PROSPECT	4.3	COLUMBIA GAS CO
8129749		4701500991	108	BROWN GOSHORN #4	GEARY PROSPECT	4.3	COLUMBIA GAS CO
8129750		4701500992	108	BROWN GOSHORN #5	GEARY PROSPECT	4.3	COLUMBIA GAS CO
-CARSON PETROLEUM CORP		RECEIVED: 05/04/81 JA: WV					
8129785		4702103633	103	JAMES #3	BIG ELLIS	30.0	CONSOLIDATED GAS
8129786		4702103625	103	JONES #2A	BIG ELLIS	30.0	CONSOLIDATED GAS
8129761		4701702705	103	SHULTE #1	ST CLAIR	20.0	COLUMBIA GAS TRAN
8129787		4702103664	103	SPROUSE #1	BIG ELLIS	25.0	CONSOLIDATED GAS
-FOX DRILLING CO INC		RECEIVED: 05/04/81 JA: WV					
8129783		4700101266	103	H POLING #2(47-001-1266)	BELINGTON FIELD	45.0	COLUMBIA GAS TRAN
8129782		4700101267	103	H POLING #3(47-001-1267)	BELINGTON FIELD	45.0	COLUMBIA GAS TRAN
8129781		4700101280	103	WAGNER #2(47-001-1280)	BELINGTON FIELD	35.0	COLUMBIA GAS TRAN
-HAUGHT-EVANS GAS CO		RECEIVED: 05/04/81 JA: WV					
8129779		4708504537	103	PANSY LEMON EVANS H-759	MURPHY DISTRICT	20.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC		RECEIVED: 05/04/81 JA: WV					
8129780		4700101106	103	B-181	PHILIPPI	400.0	CONSOLIDATED GAS
8129829		4703302158	103	B-267	SARDIS	200.0	CONSOLIDATED GAS
8129766		4703302331	103	B-301	EAGLE	200.0	CONSOLIDATED GAS
8129762		4700101350	103	B-340	VALLEY	200.0	CONSOLIDATED GAS
8129777		4701702524	103	J-103	NEW MILTON	200.0	CONSOLIDATED GAS
8129827		4701702786	103	J-130	NEW MILTON	200.0	CONSOLIDATED GAS
8129763		4701702600	103	J-169	CENTRAL	200.0	CONSOLIDATED GAS
8129764		4701702606	103	J-171	NEW MILTON	200.0	COLUMBIA GAS TRAN
8129826		4701702740	103	J-241	NEW MILTON	200.0	COLUMBIA GAS TRAN
8129776		4700101335	103	J-282	BARKER	200.0	COLUMBIA GAS TRAN
8129765		4701702802	103	J-287	NEW MILTON	200.0	CARNEGIE NATURAL
8129828		4701702790	103	J-299	NEW MILTON	200.0	CARNEGIE NATURAL
-NRM PETROLEUM CORPORATION		RECEIVED: 05/04/81 JA: WV					
8129757		4709701994	103	STONESTREET #2	BUCKHANNON RIVER	0.0	COLUMBIA GAS TRAN
-PENNZOIL COMPANY		RECEIVED: 05/04/81 JA: WV					
8129771		4702103275	108	BUSH-HOLT #1	DEKALB	0.0	CONSOLIDATED GAS
8129794		4708504072	108	CHARLES LIEVING #1	MURPHY	0.0	CONSOLIDATED GAS
8129793		4708504073	108	CHARLES LIEVING #2	MURPHY	0.0	CONSOLIDATED GAS
8129792		4708504076	108	CHAS L LIEVING #5	MURPHY	0.0	CONSOLIDATED GAS
8129835		4702103297	108	O HARDMAN #6	DEKALB	0.0	CONSOLIDATED GAS

JO NO	JA DKT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-PENNZOIL COMPANY		RECEIVED: 05/04/81 JA: WV					
8129790		4708504074	108	CHAS L LIEVING #6	MURPHY	0.0	CONSOLIDATED GAS
8129791		4708504075	108	CHAS L LIEVING #7	MURPHY	0.0	CONSOLIDATED GAS
8129795		4708504077	108	CHAS L LIEVING #8	MURPHY	0.0	CONSOLIDATED GAS
8129796		4708504078	108	CHAS L LIEVING #9	MURPHY	0.0	CONSOLIDATED GAS
8129797		4708504079	108	CHAS L LIEVING #10	MURPHY	0.0	CONSOLIDATED GAS
8129798		4708504080	108	CHAS L LIEVING #11	MURPHY	0.0	CONSOLIDATED GAS
8129799		4708504081	108	CHAS L LIEVING #12	MURPHY	0.0	CONSOLIDATED GAS
8129800		4708504082	108	CHAS L LIEVING #13	MURPHY	0.0	CONSOLIDATED GAS
8129801		4708504083	108	CHAS L LIEVING #14	MURPHY	0.0	CONSOLIDATED GAS
8129802		4708504084	108	CHAS L LIEVING #15	MURPHY	0.0	CONSOLIDATED GAS
8129803		4708504085	108	CHAS L LIEVING #16	MURPHY	0.0	CONSOLIDATED GAS
8129804		4708504086	108	CHAS L LIEVING #17	MURPHY	0.0	CONSOLIDATED GAS
8129805		4708504087	108	CHAS L LIEVING #18	MURPHY	0.0	CONSOLIDATED GAS
8129806		4708504088	108	CHAS L LIEVING #19	MURPHY	0.0	CONSOLIDATED GAS
8129807		4708504089	108	CHAS L LIEVING #20	MURPHY	0.0	CONSOLIDATED GAS
8129808		4708504090	108	CHAS L LIEVING #21	MURPHY	0.0	CONSOLIDATED GAS
8129809		4708504091	108	CHAS L LIEVING #22	MURPHY	0.0	CONSOLIDATED GAS
8129810		4708504092	108	CHAS L LIEVING #23	MURPHY	0.0	CONSOLIDATED GAS
8129811		4708504093	108	CHAS L LIEVING #24	MURPHY	0.0	CONSOLIDATED GAS
8129812		4708504094	108	CHAS L LIEVING #25	MURPHY	0.0	CONSOLIDATED GAS
8129813		4708504095	108	CHAS L LIEVING #26	MURPHY	0.0	CONSOLIDATED GAS
8129814		4708504096	108	CHAS L LIEVING #27	MURPHY	0.0	CONSOLIDATED GAS
8129815		4708504097	108	CHAS L LIEVING #28	MURPHY	0.0	CONSOLIDATED GAS
8129816		4708504098	108	CHAS L LIEVING #29	MURPHY	0.0	CONSOLIDATED GAS
8129817		4708504099	108	CHAS L LIEVING #30	MURPHY	0.0	CONSOLIDATED GAS
8129818		4708504100	108	CHAS L LIEVING #31	MURPHY	0.0	CONSOLIDATED GAS
8129824		4708504101	108	CHAS L LIEVING #32	MURPHY	0.0	CONSOLIDATED GAS
8129825		4708504102	108	CHAS L LIEVING #33	MURPHY	0.0	CONSOLIDATED GAS
8129831		4708504103	108	CHAS L LIEVING #34	MURPHY	0.0	CONSOLIDATED GAS
8129832		4708504104	108	CHAS L LIEVING #35	MURPHY	0.0	CONSOLIDATED GAS
8129833		4708504105	108	CHAS L LIEVING #36	MURPHY	0.0	CONSOLIDATED GAS
8129834		4708504106	108	CHAS L LIEVING #37	MURPHY	0.0	CONSOLIDATED GAS
8129836		4708504107	108	CHAS L LIEVING #38	MURPHY	0.0	CONSOLIDATED GAS
8129837		4708504108	108	CHAS L LIEVING #39	MURPHY	0.0	CONSOLIDATED GAS
8129838		4708504109	108	CHAS L LIEVING #40	MURPHY	0.0	CONSOLIDATED GAS
8129839		4708504110	108	CHAS L LIEVING #41	MURPHY	0.0	CONSOLIDATED GAS
8129840		4708504111	108	CHAS L LIEVING #42	MURPHY	0.0	CONSOLIDATED GAS
8129841		4708504112	108	CHAS L LIEVING #43	MURPHY	0.0	CONSOLIDATED GAS
8129842		4708504113	108	CHAS L LIEVING #44	MURPHY	0.0	CONSOLIDATED GAS
8129843		4708504114	108	CHAS L LIEVING #45	MURPHY	0.0	CONSOLIDATED GAS
8129844		4708504115	108	CHAS L LIEVING #46	MURPHY	0.0	CONSOLIDATED GAS
8129845		4708504116	108	CHAS L LIEVING #47	MURPHY	0.0	CONSOLIDATED GAS
8129846		4708504117	108	CHAS L LIEVING #48	MURPHY	0.0	CONSOLIDATED GAS
8129847		4708504118	108	CHAS L LIEVING #49	MURPHY	0.0	CONSOLIDATED GAS
8129848		4708504119	108	CHAS L LIEVING #50	MURPHY	0.0	CONSOLIDATED GAS
8129849		4708504120	108	CHAS L LIEVING #51	MURPHY	0.0	CONSOLIDATED GAS
8129850		4708504121	108	CHAS L LIEVING #52	MURPHY	0.0	CONSOLIDATED GAS
8129851		4708504122	108	CHAS L LIEVING #53	MURPHY	0.0	CONSOLIDATED GAS
8129852		4708504123	108	CHAS L LIEVING #54	MURPHY	0.0	CONSOLIDATED GAS
8129853		4708504124	108	CHAS L LIEVING #55	MURPHY	0.0	CONSOLIDATED GAS
8129854		4708504125	108	CHAS L LIEVING #56	MURPHY	0.0	CONSOLIDATED GAS
8129855		4708504126	108	CHAS L LIEVING #57	MURPHY	0.0	CONSOLIDATED GAS
8129856		4708504127	108	CHAS L LIEVING #58	MURPHY	0.0	CONSOLIDATED GAS
8129857		4708504128	108	CHAS L LIEVING #59	MURPHY	0.0	CONSOLIDATED GAS
8129858		4708504129	108	CHAS L LIEVING #60	MURPHY	0.0	CONSOLIDATED GAS
8129859		4708504130	108	CHAS L LIEVING #61	MURPHY	0.0	CONSOLIDATED GAS
8129860		4708504131	108	CHAS L LIEVING #62	MURPHY	0.0	CONSOLIDATED GAS
8129861		4708504132	108	CHAS L LIEVING #63	MURPHY	0.0	CONSOLIDATED GAS
8129862		4708504133	108	CHAS L LIEVING #64	MURPHY	0.0	CONSOLIDATED GAS
8129863		4708504134	108	CHAS L LIEVING #65	MURPHY	0.0	CONSOLIDATED GAS
8129864		4708504135	108	CHAS L LIEVING #66	MURPHY	0.0	CONSOLIDATED GAS
8129865		4708504136	108	CHAS L LIEVING #67	MURPHY	0.0	CONSOLIDATED GAS
8129866		4708504137	108	CHAS L LIEVING #68	MURPHY	0.0	CONSOLIDATED GAS
8129867		4708504138	108	CHAS L LIEVING #69	MURPHY	0.0	CONSOLIDATED GAS
8129868		4708504139	108	CHAS L LIEVING #70	MURPHY	0.0	CONSOLIDATED GAS
8129869		4708504140	108	CHAS L LIEVING #71	MURPHY	0.0	CONSOLIDATED GAS
8129870		4708504141	108	CHAS L LIEVING #72	MURPHY	0.0	CONSOLIDATED GAS
8129871		4708504142	108	CHAS L LIEVING #73	MURPHY	0.0	CONSOLIDATED GAS
8129872		4708504143	108	CHAS L LIEVING #74	MURPHY	0.0	CONSOLIDATED GAS
8129873		4708504144	108	CHAS L LIEVING #75	MURPHY	0.0	CONSOLIDATED GAS
8129874		4708504145	108	CHAS L LIEVING #76	MURPHY	0.0	CONSOLIDATED GAS
8129875		4708504146	108	CHAS L LIEVING #77	MURPHY	0.0	CONSOLIDATED GAS
8129876		4708504147	108	CHAS L LIEVING #78	MURPHY	0.0	CONSOLIDATED GAS
8129877		4708504148	108	CHAS L LIEVING #79	MURPHY	0.0	CONSOLIDATED GAS
8129878		4708504149	108	CHAS L LIEVING #80	MURPHY	0.0	CONSOLIDATED GAS
8129879		4708504150	108	CHAS L LIEVING #81	MURPHY	0.0	CONSOLIDATED GAS
8129880		4708504151	108	CHAS L LIEVING #82	MURPHY	0.0	CONSOLIDATED GAS
8129881		4708504152	108	CHAS L LIEVING #83	MURPHY	0.0	CONSOLIDATED GAS
8129882		4708504153	108	CHAS L LIEVING #84	MURPHY	0.0	CONSOLIDATED GAS
8129883		4708504154	108	CHAS L LIEVING #85	MURPHY	0.0	CONSOLIDATED GAS
8129884		4708504155	108	CHAS L LIEVING #86	MURPHY	0.0	CONSOLIDATED GAS
8129885		4708504156	108	CHAS L LIEVING #87	MURPHY	0.0	CONSOLIDATED GAS
8129886		4708504157	108	CHAS L LIEVING #88	MURPHY	0.0	CONSOLIDATED GAS
8129887		4708504158	108	CHAS L LIEVING #89	MURPHY	0.0	CONSOLIDATED GAS
8129888		4708504159	108	CHAS L LIEVING #90	MURPHY	0.0	CONSOLIDATED GAS
8129889		4708504160	108	CHAS L LIEVING #91	MURPHY	0.0	CONSOLIDATED GAS
8129890		4708504161	108	CHAS L LIEVING #92	MURPHY	0.0	CONSOLIDATED GAS
8129891		4708504162	108	CHAS L LIEVING #93	MURPHY	0.0	CONSOLIDATED GAS
8129892		4708504163	108	CHAS L LIEVING #94	MURPHY	0.0	CONSOLIDATED GAS
8129893		4708504164	108	CHAS L LIEVING #95	MURPHY	0.0	CONSOLIDATED GAS
8129894		4708504165	108	CHAS L LIEVING #96	MURPHY	0.0	CONSOLIDATED GAS
8129895		4708504166	108	CHAS L LIEVING #97	MURPHY	0.0	CONSOLIDATED GAS
8129896		4708504167	108	CHAS L LIEVING #98	MURPHY	0.0	CONSOLIDATED GAS
8129897		4708504168	108	CHAS L LIEVING #99	MURPHY	0.0	CONSOLIDATED GAS
8129898		4708504169	108	CHAS L LIEVING #100	MURPHY	0.0	CONSOLIDATED GAS

JOB NO	DOCKET	WELL NO	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129834		4702103300	108		EARL HARDMAN #1	DEKALB	0.0	CONSOLIDATED GAS
8129833		4702103301	108		EARL HARDMAN #2	DEKALB	0.0	CONSOLIDATED GAS
8129799		4708504065	108		ELIZ KEMP #1	MURPHY	0.0	CONSOLIDATED GAS
8129803		4708500921	108		ELIZ KEMP #2	MURPHY	0.0	CONSOLIDATED GAS
8129808		4702103347	108		F C GAINER #3	DEKALB	0.0	CONSOLIDATED GAS
8129839		4702103306	108		FRENCH HARDMAN #2	DEKALB	0.0	CONSOLIDATED GAS
8129811		4702103307	108		FRENCH HARDMAN #3.	DEKALB	0.0	CONSOLIDATED GAS
8129810		4702103310	108		FRENCH HARDMAN 9	DEKALB	0.0	CONSOLIDATED GAS
8129800		4708504063	108		G C FETTY #1	MURPHY	0.0	CONSOLIDATED GAS
8129814		4710301110	D 108		H L SMITH #40	GRANT	0.0	CONSOLIDATED GAS
8129807		4708500212	108		HAUGHT-LAMBERT #15	MURPHY	0.0	CONSOLIDATED GAS
8129806		4708500505	108		HAUGHT-LAMBERT #18	MURPHY	0.0	CONSOLIDATED GAS
8129805		4708500534	108		HAUGHT-LAMBERT #19	MURPHY	0.0	CONSOLIDATED GAS
8129790		4708504092	108		HAYS-LAMBERT #1	MURPHY	0.0	CONSOLIDATED GAS
8129767		4702103262	108		I D WOODFORD #3	DEKALB	0.0	CONSOLIDATED GAS
8129791		4708504090	108		J C HAYS #2	MURPHY	0.0	CONSOLIDATED GAS
8129838		4702103281	108		JOAB CRITES HRS #6	DEKALB	0.0	CONSOLIDATED GAS
8129836		4702103292	108		LAFAYETTE HARDEN #2	DEKALB	0.0	CONSOLIDATED GAS
8129769		4710500786	108		N J DAWSON #2	BURNING SPRINGS	0.0	CONSOLIDATED GAS
8129804		4708500807	108		N W HAUGHT #3	MURPHY	0.0	CONSOLIDATED GAS
8129798		4708504066	108		NEWTON KEMP #1	MURPHY	0.0	CONSOLIDATED GAS
8129797		4708504067	108		NEWTON KEMP #2	MURPHY	0.0	CONSOLIDATED GAS
8129824		4710301166	D 108		O P MCINTYRE #1	GRANT	0.0	CONSOLIDATED GAS
8129788		4710500799	108		PHOEBE PEPPER #1	BURNING SPRINGS	0.0	CONSOLIDATED GAS
8129812		4710500800	108		PHOEBE PEPPER #2	BURNING SPRINGS	0.0	CONSOLIDATED GAS
8129816		4710500803	108		PHOEBE PEPPER #5	BURNING SPRINGS	0.0	CONSOLIDATED GAS
8129815		4710500804	108		PHOEBE PEPPER #6	BURNING SPRINGS	0.0	CONSOLIDATED GAS
8129818		4710500805	108		PHOEBE PEPPER #7	BURNING SPRINGS	0.0	CONSOLIDATED GAS
8129837		4702103288	108		R J ELLIS #5	DEKALB	0.0	CONSOLIDATED GAS
8129809		4702103330	108		RIDDLE BROTHERS #8	DEKALB	0.0	CONSOLIDATED GAS
8129801		4708503422	108		SARAH J LEMON #20	MURPHY	0.0	CONSOLIDATED GAS
8129796		4708504070	108		SARAH J LEMON #34	MURPHY	0.0	CONSOLIDATED GAS
8129795		4708504071	108		SARAH J LEMON #35	MURPHY	0.0	CONSOLIDATED GAS
8129802		4708503279	108		SARAH LEMON #30	MURPHY	0.0	CONSOLIDATED GAS
8129813		4710301107	D 108		SHUMAN HEIRS #5	GRANT	0.0	CONSOLIDATED GAS
8129825		4704301547	D 108		W T HARRIS #4	DUVAL	0.5	CONSOLIDATED GAS
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 05/04/81 JA: WV						
8129759		4704102749	103		OLETA TURNER #1	ASPINALL-FINSTER	71.0	CONSOLIDATED GAS
-QUAKER STATE OIL REFINING CORP		RECEIVED: 05/04/81 JA: WV						
8129756		4703923483	103		J H CARTE #10	ELK DISTRICT	16.1	COLUMBIA GAS TRAN
8129751		4703903585	103		L KELLY #5	ELK DISTRICT	11.0	COLUMBIA GAS TRAN
8129755		4703903477	103		MOHLER LUMBER CO #6	BIG SANDY DISTRICT	13.1	COLUMBIA GAS TRAN
8129754		4703903489	103		MOHLER LUMBER CO #7	ELK DISTRICT	13.1	COLUMBIA GAS TRAN
8129753		4703903490	103		O GILBERT #10	ELK DISTRICT	11.0	COLUMBIA GAS TRAN
8129752		4703903491	103		O GILBERT #11	ELK DISTRICT	11.0	COLUMBIA GAS TRAN
-R & S GAS COMPANY		RECEIVED: 05/04/81 JA: WV						
8129830		4708504796	103		L O HEFFNER NO 3	MURPHY DISTRICT	12.0	CABOT CORP
-RARE EARTH ENERGY INC		RECEIVED: 05/04/81 JA: WV						
8129831		4707300904	103		RYMER #1	UNION DISTRICT	0.0	COLUMBIA GAS TRAN
-ROBERT B PAYNE		RECEIVED: 05/04/81 JA: WV						
8129817		4703302325	103		ROBERT E PAYNE NO 1	LOST CREEK	6.0	CONSOLIDATED GAS
-ROBERT VARTAN		RECEIVED: 05/04/81 JA: WV						
8129778		4708504863	103		ROYAL D COX 1-A (100 ACRES)	BEREA	0.0	COLUMBIA GAS TRAN

JD NO	JA DAT	API NO	S SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SENECA-UPSHUR PETROLEUM CO			RECEIVED: 05/04/81 JA: WV				
8129758		4704720824	103	P-262	ADKIN	30.0	CONSOLIDATED GAS
-STONESTREET LANDS CO			RECEIVED: 05/04/81 JA: WV				
8129775		4701501696	103	GLEN SANTY 5 ACRES #1-S-36	ELMIRA	25.0	COLUMBIA GAS TRAN
8129774		4701501701	103	SANTY 20 3/4 #1-S-53	ELMIRA	39.0	COLUMBIA GAS TRAN
-TRIO PETROLEUM CORP			RECEIVED: 05/04/81 JA: WV				
8129760		4702103576	103	BENNETT NO 1	GLENVILLE NORTH	30.0	CONSOLIDATED GAS
-WACO OIL AND GAS CO INC			RECEIVED: 05/04/81 JA: WV				
8129773		4702103630	103	GERSTNER #1A	STEWARTS CREEK	40.0	COLUMBIA GAS TRAN
8129772		4702103636	103	JONES 4A	STEWART CREEK	40.0	COLUMBIA GAS TRAN
**********							
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM							
**********							
-AMOCO PRODUCTION CO			RECEIVED: 05/04/81 JA: NM 4				
8129697	NM-0313-81	3004524202	103	A L ELLIOTT B NO 8	UNDESIGNATED FRUITLAND	10.0	EL PASO NATURAL G
8129685	NM 0204-81 A	3003922454	103	JICARILLA APACHE 102 NO 8M	BASIN DAKOTA	59.0	NORTHWEST PIPELIN
8129656	NM 0204-81 B	3003922454	103	JICARILLA APACHE 102 NO 8M	BLANCO MESAVERDE	59.0	GAS CO OF NEW MEX
8129670	NM-0257-81-A	3003922344	103	JICARILLA CONTRACT 155 NO 20E	OTERO CHACRA	29.0	EL PASO NATURAL G
8129671	NM-0257-81-B	3003922344	103	JICARILLA CONTRACT 155 NO 20E	BASIN DAKOTA	30.0	NORTHWEST PIPE LI
8129624	NM 1640-80	3004521332	108	UTE MOUNTAIN TRIBAL J WELL #4	UTE DOME DAKOTA	21.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY			RECEIVED: 05/04/81 JA: NM 4				
8129681	NM 0284-81	3001523510	103	PURE FEDERAL WELL #2	CAT CLAW DRAW (MORROW GA	800.0	GAS CO OF NEW MEX
-CAULKINS OIL COMPANY			RECEIVED: 05/04/81 JA: NM 4				
8129626	NM-1741-80-A	3003922325	103	BREECH E 54 E	OTERO CHACRA	30.0	GAS CO OF NEW MEX
8129627	NM-1741-80-B	3003922325	103	BREECH E 54 E	BLANCO MESA VERDE	30.0	GAS CO OF NEW MEX
-CITIES SERVICE COMPANY			RECEIVED: 05/04/81 JA: NM 4				
8129683	NM 0289-81	3001523284	103	GOVERNMENT Y #2	BURTON FLAT WOLFCAMP NOR	110.0	
-COLEMAN OIL & GAS INC			RECEIVED: 05/04/81 JA: NM 4				
8129682	NM 0288-81	3004524785	103	NAVAJO WOOD #2	BISTI GALLUP	50.0	EL PASO NATURAL G
-CONSOLIDATED OIL & GAS INC			RECEIVED: 05/04/81 JA: NM 4				
8129617	NM-0792-80	3003921500	108	HURON 3-A	BLANCO MESAVERDE	18.0	GAS CO OF NEW MEX
8129665	NM-0239-81-A	3003922514	103	TRIBAL C 4-E	GALLUP	0.0	NORTHWEST PIPELIN
8129666	NM-0239-81-B	3003922514	103	TRIBAL C 4-E	BASIN-DAKOTA	0.0	NORTHWEST PIPELIN
-DOME PETROLEUM CORP			RECEIVED: 05/04/81 JA: NM 4				
8129659	NM-0316-81	3004320477	102-2	DOME NAVAJO 28-22-6 #2	RUSTY CHACRA	335.1	SOUTHWEST GAS COR
-DUGAN PRODUCTION CORP			RECEIVED: 05/04/81 JA: NM 4				
8129696	NM-0312-81	3004524754	103	HARD DEAL #4	PICTURED CLIFFS	7.5	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY			RECEIVED: 05/04/81 JA: NM 4				
8129678	NM-0280-81	3003922260	103	CANYON LARGO UNIT #295	BASIN DAKOTA	62.0	EL PASO NATURAL G
8129623	NM-1217-80	3003906116	108	CANYON LARGO UNIT #34	BLANCO SOUTH - PICTURED	20.0	EL PASO NATURAL G
8129618	NM-0860-80	3003905867	108	CANYON LARGO UNIT #56	BALLARD - PICTURED CLIFF	22.0	EL PASO NATURAL G
8129672	NM-0263-81	3004521114	108	CASE #17	BLANCO - PICTURED CLIFFS	21.0	EL PASO NATURAL G
8129685	NM-1665-80	3004520842	108	HUBBELL #8	AZTEC - PICTURED CLIFFS	20.0	EL PASO NATURAL G
8129631	NM0006-81-ER	3004522422	108-ER	KERNAGHAN 4A	BLANCO	49.0	EL PASO NATURAL G
8129705	NM-0320-81	3003922261	103	KLEIN #28	BASIN DAKOTA	69.0	EL PASO NATURAL G
8129616	NM-0700-80	3002500000	108	LANGLIE A FEDERAL #1	JALMAT YATES-SEVEN RIVER	15.0	EL PASO NATURAL G
8129629	NM0004-81-ER	3002511595	108-ER	LANGLIE FED 1	LANGLIE-MATTIX (SEVEN RI	11.0	EL PASO NATURAL G
8129638	NM0013-81-PB	3004509293	108-PB	LUDWICK #12	BLANCO-MESAVERDE GAS	20.0	EL PASO NATURAL G
8129685	NM-0293-81	3004509054	108	MURPHY E #3	AZTEC PICTURED CLIFFS	20.0	EL PASO NATURAL G
8129703	NM-0319-81-A	3003922204	103	RINCON UNIT #18R	UNDESIGNATED CHACRA	20.0	EL PASO NATURAL G
8129704	NM-0319-81-B	3003922204	103	RINCON UNIT #18R	SOUTH BLANCO PICTURED CL	30.0	EL PASO NATURAL G
8129630	NM0005-81-ER	3003921718	108-ER	RINCON UNIT #81A	BLANCO-MESAVERDE GAS	4.0	EL PASO NATURAL G
8129673	NM-0264-81	3003920724	108	SAN JUAN 27-4 UNIT #71	BASIN-DAKOTA	17.0	EL PASO NATURAL G

JD NO	JA DAT	API NO	S SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129679	NM 0281-81 A	3003922358	103	SAN JUAN 27-5 UNIT #35A	BLANCO MESAVERDE	250.0	EL PASO NATURAL G
8129680	NM 0281-81 B	3003922358	103	SAN JUAN 27-5 UNIT #35A	BASIN DAKOTA	250.0	EL PASO NATURAL G
8129675	NM-0282-81	3003922359	103	SAN JUAN 27-5 UNIT #36A	BLANCO MESAVERDE	250.0	EL PASO NATURAL G
8129676	NM-0282-81	3003922359	103	SAN JUAN 27-5 UNIT #36A	BASIN DAKOTA	250.0	EL PASO NATURAL G
8129677	NM-0283-81	3003922360	103	SAN JUAN 27-5 UNIT #37A	BLANCO MESAVERDE	250.0	EL PASO NATURAL G
8129674	NM-0283-81	3003922360	103	SAN JUAN 27-5 UNIT #37A	BASIN DAKOTA	250.0	EL PASO NATURAL G
8129669	NM-0265-81	3003920725	108	SAN JUAN 27-4 UNIT #72	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129667	NM-0266-81	3003920726	108	SAN JUAN 27-4 UNIT #73	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129668	NM-0267-81	3003920727	108	SAN JUAN 27-4 UNIT #74	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129664	NM-0268-81	3003920728	108	SAN JUAN 27-4 UNIT #75	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129663	NM-0269-81	3003920729	108	SAN JUAN 27-4 UNIT #76	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129662	NM-0270-81	3003920730	108	SAN JUAN 27-4 UNIT #77	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129661	NM-0271-81	3003920731	108	SAN JUAN 27-4 UNIT #78	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129660	NM-0272-81	3003920732	108	SAN JUAN 27-4 UNIT #79	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129658	NM-0273-81	3003920733	108	SAN JUAN 27-4 UNIT #80	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129657	NM-0274-81	3003920734	108	SAN JUAN 27-4 UNIT #81	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129654	NM-0275-81	3003920735	108	SAN JUAN 27-4 UNIT #82	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129653	NM-0276-81	3003920736	108	SAN JUAN 27-4 UNIT #83	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129652	NM-0277-81	3003920737	108	SAN JUAN 27-4 UNIT #84	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129651	NM-0278-81	3003920738	108	SAN JUAN 27-4 UNIT #85	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129650	NM-0279-81	3003920739	108	SAN JUAN 27-4 UNIT #86	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129649	NM-0285-81	3003920740	108	SAN JUAN 27-4 UNIT #87	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129648	NM-0286-81	3003920741	108	SAN JUAN 27-4 UNIT #88	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129647	NM-0287-81	3003920742	108	SAN JUAN 27-4 UNIT #89	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129646	NM-0290-81	3003920743	108	SAN JUAN 27-4 UNIT #90	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129645	NM-0291-81	3003920744	108	SAN JUAN 27-4 UNIT #91	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129644	NM-0292-81	3003920745	108	SAN JUAN 27-4 UNIT #92	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129643	NM-0294-81	3003920746	108	SAN JUAN 27-4 UNIT #93	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129642	NM-0295-81	3003920747	108	SAN JUAN 27-4 UNIT #94	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129641	NM-0296-81	3003920748	108	SAN JUAN 27-4 UNIT #95	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129640	NM-0297-81	3003920749	108	SAN JUAN 27-4 UNIT #96	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129639	NM-0298-81	3003920750	108	SAN JUAN 27-4 UNIT #97	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129637	NM-0299-81	3003920751	108	SAN JUAN 27-4 UNIT #98	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129636	NM-0300-81	3003920752	108	SAN JUAN 27-4 UNIT #99	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129635	NM-0301-81	3003920753	108	SAN JUAN 27-4 UNIT #100	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129634	NM-0302-81	3003920754	108	SAN JUAN 27-4 UNIT #101	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129633	NM-0303-81	3003920755	108	SAN JUAN 27-4 UNIT #102	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129632	NM-0304-81	3003920756	108	SAN JUAN 27-4 UNIT #103	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129628	NM-0305-81	3003920757	108	SAN JUAN 27-4 UNIT #104	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129622	NM-0306-81	3003920758	108	SAN JUAN 27-4 UNIT #105	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129621	NM-0307-81	3003920759	108	SAN JUAN 27-4 UNIT #106	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129620	NM-0308-81	3003920760	108	SAN JUAN 27-4 UNIT #107	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129619	NM-0309-81	3003920761	108	SAN JUAN 27-4 UNIT #108	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129617	NM-0310-81	3003920762	108	SAN JUAN 27-4 UNIT #109	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129615	NM-0311-81	3003920763	108	SAN JUAN 27-4 UNIT #110	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129614	NM-0314-81	3003920764	108	SAN JUAN 27-4 UNIT #111	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129613	NM-0315-81	3003920765	108	SAN JUAN 27-4 UNIT #112	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129612	NM-0317-81	3003920766	108	SAN JUAN 27-4 UNIT #113	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129611	NM-0318-81	3003920767	108	SAN JUAN 27-4 UNIT #114	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129610	NM-0321-81	3003920768	108	SAN JUAN 27-4 UNIT #115	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129609	NM-0322-81	3003920769	108	SAN JUAN 27-4 UNIT #116	BASIN-DAKOTA	17.0	EL PASO NATURAL G
8129608	NM-0323-81

JD NO	JA CAT	API NO	D SEC CAT	WELL NAME
8129679	NM 0281-81 A	300392235A	103	SAN JUAN 27-5 UNIT #35A
8129680	NM 0281-81	3003922358	103	SAN JUAN 27-5 UNIT #35A
8129701	NM-0318-81-A	300392218S	103	SAN JUAN 27-5 UNIT #53A
8129702	NM-0318-81-B	3003922185	103	SAN JUAN 27-5 UNIT #53A
8129677	NM-0279-81	3003921914	103	SAN JUAN 29-7 UNIT #84A
8129674	NM-0268-81	3004507183	108	STOREY #1
8129675	NM-0271-81	3004509357	108	SUNRAY D #2
-MNG OIL COMPANY			RECEIVED: 05/04/81 JA: NM 4	
8129700	NM-0317-81	3002526729	102-2	BELL LAKE 11 FEDERAL #1
8129641	NM-002181102	300252671A	102-2	WILSON 21 FEDERAL #6Y NM 23199
8129642	NM-002181103	300252671A	103	WILSON 21 FEDERAL #6Y NM 23199
8129639	NM-001881102	3002526252	102-2	WILSON 8 FEDERAL #6
8129640	NM-001981102	3002526253	102-2	WILSON 8 FEDERAL #7
-JACK A COLE			RECEIVED: 05/04/81 JA: NM 4	
8129690	NM-0302-81	3003921909	108	APACHE MILLS NO 5
-JEROME P MCHUGH			RECEIVED: 05/04/81 JA: NM 4	
8129668	NM 0242-81	3004522157	103	CHACO PLANT #21
-KIMBARK OPERATING CO			RECEIVED: 05/04/81 JA: NM 4	
8129651	NM 0191-81	3004524518	103	MORTON #12
-MESA PETROLEUM			RECEIVED: 05/04/81 JA: NM 4	
8129653	NM-0201-81	300056069A	102-2	BARR FEDERAL #1
8129652	NM-0200-81	3000560759	102-2	COYOTE FEDERAL #1
8129644	NM-0133-81	3003922542	103	SOUTH BLANCO FEDERAL #2-6
8129654	NM 0202-81	3000560770	102-2	STANCEL FEDERAL #3
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 05/04/81 JA: NM 4	
8129622	NM-1162-80	3003900000	108	FEDERAL #7
8129669	NM-0243-81	3003907491	108	SAN JUAN 29-6 NP 88
8129633	NM0008-PB	3003907778	108-PB	SAN JUAN 30-5 UNIT #34
8129632	NM0007-81-PB	3003907928	108-PB	SI 31-6 UNIT #16
-PIONEER PRODUCTION CORPORATION			RECEIVED: 05/04/81 JA: NM 4	
8129648	NM-0178-81	3004507450	103	LUCERNE B #1-E
8129645	NM-0150-81	3004507390	103	LUCERNE C #1-E
8129647	NM-0165-81	3004507278	103	LUCERNE D #1-E
8129650	NM 0189-81	3004507261	103	PHILLIPS #2E
-SOUTHERN UNION EXPLORATION COMPANY			RECEIVED: 05/04/81 JA: NM 4	
8129660	NM-0228-81	3004524474	103	HODGES #18
8129687	NM 0296-81	3004524565	103	HODGES #19
8129659	NM-0228-81	3004524475	103	HODGES #20
8129688	NM 0297-81	3004524523	103	HODGES #21
8129661	NM-0230-81-A	3003921929	103	JICARILLA B #11
8129662	NM-0231-81	3003922054	103	JICARILLA B #12
8129664	NM-0232-81-B	3003922055	103	JICARILLA B #13
8129663	NM-0232-81-A	3002922055	103	JICARILLA B 13
8129686	NM 0294-81	3004524472	103	NICKSON #18
-SOUTHLAND ROYALTY CO			RECEIVED: 05/04/81 JA: NM 4	
8129634	NM0009-81-PB	3003905756	108-PB	ARIZONA JICARILLA #4
8129635	NM0010-PB	3003905785	108-PB	ARIZONA JICARILLA #5
8129636	NM0011-PB	3003905804	108-PB	ARIZONA JICARILLA #7
8129637	NM0012-PB	3004522560	108-PB	DECKER A #4
8129649	NM 0185-81	3001523464	103	EMPIRE FEDERAL 20 #1
8129657	NM 0208-81 A	3004524102	103	FRONTIER E #1E
8129658	NM0208B1 (PB)	3004524102	103	FRONTIER E #1E
8129667	NM-0240-81	3004523928	103	HUBBELL A #1E

FIELD NAME	PROD	PURCHASER
BLANCO MESAVERDE	250.0	EL PASO NATURAL G
SOUTH BLANCO PICTURED CL	50.0	EL PASO NATURAL G
BLANCO MESAVERDE	250.0	EL PASO NATURAL G
TAPACITO PICTURED CLIFFS	70.0	EL PASO NATURAL G
BLANCO MESAVERDE	180.0	EL PASO NATURAL G
BLANCO - MESAVERDE	21.0	EL PASO NATURAL G
BLANCO - MESAVERDE	16.0	EL PASO NATURAL G
LA VOCA DRAW (MORROW)	511.0	INTRATEX GAS CO
COMANCHE STATELINE TANSI	12.2	EL PASO NATURAL G
COMANCHE STATELINE TANSI	12.2	EL PASO NATURAL G
SIOUX TANSILL YATES	19.6	EL PASO NATURAL G
SIOUX TANSILL YATES	34.6	EL PASO NATURAL G
BALLARD PICTURED CLIFFS	15.0	EL PASO NATURAL G
WAW FRUITLAND PC	18.0	EL PASO NATURAL G
BLANCO PICTURED CLIFFS	0.0	SOUTHWEST GAS COR
UNDESIGNATED ABO	100.0	TRANSWESTERN PIPE
UNDESIGNATED ABO	200.0	TRANSWESTERN PIPE
LYBROOK	40.0	GAS CO OF NEW MEX
UNDESIGNATED ABO	700.0	TRANSWESTERN PIPE
GAVILAN PICTURED CLIFFS	0.0	NORTHWEST PIPELIN
BASIN DAKOTA	10.0	EL PASO NATURAL G
BLANCO	13.0	NORTHWEST PIPELIN
BLANCO	10.0	NORTHWEST PIPELIN
BASIN DAKOTA	0.0	PIONEER NATURAL G
BASIN DAKOTA	0.0	PIONEER NATURAL G
BASIN DAKOTA	0.0	PIONEER NATURAL G
BASIN DAKOTA	0.0	PIONEER NATURAL G
BALLARD	597.0	GAS CO OF NEW MEX
BALLARD	695.0	GAS CO OF NEW MEX
BALLARD	153.0	GAS CO OF NEW MEX
BALLARD	259.0	GAS CO OF NEW MEX
BASIN	53.0	GAS CO OF NEW MEX
BLANCO	70.0	GAS CO OF NEW MEX
BLANCO	111.0	GAS CO OF NEW MEX
SOUTH BLANCO	89.0	GAS CO OF NEW MEX
BALLARD	130.0	GAS CO OF NEW MEX
BLANCO PICTURED CLIFFS	9.0	GAS CO OF NEW MEX
BLANCO PICTURED CLIFFS	10.0	GAS CO OF NEW MEX
SOUTH BLANCO PICTURED CL	14.6	GAS CO OF NEW MEX
BLANCO	19.0	SOUTHERN UNION GA
	125.0	NORTHERN NATURAL
BASIN	100.0	EL PASO NATURAL G
KUTZ	90.0	EL PASO NATURAL G
BASIN	150.0	SOUTHERN UNION GA

UMI 1 8 0 1 E 6 4 V

VOLUME 435 PAGE 006

8129691	NM-0309-81-A	3003922532	103	JICARILLA 101 #3M							
8129692	NM-0309-81-B	3003922532	103	JICARILLA 101 #3M							
8129693	NM-0310-81-A	3003922044	103	LA JARA CANYON #1A							
8129694	NM-0310-81-B	3003922044	103	LA JARA CANYON #1A							
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 05/04/81 JA: NM 4								
8129621	NM-0986-80	3001502988	108	MARY DODD -A- NO 2-17							
8129619	NM-0986-80	3001503048	108	MARY DODD -A- WELL NO 2-14							
8129620	NM-0987-80	3001520080	108	MARY DODD -C- NO 3-26							
-SUPERIOR OIL CO			RECEIVED: 05/04/81 JA: NM 4								
8129643	NM-0042-81	3004500000	108	MARSHALL #1-14							
-SUPRON ENERGY CORPORATION			RECEIVED: 05/04/81 JA: NM 4								
8129676	NM-0276-81	3004523690	103	NEWSOM B 14-E							
8129689	NM 0300-81	3004524527	103	ZACHRY 24							
-TENNECO OIL COMPANY			RECEIVED: 05/04/81 JA: NM 4								
8129684	NM 290-81	3004524810	103	NAVAJO NAPIE #1							
8129698	NM-0314-81	3004524116	103	OMLER A 2-E							
-THELMA FORD SIMMONS			RECEIVED: 05/04/81 JA: NM 4								
8129646	NM 0162-81	3004524484	103	LAURA V HAMNER B NO 1A							
-WILLIAM A & EDWARD R HUDSON			RECEIVED: 05/04/81 JA: NM 4								
8129628	NM-1826-80	3001500000	103	PUCKETT B NO 28							
-YATES PETROLEUM CORPORATION			RECEIVED: 05/04/81 JA: NM 4								
8129695	NM-0311-81	3000560820	102-2	EVERETTE OO FEDERAL #1							
** U.S. GEOLOGICAL SURVEY - CASPER,WY											
-FALCON-COLORADO EXPLORATION INC			RECEIVED: 05/04/81 JA: MT 5								
8129718	M117-1	2507121751	102-2	2-21 FEDERAL							
-MIDLANDS GAS CORPORATION			RECEIVED: 05/04/81 JA: MT 5								
*8129710	M 714-C	2507121127	108	2612 MIAMI-FEDERAL 626-26							
-AMOCO PRODUCTION CO			RECEIVED: 05/04/81 JA: ND 5								
8129716	ND 108-1	3305301034	102-2	AMOCO FEDERAL 8 NO 1							
-SHELL OIL CO			RECEIVED: 05/04/81 JA: ND 5								
8129711	ND 728-0	3305301122	102-4	USA 13-22-51							
8129709	ND 649-0	3305300828	102-4	USA 14-19-23							
8129714	ND 87-1	3305301130	102-2	USA 41-18-96							
8129708		3305300933	102-4	USA 43-30-45							
-TEXACO INC			RECEIVED: 05/04/81 JA: ND 5								
8129712	NC 2-1	3305301087	102-3	SILURIAN UNIT 7 WELL NO 1X							
-AMOCO PRODUCTION CO			RECEIVED: 05/04/81 JA: WY 5								
8129713	W 78-1-T	4903721476	107-DP	USA AMOCO U NO 1							
-BURTON/HAWKS INC			RECEIVED: 05/04/81 JA: WY 5								
8129706	W 479-0	4903721520	102-4	#14-1STEVE FEDERAL							
8129707	W 481-0	4903721572	102-4	#24-2 BHI - MADEX FED							
-ELF AQUITAINE INC			RECEIVED: 05/04/81 JA: WY 5								
8129720	W 119-1	4902521169	102-2	GOVERNMENT #11-19							
8129722	W121-1	4902521068	102-2	GOVERNMENT #4-19							
8129721	W120-1	4902521077	102-2	GOVERNMENT #5-19							
-INTERNORTH INC			RECEIVED: 05/04/81 JA: WY 5								
8129715	W 100-1	4901320899	103	FEDERAL 193 #1-18							
-TEXACO INC			RECEIVED: 05/04/81 JA: WY 5								
8129717	W 112-1	4903721800	103	TABLE ROCK UNIT NO 45							
-VIABLE RESOURCES INC			RECEIVED: 05/04/81 JA: WY 5								
8129719	W 118-1	4902521251	103	HAWKS-VIABLE #1							

FIELD NAME	PROD	PURCHASER
BASIN	125.0	GAS CO OF NEW MEX
WILDHORSE	105.0	GAS CO OF NEW MEX
BLANCO	365.0	NORTHWEST PIPELIN
GOBERNADOR	125.0	NORTHWEST PIPELIN
JACKSON GRAYBURG QUEEN G	1.0	PHILLIPS PETROLEU
GRAYBURG JACKSON QUEEN G	0.1	PHILLIPS PETROLEU
GRAYBURG JACKSON QUEEN G	0.1	PHILLIPS PETROLEU
BLANCO	18.0	NORTHWEST PIPELIN
BASIN DAKOTA	105.0	EL PASO NATURAL G
BLOOMFIELD CHACRA EXTENS	133.0	SOUTHERN UNION GA
GALLEGOS GALLUP	500.0	EL PASO NATURAL G
BASIN DAKOTA/CHACRA	250.0	EL PASO NATURAL G
BLANCO MESA VERDE	216.0	EL PASO NATURAL G
MALJAMAR	1.0	PHILLIPS PETROLEU
WILDCAT	0.0	TRANSWESTERN PIPE
SWANSON CREEK	10.0	MONTANA-DAKOTA UT
WILDCAT	21.0	KANSAS-NEBRASKA N
SCAIRT WOMAN - RED RIVER	225.0	
MONDAK	15.5	MONTANA DAKOTA UT
MONDAK	78.5	MONTANA DAKOTA UT
POKER JIM	10.0	MONTANA DAKOTA UT
MONDAK	6.5	MONTANA DAKOTA UT
CHARLSON	270.0	MONTANA DAKOTA UT
WILDCAT (EMIGRANT TRAIL	143.1	CITIES SERVICE GA
MARIANNE	150.0	
MARIANNE	400.0	
BURNT WAGON	60.0	SUN GAS CO
BURNT WAGON	60.0	SUN GAS CO
BURNT WAGON	60.0	SUN GAS CO
FULLER	180.0	INTERNORTH INC
TABLE ROCK	18.3	COLORADO INTERSTA
PINE MOUNTAIN	204.0	KANSAS-NEBRASKA N

OTHER PURCHASERS

8129710 MONTANA DAKOTA UTILITIES CO
8129784 BROOKLYN UNION GAS

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

OTHER PURCHASERS

8129710 MONTANA DAKOTA UTILITIES CO
8129784 BROOKLYN UNION GAS
8129819 BROOKLYN UNION GAS
8129820 BROOKLYN UNION GAS
8129821 BROOKLYN UNION GAS
8129822 BROOKLYN UNION GAS
8129823 BROOKLYN UNION GAS

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

R: Revision of Redetermination by Jurisdictional Agency
C: Correction to Prior Fed. Reg. Notice

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	
81-05958	TX	Superior Oil Company	State of Texas Blk 14-L # 11	327	12-04-80	C: 102 and 103 Approved
81-24376	OK	Sabine Production Company	Boggess # 1-29	412	05-01-81	C: 102 and 102
81-24355	OK	Trepel Petro Explor. & Dev. Corporation	Stiles 1-31	412	05-01-81	C: 103 Approved Not 108
81-23829	Ok	C. W. Riggs Inc.	Henry Kesseling # 1	409	04-30-81	C: Well Name
79-08296	CO.	Beaver Mesa Exploration	Johnston 21-24	040	07-05-79	C: 103 Approved
81-24810	LA	Mid Louisiana Gas Co.	MLGC Gas No. 1003	414	05-04-81	C: 103 Approved,
81-25098	TX	Danden Petroleum Inc.	Knudsen # 20	415	05-11-81	C: Well Name
81-25264	NM	Phillips Petroleum Co.	E. Vacuum GB/SA TR 3236 #007	416	05-11-81	C: 103 Aproved,
81-24752-81-24781	LA	Calpetco Herbst Exploration Company	LA Dockent Nois. 81-588 thru 81-617	414	05-04-81	C: 103 and 108 Approved
80-44563	OK	Kaiser-Francis Oil Co	Watson # 1	246	08-06-80	C: 102 & 103 Approved
81-24359	OK	National Oil Company	Kane # 1	412	05-01-81	C: Well Name
81-15964	TX	Turner Properties	McGettes No. 1 RRC ID # 26058	372	03-02-81	C: Field Name Coahoma (Miss)
81-24810	LA	Mid Louisiana Gas Co.	MLGC Fee Gas No. 1003	414	05-11-81	C: 103 Approved, not
80-51673	TX	Superior Oil Company	State of Texas Blk 14-L # 6-U	269	09-17-80	C: 102 and 103
80-51674	TX	Superior Oil Company	State of Texas Blk 14-L # 6-L	269	09-17-80	C: 102 and 103
81-26823	TX	Sun Oil Company	Sun Fee Lot 13 No. 1	423	05-15-81	C: 103 Approved, Not 108

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17170 Filed 6–9–81, 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[RD–FRL–1841–6]

Public Hearing on the Federal Energy Conservation Program

AGENCY: Environmental Protection Agency.

ACTION: Participation in a public hearing.

SUMMARY: Section 11 of the Federal Nonnuclear Energy Research and Development Act (Public Law 93–577) requires EPA "to carry out a continuing analysis of the adequacy of attention to energy conservation." Part of this analysis is the conduct of annual public hearings and the preparation of a Report to the President, the Secretary of Energy, and the Congress.

The Hearings will be held at the Office of Personnel Management's Auditorium, 1900 E Street, NW, Washington, DC. The Hearings will begin at 9:00 am each day. Witness testimony is limited to 10 minutes and will be followed by questions from the Hearing panel. An open period at the end of each day will be set aside for unscheduled testimony. The public is invited to participate.

DATES: Tuesday, July 14, 1981 and Wednesday, July 15, 1981 (9 am through 5 pm).

ADDRESSES: An information package is available on the Hearings. Copies can be obtained from the Section 11 Program Manager, Office of Research and Development (RD–681), EPA, 401 M Street, SW, Washington, DC 20460. Witnesses should submit a copy of their testimony or a summary of their full statement to the EPA Section 11 Program Manager by July 8, 1981. EPA will notify witnesses in early July of the date and time of their scheduled testimony. The envelope and its contents should be clearly marked "Written Testimony". All written testimony should be received by July 31, 1981. Copies of the Transcript and other products may be obtained from the EPA Section 11 Program Manager in December, 1981.

FOR FURTHER INFORMATION CONTACT: Gregory Ondich, at the EPA address above, or by telephone at (202) 426–9434.

SUPPLEMENTARY INFORMATION: The 1981 Section 11 review program focuses on Federal energy conservation programs. Many of the changes in Federal energy conservation programs are based on projections that rising market prices of energy commodities will enhance conservation efforts, and the private sector and state/local agencies will carry out activities previously supported by the Federal government. Given the new directions of Federal energy policy and the decentralized nature of energy conservation, how can the adequacy of attention to conservation be assured?

To explore the impacts of the changes in Federal programs, witnesses are asked to address the following issues in their testimony:

- How are private firms, state governments and local agencies preparing to assume their new responsibilities?
- Which activities will get priority from public and private organizations and what will be the consequences if some activities are discontinued?
- Have any new initiatives, opportunities or efficiencies been created as a result of the shift in Federal energy conservation programs?
- How can the Federal government assist in this period of transition?
- How should the Federal government evaluate and monitor the effects of its new energy policies and program changes?

Dated: May 22, 1981

Kurt W. Riegel,

Acting Deputy Assistant Administrator for Environmental Engineering and Technology.

[FR Doc. 81–16210 Filed 6–2–81; 8:45 am]

BILLING CODE 6560–35–M

[PF–225; PH–FRL–1849–5]

Certain Pesticide Chemicals; Filing of Pesticide, Food, and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This announces that certain companies have submitted pesticide, food, and feed petitions to establish tolerances and food and feed additive regulations for certain pesticide chemicals.

ADDRESS: Written comments and inquiries to the product manager cited in each specific petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF–225]" and the specific petition number.

All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each specific petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide, food, and feed additive petitions have been submitted to the EPA, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

FAP 1H5295. Dow Chemical Co., P.O. Box 1706, Midland, MI 48640, proposes that 21 CFR 561.98 be amended by establishing a regulation permitting the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6,-trichloro-2-pyridinal in the feed item tomato pomace at 35 parts per million. (PM 12, Jay S. Ellenberger, 703–557–7024).

PP1F2488. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposes amending 40 CFR 180.381 by establishing a tolerance for the combined residues of the herbicide oxyfluorfen and its metabolites, containing the diphenyl ether linkage in or raw agricultural commodity cotton at 0.05 part per million (ppm), fresh mint hay (peppermint and spearmint) at 0.1 ppm; pistachio (nut) at 0.05 ppm; and walnut (nut) at 0.05 ppm. The proposed analytical method for determining residues is gas liquid chromatography procedure using an electron capture detector. (Richard F. Mountfort 703–557–7070).

FAP 1H5296. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105 proposes amending 21 CFR 193.325 and Part 561 by establishing regulations permitting the combined residues of the herbicide oxyfluorfen and its metabolites, containing the diphenyl ether linkage in or on the food items: cottonseed at 0.2 part per million (ppm), mint oil (peppermint and spearmint) at 0.25 ppm; and the feed items (part 561) pistachio (hulls) 0.1 ppm; and walnut (hulls) at 0.1 ppm. (PM 23, Richard F. Mountfort 703–557–7070).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: June 1, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–17141 Filed 6–9–81; 8:45 am]

BILLING CODE 6560–32–M

[PP 8G2118/T299; PH–FRI–1849–4]

Ethalfluralin; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for residues of the herbicide ethalfluralin [*N*-(ethyl-*N*-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluromethyl) benzenamine] in or on the raw agricultural commodity groupings seed and pod vegetables, forage legumes, peanuts, peanut hulls, and cucurbits at 0.05 part per million.

DATE: This temporary tolerance expires April 16, 1982.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 21, 1980 (45 FR 34052), that a temporary tolerance had been established for residues of the herbicide ethalfluralin [*N*-(ethyl-*N*-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluromethyl) benzenamine] in or on the raw agricultural commodity groupings seed and pod vegetables, forage legumes, peanuts, peanut hulls at 0.05 part per million.

Elanco Products Co. submitted an amended section F to include cucurbits at 0.05 part per million (ppm).

This temporary tolerance ahs been extended to permit the continued marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit (1471–EUP–63) that has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act as amended (92 Stat. 819; 7 U.S.C.).

The scientific data reported and other relevant material have been evaluated, and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance is extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Elanco Products Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 16, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provision of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant ot the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: June 1, 1981.

Douglas, D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–17142 Filed 6–9–81; 8:45 am]

BILLING CODE 6560–32–M

[PP 7G1923/T302; PH-FRL-1849-3]

Pendimethalin; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for the combined residues of the herbicide pendimethalin [*N*-(1-ethyl-propyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolites 4-[(1-ethylpropyl)amino]-2,3,5-dinitrobenzyl alcohol in or on peas at 0.1 part per million (ppm).

DATE: This temporary tolerance expires March 25, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 5, 1980 (45 FR 29632) that American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540 had requested a renewal of a temprary tolerance for the combined residues of the herbicide pendimethalin and its metabolites in or on peas at 0.1 ppm.

American Cyanamid has requested an extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (241-EUP-85) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; (7 U.S.C. 136)).

The scientific data reported and other relevant material has been evaluated and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance is being extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. American Cyanamid will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 25, 1982. Residues remaining in or on raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied, during the term of, and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (36 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: June 1, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-17143 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 5G1582/T300; PH-FRL-1849-6]

Thiobencarb; Extension of a Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for the combined residues of the herbicide thiobencarb (*S*[(4-chlorophenyl) methyl] diethylcarbamothioate) and its metabolite 4-chlorobenzyl methylsulfone in or on rice grain at 0.1 part per million (ppm).

DATE: This temporary tolerance expires June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 17, 1980 (45 FR 26128) that Chevron Chemical Co., Ortho Agricultural Chemicals Div., 940 Hensley Rd., Richmond, CA 94804, had submitted a request to the EPA to extend a temporary tolerance for the combined residues of the herbicide thiobencarb (*S*[(4-chlorophenyl)methyl] diethylcarbamothioate) and its metablite 4-chlorobenzyl methylsulfone in or on the raw agricultural commodity rice grain at 0.1 ppm.

Chevron Chemical Co., has requested a one-year extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with experimental use permits (239-EUP-77 and 239-EUP-78) which are being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended 1978 (92 Stat. 819; (7 U.S.C. 136)).

The scientific data reported and all other relevant material have been evaluated, and it was determined that the extension of the temporary tolerance will protect the public health. Therefore, the temporary tolerance is being extended on the condition that the pesticide be used in accordance with the experimental use permits and the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized in the experimental use permits.

2. Chevron Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and, on request, make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 30, 1982. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permits and temporary tolerance. This temporary tolerance may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (36 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: May 28, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-17140 Filed 6-9-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-53025; TSH-FRL-1848-5]

Premanufacture Notices; Monthly Status Report for April 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for April 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW, Washington, DC 20460 (202) 426-2610.

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW, Washington, DC 20460 (202) 426-2601.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances for which EPA has received a notice of commencement to manufacture. Therefore, EPA, is publishing the April 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW, Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-53025]" and the specific PMN number. Nonconfidential portions of the PMN's written comments received on individual PMN's, and other documents in public record may be seen in Rm. E-106 at the above address between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Dated: June 3, 1981.

Edward A. Klein,

Director, Chemical Control Division.

Premanufacture Notices Monthly Status Report, April 1981

PMN No.	Identity/generic name	FR citation	Expiration date
	I. Premanufacture notices received during the month		
81-152	Generic name: Poly(ester)-Co-poly (hydantoin polyether)	46 FR 24681 (5/1/81)	June 30, 1981.
81-153	Generic name: Substituted alkadienal	46 FR 24681 (5/1/81)	July 1, 1981.
81-154	Generic name: Alkyl epoxide, reaction products with organic acid	46 FR 24681 (5/1/81)	Do.
81-155	Generic name: Urethane oligomer	46 FR 24681 (5/1/81)	Do.
81-156	Generic name: Neutralized polymer of styrene, an alkeneoic acid, and an alkeneoic ester	46 FR 24681 (5/1/81)	Do.
81-157	Vegetable oil fatty acid ester	46 FR 24988 (5/4/81)	July 5, 1981.
81-158	Generic name: Ethylene interpolymer	46 FR 24990 (5/4/81)	July 6, 1981.
81-159	Generic name: Ethylene interpolymer	46 FR 24990 (5/4/81)	Do.
81-160	Generic name: Ethylene interpolymer	46 FR 25693 (5/8/81)	Do.
81-161	Generic name: Polyacrylate	46 FR 24988 (5/4/81)	Do.
81-162	Generic name: Hydroxy-alkoxy alkyl alkane	46 FR 24990 (5/4/81)	Do.
81-163	Generic name: Acrylated alkoxylated aliphatic glycol	46 FR 25693 (5/8/81)	Do.
81-164	Generic name: Allylglycidly ether polyol resin	46 FR 25693 (5/8/81)	Do.
81-165	Generic name: Siliconized alkyd resin	46 FR 24990 (5/4/81)	Do.
81-166	2-Naphthalenesulfonyl chloride, 2-acetamno	46 FR 24990 (5/4/81)	Do.
81-167	Ethanol,2-(6-acetammonaphth-2-yl sulfonyl)	46 FR 24990 (5/4/81)	Do.
81-168	p-Chlorophenol-resorcinol-formaldehyde polymer end blocked with carbanil	46 FR 24990 (5/4/81)	July 7, 1981.
81-169	Generic name: Copolymer of styrene and mixed alkyl acrylates	46 FR 25693 (5/8/81)	July 8, 1981.
81-170	Generic name: (Oxy-1,2-ethanediyl-alpha-acyl-omega-alkyl	46 FR 25693 (5/8/81)	Do.
81-171	1,3-Isoberizofurandione, polymer with 2,2-dimethyl-1, 3-propanediol, 1,2-ethanediol, 2-hydroxymethyl-1,3-propanediol, and tall oil acids.	46 FR 24988 (5/4/81)	Do.
81-172	Generic name: Poly(amide-ester) resin X2-821	46 FR 25693 (5/8/81)	Do.

Premanufacture Notices Monthly Status Report, April 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
81-173	Adipic acid, isophthalic acid, trimethylolpropane, 2,2,4-trimethyl-1,3-pentanediol, trimellitic anhydride polymer.	46 FR 24986 (5/4/81)	Do.
81-174	Generic name: Disubstitutednaphthalenol	46 FR 24986 (5/4/81)	Do.
81-175	Generic name: Disubstitutednaphthalenol	46 FR 24986 (5/4/81)	Do.
81-176	Generic name: Disubstitutednaphthalenol	46 FR 28683 (5/15/81)	Do.
81-177	Generic name: Chloroalkyl alkoxysilane	46 FR 25693 (5/8/81)	July 12, 1981
81-178	Generic name: Chloroalkylchlorosilane	46 FR 25693 (5/8/81)	Do.
81-179	Generic name: Derivatized fatty alcohols	46 FR 25693 (5/8/81)	Do.
81-180	Generic name: Alkadiene	46 FR 27170 (5/18/81)	July 14, 1981
81-181	Generic name: Polymer of alkene and diene	46 FR 27170 (5/18/81)	Do.
81-182	Generic name: Alkadiene	46 FR 27170 (5/18/81)	Do.
81-183	Generic name: Isocyanate modified polyester/polyether	46 FR 27170 (5/18/81)	Do.
81-184	Generic name: Silicone polyol	46 FR 27170 (5/18/81)	Do.
81-185	Generic name: Polymer of alkanediol, carbomonocyclic anhydride, and substituted alkanoic ester	46 FR 27170 (5/18/81)	Do.
81-186	Generic name: Polyester polyurethane	46 FR 27170 (5/18/81)	July 14, 1981
81-187	Generic name: Cycloaliphatic polyester modified with a polyether glycol	do	Do.
81-188	Hexahydropyrimidine-1,3-diacetonitrile	do	Do.
81-189	Generic name: Unsaturated polyester	do	July 21, 1981
81-190	Generic name: Unsaturated polyester resin	do	Do.
81-191	Acrylic acid, bisphenol A-epichlorohydrin resin, ethyl acrylate, methyl methacrylate, polyvinyl butyral resin, styrene polymer.	do	July 16, 1981
81-192	Generic name: Trisubstituted silylalkanolacetate	do	July 21, 1981
81-193	Generic name: Poly(oxyalkyldisubstituted silane) aroyl, alkoxy terminated	do	Do.
81-194	Oligomers from 1,6-dimethylnaphthyl sulfonic acid, sodium salt, and formaldehyde	do	Do.
81-195	2,4,6-Tributylphenol, ethoxylated, acetate	do	Do
81-196	Polymer from propylene oxide and ethylene oxide acetylated	do	Do.
81-197	Monylphenol, ethoxylated, acetate	do	Do
81-198	Polymer of: *N*-vinyl-*N*-methylacetamide and maleic acid, diisooctyl ester	do	Do
81-199	Polymer of: Vinyl acetate, butyl acetate, neodecanoic acid, vinyl ester, and vinyl sulfonic acid, sodium salt.	do	Do.
81-200	Generic name: Trisubstitutedbenzene	do	July 23, 1981
81-201	Generic name: Polymer of substitutedacrylic acid derivative and substitutedstyrene	do	Do.
81-202	Generic name: Polyether alkenyl alkanyl	do	July 26, 1981
81-203	Generic name: Substituted alkyl cyanoacrylate	do	Do.
81-204	Generic name: Aliphatic alcohol	do	July 28, 1981
81-205	Generic name: Aliphatic alcohol ester	do	Do.
81-206	Generic name: Sukbstitutedthiol salt	do	July 26, 1981
81-207	Generic name: Halogenated alkylated titanium mixed aluminum magnesium oxides	do	July 28, 1981
81-208	Generic name: Alkenyltn (substituted alkoxy) silane	do	Do.
81-209	Generic name: Polymer of: Adipic acid, isophthalic acid, trimethylol propane, neopentyl glycol, and silicone.	do	Do.
81-210	Generic name: Aromatic disazo dye	do	Do.
81-211	Generic name: Aromatic disazo dye	do	Do
81-212	Generic name: Aromatic disazo dye	do	Do.
81-213	Generic name: Aromatic disazo dye	do	Do
81-214	Generic name: Aromatic disazo dye	do	Do
81-215	Generic name: Aromatic disazo dye	do	Do.
81-216	Generic name: Aromatic disazo dye	do	Do.
81-217	Generic name: Amide functional silane	do	July 29, 1981

II. Premanufacture notices received previously and still under review at the end of the month

81-44	3,4,5,6-Tetrahydro-2(1*H*)pyrimidinone	46 FR 16123 (3/11/81)	May 3, 1981
81-45	Generic name: Polyester(1,4-butanediol/isophthalic acid, dimethyl ester/poly(oxyethylene/oxypropylene/terephthalic acid, dimethyl ester).	46 FR 16125 (3/11/81)	Do
81-46	Generic name: Neutralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	Do.
81-47	Generic name: Neutralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	Do
81-48	Generic name: Substituted polyamine	46 FR 15944 (3/10/81)	Do.
81-49	Generic name: Sodium poly-4-vinyl-phenol-formaldehyde condensate	46 FR 16319 (3/12/81)	May 5, 1981
81-51	Polymer of tall oil fatty acids, neopentyl glycol, pentaerythritol, isophthalic acid, and benzoic acid	46 FR 16319 (3/12/81)	May 4, 1981
81-53	Generic name: Ester of salicylic acid	46 FR 16319 (3/12/81)	May 10, 1981
81-54	Generic name: Disazo dye	46 FR 16319 (3/12/81)	Do
81-55	Generic name: Acrylate urethane oligomer	46 FR 16933 (3/16/81)	Do.
81-56	Generic name: Polymer of substituted alkanediol, carbomonocyclic anhydride, and substituted alkanoic ester	46 FR 16933 (3/16/81)	Do
81-57	Acetamide, *N*-[4-((2-hydroxyethyl)sulfonyl-2-methoxy 5-methylphenyl]	46 FR 16931 (3/16/81)	Do
81-58	Generic name: Phenolic novalak resin	46 FR 16933 (3/16/81)	Do
81-59	Generic name: Phenolic novalak resin	46 FR 16933 (3/16/81)	Do
81-60	Resin from alkali refined safflower oil, neopentyl glycol, trimethylolpropane, isophthalic acid, dimethylolpropionic acid, and isophorone diisocyanate.	46 FR 16931 (3/16/81)	Do
81-62	Generic name: Polyester-polyether copolymer reaction product with toluene diisocyanate and hydroxyethyl methacrylate.	46 FR 16936 (3/16/81)	May 11, 1981
81-63	Diisocyanic acid, tetramethylene bis-(oxytri-methylene)ester	46 FR 16931 (3/16/81)	Do
81-64	Generic name: Polymer of neopentyl glycol, adipic acid, trimellitic anhydride, and an aromatic aliphatic ester.	4C FR 16933 (3/16/81)	Do
81-65	Generic name: Disubstitutednitrobenzene	46 FR 16933 (3/16/81)	Do
81-66	Generic name: Bis[(Substituted-)aminophenyl]substituent	46 FR 16933 (3/16/81)	Do
81-67	Generic name: Bis[(Substituted)-nitro-phenyl]substituent	46 FR 16933 (3/16/81)	Do
81-68	Generic name: Sodium salt of disulfonated alkylaromatic	46 FR 16931 (3/16/81)	May 12, 1981
81-69	Generic name: Benzophenone tetracarboxylic dianhydride copolyimide	46 FR 19075 (3/27/81)	Do.
81-70	Generic name: 2-Methyl-2-propenoic acid, polycyclohexy ester	46 FR 16936 (3/16/81)	May 14, 1981
81-71	Generic name: Alkenylpyrolidinedione	46 FR 19075 (3/27/81)	Do.
81-72	Generic name: 2-2-Chloro-6-cyano-4-nitrophenylazo)-5-[di(*n*-pentyl)amino acetoanilide	46 FR 19305 (3/30/81)	Do
81-73	Generic name: *N*-(Tetrasubstitutedphenyl)-acetamide	46 FR 19307 (3/30/81)	Do
81-74	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	Do.
81-75	2,2,4-Trimethyl-1,3-pentanediol, 1,6-hexanediol, isophthalic acid, terephthalic acid, and dibutyltin oxide.	46 FR 19305 (3/30/81)	May 19, 1981
81-76	Soya bean oil and polymer of bisphenol A, *p*-tert-butylphenyl, formaldehyde	46 FR 19306 (3/30/81)	Do

Premanufacture Notices Monthly Statue Report, April 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
81-77	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-78	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	Do.
81-79	Generic name: Polyurethane from substituted alkanols and an aromatic diisocyanate	46 FR 19307 (3/30/81)	May 19, 1981.
81-80	Generic name: Trisubstitutedbenzenamine	46 FR 19307 (3/30/81)	May 14, 1981.
81-81	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	Do.
81-82	Generic name: Neutralized polymer of styrene, acrylic acid, alkyl acrylate, and alkyl methacrylate	46 FR 19312 (3/30/81)	May 19, 1981
81-83	Generic name: Copolymer of dibasic aliphatic and substituted dibasic aromatic carboxylic acids with glycols.	46 FR 19307 (3/30/81)	Do.
81-84	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981
81-85	Generic name: Tetrasubstituted phenol	46 FR 19307 (3/30/81)	Do.
81-86	Generic name: Disubstituted benzenamine hydrochloride	46 FR 19307 (3/30/81)	Do.
81-87	Generic name: Polyether urethane-acrylate blocked	46 FR 19303 (3/30/81)	May 19, 1981.
81-88	Generic name: Substituted transition metal oxide	46 FR 19312 (3/30/81)	May 20, 1981.
81-89	Generic name: Epoxy resin/substituted amine adduct	46 FR 20763 (4/7/81)	May 21, 1981
81-90	Generic name: Oxime blocked polyurethane pre-polymer, waterborne	46 FR 19314 (3/30/81)	Do.
81-91	Generic name: Hydroxy aryl ether ester of alkenoic acid	46 FR 19314 (3/30/81)	Do.
81-92	Lithium-lime-hydrogenated castor oil-tallownaphthenic acid	46 FR 19314 (3/30/81)	May 19, 1981
81-93	Acrylic alkenyl ester polymer	46 FR 19314 (3/30/81)	May 27, 1981
81-94	Polymer of: D-glucose; acetic acid; propanoic acid, 2-oxo, arabinose; D-mannose, 6-deoxy; D-glucuronic acid, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	46 FR 19314 (3/30/81)	Do.
81-95	Polymer of: D-glucose; succinic acids; propanoic acid, 2-oxo; and galactose, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	46 FR 19314 (3/30/81)	Do.
81-96	Oxidized soy isolate	46 FR 19303 (3/30/81)	Do.
[1]80-308	(Cuprate(3-), [3-[[5-hydroxy-4-[[1-hydroxy-6-(phenylamino)-4-sulfo-2-naphthalenyl]azo]-2-methylphenyl]azo]-1,5-naphthalenedisulfonato-(5)]-, trisodium.	46 FR 20770 (4/7/81)	Do.
[1]80-309	(Cuprate(6-), [u-[[3,3'-dimethoxy[[[-hydroxy-3-sulfo-6,2-naphthalenediyl]azo(5-hydroxy-2-methyl-4-,1-phenylene)azo]]bis[1,5-naphthalene-disulfonato]](10-1)]dihexasodium.	46 FR 20770 (4/7/81)	Do.
81-97	Generic name: Bis(substituted carbomonocyclic) substituted carbopolycycle	46 FR 19303 (3/30/81)	May 31, 1981
81-98	Generic name: 4-Diazo-2,5-diethoxymorpholino phenyl sulfonate salt	46 FR 20763 (4/7/81)	Do.
81-99	Generic name: Diazo dye	46 FR 20763 (4/7/81)	Do.
81-100	Generic name: Hydroxymethlyheteromonocycle	46 FR 20763 (4/7/81)	Do.
81-101	Generic name: Polyester-amide	46 FR 22645 (4/20/81)	June 1, 1981
81-102	Generic name: Urethane polymer from polyester polyol and diisocyanate	46 FR 20767 (4/7/81)	Do.
81-103	Generic name: Alkylamine methacrylic copolymer	46 FR 22645 (4/20/81)	June 3, 1981
81-104	Generic name: Ammonium salts of substituted alkyl phosphoric acid	46 FR 20767 (4/7/81)	Do.
81-105	Generic name: Alkoxylated alkylphenol substyituted sulfosuccinate, isopropylamine salt	46 FR 20767 (4/7/81)	Do.
81-106	Generic name: Modified polymer of carbomonocyclic anhydride, glycerine oil, substituted alkanediol, and an alkanoic ester.	46 FR 20767 (4/7/81)	Do.
81-107	Generic name: Modified water-borne, linseed fatty acid based alkyd	46 FR 20767 (4/7/81)	Do.
81-108	Generic name: Modified soya alkyd	46 FR 20767 (4/7/81)	Do.
81-109	Generic name: Modified alkyd from a substituted alkanediol, a substituted alkanoic acid, and a carbomonocyclic anhydride.	46 FR 20767 (4/7/81)	Do.
81-110	Acetamide, N-(2-[(2-chloro-4,6-dinitrophenyl)-azo)-5-(diethylamino)-4-(2-methoxy)ethoxyphenyl)	46 FR 22645 (4/20/81)	Do.
81-111	4-[[4-Chloro-6-[[6-hydroxy-3,6-disulfo-7-[(2-sulfophenyl)azo]-1-naphthalenyl]amino]-1,3,5-triazin-2-yl] amino]benzenesulfonic acid, tetrasodium salt.	46 FR 20765 (4/7/81)	Do.
81-112	Butanamide,-2-[(4-(4-aminocarbonylphenyl)-aminocarbonylphenyl)azo)-N-(2,3-dihydro-2-oxo-1H-benzimidazole-5-yl)-3-oxo.	46 FR 22645 (4/20/81)	Do.
81-113	Generic name: Polymer of Styrene, butyl acrylate, hydroxy ethyl acrylate, dimethylamine propyl methacrylamide.	46 FR 20765 (4/7/81)	Do.
[1]80-356	Benzoic acid, 2-[[2-amino-5-hydroxy-6-[[4'-[[1-hydroxy-8-[[(4-methylphenyl)sulfonyl]amino-3,6-disulfo-2-naphthalenyl]azo-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]azo]-7-sulfo-1-naphthalenyl]azo]-5-nitro-, trisodium salt.	46 FR 20770 4/7/81	Do.
[1]80-357	Benzoic acid, 2-[[-amino-6-[[4'-[[5-[[2,5-disulfophenyl)azo]-1-hydroxy-6-(phenylamino)-3-sulfo-2-naphthalenyl]azo]-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]-azo]-azo]-5-hydroxy-7-sulfo-1-naphthalenyl]azo-5-nitro-,tetrasodium salt.	46 FR 20770 (4/7/81)	Do
81-114	Generic name: Modified epoxy resin	46 FR 20765 (4/7/81)	June 4, 1981
81-115	1,4-Cyclohexanedimethanol, 2,2-dimethyl-1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 1,3-benzene dicarboxylic acid polymer.	46 FR 20765 (4/7/81)	Do.
81-116	Generic name: Substituted hydroxy ether of an alkanoic acid ester	46 FR 22260 (4/16/81)	June 7, 1981
81-117	Generic name: (Substituted cycloaliphatic ether) hydroxy alkyl ester	46 FR 22260 (4/16/81)	Do.
81-118	Generic name: Polyurethane polyisocyanate silane	46 FR 22260 (4/16/81)	Do
81-119	Generic name: Alkyl aluminum halide	46 FR 22260 (4/16/81)	Do.
81-120	Generic name: Alkyl aluminum halide	46 FR 22260 (4/16/81)	Do.
81-121	Generic name: Polyacrylocarbamoyl alkyl silane	46 FR 22646 (4/16/81)	Do.
81-122	Generic name: Isocyanatodisilane substituted polyester	46 FR 22646 (4/20/81)	Do
81-123	Fatty acids, C_{18}- unsaturated dimers, light fractions reacted with 1,3-butanediol ethoxylate	46 FR 22646	Do.
81-124	Generic name: Substituted anisole	46 FR 22643 (4/20/81)	June 9, 1981.
81-125	Generic name: Benzophenol tetracarboxylic dianhydride polymide	46 FR 22646 (4/20/81)	June 8, 1981.
81-126	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	46 FR 22643 (4/20/81)	June 14, 1981
81-127	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	46 FR 22646 (4/20/81)	Do.
81-128	Generic name: Unsaturated alicyclic ether	46 FR 22648 (4/20/81)	Do.
81-129	Polymer of: Styrene, isobutyl acrylate, hydroxy ethyl acrylate, acrylic acid, ter butyl perbenzoate, dimethyl ethanol amine.	46 FR 22648 (4/20/81)	Do.
81-130	Generic name: Unsaturated alicylic alcohol	46 FR 22648 (4/20/81)	Do.
81-131	Generic name: Allylglycudyl ether polyol resin	46 FR 23796 (4/20/81)	June 15, 1981
81-132	Generic name: Maleic anhydride-based Unsaturated polyester resin modified with mixed phthalic acid.	46 FR 22648 (4/20/81)	Do.
81-133	Generic name: Unsaturated carboxylic amide	46 FR 23796 (4/28/81)	Do.
81-134	Generic name: Unsaturated carboxylic amide-carboxylic acid	46 FR 23796 (4/28/81)	Do.
81-135	Generic name: Acrylic polymer	46 FR 23796 (4/28/81)	Do.
81-136	Generic name: Water-borne, linseed acid based modified alkyd	46 FR 22648 (4/20/81)	June 16, 1981.
81-137	Generic name: Polymer of a substituted polypropylene oxide and a substituted cyclic alkanediol	46 FR 22648 (4/20/81)	Do
81-138	Generic name: Acrylate-nitrogen hereocycle copolymer	46 FR 24683 (5/1/81)	June 21, 1981
81-139	Polymer of carbomonocyclic acids, carbomonocyclic anhydride and modified vegetable oil	46 FR 24683 (5/1/81)	Do.
81-140	Polymer of an alkanediol, aliphatic dicarboxylic acid, and an aromatic dicarboxylic acid	46 FR 24683 (5/1/81)	Do.
81-141	4,N,N-Diethylaminobenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981
81-142	4-(4-Morpholinyl)-2,5-dibutoxybenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	Do.
81-144	4-(1-Pyrolidinyl)-3-methyl benzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	Do.

Premanufacture Notices Monthly Status Report, April 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
81-145	4-*N,N*-Dimethylaminobenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	Do
81-146	Organic amine salts of dihydrogen phosphate esters of mixed alcohol ranging from C_{16} to C_{20}	46 FR 24683 (5/1/81)	Do
81-147	Poly (oxy-1,4-butanediyl) alpha-hydro-omega-hydroxy, polymer with 1,1-methylene bis (4-isocyanato-benzene) and 2-hydroxyethyl-2-methyl-2-propenoate	46 FR 24683 (5/1/81)	June 24, 1981
81-148	Generic name: Carboxylic sulfonic acid salt	46 FR 24990 (5/4/81)	June 25, 1981
81-149	Generic name: Styrene acrylic polymer	46 FR 24990 (5/4/81)	Do.
81-150	Polyol reaction product with methylene bis (cyclohexyl isocyanate)-hydroxy propyl acrylate blocked	46 FR 24681 (5/1/81)	Do
81-151	Copolymer of styrene and mixed alkyl acrylates	46 FR 24990 (5/4/81)	June 26, 1981
III. Premanufacture notices for which the notice review period has expired during the month. (Expiration of the notice review period does not signify that the chemical has been added to the inventory)			
81-1	Polymer of tall oil fatty acids, neopentyl glycol, trimethylol ethane, phthalic anhydride, and benzoic acid.	46 FR 12315 (2/13/81)	Apr. 2, 1981
81-2	Water reducible siliconized alkyd resin	46 FR 11350 (2/6/81)	Do
81-3	Methyl, bis (hydroxypropyl) tallow alkyl ammonium methyl sulfate	46 FR 11349 (2/6/81)	Do
81-4	Polymer of maleic anhydride, phthalic anhydride, dicyclopentadiene, diethylene glycol, and adipic acid.	46 FR 12312 (2/13/81)	Do.
81-5	Generic name: Nylon	46 FR 12836 (2/18/81)	Do
81-6	Polyester-amide polymer	46 FR 12836 (2/18/81)	Apr. 5, 1981
81-7	Generic name: Modified resorcinol resin	46 FR 12314 (2/13/81)	Apr. 26, 1981
81-8	Generic name: Urethane resin	46 FR 12314 (2/13/81)	Do
81-9	Generic name: Silylated phosphonate	46 FR 11352 (2/6/81)	Apr. 13, 1981
81-10	Generic name: Sodium salt of silylated phosphonate	46 FR 11352 (2/6/81)	Do
81-11	Polymer of: Esterdiol 204; 1,6-hexanediol, neopentyl glycol; trimethylol propane; isophthalic acid and; and dibutyl tin oxide.	46 FR 11352 (2/6/81)	Do.
81-12	Generic name: Acrylic copolymer adhesive	46 FR 12104 (2/12/81)	Do.
81-13	C18–32 Polypropylene ether	46 FR 12836 (2/18/81)	Do.
81-14	Polymer of tetrabromophthalic anhydride, isopthalic acid, ethylene glycol, propylene glycol, and maleic anhydride.	46 FR 12315 (2/13/81)	Apr. 15, 1981
81-15	Polymer of tetrabromophalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and fumaric acid.	46 FR 12315 (2/13/81)	Do
81-16	Generic name: Reaction product of an epoxy and a substituted amine	46 FR 13018 (2/19/81)	Do.
81-17	Generic name: Polymer of methacrylic acid, alkyl methacrylate, alkyl acrylate, and an acrylic acid derivative.	46 FR 13018 (2/19/81)	Do.
81-18	Maleic half ester of ethoxylated aliphatic alcohol emulsifier	46 FR 12104 (2/12/81)	Do.
81-19	Polymer of: Butyl acrylate, methyl acrylate, acrylonitrile, 2-hydroxyethyl acrylate, and acrylic acid	46 FR 12836 (2/18/81)	Do
81-20	Generic name: Sodium salts of *N*-methylene phosphonic acids of a complex substituted amine mixture (a forecut from the fractionation of a crude carboheterocycle) consisting principally of 2-2'-substituted *bis* ethyl amine.	46 FR 16118 (3/11/81)	Apr. 19, 1981
81-21	Generic name: Halogenated conjugated diene, polymer with haloalkyl benzene, and alkenoic acid	46 FR 16123 (3/11/81)	Do
81-22	1,3-Bis(4-hydroxytbutyl)-1,3-didecyldimethyl disioxane	46 FR 16118 (3/11/81)	Apr. 21, 1981
81-23	Di (hydrogenatedtallowalkyl)-quaternary ammonium compounds.	46 FR 16125 (3/11/81)	Do.
81-24	Ditallowalkylquaternary ammonium compounds	46 FR 16125 (3/11/81)	Do
81-25	Generic name: Derivatized copolymer of acrylic acid and *N*-(1,1-dimethyl-3-substituted butyl) acrylamide.	46 FR 16118 (3/11/81)	Do.
81-26	Generic name: Polyfluorohydrocarbon-methacrylic copolymer	46 FR 14952 (3/3/81)	Do
82-27	Generic name: Alkyd resin 342–45	46 FR 16118 (3/11/81)	Do
81-28	Generic name: Alkyd resin 343–42	46 FR 16118 (3/11/81)	Apr. 22, 1981
81-29	Generic name: Reaction product olefins, vegetable oil, and sulfur	46 FR 16118 (3/11/81)	Apr. 22, 1981
81-30	Generic name: Polyester resin derived from a mixture of phthalic acids with alkylene glycols and lighter polyols	46 FR 16118 (3/11/81)	Do
81-31	Generic name: Polyurethane polyacrylic block polymer	46 FR 14952 (3/3/81)	Do
81-32	Generic name: (Substituted phenoxy) alkanoic acid.	46 FR 16118 (3/11/81)	Do
81-33	Generic name: Tetrahydro acridinone	46 FR 14952 (3/3/81)	Apr. 26, 1981
81-34	Generic name: Acridinone	46 FR 14952 (3/3/81)	Do.
81-35	Generic name: *N*-Methylene phosphonic acids of a complex substituted amine mixture (a forecut from the fractionation of a crude carboheterocycle) consisting principally of 2,2'-substituted *bis* ethyl amine	46 FR 16118 (3/11/81)	Apr 19, 1981
81-36	Alkyl acid phosphorous esters	46 FR 16118 (3/11/81)	April 28, 1981
81-37	Methylenebis-(diisophopylaniline)	46 FR 19076 (3/27/81)	Do.
81-38	Bicylo [3.2.1] octan-8-ol, 1,5-dimethyl-, acetate bicylo [3,3,0]-octan-2-ol, 1,5-dimethyl-, acetate bicylo [3.3.1] nonan-l-ol,.	46 FR 16123 (3/11/81)	Do
81-41	5-Methyl-4*H*-1,2,4-triazole-3-selenol 1,2-dihydro-5-methyl-3*H*-1,2,4-triazole-3-selone	46 FR 16123 (3/11/81)	April 30, 1981
81-42	Generic name: (Substituted-phenoxy) alkanoic acid, alkyl ester	46 FR 15944 (3/10/81)	Do
81-43	Generic name: Chromophore substituted poly (oxypropylene)	46 FR 16123 (3/11/81)	Do.

PMN No.	Submitter	Chemical identification	FR citation
IV. Chemical substances for which EPA has received notice of commencement to manufacture			
80-67	Claimed confidential business information (CBI)	Polymer of styrene vinyl heteromonocyle and vinyl (substituted) heteromonocyclic salt	45 FR 27007 (4/22/80)
80-101	CBI	1,3-Isobenzo furandione, polymer with 16-hexanediol, 2,2-dimethyl-1,3-propanediol, and 2,2-dimethyl-3-hydroxy propyl-2,2 dimethyl-3-hydroxy propionate	45 FR 37280 (6/2/81).
80-352	CBI	Polymer of acrylic acid, styrene, substituted alkyl acrylate, alkyl mercaptan.	46 FR 8711 (1/27/81).

PMN No.	Submitter	Chemical identification	FR citation
80-373	Martin Marietta Corp..	Generic name: Reaction product of 4-nitrosphenol, hydroxylbenzene, and an oxo alkane with sodium sulfide (Na (Sx)).	46 FR 12104 (2/12/81)
81-13	Exxon Chemical Co..	$C_{15}\Sigma_{23}$ polyoxyethylene ether	46 FR 12836 (2/18/81).
81-29	CBI	Reaction product of oletin, vegetable oil, and sulfur	46 FR 16118 (3/11/81)

Received by EPA October 10, 1980, 90-day review period started February 26, 1981

[FR Doc. 81-17085 Filed 6-9-81; 8:45 am]
BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. B-13]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: June 3, 1981.

Cut-off Date: July 30, 1981.

Notice is hereby given that the application listed below is accepted for filing. Because it is in conflict with the application of Unique Radio Group, Inc., File No. BPHI-810219AD, for authority to operate the facilities of former Station WMJX on an interim basis which was accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with the application listed will be accepted for filing.

Petitions to deny the listed application and minor amendments thereto must be on file with the Commission not later than the close of business on July 30, 1981. The Unique Radio Group may also be amended as a matter of right not later than the close of business on July 30, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

BPHI-810427AE, Miami, Florida, Scripture Church of Christ, Req: 96.3, Channel 242, 98 kW, 799 Feet (H&V).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-17118 Filed 6-9-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-124]

Texas Federal Savings and Loan Association, Dallas, Tex.; Final Action Approval of Conversion Applications

Dated: June 5, 1981.

Notice is hereby given that on March 31, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-176 approved the application of Texas Federal Savings and Loan Association, Dallas, Texas, ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-17173 Filed 6-9-81; 8:45 am]
BILLING CODE 6720-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Program; Resumption of Application Process

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Resumption of Application Process.

SUMMARY: The Federal Mediation and Conciliation Service published program guidelines for its new Labor-Management Cooperation Program in the January 30, 1981 issue [46 FR 10008] of the **Federal Register**. Those guidelines were first deferred on February 10 [46 FR 11706], and again deferred on April 13 [46 FR 21697] pending congressional action on the President's decision to rescind the $1 million fiscal year 1981 appropriation for the program. On June 4, the Congress voted to retain the original fiscal year 1981 appropriation. As a result, the application process for the Labor-Management Cooperation Program is being resumed. The guidelines published on January 30 and mailed out to those parties requesting application kits remain in effect and unchanged except for the application deadlines and A-95 clearance. All applications (plant, area, and industrywide) must be postmarked on or before July 31, 1981. Obtaining clearance from an appropriate state A-95 clearinghouse will not be required in fiscal year 1981. Applicants should, however, forward an information copy to their A-95 agency.

FOR FURTHER INFORMATION CONTACT: Peter L. Regner, Director, Office of Labor-Management Grant Programs, FMCS, 2100 K Street NW., Washington, D.C. 20427.

SUPPLEMENTARY INFORMATION: Individuals needing copies of parts or all of the application kit are advised to call 202/653-5240 to expedite processing.

Kenneth E. Moffett,

Acting Director.

[FR Doc. 81-17198 Filed 6-9-81; 8:45 am]
BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

Sugarland Bankshares, Inc.; Formation of Bank Holding Company

Sugarland Bankshares, Inc., Jeanerette, Louisiana, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Sugarland State Bank, Jeanerette, Louisiana. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17123 Filed 6-9-81; 8:45 am]
BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Cigarette Advertising

AGENCY: Federal Trade Commission.

ACTION: Request for Comment on Commission Staff Report on Cigarette Advertising.

SUMMARY: This Notice requests comment on a staff report which (1) discusses current medical and consumer knowledge of the health risks of cigarette smoking, (2) explores whether current cigarette advertising is deceptive under Section 5 of the Federal Trade Commission by omitting material information about the health risks of cigarette smoking, and (3) discusses various informational alternatives that might be appropriate for action by Congress, other government agencies, private organizations, or the Commission.

DATES: Comments must be postmarked on or before December 10, 1981.

ADDRESSES: Comments should be submitted to: Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580. Comments should refer to File No. 792–3204. Agencies and organizations are requested to submit comments in triplicate.

ADDITIONAL MATERIALS AVAILABLE FOR REVIEW: Copies of the Report and studies discussed in the Report may be obtained from: Public Reference Room, Room 130, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580 (202) 523–3598.

FOR FURTHER INFORMATION CONTACT: Wallace S. Snyder, Assistant Director, or Matthew Myers, Attorney, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (Telephone: 202–724–1499 and 202–724–1490, respectively).

SUPPLEMENTARY INFORMATION: All comments received pursuant to this Notice will be placed in a public file which will be available for inspection as described above, except for information that discloses the identity of a confidential source or contains confidential commercial or financial information. If you believe your commet contains such information or fits this category, please specify the reasons for your belief. Such information will be retained in a non-public investigative file. Portions of the Staff Report do contain information for which confidential treatment has been requested by the cigarette manufacturer or advertising agency which supplied it. Those portions of the Staff Report which refer to this information have been deleted in the copy released to the public. The staff will continue its investigation during the period in which comments are being received.

Part A—Background Information

In May 1981, the Federal Trade Commission's Bureau of Consumer Protection published a report on cigarette advertising. The report represents the fourth time in the last sixteen years that the Commission has addressed the general subject of cigarette advertising.

In 1964, the Federal Trade Commission found that the mounting evidence of the "grave hazards to life and health" caused by cigarette smoking, together with the failure of the cigarette manufacturers to warn consumers of this danger, constituted "an unfair or deceptive act or practice" within the meaning of Section 5 of the Federal Trade Commission Act. Prompted by the same concern, the Commission in 1969 and in 1971 took formal action to require cigarette manufacturers to inform the public about the dangers of smoking. As a result, all cigarette advertisements today contain the same health warning that Congress requires on cigarette packages.

The serious health consequences of cigarette smoking have also been a major concern of Congress. In 1965, Congress passed the Federal Cigarette Labeling and Advertising Act requiring all cigarette packages sold or distributed in the United States to contain a health warning. In 1970, Congress passed the Pubic Health Cigarette Smoking Act requiring all cigarette packages to contain the current warning and making it unlawful to advertise cigarettes on radio and television.

The Staff Report discusses several recent events that suggest that a reexamination of whether consumers are being adequately warned about serious health hazards of smoking is appropriate at this time. Reports by the Surgeon General in recent years have confirmed and strengthened the conclusions of the 1964 Surgeon General's Report regarding the relationship between smoking and certain diseases. In addition, these recent reports have established ■ relationship between smoking and a number of other health hazards about which little was known in 1964. Yet, despite this increased knowledge about the medical risks of smoking, the Staff Report finds that more people are smoking today than ever before. In addition, substantial portions of the public may still lack specific knowledge of these hazards. They include the relationship between smoking and heart disease, lung cancer and emphysema, plus more recent concerns about the risks of smoking during pregnancy, and the interaction between smoking and birth control pills. The Staff Report also finds that consumers desire more information about the health effects of smoking. The findings and recommendations, which are summarized and discussed in the Staff Report, indicate the need for reexamination of whether current cigarette advertising may be deceptive by failing to provide sufficient material information about the dangers of smoking.

The staff review which culminated in this Staff Report was authorized by the Commission in 1976. The staff focused its review on the following five major issues: (1) In light of the substantial growth of medical information in recent years, what are the known consequences of smoking? (2) What health information does cigarette advertising contain about the nature, probability and severity of the dangers of smoking? (3) Does the public already know these facts, or does a substantial portion of the population lack knowledge of or hold false beliefs about the dangers of smoking? (4) Is the current warning effective in alerting the public to the health hazards of smoking? (5) Is remedial action necessary? If so, what remedial measures, if any, are likely to result in the public being provided with sufficient health information to avoid any possible deception in cigarette advertising?

The Commission recognizes that the issues today are far more complex than they were when the Commission first took action on this problem in 1964. At that time, cigarette packages and advertisements contained no health warnings, and the Commission's focus was on the threshold question of whether to require a health warning at all. In light of the number of years the current warning has been in use and the increased knowledge about the health risks of smoking, it is now necessary to examine the effectiveness of the existing warning, the remedy adopted a decade ago. In addition, the warning the Commission required for cigarette advertisements is the same as that required by Congress for cigarette packages. Because of these parallel approaches and Congress' involvement in this area, the Commission desires to work with Congress and other relevant organizations in carefully considering what further action with respect to advertising practices would be appropriate.

In light of the available evidence about public awareness, or the lack thereof, of the risks associated with smoking, the staff undertook a review of the effectiveness of the current health warning in cigarette advertising. The Staff believes that the warning is not effective because of its generalized and abstract nature, because it has appeared

in the same unchanging size and shape for a decade and because the current warning does not adequately communicate the various health risks of smoking. The Staff indicates something more than this warning may be needed to cure possible deception in cigarette advertising. The Report therefore reviews a number of possible remedial options. These options include consumer education, industry self-regulation, changing the size and shape of the current warning, replacing the current warning with a more specific one, instituting a system of rotational warnings for cigarette advertisements, permitting only "tombstone" advertising for cigarettes, and disclosure of carbon monoxide levels. Based upon this review, the staff has tentatively concluded that increasing consumer education, changing the size and shape of the current warning, and replacing the current warning with a system of short warnings that rotate in cigarette advertising may be the most effective in remedying and deception in cigarette advertising and in improving public awareness of the health consequences of smoking.

The Commission wishes to emphasize that the remedial options suggested are not limited to action by this agency; they may well be appropriate for consideration by other entities, inlcuding private organizations, government agencies such as the Department of Health and Human Services, and especially Congress. The Commission's 1978 Report to Congress on Cigarette Advertising has already suggested that Congress consider strengthening the language of the current warning and adopting a system of rotational disclosures. The Commission currently believes that because of the nature of the issues posed by such a system, rotational warning proposals are particularly appropriate for congressional consideration. The staff report's analysis of how such a proposal might work will hopefully facilitate this discussion.

Part B—Issues on Which Comment is Invited

The remedial options suggested by the staff are primarily information in nature. To the extent any further action is called for, whether by Congress, this agency or others, the Commission believes that information-oriented approaches are preferable to more intrusive remedies. However, the Commission has not reached any conclusions regarding the need for action by this agency with respect to the subjects addressed by the Staff Report. By publishing this Report, the Commission hopes to initiate a dialogue with members of Congress, the industry, and the general public concerning the important issues raised by the Report. This dialogue will enable the Commission to determine whether further action is necesssary to cure any deception in current cigarette advertising and, if so, what action might be appropriate.

Because of the complexity of the issues raised, the Commission has determined to slicit public comment for a period of six months.

Interested persons are invited to address any issues of fact, law, policy or procedure which they feel are relevant and should be considered by the Commission. The Commission particularly desires comment upon the questions listed below. These questions are provided in order to facilitate public comment and should not be construed to limit the nature and scope of comments submitted in response to this request.

(1) The Staff Report discusses evidence linking smoking with many specific health consequences. Has the staff accurately summarized the available medical evidence? Is there additional evidence which should be considered?

(2) The Staff Report includes a detailed analysis of the available survey data on the level of the public's knowledge of the health hazards of smoking. Are there other surveys or material which the staff should have considered? Are the staff's conclusions based on the survey data appropriate? Is the public adequately informed about the health hazards of smoking to avoid any possible deception?

(3) The Staff Report describes both the quantitative level of cigarette advertising in this country and the major themes in current cigarette advertising. Is the staff's description accurate?

(4) The staff believes that the current health warning is not effective. Does the warning provide sufficient information to adequately alert consumers to the health consequences of smoking? Is the staff's analysis of the reasons why the warning may not be effective accurate and complete?

(5) In view of knowledge about the general health hazard of smoking, is further legal action necessary to require more specific disclosure in advertising of the health risks associated with cigarette smoking? Should any action be taken with respect to advertising that might differ from the warning disclosure required by Congress for cigarette packages?

(6) The Staff Report describes a number of possible remedial options. Are there options not mentioned in the Report which should have been considered? Are there additional educational efforts not involving the mass media, such as school or smoker education programs, which deserve further consideration in evaluating the options discussed in the Staff Report? Are there any aspects about the options discussed in the Report which merit particular consideration? Are the options discussed feasible? The Commission also invited comments on the staff's tentative conclusion that three of the options discussed are likely to be most effective and on any particular aspect of the staff's discussion of the nature and operation of any of the options discussed.

(7) The staff has made no recommendation on the merits of requiring disclosure of carbon monoxide levels in all cigarette ads? Would the addition of these figures to the "tar" and nicotine figures now disclosed be useful?

(8) Health warnings on billboards pose special problems. The Staff Report discusses four options in an effort to select a proposal which will make a revised health warning effective in billboard advertisements, taking into account cost and administrative burden to cigarette manufacturers. The Commission invites comments and suggestions on these or any other proposals.

Commenters should be aware that the Commission has concluded that the size of the current billboard warning is too small to be seen and read at the distance from which most consumers view the typical billboard and at the speed at which motorists drive past billboards. The Commission is currently involved in litigation over this issue with the R. J. Reynolds Company in federal court.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17193 Filed 6-9-81; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register

Basic Building Code; Code Development and Educational Conference

AGENCY: Office of the Federal Register.

ACTION: Notice of public meeting.

SUMMARY: The Building Officials and Code Administrators International (BOCA) will hold its annual Code Development and Educational Conference. The Conference will include hearings on proposed changes to the Basic Building Code and other related codes. All interested parties are invited to participate at this open meeting. The Office of the Federal Register is announcing this meeting as a public service.

DATES: June 22, 1981 through June 26, 1981.

ADDRESS: Sheraton-Hartford Hotel, Hartford, Connecticut.

FOR FURTHER INFORMATION CONTACT: Registration information and code change agenda: Clarence R. Bechtel, Executive Director, Building Officials and Code Administrators International, 17926 South Halsted Street, Homewood, IL 60430, (312) 799–2300. Federal Register contact: Gary Segal, (202) 523–4534.

Martha B. Girard,

Acting Director of the Federal Register.

[FR Doc. 81-17194 Filed 6-9-81; 8:45 am]

BILLING CODE 1505-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committees; Restablishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces the reestablishment by the Secretary of Health and Human Services, with the concurrence of the General Services Administration Committee Management Secretariat, of the following advisory committees:

Alcohol Human Resource Development Review Committee.

Community Alcoholism Services Review Committee.

Authority for these committees will expire September 30, 1981, unless the Secretary formally determines that continuance is in the public interest.

Dated: June 4, 1981.

Robert L. Trachtenberg,

Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-17117 Filed 6-9-81; 8:45 am]

BILLING CODE 4110-88-M

Centers for Disease Control

Health and Safety Effects of Cold Stress; National Conference on Occupational Health and Safety Issues Affecting Minority Workers; Open Meetings

The following meetings will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Health and Safety Effects of Cold Stress

Date and time: June 26, 1981, 1 p.m.–5 p.m.
Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, room 241, Cincinnati, Ohio 45226
Purpose: To critically evaluate details of project concerning, (a) epidemiological, environmental and psychophysiological assessments of work places where cold may be a stressor and (b) objective methods for in-house study of continuous and intermittent work in cold environments including handling of cold objects.
Additional information may be obtained from: Mr. Walter S. Carlson, Division of Biomedical and Behavioral Science; National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone: (513) 684–8286

National Conference on Occupational Health and Safety Issues Affecting Minority Workers

Date and time:
July 6, 1981, 9:30 a.m.–5:00 p.m.
July 7, 1981, 8 a.m.–5:00 p.m.
July 8, 1981, 8 a.m.–4:30 p.m.
Place: Grand Ballroom of Stouffer's Cincinnati Towers, 141 West Sixth Street, Cincinnati, Ohio 45202
Purpose: To discuss occupational safety and health problems as they relate to minority workers of America and to develop strategies for both the public and private sector to address these problems/issues. Several workshops will be conducted in conjunction with the conference on such issues as gathering of injury and health data; inclusion of minorities in epidemiological investigations; minority worker education and training; diseases and hazards which impact minority workers disproportionately, etc. Viewpoints and suggestions from industry, organized labor, worker groups, academia, small businesses, civil rights advocates, equal opportunity affirmative action officers, State, local, and other Federal agencies are invited. The registration date has been extended until June 30.
Additional information may be obtained from: Mr. Marshall E. LaNier, Office of the Director, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, OH 45226, telephone: (513) 684–8215.

Dated: June 3, 1981.

William H. Foege, M.D.,

Director, Centers for Disease Control.

[FR Doc. 81-17154 Filed 6-9-81; 8:45 am]

BILLING CODE 4110-87-M

Cooperative Agreement To Support a Uniform National Health Program Reporting System for Comprehensive Public Health Services; Availability of Fiscal Year 1981 Funds

The Centers for Disease Control announces the availability of funds for fiscal year 1981 for a cooperative agreement to support a uniform national health program reporting system. The system is specified in the Catalog of Federal Domestic Assistance, Number 13.210 under the Reports Section. Authorization is under Section 314(d) of the Public Health Service Act, as amended (42 U.S.C., 246[illegible]).

The purpose of the activity is to continue the operation of the uniform national health program reporting system that has been in existence for 10 years. Section 314(d)(2)(C)(ii) of the Public Service Act defines the activity in these terms:

* * * From time to time, as prescribed by the Secretary, report to the Secretary (through a uniform national health program reporting system and by such categories as the Secretary may presribe) a description of the comprehensive public health services provided in the State in the fiscal year for which the grant applied for is made and the amount and source of funds expended in that fiscal year and in the preceding fiscal year for the provision of each such category of services * * *.

It is expected that approximately $430,000 will be available in fiscal year 1981 for this cooperative agreement. The agreement will be for a period of 10 to 12 months. Projected initiation date is approximately September 15, 1981. Any public or private nonprofit entity is eligible to apply.

Funding criteria will include the following factors:

1. Technical approach and understanding the problem.
2. Administrative capability and staff expertise in the handling and analysis of large data bases.
3. Present or prior experience dealing with the 57 State and Territorial health jurisdictions or a plan to initiate such an effort.
4. Proposals to improve the present system and analysis of the data.
5. Proposals to expand the system to include local health department data.
6. Response to selected recommendations recently published by the Technical Advisory Panel.

7. Work schedule (e.g., Program Evaluation and Review Technique (PERT).

8. Cost proposal.

Applications must be received by July 27, 1981. Applications are not subject to review as governed by OMB Circular A-95 and regulations (42 CFR Parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974, as amended.

Guidelines and information may be obtained from, and applications, must be submitted to, the Procurement and Grants Office, Centers for Disease Control, Atlanta, Georgia 30333.

Dated: June 5, 1981.

William C. Watson, Jr.,

Deputy Director, Centers for Disease Control.

[FR Doc. 81-17297 Filed 6-9-81; 8:45 am]

BILLING CODE 4110-86-M

Office of the Assistant Secretary for Health

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of June 1981:

Name: Health Care Technology Study Section
Date and Time: June 15-17, 1981, 8:30 a.m.
Place: Gramercy Inn, South Scott Room, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036
Open June 15, 8:30 a.m.-10:30 a.m.
Closed for remainder of meeting

Purpose: The Committee is charged with the initial review of health research grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on June 15 will be devoted to a business meeting covering administrative matters and reports. The closed portion of the meeting will be utilized in a review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436-6196.

Name: Health Services Research Review Subcommittee
Date and Time: June 17-19, 1981, 8:00 a.m.
Place: Capital Hilton, June 17, 1981, 16th & K Streets, N.W., Washington, D.C. 20036; Gramercy Inn, June 18-19, 1981, North Scott Room, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036
Open June 17, 8:00 a.m.-9:00 a.m.
Closed for remainder of meeting

Purpose: The objective of the Subcommittee is to advise the Secretary and make recommendations to the Director, National Center for Health Services Research, concerning the scientific and technical merit review of health services research grant applications involving primarily the analysis and use of economic, statistical, and other theoretical approaches which examine problems associated with the delivery of health services.

Agenda: The open session of the meeting on June 17, 1981, will be devoted to a business meeting covering administrative matters and reports. During the closed session, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Anthony Pollitt, Ph.D., National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436-6918.

Name: Health Services Developmental Grants Review Subcommittee
Date and Time: June 22-23, 1981, 9:00 a.m.
Place: Gramercy Inn, North Scott Room, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036
Open June 22, 9:00 a.m.-9:45 a.m.
Closed for remainder of meeting

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on June 22, 1981, will be devoted to a business meeting covering administrative matters and reports. During the closed sessions the Subcommittee will be reviewing research grant applications relating to the delivery, organization and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the determination by the Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436-0916.

Agenda items are subject to change as priorities dictate.

Dated: June 3, 1981

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-17116 Filed 6-9-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Montana; Campground Stay Limitation

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure of road vehicle and primitive camping; campground stay limitation.

SUMMARY: Notice is hereby given that motorized vehicle use and use of the public lands for temporary or permanent occupancy in the form of bedrolls, tipis, tents, pickup campers, camping trailers, tent trailers, mobile homes and such like is prohibited in accordance with the provisions of regulations dealing with closure of lands (43 CFR Part 8364.1).

The area and trails on public lands affected by this designation are in Phillips County, Montana, immediately northeast of the town of Zortman and immediately west of the town of Landusky and are described as follows:

T. 25 N., R. 25 E., PMM, Section 16,
All north of main county road into Zortman.
T. 25 N., R. 24 E., PMM, Section 27,
All north of main county road into Landusky.

All camping of any form is prohibited except for the 15 family units in Camp Creek Campground and the 10 family units in Montana Gulch Campground. All vehicular use in above areas is restricted to the established improved graveled roads to each respective campground, the Zortman school and Thompson Avenue. All camping inside the two established campgrounds is limited to 14 days per year per camper in accordance with regulations covering occupancy and use of developed sites (43 CFR Part 8363.1-3(b)). The closure and length of stay limitations are necessary because of public health hazards, excessive erosion, destruction of plant life and impacts on the aesthetics of the area. These areas will remain closed until further notice.

This notice is effective immediately. Any person who knowingly and willfully violates this closure shall be fined not more than $1,000 or imprisoned not more than 12 months, or both.

FOR FURTHER INFORMATION CONTACT:
Charles Dahlen, Area Manager, Phillips Resource Area, 501 So. 2nd St. East, P.O. Box B, Malta, Montana 59538, 406/654–1240.

Glenn W. Freeman,
District Manager.

[FR Doc. 81-17002 Filed 6-9-81; 8:45 am]
BILLING CODE 4310-84-M

National Environmental Policy Act; Adoption of Another Agency Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Adoption by the Bureau of Land Management of three (3) Department of Army Final Environmental Impact Statements Concerning Proposed Land Withdrawals for the 172nd Infantry Brigade (Alaska) at (1) Fort Richardson, (2) Fort Wainwright, (3) Fort Greely.

SUMMARY: Pursuant to section 43 CFR 1506.3 of the Code of Federal Regulations for implementing the provisions of the National Environmental Policy Act (NEPA), notice is hereby given that the Bureau of Land Management will adopt the three final environmental impact statements prepared by the Department of Army, dated November 1980, and filed with the Environmental Protection Agency May 6, 1981. BLM assisted the Department of Army in the preparation of the final environmental impact statements and is identified as a cooperator in accordance with section 43 CFR 1501.6 of the Code of Federal Regulations.

DATES: Written comments on the proposal and alternatives contained in the final environmental impact statement prepared by the Department of Army will be accepted by the Bureau of Land Management up to and including July 15, 1981.

ADDRESSES: Written comments on the proposals are to be addressed to Mr. Gary Seitz, Planning and Environmental Coordination Staff, Bureau of Land Management, P.O. Box 13, Anchorage, Alaska 99513.

A limited number of the final impact statements may be obtained from the Department of Army, HQ 172nd Infantry Brigade (AK), Attn: AFZT–FE–EQ, Fort Richardson, Alaska 99505.

SUPPLEMENTARY INFORMATION: The final environmental impact statements identify and analyze the impacts that would result from the withdrawal and use by the Department of Army of 3,340 acres at Fort Richardson, 249,552 acres at Fort Wainwright and 624,225 acres at Fort Greely, Alaska. The withdrawal of these lands as proposed would allow present military use to continue.

Alternatives considered and analyzed in the impact statements include no action, the proposed action, moving present military activities to other areas, reducing the acreage of the proposed land withdrawals, and allowing uses other than strictly military use on certain of the lands proposed for withdrawal.

BLM's jurisdictions in the proposed actions are to prepare under authority of Pub. L. 94–579 (Federal Land Policy and Management Act of 1976) a Public Land Order for the signature of Secretary, U.S. Department of Interior, concerning the land withdrawals at Fort Richardson, and under authority of Pub. L. 85–337 (Engle Act 1958) make recommendations to the Secretary USDI on proposed congressional legislation concerning the land withdrawals at Fort Wainwright and Fort Greely. BLM has determined that the final environmental impact statements are adequate for the actions and recommendations BLM must make, and they satisfy the requirements set forth by NEPA, CEQ and appropriate USDI and BLM regulations. The documents are therefore adopted for these purposes.

Dated: June 1, 1981.

Fred Wolf,
Associate State Director, Alaska.

[FR Doc. 81-17120 Filed 6-9-81; 8:45 am]
BILLING CODE 4310-84-M

[SL-064606]

Utah; Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following lands have been reconveyed to the United States:

Salt Lake Meridian, Utah

T. 30 S., R. 7 W.,
Sec. 9, NE¼NE¼, W½NE¼;
Sec. 10, NW¼NW¼.
(Less 6.06 acres for Highway in Sec. 9)
Containing 153.94 acres in Beaver County.

2. By Warranty Deed dated July 15, 1948, both the surface and minerals were reconveyed to the United States.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws including the mining and mineral leasing laws. All valid applications received at or prior to July 10, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: June 2, 1981.

Darrell Barnes,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 17003 Filed 6-9-81; 8:45 am]
BILLING CODE 4310-84-M

[N-27612]

Nevada; Proposed Withdrawal and Opportunity for Public Hearing

June 1, 1981.

The Bureau of Land Management, Department of the Interior, proposes the following described lands be withdrawn, subject to valid existing rights, from appropriation under the public land laws, including the mining laws, but not the mineral leasing laws:

Mount Diablo Meridian, Nevada

T. 17 S., R. 60 E.
Sec. 26, S½;
Sec. 34, NE¼;
Sec. 35, N½N½, SE¼NE¼, SW¼NW¼, W½SW¼, N½NE¼SE¼, NW¼SE¼;
Sec. 36, W½.
T. 18 S., R. 50 E.
Sec. 1, Lots 3 and 4;
Sec. 2, Lots 1 and 2, S¼NE½.
The land described aggregates 1,419.04 acres.

The purpose of the proposed withdrawal is to protect the essential habitat of the Warm Springs Pupfish *(Cyprinodon nevadensis petoralis)*, a Federally listed endangered species. This action is an objective of the approved Warm Springs Pupfish Recovery Plan.

Pursaunt to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2764, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below within 40 days from the date of publication of this notice. Upon determination by the State Director that a public hearing will be held, a notice will be published in the **Federal Register**, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec.

2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management within the 40 day period allowed.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Segregation will terminate two years from the date of this notice.

All correspondence in connection with this withdrawal should be addressed to the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

William J. Malencik,

Chief, Division of Technical Services

[FR Doc. 81-17140 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho; Filing of Plat of Survey

June 2, 1981

1. Plats of survey for the following described land, accepted January 15, 1981, will be officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective at 10:00 a.m., on August 3, 1981.

Boise Meridian, Idaho

T. 4 S., R. 33 E.
- Sec. 1, Lots 9 and 10;
- Sec. 11, Lot 2;
- Sec. 12, Lots 8 to 16, inclusive and NE¼SW¼;
- Sec. 13, Lot 4;
- Sec. 14, Lots 8 to 12, inclusive;
- Sec. 22, Lots 6 to 9, inclusive;
- Sec. 23, Lots 8 and 9;
- Sec. 27, Lots 9 and 10;
- Sec. 32, Lots 11 to 15, inclusive;
- Tract 37.

The areas described aggregate 620.45 acres.

2. The lands involve dependent resurveys, survey of islands and omitted lands.

3. The omitted lands are subject to the provisions of the Act of May 31, 1962 (76 Stat. 89). Before sale of any of the omitted lands can be made, a notice in accordance with the regulations in 43 CFR 2546.1 must be published in the **Federal Register.** Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Box 042 Federal Building, 550 West Fort Street, Boise, Idaho 83724.

Sharron Deroin,

Chief, Branch of Records.

[FR Doc. 81-17145 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

District Grazing Advisory Board, Susanville, Calif.; Correction

This document corrects the Notice of Meeting that was published May 29, 1981 (FR 28953). The Susanville District Grazing Advisory Board will meet on July 9, 1981; not on June 9 as published on May 29, 1981. All other information regarding the meeting remains the same.

C. Rex Cleary,

District Manager.

[FR Doc. 81-17147 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

Multiple Use Advisory Council; Meeting

June 2, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Multiple Use Advisory Council: Meeting.

SUMMARY: The Council will conduct a field trip on July 30, with formal recommendations being made in a meeting on July 31. Both meetings will begin at 9 a.m.

LOCATION: Moab District Office, 125 West 200 South, Moab, Utah.

SUPPLEMENTARY INFORMATION: The agenda is scheduled as follows:

July 30

9 a.m.—Call to order and briefing on purpose of field trip
9:30 a.m.—Leave for field trip up U-128 along the Colorado River to discuss the Wild and Scenic River nomination
12 Noon—Lunch at Fisher Valley Ranch
1 p.m—Continue up U-128 to discuss humate and placer mining along the river

July 31

9 a.m.—Call to order. Old business.
10 a.m.—New business, including the Vernal Highway, the Book Mountain Trasnsportation Plan, and the "blocking" of State lands
12 Noon—Lunch
1 p.m.—Public statements
2 p.m.—Recommendations formalized
3 p.m.—Agenda for next meeting; adjournment

FOR FURTHER INFORMATION CONTACT: Mary Plumb, Public Affairs Officer, Bureau of Land Management, 125 West 200 South, P.O. Box 970, Moab, Utah 84532, 801-259-6111.

All Advisory Council meetings are open to the public. Written statements may be filed, or verbal statements may be made at 1 p.m. on July 31. Anyone wishing to make a verbal statement must contact the District Manager by July 29. Depending on the number of statements, a per person time limit may be established so that all may be heard. Summary minutes for the meeting will be maintained in the District Office and be available for public inspection within thirty days following the meeting.

Gene Nodine,

District Manager.

[FR Doc. 81-17148 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

Utility Corridor Land Use Plan

ACTION: Notice of Off-Road Vehicle use designation contained in approved Land Use Plan.

SUMMARY: Because a portion of the Dalton Highway through the Utility Corridor north of the Yukon River will be open for public travel for the first time during the summer of 1981, and in accordance with 43 CFR 8342.2(b), this **Federal Register** notice is provided to inform the public of the off-road vehicle management guidelines contained in the Utility Corridor Land Use Plan, which was approved in September 1979. These guidelines have already received extensive public comment through the formal public review process during the preparation of the Land Use Plan. Additional public notice is planned through the local news media. The Land Use Plan designated the Utility Corridor as a Limited Use Area for off-road vehicles until a special ORV Plan is prepared.

DATE: Effective September 24, 1979.

FOR FURTHER INFORMATION CONTACT: Yukon Area Manager, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707 (907) 356-2025.

Limited use designation: North of the Yukon River, the use of ORV's regardless of size is by permit only, except as established by other law or regulation. This designation will allow for (1) ORV use in support of lawful mining activities (including prospecting) providing that the individual files a Notice of Intent of Plan of Operations with the Bureau in advance, or as otherwise outlined in Title 43 Code of Federal Regulations, "Mining Claims Under the General Mining Laws." Subparts 3802 and 3809, and (2) commercial operators who have been issued a Temporary Use Permit, Right-of-Way, or similar expressed written

authorization from the BLM. Permits for recreation use will not be issued.

Carl D. Johnson,

District Manager.

[FR Doc. 81-17150 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

[Wyoming 74478]

Wyoming; Application

June 2, 1981.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 4" pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 24 N., R. 87 W.,
Sec. 20, SW¼NW¼.
T. 23 N., R. 88 W.,
Sec. 4, Lots 1, 2, 3, S½NW¼, NW¼SW¼.
T. 24 N., R. 88 W.,
Sec. 24, S½SE¼;
Sec. 26, SE¼NE¼, NE¼SW¼, S½SW¼, N½SE¼;
Sec. 36, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼.

The pipeline will transport natural gas within T. 24 N., R. 87 W., T. 23 N., R. 88 W., and T. 24 N., R. 88 W., in Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 3rd Street, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-17149 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

Proposed Revision to the Five-Year Outer Continental Shelf Oil and Gas Lease Sale Schedule; Availability of Draft Supplemental Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft supplement to the final environmental impact statement relating to a proposed revision to the Five-Year Outer Continental Shelf Oil and Gas Lease Sale Schedule.

Single copies of the draft supplemental environmental impact statement can be obtained from the Office of the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, 26 Federal Plaza, Suite 32-120, New York, New York 10278; Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana 70130; Office of the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 1340 West 6th Street, Los Angeles, California 90017; Office of the Manager, Alaska Outer Continental Shelf, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft supplemental environmental impact statement will also be available for review in public libraries located throughout the coastal States. Information regarding the locations of libraries where copies of the statement will be available may be obtained from the OCS Offices listed above.

In accordance with 43 CFR 3314.1, public hearings will be held in New York, New York; New Orleans, Louisiana; Los Angeles, California; Anchorage, Alaska, and Washington, D.C. for the purpose of receiving comments and suggestions relating to the supplemental environmental impact statement. The exact locations and dates of the hearings will be announced at a later date. Comments will be accepted until July 27, 1981.

After a public hearing is held and comments have been received and analyzed, a final environmental impact statement will be prepared.

Ed Hastey,

Associate Director, Bureau of Land Management.

Approved:

Cecil S. Hoffmann,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 81-17192 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

Wilderness Decision

Correction

The document with the file number "81-16510", beginning in the third column of page 29770 and ending in the first column of page 29771 in the issue of Wednesday, June 3, 1981, should have been numbered, "81-16548".

BILLING CODE 1505-01-M

[1784 [N-6305]]

Battle Mountain Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 that a meeting of the Battle Mountain District Grazing Advisory Board will be held on July 28 and 29, 1981. The meeting will begin at 9:00 a.m. both days in the Tonopah Convention Center at 301 Brougher, Tonopah, Nevada.

The agenda for the meeting will include: (1) a discussion of the function of the Board, (2) expenditure of range betterment funds for range improvements, (3) a review of all proposed Stewardship Plans and Allotment Management Plans for the Tonopah Resource Area, (4) discussion of the Board's future involvement in the Experimental Stewardship and Allotment Management Plan Program, (5) field tour of an allotment under a proposed Stewardship Plan, and (6) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:30 p.m. on July 28, 1981 or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 2nd and Scott Streets, Battle Mountain, Nevada 89820 by July 17, 1981. Minutes of the board meeting will be maintained in the district office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: June 1, 1981.

Michael C. Mitchel,

Acting District Manager, Battle Mountain, Nevada.

[FR Doc. 81-17144 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permits Issued for the Month of May

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted

only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (702/235–1903) or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

Patuxent Widlf Res	0310	05–20–81
Field Museum of Nat	1565	05–28–81
Emory Univ./Yerkes	2390	05–20–81
Michigan St. U	3185	05–08–81
Regional Director 6	3276	05–05–81
Institute for Raptor	6388	05–22–81
Memphis State Univ	7703	05–08–81
Brosnan, Thomas J	7732	05–01–81
Herpetofauna, Inc	7733	05–29–81
Davis, Keith	7770	05–19–81
New York Zool Society	7778	05–06–81
San Antonio Zool Grdn	7796	05–08–81
Univ of Florida	7802	05–08–81
National Cancer Inst	7806	05–08–81
Cuneo, John F	7813	05–20–81
Louisiana State Univ	7829	05–01–81

Dated: June 5, 1981.

Larry LaRochelle,

Acting Chief Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–17176 Filed 6–9–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application

Applicant: Duke University Primate Center, Durham, NC 27705.

The applicant requests an amendment to PRT 2–6368 to allow importation of five (5) individuals of any subspecies of Verreaux's sifaka, *Propithecus verreauxi*, rather than only *P.v. coquereli*, and a maximum of ten (10) individuals of any of the following species: *Lemur macaco, L. mongoz, L. variegatus, Cheirogaleus medius, C. major*, and/or *Microcebus coquereli* from Direction des eaux et forets of the Madagascar Government, Madagascar. The animals are to be removed from the wild for enhancement of propagation and survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–6368. Interested persons may comment on this application on or before July 10, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 5, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81–17174 Filed 6–9–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application

Applicant: David A. Etnier, Department of Zoology, University of Tennessee, Knoxville, TN.

The applicant requests an amendment to PRT 2–7818 to take for scientific purposes 20 snail darters (*Percina tanasi*) from Sewee Creek, Tennessee. The fish will be sacrificed for taxonomic purposes.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7818. Interested persons may comment on this application on or before July 10, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 5, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81–17175 Filed 6–9–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application

Applicant: U.S. Army Corps of Engineers, Jacksonville District, Jacksonsville, FL.

The applicant requests a permit to take Atlantic ridley (*Lepidochelys kempi*), hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*) and loggerhead (*Caretta caretta*) sea turtles for scientific purposes and for enhancement of survival during dredging operations along the coast of Florida.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–8063. Interested persons may comment on this application on or before July 10, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 5, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 17177 Filed 6–9–81; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning 8:30 a.m. (EDT), on Thursday, June 25, 1981, at Happy Days Visitor Center located on State Route 303 (Streetsboro Road), 1 mile west of State Route 8 near Peninsula, Ohio. Parking is on the north side of Route 303 and a pedestrian tunnel leads to the building on the south side of the highway.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff–4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Tommie Patty (Chairperson)
Mr. John Craig
Mr. Norman A. Godwin
Mrs. William Hutchison
Mr. James S. Jackson
Mrs. George Klein
Mr. Stanley Mottershead
Mr. C. W. Eliot Paine
Mr. Melvin J. Rebholz
Mr. F. Eugene Smith

Ms. Robbie Stillman
Mr. Barry K. Sugden
Dr. Robert W. Teater

Matters to be discussed at this meeting include:

1. Environmental Assessment for Oak Hill development.
2. Trail planning subcommittee process.
3. Expanding visitor services.
4. Update on Park operations.

The meeting will be open to the public. It is expected that about 100 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone (216) 650–4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: May 29, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81-17189 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-70-M

Mining Plan of Operations at Death Valley National Monument; Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, Western Minerals Gas, Oil and Mining and its subsidiary Western Minerals Exploration Ltd. has filed a plan of operations in support of proposed mining activities on lands embracing the Gold Bar Mining Claim within the Death Valley National Monument. The plan is available for public inspection during normal business hours at the Death Valley National Monmuent Headquarters, Death Valley, California.

Dated: May 20, 1981.

George Von der Lippe,

Superintendent, Death Valley National Monument.

[FR Doc. 81-17188 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-70-M

San Juan National Historic Site, San Juan, Puerto Rico; Concurrent Jurisdiction Accepted

Notice is hereby given that effective April 6, 1981, concurrent legislative jurisdiction between the United States and the Commonwealth of Puerto Rico is established over all lands and waters within San Juan National Historic Site. The retrocession of exclusive jurisdiction was authorized by the Act of October 7, 1976 (Pub. L. 94–458 (16 U.S.C. 1a-et seq.)). The acceptance of jurisdiction was authorized by the Act of May 12, 1980 (P.R. Act No. 36), in which the Governor of the Commonwealth of Puerto Rico was authorized to accept a cession of jurisdiction over the lands within the Commonwealth of Puerto Rico, title of which was vested in the United States.

San Juan National Historic Site, established by order of the Secretary of the Interior on February 14, 1949, under authority of the Act of August 21, 1935 (49 Stat. 666), consists mainly of 16th and 18th century fortifications that include: Ft. El Morro, El Canuelo, San Cristobal, The City Walls, Outerworks, and the San Juan Gate. Prior to the establishment of the historic site, the San Juan fortifications were under the exclusive legislative jurisdiction of the United States.

Exclusive jurisdiction was retroceded and concurrent jurisdiction was established by written agreement dated April 6, 1981, between the Director of the National Park Service and the Governor of the Commonwealth of Puerto Rico.

The establishment of concurrent jurisdiction will allow the National Park Service and the Commonwealth of Puerto Rico to jointly exercise responsibility for public health and safety and to otherwise administer this area more effectively.

Jim Mills,

Attorney Advisor, Regional Solicitor's Office, Southeast Region.

[FR Doc. 81-17187 Filed 6-9-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[Order No. 3066]

Trans-Alaska Pipeline System; Organizational and Functional Responsibilities

Sec. 1 *Purpose.* The purpose of this Order is to repeal Order No. 3003 and substitute therefor new supervisory and management responsibilities for Department of the Interior supervision of the Trans-Alaska Pipeline System; and reaffirmation of prior delegation of authority to the Director, Bureau of Land Management to issue pipeline rights-of-way pursuant to Section 28 of the Mineral Leasing Act, as amended, 30 U.S.C. 185 (Supp. 1975), on lands administered by the Bureau of Land Management or by two or more Federal agencies.

Sec. 2 *Authority.* This Order is issued in accordance with the authority provided by Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

Sec. 3 *Responsibility.* Supervisory, management and support responsibilities are assigned as follows:

a. *The Under Secretary.* The Under Secretary resolves internal jurisdictional and other conflicts which may arise within the Department; and supervises the functions of the Assistant Secretary, Land and Water Resources conducted pursuant to this Order.

b. *The Assistant Secretary—Land and Water Resources.* The Assistant Secretary—Land and Water Resources, is the principal Department Official responsible to the Secretary for Trans-Alaska Pipeline System matters, and under the direction of the Secretary coordinates the contact with Congressional Committees, pipeline officials and the general public. He supervises the work of the Director, Bureau of Land Management, in matters pertaining to the Trans-Alaska Pipeline System.

c. *Director, Bureau of Land Management.* The Director, Bureau of Land Management has overall responsibility for management of the Trans-Alaska Pipeline System.

d. *Alaska State Director, Bureau of Land Management.* The Alaska State Director, Bureau of Land Management, has the responsibility for the day-to-day management of Trans-Alaska Pipeline System operations. He supervises the Authorized Officer for the Trans-Alaska Pipeline System.

e. *Authorized Officer.* The Manager, Office of Special Projects, Alaska State Office, BLM, is the Authorized Officer referred to in the "Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline," including the stipulations thereto. The Authorized Officer is responsible for:

(1) Ensuring compliance with the terms and conditions of the "Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline," and other terms and conditions placed on rights-of-way, permits, and leases issued pursuant to the Trans-Alaska Pipeline Authorization Act of November 16, 1973, Pub. L. 93–153, 87 Stat. 584, which relate to the construction, operation, maintenance, or

termination of the Trans-Alaska Pipeline System, and any stipulations attached to such authorizations.

(2) Taking necessary steps to enforce the terms and conditions of the above authorizations; protecting Federal interests relating to the Trans-Alaska Pipeline; monitoring of the Permittees and their agents, contractors and subcontractors; and coordinating monitoring activities with State of Alaska government officials.

(3) Coordination of billing of charges to the TAPS owners. Such billings will be based on plans submitted by the appropriate bureaus for operations associated with and approved by the Authorized Officer for planning, studies, report preparation, liaison and other activities required for TAPS.

f. *Director, Fish and Wildlife Service and Director, Geological Survey.* The Director, Fish and Wildlife Service and Director, Geological Survey will make available to the Authorized Officer such personnel and expertise as the Authorized Officer may from time to time require. Personnel provided will be under the direction and supervision of the Authorized Officer.

g. *Other Bureaus and Offices.* Other bureaus and offices will cooperate by providing any assistance and personnel which the Authorized Officer may from time to time require.

Sec. 4 *Secretarial Delegation of Authority.*

a. *Assistant Secretary, Land and Water Resources.* All authority granted to the Secretary of the Interior by Title I and Title II of the act of November 16, 1973, Pub. L. 93–153, 87 Stat. 576 (Trans-Alaska Pipeline Act and amendments to the Mineral Leasing Act of 1920), is hereby delegated to the Assistant Secretary, Land and Water Resources. Excepted is the authority reserved to the Secretary under the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline," including the authority to amend or modify said "agreements."

b. *Director, Bureau of Land Management* is delegated:

(1) Subject to the Supervisory authority of the Assistant Secretary, Land and Water Resources, the authority granted to the Secretary of the Interior by Title I and II of the Act of November 16, 1973, Pub. L. 93–153, 87 Stat. 576 (Amendments to the Mineral Leasing Act of 1920 and Trans-Alaska Pipeline Authorization Act). Excepted is the authority reserved to the Secretary under the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline," including the authority to amend or modify said "agreement."

(2) The authority of the Secretary of the Interior necessary to perform the functions specified for the Authorized Officer in the "Agreement and grant of Right-of-Way for Trans-Alaska Pipeline," including the stipulations thereto; and for ensuring compliance with the terms and conditions placed on rights-of-way, permits, and leases issued pursuant to the Trans-Alaska Pipeline Authorization Act of November 16, 1973, Pub. L. 93–153, 87 Stat. 584, which relate to the construction, operation, maintenance, or termination of the Trans-Alaska Oil Pipeline System, and any stipulations attached to such authorizations. Excepted is the authority reserved to the Secretary under the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline," including the authority to amend or modify said "agreements."

c. *Authorized Officer, TAPS.* The Authorized Officer, TAPS, subject to the supervisory authority of the State Director, is delegated:

(1) The authority of the Secretary of the Interior necessary to perform the functions specified for the Authorized Officer in the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline," including the stipulations thereto; and for ensuring compliance with the terms and conditions placed on rights-of-way, permits, and leases issued pursuant to the Trans-Alaska Pipeline Authorization Act of November 16, 1973, Pub. L. 93–153, 87 Stat. 584, which relate to the construction, operation, maintenance, or termination of the Trans-Alaska Oil Pipeline System, and any stipulations attached to such authorizations. Excepted is the authority reserved to the Secretary under the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline," including the authority to amend or modify said "agreements."

(2) The authority, subject to the limitations set forth in Part 205 of the Departmental Manual, to enter into procurement contracts or modifications thereof.

d. *Redelegation.* The authority granted in Section 4a, 4b, and 4c of this Order may be redelegated.

Sec. 5 *Revocation.* This Order supersedes Order No. 3003 dated April 26, 1977 (42 FR 22426).

Sec. 6 *Effective Date.* This Order is effective immediately. Its provisions will remain in effect until its conversion to the Departmental Manual; termination of the Trans-Alaska Pipeline; or until it is amended, superseded, or revoked, whichever occurs first. However, in the absence of the foregoing actions, the provisions of this Order will terminate and be considered obsolete on December 31, 1982.

Dated: May 29, 1981.

James G. Watt,

Secretary of the Interior.

[FR Doc. 81-17014 Filed 6-9-81, 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Permanent Authority Decisions Volume No. OPY-3-088]

Motor Carriers; Permanent Authority; Decision-Notice

Decided: June 3, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will

be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 13134 (Sub-105), filed May 27, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *metal products,* between Detroit, MI, and points in Georgetown County, SC, and Sumner County, TN, on the one hand, and, on the other, points in Hocking County, OH.

MC 56914 (Sub-6), filed May 18, 1981. Applicant: ARIZONA BUS LINES, INC., 814 W. Jefferson, Phoenix, AZ 85007. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012, (602) 274–5146. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in AZ, and extending to points in the U.S.

MC 61825 (Sub-143), filed May 27, 1981. Applicant: ROY STONE TRANSFER CORPORATION, V.C. Drive, P.O. Box 485, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant), (703) 638–8851. Transporting *general commodities* (except classes A and B explosives), between the facilities and distributors of Heafner Tire Company, Incorporated, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 105375 (Sub-87), filed May 27, 1981. Applicant: DAHLEN TRANSPORT, INC., 1680 Forth Ave., Newport, MN 55055. Representative: Joseph A. Eschenbacher, Jr., P.O. Box 289, Newport, MN 55055, (612) 459–3344. Transporting *general commodities* (except classes A and B explosives), between points in Douglas, Hennepin, Ramsey, Washington, Brown, Martin and McLeod Counties, MN, Winnebago, Story and Marion Counties, IA, and Barron and Dunn Counties, WI.

MC 106074 (Sub-179), filed May 27, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221, S., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *meat products, meat by-products, and articles distributed by meat packing houses,* between points in IL, IA, KS, MO and NE, on the one hand, and, on the other, points in GA, NC, SC, TN and VA.

MC 113974 (Sub-76), filed May 21, 1981. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant), (412) 461–5100. Transporting *building materials,* between points in Lucas County, OH, on the one hand, and, on the other, those points in the U.S. in and east of IL, KY, LA, TN, and WI.

MC 117095 (Sub-4), filed May 27, 1981. Applicant: MERVIN E. WEAVER, 11 South Tower Rd., New Holland, PA 17557. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *clay, concrete, glass or stone products,* between points in PA, on the one hand, and, on the other, points in NJ, MD, DE, OH, VA and NY.

MC 118535 (Sub-164), filed May 27, 1981. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Jim Tiona, Jr. (same address as applicant), (816) 679–4197. Transporting *hazardous materials,* between points in Jackson and Jasper Counties, MO, Harris County, TX, Sumter County, AL, Cherokee County, KS, and Ottawa County, OK.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 119774 (Sub-113), filed May 28, 1981. Applicant: EAGLE TRUCKING COMPANY, a corporation, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731–8431. Transporting (1) *forest products,* (2) *lumber and wood products,* and (3) *pulp, paper and related products,* between points in AR, LA and TX, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK and TX.

MC 126844 (Sub-97), filed March 18, 1981, previously noticed in **Federal Register** on April 6, 1981. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Rd., Vineland, NJ 08360. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of beverage products, between those points in the U.S. in and east of MT, WY, CO, and NM.

Note.—This republication corrects the commodity description.

MC 134035 (Sub-49), filed May 27, 1981. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Jack K. Williams, P.O. Box 698, Corsicana, TX 75110, (214) 872–3017. Transporting (1) *such commodities* as are dealt in or used by wholesale, retail and discount stores, between the facilities of Gibson Co-op Warehouse, Inc. and Gibson's Discount Centers, Inc., located at points in the U.S., on the one hand, and, on the other, points in the U.S.; and (2) *electrical equipment,* between points in Galveston, Harris and Tarrant Counties, TX, and San Diego, Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in the U.S.

MC 135185 (Sub-62), filed May 29, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 55275 U.S. Hwy 31 N., South Bend, IN 46624. Representative: Jack B. Wolfe, 1600 Sherman St., No. 665, Denver, CO 80203, (303) 839–5856. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Land-O-Lakes, Inc., Spencer Beef Division, of Spencer, IA.

MC 136285 (Sub-41), filed May 21, 1981. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 1375, Thomasville, GA 31792. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives), between New Orleans, LA, and Mobile, AL, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MS, MO, NC, OK, SC, TN, TX, VA, and WY. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the

Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application for common control to Team 3, Room 2158.

MC 136315 (Sub-145), filed May 27, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting (1) *metal products*, and (2) *machinery*, between points in Madison County, IL, Porter County, IN, Wayne County, MI, and Hancock County, WV, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, MO, NC, SC, TN, TX and VA.

MC 141364 (Sub-6), filed May 29, 1981. Applicant: AFFILIATED VAN LINES, INC., 2124 Washington St., Lawton, OK 73502. Representative: Jack B. Wolfe, 1600 Sherman St. No. 665, Denver, CO 80203, (303) 839–5856. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with Haggar Company, of Dallas, TX.

MC 142575 (Sub-7), filed May 27, 1981. Applicant: UNDERWOOD TRUCK LINES, INC., 303 Murphy St., Brazil, IN 47834. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Metal Industries, Inc., and its subsidiaries, of Ontario, CA.

MC 148524 (Sub-3), filed May 27, 1981. Applicant: C & M DELIVERY, INC., 22 Lakeville St., P.O. Box 2555, Petaluma, CA 94952. Representative: Eldon M. Johnson, 650 California St., San Francisco, CA 94108, (415) 986–8696. Transporting *general commodities* (except classes A and B explosives), between San Francisco, CA, and points in Alameda, Contra Costa, and Solano Counties, CA.

MC 148705 (Sub-4), filed May 27, 1981. Applicant: TWIN CONTINENTAL TRANSPORT CORP., 5738 Olson Hwy., Minneapolis, MN 55402. Representative: Steven F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612)–333–1341. Transporting *food and related products*, between points in IA, IL, MN, NE, SD and WI, on the one hand, and, on the other, points in AL, CA, GA, LA, MS, OR and WA.

MC 148715 (Sub-2), filed May 27, 1981. Applicant: DANIEL E. HAYNES, d.b.a. HAYNES TRUCKING COMPANY, Route 2, Box 202, Section, AL 35771. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2881. Transporting *furniture and fixtures*, between those points in the U.S., in and east of ND, SD, NE, KS, OK and TX.

MC 151225 (Sub-4), filed May 27, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 718 17th St., Suite 1700, Denver, CO 80202, (303) 825–5111. Transporting *uranium liquor*, between points in CO, on the one hand, and, on the other, points in WY.

MC 154114, filed May 21, 1981. Applicant: POOLE CHEMICAL, INC., P.O. Box 8, Texline, TX 79087. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *chemicals and related products*, (1) between points in Jackson County, OK, on the one hand and, on the other, points in CO and TX, (2) between points in Dallan County, TX, on the one hand, and, on the other, points in CO, NM, OK, and KS, (3) between points in Rogers County, OK, on the one hand, and, on the other, points in CO, TX, KS, AR, and MO, (4) between points in Mayes County, OK, on the one hand, and, on the other, points in TX, KS, and MO, (5) between points in Castro County, TX, on the one hand, and, on the other, points in NM and OK, (6) between points in Woodward County, OK, on the one hand, and, on the other, points in NE, CO, NM, TX, KS, AR, and MO, (7) between points in Beaver County, OK, on the one hand, and, on the other, points in CO, NM, TX, and KS, (8) between points in Moore County, TX, on the one hand, and, on the other, points in OK, (9) between points in Hutchinson County, TX, on the one hand, and, on the other, points in OK and KS, and (10) between points in Finney County, TX, on the one hand, and, on the other, points in NE, CO, and OK.

MC 154294, filed May 27, 1981. Applicant: ALEXANDER TRANSPORT, INC., Rt. 2, Box 893, Harrisburg, NC 28075. Representative: Jesse Lee Alexander, Jr., (same address as applicant), (704) 455–2666. Transporting (1) *lumber and wood products*, and (2) *forest products*, between those points in the U.S., in and east of ND, SD, NE, KS, OK and TX.

MC 154784, filed May 27, 1981. Applicant: COMMODITY TRANSPORT, INC., P.O. Box 7776, 5510 South 300 West, Murry, Utah 84107. Representative: Lee Redman (same address as applicant); (801) 262–5523. Transporting (1) *Mercer commodities;* and (2) *machinery*, between points in AL, AR, AZ, CA, CO, FL, ID, KS, LA, MS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY.

MC 155915, filed May 27, 1981. Applicant: M. T. TRANSPORTATION, INC., 400 Hickman St., P.O. Box 1597, Gadsden AL 35902. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2881. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Modern International, Inc. and Modern Tables, Inc., both of Gadsden, AL.

MC 156154, filed May 27, 1981. Applicant: DEALER TRANSPORT SERVICE, INC., 3379 34 th Ave. N.E., Salem, OR 97303. Representative: James A. Hedlund (same address as applicant), (503) 378–1319. Transporting (1) *machinery*, and (2) *transportation equipment*, between points in WA, OR, WY, ID, NE, UT, MT and CA.

MC 156175, filed May 28, 1981. Applicant: WILLIAM MILLER, d.b.a. MILLER TRUCKING, 20 N. Main St., Manchester, MD 21102. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739–4880. Transporting (1) *building materials*, and (2) *metal products*, between Baltimore, MD, on the one hand, and, on the other, points in PA, MD, DE, VA, NJ, and DC.

MC 156205, filed May 27, 1981. Applicant: AFFILIATED TRANSPORTS, INC., 17225 Ellis Court, South Holland, IL 60473. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603, (312) 236–9375. Transporting *metal products*, between points in IA, IL, IN, KY, MI, MN, MO, OH, TN and WI.

[FR Doc. 81-17186 Filed 6-9-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 97]

Restriction Removals; Decision-Notice

Decided: June 4, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2202 (Sub-671)X, filed May 13, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Applicant seeks to remove restrictions in its Sub-Nos. 149, 175, 188, 304, 323, 399, 400, 442, 463, 475, 492, 496, 501, 506, 515, 527, 529, 531, 539, 553F, 558F, 559F, 561F and 580F certificates to (1) eliminate the restrictions prohibiting or limiting service to the transportation of shipments (a) moving from, to, or through Akron, Columbus, or Hamilton, OH, (b) originating at or destined to Cleveland, Cincinnati, and Dayton, OH; and (c) at points in the commmercial zones of points in OH which are not within the confines of the State of OH in Sub-No. 507; and (2) replace off-route plantsite or city-wide authority with county-wide authority: (a) facilities near Newburgh, IN, with Warrick County, IN, in Sub-No. 149, (b) facilities near Sherman TX, with Grayson County, TX, in Sub-No. 175, (c) facilities near Mount Vernon, IN, with Posey County, IN, in Sub-No. 188, (d) facilities at Brown's Ferry, AL, with Limestone County, AL, in Sub-No. 304, (e) facilities at or near Winchester, KY, with Clark County, KY, in Sub-No. 323, (f) facilities in Marshall County, AL, with Marshall County, AL, in Sub-No. 399, (g) facilities near Mt. Holly Springs, PA, with Cumberland County, PA, in Sub-No. 400, (h) facilities at or near Goddard, KS, with Sedgwick County, KS, in Sub-No. 463, (j) facilities near Iowa Park, TX, with Wichita County, TX, in Sub-No. 475, (k) facilities at or near Wallis, TX, with Austin County, TX, in Sub-No. 492, (l) facilities at or near Greenwood Springs, MS, with Monroe County, MS, in Sub-No. 496, (m) facilities at or near Columbus, MS, with Lowndes County, MS, in Sub-No. 501, (n) facilities at or near Chocolate Bayou, TX, with Brazoria County, TX in Sub-No. 506, (o) facilities at or near Kennedy, AL, with Lamar County, AL, in Sub-No. 515, (p) facilities at or near Marble Falls, TX, with Burnet County, TX, in Sub-No. 527, (q) facilities at or near Milledgeville, GA, with Baldwin County, GA, in Sub-No. 529, (r) facilities at or near Hartsville, TN, with Trousdale County, TN in Sub-No. 531, (s) Little Rock, AR, with Pulaski County, AR, in Sub-No. 539, (t) facilities in Burke County, GA, in Sub-No. 553F, (u) facilities at or near Olney, TX, with Young County, TX, in Sub-No. 558F, (v) facilities at or near Canton, MS, with Madison County, MS, in Sub-No. 559F, (w) facilities at or near Milan, MI, with Washtenaw County, MI, in Sub-No. 561F and 580F.

MC 13134 (Sub-104)X, filed May 22, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 266, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Applicant seek to remove restrictions in its Sub-Nos. E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, and MC-93003. Sub-Nos. E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-18, E-19, E-20, E-21, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-35, E-36, E-37, E-38, E-39, E-40, E-41, E-42, E-43, E-44, and E-45 letter notices to (1) broaden the commodity descriptions from (a) iron and steel products, reinforcement steel, steel rails, railway track, materials and fittings, structural steel, including fittings and bolts, steel posts, iron and steel bars, corrugated iron and steel pipe, steel mine roof bolts, steel track bolts, steel plates, steel sheets, steel pipe, and related contractor's materials and supplies to "metal products" in MC-13134 E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11 (part 2), and E-13, and MC-93003 E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-20, E-21, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-35, E-36, E-37, E-38, and E-39; (b) glassware, clay refractory products, lime, limestone, and limestone products, clay products and refractories, damaged or returned shipments of clay products and pallets used in the transportation of clay products to "clay, concrete, glass or stone products" in MC-13134 E-1 and E-12; (c) materials, equipment and supplies used in the manufacture or processing of iron and steel articles to "materials, equipment, and supplies used in the manufacture or processing of metal products" in MC-13134 E-11 (part 1); and (d) mine cars, shovels, scrapers, and scoops, and parts thereof, and related contractor's materials and supplies to "those commodities which because of their size and weight require the use of special handling or equipment" in MC-93003 E-40, E-41, E-42, E-43, E-44, and E-45; (2) eliminate the facilities limitations in MC-13134 E-1, E-8, E-9, E-10, E-11, and E-13; (3) replace city with county-wide authority from Siloam to Greenup County, KY, Elizabeth Township to Lawrence County, OH, in MC-13134 E-1; Burns Harbor to Porter County, IN, in MC-13134 E-1, E-8, and E-9; Lorain to Lorain County, OH, in MC-13134 E-6 and E-7; Ironton to Lawrence County, OH, in MC-13134 E-12; Lackawanna to Erie County, NY, in MC-13134 E-13; and Johnstown to Cambria County, PA, in MC-93003 E-35, E-36, E-37, E-38, and E-39; (4) remove the restrictions (a) except commodities in bulk in MC-13134 E-1, E-9, E-10, and E-11; (b) except furnace and stove lining shapes and plastic brick in MC-13134 E-1; (c) against size and weight in MC-13134 E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-13 and MC-93003 E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-20, E-21, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-35 and E-37; (d) except building materials in MC-13134 E-4, E-5, E-9, E-13 and MC-93003 E-37; (e) against reinforcement steel and steel rails and railway tract materials and fittings, bolts, agricultural implement parts, steel posts, and iron and steel bars in MC-13134 E-13; (f) except aircraft and missiles and parts in MC-13134 E-13; and (g) the originating at or destined to restriction in MC-13134 E-1, E-8, E-9, E-10 and E-11.

MC 29648 (Sub-15)X, filed May 28, 1981. Applicant: E. F. SMITH, INC., P.O. Box 73, Roaring Spring, PA 16673. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Applicant seeks to remove restrictions in its lead and Sub-Nos. 12, 13, and 14, to (1) broaden the commodity description from (a) paper, paper products, materials, equipment and supplies to "pulp, paper, and related products" in the lead and Sub-Nos. 12 and 13; (b) fuel oil to "petroleum or coal products" in Sub-No. 13; (c) canned food to "food and related products" in the lead; (d) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in the lead; (2) broaden cities to counties: Dunkirk, NY, to Chautauqua County, NY; Roaring Spring, PA, to Blair County, PA; Dunellen, NJ, to Middlesex County, NJ; Martinsburg, PA, to Blair County, PA; Bridgetown, NJ to Cumberland County,

NJ: Claysburg and Sproul, PA, to Blair Counties, PA, in the lead; Roaring Springs, PA, to Blair County, PA, in Sub-Nos. 12 and 13; North Woodbury Township, PA, to Blair County, PA, in Sub-No. 14; (3) authorize radial service between the counties named above and points in named eastern states in the lead and Sub-Nos. 12 and 13; (4) remove the restriction limiting transportation to traffic originating at and destined to named origins in Sub-No. 14; (5) delete plantsite restriction in Sub-No. 13.

MC 30513 (Sub-16)X, filed April 21, 1981, previously noticed in the **Federal Register** May 1, 1981, republished as corrected this issue. Applicant: NORTH STATE MOTOR LINES, INC., P.O. Box 4108, Rocky Mount, NC 27801. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8, 10, 12, and 15 certificates to (1) broaden its commodity descriptions (a) in the lead, to "general commodities, (except classes A and B explosives)", from general commodities (with exceptions); to "food and related products", from agricultural commodities, peanuts, fish, flour, livestock and groceries and food; to "textile mill products", from cotton; to "lumber and wood products", from lumber; to "machinery", from batteries; to "clay, concrete, glass or stone products", from glass bottles and jars; to "metal products", from ice tanks; to "building materials", from terra cotta pipe; to "machinery, building materials, and metal products", from hardware, machinery, roofing, tin, and solder; to "chemicals and related products", from fertilizer and fertilizer materials; to "petroleum, natural gas, and their products", from petroleum products, in containers; to "metal products, and rubber and plastic products", from empty petroleum containers; and to "tobacco products", from leaf tobacco, dried and packed tobacco, tobacco, and tobacco sheets; (b) in Sub-No. 8, to "chemicals and related products", from fertilizer and fertilizer materials, (except in bulk, in tank vehicles); (c) in Sub-No. 10, part 1, to "building materials", from fibreboard, fibreboard products, and accessories and supplies used in the installation and application thereof, and in part 2, remove the commodities in bulk exception; (d) in Sub-No. 12, to "tobacco products", from reconstituted, reconstructed, or homogenized tobacco; and (e) in Sub-No. 15, to "tobacco products, and materials, supplies and equipment used in the processing, packing, storing, handling, and marketing thereof", from materials, supplies and equipment (with exceptions) used in the processing, packing, storing, handling, and marketing of unmanufactured tobacco, and unmanufactured tobacco when moving on the same vehicle at the same time with the commodities described above and remove "except cellulose and paper products and commodities in bulk, in tank vehicles" exception from the materials description; (2) replace cities and facilities with county-wide authority (a) in the lead, beginning with the 4th granting paragraph, Farmville, NC, with Pitt County, NC, Wilmington, NC, with New Hanover and Brunswick Counties, NC, Reading, PA, with Berks County, PA, Wilson, NC with Wilson County, NC, Bridgeton, NJ, with Cumberland County, NJ, Mount Olive, NC, with Wayne and Duplin Counties, NC, Greenville, NC, with Pitt County, NC, Columbia, SC with Richland and Lexington Counties, SC, Jarratt, VA, with Sussex and Greensville, VA, Fayetteville and Goldsboro, NC, with Cumberland, Green, and Wayne Counties, NC, Williamston, Wilmington, Rocky Mount, Wilson, Greenville, Kinston, New Bern and Washington, NC, with Martin, Brunswick, New Hanover, Nash, Edgecombe, Wilson, Pitt, Lenoir, Craven, and Beaufort Counties, NC; Mullins, Loris, Conway, and Dillon, SC, with Marion, Horry and Dillon Counties, SC, Fairmont, Lumberton, Whiteville, Chadburn, and Fair Bluff, NC, with Robeson and Columbus Counties, NC, Farmville, Goldsboro, Greenville, Rocky Mount, Kinston, Robersonville, Williamston, and Henderson, NC, with Pitt, Wayne, Nash, Edgecombe, Lenoir, Martin, and Vance Counties, NC, Oxford, Durham, Winston-Salem, and Reidsville, NC, with Granville, Durham, Forsyth, and Reidsville Counties, NC, (b) in Sub-No. 8, Charleston, SC, with Charleston and Berkeley Counties, SC, (c) in Sub-No. 10, Spring Hope, NC, with Nash County, NC, and (d) in Sub-No. 12, Louisville, KY, with Jefferson and Oldham Counties, KY, and Floyd and Clark Counties, IN; (3) change one-way to radial authority between several specified counties, cities and States and points in several specified counties, cities and States in the eastern part of the U.S.; and (4) replace points and mileage radii territories in the lead certificate with county-wide authority: (a) in paragraph 1, from Norfolk, VA and points within 10 miles to "Norfolk, Hampton, Newport News, Portsmouth, Virginia Beach, Cheseapeake, Suffolk, VA and points in Isle of Wight County, VA" and from Farmville, NC and points within 50 miles to "point in Pitt, Wake, Franklin, Warren, Halifax, Northampton, Hertford, Bertie, Washington, Beaufort, Pamlico, Craven, Jones, Onslow, Duplin, Sampson, Johnston, Nash, Wayne, Lenoir, Greene, Wilson, Martin and Edgecombe Counties, NC"; (b) in paragraph 2, from Robersonville, NC and points within 50 miles to "points in Northampton, Gates, Perquimans, Hertford, Warren, Halifax, Franklin, Nash, Wake, Johnston, Wilson, Edgecombe, Bertie, Martin, Chowan, Tyrrell, Washington, Hyde, Beaufort, Pamlico, Craven, Jones, Lenoir, Wayne, Greene, and Pitt Counties, NC, and from Edenton, NC to "points in Chowan County"; (c) in paragraph 3, from Wilmington, Turkey, Windsor, and La Grange, NC, and points within 25 miles of those cities to "points in Brunswick, Bladen, Pender, New Hanover, Columbus, Bertie, Chowan, Perquimans, Washington, Martin, Beaufort, Pitt, Edgecombe, Halifax, Hertford, Lenoir, Duplin, Jones, Craven, Greene, Wilson, Johnston, Wayne Sampson, Onslow, and Cumberland Counties, NC" and from Atlanta, GA to "points in Fulton, De Kalb, Clayton and Cobb Counties, GA", from Orlando, FL to "points in Orange and Seminole Counties, FL" and from Miami, FL to points in Dade County, FL"; (d) paragraph 18, from Roberson, NC, and points within 200 miles to "points in North Carolina in and east of Surry, Wilkes, Iredell, Catawba, Lincoln, and Gaston Counties, NC."

The purpose of this republication is to expand mileage radius to county-wide territories in part (4), as the Commission recently determined that this was a reasonable broading of authority.

MC 41406 (Sub-168)X, filed March 3, 1981, and noticed in the **Federal Register** republished as corrected this issue. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 8414, Merrillville, IN 46410. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 68, certificate to broaden the commodity description from automobile parts, and materials, equipment and supplies to "general commodities, except classes A and B explosives." The Board has decided to renotice this portion of the original application following the presentation of evidence which demonstrated that "transportation equipment" was insufficiently broad.

MC 107162 (Sub-81)X, filed April 22, 1981, published in the **Federal Register** of May 13, 1981, republished as follows: Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative:

Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Applicant seeks to remove restrictions in Certificate No. MC–107162 Sub-Nos. 1, 34, 37, 41, 42, 46, 47, 49, 51F, 55, 62F, 63F, 66F, 67, 68, 69, 70, 71, 72, 73, 74F, 77, and E8 and E9 letter notices to (1) broaden the commodity description in Sub-No. 1, from lumber, rough lumber, lumber (except flooring, plywood, veneer, paneling, dimension stock, furniture stock, or built-up wood), hardwood flooring systems, hardwood flooring, and accessories and supplies, wood fencing, post, accessories used in the installation thereof, cinder blocks, concrete block, and brick to "construction materials," from logs, evergreens, pulp wood, and wooden posts, piling and spars, to "forest products," from lumber, lumber products, and treated wood products, to "lumber and wood products," from dry asphalt and black topping material, in bulk, to "commodities in bulk," from agricultural lime and lime products, mineral feed, and animal poultry feed and feed ingredients to "such commodities as are dealt in by feed and agricultural products distributors," from fertilizer, fertilizer ingredients, and chemicals used in the manufacture of fertilizer to "chemicals and related products," from malt beverages to "food and related products," from mined rock to "ores and minerals;" in Sub-No. 34, from plywood, veneer sheets or board, wood paneling, hardboard, construction board, and wood particleboard to "construction materials;" in Sub-No. 37, from salt and salt products to "ores and minerals;" in Sub-No. 41, from malt beverages to "food and related products" and from salt to "ores and minerals;" in Sub-No. 42, from hardwood flooring and systems to "construction materials;" in Sub-No. 46, from lumber to "construction materials;" in Sub-No. 47, from wood chips to "forest products;" in Sub-No. 49, from construction board to "construction materials;" in Sub-No. 51F, from iron and steel articles and steel casings and pipe to "metal products;" in Sub-No. 55, from lumber, and lumber products to "lumber and wood products," and from building and insulating materials (except iron and steel articles and commodities in bulk) to "construction materials;" in Sub-No. 62F, from lumber to "lumber and wood products," from fabricated metal products to "metal products," and from fertilizer and chemicals used in the manufacture of fertilizer to "chemicals and related products;" in Sub-No. 63F, from non-alcoholic beverages to "food and related products;" in Sub-No. 67F, from lumber and lumber products to "lumber and wood products;" in Sub-No. 68F, from lumber and lumber products, wood products, and waferboard to "lumber and wood products" and "construction materials;" in Sub-No. 69F, from lumber to "lumber and wood products;" in Sub-No. 70F, from dry-mixed concrete and tar emulsion sealer to "construction materials;" in Sub-No. 71F, from steel tube to "metal products;" in Sub-No. 72F, from iron and steel article to "metal products;" in Sub-No. 73F, from building and insulating materials (except iron and steel articles) to "construction materials;" in Sub-No. 74F, from compressed sawdust logs to "lumber and wood products;" and in letter notices E8 and E9 from lumber to "lumber and wood products;" (2) remove the "in bulk" restriction in Sub-Nos. 1, 37, 41, 55, 62F, 63F, and 70F; (3) remove plantsite limitations (a) in Sub-No. 1 and replace Ishpeming, MI and White Lake, WI with Marquette County, MI and Langlade County, WI; Dollar Bay, MI with Houghton County, MI; Alpena, MI with Alpena County, MI; and Green Bay, WI with Brown County, WI (b) in Sub-No. 34, part (2) and replace Oshkosh, WI with Winnebago County, WI, (c) in Sub-No. 42 and replace Amasa, MI with Iron County, MI, (d) in Sub-No. 51F and replace Dafter, MI with Chippewa County, MI, (e) in Sub-No. 55 leaving Scott County, MN, and (f) in Sub-No. 71F and replace Union, MO with Franklin County, MO, (4) replace city with county-wide authority (a) in Sub-No. 1, from Laramie, WY to Albany County, WY; from Mayville, Rockwood, Jackson, Antigo, Cameron, Green Bay, Prairie du Chien, Watertown, Madison, Hillsboro, and Stevens Point, WI and Dubuque, IA, to Dodge, Jefferson, Manitowoc, Washington, Langlade, Barron, Brown, Crawford, Walworth, Dane, Vernon, and Portage Counties, WI and Dubuque County, IA; from South Bend, IN and Sault Ste. Marie and Hessel, Engadine, MI to St. Joseph County, IN and Chippewa and Mackinac Counties, MI, (b) in Sub-No. 37 from Manistee, MI to Manistee County, MI, (c) in Sub-No. 41 from Green Bay, Hurley, Aurora, and Marinette, WI to Brown, Iron, Florence, and Marinette Counties, WI, (d) in Sub-No. 55 from Bangor, WI, Camden, NJ, and Charleston, SC to LaCrosse County, WI, Camden County, NJ and Charleston County, SC, (e) in Sub-No. 62F from Kincheloe, Lansing and Grand Ledge, MI and Hazel Green, WI to Chippewa, Eaton, Ingham and Clinton Counties, MI and Grant County, WI, (f) in Sub-No. 63F from Lakeland, FL to Polk County, FL, (g) in Sub-No. 70F from Menomee Falls, WI to Waukesha, Washington, Ozaukee and Milwaukee Counties, WI, (h) in Sub-No. 72F from Rockdale, IL to Will County, IL, (i) in Sub-Nos. 73F and 74F from Minneapolis, MN to Anoka, Carver, Dakota, Hennepin, Ramsy, Scott and Washington Counties, MN, (j) in Sub-No. 74F from Shawano, WI to Shawano County, WI, (k) in Sub-No. 77 from Canton and Washington Court House, OH to Stark and Fayette Counties, OH from Green Bay, WI to Brown County, WI and from Milwaukee, WI to Ozaukee, Washington, Waukesha, Milwaukee and Racine Counties, WI; (5) replace the named ports of entry in named states with all ports of entry in named states in Sub-Nos. 1, 28, 34, 37, 41, 47, 49, 51 and 62, (6) remove the restriction to transportation in foreign commerce only in Sub-No. 1, (7) remove the restriction to the transportation of traffic having a subsequent movement to Ontario, Canada, in Sub-No. 37, (8) remove the "originating at and/or destined to named points" restrictions in Sub-Nos. 1, 34, 66, 71, (9) remove the restriction against transportation to AK and HI in Sub-No. 51, (10) remove the restrictions in Sub-Nos. 1, E3 and E9 against traffic that originates in Canada, (11) remove the restriction in Sub-No. 1 requiring that shipments originating in Canada move through, the port of entry at or near Sault Ste. Marie, MI, and (12) change one-way to radial authority between various points throughout the U.S. in all Subs and E letter notices except part of Sub-No. 69F. The purpose of this republication is to notice Langlade County, WI for Whitelake, WI, removal of facilities in Sub-No. 55, Jefferson and Dodge Counties for Watertown, WI, Clinton County, MI, for Grand Ledge, MI, Waukesha, Washington, Ozaukee and Milwaukee Counties, WI, for Menomonee Falls, WI, expansion of ports of entry in Sub-No. 62 and notice of restriction removal in part (7) in Sub-No. 37.

MC 112391 (Sub-4)X, filed April 28, 1981. Applicant: HADLEY AUTO TRANSPORT, P.O. Box 96, Pico Rivera, CA 90660. Representative: David E. Driggers, 1600 Lincoln Center, 1600 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in its permit No. MC–112391 and Sub-Nos. 14, 31 and 40F and permit authority acquired in MC–F–12442 to (1) broaden the commodity description to "machinery" from new automobiles, new trucks, new tractors, and new chassis, in the lead (paragraphs 1, 6 and 8); automobiles, trucks, tractors and chassis, in the lead (paragraphs 3 and 4); to "transportation equipment" from new automobiles, in the lead (paragraphs 2, 5, and 7); automobiles, trucks and buses,

except trailers and show paraphernalia, in the lead (para 9); automobiles and trucks, in the lead (para 10); new trucks, in Sub-No. 14; automobiles, trucks, buses and chassis, in Sub-No. 40F; and to "machinery" from automobiles and trucks, and farm type tractors, in Sub-No. 31; to "machinery" from new automobiles, new trucks, chassis, and new tractors, automobiles, trucks, and tractors and motor vehicles, in MC–F–12442 (paragraphs 1 and 4); to "transportation equipment" from motor vehicles, in MC–F–12442 (paragraphs 2 and 3), (2) remove the initial movements, secondary movements, drive-away service, truckaway service, restrictions wherever they may appear, in the lead and all subs, and (3) broaden all territorial description to between points in the U.S. either under continuing contract(s) with named shippers, or under open-ended permit authority.

MC 115917 (Sub-41)X, filed May 19, 1981. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. BOX 247, Crossnore, NC 28616. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 37F certificate to (1) broaden the commodity description to "ores and minerals, and, clay, concrete, glass or stone products" from olivine and olivine products, in part (1); bentonite clay, in part (2); foundry sand additives, in part (3); and mica, in part (4); and (2) eliminate the AK and HI restriction, in all parts.

MC 115276 (Sub-8)X, filed May 22, 1981. Applicant: HAROLD D. MILLER, INC., 385 Jones Street, Shreve, OH 44676. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4 and 7F certificates, and E–1 letter notice, to (1) broaden the commodity descriptions from machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe in connection with main lines to "such commodities as are dealt in or used by producers, manufactures and distributors of petroleum and petroleum products, machinery, and metal products" in each certificate and letter notice; and (2) remove the restrictions against (a) commodities in bulk in Sub-No. 4 and E–1; and (b) stringing and picking up of pipe in connection with main lines in E–1.

MC 117201 (Sub-53)X, filed May 4, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango SW., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Applicant seeks to remove restrictions in its permit No. MC–125952 Sub-Nos. 11, 19, 24, 31F, 33F, 36F, 37F, 38F, 46F, and 54 to (1) broaden the commodity descriptions to "such commodities as are dealt in by grocery, food and variety establishments (except commodities in bulk)" from such commodities as is dealt in by wholesale and retail grocery establishment; except frozen foods and foods in vehicles equipped with mechanical refrigeration, in Sub-Nos. 11, 19 and 31F; cakes, cookies, bakery supplies, materials and ingredients, in Sub-Nos. 24 and 33F; canned seafoods, in Sub-No. 36F; salt (except in bulk), in Sub-Nos. 37F and 46F; toppings, flavoring, extract, pie filling, syrups, fruit juice concentrates, jams and jellies, in packages and equipment used for dispensing the commodities shown above, in Sub-No. 38F; and such commodities as are dealt in and used by grocery and food business houses, and agricultural feed houses and soy products (except commodities in bulk), in Sub-No. 45F and (2) broaden the territorial application to between points in the United States under continuing contract(s) with named shippers.

MC 126679 (Sub-28)X, filed May 12, 1981. Applicant: DENNIS TRUCK LINES, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Applicant seeks to remove restrictions in its Sub-Nos. 13, 16, 19, 23 and 25 to (1) remove facilities limitation at Marietta, GA in Sub-No. 16, (2) broaden the commodity description from pallets, paneling, particleboard and plywood to "lumber and wood products" in part of part (3) in Sub-No 25, (3) change one-way to radial authority between (a) NC and SC, and, AL and FL in Sub-No. 13, (b) 2 points in GA, and, 1 point in GA in Sub-No. 16, and, (c) 2 points in SC, and, 4 States in Sub-No. 19.

MC 128205 (Sub-105)X, filed, May 26, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 S. Doty Avenue, Chicago, IL 60628. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 3, 14, 22, 23, 26, 27, 29, 31, 34, 38, 47, 50F, 51F, 56F, 58F, 64F, 66F, 71F, 78F, 82F, 83F, 89F, and 91F, to (1) broaden the commodity descriptions to "food and related products," from (a) "flour," in Sub-Nos. 3, 14, 22, 23, 26, 27, 29, 31, 34, 47, 50F, 56F, 71F, 78F, and 82F; (b) "corn and soybean products," in Sub-No. 38; (c) "dry sugar," in Sub-No. 51F; (d) "dry edible sugar," in Sub-No. 58F; (e) "starch," in Sub-Nos. 64F and 89F; (f) "cereal food products," in Sub-No. 66F; (g) "dry corn sugar and dry corn starch," in Sub-No. 83F; and (h) "flour and grain products," in Sub-No. 91F; (2) eliminate the "in bulk" limitations in Sub-Nos. 3, 14, 22, 23, 26, 27, 29, 31, 34, 47, 50F, 51F, 56F, 58F, 64F, 66F, 71F, 78F, 82F, 83F, 89F, and 91F; (3) eliminate the "in pneumatic tank vehicles" limitation in Sub-No. 31, the "in tank vehicles" limitation in Sub-Nos. 27, 50F, 51F, 58F, and 64F; (4) convert the existing one-way authority to radial authority between points in the central and eastern portion of U.S.; (5) broaden the geographic descriptions to county-wide or commercial zones; (a) from Dowagiac, MI, to Cass County, MI, in Sub-No. 14; (b) from Naperville, IL to Du Page County, IL, Augusta, MI, Fostoria, OH, and Ligonier, IN, to Kalamazoo County, MI, Seneca County, OH, and Noble County, IN, in Sub-No. 23; (c) from Frankenmuth, MI to Saginaw County, MI, in Sub-No. 26; (d) from Fremont, NE to Dodge County, NE, in Sub-No. 27; (e) from the facilities of a named shipper at Indianapolis, IN, to Indianapolis, IN, in Sub-No. 29; (f) from the plantsite of a named shipper at Toledo, OH to Toledo, OH, and Fair Lawn, NJ to Bergen County, NJ, in Sub-No. 34; (g) from the facilities of a named shipper in North Kansas City, MO to Kansas City, MO, in Sub-No. 38; (h) from Muskegon, MI to Muskegon County, MI, Fort Wayne, IN to Allen County, IN from Hillsdale, MI to Hillsdale County, MI, from Canton, OH to Stark County, OH, from Lowell, MI to Kent County, MI, from Richmond, IN to Wayne County, IN, and from Quincy, MI to Branch County, MI, in Sub-No. 47; (i) from the facilities of a named shipper at or near Chaska, Crookston, Moorehead and Renville, MN and Wahpeton, ND to Carver, Polk, Clay, and Renville Counties, MN and Richland Counties, ND and from Kankakee, IL, Lafayette, IN, and Battle Creek, MI to Kankakee County, IL, Tippecanoe County, IN, and Calhoun County, MI, in Sub-No. 58F; (j) from Battle Creek, MI to Calhoun County, MI, and from Delevan, WI, to Walworth County, WI, in Sub-No. 66F; (l) from Hastings, MN to Dakota County, MN, and from Alton, IL to Madison County, IL, in Sub-No. 71F; (m) from

Winona, Wabasha, New Ulm, and New Prague to Winona, Wabasha, Brown, Nicollet, Scott and Le Sueur Counties, MN in Sub-No. 82F; (n) from Argo, IL to Chicago, IL, in Sub-No. 83F; and (o) from Hillsdale, MI to Hillsdale County, MI, in Sub-No. 91F; (6) eliminate the restriction limiting service to traffic which has had a prior movement by rail in Sub-Nos. 22 and 64F; and (7) eliminate the originating at restrictions in Sub-Nos. 26, 38, and 51F.

MC 128896 (Sub-7)X, filed, May 22, 1981. Applicant: ANDREWS TRUCKING LTD., Rural Route No. 4, St. Catharines, Ontario, Canada L2R6R1. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. Applicant seeks to remove restrictions in its Sub-No. 6 certificate to (A) broaden the commodity description to "transportation equipment" from boats; (B) remove the exception excluding service in AK and HI; and (C) broaden the territorial description by substituting county-wide authority in place of Portland, ME, to authorize service between: points in Cumberland County, ME and ports of entry on the U.S.-Canada boundary line in six named States, and, points in the U.S.

MC 129217 (Sub-1)X, filed, May 21, 1981. Applicant: PONTIAC CONTRACT CARRIER, INC., P.O. Box 198–1505 North Main, Pontiac, IL 61764. Representative: Edward F. Stanula, P.O. Box 306–900 East 162nd Street, South Holland, IL 60473. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from Lawn, weed and brush mowing equipment, and accessories, parts, materials, tools, and supplies used in the manufacture, processing, or sale of lawn, weed, and brush mowing equipment, to "lawn and weed equipment" and "metal products"; (2) remove exception to commodities in bulk; and (3) broaden territorial authority to between points in the U.S., under contract(s) with a named shipper.

MC 134806 (Sub-74)X, filed June 1, 1981. Applicant: B-D-R-TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Francis J. Ortman, 4401 East West Highway, Suite 404, Washington, DC 20014. Applicant seeks to expand the territorial authority in its Sub-Nos. 1, 5, 15, 21, 41, 54F, 56F, 57F, 61F, 63F, 66F, 67F, and 69F permits to authorize service between points in the U.S., under continuing contract(s) with named shippers.

MC 136635 (Sub-59)X, filed May 13, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in Sub-No. 29 certificate to (1) broaden the commodity description from plastic bottles and containers to "rubber and plastic products," (2) remove the facilities limitation at or near Jeffersonville, IN, and Louisville, KY and replace with Clark County, IN and Jefferson County, KY, and (3) change one-way to radial authority, between Clark County, IN, and Jefferson County.

MC 140101 (Sub-11)X, filed May 15, 1981. Applicant: I.T.A. TRUCKING, INC., P.O. Box 219, Amherst, WI 54406. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F, 3F, 5F, 7F and 8F certificates to (A) broaden the commodity descriptions to (1) "food and related products" from (a) potato products, in the lead certificate, (b) frozen foods, in Sub-No. 3F, (c) frozen meat, in Sub-No. 5F and (d) frozen foodstuffs and frozen meats and meat by-products, unfit for human consumption, in Sub-No. 7F, (2) "metal products" from wire and wire products, and rejected shipments, empty wire containers, and materials, equipment and supplies used in the manufacture and distribution of wire and wire products, in Sub-No. 2F, and (3) "metal products and rubber and plastic products" from wire and wire products, in Sub-No. 2F, and (3) "metal products and rubber and plastic products" from wire and wire products and materials, equipment and supplies used in the manufacture or distribution of wire and wire products, and, plastic and metal forming wire and materials, equipment and supplies used in the manufacture or distribution of plastic and metal forming wire, in Sub-No. 8F; (B) remove the plantsite restriction, in the lead certificate and Sub-Nos. 3F and 7F; (C) remove the "originating at and destined to" restriction, in Sub-Nos. 3F, 5F, and 7F; (D) remove the "in bulk" and/or "in tank vehicle" restriction, in the lead certificate and Sub-Nos. 2F, 3F, 7F, and 8F; (E) authorize county-wide authority to replace existing city-wide service: (1) Portage County, WI, for Plover, WI, in the lead and Sub-No. 3F, (2) Outagamie County, WI, for Appleton, WI, in Sub-Nos. 2F and 8F, and (3) Dodge County, WI, for Beaver Dam, WI, in Sub-No. 7F; (F) remove the AK and HI restriction, in the lead and Sub-Nos. 7F and 8F; and (G) in all certificates authorize radial authority to replace existing one-way service between points throughout the U.S.

MC 141439 (Sub-7)X, filed May 22, 1981. Applicant: HILL TRUCK LINE, INC., P.O. Box 6291, Omaha, NE 68106. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (1) broaden the commodity descriptions from telephones, telephone sets, and telephone equipment to "electrical machinery, equipment, or supplies"; (2) replace a plantsite limitation at or near Omaha, NE with Omaha, NE; (3) replace authority to serve Goddard, KS with Sedgwick County, KS; and (4) replace one-way authority with radial authority between Omaha, NE and Sedgwick County, KS.

MC 142854 (Sub-2)X, filed May 26, 1981. Applicant: A & S LEASING CO., INC., 321 Warren Avenue, Jersey City, NJ 07306. Representative: Kenneth M. Piken, 95–25 Queens Boulevard, Rego Park, NY 11374. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description from synthetic resins, varnishes, pigments, and materials, equipment and supplies used in the production thereof to "chemicals and related products"; (2) remove the except in bulk restriction; and (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 146927 (Sub-24)X, filed May 11, 1981. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its MC 146927 (Sub-Nos. 1, 2F, 6F, 7F, 8F, 9F, 10F, 11F, 12F, 13F, 14F, 15F and 16F) certificates (1) broaden commodity descriptions to "food and related products," from sugar in Sub-Nos. 1, 7 and 14 and from "salt and salt products," in Sub-No. 16; to "pulp, paper and related products," from paper and paper products, and printing paper in Sub-Nos. 2, part of 8, 9 and 11; "lumber and wood products," from wood pulp in part of Sub-No. 8; (2) remove in bulk restrictions in Sub-Nos. 10 and 12, (3) remove the facilities limitations (a) in Sub-No. 1 and replace Gramercy, and Reserve, LA, with St. James and St. John the Baptist Parishes, LA, (b) in Sub-No. 2 and replace Mobile, AL with Mobile County, AL, (c) in Sub-No. 6 and replace Naheola and Livingston, AL, and Meridan, MS, with Choctaw and Sumter Counties, AL, and Lauderdale County, MS, (d) in Sub-No. 7 and replace Kenner and Reserve, LA, with Jefferson and St. John the Baptist Parishes, LA, (e) in Sub-No. 8 and replace Jackson, AL, with

Clarke County, AL. (f) in Sub-No. 8 and replace Crossett and Pine Bluff, AR, and Port Hudson, LA, with Ashley and Jefferson County, AR, and East Baton Rouge Parish, LA. (g) in Sub-No. 11 and replace Yazoo City, MS, with Yazoo County, MS. (h) in Sub-No. 12 and replace Naheola, AL, and Meridan, MS, with Choctaw County, AL, and Lauderdale County, MS. (4) replace city with county-wide authority in (a) in Sub-No. 7 St. James Parish, LA, for Gramercy, LA. (b) in Sub-No. 10 Putnam County, FL, for Palatka, FL. (c) in Sub-No. 13 Polk County, FL, Spartanburg and Chesterfield Counties, SC, and Taylor County, TX, for Bartow, FL, Spartanburg and Cheraw, SC, and Abilene, TX, and (5) change one-way to radial authority between (a) 2 LA Parishes, and, 3 states, in Sub-No. 1, (b) 1 AL county, and, 2 states in Sub-No. 2, (c) 2 AL counties and 1 MS county, and, 7 states in Sub-No. 6, (d) 3 LA Parishes, and, FL in Sub-No. 7, (e) 1 AL county, and, 4 states in Sub-No. 8, (f) 7 States, and, 1 AL county and, 1 AL county and 1 MS county in Sub-No. 12, (g) 2 LA Parishes, and, 8 States in part (1) and 1 LA Parish, and, 11 States in part (2) in Sub-No. 14, and, (h) 2 TX counties, and, 10 States in Sub-No. 16.

MC 146814 (Sub-12)X, filed May 14, 1981. Applicant: VAN WYK, INC., "C" Street, Sheldon, IA 51201. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 4F, 6F, 7F and 9F certificates to (A) broaden the commodity descriptions to (1) "food and related products" from (a) meats, meat products, meat byproducts, and articles distributed by meat-packing houses, as described in sections, A, C and/or B of Appendix I to the report in the *Descriptions* case, 61 M.C.C. 209 and 766, in Sub-Nos. 3F, 4F part (3), 6F and 7F, and (b) dairy products, in Sub-No. 6F and (2) "building materials" from insulating materials, in Sub-No. 9F; (B) eliminate the restriction (a) prohibiting the transportation of specified commodities, commodities in bulk and/or in tank vehicles, in Sub-Nos. 3F, 4F part (1), 6F and 7F, and (b) limiting service to the transportation of traffic originating at and destined to named points, in all certificates; (c) remove the "except for traffic moving in foreign commerce" restriction, in Sub-Nos. 3F and 4F parts (3) (a) and (b); (D) replace plantsite or city-wide authority with county-wide authority: (1) LeMars, IA, with Plymouth County, IA, in Sub-No. 3F, (2) Boyden and Hawarden, IA, with Sioux County, IA, and Sub-No. 4F parts (3) (a) and (b), (3) Sioux Falls, SD, with Minnehaha County, SD, and Estherville and Sioux City, IA, with Emmet and Woodbury Counties, IA, in Sub-No. 6F, (4) Hawarden, IA, with Sioux County, IA, in Sub-No. 7F, and (5) Orange City, IA, with Sioux County, IA, and St. Anne, IL, with Kankakee County, IL, in Sub-No. 9F; and (E) authorize radial authority to replace existing one-way service between points in various eastern States, in Sub-Nos. 3F, 4F part (3), 6F, 7F and 9F.

MC 149582 (Sub-1)X, filed May 12, 1981. Applicant: SAWYER EASTERN, INC., Route No. 1, Chesterton, IN 46304. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle, Chicago, IL 60602. Applicant seeks to remove restrictions from authority in MC-10694 and Sub-Nos. 49, 52, 54, 59, 64, 65, 68, 70, 75, 85, 89, 93, 95, 99, 102 and 103 certificates acquired in MC-F-13429 to (1) remove all exceptions other than class A and B explosives from its general commodities authorities (2) in the lead (a) remove the exception to service at 2 named plantsites in connection with service within 10 miles of Ft. Wayne, IN (b) change city to county-wide authority for off-route point authority in connection with all carriers regular routes: from Riverside, CA to Cambria County, PA; and from Aliquippi, PA to Beaver County, PA (c) allow service at all intermediate points in connection with regular routes between (1) points within 10 miles of Ft. Wayne, IN, (2) Beaver Dam, OH and Harrisburgh, PA, (3) Cleveland, OH and Lafayette, NY (4) Joliet, IL and named junction in IL, and (5) Cleveland, OH and Pittsburgh, PA(d) remove restriction to traffic moving to and from points west of the OH–PA state line in connection with off-route point service at Cambria County, PA, (e) remove the restriction which applies to paragraphs 1 through 5 of the lead which restricts service between any two points both of which are located in IL, IN, and OH, as a part of its operations over the routes between the following points (a) Huntington, IN, and Fort Wayne, IN, and (b) Beaver Dam, OH and Harrisburg, PA, and which further restricts service between any two points both of which are located east of the Ohio Pennsylvania State line as part of its operations over the routes between the following points (a) West Springfield, PA and New York, NY, and (b) Beaver Dam, OH, and Harrisburg, PA; (3) in Sub-No. 49(a) change Mahwah, NJ to Bergen County, NJ as an off-route point in connection with all of carriers regular routes, and (b) remove restriction to traffic moving to or from points west of the OH–PA State line (4) in Sub-No. 52 remove restriction to service at a named junction in PA for purpose of joinder only, (5) in Sub-No. 54 remove plantsite limitation and replace Deer Park, NY with Suffolk county, NY as an off-route point in connection with all of carriers regular routes, (6) in Sub-No. 59 remove plantsite limitation and replace Darrowville, OH with Summit County, OH as an off-route point in connection with all of carriers regular routes, (7) in Sub-No. 64 remove plantsite limitation and replace Joliet, IL with Will County, IL as an off-route point as described in (6) above, (8) in Sub-No. 64 (irregular route) change Union, NJ to Union county, NJ and remove restriction against the handling of freight moving between authorized service points east of the OH–PA State line and a described portion of NJ, (9) in Sub-No. 68(a) remove plantsite limitation and replace Twinsburg, OH, with Summit County, OH, as an off-route point as described in (6) above and (b) remove the restriction against transportation of named commodities in its general commodities authority (10) in Sub-Nos. 70, 85, 93, 95 and 103 remove plantsite limitation in specified counties and authorize service at all points in those counties as off/route points as described in (6) above (11) in Sub-No. 85 remove the "originating at and destined to" named plantsite restriction, (12) in Sub-No. 89(a) remove plantsite limitation and replace Mechanicsburg, PA with Cumberland County, PA as an off-route point as described in (6) above, and (b) remove restriction to transportation of traffic moving between named plantsite and point west of the PA–OH State line, (13) in Sub-No. 93 remove the restriction against the transportation of traffic moving between named origin and points in the Chicago, IL commercail zone, (14) in Sub-No. 95 remove the restriction to transportation of traffic moving to or from points west of the OH–PA State line (15) in Sub-No. 99 remove the plantsite limitation and replace Elysburg, PA with North Cumberland County, PA, as an off-route point as described in (6), (16) in Sub-No. 102 (irregular route) remove restriction to the transportation of traffic moving to, from or through those points authorized to be served by applicant which are west of the OH–PA State line.

[FR Doc. 81-17185 Filed 6-9-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 86]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Correction

In FR Doc. 81-15579, published at page 28248, on Tuesday, May 26, 1981, on page 28253, in the third column, in the first paragraph, in the first line "MC 148903 (Sub-100)" Should be corrected to read "MC 148903 (Sub-10)".

BILLING CODE 1505-01-M

Motor Carriers; Temporary Authority Application; Important Notice

Correction

In FR Doc. 81-15507, published at page 28231, on Tuesday, May 26, 1981, on page 28234, in the second column, in the third paragraph, "MC 147093", in the eleventh line "LA" should be corrected to read "AL".

BILLING CODE 1505-01-M

[AB 167 (SDM)]

Conrail; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Conrail has filed with the Commission its amended color-coded system diagram map in docket No. AB 167 (SDM). The Commission on May 28, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 167 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17135 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

Import Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-127

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 156233 (Sub-II-1TA), filed June 1, 1981. Applicant: PATRICIA A. HUTCHINSON d.b.a. D. J. P. LEASING, 724 Carrollton Ave., Salem, VA 24153. Representative: Patricia A. Hutchinson (same as applicant). *Malt Beverages, wine and empty containers for malt beverages and wine,* between Roanoke County, VA and points in GA, MD, PA, KY, OH, and MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Valley Distributing Co., Inc., 3752 Lee Hwy., Roanoke, VA 24018.

MC 140159 (Sub-II-7TA), filed June 1, 1981. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Coal, in bulk, in dump vehicles,* from points in Clearfield County, PA to Martinsburg, WV for 270 days. Supporting shipper: Donald H. Richards Coal Co., Inc., 885 Lancaster Ave., Berwyn, PA 19312.

MC 81908 (Sub-II-6TA), filed June 1, 1981. Applicant: GARNER TRUCKING, INC., Rt. No. 4, Findlay, OH 45840. Representative: John L. Alden, Stiverson & Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Fertilizer and fertilizer ingredients* between points in IN, MI and OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: The Ohio Farmers Grain & Supply Assoc., 455 W. 4th St., P.O. Drawer M, Fostoria, OH 44830; Workers & Associates, 1200 Springville Highway, Clayton, MI 49235; The Andersons, P.O. Box 119, Maumee, Oh 43537.

MC 150939 (Sub-II-20TA), filed June 1, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract; irregular: Such commodities as are dealt in by mail order houses and retail chain department stores and equipment, materials and supplies used in the conduct of such businesses (except commodities in bulk)* between the facilities of David Weis Wholesale Jewelers, Inc. in PA and WV, on the one hand, and, on the other, points in the US, under a continuing contract(s) with David Weis Wholesale Jewelers, Inc. of Monroeville, PA for 270 days. Supporting shipper: David Weis Wholesale Jewelers, Inc., Miracle Mile Shopping Center, Monroeville, PA 15146.

MC 151230 (Sub-II-1TA), filed June 1, 1981. Applicant: ISNER TRUCKING, INC., Route 4, Marietta, OH 45750. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Contract; Irregular: Metal and metal products and materials, supplies and equipment used in the manufacture and production thereof, except Class A & B explosives,* between Marietta, OH; Marion, IL and Clearfield, UT, on the one hand, and, on the other, points in CO, IA, ID, IL, IN, KY, MI, MT, MO, NV, NM, NY, OH, PA, TN, UT, VA, WV and WY for 270 days. Supporting shipper(s): Pattin Manufacturing Co., P.O. Box 659, Marietta, OH 45750.

MC 151706 (Sub-II-3TA), filed April 30, 1981. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601. *General commodites* having a prior or subsequent movement in rail piggyback service between railroad piggyback facilities located in Chicago, IL on the one hand and on the

other, points in IL, IN, KY, MI and OH for the account of White Motor Corporation for 270 days. Applicant intends to tack this authority with authority held under MC 151706. Supporting shipper(s): White Motor Corporation, 34500 Grand River Ave., Farmington Hills, MI 48025. Republication: Applicant intends to tack this authority was omitted from original publication of May 13, 1981.

MC 65475 (Sub-II–14TA), filed June 1, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Railroad ties, pile driving equipment, and iron and steel articles,* between points in and east of MN, IA, MO, OK, and TX, restricted to shipments originating at or destined to facilities of L. B. Foster Co., or its customers for 270 days. Supporting Shipper: L. B. Foster Co., P.O. Box 47367, Doraville, GA 30362.

MC 65475 (Sub-II–15TA), filed June 1, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dial, Jr., P.O. Box LL, McLean, VA 22101. *Aluminum and aluminum articles, and materials and supplies used in the manufacture of aluminum articles,* between Rockwall, TX, on the one hand, and, on the other, points in the United States, for 270 days. Supporting Shipper: Howmet Aluminum Corporation, 16601 L.B.J. Freeway, Ste. 700, Mesquite, TX 75150.

MC 149541 (Sub-II–5TA), filed June 1, 1981. Applicant: LEBARNOLD, INC., 470 St. John's Church Rd., Camp Hill, PA 17011. Representative: Francis W. McInerny, 1000 Sixteenth St., NW, Suite 502, Solar Bldg., Washington, DC 20036. *Contract; irregular:* of *stereo loud speakers and parts, materials and equipment used in the manufacturing and distribution thereof,* between Milroy, PA, on the one hand, and, on the other, Chicago, Elk Grove Village, and Lincolnwood, IL for 270 days, under continuing contract(s) with Fisher Corp., Milroy, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Fisher Corp., Fisher Park, Milroy, PA 17063.

MC 135364 (Sub-II–11TA), filed May 28, 1981. Applicant: MORWALL TRUCKING, INC., Rural Delivery 3, Box 76C, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Contract:* Irregular: *Engines, transmissions, and parts thereof,* between Detroit, MI, on the one hand, and, on the other, Harrisburg, Kirbeyville, and Philadelphia, PA, under continuing contract(s) with Penske Corp. An underlying ETA seeks 120 days authority. Supporting shipper: Penske Detroit Allison, Inc., Division of Penske Corp., 8330 State Rd., Philadelphia, PA 19136.

MC 123887 (Sub-II–2TA), filed June 1, 1981. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Malt beverages,* between Charleston, WV, on the one hand, and, on the other, Peoria and Belleville, IL; Detroit and Frankenmuth, MI; Newark, NJ; Baltimore, MD; Latrobe and Pittsburgh, PA; Cincinnati, Columbus and Fostoria, OH and Newport, KY, for 270 days. Supporting shipper(s): Central Distributing Company, 108 4th Ave., Huntington, WV.

MC 123887 (Sub-II–3TA), filed June 1, 1981. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam ave., Hurricane, WV 25526. *Malt beverages* between Ironton and Portsmouth, OH and Huntington, WV, on the one hand, and, on the other, Baltimore, MD; Evansville, IN; Frankenmuth, MI; Belleville, IL and Pabst, GA for 270 days. Supporting shipper(s): Callahan Distributing Co., Inc., 917–919 R South 3rd St., Ironton, OH 45638.

MC 123887 (Sub-II–4TA), filed June 1, 1981. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Malt beverages* between Huntington, WV, on the one hand, and, on the other, Baltimore, MD; Evansville, IN; Frankenmuth, MI and Belleville, IL for 270 days. Supporting shipper(s): Sullivan Distributing Co., 807 23rd St., Huntington, WV 25703.

MC 107012 (Sub-II–170TA), filed May 28, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). *Contract; irregular: general commodities (except class A & B explosives)* between Austin, TX, on the one hand, and on the other, all points in AZ, AR, CA, CO, CT, DE, ID, KS, LA, ME, MD, MA, MT, NE, NV, NH, NJ, NY, NC, ND, OK, OR, PA, RI, SD, UT, VT, VA, WA, WY, and DC for 270 days. Supporting shipper: International Business Machines Corp., P.O. Box 10, Princeton, NJ 08540.

Note.—Common control may be involved.

MC 107012 (Sub-II–171TA), filed June 1, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *General commodities (except class A & B explosives)* between ponts in the U.S. (restricted to traffic originating at or destined to the facilities utilized by W. W. Grainger, Inc.) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: W. W. Grainger, Inc., 5959 West Howard St., Chicago, IL 60648.

Note.—Common control may be involved.

MC 107012 (Sub-II–172TA), filed June 1, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Air vent systems, and air silencers, and parts and accessories for air vent systems and silencers* from the facilities of Semco Manufacturing, Inc., at or near Sunland Park, NM to points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Semco Manufacturing, Inc., 205 East Ash, Columbia, MO 65205.

Note.—Common control may be involved.

MC 144910 (Sub-II–6TA), filed June 1, 1981. Applicant: TY PRUITT TRUCKING, INC., 6717 Quad Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Wash., DC 20005. *Malt beverages,* between Rochester, NY and Detroit, MI, on the one hand, and, on the other, points in Maryland, for 270 days. Supporting shippers: H & S Distributing Company, Havre de Grace, MD 21078; Choptank Distributing Company, Easton, MD 21601.

MC 124059 (Sub-II–1TA), filed June 1, 1981. Applicant: REJER TRANSPORT, INC., P.O. Box 566, Marietta, OH 45750. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Carbon black,* from the facilities of Cabot Corp. at or near Cabot, WV to points in and east of MN, IA, NE, MO, AR and LA, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Cabot Corp., 125 High St., Boston, MA 02110.

MC 138805 (Sub-II–3TA), filed May 28, 1981. Applicant: S&L SERVICES, INC., Rural Delivery No. 1 Milton, PA 17847. Representative: Terrence D. Jones, 2033 K St., NW, Washington, DC 20006. *Cleaning compounds, detergents and floor sweeping compounds* from Dewart, PA, to Stockton, CA, Auburn, WA, Denver, CO, Fort Worth, TX, Kansas City, MO, Chicago, IL, Shelby, OH, Boston, MA, Edison, NJ, Franconia and Norfolk, VA, and Savannah and Atlanta, GA for 270 days. An underlying ETA seeks 120 days authority. Supporting

shipper: Lyrco Products, Inc., 20 Main St., Dewart, PA 17730.

MC 151693 (Sub-II–3TA), filed June 1, 1981. Applicant: SPECIAL SERVICE DELIVERY CO., INC., 2514 Bridge Ave., Cleveland, OH 44113. Representative: David A. Turano, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of photographic products and cosmetics (except commodities in bulk)* between Columbus and Cleveland, Ohio, including points in their respective Commercial Zones, on the one hand, and, on the other, pts in PA, WV, KY and IN for 270 days. Supporting shipper: Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14650; Revlon, Inc., Route 27 & Talmadege Road, Edison, NJ 08817.

MC 128662 (Sub-II–2TA), filed June 1, 1981. Applicant: STICKLEY'S GARAGE, INC., P.O. Box 2842, Winchester, VA 22601. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Irregular: *Contract: Foodstuffs,* except in bulk, including materials and supplies used in the manufacture, sale and distribution thereof, between Winchester, Timberville and Mount Jackson, VA; Kent City, MI; Martinsburg, WV; and Lincolnton, NC, including their respective commercial zones, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN and MS, for 270 days. Supporting shipper(s): Shenandoah Apple Cooperative, P.O. Box 435, Winchester, VA 22601; National Fruit Product Company, Inc., 550 Fairmont Ave., Winchester, VA 22601; Bowman Apple Products Company, Inc., P.O. Box 247, Mt. Jackson, VA 22842.

MC 124045 (Sub-2–1TA), filed June 1, 1981. Applicant: RAYMOND G. WISHARD d.b.a. WISHARD TRUCKING, Rural Delivery 5, Chambersburg, PA 17201. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *(1) Calcined fire clay or grog and (2) cement in buckets* between Alexandria, PA on the one hand, and, on the other, points in DE, MD, NJ, NY, PA, OH, VA, WV, MI, MO, WI, TX, IN and IL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Maryland Refractories Co., Inc., P.O. Box 355, Alexandria, PA 16611.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 136123 (Sub-3–16TA), filed June 1, 1981. Applicant: MEAT DISPATCH, INC. P.O. Box 1058, Palmetto, Florida 33561. Representative: William L. Beasley (same as above). *Foodstuffs, and related products,* between the facilities of Jones Brothers Canning Company, Inc. and points in and east of MN, IA, MO, AR and LA. Supporting shipper: Jones Brothers Canning Company, Inc., P.O. Box 401, Greer, South Carolina 29651.

MC 138570 (Sub-3–1TA), filed May 27, 1981. Applicant: JOHN B. LAMBERT TRUCKING COMPANY, 8 McIntosh Street, P.O. Box 219, Newnan, GA 30263. Representative: John B. Lambert, Sr. (Same address as applicant). *Contract:* Irregular: *Salt Cake for the account of the William L. Bonnell Company, Newnan, GA in dump trucks and dump trailers in truck load quantities* from the William L. Bonnell Company plant at Newnan, GA to Barmet of Kentucky plant at Livia, KY. Supporting shipper: William L. Bonnell Company, Inc., 25 Bonnell St., Newnan, GA.

MC 148903 (Sub-3–3TA), filed May 29, 1981. Applicant: J & M TANK LINES, INC., P.O. Box 544, Americus, GA 31709. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Granulated slag, in bulk,* from Carrollton, GA to points in AL and TN. Supporting shipper: F & S Abrasive Company, Inc., P.O. Box 2012, Birmingham, AL 35201.

MC 146495 (Sub-3–6TA), filed May 29, 1981. Applicant: ST. JOSEPH MOTOR LINES, 5724 New Peachtree Road, Chamblee, GA 30341. Representative: Thomas H. Davis, (address same as above). *Radioactive waste and hazardous waste materials (except in bulk, in tank vehicles),* between points in the U.S. Supporting shippers: O.H. Materials, 90 Almon Rd., Covington, GA 30209; Applied Radiological Control, 2810 New Spring Rd., Atlanta, GA 30339; Cooke and Co., Industrial Park, Lumber City, GA; APCO GRAPHICS, 338 Grant St., S.E., Atlanta, GA 30312.

MC 138157 (Sub-3–52TA), filed May 29, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). *General commodities (except Classes A and B explosives)* between points in the United States. Restricted to traffic moving for the account of Wallace Companies, Inc. Supporting Shipper: Wallace Companies, Inc., 175 Citation Court, Birmingham, AL, 35226.

MC 148362 (Sub-3–10TA), filed May 29, 1981. Applicant: HAR–BET, INC, 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey, Jr. (same address as applicant). *Contract:* irregular: *general commodities, except commodities in bulk and classes A and B explosives,* between all points in the U.S. except AK and HI. Supporting Shipper: Distribution Services of America, Inc., 666 Summer St., Boston, MA 02210; under a continuing contract with Distribution Services of America, Inc.

MC 156227 (Sub-3–1TA), filed June 1, 1981. Applicant: STATELINE SYSTEMS, INC., P.O. Box 101020, Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. *General commodities (except Classes A & B explosives) having a prior or subsequent movement by rail* between Wilson County, TN, on the one hand, and, on the other, Shelby County, TN. Supporting Shipper: Toshiba America, Inc., Manufacturing Division, 1420 Toshiba Drive, Lebanon, TN 37087.

MC 152763 (Sub-3–4TA), filed June 1, 1981. Applicant: EXPRESSCO, INC., 105 Rhine St., Madison, TN 37115. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Contract,* Irregular, *Lumber* (1) from points in AL, AR, GA, LA, MS and SC to points in Davidson County, TN and (2) from points in Davidson County, TN to points in KY, IL, IN, MI, MO, OH, and WI. Supporting shipper: Norvell Wood Products, Inc., 6211 Centennial Blvd., Nashville, TN 37215. Under a continuing contract with Norvell Wood Products, Inc.

MC 155028 (Sub-3–3TA), filed June 1, 1981. Applicant: H&R TRANSPORTATION CO., INC., 715 E. Court Street, P.O. Box 964, Marion, NC 28752. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *Textile mill products, and chemicals and related products,* between points in Los Angeles County, CA, on the one hand, and, on the other, points in NJ, NC, SC, GA, AL, and TN. Supporting Shippers: Advanced Color & Chemical Corporation, 12226 Garvey Avenue, El Monte, CA 91732; Sierra Spinning, Inc., 2325 Redondo Avenue, Signal Hill, CA 90806; Christone & Associates, P.O. Box 58606, Los Angeles, CA 90058; and Sierra Color and Chemical, 7849 Jutland Avenue, Northridge, CA 91325.

MC 128117 (Sub-3-8TA), filed June 1, 1981. Applicant: NORTON–RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J. Ortman, 4401 East West Highway, Suite 404, Washington, DC 20014. *Sugar, in containers,* from Gramercy, LA to points in KY and TN.

Supporting shipper: Colonial Sugars Company, Gramercy, LA 70052.

MC 155003 (Sub-3-10TA), filed June 1, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, MS 39212. Representative: Charles L. Moseley (same address as applicant). *Waterbed furniture, mattresses, upholstered box springs and bed frames. Equipment, materials and supplies used in the manufacture, sale and distribution thereof,* between points in CA on the one hand and on the other all points in the U.S. except AK and HI. Supporting shippers: Laguna Manufacturing, 17622 Von Karman Ave., Irvine, CA., America the Elegant, Inc., 3101 South Harbour Blvd., Santa Ana, CA. 92704.

MC 125037 (Sub-3-15TA), filed June 1, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *General Commodities (except commodities in bulk and Classes A and B explosives)* between points in the U.S. under contract or continuing contracts with Distribution Services of America, Inc. of Boston, MA. Supporting shipper: Distribution Services of America, Inc., 666 Summer Street, Boston, MA 02210.

MC 125037 (Sub-3-14TA), filed June 1, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *General Commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions)* between points in the U.S. restricted to service for the account of Seaport Coop, Inc. Supporting shipper: Seaport Coop, Inc., 730 N.W. 11th Avenue, Portland, OR 97209.

MC 121592 (Sub-3-1TA), filed June 1, 1981. Applicant: TULLAHOMA FREIGHT COMPANY, INC., P.O. Box 717, Tullahoma, TN 38388. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Alcoholic beverages and materials, supplies and equipment used in the manufacture, sale and distribution of alcoholic beverages,* between the facilities of Jack Daniels Distillery in Moore and Coffee Counties, TN, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Jack Daniels Distillery, P.O. Box 199, Lynchburg, TN 37352.

MC 151173 (Sub-3–11TA), filed June 1, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey Jr. (same address as applicant). *Such commodities as are dealt in by food business houses and materials, equipment and supplies used in the manufacture, sale and distribution thereof, except commodities in bulk,* between points in the U.S. (except AK and HI). Supporting shipper: Tom's Foods LTD., P.O. Box 60, Columbus, GA 31902.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 152935 (Sub-4–4TA), filed May 29, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham, Hillenbrand Industries, Inc., Highway 46, Batesville, IN 47006. *Steel office furniture* from Ossining, NY to points in Cleveland, Cincinnati, Columbus and Dayton, OH; Pittsburgh, PA; Indianapolis, IN; and Lexington and Louisville, KY under continuing contract(s) with Filex Steel Products. Supporting shipper: Filex Steel Products, North Water St., Ossining, NY 10562.

MC 50935 (Sub-4–3TA), filed May 29, 1981. Applicant: WOLVERINE TRUCKING COMPANY, 1020 Doris Rd., Pontiac, MI 48057. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Contract* irregular: (1) *aluminum articles and aluminum products* from Jackson, Lincoln Park, MI, and Waverly, OH, to points in the U.S.; (2) *materials, equipment and supplies used in the manufacture, distribution, and installation of the commodities named in (1) above* from points in the U.S. to Jackson, MI, Lincoln Park, MI, and Waverly, OH, under a continuing contract(s) with Wolverine Aluminum Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Wolverine Aluminum Corporation, 1660 Howard, Lincoln Park, MI 48146.

MC 154766 (Sub-4–2TA), filed May 29, 1981. Applicant: JOHN A. VERIHA, d.b.a. PAPER RECLAIM, Route 1, Box 271A, Porterfield, WI 54159. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *Such commodities as are dealt in or used by a manufacturer or distributor of fire protection products,* between the facilities of The Ansul Company at Marinette, WI, on the one hand, and, on the other, points in the U.S., under continuing contracts with The Ansul Company of Marinette, WI. An underlying ETA seeks 120 days authority. Supporting shipper: The Ansul Company, One Stanton Street, Marinette, WI 54143.

MC 153806 (Sub-4–2TA), filed May 29, 1981. Applicant: BILL McKEEN TRUCKING LIMITED, 1708 County Road 46, Comber, Ontario, CD NOP 1JO. Representative: W. Walter Travis, P.O. Box 774, Chatham, Ontario, CD N7M 5L1. *Rough and dressed lumber* between the Canadian-American International Boundary at Detroit, MI, and MI, OH, IL, IN, and KY. Supporting Shipper: Kirkpatrick Lumber Company, P.O. Box 22, Hannon, Ontario LOR 1PO; Marquette Lumbermen's Warehouse, Affiliate of T. W. Hager Lumber Co., P.O. Box 9040, Grand Rapids, MI 49509.

MC 128205 (Sub-4–14TA), filed May 24, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 South Doty Avenue, Chicago, IL 60628. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001 (202) 628–9243. *General commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with W. W. Grainger, Inc. for 270 days. Supporting shipper: W. W. Grainger, Inc., 5959 West Howard Street, Chicago, IL 60648.

MC 156204 (Sub-4–1TA), filed May 29, 1981. Applicant: HEDGEPATH TRUCKING, INC., P.O. Box 142, Plato Center, IL 60170. Representative: Norman A. Cooper, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Metal buildings and materials, supplies and equipment* utilized in the manufacture, sale and distribution between Plato Center, IL on the one hand, and, on the other, points in the United States, for the account of Arch Technology Corporation of Plato Center, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Arch Technology Corporation, P.O. Box 6, Plato Center, IL 60170.

MC 152246 (Sub-4–4TA), filed May 29, 1981. Applicant: SCHULD TRANS., INC., 774 Flanner Rd., Box 57, Mosinee, WI 54455. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Steel storage tanks, accessories and other metal products,* between Cape Girardeau County, MO on the one hand, and, on the other, points in the U.S. Supporting shipper: Engineered Tanks Industries, Inc., P.O. Box 839, 1209 Broadway, Cape Girardeau, MO 63701.

MC 153829 (Sub-4–19TA), filed May 29, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. *Such commodities as are dealt in by department stores,* between points in the U.S. (restricted to traffic

originating at or destined to the facilities of Target Stores, a division of Dayton-Hudson Corporation). Supporting shipper: Target Stores, a division of Dayton-Hudson Corporation, 7120 Highway 65 N.E., Fridley, MN 55432.

MC 134940 (Sub-4-3TA), filed May 29, 1981. Applicant: VERNON KUFAHL d.b.a. KUFAHL TRUCKING, 4704 N. 32nd Avenue, Wausau, WI 54401. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract irregular Such commodities as are dealt in or used by manufacturers, converters, printers and distributors of paper and paper products (except commodities in bulk)* between the facilities of Hennepin Paper Company at or near Little Falls, MN, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MO, OH, TN, and WI. Restriction: Restricted to a service to be performed under a continuing contract(s) with Hennepin Paper Company. Underlying ETA seeks 120 days authority. Supporting shipper: Hennepin Paper Company, P.O. Box 90, Little Falls, MN, 56345.

MC 35602 (Sub-4-2TA), filed May 29, 1981. Applicant: BETTENDORF TRANSFER, INC., Route 2, Box 261, River Falls, WI 54022. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Food and Related Products*, between the facilities of McCormick & Co. and its subsidiaries on the one hand, and, on the other, points in the U.S. Supporting shipper: McCormick & Co., 215 E. 78th Street, Minneapolis, MN 55420.

MC 143280 (Sub-4-30TA), filed May 29, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Furniture and fixtures*, between Maricopa County, AZ, on the one hand, and, on the other, points in the U.S. Supporting shipper: The Waterbed Factory, 110 No. Perry Lane, Tempe, AZ.

MC 143280 (Sub-4-29TA), filed May 29, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Containers and container accessories*, between the facilities of Kerr Glass Manufacturing Corporation, on the one hand, and, on the other, points in the U.S. Supporting shipper: Kerr Glass Manufacturing Corporation, P.O. Box 97, Sand Springs, OK.

MC 143280 (Sub-4-28TA), filed May 29, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Electrical appliances*, between Maricopa County, AZ, on the one hand, and, on the other, points in the U.S. Supporting shipper: Electrical Equipment Co., 205 So. 29th Street, Phoenix, AZ 85036.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17137 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81-14150, appearing on page 26188, in the issue of Monday, May 11, 1981.

On page 26189, first column, nineteenth line, the last three entries reading: "NJ, NJ, NC," should have read "NH, NJ, NC".

BILLING CODE 1505-01-M

[AB 10 (SDM)]

Norfolk & Western Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Norfolk and Western Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 10 (SDM). The Commission on May 21, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 10 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17135 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practices, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the application may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 day after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2–064

Decided: June 4, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Taylor.

MC 151393 (Sub-1) (Republication) filed November 12, 1980, published in the **Federal Register** of December 10, 1980, and republished this issue: Applicant: MILLERS BEND CARRIERS, INC., U.S. Hwy 231 North, P.O. Box 197, Wetumpka, AL 36092. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. A decision of the Commission, *Review Board 2*, decided March 9, 1981, and served March 23, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the United States (except Alaska, Hawaii, Maine, New Hampshire, North Dakota, South Dakota, Vermont, and Wyoming); that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

Volume No. OP2–065

Decided: June 4, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Taylor.

MC 3753 (Sub-30) (Republication) filed December 19, 1980, published in the **Federal Register** of January 19, 1981, and republished this issue: Applicant: AAA TRUCKING CORP., 3620 Quaker Bridge Rd., P.O. Box 8042, Trenton, NJ 08650. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. A decision of the Commission, *Review Board 3*, decided April 22, 1981, and served May 15, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over regular routes, as a *common carrier*, by motor vehicle, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Scranton, and Williamsport, PA: from Scranton over Interstate Hwy 81 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 15, then over U.S. Hwy 15 to Williamsport, and return over the same route, serving all intermediate points and the off-route points in Bradford, Columbia, Lackawanna, Luzerne, Lycoming, Montour, Sullivan, Susquehanna, and Wyoming Counties, PA.

Note.—Applicant intends to tack with its irregular-route authority to serve points in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and Maryland; that applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17132 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 C.F.R. 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 F.R. 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 46 F.R. 80109.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisidictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date or publication (or, if the application later became unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–2–092

Decided: June 1, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 65802 (Sub-75F), filed May 14, 1981. Applicant: LYNDEN TRANSPORT, INC., 5615 W. Marginal Way, Southwest, Seattle, WA 98106. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, N.W., Washington, DC 20004. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156033, filed May 18, 1981. Applicant: GORDON L. SAMELSON, R.R. No. 2 Box 33, Redfield, SD 57469. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Transporting *food and other edible products and byproducts intended for human consumption* (except Alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156043F, filed May 18, 1981. Applicant: ROBERT G. PALUCH, 7800 West 60th Pl, Summit, IL 60501. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. As a broker of general commodities (except household goods), between points in the U.S.

MC 156103, filed May 22, 1981. Applicant: MASS TRANSPORT, INC., 12 Mason St., Worcester, MA 01609. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–2–094

Decided: June 3, 1981.

By the Commission, Review Board Number 1. Members Parker, Chandler and Fortier. Member Parker not participating.

MC 123872 (Sub-128), filed May 29, 1981. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 129702 (Sub-10), filed May 27, 1981. Applicant: CARPET TRANSPORT, INC., Route 5, Lovers Lane Rd., Calhoun, GA 30701. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 134073 (Sub-19), filed May 27, 1981. Applicant: GENOVA TRANSPORT, INC., 484 Clayton Rd., Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting, for or on behalf of the United States Government, *general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions),* between points in the U.S.

MC 149283 (Sub-1), filed May 27, 1981. Applicant: HAYWARD TRUCKING, INC., 6549 Robinson Road, Jacksonville, FL 32217. Representative: Norman J. Bolinger, 3100 University Blvd. So., Suite 225, Jacksonville, FL 32216, (904) 724–7539. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151543F, filed May 11, 1981. Applicant: FAMILY MOVING & STORAGE CO., INC., P.O. Box 1579, Lawton, OK 73502. Representative: Glenn S. Windham (same as applicant), (405) 353–5066. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 156083, filed May 21, 1981. Applicant: MARVIN A. PAYNE, d.b.a. PAYNE TRUCKING, 11 Park Ave., Hudson, NH 03051. Representative: Robert D. Hansen, P.O. Box 625, Framingham, MA 10701, (800) 225–9490. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17131 Filed 6-9-81, 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 83]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Correction

In FR Doc. 81–15032 appearing on page 27574 in the issue of Wednesday, May 20, 1981 make the following correction:

On page 27575, third column, sixth line from bottom of the page "MC 12551" should have read "MC 125551".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems, (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

On or before August 10, 1981 an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–166

Decided: June 3, 1981
By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating.

MC 67450 (Sub-117), filed May 27, 1981. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL (312) 263–2306. Transporting *food and related products,* between the facilities of H. J. Heinz Company and its subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 74681 (Sub-16), filed May 28, 1981. Applicant: STEVENS VAN LINES, INC., 121 South Niagara St., Saginaw, MI 48602. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 463–6044. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Stevens Forwarders, Inc., of Saginaw, MI.

MC 121340 (Sub-3), filed May 11, 1981. Applicant: JOSH, INC., 2700 N. Garden, Alvin, TX 77511. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024, (713) 688–6110. Transporting (1) *Mercer commodities,* and (2) *pipe and earth drilling materials, equipment and supplies,* between points in TX, on the one hand, and, on the other, points in AR, LA, MS, OK, NM, CO, WY, and TX.

MC 125551 (Sub-25), filed May 27, 1981. Applicant: K & W TRUCKING CO., INC., P.O. Box 1415, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333–13431. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Intalco Aluminum Corporation, of Ferndale, WA.

MC 128290 (Sub-19), filed May 21, 1981. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339, (404) 434–3381. Transporting *machinery and food and related products,* between Philadelphia, PA and Winchester, VA, and points in Middlesex County, MA, York County, SC, and Somerset County, NJ, on the one hand, and, on the other, points in the U.S.

MC 143311 (Sub-13), filed May 27, 1981. Applicant: FAMCO TRANSPORT, INC., 6640 Ellis Avenue South, P.O. Box 80007, Seattle, WA 98108. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101 (206) 624–2832. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR, CA, ID, MT, UT, NV, AZ, CO, NM, WY, and TX.

MC 147911 (Sub-7), filed May 20, 1981. Applicant: TILFORD TRUCKING, INC. P.O. Box 34, Readyville, TN 37149. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 435 13th St., N.W., Washington, D.C. 20004, (202) 347–8862. Transporting *food and related products,* between those points in NY on and west of Interstate Hwy 81, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 148600 (Sub-11), filed May 12, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 N. Harvester Road, West Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001 (202) 628–9243. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Alchem International, Inc., and its subsidiaries, Davis Metals and Alchem Aluminum, all of Fort Wayne, IN.

MC 149240 (Sub-2), filed May 27, 1981. Applicant: DEE DECKERT, d.b.a. DECKERT TRUCKING CO., General Delivery, Tescott, KS 67484. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102 (402) 348–0832. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of glass and glass products, between points in the U.S., under continuing contract(s) with Westinghouse Electric Corporation, of Salina, KS.

MC 150521 (Sub-3), filed May 22, 1981. Applicant: HUMISTON FARMS, Route 1, Box 144, Muleshoe, TX 79347. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408 (806) 763–9555. Transporting *metal products,* between points in Douglas County, NE, on the one hand, and, on the other, points in CO, AZ, AR, and LA.

MC 151641 (Sub-4), filed May 27, 1981. Applicant: WILLIAM E. JOHNSON, d.b.a. WILLIAM E. JOHNSON TRUCKING COMPANY, 11211 Sherman Ave., Dallas, TX 75220. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245 (214) 358–3341. Transporting *food and related products,* between points in Seward County, KS, on the one hand, and, on the other, points in AZ, NM, CA, OR and WA.

MC 151660 (Sub-3), filed May 27, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same address as applicant) (214) 438–2851. Transporting *rubber and plastic products,* between the facilities used by Mobil Chemical Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153550 (Sub-4), filed May 27, 1981. Applicant: MEXICAN ORIGINAL TRANSPORTATION, INC., P.O. Box 1368, Fayetteville, AR 72701. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301 (404) 522–2322. Transporting *furniture and fixtures,* between points in Washington County, AR, on the one hand, and, on the other, points in the U.S.

MC 153981, filed May 27, 1981. Applicant: LEEWAY FLEET LINES, INC., 1321 Arch St., Philadelphia, PA 19107. Representative: Malcolm H. Waldron, Jr. (same address as applicant) (215) LO 3 7322. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at Philadelphia, PA, and extending to points in NY, NJ, DE, MD, OH, WV, VA, and DC.

MC 154121 (Sub-8), filed May 28, 1981. Applicant: TRAILINER CORP., P.O. Box 357 (Old Chester Rd.) Gladstone, NJ 07934. Representative: George A. Olsen (same address as applicant) (201) 435–7140. Transporting *food and related products,* between points in CA, on the one hand, and, on the other, points in the U.S.

MC 155020, filed May 27, 1981. Applicant: JOSEPH MUSTO, 128 Stephens Ave., Bronx, NY 10473. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Transporting *homing pigeons,* between New York, NY, and points in CT and NJ, on the one hand, and, on the other, points in NJ, DE, MD, VA, NC, SC, and DC.

MC 155121, filed May 22, 1981. Applicant: AARON HOSMER, d.b.a. AARON HOSMER TRUCKING, 701 Southwest First St., Wadena, MN 56482.

Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402 (612) 340–0808. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wadena Sawmills, of Wadena, MN.

Volume No. OPY–2–093

Decided: June 1, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier

MC 2202 (Sub-672F), filed May 22, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014 (301) 986–1410. Over regular routes, transporting *general commodities* (except classes A and B explosives), serving Siloam Springs, AR, as an off-route point, in connection with carrier's otherwise authorized regular-route operations.

MC 16872 (Sub-31F), filed May 21, 1981. Applicant: WILLIAM MIRRER d.b.a. MIRRER'S TRUCKING, 100 E. 25th St Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between the facilities used or utilized by Purex Corporation, Ltd., its subsidiaries, divisions, vendors, packers, and distributors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 71902 (Sub-100), filed May 22, 1981. Applicant: UNITED TRANSPORTS, INC., 4900 N. Santa Fe Ave., Oklahoma City, OK 73154. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425—13th St., NW, Washington, DC 20004 (202) 737–1030. Transporting *transportation equipment*, between points in the U.S.

MC 107912 (Sub-45), filed May 21, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Rd. Memphis, TN 38118. Representative Tommie J. Perkins, Sr. (same address as applicant) (901) 795–4100. Transporting *general commodities* (except classes A and B explosives), between points in TX, on the one hand, and, on the other, points in AR, LA, MS, and TN.

Note.—Applicant proposes to tack this authority with its existing authority and to interline at all points where interchange agreements are maintained.

MC 112822 (Sub-490F), filed May 21, 1981. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Cushing, OK 74023. Representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264 (303) 861–4028. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 128672 (Sub-9), filed May 22, 1981. Applicant: TIMBER TRUCKING CO., INC., P.O. Box 231, Ripley, WV 25271. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526 (304) 562–3460. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Maphis Chapman, of Harrisonburg, VA.

MC 144572 (Sub-51), filed May 14, 1981. Applicant: MONFORT TRANSPORTATION COMPANY POB G, Greeley, CO 80632. Representative: John T. Wirth, 717–17th St., Suite 2600, Denver, CO 80202. *General commodities* (except classes A and B explosives), between points in CO and NE, on the one hand, and, on the other, points in the U.S.

MC 145992 (Sub-4), filed May 6, 1981. Applicant: The Town Tour Fun Bus Company, Inc. d.b.a. Fun Bus Systems, 304 Katella Way, Anaheim, CA. 92802. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, 213–945–2745. Transporting *Passengers and their baggage, and express and newspaper in the same vehicle with passengers*, between Anaheim, CA, and Las Vegas, NV: (a) from Anaheim over CA Hwy 91 to junction CA Hwy 57, then over CA Hwy 57 to junction CA Hwy 60, then over CA Hwy 60 to junction Interstate Hwy 15, then over Interstate Hwy 15 to Las Vegas, and return over the same routes, and (b) from Anaheim over CA Hwy 57 to junction CA Hwy 60, then over CA Hwy 60 to junction Interstate Hwy 15, then over Interstate Hwy 15 to Las Vegas, and return over the same routes, serving Buena Park and Fullerton, CA, as intermediate and off route points.

MC 146853 (Sub-6), filed May 21, 1981. Applicant: FRANK F. SLOAN, d.b.a., HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244–2329. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of salt, between points in Tooele County, UT and Rice County, KS, on the one hand, and, on the other, points in IA, IL, MN, MO, and WI.

MC 147242 (Sub-12), filed May 21, 1981. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12–90 Plaza Rd., Fair Lawn, NJ. 07410. Representative: Arthur Liberstein, 888 Seventh Ave., New York, NY 10106 (212) 757–8025. Transporting *pulp, paper and related products, and rubber and plastic products*, between points in the U.S., under continuing contract(s) with Permanent Label, of Clifton, NJ.

MC 147632 (Sub-7), filed May 11, 1981. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63832. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440 (216) 652–2789. Transporting *General commodities* (except classes A and B explosives) between the facilities utilized by West Coast Shippers' Association and its affiliates at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148893 (Sub-6), filed May 11, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043 (716) 681–7190. Transporting (1) *transportation equipment*, (2) *metal products*, and (3) *such commodities* as are dealt in or used in the manufacture and distribution of electric fans and electric heating equipment, between points in Erie County, NY, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, OR, PA, RI, TN, TX, VT, VA, WA, WV, WI, and DC.

MC 150292 (Sub-2), filed May 21, 1981. Applicant: PITTS TRUCKING, INC., Rural Route No. 2, Hutchinson, KS 67501. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612 (913) 233–9629. Transporting *food and related products*, (1) Between points in Sedgwick County, KS, on the one hand, and, on the other, points in MN, IA, MO, AR, LA, TX, OK, KS, NE, SD, ND, MT, WY, CO, NM, AZ, UT, ID, and NV, and (2) Between points in Logan County, AR, on the one hand, and on the other, points in WI, IL, MN, IA, MO, AR, LA, TX, OK, KS, NE, SD, ND, MT, WY, CO, NM, AZ, UT, ID, WA, OR, NV, and CA.

MC 150783 (Sub-16), filed May 12, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same as applicant) (501) 636–1979. Transporting *food and related products* between points in Jefferson County, CO, on the one hand, and, on the other, points in TN, LA and MS.

MC 154343 (Sub-1), filed May 22, 1981. Applicant: HERITAGE TRAILS, INC., 16020 Forest, Oak Forest, IL 60452. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602 (312) 726–6525. Transporting *passengers and their baggage*, in special or charter operations, beginning and ending at

Daytona Beach, FL, and extending to points in IL, IA, IN, KS, MN, MO, MI, OH, TN, and WI, under continuing contract(s) with The Plaza, Co. Ltd., d.b.a. Plaza Hotel and Dayonta Beach Resort Inns, Ltd. of Daytona Beach, FL.

MC 155952F, filed May 14, 1981. Applicant: J. L. STEWART COMPANY, P.O. Box 33035, San Antonio, TX 78233.Representative: Clayte Binion, 623 South Henderson, Fort Worth, TX 76104, (817) 332–4415. Transporting *food and related products*, between points in TX.

MC 156053F, filed May 18, 1981. Applicant: RACK TRANSPORT CO., INC., 11642 E. Artesia Blvd., Artesia, CA 90701. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting (1) *general commodities* (except classes A and B explosives), between points in CA, and (2) *mercer commodities, lumber and wood products, building materials, metal products, clay, concrete, glass or stone products, machinery, transportation equipment, and those commodities which because of their size or weight require the use of special handling or equipment*, between points in CA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

Volume No. OPY–2–091

Decided: June 2, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

W–1333, filed May 18, 1981. Applicant: CONAGRA TRANSPORTATION, INC., 5440 West Channel Rd., Catoosa, OK 74015. Representative: Peter A. Greene, 1920 N St., NW, Suite 700, Washington, DC 20036, (202) 331–8800. To operate as a *common carrier*, by water, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities* and by towing vessels in the performance of *general towage*, between ports and points on the Arkansas River and its tributaries and on the Mississippi River between Rosedale, MS, and New Orleans, LA.

MC 77972 (Sub-51), filed May 22, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: James R. Holt, P.O. Box 523, Collierville, TN 38017. Transporting *furniture and fixtures*, between points in MS, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 105733 (Sub-84), filed May 21, 1981. Applicant: RITTER TRANSPORTATION, INC., P.O. Box 1064–A, Rahway, NJ 07065. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005, 202–296–3555. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Ashland Chemical Company, of Dublin, OH.

MC 107012 (Sub-711), filed May 6, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429–2110. Transporting *urethane foam products* between the facilities of Cushion Products of America, Inc., at points in Sumter County, GA, on the one hand, and, on the other, points in the U.S.

MC 109632 (Sub-36), filed May 26, 1981. Applicant: LOPEZ TRUCKING, INC., 131 Linden St., Waltham, MA 02154. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109, 617–523–0800. Transporting *pulp, paper and related products* and *rubber and plastic products*, between points in PA and NJ, on the one hand, and, on the other, points in MA, RI, CT, ME, NH, and VT.

MC 114612 (Sub-5), filed May 21, 1981. Applicant: C. A. SHETROM, INC., Rt. 22, Huntingdon, PA 16652. representative: C. A. Shetrom (same address as applicant), 815–643–1633. Transporting *food and related products*, between points in Monroe County, NY, on the one hand, and, on the other, points in PA.

MC 126472 (Sub-25), filed May 21, 1981. Applicant: WILLCOXSON TRANSPORT, INC., R.R. No. 2, Kahoka, MO 63445. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, 515–682–8154. Transporting *chemicals and related products*, between points in IA, IL, and MO.

MC 143032 (Sub-39) (correction), filed May 4, 1981, published in the **Federal Register**, issue of May 26, 1981, and republished, as corrected, this issue. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 South Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *lumber and wood products, forest products, and pulp and paper products*, between the facilities of Potlatch Corporation at points in MN, on the one hand, and, on the other, points in the U.S. The purpose of this republication is to correct the commodity description by adding "pulp and paper products".

MC 145203 (Sub-12), filed May 22, 1981. Applicant: REITZEL TRUCKING CO., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Andrew Jay Burkholder, 275 East State St. Columbus, OH 43215, 614–228–8575. Transporting (1) *food and related products, metal products, transportation equipment, chemicals and related products, building materials*, and *buildings* and (2) *such commodities* as are dealt in or used by manufacturers and distributors of containers, between those points in the U.S., in and east of MN, IA, MO, AR, and LS.

MC 145412 (Sub-3), filed May 22, 1981. Applicant: LEE RAY FARNSWORTH, d.b.a. FARNSWORTH TRUCKING, 765 East 1600 North, Orem, UT 84097. Representative: Harry D. Pugsley, 940 Donner Way No. 370, Salt Lake City, UT 84108, (801) 581–0322. Transporting *dairy products* between points in the U.S., under continuing contract(s) with Meadow Gold Dairies, of Salt Lake City, UT.

MC 151632 (Sub-9), filed April 21, 1981. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Road, Westfield, MA 01085. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *such commodities* as are dealt in or used in the manufacture of books and printed matter between San Francisco, CA, Chicago, IL and Philadelphia, PA, and points in Los Angeles and San Joaquin Counties, CA, Noble County, IN, Franklin and Penobscot Counties, ME, Middlesex and Worcester Counties, MA, Ulster and Jefferson Counties, NY, and Lehigh County, PA, on the one hand, and, on the other, points in the U.S.

MC 153842, filed May 22, 1981. Applicant: RAYMOND W. GILLIGAN AND JOSEPH L. MONDERINE, d.b.a. R & L PROPERTIES CHRISTIAN CARRIERS, 6571 Altura Blvd., Buena Park, CA 90620. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, 213–863–8883. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in Los Angeles, Orange, San Bernardino, Riverside, and San Diego Counties, CA, and extending to points in the U.S.

MC 156102F, filed May 14, 1981. Applicant: DALE PICKETT, 12726 67 N.E., Arlington, WA 98223. Representative: Gary Anderson, 3220 Hewitt Ave., Everett, WA 98206, (206) 259–2145. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers*,

and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S., under continuing contract(s) with the Lee Grocery Company of Everett, WA.

Volume No. OPY–2–095

Decided: June 3, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating.

MC 19922 (Sub-4), filed May 11, 1981. Applicant: CREEL TRUCKING AND CONSTRUCTION COMPANY, INC., P.O. Box 317, Highway 34, Hardin, TX 77561. Representative: C. W. Ferebee, 720 N. Post Oak Rd, Suite 230, Houston, TX 77024, (713) 688–6110. Transporting (1) *Mercer commodities*, and (2) *earth drilling machinery and equipment and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole site, and (d) the injection or removal of commodities into or from holes or wells, between points in AL, AR, FL, LA, MS, OK, TX and NM.

MC 32882 (Sub-167), filed May 27, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217, (503) 285–0481. Transporting *construction materials* between points in the U.S.

MC 52793 (Sub-72), filed May 20, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), (312) 547–2184. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Blue Bell, Inc., of Greensboro, NC.

MC 58923 (Sub-71), filed May 27, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Rd., SE., Atlanta, GA 30315. Representative: William W. West (same as applicant), (404) 627–7331. Transporting *general commodities* (except classes A and B explosives), between the facilities of The Pillsbury Company, its subsidiaries, and affiliates at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 109633 (Sub-53), filed May 21, 1981. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601, (312) 322–5106. Transporting *machinery*, between points in Knox and Williamson Counties, IL, Fayette County, IN, Bradley County, TN, Los Angeles County, CA, and Calhoun County, AL, on the one hand, and, on the other, points in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MA, MD, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, VT, WV, WI, and DC.

MC 114323 (Sub-26), filed May 21, 1981. Applicant: PAUL MARCKESANO AND SONS CO., INC., 36 Ferris St., Brooklyn, NY 11231. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048, (212) 466–0220. Transporting *clay, concrete, glass or stone products*, between points in Albany County, NY, on the one hand, and, on the other, points in CT, NJ, NY, and PA.

MC 115122 (Sub-9) (correction), filed May 12, 1981, published in the **Federal Register**, issue of May 29, 1981, and republished as corrected, this issue. Applicant: MARIANO BROTHERS, INCORPORATED, Shelter Rock Rd., Danbury, CT 06810. Representative: Paul J. Goldstein, 109 Church St., New Haven, CT 06510, 203–787–1288. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, (1) between points in ME, NH, VT, MA, CT, RI, NY, NJ and PA, and (2) between points in ME, NJ, VT, MA, CT, RI, NY, NJ and PA, on the one hand, and, on the other, points in DE, MD, VA, NC, WV, OH, IN, IL, MO, WI, MI, SC, GA, FL, and DC. The purpose of this republication is to correct the commodity description.

MC 125433 (Sub-475), filed May 27, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant), (801) 973–4242. Transporting *lumber and wood products, and fabricated metal products*, between points in IL, on the one hand, and, on the other, points in the U.S.

MC 144083 (Sub-16), filed May 27, 1981. Applicant: RALPH WALKER, INC., P.O. Box 3222, Jackson, MS 39207. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205, (601) 355–3543. *General commodities* (except classes A and B explosives) between points in the U.S. under a continuing contract(s) with Aircap Manufacturers, Inc., of Tupelo, MS.

MC 144572 (Sub-53), filed May 27, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: John T. Wirth, 717–17th St., Suite 2600, Denver, CO 80202, 303–892–6700. Transporting *clay, concrete, glass or stone products, metal products, and rubber and plastic products*, between points in Huntington County, IN, on the one hand, and, on the other, points in WY.

MC 145242 (Sub-15), filed May 27, 1981. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, 614–228–8575. Transporting *metal products, those commodities which because of their size or weight require the use of special handling or equipment, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, chemicals and related products, machinery, building materials, Mercer commodities*, and *transportation equipment*, between points in OH, PA, WV, WI, TN, NH, VT, ME, IN, IL, KY, MI, MD, CT, NY, NJ, RI, MA, DE, and VA, on the one hand, and, on the other, points in the U.S.

MC 147572 (Sub-3), filed May 27, 1981. Applicant: COUNTRY LEASING, INC., 8206 Park Ave., Allen Park, MI 48101. Representative: Alex J. Miller, 555 S. Woodward, Suite 512, Birmingham, MI 48011, 313–647–3350. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (1) Spartan Stores, Inc., of Grand Rapids, MI, and (2) Unisource Foods Co., and its wholly-owned subsidiaries, Amendt Milling Co., Michigan Shortening Co., Protein, Inc., and New Quality Prepared Flour, of Detroit, MI.

MC 154632, filed May 27, 1981. Applicant: K & A TRANSPORTATION, INC., P.O. Box 1708, Marion, NC 28752. Representative: Gary E. Morgan (same address as applicant), 704–652–8383. Transporting *rubber and plastic products*, between points in Caldwell County, NC, on the one hand, and, on the other, points in the U.S.

MC 156122, filed May 26, 1981. Applicant: JUDY SPENCER, d.b.a. JUDY SPENCER ASSOCIATES, 335 Mill Rd., Stamford, CT 06903. Representative: L. C. Major, Jr., Suite 400 Overlook Bldg., 6121 Lincolina Rd., P.O. Box 11268, Alexandria, VA 22312, (703) 750–1112. As a *broker*, at Stamford, CT, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

Volume No. OPY–4–174

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 145637 (Sub-7), filed May 21, 1981. Applicant: B&B EXPRESS, INC., P.O. Box 5552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, (202) 347–8862. Transporting *general commodities* (except classes A and B explosives), between points in Laurens County, SC, on the one hand, and, on the other, points in the U.S.

MC 148127 (Sub-33), filed May 21, 1981. Applicant: LINEHAUL EXPRESS CORPORATION, P.O. Box 5078, Manchester, NH 03108. Representative: Neal R. Michaud (same address as applicant) (603) 669–9150. Transporting *food and related products*, between point in CO and KS, on the one hand, and, on the other, points in CT, DE, MA, ME, MD, NJ, NY, NH, PA, RI, VT, and DC.

MC 152547, filed May 21, 1981. Applicant: E&E TRUCK LINE, INC., 7th and Olive Sts., Charleston, IL 61920. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *fertilizer and anhydrous ammonia*, between points, in IL, IA, IN, MO, and WI.

Volume No. OPY–4–175

Decided: June 2, 1981.

By the Commission, Review Board Number 2. Members Carleton, Fisher and Williams.

MC 144017 (Sub-4), filed May 22, 1981. Applicant: GEO. W. NOFFS MOVING & STORAGE, INC., 1735 E. Davis St., Arlington Heights, IL 60005. Representative: William Westwood, Jr. (same address as applicant) (312) 870–3200. Transporting *furniture and fixtures*, between points in Lake County, IL, on the one hand, and, on the other, points in the U.S.

MC 156107, filed May 22, 1981. Applicant: VARDAROS MOTOR LINES, INC., Suite 1530A, 510 Plaza Dr., College Park, GA 30349. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349 (404) 996–6266. Transporting *chemicals and related products*, between the facilities of Time Chemical, Inc. at Atlanta, GA and Chicago, IL, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 156127, filed May 18, 1981. Applicant: PAGE TRANSPORTATION, INC., P.O. Box 2086D, Oswego, NY 13126. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202 (315) 472–8845. Transporting (1) *metal products*, between points in the U.S., under continuing contract(s) with Alcan Aluminum Corporation of Cleveland, OH, (2) *pulp, paper and related products* and (3) *printed matter*, between points in the U.S. under continuing contract(s) with Climax Manufacturing Company of Castorland, NY.

Volume No. OPY–4–176

Decided: June 2, 1981.

By the Commission, Review Board Number 2. Members Carleton, Fisher and Williams

MC 146166 (Sub-6), filed May 18, 1981. Applicant: TRIANGLE TRANSPORT CO., INC., 74 Sulyma St., Cumberland, RI 02864. Representative: William F. Poole, 41 Bea Dr., North Kingstown, RI 02854 (401) 885–0474. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with Engineered Yarns, Inc., of Coventry, RI.

MC 147876 (Sub-5), filed May 21, 1981. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: K. Edward Wolcott, Suite 1200 Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303 (405) 522–2322. Transporting *machinery*, between points in Jefferson County, KY and Clark County, IN, on the one hand, and, on the other, points in the U.S.

MC 150496 (Sub-17), filed May 18, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (Same address as applicant) (501) 361–2545. Transporting *textile mill products*, between points in Franklin Taylor, and Warren Counties, KY, Iberia and St. Martin Counties, LA, Panola, Pontotoc, and Union Counties, MS, Cleveland County, NC, and Woodward County, OK, on the one hand, and, on the other, points in the U.S.

MC 155156, filed May 20, 1981. Applicant: JERRY POPOVICH, d.b.a. B & J DISTRIBUTORS, Rural Route No. 1, Wynndel, B.C. Canada VOB 2nd. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055 (206) 235–1111. In foreign commerce only, transporting (1) *lumber and wood products*, (2) *chemicals and related products*, (3) *rubber and plastic products*, and (4) *clay, concrete, glass or stone products*, between those ports of entry on the international boundary line between the U.S. and Canada in WA, ID, MT, on the one hand, and, on the other, points in WA, OR, and ID.

MC 155176, filed May 4, 1981. Applicant: ELLIS LIMOUSINE SERVICE, INC., 1690 Republic Rd., Huntingdon Valley, PA 19006. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110 (215) 322–2055. Transporting *passengers and their baggage*, limited to the transportation of not more than six (6) passengers in any one vehicle (excluding the driver and excluding children under 10 years of age, who do not occupy a seat or seats), in special and charter operations, in non scheduled door-to-door service, between New York, NY, Newark, NJ, points in Atlantic County, NJ, and those in Bucks, Montgomery, and Philadelphia Counties, PA.

MC 156066, filed May 20, 1981. Applicant: GARY TRANSFER COMPANY, INC., 3600 W. Ridge Rd. Gary, IN 46408. Representative: Stephen H. Loeb, Suite 2027, 33 N. La Salle St., Chicago, IL Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in IL, IN, MI, OH, and WI.

Volume No. OPY–4–177

Decided: June 2, 1981.

By the Commission, Review Board Number 2. Members Carleton, Fischer and Williams.

MC 82507 (Sub-8), filed May 22, 1981. Applicant: STEMM TRANSFER & STORAGE, INC., 2300 6th St. North, St. Cloud, MN 56301. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *printed matter*, between points in the U.S., under continuing contract(s) with St. Cloud Newspaper, Inc. of St. Cloud, MN.

MC 123407 (Sub-675), filed May 22, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (Same address as applicant) (219) 926–7575. Transporting *metal products*, between points in Kanawha County, WV, on the one hand, and, on the other, points in the U.S.

MC 138157 (Sub-276), filed May 22, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (Same address as applicant) (615) 756–7511. Transporting *food and related products*, between points in Cache County, UT, on the one hand, and, on the other, points in the U.S.

MC 144117 (Sub-75), filed April 28, 1981, previously noticed in the **Federal Register** issue of May 15, 1981, and republished this issue. Applicant: TLC LINES, INC., 1666 Fabrick Dr., Fenton, MO 63026. Representative: William D. Brejcha, 10 S. LaSalle St. Suite 1600, Chicago, IL 60603 (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under

continuing contract(s) with Teneco West, Inc., of Bakerfield, CA.

Note.—The purpose of this republication is to correctly state the commodity description.

Volume No. OPY–4–178

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 59507 (Sub-13), filed May 20, 1981. Applicant: EDGAR H. ALLEN & SON, INC., P.O. Box 184 (Bordentown Ave.), Old Bridge, NJ 07934. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (202) 435–7140. Transporting *(1) forest products, (2) lumber, and (3) contractors' materials, equipment and supplies,* between points in PA, CT, RI, MA, NY, NJ, DE, MD, VA, and DC.

MC 63417 (Sub-308), filed May 21, 1981. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: Willaim E. Bain (same address as applicant) (703) 342–1835. Transporting *general commodities* (except classes A and B explosives), between the facilities of American Can Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 79687 (Sub-39), filed May 21, 1981. Applicant: WARREN C. SAUERS, COMPANY, INC., 200 Rochester Rd., Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471–1800. Transporting *food and related products,* between those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 107227 (Sub-136), filed May 21, 1981. Applicant: INSURED TRANSPORTERS, INC., 100 Industrial Way, Benicia, CA 94510. Representative: John G. Lyons, 220 Bush St., Suite 1418, San Francisco, CA 94104 (415) 392–1423. Transporting *transportation equipment,* between points in CA, on the one hand, and, on the other, points in AZ, CO, ID, NM, OR, and WA.

MC 117427 (Sub-84), filed May 20, 1981. Applicant: G. G. PARSONS TRUCKING COMPANY, P.O. Box 1084, N. Wilkesboro, NC 28659. Representative: Dean N. Wolfe, 4 Professional Dr., Suite 145, Gaithersburg, MN 20760 (301) 840–8565. Transporting *such commodities* as are dealt in by manufacturers of boots and shoes, between points in NH, ME, MA, KY, NC, TN, and VA.

MC 128497 (Sub-17), filed May 21, 1981. Applicant: JACK LINK TRUCK LINE, INC., P.O. Box 127, Dyersville, IA 52040. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068 (312) 698–2235. Transporting (1) *lumber and wood products, machinery and metal products,* between points in Clayton and Clinton Counties, IA, on the one hand, and, on the other, points in IL, IN, KS, KY, MI, MN, MO, NE, SD, and WI, and (2) *building materials,* between points in MN, IL, and WI, on the one hand, and, on the other, points in Benton, Black Hawk, Bremer, Buchanan, Clayton, Delaware, Bubuque, Fayette, Hamilton, Henry, Howard, Jones, Linn, Marion, Mitchell, Tama and Union Counties, IA.

MC 139797 (Sub-4), filed May 19, 1981. Applicant: AUGUSTA AIR CARGO, INC., Rt. 3 Box 60, Augusta, GA 30906. Representative: R. G. Tolar (Same address as applicant) (404) 863–5190. Transporting *general commodities* (except classes A and B explosives), between points in Richmond County, GA, on the one hand, and, on the other, points in Columbia, McDuffie, Lincoln, Wilkes, Green, Taliaferro, Hancock, Warren, Glascock, Washington, Jefferson, Burke, Jenkins, Emanuel, Candler, Screven, and Bullock Counties, GA and points in Aiken, Barnwell, Hampton, Edgefield, and Saluda Counties, SC.

MC 141937 (Sub-2), filed May 21, 1981. Applicant: SPOONER ENTERPRISES, INC., d.b.a. AA AUTOMOTIVE, 1408 Pitman Ave., Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701 (702) 882–5649. Transporing *transportation equipment,* between points in and north of Mono, Tuolumne, San Joaquin, Sacramento, Solano and Sonoma Counties, CA, and points in OR and ID, on the one hand, and, on the other, points in Washoe County, NV.

MC 142827 (Sub-11), filed May 22, 1981. Applicant: DE MARLIE TRUCKING, INC., P.O. Box 338, Reynolds, IL 61279. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068 (312) 698–2235. Transporting *chemicals and related products,* between points in Henry, Knox, Mercer, and Rock Island Counties, IL, on the one hand, and, on the other, points in IA on and east of Interstate Hwy 35, points in MO on and east of U.S. Hwy 63 and points in WI on and south of Interstate Hwy 94.

MC 144927 (Sub-35), filed May 20, 1981. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (Same address as applicant) (219) 261–3461. Transporting *general commodities* (except classes A and B explosives), between the facilities of Top Value Enterprises, Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148387 (Sub-6), filed May 20, 1981. Applicant: S.M.P., INC., 166 Sitgreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *machinery and metal products,* between points in PA, on the one hand, and, on the other, points in the U.S.

MC 149397 (Sub-2), filed May 20, 1981. Applicant: SOUTHEAST TRUCKING COMPANY, 8418 Tallmadge Rd., Rural Delivery No. 6, Ravenna, OH 44266. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of bricks, between the facilities of The Belden Brick Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151707 (Sub-9), filed May 20, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Fl. Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant) (215) 985–6853. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Bendix Modern Materials Corp., of Detroit, MI.

MC 151707 (Sub-10), filed May 20, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Fl. Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant) (215) 985–6853. Transporting (1) *plastic pipe and plastic pipe fittings,* and (2) *insulation products,* between points in the U.S., under continuing contract(s) with Super "K" Industries, of Flint, MI, and R & G Sloane Manufacturing Co., Inc., of Sun Valley, CA.

MC 156067, filed May 18, 1981. Applicant: JOHN E. NEESE, d.b.a. NEESE ENTERPRISES, 113 Norman Dr., West Columbia, SC 29169. Representative: Harry S. Dent, P.O. Box 528, Columbia, SC 29202 (803) 779–7700. Transporting *chemicals,* between points in the U.S., under continuing contract(s) with Lindau Chemical Company, of Columbia, SC.

Volume No. OPY–5–077

Decided: June 1, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 107229 (Sub-7), filed May 18, 1981. Applicant: AMODIO MOVING, INC., 600 East St., New Britain, CT 06014. Representative: Robert J. Gallagher, 1000

Connecticut Ave., NW., Washington, DC 20036 (202) 785–0024. Transporting *household goods*, between points in the U.S.

MC 118318 (Sub-60), filed May 20, 1981. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343–3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Albertson's Inc. of Boise, ID.

MC 119489 (Sub-67), filed May 20, 1981. Applicant: CENTRAL TRANSPORTATION CO., INC., P.O. Box 249, Norfolk, NE 68701. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 3927–1220. Transporting *commodities in bulk*, between points in LA, AR, IL, WI, MO, MN, IA, ND, SD, NE, KS, OK, TX, NM, CO, and WY.

MC 124408 (Sub-19), filed May 12, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126 (701) 235–4487. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of automotive products, between points in the U.S., under continuing contract(s) with Pam Oil, Inc., of Sioux Falls, SD.

MC 136679 (Sub-2), filed May 21, 1981. Applicant: TUKWILA KENT TRUCKING/BECKER TRANSFER, INC., 12677 E. Marginal Way S., Seattle, WA 98168. Representative: George R. LaBissoniere, 12 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228–3807. Transporting *general commodities* (except classes A and B explosives), between points in WA and OR. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applications for common control to team r Room 6370.

MC 141879 (Sub-2), filed May 11, 1981. Applicant: L. D. CHILDRESS TRUCKING CO., P.O. Box 486, Briscoe, TX 79011. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767 (512) 472–1101. Transporting (1) *machinery*, (a) between Kansas City, MO, points in Milwaukee County, WI, La Porte County, IN, and Ventura County, CA, on the one hand, and on the other, points in TX, NM, OK, and KS, and (b) between points in TX, NM, OK, and KS, and (2) *mercer commodities*, (a) between points in TX, OK, KS, NM, CO, LA, and NE, and (b) between points in IL, PA, ND, SD, AZ, UT, WY, and CA, on the one hand, and, on the other, points in TX, OK, LA, NM, CO, NE and KS.

MC 142189 (Sub-48), filed May 18, 1981. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, P.O. Box 980, Baker, MT 59313. Representative: James B. Hoveland, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis , MN 55402 612–340–0808. Transporting (1) *mercer commodities*, (2) *clay, concrete, glass or stone products*, (1) between points in the U.S. (2) between points in WY on the one hand, and, on the other, points in the U.S.

MC 147149 (Sub-1), filed May 21, 1981. Applicant: P.T. & E. CO., a corporation, P.O. Box 1027, Lufkin, TX 78701. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701 (512) 476–8066. Transporting (1) *ores and minerals*, and (2) *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Halliburton Services, a Division of Halliburton Company, of Duncan, OK.

MC 148479 (Sub-22), filed May 21, 1981. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Kenneth E. Smith (same address as applicant) (913) 367–1480. Transporting *such commodities* as are dealt in or used by manufacturers of alcoholic beverages, between points in the U.S., under continuing contract(s) with Heublein, Inc., of Hartford, CT.

MC 149308 (Sub-15), filed May 20, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210 (703) 525–4050. Transporting *building materials*, between points in Pima County, AZ, on the one hand, and, on the other, points in the U.S.

MC 150088 (Sub-6), filed May 14, 1981. Applicant: STERLING TRANSPORT DIVISION, INC., 2005 South Great Southwest Parkway, Grand Prairie, TX 75051. Representative: Robert K. Frisch, 2711 Valley View Lane, Suite 101, Dallas, TX 75234 (212) 247–0994. Transporting *such commodities* as are dealt in or used by retail, variety, and department stores, between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, Memphis, TN, and points in AR, OK, and LA.

MC 150139 (Sub-3), filed May 21, 1981. Applicant: HAMBEL FREIGHT LINES, INC., 4965 South Howell Ave., Milwaukee, WI 53207. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Company of New York, NY.

MC 150999 (Sub-4), filed May 21, 1981. Applicant: GENE F. LACAEYSE, d.b.a. G. F. LACAEYSE TRANSPORT, R. R. #2, Box 110, Montezuma, IA 50171. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. 515–244–2329. Transporting *such commodities* as are dealt in or used by restaurant chains, between the facilities of Acapulco Y Los Arcos Mexican Restaurant in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151598 (Sub-2), filed May 21, 1981. Applicant: HOW-DEA SERVICE CENTER, INC., Route 1, Belgium, WI 53004. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, 608–255–8891. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with United Wine and Spirits Co., Inc., of Milwaukee, WI.

MC 152748, filed March 2, 1981. Applicant: EZEKIEL MORRIS TRANSPORTATION, INC., 8042 South Champlain, Chicago, IL 60619. Representative: Stephen D. Froikin, One IBM Plaza, Suite 4750, Chicago, IL 60611, (312) 467–0590. Transporting (1) *printed matter*, (2) *machinery*, and (3) *pulp, paper and related products*, between points in IL, on the one hand, and, on the other, points in IN, IA, KY, MI, MN, MO, NH, NJ, NY, OH, PA, TN, and WI.

MC 154238 (Sub-1), filed May 18, 1981. Applicant: WESTERN CARRIER EXPRESS INCORPORATED, 2800 Brighton Blvd., Denver, CO 80216. Representative: Jerald Watters (same address as applicant), (303) 629–7117. Transporting *food and related products*, between points in Adams, Delta, Denver, Larimer, Logan and Otero Counties, CO, Ford, Reno, Atchison, Johnson, Rice and Wyandotte Counties, KS, Potter, Castro, Harris, Tarrant, Webb, Cameron, Hildago, Grayson, Bexar and Dallas Counties, TX, Creek, Muskogee, Okmulgee, Tulsa, Cleveland, Oklahoma and Pottawatomie Counties, OK, Iberia and St. Martin Parrishes, LA, Little River, Craighead and Arkansas Counties, AR, Alameda, Butte, Fresno, Los Angeles, Madera, Merced, Orange, Sacramento, San Diego, San Francisco, San Joaquin, San Mateo, Santa Clara,

Stanislaus and Tulare Counties, CA, Davis County, UT, Jackson County, MO, Douglas and Lancaster Counties, NE, Bernalillo County, NM, and Goshen and Washakie Counties, WY, on the one hand, and, on the other, points in Crawford, Crittenden, Jefferson, Phillips, Pope and Pulaski Counties, AR, Maricopa and Pima Counties, AZ, Alameda, Los Angeles, Orange, Sacramento, San Diego, San Francisco, and Santa Clara Counties, CA, Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson, Larimer, Mesa, Morgan, Otero, Pueblo and Weld Counties, CO, Cloud, Crawford, Doniphan, Ford, Johnson, Leavenworth, Lyon, Reno, Riley, Salina, Saline, Sedgwick, Seward, Shawnee and Wyandotte Counties, KS, East Baton Rouge, West Baton Rouge, Jefferson, Iberia, St. Martin and Orleans Parrishes, LA, Audrain, Buchanan, Clay, Cole, Crawford, Greene, Jackson, Jasper, Pettis, Platte and St. Louis Counties, MO, Buffalo, Douglas, Filmore, Hall, Lancaster, Lincoln, Scottsbluff and York Counties, NE, Bernalillo, Chaves, McKinley, San Juan, San Miguel and Santa Fe Counties, NM, Caddo, Canadian, Carter, Cleveland, Comanche, Oklahoma, Payne, Tulsa and Woodward Counties, OK, Angelina, Bell, Bexar, Cameron, Coleman, Dallas, El Paso, Grayson, Harris, Lubbock, Potter, Randall, Smith, Tarrant, Taylor, Tom Green, Travis and Washington Counties, TX, Davis and Salt Lake Counties, UT.

Note.—Applicant intends to tack this authority with its existing authority in MC-154238.

MC 155319, filed April 13, 1981. Applicant: WILLIAM L. BLACK, d.b.a. BLACK'S TRUCKING, Rural Route No. 2, Box 48, Franklin, IN 46131. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, 317–638–1301. Transporting (1) *metal products* between points in Middlesex County, NJ, on the one hand, and, on the other, points in IL, IN, KY, and OH; (2) *feed and feed ingredients*, between points in Marion County, IN, on the one hand, and, on the other, points in DE, IL, IN, KY, MD, ME, NC, NY, OH, PA, VA, and WV; (3) *electrical equipment and supplies*, between points in Lee County, MS, on the one hand, and, on the other, points in IL, IN, KY, MO, and OH; (4) *lumber and wood products and building materials*, between points in Bartholomew, Boone, Clay, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Montgomery, Morgan, Owen, Parke, Putnam, Rush, Shelby, Tippecanoe, Tipton, and Wayne Counties, IN, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, and NC; and (5) *such commodities* as are dealt in or used by agricultural or lawn equipment dealers, between points in Johnson and Shelby Counties, IN, on the one hand, and, on the other, points in IA, IL, KY, and OH.

MC 155589, filed April 28, 1981. Applicant: DENNIS BOONE, d.b.a. P.T.L. EXPRESS, 3830 West Montebello Ave., Phoenix, AZ 85019. Representative: David Earl Tinker, 1000 Conn. Ave., NW., Washington, DC 20036, (202) 887–5868. Transporting *general commodities* (except classes A and B explosives), between points in Maricopa County, AZ, Santa Fe County, NM, Sonoma County, CA, San Bernardino County, CA, and Montezuma County, CO, on the one hand, and, on the other points in WA, OR, CA, ID, NV, AZ, CO, NM, TX, UT, MT, OK, and WY.

MC 156098 filed May 21, 1981. Applicant: YANDELL TRUCKAWAY, INC., 563 Julie Ann Way, Oakland, CA 94621. Representative: James F. Russi (same address as applicant), 415–563–2100. Transporting *metal products* between points in the U.S., under continuing contract(s) with Hoyt Heater Company of Northern California, of Oakland, CA.

Volume OPY–5–078

Decided: June 1, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 56679 (Sub-179), filed May 21, 1981. Applicant: BROWN TRANSPORT CORP., 352 University Avenue, SW., Atlanta, GA 30315. Representative: Leonard S. Cassell (same address as applicant), (404) 752–5151. Transporting *general commodities* (except classes A and B explosives) (1) between points in OK, AR, TX, MO, KS, and NE, and (2) between points in Orange, Jefferson, Galveston, Harris and Ft. Bend Counties, TX, and points in CO, NM, AZ, and CA.

MC 108119 (Sub-284), filed May 22, 1981. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Donald A. Morken, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 118848 (Sub-26), filed May 20, 1981. Applicant: DOMENICO BUS SERVICE, INC., 71 New Hook Access Road, Bayonne, NJ 07002. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. To engage in operations in interstate or foreign commerce, as a *broker*, at New York, NY, and points in Hudson County, NJ, in arranging for the transportation of *passengers and their baggage*, in special or charter operations, between points in the U.S.

MC 123748 (Sub-28), filed April 29, 1981. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 1060 State St., New Haven, CT 06511. Representative: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, CT 06103, 203–278–1330. Over regular routes, transporting *passengers and their baggage* in the same vehicle with passengers, (1) between Farmington, CT, and LaGuardia Airport and John F. Kennedy International Airport, New York, NY; from Farmington over access roads to junction Interstate Hwy 84, then over Interstate Hwy 84 to Interstate Hwy 684, then over Interstate Hwy 684 to junction Interstate Hwy 287, then over Interstate Hwy 287 to junction Interstate Hwy 95, then over Interstate Hwy 95 to New York, NY, then over city streets and highways to LaGuardia Airport and John F. Kennedy International Airport, serving the intermediate points of New Britain, Southington, and Newtown, CT; and (2) between Wethersfield, CT, and LaGuardia Airport and John F. Kennedy International Airport, New York, NY; from Wethersfield over access roads to junction Interstate Hwy 91, then over Interstate Hwy 91 to junction Interstate Hwy 95, then over Interstate Hwy 95 to New York, NY, then over city streets and highways to LaGuardia and John F. Kennedy International Airport, serving the intermediate points of Middletown, Meriden, and Wallingford, CT.

MC 138469 (Sub-274), filed May 19, 1981. Applicant: DONCO CARRIERS INCORPORATED, P.O. Box 75367, Oklahoma City, OK 73147. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, 615–790–2510. Transporting *food and related products*, between Atlanta, GA; Boston, MA; Denver, CO; Detroit, MI; Philadelphia, PA; and points in Fresno County, CA; Morgan County, IL; Dade County, FL; Mecklenburg County, NC; Hudson County, NJ; Hamilton and Cuyahoga Counties, OH; Multnomah County, OR; Gibson and Shelby Counties, TN; Grayson County, TX and Dodge County, WI, on the one hand, and, on the other, points in the U.S.

MC 147199 (Sub-7), filed May 20, 1981. Applicant: MWM TRUCKING, INC., 1400 Chestnut, P.O. Box 736, Ottawa, IL 61350. Representative: Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703, (217) 528–8476. Transporting (1) *glass and glass products*, between points in Lucas and Wood Counties,

OH, La Salle County, IL, Cerro Gordo County, IA, Sampson and Scotland Counties, NC, Grayson County, TX, and San Joaquin County, CA, on the one hand, and, on the other, points in the U.S., and (2) *agricultural chemicals*, between points in IL, on the one hand, and, on the other, points in NE, MN, IA, MO, WI, IN, NY, OH, MI, KY, TN, and PA.

MC 148879 (Sub-2), filed March 2, 1981. Applicant: SPRINGFIELD BEVERAGE, INC., 80 Baldarelli Court, Springfield, MA 01104. Representative: Patrick A. Doyle, 60 Robbins Road, Springfield, MA 01104, (413) 737–1476. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Atlas Distributing Corp., of Auburn, MA.

MC 151118 (Sub-10), filed May 4, 1981. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601–335–3576. Transporting *food and related products*, between points in Craighead County, AR, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 151429 (Sub-2), filed May 21, 1981. Applicant: REMPEL-TRAIL TRANSPORTATION LTD., P.O. Box 5300, Vancouver, BC, Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Bldg. Seattle, WA 98101, (206) 624–7373. Transporting *commodities in bulk*, in foreign commerce only between the ports of entry on the international boundary line between the United States and Canada, at points in ID, MT, and ND, on the one hand, and, on the other, point in MT, ND, WY, MN, and SD.

MC 155899, filed May 18, 1981. Applicant: HAY BROTHERS, INC. 2105 First St., Lake Charles, LA 70601. Representative: C. W. Ferebee 720 N. Post Oak, Suite 230, Houston, TX 77024, (713) 688–6110. Transporting *mercer and earthdrilling commodities*, between points in LA, on the one hand, and, on the other, points in TX and MS.

MC 156048, filed May 19, 1981. Applicant: MORTON FROZEN FOODS, INC., One Morton Drive, Charlottesville, VA 22906. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St., N.W., Washington, DC 20036, 202–783–8131. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with International Telephone and Telegraph Corporation of New York, NY., Continental Baking Company of New York, NY., Royal Electric of Rumford, RI., Supranant of Leominister, MA., Teves of Culpeper, VA., Marlow Pumps of Midland Park, NJ., Grinnell of Providence, RI., and Thompson Metals of Valdosta, GA.

MC 156059, filed May 18, 1981. Applicant: LINDERHOLM TRUCKING, INC., 5232 Hanson Court, Crystal, MN 55429. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457–6889. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Upper Midwest Freight Association, of Minneapolis, MN.

Volume No. OPY–5–079

Decided: June 2, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 6319 (Sub-10), filed May 27, 1981. Applicant: CALIFORNIA CARTAGE COMPANY, INC., 20021 Susana Rd., Compton, CA 90224. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, 213–483–4700. Transporting *general commodities* (except classes A and B explosives), between points in CA. Condition: Any certificate issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of Certificate of Registration MC 6319 Sub-7.

MC 45968 (Sub-10), filed May 21, 1981. Applicant: ENGLE OOSTDYK, INC., 465 Boulevard, Elmwood Park, NJ 07407. Representative: Harold H. Crist, P.O. Box 197, Elmwood Park, NJ 07407. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Rohm and Haas Company, of Philadelphia, PA.

MC 93649 (Sub-35), filed May 27, 1981. Applicant: GAINES MOTOR LINES, INC., I–40 West (P.O. Box 1549), Hickory, NC 28601. Representative: Dennis Gaines (same address as applicant) 704–322–2000. Transporting *general commodities* (except classes A and B explosives) (1) between points in GA, NC, SC, and VA; and (2) between points in GA, NC, SC, and VA, on the one hand, and, on the other, points in CT, DE, MD, MA, NH, NJ, NY, PA, RI, and DC.

MC 96878 (Sub-9), filed May 20, 1981. Applicant: CONSOLIDATED TRANSFER AND WAREHOUSE CO., INC., 1251 Tancy, North Kansas City, MO 64116. Representative: Alfred L. King (same address as applicant) (816) 221–3411. Transporting *such commodities as are manufactured, distributed or dealt in by retail food stores*, between Kansas City, MO, on the one hand, and, on the other, points in AZ, AR, CO, IA, KS, MN, MO, MT, NE, NM, ND, OK, SD, TX, and WY. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5 Room 6370.

MC 105269 (Sub-10), filed May 22, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616–459–6121. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Champion International Corporation at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 118318 (Sub-81), filed May 26, 1981. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with The Bon., of Seattle, WA.

MC 118838 (Sub-85), filed May 27, 1981. Applicant: GABOR TRUCKING, INC., Rural Route No. 4, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Valley Industries, Inc. of St. Louis, MO.

MC 121598 (Sub-19), filed May 27, 1981. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Ave., Shelbyville, TN 37160. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137 (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in Bolivar County, MS, on the one hand, and, on the other, points in the U.S.

MC 134329 (Sub-6), filed May 27, 1981. Applicant: FISCUS MOTOR FREIGHT, INC., Route 9, Box 201, Yakima, WA 98901. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232 (503) 288–8141. Transporting (1) *ores and minerals, pulp, paper and related products, petroleum, natural gas*

and their products, and *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with General Refractories Company, of Bala Cynwyd, PA; and (2) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Cascade Hardwood, division of Nicholson Manufacturing, of Chehalis, WA.

MC 135809 (Sub-10), filed May 22, 1981. Applicant: B-H TRANSFER CO., A Corporation, P.O. Box 151, Sandersville, GA 31082. Representative: J. Raymond Clark, Suite 350, 1225 19th St., NW, Washington, DC 20036 (202) 659–0770. Transporting *clay, concrete, glass or stone products*, between points in Bibb, Glascock, Jefferson, Richmond, Twiggs, Warren, Washington, and Wilkinson Counties, GA, and Aiken County, SC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 135989 (Sub-29), filed May 26, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209 (303) 320–6100. Transporting *food and related products* between points in the U.S., under continuing contract(s) with General Tea Corporation of Denver, CO.

MC 135989 (Sub-30), filed May 26, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209 (303) 597–4821. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Peppertree Beef Company of Denver, CO.

MC 136939 (Sub-4), filed May 11, 1981. Applicant: CLAYTON'S, INC., P.O. Box 38, Ucon, ID 83454. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701 (208) 336–5955. Transporting (1) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Clayton Sales, Inc., of Ucon, ID, and (2) *building materials*, between points in the U.S., under continuing contract(s) with Gittings Lumber Co., Inc., of Denver, CO, Hern Lumber & Sawmills, Inc., of Spokane, WA, and Champion International Corporation, of Stamford, CT.

MC 138069 (Sub-17), filed May 21, 1981. Applicant: LUCIUS, INC., 2512 South 163rd St., Omaha, NE 68130. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397–7033. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL and points in Brown County, WI, on the one hand, and, on the other, points in CO, NE, MO and KS.

MC 143259 (Sub-3), filed May 22, 1981. Applicant: TOM DURKIN TRUCKING, 36 East Chestnut St., Walla Walla, WA 99362. Representative: Steve Van Wyk, 12012 N.E. Lonetree, Poulsbo, WA 98370, 206–779–5789. Transporting (1) *building materials*, (2) *forest products*, (3) *lumber and wood products*, (4) *pulp, paper and related products*, and (5) *metal products*, between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation of Samoa, CA.

MC 143639 (Sub-5), filed May 22, 1981. Applicant: SMITH AND SMITH, INC., 4361 Headquarters Rd., Charleston Heights, SC 29405. Representative: Frank A. Graham, Jr., P.O. Box 11864, Columbia, SC 29211, 803–799–9122. Transporting *chemicals and related products*, between points in NC and SC.

MC 146078 (Sub-43), filed May 27, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753, 501–846–2185. Transporting *floor tile, flooring, and facing*, between points in Harris County, TX on the one hand, and, on the other, points in the U.S.

MC 146078 (Sub-44), filed May 27, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prarie Grove, AR 72753, 501–846–2185. Transporting *rolled roofing and insulation*, between points in Clark County, AR, on the one hand, and, on the other, points in the U.S.

MC 152108, filed May 27, 1981. Applicant: RELCO SYSTEMS, INC., 7310 Chestnut Ridge Rd., Lockport, NY 14094. Representative: George V. C. Muscato, 188 East Ave., Lockport, NY 14094, 716–434–9177. Transporting *fruit juice and fruit concentrate, in bulk*, between points in the U.S. under continuing contract(s) with Knouse Foods, Inc., of Peach Glen, PA.

MC 155548, filed May 21, 1981. Applicant: MAYFIELD TRUCKING INC., 10508 Plunkett St., Bellflower, CA 90706. Representative: Leonard Mayfield (same address as applicant) (213) 925–2841. Transporting (1) *machinery*, and (2) *clay, concrete, glass or stone products*, between points in CA, on the one hand, and, on the other, points in AZ and NV.

MC 156089, filed May 21, 1981. Applicant: C. E. MYERS & SONS TRUCKING CO., INC., P.O. Box 159, Kamay, TX 76369. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, (512) 476–0866. Transporting *Mercer commodities*, between points in CO, LA, NM, OK, and TX.

MC 156099, filed May 21, 1981. Applicant: NORTRUP PETROLEUM, INC., 203 South Mary, Stronghurst, IL 61480. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, (217) 753–3925. Transporting *petroleum, natural gas and their products*, between points in Lake County, IN, and points in IL, IA, and MO.

MC 156128, filed May 26, 1981. Applicant: JOHN ALBANO d.b.a. COLONY TRAVEL SERVICES, 393 Colony St., Meriden, CT 06450. Representative: John Albano (same address as applicant) (203) 634–4121. To engage in operations in interstate or foreign commerce, as a *broker*, at points in New Haven County, CT, in arranging for the transportation of *passengers and their baggage*, in special or charter operations, beginning and ending at points in New Haven County, CT, and extending to points in the U.S.

MC 156129, filed May 22, 1981. Applicant: W & R TRANSPORTATION COMPANY, INC., P.O. Box 12463, 4001 N. E. Randolph Rd., Kansas City, MO 64116. Representative: Frank W. Taylor, Jr., Suite 600 Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105, (816) 221–1464. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with (a) General Motors Corporation, Truck and Coach Division, of Pontiac, MI, (b) Westfall GMC Truck, Inc., of North Kansas City, MO, and (c) Rapid Ways, Inc., of Kansas City, MO.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–17129 Filed 6–9–81; 8:45 am]

BILLING CODE 7035–01–M

Southern Pacific Transportation Co.

[AB 12 SDM]

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Southern Pacific Transportation Company has filed with the Commission its amended color-coded system diagram map in Docket No. AB 12(SDM). The Commission on May 27, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 12(SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17133 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP3-236]

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 116544 (Sub-227) (Republication) filed November 3, 1980, published in the **Federal Register** issue of November 26, 1980 and republished this issue. Applicant: ALTRUK FREIGHT SYSTEMS, 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. A Decision of the Commission, Review Board Number 2, decided March 23, 1981 and served March 30, 1981, finds that the performance by applicant of the service described will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) foodstuffs, and (2) *materials, equipment and supplies* used in the manufacture, processing, or distribution of foodstuffs, between points in FL, points in Monterey and Los Angeles Counties, CA, and Spartanburg County, SC, on the one hand, and, on the other, points in the U.S. (except AK and HI); that applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect service from Los Angeles County, CA not just Monrovia, CA as previously published.

MC 151475 (Sub-1) (Republication) filed December 16, 1980, published in the **Federal Register** issue of January 9, 1981 and republished this issue. Applicant: ARROW CHARTER LINES, INC., 7825 Santa Fe Ave., Huntington Park, CA. 90255. Representative: James H. Lyons, 523 West 6th St., Suite 1216, Los Angeles, CA 90014. A Decision of the Commission, Review Board Number 3, decided April 30, 1981, and served May 15, 1981, finds that the performance by applicant of the service described will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in round-trip charter and special operations, beginning and ending at points in Los Angeles and Orange Counties, CA, and extending to points in AZ, CO, NV, and UT; that applicant is fit, willing, and able properly to perform this service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate that the carrier will be performing charter operations.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17130 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Amendment to Delegation of Authority 116; Director, Office of U.S. Foreign Disaster Assistance

Pursuant to the authority delegated to me by Delegation of Authority No. 1 of October 1, 1979 from the Director of the United States International Development Cooperation Agency and Executive Order 12163 of September 29, 1979, it is hereby ordered as follows:

1. Delegation of Authority No. 116, dated August 19, 1976 (41 F.R. 36671), as amended, is further amended as follows:

a. The title "Assistant Administrator for Private and Development Cooperation" is deleted and the title "Director, Office of U.S. Foreign Disaster Assistance" is inserted in lieu thereof.

b. The text of Section 2.a. is deleted and the following is inserted in lieu thereof: "Delegation of Authority No. 95 dated May 17, 1978 (43 F.R. 27627 and 27628) to the Assistant Administrator, Bureau for Private and Development Cooperation is amended by

(1) Deleting Sec. 1.b. in its entirety;

(2) Deleting '69, 99(1)(D), and 116' from Sec. 2 and substituting 'and 69' in lieu thereof; and

(3) Deleting Sec. 9. in its entirety."

This amendment is effective immediately.

Dated: May 28, 1981.

M. Peter McPherson,

Administrator.

[FR Doc. 81-17000 Filed 6-9-81; 8:45 am]

BILLING CODE 4710-02-M

Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a).(2). Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the Forty-Fourth meeting of the Board for International Food and Agricultural Development (BIFAD) on June 25, 1981.

The purpose of the meeting is to receive and discuss reports on: the Consultative Group on International Agricultural Research (CGIAR) Review; the Collaborative Research Support Program; (CRSP) Review; Title XII programs in Egypt; activities of the Joint Committee on Agricultural Development (JCAD) and the Joint Research Committee (JRC); and meet with the BIFAD Support Staff to discuss staff actions and operational procedures.

The meeting will begin at 9:00 a.m. and adjourn at 12:15 p.m., and will be held in Room 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C. The meeting with the BIFAD Support Staff will begin at 1:30 p.m. and adjourn at 3:00 p.m. This meeting will be held in Room 3524, New State Department Building, 22nd and C Streets, N.W., Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meetings, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meetings permit.

Dr. Erven J. Long Coordinator Title XII Strengthening Grants and University Relations, Development Support, Agency for International Development (A.I.D.), is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department,

International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235–8929.

Dated: June 4, 1981.

Dr. Erven J. Long,

A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 81-16999 Filed 6-9-81; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-101; Order No. 1]

Certain Hot Air Corn Poppers and Components Thereof; Investigation

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: May 29, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-17223 Filed 6-9-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 104-TAA-3]

Certain Spirits From Ireland; Countervailing Duty Investigation

AGENCY: International Trade Commission.

ACTION: Institution of a countervailing duty investigation.

SUMMARY: On May 25, 1914 in T.D. 34466 the Department of the Treasury (Treasury) imposed countervailing duties, under section 4 of the Tariff Act of 1913, on certain classes of spirits imported from the United Kingdom of Great Britain and Ireland. On June 20, 1935, in T.D. 47753, Treasury stated that countervailing duties continued to be applicable to spirits from Ireland, because the export bounties set forth in T.D. 34466 had been paid continuously since the date of the notice notwithstanding the establishment of the Irish Free State. Accordingly imports of spirits from Ireland, currently provided for under items 168.96, 168.98, 169.19, 169.20, 169.46 and 169.47 of the Tariff Schedules of the United States have been subject to countervailing duties.

On January 1, 1980, the provisions of the Trade Agreements Act of 1979 became effective, and on January 2, 1980, the authority for administering the countervailing duty statute was transferred from Treasury to the Department of Commerce (Commerce). On May 13, 1980, Commerce published a notice in the **Federal Register** (44 FR 31455) of intent to conduct an annual administrative review of all outstanding countervailing duty orders.

The U.S. International Trade Commission received a request for this investigation on March 28, 1980, from the Delegation of the Commission of European Communities.

As required by section 751(a)(1) of the Tariff Act of 1930, Commerce has conducted its first annual administrative review of the countervailing duty order on spirits from Ireland. As a result, Commerce, in the **Federal Register** of April 20, 1981 (46 FR 22632), preliminarily determined that the net subsidy conferred is 0.004 Irish pounds per liter of alcohol in plain spirits and 0.008 Irish pounds per liter of alcohol in compounded spirits. On the basis of that determination, the United States International Trade Commission, pursuant to section 104(b)(2) of the Trade Agreements Act, is instituting an investigation with respect to certain spirits from Ireland. Commerce reported that it would issue a final determination in this case after analysis of issues received in written comments or at a hearing. However, no hearing was requested and no written comments had been received by the deadline for their submission to Commerce, May 20, 1981. Commerce's final determination as to the most current level of subsidies will be made as soon as possible.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator, U.S. International Trade Commission, Washington, D.C. 20436 (202–523–0439).

SUPPLEMENTARY INFORMATION: The United States International Trade Commission is instituting this countervailing duty investigation to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of spirits from Ireland provided for under items 168.96, 168.98, 169.19, 169.20, 169.46 and 169.47 of the Tariff Schedules of the United States covered by the countervailing duty if the order were to be revoked.

Public Hearing. Any person with an interest in this investigation may request in writing that the Commission hold a public hearing in connection with this investigation. Any such request must be received by the Commission on or before June 24, 1981. Such request should be filed with the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436.

Questionnaires. No questionnaires soliciting information from U.S. producers, importers, or purchasers of the articles under investigation will be prepared or mailed unless a person with an interest in this investigation requests that the Commission prepare an mail such questionnaires. Any such request must be received by the Commission within 14 days of the date of publication of the notice in the **Federal Register.** Such requests should be filed with the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436.

Written submission. Any person may submit to the Commission on or before June 26, 1981, written statements of information pertinent to the subject matter of the investigation. A signed original and nineteen true copies of such statements must be submitted in accordance with § 201.8 of the Commission's Rules of Practice and Procedure, 19 CFR 201.8 (1980).

Any business information which ■ submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential business data." Confidential submissions must conform with the requirements of § 201.6 of the Rules of Practice and Procedure, 19 CFR 201.6. All written submissions, except confidential business data, will be available for public inspection.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

This notice is published pursuant to section 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20, 44 FR 76458).

Issued: June 5, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-17216 Filed 6-9-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-103]

Certain Stabilized Hull Units and Components Thereof and Sonar Units Utilizing Said Stabilized Hull Units; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 29, 1981, and amended May 20, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Western Marine Electronics, Inc., 905 Dexter Avenue North, Seattle, Washington 98109. The amended complaint (hereinafter the complaint) alleges unfair methods of competition and unfair acts in the importation of certain stabilized hull units and components thereof and sonar units utilizing said stabilized hull units into the United States, or in their sale, by reason of the alleged infringement by said stabilized hull units of claims 1, 11, 12, and 14 of U.S. Letters Patent 3,553,638 and the contribution to the infringement of said claims by said components. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, after a full investigation, the Commission issue, for the life of said patent, both an order excluding said articles from entry into the United States and an order directing respondents to cease and desist from engaging in said unfair acts.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in section 210.12 of the Commission's Rules of Practice and Procedure.

Scope of the investigation: Having considered the complaint, the U.S. International Trade Commission, on May 27, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain stabilized hull units and components thereof and sonar units utilizing said stabilized hual units into the United States, or in their sale, by reason of the alleged infringement by said stabilized hull units of claims 1, 11, 12, or 14 of U.S. Letters Patent 3,553,638 and the contribution to the infringement of said claims by said components, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) the complainant is—

Western Marine Electronics, Inc., 905 Dexter Avenue North, Seattle, Wash. 98109

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Furuno Electric Co., Ltd., 9-52, Ashihara-cho, Nishinomiya, Japan

Furuno U.S.A., Inc., 271 Harbor Way, South San Francisco, Calif. 94080

(c) Robert S. Budoff, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHR INFORMATION CONTACT: Robert S. Budoff, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-0113.

Issued: June 1, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-17220 Filed 6-9-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-97]

Certain Steel Rod Treating Apparatus and Components Thereof; Grant of Leave To Review Order No. 13 and of Affirmance of Order No. 13

AGENCY: International Trade Commission.

ACTION: Grant of Application for review of Order No. 13 and affirmance of Order No. 13.

SUMMARY: Notice is hereby given that on the basis of an Application for review of Order No. 13 filed by parties respondent Korf Industrie und Handel GmbH & Co., KG, and Korf Engineering GmbH, (Motion No. 97-40), the Commission has granted the Application for review and affirmed the presiding officer's denial of Motions No. 97-28 and 97-30 (Order No. 13).

Authority: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.60(b) (19 CFR 210.60(b)) of the Commission's *Rules of Practice and Procedure.*

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed by Morgan Construction Co., the Commission instituted investigation No. 337-TA-97 on January 23, 1981, to determine whether there is a violation of section 337 of the Tariff Act of 1930 by reason of the importation into and sale in the United States of certain steel rod treating apparatus and components thereof. Complainant Morgan alleges that the accused steel treating apparatus infringes claims 1-7 of U.S. Letters Patent 3,390,871. Notice of the Commission's investigation was published in the **Federal Register** on January 28, 1981 (46 FR 9263).

Respondents Korf Industrie und Handel GmbH & Co., KG and Korf Engineering GmbH, moved on April 30, 1981 to be dismissed as parties respondent to this investigation for improper service of process and lack of *in personam* jurisdiction (Motions Nos.

97–28, 97–30). The presiding officer denied the motions (Order No. 13), but granted respondents leave to file an interlocutory appeal with the Commission.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission; telephone 202–523–0143.

Issued: June 8, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–17217 Filed 6–9–81, 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–97]

Certain Steel Rod Treating Apparatus and Components Thereof; Addition of Parties Respondent

AGENCY: International Trade Commission.

ACTION: Addition of Mr. Willy Korf and Mr. Johann Heinrich Rohde as parties respondent in the above-captioned investigation.

SUMMARY: Notice is hereby given that on the basis of a motion filed by complainant Morgan Construction Co. (Motion Nos. 97–9, 97–10), the Commission has amended the complaint and notice of investigation by adding the following persons as parties respondent in investigation No. 337–TA–97, *Certain Steel Rod Treating Apparatus and Components Thereof:*

(1) Mr. Willy Korf, c/o Korf Industrie & Handel GmbH Co. K.G., Moltkestrasse 15, D7570, Baden-Baden, West Germany
(2) Mr. Johann Heinrich Rohde, 3 Bleicherhof, Ratingen, West Germany

The Commission denied the motions to add parties respondent with respect to:

(1) Coinvest, B.V., Amsterdam, Holland
(2) Korf Stahl, A.G., Moltkestrasse 15, D7570, Baden-Baden, West Germany

Authority: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.20(d) and 210.22(a) (19 CFR 210.20(d), 210.22(a)) of the Commission's *Rules of Practice and Procedure.*

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed by Morgan Construction Co., the Commission instituted investigation No. 337–TA–97 on January 23, 1981, to determine whether there is a violation of section 337 of the Tariff Act of 1930 by reason of the importation into and sale in the United States of certain steel rod treating apparatus and components thereof. Complainant Morgan alleges that the accused steel treating apparatus infringes claims 1–7 of U.S. letters Patent 3,390,871. Notice of the Commission's investigation was published in the **Federal Register** on January 28, 1981 (46 FR 9263).

On April 14, 1981, complainant moved to add four new parties respondent to the investigation (Motion 97–10). Respondents opposed the motion in a submission filed on April 22, 1981.

On May 11, 1981, the presiding officer's recommended determination (Order No. 14) was certified to the Commission. The presiding officer recommended that the motion be granted with respect to Mr. Korf and Mr. Rohde and denied with respect to Coinvest, B.V., Amstedam, Holland, and Korf Stahl, A.G., Baden-Baden, West Germany.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission; telephone 202–523–0143.

Issued: June 2, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–17219 Filed 6–9–81, 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–102]

Certain Wheel Locks and Components Thereof; Order; Investigation

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: June 1, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81–17221 Filed 6–9–81, 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–83]

Certain Window Shades and Components Thereof; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUMMARY: On May 29, 1981, the Commission issued an Action and Order and Opinion in the above-captioned investigation. The Commission ordered that window shades and components thereof which infringe claims 1, 2, 7, 8, or 9 of U.S. Letters Patent 4,006,770 be excluded from entry into the United States for the remaining term of said patent, except under license.

SUPPLEMENTARY: The Commission instituted this investigation and published notice thereof in the **Federal Register** of May 29, 1980 (45 FR 36229) to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in connection with the importation into the United States and the sale therein of certain window shades and components thereof.

On May 19, 1981, the Commission unanimously determined that there is a violation of section 337 in the unauthorized importation and sale of certain peel-to-width window shades, and components thereof, which infringe claims 1, 2, 7, 8, or 9 of U.S. Letters Patent 4,006,770. The Commission determined that the appropriate remedy is an order directing that the infringing articles be excluded from entry into the United States for the remaining term of the patent, except under license granted by the patent owner, and that the public interest considerations do not preclude the granting of relief in this case.

Copies of the Commission's Action and Order, the Commission Opinion, and any other public documents on the record in this investigation are available for inspection by the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

Issued: May 29, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–17222 Filed 6–9–81, 8:45 am]

BILLING CODE 7020–02–M

[332–126]

Emerging Textile Exporting Countries; Investigation

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), the Commission has instituted investigation No. 332–126 for the purpose of gathering and presenting information on emerging

textile exporting countries. Data will be provided to show changes which have occurred in world trade patterns in textiles and clothing with emphasis on changes in the past 5 to 8 years. Particular attention will be given to those countries which have had recent, significant growth in their exports of textile products or which seem to have the potential for significant export expansion. Certain of these individual countries will be selected for detailed study of their textile and apparel industries, trade, domestic markets, international competitive positions, and export potential. The report is expected to aid in an understanding of recent trends in international trade in textiles and apparel and the impact which the newly emerging exporters may have on world trade patterns and U.S. imports and exports.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Reuben Schwartz or Mr. Joseph Williams, Textiles, Leather Products, and Apparel Division, U.S. International Trade Commission, Washington, D.C. 20436 (Phone 202–523–0114 or 202–523–5702).

WRITTEN SUBMISSIONS: There will be no public hearing scheduled for this study; however, written submissions from interested parties are invited concerning any phase of the study. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform wth the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than December 1, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: June 2, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81–17218 Filed 6–9–81; 8:45 am]
BILLING CODE 7020–02–M

NATIONAL SCIENCE FOUNDATION

Involvement of Commercial and Industrial Firms with NSF-Supported Research Facilities

ACTION: Request for Comment on Interim Reports of the "Committee on User Decisions" and the "Committee on Operator Decisions.".

SUMMARY: The National Science Foundation has established a staff group to examine NSF policy toward involvement of commercial and industrial firms with research facilities that the NSF supports. The group divided into two committees. The "Committee on User Decisions" has considered issues relating to use of NSF-supported facilities by researchers from commerical firms. The "Committee on Operator Decisions" has considered issues concerning commercial alternatives to establishment of NSF facilities and commercial contributions to facilities that also receive NSF support.

The Foundation would welcome comments on the interim reports of these two committees, copies of which are available from Charles H. Herz, General Counsel, Suite 501, 1800 G Street NW, Washington, D.C. 20550, 357–9435. The interim reports do not have the final approval of the parent task group, let alone of the Director of the National Science Foundation or of the National Science Board. They will be revised in light of comments received from outside the Foundation, possibly substantially, into a single report from the parent staff group. That report will be transmitted to the Director and the National Science Board. Only after action by the Director or the Board might recommendations made in the final report become NSF Policy.

Comments should be sent to: Charles H. Herz, General Counsel, Suite 501, 1800 G Street NW, National Science Foundation, Washington, D.C. 20550. Comments should be received by June 30th in order to assure that they can be considered in preparation of the final report.

For further information, please contact: Charles H. Herz, General Counsel, Suite 501, 1800 G Street, NW, National Science Foundation, Washington, D.C. 20550.

Dated: June 2, 1981.

Charles H. Herz,
General Counsel.

[FR Doc. 81–17152 Filed 6–9–81; 8:45 am]
BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Appointment to Performance Review Board for Senior Executive Service

AGENCY: Nuclear Regulatory Commission.

ACTION: Appointments to Performance Review Board for Senior Executive Service.

SUMMARY: The Nuclear Regulatory Commission (NRC) has announced the following appointments to the NRC Performance Review Board roster, to replace members whose terms have expired or who are no longer available:

Denwood F. Ross, Depufy Director, Office of Nuclear Regulatory Research;
James G. Keppler, Director, Region, III, Office of Inspection and Enforcement;
Thomas E. Engelhardt, Deputy Executive Legal Director, Office of the Executive Legal Director;
Norman M. Haller, Director, Office of Management and Program Analysis;
Ormon E. Bassett, Director, Division of Accident Evaluation, Office of Nuclear Regulatory Research;
Thomas F. Carter, Deputy Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards

These appointments are to three year terms, and are made pursuant to Section 4314 of Chapter 43 of Title 5 of the United States Code. The functions of the Board were published in the **Federal Register**, Volume 45, No. 99, Tuesday, May 20, 1980.

In addition to the above new appointments, the following members are continuing on the Performance Review Board:

Harold R. Denton, Director, Office of Nuclear Reactor Regulation;
John G. Davis, Director, Office of Nuclear Material Safety and Safeguards;
Daniel J. Donoghue, Director, Office of Administration;
Richard C. DeYoung, Deputy Director, Office of Inspection and Enforcement;
Thomas E. Murley, Director, Division of Safety Technology;
Patricia G. Norry, Deputy Director, Office of Administration;
James A. Fitzgerald, Assistant General Counsel.

EFFECTIVE DATE: June 10, 1981.

FOR FURTHER INFORMATION CONTACT:
Daniel J. Donoghue, Chairman, Performance Review Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301–492–7335.

Dated at Bethesda, Maryland, this 5th day of June, 1981.

For the Nuclear Regulatory Commission.

E. Kevin Cornell,

Chairman, Executive Resources Board.

[FR Doc. 81-17179 Filed 6-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power & Light Co. (H. B. Robinson Steam Electric Plant, Unit No. 2); Order for Modification of License

I

The Carolina Power Light Company (the licensee) holds Facility Operating License No. DPR-23, which authorizes the licensee to operate the H. B. Robinson Steam Electric Plant Unit No. 2 at power levels not in excess of 2300 magawatts thermal rated power. The license was originally issued on July 31, 1970 and will expire on April 13, 2007. The facility, which is located at the licensee's site in Darlington County, South Carolina, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The Scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an over pressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if and Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 14, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded in cosonance with the Safety Evaluation that one or more valve configuration(s) of concern exist at the facility. The Technical Evaluation Report (TER) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-23 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. DPR-23 is modified by the addition of the following requirements:

1. Implement Technical Specifications which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications.

4. The records of the check valve tests required by this Order shall be made

available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before July 6, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to G. F. Trowbridge, Esquire; Shaw, Pittman, Potts and Trowbridge; 1800 M Street NW, Washington, DC 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective date: April 20, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

References:[1]

1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

[FR Doc. 81-17180 Filed 6-9-81; 8:45 am]

BILLING CODE 7590-01-M

[1] References are available in the Nuclear Regulatory Commission's Public Document Rooms.

[Docket 50-255-SP]

Consumers Power Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to Commission order, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on a request for hearing and to preside over the proceeding in the event that a hearing is ordered.

Consumers Power Company

Palisades Nuclear Power Facility

Provisional Operating License No. DPR-20

This action is in reference to an order of the Commission dated May 29, 1981, concerning an order published by the Commission on March 19, 1981, in the **Federal Register** (46 FR 17688-90) entitled, "Order Confirming Licensee Actions to Upgrade Facility Performance".

The Board is comprised of the following Administrative Judges:

Elizabeth S. Bowers, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Peter A. Morris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. John R. Lamarsh, 68 N. Chatsworth Avenue, Larchmont, N.Y. 10538

Issued at Bethesda, Maryland, this 3rd day of June, 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-17181 Filed 6-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341-OL]

Detroit Edison Co., et al. (Enrico Fermi Atomic Power Plant, Unit 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Detroit Edison Company, et al.* (Enrico Fermi Atomic Power Plant, Unit 2), Docket No. 50-341-OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. Gary L. Milhollin. Mr. Charles Bechhoefer was a member of this Board, but, because of a schedule conflict, is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Gary L. Milhollin, Chairman
David R. Schink
Frederick J. Shon

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is:

Administrative Judge Gary L. Milhollin, 1815 Jefferson Street, Madison, Wisconsin 53711

Dated at Bethesda, Maryland, this 3rd day of June 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-17182 Filed 6-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315, 50-316]

Indiana and Michigan Electric Co. (Donald C. Cook Nuclear Plant, Units 1 and 2); Order for Modification of Licenses

I

The Indiana and Michigan Electric Company (the licensee) holds Facility Operating License Nos. DPR-58 and DPR-74, which authorizes the licensee to operate the D.C. Cook Unit Nos. 1 and 2 at power levels not in excess of 3250 and 3391 megawatts thermal rated power respectively. The licenses were originally issued on October 24, 1974 and December 23, 1977 and both will expire on March 25, 2009. The facility, which is located at the licensee's site in Barrien County, Michigan, consists of two pressurized water reactors (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an inter-system loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the

Class I boundary of the high Pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 24, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the Safety Evaluation that one or more valve configuration(s) of concern exist at the facility. The Technical Evaluation Report (TER) provides, in section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an inter-system LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating Licenses Nos. DPR–58 and DPR–74 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating Licenses Nos. DPR–58 and DPR–74 is modified by the addition of the following requirements:

1. Implement Technical Specifications which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications, the MOV in each line shall be close within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before July 6, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Gerald Charnoff Esquire, Shaw, Pitman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

References: [1]

1. Safety Evaluation Report.
2. Technical Evaluation Report.

[1] References are available in the Nuclear Regulatory Commission's Public Document Rooms.

3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-17183 Filed 6-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. NPF-4 issued to the Virginia Electric and Power Company (the licensee) which revised the Technical Specifications for operation of the North Anna Power Station, Unit No. 1 (the facility) located in Louisa County, Virginia. The amendment is effective 7 days from the date of issuance.

The amendment revises the Technical Specifications regarding the NRC requirements for (1) providing redundancy in decay heat removal capability, (2) addition of certain TMI-2 Lessons Learned Category "A" items, and (3) maintenance of a minimum water level above fuel assemblies.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated October 15, 1980 and December 23, 1980; (2) Amendment No. 32 to Facility Operating License No. NPF-4; and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 2nd day of June, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-17184 Filed 6-9-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 17837; (SR-PSE-80-27)]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

June 4, 1981.

The Pacific Stock Exchange, Inc. ("PSE") submitted on January 7, 1981, a proposed rule change, pursuant to Rule 19b-4 under the Securities Exchange Act, to allow members that operate more than one specialist post to meet PSE's minimum post capital requirements on an averaging basis rather than on a post by post basis.

Notice of the proposes rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17685, April 3, 1981) and by publication in the **Federal Register** (46 FR 21302, April 9, 1981). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and by any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. Section 552) were made available to the public at the Commission's Public Reference Room. No public comments were received with respect to the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchange and in particular, the requirements of Section 6(b)(5) and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17208 Filed 6-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11802; (812-4861)]

State Mutual Securities, Inc., and State Mutual Life Assurance Company of America; Application To Amend an Existing Order Permitting Certain Joint Transactions

June 4, 1981.

Notice is hereby given that State Mutual Securities, Inc. ("Fund"), a registered close-end, diversified investment company, and its investment adviser, State Mutual Life Assuance Company of America ("Insurance Company"), 440 Lincoln Street, Worcester, Massachusetts 01605, a mutural life insurance company organized under the laws of Massachusetts (the Fund and the Insurance Company are together referred to hereinafter as "Applicants"), filed an application on April 10, 1981, for an order amending the conditions contained in a prior order of the Commission ("1973 Order") [Investment Company Act Release No. 7665, February 12, 1973) pursuant to section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 thereunder, which order authorized the Insurance Company to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement (unless the security to be purchased is a long-term debt obligation or preferred stock without equity participation). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commisson will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and (2) the extent to which such

participation is on a basis different from or less advantageous than that of other participants. Section 2(a)(3) of the Act includes within the definition of "affiliated person" any investment adviser of an investment company. As noted above, the Insurance Company is the Fund's investment adviser. Colonial Management Associates Inc. ("Colonial"), a second-teir subsidiary of the Insurance Company, acts as sub-adviser to the Fund.

Applicants state that the terms of the 1973 Order permitting concurrent investment by the Insurance Company and the Fund include the following specified conditions: (i) that all securities which the Insurance Company is prepared to purchase at direct placement and which are consistent with the Fund's investment policies, be shared equally by the Insurance Company and the Fund (unless certain determinations are made by the Fund's Board of Directors); (ii) the Insurance Company will invest an amount equal to the amount invested in the issue by the Fund; (iii) neither the Fund nor the Insurance Company will have any prior interest in the issuer or acquire any subsequent interest in the issuer, other than interests in all respects identical; and (iv) neither the Insurance Company nor the Fund will sell, exchange or otherwise dispose of any interest in any security of a class held by the Fund unless each makes such disposition at the same time, for the same unit consideration and in the same amount.

Applicants represent that at the time of the Fund's inception in 1973, it was believed that common stocks or other securities with equity participations acquired at direct placement would be attractive investments for the Fund because these investments frequently offered substantial yields in addition to potential for capital appreciation. Applicants further state that since 1973 the Insurance Company and the Fund have jointly acquired two securities with equity participations in direct placements, and that at December 31, 1980, approximately 10.6 percent of the value of the Fund's assets was invested in direct placement secruities, with approximately 1.8 percent consisting of securities with equity participations and approximately 8.8 percent being debt securities without equity participations. Applicants state that the balance of approximately 89.4 percent of the Fund's portfolio consisted of publicly-traded debt issues, cash and cash items, and dividends and interest receivables. It is also stated that in the immediate future, the Insurance Company anticipates that it will have opportunities to participate in and may make substantial acquisitions of direct placement securities with equity participations.

Applicants further represent that the Insurance Company, Colonial and the Fund believe that the investment criteria applicable to the Fund and those applicable to the Insurance Company are sufficiently different so that the purchase of direct placement securities with equity participations which the Insurance Company finds attractive may not be in the best interests of the Fund in fulfilling its primary investment objective of providing a high rate of current income, with capital appreciation as a secondary objective. Applicants further state that ■ significant difference in investment capacity exists between the Fund and the Insurance Company, as the Insurance Company enjoys a continuous and largely predictable flow of new funds available for investment, whereas the Fund, which is not engaged in a continuous public offering of its shares, has only a very limited flow of new funds for investment, derived from repayments of principal on its portfolio securities. Applicants state that because of this difference in cash inflow and because the Insurance Company's net assets are more than twenty times the Fund's net assets, the Insurance Company frequently has funds available for purchase of a direct placement, whereas the Fund would have only such funds as may be forthcoming from principal repayments or from the sale of a publicly-traded debt security. Applicants further state that many direct placements involve substantial delays between the time of commitment to purchase and the closing date; that while the Insurance Company can anticipate having newly-acquired capital to invest on the date of a closing, the Fund must, in effect, commit itself to liquidate portfolio securities at a future date when such liquidation might not be appropriate. Applicants note, in addition, that there may be times when it would be inappropriate for the Fund to make additional investments in a particular industry or in securities with equity participations while the Insurance Company may, because of different holdings, be adding to its investment in that industry, or increasing its investment in securities with equity participations.

Applicants further represent that during the period in which the 1973 Order has been in effect, the Insurance Company and the Fund have filed more than ten applications with the Commission for special orders, pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, permitting proposed actions that were either clearly or arguably inconsistent with the conditions contained in the 1973 Order, but which Applicants believed were consistent with the purposes of the Act and did not involve participation by the Fund on a basis less advantageous than that of any other participants. For these reasons, Applicants request that the 1973 Order be amended to rescind all conditions contained therein, and to substitute, in lieu thereof, the following conditions:

1. Each time the Insurance Company proposes to participate in a direct placement involving its purchase of securities the purchase of which would be consistent with the investment policies of the Fund, the Insurance Company will offer the Fund an opportunity to purchase an amount of each class of such securities equal to the amount of such securities proposed to be purchased by the Insurance Company. The Fund may choose to purchase none of such securities, or an amount of such securities up to the entire amount of securities offered to it by the Insurance Company.

2. If the Fund chooses to participate in a direct placement and share equally with the Insurance Company in each class of such securities, the Insurance Company and the Fund may purchase such securities at the same times and at the same unit prices without further order of the Commission.

3. If the Fund chooses to participate in a direct placement on a basis other than an equal basis with the Insurance Company, an application for an order of the Commission specifically permitting such unequal participation must be filed with the Commission pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder. In the event that the Commission shall not enter such an order prior to the scheduled closing date for the acquisition of such securities by the Fund, the Insurance Company will purchase the portion of such securities intended to be purchased by the Fund and will apply for an order of the Commission under section 17(b) of the Act permitting the Insurance Company to sell such securities to the Fund at the price paid by the Insurance Company, plus accured interest or dividends (and, in the case of any debt securities purchased by the Insurance Company for less or more than the principal amount thereof, adjusted to reflect the accrual of the original discount or the amortization of the original premium). If

such order of the Commission shall be entered within three months after such closing date, then the Insurance Company shall sell to the Fund the portion of such securities which had been intended to be purchased by the Fund, such sale to be made at the price described in the preceding sentence. If such order shall not be granted within three months after such closing date, then the Insurance Company's obligation to sell such securities to the Fund will terminate.

4. If the Fund chooses not to participate in a direct placement offered to it by the Insurance Company, the Fund's decision must be approved by the Board of Directors of the Fund, including a majority of the directors of the Fund who are not "interested persons" of the Fund, as defined in the Act. The Fund's determination not to participate in a direct placement and the reasons therefor will be recorded and become a part of the permanent records of the Fund.

5. Unless otherwise permitted by special order of the Commission, neither the Insurance Company nor the Fund will exercise warrants of a class held by both the Fund and the Insurance Company except at the times and in amounts proportionate to their respective holdings of such securities.

6. Unless otherwise permitted by special order of the Commission, neither the Insurance Company nor the Fund will sell, exchange or otherwise dispose of any interest in any security of a class held by both the Fund and the Insurance Company unless such dispositions are made at the same times, for the same unit consideration and in amounts proportionate to their respective holdings of such securities.

7. The expenses, if any, of the distribution of any securities registered for sale under the Securities Act of 1933 and sold by the Insurance Company and the Fund at the same time will be shared by the Insurance Company and the Fund in proportion to the respective amounts they are selling.

Applicants submit that the foregoing conditions are adequate to ensure that the concurrent participation by the Insurance Company and the Fund in direct placements, and the subsequent exercise of warrants and conversion privileges and other rights relating to securities purchased by the Insurance Company and the Fund in such direct placements, would be consistent with the provisions, policies and purposes of the Act and would not result in the participation of the Fund being on a basis different from or less advantageous than that of the Insurance Company or any other participants.

Applicants assert that the proposed conditions will give the Fund the opportunity (i) to acquire common stocks and other securities with equity participations or to acquire long-term debt obligations or preferred stocks without equity participations on an equal basis with the Insurance Company and (ii) to decline to participate with the Insurance Company in a direct placement of such securities, depending on the best interests of the Fund. Applicancts submit that there are ample safequards to assure that any participation by the Fund in such direct placements will not be on a basis less advantageous than that of the Insurance Company. Applicants assert that because the proposed conditions would permit the Insurance Company and the Fund to exercise warrants and conversion privileges and other rights relating to securities held by both the Insurance Company and the Fund, and to dispose of such securities, only in proportion to their respective holdings of such securities, such actions could not be taken in a manner which would be disadvantageous to the Fund as compared to the Insurance Company.

Notice is further given that any interested person may, not later than June 29, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17209 Filed 6-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17836; (SR-SCCP-81-2)]

Stock Clearing Corporation of Philadelphia ("SCCP"); Order Approving Proposed Rule Change

June 4, 1981.

On April 21, 1981, SCCP, 17th Street and Stock Exchange Place, Philadelphia, PA 19103, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change establishing a $100 monthly account fee for pledgee banks.

Notice of the proposed rule change together with its terms of substance was given by publication of a Commission Release (Securities Exchange Act Release No. 17756, April 27, 1981) and by publication in the **Federal Register** (46 FR 24354, April 30, 1981). No written comments were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies and, in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17210 Filed 6-9-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

[Number: 113-1]

Establishment of the Office of the Assistant Secretary (Public Liaison and Consumer Affairs)

Dated: June 1, 1981.

By virtue of the authority vested in me as Secretary of the Treasury, including the authority vested in me by Reorganization Plan No. 26 of 1950, it is ordered that:

1. *The position of the Assistant Secretary (Public Liaison and Consumer Affairs) is hereby established.* The incumbent will report to the Secretary through the Deputy Secretary, and will be responsible for:

a. Establishing general operating policies and guidelines, and providing leadership, direction and management strategy for administering public liaison and consumer affairs programs and activities in all Treasury offices and bureaus.

b. Formulating and executing Public Liaison and Consumer Affairs policies and programs which will increase the knowledge and understanding of businesses, trade and professional organizations, and consumer groups regarding Treasury's activities and services.

c. Providing public liaison and consumer affairs logistic support, program development, and policy development to the Office of the Secretary.

d. Serving as the principal advisor to the Secretary, the Deputy Secretary, and senior officials throughout the Treasury Department on matters affecting the understanding by businesses, trade and professional organizations, and consumer groups of Treasury policies and programs.

e. Providing executive direction to the Small and Disadvantaged Business Utilization program. In the performance of these functions, the Assistant Secretary shall be known as the "Director, Office of Small and Disadvantaged Business Utilization."

2. *The Office of the Assistant Secretary (Public Liaison and Consumer Affairs) is hereby established.* Under the supervision of the Assistant Secretary (Public Liaison and Consumer Affairs) this Office performs the following functions:

a. Developing materials to inform businesses, trade and professional organizations, and consumer groups regarding the Department's policies, programs, activities, and services.

b. Serving the specialized needs of specific Treasury officials for communications with businesses, trade and professional organizations, and consumer groups.

c. Providing editorial services for publications of the Office of the Assistant Secretary (Public Liaison and Consumer Affairs), e.g. brochures, pamphlets, and other communications materials.

d. Coordinating public liaison and consumer affairs activities throughout the Department.

e. The functions provided for by Public Law 95–507. In performing these functions, the Office shall be known as the Office of Small and Disadvantaged Business Utilization.

3. *All of the functions, positions, personnel, records and property assigned to the Office of the Special Assistant to the Secretary (Consumer Affairs) are transferred to the Office of the Assistant Secretary (Public Liaison and Consumer Affairs).* The Director, Consumer Affairs, will have direct access to the Secretary on consumer affairs matters.

4. *All of the functions, positions, personnel, records and property assigned to the Office of Small and Disadvantaged Business Utilization are transferred to the Office of the Assistant Secretary (Public Liaison and Consumer Affairs).*

5. Responsibility for answering correspondence as outlined in Treasury Order 251 dated May 3, 1977, and the positions, personnel, records, and property associated with these responsibilities are transferred to the Office of the Assistant Secretary (Public Liaison and Consumer Affairs) from the Office of the Assistant Secretary (Public Affairs).

6. The Assistant Secretary (Public Liaison and Consumer Affairs) is authorized to define the organizational structure and the specific responsibilities of the positions and personnel assigned to the Office of the Assistant Secretary (Public Liaison and Consumer Affairs).

7. This Order supersedes Treasury Order 101–6 dated May 16, 1979; and Treasury Directive 90–23.A dated May 28, 1980.

Donald T. Regan,

Secretary.

[FR Doc. 81–17122 Filed 6–9–81; 8:45 am]

BILLING CODE 4810–25–M

[Number: 150–93]

Transfer of the Office of Industrial Economics to the Internal Revenue Service

Dated: June 29, 1981.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, supervision of the current functions of the Office of Industrial Economics is transferred from the Office of the Assistant Secretary (Tax Policy) to the Commissioner of Internal Revenue, effective with the pay period beginning on May 24, 1981.

Personnel and records, as determined by the Assistant Secretary (Tax Policy), the Assistant Secretary (Administration) and the Commissioner of Internal Revenue, will be transferred from the Office of the Secretary to the Internal Revenue Service, effective on the date agreed upon by the Assistant Secretary (Administration) and the Commissioner of Internal Revenue.

Treasury Department Order No. 175–5, dated June 11, 1973, is superseded. Treasury Department Order No. 111–1, dated March 13, 1979, is rescinded.

Donald T. Regan,

Secretary of the Treasury.

[FR Doc. 81–17121 Filed 6–9–81; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 111
Wednesday, June 10, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Federal Deposit Insurance Corporation	2, 3
Federal Energy Regulatory Commission	4
Federal Reserve System (Board of Governors)	5

1

COMMODITY FUTURES TRADING COMMISSION.

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 A.M. Friday, June 19, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C. Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–900–81 Filed 6–8–81; 11:30 am]

BILLING CODE 6351–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 15, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

The Bank of Hollywood, a proposed new bank, to be located at 1616 North La Brea Avenue, Los Angeles (Hollywood), California.

Peoples Savings Bank, Worcester, Massachusetts, an operating noninsured mutual savings bank.

Application for consent to merge and establish a branch:

La Jolla Bank & Trust Company, La Jolla, California, for consent to merge, under its charter and title, with Vista National Bank, Vista, California, and to establish the sole office of Vista National Bank as a branch of the resultant bank.

Application for consent to acquire assets and assume liabilities:

Wilmington Savings Fund Society, Wilmington, Delaware, for consent to acquire the assets of and assume the liability to pay deposits made in Peoples Savings and Loan Association, Dover, Delaware.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,298–L (Amended)—Bank of Bloomfield, Bloomfield, New Jersey
Case No. 44,774–L (Amended)—Hamilton Bank & Trust Company, Atlanta, Georgia
Case No. 44,824–L—Franklin National Bank, New York, New York
Case No. 44,825–L—Franklin National Bank New York, New York

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Reports of committees and officers:

Report of the Director, Office of Corporate Audits:
Audit Report re: American Bank and Trust Company, New York, New York.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 8, 1981.

Hoyle L. Robinson,

Executive Secretary.

[S–901–81 Filed 6–8–81; 3:14 pm]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 15, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Memorandum re: Delinquent Assessment Payments.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 8, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-902-81 Filed 6-8-81; 3:15 pm]

BILLING CODE 6714-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

June 5, 1981.

TIME AND DATE: 10 a.m., June 12, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. OR81– , LOOP, Inc. and LOCAP, Inc.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357–8400.

[S-899-81 Filed 6-8-81; 10:10 am]

BILLING CODE 6450-01-M

5

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Monday, June 15, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: June 5, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-898-81 Filed 6-5-81; 4:17 pm]

BILLING CODE 6210-01-M

V 46 JE 10 81 UMI

ngs

ats,
nents, and
l Federal

n a

yne,
2–3204.

federal register

Wednesday
June 10, 1981

Part II

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Final Plan for a Program To Assess the Risks

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Final Plan for a Program To Assess the Risks of Recombinant DNA Research

AGENCY: National Institutes of Health.

ACTION: Notice of final plan for a program to assess the risks of recombinant DNA research.

SUMMARY: This notice sets forth the first annual update of the NIH program to assess the risks of recombinant DNA research.

EFFECTIVE DATE: June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Additional information may be obtained from Dr. William J. Gartland, Jr., Director, Office of Recombinant DNA Activities, NIAID, Building 31, Room 4A52, National Institutes of Health, Bethesda, Maryland 20205 (301–496–6051).

SUPPLEMENTAL INFORMATION:

I. Decision of the NIH Director to issue the Final Plan.

The proposed first annual update was published in the **Federal Register**, Volume 45, No. 182, Wednesday, September 17, 1980, pages 61874 to 61878. A formal closing date for public comment of December 16, 1980, was established.

A. Eight correspondents submitted comments on the plan. They were divided into generic categories as follows:

1. *General Opposition to the Risk Assessment Program.*

One correspondent objected to the fact that the program failed to evaluate the risks "created by the regulations of recombinant DNA research." It was stated that risk assessment studies should be addressed to the risks created in the laboratory by the use of chemicals employed as disinfectants; by excessive use of autoclaves; by use of automatic formaldehyde atomizer guns; and other various dangers due to crowded conditions and inadequate ventilation of laboratories. The commentator suggested that the name of the program should be changed to "Program to Assess the Hpyothetical Risks of the Recombinant DNA Technique." Further, the author objected to the title of the course "Microbiological Principles and Techniques for Work With Potentially Biohazardous Agents Including Recombiant DNA" to be sponsored by the NIH.

In response to the main criticism raised, the laboratory practices and containment procedures specified in the Guidelines are those that have been widely used in containing microorganisms.

A second commentator said that there is absolutely no evidence, thus far, that indicates that recombinant DNA research is unusually risky. Further, he stated that intended programs to evaluate risks will never be able to prove that the risk is negative. The commentator concluded that "the NIH should get out of the recombinant DNA business as rapidly as possible."

As I noted in issuing the first final plan, I am required to establish that actions under the NIH Guidelines for Research Involving Recombiant DNA Molecules present no significant risks to health or the environment. While I concur with most scientists that the perception of risk from this research is certainly less now than earlier, there still remain selected areas where data are insufficient to determine risk. This plan is an attempt to satisfy this remaining need and will afford an opportunity to assess progress toward achieving the scientific objectives.

2. *Criticism of the Program and the Risk Assessment Experiments.*

One writer expressed concern that the proposed risk assessment plan update does not address "non-scientific risks," such as risks of accidents due to carelessness or arrogance, risks of sabotage, and risks of intentional misuse of recombinant DNA technology. An objection was also raised to a statement in the Plan which asserts that much information on recombinant DNA risk analysis has come from research not primarily designed to assess risks. It is the opinion of the writer that it is not good scientific practice to base policy and conclusions on research that was not designed specifically to provide information on risk.

The objective of the risk assessment program is to obtain information derived from scientific experiments relevant to the use of recombinant DNA molecules which would also be applicable to cases of accidents, carelessness, etc.

It still remains our conviction as stated in the first Final Plan that:

> The vast majority of information relevant to recombinant DNA risk analysis has already come from research not primarily designed to provide information on risk. This will undoubtedly continue to be the case. This information will be obtained chiefly from publications in the scientific literature, from persons with special scientific knowledge, and from ongoing basic biomedical research. Risk assessment analysis will require continuing review of data developed in the fields of microbiology, infectious deseases, and related biological research.

Some essential information has been, and will continue to be, derived from projects specifically designed to assess various aspects of potential risks associated with recombinant DNA experimentation. Such experiments will be supported by the Intramural and Extramural programs of NIH. Many experiments may also be conducted in the private sector or may be funded by other agencies or governments.

> The essential goal of a successful risk assessment plan will be the development of means to collect, collate, coordinate, evaluate, and disseminate data obtained from all sources.

Another commentator criticized the interpretation of the results of polyoma risk assessment experiments. The correspondent noted that positive results were obtained with regard to oncogenicity and infectivity when cloned dimeric polyoma DNA was carried in intact phage lambda particles.

The published results and interpretations derived from the polyoma DNA risk experiments have been the subject of wide reviews and discussions. The consensus of most scientists supports the conclusions of the investigators who conducted the polyoma risk assessment experiments that neither potentially infectious nor tumorigenic recombinant DNA was transferred out of the EK2 host into susceptible mice or hamster cells to produce progeny virions or tumors. Further, propagation of polyoma viral DNA as a component of a recombinant DNA molecule in *E. coli* K–12 reduces its biologic activity as an infectious unit many orders of magnitude relative to the virus.

3. *Support and General Suggestions for the Program.*

Three correspondents submitted letters supporting the Proposed Plan as published, and made some general suggestions for improvement. One commentator said that the risk assessment work has helped to allay many initial fears of this area of research. This correspondent also felt that it will be difficult to devise systematic standards for training all the workers in various areas of recombinant DNA research.

Another commentator stated that it would be prudent to provide risk assessment experiments to assess parameters of possible hazards for some of the more widely used host organisms not heretofore assessed.

One commentator stated that it was his impression that at the Pasadena Recombinant DNA Risk Assessment Workshop the question was not one of concern about antibody to insulin made

by recombinant DNA, but rather to any hybrid proteins made between bacterial proteins and insulin or other peptide hormones. With regard to this comment, the central issue on this point is whether or not autoimmunity could follow administration of self proteins in any of several forms; hybrid proteins were one of the forms briefly discussed.

Another correspondent wrote that the increased responsibility given to the local Institutional Biosafety Committees will provide for more expeditious monitoring of recombinant DNA research. The commentator suggested that some effort be made to collate information eminating from ORDA memoranda, the **Federal Register**, and the Recombinant DNA Technical Bulletin. It was also suggested that thought should be given to preparing a tabular listing of a classification of microorganisms on the basis of hazard and their recommended containment levels. While these are not comments specifically on the risk-assessment plan, I wish to indicate that ORDA is exploring ways to summarize major actions of the RAC. Also, the Centers for Disease Control, in a joint effort with NIH, has published for comment "Proposed Biosafety Guidelines for Microbiological and Biomedical Laboratories."

B. The Recombinant DNA Advisory Committee considered the Proposed First Annual Update of the Risk Assessment Plan at its meetings on September 25, 1980, and January 8, 1981. At the latter meeting, Dr. Luther Williams, a RAC member, presented a summary of the program, as published in the **Federal Register** on September 17, 1980, and responded to questions. Committee members and the public were provided an opportunity to present their views, questions, criticisms, or suggestions. A RAC member raised a point regarding the wording in the second paragraph, third column of page 61876 of the **Federal Register** of September 17, 1980, dealing with colonization of the intestinal tract. It was recommended that the word "known" should be deleted from the last clause of the paragraph. This has been done, and the clause now reads as follows: ". . ., even though *E. coli* K–12 has apparently lost those characteristics that are required for colonization of the normal intestinal tract." A public commentator suggested that additional references should be added to the risk assessment plan. This has been done in this document. The RAC did not recommend any other sugnificant changes in the plan as a result of other issues which were raised at the RAC meeting.

II. Final Plan for a Program to Assess the Risks of Recombinant DNA Research

A. *Introduction.*

With the issuance in December 1978 of revised guidelines for the conduct of recombinant DNA research, the Secretary, DHEW (now DHHS), requested that the National Institutes of Health (NIH prepare an NIH Risk Assessment Plan which, after review by the Recombinant DNA Advisory Committee (RAC) and publication in the **Federal Register** for comment, would be made final and updated annually. The present document is the first annual update.

B. *Scientific Aspects.*

We stated in the Final Plan and it is still our conviction that:

> The vast majority of information relevant to recombinant DNA risk analysis has already come from research not primarily designed to provide information on risk. This will undoubtedly continue to be the case. This information will be obtained chiefly from publications in the scientific literature, from persons with special scientific knowledge, and from ongoing basic biomedical research. Risk assessment analysis will require continuing review of data developed in the fields of microbiology, infectious diseases, and related biological research.
>
> Some essential information has been, and will continue to be, derived from projects specifically designed to assess various aspects of potential risks associated with recombinant DNA experimentation. Such experiments will be supported by the Intramural and the Extramural programs of NIH. Many experiments may also be conducted in the private sector or may be funded by other agencies or governments.
>
> The essential goal of a successful risk assessment plan will be the development of means to collect, collate, coordinate, evaluate, and disseminate data obtained from all sources.

The Scientific Aspects of the Plan noted that a number of events must occur before a laboratory microorganism becomes a possible risk to people or higher organisms outside the immediate laboratory environment. A major aspect of the risk assessment plan was to acquire and analyze information and data relevant to those elements for the three general categories of host-vector systems in use; prokaryotic, lower eukaryotic and higher eukaryotic systems. Initial emphasis was on the prokaryotic *E. coli* K–12 systems because those were, and remain, the systems predominately used by investigators, and because needed areas of investigation had already been identified. Seven areas were identified as requiring particular consideration, and progress has been made in collecting and/or analyzing data for all of them. Before considering these it is worth saying that, despite intensive study by the RAC Subcommittee on Risk Assessment and NIH staff, several conferences and workshops to consider specific issues and several experiments, no risks of recombinant DNA research have been identified that are not inherent in the microbiological and biochemical methodology used in such research. A synoptic report of progress follows and all data, reports, and other documents referred to are available on request.

1. *Prokaryotic Host-Vector Systems.*

a. Survival in the environment and the potential for selective advantage of organisms carrying recombinant DNA should they survive was cited as a matter of concern. NIAID had four contractors working on various aspects of this issue; the contracts were originally awarded to provide independent testing in the process whereby EK2 systems could possibly be elevated to EK3 status. The tests were performed in situations simulating accidental spills in the laboratory, in a model sewage treatment system, in mice and cultures simulating the mouse gastrointestinal system, in germfree mice, and finally in humans. The status of the work of all four contractors, at the time the Plan was initially published, can be found in the Recombinant DNA Technical Bulletin, Vol. 2, No. 2, July 1979. The expiration date of all contracts has now been reached and Final Reports are or soon will be available.

(1) The work of the contractor testing in "accidental spill situations" was completed shortly after publication of the Plan and was in two areas: (1) to determine whether selected strains of *E. coli*, used as hosts to propagate recombinant DNA molecules, and some phage and plasmid vectors would survive or retain their capacity to infect or transform host cells after exposure to the environments expected to occur in the event of spill or aerosolization, (2) to inventory and simulate common procedures used in recombinant DNA laboratory studies so that aerosol output potential of the procedures could be assessed.

Considerable effort was expended on quantitative descriptions of the biological characteristics of hosts and vectors of concern in current rDNA studies, and the physical dispersion aspects have been examined with particular attention to procedures unique to such laboratory work.

The data on biological survival characteristics are applicable to evaluation of potential dosage to workers or to the environments both from accidents creating massive release and from the continuing releases incidental to the labortory procedures. Evaluation of the effect of survival of the agents in the course of routine work should assist in prudent and cost-effective application of physical and biological containment. Further, it can lend emphasis to the areas in which training in "good practice" can be most productive.

This work was supported by Interagency Agreement YOI-AI-70003, Naval Biosciences Laboratory, Robert J. Heckley, principal investigator.

(2) The Survival of EK1 and EK2 Systems in Sewage Treatment Plant Models.

In an early series of studies utilizing bench scale models of wastewater treatment facilities, *E. coli* DP50*supF*, *E. coli* Chi 1776 and phage Charon 4A concentrations were shown to be reduced by at least two orders of magnitude by a conventional treatment chain (including primary settling followed by activated sludge treatment and anaerobic digestion of all sludges generated). This work was described in brief form in the *Recombinant DNA Technical Bulletin of* July 1979.

Similar results are now available for the survival of *E. coli* Chi 2656 (which carries plasmid pBR322) and for *E. coli* CF 2174 (carrying plasmid pBR325). Evidence also was sought in these studies for transfer of the plasmids to indigenous coliforms and, within the sensitivity of the methods used, such transfer was not demonstrated. Experiments favoring plasmid transfer in raw wastewater and in primary biological sludges also failed to demonstrate such mobilization.

Likewise, *E. coli* 2e01C carrying a lambda prophage (λ*cI*857*nin*5 plac5) was removed effectively by wastewater treatment; no free lambda phage was observed at any point in the treatment train.

Studies have been completed measuring the survival of an indigenous *E. coli* and *E. coli* K-12 in these treatment plant models as well. The results of experiments utilizing such genetically tagged organisms confirm an earlier report that conventional domestic wastewater treatment processes will result in at least two $\log_{10}$ reductions in concentration of indigenous EK1 and EK2 organisms. These results are similar to those obtained with the indigenous wastewater microflora. Further reduction of these host-vector populations will depend on appropriate sludge treatment and effluent disinfection.

This work was supported by Contract NO1-AI-82566, University of Texas, San Antonio, Bernard Sagik, principal investigator.

(3) The contractor who was performing tests in mice and in cultures made significant progress during the intervening year. The most notable result was the establishment of a mathematical model to study the exchange of plasmids between normal hosts and indigenous bacteria.

Plasmid transfer in continuous flow (CF) cultures of defined or natural intestinal flora occurred with similar efficiency as in pure cultures *in vitro*. One can conclude that the capacity of *E. coli* K-12 strains to function as plasmid donors or recipients was not impaired by the presence of an indigenous microflora. *E. coli* Chi 1776 donated plasmid R1drd19 with somewhat lower efficiency than a standard *E. coli* K-12 donor.

Plasmid transfer in mice harboring a defined intestinal microflora appears to have the same degree of efficiency as in the CF cultures, because the rate constants calculated on the basis of the equations are similar to those obtained in CF cultures. However, the validity of this mathematical treatment for mice is not completely certain, because the mathematical model is based on the assumption that the bacteria are freely suspended, which is not likely to be the case in the animal. Nevertheless, the data suggest that plasmid transfer efficiency in the gut should not differ profoundly from that in CF cultures. These conclusions are based on similarities of transfer rate constants as measures of donor and recipient capacity.

The actual rates of transfer are, of course, critically dependent on the concentrations of donors and recipients. The *E. coli* populations in normal mice (and in people) are so low (approx. 10^5 per ml gut content), that little plasmid transfer occurred in the mice after the initial 20 hours of the experiment, i.e., after the large inoculum of donors had passed through the animals. This was true in spite of the fact that the resident *E. coli* were artificially implanted, highly efficient recipients for the highly efficient conjugative plasmid. It is not very common to find *E. coli* of such high recipient capacity in natural gut flora. Despite the fact that the capacities of the *E. coli* strains to donate or receive the plasmid were not seriously impaired in the gut, the quantitative parameters in the normal gut are such that little actual transfer occurred once the large initial inoculum of donors had been eliminated.

From these data one may tentatively conclude that the probability for triparental transfer of a non-conjugative plasmid in the normal gut would be exceedingly small. The only circumstances in which one could imagine a realistic possibility for triparental transfer to occur, would be at times when abnormally high *E. coli* populations are present in the gut, as may be the case during fasting and other types of stress, in diarrhea, or as a consequence of antibiotic therapy.

These studies were supported by Contract NO1-AI-623518, University of Michigan, Rolf Freter, principal investigator.

(4) The major effort of the contractor who was testing in both mice and humans in the interim has been to initiate triparental mating studies using Chi 1666 (an EK1 host), the plasmid pBR322, and two additional mobilizing plasmids.

The studies are designed to determine if the presence of a mobilizing plasmid in a bacterial host cell can cause the transfer of the non-conjugative pBR322 to the indigenous microflora of either mice or humans.

Two studies have been done in mice. In both cases germ-free mice were colonized with human *E. coli* to provide an array of potential recipients and then fed the Chi 1666 containing the three plasmids. In the first study, 5×10^9 organisms were fed once and fecal samples from the mice were pooled to facilitate assay; Chi 1666 could only be isolated during the first day of the study. In the second mouse study, the Chi 1666 containing the plasmids were fed daily for 4 days to the mice and their drinking water contained tetracycline. In this latter group the Chi 1666 survived at levels of 10^2/gram or less for the 4 days. In neither case, however, was the pBR322 mobilized to the indigenous flora.

Finally, Chi 1666 containing pBR322 and the two mobilizing plasmids was fed to 4 human subjects. More than 70 fecal samples were collected during the study and a large number of cultures and subcultures (2500) performed. The Chi 1666 survived from 3½ to 7 days and that interval corresponds well with previous data from studies in which Chi 1666 was fed to humans with and without pBR322. While the data for transfer of pBR322 await DNA:DNA colony hybridization and further confirmation, from the data already available on the two transferable plasmids, we can make certain estimates. Highly transferable pSL222-4

was found to transfer to coliforms at a frequency no higher than 8×10^{-6}. This value is 10^{-5} lower than seen when the plasmid is tested under the best laboratory conditions. Thus pBR322, which is transferable by F-like R plasmids at $10^{-5} - 10^{-6}$ would be expected to be transferred at an extremely low frequency; probably below experiemntally detectable levels. The same is presumable true of potential mobilization by the second conjugative plasmid, although the data for their mobilization of pBR322 are not readily available. We would estimate that pBR322 would be transferred at a frequency at least $10^{4} - 10^{5}$ fold less than the conjugatable plasmid, i.e., $10^{-9} - 10^{-10}$.

These studies were supported by Contract N01-AI-72529, Tufts University, Stuart Levy, principal investigator.

b. Progress on the evaluation of the transmission of vectors from *E. coli* K-12 to other bacteria in the gastrointestinal tract of animals and human beings has been made via three approaches.

(1) Data reported in section a. by two of the contractors relates directly to this question.

(2) A meeting was convened on August 30, 1979 at the NIH with the purpose of considering Falmouth Workshop Protocols I and II (Jour. Infect. Dis. *157*, 704–708, 1978) and some related issues. Dr. Stanley Falkow served as Chairman and sixteen participants and NIH staff attended.

Protocol I addressed the colonization and transmission of plasmids from *E. coli* K-12 in the gastrointestinal tract of humans to other bacterial strains in the intestinal flora. The Working Group unanimously recommended that the NIAID not initiate new studies to pursue the investigations as written in Protocol I. This judgment was based on a review of data that existed at the time of the Falmouth Workshop, a consideration of some newer published data and the results of contracts that NIAID was supporting. As written by the Falmouth Workshop Participants, the experiments were to be based on *E. coli* K-12 and this was judged to not be a fruitful experimantal model. It was a clear consensus of the Group that, based on the available data, it can be predicted that only negative results will be obtained and that limited resources could be better expended in other pursuits.

Protocol II was designed to study the transmission of plasmids from *E. coli* K-12, including Chi 1776, into the normal intestinal flora utilizing a germ-free mouse model.

The Working Group unanimously supported the view that the NIAID should not initiate new studies for the Protocol as it was written, but to rely on the contracts to supply some additional data. This judgment was based on the same reasoning and data base considered for Protocol I.

During discussion of the issues cited above it was obvious that the Working Group felt that a more beneficial use of monies would be to support the training of workers in good microbiological laboratory practices and to support research aimed at gaining a better basic scientific understanding of bacterial colonization and plasmid mobilization. Toward this last goal the Working Group strongly recommended that the NIAID support studies that could obtain quantitative data, expand scientific knowledge in an important area and which may prove useful at some future date for risk assessment. The Group felt that such studies should be performed directly in humans and employ wild type *E. coli* (not K-12). Strain HS containing pBR325 was suggested as a good initial combination, and the study should be developed to assay for both survival and transfer to the indigenous flora. [These studies are now in their early stages and being performed by an NIAID contractor at the University of Maryland Medical School.]

The full transcript of this meeting and a verbal report was made to RAC at their March 1980 meeting and the recommendations were approved by that Committee.

(3) NIAID identified two relevant grant applications, and the National Advisory Allergy and Infectious Diseases Council supported selective payment of these projects for inclusion into the risk assessment program.

One grantee (Dr. Rolf Freter, University of Michigan, AI 15279) will focus on the mechanisms that control human and animal gut flora. Of the four stated proposed aims of the research plan three relate to issues of importance to the NIH Recombinant DNA Risk Assessment Program. They are: (1) characterize and extend the application of anaerobic continuous flow cultures, (2) analyze the efficiency of plasmid and bacteriophage transfer, and (3) determine whether human microflora can be maintained in gnotobiotic mice and in anaerobic continuous flow cultures. The issue of mobilization of vector plasmids to the indigenous flora has always been a concern when considering the use of *E. coli* K-12 based host-vector systems. Most recently concern has been expressed over the potential for exchange of plasmids in the intestinal tract between the Enterobacteriaceae and the anaerobic flora, principally members of the genus Bacteroides. This project has the capacity for filling a significant void in experimental data.

A second grantee (Dr. Paul Cohen, University of Rhode Island, AI 16370) will be exploring a related issue which focuses on the molecular mechanisms of *E. coli* colonization of the intestine, specifically on the relative importance of plasmid or chromosomal determinants of colonization.

At this point in time the majority of experiments using recombinant DNA technology employ host-vector systems based on *E. coli* K-12 and its plasmids or bacteriophages. Prominent among the scenarios raised early in the debate over use of this technology was the possible colonization of the intestinal tract by host-vector systems followed by various consequences due to the elaboration of a product which would cause harm to the individual by either direct or indirect mechanisms. There now are a considerable number of studies describing the survival of various types of *E. coli* in the intestinal tracts of man and mice and they demonstrate a tremendous disparity in the survivability and colonization potential of such strains. A complete understanding of those factors that control survival and colonization may permit the development of both safer and more useful *E. coli* hosts in the future as well as perhaps provide data suggesting adjustments in the physical containment requirements of the NIH Guidelines governing use of this technology.

c. Experiments testing *E. coli* K-12 host-vector systems carrying recombinant DNA for virulence have been done by NIH scientists (Dr. Malcolm Martin and colleagues). The studies were designed to determine the pathogenicity and stability of shotgun clones of *Saccharomyces* DNA when used with both plasmid and bacteriophage vectors. In this experimental model, which utilized mice, there was no evidence that the presence of segments of the entire yeast genome altered the inherently low pathogenicity of *E. coli* K-12 in any way.

d. A Workshop was convened to consider two areas [within the NIH Program] recommended by the Risk Assessment Subcommittee of RAC. This Workshop was designed to define the scientific issues and assess the potential risks of: (a) Possible direct adverse effects of hormone-producing strains of *E. coli* K-12 and (b) The possible occurrence of autoantibodies or autoreactive cells due to the production of eukaryotic polypeptides [including

hormones) by *E. coli* K–12 should they colonize higher organisms.

In the charge to the Workshop it was noted that these potential risks were under consideration because there is still debate over the degree of possible risk, even though *E. coli* K–12 has apparently lost those characteristics that are required for colonization of the normal intestinal tract.

The purpose was to decide whether the two specific possibilities are valid scientific hypotheses if such an event did occur; and if valid, to determine if sufficient experimental data already exist to make a final judgment concerning possible risk. If data were insufficient, the participants were asked to outline those types of studies necessary to develop the definitive information on these issues.

The meeting brought together 92 scientists from the fields of immunology, endocrinology, physiology, microbiology, infectious diseases and other appropriate disciplines. The Chairmen's Summary and a full transcript of the Final Plenary Session were distributed to all participants and also to the RAC for their review at the June 1980 meeting. In addition to the report of the Director, NIAID, Drs. Setlow and Campbell, members of the RAC, prepared a separate report and the RAC Risk Assessment Subcommittee alos reported their analysis of the Workshop.

NIAID plans in implementing the four prime recommendations were influenced by the RAC discussions. At this time we propose to respond to the recommendations as follows:

(1) It was recommended that experiments of the following general type should be performed: *"E. coli* cells carrying recombinant DNA and making a mammalian protein are introduced into living animals under conditions where they cause genuine infection (e.g., an abscess), with subsequent monitoring for breakdown of immune tolerance."

This subject stimulated the most discussion during the final plenary session of the Workshop. The sentiment was to acquire the data as a matter of scientific interest rather than to answer the risk assessment question. An RFP was developed to solicit proposals from interested investigators. Immunologists from the NIAID staff designed the experimental protocol for the workscope and other specifications of the study.

(2) Additional information was requested on the handling and absorption of polypeptides from the normal and pathologic colon, and the potential effects of synthetic peptides on the bowel itself.

We have confirmed that this is an issue about which there are little direct data. The Workshop participants opined that although their own calculations revealed that only extremely small amounts of hormones would be produced under the most ideal conditions, data should still be sought for potential future needs. The issue of the potential effects of synthetic peptides on the bowel itself is different from that of hormones, and that discussion was centered on interferon and its direct effect on cells.

Although this will be a difficult study to initiate because of the technical difficulties as well as the process for approval of research in human subjects, NIAID is considering solicitation of grant proposals through a Request for Applications (RFA). The study will have as its objective a determination of the fate of peptide hormones when deposited in the distal small intestine and large intestine of humans. These sites are relevant to the production of hormones by recombinant DNA technology because they represent the regions of colonization by *E. coli.*

(3) It was suggested that additional information is needed on the potential transfer of plasmids to anaerobic bacteria from *E. coli.* This recommendation differs from the findings of the *ad hoc* group convened in August 1979 which RAC reviewed at the march 1980 meeting. That expert Group noted that by studying the epidemiology of plasmids the conjugative plasmids of *E. coli* are not found within the anaerobic flora of the gut. The uniform use of nonconjugative plasmids in rDNA research further reduces the likelihood of transfer

It is likely that the requested data will be forthcoming from NIH (NIAID) supported studies on plasmids through the regular grant-supporter research programs and that new initiatives are not needed. In fact, the NIAID Advisory Council identified a grant application (AI 15279) for selective payment that addressed some aspects of this issue; this action will initiate the acquisition of the data at an early date. There is no plan to develop a RFA at this time but NIAID staff will continue to identify all appropriate incoming applications as potential sources of data.

(4) It was recommended the NIH communicate with the Centers for Disease Control (CDC) about possible types of health surveillance for workers using recombinant DNA.

A CDC representative was present at the Pasadena meeting and discussed some approaches to this issue. Furthermore, representatives of the National Institute for Occupational Safety and Health and the Occupational Safety and Health Administration were also present and therefore, are cognizant of the Workshop recommendation. All of these agencies are members of The Industrial Practices Subcommittee of The Federal Interagency Advisory Committee on Recombinant DNA Research.

e. NIH scientists have continued a further evaluation of the biological activity of polyoma virus DNA cloned in *E. coli* host-vector systems. It had been reported (Science *203:* 883–892, 1979), when the Final Plan was initially published, that polyoma DNA was noninfectious when cloned in EK2 plasmid and bacteriophage host-vector systems.

As a further step in evaluating the biologic activity of the polyoma-plasmid and polyoma-lambda recombinant DNA host-vector systems, the scientists tested the ability of the EK2 systems containing polyoma DNA to induce tumors in suckling hamsters.

These animals are highly sensitive to tumor induction by polyoma virus and in some cases even subgenomic fragments of viral DNA can induce tumors in them. The results (Science *205:* 1140–1142, 1979) indicated that inoculation of suckling hamsters with 2×10^8 live cells of *E. coli* K–12 strain Chi 1776 carrying the complete genome of polyoma virus in a recombinant plasmid, failed to induce tumors in any of 32 recipients. Also, lambda phage DNA and particles with a monomeric insert of polyoma DNA did not induce tumors. Purified recombinant plasmid DNA, as well as phage particles and DNA containing a head-to-tail dimer of polyoma DNA, showed a low degree of oncogenicity, comparable to that of polyoma DNA prepared from mouse cells. These findings support the previous conclusions, based on infectivity assays in mice, that propagation of polyoma virus DNA as a component of recombinant DNA molecules in *E. coli* K–12 reduces its biologic activity many orders of magnitude relative to the virus itself.

Currently both the infectivity and tumorigenicity experiments are being extended. In one, *E. coli* K–12 (EK1) containing recombinant plasmids consisting of two copies of polyoma virus DNA and one copy of pBR322 plasmid DNA are being incoculated into newborn hamsters and weanling mice. It is also planned to test lambdaphage lysogens (*E. coli* K–12 containing one or two copies of a lambda bacteriophage–polyoma virus DNA recombinant integrated into the bacterial chromosome) by inoculation into

appropriate animal model systems. Results will be published in the open scientific literature and will be presented in a subsequent update of the Final Plan.

f. NIH scientists are also determining the biological activity of *E. coli* K–12 clones carrying DNA copies of an RNA tumor virus. These studies involve the administration to hamsters of bacterial preparations containing Harvey sarcoma virus DNA ligated to lambda and pBR322. These studies are still in progress and when definitive results have been obtained they will be published in the open scientific literature and will appear in a subsequent update of the Final Plan.

g. Although they had not appeared in the previous Final Plan, two additional NIAID contract-supported projects are peripherally related to the total risk assessement activities.

(1) RAC had suggested that a model cloned DNA segment be constructed to serve as a uniform heterologous DNA segment for risk assessment studies. This endeavor has been successfully completed by an investigator at the University of Wisconsin and employed, as a source of DNA, the plasmid NR79. The EcoRI fragment NR79–R1–G1 contains genes encoding for chloramphenicol, kanamycin and sulfonamide resistance, as well as the promoters that govern these resistances. NR79–R1–G1 was shown not to have an internal EcoRI site and also not to be capable of replicating by itself or with the help of other plasmids. Experimental results indicated that NR79–R1–G1 is not capable of autonomous replication and does not contain an origin of replication that can function in a recombinant plasmid. The antibiotic resistances encoded for by NR79–RI–G1 were tested and found not to be transposable, that is gene movement and insertion at a new site be a mechanism which does not involve the homologous recombination system of the host strain.

Since the fragment is not capable of autonomous replication, plasmid pJT353, a recombinant plasmid containing NR79–R1–G1 cloned into the EcoRI site of pBR322, is the suggested way of propagating this fragment. Stocks of *E. coli* strain KH802 containing pJT353 have been preserved for the propagation and isolation of NR79–R1–G1. Protocols used for the isolation of purified plasmid pJT353 (NR79–R1–G1 and pBR322) and purified NR79–R1–G1 fragment are available.

This work was supported by Contract NO1–AI–92606, University of Wisconsin, Robert Rownd, principal investigator.

(2) A contract has been awarded to the University of Minnesota, (Contract NO1–AI–02654, Donald Vesley, principal investigator) to develop a Comprehensive Course on Microbiological Principles and Techniques for Work with Potentially Biohazardous Agents Including Recombinant DNA. The Principal Investigator will work with the Board of Education and Training of the American Society for Microbiology (ASM) in developing the materials.

In 1977, the ASM undertook a study to devise standards of training for recombinant DNA research workers. A proper state of training of the laboratory workers is the first line of containment and it was their opinion that such training standards should be set by knowledgeable professionals. The product of that study was not standards but rather an outline of a body of knowledge which it was felt that any Principal Investigator should be aware of before independently embarking on recombinant DNA research. This contract will develop all necessary resources to present a course based on the ASM findings.

The plan is for the NIAID to support the development of the resource materials and once that phase is completed, the NIH Division of Safety will have the materials reproduced and distributed to the various Institutions where the NIH supports research to assist them in performing their own local training responsibilities. We will devise both a standard lecture/laboratory course and self study aides.

2. *Eukaryotic Host-Vector Systems.*

Lower eukaryotic and higher eukaryotic host/vector systems were given a lower priority in the Final Plan than prokaryotic systems.

After discussion at both the March and June 1980 meetings, the RAC recommended modifying the Guidelines to include *Saccharomyces cerevisiae* host-vector systems under Section III–0. During their consideration the RAC considered information that: (1) *S. cerevisiae* is nonpathogenic, (2) it does not implant in the intestine, (3) the dilute conditions in which it is found in nature are extremely unfavorable for mating, (4) it does not efficiently compete with wild strains of *S. cerevisiae*, and (5) it is fully sensitive to autoclaving and disinfection by standard agents.

RAC also considered the question of proper physical containment for higher eukaryotic viral vectors. The Guidelines have been modified to permit work at more relaxed levels of physical containment than previously required.

The Guidelines have been modified to permit recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus (all viruses from a single Family being considered identical) to be propagated and maintained in cells in tissue culture using P1 containment. It must be shown that the cells lack helper virus for the specific families of the defective viruses being used. The DNA may contain fragments of the genomes of viruses from more than one family but each fragment must be less than two thirds of a genome.

No initiatives have been started to directly answer the issues raised in the Final Plan relative to eukaryotic host-vector systems. NIH will continue to monitor the results of free ranging research to collect useful data that can be analyzed as part of the risk assessment process.

C. *Implementation.*

The original Final Plan stated that NIAID would recruit and appoint an eminent scientist as a Special Assistant to the Director, NIAID for Risk Assessment. Attempts to recruit a person to fill this position were made including national advertising. No individual with the desired level of credentials and broad recognition by the various scientific disciplines was identified who was willing to under take this work at the NIH under the conditions we could offer. By midyear it had become evident that the probable scope and number of various activities encompassed by the Risk Assessment Plan would probably stabilize at the current level and not increase further. Consequently, the necessity for a Special Assistant was reconsidered and alternatives for satisfying the needs were evaluated. A decision was made to distribute the proposed functions of the Special Assistant to the Office of Recombinant DNA Activities and the Office of Specialized Research and Facilities, both within the NIAID. When appropriate, these offices will use *ad hoc* consultants in fulfilling the tasks originally described for the Special Assistant and for which staff and the RAC Risk Assessment Subcommittee feel that additional or specific expertise is required.

The remainder of the Implementation section of the plan remains in effect as stated. Most implementation actions have been cited earlier in this document. However, an important part of the Plan is the submission of periodic reports to the RAC. In this regard, the Director, NIAID, has reported to the RAC on activities related to risk assessment, and has provided thereby an important and continuing review of progress, and receives the advice or comment of this advisory group.

Dated: June 1, 1981.

Donald S. Fredrickson, M.D.,

Director National Institutes of Health.

OMB's "Manadatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only vitually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether indvidual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8-(b)-(4) and (5) of that Circular.

[FR Doc. 81-16832 Filed 6-9-81; 8:45 am]

BILLING CODE 4110-08-M

V 46 JE 10 81 UMI

federal register

Wednesday
June 10, 1981

Part III

Department of Agriculture

Agricultural Marketing Service

Proposed Changes in Botanical Names, Testing Seed, and Standards for Certification of Seed

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 201

Federal Seed Act Regulations: Update and Standardize Botanical Names, Testing Methods and Certification Standards; Notice of Public Hearings

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and notice of public hearings.

SUMMARY: The proposed amendments to Part 201—Federal Seed Act Regulations (7 CFR Part 201) would change the botanical names of several agricultural and vegetable seeds, the regulations for testing seed, and standards for certified seed. These changes, requested by interested persons and organizations, would update and standardize botantical names, testing methods, and certification standards. Hearings with respect to the proposed amendments will be held in Denver, Colorado, and Washington, DC, at which time interested persons and organizations shall be given the opportunity to participate in the rulemaking through submission of written data, views, or oral presentation with respect to the proposals. Interested persons may also submit written comments to the Department.

DATES: Hearing—Washington, DC—July 22, 1981; Denver, Colorado—July 30, 1981.

Written Comments—Filed by: July 30, 1981.

ADDRESSES: Send comments, in duplicate, to the Hearing Clerk, USDA, Room 1077, South Building, Washington, DC 20250.

The Washington, DC, hearing will be held in Room 2096, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC.

The Denver, Colorado, hearing will be held in Room 239, Denver Federal Building, 1961 Stout Street, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Donald W. Ator, Chief, Seed Regulatory Branch, Livestock, Poultry, Grain, and Seed Division, Agricultural Marketing Service, Department of Agriculture, Room 2603, South Building, Washington, DC 20250, telephone (202) 447-9340.

SUPPLEMENTARY INFORMATION: Under section 402 of the Federal Seed Act, as amended (7 U.S.C. 1592 hereinafter "the Act"), and the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given of intention to amend Part 201 of the regulations (7 CFR Part 201) under the Act.

This proposed action has been determined by the Administrator, Agricultural Marketing Service (AMS), USDA not to be a "major rule" as defined in section 1(b) of Executive Order 12291. No significant increase in cost would be imposed on the seed industry or related groups.

The Administrator, AMS, has determined that this action will not have a significant economic effect on a substantial number of small entities because there is no increase in recordkeeping or paperwork requirements, no increase of direct or indirect cost of compliance with the rule, no effect on the competitive position of small entities in relation to larger entities, no effect on small entity's cash flow and liquidity, no effect on the ability of a small entity to remain in the market and imposes no need for, and therefore no cost of obtaining professional assitance for compliance. A letter and certification to this has been sent to the Small Business Administration.

Public hearings with respect to the proposed amendments will be held on July 22, 1981, starting at 9:00 a.m. in Room 2096, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC, and on July 30, 1981, starting at 9:00 a.m. in Room 239, Denver Federal Building, 1961 Stout Street, Denver, Colorado. Interested persons or groups who wish to appear at the hearings to present oral or written data or views on the proposed amendments may do so either in person or through a representative. Interested persons or groups who do not wish to appear at the hearings but desire to submit written data or views on the proposed amendments may do so by filing them, in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than July 30, 1981. Data or views submitted in writing will be given the same consideration as data or views presented orally at the hearings. All written data and views filed with the Hearing Clerk, and a transcript or summary of the public hearings, will be available to the public for inspection at the Office of the Hearing Clerk during official hours of business.

A final decision in this matter will be based on the written data and views filed with the Hearing Clerk, the transcript of the public hearings, and other information available to the Department. A notice of the final action taken will be published in the **Federal Register** after the hearings.

Part 201 of the regulations under the Act was amended in 1976 (41 FR 20155) with respect to the botanical names of seeds subject to the Act. Since that date, changes, have been made in the list of standardized names of plants as adopted by the International Association of Plant Taxonomy and the International Seed Testing Association. The Administrator, AMS, proposes changes in the listing of certain botanical names in the Part 201 regulations so as to reflect international nomenclature. The changes are necessary to maintain effective and orderly seed regulatory enforcement.

Part 201 of the regulations was amended in 1976 (41 FR 20157) with respect to the methods and procedures for testing seeds. Since that date, changes in testing procedures have been made by the Association of Official Seed Analysts (AOSA) based on data obtained through research, verified by AOSA referee study. The Administrator, AMS, has reviewed and evaluated these changes which have been adopted by AOSA. These changes appear to be based on advances in seed technology in the United States and should be considered for adoption into the Federal Seed Act (FSA) Regulations. Therefore, the amendments to Part 201 of the regulations with respect to the methods and procedures for testing seed are being proposed by the Administrator, AMS, in order to maintain standardization in seed testing between Federal, State and Commercial Seed Testing Laboratories. Uniform seed testing methods and procedures are desirable because seedsmen depend on reliable seed test information in order to accurately label seed lots for market. Seed law enforcement officials depend on reliable seed test information in order to verify the accuracy of the labeling. In summary, the proposed changes are as follows:

1. Multiple florets, spikelets, spikelet groups, and fascicles of certain kinds of seed would be recognized as pure seed without regard to whether a caryopsis is present.

2. Additional seeds and other material not seeds would be recognized as inert matter.

3. Expanded usage of "The Uniform Blowing Method" and "The Multiple Unit" procedures for several kinds of seed would be recognized to promote uniform testing between State and Federal agencies.

4. The use of ethephon and ethylene would be recognized for breaking the dormancy of peanut seed.

5. Dormant seeds would be recognized for several kinds of grass seed.

6. Testing procedures to determine the effectiveness of inoculation would be recognized.

Part 201 of the regulations was amended in 1977 (42 FR 38573) with respect to seed certifying agency standards and procedures. Since that date, the Association of Official Seed Certifying Agencies (AOSCA) has adopted certain technical changes in its land, isolation, field, and seed standards, and has submitted its standards to the Department for consideration as to changes which the Department might propose in the regulations for certified seed. The Administrator, AMS has reviewed the AOSCA standards and proposes that they should be considered for adoption due to advances in plant breeding, varietal maintenance procedures and certified seed production practices. In addition, the Administrator proposes a provision which specifies that the absence of standards for the Registered class of a particular crop included in Table 5 signifies that the class is prohibited. The Administrator also proposes to correct certain past printing errors in Table 5 as published in the **Code of Federal Regulations**. In summary, the proposed changes are as follows: (Note: The term "all three classes" where referenced below refers to the following classes of certified seed: Foundation, Registered and Certified.)

1. The format of Table 5 would be revised and several printing errors with respect to footnote references contained therein would be corrected.

2. Land standards for all three classes of cowpea, crambe, favabean, field bean, field pea, garden bean, mung bean, okra, onion, pepper, rice, sorghum, tomato, vetch and watermelon seed would be relaxed by waiving the land standard, if the previous crop was grown from certified seed of the same variety. The current regulations provide that the land standard is waived, only if the previous crop was of the same variety and produced a class of certified seed equal or superior to that of the crop being seeded.

3. For cotton seed, field standards for the three classes and seed standards for the Foundation class would be relaxed to allow more other varieties or offtypes. The seed standard for the Registered class would be made stricter by allowing for fewer other varieties or offtypes.

4. Seed standards would be relaxed to allow 3.0 percent other varieties or offtypes in the Certified class of nonfluorescent varieties of perennial ryegrass seed. The current regulations allow 2.0 percent other varieties or offtypes in the Certified class of all grasses, except Merion Kentucky bluegrass.

5. The current regulations do not include requirements for safflower. The regulations would be amended to add requirements for all three classes of safflower seed.

6. Isolation standards for all three classes of hybrid and non-hybrid sunflower seed would be made stricter by increasing the distance required between oil and non-oil types and between either type and other volunteers or wild types to 5,280 feet. The current regulation requires isolation of 2,640 feet between all types.

7. The regulations would be made stricter by eliminating the Registered class of mustard seed and by increasing the isolation distance for the Foundation and Certified classes from 165 feet to 1,320 and 660 feet, respectively.

8. Separate standards for cross- and self-pollinated millet and rape seed would be established. The current regulations make no distinction as to the mode of reproduction. Isolation, field, and seed standards for three classes of self-pollinated millet seed would be relaxed. Further, the rape seeds standards would be made stricter by eliminating the Registered class of cross- and self-pollinated rape and by increasing the isolation distance required for the Foundation and Certified classes of cross- and self-pollinated rape.

9. Isolation standards for the Certified class of alfalfa would be relaxed by application of an "isolation zone" concept. Portions of the field being certified falling within the zone would be eligible as the Certified class. Isolation standards for Foundation and Registered classes would be stricter for fields 5 acres and under.

For the reasons set out in the preamble, Part 201, Subchapter K, Chapter 1 of Title 7, **Code of Federal Regulations**, is proposed to be amended as follows.

PART 201—FEDERAL SEED ACT REGULATIONS

§ 201.2 [Amended]

1. Amend § 201.2 as follows:

a. Change the names in § 201.2(h) "Agricultural Seeds," as follows:

Following "Cowpea—Vigna" delete "sinensis (Torner) Savi." and insert "unguiculata (L.) Walpers Subsp. unguiculata"

Following "Crotalaria, slenderleaf—Crotalaria brevidens Benth." insert "var. Intermedia (Kotschy) Polhill"

Following "Fescue, Chewings—Festuca rubra" delete "var. commutata Gaud." and insert "L. subsp. commutata Gaudin"

Following "Rape, bird—Brassica" delete "campestris L." and insert "rapa L."

Following "Rape, turnip—Brassica" delete "campestris vars L." and insert "rapa L."

Following "Sainfoin—Onobrychis" delete "viciaefolia Scop." and insert "viciifolia Scopoli"

Following "Wheatgrass, beardless—Agropyron" delete "inerme (Schribn. & Smith) Rydb." and insert "spicatum (Pursh) Scribner & Smith f. inerme (Scribner & Smith) Beetle"

Following "Wheatgrass, pubescent—Agropyron" delete "trichophorum (Link) Richt." and insert "intermedium (Host) Beauvois var. trichophorum (Link) Halacsy"

b. Change the name in § 201.2(i) "Vegetable Seeds," as follows:

Following "Cowpea—Vigna" delete "sinensis (Torner) Savi." and insert "unguiculata (L.) Walpers subsp. unguiculata"

c. After the text in § 201.2(mm), add a new paragraph (nn) to read as follows:

(nn) *Backcross*

(1) The term "first generation backcross" means the first generation cross between a single cross of related inbred lines and an inbred line which is one of the inbreds in the single cross.

(2) The term "second generation backcross" means the cross of a first generation backcross (seed parent) with its recurrent inbred parent (pollen parent).

§ 201.46 [Amended]

a. Amend § 201.46 Table 1 as follows:

a. Under the heading "Agricultural Seed":

Following "Cowpea—Vigna" delete "sinensis" and insert "unguiculata subsp. unguiculata"

Following "Crotalaria, Slenderleaf—Crotalaria brevidens" insert "var. intermedia"

Following "Fescue, Chewings—Festuca rubra" delete "var. commutata" and insert "subsp. commutata"

Following "Rape: Bird—Brassica" delete "campestris" and insert "rapa"

Following "Rape: Turnip—Brassica" delete "campestris vars" and insert "rapa"

Following "Sainfoin—Onobrychis" delete "viciaefolia" and insert "viciifolia"

Following "Wheatgrass: Beardless—Agropyron" delete "inerme" and insert "spicatum f. inerme"

Following "Wheatgrass: Pubescent—Agropyron" delete "tricophorum" and insert "interimedium var. trichophorum"

b. Under "Vegetable Seed," make the following name change:

§ 201.47 [Amended]

Following "Cowpea—Vigna" delete "sinensis" and insert "unguiculata subsp. unguiculata"

3. Amend § 201.47(e) to read as follows:

(e) The Uniform Blowing Procedure described in § 201.51a(a) shall be used for the separation of pure seed and inert matter in seeds of Kentucky bluegrass (Poa pratensis), Canada bluegrass (P. compressa), Rough bluegrass (P. trivialis), "Pensacola" variety of bahiagrass (Paspalum notatum), and orchardgrass (Dactylis glomerata).

4. Revise § 201.47a to read as follows:

§ 201.47a Seed unit.

The seed unit is the structure usually regarded as a seed in planting practices and in commercial channels. The seed unit may consist of one or more of the following structures:

(a) True seeds;

(b) For the grass family:

(1) Caryopses and single florets;

(2) Multiple florets and spikelets in tall oatgrass (Arrhenatherum elatius), oat (Avena spp.), gramas (Bouteloua spp. rhodesgrass (Chloris gayana), barley (Hordeum vulgare), and bluegrass (Poa spp.);

(3) Entire spikelets in Agrostis (Agrostis spp.), Panicum (Panicum spp.), and foxtail millet (Setaria italica). Entire spikelets which may have attached rachis segments, pedicels, and sterile spikelets in bluestems (Andropogon spp., Bothriochloa ischaemum and Schizachyrium scoparium), Sorghum (Sorghum spp.), and yellow indiangrass (Sorghastrum nutans);

(4) Spikelet groups that disarticulate as units with attached rachis and internodes in big bluestem (Andropogon spp., Bothriochloa ischaemum and Schizachyrium scoparium), side-oats grama (Boutelous curtipendula), and yellow indiangrass (Sorghastrum nutans);

(5) Fascicles of buffelgrass (Cenchrus ciliaris) consisting of bristles and spikelets;

(6) Burs of buffalograss (Buchloe dactyloides);

(7) Bulblets of bulbous bluegrass (Poa bulbosa);

(8) Multiple units as defined in 201.51a(b)(1).

(c) Dry indehiscent fruits in the following plant families: Buckwheat (Polygonaceae), sunflower (Compositae), geranium (Geraniaceae), goosefoot (Chenopodiaceae), and valerian (Valerianaceae);

(d) One- and two-seeded pods of small-seeded legumes (Leguminosae), burs of the burclovers (Medicago arabica, M. polymorpha), and pods of peanuts (Arachis hypogaea). (This does not preclude the shelling of small-seeded legumes for purposes of identification.) Pods of legumes normally containing more than two seeds, when occurring incidentally in the working sample, should be hulled if the kind is hulled when marketed.

(e) Fruits or half fruits in the carrot family (Umbelliferae);

(f) Nutlets in the following plant families: Borage (Boraginaceae), mint (Labiatae), and vervain (Verbenaceae);

(g) "Seed balls" or portions thereof in multigerm beets (Beta vulgaris), and fruits with accessory structures such as occur in New Zealand spinach (Tetragonia tetragonioides).

5. Revise § 201.48 to read as follows:

§ 201.48 Kind or variety considered pure seed.

The pure seed shall include all seeds of each kind or each kind and variety under consideration present in excess of 5 percent of the whole. Seeds of kinds or kinds and varieties present to the extent of 5 percent or less of the whole may be considered pure seed if shown on the label as components of a mixture in amounts of 5 percent or less. The following shall be included with the pure seed:

(a) Immature or shriveled seeds and seeds that are cracked or injured. For seeds of legumes (Leguminosae) and crucifers (Cruciferae) with the seed coats entirely removed refer to § 201.51(a)(1);

(b) Pieces of seeds which are larger than one-half of the original size. For separated cotyledons of legume seeds to § 201.51(a)(2);

(c) Insect-damaged seeds, provided that the damage is entirely internal, or that the opening in the seed coat is not sufficiently large so as to allow the size of the remaining mass of tissue to be readily determined. Weevil-infested vetch seeds, irrespective of the amount of insect damage, are to be considered pure seed, unless they are broken pieces one-half or less than the original size. For classification of broken pieces of seed units one-half or less than the original size, refer to § 201.51(a)(2). Refer to § 201.51(a)(3) for chalcid-damaged seeds;

(d) Seeds that have started to germinate;

(e) Seeds of the cucurbit family (Cucurbitaceae) and the nightshade family (Solanaceae) whether they are filled or empty;

(f) Intact fruits, whether or not they contain seed, of species belonging to the following families: Sunflower (Compositae), buckwheat (Polygonaceae), carrot (Umbelliferae), valerian (Valerianaceae), mint (Labiatae) and other families in which the seed unit may be a dry, indehiscent one-seeded fruit. For visibly empty fruits, refer to inert matter, § 201.51(a)(6);

(g) Seed units of the grass family listed in §§ 201.47a(b)(1) through (5) if a caryopsis with some degree of endosperm development can be detected in the units, either by slight pressure or by examination over light. Species in which determination of endosperm development is not necessary are listed in subparagraphs (1) and (2) of this section. Refer to §§ 201.48(h) and 201.51(a)(5) when nematode galls and fungal bodies have replaced the caryopsis in seed units. The following procedures apply to determine pure seed in the grass families listed below:

(1) Intact burs of buffalograss (Buchloe dactyloides) shall be considered pure seed whether or not a caryopis is present. Refer to § 201.51(a)(6) for burs which are visibly empty.

(2) The Uniform Blowing Procedure described in § 201.51a(a) shall be used to determine classification of florets into pure seed or inert matter for Kentucky bluegrass (Poa pratensis), Canada bluegrass (P. compressa), rough bluegrass (P. trivialis), Pensacola bahiagrass (Paspalum notatum) and orchardgrass (Dactylis glomerata).

(3) Special purity procedures for Chewings fescue (Festuca rubra subsp. commutata), red fescue (F. rubra), orchardgrass (Dactylis glomerata), crested wheatgrass (Agropyron cristatum or A. desertorum), pubescent wheatgrass (A. intermedium var. trichophorum), intermediate wheatgrass (A. intermedium), and smooth brome (Bromus inermis), are listed in § 201.51a(b).

(4) For methods of determining pure seed percentages of annual and perennial ryegrass, refer to §§ 201.58(b)(10) and 201.58a(a).

(h) Seed units with nematode galls, fungal bodies (i.e. ergot, other sclerotia and smut) and spongy or corky caryopses which are entirely enclosed within the seed unit. Refer to § 201.51(c)(1) for inert matter classification, and to § 201.51(a)(5) for dallisgrass (Paspalum dilatatum) and bahiagrass (Paspalum notatum) as inert matter.

(i) Seed units of New Zealand spinach (Tetragonia tetragonioides) and beets (Beta Vulgaris). Refer to §§ 201.47a(g) and 201.51(a)(6) for definitions of seed units and inert matter, respectively.

6. Revise § 201.50 to read as follows:

§ 201.50 Weed seed.

Seeds (including bulblets or tubers) of plants shall be considered weed seeds when recognized as weed seeds by the law or rules and regulations of the State into which the seed is offered for transportation or transported; or by the law or rules and regulations of Puerto Rico, Guam, or District of Columbia into which transported, or District of Columbia in which sold; or found by the Secretary of Agriculture to be detrimental to the agricultural interests of the United States, or any part thereof. Damaged weed seeds and immature seedlike structures, as described in § 201.51(b), shall be considered inert matter. Weed seeds, as defined above in this section, requiring further separation into weed seed and inert matter components are as follows:

(a) Capsules and clusters of seeds of poverty rush (Juncus tenuis), and other species of rush (Juncus spp.) having seeds of similar size, are classed as weed seeds. For the classification of individual seeds of rush (Juncus spp.), refer to § 201.51(b)(9);

(b) For species having seeds larger than rush (Juncus spp.), the individual seeds are to be removed from fruiting structures such as pods and heads. The seeds are classified as weed seed and the remaining fruiting structures classified as inert matter.

(c) Wild onion and wild garlic (Allium spp.) bulblets which have any part of the husk remaining and are not damaged at the basal end are considered weed seeds regardless of size. For wild onion and wild garlic (Allium spp.) bulblets classed as inert matter refer to § 201.51(b)(5).

7. Revise § 201.51 to read as follows:

§ 201.51 Inert matter.

Inert matter shall include seeds and seed-like structures from both crop and weed plants and other material not seeds as follows:

(a) Seeds and seed-like structures from crop plants:

(1) Seeds of legumes (Leguminosae) and crucifers (Cruciferae) with the seed coats entirely removed. Refer to § 201.48(a) for pure seed classification.

(2) Pieces of broken and damaged seed units, including those that are insect damaged, which are one-half the original size or less. If greater than one-half, refer to §§ 201.48(b) and (c) for pure seed classification. Also included as inert matter are separated cotyledons of legumes, irrespective of whether or not the radicle-plumule axix and/or more than one-half of the seed coat may be attached.

(3) Chalcid-damaged seeds (puffy, soft, or dry and crumbly) of alfalfa, red clover, crimson clover, and similar kinds of small seeded legumes. Refer to § 201.48(c) for pure seed classification.

(4) Glumes and empty florets except as stated under pure seed. Refer to §§ 201.48 (g) and (h) for pure seed classification.

(5) Seed units with nematode galls or fungal bodies (smut, ergot, and other sclerotia) protruding from the tip of the seed unit. Also included are ergot and smut diseased caryoposes of dallisgrass (Paspalum dilatatum) and bahiagrass (Paspalum notatum) which are entirely enclosed within the seed unit. Refer to § 201.48(h) for pure seed classification.

(6) Fruit portions or fragments of monogerm beets (Beta vulgaris), New Zealand spinach (Tetragonia tetragonioides), buffalograss (Buchloe dactyloides) and families in which the seed unit is a dry indehiscent one-seeded fruit which visably does not contain a seed. Refer to §§ 201.48(f), 201.48(g)(1) and 201.48(i) for pure seed classification.

(b) Seeds and seed-like structures from weed plants, which by visual examination (including the use of light or dissection), can be determined to be within the following categories:

(1) Damaged seed (other than grasses) with over one-half of the embryo missing.

(2) Grass florets and caryopses classed as inert:

(i) Glumes and empty florets of weedy grasses;

(ii) Damaged grass caryopses, including free caryopses, with over one-half the root-shoot axist missing (the scutellum excluded);

(iii) Immature free caryopses devoid of embryo and/or endosperm;

(iv) Immature florets of quackgrass (Agropyron repens) in which the caryopses are less than one-third the length of the palea. The caryopsis is measured from the base of the rachilla;

(v) Free caryopses of quackgrass (A. repens) that are 2 mm or less in length.

(3) Seeds of legumes and species of Brassica with the seed coats entirely removed.

(4) Immature seed units, devoid of both embryo and endosperm, such as occur in but not limited to the following plant families: Sedge (Cyperaceae) buckwheat (Polygonaceae), morning glory (Convolvulaceae), nightshade (Solanaceae), puncturevine (Zygophyllaceae) and sunflower (Compositae). Cocklebur (Xanthium spp.) burs are to be dissected to determine whether or not seeds are present.

(5) Wild onion and wild garlic (Allium spp.) bulblets:

(i) Bulblets which are completely devoid of the husk and pass through a 1/13th-inch, round-hole sieve.

(ii) Bulblets which show evident damage to the basal end, whether husk is present or absent. Refer to § 201.50(c) for wild onion and wild garlic (Allium spp.) bulblets classed as weed seeds.

(6) Dodder (Cuscuta spp.) Seeds devoid of embryos and seeds which are ashy gray to creamy white in color are inert matter. Seeds should be sectioned when necessary to determine if an embryo is present as when seeds have a normal color but are slightly swollen, dimpled or have minute holes.

(7) Buckhorn (Plantago lanceolata): Black seeds, with no brown color evident, whether shriveled or plump; the color of questionable seeds shall be determined by use of a stereoscopic microscope with magnification of approximately 10X and a fluorescent lamp with two 15-watt daylight-type bulbs.

(8) Ragweed (Ambrosia spp.): Seed with both the involucre and pericarp absent.

(9) Individual sees of Juncus species shall be left in the inert matter and their presence recorded under "weed seeds."

(c) Other matter that is not seed:

(1) Free nematode galls or fungal bodies such as smut, ergot, and other sclerotia.

(2) Soil particles, sand, stone, chaff, stems, leaves, flowers, and any other foreign material.

8. Revise § 201.51a to read as follows:

§ 201.51a Special Procedures for Purity Analysis.

(a) The Uniform Blowing Procedure shall be used for the separation of pure seed and inert matter in the following: Kentucky bluegrass (Poa pratensis); Canada bluegrass (P. compressa); rough bluegrass (P. trivialis); Pensacola variety of bahiagrass (Paspalum notatum) and orchardgrass (Dactylis glomerata). When kinds listed in this section appear in mixtures they shall be separated from other kinds before using the uniform blowing procedure. To determine the blowing point for these procedures, individual calibration samples for Kentucky bluegrass, orchardgrass, and Pensacola variety of bahiagrass are to be used. The calibration sample for Kentucky bluegrass will also be used for Canada and rough bluegrass. In the case of rough bluegrass, only a factor of 0.82 of the blowing point established for Kentucky bluegrass will be used. Calibration samples and instructions are available through the Seed Standardization Branch, AMS, LPG&S Division, USDA Bldg. 306, Room 213, Beltsville, Maryland 20705. The calibration samples are used to establish a blowing point prior to proceeding with the separation of pure seed and inert matter for these kinds. After completing the blowing procedure, remove all weed and crop seeds from the light portion and add these to the weed or crop separation, as appropriate. The remainder of the light portion will be considered inert matter. Remove all weed and crop seeds and other inert matter (stems, leaves, dirt) from the heavy portion and add these to the weed, crop or inert matter separations, as appropriate. The remainder of the heavy portion will be considered pure seed. With orchardgrass, after the blowing, proceed with the multiple unit procedure.

(b) The Multiple Unit Procedure of determining the pure seed fraction shall be used for the kinds included in the following table when multiple units are present in a sample.

(1) A multiple unit is a seed unit that includes at least one fertile floret plus one or more of attached structures as follows (the length of an awn shall be disregarded when determining the length of a fertile floret or an attached structure):

(i) A sterile floret that extends to or beyond the tip of the fertile floret;

(ii) Basally attached glume, glumes, or sterile florets of any length.

(2) Procedure for determining of multiple seed units:

(i) For a single kind: determine the percentage of single florets present, based on the total weight of single florets and multiple units. Apply the appropriate factor, as determined from the following table, to the weight of the multiple units and add that portion of the multiple unit weight to the weight of the single units. The remaining multiple unit weight shall be added to the weight of the inert matter.

(ii) For mixtures that include one or more of the kinds in the following table, determine the percentage of single florets, based on the total weight of single florets and multiple units, for each kind. Apply the appropriate factor, as determined from the following table, to the weight of multiple units of each kind.

BILLING CODE 3410-02-M

Factors Applicable To Multiple Units]

Factors Applicable To Multiple Units[1]

Percent of single florets of each kind	Kind of Seed						
	Chewings fescue	Red fescue	Orchard-grass	Crested wheat-grass[2]	Pubescent wheatgrass	Intermediate wheatgrass	Smooth brome
	%						
50 or below	91	80	80	70	66	72	72
50.01-55.00	91	81	81	72	67	74	74
55.01-60.00	91	82	81	73	67	75	75
60.01-65.00	91	83	82	74	67	76	76
65.01-70.00	91	84	82	75	68	77	78
70.01-75.00	91	86	82	76	68	78	79
75.01-80.00	91	87	83	77	69	79	81
80.01-85.00	91	88	83	78	69	80	82
85.01-90.00	91	89	83	79	69	81	83
90.01-100.00	91	90	84	79	70	82	85

1. These factors represent the percentages of the multiple unit weights which are considered pure seed. The remaining percentage is regarded as inert matter.

2. Includes both fairway crested wheatgrass (Agropyron cristatum) and standard crested wheatgrass (A. desertorum).

BILLING CODE 3410-02-C

9. Amend § 201.52 by adding the words "§ 201.46" in front of the word "Table" in the first sentence of the section and by deleting the entire last sentence of the section which begins with the words "If the sample . . ." and ends ". . . shall be determined." and adding the following sentences:

§ 201.52 [Amended]

"The seeds per unit weight shall be based on the number of single seeds. The number of individual seeds shall be determined in burs of sandbur (Cenchrus spp.) and cocklebur (Xanthium spp.), captules of dodder (Cuscuta spp.), berries of horsenettle and nightshade (Solanaceae) and in the fruits of other noxious weeds that contain more than one seed. Refer to §§ 201.50 and 201.51(b)(4) for the classification of weed seeds and inert matter, respectively."

* * * * *

10. Amend § 201/56–6(a)(1)(i) by adding the following words after the word "seeding":

§ 201.56–6 [Amended]

"except that adzuki, lima and mung may have both cotyledons missing provided the seedling is otherwise normal;" Amend §201.56–6(a)(2)(iv) by adding the following words after the word "attached":

"except that adzuki, lima and mung must have seedlings that are weak and lacking in vigor when both cotyledons are missing"

11. Amend § 201.56–6(c)(1) by deleting the "or" in front of subparagraph (iv) and adding after subparagraph (iv) a new subparagraph (v) as follows:

"; or (v) at least one complete cotyledon or two broken cotyledons and one-half or more of the cotyledon tissue remaining attached to the seedling. Cowpea and asparagusbean may have both cotyledons missing."

12. Revised § 201.57a to read as follows:

§ 201.57a Dormant seeds.

Dormant seeds are viable seeds, other than hard seeds, which fail to germinate when provided the specified germination conditions for the kind of seed in question.

(a) Viability of ungerminated seeds shall be determined by any of the following methods or combinations of methods: a cutting test, tetrazolium test, scarification, or application of germination promoting chemicals.

(b) The percentage of dormant seed, if present, shall be determined in addition to the percentage of germination for only the following kinds: Bahiagrass (Paspalum notatum), bluestems (Andropogon gerardi, A. hallii, Bothriochloa ischaemum and Schizachyrium scoparium), buffalograss (Buchloe datyloides), buffelgrass (Cenchrus ciliaris), gramas (Boutelous spp.), Indian ricegrass (Oryzopsis hymenoides), lovegrasses (Eragrostis spp.), sand dropseed (Sporobolus cryptandrus), smilo (Oryzopsis miliacea), switchgrass (Panicum virgatum), veldtgrass (Ehrharta calycína), western wheatgrass (Agropyron smithii), and yellow indiangrass (Sorghastrum nutans).

13. Amend § 201.58(a) as follows:

§ 201.58 [Amended]

Amend § 201.58(a)(7) by adding, between the definitions of symbols "C" and "RB", the following:

"TC=on top of crepe cellulose paper without a blotter" and by adding after § 201.58(a)(9), new paragraphs (10) and (11) as follows:

(10) *Ethephon.* This term means a 29 parts per million (0.0029 percent) solution of ethephon [(2–chloroethyl) phosphonic acid] which shall be used to moisten the substratum. This solution is prepared by mixing 0.6 ml of a stock solution with 5,000 ml of distilled water. The stock solution contains 24 grams of active material per 100 ml of propylene glycol or two pounds of active material per gallon. A solution which is five times this concentration (5 × 29 ppm) may be used for extremely dormant seeds, provided seeds are transferred to substratum moisture with water after 1 to 3 days.

(11) *Ethylene.* This term means that five (5) ml of ethylene gas per cubic foot of germinator space is injected into a germinator in which peanut seeds in moist rolled towels have been placed. Following injection of the ethylene, the germinator is kept closed until the first count (5 days). If the germinator door is opened for the purpose of checking or rewetting the samples, another injection of ethylene at the same rate shall be made.

14. Amend § 201.58(b)(2) to read as follows:

(2) Bahiagrass (Paspalum notatum); removal of glumes. On all varieties except 'Pensacola', remove the enclosing structures (glumes, lemma, and palea) from the caryopsis with the aid of a sharp scalpel. If the seed is fresh or dormant, scratch the surface of the caryopsis lightly.

15. Amend § 201.58(c) Table 2 as follows:

a. Under "Agricultural Seed", under the column "name of Seed":

Following "Bluestem: Sand—Andropogon" delete "nallii" and insert "hallii"

Following "Buffelgrass-Cenchrus" delete "Ciliaris" and insert "ciliaris"

Following "Corn: Pop-Zea" delete "Mays" and insert "mays"

Following "Cowpea-Vigna" delete "sinensis" and insert "unguiculata subsp. unguiculata"

Following "Crotalaria: Slenderleaf—Crotalaria" delete "intermedia" and insert "brevidens var. intermedia"

Following "Fescue: Chewings—Festuca rubra" delete "var. commutata" and insert "subsp. commutata"

Following "Rape: Bird—Brassica" delete "campesiris" and insert "rapa"

Following "Rape: Turnip—Brassica" delete "campestris vars" and insert "rapa"

Following "Sainfoin—Onobrychis" delete "viciaefolia" and insert "viciifolia"

Following "Wheatgrass: Beardless—Agropyron" delete "inerme" and insert "spicatum f. inerme"

Following "Wheatgrass: Pubescent—Agropyron" delete "tricophorum" and insert "intermedium var. trichophorum"

Under the column "Substrata," add "TC" at the following entries:

Corn: Field—Zea mays

Corn: Pop—Zea mays

Soybean—Glycine max

At the entry "Peanut—Arachis hypogaea," amend the column "Additional directions, Fresh and dormant seed" by changing the words "Predry up to 14 days at 40°C." to "Ethephon, ethylene—see § 201.58(a)(10) and (11)."

Under the column "Additional directions, Fresh and dormant seed," add

"See Dormant seeds—§ 201.57a" at the following entries:

Bahiagrass—Paspalum notatum: Var. Pensacola

Bahiagrass—Paspalum notatum: All other wars.

Bluestem: Big—Andropogon gerardi

Bluestem: Little—Schizachyrium scoparium

Bluestem: Sand—Andropogon hallii

Bluestem: Yellow—Bothriochloa ischaemum

Buffalograss—Buchloe dactyloides: (Burs)

Buffalograss—Buchloe dactyloides: (Caryopses)

Buffelgrass—Cenchrus ciliaris

Dropseed, sand—Sporobolus cryptandrus

Grama: Blue—Bouteloua gracilis

Grama: Side-oats—Bouteloua curtipendula

Indiangrass, yellow—Sorghastrum nutans
Lovegrass, sand—Eragrosits trichodes
Lovegrass, weeping—Eragrostis curvula
Ricegrass, Indian—Oryzopsis hymenoides
Smilo—Oryzopsis miliacea
Switchgrass—Panicum virgatum
Veldtgrass—Ehrharta calycina
Wheatgrass: Western—Agropyron smithii

b. Under "Vegetable Seed":

Under the column "Name of Seed":

Following "Cowpea—Vigna" delete "sinensis" and insert "unguiculata subsp. unguiculata"

Under the column "Substrata," add "TC" at the following entries: Corn, sweet—Zea mays
Soybean—Glycine max

16. Following § 201.58c add a new section as follows:

§ 201.58d Detection of Rhizobium on inoculated seed.

Determine the symbiotic effectiveness of nitrogen fixing bacteria (Rhizobium spp.) associated with a sample of inoculated legume seed by using the following procedures:

(a) Obtaining the Working Sample—

(1) Use a sterile spatula or a disposable piece of stiff plastic or paper to thoroughly mix each sample on a separate clean sheet of paper.

(2) Repeatedly divide the sample into halves until approximately 200 seeds remain.

(b) Growth Test—

(1) To minimize cross contamination of bacteria among developing seedlings, either plant two seeds in each 25 x 200 mm culture tube, or plant several seeds at least 25 mm apart in a container equipped with a watering tube or a reservoir that provides a constant supply of nutrient solution from beneath the roots.

(2) Plant about 150 seeds to provide at least 100 plants for evaluation. To avoid cross contamination during the planting of different samples, use forceps that have been sterilized prior to use with each sample. Thoroughly moisten a layer of vermiculite at least 40 mm in depth with nitrogen-free nutrient solution, and level the surface with a 10 m layer of washed sterile sand. After placing the seeds cover them with an additional layer of the washed sterile sand to a depth of 10 mm.

(3) Grow the test sample, a laboratory inoculated (positive check) sample, and a surface sterilized (negative check) sample at the same time. Satisfactory growth conditions will result in the production of pink nodules on roots of the positive check by at least 21 days from planting date.

(c) Evalulation—

(1) Carefully remove plants from the substrate and examine the roots of each plant 21 to 30 days from planting date.

(2) The presence of at least one pink nodule (visible without magnification) on either of the following indicates that effective nitrogen fixing bacteria were present on the orginal seed:

(i) The primary root;

(ii) A secondary root within 10 mm of the primary root.

(3) General observations of plant size and chlorophyll development of the test plants compared to plants of the positive and negative check samples are an aid in detecting the pink root nodules.

(4) to calculate the percentage of seeds effectively inoculated with Rhizobium, divide the number of plants found with pink nodules, located as specified in paragraph (c)(2) above of this section, by the number of plants evaluated (100 minimum).

§ 201.70 [Amended]

17. Amend § 201.70(b) in the first sentence of the paragraph by deleting the words "prior to the planting season" after the words "when an emergency is declared"

§ 201.74 [Amended]

18. Amend § 201.74 as follows:

a. In § 201.74(a) change "reference number" to "lot number or other identification."

b. In § 201.74(b), at the end, change "identifying number" to "lot number or other identification."

19. In § 201.76, revise the paragraph preceding Table 5, to read as follows:

§ 201.76 Minimum land, isolation, field and seed standards.

(a) In the following Table 5 the figures in the "Land" column indicate the number of years that must elapse between the destruction of a stand of a kind and establishment of a stand of a specified class of a variety of the same kind. The figures in the "Isolation" column indicate the distance in feet from any contaminating source. The figures in the "Field" column indicate the minimum number of plants or heads in which one plant or head of another variety is permitted. The figures in the "Seed" column indicate the maximum percentage of seed of other varieties of off-types permitted in the cleaned seed.

(b) The absence of standards for a particular class of seed in the following Table 5 signifies that the class is prohibited.

* * * * *

20. Revise and amend § 201.76, Table 5, as follows:

a. Revise Table 5 to read as follows:

BILLING CODE 3410-02-M

TABLE 5

CROP	FOUNDATION				REGISTERED				CERTIFIED			
	LAND	ISOLATION	FIELD	SEED	LAND	ISOLATION	FIELD	SEED	LAND	ISOLATION	FIELD	SEED
Alfalfa	$^{1}_{4}$	$^{5,\ 44}_{600}$	1,000	0.1	$^{1}_{3}$	$^{3,5,44}_{300}$	400	0.25	$^{1,2}_{1}$	$^{3,44}_{165}$	100	1.0
Hybrid	$^{1}_{4}$	$^{43}_{1,320}$	$^{42}_{1,000}$	0.1					$^{1,2}_{1}$	$^{3,43,44}_{165}$	$^{42}_{100}$	1.0
Barley	$^{7}_{1}$	$^{23}_{0}$	3,000	0.05	$^{7}_{1}$	$^{23}_{0}$	2,000	0.1	$^{7}_{1}$	$^{23}_{0}$	1,000	0.2
Hybrid	$^{30}_{1}$	$^{21,32}_{660}$	3,000	0.05	$^{30}_{1}$	$^{21,32}_{660}$	2,000	0.1	$^{30}_{1}$	$^{21,32}_{330}$	1,000	0.2
Birdsfoot Trefoil	$^{1}_{5}$	$^{5,44}_{600}$	1,000	0.1	$^{1}_{3}$	$^{5,44}_{300}$	400	0.25	$^{1}_{2}$	$^{6,44}_{165}$	100	1.0
Clover (all kinds)	$^{1,9}_{5}$	$^{5,18,44}_{600}$	1,000	0.1	$^{1,9}_{3}$	$^{5,18,44}_{300}$	400	0.25	$^{1,9}_{2}$	$^{18,44}_{165}$	100	1.0
Corn:												
Backcross lines	0	$^{10,11}_{660}$	$^{13}_{1,000}{}^{15}$	0.1								
Inbred lines	0	$^{10,11}_{660}$	$^{13}_{1,000}{}^{15}$	0.1								
Foundation, single cross	0	$^{10,11}_{660}$	$^{13}_{1,000}{}^{15}$	0.1								
Hybrid									0	$^{11,12}_{660}$		0.5
Open-pollinated									0	$^{11,12}_{660}$	200	0.5
Sweet									0	$^{11,14}_{660}$		0.5

CROP	FOUNDATION				REGISTERED				CERTIFIED			
	LAND	ISOLATION	FIELD	SEED	LAND	ISOLATION	FIELD	SEED	LAND	ISOLATION	FIELD	SEED

CROP	FOUNDATION LAND	FOUNDATION ISOLATION	FOUNDATION FIELD	FOUNDATION SEED	REGISTERED LAND	REGISTERED ISOLATION	REGISTERED FIELD	REGISTERED SEED	CERTIFIED LAND	CERTIFIED ISOLATION	CERTIFIED FIELD	CERTIFIED SEED
Cotton	0	[19] 0	0	0	0	[19] 0	35,000	0.1	0	[19] 0	7,000	0.1
Cowpea	[8] 1	[23] 0	2,000	0.1	[8] 1	[23] 0	1,000	0.2	[8] 1	[23] 0	500	0.5
Crambe	[8] 1	660	2,000	0.05	[8] 1	[24] 660	1,000	0.1	[8] 1	[24] 660	500	0.25
Crownvetch	[1] 5	[5,44] 600	1,000	0.1	[1] 3	[5,44] 300	400	0.25	[1] 2	[6,44] 165	100	1.0
Fava bean	[8] 1	[23] 0	2,000	0.05	[8] 1	[23] 0	1,000	0.1	[8] 1	[23] 0	500	0.2
Field and garden beans	[8] 1	[23] 0	2,000	0.05	[8] 1	[23] 0	1,000	0.1	[8] 1	[23] 0	500	0.2
Field pea	[8] 1	[23] 0	2,000	0.05	[8] 1	[23] 0	1,000	0.1	[8] 1	[23] 0	500	0.2
Flat pea	[1] 4	[5,44] 600	1,000	0.1	[1] 3	[3,5,44] 300	400	0.25	[1,2] 1	[3,44] 165	100	1.0
Flax	[7] 1	[23] 0	5,000	0.05	[7] 1	[23] 0	2,000	0.1	[7] 1	[23] 0	1,000	0.2
Grasses-Cross pollinated	5	[4,18,20] 900	1,000	0.1	[8] 1	[4,18,20] 300	100	1.0	[8] 1	[4,18,20] 165	50	2.0
Strains at least 80 percent apomictic and highly self-fertile species	5	[4,18,20] 60	1,000	0.1	[8] 1	[4,18,20] 30	100	1.0	[8] 1	[4,18,20] 15	[16] 50	2.0
Lespedeza	[1] 5	[4] 10	1,000	0.1	[1] 3	[4] 10	400	0.25	[1] 2	[4] 10	100	1.0
Milk vetch	[1] 5	[5,44] 600	2,000	0.05	[1] 3	[5,44] 300	1,000	0.1	[1] 2	[5,44] 165	200	0.5
Millet	[8] 1	[40] 1,320	[27] 20,000	0.005	[8] 1	[40] 1,320	[27] 10,000	0.01	[8] 1	[40] 660	[27] 5,000	0.02
Mung bean	[8] 1	[23] 0	2,000	0.1	[8] 1	[23] 0	1,000	0.2	[8] 1	[23] 0	500	0.5
Mustard	4	165	2,000	0.05	2	[24] 165	1,000	0.1	2	[24] 165	500	0.25

CROP	FOUNDATION LAND	FOUNDATION ISOLATION	FOUNDATION FIELD	FOUNDATION SEED	REGISTERED LAND	REGISTERED ISOLATION	REGISTERED FIELD	REGISTERED SEED	CERTIFIED LAND	CERTIFIED ISOLATION	CERTIFIED FIELD	CERTIFIED SEED
Oat	[7] 1	[23] 0	3,000	0.2	[7] 1	[23] 0	2,000	0.3	[7] 1	[23] 0	1,000	0.5
Okra	[8] 1	1,320	[27] 0	0.0	[8] 1	1,320	[27] 2,500	0.5	[8] 1	825	[27] 1,250	1.0
Onion	[8] 1	5,280	[22] 200	0.0	[8] 1	2,640	[22] 200 [22]	0.5	[8] 1	1,320	[22] 200 [22]	1.0
Peanut	[7] 1	[23] 0	1,000	0.1	[7] 1	[23] 0	500	0.2	[7] 1	[23] 0	200	0.5
Pepper	[8] 1	[25] 200	0	0.0	[8] 1	[25] 100	300	0.5	[8] 1	[25] 30	150	1.0
Rapeseed	4	165	2,000	0.05	2	[24] 165	1,000	0.1	2	[24] 165	500	0.25
Rice	[8] 1	[39] 10	10,000	0.05	[8] 1	[39] 10	5,000	0.1	[8] 1	[39] 10	1,000	0.2
Rye	[7] 1	[18] 660	3,000	0.05	[7] 1	[18] 660	2,000	0.1	[7] 1	[18] 660	1,000	0.2
Sainfoin	[1] 5	[5,44] 600	1,000	0.1	[1] 3	[5,44] 300	400	0.25	[1] 2	[5,44] 165	100	1.0
Sorghum	[8] 1	990	[27] 50,000	0.005	[8] 1	990	[27] 35,000	0.01	[8] 1	[29] 660	[27] 20,000	0.05
Hybrid seedstock	[8] 1	990	[27] 50,000	0.005	---	---	---	---	---	---	---	---
Commercial hybrid	---	---	---	---	---	---	---	---	[8] 1	[21,29,31] 660	[27] 20,000	0.1
Soybeans	[33] 1	[23] 0	1,000	0.1	[33] 1	[23] 0	500	0.2	[33] 1	[23] 0	200	0.5
Sunflower	1	[41] 2,640	200	0.02	1	[41] 2,640	200	0.02	1	[41] 2,640	200 [34]	0.1
Hybrid	1	[41] 2,640	[35] 250	0.02	---	---	---	---	1	[41] 2,640	[35] 250 [34]	0.1
Tomato	[8] 1	[25] 200	0	0	[8] 1	[25] 100	300	0.5	[8] 1	[25] 30	150	1.0
Tobacco	[36] 1	[37] 150	0	0.01	[36] 1	[37] 150	0	0.01	[36] 1	[37] 150	0	0.01

CROP	FOUNDATION LAND	FOUNDATION ISOLATION	FOUNDATION FIELD	FOUNDATION SEED	REGISTERED LAND	REGISTERED ISOLATION	REGISTERED FIELD	REGISTERED SEED	CERTIFIED LAND	CERTIFIED ISOLATION	CERTIFIED FIELD	CERTIFIED SEED

CROP	FOUNDATION				REGISTERED				CERTIFIED			
	LAND	ISOLATION	FIELD	SEED	LAND	ISOLATION	FIELD	SEED	LAND	ISOLATION	FIELD	SEED
Hybrid									[36]0	[38]150	0	0.01
Triticale	[7]1	[23]0	3,000	0.05	[7]1	[23]0	2,000	0.1	[7]1	[23]0	1,000	0.2
Vetch	[1,8]5	[17,44]10	1,000	0.1	[1,8]3	[17,44]10	400	0.25	[1,8]2	[17,44]10	100	1.0
Watermelon	[8]1	[26]2,640	[28]0	0	[8]1	[26]2,640	[28]0	0.5	[8]1	[26]1,320	[28]500	1.0
Wheat	[7]1	[23]0	3,000	0.05	[7]1	[23]0	2,000	0.1	[7]1	[23]0	1,000	0.2
Hybrid	[30]1	[21,32]660	3,000	0.05	[30]1	[21,32]660	2,000	0.1	[30]1	[21,32]330	1,000	0.2

[1]The land must be free of volunteer plants of the crop kind during the year immediately prior to establishment and no manure or other contaminating material shall be applied the year previous to seeding or during the establishment and productive life of the stand.
[2]At least 2 years must elapse between destruction of indistinguishable varieties or varieties of dissimilar adaptation and establishment of the stand for the production of the Certified class of seed.
[3]Isolation distance for certified seed production shall be at least 500 feet from varieties of dissimilar adaptation.
[4]Isolation between classes of the same variety may be reduced to 25 percent of the distance otherwise required.
[5]This distance applies when fields are 5 acres or larger in area. For smaller fields, the distances are 900 feet and 450 feet for the Foundation and Registered classes, respectively.
[6]Fields of less than 5 acres require 330 feet.
[7]Requirement is waived if the previous crop was grown from certified seed of the same variety.
[8]Requirement is waived if the previous crop was of the same variety and of a certified class equal or superior to that of the crop seeded.
[9]Reseeding varieties of crimson clover may be allowed to volunteer back year after year on the same ground. If a new variety is being planted where another variety once grew, the field history requirements apply.
[10]No isolation is required for the production of hand-pollinated seed.
[11]When the contaminant is of the same color and texture, the isolation distance may be modified by (1) adequate natural barriers, or (2) differential maturity dates, provided there are no receptive silks in the seed parent at the time the contaminant is shedding pollen. In the case of inbred lines and foundation single crosses, these modifications may apply only for fertile seed production.
[12]Where the contaminating source is corn of the same color and texture as that of the field inspected, the isolation distance is 410 feet and may be modified by the planting of pollen parent border rows according to the following table:

MINIMUM NUMBERS OF BORDER ROWS REQUIRED			
Minimum distance from contaminant		Field size, up to 20 acres	Field size, 20 acres or more
410		0	0
370		2	1
330		4	2
290		6	3
245		8	4
205		10	5
165		12	6
125		14	7
85		16	8
0		(Not permitted)	10

[13]Refers to off-type plants in the pollen parent that have shed pollen or to the off-type plants in the seed parent at the time of the last inspection.

[14]The required minimum isolation distance for sweet corn is 660 feet from the contaminating source, plus four border rows when the field to be inspected is 10 acres or less in size. This distance may be decreased by 15 feet for each increment of 4 acres in the size of the field to a maximum of 40 acres, and further decreased 40 feet for each additional border row to a maximum of 16 rows. These border rows are for pollen-shedding purposes only.

[15]Refers to off-type ears. Ears with off-colored or different textured kernels are limited to 0.5 percent, or a total of 25 off-colored or different textured kernels per 1,000 ears.

[16]The Merion variety of Kentucky bluegrass is allowed 3 percent.

[17]All cross-pollinating varieties must be 400 feet from any contaminating source.

[18]Isolation between diploids and tetraploids shall be at least 15 feet.

[19]Minimum isolation shall be at least 100 feet if the cotton plants in the contaminating source differ by easily observable morphological characteristics from the field to be inspected. Isolation distance between upland and Egyptian types shall be at least 1,320, 1,320, and 660 feet for Foundation, Registered, and Certified classes, respectively.

[20]These distances apply when there is no border removal. Border removal applies only to fields of 5 acres or more. Removal of a 9-foot border (after flowering) decreases the required distance for Foundation, Registered, and Certified seed to 600, 225, and 100 feet, respectively, for cross-pollinated species, and to 30, 15, and 15 feet, respectively, for apomictic and self-pollinated species.

[20]These distances apply when there is no border removal. Border removal applies only to fields of 5 acres or more. Removal of a 9-foot border (after flowering) decreases the required distance for Foundation, Registered, and Certified seed to 600, 225, and 100 feet, respectively, for cross-pollinated species, and to 30, 15, and 15 feet, respectively, for apomictic and self-pollinated species. Removal of a 15 foot border (after flowering) allows a further decrease to 450, 150, and 75 feet, respectively, for cross-pollinated species.

[21]Isolation distances between two fields of the same kind may be reduced to a distance adequate to prevent mechanical mixture, if the sum of percentages of plants in bloom in both fields does not exceed 5 percent at a time when more than 1 percent of the plants in either field are in bloom.

[22]Refers to bulbs.

[23]Distance adequate to prevent mechanical mixture is necessary.

[24]Required isolation between classes of the same variety is 10 feet.

[25]The minimum distance may be reduced by 50 percent if different classes of the same variety are involved.

[26]The minimum distance may be reduced by 50 percent if the field is adequately protected by natural or artificial barriers.

[27]These ratios are for definite other varieties. The ratios for doubtful other varieties are:

	Foundation	Registered	Certified
Millet	1:10,000	1:5,000	1:2,500
Sorghum	1:20,000	1:10,000	1:1,000
Hybrid Sorghum	1:20,000	(Not applicable)	1:1,000
Okra	None	1:750	1:500

[28]Whiteheart fruits may not exceed 1 per 100, 40 and 20 for Foundation, Registered, and Certified classes, respectively. Citron or hard rind is not permitted in Foundation or Registered classes and may not exceed 1 per 1,000 fruits in the Certified class.

[29]This distance applies if the contaminating source does not genetically differ in height from the pollinator parent or has a different chromosome number. If the contaminating source does (genetically) differ and has the same chromosome number the distance shall be 990 feet. The minimum isolation from grass sorghum or broomcorn with the same chromosome number shall be 1,320 feet.

[30]Requirement is waived for the production of pollinator lines if the previous crop was grown from a certified class of seed of the same variety. Sterile lines and crossing blocks must be on land free of contaminating plants.

[31]If the contaminating source is similar to the hybrid in all important characteristics, the isolation may be reduced by 66 feet for each pair of border rows of the pollinator parent down to a minimum of 330 feet. These rows must be located directly opposite or diagonally to the contaminating source. The pollinator border rows must be shedding pollen during the entire time 5 percent or more of the seed parent flowers are receptive.

UMI 1 8 0 1 E J 6 4 V

[32]An unplanted strip at least 2 feet in width shall separate male sterile plants and pollinator plants in inter-planted blocks.
[33]Unless the preceding crop was another kind or unless the preceding soybean crop was planted with a class of certified seed of the same variety, or unless the preceding soybean crop and the variety being planted are of contrasting pubescence or hilum color, in which case, no time need elapse.
[34]May include not more than 0.04 percent purple or white seeds.
[35]Standards apply equally to seed parents and pollen parents which may include up to 1:1,000 plants each of the wild-type branching, purple or white-seeded plants.
[36]A new plant bed must be used each year unless the bed is properly treated with a soil sterilant prior to seeding.
[37]This distance is applied between varieties of the same type and may be waived if four border rows of each variety are allowed to bloom and set seed between the two varieties but are not harvested for seed. Isolation between varieties of different types shall be 1,320 feet except if protected by bagging or by topping all plants in the contaminating source before bloom.
[38]When male sterile and male fertile plants of the same type are planted adjacent in a field, this requirement may be waived; provided, four border rows of male sterile plants are allowed to bloom and set seeds. The seed from these border rows shall not be harvested as part of the certified lot of seed produced by the male sterile plants. When plants are of different types, the distance shall be 1,320 feet except if protected by bagging or by topping all plants in the contaminating source before bloom.
[39]Isolation between varieties shall be 100 feet if aerial seeded and 50 feet if ground broadcast.
[40]Isolation between millets of different genera shall be 6 feet.
[41]Does not apply to Helianthus similes, H. Ludens, or H. agrestis.
[42]The ratio of male sterile (A) strains and pollen (B or C) strains shall not exceed 2:1.
[43]Parent lines (A and B) in a crossing block, or seed and pollen lines in a hybrid seed production field, shall be separated by at least 6 feet and shall be managed and harvested in a manner to prevent mixing.
[44]Distance between fields of certified classes of the same variety may be reduced to 10 feet regardless of the class or size of the fields.

b. Amend Table 5 as revised above by adding, in proper

b. Amend Table 5 as revised above by adding, in proper alphabetical order, the following:

Crop	FOUNDATION				REGISTERED				CERTIFIED			
	Land	Isolation	Field	Seed	Land	Isolation	Field	Seed	Land	Isolation	Field	Seed
Millet (self-pollinated)	[8]1	[23]0	3000	0.05	[8]1	[23]0	2000	0.1	[8]1	[23]0	1000	0.2
Rape (self-pollinated)	4	[24]660	2000	0.05	-	- - -	- - -	- -	2	[24]330	500	0.25
Safflower	[7]2	1320	10,000	0.01	[7]2	1320	2000	0.05	[7]2	1320	1000	0.1

BILLING CODE 3410-02-C

c. In Table 5 as revised above, in the Land column, in the Foundation, Registered, and Certified classes, change the reference from footnote "8" to footnote "7" for the following entries:
Cowpea
Crambe
Fava bean
Field and garden beans
Field pea
Mung bean
Okra
Onion
Pepper
Rice
Sorghum
Tomato
Vetch
Watermelon

d. In Table 5 as revised above, in the Field column, in the Foundation class, add a reference to footnote "46" for the following entries:
Corn: Backcross lines
Corn: Inbred lines
Corn: Foundation, single cross

e. In Table 5 as revised above, for "Cotton," in the Field column in the Foundation, Registered and Certified classes, change "0," "35.000," and "7,000," to "10,000," "5,000," and "1,000," respectively.

f. In Table 5 as revised above, for "Cotton" in the Seed column, in the Foundation and Registered classes, change "0" and "0.1" to "0.03" and "0.05," respectively.

g. In Table 5 as revised above, for "Grasses—Cross-pollinated," in the Seed column, in the Certified class, add a reference to footnote "47."

h. In Table 5 as revised above, for "Mustard" in the Land, Isolation, Field, and Seed columns, in the Registered class, delete all numbers and insert dotted line.

i. In Table 5 as revised above, for "Mustard" in the Isolation column, in the Foundation and Certified classes, change "165" and "165" to "1320" and "660," respectively.

j. In Table 5 as revised above, for "Rapeseed" in the Crop column, change "Rapeseed" to "Rape (Cross-pollinated)"; in the Land, Isolation, Field and Seed columns, in the Registered class, delete all numbers and insert dotted line; in the Isolation column, in the Foundation and Certified classes, change "165" and "165" to "1320" and "330," respectively; and in the Isolation column, in the Foundation class, add a reference to footnote "24".

k. In Table 5 as revised above, for "Sunflower" in the Isolation column, in the Foundation, Registered and Certified classes, add a reference to footnote "45."

l. In Table 5 as revised above, for "Sunflower Hybrid" in the Isolation column, in the Foundation and Certified classes, add a reference to footnote "45."

m. In Table 5 as revised above, for "Tobacco" in the Land column, the Foundation, Registered and Certified classes, change "1" to "0."

n. In Table 5 as revised above, for "Alfalfa" in the Isolation column, in the Foundation and Registered classes, change the reference from footnote "5" to footnote "48"; in the Certified class, change the reference from footnote "3" to footnote "49."

o. At the end of section 201.76, Table 5 as revised above, add new footnotes 45, 46, 47, 48 and 49 as follows:

45. An isolation distance of 5,280 feet is required between oil and non-oil sunflower types and between either type and other volunteers or wild types.

46. Detasseling, cutting, or pulling of the cytoplasmic male-sterile seed parent is permitted.

47. All nonfluorescent varieties of perennial ryegrass seed are allowed 3.0 percent.

48. This distance applies for fields over 5 acres. For alfalfa fields of 5 acres or less that produce the Foundation and Registered seed classes, the minimum distance from a different variety or a field of the same variety that does not meet the varietal purity requirements for certification shall be 900 and 450 feet, respectively.

49. There must be at least 10 feet between a field of another variety (or noncertified area within the same field) and the area being certified. The 165 feet isolation requirement is waived if the area of the "isolation zone" is less than 10 percent of the field eligible for the Certified class. The "isolation zone" is that area calculated by multiplying the length of the common border(s) with other varieties of alfalfa by the average width of the field (being certified) falling within the 165 feet isolation. Areas outside the isolation zone nearest the contamination source shall not be certified.

(Sec. 402, 53 Stat. 1285 (7 U.S.C. 1592))

Signed in Washington, D.C. on June 4, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-17127 Filed 6-9-81; 8:45 am]

BILLING CODE 3410-02-M

Reader Aids

Federal Register

Vol. 46, No. 111

Wednesday, June 10, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3
29921-30072.....4
30073-30326.....5
30327-30480.....6
30481-30622.....9
30623-30796.....10

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949).....29939
February 6, 1926 (Revoked by PLO 5948).....29938
April 17, 1926 (Revoked in part by PLO 5950).....29939
February 14, 1933 (Revoked by PLO 5944).....29710
5451 (Revoked by PLO 5947).....29938
11476 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 2306).....29693
12198 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12285 (Amended by EO 12307).....30481
12306.....29693
12307.....30483
12308.....30485

Proclamations:
4846.....29691
4847.....30483

Administrative Orders:
Presidential Determinations:
No. 81-9 of June 2, 1981.....29921

5 CFR

Ch. XIV.....30327

7 CFR

28.....30073
700.....29453
800.....30322
907.....29923
910.....30012
917.....30075, 30077
953.....29454, 30487
979.....29693
991.....29693
1425.....30327
1944.....29239

Proposed Rules:
102.....30620
201.....30780
989.....30645
993.....29271

8 CFR

204.....29923, 30078
214.....29456

9 CFR

78.....30487
82.....29456, 30488
92.....29239, 29240

10 CFR

2.....30328
51.....29457
376.....29680
390.....29680
440.....29242
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:
2.....30349
30.....29712
40.....29712
70.....29712

12 CFR

303.....30079
552.....30488
570.....30079

Proposed Rules:
213.....29245
226.....29246
526.....30113
545.....30114
569a.....29246
701.....29247, 29482
720.....29248

13 CFR

124.....29251

Proposed Rules:
124.....29278

14 CFR

39.....29252, 29253, 29924-29926, 30332-30334
71.....29254-29256, 29927, 30335
73.....29256
97.....29257

Proposed Rules:
Ch. I.....30352
71.....29278-29281, 29947-29951, 30353, 30354
75.....29280, 29281
323.....29282
302.....29716
399.....29285, 29719, 29727

15 CFR

370.....29457
806.....30336

Proposed Rules:
330.....29662
331.....29662

332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662
373.....30623

16 CFR

13.....29458, 29928, 30337
460.....29256
1031.....29928
1032.....29928
1212.....29696

Proposed Rules:

Ch. II.....29951, 30115
13.....30646

17 CFR

15.....29931
16.....29931
17.....29931
18.....29931
21.....29931

Proposed Rules:

Ch. I.....29952

18 CFR

141.....29459
271.....29697, 29699, 30489–30491
284.....30491
375.....29700

Proposed Rules:

157.....30505
375.....30505

19 CFR

101.....29462
134.....30338

Proposed Rules:

Ch. I.....29953
200.....29729

20 CFR

Proposed Rules:

404.....29953

21 CFR

172.....30080
173.....30492, 30493
193.....30338, 30494
520.....29464
561.....30339
573.....30081

Proposed Rules:

161.....30505
430.....30115
436.....30115
440.....30115
444.....30115
448.....30115
452.....30115
1308.....29484

22 CFR

41.....30082

Proposed Rules:

171.....30649

24 CFR

235.....29256
570.....29908

26 CFR

1.....29465
7a.....30495
11.....29465
35.....30495

27 CFR

4.....29260
19.....29261
70.....29261
240.....29261
245.....29261
250.....29261
270.....29261
275.....29261

28 CFR

0.....29704, 29931
16.....30495

Proposed Rules:

31.....29438

29 CFR

Proposed Rules:

530.....29485

30 CFR

250.....29932

31 CFR

51.....29261
535.....30340

32 CFR

199.....29704
294.....29705

Proposed Rules:

298a.....29486

33 CFR

25.....29933
165.....29933
204.....29934

Proposed Rules:

100.....29288
117.....30354
162.....29954

37 CFR

Proposed Rules:

201.....30649
202.....30651

38 CFR

21.....29474

39 CFR

601.....30623

Proposed Rules:

10.....30505

40 CFR

52.....29707, 30082, 30496
60.....29262
61.....29262
62.....30496
86.....30497
122.....29708, 30624
123.....29935
162.....29708
180.....30342, 30499, 30624
260.....29708
261.....29708
264.....29708, 30624
265.....29708, 30624
413.....30625

Proposed Rules:

52.....29289, 29488, 30116, 30355–30366, 30653–30655
60.....29955
81.....29281, 30368, 30655
123.....29292
180.....30506, 30662
408.....30663
773.....30300

41 CFR

15–1.....29709
51–4.....30084
51–5.....30084

Proposed Rules:

Ch. 1.....30369
1–4.....30369
101–11.....30369
101–37.....30369
104–4.....29955

43 CFR

5420.....29262

Public Land Orders:

1281 (Revoked by 5883).....29263
5169 (Amended by PLO 5396 and 5951).....29937
5179 (Amended by PLO 5250 and 5951).....29937
5180 (Amended by PLO 5418 and 5951).....29937
5250 (Amended by PLO 5951).....29937
5396 (Amended by PLO 5951).....29937
5418 (Amended by PLO 5951).....29937
5865.....30500
5866.....30500
5883.....29263
5943.....29710
5944.....29710
5945.....29939
5946.....29939
5947.....29938
5948.....29938
5949.....29939
5950.....29939
5951.....29937
5952.....30086

Proposed Rules:

35.....29955

44 CFR

64.....29940, 29942, 30626
67.....30500, 30628

Proposed Rules:

55.....29292
61.....29292
67.....29729–29732, 29956, 30116, 30124, 30507, 30663, 30665
300.....29264

45 CFR

3.....30343
46.....29883
74.....30500
235.....29264

Proposed Rules:

71.....29732
301.....30372
304.....29964

46 CFR

Proposed Rules:

310.....30507
502.....30666
547.....30667

47 CFR

61.....29264
64.....29474
73.....30086–30091, 30343, 30344

Proposed Rules:

Ch. I.....30516, 30668
2.....30124
23.....30124
31.....30150, 30152
73.....29488, 30153, 30154, 30372, 30516–30518
94.....30124

49 CFR

Ch. X.....30092
1.....29269
172.....29392
531.....29944
575.....29269
1000.....30502
1033.....29480, 30502, 30632
1056.....29711, 29945

Proposed Rules:

171.....29967
172.....29968, 29973
173.....29967, 29968, 29973
175.....29968
178.....29973
1047.....30668
1127.....30156

50 CFR

17.....29481
91.....30633
301.....30345
651.....30348
661.....29733, 30633

Proposed Rules:

17.....29490
653.....30674
682.....30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of June 14 through June 20, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

26786 5–15–81 / Dried prunes in Calif.; specification changes; comments by 6–15–81

Animal and Plant Health Inspection Service—

22197 4–16–81 / Quarantine of California to control Mediterranean fruit fly; comments by 6–15–81

Food Safety and Quality Service–

22383 4–17–81 / Revision of shell egg standards and grades; comments by 6–16–81

26787 5–15–81 / U.S. standards for grades of mixed nuts in the shell; comments by 6–15–81

Rural Electrification Administration—

22383 4–17–81 / Public information; REA bulletins specification for filled telephone cable; comments by 6–16–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

23957 4–29–81 / Atlantic butterfish fishery, initial approval and availability of plan amendment; comments by 6–15–81

26658 5–14–81 / Proposed clarification of term "directly affecting the coastal zone"; comments by 6–15–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

27963–27966 5–22–81 / High-cost gas produced from Tight formations (4 documents); comments by 6–17–81

24585 5–1–81 / Natural gas; sales and transportation by interstate pipelines and distributors; comments by 6–15–81

ENVIRONMENTAL PROTECTION AGENCY

27129 5–18–81 / Approval and promulgation of State Implementation Plans; Utah's Total Suspended Particulates and lead; comments by 6–17–81

27131 5–18–81 / Designation of areas for air quality planning purposes; Alabama; proposed redesignation of Marion, Lamar, and Fayette Counties; comments by 6–17–81

21999 4–15–81 / Hazardous waste and hazardous waste management; availability of information; comments by 6–15–81

27502 5–20–81 / Proposed approval of revision of Florida State Implementation Plan; comments by 6–19–81

27503 5–20–81 / Proposed approval of revision to Georgia State Implementation Plan; comments by 6–19–81

27504 5–20–81 / Proposed approval of revision to Kentucky State Implementation Plan; comments by 6–19–81

26793 5–15–81 / State implementation plans; identification of State regulatory provisions; New Jersey, Puerto Rico, and Virgin Islands; comments by 6–15–81

27504 5–20–81 / Supplementary approval of Massachusetts State Implementation Plan; comments by 6–19–81

[*See also* 45 FR 61293, 9–16–81]

22400 4–17–81 / Textile mills point source category effluent limitations guidelines pretreatment standards, and new source performance standards; comments by 6–16–81

[Originally published at 46 FR 8590, 1–27–81]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

22395 4–17–81 / Employment discrimination; procedures for handling complaints; comments by 6–16–81

21784 4–14–81 / Privacy Act Regulations; comments by 6–15–81

FEDERAL COMMUNICATIONS COMMISSION

20708 4–7–81 / FM broadcast stations; table of assignments; Arroyo Grande and Pismo Beach, Calif.; reply comments by 6–15–81

20709 4–7–81 / FM broadcast stations; table of assignments; Powell, Wyo.; reply comments by 6–15–81

20711 4–7–81 / FM broadcast stations; table of assignments; San Manuel, Miami, Claypool, Summerhaven, Ariz.; reply comments by 6–15–81

83592 12–19–80 / Revision of Amateur Radio Service Rules into plain English; comments by 6–19–81

21791 4–4–81 / Table of television channel allotments; reply comments by 6–15–81

81796 12–12–80 / Television channel allotments; reply comments by 6–15–81
[Originally published at 45 FR 72902, 9–18–80]

26507 5–13–81 / Television pickup on a secondary basis to the Local Television Transmission Service, amendment to make a certain frequency available; comments by 6–19–81

FEDERAL LABOR RELATIONS AUTHORITY

16058 3–10–81 / Foreign service; organization, functions, authority delegations, systems of records, and processing of cases (interim rules); comments by 6–15–81

FEDERAL RESERVE SYSTEM

24576 5–1–81 / Collection of checks and other items and transfer of funds by Reserve Banks (Regulation J); comments by 6–19–81

22600 4–20–81 / Interpretation of regulation regarding class of depositors eligible to maintain NOW account at member banks; comments by 6–15–81

FOREIGN SERVICE IMPASSE DISPUTES PANEL

16058 3–10–81 / Foreign service; organization, functions, authority delegations, systems of records, and processing of cases (interim rules); comments by 6–15–81

FOREIGN SERVICE LABOR RELATIONS BOARD

16058 3–10–81 / Foreign Service; organization, functions, authority delegations, systems of records and processing of cases (interim rules); comments by 6–15–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

22389 4–17–81 / Iodomestic assay method for ampicillin and amoxicillin; comments by 6–16–81

Public Health Service—

22616 4–20–81 / Provision of abortion services by the Indian Health Service; comments by 6–19–81

Social Security Administration—

22609 4–20–81 / Social security benefits, etc.; reduction of retroactive benefits; comments by 6–19–81
[Corrected at 46 FR 23765, Apr. 28, 1981]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner Office of Assistant Secretary for Housing—

21932 4–14–81 / Comprehensive Improvement Assistance Program requirements; comments by 6–15–81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

28192 5–26–81 / Export of bobcat, lynx, river otter, Alaskan gray wolf, and Alaskan brown bear taken in 1981–82 season; comments by 6–15–81

18666 3–25–81 / Proposed 1981–82 migratory game bird hunting regulations (preliminary); comments for proposed regulations frame works for Alaska, Puerto Rico and the Virgin Islands, by 6–19–81

INTERSTATE COMMERCE COMMISSION

26799 5–15–81 / Motor carriers; duplicate operating rights; policy statement; comments by 6–15–81

26801 5–15–81 / Motor property carriers; control of duplicate operating rights; comments by 6–15–81

JUSTICE DEPARTMENT

22395 4–17–81 / Employment discrimination; procedures for handling complaints; comments by 6–16–81

Drug Enforcement Administration—

22393 4–17–81 / Schedules of controlled substances; denial of petition to decontrol mazindal; rescheduling of mazindal into schedule IV; comments by 6–16–81

Prisons Bureau—

24902 5–1–81 / Control, custody, care, treatment, and instruction of inmates; comments by 6–15–81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

22243 4–16–81 / Availability of segment of draft Federal Acquisition Regulation; comments by 6–17–81

POSTAL SERVICE

26792 5–15–81 / Unpaid and part-paid mail addressed to U.S. government offices; comments by 6–15–81

SECURITIES AND EXCHANGE COMMISSION

22602 4–20–81 / Going private transactions by certain issuers or their affiliates; comments by 6–19–81

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration—

27146 5–18–81 / Transportation of liquefied petroleum gas in intrastate commerce; comments by 6–16–81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

21624 4–13–81 / Reporting taxes due to the Insular Governments on Puerto Rican and Virgin Islands spirits bottled in the U.S.; comments by 6–15–81

Internal Revenue Service—

27968 5–22–81 / Income tax; Dollar-value LIFO inventory; comments by 6–16–81

VETERANS ADMINISTRATION

27361 5–19–81 / United States Government Life Insurance and National Service Life Insurance; interest rates and dividends; comments by 6–18–81

Deadlines for Comments on Proposed Rules for the Week of June 21 through June 27, 1981

AGRICUTURE DEPARTMENT

Animal and Plant Health Inspection Service—

23264 4–24–81 / Bird importation; handling procedures; comments by 6–24–81

CIVIL AERONAUTICS BOARD

2–563 4–6–81 / Liberalization of rules for indirect cargo air carriers; reply comments by 6–25–81

DEFENSE DEPARTMENT

Army Department—

28446 5–27–81 / Personal privacy and rights of individuals regarding personal records; comments by 6–26–81

ENVIRONMENTAL PROTECTION AGENCY

27972 5–22–81 / Approval and promulgation of state implementation plans; Kansas; comments by 6–22–81

27973 5–22–81 / 2-Chloroallyldiethyldithiocarbamate; proposed tolerance; comments by 6–22–81

26796 5–15–81 / Oklahoma Corporation Commission; underground injection control; primacy application; comments by 6–22–81

28179 5–26–81 / Promulgation of Michigan State Implementation plan; comments by 6–24–81

27974 5–22–81 / S-Propyl Dipropylthiocarbamate; proposed tolerance; comments by 6–22–81

27975 5–22–81 / Trifluralin; proposed tolerance; comments by 6–22–81

V 46 6 JE 10 81 1 UMI

27132 5-18-81 / Virginia application for Interim Authorization, Phase I; Hazardous Waste Management Program; comments by 6-24-81

FEDERAL COMMUNICATIONS COMMISSION

27729 5-21-81 / Amendment of the Commission's rules to expand the use of Digital Voice Modulation generally to the Private Land Mobile Radio Services; comments by 6-22-81

26509 5-13-81 / FM broadcast station in Ansley, Ala., change in table of assignments; reply comments extended to 6-24-81

[*See also* 46 FR 17809, 3-20-81]

22006 4-15-81 / FM broadcast station in Bay City, Tex., proposed changes in table of assignments; reply comments by 6-22-81

22088 6-1-81 / FM broadcast stations Beaumont, Lake Jackson and Port Lavaca, Tex., proposed changes in table of assignments; reply comments by 6-22-81

25662 5-8-81 / FM broadcast stations in Christiansted, and Fredericksted, Virgin Islands; changes in table of assignments; comments by 6-22-81

25488 5-7-81 / FM broadcast station in Deer Park, Wash.; proposed changes in table of assignments; comments by 6-22-81

22769 4-21-81 / FM broadcast station in Freeport, Texas; changes in table of assignments; reply comments by 6-22-81

22770 4-21-81 / FM broadcast station in Lockhart, Texas; changes in table of assignments; reply comments by 6-22-81

22400 4-17-81 / FM broadcast stations in Montpelier, Stowe, Vergennes, and Waterbury, Vermont, and Marich and Port Henry, N.Y.; changes in table of assignments; reply comments by 6-22-81

25489 5-7-81 / FM broadcast station in Sonora, Calif.; proposed changes in table of assignments; comments by 6-22-81

28457 5-27-81 / Pleading cycle on Computer and Business Equipment Manufacturers Association (CBEMA) petition for policy ruling on AT&T offering of new CPE (customer-premises equipment); filed under Federal tariff filed after second computer inquiry final decision; comments by 6-26-81

22624 4-20-81 / Talk-around in Private Land Mobile Radio Services on shared conventional channels above specific frequency band; reply comments by 6-24-81

[Corrected at 46 FR 23275, 4-24-81]

25487 5-7-81 / TV Broadcast station in Roanoke, Va.; proposed changes in table of assignments; comments by 6-22-81

FEDERAL TRADE COMMISSION

29256 6-1-81 / Trade regulation rule; labeling and advertising of home insulation; comments by 6-22-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

18992 3-27-81 / Irradiated foods; procedures for regulation in foods for human consumption; comments by 6-25-81

Office of the Secretary—

29732 6-3-81 / Child Day Care Services; Postponement of regulations and requirement that applicable State and local standards be met for Federal funding; comments by 6-24-81

23273 4-24-81 / Public and medical assistance; time limits for States to file claims; comments by 6-23-81

INTERIOR DEPARTMENT

National Park Service—

27970 5-22-81 / Everglades National Park; use of air boat; comments by 6-22-81

INTERSTATE COMMERCE COMMISSION

28457 5-27-81 / Rail carrier informational State tariff filings; comments by 6-26-81

POSTAL SERVICE

27970 5-22-81 / Facing identification marks on official mail; comments by 6-22-81

TRANSPORTATION DEPARTMENT

Coast Guard—

29288 6-1-81 / Lake Washington, Wash.; establishment of area of controlled navigation; comments by 6-22-81

Next Week's Meetings:

AGRICULTURE DEPARTMENT

Forest Service—

24219 4-30-81 / Lincoln National Forest Grazing Advisory Board, Carlsbad, N. Mex. (open), 6-19-81

30157 6-5-81 / National Forest System Advisory Committee, Washington, D.C. (open), 6-17 and 6-18-81

28888 5-29-81 / Uinta National Forest Grazing Advisory Board, Woodland, Utah (open), 6-17-81

Rural Electrification Administration—

26805 5-15-81 / Colorado-Ute Electric Association, Inc., Pueblo, Colo., 6-16-81; Walsenburg, Colo., 6-17-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

26957 5-15-81 / Humanities Panel, Washington, D.C. (closed), 6-15 and 6-16-81

28051 5-22-81 / Humanities Panel, Washington, D.C. (closed), 6-15 and 6-16-81

28531 5-27-81 / Museum Panel, Washington, D.C. (partially open), 6-15 and 6-16-81

CIVIL RIGHTS COMMISSION

28462 5-27-81 / District of Columbia Advisory Committee, Washington, D.C. (open), 6-16-81

29300 6-1-81 / Indiana State Advisory Committee, Muncie, Ind. (open), 6-17 through 6-19-81

29300 6-1-81 / New Hampshire Advisory Committee, Manchester, N.H., (open), 6-17-81

28463 5-27-81 / New Jersey Advisory Committee, New Brunswick, N.J. (open), 6-16-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

26672 5-14-81 / Deep Seabed Mining Program, Washington, D.C. (open), 6-17-81

National Telecommunications and Information Administration—

28695 5-28-81 / Frequency Management Advisory Council, Washington, D.C. (open), 6-19-81

Office of the Secretary—

23965 4-29-81 / Potential Role of Advanced Materials in the Aerospace Industry, Nashville, Tenn. (open), 6-15, 6-16, and 6-17-81

CONSUMER PRODUCT SAFETY COMMISSION

27721 5-21-81 / Dual-purpose child resistant packaging, Washington, D.C. (open), 6-16-81

29740 6-3-81 / Flammable Fabric Act National Advisory Committee, Washington, D.C. (open), 6-18-81

27993 5-22-81 / Toxicological Advisory Board, Bethesda, Md. (open), 6-16 and 6-17-81

DEFENSE DEPARTMENT

Air Force Department—

27517 5-20-81 / USAF Scientific Advisory Board, Arlington, Va. (closed), 6-17, 6-18, and 6-19-81

27517 5–20–81 / USAF Scientific Advisory Board, Wright-Patterson AFB, Ohio (closed), 6–15 and 6–16–81

27518 5–20–81 / Army Advisory Panel on ROTC Affairs, Fort Knox, Ky. (open), 6–17 and 6–18–81

Office of the Secretary—

27747 5–21–81 / Defense Science Board Task Force on Anti-Tactical Missiles, Arlington, Va. (closed), 6–18 and 6–19–81

22923 4–22–81 / Wage Committee, Washington, D.C. (closed), 6–16–81

EDUCATION DEPARTMENT

27374 5–19–81 / National Advisory Council on Adult Education, Washington, D.C. (open), 6–17 through 6–19–81

28696 5–28–81 / National Advisory Council on Vocational Education, Washington, D.C. (open), 6–18–81

ENVIRONMENTAL PROTECTION AGENCY

29532 6–2–81 / Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel, Arlington, Va. (open), 6–17 through 6–19–81

28008 5–22–81 / Interagency Toxic Substances Data Committee, Washington, D.C. (open), 6–16–81

FEDERAL COMMUNICATIONS COMMISSION

30195 6–5–81 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 6–16, 6–18, 6–23, and 6–24–81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

28011 5–22–81 / Meetings, Washington, D.C. (partially open), 6–4, 6–18, and 6–25–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

26697 5–14–81 / Basic Psychopharmacology and Neuropsychology Research Review Committee, Silver Spring, Md. (partially open), changed from 6–18 and 6–19–81 to 6–17 through 6–19–81

[Changed at 46 FR 29541, 6–2–81]

Alcohol, Drug Abuse, and Mental Health Administration—

28945 5–29–81 / Community Alcoholism Services Review Committee, Rockville, Md. (partially open), 6–17 through 6–22–81

28512 5–27–81 / Minority Advisory Committee, Rockville, Md. (open), 6–18–81

Food and Drug Administration—

27394 5–19–81 / Circulatory System Devices Panel, Washington, D.C. (partially open), 6–18 and 6–19–81

Health Services Administration—

23816 4–28–81 / Genetic Diseases Review and Advisory Committee, Rockville, Md. (partially open), 6–15 thru 6–17–81

National Institute for Occupational Safety and Health—

25352 5–6–81 / Testing and approval of spirometers, Rockville, Md. (open), 6–15 and possibly 6–16–81

National Institutes of Health—

22463 4–17–81 / Communicative Disorders Review Committee, Bethesda, Md. (partially open), 6–18 and 6–19–81

24715 5–1–81 / Minority Access to Research Careers Review Committee, Bethesda, Md. (partially open), 6–18 and 6–19–81

24712 5–1–81 / Research Grants Division, Cardiovascular & Renal Study Section, Bethesda, Md. (partially open), 6–17 through 6–19–81

24712 5–1–81 / Research Grants Division, Communicative Sciences Study Section, Georgetown, Washington, D.C. (partially open), 6–15 through 6–17–81

24712 5–1–81 / Research Grants Division, Endocrinology Study Section, Bethesda, Md. (partially open), 6–14 through 6–16–81

[*See also* 46 FR 28017, 5–22–81]

24712 5–1–81 / Research Grants Division, Experimental Therapeutics Study Section, Bethesda, Md. (partially open), 6–17 through 6–20–81

24712 5–1–81 / Research Grants Division, General Medicine A Study Section, Bethesda, Md. (partially open), 6–15 and 6–16–81

24712 Research Grants Division, Immunological Sciences Study Section, Bethesda, Md. (partially open), 6–17 through 6–19–81

24712 5–1–81 / Research Grants Division, Mammalian Genetics Study Section, Bethesda, Md. (partially open), 6–18 through 6–20–81

24712 5–1–81 / Research Grants Division, Neurology A Study Section, Washington, D.C. (partially open), 6–18 through 6–20–81

24712 5–1–81 / Research Grants Division, Pathology B Study Section, Chevy Chase, Md. (partially open), 6–17 through 6–19–81

24712 5–1–81 / Research Grants Division, Physical Biochemistry Study Section, Bethesda, Md. (partially open), 6–17 through 6–19–81

24712 5–1–81 / Research Grants Division, Surgery & Bioengineering Study Section, Bethesda, Md. (partially open), 6–18 and 6–19–81

24712 5–1–81 / Research Grants Division, Tropical Medicine & Parasitology Study Section, Bethesda, Md. (partially open), 6–15 through 6–17–81

24712 5–1–81 / Research Grants Division, Visual Sciences A Study Section, Alexandria, Va. (partially open), 6–17 through 6–19–81

24712 5–1–81 / Research Grants Division, Visual Sciences B Study Section, Georgetown, Washington, D.C. (partially open), 6–17 through 6–20–81

INTERIOR DEPARTMENT

Land Management Bureau—

26874 5–15–81 / California Desert District, Thermal, Calif., 6–20–81

28755 5–28–81 / Roseburg District Advisory Council, Roseburg, Oreg. (open), 6–16–81

27398 5–19–81 / Roswell District Grazing Advisory Board, Roswell, N. Mex. (open), 6–18–81

National Park Service—

29338 6–1–81 / Cumberland/North Branch Development Concept Plan, environmental assessment, Cumberland, Md. (open), 6–17–81

28225 5–26–81 / Gateway National Recreation Area, New York, N.Y. (open), 6–15–81

27773 5–21–81 / Mormon Pioneer National Historic Trail Advisory Council, Lakewood, Colo. (open), 6–18 and 6–19–81

28226 5–26–81 / National Capital Memorial Advisory Committee, Washington, D.C. (open), 6–17–81

JUSTICE DEPARTMENT

29556 6–2–81 / Attorney General's Task Force on Violent Crime, Chicago, Ill. (open), 6–17 and 6–18–71

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

28771 5–28–81 / NASA Advisory Council, Aeronautics Advisory Committee, Informal Executive Subcommittee, Washington, D.C., (open), 6–18–81 and 6–19–81

NATIONAL SCIENCE FOUNDATION

28051 5–22–81 / Environmental Biology Advisory Committee, Long-Term Ecological Research Subcommittee, Washington, D.C. (closed), 6–15 and 6–16–81

V 46 JE 10 81 1 UMI

28772 5–28–81 / NSF Advisory Council, Task Group No. 19, Washington, D.C. (open), 6–16–81

28052 5–22–81 / NSF Advisory Council, Task Group No. 17, Stanford, Calif. (open) 6–19–81

NUCLEAR REGULATORY COMMISSION

29801 Reactor Safeguards Advisory Committee, Waterford Steam Electric Station Unit No. 3 Subcommittee, Hahnville, La. (partially open), 6–18 and 6–19–81

SECURITIES AND EXCHANGE COMMISSION

28778 5–28–81 / Shareholders Communications Advisory Committee, New York, N.Y. (open), 6–17–81

STATE DEPARTMENT

29370 6–1–81 International Investment, Technology, and Development Advisory Committee, Washington, D.C. (open), 6–17–81

28271 5–26–81 / Overseas Schools Advisory Council, Washington, D.C. (open), 6–18–81

Office of the Secretary—

28059 5–6–81 / Oceans and International Environmental and Scientific Affairs Advisory Committee, Antarctic Section, Washington, D.C. (closed), 6–15–81

TRANSPORTATION DEPARTMENT

Federal Highway Administration—

28795 5–28–81 / Development of self-powered vehicle detector, Washington, D.C. (open), 6–17–81

28272 5–26–81 / Outdoor Advertising and Motorist Information National Advisory Committee, Washington, D.C. (open), 6–18 and 6–19–81

National Highway Traffic Safety Administration—

59246 9–8–80 / National Highway Safety Advisory Committee, Washington, D.C. (open), 6–15 through 6–17–81

43922 6–30–80 / National Highway Safety Advisory Committee, Washington, D.C. 6–15 through 6–17–81

26736 5–14–81 / National Highway Safety Advisory Committee, Washington, D.C. (open), 6–16 and 6–17–81

22715 4–20–81 / Rulemaking, research and enforcement programs, Ann Arbor, Mich. (open), 6–17–81

7123 1–22–81 / Safety Standards; International Harmonization; Program of Work of The WP29 Sixteenth Session, Ad Hoc Meeting; Geneva, Switzerland; 6–18 and 6–19–81

VETERANS ADMINISTRATION

24786 5–1–81 / Educational Allowances Station Committee, Little Rock, Ark. (open), 6–17–81

26593 5–13–81 / Scientific Review and Evaluation Board for Health Services Research and Development, Washington, D.C. (open), 6–18 and 6–19–81

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Forest Service—

26805 5–15–81 / Richland Creek Wilderness Study Area and Rare II Addition Hearing Announcement, Arkansas, 6–20–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

28883 5–29–81 / Billfish fisheries; Western Pacific Fishery Management Council, Honolulu, Hawaii, 6–16; Hilo, Hawaii, 6–17; Kona, Hawaii, 6–18–81

DEFENSE DEPARTMENT

Corps of Engineers, Department of Army—

26792 5–15–81 / Proposed Nationwide Permits, Washington, D.C., 6–15–81; St. Paul, Minn., 6–17–81

Navy Department—

19969 4–2–81 / Naval Discharge Review Board, San Diego, Calif.; 6–14 through 6–20–81

ENVIRONMENTAL PROTECTION AGENCY

24602 5–1–81 / Air quality, interstate pollution abatement; petitions by New York and Pennsylvania; Washington, D.C., 6–18 and 6–19–81

20706 4–7–81 / Hazardous waste management system; standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities and EPA administered permit programs, Houston, Texas, 6–15 and 6–16; San Francisco, Ca. 6–18 and 6–19–81

26796 5–15–81 / Oklahoma Corp. Commission Underground Injection Control Primacy Application, Dallas, Tex., 6–15–81

27132 5–18–18 / Virginia application for Interim Authorization, Phase I; Hazardous Waste Management Program, Richmond, Va., 6–17–81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

18666 3–25–81 / 1981–82 Migratory Game Bird Hunting Regulations, Early Season Regulations, Washington, D.C., 6–19–81

Land Management Bureau—

24999 5–4–81 / Lakeview Grazing Management, Lakeview, Oreg., 6–18–81

LABOR DEPARTMENT

Pension and Welfare Benefit Programs Office—

28047 Proposed class exemption for life insurance company discretionary asset management, Washington, D.C., 6–19–81

TREASURY DEPARTMENT

Internal Revenue Service—

26660 5–14–81 / Proposed excise tax regulations under the Crude Oil Windfall Profit Tax Act of 1980, Washington, D.C., 6–18–81

26660 5–14–81 / Proposed excise tax regulations under the Crude Oil Windfall Profit Tax Act of 1980, Washington, D.C., 6–18–81

List of Public Laws

Last Listing May 27, 1981.

This is continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 3512 / Pub. L. 97–12 Supplemental Appropriations and Rescission Act, 1981 (June 5, 1981; 95 Stat. 14) Price: $3.75.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

29242 6–1–81 / DOE—Weatherization assistance for Low income persons; comments by 7–1–81

29438 6–1–81 / Justice/JJDPO—Formula grants for juvenile justice; comments by 7–15–81

MEETINGS

29329 6–1–81 / EPA—Proposal to terminate the State of Idaho's Federal Air Grant Funding; Boise, Idaho, 7–2–81 (hearing)

29336 6–1–81 / HHS-NIH—NIDR Special Grants Review Committee, Bethesda, Md. (partially open), 6–23–81

29574 6–2–81 / NFAH—Dance Panel (Dance Touring Program), Washington, D.C. (partially open), 6–29 through 7–2–81

29575 6–2–81 / NFAH—Theater Panel, Washington, D.C. (closed), 6–30 through 7–1–81

29574 6–2–81 / NFAH—Theatre Panel (Playwrights Fellowships Section), Washington, D.C. (closed), 6–29–81

29575 6–2–81 / NFAH—Theater Panel (Small Professional Companies), Washington, D.C. (closed), 7–2 and 7–3–81

OTHER ITEMS OF INTEREST

29908 6–3–81 / HUD—CPD/Community Development Block grants; Small Cities Program; addition of special procedures applicable only to Puerto Rico

V 46 JE 10 81 UMI

6-11-81
Vol. 46 No. 112
Pages 30797-30996

Federal Register

Thursday
June 11, 1981

Highlights

30797 **Extension of waiver authority for trade for Romania, Hungary, and China** Presidential determination.

30895 **Social Security** HHS/SSA announces availability of FY 1981 income maintenance demonstration grant funds for Community Work Experience Projects.

30990 **Budget** OMB reports 33 proposals to rescind $114.1 million in budget authority previously provided by Congress. (Part IV of this issue)

Motor Carriers

30974 DOT/FHWA establishes and provides for enforcement of minimum levels of financial responsibility for certain for-hire motor carriers and for motor carriers transporting hazardous material in intrastate, foreign and interstate commerce. (Part III of this issue)

30905 ICC solicits comments for development of report to Congress on loading and unloading practices in the property motor carrier industry.

30808 **Airports-Federal Assistance** DOT/FAA implements OMB Circular A-95 by establishing procedures for the Airport Development Aid Program and the Airport Planning Grant Program.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

30811 **Nondiscrimination** TVA provides standards and enforcement procedures to prohibit age discriminatory practices in programs receiving Federal financial assistance.

30816 **Procurement** DOT amends rules on contract options and consulting services.

30897 **Outer Continental Shelf** Interior/GS implements DOE regulation for accounting and determination of net profit share lease payments for oil and gas leases.

30968 **Aircraft Pilots** DOT/FAA reduces requirements for pilots to hold instrument ratings and to demonstrate instrument approach procedures. (Part II of this issue)

30843 **Minority Businesses** Commerce/MBDA solicits financial assistance applications for Native American Portfolio Consultant Services Program in Dallas region.

30956 **Sunshine Act Meetings**

Separate Parts of This Issue

30968 **Part II, DOT/FAA**
30974 **Part III, DOT/FHWA**
30990 **Part IV, OMB**

V 46 J E 1 1 8 1 UMI

Con

30797

30799

30839

30840
30841

30834

30835

30844
30847

30848

30921

Contents

Federal Register
Vol. 46, No. 112
Thursday, June 11, 1981

The President
ADMINISTRATIVE ORDERS
30797 Romania, Hungary, and China; extension of waiver authority for trade (Presidential Determination No. 81–8 of June 2, 1981)

Executive Agencies

Agricultural Marketing Service
RULES
30799 Oranges (Navel) grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Federal Grain Inspection Service.

Architectural and Transportation Barriers Compliance Board
PROPOSED RULES
30839 Handicapped persons; accessible design standards for Federal agencies; minimum guidelines and requirements; meeting

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
30840 Nebraska
30841 Texas

Coast Guard
PROPOSED RULES
Drawbridge operations:
30834 Maine
Ports and waterways safety:
30835 Vessel operation and cargo transfers; conditions

Commerce Department
See International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
NOTICES
Contract market proposals:
30844 New York Futures Exchange; corporate bonds
30847 New York Futures Exchange; equity indexes

Consumer Product Safety Commission
NOTICES
Consent agreements:
30848 Century Products, Inc.

Defense Department
See Engineers Corps.

Drug Enforcement Administration
NOTICES
Schedules of controlled substances; production quotas:
30921 Schedules I and II, 1981 aggregate

Economic Regulatory Administration
NOTICES
Consent orders:
30851 Adams Resources & Energy, Inc.
30851 Gas Engine & Compressor Service
30852 Independent Oil & Tire Co., Inc.
30852 James B. Kite Operating Co., Ltd., et al.

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission.

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
30850 West Little Pine Creek, Allegheny County, Pa.; local flood protection
Pipeline right-of-way applications:
30851 Nebraska

Environmental Protection Agency
NOTICES
Toxic and hazardous substances control:
30884 Premanufacture notices receipts
30886 Premanufacture notices review period extensions

Federal Aviation Administration
RULES
Air carriers certification and operations:
30968 Pilot-in-command qualifications and instrument proficiency check requirements
30808 Airport planning grant and development aid programs (OMB Circular A–95); implementation
Airworthiness directives:
30799 Dowty Rotol
30800 Hamilton Standard
30801, 30802 Control zones and transition areas (2 documents)
30806 Reporting points; final rule and request for comments
30806 Restricted areas; correction
30807 Standard instrument approach procedures
30805 Transition areas
30804–30806 VOR Federal airways (4 documents)
PROPOSED RULES
30833 Restricted areas; withdrawn
NOTICES
30952 Exemption petitions; summary and disposition
Meetings:
30951 Informal airspace; Massachusetts

Federal Communications Commission
RULES
Common carrier services:
30818 AT&T; interstate and foreign telecommunications services; modification of prescribed rate of return
NOTICES
Hearings, etc.:
30887 ITT World Communications, Inc., et al.; investigation; extension of time

Federal Deposit Insurance Corporation
NOTICES
30956 Meetings; Sunshine Act (2 documents)

Federal Election Commission
NOTICES
30956 Meetings; Sunshine Act

Federal Energy Regulatory Commission
PROPOSED RULES
Natural Gas Policy Act of 1978; ceiling prices for high cost natural gas produced from tight formations; various States:
30833 Utah
NOTICES
Hearings, etc.:
30853 Baily, Mrs. Charles L., et al.
30856 Blountstown, Fla.
30854 Central Power & Light Co.
30859 Columbia Gulf Transmission Co.
30857 Denver, Colo.
30860 Duquesne Light Co.
30861 East Tennessee Natural Gas Co.
30863 Florida Gas Transmission Co.
30863 Garkane Power Association, Inc.
30882 Harrison, Pa.
30864 Houston Pipe Line Co.
30858 Joliet, Ill.
30864 Kentucky Utilities Co.
30868-30871 Long Lake Energy Corp. (5 documents)
30872 Middle Fork Irrigation District
30873 Middlebury College
30873 Milliken & Co.
30874 New Mexico Renewable Resources, Inc., et al.
30874 Pennsylvania Power & Light Co.
30858 Richmond, Va.
30880 Sierra Pacific Industries
30877 Southwestern Power Administration
30880 Tennessee Gas Pipeline Co.
30881 Texas Eastern Transmission Corp.
30881 Texas Gas Transmission Corp.
30882 Transcontinental Gas Pipe Line Corp.
30883 Valero Interstate Transmission Co.
30883 Valero Transmission Co.
30859 Winnetka, Ill.
30883 York Haven Power Co.

Federal Grain Inspection Service
NOTICES
Grain standards; inspection points:
30840 Illinois

Federal Highway Administration
RULES
Motor carrier safety regulations:
30974 Interstate or foreign transportation; minimum levels of financial responsibility

Federal Home Loan Bank Board
NOTICES
30956, 30957 Meetings; Sunshine Act (2 documents)

Federal Maritime Commission
NOTICES
Complaints filed:
30888 Melamine Chemicals, Inc.
Energy and environmental statements; availability, etc.:
30888 Toledo-Lucas County Port Authority and Toledo World Operators, Inc.; lease agreement
30957 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Applications, etc.:
30891 Bokchito Bancshares, Inc.
30891 Boone Bancorporation, Inc.
30891 Carbondale Investment Corp.
30891 Centennial Bancshares, Inc.
30891 Central Bancorporation, Inc.
30892 Chemical Bank International-North America
30892 Commerce Southwest, Inc.
30892 Conway Bancshares, Inc.
30892 Copperas Cove Bancshares, Inc.
30892 Gunnison Bank Holding Corp.
30893 Industrial Overseas Investments, Ltd.
30893 Jefferson County Bancorp., Inc.
30893 K. B. J. Enterprises, Inc.; correction
30893 Mathes Bancshares, Inc.
30893 Moultrie Bancorp, Inc.
30894 Orbanco Financial Services Corp.
30894 Rio Grande City Bancshares
30894 Union Holding Co.
30894 United Bank Corp.
Bank holding companies; proposed de novo nonbank activities:
30890 Barclays Bank Ltd. et al.
30888 Old Stone Corp. et al.

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations:
30897 Net profit share lease (NPSL) payments accounting; implementation
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
30898 Kerr-McGee Corp.
30898 Tenneco Oil Exploration & Production

Health and Human Services Department
See also Health Care Financing Administration; Social Security Administration.
NOTICES
Organization, functions, and authority delegations:
30894 Human Development Services Office
30897 Social Security Administration

Health Care Financing Administration
NOTICES
Drugs, limitations on payment or reimbursement; maximum allowable cost:
30894 Acetaminophen, etc.; hearing cancelled

Interior Department
See Geological Survey; Land Management Bureau.

International Communication Agency
NOTICES
Meetings:
30904 Public Diplomacy, U.S. Advisory Commission

V 46 JE 1 1 8 1 UMI

International Trade Administration
NOTICES
Antidumping:
30841 Ceramic wall tile from United Kingdom
30841 Pig iron from Canada
30842 Potassium chloride or muriate of potash from Canada

International Trade Commission
NOTICES
30957 Meetings; Sunshine Act

Interstate Commerce Commission
RULES
Practice and procedure:
30832 Motor carrier applications and restriction removal applications; submission of pleadings and other documents
PROPOSED RULES
Accounts, uniform system, and reports:
30839 Railroads, Class II; elimination of requirements; extension of time
NOTICES
Motor carriers:
30906-30917 Permanent authority applications (4 documents)
30910 Permanent authority applications; restriction removals
30905 Property motor carrier industry; loading and unloading study; inquiry
30921 Temporary authority applications; correction
Rail carriers:
30904 Staggers Rail Act of 1980; rate complaints filed

Justice Department
See Drug Enforcement Administration.

Land Management Bureau
RULES
Public land orders:
30817 Alaska
NOTICES
Alaska native claims selections; applications, etc.:
30898 Bristol Bay Native Corp.
Classification of lands:
30899 California
Coal leases, exploration licenses, etc.:
30900 Montana
Committees; establishment, renewals, terminations, etc.:
30903 District Advisory Councils; call for nominations
Environmental statements; availability, etc.:
30901 Eastside Salem Timber Management Plan, Oreg.; scoping meetings
30902 Wycoalgas project cooperating agencies; coal gasification plant, etc., Wyo.
Meetings:
30902 Las Cruces District Advisory Council
30902 Las Cruces District Grazing Advisory Board
30900 Phoenix District Advisory Council
30900 Worland District Advisory Board; agenda addition
Motor vehicles, off-road, etc.; area closures and openings:
30901 Utah
Wilderness areas; characteristics, inventories, etc.:
30901 Utah
Withdrawal and reservation of lands, proposed, etc.:
30901 Utah

Management and Budget Office
NOTICES
30926 Agency forms under review
30990 Budget rescissions and deferrals

Metric Board
NOTICES
30957 Meetings; Sunshine Act

Minority Business Development Agency
NOTICES
30843 Financial assistance application announcements

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
30844 Sea Grant Review Panel

National Science Foundation
NOTICES
30957 Meetings; Sunshine Act

National Transportation Safety Board
NOTICES
30922 Accident reports, safety recommendations and responses, etc.; availability

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
30924 Duke Power Co. et al. (2 documents)
30924 Kerr-McGee Nuclear Corp.
30925 Northern States Power Co.
30926 Toledo Edison Co. et al.
Environmental statements; availability, etc.:
30923 Mississippi Power & Light Co, Grand Gulf Nuclear Station, Units 1 and 2, Miss.
Meetings:
30923 Reactor Safeguards Advisory Committee
30925 Safety evaluations; power reactor licensees; qualification requirements for safety-related electrical equipment
30958 Meetings; Sunshine Act (2 documents)

Research and Special Programs Administration, Transportation Department
NOTICES
Hazardous materials:
30953, 30954 Applications; exemptions, renewals, etc. (2 documents)

Saint Lawrence Seaway Development Corporation
PROPOSED RULES
30838 Tariff of tolls; revision under consideration

Secret Service
NOTICES
Senior Executive Service:
30955 Performance Review Board; membership

Securities and Exchange Commission
NOTICES
Hearings, etc.:
30936 Cedar Coal Co. et al.
30937 New England Electric System et al.
30938 Southern Co.
30938 Texaco Inc.
30940 WPL Holdings, Inc.
Self-regulatory organizations; proposed rule changes:
30941, 30947 American Stock Exchange, Inc.
30942 Municipal Securities Rulemaking Board (2 documents)
30948 Pacific Stock Exchange, Inc.
30949, 30950 Philadelphia Stock Exchange, Inc. (2 documents)
Self-regulatory organizations; unlisted trading privileges:
30935, 30936 Boston Stock Exchange, Inc. (2 documents)
30937 Midwest Stock Exchange, Inc.
30938 Philadelphia Stock Exchange, Inc.

Social Security Administration
NOTICES
Grants; availability, etc.:
30895 Income maintenance research and demonstrations; community work experience projects

Tennessee Valley Authority
RULES
30811 Age Discrimination Act of 1975; implementation

Trade Representative, Office of United States
NOTICES
Meetings:
30951 Trade Negotiations Advisory Committee (2 documents)

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Research and Special Programs Administration, Transportation Departments; St. Lawrence Seaway Development Corporation.
RULES
Procurement:
30816 Options and consulting services; coverage

Treasury Department
See Secret Service.

MEETINGS ANNOUNCED IN THIS ISSUE

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD
30839 ATBCB minimum guidelines and requirements for accessible design, Washington, D.C., (open) 6–23–81

COMMERCE DEPARTMENT
National, Oceanic and Atmospheric Administration—
30844 Sea Grant Review Panel, Washington, D.C. (open), 7–21 and 7–22–81

CIVIL RIGHTS COMMISSION
30840 Nebraska Advisory Committee, Omaha, Nebr. (open), 6–30–81
30841 Texas Advisory Committee, San Antonio, Tex. (open), 6–26–81

INTERIOR DEPARTMENT
Land Management Bureau—
30901 Clackamas-Molalla and Santiam Sustained Yield Units, proposed timber management plan, Salem, Oreg. (open), 7–14–81
30902 Grazing Advisory Board, Las Cruces, N. Mex. (open), 7–21–81
30902 Las Cruces District Advisory Council, Las Cruces, N. Mex. (open), 7–22–81
30900 Phoenix District Advisory Council, Phoenix, Ariz. (open), 7–17–81

INTERNATIONAL COMMUNICATION AGENCY
30904 Public Diplomacy, United States Advisory Commission on, Washington, D.C., 6–16–81

NUCLEAR REGULATORY COMMISSION
30925 Safety-related electrical equipment, qualification, requirements, Bethesda, Md. (open), 7–7 through 7–10–81

TRADE REPRESENTATIVE, OFFICE OF THE UNITED STATES
30951 Trade Negotiations Advisory Committee, Washington, D.C. (closed), 7–8–81

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
30951 Informal Airspace, Fitchburg, Mass. (open), 6–18–81

AMENDED MEETING

INTERIOR DEPARTMENT
Land Management Bureau—
30900 Worland District Advisory Council, Worland, Wyoming, (open), 6–12–81; addition to agenda

CANCELLED HEARING

HEALTH AND HUMAN SERVICES DEPARTMENT
Health Care Financing Administration—
30894 Pharmaceutical Reimbursement Board, Baltimore, Md. 6–11–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Administrative Orders:
Presidential Determinations:
No. 81-8
of June 2, 1981 30797

7 CFR
907 30799

14 CFR
39 (2 documents) 30799, 30800
71 (9 documents) 30801-30806
73 30806
97 30807
135 30968
152 30808
Proposed Rules:
71 30833
73 30833

18 CFR
1309 30811
Proposed Rules:
271 30833

33 CFR
Proposed Rules:
117 30834
160 30835
402 30838

36 CFR
Proposed Rules:
1190 30839

41 CFR
Ch. 12 30816

43 CFR
Public Land Orders:
5953 30817

47 CFR
1 30818
61 30818

49 CFR
387 30974
1100 30832
1137 30832
Proposed Rules:
1201 30839
1241 30839
1248 30839

V
4
6
J
E
1
1
8
1
UMI

Federal
Vol. 46,
Thursday

Title 3-

The P

(FR Doc. 8
Filed 6-9-8
Billing cod

Federal Register
Vol. 46, No. 112
Thursday, June 11, 1981

Presidential Documents

Title 3—

The President

Presidential Determination No. 81–8 of June 2, 1981

Determination under Subsection 402 (d)(5) and (d)(5)(C) of the Trade Act of 1974—Continuation of Waiver Authority

Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978) (hereinafter "the Act"), I determine, pursuant to Subsections 402(d)(5)(C) of the Act, that the further extension of the waiver authority granted by Subsection 402(c) of the Act will substantially promote the objectives of Section 402 of the Act. I further determine the continuation of the waivers applicable to the Socialist Republic of Romania, the Hungarian People's Republic and the People's Republic of China will substantially promote the objectives of Section 402 of the Act.

This determination shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, June 2, 1981.

[FR Doc. 81–17518
Filed 6–9–81; 4:23 pm]
Billing code 3195–01–M

Editorial Note: The President's message to the Congress of June 2, 1981, transmitting the recommendations for an extension of waiver authority, is printed in the Weekly Compilation of Presidential Documents (vol. 17, p. 584).

V
4
6
J
E
1
1
8
1
UMI

Rule

This secti
contains
general a
of which
the Code
published
U.S.C. 15
The Code
by the Su
Prices of
first FEDE
month.

DEPARTI

Agricultu

7 CFR Pa

[Navel Ora

**Navel Or
Designat
Limitatio**

AGENCY: A
USDA.

ACTION: F

SUMMARY
the quant
navel ora
market du
June 18, 1
provide fo
navel ora
marketing
orange in

EFFECTIVE

FOR FURTH
William J.

SUPPLEME
This rule
USDA pro
12291 and
significan
regulation
agreement
907, as am
regulating
grown in A
California
effective u
Marketing
amended
is based u
informatio
Orange Ac
upon othe
hereby fou
to effectua
act.

Rules and Regulations

Federal Register
Vol. 46, No.112
Thursday, June 11, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 526]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period June 12, 1981–June 18, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and is not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on June 9, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 907.826 is added as follows:

§ 907.826 Navel Orange Regulation 526.

The quantities of navel oranges grown in Arizona and California which may be handled during the period June 12, 1981, through June 18, 1981, are established as follows:

(1) District 1: 1,000,000 cartons;

(2) District 2: unlimited cartons;

(3) District 3: unlimited cartons;

(4) District 4: unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 10, 1981.

D. S. Kuryloski

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-17589 Filed 6-10-81; 11:52 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-GL-13-AD; Amdt. 39-4132]

Airworthiness Directives; Dowty Rotol (c)R.289/3 Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new Airworthiness Directive (AD), which was previously made effective by airmail letter dated February 26, 1981, applicable to Dowty Rotol (c)R.289/3–110–F/1 and (c)R.289/3–110–F/11 propellers installed on the WSK-Pezetel Model PZL–3S engine used on Gulfstream American (formerly Grumman) Model G–164A, B, C airplanes modified by Supplemental Type Certificate (STC) SA2731SW, and Ayres (formerly Rockwell) Model S2R–R3S, and Model S2R airplanes Modified by STC SA3897WE. This amendment supersedes Amendment 39-3879 (45 FR 54014), AD 80–15–09. Additional stress survey work accomplished by the propeller manufacturer since the issuance of AD 80–15–09 indicates that the initially imposed engine speed restricted operating range should be expanded to preclude operation in an area of high propeller blade stresses which could lead to catastrophic blade failures. This amendment is needed to require an expansion of the restricted range imposed by AD 80–15–09 thereby lessening the probability of blade failures.

DATES: Effective—June 15, 1981.

Comments related to this amendment must be received on or before June 30, 1981. Depending on the comments received, the requirements of this amendment may be modified.

Compliance required within 10 operating hours after the effective date of the AD, unless already accomplished.

ADDRESSES: None. No service document is required for compliance with this AD.

FOR FURTHER INFORMATION CONTACT: Bob Alpiser, Flight Standards Division, Engineering and Manufacturing Branch, AGL-214, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone 312-694-7130.

SUPPLEMENTARY INFORMATION: This amendment supersedes Amendment 39-3879 (45 FR 54014), AD 80-15-09, which currently requires installation of a placard in the cockpit which reads, "AVOID MP ABOVE 26 IN. HG. BELOW 1950 RPM." After issuing Amendment 39-3879, the FAA has determined, based on a new stress survey, that the restricted range must be increased to 2000 RPM. Therefore, the FAA is superseding Amendment 39-3879 by increasing the restricted operating range on Dowty Rotol (c)R.289/3 propellers.

Since a situation exists that requires the immediate adoption of this regulation to expand the restricted operational range thereby avoiding possible damaging high stress levels, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective immediately. Failure to expand this restricted range would allow the engine/propeller to be operated in a region of damaging high stress levels which could lead to catastrophic blade failures and possible loss of life or property.

Although this action is in the form of a final rule, which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by superseding Amendment 39-3879 (45 FR 54014), AD 80-15-09, as follows:

Dowty Rotol. Applies to Dowty Rotol (c)R.289/3-110-F/1 and (c)R.289/3-110-F/11 propellers installed on the WSK-Pezetel Model PZL-3S engine used on Gulfstream American (formerly Grumman) Model G-164 A, B, C airplanes modified by STC SA2731SW, and Ayres (formerly Rockwell) Model S2R-R3S, and Model S2R airplanes modified by STC SA3897WE. Compliance is required as indicated unless previously accomplished. To preclude the possibility of blade tip failures, accomplish the following:

Within the next 10 hours time in service after the effective date of this AD, install in the cockpit as near the engine tachometer as possible and in clear view of the pilot a placard which reads, "AVOID MP ABOVE 26 IN. HG. BELOW 2000 RPM." The placard may be fabricated locally, using 3/32 inch high lettering on a contrasting background.

Upon request of the operator, an equivalent means of compliance with the requirement of this AD may be approved by the Chief, Engineering and Manufacturing Branch, FAA, Great Lakes Region.

This amendment becomes effective June 15, 1981 as to all persons except those to whom it was made immediately effective by the priority mail letter dated February 26, 1981, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Illinois on June 1, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-16939 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 81-GL-1 AD; Amdt. 39-4131]

Airworthiness Directives; Hamilton Standard 24PF Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that requires an inspection of the Hamilton Standard 24PF propeller for spalling in the bearing raceways. The AD is prompted by service experience and inspections which have shown that 24PF propeller barrels and blade split races on DeHavilland DHC-7 aircraft are spalling during service use.

DATES: Effective—June 15, 1981. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Hamilton Standard, Division of United Technologies Corporation, Windsor Locks, Connecticut 06096.

The applicable service bulletin is contained in the Rules Docket, Office of the Regional Counsel, Great Lakes Region, Room 415, 2300 E. Devon Ave., Des Plaines, IL 60018.

FOR FURTHER INFORMATION CONTACT: Bob Alpiser, Flight Standards Division, Engineering and Manufacturing Branch, AGL-214, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone 312-694-7130.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspections of Hamilton Standard 24PF propellers was published in the **Federal Register** at 45 FR 47157, July 14, 1980. The proposal was prompted by examinations of numerous 24PF propeller barrels at Hamilton Standard which revealed fatigue damage in the form of spall marks in the bearing raceways of 15 barrels which had operating times since new in the range of 1,500 to 4,500 hours. Barrel spalling may lead to hub failure and resultant blade loss.

Interested persons have been afforded the opportunity to participate in the making of the amendment and comments have been received.The

DeHavilland DHC–7 Operators Committee suggested the wording of the AD be changed to require that the results of all inspections carried out in accordance with the AD, both positive and negative, be reported to the FAA.

Hamilton Standard suggested the wording of paragraph c of the proposed inspection schedule be changed to allow replacement of the spalled split races and return of the propeller to service in accordance with Revision 1 to Hamilton Standard Service Bulletin 24PF–17, dated August 29, 1980.

Furthermore, Hamilton Standard commented that it revised Service Bulletin 24PF–17 by Revision 2 dated April 10, 1981, to exempt propellers with vacuum-melt barrels and to discontinue the repetitive 1500 hour inspections on propellers with air-melt barrels after successfully completing two consecutive 1500 hour inspections without seeing any evidence of barrel or bearing race spalling.

The FAA concurred with these comments and with the exemption of propellers with vacuum-melt barrels.These propellers should be exempt because evidence shows that spalling is not a problem with vacuum-melt barrels. These changes are relieving in nature and are incorporated in this AD.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Hamilton Standard. Applies to all Hamilton Standard 24PF propellers with air-melt barrels, Part Number 772531–1, installed on DeHavilland DHC–7 aircraft. (Note: This AD does not apply to propellers with vacuum-melts barrels, Part Number 772531–2.)

Compliance is required as indicated. To determine the presence of spalling in the bearing raceway surfaces of the barrel and blade split races, visually inspect in accordance with the procedure contained in the accomplishment instruction section of Hamilton Standard Service Bulletin HS Code 24PF No. 17, Revision 2 dated April 10, 1981, or later FAA approved revision, or equivalent means approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region.

Inspect in accordance with the following schedule:

a. For propellers with 2,900 hours or more time in service since new, compliance is required within the next 100 hours time in service after the effective date of this AD, unless already accomplished within the last 1,400 hours time in service, and thereafter at intervals not to exceed 1,500 hours time in service from the last inspection required by this AD.

b. For propellers with less than 2,900 hours time in service since new, compliance is required prior to the accumulation of 3,000 hours time in service, unless already accomplished within the last 1,400 hours time in service, and thereafter at intervals not to exceed 1,500 hours time in service from the last inspection required by this AD.

c. Propellers with spalled barrels must be removed from service prior to further flight and replaced with airworthy propellers. Propellers with spalled split race(s) must have the race(s) replaced prior to further flight in accordance with Service Bulletin 24PF–17, Revision 2 dated April 10, 1981, or later FAA approved revision.

d. Results of all propeller inspections required by this AD, including serial numbers and times in service, are to be forwarded to Federal Aviation Administration, Engineering and Manufacturing Branch, AGL–210, 2300 East Devon Avenue, Des Plaines, Illinois 60018. (Reporting approved by the Office of Management and Budget under OMB Number 04–R0174).

e. After successfully completing two consecutive 1500 hour inspections without seeing any evidence of barrel or bearing race spalling, the repetitive 1500 hour inspections required by this AD may be discontinued.

f. Upon request of an operator, the Chief, Engineering and Manufacturing Branch, AGL–210, Federal Aviation Administration, Great Lakes Region, may adjust the compliance time specified in this AD provided such requests are made through an FAA Maintenance Inspector, and the request contains substantiating data to justify the request for that operator.

g. For purpose of this AD, an FAA-approved equivalent must be approved by the Chief, Engineering and Manufacturing Branch, AGL–210, Federal Aviation Administration, Great Lakes Region.

This amendment becomes effective June 15, 1981.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979. A final regulatory evaluation prepared for this document is contained in the public docket, and a copy may be obtained by writing Engineering and Manufacturing Branch, AGL–214, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018. It has also been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have a significant economic impact on a substantial number of small entities. The aforesaid determinations under the Regulatory Flexibility Act and Executive Order 12291 are based upon the small number of aircraft and entities which will be affected by this AD, and upon the minimal cost which these entities will incur in complying with this AD.

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer may obtain copies upon request to Hamilton Standard, Division of United Technologies Corporation, Windsor Locks, Connecticut 06096. These documents may also be examined at the Great Lakes Regional Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Illinois on June 1, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81–16940 Filed 6–10–81; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 81–SO–32]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone and Transition Area, Huntsville, Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Huntsville, Alabama, Control Zone and Transition Area by revoking a portion of the control zone, correcting airport geographic positions in descriptions, and correcting the airport name in the control zone description.

EFFECTIVE DATE: 0901 GMT, August 6, 1981.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION: In the Huntsville, Alabama, Control Zone described in § 71.171 (46 FR 455), an extension was designated on the Whitesburg RBN 352° bearing to provide controlled airspace for aircraft executing instrument approaches to Redstone AAF. Since the Whitesburg RBN has been decommissioned, it is necessary to revoke the extension. Since the airport name has been changed from

Huntsville-Madison County Jetport-Carl T. Jones, to Huntsville-Madison County Airport-Carl T. Jones Field, and since the geographic position of this airport and the Redstone Army Air Field (AAF) have changed, it is necessary to make these minor corrections.

This amendment reduces controlled airspace and the constraints imposed on the public. Therefore, notice and public procedure hereon are not necessary.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Huntsville, Alabama, Control Zone by revoking an extension. This amendment also corrects the airport name in the control zone description and corrects the geographic position of the Huntsville-Madison County Jetport-Carl T. Jones and the Redstone Army Air Field.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart F (46 FR 455), and § 71.181, Subpart G (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are further amended, effective 0901 GMT, August 6, 1981, as follows:

Huntsville, Alabama (Control Zone)

The present description is deleted and ". . . Within a 5-mile radius of Huntsville-Madison County Airport-Carl T. Jones Field (latitude 34°38'34"N., longitude 86°46'32"W.); within 2 miles each side of the Huntsville ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles south of Capshaw RBN; within a 5-mile radius of Redstone AAF (latitude 34°40'42"N., longitude 86°41'02"W.); within 2 miles each side of the 356°m bearing from Redstone RBN, extending from the 5-mile radius zone to 2 miles north of the RBN; within 2.5 miles each side of Runway 35 extended centerline, extending from the threshold to 5.5 miles south; within 2.5 miles each side of Runway 17 extended centerline, extending from the threshold to 6 miles north . . ." is substituted therefor.

Huntsville, Alabama (Transition Area)

". . . (latitude 34°40'29"N., longitude 86°40'54"W.) . . ." is deleted and ". . . (latitude 34°40'42"N., longitude 86°41'02"W.) . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on May 29, 1981.

William J. McGill,

Acting Director, Southern Region.

[FR Doc. 81-16941 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-SO-5]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone and Transition Area, Tuscaloosa, Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the description of the Tuscaloosa, Alabama, Control Zone and Transition Area by changing the name of the Van De Graaff Airport to the Tuscaloosa Municipal Airport and corrects the coordinate location of the airport geographic position.

EFFECTIVE DATE: 0901 GMT, August 6, 1981.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION: In the Tuscaloosa, Alabama, Control Zone described in § 71.171 (46 FR 455) and Transition Area described in §71.181 (46 FR 540), the name of the airport is listed as "Van De Graaff Airport." The name has been changed to "Tuscaloosa Municipal Airport." Therefore, it is necessary to alter the descriptions to reflect the change. Also, the airport geographic position has changed which requires a minor correction. Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the description of the Tuscaloosa, Alabama, Control Zone and Transition Area by changing the name of the Van De Graaff Airport to the Tuscaloosa Municipal Airport and corrects the coordinate location of the airport geographic position.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart F, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (46 FR 455) and § 71.181, Subpart G, of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) are further amended, effective 0901 GMT, August 6, 1981, as follows:

Tuscaloosa, Alabama

". . . Van De Graaff Airport (lat. 33°13'16"N., long. 87°36'39"W) . . ." is deleted and ". . . Tuscaloosa Municipal Airport (lat. 33°13'14"N., long. 87°36'41"W.) . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued In East Point, Georgia, on May 29, 1981.

William J. McGill,

Acting Director, Southern Region.

[FR Doc. 81-16942 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AWE-16]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of VOR Federal Airways V-186 by reducing the width of the airway to 3 nautical miles on the south side of the airway centerline between Elmoo, Calif., Intersection and Paradise, Calif. This action provides the necessary nonradar separation for approaches to Runway 24 left and 24 right at Los Angeles International Airport.

DATES: Effective date: August 6, 1981. Comments must be received on or before July 13, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWE-16, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:
Lewis W. Still, Airspace Regulations and Obstructions Branch (ATT-230), Airspace and Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves a routine reduction in the width of an airway, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the facutal basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to reduce the width of V-186 between Elmoo, Calif., Intersection and Paradise, Calif., from 4 to 3 miles on the south side of the centerline § 71.123 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 409). This amendment merely changes the description of a small segment of V-186 by reducing the airway width from 4 to 3 nautical miles on the south side of the centerline, and there is no change to the current aeronautical charts. This action provides necessary nonradar separation required for instrument landing system (ILS) procedures to Runway 24 left and 24 right at Los Angeles International Airport.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to reduce the airway width of V-186 on the south side of the centerline from 4 to 3 nautical miles between Elmoo, Calif., and Paradise, Calif. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impractical and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) is amended, effective 0901 GMT, August 6, 1981, by deleting from V-186 the words "Van Nuys, Calif.; to Paradise, Calif." and substituting for them the words "Van Nuys, Calif.; 26 miles standard width, 29 miles (3 miles S and 4 miles N of centerline), to Paradise, Calif."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 4, 1981.

B. Keith Potts,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-17240 Filed 6-10-81; 8:45 am]
BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 80-ANW-21]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Extension of V-182 Low Altitude Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action extends V-182 Low Altitude Federal Airway from its terminal at Baker, Oreg., to Lewiston, Idaho. The action will designate an established route with a lower minimum en route altitude (MEA) to handle the increased traffic flow in this area. This will provide more efficient air traffic service and savings in time and fuel for the airspace users.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT:
Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

History

On April 6, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend Federal Airway V-182 from its terminal at Baker, Oreg., to Lewiston, Idaho (46 FR 20562). This action will designate an established route with a lower minimum en route altitude to handle increased traffic flow in this area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) will extend V-182 from Baker, Oreg., to Lewiston, Idaho, via the INT of

the Baker 345° and the Lewiston 220° radials. Designation of this extended route will provide charted course radials and a lower MEA for the increased traffic flow in this area. Also, savings in time and fuel will be achieved by establishment of this airway segment.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) is amended, effective 0901 GNT, August 6, 1981, by amending VOR Airway V-182 to read as follows:

V-182 From Portland, Oreg.; The Dalles, Oreg.; Baker, Oreg.; INT of Baker 345° and Lewiston, Idaho, 220° radials; Lewiston, Idaho.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 4, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-17258 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-ACE-1]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Extension of V-350 Low Altitude Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action extends V-350 Low Altitude Federal Airway from its terminal at Wichita, Kans., to Liberal, Kans. This action designates and establishes a route to handle the increased traffic flow in this area into the inbound arrival gate for Wichita, Kans. This will provide more efficient air traffic service and savings in time and fuel for the airspace user.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

History

On April 6, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend Federal Airway V-350 from its terminal at Wichita, Kans., to Liberal, Kans. (46 FR 20562). This action will designate and establish a route to handle the increased traffic flow in this area into the inbound arrival gate for Wichita, Kans. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) extends Federal Airway V-350 from Wichita, Kans., to Liberal, Kans., via the INT of the Liberal 075° and the Wichita 257° radials. Designation of this extended route will provide charted course radials for the increased traffic flow into the Wichita inbound arrival gate area. Also, savings in time and fuel will be achieved by establishment of this airway segment.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) is amended, effective 0901 GMT, August 6, 1981, by amending VOR Airway V-350 to read as follows:

V-350 From Liberal, Kans.; via INT Liberal 075° and Wichita, Kans., 257° radials; Wichita; to Chanute, Kans. The airspace at and above 6,000 feet MSL from 8 nautical miles to 54 nautical miles west of Chanute VOR is excluded during the time that the Eureka High MOA is activated.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of techical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Polices and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 4, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-17250 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AEA-14]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Modification of Definition of Federal Airways V-44 and V-268

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: A review of the legal description defining Federal Airways V-44 and V-268 between Baltimore and Swann Intersection revealed that a one degree error existed. This action corrects that error and makes these airways coincide with other airways and radials which overlie the Swann Intersection. This action will decrease pilot confusion in reading IFR charts.

DATES: Effective date: August 6, 1981. Comments must be received on or before July 13, 1981.

ADDRESS: Send comments on the rule in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81-AEA-14, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours

at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves minor editorial changes and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to modify the definitions of Airways V-44 and V-268 by one degree between Baltimore, Md., and Swann Intersection. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 409).

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to correct these editorial deficiencies. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impractical and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) is amended, effective 0901 GMT, August 6, 1981, by deleting under Airways V-44 and V-268 the words "Baltimore 094°" and substituting for them the words "Baltimore 093°";

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 4, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-17248 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-ANW-1]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Revision to Crescent City, Calif., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters the Crescent City, Calif., transition area to provide additional controlled airspace to accommodate radar arrival and departure procedures. This will provide more efficient air traffic service to the airspace users, along with fuel savings by radar vectoring procedures in this area.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

History

On April 6, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Crescent City, Calif., transition area (46 FR 20561). This action provides additional controlled airspace to accommodate radar arrival and departure procedures. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 was republished on January 2, 1981 (46 FR 540).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends § 71.181, altering the Crescent City, Calif., transition area to provide additional controlled airspace to accommodate radar arrival and departure procedures for Crescent City Airport. This action will lower the existing transition area floor in an area extending upward from 1,200 feet above the surface within 10 miles east and 25 miles west of the Crescent City VORTAC 180° and 360° radials, extending from 33 miles north and 25 miles south of Crescent City VORTAC.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, August 6, 1981, by amending the description of the Crescent City, Calif., transition area by deleting line 5 and subsequent description, and substituting the following:

"VORTAC, and that airspace extending upward from 1,200 feet above the surface within 10 miles east and 25 miles west of the Crescent City VORTAC 180° and 360° radials, extending from 33 miles north and 25 miles south of the Crescent City VORTAC."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 4, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-17259 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AGL-20]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Revocation of Compulsory Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revokes compulsory reporting point Sault Ste. Marie, Mich. The Canadian Government has requested this amendment and the FAA is in agreement. Since Sault Ste. Marie is in radar coverage, a radio transmission is not necessary, therefore, this amendment reduces the workload on both the pilot and the controller.

DATES: Effective date: August 6, 1981. Comments must be received on or before July 13, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 81-AGL-20, 2300 East Devon, Des Plaines, Ill. 60018.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves the routine revocation of a compulsory reporting point and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.203 and 71.207 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke the Sault Ste. Marie, Mich., compulsory reporting point. § 71.203 and 71.207 of Part 71 of the Federal Aviation Regulations were republished in the **Federal Register** on January 2, 1981 (46 FR 747 and 754). Canada and the United States have mutually agreed to revoke Sault Ste. Marie, Mich., as a compulsory reporting point. Sault Ste. Marie is in an area of radar coverage; therefore, an aircraft position report is unnecessary and redundant.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to revoke the Sault Ste. Marie, Mich., compulsory reporting point. There is no change to the current controlled airspace. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impractical and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.203 and 71.207 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 747 and 754) are amended, effective 0901 GMT, August 6, 1981, as follows:

§ 71.203 [Amended]

By deleting "Sault Ste. Marie, Mich."

§ 71.207 [Amended]

By deleting "Sault Ste. Marie, Mich."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 4, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-17261 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Parts 71 and 73

[Airspace Docket No. 81-AAL-10]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points and Special Use Airspace; Amendment to Restricted Area R-2202A and B, Big Delta, Alaska; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects a rule that further subdivides R-2202A and B, Big Delta, Alaska, as published in **Federal Register** Document 81-15138 appearing at page 27632 in the **Federal Register** of May 21, 1981. This correction is required because the published airspace docket number was incorrect.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document No. 81-15138 appearing at page 27632 in the **Federal Register** of Thursday, May 21, 1981, is corrected as follows:

1. On page 27632, in the heading, by changing "[Airspace Docket No. 81-AAL-6]" to read "[Airspace Docket No. 81-AAL-10]"

2. On page 27632, under "ADDRESSES" in the fourth line, change "81-AAL-6" to read "81-AAL-10"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec.

6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on June 3, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 17256 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 97

[Docket No. 21811; Amdt. No. 1192]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

** * * Effective August 6, 1981:*

Marshalltown, IA—Marshalltown Muni, VOR Rwy 12, Amdt. 3

Marshalltown, IA—Marshalltown Muni, VOR Rwy 30, Amdt. 4

Muskegon, MI—Muskegon County, VOR/DME Rwy 6, Amdt. 7

Butte, MT—Bert Mooney, VOR Rwy 11, Amdt. 1, cancelled

Butte, MT—Bert Mooney, VOR–A, Amdt. 1

Butte, MT—Bert Mooney, VOR–B, Original

Glens Falls, NY—Warren County, VOR Rwy 1, Amdt. 8

Glens Falls, NY—Warren County, VOR/DME Rwy 1, Admt. 3

Glens Falls, NY—Warren County, VOR/DME Rwy 19, Amdt. 6

** * * Effective July 23, 1981:*

Effingham, IL—Effingham County Memorial, VOR Rwy 1, Amdt. 4

Lacon, IL—Marshall County, VOR–A, Amdt. 3

Griffith, IN—Griffith, VOR Rwy 8, Amdt. 3
Pascagoula, MS—Jackson County, VOR Rwy 18, Admt. 8
Zuni Pueblo, NM—Black Rock, VOR/DME Rwy 7, Original
Tiffin, OH—Seneca County, VOR Rwy 6, Amdt. 5
Mitchell, SD—Mitchell Muni, VOR Rwy 12, Amdt. 3

** * Effective June 3, 1981:*

New Orleans, LA—Lakefront, VOR Rwy 18R, Amdt. 1
New Orleans, LA—Lakefront, VOR/DME Rwy 36L, Amdt. 3

** * Effective June 2, 1981:*

San Diego, CA—Brown Field Muni, VOR-A, Amdt. 1

** * Effective May 29, 1981:*

Bridgeport, CT—Igor I. Sikorsky Memorial, VOR Rwy 6, Amdt. 16
Bridgeport, CT—Igor I. Sikorsky Memorial, VOR Rwy 24, Amdt. 9
Madison, CT—Griswold, VOR-A, Amdt. 2
New Haven, CT—Tweed-New Haven, VOR Rwy 2, Amdt. 18
New Haven, CT—Tweed-New Haven, VOR Rwy 20, Amdt. 3

** * Effective May 22, 1981:*

Melfa, VA—Accomack County, VOR/DME Rwy 3, Amdt. 5

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

** * Effective August 6, 1981:*

Muskegon, MI—Muskegon County, LOC Rwy 24, Amdt. 4
Oneida, TN—Scott Muni, NDB Rwy 23, Original

** * Effective July 23, 1981:*

Fort Worth, TX—Meacham Field, LOC BC Rwy 34R, Amdt. 6

** * Effective July 9, 1981:*

Provincetown, MA—Provincetown Muni, SDF Rwy 7, Amdt. 1, cancelled

Note.—The FAA published an amendment in Docket No. 21684, Amdt. No. 1189 to Part 97 of the Federal Aviation Regulations (Vol 46 FR No. 85 page 24939; dated May 4, 1981) under section 97.25 effective June 11, 1981, which is hereby amended as follows: Pensacola, FL-Pensacola Regional, LOC BC Rwy 34, Amdt 7 cancelled is amended as follows: LOC BE Rwy 34, Amdt 7 remains in effect.

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * Effective August 6, 1981:*

Marshalltown, IA—Marshalltown Muni, NDB Rwy 12, Amdt. 2
Antlers, OK—Antlers Muni, NDB Rwy 35, Original
Oneida, TN—Scott Muni, NDB Rwy 23, Original
Port Lavaca, TX—Calhoun County, NDB Rwy 14, Original

** * Effective July 23, 1981:*

Globe, AZ—Globe-San Carlos Regional Air Facility, NDB-A, Amdt. 1
Cairo, IL—Cairo, NDB Rwy 20, Amdt. 5
Sparta, IL—Sparta Community-Hunter Field, NDB Rwy 18, Admt. 4
Minneapolis, MN—Flying Cloud, NDB Rwy 9R, Original
Pascagoula, MS—Jackson County, NDB Rwy 22, Amdt. 3, cancelled
Pascagoula, MS—Jackson County, NDB-A, Original
Reno, NV—Cannon Intl, NDB Rwy 16, Original
Athens (Albany), OH—Ohio University, NDB Rwy 24, Amdt. 4
Cambridge, OH—Cambridge Muni, NDB Rwy 4, Amdt. 3
Tiffin, OH—Seneca County, NDB Rwy 24, Amdt. 3
Fort Worth, TX—Meacham Field, NDB Rwy 16L, Amdt. 3
Fort Worth, TX—Meacham Field, NDB Rwy 34R, Amdt. 5

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

** * Effective August 6, 1981:*

Glens Falls, NY—Warren County, ILS Rwy 1, Amdt. 2

** * Effective July 23, 1981:*

Denver, CO—Stapleton Intl, ILS Rwy 35R, Amdt 5
Dallas-Fort Worth, TX—Dallas-Fort Worth Regional, ILS Rwy 17L, Amdt. 7
Dallas-Fort Worth, TX—Dallas-Fort Worth Regional, ILS Rwy 17R, Amdt. 8
Dallas-Fort Worth, TX—Dallas-Fort Worth Regional, ILS Rwy 35L, Amdt. 7
Dallas-Fort Worth, TX—Dallas-Fort Worth Regional, ILS Rwy 35R, Amdt. 7
Fort Worth, TX—Meacham Field, ILS Rwy 16L, Amdt. 5
Newport News, VA—Patrick Henry Intl, ILS Rwy 7, Amdt. 24

** * Effective July 9, 1981.*

Provincetown, MA—Provincetown Muni, ILS Rwy 7, Original

** * Effective June 3, 1981:*

New Orleans, LA—Lakefront, ILS Rwy 18R, Amdt. 6

* * * Effective May 29, 1981:

Bridgeport, CT—Igor I. Sikorsky Memorial, ILS Rwy 6, Amdt. 3
New Haven, CT—Tweed-New Haven, ILS Rwy 2, Amdt. 10

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * Effective August 6, 1981:

Muskegon, MI—Muskegon County, RADAR-1, Amdt. 8

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * Effective August 6, 1981:

Muskegon, MI—Muskegon County, RNAV Rwy 6, Amdt. 1
Glens Falls, NY—Warren County, RNAV Rwy 1, Amdt. 1

* * * Effective July 23, 1981:

Pascagoula, MS—Jackson County, RNAV Rwy 13, Amdt. 2
6Pascagoula, MS—Jackson County, RNAV Rwy 22, Amdt. 2, cancelled

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510; Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on June 5, 1981.

John S. Kern,
Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

[FR Doc. 81-17257 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 152

[Docket No. 17337; Amdt. 152-13]

Airport Aid Program; Procedures Implementing OMB Circular A-95

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule and Revocation of Special Federal Aviation Regulation No. 35.

SUMMARY: These regulations set forth procedures designed to promote maximum coordination of the Airport Planning Grant Program and the Airport Development Aid Program with each other and with state, areawide, and local plans and programs. The Office of Management and Budget (OMB) requires Federal agencies to develop these procedures.

EFFECTIVE DATE: July 8, 1981.

FOR FURTHER INFORMATION CONTACT: Howard Murphy, Plans Requirements Branch, APO-120, Planning Analysis Division, Office of Aviation Policy and

Plans, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone 202-426-3220.

SUPPLEMENTARY INFORMATION: This amendment adopts final regulations implementing OMB Circular A-95, Revised, entitled "Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects" (A-95), which was published in the **Federal Register** on January 13, 1976, 41 FR 2052.

The Airport Development Aid Program and the Planning Grant Program (Catalogue of Federal Domestic Assistance program numbers 20.102 and 20.103) are the only Federally assisted programs administered by the FAA to which A-95 applies. For this reason, the agency's final regulations implementing A-95 are being published as a new Appendix E to Part 152, Airport Aid Program.

FAA interim procedures implementing A-95 were published, in a notice of FAA policy, in the **Federal Register** on November 17, 1977 (42 FR 59477). On the same date, the FAA published Special Federal Aviation Regulation No. 35 (42 FR 59476) which required each applicant for Federal assistance under the Airport Development Aid Program and the Planning Grant Program to comply with the applicable procedures in the notice of policy. Since this requirement is being added to Part 152 by this amendment, Special Federal Aviation Regulation No. 35 is being revoked.

New Appendix E contains only those parts of the FAA's procedures that impose requirements on an applicant for airport aid. Procedures that apply only to actions on the part of the FAA are not set out in Appendix E. Instead they have been embodied in FAA Orders 5100.36, *Airport Development Aid Program Handbook*, 5100.20A, *Program Control and Reporting Procedures Airport Grant in Aid Program*, and 5900.1B, *Planning Grant Program*. FAA Order 1200.21A, *Evaluation, Review, and Coordination of FAA Direct Development Programs and Projects*, is being prepared to cover the notification procedures that will be followed by the FAA for programs and projects involving direct Federal development.

Part II of the new Appendix E contains a list of exceptions to the notification and review procedures prescribed in Part I. The basic substance of these exceptions is the same as those issued with the FAA's interim procedures. However, they have been consolidated and rearranged so that they conform to the exceptions listed in Paragraph 23, Appendix 6, FAA Order 1050.1C, *Policies and Procedures for Considering Environmental Impacts*, and Appendix 1, FAA Order 1200.21A, *Evaluation, Review, and Coordination of FAA Direct Development Programs and Projects*.

Material that is strictly informational or advisory has not been placed in Appendix E. This includes material in sections 10, 11, and 12 of the interim procedures which deal with clearinghouse functions, the consultation and review process, and the subject matter of comments and recommendations.

Section 2(a)(4) of the interim procedures, which recommends that sponsors use the notification forms and instructions developed by many clearinghouses, is not mandatory, and, therefore, has not been included in the requirements of Appendix E. However, sponsors and planning agencies are urged to use these forms, when they are available, in order to expedite clearinghouse review.

In response to an invitation in the Notice of Policy, the FAA received five public comments on the interim procedures. Where appropriate, those comments have been considered in the development of the final procedures.

Adoption of the Amendment

Accordingly, Special Federal Aviation Regulations No. 35 (42 FR 59477; November 17, 1979) appearing in 14 CFR Part 152 is revoked and removed, effective July 8, 1981, and Part 152 of the Federal Aviation Regulations (14 CFR Part 152) is amended, effective July 8, 1981, as follows:

§ 152.111 [Amended]

1. By amending § 152.111(c)(4) by removing the words "Special Federal Aviation Regulation No. 35, FAA Interim Procedures Implementing OMB Circular A-95" and substituting therefor the words "Appendix E, Procedures Implementing Office of Management and Budget Circular A-95, to this part."

§ 152.113 [Amended]

2. By amending § 152.113(b)(1) by removing the words "Special Federal Aviation Regulation No. 35, FAA Interim Procedures Implementing OMB Circular A-95" and substituting therefor the words "Appendix E, Procedures Implementing Office of Management and Budget Circular A-95, to this part".

3. By adding a new Appendix E to read as follows:

Appendix E—Procedures Implementing Office of Management and Budget Circular A-95

Part I—Procedures

Section 1. Applicability. Part I of this appendix sets forth procedures designed to promote maximum coordination of the Airport Development Aid Program and the Airport Planning Grant Program with each other and with State, areawide, and local plans and programs. Part II of this appendix specifies airport actions that do not require compliance with the notification and review procedures of Part I of this appendix.

Section 2. Notification procedures. Applicants for Federal assistance under the Airport Development Aid Program and the Planning Grant Program must comply with the following procedures:

(a) Except as provided in Part II of this appendix, each sponsor or planning agency which intends to apply for an airport development or airport planning grant under Part 152 must give notice, as provided in paragraph (b) of this section, to the appropriate clearinghouse of each state, region, and metropolitan area in which the project is to be located. In the case of applications for projects involving land use, water use, development, or construction in the National Capital Region (as defined in section 1(b) of the National Capital Planning Act of 1952, as amended; 40 U.S.C. 71), a copy of the notification must also be sent to the National Capital Planning Commission. In the case of airport planning or development that is statewide, and does not affect, or have specific applicability to, areawide or local planning and programs, the notification may be sent to the appropriate state clearinghouse only. The notice must comply with the following:

(1) The notice must be given as soon as feasible after project plans have been developed in sufficient detail to inform the clearinghouse of the proposed airport development project. To avoid delay in processing the grant, this must be at least 60 days before the sponsor files a Preapplication for Federal Assistance or, if a preapplication is not required, an Application for Federal Assistance, under Part 152.

(2) The notice must include a summary and description of the proposed project or planning containing, as appropriate and available, the following information:

(i) Identity of the sponsor or planning agency.

(ii) The location of the proposed airport development or the boundaries of the planning area.

(iii) A brief description of the proposed project or planning, including type, purpose, general size or scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouse to identify agencies of state or local governments having plans, programs, or projects that might be affected by the proposed project or planning. A sponsor may submit an approved airport layout plan (if available) to provide part of this information. A planning agency may submit a copy of its Application for Federal

Assistance in lieu of the material required by this paragraph (a)(2)(iii).

(iv) A statement as to whether the sponsor has been advised by the FAA that it will be required to submit environmental impact information in connection with the proposed project.

(v) The estimated date the sponsor or planning agency expects to formally file a preapplication or application.

(b) The notice required by paragraph (a) of this section shall be given as follows:

(1) *Metropolitan Area.* For a project or planning in a metropolitan area, notification shall be given to both the state clearinghouse and the areawide clearinghouse. A current list of designated areawide planning agencies is maintained in the FAA Regional and Airport District Offices.

(2) *Nonmetropolitan Area.* For a project or planning in a nonmetropolitan area for which the governor of a state has designated a regional comprehensive planning agency, notification must be given to that agency, as the areawide clearinghouse, and to the state clearinghouse.

(3) *Other Locations.* For a project or planning located in an area other than an area described in paragraphs (b) (1) or (2) of this section, notification must be given both to the state clearinghouse and to each public agency planning the development of the area in which the project is located.

(c) If clearinghouse review has been completed before an application under Part 152 is completed, an information copy of the application must be submitted to each clearinghouse that requests one, when the application is submitted to the FAA.

(d) Each preapplication or, if a preapplication is not required, each application for an airport development or planning grant to which this appendix applies must be accompanied by the following:

(1) Except as provided in paragraph (d)(2) of this section, all comments and recommendations made by or through clearinghouses, including (as attachments to the comments of areawide clearinghouses) all comments at variance with the clearinghouse comments by other jurisdictions, agencies, or parties, with a statement that the comments have been considered before submission of the application.

(2) If no comments have been received from, or made by, a clearinghouse, a statement specifying that the procedures outlined in this section have been followed and that no comments or recommendations have been received.

(3) All comments from public agencies, charged with either developing and enforcing environmental standards, or enforcing or furthering the objectives of state and local civil rights laws, with a statement that the comments have been considered before submission of the application.

(4) When the proposed project involves the development of a metropolitan or regional airport system plan and the grant applicant is other than the planning agency designated as the areawide clearinghouse, a memorandum of agreement between the grant applicant and the areawide clearinghouse, covering the means by which their planning activities will be coordinated, including—

(i) The relationship between the sponsor's proposed planning and that of the areawide agency;

(ii) Each organizational and procedural arrangement for coordinating activities; and

(iii) Each arrangement for sharing planning resources and data.

(e) when an application for renewal or continuation of a grant under Part 152 is not submitted to, or acted upon by, the FAA within one year after completion of clearinghouse review, the applicant must follow the procedures in this appendix for re-review, if requested to do so by a clearinghouse.

Part II—Exceptions

Compliance with the notification and review procedures prescribed in Part I of this appendix is not required when application is made for an airport development or airport planning grant involving any of the following:

1. Runway, taxiway, apron, or loading ramp construction or repair work including extension, strengthening, reconstruction, resurfacing, marking, grooving, fillets, and jet blast facilities, except where such action will create environmental impacts off airport property. In this context, environmental impacts shall include (a) an increase of more than 10 percent in airport capacity or (b) the enabling a larger class of aircraft to use the airport. For purposes of this exception, the following classes of aircraft apply:

a. Heavy—Aircraft capable of takeoff weights of 300,000 pounds or more whether or not they are operating at this weight during a particular phase of flight.

b. Large—Aircraft of more than 12,500 pounds, maximum certificated takeoff weight, up to 300,000 pounds.

c. Small—Aircraft of 12,500 pounds or less, maximum certificated takeoff weight.

2. Installation or upgrading of on-airfield lighting systems, including beacons and electrical distribution systems.

3. Installation of miscellaneous on-airfield items including fences, segmented circles, wind measuring devices, or landing direction indicators.

4. Installation of visual guidance and weather equipment on airports, such as cloud height indicators, runway visual range equipment, centerfield wind indicators, hygrothermometers, visual approach slope indicators, and runway end identification lights.

5. Construction or expansion of passenger handling or parking facilities including pedestrian walkway facilities.

6. Construction or repair of entrance and service roadways within airport property and relocation of these types of roads, except where they connect to a public highway or street.

7. Grading or removal of obstructions on airport property and erosion control actions with no off-airport impacts.

8. Landscaping, generally, and landscaping or construction of physical barriers to diminish impact or airport blast and noise.

9. Acquisition of: (a) Noise suppression or measuring equipment, (b) security equipment required by rule or regulation for the safety or security of persons and property on the airport (14 CFR Part 107), (c) safety equipment required by rule or regulation for certification of an airport (14 CFR Part 139), or (d) snow removal equipment.

10. Issuance of supplemental airport planning grants.

11. Airport related emergency actions.

12. Facility, structure, and grounds maintenance, including the upkeep and general maintenance of buildings, such as replacement of electrical wiring, painting, roofing, grounds maintenance, and road and parking lot resurfacing.

13. Electronic display equipment which is installed in existing facilities to update the operational capabilities of such systems as radar bright display equipment, plan view displays, direct access radar channels, and any future equipment of this type.

14. Installation of equipment within air traffic control towers and terminal approval control facilities.

15. Facility modernization to the degree that the program or project adds to the existing functional capability but does not change the use, scale, or intensity of use of the structure or facility, including new or additional equipment, or reallocation of existing space to house that equipment.

16. Construction of facilities or installation of equipment to be located on or within facilities confined within the perimeter of the airport or on federally owned or leased land (except those which require obstruction clearance off the airport or facilities site, or zoning to prevent electromagnetic interference). The construction and installation must be of small scale or size with negligible off-airport impact.

17. Installation, rehabilitation, modernization, relocation, or consolidation of utilities on airports to serve airport navigation, communication, and air traffic control facilities, where land use has previously been determined and which cause no off-airport impact.

18. Supplements to existing systems to provide additional communications and navigational capabilities, such as beacon supplements to air traffic control radar systems, tactical air navigation systems added to a very high frequency omnidirectional range, or additions of distance measuring equipment.

19. Purchase of existing facility land sites currently held by lease agreement.

20. Leases of buildings at the FAA Aeronautical Center and the FAA Technical Center.

21. Leases of space and installation of navigational facilities on airport property.

22. Disposal of real property consisting of not more than two acres, with improvements and associated restrictive easements surrounding the site.

23. Terminal development within the confines of existing structures.

24. Retirement of the principal of bonds or other indebtedness for terminal development.

25. Modifications to airport facilities to make them more accessible to the handicapped.

(Secs. 303, 307, 308, 312, and 313, Federal Aviation Act of 1958 (49 U.S.C. 1344, 1348, 1349, 1353, and 1354); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c));

Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1701 et seq.); sec. 1.47(f)(1), Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(1)); OMB Circular A-95, Revised (41 FR 2052; January 13, 1976))

Note.—The final procedures implemented by this amendment are substantially the same as the interim procedures already being complied with by grant applicants and will not impose any major cost increase or any adverse economic effect. For this reason the FAA has determined that this document involves a regulation which is not a major rule under Executive Order 12291 and is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485). As such, it is subject to review only by the Courts of Appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on April 30, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-16894 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1309

Nondiscrimination With Respect to Age

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Final rulemaking.

SUMMARY: This document adds a new Part 1309 to TVA's regulations (as redesignated by 44 FR 30682). The new part implements the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, *et seq.* (1976). This part sets forth enforcement procedures, and standards and rules on what practices are discriminatory on the basis of age in programs receiving financial assistance from TVA.

DATE: This part is effective June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Justin M. Schwamm, Sr., Assistant General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B25, Knoxville, Tennessee 37902, (615) 632-2361.

SUPPLEMENTARY INFORMATION: On February 22, 1980, TVA published in the **Federal Register** for public comment a proposed rulemaking to implement the Age Discrimination Act of 1975, as amended, 29 U.S.C. 6101, *et seq.* (FR Doc. 80-5528, 45 FR 11835). No comments were received. The only difference between the proposed and final rule is that § 1309.11(b) of the proposed rule has been eliminated as unnecessarily burdensome for recipients. No objection to this change has been received from the Department of Health and Human Services.

Since TVA financial assistance contractors are already bound to comply with the Age Discrimination Act of 1975 and this part by agreement, and this part will aid in the better implementation of that act, the TVA Board has determined for good cause shown that a delayed effective date is not in the public interest and that this part shall be effective on publication.

In consideration of the foregoing, under the authority of 16 U.S.C. 831-831dd and the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, *et seq.*, TVA Board of Directors has adopted and added Part 1309 to chapter XIII of Title 18 of the Code of Federal Regulations, reading as set forth below.

Dated: June 4, 1981.

By order of the Board of Directors.

W. F. Willis,

General Manager.

PART 1309—NONDISCRIMINATION WITH RESPECT TO AGE

Sec.

1309.1 What are the defined terms in this part and what do they mean?
1309.2 What is the purpose of the Act?
1309.3 What is the purpose of this part?
1309.4 What programs and activities are covered by the Act and this part?
1309.5 What are the rules against age discrimination?
1309.6 Is the normal operation or statutory objective of any program or activity an exception to the rules against age discrimination?
1309.7 Is the use of reasonable factors other than age an exception to the rules against age discrimination?
1309.8 Who has the burden of proving that an action is excepted?
1309.9 How does TVA provide financial assistance in conformity with the Act?
1309.10 What general responsibilities do recipients and TVA have to ensure compliance with the Act?
1309.11 What specific responsibilities do TVA and recipients have to ensure compliance with the Act?
1309.12 What are a recipient's responsibilities on compliance reviews and access to information?
1309.13 What are the prohibitions against intimidation or retaliation?
1309.14 How will complaints against recipients be processed?
1309.15 How will TVA enforce compliance with the Act and this part?
1309.16 What is the alternate funds disbursal procedure?
1309.17 What is the procedure for hearings and issuance of TVA decisions required by this part?
1309.18 Under what circumstances must recipients take remedial or affirmative action?
1309.19 When may a complainant file a civil action?

Authority: TVA Act of 1933, 48 Stat. 58 (1933), as amended, 16 U.S.C. 831-831dd (1976), and sec. 304 of the Age Discrimination Act of 1975, 89 Stat 729 (1975), as amended, 42 U.S.C. 6103 (1976).

§ 1309.1 What are the defined terms in this part and what do they mean?

As used in this part the following terms have the stated meanings:

(a) "Act" means the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, et seq. (Title III of Pub. L. 94-135).

(b) "Action" means any act, activity, policy, rule, standard, or method of administration; or the use of any policy, rule, standard, or method of administration.

(c) "Age" means how old a person is, or the number of elapsed years from the date of a person's birth.

(d) "Age distinction" means any action using age or an age-related term.

(e) "Age-related term" means a term which necessarily implies a particular age or range of ages (for example, "children," "adult," "older persons," but not "student").

(f) "Financial assistance" means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement, by which TVA provides or otherwise makes available to a recipient assistance in any of the following forms:

(1) Funds;

(2) Services of TVA personnel;

(3) Real and personal property or any interest in or use of property, including:

(i) Transfers or leases of property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of property if the share of its fair market value provided by TVA is not returned to TVA.

(g) For purposes of §§ 1309.6 and 1309.7, "normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet it objectives.

(h) For purposes of §§ 1309.6 and 1309.7, "statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or

ordinance adopted by an elected, general purpose legislative body.

(i) "Recipient" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any State-created or recognized public or private agency, institution, organization, or other entity, or any person to which TVA extends financial assistance directly or through another recipient. Recipient includes any successor, assignee, or transferee, but excludes the ultimate beneficiary of the assistance.

(j) "Secretary" means the Secretary of the Department of Health, Education, and Welfare, and its successors.

(k) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, the Trust Territory of the Pacific Islands, the Northern Marianas, and the territories and possessions of the United States.

(l) "TVA" means the Tennessee Valley Authority.

§ 1309.2 What is the purpose of the Act?

The Act is designed to prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also permits federally assisted programs and activities, and recipients of Federal funds, to continue to use certain age distinctions and factors other than age which meet the requirements of the Act and this part.

§ 1309.3 What is the purpose of this part?

The purpose of this part is to effectuate the Act in all programs or activities of recipients which receive financial assistance from TVA, and to inform the public and the recipients of financial assistance from TVA of the Act's requirements and how it will be enforced.

§ 1309.4 What programs and activities are covered by the Act and this part?

(a) The Act and this part apply to any program or activity receiving financial assistance from TVA.

(b) The Act and this part do not apply to:

(1) An age distinction contained in that part of a Federal, State or local statute or ordinance adopted by an elected, general purpose legislative body which:

(i) Provides any benefits or assistance to persons based on age; or

(ii) Establishes criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program.

§ 1309.5 What are the rules against age discrimination?

(a) *General rule.* No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving financial assistance from TVA.

(b) *Specific rules.* In any program or activity receiving financial assistance from TVA, a recipient may not directly or through contractual, licensing, or other arrangements, use age distinctions or take any other actions which have the effect, on the basis of age of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under a program or activity receiving financial assistance from TVA, or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving financial assistance from TVA.

(c) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

(d) The rules stated in this section are limited by the exceptions contained in §§ 1309.6 and 1309.7.

§ 1309.6 Is the normal operation or statutory objective of any program or activity an exception to the rules against age discrimination?

A recipient is permitted to take an action, otherwise prohibited by § 1309.5, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(a) Age is used as a measure or approximation of one or more other characteristics; and

(b) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and

(c) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(d) It is impractical to measure the other characteristic(s) directly on an individual basis.

§ 1309.7 Is the use of reasonable factors other than age an exception to the rules against age discrimination?

A recipient is permitted to take an action otherwise prohibited by § 1309.5 which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

§ 1309.8 Who has the burden of proving that an action is excepted?

The burden of proving that an age distinction or other action falls within the exceptions outlined in §§ 1309.6 and 1309.7 is on the recipient of financial assistance from TVA.

§ 1309.9 How does TVA provide financial assistance in conformity with the Act?

(a) TVA contributes financial assistance only under agreements which contain a provision which specifically requires compliance with the Act and this part. If the financial assistance involves the furnishing of real property, the agreement shall obligate the recipient, or the transferee in the case of a subsequent transfer, for the period during which the real property is used for a purpose for which the financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where the financial assistance involves the furnishing of personal property, the agreement shall obligate the recipient during the period for which ownership or possession of the property is retained. In all other cases the agreement shall obligate the recipient for the period during which financial asssistance is extended pursuant to the agreement. TVA shall specify the form of the foregoing agreement, and the extent to which an agreement shall be applicable to subcontractors, transferees, successors in interest, and other participants in the program.

(b) In the case of real property, structures or improvements thereon, or interests therein, acquired through a program of TVA financial assistance, or in the case where TVA financial assistance was provided in the form of a transfer by TVA of real property or an interest therein, the instrument effecting or recording the transfer of title shall contain a covenant running with the land assuring compliance with this part

and the guidelines contained herein for the period during which the real property is used for a purpose for which the TVA financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of TVA financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained by transfer from TVA, the covenant against discrimination may also include a condition coupled with a right to be reserved by TVA to revert title to the property in the event of a breach of the covenant where, in the discretion of TVA, such a condition and right of reverter is appropriate to the nature of (1) the program under which the real property is obtained, (2) the recipient, and (3) the instrument effecting or recording the transfer of title. In such event, if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, TVA may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as it deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

§ 1309.10 What general responsibilities do recipients and TVA have to ensure compliance with the Act?

(a) A recipient has primary responsibility to ensure that its programs and activities are in compliance with the Act and shall take steps to eliminate violations of the Act. A recipient also has responsibility to maintain records, provide information, and afford TVA access to its records to the extent required by TVA to determine whether the recipient is in compliance with the Act.

(b) TVA has responsibility to attempt to secure a recipient's compliance with the Act by voluntary means, to the fullest extent practicable, and to provide assistance and guidance to recipients to help them comply voluntarily. TVA may use the services of appropriate Federal, State, local, or private organizations for this purpose. TVA also has the responsibility to enforce the Act when a recipient fails to eliminate violations of the Act.

§ 1309.11 What specific responsibilities do TVA and recipients have to ensure compliance with the Act?

(a) *Written notice, technical assistance, and educational materials.* TVA shall:

(1) Provide written notice to each recipient of its obligations under the Act. The notice shall include a requirement that where the recipient initially receiving funds makes the funds available to a subrecipient, the recipient must notify the subrecipient of its obligations under the Act. The notice may be made a part of the contract under which financial assistance is provided by TVA.

(2) Provide technical assistance to recipients, where necessary, to aid them in complying with the Act.

(3) Make available educational materials setting forth the rights and obligations of beneficiaries and recipients under the Act.

§ 1309.12 What are a recipient's responsibilities on compliance reports and access to information?

(a) *Compliance reports.* Each recipient shall keep such records and submit to TVA timely, complete and accurate compliance reports at such times and in such form and containing such information, as TVA may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient passes through financial assistance from TVA to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(b) *Access to sources of information.* Each recipient shall permit access by TVA during normal business hours to such of its books, records, accounts and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person, and such agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(c) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives financial assistance, and make such information available to them in such manner as TVA finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 1309.13 What are the prohibitions against intimidation or retaliation?

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right secured by the Act or this part, or because such individual has made a complaint, testified, assisted, or participated in any manner in an investigation, mediation, hearing, or other proceeding under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, mediation, hearing, or judicial proceeding arising under the Act or this part.

§ 1309.14 How will complaints against recipients be processed?

(a) *Receipt of complaints.* Any individual who claims (individually or on behalf of any specific class of individuals) that he or she has been subjected to discrimination prohibited by this part (including § 1309.13) may file a written complaint with TVA. The written complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by TVA for good cause shown. A complaint shall be signed by the complainant, give the name and mailing address of the complainant and the recipient, identify the TVA financial assistance program involved, and state the facts and occurrences (including dates) which led the complainant to believe that an act of prohibited discrimination has occurred. Anonymous complaints will not be accepted or filed under this section, but may be the basis for a compliance review. TVA will reject any complaint which does not fall within the coverage of the Act and this part, and may reject or require supplementation or clarification of any complaint which does not contain sufficient information for further processing as set forth in this paragraph. A complaint shall not be deemed filed until all such information has been provided to TVA.

(b) *Prompt resolution of complaints.* The complaint shall be resolved promptly. To this end, TVA shall proceed with the complaint without undue delay so that the complaint is resolved within 180 calendar days after it is filed with TVA. The recipient and

complainant involved in each complaint are required to cooperate in this effort. Failure to cooperate on the part of the complainant may result in cancellation of the complaint, while such failure on the part of the recipient may result in enforcement action as described in § 1309.15.

(c) *Mediation of complaints.* All complaints which fall within the coverage of the Act and this part will be referred to a mediation agency designated by the Secretary.

(1) The participation of the recipient and the complainant in the mediation process is required, although both parties need not meet with the mediator at the same time.

(2) If the complainant and recipient reach a mutually satisfactory resolution of the complaint during the mediation period, they shall reduce the agreement to writing. The mediator shall send a copy of the settlement to TVA. No further action shall be taken based on that complaint uless it appears that the complainant or the recipient is failing to comply with the agreement.

(3) Not more than 60 days after the complaint is filed, the mediator shall return a still unresolved complaint to TVA for initial investigation. The mediator may return a complaint at any time before the end of the 60-day period if it appears that the complaint cannot be resolved through mediation.

(4) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the agency appointing the mediator.

(d) *Investigation.* (1) TVA will make a prompt investigation whenever a complaint is unresolved within 60 days after it is filed with TVA or is reopened because of a violation of the mediation agreement. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with the Act and this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with the Act and this part.

(2) As part of the initial investigation, TVA shall use informal fact finding methods including joint or individual discussions with the complainant and recipient to establish the facts, and, if possible, to resolve the complaint to the mutual satisfaction of the parties. TVA may seek the assistance of any involved State program agency.

(3) If TVA cannot resolve the matter within 10 calendar days after the mediator returns the complaint, it shall complete the investigation, attempt to achieve voluntary compliance satisfactory to TVA, if the investigation indicates a violation, and arrange for enforcement as described in § 1309.15, if necessary.

§ 1309.15 How will TVA enforce compliance with the Act and this part?

(a) If a compliance report, self-evaluation, or preaward review indicates a violation or threatened violation of the Act or this part, TVA shall attempt to secure the recipient's voluntary compliance with the Act and this part. If the violation or threatened violation cannot be corrected by informal means, compliance with the Act and this part may be effected by the following means:

(1) Termination of a recipient's financial assistance under the program or activity involved where the recipient has violated the Act or this part. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an appropriate hearing officer.

(2) Any other means authorized by law including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or this part.

(ii) Use of any requirement of or referral to any Federal, State, or local government agency which will have the effect of correcting a violation of the Act or this part.

(iii) Commencement by TVA of proceedings to enforce any rights of TVA or obligations of the recipient created by the contract, the Act, or this part.

(b) Any termination under paragraph (a)(1) of this section shall be limited to the particular recipient and the particular programm or activity (or portion thereof) receiving financial assistance from TVA which is found to be in violation of the Act or this part. No termination shall be based in whole or in part on a finding with respect to any program or activity which does not receive financial assistance from TVA.

(c) No assistance will be terminated under paragraph (a)(1) of this section until:

(1) TVA has advised the recipient of its failure to comply with the Act or this part and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have elapsed after TVA has sent a written report of the circumstances and grounds of the termination of assistance to the committees of the Congress having legislative jurisdiction over the TVA program or activity involved. A report shall be filed in each case in which TVA has determined that assistance will be terminated under paragraph (a)(1) of this section.

(d) TVA may defer granting new financial assistance to a recipient when termination proceedings under paragraph (a)(1) of this section are initiated.

(1) New financial assistance includes all assistance administrated by or through TVA for which an application or approval, including renewal or continuation of existing activities, or authorization of new activities, is required during the deferral period. New financial assistance does not include assistance approved prior to the beginning of termination proceedings.

(2) A deferral may not begin until the recipient has received a notice of opportunity for a hearing under paragraph (a)(1) of this section. A deferral may not continue for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and TVA. A deferral may not continue for more than 30 days after the close of the hearing, unless the hearing results in a finding against the recipient.

§ 1309.16 What is the alternate funds disbursal procedure?

When TVA withholds funds from a recipient under this part, TVA may contract to disburse the withheld funds directly to any public or nonprofit private organization or agency, or State or political subdivision of the State. These alternate recipients must demonstrate the ability to comply with this part and to achieve the goals of the program or activity involved.

§ 1309.17 What is the procedure for hearings and issuance of TVA decisions required by this part?

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 1309.15(a)(1), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected recipient. This notice shall advise the recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within

which the recipient may request of TVA that the matter be scheduled for hearing or (2) advise the recipient that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. A recipient may waive a hearing and submit written information and argument for the record. The failure of a recipient to request a hearing under this subsection or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under the Act and § 1309.15(a)(1) and a consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the time and place fixed by TVA unless it determines that the convenience of the recipient requires that another place be selected. Hearings shall be held before a hearing officer who shall be designated by TVA's General Manager, and who shall not be a TVA employee.

(c) *Right to counsel.* In all proceedings under this section, the recipient and TVA shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof by TVA's Board of Directors shall be conducted in conformity with this part and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters, as prescribed by the hearing officer. Both TVA and the recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the hearing officer at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the hearing officer. The hearing officer may exclude irrelevant, immaterial, or unduly repititious evidence. All documents and other evidence offered or received for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under the Act, the TVA Board may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings; and for the application to such hearings of the rules of procedure applicable to such hearings by such other departments or agencies. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with paragraph (f) of this section.

(f) *Decisions.* (1) After the hearing, or after the hearing is waived under paragraph (a) of this section, the hearing officer shall make an initial decision. The recipient may file exceptions to the decision with the TVA Board within 10 days of receipt of the decision. If exceptions are not filed within the specified time, the hearing officer's initial decision becomes the final TVA decision.

(2) Based on the hearing record, investigation, and any written submission to the hearing officer or the TVA Board, the Board shall render its decision accepting the initial decision, or rejecting it, in whole or part.

(3) The final decision may provide for suspension or termination of, or refusal to grant or continue financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no financial assistance will thereafter be extended under such program to the recipient determined by such decision to have failed to comply with this part, unless and until it corrects its noncompliance and satisfies TVA that it will fully comply with this part.

(g) *Posttermination proceedings.* (1) A recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive financial assistance from TVA if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request TVA to restore fully its eligibility to receive financial assistance from TVA. Any such request shall be supported by information showing that the recipient has met the requirements of subparagraph (1) of this paragraph. If TVA determines that those requirements have been satisfied, it shall restore such eligibility.

(3) If TVA denies any such request, the recipient may submit a written request for a hearing, specifying why it believes TVA to have been in error. The recipient shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by TVA. The recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f)(3) of this section shall remain in effect.

§ 1309.18 Under what circumstances must recipients take remedial or affirmative action?

(a) Where a recipient is found to have discriminated on the basis of age, the recipient shall take any remedial action which TVA may require to overcome the effects of the discrimination, if another recipient exercises control over the recipient that has discriminated, both recipients may be required to take remedial action.

(b) Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation recipient's program or activity on the basis of age.

(c) If a recipient operating a program which serves the elderly or children, in addition to persons of other ages, provides special benefits to the elderly or to children, the provision of those benefits shall be presumed to be voluntary affirmative action provided that it does not have the effect of excluding otherwise eligible persons from participation in the program.

§ 1309.19 When may a complainant file a civil action?

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint and TVA has made no finding with regard to the complaint; or

(2) TVA issues any finding in favor of the recipient.

(b) If either of the conditions set forth in paragraph (a) of this section is satisfied, TVA shall:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right, under Section 305(e) of the Act, to bring a civil action for injunctive relief that will effect the purposes of the Act; and

(3) Inform the complainant:

(i) That a civil action can only be brought in a United States district court for the district in which the recipient is found or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that these costs must be demanded in the complaint;

(iii) That before commencing the action the complainant shall give 30 days' notice by registered mail to the Secretary, the Attorney General of the United States, TVA, and the recipient;

(iv) That the notice shall state: the alleged violation of the Act; the relief requested; the court in which the action will be brought; and whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That no action shall be brought if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

[FR Doc. 81-17294 Filed 6-10-81; 8:45 am]
BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

41 CFR Ch. 12

[OST Docket No. 19; Amdt. 5]

Procurement Regulations; Options and Consulting Services

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: DOT amends its Procurement Regulations to eliminate the coverage of options in favor of new Federal Procurement Regulations coverage, and modifies the coverage of consulting service contracts to conform with Office of Management and Budget Circular A-120. Although this is a final rule, comments will be accepted and considered.

DATES: These changes take effect June 15, 1981; however, comments will be accepted until July 31, 1981.

ADDRESS: Send written comments to Docket Clerk, OST Docket No. 19, Office of the General Counsel, C-50, Department of Transportation, Washington, DC 20590. Comments will be available for public inspection and copying in the Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, Department of Transportation Building, 400 Seventh Street, SW, Washington, DC, from 9:00 AM to 5:30 PM eastern time, Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Roger Martino, Office of Installations and Logistics, (202) 426-4237.

SUPPLEMENTARY INFORMATION:

Options

Amendment 213 to the Federal Procurement Regulations (FPRs) (46 FR 7966; January 26, 1981) provides policies and procedures regarding the use of option rights in contracts. Until this time, coverage of options had not been included in the FPRs. The basis for Amendment 213 is the increased use of option provisions in contracts by civilian agencies. The effect will be to provide uniform instructions for the use of options in Government contracts. In the interest of this uniformity, and since the new FPR coverage varies only slightly from the present coverage in the DOT Procurement Regulations (DOTPRs), the DOT coverage in Subpart 12-1.50, Options, and Section 12-7.151-17, Options, is revoked.

Consulting Services

Office of Management and Budget (OMB) Circular A-120 (April 14, 1980), Guidelines for the Use of Consulting Services, establishes policy and guidelines to be followed by executive branch agencies in determining and controlling the appropriate use of consulting services obtained from individuals and organizations. It supersedes OMB Bulletin No. 78-11, dated May 5, 1979, on the same subject. To conform the DOTPRs to the changes made by Circular A-120, Subpart 12-50.3, Procurement of Expert and Consulting Services, is revised.

Although this is a final rule, comments will be accepted until the deadline date shown above. This rule may be changed in light of any comments that are received; any changes will be announced by another rulemaking document published in the **Federal Register.**

Since this amendment relates to Government contracts, notice and public procedure on it are unnecessary and it may be made effective fewer than thirty days after publication in the **Federal Register.**

It has been determined under the criteria of the Regulatory Flexibility Act that this rule will not have a significant effect on a substantial number of small entities, because it makes such a small change in the substance of the regulations. Further, it is not a major rule under Executive Order 12291, nor a significant rule under DOT Regulatory Policies and Procedures, 44 FR 11034, for the same reason. The anticipated economic impact is so minimal that it does not warrant preparation of regulatory evaluation. Finally, DOT has determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and therefore that an environmental impact statement is not required. Comments are invited on all of these issues, however.

In consideration of the foregoing, Chapter 12 of Title 41, Code of Federal Regulations, is amended as follows:

§§ 12-1.5000—12-1.5005 (Subpart 12-1.50) [Removed]

1. Subpart 12-1.50 is removed.

Subpart 12-7.1—Clauses for Fixed-Price Suppy Contracts

§ 12-7.151-17 [Removed]

2. In Subpart 12-7.1, § 12-7.151-17 is removed and the table of contents for Subpart 12-7.1 is amended accordingly.

3. Subpart 12-50.3 is revised as appears below:

Subpart 12-50.3—Procurement of Expert or Consultant Service

Sec.

12-50.300 Scope of subpart.
12-50.301 Negotiation authority.
12-50.302 Contracts with individual experts or consultants.
12-50.302-1 Method and amount of payment.
12-50.302-2 Benefits.
12-50.302-3 Taxes.
12-50.302-4 Conflict of interest.
12-50.302-5 Administrative treatment.
12-50.303 Contracts with Firms for expert or consultant services.
12-50.304 Contracts for stenographic reporting services.
12-50.305 Modification of contracts.

Authority: Section 205(c), 63 Stat. 389, 40 U.S.C. 486(c), 10 U.S.C. 2301-2314.

Subpart 12-50.3—Procurement of Expert or Consultant Services

§ 12-50.300 Scope of subpart.

This subpart sets forth policy and procedures for the procurement by contract, pursuant to 5 U.S.C. 3109, of expert or consultant services from individuals and from firms. This subpart does not govern employment of individual experts or consultants by excepted appointment; the requirement for such employment are set forth in personnel regulations of the Office of Personnel Management and of the Department. This subpart implements DOT Order 4200.15, "Criteria and Guidelines for the Use of Consulting Services".

§ 12-50.301 Negotiation authority.

Contracts with individuals or firms for expert and consultant services are usually negotiated, normally under the authority of 41 U.S.C. 252(c)(4), or 10 U.S.C. 2304(a)(4), as applicable.

§ 12-50.302 Contracts with individual experts or consultants.

§ 12-50.302-1 Method and amount of payment.

The contract may provide for compensation at rate for time actually worked (e.g., amount per day, per week, per month, etc.), or it may provide for performance of a specific task at a fixed price, or it may provide for nominal compensation. The amount of rate of payment will be determined on a case-by-case basis, taking into account (among other relevant factors) the relative importance of the duties to be performed, the stature of the individual in his or her specialized field, comparable pay for positions under the Classification Act or other Federal pay systems, or rates previously paid other experts or consultants for similar work. Compensation at a per diem rate will be no more than that permitted by statutory authority. In addition, the contract may provide for such expenses as would be authorized for a Government employee, including actual transportation and per diem in lieu of subsistence while the expert or consultant is traveling between home or place of business and official duty station. However, no more than one round trip to the official duty station shall be provided unless the services are rendered on an intermittent basis.

§ 12-50.302-2 Benefits.

No benefits shall be accorded the contractor which are not specifically provided for in the written contract.

§ 12-50.302-3 Taxes.

Where the individual is to render services, the compensation generally is subject to FICA (Social Security), FUTA (Unemployment Compensation), and Federal income withholding taxes. It may also be necessary to report or withhold State income tax under 5 U.S.C. 5517. The contracting officer shall take appropriate steps in coordination with the cognizant personnel office to have deductions and reports made where required by law.

§ 12-50.302-4 Conflict of interest.

The contracting officer shall assure that individual experts or consultants who are to render services under contract have complied with appropriate conflict of interest regulations.

§ 12-50.302-5 Administrative treatment.

Individual experts or consultants who are to render personal services under contract are charged against personnel ceilings in the same way as experts and consultants employed by excepted appointments. Also, the cognizant personnel office must maintain certain records on individual experts and consultants who render personal services. Therefore, the contracting officer shall effect necessary coordination with the cognizant personnel office before award of a contract for expert or consultant services, and may also designate the appropriate personnel officer as his representative for the purpose of obtaining necessary data from the contractor for tax withholding purposes, for suitability investigation under Executive Order 10450, and for administering applicable conflict of interest provisions.

§ 12-50.303 Contracts with firms for expert or consultant services.

Contracts with firms for expert or consultant services ordinarily need deal only with rights and obligations as between the Government and the firm, and need not deal with the question of compensation by the firm of the individuals it assigns to the work or with any other rights or obligations as between the firm and these individuals.

§ 12-50.304 Contracts for stenographic reporting services.

Stenographic reporting services normally are provided by Federal Government employees appointed under the usual civil service procedures. However, these services may be procured by contract from individuals or firms pursuant to 5 U.S.C. 3109, or other statutory authority where there are variable requirements or insufficient qualified personnel, and necessity or economy to the Goverment demands procurement by contract. Such contracts normally shall be written on an end-product basis and payment made according to delivered items (e.g., number of copies of transcript, words per page, etc.), and the contractor ordinarily shall be required to furnish the necessary material (typewriter, paper, bindings, etc.). These contracts are subject to all provisions of this subpart.

§ 12-50.305 Modification of contracts.

When supplemental agreements or change orders are required which substantially change the basis upon which the justification was made, such as to revise substantially the scope of work or time limitations, or to apply additional funds, authorization shall be requested in the same way and is subject to the same limitations as authorization to procure the total services by contract would have required in the first place.

Issued in Washington, DC on June 3, 1981.

Robert L. Fairman,

Assistant Secretary for Administration.

[FR Doc. 81-17207 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5953

Alaska; Modification of Public Land Order No. 5176, as Amended; Classification and Opening of Lands to the Operation of the Coal Exploration Licensing and Leasing Provisions of the Mineral Leasing Act of 1920

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: The purpose of this public land order is to modify and amend two public land orders and to classify and open lands to the coal exploration licensing and leasing provisions of the Mineral Leasing Act of 1920.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT:

Beaumont C. McClure, Washington, D.C. (202) 343-6511, or

Robert E. Sorenson, Alaska State Office (907) 271-5060

Pursuant to the authority vested in the Secretary by Section 204(a) of the Act of October 21, 1976, 43 U.S.C. 1701, 1714(a), and by section 17(d)(1) of the Alaska

Native Claims Settlement Act, 43 U.S.C. 1601, 1616(d)(1), it is ordered as follows:

1. Subject to valid existing rights, the following listed public land orders, which withdrew land for selection under the Alaska Native Claims Settlement Act pursuant to the authority vested in the Secretary by section 11(a)(3)(A) of the Alaska Native Claims Settlement Act and the authority vested in the President and delegated to the Secretary in Executive Order No. 10355, are hereby modified and amended to the extent necessary to permit operation of the coal exploration licensing and leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181, 201, on the lands described in this paragraph.

Affected Public Land Orders

Public Land Order No. 5176, dated March 9, 1972, 37 FR 5577–5578; as amended by Public Land Order No. 5393, dated September 14, 1973, 38 FR 26373–26374.

Affected Lands

Copper River Meridian

T. 16 S., R. 9 E.,
T. 17 S., R. 9 E..

Containing an aggregate of approximately 45,837 acres.

2. Pursuant to the authority vested in the Secretary by section 17(d)(1) of the Alaska Native Claims Settlement Act, the lands described in paragraph 1 of this order are hereby classified and opened to the operation of the coal exploration licensing and leasing provisions of the Mineral Leasing Act of February 25, 1920. Even though the prior withdrawal is modified and amended as provided above, under the discretion vested in the Department by the Mineral Leasing Act of 1920, no coal leases will actually be issued until there is an affirmative administrative action to consider whether coal leasing can or should occur on the lands described in paragraph 1.

3. This public land order is not intended to modify, amend, or revoke any withdrawal, reservation, or appropriation of the lands described in paragraph 1, whether by Executive Order, Proclamation, Public Land Order, or otherwise, unless such order of withdrawal is expressly listed in paragraph 1. Any lands listed in the public land orders listed in paragraph 1, but not described in paragraph 1, are not open to the operation of the coal exploration licensing and leasing provisions of the Mineral Leasing Act of 1920 by this order. The orders of withdrawal listed in paragraph 1 are modified and amended only to the extent necessary to open to the operation of the coal exploration licensing and leasing provisions of the Mineral Leasing Act of 1920 those lands described in paragraph 1 which lie outside the Chugach National Forest. This public land order does not affect the validity of any prior appropriation of the lands or any selections made pursuant to the Alaska Native Claims Settlement Act.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 5, 1981.

[FR Doc. 81-17293 Filed 6-10-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 61

[CC Docket No. 79-63; FCC 81-215]

American Telephone and Telegraph Company; Modification of Prescribed Rate of Return

AGENCY: Federal Communications Commission.

ACTION: Ratemaking; final decision.

SUMMARY: On September 26, 1979, the Federal Communications Commission instituted an investigation into and a hearing upon the prescribed rate of return for A.T.&T. and its affiliated companies for the provision of interstate and foreign telecommunications services. *A.T.&T. Co.*, 73 F.C.C. 2d 689, 44 FR 60158 (October 18, 1979). On May 7, 1981, the Commission released the decision which follows which prescribed a new rate of return of 12.75%. Specific findings were made upon: the cost of embedded debt, the cost of non–convertible preferred stock, the cost of convertible preferred stock, the cost of common stock equity, the most appropriate treatment of A.T.&T.'s equity investment in the Western Electric Company for interstate and foreign services cost of capital weighting purposes, and the appropriate measurements of A.T.&T.'s financial structure for determining the weights which are to be applied to the calculation of A.T.&T.'s prescribed rate of return. In accordance with §§ 1.103(a), 1.4(b)(2), and 1.427(b) of the Federal Communications Commission Rules and Regulations, 47 C.F.R. 1.103(a), 1.4(b)(2), and 1.427(b), the Commission concluded that as a consequence of the volatility of current economic and financial conditions, the substantial increases which had occurred in the cost of A.T.&T.'s common stock, and the increases in A.T.&T.'s cost of embedded debt, that A.T.&T. should be permitted to realize the 12.75% rate of return as soon as possible.

EFFECTIVE DATE: May 8, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W. Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kent R. Nilsson, Policy and Program Planning Division, Common Carrier Bureau, (202) 632–9342.

Adopted: May 5, 1981.

Released: May 7, 1981.

In the matter of an American Telephone and Telegraph Company, petition for modification of prescribed rate of return; Docket No. CC 79–63; (44 FR 60158); Decision.

I. Introduction

1. This case comes before the Commission on exceptions to the *Initial Decision* of Administrative Law Judge Edward Luton released February 5, 1981 (F.C.C. 81D–3). We designated this matter for hearing and investigation by order released September 26, 1979, following the filing of the above captioned petition by the American Telephone and Telegraph Company ("A.T.&T."). *A.T.&T. Co.*, 73 F.C.C. 2d 689 (1979). On behalf of itself and its affiliated operating companies, A.T.&T. asked the Commission to determine a reasonable rate of return for its interstate and foreign services. The petition sought an interim rate of return of 10.38 percent pending a final decision and a final rate of return in the range of at lease 11 to 12 percent. A.T.&T. subsequently increased its proposal for a final rate of return to 13 percent.

2. In our order designating this matter for hearing and investigation, we identified six issues for consideration and determination:

(1) the cost of embedded debt;
(2) the cost of preferred stock;
(3) the cost of common stock;
(4) the cost of other sources of financing;
(5) the weight to be accorded to each source of financing; and
(6) the overall authorized rate of return for A.T.&T.'s interstate and foreign services.

The investigation, however, was not limited to those issues. *Id.* at 695. We also directed the Separated Trial Staff to investigate four areas of particular concern: treatment of current liabilities for estimating cost of capital; treatment of Western Electric ("WECO") debt; the treatment of minority ownership of others in consolidated subsidiaries of A.T.&T.; and the bases of A.T.&T.'s existing and proposed financial structures. *Id.* at 691–693, 693 n. 10. A.T.&T., the Separated Trial Staff of the Common Carrier Bureau, the Executive

Agencies of the United States, a consortium of several consumer groups, the Maryland Peoples' Counsel, and the United States Independent Telephone Association (U.S.I.T.A.) presented the testimony of sixteen witnesses (as well as one verified statement which was presented for the record) during twenty days of hearings.

3. After hearing and full opportunity for parties to propose findings of fact and submit briefs in support thereof, Judge Luton issued his *Initial Decision ("I.D.")*, which concluded that the authorized rate of return should be 10.87 percent. A.T.&T., U.S.I.T.A., the Maryland Peoples' Counsel, the Federal Executive Agencies, and the Separated Trial Staff filed exceptions and briefs to the *I.D.* Replies to exceptions were filed by the Separated Trial Staff of the Common Carrier Bureau, the Federal Executive Agencies, the Maryland Peoples' Counsel, and A.T.&T. A.T.&T. also filed a petition for expedited decision which included a request for oral argument before the Commission. We granted A.T.&T.'s requests by order released March 13, 1981 (F.C.C. 81–114), and oral arguments were heard by the Commission *en banc* on April 6, 1981.

4. During the course of hearings, the Bell System filed tariff revisions which would have resulted in an 11.9 percent increase for essentially all interstate tariffed services. We found that this increase would result in earnings above the rate of return prescribed in Docket No. 20376 and applicable pending resolution of this proceeding. *American Telephone and Telegraph Company and Bell System Operating Telephone Companies*, 78 F.C.C. 2d 661, 665 (1980); *Errata* (Released July 8, 1980). While we rejected the tariff revisions proposed by Bell, we did treat the filing as a request for an interim prescription of a rate of return. *Id.* at 667–72. After considering the evidence of record at that point in this proceeding, the Commission determined that revision of the prescribed rate of return was appropriate *pendente lite*. Without prejudging specific arguments with regard to A.T.&T.'s financial stucture or its specific elements, we prescribed an interim rate of return of 10.5 percent, effective June 1, 1980. *Id.* at 672.

II. Background

A. Legal Basis for Prescription

5. The Communications Act of 1934, as amended, does not expressly provide for the prescription of a rate of return for common carriers, but the Commission's power to set a return is clearly established. *Nader v. FCC*, 520 F. 2d 182, 204 (D.C. Cir. 1975) [hereafter cited as *Nader*]. We have previously observed that rate of return, the percentage expression of financing expenses, is just as real an expense to A.T.&T. as are wages and materials expenses. *American Telephone & Telegraph Co.* (Docket No. 16258), 9 F.C.C. 2d 30, 51 (1967); *American Telephone and Telegraph Co.* (Docket No. 19129) 38 F.C.C. 2d 213, 226 (1972). A carrier must earn enough to cover all costs of operation and provide a return to investors. *Id.* Case law provides guidance in determining the interstate rate of return, including factors for consideration and appropriate levels of return. *FPC v. Hope Natural Gas Co.*, 320 U.S. 591, 602–05 (1944) [hereafter cited as *Hope*].

6. Fixing the appropriate rate of return is a matter of legislative determination by the Commission. *Nader*, 520 F.2d 182, 203. Although this agency is not bound by a particular formula in determining a rate of return, it must, nevertheless, pay heed to both investor and consumer interests. *Hope*, 320 U.S. 591, 603. *Hope* requires that the return permitted investors "be commensurate with returns on investments in other enterprises having corresponding risks," and "be sufficient to assure confidence in the financial integrity of the enterprise, as to maintain its credit and to attract capital." *Hope*, 320 U.S. at 603. On the other hand, the countervailing interests of ratepayers require "the lowest possible return consistent with overall responsibility to provide modern, efficient service at reasonable rates * * *." *A.T.&T.* (Docket No. 19129), 38 F.C.C. 2d 213, 226 (1972).

7. The Supreme Court has returned several times to its *Hope* decision since first handing it down. The Court has stressed the interest that all groups, including consumers, have in an adequate rate of return which maintains the financial health of utilities. *Permian Basin Area Rate Cases*, 390 U.S. 747, 791–92 (1968); *United Gas Pipe Line Co. v. Memphis Light, Gas & Water Division*, 358 U.S. 103, 113–14 (1958).[1]

B. Past Prescriptions

8. This proceeding is the Commission's fourth determination of A.T.&T.'s cost of capital. In each of the three previous cases, we have always employed the weighted cost of capital approach in our decision making process.[2] Central issues in each determination have been the cost to A.T.&T. of debt and equity, and the appropriate financial structure.

9. *Debt.* We have used A.T.&T.'s statement of its actual, as distinguished from its projected, embedded cost of debt in determining the weighted cost of capital in our previous decisions. *Docket No. 16258*, 9 F.C.C. 2d 30, 53 (1967); *Docket No. 19129*, 38 F.C.C. 2d 213, 229 (1972); *Docket No. 20376*, 57 F.C.C. 2d 960, 962–63 (1976).

10. *Equity.* In determining the cost of equity, the Commission has never adopted a particular method or formula for assigning a cost to A.T.&.T.'s equity. *Docket No. 20376*, 57 F.C.C. 2d 960, 969, 972 (1976). Instead, we have stressed that our determinations have been based on judgment and our review of the entire record. *Id.* Paramount among the factors which we have considered is risk. We have recognized risk as a critical factor in the decision making of investors, and because of risk we have recognized that equity may command a greater return than long term debt which has been issued by the same company at the same point in time. *Id.* at 969; *Docket No. 16258*, 9 F.C.C. 2d 30, 75 (1967). Equity takes two basic forms, common and preferred, each with different legal and financial characteristics. In prior A.T.&T. determinations, we have not expressly made separate findings as to the respective costs of common stock equity and preferred stock, although we have found that a proper mixture of both types of equity could simultaneously increase the earnings on common while lowering the total cost of equity. *Docket No. 19129*, 38 F.C.C. 2d 213, 240 (1972).

11. *Financial Structure.* We have previously found that financial structure affects the overall rate of return with respect to the proportions of debt and equity. The mix of debt and equity may affect the risk and consequently, the cost or return of each of those components. *Docket No. 16258*, 9 F.C.C. 2d 30, 52 (1967). In one instance, we have looked to A.T.&T. for changes in its debt-equity ratio as a means of reducing its cost of capital. *Id.* at 84–5. Subsequent decisions, however, have always reflected the actual, as distinguished from a projected, financial structure. *Docket No. 19129*, 38 F.C.C. 2d 213, 238–39 (1972); *Docket No. 20376*, 57

[1] Although dealing with the question of state confiscation of property contrary to the Fourteenth Amendment of the U.S. Constitution, *Bluefield Water Works & Improvement Co. v. Public Service Commission*, 262 U.S. 679, 690–95 (1923) and following cases develop virtually the same test for proper rate-of-return determination. The *Bluefield* line of cases are frequently cited with *Hope* and following cases.

[2] *A.T.&T.* (Docket Nos. 16258, 15011), 9 F.C.C. 2d 30 (1967); *A.T.&T.* (Phase I of Docket No. 19129), 38 F.C.C. 2d 213 (1972); *A.T.&T.* (Docket No. 20376), 57 F.C.C. 2d 960 (1976).

F.C.C. 2d 960, 963–64 (1976). While we have reviewed considerable evidence concerning hypothetical financial structures we have not found any arguments so persuasive as to merit the use of such structures for A.T.&T.

C. Overview of A.T.&T.'s Sources of Financing for Interstate Services

12. We note at the outset that there has been little fluctuation in the proportion of total debt which has been used to finance assets since our last prescription of a fair rate of return in 1976. The *I.D.* states that the present embedded debt ratio is about 47% (based upon June 30, 1980 data), while the record shows 46% in 1979 (A.T.&T. Proposed Findings, p. 170), and the designation order showed 46%, 47%, and 48% for the years 1978, 1977, and 1976, respectively. Total liabilities as a percentage of total liabilities plus equity were constant for the years 1975 through 1978. *A.T.&T. Co.*, 73 F.C.C. 2d 689, 693 (1979).

13. A.T.&T.'s funding of new investment (the construction budget) has required the infusion of external capital as well as reliance upon internally generated funds. (T.S. Ex. 4; Tr. 3447.)[3] A comparison of selected elements of A.T.&T.'s sources of funds supporting its construction program on a consolidated basis highlights the major sources of external financing which have been employed by A.T.&T. (See Appendix 1.)

14. Appendix 1 shows that: (1) A.T.&T.'s internal sources of funds have enabled A.T.&T. to finance approximately two-thirds of its financing requirements; (2) most new external funds have come from the operating companies in the form of debt; and (3) new equity financing has been largely attributable to the parent. Total new outside financing for the period from 1975 to 1979 amounted to $22.314 billions for A.T.&T. on a consolidated basis.[4]

15. The major continuing sources of new common equity funds include the Share Owner Dividend Reinvestment and Stock Purchase Plan (DRISP), Bell System Saving Plan for Salaried Employees (BSSP), Bell System Saving and Security Plan (SSP), and the Bell System Employee Stock Ownership Plan (ESOP). Appendix 2 summarizes the number of shares (in millions) sold through each of these plans as well as the large public offerings.

16. Through these stock purchase plans, A.T.&T. has raised substantial amounts of new common equity[5] and, without a public stock issue since 1977, A.T.&T. has been able to meet its financial requirements.[6] First introduced in 1974, these plans have contributed new funds amounting to $900 million in 1977, $1.2 billion in 1978, and $1.7 billion in 1979.[7] DRISP, the largest, allows registered owners of stock to reinvest dividends in additional common shares at 95% of the prevailing market price.[8] There are no brokerage fees and the purchaser is not required to be a Bell System employee. BSSP, ESOP, and SSP are plans which allow employees to invest in newly issued A.T.&T. common stock.[9] With the exception of reinvested dividends, shares are purchased at the prevailing market price.[10]

III. Cost of Capital Weighting Issues

A. Introduction

17. In the order which instituted the hearing in this docket, we stressed the need for an expedited proceeding as a consequence of "general changes and trends in the national economy." *A.T.&T. Co.*, 73 F.C.C. 2d 689, 691 (1979). At that time, A.T.&T.'s petition of March 8, 1979, had been pending before the Commission for approximately six months. In the light of our concern as to changes which were then occurring in the economy and the need for expedition, we concluded that the scope of this proceeding must be limited to a determination of A.T.&T.'s interstate rate of return and should not include separate determinations of the appropriateness of rate base measurement principles which were then in effect. *Id.* at 695. As a consequence, the parties and the Administrative Law Judge, in considering the sources of funding which are employed by A.T.&T., were bound by the rate base principles which we had heretofore set out. See generally *Phase II Decision in Docket No. 19129*, 64 F.C.C. 2d 1 (1977), and references cited therein.

18. In prior A.T.&T. rate of return cases, we have restricted our analysis of the components of the weighted cost of capital to "investor supplied" sources of financing for A.T.&T. as a whole. In the past, such an approach was not inappropriate considering the interrelated nature of the activities of A.T.&T. in providing regulated telecommunications services. However, as competitors of A.T.&T. continue to enter market segments which were supplied solely by the Bell System and as A.T.&T. enters market segments which are not rate base regulated, it becomes obvious that the continuation of such an approach is inappropriate. The *Initial Decision* has addressed an aspect of this problem in its treatment of the Western Electric Company (hereinafter, "Western Electric" or "WECO") an A.T.&T. entity which has not been subject to rate of return or rate base regulation at either the Federal or State levels. A.T.&T. has treated its net investment in Western Electric on A.T.&T.'s consolidated balance sheet as an asset. Accordingly, that asset has been financed by funds which are represented on the credit ("right hand") side of A.T.&T.'s consolidated balance sheet. The Administrative Law Judge correctly perceived that it would be inappropriate for the interstate rate payers to be burdened by providing for an interstate rate of return which is calculated with weights which include sources of funds which finance Western Electric, and corrected our prior cost of capital weighting practice by deducting from A.T.&T.'s common stock equity an amount which was equal to A.T.&T.'s equity investment in Western Electric. *I.D.*, p. 14, para. 27. This modification of the weights which are applied in calculating A.T.&T.'s interstate rate of return is clearly appropriate, and the uncontested finding of the Administrative Law Judge on this point is expressly affirmed.

19. The problem of attempting to attribute specific sources of funds to rate bases in particular jurisdictions for cost of capital weighting purposes is made more difficult by the fact that A.T.&T.'s interstate rate base is less than the sum of A.T.&T.'s common stock equity accounts, and is also less than the sum of A.T.&T.'s intermediate and long term debt. In similar fashion, the total assets of any Bell System Operating Company are less than either A.T.&T.'s common stock equity or its intermediate and long term debt.[11] Thus,

---

[3] In citations to the record in this proceeding, the following abbreviations will be used: "Ex." (exhibit); "Tr." (transcript); "Exc." (exception); "P.F." (proposed finding); "R.F." (reply to proposed finding); "R.E." (reply to exception(s)); "T.S." (Separated Trial Staff of the Common Carrier Bureau); "M.P.C." (Maryland Peoples' Counsel); "U.S.I.T.A." (United States Independent Telephone Association); "F.E.A." (Federal Executive Agencies).

[4] None of these comparisons show the effects of debt financing by WECO or other non-consolidated companies which would increase the amount of debt used to support other A.T.&T. assets.

[5] T.S. Ex. No. 47, Schedule 22.

[6] T.S. Ex. No. 47, pp. 82–83.

[7] T.S. Ex. No. 47, schedule 22.

[8] T.S. Ex. No. 47, page 84.

[9] A.T.&T. Ex. No. 7, Appendix 3, page 1.

[10] These shares are sold to A.T.&T. employees at market with no discount. *A.T.&T. 1979 Annual Report* p. 36 (Tr. Ex. 82(c)).

[11] Form S.N. 153 (3–77), Monthly Report No. 2, filed for December, 1979 by: New England Telephone and Telegraph Company, New York Telephone Company, New Jersey Bell Telephone Company, The Bell Telephone Company of

Continued

in any particular regulatory jurisdiction, it would be possible to assign for cost of capital weighting purposes, weights which ranged from 100% for common stock equity to almost 100% for intermediate and long term debt under the theory that only intermediate and long term investor supplied sources of financing were to be considered. As a practical matter, however, short term sources of funds may also serve effectively as permanent sources of capital to the firm, as Trial Staff Exhibit 4 indicates. Collectively, then, the alternative sources and uses of funds which are employed by A.T.&T., whether short term, long term, intermediate term, investor supplied, or non-investor supplied, should be considered for cost of capital weighting purposes.

20. We begin our analysis by noting that the difficulties which are inherent in measuring A.T.&T's financial structure for interstate cost of capital weighting purposes are based upon the fact that A.T.&T., in providing regulated interstate and foreign telecommunications services, regulated intrastate telecommunications services, and unregulated products and services, uses interchangeably funds which are derived from its interstate, intrastate, and unregulated activities. (Tr. 164, T.S. Ex. 4, T.S. Ex. 82 (c), p. 32.) Attempting to match particular sources of financing with particular rate base assets would be a time consuming and ultimately futile exercise. As Mr. Brown, Assistant Comptroller of A.T.&T., stated:

"Obviously funds are fungible and to track them specifically to working capital or specifically to plant construction would be an impossibility." (Tr. 165.)

21. Fundamental concepts of equity, however, require that we adopt a principle which was most clearly expressed by Drs. Gordon and Gould:

"* * * if a source of capital is deducted from the rate base, it must not be included in the calculation of the (weighted average cost of capital), and, conversely, if a source of capital is not deducted from the rate base, it must be included in the (weighted average cost of capital calculation)." T.S. Ex. 47, pp. 14–15.

It would be clearly incorrect, for example, to fully deduct from the measurement of A.T.&T.'s interstate rate base an amount which, for interstate cost of capital weighting purposes, was fully included in A.T.&T.'s interstate weighted cost of capital at "zero" cost. Such "double counting" would not only be inequitable to A.T.&T., but could also harm A.T.&T.'s interstate and foreign services customers in the long run by not providing a sufficient return to potential providers of capital to A.T.&T. In applying this principle to the record before us, however, we are constrained by the fact that the parties have not completely separated, in numerical terms, the interstate portion of each source of funds which has been fully deducted from the interstate rate base through cash working capital studies.[12]

22. As noted earlier, the need for an expedited rate of return proceeding precluded the initiation of an investigation into A.T.&T.'s rate base and the methodologies which were being employed in the calculation of that rate base. In paragraph 4 of the designation order, 73 F.C.C. 2d 689, 691–94 (1979), we identified several areas of preliminary concern, and directed that the investigation consider, "as appropriate," the cost of "other sources" of financing to A.T.&T. and the weights to be accorded to those sources of financing. *Id.* at 695. More specifically, we identified within the current liability section: accounts payable, advance billings accrued taxes, dividends payable, accrued interest, and drafts outstanding as sources of funds which were available to A.T.&T. in financing its assets. *Id.* at 691. With the exception of accrued taxes, which are addressed in the *Initial Decision*, we will consider those short term sources of financing seriatim, after having briefly outlined the major contentions of the parties on the cost of capital weighting issues.

B. Positions of the Parties

23. The Maryland People's Counsel (hereinafter, "MPC") took exception to the weights which were employed in the *I.D.* in arriving at A.T.&T.'s weighted interstate cost of capital. The MPC contends that A.T.&T.'s financial structure contains an excessive amount of common stock equity and that a higher debt ratio should be imputed to A.T.&T. for cost of capital weighting purposes. A.T.&T., on the other hand, also objected to the Administrative Law Judge's use of its actual financial structure for cost of capital weighting purposes, but would have this Commission impute a higher portion of common stock equity to A.T.&T.'s financial structure than presently exists. A.T.&T. further excepted, in part, to the *I.D.'s* use of "No Cost Funds" in the calculation of A.T.&T.'s "weighted average rate of return."

24. In addition, the Trial staff and A.T.&T. suggested modifications to the weights employed in the *I.D.* to reflect updating of A.T.&T.'s financial structure from June 30, 1980, to December 31, 1980, and alternative modifications to account for slight timing differences in the methods for calculating unmatured dividends.

C. Accounts Payable, Advance Billings, Drafts Outstanding

25. According to the testimony of Mr. Brown, accounts payable and drafts outstanding are included in the calculation of the amount of cash working capital which is allowable for interstate rate base purposes. (Tr. 160–162, 187). No party contended that either accounts payable, advance billings, or drafts outstanding should be included for interstate cost of capital weighting purposes, even though Mr. Brown testified that those sources of funds were without cost to A.T.&T. (Tr. 172–173, 175–180, 187.) The separated Trial Staff, basing its position on the testimony of Drs. Gordon and Gould (T.S. Ex. 47, pp. 30–31), apparently concluded that since advance billings ("customers deposits") and taxes are fully deducted from the interstate rate base ("The interstate rate base . . . is net of customer deposits and deferred taxes." (T.S. Ex. 47, p. 30; T.S.P.F. p. 36)), that it would be inappropriate to include those sources of funds for interstate cost of capital weighting purposes. (T.S.P.F. pp. 35–37) Given the record before us, and the fact that no party has filed an exception to the exclusion of these sources of funds for interstate cost of capital weighting purposes in the *I.D.*, we will not include for the purpose of

---

Pennsylvania, the Diamond State Telephone Company, The Chesapeake and Potomac Telephone Company, The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company of Virginia, Southern Bell Telephone and Telegraph Company, South Central Bell Telephone Company, The Chesapeake and Potomac Telephone Company of West Virginia, The Ohio Bell Telephone Company, Michigan Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Wisconsin Telephone Company, Illinois Bell Telephone Company, Northwestern Bell Telephone Company, Southwestern Bell, The Mountain States Telephone and Telegraph Company, Pacific Northwest Bell Telephone Company, The Pacific Telephone and Telegraph Company and Subsidiary, the Pacific Telephone and Telegraph Company, Bell Telephone Company of Nevada, The Southern New England Telephone Company, Cincinnati Bell, Incorporated. Also see *American Telephone and Telegraph Company, 1979 Annual Report*, p. 31. (Tr. Ex. 82(c))

[12] For a discussion of "cash working capital" and "lead-lag" studies, see the *Phase II Decision in Docket No. 19129*, 64 F.C.C. 2d 1, 76–77 (1977), and the *Initial Decision in Phase II of Docket No. 19129*, 64 F.C.C. 131, 404–05, 408–10 (1976). It is important to stress that the principles which guide the determination of A.T.&T.'s rate base (e.g., whether the included assets are "used and useful," 64 F.C.C. 2d 1, 46–50 (in particular, paragraph 118)), are separate and distinct from the principles which determine the *rate* which is applied to assets which are included in the rate base.

this proceeding any portion of these sources of funds in the weights which we will apply in computing A.T.&T.'s interstate cost of capital. To do otherwise, on the basis of the record, which is before us, could result in the "double counting" which we sought to avoid in paragraph 21, *supra*.[13] However, in so doing, we are not abandoning the underlying principle that all sources of financing, which are contained on the "right hand side" of A.T.&T.'s balance sheet, are to be fully included for interstate cost of capital weighting purposes except where it can be shown clearly that the interstate rate base has had subtracted from it a sum certain which is a direct offset from a "right hand side" balance sheet account.[14]

D. Dividends Payable and Accrued Interest

26. In the *Initial Decision*, the Administrative Law Judge included for interstate cost of capital weighting purposes dividends payable [15] and accrued interest [16] and imputed a zero cost of capital to each of those sources of funds. *I.D.*, paras. 15–18. A.T.&T. has filed an exception to the Administrative Law Judge's determination in this regard, and has chosen to characterize the Administrative Law Judge's decision as follows:

> An even more egregious error in the Initial Decision is its inclusion of items labeled "No Cost Funds" (unmatured dividends and accrued interest) in the capital structure for purposes of determining the allowed rate of return (ID, pp. 9–12). Again, this approach has no precedent in prior Commission decisions, and it is without basis in the record of this proceeding. Most importantly, the inclusion of these items resulted in a mismatch between the interstate rate base and the capital structure, thus depriving investors of a reasonable return on the funds that they have committed to the firm (see PF 297–309; RF 68–75). [*Brief and Exceptions of Respondent American Telephone and Telegraph Company* in CC Docket No. 79–63, pp. 36–37.]

27. In considering A.T.&T.'s contentions, we will first observe that unmatured dividends and accrued interest were considered at length in *Phase II of Docket No. 19129*, 64 F.C.C. 2d 131, 407–09 (paras. 899–904), 76 (paras. 194–95), and we affirmed at that time the conclusion of the presiding Administrative Law Judge that the dividends payable account did not represent an asset of the corporation, and therefore, should not be included in A.T.&T.'s rate base. *Id.* at 408 (para. 900), 76 (paras. 194–95). As the presiding Judge stated:

> Under the traditional methods of rate base determination "Unmatured Dividends" is not considered as a separate item since the rate base is derived from an examination of asset accounts (unmatured dividends is not an asset account). The assets representing "Unmatured Dividends" may be in various forms, including, but not limited to, cash and cash items. *Id.* at 408.

As we have previously noted in our decision in *Phase II of Docket No. 19129*, 64 F.C.C. 2d 1, 46–50 (1977), A.T.&T.'s interstate rate base is predicated upon an assessment of the extent to which assets of the corporation are "used and useful" in the provision of interstate and foreign telecommunications services. If A.T.&T. has available to it sources of funds which are without cost, which are, in fact, used in the financing of "used and useful" interstate assets, and have not been offset against those assets, there is no logical reason why those sources of funds should not be included in the measurement of A.T.&T.'s interstate cost of capital. To do otherwise would result in an excessive return to A.T.&T.'s shareholders at the expense of interstate rate payers. A.T.&T.'s arguments on this point confuse the distinction between this Commission's determinations of the principles to be employed in the measurement of A.T.&T.'s interstate rate base ("used and useful") and the separate and distinctly different question of the interstate rate of return which A.T.&T. is authorized to earn on those assets. Because it is abundantly clear on the record before us that amounts which have been represented by unmatured dividends and accrued interest have not been deducted from the "used and useful" assets which constitute A.T.&T.'s interstate rate base, and have been used in conjunction with other sources of funds to finance all of A.T.&T.'s assets (*I.D.*, p. 10, para 16), we will deny A.T.&T.'s exceptions to the inclusion of unmatured dividends and accrued interest for interstate cost of capital weighting purposes.

28. We turn next to the related question of the cost which should be attributed to unmatured dividends and accrued interest. As A.T.&T. points out, "(a)ccrued (or unmatured) interest is the amount recognized month by month that will become payable in the future at the semi-annual interest payment date of A.T.&.T.'s long-term, intermediate-term and short-term debt." A.T.&.T. Exc., p. 36; Tr. 183. Thus, "accrued interest" measures, at a particular point in time, the amount of the interest obligation in the current accounting period which would be due and payable to holders of A.T.&T. debt instruments if that interest had to be paid at that moment in time.

29. The recognition of that obligation for accrual accounting purposes, however, does not carry with it the requirement that A.T.&T. pay additional interest to its creditors on the amount of accrued interest. Or, to phrase it somewhat differently, A.T.&T. is under no obligation to compute interest on its accrued interest (e.g. to compute compound interest on the accrued interest) for the benefit of its creditors. Thus, in that sense, "accrued interest" as a source of funds is without cost to A.T.&T. and we shall accordingly treat it as such.

30. A.T.&.T. apparently contends in its exceptions that unmatured dividends should not be treated as "zero cost" funds. A.T.&T. Exc., p. 36. We disagree for the following reasons. At the moment that A.T.&T.'s Board of Directors declares a dividend payable, and a corporate liability is created thereby, the corporation continues to retain the use of those funds until the checks representing those dividends have actually been deducted by A.T.&T.'s banks from its checking accounts. During that time interval, A.T.&T. is not required to pay additional interest or additional dividends on the amount of dividends payable which has been declared, and therefore has the interest free use of those funds until A.T.&T.'s banks reduce A.T.&T.'s checking accounts by the amount of the dividends payable. Accordingly, we will affirm those portions of the presiding Judge's decision which included all dividends payable and all accrued interest as zero cost sources of funds for interstate cost of capital weighting purposes.

---

[13] The record does not disclose the portion of total accounts payable, advanced billings, or current tax liabilities which have been directly deducted from the interstate rate base.

[14] We specifically except from the operation of this general principle U.S. deferred income tax liabilities which would be disallowed by the Internal Revenue Service as a consequence of their inclusion as zero cost sources of funds in the calculation of A.T.&T.'s weighted interstate cost of capital.

[15] Dividends payable were disaggregated into "unmatured dividends" and "matured dividends." "Unmatured dividends" were described as "the amounts of dividends which A.T.&T.'s Board of Directors has declared payable to stockholders on a specific future date. (Tr. 178–9)." *I.D.*, p. 9, fn. 3. "Matured dividends" were described to be "those held by the Company on and after the payment date, subject to collection at any time by the stockholders' presenting for payment the drafts sent to them by the Company (Tr. 179)." *I.D.* p. 10, fn. 3.

[16] "Accrued interest is the amount recognized month by month that will become payable at the semi-annual interest payment date of A.T.&T.'s long term, intermediate-term, and short-term debt (Tr. 183). Matured interest is interest that has become due and payable and for which interest coupons or drafts have not yet been presented for payment (Tr. 184)." *I.D.*, p. 10, fn. 3.

E. Calculation of Weights

31. There remains, for interstate cost of capital weighting purposes, a determination of the specific measurements of the sources of financing which we should use in this decision. A.T.&T. and the Trial Staff filed updated capital structures which reflected A:T.&T.'s financial posture as of December 31, 1980 (T.S. Exc., Appendix II, pp. 1–3; A.T.&T. Exc., p. 33). The Trial Staff and A.T.&T. are in agreement that the updating of the weights in the *I.D.'s* weighted average cost of capital calculation would result in the following modifications:

	Amounts in I.D.[1]	Updated amounts[2]
Convertible preferred equity	408	[17] 385
Debt	44,902	46,008
Deferred Credit	21	19
Unmatured interest	844	936

[1] As of June 30, 1980
[2] As of December 31, 1980.

32. A.T.&T. and the Trial Staff are not, however, in agreement on the issue of how unmatured dividends should be measured. The Trial Staff's calculation of unmatured dividends was based upon a simple average of end-of-month amounts whereas A.T.&T. maintains that the computation should be based on a daily weighted average in accordance with the number of days between the declaration and payable dates. It is clear that an averaging method is required to reflect variations in the unmatured dividends account during a given time period. We find that the Trial Staff's averaging method is sufficient for this purpose and has the additional advantage of being more easily verifiable. Accordingly, we shall use the following financial structure for interstate cost of capital (WARR) weighting purposes.

	Millions of dollars	Weights
Common stock equity [18]	$45,487	475522
Convertible preferred stock equity	385	004025
Non-convertible preferred stock equity [19]	2,146	022434
Debt	46,008	480967
Deferred Credit Consisting of capital stock subscribed and related premium and capitalized stock installments [20]	19	000199
Unmatured interest	936	009785
Unmatured dividends	648	.006774
Matured interest and dividends	28	000293
Total financial structure for interstate cost of capital weighting purposes	95,657	1 000000

[17] The Trial Staff in Appendix II, p. 1, of its Exceptions combined the convertible and non-convertible preferred stock accounts into one figure with a stated value of $2,531 millions. A.T.&T. stated that non-convertible preferred was $2.146 millions, and that convertible preferred amounted to $385 millions. This resulted in a combined total for both types of preferred stock of $2.531 millions. A.T.&T. Exc., p. 33.

[18] Includes the common stock equity of A.T.&T. and the minority common stock equity of investors in fully consolidated A.T.&T. subsidiaries.

[19] Includes the non-convertible preferred stock equity of A.T.&T. and the non-convertible preferred stock equity of minority owners.

[20] A.T.&T. Form Cr. 51, No. 1, Sheet 2, note "0" to line 23.

IV. Cost of Common Stock Equity

A. Current State of the Economy

33. At the time of the rate-of-return prescription in February, 1976, we characterized the national economy as one which had "suffered from the deepest recession since World War II coupled with continued high inflation and increase(s) in interest rates." A.T.&T., 57 F.C.C. 2d 960, 962 (1976). As we discuss below, economic conditions since that time have become decidedly more volatile. The most dramatic change has occurred in the level of inflation and interest rates which reached new heights during the course of this proceeding. The recovery and expansion following the 1974–1975 recession ended in 1980. There were clear signs in 1979's economic performance to foreshadow this. Real GNP growth continued in 1979 but at a lower rate of 3.2 percent compared to an approximate 5 percent average annual rate of growth from 1976 to 1978.[21] During this period the inflation rate also continued to increase. As a result, the Gross National Product ("GNP") implicit price deflator increased 8.5 percent in 1979, thus rapidly approaching its 1975 historic peak of 9.3 percent.[22] The Consumer Price Index (for all urban consumers) increased over 11 percent, surpassing its 1974 peak.[23] Given this rise in the Consumer Price Index ("CPI"), it is not surprising that interest rates continued to climb throughout 1979. The prime rate rose steadily from 11 percent to 15 percent.[24] The three-month Treasury bill yield rose steadily from 9.4 percent in the beginning of the year to 11.8 percent in the fourth quarter, averaging 10.1 percent and attaining a new peak.[25] The previous peak was 10.8 percent, set in 1974.[26] The long-term U.S. Government bond yield increased from 8.4 percent to 9.6 percent, averaging 8.7 percent, thus also reaching a new high in 1979.[27] Moody's bond yield for "AAA" rated public utility bonds increased from 9.7 percent to 11.4 percent in 1979, averaging 10.2 percent.[28] These increases in interest rates reflected the adoption of a tighter monetary policy by the Federal Reserve System, as well as the high and persistent rate of inflation.

34. The economy continued its downward slide in 1980. Real growth in the economy declined 0.3 percent in 1980, the first annual decline since 1975.[29] The inflation rate continued to climb during 1980. The GNP implicit price deflator set a new record by increasing 9 percent,[30] as did the Consumer Price Index by increasing over 13 percent in 1980.[31] Money markets responded with unprecedented volatility to these developments. The prime rate averaged 15 percent for the year, almost double its 1970 level.[32] During 1980 the prime rate rose to 20 percent, fell to 11 percent, and then rose again by year end to 21 percent.[33] The three-month Treasury bill yield (discount rate) fluctuated throughout the year, starting at 14.5 percent, falling to about 8.0 percent and then climbing again to 14.4 percent by year-end.[34] The long-term government bond rate (10 years) fluctuated during the year, averaging 11.5 percent but ending the year at a 13 percent high.[35] Moody's bond yield for "AAA" rated public utility bonds ranged from 10.5 percent to 14.5 percent over the year.[36]

B. Summary of Positions of the Parties

1. Bell System

35. A.T.&T. presented the direct testimony of two major witnesses in support of its claimed cost of common equity: Dr. Irwin Friend, a consultant, and Miss Virginia Dwyer, the Treasurer and a Vice President of A.T.&T. In addition, Dr. Friend and Miss Dwyer also provided rebuttal testimony for A.T.&T. as did several others.

36. Dr. Friend performed a discounted cash flow (DCF) study to determine A.T.&T.'s cost of common equity.[37] In

[21] T.S. Exc., p. 36.

[22] Carleton, *supra*, and *Economic Report*, p. 237.

[23] *Carleton, supra*, and *Economic Report*, p. 293.

[24] T.S. Exc., p.36

[25] *Carleton, supra*, p. 4.

[26] *Id.*

[27] *Id.*

[28] M.P.C. Ex. 1–3, Appendix, p. 2.

[29] U.S. Department of Commerce, "Commerce News" release, BEA 81–14, March 18, 1981; *Economic Report, supra*, p. 235.

[30] U.S. Department of Commerce, "Commerce News" release, BEA 81–14, March 18, 1981.

[31] "NEWS" releases, U.S. Department of Labor, Bureau of Labor Statistics, Nos. 80–109 (February 22, 1980) and 81–55 (January 23, 1981)

[32] *Economic Report, supra*, p. 308.

[33] T.S. Exc., p. 36.

[34] *Id.*

[35] *Economic Report, supra*, pp. 308, 309.

[36] "Moody's Public Utility News Reports," Vol. 52, No. 50 (January 6, 1981), p. 2157.

[37] The DCF approach which was employed in this proceeding simply equates the cost of common

Continued

order to obtain estimates of the two independent variables in the equation. Dr. Friend surveyed 50 large institutional investors (Bell Ex. 5, p. 6), and concluded that 33 of the respondents had provided usable information. From the subjective data which was thus obtained Dr. Friend derived a growth rate of 5.71 percent which represented the simple average of the responses. In similar fashion, an average dividend yield of 9.35 percent was calculated which was then adjusted upward to 9.62 percent. At the time of the survey (October, 1979), A.T.&T.'s annual dividend was $5.00. Adding the two derived figures, i.e. 5.71 percent and 9.62 percent, Dr. Friend arrived at an estimate of 15.33 percent as A.T.&T.'s market cost of common equity.

37. Dr. Friend undertook to check his estimate by conducting two further analyses. First, he computed estimates of the cost of equity for companies he assumed to have risk comparable to that of A.T.&T., which were the 22 electrics included in Standard Poor's 40 Utilities. He calculated their cost of equity to be 15.2 percent. Second, Dr. Friend analyzed two groups of industrial stocks and computed the required market rates of return of each. The first group consisted of 23 industrials which were alleged to have comparable risk to that of A.T.&T. and the second group consisted of 16 additional industrials. For the two groups the figures of 15.4 percent and 16.2 percent, respectively, were derived as the market rates of return. Based on these results A.T.&T. claimed that the reasonableness of Dr. Friend's initial estimate of a 15.33 percent market return had been established.

38. Dr. Friend next made an adjustment for underpricing to reflect the effects of market pressure, the costs of flotation, and underwriting expenses. The adjustment was based on Dr. Friend's analysis of the three A.T.&T. common stock offerings which had been made to the public since 1964. He computed an adjustment of 93.5 percent which he then divided into the previously calculated dividend yield of 9.62 percent to derive an adjusted dividend yield of 10.29 percent. The addition of this final adjusted dividend yield to the 5.71 percent growth resulted in a cost of book equity of 16.00.

39. Miss Dwyer, A.T.&T.'s other principle witness with regard to the cost of common equity, conducted a risk premium analysis that indicated A.T.&T.'s market return on book equity was in the range of 15.5 to 16.5 percent at the time of the study. The risk premium analysis was premised upon the theory that the cost of equity is greater than the cost of debt because of the higher risk associated with the former relative to the latter. The risk premium reflects this implied difference and Miss Dwyer attempted to measure the risk premium as it pertains to A.T.&T.'s common stock.

40. Miss Dwyer's analysis consisted of determining the expected market returns for each year from 1960 to 1979 for the S&P 400 Industrials and a group of stocks widely held by institutional investors. In order to develop the expected market returns for the industrials Miss Dwyer used a DCF analysis. The risk premium of the industrials was computed by subtracting from the average expected market returns each year for each group, the yields of newly issued corporate bonds in that year.[38] Averaging the computed risk premiums over the entire 20 year period resulted in a figure of 5.6 to 5.7 percent. Averaging over a more recent five year period indicated a risk premium in the 6.5 to 6.6 percent range. Based on her results, Miss Dwyer added the derived risk premium, assumed to be 6.0 percent, to the 9.5 to 10.5 percent yield for newly-issued corporate bonds at that time, which resulted in a range for A.T.&T.'s market return on equity of 15.5 to 16.5 percent. Miss Dwyer then made an underpricing adjustment to reflect flotation costs, market pressure, and market break experience which resulted in a 16.4 to 17.6 percent cost of common equity.

41. Miss Dwyer also undertook a DCF analysis to develop a market return on equity. A dividend yield range of 9.0 to 9.5 percent was used in that analysis. It was contended that those yields occurred during the recent past. The growth rate used in the analysis, 5.0 to 5.3 percent, was derived from forecasts by ten market analysts and was represented as reflecting long-run growth rates for A.T.&T.'s earnings and dividends. Miss Dwyer's study indicated a market return on equity of from 14.5 to 15.3 percent which, when adjusted via a "translator" formula to reflect underpricing, resulted in a book return on equity of 15.3 to 16.5 percent.

42. A.T.&T. indicated that the cost of equity estimates provided by these two witnesses should be increased to reflect updated financial conditions. Dr. Friend stated in his rebuttal testimony (July, 1980) that Bell System bonds had increased to 11.4 percent, as compared with the less than 10 percent used in his analysis, and that his estimate of A.T.&T.'s cost of equity should be adjusted accordingly. A.T.&T. has stated that since July, 1980, recent Bell System bonds have increased to over 14 percent, thereby suggesting an even higher return on book equity. Miss Dwyer, in testimony dated February 19, 1980, updated her DCF based book return to a range of 16.4 to 17.6 percent to reflect current conditions at that time. In its exeptions to the *I.D.*, A.T.&T. contends that the high level of Government bond yields now prevailing (11.6 to 12.8 percent) require an even higher return and that the simple addition of the 5.6 to 6.6 percent risk premium to the yields on U.S. Government bonds would provide a market return of 17.2 to 19.4 percent. (A.T.&T. Exc., p. 29.)

43. Based on the analyses presented by its witnesses and updates to reflect current financial conditions, along with A.T.&T.'s adjustments to the data presented by non-Bell witnesses, A.T.&T. proposes a book return on common stock equity of at least 17 percent.

2. Trial Staff

44. The Trial Staff's principal witnesses, Drs. Gordon and Gould, advocated a DCF approach for determining the cost of equity. They computed a return of 14.5 percent, as of May, 1980, which included both the market and book return factors. To estimate the growth rate ("g") in the DCF formula Drs. Gordon and Gould postulated a mathematical relationship in which g would equal the product of "b" times "r," where "b" is the proportion of earnings retained, and "r" is the *expected* annual rate of return on book equity. The r variable was estimated to be 13 percent based on an analysis of 1975 to 1979 data. An analysis of historical data resulted in an estimate of the value of b of 39 percent. The growth rate was then estimated to be 5.07 percent (.13x.39). The addition of the growth rate to the current dividend yield resulted in an estimated cost of common equity of 14.5 percent.

45. In its proposed findings, however, the Trial Staff only utilized the growth rate which was developed by Drs.

stock equity to the sum of the anticipated dividend yield and the growth rate of future dividends. Under this approach, dividends, price, and earnings are expected to grow simultaneously at the same rate. Footnote 7 to paragraph 29 of the *I.D.* provides a more extensive description of the DCF method.

[38] There are a number of methodological difficulties which are associated with such an approach. Among other things, the terms to maturity, risk characteristics, provisions relating to collateral and the enforcement of the contractual provisions among issuers and investors, vary among the debt issues which are utilized in calculating the yields of newly issued corporate bonds and thereby alter the observed yields on *new* debt issues. For these reasons, attempted measurements of risk premiums must be viewed circumspectly.

Gordon and Gould and substituted a more current value for the dividend yield. Since the annual dividend had not changed from the time of the Gordon-Gould analysis, the only new factor involved was the market price of A.T.&T.'s common stock. The high and low prices during the week of September 12, 1980, were $55.50 and $53.25 which produced yields of 9.01 percent and 9.39 percent, respectively. Adding the average of those two figures to the growth rate of 5.07 percent resulted in a Trial Staff recommendation for the return on book equity of 14.25 percent.

46. In its exceptions, the Trial Staff revised its recommended return on book equity to 15.3 percent to reflect current conditions. To reflect those changes, the Trial Staff made several modifications to its earlier analysis. First, the Trial Staff's revised dividend yield reflected A.T.&T.'s recently announced increase in its quarterly dividend (February 18, 1981) from $5.00 to $5.40 on an annual basis. Second, the restated dividend yield reflected common stock prices for the business week ended February 27, 1981: a high of $52.63 to a low of $51.25. Third, the growth rate was reduced from 5.07 percent to 4.94 percent as a consequence of the Trial Staff's contention that market conditions during its chosen week of observation more closely resembled those of March 29, 1980, under which Drs. Gordon and Gould reduced their estimated growth rate from 5.07 percent to 4.94 percent. Fourth, the above cited figures were used to arrive at a market return of 15.20 to 15.48 percent. Of those two figures, the Trial Staff recommends that the lower of the two figures, 15.20 percent, be used because of the circumstances which surround A.T.&T.'s anti-trust suits. Last, the Trial Staff proposes a 0.1 percent adjustment to reflect flotation costs resulting in a cost of common equity of 15.3 percent.

3. Federal Executive Agencies

47. Mark Langsam, who appeared as an expert witness for the Federal Executive Agencies, testified that a comparable earnings approach rather than a market value approach should be used to determine A.T.&T.'s cost of equity. He said that a market value approach would overstate the cost of equity because of unstable financial markets and unpredictable economic conditions.

48. Inasmuch as no company is directly comparable to A.T.&T., Mr. Langsam concluded that A.T.&T.'s cost of equity can be determined by deducting a perceived risk differential from the cost of equity for a group of stocks that have traditionally earned a higher equity return. He observed that A.T.&T. has the least risk of the industrials and utilities and that the overall investment risk of A.T.&T. has not changed since 1971. He accordingly concluded that A.T.&T.'s cost of equity can be ascertained by deducting the appropriate differential from the equity return of a group of industrials or utilities. Mr. Langsam compared A.T.&T.'s return to the returns of Moody's Utilities, Standard & Poor's Utilities, and Standard & Poor's Industrials for this purpose. He found that current earnings of industrials are 15–17% and the appropriate differential between A.T.&T. and the industrials is 2.5%–3.5%. Accordingly, he recommended a range of 12.5% to 13.5% for a A.T.&T.'s return on common stock equity.

49. A.T.&T. contended that Mr. Langsam's conclusion that a market value approach not be used should be rejected because all of the other witnesses including the Trial Staff and intervenor witnesses did use some form of market value approach. A.T.&T. stated that the Commission would have to find that all of the other witnesses are wrong in order to adopt Mr. Langsam's conclusion.

50. A.T.&T. also questioned Mr. Langsam's choice of indices and asserted that he used obsolete and partially inaccurate data to determine the equity return for stocks included in the indices. A.T.&T. noted that the 15–17% range for the index stocks represented returns for 1978 and 1979 and that Mr. Langsam's calculation of the 1979 return for those stocks was based upon an estimate that was somewhat lower than the subsequently published final data. A.T.&T. also asserted that Mr. Langsam failed to demonstrate any basis for finding that a 2.5%–3.5% spread is the appropriate differential between the A.T.&T. equity return and the equity return of the companies which comprised the index.

4. Maryland Peoples' Counsel

51. David A. Kosh, who appeared as an expert witness for the Maryland Peoples' Counsel, employed a DCF analysis to determine a capitalization rate that investors in A.T.&T. stock would expect if market conditions that prevail in the near future are comparable to the market conditions that prevailed during the March, 1977, to February, 1980, period. He computed a 36-month average dividend yield for that period of 7.66%. Mr. Kosh assumed on the basis of the historical growth in book value and retained earnings during the 1975–79 period that investors would expect an annual growth rate of 5% for A.T.&T. From these figures he derived a 12.5% to 12.75% range as the capitalization rate for A.T.&T.'s common stock.

52. Mr. Kosh concluded that a market to book ratio of 1.05 would be appropriate to prevent "dilution" of shareholder investment. He calculated that a return on equity of 12.9% would be required to preserve that ratio if the capitalization rate is 12.5% and an equity return of 13.15% would be required if the capitalization rate is 12.75%.

53. A.T.&T. claimed that Mr. Kosh's assumptions with respect to the dividend yield that investors will require (7.66%) and the growth in dividends that shareholders will expect (5%) are erroneous. A.T.&T. contended that the use of an average dividend yield for any past period in lieu of the current dividend yield is a departure from accepted DCF analysis methods. It claimed that the DCF theory is based on the premise that share price reflects investor requirements. It noted that A.T.&T.'s current dividend yield at the time Mr. Kosh filed his testimony was 10.3%.

54. A.T.&T. also noted that the 5% growth rate was based upon Mr. Kosh's expectations and asserted that Mr. Kosh had no basis for assuming that actual investor expectations for A.T.&T. growth correspond with his own. It claimed that investors would expect growth in dividends to exceed the growth in book value because investor growth expectations will necessarily reflect anticipated increases in the authorized rate of return.

55. A.T.&T. also questioned Mr. Kosh's computation methods and claimed that upward adjustments would be required to correct methodological errors even if one accepted Mr. Kosh's dividend yield and growth assumptions. A.T.&T. claimed that Mr. Kosh should have assumed that the first year dividend is received at the end of the year instead of at the beginning and should have included a sale of stock at the end of the 100 year dividend stream which Mr. Kosh assumed for purposes of his computations.

5. Consumer Consortium

56. Dr. Caroline M. Smith, who appeared as an expert witness for the Consumer Consortium, testified that the composite equity return for the A.T.&T. interstate rate base would be 11.94% on an unspecified date. The initial Brief of the Consumer Consortium states (p. 8) that Dr. Smith's testimony was not offered as a return on equity

recommendation and should not be "entertained for any purpose other than capital structure determination." We will accordingly refrain from considering Dr. Smith's testimony in resolving the return on equity question.

C. Discussion

57. The cost of common equity capital has presented the greatest disagreement among the parties. Dr. Friend, for A.T.&T., used the DCF approach in addition to subsidiary analyses to reach his conclusion that A.T.&T. required a 16.0 percent book return as of the time he conducted his analyses. Under current conditions, A.T.&T. contends this figure should be increased. Miss Dwyer, another Bell witness, undertook a risk premium analysis and a DCF study to estimate A.T.&T.'s return on equity. Her original conclusion indicated a book return of 15.5 to 16.5 percent based on the risk premium method and a book return of 15.3 to 16.5 percent based on the DCF method. Miss Dwyer subsequently updated her study and proposed a market return of at least 17.2 to 19.4 percent. Drs. Gordon and Gould, for the Trial Staff, also used the DCF methodology and computed a return of 14.5 percent. The Trial Staff recommended a return on book equity of 14.25 percent which was later updated to 15.3 percent. The Administrative Law Judge recommends a cost of equity of 14.60 percent after considering the evidence of record.

58. The parties in this proceeding have not disagreed with the contention that an investment in common stock equity entails more risk than an investment in debt in the same firm at the same point in time. On this premise it is generally conceded that equity requires a higher return relative to debt. Thus, it follows that the cost of equity capital is greater than the cost of debt. None of the parties have contested this basic premise during the course of this proceeding.

59. Both the Trial Staff and A.T.&T. utilized the DCF method to develop costs of common stock equity. Although the Trial Staff did not use the Gordon-Gould result, *per se*, it did apply factors derived by Drs. Gordon and Gould in recommending an updated return on equity of 15.3 percent. A.T.&T. uses the DCF method to support its proposed 17.2–19.4 percent return requirement (as updated) which was determined through the use of a "risk premium" analysis. In order to better understand the differences in the estimates of various parties we will analyze the components of the derived return figures.

60. Miss Dwyer developed a risk premium that ranged from 5.6 to 6.6 percent above the yield of bonds. Adding these premiums to the yields of Government bonds, occurring during the period from October, 1980, through January, 1981,[39] of 11.6 to 12.8 percent resulted in a required market return on equity of 17.2 to 19.4 percent. The key element in the risk premium analysis is the estimate of the risk premium itself. Miss Dwyer utilized two groups of *industrial* stocks to make this determination. However, Miss Dwyer does not show the correlation, if one existed, between the risk premiums of the industrials and A.T.&T. Without that link we can not assign conclusive weight to Miss Dwyer's estimates of the costs of equity using the risk premium method. There is evidence in the record suggesting that A.T.&T. is less risky than the industrials utilized in Miss Dwyer's analysis which would have the effect of reducing the risk premium, and concomitantly the return on equity which is proposed. Although it is clear that a risk premium exists for A.T.&T.'s common stock, the derivation of such a risk premium has not been adequately developed during the course of this preceeding. We believe, however, that the risk premium methodology can be a valuable aid to us in determining the cost of equity capital and anticipate further development of this technique so that we may place more reliance upon the risk premium approach in future proceedings.

61. We will accord some weight to the DCF methodology presented in this case. Dr. Friend found that the growth rate was 5.71 percent whereas Drs. Gordon and Gould found it to be closer to five percent using an allegedly more precise method of calculation. Miss Dwyer, in her DCF study, found a 5.0 to 5.3 percent growth rate. Both Dr. Friend's and Miss Dwyer's growth rates were over relatively short time horizons.[40] The Trial Staff demonstrated that if Dr. Friend had used longer forecast periods from his survey data he would have computed a growth rate similar to that derived by Drs. Gordon and Gould. The theory under which the DCF formula operates considers the growth rate as continuing to infinity. In the absence of other considerations we could ordinarily place more weight on the Gordon and Gould estimate of the growth rate.

62. The other portion of the DCF equation, the dividend yield, would appear to be rather straight-forward. However, the critical element is the time frame chosen to extract the two variables required for the computation: the dividend and the price of common stock.

63. The Administrative Law Judge found that Mr. Kosh's determination of the cost of A.T.&T. equity "should be given little weight" because he concluded that Mr. Kosh had based his computation upon an inappropriate dividend yield. The Judge noted that none of the other experts who presented DCF studies had used an average historical dividend yield and that some of the other witnesses testified that such a procedure is "unsound from a theoretical standpoint" and is not supported by academic or scientific literature. We agree with the Administrative Law Judge's conclusion although we would not attach as much weight to the theoretical objections to the Kosh method. An authorized rate of return ordinarily is not adjusted daily, weekly, or even annually. Our decision in this proceeding is likely to remain in effect for some time to come. Therefore, we are not seeking to determine the return that is reasonable today or that would have been reasonable in the past. We are endeavoring to determine the rate of return that will be reasonable during the period that is likely to elapse between this decision and our next decision establishing an authorized rate of return. Mr. Kosh's assumption that average dividend yields for a past period are indicative of the dividend yield investors will require in a future period may be valid under some circumstances. However, we do not believe that the dividend yield for the March, 1977, to February, 1980, period is likely to be indicative of the dividend yields that investors will require in the next year or two. Therefore, we concur with the Administrative Law Judge's determination that Mr. Kosh's cost of equity determination should be given little weight even though we might attach considerable weight to a cost of equity determination based on the Kosh method in some other proceeding at some other time. The rejection of Mr. Kosh's dividend yield assumption does not determine the weight that should be assigned to his dividend growth assumption or his estimate of the appropriate underpricing allowance. The Administrative Law Judge apparently gave greater weight to the somewhat higher growth assumption of other witnesses and gave lesser weight to the somewhat higher underpricing allowance estimates of other witnesses. We find no reason to conclude that the Administrative Law Judge erred in these assessments.

[39] The administrative Law Judge took official notice of this data in FCC, 81M–299, Jan. 30, 1981.

[40] 24 out of 33 growth rates used by Dr. Friend were from 3–5 or five year forecasts. Half of Miss Dwyer's forecasted growth rates were of 3–5 years duration.

64. The Trial Staff in its exceptions updated the dividend yield ratio by using A.T.&T.'s recently declared (February 18, 1981) quarterly dividend of $1.35, annualized to $5.40 [41] as the numerator and the high-low prices of A.T.&T. common stock for the week ended February 27, 1981 which were $52.63 and $51.25, respectively, as the denominator in the dividend yield formulation. Thus, the dividend yield range which has been proposed by the Trial Staff is 10.26 to 10.54 percent. The Trial Staff recommends use of the lower figure because of uncertainties associated with A.T.&T.'s current status as a defendant in various antitrust suits throughout the country. We are not convinced by the Trial Staff's explanation for its conclusion. As we see it, the collective effect of these uncertainties would tend to add risk to A.T.&T.'s cost of equity.

65. There has been substantial disagreement as to the relationship between the market return on equity and the book return on equity, with the essential contention being whether, and if so to what extent, the market return on equity should be increased by some allowance for the effects which occur when additional shares are issued by A.T.&T. The interactions of market forces, of course, determine the market price and therefore the market return of A.T.&T. common stock. Among those market forces is the supply of A.T.&T.'s common stock which is available to potential purchasers per unit of time, which may in particular periods be increased as a consequence of a new offering of A.T.&T. common stock. Dr. Friend, in an attempt to quantify the differential which represents issuance effects, analyzed the three major A.T.&T. common stock offerings which have been made since 1964 and derived a factor of 6.5 percent as an appropriate "underpricing" allowance. Miss Dwyer computed an allowance of 10 percent utilizing the same data as Dr. Friend. Another witness in this proceeding, Mr. David Kosh, indicated the allowance should be five percent. The Trial Staff in its exceptions suggested an allowance of 0.1 percent.[42]

66. The Trial Staff's figure is, of course, substantially lower than Dr. Friend's proposed adjustment. The lower Trial Staff allowance is based on the fact that public offerings have provided only 12 percent of the equity capital raised by A.T.&T. over the period from 1968 to 1978. The remaining 88 percent has been derived from retained earnings and A.T.&T.'s stock reinvestment and savings plans, which have little or no flotation costs. The Trial Staff, therefore, contends that upon consideration of all of the sources of equity capital which are acquired by A.T.&T., the flotation costs should be only 0.1 percent. In the *Initial Decision* the Administrative Law Judge agreed with the Trial Staff analysis by stating, in part, ". . . it appears that an appropriate underpricing allowance should be something less than that calculated either by Miss Dwyer or Dr. Friend." (*I.D.*, p. 29.)

67. We concur in the Administrative Law Judge's opinion on this point which he supported with the following reasoning.

Since 1964, there have been only three public offerings of A.T.&T. common stock, occuring in October, 1975, June, 1976, and November, 1977. Since public offerings may or may not occur, there seems to be no sound reason for looking, as A.T.&T. does, solely to the three public offerings made over the last 16 years in determining an underpricing allowance. As the Trial Staff says, "To follow the practices of determining total flotation costs on the basis of public offerings—which may not occur—is to burden the ratepayer with unnecessary revenue requirements and to reward stockholders with earnings premiums not required by total flotation costs." (T.S.P.F. p. 172.) All sources of equity capital—retained earnings, the stock reinvestment and savings plans, and public offerings—should be considered in arriving at an appropriate underpricing allowance. Retained earnings do not give rise to flotation expenses, but there do appear to be some costs associated with sales of shares through the stock reinvestment and savings plans (A.T.&T. P.F. 184). [*I.D.*, p. 29.]

The record in this proceeding does not provide sufficient information for us to precisely compute an underpricing allowance.[43] However, it is apparent that a slight upward adjustment to A.T.&T.'s market cost of common stock is appropriate at this time to reflect our assessment of the testimony which has been provided by the witnesses on this point.[44]

68. In a comparable earnings study, Mr. Langsam found that the common stocks of industrial firms were achieving a return of 15 to 17 percent which Mr. Langsam then reduced by 2.5 to 3.5 percent to arrive at his estimate of the required return on common stock equity for A.T.&T. The Administrative Law Judge found that the 2.5%–3.5% differential was not based upon any quantitative study and "appears to be wholly judgmental, indeed, simply arbitrary." The Federal Executive Agencies, in their sole exception to the *Initial Decision*, objected to the characterization of Mr. Langsam's testimony as "arbitrary," and correctly noted, in our view, that Mr. Langsam's recommendation represents his judgment as an expert witness of the cost of common stock differential between A.T.&T. and industrial companies. Although we are not persuaded that Mr. Langsam's overall assessment of A.T.&T.'s cost of equity capital is correct, we would not characterize Mr. Langsam's judgment in that regard as "arbitrary," and we will, therefore, grant the Federal Executive Agencies' exception to the *I.D.* While we have not accorded substantial weight to Mr. Langsam's comparable earnings assessments, we do attach some weight

---

[41] A.T.&T. has also indicated that the dividend yield should reflect the $5.40 dividend.

[42] A clarification of the allowances proposed by the parties and their implications is appropriate here. The figures proposed by Dr. Friend (6.5 percent), Miss Dwyer (10 percent), and Mr. Kosh (5.0 percent), are applied by subtracting the allowance from 1.0 and dividing that result into the dividend yield. Thus, for Dr. Friend's figure, the adjustment would consist of dividing .935 (1.065) into the dividend yield. The Trial Staff's proposed figure of 0.1 percent would simply be added to the market return to arrive at the return on book equity.

[43] We note, however, that A.T.&T. during 1979 sold 14,923,918 shares of common stock at 95% of market under its dividend reinvestment plan, and 2,362,833 shares at 100% of market for optional cash payments under the Share Owner Dividend Reinvestment and Stock Purchase Plan. In addition, 11,362,600 shares of common stock were sold at 100% of market to the Bell System employee savings plans, and 1,736,580 shares were issued at market in connection with the Bell System Employee Stock Ownership Plan through the election of an extra 1% investment tax credit. *A.T.&T. 1979 Annual Report*, p. 36 (T.S. Ex. 82(c)).

[44] References by various witnesses to A.T.&T.'s market to book ratio have contained the inference that this Commission has an obligation to set an interstate rate of return which will insure that A.T.&T.'s market to book ratio will exceed one. As we have noted earlier, the bulk of A.T.&T.'s activities are not regulated by this Commission. A.T.&T.'s book value per share reflects A.T.&T.'s considerable intra-state and unregulated activities. Presumably, the market price for A.T.&T.'s common stock fully reflects A.T.&T. activities which are not dependent upon the rate of return which this Commission sets for A.T.&T.'s interstate and foreign services. Accordingly, because this Commission only sets rates of return for A.T.&T.'s interstate and foreign services, it would be inappropriate to set an interstate rate of return which would be designed to offset rates of return which were received from other activities. *Cf., Smyth v. Ames*, 171 U.S. 361 (1898). Although we reject the contention that this Commission has an affirmative obligation to set an interstate rate of return which will insure a market to book ratio for A.T.&T.'s common stock which will exceed one, we do recognize that a market to book ratio of less than one may be symptomatic of deficient rates of return in one or more jurisdictions. As a consequence, the market to book ratio statistic may, when assessed in the light of other information, provide useful insights into the adequacy of existing rates of return.

to Mr. Langsam's observation that a market value approach may not produce an appropriate return on equity when financial markets are unstable. Any market value analysis that is performed during a period of volatile interest rates is likely to be less reliable as a tool for determining the cost of equity in a future period than a market value analysis that is performed in a period of greater stability. We have taken this into account in evaluating studies presented by other expert witnesses in this proceeding.[45]

69. During the course of this proceeding the economy and financial markets have experienced substantial volatility. (*See e.g.*, T.S. Exc. pp. 34–38, Appendix I.) A.T.&T. and the Trial Staff continuously updated the record during this proceeding with information which was not available to their respective expert witnesses at the time at which those witnesses offered their testimony and were cross-examined thereon. Most recently, the record during oral argument was supplemented with several very significant pieces of information. To be more specific, during February 1981, two A.T.&T. subsidiaries issued debt at abnormally high interest rates. In the case of the New Jersey Bell subsidiary, the interest rate was stated to be 14.9% on a forty year "AAA" rated debt issue, and in the case of the Pacific Telephone and Telegraph Company, the interest rate was stated to be 16.4% for a single "A" rated debt issue. (Tr. 3440.) Various measures of inflation in the economy have increased since the time that Dr. Brimmer prepared his testimony (Tr. 3452–3453; A.T.&T. Ex. 1, 2; *I.D.* paras. 6–8), and the price of A.T.&T.'s common stock has generally not kept pace with increases in the composite index of all of the New York Stock Exchange issues during this proceeding. (Tr. 3456.)

70. We do not believe that it would be fair to the users of telecommunication services, nor do we believe that it would be equitable to A.T.&T., to ignore this more recent information in making our assessment of A.T.&T.'s cost of equity capital. It is, on the basis of the record which is before us, self evident that the cost of A.T.&T.'s common stock equity must exceed the cost of A.T.&T.'s *long term* debt. With the effective yields which occurred on recent A.T.&T. debt issues, we cannot adopt, *in toto*, the cost of common stock equity estimates of Mr. Langsam, Mr. Kosh, Drs. Elton and Gruber, Drs. Gordon and Gould, or Dr. Friend. Nor, because of methodological criticisms, can we fully accept the risk premium adjustments of Mr. Langsam or Miss Dwyer.

71. We will proceed under the premise that A.T.&T.'s cost of common stock equity must exceed the 14.9% effective yield on the "AAA" rated New Jersey Bell Telephone Company forty year debt issue. Miss Dwyer calculated risk premiums on *industrial* stocks which varied from 5.7 to 6.6 percentage points. (A.T.&T. Ex. 7, pp. 26–27.) Mr. Langsam, on the other hand, correctly noted that *"(T)here is no firm, or group of firms, comparable to AT&T and the Bell Telephone System,"* nor can industrial firms "be considered comparable to the Bell Telephone System." (F.E.A. Ex. 1, p. 17.) (Emphasis in the original) To account for this difference, Mr. Langsam adjusted his estimate of the required return for A.T.&T.'s common stock by 2.5% to 3.5% to allow for the reduced risk which A.T.&T. experiences when compared with required returns for industrial stocks. *(Id.* at 45–46.) After having considered this conflicting testimony in addition to the testimony of all of the witnesses in this proceeding and the updated evidence which was provided during oral argument, we have concluded that A.T.&T.'s cost of common stock equity is 17.4 percent. As we stated at the time of our decision in Docket No. 20376:

> * * * no one method can be determinative of the appropriate return on Bell's equity capital. In the final analysis, we must apply our informed judgment to the range of estimates which we have found to be helpful indicators of the cost of equity. 57 F.C.C. 2d 960, 972 (1976).

V. Embedded Cost of Debt and Preferred Stock

72. The Administrative Law Judge computed A.T.&T.'s rate of return in the *Initial Decision* by utilizing an embedded cost of debt of 7.8 percent. In using this figure, the Administrative Law Judge has adopted A.T.&T.'s embedded cost of debt as of June 30, 1980. The Administrative Law Judge employed the 7.8 percent measurement because, as he states (*I.D.*, p. 30), it is the latest figure on the record. In our view the Administrative Law Judge was mistaken as to the most recent embedded cost of debt in the record. The *Initial Decision* (footnote 11, paragraph 66) states that A.T.&T. submitted, in a letter to the Administrative Law Judge, its embedded cost of debt of 8.8 percent as of December 31, 1980. The Administrative Law Judge took official notice of this letter in an Order, FCC 81 M–29, which was released on January 30, 1981.

73. It is on this latter point that a controversy now arises. Relying on prior Commission determinations, A.T.&T. submits that the embedded cost of debt should reflect the most current data of record which was 8.8 percent as of December 31, 1980. (A.T.&T. Exc., p. 29–30.) Thus, A.T.&T. maintains that the rate of return calculation should incorporate an embedded cost of debt of 8.8 percent.

74. The Trial Staff also recognizes the change in A.T. & T.'s embedded cost of debt (T.S. Exc., p. 34–40) as of year end 1980. In its proposed findings the Trial Staff indicated that the June 30, 1980, figure of 7.8 percent might change in the period following the closing of the hearings and before the Administrative Law Judge issued the *Initial Decision*, and suggested an update to reflect such a change if it were to occur. (T.S. P.F., para D26). However, rather than allowing the most recent embedded cost of debt, 8.8 percent, to be used in the rate of return computation, the Trial Staff sets forth another proposal in its exceptions to the *Initial Decision*. The Trial Staff suggestion would break the cost of embedded debt into long term and short term components, assign cost rates to each, and from the sum of the products of those components develop a weighted cost of embedded debt. The cost factor for long term debt would be 7.93 percent, the rate as of December 31, 1980. The cost factors for various short term debt would be based on the average for the year 1980, rather than as of December 31, 1980. The result of this methodology is to produce an embedded cost of debt of 8.32 percent.

75. This deviation from the traditional method of portraying the cost of embedded debt is based on the Trial Staff's contention that the embedded cost of short term debt as of December 31, 1980 is substantially higher than the year's average and that since December 31, 1980, there has been some decline in short term interest rates as shown by empirical data. (T.S. Exc. p. 39.) The Trial Staff also cites recent activity in the interest futures markets as indicating an expected decline in short term rates (T.S. Exc., p. 39.) In order to properly weigh these factors the Trial Staff has averaged A.T.&T.'s monthly cost of embedded short term debt during 1980 to arrive at a figure to be used in the overall cost of embedded debt.

76. We agree that an adjustment must be made to A.T.&T.'s embedded cost of debt to be used in the rate of return calculation to reflect current conditions.

[45] Mr. Langsam also presented some market value computations. He did not recommend that those computations be used to determine the return on equity. The Administrative Law Judge did not discuss those computations. We can infer that the Administrative Law Judge did not find those computations to be helpful. The Administrative Law Judge did not err in attaching little or no weight to those computations.

However, we do not accept the Trial Staff's methodology for computing that figure. Although the data presented by the Trial Staff (T.S. Exc., App. I, p. 2) shows that A.T.&T.'s embedded cost of short term debt attained a maximum in December 1980, it is sheer speculation as to what will happen in the future. In fact the Trial Staff's own data (T. S. Exc., p. 36) show 3-month Treasury Bills at both higher and lower rates in 1981 as compared with December, 1980. We cannot, in all fairness to A.T.&T., and ultimately to its interstate rate payers, reduce the actual embedded cost of debt [46] and substitute a lower figure based on speculation. Accordingly, we will adjust A.T.&T.'s embedded cost of debt to 8.8 percent for the purpose of computing its interstate rate of return.

77. The cost of preferred stock was set at 7.8 percent in the *Initial Decision* and no party has contested the methodology by which that figure was calculated. There has, however, been disagreement as to the treatment of the convertible portion of preferred stock in the capital structure. The Administrative Law Judge made no distinction between the two types of preferred and thus included the convertible preferred with the non-convertible. A.T.&T. contends that the convertible should be included with common equity. The impact of A.T.&T.'s proposal would be to increase the overall rate of return as long as the cost of equity is above 7.8 percent, which is the case herein. The Trial Staff, on the other hand, advocates that no distinction be made between the two types of preferred and that the embedded cost of 7.8 percent should be applied to the total amount.

78. As of December 31, 1980, total preferred stock amounted to $2,532 millions. Of this amount $385 million is associated with the convertible issue. The convertible preferred can be converted to common equity at any time, and conversion is currently taking place as is evidenced by the decrease in the book value of A.T.&T.'s convertible preferred stock from $408 millions as of June 30, 1980 to $385 millions as of December 31, 1980. Furthermore, with an annual dividend on A.T.&T.'s common stock of $5.40 it would appear that even more preferred stock will be converted to take advantage of the higher yield on A.T.&T.'s common stock. In Docket No. 20376 we rejected a similar argument by the Trial Staff with respect to the treatment of convertible preferred (57 F.C.C. 2d 980, 983). There is nothing in this record to persuade us to change our conclusion. In other words, because we expect that A.T.&T.'s convertible preferred stock will be converted into common stock equity during the life of this decision, we shall impute the cost of A.T.&T.'s common stock equity to A.T.&T.'s convertible preferred stock.

VI. Weighted Average Rate of Return

79. After having made determinations of the costs of capital which are to be employed for interstate cost of capital weighting purposes and the weights to be applied thereto, we have concluded that the weighted average rate of return for A.T.&T. is 12.75% calculated as follows:

Source of financing	Cost (percent)	Weight	Product (percent)
Common Stock	17.4	0.475522	8.274082
Convertible preferred	17.4	.004025	.070035
Nonconvertible preferred	7.8	.022434	.174985
Debt (short term, intermediate term, and long term)	8.8	.480967	4.232510
Deferred credit	0	.000199	.000000
Unmatured interest	0	.009785	.000000
Unmatured dividends	0	.006774	.000000
Matured interest and dividends	0	.000293	.000000
Weighted average rate of return			12.751612

VII. Application of the Weighted Average Rate of Return (WARR) [47]

80. At the conclusion of our determinations in *Docket No. 20376* and in *Phase I of Docket No. 19129* we permitted A.T.&T. to earn an additional increment above the prescribed rate of return as an incentive for productivity and efficiency. *Docket No. 20376*, 57 F.C.C. 2d 980, 973 (1976); *Phase I of Docket No. 19129*, 38 F.C.C. 2d 213, 245 (1972). In the designation order in this proceeding, we stated that we intended to initiate a separate proceeding to consider an allowance for productivity and efficiency. *Docket No. 79-63*, 73 F.C.C. 2d 689, 695 (1979). After further consideration, we have concluded that a separate allowance for productivity and efficiency is not merited. Efficient management, and the most productive and effective use of a utility's assets, are to be expected to occur in the ordinary course of the performance of a utility's business. However, we recognize, as a practical matter, the difficulties which a "point estimate" [48] of a prescribed rate Commission. Quite simply, during periods of volatile economic and financial conditions, it is unreasonable to expect that a carrier's tariffs will result in earnings by category of service which will exactly yield the prescribed rate of return. Continuous daily or weekly modifications of a carrier's tariffed charges to achieve such an objective would not be an efficient use of the resources of carriers or of this Commission. The testimony of witnesses in this proceeding as to the cost of common stock equity amply demonstrates the variability in estimates of witnesses which can occur during the course of hearings which extended over approximately eight months. We recognize that a prescribed rate of return is a condition precedent to a meaningful assessment of the adequacy of materials which are filed as support for interstate and foreign services tariffs, and accordingly we prescribe a rate of 12.75% as the rate to be achieved by each category of A.T.&T.'s interstate and foreign services. However, in so doing, we recognize under current economic and financial conditions that an interval of 0.25 percent on each side of the prescribed rate of return would not be inappropriate in making subsequent determinations of the adequacy of A.T.&T.'s compliance with the rate of return prescribed herein.

81. The recent record in this Docket has demonstrated the volatile economic and financial conditions which have occurred during the course of this proceeding. In *Nader* v. *F.C.C.*, 520 F. 2d 182 (D.C. Cir. 1975), the Court upheld the Commission's power to prescribe a rate of return, but in so doing observed that "such a prescription cannot remain binding indefinitely, especially during periods of rapidly changing economic conditions." *Id.* at 205. After considering the substantial increases which have occurred in A.T.&T.'s costs of common stock equity and embedded debt, and the volatility of current economic and financial conditions, we believe that it is imperative that A.T.&T. be permitted to realize the new rate of return *as soon as possible*. Accordingly, as in our prior decision in *Docket No. 20376*, 57 F.C.C. 2d at 973, we shall permit A.T.&T. to effect tariff revisions which are designed to produce revenues necessary to earn the new rate of return on not less than thirty days notice from the filing of its tariffs. [49] Because of our concern with respect to the amount of time which was required in this case to prescribe a new

[46] We note that none of the parties to this proceeding introduced evidence which examined the algorithms which have been employed by A.T.&T. in its measurements of its embedded cost of debt. Accordingly, we are not in this Decision adopting a specific method or algorithm for the calculation of A.T.&T.'s cost of embedded debt.

[47] We are adopting the terminology which was utilized by Administrative Law Judge Luton in paragraphs 11–14 and 69–70 of the *Initial Decision*.

[48] A "point estimate" is a single, specific, numerical value for the carrier's prescribed rate of return.

[49] These tariffs were filed on April 10, 1981, and April 13, 1981.

rate of return during a period in which economic and financial conditions were changing rapidly, we are also instructing the Acting Chief of the Common Carrier Bureau to report within thirty days on the steps which must be taken to ensure the prompt represcriptions of carriers' rates of return.

VIII. Ordering Clauses

82. Accordingly, it is ordered, Pursuant to Sections 1, 4(i), 4(j), 203, and 205, of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 203, and 205, that the rate of return for A.T.&T. and for the Bell System Operating Companies' interstate and foreign services is prescribed to be at an annual rate of 12.75 percent.

83. It is further ordered, That the provisions of Section 61.58 of the Commission's Rules and Regulations, 47 CFR 61.58, are waived, and tariff revisions necessary to increase A.T.&T.'s rate of return to the prescribed level may be effective not less than thirty days from the filing thereof.

84. It is further ordered that all exceptions to the *Initial Decision* that are in accordance with our findings and conclusions herein are granted and are otherwise denied.[50]

85. It is further ordered that the Secretary shall send a copy of this order by registered mail, return receipt requested, to the American Telephone and Telegraph Company's designated agent in the District of Columbia.

86. It is further ordered that this proceeding is terminated.

Federal Communications Commission.[51]

William J. Tricarico,

Secretary.

[50] Rulings on specific exceptions are contained in the third appendix to this decision.

[51] See attached Statements of Commissioners Lee, Chairman; and Fogarty.

Note.—This appendix will not appear in the CFR.

Appendix 1.—*A.T. & T. Construction Financing*

[Billions of dollars]

	1979	1978	1977	1976	1975	Total
Construction expenditures	15.837	13.670	11.566	9.847	9.329	60.249
Funds from operations	10.313	9.388	8.577	7.514	6.696	42.488
Funds from major sources of external financing: [1]						
Shares issued (net)	1.704	1.157	1.597	1.213	1.022	6.693
Long and intermediate debt issued	3.409	2.788	2.285	2.027	2.545	13.054
Net short term borrowing	.704	.058	1.053	(.243)	(.651)	.921
Long and intermediate debt retired	.785	.321	2.585	.810	.180	4.681
Total (net)	5.032	3.682	2.350	2.187	2.736	15.987

[1] Not included are other portions of new outside financing for A.T.&T. entities such as: debt (net of retirements) by the associated companies in which A.T.&T. has a minority common stock interest, and Western Electric as well as sales of shares to minority owners of consolidated subsidiaries. Source: Tnal Staff Exhibit 82D

Note.—This appendix will not appear in the CFR.

Appendix 2.—*A.T. & T. Shares of Common Stock Sold and Outstanding*

[Millions of Shares Except Market and Book Values]

	1979	1978	1977	1976	1975	Total
Plan: [1]						
DRISP [2]	17.287	13.489	9.411	8.047	7.062	55.296
BSSP, SSP	11.363	5.098	4.065	2.399		22.925
ESOP	1.737	1.390	1.274			4.401
General			12.0	12.0	12.0	36.000
Warrants					3.177	3.177
Total	30.387	19.977	26.750	22.446	22.239	121.799
Year end:						
Outstanding	701.367	669.549	637.632	607.405	582.024	
Book value (dollars)	63.43	60.67	57.78	55.08	52.86	
Market value (dollars)	52.13	60.50	60.50	63.50	50.88	

[1] Common stock has also been issued for the conversion of preferred shares, as well as other purposes. However, shares issued in this manner represent a change in the form of capitalization rather than new outside financing.

[2] Shares sold under the dividend re-investment portion of DRISP were sold at 95% of the prevailing price. All other shares were sold either under the terms of the general offering or at prevailing market prices.

Source: Tnal Staff Exhibit 82C, D).

Note.—This appendix will not appear in the CFR.

Appendix 3.—*Rulings on Exceptions*

Exception No	Ruling
A. American Telephone and Telegraph Company	
I	*Granted in part.* Based upon our analysis of the record, including the information which was provided during oral argument on April 6, 1981, we have concluded that the return on A.T.&T. common stock equity should be set at 17.4%. Although our decision differs from the *Initial Decision* of the Adminstrative Law Judge, we do not find that the *Initial Decision's* conclusion on A.T.&T.'s return on common equity was "totally unsupported and entirely lacking in reasoned analysis," as A.T.&T. has contended. Judge Luton accorded "due weight" to the record which was before him at that time, and although we have subsequently arrived at a different conclusion on the basis of additional information we do not concur in the Respondent's characterization of the *Initial Decision* as being either unsupported or lacking in reasoned analysis.
II	*Granted.* From the record which is before us, the most recent cost of embedded debt as of December 31, 1980, was 8.8%.
III	*Granted in part.* An updating of A.T.&T.'s actual financial structure from June 30, 1980, to December 31, 1980, is appropriate under current circumstances. Because of the conversion which has been occurring from A.T.&T. convertible preferred stock to common stock, we have concluded that the convertible preferred stock should receive a 17.4% cost. *Denied in part.* Unmatured dividends and accrued interest constitute "zero cost" sources of funds which are used by A.T.&T. in financing its interstate and foreign services rate base. This Commission has employed A.T.&T.'s *actual*, as distinguished from its *projected*, financial structure in its prior decisions. The evidence of record in this proceeding has not persuaded us that we should depart from our prior practice in this regard.
IV	*Denied.* We have concluded that the record which is before us requires that A.T.&T.'s rate of return for its interstate and foreign services be set at 12.75%.
B. Tnal Staff	
I p. 15, para. 12	*Denied.* We do not find Dr. Fnend's survey to be totally without foundation, although the nature of such a survey should properly be a matter of concern. We concur in the assessment of the Administrative Law Judge that the results of such surveys should be viewed circumspectly.
II p. 30, para. 35	*Denied.* Some weight has been accorded to aspects of the comparable earnings and risk premium analyses.

Appendix 3.—*Rulings on Exceptions*—Continued

Exception No.	Ruling
III. p. 31, para. 36; p. 33, para. 41.	*Denied.* We agree with the Trial Staff that because there have only been three public offerings of A.T.&T. common stock in the last seventeen years following Dr. Friend's or Miss Dwyer's recommendation would place an inequitable burden on A.T.&T.'s interstate and foreign services ratepayers. Although the record of this proceeding does not provide sufficient information to precisely compute an underpricing allowance, we believe that there should be a slight upward adjustment to A.T.&T.'s market cost of common stock to reflect our assessment of the testimony of the witnesses in this proceeding. The 17.4% cost of common stock equity incorporates our assessment of the modest adjustment which is required to reflect flotation costs.
IV. pp. 33–34, para. 42	*Denied.* Events which have occurred since September 29, 1980, and January 30, 1981, have required us to reevaluate and update A.T.&T.'s cost of equity to 17.4%.
V. p. 38, para. 49	*Granted.* It is clear that a reevaluation and update of A.T.&T.'s cost of capital is required.
VII. pp. 38–39, para. 52	*Denied.* The volatility which has occurred with respect to short term interest rates clearly demonstrates the potential inequities which may be associated with forecasting measurements of the embedded cost of debt, even where such a forecast was grounded upon the use of historical data. Accordingly, we shall continue our prior practice of using the most recent embedded cost of debt.
VIII. pp. 42–43, paras. 60–61.	*Denied in part.* Uncertainties due to risk are reflected in the market price of A.T.&T. securities which are traded on the secondary market. We have used a figure which is less than the highest rate of return on common stock equity which is in the record in this proceeding, and believe our choice reflects a considered judgment of the adjustment that is required.
C. Federal Executive Agencies	
I	*Granted.* We do not view the testimony of Mr. Langsam as being "arbitrary."
D. Maryland People's Counsel	
I. p. 4	*Denied in part.* As our decision, *supra*, clearly indicates, a 14.6% cost of equity under current conditions is not excessive.
II. p. 4	*Denied.* The record evidence in this case does not clearly establish that A.T.&T.'s financial structure contains either excessive equity or excessive debt.
E. *U.S.I.T.A.*	
I. p. 3	*Granted in part.* The current cost of common stock equity exceeds the current cost of *long term* debt.
II. p. 7, para. 1	*Granted.*

Separate Statement of Chairman Robert E. Lee

In Re: CC Docket 79–63, AT&T Rate of Return

I join my colleagues in affirming this decision to authorize the American Telephone and Telegraph Company a 12.75 percent weighted average rate of return. This decision was reached following extensive hearings, review of a comprehensive record, and oral argument before the full Commission. I believe the record fully supports the Commission's conclusion herein.

My concerns with the item are limited solely to the language relating to the filing of tariffs implementing this rate of return decision. These concerns in no way reflect any disagreement with, or concern about, the 12.75 percent decision. The rate of return decision is a separate, distinct action, and I trust that any reviewing authority recognizes this critical distinction. A discussion of these concerns is set forth in my concurring statement to the Commission's action on the special permission concerning the tariff filings.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: American Telephone and Telegraph, Petition for Modification of Prescribed Rate of Return, Docket No. CC 79–63.

I think the Commission's decision changing AT&T's prescribed rate of return from 10.5 percent to 12.75 percent is clearly in the best interests of consumers of telecommunications services. As both the Commission and the courts have long recognized, the Commission's obligation to protect consumers requires us to ensure that excessive rates are not being charged by a carrier and, in addition, that the carrier is financially able to provide the needed service. This, in turn, requires a rate of return "sufficient to assure confidence in the financial integrity of the carrier, so as to maintain its credit [e.g., capital costs such as service on debt and dividends on stock as well as operating costs] and to attract capital." *FPC* v. *Hope*, 320 U.S. 591, 603 (1944); see also Docket No. 20376, 51 FCC 2d 619, 626 (1975). The newly prescribed rate of return will allow AT&T to attract the capital required to continue the modernization and maintenance of its plant which is necessary if the American telephone system is to remain the best in the world. To prescribe a return of less than 12.75 percent would be "penny wise and pound foolish." True, in the short-run a lower prescription would result in smaller rate increases, but in the long-run a lesser prescription would result in even greater rate increases. Consumers would have to pay more for the delayed modernization and maintenance. At the same time the rate paying public would be exposed to deterioration in the quality of the service it receives.

The increased rate of return prescribed the commission is needed, obviously, and justified. AT&T has been subject to the sustained impact of inflation. While many other business concerns also have been hit hard by inflation, the volatile economy has been particularly oppressive with respect to regulated companies like AT&T because of their substantial construction budgets which require huge and frequent infusions of debt and equity capital. The large disparity between the book value and market value of AT&T's stock is an indication of the serious and continuing problem that Bell has had in attracting capital and the need for the new rate of return prescription. That the price of AT&T's common stock has generally not kept pace with increases in the composite index of all of the New York Stock Exchange issues during the course of this proceeding is also indicative of the need for an increased rate of return now.

The 12.75 percent rate prescription is both just and reasonable, and should serve to ameliorate this potentially dangerous financial situation. I note, however, that due to the volatility of the economy, the Commission could have justified an even greater increase in the rate of return. Our determination that AT&T's cost of common stock equity is 17.4 percent is fair without being excessive. New Jersey Bell, a triple A Company, issued debt at 14.9 percent while Pacific Telephone and Telegraph, and A Company, issued debt at 16.4 percent. Any determination of the cost of common stock equity which does not allow for, at least, several percentage points between the cost of equity and the current cost of long-term debt would be patently unreasonable.

Our decision to permit a 0.25 percent range on each side of the prescribed rate of return is justified too. As our decision correctly observes, during this volatile economic period it would be unreasonable, if not arbitrary and capricious, to require that a carrier's tariffs earn precisely the prescribed rate of return on a category-by-category-of-service basis. Such a requirement would also be impractical due to the pendency of several Commission proceedings which might result in changes in tariff rates and structure. See *e.g.* Revisions of Tariff FCC No. 259 (WATS), Docket No. 80–765 (WATS time-of-day pricing); AT&T Private Line Rate Structure and Volume Discount Practices, CC Docket 79–246. Additionally, the Telpak tariff has finally come to an end and this will also result in yet to be determined rate changes. *Aeronautical Radio, Inc.* v *FCC*, F. 2d . #77–1333 et seq., D.C. Cir., June 24, 1980, cert. den. (1981); *General Electric Company* v. *FCC*, #77–1333 et seq., D.C. Cir., June 24, 1980, cert. den. (1981).

It has taken the Commission two years to prescribe this rate of return. All parties concede that during this extended time period AT&T has not been earning a fair return. Under these pressing circumstances, the Commission's statutory responsibility is to balance competing carrier-investor and consumer interests in an equitable manner so as to ensure the financial integrity of the carrier's facilities and services at a fair charge to the consumer. It might be politically appealing to shave AT&T's rate of return in ostensible solicitude for lower consumer rates. However, to yield to this easy temptation would be irresponsible and only work to the detriment of consumer and company alike. The Commission's decision meets our clear responsibility and serves the paramount public interest.

[FR Doc. 81–17168 Filed 6–10–81; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1100 and 1137

Submission of Pleadings and Other Documents in Motor Carrier Applications and Restriction Removal Applications

AGENCY: Interstate Commerce Commission.

ACTION: Notice: Submission of Pleadings and Other Documents in Motor Carrier Applications and Restrictions Removal Applications.

SUMMARY: It has come to our attention that various individuals and companies who participate in Commission proceedings fail to submit the required number of copies of pleadings or other documents or improperly address such pleadings. The purpose of this notice is to remind those who participate in Commission proceedings of our requirements in 49 CFR 1100.14, Copies: 1100.253(c), General rules governing the application process—copies: and 1137.10, Form and content of applications.

EFFECTIVE DATES: 49 CFR 1100.14 became effective July 1, 1977: 49 CFR 1100.253(c) became effective February 9, 1981: 49 CFR 1137.10 became effective December 28, 1980.

FOR FURTHER INFORMATION CONTACT: Kathleen King, Office of the Secretary, (202) 275–0956: Melinda Collins, Office of Proceedings, (202) 275–7340.

Number of Copies

Our general rules in 49 CFR 1100.253(c) governing the application process, (45 FR 86771, 86793, 12–31–80) require that "all material forwarded to the Commission in Washington, D.C., except for telegraphic material shall consist of an original and one copy." This rule applies to all documents including transmittal letters and withdrawal letters. In restriction removal application proceedings, an original and one copy is required. See 49 CFR 1137.10 (45 FR 86747, 86757, 12–31–80).

In cases in which an administrative appeal is filed an original and six copies of a document are required. This rule applies to the administrative appeal, a reply to an administrative appeal or any other motion or document submitted. See 49 CFR 1100.14.

Parties who want the Commission to date stamp and return a copy of their transmittal letter or pleading must provide an additional copy for that purpose and a self-addressed stamped envelope. If only one copy of a document is submitted, it cannot be returned because it is necessary for our files.

Proper Addressing of Pleadings and Documents

All pleadings and other documents submitted for filing must contain the docket number and sub number of the proceeding in which they are being filed. All parties should be careful to provide the correct docket number and sub number. All pleadings and documents relating to restriction removal proceedings must contain the suffix X.

All pleadings and documents in motor carrier applications proceedings and restriction removal applications, which must be filed in Washington, D.C., should be addressed to Secretary, Interstate Commerce Commission, Washington, D.C. 20423. Such pleadings should be addressed to an applications Evaluation and Authorities Team or an individual on a Team.

The parties are also reminded that appeals in emergency temporary authority and temporary authority proceedings, must be filed with the Regional Office whose Regional Motor Carrier Board decided the application. Any subsequent discretionary appeals to review board, or Commission decisions in emergency temporary authority or temporary authority matters are filed in Washington.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17399 Filed 6-10-81; 8:45 am]

BILLING CODE 7035-01-M

Propo

This section contains noti proposed iss regulations. T is to give in opportunity t making prior rules.

DEPARTME

Federal Avi

14 CFR Part

[Airspace Do

Designation Low Routes Reporting P Airspace; P Restricted A Calif.

AGENCY: Fed Administrat

ACTION: Wit proposed rul

SUMMARY: T proposal pub Register Doc 1981, (46 FR temporary re vicinity of T contain a ma The military by the Unite budgetary re proposed res needed.

EFFECTIVE DA

FOR FURTHER Charles R. H and Obstruc Airspace and Air Traffic S Administrati Avenue, SW telephone: (2

Withdrawal

According delegated to the proposal the Federal A CFR Parts 71 Airspace Doc published in April 30, 198 withdrawn.

(Secs. 307(a) a of 1958 (49 U.S

Proposed Rules

Federal Register
Vol. 46, No. 112
Thursday, June 11, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 71 and 73

[Airspace Docket No. 81-AWE-11]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points and Special Use Airspace; Proposed Temporary Restricted Areas, Twenty Nine Palms, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This action withdraws a proposal published in the **Federal Register** Document 81-12775 on April 30, 1981, (46 FR 24196), to establish temporary restricted areas in the vicinity of Twenty Nine Palms, Calif., to contain a major joint military exercise. The military mission has been cancelled by the United States Air Force due to budgetary restraints. Consequently, the proposed restricted area is not now needed.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

Withdrawal of the Proposal

Accordingly, pursuant to the authority delegated to me, effective June 11, 1981 the proposal to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73), as specified in Airspace Docket No. 81-AWE-11 and published in the **Federal Register** on April 30, 1981, (46 FR 24196), is hereby withdrawn.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substanial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 4, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-17252 Filed 6-10-81; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Utah-2)]

High-Cost Gas Produced From Tight Formations

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Utah Board of Oil, Gas and Mining that the Mancos "B" Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 6, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 22, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

Issued: June 5, 1981.

I. Background

On May 20, 1981, the State of Utah Board of Oil, Gas and Mining (Utah) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Mancos "B" Formation located in Uintah and Grand Counties, Utah, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Utah's recommendation that the Mancos "B" Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Utah's recommendation. Utah's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation is part of the Southeast Uintah Basin and underlies certain lands in Uintah and Grand Counties in eastern Utah, 40 to 80 miles northwest of Grand Junction, Colorado. The recommended area contains 428,976 acres within Townships 13 through 16 South, Ranges 20 through 26 East. Approximately 82 percent of the acreage is Federal, 15 percent is State, and three percent is fee. The average depth to the top of the Mancos "B" Formation is 3,475 feet. The average net productive interval is approximately 120 feet.

III. Discussion of Recommendation

Utah claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. TGF-101 convened by Utah on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Utah further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Utah that the Manco "B" Formation, as described and delineated in Utah's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 6, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Utah-2), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 22, 1981.

(Natural Gas Policy Act of 1978, (15 U.S.C. 3301-3342))

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Utah's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (53) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(37) through (52) [Reserved]

(53) *Mancos "B" Formation in Utah* RM79-76 (Utah-2)

(i) *Delineation of formation.* The Mancos "B" Formation is found in the Southeast Uinta Basin underlying portions of Uintah and Grand Counties, Utah in Township 13 South, Ranges 20 through 22 East, Sections 31 through 36; Township 13 South, Ranges 23 through 26 East, All Sections; Township 14 and 15 South, Ranges 20 through 26 East, All Sections; Township 15½ South, Ranges 23 through 25 East, Sections 31 through 36; Township 15½ South, Range 26 East, Sections 31 through 33; Township 16 South, Ranges 23 and 24 East, All Sections; Township 16 South, Range 25 East, Sections 1 through 12; and Township 16 South, Range 26 East, Sections 4 through 9.

(ii) *Depth.* The average depth to the top of the Mancos "B" Formation is 3,475 feet.

[FR Doc. 81-17377 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 81-025]

Drawbridge Operation Regulations; Kennebec River, Maine

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of a group of employees of the Bath Iron Works, Bath, Maine, the Coast Guard is considering amending existing regulations to permit the drawspan in the U.S. Route #1 Highway/Maine Central Railroad Company bridge across the Kennebec River at mile 14.0 to be closed to navigation during rush hours. The amendment may provide more uniform vehicular movement along Route #1 and through the City of Bath during these peak traffic periods and may still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before July 13, 1981.

ADDRESS: Comments should be submitted to and will be available for examination at the office of the Commander (obr), First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114 (617-223-0645).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed envelope or postcard. The Commander, First Coast Guard District will evaluate all comments received and determine the final course of action. The proposed regulations may be changed in light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: William J. Naulty, Chief Bridge Branch, First Coast Guard District, and Lieutenant William B. O'Leary, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of the Proposed Regulation

The draw of this bridge is presently required to open on signal except that from 1 October through 15 June an advance notice of 4 to 24 hours must be given, depending on the month or portion thereof. The proposed amendment is being considered because opening of the drawbridge during peak traffic periods, when shift workers are entering or leaving the Bath Iron Works, results in a backup of vehicles along Route #1 and severe restriction of traffic flow through the City of Bath. At mean high tide, the vertical clearance under the railroad bridge is ten feet. The tidal difference in the Bath area is 6.4 feet. By reducing congestion during peak traffic periods, the proposed regulations would benefit the City of Bath and commuting employees of the Bath Iron Works. Bridge records indicate there were a total of 17 openings of the drawspan during the proposed restricted periods in the months of June, July, and August, 1980. Nine of these openings were for sailboats, and the remainder were for commercial vessels. The maximum delay that would be occasioned to any vessel under the proposal is one hour. In view of these facts, the proposal is not expected to have more than a minimal impact.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, the Coast Guard proposed to amend Part 117 of Title 33 of the Code of Federal Regulations by:

(1) Redesignating subparagraphs (1), (2), and (3) of § 117.8(a) as subparagraphs (2), (3), and (4) respectively.

(2) Adding a new subparagraph (1) to § 117.8(a) to read as follows:

§ 117.8 Kennebec River, highway and railway bridge, between Bath and Woolwich.

(a) * * *

(1) The draw need not open from 6:30 a.m. to 7:30 a.m. and 3:45 p.m. to 4:45 p.m. Monday through Friday.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: June 5, 1981.

R. H. Wood,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 81–17375 Filed 6–10–81; 8:45 am]

BILLING CODE 4910–14–M

---

33 CFR Part 160

[CGD 79–026]

Ports and Waterways Safety; Conditions for Vessel Operation and Cargo Transfers

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to delegate to Coast Guard District Commanders and Captains of the Port (COTP), the authority contained in the Ports and Waterways Safety Act (PWSA) (33 U.S.C. 1221 et seq.) to prohibit particular tankers from operating in the navigable waters of the United States or transferring cargo in a port or place subject to the jurisdiction of the United States when certain conditions exist. This proposal also clarifies the existing regulations in Part 160 which authorize a COTP or a District Commander to issue orders or regulations regarding vessel operations. These regulations are mandated by the PWSA as a means by which the harbors and ports of the United States may be better protected from the effects of vessel casualties and oil spills.

DATES: Comments must be received on or before: July 27, 1981.

ADDRESSES: Comments may be mailed to Commandant (G–CMC/24), (CGD 79–026), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426–1477 between the hours of 7 a.m. and 5 p.m. Monday through Thursday .

FOR FURTHER INFORMATION CONTACT: Lieutenant Virgil R. Allen, Office of Marine Environment and Systems, Room 1100, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 755–1354. Normal working hours are 7 a.m. to 5 p.m. Monday through Thursday .

SUPPLEMENTARY INFORMATION: On December 3, 1979, (44 FR 69306) the Coast Guard published a Notice of Proposed Rulemaking with a request for comments. Seven comments were received. No public hearing was held.

Drafting Information

The principal persons involved in drafting this rule are Lieutenant Virgil R. Allen, Project Manager, Office of Marine Environment and Systems and Lieutenant Commander Brad Short, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Questions were raised as to the inclusion of the Captain of the Port's designated alternate in the delegation of authority. Several commenters stated that this was too low a level of delegation and one felt that the delegation was not low enough. The alternate COTP is designated by the Commandant, is not a delegatee of the COTP, and has no independent authority when the COTP is present for duty. When the COTP is not present for duty the alternate COTP is the Captain of the Port, and assumes the duties and is vested with the authority of that office. For these reasons, the "COTP designated alternate" has been dropped from the proposed list of persons who may issue orders regarding vessel operations.

Most of the commenters expressed interest in the evaluation of manning and training criteria. Their questions centered on when and how the Coast Guard would determine that a particular nation's standards were acceptable. These issues are the subjects of separate Coast Guard rulemaking dockets. Interim final rules on the evaluation of training (CGD 79–081a) were published on April 7, 1980 (45 FR 23425) and a notice of proposed rulemaking on manning (CGD 79–081b) was published on November 17, 1980 (45 FR 75712). Information concerning these dockets may be obtained by contracting Commander Daniel E. Struck (G–MVP/14), U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202) 426–2240.

Several comments expressed confusion centering on a note placed at the end of the proposed § 160.118. This note was originally added to explain that although certain paragraphs would become effective on April 18, 1980, foreign vessels could continue to operate in U.S. waters, subject to existing international provisions for adequate manning until the regulations under docket 79–081 were published. In

an effort to avoid confusion, the note has been dropped. The Coast Guard emphasizes that the provisions of subparagraphs 160.118(b) (4) and (5) are triggered only after the Commandant has made a determination that the certificating state's licensing and manning standards are not at least comparable to those of the United States. The Commandant's determinations will be published in future issues of the **Federal Register**.

One comment queried if the requirements for an English speaking deck officer on the bridge could be met by taking aboard a local pilot, and if not, might this invite similar action by other nations against U.S. vessels. The intent of this regulation, which fulfills a mandatory requirement contained in section 9(A)(7) of the Ports and Waterways Safety Act, is to have a ship's officer on the navigation bridge who is capable of clearly understanding English. This requirement is not considered to be met by taking on a pilot. The purpose of this requirement is to facilitate a free flow of information between the pilot and the ship's personnel on the navigation bridge. Due to the widespread use of English as a common language in the international merchant fleet, it is not envisioned that this action will give rise to a similar requirement by other nations.

In addition to the proposed changes to § 160.118, this supplemental notice proposes to revise §§ 160.3, 160.111, 160.116, and 160.121. The proposals regarding these sections contain substantive changes. The remaining sections in Part 160 (§§ 160.1, 160.101, 160.106, 160.126, and 160.131) contain no substantive changes and are included in this notice solely for the convenience of the public.

The substantive changes which have been made are as follows:

The definitions of "Captain of the Port" and "District Commander" in § 160.3 have been amended by deleting the reference to "that person's authorized representative". For the purposes of Part 160, these definitions will only include those persons designated by the Commandant.

The Canal Zone has been deleted from the definition of the term "State" in § 160.3 because on October 1, 1979, the Panama Canal Zone Treaty of 1977 became effective. The term "United States" has also been deleted from this section as an unnecessary addition to the list of definitions.

The intent of § 161.111 has been clarified by dividing the subject matter between two sections; section § 160.111, dealing with special powers (orders), and § 160.113, dealing with vessel operating requirements (regulations). The new wording should make it clear that the orders of the District Commander and COTP under § 160.111 are intended to meet exigent circumstances on a *temporary* basis and that long term situations will be addressed through the rulemaking process under § 160.113.

Section 160.116(a), which addresses the reconsideration of action taken by Coast Guard officials, has been deleted because it was redundant to § 160.131(a).

Section 160.121 has been rewritten to require compliance with any order issued under this subpart, in lieu of the specific sections which are referenced in the present regulations.

The Coast Guard has evaluated this proposal under Executive Order 12291 and the Department of Transportation's "Policies and Procedures for Simplification Analysis and Review of Regulations" (DOT Order 2100.5 dated 22 May 1980), and has determined that it is neither a major nor a significant rule making. A draft evaluation has been prepared and is included in the public docket. Further, because the primary purpose of this proposal relates to the internal organization, practices and policies of the Coast Guard a Regulatory Flexibility Analysis is not required under the Regulatory Flexibility Act, Pub. L. 96–354, 19 September 1980 (5 U.S.C. 603).

In consideration of the foregoing, the Coast Guard proposes to revise Part 160 of Title 33, Code of Federal Regulations, to read as follows:

PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

Subpart A—General

Sec.
160.1 Purpose.
160.3 Definition.

Subpart B—Orders and Regulations

160.101 Applicability.
160.106 Waterfront safety.
160.111 Special powers (orders).
160.113 Vessel operating requirements (regulations).
160.116 Denial of entry.
160.118 Conditions for vessel operation and cargo transfers.
160.121 Compliance with directions and orders.
160.126 Withholding of clearance.
160.131 Appeals.

Authority: Section 2, P.L. 95–474, Ports and Waterways Safety Act, 92 Stat. 1477, (33 U.S.C. 1231); 49 CFR 1.46(n)(4).

Subpart A—General

§ 160.1 Purpose.

(a) This subchapter contains regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221) and related statutes.

§ 160.3 Definitions.

For the purposes of this part:

"Captain of the Port" means the Coast Guard officer commanding a Captain of the Port zone described in Part 3 of this chapter.

"Commandant" means the Commandant of the United States Coast Guard.

"District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District described in Part 3 of this chapter.

"Person" means an individual, firm, corporation, association, partnership, or governmental entity.

"State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Trust Territories of the Pacific Islands, the Commonwealth of the Northern Marianas Islands, and any other commonwealth, territory, or possession of the United States.

"Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

Subpart B—Orders and Regulations

§ 160.101 Applicability.

(a) This subpart applies to any—

(1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(2) Bridge or other structure on or in the navigable waters of the United States; and

(3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(b) This subpart does not apply to any vessel on the Saint Lawrence Seaway.

(c) Except pursuant to international treaty, convention, or agreement, to which the United States is a party, this subpart does not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

(1) Innocent passage through the territorial sea of the United States; or

(2) Transit through the navigable waters of the United States which form a part of an international strait.

§ 160.106 Waterfront safety.

(a) To prevent damage to, or destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land

structure or shore area immediately adjacent to those waters, and to protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss, each District Commander or Captain of the Port may—

(1) Direct the handling, loading, unloading, storage, stowage, and movement (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in Section 4417a of the Revised Statutes, as amended, (46 U.S.C. 391a) on any structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and

(2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

§ 160.111 Special powers (orders).

Each District Commander or Captain of the Port may order a vessel to operate or anchor in the manner directed when—

(a) The District Commander or Captain of the Port has reasonable cause to believe that the vessel is not in compliance with any regulation, law or treaty;

(b) The District Commander or Captain of the Port determines that the vessel does not satisfy the conditions for port entry specified in § 160.118; or

(c) The District Commander or Captain of the Port has determined that such order is justified in the interest of safety by reason of weather, visibility, sea conditions, temporary port congestion, other temporary hazardous circumstances, or the condition of the vessel.

§ 160.113 Vessel operating requirements (regulations).

When meeting long term situations or problems of a continuing nature, each District Commander may control vessel traffic in an area which is determined to have hazardous conditions by promulgating regulations—

(a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(c) Restricting vessel operating, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities which are considered necessary for safe operation under the circumstances.

§ 160.116 Denial of entry.

Each District Commander or Captain of the Port, subject to recognized principles of international law, may deny entry into the navigable waters of the United States or to any port or place under the jurisdiction of the United States, to any vessel not in compliance with the provisions of the Ports and Waterways Safety Act (33 U.S.C. 1221–32) or the regulations issued thereunder.

§ 160.118 Conditions for vessel operation and cargo transfers.

(a) Each District Commander or Captain of the Port may prohibit any vessel subject to the provisions of section 4417a of the Revised Statutes (46 U.S.C. 391a) from operating in the navigable waters of the United States or from transferring cargo or residue in any port or place under the jurisdiction of the United States, if the District Commander or the Captain of the Port determines that the vessel's history of accidents, pollution incidents, or serious repair problems creates reason to believe that the vessel may be unsafe or pose a threat to the marine environment.

(b) The authority to issue orders concerning operation of the vessel or transfer of cargo or residue under paragraph (a) of this section also applies if the vessel:

(1) Fails to comply with any applicable regulation;

(2) Discharges oil or hazardous material in violation of any law or treaty of the United States;

(3) Does not comply with applicable vessel traffic service requirements;

(4) Is manned by one or more officers who are licensed by a certificating state which the Commandant has determined, pursuant to 46 U.S.C. 391a(11), does not have standards for licensing and certification of seafarers which are comparable to or more stringent than United States standards or international standards which are accepted by the United States;

(5) Is not manned in compliance with manning levels as determined by the Commandant to be necessary to insure the safe navigation of the vessel; or

(6) While underway, does not have at least one licensed deck officer on the navigation bridge who is capable of communicating in the English language.

(c) When a vessel has been prohibited from operating in the navigable waters of the United States under paragraphs (a) or (b) of this section, the District Commander or Captain of the Port may allow provisional entry into the navigable waters of the United States or into any port or place under the jurisdiction of the United States if the owner or operator of such vessel proves, to the satisfaction of the District Commander or Captain of the Port, that the vessel is not unsafe or does not pose a threat to the marine environment, and that such entry is necessary for the safety of the vessel or the persons on board.

(d) A vessel which has been prohibited from operating in the navigable waters of the United States or from tranferring cargo or residue in a port or place under the jurisdiction of the United States under the provisions of paragraph (a) or (b) (1), (2) or (3) may be allowed provisional entry if the owner or operator proves, to the satisfaction of the District Commander or Captain of the Port, that the vessel is no longer unsafe or a threat to the environment and that the condition which gave rise to the prohibition no longer exists.

§ 160.121 Compliance with orders.

Each person who has notice of the terms of an order issued under this subpart must comply with that order.

§ 160.126 Withholding of clearance.

Each District Commander or Captain of the Port may request the Secretary of the Treasury, or the authorized representative thereof, to withhold or revoke the clearance required by 46 U.S.C. 91 of any vessel, the owner or operator of which is subject to any penalties under 33 U.S.C. 1232.

§ 160.131 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard official who is responsible for that action.

(b) Any person not satisfied with a decision made under the procedure contained in paragraph (a) of this section may appeal that decision in writing, except as allowed under paragraph (e) of this section, to the Coast Guard District Commander of the district in which the action was taken. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. If requested, the District Commander may stay the effect of the action being appealed while the decision is being reviewed. The District Commander issues a ruling after reviewing the appeal submitted under this paragraph.

(c) Any person not satisfied with a ruling made under the procedure contained in paragraph (b) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Chief, Office of Marine Environment and

Systems, U.S. Coast Guard, Washington, D.C. 20593. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. If requested, the Chief, Office of Marine Environment and Systems, may stay the effect of the action being appealed while the ruling is being reviewed. The Chief, Office of Marine Environment and Systems, issues a final ruling after reviewing the appeal submitted under this paragraph.

(d) A final ruling made by the Chief, Office of Marine Environment and Systems, under the procedure contained in paragraph (c) of this section is final agency action.

(e) If the delay in presenting a written appeal would have a significant adverse impact on the appellant, the appeal under paragraph (b) or (c) of this section may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the Coast Guard official to whom the oral presentation was made containing, at a minimum, the basis for the appeal and a summary of the material presented orally.

Dated: June 3, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc. 81-17376 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-14-M

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

33 CFR Part 402

Tariff of Tolls; Revision Under Consideration

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Request for comments on report.

SUMMARY: The Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority of Canada presently have under consideration a Report of the Joint Tolls Review Board concerning the sufficiency of revenues expected to be generated by the current Joint Seaway Tariff of Tolls (33 CFR Part 402). The Joint Tolls Review Board has concluded that the current tariff of tolls will not generate revenue sufficient to meet the requirements of either Seaway agency during 1981 or 1982. In its report, the Board suggests several revisions to the tariff of tolls which it estimates would increase revenue to the required levels. These are presently under internal review by the Corporation prior to further discussions with the Canadian Authority.

DATE: Comments must be received in writing no later than June 25, 1981.

ADDRESS: Information should be addressed to: Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20591, (Attention: Tolls Revision Docket).

FOR FURTHER INFORMATION CONTACT: Further information regarding the Report of the Joint Tolls Review Board or this request for information may be acquired from Robert J. Lewis, Director, Office of Systems and Econonics Analysis, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20591. (Phone 202-426-2884)

SUPPLEMENTARY INFORMATION:

Information Invited

To assist the Corporation in the development of its position in these discussions, interested persons or organizations are invited to submit pertinent information relative to the tariff of tolls revisions suggested by the Joint Tolls Review Board. Particular attention should be given to the suggestion that Seaway tolls be increased by 30 percent as of September 1, 1981.

The Corporation urges persons responding to this invitation to limit their comments to the presentation of documented factual material. Information relative to any negative effects the suggested revisions may have on the movement of waterborne commerce via the Seaway would be especially helpful. Proprietary information furnished in response to this request for information should be identified as such and will be treated confidentially as provided for in 5 U.S.C. 552(b)(4). Because discussions between the Seaway agencies are scheduled to resume in late June 1981, comments must be received in writing no later than June 25, 1981 to assure full consideration. Information should be addressed to: Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20591, (Attention: Tolls Revision Docket).

Background

Pursuant to the authority contained in Section 12(a) of Public Law 358, 83rd Congress, approved May 13, 1954 (33 U.S.C. 988), the Seaway Corporation and the St. Lawrence Seaway Authority of Canada, on January 29, 1959, agreed to levy tolls on vessels and cargo for the use of the St. Lawrence Seaway and published a Joint Seaway Tariff of Tolls. With the exception of the imposition of lockage fees at the all-Canadian Welland Canal in 1967, the tariff of tolls remained virtually unchanged until 1978. On March 20, 1978 a major revision of the tariff was agreed to by the governments of the United States and Canada which provided that toll increases would be phased in over a three-year period.

The agreement also provided for a mandatory review of the tariff of tolls during 1981 and established the Joint Tolls Review Board which consists of two representatives from the Corporation and two from the Canadian Seaway Authority. This Board is directed by the agreement to conduct an annual review of the tariff of tolls for the purpose of determining the sufficiency of revenues generated by the tariff to meet the respective requirements of the Authority and the Corporation. The report presently under consideration by the Seaway agencies is the result of Joint Tolls Review Board's 1981 review.

Report of the Joint Tolls Review Board

Following meetings in Washington and Ottawa during April 1981, the Joint Tolls Review Board concluded that, on the basis of realistic traffic projections, the revenue which will be generated by the tariff of tolls during 1981 will leave the Corporation $1.78 million short of its needs for the year and the Authority $10.86 million short. During 1982 the Corporation will be an estimated $2.02 million short of meeting its needs in that year alone and the Authority an estimated $12.42 million. The Board estimated that during the 1981 and 1982 shipping seasons combined the tariff of tolls on the St. Lawrence Seaway will produce revenues which fail to meet the total projected needs of the Authority by $23.28 million and of the Corporation by $3.80 million.

The Board therefore proposed for consideration by the Authority and the Corporation several alternatives by which revenues could be increased to meet the total needs of the two Seaway agencies. The Board recognized that there are any number of combinations of adjustments to the tariff of tolls which could be developed to produce the required revenue.

The alternatives which the Board presented assume that the suggested increases would apply to all items in the tariff including the gross registered tonnage of the vessel. The alternatives suggested include:

1. Modification of tariff during 1981 to produce revenue sufficient to cover the total requirements of each entity over the two-year period.This alternative would require a toll

increase of 30 percent on September 1, 1981. This increase would remain in effect during 1982 and contemplates a 1981 deficit which would be recovered in 1982.

2. Modification to tariff for the 1982 season to generate sufficient revenue to satisfy 1982 requirements and cover the deficit carried forward from 1981. This alternative would require no tariff change during 1981; however, with the opening of the 1982 season an average toll increase of about 41 percent would be required.

3. Modification of tariff during 1981 to an arbitrary level; additional modification for 1982 to produce revenues required to meet 1982 needs and those deferred from 1981. This alternative calls for a September 1, 1981 adjustment of the tariff by some factor. For purposes of illustration, the Board chose a 22 percent increase. (This figure was chosen as it represents the increase which, had it been in effect throughout the 1981 season, would have produced revenue sufficient to meet the combined needs of the entities during the year). Following the 1981 increase, a further increase of 8 perecent would be required for the 1982 season. Following both increases, tolls would be, on the average, about 33 percent above 1980 levels.

Issued at Washington, D.C. on June 9, 1981.

D. W. Oberlin,

Administrator.

[FR Doc. 81-17549 Filed 6-10-81; 10:25 am]

BILLING CODE 4910-61-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

Special Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of special meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (ATBCB) will hold a special meeting at 10:00 AM, on June 23, 1981, to consider proposed rulemaking activities on the ATBCB Minimum Guidelines and Requirements for Accessible Design, published in the Federal Register as a Final Rule on January 16, 1981. Suspension of work or proposed cancellation of a contract with the National Conference of States on Building Codes and Standards, Inc. (NCSBCS) relating to the ATBCB Minimum Guidelines and Requirements is also on the agenda for action by the ATBCB.

DATE: June 23, 1981, 10:00 AM–5:00 PM.

ADDRESS: Room 1331, 330 C Street, S.W., Mary E. Switzer Building, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Director of Public Information, (202) 245–1591 (voice or TDD).

SUPPLEMENTARY INFORMATION: The special meeting of the ATBCB will enable the Board to further consider developments, including modification, rescission, amendment, of its accessibility rule adopted January 6, 1981 (46 FR 4270; January 16, 1981).

ATBCB Committee of the Whole of the Board is scheduled for Monday, June 22, 1981. This meeting will be from 10:00 AM–5:00 PM, Room 1331, 330 C Street, S.W., Washington, D.C. Contact Larry Allison, Director of Public Information, (202) 245–1591 (voice or TDD).

Mason H. Rose V,

Chairperson.

[FR Doc. 81-17264 Filed 6-10-81; 8:45 am]

BILLING CODE 4000-07-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1201, 1241 and 1246

[Docket No. 37614]

Elimination of Accounting and Reporting Requirements of Class II Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule; extension of comment date.

SUMMARY: By notice of proposed rulemaking published in the Federal Register May 5, 1981 (46 FR 25114), the Commission proposed to eliminate all accounting and reporting requirements of Class II railroads. The Association of American Railroads (AAR) has requested an extension for filing comments in this proceeding. As set forth in our May NPR, the current comment date is June 19, 1981. The AAR requested the comment date be extended to August 1, 1981. The request shall be granted in order to give parties sufficient time to develop their positions and prepare comments.

DATE: Comments are due August 3, 1981.

ADDRESSES: Send comments with 10 copies, if possible, to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr.; Phone No. (202) 275–7448.

Decided: June 3, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17278 Filed 6-10-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 112
Thursday, June 11, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Request for Comments on Applicants for Designation in the Area Currently Serviced by the Illinois Department of Agriculture

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the area currently serviced by the Illinois Department of Argriculture. Illinois requested voluntary cancellation of its designation effective 12 p.m., June 30, 1981.

DATE: Comments to be postmarked on or before June 26, 1981.

ADDRESS: Comments should be submitted to USDA, FGIS, Issuance and Coordination Staff, Room 1127, Auditors Building, 1400 Independence Avenue, S.W., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service; (202) 447–8262.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore, the Executive Order does not apply to this action.

The May 11, 1981, issue of the **Federal Register** (46 FR 25329) contained a notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to perform official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the area currently serviced by the Illinois Department of Agriculture (Illinois), Springfield, Illinois. Applications were to be postmarked by May 21, 1981. Eleven applicants requested to be designated as an official agency in all or a portion of the geographic area currently serviced by Illinois.

The following persons who are proposing to establish a new official agency have applied for designation:

James W. Barton, a licensed inspector with the Illinois Department of Agriculture, Marion, Illinois;
Holger Danielson, Division Director of the Missouri Department of Agriculture, Jefferson City, Missouri;
Charles L. Harl, a licensed inspector with the Illinois Department of Agriculture, Mt. Vernon, Illinois; and
Howard K. Saylor, a licensed inspector with the Missouri Department of Agriculture, St. Louis, Missouri.

The following existing official agenceis have applied for designation (If designated, this action would result in an amendment to their presently assigned geographic area in accordance with § 800.207 of the regulations under the Act.):

Alton Grain Inspection Department, Alton, Illinois, Owner and Chief Inspector: Thomas P. Russell;
Cairo Grain Inspection Agency, Cairo, Illinois, Owner and Chief Inspector: Robert P. Fronabarger;
Champaign-Danville Grain Inspection Departments, Inc., Danville, Illinois, Sole Stockholders and Chief Inspectors: Charles Cratz and Thomas King;
Eastern Iowa Grain Inspection and Weighing Service, Inc., Blue Grass, Iowa, President and Chief Inspector: Joseph L. Slater;
Evansville Grain Inspection, Evansville, Indiana, Owner and Chief Inspector: James Goodge, Sr.;
Paris Illinois Grain Inspection, Paris, Illinois, Owner and Chief Inspector: Robert R. Beals; and
Quincy Grain Inspection and Weighing Service, Quincy, Illinois, Owner and Chief Inspector: Anthony L. Marquardt.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants. All comments must be submitted to the Issuance and Coordination Staff, specified in the address section of this notice, and postmarked not later than June 26, 1981.

The Administrator of FGIS has determined that a 15-day comment period would not impose any undue obligations on others and, under the circumstances, provides a sufficient period of time for comments while expediting the designation process.

Consideration will be given to all comments filed and to all other information available to the Administrator of FGIS before a final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register** and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, DC on: June 5, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81–17283 Filed 6–10–81; 8:45 am]

BILLING CODE 3410–02–M

CIVIL RIGHTS COMMISSION

Nebraska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska Advisory Committee to the Commission will convene at 10 a.m. and will end at 12 p.m., on June 30, 1981, at the Wesley House, 2001 North 35th Street, Omaha, Nebraska. The purpose of this meeting is the discussion and progress report on Omaha Police Community Relations Study.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Shirley M. Marsh, 2701 South 34th Street, Lincoln, Nebraska 68509, or the Central States Regional Office, Old Federal Office Building, Room 3130, 911 Walnut Street, Kansas City, Missouri, 64106, (816) 374–5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 5, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–17291 Filed 6–10–81; 8:45 am]

BILLING CODE 6335–01–M

Texas Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Texas Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 2:00 p.m., on June 26, 1981, at the Southwestern Regional Office, 418 South Main, San Antonio, Texas 78204. The purpose of this meeting is for the Southwest Texas Subcommittee to discuss current program activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Denzer Burke, 1421 Pine Street, Texarkana, Texas 75501, (214) 749–8222 or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas 78204, (512) 229–5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Committee.

Dated at Washington, D.C., June 8, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-17290 Filed 6-10-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Ceramic Wall Tile From the United Kingdom; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On March 20, 1981, the Department of Commerce published the preliminary results of its administrative review and its tentative determination to revoke the antidumping finding on ceramic wall tile from the United Kingdom. The review covered the only known exporter, H & R Johnson, Ltd., and the period December 1, 1975 through December 31, 1979. Interested parties were provided an opportunity to submit written comments or request disclosure and/or a hearing. Oral comments were made by the petitioner during the course of a disclosure meeting. The Department made no adjustments to its calculations as a result of these comments.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3986).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 18, 1971, a dumping finding with respect to ceramic wall tile from the United Kingdom was published in the **Federal Register** as Treasury Decision 71–129 (36 FR 9009–10). On June 26, 1974, the Department of the Treasury published in the **Federal Register** a notice excluding Pilkington's Tiles Sales, Ltd. from the scope of the finding (39 FR 20786). On March 20, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review and its tentative determination to revoke the finding (46 FR 17820–21).

The Department has now completed its administrative review of the finding.

Scope of the Review

Merchandise covered by this review is glazed ceramic wall tile, currently classifiable under item 532.2400 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one exporter of ceramic wall tile from the United Kingdom to the United States still covered by the finding. That firm is H & R Johnson, Ltd. The review covers the period December 1, 1975 through December 31, 1979.

Final Results of the Review

The Department received a request from the petitioner for a disclosure meeting, which was held on April 20, 1981. During disclosure, the petitioner requested the right to comment before final revocation by the Department. The Department has agreed. The petitioner made no other comments.

The preliminary results of our review indicated that all sales by H & R Johnson, Ltd., with the exception of several isolated sales on which *de minimis* margins were found, were made at not less than fair value for the period December 1, 1975 through December 31, 1979. The final results of our review are the same as these preliminary results. The Department will issue appraisement instructions directly to the Customs Service.

The Department intends to conduct an additional administrative review covering the period January 1, 1980 through March 20, 1981. Upon completion of that review, the Department will decide whether or not to revoke the finding on ceramic wall tile from the United Kingdom. The results of that review and decision will be published in a subsequent notice.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit of 0 (zero) percent shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present review. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

June 5, 1981.

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

June 5, 1981.

[FR Doc. 81-17241 Filed 6-10-81; 8:45 am]

BILLING COD 3510-25-M

Pig Iron From Canada; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from Canada. The review covers the three known shippers of this merchandise to the United States presently under the finding and separate time periods for each shipper up to June 30, 1980. The review indicates the existence of dumping margins in particular periods for one of the three shippers.

As a result of the review the Department has preliminarly determined to assess dumping duties for that shipper equal to the calculated differences between United States price and foreign market value on each of its shipments during the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Betsy E. Stillman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4833).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 24, 1971, a dumping finding with respect to pig iron from Canada

was published in the **Federal Register** as Treasury Decision 71–193 (36 FR 13780). On May 12, 1975, Treasury Decision 75–107 was published in the **Federal Register** excluding shipments made by Quebec Iron and Titanium ("QIT") from the scope of the finding (40 FR 20617). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on pig iron from Canada. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of three firms engaged in the manufacture or shipment of pig iron to the United States and presently covered by the finding. This review covers all three firms for all time periods up to June 30, 1980 during which these companies shipped pig iron to the United States and for which appraisement instructions ("master lists") have not been issued. For this reason, different time periods are involved for different companies. The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued master lists, is under review. Liquidation has been suspended pending disposition of the issue.

United States Price

In calculating United States price the Department used purchase price or exporter's sales price, as defined in section 772 of the Tariff Act or section 203 or 204 of the 1921 Act, as appropriate. Except in the case of one company, Abex Industries, Ltd. ("Abex"), purchase price was based on the price to an unrelated purchaser in the United States. For Abex, because sufficient company records no longer exist, we used the best information available for its two entries of 120 tons. Exporter's sales price was based on the price to the first unrelated purchaser in the United States. Where applicable, deductions were made for U.S. duty, lake freight, U.S. inland freight, loading charges, commissions to unrelated parties, and selling expenses. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price or the price to purchasers in third countries (Japan) when sufficient sales did not exist in the home market, both as defined in section 773 of the Tariff Act or sections 205 or 206 of the 1921 Act. The foreign market values were adjusted, where applicable, for discounts and commissions paid to unrelated parties. Finally, we allowed as an offset selling expenses up to the amount of U.S. commissions paid to unrelated parties, in accordance with section 353.15 of the Commerce Regulations and § 153.10 of the Customs Regulations. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value we preliminarily determine that the following margins exist:

Shipper	Time period	Margin (percent)
Abex Industries, Ltd.	9/1/74–12/31/74	0
	1/1/75–6/30/80	[1] 0
Algoma Steel Corp. Ltd.	5/1/77–6/30/80	0
	8/71 (one entry)	0
Dofasco Inc.	1/1/74–12/9/76	0
	12/10/76–12/31/77	3.9
	7/1/78–4/30/79	3.1
	5/1/78–6/30/80	2.7

[1] No shipments during period.

Interested parties may submit written comments on these preliminary results on or before July 13, 1981 and may request disclosure and/or a hearing on or before June 26, 1981. Any request for an administrative protective order must be made no later than June 16, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates or export dates, as appropriate, during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each shipper directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of pig iron entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

June 5, 1981.

[FR Doc. 81–17242 Filed 6–10–81; 8:45 am]

BILLING CODE 3510–25–M

Potassium Chloride, Otherwise Known as Muriate of Potash, From Canada; Revocation of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of revocation of antidumping finding.

SUMMARY: The U.S. International Trade Commission published in the **Federal Register** of April 15, 1981 its determination that "an industry in the United States would not be materially injured, nor threatened with material injury, by reason of imports of potassium chloride from Canada covered by the antidumping order if the order were to be modified or revoked."

As a result, the Department of Commerce is revoking the finding of dumping applicable to potassium chloride, otherwise known as muriate of potash, from Canada.

EFFECTIVE DATE: April 15, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202–377–2496).

SUPPLEMENTARY INFORMATION:

Procedural Background:

On December 19, 1969, a dumping finding with respect to potassium chloride, otherwise known as muriate of potash, from Canada was published in the **Fedeal Register** as Treasury Decision 69–265 (34 FR 19904). Imports

covered by this finding are shipments of potassium chloride, currently classifiable under item number 480.5000 of the Tariff Schedules of the United States Annotated (TSUSA). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings.

On December 11, 1980, the U.S. International Trade Commission (ITC), at the request of Texasgulf, Inc., instituted an investigation on potassium chloride from Canada under section 751(b) of the Tariff Act. As a result of its investigation, the ITC determined that an industry in the United States would not be materially injured, nor threatened with material injury, by reason of imports of potassium chloride from Canada covered by the antidumping order (finding) if the order were to be modified or revoked. The ITC published its determination in the Federal Register on April 15, 1981 (46 FR 22083–87).

Revocation of Finding

The Department of Commerce, as administering authority, revokes the antidumping finding for all exports of potassium chloride, otherwise known as muriate of potash, from Canada. This revocation applies to all entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after April 15, 1981. The Department will instruct Custom officers to proceed with liquidation of this merchandise without regard to antidumping duties.

Unappraised entries of potassium chloride from Canada, made prior to April 15, 1981 and covered by the finding remain unaffected by this notice, and continue to be subject to appraisement under the antidumping finding. As required by section 751 of the Tariff Act, the Department is currently conducting its administrative review of the finding on potassium chloride from Canada. The results of this review, which covers varying time periods through November 30, 1980, will be published in a subsequent notice. In addition, the Department will conduct an administrative review of shipments of potassium chloride from Canada to the United States from December 1, 1980 through April 15, 1981, the effective date of the revocation. These results will also be published in a subsequent notice.

We are discontinuing the practice of updating the table in Annex I to Part 353 of the Commerce Regulations. Instead, interested parties may contact the Director of the Office of Compliance, International Trade Administration, for copies of the updated list of antidumping findings and orders.

This revocation is in accordance with section 751(c) of the Tariff Act (19 U.S.C. 1675).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary For Import Administration.

June 4, 1981.

[FR Doc. 81-17243 Filed 6-10-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

June 4, 1981.

This announcement under Federal Assistance Catalogue Number 11.800 is to solicit applications for a Native American Portfolio Consultant Services Program in the Minority Business Development Agency, Dallas Region which includes the States of Montana, North Dakota, South Dakota, Wyoming, and Utah. The Project will operate at a cost not to exceed $282,300 under Project I.D. Number 08–10–80025–01. Executive Order 11625 authorizes the Minority Business Development Agency (MBDA), formerly the Office of Minority Business Enterprise, to fund projects which will provide technical and management assistance to minority business enterprise. This proposed project is specifically designed to provide an intensive management and technical assistance in a portfolio manner to an identified minimum number of Native American businesses in the five northern States of Montana, North Dakota, South Dakota, Utah and Wyoming.

This project or program is *not* subject to OMB Circular A–95 for the project notification and review system.

Program Description

The basic mission of the Native American Portfolio Consultant Service Program is to provide management consulting services to Native American clients. The purpose of those services is to improve the operation of existing business or to increase the chances for success of proposed ventures. Towards that end, the recipient shall:

1. Assist clients in the development of their individual business plans. A business plan is required to be on file for each client as follows:

- Each plan should include as a minimum, the objectives of the assistance to be provided.
- A description of the business and its operations.
- Identification of the needs, issues and problems of the business and the entrepreneur, how these needs will be met and those issues and problems resolved.
- An analysis of the financial situation of the business with an indication of how its financial needs will be met.
- An analysis of the firm's marketing position and, if indicated, the strategy to improve it.
- A schedule of activities to be undertaken to meet the assistance and business objectives based on the priority assigned to those objectives.
- The financial element of the plan should attempt to reduce debt financing.
- The marketing elements should target beyond the minority community and the domestic buyer.

2. Use the business plan as a dynamic document subject to perodic modification which shall serve as the basis for continuing, in-depth services to the client.

3. Use, in providing assistance to a client, resources beyond those available in house. These may include:

- Other MBDA funded activities.
- Suppliers of business products and/or services.
- Other experts, both paid and voluntary.

4. Assist the client, when the client agrees that every avenue of assistance has been exhausted and there is no chance of restructuring or salvage, in an orderly dissolution of the business in order to protect the integrity and credit of the client.

5. Provide for minority construction contractor's assistance in preparation of cost, schedule and contingency analysis for bid proposals, job planning and control, and in the development of union agreements. This includes assistance in the analysis and interpretation of specifications and plans.

6. Maintain information about business opportunities, alternative sources of business assistance, education and training opportunities, and requirements for doing business in a given geographic area, i.e., registration, licenses, taxes, etc., for the benefit of all applicants.

7. Inform clients that financial and business information may be reviewed

by Regional MBDA program staff for the purposes of collecting minority data and validation of services. Otherwise client information will be held in confidence.

8. Direct the client to sources of information, assistance, and training and encourage him/her to take advantage of them. It is critical that the client firm have or develop the management capacity to implement the business plan, therefore, concentration on management development is essential.

9. Develop and utilize a system to identify potential clients: use techniques that will reach the maximum number of Native American businesspersons and Native American persons who aspire to business ownership.

10. Assist minority clients to take advantage of the opportunities available under P.L. 95–507.

11. Assure that suitable portfolio clients are registered with the National Minority Data Bank, through the Office of Policy and Market Development, Minority Business Development Agency, U.S. Department of Commerce, Washington, D.C. 20230.

12. Support ongoing and special initiatives sponsored by MBDA. The performance activities associated with these initiatives will be evaluated in the same manner as performance of other items specified in the scope of work. The principal source of direction for these activities will be the designated Regional MBDA Project Officers. Activities which require additional effort on the part of the recipient are subject to negotiation with the Project Administrator.

Eligibility Requirements

Any for-profit or non-profit institution is eligible to submit an application. If an award is made, continuation of awards of up to two additional years may be made to the successful recipient without competition, provided that: (1) Funds have been appropriated for a project of this kind, (2) MBDA has determined that such funds are available, (3) there is a continuing need for a project of this kind, and (4) the recipient has performed satisfactorily.

Application Procedure

An application kit is available by written request to the following address: Mr. Richard L. Greene, Grant/Cooperative Agreement Specialist, Department of Commerce/MBDA, 1100 Commerce Street, Room 7B19, Dallas, Texas 75242.

The closing date for submiting an application is Close of Business, July 17, 1981. Applications received after this date will not be considered for funding.

Expected date of award for this grant is September 1, 1981.

Ruben Porras,

Deputy Regional Director.

[FR Doc. 81-17287 Filed 6-10-81; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Sea Grant Review Panel; Meeting

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. The purpose of the meeting is to discuss the current posture and future outlook of the Sea Grant Program. A joint discussion will be held with the Sea Grant Directors on the second day to duscuss potential changes impacting the operational strategy, legislation, administrative, and fiscal changes, as well as future role of the Review Panel.

DATE: The announced meeting is scheduled for two days, July 21 and 22, 1981 as follows: July 21, 1981 2:00–5:00 p.m.; July 22, 1981 9:00–5:00 p.m.

ADDRESS: The meeting will be held at: Washington Marriott Hotel, 1221 22nd Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur G. Alexiou, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852, (301) 443–8894.

SUPPLEMENTARY INFORMATION: The Panel, which consists of balanced representation from academia, industry, state government, and citizens groups, was established in accordance with the Sea Grant Program Improvement Act of 1976, Public Law 94–461. This Act, signed into law on October 8, 1976, requires the Secretary of Commerce to establish and maintain a Sea Grant Review Panel to advise the Secretary, the Administrator of NOAA, and the Director of the Program on the conduct of this program.

The agenda for the meeting is:

Tuesday, July 21, 1981

2:00–5:00 p.m.—Discussion of current posture and nature of problems facing the Sea Grant Program

Wednesday, July 22, 1981

9:00–12:00 noon—Discussion with Sea Grant Directors on: Restructuring of Sea Grant Program; Legislation changes; Administrative changes; Fiscal changes

2:00–5:00 p.m.—Future Role of the Review Panel

The meeting will be open to the public.

Dated: June 5, 1981.

Francis J. Balint,

Acting Director, Office of Information and Management Services.

[FR Doc. 81-17280 Filed 6-10-81; 8:45 am]

BILLING CODE 3510-12-M

COMMODITY FUTURES TRADING COMMISSION

Terms and Conditions of the Proposed Corporate Bonds Futures Contract of the New York Futures Exchange, Inc.

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rules.

SUMMARY: The New York Futures Exchange ("NYFE") has applied for designation as a contract market in 25-Year Corporate Bonds. The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of this proposed futures contract are of major economic significance and that, accordingly, publication of the proposed terms and conditions is in the public interest, will assist the Commission in considering the views of interested persons and is consistent with the purposes of the Commodity Exchange Act, as amended.

DATE: Comments must be received on or before August 10, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to NYFE 25-Year Corporate Bond futures contract.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–8955; or Ronald Hobson, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–7303.

SUPPLEMENTARY INFORMATION: The terms and conditions of NYFE's proposed 25-Year Corporate Bond futures contract are as follows:

25-Year Corporate Bond Futures Contract

Scope of Chapter

Rule 1200 This chapter governs transactions involving contracts for the future delivery of 25-year corporate bonds issued by certain United States corporations ("25-Year Corporate Bond Futures Contracts"). The 25-Year Corporate Bond Futures Contract and all trading therein shall be subject to the Rules contained in this chapter, the Rules of the Exchange and the Rules of the Clearing Corporation.

Obligation of Parties to Contract

Rule 1201 The seller under any 25-Year Corporate Bond Futures Contract agrees to sell and deliver to the purchaser, and the purchaser agrees to buy and receive from the seller, the delivery unit specified in these Rules in the delivery month and for the price agreed upon at the time the contract is transacted, in accordance with the Rules of the Exchange and the Rules of the Clearing Corporation. The standard grade for delivery under the 25-Year Corporate Bond Futures Contract shall be bonds (including debentures and other general obligation long-term debt instruments, but not including any bonds secured by liens, mortgages, or security interests on real or personal property) that:

(1) are issued by American Telephone and Telegraph Company, a New York corporation ("AT&T"), or any Eligible Subsidiary. The term "Eligible Subsidiary" shall mean a corporation, at least 51 percent of whose outstanding shares of stock of every class is owned by AT&T, which is organized under the laws of one of the 48 states of the continental United States and doing business in at least one such state or the District of Columbia, and engaged primarily in the business of furnishing communication services and local and toll telephone services;

(2) are of an issue of securities which: (a) on delivery day are registered under the Securities Exchange Act of 1934, and are rated AAA by Standard & Poor's Corporation and Aaa by Moody's Investor Services, Inc., and (b) had an aggregate principal amount of not less than $20 million when issued;

(3) have not less than 25 years to maturity on the first calendar day of the delivery month; and

(4) are not callable for at least two years after the first calendar day of the delivery month or, if callable sooner, have a market value on the first calendar day of the delivery month of 90 percent or less of face value. For the purposes of this chapter, the term "market value" shall mean the amount which is derived by discounting the total coupon payments remaining on the bond to maturity plus the principal value of the bond at maturity by the settlement yield.

(b) The settlement yield of a delivery unit on delivery day shall be a yield derived from the settlement price of the contract on the day the delivery notice is issued with respect to such contract on a yield-to-maturity basis and shall assume 25 years to maturity and an annual interest rate of 10 percent paid semi-annually.

Delivery Unit

Rule 1203 The delivery unit for 25–Year Corporate Bond Futures Contracts shall be bonds of the same issue having an appregate face value at maturity of $100,000.

Months Traded

Rule 1204 Trading in 25–Year Corporate Bond Futures Contracts shall be conducted for delivery in February, May, August and November and shall at all times be conducted in eight delivery months. Trading in a new delivery month shall be initiated at the opening of trading on the first Exchange business day following the last trading day for any delivery month.

Price Basis

Rule 1205 The price shall be quoted as a figure which is based upon the assumption that the par value of a delivery unit equals 100 points. Minimum price fluctuations shall be in amounts of 1/32 of a point. The dollar value of 1/32 of a point shall be $31.25.

Limits on Daily Price Changes

Rule 1206 (a) Except as provided in paragraphs (b) and (c) of this Rule, there shall be no trading at a price more than $^{9}6/_{32}$, or its equivalent, above or below the preceding day's settlement price for contracts in the same delivery month (the "normal daily price limit").

(b) Notwithstanding paragraph (a) of this Rule, whenever on two successive days any delivery month closes at the normal daily price limit in the same direction (not necessarily the same delivery month on both days), an expanded daily price limit schedule shall go into effect for all delivery months as follows:

(1) The third day's daily price limit shall be 150 percent of the normal daily price limit.

(2) If any delivery month closes at its expanded daily price limit on the third day in the same direction, then the fourth day's expanded daily price limit for all delivery months shall be 200 percent of the normal daily price limit.

(3) If any delivery month closes at its expended daily price limit on the fourth day in the same direction, then there shall be no daily price limit on the fifth day. The normal daily price limit will be reinstated on the sixth day.

(4) Whenever any of the foregoing expanded daily price limits is in effect and no delivery month closes at the expanded daily price limit in the same direction which initiated or maintained the expanded daily price limit, then normal daily price limit shall be reinstated on the following day.

(c) Notwithstanding paragraph (a) of this Rule, there shall be no limit on daily contract price changes for any current delivery month on and after the first Exchange business day of that delivery month.

Position Limits

Rule 1207 The Board from time to time may set limits on the maximum long or short position in any one delivery month or in all delivery months combined which any individual or organization acting alone or in concert with any other person may hold or control in 25-Year Corporate Bond Futures Contracts at the end of any business day.

Reportable Positions

Rule 1208 The Board from time to time may set the number of contracts, long or short, in any one delivery month or in all delivery months combined which shall be a reportable position for 25-Year Corporate Bond Futures Contracts in any account. Every member and member organization shall report each and every reportable position to the Exchange at such times and in such form and manner as shall be prescribed by the Exchange.

Hours of Trading

Rule 1209 The hours of futures trading in 25-Year Corporate Bond Futures Contracts shall be from 9:00 a.m. to 4:00 p.m. New York time on all Exchange business days, except that on the last trading day in any delivery month, trading in contracts for delivery in such month shall terminate at 11:00 a.m. New York time.

Last Trading Day

Rule 1210 No trades in 25-Year Corporate Bond Futures Contracts deliverable in the current delivery month shall be made after the close of trading on the last notice day of that delivery month.

Delivery Under Futures Contracts

Rule 1211 (a) All deliveries under 25-Year Corporate Bond Futures Contracts shall be made through the Clearing Corporation, in accordance with the Rules of the Exchange and the Clearing Corporation.

(b) For purposes of this chapter, the following terms shall have the meanings indicated, unless the context otherwise requires:

(1) The term "first notice day" shall mean the first day on which a delivery notice may be issued to the Clearing Corporation and, with respect to any delivery month, shall be the twentieth day of such delivery month or, if such day is not an Exchange business day, the first Exchange business day thereafter.

(2) The term "last notice day" shall mean the last day on which a delivery notice may be issued to the Clearing Corporation and, with respect to any delivery month, shall be the fifth Exchange business day after the first notice day of such delivery month.

(3) The term "delivery day" shall mean the day on which a 25-Year Corporate Bond Futures Contract is to be settled by delivery and payment in accordance with these Rules and shall be the fifth Exchange business day after the day on which a delivery notice is issued with respect to such Contract.

(4) The term "first delivery day" shall mean the first day on which a 25-Year Corporate Bond Futures Contract may be settled by delivery and, with respect to any delivery month, shall be the fifth Exchange business day after the first notice day.

(5) The term "last delivery day" shall mean the last day on which a 25-Year Corporate Bond Futures Contract may be settled by delivery and, with respect to any delivery month, shall be the fifth Exchange business day after the last notice day of such delivery month.

(6) The term "notice period" shall mean the time period in any current delivery month of a 25-Year Corporate Bond Futures Contract between the first notice day and the last notice day, both inclusive.

(7) the term "delivery notice" shall mean a notice, on a form prescribed by the Clearing Corporation, issued to the Clearing Corporation by clearing members who are, or who carry accounts for others who are, holding short positions in 25-Year Corporate Bond Futures Contracts that are to be settled by delivery.

(8) The term "receive notice" shall mean a notice, on a form prescribed by the Clearing Corporation, issued to the Clearing Corporation by clearing members who are, or who carry accounts for others who are, holding long positions in 25-Year Corporate Bond Futures Contracts that are to be settled by delivery.

(c) Any clearing member which has, or carries accounts for others which have, an open short position in 25-Year Corporate Bond Futures Contracts on any day during the notice period may issue a delivery notice with respect to each such open position not later than 5:00 p.m. on any Exchange business day during the notice period and shall issue a delivery notice with respect to any such open position held at the close of trading on the last notice day not later than 12:00 p.m. on the last notice day.

(d) The Clearing Corporation shall allocate the delivery notices received on each day during the notice period among clearing members which have, or which carry accounts for others which have, open long positions in 25-Year Corporate Bond Futures Contracts at the close of trading on such day.

(e) The Clearing Corporation shall issue delivery instructions to clearing members which have been allocated delivery notices pursuant to paragraph (d) of this Rule before 9:00 a.m. on the first Exchange business day after delivery notices are received, except that with respect to delivery notices received on the last notice day, such instructions shall be issued before 12:00 p.m. on the first Exchange business day after last notice day. The delivery instructions shall include: a full description of the bonds to be delivered; the amount of money to be paid by the clearing member; the delivery day; and such other information as the Clearing Corporation may consider necessary or appropriate to effect settlement by delivery.

(f) Any clearing member which receives delivery instructions pursuant to paragraph (e) of this Rule shall issue a receive notice before 1:00 p.m. on the day such delivery instructions are issued to such clearing member.

(g) The Clearing Corporation shall issue delivery instructions to clearing members which have issued delivery notices pursuant to paragraph (c) of this Rule before 4:00 p.m. on the first Exchange business day after such delivery notices are received, except that with respect to delivery notices received on the last notice day, such instructions shall be issued before 1:00 p.m. on the first Exchange business day after last notice day. The delivery instructions shall include: the amount of money to be paid to such clearing member; the delivery day; and such other information as the Clearing Corporation may consider necessary or appropriate to effect settlement by delivery.

(h)(1) The amount to be paid for a delivery unit by clearing members who have, or who carry accounts for others who have, open long positions shall equal the price of the bond or bonds delivered, as hereinafter defined, plus accrued interest. Any such clearing member shall make payment not later than 2:00 p.m. on delivery day and shall take such actions and execute and deliver such documents as may be required to take delivery in accordance with delivery instructions received pursuant to paragraph (e) of this rule.

(2) The price of the bond or bonds shall be determined as follows:

(a) If the annual interest rate payable on any bond is less than or equal to the settlement yield, then such bond shall be priced on a yield-to-maturity basis in accordance with the following formula:

$$\text{Bond Price} = \sum_{t=1}^{n} \frac{I_t}{(1+SY)^t} + \frac{1000}{(1+SY)^n}$$

where:

n = the number of semi-annual interest payments remaining until the bond matures

I_t = the semi-annual interest payment in time t

SY = the settlement yield

(b) If the annual interest rate payable on any bond exceeds the settlement yield, then such bond shall be priced on a yield-to-first-call basis in accordance with the following formula:

$$\text{Bond Price} = \sum_{t=1}^{n} \frac{I_t}{(1+SY)^t} + \frac{CP}{(1+SY)^n}$$

where:

n = the number of semi-annual interest payments remaining until the first call date on the bond

SY = the settlement yield

I_t = the semi-annual interest payment in time t

CP = the initial call price

(i) Clearing members who have, or who carry accounts for others who have, open short positions with respect to which delivery notices have been issued shall deliver the delivery unit not later than 1:00 p.m. on delivery day and shall take such actions and execute and deliver such documents as may be required to make delivery in accordance with delivery instructions received pursuant to paragraph (g) of this rule.

Copy of Delivery Notice to Commission

Rule 1212 Every clearing member shall furnish promptly to the Commission a copy of each delivery notice issued by such member in conjunction with the delivery of bonds under a 25-year Corporate Bond Futures Contract.

Costs of Delivery

Rule 1213 Except as may otherwise be agreed by the parties, all costs incurred in connection with deliveries under the 25-Year Corporate Bond Futures Contract shall be borne by the clearing member making delivery of bonds.

Delinquency in Performance

Rule 1214 If a clearing member fails to perform any acts required by this chapter or fails to deliver or accept delivery as required under Clearing Corporation Rules 502 and 503, respectively, the clearing member will be subject to disciplinary action, and the Exchange may assess such clearing member for the expenses associated therewith.

* * * * *

Other materials submitted by NYFE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by NYFE in support of its application for contract market designation, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by August 10, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on June 5, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81–17295 Filed 6–10–81; 8:45 am]

BILLING CODE 6351–01–M

Terms and Conditions of the Proposed New York Stock Exchange Equity Indexes Futures Contracts of the New York Futures Exchange, Inc.

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rules.

SUMMARY: The New York Futures Exchange ("NYFE") has applied for designation as a contract market in four New York Stock Exchange Equity Indexes. The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of these proposed futures contracts are of major economic significance and that, accordingly, publication of the proposed terms and conditions is in the public interest, will assist the Commission in considering the views of interested persons and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before August 10, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to NYFE's Application for NYSE Equity Indexes Futures Contracts.

FOR FUTURE INFORMATION CONTACT: Linda Kurjan, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–8955; or Ronald Hobson, Division of Economics and Education, 2033 K Street NW., Washington, D.C. 20851, (202) 254–7303.

SUPPLEMENTARY INFORMATION: The terms and conditions of NYFE's proposed New York Stock Exchange Equity Indexes futures contract are as follows:

NYSE Equity Index Futures Contracts

Scope of Chapter

Rule 1100 This chapter governs transactions involving contracts for the future delivery of the value of the New York Stock Exchange Composite Index, the New York Stock Exchange Transportation Index, the New York Stock Exchange Utility Index and the New York Stock Exchange Financial Index (each of the foregoing Indexes shall be referred to as an "NYSE Equity Index"). The term "NYSE Equity Index Futures Contract" shall mean a contract for the future delivery of any such NYSE Equity Index. Each NYSE Equity Index Futures Contract, regardless of the NYSE Equity Index underlying such contract, and all trading therein shall be subject to the rules contained in this chapter, the Rules of the Exchange and the Rules of the Clearing Corporation.

Obligations of Parties to Contract

Rule 1101 The seller under any NYSE Equity Index Futures Contract agrees to deliver to the purchaser, and the purchaser agrees to receive from the seller, $2000 times the NYSE Equity Index underlying such contract in accordance with the Rules of the Exchange and the Rules of the Clearing Corporation.

Months Traded

Rule 1102 (a) Trading in each NYSE Equity Index Futures Contract shall be conducted for delivery in the following months:

(1) The current calendar month and the two calendar months following the current month (the "spot months"); and

(2) March, June, September and December (the "cycle months") beginning with the first cycle month following the last spot month.

(b) Trading shall at all times be conducted in ten delivery months. Trading in a new delivery month shall be initiated at the opening of trading on the first Exchange business day following the last trading day for any delivery month.

Price Basis

Rule 1103 Prices shall be quoted as figures which are the NYSE Equity Indexes underlying the contracts to the nearest one–hundredth. Minimum price fluctuations shall be .01 and shall be known as one basis point. The dollar value of one basis point shall be $20.

Limits on Daily Price Changes

Rule 1104 With respect to each NYSE Equity Index Futures Contract market and the futures contracts traded therein:

(a) Except as provided in paragraphs (b) and (c) of this Rule, there shall be no trading at a price more than 100 basis points above or below the preceding day's settlement price for contracts in the same delivery month (the "normal daily price limit").

(b) Notwithstanding paragraph (a) of this Rule, whenever on two successive days any delivery month closes at the normal daily price limit in the same direction (not necessarily the same delivery month on both days), an expanded daily price limit schedule shall go into effect for all delivery months as follows:

(i) The third day's daily price limit for all delivery months shall be 150% of the normal daily price limit.

(ii) If any delivery month closes at its expanded daily price limit on the third day in the same direction, then the fourth day's expanded daily price limit for all delivery months shall be 200% of the normal daily price limit.

(iii) If any delivery month closes at its expanded daily price limit on the fourth day in the same direction, then there shall be no daily price limit for any delivery month on the fifth day. The normal daily price limit will be reinstated on the sixth day.

(iv) Whenever any of the foregoing expanded daily price limits is in effect and no delivery month closes at the expanded daily price limit in the same direction which initiated or maintained the expanded daily price limit, then the normal daily price limit shall be reinstated on the following day.

(c) Notwithstanding paragraph (a) of this Rule, there shall be no limit on daily contract price changes for any NYSE Equity Index Futures Contract which must be settled in any current delivery month on and after the first Exchange business day of that delivery month.

Position Limits

Rule 1105 The Board from time to time may set limits on the maximum long or short position in any one delivery month or in all delivery months combined which any person acting alone or in concert with other persons may hold or control in any or all NYSE Equity Index Futures Contracts at the end of any business day.

Reportable Positions

Rule 1106 The Board from time to time may set the number of contracts, long or short, in any one delivery month or in all delivery months combined that shall be a reportable position for any or all NYSE Equity Index Futures Contracts in any account. Every member and member organization shall report each and every reportable position to the Exchange at such times and in such form and manner as shall be prescribed by the Exchange.

Hours of Trading

Rule 1107 The hours of futures trading in all NYSE Equity Index Futures Contracts shall be from 10:00 a.m. to 4:00 p.m., New York time, on all Exchange business days, including the last trading day.

Last Trading Day

Rule 1108 No trades in any NYSE Equity Index Futures Contract which must be settled in any current delivery month shall be made after the close of trading on the Exchange business day before the last Exchange business day of that delivery month ("last trading day").

Settlement Of Futures Contracts

Rule 1109 (a) All settlements must be made through the Clearing Corporation.

(b) Final settlement under each NYSE Equity Index Futures Contract for any delivery month shall be made on the last Exchange business day of that delivery month ("final settlement day") and shall be made in the same manner and in accordance with the same procedures that payment of variation margin is made, except that on any final settlement day payments shall be made to the Clearing Corporation before 1:00 p.m. New York time and by the Clearing Corporation before 2:00 p.m. New York time.

(c) The amount to be paid in final settlement of each NYSE Equity Index Futures Contract shall be determined by multiplying $20.00 times the basis point difference between the settlement price of the previous trading day for such contract and the NYSE Equity Index underlying such contract as of the close of business on the last trading day of either the Exchange or the New York Stock Exchange, Inc., whichever comes later.

Delinquency in Performance

Rule 1110 If a clearing member fails to perform any acts required by this chapter or by the Clearing Corporation, the clearing member will be subject to disciplinary action, and the Exchange may assess such clearing member for the expenses associated therewith.

* * * * *

Other materials submitted by NYFE in support of its application for contract market designations may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by NYFE in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by August 10, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on June 5, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-17298 Filed 6-10-81; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 81-C0007]

Century Products, Inc.; Provisional Acceptance of a Consent Order Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a consent order agreement under the Consumer Product Safety Act.

SUMMARY: Under requirements of 16 CFR 118.20, the Commission must publish in the **Federal Register** consent agreements which it provisionally accepts under the Consumer Product Safety Act. Published below is a provisionally-accepted Consent Order Agreement with Century Products, Inc.

DATES: Any interested person may ask the commission not to accept this agreement by filing a written request with the Office of the Secretary by June 26, 1981.

ADDRESS: Persons who wish to comment on this Agreement should send written comments to the Office of the Secretary, Consumer Product Safety Commission, 1111–18th St., NW, Washington, DC 20207.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Ronald Yelenik, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492–6626.

SUPPLEMENTARY INFORMATION: Set forth below.

Dated: June 8, 1981.

Sheldon D. Butts,

Deputy Secretary, Consumer Product Safety Commission.

Century Products, Inc., a Corporation. CPSC Docket No. 81–C0007.

Consent Order Agreement

This agreement is made by and between Century Products, Inc., a corporation (hereinafter, "Century Products" or "Respondent") and the staff of the Consumer Product Safety Commission (hereinafter, the "Commission") pursuant to 16 CFR 1118.20, in settlement of a complaint for a civil penalty pursuant to 15 U.S.C.

2069, which alleges that Century Products knowingly failed to report immediately to the Commission a defect in the 747 Command High Chair, Model 16–430, which could create a substantial product hazard, as required by 15 U.S.C. 2064(b)(2), in violation of 15 U.S.C. 2068(a)(4). A copy of the Complaint is attached hereto and incorporated herein by reference.

Century Products and the staff of the Commission stipulate and agree:

1. The Consumer Product Safety Commission has jurisdiction over Century Products and the subject matter of this Consent Order Agreement pursuant to 15 U.S.C. 2051 *et seq.*

2. Century Products is a corporation organized and existing under the laws of the state of Ohio, with its principal place of business located in Cleveland, Ohio. Century Products is engaged in the manufacture and sale of furniture and accessories, including high chairs, for infants.

3. Century Products "manufactured" and "distributed in commerce" as these terms are defined in 15 U.S.C. 2052(a)(8), (11), and (12), respectively, the 747 Command High Chair, Model 16–430 (hereinafter, the "High Chair").

4. The High Chair was produced and distributed in commerce for sale to consumers for use in and around a permanent or temporary household or residence, a school, in recreation, or otherwise, and is therefore, a "consumer product" within the meaning of 15 U.S.C. 2052(a).

5. Between March 1974, and February 1975, Century Products manufactured and distributed in commerce approximately 650 High Chairs that the staff of the Commission alleged contained a defective metal support plate (upon which seat rested) which presented a "substantial product hazard" within the meaning of 15 U.S.C. 2064(b), as more fully set forth in the complaint.

6. In the complaint, the staff of the Commission has alleged that Century Products knowingly failed to inform the commission immediately of the defect upon having obtained information which reasonably supported the conclusion that the High Chair contained a defect which could create a "substantial product hazard," as required by 15 U.S.C. 2064(b)(2), in violation of 15 U.S.C. 2068(a)(4), for which a civil penalty may be issued pursuant to 15 U.S.C. 2069. The staff of the Commission seeks in the complaint a civil penalty against Century Products in the sum of $50,000.

7. Without admitting the existence of a substantial product hazard or a violation of any reporting requirements under 15 U.S.C. 2064(b), and solely for the purposes of settling the complaint, Century Products hereby agrees to execute the attached promissory note and upon final acceptance of this Consent Order Agreement by the Commission, to pay the sum of $25,000 in accordance with the terms set forth in such promissory note. The terms of the promissory note and the consequences of default under such note have been fully explained to Respondent.

9. Full compliance by Century Products with the terms of the promissory note and this Consent Order Agreement will result in final settlement of any and all claims by the Commission of any kind whatsoever against Century Products arising out of the alleged defect in the High Chair, which is the subject of this complaint.

10. Upon final acceptance by the Commission of this Consent Order Agreement, Century Products knowingly and voluntarily waives any and all rights to an administrative or judicial hearing, and to any and all procedural stages, including the right to judicial review or otherwise to challenge or contest the validity of this Consent Order Agreement and the Commission's Order.

11. Upon execution of this Consent Order Agreement by Century Products and the Commission Staff, and provisional acceptance by the Commission, as provided in 16 CFR 1118.20(d), pursuant to 16 CFR 1118.20(e), this Consent Order Agreement will be made a matter of public record in the Commission's Public Calendar, and in the **Federal Register** for a period of fifteen days. The Commission will then consider and act upon the Consent Order Agreement pursuant to 16 CFR 1118.20(f) and (g).

12. This Consent Order Agreement only becomes effective upon final acceptance by the Commission, and service upon the consenting party.

13. Upon final acceptance, the Commission will disclose the terms of this Consent Order Agreement to the Public and will make the Consent Order Agreement available for public viewing at the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street N.W., Washington, D.C. 20207.

Order

It is ordered that Century Products, Inc., in accordance with the terms of the attached promissory note, shall pay to the order of the United States Treasurer, the sum of twenty-five thousand dollars ($25,000) in full settlement of any and all claims of any kind whatsoever by the Consumer Product Safety Commission against Century Products arising out of an alleged defect in the 747 Command High Chair, Model 16–430, as more fully set forth in the complaint which accompanies the Consent Order Agreement executed by Century Products and the staff of the Commission on January 13, 1981.

Century Products, Inc., a corporation.

By Elmer Rocker,

President.

Ronald G. Yelenik,

Trial Attorny Counsel for the staff of the Consumer Product Safety Commission.

By direction of the Commission, this Consent Order Agreement is provisionally accepted pursuant to 16 CFR 1118.20(s) and shall be placed on the public record, and the Commission shall announce provisional acceptance of the Consent Order Agreement in the Commission's Public Calendar and in the **Federal Register.**

So ordered by the Commission, this day of , 1980.

Sadye E. Dunn,

Secretary.

In the matter of Century Products, Inc., a corporation; CPSC Docket No. Complaint.

Nature of Proceeding

1. This is an Adjudicative Proceeding under the Consumer Product Safety Commission's Rules of Practice for Adjudicative Proceedings, 45 Fed. Reg. 29215 (May 1, 1980) (to be codified in 16 CFR Part 1025), for the assessment of a civil penalty against Century Products, Inc. in the sum of fifty thousand dollars ($50,000) pursuant to Section 20 of the Consumer Product Act, as amended (hereinafter, the "CPSA"), 15 U.S.C. 2051, 2069.

Respondent

2. Respondent Century Products, Inc. (hereinafter, "Century Products") is a Ohio corporation with its principal corporate office at 2150 West 114th Street, Cleveland, Ohio 44102. Century Products is a manufacturer of furniture and accessories, including high chairs, for infants; and is, therefore, a "manufacturer" within the meaning of Section 3(a)(4) of the CPSA, 15 U.S.C. 2052(a)(4).

Consumer Product

3. Century Products "manufacturers" and "distributes in commerce," as these terms are defined in Sections 3(a)(8), (11), and (12) of the CPSA, 15 U.S.C. 2052(a)(8), (11) and (12), respectively, the "747 Command High Chair," Model 16–430 (hereinafter, the "High Chair").

4. The High Chair is produced and distributed for sale to consumers for use in or around a permanent or temporary household or residence, a school, in

recreation, or otherwise, and is, therefore, a "consumer product" within the meaning of Section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

Defect

5. On or after December 26, 1972, Century Products manufactured and distributed in commerce approximately 650 High Chairs, which contained defective seating assemblies.

6. The seat of the High Chair rests on a metal support plate which is welded to a tubular, metal pedestal. During normal use, the collar of the metal support plate develops fatigue cracks. When the remaining material of the support plate can no longer support the weight in the chair, the chair seat suddenly breaks from the tubular metal pedestal and falls to the floor, along with any infant or child seated in the chair.

7. The sudden, unexpected breaking of the chair seat from the pedestal can result and has resulted in personal injury to infants or children seated in the chair at the time of the breakage.

8. The potential for sudden and unexpected breaking of the chair seat from the pedestal exists in all of the approximately 650 high chairs, and creates a substantial risk of injury to the public.

Violation

9. On or before June 27, 1975, a consumer informed Century Products that the seat of her infant's High Chair had broken from the pedestal.

10. On or before March 26, 1976, a consumer informed Century Products that the pedestal of her infant's High Chair broke while the infant was seated in the chair.

11. On or before May 7, 1976, a consumer informed Century Products that the seat of her infant's High Chair had broken from the pedestal while the infant was seated in the High Chair and that her daughter had required medical attention because of her fall.

12. On or before June 1, 1976, a consumer informed Century Products that the seat of her grandson's High Chair had fallen while her grandson was seated in it.

13. On or before January 7, 1977, a consumer informed Century Products that the seat of his High Chair had broken from the pedestal while his son was seated in the High Chair.

14. On January 25, 1977, Century Products informed the Commission staff of the defect in the High Chairs.

15. The potential for sudden and unexpected breaking of the seating assembly of the High Chair, as set forth in paragaphs 5 through 8 of this Complaint, could create a "substantial product hazard" as the term is defined in Section 15(a)(2) of the CPSA, 15 U.S.C. 2064(a)(2).

16. By June 1, 19786, and thereafter, Century Products had obtained information which reasonably supports the conclusion that the High Chair contained a defect which created or could create a substantial product hazard.

17. Century Products, during the time which it had obtained the information which reasonably supported the conclusion that the High Chair contained a defect which created or could create a substantial product hazard, was subject to the requirements for notification of defect pursuant to Section 15(b) of the CPSA, 15 U.S.C. 2064(b), and the Commission's regulations for substantial product hazard notification, then in effect, 16 CFR Part 1115.

18. Century Products knowingly failed to inform the Commission of the defect in the High Chair immediately upon having obtained information which reasonably supported the conclusion that this defect created or could create a substantial product hazard, as required by Section 15(b) of the CPSA, 15 U.S.C. 2064(b).

19. The failure of Century Products to furnish the information required by Section 15(b) of the CPSA, 15 U.S.C. 2064(b), is a prohibited act pursuant to Section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

20. Century Products knowingly failed to furnish the information required by Section 15(b) of the CPSA, 15 U.S.C. 2064(b), in violation of Section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), and is, therefore, subject to a civil penalty pursuant to Section 20 of the CPSA, 15 U.S.C. 2069.

Relief Sought

Wherefore, the staff of the Consumer Product Safety Commission believes that the following relief is in the public interest and requests that the Commission:

1. Determine that by June 1, 1976, and thereafter, Century Products had obtained information which reasonably supported the conclusion that the High Chair contained a defect which created or could create a "substantial product hazard" within the meaning of Section 15(a)(2) of the CPSA, 15 U.S.C. 2064(a)(2).

2. Determine that Century Products knowingly failed to report immediately to the Commission that the High Chair contained a defect which created or could create a substantial product hazard, as required by Section 15(b)(2) of the CPSA, 15 U.S.C. 2064(b)(2), in violation of Section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

3. Assess a civil penalty against Century Products in the amount of fifty thousand dollars ($50,000.00) pursuant to Section 20 of the CPSA, 15 U.S.C. 2069, for knowingly violating Section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

4. Grant such other and further relief as the Commission deems necessary and proper.

David Schmeltzer,

Associate Executive Director for Compliance and Enforcement, Consumer Product Safety Commission.

[FR Doc. 81-17387 Filed 6-10-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Draft Environmental Impact Statement (DEIS); Local Flood Protection Project on West Little Pine Creek Near Etna, Allegheny County, Pa.

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: The Pittsburgh District of the Corps of Engineers is studying the feasibility of local flood protection measures in Etna, Pennsylvania along West Little Pine Creek. Preliminary studies have identified various possible structural and non-structural alternatives to eliminate or reduce the primary flood damages. The structural alternatives include a flood wall and/or a dike, deepening the channel, or a combination of these. Non-structural alternatives include temporary evacuation, privately financed flood proofing, flood insurance, and flood plain management.

The Corps participated in preliminary meetings with local, county, state and federal agencies interested in resolving the water resource problems of the entire Pine Creek watershed which includes West Little Pine Creek. Potential environmental and social impacts of the various possible flood control measures being considered appear to be restricted to the immediate project area and the approximate one-mile of Pine Creek between its juncture

with West Little Pine Creek and the Allegheny River. A formal scoping meeting will be held in the near future to identify the significant issues and concerns to be addressed in the DEIS. All interested federal, state, and local agencies, private organizations and parties are invited to attend this scoping meeting. For further details, contact Mr. James Purdy at the Pittsburgh District, U.S. Army Corps of Engineers, 1000 Liberty Avenue, Pittsburgh, PA 15222, commercial phone number (412) 644-6844 or FTS 722-6844. The DEIS should be available to the public by September, 1981.

Dated: June 5, 1981.

Joseph A. Yore,

Colonel, Corps of Engineers District Engineer.

[FR Doc. 81-17292 Filed 6-10-81; 8:45 am]

BILLING CODE 3710-06-M

Nebraska; Application

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 USC 185), Kaneb Pipe Line Company has applied for a right-of-way easement to install, operate and maintain fuel-carrying pipeline in, through, and across the following U.S. Government-owned lands, said lands being a part of the Nebraska National Guard Weekend Training Site, Hasings, Nebraska.

Clay County Nebraska

T. 7 N., R. 8 W.,
Secs. 29, 30.

Adams County, Nebraska

T. 7 N., R. 9 W.,
Sec. 25.

The pipeline, in its entirety, will convey finished petroleum products from Geneva, Nebraska, to North Platte, Nebraska, as a common carrier.

The purpose of this publication is to inform the public that the Corps of Engineers will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Those persons who desire to make comments or objections should state their views in detail and send them to the District Engineer, Omaha District, Corps of Engineers, 6014 U.S. Post Office and Courthouse, Omaha, Nebraska 68102, on or before July 13, 1981.

Dated: June 4, 1981.

V. D. Stipo,

Colonel, Corps of Engineers District Engineer.

[FR Doc. 81-17288 Filed 6-10-81; 8:45 am]

BILLING CODE 3710-06-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Adams Resources and Energy, Inc.; Notice of Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3517.

SUPPLEMENTARY INFORMATION: On November 2, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Adams Resources and Energy, Inc., (Adams) of Houston, Texas on October 11, 1979, 44 FR 63136 (1979). A corrected notice was published on November 16, 1979, 44 FR 66024 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund amount paid by Adams pursuant to the Consent Order were requested to submit notice of their claims to the OE.

One comment was received on a timely basis. Another comment was received more than two months after the close of the comment period. Neither comment contained evidence which was materially inconsistent with evidence upon which the DOE's acceptance of the Consent Order was based. The Office of Enforcement has determined that the Consent Order, therefore, should not be modified.

Pursuant to the Consent Order, Adams refunded the sum of $80,000 by certified checks made payable to the United States Department of Energy. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

The following person submitted a timely notice of claim to the OE: Standard Oil Company (AMOCO)

A notice of a claim was also submitted by Exxon Company U.S.A. more than two months after the close of the comment period.

Action Taken

The OE is unable, readily, to identify the persons entitled to receive the $80,000 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on June 1, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 4th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-17235 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-01-M

Gas Engine and Compressor Service; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE), announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted ot the Office of Hearings and Appeals May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Natural Gas Liquid Products, Attn: Claude Corzatt, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Room 5108, Washington, D.C. 20461 (202) 653-3541.

SUPPLEMENTARY INFORMATION: On September 11, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Gas Engine and Compressor Service (GEC) of Longview, Texas on August 28, 1979, 44 FR 52860 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by GEC pursuant to the Consent Order were

requested to submit notice of their claims to the ERA.

One comment was received. The commentor supported a refund policy which compensates those persons who were ultimately injured by the overcharges. This policy is consistent with DOE's refund policy and the refund provisions in the Consent Order with GEC. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, GEC refunded the sum of $51,400 by certified check made payable to the United States Department of Energy dated September 6, 1979. This sum has been placed into a suitable account pending determination of its proper distribution.

Action Taken

The ERA is unable readily to identify the persons entitled to receive the $51,400 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on May 26, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identify of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 5th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-17234 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-01-M

James B. Kite Operating Company, Ltd. and Mohegan Company; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA), of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 3, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461; Telephone Number (202) 653-3517.

SUPPLEMENT INFORMATION: On May 5, 1980, the OE published notification in the **Federal Register** that it executed a Consent Order with James B. Kite Operating Company, Ltd. and the Mohegan Company (the working interest owners) of Oklahoma City, Oklahoma on April 1980, 45 FR 29626 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by the working interest owners pursuant to the Consent Order were requested to submit notices of their claims to the OE. The OE received no notices of claim to the refunds.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, the working interest owners refunded the sum of $34,000 by certified check made payable to the United States Department of Energy on April 18, 1980. This amount has been placed into a suitable account pending determination of its proper distribution.

Action Taken

The OE is unable, readily, to identify the persons entitled to receive the $34,000 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on June 3, 1981 to implement Special Refund Procedures pursuant to 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 4th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-17236 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-01-M

Independent Oil and Tire Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: June 1, 1981. Comments by: July 13, 1981.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street; Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106 (phone) 816-374-5932.

SUPPLEMENTARY INFORMATION: On June 1, 1981, the Office of Enforcement of the ERA executed a Consent Order with Independent Oil and Tire Company, Inc. of Elyria, Ohio. Under 10 CFR § 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Independent Oil and Tire Company (Independent) with its home office located in Elyria, Ohio, is a firm engaged in the sale of motor gasoline to resellers and end-users, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Independent the Office of Enforcement, ERA, and Independent entered into a Consent Order.

The Consent Order encompasses Independent's sales of covered products during the period January 1, 1979, through December 31, 1979.

II. Disposition of Refunded Overcharges

In this Consent Order, Independent agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. above, the sum of thirteen thousand dollars ($13,000.00) by November 30, 1981.

Refunds of overcharges to all customers of $13,000.00 will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These refunds will remain in a suitable

account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required.

Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of prooof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for the Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments: The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.*

You should send your comments or written notification of a claim to William D. Miller, Central District Manager of Enforcement, Department of Energy, 314 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Independent Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on July 13, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 1st day of June 1981.

William D. Miller,

District Manager of Enforcement.

Concurrence: David H. Jackson,

Chief, Enforcement Counsel.

June 1, 1981.

[FR Doc. 81–17237 Filed 6–10–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 4583–000]

Mrs. Charles L. Baily and Mr. Everett M. Baily; Notice of Application for Preliminary Permit

June 4, 1981.

Take notice that Mrs. Charles L. Baily and Mr. Everett M. Baily (Applicant) filed on April 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4583 known as the Point Spill Hydroelectric Project located on the Snake River and the Twin Falls Canal in Twin Fall County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Everett M. Baily, 12080 Chinden Blvd., Boise, Idaho 83704, with a copy to Mr. W. Hugh O'Riordan, 420 W. Bannock, Boise, Idaho 83702.

Project Description—The proposed project would consist of: (1) an intake structure diverting water, during non-irrigation season and that in excess of irrigation needs, from the Twin Falls Canal to; (2) a forbay structure leading to; (3) three 1,200-foot long, 12-foot diameter penstocks serving; (4) a powerhouse to contain three Francis-type, turbine-generating units with a total rated capacity of 120 MW; (5) a switchyard; and (6) a 1.7-mile long 138-kV transmission line to tie into the existing Eden substation. The proposed project would be located 11 miles downstream from the Twin Falls and North Side Canal Companies' existing Milner Dam.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a 36-month period during which it would study the feasibility of constructing and operating the proposed project.

Competing Applications—This application was filed as a competing application to the Milner Dam Hydroelectric Project No. 2899 filed on November 11, 1980, by the Twin Falls Canal Company and North Side Canal Company and to the Twin Falls Canal Big Drop Project No. 3910 filed on December 29, 1980, by the Idaho Water Power Company under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the describerd application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17331 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-387-000]

Central Power & Light Co.; Order Accepting for Filing in Part and Suspending Revised Rates, Granting and Denying Motions To Reject, Granting in Part and Denying in Part Summary Disposition, Denying Waiver of Notice, Granting Intervention, and Establishing Price Squeeze and Hearing Procedures

Issued: May 29, 1981.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., and J. David Hughes.

On March 31, 1981, Central Power and Light Company (CP&L) tendered for filing a proposed increase in rates to six full requirements wholesale customers[1] and one partial requirements wholesale customer, the City of Brownsville, Texas.[2] The proposed rates, which reflect the inclusion of all CWIP in rate base, would result in increased revenues from jurisdictional sales and services of approximately $8,994,624 (63.4%) based on the twelve-month test period ending December 31, 1981. CP&L proposes prospective implementation of the CWIP-based rates following a hearing in accordance with section 2.16 of the regulations. CP&L has also filed non-CWIP rates which would increase revenues by $3,645,035 (25.7%). The company requests waiver of notice and an effective date of March 31, 1981, for the rates to the full requirements customers. With respect to Brownsville, whose contract with CP&L requires a four-month prior notice of rate change filings, CP&L requests a deferred filing date and an effective date of July 29, 1981.

Notice of the filing was issued on April 6, 1981, with responses due on or before April 20, 1981.

On April 20, 1981, Brownsville filed a protest, petition to intervene, and motion to reject parts of the filing. Brownsville seeks to have the rates applicable to Brownsville rejected on the grounds that the filing violates CP&L's contractual obligation to give Brownsville four months' notice and the opportunity to negotiate prior to filing. In the alternative, Brownsville requests summary disposition of certain issues[3] and a five-month suspension of the rates. Brownsville also seeks to have the CWIP-based portion of CP&L's filing rejected on the grounds that CP&L has not made the showing of "severe financial difficulty" required by section 2.16(b) of the Commission's regulations. Additionally, Brownsville alleges that the increase would result in a price squeeze and rate discrimination.

On April 20, 1981, Magic Valley Cooperative, Rio Grande Cooperative, and Kimble Electric Cooperative (REA Cooperatives) jointly filed a protest, petition to intervene, motion to reject the CWIP-based rates, and motion for summary disposition of certain elements of the non-CWIP rates.[4] The REA Cooperatives oppose waiver of the notice requirements and request a full five-month suspension. They also request that the increase in their rates be accepted for filing no sooner than the increase to Brownsville on the grounds that separate filing or effective dates would be discriminatory.

Also on April 20, 1981, Victoria County Electric Corporative, Nueces Electric Cooperative, and Medina Electric Cooperative (STEC/MEC) filed a petition to intervene, protest, motion to reject that portion of the filing predicated upon inclusion of CWIP in rate base, and motion for summary disposition of two rate issues.[5] They also seek a five-month suspension and allege that a price squeeze is likely to be created or exacerbated by the proposed increase.

Supplemental comments on the issues of descrimination and price squeeze were filed by REA Cooperatives and by STEC/MEC on April 27, 1981. An "initial response" opposing the substantive positions of petitioners, but not opposing the requests for intervention, was filed by CP&L on May 4, 1981.[6]

Discussion

The City of Brownsville seeks rejection of that portion of the filing that would increase its rates on the grounds that it did not receive the four months' notice of the proposed filing to which it is entitled by the terms of its Interconnection Agreement with CP&L.[7] We agree that a literal reading of the pertinent contract language would require CP&L to advise Brownsville of its intention to file revised rates with the Commission four months prior to the actual submittal of such rates. However, both in its transmittal letter and in its May 14, 1981 response, CP&L has clearly stated its willingness to negotiate with Brownsville and its request that the *filing* date assigned to the Brownsville rates be deferred until July 29, 1981, in order to satisfy the company's contractual obligation. As with the remaining rates, CP&L has requested an *effective* date coincident with the filing date. However, certain consequences follow from the designation of a filing date; absent waiver or other action by the Commission, section 35.2 of the regulations provides that the effective date of a rate change shall be sixty days after the filing date.

It appears that actual notice of the instant rate filing was provided to Brownsville on or before March 30, 1981. Therefore, had CP&L complied strictly with the terms of its agreement, it would have been free to submit the rates for Brownsville to the Commission as of July 29, 1981, the requested "filing date." At that time, the Commission would have sixty days in which to analyze and act on the submittal pursuant to section 205 of the Federal Power Act and the regulations thereunder. If we now elected to reject CP&L's submittal as

---

[1] Victoria County Electric Cooperative Company, Nueces Electric Cooperative, Medina Electric Cooperative, Magic Valley Electric Cooperative, Rio Grande Electric Cooperative, and Kimble Electric Cooperative.

[2] *See* Attachment A for rate schedule designations.

[3] (1) Use of incorrect billing units; 2) inclusion of payments to a subsidiary in rate base; 3) inclusion of engineering studies in rate base; 4) inclusion of nuclear fuel in process in rate base; 5) inclusion of a catastrophe reserve in rate base; (6) inclusion of ADITC in capital structure; and 7) failure to synchronize the interest deduction.

[4] 1) Inclusion of ADITC in capitalization; 2) inclusion of plant held for future use in rate base; 3) inclusion of nuclear fuel as a deferred debit; 4) failure to flow-back excess deferred income taxes resulting from the reduction in the federal income tax rate from 48% to 46%; and 5) failure to normalize.

[5] (1) Inclusion of ADITC in capital structure, and (2) inclusion of nuclear fuel in process in rate base.

[6] Both REA Cooperatives and STEC/MEC had requested leave to file the additional comments in their petitions of April 20, 1981. The seven additional days they requested appears reasonable in light of the complexity of this filing; accordingly, the request will be granted. CP&L, in its initial response, requested leave to file an additional response within ten days in view of the additional comments as well as the length of the original petitions and protests. However, no such response by the company was forthcoming. On May 19, 1981, Brownsville requested leave to respond to CP&L's answer within fifteen days. This motion will be denied inasmuch as such responses are not contemplated by our regulations and Commission action on this filing must be taken prior to exporation of the requested fifteen-day period.

[7] Article XIII of the agreement provides as follows:

Company agrees to give City notice of any proposed filing for such rate change or substitution not less than four (4) months prior to such filing, by furnishing City a complete copy of the proposed filing, and Company further agrees as soon as practicable thereafter to begin negotiations with City concerning the contents of such filing, including the terms and conditions and all other provisions thereof, provided that failure by Company and City to agree on the contents of such filing shall not in any manner affect Company's unilateral right to make such filing on or after four (4) months following the date of notice to City.

requested by Brownsville, CP&L, having provided the requisite notice, would still be entitled to refile its rates as of July 29, and the same results would follow. Whether for administrative ease or other purposes, CP&L chose to submit a single rate package to the Commission. Under these circumstances, the attendant consequences are again the same, *viz.*, July 29 may be deemed the filing date and the Commission may suspend the revised rates for a period commencing sixty days after the filing date.

Given the fact that each of the scenarios presented above yields the same result, we believe that CP&L's filing, insofar as it requests a July 29 filing date, complies with the substance of the contract provision and that rejection of the filing as to Brownsville would unnecessarily waste the resources of the parties and the Commission. As noted below, we shall suspend the rates for five months from sixty days after the filing date. Thus, Brownsville's ability to enter into meaningful negotiations should not be hampered. Furthermore we do not believe, as suggested by the REA Cooperatives, that mere recognition of the terms of Brownsville's contract and the consequent imposition of a different filing date and effective date for Brownsville will engender undue discrimination *vis-a-vis* the remaining customers.

The intervenors request summary rejection of the application for prospective inclusion of CWIP in rate base on the ground that CP&L has failed to make the initial showing of severe financial difficulty required by the Commission's regulations, 18 CFR § 2.16(b). We find merit to this request. In its filing, CP&L asserts in general terms that rate base inclusion of CWIP is necessary for the company to fund its construction program, and to maintain its credit ratings, interest coverage ratios, dividend yields, AFUDC ratio, and market price of stock at levels which CP&L deems necessary and desirable. These factors are all relevant to the consideration of the proper rate of return to which the company is entitled and reflect the financing problems currently facing all utilities. However, section 2.16(b) requires more substantial allegations that specific factors uniquely or especially affecting the filing utility hamper its financial condition to such an extent that the Commission's traditionally accepted ratemaking practices cannot adequately protect the company's financial viability without materially increasing the cost of electricity to consumers. Upon review of the instant application, we find that CP&L has failed to make the threshold showing of severe financial difficulty required by section 2.16(b) of the Commission's regulations. Accordingly, that portion of CP&L's application which is based on the prospective inclusion of CWIP in rate base under section 2.16 will be rejected. Such rejection is without prejudice to CP&L's refiling an application which makes the requisite showing under section 2.16.

The Commission further finds that summary disposition is warranted with respect to four issues: (1) inclusion of ADITC in capitalization; (2) inclusion of nuclear fuel in process in rate base; (3) inclusion of the cost of water in the fuel adjustment clause; and (4) use of incorrect billing units. We shall require CP&L to refile its cost of service and rates to reflect these determinations. Concerning the first of these issues, we have consistently held that ADITC must either be distributed proportionally throughout the capital structure or eliminated from it.[8] Accordingly, we shall summarily dispose of this issue. However, we note that CP&L has used book interest during the test period, and not the interest imputed from its weighted long-term cost of debt, to compute its interest expense for tax purposes. Thus, CP&L's treatment of ADITC has no direct effect on its cost of service.

CP&L has included in rate base approximately $12 million representing nuclear fuel in process (Account No. 120.1) and approximately $30 million attributable to nuclear fuel assemblies (Account No. 120.2). These costs are related to a facility that is not scheduled to be in service until 1984. We have previously determined that expenses recorded in Account No. 120.1 are tantamount to CWIP and, therefore, do not qualify for rate base treatment.[9] Although completely fabricated fuel assemblies delivered for use in refueling or carried in stock as spares are properly booked to Account No. 120.2 and are generally includable in rate base, the amounts recorded by CP&L in Account No. 120.2 represent nuclear fuel assemblies which will not be used until a time significantly after the calendar 1981 test period. Accordingly, rate base inclusion is inappropriate and summary disposition will be ordered.

We further note that CP&L has included the cost of water for operating hydroelectric generation in its fuel adjustment clause computations. This treatment is not appropriate. We do not construe the definition of fuel costs for purposes of Account Nos. 151 or 518 as including water costs. Moreover, we would not expect the costs to be subject to the fluctuations for which the fuel adjustment clause is intended to permit recovery. Because we do not regard water costs as a proper element of the fuel clause calculations under section 35.14 of the regulations, we shall summarily dispose of this issue.

Finally, CP&L has determined its proposed unit demand charge to Brownsville based on the demands billed during the test period rather than on the demands incurred during the test period. The failure to synchronize Brownsville's billing demands for allocation purposes with the billing demands for purposes of determining unit charges results in an overstatement of the demand charge on a $/kw basis. Therefore, CP&L will be required to revise its rates to Brownsville and its supporting cost of service statements to reflect billing demands and demand charges based on the monthly billing demands used for allocation purposes.

Our analysis of CP&L's filing indicates that the non-CWIP rates have not been shown to be just and reasonable and that these rates may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore we shall accept the rates for filing, as modified by this order, and suspend them as directed below.

In a number of suspension orders,[10] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Moreover, we find that good cause has not been shown to grant waiver of

[8] *E.g., Carolina Power & Light Co.*, Opinion No. 19, at 10 (August 2, 1978); *Public Service Company of New Mexico*, Docket Nos. ER79–478 and ER79–479, Order Granting Rehearing In Part And Denying Rehearing In Part, at 3 (December 18, 1979).

[9] *See Kansas City Power & Light Company*, Docket No. ER79–166 (March 28, 1979), and *Florida Power and Light Company*, Opinion No. 784, Docket No. E–8008, (December 15, 1976).

[10] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one-day suspension).

the notice requirements. Accordingly, we shall suspend the non-CWIP rates, as modified by summary disposition, for five months from sixty days after the respective filing dates, to become effective, subject to refund, on October 31, 1981, for the full requirements customers and on March 1, 1982, for Brownsville.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue. This procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission finds that participation in this proceeding by each of the petitioners is in the public interest. Accordingly, the petitions to intervene will be granted.

The Commission Orders:

(A) The motion to reject that portion of CP&L's filing which is based on prospective inclusion of CWIP in rate base under section 2.16 is hereby granted without prejudice. All other motions to reject the filing in whole or in part are hereby denied.

(B) The motions for leave to file further pleadings are hereby granted in part and denied in part as set forth in the body of this order.

(C) The motions for summary disposition are hereby denied except as set forth below.

(D) CP&L's request for waiver of the notice requirements is hereby denied, and CP&L's non-CWIP rate increase, as modified by summary disposition, is hereby accepted for filing and suspended for five months from 60 days after filing to become effective, subject to refund, on October 31, 1981, for the full requirements customers, and on March 1, 1982, for Brownsville.

(E) Summary disposition is hereby directed as set forth in the body of this order with respect to: (1) inclusion of ADITC in capital structure: (2) inclusion of nuclear fuel (Account Nos. 120.1 and 120.2) in rate base; (3) inclusion of the cost of water under the fuel adjustment clause; and (4) use of incorrect billing units. Within thirty (30) days of the date of this order, CP&L shall file a revised cost of service and rates to all customers to reflect these conclusions.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of CP&L's rates.

(G) The petitioners are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in the petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(H) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Commission staff shall serve top sheets in this proceeding on or before June 8, 1981.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(K) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,
Secretary.

Attachment A

Central Power & Light Co., Docket No. ER81-387-000, Rate Schedule Designations

Designation and Other Party

FERC Electric Tariff, 2nd Revised Volume No. 1, Original Sheet Nos. 1-20 (Supersedes 1st Revised Volume No. 1)—Magic Valley Electric Cooperative, Inc., Nueces Electric Cooperative, Inc., Rio Grande Electric Cooperative, Inc., Kimble Electric Cooperative, Inc., Medina Electric Cooperative, Inc., Victoria County Electric Cooperative, Inc.

Supplement No. 5 to Rage Schedule FERC No. 62—City of Brownsville, Texas

[FR Doc. 81-17309 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-52-000]

City of Blountstown, Fla.; Notice of Petition for Extraordinary Relief

June 4, 1981.

On May 22, 1981, the City of Blountstown, Florida (Blountstown) filed a petition pursuant to Section 1.7(b) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(b)) requesting temporary and permanent extraordinary relief from the volumetric entitlements and curtailment provisions of Florida Gas Transmission Company's (FGT) FERC Gas Tariff, Original Volume No. 1, for the period from June 4, 1981 through September 30, 1981. Blountstown specifically requests that it be afforded a waiver of its volumetric entitlement during the aforementioned period in order to be able to provide for the requirements of one of its customers, Goodsons' Manufacturing Corporation (Goodsons'). On May 29, 1981, the Commission issued an order in the above-styled proceeding granting Blountstown temporary extraordinary relief, subject to pay-back, if such a course of action is subsequently determined to be appropriate by the Commission.

Blountstown operates a natural gas distribution system and receives all of its natural gas supplies from FGT. Under FGT's tariff, Blountstown is limited to the purchase of 170,000 therms of natural gas for its firm customers and 3,250,000 therms for its interruptible industrial customers on an annual basis. Approximately 250,000 therms of the interruptible industrial gas is allocated to Forest Veneer Products and 3,000,000 therms to Goodsons'. The natural gas purchased by Goodsons' is used in a

drying kiln (approximately 180,000 therms a month) and a boiler (300,000 therms per month) for the production of sheathing, roofing, and sound deadening board from wood, bark, wood chips and sawdust. At its current rate of usage, Goodsons' will have consumed its annual allocation by June 4, 1981.

Goodsons' has the storage capacity and the capability to use No. 2 fuel oil as an alternative to natural gas. However, Goodsons' contends that the cost for No. 2 fuel oil is approximately three times that of natural gas and would necessitate its increasing the cost of its product by approximately 40 percent. It further contends that since it only sells to wholesalers and builders on a competitive bidding basis, its product would be totally unmarketable if No. 2 fuel oil were utilized. In any event, Goodsons' asserts that it would be forced to close its plant and lay off approximately 107 full-time employees if it could not market its product. The shut-down of Goodsons', Blountstown's largest employer, would result in a loss of $1,300,000 in annual pay-roll and have adverse effects on the three saw mills from which Goodsons' purchases its raw material.

Goodsons' stresses that it is not requesting a permanent increase in its allocation from Blountstown because it contemplates installing a wood chip gasification system which could eventually eliminate its need for natural gas. Since Goodsons' must seek commercial funding to finance the purchase of such a system, it contends that it is necessary for it to avert a plant shut-down.

The Commission's May 29, 1981, order is this proceeding leaves unresolved the issue of permanent relief for Blountstown and the further question, in the event that permanent relief is not found to be warranted, whether Blountstown should be required to pay-back any of the volumes over and above its entitlement that FGT delivered to it under the latter order.

Any person desiring to be heard or to protest said petition should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this petition are on on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17335 Filed 6-10-81, 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4610-000]

City and County of Denver, Colo.; Application for Preliminary Permit

June 5, 1981.

Take notice that City and County of Denver, Colorado (Applicant) filed on April 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4610 to be known as the Blue River Project located on the Blue River, Dillon Reservoir in the town of Silverthorne, Summit County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Wayne D. Williams, General Counsel, Denver Water Department, 1600 West 12th Avenue, Denver, Colorado 80254. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing 231-foot high, 2,500-foot long earth-fill dam; (2) Dillon Reservoir with a surface area of 3,233 acres and a storage capacity of 254,036 acre-feet at elevation 9,017 feet (m.s.l.); (3) a new 1,200-foot long, 10-foot diameter power tunnel; (4) a new powerhouse containing two turbine-generator units with a rated capacity of 750 kW each; (5) a switchyard; (6) a 1,200-foot long transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7,500,000 kWh.

Purpose of Project—Energy produced at the project would be sold to the Public Service Company of Colorado for distribution.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $125,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Dillon Project No. 3785 filed on November 24, 1980, by Hydroelectric Constructors, Inc., under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 10, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4610. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17345 Filed 6-10-81, 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4523-000]

The City of Joliet, Ill.; Application for Preliminary Permit

June 4, 1981.

Take notice that the City of Joliet, Illinois (Applicant) filed on April 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4523 to be known as the Brandon River Lock and Dam Project located on the Illinois River in Will County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John R. Gallagher, Jr., Acting City Manager, Municipal Building, 150 West Jefferson Street, Joliet, Illinois 60431. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Brandon Road Lock and Dam. The proposed project would consist of: (1) a proposed powerhouse containing an installed generating capacity of 15 MW: and (2) appurtenant facilities.

The project would be located upon Federal lands.

The Applicant estimates that the average annual energy output would be 70 GWh.

Purpose of Project—The Applicant proposes to market the power output of the site to Commonwealth Edison Company, Incorporated.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36-months. During this time the Applicant would analyze hydrological, engineering, environmental, and economic data and prepare an application for FERC license. The Applicant intends to use the U.S. Army Corps of Engineers feasibility study as the basis for a license application and foresees no substantial cost associated with issuance of a permit.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Mitchell Energy Company Project No. 3567 on October 14, 1980, CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4523. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17332 Filed 6-10-81, 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3024-001]

The City of Richmond, Va.; Notice of Application for Major License for Constructed Project

June 4, 1981.

Take notice that an application was filed on December 11, 1980, [under the Federal Power Act 16 U.S.C. §§ 791(a)–825(r), by the City of Richmond, Virginia (Applicant)] for a license for its major project. The Hollywood Project, FERC No. 3024, is located on both the "James River and Kanawha Canal" and the James River in Richmond, Virginia. Correspondence with the Applicant should be addressed to: Manuel Deese, City Manager, City Hall, 900 East Broad Street, Richmond, Virginia 23219.

Project Description—The existing project would consist of: (1) an existing 2,366-foot long concrete diversion dam varying from 3 to 16 feet in height; (2) an existing concrete control gate structure; (3) an existing 455-foot long forebay wall; (4) an existing powerhouse containing 6 generating units with an installed capacity of 2.075 kW (five of the generating units utilize the flow of the James River, while the sixth unit utilizes the flow of "the James River and Kanawha Canal"); (5) the existing James River and Kanawha Canal section, approximately two miles in length, between the Byrd Park Project No. 3029 and the Hollywood Project control gate; (6) the James River upstream of the Hollywood Dam for a distance of approximately two miles; (7) the existing 4 kV generator leads; and (8) appurtenant facilities. The average annual energy generation is estimated to be 12,264 GWh.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 22, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17333 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4621-000]

The City of Winnetka, Ill.; Notice of Application for Preliminary Permit

June 4, 1981.

Take notice that the City of Winnetka (Applicant) filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4621 known as the Mississippi River Lock and Dam No. 11, located on the Mississippi River in the Counties of Dubuque, Iowa and Grant, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, 510 Green Bay Road, Winnetka, Illinois 60093.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers dam. The proposed project would consist of: (1) a proposed powerhouse containing an installed generating capacity of 23.1 MW; (2) a proposed 69-kV transmission line; and (3) appurtenant facilities. The project would be located upon Federal lands. The Applicant estimates that the average annual energy output would be 130 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of project will be defined, investigated and assessed to support an investment decision. The Applicant estimated total cost of performing a feasibility study is $50,000.

Competing Applications—This application was filed as a competing application to the Mitchell Energy Company, Inc. Project No. 3668 filed on January 13, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 2, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4621. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17334 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-256-002]

Columbia Gulf Transmission Co.; Petition To Amend

June 8, 1981.

Take notice that on May 8, 1981, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP79-256-002 a petition to amend the order of April 24, 1979, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize Columbia Gulf to make partial deliveries of the gas currently being transported through Project 37 pipeline and delivered to Columbia Gulf through its 24-inch Venice pipeline in LaFourche Parish, (Project 37 gas), which gas it transports and delivers to Texas Eastern Transmission Corporation (Texas Eastern) for Gulf Oil Corporation's

(Producer's) account at existing interconnection of Producer's and Texas Eastern's facilities near Venice, Louisiana, in order to balance deficiencies in exchange volumes at the Erath, Louisiana, delivery point; and to authorize Columbia Gulf to transport an additional 40,000 Mcf of gas per day produced from Eugene Island Block 238, offshore Louisiana, for Producer on an interruptible basis, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Columbia Gulf indicates that the order of April 24, 1979, authorized it to transport and exchange all the natural gas received by it from the Grand Isle Processing Plant of Exxon Company, U.S.A. (Grand Isle gas), and all of the Project 37 gas which Columbia Gulf delivers to Texas Eastern for Producer's account at existing interconnection of Columbia Gulf and Texas Eastern's facilities near Venice. In exchange, Producer causes thermally equivalent volumes of gas produced in Eugene Island Block 238, to be delivered to Columbia Gulf, such gas being transported by the Sea Robin Pipeline Company and delivered to Columbia Gulf's facilities at a point of connection near Erath, Louisiana, it is stated. Columbia Gulf indicates that under the terms of the certificate if Producer cannot deliver sufficient gas volumes at Erath to balance the deliveries of Grand Isle gas and Project 37 gas, Producer would use its best efforts to have the deficiency in volumes delivered to Columbia Gulf at a mutually agreeable point on Columbia Gulf's system at no cost to Columbia Gulf, but if Producer is unable to achieve a balance of such volumes, then Columbia Gulf shall discontinue delivery of all Project 37 gas to enable the volumes exchanged to be brought into balance.

The petition states that Producer at times does not have sufficient quantities available at Erath and elsewhere to balance the delivery at Venice of the Grand Isle gas and the Project 37 gas. Therefore, by the terms of an amendment dated December 11, 1980, to the original transportation agreement dated March 27, 1979, between Producer and Columbia Gulf, Columbia Gulf requests authorization to make partial deliveries of Project 37 gas at Venice in order to balance deficiencies in volumes available to Producer for delivery to Columbia Gulf. Columbia Gulf states that there would be no change in the rate for transportation of such partial volumes.

Producer now anticipates that it may at times produce volumes of gas from Eugene Island Block 238 in excess of the total volumes of Project 37 gas and Grand Isle gas which are available to Columbia Gulf for exchange, it is stated. Columbia Gulf states that in order to enable Producer to deliver such excess gas to its purchaser through existing excess transportation capacity, Columbia Gulf requests authorization to transport an additional 40,000 Mcf of natural gas per day from the Erath delivery point to Texan Eastern for Producer's account at the existing interconnection between Columbia Gulf's and Texas Eastern's facilities in St. Landry Parish, Louisiana, pursuant to the terms of an amendment dated April 4, 1981, to the original transportation agreement. Columbia Gulf states that this additional transportation service would be on a best-efforts, interruptible basis and would enable Columbia Gulf to use most efficiently its transportation capacity without detriment to its existing customers.

Columbia Gulf indicates that it would charge Producer a rate of 15.335 cents for the additional transportation service and that it would deduct volumes equal to 1.65 percent of such gas for fuel usage and unaccounted-for gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17348 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-249-000]

Duquesne Light Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Intervention, Denying Motion To Reject, Establishing Hearing and Phased Price Squeeze Procedures

Issued: June 1, 1981.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., and J. David Hughes.

On January 30, 1981, as completed on April 2, 1981, Duquesne Light Company (Duquesne) tendered for filing revised rates for the Borough of Pitcairn, Pennsylvania, Duquesne's only wholesale customer. The rates, which are proposed to become effective April 1, 1981, would produce an increase in jurisdictional revenues of approximately $121,000 (45%) based on the twelve-month period ending December 31, 1979.[1]

Notice of the filing was issued on February 9, 1981, with responses due on or before February 27, 1981. A protest and petition to intervene was filed by Pitcairn on February 23, 1981. As a customer taking service from Duquesne under the proposed rates, Pitcairn contends that it should be permitted to intervene. Pitcairn requests that the filing be rejected for failure to comply with the Commission's regulations. In the alternative, Pitcairn seeks a maximum suspension and a hearing, arguing that the proposed rates are unduly burdensome and that the filing reflects errors and misrepresentations. Pitcairn also alleges that the rates will result in a price squeeze. On March 6, 1981, Duquesne filed an answer to Pitcairn's protest and petition to intervene.

Discussion

Initially, we find that participation by Pitcairn is in the public interest. Consequently, we shall grant the petition to intervene.

Upon review of Duquesne's filing, the Commission finds that the submittal, as completed on April 2, 1981, is in substantial compliance with the requirements of our regulations as amended by Order No. 91, Docket No. RM79-64 (June 27, 1980).[2] Accordingly, the motion to reject will be denied.

Considering the allegations raised by Pitcairn, we find that Duquesne's revised rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

In a number of suspension orders,[3] we have addressed the considerations

---

[1] Designated as: Duquesne Light Company, Supplement No. 6 to Rate Schedule FPC No. 11 (Supersedes Supplement No. 5).

[2] *See Municipal Light Board of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

[3] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, et al., (August 29, 1980) (one-day suspension) *Cleveland Electric*

Continued

underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings generally should be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. The Commission notes that a variety of substantive contentions have been raised by Pitcairn, including the allegation of price squeeze, but that preliminary review indicates that the proposed rates may not yield excessive revenues. We, therefore, believe that a five month suspension is unnecessary and may be inequitable to Duquesne. However, in order to ensure refund protection for the affected customer pending further review, we shall exercise our discretion to suspend the rates for one day from sixty days after completion of the filing, permitting the rates to take effect, subject to refund thereafter, on June 3, 1981.

In accordance with the Commission's policy established in *Arkansas Power & Light Company*, Docket No. ER79-339 (August 6, 1979), we shall phase the price squeeze issue raised by Pitcairn. As we have noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenor or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders:

(A) The motion to reject the filing is hereby denied.

(B) Duquesne Light Company's rates tendered for filing in this docket are hereby accepted for filing and suspended for one day from sixty days after completion of the filing, to become effective on June 3, 1981, subject to refund pending hearing and decision thereon.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of Duquesne's rates.

(D) Pitcairn's petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *provided, further,* that the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, for purposes of expediting discovery, establishing procedural dates, including the submittal of testimony and exhibits by Duquesne, and pursuing other appropriate matters. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase on this proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17308 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

Illuminating Co., Docket No. ER80-488 (August 22, 1980) (one-day suspension).

[Docket Nos. RP81-53-000 and RP81-55-000]

East Tennessee Natural Gas Co.; Order Accepting for Filing and Suspending Revised Tariff Sheet, Consolidating Proceedings, and Establishing Procedures

Issued: May 29, 1981.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., and J. David Hughes.

This order treats two filings submitted by East Tennessee Natural Gas Company (East Tennessee). One filing (Docket No. RP81-53-000) is designed to restate its Base Tariff Rate, and the other filing (Docket No. RP81-55-000) contains a proposal to place the East Tennessee system on a dekatherm billing basis.

I. Base Tariff Rate Filing (Docket No. RP81-53-000)

On April 30, 1981 East Tennessee filed a revised tariff sheet to its FERC GAS Tariff.[1] This tariff sheet was filed by East Tennessee pursuant to part 154.38(d)(4)(vi)(a) of the Commission's Regulations which requires a pipeline company to file a restated "Base Tariff Rate" and a cost study in support of the restated rates upon the expiration of 36 months after either the effective date of the PGA clause or the effective date of the proposed rates under a Section 4(e) rate proceeding. In East Tennessee's case, the relevant period expired on May 1, 1981. As is also required by the Commission's Regulations,[2] East Tennessee's filing states the company's agreement that the restated rates are automatically subject to refund beginning May 1, 1981, and continuing until an agreement is reached or a Commission determination is made pursuant to Part 158.38 of the Commission's Regulations.

Public notice of the instant filing was issued on May 11, 1981, providing for protests or petitions to intervene to be filed on or before May 20, 1981. The East Tennessee Group, an ad hoc association of jurisdictional customers of East Tennessee, filed a petition to intervene in Docket No. RP81-53-000. The Commission finds that The East Tennessee Group has demonstrated an interest in this proceeding warranting its participation. The petition shall be granted.

East Tennessee's costs have been allocated in accordance with the *Atlantic Seaboard* method. East

[1] Thirty-Sixth Revised Sheet No. 4 to its FERC Gas Tariff, Sixth Revised Volume No. 1.

[2] Section 154.38(d)(4)(vi)(a) and (c).

Tennessee is placed on notice of its potential liability for undercollections in the event that the allocation methodolology adopted in this docket assigns more fixed costs to the commodity component than are assigned under the *Seaboard* formula.

Based upon a review of the instant filing, the Commission finds that the proposed tariff sheet has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwse unlawful. Further investigation is necessary to determine whether the various items of cost included in this filing are just and reasonable. Accordingly, the Commission shall accept East Tennessee's revised tariff sheet, subject to refund, and schedule an informal settlement conference [3] at which the issues raised by this filing will be discussed. Further Commission action on the issues raised by this filing will be predicated on the outcome of this settlement conference.

II. Dekatherm Filing (Docket No. RP81–55–000)

In addition to the above-noted filing, on April 30, 1981, East Tennessee filed Original Volume No. 1 to its FERC Gas Tariff. This filing has been docketed as RP81–55–000. In this later filing East Tennessee proposes to implement a dekatherm billing basis for its jurisdictional sales and to make other changes in its tariff as more fully discussed below. East Tennessee states that the heat content of the gas which it delivers differs at various times and points on its system and, therefore, it would be more equitable to change to a heat content billing basis for that portion of East Tennessee's rates which reflect the cost of gas. Accordingly, East Tennessee has revised its existing two-part demand and commodity rates to separate the present commodity charge into two components, a commodity charge based upon non-gas costs and a charge rate based solely on gas costs. The demand and commodity rates which reflect solely the costs of transporting the gas to the customer will continue to be billed on a volumetric basis. East Tennessee states that the rates set forth on Original Sheet No. 4 of the subject filing are designed to produce the same overall revenues as under its existing rates and are based upon the system-wide average heating value of 1030 Btu/cf. In addition to revising the rates and language of the various rate schedules to reflect the addition of the gas rate, East Tennessee has revised various other sections of its tariff to reflect the change to a dekatherm billing basis.

Furthermore, East Tennessee has made a number of other miscellaneous changes to its tariff to reflect current operating conditions and current technology. Included among these changes are revisions to its definition of terms, measurements, measuring equipment, and form of notice between East Tennessee and its customers.

Public notice of the instant filing was issued on May 11, 1981, providing for protests or petitions to intervene to be filed on or before May 20, 1981. The East Tennessee Group filed a petition to intervene in Docket No. RP81–55–000. On May 20, 1981, Chattanooga Gas Company (Chattanooga) filed a document entitled, *Limited Protest, Petition To Intervene And Motion To Reject In Part (Or Suspend) Of Chattanooga Gas Company* (Petition). The Petition urges rejection of, or in the alternative a five month suspension, of the revised tariff sheet [4] which eliminates the language restricting sales by East Tennessee in areas served by its distributor customers. Chattanooga also requests Commission review of East Tennessee's continuation of its annual minimum bill provision. [5] Chattanooga states, among other things, that the minimum bill has become increasingly onerous for distributors in recent years. The East Tennessee Group and Chattanooga have demonstrated an interest in this proceeding which warrants their participation and accordingly, the interventions shall be granted.

Based upon a review of this later filing, the Commission finds that the proposed tariff changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept these revised tariff sheets for filing and suspend their effectiveness, subject to refund.

In a number of suspension orders, [6] the Commission has addressed the considerations underlying its policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable, or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Since this filing is not intended to increase revenues, the Commission shall suspend the effectiveness of the proposed tariff sheets for one day to become effective on June 2, 1981, subject to refund and subject to modification in the consolidated proceeding noted below.

We are not persuaded that good cause has been shown to reject the tariff sheets as requested by Chattanooga. However, the issues raised by Chattanooga shall be the subject of the proceeding prescribed by this order.

III. Consolidation

We find Docket No. RP81–53–000 and Docket No. RP81–55–000 raise common issues of law and fact. Accordingly, we shall consolidate these dockets for purposes of resolving all issues raised in these dockets.

The Commission Orders:

(A) East Tennessee's Thirty-Sixth Revised Sheet No. 4 to its FERC Gas Tariff, Sixth Revised Volume No. 1 is accepted for filing, and waiver is granted so that it may become effective May 1, 1981, subject to refund.

(B) East Tennessee's filing docketed as RP81–55–000 is accepted for filing and suspended for one day to become effective June 2, 1981, subject to refund in the manner prescribed by the Natural Gas Act.

(C) For purposes of all further proceedings, East Tennessee's filings docketed as RP81–53–000 and RP81–55–000 are consolidated.

(D) An informal settlement conference to discuss all the issues raised in this consolidated proceeding shall convene at the offices of the Commission on September 1, 1981.

(E) The East Tennessee Group and Chattanooga are permitted to intervene in this docket subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interest specifically set forth in the petition to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that The East Tennessee Group and Chattanooga might be aggrieved by any order entered in this proceeding. Chattanooga's petition is

[3] Pursuant to Part 154.38(d)(vi)(c) of the Commission's Regulations.

[4] Proposed Original Sheet No. 194.

[5] Proposed Original Sheet No. 21.

[6] E.g., Valley Gas Transmission Inc., Docket No. RP80–98 (August 22, 1980) (one day suspension); Great Lakes Gas Transmission Company, Docket No. RP80–134 (September 24, 1980) (five month suspension)

denied, however, to the extent that it requests rejection of the subject filing.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17307 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-340-000]

Florida Gas Transmission Co.; Application

June 8, 1981.

Take notice that on May 18, 1981, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP81-340-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated November 25, 1980, Applicant proposes to transport for Southern up to 6 billion Btu of natural gas produced in Block 84, Ship Shoal area, offshore Louisiana, from an existing point of interconnection between the facilities of Applicant and Transcontinental Gas Pipe Line Corporation in Vermilion Parish, Louisiana, to an existing point of interconnection between the facilities of Applicant and Southern in Washington Parish, Louisiana. It is stated that Southern purchases such gas in the producing Block 84.

Applicant submits that the agreement is for a primary term of five years from the date of initial delivery and from year-to-year thereafter.

Applicant proposes to charge Southern a facility charge of 10.3 cents per million Btu delivered at the Vermilion delivery point plus a transportation rate of 3.0 cents per million Btu redelivered at the Washington redelivery point or a minimum charge of $500 per month. It is asserted that the transportation charge is composed of 50.0 percent mileage and 50.0 percent fixed-costs.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17347 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2642-001]

Garkane Power Association, Inc.; Application for License for Transmission Line

June 5, 1981.

Take notice that an application for a license for transmission line Project No. 2642 was filed on February 26, 1981, by Garkane Power Association, Inc. (Applicant). The constructed transmission line, known as the Glen Canyon-Paria Line, is located in Kane County, Utah, and Coconino County, Arizona. Correspondence concerning the application should be sent to: Mr. Glen Willardson, General Manager, Garkane Power Association, Inc., 56 East Center Street, Richfield, Utah 84701.

The existing 36.2-mile long, 69-kV transmission line transmits power from the Water and Power Resources Service's Glen Canyon Dam Powerhouse to Applicant's existing Paria sub-station. The transmission line is a primary line as defined by Section 3(11) of the Federal Power Act [16 U.S.C. 796(11)], and would be licensed as a project work under Part I of the Act. The "H"-type pole structures support 3 conductors. The right-of-way is 80 feet in width and occupies private lands, lands owned by the State of Utah, and U.S. lands managed by the Bureau of Land Management of the Department of the Interior.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17348 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-75-001]

Houston Pipe Line Co.; Extension Report

June 8, 1981.

Take notice that on April 23, 1981, Houston Pipe Line Company (Houston), Houston Natural Gas Building, 1200 Travis, Box 1188, Houston, Texas 77001, filed in Docket No. ST79-75-001 an extension report pursuant to Section 284.126 of the Commission's Regulations, reporting the extension of transportation of natural gas for and on behalf of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the extension report which is on file with the Commission and open for public inspection.

Houston states that the identity of the parties involved in the subject transportation arrangement are Houston and Northern, and that Channel Industries Gas Company (Channel) and Dow Pipeline Company (Dow) assist Houston in effectuating, by exchange, the basic transportation between it and Northern.

According to Houston, service commenced on July 25, 1979. The estimated total and maximum daily quantities of natural gas to be transported, according to Houston, are up to 50 billion Btu per day or at such greater flow rate up to 150 billion Btu per day which Northern shall elect upon 30 days' notice or, upon Northern's request, in excess of 150 billion Btu per day if Houston's operating conditions shall reasonably permit, for up to 73 trillion Btu total, subject to increase on the basis of said election or request.

It is stated that the points between which the gas is to be transported are: (i) the interconnection of the interstate pipeline facilities of Texas Eastern Transmission Corporation and Houston's intrastate pipeline facilities near Mont Belvieu, Chambers County, Texas and Mauriceville, Orange County, Texas, (ii) the interconnection of the interstate pipeline facilities of Tennessee Gas Transmission Company, a Division of Tenneco, Inc., and Houston's intrastate pipeline facilities near the Sabine River in Newton County, Texas, (iii) a mutually agreeable point in or near Texas City, Galveston County, Texas, (iv) the interconnection of United Gas Pipe Line Company's interstate pipeline facilities in Refugio and San Patricio Counties, Texas, and (v) the interconnection of Houston's intrastate pipeline facilities and Transcontinental Gas Pipeline Corporation's interstate pipeline facilities near Loeb, Hardin County, Texas, in the Bammel Field Area, Harris County, Texas and near Fulshear, Ft. Bend County, Texas to a point located on the pipeline facilities of Oasis Pipe Line Company near Katy, Waller County, Texas.

According to Houston, the rate to be charged for the instant transportation services is 4.0 cents per million Btu. Further, Houston says that, based on the particular features of the service provided, including mileage, the intrastate service being performed by Houston for Northern is in line with and comparable to the transpoortation services involved in making deliveries under Houston's city-gate domestic sales contract and under the applicable intrastate transportation rate schedule. Houston states that a portion of the revenues derived from the 4.0 cents per million Btu rate charged for such transportation is paid by Houston to Channel, which in turn pays a portion to Dow, to compensate for the exchanges necessary to effectuate the subject transportation.

It is stated that the proposed extension of service would be for a period of two years commencing July 25, 1981, subject to the terms and conditions of an existing agreement between Houston and Northern.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before June 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17349 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-267-000 and ER81-341-000]

Kentucky Utilities Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Motions To Reject, Granting In Part and Denying In Part Requests for Summary Disposition, Granting Intervention, Consolidating Dockets, and Establishing Price Squeeze and Hearing Procedures

Issued: May 29, 1981.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., and J. David Hughes.

On February 10, 1981, Kentucky Utilities Company (KU) informed the Commission by letter that existing fixed rate contracts with ten Kentucky municipals [1] (Municipals) would be terminated on May 31, 1981, but that as of June 1, 1981, service to these municipals would be provided under KU's current rate schedule WPS-78.[2] Accordingly, on February 10, 1981, KU also filed (1) an amended list of purchasers under the WPS-78 rate schedule, and (2) unexecuted service agreements for each of these customers.[3] That filing was assigned Docket No. ER 81-267-000. KU requested that the unexecuted contracts become effective as of June 1, 1981. The annual increase in revenues generated by converting these ten customers from the WPS-3R rate schedule contained in their contracts to the WPS-78 rates is approximately $3.9 million (18%).

On March 17, 1981,[4] KU tendered for filing a proposed rate schedule WPS-81 to supersede WPS-78 for service to all of its wholesale customers.[5] This filing, which results in an increase of

[1] Cities of Barbourville, Bardstown, Bardwell, Benham, Corbin, Falmouth, Frankfort, Madisonville, Nicholasville, and Providence, all located in Kentucky.

[2] This rate schedule which was filed on June 1, 1978, was the subject of a proceeding in Docket No. ER78-417. The Municipals all were intervenors in that proceeding.

[3] *See Municipal Electric Utility Association of Alabama* v. *FPC*, 485 F.2d 967, 974 (D.C. Cir. 1973). *See* Attachment A for rate schedule designations.

[4] By letter dated April 7, 1981, KU was advised that its submittals in Docket Nos. ER81-267-000 and ER81-341-000 were both deficient. As noted *infra*, KU supplied the necessary information in Docket No. ER81-267-000 in a response filed on March 31, 1981. The submittal in Docket No. ER81-341-000 was completed on April 27, 1981, when KU provided the requisite materials in that docket.

[5] The ten Kentucky Municipals as well as Old Dominion Power Company, Jackson Purchase Electric Cooperative, the City of Paris, Kentucky, and Berea College.

approximately $14.5 million (22%) as compared to the WPS–78 rate level, was assigned Docket No. ER81–341–000. KU requests that this subsequent filing also become effective on June 1, 1981.[6]

Notice of the filing in Docket No. ER81–267–000 was issued on February 20, 1981, with responses due on or before March 16, 1981. On March 16, 1981, a protest and petition to intervene was filed on behalf of the Municipals. The Municipals request that the filing be rejected as deficient due to (1) KU's failure to provide sales and revenue comparisons as required by section 35.13 of the regulations, and (2) KU's failure to provide information explaining the application of its fuel adjustment clause. Municipals also request that (1) the minimum billing provision in the WPS–78 rate schedule, and (2) the power factor provision be summarily rejected, and that the rate increase be suspended for five months. On March 31, 1981, KU filed a response to the Municipals' protest. KU states that it is willing to forego utilization of the minimum billing provision pending the outcome of a hearing. Concerning the request for summary judgment with respect to the power factor adjustment, KU points out that such provision was contained in the terms and conditions of service litigated in Docket No. ER76–417, and that the Municipals raised no objection to the provision at that time. KU also included in its response the cost support required by section 35.13 of the regulations.

Notice of the filing in Docket No. ER81–341–000 was issued on March 23, 1981 with responses due on or before April 13, 1981. On April 8, 1981, a protest and petition to intervene was filed by Jackson Purchase Electric Cooperative Corporation (Jackson). Jackson requests that the filing be rejected for failure to comply with section 35.13 of the regulations. Jackson also requests that the Commission grant summary judgment as to the inclusion of EPRI and EEI contributions in KU's wholesale cost of service. Jackson further raises a number of issues relating to cost of service and the terms and conditions of service and requests the maximum five month suspension. In addition, Jackson alleges that the proposed rates will create a price squeeze.

On April 13, 1981, the Municipals, the City of Paris, and Berea College jointly submitted a protest and petition to intervene in Docket No. ER81–341–000. Municipals, Paris, and Berea request that the filing be rejected, asserting that it represents an attempt to file a new rate increase before the Commission has acted to suspend KU's prior rate increase in Docket No. ER81–267–000. They further request summary disposition in order to require KU to (1) conform its fuel adjustment clause to the remainder of the filing; (2) eliminate the minimum billing and power factor provisions; (3) comply with Opinion No. 116 with respect to the allocation of transmission capacity costs to the City of Paris; (4) exclude EPRI and EEI contributions from the cost of service; and (5) synchronize Period II interest expense for income tax purposes. They raise a number of other issues, including price squeeze, and request a five month suspension if the filing is not rejected.

On April 21, 1981, KU filed a response to the pleadings filed by Jackson, the Municipals, Paris, and Berea. KU opposes the motions for rejection, summary disposition, or a five month suspension.

Discussion

I. Motions for Rejection of Filings

The motions to reject the filing in Docket Nos. ER81–267–000 and ER 81–341–000 will be denied. With respect to Docket No. ER81–267–000, we shall deny the Municipals' motion because the cost support filed by KU in its March 31, 1981 response substantially complies with the requirements of section 35.13 of the regulations and the WPS–78 fuel clause was fully supported by KU in its submittal in Docket No. ER78–417. With respect to Docket No. ER81–341–000, the motion submitted by the Municipals, Paris, and Berea will be denied because there is no support for their argument that the filing is premature and therefore barred. Indeed, our regulations provide otherwise. Section 35.17(b) of the regulations, which does place certain limitations on when a utility can make a new filing, only prohibits a new filing during the suspension period of a prior rate, and even then, the Commission upon application and for good cause shown may allow the new filing. Such a restriction does not apply here since, at the time of KU's submittal in Docket No. ER81–341–000, the rates in Docket No. ER81–267–000 were not subject to suspension.

Jackson's motion to reject the filing in Docket No. ER81–341–000 similarly will be denied because KU's submittal, as completed in that docket on April 27, 1981, substantially complies with the Commission's regulations.

II. Requests for Summary Disposition

We shall deny all requests for summary disposition in Docket Nos. ER81–267–000 and ER81–341–000, with two exceptions, because such requests involve material issues of fact which should be resolved at hearing.[7] The two exceptions for which the Commission will grant summary disposition involve the requests of the Municipals, Paris, and Berea to require KU: (1) to comply with Opinion No. 116 with respect to the allocation of transmission capacity costs to the City of Paris, and (2) to conform its fuel adjustment clause to the remainder of the filing.

In its proposed rate increase in Docket No. ER81–341–000, KU has allocated Period II transmission capacity costs to the City of Paris on the basis of the City's twelve monthly coincident peaks. This is the same allocation methodology with respect to Paris as that which was recently rejected in Opinion No. 116.[8] Accordingly, we shall summarily reject the demand allocation methodology used by KU to allocate transmission costs to Paris, but we shall permit KU to file additional cost support to justify its filed rate by use of an appropriate alternative allocation methodology, or by use incremental energy costs.

With respect to the request for KU to conform its fuel adjustment clause to the remainder of the filing, we note that the company's submittal utilized a base cost of fuel for a period ending in 1978. KU conceded its error in its April 21, 1981 answer. As a result, we shall direct KU to conform its fuel clause to the rest of the filing by filing a revised fuel clause which references fuel costs for a base period consisting of the twelve month test period ending May 31, 1982.

III. Other Matters

Particularly in view of the substantive matters raised by the intervenors, our analysis indicates that the rates and charges filed in Docket Nos. ER81–267–000 and ER81–341–000 have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing, as modified by this order, and suspend them as directed below.

In a number of suspension orders,[9] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be

[6] KU has stated that rate schedule WPS–78 was filed as to the Municipals to be effective during any suspension of its WPS–81 rate schedule.

[7] *See, Municipal Light Boards of Reading and Wakefield, Mass.* v. *FPC*, 450 F.2d 1341, 1345, (D.C Cir. 1971), *cert. denied*, 405 U.S.

[8] *Kentucky Utilities Company*, Docket No. ER78–417, issued April 2, 1981, mimeo at pp. 4–11.

[9] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one-day suspension)

suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results.

With respect to the rates filed in Docket No. ER81-341-000, no such circumstances have been presented. Accordingly, those rates, as modified by summary disposition, will be suspended for five months from 60 days after completion of the filing, to become effective, subject to refund, on November 21, 1981. However, with respect to the rates filed in Docket No. ER81-267-000, circumstances warranting a shorter suspension do exist. The intervenors have raised a number of concerns and we note that the terms and conditions applicable to the WPS-78 rate schedule remain subject to resolution in Docket No. ER78-417. However, our review of the rates proposed in Docket No. ER81-267-000 suggests that they may not produce excessive revenues. Under these circumstances, a nominal suspension and a refund obligation should adequately protect the affected customers pending the outcome of a hearing. Accordingly, we shall exercise our discretion to suspend these rates for only one day to become effective on June 2, 1981, subject to refund.

The Commission finds that Docket Nos. ER81-267-000 and ER81-341-000 present common questions of law and fact. Accordingly, we shall consolidate these dockets for purposes of hearing and decision. Further, as stated above, many of the terms and conditions of service currently proposed are awaiting final Commission action in Docket No. ER78-417. Therefore, in the absence of a showing of changed circumstances, the terms and conditions of service in the instant dockets shall be subject to the outcome of the proceedings in Docket No. ER78-417.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER81-339, order issued August 6, 1979, we shall phase the price squeeze issued raised by the intervenors. As we have noted in prior orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

We find that participation in this proceeding by each of the petitioners is in the public interest. We shall, therefore, grant the petitions to intervene.

The Commission Orders

(A) The motions to reject KU's filings in these dockets are hereby denied.

(B) The requests for summary disposition are hereby denied, except as noted below.

(C) KU's demand allocation methodology used to allocate transmission costs to the City of Paris is hereby summarily rejected without prejudice to KU's right to file additional cost support to justify its filed rate by use of an appropriate alternative allocation methodology, or by use of incremental energy costs.

(D) Summary disposition is hereby granted with respect to KU's fuel adjustment clause. KU is directed to file, within thirty (30) days of the issuance of this order, a revised fuel adjustment clause in Docket No. ER81-341-000 which references a base cost of fuel for the twelve month period ending May 31, 1982 (Period II).

(E) KU's revised rates in Docket No. ER81-267-000 are hereby accepted for filing and suspended for one day to become effective on June 2, 1981, subject to refund pending hearing and decision.

(F) KU's proposed rates in Docket No. ER81-341-000 are hereby accepted for filing as modified by summary disposition, and are suspended for five months from 60 days after completion of the filing, to become effective on November 21, 1981, subject to refund pending hearing and decision.

(G) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of KU's rates.

(H) The petitions to intervene are hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(I) The Commission staff shall serve top sheets in this proceeding on or before June 24, 1981.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(K) Docket No. ER81-267-000 is hereby consolidated with Docket No. ER81-341-000 for purposes of hearing and decision.

(L) We hereby order intiation of price squeeze procedures in these dockets and further order that the price squeeze phase of the proceeding begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the completion of the price squeeze phase of this proceeding.

(M) The terms and conditions of service in the instant dockets which are common to those under consideration in Docket No. ER78-417 are hereby made subject to the outcome of the proceeding in Docket No. ER78-417.

(N) We hereby grant KU's request that the operation of its Minimum Bill Provision will be prospective only; that is, it will be effective, if at all, only after a final Commission order determining that such provision is just and reasonable.

(O) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,
Secretary.

Attachment A.—*Kentucky Utilities; Rate Schedule Designations*

Designation	Description	Other party
Docket No. ER81-267-000		
(1) Rate Schedule FERC No. 146 (Supersedes Rate Schedule FPC No. 76 as supplemented).	Contract	Barbourville.
(2) Supplement No. 1 to Rate Schedule FERC No. 146	WPS-78	Do.
(3) Supplement No. 2 to Rate Schedule FERC No. 146	Rules, etc	Do.
(4) Rate Schedule FERC No. 147 (Supersedes Rate Schedule FPC No. 64 as supplemented).	Contract	Bardstown.
(5) Supplement No. 1 to Rate Schedule FERC No. 147	WPS-78	Do
(6) Supplement No. 2 to Rate Schedule FERC No. 147	Rules, etc	Do
(7) Rate Schedule FERC No. 148 (Supersedes Rate Schedule FPC No. 65 as supplemented).	Contract	Bardwell.
(8) Supplement No. 1 to Rate Schedule FERC No. 148	WPS-78	Do
(9) Supplement No. 2 to Rate Schedule FERC No. 148	Rules, etc	Do.
(10) Rate Schedule FERC No. 149 (Supersedes Rate Schedule FPC No. 66 as supplemented).	Contract	Benham
(11) Supplement No. 1 to Rate Schedule FERC No. 149	WPS-78	Do
(12) Supplement No. 2 to Rate Schedule FERC No. 149	Rules, etc	Do.
(13) Rate Schedule FERC No. 150 (Supersedes Rate Schedule FPC No. 77 as supplemented).	Contract	Corbin.
(14) Supplement No. 1 to Rate Schedule FERC No. 150	WPS-78	Do.
(15) Supplement No. 2 to Rate Schedule FERC No. 150	Rules, etc	Do
(16) Rate Schedule FERC No. 151 (Supersedes Rate Schedule FPC No. 86 as supplemented).	Contract	Falmouth
(17) Supplement No. 1 to Rate Schedule FERC No. 151	WPS-78	Do.
(18) Supplement No. 2 to Rate Schedule FERC No. 151	Rules, etc	Do
(19) Rate Schedule FERC No. 152 (Supersedes Rate Schedule FPC No. 69 as supplemented).	Contract	Frankfort.
(20) Supplement No. 1 to Rate Schedule FERC No. 152	WPS-78	Do.
(21) Supplement No. 2 to Rate Schedule FERC No. 152	Rules, etc	Do
(22) Rate Schedule FERC No. 153 (Supersedes Rate Schedule FPC No. 84 as supplemented).	Contract	Madisonville (S/N Sub).
(23) Supplement No. 1 to Rate Schedule FERC No. 153	WPS-78	Do.
(24) Supplement No. 2 to Rate Schedule FERC No. 153	Rules, etc	Do.
(25) Rate Schedule FERC No. 154 (Supersedes Rate Schedule FPC No. 87 as supplemented).	Contract	Madisonville (GE Sub).
(26) Supplement No. 1 to Rate Schedule FERC No. 154	WPS-78	Do.
(27) Supplement No. 2 to Rate Schedule FERC No. 154	Rules, etc	Do.
(28) Rate Schedule FERC No. 155 (Supersedes Rate Schedule FPC No. 91 as supplemented).	Contract	Madisonville (4S-41-AA, west sub).
(29) Supplement No. 1 to Rate Schedule FERC No. 155	WPS-78	Do.
(30) Supplement No. 2 to Rate Schedule FERC No. 155	Rules, etc	Do.
(31) Rate Schedule FERC No. 156 (Supersedes Rate Schedule FPC No. 94 as supplemented).	Contract	Madisonville (east sub).
(32) Supplement No. 1 to Rate Schedule FERC No. 156	WPS-78	Do
(33) Supplement No. 2 to Rate Schedule FERC No. 156	Rules, etc	Do.
(34) Rate Schedule FERC No. 157 (Supersedes Rate Schedule FPC No. 88 as supplemented).	Contract	Nicholasville (No. 1 & 2 Sub).
(35) Supplement No. 1 to Rate Schedule FERC No. 157	WPS-78	Do.
(36) Supplement No. 2 to Rate Schedule FERC No. 157	Rules, etc	Do
(37) Rate Schedule FERC No. 158 (Supersedes Rate Schedule FPC No. 72 as supplemented).	Contract	Providence
(38) Supplement No. 1 to Rate Schedule FERC No. 158	WPS-78	Do
(39) Supplement No. 2 to Rate Schedule FERC No. 158	Rules, etc	Do.
(40) Rate Schedule FERC No. 159 (Supersedes Rate Schedule FPC No. 95 as supplemented).	Contract	Providence (east sub)
(41) Supplement No. 1 to Rate Schedule FERC No. 159	WPS-78	Do
(42) Supplement No. 1 to Rate Schedule FERC No. 159	Rules, etc	Do
Docket No. ER81-341-000		
(1) Supplement No. 3 to Rate Schedule FERC No. 146 (Supersedes Supplement No. 1).	WPS-81	Barbourville
(2) Supplement No. 3 to Rate Schedule FERC No. 147 (Supersedes Supplement No. 1).	WPS-81	Bardstown
(3) Supplement No. 3 to Rate Schedule FERC No. 148 (Supersedes Supplement No. 1).	do	Bardwell.
(4) Supplement No. 3 to Rate Schedule FERC No. 149 (Supersedes Supplement No. 1).	do	Benham
(5) Supplement No. 3 to Rate Schedule FERC No. 150 (Supersedes Supplement No. 1).	do	Corbin.
(6) Supplement No. 3 to Rate Schedule FERC No. 151 (Supersedes Supplement No. 1).	do	Falmouth
(7) Supplement No. 3 to Rate Schedule FERC No. 152 (Supersedes Supplement No. 1).	do	Frankfort.
(8) Supplement No. 3 to Rate Schedule FERC No. 153 (Supersedes Supplement No. 1).	do	Madisonville (S/N sub).
(9) Supplement No. 3 to Rate Schedule FERC No. 154 (Supersedes Supplement No. 1).	do	Madisonville (GE sub)
Docket No. ER81-267-000		
(10) Supplement No. 3 to Rate Schedule FERC No. 155 (Supersedes Supplement No. 1).	WPS-81	Madisonville (US-41A, west sub).
(11) Supplement No. 3 to Rate Schedule FERC No. 156 (Supersedes Supplement No. 1).	do	Madisonville (east sub).
(12) Supplement No. 3 to Rate Schedule FERC No. 157 (Supersedes Supplement No. 1).	do	Nicholasville (No. 1 & 2 sub).
(13) Supplement No. 3 to Rate Schedule FERC No. 158 (Supersedes Supplement No. 1).	do	Providence.
(14) Supplement No. 3 to Rate Schedule FERC No. 159 (Supersedes Supplement No. 1).	do	Providence (east sub).
(15) Schedule FERC No. 160 (Supersedes Rate Schedule FPC No. 99 as supplemented).	Contract	Berea College.
(16) Supplement No. 1 to Rate Schedule FERC No. 160	WPS-81	Do.
(17) Supplement No. 2 to Rate Schedule FERC No. 160	Rules, etc	Do

Attachment A.—*Kentucky Utilities; Rate Schedule Designations*—Continued

Designation	Description	Other party
(18) Rate Schedule FERC No. 161 (Supersedes Rate Schedule FPC No. 123 as supplemented).	Contract	Madisonville (hospital sub).
(19) Supplement No. 1 to Rate Schedule FERC No. 161	WPS–81	Do.
(20) Supplement No. 2 to Rate Schedule FERC No. 161	Rules, etc	Do.
(21) Rate Schedule FERC No. 162 (Supersedes Rate Schedule FPC No. 145 as supplemented).	Contract	Madisonville (McCoy Ave. sub).
(22) Supplement No. 1 to Rate Schedule FERC No. 162	WPS–81	Do.
(23) Supplement No. 2 to Rate Schedule FERC No. 162	Rules, etc	Do.
(24) Rate Schedule FERC No. 163 (Supersedes Rate Schedule FPC No. 98 as supplemented).	Contract	Nicholasville (No. 3 sub).
(25) Supplement No. 1 to Rate Schedule FERC No. 163	WPS–81	Do.
(26) Supplement No. 2 to Rate Schedule FERC No. 163	Rules, etc	Do.
(27) Rate Schedule FERC No. 164 (Supersedes Rate Schedule FPC No. 102 as supplemented).	Contract	Old Dominion.
(28) Supplement No. 1 to Rate Schedule FERC No. 164	WPS–81	Do.
(29) Supplement No. 2 to Rate Schedule FERC No. 164	Rules, etc	Do.
(30) Rate Schedule FERC No. 165 (Supersedes Rate Schedule FPC No. 124 as supplemented).	Contract	Old Dominion.
(31) Supplement No. 1 to Rate Schedule FERC No. 165	WPS–81	Do.
(32) Supplement No. 2 to Rate Schedule FERC No. 165	Rules, etc	Do.
(33) Supplement No. 3 to Rate Schedule FERC Nos. 125–144 (Supersedes Supplement No. 1 to Rate Schedules 125–144).	WPS–81	Jackson Purchase.

[FR Doc. 17310 Filed 6–10–81; 8:45 am]
BILLING CODE 6450–85–M

[Project No. 4349–000]

Long Lake Energy Corp.; Application for Preliminary Permit

June 5, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4349 to be known as the Moose River Project located on the Moose River in Lewis County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017.

Project Description–The Applicant proposes three alternatives that would develop the entire river reach from the headwaters of the Agers Falls Dam Site to the tailwaters of the Gould Mill Dam Site. All three alternatives would utilize as project facilities: (1) the existing Agers Falls Dam, 80 feet long and 15 feet high; and (2) the Agers Falls Reservoir having a surface area of 33 acres at a mean surface elevation of 1025.0 feet.

Alternative I would consist of: (1) a new powerhouse at the Agers Falls Dam Site containing new generating units with a rated capacity of 2,200 kW; discharging into (2) a new tailrace; (3) the existing Shuetown Dam, a timber crib structure 80 feet long and 15 feet high; (4) the Shuetown Reservoir with a surface area of 27 acres at a mean surface elevation of 980.0 feet; (5) a new powerhouse at the Shuetown Dam Site containing new generating units with a rated capacity of 2,200 kW; discharging into (6) a new tailrace; (7) the existing Gould Mill Dam, a timber crib structure 80 feet long and 15 feet high; (8) the Gould Mill Reservor with a surface area of 23 acres at a mean surface elevation of 950.0 feet; (9) a new powerhouse at the Gould Mill Dam Site containing new generating units with a rated capacity of 4,200 kW; discharging into (10) a new tailrace; (11) 1,200 feet of new penstock; (12) new transmission lines and switchyard equipment; and (13) appurtenant works. This alternative would have a total installed generaing capacity of 8,600 kW. The Applicant estimates that the average annual energy output for Alternative I would be 46,750,000 kWh.

Alternative II would consist of: (1) 6,850 feet of new penstock connecting the Agers Falls Reservoir to; (2) a new powerhouse at the Gould Mill Dam Site containing new generating units with a rated capacity of 10,900 kW; discharging into (3) a new tailrace; (4) a new transmission line and switchyard equipment; and (5) appurtenant works. The Applicant estimates that the average annual energy output for Alternative II would be 59,250,000 kWh.

Alternative III would consist of: (1) a new powerhouse at the Agers Falls Dam Site containing new generating units with a rated capacity of 2,200 kW; discharging into (2) a new tailrace; (3) the existing Shuetown Dam a timber crib structure 80 feet long and 15 feet high; (4) the Shuetown Reservoir with a surface area of 27 acres at a mean surface elevation of 980.0 feet; (5) 3,500 feet of new penstock; connecting the Shuetown Reservoir to (6) a new powerhouse at the Gould Mill Dam Site containing new generating units with a rated capacity of 7,400 kW; dischargng into (7) a new tailrace; (8) new transmission lines and switchyard equipment; and (9) appurtenant works. This alternative would have a total installed generating capacity of 9,600 kW. The Applicant estimates that the average annual energy output for Alternative III would be 52,160,000 kWH. The current owner of all existing facilities is the Georgia Pacific Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit to be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 14, 1981, either the competing application itself [See 18 C.F.R. § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 C.F.R. § 4.33 (b) and (c) (1980)] to file a competing appliation. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 13, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the

Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17336 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4333-000]

Long Lake Energy Corp.; Application for Preliminary Permit

June 4, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on March 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4333 known as the Clarks Mills Project located on Batten Kill River in Washington County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017.

Project Description—The proposed project would consist of: (1) a 21-foot high reinforced concrete dam, having a crest length of 340 feet; (2) an existing reservoir, having a surface area of 83 acres of a mean surface elevation of 134.0 feet (USGS datum); (3) existing sluice gates; (4) existing penstocks; leading to (5) an existing powerhouse, containing generating equipment with a rated capacity of 2,500 kW; (6) a new transmission line and switchyard equipment; and (7) appurtenant works. The existing structures are owned by the Hollingsworth and Vose Company. The Applicant estimates that the average annual energy output would be 10,900,000 kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, is issued, does not authorize construction. Applicant seeks issuance of preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit to be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 12, 1981, either the competing application itself [See 18 C.F.R. § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 C.F.R. § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 13, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 12, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17337 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4334-000]

Long Lake Energy Corp.; Application for Preliminary Permit

June 4, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on March 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4334 known as the Philadelphia Project located on the Indian River in Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017.

Project Description—The proposed project would consist of: (1) an existing concrete gravity dam, 175 feet long and 6 feet high; (2) an existing reservoir with a surface area of 2 acres at a mean surface elevation of 460.0 feet (USGS datum); (3) an existing gated concrete intake structure; (4) an existing 5-foot diameter penstock, 500 feet long; leading to (5) an existing powerhouse containing new generators with a total rated capacity of 2,000 kW; (6) an existing tailrace; (7) a new transmission line and switchyard equipment; and (8) appurtenant works. The existing facilities are currently owned by the Village of Philadelphia.

In addition, the Applicant proposes to remove two existing 3-foot high diversion dams located approximately one mile downsteam of the project dam in order to reduce the proposed project's tailwater elevation thereby increasing the operating head. The existing diversion structures are owned by John and Julia Kazak. The Applicant estimates that the average annual energy output would be 9,700,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would

decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 11, 1981, either the competing application itself [See 18 C.F.R. § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 C.F.R. § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 13, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17338 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4331-000]

Long Lake Energy Corp.; Application for Preliminary Permit

June 5, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on March 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4331 known as the South Glens Falls Hydro Project located on the Hudson River in Warren and Saratoga Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017.

Project Description—The proposed project would utilize the existing Glen Falls—South Glen Falls Dam and Reservoir which is owned and operated jointly by Finch, Pruyn, and Company, Inc. (FERC License No. 2385) and the Niagara Mohawk Power Corporation (FERC License No. 2482) and would consist of: (1) an existing intake structure; (2) 3 new 12-foot diameter penstocks, each 175 feet long; leading to (3) a new powerhouse containing new generators with a rated capacity of 15,750 kW; (4) an existing tailrace; (5) existing switchyard equipment and transmission lines; and (6) appurtenant works. The Applicant estimates that the average annual energy output would be 56,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $105,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 14, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 13, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17350 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4356-000]

Long Lake Energy Corp.; Application for Preliminary Permit

June 5, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4356 known as the La Chute River Project located on the La Chute River in Essex County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017.

Project Description—The proposed project comprises six developments as follows:

1. The Dam 1 Site, also referred to as the Lake George Outlet Dam, is owned and operated by the New York State Department of Envoronmental Conservation. This development would consist of: (1) an existing concrete and masonry gravity dam, 110 feet long and 8 feet high; (2) a reservoir having a surface area of 29,000 acres at a mean surface elevation of 319.6 feet (USGS datum); (3) a new intake structure; (4) a new penstock; (5) a new powerhouse with new generating units; (6) a new tailrace; (7) a new transmission line and switchyard equipment; and (8) appurtenant works.

2. The Dam 2 Site is located approximately 800 feet downstream from the Dam 1 Site. It is owned and operated by the International Paper Company. This development would consist of: (1) an existing masonry dam having a crest length of 250 feet and a structural height of 10 feet; (2) a reservoir having a surface area of 1.4 acres at a mean surface elevation of 282.5 feet (USGS datum); (3) new control gates and intake structure; (4) a new penstock; (5) a new powerhouse with new generating units; (6) a new tailrace; (7) a new transmission line and switchyard equipment; and (8) appurtenant works.

3. The Dam 3 Site is located approximately 750 feet downstream from the Dam 2 Site. It is owned and operated by the International Paper Company. This development would consist of: (1) an existing stone masonry dam, 250 feet long and 25 feet high; (2) a reservoir having a surface area of 13.2 acres at a mean surface elevation of 212.7 feet (USGS datum); (3) a new intake structure; (4) a new penstock; (5) a new powerhouse with new generating unit; (6) a new tailrace; (7) a new transmission line and switchyard equipment; and (8) appurtenant works.

4. The Dam 4 Site is located approximately 800 feet downstream from the Dam 3 Site. It is owned and operated by the International Paper Company. This development would consist of: (1) an existing limestone masonry dam, 350 feet long and 18 feet high; (2) a reservoir with a surface area of 8.5 acres at a mean surface elevation of 189.6 feet (USGS datum); (3) a new trashrack; (4) an existing intake structure; (5) a new penstock; (6) a new powerhouse with new generating units; (7) a new tailrace; (8) a new transmission line and switchyard equipment; and (9) appurtenant works.

5. The Dam 5 Site is located approximately ⅛ mile downstream from the West Exchange Street Bridge. It is owned and operated by the International Paper Company. This development would consist of: (1) an existing concrete and masonry dam, 275 feet long and 20 feet high; (2) a reservoir with a surface area of 2.9 acres at a mean surface elevation of 171.1 feet (USGS datum); (3) existing control gates; (4) an existing intake structure; (5) a new penstock; (6) a new powerhouse with new generating units; (7) a new tailrace; (8) a new transmission line and switchyard equipment; and (9) appurtenant works.

6. The Dam 6 Site is located approximately 400 feet downstream from the North Main Street Bridge. It is owned and operated by the International Paper Company. This development would consist of: (1) an existing stone masonry dam, 200 feet long and 10 feet high; (2) a reservoir with a surface area of 5.0 acres at a mean surface elevation of 125.8 feet (USGS datum); (3) an existing intake structure at the west abutment; (4) a new intake structure at the east abutment; (5) a new penstock; (6) a new powerhouse with new generating units; (7) a new tailrace; (8) a new transmission line and switchyard equipment; and (9) appurtenant works.

The total development, from the headwaters of the Dam 1 Site to the tailwaters of the Dam 6 Site, would support an installed generating capacity of 6,000 kW. The Applicant estimates that the average annual energy output for the total project would be 26,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $130,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 14, 1981,either the competing application itself [See 18 C.F.R. § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 C.F.R. § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 13, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commssion's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must

also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17351 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4458-000]

Middle Fork Irrigation District; Application for Preliminary Permit

June 5, 1981.

Take notice that Middle Fork Irrigation District (Applicant) filed on April 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4458 to be known as Middle Fork Irrigation District Project located on Clear Branch and Eliot Branch of the Middle Fork of Hood River in Hood River, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Middle Fork Irrigation District, P.O. Box 291, Parkdale, Oregon 97047. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of three developments. The First Development, located at the Clear Branch Dam, would consist of: (1) a 3,200 acre-foot reservoir; (2) an earth fill dam, Clear Branch Dam; (3) a 50-foot long, 30-inch diameter penstock; (4) a 20-foot long, 30-inch diameter tailrace; (5) a powerhouse containing a 213-kW generating unit, and (6) a 3-mile long transmission line. The Applicant estimates that the average annual energy output from the First Development would be 1,496,450 kWh.

The Second Development, located at the main intake to the pipe distribution system supplied by a short canal from the sedimentation reservoir, would consist of: (1) an earth fill sediment dam; (2) a 12 acre-foot reservior; (3) a 9,240-foot long, 42-inch diameter penstock; (4) a 20-foot long, 24-inch diameter tailrace; (5) a 20-foot long, 30-inch diameter tailrace; (6) a powerhouse containing generating equipment with a combined capacity of 1,676 kW; and (7) a 3.25-mile long transmission line. The Applicant estimates that the average annual energy output from the Second Development would be 14,000,640 kWh.

The Third Development, located at seven pressure reducing stations located throughout the piping network, would consist of: (1) seven 40-foot long pipes with diameters of 30-inches, 24-inches, 18-inches, 16-inches, 14-inches, 12-inches, and 6-inches respectively; (2) seven powerhouses each containing 1 generating unit with capacities of 399 kW, 236 kW, 78 kW, 92kW, 27kW, 62kW, and 77 kW respectively; and (3) seven transmission lines. The Applicant estimates that the average annual energy output from the Third Development would be 6,715,000 kWh.

Purpose of Project—The power generated by the proposed project would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would study the hydrology; assess the safety; perform an engineering site evaluation and an environmental assessment; prepare preliminary designs; determine equipment availability; and prepare cost estimates and project schedule. The cost of these studies is estimated by the Applicant to be $69,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4458. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17352 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4631-000]

Middlebury College; Application for Preliminary Permit

June 5, 1981.

Take notice that Middlebury College (Applicant) filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4631 known as Battell Project located on Otter Creek in the towns of Weybridge and New Haven, Addison County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: James D. Ross, Business Manager, Middlebury College, Middlebury, Vermont 05753. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-the-river project would be an entirely new development and would consist of: (1) a 15 to 17-foot high, 200-foot long concrete dam in two sections straddling an island; (2) a reservoir with a surface area of 30 acres at an elevation of 238 feet M.S.L.; (3) an 1,800-foot long penstock; (4) a powerhouse containing 2 turbine-generator units with a rated capacity of 750-kW each and a tailwater elevation of 218 feet M.S.L.; (5) a transmission line; and (6) appurtenant facilities. The project would generate up to 8,000,000 kWh annually.

Proposed Scope and Cost of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include geologic investigation, economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $38,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before, either August 17, 1981 the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 16, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained directly from the Applicant). If an agency does not file comments with the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17353 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2621-001]

Milliken and Co.; Application for Short-Form License (Minor)

June 4, 1981.

Take notice that Milliken and Company (Applicant) filed on December 2, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for a water power project to be known as Pacolet Project No. 2621. The project would be located on the Pacolet River, Spartanburg County, South Carolina. Correspondence with the Applicant should be directed to: Mr. Leslie S. Anderson, General Manager, Lockhart Power Company, P.O. Box 10, Lockhart, South Carolina 29364 and to Mr. Ronald D. Jones, Esquire, LeBoeuf, Lamb, Leiby, and MacRae, 140 Broadway, New York, New York 10005.

Project Description—The project would consist of: (1) an existing 447 feet long and 24 feet high concrete and rubble masonry dam; (2) an existing concrete and brick masonry powerhouse containing two generating units rated at 400 kW each, for a total installed capacity of 800 kW; (3) an existing 100-foot long and 10-foot diameter penstock; and (4) appurtenant facilities. The estimated average annual energy output of the project is 4,785,000 kWh.

Purpose of Project—The energy produced at the project is sold to Lockhart Power Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 12, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than December 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal

Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 12, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17339 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3928-000]

New Mexico Renewable Resources, Inc. and the County of Sierra, N. Mex.; Application for Preliminary Permit

June 5, 1981.

Take notice that New Mexico Renewable Resources, Inc. and the County of Sierra (Applicant), filed on January 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3928 to be known as the Caballo Dam Project located on the Rio Grande in Sierra County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Edward H. Curland; New Mexico Renewable Resources, Inc.; Suite 1900; 14 Wall Street; New York, New York 10005. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Caballo Dam and would consist of: (1) a new penstock; leading to (2) a new powerhouse containing new generators with a rated capacity of 4,300 kW; (3) new switchyard equipment; (4) a new transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 16,500,000 kWh.

Purpose of Project—Project energy generated would be sold to local utilities and/or agencies.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during whch time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Sequoia Energy Corporation's Project No. 3663 filed on December 12, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3928. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17354 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-392-000]

Pennsylvania Power & Light Co.; Order Conditionally Accepting for Filing and Suspending Revised Rates, Denying Motions, Granting Intervention, and Establishing Price Squeeze and Hearing Procedures

Issued: May 29, 1981.

Before Commissioners Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., and J. David Hughes.

On March 31, 1981, Pennsylvania Power and Light Company (PP&L) tendered for filing revised rates for firm power service to fifteen wholesale customers.[1] The proposed rates would result in increased revenues of approximately $2.1 million (13%) for the twelve-month period ending December 31, 1981. PP&L requests an effective date

[1] See Attachment A for rate schedule designations.

of May 31, 1981. On April 10, 1981, PP&L filed a motion requesting that the Commission not suspend its rates or, in the alternative, that a minimum suspension be ordered. PP&L notes that it has not requested an increase in wholesale rates in nearly five years and that it has endeavored to follow Commission precedent.

Notice of the filing was issued on April 10, 1981, with responses due on or before April 28, 1981. The comment deadline was subsequently extended until May 8, 1981, in response to a motion filed by a group of PP&L's affected customers (Boroughs).[2] On May 8, 1981, the Boroughs filed a joint petition to intervene and protest. The Boroughs request that PP&L's rate filing be rejected for failure to comply with certain provisions of a settlement agreement entered into in PP&L's prior wholesale rate case in Docket No. ER76-826. According to the Boroughs, that agreement requires that PP&L schedule a meeting with its wholesale customers prior to any rate increase filing for purposes of discussing the bases and cost data underlying the proposed rates. The Boroughs assert that at the time of filing, PP&L had not met that condition precedent. In the event that the filing is not rejected on this basis, the Boroughs request a maximum suspension stating that additional investigation is needed to examine the details of PP&L's filing. they raise various cost of service objections and, in addition, allege price squeeze.

On May 8, 1981, Citizens' Electric Company of Lewisburg, Pennsylvania (Citizens') filed a petition to intervene and protest. Citizens' challenges the rate increase as excessive and unjustified, raising several cost of service, rate design, and allocation issues. In addition, Citizens' objects to the development of PP&L's fuel adjustment clause and alleges that the proposed rates may create a price squeeze. Citizens' requests a maximum five-month suspension.

On May 13, 1981, PP&L filed a motion for an extension of time until May 29, 1981, in order to respond to the Boroughs' pleading. PP&L notes that the Commission will have to act on its filing prior to receiving PP&L's response.[3] In its motion, PP&L suggests that the Commission suspend its increased rates for one day and defer decision on the issue of its right to file for a rate increase until the Commission receives its response. On May 18, 1981, the Boroughs filed an answer to PP&L's motion urging the Commission to reject PP&L's filing without further pleadings, opposing any suspension period of less than five months, and reserving the opportunity to respond to PP&L's anticipated pleading. PP&L's request for extension of time was granted by notice dated May 19, 1981.

Discussion

The settlement agreement previously entered into in Docket No. ER76-826 provides that:

> PP&L will schedule one or more meetings with Boroughs, Citizens', and its other resale customers early in the summer of 1978 and in advance of any general future rate increase filing. The purpose of such meeting is for PP&L to advise such customers of the bases for its proposals and to review cost and other pertinent developments with them and provide them with opportunity for comment.

In their motion to reject, the Boroughs complain that no pre-filing meeting was held as contemplated by the prior settlement, although they indicate that a meeting eventually was scheduled by PP&L to discuss the filing on April 23, 1981.

The familiar principles of the *Mobile-Sierra* doctrine govern the issue raised by the Boroughs.[4] As the United States Court of Appeals for the District of Columbia Circuit stated in *Richmond Power and Light Company* v. *FPC*, 481 F. 2d 490, 493, *cert. denied*, 414 U.S. 1068 (1973):

> The [*Mobile-Sierra* rule] is refreshingly simple: the contract between the parties governs the legality of the filing. Rate filings consistent with contractual filings are valid: rate filings inconsistent with contractual obligations are invalid.

In *Missouri Utilities Company*, Docket No. ER77-354, order issued June 1, 1977, the Commission rejected a rate filing where a utility had failed to establish that an impasse had been reached in its negotiations with a customer, whose contract required an impasse as a condition precedent to filing with the Commission.

We agree that a meeting between PP&L and the affected customers was a condition precedent to the filing. It is unclear from the pleadings, however, whether such a meeting was held as contemplated by the settlement agreement, either prior to or after the filing of PP&L's rate increase. As a result, we are unable to determine whether or at what point in time PP&L could lawfully submit its filing to the Commission. As noted, we have granted PP&L's request for an extension of time until May 29, 1981, to respond to the Boroughs' allegations. Therefore, in order to preserve the interests of all affected parties, we shall conditionally accept PP&L's filing and suspend it for the maximum five-month period, subject to PP&L's establishing, in its forthcoming response or in a separate pleading, that a meeting actually was held as required by the settlement agreement. If PP&L fails to make such a showing, we will subsequently reject the filing or take other appropriate action. Alternatively, if a showing is made that the terms of the settlement agreement have been satisfied or if further action is taken that subsequently satisfies the settlement requirements, we shall reconsider the appropriateness of a five-month suspension.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by the intervenors. As we have noted in prior orders, this procedure will allow a discussion first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission finds that participation in this proceeding by the Boroughs and Citizens' is in the public interest. Therefore, we shall grant the petitions to intervene.

The Commission Orders:

(A) The motions to reject PP&L's filing or to suspend for five months are hereby denied.

(B) PP&L's revised rates tendered for filing on March 31, 1981, are hereby conditionally accepted for filing, and are suspended for five months to become effective, subject to refund, on October 31, 1981, and subject to PP&L's showing that a meeting with its wholesale customers was held as required by its settlement agreement in Docket No. ER76-826.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the

[2] Those customers include the Boroughs of Watsontown, Duncannon, Blakely, Weatherly, Schuylkill Haven, Perkasie, St. Clair, Catawissa, Ephrata, Lehighton, Olyphant, Hatfield, and Quakertown, Pennsylvania.

[3] Pursuant to section 205 of the Federal Power Act, the rates filed by PP&L would become effective as requested absent Commission action suspending the rates prior to May 31, 1981.

[4] *See FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Pipeline Co.* v. *Mobile Gas Service Corp. et al.*, 350 U.S. 332 (1956). *See also United Gas Pipeline Co.* v. *Memphis Light, Gas Water Div.*, 358 U.S. 103 (1958).

Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of PP&L's rates.

(D) The petitions to intervene are hereby granted subject to the rules and regulations of the Commission: *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(E) The Commission staff shall serve top sheets in this proceeding on or before June 24, 1981.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) We hereby order initiation of price squeeze procedures in Docket No. ER81-392-000 and further order that the price squeeze phase of the proceeding begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the evaluation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission. Acting Chairman Sheldon dissenting, separate statement attached.

Kenneth F. Plumb,

Secretary.

Attachment A

Pennsylvania Power & Light Co., Docket No. ER81-392-000

Filed: March 31, 1981.

The following are Exhibits to Designations (1) through (15) below:

(a) Exhibit A—Summary Calculations of Fuel Adjustment Clause (Attachment A to letter dated December 10, 1979, Docket No. ER76-398)

(b) Exhibit B—Derivations of Incremental Maintenance, Fuel Handling, etc. (Attachment B to letter dated December 10, 1979, Docket No. ER76-398)

Designations and Other Party

(1) Supplement No. 12 to Rate Schedule FPC No. 28 (Supersedes Supplement Nos. 10 and 11)—Borough of Watsontown

(2) Supp. No. 12 to R. S. FPC No. 32 (Supersedes Supp. Nos. 10 and 11)—Borough of Duncannon

(3) Supp. No. 10 to R. S. FPC No. 45 (Supersedes Supp. Nos. 8 and 9)—Borough of Blakely

(4) Supp. No. 10 to R. S. FPC No. 50 (Supersedes Supp. Nos. 8 and 9)—Borough of Weatherly

(5) Supp. No. 10 to R. S. FPC No. 51 (Supersedes Supp. Nos. 8 and 9)—Borough of Schuylkill Haven

(6) Supp. No. 8 to R. S. FPC No. 54 (Supersedes Supp. Nos. 6 and 7)—Borough of Perkasie

(7) Supp. No. 8 to R. S. FPC No. 56 (Supersedes Supp. Nos. 6 and 7)—Borough of St. Clair

(8) Supp. No. 8 to R. S. FPC No. 57 (Supersedes Supp. Nos. 6 and 7)—Borough of Catawissa

(9) Supp. No. 8 to R. S. FPC No. 58 (Supersedes Supp. Nos. 6 and 7)—Borough of Ephrata

(10) Supp. No. 8 to R. S. FPC No. 61 (Supersedes Supp. Nos. 6 and 7)—Citizens Electric Company of Lewisburg

(11) Supp. No. 9 to R. S. FPC No. 63 (Supersedes Supp. Nos. 7 and 8)—Borough of Lehighton

(12) Supp. No. 4 to R. S. FPC No. 65 (Supersedes Supp. No. 3 as Supplemented)—Borough of Olyphant

(13) Supp. No. 2 to R. S. FPC No. 69 (Supersedes Supp. No. 1)—Borough of Hatfield

(14) Supp. No. 2 to R. S. FPC No. 70 (Supersedes Supp. No. 1)—Borough of Mifflinburg

(15) Supp. No. 2 to R. S. FPC No. 71 (Supersedes Supp. No. 1)—Borough of Quakertown

May 29, 1981.

SHELDON, Acting Chairman, *dissenting:*

I have dissented to the action of the majority herein and find it necessary to state my reasons therefor because I believe the order will cause and compound certain confusion in future proceedings. First, as to the basis for the adopted order, i.e., the so-called "condition precedent." It is not a condition precedent, and, in fact, is not even a condition. Second, as to the invocation by the majority of the *Mobile-Sierra* doctrine [1] because of the illusory "condition precedent," that doctrine would not even be applicable if the condition were in fact a condition.

The settlement agreement entered into by Pennsylvania Power and Light Company (PP&L), Boroughs and Citizens on May 19, 1977, did provide, in pertinent part that:

* * * * *

3. PP&L agrees that it will not file a general increase in the base rates applicable to Intervenors before October 1, 1978.

* * * * *

5. PP&L will schedule one or more meetings with Boroughs, Citizens and its other resale customers early in the summer of 1978 and in advance of any future general rate increase filings.

What we have here, at the most, is a promise by PP&L not to file a general rate increase until October 1, 1978, and to schedule a meeting with the Boroughs, Citizens and "its other resale customers"—who were not parties to the settlement agreement—prior to the filing of the general rate increase. However, PP&L did not make a filing on or about October 1, 1978. In fact it did not make a general rate increase filing until March 31, 1981, two and one-half years later. PP&L more than kept its promise.

But the majority would have us read PP&L's promise as if read ". . . *or* in advance of any future general rate increase filing," and regard it as a "condition precedent". But a condition precedent to what? Such a condition must be precedent to a contractual obligation descending on either party to a contract. It is horn-book law that a condition precedent ". . . is a fact or event which the parties intend must exist or take place before there is a right to performance. A condition is distinguished from a promise in that it creates no right or duty in and of itself but is merely a limiting or modifying factor. If the condition is not fulfilled, the right to enforce the contract does not come into existence." *Williston on Contracts,* 3rd Ed. § 663 p. 126n.

I cannot believe that the majority, or indeed that Boroughs or Citizens, fully appreciates the legal consequences of what the Commission was asked to do

[1] *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Pipeline Co.* v. *Mobile Gas Service Corp. et al.*, 350 U.S. 332 (1956); *United Gas Pipeline Co.* v. *Memphis Light, Gas Water Div.*, 358 U.S. 103 (1958).

in this proceeding, and what it has done. As Professor Williston cautions:

> Where it is doubtful whether words create a promise or an express condition, they are interpreted as creating a promise. Such an interpretation protects both parties to the transaction and also does not involve the consequences that a slight failure to perform wholly destroys all rights under the contract. (Citations omitted) *id.*, p. 133.

Further, Williston points out:

> Courts are disinclined to construe the stipulations of a contract as conditions precedent, unless compelled by the language of the contract plainly expressed. * * *. The difference between conditions and promises is so radical in its consequences that there is no excuse for a nomenclature which fails to recognize the distinction: *confusion in terminology cannot be too strongly deprecated.* (Citations omitted, emphasis added) *id.*, p. 134, et seq.

Consequently, I believe the settlement agreement contained a mere promise by PP&L that if it filed a general rate increase on or shortly after October 1, 1978, it would schedule a meeting with all of its resale customers, Boroughs and Citizens included, prior thereto. In my opinion, there was no condition precedent inserted in each of PP&L's service agreements by said settlement agreement, and I believe the action of the majority in finding that there was to be in error.

Surely the majority is not stating that the settlement agreement amended or supplemented the contracts or service agreements between the parties. And what of the "other resale customers" who were not parties to the settlement agreement but to whom PP&L made the same promise in the agreement as it made to Boroughs and Citizens? Were these other customers contracts or service agreements so casually amended to include this "condition precedent"? Are all contracts filed with this Commission to be so casually amended? If so, chaos will ensue.

Yet, upon so tenuous contractual grounds the majority leaps into a *Mobile-Sierra* maelstrom, cheerfully pointing out how refreshingly simple it is to drown in one's own profundity. Having determined that somehow this "condition precedent" amended all the service agreements PP&L has on file with this Commission, the majority then concludes that the *Mobile-Sierra* doctrine prohibits PP&L from exercising its rights to file for a rate increase.

The fact is *Mobile-Sierra*, or more correctly, the *Mobile* case—since *Sierra* has no relevance here under any stretch of anyone's imagination—is only applicable here in defense of PP&L's filing. Certainly, the contractual right was unimpaired by any promise made in the settlement agreement. Whether or not PP&L did or did not schedule a meeting prior to filing the subject rate increase with any or all of its resale customers is not relevant. It may be of interest, but it certainly is not determinative of "whether or at what point in time PP&L could lawfully submit its filing to the Commission," as the majority states.

Having concluded that the promise in the settlement agreement was in fact a condition, and a condition precedent at that; that, therefore, the *Mobile* case was applicable; that some legal bar to PP&L's right to file was thereby created, the majority then places a burden on PP&L to show that a "meeting was actually held," or it "will subsequently reject" PP&L's rate filing. This, the majority threatens to do despite PP&L's statutory right to file, *Mississippi River Fuel Corp.* v. *FPC*, 202 F. 2d 899 (CA 3rd, 1953). As the Court there observed (p. 902): "By failing to act it could have allowed [the rates] to become effective, or, it could have entered upon a hearing and, pending such a hearing, could have suspended the proposed new schedules for a period not exceeding five months beyond the proposed effective date. It did neither of these things. It purported to follow a third course, rejection without hearing—*a course for which it cannot show even color of statutory authority.*" (emphasis added) [2] Clearly, then, the Commission has no authority to subsequently reject PP&L's filing.

Thus, I believe the order to be in error in these specific respects, and, as I have stated, even if the promise were at most a condition subsequent, *Williston, supra*, §§ 667 & 667A, p. 144, *et seq.*, it would not give rise to the application of the *Mobile* doctrine, because it was dehors the contracts or service agreements, and apparently was never intended by any one of the parties to be a part thereof.

For all of the above reasons I would suspend the filed rate schedules for no more than one day.[3]

Georgiana H. Sheldon,

Acting Chairman.

[FR Doc. 81-17300 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[2] The Court had before it the Natural Gas Act. The Federal Power Act would be the same, *Hope Natural Gas Co.* v. *FPC*, 196 F. 2d 809, 806 (CA 4th, 1952).

[3] The phrase "accepted for filing" is purposely omitted as being a meaningless exercise in semantics, see *Mississippi River Fuel Corp.* v. *FPC*, *supra*.

[Docket No. EF79-4011]

Secretary of Energy, Southwestern Power Administration; Order Disapproving and Remanding Rates, and Granting Interventions

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., and J. David Hughes.

Issued: June 3, 1981.

On March 5, 1979, the Assistant Secretary for Resource Applications of the Department of Energy [1] filed with the Federal Energy Regulatory Commission a request for confirmation and approval on a final basis of certain rates and charges for the sale of power by the Southwestern Power Administration (SWPA).

The proposed system rate schedules and contract rates of SWPA include the following:

Rate Schedule P-3, Hydro Peaking and Seasonal Peaking Power;

Rate Schedule F-2, Firm Power from Integrated System;

Rate Schedule F-3, Firm Power through Oklahoma Utilities Companies;

Rate Schedule EE-2, Excess Energy;

Rate Schedule IC-2, Interruptible Capacity; and

Contract Rate under section 2 of the Tex-La Electric Cooperative, Inc. Contract No. 14-02-001-864.

The above rates are requested to remain in effect through September 30, 1983. In addition, the filing proposed that Rate Schedule P-3 be applied to power and energy sales under section 1.02 and that Rate Schedule EE-2 be applied to secondary energy sales under section 1.04 of the contract among SWPA, Arkansas Power and Light Company, and the Reynolds Metals Company, Contract No. Ispa-514 (Aluminum Contract).

Public notice of the filing was published in the **Federal Register** on May 4, 1979, and a Notice of Correction of the filing was published in the **Federal Register** on August 8, 1979. The first notice required protests and interventions to be filed with the Commission on or before May 16, 1979, and the second notice provided that comments be filed on or before August 27, 1979. Petitions to intervene were filed by the City of Piggott, Arkansas, Tex-La Electric Cooperative, Inc., Arkansas Power & Light Company, Reynolds

[1] The Assistant Secretary for Resource Applications was given authority to file rates with this Commission by DOE Delegation Order No. 0204-33, issued December 28, 1978, 43 FR 60636. On March 19 and April 9, 1981, the Secretary of Energy transferred DOE's power marketing responsibilities to the Office of the Assistant Secretary for Conservation and Renewable Energy.

Metals Company, and Associated Electric Cooperative, Inc. In addition, untimely petitions to intervene were filed by the Committee on Power for the Southwest, Inc., the City of Fulton, Missouri, and the City of Lamar, Missouri.

Commission Authority and Standards of Review

The authority delegated to the Commission by the Secretary of Energy is that of confirming and approving on a final basis, or disapproving rates approved on an interim basis by the Assistant Secretary. The Commission must insure that the rates submitted by the Assistant Secretary satisfy the standards of the Flood Control Act of 1944.[2] The Act provides that:

1. Project power and energy must be transmitted and disposed of in a manner that encourages the most widespread use thereof;

2. Rate schedules shall be drawn having regard to the recovery of the cost of producing and transmitting such energy, including amortization of the capital investment, over a reasonable period of years; and

3. Rates to consumers should be the lowest possible consistent with sound business principles.

Unlike our statutory authority under the Federal Power Act or the Natural Gas Act, the statutory mandate accorded to the Commission under the power marketing legislation does not include the power to modify the tendered rates. The power marketing acts vest the responsibility to develop the rates in the first instance in the Administrator of SWPA. Those rates are transmitted to the Assistant Secretary for confirmation and approval on a interim basis. The interim rates and supporting record are then submitted to the Commission for final confirmation and approval or disapproval.

In November and December of 1980,[3] the Commission issued two orders discussing its review responsibility with respect to federal rates. The Commission therein determined that its role could be viewed as in the nature of an appellate function: to affirm, reverse, or remand the rates submitted to it for final review. The Commission determined that in order to discharge this review function it must be apparent from the record before the Commission that the Administrator's development of rate schedules and the Assistant Secretary's interim approval are rational and consistent with the statutory standards. Therefore, under the federal power marketing statutes, the Commission must determine, on the basis of the supporting data and information submitted, whether the rate schedules will provide a sufficient level of revenue to SWPA to recover its annual costs and to repay the federal investment within a reasonable period of time. In addition, the Commission must make a determination as to whether the rates developed by the Administrator are the lowest possible (consistent with sound business principles) and have been drawn with a view to encouraging the widest possible use of the project power and energy.

SWPA Rate Schedules and Support

The SWPA filing includes certain rate schedules and a repayment study which purports to support the rate filing. The repayment study contains an estimate of revenues for the time period for which the approval is being sought. We find the SWPA filing deficient in two important respects: it appears to significantly underestimate the costs of supplying energy and power; and it does not provide critical information to allow us to determine whether the rates are consistent with the statutory standards and the regulations issued by the Assistant Secretary to implement these standards. Specific deficiencies are discussed below.

First, SWPA reduced its estimate of replacement costs for the entire system by 35 percent based on the assumption that the Army Corps of Engineers, the agency responsible for operating SWPA's power plants, has been recovering replacement costs in its charges for ordinary maintenance expenses. This assumption appears to be based on the findings of a special replacement study prepared by the Corps for one project, the Sam Rayburn Dam. However, there is nothing in the Corps' study that justifies applying the 35 percent reduction to other projects in the SWPA system. Based on an estimate supplied by SWPA, it appears that this unusual downward replacement cost adjustment will lead to an annual revenue shortfall of approximately $1.2 million.

Second, the SWPA study underestimates interest charges. A review of the Corps' 1979 Form 1 Annual Report for the Stockton Lake Project shows that the interest expense for that project is underestimated in the SWPA Power Repayment Study (PRS) by $2,719,822. SWPA has also underestimated interest expenses on other projects. In earlier years, SWPA's filing indicates failure to recover all of its annual costs and, as a result, by the end of FY 1977, SWPA had accumulated a deficit of $23,843,597. DOE regulations (R.A. Order No. 6120.2) require that the interest rate used in computing the carrying charges on such deficits be current interest rates applicable in each year (as defined in the regulation) rather than project interest rates (*i.e.*, the interest rate specified in the project authorization or the interest rate applicable at the time construction was initiated). It appears that SWPA ignored this directive. SWPA's use of the generally lower project interest rates in place of current interest rates appears to produce a significant understatement of annual revenue requirements. The application of project interest rates to deficits and the understatement of the Stockton Lake Project interest expenses are estimated to cause an annual shortfall in required revenues of approximately $2.5 million.

Third, in developing its replacement cost estimates, SWPA used an outdated publication, issued by the Bureau of Reclamation in October 1963, rather than a more recent publication, *Replacements—Units of Property and Service Lives* (March 1968). Our analysis indicates that SWPA's use of the outdated publication to estimate future replacement costs will result in an additional annual revenue deficiency of about $400,000.

Fourth, SWPA contends that the proposed rate increase is needed in part because of expected increases in the cost of purchased power. The SWPA filing indicates that the price paid for purchased power will range from an average of 20.3 mills per kilowatt-hour in FY 1979, to 26.1 mills per kilowatt-hour in FY 1982. From a review of current firm power costs in SWPA's service area, it appears that SWPA's price estimates are on the low side. Therefore, unless SWPA provides further information, there is strong reason to doubt that its filed rates will provide sufficient revenues to cover purchased power costs.

Fifth, the SWPA study combines replacements with the original project investment. The non-segregation of replacement costs makes it impossible for us to determine whether replacement costs are being repaid on a timely basis consistent with the statutory standards. This is a reporting deficiency that prevents us from performing our review function. However, it probably does not have a direct revenue impact.

[2] 16 U.S.C. 825s.

[3] *U.S. Secretary of Energy, Bonneville Power Administration*, Docket No. EF80-2011, Order Remanding Rates Without Prejudice, issued November 21, 1980; *U.S. Secretary of Energy, Bonneville Power Administration*, Docket No. E-9563, Order Remanding Rates Without Prejudice, issued December 1, 1980.

When reviewing the rate filings of federal power marketing agenices based upon extended repayment studies, we may overlook minor deficiencies if the level of rates is generally consistent with the mandates of the Flood Control Act. However, we would be remiss in our statutory obligations if we overlooked major deficiencies that lead to significant shortfalls. We estimate that the first three deficiencies in the SWPA filing will result in an annual revenue shortfall of approximately $4.1 million, or about 6 percent of gross revenues. To the extent that these revenues are not collected from SWPA's customers, they will be borne by taxpayers. We are disapproving this filing because we do not believe that Congress intended for us to approve rates that would not be sufficient to reimburse taxpayers for their investment.

Aluminum Contract

One difficult issue remains: how to treat known cost deficiencies for service to a customer that may not be recovered from that customer because of legally binding contract provisions?

In January 1952, Arkansas Power & Light Company (AP&L) and Reynolds Metals Company (Reynolds) entered into a contract with SWPA. The contract obligates SWPA to provide elecricity to AP&L and Reynolds for a thirty-year period beginning January 1, 1954, and ending December 31, 1983. The contract, as supplemented on April 25, 1952, provided for certain maximum rate increases at the end of each five-year period for the duration of the thirty-year contract. On April 28, 1952, the Federal Power Commission confirmed and approved the schedule of rates and charges as filed in the supplemental agreement.

In the instant filing, SWPA has determined that the maximum contract rate is insufficient to meet the repayment requirement and, therefore, seeks to apply to these companies the same rates being charged for similar service to other customers.

AP&L and Reynolds brought action in the United States District Court for the District of Columbia to prevent SWPA from increasing the rate in excess of the maximum increase provided in the contract. By Memorandum Opinion filed October 20, 1980, the District Court ruled that SWPA could not legally increase the rate beyond the contract rate, regardless of whether the rate for service to AP&L and Reynolds would produce revenues sufficient to cover the costs for the service.

As previously noted, the standards of section 5 of the Flood Control Act of 1944 require that the applicable rate schedules provide sufficient revenues for SWPA to recover it annual costs and to repay the federal investment within a reasonable period of time. Accordingly, absent legislative action, the estimated $2.1 million annual revenue deficiency produced by the Aluminum Contract must be recovered in charges to other customers.

The Record on Other Issues

Our decision to disapprove the rate and remand the record in this docket obviates the need to address other issues at this time. However, for purposes of guidance, the Commission will set forth its current views with respect to the adequacy of the existing record as to certain of the issues raised by the intervenors.

Associated Electric Cooperative, Inc. has protested a transmission service charge which is assessed when SWPA provides service off its transmission system. The Cooperative contends that the service charge concept is contrary to the intent of Congress. Since legislation (Pub. L. No. 95–456, 92 Stat. 1230, enacted October 13, 1978) specifically provides for mutually satisfactory contract negotiations to be held between Associated and SWPA, the issue is not appropriate for resolution by the Commission in this rate filing.

Tex-La Electric Cooperative, Inc. asserts that SWPA and the Corps of Engineers have failed to substantiate that an annual revenue increase of approximately $15 million over the next five years is required to fulfill their responsibilities under section 5 of the Flood Control Act. In light of the large increases in O&M expenses incurred for the integrated system in the recent past, it appears that SWPA's estimates of future O&M costs are reasonable and necessary to insure that costs are recovered.

With respect to contract issues other than those posed by the Aluminum Contract and discussed above, the remand provides an opportunity for the Assistant Secretary, if he so desires, to consider allegations that the amount of energy provided and interim rates for customers of SWPA are in violation of any contractual obligations between the parties. As we noted in *Bonneville Power Administration*, Docket No. EF80–2011, order issued November 21, 1980, the Commission is not disposed to inquire into the legal authority of the Assistant Secretary to place rates in effect on an interim basis. The Commission's view is that this is a matter for disposition by the Assistant Secretary in the first instance, subject to appellate court review.[4]

Finally, the Commission believes that the disapproval and remand makes a hearing before the Commission unnecessary and inappropriate at this time. Although the Commission has the authority to institute a hearing whenever necessary, we would expect that necessary due process and hearing requirements generally should be satisfied when the proposed rates are being considered by the Assistant Secretary. As previously noted, the responsibility for developing the rates resides with the Assistant Secretary acting by and through the Administrator of SWPA. Thus, we do not now envision any formal hearings before the Commission.

Conclusions

Upon review of SWPA's filing, we find that the record transmitted by SWPA in this docket contains major deficiencies and is not sufficiently developed to allow a fully reasoned determination as to whether the rates meet the applicable statutory criteria. Therefore, it is necessary to disapprove the rates and to remand the record to the Administrator and Assistant Secretary for purposes of correcting those deficiencies and providing additional explanation.

With respect to the various petitions to intervene, we find that participation in this proceeding by each of the petitioners is in the public interest and that good cause exists to grant the untimely petitions. Accordingly, we shall grant intervenor status to each of the petitioners.

The Commission Orders

(A) The rates and charges developed by the Administrator of the Southwestern Power Administration, and placed in effect on an interim basis by the Assistant Secretary for Resource Applications, are hereby disapproved and remanded for correction of the stated deficiencies and further development of the record in order to demonstrate that the rates and charges submitted are in accord with the applicable statutory standards.

(B) The Assistant Secretary for Conservation and Renewable Energy shall submit substitute rates with adequate support to the Commission within 120 days from the date of this order.

---

[4] This issue was recently addressed by the United States District Court for the District of Oregon. *See Pacific Power & Light Co.* v. *Charles William Duncan, Jr., et al.* (Civil Docket No. 80–82, September 30, 1980).

(C) The petitions to intervene filed by the City of Piggott, Arkansas, Tex-La Electric Cooperative, Inc., Arkansas Power and Light Company, Reynolds Metals Company, Associated Electric Cooperative, Inc., the Committee on Power for the Southwest, Inc., the City of Fulton, Missouri, and the City of Lamar, Missouri are hereby granted subject to the rules and regulations of the Commission: *provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(D) The Commission, herein specifically provides that Petitions for Reconsideration may be filed with the Commission not later than 30 days from the date of this order.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17341 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4476]

Sierra Pacific Industries; Application for Preliminary Permit

June 4, 1981.

Take notice that Sierra Pacific Industries (Applicant) filed on April 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4476, known as the Grasshopper Power Project located on the Nelson Creek in Shasta County near Big Bend, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. A. Emmerson, President, P.O. Drawer Y, Arcata, California 95521, with a copy to: CH2M Hill, Attention Mr. Neal P. Dixon, P.O. Box 2088, Redding, California 96009.

Project Description—The proposed project would consist of: (1) a new 6-foot high by 25-foot long diversion weir; (2) a 5,500-foot long, 48-inch diameter penstock; (3) a powerhouse to contain one turbine-generating unit with a rated capacity of 3.5 MW; and (4) a 600-foot long transmission line to connect to an existing Pacific Gas and Electric Company transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would study the feasibility of constructing and operating the proposed project.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before, either August 12, 1981 the competing application itself [See 18 C.F.R. § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 C.F.R. § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 13, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 12, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17340 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-336-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Notice of Application

June 8, 1981.

Take notice that on May 15, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-336-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate approximately 2.7 miles of 10-inch pipeline extending from a production platform in Block 257, Eugene Island Area, offshore Louisiana, to the existing 30-inch pipeline in Eugene Island Area Block 278.

It is asserted that the proposed pipeline would enable Applicant to attach 31,500,000 Mcf of dry gas reserves at a rate of 60,000 Mcf per day.

The estimated cost of $3,733,000 for the proposed facilities would be financed initially from Applicant's general funds and/or borrowng under Applicant's revolving credit agreements, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal

Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17355 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-337-000]

Texas Eastern Transmission Corp.; Notice of Application

June 8, 1981.

Take notice that on May 18, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81—337–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Public Service Electric and Gas Company (Public Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement dated May 14, 1981, Applicant proposes to transport up to 50,000 dekatherms (dt) equivalent of natural gas per day, less fuel usage and shrinkage, purchased by Public Service from East Tennessee Natural Gas Company (East Tennessee). Applicant states that it would receive the gas from East Tennessee at the existing point of interconnection between Applicant and East Tennessee located in Giles County, Tennessee, or other mutually agreeable points of receipt and Applicant would transport equivalent quantities to Public Service at the existing point of interconnection between Applicant and Public Service at Meter Station 128 in Union County, New Jersey, or at other mutually agreeable points of delivery for a term ending October 31, 1981.

Applicant proposes to charge Public Service the current TS–1 basic rate of 20.97 cents per dt equivalent under its Rate Schedule TS–1 for delivery by Applicant to Public Service. It is provided, however, that for quantities transported and delivered by Applicant which when added to the quantities delivered to Public Service under Applicant's Rate Schedule TS–1 and SS–II and other transportation agreements exceed the combined total curtailment of natural gas sales to Public Service under all of Applicant's firm sales rate schedules, Applicant would charge Public Service the presently applicable effective TS–1 excess rate of 24.03 cents per dt equivalent such rate being subject to periodic change. It is further stated that Applicant would also retain for fuel use and shrinkage an amount of gas equal to 3.0 percent of the quantities transported.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.0) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the preceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commissions Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17356 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-210-001]

Texas Gas Transmission Corp.; Notice of Amendment to Application

June 8, 1981.

Take notice that on May 20, 1981, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP81–210–001 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect a change in the location of delivery of gas from Applicant, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its pending application in the instant docket it proposed, *inter alia*, to construct and operate pipeline facilities necessary to receive reserves contracted for in the Tuscaloosa Trend Area of Louisiana. Applicant further submits that it has two long-term transportation contracts with Louisiana Intrastate Gas Corporation (LIG) and Louisiana Resources Company (LRC) concerning the transportation of the subject gas.

Pursuant to a letter agreement dated May 6, 1981, between Applicant and LRC, Applicant proposes herein to make deliveries to LIG on LIG's line in Iberville Parish, Louisiana, for the account of LRC instead of the formerly proposed delivery to LRC in Plaquemine Parish, Louisiana. Applicant states that the proposed new delivery point would be preferable because of the existing operational characteristics of each party's system.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17357 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4473-000]

Township of Harrison, Pa.; Notice of Application for Preliminary Permit

June 4, 1981.

Take notice that Township of Harrison, Pennsylvania (Applicant) filed on April 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4473 to be known as Allegheny L/D #4 Hydro Project located on the Allegheny River in Allegheny & Westmoreland Counties, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William B. Payne, Representative COG, c/o Borough of Cheswick, 1410 Spruce Street, Cheswick, Pennsylvania 15024. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Allegheny Lock and Dam No. 4 and would consist of: (1) a headrace; (2) an intake structure integral with (3) a new powerhouse containing generating units having a total rated capacity of 24,000 kW; (4) a tailrace; (5) a new transmission line, approximately 500 feet long; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 96,000,000 kWh.

Purpose of Project—Project energy would be sold to the West Penn Power Company and/or other regional utilities; to area townships and to industrial users, depending on studies.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Noah Corporation's application for Project No. 3494 filed on September 23, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4473. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each represenative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17342 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-339-000]

Transcontinental Gas Pipe Line Corp.; Notice of Application

June 8, 1981.

Take notice that on May 18, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-339-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities to attach new gas supplies in Brazos Area, offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to the public inspection.

Applicant proposes herein to construct and operate approximately 3.08 miles of 10-inch pipeline to extend from an existing platform of ANR Production Company (ANR) in Brazos Block 504 to a subsea tie-in with Applicant's 20-inch Block A-1 Brazos lateral on the Central Texas Gathering System. Applicant further proposes to construct metering, regulating and other appurtenant facilities which would be located on the existing platform.

Applicant states that the proposed facilities would provide for the delivery of an estimated 46,720,000 Mcf of natural gas reserves in the Block 504 field with an estimated deliverability of 30,000 Mcf per day.

Applicant proposes to finance the estimated cost of $3,369,300 for the proposed facilities initially through short-term loans and available cash, it is stated that permanent financing would

be undertaken as a part of the overall long-term financing program in the future.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commisson's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17358 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-56-000]

Valero Interstate Transmission Co.; Purchased Gas Cost Adjustment Filing

June 4, 1981.

Take notice that on April 30, 1981, Valero Interstate Transmission Company (VITCO) tendered for filing Original Supplement No. 109 (purchased gas cost adjustment) to Rate Schedule 2 superseding previous purchased gas cost adjustments. VITCO stated that Exhibit A to Original Supplement No. 109 reflected the annualized change in purchased gas costs based on the twelve months ended February 28, 1981. VITCO requested waiver of any Commission regulation which would prohibit implementation of Supplement No. 109. The change in rate provided in Exhibit A to Original Supplement No. 109 includes an increase in purchased gas costs of 13.31 cents/Mcf and a surcharge of 6.72 cents/Mcf designed to eliminate the balance in the deferred purchased gas account. It is stated that these rates include no incremental pricing feature because VITCO was granted an exemption from certain filing and accounting requirements in Docket No. SA80-42.

The proposed effective date for Original Supplement No. 109 is June 1, 1981. VITCO states that copies of the filing have been served on the only customer served under Rate Schedule 2, Transcontinental Gas Pipe Line Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 1.10). All such petitions or protests should be filed on or before June 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commissin and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17343 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-109-001]

Valero Transmission Co.; Extension Report

June 8, 1981.

Take notice that on April 24, 1981, Valero Transmission Company (Valero) formerly Lo-Vaca Gathering Company, P.O. Box 500, San Antonio, Texas 78292, filed in Docket No. ST79-109-001 an extension report pursuant to Section 284.106 of the Commission's Regulations, reporting the extension of transportation of natural gas for an on behalf of El Paso Natural Gas Company (El Paso), all as more fully set forth in the extension report which is on file with the Commission and open for public inspection.

Valero states that the subject transportation services are rendered pursuant to an agreement between it and El Paso whereby Valero receives gas from El Paso at a point on Valero's system in Live Oak County, Texas and redelivers such gas to El Paso at a point in Pecos County, Texas. Valero advises that such transportation arrangement commenced July 26, 1979, and that it is obligated on a best efforts basis to transport a maximum daily quantity up to 7.5 billion Btu for El Paso.

According to Valero, the transportation rate for gas transported and redelivered is 16.5 cents per million Btu for the first year of the initial extension (July 26, 1981 to July 26, 1982) and 17.5 cents per million Btu for the second year of the extension (July 26, 1982 to July 26, 1983).

It is stated that the extension shall commence at 1:00 A.M. on July 26, 1981 for a term of two years thereafter, and that during such initial extended term, Valero agrees to file an application pursuant to Section 284.122(b)(2) of the Commission's Regulations for approval of the transportation of gas for El Paso for a term contemporaneous with the Gas Purchase Agreement between El Paso and Lovelady, *et al.*, dated October 22, 1979.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before June 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17359 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1888-003]

York Haven Power Co.; Application for Approval of Exhibit R

June 4, 1981.

Take notice that an application was filed on March 18, 1981, under the Federal Power Act, 16 U.S.C. § 791(a)-825(r), by the York Haven Power

Company, Licensee for the York Haven Project No. 1888, for approval of its recreation use plan, Exhibit R. The project is located on the Susquehanna River in Dauphin, Lancaster and York Counties, Pennsylvania. This filing was made in response to Article 32 of the FERC Order Issuing New Major license of August 14, 1980. Correspondence with the Licensee should be directed to: Mr. R. C. Richert, GPU Service Corporation, P.O. Box 1018, Reading, Pennsylvania 19603.

Existing recreation facilities at the project include 6 picnic areas, a nature trail, an undeveloped area, 9 boat launching areas, a fishing area, 3 visitor facilities, 7 cottage sites and an island landing site.

Facilities planned for development by the Fall of 1984 include picnic, sanitary and public parking facilities, quoit pits, and courts for tennis and vollyball, all located near the project powerhouse, a canoe portage trail on the western bank near the powerhouse, and a boat launching area on the eastern shore about one-third of a mile upsteam of the project's secondary concrete overflow dam.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 22, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17344 Filed 6-10-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51266; TS-H-FRL-1850-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of eight PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-219, 81-220 and 81-221, July 4, 1981. 81-231, 81-232, 81-233, 81-234 and 81-235, July 11, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51266] and the specific PMN number, should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on PMN's received by the EPA:

PMN 81-219

Close of Review Period. August 3, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. N-[2-(4-Aminophenyl)ethyl]-methanesulfonamide.

Use. The manufacturer states that the PMN substance will be used as a site-limited chemical intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	300	500
2d year	300	500
3d year	300	500

Physical/Chemical Properties

Solubilities—Water—<0.1%.
Octanol—<0.1%.
Melting point—97°C.

Toxicity Data

Acute oral LD_{50}—>2,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slightly irritating.
Eye irritation—Strongly irritating, prompt washing is palliative.
Skin sensitization potential—Not a sensitizer.
Ames *Salmonella* mutagenicity test, with and without metabolic activation—Negative.

Exposure. The manufacturer states that three workers manufacturing and using the new chemical will have skin and inhalation exposure for 0.3 to 0.5 hr/da, 0.5 to 1.5 da/yr, at an average concentration of 0 to 10 mg/m³ and a peak concentration of 1 to 100 mg/m³ during the transfer of the substance to drying equipment and storage containers.

Environmental Release/Disposal. The manufacturer states that there will be negligible amounts of the new chemical released into the air and none into the land and water. Vapors will be scrubbed before release, combustible liquid and solid wastes will be incinerated, and wastewater will be treated in a wastewater treatment system.

PMN 81-220

Close of Review Period. August 3, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Trisubstitutedbenzisoquinoline.

Use. Claimed confidential business information. Generic use information provided: A minor constituent in a commercial article with minimal potential for human contact.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	30	80
2d year	0	80
3d year	30	80

Physical/Chemical Properties

Solubilities—Water—<0.1%.
Octanol—<0.1%.
Melting point—243°C.

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slightly irritating.
Eye irritation—Slightly irritating.
Skin sensitization potential—Low.

Exposure. The manufacturer states that at 2 sites, 10 manufacturing and processing workers will have skin and inhalation exposure for 0.3 to 2.5 hr/da, 3 to 30 da/yr, at an average concentration of 0 to 10 mg/m³ and a peak concentration of 1 to 100 mg/m³ during the transfer of the new chemical to drying equipment and storage and blending containers.

Environmental Release/Disposal. The manufacturer states that at two sites, there will be negligible amounts of the new substance released into the air and land and none into the water. Vapors will be scrubbed before release, combustible liquid and solid wastes will be incinerated, and wastewater will be treated in a wastewater treatment system.

PMN 81-221

Close of Review Period. August 3, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstitutedheteropolycyclic salt.

Use. The manufacturer states that the PMN substance will be used as a site-limited chemical intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	0.1	0.3
2d year	0	0.3
3d year	0	0.3

Physical/Chemical Properties

Melting range—215–224°C with decompostion.
Solubility—9 ppm in acetonitrile.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that two workers manufacturing and using the new chemical will have skin and inhalation exposure for 0.1 to 0.3 hr/da, 1 to 2 da/yr every 3 years, at average and peak concentrations of 0 to 1 mg/m³ during the transfer of the substance to drying equipment and storage and reaction containers.

Environmental Release/Disposal. The manufacturer states that none of the new substance will be released into the air, land, or water. Vapors will be scrubbed before release, combustible liquid and solid wastes will be incinerated, and wastewater will be treated in a wastewater treatment system.

PMN 81-231

Close of Review Period. August 10, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:
Annual sales—In excess of $500 million.
Manufacturing site—Northeast U.S.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: [([2-(Methylsubstituted)-ethyl]substituted)heterocyclic]benzene.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that use of the PMN substance may release more than 50 but less than 5,000 kg per year into the environment with potential skin exposure for chemical industry employees. End-use will involve incorporating the new chemical into an article.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	10,000
2d year	1,000	10,000
3d year	1,000	10,000

Physical/Chemical Properties

Melting point—>100°C.
Water solubility in weight % at 24°F—0.0027.

Toxicity Data. No date were submitted.

Exposure. The manufacturer states that at 2 sites, a total of 162 workers manufacturing, processing, mixing, and coating with the new chemical could have inhalation and skin exposure for 24 hr/da, 250 to 322 da/yr, at average and peak concentrations of 0 to 1 mg/m³.

Environmental Release/Disposal. The manufacturer states that at two sites, less 20 kg/yr will be released into the air, up to 1,100 kg/yr into the land, and less than 110 kg/yr into the water of ■ publicly owned treatment works (POTW). Wastes other than those approved for disposal into a POTW, will be drummed for destruction in a licensed thermal oxidizer, disposal in an approved landfill, or for treatment or recovery.

PMN 81-232

Close of Review Period. August 10, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substitutedalkanoic acid derivative.

Use. The manufacturer states that the PMN substance will be used in a site-limited use as a chemical intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	50	100
2d year	100	200
3d year	200	400

Physical/Chemical Properties

Solubilities—Water—<0.1%.
Octanol—0.1–1.0%.
Melting point—60°C.

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Strongly irritating.

Exposure. The manufacturer states that four workers using and manufacturing the new chemical will have skin and inhalation exposure for 0.5 to 1.5 hr/da, 1 to 3 da/yr, at average concentration of 0 to 10 mg/m³ and peak concentration of 1 to 100 mg/m³ during transfer operations.

Environmental Release/Disposal. The manufacturer states that negligible amounts of the new substance will be released into the air and none into the land and water. Vapors will be passed through a scrubber, spills will be collected for incineration and processing in a wastewater treatment system, and combustible solid and liquid waste will be incinerated.

PMN 81-223

Close of Review Period. August 10, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted alkanoic acid.

Use. The manufacturer states that the PMN substance will be used in a site-limited use as a chemical intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	50	100
2d year	100	200
3d year	200	400

Physical/Chemical Properties

Solubilities—Water—<0.1%.
Octanol—0.1-1.0%.
Melting point—91°C.

Toxicity Data

Acute oral LD_{50}—>2,000 mg/kg.
Acute dermal LD_{50}>1,000 mg/kg.
Skin irritation—Slightly irritating.

Exposure. The manufacturer states that six workers using and manufacturing the new chemical will have skin and inhalation exposure for 0.3 to 2.5 hr/da, 2 to 5 da/yr, at average concentration of 0 to 100 mg/m³ and peak concentration of 1 to 100 mg/m³ during transfer operations.

Environmental Release/Disposal. The manufacturer states that negligible amounts of the new substance will be released into the air and none into the land and water. Vapors will be passed through a scrubber, spills will be collected for incineration and processing in a wastewater treatment system, and combustible solid and liquid wastes will be incinerated.

PMN 81-234

Close of Review Period. August 10, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstituted-alkanamide.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be a minor constituent in a commercial article, contained in such a manner as to afford a very low potential for exposure.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	50	100
2d year	100	150
3d year	150	300

Physical/Chemical Properties

Solubilities—Water—<0.1%.
Octanol—0.1-1.0%.
Melting point—107°C.

Toxicity Data

Acute oral LD_{50}—<3,000 mg/kg.
Acute dermal LD_{50}—<1,000 mg/kg.
Skin irritation—slightly irritating.

Exposure. The manufacturer states that eight manufacturing and processing workers will have skin and inhalation exposure to the new substance for 0.1 to 2.5 hr/da, 5 to 6 da/yr, at average concentration of 0 tp 10 mg/m³ and peak concentration of 1 to 100 mg/m³ during cleaning and transfer operations.

Environmental Release/disposal. The manufacturer states that negligible amounts of the new substance will be released into the air and water and none into the land. Vapors will be passed through a scrubber, wastewater will be collected for treatment, and combustible solid and liquid wastes will be incinerated.

PMN 81.235

Close of Review Period. August 10, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: disubstituted-alkanamide.

Use. The manufactuere states that the PMN substance will be used in a site-limited use as a chemical intermedicate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	50	100
2d year	100	250
3d year	250	500

Physical/Chemical Properties

Solubilities—Water—<0.1%.
Octanol—<0.1%.
Melting point—83°C.

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slightly irritating.

Exposure. The manufacturer states that five workers manufacturing and using the new chemical will have skin and inhalation exposure for 0.5 to 1.5 hr/da, 3 to 4 da/yr, at average concentration of 0 to 10 mg/m³ and peak concentration of 1 to 100 mg/m³ during cleaning and transfer operations.

Environmental Release/Disposal. The manufacturer states that negligible amounts of the new substance will be released into the air and water and none into the land. Vapors will be passed through a scrubber, wastewater will be collected for treatment, and combustible solid and liquid wastes will be incinerated.

Dated: June 3, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-17274 Filed 6-10-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-51208A; TS-H-FRL-1850-5]

Certain Premanufacture Notices; Extension of Review Period

AGENCY: Environmental Protection Agency (EPA)..

ACTION: Notice.

SUMMARY: EPA is extending the review period for three premanufacture notices (PMN's) for which the review period commenced on March 5, 1981, under section 5 of Toxic Substances Control Act (TSCA). The PMN's are P-80-356, P-80-357, and P-81-110. The PMN's described chemical substances that would be manufactured as dyes in Japan and imported into the U.S. for use in fiber. The submitter of the three PMN's is Marubeni America Corporation, New York, New York. Each PMN substance will have a maximum third year production volume of 20,000 kilograms.

DATE: The review period has been extended to July 18, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Green, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E208, 401 M Street SW., Washington, D.C. 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION:

Background

Under section 5 of TSCA any person who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a premanufacture notice (PMN) to EPA prior to commencement of manufacture or import. In general, section 5 provides that EPA must complete its review of a PMN within 90 days of its receipt by the Agency. However, under section 5(c) EPA may extend the notice period for good cause for additional periods, not to exceed an aggregate of 180 days from the date of receipt.

EPA issued proposed rules to implement the premanufacture notification program published in the **Federal Register** of January 10, 1979 (44 FR 2263). Section 720.35 of the proposed regulation addressed the section 5(c) extension authority and provided examples of situations in which the Agency believed there would be good

cause to extend the notice period. Although EPA has not yet promulgated these rules, the example in the proposal that would apply in this case is that:

EPA has received the notice and has determined that there is a significant possibility that the chemical will be regulated under section 5(e) or section 5(f) of the Act, but the Agency is unable to initiate regulatory action within the initial 90-day period (44 FR 2273).

Chemical Identity

P–80–356—benzoic acid, 2-[[2-amino-5-hydroxy-6-[[-6[[4'-[[1-hydroxy-8[[(4-methylphenyl)sulfonyl]amino]-3,6-disulfo-2-naphthalenyl]azo]-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]azo]-7-sulfo-1-naphthalenyl]azo]-5-nitro,-trisodium salt

P–80–357—benzoic acid, 2-[[2-amino-6-[4'-[[5-[2,5-disulfophenyl]azo]-1-hydroxy-6-(phenylamino)-3-sulfo-2-naphthalenyl]azo]-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]azo]-5-hydroxy-7-sulfo-1-naphthalenyl]azo]-5-nitro-tetrasodium salt

P–81–110—acetamide, N-(2-[(2-chloro-4,6-dinitrophenyl)azo-5-(diethylamino]-4-(2-methoxy)ethoxyphenyl]

Review to Date

EPA's initial evaluation of the subject PMN substances entailed review of information that the manufacturer supplied in the PMN's and in subsequent submissions to EPA. EPA also conducted literature searches on the PMN substances and on structurally similar substances, i.e., structural analogues.

Using the information, EPA assessed seven major areas of potential concern: process chemistry, uses, worker and consumer exposures, environmental releases, health effects, environmental fate, and ecological effects. The Agency also considered other factors, such as economics and impacts on technological innovation, that are not directly associated with the assessment of the risks that the PMN substances may present to human health and the environment. When EPA completed this initial screening of the substances, the Agency concluded that it needed to conduct a more thorough review of certain aspects to focus on specific areas of concern. Therefore, EPA has entered the PMN's into another series of analyses, the Detailed Review Process. During the Detailed Review, Agency staff is conducting further evaluations and assessments of the following: (1) The exposure associated with the processing, use, and disposal of the PMN substances and (2) the degree to which the subject substances may cause effects of concern to human health and the environment.

Extension of the Notice Review Period

The results of the reviews alluded to are summarized below:

(1) EPA is concerned about potential risks that the substances may pose to humans. EPA is concerned that the three PMN substances may exhibit carcinogenic potential. The manufacturer supplied no information in the PMN's or in subsequent submissions that would comment or bear any light on these substances' potential for carcinogenic activity. In addition, EPA is concerned that the chemical substance in P–81–110 may exhibit a skin sensitization potential which may lead to occular effects, and may be highly toxic to fish.

(2) EPA can predict that some workers in processing operations will come into contact with the substances. Such contact will involve both dermal and inhalation exposure routes. At this time, worker exposure appears to present a concern, and the extent of the concern to consumers and the aquatic environment is still being determined. The lack of toxicity information on the PMN substances themselves, the health concerns expressed for analogs to the subject chemicals, and the known exposure of workers to these types of substances gives rise to the significant possibility that the chemicals will be regulated under section 5 of the Act.

On the basis of the cited concerns raised during EPA's evaluation of the PMN substances, the significant possibility of further regulation under section 5, and because of the limited time before the end of the review period for the substances (which closes on June 3, 1981), EPA has determined that good cause exists to extend the notice period for an additional 45 days, until July 18, 1981.

EPA needs additional time to assess these chemical substances to determine if regulatory controls are appropriate. During the additional 45 days EPA will: (1) evaluate the need for additional data on the PMN substances, (2) determine the need for regulatory control in light of EPA's concerns about PMN substances, and (3) examine possible control options. Extension of the notice period preserves EPA's authority to initiate a regulatory action under section 5 of TSCA if the Agency concludes that such an action is appropriate.

The PMN's and other written material are available for public inspection in Rm. E107, at the EPA Headquarters address given above. The public record is available from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. All information that the manufacturer has claimed to be confidential has been deleted from the documents in the public record.

Dated: June 2, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Toxic Substances.

[FR Doc. 81-17278 Filed 6-10-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80-339; Transmittal Nos. 2258, 2259, 2260, 4610, 4611, 4613, 4614, 4615, 4616, 909, 910, 911, 1430, 1431, 224, 69, and 77]

ITT World Communications Inc., et al.; Revisions to tariffs; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Investigation; extension of reply comment period.

SUMMARY: Based on a request by RCA Global Communications, Inc., the period of time for filing responses to Trans-Lux Corporations reply case in the investigation of tariff revisions for establishing separate charges for terminals, tielines, and transmission offered in connection with international telex service, 45 FR 58680 (Sept. 4, 1980), is extended to June 5, 1981.

DATES: Responses June 5, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Marjorie S. Bertman, Common Carrier Bureau (202) 632–6917.

SUPPLEMENTARY INFORMATION:

Adopted: May 29, 1981.

Released: June 2, 1981.

By the Acting Chief, Common Carrier Bureau.

1. Before the Bureau is a motion filed by RCA Global Communications, Inc. (RCA Globcom) requesting an extension of time until June 12, 1981, to file its response to the reply case submitted by Trans-Lux Corporation (Trans-Lux) in the above-captioned investigation. Responses are now due on or before May 29, 1981. Also before the Bureau is an opposition to RCA Globcom's motion filed by Trans-Lux.

2. RCA Globcom states that it requires the additional time to complete the necessary financial analysis of Trans-Lux's reply case. On the other hand, Trans-Lux points to the extensive delays that have already occurred in this investigation, and argues that it will

suffer injury from a further postponement.

3. Based on the pleadings before us, we find that a one-week extension would allow the parties ample time to prepare their responses while not unduly delaying this proceeding. Therefore, responses will be due on June 5, 1981.

4. Accordingly, it is ordered, That pursuant to authority delegated under Section 0.291 of the Commission's Rules, 47 CFR § 0.291, the request for extension of time filed by RCA Global Communications, Inc. is granted to the extent indicated and is otherwise denied.

5. It is further ordered, That a copy of this Order be published in the **Federal Register.**

6. It is further ordered, That this Order is effective upon adoption.

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-17239 Filed 6-10-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. T-3974]

Lease Agreement Between Toledo-Lucas County Port Authority and Toledo World Operators, Inc.; Notice of Availability of Finding of no Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3974 will not constitute a major Federal action significantly affecting the quality of the human invironment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environemental impact statement is not rerquired. Agreement No. T-3974 is a lease agreement between Toledo-Lucas County Port Authority (Toledo) and Toledo World Operators, Inc. The lease provides for the operation, maintenance and renewal of approximately 100 acres of Toledo property including eight berths, buildings and improvements located on the leased premises (Toledo's Facility No.1). The premises shall be used for unloading, storing and loading waterborne cargoes.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Fedeal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc 81-17240 Filed 6-10-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-37]

Melamine Chemicals, Inc. and Atlantic Cargo Services, et al.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Melamine Chemicals, Inc. against Atlantic Cargo Services, et al. was served June 4, 1981. Complainant alleges that respondents have maintained inbound ocean freight rates from Northern Europe on "Melamine" in violation of sections 15, 16 First, 17, 18 (b)(5) and 18 (c)(1) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-17379 Filed 6-10-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

June 8, 1981.

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application.

Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than July 1, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 30 Pearl Street, Boston, Massachusetts 02106:

Old Stone Corporation, Providence, Rhode Island (mortgage banking and insurance activities; California): to engage *de novo* through a new subsidiary, UniMortgage Corporation of California, in the origination, sale and servicing of first and second mortgage loans; the sale of credit life and credit health and accident insurance offered in connection with extensions of credit. These activities would be conducted at an office in Walnut, California, serving an area of roughly twenty-five miles radius extending into the counties of Los Angeles, Orange, Riverside, and San Bernardino, California.

B. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Barclays Bank Limited and its subsidiary, Barclays Bank International Limited, London, England (lease financing activities in Tennessee): to engage through their subsidiary, BarclaysAmerican/Leasing, Inc., in lease financing of personal property by means of leases that meet the standards of Section 225.4(a)(6) of Regulation Y. These activities would be conducted from an office at 3200 West End Avenue,

Suite 405, Nashville, Tennessee 27203, serving Tennessee, the southern portion of Kentucky, and the south/central United States.

2. Barclays Bank Limited and its subsidiary, Barclays Bank International Limited, London, England (secured business lending, primarily real estate—North Carolina, Idaho, and South Carolina): to engage through their subsidiary, Barclays-AmericaCorporation ("BAC") and its subsidiary, Barclays-America/Credit, Inc. and BarclaysAmerica/Financial, Inc., in making business loans to small businesses or individuals borrowing for business purposes, primarily secured by first and second mortgages on real estate. This activity would be conducted from BAC's existing consumer finace offices located in North Carolina, Idaho, and South Carolina, serving customers throughout those states.

3. Barclays Bank Limited, London, England, and its subsidiary, Barclays Bank International Limited, London, England (consumer finance and insurance activities; Kentucky, North Carolina, Virginia): to engage, through their indirect subsidiaries, Barclays American/Credit, Inc., ("BA/Credit") from an office in Charlotte, North Carolina, and Barclays American/Mortgage, Inc., from an office in Louisville, Kentucky, in making mortgage loans and selling, as agent, related credit life, credit accident and health, and credit property insurance; and to engage, through BA/Credit, from an office in Virginia Beach, Virginia, in indirect installment lending, retail sales financing, and selling, as agent, related credit life, credit accident and health, and credit property insurance. Each office would conduct the activities described for the office, serving customers in and throughout the area surrounding the city in which the office is located.

4. Chase Manhattan Corporation, New York, New York (insurance activities; California): to engage, through its subsidiary, Chase Manhattan Financial Services, Inc., in the sale of credit property insurance directly related to its lending and servicing activities. These activities will be conducted from an office in Newport Beach, California, serving all of California. Comments on this application must be received not later than June 26, 1981.

5. Citicorp, New York, New York (consumer finance and insurance activities; Texas): to open a *de novo* office of its subsidiary, Citicorp Acceptance Company, Inc., in San Antonio, Texas, to engage *de novo* in the following proposed activities: the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; and the servicing, for any person, of loans and other extensions of credit. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Acceptance Company, Inc. The proposed service area of the office would comprise the entire state of Texas for all the aforementioned activities.

6. Citicorp, New York, New York (consumer finance, insurance and industrial loan company activities; Washington): This notice corrects a previous Federal Register Document (FR Doc. 81-15872) published at page 28743 of the issue for Thursday, May 28, 1981. The list of proposed activities was incomplete. The additional activities that applicant proposes to engage in are as follows: the sale at retail of money orders, travelers checks, U.S. savings bonds and consumer oriented financial management courses. These activities would be conducted from offices in Lacey, Washington, and Federal Way, Washington, and servicing the entire state of Washington.

7. Lincoln First Banks, Inc., Rochester, New York (investment advisory activities; Southern Florida): to engage through its subsidiary, Lincoln First of Florida, Inc., in acting as investment or financial advisor to the extent of providing portfolio investment advice to any person other than a Florida bank or trust company, and furnishing general economic information and advice, general economic statistical forecasting services and industry studies. These activities would be conducted from offices in Boca Raton, Florida, serving the county of Palm Beach, Florida.

C. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

NCNB Corporation, Charlotte, North Carolina (commercial finance activities; Florida): to engage, through its subsidiary, NCNB Financial Services, Inc., in making or acquiring loans and other extensions of credit, such as would be made by a factoring and commercial finance company, and servicing such loans and extensions of credit. These activities would be conducted from an office in Orlando, Florida, serving the state of Florida. Comments in this application must be received no later than June 26, 1981.

D. *Federal Reserve Bank of St. Louis* (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

First Kentucky National Corporation, Louisville, Kentucky (item processing activity; Arkansas, Arizona, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, and Utah): to engage through its subsidiary, NPC of Arizona, Inc., in the processing of bank card sales slips, airline tickets, third party remittances and other documents. These activities would be conducted from a data processing center located in Phoenix, Arizona, serving Arkansas, Arizona, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, and Utah. Comments on this application must be received not later than June 23, 1981.

E. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Commercial Bankshares, Inc., Grand Island, Nebraska (industrial banking and insurance activities; Nebraska): to engage, through its subsidiary, Commercial Savings Company of Grand Island, in operating an industrial bank as authorized by Nebraska law, including accepting time and savings deposits; making and acquiring loans and other extensions of credit such as would be made by an industrial bank; and selling life, accident and health, and physical damage insurance directly related to its extensions of credit from auxiliary offices at 1616 South Locust, and Highway 281 and Thirteenth Street in Grand Island, Nebraska, serving the City of Grand Island and its trade territory.

F. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

U.S. Bancorp, Portland, Oregon (financing and insurance activities; Oregon): to engage, through its subsidiary, U.S. Creditcorp, in making, acquiring and servicing loans and other extensions of credit, either secured or unsecured, for its own account or for the account of others, including the purchasing of contracts as evidences of debt, making commercial and business loans, and acting as insurance agent with regard to credit life and disability insurance, solely in connection with extensions of credit by Creditcorp. These activities would be conducted from an office in Vancouver, Washington, serving Clark County, Washington.

G. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17305 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than July 1, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

Barclays Bank Limited and Barclays Bank International Limited, both of London, England (financing activities; New York): to engage through their subsidiary, BarclaysAmerican/Commercial, Inc., in factoring and commercial finance activities and making other commercial loans. These activities would be conducted from an office in New York, New York serving New York and the northeastern United States.

Chemical New York Corporation, New York, New York (investment advising and real estate appraisal activities); Ohio, Georgia, South Carolina, Texas, Indiana, Tennessee and Pennsylvania: to engage through its subsidiary, Chemical Mortgage Company, in the activities of providing portfolio investment advice (real estate) to any person; furnishing general economic information and advice; providing financial advice to the state and local governments with respect to issuance of their securities; performing real estate appraisals. The expanded activities will be performed in offices in Akron, Cincinnati, Cleveland, Columbus, and Dayton, Ohio; as well as in Atlanta, Georgia; Columbia, South Carolina; Houston, Texas; Indianapolis, Indiana; Nashville, Tennessee; and Pittsburgh, Pennsylvania. The service area for each office is the entire city in which such office is located, as well as the immediately surrounding towns.

B. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President), 400 South Akard Street, Dallas, Texas 75222:

El Paso National Corporation, El Paso, Texas (insurance activities; Texas): to engage, through a subsidiary, Surety General Agency, in the sale of any insurance for the holding company and its subsidiaries and in the sale of any insurance directly related to extensions of credit made or acquired by subsidiaries of the holding company including insurance on property taken as collateral. These activities will be conducted from offices of the holding company's subsidiaries, serving the State of Texas. Comments on this application must be received not later than June 27, 1981.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

Bankamerica Corporation, San Francisco, California (financing, servicing, and insurance activities; Missouri, the city of East St. Louis, Illinois and the following counties in Illinois: Bond, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Perry, Randolph, St. Clair, and Washington): to engage through it indirect subsidiaries, FinanceAmerica Corporation of Missouri, a Missouri corporation, and FinanceAmerica Credit Corporation, a Delaware corporation, in the activities of making or acquiring for their own accounts loans and other extensions of credit such as would be made or acquired by a finance company; servicing such loans and other extensions of credit; and offering credit-related property insurance. The activities of FinanceAmerica Corporation of Missouri will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property. The activities of FinanceAmerica Credit Corporation will include, but not be limited to, making first mortgage residential real estate loans in excess of $2,500. Both corporations will offer credit-related life, accident, and health and property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation of Missouri and FinanceAmerica Credit Corporation.

These activities will be conducted from a *de novo* office located in Florissant, Missouri, serving the entire state of Missouri, the city of East St. Louis, Illinois, and the above-mentioned Illinois counties.

U.S. Bancorp, Portland, Oregon (financing, servicing, investment, and insurance activities; Washington): to engage, through its indirect subsidiary, U.S. Creditcorp Industrial Loan Company ("CILC"), in the activities of making, acquiring and servicing loans and other extensions of credit, either secured or unsecured, for its own account or for the account of others, including, but not limited to, consumer loans; installment sales contracts and other forms of receivables; making investments as permitted by Revised Code of Washington, Division of Banking, Chapter 31.04 Industrial Loan Companies; and acting as insurance agent with regard to credit life and disability insurance, property and casualty insurance, solely in connection with extensions of credit by CILC. These activities will be conducted from an office located in Vancouver, Washington, serving Clark County, Washington.

Western Bancorporation (WBC), Los Angeles, California (industrial banking, financing and insurance agency activities; Colorado): to engage *de novo* through its subsidiary, First Interstate Industrial Bank of Fort Collins, in operating an industrial bank as authorized by Colorado law, including the acceptance of time and savings deposits, making, acquiring and servicing loans; and other extensions of credit; and acting as agent or broker with respect to credit life and credit

accident and health insurance, directly related to extensions of credit or the provision of other financial services by Western Bancorporation or its affiliates. These activities will be conducted from an office to be located in Fort Collins, Colorado, serving the Fort Collins Standard Metropolitan Statistical Area.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17311 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Bokchito Bancshares, Inc.; Formation of Bank Holding Company

June 5, 1981.

Bokchito Bancshares, Inc., Bokchito, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First State Bank, Bokchito, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17320 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Boone Bancshares, Inc.; Formation of Bank Holding Company

June 5, 1981.

Boone Bancshares, Inc., Alexandria, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 61.6 per cent or more of the voting shares of The Dixie State Bank, Walton, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17321 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Carbondale Investment Corp.; Formation of Bank Holding Company

The Carbondale Investment Corporation, Carbondale, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Carbondale, Carbondale, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17312 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Centennial Bancshares, Inc.; Formation of Bank Holding Company

Centennial Bancshares, Inc. Overland, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Centennial Bank and Trust, Mission, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17322 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Central Bancorporation, Inc.; Acquisition of Bank

The Central Bancorporation, Inc., Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of The Clear Creek Valley Banking Company, Amando, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17313 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Chemical Bank International-North America; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Chemical Bank International-North America (formerly Chemcial Bank International of Miami), Miami, Florida, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish branches in Chicago, Illinois, Los Angels and San Francisco, California; Houston, Texas; Boston, Massachusette; Cleveland, Ohio; and Atlanta, Georgia. Chemcial Bank International-North America operates as a subsidiary of Chemcial Bank, New York, New York.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17314 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Commerce Southwest, Inc.; Acquisition of Bank

Commerce Southwest, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of Carrollton First National Bank, Carrollton, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17315 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Conway Bancshares, Inc.; Formation of Bank Company

Conway Bancshares, Inc., Little Rock, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 per cent or more of the voting shares of First State Bank & Trust Company, Conway, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17323 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Copperas Cove Bancshares, Inc.; Formation of Bank Holding Company

Copperas Cove Bancshares, Inc., Copperas Cove, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Cove State Bank, Copperas, Cove, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17324 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Gunnison Bank Holding Corp.; Formation of Bank Holding Company

Gunnsion Bank Holding Corporation, Gunnison, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Gunnison Bank and Trust Company, Gunnison, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17318 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Industrial Overseas Investments, Ltd.; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25 (a) of the Federal Reserve Act ("Edge Corporation"), to be known as Industrial Overseas Investments, Ltd., Providence, Rhode Island. Industrial Overseas Investments, Ltd. would operate as a subsidiary of Industrial National Bank of Rhode Island, Providence, Rhode Island. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4 (a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17317 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Jefferson County Bancorp., Inc.; Acquisition of Bank

Jefferson County Bancorp., Inc., Hillsboro, Missouri, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Century Bancshares Corporation, St. Louis, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17304 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

K.B.J. Enterprises, Inc.; Correction

This notice corrects a previous **Federal Register** Document, FR Doc. 81-16387 at page 29540 of the issue for June 2, 1981. The applicants name was incorrectly listed. The correct name is K.B.J. Enterprises, Inc.

Board of Governors of the Federal Reserve System, June 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17325 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Mathes Bancshares, Inc.; Formation of Bank Holding Company

Mathes Bancshares, Inc., Ellington, Missouri, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers State Bank of Ellington, Missouri. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Mathes Bancshares, Inc., Ellington, Missouri, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit made by Farmers State Bank of Ellington. These activities would be performed from offices in Ellington, Missouri, and the geographic area to be served is an area within a 15-mile radius of Ellington, Missouri. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve of St. Louis.

Any views or requests for hearing should be submitted in writting and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 2, 1981.

Board of Governors of the Federal Reserve System, June 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17319 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Moultrie Bancorp, Inc.; Formation of Bank Holding Company

Moultrie Bancorp, Inc., Lovington, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Hardware State Bank, Lovington, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the

evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17326 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Orbanco Financial Services Corp.; Acquisition of Bank

Orbanco Financial Services Corporation, Portland, Oregon, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Oregon State Bank, Carvallis, Oregon, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17327 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Rio Grande City Bancshares; Formation of Bank Holding Company

Rio Grande City Bancshares, Rio Grande City, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares, less directors' qualifying shares, of First National Bank of Rio Grande City, Rio Grande City, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17328 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

Union Holding Co.; Formation of Bank Holding Company

Union Holding Company, Halliday, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86.5 per cent or more of the voting shares of The Union Bank, Halliday, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17329 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

United Bank Corp.; Acquisition of Bank

United Bank Corporation, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Island State Bank, Patchoque, New York. The factors that are considered in action on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17319 Filed 6-10-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Pharmaceutical Reimbursement Board; Public Hearing on Maximum Allowable Cost Determinations, Cancellation

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of Cancellation of Public Hearing.

SUMMARY: This notice cancels the public hearing before the Pharmaceutical Reimbursement Board (PRB) originally announced in the **Federal Register** On March 31,1981 (46 FR 19603), and scheduled for June 11, 1981.

The end of the period for submitting requests to appear at the hearing was May 22,1981. Because no requests were received by the PRB by the close of that period, a decision has been made to cancel this public hearing.

FOR FURTHER INFORMATION, CONTACT: Joel Schaer, 301-594-9777.

Dated: June 4, 1981.

Peter J. Rodler,

Chairman, Pharmaceutical Reimbursement Board.

[FR Doc. 81-17381 Filed 6-10-81; 8:45 am]

BILLING CODE 4110-35-M

Office of Human Development Services

Statement of Delegation of Authority

This notice amends Part D of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human

Services, Office of Human Development Services (OHDS) (45 FR 64253) for provision of Federal Payments for Foster Care of Dependent Children under the Aid to Families with Dependent Children program (AFDC), Title IV, part A of the Social Security Act, as amended, and for recommendation, approval and administration of research and demonstration projects relating to foster care under sections 1110 and 1115 of the Social Security Act, as amended, except as provided under section 1120 of the Social Security Act. This delegation is effective when signed by the Secretary.

The delegation of authority to the Social Security Administration (42 FR 13262) to administer AFDC-Foster Care is withdrawn except as indicated in this notice.

Part D, OHDS, Section D.30, Delegations of Authority is amended by adding paragraph 20 to read as follows:

20. The authority vested in the Secretary by the Social Security Act, as amended, to administer the foster care program under Title IV, part A, providing for payments under section 403 pursuant to requirements of section 402 (a)(20) for States to provide aid to families with dependent children in the form of foster care as specified by section 408, *except* that, to aid in the orderly transfer of this program, the Commissioner of Social Security retains authority:

(1) To determine the allowability of the following State claims for expenditures;

a. Those currently under consideration by the Regional Commissioner, Social Security Administration, in consultation with the Associate Commissioner for Family Assistance, Social Security Administration,

b. Those disallowed by the Regional Commissioner, Social Security Administration, and on which the State's request for reconsideration by the Commissioner of Social Security is pending,

c. Those disallowed and with respect to which reconsideration was requested prior to March 6, 1978, and which are awaiting the final administrative decision by the Commissioner of Social Security pursuant to 45 CFR 201.14.

SSA retains authority for these claims until it reaches its final decision; and

(2) To adjust financial accounts relating to the foster care program as necessary to effectuate this delegation with the advice and direction of the Assistant Secretary for Management and Budget.

This delegation ratifies any action taken by OHDS with respect to the administration of AFDC-Foster Care (Title IV-A) prior to the effective date of the delegation.

All regulations and statements of policy and interpretation with respect to the administration of AFDC-Foster Care heretofore issued and in effect prior to the date of this delegation are continued in full force and effect.

This delegation is based on Section 6 of Reorganization Plan No. 1 of 1953 (5 U.S.C. appendix); and is subject to the reservation of authority to the Secretary as set forth in Part A, Chapter AA of the Department Organization Manual.

Dated: June 5, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-17383 Filed 6-10-81, 8:45 am]

BILLING CODE 4110-92-M

Social Security Administration

Income Maintenance Research and Demonstrations; Community Work Experience Projects; Availability of Grants

The Commissioner of Social Security gives notice of availability of fiscal year 1981 funds for income maintenance demonstration (R&D) grants related to Title IV-A of the Social Security Act. The grants are authorized under Section 1115(a) and Section 1110 of the Social Security Act. The closing date for receipt of all applications is July 31, 1981.

Program Purpose

The Research and Demonstration activities are intended to add to existing knowledge and for improvement of methods and techniques for the management, administration, and effectiveness of public assistance programs.

Program Goals

In general, the Social Security Administration (SSA) will support the following types of projects:

(1) Those which develop and demonstrate new financing mechanisms, administrative procedures, and technological innovations for improving the effectiveness of public assistance programs at the State and local level.

(2) Those which develop more knowledge on the characteristics and financial needs of a target group.

(3) Those which develop and implement analytical models for comparing the relative merits of alternative methods for carrying out income maintenance.

Community Work Experience Projects (CWEP)

The Department of Health and Human Services has included requirements for mandatory, State administered Community Work Experience Programs (CWEP) for Aid to Families With Dependent Children (AFDC) recipients in the proposed "Social Welfare Amendments of 1981." The purpose of CWEP is to provide work experience and training for recipients of AFDC in order to assist them to move into regular employment. States will have broad flexibility to design and operate CWEP approaches in their own States.

To encourage States to experiment and test new ways to carry out CSWP programs, the Social Security Administration announces the following two types of projects:

A. Community Work Experience Project Demonstrations—SSA-001

These Section 1115 demonstration projects will enhance the operation of the Community Work Experience Program (CWEP) for AFDC recipients. The purpose is to initiate CWEP at the earliest possible time and to assess the various approaches for CWEP. States will select their own approaches to CWEP to reflect their circumstances.

All projects must meet the purpose and requirements specified in the proposed Community Work Experience Program legislation. The provision of Section 1115(a)(1) of the Social Security Act will be used to allow for waiver of specified Section 402(a) State plan requirements and implementing regulations. Waivers may be requested as needed for the conduct of the project. The provision of Section 1115(a)(2) of the Act will be used to allow Federal matching under the AFDC State plan for the costs of the project which would not otherwise be authorized as expenditures under Section 403 of the Act. There will be no special Federal Project Funds available for the projects. The Social Security Administration anticipates that these projects will be up to 3 years in duration. The initial grant awards will be for 12 months and successive 12-month grants will be awarded depending upon satisfactory performance.

B. Analysis of Models of Strategies and Procedures for Implementing Community Work Experience Projects—SSA-002

In this Section 1110 project the grantee will be: (1) Designing models of strategies and procedures for implementing CWEP approaches which can be applied in selected States to

determine their relative effectiveness in accomplishing the purposes of the CWEP program; (2) establishing these implementation models within 4–6 selected States by working with the State to tailor these models to the unique conditions existing in the States; (3) designing the data collection and establishing and administering the data collection efforts for a within-State and between-State assessment of the legal, regulatory, organizational, administrative, and socioeconomic issues and other problems encountered in attempting to implement CWEP approaches and what overall models of implementing those approaches worked best in which types of settings; (4) conducting an analysis and report on these data; and, (5) providing briefings to and consultations with State and local agencies on the results of this grant as it bears on their CWEP plans. The final product is expected to be an assessment of the "best practices" for CWEP in various settings. Such practices should provide States information on the best arrangements for CWEP.

It is anticipated that one (1) grant will be awarded up to three years in duration. The initial grant award will be funded for 12 months and successive 12-month grants will be funded depending upon the availability of funds and satisfactory performance.

Other Project Areas

Applicants may also submit a proposal for a project not specifically identified in this announcement but which is relevant to the above listed SSA program goals. These applications will be designated as nonpriority but will also be subject to the panel review process. A limited number of projects may be approved pending available funds and will compete with other nonpriority projects.

Eligible Applicants

Section 1110 Grants. Any State, public, or non-profit organization or agency may apply for a grant under the Section 1110 authority.

Section 1115(a) Grants. Only Title IV–A State agencies may apply for grants under the Section 1115(a) authority.

The Application Process

1. *Availability of application forms.* Application Kits which contain the prescribed application forms and supplemental descriptive project development information are available from: Social Security Administration, Division of Contracts and Grants Management, OMBP, Grants Management Branch, Room 1206, Annex, 6401 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594–0284, Lawrence H. Pullen, Chief, Grants Management Branch.

When requesting an Application Kit, the applicant should specify the type of project, Section 1110 or Section 1115(a), to insure receipt of the proper application.

2. *Additional information.* For questions concerning project development, please contact Mr. Michael Carozza, Office of Family Assistance, Social Security Administration, Washington, D.C., Telephone (202) 245–2137.

3. *Application submission.* To be considered for Section 1110 or Section 1115(a), all applications must be submitted on standard forms provided by the Division of Contracts and Grants Management. The application shall be executed by an individual authorized to act for the applicant agency or organization and to assume for the agency or organization the obligations imposed by the terms and conditions of the grant.

As part of the project title (page 1 of the application Form SSA–96, item 7) the applicant must clearly indicate whether the application submitted is in response to a priority project identified in this announcement and must reference the unique project identifier (SSA–001, etc.) for which the application is to compete.

4. *Grantee share of the project.* Grant recipients receiving financial assistance to conduct Section 1110 projects are expected to contribute some portion of the project costs for each year funding is requested. Generally, five (5) percent is considered acceptable. No grant will be awarded which will cover 100 percent of project costs.

5. *Application consideration.* Applications are initially screened for relevance to the interests of SSA. Irrelevant applications are returned to the applicant. Relevant applications are reviewed and evaluated by review panel of not less than three experts. Written assessment of each application is made.

6. *Application approval.* Following approval of the applications selected for funding, financial assistance awards will be issued within limits of Federal funds available. The grant awards will be issued in September 1981. The official award document is the Notice of Grant Award. It provides the amount of funds awarded, the purpose of the award, the terms and conditions of the award, the budget period for which support is given, the total project period for which support is contemplated, and the total grantee participation.

Criteria for Review and Evaluation of Applications

Competing applications will be reviewed and evaluated against the following criteria:

1. *Research or Demonstration Design.* Understanding the scope of the work statement and the proposed technical approach to the requirement. This includes clarity of goals and objectives (15 points).

2. *Knowledge.* Knowledge of the field, literature, and background presentation material. Assurance of timely and acceptable performance (20 points).

3. *Reasonableness.* Reasonableness of the proposal. Does it make sense? Can it be done? Is the man-hour effort and propriety of types of manpower reasonable? (10 points).

4. *Experience.* Prior experience and/or new approaches or ideas in the branch of technology or field involved (20 points).

5. *Relevance.* Relevance of proposal to HHS priorities and goals; to SSA Work Plan; and to grant advertised in the **Federal Register** (15 points).

6. *Personnel, Budget, and Facilities.* Availability and competence of specific kinds and numbers of experienced personnel. Specificity and adequacy of the budget. Are costs reasonable considering the anticipated results? Availability of necessary facilities, equipment, convenient location, etc. (10 points).

7. *Utilization.* Provision of progress and final reports. Quality of evaluation effort. Probability of implementation possibilities—national, State, etc. (10 points).

Projects which require waivers of Section 402 of the Social Security Act must list the required waivers by subsection of the Social Security Act, discuss the implications of granting the waivers and state the effect on beneficiaries participating in the project. Projects which do not identify needed waivers or which identify incorrect waivers will be scored lower.

Other provisions of the Application Kit should be adhered to.

Closing Dates and Times

The closing date for receipt of applications in response to this announcement will be Friday, July 31, 1981.

Applications may be mailed or hand delivered to: Social Security Administration, Division of Contracts and Grants Management, OMBP, Grants Management Branch, Room 1206 Annex, 6401 Security Boulevard, Baltimore, Maryland 21235.

Applications must be received by the Divison of Contracts and Grants Management, Grants Management Branch, by the above closing date. Hand delivered applications are accepted during normal working hours of 8:30 a.m. to 5:00 p.m., Monday through Friday. An application will be considered to be received on time if the application is sent by registered or certified mail not later than the closing date, as evidenced by the U.S. Postal Service stamp.

A-95 Notification Process. These programs are not covered by the requirements of OMB Circular A-95.

Funding. Total Federal funding under Section 1110 of the Social Security Act in fiscal year 1981 will be up to $600,000.

(Catalog of Federal Domestic Assistance Program No. 13.812—Assistance Payments—Research)

Dated: June 8, 1981.

John A. Svahn,

Commissioner of Social Security.

[FR Doc. 81-17463 Filed 6-10-81; 8:45 am]

BILLING CODE 4110-07-M

Statement of Delegation of Authority

This notice amends Part S, Chapter SF, of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services, Social Security Administration (SSA) (44 FR 17223) with respect to the AFDC program and SSA's Redelegations of Authority (43 FR 33823) for the provision of Federal payments for foster care of dependent children under the Aid to Families with Dependent Children Program (AFDC), Title IV-A of the Social Security Act as amended. These delegation amendments are effective when signed by the Secretary.

The delegation of authority to the Social Security Administration (42 FR 13262, March 9, 1977) to administer AFDC-Foster Care (AFDC-FC) under Title IV, part A, providing for payments under Section 403 pursuant to requirements of Section 402(a)(20) for States to provide aid to families with dependent children in the form of foster care as specified by Section 408 is withdrawn and hereby delegated to the Office of Human Development Services except with respect to claims identified below that are pending within SSA and the authority to adjust financial accounts relating to the foster care program as necessary to effectuate the transfer.

In order to effect this change Chapter SF (44 FR 17223, March 21, 1979) is amended at SF .00, line 12 and after ". . . program." is revised to add the following:

All function descriptions in Chapter SF exclude responsibility for AFDC foster care.

And 43 FR 33824 (August 1, 1978) line 7 after "; . . redelegations." reads as follows:

The redelegations do not include authority to administer foster care under Title IV-A of the Act except with respect to the authority to:

(1) Determine the allowability of the following State claims for expenditures:

a. Currently under consideration by the Regional Commissioner in consultation with the Associate Commissioner.

b. Disallowed by the Regional Commissioner and the State's request for review by the Commission is pending.

c. Disallowed and with respect to which reconsideration was requested prior to March 6, 1978, and are awaiting the final administrative decision by the Commissioner pursuant to 45 CFR 201.14.

SSA retains authority for these claims until it issues its final decision; and

(2) adjust financial accounts relating to the foster care program as necessary to effectuate this delegation with the advice and direction of the Assistant Secretary for Management and Budget.

Dated: June 5, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-17382 Filed 6-10-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Lessees for Implementation of Net Profit Share Accounting for Outer Continental Shelf (OCS) Oil and Gas Leases

AGENCY: Geological Survey, Interior.

ACTION: Notice to lessees.

SUMMARY: By publication in the Federal Register, May 30, 1980, pages 36784 through 36807, the Department of Energy (DOE) provided final rulemaking for the accounting and the determination of net profit share lease (NPSL) payments. Such payments become due in lieu of poduction royalty payments for those OCS leases set apart by the lease terms as requiring net profit share payments.

The regulation 10 CFR 376.110, as amended, states for given select tracts that bidding shall be by "cash bonus bid with a fixed share of the net profits of no less than 30 percentum to be derived from the production of oil and gas from the lease area and a fixed annual rental." The regulation in 10 CFR 390 provides the accounting procedure for determining net profit share payments for OCS oil and gas leases. Both regulations were promulgated on May 14, 1980, and became available for use in any lease sale 120 days thereafter.

The Director of the Geological Survey is responsible for administering postlease regulations for oil and gas operations under the OCS Lands Act, as amended, by delegation of authority from the Secretary. The redelegation of authority from the Director to the appropriate Deputy Conservation Manager for implementation of the regulation contained in 10 CFR 390 is now being processed.

EFFECTIVE DATE: The Notice becomes effective June 11, 1981. A comment period is unnecessary because the entire accounting process for net profit share payments has been through the rulemaking process.

PRINCIPAL AUTHORS: Price McDonald and Mark Fleury, U.S. Department of the Interior, Geological Survey, Conservation Division, Mail Stop 640, Reston, Virginia 22092, telephone (703) 860-6831.

FOR FURTHER INFORMATION CONTACT: Price McDonald, U.S. Department of the Interior, Geological Survey, Conservation Division, Mail Stop 640, Reston, Virginia 22092, telephone (703) 860-6831.

SUPPLEMENTARY INFORMATION: The Department of Energy regulations in 10 CFR 390 shall be used for determining NPSL payments.

Notice to Lessees for Implementation of Net Profit Share Accounting for Outer Continental Shelf Oil and Gas Leases

1. *Who files; When and Where:* The designated operator of any given lease with terms requiring net profit share payment in lieu of royalty payment shall comply with the reporting requirements of 10 CFR 390.031 for all lease interest holders.

In accordance with 10 CFR 390.031(a), each operator shall file an annual report within 60 days after the anniversary date of the lease until production commences. Thereafter, a monthly report shall be filed and payment made in accordance with 10 CFR 390.031 (b) and (c) respectively. Inventory reports shall be submitted as required by 10 CFR 390.031(d).

Each operator shall be responsible for making NPSL payments.

All filings shall be provided in duplicate and shall be appropriately stamped if considered proprietary.

Such filing of reports and payments

shall continue until cessation of production and a final report (together with appropriate NPSL payments) in accordance with 10 CFR 390.031(e).

All filings required by this Notice shall be submitted to the Deputy Conservation Manager, Royalty Accounting, of the Regional responsible for the Administration of that lease.

2. *Layout of Information:* Reports shall be submitted by lease, clearly showing costs by appropriate headings, i.e., rental, labor, material, etc., as outlined under 10 CFR 390.011. No form is being prescribed at this time.

The NPSL capital account reflecting the balance forward shall follow the format of the examples given on pages 36797 through 36799 of the **Federal Register** issue of May 30, 1980.

All cost information entered in the capital account format must be derived from and must be traceable to the more detailed information required under the aforementioned headings.

3. *Certification:* Each report shall be certified as to its authenticity through the statement as follows and signed by a responsible official:

I certify that, to the best of my knowledge and belief, the data submitted in this report is accurate, complete, current, and in conformance with the limitations and requirements set forth in the terms of the lease and in 10 CFR 390.011.

4. *Reasonableness:* The Deputy Conservation Manager shall determine that costs submitted are reasonable and that net profit share payments are correct. Support information may be required to substantiate a cost item, the revenues shown, or the accounting usage.

Inventories shall be conducted in accordance with 10 CFR 390.032 by the operator.

Audits shall be conducted in accordance with 10 CFR 390.033 by the Deputy Conservation Manager.

Dated: June 2, 1981.

Robert L. Rioux,

Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81-17233 Filed 6-10-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Kerr-McGee Corporation, Unit Operator of the Ship Shoal Block 28 Federal Unit Agreement No. 14-08-001-2947, submitted on May 14, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Ship Shoal Block 28 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Bvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised ruls governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 4, 1981

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-17244 Filed 6-10-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0593C, Block 198, Ship Shoal Area, offshore Louisiana

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local government, and other interested parties became effective December 13, 1979. (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 4, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-17245 Filed 6-10-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[AA-12422, AA-12423, AA-12424, AA-12425, AA-12426, AA-12427, AA-12428, AA-12429, AA-19423, AA-19424, and AA-19425]

Alaska Native Claims Selections; Notice for Publication

On September 29, 1976 and September 18, 1978, Bristol Bay Native Corporation filed selection applications AA-12422, AA-12423, AA-12424, AA-12425, AA-12426, AA-12427, AA-12428, AA-12429, AA-19423, AA-19424, and AA-19425 under the provisions of Sec. 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 705; 43 U.S.C. 1601, 1613(h)(8) (1976)) (ANCSA), for the surface and subsurface estates of certain lands in the Bristol Bay Region (Portage Creek area).

On November 14, 1978, the State of Alaska filed general purposes grant selection application AA-21813, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958, (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)), for certain lands in the Bristol Bay Region.

The following described lands have been properly selected by Bristol Bay Native Corporation. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated,* and *unreserved* public lands in Alaska.

Therefore, the following State selection application is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA–21813

T. 17 S., R. 53 W.,
Secs. 1, 2, and 3, all;
Secs. 10 to 15, inclusive, all;
Secs. 22 to 27, inclusive, all;
Secs. 34 and 35, all;
Sec. 36 (fractional), all.
Containing approximately 11,460 acres.

Further action on the the subject State selection application as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the applications submitted by Bristol Bay Native Corporation are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 14(h)(8) of ANCSA, aggregating approximately 56,168 acres, are considered proper for acquisition by Bristol Bay Native Corporation and are hereby approved for conveyance pursuant to Sec. 14(e) of ANCSA:

Seward Meridian, Alaska (unsurveyed)

T. 16 S., R. 50 W.,
Secs. 29, 30, and 31, all;
Sec. 32 (fractional), all.
Containing approximately 2,537 acres.
T. 16 S., R. 51 W.,
Secs. 1 to 36, inclusive, all.
Containing approximately 23,012 acres.
T. 17 S., R. 51 W.,
Secs. 2, 3, and 4 (fractional), all;
Secs. 5 and 6, all;
Secs. 7, 8, 9, and 18 (fractional), all.
Containing approximately 3,068 acres.
T. 17 S., R. 52 W.,
Secs. 1 to 12, inclusive, all;
Sec. 13 (fractional), all;
Secs. 14 to 21, inclusive, all;
Secs. 22, 23, and 24 (fractional), all;
Secs. 27, 28, and 29 (fractional), all;
Sec. 30, all;
Secs. 31 and 32 (fractional), all.
Containing approximately 16,091 acres.
T. 17 S., R. 53 W.,
Secs. 1, 2, and 3, all;
Secs. 10 to 15, inclusive, all;
Secs. 22 to 27, inclusive, all;
Secs. 34 and 35, all;
Sec. 36 (fractional), all.
Containing approximately 11,460 acres.
Aggregating approximately 56,168 acres.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of ANCSA.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands; and

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1956 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

The Bristol Bay Native Corporation is entitled to conveyance of a minimum of 72,317 acres of land selected pursuant to Sec. 14(h)(8) of the Alaska Native Claims Settlement Act. To date, approximately 56,168 acres of the 14(h)(8) allocation have been approved for conveyance. The remaining entitlement of approximately 16,149 acres will be conveyed at a later date.

There were no inland water bodies considered to be navigable within the above-described lands.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week for four (4) consecutive weeks, in the Anchorage Times.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until July 13, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501
Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Ann Johnson,
Chief, Branch of Adjudication.

[FR Doc. 81–17277 Filed 6–10–81; 8:45 am]
BILLING CODE 4310–84–M

[CA 7146 WR, CA 7247 WR]

California; Revocation of Small Tract Classification Nos. 20 and 461

June 3, 1981.

Pursuant to the authority delegated by Bureau Order No. 701 of July 23, 1964 (29 FR 10526), the following orders classifying lands under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, which thereby segregated the lands from appropriation under all other public land laws, including location under the United States mining laws (30 U.S.C. Chap. 2), are hereby revoked in their entirety:

1. *California Small Tract Classification No. 20 of May 29, 1942*, as amended, published in **Federal Register** Vol. 7, No. 110, at page 4283, June 5, 1942:

San Bernardino Meridian, California

T. 11 S., R. 3 E.,
Sec. 22, Lots 5, 6, 7, and 8 (formerly Lot 1).
The area described contains 20.27 acres in San Diego County, California.

2. *California Small Tract Classification No. 461 of November 9, 1955*, as amended, published in **Federal**

Register Vol. 20, No. 228, at page 8642, November 23, 1955:

San Bernardino Meridian, California

T. 16½ S., R. 10 E.,
Sec. 6, Tracts 11 thru 20 inclusive.
NW¼SW¼NE¼.

The area described contains 53.81 acres in Imperial County, California.

3. Of the lands described in paragraphs 1 and 2, the following remain in Federal ownership:

San Bernardino Meridian, California

T. 11 S., R. 3 E.,
Sec. 22, Lot 6.

The area described contains 5.83 acres in San Diego County, California.

T. 16½ S., R. 10 E.,
Sec. 6, Tracts 11 through 14 and 16 through 20 inclusive, NW¼SW¼NE¼.

The area described contains 48.81 acres in Imperial County, California.

4. The Small Tract Act of 1938 was repealed by Section 702 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2789); the classifications, therefore, serve no useful purpose.

5. At 10:00 a.m. on July 13, 1981, the public lands affected by this order shall be open to operation of the public land laws, generally, including location under the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws.

6. Several small tracts of land scattered throughout the legal subdivisions described in paragraphs 1 and 2 have been patented pursuant to the Small Tract Act under which the mineral estates have been reserved to the United States. The minerals on these *nonpublic* lands are *not open to entry*. Until appropriate rules and regulations are issued by the Secretary, the lands will not be subject to location under the United States mining laws.

Inquires concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

James B. Ruch,
State Director.

[FR Doc. 81-17231 Filed 6-10-81; 8:45 am]
BILLING CODE 4310-84-M

Worland District Advisory Board; Addition to Agenda for August 12, 1981

June 3, 1981.

The agenda for the Wednesday, August 12, 1981 Bureau of Land Management District Advisory Council meeting (46 FR 29991; June 4, 1981) is hereby amended to include Annual Work Plan Priorities.

John A. Kwiatkowski,
District Manager.

[FR Doc. 81-17232 Filed 6-10-81; 8:45 am]
BILLING CODE 4310-84-M

Arizona; Phoenix District, Bureau of Land Management, District Advisory Council Meeting

A meeting of the Phoenix District, BLM, District Advisory Council will be held July 17, 1981. The meeting will be held at the district office, 2929 West Clarendon Avenue, Phoenix, Arizona, between 8:00 a.m. and 5:00 p.m.

The Council has been established by, and is managed according to, the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976, and the Public Rangelands Improvement Act of 1978.

The agenda for the meeting includes the following:

1. Discussion of Council functions and role.
2. Discussion of planning criteria and issues identified in the Lower Gila South planning area.
3. Discussion of range improvement vandalism in Kingman Resource Area.
4. Discussion of Council member attendance at meetings.
5. Briefing on recent visit to Phoenix of BLM Director Burford.
6. Briefing on squatter problem in the Apache Junction and Mesa areas.
7. Status report on wilderness study areas and the timetable for their study.

The meeting is open to the public. Interested people may make oral statements to the Council from 1:00 p.m. to 1:30 p.m., or may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by July 10, 1981. Depending on the number of people wishing to make oral statements, a time limit may be established for each speaker.

Summary minutes of the meeting will be maintained at the district office and will be available for public inspection and reproduction during regular business hours (7:30 a.m. to 4:15 p.m., Mountain Standard Time, weekdays) within 30 days following the meeting.

For further information, contact Jack de Golia, district public information officer, at (602) 241-2908.

Date: June 5, 1981.

W. K. Barker,
District Manager.

[FR Doc. 81-17279 Filed 6-10-81; 8:45 am]
BILLING CODE 4310-84-M

[M 51023]

Montana; Invitation; Coal Exploration License Application

June 3, 1981.

Members of the public are hereby invited to participate with Peabody Coal Company in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Rosebud County, Montana:

T. 1 S., R. 42 E., P.M.M.,
Sec. 10: all;
Sec. 14: N½NE¼, SW¼NE¼, NW¼, S½;
Sec. 20: N½NE¼, SE¼NE¼, NE¼NW¼, S½NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 22: NE¼, N½NW¼, SE¼NW¼, S½;
Sec. 24: All;
Sec. 26: NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 28: All;
Sec. 30: Lots 1,2,3,4, E½, E½W½;
Sec. 32: All;
Sec. 34: All.
T. 2 S., R. 42 E., P.M.M.,
Sec. 2: Lots 1,2,3,4, S½N½, N½S½;
Sec. 4: Lots 1,2,3,4, S½N½, S½;
Sec. 6: Lots 1,2,3,4,5,6,7, S½NE¼, SE¼NW¼, E½SW¼, SE¼.
T. 1 S., R. 43 E., P.M.M.,
Sec. 22: NE¼, S½;
Sec. 26: All;
Sec. 28: All;
Sec. 32: All;
Sec. 34: NE¼, NE¼NW¼, S½NW¼, S½.
T. 2 S., R. 43 E., P.M.M.,
Sec. 2: Lots 1,2,3,4, S½N½, S½;
Sec. 4: Lots 1,2,3,4, S½N½, N½SW¼, SE¼SW¼, SE¼.

12,107.33 acres.

Any party electing to participate in this exploration program should be aware of an agreement entered into on October 30, 1980, by Peabody Coal Company, The Northern Cheyenne Tribe and the Secretary of the Interior wherein the Secretary agrees to issue to Peabody noncompetitive Federal coal leases on lands included in this application under certain conditions. This agreement is a part of this application and is available for public information.

Should any party elect to participate in this exploration program, notification must be made, *in writing*, to both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, and Peabody Coal Company, Rocky Mountain Division, 1901 Energy Court, Suite 200, Gillette, Wyoming 82716. Such written notice must refer to serial number M 51023 and be received no later than July 13, 1981, or 10 calendar days after the last publication of this Notice in the Forsyth Independent, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the U.S. Geological Survey and the Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32d Street, Billings, Montana.

Edward H. Croteau,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-17282 Filed 6-10-81; 8:45 am]

BILLING CODE 4310-84-M

Oregon, Eastside Salem Timber Management Plan; Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meeting

The Department of the Interior, Bureau of Land Management, Oregon State Office, will prepare an Environmental Impact Statement (EIS) on the proposed timber management plan for the Clackamas-Molalla and Santiam Sustained Yield Units (SYUs) in the Salem District of western Oregon. The final statement is to be completed by July 13, 1982. Decisionmaking will take place over a period of several months following completion of the final statement. A public meeting will be held during the decisionmaking process.

This statement will analyze the environmental effects of a proposed 10-year timber management plan and alternatives to the proposal for 159,898 acres of public land in the SYUs. The SYUs are within Clackamas, Linn, Marion and Multnomah counties. The proposed timber management plan has evolved from coordinated land use allocations for all resources developed through the Bureau's land use planning system. A proposed sustained yield timber harvest level for the next decade has been identified along with management practices required to achieve this level of harvest. Harvest would be predominately by clearcutting with some shelterwood cutting. Single tree selection would be used in salvage situations. Additional management practices to be employed include slash disposal, artificial reforestation (some with genetically improved stock), animal damage control, road construction, thinning, fertilization and vegetation control (both to release conifers from competing vegetation and to convert some brush and hardwood stands to conifers) with herbicides as well as manual and mechanical methods.

Discussion of an alternative of no change from present harvest level and practices is required and will be included in the EIS. Additional types of alternatives to the proposal which might be discussed in the statement include:

1. Variations in land use allocation in which more or less land is designated for intensive timber production.

2. Different acreages, cycles or types of intensive timber management practices.

Each alternative included in the statement is expected to have a different annual harvest level.

The EIS will identify the impacts that can be expected from implementation of any alternative, including the proposed action. The statement will be an analytical tool used to assist in making final decisions for managing timber resources in the SYUs. The final decisions are expected to guide the operations in the SYUs for a 10-year period beginning in October 1982.

A public scoping meeting to identify significant issues and to obtain public comments on the formulation of specific alternatives will be held. Significant environmental issues are those considered to be of particular importance for in-depth analysis in the EIS. The principal meeting will take place at the Salem BLM District Office, 1717 Fabry Road in Salem, Oregon, on July 14, 1981, at 7:00 p.m. Informal meetings as requested by groups or agencies may take place prior to July 14, 1981, on an arranged basis.

Further information may be obtained from the following individual: Bob Saunders, Planning Coordinator, Bureau of Land Management, 1717 Fabry Road, P.O. Box 3227, Salem, Oregon 97302, Telephone (503) 399-5634.

Dated: June 6, 1981.

Philip C. Hamilton,

Chief, Division of Planning and Environmental Coordination, Oregon State Office.

[FR Doc. 81-17284 Filed 6-10-81; 8:45 am]

BILLING CODE 4310-84-M

[U-31065]

Utah; Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application filed by the Bureau of Land Management, Department of Interior, U-31065, for withdrawal and reservation of lands was published in **Federal Register** on October 28, 1975, page number 50115. The Bureau of Land Management has canceled its application involving the following described lands:

Salt Lake Meridian, Utah

T. 9 S., R. 22 E.,
Sec. 12, NE¼NW¼, E½NW¼NW¼.
Containing 60 acres in Uintah County.

Therefore, pursuant to the regulations contained in 43 CFR 2310.2-1 such lands will be relieved of the segregative effect of the above-mentioned application at 10:00 a.m. on July 16, 1981.

Dated: June 4, 1981.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-17281 Filed 6-10-81; 8:45 am]

BILLING CODE 4310-84-M

[UT-910]

Utah; Dirty Devil Wilderness Decision Affirmed by IBLA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Interior Board of Land Appeals (IBLA) has affirmed the Utah State Director's decision on the Dirty Devil River Wilderness Study Area (WSA) UT-050-236. This decision is, therefore, final as originally published in the February 15, 1980, **Federal Register**, vol. 45, No. 33, page 10462. In that decision, two WSA's were identified: UT-050-236A (approximately 61,000 acres) and UT-050-236B (approximately 25,000 acres) which meet the wilderness criteria of Sec. 2(c) of the Wilderness Act of 1964. Both areas total 86,000 acres and are identified as WSA's, and will remain under management restrictions imposed by Section 603 of Pub. L. 94-579. The remainder of the unit (not identifed as a WSA) will no longer be subject to the management restrictions imposed by Section 603 of Pub. L. 94-579.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah BLM Wilderness Coordinator, (801) 524-5326.

Dated: June 4, 1981.

Dean Stepanek,

Acting State Director.

[FR Doc. 81-17285 Filed 6-10-81; 8:45 am]

BILLING CODE 4310-84-M

[Designation Order UT-050-8102]

Utah Interim Off-Road Vehicle Designations

June 5, 1981.

AGENCY: Bureau of Land Management, Richfield District, Interior.

ACTION: Notice of Interim Off-Road Vehicle Use Designation Decision, Deep Creek Mountains.

DECISION: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority

and requirements of Executive Order 11644 (37 CFR 2877 as amended February 9, 1972) and 11989, and regulations contained in 43 CFR Part 8340. The following described lands, under administration of the Bureau of Land Management, are designated as closed or limited to off-road motorized vehicle use.

The designations cover some 95,669 acres of land within the Deep Creek Mountain Range of western Juab County, Utah. The designations are a result of public participation by individuals and groups and subsequent analysis in accordance with the Interim Designation Process section of the BLM draft 8340 Manual, "Off-Road Vehicle Management".

Closed

The areas of the Deep Creek Mountains which are designated as closed are (30,700 acres):

All public lands within that portion of the Deep Creek Wilderness Study Area (WSA) in Juab County are to be closed to ORV use except for the trails in Granite and Trout Creek Canyons. The closure is necessary to protect significant natural and environmental features within the study area.

Limited

The areas of the Deep Creek Mountains which are designated as limited to existing roads and/or trails are (64,969 acres):

1. The benchlands along the eastern slopes, the foothills south of the range, and the higher elevations in Toms Creek and Middle Canyons and the trails in Granite and Trout Creek Canyons.

2. In Trout Creek Canyon, ORV use will be limited to the existing trail year-round.

3. As an additional restriction, Granite Canyon Trail will be open to motorized vehicle use during the period from approximately June through November. Exact dates would be determined by weather and trail conditions. The trail will be closed during the winter months and periods when weather creates muddy trail conditions.

The closed and limited ORV designations are necessary to protect important natural and environmental features within the area.

An environmental assessment describing the impacts of these designations and mitigation measures to minimize impacts is available for inspection at the offices listed below.

The interim designations will be in force until a comprehensive review and update is made in conjunction with the BLM planning system. The Resource Management Plan for the House Range Resource Area, which includes the Juab County portion of the Deep Creek Mountains, is scheduled for completion in 1985. In the interim, BLM will monitor the use of off-road vehicles in the Deep Creek Mountains area. On the basis of the information so obtained, the interim designations may be amended, revised, revoked, or other actions taken based on BLM's regulations for ORV use on the public lands.

A map showing the affected public lands and information concerning these designations is available from the following offices:

Richfield District Office, 150 East 900 North, P.O. Box 768, Richfield, Utah 84701.

House Range Resource Area, 15 East 500 North, P.O. Box 778, Fillmore, Utah 84631.

Donald L. Pendelton,

District Manager.

[FR Doc. 81-17286 Filed 6-10-81; 8:45 am]

BILLING CODE 4310-84-M

Wycoalgas Environmental Impact Statement Project Cooperating Agencies

June 4, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Amending List of Cooperating Agencies.

SUMMARY: The U.S. Department of the Interior, Bureau of Land Management, Wyoming State Office, is preparing an environmental impact statement on a proposed coal gasification plant, the Rochelle coal mine and related facilities including water well fields, product and water pipelines, railroad and power lines among others.

The following agencies have indicated the desire to be recognized as cooperating agencies in this EIS undertaking:

Office of Surface Mining, Reclamation and Enforcement, Region V
Forest Service, Medicine Bow National Forest
Federal Energy Regulatory Commission
Department of Energy
Army Corps of Engineers, Omaha District
Environmental Protection Agency, Region VIII
Fish and Wildlife Service
Geological Survey

F. William Eikenberry,

Associate State Director.

[FR Doc. 81-17283 Filed 6-10-81; 8:45 am]

BILLING CODE 4310-84-M

Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Las Cruces District, Interior.

ACTION: Notice of meeting.

SUMMARY: Agenda.

DATE: July 21, 1981, 9:30 a.m.

ADDRESS: Desert Room, Best Western of Las Cruces, 901 Avenida de Mesilla, Las Cruces, New Mexico.

FOR FURTHER INFORMATION CONTACT:

Daniel C. B. Rathbun, District Manager Las Cruces District, Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88004. Phone: (505) 523-5571.

SUPPLEMENTARY INFORMATION:

Agenda

1. Approval of Minutes.
2. Southern Rio Grande Draft Environmental Impact Statement.
3. Report on Status of Monitoring.
4. Las Cruces/Lordsburg Inventory (Range Sites and Monitoring).
5. Fiscal Year 1982 8100 Program.
6. Public Comment Period, 2:00 p.m.

Donnie R. Sparks,

Assistant District Manager.

June 5, 1981.

[FR Doc. 81-17303 Filed 6-10-81; 8:45 am]

BILLING CODE 4310-84-M

Las Cruces District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Las Cruces District, Interior.

ACTION: Notice of meeting.

SUMMARY: Agenda.

DATE: July 22, 1981, 9:30 a.m.

ADDRESS: Desert Room, Best Western of Las Cruces, 901 Avenida de Mesilla, Las Cruces, New Mexico.

FOR FURTHER INFORMATION CONTACT:

Daniel C. B. Rathbun, District Manager, Las Cruces District, Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88004. Phone: (505) 523-5571.

SUPPLEMENTARY INFORMATION:

Agenda

1. Approval of Minutes.
2. Southern Rio Grande Management Framework Plan Step 2 Recommendations.
3. Las Cruces/Lordsburg Resource Management Plan (Issues and Criteria) Booklet 2.

4. Public Comment Period, 2:00 p.m.

Donnie R. Sparks,

Assistant District Manager.

June 5, 1981.

[FR Doc. 81-17302 Filed 6-10-81; 8:45 am]

BILLING CODE 4310-84-M

Call for Nominations for District Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Call for nominations for district advisory councils.

SUMMARY: The Bureau of Land Management of the U.S. Department of the Interior intends to appoint members to the second generation of District Advisory Councils in 53 of the Bureau's 55 administrative districts in the Western States. This action is in accordance with the Federal Land Policy and Management Act of 1976, as amended, and the Federal Advisory Committee Act.

The purpose of this notice is to call for nominations from the public for membership on the 53 District Advisory Councils (nomination periods have previously been announced and have long since closed for the Bakersfield and California Desert District Advisory Councils, both in California).

As currently envisioned, each Council will be comprised of 10 members. To provide a total membership that is balanced in terms of points of view represented and functions to be performed, there shall be one or more persons qualified to provide advice on each of the following categories of expertise:

Elected General Purpose Government
Renewable Resources (Livestock, Forestry, Agriculture)
Non-Renewable Resources (Mining, Oil and Gas, Extractive Industries)
Recreation
Transportation/Rights-of-Way
Wildlife
Environmental Protection
Public-at-Large

Terms of service will be at least two years. At the discretion of the Secretary or his designee, members may be appointed to additional terms. All Council members will serve without salary, but will be reimbursed for travel and per diem expenses at current rates for Government employees.

Each Council normally will meet at least twice annually. Additional meetings may be called by the District Manager or his designee in connection with special needs for advice.

Persons wishing to nominate individuals to serve on a District Advisory Council should send the nominee's name, address, profession, and other biographic data to the appropriate District Manager of the Bureau of Land Management.

DATE: All nominations should be received no later than July 15, 1981.

ADDRESSES: The mailing address of each Bureau District Manager is as follows:

Alaska

Anchorage District Office, 4700 East 72nd Avenue, Anchorage, Alaska 99507.
Fairbanks District Office, N. Post of Fort Wainwright, P.O. Box 1150, Fairbanks, Alaska 99707.

Arizona

Arizona Strip District Office, 196 E. Tabernacle, P.O. Box 250, St. George, Utah 84770.
Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.
Safford District Office, 1707 W. Thatcher Boulevard, Safford, Arizona 85546.
Yuma District Office, 2450 Fourth Avenue, P.O. Box 5680, Yuma, Arizona 85364.

California

Redding District Office, 2460 Athens Avenue, Redding, California 96001.
Susanville District Office, 705 Hall Street, P.O. Box 1090, Susanville, California 96130.
Ukiah District Office, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482.

Colorado

Canon City District Office, 3080 East Main Street, Canon City, Colorado 81212.
Craig District Office, P.O. Box 248, 455 Emerson Street, Craig, Colorado 81625.
Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81502.
Montrose District Office, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81401.

Idaho

Boise District Office, 230 Collins Road, Boise, Idaho 83702.
Burley District Office, Route 3, Box 1, Burley, Idaho 83318.
Coeur d'Alene District Office, 1808 North Third Street, Coeur d'Alene, Idaho 83814
Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.
Salmon District Office, P.O. Box 430, Salmon, Idaho 83467.
Shoshone District Office, 400 West F Street, P.O. Box 2B, Shoshone, Idaho 83352.

Montana

Butte District Office, 220 North Alaska, P.O. Box 308, Butte, Montana 59701.
Miles City District Office, West of Miles City, P.O. Box 940, Miles City, Montana 59301.
Dickinson District Office, Pulver Hall, P.O. 1229, Dickinson, North Dakota 58601.
Lewistown District Office, Bank Electric Building, Drawer 1160, Lewistown Montana 59457.

Nevada

Battle Mountain District Office, P.O. Box 194, Battle Mountain, Nevada. 89820.
Carson City District Office, 1050 East Williams Street, Carson City, Nevada 89701.
Elko District Office, 2002 Idaho Street, Elko, Nevada 89801.
Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301.
Las Vegas District Office, P.O. Box 5400, 4765 Vegas Drive, Las Vegas, Nevada 89102.
Winnemucca District Office, 705 East 4th Street, Winnemucca, Nevada 89445.

New Mexico

Albuquerque District Office, 3550 Pan American Freeway, NE., P.O. Box 6770, Albuquerque, New Mexico 87107.
Las Cruces District Office, 1705 N. Vally Drive, P.O. Box 1420, Las Cruces, New Mexico 88001.
Roswell District Office, 1717 West Second Street, Featherstone Farms Building, P.O. Box 1397, Roswell, New Mexico 88201.
Socorro District Office, P.O. Box 1217, Socorro, New Mexico 87801.

Oregon

Baker District Office, Federal Building, P.O. Box 987, Baker, Oregon 97814.
Burns District Office, 74 S. Alvord Street, Burns, Oregon 97814.
Coos Bay District Office, 333 South 4th Street, Coos Bay, Oregon 97420.
Eugene District Office, 1255 Pearl Street, P.O. Box 10226, Eugene, Oregon 97401.
Lakeview District Office, 357 North L Street, P.O. Box 151, Lakeview, Oregon 97630.
Medford District Office, 310 West 6th Street, Medford, Oregon 97510
Prineville District Office, 185 East 4th Street, P.O. Box 350, Prineville, Oregon 97754.
Roseburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, Oregon 97470.
Salem District Office, 3550 Liberty Road South, P.O. Box 3227, Salem, Oregon 97302.

Spokane District Office, West 920 Riverside, Spokane, Washington 99201.
Vale District Office, 365 A Street West, P.O. Box 700, Vale, Oregon 97918.

Utah

Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119.
Cedar City District Office, 1579 N. Main Street, P.O. Box 729, Cedar City, Utah 84720.
Richfield District Office, 150 E. 900 N., P.O. Box 768, Richfield, Utah 84701.
Moab District Office, P.O. Box 970, Moab, Utah 84532.
Vernal District Office, P.O. Box F, Vernal, Utah 84078.

Wyoming

Casper District Office, 951 Union Boulevard, Casper, Wyoming 82601.
Rawlins District Office, P.O. Box 670, 1300 3rd Street, Rawlins, Wyoming 82301.
Rock Springs District Office, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.
Worland District Office, P.O. Box 119, 1700 Robertson Avenue, Worland, Wyoming 82401.

Nominations for the Bakesfield and California Desert District Advisory Councils (California) have already been solicited and received. Therefore, no further nominations will be accepted for these Councils.

FOR FURTHER INFORMATION CONTACT: The respective District Managers.

Joellyn K. Murphy,

Deputy Director.

[FR Doc. 81-17250 Filed 6-10-81, 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL COMMUNICATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

The U.S. Advisory Commission on Public Diplomacy will meet on June 16, 1981 to discuss the audit and inspection programs of the International Communication Agency. For time and place, and because of limited space, please call Mrs. Carole Vogel if you are interested in attending the meeting (724-0792).

Jane S. Grymes,

Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency.

[FR Doc. 81-17380 Filed 6-10-81, 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 411]

Complaints Filed Under Section 229 of the Staggers Rail Act of 1980

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: The processing and taking of evidence in these proceedings will not be postponed pending final action in Ex Parte No. 320 (Sub-No. 2), *Market Dominance Determinations and Consideration of Product Competition*. Uniformly-expanded procedural schedule not found appropriate. Discovery is available to all parties, to the extent justified on a case-by-case basis under the Commission's General Rules of Practice (49 CFR Part 1100). Complaints to proceed in two stages—market dominance and reasonableness. Parties may agree as to timing of presentation of evidence within each stage.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: We have received two responses to our April 28 notice (published at 46 FR 24740, May 1, 1981). The Nation's railroads seek the following modifications: (1) postponement pending Ex Parte No. 320 (Sub-No. 2), (45 FR 83342, December 18, 1980) *supra;* (2) a uniform schedule governing discovery rights of each side; and (3) a new, intermediate evidentiary stage (between market dominance and reasonableness proofs) to assess overall revenue impact if existing complaints are successful. Thirty-two complainants seek bifurcation of the market dominance issue in order that the question of the presence or absence of effective competition may be decided before a decision on our 160 percent of variable cost jurisdictional threshold. They believe that failure to do so will result in duplicative or unnecessary filings of cost evidence, one for jurisdictional purposes and another when rate reasonableness is addressed.

1. Deferral

We believe that the proper dispatch of the Commission's business will be best served by moving forward with the complaints. The railroads; request in this respect will thus be denied.

To begin with, there are no grounds to conclude that revisions in our approach to market dominance will significantly affect the proof in these proceedings. In our notice we proposed to eliminate the numerous presumptions contained in our existing market dominance regulations. However, as a practical matter, each determination rests primarily on individualized facts. See 353 I.C.C. 874, 928 (1976). As some shippers have observed, the notice is available as a guideline for presentation of evidence, as it is our latest statement of views on the subject. We do not believe it appropriate or necessary to defer this substantial number of proceedings.

2. The 160% Issue

We believe that it is preferable to resolve the jurisdictional issue first but to leave to the parties the precise manner in which that issue is presented for decision. As a consequence, we will deny the complainants' request that we expressly exclude in the first stage of the proceeding (i.e., market dominance) all evidence dealing with the revenue-variable cost percentage. As discussed above, we believe resolution of the market dominance issue first is a logical approach designed to minimize the cost of this litigation. Furthermore, it does not prejudice any party.

We point out that the inclusion of evidence dealing with the revenue-variable cost percentage at the market dominance stage need not result in duplication of evidence in the second stage in which reasonableness will be determined. While the variable cost evidence is clearly relevant to reasonableness as well, it need not be the sole criterion. If future relief is sought, evidence of fully allocated costs would be appropriate. Even if variable cost evidence is all that is used to prove unreasonableness, duplicate filings are not necessary, as the record will already contain this evidence. At the same time, if the parties agree, the cost issues may be placed in evidence separately, after the qualitative market dominance presentation.

3. Discovery and Consolidation

We will not adopt a uniform schedule for discovery and taking of evidence. In the answers to the complaints and complainants' comments, suggestions in these areas may be made. We specifically reject the railroads' implicit position that complainants have no right to discovery on the market dominance issue. For example, crucial cost evidence may be in the railroads' possession. We leave the question of the need for and timing of discovery to be resolved on a case-by-case basis.

Finally, the railroads seek to have all the complaints in which market dominance is found consolidated at that point in order to assess the potential revenue impact on a carrier and

industry-wide basis. This analysis would be considered when we evaluate the reasonableness of the challenged rates. We do not minimize the potential effect of these complaint proceedings. However, we see little to be gained by proceeding in the manner the railroads suggest. Each railroad may submit, in connection with each reasonableness submission, evidence of its overall revenue position and an overview of the potential effects of adverse findings in all of the complaints in which it is a defendant. We will consider this evidence to the extent appropriate. We note that in Ex Parte No. 347 (Sub-No. 1), *Coal Rate Guidelines—Nationwide*, served November 18, 1980, (45 FR 80370, December 4, 1980), we indicated our tentative conclusion that maximum reasonable rates set at fully allocated cost (using the ton/ton-mile basis) including the current cost of capital represented the correct balance between railroad revenue needs and the public interest.

This decision does not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10321, Section 229, Pub. L. 96–448)

Dated: May 29, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17330 Filed 6-10-81, 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 410]

Loading and Unloading Study

AGENCY: Interstate Commerce Commission.

ACTION: Notice of request for comments.

SUMMARY: The Commission is studying loading and unloading practices in the property motor carrier industry. The study is required by Section 15(e) of the Motor Carrier Act of 1980, Pub. L. 96–296.

DATES: Comments must be received on or before July 15, 1981. Reply statements must be received on or before August 15, 1981.

ADDDRESS: An origin and 15 copies, if possible, should be sent to: Ex Parte No. 410, Room 7417, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Lewis R. Teeple, (202) 275–7612
John W. Fristoe, (202) 275–6493 or 7868
James W. Boyd, (202) 275–7818

SUPPLEMENTARY INFORMATION: Section 15(e) of the Motor Carrier Act of 1980 (Pub. L. 96–296) requires that:

> The Interstate Commerce Commission, in consultation with the Secretary of Transportation, the Secretary of Labor, the Secretary of Agriculture, and representatives of independent owner-operators, the motor carrier industry, shippers, receivers, consumers, and other interested persons, shall study, and report to the Congress, not later than 18 months after the date of enactment of this Act on loading and unloading practices in the motor carrier of property industry. Such report shall include (1) such recommendations for legislative and other changes in such practices as the Commission considers appropriate, and (2) any changes in such practices which the Commission is making by regulation.

Section 15 (49 U.S.C. 11109 (a) and (b) was enacted to eliminate extortionate loading and unloading practices in both the regulated and exempt segments of the property motor carrier industry. It provides that, if a shipper or receiver requires a trucker to be assisted in loading and unloading freight, then the shipper or receiver must either furnish or pay for the assistance. This section also makes it illegal for anyone to coerce a driver either to load or unload a vehicle or to be coerced to pay someone else to do so.

This law was passed after extensive congressional hearings on loading and unloading abuses in the property motor carrier industry. These practices, known as "lumping," were found to be generally confined to the perishable food industry. Illegal lumping was prevalent both in exempt fresh fruit and vegetable transportation and in the transportation of regulated commodities such as meat and meat products.

Congress found that carriers and their drivers were forced to pay loading and unloading fees at docks, produce markets, meat packing houses, and large grocery stores. If the fees were not paid, the drivers encountered various problems, such as long delays in getting their trucks unloaded, slashed tires, and even violent treatment. Usually, the lumpers required that payment be made in cash. Frequently, the individuals used false identification, and it is assumed that cash payments were not reported for income tax or social security tax purposes.

Lumper fees were required even when the driver was ready and willing to do the loading and unloading unaided. The fee was standard and frequently had no relationship to effort or time spent in actual work. The lumpers charged the same fee even if goods were on pallets and could be loaded and unloaded quickly by forklifts. Often, fees were required even when a regulated carrier's tariff provided for consignor loading and consignee unloading.

Lumpers can be employees of the consignee. Usually, however, lumpers are individuals who allegedly work at the loading and unloading facility but are not employees. Thus, the consignor and the consignee get the services of the lumpers without the usual employer responsibilities. Some of these responsibilities are paying wages, withholding income taxes and social security payments, and providing for worker's compensation insurance. In many instances, the facilities did more than merely tolerate the presence of lumpers; they provided lumpers with clean uniforms on a periodic basis, gave them entrance badges, and furnished minor medical treatment. Often, the lumpers are required to sign various agreements disavowing that they were eployees and holding the facility harmless from any negligence suit.

Lumpers are considered the drivers' employees for income tax and social security withholding purposes. Carriers and drivers have testified that attempts to meet this requirement were frustrated by lack of correct names and addresses of the lumpers. In other instances, payments made by truckers were held not to be legitimate business expenses and not deductible from their income taxes.

To help in developing its report to Congress, the Commission is interested in an open and far-reaching discussion of all aspects of loading and unloading practices. We invite comments from the Secretary of Transportation, the Secretary of Labor, the Secretary of Agriculture, and representatives of independent owner-operators, and motor carrier industry, shippers, receivers, consumers, and other interested persons. Responses should address, but not be limited to, the following areas:

(1) Has the anti-lumping provisions contained in Section 15 of the Motor Carrier Act of 1980 been successful in deterring loading and unloading abuses? If not, why?

(2) Are there specific facilities or locations to which owner-operators and/or carriers are reluctant to transport loads due to known difficulty in unloading practices? Please identify these locations along with commodities involved and the type of problems encountered.

(3) How many instances of threat of bodily harm or actual vehicle damage have occurred in your operation during the past 12 months as a result of unloading disputes? Specify and describe.

(4) What other specific problems do you encounter in loading and unloading property by motor vehicle? What are your recommended solutions?

(5) Do motor carriers have difficulty retaining owner-operators because of lumper charges which the owner-operators must absorb?

(6) Do owner-operators continue to have problems documenting loading and unloading assistance charges for social security and income tax purposes?

(7) What are specific charges for loading and unloading by commodity and location?

(8) Are there special charges other than for the direct service of loading or unloading, such as parking fees and gate entry fees? Please describe the charges and locations.

(9) Where unloading difficulties are encountered, what steps are taken by carriers to correct the problems? Do carriers normally absorb any "extra" fees, e.g., entry fees, gate fees, or unloading fees associated with unloading operations?

(10) Has the assessment of special charges been reduced or eliminated since the passage on July 1, 1980, of the Motor Carrier Act of 1980?

(11) Should loading and unloading charges be stated separately in tariffs for regulated traffic and, if issued, on bills of lading for exempt traffic?

(12) Where lumper services are not purchased, is there more use of subtle coercive tactics such as unnecessary delay in unloading or required use of unneeded pallets, forklifts, or other equipment?

(13) What special problems, if any, are there in loading and unloading exempt commodities?

(14) Has the rule in Ex Parte No. MC–43 (Sub-No. 11) been effective in deterring loading and unloading abuses against owner-operators? [1]

(15) Should the shipper be required to load and the receiver to unload, except where there is a written contract or tariff provision to the contrary? Please explain.

(16) For both the regulated and exempt transportation of property by motor carrier, what are current loading and unloading practices in the industry? Please give a detailed explanation by commodity groups.

Responses should cite the questions being addressed.

Interested parties should notify the Commission within 30 days of this notice of their intention to participate. If requested, the source of comments will be kept confidential. The Commission will distribute a service list. Comments must be filed with the Commission and all participating parties by July 1, 1981. Reply statements are due by August 1, 1981.

This proposed action does not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10321; Section 15(e) of the Motor Carrier Act of 1980, Pub. L. 96–296; 5 U.S.C. 553)

Dated: June 5, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17589 Filed 6-10-81; 8:45 am]

BILLING CODE 7035-01-M

[1] The rule requires that motor carrier equipment leases clearly specify who is responsible for loading and unloading property onto and from the motor vehicle and the compensation, if any, to be paid for this service. This proceeding currently is pending before the Commission.

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Vol. No. OP1–168

Decided: June 5, 1981.

MC 36900 (Sub-18), filed May 22, 1981. Applicant: CONTAINERS IN TRANSIT, INC., P.O. Box 9615, Alexandria, VA 22304. Representative: Martin R. Martino, 333 So. Glebe Road, Arlington, VA 22204, (703) 979–1627. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *used household goods* for the account of the United States Government

incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 67270 (Sub-5), filed May 27, 1981. Applicant: GLEASON BROTHERS INC., 7 Pearl St., Northampton, MA 01060. Representative: Patrick T. Gleason, 160 Main St., Northampton, MA 01060 (413) 584–9509. Transporting (1) for or behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 145201 (Sub-1), filed May 27, 1981. Applicant: JOHN MESZAROS, d.b.a. MID-JERSEY TRUCK RENTAL, 65 Loring Ave., Edison, NJ 08817. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156031, filed May 18, 1981. Applicant: A TO Z CARTAGE CO. 11010 East State Fair, Detroit, MI 48234. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. As a *broker* of *general commodities* (except household goods) between points in the U.S. condition: the person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 156090, filed May 21, 1981. Applicant: DANIEL T. MURRAY JR., d.b.a. MURRAY TRUCKING, 11 Park Ave., Hudson, NH 03051. Representative: Robert D. Hansen, P.O. Box 625, Framingham, MA 01701, (800) 225–9490. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156130, filed May 22, 1981. Applicant: DANIEL P. ALLEN, d.b.a. ALLEN TRANSPORT COMPANY, 1713 Summit Ave., Union City, NJ 07087. Representative: Daniel P. Allen (same address as applicant), (201) 865–8351. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156181, filed May 22, 1981. Applicant: KNOTTS TRUCK LINES, R. R. No. 1, Box No. 175, Mount Olive, IL 62069. Representative: James O. Knotts (same address as applicant), (217) 999–7808. Transporting *food and other edible products and byproducts intended for human consumption*, (except alcoholic beverages and drugs), *agricultural limestone and fertilizers*, and *other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Vol. No. OPY–2–097

Decided: June 5, 1981.

MC 148913 (Sub-1), filed May 21, 1981. Applicant: GOVERNMENT CONTRACT SERVICES, INC., 2624 Point Lookout Cove, Annapolis, MD 21401. Representative: Frederick C. Metz Jr. (same address as applicant), (303) 266–0977 (301) 789–9530. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151283 (Sub-3), filed June 2, 1981. Applicant: MOBY DICK, INC., 815 Max Ave., P.O. Box 20276, Lansing, MI 48901. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, 517–489–5724. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155913, filed June 1, 1981. Applicant: SELDEN & SPENCER, INC., Rte. 661, Chance, VA 22439. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, 804–282–3809. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156082, filed May 21, 1981. Applicant: GARY R. QUINTALINO, d.b.a. QUINTALINO TRUCKING, 35 Turnpike Rd., Southborough, MA 01745. Representative: Robert D. Hansen, P.O. Box 625, Framingham, MA 01701, 800–225–9490. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156163, filed May 28, 1981. Applicant: C & A ENTERPRISES, INC., P.O. Box 54, Griffithville, AR 72060. Representative: Robert J. Gallagher, 1000 Connecticut Ave, NW, Suite 1200, Washington, DC 20036, 202–463–6044. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156173, filed May 27, 1981. Applicant: CONTRACT FREIGHT BROKERS, INC., 5724 New Peachtree Rd. Chamblee, GA 30341. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., N.E., Atlanta, GA 30326, 404–262–7855. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 156182, filed May 21, 1981. Applicant: ALBERT J. HOWES, d.b.a. HOWES TRUCKING, 35 Turnpike Rd., Southborough, MA 01745. Representative: Robert D. Hansen, P.O. Box 625, Framingham, MA 01701, 800–225–9490. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81–17388 Filed 6–10–81, 8:45 am]
BILLING CODE 7035–01–M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from

applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Vol. No. OPY–2–098

Decided: June 5, 1981

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 123922 (Sub-23), filed June 1, 1981. Applicant: AMTRUK TRANSPORT, INC., P.O. Box 4327, Bergen Station, Jersey City, NJ 07304. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW., Washington, DC 20005, (202) 347–7332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 138512 (Sub-42), filed June 1, 1981. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISIONS EXPRESS, P.O. Box 656, Cudahy, WI 53110. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI, 53095, (414) 677–2586. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Heublein, Inc., of Farmington, CT.

MC 144732 (Sub-4), filed June 1, 1981. Applicant: S & S TRUCKING, INC., Colony, WY (mailing address: Alzada Star Route, Belle Fourche, SD 57717). Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting *petroleum, natural gas and their products*, between points in WY, on the one hand, and, on the other, points in MT, ND, SD, and WY. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of hazardous commodities it shall be limited to a period expiring 5 years from its date of issuance.

MC 147712 (Sub-25), filed June 1, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant), (213) 921–7474. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with CBS, Inc., of Fullerton, CA.

MC 147943 (Sub-4), filed June 2, 1981. Applicant: E.W.K. CARTAGE, INC., 4855 South Leamington, Chicago, IL 60638. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in WI, IA, OH, IL, MI, IN, KY, and MO.

MC 153323 (Sub-5), filed June 2, 1981. Applicant: IOWA-TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51102. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, 515–243–7911. Transporting *food and related products* (1) between points in Crawford, Hardin, Carroll, Cherokee, Polk, Webster, and Woodbury Counties, IA, and Saline, Douglas, and Lancaster Counties, NE, on the one hand, and, on the other, those points in the U.S., in and west of WI, IL, MO, AR, and LA, (2) between points in Green County, TX, on the one hand, and, on the other, points in CT, DE, IA, IL, IN, MA, MD, ME, NJ, NY, OH, PA, RI, VA, VT, WV, and DC, and (3) between the facilities of Dubuque Packing Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155003 (Sub-1), filed May 29, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, MS 39212. Representative: Charles L. Moseley (same address as applicant), 601–944–0021. Transporting (1) *rubber and plastic products*, (2) *metal products*, (3) *textile mill products*, and (4) *miscellaneous products of manufacturing*, between Hazlehurst, MS, on the one hand, and, on the other, points in CA, CO, GA, LA, MA, NJ, NY, PA, VT, and WA.

MC 156253, filed June 2, 1981. Applicant: ABLE TRANSIT, INC., 600 W. Church St., Newark, OH 43055. Representative: Vic Fink (same address as applicant), 614–345–4051. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Owens-Corning Fiberglas Corporation, of Toledo, OH.

Vol. No. OPY–4–183

Decided: June 5, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 143776 (Sub-23), filed April 29, 1981, and previously in the **Federal Register** issue of May 13, 1981, and republished this issue. Applicant: C.D.B., INCORPORATED, 155 Spaulding, S.E., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 489–5724. Transporting *food and related products*, (1) between points in Kenosha County, WI, Berrien County, MI, and Lake and Cook Counties, IL, and (2) between points in Kenosha County, WI, Berrien County, MI, and Lake and Cook Counties, IL, on the one hand, and, on the other, points in AR, KS, MS, MO, NM, OK, TN, TX, MN, ND, and SD.

Note.—The purpose of this republication is to correctly reflect the territorial description.

MC 156176, filed May 28, 1981. Applicant: JERALD S. LEVINE, 1712 Norwood House Rd., Downingtown, PA 19335. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575–7700.

Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with State Salvage Co., Inc., of Camden, NJ.

Vol. No. OP1–167

Decided: June 5, 1981.

By the Commission, Reivew Board No. 1, Members Parker, Chandler, and Fortier.

MC 13900 (Sub-32), filed May 27, 1981. Applicant: MIDWEST HAULERS, INC., 228 Superior St., Toledo, OH 43604. Representative: T. C. Laney, (same address as applicant), (419) 243–8221. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with National Carrier Service, Inc., of Los Angeles, CA.

MC 21040 (Sub-6), filed May 27, 1981. Applicant: ARTHUR JOHNSON CO., a corporation, 3230 West 38th St., Chicago, IL 60632. Representative: David W. Johnson (same address as applicant), (312) 523–7600. Transporting *general commodities* (except classes A and B explosives), between points in IL. Condition: Issuance of a certificate in this proceeding its subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC–21040, Sub-3.

MC 35320 (Sub-657), filed May 11, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant), (806) 745–7263. Transporting *general commodities* (except classes A and B explosives), serving points in Somerset County, PA, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 35320 (Sub-660), filed May 18, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant), (806) 745–7263. Transporting *general commodities* (except classes A and B explosives), between points in Lincoln County, OH, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the above requested authority with its existing regular-route operations.

MC 39420 (Sub-9), filed May 27, 1981. Applicant: LEROY AND GARY PRINS, d.b.a. PRINS TRUCKING, Rushmore, MN 56168. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392–1220. Transporting *chemicals and related products*, between points in Crawford County, IA, on the one hand, and, on the other, points in Minnehaha County, SD, and Rock County, MN.

MC 61231 (Sub-186), filed May 27, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 282–3525. Transporting *general commodities* (except classes A and B explosives), between points in AZ, AR, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, ND, NM, OH, OK, OR, SK, TN, TX, UT, WA, WI and WY.

MC 111651 (Sub-19), filed May 18, 1981. Applicant: MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Ave., St. Louis, MO 63747. Representative: Tom B. Kretsinger, 20 East Franklin, PO Box 258, Liberty, MO 64068. Over *regular routes*, transporting *general commodities*, (except classes A and B explosives), (1) between Topeka, KS and Great Bend, KS, from Topeka over Interstate Hwy 70 to junction KS Hwy 156, then over KS Hwy 156 to junction US Hwy 56, then over US Hwy 56 to Great Bend, and return over the same route; (2) between Topeka, KS and Ft. Riley, KS, over US Hwy 24; (3) between McPherson, KS and Junction Interstate Hwys 70 and 135, over US Hwy 81 and Interstate Hwy 135; (4) between McPherson, KS and Great Bend, KS, over US Hwy 56; (5) between Junction US Hwy 81 and KS Hwy 4, and Hoisington, KS, over KS Hwy 4; (6) between Great Bend, KS and Hoisington, KS, over US Hwy 281; and (7) between Lyons, KS and Hutchinson, KS, from Lyons over KS Hwy 14 to Junction KS Hwy 96, then over KS Hwy 96 to Hutchinson, and return over the same route, serving all intermediate points in routes (1) through (7) above.

MC 115730 (Sub-93), filed May 21, 1981. Applicant: THE MICKOW CORP., PO Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307, (515) 243–4191. Transporting (1) *clay, concrete, glass or stone products*, (2) *pulp, paper and related products*, (3) *building materials*, (4) *chemicals and related products*, and (5) *rubber and plastic products*, between the facilities of Georgia-Pacific Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 120910 (Sub-54), filed May 27, 1981. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254–3880. Transporting *general commodities* (except classes A and B explosives), between points in Tuscaloosa County, AL, on the one hand, and, on the other, points in the U.S.

MC 125951 (Sub-74), filed May 27, 1981. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 3035 South 72nd St., Omaha, NE 68124. Representative: Robert M. Cimino (same address as applicant), (402) 393–5005. Transporting *general commodities* (except classes A and B explosives), between Kansas City, MO, and points in NE and IA, on the one hand, and, on the other, points in the U.S.

MC 138861 (Sub-32), filed May 22, 1981. Applicant: C–LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036, (201) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Linvure Company, Inc. of Somerville, MA.

MC 141951 (Sub-4), filed May 27, 1981. Applicant: MARY DICK AND HOLLIS A. DICK, d.b.a. H. O. DICK TRANSFER, P.O. Box 307, Bethany, IL 61914. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *food and related products*, and *such commodities* as are dealt in by food business houses, between points in the U.S.

MC 143521 (Sub-3), filed May 18, 1981. Applicant: TWEHOUS EXCAVATING COMPANY, INC., Route 3, Jefferson City, MO 65101. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102, (314) 635–7166. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, (1) between points in MO and IL, and (2) between points in MO and IL, on the one hand, and, on the other, points in the U.S.

MC 144420 (Sub-2), filed May 27, 1981. Applicant: MALIBU BEACH BOAT SALES & SERVICE CO., INC., Rt. 1, Box 261, Osage Beach, MO 65065. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457–0804. Transporting *boats*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 145150 (Sub-22), filed May 27, 1981. Applicant: HAYNES TRANSPORT CO., INC., R.R. 2, Box 9, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *petroleum, natural gas and their products*, (1) between points in Scott County, KS, on the one hand, and, on the other, points

in OK and Tarrant County, TX, and (2) between points in Tarrant County, TX, on the one hand, and, on the other, points in Stephens County, OK.

MC 146111 (Sub-8), filed May 28, 1981. Applicant: INDUSTRIAL TRANSPORT, INC., 11910 Harvard Ave., P.O. Box 04177, Cleveland, OH 44105. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411-D Backlick Road, Springfield, VA 22151, (703) 941-8200. Transporting *aluminum and aluminum products, and refractories and refractory products*, between points in the U.S.

MC 152521 (Sub-1), filed May 27, 1981. Applicant: FORTRANS, INC., 2892 Foothill Blvd., Oroville, CA 95965. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701 (702) 882-5649. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Ditch Witch Equipment Co., Inc., of Sacramento, CA.

MC 152620 (Sub-5), filed May 20, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., 999 North Main Street, Glen Ellyn, IL 60137. Representative: Dennis J. Kupchik, 1105 N. Market St., 15th Floor, Wilmington, DE 19801, (215) 985-6853. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The B.F. Goodrich Company of Akron, OH.

MC 153661, filed May 28, 1981. Applicant: HAROLD D. SEACHORD, d.b.a. SEACHORD TRUCKING, 312 West Irving St., Blue Springs, NE 68318. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114 (402) 397-9900. Transporting *machinery and metal products*, between points in Douglas County, NE, on the one hand, and, on the other, points in KS, TX, OK, CO, SD, IA, and MO.

MC 154780 (Sub-3), filed May 27, 1981. Applicant: ATLANTIC TRANSPORT SERVICE, INC., 1300 South French Ave., Box 257, Sanford, FL 32771. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (301) 986-1410. Transporting *general commodities* (except classes A and B explosives), between points in AL, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applications for common control to team 1 Room 6354.

MC 154970, filed May 27, 1981. Applicant: HASBROUCK ENTERPRISES, P.O. Box 328, Crookston, MN 56716. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340-0808. Transporting (1) *food and related products*, between St. Louis, MO, Milwaukee, WI, points in La Crosse County, WI, and Stutsman County, ND, on the one hand, and, on the other, points in Polk County, MN, and (2) *concrete and concrete products*, (a) between points in Douglas County, WI, on the one hand, and, on the other, points in ND and MN, and (b) between Duluth, MN, on the one hand, and, on the other, points in ND.

MC 156071, filed May 20, 1981. Applicant: RONALD GROSS, R. D. #2, Cabot, PA 16023. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281-9494. Transporting *metal products*, between points in Butler County, PA, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17390 Filed 6-10-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 98]

Restriction Removals; Decision-Notice

Decided: June 8, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF-392 (Sub-3)X, filed June 2, 1981. Applicant: AIRBORNE FORWARDING CORPORATION, 190 Queen Anne Avenue, North, P.O. Box 662, Seattle, WA 98111. Representative: Louis P. Haffer, 173 Rhode Island Avenue, NW., Washington, DC 20036. Applicants seeks to remove restrictions in FF-392 by deleting the restriction limiting transportation of shipments having an immediately prior or subsequent movement by air, in its authority to transport general commodities (with exceptions).

MC 5857 (Sub-1)X, filed May 21, 1981. Applicant: DAVID TREBUS AND CHARLES L. JOHNSON, d.b.a. RIVER FALLS TRANSFER, 520 South Wasson Lane, River Falls, WI 54022. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions from livestock and agricultural commodities to "farm products, machinery, chemicals and lumber and wood products", and general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) expand city to county-wide authority from River Falls, Martell, Trimbelle, Clifton, and Ellsworth to Pierce County, WI: Troy, Pleasant Valley and Kinniskinnic to St. Croix County, WI; and Minneapolis, St. Paul, South St. Paul and Newport, MN, to Hennepin, Ramsey, Anoka, Washington, Dakota, Scott and Carver Counties, MN, and St. Croix and Pierce Counties, WI; and expand one-way to radial authority between (a) points in Pierce and St. Croix Counties, WI, and points in Hennepin, Ramsey, Anoka, Washington, Dakota, Scott and Carver Counties, MN, and St. Croix and Pierce Counties, WI; and (b) Pierce County, WI, and points in Hennepin, Ramsey, Anoka, Washington, Dakota, Scott and Carver Counties, MN, and St. Croix and Pierce Counties, WI; and (3) remove the restriction limiting shipments being returned which initially have been handled in outbound transportation.

MC 43165 (Sub-16)X, filed May 13, 1981. Applicant: LOUDOUN TRANSFER, INC., P.O. Box 703, Leesburg, VA 22075. Representative: Dean N. Wolfe, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its MC–43165 and Sub-No. 5 certificates and MC–142205 and Sub-Nos. 8F and 10F permits to (1) broaden the commodity description from (a) general commodities (with exceptions) to general commodities (except classes A and B explosives) in the lead and Sub-No. 5 certificates (b) from various commodities in the lead certificate such as milk and cream, fresh meat and hog by-products, fresh fruits, apples, and eggs to "food and related products"; from livestock to "farm products"; from fertilizer, feed, seed, and farm machinery to "farm products, and food and related products"; "chemicals and related products, and machinery"; from plumbing, heating and electrical supplies and fixtures, electrical appliances, furniture, and hardware to "rubber and plastic products, metal products, machinery, and furniture or fixtures"; from lime to "chemicals and related products", and from empty milk and egg containers, building materials, groceries, and fresh meats to "building materials," food and related products, and shipping containers, carriers, or devices, (c) in Sub-No. 5 certificate from livestock, agricultural commodities (not including manufactured products thereof), feeds, fertilizer, agricultural implements, agricultural machinery, and building materials to "farm products, food and related products, chemicals and related products, machinery and building materials,"; from livestock, apples, peaches, grain, and seed to "farm products and food and related products"; from fertilizer, seed, feed, and machinery to "chemicals and related products, food and related products, farm products, machinery and metal products"; from livestock to "farm products"; from lumber and cement to "lumber or wood products and clay, concrete, glass or stone products"; from fertilizer and lime to "chemicals and related products"; from fresh meat and hog by-products, fruit on sheet 3, poultry, meats, meat products, and meat by-products on sheet 6 to "food and related products"; from seed, feed, fertilizer, and farm implements to "chemicals and related products, food and related products, farm products, machinery and metal products"; from plumbing and heating supplies to "metal products, machinery, rubber and plastic products, and clay, concrete, glass or stone products"; from lime to "chemicals and related products"; from agricultural commodities, feed, seed, fertilizer, farm implements and machinery, paint, lime, brick and cement to "farm products, food and related products, chemicals and related products, metal products, machinery, and clay, concrete, glass or stone products"; from farm machinery to "machinery and transportation equipment," from livestock, wool hides, and junk to "farm products, textile mill products, food and related products, and waste or scrap materials not identified by industry producing," from crushed stone, sand and gravel and cinders to "clay, concrete, glass or stone products," (d) in Sub-No. 4 permit from custom molded expandable polystyrene packaging to "rubber and plastics products and chemicals and related products,"; (e) in Sub-No. 8 permit from expanded polystyrene foam, expandable polystyrene resin, and equipment and supplies used in the manufacture and packaging of expanded polystyrene foam (except commodities in bulk) to "rubber and plastic products, chemicals and related products and equipment and supplies used in the manufacture and packaging of expanded polystyrene foam" and (f) in Sub-No. 10 permit from prepared animal and poultry feed (except in bulk) to "food and related products" (2) broaden the territorial description to "between points in the U.S. under continuing contract(s) with named shippers in the lead and Sub-Nos. 8 and 10 permits, (3) change city to county-wide authority (a) in the lead certificate from Bluemont, Round Hill, Leesburg, Hamilton and Purcellville, VA to Loudoun County, VA; from Verona and Churchville to Augusta County, VA; from Stephens City, VA to Frederick County, VA; from Tenth Legion and Timberville, VA, to Rockingham County, VA; from Strasburg, VA, to Shenondoah County, VA; from Berryville, VA, to Clarke County, VA; and, from Charles Town, WV, to Jefferson County, WV, and (b) in Sub-No. 5 certificate from Riverton, WV, to Jefferson County, WV; from Harrisburg, PA, to Dauphin County, PA; from Purcellville, VA, to Loudoun County, VA; from Charles Town, Piedmont, Millville, and Bakerton, WV, to Jefferson County, WV; from Cumberland, MD to Alleghany County, MD; from Ellicott City, MD to Howard County, MD; from Brunswick, MD to Frederick County, MD and from Lancaster, Hanover, Greecastle, and Camp Hill, PA to Lancaster, York, Franklin and Cumberland Counties, PA.

MC 59317 (Sub-19), filed February 19, 1981 and noticed in the **Federal Register** of March 5, 1981, republish as corrected this issue. Applicant: BISON TRUCK LINE, INC., 725 First Street North, Newton, IA 50208. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its lead and Sub-No. 11F certificates which were not included in the Sub-No. 19X certificate served on April 20, 1981 as follows: (1) broaden the commodity description from livestock to "farm products" in the lead; and from garbage disposal units, laundry dryers to "machinery" in Sub-No. 11F; (2) authorize service at all intermediate points in connection with regular route operations in the lead; (3) authorize radial operations in place of one way service between Newton County (Newton) IA and Iowa County, (Amana) IA in Sub-No. 11F.

MC 77482 (Sub-24)X, filed May 20, 1981. Applicant: THE PETER H. MORTENSEN-VINCI CO., 1004 Newfield St., Middletown, CT 06457. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead certificate (a) to broaden the commodity descriptions from crushed stone, granite and brownstone quarry blocks and slabs to "clay, concrete, glass and stone products", from concrete pipe and pipe forms to "pipe", from liquid bituminous products, in bulk to "chemicals and related products and petroleum, natural gas and their products", from road and building contractors' machinery and equipment, boilers, engines and plows to "commodities which because of their size or weight, require special handling and machinery", and from tobacco and empty containers to "tobacco and tobacco products", (b) to broaden the territorial scope by replacing one way with radial authority, and by replacing city-wide with county-wide authority as follows: Westfield, Springfield, East Long Meadow and Holyoke with Hampden County, MA; Newington and Hartford with Hartford County, CT; Stamford and Norwalk with Fairfield County, CT; New Haven with New Haven County, CT; Norwich with New London County, CT; Providence and East Providence with Providence County, RI; Glendale with Kings County, NY; White Plains with Westchester County, NY; Kenilworth with Union County, NJ; CT points within 25 miles of Hartford with points in Hartford, Tolland, and Middlesex Counties, CT; and MA points within 75 miles of Hartford with points in Berkshire, Hampshire, and Hampden Counties, MA.

MC 79434 (Sub-1)X, filed June 1, 1981. Applicant: BENNETT TRUCK LINE, INC., 200 East Walnut, Paragould, AR 72450. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg. Suite 909, Memphis, TN 38103. Applicant seeks to remove restrictions in its lead certificate to authorize service to all intermediate points along described regular routes between AR and TN, in its authority to transport general commodities.

MC 109373 (Sub-5)X, filed May 29, 1981. Applicant: NATIONAL TRUCKING, INC., P.O. Box 16081, Houston, TX 77022. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from oilfield equipment to "mercer commodities"; and (2) change one-way to radial authority between points in Houston, TX, and, oilfield locations in Texas.

MC 112070 (Sub-24)X, filed May 29, 1981. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl St., Denver, CO 80210. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200 Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 22F certificate to broaden its commodity description from household goods, to "household goods, and furniture and fixtures".

MC 112617 (Sub-479)X, filed May 15, 1981. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC 20036. Applicant seeks to remove restrictions from its Sub-Nos. 318G, 451 and 471 certificates, E letter notices E–20, E–37, E–108 and E–109 to (1) broaden the commodity description to "commodities in bulk" from chemicals and petroleum products, in bulk in Sub-Nos. 451, part of 318G, 471 and E letter notices E20, E108, and E109; from chemicals, in bulk in E37 and liquefied petroleum gas, in bulk, in part of Sub-No. 318G, (2) change city to county-wide authority (a) in Sub-No. 451 and 471 from Doe Run, Calvert City and Owensboro, KY to Meade, Daviess and Marshall Counties, KY, and (b) in E37 from Calvert City, KY and points within 5 miles thereof to Marshall County, KY, (3) remove the restriction against transportation to or from points in IN located within the Louisville, KY, commercial zone in E20, E108, and E109, (4) remove the "in tank vehicle" restriction in all Subs and E letter notices, and (5) change one-way to radial authority between (a) Louisville, KY, and described portions of IN, WV, MI, OH, TN and 2 IL counties in Sub-No. 318G, (b) Louisville, KY and 3 KY counties, and, 9 States and the District of Columbia in Sub-No. 451, (c) 2 KY counties and Louisville, KY, and, 7 States in Sub-No. 471, (d) Louisville, KY, and, 1 OH county in E20, (e) 1 KY county, and, 6 WV counties in E37, (f) Louisville, KY, and, a described portion of MI in E108, and (g) Louisville, KY, and, 3 IN counties in E109.

MC 119908 (Sub-51)X, filed May 15, 1981. Applicant: WESTERN LINES, INC., 3525 North McCarty, Houston, TX 77001. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 44F 45F, 46F, and 47F certificates to (1) broaden the commodity descriptions (a) in its lead from steel articles (part 1), iron and steel articles (part 8), iron and steel articles and non-ferrous metal articles (part 20), iron and steel articles, and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles (part 26), and in Sub-No. 45, iron and steel articles, to "metal products"; (b) in its lead, from lumber (parts 3, 16, 18, 27, 28, 29 and 30), rough and dressed lumber (parts 5, 7, 34, and 35), finished lumber (parts 6, 31, 32, and 33), lumber and lumber products (part 13), particleboard (parts 12, 17, and 23), lumber and particleboard (parts 12, 17, and 23), lumber and particleboard (part 10), lumber, lumber products and particleboard (part 14), treated poles, treated pilings, treated fence parts, and treated lumber (part 25), and in Sub-No. 47 lumber and lumber products, to "lumber and wood products"; (c) from wooden farm implements in its lead (part 4) to "machinery and lumber and wood products"; (d) from wood shavings and sawdust in its lead (part 11) to "waste or scrap materials not identified by industry producing"; (e) from plastic pipe in its lead (part 15) to "rubber and plastic products"; (f) from cross ties (part 19) and railroad cross ties (part 22) in its lead, to "metal products, lumber and wood products, and clay, concrete, glass or stone products"; (g) from iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks, and parts, attachments and accessories therefor in its lead (part 21), to "metal products and commodities which by reason of size or weight require the use of special equipment"; (h) from roofing materials, composition shingles, rolled roofing and roofing compounds and accessories in its lead (part 24) and Sub-No. 46 to ":metal products, rubber and plastic products, petroleum, natural gas and their products, clay, concrete, glass or stone products, textile mill products, and pulp, paper and related products"; (i) and in Sub-No. 44, from composition board, to "rubber and plastic products, clay concrete glass or stone products, pulp, paper and related products, and lumber and wood products"; (2) in its lead, remove an exception of "cement, rock, sand, and gravel"; remove an oil field pipe exception; (3) replace city-wide or facilities authority with county-wide authority as follows: Fort Bend, Harris, and Montgomery Counties, TX, for Houston, TX; Bienville Parish, Louisiana, for Arcadia, LA; Shelby County, TN, for Memphis, TN; Bienville, Webster, and Winn Parishes, LA, for Ada, Heflin, Danville, and Hunt, LA; Washington, Adams, and Warren Counties, MS for Greenville, Natchez, and Vicksburg, MS; Harris County, TX, for Baytown, TX; Union County, AR, for Huttig, AK, and Union and Winn Parishes, LA, for Lillie and Winnfield, LA; Lincoln Parish, LA, for facilities at Simsboro, LA; Amite, Winston, and Smith Counties, MS, for Gloster, Louisville, and Taylorsville, MS; Orleans Parish, LA, for New Orleans, LA; For Bend County, TX, for facilities at Houston, TX; Monroe County, AL, for facilities at Monroevile, AL; Hancock County, MS, for Port Bienville, MS; Liberty County, TX, for facilities in Liberty County, TX, Sabine Parish, LA, for facilities at Many, LA; Quachita County, AR for facilities at Stephens, Arkansas; Winn Parish, LA, for facilities at Winnfield, LA; Liberty County, TX, for facilities in Liberty County, TX; Mobile County, AL, for facilities at Mobile, AL; Harris and Jefferson Counties, TX, for facilities in Harris and Jefferson Counties, TX; (4) remove restrictions limiting service to transportation of shipments originating at and/or destined to named points in the lead certificate, Parts 21 and 26; (5) authorize radial authority to replace one-way service between cities and counties in various combinations of states throughout the U.S. in the lead certificate, Parts (1), (2), (3), (4), (5), (6), (7), (9), (10), (11), (12), (15), (16), (17), (19), (20), (21), (22), (23), (24), (25), (26), (28), (29), (30), (31), (32), (33), (34), and (35), and Sub-No. 44 and (6) remove restrictions requiring a prior or subsequent movement by water in its lead.

MC 121600 (Sub-16)X, filed June 1, 1981. Applicant: AVERITT EXPRESS, INC., P.O. Box 273, Livingston, TN 38570. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-Nos. 8F, 10F and 12F certificates to (1) remove all exceptions except classes A and B explosives from its general commodities authority, (2) allow service at all

intermediate points between Nashville and Memphis, TN, in Sub-No. 8F, Chattanooga, TN, and Atlanta, GA, in Sub-No. 10F, and Knoxville and Chattanooga, TN, in Sub-No. 12F; (3) remove the joinder only restrictions; and (4) remove the restriction against the transportation of traffic originating at, or destined to or interlined at Nashville or Knoxville, TN, in Sub-No. 10F.

MC 124170 (Sub-167)X, filed May 21, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, P.C., 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-No. 140F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) authorize county-wide and radial authority to replace existing city-wide and one-way authority: between points in Essex County, NY (for Willsboro, NY), MA and VT, and points in AL, AR, CO, FL, GA, IL, IN, KY, LA, MI, MN, MO, MS, NC, OH, OK, SC, TN, TX and WI; and (3) eliminate the restriction limiting service to the transportation of traffic originating at named facilities.

MC 127840 (Sub-174)X, filed May 21, 1981. Applicant: MONTGOMERY TANK LINES, INC., 7745 W. 59th St. Summit, Illinois 60501. Representative: William H. Towle, 180 N. LaSalle Street, Chicago, Illinois 60601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 24, 29, 34, 38, 42, 44, 52, 53, 55, 59, 62F, 63F, 64F, 65F, 66F, 68F, 69F, 72F, 73F, 75F, 76F, 77F, 79F, 82F, 85F, 87F, 88F, 89F, 92F, 94F, 95F, 97F, 98F, 102F, 103F, 107F, 109F, 114F, 115F, 121F, 128F, 135F, 137F, 140F, 141F, 143F, 157F, 159F, 160F, 162F, and, 163F certificates to (1) broaden the commodity description from (a) animal fats, animal oils, vegetable oils, including products and blends of said commodities, but not including fatty acids to "food and related products" and dried beans to "farm products" in the lead certificate; (b) vegetable oil to "food and related products" in Sub-Nos. 24, 76F, 89F, 97F, and 163F; (c) animal tallow, greases, animal fats and oils, lard and lard compounds to "food and related products" in Sub-No. 29; (d) petroleum oil, petroleum lubricating oil, petroleum naptha, petroleum transformer oil, petroleum oil, petroleum or parafin wax, and petroleum products as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except petroelum chemicals as described in Appendix XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), and liquid wax to "petroleum and coal products", cleaning, scouring and washing compounds, witch hazel, and sodium lauryl sulphate to "chemicals and related products," and juices and beverages, fruit and citrus juices and concentrates thereof, oleo oil and oleo stock, edible oils, milk and milk products, and liquid inedible grease to "food and related products" in Sub-No. 34; (e) animal fats, animal oils, vegetable oils and blends and products of animal fats, animal oils and vegetable oils to "food and related products" in Sub-Nos. 38, 62F, 92F, 95F, 102F, 107F, and 140F; (f) meat products, meat by-products, and articles distributed by meat packinghouses to "food and related products and chemicals and related products," in Sub-No. 42; (g) products of corn to "food and related products" in Sub-Nos. 44 and 87F; (h) animal fats and oils to "food and related products" in Sub-Nos. 52, 79F, and 82F, (i) liquid corn products and tallow to "food and related products" in Sub-No. 53; (j) liquid cleaning compounds to "chemicals and related products" in Sub-No. 55; (k) petroleum and petroleum products, vehicle body sealer, and sound deadener compound to "chemicals and related products and petroleum and coal products" in Sub-Nos. 59 and 88F; (l) inedible animal fats to "food and related products" in Sub-No. 63F; (m) fruit and citrus juices and concentrates to "food and related products" in Sub-Nos. 64F and 69F; (n) soybean oil to "food and related products" in Sub-No. 65F; (o) inedible animal fats and animal oils, inedible vegetable oils and fatty acid to "chemicals and related products" in Sub-No. 66F; (p) synthetic plastic liquid resins to "chemicals and related products" in Sub-No. 72F; (q) diethylene glycol, dipropylene glycol and recovered glycols to "chemicals and related products" in Sub-No. 73F; (r) inedible grease to "food and related products" in Sub-No. 75F; (s) chemicals to "chemicals and related products" in Sub-Nos. 77F, 94F and 137F; (t) animal fats, animal oils and vegetable oils and products and blends of animal fats, animal oils and vegetable oils and materials and supplies used in the manufacture and distribution of animal fats, animal oils and vegetable oils to "food and related products and chemicals and related products" in Sub-No. 85F; (u) plastic pellets to "chemicals and related products in Sub-No. 98F; 9v) acids and chemicals to "chemicals and related products" in Sub-No. 114F; (w) tallow and animal grease to "food and related products" in Sub-No. 115F; (x) tallow to "food and related products in Sub-Nos. 121F and 157F; (y) petroleum, petroleum products and chemicals to "chemicals and related products and petroleum and coal products" in Sub-No. 128F; (z) packinghouse products to "food and related products and chemicals and related products" in Sub-No. 141F; (aa) vegetable oils and vegetable oil products to "food and related products and chemicals and related products" in Sub-No. 143F; (bb) calcium bromide to "chemicals and related products" in Sub-No. 160F; and (cc) vegetable oils and vegetable oil products to "food and related products and chemicals and related products" in Sub-No. 162F; (2) remove the restrictions in bulk, in tank or hopper-type vehicles, except hides, skins, or pieces thereof, in liquid form, and except corn oil, wherever they appear; (3) eliminate the facilities limitations in Sub-Nos. 29, 34, 42, 44, 65F, 66F, 77F, 85F, 88F, 95F, 97F, 107F, 115F, 121F, 137F, 141F, 157F, 160F, 162F and 163F; (4) replace city with county-wide authority as follows: (a) Kankakee County, IL, for Bradley, IL, in its lead certificate; (b) Henry County, IL, for Joslin, IL, in Sub-No. 29; (c) McKean, Venango, Butler, Beaver and Warren Counties, PA, for Bradford, Emleton, Farmers Valley, Franklin, Freedom, Karns City, Oil City, Petrolia, Reno, Rouseville and Warren PA; Kawaha and Pleasants Counties, WV, for Falling Rock and St. Marys, WV, in paragraph one of Sub-No. 34; (d) Lake County, OH, and Stephenson County, IL, for Painesville, OH, and Freeport, IL in paragraph two of Sub-No. 34; (e) Middlesex County, CT, for Essex, CT, in paragraph three of Sub-No. 34; (f) Hernando, Polk and Hillsborough Counties, FL, for Brooksville and Lakeland FL, in paragraph five of Sub-No. 34; (g) Passaic and Bergen Counties, NJ, for Paterson, NJ, in paragraph six of Sub-No. 34; (h) Middlesex County, MA, for Woburn, MA, and Tippecanoe, Vigo, Elkhart, and Lake Counties, IN, for Lafayette, Terre Haute, Elkhart and Whiting, IN, in paragraph eleven to Sub-No. 34; (i) Delaware County, PA, for Marcus Hook, PA, in paragraph twelve of Sub-No. 34; (j) Johnson County, IA, for Iowa City, IA, and Clark County, IN, for Jeffersonville, IN, in paragraph thirteen of Sub-No. 34; (k) Clay County, IA, for Spencer, IA, in Sub-No. 42; (l) Jefferson County, NE, for Fairbury, NE, in Sub-No. 52; (m) Marion County, TN, for Jasper, TN, in Sub-No. 59; (n) Louisa County, IA, for Columbus Junction, IA, in Sub-No. 62F; (o) Dallas and Scott Counties, IA, for Perry and Davenport, IA, in Sub-No. 63F; (p) Polk County, FL, for Frostproof, FL, and Marshall County, IN, for Plymouth, IN, in Sub-No. 64F; (q) Shelby

County, OH, for Sidney, OH, in Sub-No. 65F; (r) Cowley County, KS, for Arkansas City, KS, in Sub-No. 68F; (s) Polk County, FL, for Frostproof, FL, in Sub-No. 69F; (t) Madison Parish, LA, for Tallulah, LA, in Sub-No. 73F; (u) LaSalle County, IL, for Mendota, IL, in Sub-No. 75F; (v) Morgan County, CO, for Ft. Morgan, CO, in Sub-No. 82F; (w) Kankakee County, IL, for Bradley, IL, in Sub-No. 85F; (x) Lee County, IA, for Keokuk, IA, in Sub-No. 87F; (y) St. Landry Parish, LA, for Opelousas, LA, in Sub-No. 89F; (z) Grayson County, TX, for Denison, TX, in Sub-No. 92F; (aa) Morgan County, IL, for Meredosia, IL, in Sub-No. 94F; (bb) Jefferson Parish, LA, for Harvey, LA, in Sub-No. 97F; (cc) Mower County, MN, for Austin, MN, and Webster, Scott and Wapello Counties, IA, for Davenport, Fort Dodge and Ottumwa, IA, in Sub-No. 107F; (dd) Dakota and Cuming Counties, NE, for Dakota City and West Point, NE, Crawford and Webster Counties, IA, for Denison and Ft. Dodge, IA, Lyon County, KS, for Emporia, KS, and Rock County, MN, for luverne, MN, in Sub-No. 121F; (ee) Texas County, OK, for Guymon, OK, and Curry County, NM, for Clovis, NM, in Sub-No. 140F; (ff) Hancock County, IA, for Britt, IA, in Sub-No. 141F; (gg) Finney County, KS, for Holcomb, KS, in Sub-No. 157F; (hh) Bossier Parish, LA, for Shreveport, LA, in Sub-No. 159F; Cass County, ND, for Riverside, ND, in Sub-No. 162F; and Carroll County, IA, for Manning, IA, in Sub-No. 163F; and (5) remove the restrictions (a) against service to AK and HI in Sub-Nos. 44, 76F, 77F, 79F, 82F, 85F, 89F, 95F, 97F, 107F, 128F, 137F and 162F; (b) originating at and destined to Sub-Nos. 29, 38, 42, 66F, 77F, 85F, 88F, 121F and 137F; and (c) limiting service to traffic moving in foreign commerce in Sub-No. 121F.

MC 128427 (Sub-3)X, filed June 2, 1981. Applicant: COOK MOVING SYSTEMS, INC., 1845 Dale Road, Buffalo, NY 14225. Representative: Robert J. Gallagher, 1000 Connecticut Ave, NW., Suite 1200, Washington, DC 20036. Applicant seeks to expand it commodity authority in its Sub-No. 2 certificate, from household goods, as defined by the Commission to "household goods and furniture and fixtures".

MC 129788 (Sub-21)X, filed May 22, 1981. Applicant: NASS TRUCK LINES, INC., P.O. Box H, Wenona, IL 61377. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Applicant seeks to remove restricitons in its lead and Sub-Nos. 2, 6, and 17 certificates to (1) broaden its commodity descriptions from malt beverages and related advertising materials, to "food and related products", in the lead and Sub-Nos. 2 and 6; (2) replace cities with county-wide authority: in the lead and Sub-No. 6, Newport, KY, with Campbell and Kenton Counties, KY, and Hamilton County, OH; in the lead, South Bend, IN with Elkhart and St. Joseph Counties, IN, and Berrien and Cass Counties, MI; Sheboygan, WI with Shehboygan County, WI; in the lead Sub-No. 6, Peoria, IL with Peoria, Tazewell and Woodford Counties, IL; in Sub-No. 2, Galesburg, IL with Knox and Warren Counties, IL; Macomb, IL with McDonough County, IL; Rock Island, IL with Rock Island County, IL and Scott County, IA; in the lead Sub-Nos. 2 and 6, Rockford, IL with Boone, Ogle, and Winnebago Counties, IL; and Bloomington, IL with McLean County, IL; in the lead Sub-No. 17, Milwaukee, WI with Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties, WI; and Detroit, MI with Macomb, Monroe, Oakland, Washtenaw, and Wayne Counties, MI; and in Sub-No. 6, Evansville, IN with Posey, Vanderburgh, and Warren Counties, IN, and Henderson County, KY; and (3) change its one-way to radial authority between points in the above-named counties and specified cities in WI, IL, IN, MI, KY, and MO, in the lead and Sub-Nos. 2 and 6.

MC 133085 (Sub-19)X, filed May 20, 1981. Applicant: TRENCO, INC., 2109 Marydale Avenue, Williamsport, PA 17701. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Applicant seeks to remove restrictions in its MC–135234 Sub-No. 10 permit to (a) broaden the commodity description from electric cables and aluminum articles and materials, equipment and supplies used in their manufacture and distribution (except commodities in bulk) to "metal products"; (b) expand the territorial description to "between points in the United States," under continuing contract(s) with a named shipper.

MC 134870 (Sub-4)X, filed May 20, 1981. Applicant: NASHVILLE-CLARKSVILLE EXPRESS, INC., P.O. Box 607, St. Bethleham, TN 37155. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (a) broaden the commodity description by removing all of the exceptions to general commodities, except classes A and B explosives; (b) remove restrictions against service at all intermediate points on its regular routes between Clarksville, TN, and Memphis, Shelby County, TN; and (c) remove the restriction against transportation of traffic originating at, destined to or interchanged at Nashville, TN, and its commerical zone in connection with authroized service between Clarksville, TN, and Memphis, Shelby County, TN.

MC 135614 (Sub-4)X, filed May 20, 1981. Applicant: ESKELIN, INC., 4604 Wornal Road, Kansas City, MO 64112. Representative: Max G. Morgan, 1503 East 19th Street, Edmond, OK 73034. Applicant seeks to remove restrictions from its Sub-Nos. 1 and 2F permits to: (1) broaden the commodity description in Sub-No. 1 from such commodities as are manufactured and dealt in by chemical companies, and materials and supplies used in the manufacture and distribution of such commodities (except in bulk), to "such commodities as are dealt in or used by manufacturers and distributors of chemicals"; and (2) broaden the territorial description in both Sub-No. 1 and 2F, to "between points in the U.S. under continuing contract(s) with a named shipper."

MC 138861 (Sub-28)X, filed May 12, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Center Warwick, RI 02888. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW., Washington, DC 20036. Applicant seeks to remove restrictions in its No. MC-128343, Sub-Nos. 1, 2, 5, 6, 7, 9, 11, 12, 13, 15, 16, 17, 19, 22, 28, 29, 30, 33, 34, 37, 38F, 39F, 41F, 42F, 43F, 44F, 45F, 46F, 47F, 48F, 49F, 50F, 51F, 52F, 53F, 54F, 56F, 57, 58, 59F, 60, 61F, 62, 63, 64, 65, 66F, 67F, 68 and 69F permits, and its No. MC-138861 and Sub-Nos. 3, 4, 8F, 9F, 10F, 11F, 12F, 14F, 15F, 16F, 17F, 18F, 19F and 20F certificates to (l) in its permits (a) broaden the commodity descriptions from electrical goods, appliances, equipment, parts, and related accessory items used in the manufacture and distribution thereof, in Sub-Nos. 1, 6, 7, 12, 13, 30, 33 and 38 to "machinery"; from scrap metal to "waste or scrap material not identified by industry producing" in Sub-No. 1; from plastic materials, plastic products, and supplies used in the production of plastic materials and plastic products in Sub-Nos. 2, 5, 9, 16, 19, 22, 28, 34, 42, and 50, and plastic granules and plastic materials and plastic products in Sub-Nos. 27, 43, and 44; to "rubber and plastic products"; from nails and materials, equipment, and supplies used in the manufacture and distribution of nails in Sub-No. 11, bolts, nuts, washers and fasteners and materials, equipment and supplies used in the manufacture and distribution thereof in Sub-Nos. 29, and 51, aluminum wire and cable in Sub-

Nos. 27, 43 and 44, copper rod and cathodes and materials, equipment and supplies used in the manufacture and distribution thereof in Sub-No. 47, iron and steel articles and materials, equipment and supplies used in the manufacture and distribution thereof in Sub-No. 48F, flat wire, and steel articles and materials, equipment, and supplies used in the manufacture and distribution thereof in Sub-No. 49, to "metal articles"; from plastic pots, crushed pine cones, ground shale, and plant foods in Sub-Nos. 37 and 45 to "rubber and plastic products, forest products, ores and minerals, clay, concrete, glass or stone products, and chemicals and related products"; from games and toys, school supplies, and hobby supplies to "miscellaneous products of manufacturing, and pulp, paper and related products" in Sub-No. 41F; insulated wire and materials, equipment and supplies used in the manufacture and distribution thereof in Sub-Nos. 27, 43, and 44 to "building materials"; from stapling machines, stitching machines, hand tools, hardware, files, staples, nails, and wire in Sub-No. 46 to "metal products and machinery"; and remove exceptions to general commodities (except classes A and B explosives) in Sub-Nos. 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, and 69; (b) remove the "in bulk" and/or "in tank vehicles" restrictions in Sub-Nos. 1, 6, 7, 13, 15, 30, 38F, 2, 5, 9, 16, 28, 42F, 17, 23, 39F, and 41F; (c) remove the "cinder blocks and plastic pipe" restrictions in Sub-Nos. 33 and 34; (d) remove the restriction specifying the Canadian origin and destination to be served in Sub-No. 2; and (e) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers in all named permits; (2) in its certificates, (a) broaden the commodity description from cinder blocks to "building materials" in its lead; from plastic pipe to "rubber and plastic products" in Sub-No. 3; from chemicals to "chemicals and related products" in Sub-No. 9F; from steel bolts, and materials, equipment and supplies used in the manufacture and distribution of steel bolts to "metal products" in Sub-No. 12F; (3) replace one-way authority with two-way authority in Sub-Nos. (lead), 3, 9F, 12F, 14F, 16F, and 19F; (4) remove the commodities "in bulk" restriction in Sub-Nos. 9F, 12F and 14F; (5) remove the restriction requiring a prior or subsequent movement by rail in Sub-Nos. 17F and 20F; (6) remove the restriction limiting service to the transportation of traffic moving on bills of lading of freight forwarders in Sub-Nos. 4, 11F and 18F; (7) remove the restriction limiting service to the transportation of traffic moving on bills of lading of shippers' associations in Sub-No. 10F; (8) remove the restriction precluding the transportation of shipments to or from the facilities of named shippers in its lead and Sub-No. 3; (9) remove the restriction limiting service to the transportation of shipments originating at or destined to named plantsites in its lead and Sub-No. 14F broaden the territory description by removing facilities or railroad ramp limitations and replacing points with counties: Warwick, RI, with Kent, Providence, Washington, Newport and Bristol Counties, RI, and Bristol County, MA in its lead; Cranston, RI, with Kent and Providence Counties, RI, and Bristol County, MA, in Sub-Nos. 3, 8F, 9F, 10F, 15F and 19F; Fall River, MA, with Bristol County MA, and Bristol and Newport Counties, RI in Sub-No. 12F; Bradley, IL with Kankakee County, IL in Sub-No. 14F; from East Providence, RI, with Kent and Providence Counties, RI and Bristol County, MA in Sub-No. 16F; Cincinnati, OH with Butler, Clermont, and Hamilton Counties, OH, and Boone, Campbell and Kenton Counties, KY, in Sub-No. 19F; Wilmington, DE with New Castle County, DE, Salem and Gloucester Counties, NJ, and Delaware and Chester Counties, PA in Sub-No. 4; New York, NY, in Sub-Nos. 4 and 11F; Alexandria, VA, in Sub-Nos. 4, 11F and 20; Baltimore, MD, in Sub-Nos. 4 and 11F; the District of Columbia in Sub-Nos. 4 and 11F; Bridgeport, CT, with Fairfield and New Haven Counties, CT, in Sub-Nos. 17F and 20F; North Haven, CT, with New Haven County, CT, in Sub-Nos. 17F and 20F; Plainfield, CT, with New London and Windham Counties, CT, in Sub-Nos. 17F and 20F; Boston, MA, with Bristol, Essex, Middlesex, Norfolk, Plymouth and Suffolk Counties, MA, in Sub-Nos. 17F and 20F; Worcester, MA, with Worcester County, MA, in Sub-Nos. 17F and 20F; Pawtucket, RI, with and Providence Counties, RI and Bristol County, MA, in Sub-Nos. 17F and 20F; Providence, RI, with Kent and Providence Counties, RI, and Bristol County, MA, in Sub-Nos. 17F and 20F; and Springfield, MA, with Hampden County, MA, in Sub-No. 20F.

MC 139994 (Sub-3)X, filed June 1, 1981. Applicant: JIM and BOB STENCEL d.b.a. STENCEL TRUCKING, Box 321, Minnesota Lake, MN 56068. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 South Fifth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description from materials and supplies used in the construction of custom homes and garages, and parts, floor coverings, appliances, and accessories, installed at the time of construction to "building materials, lumber and wood products, and machinery"; (2) remove the "except commodities in bulk, in tank vehicles" restriction; and (3) replace city with county-wide authority from Minnesota Lake to Fairbault and Blue Earth Counties, MN; and authorize radial for one-way authority between Fairbault and Blue Earth Counties, MN, and, points in 12 named States.

MC 145569 (Sub-6)X filed June 2, 1981. Applicant: M & M EQUIPMENT CO., INC., 24400 E. Alameda Ave., Aurora, CO 80011. Representative: Jack B. Wolfe, 1600 Sherman St. No. 665, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-No. 5F permit to (1) broaden the commodity description from meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61, M.C.C. 209 and 766 to "food and related products"; (2) remove the restriction "except hides and commodities in bulk"; and (3) expand the territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 145915 (Sub-6)X, filed May 22, 1981. Applicant: EAGLE TRANSPORT, INC., P.O. Box 189, Montpelier, ID 83254. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4F and 5F certificates to (1) broaden the commodity description from oil drilling mud compounds to "mercer commodities" in all certificates; (2) replace facilities or city-wide authority with county-wide authority: (a) in Sub-No. 2, Montpelier, ID with Bear Lake County, ID; and (b) in Sub-No. 4F, facilities at Montpelier, ID and Lovell, WY with Bear Lake County, ID and Big Horn County, WY; and (3) expand its one-way authority to radial authority between various combinations of specified counties in ID, MT, NV, UT and WY, in Sub-Nos. 2 part (b), 4F and 5F part (2).

MC 146050 (Sub-5)X, filed May 18, 1981. Applicant: ALPHA & OMEGA TRANSPORT, INC., P.O. Box 19809, Airport Station, Charlotte, NC 28219. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 2F certificates to (1) broaden the commodity description from hospital supplies, drugs, and health care

products, and materials and suplies used in the manufacture of the commodities above (except in bulk), to "chemicals and related products, and medical, dental, hospital, and health care products, supplies, equipment, instruments and furnishings"; (2) remove facilities limitations at Rocky Mount, NC, Altavista, VA, and North Chicago, IL and replace with Edgecombe County, NC, Campbell County, VA, and Lake County, IL, and (3) remove the restriction against transportation to AK and HI in its radial authority between the above points and points in the U.S.

MC 147424 (Sub-3)X, filed May 26, 1981. Applicant: FAZE II, LTD., 303 East Ohio Street, Chicago, IL 60611. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description to "machinery" from internal combustion engines and components of internal combustion engines; (2) remove the restriction limiting service to the transportation of traffic destined to named facilities; and, (3) authorize radial, county-wide authority to replace existing one-way, city-wide service between points in Wayne, Macomb, and Oakland Counties, MI (for Detroit, MI) and points in Cook County, IL (for Elmhurst, IL), and Waukesha County, WI (for Pewaukee, WI).

MC 147632 (Sub-8)X, filed June 1, 1981. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63823. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 4F and 5F certificates to (1) broaden the commodity description from fluorescent lighting fixtures and parts and accessories to "such commodities as are used by or dealt in by manufactures, processors and distributors of electrical equipment" in each certificate; (2) eliminate the facilities limitations in Sub-Nos. 4F and 5F; (3) replace city with county-wide authority from Kingston to Ulster County, NY, in Sub-Nos. 4F and 5F; and (4) expand one-way to radial authority between (a) points in Bucks and Philadelphia Counties, PA, and, points in 11 States in Sub-No. 3F; (b) points in Ulster County, NY, and points in 11 States in Sub-No. 4F; and (c) points in Ulster County, NY, and Philadelphia and Bucks Counties, PA, and, points in FL, TX, and MS; and points in MS, and, Ulster County, NY, and Philadelphia and Bucks Counties, PA, in Sub-No. 5F.

MC 148457 (Sub-3)X, filed May 22, 1981. Applicant: INTERIOR TRANSPORT, LTD., P.O. Box 7, Group 200, R.R. 2, Winnipeg, Manitoba Canada R3C 2E6. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, North Dakota 58108. Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the commodity description from stone products to "clay, concrete, glass or stone products", and (2) broaden the territory description to "between points in the U.S.", under continuing contract(s) with a named shipper.

MC 150434 (Sub-5)X, filed June 2, 1981. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, CA 91766. Representative: David M. Shepherd (same as above). Applicant seeks to remove restrictions in MC-138941 Sub-Nos. 32 and 33F permits to (1) broaden the commodity description from (a) foodstuffs (not frozen), in containers, in vehicles equipped with mechanical refrigeration in Sub-No. 32 to "food and related products" and (b) wrapping paper in Sub-No. 33F to "pulp, paper, and related products"; and (2) expand its territorial descriptions to between points in the United States under continuing contract(s) with the named shippers.

MC 152229 (Sub-8)X, filed June 1, 1981. Applicant: SALINAS TRUCK BROKERS, INC., P.O. Box 128, Salinas, CA 93902. Representative: Ben Ryburn (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) delete plantsite restriction and broaden cities to counties: Valdosta and Bainbridge, GA, with Lowndes and Decatur Counties, GA, and Mexico, MO with Audrain County, MO.

[FR Doc. 81-17393 Filed 6-10-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OPY–3–086

Decided: June 3, 1981.

MC 145995 (Sub-1), filed May 22, 1981. Applicant: FRANK KEELER, 4717 164th SW, Lynnwood, WA 98036. Representative: Kenneth R. Mitchell, 2317 Milwaukee Way, Tacoma, WA 98421 (206) 922–0110. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155905, filed May 12, 1981. Applicant: SUCESS TRANSPORTATION, INC., P.O. Box 530, Alexander, AR 72002. Representative: Darrell Bailey (same address as applicant) (501) 455–3333. Transporting *general commodities* (except classes A and B explosives), between Primrose and Luthersville, GA, Cardwell, Arbyard, Hornersville, Edna, Lewistown, Hurdland and Ewing, MO, McHenry, ND, Narcisso, Russellville, Roaring Springs, Carandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe, and Allison, TX, Raymond, Oakley, Adams and Myles, MS, Snyder and Hamburg, AR, Holly Springs and Stokedale, NC, Radcliff, Aurora, Ellsworth and Lawn Hill, IA, Henery and Clark, SD, Esmond, Astoria, Teheran, Biggs, Easton and Richmond, IL, Shell Lake, Cumberland, Gillett, Green Valley, Lake Geneva and Genoa City, WI, Elgin, NE, Benton, Barlow, La Center, Oak Ridge, Philpot, Deansfield, Thompsonville, Masonville, Edgoten and Lewisburg, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansville, Ashland City, Scottsboro, Jordonia and Riverside, TN, Reydon, Cheyenne, Strong City, Hammon and Butler, OK, McDonald, OH and Paris and Paris Crossing, IN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitue motor carrier for abandoned rail carrier service.

MC 156134, filed May 26, 1981. Applicant: MARTIN H. SCHONBERGER d.b.a. SCHONBERGER TRAFFIC CONSULTANTS, 11 Dana Circle, Edison, NJ 08820. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048 (212) 466–0220. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156135, filed May 26, 1981. Applicant: GALBRAITH INTERNATIONAL, INC., 1025 Royal Lane, Foreign Trade Zone, Dallas Fort Worth Airport, TX 75261. Representative: Carl Hecht, P.O. Box 61247, Dallas, TX 75261 (214) 574–6010. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–185

Decided: June 4, 1981.

MC 141187 (Sub-21), filed May 27, 1981. Applicant: BLUFF CITY TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Clarence R. Haar (same address as applicant) (901) 396–2201. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

[FR Doc. 81–17261 Filed 6–10–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unoppoed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OPY–3–084

Decided: June 3, 1981.

MC 1385 (Sub-1), filed May 14, 1981. Applicant: GARTON'S EXPRESS, INC., 3366 North Mill Rd., Vineland, NJ 08360. Representative: John D. Quinn, Suite 502, Solar Bldg., 1000 16th St., NW, Washington, DC 20036 (202)–783–8131. Transporting *general commodities* (except classes A and B explosives), between points in NJ, NY, PA, DE, MD, RI, MA, CT and DC.

MC 13134 (Sub-103), filed May 18, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Transporting *metal products,* between points in Peoria County, IL, Jackson County, MO, and Georgetown County, SC, on the one hand, and, on the other, points in Fairfield County, OH.

MC 16334 (Sub-12), filed May 15, 1981. Applicant: DEBRICK TRUCK LINE COMPANY, R.R. 2, Paola, KS 66071. Representative: Arnold E. Debrick (same address as applicant) (913) 849–3336. Transporting *hides,* between points in the U.S.

MC 17095 (Sub-1), filed May 18, 1981. Applicant: DARNALL TRUCK SERVICE, INC., P.O. Drawer 1346, Great Bend, KS 67530. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *Mercer commodities,* (a) between points in that part of TX on and north of Interstate Hwy 40, and that portion of CO on and east of U.S. Hwy 87, and NE, and (b) between points in KS and OK, on the one hand, and, on the other, points in that part of TX on and north of Interstate Hwy 40, and that portion of CO on and east of U.S. Hwy 87, and NE.

MC 25954 (Sub-5), filed May 21, 1981. Applicant: CRESSONA TRUCKING COMPANY, Cressona, PA 17929. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101 (717)–236–9318. Transporting *coal and coal products,* between points in Berks, Carbon, Dauphin, Lackawanna, Luzerne, Northumberland and Schuylkill Counties, PA, on the one hand, and, on the other, points in NY, NJ, DE, MD, VA, CT and MA.

MC 32144 (Sub-4), filed May 21, 1981. Applicant: A. J. LIMONE, INC., 892 Palisade Avenue, Teaneck, NJ 07666. Representative: Edward F. Bowes, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Transporting *building materials,* between the facilities of Owens-Corning Fiberglas Corporation at points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 48315 (Sub-8), filed May 19, 1981. Applicant: HOPKINS MOTOR COACH, INC., 127 N. State Street, Dover, DE 19901. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101 (703) 893–4924. Transporting *passengers and their baggage,* in charter operations, beginning or ending at points in Kent and Sussex Counties, DE, Talbot, Caroline, Dorchester, Wicomico, Somerset and Worcester Counties, MD, and Accomack County, VA, and extending to points in the U.S.

MC 65475 (Sub-47), filed May 15, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101 (703) 893–3050. Transporting (1) *machinery;* and (2) *metal products,* between points in the U.S.

MC 65475 (Sub-48), filed May 15, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101 (703) 893–3050. Transporting *lumber and wood products,* between points in Carroll County, MD, on the one hand, and, on the other, points in the U.S.

MC 95045 (Sub-5), filed May 18, 1981. Applicant: DOUGLAS EXPRESS, INC., 9 Pheasant Lane, Norwalk, CT 06854. Representative: Irving Klein, 371 Seventh Ave., New York, NY 10001 (212) 279–3050. Transporting *general commodities* (except classes A and B explosives), between points in NY, NJ, PA, CT, MA, RI and NH.

MC 97255 (Sub-9), filed May 22, 1981. Applicant: SOUTH WHITLEY TRUCKING CO., INC., 606 E. Front St., South Whitley, IN 46787. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638–1301. Transporting *metal products,* between points in Blackford and Whitley Counties, IN, on the one hand, and, on the other, points in IL, IN, KY, MI, and OH.

MC 107934 (Sub-46), filed May 21, 1981. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, N.W., Washington, DC 20004 (202) 737–1030. Transporting *pulp, paper and related products,* between points in NC and VA.

MC 107934 (Sub-47), filed May 21, 1981. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, N.W., Washington, DC 20004 (202) 737–1030. Transporting *lumber and wood products,* between points in GA, FL, NC, SC, and VA.

MC 110624 (Sub-4), filed May 22, 1981. Applicant: FALK TRANSPORTATION CO., INC., 10 Ewing Ave., Spring Valley, NY 10977. Representative: George A. Olsen, P.O.Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, NJ, NY, PA, and RI.

MC 111045 (Sub-194), filed May 15, 1981. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant) (813) 621–2046. Transporting *general commodities* (except classes A and B explosives), between points in AL, on the one hand, and, on the other, points in the U.S.

MC 114284 (Sub-103), filed May 19, 1981. Applicant: FOX–SMYTHE TRANSPORTATION CO., P.O. Box 82307, Oklahoma City, OK 73148. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601 (913) 234–0565. Transporting *food and related products,* between points in MO, on the one hand, and, on the other, points in IA, KS, MN, NE, OK and SD.

MC 123124 (Sub-8), filed May 20, 1981. Applicant: BOOTH DELIVERY SERVICE, INC., P.O. Box 1364, Fargo, ND 58107. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126 (701) 235–4487. Transporting *such commodities* as are dealt in or used by chain grocery stores and food business houses, between points in IL, IA, MN, MT, NE, ND, SD, and WI.

MC 121705 (Sub-1), filed May 21, 1981. Applicant: METRO DISTRIBUTION, INC., P.O. Box 452, Geneva, IL 60134. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602 (312) 726–6525. Transporting *general commodities* (except classes A and B explosives), (a) between points in Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Boone, Winnebago, LaSallo, Ogle, Lee, Bureau and Will Counties, IL; and (b) between points in Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Boone, Winnebago, LaSalle, Ogle, Lee, Bureau and Will Counties, IL, on the one hand, and on the other, points in IL. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing Certificate of Registration in

No. MC–121705, at applicant's written request.

MC 125535 (Sub-29), filed May 22, 1981. Applicant: NATIONAL SERVICE LINES, INC., OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant) (314) 569–1161. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with World Wide Transportation Services, Inc., of Romulus, MI.

MC 133604 (Sub-13), filed May 18, 1981. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 S. 11th Street, Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501 (515) 682–8154. Transporting *food and related products*, between points in Seward County, KS, on the one hand, and, on the other, points in the U.S.

MC 135015 (Sub-6), filed May 22, 1981. Applicant: SOUTHERN TRANSIT COMPANY, INC., 1211 South 9th St., P.O. Box 3586, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902 (501) 782–1001. Transporting *general commodities* (except classes A and B explosives), between points in Crawford, Polk, Scott, Sebastian and Sevier Counties, AR, and LeFlore, McCurtain and Sequoyah Counties, OK, on the one hand, and, on the other, points in the U.S.

MC 136315 (Sub-144), filed May 20, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205 (601) 355–3543. Transporting *metal products*, between Jefferson and Orleans Parishes, LA, on the one hand, and, on the other, points in the U.S.

MC 140484 (Sub-96), filed May 18, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant) (813) 334–4517. Transporting *such merchandise* as is dealt in by food business houses, (1) between points in OH and SC on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, OH, OK, SC, TN and TX, and (2) between points in CA, GA, MD, NJ, NY, and PA on the one hand, and, on the other, points in FL.

Volume No. OPY–3–085

Decided: June 3, 1981.

MC 2934 (Sub-107), filed May 26, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN. Representative: W. G. Lowry, (same address as applicant) (317) 875–1142. Transporting *engineered exhaust systems*, between Mayville, WI, on the one hand, and, on the other, points in the U.S.

MC 27754 (Sub-22), filed May 21, 1981. Applicant: FRANK J. KUBLY TRANSFER, INC., P.O. Box 135, Monroe, WI 53566. Representative: Rolfe E. Hanson, 121 West Doty St., Madison, WI 53703 (608) 256–0606. Transporting *food and related products*, between points in WI, MN, IA, IL, IN, MI, MO, OH, and ND.

MC 114725 (Sub-116), filed May 20, 1981. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th St., Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106 (402) 392–1220. Transporting *commodites in bulk*, between points in LA, AR, IL, WI, MO, MN, IA, ND, SD, NE, KS, OK, TX, NM, CO, and WY.

MC 117765 (Sub-320), filed May 27, 1981. Applicant: HAHN TRUCK LINE, INC., 1100 S. McArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan, (same address as applicant) (405)–943–8533. Transporting *petroleum, natural gas and their products*, between points in Sedqwick County, KS, on the one hand, and, on the other, points in AR, CO, LA, NM, OK, TX and WY.

MC 128095 (Sub-46), filed May 21, 1981. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205 (601) 948–8820. Transporting *furniture and fixtures*, between points in Polk County, GA, Muscatine County, IA, Daviess County, KY, Erie County, PA, and Chesterfield County, VA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 142064 (Sub-5), filed May 27, 1981. Applicant: CAROLINA CARPET CARRIERS, INC., P.O. Box 6, Williamston, SC 29697. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606 (803) 288–6000. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Chef Francisco, of Eugene, OR.

MC 142145 (Sub-10), filed May 15, 1981. Applicant: LINDSAY TRANSPORTATION, INC., P.O. Box 97, Lindsay, NE 68644. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lindsay Manufacturing Co., Inc., of Lindsay, NE.

MC 142245 (Sub-9), filed May 20, 1981. Applicant: NATIONWIDE TRUCK BROKERS, INC., 5475 Clay Ave. SW, Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Blvd., Grand Rapids, MI 49503 (616) 459–6121. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Chef Pierre, Inc., of Traverse City, MI.

MC 142575 (Sub-6), filed May 26, 1981. Applicant: UNDERWOOD TRUCK LINES, INC., 303 Murphy Street, Brazil, IN 47834. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (317) 846–6855. Transporting *printed matter*, between points in the U.S. under continuing contract(s) with National Printing Converters, Inc., of Brazil, IN.

MC 144054 (Sub-19), filed May 18, 1981. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 E. Vilas Rd., Medford, OR 97501. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244–2329. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144694 (Sub-1), filed May 18, 1981. Applicant: RIVERSIDE TRUCKING, INC., P.O. Box 351, Pell City, AL 35125. Representative: T. A. Flemming, Sr. (same address as applicant) (205) 884–2471. Transporting (1) *metal products*, and (2) *machinery*, between points in the U.S., under continuing contract(s) with Southwire Company, of Carrollton, GA.

MC 145544 (Sub-12), filed May 21, 1980. Applicant: W & M, INC., P.O. Box 2237, East Chicago, IN 46312. Representative: Philip A. Lee, 120 W. Madison St., Suite 618, Chicago, IL 60602 (312) 236–8225. Transporting *material handling and construction machinery, tractor attachments and parts*, between points in the U.S., under continuing contract(s) with Pettibone Corporation, Chicago, IL.

MC 145664 (Sub-32), filed May 22, 1981. Applicant: STALBERGER, INC., 223 So. 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson, P.O. Box 6749, Duluth, MN 55807 (218) 624–3641. Transporting *pulp, paper and related products*, between points in Morrison County, MN, on the

one hand, and, on the other, points in the U.S.

MC 145765 (Sub-12), filed May 20, 1981. Applicant: WIEST TRUCKLINE, INC., Route #2, Jamestown, ND 58401. Representative: James B. Hovland, 525 Lumber Exchange Bldg., 10 S. 5th St., Minneapolis, MN 55402 (612) 340–0808. Transporting *machinery and metal products,* between points in the U.S. under continuing contract(s) with Steiger Tractor, Inc., of Fargo, ND.

MC 148785 (Sub-3), filed May 14, 1981. Applicant: SUDDEN MOVING & STORAGE, INC. d.b.a. SUDDEN TRUCKING COMPANY, 5154 Kennedy Avenue, Cincinnati, OH 43213. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215 (614) 464–4103. Transporting *general commodities* (except classes A and B explosives), between Peoria, IL and points in OH and KY, on the one hand, and, on the other, points in IL, IN, KY, MO, TN, OH, GA, SC, NC, VA, AL, DE, PA, WV, NJ, NY, CT, FL, MA, MI, CA, CO, WA, MN and DC.

MC 149195 (Sub-15), filed May 27, 1981. Applicant: ARCADIAN MOTOR CARRIERS, 1100 Sierra Street, Kingsburg, CA 93631. Representative: Lavern R. Holdeman, P.O. Box 891849, Lincoln, NE 68501 (402) 476–1144. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Colgate-Palmolive Company, Inc., of Kansas City, KS.

MC 150185 (Sub-4), filed May 22, 1981. Applicant: STAM-WIN, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566–5639. Transporting *machinery,* between points in the U.S., under continuing contract(s) with Xerox Corporation, of Rochester, NY.

MC 151645 (Sub-1), filed May 21, 1981. Applicant: K.S.R., INC., Route 412, Paragould, AR 72450. Representative: E. Lewis Coffey, 26 Kingspark Drive, Maumelle, AR 72118 (501) 851–3208. Transporting (1) *chemicals,* (2) *fabricated metal products,* (3) *plastic products,* and (4) *canned beverages,* between points in Green County, AR, Tunica County, MS, and Shelby County, TN, on the one hand, and, on the other, points in the U.S.

MC 152464 (Sub-3), filed May 20, 1981. Applicant: PYRAMID T.O.F.C. SERVICES, INC., Route 2, Box 235A, Carterville, IL 62918. Representative: Ronald N. Cobert, 1730 M St., NW., Suite 501, Washington, DC 20036 (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chemetco, Inc., of Hartford, IL.

MC 153315 (Sub-2), filed May 26, 1981. Applicant: GEO. MCNEIL TEAMING COMPANY, 700 West Erie St., Chicago, IL 60610. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with LaSalle Messinger Paper Co., of Broadview, IL.

MC 153344, filed May 20, 1981. Applicant: ZEIGLER'S LIQUID WASTE MANAGEMENT, INC., 700 North Hartley St., P.O. Box 1943, York, PA 17405. Representative: Jon Yinger (same address as applicant) (717)–845–8783. Transporting *hazardous materials,* between points in PA, MD, NJ, NY, OH, VA, WV and NC.

Note.—The authority granted in this proceeding shall expire 5 years from the date of issuance.

MC 156104 filed May 22, 1981. Applicant: PAUL WATTS, 386 Larkin Ave., Akron, OH 44305 Representative: James W. Conner, 431 Keith Ave. Akron, OH 44313 (216) 864–3561. Transporting *such commodities* as are manufactured, processed, or dealt in by ceramic manufacturers, between points in IN, KY, NY, NY, OH, PA, TN, WV, IL, MI, and CO.

MC 156064, filed May 20, 1981. Applicant: GENEVA AND JOHN NIXON d.b.a. NIXON FREIGHT LINES, 3618 U.S. Route No. 42, P.O. Box 213, Mason, OH 45040. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *general commodities* (except classes A and B explosives), between the facilities of Purex Corp., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 156065, filed May 20, 1981. Applicant: FREDERICK LIMOUSINE, INC., P.O. Box 98, Braddock Heights, MD 21714. Representative: Annette C. Reynolds, 7017 Ridge Rd., Frederick, MD 21701, (301) 694–6404. Transporting *passengers and their baggage,* between points in Frederick, Washington and Carroll Counties, MD, on the one hand, and, on the other, Washington National Airport, Arlington, VA.

MC 156105, filed May 22, 1981. Applicant: CELINA MOVING & WAREHOUSING, INC., 1901 Industrial Drive, Celina, OH 45822. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036, (202) 463–6044. Transporting *household goods,* as defined by the Commission, between points in OH, KY, IN, IL, MI, PA, NY and NJ.

Volume No. OPY–4–181

Decided: June 3, 1981.

FF–347 (Sub-2), filed May 27, 1981. Applicant: NORTHERN LIGHTS EXPRESS, INC., 2805 26th Ave., SW, P.O. Box 3365, Seattle, WA 98114. Representative: Frank MonteCalvo (same address as applicant), (206) 938–6345. As a freight forwarder, in connection with the transportation of *general commodities* (except household goods as defined by the Commission), between points in CA and WA.

MC 105367 (Sub-5), filed May 27, 1981. Applicant: THE HALL TRUCK LINE, INC., P.O. Box 188, Olathe, KS 66061. Representative: Everett J. Sellers (same address as applicant), (913) 782–0850. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Ottawa and Garnett, KS, over U.S. Hwy 59, serving all intermediate route points, and (2) between Osawatomie and Garnett, KS, over U.S. Hwy 169, serving all intermediate points.

Note.—Applicant intends to tack this authority with exiting authority.

MC 121667 (Sub-10), filed May 21, 1981. Applicant: SMALLEY TRANSPORTATION COMPANY, P.O. Box 5175, Tampa, FL 33675. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601 (813) 223–2411. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Key West, FL and the junction of U.S. Hwy 1 near Perrine, FL, over U.S. Hwy 1, (2) between Perry, FL and Pensacola, FL, over U.S Hwy 98, (3) between Inglis, FL and Tallahassee, FL, from Inglis over U.S. Hwy 19 to Capps, FL, then over U.S. Hwy 27 to Tallahassee, and return over the same route, (4) between Ocala, FL and Lake City, FL, over U.S. Hwy 441, (5) between Jacksonville, FL and Pensacola, FL, over Interstate Hwy 10, (6) between Jacksonville, FL and Tallahassee, FL, over U.S. Hwy 90, (7) between Tallahassee, FL and Pensacola, FL, over U.S. Hwy 90, (8) between Ocala, FL and the junction of Interstate Hwys 75 and 10 near Lake City, FL, over Interstate Hwy 75, (9) between Tallahassee, FL and Panama City, FL, (a) from Tallahassee over FL Hwy 20 to junction U.S. Hwy 231, then over U.S. Hwy 231 to Panama City, and return over the same route, (10) between Jacksonville, FL and Sanford, FL, over U.S. Hwy 17, and (11) serving in connection with routes (1) through (10)

above all points in FL as either intermediate or off route points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 134637 (Sub-7), filed May 27, 1981. Applicant: SILICA TRANSPORT, INC., West Market St., P.O. Box 232, Guion, AR 72540. Representative: Kay L. Matthews, 401 Kane Bldg., Little Rock, AR 72201 (501) 376–8363. Transporting *commodities in bulk*, (1) between points in AL, AR, AZ, CA, CO, FL, GA, IA, IL, IN, KS, KY, LA, MO, MS, MT, NC, ND, NE, NM, OK, SC, SD, TN, TX, VA, and WY, and (2) between points in AL, AR, AZ, CA, CO, FL, GA, IA, IL, IN, KS, KY, LA, MO, MS, MT, NC, ND, NE, NM, OK, SC, SD, TN, TX, VA, and WY, on the one hand, and, on the other, points in the U.S.

MC 155987, filed May 13, 1981. Applicant: SHORT LINE BUS SYSTEMS, INC., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021 (516) 482–0881. To engage in operations, in interstate or foreign commerce, as a broker, at Mahwah, NJ, in arranging for the transportation, by motor vehicles, of *passengers and their baggage*, between points in the U.S. (including AK and HI).

Volume No. OPY–4–184

Decided: June 4, 1981.

MC 108937 (Sub-71), filed May 27, 1981. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Rd., St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55113 (612) 633–7911. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 116227 (Sub-21), filed May 27, 1981. Applicant: POLMAN TRANSFER, INC., Route 3, Box 470, Wadena, MN 56482. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457–6889. Transporting *food and related products*, between points in Clark County, SD, and Hubbard County, MN, on the one hand, and, on the other, those points in the U.S. in and east of SD, ND, NE, KS, OK, and TX.

MC 123407 (Sub-676), filed May 27, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant) (219) 926–7575. Transporting *lumber and wood products*, between points in MI, on the one hand, and, on the other, points in U.S.

MC 124987 (Sub-25), filed May 27, 1981. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK d.b.a. EARL L. BONSACK, 512 W. Plainview Road, La Crosse, WI 54601. Representative: Joseph E. Ludden, P.O. Box 1567, 2707 South Ave., La Crosse, WI 54601 (608) 788–2000. Transporting *glassware*, between points in the U.S.

MC 128007 (Sub-167), filed May 27, 1981. Applicant: HOFER, INC., 20th and 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KA 66601 (913) 234–0565. Transporting *construction materials and equipment*, between points in AR, CO, IL, KS, LA, MS, MO, NE, OH, OK, and TX, on the one hand, on the other, points in the U.S.

MC 134197 (Sub-19), filed May 27, 1981. Applicant: JACKSON AND JOHNSON, INC., P.O. Box 327, Savannah, NY 13146. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580 (716) 265–9510. Transporting (1) *rubber and rubber products*, and (2) *transportation equipment*, between points in Shelby County, TN, on the one hand, and, on the other, points in NY.

[FR Doc. 81-17282 Filed 6-10-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81–14784, at page 27183, in the issue of Monday, May 18, 1981, on page 27188, in the middle column, the third paragraph, designated as "MC 107515", the tenth line, correct "LA" to read "AL".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Quotas for Controlled Substances in Schedules I and II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of established 1981 aggregate production quotas.

SUMMARY: This notice establishes revised 1981 aggregate production quotas for controlled substances in Schedule II, as required under the Controlled Substances Act of 1970.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration in accordance with § 0.100 of Title 28 of the Code of Federal Regulations.

On April 29, 1981, a notice of the proposed revised 1981 aggregate production quotas for certain controlled substances in Schedule II was published in the **Federal Register** (46 FR 24045). All interested parties were invited to comment on or object to these proposed aggregate production quotas on or before May 29, 1981.

One comment was received from Philips Roxane Laboratories, Inc. of Columbus, Ohio. Concerning hydromorphone, the company stated that market competition for tableted preparations was inadequate and that it was therefore planning to market such a preparation. The company estimated production requirements to be 6 kg. this year and requested that this amount be considered in the establishment of the revised 1981 aggregate production quota for hydromorphone. The Drug Enforcement Administration has determined that no increase in production above that proposed previously is necessary because the introduction of a new product, similar to one already available on the market, should not affect the amount of hydromorphone needed for medical use. In addition, the proposed production of 116 kg. is large enough to accommodate the market shift contemplated by Philips Roxane, should it occur as that company expects.

No other comments and no objections were received. In accordance with § 1303.11(c) of Title 21 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration has determined that no hearing relative to the above mentioned comment is necessary at this time.

Pursuant to Sections 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The establishment of annual aggregate production quotas for Schedule I and II

controlled substances is mandated by law and by the international commitments of the United States. Such quotas impact predominately upon major manufacturers of the affected controlled substances.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, The Administrator of the Drug Enforcement Administration hereby orders that the 1981 revised aggregate production quotas be established as follows:

Basic class	Production quota [1] (expressed as grams of anhydrous base)
Schedule II	
Amphetamine	882,000
Codeine (for sale)	56,426,000
Codeine (for conversion)	4,148,000
Desoxyephedrine	1,683,000
(methamphetamine)	(148,000)
(levodesoxyephedrine)	(1,535,000)
Dextropropxyphene	48,439,000
Dihydrocodeine	1,585,000
Diphenoxylate	700,000
Fentanyl	4,000
Hydrocodone	1,022,000
Hydromorphone	116,000
Methadone	1,489,000
Methadone Intermediate	2,127,000
Methaqualone	0
Morphine (for conversion)	59,430,000
Phenylacetone	7,000,000
Thebaine (for sale)	2,319,000

[1] Established revised 1981 aggregate production quota.

Dated: June 3, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-17386 Filed 6-10-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-24]

Reports, Responses to Recommendations; Availability

Aircraft Accident Reports—Brief Format, U.S. Civil Aviation, Issue No. 3, 1980 Accidents (NTSB-BA-81-3).

Railroad Accident Reports—Brief Format, Issue No. 3, 1979 Accidents (NTSB-RAB-81-1).

Responses from the Federal Aviation Administration:

A-78-67 through -74 (May 11).—FAA finds present process of approving aircraft tires to be satisfactory (A-78-67). Revisions were made Nov. 29, 1979, to Technical Standard Order C-62b for tires to include severer testing requirements and higher tire load margins and to 14 CFR 25.733 to include a 1.07 factor in establishing required load rating of tires (A-78-68). Airplane certification procedures account for compatability of tire with airframe (A-78-69). Revised TSO-C62c for aircraft tires requires manufacturer to furnish applicable maintenance data which includes inspection criteria for recapped tires; an Advisory Circular on qualification of retread tires was proposed at 46 FR 17730, Mar. 19, 1981 (A-78-70). (The Safety Board concurred with this proposal on May 15.) FAA considered variation of tire loads on airplanes with dual or tandem landing gear in revising §25.733 and the new tire TSO (A-78-71). Operator maintenance and operational practices in FAA-approved operators' manuals are satisfatory: Advisory Circular 20-97, High-Speed Tire Maintenance and Operational Practices, and Maintenance Bulletin 32-3, Aviation Tire Maintenance Practices, were issued in 1977; a 30-day tire surveillance program was conducted in April 1978 (A-78-72). An R&D project on recapped aircraft tires, conducted by Transportation Systems Center in Cambridge, Mass., is scheduled for completion in December 1981(A-78-73). There are no data to support a limit for the number of retread cycles allowed; reliability of any tire, new or recapped, depends on maintenance, operational practices, and inspections prior to recapping (A-78-74). (Ref. 43 FR 57359, Dec. 7, 1978.)

A-79-27 through -30 (May 26).—Research under Contract DOT-FA-79-WA-4268 has yet to provide sufficient justification to support recommended rulemaking on ground proximity warning systems; present rules provide an adequate level of safety when proper procedures are followed (A-79-27 and -28). Report No. FAA-RD-76-22, "Aircraft Alerting Systems Criteria Study," third in a series of Independent Altitude Monitoring Study contracts, suggests an automatic intensity adjustment for various ambient cockpit noise conditions; requirements for emergency verbal communications between crewmembers are under consideration (A-79-29). When contract study results are available, FAA will consider issuance of guidance material (A-79-30). (Ref. 44 FR 48004, Aug. 16, 1979.)

A-79-89 and -90 (May 20).—Subsequent to issuance of Airworthiness Directive 80-04-09, insulation of fuel supply lines, 51 suspected and 13 confirmed reports of fuel vapor problems were evaluated by Cessna and FAA; this AD has not reduced the fuel vapor problems. Work is continuing. (Ref. 45 FR 18212, Mar. 20, 1980.)

A-80-59 and -60 (May 26).—FAA concurs with need to standarize instrument approach charts for all airport approaches that require a sidestep maneuver but finds no need for separate charts (plan view portrayal) since a greatly increased number of charts could result; FAA, as indicated in its Oct. 9, 1980, response, is acting to identify more clearly the sidestep minimums (A-80-60). Advisory Circular 90-1A, Civil Use of U.S. Government Instrument Approach Procedures Charts, will be rewritten to provide the sidestep information (A-80-60). (Ref. 45 FR 49411, July 24, 1980).

A-80-51 through -63 (May 26).—An alert on Goodyear Aerospace Corporation fuel cells, BTC-39 series construction type, was published in General Aviation Airworthiness Alert No. 29, AC No. 43-16, dated December 1980. A-80-63 was classified "closed" by the Board Dec. 19, 1980. (Ref. 45 FR 73830, Nov. 6, 1980.)

A-80-112 and -114 (May 26).—FAA provides an advance copy of Air Carrier Operations Bulletin No. 7-81-1, Aircraft Deicing and Anti-icing Procedures (A-80-112). FAA believes the manufacturer, not FAA, should be responsible for publishing and distributing to operators detailed information about deicing/anti-icing fluids (A-80-114). (Ref. 46 FR 22296, Apr. 16, 1981.)

A-80-141 (May 26).—FAA questions the cost/benefit aspects of a more complete recorded wind data system solely to augment data for analyzing accident causes; rather, availability of current and accurate wind information should be viewed as a valuable tool for use in enhancing safety of flight. FAA plans no further action. (Ref. 46 FR 14232, FEb. 26, 1981.)

A-81-1 (May 26).—FAA provides a copy of an airworthiness directive, issued as a final rule on Mar. 13, 1981, requiring inspection of Lockheed Model L-1011 series aircraft main landing gear wheels and removal from service of all wheels found to have cracks. (Ref. 46 FR 16367, Mar. 12, 1981.)

A-81-14 (May 20).—FAA finds sufficient guidance is now available in rules and air carrier operations bulletins on fuel planning requirements and pilot-in-command responsibilities, and does not concur in the need to amend 14 CFR Part 121 or Part 135. (Ref. 46 FR 15387, Mar. 5, 1981.)

A-81-15 and-16 (May 26).—To determine whether some Cessna seats may not lock in place properly because of interference with the door jamb, FAA is analyzing its service difficulty reports, inspections of Cessna production aircraft, and some additional Board data on other accidents where slippage of the pilot's seat was determined to be a causal element. FAA expects to complete its analysis by Aug. 1, 1981. (Ref. 46 FR 15387, Mar. 5, 1981.)

Response from the U.S. Coast Guard:

M-80-102 through -114 (May 20).—Status of recommendations reported at 45 FR 81692, Dec. 11, 1980:

M-80-102: USCG does not concur in examining all passenger vessels under its control verification program to insure that cooking appliances that can heat more than a thin film of oil have reliable overheat protection. No international agreements specifically require overheat protection on such appliances and unilateral action is herein indicated.

M-80-103: Neither the 1948, 1960, or 1974 Safety of Life at Sea (SOLAS) conventions nor the 1966 Amendments specifically require A-60 insulation on ducts.

M-80-104: Rather than require proof from the master of a vessel that duct work has been cleaned, USCG will change Marine Safety Manual CG-495 to guide USCG inspectors and to emphasize examination of galley vents and associated fire safety systems.

M-80-105: USCG finds no need for special examination of fire screen doors on

passenger vessels operating under its control verification program; 1960 SOLAS adequately provides for safety design of such doors.

M–80–106: USCG has neither sufficient funding nor personnel to conduct unannounced boardings of foreign passenger vessels to insure that sprinkler system control valves are fully open.

M–80–107: SOLAS requirements for holding and logging regular drills are adequate to insure crew familiarity with the vessel and its firefighting system and equipment.

M–80–108: It is not necessary to modify the intent of current SOLAS convention fire watch standards.

M–80–109: USCG does not concur; 1948 and 1960 SOLAS Conventions require maintenance of an efficient patrol system in all passenger ships so that fire may be promptly detected. Additional unilateral fire safety requirements can be mandated aboard foreign-flag vessels only if a thorough basis for same is first established.

M–80–110: A copy of USCG Marine Board of Investigation and Commandant's Action on its recommendations will be made available to vessel operators and masters through their local agents. The case will be offered at IMCO through USCG liaison with that body.

M–80–111 and –112: USCG will submit a paper to the 26th session of IMCO Subcommittee on Fire Protection, set for June 1981, discussing the ANGELINA LAURO casualty and highlighting lessons learned in investigation. Owners and operators of passenger vessels subject to 46 USC 362(c) will be urged to inspect their galley exhaust system for cleanliness, to evaluate sprinkler systems for proper maintenance, ready availability of water, and completeness of coverage, and, further, to evaluate the need for additional insulation and fixed extinguishing systems in galley exhaust ducts; voluntary installation of fire and smoke detection systems will be recommended.

M–80–113: USCG concurs in training all senior and safety officers at an approved practical firefighting school. The present International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, addresses this matter.

M–80–114: USCG has contacted the Federal Emergency Management Agency, offering to assist the Virgin Islands Government in revising contingency plans. USCG contingency plans for ports in the Greater Antilles Section will be updated by Dec. 1, 1981.

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

June 4, 1981.

[FR Doc. 81-17017 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Metal Components; Meeting

The ACRS Subcommittee on Metal Components will hold a meeting on June 30, 1981 at the Battelle Memorial Institute, Pacific Northwest Laboratories, Richland, WA 99352. The Subcommittee will review NRC's fiscal year 1983 Reactor Safety Research Program Budget concerning Inservice Inspection and Steam Generator programs.

In accordance with the procedures outlines in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far is advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The majority of the meeting will be open to public attendance. The Subcommittee will be considering some predecisional budget information associated with the NRC Safety Research Program Budget for fiscal year 1983. In order to perform this review, the ACRS must be able to engage in frank discussion with members of the NRC Staff. Therefore it may be necessary to close portions of this meeting (Sunshine Act Exemption 9(B)). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, June 30, 1981, 8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634–1414) between 8:15 a.m. and 5 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting. The authority for such closure is Exemption 9(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: June 8, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-17361 Filed 6-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–416 and 50–417]

Availability of the Draft Environmental Statement for the Grand Gulf Nuclear Station, Units 1 and 2

Notice is hereby given that the Draft Environmental Statement (NUREG–0777) related to the operation of the Grand Gulf Nuclear Station, Units 1 and 2, by the Mississippi Power & Light Company, has been prepared by the Commission's Office of Nuclear Reactor Regulation. The Grand Gulf Nuclear Station is located on the Mississippi River in Claiborne County, Mississippi.

The Draft Environmental Statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and at the Hinds Jr. College, George M. McLendor Library, Raymond, Mississippi 39154. The Draft Environmental Statement is also being made available at the State Clearinghouse, Coordinator Federal-State Programs, Office of the Governor, 1503 Sillers Building, Jackson, Mississippi 39201, and the Southwest Mississippi Planning and Development District, Post Office Box 636, Meadville, Mississippi 39653. Requests for copies of NUREG–0777 should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Pursuant to 10 CFR Part 51, interested persons may submit comments on this Statement for the Commission's

consideration. Federal, State and specified local agencies are being provided with copies of the Draft Environmental Statement (local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and at the Hinds Jr. College, George M. McLendor Library. Upon consideration of comments submitted with respect to the Draft Environmental Statement, NUREG–0777, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register**. Comments are due by July 27, 1981.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of June 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81–17365 Filed 6–10–81, 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–413 and 50–414]

Duke Power Co. et al., Catawba Nuclear Station, Units 1 and 2; Order Extending Construction Completion Dates

Duke Power Company, North Carolina Municipal Power Agency Number 1, North Carolina Electric Membership Corporation, and Saluda River Electric Cooperative, Inc. are the current holders of Construction Permit Nos. CPPR–116 and CPPR–117 issued by the Nuclear Regulatory Commission on August 7, 1975 for the Catawba Nuclear Station. These facilities are presently under construction at the applicants' site on the shore of Lake Wylie in York County, South Carolina. By letter dated April 30, 1981, Duke Power Company filed a request for an extension of the latest construction completion dates for the facilities to March 1, 1984 for Unit 1 and to September 1, 1985 for Unit 2. This extension was requested due to (1) a delay in completion of support systems for the auxiliary boiler, (2) problems with vendor deliveries which in turn delayed installation of equipment, (3) impact on manpower due to projects resulting from the accident at Three Mile Island, (4) a revised preoperational test plan, and (5) a delay in erection of piping support restraints caused by late design information, a shortage of key support restraint material and an increase in the total number of support restraints required.

This action involves no significant hazards consideration, good cause has been shown for the delay, and the requested extension is for a reasonable period, the bases for which are set forth in the staff evaluation. The preparation of an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement-Construction Permit Stage for the Catawba Nuclear Station, Units 1 and 2, published in December 1973. A Negative Declaration and an Environmental Impact Appraisal have been prepared and are available, as are the above stated documents, for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. 20555 and at the local public document room established for the Catawba Nuclear Station, Units, 1 and 2 at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina 29730.

It is hereby ordered that the latest completion date for CPPR–116 be extended from June 1, 1981 to March 1, 1984 and the latest date for CPPR–117 be extended from June 1, 1982 to September 1, 1985.

Date of Issuance: June 4, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–17362 Filed 6–10–81, 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–413 and 50–414]

Duke Power Co., North Carolina Municipal Power Agency No. 1, North Carolina Electric Membership Corporation, Saluda River Electric Cooperative, Inc.; Negative Declaration Supporting: Extension of Construction Permit Nos. CPPR–116 and CPPR–117, Expiration Dates for Catawba Nuclear Station, Unit Nos. 1 and 2

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the letter from Duke Power Company requesting an extension of the expiration dates of the construction permits for the Catawba Nuclear Station, Unit Nos. 1 and 2 (CPPR–116 and CPPR–117) which are located in York County in the State of South Carolina. The request is for an extension of the permits through March 1, 1984 for CPPR–116 and through September 1, 1985 for CPPR–117, to allow for completion of construction of the facilities.

The Commission's Division of Licensing has prepared an environmental impact appraisal relative to these changes to CPPR–116 and CPPR–117. Based on this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action other than that which has already been described in the Commission's Final Environmental Statement-Construction Permit Stage or evaluated in the environmental impact appraisal.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina 29730.

Dated at Bethesda, Maryland, this 4th day of June, 1981.

For the Nuclear Regulatory Commission.

Elinor Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81–17363 Filed 6–10–81, 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 40–8768]

Kerr-McGee Nuclear Corp.; Negative Declaration Regarding Issuance of Source and Byproduct License for Operation of R. & D. In Situ Leach Project in Converse County, Wyo.

The U.S. Nuclear Regulatory Commission (the Commission) is issuing a Source Material and Byproduct Material License to Kerr-McGee Nuclear Corporation authorizing R&D-scale uranium solution mining operations at their South Powder River Basin "Q" Sand Project Site in Converse County, Wyoming.

The Commission's Division of Waste Management has prepared an environmental impact appraisal for the proposed action. On the basis of this appraisal, the Commission has concluded that an environmental impact statment for this particular action is not warranted for there will be no significant environmental impact

attributable to the action. The environmental impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

Dated at Silver Spring, Maryland, this 2nd day of June, 1981.

For the Nuclear Regulatory Commission.

Ross A. Scarano,

Chief, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 81-17264 Filed 6-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co.; Issuance of Amendment to Facility Operating License and Granting of Relief

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-22, issued to Northern States Power Company, which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to replace the current inservice inspection technical specifications with an inservice inspection program that meets the requirements of 10 CFR 50.55a and to incorporate several changes of an administrative nature.

By letter dated April 10, 1981, as supported by the related safety evaluation, the Commission has also granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the licensee. The relief relates to the inservice inspection program for the facility. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR 50. The relief is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rule and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment and the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 30, 1977, the licensee's submittals dated March 15, 1978, August 28, 1978, January 5, 1979, February 26, 1979, July 27, 1979, March 5, 1980, and July 16, 1980, (2) Amendment No. 6 to License No. DPR-22, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-17366 Filed 6-10-81; 8:45 am]

BILLING CODE 7590-01-M

NRC Requirements Regarding the Environmental Qualification of Safety-Related Electrical Equipment; Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Meeting.

SUMMARY: The NRC staff will discuss the content of Safety Evaluations, which are being issued to power reactor licensees, regarding the qualification requirements for their safety-related electrical equipment.

DATES: July 7, 8, 9 and 10, 1981.

ADDRESS: Holiday Inn of Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20014.

FOR FURTHER INFORMATION CONTACT: Mr. Mark H. Williams, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492-9798.

SUPPLEMENTARY INFORMATION: The primary purpose of this meeting is to further the licensee's understanding of the NRC requirements regarding the Qualification of Safety Related Electrical Equipment. The meeting will serve as a mechanism to address industry concerns and questions on the subject.

The meeting will be divided up into sessions for the NRC presentations and sessions for licensee questions. In order to allow more efficient use of the question sessions, it is planned that attendees will be grouped by NSSS affiliation. The tentative agenda is shown below.

July 7, 1981

10:00 A.M.

- Identification of Systems
- Prediction of Temperature, Pressure and Humidity Conditions Following Accidents
- Uncertainties Associated with the Predicted Environmental Conditions, Uncertainties of Qualification Tests, Margin Requirements
- Question Session (on above topics)

P.M.

- Determination of Flood Levels, Requirements for Submerged Equipment
- The Effect of Chemical Sprays
- Evaluation of Aging, Acceptable Methods, Minimum Requirements
- Prediction of Radiation Exposure, Acceptable Calculational Methods, Expected Detail of Requested Documentation
- Question Session (on above topics)

July 8, 1981

9:00 A.M.

- Review of Transmitters, Terminal Blocks, Cables and Penetrations
- Question Session (on above topics)

P.M.

- Review of Motors, Valve Actuators, and Other Electrical Equipment
- Question Session (on above topics)

July 9, 1981

9:00 A.M.

- Requirements for Qualification of Electrical Equipment Exposed to Mild Environments
- Expected Licensee Response to the Equipment Qualification SER's Content of Response, Difficulties in Meeting the June 1982 Deadline
- Information Needed to Justify Continued Plant Operation
- Question Session (on above topics)

P.M.

- Open Hours for Carryover Discussions

July 10, 1981

- Test Report Evaluations, Applicability of Test Reports, Shortcomings of Test Reports
- The NRC Equipment Qualification Data Systems, Present Status Expected Use of the Data System
- Proposed Interim Requirements for Mechanical Equipment Qualification for Seismic and Dynamic Qualification with Licensee comments.
- Question Session (on above topics)
- Equipment Qualification Rulemaking, Electrical Equipment, Mechanical Equipment, Accreditation of Test Laboratories

Persons other than the NRC Staff and Licensee Representatives may observe the proceedings but will be permitted to participate in the discussions only as time will allow.

Registration will be conducted prior to the meeting.

Dated at Bethesda, Md., this 3rd day of June 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-17367 Filed 6-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-348]

Toledo Edison Co. and Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications (TSs) for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This amendment changes the TSs to provide consistency in terminology between the TSs and plant design and to ensure adequate surveillance requirements. These changes were identified during the Commission's review of Amendment No. 36 to License No. NPF-3. Amendment No. 36 allows the plant to use a manual switchover of the Emergency Core Cooling System pumps from the Borated Water Storage Tank (BWST) to the emergency sump during a loss of coolant accident after the BWST reaches a low level.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 24, 1981, (2) Amendment No. 40 to License No. NPF-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the William Carlson Library, University of Toledo, 2801 W. Bancroft Avenue, Toledo, Ohio. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 1st day of June 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-17368 Filed 6-10-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

June 8, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504 (h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documenst may be obtained from the agency clearance officer whose

name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items or this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Norhtwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Econonmics and Statistics Service
Supermarket Labor Cost Survey
Nonrecurring
Businesses or other institutions
Supermarket operators
SIC: 541
Agricultural research and services, 714 responses; 119 hours; $1,500 Federal cost, 1 form; not applicable under 3504 (H)
Office of Federal Statistical Policy and Standard, 202–673–7974

Provides data on labor costs of supermarket. Data will be used as one of the variables in a multivariate analysis to determine whether market powers is a significant factor in comparing price levels among super markets in the same city and between cities.

• Farmers Home Administration
Applicant Reference Letter (A Request for Credit Reference)
FMHA 410–8
On occasion
Businesses or other institutions
Credit agencies
SIC: 602, 603, 611, 612, 613, 614, 615, 616, 637, 651
Small businesses or organizations
Mortgage credit and thrift insurance, 237,682 responses, 78,435 hours; $10,092 Federal cost, 1 form; not applicable under 3504(H)
Charles A. Ellett, 202–395–7340

The Fair Credit Reports Act, Title V of the Housing Act of 1949 and the Consolidated Farm and Rural Development Act authorize FMHA to collect information to determine eligibility of loan applicants.

• Science and Education Administration
"Effectiveness of the 'Green Thumb Box' Information Delivery System as Viewed by Farmer Participants and Key Observers"
Nonrecurring
Individuals or households/State or local governments/farms/businesses or other institutions
(1) 200 farm households with "Green Thumb Box" (2) Compari
SIC: 011, 013, 021, 024, 481, 483, 287, 352, 964, 951
Small businesses or organizations
Agricultural research and services, 350 responses, 218 hours; $150,000 Federal cost, 3 forms; not applicable under 3504 (H)
Charles A. Elett, 202–395–7340

At the close of pilot 15 months or "Green Thumb Box" (GTB) operation in Kentucky, evaluation data are needed on extend and type of GTE utilization by farmer participants, with comparison data from nonparticipating farmers and contextual data from local representative of government, business, media, education, etc.

Revisions

• Food and Nutrition Service
Part 226—Child Care Food Program
82, 341, 342, 344, 430, 431, 432, 433
On occasion
Businesses or other institutions
Participating child care centers and administering agencies
Public Assistance and other income supplements 328,698 responses, 1,388,010 hours; $1,168,278 Federal cost, 8 forms; NPRM under 3504(H)
Charles A. Ellett, 202–395–7340

Applications which institutions submit to administering agencies for participation in the CCEP and agreements which ensure all entities are aware of and will fullfill their responsibilities.

Extensions (No Change)

• Rural Electrification Administration
Architects and Engineers Qualifications
REA–179
On occasion
Businesses or other institutions
Architects and engineers qualifications
SIC: 481
Small businesses or organizations

Energy supply, 110 responses, 220 hours; $542 Federal cost, 1 form; not applicable under 3504(H)
Charles A. Ellett, 202–395–7340

Provides the basis by which REA will approve or disapprove architectural or engineering service contracts, depending on the individuals qualifications.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Bureau of the Census
1982 Economic Censuses Pretest of Revised Inventory Inquiry
E–1 B–2 B–3 B–4
IV–1 C–1 MP–1
Nonrecurring
Businesses or other institutions
Wholesale, retail, manufacturing and construction establish
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of Commerce, 1,500 responses, 375 hours; $35,000 Federal cost, 7 forms; Not applicable under 3504(H)
Office of Federal Statistical Policy and Standard, 202–673–7974

Pretest of revised inventory inquiry for 1982 economic censuses.

• Bureau of the Census
Housing Unit Coverage Studies P-Sample Follow-Up Form
1980 Decennial census evaluations
D–8098
Nonrecurring
Individuals or households
Occupants of, or persons knowledgeable about, housing units other advancement and regulation of commerce, 3,700 responses, 617 hours; 1 form; not applicable under 3504(H)
Office of Federal Statistical Policy and Standard, 202–673–7974

Results from this portion of the housing unit coverage studies will provide estimates of the gross miss rate for occupied housing units and the rate at which occupied units were misclassified as vacant.

Revisions

• Economic Development Administration
Survey of Footwear Industry Firms
ED–4550
Nonrecurring
Businesses or other institutions

Footwear (except athletic) manufacturers
SIC: 314
Small businesses or organizations
Area and regional development, 130 responses, 130 hours; $80,000 Federal cost, 1 form; not applicable under 3504(H)
William T. Adams, 202–395–4814

The information obtained in this study will be used to assess the economic impact of trade adjustment assistance on the footwear industry to refine basic program guidelines.

• Economic Development Administration
Special Adjustment Assistance Application Form
M–4 Supplement
On occasion State or local governments
State, non-profit public organizations, a consortium
SIC: All
Area and regional development, 60 responses, 315 hours; $75,500 Federal cost, 1 form; not applicable under 3504(H)
William T. Adams, 202–395–4814

The information (form) is needed to receive benefits under the sudden and severe economic dislocation (SSED) program. Because the SSED program responds to unforeseen disruptions to an economy, specific and new information is needed to identify the problem to be addressed. No other program in the agency is designed to address such special needs.

Extensions (No Change)

• Bureau of the Census
Employment Inquiry
BC 36C
On occasion
Businesses or other institutions
Employers, teachers, etc., of applicants
Small businesses or organizations
Other advancement and regulation of commerce, 7,500 responses; 1,250 hours, 1 form, not applicable under 3504(h)
Off. of Federal statistical policy & standard, 202–673–7974

Sent to references listed on SF–171's and to previous employers to obtain evaluations of prospective employees.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

Extensions (Burden Change)

• Departmental and Others
Police record check
DD 369
On occasion
State or local governments
Law enforcement agencies
Department of Defense—Military, 350,000 responses; 70,000 hours, $495,500 Federal cost, 1 form, not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Per sections 504 and 505 of title 10, U.S. Code, applicants for enlistment must be screened to identify any discreditable involvement with police or other legal officials. Form is sent to FBI as part of entrance national agency check. Results are used to determine general enlistment eligibility and job skill placement.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Educational Research and Improvement
"High school and beyond"—First follow-up of sophomore and senior cohorts, field test, spring 1981
2408–30 2408–31 2408–32 2408–33
Nonrecurring
Individuals or households
Sophomores and seniors in high school in 1979 were selected
Research and general education aids, 1,069 responses; 802 hours, $250,000 Federal cost, 1 form, not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This longitudinal study provides data needed for educational policy information at Federal, State, and local levels with special attention to the needs for financial aid for postsecondary education. The field test is needed to develop the full-scale first follow-up survey.

• Office of Special Education and Rehabilitative Services
Impact Survey of the handicapped children's early education program (HCEEP)
775–1 775–2 775–3 ED 9037
ED 9037–1
Nonrecurring
State or local goverments/businesses or other institutions
State and local education agencies
SIC: 821
Elementary, secondary, and vocational education, 411 responses; 761 hours, $118,000 Federal cost, 3 forms, not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

This survey will examine the impact of the Federal investment in early childhood education for the handicapped, particularly the benefits of the "seed money" approach to the continuation and replication of successful demonstation projects. Survey results will be furnished to the Congress and the Federal, State, and local policymakers for planning future services.

• Office of Educational Research and Improvement
Special project performance report form
ED 864
Nonrecurring
Businesses or other institutions
Recipients of IMS special projects awards
SIC: 841
Small businesses or organizations
Research and general education aids, 39 responses; 69 hours, $2,000 Federal cost, 1 form, not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The data will be used by the staff of IMS and the national museum services board to determine how the funds were spent and to make administrative policy decisions that will assist IMS in serving its constituency and adhering to its legislative mandate.

• Office of Vocational and Adult Education
Application for state advisory council for vocational education
ED 773–1 ED 773–2 ED 773–3 ED 773–4
Annually
State or local governments
State Governors or boards for vocational education and SIC: 941
Elementary, secondary, and vocational education, 114 responses; 228 hours, $5,472 Federal cost, 4 forms, not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

The membership information will be reviewed to determine whether each State has legally constituted State advisory council, which is prerequisite to the issuance of a grant for the State advisory council and to the approval of the State's annual plan for vocational education. The budget will be used as the basis for the issuance of the grant award to the State advisory council.

• Office of Elementary and Secondary Education
A description of district practices since 1978 under title I of the Elementary and Secondary Education Act of 1965
ED 862
Nonrecurring
State or local governments
Local title I staff
SIC: 821
Elementary, secondary, and vocational education, 4,010 responses; 2,663

hours $1,950,000 Federal cost, 1 form, not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

This congressionally-mandated study is being undertaken to examine changes in district practices that have occurred since the education amendments of 1978. The 1982–83 reauthorization hearings for ESEA title I will be informed by this description of the ways title I programs operate locally, and local educator's views on the strengths and weaknesses of the title I legislation.

• Office of Vocational and Adult Education
Demonstration and validation of a comprehensive elementary/secondary career education project in local setting
830–9 through 830–21
Nonrecurring
Individuals or households/State or local governments
Students, parents LEA personnel, employers/community
SIC: 941
Elementary, secondary, and vocational education, 1,496 responses; 11,968 hours, $181,070 Federal cost, 13 forms, not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

Pre-and post-test data for the school year 1981–82 are needed to assess processes and outcomes of the project's career education activities. If findings are positive, data will be submitted to the joint dissemination review panel for project approval as a replicable "exemplary career education model."

• Office of Elementary and Secondary Education
Application for non-competing countinuation grants under the ethnic heritage studies program P.L. 95–561, title IX, part E elementary and secondary education Act of 1965 as amended
ED 349/1
On occasion
Individuals or households
Educational institutions, libraries and individuals
Elementary, secondary, and vocational education, 120 responses: 1,800 hours, $165,000 Federal cost, 1 form, not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

To provide information for the Secretary so that he/she can make determination for assistance designed to afford students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of other ethnic groups of the Nation.

• Office of Educational Research and Improvement
Update of the public library universe
ED 2349
Other–see SF83
State or local governments
State library agencies
SIC 823
Research and general education aids, 51 responses; 26 hours, $8,500 Federal cost, 1 form not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The data collection consists of mailing to each of the 50 State library agencies and D.C. a cover letter requesting additions, deletions, and corrections to the enclosed computer printout of all public libraries in that particular State, and requesting the return of the corrected printout by a specified date.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strand—202–245–7488

New

• Health Care Financing Administration
Medicare mental health demonstration statement of reimbursable costs and quarterly statistical report
HCFA–266 (Cost Report)—226Q(Qtrly Cost Report)—& 266A(Statistical Report)
Quarterly annually
Businesses or other institutions
45 Comm. mental health centers & other nonhcsp.—based, etc.
SIC: 808
Health, 405 responses; 3,330 hours, $424,440 Federal cost, 2 forms, not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The cost reports will be used by HCFA's office of direct reimbursement (ODR) to ensure proper and timely payments to the freestanding community and other nonhospital-based mental health facilities in the demonstration project. The statistical reports will provide selected data for evaluation purposes. This demonstration will test what medicare coverage of partial hospitalization coupled with cost reimbursement to community mental health centers is cost effective.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado–202–343–6191

New

• National Park Service
Glacier Bay National Park and Preserve Protection of Humpback Whales 36 CFR
On occasion Individuals or household/ businesses of other institutions
Charter and Fishing Companies
Sic: 091, 799
Small businesses or organizations
Recreational resources, 339 responses; 57 hours, $5,000 Federal cost, 0 form, not applicable under 3504(h)
Robert Shelton, 202–395–7340

This information will be collected by the National Park Service to monitor and control the number of small vessels using Glacier Bay during whale season (June 1 to August 31). The Service in response to formal consultation with the National Marine Fisheries Service (NMFS) must restrict vessel use of the Bay to 1976 levels to protect the Humpback Whale, an endangered species.

• National Park Service
Gulf Islands
Annually
Individuals or households
Individuals
Recreational resources, 400 responses; 80 hours, $1,000 Federal cost, 1 form, not applicable under 3504 (h)
Robert Shelton, 202–395–7340

This information collection will be in the nature of applications for permits to operate off-road vehicles on designated beach routes in the Florida District of Gulf Islands National Seashore, Florida. The permit system is necessary to ensure that each CRV driver is make aware of the specific routes where these vehicles can be used and the restrictions on the manner in which they can be used.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

Revisions

• Office of Justice Assistance, Research and Statistics
Supplemental to SF–424 application for Federal assistance (non-construction programs)
OJARS 4000/3
On occasion
State or local governments/businesses or other institutions
State agen., local gov., educ. instit, & non-profit organs.
Sic: 922
Small businesses or organizations
Criminal justice assistance, 200 responses; 5,200 hours, $44,000 Federal cost, 1 form, not applicable under 3504 (h)
Andy Uscher, 202–395–4814

This standard grant application is required for discretionary, technical assistance and other grants. It is required to meet certain legal

administrative requirements of OMB circular A-102.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer-MS. Joy Tucker-202-634-5394

New

• Internal Revenue Service
Vol voluntary withholding from annuity payments annually
Individuals or households/State or local governments/businesses or other
Annuitants and payors of annuities
Sic: 632
Central fiscal operations, 13,065,000 responses; 13,065,000 hours, 0 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Under section 3402 of the Internal revenue code, payors of annuities are required to withhold income tax from payments if requested to do so by the annuitant. The proposed regulations implement this voluntary statutory scheme and incorporate by reference temporary regulations on this subject which have been in effect since 1970.

• Office of the Secretary
TFR-620 Transfer of Iranian Assets [1]
TFR-620
Nonrecurring
Businesses or other institutions
Banks, brokers, and other institutions
SIC: 601, 602, 603, 604, 605, 621
Small businesses or organizations
Central fiscal operations, 80 responses; 80 hours, $1,200 Federal cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

One time report regarding transfers (by banks and other holders) of financial assets in which Iran has interest to the Federal Reserve Bank of New York, per U.S.-Iran Agreements of 1/19/81.

Revisions

• Internal Revenue Service
Information Return by Trustee for Taxable Distribution or Termination From a Generation-Skipping Trust/ Beneficiary's Share of a Taxable Distr. From a Generation-Skipping Trust
706-B(1) 706-B(2)
On occasion
Individuals or households/businesses or other institutions banks, trust co., legal F & any operations
SIC: 601, 602, 603, 604, 605, 811
Central Fiscal Operations, 10,000 responses; 44,495 hours, $319,107 Federal cost, 2 forms, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 706-B(1) is used to gather information pertaining to generation skipping transfers. The service processes this information and provides it to the distributees and other trustees who need it to prepare their tax returns. Form 706-B(2) conveys some of the information on Form-B(1) to the beneficiaries who use it to prepare their tax returns. The tax is computed on Form 706-B.

Extensions (Burden Change)

• United States Customs Service
Informal Entry
CF-5119-A
On occasion
Individuals or households/businesses or other institutions
Brokers, importers, individuals
SIC: All
Small businesses or organizations
Federal law enforcement activities, 1,560,000 responses; 156,000 hours, $1,372,629.00 Federal cost, 1 form, not applicable under 3504(b)
Kevin Broderick, 202-395-6880

Document allows the entry of merchandise less than $250.00, and the subsequent collection of applicable duties and taxes. Non commercial merchandise of unlimited value may also be entered on the form.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202-287-0747

New

• Submission of Written Questions at Panel Hearing [2]
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Permit applicant, regional trial staff
SIC: Multiple
Pollution control and abatement, 124 responses; 248 hours; 0 form; not applicable under 3504 (h)
Edward H. Clarke, 202-395-7340

Any party may submit written questions to the presiding office to be directed to any person appearing or testifying in the hearing.

• PSRT B: Application for New Land Disposal Facilities (RCRA) [2]
Nonrecurring
State or local governments/businesses or other institutions
Persons wishing to dispose of hazardous waste in new land
SIC: Multiple
Pollution control and abatement, 50 responeses; 19,000 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Information is necessary to determine whether the facility can meet the performance standard established under 40 CFR part 267 to protect human health and the environment as required by 42 USC section 6924.

• Panel Hearing, Additional Submissions [2]
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Permit applicant, agency trial staff
SIC: Multiple
Pollution control and abatement, 124 responeses; 4,960 hours; 0 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Any party must submit additional testimony, affidavits, information or materials it considers relevant or which the panel may request.

• Requests for Cross-Examination, Contents [2]
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Permit applicant, agency trial staff
SIC: Multiple
Pollution control and abatement, 124 responses; 372 hours; 0 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Gives parties opportunity to more fully scrutinize the factual issues at the panel hearing.

• Public notice of emergency permits [2]
On occasion
State or local governments
Regional EPA and State permit directors
Pollution control and abatement, 25 responses; 200 hours; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202-395-7340

Information is necessary to fulfill EPA oversight responsibilities, to warn the public of potential dangers from the accident, and to ensure the appropriate governmental officials and bodies are aware of potential impacts from the the emergency.

[1] These reporting requirements have been approved in accordance with the assertion by the Treasury Department that prompt action was needed for timely completion of undertakings agreed to in the U.S.-Iran agreements of January 19, 1981.

[2] Over the next several weeks the Environmental Protection Agency will be requesting clearance for several hundred reporting and recordkeeping requirements that were administered previously without OMB approval. In order to provide a thorough review without unnecessarily disrupting EPA programs, OMB may grant interim approvals for many of these requests, after an initial screening. Interim approvals would be followed by full reviews and final approval or disapproval decisions which would be announced in future editions of the Federal Register.

• Groud—Water Monitoring Records Retention [2]
On occasion
Businesses or other institutions
Persons with RCRA permit for treating, storing, or disposing
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 1,881 responses; 17,869 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Monitoring records must be retained in order to ensure that (1) the permittee is complying with the ground-water monitoring requirements, and (2) that any impact the permittee is having on groundwater is within the confines of the permit conditions.

• Requests for Alternative Methods of Clarifying the REC [2]
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Permit applicant, agency trial staff
SIC: Multiple
Pollution control and abatement, 62 responses: 31 hours; 0 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Any person may request tht alternative methods of clarifying the record may be used in lieu of or in addition to cross-examination.

• Notification of New Facility by Permittees [2]
Nonrecurring
Businesses or other institutions
Persons wishing to treat, store, or dispose of hazardous
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 150 responses; 1,500 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The required demonstration is necessary because permit conditions are partly premised on the proper construction of the facility. It is useful because it may save the cost of stopping operations and retrofitting in the future should a problem arise, and may affirmatively defend against an enforcement action for permit noncompliance. The letter must be certified because of the expertise necessary to ensure permit compliance.

• Approval Process [2]
Nonrecurring
State or local governments
States seeking to administer the RCRA hazardous waste program
Pollution control and abatement, 22 responses; 10,560, hours; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

State must submit its proposed hazardous waste program to public review (public notice and opportunity for comment and a public hearing) in order to fulfill the requirements of 42 U.S.C. section 6926(b).

• Request for an evidentiary hearing [2]
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
NPDES permit applicants
SIC: Multiple
Pollution control and abatement, 1,239 responses; 1,239 hours; 0 form; not applicable under 3504(h)
Eeward H. Clarke, 202–395–7340

This regulatory information is necessary to provide public participation in agency decisionmaking as required by the Clean Water Act. Contents of hearing request is necessary to aid administrator in narrowing issues subject to hearing and facilitation expeditious review.

• Requests for intervention [2]
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Individuals, trade associations or environmental groups
SIC: Multiple
Pollution control and abatement, 25 responses; 25 hours; 0 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Persons who are not parties to an evidentiary hearing may request to become parties by intervening. The information contained in the motion for intervention is necessary for the presiding officer to decide whether the request should be granted.

• Filing and Service [2]
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Permittee, reg. trial staff, parties to hearing, intervenors
SIC: Multiple pollution control and abatement; 1,860 responses; 1,860 hours; 0 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Parties to an evidentiary hearing must file one original and one copy of each submission relating to the hearing.

• Prehearing Conference [2]
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Permittee, Regional trial staff, intervenors
SIC: Multiple
Pollution control and abatement; 1,860 responses; 1,860 hours; 0 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

If a prehearing conference is held, each party must make available to all other parties the names of experts or other witnesses it expects to call.

• Summary motions for determination [2]
Nonrecurring Individuals or households/ State or local governments/businesses or other institutions
Permittees, agency trail staff, intervenors
SIC: Multiple
Pollution control and abatement, 62, responses; 2,976 hours; 0 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Any party may move for a summary determination in its favor.

• Countermotions for Summary Determination [2]
Nonrecurring
Individuals or households/State or local govenments/businesses or other institutions
Permittees, regional trial staff, intervenors
SIC: Multiple
Pollution control and abatement, 186 responses; 8,928 hours; 0 form; not applicable 3504(h)

Edward H. Clarke, 202–395–7340

Any other party to an evidentiary hearing may submit á countermotion for summary determination, contents of motions.

• States Must Impose Manifest, Application, and Record Keeping Requirements [2]
Other—See SF 83
State or local governments
States with final authorization to run the RCRA hazardous
Pollution control and abatement, 22 responses; 0 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The application is needed to satisfy the requirements of section 3006(C) (42 USC section 6926(C) that the State submit evidence of a program which is substantially equivalent to the Federal program as required by the statute. The various elements ensure the requisite substantial equivalency.

• Applications for Interim Authorization [2]
Nonrecurring
State or local governments
States applying for interim authorization

Pollution control and abatement, 22 responses, 21,120 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

The application is needed to satisfy the requirements of section 3006(C) (42 USC section 6926(C) that the state submit evidence of a program which is substantially equivalent to the Federal program as required by the statute. The various elements ensure the requisite substantial equivalency.

• Direct and rebuttal evidence [2]
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Permittee, regional trial staff, intervenors
Sic: Multiple
Pollution control and abatement, 1,860 responses, 148,800 hours; 0 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

All direct and rebuttal evidence must be submitted in written form so that it can be compiled into the Administrative Record.

• Program requirements for Interim Authorization under 40 CFR [2]
Section 123, 128, 129.
Nonrecurring
State or local governments
States seeking interim authorization to run the hazardous pollution control and abatement, 22 responses, 10,560 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

These requirements are necessary to ensure that the State interim authorization program is substantially equivalent to the Federal program as required in 42 U.S.C.6929(C).

• Progress reports [2]
Biennially
State or local governments
States with interim authorization to administer the hazardous pollution control and abatement, 44 responses, 44 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

The reports are necessary to assure that the State is complying with the authorization plan which includes steps the State must take to make its substantially equivalent program an equivalent and consistent program.

• Requests for Alternative Methods of Determining Emission [2] Factors for modifications
Nonrecurring
Business or other institutions
All sources which are subject to NSPS modification regula
Sic: 333, 491, 142, 327, 331, 121, 287, 495, 324, 281
Small businesses or organizations
Pollution control and abatement, 3 responses, 2 hours $75 Federal cost, 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

A source has the option of demonstrating that EPA emission factors are not accurate, and alternative methods should be used to determine if emissions increase after a physical or operational change. Any manual tests conducted for this purpose shall be based on representative conditions as specified by the administrator.

• Written Application for Alternative Monitoring Procedures [2] under NSPS.
Nonrecurring
Businesses or other institutions
All covered sources which have continuous monitoring requi
Sic: 333, 491, 142, 327, 331, 121, 287, 495, 324, 281
Small businesses or organizations
Pollution control and abatement, 3 responses, 2 hours; $225 Federal cost, 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

This is designed to give more flexibility to the source in demonstrating compliance. Alternate monitoring procedure will be approved by the administrator when the required procedures are not practical. If an affected facility is operated infrequently or use of the specified system would provide inaccurate measurements, alternative systems may be approved.

• Motions [2]
Nonrecurring
Individuals or households/State or local governments/businesses or other ins permittee, agency trial staff, intervenors
SIC: Multiple
Pollution control and abatement, 620 responses, 1,860 hours; 0 form not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Any party may file a motion with the presiding officer on any matter relating to the evidentiary hearing.

• Emission and operations monitoring requirements for ferroal [2]
Loy Production Facilities
Quarterly, other-see SF83
Businesses or other institutions
All new, modified or reconstructed Ferroalicy production
SIC: 106
Polution control and abatement.
730 responses, 365 hours:
$200 Federal cost, 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

The requirements for daily records of various operating parameters is designed to insure that Plants are operating under the same conditions as when the initial performance test was conducted and the standard was met. Opacity excess emission reports are an enforcement tool to assure control are operating properly. Reporting of product changes alerts EPA to the possibility that an inspection may be necessary.

• Proposed Findings of Fact and Conclusions of Law [2]
Nonrecurring
Individuals or households/State or local Governments/Business or other in permittee and regional trial staff
SIC: Multiple
Pollution control and abatement, 1,240 responses, 148,800 hours; 0 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Any partry may file proposed findings of fact and conclusions cf law or a brief in support thereof in an evidentiary hearing to aid presiding officer in making an initial decision.

• Submission of Written Comments on Draft Permit [2]
Nonrecurring
Individuals or households/State or local governments/businesses or other in permit applicant, agency trial staff
SIC: Multiple
Pollution control and abatement, 124 responses, 19,840 hours; 0 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Each party must submit all of its comments on the draft permit. All comments shall include any affidavits, studies, data, tests, or other materials relied upon for making any factual statements.

• Submission of Oral Comments [2]
Nonrecurring
Individuals or households/State or local governments/businesses or other in permit applicant, agency trial staff
SIC: Multiple
Pollution control and abatement, 124 responses, 62 hours; 0 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Any party may move to submit all or part of its comments orally at the hearing in lieu of submitting written comments.

• NSPS Part 60 Subpart MM Automobile and Light Duty Truck [2]
Surface coating
Monthly quarterly
Businesses or other institutions
Auto and light duty truck surface coating operations at SIC: 371

Pollution control and abatement, 12 responses, 180 hours; $585 Federal cost, 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Owner or operator shall perform monthly performance tests to ensure continuous compliance. Reporting and Recordkeeping of the performance tests is required. Monitoring of operating parameter of a control device shall be reported quarterly.

• Request for use of Alternative or Equivalent Method or [2]
Waiving of performance test
Nonrecurring
Businesses or other institutions
All sources under NSPS are eligible to make application.
SIC: 333, 491, 142, 327, 331, 121, 287, 495, 324, 281
Small businesses or organizations
Pollution control and abatement, 4 responses, 12 hours; $400 Federal cost, 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

If a source desires to use a different test method, or wants to waive performance testing, it may submit a request to the administrator. If the source demonstrates that use of such method assures compliance, the request will be approved. This allows the source flexibility as well as economic advantages.

• Request for Adjustment of Opacity Standard Under New [2]
Source performance standards
Nonrecurring
Businesses or other institutions
All sources subject to NSPS which have opacity and pollut
SIC: 491,142, 327, 331, 121, 287, 495, 324, 281, 333
Small businesses or organizations
Pollution control and abatement, 2 responses, 12 Hours; $1,150 Federal cosst, 1 Form, not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Source may request administrator to determine opacity of emissions from an affected facility during initial performance test. If source is in compliance with all standards except opacity, it may petition administrator to adjust opacity standard. This provides source with increased leeway in meeting opacity.

• Baseline Monitoring report [2]
Nonrecurring
Businesses or other Institutions
All industrial users, small businesses and otherwise
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 20,000 responses, 400,000 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Needed to identify the industrial user, his wastewater flow, nature of his pollutants and schedule of compliance with categorical standards.

• POTW—Compliance Schedule Work Plan [2]
On occasion
State or local governments
Publicly owned treatment works
Pollution control and abatement, 1,600 response, 8,000 hours; 1 Form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Access progress of POTW or compliance with schedule to develop and implement a pretreatment program.

• Industrial Pretreaters Compliance Schedule Reports [2]
On occasion
Businesses or other institutions
Industrial users (small businesses and otherwise)
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 18,000 responses, 72,000 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Used to monitor compliance with schedule to control pollutants. This report is needed to report to the control authority to determine if the compliance schedule increments are being met.

• Removal Credit Self-Monitoring Report [2]
Semiannually
State of local governments
Publicly owned treatment works
Pollution control and abatement, 800 responses, 6,400 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Provide data on the removal of regulated pollutants and the concentration of pollutants in sludge. This report will determine ongoing removal of pollutants by POTW to support credit.

• Industrial Pretreaters Compliance Attainment report [2]
Nonrecurring
Businesses or other Institutions
Industrial users (small businesses and otherwise)
SIC: Multiple
Small businesses of organizations
Pollution control and abatement, 5,000 responses, 15,000 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Used to monitor the nature and concentration of all regulated pollutants in discharge, daily flow and whether the limits are being met. This is reported to the control authority at the time of final compliance.

• Industrial Self Monitoring Report [2]
Semiannually
Businesses or other institutions
Industrial users (small businesses and otherwise)
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 2,000 responses, 8,000 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

The reports to the control authority are necessary to determine on-going compliance with pretreatment standards.

• Category Determination Request [2]
Nonrecurring
Businesses or other institutions
All industrial users (small businesses and otherwise)
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 1,114 responses, 6,684 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

To obtain written certification from approval authority that industrial user does or does not fall within a partricular subcategory.

• POTW Pretreatment Program Approval Request [2]
Nonrecurring
State or Local governments
Publicly owned treatment works
Pollution control and abatement, 808 responses, 22,624 hours; 1 form not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Approval authority needs information to determine if the POTW has sufficient legal authority, procedures and funding to operate an adequate pretreatment program.

• Fundamentally Different Factors Variance Requests [2]
Nonrecurring
Businesses or other institutions
All industrial users (small businesses and otherwise)
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 1,114 responses, 8,912 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

If an industrial user wishes to obtain pollutant discharge limits different than those established in the categorical standards.

• Net/Gross Request [2]
Nonrecurring
Business or other institutions
All industrial users (small businesses and otherwise)
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 554 responses, 4,432 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

If an industrial user wishes to obtain a credit for the presence of a regulated pollutant in its intake water.

• State Pretreatment Program Approval Request [2]
Nonrecurring
State or local governments
All 50 States seeking approval for a pretreatment program
Pollution control and abatement, 14 responses, 560 hours; 1 form; not applicable under 3504(h)Edward H. Clarke, 202–395–7340

To determine if the State has sufficient legal authority, procedures and funding to operate an adequate pretreatment program.

• State/POTW Public Notice [2]
On occasion
State or local governments
All POTW's and States seeking control authority approval
Pollution control and abatement, 1,616 responses, 808 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

To inform the public of requests from POTW's to approve pretreatment programs and revise categorical pretreatment standards.

• POTW Hearing Request [2]
On occasion
State or local governments
All POTW's seeking approval from the control authority
Pollution control and abatement, 81 responses, 81 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

To request by POTW or State a public hearing to review application for pretreatment program or revise categorical standards.

• Public Notice on FDF Variance [2]
On occasion
Businesses or other institutions
All industrial users (small businesses and otherwise)
SIC: multiple
Small businesses or organizations
Pollution control and abatement 1,114 responses, 557 hours; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202–395–7340

Public notice on the submission by the industrial user for variance from categorical pretreatment standards for fundamentally different factors

• POTW/industrial user maintenance of monitoring records [2]
Other—See SF83
State or local governements/businesses or other institutions both industrials and POTW's subject to the categorical
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 20,840 responses, 10,420 hours; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202–395–7340

Any industrial user of POTW subject to the categorical pretreatment standards are required to maintain records of all information resulting from monitoring activities.

• Removal Credit Aproval Request [2]
Other-See SF83
State or local governments
All POTW's wishing to grant removal credits to their INDUS
Pollution control and abatement, 160 responses, 4,480 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

If POTW wishes to grant credits to its industrial contibutors for the amount of priority pollutants removed at the treatment facility, they must request authority to revise categorical pretreatment standards.

• Industrial Pretreater Slug Load Notification [2]
On occasion
Businesses or other institutions
Industrial users (small businesses and otherwise)
SIC: multiple
Small businesses or organizations
Pollution control and abatement 1,000 responses, 2,000 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

If an industrial user of a POTW releases slug loads (too much) of his effluent discharge he must notify said POTW to allow them to take protective action.

Identification of Underground Sources of Drinking Water and [2] Exempted Aquifers
Nonrecurring
State or local governments
The Director of the State UIC Program or the Regional
Pollution Control and abatement, 57 responses, 128 hours; 1 from; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

Since the Safe Drinking Water Act mandates that we protect our sources drinking water we must identify such sources. An exemption is provided for water which has no actual potential for providing drinking water.

• Assessment of Class V Wells [2]
Nonrecurring
State or local governments
Director of the State UIC program or the RA IF EPA is run
Pollution control and abatement, 57 responses, 112,500 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

The States are given 3 years in which to complete the assessment of class V wells and to submit recommendations for further regulation to EPA

• Notification of New Wells [2]
On occasion
Businesses or other institutions
Owners or operators of underground injection wells
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 40 responses, 20 hours; 1 form; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

If a permittee with an area permit constructs a new well the director would want to know this information to identify the wells covered by the permit and to assess if a permit modification may be warranted due to the cumulative effect of all the wells under the area permit.

Reinstatements

• NPDES-Application to discharge Waste Water-Short Form [2]
EPA 7550–6, 8, & 9 EPA 7550–6 EPA 7550–8
Nonrecurring
State or local governments, Businesses or other institutions
Point source dischargers into navigable waters
Small businesses or organizations
Pollution control and abatement, 8,000 responses, 8,000 hours; 2 forms; not applicable under 3504(H)
Edward H. Clarke, 202–395–7340

These application forms are needed to obtain information for the issuance and enforcement of wastewater discharge permits for certain municipal and new source industrial dischargers.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—389–4251

Revisions

• Consolidated Report of Income—Mutual Savings Banks (large)
8040/60

Monthly
Businesses or other institutions
FDIC-insur. mutual savings banks having over $500M, etc.
SIC: 603
Mortage credit and thrift insurance, 960 responses, 1,440 hours; $22,956 Federal cost, 1 form; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

The survey provides information which FDIC uses to monitor savings bank deposit flows, and income-expense results. Under the prevailing economic conditions with continued high interest rates necessary to obtain this information on a monthly basis.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–254–6515

New

• Firefighter Injury Reports
On occasion
State or local governments
Fire departments
SIC: multiple
Disaster relief and insurance, 500 responses, 1,500 hours; $5,000 Federal cost, 1 form; not applicable under 3504(H)
Robert Veeder, 202–395–4814

To collect data to analyze the causes of firefighter injuries and develop techology/programs to reduce same. After this phase of the project is completed, injury data will be collected through the National Fire Incident Reporting System.

INTERNATIONAL DEVELOPMENT CORPORATION AGENCY

Agency Clearance Officer—Ms. Melita Yearwood—202–632–0084

New

• AID Readership survey of Three Publications: Agenda, Front [3]
Lines, world development letter
Nonrecurring
Individuals or households, businesses or other institutions
Broad range of resp. from many publics, the most number., etc.
SIC: All
Foreign economic and financial assistance, 4,500 responses; 1,125 hours, $9,173 Federal cost, 1 form, not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

Findings from this readership survey will be used by aid's office of public affairs in implementation of OMB 81–16 to make management decisions regarding the cost-effective three publications: whether one or more should be discountinued, whether one or more should be combined, or whether all three should be continued.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202–633–0204

Extensions (No Change)

• Application for Disposal of Pledged or Treasury Securities
CP–F–220
On occasion
Businesses or other institutions
Privately owned regulated carriers
Ground Transportation, 10 responses; 30 hours, 1 form, not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Regulated carrier authorized to issue pledged or treasury securities submit notice of implementation of transaction within 10 days after disposition as required under 49 U.S.C. 11301(c)(2).

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

New

• Assuring Channel Independence in Engineered Safety Features Actuation systems (ESFAS)
Nonrecurring
Individuals or households
NRC licensee and construction permit holders
Energy information, policy, and regulation, 86 responses; 6,020 hours, $50,000 Federal costs, 1 form, not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

The intent of the bulletin is to improve nuclear power plant safety by assuring the independence of redundant channels of engineered safety reatures actuation systems.

VETERANS ADMINISTRATION

Agency Clearance office—R. C. Whitt—202–389–2146

Revisions

• Enrollment Certification (under chapter 34, CR 35 title 38, USC)
22–1999 22–1993A 22–1999–1
On occasion
Businesses or other institutions
Schools and firms that offer a program approved for VA
SIC: 822, 824
Small businesses or organizations
Veterans education, training, and rehabilitation, 1,000,000 responses; 200,000 hours, $4,860,300 Federal cost, 1 form, not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

As required by 38 U.S.C. 1784, this form must be completed and submitted for benefits to be awarded. Completed by the school or training establishment, the form certifies enrollement of training data which is used by the VA determining rate of benefits.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81–17400 Filed 6–10–81; 8:45 am]

BILLING CODE 3110–01–M

[3] This request for clearance may be acted upon before the normal 10–day public comment period is up. Completion of this survey in a timely fashion is essential in order to formulate plans and budgets concerning the continuance of these publications.

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 4, 1981.

The above named national securities exhange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Brown-Forman Distillers Corp.
Class A Voting Common Stock ($.30 Par Value) (File No. 7–5939)
Class B Non-Voting Common Stock ($.30 Par Value) (File No. 7–5940)
Wendy's International, Inc.
Common Stock, No Par Value (File No. 7–5941)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 25, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market, Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17285 Filed 6-10-81; 8:45 am]

BILLING CODE 8010-01-M

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 4, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Lake Shore Mines Ltd.
Capital Stock, $1 Par Value (File No. 7-5942)
Wright-Hargreaves Mines Ltd.
Common Stock, No Par Value (File No. 7-5943)

These securities are registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 25, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17286 Filed 6-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22081; (70-6610)]

Cedar Coal Co. et al.; Notice of Proposed Equipment Lease

June 5, 1981.

In the matter of Cedar Coal Co., 301 Virginia Street East, Charleston, West Virginia 25327; Central Appalachian Coal Co., 301 Virginia Street East, Charleston, West Virginia 25327; Southern Appalachian Coal Co., 301 Virgina Street East, Charleston, West Virginia 25327; Central Ohio Coal Co., 301 Cleveland Avenue, S.W., Canton, Ohio 44702; Southern Ohio Coal Co., Post Office Box K, Moundsville, West Virginia 26041; Windsor Power House Coal Co., 301 Cleveland Avenue, S.W., Canton, Ohio 44702; Simco Inc., 215 North Front Street, Columbus, Ohio 43215.

Cedar Coal Company ("Cedar"), Central Appalachian Coal Company ("CACCo") Southern Appalachian Coal Company ("SACCo"), Central Ohio Coal Company ("COCCo"), Southern Ohio Coal Company ("SOCCo"), Windsor Power House Coal Company ("WPHCCo") and Simco Inc. ("SIMCO"), coal mining subsidiaries of American Electric Power Company, Inc., a registered holding company, have filed an application pursuant to Sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("Act").

The applicants ("Lessees") each propose to enter into a separate master leasing agreement ("Lease") with Manufacturers Hanover Trust Company (the "Lessor") to lease mining equipment with a total cost to the Lessor not exceeding $40,000,000. The Leases will provide for the rental to each Lessee of various types of equipment for surface and underground mining of coal for primary terms of 3, 5, 7 or 10 years. The Lessor's total cost (the total price paid by the Lessor for such equipment, including all freight charges, taxes and installation costs) of all equipment to be leased under the Leases shall not exceed $40,000,000 in the aggregate.

During the primary term, rent will be payable quarterly in arrears. Rentals will provide for the amortization of Lessor's cost over periods of 12 to 40 calendar quarters. The amortization period of each item will be determined by the Lessee at the time the item is placed under lease. Each quarterly rental payment with respect to an item of equipment under lease will consist of (i) one quarter's amortization of the Lessor's cost of the item on a level basis over the lease term for that item, plus (ii) the variable interest rate applied to Lessor's amortized cost of the item on the first day of the quarter. The variable interest rate for such quarter shall mean the Domestic Rate or Eurodollar Rate as the Lessee may select. Domestic Rate means a fluctuating interest rate equal at all times to: (i) the prime rate in effect from time to time during the first five years of the primary term and (ii) thereafter 1/4 of 1% above the prime rate in effect from time to time during the next five years of the primary term. Eurodollar Rate means a fluctuating interest rate equal at all times to: (i) 3/8 of 1% above the LIBO rate in effect from time to time during the first five years of the primary term and (ii) thereafter 5/8 of 1% above the LIBO rate in effect from time to time during the next five years of the primary term. The Lessees will be obligated to reimburse Lessor for any additional cost incurred by Lessor in complying with Regulation D of the Federal Reserve System with respect to any LIBO-based lease rates. Assuming a prime rate of interest of 20% over the term of the leased equipment, the equivalent effective annual interest rate would be 20.10% on a weighted basis or lower if the LIBO rate is less than 20%.

Upon 90-days written notice, the Lessee may terminate the lease of all of the equipment thereunder, or of any item of equipment, by purchasing such equipment from the Lessor for the Termination Value plus any accrued but unpaid rent and other amounts owing with respect to such equipment and all taxes and charges upon such sale. The Lessee will have the right to purchase all items of equipment at the end of the lease term for $1.00 or earlier by repaying the unpaid portion of the lease rentals. If, during the term of the Lease, the coal supply agreement ("Coal Contract") between the Lessee and its immediate parent shall for any reason whatsoever cease to be in full force and effect or be rescinded or terminated, Lessee shall promptly give Lessor written notice thereof and Lessee shall pay Lessor on the next succeeding Quarterly Date an amount equal to the Termination Value of all the leased items of equipment and all accrued and unpaid rent and other amounts owing with respect to such equipment due on such Quarterly Date and all sales taxes and charges. Upon payment of such amount to Lessor, the lease shall terminate and the Lessor shall transfer all of Lessor's right, title and interest in and to the equipment to the Lessee. The Lessee will agree that no provision of the Coal Contract will be amended, supplemented, modified or waived without the prior written consent of Lessor. All references in the Lease between WPHCCo and Lessor to "the Coal Contract" and "the Coal Contract Letter" shall have no effect until such time as a Coal Contract between Ohio Power and WPHCCo is prepared and all requisite regulatory commission approvals of said contract have been obtained. Obtaining such approvals will not constitute conditions precedent to entering into said Master Lease Agreement or leasing equipment

thereunder. The Coal Contract Letter to the Lessor from Ohio Power and WPHCCo will be executed and delivered after regulatory approval has been received.

For its $40,000,000 commitment under the Lease, Lessor will charge the Lessees an annualized fee of (a) 3/8 of 1% of the unused amount of that portion of the commitment available in the sum of $19,000,000 during the period from the date of approval of this application to October 1, 1981, and (b) 1/8 of 1% on the unused portion of the commitment thereafter.

Investment tax credits will be for the account of the Lessee. The Leases are structured as net leases, and, accordingly, all costs of operation, maintenance, taxes, insurance and other affiliated costs are to be borne by the Lessees. The Lessor will be indemnified by the Lessees against all liabilities and risks of loss.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their veiws in writing by June 29, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17267 Filed 6-10-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

June 4, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Wendy's International, Inc.
Common Stock, No Par Value (File No. 7-5944)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 25, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17068 Filed 6-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22080; (70-6260)]

New England Electric System and New England Energy Inc.; Proposed Advance of Funds by Holding Company to Fuel Company

June 5, 1981.

New England Electric System ("NEES"), a registered holding company, and New England Energy Incorporated ("NEEI"), 25 Research Drive, Westborough, Massachusetts 01581, a fuel subsidiary of NEES, have filed with this Commission a post-effective amendment to their application-declaration previsously filed and amended pursuant to Sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 50(a)(2) and 50(a)(3) promulgated thereunder.

By prior order NEEI has been authorized to invest during 1981 $75 million in an oil and gas exploration partnership with Samedan Oil Corporation (HCAR No. 21864, December 31, 1980) and $35 million in a similar oil and gas exploration project with Dorchester Exploration, Inc. (HCAR No. 21862, December 30, 1980). NEEI is financing such investments through a Capital Funds Agreement under which NEES will provide up to $45 million (HCAR No. 19580, June 18, 1976) through stock purchases, capital contributions and subordinated loans through 1988 (HCAR No. 21158, July 25, 1979). NEEI has also entered into a Revolving Credit and Term Loan Agreement ("Loan Agreement") with Bank of Montreal and National Bank of North America secured by NEEI's rights under the Capital Funds Agreement (HCAR No. 21158, July 25, 1979). NEEI has been authorized to borrow up to $105 million through 1981 under this agreement (HCAR No. 21835, December 10, 1980). NEEI will also receive in 1981 approximately $27 million from deferred tax payments (HCAR No. 18635, October 30, 1974) and $28 million from amortized fuel sales to New England Power Company (HCAR No. 20632, July 19, 1978).

By post-effective amendment, authorization is sought for NEES to advance up to an additional $25 million to NEEI for the oil and gas exploration costs. Necessary expenditures will exceed NEEI's available resources by July , 1981. The advance would be subordinated to NEEI's obligations under the Loan Agreement. NEEI is presently negotiating additional bank loans for which authorization will be sought, but needs the proposed advance pending consummation of such bank borrowings. The advance would be payable upon the receipt of proceeds from the new bank loan.

The application-declaration as amended by the post-effective amendment and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 29, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended by the post-effective amendment or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17269 Filed 6-10-81; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

June 4, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Toys "R" Us

Common Stock, $1 Par Value (File No. 7-5945)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 25, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17270 Filed 6-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22079; (70-6609)]

The Southern Co.; Proposed Guaranty of Subsidiaries' Obligations

June 5, 1981.

The Southern Company ("Southern"), 64 Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed a declaration with this Commission pursuant to Section 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

Southern proposes to act as a guarantor of the obligations of its subsidiaries, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Southern Company Services, Inc., under the Longshoremen's and Harbor Workers' Compensation Act ("LHWCA") in order that the Southern electric system may be covered by a single self-insurer's indemnity bond. The LHWCA is a federal compensatory plan providing benefits to workers engaged in maritime employment who are injured upon the navigable waters of the United States. The only known exposures of the Southern electric system under LHWCA arise in connection with coal dock operations, water quality research and testing, and other miscellaneous activities on navigable waterways, involving approximately 278 system employees.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 1, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17271 Filed 6-10-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11092]

Texaco Inc. (a Delaware Corporation); Notice of Application and Opportunity for Hearing

June 5, 1981.

Notice is hereby given that Texaco Inc. (a Delaware corporation) ("Texaco Inc.") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Manufacturers Hanover Trust Company ("Manufacturers") under the five indentures set forth in paragraphs 2 and 3 below, all heretofore qualified or pending qualification under the Act, and under a trust agreement, not requiring qualification under the Act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as trustee under any of such indentures or the trust agreement.

Section 310(b) of the Act provides, inter alia, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the Section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this Section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securties of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeships under the indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any such indentures.

Texaco Inc. alleges that:

1. As of the year ended December 31, 1980 Texaco Inc. has issued and outstanding the following described securities issued under the following indentures ("The Texaco Indentures"), each of which was qualified under the Act in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file number of each Registration Statement being set forth in parenthesis below:

(a) $150,000,000 principal amount 3⅝% Debentures Due May 1, 1983, issued under an Indenture, dated as of May 1, 1958, (File No. 2-14039);

(b) $180,000,000 principal amount 5¾% Debentures Due 1997, issued under an Indenture, dated as of July 15, 1967, (File No. 2-26807);

(c) $200,000,000 principal amount 7¾% Debentures Due 2001, issued under an Indenture, dated as of June 1, 1971, (File No. 2-40333); and

(d) $298,175,000 principal amount 8⅞% Debentures Due 2005, issued under an

Indenture, dated as of May 1, 1975, (File No. 2–53027).

2. As part of its Registration Statement (File No. 2–71823), Pembroke Capital Company Inc. ("Pembroke") has presently pending before the Commission an application to qualify under the Trust Indenture Act of 1939 a proposed Sixth Supplemental Indenture dated as of May 1, 1981, supplementing and restating an Indenture dated as of December 1, 1978 as heretofore amended, between Pembroke and Manufacturers, as trustee, (the "Pembroke Indentures"). The securities already issued and which are to be issued under the Pembroke Indenture are secured by the pledge of a Partnership Note of Pembroke Cracking Company, an English partnership whose two partners are Gulf Oil [Great Britain] Limited and Texaco Limited, a wholly-owned subsidiary of Texaco Inc. As security for the payment of the Partnership Note, the partnership has assigned to Manufacturers, as trustee under the Pembroke Indenture, all the partnership's right, title and interest in a Completion Agreement and a Throughput Agreement, both dated as of December 1, 1978, between the partnership and its two partners. Texaco Limited's performance under the Completion Agreement and under the Throughput Agreement is guaranteed by Texaco Inc. which guarantee has also been assigned to Manufacturers, as trustee under the Pembroke Indenture, as additional security for the payment of the Partnership Note.

3. Texaco-Cities Service Pipe Line Company ("T–CS"), which is fifty percent owned by Texaco Inc. and fifty percent owned by Cities Service Company, plans to enter into a trust agreement, to be dated as of April 1, 1981 (the "T–CS Trust Agreement"), with Manufacturers, as trustee, pursuant to which T–CS proposes to issue up to an aggregate principal amount not to exceed $55,000,000 at any one time outstanding of its Expansion Short-Term Notes. Inasmuch as the Expansion Short-Term Notes will be offered and sold in a private placement to a limited number of institutional investors in reliance upon the representations of the purchasers that they are purchasing the Expansion Short-Term Notes for investment and not with a view for resale, they are not being registered under the Securities Act of 1933 and the T–CS Trust Agreement is not being qualified under the Trust Indenture Act of 1939. The Expansion Short-Term Notes will have a maturity of not more than 270 days after the date of issue, and it is proposed that as the issued and outstanding notes mature, subsequent Expansion Short-Term Notes will be offered and sold in a private placement under the terms and conditions stated above. The Expansion Short-Term Notes which are to be issued under the T–CS Trust Agreement are to be secured by an assignment to the trustee by T–CS pursuant to a Consent, Assignment and Agreement dated as of April 1, 1981 among T–CS, Texaco Inc., Cities Service Company and Manufacturers, as trustee, (the "T–CS Consent, Assignment and Agreement") of certain of T–CS rights under a Thoughput and Deficiency Agreement dated as of April 1, 1981 among T–CS, Texaco Inc. and Cities Service Company (the "T–CS Throughput and Deficiency Agreement"). The T–CS Throughput and Deficiency Agreement will be entered into on a several basis by Texaco Inc. and Cities Service Company, and provide that Texaco Inc. and Cities Service Company will ship or cause to be shipped sufficient oil through the pipeline such that the revenues resulting from Texaco Inc.'s and Cities Service Company's shipments, together with revenues resulting from shipments by third parties and other available cash resources of T–CS, will be sufficient to satisfy T–CS's debt service obligations and certain other cash needs. Additionally, if, for any reason, T–CS has a cash deficiency on the date that any payment of principal and/or interest is due on the Expansion Short-Term Notes, Texaco Inc. and Cities Service Company will be unconditionally severally obligated to advance to T–CS in cash its stockholder's percentage of the cash deficiency as an advance payment for future shipments through the pipeline.

4. Each of the Indentures referred to in paragraphs 1 and 2 above contain the provisions required by Section 310(b) of the Act.

5. Neither Texaco Inc. nor Manufacturers believes Texaco Inc.'s guarantee of Texaco Limited's performance under the Completion Agreement and under the Throughput Agreement (No. 2 above) and the assignment thereof to Manufacturers, as trustee under the Pembroke Indenture, make Texaco Inc. an obligor upon the securities issued under the Pembroke Indenture as the term "obligor" is defined in the Trust Indenture Act of 1939 and Manufacturers has so stated in its Statement of Eligibility and Qualification under the Trust Indenture Act of 1939 on Form T–1 filed as part of Pembroke's Registration Statement.

6. Texaco Inc. does not believe that, as a result of its execution and delivery of the T–CS Throughout Agreement and of the T–CS Consent, Assignment and Agreement (No. 3 above), it will be an obligor upon the Expansion Short-Term Notes to be issued under the T–CS Trust Agreement as the term "obligor" is defined in the Trust Indenture Act of 1939, and, accordingly, does not believe that the proposed trusteeship of Manufacturers under the T–CS Trust Agreement will involve Manufacturers in a conflict of interest within the meaning of Section 608 of the Texaco Indentures or within the meaning of Section 7.12 of the Pembroke Indenture. If, however, Texaco Inc. is deemed to be an obligor upon the Expansion Short-Term Notes, Texaco Inc. respectfully requests that the Securities and Exchange Commission find and declare by order that the continued trusteeship of Manufacturers under the Texaco Indentures and under the Pembroke Indenture would not be so likely to involve any material conflict of interest as to make it necessary in the public interest or for the protection of investors that Manufacturers be disqualified from continuing to act as trustee under the Texaco Indenture and under the Pembroke Indenture, if Manufacturers were to act as trustee under the T–CS Trust Agreement.

7. Texaco Inc. has waived notice of hearing, and waived hearing, in connection with the matter referred to herein.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than June 28, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17272 Filed 6-10-81, 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22078; (70-6597)]

WPL Holdings, Inc.; Notice of Proposed Acquisition of Electric Utility Companies

Notice is hereby given that WPL Holdings, Inc. (the "Company"), 222 West Washington Avenue, Madison, Wisconsin 53703, a Wisconsin corporation, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a)(2) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

The Company is a newly organized corporation, a wholly-owned subsidiary of Wisconsin Power and Light Company ("WPL"), a Wisconsin corporation, and was created to accomplish a proposed merger and reorganization of WPL. WPL is an operating utility company and is also a holding company as defined in Section 2(a)(7) of the Act. WPL owns all of the capital stock of South Beloit Water, Gas and Electric Company ("South Beloit"), an Illinois corporation, and 33.1% of the outstanding capital stock of Wisconsin River Power Company, ("River Power"),[1] a Wisconsin corporation, which companies are further described herein. WPL is an exempt holding company, claiming such status on the basis of Section 3(a)(2) of the Act in filings made pursuant to Rule 2.

The proposed merger and reorganization involves the following: (1) a subsidiary of the Company will be merged into WPL, with WPL as the surviving corporation; (2) the common stock of the subsidiary owned by the Company will be converted into new common stock of WPL; (3) each outstanding share of common stock of WPL, par value $5 per share, will be converted into one share of common stock of the Company, par value $1 per share; (4) WPL will become a wholly-owned subsidiary of the Company and WPL's subsidiaries (other than River Power) will maintain their present relationships with WPL; and (5) River Power, by means of a non-cash dividend from WPL to the Company, will become a 33.1% owned subsidiary of the Company. There will be no exchange of the outstanding preferred stock or first mortgage bonds of WPL,[2] and following the merger the Company will have no securities outstanding other than common stock.

The proposed merger and reorganization will not result in any substantial change in the operation of the utility properties of the parties, or in any expansion of WPL's present holding company system. The shareholders of WPL will be asked to vote on the proposed merger and reorganization and related matters at a special meeting to be held on or about September 16, 1981. It is stated that the objective of the merger and reorganization is to provide organizational flexibility in the management and operation of the present utility business and to facilitate diversification into other areas, including but not limited to coal exploration and mining, gas exploration, oil exploration and production, transportation of fuels, communications systems, coal gasification, home weatherization, energy consulting, power plant design and construction, waste heat utilization and cogeneration, and conservation projects.

WPL is a public utility engaged in generating, purchasing, distributing and selling electric energy to about 296,000 electric customers, and in purchasing, distributing and selling natural gas to about 97,000 gas customers, in southern and central Wisconsin. It also supplies water to about 16,000 customers. At December 31, 1980, WPL had total grosss utility plant of $856,646,132 and for the twelve months then ended reported $397,715,189 of operating revenues ($293,823,912 electric, $101,530,566 gas and $2,360,711 water) and $33,683,807 of net income. South Beloit is a public utility providing electric service to about 4,900 customers, gas service to about 3,500 customers and water service to about 1,300 customers, all in an area in northern Illinois adjacent to the territory served by WPL in Wisconsin. At December 31, 1980, South Beloit had gross utility plant of $7,003,598 and for twelve months then ended reported $9,580,894 of operating revenues ($4,971,536 electric, $4,411, 260 gas and $198,098 water) and $1,497,930 of net income. South Beloit purchases from WPL all electricity, gas and water required in its operations. River Power is an electric generating company engaged in owning and operating two dams and related hydroelectric plants on the Wisconsin River with a capacity of about 35 MW. All of River Power's electric output is sold to its owners substantially in proportion to their stock ownership interests. At December 31, 1980, River Power had gross utility plant of $20,366,788, and for the twelve months then ended reported selling 230,088,000 KWH of electric energy, of which 77,614,000 KWH were sold to WPL.

WPL's non-utility subsidiaries include the following companies: (1) Wisconsin Power & Light Nuclear Fuel, Inc. (the "Fuel Company"), a Wisconsin corporation wholly-owned by WPL, whose sole business consists of ownership as a tenant-in-common of a 41% interest in certain nuclear fuel assemblies comprising the initial nuclear fuel core of the Kewaunee Nuclear Plant (in which WPL owns a 41% interest as tenant-in-common with other utility companies); (2) NUFUS Resources, Inc., ("NUFUS"), a Wisconsin corporation wholly-owned by WPL, whose business consists of being a limited partner in a limited partnership with subsidiaries of two other utility companies for the purpose of owning and operating uranium mines and certain mining claims in order to obtain a portion of the uranium requirements of the Kewaunee Nuclear Plant; and (3) Wisconsin Valley Improvement Company ("Valley Improvement"), a Wisconsin corporation 13% owned by WPL, which operates a system of dams and reservoirs on the Wisconsin River and tributary streams for the purpose of producting a uniform steam flow.[3] WPL carries on its books its investments in Fuel Company, NUFUS and Valley Improvement at $500, $7,446,727, and $186,120, respectively.

The Company is not now a holding company, and it does not intend to register as such if the acquisition of WPL, South Beloit and River Power is authorized and the merger and reorganization consummated: The Company states that it will be entitled to an exemption under Section 3(a)(1) of the Act on the basis that it and its public utility subsidiaries from which it derives, directly or indirectly, any material part of its income "are predominantly intrastate in character and carry on their business substantially in a single state in which such holding company and every such subsidiary

[1] The remainder of the capital stock of River Power is owned by Wisconsin Public Service Corporation (33.1%) and Consolidated Water Power Company (33.8%).

[2] There are no publicly-held securities of any of WPL's subsidiaries.

[3] By order dated October 28, 1940 (HCAR No. 2359), Valley Improvement was declared not to be a subsidiary of WPL within the meaning of the Act.

thereof are organized."[4] The Company intends to claim such exemption by an appropriate filing pursurant to Rule 2.

	1978 (percent)	1979 (percent)	1980 (percent)
Consolidated Operating Revenues	2.4	2.3	2.3
Consolidated Net Income	.5	.7	4.3

The increase in 1980 in the percentage of consolidated net income from South Beloit resulted from a contractual change in that year whereby South Beloit is no longer charged the formerly applicable rate on WPL assets which are used to provide electricity, gas and water sold to South Beloit. No further such increase is anticipated.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 29, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on this applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17273 Filed 6-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17845; File No. SR-AMEX-81-11]

American Stock Exchange, Inc.; Self-Regulatory Organizations; Rule Change

Rule change by American Stock Exchange, Inc., relating to the Opening Automated Report Service ("OARS"), comments requested on or before July 2, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 1, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange has amended Rule 116 to reflect a change in the acronyms used by the Exchange as universal contra broker give-ups on orders which are executed through the Opening Automated Report Service ("OARS" or the "System").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the rule change and discussed any comments it received on the rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) *Purpose.* Rule 116 has been amended to reflect a change in the acronyms used by the Exchange as universal contra broker give-ups on orders executed through OARS. The contra symbol "ASE" will be used instead of "OPN" on all OARS executions reported by the system and the contra symbol "AUTO" will replace "OARS" as the give up on the trading floor by the specialist on transactions representing any OARS' imbalance. This change in acronyms is needed for clearance purposes in order to differentiate between Amex and NYSE transactions executed through OARS.

(b) *Basis.* The rule change is consistent with Section 6(b) of the Exchange Act in general and furthers the objectives of Section 6(b)(5) of the Act in particular in that it fosters cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that the rule change does not have an impact on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received, or are to be solicited in the future, with respect to the rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the rule change that are filed with the Commission, and all written communications relating to the rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 2, 1981.

---

[4] Although South Beloit is organized and operates in Illinois, the Company states it will not dervie any material part of its income from that prospective subsidiary. WPL derived the following percentages of its consolidated operating revenues and net income from South Beloit in the three most recent years ending December 31:

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 5, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17369 Filed 6-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17848; File No. SR-MSRB-81-6]

Municipal Securities Rulemaking Board; Self-Regulatory Organizations; Proposed Rule Changes

Proposed Rule Changes By Municipal Securities Rulemaking Board relating to Uniform Practice. Comments requested on or before July 2, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 11, 1981 the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

(a) The Municipal Securities Rulemaking Board (the "Board") is filing herewith the following proposed amendment to rule G-12 on uniform practice (hereafter referred to as the "proposed rule changes"). The text of the proposed rule changes appears below.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

(a) Board rule G-12 sets forth certain procedures and standards with respect to the comparison, clearance and settlement of transactions in municipal securities and other, related matters. Section (h) of the rule sets forth procedures to be used by municipal securities dealers wishing to close out purchase transactions which have not yet been completed. The proposed rule changes significantly revise these procedures in order to simplify the close-out process and foster its use to facilitate deliveries.

While the Board believes that the use of the current procedure has contributed in many instances to an acceleration of deliveries of municipal securities and more efficient settlement of municipal securities transactions, the Board is aware that many industry members have found the procedure to be cumbersome and confusing. The sharp increase in the number of close-outs during the market dislocations following Federal Reserve actions in October 1979 and February 1980 clearly illustrated problems in certain aspects of the process, particularly the multiplicity of written notices and the frequent time extensions and changes in the various applicable dates. In May 1980 the Board released an exposure draft of certain proposed amendments to the close-out procedure. These amendments would have substantially restructured the procedure by, among other matters, eliminating the retransmittal feature of the current rule, and limiting the issuance of close-out notices to one per transaction. Many of the comments received in response to the exposure draft proposal suggested that these changes were too extensive. In addition, the Board's continued monitoring of the functioning of the close-out provisions showed that industry members were developing greater familiarity with the procedure, and that this was remedying many of the difficulties with which the Board had been concerned. As a result the Board has concluded that a simplified variant of the current rule would be a preferable approach.

The proposed rule changes would effect the following amendments to the current procedure for close-outs by purchasing dealers:

1. The proposed rule changes set forth requirements concerning the contents of written notices used in the close-out procedure. The Board has from time to time received comments from industry members indicating that many dealers use close-out notices which do not provide sufficient information to identify the transactions to which they relate or to establish clearly the terms of the close-out procedures themselves; these industry members have sugested that some standardization in this area would be helpful. While the Board continues to be of the view that prescription of uniform forms for the various notices would not be appropriate, the Board has concluded that some standards for the contents of such notices would be of assistance to the industry. The proposed rule changes therefore contain a new section setting forth minimum content requirements for original notices of close-out, retransmittal notices, and notices of extensions of dates.

2. The proposed rule changes delete the extension provided, in the case of the first close-out notice issued on a transaction, in the event the selling dealer provides an "adequate explanation" for its failure to deliver, and substitute a longer standard period of time (ten business days) between issuance and effectiveness of the notice. The Board believes that the rationale for the "adequate explanation" extension provision of the current rule (*i.e.*, to provide additional time within which to resolve a clearance problem on a transaction subject to a close-out notice) is sufficiently addressed by the provision of a longer standard period of time, and therefore the extension, and the attendant paperwork, can be eliminated.[1]

3. The proposed rule changes adopt a much shorter time limit by which a party must retransmit a close-out notice to any subsequent party. The Board believes that a requirement that retransmittal of a notice must be effected within a much shorter time period would contribute greatly to the efficient use of the close-out procedure. Accordingly, the proposed rule changes provide that a party receiving telephone notice of a close-out that it wishes to retransmit must retransmit such notice by not later than the close of business on the day following the date of receipt of the telephone notice. Provision of telephonic notice of the retransmittal within the time limit will be sufficient to meet the requirement. The proposed rule changes provide that the telephone notification of retransmittal must be confirmed in writing not later than the following business day.

4. The proposed rule changes consolidate the time extensions provided for retransmittals into one extension of five business days; the concept of successive one-business-day extensions triggered by successive retransmittals would be eliminated. The continuing variation of the dates applying to a procedure caused by the current retransmittal procedure appears to be one of the more confusing aspects of the current close-out process since it necessitates constant monitoring and updating of the status of the particular

---

[1] The current rule provides that the "adequate explanation" extension applies only to the first close-out notice issued on a transaction, with second or subsequent notices having a shorter (five-business-day) standard time period between issuance and effectiveness of the notice. The Board believes that a shorter period is appropriate for second or subsequent notices and, accordingly, proposes to retain the five-business-day waiting period for such notices.

notice. The Board has concluded that this aspect of the procedure is highly complex and presents several possibilitlies for error; the Board is aware that several municipal securities dealers have been exposed to significant risk of loss on close-outs due to miscounting or other mistakes in applying the one-business-day retransmittal time extension.

While the Board continues to believe that dealers involved in a close-out procedure with one or more retransmittals should be afforded a longer period of time during which to carry through the procedure, it has concluded that it would be far less complex and confusing to establish this longer time period at the beginning of the retransmittal process, with the applicable dates remaining the same for all subsequent recipients of the retransmitted notice. Accordingly the proposed rule changes provide for a single time extension of five business days, which takes effect upon the first retransmittal of a close-out notice. The Board believes that dealers will find a single time extension easier to monitor and much less confusing.

The Board further believes that the longer time period provided by the extension, in conjunction with the time limits proposed to be applied to the retransmittal process itself, provide sufficient time for the entire close-out process to be completed, even in the event of several retransmittals.

5. The proposed rule changes revise the methods provided under the rule for execution of a close-out by eliminating the "cancellation" provision and restricting purchasers to the selection of one execution method. The Board is of the view that the "cancellation" provision is duplicative, since in a declining market (the circumstance in which a "cancellation" is likely to be exercised) the current rule permits the purchaser to force the seller to repurchase the securities at the contract price (effectively "cancelling" the transaction), since the this is the price which requires the seller to bear the burden of the market change. Further, the use of the "cancellation" method on a close-out notice which has been retransmitted may cause the intermediate parties to be deprived of any profit on the transactions which have been closed out. For these reasons the Board concludes that the "cancellation" provision should be eliminated.

The Board is also concerned that the current rule may provide an opportunity for a municipal securities dealer to seek to obtain additional remuneration on a transaction through the execution of a close-out by the combination of two execution methods. The Board notes that the close-out procedure is intended to provide a means of facilitating the clearance of transactions and encouraging the delivery of securities, and not to provide a method of deriving additional profit on a transaction. Accordingly, the proposed rule changes restrict the purchaser to selection of only one of the execution methods provided.

6. The proposed rule changes require that notice of the execution of a close-out be given by telephone on the date of execution, with written notification to be sent no later than the following business day. The Board believes that the current requirement for same-day written notification has proven in practice to be difficult to comply with, particularly in close-outs involving retransmittals, and that a relaxation of the requirement is desirable.

7. The proposed rule changes establish a specific time frame (ten business days following the close-out execution date) for payment of moneys owed on close-outs and closed-out transactions. The Board suspects that the failure of the current rule to specify a time limit for such payments has, in some cases, contributed to an undue delay in settlement of moneys due on close-outs. The Board has concluded that requiring settlement of moneys due by a specific time would benefit the industry. The Board considers the proposed limit of ten business days adequate to permit each party to receive proper notification and process the item for payment.

8. The proposed rule changes lengthen the period provided to the seller for delivery upon prior notice. The Board proposes to extend the current one-business-day period to two business days. The Board believes that this additional time will be helpful to parties seeking to complete deliveries on transactions subject to close-out procedures; the Board notes, however, that such parties will still be required to process such deliveries expeditiously in order to meet the two-business-day time limit.

The proposed rule changes also clarify that, if the seller suspends the execution of a close-out for the two-business-day period, the period during which the close-out notice has been specified to be effective is extended by two business days.

9. The proposed rule changes revise the operation of the overall 90-business-day time limit. The Board is concerned that the functioning of the current 90-business-day time limit on completion of close-out activity may be confusing to dealers since it is subject to variation and applies to completion, rather than initiation, of the procedure. The Board has concluded that the purpose of the overall time limit is more effectively served by a fixed number of days that does not vary depending on the circumstances of a particular close-out; further, the Board believes that the functioning of the time limit would be clarified if it were applied to the initiation of the close-out, rather than the completion of close-out activity. Accordingly the proposed rule changes provide that a close-out procedure with respect to a transaction may not be initiated after the nintieth business day following the settlement date of the transaction.

The Board continues to be of the view, however, that the concept of a time limit should be retained. The time limit is intended to foster timely action on uncleared transactions and to ensure that dealers do not unduly postpone the resolution of such transactions. The Board considers this aspect of the procedure to be consistent with the general purpose of the close-out provisions, encouraging greater efficiency in clearance and prompt delivery of securities.

10. The proposed rule changes incorporate conforming amendments to the procedure for close-out by sellers. The proposed rule changes revise these procedures to (1) specify the contents of the close-out notice used, (2) clarify the manner of notification of execution of such notices, and (3) provide for the settlement of moneys due from the execution of the close-out.

(b) The Board has adopted the proposed rule changes pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which authorizes and directs the Board to adopt rules which are

> designed * * * to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

The Board believes that the close-out provisions generally act to foster the efficient processing and clearance of transactions in municipal securities. The proposed rule changes, which simplify the procedure and establish uniform methods of preparing and processing close-out notifications, will facilitate the use of the close-out procedure for these ends.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board is of the opinion that the proposed rule changes will not impose any burden on competition among brokers, dealers or municipal securities dealers inasmuch as the proposed rule changes will streamline the functioning of the current close-out procedures, which apply uniformly to all brokers, dealers and municipal securities dealers, and promote efficiency in their use.

The Board is of the view that the close-out procedures generally operate to promote competition, in that they foster efficiency in the clearance and settlement of municipal securities transactions. Since the proposed rule changes contribute to the efficient use of the close-out procedures, the Board believes that they would further this end.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Changes Received From Members, Participants, or Others

On May 30, 1980 the Board issued in exposure draft form a series of proposed amendments which would have substantially revised the current close-out procedures. The majority of the comment letters received on the exposure draft opposed the changes proposed therein, expressing a preference for a modified version of the existing close-out procedure. The Board has determined not to proceed with the exposure draft proposal, in large part because of the views expressed in the comment letters. These comments also were influential in formulating many aspects of the proposed rule changes.

A. Comments on Aspects of Exposure Draft Included in Proposed Rule Changes

Several aspects of the proposed rule changes were included in the exposure draft. These were (1) the proposed elimination of the "adequate explanation" extension and the substitution of a ten-business-day standard waiting period, (2) the proposed revision of the provision pertaining to the method of notification of execution to conform it with the method used for other notifications, and (3) the proposed explicit time limit for money settlements on close-outs. In addition, the exposure draft solicited comment on the current ninety-business-day time limit on completion of all close-out activity.

All of the parties commenting on the proposed elimination of the "adequate explanation" extension expressed support for the proposal, indicating that the proposed longer standard period of time would be a satisfactory substitute. There were few comments on the other proposals. One commentator suggested that the rule provide a specific number of days by which money settlement must take place; the Board determined to adopt this suggestion.

In response to the solicitation of comment regarding the ninety-business-day time limit, several commentators expressed support for the time limit. The balance of the commentators opposed the concept of a time limit, stating that it inappropriately restricted the purchaser seeking to close out a transaction. As noted above, the Board believes that placing a time limit on the use of the close-out procedure is consistent with the intent of the close-out provisions. The Board believes, however, that applying the time limit to the issuance of notices, rather than the completion of the procedure, will provide additional flexibility to purchasers seeking to close out transactions, and may address some of the commentators' concerns about the time limit.

B. Comments Relevant to Other Aspects of Proposed Rule Changes

The commentators on balance opposed the proposal to eliminate the retransmittal provisions, pointing out the growing industry facility in the use of a retransmittal-type procedure and the appropriateness of providing such a means of transferring liability on close-out notices. The Board was persuaded that it would be preferable to retain some form of retransmittal procedure.

One of the commentators suggested that the rule should contain a requirement that a notice be retransmitted within a reasonable period of time after its receipt. The Board determined to adopt such a time limit, and chose a short limit of one business day from the time of receipt of the notice. The Board believes that retransmittals should be accomplished in sufficient time to permit the ultimate selling party to take steps to obtain the securities and deliver them prior to the last date specified for delivery. The one-business-day limit would ensure that sufficient time is provided; the Board believes that a longer period would in some circumstances not accomplish this result, or would necessitate that the overall procedure be unduly prolonged.

The proposed rule changes also address a concern raised by one of the commentators, who stated that the current close-out procedure could be used to derive additional profit on a transaction, through what the Board believes to be a combination of two execution methods. The commentator suggested resolving this problem through deletion of the "cancellation" option. Although the Board has, for different reasons, eliminated the "cancellation" option, the Board believes that the problem cited by the commentator is more appropriately addressed by limiting purchasers executing close-outs to the selection of only one execution method.

C. Other Comments

The May 30, 1980 exposure draft also proposed to limit the issuance of close-out notices to one notice per transaction, and to require that a purchaser planning to execute a close-out contact the selling dealer prior to exeuction to advise the seller of its plans. The commentators opposed both of these proposals. They suggested that the limitation on issuance was extremely inflexible and made no allowance for mistakes, and that the requirement for notification prior to exeucition placed an onerous burden on purchasers. The Board agreed with the views of these commentators, and, accordingly, did not adopt these proposals.

The commentators also suggested that the Board expand the time period permitted to be specified for execution of the notice, and that the Board require acceptance of partial deliveries on transactions which are the subject of a close-out procedure. The Board believes that the five business days currently provided for execution of a notice is adequate for this purpose, and that purchasers cannot be required to accept partial deliveries due to the lack of fungibility of most municipal securities. Accordingly, the Board did not adopt either of these suggestions.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before July 16, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the

Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 5, 1981.

George A. Fitzsimmons,

Secretary.

Text of Proposed Rule Changes[2]

Rule G–12. Uniform Practice.

(a) through (g) No change.

(h) Close-Out. Transactions which have been confirmed or otherwise agreed upon by both parties but which have not been completed may be closed out in accordance with this section, or as otherwise agreed by the parties.

(i) Close-Out by Purchaser. With respect to a transaction which has not been completed by the seller according to its terms and the requirements of this rule, the purchaser may close out the transaction in accordance with the following procedures:

(A) Notice of Close-Out. If the purchaser elects to close out a transaction in accordance with this paragraph (i), the purchaser shall, not earlier than the fifth business day following the settlement date, notify the seller by telephone of the purchaser's intention to close out the transaction. *The purchaser shall state that unless the transaction is completed by a specified date and time, which shall not be earlier than the close of the tenth business day following the date the telephonic notice is given (the fifth business day, in the case of a second or subsequent notice), the transaction may be closed out in accordance with this section at any time during the period of time, which shall not be more than five business days, specified by the purchaser for such purpose. The purchaser shall* [and] immediately thereafter send, return receipt requested, a written notice of close-out to the seller. Such notice *shall contain the information specified in item (1) of subparagraph (C) below, and* shall be accompanied by a copy of the seller's confirmation of the transaction to be closed out or other written evidence of the contract between the parties. [The notice shall state that unless the transaction is completed by a specified date and time, which shall not be earlier than the close of the fifth business day following the date the telephonic notice is given, or as provided in subparagraph (C) below, the transaction may be closed out in accordance with this section at any time during the period of time, which shall not be more than five business days, specified in the notice.]

(B) *Retransmittal.* [Response. The seller shall respond to the notice of close-out in writing, or by telephone call promptly confirmed in writing, return receipt requested, within one business day following the date the telephonic notice required by subparagraph (A) is given, stating the seller's reasons for failing to complete the transaction.] Any party receiving a notice of close-out may retransmit the notice to another party from whom the securities are due. *The retransmitting party shall, not later than the first business day following its receipt of the telephone notice of close-out, notify the party to whom it is retransmitting by telephone of its intention to retransmit such notice, specifying the name of the originator and the applicable dates for delivery and effectiveness of the notice. The retransmitting party shall immediately thereafter send, return receipt requested, a written notice of retransmittal which shall contain the information specified in item (2) of subparagraph (C) below. The first such retransmittal shall extend the dates for close-out by five business days, and the first retransmitting party shall specify the extended dates on its notice of retransmittal. The first retransmitting party shall, on the date telephone notice of the retransmittal is given, notify the purchaser originating the notice by telephone of the extended dates and immediately thereafter send, return receipt requested, a notice of extension of dates which shall contain the information specified in item (3) of subparagraph (C) below. Any party subsequently retransmitting such notice shall, on the date telephonic notice of the retransmittal is given, notify the purchaser originating the notice by telephone of such retransmittal, and immediately thereafter send a copy of the retransmittal notice to such originating purchaser.* [, provided that any retransmitted notice must be received by such other party not later than one business day preceding the earliest date for close-out as specified on the original notice or as extended due to retransmittals. Each retransmittal subsequent to the initial retransmittal shall extend the date for close-out by one business day and the party retransmitting the notice shall attach to the notice a memorandum specifying the extended date for close-out resulting from such retransmittal and shall immediately notify the purchaser originating the close-out notice of the extended date. Any party receiving a retransmitted notice of close-out shall respond to the party retransmitting the notice within the time periods and according to the procedures provided herein for the seller's response.]

(C) Contents of Notices. Written notices sent in accordance with the requirements of subparagraphs (A) or (B) above shall contain the following information:

(1) The notice of close-out required under subparagraph (A) above shall set forth:

(a) the name of the municipal securities broker or dealer originating the notice;

(b) the name and address of the municipal securities broker or dealer to whom the notice is being sent;

(c) the name of the person to whom the originator provided the required telephonic notice;

(d) the date of such telephonic notice;

(e) the par value and description of the securities involved in the transaction with respect to which the close-out notice is given;

(f) the trade date and settlement date of the transcation;

(g) the price and total dollar amount of the transaction;

(h) the date by which the securities must be received by the originating dealer;

(i) the date or dates during which the notice of close-out may be executed; and

(j) the name and telephone number of the person to contact concerning the close-out.

(2) The notice of retransmittal required under subparagraph (B) above shall set forth:

(a) the name of the municipal securites broker or dealer retransmitting the notice;

(b) the name and address of the municipal securities broker or dealer to whom the notice is being retransmitted;

[2] Italics indicate new language; [brackets] indicate deletions.

(c) the name of the municipal securities broker or dealer originating the notice;

(d) the name of the person to whom the retransmitting party provided the required telephonic notice;

(e) the date of such telephonic notice;

(f) the par value and description of the securities involved in the transaction with respect to which the retransmittal notice is given;

(g) the trade date and settlement date of the transaction;

(h) the price and total dollar amount of the transaction;

(i) the date by which the securites must be received by the dealer originating the notice (as extended due to the retransmittal);

(j) the date or dates during which the notice of close-out may be executed (as extended due to the retransmittal); and

(k) the name and telephone number of the person to contact concerning the retransmittal.

(3) The notice of extension of dates required under subparagraph (B) above shall set forth:

(a) the name and address of the municipal securities broker or dealer originating the notice of close-out;

(b) the name of the municipal securities broker or dealer retransmitting the notice;

(c) the name of the municipal securities broker or dealer to whom the notice is being retransmitted;

(d) the name of the person to whom the retransmitting party provided the required telephonic notice of the extension of dates;

(e) the date of such telephonic notice;

(f) the par value and description of the securities involved in the transaction with respect to which the notice is given;

(g) the date specified by the originating dealer as the date by which delivery of such securities must be made;

(h) the date by which such delivery must be made, as extended due to the retransmittal;

(i) the effective date or dates for the notice of close-out, as extended due to the retransmittal; and

(j) the name and telephone number of the person to contact concerning the close-out.

[(C) Time Periods. If by the close of the fifth business day following the date the close-out notice was given, the purchaser has received no response or notice of retransmittal or has received a response which fails too provide an adequate explanation, as described below, for the seller's failure to complete the transaction, the purchaser may close out the transaction in accordance with the terms of the close-out notice. With respect to the first close-out notice issued for a transaction, if the purchaser has received an adequate explanation of the seller's failure to complete the transaction, the purchaser may not close out the transaction before the close of the fifteenth business day following the date the close-out notice was given. For purposes of this subparagraph, a seller shall be deemed to have provided an adequate explanation for its failure to complete the transaction only if it has an offsetting fail to receive outstanding of the same security and so states or if the certificates, coupons or documentation required by this rule are in transit to the purchaser or the seller, have been sent for transfer, deregistration or validation, or have been lost or mutilated and replacements have been requested, and the seller so states. If the purchaser has received a notice of retransmittal extending the date for close-out, the transaction may not be closed out before the close of business on the latest extended date.]

(D) Purchaser's Options. *If the securities described in the notice of close-out are not delivered to the originating purchaser by the date specified in the original notice, or the extended date resulting from a retransmittal, such purchaser may close out the transaction in accordance with the terms of the notice.* To close out a transaction as provided herein the purchaser may, at its option, *take one of the following actions:*

(1) purchase ("buy-in") at the current market all or any part of the securities necessary to complete the transaction, for the account and liability of the seller;

[(2) cancel the transaction as to all or any part of the securities necessary to complete the transaction;]

(2) [(3)] accept from the seller in satisfaction of the seller's obligation under the original contract (which shall be concurrently cancelled) the delivery of municipal securities which are comparable to those originally bought in quantity, quality, yield or price, and maturity, with any additional expenses or any additional cost of acquiring such substituted securities being borne by the seller; or

(3) [(4)] require the seller to repurchase the securities on terms which provide that the seller pay an amount which includes accrued interest and bear the burden of any change in market price or yield.

A purchaser executing a close-out shall, upon execution, notify the selling dealer for whose account and liability the transaction was closed out by telephone, stating the means of close-out utilized. The purchaser shall immediately thereafter confirm such notice in writing, sent return receipt requested, and forward a copy of the confirmation of the executed transaction. A retransmitting party shall give immediate notice of the execution of the close-out, in accordance with the procedure set forth herein, to the party to whom it retransmitted the notice. A close-out will operate to close out all transactions covered under retransmitted notices. *Any moneys due on the transaction, or on the close-out of the transaction, shall be forwarded to the appropriate party within ten business days of the date of execution of the close-out notice.* A buy-in may be executed from a long position in customers' accounts maintained with the party executing the buy-in or, with the agreement of the seller, from the purchaser's contra party. In all cases, the purchaser must be prepared to defend the price at which the close-out is executed relative to market conditions at the time of the execution.

(E) Close-Out Not Completed. [A close-out procedure instituted pursuant to this rule (including any action by the purchaser pursuant to subparagraph (D) of this paragraph) must be completed not later than the ninetieth business day following the settlement date.] If a close-out pursuant to a notice of close-out is not completed in accordance with the terms of the notice and the provisions of this rule, the notice shall expire. Additional close-out notices may be issued, provided that a close-out procedure *with respect to a transaction may not be* initiated [pursuant to this rule with respect to a transaction must be completed not] later than the ninetieth business day following the settlement date *of such transaction,* regardless of the number of close-out notices issued. [Anything herein to the contrary notwithstanding, each time period specified in this subparagraph (E) shall be extended by one business day for each retransmittal of the notice of close-out subsequent to the initial retransmittal.]

(F) [Effect of] Completion of Transaction. If at any time prior to the execution of a close-out pursuant to this paragraph (i), the seller, *or any subsequent selling party to whom a notice has been retransmitted,* can complete the transaction *within two business days* [according to its original terms], *such party* [the seller] shall give immediate notice to the purchaser *originating the notice of close-out* that the securities will be delivered within *such time period* [one business day of such notice]. *If the originating purchaser receives such notice, it shall not execute*

the close-out for two business days following the date of such notice; the period specified for the execution of the close-out shall be extended by two business days. Delivery of the securities [by the seller] in accordance with such notice shall [operate automatically to] cancel *the* [all] close-out notice[s] outstanding with respect to the transaction.

(G) "Cash" Transactions. The purchaser may close out transactions made for "cash" or made for or amended to include guaranteed delivery at the close of business on the day delivery is due.

(ii) Close-Out by Seller. If a seller makes good delivery according to the terms of the transaction and the requirements of this rule and the purchaser rejects delivery, the seller may close out the transaction in accordance with the following procedures:

(A) Notice of Close-Out. If the seller elects to close out a transaction in accordance with this paragraph (ii), the seller shall at any time not later than the close of business on the fifth business day following receipt by the seller of notice of the rejection, notify the purchaser by telephone of the seller's intention to close out the transaction. *The seller shall state that unless the transaction is completed by a specified date and time, which shall not be earlier than the close of the business day following the date the telephonic notice is given, the transaction may be closed out in accordance with this section. The seller shall* [and] immediately thereafter send, return receipt requested, a written notice of close-out to the purchaser. Such notice *shall contain the information specified in subparagraph (B) below, and* shall be accompanied by a copy of the purchaser's confirmation of the transaction to be closed out or other written evidence of the contract between the parties. [The notice shall state that unless the transaction is completed by a specified date and time, which shall not be earlier than the close of the business day following the date the telephonic notice is given, the transaction may be closed out in accordance with this section.]

(B) Content of Notice. The written notice sent in accordance with the requirements of subparagraph (A) above shall set forth:

(1) the name of the municipal securities broker or dealer originating the notice;

(2) the name and address of the municipal securities broker or dealer to whom the notice is being sent;

(3) the name of the person to whom the originator provided the required telephonic notice;

(4) the date of such telephonic notice;

(5) the par value and description of the securities involved in the transaction with respect to which the close-out notice is given;

(6) the trade date and settlement date of the transaction;

(7) the price and total dollar amount of the transaction;

(8) the date of improper rejection of the delivery;

(9) the date by which the delivery of the securities must be accepted; and

(10) the name and telephone number of the person to contact regarding the close-out.

(C) [(B)] Execution of Close-Out. Not earlier than the close of the business day following the date telephonic notice of close-out is given to the purchaser, the seller may sell out the transaction at the current market for the account and liability of the purchaser. *A seller executing a close-out shall, upon execution, notify the purchaser for whose account and liability the transaction was closed out by telephone. The seller shall immediately thereafter confirm such notice in writing, sent return receipt requested, and forward a copy of the confirmation of the executed transaction. Any moneys due on the close-out of the transaction shall be forwarded to the appropriate party within ten business days of the date of execution of the close-out notice.*

(D) [(C)] *Acceptance of Delivery.* In the event the transaction is completed by the date and time specified in the notice of close-out, the seller shall be entitled, upon written demand made to the purchaser, to recover from the purchaser all actual and necessary expenses incurred by the seller by reason of the purchaser's rejection of delivery.

[(iii) Notice of Executed Close-Out. The party executing a close-out shall, immediately upon execution, notify via hand delivery or other written media having same-day receipt capabilities, the party for whose account and liability the transaction was closed-out, stating the means of closing out utilized and forwarding a copy of the confirmation of the executed transaction, if any.]

(iii) [(iv)] Close-Out Under Special Rulings. Nothing herein contained shall be construed to prevent brokers, dealers or municipal securities dealers from closing out transactions as directed by a ruling of a national securities exchange, a registered securities association or an appropriate regulatory agency issued in connection with the liquidation of a broker, dealer or municipal securities dealer.

(iv) [(v)] Procedures Optional. Nothing herein contained shall be construed to require the parties to follow the close-out procedures herein specified if they otherwise agree.

(i) through (l) No change.

[FR Doc. 81-17370 Filed 6-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17849; File No. SR-MS RB-81-9]

Municipal Securities Rulemaking Board; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by Municipal Securities Rulemaking Board relating to uniform practice. Comments requested on or before July 2, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 1, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The Municipal Securities Rulemaking Board (the "Board") is filing herewith the following proposed amendment to rule G–12 on uniform practice (hereafter referred to as the "proposed rule change"). The text of the proposed rule change is as follows:[1]

Rule G–12. Uniform Practice

(a) through (f) No change.

(g) Rejections and Reclamations.

(i) and (ii) No change.

(iii) Basis for Reclamation and Time Limits.

A reclamation may be made by either the receiving party or the delivering party if, subsequent to delivery, information is discovered which, if known at the time of the delivery, would have caused the delivery not to constitute good delivery, provided such reclamation is made within the following time limits:

(A) Reclamation by reason of the following shall be made within one business day following the date of delivery:

---

[1] Italics indicate new language; [brackets] indicate deletions.

(1) and (2) No change.

(3) not good delivery because a legal opinion or other documents referred to in paragraph (e) (x) hereof were missing; *or* [.]

(4) not good delivery because the securities (which are issuable in both bearer and registered form) were delivered in registered form and were not identified as such at the time of trade.

(B) through (D) No change.

(iv) through (vi) No change.

(h) through (l) No change.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

Rule G–12 sets forth certain procedures and standards for the comparison, clearance and settlement of transactions in municipal securities. Under section (e) of the rule, a party selling municipal securities which are issuable in both bearer and registered form is obliged to deliver to the contra-party securities in bearer form, unless the parties agree at the time of trade that the transaction involves securities in registered form. Section (g), however, does not currently permit a dealer to reclaim, or demand reclamation of, securities which are delivered, and erroneously accepted, in registered form, when the terms of the trade did not specify registered securities. The Board is of the view that a reclamation remedy should be provided for this circumstance.

Deregistration or transfer of municipal securities can, at times, be an involved and expensive process. The transfer agent on an issue is often a small bank located in or near to the municipality, or, in a number of instances, it is the municipal issuer itself; therefore, submitting the securities for transfer is often a time-consuming procedure. Further, the expense involved in deregistration or transfer can range from a service fee to the cost of reproducing engraved plates and related printing expenses. While these difficulties are not insurmountable, the Board believes that a dealer erroneously accepting registered securities, when it is owed bearer securities, should be provided some means of correcting this error, so that it does not have to become involved in a cumbersome transfer or deregistration process.

The proposed rule change would therefore establish a right of reclamation in the event that a transaction not specified to involve registered securities is completed by the erroneous delivery and acceptance of registered securities. Since registered municipal securities are, in most cases, clearly distinguishable from bearer municipal securities, the Board believes that a dealer should be able to determine very promptly that it has erroneously accepted securities in registered form. Accordingly the Board proposes to establish a time limit of one business day from the date of delivery of the securities for reclamations in this circumstance. The Board notes that this time limit is consistent with that provided in the Board's rule for reclamations arising from other defects in the securities certificates which were delivered.

The proposed rule change is adopted pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended (the "Act"), which requires and empowers the Board to adopt rules

> designed * * * to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

The Board believes that the reclamation provisions generally, and the proposed rule change in particular, act to promote just and equitable principles of trade in that they provide a remedy in the event of mistaken completion of a contract to purchase or sell municipal securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board is of the opinion that the proposed rule change will have no impact on competition. The proposed rule change would provide a means, available to all municipal securities brokers and municipal securities dealers equally, for redressing a defective delivery of securities.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Board neither solicited nor received comments on the proposed rule change from members of the municipal securities industry or the general public.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before July 16, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 5, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–17371 Filed 6–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17844; File No. SR–PSE–81–11]

Pacific Stock Exchange Inc.; Self-Regulatory Organization; Proposed Rule Change

Proposed rule change by the Pacific Stock Exchange Incorporated relating to SEC Registration Fees. Comments requested on or before July 2, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), notice is hereby given that on June 1, 1981. The Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described

in Items I, II, and III below, which Items have prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule change

The Pacific Stock Exchange Incorporated (the "PSE") proposes to amend Rule IX, Section 10(b), of the Rules of the Board of Governors concerning the SEC Registration Fee provided for in Section 31 of the Securities Exchange Act of 1934. The proposed rule would raise the SEC registration fee assessed to the exchange from 1/500th to 1/300th of 1 per centum of the aggregate dollar amount of the sales of securities transacted on such exchange. The submission also would raise the fee the PSE charges it members from one cent for each $500 to one cent for each $300 for fraction thereof of the dollar value of the sales transacted on the exchange.

II. Self-Regulatory Organization's Statement of the purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commissions, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to conform Rule IX, Section 10(b), with the requirements of Section 31 of the Securities Exchange Act of 1934.

The proposed rule change is consistent with the requirements of the Act in that it provides for the equitable allocation of reasonable fees and other charges among members of the PSE, in accordance with Section 6(b)(4) of the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capital Street, Washington, D.C. 20549. Copies of the Commission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S. 522, will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 5, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17372 Filed 6-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17846; File No. SR PHLX 81-9]

Philadelphia Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by Philadelphia Stock Exchange, Inc., Relating to breaches of regulations on order, decorum, health, safety and welfare on the exchange's trading floors. Comments requested on or before July 2, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 27, 1981, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would extend the applicability of the exchange's regulations relating to order, decorum, health, safety and welfare on the options trading floor ("conduct regulations") to the equity trading floor as well. The proposal further would raise the maximum fine for violations of these regulations from $100 to $500 per occurrence. finally, the submission proposes to renumber the conduct regulations from PHLX Rule 1058 to Rule 60.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to provide for the same standards of conduct on both the

Options and Equity Trading Floors and to increase the maximum assessments for violations of the Exchange's rules governing conduct on the respective Trading Floors. The proposed increase is designed to strengthen the deterrent effect of assessments. Such assessments are made pursuant to regulations which are in turn designed to ensure that the behavior of all floor personnel contributes to the efficient, orderly functioning of the market.

For the above reasons the proposed rule change is based on Sections 6(b)(6) and 6(b)(7) of the Securities Act of 1934 ("Act") which provide, in part, that the rules of the Exchange be designed to appropriately discipline its members and persons associated with its members for violation of the rules of the exchange, and provide fair procedures for the disciplinary actions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before July 16, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 5, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17373 Filed 6-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17847; File No. SR PHLX 81-1, Amdt. No. 1]

Philadelphia Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule

Proposed rule by Philadelphia Stock Exchange, Inc., relating to appointment of specialists and market-makers allocation of securities. Comments requested on or before July 2, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) notice is hereby given that on June 1, 1981 Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Italics indicate the words to be added.

Rule 501, Commentary .02

3. Announcement. The Committee will make an announcement in writing of the name and post location of any successful applicant and give a digest of its reasons for making the assignment.

Effective Dates

Rule 506

Rules 501 through 505 are effective upon approval by the Securities and Exchange Commission, and shall continue in effect for a period of two years from the date of such approval. Except for Rule 505, any extension of the effective date of these rules will require further approval by the Securities and Exchange Commission.

A decision by the Allocation, Evaluation and Securities Committee pursuant to the procedures set out in Rules 501 through 504 shall be valid if reached on or prior to the date of the expiration of these rules. Rule 505 shall be automatically extended for the purpose of hearing appeals from such decisions.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organizations Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The instant amendment is the first amendment to a proposed rule change (File No. SR-PHLX 81-1) which the Philadelphia Stock Exchange, Inc. ("PHLX") has previously filed with the Commission. Notice of the original proposal, which was submitted to the Commission on January 7, 1981, was published for public comment on February 27, 1981 (46 FR 14511) (Release No. 34-17565).

The January 7, 1981 submission proposed several rules concerning the appointment of specialists and market makers and allocation of securities. It also proposed that these rules be administered by the Allocation, Evaluation and Securities Committee ("Committee").

In its statement of the purpose of the originally proposed rule change, the PHLX detailed the purpose of its proposed rules relating to appointment of specialists and market-makers and allocation of securities. The instant amendment, which is being made at the Commission's request, requires, in Rule 501, that the Committee give written notice of the basis for a decision to assign a security to a particular specialist. It also provides, in Rule 506, that the Rules proposed in the original

submission, as amended, shall be effective for two years following Commission approval.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or recieved.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before July 16, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 5, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-17374 Filed 6-10-81; 8:45 am]
BILLING CODE 8010-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Advisory Committee for Trade Negotiations; Determination of Closing of Meeting

The meeting of the Advisory Committee for Trade Negotiations (the Advisory Committee) to be held Wednesday, July 8, 1981, from 2:00 p.m. to 5:00 p.m. will involve a review and discussion of the current issues involving the trade policy of the United States. The review and discussion will deal with information submitted in confidence by the private sector members of the Committee under Section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act), information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives, information the disclosure of which would be likely to significantly frustrate implementation of proposed government action, and information properly classified pursuant to Executive Order 12065 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees established under Section 135(c) of the Act, I hereby determine that the meeting of the Advisory Committee will be concerned with matters listed above and with matters listed in Section 552b(c) of Title 5 of the United States Code. Therefore, the meeting of the Advisory Committee for Trade Negotiations will be closed to the public.

William E. Brock,
United States Trade Representative.

[FR Doc. 81-17298 Filed 6-10-81; 8:45 am]
BILLING CODE 3190-01-M

Advisory Committee for Trade Negotiations; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that a meeting of the Advisory Committee for Trade Negotiations will be held Wednesday, July 8, 1981, from 2:00 p.m. to 5:00 p.m. at the Old Executive Office Building, Treaty Room. The meeting of the Advisory Committee will be closed to the public, because it will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions and with matters listed in Section 552b(c) of Title 5 of the United States Code.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

Phyllis O. Bonanno,
Director, Office of Private Sector Liaison.

[FR Doc. 81-17299 Filed 6-10-81; 8:45 am]
BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Informal Airspace Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of informal airspace meeting.

SUMMARY: Notice is hereby given that a public informal airspace meeting will be held to give interested persons the opportunity to comment on the proposed joint use restricted area for Fort Devens, Massachusetts.

DATE: June 18, 1981.

Notice is hereby given that a public informal airspace meeting will be held at the B. F. Brown Auditorium, 62 Academy Street, Fitchburg, Massachusetts, on Thursday, June 18, 1981, at 7:30 p.m., to give interested persons an opportunity to submit oral or written views concerning a proposed joint use restricted area for Fort Devens, Massachusetts. The topic of discussion will be the aeronautical effects this proposal may have on the safe and efficient use of navigable airspace. Environmental issues will not be addressed at this meeting. Comments concerning environmental aspects relating to this proposal should be directed to: Department of Army Headquarters, Fort Devens, Massachusetts, 01433, Attention: Project Officer.

Comments may be submitted in writing at this meeting or within five days thereafter, addressed to the following: Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park,

Burlington, Massachusetts 01803. For further information contact Mr. David J. Hurley, Chief, Operations, Procedures and Airspace Branch, ANE–530, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7285, office hours 8:00 a.m. to 4:30 p.m.

Issued in Burlington, Massachusetts, on June 1, 1981.

David J. Hurley,

Chief, Operations, Procedures and Airspace Branch.

[FR Doc 81-17229 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-15]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 1, 1981.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. , 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on June 3, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No	Petitioner	Regulations affected	Description of relief sought
21664	Air Polynesia, Inc.	14 CFR 121.371(a), 121.378, and 145.73(a)	To permit petitioner to use Air Asia (foreign repair station) to overhaul DC–3/DC–6 engines, propellers, and accessories even though the aircraft are not operated wholly or partly outside of the United States.
21735	Transcontinental Gas Pipe Line Corp	14 CFR 91.169 and Part 135	To permit the operation of petitioner's helicopters in the same manner as its large turbine-powered multiengine airplanes.
21670	Sierra Academy of Aeronautics	14 CFR 141.33(a)(3) and (b), 141.35(a)(1)(ii), and 141.79(a) and (d).	To allow petitioner to use instructors in its transport category aircraft training courses who do not hold flight instructor certificates provided they are currently employed as simulator or flight instructors with a Part 121 air carrier or, in the case of simulator instructors not so employed, meet certain minimum experience standards. The petitioner would be permitted to use chief or assistant chief flight instructors in the transport aircraft courses who do not meet the minimum qualifications for those positions and who have not taken the required flight tests prior to their designation. Finally, the exemption would permit the petitioner to use flight instructors in the approved transport aircraft training courses who have not accomplished a flight check given to them by the designated chief flight instructor prior to instructing in the courses and each 12 months thereafter. Petitioner proposes to use 121 recurrency requirements in lieu of the required flight test or, in the case of simulator instructors not employed by a Part 121 certificate holder, a simulator proficiency checkride administered by the FAA each 12 months.
20392	Pennsylvania Commuter Airlines, Inc.	14 CFR 21.197	Extension of Exemption No. 3000. The present exemption permits petitioner to obtain a special flight permit with continuing authority for aircraft maintained under a continuous airworthiness maintenance program.
21612	Barken International, Inc.	14 CFR 135.89(b)(3)	To permit operation of petitioner's Learjet aircraft above flight level 350 without requiring one pilot to wear and use an oxygen mask.
21726	Executive Air Fleet Corp.	14 CFR 135.261(a)(b)	To permit petitioner to operate flights of no more than 12 hours duration using three-pilot crews.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21589	Capitol International Airways, Inc.	14 CFR 121.291(a)	To allow petitioner to commence initial DC–10 scheduled service in a 345 passenger-seat configuration without first conducting the required emergency evacuation demonstration of the full load of passengers. *Granted 6/1/81.*
20770	Accelerated Ground Training, Inc.	14 CFR 63.39(b)(2)	To allow the practical test for a Flight Engineer rating to be conducted in an FAA-approved flight simulator. *Granted 5/28/81.*
21506	Northwest Orient	14 CFR 121.433(c)	To allow the Petitioner to change its training schedule to conduct flight attendant training over an 8-month period. This will allow petitioner to complete the "hands on" training in accordance with § 121.417 utilizing their newly acquired "mock up" training aids. *Granted 5/27/81.*
21718	U.S. Aviation, Inc.	14 CFR 121.538	To allow relief from the requirement to maintain a full security program. *Granted 6/2/81.*

Dispositions of Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21305	Balloon Federation of America	14 CFR 61.3 and 91.27	To permit foreign airmen and foreign-registered balloons to compete in the Fifth World Hot Air Balloon Championship without complying with the pilot certification and airworthiness requirements of those sections. *Granted 5/29/81.*
21344	Camas Aviation	14 CFR 135.1(b)(2)	To permit passenger sightseeing flight operation beyond the 25-statute mile limit of the same airport where the flight began and terminated. *Denied 5/29/81.*
21570	Federal Aviation Administration Technical Center	14 CFR 61.39(a)(2) and 61.65(e)(1)	To allow approximately 30 subjects enrolled in a research program, to be conducted by the FAA, to apply for an instrument rating at the end of their training without meeting the 200 hours total pilot flight time minimum aeronautical experience requirement. *Granted 5/27/81.*
21751	Reeve Aleutian Airways, Inc	14 CFR 121.538	To allow relief from the requirement to maintain a full security program. *Granted 6/1/81.*
20090	Sierra Academy of Aeronautics	14 CFR 61.157(d)(1) and 61.63(d)(2) and (3)	Extension and amendment of Exemption No. 2983. The present exemption allows petitioner's trainees to complete portions of a practical aeronautics test for a type rating in a flight simulator. The petitioner requests the exemption be amended to allow them to have the same privileges for pilot certification as a Part 121 certificate holder. *Granted 5/11/81.*
20793	Lundy Aeronautics	14 CFR 63.39(b)(2)	To allow the practical test for a flight engineer rating to be conducted in an FAA-approved flight simulator. *Granted 5/27/81.*
20901	Evergreen International	14 CFR 121.291	To permit petitioner to operate a B-747-100 aircraft in a 130 passenger-seat configuration without first conducting a full seating capacity emergency evacuation demonstration. *Granted 5/22/81.*
18238	Plugleidir, H.F., and Flying Tiger Line, Inc	Parts 21, 43, 61, 63, 91, and 121	To amend Exemption No. 2602 to allow petitioner to substitute an aircraft for about 30 days, and to increase at any point in time the number of aircraft to three. The present exemption involves the leased aircraft and the use of minimum equipment lists. *Granted 5/26/81*
21519	Gulf Air Transport (GAT)	§ 121.651	To permit GAT aircraft to take off and conduct instrument approaches at airports without weather condition reports issued by the U.S. National Weather Service, a source approved by that service or a source approved by the Administrator. *Denied 5/27/81.*
21775	Swift Aire Lines, Inc	14 CFR 121.538	To allow relief from the requirement to maintain a full security program. *Granted 6/1/81.*
21781	Aeroclub De France	14 CFR 91.27(a)(1)	To permit certain foreign-registered aircraft participating in a transatlantic air race, modified to carry additional fuel and operate over the weight limits specified in their original airworthiness certificates, to enter the United States. *Granted 5/29/81.*

[FR Doc. 81-17230 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

Hazardous Materials; Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes July 13, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8649-N	Burris Chemical, Inc., Augusta, GA	49 CFR 173.245	To authorize shipment of acetic acid, glacial and acetic acid (aqueous solutions) in stainless steel DOT Specification 57 portable tanks. (Mode 1.)
8650-N	Ethyl Corp. Baton Rouge, LA	49 CFR 173.354(a)(6)	To authorize shipment of motor fuel antiknock compound, poison B liquid, in portable tanks complying with DOT Specification 51 except for grain of steel and without the ASME Code stamp. (Modes 1, 2, 3.)
8651-N	Rockwell International Corp. Canoga Park, CA	49 CFR 173.145, 173.336	To authorize the transportation of nitrogen tetroxide and monomethylhydrazine in separate tanks mounted on a motor vehicle chassis. (Mode 1.)
8652-N	Catalyst Research Corp., Baltimore, MD	49 CFR 172.240, 172.243, 173.206(d)(1), (f), 175.3.	To authorize shipment of lithium-iodine cells or batteries contained in hermetically sealed metal cases overpacked in strong outside containers as essentially non-regulated. (Modes 1, 2, 3, 4.)
8653-N	Fiber Industries, Inc., Charlotte, NC	49 CFR 173.245	To authorize shipment of orthochlorophenol (OCP), classed as a corrosive liquid in DOT Specification 57 steel portable tanks. (Mode 1.)
8654-N	Isomedix Inc., Whippany, NJ	49 CFR 173.394	To authorize shipment of special form radioactive materials in DOT Specification 55 containers built after March 1975. (Modes 1, 2.)
8655-N	Western Electric Co., Greensboro, NC	49 CFR 173.352(a)(1)	To authorize shipment of a cyanide solution, n.o.s., classed as a poison B, in DOT Specification 6D steel overpack with inside Specification 2S or 2SL polyethylene container. (Mode 1.)
8656-N	Texas Nuclear Corp., Austin, TX	49 CFR 173.301, 173.302, 175.3	To authorize shipment of a radiation detection instrument containing xenon, classed as a nonflammable compressed gas. (Modes 1, 2, 3, 4, 5.)

New Exemptions—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8657-N	Celanese Chemical Co., Inc., Dallas, TX	49 CFR 173.289(a)(2)	To authorize shipment of 95% formic acid in lined aluminum DOT Specification 111A60ALW tank cars. (Mode 2.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on June 2, 1981.

J. R. Grothe,

Chief, Exemptions Branch Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc 81-17124 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials; Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes June 26, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
1479-X	Jet Propulsion Laboratory, Pasedena, CA.	1479
4400-X	AIRCO Industrial Gases, Murray Hill, NJ.	4400
4459-X	Lif-O-Gen American Life Support Corp., Cambridge, MD.	4459
4719-X	Allied Corp., Morristown, NJ	4719
5179-X	Union Carbide Corp., Tarrytown, NY	5179
5248-X	3M Co., St. Paul, MN	5248
5248-X	The Boeing Co., Seattle, WA	5248
5662-X	Dow Chemical, Co., Midland, MI[1]	5662
5778-X	Lif-O-Gen American Life Support Corp., Cambridge, MD.	5778
5923-X	Union Carbide Corp., Tarrytown, NY	5923
6128-X	Hapag-Lloyd, Hamburg, Germany	6128
6267-X	Georgia-Pacific Corp., Montebello, CA	6267
6416-X	Allied Corp., Morristown, NJ	6416
6477-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	6477
6657-X	Liquid Air Corp., San Francisco, CA	6657
6657-X	Kelsey Welding Supply Corp., New Berlin, WI	6657
6738-X	Texas Eastman Co., Longview, TX	6738
6738-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	6738
6755-X	Lincoln Welding Supply Co., Lincoln, NB.	6755
6759-X	E. I. du Pont de Nemours & Co. Inc., Wilmington, DE.	6759
6766-X	DuBois Chemical Co., Cincinnati, OH	6766
6769-X	E. I. du Pont de Nemours & Co. Inc., Wilmington, DE	6769
7051-X	Ozark-Mahoning Co., Tulsa, OK	7051
7192-X	Air Products and Chemicals, Inc., Allentown, PA	7192
7282-X	M-R Plastics and Coatings, Inc., Maryland Heights, MO	7182
7413-X	Chilton Metal Products Div. Western Industries, Inc., Chilton, WI.[2]	7413
7476-X	Thompson Tank & Manufacturing Co., Inc., Long Beach, CA.[3]	7476
7526-X	Sherex Chemical Company, Inc., Dublin, OH	7526
7555-X	Provost Cartage, Inc., Ville d'Anjou, Quebec.[4]	7555
7587-X	Makhteshim Darom, Beer Sheva, Israel.	7587
7590-X	Smith's Transfer Corp., Staunton, VA	7590
7590-X	Gordons Transports, Inc., Memphis, TN.	7590
7590-X	Ryder Truck Lines, Inc., Jacksonville, FL.	7590
7590-X	Central Freight Lines, Inc., Waco, TX	7590
7590-X	Pacific Intermountain Express Co., Oakland, CA.	7590
7590-X	Transcon Lines, Los Angeles, CA	7590
7590-X	Commercial Lovelace Motor Freight, Inc., Columbus, OH.	7590
7886-X	W. M. Barr & Co., Memphis, TN	7886
8012-X	Campagnie des Containers Reservoirs, Paris, France.	8012
8123-X	Texas Instruments, Inc., Dallas, TX	8123
8129-X	RAD Services, Inc., Laurel, MD[5]	8129
8134-X	J. T. Baker Chemical Co., Phillipsburg, NJ.	8134
8145-X	American Box Co., Fernwood, MS	8145
8171-X	Sea Containers, Inc., New York, NY	8171
8177-X	A. O. Smith-Inland, Inc., Little Rock, AK.	8177
8182-X	Fauvet-Girel, Paris, France	8182
8182-X	Societe Parisfer, Paris, France	8182
8192-X	Greif Brothers Corp., Springfield, NJ	8192
8212-X	Embassy of Switzerland, Washington, DC.	8212
8222-X	Campagnie des Containers Reservoirs, Paris, France.	8222
8235-X	Mobay Chemical Corp., Pittsburgh, PA	8235
8264-X	Hercules, Inc., Wilmington, DE[6]	8264
8265-X	Hercules, Inc., Wilmington, DE[7]	8265
8308-X	United States Priority Transport Corp., Huntington Station, NY.	8308
8554-X	E. I. du Pont de Nemours & Co. Inc., Wilmington, DE.[8]	8554
8646-X	Marshall Hyde Inc., Port Huron, MI	8646

[1] To renew and to change the guard around the safety valve from 12 inch schedule 80 to 12 inch schedule 40, pipe.
[2] To authorize passenger carrying aircraft as additional mode of transportation.
[3] To authorize poison B liquids, n.o.s. as additional commodity.
[4] To provide for an alternate resin in FRP cargo tanks construction; and to accommodate additional corrosive liquids.
[5] To amend exemption to allow co-mingling of subject packages in the same motor vehicle in a manner where ready access is not always practicable.
[6] To authorize rail as an additional mode of transportation.
[7] To authorize rail as an additional mode of transportation.
[8] To remove the restriction of private carriage from exemption.

Application No.	Applicant	Parties to exemption
4453-P	Alamo Explosives Co., Inc., Houston, TX.	4453
6530-P	MG Burdett Gas Products Co., Conshohocken, PA.	6530
6806-P	Department of Health and Human Services, Morgantown, WV.	6806
6932-P	Compagnie des Containers Reservoirs, Paris, France.	6932
7052-P	Airco Temescal, Berkeley, CA	7052
7052-P	Data/Ware Development, Inc., San Diego, CA.	7052
7259-P	FMC Corp., Philadelphia, PA	7259
7275-P	Basler Flight Service, Inc., Oshkosh, WI.	7275

Application No	Applicant	Parties to exemption
7285-P	Compagnie des Containers Reservoirs, Paris, France.	7285
7418-P	Interpool Ltd. New York, NY.1	7418
7772-P	Compagnie des Containers Reservoirs, Paris, France.	7772
7891-P	Fisher Scientific Co., Fair Lawn, NJ	7891
7943	FMC Corp., Philadelphia, PA	7943
8285-P	U.S. Environmental Protection Agency, Washington, DC.	8285
8441-P	Magnavox Electronics Systems Co. Fort Wayne, IN.	8441
8445-P	Advanced Environmental Technology Corp., Morris Plains, NJ.	8445
8526-P	Red Star Express Lines of Auburn, Inc., Auburn, NY.	8526
8526-P	National Starch and Chemical Corp., Bridgewater, NJ.	8526
8554-P	Alamo Explosives Co., Inc., Houston, TX.	8554
8572-P	AMEX, Inc., Hayden Lake, ID	8572
8606-P	Makhteshim Darom, Beer Sheva, Israel.	8606
8613-P	Mission Petroleum Carriers, Houston, TX.	8613

1 To be added as a party to and to authorize additional flammable liquids, combustible, and corrosive liquids.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on June 2, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-17125 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Secret Service

Appointment of Performance Review Board (PRB) Members

This notice announces the appointment of members of Senior Executive Service Performance Review Boards in accordance with 5 U.S.C. 4314(c)(4) for the rating period beginning July 1, 1980 and ending June 30, 1981. Each PRB will be composed of at least three of the Senior Executive Service members listed below.

Name and Title

John W. Mangels—Director of Operations, Department of the Treasury
Myron I. Weinstein—Deputy Director, U.S. Secret Service
John R. Simpson—Assistant Director, Protective Operations (USSS)
Robert R. Burke—Assistant Director, Protective Research (USSS)
John W. Warner, Jr.—Assistant to the Director, Public Affairs (USSS)
William R. Barton—Assistant to the Director, Training (USSS)
Robert O. Goff—Legal Counsel (USSS)
Robert R. Snow—Deputy Assistant Director, Protective Research (USSS)
Don A. Edwards—Deputy Assistant Director, Protective Operations (USSS Uniformed Division)

FOR FURTHER INFORMATION CONTACT:

Wesley Bishop, Chief, Personnel Division, Room 912, 1800 G St., N.W., Washington, D.C. 20223, Telephone No. 202-535-5800.

H. S. Knight,

Director.

[FR Doc. 81-17246 Filed 6-10-81; 8:45 am]

BILLING CODE 4810-42-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 112
Thursday, June 11, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Deposit Insurance Corporation	1, 2
Federal Election Commission	3
Federal Home Loan Bank Board	4, 5
Federal Maritime Commission	6
International Trade Commission	7
Metric Board	8
National Science Foundation	9
Nuclear Regulatory Commission	10, 11

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Cancellation of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act"(5 U.S.C. 552b(e)(2)), notice is hereby given that the closed meeting of the Corporation's Board of Directors scheduled for 10:00 a.m. on Tuesday, June 9, 1981, has been cancelled. No earlier notice of the cancellation of the meeting was practicable.

Dated: June 8, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-904-81 Filed 6-9-81; 11:31 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, June 8, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,815-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Community Bank, Huntington Park, California, for consent to establish a branch at 21415 Devonshire Street, Chatsworth, California.

Application of Bank of Thomasville, Thomasville, Alabama, for consent to merge, under its charter and title, with Citizens Bank, Thomasville, Alabama, and for consent to establish the sole office of Citizens Bank as a branch of the resultant bank.

Application of The Coastal Bank, Hinesville, Georgia, for consent to merge, under its charter and title, with Long State Bank, Ludowici, Georgia, and for consent to establish the sole office of Long State Bank as a branch of the resultant bank.

Request from the Board of Governors of the Federal Reserve System that the Corporation, pursuant to section 10(b) of the Federal Deposit Insurance Act, assist in an examination of a State member bank.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: June 8, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-905-81 Filed 6-9-81; 11:32 am]

BILLING CODE 6714-01-M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, June 16, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, June 18, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public (fifth floor).

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certification
Advisory opinions:
Draft AO 1981-23—Richard H. Magnuson, Vice President/General Counsel, Land O'Lakes, Inc.
Draft AO 1981-24—William C. Oldaker, American Federation of State, County and Municipal Employees (AFSCME)
Pending legislation
Appropriations and budget:
Budget Execution Report
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Majorie W. Emmons,

Secretary to the Commission.

[S-908-81 Filed 6-9-81; 3:31 pm]

BILLING CODE 6715-01-M

4

FEDERAL HOME BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 30474, Monday, June 8, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, June 11, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled for Thursday, June 11, 1981.

Application for Insurance of Accounts—Citizens Building and Loan Association Plaquemine, Louisiana

[No. 500, June 9, 1981]

[S-909-81 Filed 6-9-81; 3:48 pm]

BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 30474, Monday, June 8, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, June 11, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Thursday, June 11, 1981.

Monetary Control Act Reserves Counting Toward Liquidity Requirements

[No. 499, June 9, 1981]

[S-910-81 Filed 6-9-81; 3:48 pm]

BILLING CODE 6720-01-M

6

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., June 16, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Nigeria-United States Discussion Agreement No. 10407.
2. Agreement No. 10414: PRC-USA Eastbound Rate Agreement.
3. Draft Consumer Affairs Program.

Portions closed to the public:

1. Docket No. 81-26—Agreement No. 10247-3—Australian Loading Expense Agreement—Motion to Dismiss.
2. Consideration of H.R. 2042, H.R. 3578 and H.R. 3577.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary.

[S-906-81 Filed 6-9-81; 11:44 am]

BILLING CODE 6730-01-M

7

[USITC SE-81-15A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 29584, June 2, 1981.

PERVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, June 9, 1981.

CHANGES IN THE MEETING: Emergency action to close a portion of the meeting originally announced as open to the public.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(4) and in conformity with 19 CFR 201.36(b)(4), Commissioners Alberger, Calhoun, Bedell, and Stern voted by action jacket INV-E-067 to hold a portion of the discussion with respect to item No. 5 [Investigation 731-TA-42 (Motorcycle Batteries from Taiwan) — briefing and vote] in closed session.

Commissioners Alberger, Calhoun, Bedell, and Stern determined, pursuant to 19 CFR 201.37(b) that Commission business requires the change in the determination of the Commission to open or close this portion of the meeting and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-907-81 Filed 6-9-81; 3:05 pm]

BILLING CODE 7020-02-M

8

METRIC BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 29852, June 3, 1981.

TIME AND DATE:

9 a.m. to 5 p.m.—Tuesday, June 9, 1981 (closed session)
10 a.m. to 12 noon—Wednesday, June 10, 1981 (open session)
3 p.m. to 5 p.m.—Wednesday, June 10, 1981 (closed session)

PLACE: U.S. Metric Board, 1600 Wilson Boulevard, Suite 400, Arlington, Virginia 22209.

STATUS: Portions of the meeting will be open to the public and portions of the meeting will be closed to the public.

CHANGES IN THE MEETING: The closed session (Tuesday, June 9, 1981) is continued to 3 p.m., Wednesday, June 10, 1981. The schedule now reads: Tuesday, June 9, 1981 (closed session); 10 a.m. to 12 noon, Wednesday, June 10, 1981 (open session); 3 p.m. to 5 p.m., Wednesday, June 10, 1981 (closed session).

The noted sessions are closed under exemption 5 U.S.C. 552(c)(9)(B) because premature release of this information would have a significant adverse impact on the successful completion of the three projects under review by the Committee.

Exigent circumstances prevented the publishing of this notice earlier.

CONTACT PERSON FOR MORE INFORMATION: G. Edward McEvoy, Director of Research (703) 235-2583.

Louis F. Polk,

Chairman, United States Metric Board.

[S-903-81 Filed 6-9-81; 10:52 am]

BILLING CODE 6250-01-M

9

NATIONAL SCIENCE FOUNDATION.

DATE AND TIME:

June 17, 1981: 1 p.m. open session, 2 p.m. closed session
June 18, 1981: 8:30 a.m. closed session
June 19, 1981: 8:30 a.m. Open session (if necessary), 9 a.m. closed session

PLACE: National Academy of Sciences Summer Study Center, Woods Hole, Massachusetts.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS:

Wednesday, June 17, 1 p.m.

1. Minutes—Open Session—Thirty-first Annual (226th) Meeting
2. Chairman's Items
3. Director's Report:
a. Report on Grant and Conract Activity—5/20-6/16/81
b. Organizational and Staff Changes
c. Congressional and Legislative Matters
d. NSF Budgets for Fiscal Years 1981 and 1982
e. Other Items
4. Reports on Meetings of Board Committees
5. NSF Advisory Groups and Other Events
6. Other Business
7. Next Meeting National Science Board—August 20-21

Friday, June 19, 8:30 a.m.

Conclusion of Open Session (if necessary)

Matters to be considered at the closed session:

Wednesday, June,17, 1 p.m.

A. Minutes—Closed Session—Thirty-first Annual (226th) Meeting
B. Recommendations to the Administration and the Congress for Fiscal Year 1983 and Subsequent Years:

1. Science and Engineering Education

Thursday, June 18, 8:30 a.m.

B. Recommendations to the Administration and the Congress for Fiscal Year 1983 and Subsequent Years (continued):
2. Behavioral and Social Sciences
3. NSB Role in National Science Policy

Friday, June 19, 9 a.m.

C. NSB and NSF Staff Nominees
D. Appointments to Alan T. Waterman Award Committee
E. NSB Annual Reports
F. Export of Technological Data
B. Recommendations to the Administration and the Congress for Fiscal Year 1983 and Subsequent Years (conclusion):
1. Science and Engineering Education
2. Behavioral and Social Sciences
3. NSB Role in National Science Policy
4. Other

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202)357–9582.

[S–913–81 Filed 6–9–81; 3:59 pm]

BILLING CODE 7555–01–M

10

NUCLEAR REGULATORY COMMISSION.

DATE: Tuesday, June 16 and Wednesday, June 17, 1981.

PLACE: Commissioners conference room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Tuesday, June 16:

10 a.m.: 1. Briefing on Criterion I in Export Licensing (closed meeting)

Wednesday, June 17:

10 a.m.: 1. Discussion of Anticipated Transients Without Scram (public meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary M. Gilbert (202) 634–1410.

June 9, 1981.

Gary M. Gilbert,

Office of the Secretary.

[S–912–81–Filed 6–9–81; 3:59 pm]

BILLING CODE 7590–01–M

11

NUCLEAR REGULATORY COMMISSION.

DATE: Week of June 8, 1981 (revision #2).

PLACE: Commissioners conference room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO CONSIDERED: Monday, June 8:

1:00 p.m.

1. Discussion and Vote on GPU Federal Tort Claim—Draft Decision (approximate 1 hour, closed meeting/final portion may be open) (as announced)

Tuesday, June 9:

10:00 a.m.

1. Briefing on McGuire Operating License (approximate 1 hour, public meeting) (as announced)
2. Discussion of McGuire Operating License (closed meeting) (as announced)

2:00 p.m.

1. Discussion and Vote on Operating License for Sequoyah-2 (public meeting) (as announced)

Wednesday, June 10:

2:00 p.m.

1. Briefing on comments on EPA-Proposed Guidance for Occupational Exposures (public meeting approximate 1½ hours), as announced)
2. Discusion and Vote on Motion for a Stay of Certain Aspects of Final Rule on Fire Protection for Operating Nuclear Power Plants (approximate 1 hour, closed meeting) (previously announced for affirmation on June 11)

Thursday, June 11:

10:00 a.m.

1. Discussion and Possible Vote on 10 CFR 60, Disposal of High-Level Wastes in Geologic Repositories: Technical Criteria (public meeting) (as announced)

2:00 p.m.

1. Briefing on Pressurized Thermal Shock (approximate 1½ hours, public meeting) (as announced)
2. Affirmation/Discussion Session (public meeting) Items to be affirmed and/or discussed:
a. Significant Changes Decision in Summer Anitrust Matter
b. Publication of Guidelines for Mgmt. of Agreement State Radiation Control Programs
c. Reporting of Changes to Quality Assurance Programs
d. Commission Review of ALAB–603, St. Lucie

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary Gilbert (202) 634–1410.

Gary Gilbert,

Office of the Secretary.

June 8,1981.

[S–911–81 Filed 6–9–81; 3:59 pm]

BILLING CODE 7590–01–M

federal register

Thursday
June 11, 1981

Part II

Department of Transportation

Federal Aviation Administration

Pilot-in-Command Qualifications and Instrument Proficiency Check Requirements

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No. 21129; Amdt. No. 135-15]

Pilot-in-Command Qualifications and Instrument Proficiency Check Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Part 135, effective December 1, 1978, required all pilots in command to hold instrument ratings. It also required pilots to satisfactorily demonstrate instrument approach procedures using certain navigational facilities. These requirements are unduly restrictive for some certificate holders. This amendment provides that pilots are not required to hold instrument ratings when operating in day, visual flight rule conditions in certain isolated areas when conducting air taxi or commercial operations. It also provides that only those instrument procedures which the certificate holder desires to be used are required to be demonstrated. This amendment reduces burdens on certain air taxi and commercial operators and is therefore consistent with Executive Order 12291 and the Regulatory Flexibility Act.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Marilyn M. Sidwell, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background

§ 135.243 Pilot-in-Command Qualifications.

An amendment was adopted on September 26, 1978, which revised the requirements for operations by persons holding Air Taxi/Commercial Operators Certificates and required all pilots in command to hold instrument ratings. Section 135.10(c) originally required compliance with this requirement by June 1, 1979.

Following publication of the revised Part 135, the FAA received numerous petitions for exemption from the instrument rating requirement. In addition, several inquiries were received from members of Congress who were seeking information for constituents who wanted relief from the instrument rating requirement. The majority of these requests for relief were from certificate holders who conduct on-demand charter operations in remote areas which are located in the northern United States. Almost all of the requests were from seaplane operators conducting day VFR operations that carry hunting or fishing groups to isolated locations or provide cargo service to small, isolated settlements which lack access to other commercial transportation means. In virtually all instances, these operators serve areas that are so remote there are no navigation facilities suitable for use. Because of the absence of these facilities and the day VFR nature of the operations, their aircraft are not equipped for instrument flight operations. Consequently, they use pilots who do not hold instrument ratings. However, these pilots are highly experienced and are thoroughly familiar with the terrain, alternate landing areas, and weather patterns in the area of operations.

In response to the situation, Amendment No. 135-1, effective May 7, 1979, (44 FR 26737) extended the compliance date of the instrument rating requirement until December 1, 1980. This action was taken to provide time for the FAA to restudy this requirement and possibly adopt changes regarding its scope.

Notice 80-23 (45 FR 80450), Miscellaneous Amendments, was issued on November 28, 1980. This notice proposed changes to numerous sections of the FAR. Most of the proposals were clarifying, editorial, or corrective in nature. However, one proposal involved changing the Part 135 pilot-in-command requirements to allow pilots to conduct flights during the day under VFR in certain isolated areas without holding an instrument rating. The closing date for comments was February 4, 1981.

Amendment No. 135-9 (45 FR 80460), effective December 1, 1980, further extended the compliance date for the instrument rating requirement to February 1, 1981, to allow the agency adequate time to consider alternatives and determine a course of action.

§ 135.297 Pilot in Command: Instrument Proficiency Check Requirement.

When Part 135 was revised, the pilot-in-command instrument proficiency check requirements were modified. Under that revision, § 135.297 requires each pilot in command to demonstrate satisfactorily at least one instrument approach procedure using an instrument landing system (ILS), a very high frequency omnirange station (VOR), and a nondirectional radio beacon (NDB). Some air taxi certificate holders contend that the revised requirement is too restrictive. For example, some certificate holders state they have no need to use ILS facilities and that the nearest ILS facility is located a significant distance from the certificate holder's operations base. It is argued that the present rule requires unreasonable expenditures of aircraft and pilot operational expense to demonstrate proficiency on a facility which is not used by some certificate holders.

Notice 80-23 proposed that only those instrument approach procedures which the certificate holder desires to use are required to be demonstrated.

Discussion of Comments

§ 135.243 Pilot-In-Command Qualification.

The FAA has reviewed the necessity for an instrument rating in light of comments received from Notice 80-23. It has concluded that it is appropriate to amend the present regulation to allow certain pilots in command operating under Part 135 to operate under day, visual flight rule conditions into isolated areas or settlements without having an instrument rating. A new paragraph (d) is added to § 135.243 to implement this amendment.

Notice 80-23 stated that § 135.243(b)(3), which requires an instrument rating, would not apply to nonstop flights between the certificate holder's main base and seaplane landing area or the return flight, subject to specific limitations. After considering comments which indicate that the proposal is too restrictive, the rule is amended to apply to single reciprocating-engine-powered airplanes, including seaplanes, skiplanes, and landplanes. In addition, the FAA has determined that the nonstop flight requirement is unnecessary and is deleted.

Section 135.243(d)(2) prohibits certain scheduled operators and mail carriers, such as commuter air carriers, from using pilots in command without instrument ratings. No comments were received on this proposal and it is adopted as proposed.

Notice 80-23 proposed that it would not be necessary for a pilot in command in a Part 135 operation flying under day VFR conditions to have an instrument rating when there is no VOR or NDB facility within 40 nautical miles of the certificate holder's main base, the destination, or straight-line course between the main base and destination. In response to the notice, one

commenter states that aircraft that are used in day, VFR operations are not required to be radio equipped, making such a proposal useless. Another commenter took issue with the 40-nautical-mile stipulation stating that although a facility may be within the 40-nautical-mile range, it does not necessarily mean that it can be useful on trips to these isolated areas or settlements.

Three other commenters object to this requirement since they could operate in these areas within 40 nautical miles of the facilities and still not receive a reliable signal due to the nature of the terrain. These commenters feel that climbing to any altitude to get a reliable signal would be time consuming and, at today's cost, would result in substantial loss of business. These flights would be especially impacted since they are of such short duration. The FAA reevaluated this aspect of the proposal and concludes that the requirement concerning the VOR and NDB facility is too restrictive and the rule is amended by deleting this requirement. It was proposed as a means of expressing in objective terms the concept that isolated areas ordinarily do not have radio navigational aids.

The FAA has decided that the certificate-holding Flight Standards district office should determine whether the area to be served is an isolated area since it is familiar with areas within its jurisdiction. Accordingly, § 135.243(d)(3) is added which states that the area, as specified in the certificate holder's operations specifications, is an isolated area as determined by the certificate-holding Flight Standards district office if it is shown that the primary means of navigation in the area is by pilotage, since radio navigational aids are largely ineffective, and the primary means of transportation in the area is by air. Before approving the area as an isolated area, the Flight Standards district office ascertains that the entire operation, that is, takeoff, en route travel, and landing, will be conducted within the area.

Section 135.243(d)(4) provides that pilots in command not holding instrument ratings may operate within isolated areas during day, VFR conditions with a ceiling of not less than 1,000 feet and visibility not less than 3 statute miles. Two commenters propose that the visibility restriction be changed to 1 statute mile visibility and that the flight be conducted clear of all clouds since most operations are in noncontrolled airspace. The FAA disagrees. Section 135.205(a) prohibits operations under VFR in uncontrolled airspace when the ceiling is less than 1,000 feet and flight visibility is less than 2 statute miles. This applies to all operations under Part 135. The FAA sees no reason to lessen this requirement. The 3-mile visibility minimum is necessary because it would allow noninstrument-rated pilots additional time to maneuver to alternate landing areas in the event of deteriorating weather in the isolated area. Therefore § 135.243(d)(4) is adopted as proposed.

Section 135.243(d)(5) is adopted as proposed in the notice. This provides that an operation may be conducted when weather reports or forecasts, or any combination of them, indicate that for the period commencing with the planned departure and ending 30 minutes after the planned arrival at the destination, the flight may be conducted under VFR with a ceiling of not less than 1,000 feet and visibility of not less than 3 statute miles. However, if weather reports or forecasts are not available, the pilot in command may use that pilot's observations or those of other persons competent to supply weather observations if those observations indicate the flight may be conducted under VFR with the ceiling and visibility required in this paragraph.

One commenter interprets the proposal to mean that all weather briefings and forecasts must come from local General Aviation District Office (GADO) facilities rather than Flight Service Stations or local forecasting facilities. This interpretation is incorrect. This rule does not change the provisions of § 135.213(a) regarding weather reports and forecasts. These reports and forecasts are not available at GADO's. The provisions for weather reports and forecasts are incorporated in § 135.243(d)(5) to ensure the proper preflight planning to conduct the flight during VFR weather conditions with a ceiling of not less than 1,000 feet and visibility of not less than 3 statute miles. The use of pilot observations or those of other persons competent to supply weather information may also be used when the official reports and forecasts are not available.

Proposed § 135.243(d)(7) limited the distance of each flight from departure point to destination to 250 nautical miles for a pilot in command who holds a commercial pilot certificate with an airplane category rating issued before February 1, 1973, without an instrument rating, or 50 nautical miles in the case of a pilot in command who holds a commercial pilot certificate with an airplane category rating issued after January 31, 1973, without an instrument rating. However, some commercial pilot certificates were issued without instrument ratings and without mileage limitations after February 1, 1973, in accordance with §§ 61.1 and 61.71. The FAA determined that these pilots should be included in the amendment. The amendment allows operation where the distance of each flight from the certificate holder's base of operation to destination does not exceed 250 nautical miles by a pilot who holds a commercial pilot certificate with an airplane rating without an instrument rating, provided that pilot's certificate does not contain any limitations to the contrary.

Two commenters state that the 250-nautical-mile restriction on distances is acceptable since pilots cannot possibly be familiar with areas outside this limit. Two other commenters disagree and feel that the distance restriction should be relaxed since initial certification training requires longer flights. One commenter asks if 250 nautical miles is good, why not 300 miles or 400 miles? The FAA recognizes that some commenter may believe that a limitation other than 250 miles may be more appropriate. However, it is clear that some limit must be given in this rule. No commenter provided quantitative data to support any other mileage limitation. The 250-nautical-mile limit is approximately 2 hours flight time in the airplanes used in these operations. Operations conducted within this limitation would minimize the effects of rapidly changing weather conditions and more likely result in the pilot in command having sufficient knowledge of the area of operations. The FAA has determined that limiting flights to 250 nautical miles from the certificate holder's base of operations provides an acceptable level of safety. A base of operation can be the certificate holder's main base or one or more bases established at the locations more convenient to the isolated area to be served. The approval of the certificate-holding district office is necessary before establishing or changing the area of operation. Proposed § 135.243(d)(7) is redesignated § 135.243(d)(6) to provide a more logical listing and is adopted with the changes discussed.

Section 135.243(d)(7) (proposed (d)(6)) allows pilots in command to operate without the instrument rating when the areas to be flown are approved by the certificate-holding FAA Flight Standards district office and are listed in the certificate holder's operations specifications. Notice 80–23 proposed approval of routes to be flown. One commenter states that approval on every individual route is impractical due to the numerous routes connected with on-demand charter operations. The FAA

would be unable to approve each route in on-demand operations since these could involve thousands of different variations. Another commenter states that all deviations from the instrument rating rule should be handled by the local GADO. The FAA concludes that the certificate-holding office should have approval authorization of these operations and should approve specific areas of operations subject to review by the regional office. In addition, while Notice 80–23 did not specify what method was to be used for approval of operations by the FAA, it is determined that the areas of operation should be listed in the certificate holder's operations specifications. Therefore, proposed § 135.243(d)(6) is redesignated § 135.243(d)(7) and is adopted with these changes.

§ 135.297 Pilot in Command: Instrument Proficiency Check Requirements.

§ 135.297(b) provides that only those instrument approach procedures which the certificate holder desires to use are required to be demonstrated. Thus, each certificate holder would determine from the characteristics of its operation which procedures it needs. This amendment relaxes requirements and provides the air taxi operator flexibility in electing the kinds of approaches authorized. The certificate holder may elect to use only one kind of approach or several, whatever suits its operation. Safety is maintained by requiring the certificate holder to provide initial and recurrent training for each type of approach to be used. This ensures that each pilot receives flight training to proficiency, as specified in § 135.341(a), on each type of procedure to be used. Therefore, the proposed requirement that training for all instrument approach procedures to be used by the certificate holder should be included in the certificate holder's initial and recurrent training program is repetitive and is deleted. The operator is issued operations specifications which contain the instrument approach procedures authorized.

One commenter opposes the change because, by virtue of the type of flying conducted, an operator will be executing instrument approaches to many different navigational aids. The commenter contends that by allowing an operator to select only those approaches that would normally be used in its operation, it is conceivable that a pilot could be forced to execute an approach he or she is not authorized to use because the kind of approach the pilot planned to use was out of service at the destination. This proposal was initiated because of numerous certificate holders located at airports where an ILS/NDB is not available and a substantial cost is involved in demonstrating ILS, NDB, and VOR approaches. The amendment provides flexibility in the rule. Operators will have to plan IFR flights carefully to handle the possibility of a facility being out of service.

The previous rules required each pilot in command to demonstrate satisfactorily at least one instrument approach using an ILS, a VOR, and an NDB facility before a letter of competency is issued to that pilot authorizing IFR operations. Some air taxi certificate holders contend that the requirement is too restrictive, especially if they have no need to use these approaches and the nearest facility is located a significant distance from a certificate holder's base of operations.

To ensure an adequate level of safety, § 135.297(b) allows a pilot to use only those precision approach procedures satisfactorily demonstrated. To use any nonprecision instrument approach procedure, a pilot is required to demonstrate satisfactorily that procedure or any other two nonprecision instrument approach procedures. One commenter was unsure as to the identification of nonprecision approaches. Examples of nonprecision approaches are localizer, localizer (back course), VOR, VOR–DME, NDB, and ASR.

As proposed in Notice 80–23, § 135.297(h) is deleted. The certificate holder is required by § 135.63 to maintain records showing the qualifications of its pilots and to designate operations its pilots are authorized to conduct. This includes the types of instrument approach procedures and facilities authorized and pilot-in-command autopilot authorization. Therefore, § 135.297(h) is not needed. Section 135.297(a) is modified to delete the requirement for a letter of competency.

Economic Analysis

The FAA conducted an economic impact study to determine the benefits and costs of the pilot-in-command qualifications and instrument proficiency check requirement revisions for Part 135 certificate holders. The study is included in the regulatory docket for this final rule.

The FAA found that both industry and the FAA would be affected by the regulatory changes. Expected benefits are cost savings. These cost savings include lower fuel expenses resulting from fewer required instrument training and instrument check flights. Costs include the potential operator's insurance premium reductions if affected pilots had their instrument ratings and the additional FAA workload necessary to issue appropriate operations specifications to operators using pilots without instrument ratings. Neither the FAA nor the industry would incur any additional costs as a result of the changes to the rules on instrument proficiency checks. Finally, the FAA found that the impact on the U.S. economy will be extremely small. The number of certificate holders affected by the changes is small in comparison with the total number of certificate holders. However, the regulatory changes could result in significant time and cost savings to those individuals affected by the pilot-in-command revisions. Therefore these revisions carry out the intent of the Regulatory Flexibility Act by reducing the regulatory burden for essentially small air taxi operators which provide unique service to remote areas of the United States.

To determine the economic impact of the changes to the instrument rating requirement of § 135.243, the FAA surveyed its regional offices and reviewed requests for extension of the compliance date. As a result of the survey, the FAA concludes that there are no more than 100 pilots who would be affected by this rule. Cost savings to the pilots were estimated by multiplying the average number of additional hours of training required for them to obtain instrument ratings by the average training cost per hour, and adding to that total the present value of the potential revenue loss resulting from not being able to fly without an instrument rating. Industry costs are potential operator insurance premium reductions if affected pilots obtained instrument ratings. An operator must pay a risk insurance premium for pilots without instrument ratings. A survey of aviation insurers indicates that operators' insurance premiums would be reduced if they utilize pilots holding instrument ratings. Industry costs were estimated by multiplying the insurance premium risk differential by the number of affected pilots. The present value of these costs was determined because industry costs will accrue each succeeding year an operator uses a pilot without an instrument rating. These costs represent a "worst" case. Actual industry costs may be lower. FAA costs were estimated by calculating the administrative costs required to issue an operations specification and multiplying this figure by the approximate number of Part 135 operators who would request such an action. A major portion of the cost to the FAA would be offset by not

having to process petitions for exemption. The operator's costs to prepare for and travel to a meeting at the certificate-holding Flight Standards district office to get an operations specification were assumed to be insignificant and much less than the cost savings they would accrue.

To calculate the economic benefits of the pilot-in-command instrument proficiency check requirement revisions, the FAA first estimated the percentage of the total certificated commercial pilots who would not have to demonstrate ILS, VOR, and NDB approaches. It estimated that a maximum of 10 percent of the total certificated commercial pilots would be in this category. For the purpose of this analysis, the FAA judged the ILS proficiency check as the most likely check to be foregone. In many cases, an ILS is very far from an affected operator's base. The cost savings to affected operators will result from eliminating the expenses for aircraft operation and pilot time needed for an instrument proficiency check. The present value of the cost savings was determined because an ILS check is required twice a year and a certificate holder who elects not to use ILS approaches will not only accrue cost savings in the year the revision becomes effective but also in each succeeding year. In addition, FAA would save the cost of the administrative time used to perform and rate an instrument proficiency check.

The results of the FAA economic study demonstrate that the savings to affected Part 135 operators, pilots, and Federal Government will exceed any costs incurred in implementing either rule. These savings are summarized in the following table:

Summary of the Present Value of the Economic Impact of Part 135 Pilot-In-Command Revisions

	Benefits	Costs
PIC qualification:		
Industry	$450,000	$127,200
Government		2,500
Total	450,000	129,700
PIC instrument check:		
Industry	3,208,210	
Government	326,895	
Total	3,535,105	

The Amendement

Accordingly, Part 135 of the Federal Aviation Regulations (14 CFR Part 135) is amended as follows, effective June 11, 1981.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

1. By amending § 135.243 by adding a new paragraph (d) to read as follows:

§ 135.243 Pilot-in-command qualifications.

* * * * *

(d) Paragraph (b)(3) of this section does not apply when—

(1) The aircraft used is a single reciprocating-engine-powered airplane;

(2) The certificate holder does not conduct any operation pursuant to a published flight schedule which specifies five or more round trips a week between two or more points and places between which the round trips are performed, and does not transport mail by air under a contract or contracts with the United States Postal Service having total amount estimated at the beginning of any semiannual reporting period (January 1-June 30; July 1-December 31) to be in excess of $20,000 over the 12 months commencing with the beginning of the reporting period;

(3) The area, as specified in the certificate holder's operations specifications, is an isolated area, as determined by the Flight Standards district office, if it is shown that—

(i) The primary means of navigation in the area is by pilotage, since radio navigational aids are largely ineffective; and

(ii) The primary means of transportation in the area is by air;

(4) Each flight is conducted under day VFR with a ceiling of not less than 1,000 feet and visibility not less than 3 statute miles;

(5) Weather reports or forecasts, or any combination of them, indicate that for the period commencing with the planned departure and ending 30 minutes after the planned arrival at the destination the flight may be conducted under VFR with a ceiling of not less than 1,000 feet and visibility of not less than 3 statute miles, except that if weather reports and forecasts are not available, the pilot in command may use that pilot's observations or those of other persons competent to supply weather observations if those observations indicate the flight may be conducted under VFR with the ceiling and visibility required in this paragraph;

(6) The distance of each flight from the certificate holder's base of operation to destination does not exceed 250 nautical miles for a pilot who holds a commercial pilot certificate with an airplane rating without an instrument rating, provided the pilot's certificate does not contain any limitation to the contrary; and

(7) The areas to be flown are approved by the certificate-holding FAA Flight Standards district office and are listed in the certificate holder's operations specifications.

2. By amending § 135.297 by removing paragraph (h) and by revising paragraphs (a) and (b) to read as follows:

§ 135.297 Pilot in command: instrument proficiency check requirements.

(a) No certificate holder may use a pilot, nor may any person serve, as a pilot in command of an aircraft under IFR unless, since the beginning of the 6th calendar month before that service, that pilot has passed an instrument proficiency check under this section administered by the Administrator or an authorized check pilot.

(b) No pilot may use any type of precision instrument approach procedure under IFR unless, since the beginning of the 6th calendar month before that use, the pilot satisfactorily demonstrated that type of approach procedure. No pilot may use any type of nonprecision approach procedure under IFR unless, since the beginning of the 6th calendar month before that use, the pilot has satisfactorily demonstrated either that type of approach procedure or any other two different types of nonprecision approach procedures. The instrument approach procedure or procedures must include at least one straight-in approach, one circling approach, and one missed approach. Each type of approach procedure demonstrated must be conducted to published minimums for that procedure.

* * * * *

(Secs. 313(a) 601 through 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1425); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—The FAA has determined that this regulation relaxes requirements for certain operators. It therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant regulation" under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The regulatory evaluation contained in the docket shows that this rule relieves an economic burden on certain small entities. A copy of the evaluation may be obtained from the person indentified under the caption "For Further Information Contact."

Issued in Washington, DC, on May 11, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-17300 Filed 6-10-81; 8:45 am]

BILLING CODE 4910-13-M

V
4
6
J
E
1
1
8
1
UMI

federal register

Thursday
June 11, 1981

Part III

Department of Transportation

Federal Highway Administration

Motor Carriers; Minimum Levels of Financial Responsibility

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC-94; Amdt. No. 81-3]

Minimum Levels of Financial Responsibility for Motor Carriers

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This document establishes minimum levels of financial responsibility for for-hire motor carriers of property involved in interstate or foreign transportation and for motor carriers transporting hazardous materials in intrastate or interstate commerce, in accord with the provisions of Section 30 of the Motor Carrier Act of 1980, and further provides for the implementation and enforcement of the standards set forth.

DATE: The rule is effective on July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Bureau of Motor Carrier Safety (BMCS), (202) 426–9767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, (202) 426–0346, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA has determined that this document is a major proposal under Executive Order 12291 and that this rulemaking action is considered to be significant under the DOT's regulatory policies and procedures. The requirement to conduct a regulatory impact analysis prior to promulgation was waived by OMB since their review found this final regulation consistent with the principles of Executive Order 12291. A regulatory evaluation and a regulatory flexibility analysis are available for inspection in the public docket and may be obtained by contacting Mr. Gerald J. Davis of the program office at the address specified above.

Background

On July 1, 1980, the President signed the Motor Carrier Act of 1980, Pub. L. 96–296. Section 30 of the Act prescribes that minimum levels of financial responsibility be set for for-hire motor carriers of property involved in interstate or foreign transportation and for the transportation of hazardous materials in intrastate and interstate commerce. The Act limits the applicability of these requirements to motor vehicles having a gross vehicle weight rating of 10,000 pounds or more.

The Act establishes minimum dollar levels of financial responsibility that must be met by affected persons 1 year from the date of enactment of the Act unless the Secretary of Transportation issues regulations that require higher or lower levels.

The Secretary's authority to reduce those levels is limited. The statute generally precludes the Secretary from reducing the minimum levels below specified levels and generally provides that the authority to impose reduced levels applies only to a period of up to 2 years beginning either on (1) the effective date of the rule, provided that the rule is made effective within 1 year after enactment, or (2) the 366th day after enactment, provided that the rule is made effective 1 year after enactment or later. The period of time is herein referred to as a 2-year "phase-in period."

The purpose of the financial responsibility provisions of the Motor Carrier Act of 1980 is to create incentives for the motor carrier industry to focus on the safety aspects of highway transportation and to assure the general public that a motor carrier maintains an adequate level of financial responsibility sufficient to satisfy claims covering public liability and environmental restoration liability. The legislative history of Section 30 indicates a congressional belief that increased financial responsibility will lead to improved safety performance as unsafe motor carriers will incur higher premiums than safe carriers, or will be unable to obtain coverage. The Congress expected that motor carriers which maintain high levels of safety would be evaluated in a favorable light by insurance or surety companies. Since generally the premiums that insurance or surety companies actually charge are directly related to the insured motor carrier's record of loss experience, the minimum levels of financial responsibility for public liability, property damage, and environmental restoration required in the Act should initiate a new and major focus on motor carrier safety.

The BMCS published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on Thursday, August 28, 1980 (45 FR 57676). An errata notice appeared in the September 8, 1980, issue of the **Federal Register** (45 FR 59177) to correct two words that originally appeared on 45 FR 57676. The ANPRM set forth a series of 23 questions for the purpose of gathering information aimed at assisting the FHWA in the promulgation of reasonable and comprehensive regulations in the area of motor carrier financial responsibility and in the development of a report for the Secretary of Transportation to submit to Congress. Responses to the ANPRM numbered 114 and represented segments of the motor carrier industry, including representative associations, as well as the insurance industry and its representative associations, State insurance commissions, Federal government agencies, and other interested persons.

A Notice of Proposed Rulemaking (NPRM) was subsequently published in the **Federal Register** on Monday, January 26, 1981 (46 FR 8186). The NPRM discussed the comments on the ANPRM, asked for responses to 11 specific questions concerning intercorporate hauling and tow truck operations, and set forth proposed rules for minimum levels of financial responsbility for motor carriers. Approximately 345 responses to the NPRM were received from a wide variety of respondents as shown below.

1. Motor carriers
2. Motor carriers of hazardous materials
3. Shipper associations
5. Independent owner-operators
6. Transportation consultants
7. Insurance companies
8. Insurance associations
9. Insurance consultants
10. Trucking associations
11. Leasing companies
12. Government agencies
13. U.S. congressional representatives
14. Hazardous materials manufacturers
15. Other interested persons

The following is a discussion of the final rule.

Purpose, Scope and Applicability (§§ 387.1 and 387.3)

These rules apply only to motor vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or more. Congress, in subsection (f) of section 30 of the Motor Carrier Act of 1980, specifically exempted vehicles weighing less.

The minimum levels of financial responsibility, covering public liability, property damage, and environmental restoration liability, applies to for-hire motor carriers operating motor vehicles transporting nonhazardous property in interstate or foreign commerce. The term "for-hire motor carrier" includes motor carriers operating under certificates of permits issued by the Interstate

Commerce Commission (ICC), certain motor carriers involved in intercorporate hauling, which is discussed further below, and for-hire motor carriers that are exempt from the ICC's economic regulations (49 U.S.C. 10523, 10525, and 10526). It was the intent of Congress to exclude intrastate transportation and private carriage from these requirements when transporting nonhazardous materials (H.R. Rept. 96–1069, p. 43).

The NPRM stated, "the legislative history of section 30 indicates a congressional belief that increased financial responsibility will lead to improved safety performance as unsafe motor carriers will incur higher premiums than safe carriers, or will be unable to obtain coverage." Numerous commenters took exception to the congressional belief stated above. The American Insurance Association (AIA) whose membership, it claims, writes 41 percent of all motor carrier coverage, made the following statements which generally sum up the position taken by the other respondents.

"The congressional belief is not substantiated by the facts. Individual insurers can refuse to voluntarily provide coverage based on objectively poor accident history, financial instability or failure to meet prescribed safety standards. However, all motor carriers have access to insurance. Every jurisdiction provides for the assignment of risks through a residual market mechanism (commonly referred to as assigned risk plans) * * * It must be emphasized that anyone, regardless of accident history or financial stability, must be provided insurance protection for the limits and coverages required by law. There are only two conditions that would preclude coverage through a residual market plan:

—Failure to maintain a valid operator's permit; and

—Failure to pay premium.

Based on this factual observation, the congressional belief that motor carriers will be unable to obtain coverage is incorrect.

"The second premise of congressional intent was that 'unsafe carriers will incur higher premiums.' This belief, likewise, is not factual in all instances. All rate levels upon which premiums are based in the residual market are subject to the *prior approval* of the individual State insurance regulators.

"In several states the residual market rate levels are competitive with or lower than the voluntary market rate level. (For example, in New Jersey the residual market rate level is 20.4% below that of the ISO (Insurance Services Office); in New York 9.5% below; in Virginia 20.6% below; in Wisconsin 17.2% below.) Whether politically or socially motivated, the residual market rate level is artificially depressed, resulting in a real world situation that is not attune with the congressional belief."

No comments were received to contradict this statement. It should be noted, however, that the majority of the State residual market rate levels are higher than those of the voluntary market. Thus it is believed that there is some incentive, though perhaps to a lesser degree than originally contemplated, that will lead to improved safety performance. Subsection (e) of Section 30 requires the Secretary to submit a report to Congress upon the regulations issued under section 30. This concern will be addressed in that report.

The Travelers Insurance Companies, in a comment received on April 13, maintained that section 30(b)(3)(B) granted to the Secretary the authority to reduce, for any amount of time, the amount of financial responsibility which must be maintained in the case of any vehicle transporting nonbulk hazardous material in intrastate commerce, if the Secretary finds that such reduction will not adversely affect public safety. The Travelers stated its belief that no Federal financial responsibility requirement should be imposed on this class of carrier.

We agree that the Act does grant the Secretary the authority to reduce, for any amount of time, the amounts of financial responsibility required for the intrastate carriage of nonbulk hazardous materials. The Congress was concerned that the Secretary exercise the authority granted under section 30(b)(3)(B) so, "* * * that local operations dealing with only small quantities of hazardous materials will not be unduly burdened." (H.R. Rept. 96–1069, page 44.) The Department is also concerned that many persons who fall into this category have never before been subject to Federal regulation (farmers, plumbers, paint store dealers, florists, and the like). While this class would include motor carriers who may or may not be subject to State regulation, the class also contains large numbers of "private" carriers. This latter group, we note, would share many of the characteristics of private carriage noted in the discussion regarding intercorporate hauling located elsewhere in this statement (i.e., nontransportation assets which serve as an incentive to operate safely and as a source for compensation). The large majority of States prescribe minimum levels of financial responsibility for the operation of motor vehicles. Such requirements would be applicable to the intrastate carriage of nonbulk hazardous materials. In a few States (5 States and the District of Columbia according to BMCS' information), no levels of financial responsibility applicable to commercial motor vehicles have been established. However, it can be assumed that in such States the lack of such a requirement has been an affirmative action on the part of those States representing their assessments that the public safety in their State is assured in other ways.

It is therefore believed that, as to intrastate carriage of nonbulk hazardous materials, existing State laws and requirements adequately protect the public safety in those States and variations amongst such State requirements reflect the considered judgments of the respective State legislatures. Consequently, it has been decided to use the authority under section 30(b)(3)(B) to effectively exempt intrastate carriers of nonbulk hazardous materials from this rule.

It is recognized, however, that this issue was raised late in the rulemaking process and, due to the constraints of time imposed by the Motor Carrier Act, has not been the subject of additional public participation. The Bureau, therefore, specifically solicits comments, data, and information on:

1. Whether intrastate carriers of nonbulk hazardous materials should be required to maintain federally established minimum levels of financial responsibility.

2. If so, what levels should be established for such carriers?

3. Should differing classes of intrastate carriers be treated differently?

4. If so, what distinctions (for-hire vs. private carriage, regulated vs. nonregulated, subject to State requirements vs. not so subject) should form the basis for differing treatment?

5. Any other comments bearing on the Secretary's exercise of the authority provided by section 30(b)(3)(B).

Comments and information received in response to this request will be incorporated, as appropriate, in the Secretary's report to the Congress pursuant to section 30(e) and will also be used to determine whether a new rulemaking action should be initiated to assure the public safety while further assuring, ". . . that local operations dealing with only small quantities of hazardous materials will not be unduly burdened." (H.R. Rept. 96–1069, page 44.)

Definitions (§ 387.5)

As used in this part, there are 15 definitions included in these rules. A

few of them require the presentation of background information in order to understand fully the underlying rationale of the definitions.

Several commenters, representing the interests of the insurance industry, suggested the addition of three definitions that were not proposed in the NPRM. The commenters stated that definitions of the word *"accident"*, and the terms *"bodily injury"* and *"property damage"* were needed to clarify the intent of the required endorsement (Form MCS–90). These definitions have been added to the final rule.

Cancellation of insurance—The definition remains the same as it was proposed in the NPRM. However, it should be noted that the required endorsement (Form MCS–90) may be canceled without canceling or terminating the policy of insurance. (See discussion of § *387.7* below)

Endorsement—An endorsement is an amendment to a policy of insurance. The endorsement is a prescribed form (Form MCS–90) and must be attached to the policy of insurance and be maintained at the motor carrier's principal place of business. The NPRM would required motor carriers to secure a single endorsement for the liability amounts set forth in these rules in order to satisfy the requirements of these rules. The proposed language effectively precluded aggregation of the required amounts of financial responsibility by motor carriers. Several commenters argued that to disallow aggregation would be a disservice to the motor carriers as well as to many of the insurance companies serving them. Their rationale included the following points:

1. Paragraphs (d)(1) and (d)(2) of Section 30 of the Motor Carrier Act of 1980 clearly place the responsibility for maintaining adequate amounts of financial responsibility coverage on the motor carrier. Allowing aggregation would go a long way toward reducing the burden of the regulation by leaving to negotiation, between the motor carrier and the insurance industry, how the motor carrier will secure the full amount of financial responsibility required.

2. Many small and medium-sized insurance companies who now provide coverage for regulated or private carriers are either unable or unwilling to certify large dollar amounts of coverage.

3. Several States limit the amount of coverage that a company may write to 10 percent of the company's surplus (policy holder premium retention). Aggregation would allow insurance companies with surpluses between $10 and $50 million to continue to write coverage for motor carriers not hauling highly hazardous materials and would allow them to provide a first layer of coverage for carriers of highly hazardous materials.

4. If a substantial number of insurance companies withdraw from the motor carrier market because they are either unable or unwilling to provide limits up to $5 million (the amount of coverage required by statute for the carriage of highly hazardous materials after July 1, 1983), many of the smaller motor carriers currently insured voluntarily by small insurance companies may be forced to seek coverage from the involuntary market (assigned risk plans). The involuntary market is subsidized by the voluntary market and the subsidy must be passed through in the form of higher costs for motor carriers insured voluntarily, and ultimately to the public.

5. Allowing aggregation will keep many small and medium-sized insurance companies in the motor carrier marketplace, thereby enhancing competition.

The arguments presented have merit and no arguments to the contrary were received. Therefore, section 387.7(d)(1) of this part has been changed, as has been the endorsement, to allow aggregation of the required amounts of financial responsibility.

The NPRM gave notice that the BMCS and the ICC were working closely in an attempt to develop both an endorsement form and a surety bond form that could be used by both agencies, the insurance companies, and the various States with no disruption in their methods of operation. It was further stated that should the proposed modifications be adopted, no additional paperwork would be required when initiating a new filing of a policy of insurance for a motor carrier operating under ICC authority.

The endorsement that appeared in the NPRM contained the following language—

> The Company certifies that the insured has represented that the transportation operations conducted are adequately described under subparagraph — above and that said insured has a policy in force in single limit amounts of at least $.

The ICC would not accept such language in the proposed endorsement form or in the proposed surety bond form. It is their contention that language of this nature limits the public's protection. The ICC further stated:

> The provision serves no purpose except to limit an insurance company's liability in instances where there is a dispute as to the amount of insurance required for the actual operation of the carrier in contrast to the amount of insurance in the policy based upon the carrier's description of its operations. * * * The purpose of the endorsement is to give full security for the protection of the public up to the limits prescribed. The public should be permitted to rely upon the protection of the endorsement.

As stated previously, paragraphs (d)(1) and (d)(2) of Section 30 of the Motor Carrier Act of 1980 clearly place the responsibility for maintaining adequate amounts of financial responsibility coverage on the motor carrier. Clearly stating what the insurer's limit of liability will be in the endorsement will not mitigate the protection afforded the public in any way. Continuing the ICC policy of holding the insurer responsible, irrespective of the motor carrier's action, would be tantamount to regulating the insurance industry. Clearly, we do not have that authority. Further, Congress established a "tiered" system to require various levels of financial responsibility based on commodities transported by the motor carrier. The commenters representing the insurance industry have made it very clear that without a limiting clause in the endorsement and surety bond form, they would have no choice but to write policies of insurance and surety bonds at the maximum level of $5 million and refuse to underwrite any lesser amount. This action would effectively negate the congressional intent to "tier" the required coverage and would create an economic hardship on the small motor carriers and small insurance companies. Language limiting the insurer's liability will, therefore, appear on both the endorsement and the surety bond.

Environmental restoration—Commenters to the docket representing insurance companies and insurance associations took exception to the proposed definition that appeared in the NPRM. The AIA submitted comments which were endorsed by most of the respondents from the insurance industry. Its statement is as follows:

> The definition in the current rulemaking is all encompassing and overlaps the current protection afforded motor carriers. Coverage currently provides for "bodily injury" (defined as bodily injury, sickness or disease and includes death resulting from any of these) and "property damage" (defined as damage to or loss of use of tangible property). We believe that the addition of liability for "environment restoration" is intended to clarify that coverage. The current protection covers damage to natural resources, e.g. the oil spill is cleaned up. The definition advanced in the rulemaking would have environmental restoration afford protection for: loss of income, impairment of earning capacity, out-of-pocket medical expense, burial costs, and damage to real or personal property—all of which are encompassed in

bodily injury damage. The rulemaking would create a new liability system. Environmental restoration must be a coverage that falls within the purview of the current liability systems; it must not create the liability * * *.

The definition of environmental restoration should be limited to provide coverage "to restore the environment." The term environment (as defined by Webster) means "the complex of climatic, edaphic (of or relating to the soil), and biotic factors that act upon an organism or an ecological community and ultimately determine its form and survival." The intent of environmental restoration is to clarify protection of those natural resources that affect and determine the course of living creatures.

The comments submitted have merit and are reflected in the revised definition. Additionally, it is believed that Congress intended "environmental restoration" liability coverage to be limited to restitution for the loss, damage or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, water course or body of water of *any commodity transported by a motor carrier.*

Several commenters voiced concern about the interrelationship of Section 30 of the Motor Carrier Act of 1980 and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (Pub. L. 96–510) (Superfund). The commenters were fearful of the potential for duplication and stacking of limits under both Acts. Section 108(b)(5) of Pub. L. 96–510 clearly precludes that possibility with the following language:

> The requirements for evidence of financial responsibility for motor carriers covered by this Act shall be determined under Section 30 of the Motor Carrier Act of 1980, Pub. L. 96–296.

For-hire carriage—The NPRM proposed to subject intercorporate hauling of property to the requirements of these rules applicable to for-hire carriage of nonhazardous materials regardless of whether such intercorporate hauling would be regulated by the ICC. (The carriage of hazardous materials is subject to section 30(b) without regard to whether it be by for-hire or private carriage.) Section 9 of the Motor Carrier Act of 1980 exempts from ICC regulation intercorporate hauling by one member of a corporate family for another member of that family when each member is 100 percent owned by the parent, provided the parent corporation notifies the ICC of its intent to provide such transportation, a notice to that effect is published in the **Federal Register**, and a copy of such notice is carried in the cab of all vehicles conducting such transportation.

In response to the ANPRM, the Private Carrier Conference, Inc., (PCC) of the American Trucking Associations, Inc. commented that intercorporate hauling between corporations with 100 percent common ownership should be considered private carriage for the purposes of section 30 of the Motor Carrier Act of 1980. This comment, as well as the reasons for our proposal, were discussed in detail in the NPRM (46 FR 8186, 8188). The PCC has not responded to the NPRM. However, other comments have been received on this subject. The National Industrial Traffic League (NITL) and the Private Truck Council of American (PTCA) both opposed the inclusion of this type of intercorporate hauling under the coverage of these rules. Essentially, PTCA repeats the arguments offered by the PCC and discussed in the preamble to the NPRM. These arguments are based primarily on its reading of the legislative history of section 9 of the Act.

The Bureau's view of the relevant legislative history has been set out in the NPRM and on this point remains unchanged. It is the position of the Bureau that the legislative history of section 9 makes clear that intercorporate hauling should be treated as private carriage for purposes of ICC regulation, but that the section does not address the issue of DOT safety regulation. Section 9 *does not* state that intercorporate hauling *is* private carriage, simply that such carriage is not subject to ICC regulation. In fact, section 9 requires intercorporate haulers to take certain actions in order to avail themselves of the exemption which private carriers need not take to avoid ICC regulation.

Other commenters including the American Trucking Associations, Inc. and the International Brotherhood of Teamsters, as well as a number of insurance companies, supported the proposal to include such intercorporate hauling under these rules. In fact, these latter commenters suggest that all private carriage should be included under these rules. Section 30(a) of the Motor Carrier Act of 1980 clearly precludes the inclusion of strictly private carriage. However, it is believed that intercorporate hauling which had been considered by the ICC as for-hire carriage prior to enactment of the Motor Carrier Act of 1980 and which now is exempted from ICC jurisdiction pursuant to an express provision in the Motor Carrier Act (section 9), should be, and was intended to be, covered by DOT's safety regulation under section 30. In this regard, we note that the Department's safety jurisdiction and the Federal Motor Carrier Safety Regulations (49 CFR Parts 390–399) promulgated under that jurisdiction extend to private carriage.

It is believed that Section 30(a)(1) was intended to apply equally to for-hire and intercorporate hauling situations. Clearly the scope of section 30 is beyond that which is regulated by the ICC. Notice, in point of fact, that section 29 of the Motor Carrier Act specifically provides that the ICC retains jurisdiction with respect to insurance over ICC regulated carriers; however the ICC is precluded from requiring levels of financial responsibility which are less than those established by the Secretary of Transportation pursuant to the provisions of section 30. It is believed that the legislative history of section 30, as discussed more fully in the NPRM indicates the intent of the Congress that the financial responsibility requirements established pursuant to section 30 should reach broadly. It was the intent of the Congress that section 30 should serve to prevent a deterioration in safety which some had argued would occur as a result of the freer entry permitted under the Motor Carrier Act. As a remedial legislative measure section 30 should be interpreted broadly.

Furthermore, it is believed that it is equitable to treat intercorporate hauling similarly to for-hire carriage. This will serve to keep these two segments of the industry on a relatively equal footing in this one respect. The NITL indicates that there is a strong policy consideration suggesting that section 30(a) should not be applied to "compensated intercorporate hauling." This argument appears to be based upon the example of cargo liability. The point appears to be that Federal requirements in that area are unnecessary because the "carrier" is carrying for itself and can best guard against cargo loss. Section 30 does not deal with cargo liability and the public to be protected shares no such special relationship with any segment of the industry whether injured by a for-hire, private, or intercorporate carrier. The NITL's assertion that "these firms (intercorporate haulers) already carry insurance coverages in the normal operation of their business, just as private carriers carry the necessary insurance," is not supported by the NITL submission and does not address the problem discussed below.

The Bureau's view is that there is a stronger policy consideration for the purposes of section 30, in treating intercorporate hauling similar to for-hire carriage rather than to private carriage. In the instance of a public liability insurance requirement it must be

remembered that there is an important distinction between carriage by one member of a corporate family for another member of that corporate family and carriage by a division of a company for that company.

Private carriage is that carriage performed by a nontransportation service entity. In the case of private carriage, liability which may attach to the entity as a result of a commercial motor vehicle accident could be satisfied from the nontransportation assets of the entity. In the instance of intercorporate hauling, the entity has divided itself into separate corporate entities. Regardless of the other beneficial reasons for adopting such a structure, one result, in some instances, could be to shield the parent and other subsidiaries from liability for the claims against the transportation unit. In this regard, intercorporate hauling is more like for-hire carriage than private carriage. For this reason, the Bureau's position is that there is a stronger policy argument in the area of public liability insurance for maintaining that intercorporate hauling should be treated as for-hire carriage rather than private carriage.

Lastly, with respect to policy considerations, the Bureau notes that as a safety matter it is irrelevant whether a commercial motor vehicle is owned and operated by a for-hire carrier, an intercorporate hauler, or a private carrier. While section 30(a) is clear that its provisions do not extend to private carriers, section 30(e) of the Act specifically requires the Secretary to report to the Congress making recommendations with respect to the need for further legislation related to financial responsibility. While the Secretary has not yet completed this report nor formulated any recommendations to accompany it, the issue of the private carriage exemption will be addressed. The analysis above, however, may well explain why Congress exempted private carriage from the requirements of section 30(a). It is the position of the Bureau in this rulemaking simply to state that, as currently drafted, and given the current information available to the Bureau, it makes more sense to treat intercorporate haulers as for-hire carriers rather than private carriers.

In bulk—To eliminate any misunderstanding of the term *"in bulk"*, the proposed interim definition of *"in bulk (except Class A and B explosives)"* now means the transportation, as cargo, of property in containment systems with capacities in excess of 3,500 water gallons. This change now coincides with the language of Section 30 and the intent of the Congress. The term *"in bulk (Class A explosives)"* has been interpreted to include Class B explosives as well, and the interim definition has been eliminated. The potential danger presented by both Class A and Class B explosives is well known. The DOT's hazardous materials regulations require that motor vehicles transporting either class of explosives, in any quantity, be placarded. In line with this rule and in the interest of satisfactorily protecting the public, the term *"in bulk (Class A and B explosives)"* will mean the transportation, as cargo, of any Class A and B explosive(s) in any quantity.

Public liability—The definition as proposed in the NPRM has been changed to encompass the necessary and reasonable protection required under the Act for bodily injury, property damage, and environmental restoration. By redefining the term *"public liability"* as it now appears in the rule, the intent of the required endorsement (Form MCS–90) is made clear.

Financial Responsibility Required (§ 387.7)

Congress clearly mandated that no motor carrier subject to the Act will operate a motor vehicle until the motor carrier as obtained and has in effect the minimum levels of financial responsibility as required by the Secretary.

The NPRM rules would have required simultaneous cancellation of the endorsement (Form MCS–90) and the policy to which it is attached. This requirement has been deleted from the final rule to ease the burden on private motor carriers who may cease transporting hazardous materials for any of several reasons (e.g., a private motor carrier may cease to manufacture or process the hazardous materials or the motor carrier may hire another motor carrier for that part of its transportation needs). In those situations, a private motor carrier would no longer be subject to the rules of this part and, therefore, would no longer need the endorsement, but it may possibly still need a policy of insurance or surety bond to comply with State requirements.

The NPRM also proposed a 30-day cancellation period to commence to run on the day that such notice is received by either party. The NPRM proposed the 30-day cancellation period based on the reporting requirements of the ICC. The ICC requires that an insurer file a cancellation notice with it, and that the 30-day cancellation period not commence until the notice is received by the ICC. This method serves as a source of verification of receipt. In comments received on the NPRM, and at a public meeting held with representatives of the insurance industry, it was suggested that a 35-day cancellation period be used. Since the BMCS has no reporting requirements such as the ICC's and only the insurer and the motor carrier are affected, the 35-day, rather than the 30-day, notice period is a reasonable alternative. The extra 5 days should guarantee, in most cases, that the notice is received 30 days prior to cancellation. As a reasonable protection to the insured and the insurer, a statement has been added that proof of mailing will be sufficient proof of notice.

Exception. The rule allows the motor carrier the right to obtain adequate coverage for a finite period of time (e.g. coverage by binder) to cover any lapse in continuous compliance without triggering the 35-day cancellation requirement. This will afford assurance that the public is protected.

Policies of insurance and surety bonds may be replaced by other policies of insurance or surety bonds. The liability of the retiring insurer or surety, as to events after the termination date, shall be considered as having terminated on the effective date of the replacement policy of insurance or surety bond or at the end of the 35-day cancellation period. It is felt that this will give motor carriers greater latitude to shop the insurance marketplace for better rates and/or services while still affording adequate protection to the public.

The regulations require that an endorsement(s) (discussed above) be attached to a policy of insurance for the purpose of providing notice to the general public that all criteria of Section 30 have been met.

A surety bond (Form MCS–82) could be obtained in lieu of a policy(s) of insurance and the required insurance endorsement(s) (Form MCS–90). The endorsement(s) and the surety bond form will alleviate the oftentimes confusing translation and interpretation of an insurance policy of surety bond because they provide a clearly written single page verification of the motor carrier's coverage. Additionally, it is believed that this requirement will not create a significant paperwork burden on the insurance industry, as it is estimated that the time required for an insurer to complete either the endorsement form or the surety bond form will be approximately 3 minutes. An estimated 200,000 carriers will come under these new regulations; of those, approximately 30 percent will, for one reason or another, cancel their policies or bond in any given year. Therefore, an

estimated 260,000 endorsements will be generated in the first year. Based on this formula, it is estimated that approximately 13,000 burdenhours will be required of the insurance industry to complete the paperwork requirements of this regulation.

The proof of financial responsibility, whether it be an endorsement(s) attached to a policy of insurance, or a surety bond, will be required to be maintained at a motor carrier's principal place of business. This proof must be available to the public for review upon reasonable request. Such availability meets the intent of Congress to provide protection to the public. It will also provide the assurance needed by an owner-operator leasing a motor vehicle to the motor carrier that the minimum levels of financial responsibility have been met by the motor carrier.

Financial Responsibility, Minimum Levels (§ 387.9)

The NPRM proposed a sliding schedule of limits based on the number of power units controlled by a motor carrier. That is, small carriers (those with four or fewer power units) were initially scheduled to be responsible for the lowest limits as prescribed in the Act for the first year. During the second year, it was proposed that these levels be adjusted upward to an intermediate level. At the end of the two-year phase-in period the limits mandated in the Act would be required.

The rationale for proposing that small carriers be allowed a graduated phase-in over two years was threefold:

1. In the Motor Carrier Act, the Congress directed the Secretary to consider the impact of the regulation on small businesses;

2. Congress recently passed the Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980; 5 U.S.C. 601 et seq.) which provides for a more flexible regulatory approach for small businesses; and

3. Comments received from small motor carriers and small insurance companies indicated that they would be forced out of business if faced with the highest limits immediately.

It was also indicated in the draft regulatory evaluation and the initial regulatory flexibility analysis that medium and small insurance companies may be forced to drop the business of underwriting liability coverage for motor carriers if the higher limits are imposed as of July 1, 1981. The primary reason for withdrawing from this area of underwriting would be the inability to secure sufficient reinsurance treaty protection at the higher limits. Also, certain States have requirements that preclude an insurance company from underwriting coverage in excess of 10 percent of its surplus (policyholder premium retention). These requirements might greatly curtail participation of medium and small insurance companies in the underwriting of motor carrier insurance.

As proposed in the NPRM, large motor carriers (those with five or more power units) were scheduled to carry the maximum limits as prescribed in the Act from the onset. The comments received from the large motor carriers in response to the ANPRM indicated that acquiring the coverage to meet the highest limits would present no problems nor would it cause a disruption of services. This proposal was further justified by comments received from the large insurance companies who initially indicated that they would have no problem providing the highest limits.

One commenter who took exception to the belief that the insurance industry could easily handle, from the onset, the highest limits was the AIA. In its comments, the AIA indicated that time was needed to prepare for the potential surge of new motor carriers requiring new limits of financial responsibility. It further explained that the two year phase-in was needed to make it possible for the insurance industry to move in the most orderly fashion possible toward meeting the coverage requirements of motor carriers with the smallest possible impact on either the motor carrier or insurance industries.

Comments filed in response to the NPRM indicated that, upon further research, the large insurance companies found that the impact may be greater than they had originally anticipated. In the comments received from the majority of large insurers, it is evident that there is a great deal of concern as to what impact the highest limits, if required, would have upon their industry.

The primary concern expressed by almost all insurance companies and representative associations was the need for more time to deal with the administration of the new regulations. It was made clear that the proposed regulation created confusion by differentiating between small and large motor carriers on the basis of the number of power units operated. Potential insurers stated that they would be unable to know on a daily basis whether an insured motor carrier has rented, leased or hired an extra power unit to meet some special demand of the business. In some cases the use of an extra power unit would change the motor carrier's status from small to large and would in turn increase the financial responsibility coverage required five-fold, from $1 million to $5 million in some instances. In response to this particular confusing issue, most insurance companies indicated that they would be forced to write policies for the highest limits so as to protect themselves from the unknown changes in their insured's status.

It was also requested by the insurance industry that the minimum statutory limits be adopted for the full two year period to minimize exposure from possible errors and omissions and to allow the industry time to establish operating parameters that would be within the scope of the Act.

Less than 10 percent of the trucking industry's 72 comments received in response to the NPRM generally favored the proposed schedule of limits. The American Trucking Associations Inc. (ATA) was among those favoring the proposed limits with the exception of the lowered limits for small carriers. In its comments, the ATA strongly urged the adoption of the highest limits for all carriers regardless of size. This argument was based upon several factors. The primary basis for their contention was the results of a questionnaire sent to 501 motor carriers in an effort to determine current insurance practices. A majority of the respondents to the survey indicated that they already have coverage equal to or greater than the highest limits prescribed by the Act.

The ATA also stated the belief that reduction of the statutory limits could affect the public safety and that such a reduction is not needed to prevent a serious disruption in transportation service. Finally, the ATA went on to point out that it is not a question of fleet size when an accident occurs on the highways, because generally only one of a motor carrier's vehicles is involved in each occurrence. As indicated in the comments from both the insurance and the motor carrier industries, the proposal to differentiate between large and small carriers did not meet with favorable response.

Due consideration was given to whether lowering the limits would affect the public safety, as suggested by the ATA. It was determined that, if any limits above the minimums were required and the insurance industry, as they have stated, could not provide the coverage, one of two things would happen; either, (1) many motor carriers would be forced out of business, or (2) they would risk driving without coverage. The latter is certainly not in the interest of public safety.

Consideration was also given to the question of whether a reduction of limits would prevent a serious disruption in transportation service. Based on the comments from the insurance industry and many small carriers (other than those in the ATA survey) it is evident that the implementation of any limits above the minimums would indeed have a serious affect on transportation service since the insurance industry is unable to provide the coverage and the small carriers maintain that they could not afford it.

It is deemed both reasonable and responsible to establish limits the insurance industry will be able to provide and motor carriers, large and small, will be able to afford. With all things considered, primarily the public safety, as intended by the Congress, the limits established by this rulemaking action will generally be the lowest levels permitted by the Act, for the full two-year phase-in period. By establishing the lowest limits, the public will be afforded protection which is substantially greater than required in the past by either the ICC or any of the individual States, and access to that coverage will be more affordable to motor carriers which will prevent a serious disruption in transportation service. Finally, by establishing the lowest limits, more insurance companies will be able to provide the required coverage and this in turn will afford the motor carriers a greater marketplace in which to shop for coverage.

Hence, for the first and second year, motor carriers, depending upon the commodity transported, will be required to maintain the levels as set forth in the Schedule of Limits (§ 387.9).

A lengthy discussion concerning the minimum levels of financial responsibility required for tow truck operators was presented in the NPRM. It was proposed at that time that the appropriate level of financial responsibility would depend upon the type of cargo in or on the disabled vehicle at the time of towing. The Interstate Towing Association responded to the NPRM clearly stating that tow truck operators would have no choice but to refuse to tow vehicles transporting hazardous materials because they would be unable to afford the coverage required. It is apparent that it would not be in the interest of the public safety to allow a disabled vehicle which contains a hazardous material to sit idle on the roadside if tow truck operators refuse to remove it. As stated in the NPRM, tow truck operations, by their very nature, must be considered "emergency services." A tow truck performing such an emergency service typically operates with warning lights flashing and at a relatively slow rate of speed. In the interest of public safety it has been determined that tow truck operators, in the act of removing a vehicle from the roadway, regardless of the cargo in or on the vehicle being towed, will be considered to be transporting property (nonhazardous), and will be required to maintain the levels of financial responsibility set forth for that category in the Schedule of Limits.

The subject of the transportation of small quantities of hazardous materials has been raised in comments by the National Oil Jobbers Council (NOJC) and the American Fertilizer Institute (AFI). They expressed concerns about small motor carrier operations such as farmers hauling nurse tanks and the "mom and pop" operations, who for the most part transport hazardous materials in cargo tanks with capacities of less the 3,500 water gallons. Under the proposed rules, these operations would have been required to maintain the highest levels of financial responsibility. It was made clear in the comments that these small operations could not bear the expense of the highest limits. In addition to the comments, the AFI submitted data which revealed that the accident history of the small farm service operations is not indicative of a need for the highest limits.

In response to the needs of these small operations, it has been decided to revise the definition of "*in bulk*" which can be found in Section 387.5. This revision will not affect public safety and will prevent a serious disruption in transportation service as it relates to these groups.

Congress directed the Secretary to establish minimal levels of financial responsibility sufficient to satisfy liability amounts covering public liability, property damage, and environmental restoration for the transportation of hazardous materials (named by the Secretary) by motor vehicle in interstate or intrastate commerce. The House Committee on Public Works and Transportation provided specific guidance to the Secretary in its report to the Whole House (H.R.Rept. 96–1069, p. 44). The Committee is quoted below:

> With respect to the hazardous materials not subject to the $5,000,000 minimum, the minimum level of financial responsibility that can be established by the Secretary is $1,000,000. The Committee wants to emphasize its strong belief that many of these hazardous materials should also be subject to at least a $5,000,000 minimum, especially hazardous materials in bulk. However, the Secretary was given the discretion to set the minimum level as low as $1,000,000 in recognition of the fact that some of the materials on the Department's hazardous materials list may not require a $5,000,000 minimum. For instance, the list included burlap bags and charcoal briquettes. These are examples of items which would not appear to require a $5,000,000 minimum, especially when not transported in bulk.

It is clear that Congress intended the Secretary to name many hazardous materials, not mentioned in subsection (b)(2) of section 30, and require a $5 million minimum for them when transported in bulk. Because of the limited time available and the substantial amount of time needed to review the thousands of hazardous materials however, the Secretary has decided that these materials will be subject to the $500,000/$1 million minimum until specific commodity determinations can be made, if necessary, to require different levels of coverage. The Department solicits information identifying any hazardous materials which, because of their risk or hazard, should be required to carry different limits of liability coverage.

Finally, the definition of oil has been clarified in the Schedule of Limits (§ 387.9) to make clear that the oils which are covered by category (3) of the schedule are those oils which, because of the risk or hazard they pose, appear in the Department's Hazardous Materials Table located at 49 CFR 172.101.

Qualifications (§ 387.11) (Deleted)

The NPRM contained a proposal that would allow a motor carrier to be a self-insurer. It also contained a proposal that would allow a motor carrier to use "other securities or agreements" to satisfy the financial responsibility requirements of Section 30 of the Motor Carrier Act of 1980 so long as those securities or agreements would afford the security for the protection of the public contemplated by the Act.

The language regarding "other securities or agreements" used in the NPRM was taken from the rules and regulations promulgated by the ICC and currently in effect (49 CFR 1043.5). The legislative history of the Interstate Commerce Act has been researched as has that of the Motor Carrier Act of 1980. No mention of what was meant by "other securities or agreements" was made in the legislative histories of either Act. It is also interesting to note that since the inception of the ICC rule covering this area, no motor carrier has applied for consideration of "other securities or agreements" to satisfy the

financial responsibility requirements of the ICC. In view of the above, it has been decided that applications for approval of "other securities or agreements" will not be accepted.

The alternative of self-insurance to obtaining a policy of insurance (even one with a high deductible) or a surety bond has raised special problems. The principal problem is how to guarantee payment of unspecified liabilities for at least 5 years in the future. It is not uncommon for complex personal injury or environmental restoration claims to take up to 5 years to pass through all available legal processes prior to payment. In fact, relatively small damage claims may take 2 years from the time they are filed until they are settled and paid.

When a person obtains self-insurance authority the public has no protection for any outstanding claims if that person should subsequently encounter financial difficulty. In order for the government to ensure that a change in a self-insurer's financial condition does not pose a possibility that injured parties will go uncompensated as a result of such a change, the government would have to undertake periodic audits and require certain reporting or filings, in addition to the initial application. This is what is, in fact, done by State insurance commissions, which currently grant self-insurance authority for much lower levels of financial responsibility and by surety companies in the analogous situation of writing surety bonds.

There is evidence that well-known entities can encounter financial reversals within a 5-year or shorter period. Most, if not all, of these companies were able to obtain credit months or several years prior to encountering dire financial trouble. A governmental agency cannot be expected to predict future solvency more efficiently than major lending institutions, stock brokers, and investors.

It must be recognized that a self-insurer is, in effect, operating as an insurance company. This means, among other things, that the self-insured motor carrier must set aside substantial claims reserves *and* establish a claims handling capability within the company. When the extensive controls, safeguards and regulations existing for insurance companies are acknowledged, the problems inherent with self-insurance become obvious.

At this time it might be well to mention the difference between "self-insurance" and "self-retention." When "self-insurance" is involved, there is no security for the protection of the public other than the self-insured's financial strength, whereas "self-retention" involves a motor carrier and its insurer agreeing between themselves that the motor carrier will be responsible for claims up to an amount specifically agreed upon. In effect, this is a large deductible. However, the insurer does issue the prescribed regulatory form and, accordingly, is fully liable for all claims to the public. This is a very common practice for large motor carriers, and is permitted by these rules.

Another major item to be reviewed when considering self-insurance is the saving of substantial monies. The ICC has considered this whenever reviewing a self-insurance application. Unless a motor carrier could present evidence that self-insurance would produce substantial savings, any request for self-insurance approval would be refused. A motor carrier is required by the ICC to demonstrate that it thoroughly analyzed all other available avenues of insurance or surety programs. Examples of these programs would be the use of a high deductible or an open-end retrospective plan with a very low minimum and a very high maximum. Such programs would allow a motor carrier to handle the bulk of its own claims, yet the insurer would make any required filings *at no extra charge*. In such instances, self-insurance authority would provide no savings to the motor carrier. Conversely, it is felt that there may be no need for Federal involvement in this area.

Surety bonds are also available for motor carriers with good financial statements who desire to process their own claims. The premium, or service charge, assessed by surety companies for these bonds is nominal in relation to the total claim expenditures. However, the saving of a bond premium only would be insufficient justification to grant self-insurance authority and jeopardize the public's protection afforded by the surety bond.

The ICC has granted a limited number of motor carriers the authority to self-insure. It is interesting to note that such authority is for a limited amount per claim, with a requirement that the motor carrier maintain excess insurance for claims above the self-insured's retention. Also of interest is the fact that no such self-insured has a retention at or above the minimum limits of liability required by these rules. It is also important to note that the evidence of excess insurance filed with the ICC is not made via a regulatory form but rather via an insurance company form of certificate of insurance. Such a certification provides only limited protection to the public as all the policy limitations, exclusions, and conditions are applicable unlike a regulatory form of certification.

Section 30 of the Act does refer to the possible use of self-insurance as a means of compliance with it. The BMCS is afraid that the implementation of a self-insurance program will require substantial commitment of resources over and above what is currently available. Further, it is believed that a number of viable alternatives exist which would adequately safeguard the public while providing motor carriers with considerable flexibility.

It is recognized that self-insurance could be a viable alternate way of providing the required levels of financial responsibility. In response to question No. 10 of the ANPRM, regarding self-insurance, most of the commenters did not offer definitive information concerning the criteria that should be used when considering a self-insurance application. Most commenters agreed that the BMCS should be "conservative" in approving applications for self-insurance. None favored voluntary compliance. Most favored a requirement that self-insurers deposit securities. The BMCS, therefore, specifically solicits comments, data, and detailed information concerning this matter. Answers to the following specific questions are sought.

1. Considering the economic conditions that must be faced by motor carriers today, is self-insurance a viable alternative to "pure" insurance, self-retention, or surety bonds?

2. Specifically, what criteria should be used in considering an application for self-insurance (e.g., net worth, cash flow, liquid assets, current and long term liabilities, claims handling capability, costs involved in the administration of a self-insurance program, etc.)?

3. Is the deposit of securities or irrevocable letters of credit necessary to successfully administer a self-insurance program that will adequately protect the public? Please explain.

4. If security deposits are considered necessary, are there any legal or technical problems likely to be encountered by the Government when accepting such security deposits?

5. What mechanisms and structures might be developed to successfully implement and administer a self-insurance program?

6. What audit procedures should be established, both for financial statements and claims handling, including adequacy of reserves?

7. Can specific examples of self-insurance programs be cited that would

be applicable to the needs of the motor carrier industry and would satisfy the intent of section 30 of the Act?

Comments and information received in response to this request will be incorporated, as appropriate, in the Secretary's report to the Congress pursuant to section 30(e) and will also be used to determine whether a new rulemaking action should be initiated.

State Authority and Designation of Agent (§ 387.11)

The regulations state that a policy of insurance or surety bond will only satisfy the financial responsibility requirements of this part if the insurer or surety furnishing the policy or bond is:

(a) legally authorized to issue such policies or bonds in each State in which the motor carrier operates;

(b) legally authorized to issue such policies or bonds in the State in which the motor carrier has its primary place of business or domicile, and is willing to designate a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding of law or equity brought in any State in which the motor carrier operates; or

(c) legally authorized to issue such policies or bonds in any State of the United States and eligible as an excess or surplus lines insurer in any State in which business is written and is willing to designate a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any State in which the motor carrier operates.

The only change to the proposed rules is the addition of subparagraph (c) of this section. It is the Department's view that the inclusion of insurers authorized by any State of the United States and eligible as an excess or surplus lines insurer in any State in which business is written will enlarge the marketplace in which motor carriers will be able to purchase the required coverage. Additionally, it allows those insurers the opportunity to enter the motor carrier insurance market.

Forms (§ 387.15)

Endorsements for policies of insurance (Form MCS–90) and surety bonds (Form MCS–82) may be in the form prescribed in the two attachments. Both forms may specify that coverage thereunder will remain in effect continuously until terminated and may be issued in the exact name of the motor carrier. Both forms are currently under review by the Office of Management and Budget according to the Paperwork Reduction Act of 1980. Final action on these forms by OMB is expected by July 1, 1981.

The BMCS recognizes the problem that the insurance industry will have in trying to get the required endorsements into the hands of its motor carrier clients. Time is needed to satisfy the endorsement requirement. In view of this, the BMCS does not intend to enforce the requirement that motor carriers have the endorsement(s) attached to their policies of insurance for 90 days from either the effective date of July 1, 1981 or the date OMB approves the forms, whichever is later.

It should be understood that this is in no way a relaxation of the minimum levels of financial responsibility. All motor carriers must have the required minimum levels of financial responsibility as of July 1, 1981.

The DOT believes that good cause exists for not providing 30 days notice prior to the effective date of this rule. Section 30 of the Motor Carrier Act of 1980 provides that certain minimum levels of financial responsibility will be required of motor carriers on July 1, 1981 unless the Secretary has established different levels by then. These statutory limits are higher than those prescribed in this rule. The trucking and insurance industries would encounter serious hardship if they were to be required to obtain and provide one level of financial responsibility on July 1, 1981 and another level soon thereafter. As stated above, the Bureau does not intend to enforce the requirement that motor carriers have the required endorsements attached to their policies of insurance for 90 days. This policy should substantially mitigate the impact of this rule becoming effective July 1, 1981.

In consideration of the foregoing, Title 49, Code of Federal Regulations, Subtitle B, Chapter III is amended by establishing a new Part 387 as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on June 8, 1981.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

Part 387 is added to read as follows:

PART 387—MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

Sec.

387.1 Purpose and scope.
387.3 Applicability.
387.5 Definitions.
387.7 Financial responsibility required.
387.9 Financial responsibility, minimum levels.
387.11 State authority and designation of agent.
387.13 Fiduciaries.
387.15 Forms.
387.17 Violation and penalty.

Authority: Sec. 30, Pub. L. 96–296, 94 Stat. 793; Sec. 108(b)(5), Pub. L. 96–510, 94 Stat. 2767; 23 U.S.C. 315; 49 CFR 1.48 and 301.60.

§ 387.1 Purpose and scope.

This part prescribes the minimum levels of financial responsibility required to be maintained by motor carriers of property operating motor vehicles in interstate, foreign, or intrastate commerce. The purpose of these regulations is to create additional incentives to motor carriers to maintain and operate their vehicles in a safe manner and to assure that motor carriers maintain an appropriate level of financial responsibility for motor vehicles operated on public highways.

§ 387.3 Applicability.

(a) This part applies to for-hire motor carriers operating motor vehicles transporting property in interstate or foreign commerce.

(b) This part applies to motor carriers operating motor vehicles transporting hazardous materials, hazardous substances, or hazardous wastes in interstate or intrastate commerce.

(c) *Exception.* (1) The rules in this part do not apply to those motor vehicles that have a gross vehicle weight rating (GVWR) of less than 10,000 pounds.

(2) The rules in this part do not apply to the transportation of nonbulk oil, hazardous materials, substances, or wastes in intrastate commerce.

§ 387.5 Definitions.

As used in this part—*Accident*—includes continuous or repeated exposure to the same conditions resulting in public liability which the insured neither expected nor intended.

Bodily injury—means injury to the body, sickness, or disease including death resulting from any of these.

Cancellation of insurance—the withdrawal of insurance coverage by either the insurer or the insured.

Endorsement—an amendment to an insurance policy.

Environmental restoration—restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage or potential for damage to human health.

the natural environment, fish, shellfish, and wildlife.

Evidence of security—a surety bond or a policy of insurance with the appropriate endorsement attached.

Financial responsibility—the financial reserves (e.g., insurance policies or surety bonds) sufficient to satisfy liability amounts set forth in this part covering public liability.

For-hire carriage—transportation of property by motor vehicle except when—

(1) the property is transported by a person engaged in a business other than transportation; and

(2) the transportation is within the scope of, and furthers a primary business (other than transportation) of, the person.

In bulk—the transportation, as cargo, of property, except Class A and B explosives and poison gases, in containment systems with capacities in excess of 3,500 water gallons.

In bulk (Class A and B explosives)—the transportation, as cargo, of any Class A or B explosive(s) in any quantity.

In bulk (poison gas)—the transportation, as cargo, of any poison gas in any quantity.

Insured and principal—the motor carrier named in the policy of insurance, surety bond, endorsement, or notice of cancellation, and also the fiduciary of such motor carrier.

Insurance premium—the monetary sum an insured pays an insurer for acceptance of liability for public liability claims made against the insured.

Motor carrier—a common, contract, or private carrier of property by motor vehicle.

Property damage—damage to or loss of use of tangible property.

Public liability—liability for bodily injury or property damage and includes liability for environmental restoration.

§ 387.7 Financial responsibility required.

(a) No motor carrier shall operate a motor vehicle until the motor carrier has obtained and has in effect the minimum levels of financial responsibility as set forth in § 387.9 of this part.

(b)(1) Policies of insurance, surety bonds, and endorsements required under this section shall remain in effect continuously until terminated. Cancellation may be effected by the insurer or the insured motor carrier giving 35 days' notice in writing to the other. The 35 days' notice shall commence to run from the date the notice is mailed. Proof of mailing shall be sufficient proof of notice.

(2) *Exception.* Policies of insurance and surety bonds may be obtained for a finite period of time to cover any lapse in continuous compliance.

(c) Policies of insurance and surety bonds required under this section may be replaced by other policies of insurance or surety bonds. The liability of the retiring insurer or surety, as to events after the termination date, shall be considered as having terminated on the effective date of the replacement policy of insurance or surety bond or at the end of the 35 day cancellation period required in paragraph (b) of this section, whichever is sooner.

(d) Proof of the required financial responsibility shall be maintained at the motor carrier's principal place of business. The proof shall consist of—

(1) and "Endorsement(s) for Motor Carrier Policies of Insurance for Public Liability Under Section 30 of the Motor Carrier Act of 1980" (Form MCS–90) issued by an insurer(s); or

(2) a "Motor Carrier Surety Bond for Public Liability Under Section 30 of the Motor Carrier Act of 1980" (Form MCS–82) issued by a surety

(e) The proof of minimum levels of financial responsibility required by this section shall be considered public information and be produced for review upon reasonable request by a member of the public.

§ 387.9 Financial responsibility, minimum levels.

The minimum levels of financial responsibility referred to in § 387.7 of this part are hereby prescribed as follows:

Schedule of Limits—Public Liability

[Freight vehicles with gross vehicle weight rating of 10,000 pounds or more]

Type of carriage	Commodity transported	Single limit requirement	
		July 1, 1981	July 1, 1983
(1) For hire	Property (non-hazardous)	$500,000	$750,000
(2) For hire and private	Hazardous substances, as defined in 49 CFR 171.8 and designated by the letter E in the first column of the Hazardous Materials Table found at 49 CFR 172.101, transported in cargo tanks, portable tanks, or hopper-type vehicles with capabilities in excess of 3,500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquefied compressed gas, compressed gas, or large quantity radioactive materials as defined in 49 CFR 173.389	1,000,000	5,000,000
(3) For hire and private	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above	500,000	1,000,000

§ 387.11 State authority and designation of agent.

A policy of insurance or surety bond does not satisfy the financial responsibility requirements of this part unless the insurer or surety furnishing the policy or bond is—

(a) Legally authorized to issue such policies or bonds in each State in which the motor carrier operates; or

(b) Legally authorized to issue such policies or bonds in the State in which the motor carrier has its principal place of business or domicile, and is willing to designate a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any State in which the motor carrier operates; or

(c) Legally authorized to issue such policies or bonds in any State of the United States and eligible as an excess or surplus lines insurer in any State in which business is written, and is willing to designate a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any State in which the motor carrier operates.

§ 387.13 Fiduciaries.

The coverage of fiduciaries shall attach at the moment of succession of such fiduciaries.

§ 387.15 Forms.

Endorsements for policies of insurance (Illustration I) and surety bonds (Illustration II) must be in the form prescribed by the BMCS and approved by the OMB. Endorsements to policies of insurance and surety bonds shall specify that coverage thereunder will remain in effect continuously until terminated, as required in § 387.7 of this part. The endorsement and surety bond shall be issued in the exact name of the motor carrier.

§ 387.17 Violation and penalty.

Any person (except an employee who acts without knowledge) who knowingly violates the rules of this part shall be liable to the United States for civil penalty of no more than $10,000 for each violation, and if any such violation is a continuing one, each day of violation will constitute a separate offense. The

amount of any such penalty shall be assessed by the Director, Bureau of Motor Carrier Safety, by written notice. In determining the amount of such penalty, the Director shall take into account the nature, circumstances, extent, the gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

BILLING CODE 4910-22-M

V 4 6 J E 1 1 8 1 UMI

Form MC
(7/81

ACCIDEN
BODILY I
ENVIRON
charge, disp
This shall in
the natural
PROPERT
PUBLIC L

The policy t
insured, with
Federal High

In considera
liability desc
of motor veh
the territory
insured's em

Within the li
any other en
any such fina
tions, and lin
Company, ar
breach of the
for the agree

It is understo
creditor may

The limits of
cause of any

Form MCS - 90
(7/81)

[ILLUSTRATION I]

Form Approved
OMB No.

ENDORSEMENT FOR MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY UNDER SECTION 30 OF THE MOTOR CARRIER ACT OF 1980

DEFINITIONS AS USED IN THIS ENDORSEMENT

ACCIDENT includes continuous or repeated exposure to the same conditions resulting in public liability which the insured neither expected nor intended.

BODILY INJURY means injury to the body, sickness or disease including death resulting from any of these.

ENVIRONMENTAL RESTORATION means restitution for the loss, damage or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse or body of water of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage or potential for damage to human health, the natural environment, fish, shellfish and wildlife.

PROPERTY DAMAGE means damage to or loss of use of tangible property.

PUBLIC LIABILITY means liability for bodily injury or property damage and includes liability for environmental restoration.

The policy to which this endorsement is attached is an insurance policy providing automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Section 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety.

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the Company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles, regardless of whether such motor vehicles are specifically described in the policy or not and whether or not occurring on the route or in the territory authorized to be served by the insured or elsewhere. Such insurance as is afforded for public liability does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo.

Within the limits of liability herein described, it is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, or any other endorsement thereon or violation thereof, or of this endorsement, by the insured, shall relieve the Company from liability or from the payment of any such final judgment, irrespective of the financial responsibility or lack thereof or insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which this endorsement is attached are to remain in full force and effect as binding between the insured and the Company, and the insured agrees to reimburse the Company for any payment made by the Company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the Company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is understood and agreed that, upon failure of the Company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the Company to compel such payment.

The limits of the Company's liability for the amounts provided in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the Company for the payment of final judgments resulting from any other accident.

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "X", for the limits shown:

☐ This insurance is primary and the Company shall not be liable for amounts in excess of $_____ for each accident.

☐ This insurance is excess and the Company shall not be liable for amounts in excess of $_____ for each accident in excess of the underlying limit of $_____ for each accident.

Whenever required by the Bureau the Company agrees to furnish the Bureau a duplicate original of said policy and all its endorsements. The Company also agrees, upon telephone request by an authorized representative of the Bureau to verify that the policy is in force as of a particular date. The telephone number to call is: _____.

Cancellation of this endorsement may be effected by the Company or the insured by giving thirty five (35) days notice in writing to the other party, said thirty five (35) days notice to commence to run from the date notice is mailed, proof of mailing shall be sufficient proof of notice.

Issued to _____ of _____

Dated at _____ this _____ day of _____, 19__

Amending Policy No. _____

Countersigned by _____

Authorized Company Representative

The Motor Carrier Act of 1980 requires limits of financial responsibility according to type of carriage and commodity transported by the motor carrier. It is the MOTOR CARRIER'S obligation to obtain the required limits of financial responsibility.
THE SCHEDULE OF LIMITS SHOWN BELOW DOES NOT PROVIDE COVERAGE.
The limits shown in the schedule are for information purposes only.

SCHEDULE OF LIMITS

Public Liability
Freight Vehicles With Gross Vehicle Weight Rating of 10,000 Pounds or More

Type of Carriage	Commodity Transported	Single Limit Requirement	
		July 1, 1981	July 1, 1983
(1) For - hire	Property (non-hazardous)	$ 500,000	$ 750,000
(2) For - hire and Private	Hazardous substances, as defined in 49 CFR 171.8 and designated by the letter E in the first column of the Hazardous Materials Table found at 49 CFR 172.101, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquefied compressed gas, compressed gas, or large quantity radioactive materials as defined in 49 CFR 173.389	$1,000,000	$5,000,000
(3) For - hire and Private	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above	$ 500,000	$1,000,000

Form MCS - 82
(7/81)

[ILLUSTRATION II]

Form Approved
OMB No.

MOTOR CARRIER PUBLIC LIABILITY SURETY BOND UNDER SECTION 30 OF THE MOTOR CARRIER ACT OF 1980

PARTIES

Surety Company and Principal Place of Business Address

_____

_____

_____

_____

Motor Carrier Principal, I.C.C. Docket No., and Principal Place of Business Address

_____

_____

_____

_____

PURPOSE

This is an agreement between the Surety and the Principal under which the Surety, its successors and assignees, agree to be responsible for the payment of any final judgment or judgments against the Principal for public liability, property damage, and environmental restoration liability claims in the sums prescribed herein, subject to the governing provisions and following conditions.

GOVERNING PROVISIONS

(1) Section 30 of the Motor Carrier Act of 1980

(2) Rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety

CONDITIONS

The Principal is or intends to become a motor carrier subject to the applicable governing provisions relating to financial responsibility for the protection of the public.

This bond assures compliance by the Principal with the applicable governing provisions, and shall inure to the benefit of any person or persons who shall recover a final jugement or judgments against the Principal for public liability, property damage, or environmental restoration liability claims (excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal, and the cargo transported by the Principal). If every final judgment shall be paid for such claims resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the applicable governing provisions, then this obligation shall be void, otherwise it will remain in full effect.

Within the limits described herein, the Surety extends to such losses regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety for each accident shall not exceed $_____, and shall be a continuing one notwithstanding any recovery hereunder.

The surety agrees, upon telephone request by an authorized representative of the Bureau, to verify that the surety bond is in force as of a particular date. The telephone number to call is: _____.

This bond is effective from _____ (12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described herein. The Principal or the Surety may at anytime terminate this bond by giving thirty five (35) days written notice as prescribed in the applicable governing provisions. Said thirty five (35) days notice to commence to run from the date notice is mailed. Proof of mailing shall be sufficient proof of notice. The Surety shall not be liable for the payment of any judgment or judgments against the Principal for public liability, property damage, or environmental restoration claims resulting from accidents which occur after the termination of this bond as described herein, but such termination shall not affect the liability of the Surety for the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

_____
Date

(AFFIX CORPORATE SEAL)

_____
Surety

_____, _____
City *State*

By _____

ACKNOWLEDGMENT OF SURETY

STATE OF _____ COUNTY OF _____

On this _____ day of _____, 19____, before me came _____, who, being by me duly sworn, did depose and say that he resides in _____; that he is the _____ of the _____, the corporation described in and which executed the foregoing instrument, that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; that he signed his name thereto by like order, and he duly acknowledged to me that he executed the same for and on behalf of said corporation.

_____

(OFFICIAL SEAL)

_____
Title of official administering oath

Surety Company File No. _____

[FR Doc. 81-17438 Filed 6-10-81; 8:45 am]
BILLING CODE 4910-22-C

V
4
6
J
E
1
1
8
1
UMI

federal register

Thursday
June 11, 1981

Part IV

Office of Management and Budget

Budget Rescission and Deferral

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescission and Deferral

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report four proposals to rescind a total of $114.1 million in budget authority previously provided by the Congress. The rescission proposals affect programs in the Environmental Protection Agency and the National Endowments for the Arts and Humanities. These proposals are a part of my continuing effort to help reduce government spending.

The details of the rescission proposals are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE,
June 8, 1981.

BILLING CODE 3110-01-M

Rescission Proposal No: RR1-156

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Budget Authority

Rescission #

V 46 JE 11 81 UMI

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
R81-156	Environmental Protection Agency Research and development.....	56,300
R81-157	Environmental Protection Agency Abatement, control, and compliance....	43,700
R81-158	National Endowment for the Arts.....	6,650
R81-159	National Endowment for the Humanities..	7,417
	Total, Rescission proposals.....	114,067

SUMMARY OF SPECIAL MESSAGES FOR FY 1981
(in thousands of dollars)

	Rescissions	Deferrals
Effect of tenth special message.....	114,067	---
Previous special messages.....	14,753,870	8,607,977
Total amount proposed in special messages.....	14,867,937 a/	8,607,977 b/

a/ This amount represents budget authority except for $751.8 million involving authority to incur obligations for direct loans.

b/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (D81-198).

Rescission Proposal No: R81-156

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Environmental Protection Agency
Bureau:
Appropriation title & symbol: Research & Development 681/20107

New budget authority (P.L. 96-526): $ 253,520,000
Other budgetary resources: -2,535,000
Total budgetary resources: 250,985,000

Amount proposed for rescission: $ 56,300,000

OMB identification code: 68-0107-0-1-999

Grant program: ☐ Yes ☒ No

Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other

Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year

Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

In order to offset a significant increase in FY1981 expenditures, the President has directed Federal Agencies to identify lower priority areas in which outlay reductions can be achieved. After a careful examination of the remaining unobligated Research and Development appropriation, $56.3 million in funds for lower priority research activities have been identified for rescission. This action will defer lower priority research projects that are not immediately needed, or are not required to meet the Agency's statutory mandates or health mission. This action will not only reduce 1981 outlays, but will further contribute to the objective of reducing outlays in fiscal years 1982-1984.

Estimated Effects

Since only unobligated funds are being proposed for rescission, minimal disruption will be felt by contractors.

Outlay Effect (in millions of dollars)

1981 Outlay Estimate		Outlay			
Without Rescission	With Rescission	1981	1982	1983	1984
230	224	6	22	22	6

UMI 1 8 1 1 E C 6 4 V

R81-156

ENVIRONMENTAL PROTECTION AGENCY

Research and Development

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $56,300,000 are rescinded.

Rescission Proposal No: R81-157

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Environmental Protection Agency	New budget authority (P.L. 96-526) $ 545,183,000
Bureau	Other budgetary resources -5,435,900
Appropriation title & symbol Abatement Control & Compliance 681/20108	Total budgetary resources 539,747,100
	Amount proposed for rescission $ 43,700,000
OMB identification code: 68-0108-0-1-304	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

In order to offset a significant increase in FY1981 expenditures, the President has directed Federal agencies to identify lower priority areas in which outlay reductions can be achieved. After a careful examination of the remaining unobligated Abatement, Control and Compliance funds, $43.7 million of lower priority projects have been identified for rescission. This represents only 28 percent of the remaining unobligated balance in this account, and will only reduce or eliminate those projects not immediately needed or not required at this time to meet the Agency's statutory mandate or health mission. This action will leave more than $112 million in unobligated funds, which can be applied toward the Agency's programs. Grant funds to State, interstate and local governments are not included in this reduction.

Estimated Effects

Since only unobligated funds are being proposed for rescission, minimal disruption at most will be felt by contractors. No significant programmatic effects are anticipated since over two thirds of the remaining unobligated balances remain.

Outlay Effect (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
495	491	4	22	14	4

R81-157

Rescission Proposal No: R81-158

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

R81-157

ENVIRONMENTAL PROTECTION AGENCY

Abatement, Control and Compliance

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $43,700,000 are rescinded.

Rescission Proposal No: R81-158

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: National Endowment for the Arts	New budget authority (P.L. 96-514): $125,860,000
Bureau:	Other budgetary resources: 12,400
Appropriation title & symbol: Salaries and Expenses 5910100	Total budgetary resources: 125,872,400
	Amount proposed for rescission: $6,650,000
OMB identification code: 59-0100-0-1-503	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The National Endowment for the Arts awards discretionary grants to State and local arts agencies, cultural institutions, organizations and individuals. Grants are aimed at: (1) encouraging creative efforts by artists; (2) enhancing access to the arts; (3) supporting arts institutions; (4) providing leadership in the arts; and (5) maintaining the artistic heritage of diverse cultural and ethnic groups. The Arts Endowment supports 19 programs ranging from Dance and Music to Folk Arts and Literature, and within these programs, some 120 funding categories.

The Administration seeks this rescission in order to begin the transition to fiscal 1982 levels of support for arts activities, which emphasize a greater role for private philanthropy and State and local support for cultural activities.

The Administration proposes to rescind a total of $6.65 million in Definite program funds.

Estimated Effects:

Rescinding $6.65 million of the funds appropriated for the National Endowment for the Arts will reduce the number of grant awards made to various artists and arts organizations and institutions nationwide. This proposal will reduce outlays by $2.9 million in fiscal year 1981.

Outlay Effects: (In millions of dollars)

1981 Outlay Estimate					
Without Rescission	With Rescission	1981	1982	1983	1984
159.1	156.2	2.9	3.2	.5	--

UMI 1 8 1 1 E L 6 4 V

R81-158

NATIONAL ENDOWMENT FOR THE ARTS

SALARIES AND EXPENSES

Of the funds appropriated for the National Endowment for the Arts in Public Law 96-514 for fiscal year 1981, $6,650,000 of the amount appropriated for support of projects and productions in the arts pursuant to section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, is rescinded.

Rescission Proposal No: R81-158

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency National Endowment for the Humanities	New budget authority (P.L. 96-514) $ 117,799,000
Bureau	Other budgetary resources 100,000
Appropriation title & symbol: Salaries and Expenses - 5910200	Total budgetary resources 117,899,000
	Amount proposed for rescission $ 7,417,000
OMB identification code: 59-0200-0-1-503	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

JUSTIFICATION: The National Endowment for the Humanities awards grants on a competitive basis to state and local humanities agencies, cultural institutions, historical organizations, and individuals. Awards are aimed at (1) strengthening the scholarly foundation for study in the humanities and supporting research activity which enriches the life of the mind in America; (2) improving the quality of teaching in the humanities and its responsiveness to new intellectual currents and changing social concerns; (3) promoting public understanding of the value of the humanities; and (4) nurturing the future well being of those essential institutional and human resources which make possible the study of the humanities.

The Humanities Endowment supports 31 programs ranging from fellowships and research activity to strengthen the scholarly foundation of the humanities to improving the quality of teaching in the humanities and its responsiveness to new intellectual currents and changing social concerns.

The Administration seeks this rescission in order to begin the transition to Fiscal Year 1982 levels of support for humanities activities, which emphasize a greater role for private philanthropy, State and local support.

Estimated Effect: The Administration proposes to rescind a total of $7,417,000 in Definite program funds. This proposal will reduce outlays by $2.5 million in FY 1981.

Outlay Effect:

R81-159

R81-159

Estimated Effect: The Administration proposes to rescind a total of $7,417,000 in Definite program funds. This proposal will reduce outlays by $2.5 million in FY 1981.

Outlay Effect:

(in millions)

1981 Outlay Estimates

Without Rescission	Rescission	Outlay Savings 1981	1982	1983	1984
151.2	148.7	2.5	3.0	1.9	--

NATIONAL ENDOWMENT FOR THE HUMANITIES

SALARIES AND EXPENSES

Of the funds appropriated for the National Endowment for the Humanities in Public Law 96-514 for fiscal year 1981, $7,417,000 of the amount appropriated for support of activities in the humanities pursuant to section 7(c) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, is rescinded.

[FR Doc. 81-17464 Filed 6-10-81; 8:45 am]
BILLING CODE 3110-01-C

V
4
6
J
E
1
1
8
1
UMI

Rea

INFORM

PUBLICA

Code of
CFR Unit

General i
Incorpora
Printing s

Federal R
Correctio
Daily Iss
General i
Public Ins
Schedulin

Laws
Indexes
Law numb

Slip law

President
Executive
Public Pa
Weekly C

Privacy A

United St

SERVICES
Agency se
Automatic
Dial-a-Reg
Chicago
Los Ang
Washin
Magnetic
volumes
Public bri
What It
Public Ins
Regulation
Special Pr
Subscriptio
Subscriptio
TTY for th

FEDERAL

29239-294
29453-296
29691-299
29921-300
30073-303
30327-304
30481-306
30623-307
30797-309

Reader Aids

Federal Register

Vol. 46, No. 112

Thursday, June 11, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3
29921-30072.....4
30073-30326.....5
30327-30480.....8
30481-30622.....9
30623-30796.....10
30797-30996.....11

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949).....29939
February 6, 1926 (Revoked by PLO 5948).....29938
April 17, 1926 (Revoked in part by PLO 5950).....29939
February 14, 1933 (Revoked by PLO 5944).....29710
5451 (Revoked by PLO 5947).....29938
11476 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 2306).....29693
12198 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12285 (Amended by EO 12307).....30481
12306.....29693
12307.....30483
12308.....30485

Proclamations:
4846.....29691
4847.....30483

Administrative Orders:
Presidential Determinations:
No. 81-8 of June 2, 1981.....30797
No. 81-9 of June 2, 1981.....29921

5 CFR

Ch. XIV.....30327

7 CFR

28.....30073
700.....29453
800.....30322
907.....29923, 30799
910.....30012
917.....30075, 30077
953.....29454, 30487
979.....29693
991.....29693
1425.....30327
1944.....29239

Proposed Rules:
102.....30620
201.....30780
989.....30645
993.....29271

8 CFR

204.....29923, 30078
214.....29456

9 CFR

78.....30487
82.....29456, 30488
92.....29239, 29240

10 CFR

2.....30328
51.....29457
376.....29680
390.....29680
440.....29242
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:
2.....30349
30.....29712
40.....29712
70.....29712

12 CFR

303.....30079
552.....30488
570.....30079

Proposed Rules:
213.....29245
226.....29246
526.....30113
545.....30114
569a.....29246
701.....29247, 29482
720.....29248

13 CFR

124.....29251

Proposed Rules:
124.....29276

14 CFR

39.....29252, 29253, 29924-29926, 30332-30334, 30799, 30800
71.....29254-29256, 29927, 30335, 30801-30806
73.....29256, 30806
97.....29257, 30807
135.....30968
152.....30808

Proposed Rules:
Ch. I.....30352
71.....29278-29281, 29947-29951, 30353, 30354, 30833
73.....30833
75.....29280, 29281
323.....29282
302.....29718
399.....29285, 29719, 29727

15 CFR

370 29457
806 30336

Proposed Rules:

330 29662
331 29662
332 29662
340 29662
341 29662
342 29662
343 29662
350 29662
351 29662
352 29662
353 29662
354 29662
373 30623

16 CFR

13 ..... 29458, 29928, 30337
460 29256
1031 29928
1032 29928
1212 29696

Proposed Rules:

Ch. II 29951, 30115
13 30646

17 CFR

15 29931
16 29931
17 29931
18 29931
21 29931

Proposed Rules:

Ch. I 29952

18 CFR

141 29459
271 ..... 29697, 29699, 30489–30491
284 30491
375 29700
1309 30811

Proposed Rules:

157 30505
271 30833
375 30505

19 CFR

101 29462
134 30338

Proposed Rules:

Ch. I 29953
200 29729

20 CFR

Proposed Rules:

404 29953

21 CFR

172 30080
173 ..... 30492, 30493
193 ..... 30338, 30494
520 29464
561 30339
573 30081

Proposed Rules:

161 30505
430 30115
436 30115
440 30115
444 30115
448 30115
452 30115
1308 29484

22 CFR

41 30082

Proposed Rules:

171 30649

24 CFR

235 29256
570 29908

26 CFR

1 29465
7a 30495
11 29465
35 30495

27 CFR

4 29260
19 29261
70 29261
240 29261
245 29261
250 29261
270 29261
275 29261

28 CFR

0 ..... 29704, 29931
16 30495

Proposed Rules:

31 29438

29 CFR

Proposed Rules:

530 29485

30 CFR

250 29932

31 CFR

51 29261
535 30340

32 CFR

199 29704
294 29705

Proposed Rules:

298a 29486

33 CFR

25 29933
165 29933
204 29934

Proposed Rules:

100 29288
117 ..... 30354, 30834
160 30835
162 29954
402 30838

36 CFR

Proposed Rules:

1190 30839

37 CFR

Proposed Rules:

201 30649
202 30651

38 CFR

21 29474

39 CFR

601 30623

Proposed Rules:

10 30505

40 CFR

52 ..... 29707, 30082, 30496
60 29262
61 29262
62 30496
86 30497
122 ..... 29708, 30624
123 29935
162 29708
180 ..... 30342, 30499, 30624
260 29708
261 29708
264 ..... 29708, 30624
265 ..... 29708, 30624
413 30625

Proposed Rules:

52 ..... 29289, 29488, 30116, 30355–30366, 30653–30655
60 29955
81 ..... 29281, 30368, 30655
123 29292
180 ..... 30506, 30662
408 30663
773 30300

41 CFR

Ch. 12 30816
15-1 29709
51-4 30084
51-5 30084

Proposed Rules:

Ch. 1 30369
1-4 30369
101-11 30369
101-37 30369
104-4 29955

43 CFR

5420 29262

Public Land Orders:

1281 (Revoked by 5883) 29263
5169 (Amended by PLO 5396 and 5951) 29937
5179 (Amended by PLO 5250 and 5951) 29937
5180 (Amended by PLO 5418 and 5951) 29937
5250 (Amended by PLO 5951) 29937
5396 (Amended by PLO 5951) 29937
5418 (Amended by PLO 5951) 29937
5865 30500
5866 30500
5883 29263
5943 29710
5944 29710
5945 29939
5946 29939
5947 29938
5948 29938
5949 29939
5950 29939
5951 29937
5952 30086
5953 30817

Proposed Rules:

35 29955

44 CFR

64 ..... 29940, 29942, 30626
67 ..... 30500, 30628

Proposed Rules:

55 29292
61 29292
67 ..... 29729–29732, 29956, 30116, 30124, 30507, 30663, 30665
300 29264

45 CFR

3 30343
46 29883
74 30500
235 29264

Proposed Rules:

71 29732
301 30372
304 29964

46 CFR

Proposed Rules:

310 30507
502 30666
547 30667

47 CFR

1 30818
61 ..... 29264, 30818
64 29474
73 ..... 30086–30091, 30343, 30344

Proposed Rules:

Ch. I 30516, 30668
2 30124
23 30124
31 ..... 30150, 30152
73 ..... 29488, 30153, 30154, 30372, 30516–30518
94 30124

49 CFR

Ch. X 30092
1 29269
172 29392
387 30974
531 29944
575 29269
1000 30502
1033 ..... 29480, 30502, 30632
1056 ..... 29711, 29945
1100 30832
1137 30832

Proposed Rules:

171 29967
172 ..... 29968, 29973
173 ..... 29967, 29968, 29973
175 29968
178 29973
1047 30668
1127 30156
1201 30839
1241 30839
1248 30839

50 CFR

17 29481
91 30633
301 30345
651 30348
661 ..... 29733, 30633

Proposed Rules:

17 29490
653 30674
682 30674

V 46 JE 11 81 UMI

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing June 10, 1981

V
4
6

J
E

1
1

8
1
1

UMI

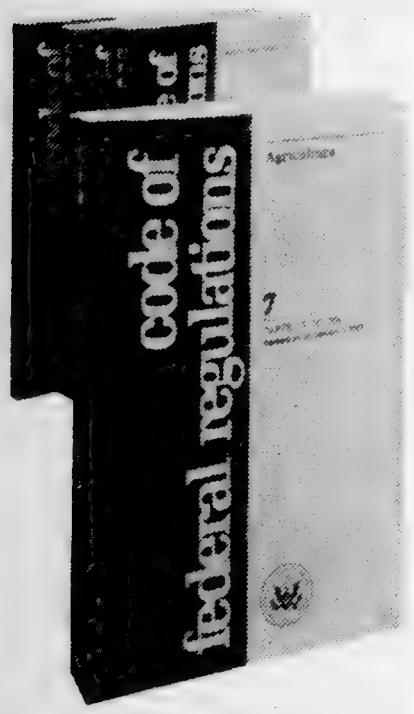

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

Code of Federal Regulations

Revised as of January 1, 1981

Quantity	Volume	Price	Amount
_____	Title 4—Accounts	$6.50	$_____
_____	Title 7—Agriculture (Parts 300-399)	6.00	_____
_____	Title 7—Agriculture (Parts 400-699)	6.50	_____
		Total Order	$_____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA*

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

6-12-81
Vol. 46 No. 113
Pages 30997-31248

federal register

Friday
June 12, 1981

Highlights

30997 **President's Economic Policy Advisory Board** Executive order.

30216 **Powerplant and Industrial Fuel Use** DOE/ERA proposes revisions to administrative procedures and exemption criteria applicable to owners or operators of new and existing powerplants and major fuel burning installations. (Part IV of this issue)

31022 **Veterans-Education** VA proposes to lengthen the period of payment of educational assistance to an eligible person who loses eligibility.

31035 **Food Assistance Programs** USDA/FNS announces income poverty guidelines to be used by State agencies in determining income eligibility for participation in Special Supplemental Food Program for Women, Infants and Children.

31018 **Banks, Bankings** FDIC proposes exemption from provisions prohibiting an insured nonmember bank from guaranteeing obligations of third parties. This amendment will allow banks to engage in check-guarantee card and customer-sponsored credit card account practices.

31004 **Ice Cream and Frozen Custard** HHS/FDA extends effective date for complying with the FD&C Yellow No. 5 labeling requirement.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

31011 **Veterans Benefits** VA reduces aid and attendance allowance payable to hospitalized veterans.

31004 **Margarine** HHS/FDA amends ingredient labeling requirements.

31067 **Frozen Foods** HHS/FDA recommends and corrects microbiological quality standards for frozen fish sticks, frozen fish cakes, and frozen crab cakes.

31043 **Grant Programs—Education** ED announces 7–24–81 closing date for transmittal of applications for Law School Clinical Experience Program for fiscal year 1981.

31166 **Minimum Wages** Labor/ESA publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

31204 **Prisoners** Justice/Prisons Bureau proposes rules on management of inmates in Federal correctional institutions. Justice/Federal Prison Industries revises procedures governing operation of Inmate Accident Compensation Program. (2 documents) (Part III of this issue)

31020 **Caffeine** HHS/FDA announces availability of reports which contain information pertinent to agency review of safety of added caffeine.

31001 **Exports—Computers** Commerce/ITA adds new definitions of computer system parameters to assist exporters applying for licenses to export digital computers.

31021 **Environment—"Woodsy Owl"** USDA/FS intends to review regulation for use of Woodsy Owl Symbol.

31000 **Charter Flights** CAB removes restrictions on chargeable administrative costs. (3 documents)

Regulatory Agenda

31018 OPM

Privacy Act Documents

31076 HUD
31128 SEC

311300 **Sunshine Act Meetings**

Separate Parts of This Issue

31166 **Part II, Labor/ESA**
31204 **Part III, Justice**
31216 **Part IV, DOE/ERA**
31238 **Part V, DOE/BPA**

Contents

Federal Register
Vol. 46, No. 113
Friday, June 12, 1981

The President
EXECUTIVE ORDERS
30997 President's Economic Policy Advisory Board (EO 12309)

Executive Agencies

Agriculture Department
See Federal Grain Inspection Service; Food and Nutrition Service; Forest Service; Rural Electrification Administration.

Alcohol, Tobacco and Firearms and Bureau
PROPOSED RULES
Viticultural area designations:
31020 Shenandoah Valley, Calif.; extension of time

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
31095 Spectra-Physics, Inc., et al.

Army Department
NOTICES
Meetings:
31043 Science Board

Blind and Other Severely Handicapped, Committee for Purchase from
NOTICES
31042 Procurement list, 1981; additions and deletions

Bonneville Power Administration
NOTICES
31238 Power sales contract, draft prototype; Pacific Northwest Electric Power Planning and Conservation Act, interpreting policy; inquiry

Civil Aeronautics Board
RULES
Charters:
31000 Foreign air carriers; pro rata charters; restrictions on administrative costs; removal
31000 Pro rata; terms, conditions and limitations; restrictions on administrative costs; removal
31000 Trips and special services; pro rata charters; restrictions on chargeable administrative costs
Procedural regulations:
31001 Economic proceedings
NOTICES
Hearings, etc.:
31040 Aeromech Airlines, Inc., fitness determination
31037 Air Pacific, Inc., show cause proceeding
31039 Certificates of public convenience and necessity and foreign air carrier permits
31130 Meetings; Sunshine Act

Civil Rights Commission
NOTICES
Meetings, State advisory committees:
31040 Ohio

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration; National Technical Information Service.

Defense Department
See Army Department.

Delaware River Basin Commission
NOTICES
31043 Comprehensive plan; water supply and sewage treatment plant projects; hearings

Economic Regulatory Administration
PROPOSED RULES
Powerplant and industrial fuel use:
31216 Existing and new powerplants and major fuel burning installations; administrative procedures and exemption criteria applicable to owners and operators; simplification
NOTICES
Consent orders:
31045 Blackwood & Nichols Co., Ltd., inquiry
Electric energy transmission; exports to Canada or Mexico; authorizations, permits, etc.:
31046 Roseau Electric Cooperative

Education Department
NOTICES
Grant applications and proposals, closing dates:
31043 Law school clinical experience program

Employment and Training Administration
NOTICES
31098 Employment transfer and business competition determinations; financial assistance applications

Employment Standards Administration
NOTICES
31166 Minimum wages for Federal and federally-assisted construction; general wage determination decisions; modifications, and supersedeas decisions (Ala., Alaska, Ariz., Conn., D.C., Del., Fla., Ga., Kans., Ky., Md., Mass., Miss., Mo., Mont., N.Y., N.C., Pa., R.I., S.C., Tenn., Va., Wash.)

Energy Department
See also Bonneville Power Administration; Economic Regulatory Administration; Hearings and Appeals Office, Energy Department.
NOTICES
Meetings:
31045 Industry Advisory Board
Remedial orders:
31044 Atlantic Richfield Co.

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
31011 Missouri
31012 Ohio

Air quality planning purposes; designation of areas:
31013 Oklahoma
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
31008, 31014 Chlorpyrifos (2 documents)
31015 Ethephon
PROPOSED RULES
Air programs; approval and promulgation; State plans for designated facilities and pollutants:
31026 Puerto Rico
Air quality implementation plans; approval and promulgation; various States, etc.:
31023 Illinois
31024 Ohio; extension of time
31024 Oklahoma
Air quality planning purposes; designation of areas:
31027 Indiana
Hazardous waste programs; interim authorizations; various States:
31028 Kansas; extension of time
Water pollution; effluent guidelines for point source categories:
31028 Pulp, paper, and paperboard builders' paper and board mills; pretreatment standards, and new source performance standards; extension of time
NOTICES
31048 Air quality modeling; conference
Environmental statements; availability, etc.:
31051 Agency statements; weekly receipts
Motor vehicle fuel economy, evaluation of retrofit devices:
31050 Petromizer system
31049 Platinum gasaver
31050 ULX-15 and ULX-15D additives
Pesticide registration, cancellation, etc.:
31047 Dupont Demosan 10-D Chloroneb Fungicide, etc.
31047 Ortho Spot Weed & Grass Killer, etc.

Federal Communications Commission
RULES
Radio services, special:
31015 Maritime services; stations on land and on shipboard and Alaska-public fixed stations; deletion of obsolete dates; correction
PROPOSED RULES
Radio stations; table of assignments:
31029 Texas; extension of time
NOTICES
Hearings, etc.:
31052 Empire Mobilcomm Systems, Inc., et al.
31053 Great Onondaga County Telecasting Corp. et al.
31055 Hassayampa Broadcasting et al.
31054 Holt-Robinson Television of Louisiana, Inc., et al.
31055 Public Broadcasting Service, Inc., et al.
31056 Rocket Radio, Inc.
31130 Meetings; Sunshine Act (2 documents)
31058 Television broadcast applications accepted for filing and notification of cut-off date (2 documents)

Federal Deposit Insurance Corporation
PROPOSED RULES
31018 Insured nonmember bank; guaranteeing obligation of third parties; prohibitions

Federal Grain Inspection Service
NOTICES
Grain standards; inspection points:
31035 Idaho

Federal Home Loan Bank Board
NOTICES
31131 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
31058 Agreements filed, etc.; correction

Federal Mine Safety and Health Review Commission
NOTICES
31131 Meetings; Sunshine Act

Federal Reserve System
NOTICES
31132 Meetings; Sunshine Act

Federal Trade Commission
NOTICES
Authority delegations:
31061 Competition Bureau Director et al.; notification to filing persons of deficiencies in responses to requests for additional information or documentary material
Premerger notification waiting periods; early terminations:
31058 American Express Co.
31058 Compagnie Generale des Eaux
31059 J. R. Simplot
31059 Loeb Partners Voting Trust
31059 North Jersey Savings & Loan Association
31059 Northwest Industries Inc.
31060 Saarbergwerke Aktiengesellschaft
31060 Sequoia Ventures Inc.
31060 Weill, Sanford I.

Fish and Wildlife Service
PROPOSED RULES
Migratory bird hunting:
31030 Non-toxic shot zones

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
31010 Dichlorophene and toluene capsules
31010 Phenylbutazone granules
Food additives:
31006 Antioxidants and stabilizers; octadecyl 3,5-di-tert-butyl-4-hydroxy-hydrocinnamate
31005 Di-*n*-alkyl (C_8-C_{10}) dimethylammonium chloride, *n*-alkyl (C_{12}-C_{14}) benzyldimethylammonium chloride and ethyl alcohol
31007 Tris (2,4-di-*tert*-butylphenyl)-phosphite
Human drugs:
31009 Gentamicin sulfate injection
31004 Ice cream and frozen custard; identity standards; FD&C Yellow No. 5 label declaration; extension of time and confirmation of effective date
31004 Margarine; labeling
Organization and authority delegations:
31003 Medical Devices Bureau, Associate Director for Compliance, et al.; export of medical devices
PROPOSED RULES
Caffeine:
31020 GRAS status removal and interim use; reports availability

NOTICES
Committees; establishment, renewals, terminations, etc.:
31074 Device Good Manufacturing Practice Advisory Committee et al.; request for nominations for representatives of consumer and industry interests
31073 Device Good Manufacturing Practice Advisory Committee et al.; request for nominations for voting members
31067 Fish sticks, cakes, and crab cakes (frozen); recommended microbiological quality standards
Human drugs:
31063 Ataraxoid tablets; approval withdrawn
31065 Bio-flav capsules; approval withdrawn
31065 Conjugated estrogens for parenteral use; premarin intravenous; drug efficacy study implementation; opportunity for hearing and reevaluation rescinded
31066 Eskatrol spansule capsules; approval withdrawn
31068 Methoxsalen capsules; drug efficacy study implementation; followup notice
31070 Oxymorphone hydrochloride 5-milligram rectal suppositories; drug efficacy study implementation; reevaluation
31071 Oxymorphone hydrochloride rectal suppositories; drug efficacy study implementation; revocation of exemption
31069 Oxymorphone hydrochloride 2-milligram rectal suppositories; proposed withdrawal of approval and opportunity for hearing
31072 Oxytocin citrate buccal tablets; approval
31072 Pro-banthine with dartal tablets; approval withdrawn
31064 Testosterone propionate solution in oil, etc.; approval withdrawn
31075 Wilzyme tablets and chymolase tablets; approval withdrawn
Meetings:
31061, 31062 Advisory committees; panels, etc. (2 documents)

Food and Nutrition Service
NOTICES
Child nutrition programs:
31035 Women, infants, and children; special supplemental food program, eligibility; income poverty guidelines

Forest Service
PROPOSED RULES
31021 "Woodsy Owl" symbol; use

Health and Human Services Department
See Food and Drug Administration; Human Development Services Office; National Institutes of Health.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
31046 Decisions and orders

Housing and Urban Development Department
NOTICES
31076 Privacy Act; systems of records

Human Development Services Office
PROPOSED RULES
31029 Social Security Disability Amendments of 1980; medical and social services for certain handicapped persons; decision to develop; withdrawn

Interior Department
See Fish and Wildlife Service; Land Management Bureau; Reclamation Bureau.

Internal Revenue Service
NOTICES
Meetings:
31129 Art Print Advisory Panel

International Trade Administration
RULES
Export licensing:
31001 Computer system parameters; definitions; interim rule and request for comments
NOTICES
Meetings:
31040, 31041 Computer Systems Technical Advisory Committee (2 documents)

International Trade Commission
NOTICES
Import investigations:
31094 Card data imprinters and components
31132 Meetings; Sunshine Act

Interstate Commerce Commission
RULES
Practice and procedure:
31016 Motor carrier and broker forms
NOTICES
Motor carriers:
31084 Fuel costs recovery, expedited procedures
31084 Intercorporate hauling operations; intent to engage in
31079-31090 Permanent authority applications (6 documents)
31085 Permanent authority applications; restriction removals
Railroad operation, acquisition, construction, etc.:
31094 Somerset Railroad Corp.
Railroad services abandonment:
31081 Burlington Northern, Inc. (2 documents)
31092 Consolidated Rail Corp.
31081 Chesapeake & Ohio Railway Co.
31083 Norfolk Southern Railway Co.

Justice Department
See Antitrust Division; Prisons Bureau.

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
31120 AMF Corp.
31116 AMF/Harley-Davidson Motor Co., Inc.
31119 Bardstown Manufactors et al.
31115 Dial Machine & Tool Co., Inc., et al.

31118 Frederick Tool Corp.
31120 Lane Cedar Products
31120 Smart Maid Coat & Suit Corp.
31120 Thorsby Manufacturing Co.
31120 Troy Television, Inc.
Organization, functions, and authority delegations:
31117 Administration and Management Assistant Secretary; enforcement of equal opportunity in programs and activities receiving or benefiting from financial assistance
31117 Employment and Training Assistant Secretary et al.; responsibility under Trade Act of 1974

Land Management Bureau
NOTICES
Authority delegations:
31078 South Dakota District Managers; oil and gas exploration operations
Coal leases, exploration licenses, etc.:
31078 Utah
Environmental statements; availability, etc.:
31077 Ellis-Pahsimeroi Planning Unit, Idaho; grazing management program
Management and framework plans, review and supplement, etc.:
31078 Idaho

Merit Systems Protection Board
RULES
Organization and functions:
30999 Board Offices

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
31099 Metzinger Coal Co.
31099 Mine Hill Coal Co.

National Aeronautics and Space Administration
NOTICES
Meetings:
31120 Advisory Council and Space Science Advisory Committee
31121 Wage Committee; postponement

National Institutes of Health
NOTICES
Meetings:
31076 Cellular and Molecular Basis of Disease Review Committee
31076 Heart, Lung, and Blood Institute, National; Research Manpower Review Committee

National Oceanic and Atmospheric Administration
NOTICES
Fishermen's contingency fund:
31041 Claims, deficient; removal from files
Fishery conservation and management:
31042 Northern anchovey; Pacific Fishery Management Council; meeting

National Technical Information Service
NOTICES
Patent licenses, exclusive:
31042 Beecher Co.

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
31121 Carolina Power & Light Co.
31121 Commonwealth Edison Co. et al.
31122 Iowa Electric Light & Power Co. et al. (2 documents)
31123 Plum Brook reactor
31123 Southern California Edison Co. et al.
31124 Toledo Edison Co. et al. (2 documents)
Environmental statements; availability, etc.:
31122 Plum Brook reactor and Plum Brook mock-up reactor
Meetings:
31121 Reactor Safeguards Advisory Committee

Occupational Safety and Health Administration
RULES
Health and safety standards:
31010 Employee exposure and medical records, access; administrative stay of regulations; extension of comment time

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
31106 ABC Freight Forwarding Corp.
31099 Bart Hackley Accountancy Corp.
31100 Contractor Service & Rentals, Inc.
31101 Everett Clinic Inc.
31102 McKenney's, Inc.
31107 Parker-Hannafin Corp.
31107 Pridgeon & Clay, Inc.
31103 Prudential Insurance Co. of America
31104 R & L Grell, Inc.
31110 RREEF MidAmerica Fund-II
31112 T. Rowe Price Associates, Inc.
31105 Taylor Enterprises, Inc.
31106 Thompson Steel Co., Inc.

Personnel Management Office
PROPOSED RULES
31018 Regulatory agenda; publication delay

Prisons Bureau
RULES
31204 Inmate accident compensation program, Federal prison industries; final and interim rules and request for comments
PROPOSED RULES
Inmate control, custody, care, treatment, and instruction:
31210 Offenders transferred to or from foreign countries, education, recreation, and library programs annual survey, UNICOR inmates, incentive awards program, and admission and orientation program

Reclamation Bureau
NOTICES
Contract negotiations:
31079 Hidalgo County Water Improvement District No. 5, Tex.; loan escalation repayment

Environmental statements; availability, etc.:
31079 Allen Camp Unit, Central Valley Project, Calif.; withdrawn

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
31036 San Isabel Electric Association, Inc.
31037 Tex-La Electric Cooperative of Texas, Inc.

Securities and Exchange Commission
NOTICES
Hearings, etc.:
31124, 31126 International Harvester Credit Corp. (2 documents)
31132 Meetings; Sunshine Act
31128 Privacy Act; systems of records
Self-regulatory organizations; proposed rule changes:
31127 National Association of Securities Dealers, Inc.

Tennessee Valley Authority
RULES
31002 Freedom of Information Act; implementation

Treasury Department
See Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.

Veterans Administration
RULES
Adjudication; pensions, compensation, dependency, etc.:
31011 Hospitalization; reduction of aid and attendance allowance
PROPOSED RULES
Vocational rehabilitation and education:
31022 Educational benefits; extension to eligible persons

MEETINGS ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION
31040 Ohio Advisory Committee, Cincinnati, Ohio (open), 6–27–81

COMMERCE DEPARTMENT
International Trade Administration—
31040 Computer Systems Technical Advisory Committee, Licensing Procedures Subcommittee, Washington, D.C. (open), 7–1–81
31041 Computer Systems Technical Advisory Committee, Washington, D.C. (partially open), 7–1–81
National Oceanic and Atmospheric Administration—
31042 Northern Anchovy Fishery, Long Beach, Calif. (open), 7–6–81

DEFENSE DEPARTMENT
Army Department—
31043 Army Science Board, Laurel, Md. (closed), 7–9 and 7–10–81

ENERGY DEPARTMENT
Bonneville Power Administration—
31238 Draft Prototype Sales Contracts and Environmental Report, Seattle, Wash.; 6–23–81; Spokane, Wash., and Portland, Oreg., 6–24–81; Boise, Idaho, 6–25–81
31045 International Energy Agency Industry Advisory Board, Subcommittees A and C, New York, N.Y., 6–17 and 6–18–81
31045 International Energy Agency, Industry Advisory Board, Subcommittee C, New York, N.Y., 6–18 and 6–19–81

ENVIRONMENTAL PROTECTION AGENCY
31048 Conference on Air Quality Modeling, Washington, D.C., 8–10, 8–11, and 8–12–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
31061 Dental Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, Washington, D.C. (open), 7–13–81
31062 General Hospital and Personal Use Device Section of the General Medical Devices Panel, Silver Spring, Md. (open), 7–13–81
31061 Miscellaneous Internal Drug Products Panel, Bethesda, Md. (open), 7–10, 7–11, and 7–12–81
31062 Vaccines and Related Biological Products Advisory Committee, Bethesda, Md. (partially open), 6–29 and 6–30–81
National Institutes of Health—
31076 Cellular and Molecular Basis of Disease Review Committee, Chevy Chase, Md. (partially open), 6–29 and 6–30–81
31076 Research Manpower Review Committee, Bethesda, Md. (partially open), 6–22–81

LABOR DEPARTMENT
Occupational Safety and Health Administration—
31010 Construction Advisory Committee, Washington, D.C., 6–10, 6–11, and 6–12–81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—
31120 NASA Advisory Council, Space Science Advisory Committee, Washington, D.C. (open), 6–29, 6–30 and 7–1–81

NUCLEAR REGULATORY COMMISSION
31122 Reactor Safeguards Advisory Committee, Comanche Peak Units 1 and 2 Subcommittee, Dallas/Ft. Worth, Tex. (open), 6–29–81

TREASURY DEPARTMENT
Internal Revenue Service—
31129 Art Print Advisory Panel, Washington, D.C. (closed), 7–14 and 7–15–81

CHANGED MEETING

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
31121 NASA Wage Committee, Washington, D.C. (closed), 6–26–81 changed to 7–8–81

HEARING

DELAWARE RIVER BASIN COMMISSION
31043 Hearing, West Trenton, N.J., 6–17–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
12296 (Amended by EO 12309)..... 30997
12309 (Amends EO 12296)..... 30997

5 CFR
1200..... 30999
Proposed Rules:
Ch. I..... 31018

10 CFR
Proposed Rules:
500..... 31216
501..... 31216
503..... 31216
504..... 31216
505..... 31216

12 CFR
Proposed Rules:
332..... 31018
337..... 31018

14 CFR
207..... 31000
208..... 31000
212..... 31000
302..... 31001

15 CFR
376..... 31001

18 CFR
1301..... 31002

21 CFR
5..... 31003
74..... 31004
101..... 31004
135..... 31004
166..... 31004
178 (3 documents)..... 31005–31007
193..... 31008
444..... 31009
520 (2 documents)..... 31010
Proposed Rules:
180..... 31020
182..... 31020

27 CFR
Proposed Rules:
9..... 31020

28 CFR
301..... 31204
Proposed Rules:
522..... 31210
527..... 31210
544..... 31210
545..... 31210

29 CFR
1910..... 31010

36 CFR
Proposed Rules:
272..... 31021

38 CFR
3..... 31011
Proposed Rules:
21..... 31022

40 CFR
52 (2 documents)..... 31011, 31012
81..... 31013
180 (2 documents)..... 31014, 31015
Proposed Rules:
52 (3 documents)..... 31023, 31024
62..... 31026
81..... 31027
123..... 31028
430..... 31028
431..... 31028

45 CFR
Proposed Rules:
1300..... 31029

47 CFR
81..... 31015
83..... 31015
Proposed Rules:
73..... 31029

49 CFR
1003..... 31016

50 CFR
Proposed Rules:
20..... 31030

Federal Register
Vol. 46, No. 113
Friday, June 12, 1981

Presidential Documents

Title 3—

The President

Executive Order 12309 of June 9, 1981

President's Economic Policy Advisory Board

By the authority vested in me as President by the Constitution of the United States of America, and in order to amend the limitations on membership for the President's Economic Policy Advisory Board, it is hereby ordered that the second sentence of Section 1(a) of Executive Order No. 12296 of March 2, 1981, is amended by deleting "from private life who shall be".

Ronald Reagan

THE WHITE HOUSE,
June 9, 1981.

[FR Doc. 81-17700
Filed 6-10-81; 3:23 pm]
Billing code 3195-01-M

V
4
6

J
E

1
2

8
1
UMI

Rul

This se
contains
general
of whic
the Coc
publishe
U.S.C. 1
The Co
by the
Prices c
first FE
month.

**MERIT
BOARD**

5 CFR P

Organiz

AGENCY
Board.

ACTION:

SUMMAR
Board c
1979 pu
Reorgan
Service
454, "Th
Board h
structur
efficient
Act. The
Part 120
forth thi
accorda

EFFECTI

FOR FUR
Paul D. I
Director

This a
adding a

Subpart

Sec.
1200.10
Boar
1200.11

**§ 1200.10
the Boar**

(a) The
performa
staff whi
principal

(1) Off
(2) Off
(3) Off
(4) Off
Judge.
(5) Off

Rules and Regulations

Federal Register
Vol. 46, No. 113
Friday, June 12, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1200

Organizational Structure

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board came into being in January of 1979 pursuant to the President's Reorganization Plan No. 2 and the Civil Service Reform Act of 1978 (Pub. L. 95–454, "The Act"). Since that time the Board has established an organizational structure in order to effectively and efficiently carry out its duties under the Act. The purpose of this amendment to Part 1200 is to add a Subpart B, setting forth this organizational structure in accordance with 5 U.S.C. 552.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Paul D. Mahoney, Deputy Managing Director, (202) 254–3063.

This amends 5 CFR Part 1200, by adding a new Subpart B as follows:

Subpart B—Offices of the Board

Sec.
1200.10 Principal organizational units of the Board.
1200.11 The Special Counsel.

§ 1200.10 Principal organizational units of the Board.

(a) The Board is assisted in the performance of its statutory duties by its staff which is divided into the following principal organizational units:

(1) Office of the Managing Director.
(2) Office of the General Counsel.
(3) Office of Appeals.
(4) Office of the Administrative Law Judge.
(5) Office of the Secretary.
(6) Office of Merit Systems Review and Studies.
(7) Office of Administration.
(8) Office of Legislative Counsel.
(9) Field Offices.

(b) *Office of the Managing Director.*

The Managing Director has responsibility for management of all agency operations and programs which support the work of the Board, including supervision of the Board's field offices. The Managing Director, who reports directly to the Chairwoman as chief executive officer, has been delegated authority to make all final decisions in the performance of the Board's personnel management, fiscal management, general administrative support services, procurement and contracts, personnel, document security and claims.

(c) *Office of the General Counsel.*

This office provides legal advice to the Board and its staff and where appropriate under 5 U.S.C. 1205(h) represents the Board in civil actions brought in connection with any of its functions. It also participates in the review of the rules and regulations of OPM on their face and as implemented.

(d) *Office of Appeals.*

This office has the following functions:

(1) reviews the decisions of presiding officials in the field;
(2) processes petitions for review and interlocutory appeals including recommending appropriate action, and recommending reopenings by the Board:
(3) adjudicates cases instituted prior to the effective date of the Act; and
(4) prepares proposed decisions for the Board in interlocutory appeals and actions brought under its appellate jurisdiction which have previously been adjudicated in the field offices.

(e) *Office of the Administrative Law Judge.*

This office is headed by an Administrative Law Judge (ALJ) appointed pursuant to 5 U.S.C. 3105. The ALJ's conduct formal adjudications as provided under the Administrative Procedure Act and issue decisions in accordance with 5 U.S.C. 557. The ALJ's hear cases as assigned by the Board which are particularly sensitive or difficult. Such cases may arise under either the Board's appellate or original jurisdiction.

(f) *Office of the Secretary.*

This office maintains official records of actions by the Board and its members; dockets and tracks all cases pending before the Board; responds to requests for access to Board records; distributes Board orders and publications; makes initial determinations for information under the Freedom of Information and Privacy Acts; and is the official keeper of the Board's seal.

(g) *Office of Merit Systems Review and Studies.*

This office conducts studies of the civil service and other merit systems under 5 U.S.C. 1205(a)(3) to determine whether they are free of prohibited personnel practices and reviews the significant actions of the OPM. The office also participates in the review of the rules and regulations of OPM on their face and as implemented by the agencies.

(h) *Office of Administration.*

This office carries out the financial and personnel management functions of the Board and provides general administrative services.

(i) *Office of Legislative Counsel.*

This office has primarily two functions. First, it undertakes duties relating to Congress and other Executive agencies including: preparing testimony; responding to inquiries; and drafting legislation and bill reports. Second, it provides informational services for the Board including responding to inquiries of the press and the public and assisting in the preparing and distributing of Board publications.

(j) *Field Offices.*

The Board has eleven field offices located throughout the country as set forth in Appendix II of Part 1201. The primary function of the field offices is to adjudicate cases arising under the Board's appellate jurisdiction in accordance with 5 CFR Part 1201 and to render initial decisions as set forth at 5 CFR 1201.111. Each field office is headed by a Chief Appeals Officer who reports to the Managing Director through the Deputy Managing Director.

§ 1200.11 The Special Counsel.

The Special Counsel was established by the Civil Service Reform Act as the unit within the Board charged with the investigation and prosecution of prohibited personnel practices and certain other violations of Federal law. The Special Counsel's duties include bringing actions before the Board for adjudication. The Reform Act provides

independence for the Special Counsel in carrying out these investigative and prosecutorial functions by separating those functions from the Board's adjudicatory role. A further discussion of the function and duties of this office is found at 5 CFR Part 1250.

5 U.S.C. 1205(g) and (i)

By order of the Board.

Ruth T. Prokop,

Chair.

June 8, 1981.

[FR Doc. 81-17550 Filed 6-11-81; 8:45 am]

BILLING CODE 7400-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 207

[Economic Regulations Amdt. No. 30; Docket: 39173; Regulation ER-1224]

Charter Trips and Special Services; Removal of Restrictions on Chargeable Administrative Costs

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules governing pro rata charters to remove restrictions on chargeable administrative costs.

DATES: Adopted: May 22, 1981. Effective: July 12, 1981.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: In response to a suggestion by Transamerica Airlines, Inc., the Board proposed in EDR-419, 46 FR 10164, February 2, 1981, to remove the restrictions on the administrative costs that can be charged to pro rata charters. Sections 207.43, 208.213, and 212.43 provide that only $500 of the administrative costs of organizing a charter flight may be divided among charter participants per roundtrip flight. The ceiling is reduced to $300 when there are fewer than 80 charter participants. If total expenditures, exclusive of expenses for air transportation or land tours, exceed $750 per round trip flight, the expenditures must be supported by properly authenticated vouchers.

No comments were filed. Because the restrictions on administrative costs chargeable to pro rata charters are an outdated and unnecessary governmental intrusion, they are being eliminated. No amendment to 214.33, as was proposed in EDR-419 is necessary because that section was removed in ER-1223, FR 28379, May 26, 1981.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act (Pub. L. 96-354), the Board certifies that this rule will not, if adopted as proposed, have a significant economic impact on a substantial number of small entities. Although some of the carriers that are subject to Parts 207, 208, and 212 are small businesses, they will not be significantly affected by this proposal.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 207, Charter Trips and Special Services, as follows:

1. The authority for Part 207 is:

Authority: Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 418, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 766, 769, 771, 788; 91 Stat. 1284; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1388, 1482.

§ 207.43 [Amended]

2. Paragraphs (c) and (d) of § 207.43 are removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-17584 Filed 6-11-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 208

[Economic Regulations Amdt. No. 30; Docket: 39173; Regulation ER-1225]

Terms, Conditions, and Limitations of Certificates To Engage in Charter Air Transportation; Amendment of Rules for Pro Rata Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules governing pro rata charters to remove all restrictions on administrative costs.

DATES: Adopted: May 22, 1981. Effective: July 12, 1981.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Ave., N.W., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1224, adopted today.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 208, Terms, Conditions, and Limitations of Certificates to Engage in Charter Air Transportation, as follows:

1. The authority for Part 208 is:

Authority: Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 417, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 766, 769, 771, 788, 76 Stat. 145; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1387, 1482.

§ 208.213 [Amended]

2. Paragraphs (c) and (d) of § 208.213, Charter Costs, are removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-17585 Filed 6-11-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 212

[Economic Regulations Amdt. No. 40; Docket: 39173; Regulation ER-1226]

Charter Trips By Foreign Air Carriers; Removal of Restrictions on Administrative Costs

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules governing pro rata charters to remove all restrictions on administrative costs.

DATES: Adopted: May 22, 1981. Effective: July 12, 1981.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Ave., N.W., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1224, adopted today.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 212, Charter Trips by Foreign Air Carriers, as follows:

1. The authority for Part 212 is:

Authority: Secs. 101(3), 102, 204, 401, 402, 403, 404, 407, 411, 416, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 769, 771, 788, 49 U.S.C. 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482.

§ 212.43 [Amended]

2. Paragraphs (c) and (d) of § 212.43, Charter Costs, are removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-17586 Filed 6-11-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 302

[Procedural Regulations Amdt. No. 63; Regulation PR-230]

Rules of Practice in Economic Proceedings; Editorial Correction

AGENCY: Civil Aeronautics Board.

ACTION: Editorial amendment.

SUMMARY: This rule makes an editorial correction to the title of § 302.505 concerning complaints requesting suspension of tariffs and revises the authority citation.

DATES: Adopted: June 8, 1981. Effective: June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Associate General Counsel, Rules and Legislation Division, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: When section 302.505 was amended by PR-194, 44 FR 9578, February 13, 1979, the title was not amended to reflect the changes that eliminated a provision for replies to answers against complaints requesting suspension of tariffs. Our reasons for the amendment are discussed in ER-1104, 44 FR 9576, February 13, 1979. In particular, because of new notice periods made by the Airline Deregulation Act of 1978 (Pub. L. 95-504), we could no longer adhere to the three-pleading system indicated in the subsection's title. The discrepancy between the title and the contents has led to some confusion.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 302 as follows:

1. The authority for Part 302 is revised to read:

Authority: Sec. 101, 203, 204, 401, 402, 403, 404, 406, 412, 416, 901, 1001, 1002, 1005, Pub. L. 85-726, as amended, 72 Stat. 737, 742, 743, 754, 757, 758, 760, 763, 770, 771, 783, 788, 794; 49 U.S.C. 1301, 1323, 1324, 1371, 1372, 1373, 1374, 1376, 1382, 1386, 1471, 1481, 1482, 1485; Reorganization Plan No. 3, 75 Stat. 837, 26 FR 5989; E.O. 11514, Pub. L. 91-90, 42 U.S.C. 4321; 84 Stat. 772, 39 U.S.C. 5402.

2. The title to § 302.505 and the Table of Contents are revised to read:

Sec.
302.505 Complaints requesting suspension of tariffs—answers to such complaints.

By the Civil Aeronautics Board.

David M. Kirstein,
General Counsel.

[FR Doc. 81-17587 Filed 6-11-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 376

Computer System Parameters: Definitions

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: Four new definitions of computer system parameters are added to the Export Administration Regulations. These definitions will assist exporters who must supply parameter information when applying for licenses to export digital computers.

DATES: The changes announced in this document are effective June 12, 1981. This rule may be further revised in light of any comments received. Comments must be received by the Department before noon, August 11, 1981.

ADDRESS: Written comments (five copies when possible) should be sent to: Richard J. Isadore, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230. (Telephone (202) 377-5247 or 377-4811.)

SUPPLEMENTARY INFORMATION: The export of digital computers is controlled for national security purposes. When exporters apply for licenses to export or reexport digital computers to destinations in Country Groups P, Q, W and Y (see Supplement No. 1 to Part 370 of the Export Administration Regulations for a complete listing of countries included in these Country Groups), or to upgrade existing digital computer installations in those areas, they must file Form ITA-6031P, "Computer System Parameters," with their application. Exporters use this form to identify equipment proposed for export and describe its capabilities.

Section 376.10(a)(4) of the Export Administration Regulations contains definitions of terms commonly used in evaluating digital computers. These definitions are intended to assist exporters in calculating data and values required on Form ITA-6031P. This change adds four new definitions to § 376.10(a)(4).

Rulemaking Requirements and Invitation to Comment

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations.

The period for submission of comments will close August 11, 1981. All comments received before the close of the comment period will be considered by the Department in the development of final regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Records in this facility, including written public

comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

Accordingly, § 376.10(a)(4) of the Export Administration Regulations (15 CFR Part 368 *et seq.*) is amended by adding new subdivisions (xx), (xxi), (xxii) and (xxiii) reading as follows:

§ 376.10 Electronic computers and related equipment.

(a) * * *

(4) * * *

(xx) Vector add rate (VAR) and vector move rate (VMR) are the reciprocals of average execution time, define as follows for Add and Move operations:

The "average execution time" is the time required to perform an optimal number (the number that minimizes the time per instruction) of operations on an array of operands divided by the number of such operations.

Note.—The "average execution time" above is the fastest time certified or openly published by the manufacturer as the average value under the conditions of this sub-paragraph with no indexing or indirect operations being included. If only the minimum and maximum execution times of an instruction are published, then the "average execution time" is the sum of the maximum execution time of an instruction and twice the minimum execution time of an instruction divided by three. For CPUs simultaneously fetching more than one instruction in one memory word, the "average execution time" shall be the average over the possible locations of the instruction within the fetched word.

(xxi) Fast Fourier Transform processing times should be computed as follows:

(A) The "one-dimensional real FFT processing time" for specialized processing units is the average time to compute a one-dimensional real FFT algorithm on a sequence of 1,024 element arrays of fixed or floating point operands.

(B) The "two-dimensional complex FFT processing time" for specialized processing units is the time to compute a two-dimensional complex FFT algorithm on a 512 by 512 element array of fixed or floating point operands.

Note.—The time of (A) and (B) above is the minimum time achievable fully utilizing all hardware architectural features (including, inter alia, multiple and/or staged (pipelined) arithmetic units), optimal operand lengths and optimal operand locations in the most immediate memory (the portion of main memory most directly accessible by the CPU) and ignoring initialization, interrupts, and data reordering times.

(xxii) "Specialized processing units" (ATP, image processors, etc.) are equipment utilizing firmware and/or hardware architectural techniques optimizing the processing of data or data streams by various mathematical algorithms or in parallel under the control of one or more instruction streams. In particular these include those units which are optimized for digital signal processing or image enhancement or multi-data-stream processing.

(xxiii) A "microprogram" is a sequence of elementary hardware or firmware instructions that correspond to an operation that is maintained in special storage and whose execution is initiated by the introduction of an instruction into an instruction register.

(Secs. 3, 5, 13 and 15, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980))

Dated: May 26, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-17425 Filed 6-11-81; 8:45 am]

BILLING CODE 3510-25-M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1301

Fees for Search and Duplication of Records

AGENCY: Tennessee Valley Authority.

ACTION: Final rulemaking.

SUMMARY: The Tennessee Valley Authority (TVA) amends its Freedom of Information Act regulations regarding fees charged for search and duplication of records. The amended regulations reflect charges for supervisory or professional time spent in the identification of requested documents. TVA adopts an hourly rate of $15 for supervisory or professional time. TVA also is raising the clerical rate from $4.15 per hour to $6.40 per hour, the current hourly rate for clerical employees most likely to be involved in search and duplication of documents.

DATE: This notice is effective June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Louis Gwin, Assistant Director of Information, Tennessee Valley Authority, Knoxville, Tennessee 37902, (615) 632-2629.

SUPPLEMENTARY INFORMATION: On August 4, 1980, (45 FR 51614), the Tennessee Valley Authority published in the **Federal Register** proposed amendments to its regulations about fees for the search and duplication of TVA records requested under the Freedom of Information Act, 5 U.S.C. § 552. An opportunity for the public to comment on the proposed amendments was given. No comment was received and the amendments are adopted as proposed.

Accordingly, 18 CFR § 1301.2 is revised to read as follows:

§ 1301.2 Schedule of fees.

(a) *Basis.* Except as otherwise provided in paragraph (c) of this section, TVA records which are available for public inspection under § 1301.1 are made available upon payment of uniform fees which will approximately cover the direct costs to TVA of searching for, compiling, transporting, and copying the records.

(b) *Fees.* The following fees are applicable:

(1) *Time charges.* For time spent by clerical employees searching files, compiling requested material from files, and making any requested copies the charge is $6.40 per hour. For time spent by supervisory and professional employees, the charge is $15 per hour.

(2) *Duplication charges.* For reproduction of requested material which consists of sheets no larger than 8½ by 14 inches, the charge is 10 cents per page. For reproduction of other materials, the charge is the direct cost of photostat or other means necessarily used for duplication.

(3) *Other charges.* Where a response to a request requires services or materials (including personnel) other than the common ones described in paragraphs (b) (1) and (2) of this section, the charge is the direct cost of such services and materials to TVA, but only if the requestor has been notified of such cost before it is incurred, or if the request contains a statement accepting responsibility for the costs to be incurred.

(c) *Waiver or reduction of fees.*

(1) No time charge is made with respect to any request for records requiring less than four (4) hours' time for searching and reproducing documents.

(2) If it is determined by TVA that all material requested is exempt from disclosure under § 1301.1 of this part,

and TVA accordingly declines to furnish all such material, no fees shall be charged. TVA may waive or reduce fees otherwise chargeable under this section upon its determination that waiver or reduction is in the public interest because furnishing the information can be considered as primarily benefitting the general public.

Dated: June 4, 1981.

W. F. Willis,

General Manager.

[FR Doc. 81-17423 Filed 6-11-81; 8:45 am]

BILLING CODE 6120-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Medical Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority regarding medical devices to redelegate certain authorities to additional officials in the Bureau of Medical Devices (BMD) and the Bureau of Radiological Health (BRH). The action will provide greater operating flexibility, more effective and efficient operations, and more expeditious handling of regulated submissions.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: Section 5.45 (21 CFR 5.45) is amended by adding the Associate Director for Compliance, BMD, and the Director, Division of Compliance, BRH, to the delegates authorized to perform functions relating to the export of medical devices. Section 5.47 (21 CFR 5.47) is amended by adding those same officials to the delegates authorized to perform functions relating to detention of medical devices that may be adulterated or misbranded.

Section 5.50 (21 CFR 5.50) is amended by adding the Deputy Director and the Associate Director for Device Evaluation, BMD, to the delegates authorized to perform functions relating to notification to petitioners of determinations made on petitions for reclassification of medical devices.

Section 5.52 (21 CFR 5.52) is amended by adding the Deputy Director and the Associate Director for Device Evaluation, BMD, and the Director and Deputy Director, BRH, to the delegates authorized to perform functions relating to notification of sponsors of deficiencies in petitions for reclassification of medical devices.

Section 5.53 (21 CFR 5.53) is amended by adding the Deputy Director and the Associate Director for Device Evaluation, BMD, to the delegates authorized to perform functions relating to the approval, disapproval, revocation, or declaration as complete or incomplete product development protocols and the approval, disapproval, or withdrawal of approval of applications for premarket approval for medical devices. Section 5.59 (21 CFR 5.59) is amended by adding those same officials to the delegates authorized to perform functions relating to approval, disapproval, or withdrawal of applications for investigational device exemptions and termination of certain notices of claimed investigational exemptions for a new drug.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 5 is amended:

1. By revising § 5.45(e) to read as follows:

§ 5.45 Imports and exports.

* * * * *

(e) The Director, Deputy Director, and the Associate Director for Compliance of the Bureau of Medical Devices and the Director, Deputy Director, and the Director of the Division of Compliance of the Bureau of Radiological Health, for medical devices assigned to their respective Bureaus, Regional Food and Drug Directors, and District Directors are authorized to perform all the functions of the Commissioner of Food and Drugs pertaining to exportation of medical devices under section 801(d) of the Federal Food, Drug, and Cosmetic Act.

2. By revising § 5.47 to read as follows:

§ 5.47 Detention of adulterated or misbranded medical devices.

The Director, Deputy Director, and the Associate Director for Compliance of the Bureau of Medical Devices and the Director, Deputy Director, and the Director of the Division of Compliance of the Bureau of Radiological Health, for medical devices assigned to their respective Bureaus, Regional Food and Drug Directors, and District Directors are authorized to perform all the functions of the Commissioner of Food and Drugs pertaining to detention under section 304(g) of the Federal Food, Drug, and Cosmetic Act of medical devices that may be adulterated or misbranded.

3. By revising § 5.50 to read as follows:

§ 5.50 Notification to petitioners of determinations made on petitions for reclassification of medical devices.

The Director, Deputy Director, and the Associate Director for Device Evaluation of the Bureau of Medical Devices are authorized to notify petitioners of:

(a) Determinations made on petitions for reclassification of medical devices that are classified in class III (premarket approval) by section 513(f) and 520(l) of the Federal Food, Drug, and Cosmetic Act (the act);

(b) Denials of petitions for reclassification of medical devices that are submitted under section 513(e) (except for petitions submitted in response to **Federal Register** notices initiating standard-setting under section 514(b) of the act or premarket approval under section 515(b) of the act).

4. By revising § 5.52 to read as follows:

§ 5.52 Notification to sponsors of deficiencies in petitions for reclassification of medical devices.

The Director, Deputy Director, and the Associate Director for Device Evaluation of the Bureau of Medical Devices, and the Director and Deputy Director of the Bureau of Radiological Health, for medical devices assigned to their respective Bureaus, are authorized to notify sponsors of deficiencies in petitions for reclassification of medical devices submitted under sections 513(f) and 520(l) of the Federal Food, Drug, and Cosmetic Act.

5. By revising § 5.53 (a) and (b) to read as follows:

§ 5.53 Appproval, disapproval, or withdrawal of approval of applications for premarket approval for medical devices.

(a) The Director, Deputy Director, and Associate Director for Device Evaluation of the Bureau of Medical Devices are authorized to approve, disapprove, revoke, or declare as complete or incomplete product development protocols for medical

devices submitted under section 515(f) of the Federal Food, Drug, and Cosmetic Act.

(b) The Director, Deputy Director, and Associate Director for Device Evaluation of the Bureau of Medical Devices are authorized to approve, disapprove, or withdraw approval of applications for premarket approval for medical devices submitted under sections 515 and 520(l) of the Federal Food, Drug, and Cosmetic Act.

* * * * *

6. By revising § 5.59 to read as follows:

§ 5.59 Approval, disapproval, or withdrawal of applications for investigational device exemptions.

The Director, Deputy Director, and Associate Director for Device Evaluation of the Bureau of Medical Devices are authorized to approve, disapprove, or withdraw applications for investigational device exemptions submitted under section 520(g) of the Federal Food, Drug, and Cosmetic Act.

Effective date. This regulation shall become effective June 12, 1981.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: June 4, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17255 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

---

21 CFR Parts 74, 101, 135

[Docket No. 79N-0116]

FD&C Yellow No. 5 Labeling of Ice Cream and Frozen Custard; Extension and Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Extension and confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is extending from July 1, 1981, to July 1, 1982, the time for complying with the amendment of the standard of identity for ice cream and frozen custard (21 CFR 135.110(f)) and with the label declaration of FD&C Yellow No. 5 required by 21 CFR 74.705(d)(2) and 21 CFR 101.22(c), as the latter two sections apply to ice cream and frozen custard. The purpose of the extension is to allow manufacturers to make the label changes in an orderly, efficient manner. Because no objections were received on the final regulations, other than a petition to extend the effective date by an additional year, FDA confirms that the regulation will be effective on July 1, 1982.

EFFECTIVE DATE: Compliance with 21 CFR 135.110(f) may have begun November 25, 1980. All affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1982, shall fully comply.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: FDA issued a final regulation in the **Federal Register** of September 26, 1980 (45 FR 63837) amending the standard of identity for ice cream and frozen custard (21 CFR 135.110(f)) to require label declaration of FD&C Yellow No. 5 when it is used in either of these foods (Docket No. 79N-0116). This amendment implements the provisions of 21 CFR 74.705(d)(2) and 21 CFR 101.22(c) that, effective July 1, 1981, will require the declaration of FD&C Yellow No. 5 on the labels of all foods in which the color additive is used, including butter, cheese, and ice cream.

Because food standards are promulgated by formal rulemaking, in the final regulation amending the standard of identity for ice cream and frozen custard FDA gave persons adversely affected an opportunity to submit objections and requests for hearing. Although no objections or requests were received, the International Association of Ice Cream Manufacturers (IAICM) submitted a petition to delay the effective date of the regulation by 1 year. Although IAICM did not object to the labeling requirement itself, the association contended that the label revisions necessary to meet the July 1, 1981 effective date will be costly because the industry recently underwent a major label revision to comply with labeling requirements that became effective July 1, 1979 (42 FR 35152; July 8, 1977). The IAICM stated that the additional costs of another label change following so closely on the previous change will be a burden to manufacturers that ultimately will affect consumers. Therefore, the IAICM requested that the effective date of the FD&C Yellow No. 5 labeling requirement for ice cream and frozen custard be delayed until July 1, 1982, with the provision that any label revisions initiated for the affected product containers before July 1, 1982, shall be in accordance with all applicable provisions of 21 CFR Parts 74 and 101.

FDA concludes that IAICM has presented reasonable grounds in support of the request. Therefore, FDA is extending the effective date of § 135.110(f) to July 1, 1982, from July 1, 1981, and is confirming the July 1, 1982 effective date. Further, to eliminate conflicting effective dates for complying with the new labeling requirements for FD&C Yellow No. 5 in ice cream and frozen custard, FDA advises that, by this notice, it is also extending the effective date for complying with §§ 74.705(d)(2) and 101.22(c), as these two sections apply to ice cream and frozen custard, from July 1, 1981, to July 1, 1982; however, the July 1, 1981 effective date will remain in effect for all other products.

Sections 74.705(d)(2) and 101.22(c) were published under Docket No. 77N-0009 as a final rule in the **Federal Register** of June 26, 1979 (44 FR 37212), and their effective date was confirmed on September 12, 1980 (45 FR 60419).

A copy of the petition is available for public review at the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., under Docket No. 79N-0116.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046 as amended, 1055-1056 as amended (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) there being no objections or requests for a hearing in response to the final regulation, notice is given that 21 CFR 135.110(f), as set forth in the **Federal Register** of September 26, 1980 (45 FR 63837), will be effective July 1, 1982. Voluntary compliance may have begun November 25, 1980. Notice is also given that 21 CFR 74.705(d)(2) and 21 CFR 101.22(c), as set forth in the **Federal Register** of June 26, 1979 (44 FR 37212), as they apply to ice cream and frozen custard only, will also be effective July 1, 1982.

Dated: June 4, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17301 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

---

21 CFR Part 166

[Docket No. 78P-0254]

Margarine Labeling

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the

margarine labeling regulations by deleting those provisions which set forth the names by which certain ingredients in oleomargarine or margarine should be declared. This will eliminate duplications and inconsistencies in the ingredient labeling requirements for margarine.

EFFECTIVE DATES: July 1, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date.

Voluntary compliance: August 11, 1981.

Objections by July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Howard N. Pippin, Bureau of Foods (HFF–312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–3092.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 5, 1979 (44 FR 57422), FDA proposed to amend the margarine labeling regulations (21 CFR 166.40) by deleting those provisions, paragraph (b) (1) through (10), which set forth the names by which certain ingredients in oleomargarine or margarine should be declared. This action was taken to eliminate inconsistencies with, or duplications of, the margarine standard of identity labeling requirements and requirements under 21 CFR Part 101. One comment was received from the National Association of Margarine Manufacturers (NAMM) in response to the proposal. The issues raised by NAMM and the agency responses are as follows:

1. NAMM requested that FDA continue to allow the grouping of the fats and/or oils used in margarine and oleomargarine without requiring the identifying phrase before the list of fats and/or oils as established by 21 CFR 101.4(b)(14). NAMM stated that the consumers are already aware that margarine is typically a "vegetable oil blend" and that an identifying phrase will confuse them.

FDA does not agree that the addition of the identifying phrase before a parenthetical listing of the fat and/or oil ingredients will confuse the consumer. On the contrary, the listing of fat and/or oil ingredients as required by § 101.4(b)(14) makes it clear to the consumer that the major portion of the product is a blend of the listed fats and/or oils and that such fats and/or oils are not in the ingredient statement in order of predominance. Thus, the consumer is put on notice that the individual fat or oil ingredients may be present in the amounts less than the amounts of the other ingredients appearing in the ingredient statement. FDA concludes that the labeling requirements as established in 21 CFR Part 101 are in the consumers' best interest and, therefore, if a manufacturer chooses to group the fats and/or oils, the ingredient statement of some labels will have to be changed to include an identifying phrase followed by the parenthetical listing of the fats and/or oils.

2. NAMM stated that butter is listed as an optional ingredient in § 166.40(b)(3) but not in § 166.110 and requested clarification of the use of butter as an optional ingredient.

The question of the use of butter as an optional ingredient included in the term "milk products" was addressed in the **Federal Register** of September 14, 1973 (38 FR 25671). In that document, FDA stated that "butter may be added without limit as a milk and/or milk product ingredient, providing that some other fat or oil ingredient under § 45.1(a)(1) (currently § 166.110(a)(1)) is also used as part of the 80 percent fat minimum." The deletion of § 166.40(b)(3) does not affect the use of butter as an optional ingredient in margarine.

3. NAMM expressed a concern that manufacturers would no longer be allowed to declare vitamins A and D in conjunction with their sources in the ingredient listing.

FDA advises that, although the phrases, "vitamin A added" or "with added vitamin A" and "vitamin D added" or "with added vitamin D," are no longer required. They are not prohibited and may continue to be placed on the label as long as the required information concerning source and nutrition comply with the applicable sections of Part 101.

FDA recognizes that the proposed effective date of July 1, 1981, has been passed and therefore the effective date for compliance with the amendment is now July 1, 1983, the new uniform effective date for complying with new labeling requirements published after October 31, 1980.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 166 is amended by revising § 166.40(b) to read as follows:

§ 166.40 Labeling of margarine.

* * * * *

(b) The identity standard for oleomargarine or margarine applies to both the uncolored and the colored article.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 13, 1981 submit to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin August 11, 1981, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1983, shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register**.

Dated: June 5, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17437 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

---

21 CFR Part 178

[Docket No. 80F–0194]

Indirect Food Additives; Di-n-Alkyl (C_8–C_{10}) Dimethylammonium Chloride, n-Alkyl (C_{12}–C_{16}) Benzyldimethylammonium Chloride and Ethyl Alcohol

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of di-*n*-alkyl(C_8–C_{10})dimethylammonium chloride, *n*-alkyl(C_{12}–C_{16})benzyldimethylammonium chloride and ethyl alcohol as components of sanitizing solutions. The agency is taking this action in response to a petition filed by Lonza, Inc.

DATES: Effective June 12, 1981; objections by July 13, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James B. Lamb, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St., SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 27, 1980 (45 FR 43473), FDA announced that a food additive petition (FAP OH3502) had been filed by Lonza, Inc., Fair Lawn, NJ 07410, proposing that § 178.1010 (21 CFR 178.1010) of the food additive regulations be amended to provide for the safe use of di-*n*-alkyl(C_8–C_{10})dimethylammonium chloride compounds, *n*-alkyl(C_{12}–C_{16})benzyldimethylammonium chloride compounds and ethyl alcohol as components of a sanitizing solution to be used on food-contact surfaces.

Having evaluated the data in the petition and other relevant material, FDA concludes that the proposed food additive use is safe and that § 178.1010 of the regulations should be amended as set forth below.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's findings of no significant impact and the evidence supporting that document may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)), Part 178 is amended in § 178.1010 by adding new paragraphs (b)(22) and (c)(17) to read as follows:

§ 178.1010 Sanitizing solutions.

* * * * * *

(b) * * *

(22) An aqueous solution containing (1) di-*n*-alkyl(C_8-C_{10}) dimethylammonium chloride compounds having average molecular weights of 332–361, (2) *n*-alkyl (C_{12}-C_{16}) benzyldimethylammonium chloride compounds having average molecular weights of 351–380 and consisting principally of alkyl groups with 12 to 16 carbon atoms with or without not over 1 percent each of groups with 8 and 10 carbon atoms, and (3) ethyl alcohol. The ratio of compound (1) to compound (2) is 60 to 40.

* * * * * *

(c) * * *

(17) Solutions identified in paragraph (b)(22) of this section shall provide, when ready to use, at least 150 parts per million and not more than 400 parts per million of active quaternary compound.

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 13, 1981 submit to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 12, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 1, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR. 81–17433 Filed 6–11–81; 8:45 am]

BILLING CODE 4110–03–M

---

21 CFR Part 178

[Docket No. 80F–0160]

Indirect Food Additives, Antioxidants and Stabilizers; Octadecyl 3,5-di-tert-butyl-4-hydroxy-hydrocinnamate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the expansion of the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and/or stabilizer as a component of polycarbonate resins in articles intended for food-contact use. This action responds to a food additive petition filed by Ciba-Geigy Corp.

DATES: Effective June 12, 1981; objections by July 13, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin Mack, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 30, 1980 (45 FR 36523), FDA announced that a food additive petition (FAP 0B3504) had been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing to amend § 177.1580 *Polycarbonate resins* (21 CFR 177.1580) to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and thermal stabilizer for polycarbonate resins used in articles intended for food-contact use. This document corrects that notice to read that the food additive petition (FAP 0B3504) had been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing to amend § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and/or stabilizer for polycarbonate resins complying with

§ 177.1580 used in articles intended for food-contact use.

FDA has evaluated data in the petition and other relevant information and has concluded that the proposed use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and thermal stabilizer for polycarbonate resins used in articles intended for food-contact use is safe, and that § 178.2010 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)), Part 178 is amended in § 178.2010(b) by adding a new limitation for "Octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
Octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate (CAS Reg No. 2082-79-3).	For use only * * * B. At levels not to exceed 0.3 percent by weight of polycarbonate resins that comply with § 177.1580 and that contact food only under conditions of use E, F, and G described in table 2, § 176.170(c) of this chapter
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 13, 1981 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation becomes effective June 12, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17435 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

---

21 CFR Part 178

[Docket No. 80F-0219]

Indirect Food Additives; Tris(2,4-di-Tert-Butylphenyl)-Phosphite

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of tris(2,4-di-*tert*-butylphenyl)-phosphite as an antioxidant and thermal stabilizer for ethylene-vinyl acetate copolymers intended for use in contact with food and complying with § 177.1350 (21 CFR 177.1350), as requested in a petition filed by Ciba-Geigy Corp.

DATES: Effective June 12, 1981; objections by July 13, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Neal D. Singletary, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of July 15, 1980 (45 FR 47473), FDA announced that a food additive petition (FAP 0B3511) had been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of tris(2,4-di-*tert*-butylphenyl)-phosphite as an antioxidant and thermal stabilizer for ethylene-vinyl acetate copolymers intended for use in contact with food and complying with § 177.1350.

Having evaluated data in the petition and other relevant materials, FDA concludes that tris(2,4-di-*tert*-butylphenyl)-phosphite is safe for its intended use and that § 178.2010 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 178 is amended in § 178.2010(b) by inserting alphabetically a new item in the list of substances to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitation
* * * * *	
Tris (2,4-di-*tert*-butylphenyl)-phosphite (CAS Reg No. 31570-04-4)	For use only: At levels not to exceed 0.2 percent by weight of ethylene-vinyl-acetate copolymers complying with § 177.1350 of this chapter, provided that the finished polymer contacts food only under conditions of use E, F, and G described in Table 2 of § 176.170(c) of this chapter; and further provided that the average thickness of such polymers in the form in which they contact fatty food shall not exceed 0.1 millimeter (0.004 inch)
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 13, 1981 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this

regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 12, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 4, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17436 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP OH5267/R74; PH-FRL-1851-4]

Chlorpyrifos; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 21 CFR Part 193 by establishing a food additive regulation for residues of the insecticide chlorpyrifos in or on mint oil at 10 parts per million (ppm). This regulation was requested by the Interregional Research Project No. 4 (IR–4). This rule establishes a maximum permissible level for residues of chlorpyrifos in or on mint oil.

EFFECTIVE DATE: Effective on June 12, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM=2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of October 15, 1980 (45 FR 68461), that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has filed a food additive petition (FAP 0H5267) with the EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Oregon and Washington.

This petition proposed that 21 CFR Part 193 be amended by establishing a regulation permitting combined residues of chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on mint oil with a tolerance limitation of 10 ppm resulting from application of chlorpyrifos to growing mint. A related document (PP OE2372/R317) establishing tolerance for combined residues of chlorpyrifos and its metabolite on mint hay appears elsewhere in this issue of the **Federal Register**. No comments were received by the agency in response to this notice of filing.

The data submitted in the petition and all other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerance of 10 ppm in or on mint hay were 2-year rat and dog feeding studies each with no-observable-effect-levels (NOELs) of 0.1 milligram (mg)/kilogram (kg)/day based on red blood cell anticholinesterase (RBC AChE) effects and 3.0 mg/kg/day based on systemic effects. The rat feeding study gave negative oncogenic potential; a three-generation rat reproduction study with NOEL of 1.0 mg/kg/day (highest dose); a 2-year mouse oncogenicity study negative at 15 ppm (highest dose); a mouse teratology study negative at 25 mg/kg (highest dose); a hen delayed neurotoxicity study negative at 100 mg/kg.

The acceptable daily intake (ADI), based on the rat feeding study (RBC AChE NOEL of 0.1 mg/kg/day) and using a 10-fold safety factor, is calculated to be 0.01 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 0.6 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.4114 mg/day. The current action will utilize less than 1 percent of the ADI. Published tolerances utilize 32.5 percent of the ADI.

The metabolism of chlorpyrifos is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical. Tolerances have previously been established for residues of chlorpyrifos and its metabolite on a variety of raw agricultural commodities ranging from 0.05 ppm to 6 ppm.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 76 U.S.C. 136 *et seq.*).

Based on the above information considered by the agency, it is concluded that the tolerance of 10 ppm established by amending 21 CFR Part 193 would protect the public health. Therefore, the regulation is being established as set forth below.

Any person adversely affected by this regulation may, or or before July 13, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on June 12, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: June 4, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator, Office of Pesticide Programs.

Therefore, Subpart A of 21 CFR Part 193 is amended by adding a new paragraph (e) to § 193.85 to read as follows:

§ 193.85 Chlorpyrifos.

* * * * *

(e) A tolerance of 10 parts per million is established for combined residues of chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in mint oil resulting from

application of the insecticide to growing mint.

[FR Doc. 81-17525 Filed 6-11-81; 8:45 am]
BILLING CODE 6560-32-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 444

[Docket No. 81N-0139]

Gentamicin Sulfate Injection; Oligosaccharide Antibiotic Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new strength of gentamicin sulfate injection. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective June 12, 1981; comments, notice of participation, and request for hearing by July 13, 1981; data, information and analyses to justify a hearing by August 11, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new strength (1.0 milligram per milliliter (mg/mL)) of gentamicin sulfate injection. The agency concludes that the data supplied by the manufacturer concerning this antibiotic drug product are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Part 444 (21 CFR Part 444) to provide for its certification. Consistent with this amendment, Part 444 is amended in § 444.220(b)(4) by redesignating the intrathecal product as the 2.0 mg/mL strength of gentamicin sulfate injection for the sake of uniformity.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 444 is amended in § 444.220 by revising paragraphs (a)(1) and (3)(ii)(*b*)(*1*) and (b)(4) to read as follows:

§ 444.220 Gentamicin sulfate injection.

(a) * * *

(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate injection is an aqueous solution of gentamicin sulfate with or without one or more suitable buffers, sequestering agents, tonicity agents, or preservatives. Each milliliter contains gentamicin sulfate equivalent to either 1.0 milligram, 2.0 milligrams, 10.0 milligrams, or 40.0 milligrams of gentamicin. Its potency is satisfactory if it contains not less than 90 percent nor more than 125 percent of the number of milligrams of gentamicin that it is represented to contain. It is sterile. It passes the safety test. It is nonpyrogenic. Its pH is not less than 3.0 nor more than 5.5. The gentamicin sulfate used conforms to the standards prescribed by § 444.20(a)(1).

* * * * *

(3) * * *

(ii) * * *

(*b*) * * *

(*1*) For all tests except sterility: A minimum of 40 containers if each milliliter contains the equivalent of 2.0 milligrams or 10.0 milligrams of gentamicin; a minimum of 12 containers if each milliliter contains the equivalent of 40.0 milligrams of gentamicin; or, a minimum of 10 containers if each milliliter contains the equivalent of 1.0 milligram of gentamicin.

* * * * *

(b) * * *

(4) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 10.0 milligrams of gentamicin per milliliter, except:

(i) If the product contains 2 milligrams of gentamicin per milliliter, inject 5 milliliters per kilogram of the undiluted solution; or

(ii) If the product contains 1 milligram of gentamicin per milliliter, inject 10.0 milliliters per kilogram of the undiluted solution.

* * * * *

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act, FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective upon the date of publication in the Federal Register. However, interested persons may, on or before July 13, 1981, submit written comments on this rule to the Dockets Management Branch (address above). Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before July 13, 1981, a written notice of participation and request for hearing, and (2) on or before August 11, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order and filed with the

Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective June 12, 1981.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: June 1, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-17115 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

---

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Dichlorophene and Toluene Capsules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations for dichlorophene and toluene capsules to reflect the change of sponsor from Tutag Laboratories to Reid-Provident Laboratories. In a subsequent amendment, the change of sponsor was inadvertently omitted. This document reinstates the change of sponsor reflected in the earlier amendment.

EFFECTIVE DATE: January 6, 1981.

FOR FURTHER INFORMATION CONTACT: Robert S. Brigham, Bureau of Veterinary Medicine (HFV–238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6243.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 6, 1981 (46 FR 1261), FDA amended 21 CFR 520.580(b)(2) to change the sponsor of NADA 102–673 from Tutag Laboratories to Reid-Provident Laboratories. In a subsequent amendment to that regulation (approval of K. C. Pharmacal's NADA 120–671, published in the **Federal Register** of March 27, 1981, 46 FR 18961), the change of sponsor of January 6 was not included. This document reinstates the change of sponsor.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 520.580 *Dichlorophene and toluene capsules* are amended in paragraph (b)(2) by removing No. "000124" and inserting in its place No. "000063".

§ 520.580 [Amended]

Effective date. January 6, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 4, 1981.

Terence Harvey,

Deputy Director, Bureau of Veterinary Medicine.

[FR Doc. 81-17253 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

---

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Phenylbutazone Granules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amended the animal drug regulations for several new animal drugs to reflect that Burroughs Wellcome Co. has combined its two veterinary divisions into Wellcome Animal Health Division. In a subsequent amendment, the change of sponsor was inadvertently omitted. This document reinstates the change of sponsor reflected in the earlier amendment.

EFFECTIVE DATE: February 3, 1981.

FOR FURTHER INFORMATION CONTACT: Robert S. Brigham, Bureau of Veterinary Medicine (HFV–238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6243.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 3, 1981 (46 FR 10463), FDA amended 21 CFR 520.1720b(b) to change the sponsor of several oral and injectable new animal drugs for Wellcome Veterinary Division and Jensen-Salsbery Laboratories, both divisions of Burroughs Wellcome Co., to Wellcome Animal Health Division. In a subsequent amendment to that regulation (approval of Sterivet Lab's NADA 113–510, published in the **Federal Register** of March 27, 1981, 46 FR 18960), the change of sponsor of February 3 was not included. This document reinstates the change of sponsor.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and in therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 520.1720b *Phenylbutazone granules* is amended in paragraph (b) by removing No. "017220" and inserting in its place No. "000081".

§ 520.1720b [Amended]

Effective date. February 3, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 4, 1981.

Terence Harvey,

Deputy Director, Bureau of Veterinary Medicine.

[FR Doc. 81-17254 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket H-112C]

Access to Employee Exposure and Medical Records; Construction Industry; Extension of the Comment Period

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Extension of the deadline for submission of comments and information.

SUMMARY: On May 21, 1980, the Occupational Safety and Health Administration (OSHA) promulgated an occupational health standard on Access to Employee Exposure and Medical Records (29 CFR 1910.20; 45 FR 35212 *et seq.*). This standard applied to employers in general industry, maritime and construction. On April 28, 1981, OSHA stayed § 1910.20 with respect to the contract construction industry, the terms, of which may be found at 46 FR 23740. It also announced its intention to submit the entire issue of records access in the contract construction industry to the Advisory Committee on Construction Safety and Health. In addition, the notice solicited public comment on whether the standard should continue to be stayed pending the Advisory Committee's deliberations and the outcome of any rulemaking process which the Secretary may determine is warranted. OSHA

requested that written comments on continuance of the administrative stay be submitted by June 12, 1981.

The Construction Advisory Committee is scheduled to meet in Washington, D.C., on June 10, 11, and 12, at 9:00 a.m. in Room N-5437, Frances Perkins Department of Labor Building. The issue of records access is among the items on the agenda for discussion. An extension of the comment period would allow interested parties to comment on any specific matters which may be raised at the Advisory Committee meetings. Therefore, the written comment period is extended to June 26, 1981.

DATE: Written comments on the continuance of the stay must be postmarked by June 26, 1981.

ADDRESS: Written comments should be submitted, in quadruplicate, to the Docket Officer, Docket No. H-112C, Room S-6212, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Department of Labor, OSHA, Office of Public Affairs, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-8151.

Signed at Washington, D.C., this 4th day of June 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-17445 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-26-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans' Benefits; Reduction of Aid and Attendance Allowance During Hospitalization

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration has amended its regulation governing reduction of the aid and attendance allowance to a veteran hospitalized by the Veterans Administration. The need for this action resulted from lack of specificity in the regulation concerning the effective date of reduction of the aid and attendance allowance when this benefit is first granted during hospitalization. The regulation formerly provided aid and attendance reduction rules only for a veteran already in receipt of the aid and attendance allowance at the time of hospital admission.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle (202-389-3005).

SUPPLEMENTARY INFORMATION: On pages 19002-03 of the Federal Register of March 27, 1981, the Veterans Administration published a proposed amendment to 38 CFR 3.552. Interested persons were given until April 27, 1981 to submit comments, objections or suggestions to the proposal. The Veterans Administration did not receive any and, consequently, the proposed amendment to 38 CFR 3.552 has been adopted without change.

The Veterans Administration has determined that this regulation is nonmajor in accordance with Executive Order 12291, Federal Regulation. The Veterans Administration has also determined, as required by Pub. L. 96-354, the Regulatory Flexibility Act, that it imposes no compliance costs or reporting burdens on the public and has no effect on businesses or State and local governments.

Approved: May 26, 1981.

Rufus H. Wilson,

Acting Administrator.

In § 3.552, paragraphs (a)(1) and (b)(3) are revised and paragraph (k) is added so that the added and revised material reads as follows:

§ 3.552 Adjustment of allowance for aid and attendance.

(a)(1) When a veteran who is already entitled to the aid and attendance allowance is hospitalized, the additional compensation or increased pension for aid and attendance shall be discontinued as provided in paragraph (b) of this section except as to disabilities specified in paragraph (a)(2) of this section. (See paragraph (k) of this section for rules applicable to a veteran who establishes entitlement to the aid and attendance allowance on or after date of admission to hospitalization).

* * * * *

(b) * * *

(3) Where a veteran affected by the provisions of paragraph (b) (1) and (2) or paragraph (k) of this section is discharged or released from the hospital against medical advice or as the result of disciplinary action, and is readmitted to such hospitalization within 6 months after that date, the allowance, additional compensation, or increased pension will be discontinued effective the day preceding the date of readmission. A readmission 6 months or more after such discharge or release will be considered as a new admission. (38 U.S.C. 3203(e)).

* * * * *

(k)(1) This paragraph is applicable to hospitalized veterans who were not entitled to the aid and attendance allowance prior to hospital admission but who establish entitlement to it on or after the date of hospital admission.

(2) If the effective date of entitlement to the aid and attendance allowance is on or after the date of admission to hospitalization, the aid and attendance allowance shall not be paid until the date of discharge or release from hospitalization, unless the aid and attendance allowance is based on a disability specified in paragraph (a)(2) of this section. If the aid and attendance allowance is based on a disability specified in paragraph (a)(2) of this section, the aid and attendance allowance shall be paid during hospitalization.

(3) If the aid and attendance allowance is not payable to a veteran under paragraph (k)(2) of this section, the veteran shall receive the appropriate reduced rate under paragraphs (d) through (j) of this section while hospitalized.

[FR Doc. 81-17459 Filed 6-11-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1827-2]

Approval and Promulgation of Implementation Plans: State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: In order to satisfy the requirements of Part D of the Clean Air Act, as amended, the State of Missouri revised its State Implementation Plan (SIP) in 1979 to include a permit program for new and modified major stationary sources of air pollutants. On May 9, 1980, EPA conditionally approved Missouri's permitting regulations. On April 7, 1981, the state submitted a revision to the regulations for the purpose of fulfilling one of these conditions.

The purpose of this notice is to advise the public that EPA is taking final action to approve the state's regulatory change and is incorporating it into the approved SIP. The applicable condition is being removed. Until all conditions are met, conditional approval of the SIP will continue.

EFFECTIVE DATE: This promulgation is

effective July 13, 1981.

ADDRESSES: Copies of the state submission and the EPA prepared rationale document are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106;

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Room 2922, Washington, D.C. 20460;

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101.

A copy of the state submission is also available at the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374–3791 (FTS) 758–3791.

SUPPLEMENTARY INFORMATION: On May 9, 1980, EPA conditionally approved certain elements of Missouri's SIP with regard to the requirements of Sections 172(b)(6), 172(b)(11)(A) and 173 of the Clean Air Act, as amended (45 FR 30626). These sections require states to establish in the SIP a permit program for new and modified sources of air pollutants in areas where the air quality is worse than the national standards. Missouri's program, as outlined in Rule 10 CSR 10–6.060, Permits Required, and in Rule 10 CSR 10–6.020, Definitions, contained minor deficiencies resulting in EPA's conditional approval on May 9, 1980. The state agreed to correct these deficiencies by certain deadlines.

One of the conditions promulgated by EPA required the state to change the requirements for permitting modifications to Class C sources (major sources in nonattainment areas) to be applicable both to a modification to a single source operation and to two or more source operations which result in an increase in potential emissions greater than certain levels (de minimus) specified in the regulation. This change was to be submitted to EPA by January 1, 1981.

On December 1, 1980, the state published in the *Missouri Register* a proposed change to Rule 10 CSR 10–6.060 for the purpose of fulfilling this condition. This proposed revision was received by EPA on December 22, 1980. A notice of receipt of the proposed change was published on January 8, 1981 (46 FR 2043).

On February 18, 1981, the Missouri Air Conservation Commission adopted, without modification, the proposed changes to Rule 10 CSR 10–6.060. The state submitted it to EPA as a SIP revision on April 7, 1981. EPA has reviewed the state's submission and finds that the condition on its approval has been fully met. Therefore, EPA is incorporating the regulatory changes into the SIP and is removing the applicable condition. This action also serves to continue EPA's conditional approval of the SIP until all conditions have been met.

EPA finds that further notice and comment on this issue are unnecessary. The corrective action was clearly identified in EPA's promulgation and the state's submittal clearly addresses the specified criteria for approval.

Pursuant to the provisions of 5 U.S.C. § 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions, and imposes no additional substantive requirements.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended.

Dated: June 7, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Missouri was approved by the Director of the Federal Register on July 1, 1980.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart AA—Missouri

1. 40 CFR Part 52 is amended by revising § 52.1320(c)(18) and by adding a new § 52.1320(c)(28) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(18) * * * Included in the plan are Missouri regulations 10 CSR 10–6.020 Definitions and 10 CSR 10–6.060 Permits Required, which are approved as meeting the requirements of Sections 172(b)(6), 172(b)(11)(A), and 173.

* * * * *

(28) Revisions to Rule 10 CSR 10–6.060 Permits Required, submitted on April 7, 1981.

§ 52.1324 [Amended]

2. Section 52.1324 is amended by removing paragraph (c)(3) and (c)(3)(ii).

[FR Doc. 81–17526 Filed 6–11–81; 8:45 am]

BILLING CODE 6560–38–M

---

40 CFR Part 52

[A–5–FRL 1842–4]

Ohio; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: On December 12, 1980 (45 FR 81792), the U.S. Environmental Protection Agency (EPA) proposed approval of and solicited public comment on a revision to the Federally promulgated Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2) as it applies to the Harshaw Chemical Company's Harvard-Denison plant in Cleveland, Ohio. No public comments were received. This notice announces EPA's final approval of the revision to the Ohio SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on July 13, 1981.

ADDRESSES: The docket (Number 5A–80–13) for this revision is available for inspection and copying during normal business hours at the above address and at the Central Docket Section, West Tower Lobby, Gallery 1, 401 M. Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6053.

SUPPLEMENTARY INFORMATION: On August 27, 1976 (41 FR 36324), EPA promulgated regulations establishing the SIP for control of SO2 for the State of Ohio. The regulations for Cuyahoga County were amended on November 30, 1976 (43 FR 52455). The three oil-fired boilers at Harshaw Chemical Company's Harvard-Denison plant in Cleveland were given a boiler emission limitation of 0.50 lb. per million BTU. The emission limitation was based on detailed site-specific RAM-urban modeling.

On July 12, 1979, the Harshaw Chemical Company petitioned EPA for a revision of the Ohio SIP for SO2 as it applies to the boiler emissions at its Harvard-Denison plant. Harshaw requests that its boiler emission limit be raised to 1.00 lb. per million BTU to permit the use of residual oil as a boiler fuel.

To support the revision, Harshaw submitted technical documentation demonstrating that the proposed revision does not substantially alter Harshaw's interaction with the other sources in the nonattainment area. To supplement the Harshaw modeling, EPA performed an analysis of the Harshaw source itself to determine the effect of the proposed revision on the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). EPA's analysis demonstrated that the proposed revision will not cause a violation of the 3-hour secondary standard. Harshaw's analysis showed that the revision would protect the annual primary standard. With regard to the 24-hour primary standard, the Harshaw modeling and EPA modeling were combined to show that the revision will protect the 24-hour standard.

Since the operation of Harshaw Chemical Company's Harvard-Denison plant at the proposed SO2 emission limit of 1.00 lb. per million BTU will not threaten or prevent the attainment and maintenance of the SO2 National Ambient Air Quality Standards, EPA proposed to approve this revision to the Ohio SO2 SIP on December 12, 1980 (45 FR 81792).

Interested parties were given until January 12, 1981 to comment on this revision. No public comments were received. This notice announces EPA's final rulemaking action to approve this revision to the Ohio SO2 SIP. Thus, the boiler emission limit at Harshaw Chemical Company's Harvard-Denison plant will be 1.00 lb. per million BTU.

Under Executive Order 12291 EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it only impact Harshaw Chemical Company and it approves a revised emission limitation requested by the Company. The revised emission limitation will allow the Company to use residual oil.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of final rulemaking. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This Notice of Final Rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 U.S.C. 7410), as amended.

Dated: June 7, 1981.

Anne M. Gorsuch,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

1. Section 52.1881(b)(23)(vi) is amended by adding new paragraph (F).

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

* * * * *

(23) In Cuyahoga County, * * *

* * * * *

(vi) * * *

(F) Harshaw Chemical	7, 8, and 9

2. Section 52.1881(b)(23)(vii) is revised to read as follows:

§ 52.1881 Control Strategy: Sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

* * * * *

(23) In Cuyahoga County, * * *

* * * * *

(vii) No present of subsequent owner or operator of the fossil fuel-fired steam generating units listed herein shall cause or permit the emission of sulfur dioxide from any stack attached to the identified boilers in excess of 0.50 pounds of sulfur dioxide per million BTU of actual heat input:

Company	Boiler identification
(A) Jones & Laughlin Steel	22, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, and 35.
(B) U.S. Steel, Cuyahoga-Lorain works	1, 2, 3, 4, 5, and 6
(C) DuPont	18
(D) Standard Oil of Ohio	7, 9, and 10

[FR Doc. 81-17529 Filed 6-11-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 81

[A-6-FRL-1842-6]

State of Oklahoma: Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the Oklahoma State Department of Health's redesignation request to change the existing nonattainment designation for ozone for Cleveland County to attainment. This action is taken based upon the State's request to revise its original designation of the Cleveland area. The intended effect will provide for more efficient and effective air quality management.

EFFECTIVE DATE: June 12, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., N.W., Washington, D.C., Rm. 8401;

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 "M" Street, S.W., Washington, D.C., Rm. 2922.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: The Oklahoma State Department of Health submitted to EPA on December 17, 1979, their redesignation request to change the existing nonattainment designation for ozone for Cleveland County to attainment.

EPA reviewed the redesignation request and on September 8, 1980 at 45 FR 59179, EPA published a notice of proposed rulemaking and solicited

public comment. No comments were received, therefore, EPA is redesignating the Cleveland County area from nonattainment to attainment.

EPA finds that good cause exists for making this action immediately effective. The redesignation of an area from nonattainment to attainment relieves the state of the necessity to develop, submit and obtain EPA approval of an implementation plan designed to demonstrate attainment of the standard. Relief from this requirement is a benefit which should be made available to the State and its citizens as soon as possible.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking notice is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before August 11, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan for the State of Oklahoma was approved by the Director of the **Federal Register** on July 1, 1980.

This notice of final rulemaking is issued under the authority of Section 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d).

Dated: June 7, 1981.

Anne M. Gorsuch,

Administrator.

Subpart C of Part 81 of Chapter 1, Title 40 of the Code of Federal Regulation is amended as follows:

§ 81.337 [Amended]

1. In § 81.337—Oklahoma, the attainment status designation table for ozone is amended by revising the designation for Cleveland County from "does not meet primary standards" to "cannot be classified or better than national standards". The amended portion of the O_x table for § 81.337 reads as set forth below:

Oklahoma—O_x

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
• • • • •		
AQCR 184:		
Oklahoma Co	×	
Cleveland Co		×
Remainder of AQCR		×
• • • • •		

[FR Doc. 81-17528 Filed 6-11-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[PP OE2372/R317; PN-FRL-1852-3]

Chlorpyrifos; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide chlorpyrifos in or on the raw agricultural commodity mint hay at 1.0 part per million (ppm). This regulation was requested by the Interregional Research Project No. 4 (IR-4). This regulation will establish the maximum permissible level for residues of chlorpyrifos in or on mint hay at 1.0 part per million.

EFFECTIVE DATE: Effective on June 12, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of March 4, 1981 (46 FR 15181) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition EO2372 to EPA on behalf of the IR-4 Technical Committees and the Agricultural Experiment Stations of Oregon and Washington. The petition proposed that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodity mint hay at 1.0 part per million (ppm).

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before July 13, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St. SW., Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on June 12, 1981.

(Sec. 408(e), 68 Stat. 514, 21 U.S.C. 346a(e))

Dated: June 4, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically adding the raw agricultural commodity "mint hay" in the table under § 180.342 to read as follows:

§ 180.342 Chlorpyrifos; tolerance for residues.

* * * * *

Commodities	Parts per million
Mint hay	1.0

[FR Doc. 81-17524 Filed 6-11-81; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[PP 9E2225/R318-PH-FRL-1852-1]

Ethephon; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the plant growth regulator ethephon. This regulation was requested by the Interregional Research Project No. 4 (IR-4). This regulation will establish the maximum permissible level for residues of ethephon on cucumbers at 0.1 part per million (ppm).

EFFECTIVE DATE: Effective on June 12, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of March 4, 1981 (46 FR 15182) that the Interregional Research Project No. 4 (IR-4) had submitted a petition (PP 9E2225) to the EPA. The petition proposed that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the plant growth regulator ethephon [(2-chloroethyl) phosphonic acid] in or on the raw agricultural commodity cucumbers at 0.1 part per million (ppm).

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, the regulation is established as set forth below.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on June 12, 1981.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: June 4, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.300 is revised to read as follows:

§ 180.300 Ethephon; tolerances for residues.

Tolerances are established for residues of the plant regulator ethephon [(2-chloroethyl) phosphonic acid] in or on raw agricultural commodities as follows:

Commodity	Parts per million
Apples	5
Blackberries	30
Blueberries	20
Cantaloupes	2
Cherries	10
Coffee beans	0.1(N)
Cranberries	5
Cucumbers	0.1
Figs	5
Filberts	0.5
Lemons	2
Peppers	30
Pineapples	2
Pineapple fodder	3
Pinapple forage	3
Tangerines	0.5
Tangerine hybrids	0.5
Tomatoes	2
Walnuts	0.5

[FR Doc. 81-17520 Filed 6-11-81; 8:45 am]
BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 81 and 83

Stations on Land in the Maritime Services and Alaska—Public Fixed Stations and Stations on Shipboard in the Maritime Services; Editorial Amendments Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule, correction.

SUMMARY: This document restores rule language inadvertently omitted by Order released March 17, 1981, which revised rules concerning the maritime mobile service which was published in the **Federal Register** on March 27, 1981 (46 FR 18982). This action is necessary to correct those omissions.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert DeYoung, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of Editorial amendment of Parts 81 and 83 of the FCC Rules and Regulations. Corrections.

Released: June 4, 1981.

1. By Order released March 17, 1981 which was published in the **Federal Register** on March 27, 1981 (46 FR 18982), the Executive Director, acting under the authority delegated to him by Section 0.231(d) of the rules, made numerous editorial amendments to Parts 81 and 83 of the Commission's rules.

2. Through inadvertence or by operation of release dates, certain of these editorial amendments had the effect of deleting current rule language. The purpose of this Errata is to restore the current language.

3. In accordance with the attached Appendix, §§ 83.155(d) and 83.156(b)(3) are corrected to restore the language adopted in the Third Report and Order in Docket 20817, released August 7, 1980, FCC 80-416, 45 FR 52154. Sections 81.133(a) and 83.133(a) are corrected to restore the classes of emission and footnotes adopted in the Report and Order in General Docket 80-1, released March 11, 1981, FCC 81-24, 46 FR 15690.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

The following corrections are made in **Federal Register** Doc 81-9324 appearing on page 18982 in the issue of March 27, 1981:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

1. On page 18982, column three, in § 81.133, the table following paragraph (a) is corrected by the addition of emission 16F1 immediately following emission designator 6 A3, emission 16F4 immediately following emission designator [2] 16F3, and footnotes 5 and 6 to read as follows:

§ 81.133 Authorized bandwidth.

(a) * * *

Class of station emission	Emission designator	Authorized bandwidth (kHz)
* * * * *		
F1	16F1	[5]20
* * * * *		
F4	16F4	[6]20
* * * * *		

[1] * * *
[2] * * *
[3] * * *
[4] * * *
[5] Radioteletypewriter in the band 216–220 MHz.
[6] Facsimile in the band 216–220 MHz.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. On page 18983, column one, in § 83.133, the table following paragraph (a) is corrected by the addition of emission 16F1 immediately following emission designator 0.3F1 [1], emission 16F4 immediately following emission designator 16F3 [2], and footnotes 7 and 8 to read as follows:

§ 83.133 Authorized bandwidth.

(a) * * *

Classes of emission	Emission designator	Authorized bandwidth (kilohertz)
* * * * *		
F1	16F1	20.0[7].
* * * * *		
F4	16F4	20.0[8].
* * * * *		

[7] Radioteletypewriter in the band 216–220 MHz.
[8] Facsimile in the band 216–220 MHz.

2. On page 18983, in column two, in § 83.155, paragraph (d) is corrected to read as follows:

§ 83.155 Operator(s) required by Title III of Communications Act of 1934.

* * * * *

(d) Each cargo ship of the United States which, in accordance with Part II of Title III of the Communications Act, is equipped with a radiotelephone station shall for distress and safety purposes carry at least one qualified operator. Where the power of the station does not exceed 1500 watts peak envelope power for A3A, A3H and A3J emissions such operator shall hold a Marine Radio Operator Permit, a Radiotelephone Third Class Operator Permit, or higher class of operator authorization. Where the power of the station exceeds 1500 watts peak envelope power for A3A, A3H and A3J emissions, such operator shall, as a minimum, hold a Radiotelephone Second Class Operator License.

* * * * *

3. On page 18983, in column three, in § 83.156(b)(3) is corrected to read as follows:

§ 83.156 Operator(s) required by the Safety Convention.

* * * * *

(b) * * *

(3) Where the power of the station does not exceed 1500 watts peak envelope power for A3A, A3H and A3J emissions such operator shall hold a Marine Radio Operator Permit, a Radiotelephone Third Class Operator Permit, or a higher class of operator authorization. Where the power of the station exceeds 1500 watts peak envelope power for A3A, A3H and A3J emissions such operator shall, as a minimum, hold a Radiotelephone Second Class Operator License.

[FR Doc. 81-17458 Filed 6-11-81; 8:45 am]

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1003

[Ex Parte No. MC-153]

Motor Carrier and Broker Forms

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: Forms B.M.C. 15 and 15–A (Revised), which once served to notify interested parties that an application for authority had been filed, are eliminated. Form BOp 106, Quarterly report of Split and Divided Shipments of Household Goods, is also deleted. Form BOp 102 is redesignated as Form OCP 102, Notice to Commission of Intent to Perform Interstate Transportation for Certain Nonmembers Under 49 U.S.C. 10526(a)(5). These amendments are due to Commission reorganization and change.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Phyllis Gunn (202) 275–7475.

SUPPLEMENTARY INFORMATION: Forms B.M.C. 15 and B.M.C. 15–A (Revised) once served to notify competitors, State regulatory bodies, and other interested parties that an application had been filed with the Commission for permanent operating authority (B.M.C. 15) or to consolidate, merge, purchase, lease or control the operating rights or properties of a motor carrier under 49 U.S.C. 11343–11344 (B.M.C. 15–A Revised). Because notice of an application filing is given to all interested parties through publication in the **Federal Register**, these forms are obsolete and will be deleted from 49 CFR 1003.

On August 14, 1975, in 40 FR 34119, Section 1056, Title 49 of the *Code of Federal Regulations*, was modified to eliminate the Quarterly Report of Split or Divided Shipments of Household Goods, Form BOp 106. At that time, the amendments failed to include deletion of Form BOp 106 from Section 1003.

Due to the reorganization of the Bureau of Operations into the Office of Consumer Protection, Form BOp 102 will be redesignated as Form OCP 102. The new form designation was approved by the General Accounting Office on February 12, 1981, including the reference changes in the title due to the recodification of the Interstate Commerce Act.

Since these changes concern agency practice and procedure, and will have no substantial impact on the public, these final rules are being adopted without prior notice or public comment.

This action does not affect the quality of the human environment or the conservation of energy resources. Small business and small organizations will not experience adverse economic impact from these rules.

Part 1003, Subtitle B, Chapter X of title 49 of the *Code of Federal Regulations*, is amended as follows:

§ 1003.1 [Amended]

1. Section 1003.1 is amended by removing the following form references:

B.M.C. 15

Notice of filing of application for operating authority or exemption, and of designation of agent for service of notices or orders.

B.M.C. 15–A (Revised)

Notice of filing of application for authority under Sections 5 and 210a(b), Interstate Commerce Act.

Cross Reference: Part 1134 of this chapter.

BOp 106

Quarterly Report of Split or Divided Shipments of Household Goods

2. Section 1003.1 is amended by revising the reference to "BOp 102 * * *" to the following:

OCP 102

Notice to the Commission of Intent to Perform Interstate Transportation for Certain Nonmembers Under 49 U.S.C. 10526(a)(5), to be used by cooperative associations or federations of cooperative associations which intend to perform interstate transportation for nonmembers who are neither farmers, other cooperative associations, nor federations of cooperative associations.

(49 U.S.C. 10526(a)(5) and 10529)

Cross Reference: Section 1047.20 of this chapter.

(49 U.S.C. 10321 and 5 U.S.C. 553)

Decided: June 3, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17439 Filed 6-11-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 113
Friday, June 12, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Semiannual Agenda of Regulations

AGENCY: Office of Personnel Management.

ACTION: Notice of delay in publication date of regulatory agenda.

SUMMARY: E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act require publication of semiannual agenda in April and October of each year. Because of the need for additional time to apply the new criteria to OPM regulations under review or development, the Office of Personnel Management's (OPM) first semiannual agenda under the new requirements will be published in June 1981. Thereafter, agenda will be published in October and April of each year.

FOR FURTHER INFORMATION CONTACT:

Beverly McCain Jones, Issuance System Manager, (202) 254–7086.

SUPPLEMENTARY INFORMATION: OPM publishes a semiannual agenda on December 2, 1980 (45 FR 79846), and a delay notice on April 28, 1981 (46 FR 23751). The Director has requested that an additional review of the agenda be made to be sure all items reflect the Administration's desire to reduce the number of regulations issued to the absolute minimum necessary to carry on personnel management functions in the civil service.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

[FR Doc. 81-17169 Filed 6-11-81; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 332 and 337

Proposed Exemption From Provisions Prohibiting a Bank From Guaranteeing or Acting as Surety for the Obligations of Others

AGENCY: Federal Deposit Insurance Corporation

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") proposes to amend its regulation which prohibits an insured nonmember bank from guaranteeing the obligations of third parties. The amendment is in the form of an exemption and is designed to allow banks to do two things: (1) To sponsor credit card agreements with other banks and (2) to issue check-guarantee cards. A number of banks have asked that the present restrictions exclude check-guarantee cards and customer-sponsored credit card accounts.

The proposed amendment would allow banks to enter into such undertakings as long as they meet certain criteria pertaining to safety and soundness. The language of the proposed amendment is broad enough to include arrangements that have similar characteristics, but have been termed differently.

DATE: Comments must be submitted on or before August 11, 1981.

ADDRESS: Comments may be mailed to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th St. NW., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: W. Randolph Torres, Attorney, Legal Division, Federal Deposit Insurance Corporation, 550 17th St. NW., Washington, D.C. 20429, (202) 389–4384.

SUPPLEMENTARY INFORMATION: The purpose of this amendment is to allow insured nonmember banks to engage in certain practices which are technically in violation of the FDIC's regulations. The FDIC has in mind two specific practices, although the exemption is broad enough to include other arrangements of a similar nature.

The first practice involves so-called check-guarantee card programs. These programs can be created by banks, or they can purchase the program through a marketing agreement with an independent company. If the bank purchases the program from an independent company, it will pay a "membership fee". Regardless of which program the bank chooses, its characteristics are basically the same. The customer must fill out an application for the card. If the applicant wants to obtain an overdraft option together with the card, he/she must fill out a credit application. This is an option, however, and is *not* a feature of the check-guarantee program itself. In some programs, the card can also be used to operate automatic teller machines which allow the customer to withdraw and/or deposit cash in his/her account.

Although various programs have been developed by different banks, these programs have similar characteristics. The card may or may not have a photograph of the customer. The agreements usually require, however, that the guaranteed check be personalized with the *cardholder's* name. The check must be from the bank that issues the card. The customer's signature, the card's date of expiration, verification instructions, and amount limit for the checks are printed on the card. The merchant is required to verify that all the requirements are met before he/she accepts the check.

The banks that use the system contend that the card serves only as a form of customer identification. The retailer to whom the card is presented, however, has a legal right to rely on the bank's assurance that the customer has sufficient funds to cover his/her check. The arrangement typically guarantees checks for amounts between $100 and $200.

The FDIC is of the opinion that these "guarantees" of customer credit are either prohibited outright by 12 CFR 331.1(d) which enjoins a bank from guaranteeing or becoming a surety upon the obligation of others or, at the very least, are similar in nature to standby letters of credit and are subject to the restrictions of 12 CFR 337.2. These "guarantees", however, represent small risk to the safety and soundness of the bank. The low maximum limits on the

card make it fairly difficult for a cardholder to write enough checks to amass large amounts of debt. The verification procedure required by the proposed exemption should minimize even this risk.

The second practice is the customer-sponsored credit card account. In this type of arrangement, a bank issues a credit card to a customer of the sponsoring bank. The sponsoring bank in turn assumes all the responsibility in case of a default by the cardholder. The sponsoring bank lends its credit rating to its customers while the correspondent bank does the billing and receives the interest. Once the card is issued, there is no difference between it and other bank credit cards. This practice violates 12 CFR 332.1(d).

One of the problems with customer-sponsored credit card accounts is that neither the sponsoring bank nor the issuing bank may have performed a credit investigation of the applicants. Failure to screen an applicant before issuing a card and lack of a verification system could expose the sponsoring bank to an unnecessarily high degree of risk. The exemption attempts to minimize this exposure by requiring credit checks on each applicant and verification of the transaction at the point of sale.

The FDIC is aware that both types of practices are in limited use throughout the country, but has not been able to assess what, if any, industry standards apply to their operation. Although the criteria in the exemption are believed necessary for safety and soundness reasons, they may add to the costs of compliance in the case of banks which do not already have similar standards for their programs. While the FDIC believes that most banks with check-guarantee or customer-sponsored credit card programs do have similar standards, the question of compliance cost is one on which public comment is desirable. There may be alternate less costly criteria which would be just as effective. There may be no need for certain criteria. The FDIC, therefore, invites comments on these issues.

The FDIC certifies that this amendment will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory-flexibility analysis is not required. Currently, banks that offer these programs must comply with the disclosure requirements of § 337.2(d). The amendment would exempt banks from these disclosures, thus reducing their costs. Banks that already offer these programs are not required to make or keep new disclosures or records. Banks that decide to offer these services may set up the accounting systems best suited to their needs.

The effects of this amendment on competition will be positive. Small banks which do not have the resources to offer credit cards to their customers will be able to do so through the customer-sponsored credit card account. This will enable them to compete with larger banks that can and do issue credit cards.

Consumers should benefit from this proposed amendment because check-guarantee card arrangements will make it easier for them to purchase goods with their checks. The customer-sponsored credit card accounts will allow some bank customers access to credit cards without forcing them to change their other banking relationships.

The FDIC believes that the regulation will not have a significant adverse effect on a substantial number of small entities. This view, however, is based on the nature of the amendment, the assumption that most banks have standards for their programs that are similar to those proposed by the FDIC, and, the limited amount of information available on programs conducted by small banks.

Alternatives to the amendment are (1) to enforce the regulations and force insured nonmember banks to either modify or dismantle their existing programs; or (2) to maintain the status quo, allowing at least some nonmember banks to continue practices that do not conform to FDIC regulations.

The former alternative is costly and impractical in view of the widespread use of these arrangements and the limited risks involved. The latter alternative is not acceptable because both types of undertakings fall within the regulatory prohibitions. For this reason a policy statement could not be used to accomplish the same result.

PART 332—POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW

12 CFR Part 332 is amended as follows:

1. The authority citation for Part 332 reads as follows:

Authority: Secs. 6, 9, 64 Stat. 876, 881; 12 U.S.C. 1816, 1819.

2. A new § 332.3 is added to read as follows:

§ 332.3 Exemption.

Check-guarantee card programs, customer-sponsored credit card programs, and similar arrangements in which a bank undertakes, on a limited basis, to guarantee the obligations of a specific class of individuals with whom the bank has an ongoing business relationship are exempted from § 332.1 and § 337.2 of this subchapter: *Provided, however,* That the bank performs a credit check of the individual before undertaking to guarantee his/her obligations; that the accepting party at the point of sale is required to verify beforehand any transaction of $100 or more in the case of personal checks, or an established contractual limit in the case of credit card and other obligations; that the bank limit an individual's outstanding obligations to no more than $1,000; and that any such arrangement to which a bank's principal shareholders, directors, or executive officers are a party be in compliance with Federal Reserve Regulation O (12 CFR Part 215).

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

12 CFR Part 337 is amended as follows:

1. The authority citation for Part 337 reads as follows:

Authority: Sec. 9, 64 Stat. 881–882; 12 U.S.C. 1819.

2. A new § 337.3 is added to read as follows:

§ 337.3 Exemption.

Check-guarantee card programs, customer-sponsored credit card programs, and similar arrangements in which a bank undertakes, on a limited basis, to guarantee the obligations of a specific class of individuals with whom the bank has an ongoing business relationship are exempted from §§ 332.1 and 337.2 of this subchapter: *Provided, however,* That the bank performs a credit check of the individual before undertaking to guarantee his/her obligations; that the accepting party at the point of sale is required to verify beforehand any transaction of $100 or more in the case of personal checks, or an established contractual limit in the case of credit card and other obligations; that the bank limit an individual's outstanding obligations to no more than $1,000 and that any such arrangement to which a bank's principal shareholders, directors, or executive officers are a party be in compliance with Federal Reserve Regulation O (12 CFR Part 215).

§§ 337.4–337.9 [Reserved]

By order of the Board of Directors dated June 8, 1981.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-17531 Filed 6-11-81, 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 180 and 182

[Docket No. 80N-0418]

Caffeine; Deletion of Gras Status, Proposed Declaration That no Prior Sanction Exists, and Use on an Interim Basis Pending Additional Study; Availability of Information

AGENCY: Food and Drug Administration.

ACTION: Notice of availability of information on proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of reports and protocols on "Blood Levels of Radioactivity Following Oral Dosing of Pregnant Rats with Radiolabeled Caffeine" and on "Mortality Associated with Multiple Gavage Administration of Caffeine Solution to Pregnant Rats." The reports contain information pertinent to the agency's review of the safety of added caffeine and are being made available in accord with an FDA **Federal Register** notice.

DATE: Comments must be received on or before July 29, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 21, 1980 (45 FR 69817), FDA proposed to delete caffeine used as an added food ingredient from the list of substances that are generally recognized as safe (GRAS), to declare that no prior sanction exists for the use of caffeine as an added food ingredient, to restrict the use of caffeine as an added food ingredient to current uses and levels, and to require that the presence of caffeine as an added ingredient be reflected on the product label in the ingredient declaration. In the **Federal Register** of March 27, 1981 (46 FR 18996), FDA extended the period during which comments on the proposal will be accepted to July 29, 1981. In the extension notice, the agency stated that new evidence bearing on the safety of added caffeine would be placed on file shortly and that the significance of this evidence with respect to the proposed rule would be described. This availability notice announces that reports entitled "Blood Levels of Radioactivity Following Oral Dosing of Pregnant Rats with Radiolabeled Caffeine" (Ref. 102) and "Mortality Associated with Multiple Gavage Administration of Caffeine Solution to Pregnant Rats," (Ref. 104) both by G. J. Ikeda, et al., Metabolism Branch, Division of Toxicology, Bureau of Foods, Food and Drug Administration, are now on file in the Dockets Management Branch under Docket Number 80N-0418. The protocols for these studies are also on file (Refs. 103 and 105, respectively).

The key findings of the rat blood level study (Ref. 102) include the following: (1) Administration of caffeine in a single bolus dose by gavage resulted in a maximum blood level of radiolabel (0.4% of dose/milliliter) two times greater than that observed when the same amount of caffeine was ingested by sipping ad libitum; (2) Coefficients of variation for radioactivity levels were much smaller when the caffeine was administered by single bolus gavage than by sipping; (3) Following administration by gavage, the plasma half life was 1.7 hours for caffeine and 2.6 hours for total radioactivity suggesting the presence of circulating metabolites which are cleared more slowly than caffeine; and (4) Levels of radioactivity in the placenta and maternal and fetal tissues were comparable following caffeine ad libitum whereas radiolabel tended to accumulate in the placenta following the single bolus gavage dose. Although germane to the issue of extrapolating to man evidence obtained in the rodent, the preliminary nature of these studies does not allow the FDA to draw any conclusions concerning their significance to human health at this time.

The principal finding in the multiple gavage study (Ref. 104) is the increase in mortality associated with the administration of a given amount of caffeine to pregnant rats in four equal doses instead of a single bolus dose. This effect has not been seen in other caffeine studies and was unexpected. The agency therefore chooses to draw no conclusions at this time with respect to the significance of this study.

FDA is currently considering several questions raised by the multiple gavage study and is presenting these questions for public comment. FDA considers these data to be preliminary and reiterates the fact that it will draw no conclusions concerning its significance to human health at this time. The agency recognizes that some of these questions might only be answered by additional studies, and suggestions for such studies also are being solicited.

1. Why does the administration of caffeine by multiple gavage increase caffeine's toxicity in pregnant rats compared to that observed using single bolus gavage?

2. To what extent is this effect dependent on the (a) dose of caffeine? (b) segmentation of a given dose? (c) route of administration? (d) species/strain of the test animal? (e) stress of pregnancy? and/or (f) stress of handling?

3. What relevance if any does this study have to human consumption of caffeine containing foods?

Interested persons may, on or before July 29, 1981, submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 8, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17434 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 373; Re: Notice No. 371]

Shenandoah Valley Viticultural Area; Extension of Comment Period

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of Treasury.

ACTION: Extension of comment period.

SUMMARY: This notice extends the comment period for Notice No. 371, Shenandoah Valley Viticultural Area, an additional 30 days. Notice No. 371 was published in the **Federal Register** on April 13, 1981 (46 FR 2163). Under Executive Order 12291, this proposal would not be considered a "major rule."

DATE: The comment period for Notice No. 371 is extended until July 13, 1981.

ADDRESSES: Send written comments to: Chief, Regulations and Procedures

Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044 (Notice No. 371).

Written comments or suggestions may be inspected during normal business hours at the: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT:
E. J. Ference, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 and Pennsylvania Avenue, NW, Washington, DC 20226 (202 566–7626).

SUPPLEMENTARY INFORMATION:

Background

On April 13, 1981, the Bureau of Alcohol, Tobacco and Firearms (ATF) published a notice of proposed rulemaking proposing the establishment of a viticultural area in Amador County, California, to be known as "Shenandoah Valley." This proposal was the result of a petition submitted by members of the grape-growing industry. ATF feels that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers identify the wines they may purchase.

Because of the interest shown in this particular viticultural area, ATF is extending the comment period for Notice No. 371 an additional 30 days until July 13, 1981.

ATF specifically requests comments and suggestions concerning—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the areas specified in the proposal;

(b) Historical or current evidence supporting the proposed boundaries of the viticultural area as specified in Notice No. 371; and

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the proposed viticultural area from the surrounding area.

ATF requests comments concerning the proposed viticultural area from all interested persons. While ATF has proposed boundaries for the viticultural area, comments concerning other possible boundaries for the viticultural area will be considered.

The Shenandoah Valley of Virginia, for which this area of California was named, is well known. Comments concerning these two geographically designated names are also requested.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action. ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which a commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing to the Deputy Director, before the close of the comment period The Deputy Director, however, reserves the right to determine in light of all circumstances whether a public hearing should be held.

Drafting Information

The principal author of this document is Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This notice is issued under the authority contained in 27 U.S.C. 205.

Signed: June 8, 1981.

Stephen E. Higgins,
Deputy Director.

[FR Doc. 81-17432 Filed 6-11-81; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 272

Use of "Woodsy Owl" Symbol

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to review regulation.

SUMMARY: The Forest Service proposes to review the regulation for use of the Woodsy Owl Symbol under terms of E.O. 12291 to determine whether the regulation should be (a) abolished, (b) modified, or (c) retained in its present form.

DATES: Comments must be received on or before August 11, 1981.

ADDRESS: Send written comments to: R. Max Peterson, Chief (1600), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:
Robert A. Hartwick, Office of Information, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013, 202/447–5060.

SUPPLEMENTARY INFORMATION:
Regulation 36 CFR 272, Use of "Woodsy Owl" symbol, is being reviewed under the terms of Executive Order 12291, dated February 17, 1981. The regulation defines the Woodsy Owl symbol and sets conditions for authorizing use of Woodsy Owl. The regulation being reviewed was published in the **Federal Register**, March 20, 1975, and is reprinted below. This regulation has been reviewed against criteria in E.O. 12291, and has been determined not to be major. A regulatory analysis is not required for this rulemaking.

Summary of Existing Rule

Public Service Use

The Chief of the Forest Service may authorize public service use without charge when, in his judgment, such use will contribute to public information and education concerning wise use of the environment and programs which foster maintenance and improvement of environmental quality.

Commercial Use

The Chief of the Forest Service may authorize commercial use based on the following conditions:

1. That the proposed use will contribute to public knowledge about wise use of the environment and programs which foster maintenance and improvement of environmental quality.
2. That the use is consistent with Woodsy Owl's status as a national symbol.
3. That a use charge reasonably related to the commercial value has been established.
4. That the applicant is well qualified to further the goals of the Woodsy Owl campaign.
5. That, when an exclusive license is requested, no other qualified applicant can be found who will provide comparable support under a non-exclusive license.

The regulation sets conditions for exclusive licenses as follows:

1. A definite expiration date shall be established.
2. The Chief shall retain independent right to use Woodsy Owl in any way that does not, in his judgment, conflict with such use.
3. Licensee shall be required to have the licensed item available for sale within a specified period of time.
4. Licensee shall be required to invest a specified minimum amount of money in development, production, and promotion of the item.

5. The Chief retains the right to revoke any license for failure to comply with all terms and conditions of the license.

6. The licensee shall be required to submit periodic progress reports.

7. The license normally shall not be subject to transfer.

8. The licensee normally shall not be authorized to grant sublicenses.

The regulation directs that the Chief of the Forest Service retain the power to revoke any authorization or license if the use is injurious to the purpose of Woodsy Owl.

Review Schedule

Review of the regulation will be completed by October 1981. If it is determined that the regulation needs modification, a proposed rule will be issued at that time.

Part 272 of 36 CFR presently reads as follows:

§ *272.1 Definitions.*

(a) The term "Woodsy Owl" means the name and representation of a fanciful owl, who wears slacks (forest green when colored), a belt (brown when colored), and a Robin Hood style hat (forest green when colored), with a feather (red when colored), and who furthers the slogan, "Give a Hoot, Don't Pollute," originated by the Forest Service of the United States Department of Agriculture, or a facsimile or simulation thereof, in such a manner as suggests "Woodsy Owl."

(b) The term "Chief" means the Chief of the Forest Service, U.S. Department of Agriculture, or person designated to act for him. (36 FR 23220, Dec. 7, 1971, as amended at 40 FR 12641, Mar. 20, 1975)

§ *272.2 Use of official campaign materials.*

Official materials produced for the "Woodsy Owl" campaign may be used without express approval from the Chief of the Forest Service where such use is solely for the purpose of increasing public knowledge about wise use of the environment and programs which foster maintenance and improvement of environmental quality. (40 FR 12641, Mar. 20, 1975)

§ *273. Public service use.*

The Chief of the Forest Service may authorize the use of "Woodsy Owl" for noncommercial educational purposes, without charge, when such use is essentially as a public service and will, in his judgment, contribute to public information and education concerning wise use of the environment and programs which foster maintenance and improvement of environmental quality. (40 FR 12641, Mar. 20, 1975)

§ *272.4 Commercial use.*

(a) *General.* The Chief may authorize the Commercial manufacture, importation, reproduction, or use or "Woodsy Owl" upon the following findings:

(1) That the proposed use of "Woodsy Owl" will contribute to public knowledge about wise use of the environment and programs which foster maintenance and improvement of environmental quality.

(2) That the proposed use is consistent with the status of "Woodsy Owl" as a national symbol for a public service campaign to promote wise use of the environment and programs which foster maintenance and improvement of environmental quality.

(3) That a use charge, royalty charge or payment in kind which is reasonably related to the commercial value has been established.

(4) That the applicant is well qualified to further the goals and purposes of the "Woodsy Owl" campaign.

(5) That, when an exclusive license is requested, no other qualified applicant can be found who will provide comparable campaign support under a nonexclusive license.

(6) That such other conditions as the Chief may deem necessary in each case have been established.

(b) *Requirements for exclusive licenses.* Exclusive licenses, when granted, shall conform to the following:

(1) A definite expiration date shall be specified based on the minimum time determined by the Chief to be needed by the licensee to introduce or popularize the item licensed and to recover the costs and expenses incurred in so doing.

(2) The Chief shall retain the independent right to use "Woodsy Owl" in any concurrent, noncommercial program, and to allow for the manufacture and sale of "Woodsy Owl" merchandise which, in his judgment, would not be in conflict with the licensed item.

(3) The licensee shall be required to have the licensed item available for sale, and promotion within a specified period, or show cause why this could not be done.

(4) The licensee shall be required to invest a specified minimum amount of money in the development, production, and promotion of the licensed item, as determined by the Chief to be necessary to insure that the licensee's use of "Woodsy Owl" will result in a substantial contribution to public information concerning pollution abatement and environmental enhancement.

(5) The Chief shall retain the right to revoke any license for failure of the licensee to comply with all the terms and conditions of the license.

(6) The licensee shall be required to submit periodic progress reports to apprise the Forest Service of his activities and progress in achieving stated objectives.

(7) The license shall not be subject to transfer or assignment, except as approved in writing by the Chief.

(8) The licensee shall not be authorized to grant sublicenses in connection with the manufacture and sale of the item, except as approved in writing by the Chief. (37 FR 5700, Mar. 18, 1972, as amended at 40 FR 12641, Mar. 20, 1975)

§ *272.5 [Reserved].*

§ *272.6 Power to revoke.*

It is the intention of these regulations that the Chief, in exercising the authorities delegated hereunder, will at all times consider the primary purpose of carrying on a public service campaign to promote wise use of the environment and programs which foster maintenance and improvement of environmental quality. All authorities and licenses granted under these regulations shall be subject to abrogation by the Chief at any time he finds that the use involved is injurious to the purpose of the "Woodsy Owl" campaign, is offensive to decency or good taste, or for similar reasons, in addition to any other limitations and terms contained in the licenses and other authorities. (40 FR 12641, Mar. 20, 1975)

Douglas R. Leisz,

Associate Chief.

June 5, 1981.

[FR Doc. 81-17454 Filed 6-11-81; 8:45 am]

BILLING CODE 3410-11-M

VETERANS ADMINISTRATION

38 CFR Part 21

Extension of Educational Benefits to Eligible Person

AGENCY: Veterans Administration.

ACTION: Proposed regulation.

SUMMARY: The proposed regulation permits a greater extension of educational benefits to an eligible person when his or her eligibility for educational assistance ends, because circumstances change for the veteran on whom the eligibility is based. For several years the law has allowed

payments of benefits to the end of the course or for 12 weeks, whichever occurs first, when the eligible person who loses eligibility is attending a school that is not organized on a quarter or semester basis. The current regulation permits only a 9-week extension. This proposal corrects the discrepancy between law and regulation.

DATES: Comments must be received on or before July 13, 1981. It is proposed to make this proposal effective October 15, 1976.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until July 23, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: Section 21.4135 is amended to lengthen the period of payment of educational assistance to an eligible person who loses eligibility. This amendment applies to an eligible person who is enrolled in a school which is not organized on a quarter or semester basis. The Veterans Administration will apply the amendment when the eligible spouse is divorced from the veteran on whom the eligibility is based; or the Veterans Administration no longer rates that veteran as permanently and totally disabled; or the serviceperson upon whom eligibility is based is removed from the "missing status" list.

The agency has determined that this proposed regulation is nonmajor in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96–354) that it poses no compliance costs or reporting burdens upon the public and has no effect on business or State and local governments.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until July 23, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office, and furnished the address and the above room number.

Approved: May 28, 1981.

Rufus H. Wilson,

Acting Administrator.

In § 21.4135, paragraph (o) is revised as follows:

§ 21.4135 Discontinuance dates.

* * * * *

(o) *Veteran no longer rated permanent total disabled; or spouse (trainee) divorced from veteran without fault on his or her part; or serviceman or servicewoman removed from "missing status" listing—chapter 35 (§§ 21.3041 and 21.3046).* (1) End of quarter or semester if school is operated on quarter or semester system.

(2) End of the course or a 12-week period, whichever is earlier, if the school does not operate on a quarter or semester system. (38 U.S.C. 1711(b))

* * * * *

[FR Doc. 81–17460 Filed 6–11–81; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL–1846–2]

Removal of Illinois State Implementation Plan Approval Condition

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. Environmental Protection Agency (USEPA) proposes to remove the State Implementation Plan approval condition which requires the State of Illinois to utilize emission factors and to promulgate administrative rules interpreting Illinois Rule 108 as it applies to fugitive particulate emissions by July 1, 1980. The determination to remove this condition is based on subsequent information made available to EPA by the Manager of the Illinois Environmental Protection Agency (IEPA). In that letter, the IEPA points out that Rule 203(f) together with Rule 108 of the Illinois State Implementation Plan provides a legally enforceable means to accurately calculate storage pile fugitive emissions. It would be impractical to write emission factors and the use of those factors for every storage pile. This could cause administrative delays which would preclude the use of the most up to date and technically correct emission factors.

DATES: Written comments must be submitted on or before July 13, 1981.

ADDRESSES: Comments should be submitted to Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, USEPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the SIP revision and supporting documentation are available at the following addresses for inspection:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6031.

SUPPLEMENTARY INFORMATION: In its final rule on the Illinois State Implementation Plan published on February 21, 1980 (45 FR 11472), USEPA approved the State's Total Suspended Particulate (TSP) control strategy on the condition that the State utilize emission factors for determining potential emissions from storage piles, promulgate rules specifying the manner in which those emission factors would be used, and submit these rules to the Illinois Secretary of State and USEPA by July 1, 1980.

Subsequent information provided in a December 5, 1980, letter to the Regional Administrator from the Manager of the Illinois Environmental Protection Agency (IEPA) Division of Air Pollution Control, caused USEPA to reevaluate the need for this condition.

In the December 5, 1980, letter, IEPA asserted that Rule 203(f) together with Rule 108, provides a legally enforceable means to accurately calculate storage pile fugitive emissions both for

enforcement purposes and air quality modeling purposes. IEPA maintained that the language of rule 108 is necessarily general because it is designed to provide for the use of the most up to date and technically correct emission factors for each storage pile. Attempting to codify which emission factor must be used in every instance for every storage pile would be impractical. Administrative delays resulting from the State's rulemaking process would preclude the use of the most up to date and technically correct emission factors in the permitting process.

USEPA concurs with the State's assertions. Cancelling this condition will not significantly reduce the effectiveness of Rule 203(f). Therefore, USEPA proposes to eliminate the condition that the State of Illinois promulgate administrative rules interpreting Rule 108 as it applies to fugitive particulate emissions. USEPA solicits comments on this proposed action from all interested parties.

Comments should be submitted to the address listed in the front of this notice. Public comments received on or before July 13, 1981 will be considered in USEPA's final rulemaking on the SIP. All comments received will be available at Region V Office, Air programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation is not major because it proposes to remove an existing regulatory requirement.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified on January 27, 1981, that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action proposes to remove a SIP approval condition which subsequent analyses indicates is not necessary. This action imposes no new requirements but rather removes an existing requirement.

This Notice of Proposed Rulemaking is issued under the authority of Section 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601(a)).

Dated: May 20, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-17580 Filed 6-11-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL-1851-3]

Ohio; Approval and Promulgation of Implementation Plans

AGENCY: U.S. Environmental Protection Agency.

ACTION: Extension of public comment period.

SUMMARY: On January 22, 1981, U.S. Environmental Protection Agency proposed revisions to the sulfur dioxide emission limitations in the federally promulgated Ohio State Implementation Plan (SIP) for sources in Pike and Wayne Counties (46 FR 7008). At the time of the proposed rulemaking, a 30 day public comment period was provided. However, in response to the Ohio Environmental Protection Agency's request, the public comment period is being reopened for an additional 30 days.

DATE: Comments must be received on or before July 13, 1981. If possible, please send an original and four copies.

ADDRESSES: Comments should be submitted to: Gary Gulezian, Chief, Regulatory Analysis Section, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio at (312) 886-6088.

Dated: June 5, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 17527 Filed 6-11-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-6-FRL 1844-7]

Approval and Promulgation of State Implementation Plans; Oklahoma Submission of Volatile Organic Compound (VOC) Regulations for Set II Control Technique Guideline Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This action proposes conditional approval of revisions to the Oklahoma State Implementation Plan (SIP) which were submitted by the Governor on June 10, 1980. Specifically, the State has revised, Regulation No. 15, "Control of Emissions of Organic Materials," to include legally enforceable regulations for several of the source categories addressed in those EPA Control Technique Guidelines (CTG) which were issued between January 1978 and January 1979 (Set II CTGs). These revisions were submitted in response to the Clean Air Act Amendments of 1977. The Administrator's memorandum of February 24, 1978 (43 FR 21673, May 19, 1978), and the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas (44 FR 20372, April 4, 1979), described the minimum requirements for the stationary source portion of an approvable ozone SIP revision.

DATES: Interested persons are invited to submit comments on this proposed action on or before July 13, 1981.

ADDRESSES: Written comments should be submitted to the address below: Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270, Attn: Docket No. OK-02-80-A.

Copies of the State's submittal are available for inspection during normal business hours at the address above and at the following locations:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 "M" Street SW, Washington, D.C. 20460

Oklahoma State Department of Health, Air Quality Service, Northeast 10th Street and Stonewall, Oklahoma City, Oklahoma 73105.

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION:

Introduction

Provisions of the Clean Air Act enacted in 1977 (the Act) required States to revise their State Implementation Plans (SIPs) for areas that had not attained the National Ambient Air Quality Standards (NAAQS).The requirements for an approvable SIP were set out in Section 110 and Part D of the Act. The Administrator's memorandum of February 24, 1978, published in the **Federal Register** at 43 FR 21673 (May 19, 1978), summarized the elements that an approved SIP must contain in order to meet the requirements of Part D. EPA also published at 44 FR 20372 (April 4, 1979), a General Preamble for proposed rulemaking on approval of SIP revisions for nonattainment areas, summarizing the major considerations guiding EPA's evaluation of nonattainment area plan revisions. EPA published the General

Preamble in order to assist the public in commenting on the approvability of the State SIP revisions. See, also, supplements to the General Preamble published at 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

For areas not attaining the ozone NAAQS, the Administrator's memorandum and the General Preamble stated that, at a minimum, the stationary source portion of an approvable ozone SIP revision must include legally enforceable regulations that reflect the application of reasonably available control technology (RACT) to those volatile organic compound (VOC) sources for which EPA had published a Control Technique Guideline (CTG) by January 1978, and provide for the adoption and submittal of additional legally enforceable RACT regulations on an annual basis for VOC sources covered by CTGs published by January of the preceding year. RACT requirements for sources covered by the CTGs issued between January 1978 and January 1979 (Set II CTGs) were to be adopted and submitted to EPA by July 1, 1980 (44 FR 50371, August 28, 1979). However, because State regulatory processes took longer than anticipated, but in most cases good faith efforts were being made to adopt the necessary regulations, EPA notified States (at 45 FR 78121, November 25, 1980) that plan revisions setting forth RACT regulations for the following Set II CTG sources were due January 1, 1981:

Factory Surface Coating of Flatwood Paneling
Petroleum Refinery Fugitive Emissions (Leaks)
Pharmaceutical Manufacture
Rubber Tire Manufacture
Surface Coating of Miscellaneous Metal Parts and Products
Graphic Arts (Printing)
Dry Cleaning, Perchloroethylene
Gasoline Tank Trucks, Leak Prevention
Petroleum Liquid Storage, Floating Roof Tanks

On June 10, 1980, after adequate notice and public hearing, the Governor of Oklahoma submitted revisions to Regulation No. 15, "Control of Emissions of Organic Materials," which consisted of legally enforceable regulations for the following Set II CTG source categories: Petroleum liquid storage in external floating roof tanks, graphic arts systems, and petroleum refinery equipment leaks. The Governor's submittal also contained certification that there were no major stationary sources in the ozone nonattainment areas for the following Set II CTG source categories: gasoline tank trucks, perchloroethylene dry cleaning, pharmaceutical manufacture, and flatwood paneling. EPA has reviewed the State's submittal and developed an evaluation report,[1] which discusses the technical aspects of the revisions in detail. This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 office and the other addresses listed above.

The July 2, 1979 supplement to the General Preamble of April 4, 1979, outlined, among other things, the criteria for conditional approval. EPA proposes to conditionally approve these revisions where there are minor deficiencies and the State has provided assurances that it will submit corrections by a specific deadline. This notice solicits comments on what items should be conditionally approved, and it solicits comments on the deadlines where specified in this notice. A conditional approval will mean that the restrictions on new major source construction (Clean Air Act section 110(a)(2)(I)) will not apply unless the State fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

Revisions to Regulation No. 15

As previously noted, the State has revised Oklahoma Air Pollution Control Regulation No. 15 entitled, "Control of Emissions of Organic Materials," to include legally enforceable regulations which address the application of RACT to the following Set II CGT source categories: Petroleum liquid storage in external floating roof tanks, graphic arts systems, and petroleum refinery equipment leaks.

EPA has reviewed the revisions to Regulation No. 15 and found several deficiencies in the State's approach to the control of VOC emissions from these source categories. The CTGs provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes that the submitted regulations represent RACT, except an noted below. On the points noted below, the State regulations are not supported by the information in the CTGs, and the State must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the CTGs. The specific deficiencies are outlined below.

[1] EPA Review of Oklahoma's State Implementation Plan Revisions for Set II CTG Source Categories, December 1980.

1. Subsection 15.572 pertains to the control of VOC emissions from petroleum storage in external floating roof tanks, and includes an exemption for tanks storing produced crude oil and condensate, which is not consistent with RACT for this source category. The State must revise this subsection to be consistent with RACT or demonstrate to the Agency's satisfaction that the acceptable exemption in Subsection 15.27(b) is applicable to and must be considered in conjunction with Subsection 15.572(b)(2), so that 15.572(b)(2) is, in fact, consistent with RACT.

2. Section 15.58, which pertains to control requirements for graphic art systems, must be revised to include the appropriate test methods.

3. Section 15.59 pertains to the control of VOC emissions from petroleum refinery equipment leaks. Some of the control requirements specified do not represent RACT, as discussed in the evaluation report. The State must revise the regulation to be consistent with RACT or demonstrate to the Agency's satisfaction that the State's requirements represent RACT.

4. Section 15.59 must be revised to include the appropriate test method.

5. Subsection 15.12D exempts methyl chloroform (1,1,1-trichloroethane) and methylene chloride. On May 16, 1980, EPA published a clarification of Agency policy concerning the control of these compounds in ozone SIPs. EPA explained that it cannot approve or enforce controls on either of these two compounds as part of a Federally enforceable ozone SIP because current information indicates that neither compound is an ozone precursor. Consequently, EPA is not proposing disapproval of Oklahoma's exemption of these compounds.

This policy is in no way an expression of EPA's review on the desirability of controls on these compounds. States retain the authority to control these compounds under the authority reserved to them in Section 116 of the Clean Air Act. In addition, State officials and sources should be advised that there is a strong possibility of future regulatory action by EPA to control emissions of these two compounds. (See, e.g., Proposed New Source Performance Standards for Organic Solvent Cleaners, 45 FR 39766, June 11, 1980).

EPA proposes to conditionally approve the revisions to Regulation No. 15 on the following conditions: (1) The regulation is revised in accordance with the requirements discussed above and submitted to EPA within 120 days from the publication of this notice, and (2)

that the State submit the additional demonstrations within 60 days from the publication of this notice.

Tank Trucks

As previously noted, the Governor's submittal also contained certification that there were no major stationary sources in the ozone nonattainment areas for several of the Set II CTG source categories, including gasoline tank trucks. According to EPA policy, a regulation requiring annual certification and testing for gasoline tank trucks is necessary only for those ozone nonattainment areas which have been granted extensions until 1987. However, under the RACT requirements for gasoline terminals, which the States were required to adopt by January 1, 1979, tank trucks loading gasoline at regulated terminals were required to be essentially leakless and equipped for vapor collection in order to meet the mass emission or efficiency standard. Therefore, States are required, at this time, to include test methods that address the leak tight tank truck conditions, in conjunction with previously adopted gasoline terminal regulations.

Since the State of Oklahoma has adopted a regulation for gasoline terminals, and requires tank trucks to be vapor tight, EPA is proposing to conditionally approve the June 10, 1980 submittal, on the basis that the State include a test method that addresses the leak tight conditions of the tank trucks, and submit the revised regulation to EPA within 120 days from the publication of this notice.

Pneumatic Rubber Tires

The Governor's submittal of June 10, 1980 did not contain a legally enforceable regulation for pneumatic rubber tire manufacture. However, the State has committed to a course of action which will result in the adoption and submittal to EPA of such a regulation. Regulation revisions concerning pneumatic rubber tire manufacture were the subject of a public hearing on May 20, 1980, were considered by the Air Quality Council on November 18, 1980, and are scheduled for adoption by the Board of Health in the near future.

EPA has reviewed the State's proposed regulation for the manufacture of pneumatic rubber tires and found several deficiencies in the State's approach to the control of VOC emissions from this source category, as noted in detail in EPA's evaluation report. Several of these deficiencies are due to a lack of sufficient justification for the regulation's deviation from the information in the CTG document for this source category. EPA has notified the State of these deficiencies, and the State has committed to submit additional information for justifying the deviations. Therefore, EPA is proposing conditional approval of the proposed revision to Regulation No. 15, concerning the manufacture of pneumatic rubber tires, based on the State meeting the following conditions and schedule:

(1) The State submit all required additional information, to justify the deviations from the CTG to the Agency's satisfaction or revise Regulation No. 15 to be consistent with RACT, within 120 days from the publication of this notice.

(2) Adopt the revised regulation within 150 days from the publication of this notice, and

(3) Submit the revised regulation to EPA within 170 days from the publication of this notice.

Miscellaneous Metal Parts and Products

The Governor's submittal of June 10, 1980 also contained the testimony obtained at the March 18, 1980 public hearing, pertaining to the State's proposed regulation for the control of VOC emissions from the surface coating of miscellaneous metal parts and products. This testimony was submitted as evidence to support the Oklahoma Air Quality Council's determination that the adoption of such a regulation would result in extreme economic hardship to the citizens of Oklahoma. Therefore, the State of Oklahoma has not adopted a new regulation for this source category.

However, on January 20, 1981, the State submitted correspondence, which indicated that the application of their existing general coating regulation (i.e. section 15.30) would result in substantially more reduction in VOC emissions than a regulation specific to miscellaneous metal parts and products, since it applies to a wider variety of source categories. Therefore, EPA is proposing conditional approval of Regulation No. 15, based on the State meeting the following conditions and schedule:

(1) The State submit additional information to verify to the Agency's satisfaction that the State's existing coating regulation will result in greater reductions than the CTG limitations for surface coating of miscellaneous metal parts and products, or revise Regulation No. 15, within 120 days from the publication of this notice.

(2) Adopt the revised regulation (if necessary) within 150 days from the publication of this notice, and

(3) Submit the revised regulation (if necessary) to EPA within 170 days from the publication of this notice.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified (46 FR 8709) that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely proposing to approve a State action. It will impose no new regulatory action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This notice of proposed rulemaking is issued under the authority of sections 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7502.

Dated: April 13, 1981.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 81-17588 Filed 6-11-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 62

[A-2-FRL-1846-8]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Puerto Rico

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Regulations promulgated under the provisions of Section 111(d) of the Clean Air Act require States to submit plans to the Environmental Protection Agency (EPA) to control fluoride emissions from existing primary aluminum plants and total reduced sulfur from kraft pulp mills. Alternatively, a State may submit to EPA "negative declarations" which certify that no such sources exist within the State's boundaries. This **Federal Register** notice proposes approval of such negative declarations which have been submitted to EPA by the Commonwealth of Puerto Rico.

DATE: Comments must be received on or before July 13, 1981.

ADDRESSES: All comments should be addressed to: Richard T. Dewling, Acting Regional Administrator, Environmental Protection Agency,

Region II Office, 26 Federal Plaza, New York, New York 10278.

A copy of the letter received from Puerto Rico is available for public inspection during normal business hours at:

Environmental Protection Agency, Region II Office, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

Puerto Rico Environmental Quality Board, Division of Water and Air, Environmental Quality Board Building, Santurce, Puerto Rico 00910.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: The Commonwealth of Puerto Rico has submitted "negative declarations," on April 28, 1981, with regard to kraft pulp mills and primary aluminum plants. This fulfills the Commonwealth's responsibility for submitting state control plans as required by Section 111(d) of the Clean Air Act, and by Subpart A of 40 CFR Part 62. A more detailed discussion of 111(d) control plans is contained in the October 18, 1977, July 10, 1978 and November 3, 1978 issues of the **Federal Register** (42 FR 55796, 43 FR 29585, and 43 FR 51393, respectively).

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it identifies where State plans are not needed, thereby reducing further regulatory requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

This notice of proposed rulemaking is issued under the authority of Sections 111(d) and 301(a) of the Clean Air Act, as amended, to advise the public that comments may be submitted within 30 days of publication of this notice on whether the proposed action is appropriate.

(Sections 111 and 301 of the Clean Air Act, as amended (42 U.S.C. 7413 and 7601))

Dated: May 29, 1981.

Richard T. Dewling,

Acting Regional Administrator, Environmental Protection Agency.

[FR Doc. 81-17530 Filed 6-11-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-5-FRL 1841-1]

Indiana; Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On May 21, 1980 the State of Indiana, pursuant to section 107(d)(5) of the Clean Air Act (Act), requested that the U.S. Environmental Protection Agency (EPA) change the total suspended particulate (TSP) designation of certain areas of LaPorte County from primary nonattainment to attainment which results in an attainment designation for the entire county. EPA has reviewed the redesignation request and the data submitted by the State to support the request and proposes to redesignate LaPorte County as attainment.

The purpose of today's notice is to announce receipt of the redesignation request to discuss the results of EPA's review, to propose rulemaking action on the redesignation request, and to invite public comment on the redesignation request and EPA's proposed rulemaking.

DATE: Comments on the redesignation and on EPA's rulemaking action are due July 13, 1981.

ADDRESSES: Comments on this rulemaking should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the redesignation request, technical support document, and the supporting air quality data are available at the address given above and at: Public Information Reference Unit, Room 2922 (Library), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

Copies of the submission are also available at: State of Indiana, Air Pollution Control Board, 1330 W. Michigan Street, Indianapolis, IN 46206.

FOR FURTHER INFORMATION CONTACT: Sharon Kraft, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6036.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (Act) directing each State to submit to the Administrator of EPA a list of those areas within the State which had ambient air concentrations of the pollutants sulfur dioxide (SO_2), total suspended particulates (TSP), nitrogen oxides (NO_x), carbon monoxide (CO) and ozone (O_3) which exceeded EPA established primary and secondary National Ambient Air Quality Standards (NAAQS) for each of these pollutants. These areas were to be designated as nonattainment areas. The areas within each State which had ambient air concentrations below the NAAQS level were to be designated as attainment. Those areas which lacked sufficient monitoring data to accurately determine their status were to be designated as unclassified. The purpose of making these designations was to determine which areas within the State required additional air pollution control measures to ensure attainment of the appropriate NAAQS by December 31, 1982.

In the March 3, 1978 **Federal Register** (43 FR 8962) and in the October 5, 1978 **Federal Register** (43 FR 45993) the Administrator of EPA promulgated lists of the nonattainment areas for each pollutant in each State. These lists also contained classifications for the attainment and unclassified areas within the State. In Indiana, the Townships of Center, Kankakee, New Durham, Pleasant and Scipio and the area north and west of I-94 were designated as nonattainment for the TSP NAAQS.

Section 107(d) of the Act permits EPA to change the designation for an area whenever sufficient data exist to warrant such a change. In the June 12, 1979 memo entitled "Section 107 Redesignation Criteria," Richard G. Rhoads, then Director of EPA's Control Program Development Division, described EPA's requirements for approval of a change in an area's designation. A change from primary nonattainment to either secondary nonattainment or attainment may be approved if there are eight consecutive quarters of recent ambient air quality data which show no violations of the appropriate NAAQS.

On May 21, 1980 the State of Indiana requested EPA to revise the TSP nonattainment designation for the Townships of Center, Kankakee, New Durham, Pleasant and Scipio and the area north and west of I–94 to attainment. To support its request, Indiana submitted adequate, quality assured ambient monitoring data from two representative monitors. These data demonstrate that no violation of the primary or secondary long or short-term TSP standard has occurred over the most recent eight quarters of available data. Therefore, EPA has determined that the redesignation is appropriate and is proposing to redesignate the entire

County of LaPorte as attainment for TSP.

All interested persons are invited to submit written comments on the proposed redesignation. Comments should be submitted to the address listed in the front of this notice. Comments received on or before (30 days from date of publication) will be considered in EPA's final rulemaking.

Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator has certified (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities but only changes an air quality designation. Any regulatory requirements of this action will be dealt with in a separate action.

Under Executive Order 12291, U.S. EPA must determine whether a proposed regulation is a major rule and therefore subject to the requirement of a regulatory impact analysis. I reviewed this proposed rulemaking and determined that it is not a major rule because U.S. EPA is revising an air quality designation at the request of the State of Indiana and not imposing new requirements. This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

This Notice of Proposed Rulemaking is issued under the authority of section 107 of the Clean Air Act, as amended.

Dated: May 4, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-17519 Filed 6-11-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 123

[SW-6-FRL-1850-3]

Kansas Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: EPA Region VII.

ACTION: Notice of Public Comment Period and Review Period Extension.

SUMMARY: This notice extends the public comment period on the Kansas Phase I interim authorization application to July 13, 1981. A previous **Federal Register** notice dated May 4, 1981 (46 FR 24968) announced the availability of the Kansas interim authorization application for public review and gave notice of a June 3, 1981 public hearing. On May 27, 1981, EPA asked the State for clarification of several statements in the application. To allow for sufficient public review, a June 1, 1981 **Federal Register** notice extended the public comment period to July 3, 1981. (46 FR 29292). At the public hearing, the State responded to most of EPA's May 27th comments. However, references to newly-passed hazardous waste legislation and other clarifications requested of the Attorney General were not yet available. This portion of the State's response will be submitted to EPA no later than June 12, 1981. To allow for public review of all materials submitted by the State, EPA is again extending the public comment period to close of business July 13, 1981.

The State of Kansas has requested that EPA's formal review period be extended 45 days. The final determination by EPA on the Kansas application will now be required no later than September 17, 1981.

DATE: Comments on the Kansas Phase I interim authorization application must be received by EPA, Region VII, by close of business July 13, 1981.

The final determination by EPA on the Kansas application will now be required no later than September 17, 1981.

ADDRESSES: Copies of the Kansas interim authorization application and all minor revisions and requested comments are available during business hours at the following locations for inspection and copying by the public.

Kansas Department of Health and Environment, Bureau of Environmental Sanitation, Forbes Field, Topeka, Kansas 66620, 913/862-9360 Ext. 297, Business Hours: 8:00-4:30, $0.25 per page copying charge;

U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, 816/374-6533, Business Hours: 7:30-4:30, $0.20 per page copying charge;

U.S. Environmental Protection Agency, Office of Solid Waste, 401 M Street, S.W., Washington, D.C. 20460, 202/382-2210, Business Hours: 7:30-4:30.

Send written comments to: Robert L. Morby, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby (816) 374-3307.

Dated: June 5, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81-17504 Filed 6-11-81; 8:45 am]

BILLING CODE 6560-30-M

---

40 CFR Parts 430 and 431

[WH-FRL-1853-1]

Pulp, Paper, and Paperboard and Builders' Paper and Board Mills Point Source Categories; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On January 6, 1981, EPA proposed a regulation under the Clean Water Act for pollutant discharges from pulp, paper, and paperboard mills (46 FR 1430). The comment period was scheduled to expire June 9, 1981. EPA is hereby extending the period for comments on all issues relating to proposed best conventional pollutant control technology (BCT) effluent limitations for the pulp, paper, and paperboard and builders' paper and board mills point source categories. This extension will last until 60 days after EPA proposes a change in the publicly owned treatment works (POTW) cost comparison figure used in the BCT cost-reasonableness test. Comments on all other aspects of the proposed rulemaking must be submitted by June 9, 1981.

DATE: Comments on the proposed BCT regulations for the pulp, paper, and paperboard industry must be submitted to EPA 60 days from the date that a change in the POTW cost comparison figure is proposed. Comments on all non-BCT issues must be submitted to EPA by June 9, 1981.

ADDRESS: Send comments to Mr. Robert W. Dellinger, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, attention: EGD Docket Clerk, Proposed Pulp, Paper, and Paperboard Industry Rules (WH-552).

The supporting information and all comments on the proposal are available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Dellinger or Mr. Arthur E. Shattuck, (202) 426-2554.

SUPPLEMENTARY INFORMATION: On January 6, 1981, EPA proposed regulations to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly

owned treatment works from the pulp, paper, and paperboard industry (46 FR 1430). Comments on the proposal were to be submitted on or before March 9, 1981. In two separate actions, the Agency extended the comment period until May 1, 1981, and until June 9, 1981 (46 FR 15287, March 5, 1981; 46 FR 21396, April 10, 1981). On April 24, 1981, the American Paper Institute (API) petitioned for a suspension of the close of the comment period on the proposed pulp and paper regulations pertaining to the control of conventional pollutants until 90 days after a new cost comparison figure for publicly owned treatment works (POTW) is announced. Industry representatives also requested that if the Agency did not grant this first request, that EPA reopen the comment period for 90 days from the date any change in the POTW cost comparison figure is announced. API's request was based on the expectation that EPA would be substantially revising the POTW cost comparison figure to correct errors in underlying calculations and would also be reassessing the promulgated BCT methodology (44 FR 50732, August 29, 1979).

After reviewing this request, EPA has decided to extend the period for comment on all issues relating to proposed BCT effluent limitations for the pulp and paper industry until 60 days from the date that a change in the POTW cost comparison figure is proposed. The comment period on proposed pulp and paper BCT effluent limitations will close at the same time as the comment period on the new POTW cost comparison figure. The extended comment period is limited to BCT issues in the pulp and paper rulemaking and will not extend to other areas such as BAT limitations, new source performance standards, or pretreatment standards for new and existing sources. The comment period for all non-BCT issues will close on June 9, 1981, as scheduled.

We believe that this action will provide the pulp, paper, and paperboard industry and other interested parties with sufficient opportunity to review and comment on any revision to the POTW cost comparison figure that would affect the issues relating to proposed BCT effluent limitations for the pulp and paper industry.

The Agency is encouraging the early submission of any data or comments on the proposed BCT effluent limitations. Such comments will enable us to begin evaluating the soundness of EPA's assessment of the conventional pollutant removal capability of the four technology options considered in proposing BCT effluent limitations, the accuracy of the Agency's cost estimates, the methodology used and the results of our economic impact analysis, alternative BCT technology options, and all other technical aspects of our proposed BCT rules.

Dated: June 5, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-17644 Filed 6-11-81; 8:45 am]

BILLING CODE 6560-29-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 1300

Medical and Social Services for Certain Handicapped Persons

AGENCY: Office of Human Development Services (HDS), Department of Health and Human Services (DHHS).

ACTION: Withdrawal of notice of decision to develop regulations.

SUMMARY: The purpose of this notice is to withdraw the Notice of Decision to Develop Regulations for Section 1620 of the Social Security Act. That Notice was published in the **Federal Register** October 6, 1980 (45 FR 66180).

Section 1620, "Medical and Social Services for Certain Handicapped Persons," was established by Section 201(c) of Pub. L. 96-265, the "Social Security Disability Amendments of 1980." Section 1620 was an optional three-year pilot program to provide medical and social services to severely handicapped employed persons who met certain eligibility criteria. States could participate in this program by amending their title XX administrative plan or by submitting a separate State plan to be approved by the Secretary. The statute allowed for a total authorization of $18 million for the three year period beginning September 1, 1981.

During the FY 1982 budget process, it was decided that funding for this program would not be available. Therefore, HDS has decided not to proceed with the development of proposed rules and hereby withdraws its Notice of Decision to Develop Regulations.

FOR FURTHER INFORMATION CONTACT: Mrs. Johnnie U. Brooks, (202) 472-4415.

Dated: June 4, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 81-17395 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-92-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 79-256; RM-3118]

FM Broadcast Station in Lockhart, Tex.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Request for Supplemental Information (Proposed Rule); Extension of comment and reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding concerning the proposed assignment of an FM channel to Lockhart, Texas. Petitioner, Entertainment Communications, Inc. (Texas), states that additional time is needed to coordinate showings of the parties.

DATES: Comments are now due on or before June 10, 1981 and replies on or before July 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Lockhart, Texas), BC Docket No. 79-256, RM-3118.

Adopted: June 2, 1981.

Released: June 5, 1981.

1. On April 1, 1981, the Commission adopted a *Request for Supplemental Information*, 46 FR 22770, published April 21, 1981, in the above-entitled proceeding. The dates for filing comments and reply comments are presently June 1, and June 22, 1981, respectively.

2. On May 27, 1981, counsel for Entertainment Communications, Inc. (Texas) (hereinafter ECI), filed a "Request for Extension of Time To Supply Supplemental Information" to and including June 10, 1981. Counsel states that additional time is necessary to coordinate various showings being prepared by several consulting engineers and to submit comments in this proceeding, which is one of several

rule making proceedings relating to pending applications by various FM stations in Houston, Texas, proposing to relocate their facilities to a common transmitter site.

3. We are of the view that the public interest would be served by granting the additional time to file the supplemental information herein.

4. Accordingly, it is ordered, that the time for filing comments and reply comments in BC Docket No. 79-256, are extended to and including June 10 and July 1, 1981, respectively.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-17582 Filed 6-11-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Proposed Rule Describing Areas in Which Non-Toxic Shot Would Be Required for Waterfowl Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule describes non-toxic shot zones for waterfowl hunting. When eaten by waterfowl, spent lead pellets may have a toxic effect. These non-toxic shot zones may reduce the number of deaths to waterfowl as a result of eating spent lead pellets. The only approved non-toxic shot available at this time is steel shot.

DATES: Comments on this proposed rule will be accepted until July 12, 1981.

ADDRESS: Submit comments to Director (FWS-MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Robert I. Smith, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202-254-3207).

SUPPLEMENTARY INFORMATION: Research on the problem of lead poisoning in waterfowl has been conducted throughout most of this century. The complexities of the issue have been explored with conservationists, ammunition manufacturers, and State fish and game departments. For many years the Service has studied lead poisoning of waterfowl in cooperation with organizations representing a broad cross section of interests affected by and concerned with the problem.

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the Service prepared a Final Environmental Statement (Use of Steel Shot for Hunting Waterfowl in the United States). This document was published in January 1976 and is available from the Service on request.

On March 20, 1976, the Secretary of the Interior announced a plan for the progressive implementation of steel shot. According to this plan, shotshells loaded with non-toxic shot were required for hunting waterfowl in designated areas of the Atlantic Flyway beginning in 1976, in designated areas of the Mississippi Flyway beginning in 1977, and in designated areas of the Central and Pacific Flyways beginning in 1978.

On July 28, 1976, a final rule on the use of steel shot for waterfowl hunting was published in the **Federal Register** (41 FR 31386-89) and became effective August 27, 1976. On September 13, 1976, the Service published descriptions of areas where non-toxic shot was required for waterfowl hunting in the Atlantic Flyway in 1976 (41 FR 38772-74).

On April 28, 1977, the Service published descriptions of areas where non-toxic shot was required for waterfowl hunting in the Atlantic and Mississippi Flyways in hunting seasons commencing in 1977 (42 FR 21616-18).

On February 28, 1978, the Service published descriptions of areas where non-toxic shot was required for waterfowl hunting in portions of 32 States in 1978 (43 FR 8144-49).

On July 17, 1979, the Service published descriptions of areas where non-toxic shot was required for waterfowl hunting in portions of 29 States in 1979 (44 FR 41461-67).

Appropriated funds for the Department of the Interior for fiscal years 1979, 1980, and 1981 were restricted in their use by the following provision:

> No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation.

In States where unapproved, the non-toxic shot regulations have not been enforced since 1979.

In developing this proposed rule two steps were taken. First, it was determined to treat this proposal as a basic rather than an annual rule. This is to reduce year to year uncertainty associated with demand for either lead or steel shot ammunition. Basic rules remain in effect until changed and do not have to be proposed anew each year unless changes are to be made. Second, each State that had non-toxic shot regulations in 1980 was contacted by phone by the Service. Each of these States was asked to identify areas within the State to be proposed in this rule making. Some States responded that the 1980 regulations should be proposed, with the understanding that changes will be requested by the State during the comment period. Other States requested changes, and these changes are incorporated in this proposed rule.

Proposed zones were delineated by giving primary consideration to quantities of lead shot found in the digestive tracts of waterfowl. Where available, other sources of information, such as levels of lead in the soft tissues and blood of waterfowl and documented deaths from this cause, were utilized.

Areas identified for the use of steel shot in South Dakota and Colorado are not included in this proposal. Zones in which steel shot may be required in these two States will be described in State rather than federal regulations. The Service concurs with these two States regarding areas identified by State regulation in 1980 and agrees that information on lead poisoning of geese in both States demonstrates a need for these non-toxic shot zones. The reason for defining these zones by State rather than federal regulation is due to a difference between State and federal rules regarding possession of toxic shot while hunting waterfowl in the zones. Rather than amend either the State or Federal ruling on possession of ammunition, areas in Colorado and South Dakota will not be proposed by the Service at this time.

Regulations regarding use of non-toxic shot on National Wildlife Refuges will be published separately.

Pursuant to Executive Order 12291, the Department has determined that the rule proposed below is not a major rule, nor does it have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Small sporting goods stores purchase stocks of steel shot if they are located in or close to a designated zone. Such stores may be left with stocks for which there is no local demand if the manner in which this rule is implemented changes without adequate warning. This proposed rule should therefore have no effect on small businesses if it is implemented in a

timely manner and does not create sudden changes in the demand for ammunition products. The proposal amends 50 CFR 20.108 to become a basic rather than an annual rule, in order to reduce year to year uncertainty with regards to ammunition demand.

Proposed Ruling

Accordingly, it is proposed that 50 CFR 20.108 be revised to read as follows:

§ 20.108 Non-toxic shot zones.

The areas described within the States indicated below are designated for the purpose of § 20.21(j) as non-toxic shot zones for waterfowl hunting.

Atlantic Flyway

Connecticut

1. That portion of New Haven and Fairfield Counties bounded by a line beginning at the north end of the breakwater at Milford Point extending south to Stratford Point, north along Prospect Drive and Route 113 to Interstate 95, easterly along I–95 to Naugatuck Avenue, southerly along Naugatuck Avenue and Milford Point Road and continuing along a line extending from the end of Milford Point Road to the north end of the breakwater at Milford Point.

2. That portion of New Haven County along the Quinnipiac River known as the Quinnipiac Meadows beginning at the intersection of Sackett Point Road and I–91, extending south along I–91 to Route 5, northerly along Route 5 to Sackett Point Road, and easterly along Sackett Point Road to I–91.

Delaware

All lakes, ponds, marshes, swamps, bays, rivers, and streams or within 150 yards thereof within the boundaries of the following areas:

1. Chesapeake and Delaware Canal State Wildlife Area.
2. Augustine State Wildlife Area.
3. Woodland Beach State Wildlife Area.
4. Little Creek State Wildlife Area.
5. Prime Hook State Wildlife Area.
6. Bombay Hook National Wildlife Refuge.
7. Prime Hook National Wildlife Refuge.
8. Cape Henlopen and Delaware Seashores State Parks and Assawoman and Gordon's Pond Wildlife Areas.

Florida

In Osceola, Broward, Dade, Glade, and Leon Counties and on Lake Miccosukee, which lies in Leon County and the adjacent portions of Jefferson County. In that portion of Brevard County lying east of Interstate Highway 95, and on Orange Lake and Lochloosa Lake in Alachua County.

Maine

On the waters of the Kennebec River known as Merrymeeting Bay bounded as follows: from the high tension wires at Chops Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadasset, and Eastern Rivers and the Richmond-Dresden bridge on the Kennebec River, and within a 150-yard zone of land adjacent to the margins of these waters in the counties of Cumberland, Sagadahoc and Lincoln.

Maryland

All waters (including bays, lakes, ponds, marshes, swamps, rivers, streams, and Chesapeake Bay) in Worcester, Somerset, Wicomico, Dorchester, Talbot, Caroline, Queen Anne's, Kent and Cecil Counties and those portions of Harford, Baltimore, and the Anne Arundel Counties lying south and east of U.S. Route 1, and within a 150-yard zone of land in the above counties adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

Massachusetts

Essex County: North Boundary—Massachusetts—New Hampshire lines (in the town of Salisbury); *West Boundary*—U.S. Route 1 (in Salisbury) from the State line southward to the Parker River; *South Boundary*—the Parker River and lands 150 yards south of the south bank of the Parker River; *East Boundary*—the Atlantic Ocean and the boundaries of the Parker River National Wildlife Refuge.

Also, the Parker River National Wildlife Refuge and Plum Island, including Plum Island State Park.

Plymouth County: Waters of the Wareham and Weweantic Rivers in the towns of Wareham and Marion and the marshes adjacent to these rivers and within a 150 yard zone of land adjacent to these rivers and marshes, seaward from the first upstream bridge.

New Jersey

That portion of the State bounded on the north by The Shark River, on the west by the Garden State Parkway, on the south by the Cape May Canal, and on the east by the Atlantic Ocean.

New York

All waters (including bays, lakes, ponds, marshes, swamps, rivers, streams, and ocean waters but not including temporary or sheet water) and all land areas within 150 yards of all waters of the following portions of New York:

1. West of Interstate Highway 81 and north of the New York State Thruway (Interstate Highway 90) with the following exceptions: waters of Lake Ontario, outside the barrier beach, from Tibbets Point in Jefferson County to the mouth of the Niagara River in Niagara County and the waters of the Niagara River from its mouth in Niagara County upstream to the Peace Bridge in the City of Buffalo are excluded from the non-toxic shot requirement. However, this exclusion does not include the Henderson Bay-Black River Bay area which shall continue to require non-toxic shot. The Henderson Bay-Black River Bay area is described as the area east of a line running from Snowshore Point on Henderson Harbor to Pillar Point on the southward portion of the Pillar Point Peninsula.

2. In those portions of Nassau County bounded on the south by the Long Island shoreline from the Wantagh Parkway west to the Nassau County-New York City line; on the west by the Nassau County-New York City line northward from the Long Island shoreline to the Sunrise Highway (Route 27); on the north by the Sunrise Highway (Route 27) eastward to its junction with the Wantagh Parkway; on the east by the Wantagh Parkway southward to the Long Island shoreline.

3. An area including and adjacent to Oneida Lake bounded on the north by route 48 on the east and by route 13 and on the south by route 31 and on the north by Interstate route 81.

4. Wilson Hill Wildlife Management area in St. Lawrence County.

5. Upper and Lower Lakes Wildlife Management area in St. Lawrence County.

6. An area including and adjacent to the Hudson River bounded on the north by the New York State Thruway (Interstate Highway 90); on the east by route 9J from the New York Thruway south to its junction with route 9, south along route 9 to its junction with route 9G in the city of Hudson, then south along route 9G to route 199; on the south by route 199; on the west by route 32 from route 199 north to its junction with route 9W then north along route 9W to route 385 then along route 385 to Lawrence Street in Coxsackie then along Lawrence Street to Nubbell Street, along Nubbell Street to county road 61, then north along county road 61 to route 144, then along route 144 to the New York State Thruway (Interstate 90).

North Carolina

All waters (including sounds, lakes, ponds, marshes, swamps, rivers, and streams) of Currituck, Dare, and Pamlico Counties and within a 150-yard zone of land in these counties adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

Pennsylvania

Crawford County, Middle Creek Wildlife Management Area in Lancaster and Lebanon Counties, and the waters of the Susquehanna River beginning at the confluence of the North and West branches at Northumberland and continuing southward to the Maryland-Pennsylvania State boundary and including a 25-yard zone of land adjacent to the waters of the Susquehanna River that are described above.

Rhode Island

That portion of Washington County lying south and east of U.S. Route 1 but excluding Block Island and the waters of Block Island Sound and Narragansett Bay.

South Carolina

Georgetown, Colleton, Charleston, and Beaufort Counties.

Virginia

All waters and a 150-yard zone of land adjacent to these waters in the City of Virginia Beach and in an area between the York River and the James River bounded on the north by U.S. Highway 60, on the west by Highway 155, and on the south by Highway 5.

Mississippi Flyway

Illinois

Oakwood Bottoms, Rice Lake, Union County Public Shooting Area, Horseshoe Lake (Alexander County) Public Shooting Area, Stump Lake, and Pend Lake and Wildlife Management Areas.

Indiana

1. On all waters of Lake, Porter, LaPorte, Newton, Jasper, Starke, Elkhart, Kosciusko, LaGrange, Steuben, and Posey Counties and within 150-yard zone of land in these counties adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of Lake Michigan and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

2. Within the boundaries of the following State-owned or State-operated properties: Jasper-Pulaski Fish and Wildlife Area in Pulaski County, Mallard Roost Wetland Conservation Area in Noble County, Monroe Reservoir in Monroe and Brown Counties, and Glendale Fish and Wildlife Area in Daviess County, and the Tri-County Fish and Wildlife Area in Noble and Kosciusko Counties.

3. Within the proposed boundaries of the Menominee Wetlands Conservation Area in Marshall County.

Iowa

1. In Fremont and Mills Counties on all waters and a 150-yard zone of land in these two counties adjacent to waters. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of the Missouri River and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

2. All waters and a 150-yard zone of land adjacent to these waters on the following public hunting areas under the jurisdiction of the State Conservation Commission:

Sweet Marsh in Bremer County
Big Marsh in Butler County
Green Island Area in Jackson County
Princeton Area in Scott County

Ohio

The Maumee River in Wood County and on all waters of Erie, Ottawa, Sandusky, Cuyahoga, Wayne, Holmes, and Lucas Counties and when hunting waterfowl within a 150-yard zone of land adjacent to the margins of these waters. These waters mentioned in this paragraph include lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described in this paragraph are excluded from the nontoxic shot requirements.

Michigan

1. Saginaw Bay Area—That area of Iosco, Arenac, Bay, Saginaw, Tuscola and Huron counties: Beginning at a point at the tip of Tawas Point in Sec. 3, T21N, R8E, Iosco County; northeast north and west on Tawas Point Road to its intersection with Highway US–23 (Sec. 21, T22N, R8E); south and west on Highway US–23 in Iosco and Arenac Counties to the intersection with Highway M–13 (Sec. 2, T18N, R4E, Arenac County); south on Highway M–13 in Arenac and Bay Counties to the intersection with interstate Highway I–75 (Sec. 13, T14N, R4E); south on I–75, US–23 to the intersection with Highway US–10 (Sec. 24, T14N, R4E); west on Highway US–10 to the intersection with Garfield Road (northeast corner Sec. 27, T14N, R3E); south on Garfield Road in Bay and Saginaw Counties to the intersection with Tittabawassee Road (southwest corner Sec. 35, T13N, R3E); west on Tittabawassee Road to intersection with Graham Road (northwest corner Sec. 4, T12N, R3E); south on Graham Road to the junction of Highways M–46 and M–52 (west quarter corner Sec. 28, T12N, R3E); south on Highway M–52 to Highway M–57 (southwest corner Sec. 7, T9N, R3E); east on Highway M–57 to Highway M–13 (southeast corner Sec. 13, T9N, R4E); north on Highway M–13 to Burt Road (northwest corner Sec. 31, T10N, R5E); east on Burt Road to Highway I–75, US–10 and US–23 (Sec. 28, T10N, R6E); north on Highway I–75 to Highway M–46 (Sec. 28, T12N, R5E); east on Highway M–46 to North Gera Road southeast corner (Sec. 27, T12N, R6E); north on North Gera Road to Highway M–15 (Sec. 23, T12N, R6E); north on Highway M–15 in Saginaw and Bay Counties to Munger Road (Sec. 18, T13N, R6E); east on Munger Road (M–138) in Bay County and Fairgrove Road (M–138), in Tuscola County to Vassar Road (southeast corner Sec. 13, T13N, R7E); north on Vassar Road to Highway M–25 east quarter corner (Sec. 13, T14N, R7E); east and north on Highway M–25 in Tuscola and Huron Counties to Kinde Road (Sec. 35, T18N, R10E); east on Kinde Road to Highway M–53 (southeast corner Sec. 36, T18N, R12E); north on Highway M–53 to the junction with Highway M–25 (Sec. 30, T19N, R13E); north from that point to the shoreline of Lake Huron and then northwesterly from this point to the point of beginning (tip of Tawas Point in Iosco County).

2. Houghton Lake Area—That area of Roscommon, Missaukee, Kalkaska and Crawford Counties:

Beginning at the intersection of State Highway M–55 and Highway M–76 in Roscommon County (southeast corner Sec. 10, T22N, R1W); north on Highway M–76 to the Village of Roscommon, then west and south on county road 100 to the intersection of county road 104 (Sec. 32, T24N, R3W); west on county road 104 to the intersection of Highway US–27 (Sec. 34, T24N, R4W); north on Highway US–27 to the intersection of Fletcher Road in Crawford County (Sec. 23, T25N, R4W); west and northwest on Fletcher Road to county road 571 in Kalkaska County (Sec. 8, T25N, R6W); south on county road 571 to Highway M–55 in Missaukee County (Sec. 32,

T23N, R6W); then east on Highway M–55 to the point of beginning.

3. Eastern Upper Peninsula Area—That area of Mackinac and Chippewa Counties:

Beginning at the point where the Mackinac Straits Bridge intersects the Lake Huron shoreline of Mackinac County north on Highway I–75 to Highway M–134 (Sec. 4, T42N, R3W); east on Highway M–134 to Highway M–129 (southeast corner Sec. 25, T42N, R1W); north on Highway M–129 to business loop I–75 (Sec. 7, T47N, R1E); north on business loop I–75 to downtown Sault Ste. Marie and extending on a line northward to the International Boundary between U.S. and Canada; east and south along the International Boundary on the St. Mary's River north channel and Lake Huron to a point west of the southwest corner of Cokburn Island (in Canada); west from that point on the International Boundary in Lake Huron to the south tip of Goose Island lying southwest of Marquette Island; continuing southwest in Lake Huron to the southernmost point of Mackinac Island and then west to the point of beginning.

4. Southwestern Michigan Area—That area of Muskegon, St. Joseph, Newago, Ottawa, Allegan, Van Buren, Cass, Kalamazoo, Calhoun, Barry, Ionia, Branch, and Kent Counties:

Beginning at the southwest meandor corner of Sec. 4, T12N, R18W, Muskegon County, west on a line across Lake Michigan to the State boundary between Michigan and Wisconsin; south along the State boundary to a point directly west of the mouth of the Black River (Sec. 9, T1S, R17W) Van Buren County; east along a line to the mouth of the Black River (Sec. 9, T1S, R17W); upstream along the south shore of the Black River to Highway U.S.–31, then southerly along Highway U.S.–31 to Highway M–43 (Sec. 14, T1S, R17W); easterly along Highway M–43 in Van Buren County to the junction with M–40 (Sec. 13, T2S, R14W); southerly along M–40 to the junction of M–216 (Marcellus) (Sec. 1, T5S, R13W) Cass County; easterly along M–216 to junction of U.S.–131 (Sec. 19, T5S, R11W); south on U.S.–131 and Business U.S.–131 to junction with M–60 (Sec. 18, T6S, R11W) St. Joseph County; north on M–60 and M–66 to the junction with I–96 (Sec. 25, T6N, R7W) Ionia County; west on I–96 to the junction with M–37 (Sec. 13, T7N, R12W) Kent County; north on M–37 to 112 Street (north quarter corner Sec. 13, T11N, R13W); west on 112 Street to Warner Road (Sec. 13, T11N, R14W); north on Warner Road to Roth Road (NE corner, Sec. 26, T12N, R14W); west on Roth Road to Maple Island Road to Highway M–20 (southwest corner, Sec. 31, T13N, R14W) and continuing north on M–20 to Skeels Road (northeast corner Sec. 1, T12N, R15W); west on Skeels Road to Nichols Road (Sec. 2, T12N, R16W); south on Nichols Road to Fruitville Road (Sec. 2, T12N, R16W); west of Fruitville Road to Highway U.S.–31 (Sec. 9, T12N, R17W); north on Highway U.S.–31 to Meinert Road (Sec. 4, T12N, R17W); west on Meinert Road to the southwest meandor corner Sec. 4, T12N, R18W (the point of beginning).

5. Southeastern Michigan Area—That area of Shiawassee, Washtenaw, Genessee, Livingston, Oakland, Lenawee, Jackson, Wayne, Ingham, St. Clair, Macomb and Monroe Counties:

Beginning at a point on the Blue Water Bridge at the International Boundary between the United States and Canada (Sec. 35, T7N, R17E) St. Clair County; westerly and south on Highway I–94 in St. Clair, Macomb Counties to the junction with M–59; west on M–59 to the junction with Highway I–75 in Oakland County; northwest along Highway I–75 to the junction with Highway I–69 in Genesee County; southwest along Highway I–69 to the junction with Highway M–52 (Sec. 9, T5N, R2E) Shiawassee County; south on M–52 to the junction with Highway M–36 (Sec. 22, T2N, R2E) Ingham County; west on M–36 to the junction with Highway U.S.–127 (Sec. 6, T2N, R1W) Ingham County; south along U.S.–127 in Ingham and Jackson Counties (through City of Jackson) to the junction with Highway U.S.–12 (Sec. 7, T5S, R1E) Lenawee County; easterly on U.S.–12 to the junction with Highway I–94 (Sec. 18, T3S, R7E) Washtenaw County; easterly on I–94 to the junction with Highway I–275 in Wayne County; southerly along I–275 to the junction with I–75 in Monroe County; southerly along I–75 to the State line (Sec. 5, T17S, R8E); east along the State line between Michigan and Ohio to the shoreline of Lake Erie; northeasterly along the State line to the International Boundary in Lake Erie, northerly along the International Boundary in Lake Erie, the Detroit River, Lake St. Clair and the St. Clair River to the point of beginning.

Minnesota

1. All State Wildlife Management Areas and all Federal Waterfowl Production Areas.

2. On the waters on Swan and Middle Lakes in Nicollet County, North and South Heron Lakes in Jackson County, Pelican Lake in Wright County, Bear Lake in Freeborn County, and Christina Lake in Douglas and Grant Counties and within a 150–yard zone of land adjacent to the margins of the above lakes.

3. Beginning at the intersection of the midline of the Mississippi River and U.S. Highway 61 at Hastings, thence southerly along U.S. Highway 61 to U.S. Highway 16 at LaCrescent, thence southerly along U.S. Highway 16 to State Trunk Highway 26, thence southerly along State Trunk Highway 26 to the southern boundary of the State; thence along the southern and eastern boundaries of the State to the confluence of the St. Croix and Mississippi Rivers, thence along the midline of the Mississippi River to the point of beginning.

4. *Lac qui Parle Zone:* Beginning at the intersection of U.S. Highway 212 and County State Aid Highway (CSAH) 27, Lac qui Parle County; thence along CSAH 27 to CSAH 20, Lac qui Parle County, thence along CSAH 20 to State Trunk Highway (STH) 40; thence along STH 40 to STH 119; thence along STH 119 to CSAH 34, Lac qui Parle County; thence along CSAH 34 to CSAH 19, Lac qui Parle County; thence along CSAH 19 to CSAH 38, Lac qui Parle County; thence along CSAH 38 to U.S.Highway 75; thence along U.S. Highway 75 to STH 7; thence along STH 7 to CSAH 6, Swift County; thence along CSAH 6 to County Road 65, Swift County; thence along County Road 65 to County Road 34, Chippawa County; thence along County Road 34 to CSAH 12, Chippawa County; thence along CSAH 12 to CSAH 9, Chippawa County; thence along CSAH 9 to STH 7; thence along STH 7 to Montevideo; thence along the municipal boundary of Montevideo to U.S. Highway 212; thence along U.S. Highway 212 to the point of the beginning.

Missouri

Within the following areas on all waters and a 150-yard zone of land within the areas adjacent to these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded lands of all types. Drainage ditches and temporary sheet water more than 150-yards from water areas described above are excluded from the nontoxic shot requirement.

1. Squaw Creek Area: North boundary—Iowa-Missouri State line. East boundary—U.S. Highway I–29. South boundary—St. Joseph, Missouri city limits. West boundary—East bank of the Missouri River.

2. Swan Lake—Fountain Grove Area: North boundary—U.S. Highway 36. East boundary—State Highway 5. South boundary—State Highway 240 and U.S. Highway 65. West boundary—U.S. Highway 65.

3. Upper Mississippi River Area: North boundary—U.S. Highway 36. East boundary—Illinois-Missouri State line. South boundary—North bank of the Missouri River. West boundary—U.S. Highway 61.

4. Montrose—Schell-Osage Area: North boundary—State Highway 7. East boundary—State Highway 13. South boundary—U.S. Highway 54. West boundary—U.S. Highway 71.

5. Duck Creek—Mingo Area: North boundary—State Highway 34. East boundary—State Highways 51, 91, and 25. South boundary—U.S. Highway 62. West boundary—U.S. Highway 67 and State Highway 53.

Wisconsin

1. In that portion of the State lying west of the Burlington Northern Railroad in Pierce, Pepin, Buffalo, Trempealeau, La Crosse, Vernon, Crawford and Grant Counties.

2. On all waters in the counties of Calumet, Columbia, Dane, Dodge, Fond du Lac, Green Lake, Jefferson, Kenosha, Manitowoc, Marquette, Milwaukee, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Waukesha, Winnebago, Washington, Waupaca and Waushara, all of the Wisconsin River in Juneau and Adams Counties, and those portions of Oconto and Marinette Counties east of U.S. Highway 41, and that portion of Brown County lying northwest of the Fox River and east of U.S. Highway 141, and the Brown County islands in Green Bay and within a 150-yard zone of land adjacent to the margins of these waters, except that in the Horicon and Central goose management zones, nontoxic shot will be required for all waterfowl hunting. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above and the open water of Lake Michigan and Green Bay are excluded form the non-toxic shot requirements. All county boundary waters and lakes partially within a steel shot zone are totally included.

3. On any State wildlife area within the zones described in (2), steel shot is required for hunting waterfowl anywhere on State-owned lands or waters within the boundaries of said wildlife area and on the following State-owned wildlife areas which are not within the zones described in (2): Mead Wildlife Area in Marathon, Wood and Portage Counties, Wood County Wildlife Area and Sandhill Wildlife Area in Wood County, Meadow Valley Wildlife Area in Juneau and Monroe counties.

Central Flyway

Kansas

Barton County: The Cheyenne Bottoms Wildlife Area except the south 200 yards west of U.S. 156 and east of the north-south centerline of S36, T18S, R13W in Barton County and that area west of U.S. 281 commonly known as the inlet canal.

Linn County: All of the Marais des Cygnes Wildlife Areas.

Montgomery County: All of the Elk City Reservoir and Wildlife Area including all lands and waters managed by the U.S. Corps of Engineers and the Kansas Forestry, Fish and Game Commission.

Neosho County: All of the Neosho Wildlife Area.

Reno County: All of the Cheney Reservoir and Wildlife Area including all lands managed by the U.S. Bureau of Reclamation and the Kansas Forestry, Fish and Game Commission. Also, that portion of Quivira National Wildlife Refuge in Reno County.

Stafford County: That portion of the Quivira National Wildlife Refuge in Stafford County.

Rice County: That portion of the Quivira National Wildlife Refuge in Rice County.

Nebraska

Clay and Fillmore Counties and in Kearney and Phelps Counties except on the waters of the Platte River.

New Mexico

That area bounded by a line beginning at the junction of U.S. Highway 60 and Interstate Highway 25 and running south along Interstate 25 approximately 13.5 miles to the San Acacia overpass; thence east along a paved and dirt road to the west bank of the Rio Grande at the San Acacia diversion; thence northeast along the west bank of the Rio Grande to U.S. Highway 60; thence west along U.S. Highway 60 to its junction with Interstate Highway 25.

Texas

That area lying within boundaries beginning at the Louisiana State Line thence westward along Interstate Highway 10 to the junction with Interstate Highway 45 in Houston, thence southward along Interstate Highway 45 to the junction with State Highway 35, thence southwestward along State Highway 35 to the junction with the Brazos River, thence along the eastern shore of the Brazos River to the shoreline of the Gulf of Mexico, thence seaward to the three marine league limit, thence northeastward along the three marine league limit to the Louisiana State Line.

Pacific Flyway

Oregon

Sauvie Island Wildlife Management Area.

Washington

1. Beginning at Interstate 5 and Highway 20 at Burlington, thence easterly along highway 20 to Highway 9 at Sedro Woolley; thence southerly along Highway 9 to Highway 538 at Big Rock; thence westerly along Highway 538 to Mt. Vernon and Interstate 5; thence northerly along Interstate 5 to the point of origin.

Dated: May 1, 1981.

C. F. Layton,

Action Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-17699 Filed 6-10-81; 12:15 pm]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 113
Friday, June 12, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Designation of the Idaho Grain Inspection and Assignment of Geographic Area

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the selection of the Idaho Grain Inspection, Pocatello, Idaho, owned by T. Edward Buttars, for designation as the official agency to replace the Idaho Department of Agriculture and also announces assignment of its georgaphic area.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250; (202) 447–8262.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore, the Executive Order does not apply to this action.

The April 8, 1981, issue of the **Federal Register** (46 FR 21044) contained a Notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to provide official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), for the geographic area serviced by the Idaho Department of Agriculture, Boise, Idaho. Applications were to be postmarked by April 23, 1981. A total of two applications were received. The names of the applicants for designation were as follows: T. Edward Buttars, owner of the Idaho Grain Inspection and Edwin T. Matchey, owner of the Lewiston Grain Inspection Service, Inc., Lewiston, Idaho.

FGIS announced the names of these applicants and requested comments on them in the May 12, 1981, issue of the **Federal Register** (46 FR 26362). A total of 10 comments were received, 6 commentors recommended the designation of T. Edward Buttars; 3 commentors recommended the designation of Edwin T. Matchey. Two of the above commentors and one additional commentor discussed the positive aspects of designating a local owner/operator in Pocatello versus an absentee owner/operator.

After considering all available information in relation to the criteria for designation in Section 7(f)(1)(A) of the Act, the Administrator, in accordance with Section 7(f)(1)(B), has determined that Idaho Grain Inspection is better able than any other applicant to provide official inspection services in the southern Idaho Area. The area designated to the applicant and described in this Notice constitutes the entire geographic area, which was previously assigned to the Idaho Department of Agriculture, as originally stated in the April 8 Notice. The assignment of geographic area to Idaho Grain Inspection is the southern half of the State of Idaho up to the northern boundaries of Adams, Valley, and Lemhi Counties.

Effective July 1, 1981, the responsibility for providing official inspection services will be furnished by the Idaho Grain Inspection. The designation will terminate November 30, 1982.

A specified service point for the purpose of this Notice is a city, town, or other location specified by an agency for the conduct of official inspection and where the agency or one or more of its licensed inspectors is located. In addition to the specified service point within the assigned geographic area, the agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area. The specified service point for the Idaho Grain Inspection will be located at U.S. Highway 30 West, Pocatello, Idaho 83201.

Interested persons may obtain a map of the assigned geographic area by contacting the Idaho Grain Inspection or the Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250; (202) 447–8525.

(Sec. 8, Pub. L. 94–582, Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on June 9, 1981.

J. T. Abshier,
Director, Compliance Division.

[FR Doc. 81-17442 Filed 6-11-81; 8:45 am]
BILLING CODE 3410-02-M

Food and Nutrition Service

Determining Eligibility for Special Supplemental Food Program for Women, Infants and Children; Income Poverty Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: The Department is announcing income poverty guidelines to be used by State agencies in determining income eligibility for participation in the Special Supplemental Food Program for Women, Infants and Children (WIC Program). These income poverty guidelines are to be used in conjunction with the final regulation on eligibility criteria published on January 23, 1981, at 46 FR 7846 which implements provisions of Pub. L. 95–627 and Pub. L. 96–499 regarding income criteria standards.

EFFECTIVE DATE: July 1, 1981.

IMPLEMENTATION DATE: The income poverty guidelines issued in this notice must be implemented by August 1, 1981. Due to the delays which have occurred in issuing this notice, the implementation date of July 1, 1981, which was established in the January 23, 1981, regulations to implement the new income guidelines, may not be feasible for all State agencies. Therefore, by August 1, 1981, all State and local agencies must begin applying the new income eligibility standards to all new applicants as well as to all ongoing participants at the time of each participant's next regular certification.

FOR FURTHER INFORMATION CONTACT: Barbara P. Sandoval, Director, Supplemental Food Programs Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–8706.

SUPPLEMENTARY INFORMATION: This notice has been reviewed pursuant to Executive Order 12291 and has been determined to be exempt from the requirements of this order.

Public Law 95–627, enacted on November 10, 1978, requires the Secretary to establish income criteria, along with nutritional risk criteria, to be used in determining a person's eligibility for participation in the WIC Program. The law provides that persons will be eligible for the WIC Program only if they are members of families that satisfy the income standard prescribed for reduced price school meals under section 9 of the National School Lunch Act. Under Public Law 96–499, enacted December 5, 1980, that income limit, effective until September 30, 1981, is 195 percent of the Office of Management and Budget (OMB) nonfarm income poverty guidelines for that period, with income determined using the prescribed standard deduction of $960 per household, per year. Assuming that no new legislation is implemented by October 1, 1981, on that date the income limit will be the OMB guidelines adjusted for the increase in the March 1981 Consumer Price Index (CPI) over the CPI for calendar year 1980.

The Department published a final rule on January 23, 1981, implementing the provisions of Public Laws 95–627 and 96–499 to require State agencies to set an income limit on eligibility to participate in the WIC Program. The rule specifies that State agencies shall not set an income limit that is less than the applicable State or local limit(s) for free or reduced price health care, except that the State agency's income standard may not be greater than 195 percent of the income poverty guidelines for each family size with a standard deduction added, nor below 100 percent of the income poverty guidelines. The Department will provide State agencies each year with the maximum and minimum income limits by household size. At this time the Department is publishing the maximum and minimum income limits for the period from July 1 to September 30, 1981. As explained above, under current law, the income limits for WIC Program eligibility will change on October 1. The Department will publish adjusted maximum and minimum income limits for the nine month period beginning October 1 as they are made available.

The first table of this notice contains the income limits by household size for the 48 States, District of Columbia and Territories excluding Guam. Because the income poverty guidelines for Alaska, Hawaii and Guam are higher than for the 48 States, a separate table has been included for the convenience of those State agencies. The second table includes a list of Federal programs whose income or benefits are excluded from consideration as income for the purposes of the WIC Program by legislation authorizing those Federal programs.

Income Poverty Guidelines July 1, 1981

Family size	Poverty level (100 percent)—year	195 percent of poverty level and a standard deduction—year
48 States, District of Columbia, Territories Excluding Guam		
1	4,310	9,360
2	5,690	12,060
3	7,070	14,750
4	8,450	17,440
5	9,830	20,130
6	11,210	22,820
7	12,590	25,510
8	13,970	28,200
For each additional family member add	1,380	2,690
Alaska		
1	5,410	11,750
2	7,130	15,100
3	8,850	18,460
4	10,570	21,810
5	12,290	25,170
6	14,010	28,520
7	15,730	31,870
8	17,450	35,230
For each additional family member add	1,720	3,350
Hawaii and Guam		
1	4,990	10,790
2	6,560	13,870
3	8,140	16,950
4	9,720	20,030
5	11,300	23,120
6	12,880	26,200
7	14,460	29,280
8	16,040	32,360
For each additional family member add	1,580	3,080

Note.—The figures listed under 195 percent of the Poverty Level include the standard deduction. The figures listed under 100 percent of the Poverty Level do not include a standard deduction.

Exclusions From Income

When determining eligibility for the WIC Program, income or benefits from the following programs are excluded from consideration:

(i) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646, section 216).

(ii) Any payment to volunteers under Title II (RSVP, foster grandparents, and others) and Title II (SCORE and ACE) of the Domestic Volunteer Servce Act of 1973 (Pub. L. 93–113, section 404(g)), as amended. Payments under Title I, Part A, (VISTA) to volunteers shall be excluded for those individuals receiving food stamps or public assistance at the time they joined VISTA.

(iii) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Public Law 94–114, section 6).

(iv) Payments or allowances received pursuant to the Home Energy Assistance Act of 1980 (Public Law 96–223, Title III, Section 313(c)(1)).

(v) Payments received from the youth employment demonstration programs (Public Law 95–524, Title IV, Part A, section 446).

(vi) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Public Law 94–540, section 6).

(Child Nutrition Amendments of 1978 Pub. L. 95–627, Section 3, 92 Stat. 3614, and Omnibus Reconciliation Act of 1980, Pub. L. 96–499, Section 201, 94 Stat. 2600)

Dated: June 8, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

[FR Doc. 81-17441 Filed 6-11-81, 8:45 am]

BILLING CODE 3410-30-M

Rural Electrification Administration

San Isabel Electric Association, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) which concludes that there is no need for REA to prepare an environmental impact statement in connection with proposed financing assistance by REA for San Isabel Electric Association, Inc., (San Isabel) of Pueblo, Colorado. The financing assistance will enable San Isabel to construct approximately 26.5 km (16.5 miles) of 69 kV transmission line and a distribution substation.

The 69 kV transmission line will be built between Colorado–Ute Electric Association's Walsenburg Substation and the proposed Gardner Substation site located southeast of Gardner, Colorado. San Isabel has prepared a Borrower's Environmental Report (BER) concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, cultural resources, wetlands, floodplains, and other potential impacts of the project were adequately considered in San Isabel's BER and REA's Environmental Assessment.

Various alternatives to the proposed transmission line and substation were reviewed by REA. The alternatives include no action, undergrounding the 69 kV transmission line, construction for additional feeder lines, alternate connection points, alternate routes and alternate substation locations.

The proposed project is the most viable alternative to deliver power to all

existing and projected loads of San Isabel in Huerfano County.

REA's independent evaluation of the proposed project leads to the conclusion that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment. Based on this independent evaluation, the REA Environmental Assessment and a review of San Isabel's BER, a FONSI was reached in accordance with REA Bulletin 20–21:320–21, Part One.

Copies of REA's FONSI and supporting documents may be reviewed at or obtained from the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, and at the office of San Isabel Electric Association, Inc., Enterprise & Aerospace Drive, Pueblo West, Colorado 81002.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 4th day of June, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–17385 Filed 6–11–81; 8:45 am]

BILLING CODE 3410–15–M

Tex-La Electric Cooperative of Texas, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an Environmental Impact Statement in connection with proposed financing assistance by REA for Tex-La Electric Cooperative of Texas (Tex-La), headquartered in San Augustine, Texas. The proposed financing assistance will be used by Tex-La to obtain a 4.333 percent undivided ownership interest in the Comanche Peak Nuclear Plant Units 1 and 2 (Plant), and a 12 percent ownership interest in the Comanche Peak to Everman 45 mile 345 kV transmission line. The facilities are located in Somervell, Hood, Johnson and Tarrant Counties, Texas.

The Plant consisting of two nuclear powered electrical generating units, rated at 1150 MW (net) each, is under construction by Texas Utilities Generating Company which is acting as Agent for the owners for the construction and operation of the Plant. The Plant is located in Somervell County, Texas, near Glen Rose, Texas. Unit 1 is expected to be in commercial operation in 1982 and Unit 2 in 1984.

The transmission line has been constructed.

A Final Environmental Statement concerning the issuance of a construction permit for the Plant was issued by the Atomic Energy Commission (now the Nuclear Regulatory Commission) in June 1974. The Nuclear Regulatory Commission will issue a second Environmental Statement as part of its operating license review.

Tex-La has prepared a Borrower's Environmental Report concerning the proposed project and an Environmental Assessment was prepared by REA.

The effect of the project on threatened and endangered species, important farmlands, wetlands, floodplains, and historic and archaeological sites is adequately considered in the Tex-La Borrower's Environmental Report and the REA Environmental Assessment.

Other alternatives considered included the following:

a. Continue with full requirement purchases from Texas Power and Light Co.;

b. Construct separate generation resources (coal, nuclear, oil);

c. Participation in units other than the project;

d. Solar, hydro, wind; and

e. Energy conservation and load management.

REA's evaluation of the environmental effects of the proposed participation by Tex-La, which is the preferred alternative, leads it to conclude that the proposed financing assistance to Tex-La would not represent a major Federal action significantly affecting the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of Tex-La's Borrower's Environmental Report including the support documents listed below, a Finding of No Significant Impact was reached by REA in accordance with Sections IV-B and D of REA Bulletin 20–21.

REA's Finding of No Significant Impact, REA's Environmental Assessment, Tex-la's Borrower's Environmental Report, the Final Environmental Statement and the Operating License Stage Environmental Report may be reviewed in the Office of the Director, Power Supply Division, Room 5168, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, Phone (202) 447–6183, or at the office of Tex-La (Mr. John Butts, Manager), P.O. Box 479, San Augustine, Texas 75972, Phone (713) 275–5341.

A copy of REA's Finding of No Significant Impact and the Environmental Assessment is available upon request to the Director, Power Supply Division, at the address given above.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 8th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–17384 Filed 6–11–81; 8:45 am]

BILLING CODE 3410–15–M

CIVIL AERONAUTICS BOARD

[Dockets 36445, 36538, and Order 81-6-27]

Air Pacific, Inc.; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of June 1981.

By Order 80–5–87, May 13, 1980, we selected WestAir Commuter Airlines, Inc. (WestAir) to provide the essential air service at Chico, California, and established a temporary annual rate of compensation of $186,972, the level WestAir had proposed.[1] We directed our staff to meet with WestAir to arrive at a final rate of compensation, and instructed that the issues to be considered specifically include (1) a review of more current data to determine if any adjustment to projected costs is warranted, (2) the type of rate, *i.e.*, whether or not a fuel cost adjustment should be built into the rate, (3) a payment schedule, and (4) the term of the rate.

Review of Current Data

WestAir's original application (and the temporary rate of compensation) was based upon unit costs experienced in September 1979. WestAir has proposed a final annual rate of $353,664 on the basis of its second quarter 1980 data plus an allowance for security costs incurred beginning in the third quarter of 1980. After reviewing WestAir's proposed final rate, and cost information developed from WestAir's

[1] By Order 80–4–93, April 11, 1980, we defined essential air service at Chico to be two round trips to San Francisco with 160 seats (80 inbound and 80 outbound) each weekday and a total of 160 seats each weekend (page 10). We also stated that a carrier could reduce service at San Francisco by up to one-quarter of the required number of seats in the Chico market if it replaced those seats with service to Sacramento (page 40).

third quarter results by our auditing staff, the subsidy staff conducted an informal rate conference with WestAir where tentative agreement on a final rate of compensation of $327,719 annually was reached.

The bulk of the difference between this and the temporary rate reflects the additional costs of landing fees at San Francisco and new security requirements at Chico and Sacramento. These costs were not anticipated when setting the temporary rate. San Francisco International Airport imposed a $10 landing fee on WestAir on February 1, 1980. With an average of 51 landings per week at San Francisco, the additional annual expense is $26,520. Landing fees at Chico and Sacramento were included in WestAir's estimates of indirect expenses. Security controls were first required at the Sacramento airport in July 1980 and at the Chico airport in August 1980. WestAir has participated in the security program at San Francisco since it first utilized terminal space at the airport and those costs are included in its estimates of indirect expenses. The additional annualized expense for security not included in WestAir's original proposal totals $90,843 and, together with the additional landing fees at San Francisco, accounts for 84 percent of the difference in our estimate here and the rate set in Order 80–5–87. The balance of the increase in compensation ($23,384) is attributable to general inflationary pressures. On the revenue side, we have not adjusted WestAir's original traffic estimate, but have adjusted the revenue estimate to reflect third quarter fares, consistent with the use of third quarter unit costs in calculating expenses.

The agreed rate of annual compensation is based on the operation of 10 nonstop round-trip flights each weekday and a total of 10 nonstop round trips per weekend—eight and one-half to San Francisco and one and one-half to Sacramento. WestAir has not operated this level of service, however, because it has, in essence, scheduled two flights a day between Chico and San Francisco as extra sections. At two times during the day it schedules two flights with the same departure time and operates the second flight only if the first is full.[2] Since it will be compensated only for essential services operated, its actual compensation for the first year of service will fall considerably short of $327,719. For example, for the 10-month period through April 1981, WestAir operated 597,861 aircraft miles, compared with the 736,320 aircraft miles reflected in the rate for that period. As a consequence, rather than receiving $273,099 for that period (19/12ths of the annual rate), WestAir will receive approximately 81 percent of that amount, or $221,036.

[2] While this technically does not meet our essential air service definition, the community has accepted this practice for now.

Payout Formula and Rate Term

One of our concerns in this case is that the high frequency service with eight-seat equipment provided by WestAir is not the most efficient service for a market of this size and distance. Larger aircraft should be less costly to operate, yet still offer a good selection of frequencies. WestAir has indicated that it expects to have such aircraft in operation by the first of next year. For this reason we tentatively approve the agreement reached between staff and WestAir to set the rate only through December 31, 1981. We are limiting the rate period expressely to increase WestAir's incentive to acquire larger aircraft better suited to the needs of serving this market if it expects to continue to provide essential air service. Consistent with this objective, the subsidy payout formula is based on the number of seats provided rather than plane miles operated as used in the existing temporary rate. This provision in the formula will enable WestAir to use larger aircraft sooner, if possible, without either having its subsidy reduced, or necessitating a further adjustment to its rate.

Fuel Adjustment

We tentatively approve the agreement between staff and WestAir to provide for a fuel adjustment. This is consistent with our approach in virtually all other 419 incentive rates established to date, in recognition of the continued unpredictability of fuel prices.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 419,

1. We direct WestAir Commuter Airlines, Inc. to show cause within 10 calendar days from the date of service of this order why we should not set the final rate of compensation for the provision of essential air service at Chico at an annual rate of $327,719 payable as follows: For each calendar month beginning May 1, 1981, during which essential air service miles are flown, the amount of compensation shall be determined by multiplying the available seat miles flown during the month [3] times $.046214.[4] The total cumulative compensation otherwise due and payable to WestAir each month set forth above shall be subject to the condition and limitation that it shall not exceed the daily compensation base rate of $1,047 [5] times the number of days in the month.[6] For its provision of essential air service during July 1, 1980 through April 30, 1981, the Board shall reimburse WestAir in addition to the $133,260 paid under the temporary rate.[7]

	Available seat miles
Chico-San Francisco = 153 miles × 17 flights per day × 8 seats × 313 (service days per year) =	6,512,904
Chico-Sacramento = 77 miles × 3 flights per day × 8 seats × 8 seats × 313 (service days per year) =	578,424
Total	7,091,328

2. The rate determined in paragraph 1 will expire December 31, 1981;

3. Each month, the rate determined in paragraph 1 shall be adjusted in accordance with Appendix B;

4. In the event that application of the formula in paragraph 3 results in greater compensation than determined in paragraph 1, the full amount of the difference shall be added to the next scheduled monthly payment;

5. In the event that application of the formula in paragraph 3 results in less compensation than determined in paragraph 1, the full amount of the difference shall be deducted from the

[3] The available seat miles flown shall be computed on the direct airport-to-airport mileage between Chico and San Francisco (153 miles) and Chico and Sacramento (77 miles) on each revenue trip operated over essential air service routes including all revenue trips operated as extra sections.

[4] Annual compensation ($327,719) divided by annual available seat miles (7,091,328). Annual aircraft seat miles have been calculated as follows:

Chico = San Francisco = 3,586 departures × 153 miles × 8 seats =	4,389,264
Chico = Sacramento = 639 departures × 77 miles × 8 seats =	393,624
Total	4,782,888

[5] Annual compensation ($327,719) divided by total annual service days, counting weekend periods as single days (313).

[6] For weekends that fall into two separate calendar months, both weekend days will be considered as part of the later month for the purpose of calculating both monthly compensation and the monthly compensation ceiling.

[7] Total available seat miles operated during this period (4,782,888) times $.046214. Available seat miles are computed as follows:

next scheduled monthly payment: if such scheduled payment is less than the difference, the carrier shall make a lump-sum restitution of the remainder within 30 days; however, in exceptional circumstances an alternative repayment schedule may be approved by the Board's Comptroller; and

6. We will serve a copy of this order upon WestAir Commuter Airlines, Inc.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[8]

Secretary.

Appendix A.—WestAir's Rate of Compensation at Chico

	Per order 80-5-87 [1]		Per WestAir's letters of Aug. 19, 1980 and Feb. 4, 1981 [2]		Per BDA [3]	
	Annual compensation	Cost per block hour	Annual compensation	Cost per block hour	Annual compensation	Cost per block hour
Annual block hours		[2] 6,240		[2] 6,240		[3] 5,828
Direct operating expenses:						
Flying operations	$229,516	36.78	$319,987	51.28	$238,831	[9] 40.98
Fuel and oil	337,428	54.08	307,258	49.24	269,895	[10] 46.31
Maintenance	257,690	41.30	260,333	41.72	215,651	[11] 37.00
Rentals	144,144	23.10	177,091	28.38	139,872	[12] 24.00
Total directs	968,778	155.25	1,064,669	170.62	864,249	148.29
Indirect operating expenses:						
Security					92,414	[13] 13.86
Landing fees					41,683	[14] 7.15
Stations					230,361	[15] 39.53
Reservations/sales/advertising					185,349	[16] 31.80
General and administrative					261,599	[17] 44.89
Total indirects	467,121	74.86	[4] 673,209	107.89	811,417	139.23
Total operating expenses	1,435,899	230.11	1,737,878	278.51	1,675,666	287.52
Passenger revenue	[5] 1,294,825		[5] 1,442,263		[7] 1,403,657	
Cargo revenue	[6] 25,896		[6] 28,845		[6] 28,073	
Total revenue	1,320,721		1,471,108		1,431,730	
Operating loss	115,178		266,770		243,936	
Return	[5] 71,794		[5] 86,894		[5] 83,783	
Compensation requirement	186,972		353,664		327,719	
Compensation per passenger	6.24		11.81		10.94	

[1] Costs in Order 80-5-87 were based upon WestAir's unit costs experienced during September, 1979; costs in WestAir's letter of 8/19/80 were based upon Second Quarter 1980 costs, Board's unit costs are based upon WestAir's audited Third Quarter 1980 data.

[2] Based upon 10 roundtrips between Chico and San Francisco at one block hour per flight, 6 days per week.

[3] Based upon a 60 percent load factor and a resultant forecast of 29,952 passengers annually. The fares used in estimating revenue in Order 80-5-87 were the February, 1980 fares ($46.22/$34.26 for coach/discount fares); WestAir used the July 1980 fares ($53.70/$37.96 for coach/discount fares) in estimating revenue in its August 19, 1980 letter.

[4] At 2% of passenger revenue.

[5] At 5% of expenses.

[6] In its letter of August 19, 1980, WestAir estimated indirect operating expenses at $595,209. However, it's letter of February 4, 1981, estimated an additional expense of $78,000 annually in security costs.

[7] Board's revenue estimate is lower than WestAir's revised estimate due to our inclusion of lower fared Chico-Sacramento traffic (WestAir's revenue estimate includes only Chico-San Francisco traffic). We have accepted WestAir's traffic estimate of 29,952 passengers per year. The fares ($51.85/$37.96 for Chico-San Francisco coach/discount fares; $41.48/$28.70 for Chico-Sacramento coach/discount fares) we have used in estimating revenue are weighted average third-quarter 1980 fares (times a dilution factor of 4 percent for coach fares only).

[8] BCAA audit reported that WestAir has been performing an average of 15% of its nonstop flights from Chico to Sacramento rather than San Francisco. Flight time between the two cities is approximately .56 block hour and this adjustment to total annual block hours is reflected here.

[9] The difference in our and WestAir's unit costing is due basically to WestAir's inclusion of dispatch salaries and fringes in this cost category. BDA has included these expenses in indirect (stations) costing.

[10] Per BCAA audit.

[11] WestAir's maintenance cost per block hour was $39.00 during July 1980—October 1980. Beginning November 1980, the block-hour cost decreased by $3 due to an increase in TBO's (time between overhauls) from 1,400 to 1,600 hours. The annualized weighted cost would be $37.00 per block hour.

[12] WestAir's initial rental expense ($22 per block hour) was based upon a monthly cost of $4,000 at an average utilization of 200 hours per month times an annual inflation rate of 10 percent. Per BCAA audit, the average actual monthly lease expense is $4,355 at a utilization of 181.5 hours.

[13] At $14.61 per average weighted departure.

[14] At $6.68 per average weighted landing.

[15] At $36.92 per average weighted departure.

[16] 4,241,188 revenue-passenger miles times $.04370 per revenue-passenger mile (per audit).

[17] 7,091,328 available seat miles times $.03689 per available seat mile (per audit).

Appendix B—WestAir Commuter Airlines, Inc., Fuel Cost Adjustment

At the end of each month, WestAir will supply the Board's staff with the number of gallons of fuel purchased for use on the Chico-San Francisco/Sacramento route during that month, and the aggregate cost of that amount of fuel. A per-gallon price will be determined from this information to be used in comparison with the base price of $1.45 per gallon that was used in computing WestAir's overall rate of compensation. If the resultant cost is greater than or less than $1.45 per gallon, the cost differential will be multiplied by 73.7292 yielding the increased/decreased fuel cost that will be recognized and paid to or by WestAir on a daily basis.[9]

[FR Doc. 81-17480 Filed 6-11-81; 8:45 am]

BILLING CODE 6320-01-M

[8] All Members concerned.

[9] In determining the percentage of any increased fuel cost that we will pay to WestAir, we have assumed that any increase in the cost of fuel which will not be covered by increased revenues will be to the same extent that total expenses in the basic rate of compensation ($1,675,666 annually) are not covered by total revenues ($1,431,730 annually) *i.e.*, 14.5576 percent. We will then pay 85 percent of the increased fuel cost not covered by increased revenues, or 12.3740 percent. (Implicit in this calculation is our desire that the users of WestAir's Chico service be required to pay some portion of the increased fuel cost, presumably through increased fares.) In order to pay the increased fuel cost (which will be determined on a per-gallon basis) on the same basis as the basic rate (which has been determined on an annual basis) we have constructed a factor of 73.7292 which has been derived by multiplying WestAir's Cessna 402 hourly burn rate of 32 gallons by 18.62 (block hours per day) by 12.3740 percent (the amount of increased fuel costs for which we will reimburse the carrier). We will then reimburse the carrier for the product of the increase in fuel cost per gallon times the factor of 73.7292 times the number of days per month. (Total weekend service is to equal one weekday's service. In essence, we will consider WestAir's service to equal six days of service per week. For weekends that fall into two separate calendar months, both weekend days will be considered as part of the later month for the purposes of calculating the monthly fuel adjustment.)

If the fuel cost per gallon should decrease, WestAir will reimburse us for the product of the cost differential times 73.7292 times the number of days per month. This amount will then be deducted from the next scheduled monthly payment; however, if the next scheduled monthly payment would be less than this product, WestAir will be responsible for making a lump-sum restitution to us for the remainder within 30 days; however, in exceptional circumstances, an alternative repayment schedule may be approved by the Board's Comptroller.

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.); Week Ended June 5, 1981

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
June 1, 1981.....	39675	Air Tungaru Corporation, e/o Morris R. Garfinkle, Galland, Kharasch, Calkins & Short, 1054 Thirty-first Street, N.W., Washington, D.C. 20007. Application of Air Tungaru Corporation, pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests modification of its route authority to permit operations between Honolulu, Hawaii and a point or points in the Republic of Kiribati (including Christmas Island) and beyond the Republic of Kiribati to Papeete, Tahiti. Conforming Applications, motions to modify scope, and Answers may be filed by June 29, 1981.
June 2, 1981.....	39676	Sky West Aviation, Inc. d/b/a/ Sky West Airlines, P.O. Box T, St. George, Utah 84770. Application of Sky West Aviation, Inc. d/b/a Sky West Airlines pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its Certificate of Public Convenience and Necessity, authorizing it to engage in air transportation with respect to persons, property and mail to add 23 new cities so that the new certificate would read as follows: The terminal point: *Cedar City, Utah The intermediate points: Alamosa, CO, Albuquerque, NM, Boise, ID, Cortez, CO, Denver, CO, Durango, CO, El Centro, CA, Elko NY, Ely, NV, Farmington, NM, *Flagstaff, AZ, Gallup, NM, Grand Junction, CO, Idaho Falls, ID, Jackson Hole, WY, Lake Havasu, AZ, *Las Vegas, NV, Los Angeles, CA, *Page, AZ, Palm Springs, CA, *Phoenix, AZ, *Pocatello, ID, Reno, NV, Rocksprings, WY, *St. George, UT, San Diego, CA, Twin Falls, ID, Vernal, UT, Yuma, AZ. *Cities already on existing certificate and the terminal point: *Salt Lake City, Utah, subject to the terms, conditions and limitations contained in Order 81-2-102. Conforming Applications, motions to modify scope, and Answers may be filed by June 30, 1981.
June 2, 1981.....	39679	Action Air Cargo Corporation, c/o Stephen A. Alterman, Haffer & Alterman, 1730 Rhode Island Avenue, N.W., Washington, D.C. 20036. Application of Action Air Cargo Corporation pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests that it be granted a certificate of public convenience and necessity authorizing Action Air to provide foreign charter transportation of property and mail between any point in any state of the United States or the District of Columbia or any territory or possession of the United States, and points in Greenland, Iceland, the Azores, Europe, Africa and Asia as far east as, and including, India. Conforming Applications, motions to modify scope, and Answers may be filed by June 30, 1981.
June 5, 1981.....	39693	Golden West Airlines Co., 4200 Campus Drive, P.O. Box 1877, Newport Beach, California 92663. Application of Golden West Airlines Co. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests that its certificate of public convenience and necessity for Route 201 be amended so as to authorize nonstop carriage of persons, property and mail between the points Santa Barbara, California (SBA) and San Francisco, California (SFO); and between San Francisco, California (SFO) and Lake Tahoe, California (TVL). Conforming Applications, motions to modify scope, and Answers may be filed by July 3, 1981.
June 1, 1981.....	396471	Sea Airmotive, Inc., P.O. Box 6003, Anchorage, Alaska 99502. Amended Application of Sea Airmotive, Inc. amends the Certificate of Service List. Any person wishing to support or oppose this application whose name is marked with an asterisk (*) on the Amended Service List must, by June 29, 1981, file an answer describing its position and serve a copy on all persons served with this Application.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-17481 Filed 6-11-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-47]

Fitness Determination of AeroMech Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-47, Order to Show Cause.

SUMMARY: The Board is proposing to find that AeroMech Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; that it is fit, willing and able to provide scheduled air transportation under its existing 401(d)(5) dormant route certificate; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 25, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-47.

FOR FURTHER INFORMATION CONTACT: Mr. B. A. Calure, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-47 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-47 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 5, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-17479 Filed 6-11-81; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Ohio Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on June 27, 1981, at Holiday Inn, 800 West 8th, Room Parlor C, Cincinnati, Ohio 45203. The purpose of this meeting is to report on the followup activities to the Police-Community Relations Study in Cincinnati; staff report on education services to Hispanic children in Leispic school system and to discuss problems of bigotry and violence in Ohio.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Henrietta H. Looman, 1222 Woodland Avenue, NW., Canton, Ohio 44703, (216) 454-2278 or the Midwestern Regional Office, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 335-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 9, 1981.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 81-17449 Filed 6-11-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Computer Systems Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of

concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: July 1, 1981, at 1:00 p.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Ave., N.W., Washington, D.C.

agenda

General Session

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Report on the current work program of the subcommittees:
(a) Technology Transfer;
(b) Foreign Availability;
(c) Hardware; and
(d) Licensing Procedures.

Executive Session

(4) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: June 8, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81–17456 Filed 6–11–81, 8:45 am]

BILLING CODE 3510–25–M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

TIME AND PLACE: July 1, 1980, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Ave., NW., Washington, D.C.

AGENDA: *General Session.*

(1) Opening remarks by the Subcommittee Chairman.
(2) Presentation of papers or comments by the public.
(3) Pending items of business:
(a) Licensing requirements for computer software.
(b) Review of the standard formatting of license applications. (Computer systems parameters sheets)
(c) Pre-evaluation and use of precedent decision in the processing of license applications; a discussion.
(d) Other items of old business.

PUBLIC PARTICIPATION: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

Dated: June 8, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81–17457 Filed 6–11–81, 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice of agency decision to close out files pertaining to certain claims filed under title IV, Outer Continental Shelf and Lands Act Amendments of 1978, as amended (title IV).

SUMMARY: Notice is given that the Agency has closed out the files with regard to the following claims brought under Title IV, and will take no further action in their regards because the claimants have failed to respond in timely fashion to notices of deficiencies in the claims as filed.

CLAIM NUMBERS AND DATES OF FILING:

FCF–04–79, February 13, 1979.
FCF–05–79, February 5, 1979.
FCF–08–79, February 6, 1979.
FCF–12–79, March 2, 1979.
FCF–14–79, March 2, 1979.
FCF–15–79, January 28, 1980.
FCF–20–79, February 27, 1980.

ADDRESS: NOAA Office of General Counsel (GCEL), Room 275, Page 1 Building, 2001 Wisconsin Avenue, NW, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Harry Feehan at the above address (telephone: 202–254–8350).

SUPPLEMENTARY INFORMATION: Title IV (43 U.S.C. 1841) established the Fishermen's Contingency Fund from which the Secretary of Commerce is authorized to compensate commercial fishermen for damage to, or loss of, fishing gear and for any resulting economic loss due to activities related to oil and gas exploration, development, and production on the Outer Continental Shelf.

In pertinent parts, the regulations implementing Title IV (50 CFR 296) declare as follows. A claim brought under Title IV must contain certain

specified information (50 CFR 296.7 (e)). the Chief, Financial Services Division, National Marine Fisheries Service (Chief, FSD), is authorized initially to decide whether a claim contains this information, or so much of it as is throught necessary to process the claim (50 CFR 296.7(e), 296.8(b)(1)). If the Chief, FSD, finds that the claim is incomplete, the claimant must be notified in writing of any deficiencies (50 CFR 296.8(b)(3)(i)). Thereafter, a claimant has 60 days in which to correct the deficiency. If the claimant does not so do within 60 days, the claim is not eligible for compensation unless the Chief, FSD extends the 60-day period (50 CFR 296.8(b)(3)(ii)). The General Counsel is authorized to review any determination by the Chief, FSD, with regard to a deficiency. If the General Counsel finds that a claim has been abandoned by reason of the claimant's having failed to respond in timely fashion to a notice of deficiency from the Chief, FSD, the General Counsel "may close the file without further action under * * * Part 296" (50 CFR 296.8(d)(1)).

With regard to each of the above claims, the claimant failed to respond to a notice of deficiency within 60 days and, in some cases, within 20 or 30 additional days unilaterally granted by the Chief, FSD. Therefore, the General Counsel has found that these claims have been abandoned within the meaning of 50 CFR 296.8(d)(1), has closed the files on them, and will take no further action in their regards.

Signed at Washington, D.C., this 8th day of June, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-17472 Filed 6-11-81; 8:45 am]

BILLING CODE 3510-22-M

Northern Anchovy Fishery; Meeting

AGENCY: National Oceanic and Atmospheric Administration/DOC.

ACTION: Announcement of Public Meeting.

SUMMARY: Representatives of the Pacific Fishery Management Council, members of the Pacific Council's technical advisory bodies and the National Marine Fisheries Service, Southwest Region, will meet and discuss the preliminary biomass estimate and anchovy quota for the 1981–82 fishing season.

DATES: The meeting, which is open to the public, will convene on Monday, July 6, 1981 at 1:00 p.m.

ADDRESS: The meeting will take place at the offices of the California Department of Fish and Game, 350 Golden Shore, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Lorry Nakatsu, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, (503) 221–6352 or Alan W. Ford, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731 (213) 548–2575.

SUPPLEMENTARY INFORMATION: Section 8.10 of the Fishery Management Plan for the Northern Anchovy Fishery states that the Regional Director, with the assistance of the Southwest Fisheries Center and the California Department of Fish and Game, will determine and announce preliminary estimates of spawning biomass, optimum yield and associated harvest quotas for different sectors of the anchovy fishery. This is done annually in consultation with the Pacific Fishery Management Council and prior to the final establishment of harvest quotas on or about August 1 of each new fishing season.

The preliminary determination of estimated spawning biomass, optimum yield and harvest quotas for the 1981–82 fishing season will be conducted in consultation with representatives of the Pacific Council at a public meeting on July 6. Representatives of the commercial and recreational fishing communities, the California Fish and Game Commission and other interested members of public will have an opportunity to participate in the discussions during a public comment period.

Dated: June 9, 1981.

Terry L. Leitzell,

Assistant Administrator for Fisheries.

[FR Doc. 81-17553 Filed 6-11-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Beecher Company a limited exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Clot Lysing Timer."

The invention is protected by U.S. Patent Application No. 63,261 (dated August 2, 1979). Copies of the application may be purchased from NTIS, Springfield, VA 22161 at five dollars per copy. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention will be transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the **Federal Register** (45 FR 13170, February 28, 1980) *Government Inventions for Licensing* (February 19, 1980); and the Patent and Trademark Office's *Official Gazette* (April 15, 1980). To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under this patent. The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of first commercial sale. The terms and conditions of the license will comply with 35 U.S.C. 209 (Public Law 96–517) and 41 CFR 101–4.1.

The proposed license may be granted unless, within sixty days from the date of publication of this Notice, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed limited exclusive license must be submitted to the Office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Dated: June 5, 1981.

Douglas J. Campion,

Liaison Officer.

[FR Doc. 81-17468 Filed 6-11-81; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for purchase from the blind and other severely handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1981 commodities to be

produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: June 22, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On April 10, 1981, March 20, 1981 and March 27, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 21407, 46 FR 17825, and 46 FR 19017) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities and service are hereby added to Procurement List 1981:

Class 5510

Lath, Wood
5510–00–NSH–0002 (⅜" x 1½" x 36")
5510–00–NSH–0003 (⅜" x 1½" x 48")
(Requirements for U.S. Forest Service in the States of Washington and Oregon only)
Stake, Wood
55–00–NSH–0001 (⅜" x 1½" x 24")
(Requirements for U.S. Forest Service in the States of Washington and Oregon only)

Class 6530

Litter, Folding
6530–00–783–7905

Class 9905

Tree Shade
9905–00–NSH–0001
(Requirements for U.S. Forest Service in the States of Washington and Oregon only)

SIC 7699

Sponge Rubber Mattresses Rehabilitation
26 x 72½ x 3"
26 x 76½ x 3"
28 x 76 x 4"
28 x 76 x 6"
34¾ x 76 x 6"
24 x 73 x 4½"
24 x 76 x 4½"
26 x 76 x 4½"
(Requirements for GSA Region 3 only)

E. R. Alley, Jr.,
Acting Executive Director.

[FR Doc. 81–17440 Filed 6–11–81; 8:45 am]
BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of the committee: Army Science Board (ASB)
Dates of meeting: 9–10 July 1981
Place: Applied Physics Laboratory, Laurel, MD
Time: 0830–1630 Hours, 9–10 July 1981—Closed
Proposed agenda: The ASB Ad Hoc Sub-Group on "Testing of Electronic Systems" will receive classified briefings and hold discussions to assist them in their examination of the overall facets of this subject. Specifically, the group will address the adequacy of Army concepts, plans and equipments for the testing of modern command, control and communications intelligence and computer-based systems.

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified mattes to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Roger W. Mickelson,
Colonel, GS, Executive Director.

[FR Doc. 81–17417 Filed 6–11–81; 8:45 am]
BILLING CODE 3710–08–M

DELAWARE RIVER BASIN COMMISSION

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, June 17, 1981, commencing at 1:30 p.m. The hearing will be a part of the Commission's regular June business meeting which is open to the public. Both the hearing and the meeting will be held in the Goddard Conference Room at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. The subject of the hearing will be applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Pennsylvania Department of Environmental Protection, Bureau of Design (D 81–34 CP).* Replacement of Dam 7 of the Lehigh Canal System in the City of Allentown, Lehigh County, Pa. The new dam will replace a rockfilled timber crib dam that was destroyed by ice in February 1981. The dam will be maintained by the City of Allentown.

2. *Sun Oil Company (D–75–74 (Rev.).* Process wastewaters have been segregated and are conveyed to the regional waste treatment facility. The remaining discharge consists of cooling water and surface runoff at the Company's Marcus Hook Refinery in Marcus Hook Borough, Lower Chichester Township, Delaware County, Pa. About 80 million gallons per day of once-through cooling water and non-contaminated storm water discharge to Middle Creek, a tributary of the Delaware River. No new facilities will be constructed.

3. *Delmarva Power & Light Company (D–81–20).* Modifications to an existing industrial waste treatment facility at the Company's Edge Moore Power Plant in New Castle County, Del. Existing treatment facilities will be modified to handle up to 200,000 gallons per day of coal pile rain water runoff. Treated effluent will discharge to the Delaware River.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,
Secretary.
June 3, 1981.

[FR Doc. 81–17418 Filed 6–11–81; 8:45 am]
BILLING CODE 6360–01–M

DEPARTMENT OF EDUCATION

Law School Clinical Experience Program; Closing Date for Transmittal of Applications for New Projects for Fiscal Year 1981

Applications are invited for projects under the Law School Clinical Experience Program.

Authority for this program is contained in Title IX, Part E of the Higher Education Act of 1965, as amended by Pub. L. 96–374. (20 U.S.C. 1134n–1134p)

This program issues awards to accredited law schools.

The purpose of the Law School Clinical Experience program is to establish or expand projects at accredited law schools to provide supervised clinical experience to students in the practice of law.

Closing Date for Transmittal of Applications: Applications for awards must be mailed or hand delivered by July 24, 1981.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of

Education, Application Control Center, Attention: 84.097, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Applications that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information—1. *Eligible Applicants.* Only accredited law schools or combinations or consortiums of accredited law schools may apply for awards. (20 U.S.C. 1134n(d))

2. *Funding Criteria.* A Notice of proposed Rulemaking for the Law School Clinical Experience Program was published in the **Federal Register** at 45 FR 86890 (December 31, 1980). The notice includes proposed selection criteria to be used in evaluating applications.

Available Funds: Under the second Continuing Resolution $3 million is available for this program for fiscal year 1981.

Application Forms: Application forms and program information packages are expected to be ready for mailing by June 4, 1981. They may be obtained by writing to the Graduate Programs Branch, U.S. Department of Education (Room 3060, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the criteria, instructions, and forms included in the program information package.

Applicable Regulations: The following regulations are applicable to this program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Program) and 34 CFR Part 77 (Definitions).

(b) When they are adopted in final and become effective, the proposed regulations published in the **Federal Register** on December 31, 1980, at 45 FR 86890.

Further Information: For further information contact: Dr. Donald N. Bigelow, Chief, Graduate Progams Branch, U.S. Department of Education, (Room 3060, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–2347. (20 U.S.C. 1134n–1134p)

(Catalog of Federal Domestic Assistance Number 84.097, Law School Clinical Experience Program)

Dated: June 1, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-17455 Filed 6-11-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Atlantic Richfield Co.; Proposed Remedial Order

AGENCY: Department of Energy.

ACTION: Notice of proposed remedial order to Atlantic Richfield Company and Opportunity for Objection.

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel (OSC) of the Department of Energy (DOE), gives notice that a Proposed Remedial Order (PRO) was issued on May 15, 1981 to Atlantic Richfield Company (ARCO), 515 South Flower Street, Los Angeles, California 90017, and that any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR 205.193 on or before June 27, 1981.

By this PRO, OSC sets forth proposed findings of fact and conclusions of law concerning ARCO's pricing of imported crude oil purchased in transactions between affiliated entities under the refiner price rules in 10 CFR Part 212, Subpart E between August 1973 and December 1980. ARCO is charged with overstating its increased costs of crude oil by approximately $167 million in violation of 10 CFR 212.83 and 212.126(b). Specifically, ARCO is charged with improperly revising its May 1973 costs of imported crude oil purchased in affiliated transactions.

A refiner is required by § 212.83(b) to calculate and report these May 1973 costs in accordance with its customary accounting procedures generally accepted and consistently and historically applied by the firm concerned. In October 1974, § 212.83 was amended and § 212.84 added, to require that a refiner set costs in months of measurement for imported crude oil purchased in affiliate transactions at prices which would prevail if the affiliated entities had consistently and continuously dealt with each other at arms length. Because this revision to the price regulations was applicable only to months of measurement, ARCO may not revise its May 1973 costs of imported crude oil to reflect other than its customary accounting procedure.

As a remedy, ARCO is directed to recompute its increased costs of imported crude oil for all months of measurement utilizing May 1973 costs which are based upon its customary accounting procedures.

Requests for copies of the Proposed Remedial Order, with confidential information deleted, should be directed to: Freedom of Information, Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, D.C. 20850.

Aggrieved persons may object to this Proposed Remedial Order by filing a "Notice of Objection to the Proposed Atlantic Richfield Company, Remedial Order." The Notice must comply with the requirements of 10 CFR 205.193. To be considered, a Notice of Objection must be filed with: Office of Hearings and Appeals, Department of Energy, 2000 M Streets, NW., Room 8014, Washington, D.C. 20461.

The Notice must be filed, in duplicate, by 4:30 p.m. EDT on or before June 27, 1981 or the first federal workday thereafter. In addition, a copy of the Notice of Objection must, on the same day as filed, be served on ARCO and on each of the following persons, pursuant to 10 CFR 205.193(c):

Richard H. Koebert, Audit Manager, Pacific District Office of Special Counsel, 1340 West Sixth Street, Room 233, Los Angeles, California 90017.

George Kielman, Associate Solicitor, Office of Special Counsel, Department of Energy, 12th and Pennsylvania Avenue, NW., Mail Stop 4111, Washington, D.C. 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Issued in Washington, D.C., on the 1st day of June 1981.

Avrom Landesman,

Acting Special Counsel.

[FR Doc. 81-17500 Filed 6-11-81; 8:45 am]

BILLING CODE 6450-01-M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(a)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meetings:

I. A joint meeting of Subcommittees A and C of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on June 17 and 18, 1981, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:00 a.m. on June 17. The agenda for the meeting is as follows:

1. Report by IEA Secretariat on Governing Board meetings on June 3 and June 15, 1981.
2. U.S. Plan of Action.
3. Type 1/Type 2 transactions.
4. Pricing in an emergency.
5. Principles of data reporting.
6. Future work program.

II. A meeting of Subcommittee C of the IAB to the IEA will be held on June 18 and 19, 1981, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at the conclusion of the previously mentioned joint meeting of IAB Subcommittees A and C. The agenda for the meeting is as follows:

1. Application for legal clearance under Treaty of Rome.
2. Future work program.

As permitted by 10 CFR 209.32, the usual 7-day notice period has been shortened because unanticipated procedural delays prevented processing in sufficient time to provide such notice.

Issued in Washington, D.C., June 7, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-17609 Filed 6-11-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Blackwood & Nichols Co., Ltd.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to excute a Consent Order and provides on opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: May 20, 1981. Comments by: July 13, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 5228, Dallas, Texas 75235, phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On May 20, 1981 the Office of Enforcement of the ERA executed a Consent Order with Blackwood & Nichols Co., Ltd. of Oklahoma City, Oklahoma. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of $500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Blackwood & Nichols wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with B&N effective as of the date of its execution by the DOE and B&N.

I. The Consent Order

Blackwood & Nichols Co., Ltd., (B&N) is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of B&N the Office of Enforcement, ERA and B&N entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through January 27, 1981 B&N allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. B&N and the DOE have agreed to a settlement of $160,000. This amount will be refunded by B&N within 30 days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and B&N.

3. This Consent Order constitutes neither an admission by B&N that ERA regulations have been violated nor a finding by the ERA that B&N has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, B&N agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in I.1. above, the sum of $160,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a protion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily

for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the generl public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Blackwood & Nichols Co., Ltd. Consent Order". We will consider all comments we received by 4:30 p.m., local time, (30 days after publication). You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 27th day of May, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-17498 Filed 6-11-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. PP-55-A]

Roseau Electric Cooperative; Application for Amendment of Authority To Export Electric Energy

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of application for amendment of authorization to export electric energy across United States/Canadian border by the Roseau Electric Cooperative.

SUMMARY: Roseau Electric Cooperative has filed an application in Docket No. PP–55–A for amendment of authority, pursuant to Section 202(e) of the Federal Power Act, to export increased amounts of electric energy across the United States/Canadian Border to the Northwest Angle Indian Reserve No. 33, Province of Ontario, Canada.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., System Reliability and Emergency Response Branch (EP), Department of Energy, Room 4110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3825

Lise Courtney M. Howe, Office of General Counsel GC–11, Department of Energy, Room 5E–064, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2900

SUPPLEMENTARY INFORMATION: On May 6, 1981, the Roseau Electric Cooperative (Roseau) filed an application in Docket No. PP–55–A with the Department of Energy (DOE) pursuant to the provisions of section 202(e) of the Federal Power Act and Title 10 of the Code of Federal Regulations, sections 205.300–.309, for an amendment to its authority to export electric energy to Canada from the United States through facilities at the international boundary.

Roseau originally was authorized, in Federal Power Commission Docket No. E–8361, to export electric energy to Canada in an amount not to exceed 90,000 kilowatt hours (kwh) annually at a rate of transmission not to exceed 37.5 kilowatts (kw). Roseau now requests an increase in its authorization to export 2,000,000 kwh annually at an increased rate of 600 kw.

In its application Roseau states that the consumers on the line, residents of the Northwest Angle Indian Reserve No. 33, wish to increase their electrical requirements. Roseau's existing electrical facilities have a capacity of 2,628,000 kwh annually at a rate of 600 kw, so that no modifications of the existing facilities would be required.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the System Reliability and Emergency Response Branch, Department of Energy, Room 4110, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with §§ 1.8 or 1.10 of the Rules of Practice and Procedure (18 CFR 1.8 and 1.10).

Any such petitions and protests should be filed on or before June 22, 1981. Protests will be considered by DOE in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with DOE and will, upon request, be made available for public inspection and copying at the DOE Docket Room, Room B–210, 2000 M Street, N.W., Washington, D.C. and at the System Reliability and Emergency Response Branch, Room 4110, 2000 M Street, N.W., Washington, D.C.

Dated: June 5, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-17499 Filed 6-11-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Week of May 18 Through May 22, 1981

During the week of May 18 through May 22, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purpose of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In that statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 5, 1981.

Gulf Oil Corporation, Houston, Texas. BEE–1244, motor gasoline

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR 212.83(h), the equal application rule. The

exception request, if granted, would permit Gulf to calculate its unrecouped increased costs of motor gasoline on the basis of the maximum price permitted by a Chicago Ordinance for its self-service sales rather than on the maximum price permitted under DOE regulations. On May 18, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be dismissed for the period of November 1, 1980 through January 27, 1981 and denied for the period prior to November 1, 1980.

L.E. Jones, Production Company, Duncan, Oklahoma, BEE-0292, reporting requirements

L.E. Jones Production Company filed an Application for Exception from the reporting requirements set forth in Form EIA-23 in which the firm sought to be relieved of its obligation to prepare and submit to the DOE the gross working interest data required by schedule 1 of Form EIA-23. On May 19, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

U.S. Oil and Refining Co., Washington, D.C., BEE-1418, crude oil

U.S. Oil and Refining Company filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The exception request, if granted, would permit U.S. Oil to receive additional entitlements benefits to reduce the average cost to the firm of the light crude oil which it imports from Indonesia. On May 19, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-17401 Filed 6-11-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PH-FRL-1851-6; OPP-66082]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: this notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: July 13, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm 516, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7121).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
239-2238	Ortho Spot Weed & Grass Killer	Chevron Chemical Company, Ortho Division, 940 Hensley Way, Richmond, CA 94801.	Aug 31, 1967.
422-52	Boron Insect Repellent	Standard Oil Company, Midland Building, Cleveland, OH 44115.	June 25, 1971.
539-202	Double Duty Rose Care 6-10-4 with Systemic.	Sears Roebuck & Company, Sears Tower Dept., 766/68th Floor, Chicago, IL 60684.	Dec 23, 1965.
539-282	Triple Action Rose Food 11-6-4	....do	June 11, 1973.
961-287	Rose & Flora Preen 7-6-6 Special Organic Formula.	Lebanon Chemical Corporation, P.O. Box 180, Lebanon, PA 17042.	May 15, 1974.
5535-61	Gro-Well Pro-Tek Systemic Insecticide Granules.	J&L Adikes Inc., 182-12 93rd Avenue, Jamaica, NY 11423.	July 11, 1969.
9663-4	Maleic Hydrazide 30%	Crystal MFG Corporation, 1525 N. Post Oak Road, Houston, TX 77055.	May 25, 1973.
9663-10	Supreme Sucker Ban	....do	June 29, 1971.
10659-15	Oxy Alfalfa Plant Food 0-15-30 with 0.25% Phostemic-D.	Occidental Chemical, P.O. Box 1165, Houston, TX 77001.	Mar. 6, 1972.
10659-16	Zipp 7-28-4 with 1.2% Phostemic-D.	....do	Jan. 17, 1972.
10659-17	Oxy Alfalfa Plant Food 0-15-30 with 0.50% Phostemic-D.	....do	Mar. 9, 1972.
10659-18	Oxy Alfalfa Plant Food 0-15-30 with 0.33% Phostemic-D.	....do	Mar. 31, 1972.
10659-19	Zipp 6-13-26 with 0.25% Phostemic-D.	....do	June 21, 1972.
10659-20	Zipp 6-13-26 with 0.50% Phostemic-D.	....do	Mar. 9, 1972.
10659-21	Zipp 6-26-13 with 0.50% Phostemic-D.	....do	Mar. 8, 1972.
10659-22	Zipp 6-26-13 with 0.33% Phostemic-D.	....do	Mar. 9, 1972.
10659-23	Zipp 6-13-26 with 0.33% Phostemic-D.	....do	Mar. 16, 1972.
10659-24	Zipp 15-15-4 with 0.33% Phostemic-D.	....do	May 31, 1972.
10659-25	Zipp 13-13-13 with 0.33% Phostemic-D.	....do	Mar. 9, 1972.

The Agency has agreed that such cancellation shall be effective July 13, 1981 unless within this time the registrant or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amendead. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66082]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E-106, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973 89 Stat. (751, 7 U.S.C. 136))

Dated: June 4, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-17501 Filed 6-11-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-1851-7; OPP-66083]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: July 13, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St. SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS–767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 516, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7121).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
352–313	Dupont Demosan 10–D Chloroneb Fungicide.	E. I. Dupont de Nemours & Co., Legal Department, D 7045, Wilmington, DE 19898.	Sept. 28, 1965.
352–336	Dupont Demosan 10–G Chloroneb Fungicide.	do	Jan. 31, 1968.
352–359	Dupont Tersan SP–G Turf Fungicide.	do	Feb. 8, 1980.
352–360	Dupont Demosan T Seed Protectant.	do	Oct. 11, 1972.
449–70	Sure Death Brand Millfume No. 66.	Techne Corporation, c/o Farmland Ind., Inc., Agricultural Chemicals Div., P.O. Box 7305, Kansas City, MO 64116.	Aug. 25, 1954.
449–505	Sure Death Brand Millfume No. 2	do	Mar. 14, 1968.
538–79	Proturf Fungicide II	Scott & Sons Company, Marysville, OH 43040.	Aug. 10, 1977.
539–125	Rat and Mouse Bait Station	Sears Roebuck & Co., Sears Tower Dept., 766/68th Floor, Chicago, IL 60684.	Nov. 23, 1974.
7405–49	Chemi-Cap Insect Repellent Pressurized Spray.	Chemical Packaging Corporation, P.O. Box 9947, Ft. Lauderdale, FL 33309.	Apr. 17, 1971.
9606–1	Rat & Mouse Bait with Fumarin	Arrowhead Pest Control, 2026 Winter St., Superior, WI 54880.	Apr. 7, 1967.

The Agency has agreed that such cancellation shall be effective July 13, 1981 unless within this time the registrant or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP–66083]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E–107, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973 89 Stat. (751, 7 U.S.C. 136))

Dated: June 4, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–17502 Filed 6–11–81; 8:45 am]

BILLING CODE 6560–32–M

[Docket No. A–80–46; AD–FRL–1852–5]

Conference on Air Quality Modeling

AGENCY: Environmental Protection Agency, Washington, D.C.

ACTION: Notice of Conference.

SUMMARY: EPA announces a public conference on air quality modeling. Such a conference is required by Section 320 of the Clean Air Act to be held every three years. Three years ago when the first conference was held, discussions centered on the topics of modeling for PSD analyses and on EPA's "Interim Modeling Guideline." This year the topics for discussion at the conference will focus on accuracy and the incorporation of model uncertainty in regulatory decision-making. EPA will also consider recommendations for improvements, both in modeling procedures and in regulatory processes, to insure the optimal use of models in all programs utilizing air quality models. Revisions to the Agency's modeling guideline will not be an agenda item.

DATES AND SCHEDULE: The conference will be held August 10, 11, and 12, 1981 (Monday, Tuesday, and Wednesday) from 9:00 a.m. to 5:00 p.m. on August 10 and 11; 9:00 a.m. to noon on August 12. Presentations will be made by EPA, the Electric Power Research Institute (EPRI), and the American Meteorological Society (AMS) on August 10. A panel discussion on model accuracy and the use of models in decision-making will be held that afternoon. Presentations by other governmental agencies will be made beginning in the morning of August 11 and continue until completed. The remainder of the time will be devoted to public comments. Written statements and comments will be accepted until September 14, 1981.

ADDRESSES: The conference will be held at the Thomas Jefferson Auditorium, South Agriculture Building, 14th Street and Independence Avenue, S.W., Washington, D.C.

Additional written statements or comments not presented at the conference should be submitted (duplicate copies are preferred) to: Central Docket Section (A–130), Attention: Docket Number A–80–46, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Joseph A. Tikvart, Chief, Source Receptor Analysis Branch (MD–14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; phone (919) 541–5561 or Charlotte J. Hopper, phone (919) 541–5681.

SUPPLEMENTARY INFORMATION: In an effort to standardize air quality modeling practices within such programs as prevention of significant deterioration (PSD), the Clean Air Act Amendments of 1977 outlines, in Section 320, the requirements for a conference. Section 320 states that a conference is to

be held every three years and will be conducted to address the appropriate air quality modeling necessary to carry out regulatory requirements, especially those relating to PSD. The conference held in December 1977 addressed EPA's "Interim Modeling Guideline" and was devoted almost exclusively to PSD discussions. This year the Guideline on Air Quality Models will *not* be a topic for discussion since it is in the process of revision and will be the subject of a public hearing in 1982. Instead, this conference will address a major problem in the utilization of models in regulatory decision-making: given the accuracy of existing air quality dispersion models, how should decision-makers incorporate that uncertainty in their regulatory programs. EPA welcomes statements and comments on these two topics.

The conference agenda will also include a summary presentation of the activities and findings of a workshop held in May 1981 to discuss model use in regulatory decision-making. Attendees at that workshop included representatives from different industries, public interest groups and all levels of government agencies using air quality simulation models. There will be a panel discussion on the workshop findings.

Additional presentations will include: (1) recent results of the AMS/EPA Cooperative Agreement; (2) a report on the EPRI plume model validation project; (3) EPA research activities; (4) other EPA programs to determine and improve the accuracy of models; and (5) a review of ongoing efforts to consider uncertainty in regulatory programs.

Following these presentations, the conference will be open for statements from the National Academy of Sciences, representatives of state and local air quality management agencies and appropriate Federal agencies, including the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Bureau of Standards and others. Upon completion of these statements and respective comments, the conference chairman will open the conference to statements and comments from the general public.

In order to assist EPA in planning for the conference, persons desiring to attend are asked to notify EPA by July 24, 1981. Notification should be made to Joseph A. Tikvart or Charlotte J. Hopper by mail or by phone at the address and phone number given in the "Further Information" section above. In their notification, persons desiring to speak should identify the organization or corporation (if any) on whose behalf they are entering a statement. Persons submitting by July 24 a notice of intent to attend will receive by mail a copy of the agenda and a summary of the proceedings from the May workshop.

A verbatim transcript of the conference proceedings will be maintained. Speakers are encouraged to bring extra copies of their presentations for the convenience of the reporter, chairman and other participants. Interested persons will be permitted to enter into the record any written comments they do not present orally. The transcript and all written presentations will be maintained in Docket Number A-80-46 in the EPA Central Docket Section.

Dated: June 8, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc 81-17503 Filed 6-11-81; 8:45 am]

BILLING CODE 6560-26-M

[AMS-FRL 1851-8]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Platinum Gasaver"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Platinum Gasaver" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

SUPPLEMENTARY INFORMATION: Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

ORIGIN OF REQUEST FOR EVALUATION: On February 1, 1981, the EPA received a request from Pegusus Enterprises for evaluation of a fuel saving device termed "Platinum Gasaver." This Device is claimed ". . . to improve mileage at least 20% and to cut down on harmful emissions." This device consists of a Gasaver instrument which is filled with 12 ounces of Gasaver solution. A line from the Gasaver instrument is connected to a vacuum line at the base of the carburetor. The Gasaver solution is bubbled at a slow rate into the engine.

AVAILABILITY OF EVALUATION REPORT: An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Platinum Gasaver Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-81-14 consisting of 32 pages including all attachments.

Copies of this report may be obtained from the National Technical Information Service by using the above number. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737-4650, Commercial: 703-487-4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the Device manufacturer in the Application. The evaluation of the "Platinum Gasaver" device was based on that information. The Applicant submitted no valid data to support the claims for lower emissions or increased fuel economy. The Applicant had been advised by letter on several occasions of EPA's requirement that he submit valid test data following the proper EPA test procedures. The Applicant was unable to provide the required test data. He was advised that EPA was still required to complete the evaluation based on the available information and publish the results. The Applicant indicated he may attempt to get the required data at a later date and resubmit the application.

Therefore, based on the information provided by the Applicant, there is no technical basis to support any claims for a fuel economy improvement or

emissions reduction with the "Platinum Gasaver."

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: June 4, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–17521 Filed 6–11–81; 8:45 am]

BILLING CODE 6560–26–M

[AMS–FRL 1852–2]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Petromizer System"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "PETROMIZER SYSTEM" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

BACKGROUND INFORMATION: Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) the effect of any retrofit device on fuel economy;

(2) the effect of any such device on emissions of air pollutants; and

(3) any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

ORIGIN OF REQUEST FOR EVALUATION: On January 13, 1981, the EPA received a request from Chandler Associates, Inc. for evaluation of a fuel saving device termed "PETROMIZER SYSTEM." This Device is claimed ". . . to better control exhaust emissions and increase the miles per gallon of automobile engines. This device consists of two units (1) a carburetor base plate adapter which admits additional air and swirls the air-fuel mixture and (2) a fuel line diverter valve to regulate fuel pressure.

AVAILABILITY OF EVALUATION REPORT: An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the PETROMIZER SYSTEM Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–81–9 consisting of 24 pages including all attachments.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737–4650, Commercial 703–487–4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the Device manufacturer in the application. The evaluation of the "PETROMIZER SYSTEM" device was based on that information. The Applicant submitted the request for evaluation three times. The first and second applications were returned to the Applicant because to honor the confidentiality statements contained in the application would have precluded EPA from conducting a complete evaluation and making it available to the public as required by the Motor Vehicle Information and Cost Savings Act.

The Applicant submitted a third application for evaluation that contained no confidentiality restrictions. However, the Applicant submitted no valid test data to support the claims for increased fuel economy. The Applicant had been advised by letter on several occasions of EPA's requirement that Applicants submit valid test data following the proper EPA test procedures.

Since the Applicant was unable to provide the required test data, the Applicant requested the application be returned. The Applicant stated they would attempt to obtain the required information at a later date and would resubmit the more complete application at some future date. The Applicant was advised that EPA was still required to complete the evaluation based on the available information and publish the results.

Therefore, based on the information provided by the Applicant, there was no technical basis to support any claims for a fuel economy improvement or emissions reduction with the "PETROMIZER SYSTEM."

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: June 4, 1981.

Edward F. Tuerk,

Acting Assistant Administator for Air, Noise, and Radiation.

[FR Doc. 81–17522 Filed 6–11–81; 8:45 am]

BILLING CODE 6560–26–M

[AMS–FRL 1852–4]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "ULX–15 and ULX–15D"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "ULX–15 and ULX–15D" additives under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

SUPPLEMENTARY INFORMATION: Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy, and to determine whether the presentations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together

with the EPA Administrator's conclusions as to—

(1) the effect of any retrofit device on fuel economy;

(2) the effect of any such device on emissions of air pollutants; and

(3) any other information which the Administrator determines to be relevant in evaluating such devices."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

ORIGIN OF REQUEST FOR EVALUATION: On January 19, 1981, the EPA received a request from Fuelteck Corporation for evaluation of a fuel saving device termed "ULX–15 and ULX–15D." These Devices are fuel additives that are claimed to improve gasoline and diesel engine combustion and thereby increase fuel economy.

AVAILABILITY OF EVALUATION REPORT: An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the ULX–15 and ULX–15D Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–81–4, consisting of 21 pages, including all attachments.

Copies of these reports may be obtained from the National Technical Information Service by using the above report number. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications Service (FTS) 737–4650, Commercial (703) 487–4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the device manufacturer in the Application. The evaluation of the "ULX–15 and ULX–15D" additives was based on that information.

The applicant was advised on several occasions of the requirement for submittal of valid test data following the established EPA test procedures. The applicant submitted no valid test data with the application for evaluation. Analysis of the information submitted by the Applicant *did not* prove that the use of "ULX–15 and ULX–15D" would enable a vehicle operator to improve a vehicle's fuel economy.

Thus, there is no technical basis to support any claims for a fuel economy improvement due to the use of the "ULX–15 and ULX–15D" additives.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (313) 668–4299.

June 5, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–17525 Filed 6–11–81; 8:45 am]

BILLING CODE 6560–26–M

[ER–FRL–1852–6]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A–104), U.S. Environmental Protection Agency.

Purpose: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of June 1, 1981 to June 5, 1981.

Review Periods: The 45-day review period for Draft EISs' listed in this notice is calculated from June 12, 1981 and will end on July 27, 1981. The 30-day review period for Final EISs' as calculated from June 12, 1981 will end on July 13, 1981.

EIS Availability: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558–8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 245–3006.

Dated: June 9, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A–104).

Department of Agriculture

FS: Draft—Oh-Be-Joyful Wilderness Study Area, Gunnison National Forest, Gunnison County, Colorado; the review period for this EIS has been extended until August 10, 1981 (EIS Order #810449).

Army Corps of Engineers

Draft—Little Arkansas River Basin Flood Control, Rice, McPherson, Reno, Harvey and Sedgwick Counties, Kansas (EIS Order #810429).

Draft—Long Island Sound Dredged Material Disposal, Connecticut, Rhode Island and New York (EIS Order #810428).

Draft—Port of Kalama Marine Industrial Park, Construction and Operation, Cowlitz County, Washington (EIS Order #810447).

Final—Fountain Creek Flood Control, Pueblo and El Paso Counties, Colorado (EIS Order #810436).

Final—Indian River County Beach Erosion Control, Indian River County, Florida (EIS Order #810444).

Final—Grand Haven Harbor Modification, Ottawa County, Michigan (EIS Order #810445).

Final—Lost Creek at Columbus Flood Protection Plan, Platte County, Nebraska (EIS Order #810443).

Final—Green Brook Sub-Basin Flood Control, Somerset, Middlesex and Union Counties, New Jersey (EIS Order #810442).

Final—Mingo Creek Flood Protection, Tulsa County, Oklahoma (EIS Order #810438).

Department of the Army

Final Supplement—Operation RMT,. Chemical Material Transport, Utah and Colorado (EIS Order #810450).

Department of the Interior

BLM: Draft—Northern Idaho Grazing Management Program, Idaho (EIS Order #810441).

BLM: Draft—1982 OCS Oil and Gas Lease Sale #68, Pacific Ocean; the review period for this EIS has been extended until August 7, 1981 (EIS Order #810433).

BLM: Draft Supplement—Five Year OCS Oil and Gas Lease Schedule (EIS Order #810446).

Department of Transportation

FHWA: Draft—US 82 and US 84/GA–50 Reconstruction/Relocation, Ware County, Georgia (EIS Order #810434).

FHWA: Final—I–94 Widening/ Interchange Modification at Wiard Road, Washtenaw County, Michigan (EIS Order #810430).

FHWA: Final—Marcy-Utica-Deerfield Transportation Study, Oneida County, New York (EIS Order #810440).

FRA: Final—Northeast Corridor Improvement Project, Providence County, Rhode Island (EIS Order #810431).

Environmental Protection Agency

EPA3: Draft—Buckingham Wastewater Treatment Facilities, Grant,

Bucks County, Pennsylvania (EIS Order #810432).

Federal Energy Regulatory Commission

Final Supplement—Rocky Mountain Project, Dam Relocation, License Amendment, Floyd County, Georgia (EIS Order #810439).

Nuclear Regulatory Commission

Draft—Grand Gulf Nuclear Station Units 1 and 2, License, Claiborne County, Mississippi (EIS Order #810448).

Final—Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina (EIS Order #810435).

Tennessee Valley Authority

Correction and waiver: Draft Supplement—Murphy Hill Site Coal Gasification Demonstration Plant, Marshall County, Alabama; this EIS should have appeared in the **Federal Register** dated June 5, 1981 and has received a reduction of the review period. The comment period will begin on June 5, 1981 and terminate on July 1, 1981 (EIS Order #810451).

[FR Doc. 81-17548 Filed 6-11-81 8:45 am]

BILLING CODE 6560-37-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81-367; File No. 21619-CD-P-(3)-79; et al.]

Empire Mobilcomm Systems, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of empire Mobilcomm Systems, Inc., for a construction permit to establish additional facilities to operate Station KOK419 on frequencies 454.150 and 454.250 MHz and to increase the power of its existing facility operating on frquency 454.300 in the Domestic Public Land Mobile Radio Service (DPLMRS) at Salem, Oregon, CC Docket No. 81-367, File No. 21619-CD-P-(3)-79; Mobile Radio Communication Service, Inc., for a construction permit to establish additional facilities to operate Station KOA264 on frequencies 454.150, 454.250, and 454.300 MHz in the DPLMRS at Portland, Oregon, CC Docket No. 81-368, File No. 21334-CD-P-03-79; and RAM Broadcasting of Oregon, Inc., for renewal of license of Station KUC874 operating on frequencies 454.150, 454.250, and 454.300 MHz in the DPLMRS at Portland, Oregon, CC Docket No. 81-369, File No. 23741-CD-R-79.

Memorandum Opinion and Order

Adopted: May 26, 1981.

Released: June 5, 1981.

By the Common Carrier Bureau.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the above-captioned applications of Empire Mobilcomm Systems, Inc. (Empire) and Mobile Radio Communication Service, Inc. (Mobile) for construction permits to add facilities to operate on Stations KOK419 and KOA264 respectively, and the application of RAM Broadcasting of Oregon, Inc. (RAM) for renewal of the license for Station KUC874. RAM has filed petitions to deny the Empire and Mobile applications. Responsive pleading have been filed.

2. The Empire and Mobile applications for a construction permit and the RAM renewal application are electrically mutually exclusive because they propose to operate on the same frequencies in the same area.[1] Thus, a comparative hearing will be held to determine which applicant would best serve the public interest. We find the applicants to be otherwise qualified, except as noted herein.

3. The petitions raise the following issues for our consideration;[2] (a) Whether Empire has adequately demonstrated site availability; (b) Whether Empire's proposal contains technical deficiencies; and (c) Whether Mobile has demonstrated adequate need for the facilities proposed.

4. *Site Availability.* RAM challenges Empire's demonstration of site availability by charging that the original letter in the application purporting to evidence site availability is too old and because the letter failed to adequately describe the facilities, indicate their location, and set forth the rent to be paid on them. In response, Empire amended its application by including a recent copy of the site lease and by providing additional information which demonstrates the suitability of the site. The application, as amended, provides reasonable assurances of site availability and, therefore, we will not designate this issue for hearing.

5. *Technical deficiencies.* Petitioner alleges that the Empire application, as filed, contained a number of technical deficiencies, including discrepancies in coordinates, inaccuracies in calculation of the relevant 39 dbu contours and misstatements of the gain of its frequency 454.300 MHz antenna. In response, Empire modified its application to properly set forth its coordinates and 39 dbu contours. In addition, Empire withdrew its request for frequency 454.300 MHz. The amendments to the Empire application effectively answer all of the petitioner's objections regarding technical deficiencies. Thus, we will not designate this issue for hearing.

6. *Mobile Need Showing.* Petitioner challenges the adequacy of the Mobile need showing because, petitioner argues, the showing fails to meet the standards we set forth in *Long Island Pagin*, 30 FCC 2d 405, *review denied*, 32FCC 2d 235 (1971), *recon., denied*, 34 FCC 2d 216 (1972). However, the *Long Island Paging* criteria are not applicable where, as here, the applicant proposes to add frequencies to its present operations without significantly increasing its service area.[3] Instead, § 22.516 of our Rules requires that an applicant for additional frequencies in the same service area provide traffic loading studies for each existing frequency in the area, along with a showing of the number (if any) of additional subscribers for which service orders are being held. Mobile has submitted traffic loading studies for its four existing UHF channels and has stated that it holds 46 orders for additional subscribers. Our review of this data indicates that Mobile has adequately demonstrated a need for only one of the three additional frequencies requested. Therefore, we will designate and issue as to whether Mobile has adequately demonstrated a need for more than one additional frequency.

9. Accordingly, it is ordered, That the Petition to Deny filed by RAM Broadcasting of Oregon, Inc., in File No. 21619-CD-P-(3)-79, is denied, that the Petition to Deny filed by RAM Broadcasting of Oregon, Inc., in File No. 21334-CD-P-03-79, is granted in part

[1] The Mobile application and the RAM renewal application both requested to operate on frequencies 454.150, 454.250, and 454.300 MHz. The Empire application originally requested to add frequencies 454.150 and 454.250 MHz, and to increase the power on its existing frequency 454.300 MHz at Salem, Oregon, such that all three frequencies would be electrically mutually exclusive with the Mobile and RAM applications. However, for reasons explained *infra*, Empire withdrew its request to increase power for frequency 454.300 MHz. Thus, Empire's application contains only two frequencies which are electrically mutually exclusive with the Mobile and RAM applications.

[2] Financial qualifications issues were also raised against Empire and Mobile. We need not consider these issues, however, because applicants in the DPLMRS are no longer required to demonstrate their financial qualifications. *Elimination of Financial Qualifications*, 82 FCC 2d 152 (1980).

[3] Appplications are considered to request additional facilities if the proposed contour(s) overlaps and existing contour by 50% or more. *See Empire Paging Corporation*, Mimeo 07020, released February 17, 1981 .

and denied in part, to the extent noted herein, and that the applicaton of Empire Mobilcomm Systems, Inc., File No. 21619–CD–P–(3)–79, the application of Mobile Radio Communication Service, Inc., File No. 21334–CD–P–03–79, and the renewal application of RAM Broadcasting of Oregon, Inc. File No. 23741–CD–R–79, are designated for hearing in a consolidated proceeding, pursuant to Section 309(e) of the Communications Act of 1934, as amended, upon the following issues:

(a) to determine whether Mobile Radio Communication Service has demonstrated a need for more than one additional frequency;

(b) to determine and compare the nature and extent of service proposed by each applicant,[4] including the rates, chargers, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(c) to determine on a comparative basis, the areas and populations that each applicant will serve within the propective 39 dBu contours, based upon the standards set forth in § 22.504(a) of the Rules,[5] and to determine and compare the need for the proposed services in said areas and

(d) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience and necessity.

10. It is further ordered, that with respect to issue (a) the burden of proof and the burden of proceeding with the introduction of evidence is placed upon Mobile.

11. It is further ordered, that, with respect to issues (b) and (c), the burden of proof and the burden of proceeding with the introduction of evidence are placed on each of the applicants, as the issues affect them, and that the ultimate burden of proof with respect to issue (d) is similarly place on each of the applicants.

12. It is further ordered, that the hearings shall be held at the Commission offices at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

13. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

14. It is further ordered, that any authorization granted to RAM Broadcasting of Oregon, Inc. as a result of the comparative hearing designated herein shall be without prejudice to and conditioned upon whatever action, if any, the Commission may take as a result of allegations raised in petitions against RAM Broadcasting Corporation and/or its Michigan subsidairy.

15. It is further ordered, that the applications may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

16. The Secretary shall cause a Copy of this order be published in the **Federal Register.**

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-17474 Filed 6-11-81; 8:45 am]

BILLING CODE 6712-01-M

---

[4] The comparative analysis may include past performance of the applicants.

[5] Section 22.504(a) of the Commission's Rules and regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaved in two-way communications service and operating on frequencies in the 450–460 Mi lz band. Propagation data set forth in § 22.504(b) of the Rules are the proper bases for establishing the location of sevice contour (F50,50) for the facilities involved in this proceeding.

[BC Docket No. 81-359, File No. BPCT-791022KE; and BC Docket No. 81-360, File No. BPCT-800521KN]

The Great Onondaga County Telecasting Corporation and Comark Television, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: May 21, 1981.

Released: June 5, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 62, Syracuse, New York.

Preliminary Matters

2. We note that there is a proposed rulemaking proceeding (D80–269) before for the Commission which would allocate new UHF Channel assignments to the New Jersey market. The impact on the instant case would be the deletion of Channel 62 and the addition of Channel 68 or 69 in the Syracuse market. In the event the proposed rulemaking is adopted, the permittee of the Channel 62, Syracuse, New York allocation would be required to change frequency to either Channel 68 or 69. Therefore, the grant of construction permit to either applicant will be appropriately conditioned, to be subject to the outcome of the (D80–269) proposed rulemaking proceeding.

3. The Great Onondaga County Telecasting Corporation has an application pending for subscription television (STV) authority. However, the STV application will not be considered in this proceeding. This is in keeping with the Commission's policy in regard to mutually exclusive applications for a new station where one contemplates STV operation and the other a conventional facility as stated in Paragraph 15, *Second Report and Order*, FCC 81–13, adopted January 8, 1981.

The Great Onondaga County Telecasting Corporation

4. Analysis of the ascertainment effort of applicant reveals that is has not submitted appropriate demographic data on the proposed community of license with respect to minority, racial or ethnic breakdown as required by Questions and Answers 9 and 10 of the *Primer on Ascertainment of Community Problems by Broadcast Applicants (Ascertainment Primer)*, 27 F.C.C. 650, 687 (1971). Accordingly, an appropriate ascertainment issue will be designated.

Comark Television Inc.

5. Analysis of the ascertainment effort of applicant reveals that it has not submitted appropriate demographic data on the proposed community of license with respect to minority, racial or ethnic breakdown as required by Questions and Answers 9 and 10 of the *Primer*, supra. Also, applicant has not submitted the date of the completion of the community leader survey. Therefore, we are not able to determine whether the survey was completed within the ■ months prior to the filing of the application as required by Question and Answer 15 of the Ascertainment Primer, supra. In light of the above, appropriate ascertainment issues will be specified.

6. The Federal Aviation Administration has issued a determination of possible air hazard with respect to Comark's tower height and location and an appropriate issue will be specified.

7. Comark proposes to operate from a site located within 250 miles of the Canadian border with maximun visual effective radiated power (ERP) of 5000 kilowatts. The proposal poses no interference threat to United States television stations; however, it does contravene an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of*

Notes, T.I.A.S. 2594 (1952). In the event of a grant of Comark's application, the construction permit shall contain a condition precluding station operation with maximum visual ERP in excess of 1000 kilowatts, absent Canadian consent. *South Bend Tribune*, 8 R.R. 2d 416 (1966).

Conclusion and Order

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it it ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to The Great Onondaga County Telecasting Corporation:

(a) whether it has complied with Questions and Answers 9 and 10 of the Ascertainment Primer;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is qualified.

2. To determine with respect to Comark Television, Inc.:

(a) whether it has complied with Questions and Answers 9 and 10 of the Ascertainment Primer;

(b) whether it has complied with Question and Answer 15 of the ascertainment Primer;

(c) whether there is a reasonable possibility that the tower height and location proposed by Comark would constitute a hazard to air navigation.

(d) whether, in light of the evidence adduced pursuant to the foregoing issues, applicant is qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

11. It is further ordered, that in the event of a grant of Comark's application, the construction permit shall contain the following condition:[1]

Operation with effective radiated power in excess of 1000 kW after October 1, 1982 is subject to a further extension of consent by Canada.

12. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-17476 Filed 6-11-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-370, File No. BPCT-801023KF; and BC Docket No. 81-371, File No. BPCT-801219KE]

Holt-Robinson Television of Louisiana, Inc. and Lake Charles Electronic Media, Inc.; Designating Applications for Consolidated Hearings on Stated Issues

Adopted: May 26, 1981.

Released: June 4, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 29, Lake Charles, Louisiana.

2. *Holt-Robinson Television of Louisiana, Inc. (Holt).* No determination has been reached that the antenna structure proposed by Holt would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

3. *Lake Charles Electronic Media, Inc (LCEM).* Analysis of the financial data submitted by applicant indicates that it will require $273,650 to construct its proposed facility and operate for three months, itemized as follows:

Equipment	$151,500
Land	2,500
Legal costs	45,000
Engineering costs	1,500
Installation costs	3,000
Miscellaneous costs	5,000
Operating costs (three months)	65,150
Total	273,650

To meet these expenses, LCEM intends to rely upon a loan from Kaough and Jones Electric Company, Inc. (KJEC). Review of KJEC's balance sheet shows that current liabilities exceed current assets. Therefore, KJEC has not demonstrated that it can meet its commitment. Accordingly, financial issues will be specified to determine if the applicant has $273,650 available to construct and operate as proposed.

4. In the event of a grant of LCEM's application, the construction permit will be conditioned to require LCEM to demonstrate that its proposed antenna will not alter the antenna impedance of AM station KAOK, Lake Charles, Louisiana on the same tower.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Holt-Robinson Television of Louisiana, Inc.:

(a) Whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation;

(b) Whether, in light of the evidence adduced pursuant to issue (a), the applicant is qualified.

2. To determine with respect to Lake Charles Electronic Media, Inc.:

(a) Whether it has $273,650 available to construct and operate as proposed.

(b) Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the

[1] Also in the event of a grant of either application, the construction permit shall contain the following condition: Grant of this construction permit is subject to the outcome of the D80-269 proposed rulemaking proceeding.

foregoing issues, which of the applications should be granted.

7. It is further ordered, that the Federal Aviation Administration is made a party respondent to this proceeding.

8. It is further ordered, that, in the event of a grant of Lake Charles Electronic Media, Inc.'s application, the construction permit shall contain the following condition:

During installation of the TV antenna, AM station KAOK shall determine operating power by the indirect method. Upon completion of the installation, antenna impedance measurements of the AM antenna shall be made and, the results submitted to the Commission along with a tower sketch of the installation in an application for station to return to the direct method of power determination. Thereafter the TV Station may commence *Limited Program Tests.*

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division. Broadcast Bureau.

[FR Doc. 81-17473 Filed 6-11-81, 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-365; File No. BPH-800310AD; and BC Docket No. 81-366, File No. BPH-800828AC]

Public Broadcasting Service, Inc. and Haskin Broadcasting Corp.; Designating Applications for Consolidated Hearing on Stated Issues

In re application of Public Broadcasting Service, Inc., Enid, Oklahoma, Req: 103.1 MHz, Channel 276, 3kW (H&V), 298.12 feet; and Haskin Broadcasting Corporation, Enid, Oklahoma, Req: 103.1 MHz, Channel 276, 3 kW (H&V), 300 feet, for Construction Permit for a New FM Station.

Adopted: May 26, 1981.

Released: June 5, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Public Broadcasting Service, Inc. and Haskin Broadcasting Corporation.

2. Neither applicant will be able to provide a 3.16 mV/m signal to the entire city of Enid as required by § 73.315(a) of the Commission's Rules. A recent annexation by the city has almost tripled the size of Enid. Prior to the annexation, both applicants would have provided sufficient coverage. They have attempted to place their transmitter sites as close to the center of town as possible, but unless a site is located in the center of Enid, where sites are not available, one extremity or another of the annexed area will not be within the 3.16 mV/m contour. The population not receiving city grade service (0.05% for Haskin, 0.16% for Public Broadcasting) is de minimus.[1] Under these circumstances, we have determined that waiver of this provision is appropriate.

3. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for comparative hearing on the issues specified below.

4. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence, adduced pursuant to foregoing issues, which of the applications should be granted.

5. It is further ordered, that if either application is granted, the permit shall specify that the provisions of § 73.315(a) of the Commission's Rules are waived to permit a signal level of less than 3.16 mV/m over the entire city Enid, Oklahoma.

[1] Population is based upon the Chamber of Commerce estimate for Enid (1980) of 62,273. The Haskin proposal would affect 32 people, while Public Broadcasting's would affect 88.

6. It is further ordered, that in the event the application of Public Broadcasting Service, Inc. is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, Public Broadcasting Service, Inc. will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

7. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-17477 Filed 6-11-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-357, File No. BPH-800605AB; and BC Docket No. 81-358 File No. BPH-800829AP]

Richard A. Peterson and Stanley H. Watson, d.b.a. Hassayampa Broadcasting and Shoblom Broadcasting, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Richard A. Peterson and Stanley H. Watson, d.b.a. Hassayampa Broadcasting, Wickenburg, Arizona, Req: 105.5 MHz, Channel 288 3 kW (H&V), —156 feet; Shoblom Broadcasting, Inc., Wickenburg, Arizona, Req: 105.5 MHz, Channel 288 3 kW (H&V), —156 feet, for Construction Permit for a New FM Station.

Adopted: May 18, 1981.

Released: June 4, 1981.

By the Chief, Broadcast Bureau

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under

consideration the above-capitoned mutually exclusive applications filed by Richard A. Peterson and Stanley H. Watson, d.b.a. Hassayampa Broadcasting (Hassayampa) and Shoblom Broadcasting, Inc., (Shoblom).

2. *Hassayampa.* Analysis of the financial data submitted by Hassayampa reveals that $86,874.50 will be required to construct the proposed station and operate for three months, itemized follows:

Equipment	$55,369.50
Land	2,500.00
Building	2,000.00
Miscellaneous	3,245.000
Operating costs (three months)	23,760.00
Total	$86,874.50

Hassayampa plans to finance construction and operation with $22,500 cash plus loans by the partners. However, Richard A. Watson has shown net liquid assets of only $804.00, and Stanley A. Peterson has shown no net liquid assets. The applicant also intends to rely on deferred credit by Rockwell International for purchase of its transmitter and antenna, but has failed to provide a credit commitment letter. Since the applicant has shown only $23,304 available, an amount insufficient to meet proposed costs of $86,874.50, a financial issue will be specified.

3. In response to question 16 of Section IV–A regarding its public affairs programming policy, the applicant does not indicate compliance with the Commission's Fairness Doctrine. Accordingly, an issue will be specified

4. Hassayampa states that it will employ five persons and does not indicate that any of there employees will be part-time. Section 73.2080 requires that applicants for new FM stations proposing to employ five or more full-time individuals submit a copy of their Equal Opportunity Program. Hassayampa has failed to submit its EEO program and an issue will be specified.

5. *Shoblom.* Analysis of the financial data submitted by Shoblom reveals $45,105 will be required to construct the proposed station and operate for there months, itemized as follows:

Equipment	59,000
Land	2,500
Buildings	2,000
Miscellaneous	9,000
Operating costs (three months)	22,605
Total	[1] $45,105

[1] As the proposed assignee of stations KSWN(AM), Wickenburg, and applicant for a new FM station at Yucca Valley, California, Shoblom's financial commitments, including the instant application, total $81,509

Shoblom plans to finance construction and operation with $31,853 in existing capital and a bank loan of $115,000. However, the bank loan commitment was for 90 days and has expired. Moreover, the bank letter failed to contain terms of collateral. Pursuant to *Contemporary Televisions Broadcasting, Inc.,* Mimeo 05812, released January 16, 1981, the bank loan has not been shown to be available. Since applicant has only shown $31,853, in financing, an amount insufficient to meet proposed costs of $45,105, a financial issue will be specified.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Hassayampa:

(a) The source and availability of additional funds over and above, the $23,304.00; and

(b) Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine whether Hassayampa's public affairs programming policy complies with the Fairness Doctrine.

3. To determine if Hassayampa's EEO program is in compliance with Section 73.2080.

4. To determine with respect to Shoblom:

(a) The source and availability of additional funds over and above the $31,853 indicated; and

(b) Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

8. It is further ordered, that in the event the application of Shoblom is granted, it is subject to the condition that if the Commission ultimately adopts a rulemaking prohibiting commonly owned AM and FM stations in the same market Shoblom will divest itself either of its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

9. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-17475 Filed 6-11-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-276 and File No. BR-781130UA; FCC 81-199]

Rocket Radio, Inc. and Station WFPM, Fort Valley, Georgia; Designating Application for Hearing on Stated Issues

Memorandum Opinion and Order

Adopted: April 23, 1981.

Released: June 5, 1981.

By the Commission.

1. The Commission has before it for consideration the above-captioned application, filed November 30, 1978, by Rocket Radio, Inc. (Rocket), seeking renewal of license for Station WFPM, Fort Valley, Georgia; and the question of the effect, if any, on that license renewal application of a ruling in a comparative FM hearing proceeding that Rocket lacked the requisite character qualifications to be the FM licensee.

2. On July 12, 1978, the Commission released a Memorandum Opinion and Order, FCC 78–476 (*Order*), denying Rocket's petition to reopen the record and application for review of the Review Board's affirmance[1] of the Initial

[1] *Rocket Radio, Inc. et al.,* 65 FCC 2d 589 (1977); recon. granted in part, 66 FCC 2d 193 (1977). [Hereinafter cited as *Review Board I* and *Review Board II*, respectively]. In *Review Board I*, the Board affirmed in their entirety the Administrative Law Judge's findings and conclusions with regard to Rocket. *Review Board II* dealt only with a petition for reconsideration filed by Rocket's competing applicant, and is irrelevant to this proceeding.

Decision of Administrative Law Judge Walter C. Miller[2] which determined that, on the basis of testimony and evidence adduced during a comparative hearing on mutually exclusive applications for a new FM broadcasting facility in Fort Valley, Georgia, Rocket was not of fit character to become the FM licensee. The hearing record established three independent grounds upon which the Adminstrative Law Judge, the Review Board and the Commission based their determination that Rocket should be disqualified for character deficiencies:

(1) Paul Reehling, Rocket's President and principal stockholder, knowingly and deliberately submitted a false affidavit to the Commission in an attempt to discredit the competing applicant;

(2) As Mayor of Fort Valley, Reehling improperly influenced the city building inspector to obstruct and impede the competing applicant; and

(3) Also as Mayor of Fort Valley, Reehling used police officers to investigate volunteer workers for the competing applicant.[3]

Due to ". . . the serious nature of the character qualifications issue outstanding against Rocket . . .", the Commission placed the instant license renewal application on deferred status.[4] The question before us now is the effect of the adverse ruling on WFPM's renewal application.

3. Before the Commission may grant any broadcast application, it must make the affirmative finding in accordance with Section 309(d) of the Communications Act that a grant of the application would serve the public interest, convenience and necessity. 47 U.S.C. 309(d). In view of the adverse ruling as to Rocket's character qualifications in the prior proceeding, that affirmative finding with regard to WFPM's renewal application cannot be made at this time. However, disqualification in the FM construction permit proceeding due to misconduct in pursuit of that permit does not mean that Rocket is, *ipso facto*, totally unqualified to retain a pre-existing license. The effect of the prior disqualification on the instant license renewal application is a question for the Commission to determine on the basis of all the factors judged by the Commission to be relevant. *WNST Radio, et al.*, 70 FCC 2d 1036 (Rev. Bd. 1978); *3 J's Broadcasting Company*, 41 FCC 2d 664 (Rev. Bd. 1973).

4. Therefore, WFPM's renewal application shall be designated for hearing in order for the Commission to assess the impact of the prior disqualification on Rocket's qualifications to remain the licensee of WFPM, and in order to give Rocket the opportunity to present evidence in mitigation. In this regard, we note that under the doctrine of collateral estoppel, where a tribunal of competent jurisdiction enters a final judgment on the merits of a cause of action, in any subsequent proceeding on a different cause of action the parties to the prior proceeding are precluded from re-litigating the issues which were of decisional significance in the prior proceeding.[5] Collateral estoppel clearly applies to the finding of lack of character qualifications which resulted in Rocket's disqualification in the comparative FM proceeding, and Rocket is precluded from re-litigating those issues in connection with its renewal application for Station WFPM.[6]

5. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned application for renewal of license for Station WFPM, Fort Valley, Georgia, filed by Rocket Radio, Inc., is designated for hearing at a time and place and before an Administrative Law Judge to be specified in a subsequent order, on the following questions:

1. To determine, in light of the findings in *Rocket Radio, Inc. et al.*, 65 FCC 2d 589 (1977), recon. granted in part, 66 FCC 2d 193 (1977), whether Rocket Radio, Inc. possesses the requisite qualifications to be a Commission licensee; and

2. To determine, in light of the arguments presented with respect to the foregoing issue, whether grant of the captioned license renewal application would serve the public interest, convenience and necessity.

6. It is further ordered, that, to avail itself of the opportunity to be heard, Rocket Radio, Inc., pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall, within 20 days of the release of this Order, file with the Commission, in triplicate, a written notice stating an intention to appear on the date and time fixed for the hearing and present arguments and evidence on the issues specified in this Order.

7. It is further ordered, that, in accordance with Section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding and the burden of proof with respect to all the issues herein shall be upon Rocket Radio, Inc.

8. It is further ordered, that Rocket Radio, Inc., shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing ordered herein within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the Rules.

9. It is further ordered, that the Secretary of the Commission shall send a copy of this Order by Certified Mail. Return Receipt Requested, to Rocket Radio, Inc.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-17469 Filed 6-11-81; 8:45 am]

BILLING CODE 6712-01-M

---

[2] *Rocket Radio, Inc., et al.* 66 FCC 2d 802 (1976). [Hereinafter cited as *Initial Decision*].

[3] *Order, supra* at para. 1. See also, *Initial Decision, supra* at 853; and *Review Board I, supra* at 598–603.

[4] Commission letter 8340 to Rocket Radio, Inc., dated October 17, 1977.

[5] Collateral estoppel is applicable to a decision by an administrative agency acting in its judicial capacity. *Nasem* v. *Brown*, 595 F. 2d 801, 805 (D.C. Cir. 1979). Further, FCC licensing proceedings are administrative adjudications subject to collateral estoppel. *Gordon County Broadcasting Co.* v. *F.C.C.*, 446 F. 2d 1335, 1338 (D.C. cir. 1971); *Tomah-Mauston Broadcasting Co.* v. *F.C.C.*, 306 F. 2d 811, 813 (D.C. Cir. 1962).

[6] On March 23, 1981, Rocket filed a pleading entitled "Petition for Grant of Renewal of License," wherein Rocket requests that "If the doctrine of collateral estoppel is applied to this renewal proceeding, it should have the opportunity to present facts in mitigation of the adverse finding" resulting from the comparative FM proceeding. However, the only facts submitted by Rocket are solely in support of its arguments to the effect that: (1) Rocket did not knowingly submit a false affidavit to the Commission or make misrepresentations in connection therewith; (2) Rocket did not improperly obstruct or impede the competing applicant; and/or (3) the competing applicant's volunteer workers were not in fact harassed or intimidated by the police officers who investigated them at Reehling's request. These issues were of decisional significance in the Commission's ruling in the comparative FM proceeding and were decided adversely to Rocket. See para. 2, *supra*. Thus, although Rocket characterizes its facts as being "in mitigation" of the prior adverse ruling, it is in fact proposing to re-litigate those issues in a collateral attack on the Commission's prior ruling. Rocket is precluded from doing so by the doctrine of collateral estoppel, and its arguments clearly do not justify the grant of the relief requested, *i.e.*, grant of WFPM's renewal application. Rocket's pleading also contains letters attesting to Reehling's good character and to the service to the community provided by WFPM. However, such letters do not obviate the Commission's responsibility to assess the impact on the instant renewal application of Rocket's disqualification due to specific acts of misconduct in the prior proceeding. Accordingly, Rocket's "Petition for Grant of Renewal of License" is hereby denied.

[Report No. A-29]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: June 4, 1981.

Cut-off date: July 20, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after July 20, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 20, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. no later than the close of business on July 20, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on July 20, 1981.

Applications for new stations may not be filed against any application on the attached list which is designated by an asterisk (*).

Federal Communications Commission.

William J. Tricarico,

Secretary.

BPCT–810306KE (new), Riverside, California, Pan-Pacific Broadcasting, Inc. Channel 62. ERP: Vis. 2128 kW; HAAT: 2395 feet

BPCT–810327KF (new), Columbus, Georgia, Beacon Broadcasting, Inc. Channel 54. ERP: Vis. 1294 kW; HAAT: 1026 feet

BPCT–810424KE (new), Longview, Texas, KLMB–TV, Incorporated. Channel 51. ERP: Vis. 3083 kW; HAAT: 1091 feet

BPET–810330KF (new), Greenwood, South Carolina, South Carolina Educational Television Commission. Channel 38. ERP: Vis. 1776 kW; HAAT: 768 feet

BPCT–810424KG (new), Parkersburg, West Virginia, Eastern Associated Services, Inc. Channel 39. ERP: Vis. 586 kW; HAAT: 646 feet

BPCT–810428KE (new), Paris, Texas, KLMB–TV, Incorporated. Channel 42. ERP: Vis. 1545 kW; HAAT: 557 feet

BPCT–810430KG (new, Major Amendment), Victoria, Texas, Community Television of Victoria. Channel 31. Change Channel from Channel 25

BPCT–810511KO (new), New London, Connecticut, Connecticut Yankee Broadcasting Company. Channel 26. ERP: Vis. 2234 kW; HAAT: 538 feet

*BMPCT–810519KE (WATR–TV), Waterbury, Connecticut, Thomas Television, Inc. Channel 20. Reduce ERP Vis., to 239 kW.

BPCT–810428KF (new), Melbourne, Florida, Broadcast Production and Management Corporation. Channel 56. ERP: Vis. 1194 kW; HAAT: 1003 feet

[FR Doc. 81–17470 Filed 6–11–81; 8:45 am]

BILLING CODE 6712–01–M

[Report No. B–24]

TV Broadcast Application Accepted for Filing and Notification of Cut-Off Date

Released: June 4, 1981.

Cut-off date: July 20, 1981.

Notice is hereby given that the application listed below is accepted for filing. Since the application listed below is in conflict with the renewal application of WEZF–TV, Burlington, Vermont, which was subject to a cut-off date for conflicting applications pursuant to § 73.3516(e) of the Commission's Rules, no application which would be in conflict with the below-listed application will be accepted for filing.

Petitions to deny the application listed below and minor amendments thereto must be on file with the Commission not later than the close of business on July 20, 1981. The renewal application of WEZF–TV may also be amended as a matter of right not later than the close of business on July 20, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Rules.

BPCT–810302KE (new), Burlington, Vermont, Lake Champlain Communications Corporation. Channel 22. ERP: Vis. 1000 kW; HAAT: 2745 feet

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–17471 Filed 6–11–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreements Filed

Correction

In FR Doc. 81–16991, appearing at page 30565 in the issue of Tuesday, June 9, 1981, the second sentence in the second paragraph in column one should read, "Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before June 29, 1981."

BILLING CODE 1505–01–M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: American Express Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed merger with Shearson Loeb Rhoades Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–17532 Filed 6–11–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Compagnie Generale des Eaux is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Williard Inc., Fire Control Inc. and PSC Professional Services Group, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney Genral in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both

parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 12, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before the consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17533 Filed 6-11-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: J.R. Simplot is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all assets of International Cooperative. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by International Cooperative. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17534 Filed 6-11-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Loeb Partners Voting Trust is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Universal Electric Co. and ESB Universal Electric Limited. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitons to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action by published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17535 Filed 6-11-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: North Jersey Savings & Loan Association is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed merger with Sentry Savings & Loan Association. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by North Jersey. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitons to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action by published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17536 Filed 6-11-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Northwest Industries Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Great Bear Spring Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Northwest Industries.

DATE: Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202)–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–17537 Filed 6–11–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Saarbergwerke Aktiengesellschaft is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Ashland Oil Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–17538 Filed 6–11–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Sanford I. Weill is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of American Express Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Sanford I. Weill. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–17539 Filed 6–11–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Sequoia Ventures Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of substantially all voting securities of Dillon, Read & Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Dillon. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17540 Filed 6-11-81; 8:45 am]

BILLING CODE 6750-01-M

Premerger Notification; Delegation of Authority To Notify Filing Persons of Deficiencies in Responses to Requests for Additional Information or Documentary Material

AGENCY: Federal Trade Commission.

ACTION: Delegation of authority.

SUMMARY: The Federal Trade Commission has delegated the authority to notify persons filing responses to requests for additional information or documentary material of deficiencies in such filings, without the power of redelegation, to the following officials of the Bureau of Competition: The Director, the Deputy Directors, and the Assistant Director for Evaluation. This action is intended to eliminate any uncertainty which may be caused by certain new procedures for issuing such requests.

EFFECTIVE DATE: This delegation of authority shall be effective June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta S. Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, telephone (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act ("the Act"), 15 U.S.C. 18a, requires persons contemplating certain acquisitions of assets or voting securites to give advance notice to the Federal Trade Commission ("the Commission") and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice ("the Assistant Attorney General") and to wait certain designated periods before consummation of such acquisitions. Subsection (e) of the Act empowers the Commission of the Assistant Attorney General during the running of the waiting period to request additional information or documentary material relevant to the proposed acquisition and to extend the waiting period for up to a specified number of days after responses to such requests have been received. Section 803.20 of the premerger notification rules ("the rules"), 16 CFR 803.20, establishes the procedures to be used in making such requests for additional information or documentary material ("second requests"). Section 803.10(c)(2) of the rules, 16 CFR 803.10(c)(2), requires that, with respect to second requests issued by the Commission, "the Commission * * * shall promptly notify the person filing such * * * response (to a second request) of the deficiencies in such filing * * *."

At the time the present rules were promulgated, the Commission formally delegated the authority to issue second requests to the Director, the Deputy Directors, and the Associate Director for Premerger Notification (later changed to the Assistant Director for Evaluation) of the Bureau of Competition. see the Statement of Basis and Purpose to § 803.20, 43 FR 33515 (July 31, 1978). The authority to notify filing persons of deficiencies in responses to second requests was not explicitly delegated, but this authority was regarded as inherent in the authority to issue the request and use the information obtained. Section 20(i) of the Federal Trade Commission Act, 15 U.S.C. 60(i), as added by the Federal Trade Commission Improvements Act of 1980, Pub. L. 96-252, 94 Stat. 374, has required a change in the procedures for issuing second requests. Such requests must now be signed by a Commissioner pursuant to a Commission resolution. This change in procedures has caused uncertainty concerning the continued authority of the designated officials of the Bureau of Competition to notify filing persons of deficiencies. To eliminate this uncertainty, the Commission has formally delegated this authority to these officials.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-17515 Filed 6-11-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees.

The following advisory committee meetings are announced:

Miscellaneous Internal Drug Products Panel

Date, time, and place. July 10, 11, and 12, 9 a.m., Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD (July 10), Bldg. A, Lecture Rm. C, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Rd., Bethesda, MD (July 11 and 12).

Type of meeting and executive secretary. Open public hearing, July 10, 9 a.m. to 11 a.m.; open committee discussion, July 10, 11 a.m. to 5 p.m., July 11, 9 a.m. to 5 p.m., July 12, 8 a.m. to 3 p.m.; John R. Short, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6156.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of nonprescription drug products.

Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee (including drug categories which the Panel will not review in detail). Those who desire to make such a presentation should notify the executive secretary before June 27, 1981, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The Panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR 330.10(a)(2)). The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Applications for reimbursement. Must be received by June 26, 1981.

Dental Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. July 13, 9 a.m., Rm 403A-425A, 200 Independence Ave. SW., Washington, D.C.

Type of meeting and panel section leader. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4 p.m.; Gregory Singleton, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7536.

General function of the committee. The committee reviews and evaluates available data on the safety and

effectiveness of medical devices currently in use and makes recommendations for their regulation.

Agend—Open public hearing. Intersted persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before June 22, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the comments submitted in response to the proposed regulations for dental devices, and discuss the agency's revisions of the proposed regulations. The committee will also discuss a proposed guideline for submission of premarket approval applications for endosseous implants.

Applications for reimbursement. Must be received by June 26, 1981.

General Hospital and Personal use Device Section of the General Medical Devices Panel

Date, time, and place. July 13, 9 a.m., Rm 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and panel section leader. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4:30 p.m.; Robert Gatling, Bureau of Medical Devices (HFK–420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7750.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of medical devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before June 29, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the safety and effectiveness data in premarket approval application P810007. The committee will also classify the following devices: chemical disinfection system, infusion fluid thermal warmer, and patient isolation chamber.

Applications for reimbursement. Must be received by June 26, 1981.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: June 5, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–17228 Filed 6–11–81; 8:45 am]

BILLING CODE 4110–03–M

Advisory Committees; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App.I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Vaccines and Related Biological Products Advisory Committee

Date, Time, and place. June 29 and 30, 8:30 a.m., Rm. 115, Bureau of Biologics, Bldg. 29, 8800 Rockville, Pike, Bethesda, MD.

Type of meeting and executive secretary. Open public hearing, June 29, 8:30 a.m. to 9:30 a.m.; open committee discussion, June 29, 9:30 a.m. to 5 p.m.; June 30, 8:30 a.m. to 10:45 a.m.; closed committee deliberations, June 30, 10:45 a.m. to adjournment; Jack Gertzog, Bureau of Biologics (HFB–5), Food and Drug Administration, Bldg. 29, 8800 Rockville, Pike, Bethesda, MD 20205, 301–443–5455.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of vaccines intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss data concerning the safety, effectiveness, and proper labeling for a proposed new hepatitis vaccine to be administered to humans.

Closed committee deliberations. The committee may discuss a license application for hepatitis vaccine and will discuss a pending investigational new drug (IND). This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by June 22, 1981.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal natural, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meeting listed above should be sent to the Office of Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301-443-5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meeting announced in this notice in the docket for this notice.

Dated: June 6, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-17568 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N-0069; DESI 9414]

Ataraxoid Tablets; Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application (NDA 10-636) for Ataraxoid Tablets containing 2.5 mg or 5.0 mg prednisolone and hydroxyzine hydrochloride. The basis of the withdrawal is that the drug products lack substantial evidence of effectiveness for their labeled indications. The products were previously used in the treatment of allergic/inflammatory disorders but are no longer marketed.

EFFECTIVE DATE: June 22, 1981.

ADDRESS: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 9414 and directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jean A. Peeler, Bureau of Drugs (HFD-32), Food and Drug Administration, 5000 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing published in the **Federal Register** of November 28, 1972 (37 FR 25184) (then, Docket No. FDC–D–528, now Docket No. 81N–0069), the Commissioner of Food and Drugs proposed to withdraw approval of the following new drug application based on a lack of substantial evidence that the drug products are effective as a fixed combination and that each component of the combinations makes a contribution to the claimed effects.

NDA 10–636; Ataraxoid Tablets containing 2.5 or 5.0 mg prednisolone and hydroxyzine hydrochloride; Pfizer, Inc., 235 E. 42d St., New York, N.Y. 10017.

In a letter dated October 16, 1980, Pfizer Inc., stated that although it disagrees with FDA it will no longer contest the proposed withdrawal of approval. Approval of the new drug application is now being withdrawn.

Any drug product that is identical, related, or similar to the drug products named above and is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053 as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds that, on the basis of new information before him with respect to the products, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of NDA 10–636, and all amendments and supplements applying thereto, is withdrawn effective June 22, 1981.

Shipment in interstate commerce of the above products or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: March 23, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81–17407 Filed 6–11–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80N–0283]

Bel-Mar Laboratories, et al.; Withdrawal of Approval of Abbreviated New Drug Applications

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice withdraws approval of 49 abbreviated new drug applications on the grounds that the applicants have failed to submit required reports.

DATE: Effective June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Herbert Behrens, Bureau of Drugs (HFD–530), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4080.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 5, 1980 (45 FR 58966), the Director of the Bureau of Drugs proposed to withdraw approval of 52 abbreviated new drug applications and offered an opportunity for a hearing on the proposal. The withdrawal was proposed on the grounds that the applicants have failed to submit the reports required under 21 CFR 310.300.

In response to the notice, Bel-Mar Laboratories, holder of ANDA 80–761, submitted the required annual report and therefore is not included in this final order. Two applications were on the list in error: ANDA 80–276, Elkins-Sinn, Inc., and ANDA 80–489, Robinson Laboratory, Inc. Thus this final order affects the following 49 of the 52 applications originally listed.

None of the applicants filed a notice of appearance and request for hearing. Failure to do so constitutes an election by those persons not to make use of the opportunity for hearing.

ANDA No. and Drug	Applicant
80–282 Testosterone Propionate Solution in Oil, 100 mg/mL	Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033.
80–192 Hydrocortisone Ophthalmic Ointment, 0.5%	Day-Baldwin, Inc., 1460 Chestnut Ave., Hillside, NJ 07205
80–193 Hydrocortisone Ophthalmic Ointment, 1.5%	Do.
80–494 Hydrocortisone Lotion, 0.25, 0.5, & 1%	Merit Pharamaceuticals, 8243 Telephone Rd., Houston, TX 77017.
80–226 Prednisolone Tablet, 5 mg	Fellows-Testagar, 12741 Capital Ave., Oak Park, MI 48237.
80–595 Diphenhydramine HCl Elixir, 12.5 mg/5 mL	ICN Pharmaceuticals Inc., 5040 Lester Rd., Cincinnati, OH 45213.
80–765 Sodium Sulfacetamide Ophthalmic Ointment, 10%	Byk-Gulden, Inc., P.O. Box 730, Hicksville, NY 11802.
80–125 Aminosalicylic Acid Tablet, 0.5 g	Stanlabs Pharmaceutical Co., P.O. Box 3108, Portland, OR 97208.
80–275 Succinylcholine Chloride Injection, 20 mg/mL	Gotham Pharmaceutical Co., 1840 McDonald Ave., Brooklyn, NY 11223.
80–529 Cyanocobalamin Injection, 30, 100, & 1,000 mcg/mL	Do.
80–527 Thiamine HCl Injection, 50, & 100 mg/mL	Do
80–526 Sparteine Sulfate Injection, 150 mg/mL	Do.
80–528 Pyridoxine HCl Injection, 50 mg/mL	Do
80–202 Potassium Chloride Injection, 20 & 40 mEq.	Do
80–664 Folic Acid Injection, 1 mg/mL	Do.
80–169 Isoniazid Tablet, 100 mg	Kasar Laboratories, 7313 N. Harlem Ave., Niles, IL 60648
80–889 Folic Acid Tablet, 1 mg	Do.
80–453 Procaine HCl Injection, 1 & 2%	Medwick Laboratories, Inc., 2137 N. 15th Ave., Melrose Park, IL 60160
80–405 Lidocaine HCl with & without Epinephrine 1:100,000 Injection, 1 & 2%	Do
80–682 Thiamine HCl Injection, 100 mg/mL	Do.
80–739 Pyridoxine HCl Injection, 100 mg/mL	Do
80–650 Cyanocobalamin Injection, 100, & 1,000 mcg/mL	Do
80–771 Vitamin D Capsule, 50,000 I U	Stayner Pharmaceuticals, 1922 Junction Ave., San Jose, CA 95131
80–726 Vitamin A Capsules Solubilized, 15 mg	Do
80–851 Diethylstilbestrol Tablet, 1 mg	Do
80–346 Prednisone Tablet, 5 mg	Do
80–348 Prednisone Tablet, 1 mg	Do
80–347 Prednisolone Tablet, 5 mg	Do
80–345 Prednisone Tablet, 2.5 mg	Do
80–579 Diphenhydramine HCl Capsule, 50 mg.	Do
80–849 Diethylstilbestrol Tablet, 5 mg.	Do
80–578 Chlorpheniramine Maleate Tablet, 4 mg.	Do
80–533 Reserpine Tablet, 0.25 mg.	Do
80–532 Reserpine Tablet, 0.1 mg	Do
80–981 Piperazine Citrate Syrup, 500 mg/5 mL	Sperti Drug Products, 7 Sperti Dr., Ft. Mitchell, KY 41017
80–864 Vitamin A Capsule, 15 mg	Robinson Laboratory, Inc., 355 Brannan St., San Francisco, CA 94107
80–651 Benzyl Benzoate Lotion, 28%.	Do
80–652 Benzyl Benzoate Lotion, 50%	Do
80–866 Vitamin A (fish liver oil) Capsule, 15 mg	Do
80–865 Vitamin A Palmitate Capsule, 15 mg	Do
80–917 Diphenhydramine HCl Elixir, 12.5 mg/5 mL	Do
80–487 Hydrocortisone Lotion, 0.1%	Do
80–495 Hydrocortisone Cream and Ointment, 2.5%.	Do.
80–478 Hydrocortisone Cream and Ointment, 0.25%.	Do
80–479 Hydrocortisone Lotion, 0.25%	Do
80–480 Hydrocortisone Cream and Ointment, 0.1%.	Do.
80–477 Hydrocortisone Cream and Ointment, 0.5%.	Do.
80–486 Hydrocortisone Lotion, 0.5%.	Do.
80–488 Hydrocortisone Ointment, 0.1%.	Do.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 76 Stat. 782 as amended (21 U.S.C. 355(e))), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82), approval of the new drug applications listed above, and supplements thereto, is hereby withdrawn. This order becomes effective on June 22, 1981.

Dated: February 23, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-17413 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 76N-0493; DESI 5969

Bio-Flav Capsules; Withdrawal of Apporval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is withdrawing approval of the new drug application (NDA) 10-013) for Bio-Flav Capsules containing hesperidin complex, lemon bioflavonoid complex, and ascorbic acid. The basis of the withdrawal is that the drug product lacks substantial evidence of effectiveness for its labeled indications.

EFFECTIVE DATE: June 22, 1981.

ADDRESS: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 5960 and directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jean A. Peeler, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing published in the **Federal Register** of July 8, 1974 (39 FR 24935), the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the new drug applications for certain drug products containing bioflavonoids. The proposed order was based on the lack of substantial evidence that the products are effective for their labeled indications.

In response to the notice, Nadin Co. requested a hearing, but has since withdrawn its hearing request. Approval of the following new drug application is now being withdrawn.

NDA 10-013; Bio-Flav Capsules containing hesperidin complex, lemon bioflavonoid complex, and ascorbic acid; Nadin Co., 1815 Flower St., Glendale, CA 91201.

Any drug product that is identical, related, or similar to the drug product named above and is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053 as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds that, on the basis of new information before him with respect to the product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of NDA10-013, and all amendments and supplements applying thereto, is withdrawn effective June 22, 1981.

Shipment in interstate commerce of the above product or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: March 23, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-17405 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 76N-0356; DESI 1543]

Conjugated Estrogens for Parenteral Use; Premarin Intravenous; Drug Efficacy Study Implementation; Rescission of Notice of Opportunity for Hearing and Reevaluation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice rescinds a notice of opportunity for hearing for Premarin Intravenous, reclassifies the drug product as effective under revised labeling, and announces the conditions for marketing the drug product for the appropriate indication. The drug product consists of conjugated estrogens for parenteral use, and is used in the treatment of certain types of abnormal uterine bleeding.

DATE: Supplements to approved new drug applications due on or before August 11, 1981.

ADDRESSES: Communications in response to this notice should be identified with the reference number DESI 1543, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Metabolism and Endocrine Drug Products (HFD-130), Rm. 14B-04, Bureau of Drugs.

Original abbreviated new drug applications and supplements there to (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for the report of the National Academy of Sciences-National Research Council: Freedom of Information Staff (HFI-35), Rm. 12A-16.

Requests for opinion of the applicability of this notice to a specific drug product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT: Margery Erickson, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 25, 1972 (37 FR 14826), the Food and Drug Administration (FDA) announced its evaluation of reports received from the National Academy of Sciences-National Research Council (NAS-NRC) on certain estrogen-containing drugs for oral or parenteral use. Included in the announcement was Premarin Intravenous containing conjugated estrogens (NDA 10-402; Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, NY 10017), which was among the short-acting estrogens found to be effective for the indication "abnormal uterine bleeding." Subsequently, in the **Federal Register** of September 29, 1976 (41 FR 43114), FDA made the following announcement concerning that indication:

The National Academy of Sciences-National Research Council considered the indication, abnormal uterine bleeding due to hormonal imbalance in the absence of organic pathology, to be effective. As stated, however, the indication is deficient in that it does not consider necessary prior diagnostic steps or the use of progestational agents simultaneously or in sequence. Although the July 25, 1972 notice classified this indication as effective, the Director of the Bureau of Drugs has concluded that while estrogens

may have a use in some cases of dysfunctional uterine bleeding, the above indication is inadequate, incomplete, and not appropriate in labeling. Therefore, it is not included in the indications listed in the labeling conditions (41 FR 43115).

The notice further offered drug sponsors and other interested persons an opportunity to request a hearing on FDA's proposal to withdraw approval of this indication.

On October 29, 1976, Ayerst Laboratories (Ayerst) filed a request for a hearing on the proposed deletion of the abnormal uterine bleeding indication for its product, Premarin Intravenous. Included with the request for hearing was a proposal for revised labeling intended to overcome the objections to the indication as previously worded. Ayerst also supplemented its hearing request on November 29, 1976 and April 14, 1978 with documentation and legal arguments.

Based upon a reevaluation of all available data, the Director of the Bureau of Drugs concludes that there is a patient population for whom parenteral administration of this drug, on a short-term basis, is useful, and that drug product is safe and effective for the indication if the labeling conditions are revised as set forth below. Accordingly, the September 29, 1976 notice is rescinded as it pertains to Premarin Intravenous and the abnormal uterine bleeding indication.

Drug products containing conjugated estrogens for intravenous use are regarded as new drugs (21 U.S.C. 321(p)). A supplemental new drug application is required to revise the labeling in and to update any previously approved application providing for such a drug. An approved new drug application is a requirement for marketing such a drug product.

In addition to the product specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to the product named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers a drug product that the person manufacturers or distributes. Such person may request an opinion of the applicability of this notice to specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reevaluated all available evidence and concludes that the drug product is effective for the indication in the labeling conditions below.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in a form suitable for intravenous or intramuscular injection.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows:

For profuse abnormal uterine bleeding due to hormonal imbalance in the absence of organic pathology such as submucous fibroids or uterine cancer and only when associated with a hypoplastic or atrophic endometrium.

c. In the Dosage and Administration section, the statement on usual dose of Premarin Intravenous is revised to read as follows:

One 25-mg injection, intravenously or intramuscularly. Intravenous use is preferred since more rapid response can be expected from this mode of administration. Repeat in 6 to 12 hours if necessary. Start immediately estrogen-progestin cyclic regimen such as conjugated estrogens 2.5 mg to 7.5 mg daily in divided doses (as tablets), for 20 days. During the last 5 to 10 days of therapy, an oral progestational agent should be given. Withdrawal bleeding may be expected in the next 2 to 5 days. It is important that therapy be continued and dosage not be reduced, otherwise breakthrough bleeding will occur. The above oral estrogen-progestin regimen should be repeated, beginning on day 5 of the cycle, during the next three subsequent cycles.

3. *Marketing Status.* Marketing of such a drug product that is now the subject of an approved or effective new drug application may be continued provided that, on or before August 11, 1981, the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(C)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) containing full information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) must be obtained before marketing such products. Under 21 CFR 320.21, the application is to include evidence demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement. Marketing before approval of a new drug application will subject such products, and the persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: March 28, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-17408 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79N-0190; DESI 5378]

Eskatrol Spansule Capules; Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is withdrawing approval of the new drug application (NDA 12–042) for Eskatrol Spansule Capsules containing 15 mg dextroamphetamine sulfate and 7.5 mg prochlorperazine maleate per sustained-release capsule. The basis of the withdrawal is that the product lacks substantial evidence that each component of the combination drug contributes to the total effects claimed. The drug has been used in the treatment of obesity.

EFFECTIVE DATE: June 22, 1981.

ADDRESS: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 5378 and directed to the Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jean A. Peeler, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing published in the **Federal Register** of February 12, 1973 (38 FR 4279) (formerly

Docket No. FDC–D–582, now Docket No. 79N–0190), the Commissioner of Food and Drugs proposed to issue an order withdrawing approval of certain combination anoretic drugs. Among them was Eskatrol Spansules containing 15 mg dextroamphetamine sulfate and 7.5 mg prochlorperazine maleate per sustained-release capsule (NDA 12–042). The proposed order was based on lack of substantial evidence that the drug is effective as a fixed-combination, lack of proof of safety (because of the recognized potential for abuse of its amphetamine component), and failure to submit certain required reports. In response to the notice, Smith Kline & French Laboratories requested a hearing, but has since withdrawn its request.

Smith Kline and French has also withdrawn, insofar as it applies to Eskatrol, its later hearing request that responded to a notice of opportunity for a hearing published on July 17, 1979 (44 FR 41552) proposing to withdraw approval and remove from the labeling of all amphetamine drug products the recommendation for use in the management of exogenous obesity. Therefore, approval of the following new drug application is now being withdrawn.

NDA 12–042; Eskatrol Spansule Capsules containing 15 mg dextroamphetamine sulfate and 7.5 mg prochlorperazine maleate per sustained-release capsule; Smith Kline & French Laboratories, Division of Smith Kline Corp., 1500 Spring Garden St., Philadelphia, PA 19101.

Any drug product that is identical, related, or similar to the drug product named above and is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053 as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds that, on the basis of new information before him with respect to the product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the combination drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of NDA 12–042, and all amendments and supplements applying thereto, is withdrawn effective June 22, 1981.

Shipment in interstate commerce of the above product or of any identical, related, or similar product that is not the subject of an approval new drug application will then be unlawful.

Dated: April 1, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81–17404 Filed 6–11–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 79N–0081]

Frozen Fish Sticks, Frozen Fish Cakes, and Frozen Crab Cakes; Recommended Microbiological Quality Standards

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is updating the reference for the methodologies cited in the recommended microbiological quality standards for frozen fish sticks, frozen fish cakes, and frozen crab cakes and is issuing a correction to microbiological limits specified in the recommended microbiological quality standard for frozen crab cakes.

ADDRESS: Written comments on the revised recommended microbiological quality standards should be submitted to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: R. B. Read, Jr., Bureau of Foods (HFF–120), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–245–1217.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 3, 1980 (45 FR 37524), FDA issued recommended microbiological quality standards for frozen fish sticks, frozen fish cakes, and frozen crab cakes. The methodologies referenced in each of the recommended quality standards were contained in the "Official Methods of Analysis of the Association of Official Analytical Chemists," (AOAC) 12th Ed. (1975), sections 46.037, 46.038, and 46.039. The 13th edition of the AOAC has been issued and contains these methodologies under different sections.

FDA has revised each of the recommended quality standards to reflect the current AOAC reference. Section B of each of the recommended microbiological quality standards now refers to the "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), sections 46.014, 46.015, and 46.016.

In addition, the microbiological limits specified in sections (b) (1) and (2) of the recommended microbiological quality standard for frozen crab cakes are incorrect. The complete text of the corrected and revised recommended microbiological quality standard for frozen crab cakes is as follows:

Recommended Microbiological Quality Standard

Frozen Crab Cakes

(a) For the purposes of this recommended microbiological quality standard the following definitions apply:

(1) A "frozen crab cake" is any frozen article designated by its label statement of identity as a crab cake and which is made from shredded crabmeat and non-crabmeat flesh filler and binder ingredients.

(2) A "sample of frozen crab cakes" is a collection of five subsamples (retail size packages), taken to be representative of the lot, provided that one subsample is taken from each of five different randomly chosen shipping cases when the lot consists of five or more shipping cases.

(b) When examined by the methods described in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), sections 46.014, 46.015, and 46.016, a sample of frozen crab cakes should meet the following recommended microbiological limits:

(1) Aerobic plate count should not exceed either:

(i) 120,000 per gram in three or more of the five subsamples examined or

(ii) 1,200,000 per gram in any of the five subsamples examined.

(2) Coliform count by Most Probable Number (MPN) should not exceed either:

(i) 430 per gram in three or more of the five subsamples examined or

(ii) 4,300 per gram in any of the five subsamples examined.

(c) The provisions of this guide are not applicable to a lot of frozen crab cakes which has a date of manufacture less than 30 days prior to the date of the sample examination.

These recommended standards are recommendations and not regulations. FDA encourages their voluntary adoption by industry and by State authorities who may wish to incorporate them into State food regulations. See 21 CFR 10.90(c).

Copies of the corrected recommended microbiological quality standards for frozen fish sticks, frozen fish cakes, and frozen crab cakes are available for public examination between 9 a.m. and 4 p.m., Monday through Friday, in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm.

4–62, 5600 Fishers Lane, Rockville, MD 20857. Requests for single copies of the recommendations may be made in writing to the Food and Drug Administration, Bureau of Foods (HFF–120), Division of Microbiology, 200 C St. SW., Washington, D.C. 20204.

Interested persons may submit written comments on the recommendations to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857 (preferably four copies and identified with the docket number found in brackets in the heading of this document). Received comments will be incorporated into the public file on the recommendation and may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–17414 Filed 6–11–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80N–0195; DESI 9048]

Methoxsalen Capsules; Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice states the indication for which methoxsalen capsules are regarded as effective and states the conditions for approval and marketing of the drug. The drug is used in the treatment of vitiligo.

DATE: Supplements to approved new drug applications due by August 11, 1981.

ADDRESS: Communications in response to this notice should be identified with Docket No. 80N–0195, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Anti-Infective Drug Products (HFD–140), Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFI–35), Rm. 12A–12.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT: Douglas I. Ellsworth, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 3, 1970 (35 FR 16950), the Food and Drug Administration (FDA) announced its evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group (NAS–NRC) on Oxsoralen Capsules containing 10 milligrams of methoxsalen (that part of NDA 9–048 pertaining to Oxsoralen Capsules; held by Paul B. Elder Co., 705 E. Mulberry St., P.O. Box 31, Bryan, OH 43506).

FDA classified Oxsoralen Capsules as possibly effective for use to protect against sunburn, enhance pigmentation, increase tolerance of the skin to sunlight, and facilitate repigmentation of vitiligo. Affected persons were given 6 months to provide substantial evidence of effectiveness for the indications classified as possibly effective.

No person submitted data in support of Oxsoralen Capsules. Accordingly, in a notice published in the **Federal Register** of April 12, 1973 (38 FR 9256; formerly Docket No. FDC–D–611, now Docket No. 80N–0195), FDA reclassified Oxsoralen Capsules to lacking substantial evidence of effectiveness for the aforementioned indications, proposed to withdraw approval of those parts of NDA 9–048 that provide for Oxsoralen Capsules, and offered an opportunity for a hearing on the proposal.

Paul B. Elder Co. requested a hearing and submitted supporting data.

Upon review of all available evidence, the Director of the Bureau of Drugs concludes that methoxsalen capsules are effective for vitiligo. The other indications classified as lacking substantial evidence of effectivenesss are under review and will be the subject of a future **Federal Register** notice.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the product specifically named above, this notice applies to any product that is not the subject of an approved new drug application and is identical to the product named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indication in the labeling conditions below.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug application under conditions described herein.

1. *Form of drug.* The drug product is in capsule form suitable for oral adminstration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows:

> Methoxsalen in conjunction with ultraviolet light is useful in the treatment of vitiligo.

3. *Marketing Status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before August 11, 1981, the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained before marketing such products. Under 21 CFR 320.21, the application must include either evidence

demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement, unless such evidence is already waived under 21 CFR 320.22(c). Marketing before approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: March 16, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-17409 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80N-0431; DESI 11738]

Oxymorphone Hydrochloride 2-Milligram Rectal Suppositories; Opportunity for Hearing on Proposal To Withdraw Approval of Pertinent Parts of New Drug Application

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice reclassifies oxymorphone hydrochloride 2-milligram suppositories to lacking substantial evidence of effectiveness, proposes to withdraw approval of pertinent parts of the new drug application, and offers an opportunity for a hearing on the proposal.

DATE: Hearing requests due on or before July 13, 1981.

ADDRESS: Communications in response to this notice should be identified with the reference number DESI 11738 and the Docket number appearing in the heading of this notice, and addressed to the Dockets Management Branch, Food and Drug Administration (HFA–305), Rm. 4–65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Herbert Gerstenzang, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 11738) published in the **Federal Register** of August 26, 1970 (35 FR 13607), FDA announced that oxymorphone hydrochloride suppositories are possibly effective for the relief of moderate to severe pain.

Subsequently, in a notice published in the **Federal Register** of December 14, 1972 (37 FR 26623), oxymorphone hydrochloride suppositories were temporarily exempted (as Category V) from the time limits established for completing certain phases of the Drug Efficacy Study Implementation (DESI) program. The exemption was granted because this was the only narcotic analgesic in suppository dosage form and this route of administration could be a useful substitute for injections or oral medication. Oxymorphone hydrochloride suppositories were permitted to remain on the market pending completion of scientific studies.

That part of NDA 11–738 pertaining to Numorphan Hydrochloride Rectal Suppositories containing 2 milligrams oxymorphone hydrocholoride; formerly marketed by Endo Laboratories, 1000 Stewart Ave., Garden City, NY 11530.

Endo submitted a study by Dr. William Beaver and a study by Dr. Raymond Silk to demonstrate the effectiveness of the drug product. Another study by R. J. Trudrowski was discontinued and only a preliminary report was submitted.

The study by Dr. Beaver was a double-blind, twin-crossover comparison of the relative analgesic effect of oxymorphone by rectal suppository and intramuscular injection in 194 postoperative patients. of the 136 patients who completed the study, only 8 had been given oxymorphone 2-milligram suppositories. Any results derived from such a small number of patients are inadequate to serve as the basis for any conclusion of the effectiveness of this product and, indeed, Dr. Beaver makes no such claims for the study.

The study by Dr. Silk was a randomized, double-blind, complete crossover analgesic study in 100 postoperative patients comparing oxymorphone 2-milligram and 5-milligram suppositories with hydromorphone 3-milligram and placebo suppositories. This study was able to demonstrate that oxymorphone 5-milligram suppositories produced greater analgesia than the hydromorphone 3-milligram suppositories, while the oxymorphone 2-milligram suppositories and the hydromorphone 3-milligram suppositories produced essentially the same degree of analgesia. All three test drugs showed significant analgesic results compared to the placebo suppositories. Therefore this one study provides evidence of effectiveness for both oxymorphone 5-milligram and 2-milligram suppositories.

As only the Silk study supports the effectiveness of oxymorphone 2-milligram suppositories for the relief of moderate to severe pain, and the results of this study are not confirmed by evidence from any other well-designed study, the oxymorphone 2-milligram suppository is reclassified to lacking substantial evidence of effectiveness. Endo no longer markets the 2-milligram product.

A notice reclassifying the 5-milligram oxymorphone hydrochloride suppositories to effective, based upon the evaluation of the relevant data in the studies mentioned above, and a notice revoking the temporary exemption granted by the December 14, 1972 notice for oxymorphone suppositories, appear elsewhere in this issue of the **Federal Register**.

On the basis of all the data and information available to him, the Director of the Bureau of Drugs is aware of only one adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) demonstrating the effectiveness of oxymorphone hydrochloride 2-milligram suppositories for use in the relief of moderate to severe pain. Without the submission of a second adequate and well-controlled study designed to determine whether the results of the first are replicable, the agency has no adequate basis for a conclusion that the product is effective.

Therefore, notice is given to the holder of the new drug application and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of those parts of the new drug application providing for the drug product listed above and all amendments and supplements thereto on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved shows there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to Endo Laboratories, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product that is identical, related, or similar to the drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for

hearing to determine whether it covers any drug products that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

In addition to the gound for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug product subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, contained in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons subject to this notice under 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug product named above and of all identical, related or similar drug products.

An applicant or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing, shall file (1) on or before July 13, 1981 a written notice of appearance and request for hearing, and (2) on or before August 11, 1981, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice under 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice must be filed in four copies. Such submissions except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: February 12, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-17412 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80N-0431; DESI 11738]

Oxymorphone Hydrochloride 5-Milligram Rectal Suppositories, Drugs for Human Use; Drug Efficacy Study Implementation; Reevaluation

AGENCY: Food and Drug Adminstration (FDA).

ACTION: Notice.

SUMMARY: This notice states the conditions for marketing oxymorphone hydrochloride 5-milligram suppositories for use in the relief of moderate to severe pain, for which it is now regarded as effective.

DATE: Supplements to new drug applications due on or before August 11, 1981; bioavailability data for new drug applications due on or before December 9, 1981.

ADDRESSES: Communications in response to this notice should be identified with the reference number DESI 11738, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Neuropharmacological Drug Products (HFD-120), Rm. 10B-34, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFI-35), Rm. 12A-12.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTRY INFORMATION: In a notice (DESI 11738) published in the **Federal Register** of August 26, 1970 (35 FR 13607), FDA announced that oxymorphone hydrochloride suppositories are possibly effective for the relief of moderate to severe pain.

Subsequently, in a notice published in the **Federal Register** of December 14, 1972 (37 FR 26623), oxymorphone hydrochloride suppositories were temporarily exempted (as Category V) from the time limits established for completing certain phases of the Drug Efficacy Study Implementation (DESI) program. The exemption was granted because this was the only narcotic analgesic in suppository dosage form and could be a useful substitute for injections or oral medication. Therefore, oxymorphone hydrochloride suppositories were permitted to remain on the market pending completion of scientific studies. The studies have now been completed and evaluated for the following drug products:

NDA 11-738; Numorphan Hydrochloride Rectal Suppositories containing 2 milligrams or 5 milligrams oxymorphone hydrochloride; Endo

Laboratories, 1000 Stewart Ave., Garden City, NY 11530.

The two clinical studies submitted by Endo Laboratories supported the effectivenss of oxymorphone hydrochloride 5-milligram suppostories, but only one supported the effectivenss of the 2 milligram suppositories. Accordingly, the 5-milligram suppositories are being reclassified to effective for the indication described below and the 2-milligram suppositories are regarded as lacking substantial evidence of effectivenss. Endo no longer markets the 2-milligram suppositories. A notice offering an opportinity for hearing on the 2-milligram suppostiories, and a notice revoking the temporary exemption granted by the December 14, 1972 notice for oxymorphone suppositories, appear elsewhere in this issue of the **Federal Register**.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drugs products.

In addition to the 5-milligram product specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to that product. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug product is effective for the indication in the labeling conditions below.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug product is in suppository form suitable for rectal administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows:

For the relief of moderate to severe pain.

3. *Marketing status.* a. Marketing of such a drug product that is now the subject of an approved or effective new drug application may be continued provided that, on or before August 11, 1981, the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide full updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)). In addition, on or before December 9, 1981, the holder of the application has submitted either evidence demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement.

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) containing full information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H must be obtained before marketing such a product. The bioavailability regulations (21 CFR 320.21) require any person submitting an abbreviated new drug application after July 7, 1977, to include evidence demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement. Marketing before approval of an abbreviated new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053 as amended (21 U.S.C. 355)), and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: February 12, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-17410 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80N-0431]

Oxymorphone Hydrochloride Rectal Suppositories; Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice revokes the temporary exemption for continued marketing of oxymorphone hydrochloride suppositories. The exemption is no longer needed because the question of the drug's effectiveness has been resolved. The 5-milligram product has been classified as effective and the 2-milligram product has been classified as lacking substantial evidence of effectiveness. Under the exemption, the drug was allowed to remain on the market for continued study beyond the time limit scheduled for implementation of the Drug Efficacy Study.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In notices appearing elsewhere in this issue of the **Federal Register**, the Director of the Bureau of Drugs is reclassifying 5-milligram oxymorphone hydrochloride suppositories to effective for use in the relief of moderate to severe pain, reclassifying 2-milligram oxymorphone suppositories to lacking substantial evidence of effectiveness, and proposing to withdraw approval of that part of the new drug application pertaining to the 2-milligram suppositories.

These products have been allowed to remain on the market beyond the time limit established for implementing the Drug Efficacy Study (DES) on the condition that the manufacturer undertake additional clinical studies to determine the products' effectiveness. The temporary exemption to permit continued marketing as exempt category V was announced in a notice published in the **Federal Register** of December 14, 1972 (37 FR 26623).

The agency has reviewed data that the manufacturer submitted and the question of the products' effectiveness has now been resolved. Therefore, the temporary exemption granted by the December 14, 1972 notice, as it pertains to the following products in the Drug Efficacy Study, is hereby revoked.

NDA 11-738; Numorphan Hydrochloride Rectal Suppositories containing 2 milligrams

or 5 milligrams oxymorphone hydrochloride: Endo Laboratories, 1000 Stewart Ave., Garden City, NY 11530.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053 as amended (21 U.S.C. 352, 355)) and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: February 12, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-17411 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 78N-0279]

Oytocin Citrate Buccal Tablets; Rescission of Proposal To Withdraw Approval of New Drug Application; Requirement for Labeling Directed To the Physician

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: this notice announces that oxytocin citrate buccal tablets have been evaluated as safe and effective for use in the induction of labor and treatment of hypotonic uterine contractions. Previously FDA had proposed to withdraw approval of the drug on the ground that it was not shown to be safe. New studies submitted by the sponsor have established the safety of the drug. Nevertheless, FDA is requiring that holders of approved new drug applications submit supplements to provide for revised physician labeling which says that oxytocin citrate buccal tablets are indicated for the medical rather than the elective induction of labor.

DATE: Supplements to approved new drug applications due August 11, 1981.

ADDRESSES: Supplements to new drug applications (identify with NDA number): Division of Metabolism and Endocrine Drug Products (HFD–130), Rm. 14B–04, Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Reguests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David T. Read, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 15, 1978 (43 FR 58634), the Director of the Bureau of Drugs announced an opportunity for hearing on a proposal to withdraw approval of the new drug applications for Tocosamine Sterile Solution, Spartocin Injection (NDA's 12–374 and 13–211, both containing sparteine sulfate), and Pitocin Citrate Buccal Tablets (NDA 13–508, containing oxytocin Citrate). Pitocin citrate Buccal Tablets were not in the DESI review, having been approved for marketing after the Drug Amendments of 1962. Only the manufacturer of Pitocin Citrate Buccal Tablets (Parke-Davis, Division of Warner-Lambert Co., Morris Plains, NJ 07950) filed a written notice of appearance and request for a hearing. Consequently, FDA published a notice on August 7, 1979, withdrawing approval of the NDA's of the two sparteine sulfate drugs (44 FR 46316). The notice of August 7, 1979, did not apply to NDA 13–508.

FDA has evaluated the data submitted by Parke-Davis on February 13, 1979, as establishing the safety of buccal oxytocin. The data submitted showed no significant difference between buccal oxytocin and intravenous oxytocin (approved as safe administration of oxytocin) in rate of decay of uterine activity after withdrawal of oxytocin, or in side effects to mother or fetus. Accordingly, those portions of the December 15, 1978 notice of opportunity for hearing applying to oxytocin buccal tablets or NDA 13–508 are rescinded.

The FDA Fertility and Maternal Health Drugs Advisory Committee has concluded that because the buccal and intravenous routes of administration are of comparable safety, the restrictions for the use of buccal pitocin should be the same as those for intravenous administration.

The physician labeling for Oxytocin Injection is required to include the following boxed warning.

EXPERT NOTICE

(Name of Drug) is indicated for the medical rather than the elective induction of labor. Available data and information are inadequate to define the benefit-to-risk considerations in the use of the drug product for elective induction. Elective induction of labor is defined as the initiation of labor for convenience in a patient with a term pregnancy who is free of medical indications.

This boxed warning is now also required for buccal tablet preparations of oxytocin. Holders of approved new drug applications for oxytocin citrate buccal tablets shall submit supplements on or before (*insert date 60 days after date of publication in the* **Federal Register**) to provided for the placement of the above boxed warning at the beginning of physician labeling and any other changes necessary to make the text of the physician labeling consistent with the above boxed warning. Marketing of such drug products that are now the subject of an approved new drug application may be continued provided that a supplement for revised labeling in accord with this notice is submitted on or before (*insert date 60 days after date of publication in the* **Federal Register**).

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: February 27, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-17403 Filed 6-11-81; 10:27 am]

BILLING CODE 4110-03-M

[Docket No. 75N-0187; DESI 10837]

Pro-Banthine With Dartal Tablets; Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application (NDA 11–368) for Pro-Banthine with Dartal Tablets containing probantheline bromide and thiopropazate hydrochloride. The basis of the withdrawal is that the drug product lacks substantial evidence of effectiveness. The product has been used as an adjunct in the treatment of peptic ulcer.

EFFECTIVE DATE: June 22, 1981.

ADDRESS: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 10837 and directed to the Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: J. Peeler, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–433–3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing

published in the Federal Register of February 28, 1978 (43 FR 8185), the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the new drug application for Pro-Banthine with Dartal Tablets containing probantheline bromide and thiopropazate hydrochloride. In response to the notice, G. D. Searle & Co. requested a hearing, but later withdrew the request. Approval of the following new drug application is now being withdrawn.

NDA 11-368; Pro-Banthine with Dartal, containing probantheline bromide and thiopropazate hydrochloride; Searle Laboratories, Division of G. D. Searle & Co., Box 5100, Chicago, IL 60680.

Any drug product that is identical, related, or similar to the drug product named above and that is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance at the address given above.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82) finds that, on the basis of new information before him with respect to the product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Therefore, pursuant to the foregoing finding, approval of NDA 11-368 and all amendments and supplements applying thereto is withdrawn effective June 22, 1981.

Shipment in interstate commerce of the above products or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: March 23, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-17406 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

Request for Nominations for Voting Members on Public Advisory Committees or Panels

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) requests nominations for voting members to serve on certain public advisory committees or panels of the Bureau of Medical Devices. Nominations will be accepted for current vacancies and those that will or may occur during the next 12 months. FDA has a special interest in ensuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 4 months before the date of scheduled vacancies for each year, as indicated in this notice.

ADDRESS: All nominations and curricula vitae for the voting members of the respective advisory committee or panel must be sent to: Kay A. Levin, Bureau of Medical Devices (HFK-50), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7076.

FOR FURTHER INFORMATION CONTACT:

For Device Good Manufacturing Practice Advisory Committee: Lincoln I. Gluscevich, Bureau of Medical Devices (HKF-132), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7194.

For Medical Devices Panels and Sections: Mary Jo Lyons, Bureau of Medical Devices (HFK-401), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-472-7445.

SUPPLEMENTARY INFORMATION: FDA requests nominations for voting members as follows:

1. Device Good Manufacturing Practice Advisory Committee:
   a. Health Professional 1 vacancy 5/13/81
2. Circulatory System Devices Panel: 2 vacancies immediately; 1 vacancy 6/30/81
3. Surgical and Rehabilitation Devices Panel:
   a. General and Plastic Surgery Device Section: 4 vacancies 8/31/81
   b. Orthopedic Device Section: 1 vacancy immediately
   c. Physical Medicine Device Section: 2 vacancies immediately; 1 vacancy 8/31/81
4. Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel:
   a. Ophthalmic Device Section: 2 vacancies 10/31/81
   b. Ear, Nose, and Throat Device Section: 4 vacancies 10/31/81
   c. Dental Device Section: 2 vacancies immediately; 1 vacancy 10/31/81
5. Respiratory and Nervous Systems Devices Panel:
   a. Anesthesiology Device Section: 2 vacancies immediately; 3 vacancies 11/30/81
   b. Neurological Device Section: 1 vacancy immediately; 2 vacancies 11/30/81
6. General Medical Devices Panel:
   a. General Hospital and Personal Use Device Section; 2 vacancies immediately; 3 vacancies 12/31/81
   b. Gastroenterology and Urology Device Section: 1 vacancy immediately; 3 vacancies 12/31/81
7. Obstetrics-Gynecology and Radiologic Devices Panel:
   a. Radiology Device Section: 2 vacancies immediately; 2 vacancies 1/31/82
8. Clinical Chemistry and Hematology Devices Panel:
   a. Clinical Chemistry Device Section: 2 vacancies immediately
   b. Clinical Toxicology Device Section: 3 vacancies immediately; 1 vacancy 2/28/82
   c. Hematology and Pathology Device Section: 2 vacancies immediately; 1 vacancy 2/28/82
9. Immunology and Microbiology Devices Panel:
   a. Immunology Device Section: 2 vacancies immediately
   b. Microbiology Device Section: 3 vacancies immediately; 2 vacancies 2/28/82

Device Good Manufacturing Practice Advisory Committee

In accordance with the Medical Device Amendments of 1976 (Pub. L. 94-295), the function of the Device Good Manufacturing Practice Advisory Committee is to review regulations proposed for promulgation regarding good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and make recommendations to the Commissioner of Food and Drugs regarding the feasibility and reasonableness of those proposed regulations. The committee also advises the Commissioner with regard to exemptions or variances from good manufacturing practice regulations.

Medical Devices Panels

The functions of the medical devices panels and sections are to (1) review and evaluate available data concerning the safety and effectiveness of medical devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise

on any possible risks to health associated with the use of devices. (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Qualifications

Persons nominated for the health professional vacancy on the Device Good Manufacturing Practice Advisory Committee should have expertise in any one or more of the following areas: quality assurance concerning manufacturing of medical devices and/or sterilization of medical devices during the manufacturing process. Persons nominated for membership on this committee as well as the medical devices panels or sections shall have adequately diversified experience appropriate to the work of the committee, panel, or section in such fields as clinical and administrative medicine, engineering, biological and physical sciences, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the committee, panel, or section. The term of office is approximately 3 years.

Nomination Procedure

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees, panels, or sections. Self nominations are also accepted. Nominations shall include a complete curriculum vitae of each nominee and shall state that the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. To permit evaluation of possible sources of conflict of interest, FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: June 5, 1981.

William F. Randolph,

Acting Associate Commissioner for Regualtory Affairs.

[FR Doc. 81-17415 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

Request for Nominations for Representatives of Consumer and Industry Interests on Public Advisory Committees or Panels

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) invites nominations for consumer and industry representatives to serve on certain public advisory committees or panels of the Bureau of Medical Devices. Nominations will be accepted for current vacancies and for those that will or may occur during the next 12 months. FDA has a special interest in ensuring that women, minority groups, the physically handicapped, and small businesses are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates, and nominations from small businesses that manufacture medical devices subject to the regulations.

DATE: Nominations should be received by July 13, 1981, for vacancies listed in this notice.

ADDRESS: All nominations and curricula vitae for consumer representatives must be submitted in writing to the Associate Commissioner for Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. All nominations and curricula vitae for industry representatives must be submitted in writing to Kay A. Levin, Bureau of Medical Devices (HFK–50), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: For Consumer Interests: Naomi Kulakow, Office of Consumer Affairs (HFE–40), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006. For Industry Interests: Mary Jo Lyons, Bureau of Medical Devices (HFK–401), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: FDA requests nominations for members representing consumer and industry interests for the following committee, panels or sections:

Committee, panel/section	Approximate date representative needed	
	Consumer	Industry
1. Device Good Manufacturing Practice Advisory Committee.	NA	5/31/81
2. Surgical and Rehabilitation Devices Panel:		
a. Orthopedic Device Section Immediately.		8/31/81
b. Physical Medicine Device Section.	8/31/81	NA.
c. General and Plastic Surgery Device Section.	8/31/81	8/31/81
3. Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel:		
a. Ophthalmic Device Section Immediately.		10/31/81
b. Ear, Nose and Throat Device Section.	NA	10/31/81
4. Respiratory and Nervous Systems Devices Panel:		
a. Anesthesiology Device Section.	11/30/81	11/30/81
5. General Medical Devices Panel:		
a. Gastroenterology and Urology Device Section.	12/31/81	NA
b. General Hospital and Personal Use Device Section.	NA	12/31/81
6. Obstetrics-Gynecology and Radiologic Devices Panel:		
a. Radiology Device Section.	NA	1/31/82
7. Clinical Chemistry and Hematology Devices Panel:		
a. Hematology and Pathology Section.	2/28/82	2/28/82

Device Good Manufacturing Practice Advisory Committee

In accordance with the Medical Device Amendments of 1976 (Pub. L. 94–295, 90 Stat. 539–583), the function of the Device Good Manufacturing Practice Advisory Committee is to review regulations proposed for promulgation regarding good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and make recommendations to the Commissioner of Food and Drugs regarding the feasibility and reasonableness of those proposed regulations. The committee also advises the Commissioner with regard to exemptions or variances from good manufacturing practice regulations.

Medical Devices Panel

The functions of the medical devices panels and sections listed above are to (1) review and evaluate available data concerning the safety and effectiveness of devices currently in use (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories (3) recommend the assignment of a priority for the application of regulatory requirements

for devices classified in the standards or premarket approval category (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category (6) review classification of devices to recommend changes in classification as appropriate (7) recommend exemption to certain devices from the application of portions of the act (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Consumer and Industry Representation

Section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) provides that each medical device panel include as members one representative of consumer interests and one representative of interests of the device manufacturing industry. Each of the sections identified in this notice will also have a representative of consumer interests and representatives of industry interests. These representatives will be nonvoting members. Section 520 of the act (21 U.S.C. 360j) provides that the Device Good Manufacturing Practice Advisory Committee will have two members to represent the device manufacturing industry and two members to represent the general public. These four representatives will be voting rather than nonvoting members of the committee.

Nomination Procedure

Any interested person may nominate one or more qualified persons as a member of a particular advisory committee, panel, or section to represent consumer interests as identified in this notice. Any organization in the medical device manufacturing industry ("industry interests") wishing to participate in the selection of an appropriate member of a particular committee, panel, or section may nominate one or more qualified persons to represent industry interests. Persons who nominate themselves as industrial representatives are not included in the selection process. It is, therefore, recommended that all nominations be made by an organization or firm. Nominations shall include a complete curriculum vitae of each nominee and shall state that the nominee is aware of the nomination, is willing to serve as a member, and, in the case of consumer representative, appears to have no conflict of interest. The nomination should state whether the nominee is interested only in a particular advisory committee, panel, or section or in any advisory committee, panel, or section. The term of office is approximately 3 years.

Selection Procedure

The agency has instituted, on a trial basis, a new selection process for members representing consumer interests. This process temporarily replaces the procedures set out in 21 CFR 14.84(c). The voting groups that have previously elected consumer representatives have selected a consortium of consumer organizations. This consortium recommends two candidates to the agency, and agency staff makes the final selection.

Regarding nominations for members representing the interests of the device manufacturing industry, a letter will be sent to each organization that has made a nomination, and to those organizations indicating an interest in participating in the selection process, together with a complete list of all such organizations and the nominees. This letter will state that it is the responsibility of each organization to consult with the others in selecting a single member representing industry interests for that particular committee within 60 days after receipt of the letter.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: June 5, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17416 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket Nos. 75N-0139, 75N-0139F]

Wilzyme Tablets and Chymolase Tablets; Withdrawal of Approval of Parts of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of those parts of Inolex Corporation's new drug application (NDA) that pertain to Wilzyme Tablets and Chymolas Tablets (NDA 12–724) because the holder of NDA failed to file a written notice stating its intent to participate in a formal evidentiary public hearing. The drug products have been used to control edema and inflammation associated with various disorders.

ADDRESS: Requests for an opinion on the applicability of this notice to a specific drug product should be directed to the Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Margery Erickson, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 9955) published in the **Federal Register** of June 25, 1970 (35 FR 10393), following the evaluation of reports received from the National Academy of Sciences/National Research Council Drug Efficacy Study Group, FDA announced its conclusion that the oral proteolytic enzyme drug, Wilzyme, was "possibly effective" and "lacked substantial evidence of effectiveness," and that additional evidence was required to establish its effectiveness. In response to this notice, the manufacturer submitted data intended to establish effectiveness. After reviewing the data, the Director of the Bureau of Drugs, in a notice of opportunity for hearing published in the **Federal Register** of July 24, 1975 (40 FR 30995), concluded that Wilzyme and Chymolase (a preparation also provided for in NDA 12–724) lacked substantial evidence of effectiveness for all indications and proposed to withdraw approval of the new drug application.

In response to the notice of opportunity for hearing, the holder of the new drug application, Inolex Corporation (formerly Wilson Pharmaceutical and Chemical Corp.) 2600 Bond St., Park Forest South, Chicago, IL 60466, and the distributor for Chymolase, Warren-Teed Pharmaceuticals, Inc., subsidiary of Rohm & Haas Co., 582 W. Goodale St., Columbus, OH 43215, requested a hearing for Wilzyme and Chymolase.

In a **Federal Register** notice of December 21, 1979 (44 FR 75718), FDA ordered a formal evidentiary hearing for the drugs because there were questions of fact requiring resolution. However, not one filed a notice of participation on behalf of Wilzyme or Chymolase. Accordingly, in the **Federal Register** of February 20, 1981 (46 FR 13374), FDA issued a notice withdrawing approval of that part of NDA 12–724 pertaining to Chymolase Tablets for failure of the holder of the NDA to file a written notice of intent to participate in the hearing. Inadvertently, the notice did not include that part of NDA 12–724

pertaining to Wilzyme Tablets and incorrectly referred to Warren-Teed as the holder of NDA 12-724. Therefore, the notice of February 20, 1981, is amended to announce the withdrawal of approval of those parts of Inolex Corporation's NDA 12-724 pertaining to both Wilzyme and Chymolase.

FDA has determined that approval of Inolex Corporation's NDA should be withdrawn as it relates to Wilzyme and Chymolase because (1) there is a lack of substantial evidence that Wilzyme Tablets and Chymolase Tablets have the effects they are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling; (2) there is a lack of substantial evidence that each component of Wilzyme Tablets and Chymolase Tablets, both combination products, contributes to the total effects claimed; and (3) Inolex Corp. and Warren-Teed Pharmaceuticals, Inc., failed to file a written notice of intent to participate in the hearing which was the subject of the December 21, 1979 notice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053 as amended (21 U.S.C. 355)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), approval of those parts of NDA 12-724 pertaining to Wilzyme Enteric-Coated Tablets and Chymolase Enteric-Coated Tablets is withdrawn, effective June 22, 1981. Approval of all parts of NDA 12-724 has now been withdrawn.

Dated: June 3, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17402 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-03-M

National Institutes of Health

Cellular and Molecular Basis of Disease Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences, on June 29-30, 1981, at the Chevy Chase Holiday Inn, Lobby Conference Room, Chevy Chase, Maryland.

This meeting will be open to the public on June 29, 1981, from 8:30 a.m. until 10:00 a.m. for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 29, 1981, from 10:00 a.m. until 6:00 p.m. and on June 30, 1981, from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A10, Westwood Building, Bethesda, Maryland 20205 (Telephone: 301/496-7301) will provide a summary of the meeting and a roster of committee members.

Dr. Carl D. Rhodes, Executive Secretary, Cellular nad Molecular Basis of Disease Review Committee, NIGMS, National Institutes of Health, Room 950, Westwood Building, Bethesda, Maryland 20205 (Telephone: 301/496-7125) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, Cellular and Molecular Basis of Disease Research)

Note.—NIH programs not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: June 2, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-17443 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-08-M

Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, June 22, 1981, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 8, Bethesda, Maryland 20205.

This meeting will be open to the public on June 22, from 8:00 a.m. to approximately 8:30 a.m. to discuss administrative detals and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public is limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 22 from 8:30 a.m until adjournment on June 22 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Charles L. Turbyfill, Executive Secretary, National Heart, Lung, and Blood Institute, Westwood Building, Room 553, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7351, will furnish substantive program information.

Dated: June 2, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

[FR Doc. 81-17444 Filed 6-11-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-81-1070]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of new system of records.

SUMMARY: The Department is giving notice of a new system of records it intends to maintain which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: The system shall become effective without further notice on July 13, 1981 unless comments are

received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202–755–5333. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The system is Home Repair Service for the Elderly: Baltimore Sample Data File which will contain information about sample individuals contacted or attempted to be contacted in the first wave of this study in the summer of 1979. The purpose for establishing the system of records is to undertake a second wave of interviewing and home repair observations using a longitudinal panel research design that allows the analysis of change over time. The purpose of this second wave of data collection is to evaluate the long-term effects of participation in a subsidized home maintenance program on the state of repair of the housing stock and the well-being of the residents. The specific objectives include: (1) evaluating the effects of the Home Maintenance Program on the state of repair of elderly homeowners' housing units; (2) evaluating the effects of the program on the personal well-being of elderly homeowners; (3) evaluating the effects of the program on repair and maintenance decisions; (4) examining participants' evaluations of specific features of the Home Maintenance Program. All of the information analyzed and reported will be representative of the groups of participants and non-participants and not of any specific individuals. Appendix A, which lists the addresses of HUD's Offices, was published at 45 FR 67626 (October 10, 1980). A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on April 28, 1981.

HUD/PD&R–10

System name:

Home Repair Service for the Elderly: Baltimore Sample Data File.

System location:

Institute for Social Research, The University of Michigan, Ann Arbor, Michigan 48106.

Categories of individuals covered by the system:

Elderly homeowners who are participating in the Baltimore Home Maintenance Project and a control sample of elderly homeowners in Baltimore who are not participating in the Baltimore Home Maintenance Project.

Categories of records in the system:

The files will contain the following information on some, or all, of the sample points: street address, Zip Code, telephone number, name of eligible sample member, identification link to the interview, and observation information such as family structure, health status, dwelling unit condition, and repair needs.

Authority for maintenance of the system:

Title V of the Housing and Urban Development Act of 1970, as amended, Sections 501 and 502.

Routine uses of records maintained in the system including categories of users and the purposes of such uses:

To HUD contractor—for program evaluation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

In file folders and on magnetic tape/disk/drum.

Retrievability:

Name, address, telephone number.

Safeguards:

Manual files will be kept in lockable cabinets in a secured area; computer records will be maintained in a separate secured area. Access to either type of record will be limited to authorized personnel.

Retention and disposal:

Personal identifiers will be destroyed after data have been collected and unified. Retention and disposal shall be in accordance with HUD Handbook 2225.6.

System manager(s) and address:

Director, Division of Housing Management and Special Users Research, TRS, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Notification procedure:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. This location is given in Appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A. (ii) In relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories:

Subject individuals, Professional Assessment Committee, Project Managers.

Authority: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., June 5, 1981.

Albert J. Kliman,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 81-17517 Filed 6-11-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Int NOI]

Ellis-Pahsimeroi; Grazing Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of intent to prepare and consider an environmental impact statement (EIS) and invitation for public participation (scoping).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM will prepare and consider an EIS for proposed grazing management in the Ellis-Pahsimeroi Planning Unit in central Idaho. All affected Federal, State and local agencies; affected organizations and

individuals and interested people are invited to participate in preparation of the EIS.

DATE: Two open houses will be held at the Salmon BLM District Office in Salmon, Idaho from 7 p.m. to 9 p.m. on June 24, 1981 and at the American Legion Hall in Challis, Idaho from 7 p.m. to 9 p.m. on June 25, 1981. Written comments may be submitted at the open house or mailed to the Salmon District Office no later than July 6, 1981.

ADDRESS: Comments should be sent to: District Manager, Ellis-Pahsimeroi EIS, Salmon District Office, P.O. Box 430, Salmon, Idaho 83467.

FOR FURTHER INFORMATION CONTACT: Jerry Wilfong, EIS Team Leader, Salmon District Office, P.O. Box 430, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: The Salmon District will prepare an EIS on the allocation of available forage on approximately 380,500 acres of public lands located in Custer and Lemhi Counties in central Idaho.

The proposed action will be based on multiple-use recommendations that were developed in the land use plan (Management Framework Plan) for the Ellis-Pahsimeroi Planning Unit. The multiple-use recommendations provide direction for maintaining and improving the vegetation, wildlife, soils and water resources by (1) adjusting livestock grazing to the inventoried carrying capacity, (2) implementing changes in grazing systems where deemed necessary, and (3) constructing additional range management facilities and conducting vegetation manipulations on selected areas.

Known alternatives to the proposed action which will be analyzed in the EIS are:

1. No change or continuation of the present grazing systems and levels of livestock use.
2. No grazing or complete removal of all livestock from public lands.
3. Maximum livestock utilization or grazing at a higher level than the proposed action and existing preference. No allocation of forage for wildlife or other uses.
4. Optimize wildlife and nonconsumptive uses or grazing at a lower level than the proposed action. Maximum allocation of forage for wildlife and nonconsumptive uses. Livestock allocations held at or below the existing preference.

A scoping process will be conducted in order to determine the significant issues to be analyzed in depth and to eliminate the less significant issues from detailed study. This scoping process will include a review of public comments and suggestions already received, a specific request by mail to interested parties for additional suggestions, and two open houses. Handouts for the open houses will include a draft of the proposed action and alternatives. All participants will be encouraged to identify significant issues or additional issues or additional alternatives which should be addressed in the EIS.

Jerry W. Goodman,

Acting District Manager.

[FR Doc. 81-17419 Filed 6-11-81; 8:45 am]

BILLING CODE 4310-84-M

South Dakota; Redelegation of Authority

June 5, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Section 3.1 and Section 3.6(m) of Bureau Order 701, as amended, authorize District Managers to redelegate their authority over oil and gas exploration operations within their jurisdiction.

Said authority, to the extent described below, is hereby redelegated to the detached South Dakota Resource Area Headquarters in Belle Fourche for well-drilling activities on Federal oil and gas leases in South Dakota:

1. Verifying existence and content of lease stipulations.
2. Granting staking permission to operator.
3. Representing Bureau of Land Management at on-site inspections prior to drilling and all subsequent inspections.
4. Preparing and signing stipulation memos to USGS regarding surface protection measures for Applications For Permit To Drill and Sundry Notices.
5. Conducting compliance inspections and preparing appropriate file documentation.
6. Providing environmental assessment information to USGS upon request.
7. Maintaining official case files.
8. Short-term temporary road rights-of-way issued for a period of not more than two years.

EFFECTIVE DATE: This redelegation will become effective July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Montana State Office, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107 (406)657-6291.

Michael J. Penfold,

State Director.

[FR Doc. 81-17420 Filed 6-11-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Notice of Invitation To Participate in Coal Exploration Program-Northwest Carbon Corp.

June 4, 1981.

Northwest Carbon Corporation, a wholly-owned subsidiary of Northwest Energy Company, is inviting all qualified parties to participate in a program for the exploration of coal reserves on Tie Fork, near Hiawatha, Utah. The lands are located in Emery County, Utah and are described as follows:

T. 15 S., R. 7 E., SLM, Utah,
Sec. 34, all.
T. 16 S., R. 7 E., SLM, Utah,
Sec. 1, W½;
Sec. 2, all.
Containing 1,577.40 acres.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Mr. Peter Matthies, Vice President, Northwest Carbon Corporation, P.O. Box 1526, Salt Lake City, Utah 84110. Such written notice must be received on or before July 13, 1981.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all costs on a pro rata basis. A copy of the exploration plan as submitted by Northwest Carbon Corporation, is available for public review during normal business hours, in the following office, under Serial No. U-48658: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Robert E. Anderson,

Chief, Division of Technical Services.

[FR Doc. 81-17421 Filed 6-11-81; 8:45 am]

BILLING CODE 4310-84-M

Issues of Concern and EIS Team Challis Wilderness Amendment

Notice is hereby given that the following Issues of Concern relating to a Wilderness Suitability Amendment to the Challis Management Framework Plan (MFP) have been identified through public comments received.

Issues of Concern

Identified wilderness issues are:

(1) Idaho has an oversupply of existing wilderness and does not need any more.

(2) The possible effect of wilderness designations on existing uses—i.e. grazing, hunting, ORV, mining, etc.

(3) Wilderness designations are perceived as "locking-up" public land areas and mineral resources.

(4) The BLM and Forest Service should jointly study their Boulder Creek units for wilderness suitability.

(5) Potential wilderness areas are being impaired by unregulated vehicle (ORV) use.

(6) There is a need for lands designated as wilderness to offset lands being developed.

(7) Public lands should be opened to multiple use and development to offset areas designated as wilderness.

(8) How can wildlife best be managed—wilderness or non-wilderness?

Environmental Impact Statement Team

A category II MFP Amendment requiring an Environmental Impact Statement (EIS) will now be written to formulate recommendations as to wilderness suitability or non-suitability of the four wilderness study areas involved and to respond to the issues identified.

The following EIS Team has been identified:

Dave Wolf—Team Leader—Recreation, Wilderness
Brad Keller—Wildlife
Bill Osborne—Range
Lamar Taylor—Range
Ben Garechana—Wild Horse
Dave Douglas—Geology, Minerals
Don Simpson—Lands
Nancy Vaughan—Archeology

Future notices will be given as the draft and final E.I.S. documents are available for review.

For more information contact: District Manager, Salmon District, BLM, P.O. Box 430, Salmon, Idaho 83467, 208–756–2201.

Dated: June 5, 1981

Jerry W. Goodman,

Acting District Manager.

[FR Doc. 81-17487 Filed 6-11-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Allen Camp Unit, Pit River Division, Central Valley Project, California; Notice of Intent To Prepare an Environmental Statement: Withdrawal

The Bureau of Reclamation published a Notice of Intent to Prepare an Environmental Statement on the Allen Camp Unit, Pit River Division, Central Valley Project, California on April 23, 1979. Because the proposed project was not economically feasible, the investigation was terminated and a concluding report was released to the public on May 27, 1981. Since the investigation has been terminated we are withdrawing the notice of intent and do not plan to prepare an environmental statement.

Dated: June 8, 1981.

Clifford I. Barrett,

Assistant Commissioner.

[FR Doc. 81-17398 Filed 6-11-81; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations With the Hidalgo County Water Improvement District No. 5, Progreso, Tex.; Intent To Negotiate an Amendatory Loan Escalation Repayment Contract

The Department of the Interior, through the Bureau of Reclamation, intends to enter negotiations with the Hidalgo County Water Improvement District No. 5 (district), Progreso, Texas, to amend its Small Reclamation Projects Act loan repayment contract. The proposed amendatory contract covering cost escalation will be prepared pursuant to the Small Reclamation Projects Act of 1956 (Public Law 984, 84th Congress, 70 Stat. 1044), as amended, and other Reclamation law provisions.

The original contract between the district and the United States was executed on September 27, 1976, in the amount of $3,850,000; however, recent inflationary trends have caused construction costs to escalate to the extent that an additional $1 million is needed to complete project construction. The proposed amendatory contract will obligate the district to repay the total cost of the loan to the United States during a repayment period which will be negotiated. Negotiations must be completed before loan funds can be expended.

All meetings scheduled by the Bureau with the district for the purpose of discussing terms and conditions of the proposed amendatory contract shall be open to the general public as observers. Advance notice of meetings shall be furnished only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to any meetings. All written correspondence concerning the proposed amendatory contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comment on the form of the proposed contract not later than 30 days after the completed draft is declared available to the public. Unless significant interest is evidenced in the negotiations, the availability of the contract for public review and comment will not be publicized.

Written comments and requests for information concerning these contract negotiations should be directed to Mr. William E. Berg, Jr., Repayment and Economics Branch, Bureau of Reclamation, 714 South Tyler, Suite 201, Amarillo, Texas 79101, telephone (806) 378–5430.

Dated: June 5, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81-17397 Filed 6-11-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Volume No. OPY-3-089]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: June 5, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and

payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

MC-F-14631, filed May 11, 1981. ROBERT L. McCOY (515 South Judgement Street, Shullsburg, WI 53586) and RAYMOND M. HANNA (1115 East Lincoln Street, Belvidere, IL 61008—(Individuals)—CONTINUANCE IN CONTROL—G.M.C. MOTOR TRUCK SALES, INC.—LAND OVER TRANSPORTATION DIVISION—INITIAL COMMON CARRIER (P.O. Box 693, Dubuque, IA 52001). Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Authority is sought by Robert L. McCoy (McCoy) and Raymond M. Hanna (Hanna) to continue in control of G.M.C. Motor Truck Sales, Inc Land Over Transportation Division, Dubuque, IA. McCoy and Hanna presently control Mc-Mor-Han Trucking Co., Inc., P.O. Box 368, Shullsburg, WI 53586, a motor common and contract carrier. The operating rights of Mc Mor Han Trucking Co., Inc., are contained in Certificate No. MC-136774 and Permit No. MC-143029. The Certificate authorizes the transportation of specified commodities over irregular routes between points in the U.S. In Permit No. MC-143029, it is authorized to transport specified commodities between points in the U.S., under continuing contracts with Eagle Picher Industries, Inc., of Reno, NV, Kraft, Inc., of Chicago, IL, Jewel Companies, Inc., of Melrose Park, IL, and Wis Pak, Inc., of Watertown, WI. Simultaneously, G.M.C. Motor Truck Sales, Inc.—Land Over Transportation Division has filed an application for a Certificate authorizing the transportation of *metal products* and *building materials,* between points in Jones County, IA, on the one hand, and, on the other, points in the U.S. The application, docketed as No. MC-155774, is published in this same **Federal Register** issue.

[FR Doc. 81-17391 Filed 6-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-3-090]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: June 5, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action signficantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

MC 155774, filed May 11, 1981. Applicant: G.M.C. MOTOR TRUCK SALES, INC.—LAND OVER TRANSPORTATION DIVISION, P.O.

Box 693, Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603, (312) 236-9375. Transporting *metal products* and *building materials*, between points in Jones County, IA, on the one hand, and, on the other, points in the U.S.

Note.—This application is directly related to MC–F–14631, published in this same **Federal Register** issue.

[FR Doc. 81–17392 Filed 6–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–6 (Sub-94F)]

Burlington Northern, Inc.—Abandonment—Between Davis Spur and Ripley, MN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that on June 3, 1981, the Commission issued a certificate authorizing Burlington Northern, Inc. to abandon its rail line between Davis Spur (milepost 133.97) and Camp Riley (mile post 114.02) in Crow Wing and Morrison Counties, MN, a total distance of 19.95 miles, subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979); and subject to the further condition that Burlington Northern shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts, for a period of 120 days from this date to permit any State or local government agency or other interested party to negotiated the acquisition for public use of all or any portion of the right-of-way. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that;

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will become effective. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the effectiveness of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–17430 Filed 6–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–6 (Sub-95)]

Burlington Northern Inc.—Abandonment—Between Barnesville and Downer, MN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that on June 4, 1981, the Commission issued a certificate authorizing Burlington Northern Inc. to abandon its rail line between Barnesville (milepost 5.38) and Downer (milepost 9.09) in Clay County, MN a total distance of 3.71 miles, subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979); and subject to the further condition that Burlington Northern shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts, for a period of 120 days from this date to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days after publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will become effective. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the effectiveness of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–17428 Filed 6–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–18 (Sub-33) F]

Chesapeake and Ohio Railway Company—Abandonment—Between Manistee and Bay View and Between Traverse City and Rennies, MI; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated June 5, 1981, the Commission, Review Board Number 3, found that the public convenience and necessity require or permit abandonment by the Chesapeake and Ohio Railway Company of two lines of railroad specifically (a) the line of railroad extending between Valuation Station 133+00 (milepost 113.68) near Manistee and Valuation Station 19985+91 (milepost 247.98) at Bay View, a distance of 134.30 miles in the Counties of Manistee, Benzie, Grand Traverse, Kalkasa, Antrim, Charlevoix and Emmet, and (b) the line of railroad extending between Valuation Station

3784+44 (milepost 0.00) at Traverse City and Valuation Station 3638+00 (milepost 2.77) at Rennies, a distance of 2.77 miles in the Counties of Grand Traverse and Leelanau, a total distance of 137.07 miles, subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979); and the further requirement that the C&O shall keep intact all of the right-of-way, track bridges and drainage culverts for a period of 120 days to permit any state or local government agency or other interested persons to negotiate the acquisition for public use of all or any portion of this property. A certificate of abandonment will be issued permitting the abandonment unless within 15 days from the date of this publication the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions and amount of compensation, an abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17429 Filed 6-11-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtilte IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Vol. No. OPY-3-087

Decided: June 4, 1981.

MC 117685 (Sub-7), filed May 28, 1981. Applicant: CONSOLIDATED TRUCK SERVICE, INC., 1 Scout Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201)-435-7140. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 142664 (Sub-9), filed May 28, 1981. Applicant: IMPORT DEALERS SERVICE CORPORATION, 2222 East Sepulveda Blvd., Long Beach, CA 90810. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703)-525-4050. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 150975 (Sub-2), filed May 28, 1981. Applicant: DORVAL CORP., 1201 Corbin St., Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Glandstone, NJ 07934, (201)-435-7140. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods,

hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155885 (Sub-1), filed May 26, 1981. Applicant: GARFIELD TRANSFER CO., INC. d.b.a. GARFIELD TRUCK LINES, 200 SW 34th St., P.O. Box 800, Renton, WA 98055. Representative: Josephine W. Frandsen (same address as applicant), (206)–251–8395. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156164, filed May 28, 1981. Applicant: AMERICAN COURIER, LTD., 88 Purchase St., Rye, NY 10580. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. (201)–435–7140. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one pacakage exceeds 100 pounds, between points in the U.S.

MC 156165, filed May 28, 1981. Applicant: ADVANCED ENVIRONMENTAL TECHNOLOGY CORPORATION, 520 Speedwell Ave., Morris Plains, NJ 07950. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201)–435–7140. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Vol. No. OPY–4–182

Decided: June 5, 1981.

MC 1156156, filed May 27, 1981. Applicant: FLORIAN ROLL, P.O. Box 1012, Detroit Lakes, MN 56501. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *food and other edible products and by products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156157, filed May 28, 1981. Applicant: NATCO, INC., P.O. Box 231, 10 Cayuga Court, Springfield, NJ 07081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. As a *broker of general commodities* (except household goods), between points in the U.S.

Vol. No. OPY–4–188

Decided: June 8, 1981.

MC 156237, filed May 29, 1981. Applicant: ARLIS B. WADE, 2932 W. Dakota St., Tucson, AZ 85706. Representative: Sharon L. Wade (same address as applicant), (602) 883–4671. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Vol. No. OPY–4–190

Decided: June 8, 1981.

MC 28956 (Sub-25), filed May 29, 1981. Applicant: McKAY'S TRUCK LINE, INC., P.O. Box 634, Albany, OR 97321. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210, (503) 228–6755. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

[FR Doc. 81–17428 Filed 6–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP3–237]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 5, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirement oif Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 143594 (Sub-29), filed Jan. 29, 1981, previously published in the **Federal Register** issue of February 24, 1981. Applicant: NATIONAL BULK TRANSPORT, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of dispersing agents, between the facilities of Armak Pioneer Chemical Division, located at points in the U.S., on the one hand, and, on the other, points in U.S.

Note.—This republication modifies the commodity and territorial description.

[FR Doc. 81–17431 Filed 6–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–125 (Sub-3F)]

Norfolk Southern Railway Co.—Abandonment—Between York and Clover, SC; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that on June 2, 1981, the Commission issued a certificate authorizing the Norfolk Southern Railway Company to abandon its rail line between York (milepost HG 26.7) and Clover (milepost HG 32.0) in York

County, SC, a total distance of 5.3 miles, subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979); and subject to the further condition that Norfolk Southern shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts, for a period of 120 days from this date to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will become effective. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the effectiveness of ■ certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17427 Filed 6-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: June 9, 1981.

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.3-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 2.1-percent surcharge for United Parcel Service. However, the surcharges on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, and on bus carrier traffic is reduced to 3.1 and 6.8 percent, respectively.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m., June 12, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioners Trantum and Gilliam were absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

June 8, 1981 ..... 132.4¢

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent—fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carrier	UPS
Percent surcharge developed	18.3	3.1	6.8	[3] 2.9
Percent surcharge allowed	18.5	3.1	6.8	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-17541 Filed 6-11-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Corporation and address of principal office: Jack F. Corse, Inc., Cambridge, Vermont 05444.

2. Wholly-owned subsidiary which will participate in the operations, and State of Incorporation: Corse Transport, Inc., incorporated in the State of Vermont.

1. Parent corporation and address of principal office: Safeway Stores, Incorporated, Oakland, CA 94660.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

i. Safeway Holdings, Inc., a Delaware Corporation
ii. Safeway Stores, Inc., of Wyoming, a Wyoming Corporation
iii. Glencourt, Inc., a Delaware Corporation
iv. Canada Safeway, Limited, a Canadian Corporation

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17542 Filed 6-11-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Vol. OPY–4–186

Decided: June 8, 1981.

MC 59396 (Sub-35), filed May 28, 1981. Applicant: BUILDERS EXPRESS, INC., Access Road, Route 78, P.O. Box 5219, Clinton, NJ 08809. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. (212) 466–0220. Transporting *commodities in bulk*, between points in ME, VT, NH, MA, RI, CT, NY, NJ, DE, MD, VA, WV, PA, OH, and DC.

MC 74176 (Sub-4), filed May 29, 1981. Applicant: WILES TRANSPORT, INC., 16901 Van Dam Rd., South Holland, IL 60473. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602, (312) 236–8225. Transporting *such commodities* as are dealt in by grocery and food business houses, between Chicago, IL, on the one hand, and, on the other, points in KY, MO, KS, IA, WI, MN, NE, IN, MI, and TN.

MC 124896 (Sub-104), filed May 28, 1981. Applicant: WILLIAMSON TRUCK LINES, INC., Corner Thorne & Ralston Sts., P.O. Box 3486, Wilson, NC 27893. Representative: Peter A. Greene, 1920 N St., NW, Suite 700, Washington, DC 20036, (202) 331–8800. Transporting *machinery*, between points in Charleston County, SC, De Kalb, Fulton and Jefferson Counties, GA, Hennepin County, MN, El Paso, TX, and Wake and Wilson Counties, NC.

MC 145906 (Sub-5), filed May 29, 1981. Applicant: GENERAL TRUCKING CO., INC., P.O. Box 269, Columbia, TN 38401. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting (1) *metal products*, (2) *ores and minerals* and (3) *coal and coal products*, between points in IL, IN, OH, KY, TN, AL, GA, LA, MS, PA, AR, VA, WV, NC, SC, NY, NJ, MI, WI, and MO.

MC 156206, filed May 27, 1981. Applicant: CITY TAXI, INC., 28 N. Highland St., Winchester, KY 40391. Representative: William L. Willis, Suite 708, McClure Bldg., Frankfort, KY 40601. (502) 227–7384. Transporting (1) *metal products*, and (2) *plastic and plastic products*, between the facilities of Bundy Corporation, Tubing Division in Clark County, KY, and Norris Industries, Auto Trim Division, in Jessamine County, KY, on the one hand, and, on the other, points in IL, IN, MI, MO, NC, OH, TN, VA, and WV.

Vol. No. OPY–4–189

Decided: June 8, 1981.

MC 140986 (Sub-18), filed May 28, 1981. Applicant: GREAT NORTHERN TRUCK LINES, INC., Love Lane, P.O. Box 112, Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *adhesives, building materials, composition boards, gypsum products, gypsum board paper, mineral fiber products, paint and paint products*, between points in the U.S., under continuing contract(s) with Kamco Supply Corp., of Brooklyn, NY Kamco Supply Corp., of New England and Kamco Supply Corp., of Boston, MA.

MC 141326 (Sub-9), filed May 29, 1981. Applicant: C. C. SALTER, d.b.a. SALTER TRUCKING COMPANY, P.O. Box 67, Eufaula, AL 36207. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254–3880. Transporting *metal products*, between points in AL, on the one hand, and, on the other, points in TX, AR, LA, MS, AL, GA, FL, SC, NC, TN, KY, MO, IA, CA, and MD.

MC 145246 (Sub-2), filed May 29, 1981. Applicant: A. E. SCHULTZ CORPORATION, 901 Lyndale Ave., Neenah, WI 54956. Representative: Frank M. Coyne, 25 W. Main St., Madison, WI 53703, (608) 255–1388. Transporting *salt*, between points in Manistee County, MI and points in WI.

MC 147876 (Sub-6), filed May 28, 1981. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: K. Edward Wolcott, Suite 1200, Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303. (404) 522–2322. Transporting *metal products*, between points in Jefferson County, KY, on the one hand, and, on the other, points in AL, IN and MD.

MC 156196, filed May 27, 1981. Applicant: VIC BORING, d.b.a. VIC BORING TRUCKING SERVICE, R.R. #1, Box 471, New Palestine, IN 46163. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *commodities in bulk*, between Cincinnati, OH and Louisville, KY, on the one hand, and, on the other, those points in IN on and south of U.S. Hwy 36.

[FR Doc. 81–17543 Filed 6–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 99]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 8, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2900 (Sub-447)X, filed May 19, 1981. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: John C. Bradley, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Applicant seeks to remove restrictions in its Sub-Nos. 296, 299, 346F, 370F, and 378, certificates to (1) remove all exceptions in its general commodities except Classes A and B explosives in each certificate; (2) allow service at all intermediate points between specified points in FL, GA, IL, IN, KY, MO, NC, OH, SC, and TX, in Sub-Nos. 299, 346F, and 378; and (3) remove restrictions in Sub-Nos. 296, 299, 346F, and 378 preventing transportation to and from certain geographic areas.

MC 111401 (Sub-619)X, filed May 4, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center, 16660 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-Nos. 303, 304, 314, 315, 322, 330, 341, 351, 356, 366, 375, 376, 378, 380, 389, 390, 394 and 409 certificates to (1) broaden the commodity descriptions to "commodities in bulk" from dimethyldichlorosilane and methyldichlorosilane (in bulk, in tank vehicles), in Sub-No. 303; liquified petroleum gases (in bulk, in tank vehicles) and liquid chemicals (in bulk, in tank vehicles), in Sub-No. 304; liquid chemicals or chemicals (in bulk, in tank vehicles), in Sub-Nos. 322, 351, 366, (part 3, 380 (parts 1 and 5), 389 and 390 (part A, K, 2, 4 and 5 and parts B, 1); liquid fertilizer, in Sub-No. 314; fertilizer materials, dry fertilizer, insecticides, fungicides and herbicides, in Sub-Nos. 330 (part 5), and 390 (part B, 2), liquid distiller solubles, in Sub-No. 409 (part 1); printing ink (in bulk), in Sub-No. 315; crude oil, (in bulk, in tank vehicles), in Sub-No. 341 (part 1); petroleum lubricating oil (in bulk, in tank vehicles), in Sub-No. 341 (part 2); synthetic plastic, in Sub-No. 390 (part A (3)); corn flour (in bulk, in tank vehicles), in Sub-No. 366 (part 1); petroleum and petroleum products (in bulk, in tank vehicles), in Sub-Nos. 366 (part 2), 375 and 409 (part 2); liquid animal feed ingredients, in Sub-No. 378, and glycols, alcohols, acetates, Ketones, and their compounds and derivatives (in bulk, in tank vehicles) in Sub-No. 380 (parts 2 and 3) to "commodities in bulk and chemicals and related products" from dry fertilizer and fertilizer materials and insecticides, in Sub-No. 330 (parts 1, 2 and 4); dry fertilizer and dry fertilizer materials, in Sub-No. 356; chemicals, laundry supplies and paint, in Sub-No. 376; nitrogen compounds, in Sub-No. 380 (part 4); and coal tar products, in Sub-No. 394, (2) replace one-way authority with radial authority, in all Subs, (3) broaden the territorial description by substituting county-wide and city-wide authority for city-wide authority and facilities: Long Reach, WV to Tyler County, WV in Sub-No. 303; facilities at Harvey, LA to Jefferson Parish, LA in Sub-No. 304; facilities at Pine Bluff, AR to Jefferson County, AR in Sub-No. 314; Tulsa, OK to Tulsa and Osage Counties, OK in Sub-No. 315; facilities at Plaquamine, LA to Iberville Parish, LA in Sub-No. 322; Military, KS to Cherokee County, KS and Catoosa, OK to Rogers County, OK in Sub-No. 330; Ponca City, OK to Kay County, OK in Sub-No. 341; Meadville, PA to Crawford County, PA and Woodstock, TN to Shelby County, TN in Sub-No. 351; facilities at Atchinson, KS to Atchinson County, KS and Mapleton, IL with Peoria County, IL, Wynnewood, OK to Garvin County, OK, and Geismor, LA to Ascension Parish, LA and Louisville, KY to Jefferson County, KY in Sub-No. 366; Chalmette and Meraux, LA to St. Bernard Parish, LA in Sub-No. 375; Muskogee and Kingfisher, OK to Muskogee and Kingfisher Counties, OK, Lucerne, CO to Weld County, CO, Scottsbluff, NE to Scotts Bluff County, NE, Leoti, KS to Wichita County, KS in Sub-No. 378; Texas City, TX to Galveston County, TX, North Seadrift, TX to Calhoun County, TX, Bishop, TX to Nueces County, TX, facilities at Taft, LA to St. Charles Parish, LA and facilities at Brownsville, TX to Cameron County, TX in Sub-No. 380; facilities at Sterlington, LA to Ouachitas Parish, LA in Sub-No. 389; Longview, TX to Gregg County, TX, Kingsport, TN to Sullivan County, TN, El Dorado, AR to Union County, AR, Mt. Pleasant, TX to Titus County, TX, Arkadelphia, AR to Clark County, AR, Magnolia, AR to Columbia County, AR, Bossier City, LA to Bossier Parish, LA, Morningsport and Vivian, LA to Caddo Parish, LA, Nachitoches, LA to Natchitoches Parish, LA in Sub-No. 390; Stroud, OK to Lincoln County, OK in Sub-No. 394; and, Atchinson, KS to Atchinson County, KS, Cotton Valley, LA to Webster Parish, LA, Caney, KS to Montogmery, County, KS, Indianapolis, IN to Marion County, IN, Albuquerque, Ambrosia Lake and White Sands, NM to Bernalillo, McKinley and Donna Ana Counties, NM in Sub-No. 409; and (4) remove the AK and HI exceptions, in Sub-Nos. 315, 322, 390 and 394; (5) remove the joinder or tacking restrictions in Sub-Nos. 304 and 380; (6) remove the restrictions prohibiting the transportation of specified commodities to named points, in Sub-Nos. 304, 330 (part 3), 380 and 390; (7) remove originating at and/or destined to restrictions, in Sub-Nos. 322, 376, 380, 389 and 394 and (8) remove restrictions requiring transportation of specifed commodities, in foreign commerce only, in Sub-No. 366.

MC 116519 (Sub-103)X, filed May 27, 1981. Applicant: FREDERICK TRANSPORT LIMITED, R.R. #6, Chatham, Ontario, Canada. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, N.W., Washington, DC 20005. Applicant seeks to remove restriction in its Sub-No. 62F certificate which now authorizes the transportation of alloys, animal litter, calcium carbanate, clay, fertilizer and fertilizer ingredients, foundry supplies, nepheline cyanite, ores, sand and stone, in containers, between ports of entry on the U.S.-Canada boundary line, in Michigan and New York, on the one hand, and on the other, points in 37 states, by removing the limitation "in containers" from the commodity description.

MC 116806 (Sub-7)X, filed May 15, 1981. Applicant: HUTTON TRANSPORT, LIMITED, R. R. No. 1, Lakeside, Ontario, Canada, NOM 2G0. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. applicant seeks to remove restrictions from its Sub-Nos. 1, 2 and 6 certificates to (1) broaden the commodity descriptions in Sub-Nos. 1 and 2 from meat, meat products and meat byproducts to "food and related products" in Sub-No. 6 and part of Sub-No. 2 from cement, concrete, clay, brick and block and prestressed and precast concrete products to "clay, concrete, glass or stone products and building materials," (2) in Sub-No. 2 remove restriction to traffic originating at named points in Canada and (3) replace port of entry on International Boundary line origins at or near Buffalo, NY and Detroit, MI, with ports of entry on International Boundary line in NY and MI, in Sub-Nos. 1 & 2 and (4) change one way to radial authority between (a) ports of entry in NY and Buffalo, NY in Sub-No. 1 and (b) ports of entry in MI and Detroit, MI in Sub-No. 2.

MC 118959 (Sub-264)X, filed May 14, 1981. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603.The application seeks to remove restrictions in Sub-Nos. 4, 10, 12, 31, 33, 40, 48, 64, 71, 79, 90, 102, 131, 137, 138, 141, 142, 146, 148, 150, 160, 169, 170, 175, 176, 180, 183, 187, 188, 194, 200, 202, 203, 207, 208, 215, 216, 217, 224, 227, 229, 230, 236, 237, 241, 242, 244, 245, 250, 254 certificates and letter notice E–1 and Sub-No. 136 permit to (1) broaden the commodity descriptions in Sub-No. 4, from pottery to "clay, concrete, glass or stone products"; in Sub-No. 10 from Flower pots and saucers to "clay, concrete, glass, stone, and rubber and plastic products"; in Sub-No. 12, from steel joists to "iron and steel articles"; in Sub-No. 31, from rubber to "rubber and plastic products"; in Sub-No. 33, from carpet or rug cushioning, rubber and plastic coated materials to "textile mill products and rubber and plastic products"; in Sub-No. 64, from aluminum trays, iron and steel channels, iron and steel trays, nuts, bolts, washers, fittings and accessories to "metal products and iron and steel articles"; in Sub-No. 71, from plastic plastic, products and pipe to "plastic and rubber products and building and construction materials"; in Sub-No. 79, from salt and salt products and materials and supplies used in the agricultural water treatment, food processing, wholesale grocery and institutional supply industries to "chemicals and related products and such commodities as are used in the agricultural water treatment, food processing, wholesale grocery and institutional supply industries"; in Sub-No. 90, from aluminum trays, iron and steel channels, aluminum channels, iron and steel trays, iron and steel angles, aluminum angles, nuts, bolts, washer fittings and accessories to "metal products and iron and steel articles"; in Sub-No. 102, from iron and steel prison bars to "iron and steel articles"; in Sub-No. 131, from red clay pottery to "clay, concrete, glass or stone products"; in Sub-No. 136, from plastic containers and closures to "rubber and plastic products"; in Sub-No. 138, from glass bottles to "clay, concrete, glass or stone products"; in Sub-No. 141, from adhesives to "chemicals and related products"; in Sub-No. 142, from iron and steel wire, cable and spirals to "iron and steel articles"; in Sub-No. 146, from paper trays, corrugated post, clay and clay products to "pulp, paper and related products and clay, concrete, glass or stone products"; in Sub-No. 148, from steel and aluminum storage buildings and storage building parts, attachments and accessories to "metal products and prefabricated buildings"; in Sub-No. 150, from clay, clay products, paper trays and corrugated post to "clay, concrete, glass or stone products and pulp, paper and related products"; in Sub-No. 160 from plastic articles to "rubber and plastic products"; in Sub-No. 169, from lawn mower parts and accessories to "machinery"; in Sub-No. 175, from plastic, plastic articles, tin, tin articles, iron and steel articles, rubber, rubber articles and resins to "rubber and plastic products, iron and steel articles and chemicals and related products"; in Sub-No. 176, from salt to "chemicals and related products"; in Sub-No. 180, from plastic containers to "containers"; in Sub-No. 183, from paper, paper products, cellulose products and textile softeners to "pulp, paper and related products and chemicals and related products"; in Sub-No. 187, from glass containers to "containers"; in Sub-No. 188, from janitorial equipment, materials and supplies to "such commodities as are dealt in by manufacturers or distributors of janitorial equipment, materials and supplies"; in Sub-Nos. 194 and 215, from bakery goods to "food and related products"; in Sub-No. 200, from salt and salt products to "chemicals and related products"; in Sub-No. 203, from food and food products to "food and related products"; in Sub-No. 208, from canned and preserved foodstuffs to "food and related products"; in Sub-No. 216, from

aluminum castings to "metal products"; in Sub-No. 227, from foodstuffs to "food and related products"; in Sub-No. 229, from corn products, soybean products and dessert preparations to "food and related products"; in Sub-No. 237, from cleaning, scouring and washing compounds and textile softeners to "chemicals and related products"; in Sub-No. 241, from plastic articles to "rubber and plastic products"; in Sub-No. 242, from phosphated nonalcoholic beverages to "food and related products"; in Sub-No. 244, from plastic bags to "rubber and plastic products"; in Sub-No. 245, from paper bags, wrapping paper and plastic bags to "pulp, paper and related products and rubber and plastic products"; and in Sub-No. 254, from vinyl and vinyl products, chipboard and chipboard products, polyethylene and polyethylene products, labels, specialty die cutting and packaging supplies to "rubber and plastic products, building materials and pulp, paper and related products"; (2) in Sub-Nos. 31, 71 79, 137, 146, 148, 150, 160, 175, 176, 183, 188, 194, 200, 202, 203, 215, 227, 229, 237, 241, 244, 245 and 250, remove exceptions to commodities in bulk; (3) in Sub-No. 194, remove the restriction against the transportation of frozen bakery goods; (4) in Sub-Nos. 12 and 71, remove the restrictions against the transportation of articles which because of size or weight require the use of special equipment; (5) in Sub-Nos. 102, 160, 180, 183, 208, and 236, remove "originating at and/or destined to" restriction; (6) in Sub-No. 224 remove ■ restriction limiting service to traffic having a subsequent movement by rail; (7) in Sub-Nos. 79 and 141, remove mixed loads restrictions; (9) change city to county-wide authority in Sub-Nos. 4 and 10 from Jackson to Cape Girardeau County, MO; in Sub-No. 12 from Madison to Madison County, IL; in Sub-No. 3 from Columbus, MS to Lowndes County, MS; in Sub-No. 48 from Mayfield, KY to Graves County, KY; in Sub-No 71 from Fayetteville and Glenville, WV to Fayette and Gilmer Counties, WV; in Sub-No. 136 (permit) from Highlands, TX to Harris County, TX; in Sub-No. 169 from Beaufort to Beaufort County, TX; in Sub-No. 176 from Grand Saline, TX and Rittman, OH to Van Zandt County, TX and Wayne County, OH; in Sub-No. 187 from Gas City, IN and Paducah, KY to Grant County, IN and McCracken County, KY; in Sub-No. 188 from Cairo and Downers Grove, IL to Alexander and DuPage Counties, IL; in Sub-No. 200 from Avery Island, LA to Iberia Parish, La; in Sub-No 203 from Chester and Steeleville, IL and Perryville, MO to Randolph County, IL and Perry County, MO; in Sub-No. 216 from Sheboygan, WI to Sheyboygan County, WI; in Sub-No. 217 from East Prairie, MO to Mississippi County, MO; in Sub-No. 229 from Muscatine and Mitchellville, IA to Muscatine and Polk Counties, IA; in Sub-No. 236 from Marion and LaPorte, IN to Grant and LaPorte Counties, IN; in Sub-No. 241; from Nicholasville, KY to Jessamine County, KY; and, in Sub-No. 254 from Cape Girardeau and Scott City, MO to Cape Girardeau and Scott Counties, MO, (10) remove plantsite limitations in Sub-No. 40 and E letter notice E–1 and replace Alton, IL with Madison County, IL; in Sub-Nos. 64 and 90 and replace Highlands, IL with Madison County, IL in Sub-No. 141 and replace Chillicothe, OH with Ross County, OH; in Sub-No. 146 and replace Oran and Bloomfield, MO and Paris, TN with Scott and Stoddard Counties, MO and Henry County, TN; in Sub-No. 148 and replace Breese, IL with Clinton County, IL; in Sub-No. 150 and replace Mounds, IL with Pulaski County, IL; in Sub-No. 175 and replace Homerville and Valdosta, GA and Picayune, MS with Clinch and Lowndes Counties, GA and Pearl River County, MS; in Sub-No. 183 and replace Green Bay, WI with Brown County, WI; in Sub-No. 207 and replace Clinton, IA with Clinton County, IA; in Sub-No. 208 and replace Muscatine and Iowa City, IA with Muscatine and Johnson Counties, IA; in Sub-No. 224 and replace Herrin, IL and Cape Girardeau, MO with Williamson County, IL and Cape Girardeau County, MO; in Sub-No. 227 and replace Lexington, KY with Fayette County, KY; in Sub-No. 230 and replace Sterling and Rock Falls, IL with Whiteside County, IL; in Sub-No. 237 and replace Alexandria, LA, and Houston and Beaumont, TX with Rapides Parish, LA and Harris and Jefferson Counties, TX; in Sub-No 242 and replace Houston, TX with Harris County, TX; in Sub-No. 244 and replace Yulee, FL with Nassau County, FL; in Sub-No. 254 and replace Elizabeth, NJ, Yulee, FL and Plainfield, IL with Union County, NJ, Nassau County, FL and Will County, IL; and, in Sub-No. 250 and replace Alexandria, LA with Rapides Parish, LA, and (11) change one-way to radial authority between various combinations of points throughout the US in all Subs and E letter notice E–1 except Sub-Nos. 183, 188, 203, 207, 215, 227, 241, 245, and 254.

MC 124263 (Sub-7)X, filed May 18, 1981. Applicant: SUN MOTOR LINE, INC., P.O. Box 32546, Oklahoma City, OK 73123. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 4, and 5 certificates to (1) broaden commodity

descriptions to "food and related products" from frozen fruits, frozen berries and frozen vegetables in the lead, from sweet cream, butter and plain and sweetened condensed milk and bananas in Sub-No. 1 and from frozen foodstuffs, in Sub-No. 4 and to "metal products, machinery and furniture and fixtures" from fireplaces, fireplace parts and accessories, and materials, equipment and supplies used in the manufacture and distribution of fireplaces in Sub-No. 5; (2) remove a facilities limitation and replace Centerville and Mt. Pleasant, IA with Appanoose and Henry Counties, IA; (3) remove the restriction to "in containers" in Sub-No. 1; (4) remove a mechanical refrigeration vehicle restriction in Sub-No. 4; (5) remove the "originating at and destined to "restriction in Sub-No. 5; (6) change city to county-wide authority from Watsonville, CA to Santa Cruz County, CA, Salinas, CA to Monterey County, CA, San Martin, San Jose and Santa Clara, CA to Santa Clara County, CA, Modesto and Patterson, CA to Stanislaus County, CA, Fresno and Sanger, CA to Fresno County, CA and Wichita, KS to Sedgwick County, KS, in the lead, and (7) change one–way authorities to radial authorities between (a) above named CA Counties, and, 1 KS county, and Oklahoma City, OK in the lead, (b) Normon, OK and points within 1 mile of Normon, OK, and, points in 4 States: New Orleans, LA, and, Oklahoma City, OK in Sub-No. 1; (c) 4 States, and, 16 States in Sub-No. 4, and (d) 2 IA counties, and, 6 States in Sub-No. 5.

MC 124263 (Sub-8)X, filed May 21, 1981. Applicant: SUN MOTOR LINE, INC., P.O. Box 32546, Oklahoma City, OK 73123. Representative: Jack H. Blanshan, Suite 200–A, 205 West Touhy Avenue, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its No. MC–66836 permit to (A) broaden the commodity descriptions to "petroleum, natural gas and their products" from lubricating oils and greases; to "containers" from empty containers for lubricating oils and greases; to "metal products, machinery, chemicals and related products, and printed matter" from grease guns and pumps, insecticides, and advertising signs; and delete the restrictive phrase "in containers" wherever it appears; and (B) change its territorial authority to between points in the U.S. under contract(s), in its open-ended permit.

MC 126111 (Sub-11)X, filed May 18, 1981. Applicant: SCHAETZEL TRUCKING COMPANY, INC., P.O. Box 1579, Fond du Lac, WI 54935. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions in its Sub-Nos. 9F and 10F permits to (1) broaden the commodity descriptions from sweetened condensed milk to "food and related products", in both Subs and (2) broaden the territorial descriptions to "between points in the U.S." under continuing contracts with the named shippers in both Subs.

MC 139379 (Sub-11)X, filed April 17, 1981, previously noticed in the **Federal Register** of May 8, 1981, republished as corrected this issue. Applicant: LES MATHRE TRUCKING, INC., 417 8th Street, Story City, IA 50248. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 5F certificates to (1) eliminate the except commodities in bulk restriction, in both certificates; (2) replace the facilities and city-wide authority with county-wide authority: (a) Saline County, NE, for Crete, NE, Crawford, Carroll and Hardin Counties, IA, for Denison, Carroll, and Iowa Falls, IA, in Sub-No. 2, and (b) Lancaster and Saline Counties, NE, for Lincoln and Crete, NE, and Crawford, Carroll, Hardin, Polk, Webster Counties, IA, for Denison, Carroll, Iowa Falls, Des Moines and Fort Dodge, IA, in Sub-No. 5F; (3) eliminate the restriction limiting service to the transportation of traffic originating at and destined to named points, in Sub-No. 2; and (4) authorize radial authority to replace existing one-way service between named counties in NE and IA and points in various combinations of States throughout the U.S., in both certificates. The purpose of this republication is to reinstate Omaha, NE, in lieu of Douglas County, NE, and Sioux City, IA, in lieu of Woodbury, IA. All other cities were to be converted except Omaha and Sioux City.

MC 145608 (Sub-5)X, filed May 28, 1981. Applicant: HENRY JOHNSON, INC., 4902 S. 61st Street, Omaha, NE 68117. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-No. 43 certificate to (1) broaden the commodity description to "food and related products" from "confectionery and related advertising and display items"; (2) remove facilities restrictions; (3) remove the restriction "originating at the named origins and destined to named facilities at Reno for storage and transit"; (4) remove the restriction to transportation of shipments having a prior movement from named facilites; (5) enlarge Sullivan, IL to Moultrie County, IL and Reno, NV to Washoe County, NV; and (6) change one-way authority to radial authority between points in the above counties.

MC 145894 (Sub-4)X, filed June 3, 1981. Applicant: EQUIPMENT SUPPLIES, INC., 7736 W. 62nd Place, Summit, IL 60501. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) remove all exceptions from its general commodities authority except classes A and B explosives; and (2) remove the restrictions requiring transportation in containers or trailers having an immediately prior or subsequent movement by water or rail.

MC 145955 (Sub-23)X, filed May 4, 1981, previously noticed in the **Federal Register** of May 19, 1981, republished as corrected this issue. Applicant: CENTRAL TRUCK SERVICE, INC., P.O. Box 7154, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 8F, 10F, 12F, 13F, 14F, 15F, 16F, and 17F certificates to (1) broaden the commodity descriptions to (a) "machinery and related products" from electrical appliances and accessories, in Sub-No. 2F; (b) "food and related products" from meats, meat products, meat by products, and articles distributed by meat packing houses, in Sub-Nos. 8F and 13F, foodstuffs in Sub-No. 14F, and pet food and pet supplies, in Sub-No. 16F; (c) "chemicals and related products, petroleum, natural gas and their products, rubber and plastic products, and clay, concrete, glass or stone products" from cleaning and polishing compounds, textile softener, lubricants, deodorants, disinfectants, hyochlorite solutions, paints, plastic bags and filters, in Sub-No. 10F; (d) "such commodities as are dealt in by manufacturers and distributors of containers and paper and paper products" from containers and paper and paper products, in Sub-No. 12F; (e) "chemicals and related products" from adhesives, in Sub-No. 15F; and (f) "such commodities as are dealt in by manufacturers or distributors of paper products" from paper products, in Sub-No. 17F; (2) eliminate "except hides and commodities in bulk" restrictions, in Sub-No. 8F; (3) replace Franklin, IL, and Topeka and Wichita, KS with authority to serve Chicago, IL, and Shawnee and Sedgwick Counties, KS, in Sub. No. 2F; and (4) change its one-way authorities to radial authorities between Cook County, IL and named points in IA, NE, KS, and MO, in Sub-No. 2F, and between

Chicago, IL, and Milwaukee, WI, and, points in the U.S., in Sub-No. 14F.

MC 146519 (Sub-9)X, filed May 26, 1981. Applicant: CALIANA MARKETING, INC., 2130 Prairieton Road, Terre Haute, IN 47802. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, 4F and 8F permits to (1) broaden the commodity description from scrap metal to "metal products" in Sub-No. 1F; from baking powder (except in bulk) to "Food and related products" in Sub-No. 3F; and from dry corn products (except in bulk) to "farm products" in Sub-Nos. 4F and 8F; and (2) broaden the territorial descriptions to authorize between points in the U.S., under continuing contracts(s) with named shippers.

(FR. Doc. 81-17544 Filed 6-11-81; 8:45 am)
BILLING CODE 7035-01-M

[Volume No. OPY-2-096]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 4, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority is issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Taylor.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

FF 552F, filed May 26, 1981. Applicant: CAL-WEST CONSOLIDATORS, INC., 17023 South Central, Carson, CA 90746. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945-2745. As a freight forwarder, in connection with the transportation of *such commodities* as are dealt in or used by manufacturers, distributors, or retailers of floor coverings, drapery materials, and wall paper, (1) between points in CA, on the one hand, and, on the other, points in AL, AZ, CO, GA, NV, NC, SC, and UT, and (2) between points in AZ and NV, on the one hand, and, on the other, points in AL, GA, NC, and SC.

MC 13313 (Sub-3), filed May 27, 1981. Applicant: CUMMINGS TRANSFER CO., 740 29th Avenue W., Albany, OR 97321. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Avenue, Portland, OR 97210, (503) 226-3755. Transporting *household goods*, between points in OR, WA, ID and CA.

MC 25823 (Sub-12), filed May 28, 1981. Applicant: WERCH TRUCKING COMPANY, INC., Route #2, Box 113, Berlin, WI 53923. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703, (608) 256-7444. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sperry-Vickers, of Omaha, NE.

MC 52793 (Sub-75F), filed May 27, 1981. Applicant: BEKINS VAN LINES, INC., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), (312) 547-2184. Transporting *household goods*, between points in the U.S., under continuing contract(s) with ROLM Corporation, of Santa Clara, CA.

MC 77972 (Sub-52), filed May 29, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: James R. Holt, P.O. Box 523, Collierville, TN 38017, (901) 853-7208. Transporting *machinery*, between points in Lee County, MS, Pulaski County, KY, and Henry, Madison, and Shelby Counties, TN, on the one hand, and, on the other, points in the U.S. Note: Applicant intends to tack the authority sought with its existing regular-route authority in Docket No. MC 77972 and Sub Nos. 4, 12, 13, 15, 17, 22, 28, 29, and 30, thereto.

MC 105733 (Sub-85), filed May 21, 1981. Applicant: RITTER TRANSPORTATION, INC., P.O. Box 1064-A, Rahway, NJ 07065. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street, NW., Washington, D.C. 20005, 202-296-3555. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Monsanto Company, of St.Louis, MO.

MC 107012 (Sub-721), filed May 27, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *ployurethane foam products*, between points in NC and FL, on the one hand, and, on the other points in AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IA, KS, KY, LA, ME, MD, MA, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OK OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WY, AND DC.

MC 124212 (Sub-113), filed May 21, 1981. Applicant: MITCHELL

TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, 216–566–5639. Transporting (1) *commodities, in bulk,* and (2) *building materials,* between points in the U.S., under contract(s) with The Bessemer Cement Company, of Bessemer, PA.

MC 128073 (Sub-9), filed May 27, 1981. Applicant: BANANA SHIPPING SERVICE, INC., P.O. box 4374, Montgomery, AL 36101. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068, 312–698–2235. Transporting *food and related products,* between points in Harrison County, MS, on the one hand, and, on the other, points in AR and TN.

MC 129712 (Sub-46), filed May 27, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326, (404) 237–6472. Transporting *lumber and wood products and building materials,* between points in the U.S., under continuing contract(s) with Empire Wholesale Lumber Company, of Akron, OH.

MC 134783 (Sub-77), filed May 21, 1981. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 655 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203, 303–839–5856. Transporting *food and related products,* between points in Malheur County, OR, Cassia County, ID, Stark County, OH, Montclam County, MI, Portage County, WI, Hartford County, CT, and Chester County, PA, on the one hand, and, on the other, points in the U.S.

MC 135653 (Sub-12), filed May 27, 1981. Applicant: SPECIAL SERVICE TRANSPORTATION, INC., 1100 W. Smith, Medina, OH 44256. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, 614–228–8575. Transporting *such commodities* as are dealt in or used by retail, wholesale, and chain grocery stores, and food business houses, between Toledo, OH, on the one hand and, on the other, points in PA and NY.

MC 142122 (Sub-4F), filed May 20, 1981. Applicant: PASCUZZO AND HONEYMAN TRUCKING, INC., 5127 Maywood Ave., Maywood, CA 90270. Representative: Peter Sowa (same address as applicant), (213) 583–4855. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S., under continuing contract(s) with Vons Grocery Company, of ElMonte, CA.

MC 142432 (Sub-3), filed May 27, 1981. Applicant: N. R. JACKSON, RD 1, Box 258–A, Oxford, PA 19363. Representative: Robert R. Herr, P.O. Box 8, Quarryville, PA 17566, (717) 786–2181. Transporting *food and related products,* between points in CA, on the one hand, and, on the other, points in VA, MD, WV, DE, PA, NJ, NY, OH, NC, SC, and DC.

MC 144083 (Sub-15), filed May 22, 1981. Applicant: RALPH WALKER, INC., P.O. Box 3222, Jackson, MS 39207. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, 202–785–0024. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Valentine Truck Brokers, Inc., of Phoenix AZ and (b) Charles McAlpin dba Charles McAlpin Brokerage Company, of Decatur, AL.

MC 145102 (Sub-76), filed May 27, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 South Union Avenue, Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *food and related products,* between points in IL, IN, IA, MN, NE, and WI, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 147553 (Sub-14), filed May 29, 1981. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a. MOTOR WEST, P.O. Box 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting (1) *such commodities* as are dealt in by hardware business houses, (2) *chemicals and related products,* (3) *pulp, paper and related products,* and (4) *building materials,* between points in AZ, CA, ID, MT, NV, NM, UT, OR, and WA, on the one hand, and, on the other, points in ID, OR, and WA.

MC 147712 (Sub-24), filed May 27, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Road, Norwalk, CA 90650. Representative: Joseph Fazio (same as above) (213) 921–7474. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sheller Globe Corporation, of Toledo, OH.

MC 148083 (Sub-5), filed May 22, 1981. Applicant: SELLARS TRANSPORT SERVICE, 1620 Parnell Dr., Eugene, OR 97404. Representative: Robert W. Sellars (same address as applicant), (503) 485–6138. Transporting *clay, concrete, glass or stone products,* between points in Douglas County, OR, on the one hand, and, on the other, points in CA, ID, NV, WA, and UT.

MC 149133 (Sub-4), filed May 27, 1981. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Blvd., P.O. Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same address as applicant), 704–588–2109. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Western Auto Supply Company, of Kansas City, MO.

MC 149563 (Sub-9), filed May 27, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2881. Transporting *ores and minerals, and clay, concrete, glass or stone products* between points in Union and Grainger Counties, TN, on the one hand, and, on the other, points in KY, TN, VA, NC, SC, GA, AL and MS.

MC 149563 (Sub-10), filed May 28, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2881. Transporting *clay, concrete, glass or stone products* between points in Dallas and Rockwall Counties,TX, on the one hand, and, on the other, points in the U.S.

MC 150042 (Sub-2), filed May 27, 1981. Applicant: JOHN W. CAIN, d.b.a. CAIN TRUCK LINE, P.O. Box 538, Sunland Park, NM 88063. Representative: John W. Cain (same address as applicant), (915) 772–1809. transporting *food and related products,* between points in the U.S., under continuing contract(s) with (a) SYSCO—H & R Food Service Company, of El Paso, TX, and (b) SYSCO—Southwest, of Albuquerque, NM.

MC 150302 (Sub-1), filed May 22, 1981. Applicant: UNITED MERCHANTS TRUCKING, INC., Route 7, Box 8–C, Statesville, NC 28677, (704) 873–5221. Representative: Don Del Vitto (same address as applicant). Transporting *general commodities* (except classes A & B explosives), between points in the U.S., under continuing contract(s) with Charlotte Freight Association, Inc., of Charlotte, NC.

MC 150922 (Sub-1), filed May 27, 1981. Applicant: K & P TRUCKING CO., Route 2, Willard, OH 44890. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting *food*

and related products between the facilities used by Campbell Soup Company, its divisions, and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151993 (Sub-1), filed May 24, 1981. Applicant: FRANK SMITH, d.b.a. FRANK SMITH TRUCKING, Route 1, Box 3, Marble Falls, TX. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *General commodities* (except Classes A and B explosives), between points in the U.S., under a continuing contract(s) with Tom Loftus Imports, Incorporated, of Marble Falls, TX.

MC 153723 (Sub-5), filed May 27, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison (same address as applicant), (501) 521–8121. Transporting: *central heating units, central air conditioning units, furnaces, air coolers, water evaporators, condensing units, compressors, electric motors,* between Ft. Smith, AR, on the one hand, and, on the other, points in the U.S.

MC 154343F, filed May 22, 1981. Applicant: HERITAGE TRAILS, INC., 16020 Forest, Oak Forest, IL 60452. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726–6525. Transporting *passengers and their baggage,* in special or charter operations, beginning and ending at points in IL, IN, IA, KS, KY, MO, MI, MN, OH, and WI, and extending to points in the U.S.

MC 154743, filed May 17, 1981. Applicant: AAA TRANSPORT, INC., 152 Heyburn West, Twin Falls, ID 83301. Representative: Louis Garbrecht, P.O. Box 1794, Twin Falls, ID 83301 (208) 733–9410. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Southern Idaho Distributing, of Twin Falls, ID.

MC 155003, filed May 29, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, MS 39212. Representative: Charles L. Moseley (same address as applicant), (601) 944–0021. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of covered copper wire and fluorescent lamp ballast, between Mendenhall and Gallman, MS, Blytheville, AR, Bridgeport, CT, and Paterson, NJ, on the one hand, and, on the other, points in AR, CA, CT, FL, GA, MS, NJ, NC, TX, and WA.

MC 155003 (Sub-2), filed May 29, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, MS 39212. Representative: Charles L. Moseley (same address as applicant), (601) 944–0021. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cookware and small electrical appliances, between Jackson, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, OK, TN, and TX.

MC 155362 (Sub-1), filed May 27, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Rd., Lebanon, IN 46052. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202, (303) 892–6700. Transporting *such commodities* as are dealt in or used by manufacturers, converters and distributors of pulp, paper and related products, between the facilities used by Westvaco Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155672F, filed May 20, 1981. Applicant: WISCONSIN AND SOUTHERN RAILROAD COMPANY, 501 East Lake St., Horicon, WI 53032. Representative: John P. Fonte, 1333 New Hampshire Ave., NW., Suite 400, Washington, DC 20036, (202) 887–4690. Transporting general commodities (except classes A and B explosives), between points in Dodge, Fond du Lac, Green Lake, Columbia, Milwaukee, Washington, Waukesha, and Winnebago Counties, WI.

MC 155892F, filed May 27, 1981. Applicant: HAROLD MEDIKALSKI, d.b.a. MECIKALSKI TRUCKING, 1168 Stead Dr., Menasha, WI 54952. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *machinery,* between points in the U.S., under continuing contract(s) with Miller Electric Mfg. Company, of Appleton, WI.

MC 156072F, filed May 20, 1981. Applicant: CHARLES WARREN, d.b.a. WARREN'S AUTO SERVICE, P.O. Box 83, Saratoga, IN 47382. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Four M Company, of Portland, IN.

MC 156092F, filed May 22, 1981. Applicant: WILLIAM D. CIMPI, 7156 Eastman Road, Syracuse, NY 13212. Representative: Martin R. Martino, 333 South Glebe Rd., Arlington, VA 22204, (703) 979–1627. Transporting *machinery* between points in NY, on the one hand, and, on the other, points in PA, MD, FL, VA, NC, SC, GA and TX.

MC 156162, filed May 27, 1981. Applicant: WEBSTER DISTRIBUTING COMPANY, 2090 Bartow Road, U.S. Highway 98 South, Lakeland, FL 33802. Representative: M. Craig Massey, 215 East Lime Street, P.O. Drawer 1109, Lakeland, FL 33802, (813) 682–1178. Transporting *such commodities* as are dealt in or used by manufacturers and distributors in the food processing industry, between points in FL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 156172, filed May 27, 1981. Applicant: W. M. SPIEGEL SONS, INC., d.b.a. REFUSE CONTAINER TRANSPORTATION, 461 E. Clinton Street, Elmira, NY 14901. Representative: Donald C. Carmien, 15 Chenango Street, P.O. Box 1922, Binghamton, NY 13901. Transporting *hazardous waste materials,* between points in Chemung, Steuben, Yates, Schyler, Tompkins, and Tioga Counties, NY, and Tioga County, PA, on the one hand, and, on the other, points in the U.S. Condition: To the extent that this certificate authorizes the transportation of hazardous waste materials it shall be limited in term to a period expiring 5 years from its date of issuance.

MC 156183F, filed May 21, 1981. Applicant: QUICK TRANSPORTATION, INC., 1320 Elm Hill Pike, Nashville, TN 37210. Representative: Earl Douglas Ison, Jr. (same address as applicant), (615) 256–3166. Transporting *general commodities* (except classes A and B explosives), between points in GA, IL, IN, KY, MI, OH, and TN.

[FR Doc. 81–17546 Filed 6–11–81; 8:45 am]
BILLING CODE 7035–01–M

[Finance Docket 29629]

Petition of Consolidated Rail Corporation for Exemption of the Proposed Abandonment of the Malone Secondary Track

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment of a 10.3 mile segment of the Malone Branch of Consolidated Rail Corporation (Conrail) from the requirements of prior Commission approval under 49 U.S.C.10903.

DATES: Exemption effective July 13, 1981. Petitions for reconsideration of this action must be filed on or before July 2, 1981.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th St. and Constitution Ave., Washington, DC 20423;
and
(2) Petitioner's representative: Charles E. Mecham, 1138 Six Penn Center Plaza, Philadelphia, PA 19104.

Pleadings should refer to Finance Docket No. 29629.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275–7245.

SUPPLEMENTARY INFORMATION:

The Proposed Transaction

Conrail has filed a petition to exempt the abandonment of a 10.3 mile segment of its Malone Branch in Franklin County, NY, from the requirements of 49 U.S.C. 10903.

Conrail currently conducts no rail operations over the track. There are no stations, public delivery track, or private rail sidings located on the segment. No other freight rail carrier operates lines within several miles of the involved track. Conrail claims that abandonment will not affect any shippers or receivers of freight and will have no measurable effect opon its revenues and expenses. Moreover, Conrail predicts that there will be no impact upon rail employees or the environment and energy consumption. Other carriers and the public generally should not be affected.

Following abandonment, Conrail plans to sell the right of way and salvage the rails, ties, and other hardware.

The Statute

Rail abandonments require the approval and authorization of the Commission under 49 U.S.C. 10903. To obtain Commission approval, an application must be filed in compliance with *Abandonment of Railroad Lines and Discontinuance of Service,* 49 CFR 1121 (1978) (abandonment regulations). Conrail requests an exemption from 49 U.S.C. 10903 so that it will not have to file a formal application under the abandonment regulations.

Under 49 U.S.C. 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96–488, 94 Stat. 1895, October 4, 1980) (Staggers Act), the Commission is authorized to exempt a transaction when it finds that (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

Our detailed scrutiny of this abandonment is not necessary to carry out the goals of the rail transportation policy of section 10101a because the abandonment does not affect shippers, employees or competing carriers.

The proposed abandonment is very limited in scope. It will effect only a relatively short track segment which is currently not used in any rail operations. Service to shippers will continue to be conducted in the same manner as in the past.

Since the proposed transaction is of limited scope, it is not necessary to consider whether our regulation is needed to protect shippers from the abuse of market power.

Public Use Condition and Offers of Financial Assistance. In abandonment applications filed pursuant to 49 U.S.C. 10903, the Commission is required to consider two matters that have not been specifically considered in this exemption proceeding. First, 49 U.S.C. 10906 requires us to determine if the property to be abandoned is suitable for other public uses. If the property is suitable, we impose certain conditions to allow interested persons an opportunity to obtain the property. Second, 49 U.S.C. 10905, as modified by section 402 of the Staggers Act, allows interested persons to make offers of financial assistance to assure the continuation of operations over the line. Under the procedure provided by this section, financial offers may lead to continued subsidized operation of the line or sale of the line for continued operations by others.

Since the provisions of sections 10905 and 10906 apply only to applications under section 10903, we are not required to allow offers of financial assistance or impose any public use conditions when an exemption is given, because no application need be filed. We note, however, that these matters may be raised in petitions for reopening of this proceeding.

Labor Protection. In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. 10505(g)(2).) Therefore, as a condition to this exemption, we will impose the same level of labor protection as is usually required in abandonment transactions. We have determined that the employee protective conditions developed in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979), satisfy the statutory requirements for protection of employees involved in an abandonment transaction.

Energy and Environmental Considerations. Our initial review of the proposal indicates that the abandonment will not significantly affect energy consumption or the quality of the human environment. However, in line with our recent decision in F.D. No. 29352, *Central of Georgia Railroad Company—Petition for Exemption from the Filing of an Abandonment Petition, 49 U.S.C. 10903–10906,* (not printed) decided December 9, 1980, we shall require Conrail to notify the following New York agencies of this proceeding and their opportunity to file a petition to reopen this proceeding on environmental grounds:

Mr. Frederick Rath, Deputy Commissioner for Historic Preservation—Board of Historic Preservation—Parks and Recreation, South Swan Street Building, Albany, NY 12223;
Jane Magee, CEQRA Coordinator, N.Y. State Department of Environmental Conservation, 50 Wolf Road, Albany, NY
Iven Vamos, Deputy Commissioner, For Planning and Development, N.Y. State Parks and Recreation, Empire State Plaza, Albany, NY 12238;
John Lussi, Director, N.Y. State Department of Transportation—Building 7A, Room 305, State Office Campus, Albany, NY 12232;
Larry Brown, N.Y. State Dept. of Environmental Conservation, Significant Habitat Unit, Delmar, NY 12054;
Robert Hansen, Coastal Management Unit, Department of State, 162 Washington Street, Albany, NY 12232;
Darwin Field, Director, Planning and Federal Program, 99 Washington Avenue, Department of State, Albany, NY 12231;
Peter Nye, Wildlife Resources Center, N.Y. State Department of Environmental Conservation, Delmar, NY 12054;
Louis Rossi, Director, Department of Transportation, Rail Division, Building No. 5, State Campus, Albany, NY 12232;
Ms. Elizabeth Wald, Land Use Specialist, New York State Dept. of Environmental Conservation, Bureau of Forest Resource Mgt., 50 Wolf Road, Room 414, Albany NY 12233.

Conrail must notify these agencies within 5 days of the publication of this decision in the **Federal Register**. Copies of correspondence and /or memoranda of communications with these agencies

should be submitted as evidence of compliance with this condition.

This exemption will become effective July 13, 1981. And party may file a petition to reopen this proceeding for reconsideration in accordance with 49 CFR 1100.98(d). This petition must be filed no later than 20 days following the date of publication. The filing of a petition will not automatically stay the effect of this action; we may, on our own motion or on petition, stay the effective date. A petition to stay must be filed no later than 10 days following the date of publication.

We find

(1) The application of the requirements of 49 U.S.C. 10903 to the abandonment by Conrail of the described 10.3-mile segment of its line in Franklin County, NY, is not necessary to carry out the transportation policy of 49 U.S.C. 10101a.

(2) This transaction is of limited scope.

(3) This decision will not relieve any rail carrier from an obligation to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707.

(4) In light of the condition imposed in the first ordering paragraph below, this decision will not significantly affect energy consumption or the quality of the human environment.

It is ordered

(1) We exempt from the requirements of 49 U.S.C. 10903 the abandonment by Conrail of the 10.3 mile line described in its petition subject to the conditions for the protection of employees embodied in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), and subject to the further condition that, within 5 days of publication in the **Federal Register**, it notifies the state agencies named in the body of this decision. Copies of correspondence and/or memoranda of communications with these agencies should be submitted for the record as evidence of compliance with this condition.

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register**, for publication.

(3) This exemption will continue in effect for one year from the effective date of this decision. The abandonment of the line segment must occur during that time in order to use this exemption.

(4) This decision shall be effective July 13, 1981.

(5) Petitions to stay the effective date of this decision must be filed no later 10 days after the date of publication in the **Federal Register.**

(6) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publication in the **Federal Register.**

Decided: June 8, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17547 Filed 6-11-81; 8:45 am]

BILLING CODE 7035-01-M

[F.D. No. 29254F]

Somerset Railroad Corp.; Construction and Operation of a Line of Railroad in Niagara County, N.Y.

AGENCY: Interstate Commerce Commission (ICC), Office of Policy Analysis, Energy and Environment Branch.

ACTION: Notice of intent to prepare a supplement to the Environmental Impact Statement (EIS) on Somerset Railroad Corporation's application to construct and operate a line of railroad in Niagara County, New York.

SUMMARY: The Somerset Railroad Corporation (Somerset Railroad) has announced its intention to amend a previously filed application for the purpose of obtaining ICC certification to construct and operate railroad facilities to supply coal and other materials to an electric generating plant currently under construction along Lake Ontario at Somerset, New York, by the New York State Electric & Gas Corporation (NYSEG). This notice describes the analytical framework within which the amended application will be considered under the provisions of the National Environmental Policy Act of 1969 (NEPA). It is anticipated that the supplement will be presented in draft and, following comments, final form. Public comment on this notice is invited.

COMMENTS AND DATES: Written comments addressing the contents of this notice should be submitted to Interstate Commerce Commission, Energy and Environment Branch, Room 5377, 12th & Constitution Ave., N.W., Washington, DC 20423, and should be filed on or before July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Bausch (telephone: 202-275-7916).

SUPPLEMENTARY INFORMATION: Somerset Railroad's original application, filed February 12, 1980, contemplated construction and operation of a line of railroad from a station on the Falls Branch Line of Consolidated Rail Corporation located in Gasport, NY to the electric generating plant site (Gasport Spur). The NEPA process undertaken for that application resulted in promulgation of a draft and final EIS, issued September 5, 1980 and January 16, 1981, respectively, which considered potential impacts associated with the Gasport Spur as well as alternative routes, including a line known as Hojack-West. The application to construct the Gasport Spur was denied in a decision issued March 6, 1981, but without prejudice to Somerset Railroad's amending its application to seek authority over the Hojack-West line of railroad.

Somerset Railroad now intends to seek certification of the Hojack-West line, with a new connection to the Falls Road Branch Line which would run in a generally northerly direction from the Conrail switch yards west of Niagara Junction along a transmission line corridor owned by the New York State Power Authority and Niagara Mohawk Power Corporation, and then along the north side of the Niagara University campus to the State Power Authority Forebay, and then along the Hojack-West right-of-way. The supplement will examine this alternative and other feasible alternatives, if any, to avoid Niagara University, the Forebay, and the Niagara escarpment area in the town of Lewistown. The supplement will employ data previously developed and new data, as appropriate, in making this examination. A third party consultant, Tera Corporation, will assist the Energy and Environment Branch in preparing the supplement.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17545 Filed 6-11-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-104]

Certain Card Data Imprinters and Components Thereof; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 7, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of AM International, Inc., 1900 Avenue of the Stars, Los Angeles, Calif. 90067 and

Bartizan Corp., 24 Ashburton Avenue, Yonkers, N.Y. 10701. The complaint alleges unfair methods of competition and unfair acts in the importation of certain card data imprinters into the United States, or in their sale, by reason of alleged direct or induced infringement of (1) claim 7 of U.S. Letters Patent 3,272,120 and (2) claim 12 of U.S. Letters Patent 3,340,800. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation; during the investigation, to issue a temporary exclusion order prohibiting importation of the articles in question into the United States, except under bond; and, after a full investigation, to issue an order excluding said articles from entry into the United States for the life of each patent in issue.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure.

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on June 4, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is reason to believe that there is a violation or whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain card data imprinters and components thereof into the United States, or in their sale, by reason of alleged direct or induced infringement of (1) claim 7 of U.S. Letters Patent 3,272,120 and (2) claim 12 of U.S. Letters Patent 3,340,800, the effect or tendency of which is to destroy or substantially injure an industry efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

AM International, Inc., 1900 Avenue of the Stars, Los Angeles, Calif. 90067
Bartizan Corporation, 24 Ashburton Avenue, Yonkers, N.Y. 10701.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

National Business Systems, Inc., 3206 Orlando Drive, Mississauga, Ontario L4V 1R5, Canada
National Business Systems, Inc., 525 Executive Boulevard, Elmsford, N.Y. 10523.

(c) Ralph Elsas-Patrick, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission Investigative Attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

The phrase "and components thereof" has been added to paragraph (1) above on the basis of informal investigatory activities by the Commission which revealed that said card data imprinters can be imported in component parts as well as entirely assembled units.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary U.S. International Trade Commission, 701 E Street NW., Washington D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Ralph Elsas-Patrick, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0440.

Issued: June 8, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-17478 Filed 6-11-81; 8:45 am]
BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Spectra-Physics, Inc. and Laserplane Corp.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Sections 16 (b)–(h), that a proposed consent judgment and a Competitive Impact Statement have been filed with the United States District Court for the Northern District of California in *United States v. Spectra-Physics, Inc. and Laserplane Corporation,* Civil No. C–78–1879 TEH.

The complaint in this case alleged that the December 1976 acquisition of Laserplane Corporation by Spectra-Physics, Inc. substantially lessened competition in the development, manufacture, and sale of laser-based machine control products and systems that are used on earth-moving machines.

The proposed judgment requires the defendants to license on a nonexclusive and royalty-free basis defendants' patents and other written machine control laser technical information which defendants owned as of January 1, 1980.

Public comment is invited within the statutory 60–day comment period. Such comments and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Anthony E. Desmond, Chief, San Francisco Field Office, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102.

Joseph H. Widmar,

Director of Operations.

United States District Court for the Northern District of California

United States of America Plaintiff, v. Spectra-Physics, Inc. and Laserplane Corporation, Defendants. Civil No. C 78–1879 TEH.

Filed: June 2, 1981.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties hereto consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the

motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16], and without further notice to any party or any other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff or defendants in this or any other proceeding.

For the Plaintiff United States of America: William F. Baxter, *Assistant Attorney General;* James E. Figenshaw, *Attorney, Department of Justice;* Anthony E. Desmond, *Attorney, Department of Justice.*

For the Defendants Spectra-Physics, Inc. and Laserplane Corporation: Heller, Ehrman, White & McAuliffe, 44 Montgomery Street, San Francisco, California; Arnold & Porter, 1200 New Hampshire Avenue, NW., Washington, D.C; Robert J. Vizas, *Attorney for Defendants Spectra-Physics, Inc. and Laserplane Corporation.*

United States District Court, Northern District of California

United States of America, Plaintiff, v. Spectra-Physics, Inc. and Laserplane Corporation, Defendants. Civil No. C 78–1879 TEH.

Filed: June 2, 1981.

Final Judgment

Plaintiff, United States of America, having filed its complaint on August 18, 1978, and plaintiff and defendants by their respective attorneys having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law and without this Final Judgment constituting evidence or admission by any party with respect to any issue of fact or law:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law, and upon the consent of the parties, it is hereby

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto. The complaint states claims upon which relief may be granted against defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. § 18).

II

As used in this Final Judgment:

A. "Defendants" shall mean Spectra-Physics, Inc. and/or Laserplane Corporation.

B. "Machine Control Laser Systems" ("MCL Systems") shall mean controls for earth-moving machines generally consisting of (1) a command post or tripod-mounted laser transmitter, (2) a detector or receiver, (3) a control box or electronic interface to the machine, and (4) either a hydraulic system which automatically controls the machine or an indicator or read-out that enables the machine operator to control the machine.

C. "Machine Control Laser Systems Components" ("MCL Systems Components") shall mean one or more of the following components for Machine Control Laser Systems: (1) a command post or tripod-mounted laser tranmitter, (2) a detector or receiver, (3) a control box or electronic interface to the machine, and (4) either a hydraulic system which automatically controls the machine or an indicator or read-out that enables the machine operator to control the machine.

D. "MCL Systems Technical Information" shall mean any written information, process, formula, or method for the manufacture of MCL Systems or MCL Systems Components.

E. "Person" shall mean any individual, partnership, firm, corporation, association, or any other business or legal entity.

III

The provisions of this Final Judgment shall apply to defendants and their officers, directors, agents, employees, subsidiaries, affiliates, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

A. Defendants are ordered and directed to grant to any person who makes a written application therefor within a period of seven (7) years after the date of entry of this Final Judgment:

1. a nonexclusive royalty-free license to make, use and sell MCL Systems or MCL Systems Components under each United States letters patent which defendants had a right to license as of January 1, 1980, such license to be for the full unexpired term of each licensed patent; and

2. a nonexclusive royalty-free license to use for the purpose of making, using and selling MCL Systems or MCL Systems Components, any MCL Systems Technical Information within the possession of defendants as of January 1, 1980, such license to be for the duration requested by the applicant, and to be terminable by the licensee at any time if the MCL Systems Technical Information becomes within the public domain.

B. Defendants are enjoined and restrained from including any restrictions whatsoever in any license granted pursuant to Section IV except as hereinafter provided:

1. A reasonable fee designed to cover the defendants' administrative costs of issuing the license may be charged;

2. Reasonable provisions may be made to forbid the unauthorized use or disclosure to third parties of MCL Systems Technical Information. Defendants also shall have the right to apply restrictive legends to such MCL Systems Technical Information indicating its proprietary and secret nature and to require the return of all copies of such MCL Systems Technical Information upon the termination of the right to use it.

3. Reasonable provisions may be made for cancellation of the license upon breach by the licensee of any of the provisions included in the license.

V

A. Within fifteen (15) days of the date of this decree, defendants shall file with this Court on the public record and submit in writing to those persons set forth by plaintiff in Appendix A hereto as well as to all other persons known by defendants to be engaged in the manufacture or sale of MCL Systems or MCL Systems Components in the United States, a listing of all patents and MCL Systems Technical Information subject to licensing under this decree. Defendants also shall submit in writing this listing to all other persons identified by plaintiff, from time to time, within fifteen (15) days of such identification. Said listing shall generally describe the technology covered by said patents and MCL Systems Technical Information. Within ninety (90) days of the date of this decree, defendants shall by general description advertise all patents and MCL Systems Technical Information available for licensing under this decree in at least two major trade journals of the general construction industry.

B. Beginning ninety (90) days after the date of this decree and continuing annually thereafter, for seven (7) years, defendants shall submit to this Court and to the Assistant Attorney General in charge of the Antitrust Division written reports setting forth the patents and MCL Systems Technical Information which are available for license pursuant to Section IV, the fact and manner of compliance with Paragraph A of this Section V, a listing of persons submitting applications or making inquiries hereunder, and all licenses issued by defendants pursuant to this Final Judgment during the preceding year.

VI

Nothing in this Final Judgment shall prevent any person from attacking at any time the validity or scope of any patent nor shall this Final Judgment be construed as imputing any validity to any patent.

VII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants made to its principal offices, be permitted:

1. Access during regular office hours of defendants to inspect and copy all relevant books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendants and without restraint or interference from them, who may have counsel present; and

2. Subject to the reasonable convenience of defendants and without restraint or interference from them, to interview officers, employes, and agents of defendants, who may have counsel present;

V 46 J E 12 81 UMI

B. Upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to defendants' principal offices, defendants shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested;

C. No information or documents obtained by the means provided in this Section VII shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with the Final Judgment, or as otherwise required by law; and

D. If at the time information or documents are furnished by defendants to plaintiff in accordance with this Section VII, defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendants mark each pertinent page of such material "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to defendants prior to divulging such material in any legal proceedings (other than a grand jury proceeding) to which defendants are not a party.

VII

Defendants shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets of the Construction Systems Division or the Laserplane Division that the acquiring party agrees to be bound by the provisions of this Final Judgment. An acquiring party subject to this provision shall file with the Court, and serve upon the plaintiff, its consent to be bound by this Final Judgment.

IX

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance therewith and for the punishment of any violation hereof.

X

The entry of this Final Judgment is in the public interest.

United States District Judge.

APPENDIX A

AGL Corp.
2615 W. Main
Jacksonville, AR

Blount Industries
Box 3511, Hwy. 70 East
North Little Rock, AR 72117

Construction Laser Systems Industries
6383 Arizona Circle
Los Angeles, CA 90045

Control Instruments, Inc.
P.O. Box 1825
Grand Rapids, MI 49501

Laser Alignment
63320 28th St., S.E.
Grand Rapids, MI 49506

Laser Electronics Pty. Ltd.
P.O. Box 359 Southport
Queensland, Australia 4215

Laser Systems of Arizona
10314 W. Montecito
Phoenix, Arizona

Industries Universal
P.O. Box 2028
Calexico, CA 92231

Komatsu Ltd.
Komatsu Building, 2–3–6, Akasaka
Minato-Ku
Tokyo 107, Japan

Reno Energy Systems, Inc.
195 N. Edison
Reno, NV 89502

Vari-Tech Company
546 Leonard St., N.W.
Grand Rapids, MI 49504

Lasertron Company, Inc.
1026 Courtesy Street
Houston, Texas 77032

Honeywell Inc.
Honeywell Plaza
Minneapolis, MN 55408

Deere & Company
John Deere Road
Moline, IL 61265

Caterpillar Tractor Co.
100 N.E. Adams Street
Peoria, IL 61629

JAMES E. FIGENSHAW
GLENDA R. JERMANOVICH
HOWARD J. PARKER

Antitrust Division
Department of Justice
450 Golden Gate Avenue
Box 36046, Room 16216C
San Francisco, California 94102
Telephone: (415) 556–6300

Attorneys for the United States.

United States District Court for the Northern District of California

United States of America, Plaintiff, v. Spectra-Physics, Inc. and Laserplane Corporation, Defendants. Civ. No. C–78–1879 TEH.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)], the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this antitrust proceeding.

I. Nature and Purpose of the Proceeding

On August 18, 1978, the United States filed a civil complaint under Section 15 of the Clayton Act [15 U.S.C. 25], alleging that the defendants had violated Section 7 of the Clayton Act [15 U.S.C. 18]. The complaint charged that the December 8, 1976 acquisition of all the outstanding shares of Laserplane Corporation by Spectra-Physics, Inc. threatened to substantially lessen competition and create a monopoly in the development, manufacture, and sale of construction laser products and systems and machine control laser products and systems. During the course of pre-trial discovery, the Government concluded that the acquisition did not substantially lessen competition in construction lasers and advised the defendants that it would seek relief only with respect to machine control laser products and systems.

II. Description of Practices and Events Involved in the Alleged Violation

Prior to the acquisition, Laserplane Corporation was the dominant firm in the development, manufacture, and sale of machine control laser products and systems that guide and control heavy earth-moving machines for land leveling and farm drainage applications in the general construction and agricultural industries. At that time, machine control laser products and systems had not yet achieved widespread consumer acceptance and total sales were small. Prior to its acquisition of Laserplane, Spectra-Physics produced laser alignment products and systems generally and had produced the components of a machine control laser system which it attempted to sell principally for farm drainage. The Government contends that the acquisition substantially lessened actual and potential competition between Spectra-Physics and Laserplane and increased concentration generally in the development, manufacture and sale of machine control lasers.

Since the filing of the complaint, machine control laser products and systems have found greater consumer acceptance and several new companies have entered the market. The defendants' share of the machine control laser market has declined since the filing of the complaint.

III. Explanation of the Proposed Consent Judgment

The Government and the defendants have stipulated that the proposed consent judgment, which is in a form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation between the parties provides that there has been no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed judgment by the Court is conditioned upon a determination by the Court that the judgment is in the public interest.

The proposed judgment requires the defendants to grant to any person who makes a written application within a period of seven years a nonexclusive royalty-free license to make, use, and sell machine control laser products and systems under any United States patent which the defendants had a right to license as of January 1, 1980. All of the defendants' patents covering products and systems presently being used for machine control laser applications were acquired prior to this date. The proposed judgment also requires the defendants to grant to any person who makes a written

application within seven years a nonexclusive royalty-free license to use any written information, process, formula or method for the manufacture of machine control laser products and systems within defendants' possession as of January 1, 1980.

Because of the competitive importance of technology in this industry, patents and unpatented know-how were among the most important assets involved in the challenged acquisition. Compulsory royalty-free licensing of this technology should remedy the increased concentration and the other anticompetitive effects of the acquisition. Existing competitors in the market may be able to imporve their products and increase sales by obtaining licenses. Licensing may also attract new entry, particularly from manufacturers of heavy machinery which would be likely entrants but for their lack of technological expertise in laser systems. Licensing will also permit both new entrants and existing competitors to expand sales without the threat or fear of any suit for patent infringement.

The defendants are permitted by the proposed judgment to charge a reasonable fee to cover the administrative costs of issuing any license as well as to forbid the unauthorized use or disclosure of the information provided.

IV. Alternatives to the Proposed Consent Judgment

The proposed judgment is the product of lengthy negotiations with the defendants during continuously changing market circumstances. The Government originally sought divestiture of Laserplane's corporate assets by Spectra-Physics.

Although total divestiture has been, and will continue to be, the principal relief sought by the Government in Section 7 cases, the Government has concluded that compulsory, royalty-free licensing of technology is adequate relief in the unique circumstances of this case. Because of the nature of the product market and the current stage of development of the product, Spectra-Physics' manufacturing, sales, and distribution assets have relatively less competitive importance than such assets would have in other industries, whereas Spectra-Physics' technology has relatively more importance. The market has experienced substantial entry by new competitors since the Government filed suit, and the proposed relief is expected to provide additional encouragement to new entry. Finally, divestiture of physical assets in a manner that would ensure competitive viability for both Spectra-Physics and the divested entity would have been more difficult here than in the typical Section 7 case, because many of the assets, including manufacturing facilities, are non-divisible. Therefore, the Government concluded that the proposed relief would remedy the anticompetitive effects of the acquisition as adequately as divestiture would.

V. Remedies Available to Potential Private Plaintiffs

Any potential private plaintiffs who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal and equitable remedies that they would have had, were the proposed consent judgment not entered. However, pursuant to Section 5(a) of the Clayton Act [15 U.S.C. § 16(a)], as amended, this judgment may not be used as *prima facie* evidence in private litigation.

VI. Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may submit written comments to Anthony E. Desmond, Department of Justice, Antitrust Division, 450 Golden Gate Avenue, San Francisco, California 94102, within the 60-day period provided by the Act. The comments and the Government's responses to them will be filed with the Court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of the judgment is necessary in the public interest. The proposed judgment itself provides that the Court will retain jurisdiction over this action, and that the parties may apply to the Court for such orders as may be necessary or appropriate for the modification or enforcement of the judgment.

VII. Determinative Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)] were considered in formulating this proposed judgment.

Dated:

James E. Figenshaw,

Attorney, U.S. Department of Justice.

[FR Doc. 81-17422 Filed 6-11-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 8th day of June 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending June 13, 1981

Name of Applicant, Location of Enterprise, and Principal Product or Activity

Glen-Mar Industries, Inc., and Glen-Mar Associates, Glen Dale, West Virginia—Manufacturer of plastic products (toys, housewares, etc.)

[FR Doc. 81-17276 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-110-C]

Metzinger Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Metzinger Coal Company, R.D. #1, Ashland, Pennsylvania 17921, has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its West Drift located in Columbia County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if a "makeshift"safety device were installed it would be activated on knuckles and curves, when no emergency existed, and cause a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternate method, petitioner proposes to operates the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 13, 1981. Copies of the petition are available for inspection at that address.

Dated: June 4, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-17487 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-74-C]

Mine Hill Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Mine Hill Coal Company, 247 Wallace Street, Pottsville, Pennsylvania 17901, has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Little Buck Mountain Slope located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for the steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed, it would be activated on knuckles and curves, when no emergency existed, causing a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persond interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 13, 1981. Copies of the petition are available for inspection at that address.

Dated: June 4, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-17488 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-48; Exemption Application No. D-2209]

Exemption From the Prohibitions for Certain Transactions Involving Bart Hackley Accountancy Corp. Employees Pension Trust Located in Encino, Calif.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits: (1) the proposed sale of a parcel of real property (the Property) by the Bart Hackley Accountancy Corporation Employees Pension Trust (the Plan) to Bart Hackley, a party in interest to the Plan; and (2) the past loans of money to the Plan by Bart Hackley and by Bart Hackley Accountancy Corporation (the Employer), also a party in interest to the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 24, 1981, notice was published in the **Federal Register** (46 FR 23341) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions

of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed to interested persons in accordance with the requirements set forth in the notice.

No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply: (1) to the sale of the Property to Bart Hackley for a cash purchase price which would be the greater of: (a) the highest bid (b) the current appraised value; or (c) the cost of the Property to the Plan including the $167,500 purchase price and all Plan expenditures from the time of purchase to the time of sale, provided that the purchase price is not less than the fair market value of the Property on the date of sale; and (2) effective September 22, 1980, to the past interest-free loans to the Plan by Mr. Hackley and by the Employer totaling, respectively, $31,721.45 and $22,586.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions that are the subject of this exemption.

Signed at Washington, D.C., this 4th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-17156 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-50; Exemption Application No. D-2417]

Exemption From the Prohibitions for Certain Transactions Involving Contractor Service & Rentals, Inc. Profit Sharing Plan Located in Charlotte, N.C.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the leasing of real property by the Contractor Service & Rentals, Inc. Profit Sharing Plan (the Plan) to Contractor Service & Rentals, Inc. (the Employer), and the subsequent sale of that property by the Plan to Mount Vernon Charter Corporation (MVC), a party in interest with respect to the Plan. The lease was entered into before the effective date of the Employee Retirement Income Security Act of 1974 (the Act), but after July 1, 1974, the date specified in the transition rules contained in sections 414 and 2003 of the Act.

EFFECTIVE DATES: This exemption is effective from January 1, 1975 until September 30, 1979 with respect to the lease and on March 24, 1981 with respect to the sale.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 14, 1981, notice was published in the **Federal Register** (46 FR 21855) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restriction of sections 406(a), 406 (b)(1) and (b)(2), amd 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transactions described in an application filed on behalf of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of

the facts and respresentations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the leasing by the Plan to the Employer of a parcel of real property located at 317 West Worthington Avenue, Charlotte, North Carolina (the Property), for the period from January 1, 1975 until September 30, 1979, provided the rental payments were not less than fair rental value, and to the sale of the Property by the Plan to MVC on March 24, 1981, for $186,400, provided such amount was not less than the fair market value of the Property on the date of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 4th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–17157 Filed 6–11–81; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 81–46; Exemption Application No. D–1752]

Exemption From the Prohibitions for Certain Transactions Involving Everett Clinic Inc. Employees' Profit Sharing Trust Agreement Located in Everett, Wash.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits: (1) The proposed lease (Proposed Lease) of real property by the Everett Clinic, Inc. Employees' Profit Sharing Trust Agreement (the Plan) to the Everett Clinic, Inc. (the Clinic), the Plan sponsor; and (2) the agreement by the Clinic to indemnify and hold the Plan harmless regarding the Proposed Lease.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216, (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: ON March 24, 1981, notice was published in the **Federal Register** (46 FR 18409) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed to interested parties in accordance with the requirements set forth in the notice. No requests for a hearing were received by the Department. One public comment was received in which the applicant's representative disclosed that Olympic Bank of Washington (Olympic) has been appointed fiduciary solely with regard to the Plan's real property assets. The notice of pendency omitted the fact that Capital Consultants, Inc. has served as the Plan's investment manager since March 20, 1974 for the remainder of the Plan's assets and would continue in such role. The Department has concluded that these disclosures by the applicant's representative have no impact on the proposed exemption and

therefore the Department has decided to grant the exemption as proposed.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975 (c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (F) of the Code, shall not apply to: (1) The Proposed Lease by the Plan to the Clinic, provided that the terms and conditions of the Proposed Lease are and will remain at least as favorable to the Plan as those it could obtain from an unrelated third party; and (2) the Clinic's agreement to indemnify and hold the Plan harmless regarding the Proposed Lease.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 4th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-17158 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-47; Exemption Application No. D-2192]

Exemption From the Prohibitions for Certain Transactions Involving the Profit Sharing Plan for Employees of McKenney's and Affiliated Companies Located in Atlanta, Ga.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits (1) the proposed sale of 100% of the common stock of McKeps Inc. (McKeps Stock) by the Profit Sharing Plan for Employees of McKenney's Inc. and Affiliated Companies (the Plan) to McKenney's Inc., and Affiliated Companies (McKenney's), the sponsor of the Plan and (2) the extension of credit in such sale by the Plan to McKenney's.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216 (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 24, 1981, notice was published in the **Federal Register** (46 FR 18411) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for (1) the proposed sale of 100% of the McKeps Stock by the Plan to McKenney's and (2) the extension of credit in such sale by the Plan to McKenney's. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification provisions as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest

of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive bnenefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) the proposed sale of 100% of the McKeps Stock by the Plan to McKenney's and (2) the extension of credit in such sale by the Plan to McKenney's provided that at the time of the sale the terms of the sale and the extension of credit in such sale are at least as favorable to the Plan as those which the Plan could obtain in a similar transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 4th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-17159 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-51; Exemption Application No. D-2466]

Exemption From the Prohibitions for Certain Transactions Involving the Prudential Insurance Company of America's Property Investment Separate Account II Located in Newark, N.J.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption would exempt the acquisition by the Prudential Insurance Company of America's Property Investment Separate Account II (PRISA II) of the Emigrant Savings Bank Building (the Building) from the Emigrant Savings Bank of New York (the Bank) subject to an existing mortgage held by Fisher Forty-Second Street Company (Fisher), a party in interest with respect to PRISA II.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 14, 1981, notice was published in the **Federal Register** (46 FR 21857) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (D) of the Code, for the transaction described in an application filed by legal counsel for PRISA II. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exmptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the

entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the acquisition by PRISA II of the Building from the Bank subject to an existing mortgage held by Fisher provided that the terms of the transaction are not less favorable than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of the transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 4th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-17160 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-45; Exemption Application Nos. D-1649, D-1650 and D-2107]

Exemption From the Prohibitions for Certain Transactions Involving R & L Grell, Inc. Money Purchase Pension Plan, R & L Grell, Inc. Profit Sharing Plan and R & L Grell, Inc. Defined Benefit Pension Plan Located in Richvale, Calif.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits: (1) The assignment of an option to purchase a parcel of land (the Land) to the R & L Grell, Inc. Money Purchase Pension Plan (Money Purchase Plan) and the R & L Grell, Inc. Profit Sharing Plan (Profit Sharing Plan), by Larry Grell, vice president of R & L Grell, Inc. (R & L), on behalf of Heather Farms, a partnership owned one-third by Larry Grell and two-thirds by R & L; (2) the offer of an interest in the Land by the Money Purchase Plan to the R & L Grell, Inc. Defined Benefit Plan (Defined Benefit Plan) and the acceptance of the offer by the Defined Benefit Plan; and (3) the proposed lease of the Land by the Money Purchase Plan and the Defined Benefit Plan (collectively, the Plans) to R & L; and (4) the proposed guarantee of R & L's lease payments by three principal shareholders of R & L.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216; telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 24, 1981, notice was published in the **Federal Register** (46 FR 18405) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the applications for exemption and referred interested persons to the applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that a copy of the notice was distributed to interested persons in accordance with the requirements set forth in the notice. No requests for a hearing were received by the Department. One public comment was received, in which the applicants' representative stated that the figures given in the notice of pendency for the net assets of the Money Purchase Plan and the Defined Benefit Plan were reversed. However, the correct figures were utilized in the notice of pendency to calculate the percentage of each Plan's assets involved in the transactions discussed above. The Department has determined that the use of incorrect Plan asset figures in the notice of pendency has no adverse effect on the proposed exemption and has decided to grant the exemption as proposed.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly, the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply: (1) effective September 12, 1978, to the assignment of the option to purchase the Land, by Larry Grell on behalf of Heather Farms, to the Money Purchase Plan and the Profit Sharing Plan; (2) effective March 28, 1980, to the offer of an interest in the Land by the Money Purchase Plan to the Defined Benefit Plan and the acceptance of the offer by the Defined Benefit Plan; (3) to the proposed lease of the Land by the Plans to R & L, provided that the terms and conditions of the proposed lease are at least as favorable to the Plans as those they could obtain from an unrelated third party; and (4) to the personal guarantee of R & L's lease payments by Larry Grell, Lawrence Grell, and Roy Grell.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the applications are true and complete, and that the applications accurately describe all material terms of the transactions that are the subject of this exemption.

Signed at Washington, D.C., this 4th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-17161 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-49; Exemption Application No. D-2371]

Exemption From the Prohibitions for Certain Transactions Involving Taylor Enterprises, Inc. Profit Sharing Plan Located in Mechanicsburg, Pa.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the cash sale of a parcel of real property (the Property) located in Ocean City, Maryland by the Taylor Enterprises, Inc. Profit Sharing Plan (the Plan) to Taylor Enterprises, Inc. (the Employer), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 24, 1981, notice was published in the **Federal Register** (46 FR 18413) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed to interested persons in accordance with the requirements set forth in the notice. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale of the Property by the Plan to the Employer for a cash purchase price of the greater of (1) $98,239.67 or (2) the sum of the fair market value of the Property at the time of sale plus all Plan expenditures relating to the Property from the time of purchase to the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms

of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 9th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-17162 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-84; Exemption Application No. D-1268]

Exemption From the Prohibitions for Certain Transactions Involving the Thompson Steel Co., Inc., Pension Trust A Located in Canton, Mass.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the past sale of corporate bonds by the Thompson Steel Company Pension Trust A (the Trust) to the Paul Revere Life Insurance Company (PRL), a party in interest with respect to the Trust.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 24, 1981, notice was published in the **Federal Register** (46 FR 18415) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. the notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed to interested persons in accordance with the requirements set out in the notice. One request for a hearing and one public comment were received by the Department, both of which were subsequently withdrawn.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of the Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) the fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the intersts of the Trust and of its participants and beneficiaries; and

(C) It is protective of the rights of the participants and beneficiaries of the Trust.

Accordingly, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) the sale by the Trust to PRL on August 8, 1977 of Montgomery Ward Credit 8¼ percent bonds due June 30, 2002; and (2) the sale by the Trust to PRL on October 20, 1977 of Diamond International Corp. 8.35 percent bonds due September 1, 2006, provided that the amount the Trust received for each sale of bonds was not less than their fair market value on the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction that is the subject of this exemption.

Signed at Washington, D.C. this 7th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration Department of Labor.

[FR Doc. 81-17163 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1931]

Withdrawal of Proposed Exemption Involving the ABC Freight Forwarding Corp. Employees Profit Sharing Plan and Trust Located in New York City, N.Y.

In the **Federal Register** dated February 13, 1981, (46 FR 12363) the Department of Labor (the Department) published a notice of pendency of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1954. The notice of pendency concerned an application filed by the trustees of the ABC Freight Forwarding Corp. Employees Profit Sharing Plan and Trust (the Plan) on behalf of the Plan.

On May 26, 1981, the applicants notified the Department that they no longer were seeking an exemption for the transaction as it is presently

described in the above cited notice. Accordingly, the applicants requested that the application for exemption be withdrawn from consideration by the Department. The Department concurs with the request. The notice of pendency is hereby cancelled and the application is considered withdrawn.

Signed at Washington, D.C., this 4th day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-17155 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-52; Exemption Application No. D-2233]

Exemption From the Prohibitions for Certain Transactions Involving the Parker-Hannafin Corp. Pension and Retirement Income Plans; Located in Cleveland, Ohio

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the sale of two undivided one-half interests in a 31.4 acre parcel of real property located in Irvine, California (the Property) by the Parker-Hannafin Corporation (the Employer), to the Ameritrust Company (Ameritrust), as Trustee for the Parker-Hannafin Corporation Pension and Retirement Income Plans (the Plans), if the Property is rezoned for commercial use.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-7462. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: On March 24, 1981, notice was published in the **Federal Register** (46 FR 18407) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b)(1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for transactions described in an application filed on behalf of the Plans. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented it has complied with the requirements of the notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale of two undivided one-half interests in the Property (located at the northeast corner of Von Karmen Avenue and Michelson Drive in Irvine, California) by the Employer to Ameritrust as Trustee for the Plans, for a total of $13,670,000 provided this amount is no greater than the fair market value of the Property at the time of the sale, and provided that the Property is rezoned for commercial use.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 5th day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-17453 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1450]

Proposed Exemption for Certain Transactions Involving the Pridgeon & Clay, Inc. Restated Profit-Sharing Retirement Trust and the Pridgeon & Clay, Inc. Restated Pension Plan and Trust; Located in Grand Rapids, Mich.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the

Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt financing, conveyancing and leasing arrangements with respect to certain real property involving both the Pridgeon and Clay, Inc. Restated Profit Sharing Retirement Plan and Trust (the Profit Sharing Trust) and the Pridgeon and Clay, Inc. Restated Pension Plan and Trust (the Pension Trust) (collectively referred to as the Plans), and the Michigan National Bank of Grand Rapids, Michigan (the Bank), the Economic Development Corporation of the City of Grand Rapids (EDC), and the Pridgeon and Clay, Inc. (the Employer). The Bank, EDC and the Employer are parties in interest with respect to the Plans.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before July 24, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1450. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: C. E. Beaver, of the Department of Labor, telephone (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b), and 407(a) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (F) of the Code. The proposed exemption was requested in an application filed by the trustees of the Plans on behalf of the Employer and the Plans, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

(1) The Employer, a Michigan corporation created in 1948, has its principal offices and operations at 50 Cottage Grove, Grand Rapids, Michigan. This location is owned by the Plans and has been leased to the Employer since 1968. The Employer has authorized capital stock consisting of 10,000 shares of common stock, par value $10 per share with 3,300 shares issued and outstanding, all owned by Donald V. Clay. Its principal activities are the manufacture of metal flanges, brackets, hangers, and metal cutter dies for the automotive industry, including General Motors Corporation and Ford Motor Company. Historically, when there has been a decline in new car sales the Employer has experienced an increase in its "after market" sales. It employees number approximately 180 and, as of March 31, 1980, its total assets were $10,542,394, with total liabilities of $4,590,135. For the year ended March 31, 1980, its total revenues were $17,952,324, with total earnings before income taxes of $1,719,121. Also, the Employer owns insurance policies on the life of Donald V. Clay from which it is the beneficiary for the sum of $1,212,125.

(2) The Plans were established in 1948 and their last determination letter by the Internal Revenue Service was issued during 1978. The Profit Sharing Trust has approximately 120 participants and the Pension Trust has approximately 125 participants. As of March 31, 1979, the total assets of the Plans were $2,672,129 and as of March 31, 1980, they had increased to $3,067,495. The trustees of the Plans are Arthur R. Snell and John W. McNeil (the trustees) who are partners in the law firm of Miller, Johnson, Snell and Cummiskey of Grand Rapids, Michigan. This law firm has been legal counsel for many years for the Employer and its owner, Donald V. Clay. The Bank was appointed by the Trustees to be the investment manager and the custodian of assets of the Plans which have been invested in marketable securities. The Bank would have no responsibility as a fiduciary of the Plans' assets in the proposed transactions for which this exemption is requested. The law firm in which the Trustees are partners has represented the Bank in special matters; however, it does not represent the Bank in any capacity in the proposed transactions. The Bank has been for many years one of the primary lending sources for the Employer.

(3) EDC is a public body corporate and an instrumentality of the City of Grand Rapids, Michigan. Its sole function with respect to the proposed transactions would be to serve as a conduit for financing the remodeling and construction improvements on the real property owned by the Plans.

(4) The applicants are requesting an exemption from the prohibited transaction provisions of the Act for the following transactions. The Plans propose to borrow $1,500,000 directly from EDC in order to remodel and raze obsolete buildings and to construct new and modern facilities to be used in the Employer's primary manufacturing activities. This undertaking will help relieve conditions of unemployment and will help to encourage an increase of industry or commerce within the City of Grand Rapids. This demolition and construction is to be done to a separate portion of real property (consisting of 115,610 square feet with an orginal cost of $179,292) which the Plans own and lease to the Employer at 50 Cottage Grove, Grand Rapids, Michigan (the Project). As between the Plans, the Profit Sharing Trust owns two-thirds of the Project and the Pension Trust owns one-third. Since EDC has no funds, the Bank has agreed to indirectly finance this aforementioned undertaking of the Plans by purchasing from EDC, for $1,500,000, a tax exempt industrial development bond (the Bond), which would be issued and sold in accordance with the Michigan Economic Development Corporation Act and section 103 of the Code. In accordance with the terms of this financing, the Plans would convey legal title to the Project to EDC so that EDC could mortgage the Project to the Bank for security on the Bond. The Employer would execute and deliver a written guarantee to the Bank for payment of the Bond. Simultanously with these above transactions, EDC would execute an agreement with the Plans for leasing the Project to the Plans and for the repurchasing of the Project by the Plans from EDC upon retirement and redemption of the Bond and the payment of $10; and the Plans would execute an agreement with the Employer for subleasing the Project to the

Employer. Also at this time, the Plans would assign to the Bank, as additional security for payment of the Bond, their position as lessor under the sublease and the rentals to be paid to the Plans by the Employer.

(5) This sublease of the project from the Plans to the Employer would be the foundation for repayment of the financing of the Project. For the first five years of the sublease, the initial rentals of $237,000 per year ($19,750 per month) would yield the Plans a gross return of 14.6 percent on the $1,618,540 appraised fair market value of the competed Project. Furthermore, these rentals would be subject to adjustment every five years in accordance with the Bureau of Labor Statistics Consumer Price Index. At the beginning of the sixth year there would be an increase of the rentals of at least 5 percent per year to not less than $290,250 per year. This minimum increase is to ensure that the Plans will be able to pay their unrelated business income tax, which is computed to be less than $250,000 for the first 10 years of the lease agreement. The sublease would be an "absolute" net lease for the Plans for a term of 15 years with two renewal options of 5 years each by the Employer. The Employer would be responsible for all repairs, utilities, insurance, and taxes of the Project. In addition, the Employer would indemnify the Plans from any liability by reason of any action or casualty arising from the ownership and leasing of the Project. The interests of the Plan in the Project would be further protected by the Employer acquiring insurance coverage in the sum of $2,500,000 for public liability and $2,100,000 for property damage.

(6) Under the lease and repurchase agreement of the Project between EDC and the Plans, the Plans would be obligated to pay monthly rentals of $15,450, and no assets of the Plans, other than the Project itself, could be levied upon in case of default. These monthly rentals would equal the monthly payments which would be due the Bank by EDC for amortizing the interest and principal of the Bond. However, simultaneously with the execution and delivery of the above agreements, EDC would assign to the Bank its position as lessor under the lease and repurchase agreement and the rentals therefrom to ensure payment of the interest and principal on the Bond. These assignments by EDC and the Plans of the lease and repurchasement agreement and the sublease, respectively, would result in the Employer paying all rentals directly to the Bank where the rentals would be deposited in a "Bond Fund". Interest and principal of $15,450 per month owing on the Bond would be paid to the Bank from the Bond Fund and surplus amounts (initially) of $4,300 per month would be allocated to the Plans' bank account. Thus, EDC would have no function other than to serve as a conduit for the tax-exempt financing of the Project. Under Michigan law the Plans would continue to be treated as legal owner of the project with powers to assign the sublease with the Employer in part or in whole. The City of Grand Rapids would exempt the Project from any increases in assessed value for tax purposes for the next 12 years.

(7) The material terms of the Bond issued by EDC to the Bank would be $1,500,000 principal amount, 9¼ percent per annum (or $1,094,926), payable over 10 years on a 15 year amortization schedule. Payments of interest and principal would be made in 119 equal monthly installments of $15,450 with all remaining interest and principal due on the Bond in the sum of $756,376 paid in full on the 120 monthly installment. Under certain circumstances, acceleration of these monthly payments would be permitted. It is anticipated that 15 percent of future contributions by the Employer will be used for acceleration of monthly payments. If this acceleration of monthly payments is undertaken by the Plans and the Employer, the total interest paid on the Bond will be reduced to $804,589. The Bond would not become a general obligation of EDC or of any other political subdivision of the State of Michigan. It would be repaid solely from net revenues derived from leasing or selling the Project.

(8) The Trustees retained Elden J. Nedeau, SREA, MAI an independent, qualified real estate appraiser of Muskegon, Michigan to prepare an appraisal of the properties involved in the proposed transactions, including the current fair market value and rental values thereof. As of October 23, 1979, he determined that assuming completion of the Project on October 15, 1979, it would have a current fair market value of $1,618,540 with a fair rental value of $19,750 per month or $237,000 per year.

(9) The Plans have retained an independent fiduciary, Robert Bowman Company, a Michigan corporation located in Grand Rapids, Michigan, as investment manger (the Manager) for the Plans with regard to the proposed transactions. The Manager has represented that the Project and the proposed transactions as structured are in the best interest of the Plans and their participants and beneficiaries and are protective of the rights of the participants and beneficiaries of the Plans. In accordance with the provisions of the employment contract, the Manager will be responsible for monitoring all terms and conditions of the transactions and assuring that they are complied with and that the Trustees satisfy their fiduciary obligations and take all appropriate action for the protection of the rights of the participants and beneficiaries of the Plans. If the Manager determines it to be in the best interests of the Plans and protective of the rights of the participants and beneficiaries, the Manager has the authority to require that the Trustees terminate the lease agreement between the Employer and the Plans. In that event the Employer shall acquire the Project from the Plans at the current fair market value, as determined by an independent qualified appraiser, subject to all existing indebtedness and upon assumption of all obligations of the Plans under the lease and repurchase agreement with EDC and the mortgage and related Bond documents. The Bank and EDC will simultaneously release the Plans as provided in the lease and repurchase agreement. If the Employer is unable to perform, the Plans may prepay its rental obligations under the lease and repurchase agreement with EDC, and thus, accelerate the repayment of the obligations under the Bond. The terms of the Bond would impose a 3 percent penalty for acceleration during the first five years and no penalty during the last five years. This action would permit the Plans to terminate the lease and repurchase agreement with EDC and obtain a new lessee of the Project or sell the Project.

(10) These proposed transactions were recommended by the Trustees to be of optimum benefit to the Plans and their participants and beneficiaries. The Trustees reviewed past investments by the Plans, and concluded that the best investment returns on the assets held by the Plans has been real estate leased to the Employer. The Trustees felt that the proposed transactions would not only provide excellent investment returns to the Plans but would also provide adequate protection to the rights of the participants and beneficiaries of the Plans.

(11) In summary the applicants represented that the proposed transactions satisfy the statutory criteria contained in section 408(a) of the Act because (a) the proposed transactions

will add substantially to the assets of the Plans with no risk except to a small portion ($179,292 or 5.84 percent of current assets) of Plans' total assets; (b) there are adequate safeguards to protect the rights of the participants and beneficiaries in the guarantees, assignments, and insurance policies plus the limitation of repayment of the financing solely from the rentals or sale of the Project; (c) the financing of the Project has been negotiated at arms-length by the Trustees, and the appraisals of the Project as to fair market value and fair rentals has been conducted by an independent, qualified appraiser; and (d) the Manager has independently determined that the proposed transactions are appropriate for the Plans and in the best interests of the Plans and their participants and beneficiaries with adequate safeguards.

Notice to Interested Persons

Notice of the proposed exemption as published in the **Federal Register** will be posted on employee bulletin boards of the Employer and delivered by first class mail to former employees who are participants or their beneficiaries within fourteen (14) days after the notice of pendency of such proposed exemption is published in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406(b), and 407(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(a)(1) (A) through (F) of the Code shall not apply to the financing, conveyancing, and leasing arrangements involving the indirect loan to the Plans of $1,500,000 by the Bank, the lease and repurchase agreement by EDC and the Plans, and the agreement for leasing the Project to the Employer by the Plans, or to the conveyances, assignments, guarantees and extension of credit according to the terms and conditions as described herein.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application is true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 5th day of June 1981.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-17450 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2464]

Proposed Exemption for Certain Transactions Involving the RREEF MidAmerica Fund–II; Located in San Francisco, Calif.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the purchase of a shopping center by RREEF MidAmerica Fund–II (the Fund) from an unrelated party, and the assumption by the Fund of an existing lease to J. C. Penney Company, Inc. (Penney), a party in interest with respect to one of the employee benefit plans participating in the Fund. The proposed exemption, if granted, would affect Penney, the Fund, the J. C. Penney Company, Inc. Pension Plan Trust (the Plan) and other plans that have invested in the Fund.

DATES: Written comments must be received by the Department of Labor on or before July 27, 1981.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2464. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for

exemption from the restrictions of sections 406(a) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code. The proposed exemption was requested in an application filed on behalf of RREEF MidAmerica, the Fund's investment manager, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secertary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Penney is an employer whose employees are covered by the Plan. The Plan is a qualified pension plan with approximately 120,000 participants. The Plan is one of several plans which invests in the Fund.

2. The Fund is a group trust created on April 1, 1980, that meets the requirements of Rev. Rul. 56–267, 1956–1 C.B. 206. It is designed to afford plans, qualified under section 401(a) of the Code and thereby exempt from Federal taxation under section 501(a) of the Code, the opportunity to diversify their portfolios by investing, through the Fund in real properties. The Fund is engaged primarily in the business of acquiring, improving, operating and holding for investment income-producing real property (as well as personal or mixed property connected therewith), including commercial, office and industrial property dispersed geographically throughout the United States.

3. The Fund is designed for investment by pension or profit-sharing plans, and the minimum investment in the Fund is $1,050,000. At the present time, fourteen pension or profit-sharing trusts have subscribed to invest in the Fund. The total value of assets of the Fund is currently $84,900,000 of which $2,400,000 was invested by the Plan.

4. The trustees of the Fund are Messrs. Claude N. Rosenberg, Jr., Alexander F. Hogland, Paul Sack, Johnson S. Bogart, Richard J. Bertero, Orra C. Hyde, III, Donald A. King, Jr., Wayne R. Harkins and Dean M. Greenwood. Discretion over the investments of the Fund, within the limits of the investment objectives and criteria of the Fund, has been assigned to RREEF MidAmerica (RMA), a general partnership organized in May, 1979 under the laws of the State of California, primarily for the purpose of managing and operating real estate investment programs such as the Fund. RMA is a registered investment adviser under the Investment Advisers Act of 1940. Its address is 200 East Randolph Drive, Suite 7211, Chicago, Illinois 60601.

5. The general partners of RMA are Messrs. Rosenberg, Hogland, Sack, Bogart, Bertero, Hyde, King, Harkins, Greenwood and RREEF partners, a limited partnership, the general partners of which are Messrs. Rosenberg, John D. Leland, Jr. and Joseph A. Mark. Investment decisions with respect to real properties for the Fund are made by an investment committee of RMA which consists of all the general partners of RMA except RREEF Partners.

6. RMA also acts as investment manager for RREEF MidAmerica Fund-I, a group trust established in 1979. RMA is affiliated with the RREEF Corporation and RREEF USA Partners, which are registered investment advisers for other real estate funds having investment objectives similar to those of the Fund. The RREEF Corporation acts as the investment manager for four RREEF Funds, while RREEF USA Partners acts as the investment manager for RREEF USA Fund-I. In addition to the $2,400,000 that the Plan has invested in the Fund, the Plan has also invested $23,700,000 in other funds managed by RREEF Corporation and RREEF USA Partners. This aggregate Plan investment of $26,100,000 constitutes only 4.1% of the total assets of all RREEF Funds which are valued at $640,800,000. Messrs. Rosenberg, Leland and Mark also are principals and employees of Rosenberg Capital Management, a registered investment adviser which provides investment management services with respect to equity and fixed income securities.

7. None of the individuals mentioned above is an officer, director or employee of Penney or its division, Treasury Drug Company, nor do such individuals hold an equity interest in Penney. Neither Penney nor Treasury Drug Company, nor any officer, director or employee of such companies, has any ownership interest in, or employment capacity with, RMA or any entity affiliated with RMA.

8. The Fund has agreed to purchase the Cambridge Square Shopping Center (the Shopping Center) located in Atlanta, Georgia, from Columbia Square Corporation (Columbia). The Shopping Center is currently partially leased pursuant to various lease obligations, including one lease to Penney which was entered into on August 27, 1980. That lease is for 8,100 square feet of the Shopping Center's 64,269 square feet of rentable space. The leased premises shall be occupied by Treasury Drug Company. The Shopping Center was first brought to the attention of RMA by Coldwell Banker, an independent broker, on November 19, 1980, well after the date on which the Penney lease was entered into. Negotiations began shortly thereafter, and the Agreement of Purchase and Sale was signed on February 17, 1981. The applicant has requested relief from the restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code. The Department sees no apparent violation of section 406 (b)(1) and (b)(2) of the Act and section 4975(c)(1)(E) of the Code. Accordingly, no exemptive relief is being proposed with respect to those sections.

9. The purchase price for the Shopping Center as stated in the Agreement of Purchase and Sale is $3,508,000, subject to possible increase under purchase provisions regarding purchase payments dependent upon certain gross rents from Shopping Center leases. RMA anticipates an overall acquisition cost of approximately $3,655,000 and closing is expected to occur on or shortly before September 30, 1981. Columbia will assign all existing leases, including the lease with Penney, to the Fund.

10. Neither Columbia nor any of its officers, directors or shareholders is affiliated with, in control of, or controlled by Penney or RMA, or in any way related to Penney or RMA, except as lessor to Penney and seller of property to RMA and the Fund.

11. The investment in the Fund by the Plan constitutes less than 3% of the Fund's total assets and less than 1% of the total assets in the Plan. The purchase price of the Shopping Center itself represents 4.1% of the Fund's total assets and within the entire Shopping Center, the subject lease with Penney represents about 12% of the rentable space.

12. The purchase price of the Shopping Center was arrived at by the parties through arm's length negotiation. Because of its expertise in transactions involving commercial real estate, RMA,

consistent with its normal practice, has not sought an appraisal of the property by a third party. Neither the Fund, RMA, nor any affiliates of RMA is participating in any commission in connection with the transaction, nor do RMA and its affiliates have any fiduciary obligation to Columbia.

13. The applicant represents that the proposed transactions meet the statutory criteria of section 408(a) of the Act because: (1) RMA believes that the Shopping Center is an excellent investment opportunity for the Fund, particularly at a time when such opportunities are difficult to locate; (2) the terms of the sale were arrived at by RMA and Columbia through arm's-length negotiations; and (3) the terms of the Penney lease have already been negotiated by Penney and Columbia, a corporation totally unrelated to, and independent of, Penney and RMA.

Notice to Interested Persons

Notice of the proposed exemption will be mailed by RMA to the appropriate fiduciary of each plan or trust that has subscribed to invest in the Fund. The notice will be mailed on or before June 22, 1981 of proposed exemption. The notice will inform interested persons of their right to comment with respect to the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the act and section 4975(c)(1) (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the sale of the Shopping Center by Columbia to the Fund and the lease of a portion of the Shopping Center to Penny, which commenced on August 27, 1980, provided the sale and lease terms are no less favorable to the Fund than those available in arm's-length transactions with unrelated parties.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this proposed exemption.

Signed at Washington, D.C., this 8th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-17451 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2513]

Proposed Exemption for Certain Transactions Involving T. Rowe Price Associates, Inc. Employee Stock Ownership Plan; Located in Baltimore, Md.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the exchange of T. Rowe Price common stock (Price Stock) owned by the T. Rowe Price Associates, Inc. Employee Stock Ownership Plan (the Plan) for Charles Center Properties, Inc. (Charles Center) common stock (Charles Center Stock) owned by T. Rowe Price Associates, Inc. (the Employer). The Plan will also receive cash from the Employer equal to the difference between the value of the Plan's Price Stock and value of the Charles Center Stock. The proposed exemption, if granted, would affect the Employer, the participants and the beneficiaries of the Plan, Charles Center, and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department at or before July 17, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2513. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Department,

telephone (202) 523–7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is an employee stock ownership and stock bonus plan, established by the employer in January 1975. As of December 31, 1980, the Plan had 281 participants and assets consisting of approximately $357,000 in cash or cash equivalents and 284,385 shares of Price Stock, aggregately valued at $2,559,465 based on a December 31, 1980 independent appraisal of $9.00 per share. Price Stock is not publicly traded. The Plan holds a 15 precent minority interest in Price Stock. The trustees of the Plan (the Trustees) are Messrs. Howard P. Colhoun, M. Jenkins Cromwell, and E. Kirkbride Miller. Each Trustee is an officer, shareholder, and employee of the Employer. Messrs. Miller and Cromwell are also directors of the Employer.

2. The Employer is a closely-held corporation which maintains its principal offices in Baltimore, Maryland. The Employer is in the business of providing investment advisory services to a number of mutual funds and to other investment clients. The employer is registered as an investment adviser with the Securities and Exchange Commission under the Investment Advisers Act of 1940. The Employer is also registered as an investment adviser under the securities law of various states. As of December 31, 1980, the Employer had under management, net assets in excess of $11 billion. As of December 31, 1980 there were 1,902,375 shares of Price Stock issued and outstanding.

The stock of the Employer, other than that held by the Plan, or held pursuant to distribution under the Plan, is owned by the directors and present or former employees of the Employer. These individuals are parties to an agreement with the Employer which restricts the alienability of Price Stock by requiring sales of such stock to the Employer at a predetermined price. Those employees receiving Price Stock from the Plan may either retain or sell their shares to any willing buyer subject only to a right of first refusal vested in the Employer and to the availability of exemptive relief from registration under the securities laws.

3. Among the assets of the Employer is all of the issued and outstanding common stock of Charles Center. Charles Center is a Maryland corporation formed in 1973. Charles Center's sole asset is a 99.9925 percent general partnership interest in a limited partnership (the Partnership) formed in Maryland in 1961. Holders of the remaining .0075 percent limited partnership interest include a director and two employees of the Employer. The Partnership's major asset is a leasehold interest in a 22 floor office building and appurtenant real property (collectively called the Building) located in Baltimore, Maryland. The Building is known generally as One Charles Center. The Building is a major office facility constructed in the early 1960's. The Building is currently encumbered by a Deed of Trust (the Building Mortgage) securing a debt owed to the Metropolitan Life Insurance Company (Metropolitan). The Building Mortgage is due and payable on January 1, 1982. The Partnership has the right to refinance the Building Mortgage over a term extending up to December 1, 1990. The Partnership also holds cash or cash equivalents totaling approximately $400,000.

4. The Building is subject to an Indenture of Lease (the Ground Lease) effectuated on October 27, 1964 between the Partnership as tenant and Metropolitan as landlord. The Ground Lease expires on October 31, 2004. The Partnership may extend the lease for two additional terms of 20 years each. The annual rental due under the Ground Lease is $111,800.04. As of July 1, 1976, the Building was leased (the Building Lease) in its entirety through 1990 to the Baltimore & Ohio Railroad Company (B & O). On April 30, 1979, B & O assigned the Building Lease to Chessie Resources, Inc. (Chessie). Both B & O and Chessie are members of a group of corporations known generally as the Chessie System. The Building Lease is a "net net" lease, requiring the tenant to pay, in addition to rent, all expenses associated with the Building. These expenses include Building Mortgage payments and refinancing charges as well as rentals due under the Ground Lease. Neither B & O, Chessie, nor any other occupant of the Building is related to the Employer. The annual rent due under the Building Lease is presently $200,000. This amount is to be increased to $300,000 for the years 1982 through 1985 and to $400,000 during the years 1986 through 1990, the final years of such lease.

5. Pursuant to the terms of an option agreement entered into between Charles Center and B & O during 1976 and subsequently assigned by B & O to Chessie in April 1979, Chessie has an exclusive right to acquire the Partnership at any time during calendar year 1982. However, Chessie must first notify Charles Center during the month of August 1981 before exercising the option. The purchase price would be a cash payment of $2,200,000 plus the current assets of the Partnership. Chessie would also assume the outstanding balance of the Building Mortgage at the time of the sale. The exact balance owed on the Building Mortgage will depend upon when the sale closes, but it is expected to approximate $7,000,000.

6. The Plan Trustees propose that the Plan be amended to become a profit sharing plan and that the Plan exchange all of its Price Stock for all of the Charles Center Stock. The Plan will also receive cash equal to the amount by which the value of the Plan's Price Stock exceeds the value of the Charles Center Stock. The proposed exchange is intended to facilitate the diversification of the Plan's holdings and to improve the Plan's investment return. The Employer will bear all expenses incidental to the transaction.

7. On January 1, 1981, the American Appraisal Company of Milwaukee, Wisconsin (American Appraisal), an independent appraiser, placed the fair market value for a minority interest transaction of the Plan's Price Stock at $9.00 per share. American Appraisal is familiar with the Employer and has appraised Price Stock during the five years of the Plan's existence. In addition, the firm's annual appraisal report has been relied upon by many employees of the Employer, who have sought to sell their shares of Price Stock

back to the Employer. The applicant has represented that in valuing Price Stock, American Appraisal has considered certain factors identified in Revenue Ruling 59–60, a ruling pertaining to the valuation of closely held stock. American Appraisal has also incorporated a 25 percent discount (the Discount) for illiquidity in determining the value of Price Stock. The Discount has been utilized on a consistent basis in all prior appraisals submitted by American Appraisal. The Plan acquired Price Stock during 1975–79; each acquisition utilized the Discount. The Discount takes into consideration a potential seller's inability to market Price Stock in an unrestricted fashion to third parties. It also includes certain resale impediments placed upon prospective purchasers. The applicant represents that discounts for non-marketability have been accepted by the Internal Revenue Service and have been ratified by the courts in cases decided under Revenue Ruling 59–60. Although the applicant acknowledges the contemplated transaction involves a redemption by the issuer, the applicant suggests this does not obviate the appropriateness of the adjustment for illiquidity because the stock, in the hands of the issuer as purchaser, will be no less illiquid than it is presently.

8. Several appraisals have been performed of the Partnership's leasehold interest in the Building. These appraisals have been conducted annually by Mr. Ronald Lipman (Lipman), CRE, MAI of the real estate consulting firm, Lipman, Frizzell, and Mitchell which is located in Baltimore, Maryland. Mr. Lipman is independent of and unrelated to the Plan or the Employer. In an appraisal of October 27, 1980, Mr. Lipman placed the value of the leasehold interest at $9,725,000. Mr. Lipman based this value on the assumption that Chessie would exercise its option to purchase the subject property in 1982. In an appraisal dated March 2, 1981, Mr. Lipman placed the value of the Building at $14,250,000. This figure was based on the assumption that the leasehold interest in the Building was not subject to the purchase option and the Building Lease. On April 8, 1981, Mr. Lipman rendered another appraisal opinion which concluded the leased fee interest was worth $13 million. The amount derived was based on the assumption that Chessie would not exercise the option to purchase but would rather continue as a tenant until 1990 under the subsisting Building Lease. For purposes of the proposed transaction, the applicant represents that the Plan will acquire the Charles Center Stock on the basis that Charles Center's interest in the leasehold is valued at $9,725,000, the lowest of the appraised amounts.

9. An independent fiduciary for the Plan has been retained with respect to the proposed transaction. The independent fiduciary is Mr. George D. Hubbard (Hubbard), a Maryland attorney with the Baltimore law firm of Semmes, Bowen and Semmes. Mr. Hubbard has substantial experience in the area of employee benefit matters. Neither Mr. Hubbard nor his firm represents the Employer or the Plan. Mr. Hubbard has preliminarily approved the proposed exchange. Before the exchange takes place, Mr. Hubbard will review the transaction again and give his final approval. The transaction will not be effectuated without Mr. Hubbard's final consent.

In making his preliminary determination, Mr. Hubbard has expressed his views on the questions of diversification and encumbrances to which the leasehold interest in the Building is subject. He has also commented on the reasonableness of the Discount utilized by American Appraisal in performing annual appraisals of Price Stock. With respect to the diversification issue, Mr. Hubbard indicates that as a result of the proposed transaction, there will be a greater opportunity for the Plan to diversify its assets regardless of whether or not Chessie exercises its option. Mr. Hubbard makes this statement based on his perception that a long term investment in the Building presents a much more normal and attractive investment for the Plan and its participants than an investment entirely in the stock of a corporation which is the sole source of assets contributed to the Plan and which is controlled by persons whose interests may not be entirely the same as the interests of the Plan participants as a whole. On the issue of encumbrances, Mr. Hubbard represents that Chessie must make the required payments or it will forfeit its interest under the Building Lease. Considering the financial resources of Chessie, its needs for office space, and its present commitment to the Building, he thinks it highly unlikely that Chessie would permit such a default to occur. If it did, he indicates the Plan would then own the leasehold interest in the Building free and clear of the Building Lease. In that case, the Plan should not incur any difficulty in releasing the Building and obtaining a considerably higher income than is currently available under the existing Building Lease. With regard to the reasonableness of the Discount, Mr. Hubbard believes the 25 percent adjustment is fair to Plan participants and within the range established by other independent appraisers in valuing the stock of closely-held corporations. He notes that American Appraisal has used the Discount percentage consistently in prior year appraisals of Price Stock and that the Discount has proven acceptable to Plan participants wishing to dispose of their shares of Price Stock. Mr. Hubbard states that since a third party would not purchase Price Stock without the Discount there is no reason to expect the Employer to do so.

In addition, Mr. Hubbard states that the proposed transaction is in the interests of the Plan and its participants and beneficiaries because it will allow the Plan to embark on a more suitable investment program than its current investment program. Mr. Hubbard notes that the earnings history of the Employer has not been an impressive one, and during the years 1975–79, Price Stock has ranged in value between $5.00 and $5.39 per share. Although he states the year 1980 was a good year for the Employer, there is no assurance this performance will continue. Therefore, he believes it would be a prudent decision for the Plan to divest itself of its Price Stock at this time rather than deferring such action until some time in the future when the current fair market price of $9.00 per share might not be available. He states that what the Plan can now acquire is an investment in a high quality office building at a price that is a fair one. This investment will either provide the Plan with cash within one year or it will remain an asset of the Plan having a substantially enhanced future value and generating a flow of income.

10. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act because: (a) the values of the stock to be exchanged will be determined by independent appaisers; (b) the transaction is subject to the review and approval of an independent fiduciary, and the transaction will not take place unless the fiduciary determines that the transaction is in the best interests of the Plan and its participants and beneficiaries; (c) all attendant fees and expenses will be borne by the Employer; and (d) the Plan will be able to divest itself of an asset producing little income for one

provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules.

Notice to Interested Persons

Notice of the pending exemption will be given to all interested persons which include all present participants of the Plan as well as all former participants and beneficiaries who have vested account balances in the Plan, within five days of the publication of the notice of pendency in the **Federal Register**. The notice will be provided to participants and beneficiaries by either first class mail or personal delivery. In addition, notice will be provided to those participants currently employed by the Employer by posting a copy of the notice of pendency on appropriate bulletin boards. Such notice shall include a copy of the notice of pendency and shall inform interested persons of their right to comment on and/or request a hearing regarding the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other producing a steady stream of income which may be reduced to cash in the event a third party option is exercised. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the exchange of the Plan's Price Stock for the Employer's Charles Center Stock and cash, provided the consideration received by the Plan is not less than the fair market value of the Plan's Price Stock at the date of consummation of the transaction.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 5th day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-17452 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period June 1–8, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9405; Mayer, Rothkopf Industries, Inc., Orangeburg, SC

TA–W–9954; Logerfo Brothers, New York, NY

TA–W–9575; Hillsboro Manufacturing Co., Hillsboro, OH

TA–W–9414; Lake Erie Screw Corporation, Lakewood, OH

TA–W–9997 & 10,267; Huntington Alloys Inc., Huntington, WV and Burnaugh, KY

TA–W–9737; Medusa Corporation, Manitowoc, WI

TA–W–9672; Margie Sportswear, Inc., New York, NY

TA–W–9557; Patricia Gale Coat Co., Inc., Brooklyn, NY

TA–W–9101; Kelly-Springfield Tire Company, Tyler, TX

TA–W–11,316; Kelly-Springfield Tire Company, Fayetteville, NC

TA–W–10,583; D.A.B. Industries, Inc., Vassar, MI

TA–W–10,457; Michigan Blue Print and Supply Company, Detroit, MI

TA–W–10,403; Robins Products Company, Farmington, MI

TA-W-10,345; Capac Metal Products, Inc., Capac, MI
TA-W-10,879; Bethlehem Steel Corporation, Department #560, Bethlehem, PA
TA-W-10,471; Huron Tool & Mfg. Company, Lexington, MI
TA-W-10,406; Target Stamped Products Corporation, Vernon, OH
TA-W-10,999; Butler Taconite Company, Keewatin, MN
TA-W-10,909; SMC Manufacturing Co., Deckerville, MI
TA-W-10,456; H&S Manufacturing Co., Antioch, IL
TA-W-10,261; Magco Plastics, Inc., Cumberland, RI

TA-W-10,544; South River Coat Company, South River, NJ

Investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

TA-W-10,533 & 10,533A; Rome Turney Radiator Company, Rome and Clark Mills, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finned tubing are negligible.

TA-W-11,547; St. Joe Zinc Company, Balmat and Edwards, NY

Investigation revealed that criterion (3) has not been met.

TA-W-11,656; Design & Manufacturing Corporation, Connersville, IN

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of household dishwashers are negligible.

TA-W-10,951; Joseph M. Herman Shoe Company, Scarborough, ME

Investigation revealed that criterion (3) has not been met. Separations from the subject firm resulted from a transfer of production to another domestic facility.

TA-W-9374; Beatty Machine & Mfg. Co., Hammond, TN

Investigation revealed that criterion (3) has not been met. Declines in employment at Beatty are attributable to declines in repair operations which do not constitute the production of an article within the meaning of Section 223 of the Act.

TA-W-10,016; Como Plastics, Columbus, IN

Investigation revealed that criterion (3) has not been met. With respect to household products, general industrial products and automotive products, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to data processing products, sales increased in quantity from 1978 to 1979 and in the first seven months of 1980 compared to the same period in 1979.

TA-W-10,716 & 10,850; Arrow Clothes, Inc., Andrew Pallack & Co., Inc., New York, NY

Investigation revealed that criterion (3) has not been met. Aggreate U.S. imports of uniforms are negligible. U.S. imports of men's and boys' tailored suits did not increase as required for certification. Production of ladies jackets by Arrow clothes increased from 1978 to 1979 and in the January through October 1980 period compared to the same period in 1979.

TA-W-11,081 & 11,082; Curlee Clothing Co., Lexington, KY and Winchester, KY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of men's and boys' tailored suits, dress coats and sportscoats and suits did not increase as required for certification.

TA-W-11,141; Hathaway Tool Works, Eaton Rapids, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of stamping dies are negligible.

TA-W-11,841; ACF Industries, Inc., Carter Carburetor Division, St. Louis, MO

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of carburetors are negligible.

TA-W-172; Johnstown Leather Corp., Johnston NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tanned deerskins and elkskins are negligible.

TA-W-9977; Republic Steel Corporation, Union Drawn Division, Massillon, OH

Investigation revealed that criterion (3) has not been met. With respect to carbon to carbon and alloy steel bars, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to stainless steel bars, shipments increased from 1978 to 1979 and in the first half of 1980 compared to the first half of 1979.

TA-W-11,845; Old Ben Coal Company Mine #24, Benton, IL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of coal did not increase as required for certification.

TA-W-9062; Lori Coat Co., Inc., Philadelphia, PA

Investigation revealed that criterion (3) has not been met. Evidence revealed that Lori lost the business of its principal manufacturer in November 1978 and was unable to find a steady replacement through 1979 and the first half of 1980.

Affirmative Determinations

TA-W-9528; Frederick Tool Corporation, Elkhart, IN

A certification was issued covering all workers separated on or after January 1, 1980.

I hereby certify that the aforementioned determinations were issued during the period June 1–5, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: June 8, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-17483 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11, 284]

AMF/Harley-Davidson Motor Co., Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 14, 1980 in response to a worker petition received on October 3, 1980 which was filed by the Allied Industrial Workers of America on behalf of workers at the Milwaukee, Wisconsin plant of AMG/Harley-Davidson Motor Company, Inc.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA–W–10,324). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 4th day of June 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-17491 Filed 6-11-81; 8:45 am]

BILLING CODE 4501-28-M

[Secretary of Labor's Order 3–81]

Delegation of Authority and Assignment of Responsibility Under the Trade Act of 1974

June 1, 1981.

1. *Purpose.* To delegate authority and assign responsibility for carrying out functions and responsibilities vested in the Secretary of Labor pursuant to the Trade Act of 1974 (Pub. L. 93–618), related legislation and Executive Orders.

2. *Background.* For those sectors of the economy which may suffer from increased imports, the Trade Act of 1974 provides for import relief and for effective adjustment assistance for firms, communities, and workers.

Heretofore operating responsibility for the Department's worker adjustment assistance programs has been divided in the Department of Labor (DOL). The Bureau of International Labor Affairs (ILAB) conducted investigations and made determinations of the eligibility of workers to apply for trade adjustment assistance. Actual assistance to workers including cash trade readjustment allowances, training opportunities, employment services which includes counseling, testing, and job placement services, and relocation allowances was provided by the Employment and Training Administration (ETA), working through State Employment Security Agencies.

Divided responsibility, however, made it more difficult to fix accountability for the performance of DOL activities under the Trade Act. Therefore, after considerable review a determination was made to transfer the worker trade adjustment assistance activities to the predominant operating component, namely ETA. This arrangement will allow ILAB to concentrate on its international labor policy role unfettered by operating program responsibilities. The transfer also is consistent with the President's desire to better integrate the trade adjustment assistance allowance programs and regular unemployment insurance programs.

3. *Delegation of Authority and Assignment of Responsibility*

a. *The Assistant Secretary for Employment and Training* is hereby delegated authority and assigned responsibility for coordinating, monitoring, and insuring that the functions of the Secretary of Labor under the Trade Act of 1974 are carried out, including but not limited to:

(1) Developing and promulgating Secretary of Labor regulations required to implement the Act.

(2) Developing and promulgating program performance standards relating to the conduct of certification investigations, public hearings, issuance of notice of certification decisions, delivery of program benefits, and other processes involved in the administration of the trade adjustment assistance program.

(3) Initiating investigations upon receipt of petitions for a certification of eligibility to apply for adjustment assistance for workers, and conducting public hearings upon receipt of requests for such hearings.

(4) Determining eligibility of groups of workers to apply for adjustment assistance and publishing the determinations in the **Federal Register.**

(5) Providing, through State Employment Security Agencies (SESA's), a full range of worker trade adjustment assistance benefits to eligible workers, including but not limited to cash benefits, employment services, training opportunities and cash job search and relocation allowances.

(6) Providing for effective administration of the workers trade adjustment assistance program through technical assistance and training to SESA's, monitoring SESA performance, and establishing a system of program and financial reporting.

(7) Developing and carrying out a program to inform and assist workers with respect to the trade adjustment assistance program, including a program of early detection of import injury.

b. *The Commissioner of Labor Statistics* is delegated authority and assigned responsibility for:

(1) Developing, pursuant to Section 282 of the Act, in cooperation with representatives of the Department of Commerce, an import monitoring system and publishing and distributing a summary of the information gathered under that section.

(2) Working with other appropriate agencies of the of the Government, as required, to develop uniform statistics on imports, exports, and production to facilitate comparisons.

c. *The Solicitor of Labor* shall have responsibility for providing legal advice and assistance to all officers of the Department in connection with the carrying out of their responsibilities herein assigned.

4. *Transfer of Resources.* The Office of Trade Adjustment Assistance, ILAB, is hereby transferred to the Employment and Training Administration. This transfer includes personnel, funds, equipment, supplies and records associated with ILAB's responsibilities in connection with the administration of the worker trade adjustment assistance provisions of the Trade Act of 1974.

The Assistant Secretary for Administration and Management is responsible for assuring an orderly and equitable transfer of resources, including assurance of consultation and negotiations as appropriate with representatives of the exclusive union.

5. *Reservations of Authority.* Reserved to the Secretary are the following:

a. Preparing reports for the President and the Congress, including recommendations, as appropriate, with respect to administration of the Trade Act of 1974, and particularly the Department of Labor responsibilities thereunder.

b. Entering into agreements with any State, or with any State agency, who will act as agent of the United States in carrying out Department of Labor responsibilities under the Act.

c. Entering into necessary agreements with agencies of the Federal Government, as required, to carry out responsibilities under the Act.

6. *Directives Affected.* Secretary's Order 3–75 is canceled. Secretary's Order 3–72 remains in effect except where inconsistent with the provisions of this Order, and paragraph 4a(6) of Secretary's Order 4–75 is superseded by the provisions of this Order.

7. *Effective Date.* This Order is effective immediately for planning purposes, and for implementation no later than one month from the date of this Order.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81–17485 Filed 6–11–81, 8:45 am]

BILLING CODE 4510–23–M

[Secretary of Labor's Order 2–81]

Enforcement of Equal Opportunity in Programs and Activities Receiving or Benefiting from Financial Assistance from the Department of Labor

June 1, 1981.

1. *Purpose.* To transfer the Office of Civil Rights from the Office of the Secretary to the Office of the Assistant Secretary for Administration and Management, and to delegate authority and assign responsibility for enforcing equal opportunity in programs and activities receiving or benefiting from Department of Labor (DOL) financial assistance.

2. *Policy.* It is the policy of the DOL to promote equality of opportunity in its programs and activities, and to ensure full compliance with all constitutional, statutory and regulatory

nondiscrimination provisions in programs and activities receiving or benefiting from DOL financial assistance.

3. *Background.* A Secretary of Labor Task Force recommended in 1980 that the civil rights activities of the several DOL grant-making components be centralized and made independent of program management. That recommendation was implemented with the issuance of Secretary's Order 8–80 of October 28, 1980, which established an Office of Civil Rights (OCR) in the Office of the Secretary with responsibility for enforcing Title VI of the Civil Rights Act of 1964 (CRA OF 1964) in programs of the Department. However, in an effort to further centralize and coordinate related activities, OCR is now being transferred to the Office of the Assistant Secretary for Administration and Management (OASAM). The transfer is consistent with the earlier recommendation of separate OCR activities from program management, and it facilitates coordination between Titles VI and VII of the CRA of 1964. The latter title, which deals with internal DOL equal employment opportunity, already is an OASAM responsibility.

4. *Transfer.* The Office of Civil Rights, including its field structure, is hereby transferred from the Office of the Secretary to the Office of the Assistant Secretary for Administration and Management. The field employees will become a part of the Regional Administrator-OASAM component in their respective regions. This transfer includes personnel, funds, equipment, supplies and records associated with administration and enforcement of equal opportunity in grant-making programs of the DOL. The Assistant Secretary for Administration and Management will complete arrangements to effect an orderly and equitable transfer of resources, including assurance of consultation and negotiations as appropriate with the unions representing affected employees.

5. *Delegation of Authority and Assignment of Responsibilities.*

a. *The Assistant Secretary for Administration and Management,* working through the Director, Office of Civil Rights (OASAM), is delegated authority and assigned responsibility for:

(1) Developing, implementing, and monitoring the Department's civil rights enforcement program under all equal opportunity and nondiscrimination requirements applicable to programs of financial assistance from DOL, including Title VI of the Civil Rights Act of 1964, as amended; Section 132 of CETA; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX Of the Education Amendments of 1962, as amended; and the Age Discrimination Act of 1975, as amended (hereinafter referred to as grant related EO laws).

(2) Establishing and formulating all policies, standards, and procedures, as well as issuing rules and regulations governing the civil rights enforcement programs under grant related EO laws.

(3) Achieving compliance through pre-award and post-award reviews, complaint investigations, negotiations, conciliation proceedings, and the application of appropriate sanctions and remedies.

(4) Cooperating and coordinating with DOL Agencies, the Office of the Inspector General, the Department of Justice, the Equal Employment Opportunity Commission and other agencies in connection with the administration of nondiscrimination and equal opportunity laws.

(5) Developing and conducting training and providing technical assistance for the National and regional staffs as well as for DOL Agency program staffs, recipients of DOL financial assistance, and beneficiaries.

(6) Developing and implementing a management information and case tracking system which can be used to assess the effectiveness of the DOL Civil Rights Program; and directing and organizing the regional programs and staff for civil rights in carrying out their functions under the grant related EO laws.

b. *Agency Heads* are assigned responsibility for:

(1) Promoting and instituting measures to assure that equality of opportunity is a reality in all Federal financial assistance programs funded by their Agency.

(2) Assuring that equal opportunity requirements are incorporated into all regulations, procedures and other guidelines and references covering grant programs administered by their Agency.

(3) Maintaining close liaison and cooperating with the Assistant Secretary for Administration and Management, and the Director of the Office of Civil Rights in all civil rights and equal opportunity matters affecting the financial assistance programs of their Agency.

c. *The Solicitor of Labor* is responsible for providing legal advice and assistance to, and representing DOL officials in legal proceedings as appropriate in connection with the administration of grant related EO laws.

6. *Directives Affected.* Secretary's Order 8-80 is canceled.

7. *Effective Date.* This Order is effective immediately for planning purposes, and for implementation no later than one month from the date of this Order.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-17484 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-23-M

[TA-W-9,528]

Frederick Tool Corp., Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 28, 1980 in response to a petition which was filed on behalf of workers at Frederick Tool Corporation, Elkhart, Indiana. The workers produce stamped steel hardware items including primarily folding banquet table legs and hand tools.

Evidence developed in the course of the investigation revealed that all of the criteria have been met.

U.S. imports of hand tools increased absolutely and relative to domestic production in 1979 compared to 1978 and increased absolutely for the period of January through September 1980 compared to the same period in 1979.

U.S. imports of articles like or directly competitive with the folding banquet table legs produced at Frederick Tool Company increased absolutely in 1979 compared to 1978 and increased in the first nine months of 1980 compared with the same period in 1979.

The Departments of Labor and Commerce conducted surveys of the major customers of Frederick Tool Corporation. The surveyed customers, accounting for a substantial proportion of Frederick Tool's sales declines, indicated increased purchases of imported folding banquet table legs and hand tools and decreased purchases of the same products from Frederick Tool

Corporation during the period under investigation.

On September 19, 1980 Frederick Tool Corporation was certified eligible to apply for trade adjustment assistance by the Department of Commerce (F–IN–1246–00).

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the folding banquet table legs and hand tools produced at Frederick Tool Corporation, Elkhart, Indiana contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Frederick Tool Corporaton, Elkhart, Indiana who became totally or partially separated from employment on or after January 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of June 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81–17489 Filed 6–11–81; 8:45 am]

BILLING CODE 4510–28–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of inports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 22, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 22, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No	Articles produced
Bardstown Manufactors (ILGWU)	Bardstown, Ky	5/22/81	5/20/81	TA–W–12,719	Women's apparel.
Corn Products, a Unit of CPC International, Inc. (OCAW).	Pekin, Ill	5/21/81	5/12/81	TA–W–12,720	Corn sweeteners, starches and various food products.
F & D Coat Company (workers)	Brooklyn, N.Y	5/27/81	5/20/81	TA–W–12,721	Ladies' coats and rain coats.
Flo-Nor Corp. (company)	Chula Vista, Calif	5/26/81	5/10/81	TA–W–12,722	Dressess, blouses and pants.
Norris Industries, Inc., McIntosh Div. (USWA)	Kendallville, Ind	5/22/81	5/20/81	TA–W–12,723	Rotor segments, power steering pistons, brake plates.
Norris Industries, Inc., McIntosh Div. (USWA)	Bluffton, Ohio	5/22/81	5/20/81	TA–W–12,724	Rotor segments, power steering pistons, brake plates.
Norris Industries, Inc., McIntosh Div. (USWA)	Upper Sandusky, Ohio	5/22/81	5/20/81	TA–W–12,725	Roto segments, power steering pistons, brake plates.
Novelty Yarn Corp., HRH Knitting Div. (Teamsters)	Jersey City, N.J	5/27/81	5/20/81	TW–W–12,726	Knitted fabrics.)
Oxwall Tool Co., Inc. (workers)	Oxford, N.J	5/22/81	5/18/81	TA–W–12,727	Nonpower hand tools.
Pinchneyville, Garment Co. (workers)	Pinckneyville, Ill	5/27/81	5/21/81	TW–W–12,728	Women's blouses, dresses and pants.
Union Special Corp. (workers)	Woburn, Mass	5/22/81	5/20/81	TW–W–12,729	Industrial sewing machines.
Centerton Manufacturing Co. (company)	Bridgeton, N.J	5/29/81	5/27/81	TA–W–12,730	Children's pants.
ConsumerTechnology, Inc. (workers)	Sunnyvale, Calif	5/29/81	5/19/81	TA–W–12,731	Television decoders.
(The) Gilbert Shoe Co. (company)	Thiensville, Wis	5/29/81	5/13/81	TA–W–12,732	Children's shoes.
Hyde Athletic Industries, Spot-Bilt Factory (workers)	Bangor, Maine	5/28/81	5/18/81	TA–W–12,733	Athletic footwear.
K & R Sportswear (ILGWU)	Elizabeth, N.J	4/2/81	3/31/81	TA–W–12,734	Ladies' sportswear.
Platt Saco Lowell (workers)	Easley, S.C	5/28/81	5/19/81	TA–W–12,735	Versamatic drawing frames, rovematic roving frames, spinomatic spinning frames and plymaster heavy ring twisters.

[FR Doc.81–17486 Filed 6–11–81 8:45]

BILLING CODE 4510–28–M

[TA-W-12,586]

Lane Cedar Products; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated of April 6, 1981 in response to a worker petition received on April 1, 1981, which was filed on behalf of workers at Lane Cedar Products, Springfield, Oregon.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-12,153). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 4th day of June, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-17492 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,244]

Potter & Brumfield Division, AMF Corp.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 9, 1981 in response to a worker petition received on February 3, 1981 which was filed on behalf of the workers at Marion, Kentucky plant of the Potter & Brumfield Division of the AMF Corporation.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 4th day of June 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-17493 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,010]

Smart Maid Coat and Suit Corp.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 31, 1980 in response to a worker petition received on December 22, 1980 which was filed on behalf of workers producing misses' and juniors' coats and suits.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-11,757). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 4th day of June 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-17495 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,518]

Thorsby Manufacturing Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 31, 1980 in response to a worker petition received on October 24, 1980 which was filed by the International Ladies' Garment Workers Union on behalf of workers at Thorsby Manufacturing Company, Thorsby, Alabama.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-11,172). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 4th day of June, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-17490 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,225, TA-W-12,226, TA-W-12,227]

Troy Television, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 9, 1981 in response to a worker petition received on January 30, 1981 which was filed on behalf of workers at the Plattsburg, New York; Albany, New York; and Troy, New York facilities of Troy Television, Incorporated.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 4th day of June, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-17494 Filed 6-11-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-54)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SSAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee.

DATE AND TIME: June 29, 1981, 9:45 a.m. to 5:45 p.m.; June 30, 1981, 9 a.m. to 5 p.m.; and July 1, 1981, 9 a.m. to 12 p.m.

ADDRESS: National Aeronautics and Space Administration, Room F5026, 400 Maryland Ave. SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Jeffrey D. Rosendhal, Code SS, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-3653).

SUPPLEMENTARY INFORMATION: The NAC Space Science Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space Science programs.

The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including committee members and other participants). Topics under discussion at this meeting will include a status report and overview of the Space Science programs and a discussion of long range planning.

Type of Meeting: Open
Agenda: June 29, 1981

9:45 a.m.—Status of Space Science Advisory Committee (SSAC) Actions—Space Science Board (SSB) Activities—NASA Advisory Council (NAC)—NAC, Solar System Exploration Committee.
10:30 a.m.—Office of Space Science (OSS) Program and Budget Status.
11 a.m.—Origins of Plasma in the Earth's Neighborhood (Open).
1 p.m.—Gravity Probe-B (GP-B).
2 p.m.—Halley's Comet Missions.
3:15 p.m.—Explorer Subcommittee Report and Explorer Issues.
4:15 p.m.—Spacelab Utilization and Space Platforms.
5:15 p.m.—Preliminary Discussion of Recommendations/Writing Assignments.
5:45 p.m.—Adjourn.

June 30, 1981

9 a.m.—NASA Public Information Activities, Publications, etc.
10:45 a.m.—Space Science Tactics and Strategy.
1 p.m.—Discussion of Committee Recommendations/FY 1983 Budget Issues and Priorities.
3:30 p.m.—Committee Writing.
5 p.m.—Adjourn.

July 1, 1981

9 a.m.—Discussion of Committee Recommendations and Future SSAC Activities.
12 p.m.—Adjourn.

June 5, 1981.

Robert F. Allnutt,

Associate Deputy Administrator.

[FR Doc. 81-17394 Filed 6-11-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice (81-55)]

NASA Wage Committee; Meeting Postponement

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting postponement.

SUMMARY: The scheduled meeting on June 26, 1981, of the NASA Wage Committee, published in the **Federal Register** May 29, 1981, (46 FR 29012), has been postponed. The meeting will be held July 8, 1981. All other information regarding this meeting remains the same as previously announced.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah C. Green, Code NPM-28, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-8520).

June 8, 1981.

Robert F. Allnutt,

Associate Deputy Administrator.

[FR Doc. 81-17396 Filed 6-11-81; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Comanche Peak Units 1 and 2; Meeting

The ACRS Subcommittee on Comanche Peak Units 1 and 2 will hold a meeting on June 29, 1981 at the Braniff House Hotel, W. Airport Drive, Dallas/Ft. Worth, TX to begin its review of the application of the Texas Utilities Generating Company for a license to operate the Comanche Peak Units 1 and 2. The Subcommittee will discuss certain items such as Organization, Training program, Quality Assurance program, etc. related to Comanche Peak Units 1 and 2. Notice of this meeting was published May 19.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Monday, June 29, 1981, 1:00 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Texas Utilities Generating Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634-3267) betwen 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 9, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-17505 Filed 6-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-325 and 50-324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 37 and 58 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the Licenses for operation of the Brunswick Steam Electric Plant, Units Nos. 1 and 2 (the facility) located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

These changes to the Licenses involve incorporation of required operability dates for the modified Augmented Off-Gas Systems at the facility.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated April 17, 1981, (2) Amendment Nos. 37 and 58 to License Nos. DPR-71 and DPR-62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-17506 Filed 6-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254-OLA and 50-265-OLA]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972,

published in the **Federal Register** (37 FR 38710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered:

Commonwealth Edison Company and Iowa-Illinois Gas & Electric Company, Quad Cities Station, Units 1 and 2 Facility Operating License Nos. DPR-29 and DPR-30

This Board is being constituted pursuant to a notice published by the Commission on April 30, 1981, in the **Federal Register** (46 FR 24336) entitled, "Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Consideration of Amendment to Facility Operating License".

This Board is comprised of the following Administrative Judges:

James L. Kelley, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Peter A. Morris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Richard F. Foster, P.O. Box 4263, Sunriver, Oregon 97701.

Issued at Bethesda, Maryland, this 5th day of June 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-17507 Filed 6-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, (DAEC) located in Linn County, Iowa. The amendment is effective as of the date of its issuance.

This amendment changes the Technical Specifications to clarify requirements concerning (1) core alterations, (2) core thermal limits, (3) reportable occurrence actions, (4) minimum sample analysis frequencies for SR-89, and to incorporate current Standard Technical Specifications requirements, into these Technical Specifications. The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated April 23, 1976 and October 26, 1977, (2) Amendment No. 69 to License No. DPR-49, and (3) the Commission's letter to the Iowa Electric Light and Power Company dated June 3, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 3rd day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-17508 Filed 6-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issed Amendment No. 70 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to reflect changes in the surveillance requirements associated with the river water supply system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 24, 1981, as supplemented June 2, 1981, (2) Amendment No. 70 to license No. DPR-49, and (3) the Commission's related Safety Evaluation. all of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 428 Third Avenue, SE., Cedar Rapds, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 8th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-17509 Filed 6-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-30 and 50-185]

National Aeronautics and Space Administration; Order Authorizing Dismantling of Facilities and Disposition of Component Parts

By applications dated March 17, 1980 as revised November 7, 1980 and February 23, 1981, the National

Aeronautics and Space Administration (NASA or the licensee) requested authorization to dismantle the Plum Brook Reactor (a test reactor) and the Plum Brook Mock-up Reactor (a research reactor) (the facilities) located at the Plum Brook Reactor Facility near Sandusky, Ohio, and to dispose of the component parts, in accordance with plans submitted as part of the applications. A "Notice of Proposed Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts, and Termination of Facility License" was published in the **Federal Register** on May 9, 1980 (45 FR 30757) for the Plum Brook Reactor and on May 9, 1980 (45 FR 30758) for the Plum Brook Mock-up Reactor. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Nuclear Regulatory Commission (the Commission) has reviewed the applications in accordance with the provisions of the Commission's rules and regulations and has found that the dismantling and disposal of component parts in accordance with the licensee's dismantling plans will be in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation.

The Commission has prepared an environmental impact appraisal for this action. Based on that appraisal, the Commission has determined that this action will not result in any significant environmental impact and that an environmental impact statement need not be prepared.

Accordingly, NASA is hereby authorized to dismantle the Plum Brook Reactor and the Plum Brook Mock-up Reactor covered by Facility Licenses Nos. TR-3 and R-93, respectively, and dispose of the component parts in accordance with their dismantling plans and the Commission's rules and regulations.

After completion of the dismantling and decontamination, the submission of a report on the radiation survey to confirm that radiation levels at the facilities meet the values defined in the dismantling plans and inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility Licenses Nos. TR-3 and R-93.

For further details with respect to this action see (1) the applications for authorization to dismantle the facilities and dispose of component parts dated March 17, 1980, as revised by letters dated November 7, 1980 and February 23, 1981, (2) the Commission's related Safety Evaluation, (3) the Commission's Environmental Impact Appraisal, and (4) the Commission's Negative Declaration dated May 26, 1981 (which is also being published in the **Federal Register**). All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of May 1981.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Assistant Director for Operating Reactors, Division of Licensing.

[FR Doc. 81-17510 Filed 6-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-30 and 50-185]

Negative Declaration for the National Aeronautics and Space Administration; Plum Brook Reactor and Plum Brook Mock-up Reactor

The U.S. Nuclear Regulatory Commission (the Commission) has considered the order authorizing dismantling of facilities and disposition of component parts for the National Aeronautics and Space Administration (the licensee) Plum Brook Reactor and Plum Brook Mock-up Reactor operated under Facility Licenses Nos. TR-3 and R-93. The order authorizes the licensee to disassemble the reactors, and to dispose of the component parts.

The Commission's Office of Nuclear Reactor Regulation has prepared an environmental impact appraisal for these reactors. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland, this 26th day of May 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-17511 Filed 6-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 60-361-OL, 50-362-OL]

Southern California Edison Co., et al. (San Onofre Nuclear Generating Station, Units 2 and 3); Order (Time and Place of Final Prehearing Conference on Emergency Planning Issues and Change of Place for Evidentiary Hearing on Seismic Issues)

June 8, 1981.

A final prehearing conference pursuant to 10 CFR 2.752 on emergency planning issues in this proceeding will begin at 9:00 a.m. on June 18, 1981 in San Diego, California in the Executive Room of the Stardust Hotel and Country Club. The Hotel is located at 950 Hotel Circle North. The conference will be open to the public.

The parties are directed to submit proposed agenda items to the Board Chairman at the informal discovery session earlier that week. Where appropriate, as in the case of revised contentions, specific language should accompany the agenda item. The parties should be prepared to discuss the possibility of partial or complete consolidation of the Intervenors' Guard and Friends of the Earth.

The Board previously issued an Order stating that the evidentiary hearing on seismic issues would be held in Courtroom 8 of the United States District Court in San Diego. That Courtroom subsequently became unavailable for that purpose. The evidentiary hearing on seismic issues will be held in the Stardust Room of the Stardust Hotel and Country Club, 950 Hotel Circle North, San Diego. The hearing will begin at 9:00 a.m. on June 22, 1981.

It is so ORDERED.[1]

Dated at Bethesda, Maryland this 8th day of June, 1981.

---

[1] The Applicants filed a motion proposing that a final prehearing conference be held on June 10, 1981, this motion we are granting except for the exact date. The Applicants' proposed date and alternative dates were discussed at length in telephone conference calls on May 29 and June 2, 1981. All parties had a full opportunity to express their preferences and views. In these circumstances, we advised the parties that written responses to the Applicants' motion were unnecessary and would be dispensed with.

For the Atomic Safety and Licensing Board.
James L. Kelley,
Chairman, Administrative Judge.
[FR Doc. 81-17512 Filed 6-11-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. NPF-3, issued to the Toledo Edison Company and the Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications (TSs) for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This amendment modifies the TSs dealing with reactor decay heat removal capability and also updates the TS Table of Contents.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 26, 1980, (2) Amendment No. 38 to License No. NPF-3, and (3) the Commission's letter to the Toledo Edison Company dated June 1, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Government Documents Collection, William Carlson Library, University of Toledo, 2801 W. Bancroft Avenue, Toledo, Ohio.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of June 1981.

For the Nuclear Regulatory Commission.
John F. Stolz,
Chief, Operating Reactors Branch No. 4, Division of Licensing.
[FR Doc. 81-17513 Filed 6-11-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. NPF-3, issued to the Toledo Edison Company and the Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

The amendment modifies the surveillance requirements for the Intermediate Range Neutron Flux and Rate Instrumentation in that a Channel Functional Test is not required at reactor startup if performed within the previous seven days. The change makes the surveillance requirement at startup consistent with that of the Source Range Instrumentation. The change is consistent with current NRC standard requirements for Intermediate Range Instrumentation for all pressurized water reactors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 22, 1978, (2) Amendment No. 39 to License No. NPF-3, and (3) the Commission's letter to the Toledo Edison Company dated June 1, 1981. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C., and at the Government Documents Collection, William Carlson Library, University of Toledo, 2801 W. Bancroft Avenue, Toledo, Ohio. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of June 1981.

For the Nuclear Regulatory Commission.
John F. Stolz,
Chief, Operating Reactors Branch No. 4, Division of Licensing.
[FR Doc. 81-17514 Filed 6-11-81; 8:45 am]
BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-11086]

International Harvester Credit Corp.; Application and Opportunity for Hearing

June 8, 1981.

Notice is hereby given that International Harvester Credit Corporation (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the successor trusteeship of Commerce Union Bank under five existing indentures of the Company which are qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under any of such indentures.

The Company alleges that:

1. The Company had outstanding on April 16, 1981 the following described securities issued under the following indentures, each of which was qualified under the Act in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file number of each such Registration Statement being set forth in parentheses below:

(a) $50,000,000 4¾% Debentures Series B Due 1981, under Indenture dated as of November 1, 1958 between the Company

and Continental Illinois National Bank and Trust Company of Chicago, Trustee, as supplemented by Supplemental Indenture dated August 1, 1960 (File No. 2–16795);

(b) $50,000,000 8⅝% Debentures Due 1991, under Indenture dated as of August 1, 1971 between the Company and The Chase Manhattan Bank (National Association), Trustee (File No. 2–41096);

(c) $60,000,000 7¾% Debentures Due 1993, under Indenture dated as of February 1, 1972 between the Company and The Northern Trust Company, Trustee (File No. 2–42830);

(d) $75,000,000 9% Notes Due April 1, 1984, under Indenture dated as of April 1, 1976 between the Company and Bank of America National Trust and Savings Association, Trustee (File No. 2–55565); and

(e) $100,000,000 8.35% Notes Due December 15, 1986, under Indenture dated as of December 15, 1976 between the Company and Continental Illinois National Bank and Trust Company of Chicago, Trustee (File No. 2–57773).

2. As has been publicly reported, the Company and its parent, International Harvester Company ("IH"), are each negotiating an agreement for new revolving credit facilities to replace current short-term borrowings of the Company and IH. The indebtedness of the Company under its proposed revolving credit agreement will be secured. As a result of their involvement in such negotiations or their anticipated roles in the restructuring of the indebtedness of the Company or for other reasons, each of the Trustees named in paragraph 1 above has notified the Company of its resignation or its intention to resign as Trustee under the Indenture or Indentures under which it serves as Trustee, each such resignation to become effective upon acceptance by the successor Trustee of appointment under each such Indenture. The Company therefore intends to appoint Commerce Union Bank, One Commerce Place, Nashville, Tennessee 37219, as successor Trustee under each such Indenture.

3. Each of the Indentures referred to in paragraph 1 above contains the provisions required by Section 310(b) of the Trust Indenture Act of 1939.

4. The securities issued under each of the Indentures listed in paragraph 1 above are wholly unsecured. All of such securities constitute senior indebtedness of the Company; the securities issued under each such Indenture rank equally with the securities issued under each other such Indenture.

5. Each of the Indentures referred to in paragraph 1 above provides that, with certain exceptions, the Company will not subject to lien any of its property or assets without securing the payment of the principal of and premium, if any, and the interest on the securities issued under such Indenture equally and ratably with any and all other obligations and indebtedness secured by such lien, so long as any such other obligations and indebtedness are so secured. Because the indebtedness of the Company under its new revolving credit agreement referred to in paragraph 2 above will be secured, the securities outstanding under each of the Indentures referred to in paragraph 1 will, when the Company enters into the new revolving credit agreement, become equally and ratably secured, and will remain so secured so long as any indebtedness of the Company under its new revolving credit agreement is secured; thereafter such securities will again become wholly unsecured.

6. At such time as the indebtedness of the Company under its new revolving credit agreement becomes secured, the issue of securities outstanding under each of the Indentures referred to in paragraph 1 above will become and be secured by the same pool of collateral, equally and ratably with the indebtedness of the Company under the new revolving credit agreement and with the issue of securities outstanding under each other such Indenture, as well as with all other indebtedness of the Company to be secured by such collateral.

7. In order to secure the indebtedness referred to in paragraph 6 above (the "Secured Debt"), the Company expects to enter into certain agreements (the "Security Arrangements") with a bank (which will not be Commerce Union Bank) to be appointed trustee with respect to the Collateral (the "Collateral Trustee"). The Security Arrangements wil provide, *inter alia,* that if circumstances occur under which the Collateral Trustee takes action to realize on the collateral, all amounts so realized will be held in trust by the Collateral Trustee and distributed, equally and ratably, to all holders of Secured Debt (including for the purposes of any such distribution the trustees under each indenture of the Company under which Secured Debt is outstanding). If the indebtedness outstanding under any of the Indentures referred to in paragraph 1 above is not paid when due, or if such indebtedness has been declared payable prior to its stated maturity pursuant to the terms of any such Indenture, the Trustee under any such Indenture will be entitled to give notice to the Collateral Trustee requiring the Collateral Trustee to take action to realize on the collateral.

8. The effect of the Security Arrangements will be to insure that if any holder or group of holders of Secured Debt becomes entitled to cause the collateral Trustee to realize on the collateral, all holders of Secured Debt, including the indebtedness outstanding under each of the Indentures listed in paragraph 1 above, will benefit ratably.

9. For the foregoing reasons, the Company believes that serving as Trustee under any one of the Indentures listed in paragraph 1 above, and continuing such trusteeship during such time as the indebtedness outstanding under each such Indenture is secured and thereafter, when such indebtedness again becomes wholly unsecured, should in no way inhibit, discourage or otherwise inhibit, discourage or otherwise influence Commerce Union Bank's actions as Trustee under any one or more of such other Indentures. Consequently, its trusteeship under all of such Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as Trustee under any of such Indentures.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to the application which is a public document on file in the office of the Commission at the Public Reference Room, 1100 L Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than June 26, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17446 Filed 6-11-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11136]

International Harvester Credit Corp.; Application and Opportunity for Hearing

June 8, 1981.

Notice is hereby given that International Harvester Credit Corporation (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the continued trusteeship of Manufacturers Hanover Trust Company ("Manufacturers Hanover") under two existing indentures of the Company which are qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers Hanover from acting as trustee under either such indenture.

The Company alleges that:

1. The Company had outstanding on April 16, 1981 the following described securities issued under the following indentures, each of which was qualified under the Act in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file number of each Registration Statement being set forth in parentheses below:

(a) $75,000,000 7½ percent Debentures Due 1994, under Indenture dated as of January 15, 1973 between the Company and Manufacturers Hanover, Trustee (File No. 2-46636); and

(b) $100,000,000 13½ percent Notes Due August 1, 1988 under Indenture dated as of August 1, 1980 between the Company and Manufacturers Hanover, Trustee (File No. 2-68588).

2. As has been publicly reported, the Company and its parent, International Harvester Company ("IH"), are each negotiating an agreement for new revolving credit facilities to replace current short-term borrowings of the Company and IH. The indebtedness of the Company under its proposed revolving credit agreement will be secured.

3. Each of the Indentures referred to in paragraph 1 above contains the provisions required by Section 310(b) of the Trust Indenture Act of 1939.

4. The securities issued under each of the Indentures listed in paragraph 1 above are wholly unsecured. All of such securities constitute senior indebtedness of the Company; the securities issued under each such Indenture rank equally with the securities issued under the other such Indenture.

5. Each of the Indentures referred to in paragraph 1 above provides that, with certain exceptions, the Company will not subject to lien any of its property or assets without securing the payment of the principal of (and premium, if any) and the interest on the securities issued under such Indenture equally and ratably with any and all other obligations and indebtedness secured by such lien, so long as any such other obligations and indebtedness are so secured. Because the indebtedness of the Company under its new revolving credit agreement referred to in paragraph 2 above will be secured, the securities outstanding under each of the Indentures referred to in paragraph 1 will, when the Company enters into its new revolving credit agreement, become equally and ratably secured, and will remain so secured so long as any indebtedness of the Company under its new revolving credit agreement is secured.

6. At such time as the indebtedness of the Company under its new revolving credit agreement becomes secured, the issue of securities outstanding under each of the Indentures referred to in paragraph 1 above will become and be secured by the same pool of collateral, equally and ratably with the indebtedness of the Company under the new revolving credit agreement and with the issue of securities outstanding under the other such indenture, as well as with all other indebtedness of the Company to be secured by such collateral.

7. In order to secure the indebtedness referred to in paragraph 6 above (the "Secured Debt"), the Company expects to enter into certain agreements (the "Security Arrangements") with a bank (which will not be Manufacturers Hanover) to be appointed trustee with respect to the collateral (the "Collateral Trustee"). The Security Arrangements will provide, *inter alia*, that if circumstances occur under which the Collateral Trustee takes action to realize the collateral, all amounts so realized will be held in trust by the Collateral Trustee and distributed, equally and ratably, to all holders of Secured Debt (included for the purpose of any such distribution the trustees under each indenture of the Company under which Secured Debt is outstanding). If the indebtedness outstanding under either of the Indentures referred to in paragraph 1 above is not paid when due, or if such indebtedness has been declared payable prior to its stated maturity pursuant to the terms of either such Indenture, the Trustee under such Indenture will be entitled to give notice to the Collateral Trustee requiring the Collateral Trustee to take action to realize on the collateral.

8. The effect of the Security Arrangements will be to insure that if any holder or group of holders of Secured Debt becomes entitled to cause the Collateral Trustee to realize on the collateral, all holders of Secured Debt, including the indebtedness outstanding under each of the Indentures listed in paragraph 1 above, will benefit ratably.

9. By virtue of the Security Arrangements described above, continuing to serve as Trustee under either of the Indentures listed in paragraph 1 above during such time as the indebtedness outstanding under each such Indenture is secured should in no way inhibit, discourage or otherwise influence Manufacturers Hanover's actions as Trustee under the other such Indenture. Consequently, its trusteeship under both such Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers Hanover from acting as Trustee under either such Indenture.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the offices of the Commission at the Public Reference Room 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than June 26, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem

necessary or appropriate in the public interest and the interest of the investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17447 Filed 6-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17850; File No. SR-NASD-81-10]

National Association of Securities Dealers, Inc., Proposed Rule Change; Self-Regulatory Organizations

Comments requested on or before July 6, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 29, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Swap transactions that are arranged before the effectiveness of a fixed price offering are not generally viewed as being legally consummated until effectiveness of the fixed price offering. Nonetheless, the fair market price of securities taken in trade in such situation is normally determined at the time of the pricing of the fixed price offering, which occurs on the day before effectiveness usually in the afternoon, and the swap is arranged on the basis of that price. In such cases, for purposes of Section 8(a), the determination of the "fair market price at the time of purchase" of the securities to be taken in trade may be made as of the time of pricing of the fixed price offering. As to swaps agreed upon at a time after effectiveness of the offering, fair market price of the swapped securities must be determined as of the time the transaction is legally consummated.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The language of Section 8(a) provides that a member engaging in a swap transaction "shall purchase the securities at a fair market price at the time of purchase. . . ." The problem perceived by the membership with respect to the foregoing language is that it may not always be clear when the time of purchase occurs for purposes of Section 8(a). This results from the fact that the prices at which swap transactions are to be effected are normally arranged at the time of pricing of the fixed price offering. This usually occurs on the afternoon prior to effectiveness of the offering, whereas both transactions are not legally consummated until the following day upon effectiveness of the offering.

If the fair market price of the swapped security were only permitted to be determined as of the date of effectiveness, the members agreeing to take securities in trade would risk engaging in an inadvertent overtrade because of the potential for market change as to the swapped securities between the time the terms of the swap are arranged and the time the transaction is legally consummated.

The Association believes this result would have no valid regulatory purpose and that the proper interpretation of Section 8 permits the determination of the fair market price of the securities taken in trade to be as of the time the terms of the swap are arranged, generally at the time of pricing of the offering, rather than at the time of effectiveness of the offering. Accordingly, the Interpretation makes clear that the term "fair market price at the time of purchase" means the fair market price at the time arrangement was made to swap the securities.

The Association has authority under Section 15A(b)6 of the Act to issue the Interpretation which is the subject matter of this filing.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Association does not envision any burden on competition resulting from this Interpretation.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received in connection with the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 6, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 8, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17448 Filed 6-11-81; 8:45 am]

BILLING CODE 8010-01-M

Privacy Act of 1974; Alteration of System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Alteration of system of records.

SUMMARY: The Securities and Exchange Commission is publishing notice of technical amendments to its system of records identified as SEC–100, Automated Personnel Information System, which was previously identified in 43 FR 21769 (May 19, 1978).

DATES: These amendments shall become effective June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Andrew W. Sidman, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2454.

SUPPLEMENTARY INFORMATION: The Automated Personnel Information System was established to enable the Commission's Office of Personnel to provide a more rapid means to produce notifications of personnel actions and pay changes; to enable the updating of selected data contained in Official Personnel Folders on a more timely basis and allow easier access to that data by authorized members of the staff; and to supply more up-to-date and more frequent reports to SEC management on personnel actions and status.

The alternations of the system announced today will affect only the storage, retrievability, safeguards, and retention and disposal of information contained therein, as well as adding a system manager. In view of the non-sustantive nature of these changes, the Commission is not required to provide advance notice to Congress and the Office of Management and Budget ("OMB"). *See* OMB Circular No. A–108, Transmittal Memoranda No. 1. The amended portions of the notice are italicized.

SEC–100

SYSTEM NAME:

Automated Personnel Information System—SEC

SYSTEM LOCATION:

Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SEC employees, past and present.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records consists of summaries of information received from the following category of records: (a) applicant files (Standard Forms 171 and resumes, attorney supplements to applications, applicant correspondence and evaluations, and summer employment files); (b) official personnel folders (Civil Service Commission files); (c) service record cards; (d) merit promotion posting files, including supervisory appraisals for jobs advertised under SEC Merit Promotion Program; (e) chronological copies of personnel actions (Standard Forms 50); (f) employee payroll number; (g) official position description; (h) supergrade submissions (correspondence with Civil Service Commission requesting new supergrade allocations or changes with respect to existing ones); and (i) annual performance rating and position classification certification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR, sections 213, 293, 302 and 335 and Civil Service Regulations promulgated thereunder.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The records will be used by the SEC staff for (a) preparation of forms relating to official personnel actions; (b) computation of personnel strength of Commission divisions and offices; (c) certification of employment for credit checks or job applications; (d) recording of personnel actions processed; (e) preparation of reports and statistics on personnel activity; (f) location of personnel having specific skills and training; and (g) monitoring personnel actions concerning the staff (i.e., date of employee's last promotion, employee's position description number, etc.).

2. Any record in this system of records may be used by the Commission in connection with any action or proceeding brought by an employee before another agency or a court of law to review personnel action taken by the Commission or the failure by the Commission to take action.

3. Any record in this system may be used in any proceeding where the federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

4. Any record in this system of records may be disclosed as a "routine use" to a federal, state or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

5. Any record in this system of records may be disclosed to a federal, state or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. The records in this system of records may be used as a data source for management information, to enable the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; they may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to local specific individuals for personnel research or other personnel management functions.

7. Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission's staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appear to be relevant at the time to the subject matter of the inquiry.

8. Disclosure may be made to a congressional office of information contained in the records relating to any individual in response to any inquiry from the congressional office made at the request of that individual.

9. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that circular.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are computerized and maintained on magnetic disk (current

and historical records) and magnetic tape (historical records and backup).

RETRIEVABILITY:

Information is retrieved by name, employee identification code, or social security account number, *or via a generalized query capability.*

SAFEGUARDS:

Direct access via computer terminals is restricted to certain *SEC staff on a need to know basis* through use of identification codes. *Access via batch capability must be recommended by Division/Office Heads and authorized by the System Manager(s). Authorization forms will be maintained by the Office of Information Systems Management.* Computer disk and tape files, on which the data is stored, are available only through the librarian. Computerized backup files are stored at a secured auxiliary SEC storage facility. The building where the records are maintained has a 24-hour security guard.

RETENTION AND DISPOSAL:

Computerized files will be retained during the time the employee is employed by the Commission and *after separation from the Commission.*

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director and the Director of Personnel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Office of Personnel, 500 North Capitol Street, Washington, D C., or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedure for gaining access to or contesting the contents of these records may contact the Office of Personnel, Securities and Exchange Commission, Washington, D.C. 20549.

CONTESTING RECORD PROCEDURES:

See Record access procedures above.

RECORD SOURCE CATEGORIES:

Records in category (a) are obtained from applicant concerned and interviewer evaluating the applicant. Records in categories (b), (d) and (e) are obtained from employee and supervisors concerned. Records in category (c) are obtained from official personnel folder of the employee concerned. Records in category (f) are assigned to the employee by the Commission and are obtained from the employee's official personnel folder. Records in category (g) are obtained from interviews by position classifiers and/or management analysis staff of the Executive Director's Office with employee and his/her supervisor(s) and administrative assistant. Records in category (h) are obtained from official personnel files, office classification files, interviews by position classifiers, and the employee concerned. Records in category (i) are obtained from annual performance rating files.

By the Commission.

George A. Fitzsimmons,

Secretary.

June 4, 1981.

[FR Doc. 81-17516 Filed 6-11-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Print Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of art print advisory panel.

SUMMARY: A closed meeting of the Art Print Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held July 14 and 15, 1981.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, T:C:E:V, 1111 Constitution Avenue, N.W., Room 5547, Washington, D.C. 20224, Telephone No. (202) 566-6143 (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Print Advisory Panel will be held on July 14 and 15, 1981, beginning at 9:30 a.m. in Room 3411, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals and allocations of value of the assets in art print publishing ventures involved in Federal income tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c)(3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122.)

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 81-17496 Filed 6-11-81; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 113
Friday, June 12, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Federal Communications Commission	2, 3
Federal Home Loan Bank Board	4
Federal Mine Safety and Health Review Commission	5
Federal Reserve System	6
International Trade Commission	7
Securities and Exchange Commission	8

1

CIVIL AERONAUTICS BOARD.

[M-318; June 10, 1981]

Short notice and closure of Board Meeting

TIME AND DATE: 9:30 a.m., June 10, 1981.

PLACE: Room 1012, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Discussion on the status of the TWA matching fare dispute with Lufthansa. (BIA)
2. Discussion on the negotiation strategies for the upcoming talks with ECAC on fare flexibility. (BIA)
3. Upcoming talks with Portugal. (BIA)
4. Undocketed-Application of Transportes Aereos Portugueses, E.P. for a Statement of Authorization to operate a series of on-route Public Charter flights—staff recommends consideration of CAB countermeasures to the Portuguese denial of U.S. carrier charter authority at New York (BIA, OGC)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-918-81 Filed 6-10-81; 3:28 pm]

BILLING CODE 6320-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

Closed Commission meeting.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Tuesday, June 16, 1981, following the Open Meeting, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Draft Decision in the Cowles Broadcasting, Inc., Daytona Beach, Florida, television comparative renewal proceeding. (Docket Nos. 19168, 19170).

Hearing—2—Memorandum Opinion and Order in the Sulphur Springs, Texas FM comparative proceeding (Docket Nos. 80-60 and 80-61).

Hearing—3—Draft Decision in the Stereo Broadcasters, Inc., Garden City, New York FM License renewal proceeding. (Docket No. 20590).

Hearing—4—Draft Decision in the Deer Lodge Broadcasting, Inc., KDRG license renewal proceeding, Deer Lodge, Montana (Docket No. 21398).

Hearing—5—Draft Decision in the E. Boyd Whitney, Farmington, New Mexico renewal proceeding (Docket Nos. 21519, 21520).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public affairs Office, telephone number (202) 254-7674.

Issued: June 10, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-919-81 Filed 6-10-81; 3:30 pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

Open Commission meeting

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, June 16, 1981, starting at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Fourth Report and Order to amend Parts 0, 13, 73, 74, and 83 of the Commission's Rules concerning the First Class Radiotelephone Operator License and commercial radio operator licenses generally. *Summary:* The Commission considers the elimination of the First Class Radiotelephone Operator License and allowing the holders of any class of commercial operator license, including the Restricted Radiotelephone Operator Permit, but excluding the Marine Radio Operator Permit, to install, maintain, repair and supervise the transmitting equipment at AM, FM, and TV broadcast stations and at FM and TV broadcast translator stations.

General—2—*Title:* Radio Frequency Interference to Electronic Equipment (General Docket 78-369). *Summary:* The Commission considers what further action it will take in General Docket 78-369. Additionally, the Commission examines a report prepared by its staff on Radio Frequency Interference. In light of this report, the Commission will consider the implications to and options on pending legislation.

General—3—*Title:* Allocation of FY-1981 Policy Research Funds. *Summary:* This item seeks funding approval of a research project that will collect and develop information to support long range spectrum planning.

Private Radio—1—*Title:* Amendment of Part 90 of the Commission's rules to designate frequencies in the 806-821 MHz and 851-866 MHz bands for slow-growth land mobile radio systems of certain categories of users; to allocate frequencies in these bands for specific groups of radio services frequency pools; to facilitate authorization of wide-area mobile radio communications systems on frequencies allocated for trunked systems; and to allocate additional frequencies in these bands to loaded Specialized Mobile Relay-Trunked systems located in areas having all presently allocated trunked frequencies assigned (PR Docket Nos. 79-191 and 79-334; RM-3691). *Summary:* The FCC will consider whether to adopt a Further Notice of Proposed Rule Making that acts upon petitions for reconsideration of its Report and Order making special provision for slow-growth private land mobile radio systems in the 806-821 MHz and 851-866 MHz bands for certain categories of radio users (PR Docket No. 79-191, FCC 80-663, released December 10, 1980); whether to allocate frequencies in these bands, which have been held in reserve, for specific groups of radio services frequency pools; whether to adopt proposed rules facilitating authorization of wide-area mobile radio communications systems on frequencies in these bands allocated for trunked systems (PR Docket No. 79-334, FCC 79-855, released January 3, 1980); and whether to institute rule making to allocate additional frequencies in these bands to loaded Specialized Mobile Relay-Trunked systems located in areas having all presently-allocated trunked frequencies assigned (RM-3691).

Assignment and Transfer—1—*Title:* (1) Request for issuance of a tax certificate in connection with the assignment of license of AM station KTNQ, Los Angeles, California, from Storer Broadcasting Company to K-Love Radio Broadcasting, Inc. (2) Request for issuance of a tax certificate in connection with the assignment of license of AM station WMJK, Kissimmee, Florida, from Major

Market Media, Inc. to Central Florida Spanish Broadcasting. *Summary:* The application to assign the license for AM station KTNQ was granted by the Chief, Broadcast Bureau, pursuant to delegated authority on July 13, 1979. The application to assign the license for AM station WMJK was granted by the Chief, Broadcast Bureau, pursuant to delegated authority on September 11, 1980. The assignors in these unrelated sales have requested tax certificates for the sale of their stations to Hispanics, pursuant to the Commission's *Statement of Policy on Minority Ownership of Broadcasting Facilities*, 68 FCC 2d 979 (1978).

Assignment and Transfer—2—*Title:* Transfer of control and assignment of license applications for Stations WHIZ–AM–FM–TV, Zanesville, Ohio; WOMP–AM & FM, Bellaire, Ohio; and WNXT–AM & FM, Portsmouth, Ohio (BTC–780823EG, BTCH–780823EO and BALCT–780823IA; BTC–780825EE and BTCH–780825EF; BTC–780825EG and BTCH–780825EH respectively). *Summary:* The Commission will consider whether this intrafamily transfer of grandfathered media interests is consistent with the multiple ownership rules.

Assignment and Transfer—3—*Title:* Request for issuance of a tax certificate in connection with sale of standard broadcast station WKTQ, Pittsburgh, Pennsylvania, from Nationwide Communications, Inc., to BENI Broadcasting of Pittsburgh, Inc., (BAL–80108HU, granted March 30, 1981). *Summary:* The Commission will consider the request by Nationwide Communications, Inc., for the issuance of a tax certificate in accordance with the Commission's *Statement of Policy on Minority Ownership of Broadcast Facilities*, 68 FCC 2d 979 (1978).

Assignment and Transfer—4—*Title:* Modification of processing standard for determining the financial qualifications of broadcast station purchasers. *Summary:* The Commission will consider modifying the financial standard used in processing assignment and transfer applications to make it more consistent with requirements for other broadcast applicants.

Renewal—1—*Title:* Applications of the Cleveland Board of Education for Renewal and Assignment of the License of Noncommercial Station WBOE–FM, Cleveland, Ohio, to the Cleveland Public Library; and the Mutually Exclusive Application of Cleveland Public Radio for a Construction Permit. *Summary:* The Commission considers the applications of the Cleveland Board of Education for renewal and assignment of the license of noncommercial station WBOE–FM, Cleveland, Ohio, to the Cleveland Public Library; and the mutually exclusive application of Cleveland Public Radio for a construction permit.

Broadcast—1—*Title:* Request by CBS Inc. for a declaratory ruling on Section 73.658(j)(1)(ii) of the Commission's Rules. *Summary:* A request for a declaratory ruling concerning the applicability to nonbroadcast rights of Section 73.658(j)(1)(ii), the financial interest rule, is considered.

Broadcast—2—*Title:* Petitions for reconsideration of the Commission's interim processing policy for TV translator applications, filed by Neighborhood TV Company and a group of broadcast licensees. *Summary:* The Commission considers two petitions for reconsideration of its interim processing policy for TV translator applications during the pendency of the low power television rule making, filed by the above-listed parties.

Broadcast—3—*Title:* Revision of application processing procedures. *Summary:* The Commission will consider revision of its procedures in order to expedite the processing of broadcast applications.

Broadcast—4—*Title:* Docket No. 21474—Revision of EEO program for FCC Form 301 construction permit applicants. *Summary:* The Commission will consider whether to adopt a revised EEO program for FCC Form 301 construction permit applicants, and whether to delete the EEO update requirements for FCC Form 301 major change applicants.

Broadcast—5—*Title:* Revision of FCC Form 301. *Summary:* The Commission will consider revision to the application for construction permit for a commercial broadcast station.

Broadcast—6—*Title:* STA request of Miami Valley Broadcasting Corporation, licensee of AM Station WIOD, Miami, Florida. *Summary:* The FCC considers the STA request of Station WIOD, Miami, Florida for an increase in power to offset Cuban-caused interference.

Broadcast—7—*Title:* Amendment of Sections 73.681 and 73.682(a) of the Commissions Rules to authorize teletext transmissions by television stations. *Summary:* The FCC will consider whether to adopt a combined Notice of Proposed Rule Making and Notice of Inquiry to consider the possible authorization of teletext service. The action will also consider Petitions for Rule Making submitted by CBS, Inc. (RM–3727) and the United Kingdom Industry Group (RM–3876) that request the FCC to adopt standards for teletext.

Broadcast—8—*Title:* Processing of noncommercial, educational FM station applications. *Summary:* The Commission will consider five alternatives in the processing of noncommercial, educational FM station applications pending the resolution of the FM-to-TV Channel 6 interference problem in Docket 20735.

Broadcast—9—*Title:* Elimination of harmful interference to radio communications involving safety to life and protection of property. *Summary:* The Commission will consider the adoption of a Notice of Proposed Rule Making proposing an amendment to Part 74 of the Commission's Rules to eliminate radio interference which jeopardizes safety to life and protection of property.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: June 10, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–920–81 Filed 6–10–81; 3:31 pm]

BILLING CODE 6712–01–M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 3047, Monday, June 8, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, June 11, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting.

Service Corporation Application—Alaska Federal Savings & Loan Association of Juneau, Juneau, Alaska

No. 501, June 10, 1981.

[S–921–81 Filed 6–10–81; 3:49 pm]

BILLING CODE 6720–01–M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

June 3, 1981.

TIME AND DATE: 10 a.m., Wednesday, June 10, 1981.

PLACE: Room 600, 1730 K Street, NW, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Secretary of Labor on behalf of Bobby Gooslin v. Kentucky Carbon Corporation, Docket No. KENT 80–145–D. (Issues relate to nature and scope of temporary reinstatement hearing provisions of Commission Rule 44.)

2. Hanna Mining Company, Docket No. LAKE 79–103–M, etc. (Issues include interpretation and application of 30 CFR §§ 55.9–54, 55.11–1, 55.11–12, and 55.11–16.)

3. Capitol Aggregates, Inc., Docket No. DENV 79–163–PM, etc. (Issues include interpretation and application of 30 CFR § 56.17–1.)

4. Solar Fuel Company, Docket No. PENN 79–142. (Issues include interpretation and application of 30 CFR § 75.503.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–915–81 Filed 6–10–81; 1:43 am]

BILLING CODE 6820–12–M

6

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, June 17, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposal to survey commercial banks concerning small business lending.
2. Proposed amendment to Regulation Y (Bank Holding Companies and Change in Bank Control) to permit the issuance of travelers checks by bank holding companies.

Discussion Agenda:

3. Further consideration of the regulatory review of the margin credit regulations.
4. Request by the Commodity Futures Trading Commission for comment on proposals to trade futures contracts for the delivery of Eurodollars.
5. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: June 10, 1981.

James McAffee,

Assistant Secretary of the Board.

[S–914–81 Filed 6–10–81; 10:53 am]

BILLING CODE 6210–01–M

7

[USITC SE–81–17]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, June 23, 1981.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Any items left over from previous agenda:
   a. Wood stoves (Docket No. 731).
   b. Certain Coin-Operated, Audio-Visual Camera II (Docket No. 725).
5. Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof (Inv. 337–TA–82)—discussion of possible action in light of President's letter dated June 8, 1981.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–917–81 Filed 6–10–81; 2:04 pm]

BILLING CODE 7020–02–M

8

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 15, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 16, 1981, at 2:30 p.m. and on Thursday, June 18, 1981, following the 2:30 p.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis and Evans determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 16, 1981, at 2:30 p.m., will be:

Order in administrative proceeding of an enforcement nature.
Formal order of investigation.
Chapter X proceedings.
Consideration of *amicus* participation.
Freedom of Information Act appeals.
Settlement of injunctive action.
Institution and settlement of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Regulatory matter bearing enforcement implications.

The subject matter of the closed meeting schedule for Thursday, June 18, 1981, following the 2:30 open meeting, will be:

Access to investigative files by Federal, State, or Self-Regulatory authorities.
Formal order of investigation.
Settlement of administrative proceeding of an enforcement nature.
Report of investigation.
Institution of administrative proceeding of an enforcement nature.
Litigation matter.
Institution of injunctive action.

The subject matter of the open meeting scheduled for Thursday, June 18, 1981, at 2:30 p.m., will be:

1. Consideration of whether to authorize transmittal to the Senate Committee on Banking, Housing and Urban Affairs of a letter providing the Commission's comments on S. 610, the "State and local Government Accounting and Financial Reporting Standards Act of 1981." The issues to be considered will include whether to express support for S. 610 as a significant step in ensuring adequate disclosure by state and local governments; and whether to express the opinion that the bill leaves open important issues that the Committee may wish to consider further, either in the context of this bill or in the future. For further information, please contact Alan Rosenblat at (202) 272–2428.
2. Consideration of whether to authorize the transmission of a voluntary survey questionnaire to Form 146 filers. For further information, please contact Hugh R. Haworth at (202) 523–5629.
3. Consideration of whether to release two survey questionnaires: (1) to discount broker-dealers and (2) to full-service firms. For further information, please contact Terry M. Chuppe at (202) 523–5623.
4. Consideration of the Tenth Annual Report of the Securities Investor Protection Corporation ("SIPC"). Pursuant to the Securities Investor Protection Act of 1970, SIPC has submitted its Annual Report to the Commission which, in turn, is required to transmit the report to the President and Congress with such comment as the Commission deems appropriate. For further information, please contact Dan W. Schneider at (202) 272–3115.
5. Consideration of whether to propose amendments to the exemptive regulations for the securities of the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank. For further information, please contact Ronald Adee at (202) 272–3250.
6. Consideration of an application by Municipal Fund for Temporary Investment, Inc., for an order of the Commission granting exemptions from the provisions of Sections 2(a)(41) and 12(d)(3) of the Investment Company Act of 1940 and Rules 2a–4 and 22c–1 thereunder to permit it to acquire puts on its portfolio securities from brokers, dealers and banks. For further information, please contact W. Randolph Thompson at (202) 272–3016.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272–2468.

June 9, 1981.

[S–916–81 Filed 6–10–81; 1:49 pm]

BILLING CODE 8010–01–M

Friday
June 12, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and thier dates of publication in the **Federal Register** are listed with each State.

Alaska:		
	AK81-5110	Apr. 10, 1981.
Arizona:		
	AZ81-5124	May 29, 1981.
District of Columbia:		
	DC81-3040	June 5, 1981.
Delaware:		
	DE81-3028	May 8, 1981.
Florida:		
	FL81-1217	May 1, 1981.
Georgia:		
	GA80-1062	Mar. 21, 1980.
	GA81-1191	Mar. 6, 1981.
	GA81-1192	Mar. 6, 1981.
	GA81-1193	Mar. 6, 1981.
	GA81-1194	Mar. 6, 1981.
Kansas:		
	MO81-4035	May 22, 1981.
Kentucky:		
	KY80-1089	Aug. 15, 1980.
	KY80-1098	Aug. 22, 1980.
	KY80-1093	Aug. 22, 1980.
	KY80-1095	Aug. 22, 1980.
	KY80-1094	Aug. 22, 1980.
	KY80-1097	Aug. 22, 1980.
	KY80-1096	Aug. 22, 1980.
	KY80-1090	Aug. 22, 1980.
	KY80-1101	Aug. 29, 1980.
Maryland:		
	DC81-3040	June 5, 1981.
Massachusetts:		
	MA80-3064	Oct. 31, 1980.
Missouri:		
	MO81-4034	May 22, 1981.
	MO81-4035	May 22, 1981.
Montana:		
	MT81-5114	May 8, 1981.
	MT81-5115	May 8, 1981.
	MT81-5116	May 8, 1981.
New York:		
	NY80-3054	Sept. 5, 1980.
Pennsylvania:		
	PA80-3055	Oct. 3, 1980.
Rhode Island:		
	RI80-2054	July 18, 1980.
South Carolina:		
	SC79-1016	Feb. 2, 1979.
	SC79-1020	Feb. 2, 1979.
	SC79-1037	Mar. 9, 1979.
	SC79-1038	Feb. 23, 1979.
	SC79-1047	Mar. 16, 1979.
	SC79-1048	Mar. 16, 1979.
	SC79-1062	Apr. 6, 1979.
	SC81-1150	Dec. 30, 1980.
Tennessee:		
	KY80-1098	Aug. 22, 1980.

Virginia:
DC81-3040 ..... June 5, 1981.
VA81-3015 ..... Mar. 6, 1981.
Washington:
WA81-5107 ..... Apr. 3, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:
AL81-1122(AL81-1248) ..... Dec. 30, 1980.
Florida:
FL79-1019(FL81-1246) ..... Feb 2, 1979.
FL79-1039(FL81-1247) ..... Feb. 16, 1979.
Mississippi:
MS81-1172(MS81-1244) ..... Jan. 30, 1981.
New York:
NY80-3022(NY81-3039) ..... Apr. 4, 1980.
North Carolina:
NC81-1151(NC81-1245) ..... Dec. 30, 1980.
Tennessee:
TN77-1137(TN81-1243) ..... Nov. 25, 1977.
Virginia:
VA80-3065(VA81-3037) ..... Oct. 31, 1980.
VA80-3066(VA81-3036) ..... Oct. 31, 1980.
VA80-3067(VA81-3035) ..... Oct. 31, 1980.

Cancellation of General Wage Determination Decisions

This is to advise all interested parties that the Department of Labor intends to withdraw 14 days from the date of this notice the following general wage determination:

CT81-3014—Hartford County, Connecticut, dated February 27, 1981 in 46 FR 14632—Residential Construction.

Signed at Washington, D.C., this 5th day of June 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NUMBER AK81-5110 Mod. #4
(46 FR 21526 - April 10, 1981)

STATEWIDE, ALASKA	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DELETE:					
Survey Crews:					
Party Chief	$17.59	1.99	3.00		.20
Instrumentman	16.35	1.99	3.00		.20
Head Chainman	15.80	1.99	3.00		.20
Stakehop	15.80	1.99	3.00		.20
Rear Chainman	15.12	1.99	3.00		.20
CHANGE:					
Painters					
Areas 2 and 3					
Residential Painters	12.21	1.10	2.00		.25

Modification Page 2

DECISION NO. AZ81-5124 - Mod. #1
(45 FR-29160 May 29, 1981)

Statewide, Arizona	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Northern Area:					
Carpenters; Drywall Applicator; Saw Filer; Shingler	$15.06	$1.335	$1.115		.08
Floorlayers (finish); Piledrivermen	15.405	1.335	1.115		.08
Millwrights	15.565	1.335	1.115		.08
Central and Southern Areas:					
Carpenters; Saw Filers	12.935	1.335	1.115		.08
Floorlayers (finish); Piledrivermen	13.28	1.335	1.115		.08
Millwrights	13.44	1.335	1.115		.08
Cement Masons:					
Zone 1:					
Northern Area:					
Cement Masons	15.035	.95	1.40		.05
Concrete Troweling machine; Sawing and Scoring Machine; Curb and Gutter Machine	15.225	.95	1.40		.05
Central and Southern Areas:					
Cement Masons	12.91	.95	1.40		.05
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	13.10	.95	1.40		.05
Zone 2:					
Cement Masons	12.84	1.12	1.30		.05
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine; Clary and similar type of power Screed Operator	13.03	1.12	1.30		.05
Glaziers					
Statewide, excluding Bullhead City	14.79	.95	.60		.08

Modification Page 3

DECISION NO. AZ81-5124 (Cont'd)

Modification Page 4

DECISION NO. AZ81-5124 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Lathers:					
Area 1	$14.325	$1.00			.06
Marble Workers:					
Area 1	13.06	.90	1.10		.19
Mason Tenders	11.00	1.12	1.30		.06
Roofers:					
Area 1	13.46	1.095	.95		.05
Terrazzo Workers; Tile Setters:					
Area 1	13.06	.90	1.10		.19

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and or Appr. Tr
	N AREA	C and S AREAS				
Laborers:						
Group 1	$12.275	$10.15	$1.12	$1.30		.10
Group 2	12.435	10.31	1.12	1.30		.10
Group 3	12.605	10.48	1.12	1.30		.10
Group 4	12.735	10.61	1.12	1.30		.10
Group 5	12.945	10.82	1.12	1.30		.10
Group 6	13.41	11.285	1.12	1.30		.10
Group 7	14.18	12.055	1.12	1.30		.10
Tunnel and Shaft Work:						
Group 1	12.57	10.445	1.12	1.30		.10
Group 2	12.775	10.65	1.12	1.30		.10
Group 3	12.935	10.81	1.12	1.30		.10
Group 4	13.365	11.24	1.12	1.30		.10
Group 5	13.60	11.475	1.12	1.30		.10
Group 5A	13.90	11.775	1.12	1.30		.10

DECISION NO. AZ81-5124 (Cont'd)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and or Appr. Tr.
	N AREA	C and S AREAS				
Power Equipment Operators: (Except Piledriving and Steel Erection):						
Group 1	$12.875	$10.75	$1.40	$1.30		.08
Group 2	13.335	11.21	1.40	1.30		.08
Group 3	13.885	11.76	1.40	1.30		.08
Group 4	14.545	12.42	1.40	1.30		.08
Group 5	15.185	13.06	1.40	1.30		.08
Group 5A	15.565	13.44	1.40	1.30		.08
Group 6	15.975	13.85	1.40	1.30		.08
Group 7	16.715	14.59	1.40	1.30		.08
Truck Drivers:						
Group 1	12.445	10.32	1.12	1.30		.10
Group 2	12.605	10.48	1.12	1.30		.10
Group 3	12.875	10.75	1.12	1.30		.10
Group 4	13.305	11.18	1.12	1.30		.10
Group 5	13.495	11.37	1.12	1.30		.10
Group 5A	13.735	11.61	1.12	1.30		.10
Group 6	13.895	11.77	1.12	1.30		.10
Group 7	14.395	12.27	1.12	1.30		.10
Group 8	15.03	12.905	1.12	1.30		.10
Group 8A	15.825	13.70	1.12	1.30		.10
Group 8B	13.135	11.01	1.12	1.30		.10
Group 8C	15.445	13.32	1.12	1.30		.10

UMI 1 8 2 1 E J 6 4 V

Modification Page 5

DECISION NO. DC81-3040 - MOD. #1 - June 5, 1981 DISTRICT OF COLUMBIA; MARYLAND-MONTGOMERY AND PRINCE GEORGES, AND D.C. TRAINING SCHOOL; VIRGINIA-INDEPENDENT CITY OF ALEXANDRIA, ARLINGTON AND FAIRFAX COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DELETE:					
MARBLE SETTERS' HELPERS	7.35				
TERRAZZO WORKERS' HELPERS	9.95	.70	.70		.04
TILE SETTERS' HELPERS	9.95	.70	.70		
ADD:					
MARBLE, TILE AND TERRAZZO FINISHERS	11.215	.80	1.57		
CHANGE:					
ELECTRICIANS	14.70	.75	3%+.80		.13
IRONWORKERS:					
Structural, ornamental and chain link fence	13.87	1.035	1.24		.16
Reinforcing	13.71	.95	1.25		.07
(DISTRICT OF COLUMBIA ONLY)					
PAVING AND INCIDENTAL					
GRADING					
CEMENT MASONS	8.98	.35	.40		
LABORERS:					
Sand setter	8.98	.35	.40		
Asphalt raker	8.69	.35	.40		
Jack hammer	8.64	.35	.40		
Asphalt tamper	8.58	.35	.40		
Hand burner operator	8.58	.35	.40		
Concrete shoveler	8.58	.35	.40		
Asphalt shoveler	8.46	.35	.40		
Laborer	8.41	.35	.40		
Burner planer operator	8.92	.35	.40		
Form setter	8.98	.35	.40		
Concrete saw operator	8.69	.35	.40		

Modification Page 6

DECISION NO. DC81-3040 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS: Concrete Spreader Operator, Finishing Machine, Roller (rough), Compressor Rubbertired Loader (1-½ cu yds., or less), Asphalt Plant Mixer	8.69	.35	.40		
Loader Operator Tracks (2-½ cu. yds. or less), Bulldozer, Mechanic or Welder, Rubber Tired Loader (over 1-½ cu. yds.)	8.92	.35	.40		
Asphalt Spreader, Hydraulic Backhoe (½ cu. yd., or less), Asphalt Plant Engineer, Asphalt Roller Operator, Concrete Breaker (machine)	8.98	.35	.40		
Crane Operator, Concrete Paving Operator	9.15	.35	.40		
Shovel Operator	9.27	.35	.40		
Gradall Operator (1-½ cu. yds. or less), Motor Grader, Operator Tracks over 2-½ cu. yds.	10.01	.35	.40		
G-1000 Gradall Operator (over 1½ cu. yds.)	10.30	.35	.40		
Power Broom, Oiler	8.58	.35	.40		
Sand Setter	8.98	.35	.40		
TRUCK DRIVERS:					
Truck drivers (standard)	8.41	.35	.40		
Tandem	8.54	.35	.40		
Tractor trailer (capable of moving heavy equipment	8.98	.35	.40		

Modification Page 7

Modification Page 8

Modification Page 7

DECISION NO. DE81-3028 - MOD. #1 (46 FR 25909 - May 8, 1981) State of Delaware	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
LINE CONSTRUCTION: (Railroad only)					
Linemen	12.34	.60	3%	d	.75%
"A" Equipment Operator	12.34	.60	3%	d	.75%
"B" Equipment Operator	10.78	.60	3%	d	.75%
POWER EQUIPMENT OPERATORS: Building & Highway Construction:					
Group 1	14.27	10%	10.3%	h	1.3%
Group 2	13.98	10%	10.3%	h	1.3%
Group 3	13.11	10%	10.3%	h	1.3%
Group 4	12.34	10%	10.3%	h	1.3%
Group 5	11.87	10%	10.3%	h	1.3%
Group 6	10.96	10%	10.3%	h	1.3%
Group 7					
100' & over	14.52	10%	10.3%	h	1.3%
150' & over	14.77	10%	10.3%	h	1.3%
200 & Over	15.40	10%	10.3%	h	1.3%
DECISION NO. FL81-1217 - MOD. #1 (46 FR 24816, May 1, 1981) Baker, Bradford, Clay, Columbia, Duval, Flagler, Nassau, Putnam, & St. Johns Counties, Florida					
ADD: Union County					

Modification Page 8

DECISION #GAMO-1062 - Mod. #2 (45 FR 18652 - March 21, 1980) Bibb County, Georgia	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Boilermakers	$12.90	1.375	1.20		.04
DECISION #GA81-1191 - Mod. #2 (46 FR 15645 - March 6, 1981) Clayton, DeKalb, & Fulton Counties, Georgia					
CHANGE:					
Boilermakers	$12.90	1.375	1.20		.04
Marble, Tile, & Terrazzo finishers	8.70	.35	.10		.05
Sprinkler fitters	13.69	.95	1.40		.08
DECISION #GA81-1192 - Mod. #2 (46 FR 15647 - March 6, 1981) Richmond County, Georgia					
CHANGE:					
Boilermakers	$12.90	1.375	1.20		.04
Sprinkler fitters	13.69	.95	1.40		.08
DECISION #GA81-1193 - Mod. #2 (46 FR 15648 - March 6, 1981) Chatham County, Georgia					
CHANGE:					
Boilermakers	$12.90	1.375	1.20		.04
Sprinkler fitters	13.69	.95	1.40		.08

Modification Page 9

DECISION #GA81-1194 - Mod. #1 (46 FR 15650 - March 6, 1981) Houston County, Georgia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Boilermakers	$12.90	1.375	1.20		.04
DECISION NO. KY80-1089 - MOD. #5 (45 FR 54613, August 15, 1980) Warren County, Kentucky					
Change:					
Carpenters:					
Carpenters & Lathers	11.90	.80	.80		.05
Piledrivermen	12.15	.80	.80		.05
Electricians & Cable Splicers	12.95	.55	3%		1%
Line Construction:					
Linemen, Line Truck, Hole Digger, & Cable Splicers	12.95	.55	3%		½ of 1%
Groundmen - Truck Drivers with Winch	11.01	.55	3%		½ of 1%
Groundmen - Truck Drivers	10.36	.55	3%		½ of 1%
Sheet Metal Workers	14.58	1.619	1.61		.16
Sprinkler Fitters	15.31	.95	1.40		.08
DECISION NO. KY80-1098 - MOD. #4 (45 FR 56285 - August 22, 1980) Fort Campbell (located in Christian County, Ky. & Montgomery County, Tn.)					
Change:					
Electricians:					
Wiremen (Kentucky Portion)	13.75	.50	13%		¾ of 1%
Cable Splicers (Kentucky Portion)	14.00	.50	13%		¾ of 1%
Sprinkler Fitters					
Kentucky Portion	15.31	.95	1.40		.08
Tennessee Portion	13.69	.95	1.40		.08

Modification Page 10

DECISION NO. KY80-1093 - MOD. #4 (45 FR 56287-56290, August 22,1980) Boone, Campell, Kenton & Pendleton Counties, Ky.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	16.36	.75	1.25		.02
Bricklayers & Stonemasons	16.445	.80	.45		.02
Carpenters & Piledrivermen	15.80	.90	1.10		.075
Ironworkers					
Reinforcing	15.83	1.00	1.60		.02
Structural & Ornamental	15.28	1.00	1.60		.02
Laborers:					
Boone, Campbell & Kenton					
Group A	13.70	.95	.90		.05
Group B	13.80	.95	.90		.05
Group C	13.85	.95	.90		.05
Group D	13.90	.95	.90		.05
Group E	14.05	.95	.90		.05
Group F	14.20	.95	.90		.05
Group G	14.45	.95	.90		.05
Marble Setters	16.275	.80	.45		
Marble Setter Finishers	14.75				
Millwrights	16.44	.60	1.10		.10
Plasterers	16.395		1.00		.02
Plumbers & Gasfitters	16.57	1.25	1.50		.07
Roofers	16.67		1.50		.02
Sheet Metal Workers					
Pendleton County	14.58	1.619	1.61		.16
Remaining Counties	16.94	1.18	.86		.08
Sprinkler Fitters	15.31	.95	1.40		.08
Tile & Terrazo Workers	16.235	.80	.45		
Tile & Terrazo Finishers	14.75				

Modification Page 11

Modification Page 12

DECISION NO. KY80-1095 - MOD. #4 (45 FR 56276-56278, August 22, 1980) Boyd County, Ky.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Asbestos Workers	17.40	.60	1.10		.03
Boilermakers	12.50	1.275	1.20	2.00	.04
Bricklayers & Stonemasons	14.41	.45	.50		
Ironworkers	15.96	1.00	1.85		.01
Laborers:					
Group 1	11.20	.45	.80		
Group 2	11.35	.45	.80		
Group 3	11.37	.45	.80		
Group 4	11.40	.45	.80		
Group 5	11.45	.45	.80		
Group 6	11.70	.45	.80		
Group 7	11.90	.45	.80		
Group 8	12.40	.45	.80		
Painters:					
Brush & Paperhanging, Roller, Drywall, Saping, Spray, Steamcleaning, Mittens or Rags, Sandblasting, Drywall Machine Operator	12.20	.80	1.50		.06
Plumbers & Pipefitters					
Area 1	14.53	1.00	2.00	1.00	
Area 2	14.73	1.00	2.00	1.00	
Area 3	14.93	1.00	2.00	1.00	
Area 4	15.03	1.00	2.00	1.00	
Sprinkler Fitters	15.31	.95	1.40		.08
Add:					
Marble, Tile & Terrazo Finishers	10.60				

DECISION NO. KY80-1094 - MOD. #5 (45 FR 46278-46280 - August 22, 1980) Henderson County, Ky.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Glaziers	13.085	.80	1.00	.25	.01
Plumbers & Pipefitters	16.58	.85	1.15		.05
Sprinkler Fitters	15.31	.95	1.40		.08

DECISION NO. KY80-1097 - MOD. #5 (45 FR 56274 - 56275 - August 22, 1980) Fayette County, Kentucky					
Change:					
Ironworkers	13.45	1.00	2.85		.10
Sprinkler Fitters	15.31	.95	1.40		.08
Add:					
Marble, Tile & Terrazo Finishers	10.60				

DECISION NO. KY80-1096 - MOD. #5 (45 FR 56283-56285 - August 22, 1980) Franklin County, Kentucky					
Change:					
Ironworkers	13.45	1.00	2.85		.10
Sprinkler Fitters	15.31	.95	1.40		.08
Add:					
Marble, Tile & Terrazo Finishers	10.60				

UMI 1 8 2 1 E J 6 4 V

Modification Page 13

DECISION NO. KY80-1090 - MOD. #5 (45 FR 56280-56283 - August 22, 1980) Hardin, Jefferson & Meade Counties, Kentucky	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Bricklayers & Stonemasons	13.84	.75	.75		.01
Carpenters					
Carpenters & Lathers	13.35	.80	.80		.05
Piledrivermen	13.60	.80	.80		.05
Cement Masons	12.64	1.00	1.00		.08
Ironworkers	13.45	1.00	2.85		.10
Sprinkler Fitters	15.31	.95	1.40		.08
Soft Floor Layers	13.35	.80	.80		.05
DECISION NO. KY80-1101 - MOD. #5 (45 FR 57919-57921 - August 29, 1980) McCracken County, Kentucky					
Change:					
Electricians					
Wiremen	13.75	.50	13%		¼ of 1%
Cable Splicers	14.00	.50	13%		¼ of 1%
Glaziers	13.085	.80	1.00	.25	.01
Line Construction					
Linemen & Equipment Operators	13.65	.70	13%		½ of 1%
Cable Splicers	13.90	.70	13%		½ of 1%
Groundmen Truck Drivers	10.24	.70	13%		½ of 1%
Groundmen	9.96	.70	13%		½ of 1%
Sprinkler Fitters	15.31	.95	1.40		.08

Modification Page 14

DECISION NO. MA80-3064 - MOD. #2 (45 FR 72442 - October 31, 1980) Barnstable, Bristol, Dukes, Essex, Middlesex, Norfolk, Plymouth, Suffolk and Nantucket Counties, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
MIDDLESEX (Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington)	12.35	1.15	1.15+3%		.02
MIDDLESEX (Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, Townsend)	13.20	.75	1.35+3%		.02
BRISTOL (Attleboro, N. Attleboro); NORFOLK (Plainville)	13.85	.73	2.05+3%		.02
NORFOLK (Avon, Holbrook, Randolph, Stoughton); PLYMOUTH (Remainder of County); BRISTOL (Easton)					
Electricial Contracts over $75,000	13.63	.82	.82+3%		4%
Electrical Contracts under $75,000	10.22	.61	.61+3%		4%
GLAZIERS:					
SUFFOLK; MIDDLESEX; NORFOLK; ESSEX; PLYMOUTH (all except Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester, Wareham); DUKES; NANTUCKET	13.70	.92	1.19		.03

Modification Page 15

Modification Page 16

Modification Page 15

DECISION NO. MA80-3064 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
IRONWORKERS:					
BRISTOL (except Easton); BARSTABLE: PLYMOUTH (Lakeville, Middleboro, Rochester, Wareham, Marion, Mattapoisett); NORFOLK (Plainville); DUKES; NANTUCKET	12.13	1.15	2.55		.05
MIDDLESEX (Ashby, Shirley, Ayer, Boxboro, Stow, Hudson, Marlboro, Ashland, Hopkinton, Holliston)	13.25	1.15	2.05		.10
ESSEX (Remainder of County); MIDDLESEX (Remainder of County)	12.54	1.15	2.80		.06
MARBLE, TILE & TERRAZZO WORKERS	11.40	.85	1.50		
PAINTERS:					
BARNSTABLE, PLYMOUTH (Marion, Mattapoisett, Rochester, Wareham); BRISTOL (Acushnet, Dartmouth, Fairhaven, New Bedford, N. & S. Dartmouth); DUKES; NANTUCKET					
Brush/Roller	11.63	.90	.85		
Taping	11.73	.90	.85		
Spray	12.98	.90	.85		
Sandblast, Chipping Hammer, Power Brush	13.13	.90	.85		
Paperhangers, Vinyl Installer	12.13	.90	.85		
Steel	14.88	.90	.85		
Steel Spray	16.23	.90	.85		
Sandblast, Chipping Hammers, Power Tools (Steel)	16.38	.90	.85		

Modification Page 16

DECISION NO: MA80-3064 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PLUMBERS AND STEAMFITTERS:					
BARNSTABLE; BRISTOL, (Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. & S. Dartmouth, Somerset, Swandea, Westport, and Seekonk) PLYMOUTH (Marion, Mattapoisett, Rochester, and Wareham); DUKES, NANTUCKET	12.89	1.05	1.88		.20
Residential	11.60	1.05	1.88		.20
MIDDLESEX (Ashby, Townsend, Groton, Shirley, Ft. Devens, Ayer-West of Greenville Branch of The Boston and Maine RR)	11.71	.90	.90	.47	.05
PLUMBERS AND PIPEFITTERS:					
MIDDLESEX (Acton, Ayer - except West of Greenville Branch of the Boston and Maine RR, Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford and Wilmington)	13.72	1.10	1.10		.02
SUFFOLK, MIDDLESEX (Remainder of Co.); NORFOLK (except Avon, Holbrook, Randolph, Stoughton, Dover, Medfield, Medway, Wellesley) ESSEX (Lynn, Lynnfield, Nahant, Saugus, Swampscott); PLYMOUTH (Hingham, Hull, Scituate,					

UMI 1 8 2 1 E J 6 4 V

Modification Page 17

DECISION NO. MA80-3064 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr Tr
Plumbers	16.65	1.02	2.73		.08
Pipefitters	15.61	.94	1.45		.07
PLUMBERS, PIPEFITTERS AND STEAMFITTERS:					
ESSEX (Methuen, Lawrence, Groveland, Georgetown, Andover, North Andover)	14.05	1.12	1.50		.10
ESSEX (Remainder of Co.)	13.40	1.65	.87		.05
ROOFERS:					
BARNSTABLE CO., PLYMOUTH (Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester, Wareham and Hingham); BRISTOL (Seekonk, Rehoboth, Dighton, Berkley, Swansea, Somerset, Fall River, Freetown, Westport, Dartmouth, New Bedford, Achushnet, Fairham); DUKES; NANTUCKET	10.45	1.00	.55		
SUFFOLK, MIDDLESEX, NORFORK, ESSEX (Remainder of Co.); BRISTOL (Remainder of Co.)					
Journeyman	13.25	.70	1.85		.17
Pitch Work	14.25	.70	1.85		.17
SUFFOLK, MIDDLESEX, NORFOLK, ESSEX, PLYMOUTH (Remainder of County); BRISTOL (Remainder of County)	14.62	1.16	1.95		.10
SPRINKLER FITTERS	16.30	.85	1.20		.06
TILE AND MARBLE FINISHERS	10.34	.90	.75		

Modification Page 18

DECISION #MO81-4034 - Mmd. #1 (46 FR 28102 - May 22, 1981) STATEWIDE, MISSOURI	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Power Equipment Operators:					
Zone 1					
Group I	$13.10	1.05	1.25	1.05	.15
Group II	12.85	1.05	1.25	1.05	.15
Group III	12.15	1.05	1.25	1.05	.15
Group IV					
(a)	9.03	1.05	1.25	1.05	.15
(b)	11.15	1.05	1.25	1.05	.15
Group V	13.35	1.05	1.25	1.05	.15
Group VI	13.10	1.05	1.25	1.05	.15
Zone 5					
Group I	13.10	1.05	1.25	1.05	.15
Group II	12.85	1.05	1.25	1.05	.15
Group III	12.15	1.05	1.25	1.05	.15
Group IV					
(a)	9.03	1.05	1.25	1.05	.15
(b)	11.15	1.05	1.25	1.05	.15
Group V	13.35	1.05	1.25	1.05	.15
Group VI	13.10	1.05	1.25	1.05	.15
Zone 6					
Group I	12.60	1.05	1.25	1.05	.15
Group II	12.25	1.05	1.25	1.05	.15
Group III	12.05	1.05	1.25	1.05	.15
Group IV	10.25	1.05	1.25	1.05	.15
Group V	12.85	1.05	1.25	1.05	.15
Group VI	13.10	1.05	1.25	1.05	.15
Group VII	13.35	1.05	1.25	1.05	.15
Truck Drivers:					
Area covered by Truck Drivers Zones					
Zone 1 - Clay, Jackson, Platte & Ray Counties					

Modification Page 19

Modification Page 20

DECISION NO. MT81-5114 Mod. #1
(46 FR 25925 - May 8, 1981)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MO81-4035 - Mod. #1 (46 FR 28117 - May 22, 1981) Cass, Clay, Jackson, Platte, Henry, Johnson, Lafayette, and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Change:					
Power Equipment Operators:					
Site preparation and grading, Heavy and Highway Construction					
Zone 1 - Johnson and Wyandotte Counties, Kansas					
Group I	$13.10	1.05	1.25	1.05	.15
Group II	12.85	1.05	1.25	1.05	.15
Group III	12.15	1.05	1.25	1.05	.15
Group IV					
(a)	9.03	1.05	1.25	1.05	.15
(b)	11.15	1.05	1.25	1.05	.15
Group V	13.35	1.05	1.25	1.05	.15
Group VI	13.10	1.05	1.25	1.05	.15

DECISION NO. MT81-5114 Mod. #1
(46 FR 25925 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
Laborers					
Group 1					
Flagmen and Scalemen	$10.50	.75	.65	.30	.05
CHANGE:					
Electricians					
Area 8					
Electricians	13.70	.70	3%+.50		1/2%
Cable Splicers	15.79	.70	3%+.50		1/2%
Area 2					
Electricians	16.30	.70	3%+.75		1/2%
Cable Splicers	16.75	.70	3%+.75		1/2%
Area 9					
Electricians	13.40	.70	3%+.50		1/2%
Cable Splicers	14.07	.70	3%+.50		1/2%
Painters					
Area 1 (Jurisdictional Area Only)					
The entire counties of Beaverhead, Gallatin, Park, and Silver Bow. The Northern portion of Jefferson County from a line running East and West (5) miles south of the Southern city limits of Boulder, Montana; The south part of Jefferson Co. from a line running due west from the south limits of Tosten, Montana; the Southern portion of Lewis & Clark Co. from a line running east and west through the southern limits of Craig, Montana; the Southern portion of Powell Co. from a line running east and west through the Southern limits of Helmsville, Montana; the west part of Madison County from a line running north and south through the west limits of Harrison, Montana.					
Ironworkers					
Area 2	15.36	.93	1.90		.10

Modification Page 21

DECISION NO. MT81-5114 continued

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Painters					
Area					
Brush, Roller; Floor Layers	$11.56	.78	.50		.10
Brush, Roller on steel and roofs, Pot Tender; Paperhanger	10.91	.78	.50		.10
Perfataper (hand tools)	11.66	.78	.50		.10
Spray (not steel)	12.54	.78	.50		.10
Sandblaster, commercial and steel; Spray on structural steel and tanks	12.79	.78	.50		.10
Perfataper (machine tools)	12.06	.78	.50		.10

Modification Page 22

DECISION NO. MT81-5115 Mod. #1
(46 FR 25934 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Electricians					
Area 8					
Electricians	$13.70	.70	3%+.50		1/2%
Cable Splicers	15.79	.70	3%+.50		1/2%
Area 2					
Electricians	16.30	.70	3%+.75		1/2%
Cable Splicers	16.75	.70	3%+.75		1/2%
Area 9					
Electricians	13.40	.70	3%+.50		1/2%
Cable Splicers	14.07	.70	3%+.50		1/2%
Painters					
Area 4 (Jurisdictional Area Only)					
The entire counties of Beaverhead, Gallatin, Park, and Silver Bow. The northern portion of Jefferson Co. from a line running east and west five (5) miles south of the Southern city limits of Boulder, Montana; the south part of Jefferson Co. from a line running due west from the south limits of Tosten, Montana; the southern portion of Lewis & Clark Co. from a line running east and west through the southern limits of Craig, Montana; the southern portion of Powell Co. from a line running east and west through the southern city limits of Helmsville, Montana; the west part of Madison Co. from a line running north and south through the west limits of Harrison, Montana.					
Painters					
Area 1					
Brush , Roller; Floor Layers	11.56	.78	.50		.10
Brush, Roller on steel and roofs, Pot Tender; Paperhanger	10.91	.78	.50		.10
Perfataper (hand tool)	11.66	.78	.50		.10
Spray (not steel)	12.54	.78	.50		.10
Sandblaster, commercial and steel; Spray on structural steel and tanks	12.79	.78	.50		.10
Perfataper (machine tools)	12.06	.78	.50		.10

Modification Page 23

DECISION NO. MT81-5115 continued

Modification Page 24

DECISION NO. MT81-5115 continued

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
OMIT:					
Laborers					
Broadwater (that portion lying south of an east-west line north of the city of Tosten), Gallatin, Madison (that portion lying east of the Gravely Mountain Range), Park, Sweet Grass, and Wheatland Counties:					
Group 1 (Flagmen and Scalemen)	$10.03	.75	.65	.30	.05
Flathead, Glacier National Park, Lincoln, and that area of Lake and Sanders Cos. lying 5 miles north of the 5th parallel:					
Group 1 (Flagmen and Scalemen)	9.90	.70	.60	.20	.05
Carter, Custer, Dawson, Fallon, Powder River, Prairie, and Wibaux Cos.					
Group 1 (Flagmen, Scalemen, and Watchmen)	9.45	.70	.60	.20	.05
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure, and Yellowstone Counties:					
Group 1 (Flagmen, Watchmen, & Scalemen)	9.60	.70	.60	.20	.05

DECISION NO. MT81-5115 continued

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
Laborers					
Granite, Lake (southern area), Mineral, Missoula, Ravalli and Sanders (southern area) Cos.					
Group 1 (Scalemen, Watchmen, and Flagmen)	9.32	.62	.53		.05
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Teton, and Toole Counties:					
Group 1 (Flagmen and Scalemen)	10.50	.75	.65	.30	.05
Blaine, Hill, and Liberty Counties:					
Group 1 (Flagmen and Scalemen)	10.50	.75	.65	.30	.05
Daniels, Garfield, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan, & Valley Counties:					
Group 1 (Scalemen and Flagmen)	10.50	.75	.65	.30	.05
Beaverhead, Deer Lodge, Madison, Powell, Silver Bow, and that portion of Jefferson Co. within the territorial limits of District No. 2:					
Group 1 (Scalemen and Flagmen)	10.16	.75	.65	.30	.05

Modification Page 25

DECISION NO. MT81-5115 continued

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
OMIT:					
Laborers					
Broadwater, Lewis and Clark, Meagher, north half of Jefferson Co. including the city of Boulder; that portion of Powell County lying east of a north-south line at the west edge of the town of Elliston					
Group 1 (Flagmen and Scalemen)	$10.29	.75	.65	.30	.05
CHANGE:					
Ironworkers					
Area 2	15.36	.93	1.90		.10
Bricklayers;Marble Masons					
Area 2	14.60	1.15	.55		

Modification Page 26

DECISION NO. MT81-5116 Mod. No. 1
(46 FR 25953 - May 8, 1981)

Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Electricians					
Area 5					
Electricians	$13.70	.70	3%+.50		1/2%
Cable Splicers	15.79	.70	3%+.50		1/2%
OMIT:					
Laborers					
Hill and Valley Counties:					
Group 1 (Flagmen and Scalemen)	10.50	.75	.65	.30	.05
Missoula County:					
Group 1 (Flagmen and Scalemen)	9.32	.62	.53		.05
Cascade and Glacier Cos.:					
Group 1 (Flagmen and Scalemen)	10.50	.75	.65	.30	.05
Gallatin County:					
Group 1 (Flagmen and Scalemen)	10.03	.75	.65	.30	.05
Deer Lodge and Silver Bow Counties:					
Group 1 (Flagmen and Scalemen	10.16	.75	.65	.30	.05
CHANGE:					
Ironworkers					
Area 1	15.36	.93	1.90		.10
Bricklayers; Marble Masons					
Area 4	14.60	1.15	.55		

Modification Page 27

DECISION NO. NY80-3054 - Mod. #1
(45 FR 59104 - September 5, 1980)
Jefferson County, New York

Modification Page 28

DECISION NO. NY80-3054 - Mod. #1 (CONT'D)

DECISION NO. NY80-3054 - Mod. #1
(45 FR 59104 - September 5, 1980)
Jefferson County, New York

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
BUILDING CONSTRUCTION					
BRICKLAYERS, CEMENT MASONS, PLASTERERS & TILE SETTERS	14.29	.70	1.00	a	
CARPENTERS					
Millwrights	12.50	.55	.90	b	.005
SPRINKLER FITTERS	15.55	.95	1.40		.08
HEAVY & HIGHWAY CONSTRUCTION					
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS	14.29	.70	1.00	a	
CARPENTERS & PILEDRIVERS	11.82	.60	1.15		.025
CEMENT MASONS	11.65	.70	1.00		
LABORERS					
CLASS A	9.79	.60	1.30	a	
CLASS B	9.99	.60	1.30	a	
CLASS C	10.19	.60	1.30	a	
CLASS D	10.39	.60	1.30	a	
POWER EQUIPMENT OPERATORS					
MASTER MECHANIC	13.79	1.35	1.45	a	.15
GROUP I	12.99	1.35	1.45	a	.15
GROUP II	12.55	1.35	1.45	a	.15
GROUP III	11.31	1.35	1.45	a	.15
GROUP IV	10.21	1.35	1.45	a	.15

DECISION NO. NY80-3054 - Mod. #1 (CONT'D)

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	11.60	1.40	3%+1.00	a	
Cable Splicer	15.35	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.28	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.70	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.25	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.925	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	10.60	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	11.26	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems	9.94	1.40	3%+1.00	a	
Journeyman Lineman & Technician	13.95	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	12.555	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.16	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	11.86	1.40	3%+1.00	a	
	10.46	1.40	3%+1.00	a	

UMI

DECISION NO. NY80-3054 - Mod. #1 (CONT'D)

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations					
Maintenance Jobs or Projects					
Journeyman Lineman	13.95	1.40	3%+1.00	a	
Certified Lineman Welder	14.65	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Equipment Operator	13.95	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Groundman Truck Drivers	11.16	1.40	3%+1.00	a	
Groundman	10.46	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

DECISION NO. PA80-3055 - MOD. #7
(45 FR 65902 - October 3, 1980)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS, HEAVY & HIGHWAY	12.97	2.63	1.40	a	.13
CEMENT MASONS, Heavy & HIGHWAY	11.60	2.09	2.60		
LABORERS, HEAVY & HIGHWAY					
Group 1	11.30	.95	.85		
Group 2	11.10	.95	.85		
Group 3	11.00	.95	.85		
Group 4	11.15	.95	.85		
Group 5	10.90	.95	.85		
Group 6	11.55	.95	.85		
Group 7	11.40	.95	.85		
Group 8	11.25	.95	.85		

LABORERS CLASSIFICATIONS

Group 1 - Powdermen, multiple wagon drill operators, underpinning

Group 2 - Finished surface asphalt rakers, jackhammer operators, paving breaker operators, pipelayer or caulker, conduit & duct layers

Group 3 - Other pneumatic tool operators, laborers stripping concrete forms, carrying or handling lumber and other concrete materials, laborers carrying & handling steel and steel mesh, form pinners, tool room men, mortar mixers, concrete pitmen & spaders, grade men, asphalt shovelers, men working in sheeting, men working in shoring, men working in lagging, laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, scaffold builders, relief joints & approach slabs, all other laborers on construction work, with the exception of workers in compressed air

DECISION NO. PA80-3055 -
CONT'D

LABORERS CLASSIFICATIONS CONT'D

Group 4 - Wagon drill operators

Group 5 - Yard workers: Laborers, scale mixermen, burnermen, feeders, dustmen

Group 6 - Free Air Tunnels: Miners, welders & burners, miners bore driver, blasters, drillers, pneumatic shield operators

Group 7 - Miners' helpers, welders, burner & tugger, form setters, circular caissons

Group 8 - Trackmen, brakemen, groutmen, bottom shaft men, all other men in free air tunnels

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Railroad Only)					
Linemen	13.28	.60	3%	b	.75%
"A" Equipment Operator	13.28	.60	3%	b	.75%
"B" Equipment Operator	11.61	.60	3%	b	.75%
POWER EQUIPMENT OPERATORS: Building & Heavy Construction:					
Group 1	14.58	10%	10.3%	a	1.3%
Group 2	14.32	10%	10.3%	a	1.3%
Group 3	13.45	10%	10.3%	a	1.3%
Group 4	13.24	10%	10.3%	a	1.3%
Group 5	12.93	10%	10.3%	a	1.3%
Group 6	12.76	10%	10.3%	a	1.3%
Group 7	12.25	10%	10.3%	a	1.3%
Group 8	11.51	10%	10.3%	a	1.3%

DECISION NO. PA80-3055 -

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION:					
Wage Group 1	14.33	10%	10.3%	c	1.3%
Wage Group 2	14.10	10%	10.3%	c	1.3%
Wage Group 3	13.49	10%	10.3%	c	1.3%
Wage Group 4	12.97	10%	10.3%	c	1.3%
Wage Group 5	12.60	10%	10.3%	c	1.3%
Wage Group 6	12.25	10%	10.3%	c	1.3%
Wage Group 7	11.51	10%	10.3%	c	1.3%
TRUCK DRIVERS: Building Construction:					
Class I	10.35	1.0675	1.225	a+b	
Class II	10.45	1.0675	1.225	a+b	
Class III	10.65	1.0675	1.225	a+b	
TRUCK DRIVERS: Heavy & Highway Including Site Preparation, Paving & Utilities on Building Construction					
Class I	10.20	1.0675	1.225	a+b	
Class II	10.30	1.0675	1.225	a+b	
Class III	10.50	1.0675	1.225	a+b	

Modification Page 33

DECISION NO. RI80-2054 - Mod. #5
(45 FR 48451 - July 18, 1980)
Statewide, Rhode Island

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
BUILDING CONSTRUCTION					
ELECTRICIANS	13.85	.73	3%+2.05		.02
PLUMBERS	13.30	1.03	2.95		.10
TRUCK DRIVERS					
Dump & Two Axle Equipment Drivers	10.64	1.0925	1.10		
Trailers & Three Axle Equipment Drivers	10.72	1.0925	1.10		
Low Bed Trailers 24 Ton Rated Cap. & Over, I Beam Trailers, Specialized Earth Moving Equipment - Euclid Type	10.97	1.0925	1.10		
Euclid Type Equipment over 35 Ton Capacity	11.22	1.0925	1.10		

Modification Page 34

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION #SC79-1016 - Mod. #4 (44 FR 6888 - February 2, 1979) Beaufort, Colleton, Hampton, & Jasper Counties, South Carolina					
CHANGE:					
Sprinkler fitters	$11.75	.95	1.40		.08
DECISION #SC79-1020 - Mod. #4 (44 FR 6888 - February 2, 1979) Chester, Chesterfield, Fairfield, Kershaw, & Lancaster Counties, South Carolina					
CHANGE:					
Sprinkler fitters	$11.75	.95	1.40		.08
DECISION #SC79-1037 - Mod. #5 (44 FR 13230 - March 9, 1979) Sumter County, South Carolina					
CHANGE:					
Sprinkler fitters	$11.75	.95	1.40		.08
DECISION #SC79-1038 - Mod. #4 (44 FR 10934 - February 23, 1979) Cherokee, Union, & York Counties South Carolina					
CHANGE:					
Sprinkler fitters	$11.75	.95	1.40		.08

Modification Page 35

Modification Page 36

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #SC79-1047 - Mod. #5 (44 FR 16322 - March 16, 1979) Greenville County, South Carolina					
CHANGE:					
Ironworkers	$11.00	.65	.55		.02
Sprinkler fitters	11.75	.95	1.40		.08
DECISION #SC79-1048 - Mod. #4 (44 FR 16295 - March 16, 1979) Spartanburg County, South Carolina					
CHANGE:					
Sprinkler fitters	$11.75	.95	1.40		.08
DECISION #SC79-1062 - Mod. #4 (44 FR 20937 - April 6, 1979) Georgetown & Horry Counties, South Carolina					
CHANGE:					
Asbestos workers	$11.00	.65	.50		.02
Boilermakers	12.90	1.375	1.20		.04
Plumbers & Steam fitters:					
Georgetown County Only	10.80	.60	.60		
Sprinkler fitters	11.75	.95	1.40		.08
DECISION #SC81-1150 - Mod. #1 (45 FR 86203 - December 30, 1980) Berkeley, Charleston, & Dorchester Counties, South Carolina					
CHANGE:					
Boilermakers	$12.90	1.375	1.20		.04
Sprinkler fitters	11.75	.95	1.40		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. VA81-3015-Mod. #3 (46 FR 15666-March 6,1981) Radford Army Ammunition Plant, Virginia					
CHANGE:					
ASBESTOS WORKERS	$11.93	.80	1.05		.01
BOILERMAKERS	13.80	1.275	1.30		.04
LABORERS:					
COMMON LABORERS	6.90	.40	.40		.05
MASON TENDERS	7.00	.40	.40		.05
AIR TOOL OPERATORS	7.15	.40	.40		.05
PAINTERS:					
BRUSH	9.25	.50	.45		
SPRAY	9.60	.50	.45		
SHEET METAL WORKERS	12.20	.40	.84		.07
POWER EQUIPMENT OPERATORS:					
BULLDOZER OPERATORS	12.27	.45	.55	a	.03
CRANE OPERATORS	12.27	.45	.55	a	.03

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Labor Day; Independence Day; Thanksgiving Day and Christmas Day provided the employee works the regularly scheduled work day before and after the holiday.

UMI 1 8 2 1 E C 6 4 V

Modification Page 37

DECISION NO. WA81-5107 - Mod #7
(46 FR 20452 - April 3, 1981)
Statewide Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Cement Masons:					
Area 2:					
Cement Masons	$16.70	.95	1.50		.10
Composition, Color, Mastic, Trowel Machine, Grinder, Power Tool, Gunnite Nozzleman	16.95	.95	1.50		.10
Masun Tenders:					
Area 1:					
Mason Tenders (Including Tenders of Plasterers, Bricklayers, Tile Setters, Marble Setters, Terrazzo Workers, Topping for Cement Finishers and Mortar Mixers)	14.23	1.10	1.40		.10
Painters:					
Area 3:					
General Painters	15.37	.99	.70		.04
Drywall Tapers	15.77	.99	.70		.04
Industrial Painters	15.77	.99	.70		.04
Sheet Metal Workers:					
Area 1	17.41	3%+.83	1.70		.20
Soft Floor Layers:					
Area 6	12.795	.80	1.05	c	.13

SUPERSEDEAS DECISION

STATE: ALABAMA COUNTIES: Calhoun, [illegible], Cleburne, [illegible]
DECISION NUMBER: AL81-1248 DATE: Date of Publ[illegible]
Supersedes Decision No.: AL81-1122, December [illegible],
DESCRIPTION OF WORK: Residential construction consisting of [illegible] homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
BRICKLAYERS	$8.00				
CARPENTERS	6.50	.30	.20		
CEMENT MASONS	7.50				
DRYWALL FINISHERS	8.15				
DRYWALL HANGERS	7.20				
ELECTRICIANS	9.95	.30	1% + .40		½ of 1%
INSULATORS	4.65				
LABORERS	4.14				
PAINTERS, Brush	6.00				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.00				
Bulldozer	5.00				
Front End Loader	5.00				
PLUMBERS & PIPEFITTERS	8.53	.40	.35		
ROOFERS	5.47				
SHEET METAL WORKERS	5.59				
TILE SETTERS	6.71				
TRUCK DRIVERS	4.14				
WELDERS - Receive rate prescribed for craft to which it is incidental					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Duval
DECISION NUMBER: FL81-1246 DATE: Date [illegible] Public[illegible]
Supersedes Decision Number FL79-1019, dated February 2,1979 in [illegible]

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Sec[illegible]
DECISION NUMBER: FL81-1247 DATE: Date of Publicatio[illegible]
Supersedes Decision No. FL79-1039 dated February 16, [illegible]

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Duval
DECISION NUMBER: FL81-1246 DATE: Date of Publication
Supersedes Decision Number FL79-1019, dated February 2, 1979 in 44 FR 6852
DESCRIPTION OF WORK: Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Carpenters & Piledrivermen	11.32	.72	.80		.06
Cement Masons	7.59				
Electricians	12.15	.60	3% + .81	.81	.07
Laborers: Unskilled	7.22	.30	.25		
Plumbers & Pipefitters	12.75	.70	.80		.10
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Cranes	12.18	.55	.50		.06
Oilers	8.80	.55	.50		.06
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida COUNTY: See [illegible]
DECISION NUMBER: FL81-1247 DATE: Date of Publication
Supersedes Decision No. FL79-1039 dated February 16, [illegible] in 44 FR 10228
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments of four stories or less)

Volusia (except Cape Kennedy Space Flight Center and Cape Canaveral Air Force Station, Florida)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Asbestos Workers	12.93	.65	1.10		.08
Boilermakers	12.90	1.375	1.20		.04
Bricklayers	8.40	.50	.20		.05
Carpenters	9.25	.55	.80		.12
Electricians					
Base Zone: (within 40 miles of Daytona Beach)					
Electricians	10.89	.50	3% +.98		.05
Cable Splicers	11.14	.50	3% +.98		.05
Zone I: (all work beyond 40 miles of Daytona Beach and not accessible by public roads - Industrial work in excess of 300,000 electrical or 3,000,000 total permit- power generation plants)					
Electricians	12.47	.50	3% +.98		.05
Cable Splicers	12.72	.50	3% +.98		.05
Elevator Constructors					
Mechanic	11.29	1.195	.95	a + b	.035
Helper	7.90	1.195	.95	a + b	.035
Ironworkers	11.88	.80	.90	.65	.05
Laborers					
Air Tool Operators, Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay), Plasterers' Tenders	7.05	.25	.10		
Unskilled Laborers	6.99	.25	.10		
Lathers	8.88	.35	.25		.15
Marble Setters	8.40	.50	.20		.05
Millwrights	12.67	.70	.70		.10

FL81-1247 cont.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Piledrivermen	9.75	.55	.80		.12
Painters:					
Brush & Roller	8.95	.50	.45		.06
Paperhangers, Sandblasters & Spray	9.45	.50	.45		.06
Plumbers, Pipefitters & Steamfitters					
Commercial	11.45	.60	.60		.05
Industrial	14.40	.88	.89		.05
Roofers					
Roofers	9.50	.35	.25		
Kettlemen	8.05	.35	.25		
Sheet Metal Workers	10.96	3% +.35	.44		.08
Soft Floor Layers	9.25	.55	.80		.12
Sprinkler Fitters	12.65	.85	1.20		.13
Tile & Terrazo Workers	8.40	.50	.20		.05
Welders - Rate for craft					

FOOTNOTES

a. Six Paid Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day & Christmas Day

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than five years, 6% of regular hourly rate for employee who has worked in business less than five years

Unlisted Classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

FL81-1247 (CONT'D) POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
GROUP I	$12.18	.55	.50		.06
GROUP II	11.00	.55	.50		.06
GROUP III	8.80	.55	.50		.06

GROUP I - Crane or Derrick Operator, Clam Shell Operator, Drageline Operator, Piledriver Operator including Auger & Boring Machine Operator for Drilling in Piling, Backhoe Operator, Hydra Crane Operator, Grade All Operator, Shovel Operator, Patrol, Cable Ways Operator, Tug Boat Captain (150 H.P. or more) Multi-Bowl Operator (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cubic yard scrapers), Side Boom Cat Operator, Multi-Drum Hoist Operator for Rigging Work, Mechanic (heavy equipment), Tower Crane Operator (stationary, climbing, and traveling), Gantry Crane Operator, Locomotive Crane Operator, Bridge Crane Operator (over 20 ton capacity), Concrete Pump with boom (mobile) Operator, High Lift or Fork Lift Operator (10' or higher), Locomotive Engineer (for job use that does not infringe upon the rights of Railroad Unions)

GROUP II - Bulldozer Operator, Bridge Crane Operator (20 tons & under), Highlift or Forklift Operator (less than 10'), Straddle Buggy Operator, Hoist Operator (other than rigging work) including Winch Truck Operator where Winch Truck is not Mobile and used as a Hoist, Trenching Machine Operator (ladder & wheel type) over 6' cut and over 24" in width, Concrete Paver Operator, Scraper Operator, Front End Loader Operator, Fireman-Floating Equipment, Mobile Winch Truck Operator, Self Propelled Sub-Grader Operator, Asphalt Paving Machine Operator, Lubricating Engineer (mobile plant), Pavement Breaker Operator

GROUP III- Tractor Operated Sweeper Operator, Trenching Machine Operator (ladder and wheel type) maximum cut 6' and maximum width 24", Fireman, Self Propelled Roller Operator, Wellpoint Pump Operator & Supervise Installation (one operator for 3 pumps, not including standby units, within 300 ft radius), Asphalt Distributor Operator, Water Truck Driver, Motor Boat Operator, Oiler, Pumpman (other than wellpoint) up to and including Pumps within 300 ft radius, Conveyors Operator (motor operated), Welding Machine Operator (3 or more combustion type), Pulver Mixer Operator, Compressor Operator (from 1 up to and including 3 compressors within 300 ft. radius, Self propelled sweeper operator, Combination Pump, Compressor & Combustion Type Welding Machine Operator (any group of 3 units) with 300 ft radius, Concrete Mixer Operator, Concrete Pump Operator, Tractor Operator, Street Sweeping Machine Operator.

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Bolivar, Coahoma, Quitman, and Tunica

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: MONROE
DECISION NO. NY81-3039 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY80-3022 dated April 4, 1980 in 45 FR 2[illegible]

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Bolivar, Coahoma, [illegible], and Tunica

DECISION NUMBER: MS81-1244 DATE: Date of Publication

Supersedes Decision No.: MS81-1172, January 30, 1981, 46 FR 10091

DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
AIR CONDITIONING MECHANICS	$7.40				
BRICKLAYERS	8.00				
CARPENTERS	5.50				
CEMENT MASONS	4.95				
ELECTRICIANS	6.50				
IRONWORKERS, Structural & Ornamental	6.00				
LABORERS:					
Unskilled	4.22				
Pipelayers	5.70				
PAINTERS, Brush	4.75				
POWER EQUIPMENT OPERATORS:					
Backhoe	8.00				
Scraper	9.00				
PLUMBERS & PIPEFITTERS	8.15				
ROOFERS	8.00				
SHEET METAL WORKERS	6.96				
SOFT FLOOR LAYERS	5.17				
TRUCK DRIVERS	4.22				
WELDERS - Rate for Craft					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: MONROE

DECISION NO. NY81-3039 DATE: DATE OF PUBLICATION

Supersedes Decision No. NY80-3022 dated April 4, 1980 in 45 FR 2[illegible]

DESCRIPTION OF WORK: Building (excluding single family homes and [illegible] ments up to and including 4 stories), Heavy & Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	14.77	1.50	1.15		.01
BOILERMAKERS	14.80	1.275	1.975		.03
BRICKLAYERS, CEMENT MASONS, PLASTERERS & STONE MASONS	13.67	.75	1.00		
CARPENTERS, Building	13.30	1.23	1.56		.05
Millwrights & Piledrivers	12.73	1.23	1.15		.05
CARPENTERS & PILEDRIVERS, Heavy & Highway	11.28	1.23	1.06	a	.025
CEMENT MASONS, Heavy & Highway	11.19	1.00	1.15		
ELECTRICIANS	13.95	1.00	3%+1.40		4%
ELEVATOR CONSTRUCTORS	14.13	1.195	.95	b+c	.035
GLAZIERS	12.73	1.02	.89		.06
IRONWORKERS					
Ornamental, Reinforcing, Stone Derrickmen, Rigger, Rodman, Structural, Machinery Movers, Fence Erectors, Precast Concrete Erector	13.05	1.00	1.05		.10
Sheeter	13.30	1.00	1.05		.10
Sheeter Bucker-up	13.175	1.00	1.05		.10
MARBLE, TILE & TERRAZZO WORKERS	14.36	.50			
MARBLE, TILE & TERRAZZO FINISHERS	9.85	.55	.89		
PAINTERS					
Basic	11.90	1.67	1.04		.10
Wiper Drywall	12.10	1.66	1.04		.10
Stilts (drywall only), Epoxy (brush & roll), Wall covering	12.15	1.67	1.04		.10
Swing Scaffold, window brackets, Structural (up to 40'), Cherry pickers mechanical lift, aerial lift	12.40	1.67	1.04		.10
Regular Spray, Water Hydroblasting, Metalizing, Mechanical taper	12.50	1.67	1.04		.10
Spray (epoxy), Structural Steel (over 40')	12.60	1.67	1.04		.10
Sandblasting (from solid platform)	12.65	1.67	1.04		.10
Sandblasting (any hanging platform), Steeple Jank Bridges	12.90	1.67	1.04		.10
	13.15	1.67	1.04		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PLUMBERS & STEAMFITTERS	14.38	2.485	1.22	.32+d	.20
SHEET METAL WORKERS	13.62	.85	1.52		
SOFT FLOOR LAYERS	11.87	.90	.66		
SPRINKLER FITTERS	15.55	.95	1.40		.08
WELDERS - RECEIVE RATE PRESCRIBED FOR CRAFT PERFORMING OPERATION TO WHICH WELDING IS INCIDENTAL					

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day

FOOTNOTES:
a. Paid Holidays: C and D
b. Employer contributes 8% basic hourly rate for 5 years or more of service or 6 % basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit
c. Paid Holidays: A through F, and the day after Thanksgiving
d. Paid Holidays A, C, D, E, and F

LABORERS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Common Laborers	9.15	2.10	1.29		
Blasters	10.52	2.10	1.29		
Powder Monkey	10.02	2.10	1.29		
Air Track Drill, Asphalt Rakers & Wagon Drill	9.55	2.10	1.29		
Chuck Tender, all work on hanging or swing scaffold, work at heights outside the building where safety lines or blets are required, & Bosun Chair	9.35	2.10	1.29		
Jackhammers, Paving Breakers, Mortar Mixers, Concrete Vibrators, Barco Tampers, and Jumping Jacks	9.45	2.10	1.29		
Pipelayers, Cutters for wrecking and demolition work, burners	9.45	2.10	1.29		
Concrete Vibrator for Architectural Concrete	9.65	2.10	1.29		
New Chimney work					
From base to 100'	10.15	2.10	1.29		
From 100' to 150'	10.40	2.10	1.29		
From 150' to 200'	10.65	2.10	1.29		
From 200' to 250'	10.90	2.10	1.29		
From 250' up	11.15	2.10	1.29		

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Lineman	14.38	2.485	1.22	.32+d	.20
Cable Splicer	15.55	.95	1.40		.08
Groundman	11.87	.90	.66		
Powderman	13.62	.85	1.52		

WELDERS - RECEIVE RATE PRESCRIBED FOR CRAFT PERFORMING OPERATION TO WHICH WELDING IS INCIDENTAL

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day

FOOTNOTES:
a. Paid Holidays: C and D
b. Employer contributes 8% basic hourly rate for 5 years or more of service or 6 % basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit
c. Paid Holidays: A through F, and the day after Thanksgiving
d. Paid Holidays A, C, D, E, and F

LABORERS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS A	8.65	2.10	1.29	a	
CLASS B	8.85	2.10	1.29	a	
CLASS C	9.05	2.10	1.29	a	
CLASS D	9.25	2.10	1.29	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, & Christmas Day, provided the employee has worked the day before and after the holiday

CLASSIFICATIONS:

CLASS A: Laborers, drill helpers, flagmen, outboard and hand boats

CLASS B: Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breakers, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborers

CLASS C: All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman

CLASS D: Blasters, form setters, stone or granite curb setters

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	11.60	1.40	3%+1.00	a	
Cable Splicer	15.35	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.44	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.28	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.70	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.25	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.925	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.26	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.94	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.95	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.555	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.16	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.46	1.40	3%+1.00	a	

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations Maintenance Jobs or Projects					
Journeyman Lineman	13.95	1.40	3%+1.00	a	
Certified Lineman Welder	14.65	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Equipment Operator	13.95	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Groundman Truck Drivers	11.16	1.40	3%+1.00	a	
Groundman	10.46	1.40	3%+1.00	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
GROUP I					
I-A	12.46	1.15	1.25	a	.15
I-B	12.71	1.15	1.25	a	.15
I-C	12.96	1.15	1.25	a	.15
I-D	13.21	1.15	1.25	a	.15
I-E	13.71	1.15	1.25	a	.15
I-F	14.21	1.15	1.25	a	.15
I-G	14.71	1.15	1.25	a	.15
I-H	15.21	1.15	1.25	a	.15
GROUP II	12.46	1.15	1.25	a	.15
GROUP III	12.13	1.15	1.25	a	.15
GROUP IV	10.99	1.15	1.25	a	.15
GROUP V	9.05	1.15	1.25	a	.15
GROUP VI	13.06	1.15	1.25	a	.15

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall

CLASSIFICATIONS
GROUP I: Cranes (cable and hydraulic climbing and tower)
I-A - 121 ft. and under
I-B - 121 ft. to 151 ft.
I-C - 151 ft. to 201 ft.
I-D - 201 ft. to 251 ft.
I-E - 251 ft. to 301 ft.
I-F - 301 ft. to 351 ft.
I-G - 351 ft. to 401 ft.
I-H - 401 ft. to 451 ft.

GROUP II: Air tugger, derrick, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15' or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III: A frame, backfilling machine, hoist (1 or 2 drums), barber green and similar type machine, maintenance engineer (mechanic), Mechanical slurry machines (all kinds), belt crete [illegible] bituminous spreading machines, post hole digger, bulldozer, [illegible] type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

CLASSIFICATIONS (CONT'D)
GROUP III (CONT'D): grade and finish rollers, side boom tractor, [illegible] crusher, compressors (4 not to exceed 2000 cfm), concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane ho[illegible] 3/8 yds. capacity or less (factory rating), tournapull and similar [illegible] dinky locomotives (all types), tower mobile and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift, with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler
GROUP IV: Any combination (not to exceed 3 pieces of equipment), welding machine or mechanical conveyor (over 12 ft. in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 cfm combined capacity, longitudinal float
GROUP V: Truck Crane
GROUP VI: Master Mechanic

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION (Includes excavating for site preparation)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
GROUP I	13.09	1.25	1.45	a	.15
GROUP II	12.65	1.25	1.45	a	.15
GROUP III	11.41	1.25	1.45	a	.15
GROUP IV	10.31	1.25	1.45	a	.15

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, providing the employee works the day before and the day after the holiday

CLASSIFICATIONS:
GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), Blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, gradall or similar), fork lift (factor rated 15' and over), front end loader 4 c.y. and over, head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machihe or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver, tractor drawn belt type loader, truck crane, tunnel shovel
GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill (truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 CFM combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum Kolman plant loader and similar type loaders), locomotive maintenance/engineer/greaseman/welder, (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch cat

DECISION NO. NY81-3039 Page 1

POWER EQUIPMENT OPERATORS
HEAVY & HIGHWAY CONSTRUCTION

CLASSIFICATIONS (CONT'D)
GROUP III: Asphalt curb and gutter machine, blower for burning brush, chipping machine and chip spreader, compressor (4 not to exceed 2,956 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m.), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander of similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, will point

GROUP IV: Aggeregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, compressors (3 or less not to exceed 1,200 c.f.m. combined capacity), compressors (any size, but subject to other provisions, for compressors), dust collectors generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor

DECISION NO. NY81-3039 Page 11

TRUCK DRIVERS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS 1	9.74	1.10	.90	a	
CLASS 2	9.79	1.10	.90	a	
CLASS 3	9.84	1.10	.90	a	
CLASS 4	9.99	1.10	.90	a	
CLASS 5	10.14	1.10	.90	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee has worked the working day before and after the holiday

CLASSIFICATIONS:
CLASS 1: Pickups, panel trucks, flatbey material trucks (straight jobs), single axle dump trucks, dumpster, greasers, truck tiremen

CLASS 2: Tandems, batch trucks, and mechanics

CLASS 3: Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

CLASS 4: Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (russ) carrier

CLASS 5: Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA COUNTIES: Bladen, Columbus, Robeson, and Scotland

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTIES: *See Below

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA COUNTIES: Bladen, Columbus, Robeson, and Scotland

DECISION NUMBER: NC81-1245 DATE: Date of Publication

Supersedes Decision No.: NC81-1151, December 30, 1980, 45 FR 86210.

DESCRIPTION OF WORK: Residential Construction (including garden type apartments), (Single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
AIR CONDITIONING MECHANICS	$6.00				
BRICKLAYERS	6.50				
CARPENTERS	5.00				
CEMENT MASONS	4.67				
DRYWALL FINISHERS	5.81				
DRYWALL HANGERS	6.00				
ELECTRICIANS	5.00				
INSULATION APPLICATORS	4.28				
LABORERS	3.78				
PAINTERS:					
Brush	4.00				
Spray	6.00				
PLUMBERS & PIPEFITTERS	6.40				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.88				
Loader	4.38				
Paver	3.98				
Screed	3.98				
ROOFERS	5.00				
SHEET METAL WORKERS	5.93				
SOFT FLOOR LAYERS	5.29				
TILE SETTERS	6.75				
TRUCK DRIVERS	3.93				
WELDERS - Rate for Craft					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTIES: *See Below

DECISION NUMBER: TN81-1243 DATE: Date of Publication

Supersedes Decision No. TN77-1137 dated November 25, 1977 in 42 FR 60510

DESCRIPTION OF WORK: Residential Construction, consisting of single family homes and apartments of 4 stories or less.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
* Cheatham, Davidson, Robertson, Rutherford, Sumner, Williamson and Wilson Counties					
BRICKLAYERS	$7.32				
CARPENTERS	6.00				
CEMENT MASONS	6.37				
DRYWALL FINISHERS	7.32				
DRYWALL HANGERS	8.00				
ELECTRICIANS	5.62				
INSULATION INSTALLERS	4.50				
LABORERS:					
Unskilled	4.22				
Pipelayer	4.42				
PAINTERS	5.84				
PLUMBERS & PIPEFITTERS	7.00				
ROOFERS	6.00				
SHEET METAL WORKERS	5.92				
SOFT FLOOR LAYERS	6.20				
TILE SETTERS	6.00				
TRUCK DRIVERS	4.79				
WELDERS - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.46				
Bulldozer	5.00				
Loader	6.25				
Roller	5.32				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

UMI 1 8 2 1 E J 6 4 V

SUPERSEDEAS DECISION

STATE: Virginia COUNTIES: Henrico and the Independent City of Richmond

DECISION NO.: VA81-3037 DATE: Date of Publication

Supersedes Decision No. VA80-3065 dated October 31, 1980 in 45 FR 72460

DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	11.93	.80	1.05		.01
BOILERMAKERS	13.80	1.275	1.30		.04
BRICKLAYERS AND STONEMASONS	12.50	.85	.40		.02
CARPENTERS AND SOFT FLOOR LAYERS	10.85	.75	.55		.06
CEMENT MASONS	10.30				
CEMENT MASONS MACHINE MAN	10.40				
ELECTRICIANS:					
ZONE I-within a 12 air mile radius of Staples Mills Road and Broad Street in the City of Richmond	13.65	7%	3%		4%
ZONE II-remainder of city of Richmond and Henrico County	14.40	7%	3%		4%
ELEVATOR CONSTRUCTORS	11.005	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS HELPERS	7.70	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	5.50				
GLAZIERS	10.75	.65	.35		.01
IRONWORKERS-STRUCTURAL, REINFORCING AND ORNAMENTAL:					
ZONE I-up to 10 miles from Capital Square	12.25	.55	1.00		.05
ZONE II-from 10 miles to 30 miles radius	12.625	.55	1.00		.05
ZONE III-from 30 miles and beyond	12.875	.55	1.00		.05
LABORERS:					
Unskilled	7.00	.25	.35		.06
Tenders, Motorized Georgia Buggy Operators, Nozzlemen (gunite or sandblasting), Concrete Saw Operators, Air Tool and Vibrator Operators Mortar Mixers, Hod Carriers, Pipelayers, Caulkers, Marble and Tile and Terrazzo Workers Helpers	7.10	.25	.35		.06
Burners (wrecking)	7.35	.25	.35		.06

DECISION NO. VA81-3037

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS (CONT'D)					
Floor, Base and Terrazzo Grinders	7.40	.25	.35		.06
Wagon Drill, Air Trac and Similar Drills	7.50	.25	.35		.06
Powdermen	7.75	.25	.35		.06
LATHERS:					
Plasterer and Drywall Finish	10.69	.65	.30		.01
Sheet Rock Applicator	8.99	.65	.30		.01
LEADBURNERS	10.75	.40	.25	c	.01
LINEMEN AND CABLE SPLICERS:					
ZONE I-within a 12 mile air radius of Staples Mill Road and Broad Street in the City of Richmond	12.35	6%	3%		4%
ZONE II-remainder of City of Richmond and Henrico County	13.10	6%	3%		4%
MARBLE, TILE AND TERRAZZO WORKERS	9.50				
MILLWRIGHTS	12.35	.65	.55		.01
PAINTERS:					
Brush, Paperhangers, Tapers and Finishers	10.00				
Structural Steel, Swing Stage and Bosun Chair	10.25				
Scaffold or Other Hazard Work Over 50 Feet	10.25				
Spray	10.50				
Sandblasting, Elevated Tanks, Smoke Stacks and all Towers	10.65				
PILEDRIVERMEN AND DOCK-BUILDERS	10.60	.65	.55		
PLASTERERS	11.65				
PLUMBERS AND STEAMFITTERS	12.40	.60	.70		.05
ROOFERS COMPOSITION	7.45				
ROOFERS HELPERS (TEARING OFF OLD ROOFING, CARRYING MATERIALS & CLEAN-UP)	5.55				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt Plant Operator	10.00				
Backhoe, Trenching Machine	10.25				
Bulldozer, Scraper, Motor Patrol, Grader, Blade	10.50				
Crane, Piledriver, Hoist, Side Boom, Dragline, Clamshell, Derrick, Shovel, Backhoe Over 2 Cubic Yards	10.65				
Mechanic	10.75				
Oiler	10.00				
ROOFERS:					
Tar and Gravel	10.00				
Composition	9.00				
SHEETMETAL WORKERS	12.40	.60	.70		.05
SPRINKLER FITTERS	12.40	.60	.70		.05
STEAMFITTERS	12.40	.60	.70		.05
TERRAZZO WORKERS	9.50				
TILE SETTERS	9.50				
TILE SETTERS HELPERS	7.50				
TRUCK DRIVERS:					
Single Axle	7.50				
Single Axle Dump	7.75				
Tandem Axle	7.75				
Tandem Axle Dump	8.00				
Semi-Trailer	8.00				
Semi-Trailer Dump	8.25				
Transit Mix	8.25				
WATERPROOFERS	9.50				

DECISION NO. VA81-3037	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
SHEET METAL WORKERS:					
City of Richmond	11.32	.45	.35		.01
Remainder of County	11.57	.45	.35		.01
SOUND AND SIGNAL INSTALLER	6.00				
SPRINKLER FITTERS	11.79	.85	1.20		.08

WELDERS-receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Paid Holidays: A through F, Day after Thanksgiving.

c. Paid Holidays: A through F; Washington's Birthday; Good Friday and Christmas Eve, provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceeding and following the holiday.

DECISION NO. VA81-3037	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:					
GROUP 1	11.55	.675	.70		.10
GROUP 2	9.25	.675	.70		.10
GROUP 3	7.45	.675	.70		.10
GROUP 4	7.25	.675	.70		.10
GROUP 5	7.06	.675	.70		.10

CLASSIFICATIONS

GROUP 1 - Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad

GROUP 2 - Cableways, tractors with attachments, combination front end loader and backhoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16 S, fork lift

GROUP 3 - Compressor over 125 cu. ft., bottom and end dumps, tractor without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, power plant, generator (1200 KW or larger), pumps (over 2 inches, including wellpoints), A-frame trucks, mechanic's helper

GROUP 4 - Firemen

GROUP 5 - Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

UMI 1 8 2 1 E J 6 4 V

SUPERSEDEAS DECISION

STATE: Virginia

COUNTIES: York County, The Cities of Hampton and Newport News (including [illegible] Fort Eustis and Fort Monroe)

DECISION NO.: VA81-3036 DATE: Date of Publi[illegible]

Supersedes Decision No. VA80-3066 dated October 31, 1980 in 45 FR 72457

DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up and including 4 stories), Sewer and Water Line Construction.

DECISION NO. VA81-3036

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	11.60	.85	.85		.01
BOILERMAKERS	13.80	1.275	1.30		.04
BRICKLAYERS AND STONE MASONS	11.50				
CARPENTERS AND SOFT FLOOR LAYERS	10.85	.75	.55		.06
CEMENT MASONS:					
Cement Masons	9.95	.40			
Machine and Scaffold Men	10.05	.40			
ELECTRICIANS:					
Zone I-within a 16 air mile radius of 7812 Warwick Bldv., Newport News:					
Wiremen	11.55	.75	8%		1%
Cable Splicers	11.80	.75	8%		1%
Zone II-beyond a 16 air mile radius of 7812 Warwick Bldv., Newport News:					
Wiremen	12.55	.75	8%		1%
Cable Splicers	12.80	.75	8%		1%
ELEVATOR CONSTRUCTORS	10.33	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS HELPERS	7.23	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	5.165				
GLAZIERS	10.75	.65	.35		.01
IRONWORKERS:					
Structural, ornamental, riggers, reinforcing, fence erectors, and machinery movers	11.80	.75	1.25		.08
LABORERS:					
Unskilled	7.00	.25	.35		.06
Tenders, motorized Georgia buggy operators, nozzlemen (gunite or sandblasting), concrete saw operators, air tool and vibrator operators	7.10	.25	.35		.06
LABORERS CONT'D:					
Mortar mixers, hod carriers, pipelayers, caulkers, marble, tile and terrazzo worker helpers	7.25	.25	.35		.06
Burners (wrecking)	7.35	.25	.35		.06
Floor, base, and terrazzo grinder	7.40	.25	.35		.06
Wagon drill and air trac	7.50	.25	.35		.06
Powdermen	7.75	.25	.35		.06
LATHERS	10.75		.25		
LINE CONSTRUCTION:					
Zone 1-within a 16 air mile radius of 7812 Warwick Blvd., Newport News:					
Linemen	11.05	.60	8%		1%
Cable Splicer	11.30	.60	8%		1%
Zone II-beyond a 16 air mile radius of 7812 Warwick Bldv., Newport News:					
Linemen	12.05	.60	8%		1%
Cable Splicer	12.30	.60	8%		1%
MARBLE SETTERS	10.30				
MILLWRIGHTS	12.35	.65	.55		.01
PAINTERS:					
(York County from a point on the north shore of Queens Creek at the intersection of York River due west to a point on the eastern shore of James River including all cities therein the cities of Hampton and Newport News:)					
Brush and roller	9.40	.35	.45		
Paperhanger, taper, spray, roller with a 6' handle or over, structural steel to 74' from the ground up, swing stage, under 40', sandblasting	9.75	.35	.45		

DECISION NO. VA81-3036

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS CONT'D:					
Spray, sandblasting, steel to 74' from the ground up, swing stage, over 40'	9.90	.35	.45		
Steel to 74' from the ground up, swing stage, under 40', sandblasting	9.90	.35	.45		
Steel to 74' from the ground up, swing stage, over 40'	10.05	.35	.45		
Steel to 74' from the ground up, bosun chair	10.05	.35	.45		
Steel to 74' from the ground up, bosun chair, sandblasting	10.20	.35	.45		
Steel to 74' from the ground up, bosun chair, spray	10.20	.35	.45		
Steel to 74' from the ground up, bosun chair, spray, sandblasting	10.35	.35	.45		
Steel to 74' from the ground up, bosun chair, spray, over 40'	10.35	.35	.45		
Steel to 74' from the ground up, bosun chair, sandblasting, over 40'	10.35	.35	.45		
Steel to 74' from the ground up, bosun chair, spray, sandblasting, over 40'	10.50

DECISION NO. VA81-3036

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS CONT'D:					
Swing stage over 40', spray epoxy	10.00	.35	.45		
Epoxy brushed or rolled	9.65	.35	.45		
All work over 74' from the ground	9.90	.35	.45		
Bituminous coatings, hot creosote	10.80	.35	.45		
PAINTERS: REMAINDER OF COUNTY OF YORK					
Brush and roller	10.00	.35	.45		
Paperhanging, taper, spray, roller with a handle 6' or over, structural steel 74' from the ground up. swing stage under 40', sand-blasting	10.35	.35	.45		
Swing stage over 40', epoxy sprayed	10.60	.35	.45		
Epoxy brushed or rolled	10.25	.35	.45		
All work over 74' from the ground	10.50	.35	.45		
Bituminous coatings, hot creosote	11.40	.35	.45		
Piledrivermen and dock-builders	10.60	.65	.55		
Plasterers	12.06	.40			
Plumbers and Steamfitters	12.60	.75	.55		.02
Roofers composition	7.45				
Roofers helpers (tearing off old roofing, carrying materials & clear-up)	5.55				
Sheet metal workers:					
Newport News and Hampton	10.30	.45	.55		.005
York County	10.55	.45	.55		.005
Sound and Signal Installer	6.00				
Sprinkler fitters	11.79	.85	1.20		.08
Terrazzo workers and tile setters	10.30				
WELDERS-receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. VA81-3036

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Day after Thanksgiving.
b. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:					
Group 1	11.55	.675	.70		.10
Group 2	9.25	.675	.70		.10
Group 3	7.45	.675	.70		.10
Group 4	7.25	.675	.70		.10
Group 5	7.06	.675	.70		.10

CLASSIFICATIONS:

Group 1 - Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad

Group 2 - Cableways, tractors with attachments, combination front end loader and backhoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16S, fork lift

Group 3 - Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, power plant, generator (1200 KW or larger), pumps (over 2 inches, including wellpoints), A-frame trunks, mechanic's helper

Group 4 - Firemen

Group 5 - Oilers

UMI 1 8 2 1 E J 6 4 V

Page 5

DECISION NO. VA81-3036

SEWER AND WATER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS	3.38				
PIPELAYERS	4.59				
TRUCK DRIVERS	3.50				
LOADERS	4.69				
BACKHOE	6.50				
CRANES	7.90				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).					

SUPERSEDEAS DECISION

STATE: Virginia

LOCATION: The Citi... Chesapeake, Portsmo... and Virginia Beach

DECISION NO.: VA81-3035

DATE: Date of Public...

Supersedes Decision No. VA80-3067 dated October 31, 1980 in 45 FR 72460

DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	11.60	.85	.85		.01
BOILERMAKERS	13.80	1.275	1.30		.04
BRICKLAYERS AND STONE MASONS	11.98	.70	.20		.03
CARPENTERS AND SOFT FLOOR LAYERS	10.85	.75	.55		.06
CEMENT MASONS:					
Cement Masons	9.95	.40			
Machine and Scaffold Men	10.05	.40			
ELECTRICIANS AND CABLE SPLICERS	11.70	.60	8%	a	1%
ELEVATOR CONSTRUCTORS	10.33	1.195	.95	b+c	.035
ELEVATOR CONSTRUCTORS HELPERS	7.23	1.195	.95	b+c	.035
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	5.165				
GLAZIERS	10.75	.65	.35		.02
IRONWORKERS:					
Reinforcing, Ornamental, Structural, Riggers, Fence Erectors, Machinery Movers	11.80	.75	1.25		.08
LABORERS:					
Unskilled	7.00	.25	.35		.06
Tenders, Motorized Georgia Buggy Operators, Nozzlemen (gunite or sandblasting), Concrete Saw Operators, Air Tool and Vibrator Operators	7.10	.25	.35		.06
Mortar Mixers, Hod Carriers, Pipelayers, Caulkers, Marble, Tile and Terrazzo Workers Helpers	7.25	.25	.35		.06
Burners (wrecking)	7.35	.25	.35		.06
Floor, Base and Terrazzo Grinders	7.40	.25	.35		.06
Wagon Drill and Air Trac	7.50	.25	.35		.06
Powdermen	7.75	.25	.35		.06
LATHERS	10.75		.25		
LEAD BURNERS	10.75	.40	.25	d	.01

Page 2

DECISION NO. VA81-3038

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt Plant Operator	8.00	.25	.35		.06
Asphalt Spreader	7.75	.25	.35		.06
Bulldozer, Scraper, Motor Patrol, Trenching Machine, Backhoe, Hydraulic Crane, Grader, Front End Loader, Roller, Concrete Pump	8.00	.25	.35		.06
Crane, Piledriver, Hoist, Derrick, Shovel, Dragline, Clamshell, Concrete Mixer, Compressor, Generator, Pump, Welding Machine	8.25	.25	.35		.06
Oiler	7.50	.25	.35		.06
PAINTERS	10.75	.40	.25	d	.01
PILEDRIVERMEN	10.75	.40	.25	d	.01
PLASTERERS	10.75	.40	.25	d	.01
PLUMBERS AND PIPEFITTERS	12.00	.75	.75		.05
ROOFERS	10.75	.40	.25	d	.01
SHEET METAL WORKERS	11.75	.75	.75		.05
SPRINKLER FITTERS	12.00	.75	.75		.05
STEAMFITTERS	12.00	.75	.75		.05
TERRAZZO WORKERS	10.75	.40	.25	d	.01
TILE SETTERS	10.75	.40	.25	d	.01
TRUCK DRIVERS:					
Dump Truck, Flat Bed Truck, Pickup Truck, Tractor Trailer	7.50	.25	.35		.06
Water Truck	7.75	.25	.35		.06

Page 3

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
WELDERS	10.75	.40	.25	d	.01

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

DECISION NO. VA81-3035

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen and Cable Splicers	11.70	.60	8%		1%
MARBLE SETTERS	9.85	.60	.20		
MILLWRIGHTS	12.35	.65	.55		.01
PAINTERS:					
Brush and Roller	10.25		.50		
Structural Steel from Ground to 74 feet	10.75		.50		
Spray, Paperhangers and Tapers	10.60		.50		
Any Work Over 74 feet from the Ground	11.55		.50		
Bituminous Coating and Hot Creosote	11.90		.50		
Swing Stage Under 40 Feet, Rollers With 6 Feet Handles and Over, Epoxy Brushed or Rolled	10.50		.50		
Swing Stage Over 40 Feet	10.75		.50		
Epoxy, Sprayed	10.85		.50		
Sandblasting	11.00		.50		
PILEDRIVERMEN AND DOCK-BUILDERS	10.60	.65	.55		
PLASTERERS	12.06	.40			
PLUMBERS AND STEAMFITTERS	11.55	.80	.85		.12
ROOFERS COMPOSITION	7.45				
ROOFERS HELPERS (Tearing off old roofing, carrying materials & clean-up)	5.55				
SHEET METAL WORKERS	10.05	.45	.55		.005
SOUND AND SIGNAL INSTALLER	6.00				
SPRINKLER FITTERS	11.79	.85	1.20		.08
TERRAZZO AND TILE WORKERS	9.85	.60	.20		

DECISION NO. VA81-3035

WELDERS-receive rate prescribed for craft performing operation for which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Workmen shall be allowed 2 hours with pay at the start or at the end of the work day on State and National Election days; Tuesday following the first Monday in November, provided they are qualified to and Vote.

b. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years service as vacation pay credit.

c. Holidays: A through F, Day after Thanksgiving.

d. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceeding and following the holiday.

DECISION NO. VA81-3035

POWER EQUIPMENT OPERATORS - BUILDING CONSTRSUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	11.55	.675	.70		.10
GROUP 2	9.25	.675	.70		.10
GROUP 3	7.45	.675	.70		.10
GROUP 4	7.25	.675	.70		.10
GROUP 5	7.06	.675	.70		.10

CLASSIFICATIONS

GROUP 1 - Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad

GROUP 2 - Cableways, tractors with attachments, combination front end loader and backhoe, front end loader, rubber tired scrapers and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16S, fork lift

GROUP 3 - Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, power plant, generator (1200 KW or larger), pumps (over 2 inches, including wellpoints), A-frame trucks, mechanic's helper

GROUP 4 - Firemen

GROUP 5 - Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 81-18094 Filed 6-11-81; 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
June 12, 1981

Part III

Department of Justice

Federal Prison Industries and Bureau of Prisons

Inmate Accident Compensation; Provisions and Proposed Provisions for Management of Inmates in Federal Correctional Institutions

DEPARTMENT OF JUSTICE

Federal Prison Industries

28 CFR Part 301

Inmate Accident Compensation

AGENCY: Federal Prison Industries, Justice.

ACTION: Final rule with comments invited on interim §§ 301.4 and 301.10(c).

SUMMARY: This document revises and republishes in its entirety, and amends portions of, the procedures governing operation of the Federal Prison Industries Inmate Accident Compensation program. This document contains information on procedures governing payment of inmate accident compensation to inmates who have sustained an impairment as a result of a work assignment in Federal Prison Industries, Inc., or in an institutional work assignment involving the operation or maintenance of a federal correctional institution. The amended rule also incorporates a final rule on lost-time wages, previously published as a proposed rule in the **Federal Register** January 12, 1979 (at 44 FR 2985–86). Sections 301.4 and 301.10(c) are published as interim rules with public comment invited on these sections.

DATE: Effective date: This rule becomes effective July 1, 1981. Public comment on interim §§ 301.4 and 301.10(c) must be received on or before August 11, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: In this document Federal Prison Industries, Inc., is republishing in its entirety, and amending portions of, its provisions governing inmate accident compensation. As the amendments place no increased burden on a claimant, but are amendments of internal procedure, interpretation of policy, or rewording, the provision of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date is inapplicable.

On January 12, 1979, the Bureau of Prisons published in the **Federal Register** (at 44 FR 2985–86) its proposed rule governing lost-time wages. Public comment on the proposed rule was invited. Following a review of the proposed rule, it has been determined that lost-time wages is more appropriately designated in Chapter III, rather than Chapter V, of 28 CFR. Accordingly, the final rule on lost-time wages is included in Part 301, Inmate Accident Compensation.

In revising its rule on Inmate Accident Compensation the Bureau has decided to publish §§ 301.4 and 301.10(c) as interim rules and to accept public comment through August 11, 1981. Section 301.4 revises the reporting procedure for inmate injuries and, as a result, should expedite the reporting process. Section 301.10(c) expands the present rule by identifying the persons who are ordinarily considered dependents, and the factors considered in determining whether an inmate contributes to the support of dependents.

Members of the public may submit comments on these rules by writing to the above address. Comments on other than the interim rule will be considered, but will receive no further response in the **Federal Register**. Comments on the interim rule will be considered before final action is taken.

The Bureau of Prisons has determined that this is not a major rule for the purpose of Executive Order 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rules involve agency management. After review of the law and the regulations, the Director, Bureau of Prisons (Commissioner, Federal Prison Industries, Inc.) has certified that these rules for the purpose of the Regulatory Flexibility Act (PL 96–354) do not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments

1. § *301.1* Section 301.1 is reworded. The final rule recognizes that inmate accident compensation may be paid to the dependents of former federal prison inmates. The intent of proposed § 546.10 is incorporated in final § 301.1(b). Based on this redesignation, reference in the proposed rule to sections of Part 301 is deleted from new § 301.1. Section 301.1(c) is new and expands the definition of injury to include both injury by accident and an occupational disease or illness proximately caused by the conditions of the inmate's work assignment.

2. § *301.2* Section 301.2 is revised. The phrase "work detail supervisor" is substituted for "superior" in the first sentence and the word "supervisor" is substituted for "employee" in the second sentence of the amended rule. Throughout the amended rules, the more concise term "impairment" is substituted for "physical impairment."

3. § *301.4* Section 301.4(a) adds the phrase "as well as injuries observed by staff" as this also warrants completion of an injury report. The rule requires that the injury report contain the inmate's signed statement as to how the injury occurred. The inmate is to receive a copy of this report. The final rule deletes reference to the appointed representative of the safety manager ("safety officer" in the previous rule), as this is expected whenever the safety manager is unavailable. The amended rule deletes reference to the report being sent to both the Warden of the institution and to the safety administrator in Washington, D.C., since distribution is designated on the report. The amended rule requires the institution safety manager to ensure that the injury report is complete and, where appropriate, a lost-time follow-up report is prepared. Section 301.4(b) is new and requires the institution safety manager to present lost-time injury reports to the Institution Safety Committee for that committee's determination as to work-relatedness of an injury. This language replaces provisions of proposed § 546.11 (a)–(d). The amended rule requires lost-time reports to go before the Safety Committee, and deletes the proposed requirement for initial determination by the safety manager. The time frame specified in proposed § 546.11(d) is deleted. Final § 301.4(b) requires each Safety Committee to have regularly scheduled meetings and to make their written determination of the work-relatedness of an injury based on available evidence and testimony. The inmate is to receive a copy of the Committee's written determination. The intent of proposed § 546.11(e) is reflected in new § 301.10(e).

A comment to proposed § 546.11(c) favored full due process hearings at a review as to whether an accident was work-related. This approach is not feasible, nor is it necessary. The existing procedure allows for a decision to be made without undue delay, based on information directly pertaining to the accident. There are adequate protections to accurate decision-making. As revised, the determination is made not by the safety manager, but rather by the institution Safety Committee. An inmate who disagrees with the decision may appeal the decision under the Administrative Remedy Procedure.

4. § *301.5* The extraneous phrase "during his confinement" is deleted from the amended rule. The amended rule adds the title of Administrative Form 43. The amended rule substitutes the phrase "medical examination" for "physical examination." The next-to-last sentence

of § 301.5(a) substitutes the word "refusal" for "failure" to better indicate conditions under which a forfeiture of rights to compensation occurs. Amended § 301.5(b) requires both Administrative Forms 19 and 19A to be referenced, or to be forwarded to the Claims Examiner.

5. § *301.6* The amended rule requires the finding of "any Inquiry Team" as opposed to "local Board of Inquiry" be forwarded to the Claims Examiner.

6. § *301.7* The amended rule adds the clarifying language "assigned to another task more suitable to the inmate's ability" as a necessary procedure for an inmate who is considered "accident-prone" in the performance of the present work assignment.

7. § *301.8* The extraneous phrase "at the time of admission" is deleted from the first sentence of § 301.8. The word "confinement" is substituted for "incarceration" in the second sentence.

8. § *301.9* The word "basically" is deleted from the first sentence of this section. The section itself sufficiently defines compensable and noncompensable injuries.

9. § *301.10* Section 301.10 is retitled "Lost-time Wages". The amended rule (§ 301.10(a)-(d)) expands information presently in § 301.10 and incorporates language originally proposed in § 546.12. Section 301.10(a) includes inmates in both industrial and non-industrial work assignments. The amended rule clarifies that while the day of injury counts as a workday, the time of day the injury occurs is considered in determining the three consecutive workday (was "mandays") limitation. Section 301.10(b) describes the basis for determination of lost-time wages, and is consistent with the previous rule. Language is added to describe the basis for lost-time wages (pay in effect at time of injury) for an inmate assigned to an institutional work assignment and who has been granted a lump sum payment (performance pay). Section 301.10(c) maintains the percentages given in the present language. The subsection does clarify the term "dependents" and provides general guidelines for determining "support of dependents". The amended rule specifies that a determination of dependency for purposes of determining lost-time wages is not binding on any subsequent claim to receive inmate accident compensation. These are separate actions and intervening events could alter dependency status.

Proposed § 546.12 is reflected in § 301.10(d). Section 301.10(d)(1) inserts the term "pre-injury", to recognize the work assignment to which the inmate returns. Section 301.10(d)(2) substitutes "another work area or program for reasons unrelated to the sustained work injury" for "employed at a different work assignment". Section 301.10(d)(3) expands the proposed rule's "return to work" to state "return to a regular work assignment or to a lighter duty work assignment." Proposed § 546.12(b) is reworded and becomes new § 301.10(d)(3)(i). Subsection (d)(3)(ii) is new and states that the inmate is to experience no loss of pay by return to a regular or lighter duty work assignment which does not offer the same pay as the pre-injury position. Pay at the pre-injury rate is to continue on the new assignment until a suitable position is available at the pre-injury rate of pay. Section 301.10(e) expands proposed § 546.11(e). The final rule advises the inmate of the right to appeal a determination through use of the Administrative Remedy Procedure on either the work-relatedness of an injury, or the rate at which lost-time wages are paid.

10. § *301.11* While this section is reworded, its basic intent is unchanged. The words "confinement" and "claimant" are substituted for "incarceration" and "applicant" respectively. The last sentence of former § 301.10 is now placed in amended § 301.11. The revised rule deletes the word "significant" as the phrase "no impairment" is the determining factor in declining to consider a claim. The revised rule substitutes the more concise term "inmate" for "injured."

11. § *301.12*–§ 301.18 The intent of these sections is unchanged. As amended, the rule now reflects some minor language changes (for example, "claimant" for "his or her", "confined" for "incarcerated", etc.). In § 301.13(b), for purposes of clarity, reference to the beneficiary is deleted as the claimant is the encompassing term. The last sentence of § 301.13(b) is deleted from the revised rule as its intent is recognized within existing legal authority. In § 301.16(a), the amended rule substitutes "Committee" for "Bureau of Prisons" to properly designate the responsible area. Similarly, § 301.18 substitutes "Federal Prison Industries, Inc." for "Bureau of Prisons". In § 301.17(a) the phrase "under review" is added to clarify the nature of evidence to be presented. Section 301.17(b) is amended to recognize that the Committee may be presented oral, pictorial, and written evidence.

12. § *301.19* § 301.19(b) deletes the requirement that the claimant is responsible for costs related to the services of the claimant's representative. It is beyond the scope of Federal Prison Industries, Inc., to dictate who bears this cost. As amended, the section specifies that Federal Prison Industries, Inc., may not assume such costs. Amended § 301.19(c) inserts the phrase "A request for additional information, or" to recognize such an occurrence, and to indicate how it is to be handled. Other revisions to § 301.19 consist of minor word changes, and do not affect the rule substance.

13. § *301.20* In addition to minor word changes, the amended rule recognizes that the claimant's representative may be provided notification of the Associate Commissioner's decision.

14. § *301.21* The amended rule substitutes the phrase "exceed that" for "be paid in greater amount than" in describing compensation limitations.

15. § *301.22* Section 301.22 is retitled "Time and Method of Payment of Compensation Award". In addition to minor word changes, the amended rule identifies the "claims examiner" as the individual who furnishes a copy of the award authorization to the claimant, or, as amended, "to the claimant's representative". The phrase "and necessary for the support of" is deleted from the amended rule as its intent is included in the remaining language of "beneficial to the claimant or the claimant's dependents". In an earlier revision to this section, § 301.22(b) was inadvertently deleted. This section has been reworded and it is reinserted at this time. Section 301.22(b) provides that, upon request of the claimant and approval of the claims examiner, accident compensation may be paid to the dependents of the claimant. Provisions in the event of death of the claimant are also provided. New § 301.22(b) authorizes a dependent, in the event of the death of the claimant, to exercise the same right of review which ordinarily would have been afforded the claimant.

16. § *301.23* The amended rule, retitled "Medical Treatment Required Following Release", is reworded. The section's basic intent is unchanged. As revised, the rule states that the claims examiner must authorize in advance all medical and hospital treatment, and other related expense incurred after the individual's release from confinement. The rule authorizes the claims examiner to waive this requirement where warranted (e.g., for emergency treatment). Deleted is specific language requiring notification to the claims examiner, and advisement by the claims examiner to the claimant of procedures to be followed. These procedures are implied in the revised language.

17. §§ *301.24–26* These sections have undergone some minor word changes (for example, "award" for "claim"). No substantive changes have been made.

Conclusion

By virtue of the authority vested in the Attorney General by 18 U.S.C. 4126 and delegated by the Attorney General at 28 CFR 0.99 to the Board of Directors of Federal Prison Industries, Inc., Part 301 of Chapter III of title 28, Code of Federal Regulations is hereby amended as set forth below. The effective date of this rule is July 1, 1981.

Dated: June 8, 1981.

Norman A. Carlson,

Commissioner, Federal Prison Industries, Inc., Director, Bureau of Prisons.

By revising Part 301 to read as follows:

PART 301—INMATE ACCIDENT COMPENSATION

Sec.

301.1 Purpose and scope.
301.2 Medical attention.
301.3 Record of injury and initial claim.
301.4 Report of injury.
301.5 Prerelease claim for compensation.
301.6 Report of death.
301.7 Report of repetitious accidents.
301.8 Inmate work assignments.
301.9 Compensable and noncompensable injuries.
301.10 Lost-time wages.
301.11 Compensation awards.
301.12 Processing of claims.
301.13 Request for hearing or reconsideration, disclosure.
301.14 Committee reconsideration.
301.15 Notice, time, place of hearing and postponement.
301.16 Witnesses.
301.17 Conduct of hearing.
301.18 Expenses.
301.19 Representation of claimant.
301.20 Review by the Associate Commissioner of Federal Prison Industries, Inc.
301.21 Establishing the amount of the award.
301.22 Time and method of payment of compensation award.
301.23 Medical treatment required following release.
301.24 Civilian compensation laws distinguished.
301.25 Employment of attorneys.
301.26 Exclusive remedy.

Authority: 18 U.S.C. 4126, 28 CFR 0.99, and by resolution of the Board of Directors of Federal Prison Industries, Inc.

§ 301.1 Purpose and scope.

(a) As authorized by 18 U.S.C. 4126, the procedures for this part govern the payment of accident compensation to former Federal prison inmates or to their dependents. Such compensation shall be awarded for impairments from injuries sustained while performing work assignments in Federal Prison Industries, Inc., or in institutional work assignments involving the operation or maintenance of a Federal correctional institution.

(b) The Bureau of Prisons also follows uniform procedures for determining both the work-relatedness of an injury sustained by an inmate, and for determining whether lost-time wages are paid to that inmate. Inmates assigned to Federal Prison Industries, Inc., or to paid institutional work assignments involving the operation or maintenance of a Federal correctional institution, may receive lost-time wages for work-related injuries resulting in time lost from the work assignment.

(c) For purposes of lost-time wages and compensation, injury, in addition to an accident which is work-related, shall also be defined to include occupational disease or illness proximately caused by the conditions of the inmate's work assignment.

§ 301.2 Medical attention.

Whenever an inmate worker is injured while in the performance of assigned duty, regardless of how trivial the injury may appear, the inmate shall immediately report the injury to the inmate's official work detail supervisor. The supervisor will take whatever action is necessary to secure for the injured inmate such first aid, medical, or hospital treatment as may be necessary for the proper treatment of the injury. Medical, surgical, and hospital service shall be furnished by the medical staff of the institution. Refusal by an inmate worker to accept such medical, surgical, hospital, or first aid treatment may cause forfeiture of any claim for accident compensation for impairment resulting from the injury.

§ 301.3 Record of injury and initial claim.

After initiating necessary action for medical attention the work detail supervisor shall immediately secure a record of the cause, nature, and exact extent of the injury, and shall see that the injured inmate submits within 48 hours sufficient information for the supervisor to complete Administrative Form 19, Injury Report (Inmate). The names and testimony of all witnesses shall be secured. If the injury resulted from the operation of mechanical equipment, an identifying description of the machine or instrument causing the injury shall be given.

§ 301.4 Report of injury.

(a) The work detail supervisor shall complete an Administrative Form 19, Injury Report (Inmate), on all injuries reported by the inmate, as well as injuries observed by staff. The injury report shall contain a signed statement from the inmate on how the accident occurred. Staff shall provide the inmate with a copy of the injury report. Staff shall then forward the original and remaining copies of the injury report to the institutional safety manager for a review as to its completeness. The institution safety manager shall ensure that a medical description of the injury is included on the Administrative Form 19 whenever the injury is such as to require medical attention. The institution safety manager shall also ensure that the appropriate sections of Administrative Form 19A (Injury—Lost-Time Follow-up Report) are completed and that there is documentation for all reported work injuries which result in lost-time from the work assignment.

(b) When the institution safety manager receives notice, or has reason to believe, that the injury will result in time lost from the work assignment, the institution safety manager shall present both the completed Administrative Form 19, and Administrative Form 19A, with the appropriate sections completed, to the Institution Safety Committee at the Committee's next regularly scheduled meeting. The Safety Committee shall make a written determination, indicated on Administrative Form 19A, of the injury's work-relatedness based on the available evidence and testimony. A copy of the Safety Committee's determination shall be provided to the inmate.

§ 301.5 Prerelease claim for compensation.

(a) As soon as a release date or transfer to a community treatment center is determined, but not in advance of 30 days prior to this date, each inmate injured in industries or on an institutional work assignment who feels that a residual impairment exists as a result of a work-related injury shall be given FPI Form 43, Inmate Claim for Compensation on Account of Work Injury, and shall be informed of the right to make a claim for compensation. Every assistance will be given the inmate to properly prepare the claim if the inmate wishes to file. Claims must be made within 60 days following release from the institution when circumstances preclude submission prior to release. However, a claim for impairment may be allowed within one year after release from the institution or community treatment center, for reasonable cause shown. In each case a medical examination shall be given and a definite statement made as to the

impairment caused by the alleged injury. Refusal to submit to a final medical examination before release or transfer to a community treatment center shall result in the forfeiture of all rights to compensation and to future medical treatment. In each case of visible impairment, disfigurement, or loss of member, photographs shall be taken to show the actual condition and shall be transmitted with FPI Form 43.

(b) The claim, after preparation and execution by the inmate, shall be completed by the physician making the final examination. It shall be forwarded promptly to the Claims Examiner, Federal Prison Industries, Inc., Washington, D.C. 20534, accompanied by, or with reference made to, Forms 19, and 19A, Injury Report (Inmate) and Injury—Lost-Time Follow-Up Report, respectively.

§ 301.6 Report of death.

If a work-related injury results in death, an FPI Form 43, an Administrative Form 19, and the findings of any Inquiry Team will be promptly forwarded to the Claims Examiner, Federal Prison Industries, Inc., Washington, D.C. 20534.

§ 301.7 Report of repetitious accidents.

If an inmate worker is injured more than once in a comparatively short time and the circumstances of the injury indicate an awkwardness or ineptitude that in the opinion of the inmate's work supervisor implies a danger of further accidents in the task assigned, the inmate shall be relieved of the performance of the task, and assigned to another task more suitable to the inmate's ability.

§ 301.8 Inmate work assignments.

The classification committee of each institution, which normally designates inmate work assignments, or whoever makes institutional work assignments, will review appropriate medical records, presentence reports, admission summaries, and the like in order to preclude the assignment of individuals to work tasks not compatible with their physical condition. A careful review of all records available is also imperative when inmate workers are reassigned to new and different tasks during their confinement.

§ 301.9 Compensable and noncompensable injuries.

Compensation is paid for "on the job" injuries. This includes not only injuries suffered on an inmate's regular work assignment, but also those injuries resulting from voluntary work, approved by staff, in the operation or maintenance of the institution. Compensation is not paid, however, for injuries resulting from participation in institutional programs (such as programs of a social, recreational, or community relations nature) or from maintenance of one's own living quarters. Furthermore, compensation will not be paid for injuries suffered away from the work location, e.g., while the claimant is going to or leaving work, or going to or coming from lunch outside of the work station or area. Injuries sustained by inmate workers willfully or with intent to injure someone else, or injuries suffered in any activity not related to their work assignment are not compensable, and no claim for compensation for such injuries will be considered. Any injury resulting from willful violation of rules and regulations may prevent an award of compensation.

§ 301.10 Lost-time wages.

(a) *General*—No accident compensation for compensable injuries shall be paid prior to the inmate's release from confinement. However, an inmate worker receives lost-time wages for the number of regular work hours that the inmate is absent from work due to injury sustained in the performance of the inmate's work assignment. Lost-time wages are paid for time lost in excess of three consecutively scheduled workdays. While the day of injury counts as a workday, the time of day that the injury occurs is considered in determining the three consecutive workday limitation.

(b) *Basis for determination of lost-time wages*—Lost-time wages shall be based on the standard hourly rate paid to the inmate at the time of injury. If the inmate is assigned to an institutional work assignment and has been granted a lump sum payment (performance pay), lost-time wages shall be based on the pay in effect at the time of injury.

(c) *Rate of lost-time wages*—The rate of pay shall be 66⅔% of the standard hourly rate for an inmate who is not contributing to the support of dependent(s), and 75% of the standard hourly rate for an inmate who is contributing to the support of dependent(s). Dependent(s) ordinarily refers to any person verified as wife, husband, or child. A determination of dependency for purposes of determining lost-time wages is not binding on any subsequent claim by the inmate to receive inmate accident compensation. A determination on whether the inmate contributes to the support of dependent(s) is ordinarily made by the inmate's timekeeper through the existence of a FPI Dependency Contract, or through a review of the Unit Manager's and/or Business Manager's record of the inmate worker's commissary account withdrawals. Staff shall consider the following factors in making a determination on whether the inmate contributes to the support of a dependent(s):

(1) Whether the inmate contributed at least $5.00 to the support of any dependent(s) during the three months preceding the work-related injury, provided monthly earnings are below the current monthly commissary spending limitation; or

(2) Whether the inmate contributed at least $10.00 to the support of any dependent(s) during the three months preceding the work-related injury, provided monthly earnings exceeded the current monthly commissary spending limitation; or

(3) Whether the inmate contributed at least $5.00 to the support of any dependent(s) during the six months preceding the work-related injury, provided the inmate has been in the paid work assignment for a period less than three months immediately preceding that injury.

(d) *Continuation of lost-time wages*—The inmate shall receive lost-time wages until the inmate:

(1) Returns to the pre-injury work assignment;

(2) Is reassigned to another work area or program for reasons unrelated to the sustained work injury;

(3) Is medically certified as fit for return to a regular work assignment or to a lighter duty work assignment;

(i) An inmate who refuses to return to a regular work assignment or to a lighter duty work assignment, after medical certification of fitness for such duty, relinquishes all rights to further payment of lost-time wages from the date of such refusal.

(ii) An inmate medically certified as fit for work shall sustain no monetary loss due to a required change in work assignment. Where there is no light duty or regular work assignment available at the same rate of pay as the inmate's pre-injury work assignment, that inmate shall be paid the difference in lost wages. Lost-time wages are paid until a light duty or regular work assignment is available at the same pay rate as the inmate's pre-injury work assignment or until the inmate is medically certified for return to the pre-injury work assignment;

(4) Is transferred to another institution for reasons unrelated to the work injury; or

(5) Is released from Federal custody.

(e) *Appeal of determination*—An inmate who disagrees with the decision

on either the work-relatedness of an injury or the rate at which lost-time wages are paid may appeal that decision through the Administrative Remedy Procedure.

§ 301.11 Compensation awards.

The amount of accident compensation shall be determined at the time of release regardless of when during the claimant's period of confinement the injury was sustained or of any payment made in lieu of regular earnings or of any medical or surgical services furnished prior to such release. No claim for compensation will be considered if full recovery occurs while the inmate is in custody and no impairment remains after release.

§ 301.12 Processing of claims.

(a) A claim for inmate accident compensation shall be determined by a Claims Examiner, appointed by the Commissioner, Federal Prison Industries, Inc., under authority delegated to him by the Board of Directors of Federal Prison Industries, pursuant to 28 CFR 0.99. In determining the claim, the Claims Examiner will consider all available evidence. Written notice of the decision, including the reasons therefore, together with information as to the right to appeal the decision, shall be mailed to the claimant at the claimant's last known address.

(b) Appeal of the decision rendered by the Claims Examiner may be made to the Inmate Accident Compensation Committee (hereinafter referred to as the "Committee") appointed by the Commissioner, Federal Prison Industries, Inc., under authority delegated to him by the Board of Directors of Federal Prison Industries pursuant to 28 CFR 0.99. The Committee shall consist of four members and four alternates, with any combination of three thereof required to form a quorum for decision-making purposes.

§ 301.13 Request for hearing or reconsideration, disclosure.

(a) Any claimant not satisfied with the decision of the Claims Examiner shall, upon written request made within 30 days after the date of issuance of such decision or thereafter, upon a showing of good cause, be afforded an opportunity for either a hearing before the Committee, or Committee reconsideration of the decision. A claimant may request a hearing or reconsideration by writing to the Inmate Accident Compensation Committee, Federal Bureau of Prisons, Washington, D.C. 20534.

(b) Upon receipt of claimant's request, a copy of the information upon which the Claims Examiner's initial determination was based shall be mailed to the claimant at the claimant's last known address. Where the Claims Examiner determines the release of information to the claimant is not in the best interest of the claimant, the Claims Examiner may release the information to the claimant's representative or personal physician upon receipt of both a written authorization from the claimant and a written request from the representative or personal physician.

§ 301.14 Committee reconsideration.

If the claimant elects to have the Committee reconsider the initial determination, the claimant may submit documentary evidence which the Committee shall consider in addition to the original record. The Committee shall fix the time in which it will receive evidence, and may request additional documented evidence from the claimant or other source. A copy of the Committee's reconsidered decision shall be mailed to the claimant at the claimant's last known address.

§ 301.15 Notice, time, place of hearing and postponement.

(a) The hearing or reconsideration shall be held within 60 days of the Committee's receipt of claimant's request, except as provided in paragraph (b) of this section. Notice of the date set for Committee action shall be mailed to the claimant at the claimant's last known address. When practical, the hearing shall be set at a time convenient for the claimant, and all hearings shall be conducted at the Central Office of the Bureau of Prisons, Washington, D.C. 20534.

(b) A hearing or reconsideration may be postponed at the option of the Committee, or, if good cause is shown, upon request of the claimant. A claimant shall be considered to have abandoned the request for a hearing if the claimant fails to appear at the time and place set for hearing and does not, within 10 days after the time set for that hearing, show good cause for failure to appear. A claimant may change the request from either hearing to reconsideration or reconsideration to hearing, but must give the Committee notice of such change at least 10 days prior to the previously scheduled action.

§ 301.16 Witnesses.

(a) If a claimant plans to present witnesses at the hearing, the claimant must provide the Committee with a list of the witnesses' names and addresses and an outline of their proposed testimony at least 10 days prior to the scheduled hearing date. The Committee has no authority to compel the attendance of witnesses.

(b) Any person confined at the time of the hearing in a Federal, state or local penal or correctional institution may not appear as a witness, but that person's testimony may be received in the form of a written statement.

§ 301.17 Conduct of hearing.

(a) In conducting the hearing, the Committee is not bound by common law or statutory rules of evidence, or by technical or formal rules of procedure, but may conduct the hearing in such a manner as to best ascertain the rights of the claimant and the obligations of the government. At such hearing, the claimant shall be afforded an opportunity to present evidence in support of the claim under review.

(b) The Committee shall receive such relevant evidence as may be adduced by the claimant and shall, in addition, receive such other evidence as the Committee may determine to be necessary and useful in evaluating the claim. Evidence may be presented orally and/or in the form of written statements and exhibits.

(c) In order to fully evaluate the claim, the Committee may question the claimant and any witness(es) appearing before the Committee on behalf of the claimant or government.

(d) A claimant, or the claimant's representative, may question the Committee or any witness(es) appearing before the Committee on behalf of the government, but only on matters which the Committee determines are relevant to its evaluation of the claim.

(e) The hearing shall be recorded, and a copy of the recording, or, in the discretion of the Committee, a transcript thereof, shall be made available to the claimant upon request, provided such request is made not later than 90 days following the date of the hearing.

(f) The Committee shall mail a written notice of its determination to affirm or amend the Claims Examiner's initial decision with the reasons therefor to the claimant at the claimant's last known address not later than 30 days after the date of the hearing, unless the Committee needs to make a further investigation as a result of information received at the hearing.

§ 301.18 Expenses.

Federal Prison Industries, Inc., may not assume any expenses incurred by the claimant, the claimant's representative, or any witness(es) appearing on behalf of the claimant in connection with attendance at the hearing.

§ 301.19 Representation of claimant.

(a) A claimant may appoint any person to represent the claimant's interest in any proceeding for determination of a claim under this part so long as that person is not confined in any Federal, state, or local penal or correctional institution. Claimant's appointment of a representative must be in writing with a copy filed with the Committee or on the record at the hearing.

(b) Federal Prison Industries, Inc., may not assume responsibility for any costs related to the services of a claimant's representative.

(c) A representative appointed in accordance with paragraph (a) of this section may make or give, on behalf of the claimant being represented, any request or notice relative to any proceeding before the Committee. A representative shall be entitled to present or elicit evidence or make allegations as to facts and law in any proceeding affecting the claimant being represented and to obtain information with respect to the claim of such claimant to the same extent as such party. A request for additional information, or notice to any claimant of any administrative action, determination, or decision, may be sent to the representative of such claimant, and such notice or request shall have the same force and effect as if it had been sent to the claimant.

§ 301.20 Review by the Associate Commissioner of Federal Prison Industries, Inc.

Any claimant not satisfied with the Committee's reconsidered decision or decision after a hearing may appeal such decision to the Associate Commissioner of Federal Prison Industries, Inc., Washington, D.C. 20534. Written notice of the appeal must be mailed within 90 days from the date of the reconsidered decision or the decision after a hearing. For good cause shown, the Associate Commissioner may waive the failure to appeal within this time limitation. The Associate Commissioner shall review the record and shall affirm or amend the appealed decision not later than 90 days after receipt of claimant's notice of appeal. Written notice of the Associate Commissioner's decision shall be mailed to the claimant's last known address, or to the claimant's representative.

§ 301.21 Establishing the amount of the award.

In determining the amount of accident compensation to be paid consideration will be given to the permanency and severity of the injury in terms of temporary and permanent impairment. The provisions of the Federal Employees' Compensation Act shall be followed when practicable. The minimum wage prescribed by the Fair Labor Standards Act, applicable at the time of each periodic payment, shall be used as the wage basis in determining the amount of such compensation. In no event shall compensation exceed that provided in the Federal Employees' Compensation Act (Title 18, United States Code 4126).

§ 301.22 Time and method of payment of compensation award.

(a) Upon determination of the amount of compensation to be paid, the Claims Examiner shall furnish a copy of the award authorization to the claimant or to the claimant's representative. Monthly payments are ordinarily mailed the first day of the month following the month in which the award is effective. Payments will ordinarily be made through the office of the U.S. Probation Officer of the district in which the claimant resides. When the amount of the awards exceeds $500, lump sum payments will rarely be made, and only in exceptional cases where it is clearly shown to be beneficial to the claimant or the claimant's dependents.

(b) When requested by the claimant and approved by the Claims Examiner, accident compensation shall be paid to dependents of the claimant. In all cases claimant must indicate in detail those persons who are dependent on the claimant, their relationship, and any other relevant facts so that the Claims Examiner will be able to determine dependency. In the event of death, compensation may be paid to dependents under the provisions of the Federal Employees' Compensation Act, if it is determined that the death was causally related to the work injury. In the event of death, a dependent may exercise the right of review.

§ 301.23 Medical treatment required following release.

The Corporation will not pay the cost of medical, hospital treatment, or any other related expense incurred after release from confinement unless the Claims Examiner either authorizes such treatment in advance or determines that circumstances warrant the waiver of this requirement.

§ 301.24 Civilian compensation laws distinguished.

Awards made under Inmate Accident Compensation differ from awards made under civilian workmen's compensation laws in that hospitalization is usually completed prior to the inmate's release from the institution and, except for a three-day waiting period, the inmate receives wages while absent from work. Other factors necessarily must be considered that do not enter into the administration of civilian workmen's compensation laws. As in the case of Federal employees who allege they have sustained work-related injuries, the burden of proof lies with the claimant to establish that the claimed impairment is causally related to the claimant's work assignment.

§ 301.25 Employment of attorneys.

It is not necessary that a claimant employ an attorney or other person to assert a claim or effect collection of an award. Under no circumstances will the assignment of any award be recognized.

§ 301.26 Exclusive remedy.

Inmates who are subject to these accident compensation laws are barred from recovering under the Federal Tort Claims Act. Recovery under the compensation law was declared by the U.S. Supreme Court to be the exclusive remedy in the case of *U.S.* v *Demko*, 385 U.S. 149, in December of 1966.

[FR Doc. 81-17497 Filed 6-11-81; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 522, 527, 544, and 545

Control, Custody, Care, Treatment, and Instruction of Inmates; Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rules.

SUMMARY: The Bureau of Prisons is proposing a set of rules for the management of inmates in Federal correctional institutions. This proposal is part of the Bureau's program to publish in the **Federal Register**, and subsequently in the Code of Federal Regulations, Bureau rules relating to the control, custody, care, treatment, and instruction of inmates. This installment encompasses the Bureau of Prisons proposed rules on (1) Transfer of Offenders to or from Foreign Countries, (2) Annual Survey of Inmate Education, Recreation and Library Programs, (3) Incentive Awards Program, UNICOR Inmates, and (4) Admission and Orientation Program.

DATE: Comments must be received on or before July 27, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), notice is hereby given that the Bureau of Prisons intends to publish in the **Federal Register** its proposed rules on:

(1) Transfer of Offenders to or from Foreign Countries;

(2) Annual Survey of Inmate Education, Recreation and Library Programs;

(3) Incentive Awards Program, UNICOR Inmates; and

(4) Admission and Orientation Program.

The rule on Transfer of Offenders to or from Foreign Countries establishes Bureau of Prisons procedures to receive custody of, and to transfer to and from the United States, offenders in compliance with the conditions of any existing treaty with a foreign government. The rule on Annual Survey of Inmate Education, Recreation, and Library Programs requires that the Warden administer an annual survey to a representative sample of the inmate population to determine inmate perception of needs, attitudes, opinions, and recommendations concerning the structure and content of education, recreation, and library programs which operate within the institution. The survey solicits comments on, and suggestions for improving education, recreation, and library programs. The rule on Incentive Awards Program, UNICOR Inmates provides recognition to an inmate industrial worker for a special achievement by that inmate, as well as for the inmate's suggestion or invention which improves operations or safety, and/or conserves energy or materials of Federal Prison Industries, Inc. The rule on Admission and Orientation Program requires that newly committed inmates be offered an orientation to the institution, to include information on institutional requirements and, when practicable, visits to the various areas of the institution.

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rules involve agency management. After review of the law and the regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (PL 96-354) do not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534. Comments received on or before July 17, 1981 will be considered before final action is taken. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534. The proposed rules may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to amend 28 CFR, Chapter V as follows: in Subchapter B, add Subpart E to Part 522 and Subpart E to Part 527; and in Subchapter C, add Subpart L to Part 544 and Subpart G to Part 545.

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

1. By adding Subpart E to Part 522 to read as follows:

PART 522—ADMISSION TO INSTITUTION

Subpart E—Admission and Orientation Program

Sec.
522.40 Purpose and scope.
522.41 Responsibility.
522.42 Guidelines for an admission and orientation program.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart E—Admission and Orientation Program

§ 522.40 Purpose and scope.

(a) Each inmate committed or transferred to a Bureau of Prisons institution shall become involved in the institution's Admission and Orientation (A&O) Program. The Warden shall ensure that staff involved with this program offer each newly committed inmate an orientation to the institution, to include information on institutional requirements and, when practicable, visits to the various areas of the institution. The institution admission and orientation program also shall provide the inmate with an awareness of the:

(1) Inmate's rights and responsibilities;

(2) Institution's program opportunities; and

(3) Institution's disciplinary system.

(b) Staff shall develop orientation materials (for example, a pamphlet) to supplement lectures and discussions.

(c) Pre-trial inmates and inmates in holdover status (en route to a different institution) are excluded from the provisions of this rule.

§ 522.41 Responsibility.

(a) The Warden shall assign to a staff member the responsibility to co-ordinate the institution's A&O Program.

(b) Staff involved in the lecture portion of the A&O Program shall develop an outline of the information they wish to include in their presentation.

§ 522.42 Guidelines for an admission and orientation program.

(a) Location—Each Warden shall determine the appropriate location for the institution's A&O Program.

(b) Quarters—Each Warden shall establish procedures for the assignment of living quarters.

(c) Inmate Participation—The newly committed inmate is to be provided the opportunity to see and participate in institutional activities.

(d) Activities—The A&O staff coordinator is to ensure that the admission and orientation program provides a full schedule of activities for the newly committed inmate. Scheduled activities shall include exposure to programs responsive to a specialized need of the inmate, as well as exposure to various work assignments, education programs, and physical and social activity.

(e) Telephone Calls—Newly committed inmates shall be permitted to complete at least two local or collect long distance phone calls during the admission process.

(f) Length of Admission and Orientation Program—An inmate's involvement in the institution's A&O program is based on the time necessary to accomplish the program's objectives.

(g) Documentation of A&O Program Involvement—Staff shall prepare documentation that the inmate has completed the institution's admission and orientation program. Staff shall have the inmate sign and date a copy of this document. The original of this document shall be placed in the inmate central file.

2. By adding Subpart E to Part 527 to read as follows:

PART 527—TRANSFERS

Subpart E—Transfer of Offenders to or From Foreign Countries

Sec.

527.40 Purpose and scope.
527.41 Definitions.
527.42 Notification of Bureau of Prisons inmates.
527.43 Transfer of Bureau of Prisons inmates to other countries.
527.44 Transfer of State prisons to other countries.
527.45 Receiving United States citizens from other countries.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4100–4115, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart E—Transfer of Offenders to or From Foreign Countries

§ 527.40 Purpose and scope.

Public Law 95–144 (18 U.S.C. 4100 et seq.) authorizes the transfer of offenders to or from foreign countries, pursuant to the conditions of a current treaty which provides for such transfer. 18 U.S.S. 4102 authorizes the Attorney General to act on behalf of the United States in regard to such treaties. In accordance with the provisions of 28 CFR 0.96b the Attorney General has delegated to the Director of the Bureau of Prisons, and to designees of the Director, the authority to receive custody of, and to transer to and from the United States, offenders in compliance with the conditions of the treaty.

§ 522.41 Definitions.

For purposes of this rule the following definitions apply.

(a) Treaty nation—A country which has entered into a treaty with the United States on the Execution of Penal Sentences.

(b) State prisoner—An inmate serving a sentence imposed in a court in one of the states of the United States, or in a territory or commonwealth of the United States.

(c) Departure institution—The Bureau of Prisons institution to which an eligible inmate is finally transferred for return to his or her country of citizenship.

(d) Admission institution—The Bureau of Prisons institution where a United States citizen-inmate is first received from a treaty nation.

§ 527.42 Notification of Bureau of Prisons inmates.

(a) The Warden shall ensure that the institution's admission and orientation program includes information on international offender transfers.

(b) The case manager of an inmate who is a citizen of a treaty nation shall inform the inmate of the treaty and provide the inmate with an opportunity to inquire about the transfer to the country of citizenship. The inmate is to be given an opportunity to indicate on an appropriate form whether he or she is interested to transfer to the country of citizenship.

§ 527.43 Transfer of Bureau of Prisons inmates to other countries.

(a) An inmate who is qualified for and desires to return to his or her country of citizenship for service of a sentence imposed in a United States Court shall indicate his or her interest by completing and signing the appropriate form and forwarding it to the Warden at the institution where the inmate is confined.

(b) Upon verifying that the inmate is qualified for transfer, the Warden shall forward all relevant information, including a complete classification package, to the Assistant Director, Correctional Programs Division.

(c) The Assistant Director, Correctional Programs Division shall review the submitted material and forward it to the Office of International Affairs (OIA), Department of Justice, for review.

(d) The Assistant Director, Correctional Programs Division shall ensure that the inmate is advised of the decision of OIA, Department of Justice.

(1) When the Department of Justice determines that transfer is not appropriate, the Assistant Director, Correctional Programs Division shall ensure that the inmate is advised of this determination and informed that the inmate may request the reason(s) for such action from OIA.

(2) When the Department of Justice determines that transfer is appropriate, the Assistant Director, Correctional Programs Division shall ensure that the inmate is advised of the determination and of the probability that the inmate will be given an interview with his or her nation's consular officials.

(e) Upon notification from OIA of the treaty nation's decision in regard to the inmate's transfer, the Assistant Director, Correctional Programs Division shall arrange for the inmate to be informed of that decision.

(f) At an appropriate time subsequent to notification by the Department of Justice of an inmate's approval for transfer, the Assistant Director shall arrange for the inmate to be transferred to an appropriate departure institution.

(g) Prior to the inmate's transfer to the departure institution, the inmate shall receive a verification hearing before a U.S. Magistrate or U.S. Judge to document the inmate's voluntary consent for transfer. Counsel is provided the inmate for purpose of this hearing. Where requested, the Warden shall allow counsel to interview the inmate prior to the hearing.

(h) Following the verification hearing, the Assistant Director, Correctional Programs Division shall arrange a schedule for delivery of the inmate to the authorities of the country of citizenship.

(1) The Assistant Director shall advise the Warden of those arrangements.

(2) The Warden shall arrange for the inmate to be transported to the foreign authorities. The Warden shall assure that appropriate documentation (for example, the judgment and commitment order, current progress report, summary face sheet, and proof of citizenship) accompanies each inmate transported.

§ 527.44 Transfer of state prisoners to other countries.

The Bureau of Prisons may assume custody of a state prisoner who has been approved for transfer to a treaty nation for the purpose of facilitating the transfer to the treaty nation. Once approved, the state is not required to contract for the placement of the prisoner in federal custody, nor to reimburse the United States for the cost of confinement (as would ordinarily be required by 18 U.S.C. 5003).

§ 527.45 Receiving United States citizens from other countries.

(a) Staff accepting custody of American inmates from a foreign authority shall ensure that the following documentation is available prior to accepting custody of the inmate:

(1) A certified copy of the sentence handed down by an appropriate, competent judicial authority of the transferring country and any modifications thereof;

(2) A statement (and a copy translated into English from the language of the country of origin if other than English), duly authenticated, detailing the offense for which the offender was convicted, the duration of the sentence, and the length of time already served by the inmate. Included should be statements of credits to which the offender is entitled, such as work done, good behavior, pre-trial confinement, etc.; and

(3) Citizenship papers necessary for the inmate to enter the United States.

(b) The Warden shall direct in writing specific staff, preferably staff who speak the language of the treaty nation, to transport the offender from the transporting country to the admission institution. When the admission institution is not able to accept the inmate (for example, a female inmate transported to a male institution), the Warden shall make appropriate housing arrangements with a nearby jail.

(c) As soon as practicable after the inmate's arrival at the admission institution, staff shall initiate the following actions:

(1) Arrange for the inmate to receive a complete physical examination;

(2) Advise the local U.S. Probation Office of the inmate's arrival; and

(3) Notify the U.S. Parole Commission of the inmate's arrival. Inmates returning from other countries are by law immediately eligible for parole. Staff at the admission institution shall determine if each inmate received at that institution should be retained at the admission institution for the initial parole hearing or promptly transferred to a more appropriate institution.

(d) If upon computation of sentence staff determine that an inmate is entitled to immediate release via manatory release or expiration of sentence with credits applied, release procedures shall be implemented but only after receiving a medical clearance and the results of an FBI fingerprint check.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

3. By adding Subpart L to Part 544 to read as follows:

PART 544—EDUCATION

Subpart L—Annual Survey of Inmate Education, Recreation and Library Programs

Sec.
544.110 Purpose and scope.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart L—Annual Survey of Inmate Education, Recreation and Library Programs

§ 544.110 Purpose and scope.

(a) The Bureau of Prisons has established a systematic approach for assessing the education, recreation, and library programs which operate within each Bureau of Prisons institution. Except for such community treatment centers and camps where education, recreation, and library programs may not be feasible, the Warden or the Warden's designee shall administer an annual survey to a representative sample of the local inmate population to determine inmate perception of needs, attitudes, opinions, and recommendations concerning the structure and content of the education, recreation, and library programs which operate within the institution.

(b) The questionnaire shall be administered to a minimum of 10% of each institution's inmate population on the survey date.

(c) The results of the annual survey shall be used by staff who are responsible for planning and management of the education, recreation, and library programs which operate within the institution.

4. By adding Subpart G to Part 545 to read as follows:

PART 545—WORK AND COMPENSATION

Subpart G—Incentive Awards Program, UNICOR Inmates

Sec.
545.60 Purpose and scope.
545.61 Types of incentives.
545.62 Award scales for payment for inmate suggestion or invention.
545.63 Procedures for recognition of inmate suggestion or invention.
545.64 Procedures for recognition of inmate special achievement.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4126, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart G—Incentive Awards Program, UNICOR Inmates

§ 545.60 Purpose and scope.

Federal Prison Industries, Inc. (UNICOR) provides incentives to its inmate workers for special achievements by them, as well as for their suggestions or inventions which improve operations or safety, or conserve energy or materials of Federal Prison Industries, Inc.

§ 545.61 Types of incentives.

(a) An inmate shall receive a formal (written) commendation for any suggestion or invention adopted, or for any special achievement of the inmate related to the inmate's industrial assignment. A copy of the commendation is to be placed in the inmate central file.

(b) An inmate shall receive a cash bonus for any suggestion or invention which is adopted and which contributes a net savings to Federal Prison Industries, Inc. of at least $250. Cash awards shall be based on estimated net first year savings, with a minimum award of $25.

(c) An inmate shall receive either a cash bonus or gifts for any special achievement which, under the standards below, deserves special recognition.

§ 545.62 Award scales for payment for inmate suggestion or invention.

Awards under the Inmate Incentive Awards Program for a suggestion or invention which is adopted are ordinarily provided in accordance with the following table. All awards will be rounded upward to the nearest $25.

Net Savings (First Year) and Amount of Award

$250–$1,000—$25.
$1,000–$10,000—$50 for the first $1,000 plus $2.50 for each additional $100 or fraction thereof.
$10,000–$20,000—$275 for the first $10,000 plus $2.50 for each additional $200 or fraction thereof.
$20,000–$100,000—$400 for the first $20,000 plus $2.50 for each additional $1,000 or fraction thereof.
$100,000 or more—$600 for the first $100,000 plus $2.50 for each additional $5,000, not to exceed $1,000 total cash bonus.

§ 545.63 Procedures for recognition of inmate suggestion or invention.

(a) Inmate suggestions for operational or safety improvements, or for conservation of energy or materials must be in writing.

(b) The inmate shall submit the suggestion to the inmate's immediate supervisor. The supervisor shall review the suggestion and shall then submit the suggestion, with the supervisor's comments and recommendation, to the local Superintendent of Industries.

(c) The Superintendent of Industries shall ensure that all inmate suggestions and/or inventions are considered for incentive awards by a committee comprised of Industry personnel, and designated by the Superintendent.

(1) The committee shall forward recommendations for awards for *inventions* through the Warden to Corporate Headquarters (Attn: Associate Commissioner). The Warden may submit his comments on the recommendation.

(2) The committee may approve an inmate whose suggestion is adopted for an award (cash or gifts) not to exceed $50 in value. A recommendation for an award in excess of $50 shall be forwarded through the Warden to Corporate Headquarters (Attn: Associate Commissioner). The Committee may refer a suggestion having corporate-wide implications through the Warden to Corporate Headquarters (Attn: Associate Commissioner). The Warden may submit his comments on the recommendation.

§ 545.84 Procedures for recognition of inmate special achievement.

(a) While recognition of special inmate achievements may originate from any source, the achievement is ordinarily to be described in writing by the inmate's immediate supervisor.

(b) The Superintendent of Industries shall appoint a local committee, which may include inmate participation, to consider inmates for special achievement recognition. The committee shall forward its recommendations to the Superintendent of Industries, who is authorized to approve individual awards (cash or gifts) not to exceed $50 in value. A recommendation for an award in excess of $50 (cash or gifts) shall be forwarded, with the Superintendent's recommendation and the justification for it, through the Warden to Corporate Headquarters (Attn: Associate Commissioner). The Warden may submit his comments on the recommendation.

Dated: June 8, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 81-17482 Filed 6-11-81; 8:45 am]

BILLING CODE 4410-05-M

V
4
6
J
E
1
2
8
1
UMI

federal register

Friday
June 12, 1981

Part IV

Department of Energy

Economic Regulatory Administration

Powerplant and Industrial Fuel Use Act of 1978; Proposed Revision of Final Rules

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 500, 501, 503, 504, and 505

[Docket No. ERA-R-81-06]

Powerplant and Industrial Fuel Use Act of 1978; Proposed Revision of Final Rules

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) is proposing to revise the final rules implementing the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) to simplify the administrative procedures and exemption criteria applicable to owners or operators of new and existing powerplants and major fuel burning installations (MFBI's) which are subject to the prohibitions of the Act. The proposed rules would eliminate many of the evidentiary submissions required of petitioners requesting exemptions under the Act. For many of the exemptions, ERA has proposed a streamlined procedure which will enable a petitioner to quality for an exemption through a simple certification procedure. This notice seeks comments on the proposed revisions.

DATES: Written comments are due on or before July 27, 1981. Requests to speak at the hearing should be submitted by July 6, 1981, 4:30 p.m. Hearing date: July 14, 1981, 9:30 a.m.

ADDRESSES: All comments should be addressed to Public Hearing Management, Docket No. ERA-R-81-06, Department of Energy, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461. Hearing location: Room GE086, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-4055.

Donald E. Kreps (Office of Regulatory Policy), Economic Regulatory Administration, Department of Energy, Room 7002, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3217.

Robert L. Davies (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 3002, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3649.

Henry Garson (Office of the General Counsel), Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2967.

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposals
III. Additional Comments Requested
IV. Other Administrative Matters
V. Procedural Matters
I. Background
II. Proposals
A. Definitions (Part 500)
1. General definitions (§ 500.2)
a. Alternate fuel; natural gas; petroleum
b. Capability to use alternate fuel
c. Combined cycle unit
d. Construction
e. Design capability
f. Electric powerplant and major fuel burning installation
g. Primary energy source
h. Rated capacity
2. Aggregation tests (§§ 500.4, 500.5)
B. Administrative Procedures and Sanctions (Part 501)
1. General provisions (Subpart A)
2. Written comments, public hearings, and conferences during administrative proceedings (Subpart C)
3. Subpoenas, special report orders, oaths, and witnesses (Subpart D)
4. Prohibition rules and orders (Subpart E)
5. Exemptions (Subpart F)
6. Use of natural gas or petroleum for emergency and unanticipated equipment outage purposes (Subpart M)
C. New Facilities (Part 503)
1. General requirements for exemptions (Subpart B)
a. Cost calculations and fuel price computations (§§ 503.6, 504.12, and Appendix II)
b. No alternate power supply (§ 503.8)
c. Use of mixtures (§ 503.9)
d. Alternative site (§ 503.11)
e. Terms and conditions; compliance plans (§ 503.12)
f. Conservation measures (§ 503.13)
g. Petroleum and natural gas consumption (§ 503.14)
h. Fuels search (§ 503.16)
2. Exemptions (Subparts C and D)
a. Purpose and scope (§ 503.20)
b. Lack of alternate fuel supply (§§ 503.21, 503.32)
c. Site limitations (§§ 503.22, 503.33)
d. Inability to comply with applicable environmental requirements (§§ 503.23, 503.34)
e. Future use of synthetic fuels (§ 503.24)
f. Public interest (§ 503.25)
g. Inability to obtain adequate capital (§ 503.35)
h. Cogeneration (§ 503.37)
i. Fuel mixtures (§ 503.38)
j. Impairment of reliability (§ 503.40)
k. Peakload powerplants (§503.41)
l. Intermediate load powerplants (§ 503.42)
D. Existing Facilities (Part 504)
III. Additional Comments Requested
A. Cost Calculation
B. Lack of Alternate Fuel Supply (600 Hour Certification)
C. Imported Petroleum
IV. Other Administrative Matters
A. Synthetic Fuels
B. Scheduling of Effective Dates for Prohibition Orders
C. Temporary and Permanent Exemptions
V. Procedural Matters
A. Written Comments
B. Public Hearings
C. Section 102 of NEPA
D. Regulatory Flexibility Act
E. Executive Order No. 12291
F. Federal Reports Act

I. Background

FUA prohibits the use of oil and natural gas in certain new and existing major fuel burning installations (MFBI's) and powerplants unless ERA grants an exemption for such use.

ERA has published final rules which (1) define MFBI, electric powerplant, and other pertinent terms (45 FR 38276 (June 6, 1980)); (2) describe the prohibitions applicable to new powerplants and MFBI's and set forth eligibility and evidentiary requirements for obtaining exemptions from such prohibitions (45 FR 38302 (June 6, 1980)); (3) describe the cost calculation required for certain exemptions under FUA (45 FR 84967 (December 24, 1980)); and (4) provide administrative procedures for applying for exemptions (45 FR 38276, 38287 (June 6, 1980)). ERA also published final rules relating to the prohibitions on oil and gas use in existing facilities and exemptions available at 45 FR 53682 (August 12, 1980). In addition, rules relating to exemptions for new and existing cogeneration facilities were issued in interim form, respectively, on May 17, 1979, 44 FR 28950, 28994, 29014, and on July 23, 1979, 44 FR 43176, 43204, 43219, and then proposed to be revised on August 11, 1980, 45 FR 53368.

On January 29, 1981, the President's Task Force on Regulatory Relief was established to:

> Reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, provide for presidential oversight of the regulatory process, minimize duplication and conflict of regulations and insure well reasoned regulations . . . (Executive Order 12291)

On March 25, the Task Force announced a list of existing regulations which should be reassessed by Executive Branch agencies, including the regulatory program under FUA.

Consistent with this directive, ERA is proposing extensive revisions of the regulations implementing FUA. Under the current regulations, obtaining an exemption from the prohibitions of the Act can be a costly and time-consuming process which has, in some respects, been criticized as unnecessarily

burdensome. The purpose of this notice of proposed rulemaking (NOPR) is to solicit comments upon revisions aimed at reducing the regulatory burden faced by the owners and operators of powerplants and MFBI's and streamlining exemption procedures under the Act.

ERA proposes to reduce the eligibility and evidentiary requirements for each of the temporary and permanent exemptions authorized under Title II of the Act. In lieu of the existing eligibility criteria, petitioners will generally be required only to certify to the statutory criteria and general requirements for an exemption; and in lieu of the existing, detailed evidentiary requirements, petitioners will generally be required to submit, together with their duly executed certifications, only those exhibits which contain the basis for the certifications, and any requisite environmental materials. Because ERA's actions on certification petitions will be subject to the public notice and comment and review provisions of the Act, a petitioner will be responsible for presenting, together with its certifications, sufficient factual and analytical material to support ERA's grant of the petition.

ERA also proposes to simplify and update the cost calculation methodology, applicable to both new and existing facilities.

ERA has received numerous requests for classification of industrial by-products with respect to their commercial unmarketability. ERA is proposing to establish a response time of sixty (60) days for issuing a decision on any such request. Expediting the procedure will allow a petitioner who requests a determination to receive a decision within a reasonable period of time.

The fuel search requirements have also been modified to reduce any uncertainty faced by petitioners. Instead of the existing fuels search requirements, petitioners who must examine fuel alternatives will only be required to examine coal or, when required to consider mixtures, to examine only coal mixtures. Where use of coal would be unreasonable, and a petitioner wishes to substitute another alternate fuel, it may request ERA's permission to do so.

II. Proposals

A. Definitions (Part 500)

1. General definitions (§ 500.2)

a. *Alternate fuel; natural gas; petroleum.* A discussion concerning ERA's determinations with respect to the commercial marketability of a fuel, appears in this Preamble under the heading "General Provisions (Subpart A)."

b. *Capability to use alternate fuel.* Section 201(a) of the Act prohibits the construction of any new powerplant without the capability to use an alternate fuel as a primary energy source.

In its current rules, 45 FR 38281 (June 6, 1980), ERA defined capability to use alternate fuel, for purposes of the foregoing Title II prohibition, as the ability to use an available alternate fuel as a primary energy source on a continuous basis in compliance with applicable environmental requirements at the time the new powerplant becomes operational or at the expiration of a temporary exemption. This definition resulted in the requirement that a new powerplant have requisite pollution control equipment installed in order to comply with the Title II construction prohibition.

To issue a prohibition order to an existing facility under Title III of FUA, ERA must make findings concerning the unit's technical capability to use an alternate fuel. In its final rules governing existing facilities, 45 FR 53697 (August 12, 1980), ERA defined technical capability to use an alternate fuel, for purposes of the prohibition order authorities under Title III of FUA, as the ability of a unit, from the point of fuel intake, to physically sustain combustion of an alternate fuel and to maintain heat transfer. This standard did not require that requisite pollution control equipment be on-line.

To reduce the burden of utility compliance with the foregoing Title II construction prohibition, ERA proposes to delete the requirement for the inclusion of required pollution control equipment in the definition of capability to use an alternate fuel. The proposed definition would treat the concept of alternate fuel capability similarly for statutory Title II prohibitions and discretionary Title III prohibitions. This proposal would relax the standard for compliance by new powerplants with Title II *construction* prohibitions, but would not affect the requirement under FUA that alternate fuels must be *used* in compliance with all applicable environmental requirements. A conforming change has been proposed in § 503.2 of the current rules, relating to prohibitions, by deleting paragraph (b) of that section.

c. *Combined cycle unit.* ERA proposes to adopt alternative definitions for "powerplant" and "MFBI" combined cycle units. The current definition will continue to be used for "MFBI" combined cycles, which, because ERA has not adopted rules prohibiting oil and gas use in non-boiler "MFBI's", are not currently subject to Title II FUA prohibitions.

For "powerplants", a new definition describing the traditional components (i.e., one or more combustion turbine units, a waste heat recovery boiler and one or more steam turbine units) of a utility combined cycle is proposed. Under this proposal, a powerplant system consisting of a combination of a combustion turbine and a waste heat recovery boiler would be treated as two individual units and not as a combined cycle unit. The result would accord similar treatment to combustion turbine/waste heat recovery boiler systems in which the direct or supplemental oil or gas firing rate is less than 100 MM Btus per hour, regardless of a system's characterization as a powerplant or an MFBI.

d. *Construction.* ERA proposes to delete the automatic classification as a new combined cycle unit of (1) an existing combustion turbine to which a new waste heat recovery or supplemental-fired boiler is added; or (2) a combustion turbine, as a heat source for an existing boiler. Such construction would instead be subject to the general "50 percent" tests already provided in the rules under the definitions of "New electric powerplant" and "New major fuel burning installation."

e. *Design capability.* ERA received several comments criticizing the definition of design capability as applied to MFBI's in its current rules. After considering these comments, ERA is proposing to add to the definition of design capability an alternative standard which would permit firms to determine design capability of an MFBI (1) on the basis of the safety valve minimum relieving capacity multiplied by the enthalpy difference of feedwater input and steam output, divided by boiler design efficiency, or (2) on the basis of the manufacturer's continuous rating multiplied by the enthalpy difference of feedwater input and steam output, divided by design efficiency.

f. *Electric powerplant and major fuel burning installation.* ERA proposes to revise these definitions to comport with its deletion of the aggregation tests, discussed further in this Preamble under the heading "Aggregation tests."

g. *Primary energy source.* ERA proposes to raise the minimum amount of oil or gas which is excluded from the definition of "primary energy source" from 15 to 25 percent. This change is proposed in response to the comments of many petitioners that often more than 15 percent oil or gas use is required for

unit ignition, startup, testing, flame stabilization, and control purposes.

ERA also proposes to revise this definition to delete the Note concerning fuels mixtures exemptions. Deletion of the Note would eliminate the requirement that petitioners include fuel use required for unit ignition, startup, testing, and flame stabilization as part of any oil and gas use allowed under a mixtures exemption.

In addition, a Note has been added to clarify that if an auxiliary unit consumes fuel only for the auxiliary functions of unit ignition, startup, testing, flame stabilization, and other control uses, its use of minimum amounts of natural gas or petroleum is not prohibited by FUA, even though the unit is an MFBI. The measurement of such minimum amounts of fuel under the current rules is discussed in *Associated Electric Cooperative*, et al., Interpretation 1980–42 (45 FR 82572 (December 15, 1980)).

h. *Rated capacity.* Sections 301 and 302 of the Act and § 504.6 of the regulations require that, to issue a final prohibition order, ERA must find that the facility will not suffer a substantial reduction in rated capacity. To clarify the basis for making this finding, ERA is proposing to add a definition of "rated capacity," which accords with the provisions of Section 504.12(d)(3)(i) of the cost calculation methodology.

2. Aggregation Tests (§§ 500.4, 500.5)

Under the current rules, facilities with fuel heat input rates of 50 million Btu's per hour or greater may be aggregated toward the 250 million Btu's per hour jurisdictional threshold for designation as an MFBI or powerplant. Therefore, facilities between 50–100 million Btu's per hour, which are not currently jurisdictional, may later become jurisdictional when, together with other facilities later constructed at the same site, the 250 million Btu's per hour level is attained. This potential for coverage of newly constructed facilities may have the unintended result of encouraging the planning of new construction at different sites even where such planning would not be consistent with prudent industry economic practice.

To avoid this problem, and in recognition of the difficulty of using alternate fuels, and the limited oil or gas savings which can currently be achieved in facilities in the 50 to 100 million Btu's per hour range, ERA is proposing to delete §§ 500.4 and 500.5, and to exclude those units with a fuel heat input rate of under 100 million Btu's per hour from aggregation, and thus, from jurisdiction under the Act. This proposed change would also apply to existing facilities.

B. Administrative Procedures and Sanctions (Part 501)

Part 501 has been simplified; and, where appropriate, certain sections of the current rules have been consolidated or combined to eliminate provisions or requirements which are repetitious or which experience has shown to be unnecessary. In addition, some sections have been clarified or modified to make them consistent with similar provisions contained in other DOE regulations pertaining to administrative procedures. Substantive changes made in individual sections are noted below.

1. General Provisions (Subpart A)

Section 501.3 remains substantially the same although much of the language of the current provision has been simplified and some subsections have been consolidated or moved to other sections. Paragraph (d) has been clarified to make clear that ERA, upon its own motion or at the request of a petitioner, may waive nonstatutory filing requirements if consistent with the purposes of FUA.

The computation of time and extension of time provisions of current §§ 501.4 and 501.5 are now contained in § 501.7. Sections 501.4 and 501.5 are reserved.

Section 501.7 has been reorganized and expanded to include the provisions of §§ 501.4 and 501.5 as mentioned above. This section also contains two new subparagraphs, designated (a)(2) and (a)(12). Subparagraph (a)(2) sets forth specific exceptions to the general rule that petitions and other documents submitted to ERA are considered filed upon receipt. The exception provides that certain documents, such as an application for modification or rescission of an order or a response to a denial of a claim of confidentiality, are considered to be filed upon mailing.

DOE has issued Ruling 1981–2 (46 FR 26605 (May 14, 1981)), clarifying the methodology for determining whether a liquid, solid or gaseous waste by-product of refinery or industrial operations or, in certain cases, natural gas, is commercially unmarketable, and hence, an alternate fuel. In light of this Ruling, ERA proposes § 501.7(a)(12), which would provide a certification procedure for requesting that a fuel be classified commercially unmarketable pursuant to the definitions of "alternate fuel", "natural gas" and "petroleum" contained in Part 500. Under this section, the owner or operator of a facility would file a request with ERA for classification of a fuel as commercially unmarketable. The request should include sufficient data to allow DOE to determine whether waste by-products are commercially unmarketable. ERA will make a decision on all such requests for classification of commercial unmarketability within sixty (60) days of receipt of each request with all accompanying data. If a waste by-product or gas is determined to be commercially unmarketable due to the inability of the producer to recover, by reasonably expected sales revenues, the costs associated with processing, storing, aggregating and distributing the waste by-product or gas, including the replacement cost of the fuel, the use of the by-product or gas as a fuel would not be prohibited by FUA. Subparagraph (a)(3)(C) of this section is designed to ensure that requests for commercial unmarketability determinations will be acted upon without undue delay.

Subparagraph (a)(11), pertaining to the procedure for requesting confidential treatment of material submitted to ERA, also contains one minor substantive change. Persons seeking confidential treatment are permitted, but no longer required, to file a statement specifying the justification for non-disclosure of the claimed confidential information, unless the information is claimed to fall within the exemption in 5 U.S.C. § 552(b)(4) for trade secrets and commercial or financial information. ERA retains the right to make its own determination with regard to any claim of confidentiality based on information at its disposal. Persons seeking confidential treatment are, however, encouraged to assist ERA in making this determination by providing information supporting the claim for confidentiality. In the absence of such information, ERA may be required by law to release the documents or data.

2. Written Comments, Public Hearings, and Conferences During Administrative Proceedings (Subpart C)

Because they also are contained in §§ 501.31(a) and 501.51(b), the provisions of current § 501.3(b), pertaining to written comments, have been deleted.

A Tentative Staff Analysis (TSA) will no longer be prepared nor will a Notice of Availability of TSA be published in the case of a petition for an exemption by certification. ERA will, however, publish Notice of Availability of Certification providing, as in the case of a TSA, 14 days for public comment on the notice. Sections 501.31 and 501.64 have been modified to reflect this change. ERA will continue to prepare a TSA and publish Notice of Availability of TSA for the temporary public interest exemption, the cogeneration exemption

based on public interest, and the non-certification environmental exemptions which are the only remaining non-certification exemptions under these proposed rules.

In addition, § 501.33(a) has been amended to reflect the modification of § 501.64. An interested person may request a public hearing in the case of a certification exemption no later than 45 days after publication of Notice of Acceptance of Petition or 14 days after publication of Notice of Availability of Certification, whichever occurs later.

3. Subpoenas, Special Reports Orders, Oaths, and Witnesses (Subpart D)

Section 501.40 is a revised combination of current §§ 501.40 and 501.41.

4. Prohibition Rules and Orders (Subpart E)

Subparagraph 501.51(b)(3) of the regulations does not permit a proposed prohibition order recipient to submit additional evidence relating to any findings that ERA is required to make after the expiration of the three month period for submission of written comments—except under certain circumstances. ERA proposes to amend this subparagraph to permit the submission of additional evidence at any time 1) prior to the close of the comment period following publication of a tenative staff analysis, or 2) prior to the close of the record of any public hearing, whichever occurs later.

This subparagraph of the regulations also requires that prohibition order recipients identify all bases for exemption quite early in the process. This requirement may unnecessarily create an excessive burden on both ERA and the order recipient. Therefore, ERA proposes to further amend this subparagraph to permit the order recipient to submit additional evidence relating to the identification of an exemption (or the circumstances under which a different exemption may be requested in the future) at any time prior to issuance of the final order.

5. Exemptions (Subpart F)

Subparagraph 501.60(a)(2) has been modified to correct the inadvertent omission in the current rules of the fact that Subpart F establishes procedures for filing petitions for permanent, as well as temporary, exemptions.

Much of current § 501.61 was considered to be unnecessary and repetitious. Portions of paragraph (a) pertaining to analyses of alternate fuels, and a simplified version of paragraph (b), pertaining to incorporation by reference, however, have been transferred to § 501.62. The remainder of § 501.61 has been deleted.

Subparagraphs (d)(1) and (2) of § 501.68, regarding the imposition of terms and conditions, have been amended. ERA proposes to limit its authority to issue terms and conditions applicable only to the unit or units which are the subject of an order granting an exemption. In addition, ERA proposes to no longer impose terms and conditions requiring the use of effective fuel conservation measures.

6. Use of Natural Gas or Petroleum for Emergency and Unanticipated Equipment Outage Purposes (Subpart M)

Under current regulations, oil and gas may be used under this Subpart, in powerplants, in order to avoid curtailment of noninterruptible electric supply to industrial customers. In some circumstances, such an event would not take place until residential consumers had been curtailed. In other situations, a utility may have no industrial customers, and so would never qualify under the emergency provisions. ERA therefore proposes to amend the definition of "minimum amounts required to alleviate or prevent," in § 501.191(c)(3)(i) and the definition of "temporary emergency condition" in § 501.192(a)(2) in order to avoid this unintended result.

C. New facilities (Part 503)

1. General Requirements for Exemptions (Subpart B)

ERA proposes to include three of the general exemption requirements, "No Alternate Power Supply" (§ 504.8), "Use of Mixtures" (§ 503.9), and "Alternative Site" (§ 503.11), within the eligibility section of each exemption to which they apply. They currently appear as part of the "Evidence required in support of a petition" subparagraphs. Under the proposed rules, petitioner will only be required to include duly executed certifications relating to each of these general requirements included in the eligibility sections.

a. *Cost calculation and fuel price computations* (§§ 503.6, 504.12 and Appendix II). Several changes are being proposed to the cost calculation, applicable to both new and existing facilities, which would (1) lessen the evidentiary burden, (2) update the inflation rate tables, and (3) remove any reference to the DOE entitlements programs (resulting from the President's decision on January 27, 1981 to decontrol domestic crude oil prices). In §§ 503.6 and 504.12, which deal with the cost calculation, ERA proposes to modify the evidence requirement to enable petitioners to (1) certify that the cost of using an alternate fuel would substantially exceed the cost of using oil as a primary energy source, and (2) submit a brief summary of the evidence to support its certification.

Under the rules presently in effect, petitioners must provide detailed accounting and back-up for all cost parameters. In addition, the present rule requires industrial installations to justify their power or steam generation schedule considering other units at the site. ERA is proposing to drop the justification for the schedule of power or steam generation (§§ 503.6(e)(6) and 504.12(e)(6)). ERA also believes that a simple certification process provides a more efficient alternative to the detailed evidentiary submissions required by the current regulations.

In the final rule governing the cost calculation, 45 FR 84971 (December 24, 1980), ERA stated that the statutory language of FUA appears to support the position that powerplants subject to the 1990 natural gas prohibition are not required to compare the cost of a replacement facility utilizing an alternate fuel to the cost of continuing to operate a natural gas-fueled powerplant since the statute refers to the cost of using coal or other alternate fuel in "such powerplant" during the period of remaining useful life.

With respect to temporary exemptions, ERA stated that "ERA has determined that the cost calculation does not require consideration of the costs associated with a replacement facility for the purpose of this exemption." It further stated that "ERA has not, however, made a final decision on whether petitioners seeking a permanent exemption must compare the cost of using an alternate fuel in a replacement facility."

Upon further consideration, ERA has determined that petitioners requesting an exemption from the 1990 off-gas provisions are not required to compare the costs of using alternate fuels in a replacement facility. As noted in the final rule, this position is supported by Subparagraph 312(a)(1)(A) of FUA, which states that an exemption shall be granted whenever "an adequate and reliable supply of coal or other alternate fuels of the quality necessary to conform with the design and operational requirements for use as a primary energy source will not be available to *such powerplant* * * * at a cost * * * which based on best practical estimates does not substantially exceed the cost * * * of using imported petroleum as a primary energy source during the remaining useful life of the *powerplant* * * *" (Emphasis added.)

ERA also intends to accept petitions for both temporary and permanent exemptions to the 1990 off-gas provisions.

Since a gas-fired unit may require very substantial derating when available alternate fuels are used, the capital investment required to make up for that derating could be considered at the option of the petitioner. If a gas-fired unit is not currently technically capable of burning alternate fuels, the capital investment required to replace the unit could also be considered at the option of the petitioner. The foregoing does not necessitate a change to the current rules, since the rules allow the petitioner to include or exclude the make-up capacity or replacement unit.

Appendix II provides the parameters to adjust a petitioner's present fuel prices for future escalations as well as to correct the cost computations for the effects of inflation. Due to the elimination of the price controls on oil, ERA is proposing to amend the equations in Appendix II to remove references to the entitlements program. In addition, ERA is proposing to update Tables II–1 and II–2 to reflect the latest projected inflation rates from the Office of Management and Budget.

ERA is not proposing to change the projections for future oil and coal prices at this time. However, ERA is requesting comment on two alternatives for treating future oil and coal prices (see Part III of this Preamble.)

b. *No alternate power supply* (§ 503.8). ERA proposes several revisions to the no alternate power supply general requirement. Most importantly, a petitioner may certify to one of two criteria: the attempted purchase of firm power for the first year of operation to cover all or part of the projected shortfall test; and the 20 percent reserve margin test. The current regulations require a demonstration of both tests and a demonstration of efforts undertaken to implement cost-effective conservation measures. As discussed below under § 503.13, ERA no longer intends to require an examination of conservation measures. In addition, in analyzing the reserve margins, ERA proposes, consistent with general industry practice, that petitioners may use electric regions, normal dispatch areas, or normal service areas.

c. *Use of mixtures* (§ 503.9). ERA proposes to revise the mixtures general requirement in two respects. First, for the same reasons discussed under the heading "Fuels Search" in this Preamble, ERA proposes to require that an exemption petitioner evaluate only the use of coal mixtures. A petitioner who wishes to substitute other mixtures combinations may do so, provided that ERA agrees to the substitution. Second, ERA proposes to streamline the procedure for meeting the mixtures general requirement to a certification, together with a statement of the basis for the certification.

d. *Alternative site* (§ 503.11). ERA proposes that when applying for any of the permanent exemptions for powerplants which require an alternative site examination, a petitioner need only certify that no reasonable alternative site exists and present the basis for the certification, including those factual and analytical materials deemed necessary by the petitioner. This proposed change would recognize that it is generally in the economic self-interest of utilities to analyze alternative sites at which alternate fuels could be used, significantly reduce the evidentiary burden on petitioning utilities, and expedite the exemption process.

ERA has also corrected the inadvertent omission of the intermediate load exemption from this requirement.

e. *Terms and conditions; compliance plans* (§ 503.12). Currently, ERA believes that it is in the economic interest of firms to undertake effective fuel conservation measures. ERA therefore proposes to limit exercise of its authority to issue terms and conditions to the unit or units which are the subject of an order granting an exemption, and to cease issuing terms and conditions which require specific conservation measures.

ERA believes that it is an unnecessary burden to require submission of a compliance plan for all temporary exemptions. ERA therefore intends to limit its exercise of this authority to the temporary use of synthetic fuels exemption, the sole exemption for which submission of a compliance plan is specifically required under Title II of the Act. ERA also proposes to delete the requirement to submit in all cases an annual update of such a plan. Conforming revisions to individual exemption sections have been included.

f. *Conservation measures* (§ 503.13). Since ERA no longer intends to attach conservation terms and conditions to the grant of an exemption petition, and in order to facilitate the exemption process, ERA proposes to delete this general requirement. ERA believes that it is in the economic self-interest of firms to undertake all reasonable conservation measures; therefore, the regulation is superfluous.

g. *Petroleum and natural gas consumption* (§ 503.14). In keeping with its proposal not to attach terms and conditions to the grant of an exemption petition which pertain to units which are not the subject of the petition, ERA proposes to delete this general requirement.

h. *Fuels search* (§ 503.16). To provide certainty, ERA proposes to clarify the fuels search requirement for certain permanent exemptions. ERA has previously indicated that it would not require a petitioner to evaluate fuels which are unreasonable to its needs, 44 FR 28951 (May 17, 1979). In ERA's continuing operational experience under the Act, coal is most often the preferred alternate fuel alternative to oil and gas. In specific applications, however, ERA recognizes that the use of alternate fuels other than coal may be viable alternatives to oil and gas use. ERA therefore proposes to require that a petitioner evaluate only the use of coal; however, where a petitioner believes that use of coal is unreasonable, and where ERA and the petitioner can reach accord, the petitioner may evaluate another alternate fuel or fuels instead. In no event, however, will a petitioner be required to evaluate any alternate fuel which is unreasonable to its needs or which has not been demonstrated to be acceptable for use in commercial applications which are comparable to its intended use.

2. Exemptions (Subparts C and D)

In an effort to reduce regulatory requirements associated with the exemption process and to avoid unnecessary and costly delays in the preparation and consideration of exemption petitions, ERA proposes to revise the evidentiary requirements to qualify for temporary or permanent exemptions under Title II of the Act.

ERA's current rules under FUA provided for a number of certification exemptions, calling for duly executed certifications to the statutory exemption criteria, together with certain minimal evidentiary submissions. To date, ERA has found this certification process to be an expeditious and efficient procedure for processing exemption petitions. Therefore, ERA proposes, wherever possible, to reduce evidentiary requirements to a certification to the eligibility criteria for an exemption, together with exhibits containing the basis for such certifications. ERA proposes that this procedure now be employed for all Title II exemptions, except the temporary public interest exemption (§ 503.25) the public interest alternative for the cogeneration exemption (§ 503.37), and the non-certification environmental exemptions (§§ 503.23, 503.34). ERA also proposes to delete the general requirements for

conservation measures and petroleum and natural gas consumption for all exemptions under Title II. In addition, as noted previously, ERA is proposing to delete the requirement that a tentative staff analysis be issued for certification exemption petitions. Petitioner's certifications would, of course, be subject to the public comment and hearing processes provided under the Act. Significant additional revisions to individual exemption sections, are described in the remainder of this Preamble.

a. *Purpose and scope* (§ 503.20). Paragraph (d) of this section currently measures the duration of any temporary exemption from the date the unit is placed in service. ERA proposes to delete this paragraph in recognition of the fact that some petitioners may seek a temporary exemption for a new unit after it is placed in service.

b. *Lack of alternate fuel supply* (§§ 503.21, 503.32). Under the alternative certification provided for MFBI's that are operated less than 600 hours on an annual basis, ERA proposes to clarify its intention to allow the petitioner to burn that amount of fuel which the facility woud require if it were operated on a *full load basis* for 600 hours. This will permit a petitioner to qualify for this certification alternative even if the installation is operated more than 600 hours per year, so long as the installation does not burn more fuel than it would require at full load for 600 hours.

C. *Site limitations* (§§ 503.22, 503.33). Instead of requiring the petitioner to demonstrate that one or more of the enumerated physical limitations cannot be overcome during the proposed exemption period, ERA proposes to use the listed items for illustrative purposes only. This amendment offers greater flexibility to the petitioner to identify and prove the substance of its site limitation claim.

d. *Inability to comply with applicable environmental requirements* (§§ 503.23, 503.34). ERA is proposing an additional method of fulfilling the evidentiary requirements for obtaining an exemption under these sections.

Under the proposed alternative, ERA will accept a certification that: (1) the facility is located in a Class I area as defined under Part C of the Clean Air Act; (2) the facility is located in a nonattainment area as defined under Part D of the Clean Air Act; or (3) even with the use of cost-effective pollution control equipment, the use of coal or other alternate fuels deemed to be available will cause or contribute to a concentration of a pollutant which exceeds the maximum allowable increases in a Class I area, or a national ambient air quality standard in a non-attainment area. This proposal recognizes that firms would generally not be able to construct alternate-fuel fired facilities to meet the very strict Clean Air Act environmental requirements in such areas.

Under this proposed certification provision, ERA seeks comment on whether it should require the consideration of trade-offs under the Clean Air Act. ERA also solicits comment on whether the certification procedure should be extended to other environmental circumstances.

e. *Future use of synthetic fuels* (§ 503.24). This revision would update § 503.24 to provide, consistent with Section 175 of the Energy Security Act, Public Law 96-294, that this temporary exemption may be granted for an initial period of up to 10 years.

f. *Public interest* (§ 503.25). In the interest of brevity, and since each petition will be evaluated on a case-by-case basis, ERA proposes to delete the Policy Note in this section.

g. *Inability to obtain adequate capital* (§ 503.35). In the case of a powerplant, the current regulation requires a utility system with a generating capacity greater than or equal to 2000 megawatts to demonstrate, on a parent company basis, that the specific restrictions which constrain the utility's ability to raise debt or equity capital could not be alleviated by any future action of the public utility commission or other regulatory authority. It has been suggested that this requirement may be perceived as constituting an unwarranted Federal intrusion into State ratemaking authority. ERA proposes to delete this requirement based upon its determination that it unnecessarily restricts the availability of the exemption.

h. *Cogeneration* (§ 503.37). ERA proposes to combine interim rule exemption provisions for installations and powerplants found in §§ 503.37 and 505.27 into one section.

For the oil or gas savings criterion for establishing eligibility, ERA proposes a certification procedure. For the alternative public interest criterion, ERA would require an explanation of the public interest factors which a petitioner believes are sufficient to support grant of its exemption.

The foregoing revisions are proposed in the interest of reducing regulatory burdens. On August 11, 1980, 45 FR 53368, ERA proposed substantive revisions to the cogeneration exemption sections. Consideration of the testimony and public comments on that NOPR is proceeding under the separate Docket No. ERA-R-80-24.

i. *Fuel mixtures* (§ 503.38). ERA proposes to disassociate the amount of oil or gas permitted to be used in a mixture under this exemption from the presumed 25 percent exclusion from the definition of "primary energy source" (§ 500.2) of oil and gas used for unit ignition, startup, testing, flame stabilization and control. This proposal is based on the recognition that economic forces will generally act to minimize the percentage of oil or gas used in a mixture, since a user can be expected to offset the high price of oil or gas by increasing the percentage of less expensive coal wherever feasible. Thus, a facility receiving a mixtures exemption would be permitted to burn the amount of oil or gas permitted under the order granting the exemption in addition to any fuel which is used for the ignition, startup, testing, flame stabilization, and control purposes identified under the definition of primary energy source.

j. *Impairment of reliability* (§ 503.40). Current regulations impose terms and conditions on the reliability exemption such that the unit is allowed to operate only during the period of the reliability impairment. Thus, when the reliability problem no longer exists, the unit would have to cease operation under this exemption. ERA proposes to delete these terms and conditions.

The current rules also impose eligibility requirements which state that the electric region in which the utility is located must have an impairment of reliability measured by Loss of Load Probability (LOLP). These LOLP standards vary from one day in one year to one day in five years, depending on the date of the commencement of operation. ERA proposes to adopt a uniform LOLP standard of one day in ten years, which is both more fuel efficient and more widely accepted in the utility industry as a measure of impaired reliability.

k. *Peakload powerplants* (§ 503.41). Under the current rules for this exemption, a petitioner is required to certify that the powerplant would be operated solely as a peakload powerplant and only to meet peakload demand for its remaining life. Some commenters felt that the latter requirement exceeded the bounds of ERA's discretion under the Act. Others indicated that the added requirement that an exempted peakload unit only be operated to meet peakload demand, was inconsistent with the historical use of peakload units to meet other contingencies, such as forced outages and maintenance periods.

ERA proposes to delete the explicit regulatory requirement that a peakload unit be operated solely to meet peakload demand. ERA believes that the requirement that a unit be operated solely as a peakload powerplant, as defined in section 103(a) of the Act (i.e., its electrical generation in kilowatt hours does not exceed, for any 12-month period, design capacity multiplied by 1500 hours), will be sufficient to meet the statutory criteria for this exemption. This revision would comport with the purposes of the Act, by eliminating an unnecessary, and potentially inefficient constraint on recipients of the peakload exemption.

In addition, the present rules provide a certification process for combustion turbine peaking units and a more complex evidentiary process for other types of peakload units. ERA proposes that petitions for the peakload exemption be by certification irrespective of the type of unit, since the statute does not distinguish among various types of peakload units.

1. Intermediate Load Powerplant (§ 503.42)

ERA proposes to greatly reduce and simplify the evidentiary requirements for this exemption. ERA believes that the certification approach proposed to be adopted, makes unnecessary submission of the detailed affidavits called for in the final rules.

D. Existing Facilities (Part 504)

In addition to the cost calculation revisions discussed earlier in this Preamble, ERA believes that the language of § 504.6(d) which excludes consideration of Pollution Control and coal handling equipment in determining substantial physical modification may be too restrictive, and proposes to amend paragraph 504.6(d) to permit such considerations.

III. Additional Comments Requested

ERA is not at this time proposing to revise its rules with respect to the following matters, but solicits comments on how these additional matters would affect its implementation of the Act. In addition, ERA solicits comments on any other issues of concern to the public related to DOE's regulatory program implementing the Act. Such comments may address existing as well as new facilities. In particular, ERA solicits comments on whether other fuels should be added to the current regulatory definition of "Alternate fuels" in Part 500.

A. Cost Calculation

ERA is proposing two alternatives to the use of the fuel price indices and associated escalation rates now contained in Tables II–1 and II–2 and required in the cost calculations (§§ 503.6 and 504.12), the first proposal recognizes the very uncertain nature of estimating future fuel prices relative to present prices and to the prices of other fuels. The second proposal explicitly allows for the possibility of regional differences in coal prices.

The "no escalation" alternative would require the petitioner to use unescalated fuel prices for both oil and coal without regard to anticipated real or relative price changes which might occur over the useful life of the unit.

The "own coal rate" alternative would permit the petitioner to use his own substantiated escalation rates for coal rather than those provided by ERA. He would still be required to use the ERA-specified oil rates. The need for some reasonable justification of these rates, however, may be incompatible with the certification process being proposed elsewhere in this NOPR.

B. Lack of Alternate Fuel Supply—(600 Hour Certification)

ERA is requesting comments on and justifications for replacement of the 600 hour certification exemption available to MFBI's (§ 503.21(c)) with (1) the granting of this exemption by rule rather than by order, (2) substitution in the certification exemption of a sliding scale of maximum allowable hours of use depending on unit size, or (3) replacement of the 600 hour maximum with a different number.

The first alternative would remove the exemption petition burden from those units operating less than 600 hours per year. The second alternative would explicitly recognize that a smaller unit can operate more hours and still qualify for an exemption due to cost. The third would change the annual maximum for all qualifying units to reflect relative changes in the cost of coal and oil/gas units since the 600 hour figure was adopted.

C. Imported Petroleum

In the current regulations, the definition of "Cost of petroleum or natural gas" in Part 500 requires that these fuels always be priced at the cost of imported petroleum, regardless of the specific application of the term. ERA, solicits comment on the appropriateness of deleting this definition and requiring that the imported petroleum cost standard only be applied when the cost calculations (§§ 503.6 and 504.12) are used to determine eligibility for a temporary or permanent exemption by reason of cost (§§ 503.21, 503.32, 504.31, and 504.51). In other instances where a net present value calculation is used (e.g., financial feasibility finding), the actual cost fo fuel, not the cost of imported petroleum, could then be used. This change, if adopted, would require conforming language changes in the financial feasibility finding (§ 504.6(j)).

IV. Other Administrative Matters

A. Synthetic Fuels

ERA is concerned that current regulatory language of the synthetic fuels exemption (§ 503.24) may result in a dampening effect upon synthetic fuels development. Consistent with the purposes of the Act, ERA intends to interpret the language requiring the demonstration of a binding contract in a manner most likely to encourage synthetic fuels development.

B. Scheduling of Effective Dates for Prohibition Orders

Section 501.51(c)(2) of the current rules permits ERA some discretion in determining effective dates of final prohibition orders. ERA recognizes that many utilities face severe cash flow restrictions and believes that in some instances scheduling of other expenditures should cause ERA to consider allowing changes in effective dates in order to reflect this situation.

C. Temporary and Permanent Exemptions

A facility covered by the grant of an exemption under FUA will be deemed to be in compliance with applicable prohibitions, within the meaning of Sections 214 and 314 of The Act. A petitioner may therefore seek to qualify, concurrently, for a temporary exemption, to be followed by a permanent exemption, where compliance with applicable prohibitions can be demonstrated by its qualification for the permanent exemption at the expiration of the temporary exemption.

V. Procedural Matters

A. Written Comments

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the issues addressed in this NOPR, and any other issues of concern related to DOE's regulatory program implementing the Act. Comments should be identified on the outside envelope and on the documents submitted with the designation; "Powerplant and Industrial Fuel Use

Act" Docket No. ERA–R–81–06. Fifteen copies should be submitted. All comments received will be available for public inspection in the ERA Office of Public Information, 2000 M Street, N.W., Room B–110, Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All comments received on or before July 27, 1981, will be considered.

If you wish to submit any information or data which you consider to be confidential, you must comply with DOE's freedom of information regulations (10 CFR Part 1004). DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

To facilitate ERA's review of comments, ERA requests that, to the extent possible, any person submitting comments identify each issue commented upon by the appropriate section number of the regulations and submit comments applicable to each such section on a separate page.

B. Public Hearings

The date and location for the public hearing are set forth at the beginning of this Preamble.

You may make a written request for an opportunity to make an oral presentation at the public hearing. If so, you should describe the interest concerned; if appropriate, state why you are a proper representative of a group or class of persons that has such an interest; and provide a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing. If you are selected to be heard at the hearing, ERA will notify you before 4:30 p.m., July 8, 1981. You are requested to make 100 copies of your statement available at the time and place of the hearing.

ERA reserves the right to select the persons to be heard at the hearing (in the event there are more requests to be heard than time allows), to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based upon the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing. This will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may also submit questions to be asked of any person making a statement at the hearing to the address indicated above by 4:30 p.m., July 13, 1981. If you wish to ask a question at the hearing, you may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made. The entire record of the hearing, including the transcript, will be retained by ERA and made available for inspection in the DOE Freedom of Information Office, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., and in the ERA Office of Public Information, Room B–110, 2000 M Street, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

C. Section 102 of the National Environmental Policy Act (NEPA)

DOE has determined that this regulation, as proposed, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. Therefore, the preparation of an Environmental Impact Statement for this proposal is not required under 10 CFR Part 208.

D. Regulatory Flexibility Act

DOE has determined that these proposals, if adopted, will not negatively impact firms that are "small entities" within the meaning of the Regulatory Flexibility Act. Therefore, DOE is not required to publish an initial regulatory flexibility analysis pursuant to Section 603 of that Act.

E. Executive Order No. 12291

Section 8(b) of Executive Order No. 12291 (46 FR 13193 (February 19, 1981)), authorizes the Director of the Office of Management and Budget (the "Director") to exempt any class or category of regulations from any or all requirements of that Executive Order. DOE has obtained an exemption for these Proposed Regulations.

F. Federal Reports Act

When finalized, these rules must be submitted to the Office of Management and Budget (OMB) for clearance under the provisions of the Federal Reports Act. Any data submitted in compliance with provisions of the final rule may require revision or additions as a result of OMB's action.

(Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*), Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); Energy Security Act, Pub. L. 96–294, 94 Stat. 611; E.O. 12009, 42 FR 46267, September 15, 1977)

In consideration of the foregoing, Parts 500, 501, 503, 504 and 505, Subchapter E, "Alternate Fuels" of Chapter II, Title 10 of the Code of Federal Regulations, are proposed to be amended as set forth below.

Issued in Washington, D.C. on the 9th of June, 1981.

James B. Edwards,

Secretary.

PART 500—DEFINITIONS

For the reasons set out in the preamble, Part 500 of Chapter II, Title 10 of the *Code of Federal Regulations* is proposed to be amended as shown.

§ 500.2 [Amended]

(1) In § 500.2 by amending the definitions of "Alternate fuel," "natural gas," and "petroleum" to add at the end of each such definition the following Note:

Note.—DOE has issued Ruling 1981–2 (46 FR 28605 (May 14, 1981)), clarifying the methodology for determining whether a liquid, solid or gaseous waste by-product of refinery or industrial operations, or, in certain cases, natural gas, is commercially unmarketable.

(2) By revising the definition of "Capability to use alternate fuel" in § 500.2 to read as follows:

"Capabilitity to use alternate fuel," for the purpose of the Title II prohibition relating to construction of new powerplants, means the powerplant to be constructed must have the ability, from point of fuel intake, to physically sustain combustion of an alternate fuel and to maintain heat transfer. This alternate fuel must be available to the operator at the facility site at the time it becomes operational or at the expiration of a temporary exemption.

Example: ERA will examine the furance configuration and ash removal capability but will not normally consider the need to install pollution control equipment as a measure of capability to use alternate fuel. Furthermore, ERA will not conclude that the absence of fuel handling equipment, such as conveyor belts, pulverizers, or unloading facilities, bears on the issue of a unit's capability to burn an alternate fuel.

(3) By revising the definition of "Combined cycle unit" in § 500.2, to read as follows:

"Combined cycle unit" means

(1) For a powerplant, an electric power generating unit that consists of a combination of one or more combustion turbine units and one or more steam turbine units with a substantial portion of the required energy input of the steam turbine(s) provided by the exhaust gas from the combustion turbine unit(s). Use of small amounts of supplemental firing for the steam turbine does not preclude the unit from being a combined cycle unit or

(2) For a major fuel burning installation, a unit that consists of a combination of one or more combustion turbine units and one or more waste heat boilers with a substantial portion of the required energy input to the waste heat boiler provided by the exhaust gas from the combustion turbine unit(s).

(4) By amending the definition of "Construction" in § 500.2 by ending the definition after the term "foundation pilings" at the end of the first sentence.

(5) By amending the definition of "Design capability" in § 500.2 by revising paragraph (2) to read as follows:

"Design capability" shall be determined as follows:

(1) * * *

(2) For a major fuel burning installation, defined in Section 103(a)(10) of FUA, the fuel heat input rate of a boiler (Btu/hr) shall be deemed, at the option of the owner or operator, to be either:

(i) the safety valve minimum relieving capacity (lbs/hr) multiplied by the enthalpy difference (Btu/lb) of feedwater input and steam output, divided by the boiler design efficiency (decimal) for the fuel. For the purpose of the definition, the safety valve capacity shall be determined in accordance with the current American Society of Mechancial Engineers Boiler and Pressure Vessel Code; or

(ii) The manufacturer's continuous rating (lb/hr) multiplied by the enthalpy difference (Btu/lb) of feedwater input and steam output divided by the design efficiency (decimal) for the fuel. For the purpose of this definition the manufacturer's continuous rating (MCR) is defined as the maximum load in pounds of steam per hour for which the boiler is designed to operate over a period of time.

(6) In § 500.2 by revising the definitions of "Major fuel burning installation" and "Electric powerplant" to read as follows:

"Electric powerplant" means any stationary electric generating unit consisting of (1) a boiler, (2) a gas turbine, or (3) a combined cycle unit which employs a generator to produce electric power for purposes of sale or exchange and has the design capability of consuming any fuel (or mixture thereof) at a fuel heat input rate of 100 million Btu's per hour or greater. In accordance with Section 103(a)(7)(C) of FUA, the Secretary has determined that it is appropriate to exclude from this definition any unit which has a design capability to consume any fuel (including any mixture thereof) that does not equal or exceed 100 million Btu's per hour.

"Major fuel burning installation" means a stationary unit consisting of a boiler, gas turbine unit, combined cycle unit, or internal combustion engine that has the design capability of consuming any fuel (or mixture thereof) at a fuel heat input rate of 100 million Btu's per hour or greater. This definition does not include:

(1) Any electric powerplant;

(2) Any pump or compressor used solely in connection with the production, gathering, transmission, storage, or distribution of gases or liquids, but only upon the filing of a written certification of such use with ERA in accordance with procedures specified in §§ 501.7 and 501.11 of the regulations. Such certification must be made only for such pumps and compressors which are driven by units with a design fuel heat input rate of 100 million Btu's per hour or greater and which consume petroleum or natural gas. The following information is required:

(i) Unit size in Btu input;

(ii) Equipment function; and

(iii) Geographic location of the unit; or

(3) Steam generators used for crude oil recovery.

Note.—For purposes of clause (2)(ii), also excluded from jurisdiction under the Act is any boiler, combustion turbine, combined cycle unit, or internal combustion engine used to drive pumps and compressors for such purposes, if ninety (90) percent or more of the energy output is used to drive the pumps and compressors.

In accordance with Section 103(a)(10)(C) of FUA, the Secretary has determined that it is appropriate to exclude from this definition any unit which has a design capability to consume any fuel (including any mixture thereof) that does not equal or exceed 100 million Btu's per hour.

(7) By revising the definition of "Primary energy source" in § 500.2 to read as follows:

"Primary energy source" means the fuel or fuels used by any existing or new electric powerplant or major fuel burning installation, except:

(1) Minimum amounts of fuel, not to exceed twenty-five (25) percent, unless otherwise demonstrated, of the total annual Btu heat input of the unit, required for unit ignition, startup, testing, flame stabilization, and control uses; and

(2) Minimum amounts of fuel required to alleviate or prevent:

(i) Unanticipated equipment outages as defined in § 501.191 of these regulations; and

(ii) Emergencies directly affecting the public health, safety, or welfare that would result from electric power outages as defined in § 501.191 of these regulations.

Note.—(1) Any fuel excluded under the provisions of subparagraph (1) of this definition, is in addition to any fuel authorized to be used in any order granting a fuel mixtures exemption under Parts 503 and 504 of these rules. (2) If an auxiliary unit consumes fuel only for the auxiliary functions of unit ignition, startup, testing, flame stabilization, and other control uses, its use of minimum amounts of natural gas or petroleum is not prohibited by FUA, even though the unit is an MFBI. The measurement of such minimum amounts of fuel under the current rule is discussed in *Associated Electric Cooperative*, et al., Interpretation 1980–42 (45 FR 82572 (December 15, 1980)).

(8) By adding a definition of "Rated capacity" in § 500.2 to read as follows:

"Rated capacity", for the purpose of determining reduction in the rated capacity of an existing powerplant, means design capacity, or, at the election of the powerplant owner or operator, the actual maximum sustained energy output per unit of time that could be produced, measured in kilowatts.

§§ 500.4 and 500.5 [Removed]

(9) By removing §§ 500.4 and 500.5.

PART 501—ADMINISTRATIVE PROCEDURES AND SANCTIONS

For the reasons set out in the preamble, Part 501 of Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as shown:

1. By revising §§ 501.2 and 501.3 to read as follows:

§ 501.2 Prepetition conference.

(a) Owners and operators of powerplants and MFBI's may request a prepetition conference with ERA for the purpose of discussing and applicability of 10 CFR Parts 503, 504, and 508 to their situations and the scope of any exemption or other petition that ERA would accept as adequate for filing purposes.

(b) The owner or operator who requests a prepetition conference may personally represent himself or may

designate a representative to appear on his behalf. A prepetition conference or a request for a prepetition conference does not commence a proceeding before ERA.

(c) If ERA agrees to waive any filing requirements under 10 CFR 501.3(d), a memorandum or record stating this fact will be furnished to the potential petitioner within thirty (30) days after the conference. Copies of all applicable memoranda of record must be attached to any subsequently-filed petition.

(d) A record of all prepetition conferences will be included in the public file. ERA may provide for the taking of a formal transcript of the conference and the transcript will be included in the public file.

§ 501.3 Petitions.

(a) *Filing of petitions.* Petitions for exemptions are to be filed with ERA at the address given in 10 CFR 501.11. Upon acceptance (as opposed to filing) of the petition, ERA shall notify the public by **Federal Register** publication that an exemption proceeding has begun.

(b) *Acceptance of petition.* (1) ERA will notify each petitioner in writing within thirty (30) days of receipt of the petition that it has been accepted or rejected and, if rejected, the reasons therefor.

(2) A petition, including supporting documents, will be accepted if the information contained appears to be sufficient to support an ERA determination. Additional information may be requested during the course of the proceeding, and failure to respond to such a request may ultimately result in denial of the requested exemption.

(3) Acceptance of a petition does not constitute a determination that the requested exemption will be granted.

(c) *Rejection of petition.* (1) ERA will reject a petition if it does not meet the information or certification requirements established for the relevant exemptions under Parts 503, 504, and 508. A written explanation of the reasons for rejection will be furnished with notification of the rejection.

(2) A timely-filed petition rejected as inadequate will not be rendered untimely if resubmitted in amended form within ninety (90) days of the date of rejection.

(3) ERA will, within thirty (30) days of receipt of a petition that is found to be incomplete due to minor deficiencies, notify the petitioner of the deficiencies and allow ninety (90) days from the date of notification to cure the specified deficiencies. The failure to cure the deficiencies during this time may result in denial of the requested exemption.

(d) *Waiver of filing requirements.* Upon its own motion or at the request of a petitioner, ERA may waive some or all of the regulatory requirements if the purposes of FUA would be best achieved by doing so.

2. By removing and reserving §§ 501.4 and 501.5 as follows:

§ 501.4 [Reserved]

§ 501.5 [Reserved]

3. By revising § 501.7 to read as follows:

§ 501.7 General filing requirements.

Except as elsewhere indicated otherwise, all documents required or permitted to be filed with ERA or DOE in connection with a proceeding under 10 CFR Parts 503, 504, and 508 shall be filed in accordance with the following provisions:

(a) *Filing of documents.*

(1) Documents including, but not limited to, applications, requests, complaints, petitions (except petitions for exemption), and other documents submitted in connection therewith, filed with ERA are considered to be filed upon receipt.

(2) Notwithstanding the provisions of paragraph (1), an application for modification or rescission in accordance with Subpart G of this Part, a reply to a notice of violation, a response to denial of a claim of confidentiality, or a comment submitted in connection with any proceeding transmitted by registered or certified mail and addressed to the appropriate office is considered to be filed upon mailing.

(3) *Timeliness.* Documents are to be filed with the appropriate DOE or ERA office listed in 10 CFR 501.11. Documents received after regular business hours are deemed filed on the next regular business day. Regular business hours are 8 a.m. to 4 p.m.

(4) *Computation of time.* In computing any period of time prescribed or allowed by these regulations or by an order, the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or Federal legal holiday in which event the period runs until the end of the next day that is neither a Saturday, Sunday, nor a Federal legal holiday.

(5) *Additional time after service by mail.* Whenever a person is required to perform an act, to cease and desist therefrom, or to initiate a proceeding under this part within a prescribed period of time and the order, notice, interpretation or other document is served by mail, three (3) days shall be added to the prescribed period.

(6) *Extension of time.* When a document is required to be filed within a prescribed time, an extension of time to file may be granted upon good cause shown.

(7) *Signing.* All applications, petitions, requests, comments, and other documents that are required to be signed, shall be signed by the person filing the document or a duly authorized representative. Any application, petition, request, complaint, or other document filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless an ERA form otherwise requires. (A false certification is unlawful under the provisions of 18 USC 1001 (1970).)

(8) *Labeling.* An application, petition, or other request for action by DOE or ERA should be clearly labeled according to the nature of the action involved, e.g., "Petition for Temporary Exemption," "Petition for Extension (or Renewal) of Temporary Exemption," both on the document and on the outside of the envelope in which the document is transmitted.

(9) *Obligation to supply information.* A person who files an application, petition, complaint, or other request for action is under a continuing obligation during the proceeding to provide DOE or ERA with any new or newly discovered information that is relevant to that proceeding. Such information includes, but is not limited to, information regarding any other application, petition, complaint, or request for action that is subsequently filed by that person with any DOE office or ERA office.

(10) *The same or related matters.* A person who files an application, petition, complaint, or other request for action by DOE or ERA shall state whether, to the best knowledge of that person, the same or related issue, act or transaction has been or presently is being considered or investigated by any DOE or ERA office, other Federal agency, department or instrumentality; or by a State office, a State or municipal agency or court; or by any law enforcement agency, including, but not limited to, a consideration or investigation in connection with any proceeding described in this Part. In addition, the person shall state whether contact has been made by the person or one acting on his behalf with any person who is employed by DOE or ERA with regard to the same issue, act or transaction or a related issue, act, or transaction arising out of the same factual situation; the name of the person contacted; whether the contact was

verbal or in writing; the nature and substance of the contact; and the date or dates of the contact.

(11) *Request for confidential treatment.* (i) If any person filing a document with DOE or ERA claims that some or all of the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 USC 552); is information referred to in 18 USC 1905; or is otherwise exempt by law from public disclosure, and if such person requests DOE or ERA not to disclose such information, such person shall make a filing in accordance with paragraph (b)(2) below. The person shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for nondisclosure of the information for which confidential treatment is claimed. If the person states that the information comes within the exception in 5 USC 552(b)(4) for trade secrets and commercial or financial information, such person shall include a statement specifying why such information is privileged or confidential. If a document is not so filed, ERA may assume that there is no objection to public disclosure of the document in its entirety.

(ii) DOE or ERA retains the right to make its own determination with regard to any claim of confidentiality. Notice of the decision by DOE or ERA to deny such claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality of information no less than seven (7) days prior to its public disclosure.

(iii) The above provisions (A–B) do not apply to information submitted on ERA forms that contain their own instructions concerning the treatment of confidential information.

(12) *Request for classification of fuel as commercially unmarketable.*

Note.—DOE Ruling 1981–2 (46 FR 26605 (May 14, 1981)), contains a discussion of the criteria for determining the commercial unmarketability of liquid, solid or gaseous waste by-products, and, in certain cases, natural gas under FUA.

(i) *Filing of request.* The owner or operator of a powerplant or installation may file a request for classification of a fuel as commercially unmarketable at the address provided in § 501.11.

(ii) *Contents of request.* A request for classification of a fuel as commercially unmarketable pursuant to the definitions of "Alternate fuel," "Natural gas," and "Petroleum," contained in 10 CFR Part 500 should include a duly executed certification containing the following:

(A) Name of requester.

(B) Identification and location of unit in which the fuel is proposed to be burned.

(C) The calculations made concerning the costs and revenues involved in assessing the commercial marketability of the fuel and the methodology used to make the calculations, including an explanation of the numbers used; and

(D) The Name, address, and telephone number of the person who can supply addition information.

(iii) *Decision on request.* ERA will acknowledge receipt of a request and will render a decision within 60 days of the date of the acknowledgement.

(13) *Separate applications, petitions or requests.* Each application, petition, or request for DOE or ERA action shall be submitted as a separate document, even if the applications, petitions, or requests deal with the same or a related issue, act, or transaction, or are submitted in connection with the same proceeding.

(b) *Number of documents to be filed.*

(1) A petitioner must file an executed original and fourteen (14) copies of all documents submitted to ERA.

(2) Where the petitioner requests confidential treatment of some or all of the information submitted, an original and eleven (11) copies of the confidential document and three (3) copies of the document with confidential material deleted must be filed.

4. By revising §§ 501.31 and 501.32 to read as follows:

§ 501.31 Written comments.

Except as may be provided elsewhere in these regulations, ERA shall provide a period of at least forty-five (45) days, commencing with publication of the Notice of Acceptance of Petition in the **Federal Register** in accordance with 10 CFR 501.63(a), for submission of written comments concerning a petition for an exemption. ERA also shall provide a period of at least fourteen (14) days for submission of written comments concerning a tentative staff analysis or certification commencing with publication of the Notice of Availability of Tentative Staff Analysis or Certification in the **Federal Register**. The period may be extended by ERA in accordance with 10 CFR 501.7(a)(6). (See 10 CFR 501.51(b) with respect to the comment periods applicable to prohibitions by order to existing facilities and the extension of such comment periods.) Written comments shall be filed in accordance with 10 CFR 501.7.

§ 501.32 Conferences (other than prepetition conferences).

Conferences, other than prepetition conferences, will be convened and conducted in accordance with 10 CFR 205.171.

5. By revising paragraph (a) and adding paragraph (c) to § 501.33 to read as follows:

§ 501.33 Requests for a public hearing.

(a) *New Facilities.* Any interested person may submit a written request that ERA convene a public hearing in accordance with Section 701 of FUA—

(1) No later than fourteen (14) days after the publication of a Notice of Availability of Tentative Staff Analysis; or

(2) In the case of a certification exemption, no later than 45 (forty-five) days after publication of the Notice of Acceptance of Petition, or 14 (fourteen) days after publication of a Notice of Availability of Certification, whichever occurs later.

These time periods may be exended at the discretion of ERA.

* * * * *

(c) *Contents of request.* A request for a public hearing must include a description of the requesting party's interest in the proceeding and a statement of the issues involved. The request should, to the extent possible, identify any witnesses that are to be called, summarize the anticipated testimony to be given at the hearing, and outline questions that are to be posed.

6. By revising § 501.40 to read as follows:

§ 501.40 Issuance.

(a) As authorized by Section 711 of FUA and Section 645 of the DEOA, the Administrator, his duly authorized agent or a presiding officer may, in accordance with 10 CFR 205.8, sign, issue, and serve subpoenas; issue special report orders (SRO); administer oaths and affirmations; take sworn testimony, compel attendance of and sequester witnesses; control the dissemination of any record of testimony taken pursuant to this section; and subpoena and reproduce books, papers, correspondence, memoranda, contracts, agreements, or other relevent records of tangible evidence including, but not limited to, information retained in computerized or other automated systems in the possession of the subpoenaed person.

(b) *Petition to withdraw or modify.* Prior to the time specified for compliance in the subpoena or SRO, the person to whom the subpoena or SRO is directed may apply for its withdrawal or

modification as provided in 10 CFR 205.8, except that if the subpoena or SRO is issued by a duly appointed presiding officer, the request to withdraw or modify must be addressed to that presiding officer, and its grant or denial will be decided by him.

7. By removing and reserving § 501.41 as follows:

§ 501.41 [Reserved]

8. By revising paragraph (b) (3) and (5) of § 501.51 to read as follows:

§ 501.51 Prohibition by order-existing facilities.

* * * * *

(b) * * *

(3) ERA shall provide a period for the submission of written comments of at least three months after the date of the proposed order. During this period, the recipient of the proposed order and any other interested person must submit any evidence that they have available at that time relating to each of the findings that ERA is required to make under Section 301(b) of the Act in the case of a powerplant or the findings required by Section 302(a) of the Act in the case of an installation. A proposed order recipient may submit additional new evidence at any time prior to the close of the public comment period which follows publication of the tentative staff analysis or prior to the close of the record of any public hearing, whichever occurs later. The order recipient must, during this period, identify any exemptions for which the unit in question may qualify, or the circumstances under which an exemption might be required, but the recipient need not during this period submit evidence attempting to demonstrate qualifications for the exemption. Petitioner may present evidence relating to the exemption prior to the issuance of a final order. A request by the proposed order recipient for an extension of the three month time period may be granted at ERA's discretion.

* * * * *

(5) An owner or operator of a facility that may be subject to an order may demonstrate prior to issuance of a final prohibition order that the facility would qualify for an exemption if the prohibition had been established by rule. Such demonstration shall be submitted within three months of the issuance of the notice of intention to proceed with the prohibition order. ERA will not delay the issuance of a final prohibition order or stay the effective date of such an order for the purpose of determining whether a proposed order recipient qualifies for a particular exemption unless the demonstration or qualification is submitted prior to or during the second three-month period, or unless materials submitted after the period (i) could not have been submitted during the period through the exercise of due diligence, (ii) address material changes in fact or law occurring after the close of the period, or (iii) consist of amplification or rebuttal occasioned by the subsequent course of the proceeding. A request by the proposed order recipient for an extension of this time period may be granted at ERA's discretion.

* * * * *

9. By revising paragraph (a)(2) of § 501.60 to read as follows:

§ 501.60 Purpose and scope.

(a) * * *

(2) If the petitioner plans to construct or owns, operates, or controls a new MFBI other than a boiler and such unit is subject to a prohibition by order or rule, this subpart establishes the procedures for filing a petition requesting a temporary or permanent exemption under, respectively, Sections 211 and 212 of FUA.

* * * * *

10. By removing and reserving § 501.61 as follows:

§ 501.61 [Reserved]

By adding paragraph (i) to § 501.62 as follows:

§ 501.62 Petition contents.

* * * * *

(i) *Incorporation by reference.* Pertinent information may be incorporated into the petition by reference when this can be done without impeding agency and public review. Referenced materials must be specifically identified and their contents briefly described in the petition. To incorporate by reference, the material must be submitted with the petition, or if previously submitted, the office to which it was submitted must be identified in the petition. The petitioner cannot incorporate by reference material based on proprietary data not available to ERA for review.

12. By revising §§ 501.63 and 501.64 to read as follows:

§ 501.63 Notice of the commencement of an administrative proceeding on an exemption petition.

(a)(1) When a petition is accepted, ERA will publish a notice in the **Federal Register** that an exemption proceeding has commenced. The notice will include a summary of the exemption petition, and publication will commence a public comment period of no less than 45 days during which interested parties may file written comments concerning the petition.

(2) ERA also will notify the appropriate State agency having apparent primary authority to permit or regulate the construction or operation of a powerplant, or any State agency with similar authority over an MFBI, that an exemption proceeding has been commenced and will consult with these agencies to the maximum extent practicable. Copies of all accepted petitions will be forwarded to the Administrator of the EPA, and, if the unit involved is an MFBI, to the Federal Trade Commission.

(b) In processing an exemption petition, ERA shall comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality's implementing regulations, and the DOE guidelines implementing those regulations (45 FR 20694 (March 28, 1980)). Compliance with NEPA may involve the preparation of (1) an environmental impact statement (EIS) evaluating the grant or denial of an exemption petition, (2) an environmental assessment (EA), or (3) a memorandum to the file finding that the grant of the requested petition would not be considered a major federal action. If an EIS is required, ERA will publish in the **Federal Register** a Notice of Intent (NOI) to prepare an EIS as soon as practicable after commencement of the proceeding. A public meeting may be held pursuant to 40 CFR 1501.7 to solicit comments or suggestions on the structure and content of the EIS.

§ 501.64 Publication of notice of availability of tentative staff analysis or certification.

ERA will publish in the **Federal Register** a Notice of the Availability of Tentative Staff Analysis for the temporary public interest exemption, for non-certification environmental exemptions, and for a cogeneration exemption based on the public interest; or, in the case of a certification exemption, a Notice of Availability of Certification. ERA will provide a public comment period of at least fourteen (14) days from the date of publication during which interested persons may make written comments and request a public hearing.

13. By revising paragraph (b) of § 501.66 to read as follows:

§ 501.66 ERA evaluation of the record, decision and order.

* * * * *

(b) ERA may investigate and corroborate any statement in any petition, document, or public comments submitted to it. ERA also may use any relevant facts it possesses in its evaluation and may request submissions from third persons relevant to the petition or other document. ERA also may request additional information, data, or analyses following a public hearing, if any, if this information is necessary to resolve disputed issues in the record. Any information received by ERA following the hearing that is not declared to be confidential under 10 CFR 501.7(a)(11) shall be made part of the public record with opportunity provided for rebuttal.

14. By revising paragraph (d) of § 501.68 to read as follows:

§ 501.68 Decision and order.

* * * * *

(d)(1) ERA may include in any order granting a petition for exemption, except an order granting an exemption under Section 401 of FUA, such terms and conditions as it determines to be appropriate.

(2) ERA may design any terms and conditions included in any temporary exemption issued or extended under Sections 211 and 311 of FUA, to ensure, among other things, that upon expiration of the exemption the persons and powerplant or installation covered by the exemption will comply with the applicable prohibitions under FUA.

15. By revising § 501.100 to read as follows:

§ 501.100 Purpose and scope.

(a) This subpart provides the procedures to be followed by—

(1) An interested person seeking the modification or rescission of a prohibition by rule applicable to a new facility;

(2) An owner or operator of a facility named in a prohibition by rule requesting the modification or rescission of that rule; or

(3) An owner or operator subject to an exemption order or a specific prohibition imposed by order requesting the modification or a rescission of that order.

(b) ERA also may commence a modification or rescission proceeding on its own initiative.

* * * * *

16. By revising paragraph (b)(1) of § 501.133 to read as follows:

§ 501.133 DOE evaluation.

* * * * *

(b) *Criteria.* (1) DOE will base its FUA interpretations on the DEOA and FUA, as applicable, and the regulations and published rulings of DOE as applied to the specific factual situation presented.

* * * * *

17. By revising paragraph (c)(3)(i) of § 501.191 to read as follows:

§ 501.191 Use of natural gas or petroleum for certain unanticipated equipment outages and emergencies defined in section 103(a)(15)(B) of the act.

* * * * *

(c) * * *

(3) * * *

(i) For powerplants, the amounts of natural gas or petroleum required to prevent curtailment of electric supply where the operating utility has, to the maximum extent possible, utilized alternate fuel-fired capacity to prevent such curtailment; and

* * * * *

18. By revising paragraph (a)(2) of § 501.192 to read as follows:

§ 501.192 Use of natural gas or petroleum during a temporary emergency condition pursuant to section 404(g) of the act.

(a) * * *

(2) For peakload powerplants, a curtailment of electric supply would be likely to result.

* * * * *

PART 503—NEW FACILITIES

For the reasons set out in the preamble, Subpart A of Part 503 of Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as shown:

§ 503.2 [Amended]

[1] By removing paragraph (b) from § 503.2.

For the reasons set out in the preamble, Subpart B of Part 503 and Subpart C of Part 504 of Chapter II, Title 10 of the Code of Federal Regulations are proposed to be amended as shown.

§ 503.6 State approval required for powerplant.

(1) By revising § 503.6(e) to read as follows:

* * * * *

(e) *Evidence in support of the cost calculation.* Petitioners for an exemption which requires the use of the cost calculation shall certify that the cost of using alternate fuel substantially exceeds the cost of using oil as a primary energy source as calculated in this section. A brief summary of the petitioner's supporting calculations and estimates shall be submitted with the certification. The summary should address the following:

(1) Cash outlays, investment tax credits, depreciation methodologies, and anticipated salvage for capital investments including a description of all major construction and equipment;

(2) Annual cash outlays for operations and maintenance expenses including the formulas used to compute them;

(3) Annual cash outlays for delivered fuel expenses including the formulas used to compute them; and

(4) If a different useful life than is suggested by ERA (paragraph (d) of this section) is being used, the useful life chosen.

PART 504—EXISTING FACILITIES

(1)(b) By revising § 504.12(e) to read as follows:

§ 504.12 Cost calculations for existing powerplants.

* * * * *

(e) *Evidence in support of the cost calculation.* Petitioners for an exemption which requires the use of the cost calculation shall certify that the cost of using alternate fuel substantially exceeds the cost of using oil as a primary energy source as calculated in this section. A brief summary of the petitioner's supporting calculations and estimates shall be submitted with the certification. The summary should address the following:

(1) Cash outlays, investment tax credits, depreciation methodologies, and anticipated salvage for capital investments including a description of all major construction and equipment;

(2) Annual cash outlays for operations and maintenance expenses including the formulas used to compute them;

(3) Annual cash outlays for delivered fuel expenses including the formulas used to compute them; and

(4) If a different useful life than is suggested by ERA (paragraph (d) of this section) is being used, the useful life chosen.

(2) By revising Appendix II to Part 504 to read as follows:

Appendix II—Fuel Price Computation

(a) *Introduction.* This appendix provides the equations and parameters needed to specify the price of delivered fuels used in computing the cost of using imported petroleum and the cost of using an alternate fuel in Parts 503 and 504 of these regulations. The delivered price of imported petroleum or natural gas used to calculate delivered fuel expenses must reflect (1) the price of imported petroleum, (2) the effects of future real increases in imported petroleum prices, and (3) a substantially exceeds premium. The delivered price of an alternate fuel used to calculate delivered fuel expenses must reflect the petitioner's delivered price of the alternate fuel and the effects of real increases in the price of that alternate fuel. Paragraphs (b) and (c) below provide alternative

procedures to account for projected real increases in the prices of fuels. The petitioner may compute his fuel prices by either of these procedures as long as the same procedure is applied consistently throughout the cost analysis. Table II–1 of this appendix contains the price indices used in option 1 (paragraph (b)) and the inflation index used in computing depreciation in Parts 503 and 504 of these regulations. ERA will change the parameters specified in paragraphs (b)(4) and (c)(4) below and in Tables II–1 and II–2 from time to time after public notice and an opportunity to comment. Revisions shall become effective after final publication. However, the relevant set of parameters for a specific petition for exemption will be the set in effect at the time the petition is submitted or the set in effect at the time a decision is rendered, whichever is more favorable to the petitioner.

(b) *Fuel price computation—option 1.*

(1) The petroleum product price (PFE_i) is computed with Equation II–1.

EQ II–1 $$PFE_i = PF\left(\frac{OPX}{OPX_u}\right) + PREM$$

where:

PF = The current market price of the petitioner's fuel oil per barrel at the time the petition is submitted (f.o.b. the facility). Alternatively, if the petitioner does not currently have a supplier of fuel oil, he should use a simple average of the market prices of fuel oil available to him (capable of being burned in the facility and meeting his area's air quality standards) and sold in his area by at least three suppliers.

PFE_i = Price of fuel oil per barrel in year i.

OPX_i = Oil price index value for year i (see Table II–1).

OPX_u = Oil price index value for year u, the year in which the petition is submitted.

PREM = Substantially exceeds premium added to the price of oil (see paragraph (b)(4) below).

(2) If it is planned to use natural gas in the facility, Equation II–1 must be used to calculate the price of fuel (PFE_n), along with the price of the No. 6 residual fuel oil (PF) which meets the air quality standards in the petitioner's area.

(3) The delivered price of alternate fuel (PFA_i) must reflect the real escalation rate of alternate fuel and must be computed with Equation II–2.

EQ II–2. $$PFA_i = APF\left(\frac{APX_i}{APX_u}\right)$$

The terms of Equation II–2 are defined as follows:

PFA_i = Price of alternate fuel in year i.

APF = The current market price of the alternate fuel (f.o.b. the facility).

APX_i = Alternate fuel price index value of year i (see Table II–1 and paragraph (b)(4)(iii) below).

APX_u = Alternate fuel price index for the year u, the year in which the petition is submitted (see Table II–1 and paragraph (b)(4)(iii) below).

(4) The petitioner shall use the following parameters for Equations II–1 and II–2 of this appendix:

(i) The substantially exceeds premium, PREM, is $1.00 per barrel of oil equivalent.

(ii) The oil price index values, OPX_i and OPX_u, are specified in Table II–1.

(iii) The alternate fuel price index values, APX_i and APX_u, depend on the type of alternate fuel to be used.

(A) If the alternate fuel is solid coal, the petitioner must use the alternate fuel price index for coal in Table II–1.

(B) For all other alternate fuels, the petitioner may use either the alternate fuel price index for coal in Table II–1 or his own substantiated escalation rates and the equation for APX_i in the Footnote to Table II–1.

(c) *Fuel price computation—option 2.*

(1) The petroleum product price (PFE_i) is computed with the Equation II–3.

EQ II–3 $$PFE_i = PF + PREM + FUTR$$

where the terms are the same as those in Equation II–1 with the addition of FUTR, the premium added to the price of oil to account for projected escalation in oil prices as compared to escalation in alternate fuel prices (see paragraph (c)(4)(ii) below).

(2) If it is planned to use natural gas in the facility, Equation II–3 must be used to calculate the price of fuel (PFE_i), along with the price of the No. 6 residual fuel oil (PF) which meets the air quality standards in the petitioner's area.

(3) The price of alternate fuel (PFA) must be the current market price of the alternate fuel (f.o.b. the facility).

(4) The petitioner shall use the following parameters for Equation II–3 of this appendix:

(i) The substantially exceeds premium, PREM, is $1.00 per barrel of oil equivalent.

(ii) The premium added to the price of oil to account for projected escalation in oil prices compared to escalation in alternate fuel prices, FUTR, is $4.00 per barrel of oil equivalent.

Table II–1—*Price and Inflation Indices for Use in the Cost Calculations* [1]

Year	Crude oil price index (OPX)	Alternate fuel price index for coal (APX)	Inflation index (IX)
1980	1.000	1.000	1.000
1981	1.016	1.039	1.095
1982	1.032	1.080	1.179
1983	1.049	1.122	1.257
1984	1.066	1.165	1.329
1985	1.083	1.211	1.398
1986	1.111	1.229	1.464
1987	1.140	1.247	1.519
1988	1.169	1.266	1.565
1989	1.200	1.285	1.612
1990	1.231	1.304	1.660
1991	1.257	1.316	1.710
1992	1.283	1.328	1.761
1993	1.310	1.340	1.814
1994	1.338	1.352	1.868
1995	1.366	1.364	1.925
1996	1.382	1.372	1.982
1997	1.399	1.381	2.042
1998	1.415	1.389	2.103
1999	1.432	1.397	2.166
2000	1.450	1.406	2.231
2001	1.450	1.414	2.298
2002	1.450	1.422	2.367
2003	1.450	1.431	2.438
2004	1.450	1.440	2.511
2005	1.450	1.448	2.586
2006	1.450	1.457	2.664
2007	1.450	1.466	2.744
2008	1.450	1.474	2.826
2009	1.450	1.483	2.911
2010	1.450	1.492	2.998
2011	1.450	1.512	3.088
2012	1.450	1.531	3.181
2013	1.450	1.551	3.276
2014	1.450	1.571	3.375
2015	1.450	1.592	3.476
2016	1.450	1.612	3.580
2017	1.450	1.633	3.688
2018	1.450	1.655	3.798
2019	1.450	1.676	3.912
2020	1.450	1.698	4.029
2021	1.450	1.720	4.150
2022	1.450	1.742	4.275
2023	1.450	1.765	4.403
2024	1.450	1.788	4.535
2025	1.450	1.811	4.671
2026	1.450	1.835	4.811
2027	1.450	1.858	4.956
2028	1.450	1.883	5.104
2029	1.450	1.907	5.258
2030	1.450	1.932	5.415

[1] The index values OPX, APX, and IX in Table II–1 were calculated using the rates (see Table II–2) for the real increase in oil price (Ro), coal price (Ra), and inflation (INF), respectively, and the following equations.

$$OPX_i = \prod_{j=1980}^{i} (1 + Ro_j)$$

$$APX_i = \prod_{j=1980}^{i} (1 + Ra_j)$$

$$IX_i = \prod_{j=1980}^{i} (1 + INF_j)$$

where:

i = Calendar year of index, and

M = Product of terms with index j ranging from 1980 to i.

If the petitioner chooses to supply his own escalation rates for an alternate fuel, as provided in option 1 (paragraph (b)(4)(iii)(B) of Appendix II), he must use the equation for APX_i to calculate the appropriate index values.

Table II–2—*Rates of Fuel Price Increase and Inflation Used in Table II–1*

Year	Ro	Ra	INF
1980	0.000	0.000	0.000
1981	0.016	0.039	0.095
1982	0.016	0.039	0.077
1983	0.016	0.039	0.066
1984	0.016	0.039	0.057
1985	0.026	0.039	0.052
1986	0.026	0.015	0.047
1987	0.026	0.015	0.038
1988–1990	0.026	0.015	0.030
1991–1995	0.021	0.009	0.030
1996–2000	0.012	0.006	0.030
2001–2010	0.006	0.006	0.030
2011–2030	0.000	0.013	0.030

(3) By revising § 503.8 (b) and (c) to read as follows:

§ 503.8 No alternate power supply—general requirement for certain exemptions for new powerplants.

* * * * *

(b) *Criteria.* To meet the demonstration required under paragraph (a) of this section, a petitioner must certify that:

(1) A diligent effort has been made to purchase firm power for the first year of operation to cover all or part of the projected shortfall at a cost that is less than ten (10) percent above the annualized cost of generating power from the proposed plant (including the

capital, operation and maintenance expenses, and fuel at imported petroleum prices); or

(2)(i) Despite these efforts, the reserve margin in the petitioner's electric region, normal dispatch area, or service area, in the absence of the proposed plant, would fall below twenty (20) percent during the first year of proposed operation; or

(ii) Despite these efforts, the reserve margin will be greater than twenty (20) percent but reliability of service would be impaired. In such case, the certification must be related to factors not included in the calculation of reserve margin, such as transmission constraints.

(c) *Evidence.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certification required under paragraph (b) of this section; and

(2) Exhibits containing the basis for the certification submitted under this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support its certification to this general requirement).

* * * * *

(4) By revising § 503.9 to read as follows:

§ 503.9 Use of mixtures—general requirement for certain permanent exemptions.

(a) *Criteria.* To qualify for a permanent exemption, except in the case of an exemption for peakload powerplant or fuel mixtures, Section 213(a)(1) of the Act requires a demonstration that the use of a mixture of natural gas and petroleum and an alternate fuel, for which an exemption under 10 CFR § 503.38 (Fuel mixtures) would be available, would not be economically or technically feasible.

(b) *Evidence.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications to the criteria set forth in paragraph (a) of this section; and

(2) Exhibits containing the basis for the certifications submitted under this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support its certifications to the general requirements).

Note.—In meeting this general requirement, ERA will require a petitioner to examine only mixtures of oil and gas and coal, or such other alternate fuels as ERA and the petitioner agree are reasonable to petitioner's circumstances.

(5) By revising § 503.11 to read as follows:

§ 503.11 Alternative sites—general requirement for permanent exemptions for new powerplants.

(a) *Criteria.* In the case of a powerplant, to qualify for a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inadequate capital or state or local requirements, Section 212 (a), (b) and (h) of the Act require a demonstration that one of these exemptions would be available at any reasonable alternative site for the facility.

(b) *Evidence.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications to the criteria set forth in paragraph (a) of this section; and

(2) Exhibits containing the basis for the certifications submitted under this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support its certifications to this general requirement).

(6) By revising § 503.12 to read as follows:

§ 503.12 Terms and conditions; compliance plans.

(a) *Terms and conditions generally.* A petitioner must comply with any terms and conditions imposed upon the grant of an exemption petition. ERA will limit any such terms and conditions to the unit(s) which is the subject of the petition.

(b) *Compliance plans for temporary exemptions.*

(1) Any compliance plan required to accompany a petition for a temporary exemption shall include the following:

(i) A detailed schedule of progressive events and the dates upon which the events are to take place, indicating how compliance with the applicable prohibitions of the Act will occur;

(ii) Evidence of binding contracts for fuel, or for facilities, for the production of fuel, which are required for compliance with the applicable prohibitions of the Act;

(iii) A schedule indicating how any necessary permits and approvals required to burn an alternate fuel will be obtained; and

(iv) Any other documentary evidence which indicates an ability to comply with the applicable prohibitions of the Act.

(2) Any exemption for which a compliance plan is required shall not be effective until the compliance plan is approved by DOE.

(3) *Revisions of compliance plans.* If the petition is granted, an updated, duly executed plan must be submitted to ERA within one (1) month of an alteration of any milestone in the compliance plan, together with the reasons for the alteration and its impact upon the scheduling of all other milestones in the plan.

(c) *Enforcement.* An exemption is subject to termination upon the violation of any provision of the Act, or non-compliance with any provision of an exemption, including any pertinent terms and conditions.

§§ 503.13 and 503.14 [Removed] and 503.15 [Redesignated as § 503.13]

(7) By removing §§ 503.13 and 503.14 and redesignating § 503.15 as § 503.13.

(8) By redesignating § 503.16 as § 503.14, and revising it to read as follows:

§ 503.14 Fuels search.

Prior to submitting a petition for a permanent exemption for lack of alternate fuel supply, site limitations, inadequate capital, state or local requirements, intermediate load powerplant, or scheduled equipment outages for over 28 days, a petitioner must perform a fuels search by examining the use of coal or, if use of coal would be unreasonable, such other alternate fuels as ERA and the petitioner may agree are reasonable to the petitioner's circumstances, as a primary energy source at the site under consideration, and, for powerplants, at reasonable alternative sites. A petitioner for these exemptions must demonstrate for any fuel examined that he would qualify for an exemption. ERA will not expect a petitioner to evaluate any fuels which have not been demonstrated to be acceptable for use in comparable commercial applications.

For the reasons set out in the preamble, Subpart C of Part 503 of Chapter II, Title 10 of the Code of Federal Regulations, and Subpart D of Part 505 of the interim rules, 44 FR 29014 (May 17, 1979), are proposed to be amended as shown.

§ 503.20 [Amended]

(1) By removing paragraph (d) of § 503.20.

(2) By amending § 503.21 by striking "demonstrate" in paragraph (a) and inserting in its place "certify;" adding paragraph (a)(4); revising paragraphs (b)

and (c); and redesignating paragraph (e) as paragraph (d), as follows:

§ 503.21 Lack of alternate fuel supply.

(a) *Eligibility.* * * * To qualify a petitioner must certify that:

* * * * *

(4) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) All data required by § 503.6 (Cost calculation) of these regulations necessary for computing the cost calculation formula; and

(4) The anticipated duration of the facts which constitute the basis for the exemption.

(c) *Certification alternative for installations.* If the MFBI for which this exemption is being requested will be operated less than 600 full load hours on an annual basis, the petitioner may substitute, in lieu of the requirements in paragraph (b) of this section, a duly executed certification that the unit will be operated less than 600 full load hours annually during the period of the exemption.

(d) *Duration.* * * *

[3] By amending § 502.33 by revising paragraphs (a) and (b) to read as follows:

§ 503.22 Site limitations.

(a) *Eligibility.* Section 211(a)(2) of the Act provides for a temporary exemption to a site limitation. To qualify for such an exemption, a petitioner must certify that:

(1) One or more specific physical limitations relevant to the location or operation of the proposed facility exist which, despite diligent good faith efforts, cannot be overcome before the end of the proposed exemption period;

(2) The petitioner will be able to comply with the applicable prohibitions of the Act at the end of the proposed exemption period; and

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

Note.—Examples of the types of site limitations to which a petitioner may certify in order to qualify for this exemption include:

(i) Alternate fuels would be inaccessible as a result of a specific physical limitation;

(ii) Transportation facilities for alternate fuels would be unavailable;

(iii) Adequate land or facilities for handling, using or storing an alternate fuel would be unavailable;

(iv) Adequate land or facilities for controlling and disposing of wastes would be unavailable, including pollution control equipment or devices necessary to assure compliance with applicable environmental requirements;

(v) Adequate and reliable supply of water would be unavailable, including water for use in compliance with applicable environmental requirements; or

(vi) Other site limitations exist which would not permit the location or operation of the proposed unit using an alternate fuel.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(3) The anticipated duration of the site limitation which constitutes the basis for the exemption.

* * * * *

[4] By amending § 503.23 by adding a new paragraph (d), as follows:

§ 503.23 Inability to comply with applicable environmental requirements.

* * * * *

(d) *Certification alternative.*

(1) To qualify for this exemption, in lieu of meeting the evidentiary requirements of paragraph (b), a petitioner may certify that, for the period of the exemption:

(i) The site for the facility is located in a Class I area as defined in Part C of the Clean Air Act relating to the prevention of significant deterioration of air quality; the use of an alternate fuel will cause or contribute to concentrations of pollutants which exceed the maximum allowable increases in a Class I area even with the use of cost-effective pollution control equipment; the site for the facility is located in a non-attainment area as defined in Part D of the Clean Air Act for any pollutant which would be emitted by the facility; or, even with the use of cost-effective pollution control equipment, the use of an alternate fuel will cause or contribute to concentrations in an air quality control region, of a pollutant for which any national ambient air quality standard is or would be exceeded; and

(ii) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

(2) A petition by certification under this paragraph must include:

(i) Duly executed certifications required under paragraph (a) of this section;

(ii) Exhibits containing the basis for the certifications required under paragraph (1) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this expempton); and

(iii) The anticipated duration of the circmstances which constitute the basis for the exemption.

[5] By revising paragraph (d) of § 503.24 as follows:

§ 503.24 Future use of synthetic fuels.

* * * * *

(d) This temporary exemption may be granted for a period of up to ten (10) years.

[6] By amending § 503.25 by removing existing paragraph (a); redesignating existing paragraph (b) as paragraph (a); adding a new subparagraph (a)(3) to the newly designated paragraph (a); substituting for existing paragraph (c) a new paragraph (b); and redesignating existing paragraph (d) as parargraph (c), as follows:

§ 503.25 Public interest.

(a) *Eligibility.* * * *

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

(b) *Evidence required in support of petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Substantial evidence to corroborate the eligibility requirements identified above; and

(2) The anticipated duration of the circumstances which constitute the basis for the exemption.

(c) *Duration.* * * *

For the reasons set out in the preamble, Subpart D of Part 503 of Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as shown.

[1] By amending § 503.31 by striking "demonstrate" in paragraph (a) and inserting in its place "certify;" adding paragraphs (a) (3), (4), and (5); and revising paragraph (b) to read as follows:

§ 503.31 Lack of alternate fuel supply for the first 10 years of useful life.

(a) *Eligibility.* * * * To qualify a petitioner must certify that:

* * * * *

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(5) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations.

(b) *Evidence required in support of a petition.* A petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

[2] By amending § 503.22 by striking "demonstrate" in paragraph (a) and inserting in its place "certify," adding paragraphs (a) (3), (4), and (5); and revising paragraphs (b) and (c), and removing paragraph (d), as follows:

§ 503.32 Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

(a) *Eligibility.* * * * To qualify a petitioner must certify that:

* * * * *

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(5) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations.

(b) *Evidence required in support of petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly excuted certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations;

(4) Fuels search, as required under § 503.14 of these regulations; and

(5) All data required by § 503.6 (Cost calculation) of these regulations necessary for computing the cost calculation formula.

(c) *Certification alternative for installations.* If the MFBI for which this exemption is being requested will be operated less than 600 full load hours on an annual basis, the petitioner may submit, in lieu of the requirements of paragraph (b) of this section, the following duly executed certifications:

(1) The unit will be operated less than 600 full load hours annually;

(2) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(3) Environmental certifications, as required under § 503.13(b) of these regulations.

[3] By amending § 503.33 by revising paragraphs (a) and (b), to read as follows:

§ 503.33 Site limitations.

(a) *Eligibility.* Section 212(a)(1)(B) of the Act provides for a permanent exemption due to site limitations. To qualify for such an exemption, a petitioner must certify that:

(1) One or more specific physical limitations relevant to the location or operation of the proposed facility exist which, despite good faith efforts, cannot reasonably be expected to be overcome within five years after commencement of operations;

(2) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(3) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(4) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations.

Note.—Examples of the types of site limitations to which a petitioner may certify in order to qualify for this exemption include:

(i) Alternate fuels would be inaccessible as a result of a specific physical limitation;

(ii) Transportation facilities for alternate fuels would be unavailable;

(iii) Adequate land or facilities for handling, using or storing an alternate fuel would be unavailable;

(iv) Adequate land or facilities for controlling and disposing of wastes would be unavailable, including pollution control equipment or devices necessary to assure compliance with applicable environmental requirements;

(v) Adequate and reliable supply of water would be unavailable, including water for use in compliance with applicable environmental requirements; or

(vi) Other site limitations exist which would not permit the location or operation of the proposed unit using an alternate fuel.

(b) *Evidence required in support of the petition.* A petitioner must include in the petition the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

[4] By amending § 503.34 by adding a new paragraph (d), as follows:

§ 503.34 Inability to comply with applicable environmental requirements.

* * * * *

(d) *Certification alternative.*

(1) To qualify for this exemption, in lieu of meeting the evidentiary requirements of paragraph (c) of this section, a petitioner may certify that:

(i) The site for the facility is located in a Class I area as defined in Part C of the Clean Air Act relating to the prevention of significant deterioration of air quality; the use of an alternate fuel will cause or contribute to concentrations of pollutants which exceed the maximum allowable increases in a Class I area even with the use of cost-effective pollution control equipment; the site for the facility is located in a non-attainment area as defined in Part D of the Clean Air Act for any pollutant which would be emitted by the facility; or, even with the use of cost-effective pollution control equipment, the use of an alternate fuel will cause or contribute to concentrations in an air quality control region, of a pollutant for which any national ambient air quality standard is or would be exceeded;

(ii) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(iii) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations; and

(iv) Use of mixtures is not feasible, as required under § 503.11 of these regulations.

(2) A petition by certification under this paragraph must include:

(i) Duly executed certifications required under subparagraph (1) of this section;

(ii) Exhibits containing the basis for the certifications required under paragraph (1) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(iii) Environmental impact analysis, as required under § 503.13 of these regulations; and

(iv) Fuels search, as required under § 503.14 of these regulations.

[5] By revising § 503.35 as follows:

§ 503.35 Inability to obtain adequate capital.

(a) *Eligibility.* Section 212(a)(1)(D) of the Act provides for a permanent exemption due to inability to obtain adequate capital. To qualify, a petitioner must certify that:

(1) Despite good faith efforts the petitioner will be unable to comply with the applicable prohibitions imposed by the Act because the additional capital required for an alternate fuel-capable unit beyond that required for the proposed unit cannot be raised;

(2) In the case of powerplants, this additional capital cannot be raised due to specific restrictions (e.g., covenants on existing bonds) which constrain management's ability to raise debt or equity capital;

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(5) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations.

(b) *Evidence required in support of a petition.* A petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations;

(4) Fuels search, as required under § 503.14 of these regulations.

[6] By amending § 503.36 by striking "demonstrate" in paragraph (a) and inserting in its place "certify"; adding new subparagraphs (a)(5), (a)(6), and (a)(7); and revising paragraph (b) as follows:

§ 503.36 State or local requirements.

(a) *Eligibility.* * * * To qualify a petitioner must certify that:

* * * * *

(5) For powerplants, no alternative power supply exists, as required under § 503.8 of these regulations;

(6) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations; and

(7) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

* * * * *

[7] By amending § 503.37 of the interim rule by revising paragraphs (a), (b)(1), and (d) to read as follows:

§ 503.37 Cogeneration.

(a) *Eligibility.* Section 212(c) of the Act provides for a permanent exemption for cogeneration. To qualify, the petitioner must demonstrate that the economic and other benefits of cogeneration are unobtainable unless petroleum or natural gas, or both, are used, by:

(1) Certifying that:

(i) The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility where the calculation of savings is in accordance with paragraph (c) of this section; and

(ii) Use of mixtures is not feasible, as required under § 503.9 of these regulations; or

(2) Demonstrating that:

(i) It would be in the public interest to grant an exemption to the cogeneration facility because of special circumstances such as technical innovation or maintaining industry in urban areas; and

(ii) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) *Specifications of the cogeneration facility.*

(1) A person proposing to construct a cogeneration facility may apply for an exemption under this section if:

(i) In the case of powerplants, the amount of net electricity that is either sold or exchanged is fifty (50) percent or more of the annual electric power generation of the facility; and

(ii) In the case of installations, the amount of net electricity that is either sold or exchanged is less than fifty (50) percent of the annual electric power generation of the facility.

Net electricity excludes sales or exchanges among owners of the cogeneration facility.

* * * * *

(d) *Evidence required in support of a petition.* The petition must include the following:

(1) To make the demonstration required by subparagraph (a)(1) of this section:

(i) Duly executed certifications required under that subparagraph;

(ii) Exhibits containing the basis for the certifications required under that subparagraph (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(iii) Environmental impact analysis, as required under § 503.13 of these regulations; or

(2) To make the demonstration required by subparagraph (a)(2) of this section:

(i) An explanation of the public interest factors the petitioner believes should be considered by ERA; and

(ii) Environmental impact analysis, as required under § 503.13 of these regulations.

* * * * *

[8] By amending § 503.38 by striking "demonstrate" in paragraph (a) and inserting in its place "certify"; adding a new subparagraph (a)(3); revising paragraph (c); removing paragraphs (d)(3) and (e); redesignating existing paragraph (f) as (e); revising paragraph (e)(2); and removing paragraph (g) as follows:

§ 503.38 Permanent exemption for certain fuel mixtures containing natural gas or petroleum.

(a) *Eligibility.* * * * *To qualify, a petitioner must certify that:*

* * * * *

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

* * * * *

(c) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factural and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) A description of the fuel mixture, including component fuels and the percentage of each such fuel to be used; and

(4) Environmental impact analysis, as required under § 503.13 of these regulations.

(d) *Certification alternative for use of mixture containing less than 25 percent petroleum or natural gas by an installation.*

* * * * *

(1) A duly executed certification stating that the amount of petroleum or natural gas proposed to be used as a primary energy source in the mixture will not exceed twenty-five (25) percent of the total annul Btu heat input of the installation; and

(2) The environmental certifications, as required under § 503.13(b) of these regulations.

(e) *Solar mixtures.* * * *

(2) Petitioner meets the eligibility and evidentiary requirements of paragraphs (a) and (c) of this section.

* * * * *

§ 503.39 [Amended]

[9] By removing paragraphs (d) and (e) from § 503.39.

[10] By amending § 503.40 by striking "demonstrate" and inserting in its place "certify;" adding new subpargraphs (a)(3) and (a)(4); revising paragraph (b)(2), and (c) (paragraph (c) was erroneously designated in the final rule as a second paragraph (b)); and removing paragraphs (d) and (e), as follows:

§ 503.40 Permanent exemption for powerplants necessary to maintain reliability of service.

(a) *Eligibility.* * * * To qualify, a petitioner must certify that:

* * * * *

(3) No alternate power supply exists, as required under § 503.8 of these regulations; and

(4) Use of mixtures is not feasible, as required under §503.9 of these regulations.

(b) *Impairment of Reliability of Service.* * * *

(2) Reliability of service will be considered impaired if the LOLP for a 12-month period, including the initial operational date of the proposed unit, is greater than one day in ten (10) years. For the purpose of calculation of LOLP, if a capacity deficit occurs one or more times in one day, such an event constitutes a one-day loss of load.

* * * * *

(c) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations.

[11] By amending § 503.41 by removing "and to meet peakload demand for the life of the powerplant" at the end of paragraph (a)(1), and (a)(2)(i); revising paragraph (b); and removing paragraphs (c), (d), and (e).

§ 503.41 Peakload powerplants.

* * * * *

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitoner to be sufficient to support the granting of this exemption); and

(3) Environmental certifications, as required under § 503.13(b) of these regulations.

[12] By amending § 503.42 by removing "demonstrate" in paragraph (a) and inserting in its place "certify;" adding paragraphs (a)(7) and (a)(8); revising paragraph (b); removing paragraphs (c) and (d); and redesignating existing paragraph (e) as paragraph (c), as follows:

§ 503.42 Intermediate load powerplants.

(a) *Eligibility.* * * * To qualify, a petitioner must certify that:

* * * * *

(7) Use of mixtures is not feasible, as required under § 503.9 of these regulations;

(8) No alternate power supply exists, as required under § 503.8 of these regulations; and

(9) Alternative sites are not available, as required under § 503.11 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

* * * * *

(13) By amending § 503.43 by removing "demonstrate" in paragraph (a) and inserting in its place "certify;" adding paragraph (a)(4); revising paragraphs (b) and (c); removing paragraphs (d) and (e); and redesignating paragraph (f) as paragraph (d), as follows:

§ 503.43 Scheduled equipment outages for installations.

(a) *Eligibility.* * * * To qualify a petitioner must certify that:

* * * * *

(4) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

(c) *Alternative for use 28 days per year or less.*

If use of the proposed unit is not to exceed an average of 28 days per year over a three-year period, the petitioner may omit the fuels search requirement under § 503.14 from its evidentiary

submissions under paragraph (b) of this section and shall submit, in lieu of the environmental impact analysis under § 503.13, only the environmental certifications required under § 503.13(b) of these regulations.

(d) *Emergency use.* A petition for an emergency exemption may be submitted in addition to a petition for a scheduled equipment outage exemption. Eligibility and evidentiary requirements of each exemption must be satisfied.

PART 504—EXISTING FACILITIES

For the reasons set out in the Preamble, Subpart B of Part 504 of Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as shown:

§ 504.6 [Amended]

[1] By removing from § 504.6(d) the words "* * * or the installation of pollution control or fuel handling equipment," and ending that paragraph with the words "* * * on the basis of cost."

PART 505—NEW MAJOR FUEL BURNING INSTALLATIONS

§ 505.27 [Removed]

(1) It is proposed to amend Part 505 by removing § 505.27.

[FR Doc. 81-17552 Filed 6-11-81; 12:15 pm]
BILLING CODE 6450-01-M

V
4
6
J
E
1
2
8
1
UMI

federal register

Friday
June 12, 1981

Part V

Department of Energy

Bonneville Power Administration

Draft Prototype Power Sales Contracts Interpreting Policy Provisions of Pacific Northwest Electric Power Planning and Conservation Act: Publication of Summary of BPA's Proposed Contract Provisions and Request for Public Comment

DEPARTMENT OF ENERGY

Bonneville Power Administration

Draft Prototype Power Sales Contracts Interpreting Policy Provisions of Pacific Northwest Electric Power Planning and Conservation Act: Publication of Summary of BPA's Proposed Contract Provisions and Request for Public Comment

AGENCY: Bonneville Power Administration (BPA), Department of Energy.

ACTION: Notice of draft prototype power sales contracts interpreting policy provisions of Pacific Northwest Electric Power Planning and Conservation Act: Publication of summary of BPA's proposed contract provisions and request for public comment.

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Act or Pub. L. 96–501) requires that BPA simultaneously offer, within 9 months of the date of enactment (September 8, 1981), long-term power sales contracts to (1) existing public body and cooperative customers and investor-owned utility customers; (2) Federal agency customers; (3) electric utility customers participating in the residential exchange; and (4) the direct-service industrial customers. In the public involvement spirit of the Regional Act, this Notice summarizes the draft prototype contracts which have been negotiated to date, and requests public comment on these contracts.

BPA announced the process for public participation and acceptance of public comments in the contracts negotiation process (46 FR 18331, March 25, 1981). Later in response to requests that more opportunities for public comment be available, BPA scheduled and announced public meetings in Boise, Idaho; and Seattle, Washington (46 FR 23287, April 24, 1981); and later announced a special evening session with the negotiating teams in Portland. BPA received views and advice from the public on contract-related matters at these meetings and also received written comments.

Draft prototype power sales contracts and a report on the environmental considerations associated with the contracts are now available for a 30-day public review and comment period. Public meetings to receive oral comments on the draft prototype contracts and environmental report will be held in Portland, Oregon; Seattle and Spokane, Washington; and Boise, Idaho. Written comments are also encouraged. The comments and materials that result from this public review process will be made available to the contract negotiation parties. In August, BPA plans to publish the final prototype contracts and an evaluation of comments received both at the May public meetings and during this June comment period on the draft prototype contracts. The final prototype contracts will be individualized to take into account the individual systems of BPA's utility customers while maintaining their consistency in all major respects with the prototype. BPA plans to offer the power sales and exchange contracts by September 8, 1981.

DATES: Meetings to receive public comment on the draft prototype sales contracts and the environmental report will be held on June 23, 24, and 25, 1981. Registration to provide oral comment at each meeting will be 7 p.m., and the meetings will begin at 7:30 p.m. The meeting on June 23 will be held in the Fidalgo Room of the Seattle Center, 1st North and Republican Street, Seattle, Washington. The meetings on June 24 will be held in the South B Ballroom, Sheraton Hotel, Spokane Falls Boulevard, Spokane, Washington; and in the Bonneville Power Administration Auditorium, 1002 NE. Holladay Street, Portland, Oregon. The June 25 meeting will be held in the East Conference Room of the Hall of Mirrors, Capital Mall, Boise, Idaho. Written comments will be accepted until 30 days after the effective date of this notice.

EFFECTIVE DATE: June 12, 1981.

ADDRESSES: Copies of the draft prototype contracts and the Environmental Report on environmental considerations are available for distribution or review by contacting BPA's Public Involvement office or the BPA Area and District offices shown below. Written comments should be sent to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, Extension 4261. BPA maintains toll-free lines for the use of persons within the region. Oregon callers outside of the Portland area may use the toll-free line, 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California: 800–547–6048. Messages received after normal business hours (after 4:30 p.m. and before 7:30 a.m.) may be recorded on the toll-free lines. Information is also available from:

Mr. John H. Jones, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503–234–3361, Extension 4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–345–0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202.

Mr. Ronald K. Rodewald, District Manager, Suite 117, 23 South Wenatchee, Wenatchee, Washington 98801, 509–662–4377, Extension 379.

Mr. Randall W. Hardy, Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 209–442–4130.

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, Extension 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION: The Regional Act requires that BPA simultaneously offer, within 9 months of the date of enactment, long-term power sales contracts to: (1) existing public body and cooperative customers and investor-owned utility customers; (2) Federal agency customers; (3) electric utility customers participating in the residential exchange; and (4) the direct-service industrial customers. Development and negotiation of prototype contract provisions which will form the basis for the individual contracts offered to each customer began in January 1981 with an organizational meeting. Negotiations continued during regularly scheduled meetings between BPA and representatives of customer groups. BPA announced the process for public participation and acceptance of public comments in the contracts negotiation process (46 FR 18331, March 25, 1981). All sessions were open to the public and any written handouts used during the meetings were made available upon request.

BPA then received requests that public meetings also be held and written comments solicited in the region to identify the concerns of groups and individuals interested in the contract negotiation process. In response to these requests, BPA held two public meetings in Seattle, Washington, and Boise, Idaho, on May 13 and 14, respectively.

and a special evening session with the negotiating teams on May 18 in Portland to receive comments from the public and from various groups on items identified by public interest groups and by other individuals particularly interested in BPA's 1981 contract negotiation process. BPA officials attended the meetings to receive advice and to accept comments. Comments received at the meetings have been treated similarly to comments received in the contract negotiation process. They were distributed to parties, participants, and groups and individuals at or interested in the contract negotiation process. Such comments have been available for the use of the negotiating parties in drafting prototype contracts. Written comments from those unable to attend the meetings or from those who wish to augment their remarks have also been received.

Draft prototype contracts are now available for a 30-day public review and comment period. Elements of the draft prototype contracts and General Contract Provisions are discussed below. BPA has also prepared a report on the environmental considerations that are associated with the issues and alternatives that have been identified during the contract negotiations. The report is also available for review and comment.

BPA has scheduled public meetings to receive oral comments on the draft prototype contracts and the environmental report. The meetings will be held on June 23, 1981, in Seattle, Washington; on June 24, 1981, in Spokane, Washington, and Portland, Oregon; and on June 25, 1981, in Boise, Idaho. Written comments will also be accepted and should be sent to the Public Involvement Coordinator.

The comments and materials that result from the public review process will be made available to the contract negotiation parties. In August, BPA plans to publish an evaluation of comments received at both the May and June hearings and in written material.

The prototype contracts will be individualized to take into account the individual systems of BPA's utility customers, and BPA will offer contracts by September 8, 1981.

I. Discussion of Contract Elements—Prototype Power Sales Agreement

BPA intends to offer contracts consistent with the prototype firm power sales contract which is developed through the negotiating and evaluation of public comment in response to this and earlier notices. The contract will be offered to public bodies cooperatives, Federal agencies and investor-owned utilities for all of the wholesale firm power sales required under the Regional Act. This prototype power sales contract will be applicable for sales both to utilities with generating resources and those without. Positions differing from those of BPA are included where indicated. The Public Power Council (PPC) represented the interests of preference customers and the Inter Company Pool (ICP) represented member investor-owned utilities.

A. *Termination of Contract.* Existing firm power sales contracts of utilities which execute this contract will be terminated and replaced by this contract. Existing contracts for the sale of firm capacity only, such as those held by investor-owned utilities, may be terminated at the election of those parties.

B. *Term of Contract.* All contracts will be effective on the date of execution and will terminate approximately 20 years later on June 30, 2001. BPA has proposed the 20-year term for these power sales contracts, as it has historically, based on the longest term permitted under the Bonneville Project Act of 1937. This affords BPA the greatest opportunity to engage in prudent long-term planning. Some public comment has suggested that the 20-year term could delay implementation of alternative power sales policies.

C. *Definition.* All terms which require specific definitions for use in the contract are listed in alphabetical order.

D. *Exhibits.* The contract incorporates by reference BPA's Wholesale Rate Schedules and General Rate Schedule Provisions, BPA's General Contract Provisions, outlined below, a statement of customer service objectives setting criteria relating to facilities, and several other exhibits showing information necessary to many of the following contract sections.

E. *Service to Load.* BPA reserves the right to fulfill its obligation to serve a utility's load by acquiring conservation measures or other resources and the utility agrees to cooperate and facilitate such effort.

F. *Interpretation of Fish and Wildlife Responsibilities.* Under this section, the parties acknowledge that BPA is obligated under Public Law 96–501 to implement measures to protect, mitigate, and enhance fish and wildlife while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. The parties also agree that this contract shall not prevent the Purchaser's performance of its legal obligations established in any project license or order of the Federal Energy Regulatory Commission (FERC), or prevent or impair the implementation by BPA of measures under section 4 and section 6 of Public Law 96–501 to protect, mitigate, and enhance fish and wildlife. It should be noted regarding fish and wildlife provisions in the contract that, in the allocation section, BPA has stated that the firm capability of the Federal Columbia River hydroelectric projects is their ability to generate firm power within the constraints placed by fish and wildlife operations as well as other authorized uses of the river, and that the firm capability of utility hydroelectric resources may be reduced to meet such utility's fish and wildlife obligations.

G. *Allocation Provisions in the Event of Planning Insufficiency.* The allocation provisions provide that BPA may limit its obligations to supply firm power to utilities' loads if BPA is unable to acquire on a planning basis sufficient resources to supply such loads. This limitation is accomplished by BPA issuing a notice of restriction to a utility and other members of its class of customers. For purposes of issuing notices of restriction under this contract, BPA's customers are divided into three classes: (1) public body and cooperative; (2) Federal agency; and (3) investor-owned utility. The notice will provide that in a future specified year BPA's obligations to these utilities will be limited by allocating BPA's available resources in that year to such utilities pursuant to a set of formulas contained within an exhibit to this contract (see summary below). Such formulas follow requirements established by Pub. L. 96–501 regarding allocation of the capability of the Federal base system and the capability of resources acquired by BPA from utilities pursuant to Pub. L. 96–501.

Public Law 96–501 places several limitations on notices of restriction which are contained in the contract. It specifies that a notice of restriction cannot be issued until BPA has had a reasonable period of experience under Pub. L. 96–501; that the notice of restriction to the public body and cooperative class and Federal agency class may not be effective prior to the operating year that BPA estimates its combined obligations to both classes equal or exceed the firm capability of the Federal base system resources; and that a notice of restriction may not be effective for reasonable minimum period of time following the issuance of the notice of restriction. BPA has specified a reasonable period of experience of 3½ years before a notice of restriction can be given, a notice period to restrict firm energy loads of public body and cooperative or Federal agency

customers of 10 years, and a notice period of 5 years to restrict firm loads of investor-owned utilities and firm peakloads of public body and cooperative and Federal agency customers. The investor-owned utilities believe the reasonable period of experience before the notice can be given should be 4½ years and the public body and cooperative customers believe their energy restriction notice should be 11 years.

The contract sets up a procedure for determining monthy allocations of capacity and energy during an operating year when a notice of restriction is in effect. Such procedure provides that BPA shall establish an estimated allocation by January 1 prior to such operating year. The estimated allocation shall be effective during that operating year until a final allocation is established after August 15, when the extent of refill of the region's reservoirs has been determined and the capabilities of the region's resources can be established for that operating year.

The contract provides a description of the Federal base system resources for the purpose of defining the firm capability of such resources and determining the amount of capability which will be allocated from such resources in the event of insufficiency. BPA has proposed that the resources for which such firm capability will be calculated are the Federal Columbia River Power System Hydroelectric Projects and the capability acquired under long-term contracts in force on the effective date of Pub. L. 96–501. The long-term contracts include Hanford, Washington Nuclear Project (WNP)–1, WNP–2, 70 percent of WNP–3, 30 percent of Trojan, capacity-energy exchange contracts with both Pacific Northwest and Pacific Southwest utilities, and the Goodnoe Hills wind turbines. BPA's intends to acquire resources to replace reductions in the capability of Federal hydroelectric projects in the event of the loss of the entire capability of a project or reductions in the sum of the capabilities specified for the contractual resources. BPA's proposal provides that the firm capability of the Federal base system is a ratcheted amount which will increase to the full capability of the hydroelectric projects and the contractual resources acquired by BPA prior to the Regional Act and would be reduced thereafter only for reduction in the capability of the hydroelectric projects due to other authorized uses of the river. The PPC proposal would limit the capability of the Federal base system resources to the actual output of contractual resources acquired under long-term contracts, limit the replacement of resources in the Federal base system to resources acquired under long-term purchase contracts under section 6 of Pub. L. 96–501 and require approval of at least two-thirds of the public body and cooperative customers before BPA could acquire any replacement resources for the Federal base system.

The contract provides that the firm capability of the Federal base system resources be determined by such resources' contribution to BPA's Firm Load Carrying Capability, while reflecting constraints on use of the rivers due to other authorized uses.

The firm capability of the resources acquired by BPA under Pub. L. 96–501 will be determined in the same manner as Federal base system resources using the estimated peak and energy capability of such resources specified in the resource purchase agreements. BPA may rerate the peak and energy capability of any resource based on the actual performance of such resource by giving 10 years' notice to the utility.

Public Law 96–501 requires that entitlements to power under the allocation formulas which are excess to any particular customer's power requirements in any year first be used to increase the allocations of other utilities in that class. BPA will first use that power to meet its obligations to supply to the public body and cooperative class and to the Federal Agency class an amount of power equal to the amount actually supplied by BPA in the year preceding insufficiency.

BPA has proposed that the remaining amounts of power for the public body and cooperative class and the Federal agency class and the amounts for the investor-owned utility class then be allocated in an ordinal manner to customers in each class. Such ordinal ranking is based upon the amount of resources provided by such customer to BPA under Pub. L. 96–501, divided either by a utility's load growth after the effective date of the Regional Act, or by such load growth and deficits in resources prior to the effective date for investor–owned utilities. BPA would then allocate amounts of intraclass excess entitlements to meet the full requirements of the customers in each class beginning with the highest ranked until the entire amounts of intraclass excess entitlements are allocated. The PPC and ICP have proposed that an ordinal ranking be established but that allocations of intraclass excess entitlements to the investor-owned utility class be made on a pro rate basis based on scuh ordinal ranking instead of an all-or-nothing basis.

BPA has also proposed that a customer's allocation of intraclass excess entitlements be reduced by the amount of firm power necessary to served the amount of the Purchaser's firm load which would have been reduced by cost-effective BPA conservation programs or equivalent customer programs which the utility declined to implement. The PPC has opposed any reduction for failure to implement conservation programs.

BPA has proposed that additional amounts of intraclass excess entitlements which are excess to the needs of a class or amounts of firm power available from resources not subject to the allocation requirements of Pub. L. 96–501 be allocated by methods determined by BPA. Investor-owned utilities have proposed that such allocations be made pro rata to all customers who have deficiency remaining after receiving their allocation under these allocation formulas. The investor-owned utilities have also proposed that customers which have signed the residential purchase/sale contract pursuant to section 5(c) of Pub. L. 96–501 be allowed to request a requirements contract during a period of insufficiency in order to obtain a share of its class' intraclass excess entitlement.

Several matters remain unresolved in the determination of variables for the allocation formula. One issue is which resources of public body and cooperative and Federal agency customers will be considered in making a pro rata allocation of the Federal base system. Another regards the Montana reservation pursuant to Pub. L. 85–428. Preference customers in the State of Montana hold that Pub. L. 85–428 gives them preference as to the power reserved for the State of Montana, as opposed to giving them a right to purchase amounts of power equal to the power to which the reservation applies. A final matter regards the resources to be used in determining the ordinal ranking. BPA has proposed that such resources be the resources acquired by BPA from or on behalf of a utility while the public bodies and cooperatives and the investor-owned utilities believe that such resources should included resources dedicated to serve the purchaser's firm load under section 5(b) of the Regional Act as well as resources sold by a utility to BPA.

H. *Determination of New Large Single Loads.* The Administrator determines whether load has been committed to or contracted for by September 1, 1979. In accordance with the Regional Act, the BPA Administrator shall make that

determination on a case-by-case basis, with the burden of proof on the Purchaser to show why a facility should not be classified as a New Large Single Load.

BPA and the Purchaser will jointly determine, using a list of nonexclusive criteria, what constitutes a facility. Discussion continues on whether interpretive rulemaking or arbitration is the appropriate method for dispute resolution, should BPA and the Purchaser be unable to reach agreement on what constitutes a facility. BPA favors interpretive rulemaking over arbitration for this determination.

All parties concur that an increase in load will be a New Large Single Load if the energy consumption of the Consumer's load associated with a facility during the immediately past 12-month period exceeds by 10 average megawatts or more the Consumer's energy consumption for such facility for the consecutive 12-month period 1 year earlier, or the amount of the contracted for, or committed to, load as of September 1, 1979, whichever is greater.

The ICP wants the contract to state that any shift of an existing load over 10 average megawatts between utilities will be classified as a New Large Single Load. Although BPA agrees with the conclusion, it wants to avoid terms in a power sales contract that makes commitment with one class of customer restricting how BPA might serve another class of customer.

The New Large Single Load section places a reporting requirement on a Purchaser to make a reasonable effort to identify New Large Single Loads as soon as there is an addition of equipment, transformation capacity, or change in operation which likely will result in an increase of 10 average megawatts in a consumer's facility in a 12-month period.

BPA and the Purchaser may agree from the outset that an increase in load associated with a facility is a New Large Single Load. When it cannot be initially determined that an increase in load will eventually become a New Large Single Load, BPA has given the Purchaser the option of backbilling or rebating. Under backbilling the Purchaser is initially billed at the lower Priority Firm Power Rate. If the load eventually become a New Large Single Load, BPA then will backbill the Purchaser for the difference between the initially charge Priortiy Firm Power rate and the higher New Resource Firm Power Rate with interest at BPA's prevailing rate from the date the increase in load becomes a New Large Single Load. If the load never becomes a New Large Single Load it then continues to be billed at the lower rate. Under rebating, BPA charges the Purchaser the higher New Resource Firm Power Rate from the date of commercial operation of the increase in load. If the load eventually becomes a New Large Single Load, BPA continues to charge the higher rate. If the load never becomes a New Large Single Load, the difference between the higher and lower rates is rebated to the Purchaser with interest at BPA's prevailing rate.

The PPC proposed a different approach. It prefers setting up an energy monitoring plan. Under this plan, the Purchaser reports the Consumer's actual energy consumption to BPA each month. When it appears the Consumer's increase in load will becomed a New Large Single Load within the 12-month monitoring period, BPA then becomes responsible for making the determination of when to start charging the load as a New Large Single Load. Under the PPC plan the load either becomes a New Large Single Load and is billed as such from the time BPA makes the determination, or it does not become a New Large Single Load and PBA rebates to the Purchaser the difference between the New Resource Firm Power Rate and the Priority Firm Power Rate from the date the Purchaser was initially billed at the new Resource Firm Power Rate for the New Large Single Load.

Once a load associate with a facility becomes a New Large Single Load, that increase and all future increases to the load are classified as a New Large Single Load and is charged the higher New Resource Firm Power Rate. Any reductions to Consumer's load are on a last-on, first-off basis, which means once a load becomes a New Large Single Load any reductions in load first affects those portions of the load charged at the New Resource Firm Power Rate. In order to be reclassifed as no longer a New Large Single Load by BPA, a Consumer must physically and permanently remove all equipment which had originally impose the New Large Single Load on the Consumer's facility.

BPA and the utilities are in agreement that, should a Purchaser fail to report a New Large Single Load of which it had or reasonably should have had knowledge, that Purchaser will be: (1) backbilled at the higher New Resource Firm Power Rate; (2) charged interest at BPA's prevailing rate; and (3) assessed a late payment charge. In addition, BPA has reserved its legal rights to pursue other remedies.

I. *Limitation on Increase of Loads.* Consistent with similar terms in previous power sales contracts, BPA has proposed that it not be obligated to serve loads that will result in an increase greater than a certain amount until BPA determines it can serve that Load while fulfilling its other firm power obligations, or until the end of a specified notice period. Customers oppose the inclusion of this limitation.

J. *Planning and Operating Information.* This section provides that parties will cooperate with each other in the exchange of planning and operating information. The parties agree to provide such information, subject to reimbursement of reasonable expenses necessarily incurred, or provide access to sources from which the information can be obtained. Such information will be used to develop generation, transmission, and distribution plans and further the concept of one utility planning in the region.

K. *Compensation in the Event of Regional Curtailment.* If BPA has a load-resource deficiency and if a curtailment program is put into effect by voluntary appeals or mandatory action by governmental authority in the Purchaser's service area, BPA will pay direct compensation for the resulting saved power to the Purchasers whose revenue bases are thereby reduced. Compensation will be at a rate equal to the difference between the Purchaser's average retail rate and BPA's wholesale rate.

L. *Purchaser's Firm Resources.* Every year the Purchaser will submit a Firm Resource Exhibit showing its resources which are described by section 5(b)(1)(A) and (B) of the Regional Act for each of the following 10 Operating Years. Each year's submittal will show new information for the tenth year, but will only show those changes in the resources declared for the first 9 Operating Years as are specifically permitted by this section. The Firm Resource Exhibit is considered fixed, except for these specified circumstances, because the amount that the Purchaser is entitled to purchase from BPA is dependent in part on the contents of the Firm Resource Exhibit. Additions of resources will reduce the computed requirements purchase; removals will increase it. All the following provisions on changes of Firm Resources reflect BPA's practical need for advance notice of its obligations, leaving enough time to engage in realistic resource planning and acquisition. The changes that will be permitted are as follows:

1. Any Firm Resource may be added in any Operating Year if it is in accordance with BPA's published, resource-specific annual program implementing the plan of the Regional Council and the Regional Act.

2. Any Firm Resource may be added for any Operating Year if BPA can dispose of any resulting surplus to BPA's resources without sustaining an adverse economic effect.

3. Any Firm Resource may be added if it has a planned capability for the generating facility of 50 average megawatts or less, provided that the Purchaser must give BPA 2 years' notice of the new resource. A shorter notice period has been proposed by preference customers and investor-owned utilities and is being considered.

4. Any Firm Resource in regard to which the Purchaser had previously granted to BPA a written option to purchase may be added within 2 years after the Purchaser withdraws its offer pursuant to this option or BPA declines for any reason to exercise that option. The addition to the exhibit shall be only up to the amounts covered by the option agreement.

5. Any Firm Resource may be added if and to the extent BPA determines that it has a firm load-resource deficiency for the first Operating Year that the Purchaser proposes to add another Firm Resource. In the event of many requests for addition, BPA will give priority to those from which written notice of addition was first received.

6. Any Firm Resource may be removed for the tenth Operating Year of the exhibit if the Purchaser discontinues use of the resource due to obsolescence, retirement, loss of resource, or loss of contract rights, but may be removed earlier than the tenth year if BPA has been able to acquire resources to meet the resulting addition load. Preference customers and investor-owned utilities hold the position that Pub. L. 96–501 gives BPA no right to require 10 years' notice. Both groups believe that they should be able to immediately revise their Firm Resources, and therefore increase their BPA purchase, in the event of an unanticipated loss or factors beyond the Purchaser's control. BPA's position is that Pub. L. 96–501 does not change the principle that the resource owner has control over its operation and maintenance and should bear that risk.

7. Any Firm resource may be removed to the extent that BPA determines it has a firm load-resource surplus in the first Operating Year that the Purchaser proposes to remove such resource. In the event of multiple requests to remove Firm Resources, BPA will give priority in the order that written notice of removal was first received. For BPA determinations of load-resource surplus or deficit for this section and (5) above, investor-owned utilities have proposed that BPA make these determinations for 10 future Operating Years beginning after execution of this agreement. They also proposed a methodology specifying the types of purchases and resrves that should go into the determination, and specifying that three-quarters of the DSI load be included.

8. Any Firm Resource may be removed for any Operating Year or Years to the extent that an equivalent resource is added for the same periods if the resource to be added was not planned as of the date of enactment of the Regional Act to meet firm load in the region, or has been offered for sale to BPA and declined. This is to assure that the sum of all resources which were intended under the Regional Act to be used to serve firm loads will not be decreased.

9. Firm Resources may be added or removed to the extent that corresponding additions or removals are made in the Firm Resource Exhibits of other BPA Purchasers so that BPA's total firm obligation to supply power is not changed.

10. Any Firm Resource may be removed for any Operating Year if BPA acquires that resource from the Purchaser, or may be added for any Operating Year if the resource was recovered from BPA by the Purchaser for use in its load.

11. Any Firm Resource may be removed or added for any Operating Year if and to the extent that the Purchaser gains or loses that Firm Resource as the result of a withdrawal pursuant to contracts in existence on the date of enactment of the Regional Act which have notice periods of less than 10 years. For these cases, the addition to or removal from the Firm Resource Exhibit must be made with the same notice as provided for in those contracts.

12. Any Firm Resource may be added or removed for any Operating Year with BPA's prior written consent.

M. *Designation of Computed Requirements Customers.* This section sets out the criteria by which a Purchaser will be designated to purchase either on a computed requirements basis or a metered requirements basis. Each type of Purchaser will be subject to those sections of the contract that specifically refer to them, and to those provisions in the rate schedules which distinguish between computed requirements customers and others. Under the basic principles of computed requirements, the purchasing utilities operate with BPA as though all parties constituted a single utility. Computed requirements customers must operate their own resources and plan the amounts they purchase from BPA prudently and according to the terms of this Contract or incur charges in excess of the wholesale firm power rates in the event of overrun.

The Purchaser will be designated as a computed requirements customer if it either (1) operates automatic generation control equipment and schedules power with BPA, or (2) does not operate automatic generation control equipment but has the ability to sell power from its resources or to operate its resources in a manner as to cause losses of power or revenue to BPA. If the Purchaser does not have automatic generation control equipment, it will be designated as a computed requirements customer only if it has Firm Resources which are in excess of a specified minimum capability. This minimum capability level has not been determined. Some preference customers with a small proportion of resources in relation to their loads and without automatic generation control equipment hold that they should not be subject to the rate provisions providing for a minimum billing demand equal to 60 percent of the highest such demand for the past 11 months ("ratchet"). They believe that this ratchet was intended to protect BPA against large periodic reductions in sales caused by utilities who own and control a large proportion of resources compared to their loads. BPA's position is that the rates will be applied uniformly. BPA will review the Firm Resource Exhibit submitted by all Purchasers for every year to determine if a change in designation is appropriate, and will give written notice thereof to the Purchaser.

N. *Metered Requirements Sale of Power and Amounts Sold.* This section provides for BPA to make available and a utility to purchase from BPA its metered requirements for firm power for service to consumers in its service area. The section establishes a planning obligation on BPA to meet the firm load of customers being billed on their meters.

The section requires the Purchaser to use the entire output of its firm resources, if it has any, to serve its firm loads and specifies services that BPA agrees to provide to assist such utility in using such output to serve its firm loads. While the contract does not require the utility to purchase services from BPA, BPA reserves the right to establish a standard charge to recover the costs of planned outage reserves, forced outage reserves, spinning reserves, and generation frequency control for utility resources where BPA is providing the services. BPA has also agreed to provide services at standard charges (1) to

insure that the entire output of a utility's resources is shaped under its firm load for all operating hours during the year, or (2) the services necessary to establish a firm planning capability for a utility's resources, including a credit to such utility to compensate it for the output of such resources in excess of its firm load.

The section also provides that utilities, at BPA's request, operate their resources or arrange to receive power available to them under contracts in such a manner as to assist BPA in meeting its total loads. BPA has agreed to compensate the purchaser for any additional costs which are incurred due to the requested operation by BPA.

O. *Metered Requirements Payment for Power Sold.* This section provides that a utility pay BPA for firm power delivered under the previous section pursuant to the appropriate wholesale power rate schedule and billing provisions in the General Contract Provision Exhibit. Such billing provisions have been added to the General Contract Provisions during negotiation of this contract and will later be removed from the General Rate schedule provisions. The section also provides that BPA pay the reimburable costs for resources operated by the customer at BPA's request and for compensation payments to a utility in the event of regional curtailment. The PPC has proposed that the contract specify a low system density discount and a standard for applying the discount which would be fixed for the term of the contract.

P. *Determination of Computed Requirements Purchaser's Assured Capability.* This section controls the method for calculating the Purchaser's Assured Capability of its Firm Resources for purposes of determining the amount of power it will be entitled to purchase from BPA on a computed requirements basis. Wherever possible, this section is consistent with procedures and precedents established in connection with the Pacific Northwest Coordination Agreement, to which BPA and many Pacific Northwest utilities are parties. For example, Assured Capability of all hydroelectric resources will be based on the assumption of occurrence of critical streamflow conditions. For all Purchasers that are parties to the Pacific Northwest Coordination Agreement, the same "critical period" will be used, that is, an historical period during which recorded steamflow would result in the least energy distributed among months in proportion to firm load.

This section continues a longstanding BPA policy that computed requirements Purchasers will operate their own resources so that their purchase from BPA is approximately uniform from 1 year to the next during the critical period, allowing increase for annual load growth. This specifically prevents a computed requirements purchaser from planning which results in large Assured Capabilities for the first part of the critical period and smaller ones in later years, thereby potentially increasing its later demands on BPA and risking regional power shortages for those later years.

Though the annual purchase from BPA must be approximately uniform from 1 year to the next, increasing each year by the amount of the Purchaser's annual load growth, the amounts of the purchase from month to month may be either approximately uniform or may increase or decrease to follow the Purchaser's load shape. If BPA agrees, the Purchaser may increase it purchase for those periods for whch it has planned maintenance of its own resources. This could be planned to coincide with increased flows from Federal resources for migratory fish to prevent waste of the resulting energy.

The methods used to calculate the Purchaser's Assured Capability will be the usual methods used by BPA and its Purchasers. With respect to data relating to factors that affect hydroelectric capabilities, BPA and the Purchaser will use such data and operating constraints as are reasonable and generally accepted. Operating constraints will include operations to achieve environmental and fish and wildlife objectives and requirements. BPA may verify the capabilities of the Purchaser's Firm Resources. The Purchaser must provide firm transmission capacity that is sufficient to transmit the peak capability of each of its Firm Resources to its firm loads. Investor-owned utilities oppose the inclusion of this provision in a power sales contract.

Q. *Purchaser's Computed Requirements and Amount of Power Sold.* The computed requirements sales arrangement provides that BPA will sell to the Purchaser an amount of firm power equal to the difference between the Purchaser's firm loads and the Assured Capability of its Firm Resources. A computed requirements Purchaser will buy this amount either based on a comparison of actual data made after every month, or based on a planned schedule for each month of the coming year, agreed upon by the parties before that year. For Purchasers on the planned basis, the amount of firm power sold will be the difference between the Purchaser's estimated firm loads, as approved by BPA and its Assured Capabilities for each month that year.

Investor-owned utilities proposed a variety of planned computed requirements in which the Purchaser would plan its BPA purchases for the next 10 years. These purchases would be less than 100 percent of the difference between the Purchaser's firm loads and the Assured Capability of its Firm Resources and would be supplemented by firm power purchases that become available on short notice. The concept of a sales arrangement for less than the full net requirements of the Purchaser is novel. BPA has neither accepted nor rejected this proposal. As long as the Purchaser made up the difference with firm purchases rather than secondary energy, the region would have firm resources sufficient for its loads, based on critical streamflow.

For all purchases other than planned or contracted, the amount of power sold will be determined after the end of every month by comparing actual generation of the Purchaser's Firm Resources, actual loads, amounts of power delivered by BPA and by making certain adjustment specifically allowed for in this section and in the Payment section. If the comparison of actual data for the previous month indicated that the Purchaser had taken more power from BPA than the computed requirements formula allowed, the Purchaser may make an adjustment to the amount of its assured energy capability for that month which will be reconciled by corresponding changes for later months. A record of such adjustments will be kept in an account called "Flexibility Account." This concept corresponds to a provision of the Pacific Northwest Coordination Agreement and is subject to similar rules and regulations.

BPA may make advance arrangements to restrict a computed requirements customer for as long as 6 heavy load hours of any day to an amount of power not less than its computed peak requirement. According to the basic computed requirements formula, many customers would ordinarily have a right to take a larger amount of power than this bare minimum. This has had the effect in the past of forcing BPA to maintain a greater amount of peak capability available for the region than it would have had to maintain if it were only obligated to make the bare minimum available on those heavy load hours. BPA's proposal includes a reduction in the customer's power bill if this restriction is invoked.

If a Purchaser cannot produce its Assured Capability, there is a provision

to allow the Purchaser to supplement that Assured Capability by means of a load curtailment program. In the absence of this provision, the computed requirements formula would result in a decrease in the amount of firm power the Purchaser was entitled to receive and the Purchaser would be in danger of being unable to serve its loads.

R. *Power Scheduling.* This section and the Power Scheduling Procedures Exhibit sets out procedures governing the manner in which the Purchaser requests its hour-by-hour deliveries of power from BPA. The Power Scheduling Procedures Exhibit calls for reports of preschedules to be made each day for the following day, limits the revisions that a Purchaser can later make in those schedules, and establishes the amounts of power that can be scheduled during different time periods in relationship to the Purchaser's computed requirements. The exhibit contains deadlines and formulas for maximum schedules and may be revised from time to time by agreement of BPA and the majority of the Purchasers then operating under the exhibit. Other generation utilities state that they cannot meet the BPA deadlines because they can't collect the necessary data until later in the day.

S. *Computed Requirements Payment for Power Sales and Services.* This section describes the rates to be paid for power delivered under this contract as well as some related services. For firm power, it refers to the appropriate firm power rate schedules. Unlike the section on "Metered Requirements Payment for Power Sold," computed requirements payments are not figured strictly from amounts taken but rather by comparing amounts taken with the amounts that should have been taken, according to the computed requirements formula. In the event that the Purchaser has taken more firm power than it was entitled to according to the computed requirements formula, this section provides for overrun payments, subject to other rates and other charges. This section refers to the Relief From Overrun Exhibit, which describes methods for reducing overrun payments under certain limited conditions, procedures for converting certain amounts of overruns to sales of nonfirm energy when BPA had nonfirm energy for sale, and establishes margins providing for smaller charges in the event of smaller overruns.

T. *Ratification of Interim Agreement.* For Purchasers with whom BPA has a wholesale firm power sales contract, this section acknowledges the applicability of the wholesale rate schedules, when they became effective, to deliveries of power made before the effective date of this contract.

II. Discussion of Contract Elements—Residential Purchase and Sale Contracts

A. *Duration of Contract and Related Matters.*

1. *Term.* All contracts will be effective on the later of the date of execution or October 1, 1981, and will terminate on June 30, 2001, consistent with legislative history and BPA's interpretation of the language of Public Law 96–501 referring to "long-term" contracts.

2. *Effective Date.* 2400 hours on September 30, 1981.

3. *Status of Existing Contracts.* These contracts are new and unique in nature and there are no existing contracts of similar type in existence at the present time. Currently, residential customers of investor-owned utilities in the region generally pay higher rates for electric power than do residential customers of BPA's preference utilities because of the investor-owned utilities' lack of access to BPA's firm power. This new contract provides that access.

4. *Termination.* The utility may terminate the agreement upon reasonable terms and conditions as specified in Section 7(b)(2) of the Regional Act if the "rate test" is triggered and the supplemental charge is applied to the utility which drives the cost of the sale to the utility under this contract above the utility's average system cost. The utilities have taken the position that the Regional Act does not preclude BPA from allowing additional termination provisions.

B. *Class of Power.* BPA will sell to the utility at BPA's firm power rate pursuant to Section 7(b) of the Regional Act. The utility will sell back power to BPA at the utility's average system cost.

C. *Amount of Power.* The Regional Act provides that the amount of power to be sold by both parties to each other under the contract is to be equal to the utility's residential load which includes usual farm use and farm irrigation pumping load up to the first 400 horsepower (H.P.) during any month. Existing State rate tariffs will be used to determine the size of this load for each utility participating in the contract.

The 400 H.P. limitation for irrigation and pump loads in the Regional Act has been agreed upon by the parties to mean an upper limit on energy to be exchanged for any farm equal to 400 times the number of hours in the billing period times the conversion factor of 0.746 kilowatts per horsepower.

D. *Demand.* A demand is needed to effect the sale by BPA to the utility at BPA's firm power rate because BPA's firm power rate schedule includes a demand charge. Therefore, the parties have agreed that since residential demand is not measured, that the monthly load factors from the Federal Energy Regulatory Commission (FERC) Form 1, page 431, be used as agreed upon monthly load factors for the sale. Each such monthly load factor will be a rolling average of that month's load factor for the previous 5 years.

E. *In-Lieu Purchase by BPA.* The Regional Act gives BPA the right to purchase power in lieu of purchasing the utility's power at the utility's average system cost if that average system cost exceeds the cost or power to be found elsewhere. BPA will give the same notice for such a purchase to the utility as the utility must give BPA in its power sales contract to reduce its contract demand. BPA will state the amount, duration, source, and cost of any intended acquisition, and such an acquisition shall not be less than 1 year in duration. When the utility receives such notice, the utility will have the option to either reduce the amount of power purchased by BPA under the contract or reduce its rate to be paid by BPA to the new in-lieu rate. BPA will not acquire power for any in-lieu purchases from sources whose costs have previously been assigned to BPA's new resource rate pool pursuant to Section 7(f) of the Regional Act.

F. *Accounting, Review, and Budgeting.* The utilities will keep up-to-date records and accounts showing all transactions and other arrangements under the contract for at least 5 years: these will be maintained in accordance with the system of accounts prescribed by FERC. BPA may, at its expense, conduct reviews or inspection of the records and accounts and related documents pertinent to the agreement.

G. *Cost Benefits.* The utilities will pass through directly to the residential load the cost benefits which accrue to the utility under this contract. Cost benefits have been defined in the proposed contract as a reduction in the utility's wholesale power cost during the term of the contract as a result of the contract.

H. *Definition of Farm and Usual Farm Use.* The Regional Act provides that usual farm use electrical loads and farm irrigation and pump loads up to the 400 H.P. limit may be included under the exchange. The parties have agreed that a farm is a parcel of land which is used primarily for agriculture, and is owned or leased by one or more persons including partnerships and corporations. Agriculture is defined to include the raising and incidental primary processing of crops, pasturage, or

livestock. Usual farm use has been defined as all electrical loads ordinarily associated with agriculture.

III. Discussion of Contract Elements—DSI Contracts

A. *Duration of Contract and Related Matters*

1. *Term.* All contracts will be effective on the date agreed upon among the parties and will terminate approximately 20 years later on June 30, 2001, consistent with legislative history and BPA's interpretation of the language of Public Law 96–501 referring to "long-term" contracts. BPA has proposed the 20-year term for these power sales contracts, as it has historically, based on the longest term permitted under the Bonneville Project Act of 1937. This affords BPA the greatest opportunity to engage in prudent long-term planning. Some public comment has suggested that the 20-year term could delay implementation of alternative power sales policies.

2. *Effective Date.* Proposed by BPA to be July 1, 1981, but may not be later than October 1, 1981.

3. *Status of Existing Contracts.* BPA proposes termination of existing contracts. The DSIs prefer that existing contracts not be terminated, but that deliveries be made pursuant to the terms of the new contracts.

4. *Existing Liabilities.* Any liabilities under current power sales and operating agreements will be preserved until satisfied.

5. *Follow-on Contracts.* BPA will not be obligated to offer a follow-on contract. However, BPA and DSIs would establish a mechanism for assessing mutual desire and ability to execute such contracts. Further, DSIs prefer that BPA acknowledge an obligation to achieve and maintain load/resource balance throughout the contract term. BPA acknowledges its statutory obligations to acquire sufficient resources to meet its contractual obligations.

B. *Class of Power.* The contract would be for a unified class of Industrial Firm Power (IF) and for amounts of Auxiliary Power, subject; to restriction by BPA and curtailment by the customer on the terms and conditions set forth in the contract.

C. *Amount of Power.*

1. *Generally.*

a. The Regional Act entitles each DSI to the amount of power to which it is presently entitled under the IF contracts, including technological improvement allowances for purposes other than plant expansion.

b. The new DSI contracts will contain demand levels known as "Contract Demand" and "Operating Demand;" a contract demand for Auxiliary Power will also be included. The Contract Demand and Operating Demand may be identical for some companies. Contract Demand would represent the maximum amount of power each DSI is entitled to receive from BPA under the new contract. Operating Demand would represent each company's operating level actually achieved or in the process of being attained. Adequate notice would be required for increases or decreases in operating levels that result in operating levels less than or equal to Operating Demand. Notice for certain increases in Operating Demand would be identical to notice provisions of utility contracts (amount of notice is a function of the size of increase). Technological Improvement Allowances (TIA), if granted, would increase both Contract Demand and Operating Demand by the amount of the TIA.

2. *Contract Demand.*

a. Each DSI contract would contain a specified Contract Demand level.

b. Contract Demand for each DSI will be the sum of:

(1) Contract demand in the current IF contract;

(2) Authorized Increases granted in the past and incorporated or scheduled to be incorporated in the current IF contract;

(3) Additional Power actually purchased under current contracts; and

(4) Technological Improvement Allowances that are granted (see Section 4 below).

3. *Operating Demand.*

a. Each DSI contract would contain a specified initial Operating Demand level and scheduled increases thereof, reflecting the company's recent operating experience, announced plans, and current plant capability.

b. Generally, matters such as billings, restriction amounts and allocations of Advance Energy and IRE (see below) would be based on Operating Demand rather than Contract Demand.

c. No notice is required for increases in Operating Demand specified in the Contract. Each DSI may otherwise increase its Operating Demand up to the limit of its Contract Demand upon appropriate notice.

4. *Technological Improvement Allowances (TIS's).*

a. *Availability.* As in existing contracts, TIA are for purposes other than plant expansion.

b. *Amount.* The total TIA pool is limited to one percent per year of the total initial Contract Demand, cumulated and carried forward to the extent not used from July 1, 1978.

c. *Eligibility.* Technological Improvements that (i) meet the contractual criteria; and (ii) are made in the future or by written notice since July 1, 1978, will be eligible. Requests for Technological Improvements not immediately eligible for service as Industrial Firm Power will be served in the interim by Auxiliary Power.

d. *Allocation Among DSIs.* The contract will contain a mechanism for allocating TIA among DSIs in the event that requests in any year for the following 3-year period exceed the amount available for that period, with certain allocation priorities for those DSI's who have not previously been granted their proportionate share of available TI amounts.

e. *Notice.* Same as for increases in utility contracts, except that shorter notice period may apply if the TIA is required by the DSI to comply with a governmental order (*e.g.*, pollution control).

f. *Effect.* TIA that are granted will increase both Contract Demand and Operating Demand, and will decrease the Auxiliary Demand, by the amount of the TIA.

D. *BPA Restriction Rights.*

1. *Generally.*

a. The DSI contracts are required to provide reserves to protect BPA's firm obligations. These reserves are provided through contract rights to interrupt or withdraw power otherwise delivered to the DSIs. The restriction rights may not be exercised for any purpose other than the protection of all BPA firm obligations. Except to the extent of such restriction rights, BPA's contractual obligations to the DSIs are generally identical to its obligations to other customers.

b. For purposes of quantifying specific restriction rights, each DSI Operating Demand is devided into four "quartiles" of equal size "subject to special operating circumstances." Different restriction rights apply to different quartiles. Additional restriction rights apply to Auxiliary Power.

c. The contracts will recognize that some flexibility in adjusting restriction rights over time will be desirable, and that such adjustments may be made by mutual agreement of the parties. In addition, the continued need for periodic Operating Agreements will be acknowledged.

d. Reserves are categorized as planning or operating reserves, depending generally on the purpose of the particular reserve, the duration of the restriction, and the type of shortage that "triggers" BPA's need for and right to exercise the restriction right.

2. *System Stability and Forced Outage.*

a. These reserves will be similar to existing DSI contract provisions. The main difference is that BPA seeks, in place of the present 5-minute limit on dropping 100 percent of the DSI load, a longer period (15–45 minutes). BPA is currently assessing its need for, and the DSI's their ability to withstand, this longer interruption.

b. These reserves are provided by the following specific restriction rights:

(1) *100 Percent Load Drop.* Extension of time limit from 5 minutes to 15–45 minutes is currently being investigated (see above).

(2) *50 Percent Load Drop.* This applies to the DSI loads operating at the time of restriction. A restriction is of up to 2 hours' duration each time employed. The accumulation of all such restrictions cannot exceed in kilowatthours in any calendar year each DSI's Contract Demand multipied by 50.

(3) *25 Percent Load Drop.* This use applies to the second quartile of the Operating Demand. The accumulation of all such restrictions cannot exceed in kilowatthours in any calendar year each DSI's Contract Demand multiplied by 375.

3. *Top Quartile Operating Reserve.*

a. BPA may interrupt a portion of the DSI load, not to exceed 25 percent of the Operating Demand plus the Auxiliary Power, at any time, for any reason, and for any duration. Interruptions may be for capacity or energy or both. Special arrangements may apply when the first quartile is served with DSI firm energy borrowed from a later portion of a critical period.

b. As much notice of interruption as possible under the circumstances will be given.

c. See also "operations In lieu of Restriction", below.

4. *Second Quartile Reserves.*

a. The parties are presently negotiating the extent of the expanded reserve provided by this quartile. The DSIs maintain that this reserve should be only for resource delay and initial operating problems. BPA maintains that this reserve should also be used for failure of existing resources. It is agreed that this quartile will provide a reserve to protect BPA's other firm obligations.

b. Currently in disagreement are the following:

(1) *Inability of a Resource to Maintain Designed Capability Once Attained Initially.* BPA wants the second quartile reserve to be available not only to protect firm loads against the delayed completion of planned resources or the failure of such resources to achieve design capability but also to protect firm obligations against the contingency of the loss of capability of such resources once commercial status is attained. The DSIs disagree, particularly if the "loss" is discretionary or volitional, and feel that all loads in the region (including the DSIs) should bear this risk equally in such event.

(2) *Coverage of Existing BPA Resources.* In addition to covering planned resources, BPA wants the reserve to be available in the event an existing resource loses actual capability; the DSIs take the position that only resources "implemented or acquired" by BPA under the Regional Act are to be covered. BPA agrees that such reserves for resources which attained commercial operation shall not be used because of shutdowns incurred under governmental orders.

(3) *Expansion of Second Quartile Reserves.* BPA wants to be able to restrict deliveries to the second quartile on short notice (30–45 days) during the operating year in which: (A) a long-term forced outage occurs, (B) firm loads cannot otherwise be served, (C) replacement energy cannot be purchased at a reasonable price, (D) first quartile reserves are unavailable and (E) forced outage reserves are insufficient. The DSI's maintain this would establish the second quartile as an operating reserve for energy purposes, which BPA states it needs. The DSIs maintain that this is a new proposal not contemplated by the Regional Act. The DSIs believe the intent of the Regional Act is to treat the second quartile as an energy planning reserve only, with notice of possible restriction therefor being given only prior to the Contract Year in which the restriction may occur. BPA believes that there is flexibility for expanded reserves.

c. The parties are currently considering provisions to attempt to resolve the disagreement expressed in subsections (a) and (b) above. The provisions would modify the proposed restriction right in the following manner:

(1) Provide assurances that the right will be exercised only in circumstances in which BPA would otherwise be unable to carry its firm obligations.

(2) Place a reasonable durational limit (or other form of limit) on the exercise of the restriction right, so that a forced outage that cannot be cured (or mitigated by purchases) will become within a reasonable time a regional problem rather than a problem for the DSIs alone. BPA proposes 180 days as a reasonable durational limit in the first Contract Year that the outage occurs, but maintains DSIs will continue to provide reserves for a period up to 10 years;

(3) Exclude from coverage by the restriction right certain types of events imposed by governmental action or which are voluntary, volitional, or otherwise discretionary (*e.g.*, a regional decision to shut down otherwise operable generating units); and

(4) Provide for contractual oversight provision with resource owners and operators to assure prudent operation of resources in order to minimize the risk of this restriction right being exercised.

d. The top quartile operating reserve and the DSI forced outage and stability reserves will be available for any contingency not covered by the second quartile reserve, including unanticipated growth of regional firm loads. The second quartile is not exposed to the extent the region simply fails to plan sufficient resources, but rather to the extent that certain planned resources are not available.

e. BPA recognizes its obligation to acquire resources pursuant to the Regional Act, on a reasonable schedule, to make up for any projected deficit.

E. *BPA Obligations and Operations in Lieu of Restriction.*

1. *Generally.* BPA is obligated to treat three quartiles of the DSI Operating Demand as a firm load for purposes of both resource planning and operation (subject to the restriction rights noted above). BPA is obligated to treat the DSI top quartile as if it were a firm load for purposes of resource operation, but not for purposes of resource planning (subject to the restriction rights noted above). BPA may restrict deliveries to DSIs only for the purpose of making firm power sales to other customers. BPA will use techniques such as Advance Energy or shaping of Firm Energy Load Carrying Capability to borrow DSI firm energy from one time period for use in an earlier time period, subject to additional restriction rights by BPA if repayment of the borrowed energy is necessary to enable BPA to meet its firm obligations.

2. *DSI Load Obligations and Operations.* Because the DSIs' second quartile is a firm load for purposes of resource planning as well as operation, BPA will not restrict deliveries to the DSIs' second quartile unless BPA is unable to meet its total firm obligations in actual operation, including through the purchase of available power at reasonable price. BPA maintains that at present the price of power produced at single-cycle combustion turbines is the reasonable limit. The reasonable limit is expected to vary over time based on

market conditions and other circumstances.

3. *Advance Energy.* Among the specific points that will be included in the DSI contracts with respect to Advance Energy are these:

a. Except for deliveries of Auxiliary Power, Advance energy may be available for any portion of the DSI load that is subject to restriction, within the limits of available amounts.

b. Generally, Advance Energy will be pro-rated among the DSI on the basis of Operating Demands.

c. BPA proposes that if a DSI curtails plant load, it individually may refuse to accept Advance Energy, in whole or in part; the DSIs do not agree that Plant load must be curtailed to refuse acceptance of Advance Energy.

d. The obligation to repay Advance Energy will be discharged in proportion to the refill of the reservoirs at which Advance drafts were made, or to which Advance Energy was transferred, based on energy content of available storage at such reservoirs (taking flood control limits into account).

4. *Operating Agreements.* As is the case in the 1980–81 and 1981–82 Contract Years, BPA and the DSIs may from time to time enter into operating agreements for operations in lieu of restriction in the event the power sales contract does not provide for a particular operating condition. Such operations are secured by BPA rights to restrict in a later time period, if necessary, portions of the DSIs load that would not otherwise be subject to restriction under the terms of the DSIs contracts.

F. *Voluntary Curtailment by the Customer.* Each DSI may curtail its plant load up to the amount of the top quartile, plus Auxiliary Power, generally without a Demand Charge.

G. *Voluntary Termination of Contract.* The DSI prefer, as in section 11(c) of the existing DSI General Contract Provisions, that any DSI may terminate its BPA contract after a rate increase, subject to paying the cost of any BPA facilities used to deliver power to that DSI load. BPA has proposed that a DSI may terminate under such circumstances if the DSI reimburses BPA for the unrecoverable cost of pertinent facilities or resources acquired to serve the DSI, and of residential exchange shortfalls.

H. *Miscellaneous.*

1. *Service From other Sources.*

a. If, with BPA's consent, any DSI transfers to a BPA utility customer any portion of the load that BPA is already serving directly, the Contract Demand and Operating Demand of that DSI will be reduced by the same amount.

b. As required by sections 9(i)(1) and (2) of the Regional Act, BPA will continue to act as agent for the DSIs, in acquiring, at the request and expense of the DSIs, industrial replacement energy (IRE) and in disposing of such IRE at the request and expense of each DSI. BPA will prescribe the terms and conditions of IRE transactions for the purpose of assuring each DSI an opportunity to participate in such acquisitions and dispositions. In addition, BPA proposes (outside the power sales contract) that all acquisitions of IRE and other non-Federal energy by the DSIs shall be subject to preemption by BPA if the IRE has not already been delivered or advanced, and if it is needed to enable BPA to meet its firm obligations, including the DSIs second quartile; the DSIs have not agreed to this.

c. The DSIs propose that circumstances, if any, under which a DSI may acquire resources of its own to provide service to all or a portion of the load that BPA may interrupt should not be decided as part of the present contract negotiation. The DSIs maintain that this question should be deferred for resolution in the context of specific resource proposals if any are later advanced. BPA agrees that the matter can be deferred.

2. *Nongeneric Items.*

a. Alumax special provisions.

b. Furnace reline provision.

c. Rate and Restriction provisions for Hanna.

d. At-site provisions for Anaconda and Martin-Marietta.

IV. Discussion—General Contract Provisions

The General Contract Provisions (GCPs) contain general provisions associated with the power sales contracts for utilities and direct-service industries. Specific information covered by these provisions include billing provisions, provisions for adjusting wholesale power rates, engineering requirements for points of delivery and many others.

Relating to all Purchasers

A. *In Reference to Meaning.* This section provides that provisions contained in the contract shall control the GCPs if there is any conflict with the provisions contained in the body of the attached contract. Defined terms used only in the GCP's are defined in this section.

B. *In Reference to Computations of Charges.* This section contains provisions for interpreting measurements recorded by meters. It contains methods of resolving common disputes over the accuracy of metered measurements.

C. *In Reference to Rates.* This section establishes the procedures BPA must follow to change wholesale rates. It limits such changes to once in any 12-month period, provides that BPA shall establish and publish a methodology for assessing the rate test of Section 7(b) 2 of Public Law 96–501 by July 1, 1983, and reserves BPA's authority to apply a conservation surcharge.

D. *In Reference to Delivery of Power.* This section contains provisions regarding terms for delivery of power including:

Character of Service, which specifies the form of electric power and energy which will be delivered;

Point of Delivery and Delivery Voltage, which describes where ownership of power is transferred to a utility;

Metered Quantities, which describes the amount transferred;

Where Additional Facilities Required, which sets BPA's obligation to provide additional facilities to enable it to supply increases in the Purchaser's requirements for power;

Uncontrollable Force, which defines "Uncontrollable Forces" and limits a party's obligation to deliver or receive power due to such conditions and;

Continuity of Service, which provides that BPA or a transferor may temporarily reduce or interrupt deliveries of power when it is determined there is an emergency or installation of equipment or maintenance work is necessary. Except in the case of emergency, a prior notice is required.

Delivery by Transfer, which specifies BPA's obligation to assure deliveries of power when made by transfer over other utilities.

E. *In Reference to Payment for Power.* This section contains provisions for paying bills and charges in the event of late payments.

F. *In Reference to Use of Power.* This section contains terms regarding engineering requirements for delivery of power. A utility must give reasonable notice to BPA of any unusual increase or decrease in its demands for power and energy. A utility will be liable for any damage to the Federal System which results in such increase or decrease made without BPA's consent. Each party must design, construct, operate, and maintain its electric system in conformance with accepted electric utility practice to minimize electric disturbances. Nothing in this section creates a duty or liability to any person not a party to the contract.

G. *Harmonic Control.* Each party must design, construct, operate, and maintain its electric system in accordance with good engineering practices to minimize the levels of harmonic currents and voltage which could interfere with another party's facilities. A utility must insure that the currents on each phase of a point of delivery are balanced within specified tolerances.

H. *In Reference to Facilities.* This section contains general terms regarding each party's facilities. BPA may install a meter or metering equipment at any time. All meters must be tested at least once every 2 years. If meters are to be located on another party's property, the contract provides a permit for reasonable access.

Ownership of any equipment installed by a party on the property of another party remains in the installing party and shall be marked accordingly. Either party may inspect the other's electric installations used in complying with the terms of this contract at any reasonable time. BPA must design and construct Federal System facilities to maintain the voltage at each point of delivery from Federal System within a certain range above or below the operating voltage.

I. *Miscellaneous Provisions.* This section contains provisions implementing BPA's obligations established by law or executive order, provides for standard contractual terms regarding interpretation of contracts, and includes an arbitration section for resolving disputed facts.

Relating Only to Preference Agencies

This section contains provisions which apply only to preference agencies. It includes provisions for separate operation of municipal utilities from city governments, provisions required for Rural Electrification Administration borrowers, and a savings clause for the preference and priority provisions of the Bonneville Project Act.

Relating Only to Utility Purchases

This section contains provisions which apply only to utilities and not direct-service industries.

A. *In Reference to Computation of Charges.* This section contains provisions for adjusting billing factors to reflect deliveries under prior contracts for billing factors established on the basis of prior deliveries. It also provides for reducing such billing factors in the event of an increase in a utility's resources. Billing factors will also be adjusted to reflect interruptions in delivery.

The section contains provisions for computing billing factors or providing additional charges for multiple points of delivery. Billing factors can also be adjusted to reflect deliveries in reactive power beyond limits specified in the section.

B. *In Reference to Purchaser's Operating Policies.* This section requires utilities to notify BPA of changes in resale rates and provide copies to BPA before they are effective. Utilities are quired to follow Federal Energy Regulatory Commission accounting rules or Rural Electrification Administration accounting rules if applicable. Utilities must provide regular audits.

If BPA restricts any portion of its direct service industries contract, ■ utility shall not, without BPA's permission serve any such portions so restricted with resources available to the utility from BPA.

C. *In Reference Only to Purchaser With Generating Facilities.* A utility shall not sell electric power and energy to utilities who are not dependent on the Purchaser for the major part of their electric power and energy requirements from any portion of the generating facilities that such utility used in determining the assured capability of the utility's generating facility with certain specified exceptions.

At the request of either the party, the other party will make available on the terms stated herein such thermal-generated or hydrogenerated energy as the supplying party determines, when such request is made, that it has available for delivery to the requesting party. If a breakdown of, or emergency on, the system of either party occurs, the other party will make available upon request all or such part of the energy required for such system as the supplier determines it can supply.

Relating Only to Direct-Service Industry Purchasers

These provisions apply only to direct service industries.

A. *In Reference to Computation of Charges.* This section provides for computing billing factors when an industry is purchasing power from sources other than BPA.

B. *In Reference to Purchase.* All electric power and energy delivered under this contract shall be used by an industry in its own operations and the industry shall not resell any part of it. If the industry resells such electric power and energy, BPA shall immediately cancel this contract.

Dated: June 5, 1981.

Earl Gjelde,

Acting Administrotor.

[FR Doc. 81-17597 Filed 6-10-81; 12:20 pm]

BILLING CODE 6450-01-M

Reade

INFORMATI

PUBLICATI

Code of Fed
CFR Unit

General infor
Incorporation
Printing sche

Federal Regi
Corrections
Daily Issue U
General infor
Public Inspec
Scheduling of

Laws
Indexes
Law numbers

Slip law orde

Presidential
Executive ord
Public Papers
Weekly Comp

Privacy Act

United States

SERVICES
Agency servic
Automation
Dial-a-Reg
Chicago, Ill
Los Angele
Washington
Magnetic tape
volumes (G
Public briefing
What It Is
Public Inspect
Regulations W
Special Projec
Subscription
Subscription
TTY for the

FEDERAL R

29239-29452..
29453-29690..
29691-29920..
29921-30072..
30073-30326..
30327-30480..
30481-30622..
30623-30796..
30797-30996..
30997-31248..

Reader Aids

Federal Register

Vol. 46, No. 113

Friday, June 12, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations	
CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
Federal Register	
Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187
Laws	
Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030
Presidential Documents	
Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3
29921-30072.....4
30073-30326.....5
30327-30480.....8
30481-30622.....9
30623-30796.....10
30797-30996.....11
30997-31248.....12

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949).....29939
February 6, 1926 (Revoked by PLO 5948).....29938
April 17, 1926 (Revoked in part by PLO 5950).....29939
February 14, 1933 (Revoked by PLO 5944).....29710
5451 (Revoked by PLO 5947).....29938
11476 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 2306).....29693
12198 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12285 (Amended by EO 12307).....30481
12296 (Amended by EO 12309).....30997
12306.....29693
12307.....30483
12308.....30485
12309 (Amends EO 12296).....30997

Proclamations:
4846.....29691
4847.....30483

Administrative Orders:
Presidential Determinations:
No. 81-8 of June 2, 1981.....30797
No. 81-9 of June 2, 1981.....29921

5 CFR

Ch. XIV.....30327
1200.....30999

Proposed Rules:
Ch. I.....31018

7 CFR

26.....30073
700.....29453
800.....30322
907.....29923, 30799
910.....30012
917.....30075, 30077
953.....29454, 30487
979.....29693
991.....29693
1425.....30327
1944.....29239

Proposed Rules:
102.....30620
201.....30780
989.....30645
993.....29271

8 CFR

204.....29923, 30078
214.....29456

9 CFR

78.....30487
82.....29456, 30488
92.....29239, 29240

10 CFR

2.....30328
51.....29457
376.....29680
390.....29680
440.....29242
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:
2.....30349
30.....29712
40.....29712
70.....29712
500.....31216
501.....31216
503.....31216
504.....31216
505.....31216

12 CFR

303.....30079
552.....30488
570.....30079

Proposed Rules:
213.....29245
226.....29246
332.....31018
337.....31018
526.....30113
545.....30114
569a.....29246
701.....29247, 29482
720.....29248

13 CFR

124.....29251

Proposed Rules:
124.....29276

14 CFR

39.....29252, 29253, 29924-29926, 30332-30334, 30799, 30800
71.....29254-29256, 29927, 30335, 30801-30806

73.....29256, 30806
97.....29257, 30807
135.....30968
152.....30808
207.....31000
208.....31000
212.....31000
302.....31001

Proposed Rules:
Ch. I.....30352
71.....29278–29281, 29947–29951, 30353, 30354, 30833
73.....30833
75.....29280, 29281
323.....29282
302.....29715
399.....29285, 29719, 29727

15 CFR

370.....29457
376.....31001
806.....30336

Proposed Rules:
330.....29662
331.....29662
332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662
373.....30623

16 CFR

13.....29458, 29928, 30337
460.....29256
1031.....29928
1032.....29928
1212.....29696

Proposed Rules:
Ch. II.....29951, 30115
13.....30646

17 CFR

15.....29931
16.....29931
17.....29931
18.....29931
21.....29931

Proposed Rules:
Ch. I.....29952

18 CFR

141.....29459
271.....29697, 29699, 30489–30491
284.....30491
375.....29700
1301.....31002
1309.....30811

Proposed Rules:
157.....30505
271.....30833
375.....30505

19 CFR

101.....29462
134.....30338

Proposed Rules:
Ch. I.....29953
200.....29729

20 CFR

Proposed Rules:
404.....29953

21 CFR

5.....31003
74.....31004
101.....31004
135.....31004
166.....31004
172.....30080
173.....30492, 30493
178.....31005–31007
193.....30338, 30494, 31008
444.....31009
520.....29464, 31010
561.....30339
573.....30081

Proposed Rules:
161.....30505
180.....31020
182.....31020
430.....30115
436.....30115
440.....30115
444.....30115
448.....30115
452.....30115
1308.....29484

22 CFR

41.....30082

Proposed Rules:
171.....30649

24 CFR

235.....29256
570.....29908

26 CFR

1.....29465
7a.....30495
11.....29465
35.....30495

27 CFR

4.....29260
19.....29261
70.....29261
240.....29261
245.....29261
250.....29261
270.....29261
275.....29261

Proposed Rules:
9.....31020

28 CFR

0.....29704, 29931
16.....30495
301.....31204

Proposed Rules:
31.....29438
522.....31210
527.....31210
544.....31210
545.....31210

29 CFR

1910.....31010

Proposed Rules:
530.....29485

30 CFR

250.....29932

31 CFR

51.....29261
535.....30340

32 CFR

199.....29704
294.....29705

Proposed Rules:
298a.....29486

33 CFR

25.....29933
165.....29933
204.....29934

Proposed Rules:
100.....29288
117.....30354, 30834
160.....30835
162.....29954
402.....30838

36 CFR

Proposed Rules:
1190.....30839
272.....31021

37 CFR

Proposed Rules:
201.....30649
202.....30651

38 CFR

3.....31011
21.....29474

Proposed Rules:
21.....31022

39 CFR

601.....30623

Proposed Rules:
10.....30505

40 CFR

52.....29707, 30082, 30496, 31011, 31012
60.....29262
61.....29262
62.....30496
81.....31013
86.....30497
122.....29708, 30624
123.....29935
162.....29708
180.....30342, 30499, 30624, 31014, 31015
260.....29708
261.....29708
264.....29708, 30624
265.....29708, 30624
413.....30625

Proposed Rules:
52.....29289, 29488, 30116, 30355–30366, 30653–30655, 31023, 31024
60.....29955
62.....31026
81.....29281, 30368, 30655, 31027
123.....29292, 31028
180.....30506, 30662
408.....30663
430.....31028
431.....31028
773.....30300

41 CFR

Ch. 12.....30816
15–1.....29709
51–4.....30084
51–5.....30084

Proposed Rules:
Ch. 1.....30369
1–4.....30369
101–11.....30369
101–37.....30369
104–4.....29955

43 CFR

5420.....29262

Public Land Orders:
1281 (Revoked by 5883).....29263
5169 (Amended by PLO 5396 and 5951).....29937
5179 (Amended by PLO 5250 and 5951).....29937
5180 (Amended by PLO 5418 and 5951).....29937
5250 (Amended by PLO 5951).....29937
5396 (Amended by PLO 5951).....29937
5418 (Amended by PLO 5951).....29937
5865.....30500
5866.....30500
5883.....29263
5943.....29710
5944.....29710
5945.....29939
5946.....29939
5947.....29938
5948.....29938
5949.....29939
5950.....29939
5951.....29937
5952.....30086
5953.....30817

Proposed Rules:
35.....29955

44 CFR

64.....29940, 29942, 30626
67.....30500, 30628

Proposed Rules:
55.....29292
61.....29292
67.....29729–29732, 29956, 30116, 30124, 30507, 30663, 30665
300.....29264

45 CFR

3.....30343
46.....29883
74.....30500
235.....29264

Proposed Rules:
71.....29732
301.....30372
304.....29964
1300.....31029

46 CFR

Proposed Rules:
310.....
502.....
547.....

47 CFR

1.....
61.....
64.....
73.....30

81.....
83.....

Proposed Rules:
Ch. I.....
2.....
23.....
31.....
73.....29
30372, 3
94.....

49 CFR

Ch. X.....
1.....
172.....
387.....
531.....
575.....
1000.....
1003.....
1033.....29
1056.....
1100.....
1137.....

Proposed Rules:
171.....
172.....
173.....29
175.....
178.....
1047.....
1127.....
1201.....
1241.....
1248.....

50 CFR

17.....
91.....
301.....
651.....
661.....

Proposed Rules:
17.....
20.....
653.....
682.....

46 CFR

Proposed Rules:
310 30507
502 30666
547 30667

47 CFR

1 30818
61 ..... 29264, 30818
64 29474
73 ..... 30086–30091, 30343, 30344
81 31015
83 31015

Proposed Rules:
Ch. I 30516, 30668
2 30124
23 30124
31 ..... 30150, 30152
73 ..... 29488, 30153, 30154, 30372, 30516–30518, 31029
94 30124

49 CFR

Ch. X 30092
1 29269
172 29392
387 30974
531 29944
575 29269
1000 30502
1003 31016
1033 ..... 29480, 30502, 30632
1056 ..... 29711, 29945
1100 30832
1137 30832

Proposed Rules:
171 29967
172 ..... 29968, 29973
173 ..... 29967, 29968, 29973
175 29968
178 29973
1047 30668
1127 30156
1201 30839
1241 30839
1248 30839

50 CFR

17 29481
91 30633
301 30345
651 30348
661 ..... 29733, 30633

Proposed Rules:
17 29490
20 31030
653 30674
682 30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 10, 1981

V 46 JE 12 81 UMI

6-15-81
Vol. 46 No. 114
Pages 31249-31402

Federal Register

Monday
June 15, 1981

Highlights

31278 **Taxes—Employment** Treasury/IRS announces public hearing on proposed regulations on voluntary withholding from sick pay.

31290 **Energy—Broadcasting Facilities** FCC proposes to permit use of FM Subsidiary Communications Authorization to transmit broadcast signals for Utility Load Management purposes.

31286 **Telecommunications** FCC requests comments on development of policies for authorization of common carrier facilities to meet Pacific region telecommunication needs during 1981–1995.

31267 **Nuclear Material** NRC proposes to improve capabilities for early detection of thefts of intransit special nuclear material of moderate strategic significance.

31294 **Hazardous Materials Transportation** DOT/RSPA requests comments on definition of oxidizers and on test methods which will enable shippers to determine whether products to be shipped are oxidizers.

31257 **Pensions** PBGC adopts additional interest rates and factors for valuation of benefits in non-multiemployer plans that terminated on or after 7–1–81.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

31318, 31320 **Grant Programs—Education** ED announces application closing dates for the College Assistance Migrant Program and the High School Equivalency Program. (2 documents)

31300 **Import** CITA adjusts import restraint levels for certain cotton textile products from India.

31401 **Sunshine Act Meeting**

Privacy Act Document

31306 DOD

V 46 6 J E 1 5 8 1 UMI

Con

31249

31249

31296
31297
31297

31401

31278

31396

31301

31301

31401

31398

31305

Contents

Federal Register
Vol. 46, No. 114
Monday, June 15, 1981

Agricultural Marketing Service
RULES
31249 Lemons grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service.

Animal and Plant Health Inspection Service
RULES
Livestock and poultry quarantine:
31249 Exotic Newcastle disease

Army Department
See Engineer Corps.

Civil Aeronautics Board
NOTICES
Hearings, etc.:
31296 Aerlinte Eireann Teoranta
31297 Air Berlin USA; fitness investigation
31297 Former large irregular air service investigation et al.
31401 Meetings; Sunshine Act

Coast Guard
PROPOSED RULES
Anchorage regulations:
31278 Massachusetts
NOTICES
Committees; establishment, renewals, terminations, etc.:
31396 Rules of the Road Advisory Council; membership

Commerce Department
See Economic Development Administration; International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
NOTICES
Contract market proposals:
31301 Chicago Mercantile Exchange; fresh white eggs contract
31301 Comex Clearing Association, Inc.; guaranty fund, position limits, original margin, and assessments; extension of time

Consumer Product Safety Commisson
NOTICES
31401 Meetings; Sunshine Act

Customs Service
NOTICES
31398 Customs regulations; reprinted looseleaf edition; availability

Defense Department
See also Engineers Corps; Navy Department.
NOTICES
Meetings:
31305 Electron Devices Advisory Group
31305 Science Board task forces
31306 Privacy Act; systems of records

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
31393 Walker, Donald C., N.D., et al.

Economic Development Administration
NOTICES
Import determination petitions:
31297 Clements Wire & Manufacturing Co., Inc., et al.

Economic Regulatory Administration
NOTICES
Consent orders:
31321 Aminoil USA, Inc.

Education Department
NOTICES
Grant applications and proposals, closing dates:
31320 College Assistance Migrant Program
31318 High School Equivalency Program

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.

Engineers Corps
NOTICES
Meetings:
31305 Waterways study, national

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
31261 Delaware
31260 Kentucky
31258, 31259 Pennsylvania (2 documents)
Grants, State and local assistance:
31259 Research and demonstration projects; class deviation
PROPOSED RULES
Hazardous waste programs; interim authorizations; various States:
31279 Virginia; extension of time
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
31279 1,2-Benzisothiazolin-3-one
NOTICES
Air quality; prevention of significant deterioration (PSD):
31347 Delaware; authority delegation
Toxic and hazardous substances control:
31345 Premanufacture notices receipts

Federal Aviation Administration
RULES
Airworthiness directives:
31250, 31251 DeHavilland (2 documents)

31253 Jet routes
31252 Transition areas; correction
31251 VOR Federal airways
31250 VOR Federal airways; correction

PROPOSED RULES

Airworthiness directives:
31268 McDonnell Douglas
31278 Jet routes; correction
31269 Terminal control areas

NOTICES

Meetings:
31397 Aeronautics Radio Technical Commission
31397 Air Traffic Procedures Advisory Committee
Organization and functions:
31397 East Asian International Field Office, Tokyo, Japan; closing

Federal Communications Commission

RULES

Radio stations; table of assignments:
31264 Arizona
31265 Minnesota
31264 South Carolina
Television broadcasting:
31265 Auxiliary broadcast stations; frequency assignment table; technical amendments

PROPOSED RULES

Common carrier services:
31292 Domestic public land mobile radio service; air-ground stations table of assignments, Memphis, Tenn.
31286 Pacific region telecommunications needs, 1981–1995; advance notice
Radio services, special:
31290 Utility load management; FM subsidiary communications authorization

NOTICES

Committees; establishment, renewals, terminations, etc.:
31349 Federal-State Joint Board on Jurisdictional Separations; membership
Hearings, etc.:
31348 Altoona Telephone Message Center
31349 Withers Broadcasting Co.

Federal Deposit Insurance Corporation

NOTICES

31401 Meetings; Sunshine Act

Federal Emergency Management Agency

RULES

Flood elevation determinations:
31262 Wisconsin

PROPOSED RULES

Flood elevation determinations:
31285 California
31283 New Hampshire; correction
31282 New York
31285 New York; correction (2 documents)
31283 North Dakota
31281 Pennsylvania
31284 Utah
31283 Wisconsin

NOTICES

Radiological emergency; State plans:
31350 North Carolina

Federal Energy Regulatory Commission

RULES

Natural Gas Policy Act of 1978; ceiling prices for high cost natural gas produced from tight formations; various States:
31253 Colorado
31254, 31255 New Mexico (2 documents)
31255, 31256 Texas (2 documents)

NOTICES

Hearings, etc.:
31321 Alabama-Tennessee Natural Gas Co.
31322 Algonquin Gas Transmission Co.
31323 Anoka, Minn.
31322 ANR Storage Co.
31322 Arnold, Robert C.
31322 Bartnoff, Shepard
31323 Boston Edison Co.
31323 Cities Service Gas Co.
31324 Clark, Philip R.
31324 Cleveland Electric Illuminating Co.
31324 Columbia Gas Transmission Corp.
31325 Consumers Power Co.
31325 Dakota County, Minn.
31326 Danner, George III, et al.
31326, 31327 Delmarva Power & Light Co. (2 documents)
31327 DeVeny, Willis D.
31328 Dieckamp, Herman M.
31328 East Tennessee Natural Gas Co.
31328 Empire District Electric Co. (2 documents)
31329 Finfrock, Ivan R., Jr.
31329 Florida Gas Transmission Co.
31329 Gas Research Institute
31330 Granite State Gas Transmission, Inc.
31330 Hydro Light, Inc.
31331 Idaho Power Co.
31331 Jersey Central Power & Light Co.
31332 Kuhns, William G.
31332 Lost Hills Water District, Calif.
31333 Montana Power Co. (2 documents)
31333 National Fuel Gas Distribution Corp.
31334 National Fuel Gas Supply Corp.
31334 New England Power Service Co.
31334 New York State Electric & Gas Corp.
31335 Niagara Mohawk Power Corp. (2 documents)
31335, 31336 Northwest Pipeline Corp. (2 documents)
31336 Oasis Pipe Line Co.
31337 Public Service Co. of New Mexico
31337 Sea Robin Pipeline Co.
31337 South Georgia Natural Gas Co.
31337 Southern California Edison Co.
31338 Southern Natural Gas Co.
31338 Stingray Pipeline Co.
31339 Texas Eastern Transmission Corp.
31339 Union Electric Co.
31339 United Gas Pipe Line Co. (2 documents)
31340 Utah Power & Light Co.
31340 VanSchoik, Milton L.
31340 Verrochi, William A.
31340 Yakima—Tieton Irrigation District
31341 York Haven Power Co.
Natural gas companies:
31332 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend

31401 Meetings; Sunshine Act

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
31397 Alameda, Calif.; intent to prepare

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
31257 Home ownership and project rehabilitation; maximum mortgage amounts; interim; correction

Federal Maritime Commission
NOTICES
Energy and environmental statements; availability, etc.:
31350 Gulf European Freight Association et al.

Federal Railroad Administration
NOTICES
Environmental statements; availability, etc.:
31398 Providence, Rhode Island railroad and highway improvements, and elements of Northeast Corridor improvement project

Federal Reserve System
RULES
Credit by brokers and dealers (Regulation T):
31250 Margin accounts; use of foreign currency
NOTICES
Applications, etc.:
31352 Agri Bancorporation
31354 Citizens Deposit Bancshares, Inc.
31352 Dakota Bankshares, Inc.
31354 Eden Bank Holding Co., Inc.
31354 Fall River Bankshares, Inc.
31350 First Interstate International of California
31351 First Wisconsin International Bank
31354 Howe Financial Corp.
31351 Independent Bankshares Corp.
31351 Industrial Bancshares, Inc., et al.
31354 Lac Qui Parle Bancorporation, Inc.
31355 Meeker Bancshares, Inc.
31355 Northwest Bancorporation
31355 Peoples Exchange Bancorp, Inc.
31355 Pittsburgh International Bank
31355 Rainsville Holding Co., Inc.
31356 Republic National Bancshares, Inc.
31351 Southern Bancorporation of Alabama
31351 St. Joseph Bancorporation, Inc.
31356 Weatherford Bancshares, Inc.
Bank holding companies; proposed de novo nonbank activities:
31352 First National Boston Corp. et al.
Committees; establishment, renewals, terminations, etc.:
31356 Consumer Advisory Council; membership

General Services Administration
NOTICES
Public utilities; hearings, etc.; proposed intervention:
31357 Colorado Public Service Co.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
31344 Cases filed
31341 Decisions and orders

Housing and Urban Development Department
See Federal Housing Commissioner—Office of Assistant Secretary for Housing.

Interior Department
See Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

Internal Revenue Service
PROPOSED RULES
Employment taxes:
31278 Sick pay; voluntary withholding; hearing

International Trade Administration
NOTICES
Meetings:
31298 Computer Systems Technical Advisory Committee (2 documents)
Scientific articles; duty free entry:
31297 Emergency Medical Services, Region 2A, Inc.
31298 Southern Illinois University at Carbondale
31299 University of Utah
31299 Veterans Administration

Interstate Commerce Commission
NOTICES
Motor carriers:
31373-31386 Finance applications (3 documents)
31358-31383 Permanent authority applications (4 documents)
31389 Permanent authority applications; restriction removals
31359 Temporary authority applications
Railroad services abandonment:
31392 Norfolk Southern Railway Co.
31393 Waterloo Railroad Co.

Justice Department
See also Drug Enforcement Administration.
NOTICES
Meetings:
31393 Attorney General's Task Force on Violent Crime

Land Management Bureau
NOTICES
Classification of lands:
31357 Idaho; correction

National Highway Traffic Safety Administration
PROPOSED RULES
Motor vehicle safety standards:
31294 Speedometers and odometers; petition denied

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal permit applications, etc.:
31300 Air Force Department
Meetings:
31299 Mid-Atlantic Fishery Management Council

National Park Service
NOTICES
Concession permits, etc.:
31358 Yellowstone National Park, Wyoming
Environmental statements; availability, etc.:
31357 Blue Ridge Parkway, Va.; Appalachian Power Co., proposed 765-kV electric transmission line

Navy Department
NOTICES
Meetings:
31305 Chief of Naval Operations Executive Advisory Committee

Nuclear Regulatory Commission
PROPOSED RULES
Plants and materials, physical protection:
31267 Intransit special nuclear material of moderate strategic significance
NOTICES
Applications, etc.:
31394 Florida Power & Light Co. et al.
31394 North Carolina State University
31395 South Carolina Electric & Gas Co.
31395 Southern California Edison Co. et al.

Parole Commission
NOTICES
31402 Meetings; Sunshine Act

Pension Benefit Guaranty Corporation
RULES
Plan benefits valuation:
31257 Interest rates and factors

Research and Special Programs Administration, Transportation Department
PROPOSED RULES
Hazardous materials:
31294 Oxidizer, definition; advance notice

Securities and Exchange Commission
NOTICES
31402 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
31395 National Securities Clearing Corp.

Small Business Administration
NOTICES
Disaster areas:
31396 Texas

Surface Mining Reclamation and Enforcement Office
RULES
31258 Final rules; deferral of effective dates

Tennessee Valley Authority
NOTICES
31402 Meetings; Sunshine Act

Textile Agreements Implementation Committee
NOTICES
Cotton textiles:
31300 India

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department.

Treasury Department
See Customs Service; Internal Revenue Service.

Veterans Administration
RULES
31262 Procurement (2 documents)
NOTICES
Environmental statements; availability, etc.:
31399 Denver, Colo.; Fort Logan National Cemetery; irrigation
31400 Grand Junction, Colo.; outpatient and clinic addition
31399 Hines, Ill.; 120-bed nursing home care unit

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
International Trade Administration—
31298 Computer Systems Technical Advisory Committee, Foreign Availability Subcommittee, Washington, D.C. (open), 6–30–81
31298 Computer Systems Technical Advisory Committee, Hardware Subcommittee, Washington, D.C. (closed), 6–30–81
National Oceanic and Atmospheric Administration—
31299 Mid-Atlantic Fishery Management Council, Philadelphia, Pa. (open), 7–8, 7–9, and 7–10–81

DEFENSE DEPARTMENT
Corps of Engineers, Army Department—
31305 National Waterways Study, Arlington, Va. (open), 7–21–81
Navy Department—
31305 Chief of Naval Operations Executive Panel Advisory Committee, Alexandria, Va. (closed), 6–30 and 7–1–81
Office of the Secretary—
31305 DOD Advisory Group on Electronic Devices, Working Group D (Mainly Laser Devices), Lexington, Mass. (closed), 7–29 and 7–30–81
31305 Defense Science Board Task Force, Potable Water in Southwest Asia, Arlington, Va. (closed), 7–1–81

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
31397 Air Traffic Procedures Advisory Committee, Seattle, Wash. (open), 7–13 through 7–17–81
31397 Radio Technical Commission for Aeronautics, Special Committee 145, Digital Avionics Software, Seattle, Wash. (open), 7–7, 7–8, and 7–9–81

CHANGED MEETING

JUSTICE DEPARTMENT
31393 Attorney General's Task Force on Violent Crime (open), Chicago, Ill., 6–17–81 and Detroit, Mich., 6–18–81

HEARINGS

TRANSPORTATION DEPARTMENT
Coast Guard—
31276 Establishment of Special Anchorage Area in Boston Inner Harbor, Boston, Mass., 7–9–81

TREASURY DEPARTMENT
Internal Revenue Service—
31278 Voluntary withholding from sick pay, Washington, D.C., 8–11–81

CHANGED HEARING

ENVIRONMENTAL PROTECTION AGENCY
31279 Hazardous Waste Management Program, Virginia Application for Interim Authorization, Phase I, Richmond, Va., 7–30–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
910.....31249

9 CFR
82.....31249

10 CFR
Proposed Rules:
73.....31267

12 CFR
220.....31250

14 CFR
39 (2 documents).....31250, 31251
71 (3 documents).....31250–31252
75.....31253
Proposed Rules:
39.....31268
71.....31269
75.....31278

18 CFR
271 (5 documents).....31253–31256

24 CFR
235.....31257

26 CFR
Proposed Rules:
31.....31278

29 CFR
2610.....31257

30 CFR
700.....31258
716.....31258
785.....31258

33 CFR
Proposed Rules:
110.....31278

40 CFR
30.....31259
40.....31259
52 (4 documents).....31258–31261
Proposed Rules:
123.....31279
180.....31279

41 CFR
8–14.....31262
8–74.....31262

44 CFR
67.....31263
Proposed Rules:
67 (9 documents).....31281–31285

47 CFR
73 (3 documents).....31264, 31265
74.....31265
Proposed Rules:
Ch. I.....31286
2.....31290
22.....31292
73.....31290

49 CFR
Proposed Rules:
173.....31294
571.....31294

V 46 J E 15 81 1 UMI

Rule

This secti
contains r
general ap
of which
the Code
published
U.S.C. 15
The Code
by the Su
Prices of
first FEDE
month.

DEPARTM

Agricultu

7 CFR Pa

[Lemon Re

Lemons G
Arizona; I

AGENCY: A
USDA.
ACTION: Fi

SUMMARY:
the quanti
lemons tha
during the
action is n
marketing
due to the
confrontin

EFFECTIVE

FOR FURTH
William J.

SUPPLEME
This rule h
USDA pro
12291 and
significant
regulation
agreement
910, as am
regulating
in Californ
agreement
the Agricu
Act of 193
674). The a
recommme
submitted
Committee
informatio
action will
declared p

This acti
marketing
marketing
the commit

Rules and Regulations

Federal Register
Vol. 46, No. 114
Monday, June 15, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 309]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period June 14–20, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: June 14, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommmendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on June 9, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Section 910.609 is added as follows:

§ 910.609 Lemon Regulation 309.

The quantity of lemons grown in California and Arizona which may be handled during the period June 14, 1981, through June 20, 1981, is established at 340,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 10, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–17776 Filed 6–12–81; 8:45 am]
BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Maricopa County in Arizona from areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the areas quarantined.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 751, Hyattsville, MD 20782, 301–436–8093.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule."

The Department has determined that this rule will have an annual effect on the economy of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it removes the quarantines imposed due to exotic Newcastle disease concerning only two premises, neither of which are owned by a small entity.

Therefore, this amendment releases a portion of Maricopa County in Arizona from the areas quarantined because of

exotic Newcastle disease. The restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the released areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. The authority citation for Part 82 reads as follows:

Authority: Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

2. In § 82.3(c)(3), relating to the State of Arizona, the following premises are removed: (i) Ken Shreve, 2041 N. 28th Place, Mesa, Maricopa County; and (ii) Ken Shreve, 2050 N. 28th Place, Mesa, Maricopa County.

Accordingly, paragraph (c)(3) is removed and reserved as follows:

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(3) [Reserved]

* * * * *

This amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Further, it has been determined by E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment.

Done at Washington, D.C., this 9th day of June 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-17590 Filed 6-12-81; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Docket No. R-0250]

Amendment To Delete Provision Permitting Use of Foreign Currency in a Margin Account

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This amendment to Regulation T (12 CFR Part 220) will delete the paragraph permitting the use of foreign currency in a margin account. It has been called to the Board's attention that the existing language of § 220.6, paragraph (j) may permit the speculative holding of foreign currency and securities in a margin account. By deleting § 220.6, paragraph (j), the Board clarifies that such a possibility is prohibited and that such transactions in foreign currency should be effected in the Special Commodities Account or the Special Miscellaneous Account, since in either case, they would be insulated from securities credit transactions. The amendment was published for comment on December 19, 1980 (45 FR 83510).

EFFECTIVE DATE: July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Bruce Brett, Securities Regulation Analyst, Securities Regulation Section, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452–2781.

SUPPLEMENTARY INFORMATION: All of the comments received on the Board's proposal to delete § 220.6, paragraph (j), which permits foreign currency to be treated as a credit to an account were generally favorable.

One commenter requested an interpretation which would clarify that foreign currency can be received in a margin account if it is immediately converted into United States currency. It is the Board's intention to clarify that the deletion of this paragraph will not affect the ability to receive foreign currency into an account for immediate exchange, and a letter to that effect will be sent to the commenter.

§ 220.6 [Amended]

Accordingly, pursuant to sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g, 78w), the Board removes § 220.6, paragraph (j) of Regulation T in its entirety and redesignates paragraphs (k) and (l) as paragraphs (j) and (k) respectively.

By order of the Board of Governors of the Federal Reserve System, June 9, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-17701 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-AEA-78]

Alteration of Airway V-213

Correction

In FR Doc. 81-16163, appearing on page 29255, in the issue of Monday, June 1, 1981, make the following correction:

In the third column, the seventh line under "**Adoption of the Amendment**", "V-123" should have read "V-213".

BILLING CODE 1505-01-M

14 CFR Part 39

[Docket No. 80-EA-9; Amdt. 39-4134]

DeHavilland DHC-2; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive, applicable to DeHavilland DHC-2 type airplanes. It requires repetitive inspections of the left and right elevator butt ribs and doublers for cracks. This results from findings of such cracks during inspections. The cracks could, if undetected, cause failure of the parts and loss of the airplane.

EFFECTIVE DATE: June 18, 1981. Compliance is required as set forth in the AD.

ADDRESSES: DeHavilland Service Bulletins may be acquired from the manufacturer at Downsview, Ontario, Canada M3K 145.

FOR FURTHER INFORMATION CONTACT: A. Maila, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There had been reports of cracks in the elevator rib and doubler due to fatigue. The aircraft has been in service for 25 years with some 1500 aircraft having been placed in operation. Only four cases of butt rib cracking have been reported and these by one operator using former military aircraft. However, the deficiency can lead to structural failure. On page 73690 of the **Federal Register** for November 6, 1980, the Federal Aviation Administration published an NPRM and gave interested parties forty-five (45) days in which to submit comments. No objections were received. Publication as a rule has been suspended during the moratorium required by Executive Order.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by adopting the airworthiness directive as proposed.

Effective Date: This amendment is effective June 18, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a) 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89.)

Note.—The Federal Aviation Administration has determined that this regulation is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Jamaica, New York, on June 4, 1981.

Murray E. Smith,

Director, Eastern Region.

DeHavilland: Applies to all DeHavilland DHC–2 series airplanes, certificated in all categories.

Compliance required as indicated.

Affects the elevator butt ribs (inboard), P/N C2TE–29ND (RH and LH), and doublers, P/N C2TE–9ND (RH and LH).

a. Within the next 75 hours in service after the effective date of this AD, unless already accomplished within the last 325 hours in service, and thereafter at intervals not to exceed 400 hours in service from the last inspection, inspect visually with a 10-power glass, the left and right elevator butt ribs and doublers, for cracks.

b. Replace or repair cracked parts, before further flight, in accordance with DeHavilland Service Bulletin (S/B) No. 2/30, or equivalent.

c. Equivalent parts or repairs must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

d. Upon submission of substantiating data by an owner or operator, through an FAA maintenance inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance times specified in this AD.

[FR Doc. 81-17579 Filed 6-12-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 81-EA-12; Amdt. 39-4135]

DeHavilland DHC-6; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends AD 80–13–12 applicable to DeHavilland DHC–6 type airplanes. AD 80–13–12 required a repetitive inspection of each engine nacelle lower longeron for cracks or buckling. This amendment merely adds an additional aircraft, S/N 631.

EFFECTIVE DATE: June 19, 1981. Compliance is required as set forth in the AD as amended.

ADDRESSES: DeHavilland Service Bulletins may be acquired from the manufacturer at Downsview, Ontario, Canada M3K 145.

FOR FURTHER INFORMATION CONTACT: C. Birkenholz, Airframe Section, AEA–212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212–995–2875.

SUPPLEMENTARY INFORMATION: There had been a report by the manufacturer and Transport Canada that an additional airplane S/N 631 should be covered by AD 80–13–12. However, the aircraft is under Canadian registry and the operator indicates no intention of utilizing the equipment which would make it subject to the AD. In view of the possible fact that the aircraft could be sold in the U.S. and thus change the operating environment, it must be covered by the rule. Since the adoption of this amendment to the rule does not impose any practical burden on any person, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by amending AD 80–13–12 as follows:

Delete the numbers "630" where they appear in the applicability statement and insert "631".

Effective Date: This amendment is effective June 19, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

Issued in Jamaica, New York, on June 5, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-17578 Filed 6-12-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 81-AWE-17]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment realigns VOR Federal Airway V–485 between San Jose, Calif., and Priest, Calif. The San Jose VORTAC is unuseable between 110° and 130° magnetic radials below 9,000 feet MSL due to building construction. This amendment alters the description of V–485 by changing the route alignment from the San Jose VORTAC to the San Jose Intersection.

DATES: Effective date: August 6, 1981. Comments must be received on or before July 15, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 81–AWE–17, 15000 Aviation Boulevard, P.O. Box 92007,

Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:
Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves the realignment of V-485, in part, due to an unusable course line radial below 9,000 feet MSL of the San Jose, Calif., VORTAC, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to change the alignment of V-485 between Priest, Calif., and San Jose, Calif. § 71.123 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 409). The San Jose, Calif., VORTAC is unusable between 110° and 130° magnetic radials below 9,000 feet MSL. Aircraft are being rerouted via the substitute route structure, which has been flight checked and approved. This action merely incorporates the substitute route structure into the National Airspace System.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to redescribe V-485 between Priest, Calif., and San Jose, Calif. Therefore, I find that notice or public procedure under 5 U.S.C. § 553(b) is impractical and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) is amended, effective 0901 GMT, August 6, 1981, by deleting from V-485 the words "INT of Priest 322° and San Jose, Calif., 139° radials; San Jose." and substituting for them the words "INT Priest 322° and Sausalito, Calif., 137° radials; to INT Sausalito 137° and Woodside, Calif., 096° radials."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 5, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-17576 Filed 6-12-81; 8:45 am]

BILLING CODE 4910-13-M

[Airspace Docket No. 80-ANW-24]

14 CFR Part 71

Designation of Federal Airways, Area Low Routes, Controlled Airspace, ANW Reporting Points; Alteration of Transition Area, Redmond, Oreg.; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the **Federal Register** on May 11, 1981, (46 FR 26044) a new Eugene, Oregon, transition area was established effective July 9, 1981, which abolished the Corvallis, Oregon, and Salem, Oregon, Transition Areas. Inadvertently, the Redmond, Oregon, Transition Area was not amended to exclude the new Eugene Transition Area from that description. This error is corrected herein.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington, telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

Earlier in this docket, action was taken to alter the transition areas at Eugene, Salem, and Corvallis, Oregon, by establishing a new transition area known as the Eugene Transition Area. Inadvertently, the Redmond, Oregon, Transition Area, which abuts this newly described area, was not amended to coincide with Eugene. This inconsistency may be eliminated by deleting the reference to Eugene in the Redmond description.

Since this action is only editorial in nature and does not constitute a substantive change in rulemaking, notice and public procedure thereon are unnecessary and the correction may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, July 9, 1981, as follows:

Redmond, Oreg.

On line 16, delete the word "Eugene."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c), and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a

substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington, June 4, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-17577 Filed 6-12-81; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 75

[Airspace Docket No. 81-AEA-19]

Establishment of Jet Routes and Area High Routes; Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action realigns J-30 between the Appleton, Ohio, and Shawnee, VORTAC and J-162 between Bellaire, Ohio, and Shawnee VORTAC. Due to flight check restrictions placed on the Shawnee VORTAC, the 289°M radial (which presently comprises J-30 and J-162) has been unusable since the commissioning of Shawnee. This action redefines both jet routes along usable radials, allows for charting, and thereby eliminates the need for controllers to issue substitute routing to each flight using these routes.

DATES: Effective date: August 6, 1981. Comments must be received on or before July 15, 1981.

ADDRESS: Send comments on the rule in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81-AEA-19, Federal Building, John F. Kennedy International Airport, Jamacia, N.Y. 11430.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Charles R. Horne, Airspace Regulations and Obstructions Branch (ATT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves redefining and simplifying the use of one segment of two primary routes for air traffic inbound to the Washington, D.C., area, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to modify the descriptions of J-30 and J-162 between Appleton and Bellaire, Ohio, and Shawnee, Va. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 834).

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to correct the description of J-30 and J-162 so that a usable segment can be charted thereby eliminating the need for issuing a substitute route to each aircraft using three airways. Therefore, I find that notice or public procedure under 5 U.S.C. § 553(b) is impractical and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) and amended (45 FR 71774 and 85441) is further amended, effective 0901 GMT, August 6, 1981, by deleting under:

1. Jet Route No. 30 the words "INT of Appleton 111° and Bellaire, Ohio, 142° radials";

2. Jet Route No. 162 the words "Bellaire 142° and Shawnee, Va., 281°" and substituting for them the words "Bellaire 122° and Shawnee, Va., 288°"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 9, 1981.

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-17560 Filed 6-12-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Colorado—12); Order No. 156]

High-Cost Gas Produced From Tight Formations; Colorado; Recommendation of Areas for Designation as Tight Formations

Issued: June 10, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas Conservation Commission that the Corcoran and Cozzette Formations be

designated as tight formations under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Corcoran and Cozzette Formations in New Mexico as designated tight formations eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued February 4, 1981 (46 FR 11842, February 11, 1981) [1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c), that the Corcoran and Cozzette Formations be designated as tight formations.

Evidence submitted by Colorado and the commenters supports Colorado's assertion that the Corcoran and Cozzette Formations meet the guidelines contained in § 271.703(c)(2). The Commission adopts the Colorado recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective June 10, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703 is amended by adding new paragraph (d)(33) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(33) *Cozzette Formation in Colorado.* RM79–76 (Colorado–12)

(i) *Delineation of formation.* The Cozzette Formation is located in the Piceance Creek Basin in Garfield County, Colorado, approximately 12 miles southwest of the town of Glenwood Springs, Colorado. The formation consists of the following: Township 7 South, Range 90 West, 6th P.M., Sections 1 through 36; Township 7 South, Range 91 West, 6th P.M., Sections 1 through 36; and Township 8 South, Range 90 West, 6th P.M., Sections 1 through 12.

(ii) *Depth.* The Cozzette Formation is a member of the lower Mesaverde Group. The average depth to the top of the Cozzette Formation is 7,477 feet. Its base is defined as the top of the Corcoran Formation.

(i) *Delineation of formation.* The Corcoran Formation is located in the Piceance Creek Basin in Garfield County, Colorado, approximately 12 miles southwest of the town of Glenwood Springs, Colorado. The formation consists of the following: Township 7 South, Range 90 West, 6th P.M., Sections 1 through 36; Township 7 South, Range 91 West, 6th P.M., Sections 1 through 36; and Township 8 South, Range 90 West, 6th P.M., Sections 1 through 12.

(ii) *Depth.* The Corcoran Formation is a member of the lower Mesaverde Group. The average depth to the top of the Corcoran Formation is 7,677 feet. Its base is defined as the top of the Mancos Shale Formation.

[FR Doc. 81-17687 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

---

18 CFR Part 271

[Docket No. RM79-76 (New Mexico—3); Order No. 157]

High-Cost Gas Produced From Tight Formations; New Mexico; Recommendation of Areas for Designation as Tight Formations

Issued: June 10, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the New Mexico Oil Conservation Commission that the Abo Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Abo Formation in New Mexico as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued March 27, 1981 (46 FR 20219, April 3, 1981) [1] based on a recommendation by the New Mexico Oil Conservation Division (New Mexico) in accordance with § 271.703(c), that the Abo Formation be designated as a tight formation.

Evidence submitted by New Mexico and the commenter supports New Mexico's assertion that the Abo Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the New Mexico recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301—3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective June 10, 1981.

---

[1] Comments were invited and received. No party requested a public hearing and no hearing was held.

[1] Comments were invited and one was received. No party requested a public hearing and no hearing was held.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703 is amended by adding new paragraph (d)(31) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(31) *The Abo Formation in New Mexico.* RM79–76 (New Mexico—3).

(i) *Delineation of formation.* The Abo Formation is located in DeBaca County, New Mexico, Township 2 South, Ranges 22 through 27 East, and Township 3 South, Ranges 22 through 26 East, and in Chaves County, New Mexico, Township 3 South, Range 27 East, Townships 4, 5, 9 and 10 South, Ranges 22 through 27 East, Townships 6 through 8 South, Ranges 22 through 28 East, Township 11 South, Ranges 22 through 25 East, Township 12 South, Ranges 22 through 24 East, Township 13 South, Ranges 22 and 23 East, Township 9 South, Range 24 East, Township 9½ South, Range 24 East, and Township 14 South, Range 22 East.

(ii) *Depth.* The Abo Formation averages about 677 feet in thickness and the depth to the top of the formation averages about 3650 feet.

[FR Doc. 81–17688 Filed 6–12–81; 8:45 am]

BILLING CODE 6450–85–M

---

18 CFR Part 271

[Docket No. RM79–76 (New Mexico–4); Order No. 155]

High-Cost Gas Produced From Tight Formations; New Mexico; Recommendation of Areas for Designation as Tight Formations

Issued: June 10, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the New Mexico Oil Conservation Commission that the Fruitland Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Fruitland Formation in New Mexico as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, NOPR, issued March 27, 1981 (46 FR 20218, April 3, 1981) [1] based on a recommendation by the New Mexico Oil Conservation Division (New Mexico) in accordance with § 271.703(c), that the Fruitland Formation be designated as a tight formation.

Evidence submitted by New Mexico and the commenters supports its assertion that the Fruitland Formation meet the guidelines contained in § 271.703(c)(2). The Commission adopts the New Mexico recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective June 10, 1981.

[1] Comments were invited and were received. No party requested a public hearing and no hearing was held.

By the Commission

Kenneth F. Plumb,

Secretary.

Section 271.703 is amended by adding new subparagraph (d)(32) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's offical file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(32) *Fruitland Formation in New Mexico.* RM79–76 (New Mexico—4)

(i) *Delineation of formation.* The Fruitland Formation consists of the Northeast Blanco Unit, found in San Juan and Rio Arriba Counties, New Mexico, approximately 18 miles east of the city of Aztec, New Mexico, on the northeast flank of the San Juan Basin. It encompasses the following: Township 30 North, Range 7 West, Sections 2 through 10, 17 through 21, Section 16–W/2, Section 29–N/2; Township 30 North, Range 8 West, Sections 1, 12, 13 and 24; Township 31 North, Range 6 West, Section 6–Lots 8, 9, 10, 11 and S/2, Sections 7, 18, 19, 20, 30; Township 31 North, Range 7 West, Section 1–Lots 5 through 8 and S/2, Section 9–S/2, and 10–S/2, Sections 11 through 16 and 19 through 36; Township 31 North, Range 8 West, Sections 25 and 36.

(ii) *Depth.* The Fruitland Formation is below the Kirtland Shale and Farmington Sandstone and above the Pictured Cliffs Formation. The average depth to the top of the Fruitland Formation underlying the Northeast Blanco Unit is 2800 feet.

[FR Doc. 81–17689 Filed 6–12–81; 8:45 am]

BILLING CODE 6450–85–M

---

18 CFR Part 271

[Docket No. RM79–76 (Texas–8); Order No. 153]

High-Cost Gas Produced From Tight Formations; Texas; Recommendation of Areas for Designation as Tight Formation

Issued June 10, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Geopressured Wilcox Lobo Sandstone Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Geopressured Wilcox Lobo Sandstone Formation in Texas as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued April 1, 1981 (46 FR 20684, April 7, 1981) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c), that the Geopressured Wilcox Lobo Sandstone Formation be designated as a tight formation.

Evidence submitted by Texas supports its assertion that the Geopressured Wilcox Lobo Sandstone Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices available immediately establishes good cause to waive the thirty day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

[1] Comments were invited and none were received. No party requested a public hearing and no hearing was held.

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective June 10, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703 is amended by adding new paragraph (d)(35) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(35) *Geopressured Wilcox Lobo Sandstone Formation in Texas.* RM79–76 (Texas–8).

(i) *Delineation of formation.* The Geopressured Wilcox Lobo Sandstone Formation is located in the southern part of Texas in Webb and Zapata Counties, Railroad District 4, and is located below the Lower Wilcox Group and above the Wills Point Formation which is part of the Midway Group.

(ii) *Depth.* The highest portion of the Geopressured Wilcox Lobo Sandstone Formation appears at 5,840 feet. The approximate thickness varies from 1,175 feet in the north to 3,130 feet in the south.

[FR Doc. 81–17680 Filed 6–12–81; 8:45 am]

BILLING CODE 6450–85–M

18 CFR Part 271

[Docket No. RM79–76 (Texas—9); Order No. 154]

High-Cost Gas Produced From Tight Formations; Texas; Recommendation of Areas for Designation as Tight Formation

Issued: June 10, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Travis Peak Formation in the Sym-Jac, West Field be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Travis Peak Formation in the Sym-Jac, West (Hosston) Field in Texas as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued April 1, 1981 (46 FR 20685, April 7, 1981) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c), that the Travis Peak Formation in the Sym-Jac, West Field be designated as a tight formation.

Evidence submitted by Texas supports its assertion that the Travis Peak Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices available immediately establishes good cause to waive the thirty day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective June 10, 1981.

[1] Comments were invited and none were received. No party requested a public hearing and no hearing was held.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703 is amended by adding new paragraph(d)(36) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(36) *Travis Peak Formation in the Sym-Jac, West (Hosston) Field in Texas.* RM79-76 (Texas—9)

(i) *Delineation of formation.* The Travis Peak Formation in the Sym-Jac, West (Hosston) Field is found in Cherokee County, Texas, Railroad Commission District 6.

(ii) *Depth.* The top and base of the Travis Peak Formation are found at approximately 9,850 feet and 12,050 feet, respectively, giving a thickness of approximately 2,200 feet.

[FR Doc. 81-17001 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 235

[Docket No. R-81-900]

Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation; Change in Maximum Mortgage Amounts; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Correction of interim rule.

SUMMARY: On June 1, 1981 (46 FR 29259), HUD published an interim rule that increased the mortgage amounts under HUD's Section 235 mortgage insurance program. The purpose of this correction is to add a date that was erroneously omitted from § 235.25.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, (202) 755-6720.

Accordingly, § 235.25(b) is corrected to read as follows:

§ 235.25 Maximum mortgage amount

* * * * *

(b) With respect to mortgages insured pursuant to conditional commitments issued or preliminary reservations approved on or after July 13, 1981, the mortgage shall not exceed the following:

* * * * *

(Sec. 211 of the National Housing Act (12 U.S.C. 1709, 1715))

Issued at Washington D.C., June 9, 1981.

Harwood G. Martin,

Attorney Advisor, Regulations Division.

[FR Doc. 81-17747 Filed 6-12-81; 8:45 am]

BILLING CODE 4210-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the interest rates and factors for the period beginning July 1, 1981. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974.

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in Appendix B to Part 2610 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after July 1, 1981, and enables the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes a notice revising them.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation (the "PBGC") issued a final regulation (46 FR 9492 *et seq.*) establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208 (the "Act").

That regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B to the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before June 1, 1981. (29 CFR 2610 (1980), 45 FR 64907, 45 FR 75658, 45 FR 75209, 45 FR 82172, 46 FR 3510, 46 FR 16685, 46 FR 18312).

On May 15, 1981, the PBGC last published rates for plans that terminate on or after June 1, 1981 (46 FR 26765). At this time, changes in the financial and annuity markets have necessitated an increase in the rates used by the PBGC to value benefits. Accordingly, this notice changes the rates in Appendix B to add a set of interest rates and factors for plans that terminate on or after July 1, 1981. These rates and factors will remain in effect until such time as PBGC publishes another notice which changes the rates.

As a rule, the rates will be in effect for at least one month. If the rates are to be changed, PBGC will publish a notice in the **Federal Register**, normally by the 15th of the month prior to the month for which the new rates will be effective. If no change is to be made, no notice will be published, and the current rates will remain in effect until further notice.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans, we note that the

rates and factors contained in Appendix B to Part 2610 are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after July 1, 1981, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended by revising Rate Set 25 and adding Rate Set 26 of Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G_y" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1, and n_2 are defined in § 2610.45.

Rate set	For plans with a valuation date		Immediate annuity rate	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
25	June 1, 1981	July 1, 1981	10.25	1.0950	1.0825	1.0400	7	8
26	July 1, 1981		10.50	1.0975	1.0850	1.0400	7	8

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974) (29 U.S.C. 1302, 1341, 1344, 1362), as amended by Secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299, (1980))

Issued at Washington, D.C., on this 2nd day of June, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-17591 Filed 6-12-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 716, and 785

Surface Coal Mining and Reclamation Operations Initial and Permanent Regulatory Program; Deferral of Effective Dates

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Deferral of effective dates.

SUMMARY: The effective dates of final regulations, which were previously deferred at 46 FR 18023 (March 23, 1981), 46 FR 20211 (April 3, 1981) and 46 FR 23924 (April 29, 1981), are further postponed until August 14, 1981 and August 15, 1981 (see below) to allow OSM additional time to analyze the voluminous comments received from the public on whether the rules should be modified, issued or suspended indefinitely pending the outcome of further rulemaking. The regulations deal with the two-acre exemption, the prime farmland grandfather exemption and prime farmland definitions of OSM's initial and permanent regulatory programs.

DATES: The new effective date for 30 CFR 716.7 (a) and (b) as published on January 22, 1981, is August 14, 1981. The new effective date of 30 CFR 716.7(a)(2) and 785.17(a) as published on January 23, 1981, and 30 CFR 700.11(b) as published on January 23, 1981, is August 15, 1981.

FOR FURTHER INFORMATION CONTACT: Edward Johnson or LeRoy deMoulin, (202) 343-5261 (prime farmland) or Stan Zeccolo, (202) 343-5365 (two-acre exemption), Office of Surface Mining, Department of the Interior, Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: These regulations have been the subject of several **Federal Register** notices on suspension and effective dates as follows: Notice of Suspension of Certain Regulations, 44 FR 67942 (November 27, 1979); Notice of Suspension, 44 FR 77454 (December 31, 1979); Extension of Effective Dates for Final Rules, 46 FR 10707 (February 4, 1981); Notice of Suspension of Certain Rules, 46 FR 18023 (March 23, 1981); Cancellation of Prior Notice and Deferral of Effective Dates for Final Rules, 46 FR 20211 (April 3, 1981); Continued Suspension of Final Rules, 46 FR 23924 (April 29, 1981). Voluminous comments have been received from the public during the comment period which ended on May 9, 1981. A deferral of effective dates for an additional 60 days will enable OSM to analyze thoroughly the public comments and decide whether to modify, issue or suspend these rules indefinitely pending the outcome of further rulemaking.

Dated: June 10, 1981.

Andrew V. Bailey,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 81-17720 Filed 6-12-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1845-8]

Memorandum of Understanding for the Prevention of Significant Deterioration of Air Quality; EPA Region III and Philadelphia

AGENCY: Environmental Protection Agency.

ACTION: Information notice.

SUMMARY: EPA Region III and the City of Philadelphia have developed a Memorandum of Understanding (MOU) which provides for interagency cooperation in implementing the PSD program. Through the MOU, the City of Philadelphia will receive and process PSD permits; however, EPA Region III will retain full authority and

responsibility to issue to deny PSD permits.

DATE: Effective immediately June 15, 1981.

ADDRESSES: Copies of the MOU and related documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Robert J. Blaszczak (3AH13), (215) 597–8186 or FTS 597–8186

Air Management Services, Philadelphia Department of Public Health, Sixth Floor, 801 Arch Street, Philadelphia, Pennsylvania 19107, Attn: Norman Glazer, (215) 686–7440.

FOR FURTHER INFORMATION CONTACT: Robert J. Blaszczak at (215) 587–8186 or FTS 597–8186.

SUPPLEMENTARY INFORMATION: The Regional Administrator, EPA Region III and the Health Commissioner, City of Philadelphia have signed a Memorandum of Understanding (MOU), which provides for interagency cooperation in the implementation of the PSD program. As of the effective date, all PSD permit applications for sources locating in Philadelphia will be submitted directly to the City of Philadelphia for processing. EPA Region III is responsible for determining the adequacy of these processing activities which include applicability/completeness evaluations and BACT, air quality and other impact analyses. EPA Region III retains full authority and responsibility to issue and/or deny PSD permits.

The MOU will become effective as of the publication date of this notice. The Regional Administrator finds good cause for making the MOU effective immediately in that it is an administrative change and not one of substantive content.

Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This MOU is not "major". This action only approves State actions, and imposes to new requirements of its own.

This MOU was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effective immediately, all applications and other information pursuant to § 52.21 from sources locating in the City of Philadelphia, Pennsylvania, but not having a PSD permit application currently under review by EPA, should be submitted to the City of Philadelphia agency at the following address: Air Management Services, Philadelphia Department of Public Health, 6th Floor, 801 Arch Street, Philadelphia, Pennsylvania 19107.

(42 U.S.C. 7405(b), 7601 (a) & (c))

Dated: June 8, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-17721 Filed 6-12-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-3-FRL 1845-8a]

Memorandum of Understanding for the Prevention of Significant Deterioration of Air Quality; EPA Region III and Pennsylvania

AGENCY: Environmental Protection Agency.

ACTION: Information notice.

SUMMARY: EPA Region III and the Commonwealth of Pennsylvania have developed a Memorandum of Understanding (MOU) which provides for interagency cooperation in implementing the PSD program. Through the MOU, the Commonwealth of Pennsylvania will receive and process PSD permits; however, EPA Region III will retain full authority and responsibility to issue or deny PSD permits.

DATE: Effective immediately June 15, 1981.

ADDRESSES: Copies of the MOU and related documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Robert J. Blaszczak (3AH13), (215) 597–8186 or FTS 597–8186.

Bureau of Air Quality Control, Pennsylvania Department of Environmental Resources, 300 North 3rd Street, Fulton Bank Building, P.O. Box 2063, Harrisburg, Pennsylvania 17120, Attn: Douglas L. Lesher, (717) 787–4324 or FTS 637–4324.

FOR FURTHER INFORMATION CONTACT: Robert J. Blaszczak at (215) 587–8186 or FTS 597–8186.

SUPPLEMENTARY INFORMATION: The Regional Administrator, EPA Region III and the Secretary of Environmental Resources, Commonwealth of Pennsylvania have signed a Memorandum of Understanding (MOU), which provides for interagency cooperation in the implementation of the PSD program. As of the effective date, all PSD permit applications for sources locating in Pennsylvania (except as indicated below) will be submitted directly to the Commonwealth of Pennsylvania for processing. EPA Region III is responsible for determining the adequacy of these processing activities which include applicability/completeness evaluations and BACT, air quality and other impact analyses. EPA Region III retains full authority and responsibility to issue and/or deny PSD permits.

The MOU will become effective as of the publication date of this notice. The Regional Administrator finds good cause for making the MOU effective immediately in that it is an administrative change and not one of substantive content.

Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This MOU is not "major". This action only approves State actions, and imposes no new requirements of its own.

This MOU was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effective immediately, all applications and other information pursuant to § 52.21 from sources locating in the Commonwealth of Pennsylvania, but not locating in Allegheny or Philadelphia Counties, or having a PSD permit application currently under review by EPA, should be submitted to the Commonwealth of Pennsylvania agency at the following address: Bureau of Air Quality Control, Pennsylvania Department of Environmental Resources, P.O. Box 2063, Harrisburg, Pennsylvania 17120.

(42 U.S.C. 7405(b), 7601 (a) and (c))

Dated: June 8, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-17722 Filed 6-12-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Parts 30 and 40

[ORD-FRL 1845-5]

General Grant Regulations and Procedures; Class Deviation for Research and Demonstration Projects

AGENCY: Environmental Protection Agency.

ACTION: Deviation to rule.

SUMMARY: Under authority of 40 CFR 30.1000, EPA issued the class deviation

described below from a part of the provisions of 40 CFR 30.635–2(a) and 40 CFR 40.125–1 for research and demonstration projects.

The deviation modifies the final report requirement by allowing the recipient to submit to EPA a peer-refereed journal article in lieu of a final report in the EPA format. The Agency still requires an acceptable report, but the Project Officer will determine the specific format of the report on a case-by-case basis.

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Pippen, Jr., Director Grants Administration Division (PM–216), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (755–0850).

SUPPLEMENTARY INFORMATION: These are projects funded under 40 CFR Part 40. The official program numbers and titles in the *Catalog of Federal Domestic Assistance* are:

66.500 Environmental Protection—Consolidated Research Grants
66.501 Air Pollution Control Research Grants
66.502 Pesticides Control Research Grants
66.504 Solid Waste Disposal Research Grants
66.505 Water Pollution Control—Research, Development and Demonstration Grants
66.506 Safe Drinking Water Research and Demonstration Grants
66.507 Toxic Substances Research Grants
66.452 Solid Waste Management Demonstration Grants

The requirements of OMB Circular No. A–95, Part I, apply to Catalog Numbers 66.452, 66.505 and 66.506. (See 40 CFR 30.305.)

Under our policy to publish class deviations in the **Federal Register**, EPA is publishing the deviation as part of this notice.

Dated: May 5, 1981.

Roy L. Gamsey,

Acting Assistant Administrator for Planning and Management (PM–208).

Dated: May 18, 1981.

Richard M. Dowd,

Acting Assistant Administrator for Research and Development (RD–672).

Environmental Protection Agency

Date: May 18, 1981.

Subject: Class Deviation from 40 CFR 30.635–2(a) and 40 CFR 40.125–1, Final Report Requirements for Research and Demonstration Projects

From: Harvey Pippen, Jr., Director, Grants Administration Division (PM–216)

To: Frederick L. Meadows, Chief, Grants Operations Branch (PM–216)

Action

I am approving a class deviation from 40 CFR 30.635–2(a) to modify the final report requirement for research and demonstration projects by allowing the recipient to submit to EPA a peer-refereed journal article in lieu of a final report in the EPA format.

You must still require an acceptable report, but the EPA Project Officer will determine the specific format of the report on a case-by-case basis.

This deviation also still allows recipients to comply with the requirement of submitting a report before the end of the project period. Oftentimes, journals may take a long time to publish these articles. Because of this, you must require the Project Officer to notify you when the article has been accepted for publication by a journal and the approximate date the article will be published.

If the report is not accepted for publication by a journal, then the recipient must submit a final report to EPA in the standard EPA format within 90 days of the previously established termination date of the project period. For this purpose, I am also approving a deviation from 40 CFR 40.125–1 to allow you, as the award official, to extend the budget period and project period for no more than 90 additional days without a specific case-by-case deviation.

Background

40 CFR 30.635–2(a) of the EPA general grant regulations requires that the assistance recipient prepare and submit an acceptable final report before the end of the project period for all EPA research, demonstration, and training grants and cooperative agreements.

In keeping with the Office of Research and Development's (ORD) policy regarding the effective communication of technical information, ORD encourages the use of the peer review journal publication process regarding EPA's research reports. Journal articles provide an excellent way for EPA's technical information to reach the scientific community. They also enhance EPA's credibility with peer groups and provide references for developing criteria documents and for defending proposed and existing standards.

Many of EPA's research and demonstration assistance recipients prefer to have their final report published in a peer-refereed journal, instead of in the EPA format. However, the grant regulations require that the recipient submit a final report to EPA. This deviation will prevent individual deviation requests on this issue.

This deviation also will allow a more flexible policy regarding final research reports, which is in keeping with the current administration's concern for reducing the paperwork burden on the public. This action will still allow EPA to have access to more detailed data regarding individual projects, and it will allow EPA's research to receive increased exposure to the scientific and technical communities.

Date: May 5, 1981.

Concur:

Roy L. Gamsey,

Acting Assistant Administrator for Planning and Management (PM–208)

Date: May 18, 1981.

Concur:

Richard M. Dowd,

Acting Assistant Administrator for Research and Development (RD–672)

[FR Doc. 81–17825 Filed 6–12–81; 8:45 am]

BILLING CODE 6560–35–M

---

40 CFR Part 52

Kentucky: Bubble Action for the Kentucky Utilities Company—Green River Station; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: Kentucky has submitted a State Implementation Plan (SIP) revision concerning the sulfur dioxide (SO_2) emission rates from three emission points at the Kentucky Utilities Company—Green River Station (K.U.C.–G.R.S.) in Muhlenberg County. This action is being treated within the EPA bubble policy concept. A more stringent emission rate is being placed on the smaller sources that have a shorter stack and less stringent emission rates are required on the larger sources which have taller stacks. This will have no significant change on the air quality and will maintain the plantwide allowable emission rate as determined in the SIP.

DATE: This action is effective July 15, 1981.

ADDRESSES: The Kentucky submittal may be examined during normal business hours at the following EPA offices:

Public Information Reference Unit, Library System Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460
Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. 20005
Library, EPA Region IV, 345 Courtland Street N.E., Atlanta, Georgia 30365
Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution Control, West Frankford Office Complex, 1050 U.S. 127 ByPass South, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Mr. Melvin Russell, Air Programs Branch, EPA Region IV at the above listed address and telephone number 404/881–3286 or 257–3286.

SUPPLEMENTARY INFORMATION:

Background

On September 23, 1980, EPA received from the Commonwealth of Kentucky an

SIP revision that pertains to the Kentucky Utilities Company—Green River Station in Muhlenberg County. This revision was considered as a bubble application for SO_2 controls on three emission points and the submittal contained the required air quality dispersion modeling to evaluate the proposed change.

The 1979 SIP revision for this plant included a modeling analysis to determine the allowable SO_2 emission rate. That analysis indicated that a 3.5 lb. SO_2 per million British Thermal Unit (MBTU) limit for the Green River Plant would be sufficient to attain and maintain the National Ambient Air Quality Standards (NAAQS).

The Kentucky Utilities plant is changing their coal supply in this bubble action. Presently the plant uses a 3.8% (sample average) sulfur coal in Units 1 and 2, which is equipped with a lime scrubber and a 1.8% (sample average) sulfur coal in the uncontrolled Units 3 and 4. Western Kentucky coal of 2.5% sulfur content is readily available to the plant and has an estimated cost savings of $1.1 million per year.

The plant has proposed to place more stringent emission rates on Unit 1 and 2 (0.9 lb. SO_2/MBTU) and less stringent emission rates on Units 3 and 4 (4.57 lb. SO_2/MBTU). The following calculations indicate that the plant-wide average emission rate of 3.5 lb. SO_2/MBTU will result when the plant is operating at maximum capacity.

Unit	Maximum MMBtu per hour input		Pounds SO_2/MMBtu	Lb SO_2/hr
1 and 2	927.5	X	0.9	834.75
3	976.0	X	4.57	4460.32
4	1,260.0	X	4.57	5758.20
Total	3,163.5			11,053.27

Plant average emission rate lb. SO_2/MBTU is therefore:

$$\frac{11{,}053.27 \text{ lb. } SO_2/HR}{3163.5 \text{ MBTU/HR}} = 3.494 \text{ lb. } SO_2/MBTU$$

The smaller sources with a shorter stack will have a reduced emission rate and the larger sources with taller stacks will have relaxed emission rates. This action was evaluated using the CRSTER and PTMPT models which indicated no exceedences of the ambient standards. The plant, located in an area that does not meet the NAAQS for SO_2, will have actual emissions that remain in compliance with the plant-wide allowable emissions in the SIP and are equal to them. In addition, these models did not indicate any utilization of PSD increments. This proposed action meets the criteria of EPA's bubble policy as published on December 11, 1979 (44 FR 71780).

One comment was received which inquired about the long-range effects of SO_2 by the implementation of this bubble action. At this time EPA has not developed any models capable of the measurement of long range effects beyond 50 kilometers. Models are being developed to predict concentrations beyond this current range.

Action

EPA is today approving the SIP revision. This action is effective July 15, 1981.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions with regard to a single source. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources. In fact, it eases the burden of control on one source. This is designed to be less expensive, reducing the cost of existing regulations and easing the source's ability to comply with the SIP.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Kentucky was approved by the Director of the Office of the Federal Register on July 1, 1980.

(Sec. 110 Clean Air Act (42 U.S.C. 7410))

Dated May 29, 1981.

Anne M. Gorsuch,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended by adding § 52.920(c)(15) to read as follows:

Subpart S—Kentucky

§ 52.920 Identification of Plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(15) Revision to the State Implementation Plan for a bubble action at the Kentucky Utilities—Green River Station was submitted on December 1, 1980.

[FR Doc. 81-17892 Filed 6-12-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-3-FRL 1845-7]

Approval of Revisions of the State of Delaware State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This amendment directs applicants for Prevention of Significant Deterioration (PSD) permits who are planning to locate in the State of Delaware to submit their applications directly to the State instead of to The Environmental Protection Agency. This change is required since EPA has delegated PSD authority to the State. The notice announcing the delegation of authority is published elsewhere in this issue of the **Federal Register.**

DATE: Effective June 15, 1981.

ADDRESSES: Copies of all support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Robert J. Blaszczak (3AH13), (215) 587-8186, FTS 597-8186

Air Resources Section, Division of Environmental Control, Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, P.O. Box 1401, Dover, Delaware 19901, Attn: Robert French, (302) 736-4791

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Robert J. Blaszczak at (215) 587-8186 or FTS 597-8186.

SUPPLEMENTARY INFORMATION: The Regional Administrator finds good cause for foregoing prior public notice and for making this rule effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation becomes effective upon publication of this rule; therefore, it serves no purpose to delay the technical change of this addition of the State

address to the Code of Federal Regulations.

Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This delegation of authority is not "major." This action only approves State actions, and imposes no new requirements of its own.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before August 14, 1981. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401, 7410, and 7470–79)

Dated: June 8, 1981.

Jack J. Schramm,

Regional Administrator.

Part 52 of Title 40 of the Code of Federal Regulations is amended as follows:

Subpart VV—Delaware

1. Section 52.2451, new paragraph (c) is added to read as follows:

§ 52.2451 Significant deterioration of air quality.

* * * * *

(c) Pursuant to 40 CFR 52.21(u) full delegation of authority for all portions of the Federal PSD program, as described in 40 CFR 52.21, was relinquished to the State of Delaware as of June 15, 1981. All applications submitted as of that date and supporting information required pursuant to Section 52.21 from sources located in the State of Delaware shall be submitted to: Delaware Department of Natural Resources and Environmental Control, Air Resources Section, Division of Environmental Control, Edward Tatnall Building, P.O. Box 1401, Dover, Delaware 19901.

[FR Doc. 81-17642 Filed 6-12-81; 8:45 am]

BILLING CODE 6560-38-M

VETERANS ADMINISTRATION

41 CFR Part 8-14

Definition of Meat Products Not Requiring USDA Inspection

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration Procurement Regulations are revised to include a definition of meat food products not requiring USDA inspection. VA Procurement Regulations exclude USDA inspection and reference to certain subsistence specifications for meat food products purchased in lots of less than 500 pounds. To avoid inappropriate application of the waiver to meat products requiring inspection, an explicit definition of meat food products is added.

EFFECTIVE DATE: This rule is effective June 15, 1981.

FOR FURTHER INFORMATION CONTACT: Tim Ganous, Policy and Interagency Service, Office of Supply Services, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, telephone (202) 389–2334.

SUPPLEMENTARY INFORMATION: This proposed amendment has been reviewed pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354) and it is determined that the regulation has no impact upon small business or state and local governments.

It is the general policy of the VA to allow time for interested persons to participate in the rulemaking process (38 CFR 1.12). Since this amendment only affects internal procedures, the public rulemaking process is considered unnecessary in this instance.

Approved: June 9, 1981.

Donald L. Custis,

Acting Administrator.

41 CFR 8–14.1 is revised as follows:

1. In § 8–14.105–52, the introductory portion of paragraph (a) is revised and a footnote is added at the end of the section so that the added and amended material reads as follows:

§ 8-14.105-52 Waiver of USDA inspection and specifications.

(a) Contracting officers may purchase butter; cheese (except cottage cheese); sausage; meat food products [1]; bacon, smoked; and bacon, Canadian style, without reference to the specifications in VAPR Program Guide G–1, and the U.S. Department of Agriculture (USDA) inspection requirements of VA Form 10–1365, when the amount of an item to be purchased will not exceed 500 pounds per delivery. When these items are procured together with items that are not exempt the solicitation shall include the following:

* * * * *

[1] Meat food products shall mean processed foods containing meat in substantial proportion and other listed ingredients including seasoning, e.g., frankfurters, cold cuts. Whole or prefabricated meats, e.g., pork chops, hamburger, are considered meats, not meat food products.

2. In § 8–14.151, paragraphs (a) and (c) are revised to read as follows:

§ 8-14.151 Determination authority.

The determinations required in § 8–14.150 will be made by:

(a) The Assistant Administrator for Construction, for those items and services for which purchase authority has been assigned to him/her.

* * * * *

(b) The Assistant Administrator for Supply Services, for all other supplies, equipment and services.

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 81-17693 Filed 6-12-81; 8:45 am]

BILLING CODE 8320-01-M

41 CFR Part 8-74

Special Procurement Controls

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration is amending its regulations which prescribe special controls over procurement. These amendments place responsibility for securing rent-free conference facilities with a contracting officer before a determination is made to purchase such space. This change is designed to procure conference space at the least cost to the Government. These amendments also prescribe controls over the procurement of products containing asbestos. Such products must be approved by the Administrator before being procured. This rule is in response to new restrictions put on the use of products containing asbestos by the Environmental Protection Agency and the Occupational Safety and Health Administration.

EFFECTIVE DATE: This rule is effective June 15, 1981.

FOR FURTHER INFORMATION CONTACT: Tim Ganous, Policy and Interagency Service, Office of Supply Services, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, telephone (202) 389–2334.

SUPPLEMENTARY INFORMATION: This regulation has been reviewed pursuant to the requirements of Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354) and it is determined that the regulation is nonmajor and has no impact upon small business or state and local governments.

It is the general policy of the VA to allow time for interested parties to

participate in the rule making process (38 CFR 1.12). Since this amendment only affects internal review procedures, the public rule making process is deemed unnecessary in this instance.

Approved: May 21, 1981.

Rufus H. Wilson,

Acting Administrator.

The following new sections are added to 41 CFR 8–74 to read as follows:

§ 8–74.114 Paid use of conference facilities.

(a) The rental of space for VA-sponsored symposia and training sessions may be unwarranted when other alternatives are available at no expense or reduced expense to the Government. After the geographical location for a VA conference has been selected, based on minimum overall travel costs for all Government participants and other relevant factors, a request for conference space will be forwarded to the servicing Supply activity. The request for conference space should afford the contracting officer every opportunity to secure rent-free facilities.

(b) The following criteria for the selection of an appropriate facility will apply:

(1) A thorough effort will be made to schedule conferences and training sessions so that the conference facilities of VA installations in the city where the conference is held may be used.

(2) Where no VA space is available, the General Services Administration will be contacted to determine if there is other Government agency space which may be used.

(3) Efforts will be made to schedule conferences, where Government space is not available, through hotels and motels which offer free conference facilities in exhange for a stipulated number of lodging reservations for participants. Surcharges per lodging or increased room rates, to offset the cost of the conference room, shall be considered payment for such space.

(4) In the event none of these is available on the desired dates, consideration will be given to rescheduling the conference to avail the VA of the use of facilities without payment of a fee.

(5) If none of the above is practical, rental conference space will be obtained. Complete documentation of efforts to secure free conference space, as outlined above, will be maintained in the purchase order file. The costs of coffee, refreshments, meals, lodgings, tips and other supplies and services not directly related to the presentations within the conference space are not allowable.

(c) The conference coordinator of the requesting organization will continue to be responsible for individual room reservations, including any cancellations.

(d) There are additional controls upon conference space at Government expense being acquired within the District of Columbia. Approving the rental of conference rooms at hotels in the District of Columbia for the use of agency personnel without a specific appropriation of funds is prohibited by 40 U.S.C. 34 (see 46 CG 135).

§ 8–74.115 Asbestos.

§ 8–74.115–1 General.

This section applies to the purchase and use of asbestos products and equipment or materials containing asbestos products in the Veterans Administration.

§ 8–74.115–2 Background.

Exposure to asbestos is associated with chronic and debilitating lung disease and cancer. To reduce the health hazard related to the exposure to asbestos, the U.S. Environmental Protection Agency and the U.S. Department of Labor (Occupational Safety and Health Administration) have issued specific regulations on asbestos. Although these regulations do not call for a complete ban on the use of asbestos they do impose strict requirements on its use, airborne contamination and disposal.

§ 8–74.115–3 Approving authority.

Asbestos products and equipment or materials containing asbestos products shall not be specified nor purchased for use in the Veterans Administration if any suitable substitutes are available. If suitable substitutes are not available, specific authorization to purchase and use asbestos products, and equipment or materials specifying asbestos products, must be granted by the Administrator or designee. Requests for authorization will be submitted through the Director, Engineering Service (10A4A5). The following information will be provided:

(a) The name of the product, source of supply, and physical form of the asbestos as used in the product or equipment.

(b) A description of use, including purpose, urgency, methodology, qualities, and by whom.

(c) Safeguards being employed, with particular emphasis on the identification of the asbestos products, procedures to be taken to prevent airborne contamination, and disposal.

§ 8–74.115–4 Exempted products containing asbestos.

VA Central Office, Engineering Service (10A4A5), is responsible for maintaining a list of products containing asbestos which are exempted by the Administrator or designee from this policy.

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 81–17622 Filed 6–12–81; 8:45 am]

BILLING CODE 8320–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FI–3166]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the City of River Falls, Pierce and St. Croix Counties, Wisconsin.

SUMMARY: The Federal Insurance Administration has erroneously published the final flood elevation determination for the City of River Falls, Pierce and St. Croix Counties, Wisconsin. This notice will serve to delete that publication. Following an engineering analysis and review, a new 90-day appeal period based on revision of proposed base flood elevation determination will be initiated.

EFFECTIVE DATE: June 15, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administration has determined that the notice of final flood elevation determination for the City of River Falls, published at 45 FR 84797, on December 23, 1980, should be deleted. After a technical evaluation, a revised preliminary will be issued with a subsequent 90-day appeal period. Once the appeal period has elapsed, the Administrator will resolve any appeals received, and a new notice of final base flood elevations will be issued.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 1, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-17598 Filed 6-12-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-609; RM-3636]

Radio Broadcast Services; FM Broadcast Station in Hilton Head Island, S.C.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 288A to Hilton Head Island, South Carolina, in response to petitions filed by Santee-Cooper Broadcasting Company and by Leonard Stevens. The proposed station would provide a second local FM broadcast service to Hilton Head Island.

DATE: Effective August 7, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Hilton Head Island, South Carolina), Report and order (Proceeding Terminated).

Adopted: June 2, 1981.

Released: June 9, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 69502, published October 21, 1980, proposing the assignment of FM Channel 288A to Hilton Head Island, South Carolina, at the request of Santee-Cooper Broadcasting and of Leonard Stevens.[1] Supporting comments were filed by Santee-Cooper Broadcasting Company and by Leonard Stevens, both restating their intent to apply for the channel, if assigned.

2. Hilton Head Island (pop. 10,500),[2] in Beaufort County (pop. 51,136), is located approximately 110 kilometers (66 miles) southwest of Charleston, and 48 kilometers (30 miles) northeast of Savannah. It is served locally by FM Station WHHR (Channel 292A) and an AM station on 1130 kHz is proposed by three applicants.

3. In its comments, petitioner restated the information contained in the *Notice* which demonstrated the need for a second FM assignment to Hilton Head Island. In response to the *Notice* Santee-Cooper Broadcasting submitted a preclusion study. From the information submitted it appears that preclusion would occur on the co-channel only and that no community with a population greater than 2,500 would be precluded by the proposed assignment.

4. The Commission believes that it would be in the public interest to assign Channel 288A to Hilton Head Island. The petitioner has shown that there is a need for an additional assignment and the preclusion impact is minimal. The assignment can be made in compliance with the minimum distance separation requirements.

5. In view of the foregoing and pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, That effective August 7, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended, with respect to Hilton Head Island, South Carolina, as follows:

City	Channel No.
Hilton Head Island, S.C.	288A, 292A

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-17750 Filed 6-12-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-31; RM-3672]

Radio Broadcast Services; FM Broadcast Stations in McNary and Whiteriver, Ariz.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action reassigns FM Channel 201A from McNary, Arizona, to Whiteriver, Arizona, in response to a petition filed by the White Mountain Apache Tribe of Arizona. The assignment could provide Whiteriver with a first local aural service.

DATE: Effective August 7, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.504(a), Table of Assignments, FM Broadcast Stations (McNary and Whiteriver, Arizona), Report and Order (Proceeding Terminated).

Adopted: June 2, 1981.

Released: June 8, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 46 FR 10778, published April 13, 1981, in response to a petition filed by the White Mountain Apache Tribe of Arizona ("petitioners"), proposing the reassignment of FM Channel 201A from McNary to Whiteriver, Arizona, as a first FM assignment to that location. Supporting comments were filed by a petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Whiteriver, in Apache County,[1] is located in the eastern portion of the State, and is approximately 200 kilometers (125 miles) east of Phoenix, Arizona. Channel 201A could be assigned to Whiteriver in compliance with the minimum distance separation requirements of Section 73.207 of the Commission's Rules.

3. In support of its proposal, petitioner submitted information with respect to Whiteriver and the Fort Apache Indian Reservation which is persuasive as its need for a first FM channel assignment.

4. We believe that the public interest would be served by the reassignment of Channel 201A from McNary to Whiteriver, Arizona. An interest has been shown for its use, and such an assignment would provide the Indian reservation with the opportunity for a first local broadcast service.

[1] Leonard Stevens' petition was treated as comments in this proceeding.

[2] Population figures are taken from the 1970 U.S. Census.

[1] The 1970 U.S. Census lists only the McNary Division (pop. 810) of Apache County (pop. 32,292), in which Whiteriver is located. Petitioner indicated that the current population of Whiteriver is 8,000, but it did not indicate the source for this data.

5. Mexican concurrence in the assignment has been obtained.

6. Accordingly, it is ordered, That effective August 7, 1981, Section 73.504(a) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following communities:

City	Channel No.
McNary, Ariz	
Whiteriver, Ariz	210A

7. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-17751 Filed 6-12-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 80-513; RM-3580]

Radio Broadcast Services; FM Broadcast Station Olivia, Minn.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 269A to Olivia, Minnesota, in response to a petition filed by Olivia Broadcasting Company. The assignment could provide Olivia with a first local aural service.

DATE: Effective August 7, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Olivia, Minnesota), *Report and Order*, (Proceeding Terminated).

Adopted: June 2, 1981.
Released: June 8, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 58619, published September 4, 1980, in response to a petition filed by Olivia Broadcasting Company ("petitioner"), proposing the assignment of FM Channel 269A to Olivia, Minnesota, as that community's first FM radio station. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Olivia (population 2,553),[1] in Renville County (population 21,139), is located approximately 140 kilometers (85 miles) west of Minneapolis. Channel 269A could be assigned to Olivia in compliance with the minimum distance separation requirements.

3. In support of its proposal, petitioner submitted information with respect to Olivia which is persuasive as to its need for a first FM channel assignment.

4. We believe the public interest would be served by the assignment of Channel 269A to Olivia, Minnesota. An interest has been show for its use, and such an assignment would provide the community with the opportunity for a first local aural broadcast service.

5. Accordingly, it is ordered, That effective August 7, 1981, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Olivia, Minn	269A

6. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-17752 Filed 6-12-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

---

47 CFR Part 74

TV Auxiliary Broadcast Stations, Frequency Assignment Table; Editorial Amendment

AGENCY: Federal Communications Commission.

ACTION: Final rule; editorial amendment.

SUMMARY: This Order corrects an inadvertent printing error in the frequency band limits of the seventh of ten radio frequency channels used by TV broadcast auxiliary (microwave) stations. This Order is necessary because broadcast licensees are submitting license applications based on the rule as incorrectly printed.

DATES: Amendment effective June 3, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Linn, Broadcast Bureau, (202) 632-7698.

SUPPLEMENTARY INFORMATION:

Order

Adopted: April 23, 1981.
Released: May 21, 1981.

By the Chief, Broadcast Bureau:

1. This *Order* corrects an inadvertent error in the listing of frequencies available for assignment to Broadcast TV Auxiliary Stations as listed in Rule Section 74.602. Ten assignable channels are listed in the designated "Band A" allotment, each with a nominal 17 MHz bandwidth. Because of a tabulation error in preparation of the table listing of assignable channels in a previous revision of paragraph (a) of Section 74.602 (Docket 21505: 72 FCC 2d 8), the seventh of the ten channels is incorrectly shown with a bandwidth of 357 MHz between 2093 and 2450 MHz. The correct listing for this channel should be 2093–2110 MHz.

2. Many applications are received from TV broadcast station licensees with the incorrect channel limits shown. Since the entire 357 MHz channel cannot be assigned, the application must be revised. The rule correction covered by this *Order* will save administrative work for both applicants and the Commission staff. The editorial revision being made does not change the substantive texts, purpose, or application of the amended rule, nor remove any provisions relied upon by licensees or the public.

3. We conclude that adoption of the editorial amendment will serve the public interest. Prior notice of rule making, effective date provisions, and

public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

4. Therefore, it is ordered, That pursuant to Sections (4)(i), 303(r), and 5(d)(1) of the Communications Act of 1934, as amended, Section 74.602 of the Commission's Rules, Part 74, is amended, by substituting the values "2093–2110" for "2093–2450" as the seventh entry under the first column titled "Band A MHz" of the table following the introductory text of paragraph (a). This amendment is effective June 3, 1981.

5. For further information concerning this *Order* contact Steve Linn, Broadcast Bureau, (202) 632–7698.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 81-17725 Filed 6-12-81; 8:45 am]

BILLING CODE 6712-01-M

V 46 J E 15 81 UMI

Prop

This sectio
contains n
proposed i
regulations.
is to give
opportunity
making pri
rules.

NUCLEAR
COMMISS

10 CFR Pa

Physical P
Nuclear M
Significan

AGENCY: N
Commissi

ACTION: Pr

SUMMARY:
Commissi
amendme
regulation
of modera
improve li
for early d
this mater
improveme
cargo com
storage ar
telephone
employme
signature
custody tr
The intent
is to assur
shipments
detection
This early
the Comm
of significa
nuclear ma

DATES: Co
or before A

Commer
1981 will b
to do so, b
cannot be
received o

ADDRESSE
for consid
proposed
the Secret
Nuclear R
Washingto
Docketing
Comments
Room 1121
Washingto
5:00 p.m. C

Proposed Rules

Federal Register
Vol. 46, No. 114
Monday, June 15, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

Physical Protection of Intransit Special Nuclear Material of Moderate Strategic Significance

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering an amendment to its physical protection regulations for special nuclear material of moderate strategic significance to improve licensee safeguards capabilities for early detection of attempted theft of this material while it is in transit. These improvements include (1) use of locked cargo compartments and temporary storage areas, (2) frequent enroute telephone communications, and (3) employment of exclusive use trucks or signature acknowledgement of all custody transfers for road shipments. The intent of the proposed amendment is to assure close monitoring of these shipments in order to achieve early detection of loss or theft of the material. This early detection would in turn help the Commission prevent the loss or theft of significant quantities of special nuclear material.

DATES: Comments must be received on or before August 15, 1981.

Comments received after August 15, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before that date.

ADDRESSES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be delivered to Room 1121, 1717 H Street, N.W., Washington, D.C., between 8:15 a.m. and 5:00 p.m. Comments received will be available for examination and copying at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. C. K. Nulsen, Regulatory Improvements Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301–427–4181).

SUPPLEMENTARY INFORMATION: The Commission has been concerned that possible multiple thefts of special nuclear material (SNM) of moderate strategic significance could result in the accumulation by an adversary of a formula quantity of strategic special nuclear material (SSNM). Current regulations (§ 73.67(a)(2)(ii)) require that "physical protection system(s) shall provide early detection of removal of special nuclear material by an external adversary * * *". To prevent multiple thefts of less than formula quantities of SSNM, the NRC considers it necessary to improve licensee capabilities for early detection of thefts of intransit SNM of moderate strategic significance.

Early detection of the loss or theft of a shipment of SNM of moderate strategic significance would provide time for NRC to alert other licensees possessing similar types and quantities of material at fixed sites and to delay any planned shipments or begin trace procedures for any shipment in progress. The NRC now proposes an amendment that would upgrade current levels of physical protection for intransit SNM of moderate strategic significance and provide capabilities for early detection of loss or theft of SNM by requiring (1) locked cargo compartments and temporary storage areas, (2) frequent enroute telephone communication, and (3) employment of either exclusive use trucks or signature service arrangements for custody transfers during road shipments. Implementation of this amendment would help to assure that significant quantities of SNM could not be lost or stolen while in transit, and provide the NRC with the capability of preventing the loss of additional material to an adversary before an accounting of a lost shipment has been made.

The promulgation of this amendment would not result in any activity that affects the quality of the human environment. Accordingly, the Commission has determined under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criterion of 10 CFR 51.5(d)(3), that neither an environmental impact statement nor an environmental impact appraisal to support a negative declaration for the proposed amendments to 10 CFR Part 73 are required.

Paperwork Reduction Statement

The Nuclear Regulatory Commission has submitted this proposed rule to the Office of Management and Budget for such review as may be appropriate under the Paperwork Reduction Act, Pub. L. 96–511. The SF–83, "Request for Clearance," Supporting Statement, and other related documentation submitted to OMB have been placed in the Public Document Room at 1717 H St., N.W., Washington, D.C. 20555, for inspection and copying for a fee.

Regulatory Flexibility Statement

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This Proposed rule would amend 10 CFR Part 73 to require certain improvements in the capabilities of physical protection systems provided by licensees to protect against the theft or loss of special nuclear material of moderate strategic significance while this material is in transit. These improvements would increase the cost of shipment of this material in absolute terms, but the total costs of transportation would generally remain less than one percent of the value of the material shipped. In addition, the number of shipments expected to be made annually is quite low, estimated to be about thirty shipments per year based upon past experience in the nuclear industry. The licensees who could be affected by these amendments include approximately 37 licensees possessing special nuclear material of moderate strategic significance, 27 of which operate nonpower reactors. In addition, there are about six licensees possessing formula quantities of strategic special nuclear material who may occasionally choose to ship their material in less than formula quantities. All of these licensees are either large private or state

universities, large corporations, each employing in excess of 500 persons and having annual sales or revenues in excess of $1 million, or State or Federal agencies. Less than ten of these licensees are small colleges or businesses that fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards in regulations issued by the Small Business Administration at 13 CFR Part 21.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 73 is contemplated.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for Part 73 is revised to read as follows:

Authority: Secs. 53, 161b, 161i, 161o, Pub. L. 85–703, 68 Stat. 930, 948–950, as amended, Pub. L. 85–507, 72 Stat. 327, Pub. L. 88–489, Stat. 602, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2073, 2201); Sec. 201, Pub. L. 93–438, 88 Stat. 1242, 1243, as amended, Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 5841). For the purposes of Sec. 223, 68 Stat. 958, as amended, 42 U.S.C. 2273, § 73.55 is issued under Sec. 161b, 68 Stat. 948, as amended, 42 U.S.C. 2201(b); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.55, and 73.67 are issued under Sec. 161i, 68 Stat. 949, as amended, 42 U.S.C. 2201(i); and §§ 73.20(c)(i), 73.24(b)(i), 73.26(b)(3), (h)(6), (i)(6) and (k)(4), 73.27(a) and (b), 73.40(b) and (d), 73.46(g)(6) and (h)(2), 73.50(g)(2), (3)(iii)(B) and (h), 73.55(h)(2), and (4)(iii)(B), 73.70, 73.71 and 73.72 are issued under Sec. 161o, 68 Stat. 950, as amended, 42 U.S.C. 2201(o).

2. Paragraph (e) of § 73.67 is amended by revising paragraphs (e)(1)(iii), (e)(1)(iv), the first paragraph in (e)(3), paragraphs (e)(3)(i), (e)(3)(vi), and by adding new paragraphs (e)(1)(vi) and (e)(3)(vii) to read as follows:

§73.67 Licensee fixed site and intransit requirements for the physical protection of special nuclear material of moderate and low strategic significance.

* * * * *

(e) * * *

(1) * * *

(iii) Transport the material in tamper-indicated sealed containers enclosed in a locked cargo compartment.

(iv) Check the integrity of the containers, locks and seals prior to shipment.

* * * * *

(vi) Make all road shipments of the material only in locked exclusive use vehicles or under arrangements whereby the material in transit or in temporary storage enroute is under lock and all custody transfers are acknowledged by signature.

* * * * *

(3) Each licensee, either shipper or receiver, who arranges for the intransit physical protection of special nuclear material or moderate strategic significance, or who takes delivery of this material free on board (f.o.b.) the point at which it is delivered to a carrier for transport shall:

(i) Arrange for a telephone or radio communications capability for notification of any delays in the scheduled shipment, between the carrier and the shipper or receiver of their designee.

* * * * *

(vi) Conduct immediately a trace investigation of any shipment that is reported lost or unaccounted for after the estimated arrival time at the final destination, or during the course of the shipment, and report to the Nuclear Regulatory Commission as specified in § 73.71 and to the shipper or receiver as appropriate. The licensee who made the physical protection arrangements shall also immediately notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A to this part of the action being taken to trace the shipment.

(vii) Arrange for periodic communications between the transport vehicle and the shipper, receiver, or their designee to confirm the status of the shipment and to request appropriate local law enforcement agency response the in the event of an emergency.

* * * * *

Dated at Washington, D.C. this 10th day of June, 1981.

For Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81–17735 Filed 6–12–81; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81–NW–27–AD]

Airworthiness Directives: McDonnell Douglas Models DC–9 and C–9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice proposes adoption of new Airworthiness Directive (AD) which requires eddy current or dye-penetrant inspection for cracks in the upper fuselage skin in the area of the aft pressure bulkhead tee in DC–9 and C–9 series airplanes. This AD is necessary to prevent crack growth which could result in rupture of the pressurized vessel and loss of structural integrity.

DATES: Comments must be received on or before July 31, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009; or, Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: Regional Counsel, Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108.

The applicable service information may be obtained from: McDonnell Douglas Corporation, Attention: Director, Publications and Training, Cl–750 (54–60), 3855 Lakewood Boulevard, Long Beach, California 90846.

FOR FURTHER INFORMATION CONTACT: Harry J. Irwin, Aerospace Engineer, Airframe Branch, ANW–120L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, P.O.Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536–6356.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire, including comments on the economic, environmental, and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each

FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rule Making (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81-NW-27-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion: Operators have reported instances of cracks in the upper skin and improperly seated attachments on the upper skin splice area at the fuselage aft pressure bulkhead tees between longerons 14 left and 14 right. An Alert Service Bulletin issued by Douglas Aircraft Company in September 1980, requesting fleetwide inspection of the areas, resulted in 128 aircraft being inspected and 7 found to have cracks in the suspect area with 43,500 landings as the threshold for those reported.

Analysis of the skin panel sections revealed no evidence of overload, and it was concluded that the failures were caused by fatigue due to flexing of the lightweight fuselage shell adjacent to the relatively rigid tee frame at the bulkhead. If not corrected, these conditions could progress and result in a possible loss of pressurization with attendant structural damage. Inspection of high cycle aircraft and accomplishment of the required repairs will ensure structural integrity of the pressure vessel.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directives:

McDonnell Douglas: Applies to all Model DC-9 Series and C-9 Series aircraft, certificated in all categories, with 30,000 or more landings accumulated on and after the effective date of this AD. Compliance required as indicated, unless already accomplished. To prevent crack propagation which could result in structural failure of the fuselage shell, accomplish the following:

A. *Inspection Requirements.* Inspect the upper skin splice area for cracks at the tee cap in the aft fuselage pressure bulkhead between longerons 14 left and 14 right. Use either eddy current inspection procedures in accordance with paragraph 5 or use dye-penetrant inspection procedures in accordance with paragraph 6, both listed in the accomplishment instructions of McDonnell Douglas Service Sketch No. 3145 as provided in DC-9 Alert Service Bulletin A53-147 Revision 1 dated February 3, 1981 (hereinafter referred to as ASB 53-147). The inspections shall be performed in accordance with the compliance schedule shown in the following tabulation:

Accumulated landings (on effective date of this AD)	Initial inspection landings (from effective date of AD)	Repetitive inspection (landings)
30,000 to 39,999	4,000	4,000
40,000 to 49,999	1,200	2,000
50,000 and over	400	2,000

Note.—For airplanes with less than 30,000 landings on the effective date of this AD, inspect before the accumulation of 34,000 landings.

B. *Modification Requirements.*

1. Condition 1. If no cracks are found: Accomplish preventive modifications per paragraph 2A of Service Bulletin 53-147, dated March 31, 1981 (hereinafter referred to as SB 53-147), as applicable to Service Rework Drawing No. J060138, or continue repetitive inspections as called for in paragraph A above.

2. Condition 2. If skin cracks were previously repaired by interim repairs specified in ASB 53-147 per Service Rework Drawing J060143:

(a) Remove existing interim repair(s) and accomplish preventive modifications per paragraph 2A of SB 53-147, as applicable to Service Rework Drawing J060138, or

(b) Accomplish permanent repairs per Table I or II of SB 53-147, as applicable to Service Rework Drawing J060138, and continue repetitive inspections of unrepaired areas in accordance with ASB 53-147 until preventive modification is accomplished per paragraph 2A of SB 53-147.

3. Condition 3. If skin cracks have not been repaired:

(a) Accomplish preventive modifications per paragraph 2A of ASB 53-147, as applicable to Service Rework Drawing J060138, within time limits specified in paragraph A above, or

(b) Accomplish permanent repair(s) per Table I or II of SB 53-147 and continue repetitive inspection of unrepaired areas in accordance with ASB 53-147 until preventive modification is accomplished per SB 53-147.

C. For the purpose of complying with this AD, with approval of the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's total hours time-in-service by the operator's model fleet average time from takeoff to landing.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes unpressurized to a base in order to comply with the requirements of this AD.

E. Alternative means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "**FOR FURTHER INFORMATION CONTACT:**" In addition, it has been determined under the criteria of the regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Washington, on June 2, 1981.

Charles R. Foster,
Northwest Region.

[FR Doc. 81-17578 Filed 6-12-81; 8:45 am]
BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 18605/79-AWE-18]

Proposed Group II Terminal Control Area; Phoenix, Ariz.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The FAA proposed to adopt a Group II Terminal Control Area (TCA) at Phoenix, Arizona on April 7, 1980. This supplemental notice proposes a new configuration based upon the FAA's analysis of comments received in response to the original Notice of Proposed Rulemaking (NPRM). This proposed action would provide a substantial reduction in size of the original proposed TCA. However, the proposal would not alter the Air Traffic Control (ATC) system capability to separate all aircraft in the proposed TCA airspace around Phoenix Sky Harbor International Airport, Phoenix,

Ariz., while providing sufficient flexibility to permit aircraft operating under visual flight rules (VFR) to operate within or outside the TCA. The objective of this proposal is to increase safety while accommodating the legitimate concerns of the airspace user and, in particular, to provide the highest degree of safety for passengers in public air transportation.

DATE: Comments must be received on or before July 30, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 18605/79–AWE–18, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

The docket for this action may be examined at the office of the Regional Air Traffic Division, at the above address, or at the FAA, Office of the Chief Counsel, Rules Docket (AGC–204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Richard Morrison, Airspace and Procedures Branch, Air Traffic Division, (AWE–530), Western Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261; telephone: (213) 536–6180.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the over all regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 18605/79–AWE–18." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Wahington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2, which describes the application procedures.

History

Following broad and helpful public participation, the FAA developed a proposed TCA configuration that was considered responsive to the need to increase safety and to the needs of both transient and local aircraft operators who might be affected. An extensive publicity effort was made to encourage all interested persons to participate in meetings to discuss the available alternatives. In addition to published notices, notices were mailed to hundreds of persons believed to have an interest in the proposal, posted in airports, and disseminated through press, radio, and TV coverage. As a result of the meetings, an NPRM was published for public comment in the **Federal Register** on April 7, 1980 (45 FR 23457). The comment period was later extended from July 6, 1980, until August 6, 1980 (45 FR 46436).

During the comment period the FAA received almost 400 written comments. In addition, the FAA had the benefit of considerable dialogue at user group meetings.

Several alternate proposals were submitted in response to the notice. Some of these proposal evidenced a great deal of merit and they are discussed individually under "Discussion of Comment—Alternate Proposals."

Considerable adjustments to the initial design proposed in the notice have been made as a result of comments received. The design of the TCA in this supplemental notice would safely accommodate the present traffic flow of all user groups in the Phoenix area. It responds specifically to conditions that exist at Phoenix and would contribute meaningfully to an increase in safety, while minimizing the impact on aircraft operating outside the TCA.

Discussion of Comments

In response to the TCA proposal, the FAA received almost 400 written comments from individuals, citizen groups, local, and Federal governmental officials and agencies, pilots and owners of aircraft, and aviation trade/industry associations. In addition, the FAA has had the benefit of considerable dialogue at user group meetings. The FAA appreciates the thoughtful and meaningful contributions and the interest expressed by all of those who took time to participate in the several steps of this rulemaking proceeding.

In response to the issues involved in the FAA's proposal, many commenters made suggestions for achieving flight safety in the Phoenix terminal area that were either alternative, or supplementary to those proposed in the notice. Many of those suggestions have some attractiveness but go beyond the scope of the notice and thus could not be considered at this time. Those comments are under study by the FAA's Western Region for consideration in future rulemaking actions.

A large majority of commenters suggested we lower the top of the proposed TCA. As a result of those comments and a comprehensive study of traffic above 7,500 feet in the Phoenix terminal area, we propose to lower the top of the TCA from 12,500 feet to 8,000 feet.

Another line of comments stated that the FAA's proposal did not go far enough or move fast enough toward banning all small airplanes from operating in the Phoenix terminal area. Other commenters recommended establishing a Group I rather than Group II TCA. The divergence of opinion is illustrated by the general positions of several of the aviation trade/industry associations and other airspace user groups.

The Arizona Pilots Association (APA) opposed the establishment of a Group II TCA at Phoenix and supported its own "counterproposal" for special air traffic rules to establish "safety corridors" to and from Sky Harbor International Airport.

In addition to the first safety corridor proposal, APA sponsored a workshop comprised of APA members, Airline Pilots' Association members, Professional Air Traffic Controllers' Organization members and other users in the Phoenix area. This group submitted to the docket another counterproposal to the TCA. That second proposal warranted a great deal of merit because it took into consideration air carrier routings,

vectoring requirements, lateral separation requirements and aircraft capabilities.

The Air Transport Association of America, on behalf of its member air carriers, urged immediate action to establish a TCA at Phoenix and strongly argued that it should be a Group I TCA rather than the Group II TCA proposed by the FAA.

The United States Air Force recommended formulation of a joint FAA-Military-General Aviation-Air Carrier task force to redesign the proposed Phonix TCA and establish concurrent Stage II radar service at Luke Air Force Base. Phoenix Terminal Radar Approach Control (TRACON) began providing Stage II radar service at Luke Air Force Base on January 18, 1981.

Most of the comments received came from pilots and owners of general aviation airplanes who stated their general objections to the TCA concept, its application in Phoenix and their equally general support of the APA alternatives.

The TCA proposal as presented in the docket was based upon agency guidelines and was orginally designed to interface with the controlled visual flight rules concept. This proposal was quite expansive in that it included almost 1,500 square miles of airspace.

A 65-hour video tape recording study of live, weekday, busy traffic at Phoenix TRACON was accomplished and revealed the following:

1. Less than one untracked, Mode C aircraft was observed above 7,500 feet per hour.

2. Twenty percent of the transponder equipped aircraft observed were Mode C equipped.

3. Seventy-five percent of untracked, non-Mode C aircraft were observed entering, departing, or in what is known to be VFR practice areas and therefore at altitudes below 7,500 feet.

Based on the above observations, the FAA determined that, on the average, no more than two or three untracked transponder equipped aircraft would be flying above 7,500 feet per hour. This was considered to be negligible and not reason enough to justify a ceiling of 12,500 feet; therefore, the TCA ceiling in this action is proposed to be lowered to 8,000 feet.

By reducing the ceiling, the area and volume of the TCA is reduced considerably. The original proposal to the docket encompassed an area of 1,498.9 square miles and a volume of 1,486.93 cubic miles. The new proposed Phoenix TCA will contain 876 square miles and 462.6 cubic miles. This constitutes a reduction of 41.6 percent in area and 68.9 percent in volume from the original proposal to the docket and a reduction of 24.5 percent in area and 51.6 percent in volume from the second APA proposal.

The new proposed TCA would contain all instrument approaches, provide the required vectoring area and assure turbojets a greater margin of safety by reducing the potential for a midair collision with an uncontrolled aircraft in the terminal area.

As in most proceedings of this kind, the public beneficiaries of safety regulation do not have an organizational basis to participate and they do not traditionally present their views in significant numbers to counterbalance the advocacy of the more institutionalized commenters. This does not, however, reduce the recognition by the FAA of the public interest in aviation safety.

The adverse comments to the docket fell into the following major categories:

A. Safety.
B. Efficiency.
C. Cost.
D. Complexity.
E. Compression of VFR traffic under the TCA.
F. Controller workload.

In addition to these major adverse comments, a number of sailplane enthusiasts commented regarding the proliferation of controlled airspace resulting in an encroachment of their rights to airspace usage in the pursuit of their sporting activities. Specifically, sailplane pilots commented about the ceiling and the western leg of the TCA which would have impeded their flights from the Estralla Mountains west of Luke Air Force Base. By reducing the ceiling, this proposal would eliminate most of the problems of the sailplane group.

A. Safety

The primary concern in any proposed TCA action is providing the highest degree of safety while preserving the most efficient use of the available terminal airspace. The TCA designates areas where turbojet aircraft are required to operate. TCA airspace is also available for use by properly equipped general aviation and military aircraft operating under an ATC clearance. That controlled airspace, with its positive separation of all aircraft, presents a reduced hazard of near midair collisions.

In the Phoenix terminal area, the mixing of different types of aircraft is substantial. There are eight general aviation airports within 20 nautical miles (NM) of Sky Harbor International Airport; Scottsdale, Deer Valley, Phoenix-Litchfield, Falcon, Stellar Airpark, Glendale, Memorial and Chandler Municipal. There are three military airports in the same area; Luke, Williams and Papago. In addition, there are four private airports: March, FRAM, Farm Aero, and Ski High Pioneer. Those airports generate in excess of 2.75 million aircraft operations annually. The proximity of those airports contribute to the collision potential between controlled and uncontrolled aircraft in the Phoenix terminal airspace. In 1980, 17 near midair collisions were reported in the Phoenix terminal area. In all but one instance, uncontrolled VFR general aviation aircraft were involved. The mix of various types of aircraft using the airspace in and around Phoenix also makes it highly desirable to add the assurance that the flight paths of turbojets and other transponder equipped aircraft using this airport are contained within airspace free of uncontrolled aircraft.

Many commenters referred to the near midair collision draft report originated by the National Aeronautics and Space Administration (NASA) as support for the proposition that TCAs do not enhance safety. Those commenters frequently stated that the NASA report was based on more recent information and indicated that more near midair collisions occur within the confines of a TCA than in other terminal airspace areas.

The FAA has reviewed that draft report and the underlying data on which it is based. The data used to originate the NASA Draft Report was produced under the Aviation Safety Reporting System (ASRS). The ASRS is a voluntary reporting system and the commentaries received are not investigated to verify the specific information they contain. Consequently, incomplete, inaccurate, and multiple reports have been filed on the same incident and counted as individual incidents. In its findings, NASA reminds the reader of the limitations of the program. The FAA obtained copies from NASA of all data base incidents (July 1, 1976, to November 30, 1978). Those 2,965 nation-wide reports were analyzed using the near midair collision criteria as defined by both the FAA and NASA. Of those, 1,303 clearly did not meet the criteria and 301 were duplicate reports.

The remaining 1,361 near midair collision reports were analyzed in light of the conclusions offered in the NASA Draft Report. The NASA Draft Report presented a comparison of terminal airspace at all locations covered by reports (low density to high density) and concluded that most hazardous incidents occur in high density areas.

That is a primary reason why the FAA embarked upon the program to establish TCAs and TRSAs in those high density areas. Contrary to the impression of many commenters, the NASA Draft Report did not address the effectiveness of TCAs after they were established compared to the number of incidents reported before they were created. As noted previously, the FAA's data shows that for a given TCA airspace there were fewer hazardous incidents after extablishing a TCA than there were before it was established.

B. Efficiency

There were numerous comments that the proposed TCA configuration is an inefficient use of airspace and would benefit only a fraction of the airspace users.

To design a safe and efficient positive control environment in a terminal area, it is necessary to tailor the airspace configuration to the specific needs of that area. The various types of aircraft that operate within the system and the basic requirements of all airports within the terminal area must be considered, along with the constraints imposed by terrain, weather conditions, and optimum traffic flows.

The routes and procedures currently used in the Phoenix area have evolved through a carefully planned system of navigational aids and airways dictated by the factors mentioned, plus airport locations and the needs of the users. The TCA configuration proposed by this NPRM has been developed to accommodate the present traffic flow and procedures in the Phoenix area as well as transient traffic that utilizes ATC facilities in the area.

By reducing the ceiling from 12,500 feet to 8,000 feet, the total TCA airspace area was reduced by 41.6 percent and the volume was reduced by 68.9 percent, thus, effecting a more efficient use of airspace. The airspace above 8,000 feet in the Phoenix terminal area would be available for normal VFR operations in a "see and be seen" environment. Aircraft using the airspace above 8,000 feet VFR would need to be alert for aircraft entering and leaving the Phoenix TCA.

C. Cost

There were many comments received concerning added costs that would be incurred by the implementation of a TCA. These include (1) the cost to acquire and install the avionics equipment necessary to operate in the TCA, if the aircraft is not already so equipped, and (2) the operating costs to fly within the TCA environment or to avoid it. The TCA will immediately provide the basis for service to all aircraft that are properly equipped.

In discussions concerning the distribution of costs to the user, much has been said about it being the general aviation operators who are the most likely to incur the greatest cost impact. To operate within the confines of the TCA, aircraft must be equipped with a transponder. From available data, it is estimated that 80 percent of the aircraft based in the Phoenix terminal area are already equipped with a transponder. The operators of the remaining aircraft would have to incur the cost of a transponder in order to achieve the enhanced level of safety and ATC services or operate outside the TCA airspace. The FAA has made a concerted effort to design the TCA to accommodate those who wish to avoid the TCA airspace and to minimize the potential risks of operating on the periphery of the TCA. The options are clearly posed for the election of each operator to pursue whichever flight path is appropriate to that operator's situation.

The operating costs incurred by the transponder equipped operators who operate within the TCA airspace, as explained in the Airspace User Cost Impact Study, will be minimal. The FAA estimates that these costs can be computed in terms of a one-minute average ATC procedural delay during peak traffic periods. This delay is attributable, in part, to ATC procedures which include the time required to radar identify any VFR traffic and integrate that traffic into established IFR traffic flows.

Some commenters stated that additional costs will be incurred by aircraft attempting to avoid the TCA. The TCA has been configured to provide north-south, point to point VFR cross country flying with a minimal amount of additional flight time or fuel being expended. For example, aircraft using the VFR corridor would in many cases use no more fuel than at present. Aircraft choosing to avoid the TCA by diverting eastward or westward under Areas D and E would add about 3 miles to their flight path. The distance between Scottsdale Airport and Chandler is 22 miles direct and 24 miles by underflying Area E. The distance between Deer Valley Airport and Stellar Airpark is 25 miles direct and 26 miles using the VFR corridor. The resulting increase in fuel consumption is considered insignificant. In addition, if requested, ATC may clear aircraft without a transponder through the TCA when such operations can be handled without undue risk to other operations in the TCA. In instances where circumnavigation of the TCA becomes necessary, the areas avoided are locations where several reported near midair collisions and hazardous encounters with uncontrolled aircraft have occurred.

Several commenters stated that the implementation of a TCA would create additional costs for the ATC system because it requires a larger work force and the purchase of additional ATC equipment by the FAA. The controller work force levels are not adjusted for the day-to-day fluctuation of traffic. Currently, the daily traffic volume at Phoenix approach control varies from 1,700 to 2,000 operations. FAA estimates that the average increase in number of aircraft handled would be no more than 5 percent to 8 percent. At the present time, the additional traffic would not necessitate additional controllers or ATC equipment. If future demands on the facilities do occur, the FAA will not hesitate to make the appropriate additions necessary to alleviate any problems that actually develop.

D. Complexity

About half of the commenters expressed a general criticism of the proposed TCA because of its complex design and favored the APA's initial corridor design because of its relatively simple configuration. The FAA is likewise desirous of simplicity in design; however, the APA's corridors are not compatible with the specific needs of the Phoenix area or existing conditions, including navigational aids and traffic flows of both VFR and IFR aircraft.

The proposed TCA configuration is the result of an existing complicated usage of airspace involving arrival and departure profiles to and from the numerous airports in the area and of the need to provide the desired level of safety without imposing unnecessary burdens on the users.

In addition to the airspace needs for aircraft serving Phoenix Sky Harbor International Airport, interrelated air traffic requirements and the different types of civil and military aircraft operating to and from other airports in the Phoenix area were taken into consideration. The TCA size and shape evolved from a review of, and experience with, the airspace usage needs. Sufficient area would be provided to allow for vectoring and sequencing of aircraft to and from Sky Harbor International Airport in order to promote timely movement of airplanes from or to any of the eight other local airports. Airspace is provided for VFR

access through the area and to accommodate glider operations.

Many commenters stated that pilots who wish to remain clear of the TCA would have extreme difficulty navigating and would be required to refer to a terminal area chart and would become preoccupied and unable to look for traffic. The pilot is not expected to use the written regulatory airspace descriptions for navigational purposes. VFR charts are provided for VFR navigation and IFR charts for IFR operations. The VFR charts have a substantial number of visual landmarks, including highly visible roadways, supplemented with navigation information to provide guidance in and around the TCA. A pilot must be able to use these aeronautical materials, particularly while flying in or near busy terminal areas. Pilots have been using these charts for years to successfully navigate in and around the existing TCAs. the FAA is working with users to develop more effective VFR charts and materials to include available VFR routes and altitudes.

E. Compression of VFR Traffic Under the Terminal Control Area

Many commenters felt that the proposed configuration would create an undue compression of VFR traffic at dangerously low altitudes under the floors of the TCA, particularly in the vicinity of Luke Air Force Base. More than 75 percent of all commenters complained that the ceiling of 12,500 feet was too high and would cause considerable compression. They also pointed out the oxygen requirements they would have to meet above 10,000 feet and the additional equipment requirements above 12,500 feet, i.e., Mode C transponders. They evidenced concern regarding the economic burdens associated with fuel costs in climbing above the TCA. By lowering the ceiling of the TCA to 8,000 feet, the oxygen and Mode C transponder requirements were eliminated and the anticipated additional fuel costs were reduced.

It is true that in some areas aircraft operators who elect not to operate within the TCA airspace will be electing to conduct their operations over the same area at lower altitudes than they may presently operate. Every attempt, however, has been made to establish the floors of the TCA as high as possible. Additionally, by lowering the ceiling from 12,500 feet to 8,000 feet, the compression factor south and west of the Air Force Base was materially reduced. The total TCA area would be reduced by 41.6 percent and the large majority of this reduction would relieve compression in the Luke Air Force Base area.

In most areas, adequate altitudes are provided for continued operations under normal conditions and in other cases the pilot must determine whether, under the existing conditions, the operation can be conducted safely. It is noted that most of the areas affected are those in which there is presently a higher risk of hazardous traffic conflict than that posed by the effects of the lower operating altitudes under visual flight conditions.

The elimination of certain VFR flights along flyways within the TCA would result in a reduced collision potential in those areas where those airplanes operated before establishing the TCA because all airplanes in those areas will be separated by ATC. However, it can be assumed that operations might increase in those areas under and around the periphery of the TCA. The magnitude of that increase would relate to the level of increased activity in those areas and would depend on the elections of pilots to use those areas instead of the areas within the TCA where the risks would be reduced. Conversely, it may also be assumed that operations on these flyways would not increase because of the natural dispersal of traffic by the configuration of the TCA. In the absence of specific data concerning the level of activity in those areas before establishing the TCA and the inability to anticipate the use of particular flyways by pilots electing to avoid the TCA, no specific prediction of the relative collision risks can be made. Compared to the substantial collision risk reductions within the TCA, the overall effect of establishing the TCA would be positive for all airspace users unless the risk increases dramatically outside the TCA. While no such increase is anticipated, or can be documented, the FAA would take any action necessary to ensure that all operations are conducted safely.

The "compression" issue was also raised at the various informal airspace meetings which were held in the Phoenix area to obtain public participation in the development of an airspace description. In response to the many helpful comments, the FAA has incorporated several changes in the proposed TCA configuration and has adjusted the airspace, where possible, to offer the least adverse impact to satellite airports, potential terrain hazards, and specific types of operation. This was accomplished by reducing the ceiling from 12,500 feet to 8,000 feet, thus, reducing total volume by 68.9 percent, by adding a VFR corridor, and by raising the base altitudes in areas designated D and E east and west of the airport from 3,500 feet to 4,000 feet. By reducing the ceiling and raising the base or floor altitudes in many areas, the proposed design of the TCA has been greatly simplified. There would be only four base altitudes and some areas have been redesigned to conform with easily identifiable surface streets, e.g., the surface area is bounded by Baseline Road on the south, Indian School Road on the north, Pima Road on the east and 35th Avenue on the west. These changes would be beneficial to the users of the airspace and would also assist in relieving any unnecessary effects of compression beneath the TCA.

The intent of the FAA in proposing this TCA was to provide maximum freedom for all aircraft consistent with providing positive control and separation for those aircraft in the TCA. The configuration adopted by this amendment would substantially achieve that goal.

F. Controller Workload

A significant number of commenters felt that because of the increased control of VFR traffic, the TCA would impose an additional controller workload to the detriment of safety and the level of ATC services.

While it is anticipated that there will be a slight increase in the number of aircraft under ATC control in the Phoenix area, this increase has been estimated by the Phoenix approach control facility to be between 5 percent and 8 percent. This potential increase, however, would be a necessary consequence of selecting the most effective overall airspace designation for safety and efficiency in the terminal area.

Notwithstanding, the possible increase in the number of aircraft under positive control in the Phoenix terminal area, the workload of the controllers servicing this area might actually decrease rather than increase. There is presently a mix of controlled and uncontrolled traffic in the Phoenix area. The TCA would place all traffic under ATC. This would result in VFR traffic operating at assigned altitudes and on assigned headings. The controllers would know the intent of all aircraft within the TCA, which would obviate much of the need for traffic advisories presently issued in the TRSA environment.

The Phoenix TCA is being proposed to provide airspace in which air traffic controllers can better separate all aircraft operating within this congested terminal airspace. The primary

consideration in its adoption would be safety. The overriding safety advantages would more than outweigh the nominal manpower factors involved. If controller workload does increase beyond FAA expectations, the FAA would commit additional resources to ensure that desired safety objectives are reached.

G. Alternative Proposals

1. *APA's First Proposal.* The APA's "safety corridors" proposal has the virtue of simplicity in design, but, unlike the FAA's modified corridor concept, does not permit the flexibility necessary for efficient application of ATC services and, thus, results in hidden complexity in ensuring safety and providing ATC services. The configuration recommended by APA does not provide adequate airspace and procedural flexibility to allow vectoring and routing of all traffic to efficiently accommodate these flows while containing traffic within corridor airspace. Because the FAA recognizes the interest and work that went into the APA proposal, it is useful to explain the difficulties implementation of that proposal would invoke.

a. Adoption of APA's corridors would require redesigning virtually all present arrival/departure routes that are in use in the Phoeniz area. Those routes are part of a carefully planned, evolving system. Any changes to the system would cause far-reaching impacts.

b. The APA's corridors would create unacceptable delays for virtually all users because turbojets would not be able to maneuver for spacing and remain within the corridors. There is insufficient airspace for vectoring in those proposed corridors to achieve spacing and metering of inbound or outbound traffic. The approach controller at Phoenix could not accomplish the spacing function in that limited amount of airspace allowed by the corridor. Thus, holding at an outer fix frequently would be necessary.

2. *APA/AOPA's Second Proposal.* the second proposal merited a great deal of attention in that it considered turbojet routings, vectoring requirements, lateral separation requirements and aircraft capabilities. Phoenix TRACON staff used this recommendation extensively to develop the final product. The size of the APA proposal was reduced in the new proposed TCA by 24.5 percent in area and 51.6 percent in volume. That APA proposal was predicated on the movement of Williams Air Force Base Military Operations Area (MOA) 4 north of Phoenix clockwise to about Williams Air Force Base MOA 3 east of Phoenix. An airspace action of that kind would require at least a year or more of coordination between the United States Air Force and Albuquerque Air Route Traffic Control Center (ARTCC) before action could be initiated. In light of the existing air traffic situation in Phoenix, it would not be appropriate to delay or withhold taking immediate, available action that has been subjected to thorough review and public participation.

3. *City of Phoenix Proposal.* The Mayor of Phoenix and the Phoenix City Council submitted comments and alternative proposals resulting from a public hearing before both the Phoenix City Council and Municipal Aeronautics Board. The proposal has certain favorable aspects such as reduced amounts of airspace being dedicated to the TCA, accommodations for VFR flyways without the need for ATC clearances, and simplicity. The following summarizes the major points of that proposal and provides responses to those proposals:

a. Proposed that a modified TCA be adopted for Sky Harbor International Airport that reduces the scope of the TCA and leaves more airspace available for general aviation pilots who do not want to utilize the services or operate from Sky Harbor International Airport. The overall TCA height should be limited to 10,000 feet rather than 12,500 feed in the FAA proposal.

A modified proposed TCA has been developed reducing the scope of the TCA to provide more airspace for pilots who do not wish to participate in the TCA. The ceiling of the TCA has been lowered to 8,000 feet in response to the City Council's recommendations and those of other user groups.

b. Proposed that the size of the VFR corridor over Sky Harbor International Airport be increased in width and depth.

Increasing the size of the VFR corridor would be unduly restrictive to turbojet aircraft utilizing Sky Harbor International Airport with little increase in safety. An air-to-air frequency would be established for the corridor so that pilots transiting the corridor may communicate with each other. The vertical dimension is essentially the same as the majority of established VFR corridors. In addition, we have two natural corridors east and west of the airport that would be enhanced by raising the floor of the TCA in those areas.

c. Proposed that the base altitudes at which each layer of airspace begins be increased providing a larger area beneath the TCA for general aviation aircraft to operate without being in the TCA.

Whenever practical, the base altitude of the new TCA proposal would be increased to provide for natural flyways for VFR aircraft.

d. Proposed that allowance be made for special interest groups such as sport planes and gliders.

The lateral boundaries of the new proposed TCA would be modified to exclude the areas normally used by these special interest groups.

e. Proposed that the FAA enter into an operational agreement with the City of Phoenix Police Department for the city's fixed wing surveillance aircraft and helicopter operations.

The FAA has assured the Phoenix Police Deparment that in almost all cases their operations would be uninhibited.

f. Proposed that the FAA place a high priority on additional instrument landing systems and navigational aids in the metropolitan community.

The FAA has initiated for the establishment of an ILS system at Casa Grande and the establishment of a radio beacon in the Scottsdale area for general aviation pilots.

g. Proposed that, where possible, the low altitude boundary lines be defined by easily identifiable visual landmarks for general aviation pilot references. The high altitude air carrier arrival and departure routes should be defined by radial or navigational references.

The proposed redesigned TCA has boundary lines defined both by radial navigational references and easily identifiable visual landmarks.

4. *A Group I TCA should be installed instead of a Group II TCA as proposed.* Numerous commenters recommended establishing a Group I TCA rather than the Group II TCA proposed in Airspace Docket 18605/79–AWE–18, because it would provide an additional degree of control over aircraft operating in the TCA airspace.

The basic differences between Group I and Group II TCAs are that in a Group I TCA an altitude encoding transponder and a private pilot rating or better are required. Those are in addition to the basic requirements for operating in a Group II TCA where a two-way radio, VOR or TACAN and radar beacon transponder are required. Most commenters who recommended establishing a Group I TCA in Phoneix focused on the need for the altitude encoder to provide an additional measure of safety.

Consideration of a requirement for an altitude encoder necessarily includes considering the particular circumstances presented in the terminal area that indicate that the flight information provided by an encoder would significantly enhance ATC's ability to

control aircraft safely and efficiently. It should be noted, however, that the level of ATC services provided in a Group II TCA is not different than in a Group I TCA where an encoder is required.

Whether carriage of an altitude encoder should be required in Group II TCA's generally, or redesignation of any particular Group II as a Group I TCA are issues whose importance transcends this rulemaking proceeding. An examination of them will be made under separate review. The FAA would monitor the effectiveness of the Group II TCA in Phoenix and consider making whatever changes are necessary to provide improvement, including implementing a Group I TCA or requiring an altitude encoder if operational experience proves it is warranted.

Economic Impacts

The FAA has thoroughly assessed the costs of establishing the Phoenix TCA. A comprehensive economic assessment, covering the entire program as described in the Plan for Enhanced Safety was made available to attendees at informal airspace meetings held in Phoenix and was placed in the Regional and Washington dockets for public comment. The assessment includes systemwide assumptions concerning the impact of all 44 originally proposed new TCAs, including the Phoenix, Ariz., TCA proposal. Since 16 of the original sites are no longer under current consideration, the cost impact systemwide is even less but the underlying assumptions are still applied to the remaining candidate sites. In addition, to determine whether these general assumptions are valid for the particular TCA airspace description proposed for Phoenix, Arix., the FAA Western Regional Office prepared a detailed draft addition to the broad national study. This regional economic assessment was appended to the national assessment and was also in the Regional and Washington dockets. Since the TCA configuration dimensions proposed in this NPRM have been reduced both vertically and laterally from that initially proposed, the user cost impact assessment contained in the docket would not be significantly affected.

Environmental Assessments

In a manner similar to that described above for the national and local economic assessment, an environmental assessment was prepared, which addresses the overall national environmental effect of the 44 proposed TCAs. This assessment addresses the aircraft noise, aircraft emissions, and fuel consumption impacts of the program as a whole, and concludes that these impacts would not significantly affect the quality of the human environment. This national assessment is in the Regional and Washington dockets. In addition, like the economic study, this programwide assessment has been supplemented with an environmental assessment prepared by the Regional Office, responding to the site-specific impacts of the Phoenix, Ariz., TCA proposal. Since the TCA proposal has been reduced in size both vertically and laterally, aircraft emissions, aircraft noise and fuel consumption impacts would not significantly change. Accordingly, the environmental effect of the revised configuration proposed herein would not significantly affect the human environment.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 768) by adding a new Group II TCA to read as follows:

Subpart K—Terminal Control Areas

§ 71.401 Designation

* * * * *

(b) Group II, TCAs:

* * * * *

Phoenix, Ariz., TCA.

Primary Airport

Phoenix Sky Harbor International Airport (Lat. 33°26'10"N., Long. 112°00'31"W.)

Boundaries

Based on arcs of the Phoenix ASR antenna (Lat. 33°25'41.8"N., Long. 111°59'54.6"W.) and radials of the Phoenix VORTAC (PHX), Chandler VORTAC (CHD) and Casa Grande VORTAC (CZG).

VFR Corridor

That airspace extending upward from 4,100 feet MSL to and including 5,500 feet MSL, 3.0 NM wide centered on a line drawn perpendicular to the PHX 270°T(256°M) radial, 6.1 NM west of the PHX VORTAC, and bounded on the north by a line 3.8 NM north of and parallel to the PHX 270°T(256°M) radial, and on the south by a line 3.2 NM south of and parallel to the PHX 270°T(356°M) radial.

Area A. That airspace extending from the surface upward to and including 8,000 feet MSL bounded by a line beginning at a point 12.6 NM west of the PHX VORTAC and 3.2 NM south of the PHX 270°T(256°M) radial; thence northbound perpendicular to the PHX 270°T(256°M) radial to a point 3.8 NM north of the PHX 270°T(256°M) radial; thence eastbound parallel to the PHX 270°T(256°M) radial to a point 0.3 NM west of the PHX 360°T(346°M) radial; thence southbound perpendicular to the PHX 270°T(256°M) radial to a point 3.2 NM south of the PHX 270°T(256°M) radial; and thence westbound to the point of origin; excluding that airspace within the VFR corridor.

Area B. That airspace extending upward from 2,600 feet MSL to and including 8,000 feet MSL, west of the Phoenix Sky Harbor International Airport, bounded on the west by the 10 NM arc of the Phoenix ASR antenna; on the north by a line 3.8 NM north of and parallel to the PHX 270°T(256°M) radial; on the south by a line 3.2 NM south of and parallel to the PHX 270°T(256°M) radial; and on the east by a line drawn perpendicular to the PHX 270°T(256°M) radial, 12.6 NM west of the PHX VORTAC.

Area C. That airspace extending upward from 2,600 feet MSL to and including 8,000 feet MSL, east of the Phoenix Sky Harbor International Airport, bounded on the east by the 10 NM arc of the Phoenix ASR antenna; on the north by a line 3.8 NM north of and parallel to the PHX 090°T(076°M) radial; on the south by a line 3.2 NM south of, and parallel to, the PHX 090°T(076°M) radial; and on the west by a line drawn perpendicular to the PHX 270°T(256°M) radial, 0.3 NM west of the PHX VORTAC.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL, west of the Phoenix Sky Harbor International Airport, bounded by a line beginning at a point 9 NM north of the PHX 270°T(256°M) radial on the 15 NM arc of the Phoenix ASR antenna; thence east parallel to the PHX 270°T(256°M) radial to intercept the CZG 350°T(336°M) radial; thence along the CZG 350°T(336°M) radial to a point 3.8 NM north of the PHX 270°T(256°M) radial and 7.6 NM west of the PHX VORTAC; thence westbound parallel to the PHX 270°T(256°M) radial to intercept the 10 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 10 NM arc to a point 3.2 NM south of the PHX 270°T(256°M) radial; thence east parallel to the PHX 270°T(256°M) radial to a point 7.6 NM west of the PHX VORTAC; thence southwest direct to the CHD 270°T(256°M) radial 21.2 NM DME fix; thence west along the CHD 270°T(256°M) radial to the 15 NM arc of the Phoenix ASR antenna; thence clockwise along the 15 NM arc to the point of origin.

Area E. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL, east of the Phoenix Sky Harbor International Airport, bounded by a line beginning at a point 4.6 NM west of the PHX VORTAC and 3.8 NM north of the PHX 270°T(256°M) radial; thence direct to a point 10 NM from the Phoenix ASR antenna on the 020°T(006°M) bearing; thence east, parallel to the PHX 090°T(076°M) radial, to intercept the 15 NM arc of the Phoenix ASR antenna; thence clockwise to intercept the PHX 074°T(060°M) radial; thence west along the PHX 074°T(060°M) radial to intercept the CZG 012°T(358°M) radial; thence south along the CZG 012°T(358°M) radial to intercept the CHD 270°T(256°M) radial; thence west along the CHD 270°T(256°M) radial to intercept the CZG 353°T(339°M) radial; thence north along the CZG 353°T(339°M) radial to a point 4.6 NM west of the PHX VORTAC and 3.2 NM south of the PHX 270°T(256°M) radial; thence

eastbound parallel to the PHX 270°T(256°M) radial to intercept the 10 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 10 NM arc to a point 3.8 NM north of the PHX 090°T(076°M) radial; thence west to the point of origin.

Area F. That airspace extending upward from 5,600 feet MSL to and including 8,000 feet MSL, north of the Phoenix Sky Harbor International Airport, bounded by a line beginning at a point 4.6 NM west of the PHX VORTAC and 3.8 NM north of the PHX 270°T(256°M) radial; thence direct to a point 10 NM from Phoenix ASR antenna on the 020°T(006°M) bearing; thence east parallel to the PHX 090°T(076°M) radial to intercept the 15 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 15 NM arc to a point 9 NM north of the PHX 270°T(256°M) radial; thence east parallel to the PHX 270°T(256°M) radial to intercept the CZG 350°T(336°M) radial; thence southbound along the CZG 350°T(336°M) radial to a point 3.8 NM north of the PHX 270°T(256°M) radial and 7.6 NM west of the PHX VORTAC; thence east to the point of origin.

Area G. That airspace extending upward from 5,600 feet MSL to and including 8,000 feet MSL, south of the Phoenix Sky Harbor International Airport, bounded by a line beginning at a point 3.2 NM south of the PHX 270°T(256°M) radial and 7.6 NM west of the PHX VORTAC; thence east parallel to the PHX 270°T(256°M) radial to intercept the CZG 353°T(339°M) radial; thence south along the CZG 353°T(339°M) radial to intercept the CHD 270°T(256°M) radial; thence east along the CHD 270°T(256°M) radial to intercept the CZG 012°T(358°M) radial; thence south along CZG 012°T(358°M) radial to intercept the 15 NM arc of the Phoenix ASR antenna; thence clockwise along the 15 NM arc to intercept the CZG 329°T(315°M) radial; thence north along the CZG 329°T(315°M) radial to intercept the CHD 270°T(256°M) radial; thence east along the CHD 270°T(256°M) radial to the CHD 21.2 NM DME fix; thence north to the point of origin.

Area H. That airspace extending upward from 7,000 feet MSL to and including 8,000 feet MSL, north of the Phoenix Sky Harbor International Airport, bounded by a line beginning at a point where the CZG 342°T(328°M) radial intersects the 15 NM arc of the Phoenix ASR antenna; thence clockwise along the 15 NM arc to intercept the PHX 004°T(350°M) radial; thence north along the PHX 004°T(350°M) radial to intercept the 20 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 20 NM arc to intercept the CZG 342°T(328°M) radial; thence south along the CZG 342°T(328°M) radial to the point of origin.

Area I. That airspace extending upward from 5,600 feet MSL to and including 8,000 feet MSL, northeast of the Phoenix Sky Harbor International Airport, bounded by a line beginning at a point where the PHX 039°T(025°M) radial intersects the 15 NM arc of the Phoenix ASR antennas; thence clockwise along the 15 NM arc to intercept the PHX 074°T(060°M) radial; thence along the PHX 074°T(060°M) radial to intercept the 20 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 20 NM arc to intercept the PHX 039°T(025°M) radial; thence southwest along the PHX 039°T(025°M) radial to the point of origin.

Area J. That airspace extending upward from 7,000 feet MSL to and including 8,000 feet MSL south of the Phoenix Sky Harbor International Airport, bounded by a line beginning at a point where the PHX 164°T(150°M) radial intersects the 15 NM arc of the Phoenix ASR antenna; thence clockwise along the 15 NM arc to intercept the CZG 329°T(315°M) radial; thence along the CZG 329°T(315°M) radial to intercept the 20 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 20 NM arc to intercept the PHX 164°T(150°M) radial; thence north along the PHX 164°T(150°M) radial to the point of origin.

Area K. That airspace extending upward from 5,600 feet MSL to and including 8,000 feet MSL, west of the Phoenix Sky Harbor International Airport, bounded by a line beginning at a point where the PHX 259°T(245°M) radial intersects the 15 NM arc of the Phoenix ASR antenna; thence clockwise along the 15 NM arc to intercept the PHX 277°T(263°M) radial; thence west along the PHX 277°T(263°M) radial to intercept the 20 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 20 NM arc to intercept the PHX 259°T(245°M) radial; thence east along the PHX 259°T(245°M) radial to the point of origin.

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities. This proposed rule affects only air navigation and air traffic control in a limited airspace. Any effect on small aviation businesses in the Phoenix area should be minimal.

Note.—The FAA has determined that this document involves a proposed regulation which is not a major rule under Executive Order 12291, nor a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Under the provisions of Executive Order 12291, its implementation would not have a major economic effect on consumers, industries, Federal, state, and local governmental agencies, or geographic regions. There would be no significant effects on competition, employment, investment, productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets. The total projected costs of this rule may be found in a copy of the draft regulatory evaluation contained in the public docket. A copy of that evaluation may be obtained by contacting the person identified above under the caption "**FOR FURTHER INFORMATION CONTACT:** . . ."

Issued in Washington, D.C., on May 19, 1981.

R. J. Van Vuren,

Director, Air Traffic Service.

BILLING CODE 4910-13-M

[FR Doc. 81-17

BILLING COD

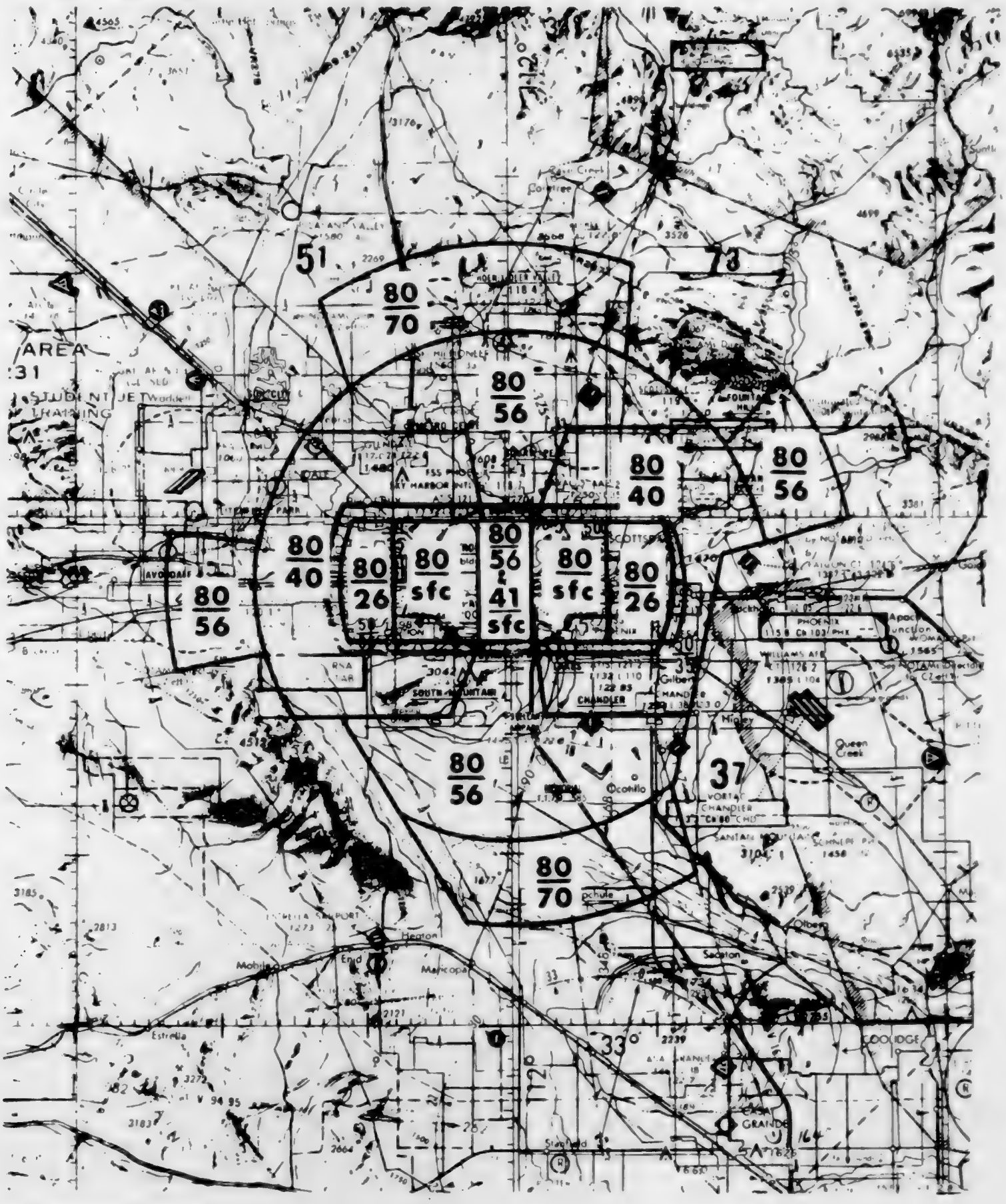

[FR Doc. 81-17581 Filed 6-12-81; 8:45 am]

BILLING CODE 4910-13-C

14 CFR Part 75

[Airspace Docket No. 81-ASW-22]

Proposed Alteration of Jet Routes

Correction

In FR Doc. 81-16196, appearing at page 29281, in the issue of Monday, June 1, 1981, make the following correction:

On page 29282, first column, the second paragraph "**DATES:**" should have read:

"**DATES:** Comments must be received on or before July 1, 1981.".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[LR-8-81]

Voluntary Withholding From Sick Pay; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to voluntary withholding from sick pay.

DATES: The public hearing will be held on August 11, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by July 28, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-8-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 3402(o) and 6051(f) of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, May 1, 1981 (46 FR 24595).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by July 28, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-17695 Filed 6-12-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD1-80-9-R]

Establishment of a Special Anchorage Area in Boston Inner Harbor, Boston, Mass.

AGENCY: Coast Guard, Department of Transportation.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to establish a Special Anchorage Area near the entrance to Fort Point Channel in Boston Harbor, Boston, Massachusetts at the request of the City of Boston.

This proposal is necessary due to the increased number of pleasure craft utilizing Boston Harbor. Adoption of this proposal will provide adequate anchorage space for small craft in the area and would relieve them of the requirement to carry and display anchor lights while utilizing the Special Anchorage.

DATES: Written comments must be submitted on or before 24 July 1981. A Public Hearing will be held at 0930 on 9 July 1981. Upon written request, the Public Hearing will be reconvened at 1900 on 9 July 1981.

ADDRESSES: Written comments should be submitted to and are available for examination at the office of the Captain of the Port of Boston, U.S. Coast Guard Marine Safety Office, 447 Commercial Street, Boston, Massachusetts 02109. The Public Hearing will be held in the Wardroom, 5th floor, Coast Guard Support Center, 427 Commercial Street, Boston, Massachusetts.

FOR FURTHER INFORMATION CONTACT: LCDR Theophilus MONIZ III, U.S. Coast Guard Marine Safety Office, 447 Commercial Street, Boston, Massachusetts 02109, (617) 223-1470.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each person submitting a comment should include their name and address, identify this notice, the specific section of the proposal to which their comment applies, and give reason for the comment. Persons desiring acknowledgement that their comment has been received should enclose a stamped self-addressed postcard or envelope. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

Drafting Information

The principal persons involved in drafting this proposal are LCDR Theophilus MONIZ III, U.S. Coast Guard Marine Safety Office, Boston Massachusetts and LT Joseph DONOVAN, Project Attorney, Commander (dl), First Coast Guard District, 150 Causeway Street, Boston, Massachusetts.

Discussion of Proposed Regulation

The Coast Guard, at the request of the City of Boston, Massachusetts is proposing to amend the Anchorage Regulations by establishing a Special Anchorage Area in Boston Inner Harbor, Boston, Massachusetts. This anchorage area will be for the use of the general public. An increase in the number of pleasure craft utilizing Boston Harbor warrants the establishment of this Special Anchorage Area. In Special Anchorage Areas, vessels of not more than 65 feet in length, when at anchor,

are not required to carry or display anchor lights.

The adjacent waters of the proposed area are non-navigable U.S. waters declared by Public Law 90–312. The shoreline beyond the adjacent non-navigable waters is bounded by city property controlled by the Boston Redevelopment Authority and the Harbor Towers property at India Wharf, which is privately owned. The owners of the Harbor Towers property have been contacted and indicated no objection to this proposal.

An Environmental Assessment was completed in February 1981 which resulted in a finding of no significant impact on the quality of the human environment. Environmental information can be obtained from Mr. P.V. Kaselis, Environmental Specialist, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts.

The only effect of the proposed regulation is the designation of an anchorage area near the entrance to Fort Point Channel in Boston Inner Harbor which should relieve the congestion by the random anchorage of small craft. Vessels utilizing this limited area would not be required to display anchor lights which would enhance visability of other vessels transiting Fort Point Channel. Limited access to this area will not impede normal navigation and will have no economic impact on any entity.

This proposed regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this proposed regulation is considered to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, it is proposed that Part 110 of Title 33 Code of Federal Regulations be amended to provide three adjacent Special Anchorage Areas by adding § 110.30(m) to read as follows:

§ 110.30 [Amended]

* * * * *

(m)(1) *Boston Inner Harbor A.* The waters of the eastern side of Boston Inner Harbor adjacent to the entrance to Fort Point Channel bounded by a line beginning at latitude 42°21′ 24″N, longitude 71°02′ 53″W; thence 305° T to latitude 42°21′ 26″N, longitude 71°02′ 57″W; thence 029° T to latitude 42°21′ 31″N, longitude 71°02′ 53″W; thence 077° T to latitude 42°21′ 32″N, longitude 71°02′ 47″W; thence along a line bearing 209° T to point of origin.

(2) *Boston Inner Harbor C.* The waters of the eastern side of Boston Inner Harbor adjacent to the entrance to Fort Point Channel bounded by a line beginning at latitude 42°21′ 22″N, longitude 71°02′ 55.5″W; thence 208° T to latitude 42°21′ 20″N, longitude 71°02′ 57.5″W; thence 257° T to latitude 42°21′ 19″N, longitude 71°03′ 01″W; thence 029° T to latitude 42°21′ 22.5″N, longitude 71°02′ 57.5″W; thence along a line bearing 125° T to point of origin.

(3) *Boston Inner Harbor B.* The waters of the eastern side of Boston Inner Harbor adjacent to the entrance to Fort Point Channel bounded by a line beginning at latitude 42°21′ 24″N, longitude 71°02′ 53″W; thence 029° T to latitude 42°21′ 32″N, longitude 71°02′ 47″W; thence 139° T to latitude 42°21′ 27″N, longitude 71°02′ 41″W; thence along a line bearing 254° T to point of origin.

Note.—Administration of the Special Anchorage Areas is excercised by the Harbormaster, City of Boston pursuant to local ordinances. The City of Boston will install and maintain suitable navigational aids to mark the perimeter of the Anchorage area.

(33 U.S.C. 180, 471; 33 CFR 1.05–1(g)(2), 49 CFR 1.46(c))

Dated: June 1, 1981.

R. H. Wood,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 81–17742 Filed 6–12–81; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW–3–FRL 1853–6]

Virginia Application for Interim Authorization, Phase I; Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region III.

ACTION: Postponement of public hearing and extension of public comment period.

SUMMARY: EPA Regulations to protect human health and the environment from the improper management of hazardous waste were published in the **Federal Register** on May 19, 1980 (45 FR 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is postponing the Public Hearing originally scheduled for June 17, 1981, on the Virginia application for Phase I Interim Authorization, and extending the public comment period due to increased public interest.

DATE: Comments on the Virginia Interim Authorization application must be received by July 30, 1981.

PUBLIC HEARING: EPA will conduct a Public hearing on the Virginia Interim Authorization application at 1:00 p.m. on Thursday, July 30, 1081. The Commonwealth of Virginia will participate in any Public hearing held by EPA on this subject.

ADDRESSES: Copies of the Virginia Interim Authorization application are available at the following addresses for inspection and copying by the public:

Virginia Department of Health, James Madison Building, 109 Governor Street, Richmond, Virginia 23219 (804) 786–5272.

U.S. EPA, Region III, Air, and Hazardous Materials Division, Hazardous Materials Branch, 6th & Walnut Streets, Philadelphia, PA. 19106 (215) 597–7938.

The public hearing will be held at:

Highway Department Building, 1221 East Broad Street, Main Auditorium, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Robert L. Allen, U.S. EPA, Air, and Hazardous Materials Division, 6th & Walnut Streets, Philadelphia, Pa. 19106 (215) 597–0980.

Jack Schramm,

Regional Administrator.

[FR Doc. 81–17804 Filed 6–12–81; 8:45 am]

BILLING CODE 6560–01–M

---

40 CFR Part 180

[OPP–300024; PH–FRL–1852–8]

1,2-Benzisothiazolin-3-One; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the inert (or occasionally active) ingredient 1,2-benzisothiazolin-3-one in pesticide formulations be exempted from tolerance requirements. The proposal was submitted by ICI Americas, Inc.

DATE: Comments must be received on or before July 15, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS–767C), Office of Pesticide Program,

Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
John A. Shaughnessy (703–557–7110).

SUPPLEMENTARY INFORMATION: At the request of ICI Americas, Inc., Wilmington, Delaware 19897, the Administrator is proposing to amend 40 CFR 180.1001(d) by exempting 1,2-benzisothiazolin-3-one which is an inert (or occasionally active) ingredient in all pesticide formulations, from tolerance requirements (certain limitations apply).

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticide efficacy of their own): Solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and the toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Inert ingredient	Firm	Bases for approval
1,2-benzisothiazolin-3-one	ICI Americas, Inc., Wilmington, DE 19897	90-day dog and rat feeding studies. Ames mutagenicity test. Literature search. Limited to 0.1% in formulations. Limited to no more than 0.02 pound applied per acre.

Background

EPA issued a notice that published in the **Federal Register** of March 14, 1977 (42 FR 13842) that proposed an exemption for 1,2-benzisothiazolin-3-one from the requirement of a tolerance when used as an inert (or occasionally active) ingredient in all pesticide formulations, applied to growing crops only. The exemption was proposed at the request of ICI United States, Inc., the predecessor of ICI Americas, Inc. The toxicological basis for the exemption was Food Additive Petition #3H2927, which included two 90-day feeding studies (dog and rat).

Only one comment was received on this proposal. It stated that 1,2-benzisothiazolin-3-one is very closely related to saccharin, a suspected carcinogen, and that approval should be held up pending further information from the manufacturer. Based on this comment, 1,2-benzisothiazolin-3-one was deleted from the list of proposed exemptions in a **Federal Register** notice of July 8, 1977 (42 FR 35158).

Subsequent discussions with ICI representatives indicated that they were only interested in using 1,2-benzisothiazolin-3-one in formulations of pirimiphos-ethyl (at 0.1 percent of the formulation) and only on melons. The agency concluded that such use might cause trace residues of 1,2-benzisothiazolin-3-one on treated melons. However, it was concluded that any such residues would not be consumed by humans, since the rinds of fresh melons are not consumed by humans. Even if the rind portion is converted to preserves, the outside, impervious portion of the rind is also removed prior to cooking.

The (October 19, 1978) proposal gave the chemical name of pirimiphos-ethyl, the active ingredient, as *O,O*-diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate. The final order was published in the **Federal Register** of February 8, 1979 (44 FR 7953). This notice corrected the name of the active ingredient as requested by ICI. Section 180.1044 now limits the exemption for 1,2-benzisothiazolin-3-one to 0.1 percent in formulations of 5-butyl-2-(ethylamino)-6-methyl-4 (3*H*) pyrimidinone, applied to melons only.

On September 25, 1979, ICI Americas, Inc. submitted Ames test (toxicity) data on 1,2-benzisothiazolin-3-one with a request for the general blanket exemption as originally proposed March 14, 1977. As part of their review, agency toxicologists also made a search of the literature.

Scientific bases for proposed exemption include:

1. Two 90-day feeding studies (dog and rat).
2. Literature search.
3. Negative (non-mutagenic) results for Ames Mutagenicity test.
4. Exposure is limited because there is a restriction to 0.1 percent in formulations, and not more than 0.02 pound per acre.

Based on the above information and a review of its use, it has been found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR 180.1001 and 180.1044 will protect the public health, and it is proposed that the regulation be established as set forth below. In addition, it is proposed that § 180.1044, which established an exemption from a tolerance for residues of 1,2-benzisothiazolin-3-one in formulations of 5-Butyl-2-(ethylamino)-6-methyl-4 (3*H*) pyrimidionone on melons at no more than 0.1 percent of formulation, be revoked.

Any person who has registered or submitted an application for the registration of a pesticide product under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains 1,2-benzisothiazolin-3-one, may request, within 30 days after publication of this proposal in the **Federal Register**, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject matter and the document control number "OPP–300024." All written comments filed in response to this notice will be available for public inspection in the Process Coordination Branch, Rm. 514D, Crystal Mall #2, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: June 4, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180, be amended as follows:

1. Section 180.1001(d) is amended by alphabetically inserting "1,2-benzisothiazolin-3-one * * *" in the table to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(d) * * *

Insert ingredients	Limits	Use
* * * * * * *		
1,2-benzisothiazolin-3-one	Not more than 0.1 percent of formulation. Not more than 0.02 pound to be applied per acre.	Preservative stabilizer
* * * * * * *		

§ 180.1044 [Removed]

2. Removing § 180.1044 1,2-benzisothiazolin-3-one; exemption from the requirement of a tolerance.

[FR Doc. 81-17696 Filed 6-12-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5973]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Greenfield, Blair County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the **Federal Register** at 46 FR 8043 on January 26, 1981, and hence supersedes those previously published rules.

DATES: The period for comments will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Greenfield Township Building, East Freedom, Pennsylvania.

Send comments to: Honorable Raymond Mountain, Chairman of the Greenfield Board of Supervisors, R.D. 1, East Freedom, Pennsylvania 16637.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Greenfield, Blair County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Proposed Base (100-Year) Flood Elevations

State	City/Town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
Pennsylvania	Greenfield, Township, Blair County	Frankstown Branch, Juniata River	Downstream Corporate Limits	*1,053
			Confluence of Polecat Run	*1,075
			Walnut Street (Upstream)	*1,129
			Approximately 1,450' downstream of Township Route 312.	*1,155
		South Popular Run	Confluence with Frankstown Branch Juniata River	*1,147
			Approximately 400' downstream of Legislative Route 07002.	*1,231
			Approximately 80' upstream of Legislative Route 07042 (extended).	*1,429
			Upstream side of Legislative Route 07002	*1,504
			Approximately 1,100' downstream of Township Route 506.	*1,604
			Approximately 860' downstream of confluence of Big Lick Branch.	*1,731
			Approximately 480' upstream of confluence of Big Lick Branch.	*1,793
		Carson Run	Confluence with South Popular Run	*1,489
			Approximately 800' upstream of first Private Road	*1,575
			Approximately 200' upstream of second Private Road	*1,604

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 5, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-17599 Filed 6-12-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

[Docket No. FI-4151]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Manlius, Onondaga County, New York.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the **Federal Register** at 43 FR 23600 on May 31, 1978, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Office of the Manlius Town Supervisor, 301 Brooklea Drive, Fayetteville, New York.

Send comments to: Honorable Keith M. Morgan, Town Supervisor of Manlius, 301 Brooklea Drive, Fayetteville, New York 13066.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Manlius, Onondaga County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Manlius, Town, Onondaga County	Limestone Creek	Approximately 850' downstream of State Route 115	*396
			State Route 115 upstream	*397
			New York State Thruway (Eastbound) Upstream	*401
			State Route 290 upstream	*418
			High Bridge Road Downstream	*485
			High Bridge Road Upstream	*496
			Confluence of West Branch Limestone Creek	*547
			Whetstone Road Upstream	*611
			Pompey Center Road Upstream	*724
			Upstream Corporate Limits	*739
		West Branch, Limestone Creek	Confluence with Limestone Creek	*547
			Upstream Corporate Limits	*600
		Butternut Creek	Confluence with Limestone Creek	*399
			New York State Thruway (Eastbound) Upstream	*403
			Upstream Corporate Limits	*409
		Sweet Road Tributary	Confluence with West Branch Limestone Creek	*548
			Confluence with Sweet Road Tributary No. 1	*675
			Upstream Corporate Limits	*873
		Sweet Road Tributary No. 1	Confluence with Sweet Road Tributary	*675
			State Route 173 Upstream	*787
			Upstream Corporate Limits	*912
		Bishop Brook	Approximately 170' downstream of State Route 257	*438
			Conrail Upstream	*474
			Upstream Corporate Limits	*486
		Erie Canal	Erie Canal Aqueduct	*428
			Upstream Corporate Limits	*428

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administration)

Issued: June 5, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administrator.

[FR Doc. 81-17600 Filed 6-12-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6083]

National Flood Insurance Program; Proposed Zone Designations for Brown, County, Unincorporated Areas, Wisconsin

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 305 East Walnut Street, North Building, Green Bay, Wisconsin.

Send comments to: Mr. William H. Hnilicka, County Administrator, Brown County, 305 East Walnut Street, North Building, Green Bay, Wisconsin 54301.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Inplementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for Brown County, Unincorporated Areas, Wisconsin, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates ror new bulldings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are:

Zone A3, Zone B, and Zone C along Green Bay, between Brown County's northern corporate limits and the Village of Howard's northern corporate limits.

Zone A6, Zone B, an Zone C along the Suamico River between State Route "M" and North Lakeview Drive.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127; 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 8, 1981.

Robert G. Chappell,

Acting Assistont Administrator, Federal Insurance Administration.

[FR Doc. 81-17601 Filed 6-12-81; 8:45 am]

BILLING CODE 6718-08-M

---

44 CFR Part 67

[Docket No. FEMA-6012]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Raymond, Rockingham County, New Hampshire, previously published at 46 FR 17800 on March 20, 1981, and in the *Manchester Union Leader* on March 6, 1981, and March 13, 1981.

EFFECTIVE DATE: June 15, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Raymond, Rockingham County, New Hampshire, previously published at 46 FR 17800 on March 20, 1981, and the *Manchester Union Leader* on March 6, 1981, and March 13, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Due to a clerical error, a location under the Source of Flooding of Lamprey River was listed at "Downstream side of State Route 107"; it should be amended to read "Downstream side of State Route 102." The corresponding elevation was correct as published.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 5, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-17602 Filed 6-12-81; 8:45 am]

BILLING CODE 6718-08-M

---

44 CFR Part 67

[Docket No. FEMA-6086]

National Flood Insurance Program; Proposed Special Flood Hazard Areas, Base Flood Elevations, and Zone Designation Determinations for the City of Beulah, Mercer County, N. Dak.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed special flood hazard areas, base flood elevations, and zone designations as described below.

The proposed special flood hazard areas, base flood elevations, and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the

flood-prone areas and the proposed special flood hazard areas, base flood elevations, and zone designations are available for review at the Office of the City Planner, City Hall, Beulah, North Dakota.

Send comments to: The Honorable Darold Benz, Mayor, City of Beulah, P.O. Box 910, Beulah, North Dakota 58523.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755–6570 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed special flood hazard areas, base flood elevations, and zone designations for the City of Beulah, North Dakota, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These special flood hazard areas, base flood elevations, and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed special flood hazard areas, base flood elevations, and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed special flood hazard areas, base flood elevations, and zone designations are as follows:

Source of flooding	Location	Elevation (NGVD)	Zone designation
Knife River	At the eastern extraterritorial limits.	1,767	A6.
Knife River	At Section Line bridge.	1,769	A6.
Knife River	Between the Burlington Northern Railroad and the western extraterritorial limits.	1,784	A6.
West Tributary, Knife River.	Upstream of 7th Street.	None	A.
East Tributary, Knife River.	Upstream of the limit of detailed study.	do	A.
Unnamed Stream	Between the confluence of East Tributary Knife River and 10th Street.	do	A.

In addition, the base flood elevations have been adjusted to coincide with the published profiles along the West Tributary Knife River and the East Tributary Knife River.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 8, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–17803 Filed 6–12–81; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 67

[Docket No. FEMA–6084]

National Flood Insurance Program; Proposed Special Flood Hazard Areas for the City of Bountiful, Davis County, Utah

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed Special Flood Hazard Areas as described below.

The proposed Special Flood Hazard Areas are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed Special Flood Hazard Areas are available for review at the Office of the Public Utility Department, 790 South 100 East, Bountiful, Utah.

Send comments to: The Honorable Elmer W. Barlow, Mayor, City of Bountiful, 790 South 100 East, Bountiful, Utah 84010.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappel, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed Special Flood Hazard Areas for the City of Bountiful, Utah, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These Special Flood Hazard Areas, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed Special Flood Hazard Areas will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed Special Flood Hazard Areas are as follows:

Source of flooding	Location	Zone designation
North Canyon Creek.	Between 400 East Street and the eastern corporate limits.	A
Stone Creek	Between a point approximately 2,200 feet upstream of 1,300 East Street and the eastern corporate limits.	A
North Fork Stone Creek.	Between a point approximately 800 feet upstream of Northridge Drive and the eastern corporate limits.	A

In addition, the flood delineation along the upper reach of Dry Hollow No. 1 has been deleted.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42

U.S.C. 4001–4128); Executive Order 12127 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 8, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-17604 Filed 6-12-81: 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

[Docket No. FEMA-6012]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Leicester, Livingston County, New York, previously published at 46 FR 17801 on March 20, 1981.

EFFECTIVE DATE: June 15, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Leicester, Livingston County, New York, previously published at 46 FR 17801 on March 20, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 80, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following location to be correctly identified with the corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for the Source of Flooding Genesee River, in the Town of Leicester, Livingston County, New York, the description "approximately 4,200' upstream of State Route 36" should be amended to read "approximately 625' upstream of State Route 36". The elevation was correct as cited.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: June 1, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-17605 Filed 6-12-81: 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

[Docket No. FEMA-6005]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of York, Livingston County, New York, previously published at 46 FR 15294 on March 5, 1981.

EFFECTIVE DATE: June 15, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of York, Livingston, County, New York, previously published at 46 FR 15294 on March 5, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following locations to be correctly identified with the corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for the Source of Flooding Browns Creek in the Town of York, Livingston County, New York, the descriptions should be amended to read as follows. The elevations were correct as cited.

Source of flooding	Location	*Elevation in feet (NGVD)
Browns Creek	Approximately 2,130' downstream of Genesee and Wyoming Railroad.	*648
	Approximately 1,150' downstream of Genesee and Wyoming Railroad.	*660

(National Flood Insurance Act of 1968 ((Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 1, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-17606 Filed 6-12-81: 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 67

[Docket No. FEMA-6085]

National Flood Insurance Program; Proposed Special Flood Hazard Areas for the City of Indian Wells, Riverside County, Calif.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed Special Flood Hazard Areas For the City of Indian Wells Riverside County, California as described below.

The proposed Special Flood Hazard Areas are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed Special Flood Hazard Areas available for review at the Planning Department, 45–300 Club Drive, Indian Wells, California.

Send comments to: The Honorable Frank Chiulson, Mayor, City of Indian Wells, 45–300 Club Drive, Indian Wells, California 92260.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program

Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed Special Flood Hazard Areas for the City of Indian Wells, California, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XVII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These Special Flood Hazard Areas, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed Special Flood Hazard Areas will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Due to the completion of the Deep Canyon-Haystack Flood-Control Project and the Living Desert Debris Basin Project and the addition of recently annexed areas, the Special Flood Hazard Areas are being revised. The above projects revise the zone designations and flood delineations along the Deep Canyon Storm Water Channel. The proposed zone designations of the redelineated Special Flood Hazard Areas are Zone A, Zone A0, depth 3 feet, and Zone B. Also, due to a recently annexed area in the northern portion of the City, the proposed zone designation along with the Whitewater River is Zone A. The remaining annexed area is Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 8, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-17607 Filed 6-12-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 81-343; FCC 81-243]

Inquiry Into the Policies To Be Followed in the Authorization of Common Carrier Facilities To Meet Pacific Region Telecommunications Needs During the 1981–1995 Period

AGENCY: Federal Communications Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Document initiates a comprehensive planning procedure to govern the future licensing of telecommunications facilities for the Pacific region for the 1981–1995 time period. A comprehensive planning procedure for the Pacific region is necessary since *ad hoc* review of individual facilities applications is inefficient and does not provide the type of information needed to effectuate the public interest objective of attaining efficient utilization of the lowest cost combination of facilities which can satisfy valid traffic needs and quality of service objectives. The intended effect of the Notice of Inquiry is to establish a procedure by which effective planning of the utilization of telecommunications facilities can take place.

DATES: Comments must be submitted on or before July 15, 1981. Reply comments will be due on or before July 30, 1981.

FOR FURTHER INFORMATION CONTACT: John Coles, Common Carrier Bureau, (202) 632–7265; or Michael Cummins, Common Carrier Bureau, (202) 632–4047.

In the matter of inquiry into the policies to be followed in the authorization of common carrier facilities to meet Pacific region telecommunications needs during the 1981–1995 period, CC Docket No. 81–343.

Notice of Inquiry

Adopted: May 15, 1981.

Released: June 1, 1981.

1. This Notice of Inquiry is the first step in our process for developing policies and guidelines for the construction and use of cable and satellite transmission facilities to meet future demands for common carrier services in the Pacific Ocean region.

2. The Commission has for some time now been involved in determining the policy to be followed in the future licensing of transmission facilities for international communications. The Commission's most recent effort in this area has been directed to the North Atlantic region, culminating in the adoption of a comprehensive policy to govern the authorization of cable and satellite facilities for that region through 1985 and the establishment of guidelines for the 1985–1992 period.[1] At the heart of the Commission's efforts in the facilities planning area is the belief that *ad hoc* review of individual applications for specific international transmission facilities is no longer the most efficient method for evaluating the need for such facilities. In recent years, there has been a rapid increase in the pace of technological development, a sharp increase in the demand for international telecommunication services in the Pacific region, and a much more complex set of facility configuration alternatives available. Therefore, a detailed and comprehensive review of regional needs and alternative facilities options is necessary in order to determine which facilities configuration and use options meet the primary public interest objective of attaining efficient utilization of the lowest cost combination of facilities which can satisfy valid traffic needs and quality of service objectives.[2] It is inefficient and cumbersome to attempt to undertake the necessary comprehensive review and analysis within the context of an individual facility application. Moreover, we stated in the Further Statement of Policy and Guidelines in Docket 18875 that, "Accordingly, we will not in the future consider the authorization of major facility investiments and utilization proposals as isolated instances, but will instead

[1] Docket No. 18875 covered the 1980–1985 planning period. *See* e.g., Overseas Communications, 30 F.C.C. 2d 571 (1971) (Statement of Policy and Guidelines), Overseas Communications, 62 F.C.C. 2d 451 (1976) (Further Statement of Policy and Guidelines). *See also*, Overseas Communications, 67 F.C.C. 2d 358 (1977) (Report Order and Third Statement of Policy and Guidelines), *partial recon. granted* 70 F.C.C. 2d 358 (1978), *modified* 71 F.C.C. 2d 1090 (1979), *further modified and adopted* 71 F.C.C. 2d 71 (1979). Policies for Overseas Common Carriers (Memorandum Opinion and Order) 73 F.C.C. 2d 326 (1979). In Docket 79–184, we adopted general policy guidelines to govern the planning period 1985–1992 in the North Atlantic. *See*, Policies for Overseas Common Carriers, (Report and Order) F.C.C. 81–19, —— F.C.C. 2d —— (1981), released January 16, 1981.

[2] This public interest objective was set forth in Further Statement of Policy and Guidelines in Docket No. 18875 (62 F.C.C. 2d at 458–9).

evaluate them in the context of a comprehensive long-range plan for the establishment and use of facilities to serve a particular geographic area during a specified future planning period." [3] Policy guidelines based upon a comprehensive review and analysis of the region would reduce the regulatory risk to U.S. carriers associated with planning a major facility investment decision and negotiating with their foreign correspondents. Also, there is a substantial reduction in the time and resources required to process facility authorization applications which conform to the guidelines, thus improving the efficiency and reducing the time required to complete the whole facility licensing process.

3. Therefore, the purpose of this Notice of Inquiry is to initiate a comprehensive planning process for the Pacific region. This Notice will focus on the following areas: Past Commission policies with respect to facilities utilization in the Pacific region; recent developments in the region; the scope of issues to be considered in the Inquiry and the criteria for evaluation of alternative facilities configuration and use options; and the proposed planning process.

I. History of the Commission's Facility Utilization Policies in the Pacific Region

4. Currently, international transmission facilities in the Pacific region are authorized on an application-by-application basis. The utilization of cable facilities in this region is govered by a three step process. The first step is the authorization by the Commission to construct or to invest in additional cable facilities—acquisition authority. This step is the most important, since it is at this point that the investment becomes a part of the carrier's rate base. The second step is assignment, which essentially involves a designation of points between which the circuits will be used. The third step, activation, is the authorization for carriers to actually utilize the circuits for service. Activation authority is a means of controlling the actual use of circuits that have been authorized.

5. Telecommunications traffic between the U.S. Mainland and Pacific region countries is currently about 10% of total U.S. international traffic (with about 70% to the Atlantic and 20% to the Caribbean and South and Central America), but it is growing rapidly along with trade and commerce in this region. The major traffic streams are between the U.S. Mainland and Japan, Hong Kong, the Philippines, and Australia. The existing submarine cable network provides east-west connections between the U.S. Mainland and Japan and Australia via the TRANSPAC and COMPAC cable systems, respectively. Another group of regional cable systems is used to carry traffic between Japan, Australia and numerous South East Asian countries. The advent of international satellite service in the Pacific in 1967 (INTELSAT II) resulted in the need to examine the utilization of specific transmission facilities for the first time. This need was first specifically addressed when the Commission authorized the construction of the HAWAII-3/TRANSPAC-2 Cable System (between the U.S. Mainland and Japan via Hawaii and Guam) in 1973.[4] At that time, there were a number of factors which dictated that the Commission scrutinize more closely the utilization of facilities in the Pacific region. First, the Pacific Ocean basin, while recognized as an important comunications area for the United States with respect to economic and national security interests, historically had less total volume of traffic exchanged with the contiguous states than between the contiguous states and Europe. In light of that fact, there was considerable doubt concerning the need for a new cable in the area, since the record in that case indicated that the existing Pacific INTELSAT satellite had enough capacity to meet the communications needs of U.S. carriers for the foreseeable future. In authorizing the new cable system, the Commission cited the growing importance of the Pacific region as an indication that traffic between the United States and countries in the area would increase in the future. The Commission cited several factors which would account for the expected future increase in traffic in the region: the developing relationship between the U.S. and the Peoples Republic of China, the emergence of Japan as a major economic power, the growth of trade with Indonesia and the long-standing relationship with commonwealth countries in the Pacific region.[5]

6. While authorizing the construction of the new cable system, the Commission indicated that it would not tolerate traffic handling patterns that would operate to fill the cable while keeping the satellite relatively unused. To further that objective, the Commission stated that it did not expect any freezing of the then-current levels of satellite utilization, but rather that satellite usage is important to ensure adequate media diversity and redundancy of facilities in order to meet valid quality of service objectives. Therefore, it was expected that both cable and satellite circuits would be employed to meet the growing demand specified by the carriers. In addition, the U.S. carriers were required to file activation applications to govern the actual utilization of all Pacific region telecommunications facilities in the future.

7. The first HAWAII-3/TRANSPAC-2 cable activation order[6] authorized the initial activation of TRANSPAC-2 cable circuits for the 1976-1978 time period. More importantly, the Commission took certain steps to ensure that all available telecommunications facilities would be efficiently utilized. First, the activation period was specifically limited to two years in order to guard against the cable being so heavily loaded during its early years of operation that any shortfall in circuit demand requirements would have to be borne solely by satellite facilities.[7] In addition, the Commission specified that the current level of satellite utilization should be maintained as a minimum, and the deloading of satellite circuits onto cable facilities would not be permitted. The Commission also prescribed a method for dealing with any shortfall in circuit projections that would not result in the satellite becoming further underutilized. Under the Commission's method, if a carrier failed to activate its total number of satellite circuits projected for a particular year, it could not activate any additional TRANSPAC-2 cable circuits for the following year.

8. Balanced against the Commission's concern with the efficient utilization of facilities in the Pacific region has been the desire to allow the carriers the greatest degree of flexibility consistent with established policies and guidelines. To that end, the Commission refused to express a preference for a particular overall ratio of cable to satellite circuit utilization. Rather than restrict the carriers to such a rigid requirement, the Commission noted that particular levels of satellite utilization would be viewed on a country-by-country basis, since usage is dependent on such factors as distance, cost and national security considerations.[8]

9. Upon reconsideration of the activation order,[9] the Commission removed the proscription against deloading satellite circuits onto cable. In

[3] *Id.*

[4] AT&T *et al.*, 43 F.C.C. 2d 505 (1973).

[5] 43 F.C.C. 2d at 515.

[6] AT&T *et al.*, 62 F.C.C. 2d 350 (1976).

[7] *Ibid.* at 354.

[8] 43 F.C.C. 2d at 523.

[9] AT&T *et al.*, 65 F.C.C. 2d 944 (1977).

addition, the Commission permitted the carriers to have their activation plans considered on either an aggregate or point-by-point basis. Essentially, the aggregate approach focuses on the total number of circuits projected for all points and whether those totals have been met, regardless of the particular utilization to specified points. Under the point-by-point approach, emphasis is placed on the particular utilization mix of circuits between cable and satellite to a given point.

10. This utilization policy and activation process is still in effect subject to a few minor modifications. Due to the significant growth in traffic experienced by the American Telephone and Telegraph Company (AT&T) in the Pacific region over the past two years, our regular two year activation scheme has been unable to keep pace with AT&T's need for additional circuits. In early 1979, AT&T notified us that it has exhausted its total number of circuits scheduled for activation in 1979, and temporary authority was granted to permit AT&T to activate its 1980 allotment of circuits in 1979. AT&T's currently authorized activation plan extends through year-end 1981,[10] while the activation authority for the Hawaiian Telephone Co. and the International Record Carriers[11] extends through 1982.[12]

II. Recent Developments in the Region

11. Currently, communications between the United States and various countries in the Pacific region are accomplished through use of the INTELSAT–IV satellite (and an in-orbit spare) and two trans-Pacific cables which inter-connect with various regional cable systems. The Pacific INTELSAT IV satellite has a capacity of 4,000 voice-grade circuits (8,000 half-circuits) and is approximately 60% filled. Historically, the Pacific region has been served by satellites whose capacities were no longer sufficient for use in other regions. For example, the current/INTELSAT IV reaches the end of its design life in 1981/82, at which time the Indian Ocean INTELSAT IV–A satellite with a capacity of 6,000 voice-grade circuits (12,000 half-circuits) will be moved into the region for use until it reaches the end of its design life. Therefore, decisions concerning the choice among alternative satellite design (and capacity) options are driven largely by the requirements for the Atlantic Ocean region—the largest traffic stream which is responsible for using up the available capacity on the current generation of satellites first. This implies that facilities planning issues regarding satellites in the Pacific region will be restricted largely to the utilization of available facilities vis-a-vis cable facilities. The first trans-Pacific cable, TRANSPAC–1, has a capacity of 142 voice-grade circuits and is filled. The HAWAII–3/TRANSPAC–2 Cable System has a capacity of 845 voice-grade circuits and is composed of three segments: Mainland-Hawaii, Hawaii-Guam and Guam-Okinawa. In order to provide communications via cable to many of the countries in the region, connecting cable systems must be used which interconnect with the HAWAII–3/TRANSPAC–2 system on either Hawaii, Guam or Okinawa. Thus, in order to provide service from the United States to countries in the region, capacity must be available in each segment of the HAWAII–3/TRANSPAC–2 system and each segment of the connecting cable being used.

12. Until recently, there was a problem with capacity in the connecting cable facilities used to extend the HAWAII–3/TRANSPAC–2 system beyond Okinawa. The cables previously utilized for this purpose were low capacity and either became saturated or reached the end of their design lives. To remedy this situation, several Pacific administrations have combined to plan and construct various regional cable systems which serve to interconnect neighboring countries and to extend the HAWAII–3/TRANSPAC–2 system beyond Okinawa.[13] Prior to the construction of these systems, all growth of traffic to places such as Hong Kong, the Philippines, Taiwan, and Singapore had to be accommodated through use of satellite facilities. U.S. carriers have been authorized to acquire circuits in these cable systems on an indefeasible-right-of-user (IRU) basis. However, the investment has been limited to those circuits which the carriers propose to use in accordance with their authorized activation proposals.

13. There are currently two areas of shortage in cable circuit capacity in the region. The first is in the HAWAII–3 Cable. Because of Hawaii's unique status as a domestic service point and a transiting point for international traffic routed via cable facilities, circuits in the HAWAII–3 Cable are used for domestic and international traffic. As a result, there is currently a shortage of available cable circuits between the U.S. Mainland and Hawaii. With the recent disposition of the remaining HAWAII–3 pool Circuits,[14] there is very little spare cable circuit capacity which has not been accounted for under the carrier's presently authorized activation plans. Without additional cable circuit capacity between the U.S. Mainland and Hawaii, TRANSPAC–2 circuits designated for international traffic terminating in or originating from the U.S. Mainland will dead-end in Hawaii, and all future growth of traffic will be routed via satellite facilities. Moreover, all additional domestic traffic destined for Hawaii will have to be routed via domestic satellite facilities.

14. The second area of shortage in existing cable facilities is between Hawaii and Australia. Service via cable between the U.S. Mainland and Australia is currently provided by using existing U.S. Mainland-Hawaii cables and the COMPAC cable between Hawaii and Australia. The COMPAC cable was placed in service in 1963 and reaches the end of its design life in 1983. To prepare for this eventuality, the Commonwealth group, consisting of Canada, New Zealand, Australia and Hong Kong, has planned the Australia-Canada (ANZCAN) cable, which is currently scheduled for operation in 1983.[15] As proposed, this cable will have a terminus on Hawaii and continue north to Canada. Having a terminal point in Hawaii would allow U.S. carriers the option of accessing the ANZCAN Cable in much the same manner as the COMPAC Cable for service to Australia, provided there is available cable capacity between the U.S. Mainland and Hawaii. Alternatively, the U.S. carriers could access the ANZCAN cable system directly via a domestic landline connection with Canada. Under such a facilities utilization arrangement, traffic destined for the U.S. Mainland via cable would use the TRANSPAC–2 or ANZCAN Cable to Hawaii, interconnect with the northern segment of the ANZCAN Cable in Hawaii, continue north over ANZCAN to Vancouver,

---

[10] *See*, American Telephone and Telephone Company, File Nos. I–P–C–76, 76–A, F.C.C. 80T–9, released December 17, 1980.

[11] The International Record Carriers operating via cable in the Pacific Region at this time, consists of ITT World Communications Inc., RCA Global Communications, Inc., and Western Union International, Inc.

[12] *See*, ITT World Communications Inc., File Nos., I–T–C–3185 *et al.*, Mimeo No. 05714, released January 14, 1981 and Hawaiian Telephone Company, File No. I–P–C–52, Mimeo No. 06057, released January 4, 1981.

[13] The recently constructed cable systems in the Pacific region connect the following locations: Okinawa-Taiwan (OKITAI); Okinawa-Luzon-Hong Kong (OLUHO); Taiwan-Guam (TAIGU); and Taiwan-Luzon (TAILU); and Philippines-Singapore-Indonesia-Malaysia-Thailand (ASEAN).

[14] American Telephone and Telegraph, *et al.* File Nos. 1–P–C–63 *et al.*, F.C.C. 80T–9, Released December 17, 1980.

[15] The cable will also have terminal points in New Zealand, and Fiji.

Canada, transit Canada and terminate in the United States. Traffic originating on the U.S. Mainland would utilize the same facilities arrangement in reverse.

15. The use of the ANZCAN cable for international traffic, either destined for or originating on the U.S. Mainland, as well as domestic traffic destined for Hawaii, would alleviate the problem of a shortage of cable circuit capacity between the U.S. Mainland and Hawaii. This could be used as an alternative to the construction of another cable between the U.S. Mainland and Hawaii in the near term.

16. It is our understanding that a substantial cable facilities planning effort has already been undertaken in the Pacific region. This effort has included as participants the U.S. international service carriers operating in the region and their Pacific correspondents. It is our desire to incorporate into our proposed process the planning work that has already been completed, and also to include the planning input of Comsat and other interested entities that have not been a party to the planning work already undertaken in the region.

III. Scope of the Issues and Criteria for Evaluation

17. The scope of this Inquiry is expected to include an assessment of currently operating facilities in the region, with a comparison of actual use relative to available capacity and design life. This should encompass cable systems in operation, international satellite facilities, and domestic satellite facilities capable of serving Hawaii and other U.S. points in the region.[16] The Inquiry is also expected to consider a full range of facilities alternatives capable of meeting projected traffic demands through year-end 1995. It is reasonable to expect that the first phase of the proceeding will focus on near term facility requirements—those facilities expected to be in operation by the mid 1980's. All available transmission media and viable technological designs should be considered, as well as techniques for circuit multiplication and other methods for enhancing the efficiency of a facility. We also intend to address the issue of facilities use and loading, as well as the restoration of service following a facilities failure.

18. In Docket No. 18875, the Commission released a Statement of Policy and Guidelines[17] which set forth the general policies to be followed in our licensing of facilities in the North Atlantic region during the 1970's. We believe that these policies set forth below are also applicable to the proposed licensing of facilities in the Pacific region.

(a) The public interest requires that we promote the continued development of both cable and satellite technologies and their most effective and timely applications to meet future requirements for international communications services;

(b) the public interest also requires that we authorize the most modern and effective facilities available via both cable and satellite technology with due regard for efficiency, economy, diversity and redundancy;

(c) The public interest and due regard for the concerns of the Administrations which operate the foreign end of cables require that care should be taken to minimize the need for imposing artificial formulae to govern the distribution of traffic among available media; and

(d) The public interest requires that the economies available from each advance in technology be reflected in charges for service.

Thus, we believe that the appropriate course for us to follow is to provide the U.S. carriers and Comsat with general policy guidelines regarding the choice and use of major facilities instead of stating a preference for a particular facilities construction and utilization plan. We intend those guidelines to define a range of acceptable alternatives. The range defined should be narrow enough to protect the U.S. public from the consequences of excessive or inadequate facilities investment; yet, it should be broad enough to allow sufficient flexibility for the carriers and Comsat to vary the introduction of such facilities to meet the uncertainties inherent in the development of new technologies, varying demand conditions, and the requirements of foreign correspondents. Flexibility in our policy guidelines leaves room to accommodate our foreign partners and promotes the attainment of a consensus among the sovereign nations taking an active part in facilities planning for the Pacific region.

IV. Pacific Planning Process

19. The proposed planning process in the Pacific region will not duplicate that conducted in the North Atlantic.[18] As a result of being able to draw upon the planning work that has already been undertaken in the Pacific, and given the U.S. Congress' desire to keep Commission expenditures at a minimum, we expect our role to be restricted principally to the compilation and evaluation of a record. This will consist in part of the planning information developed jointly by the USISC and foreign correspondents in the Pacific. It will also include additional relevant information supplied by the USISC, Comsat and other interested parties. This is in contrast to the North Atlantic planning process in which the Commission participated directly with the carriers, Comsat and the foreign correspondents in developing the basic planning data and exchanging information directly with interested foreign entities on a regular basis.

20. Even though the proposed planning period for this proceeding is 1981–1995, we expect the first phase of the process to focus on issues related to facilities expected to be operational by the mid-1980's. However, these near term facilities issues will be examined within the context of data and information for the entire planning period. We intend to conduct this first phase of the proceeding on an expedited basis with staff resources and travel expenses kept to a minimum, and would expect that it would be completed within approximately one year, culminating in the issuance of policy guidelines related to the facilities expected to be operational by the mid-1980's. The proceeding will remain open following the issuance of the first set of guidelines in order that subsequent phases may consider the remaining issues related to facilities requirements for the latter part of the planning period (from the mid-1980's to 1995).

21. We are directing the staff under delegated authority to hold a series of public meetings at the Commission's offices with all interested parties for the purpose of expeditiously obtaining the planning information deemed necessary to compile a full and complete record in this proceeding. Upon completion of the record compilation process, we expect

---

[16] To the extent that U.S. carriers serving Hawaii can use domestic satellite instead of cable to meet part of their domestic service requirements, the potential exists for lessening the burden on existing as well as future Mainland-Hawaii cable facilities.

[17] Overseas Communications, 30 F.C.C. 2d 571 (1971).

[18] The North Atlantic planning process involves an internal United States policy proceeding pursued independently of, but in parallel with, an international exchange of planning information and policy views. The forum for the informal international exchange of information has become known as the North Atlantic Consultative Process. The Consultative Process evolved from an exchange of views among the United States carriers, this Commission, United States Department of State and the United States Department of Commerce/National Telecommunications and Information Administration, the CEPT (an organization representing 26 European countries) and Teleglobe/Canada.

to initiate the rulemaking stage of this proceeding.

22. In accordance with sound administrative practice and the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), we invite public participation by all interested parties in the form of written comments on any and all issues raised in this Notice. We are specifically requesting public comment on the following: (1) The need for a Pacific planning process; (2) the appropriateness of the mechansim outlined in the Notice; (3) other mechanisms, within the Commission's resource capability, that should be considered. We also invite interested parties to participate in the public meetings to be held for the purpose of compiling a record in this proceeding.

23. Accordingly, it is ordered, pursuant to Sections 4(i), 214 and 413 of the Communications Act of 1934, 47 U.S.C. 154(i), 214 and 413 (1970), and Section 201(c) of the Communications Satellite Act of 1962, 47 U.S.C. 801 (1970), that:

(A) The American Telephone and Telegraph Company, the Communications Satellite Corporation, ITT World Communications Inc., RCA Global Communications, Inc., the Hawaiian Telephone Company, and Western Union International, Inc., are hereby made parties to the inquiry in the above-captioned matter. We also will consider requests by other interested entities to be made a party to this proceeding.

(B) Comments and reply comments shall be filed according to the following schedule:

Comments: July 15, 1981.

Reply Comments: July 30, 1981.

24. It is further ordered that the Commission's staff is hereby delegated authority to expeditiously compile a full and complete record in this proceeding. The staff shall hold public meetings at the Commission's offices from time to time, as may be necessary, to obtain information deemed necessary to develop such a record.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-17583 Filed 6-11-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Parts 2 and 73

[BC Docket No. 81-352; FCC 81-258]

Use of the Subsidiary Communications Authorization for Utility Load Management

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend its rules to permit an FM Subsidiary Communications Authorization (SCA) to be used to transmit broadcast signals for Utility Load Management purposes. Such a use could aid efficient utilization of national energy resources but is presently prohibited. If permitted, this technique would use a broadcast signal to alleviate fuel demand during peak periods or at times of severe shortages by turning off certain appliances of utility customers, by redistributing fuel demand from one fuel to another and through its use for multi-rate metering.

DATES: Comments must be filed on or before July 8, 1981, and replies on or before July 23, 1981.

ADDRESS: Mail comments to Federal Communications Commission, Washington, D.C. 20554.

Comments may be hand delivered to the office of William J. Tricarico, Secretary, Federal Communications Commission, Room 222, 1919 M Street, Northwest, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Norman Plotkin, Broadcast (202) 632-6302.

In the matter of amendment of §§ 73.293 and 2.106 of the Commission's rules Concerning Use of the Subsidiary Communications Authorization for Utility Load Management, BC Docket No. 81-352.

Adopted: May 21, 1981.

Released: June 8, 1981.

By the Commission: Chairman Fowler abstaining from voting; Commissioner Jones absent.

1. The Commission has before it a proposed amendment of its FM subcarrier rules under its Subsidiary Communications Authorization (SCA). The proposed change permits the use of a subcarrier signal for utility load management purposes. Signals broadcast on SCA's can trigger switches to turn off certain appliances of utility customers and provide a means for multi-rate metering through the controlled use of two or more watt-hour meter registers. These and similar applications foster a better utilization of the nation's energy resources.

2. The proposed amendment is required because the Commission's FM SCA rules at § 73.293 limit FM subsidiary service use to the transmission of programs which are of a broadcast nature and transmission of signals which are directly related to the operation of FM stations.

3. In the Commission's *Report and Order* in Docket No. 12517, released May 9, 1960, 19 RR 1619 (1960), the source of the above rules, we reasoned that allowing FM broadcasters to provide subcarrier services basically unrelated to broadcast operation would not serve the public interest. The reasoning was that (a) expansion of such uses would "tend to foreclose in many communities the future development of FM stereophonic broadcasting," (b) such services "would cause serious and unwarranted financial hardship to many liensees in the Domestic Public Radio Services," (c) such use "would amount to a de facto reallocation of broadcast frequencies" to non-broadcast uses. Subsequently in its 1975 *Report and Order* in Docket No. 20012, 32 RR 2d 11551 (1975), the Commission amended its rules to permit the transmission of visual program material (§ 73.293(b) of the rules).

4. In the case of utility load management uses, we now believe it is clearly in the public interest to allow such usage. First, for most FM broadcasters, stereophonic broadcasting is standard procedure and we think it highly unlikely that such broadcasting will be seriously affected by permitting load management uses on SCA's. Second, the more efficient use of spectrum reduces the cost of using our nation's scarce resources and alleviates the demands on other services. Thus, this mining of unused resources creates beneficial effects for society and is more important than the narrow interests of similar types of services. Although this action would allow nonbroadcast use of the spectrum, it would have little or no impact on broadcast use.

5. Since the mid 1970's, conservation of energy has become of extreme importance to our nation. Great amounts of effort and funds are being expended by the government and by private parties toward the improvement of energy utilization in order to decrease the dependence of the United States on foreign fuels. The permission to use subcarrier signals as part of this important effort, as would be the case in its use for Utility Load Management, appears clearly to warrant altering the Commission's "non-broadcast" SCA rule limitation.[1]

[1] The Commission is concerned with the overall efficiency of spectrum usage under present permissible SCA uses. The Commission does not wish to see existing spectrum wasted because of over restrictive rules requiring allowable usage. Due to advances in the technical art, it is also conceivable that the present subcarriers in use on an FM channel may ultimately be expanded and offer still more available spectrum. Furthermore, as

Continued

6. A subcarriers signal can currently be used in any of three ways to alleviate demands for particular fuels during peak periods or at times of severe fuel shortages. First, the SCA can be used as a switch to turn off certain users' equipment which consumes a particular fuel. Secondly, the SCA can automatically switch users from one type of equipment to another in order to redistribute fuel demands from one fuel to another. The third alternative is to use the SCA to switch the metering of a particular fuel during certain periods. Such metering changes allow the utility to charge higher rates for a fuel during certain time periods. Thus price pressure can be used as a means of discouraging demands for a particular fuel during heavy use periods or during severe shortage periods. All three of these uses of an SCA serve to further the goal of conserving energy by using it more efficiently. This saving can be substantial. In terms of residential use alone, there are presently about 93 million units (primarily water heaters and air conditioners) capable of being remotely controlled by agreement between the utility and user. The Commission is therefore proposing to amend its rules to include utility load management as a permissible commercial use of SCA. We propose that the existing SCA authorization procedures and technical operating requirements will apply to this extension. We solicit comments on this proposal.

7. While we believe the intended application noted above is a very efficient and beneficial usage of the spectrum, the Commission is also aware its permitted use, in effect, does alter the categorical purity of the FM broadcasting spectrum allocation in the Table of Frequency Allocations (§ 2.106 of the Rules). While the present change in only minor, an unlimited number of other such alterations could result in a more complex Table which may have the potential of adversely affecting the Table's administration. This is a factor that the Commission will take into account. The Commission understands how the broad accommodation of services in the Table based on technical feasibility can introduce complexities in the process of spectrum management particularly in the coordination of assignments, and such complexities must be compared to the benefits which derive from the increased spectrum use. We, therefore, are interested in exploring such impacts and ask for comments addressed to this matter.

8. Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

I. Reason for action—

It appears that the use of SCA subcarrier signals as a Utility Load Management technique could improve the nation's utilization of energy and thus be in the public interest, but is presently prohibited by Commission rule 73.293.

II. The objective—

The Commission proposed to exempt Utility Load Management use of the FM subcarrier signal from the "non-broadcast" prohibition of rule 73.293 in order to make this technique available to advance a more efficient utilization of the nation's scare energy resources.

III. Legal basis—

Action as proposed is in furtherance of Section 303 of the Communication Act of 1934, as amended, which charges the Commission to explore new and improved uses of radio.

IV. Description, potential impact and number of small entities affected—

The exemption of Utility Load Management from the Commission's "non-broadcast" prohibition could be expected to have a beneficial effect on most parties wishing to use, or receiving use from the technique. The proposed change is permissive, authorizing a use but not requiring it. The rule change would have its direct effect on FM stations (4374 stations as of 12/31/80) by enabling them, if they wish, to rent out subcarrier spectrum to utilities wishing to use it. At present they rent them out only for broadcast-like uses. The next effect would be on these utilities, most of which are small entities (1900 municipal systems, 900 rural electric cooperatives), and then, of course, on their customers. The number of these entities that may be affected, while unknown, is expected to be substantial. However, it is doubtful that this effect will be of any significant nature to the great majority. This is particularly true since the FM subcarrier technique the Commission is considering is only one of a number of methods available to carry out Utility Load Management. Its actual use and the degree of impact in the marketplace and on small entities must await empirical evidence. Nevertheless the Commission felt its potential impact warranted conducting this analysis. Following is a listing by description and potential impact this rule change may have on small entities.

1. Small business, small not-for-profit organizations and small government jurisdictions, in general, may have lower energy costs where they agree to have certain appliances shut off during peak demand periods or at times of severe fuel shortages, and where they redistribute their energy usage to newly available low price periods.

2. Small businesses, small not-for-profit organizations and small government jurisdictions, in general, may have higher energy cost if their energy use remains unchanged during higher cost peak periods where multi-rate metering is put into operation.

3. Any small government jurisdiction which receives revenue by taxing local energy may lose revenue as energy use decreases.

4. Any small business that currently uses FM subcarrier signals for functional music programs or similar commercial purposes may be negatively affected if this new use results in increased competition and higher subcarrier rental prices. It should be noted that the spectrum requirement of Utility Load Management is very small and may not interfere with such uses.

5. Small FM stations that rent out their subcarrier spectrum to utilities for this use would gain additional revenue.

6. Small businesses in the electronics field who participate in the expected increase demand for radio and related equipment required by this Utility Load Management technique should be benefited by the additional business.

In summary, the proposed action would be expected to improve efficiency and to have a positive effect on almost all parties affected by it, and to have no know significant deleterious effect on small entities.

V. *Recording, recordkeeping and other compliance requirements:* None.

VI. *Federal rules which overlap, duplicate or conflict with this rule:* None.

VII. *Any significant alternatives minimizing impact on small entities and consistent with stated objectives.*

The Commission's alternative is to maintain the staus quo and not authorize SCA use for Utility Load Management. This alternative would not accomplish the beneficial objective sought in this rule making.

9. For the purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contact are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is

---

presently written, our rules proscribe any SCA use while the FM station is not broadcasting and results in an additional nonuse of otherwise available spectrum. In view of these and other dynamic changes affecting SCA capability, we are contemplating, in the near future, a separate proceeding to view overall SCA usage and assess the desirability of expanding the permissible uses of an SCA.

to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comment/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it related. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

10. This *Notice of Proposed Rule Making* is issued pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Interested parties may file comments on or before July 8, 1981, and reply comments on or before July 23, 1981. All relevant and timely comments filed in response to this *Notice* will be considered by the Commission. In accordance with the provisions of § 1.419 of the Commission's rules, an original and five copies of all comments, replies, briefs and other documents filed in this proceeding shall be furnished the Commission. Further, members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number in the heading. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided the fact of the Commission's reliance on such information is noted in the Report and Order.

11. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington D.C.

12. For further information concerning this proceeding, contact Norman Plotkin, Broadcast Bureau, (202) 632–6302.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

It is proposed to amend Parts 2 and 73 of Chapter I of Title 47 of the Code of Federal Regulations as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

1. In § 2.106, the National Table of Frequency Allocations is amended by adding footnote designator NG128 in column 7 in the band 88–108 MHz, and in the list of footnotes which follow the Table.

§ 2.106 Table of frequency allocations.

United States		Federal Communications Commission		
Band (MHz) col. 5	Allocation col. 6	Band (MHz) col. 7	Services col. 8	Class of station col. 9
•	•	•	•	•
88–108	NG	88–108	Broadcasting	FM Broadcasting.
(US23)		(NG21)		(NG2).
(US93)		(NG128)		

* * * * *

NG128 In the band 88–108 MHz, FM broadcast licenses or permittees may be granted a Subsidiary Communications Authorization (SCA) to transmit signals intended for utility load management.

* * * * *

PART 73—RADIO BROADCAST SERVICES

2. In § 73.293, Subsidiary Communications Authorizations is amended by revising the introductory text of paragraph (a) and adding the following paragraph (a)(3):

§ 73.293 Subsidiary Communications Authorizations.

(a) An FM broadcast licensee or permittee may apply for a Subsidiary Communications Authorization (SCA) to provide limited types of subsidiary services on multiplex basis. Permissible uses fall within one or more of the following categories:

(1) * * *

(2) * * *

(3) Transmission of signals intended for utility load management.

* * * * *

[FR Doc. 81-17884 Filed 6-12-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 22

[CC Docket No. 81-350; RM-3817; FCC 81-253]

Memphis, Tenn.; Added to the Table of Assignments for Air-Ground Stations in the Domestic Public Land Mobile Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission proposes to assign air-ground channel 1 to Memphis, Tennessee. This proposal is in response to a petition for rulemaking submitted by Mobile/Comm, Inc. The effect of this proposal is to afford reliable air-ground communication service to aircraft flying in the Memphis area.

DATES: Comments must be submitted on or before July 6, 1981, and reply comments on or before July 21, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Ann Stevens, (202) 632–6450.

SUPPLEMENTARY INFORMATION: The Commission has determined that the proposed regulation is not significant under E.O. 12044 and that a Regulatory Analysis is not required.

In the matter of amendment of § 22.521(b) of the Commission's rules to add Memphis, Tennessee to the table of assignments for air-ground stations in the Domestic Public Land Mobile Radio Service, CC Docket No. 81–350, RM–3817.

Adopted: May 21, 1981.

Released: June 5, 1981.

By the Commission: Chairman Fowler abstaining from voting; Commissioner Jones absent.

Summary

1. A petition for rulemaking was filed by Mobile/Comm, Inc., proposing the assignment of air-ground Channel 1, frequency 454.950 MHz, to Memphis, Tennessee. Notice of the petition was given on January 9, 1981 (Report No. 1266).

Background

2. Section 22.521(a) allocates twelve frequency pairs for assignment to land mobile radio systems that are

interconnected to the nationwide public landline telephone system and afford communication service to airborne stations. Section 22.521(b) allocates from one to four of these frequency pairs, or working channels, to specific geographic locations. That subsection also provides that base stations operating on these frequencies must be within 25 miles of the location specified.

3. Memphis, Tennessee is not among the locations listed in § 22.521(b), nor is it within 25 miles of any of the other specified locations. Mobile/Comm has requested that § 22.521(b) be amended by adding Memphis to the list of assignments for air-ground stations. This amendment would allow an air-ground station to be operated on the working frequency 454.950 MHz (Channel 1) and on 454.675 MHz (the nationwide signaling channel) within 25 miles of Memphis.

4. No harmful electrical interference is expected to result from this amendment. The nearest co-channel station assignments and their distances from Memphis are: Houston, Texas, 471 miles; Chicago, Illinois, 483 miles; Salinas, Kansas, 487 miles; and Waycross, Georgia, 535 miles. Thus, the nearest co-channel station is 471 miles from Memphis. Examination of the existing frequency assignments in § 22.521(b) shows that this mileage separation is consistent with other separations in § 22.521(b). Therefore, the assignment would be consistent with the Commission's technical standards, and would not create any potential for harmful electrical co-channel interference.

5. The nearest air-ground station that is not a co-channel station is 130 miles from Memphis at Little Rock, Arkansas. According to Mobile/Comm, this spacing between stations reveals a void in air-ground service in the vicinity of Memphis. Mobile/Comm also claims that Memphis is the scene of significant general aviation activity. In response to a survey conducted by Mobile/Comm among the general aviation community in the Memphis area, 27 prospective subscribers expressed sufficient interest in Mobile/Comm's proposal to produce "firm applications for service." Mobile/Comm states that present air-ground service is inadequate to afford reliable service to aircraft flying in the Memphis area. In addition, aircraft at sufficiently high altitudes may obtain service, but must pay toll charges to communicate with a Memphis telephone through a distant base station.

Proposal

6. It thus appears that there is a need for air-ground communication service in Memphis, Tennessee. Accordingly, under Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, the Commission proposes to amend the Air-Ground Table of Assignments, § 22.521(b) of the Commission's rules, as set forth in the appendix to this Notice.

7. The Commission invites comments on this proposal. The procedures to be followed in submitting comments in this proceeding are the same as those followed in proceedings to amend the FM or Television Table of Assignments in § 1.420 of the Commission's rules. These procedures are discussed below.

8. *Showings required.* Mobile/Comm must answer whatever questions are presented in initial comments and must file comments, even if it only resubmits or incorporates by reference its former pleadings. Failure to file comments may lead to denial of the request. Mobile/Comm must also restate its present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly.

9. *Cut-off procedures.* The following procedures govern the consideration of filings in this proceeding—

(a) Counterproposals made in this proceeding will be considered if they are made in initial comments, so parties may comment on them in reply comments. Counterproposals will not be considered if made in reply comments (See § 1.420(d) of the Commission's rules).

(b) Petitions for rulemaking which conflict with the proposal in this Notice will be considered as comments. Public notice to this effect will be given so long as the comments are filed before the date for filing initial comments. If they are filed after that date, they will not be considered in connection with the decision in this proceeding.

10. *Dates and service.* Under the procedures set out in §§ 1.145 and 1.420 of the Commission's rules, interested parties may file comments on or before July 6, 1981, and reply comments on or before July 21, 1981. All submissions made by parties to this proceeding or on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings. Reply comments must be served on the person(s) who filed comments to which the reply is directed. These comments and reply comments must be accompanied by a certificate of service. (See § 1.420 (a)–(c) of the Commission's Rules.)

11. *Number of copies.* Under § 1.420 of the Commission's rules, an original and four copies of all comments, reply comments, pleadings, briefs or other documents must be submitted to the Commission.

12. *Public inspection of filings.* All filings made in this proceeding are available for inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

Ex Parte Contacts

13. For further information concerning this proceeding, contact Ann Stevens, Common Carrier Bureau, (202) 632–6450. Members of the public should note, however, that from the time a notice of proposed rulemaking is issued until the matter is no longer subject to Commission reconsideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message, spoken or written, concerning the merits of a pending rulemaking other than comments officially filed with the Commission or oral presentations required by the Commission.

Regulatory Flexibility Act

14. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the table of assignments for air-ground stations in the Domestic Public Land Mobile Radio Service. The proposal relates to only one city, Memphis, Tennessee, and the number of affected subscribers in that city is limited. Petitioner has indicated that 27 individuals or companies have so far expressed interest in the service. We conclude that the proposal will not have a significant economic impact on a substantial number of small entities.

15. The Secretary shall cause a copy of this Notice of Proposed Rulemaking to be published in the **Federal Register.**

Federal Communications Commission.

(Secs. 4, 303, 307, 48 Stat. as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

William J. Tricarico,

Secretary.

Appendix

The Commission proposes to amend 47 CFR 22.521(b) by adding the location below:

§ 22.521 [Amended]

• • • • • •

(b) • • •

Location	Channel
• • • • •	
Tennessee	

Location	Channel
Memphis	1

[FR Doc. 81-17749 Filed 6-12-81; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Program Administration

49 CFR Part 173

[Docket HM-179 Advance Notice]

Definiton of Oxidizer

AGENCY: Materials Transportation Bureau (MTB) Research and Special Programs Administration, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The MTB is publishing this Advance notice of proposed rulemaking to request comments on efforts to make the definition of an oxidizer more specific and to provide tests which shippers may use to determine whether their products are oxidizers for purposes of transportation.

DATE: Comments must be received by September 14, 1981.

ADDRESS: Comments must be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, S.W., Washington, D.C. Office hours are 8:30 a.m. to 5:00 p.m., Monday thru Friday. Telephone (202)426-3148.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Ke, Sciences Branch, Technical Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590. (202-426-2311).

SUPPLEMENTARY INFORMATION: For purposes of definition, oxidizers have been divided into two groups, liquids and solids. Test methods and criteria are proposed which will enable a shipper to determine whether a material he wishes to ship meets the definition of an oxidizer. The principal reasons for this advance notice of proposed rulemaking are to request comments from interested persons as to the adequacy of the proposal and to solicit comments concerning alternative methods. Relative to the latter purpose, MTB would like to know if there are any consensus standard test methods which could be used in place of, or in addition to, the suggested methods?

The MTB anticipates that a number of highly competent and qualified experts will, upon review of Appendix B, consider the proposed methods for testing of oxidizers to be less than representative of currently available technology. This is intentional. The MTB has attemped to develop methods that would not require the acquisision of expensive and complicated test equipment.

In consideration of the foregoing, the MTB is considering the issuance of a proposal to revise § 173.151 and add an Appendix C to Part 173 of Title 49, Code of Federal Regulations as follows:

§ 173.151 Oxidizer; definition.

For the purpose of this subchapter, an "Oxidizer" is a material which may cause the ignition of combustible materials without the aid of an external source of ignition or when mixed with combustible materials, increases the rate of burning of these materials when the mixtures are ignited. Oxidizers are divided into two general groups:

(a) *Solid Oxidizers.* A solid oxidizer is a solid substance which accelerates the burning rate of dry wood sawdust as much or more than ammonium persulfate, when tested in accordance with the method described in Appendix C of this part.

(b) *Liquid oxidizers.* A liquid oxidizer is a liquid substance which when tested in accordance with the method described in Appendix C of this part, will initiate a fire in the test container.

Appendix C: Methods for testing for oxidizers

Solid Oxidizers

The test method for solid oxidizers as prescribed in paragraphs 1 through 5 measures the potential of a solid substance to increase the burning rate of a combustible material when the two are intimately mixed.

1. Ammonium persulfate shall be the reference material. It shall pass through a NO. 100 Sieve in the U.S. Sieve Series (ASTM-E-11-61) and shall contain less than 5% by weight of water.

2. Wood sawdust shall be the combustible material in this test and shall pass through a NO. 50 Sieve in the U.S. Sieve Series (ASTM E-11-61) and shall contain less than 5% by weight of water.

3. A five pound mixture of ammonium persulfate and wood sawdust shall be prepared in a 1 to 1 ratio by weight. A second five pound mixture of the material to be tested, in the particle size in which it will be shipped, and wood sawdust shall be prepared in a 1 to 1 ratio by weight. Both of these mixtures should be mixed as thoroughly as possible.

4. The two mixtures shall be formed into conical piles on incombustible surfaces and the edge of both piles ignited (at one place) simultaneously with laboratory burners or flares. The ignition sources shall be applied until piles are well started and then removed.

5. A substance which causes the sawdust to burn at a rate equal to or greater than the burning rate of the ammonium persulfate mixture shall be classed as an oxidizer.

Liquid Oxidizers

The test method for liquid oxidizers as prescribed in paragraphs 1 through 5 measures the potential of a liquid substance to initiate a fire when brought into contact with combustible materials.

1. The test shall be conducted in a box 2'×2'×2' constructed of natural wood (not plywood) having sides not more than ½" thick. A ¼" diameter hole shall be drilled at the horizontal center of each of the verticle side 4 inches from the bottom edge. A one inch diameter hole shall be drilled in the center top of the box.

2. The box shall be packed tightly with wood excelsior containing less than 5% of water and the top of the box properly secured in place.

3. Two liters of the liquid under test shall be poured into the box through the hole in the top of the box and, at the same time, the box shall be tipped slightly in different directions so as to distribute the liquid as uniformly as possible throughout the excelsior.

4. The box and its contents shall be allowed to stand for two hours.

5. A substance which causes the ignition of the excelsior shall be classed as a liquid oxidizer.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not not result in a "major rule" under the terms of Executive Order 12291 and DOT implementing procedure (44 FR 11034), nor require an enviromental impact statement under the National Environmental Policy Act [49 U.S.C. 4321 et seq.]. Issued in Washington, D.C. on June 4, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-17462 Filed 6-12-81; 8:45 am]
BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Speedometers and Odometers

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice responds to a petition for rulemaking regarding Safety Standard No. 127, *Speedometers and Odometers*. The petitioner has asked the NHTSA to delete the word "electronic" from a provision requiring that the number "55" be highlighted on the mph scale of all speedometers except for electronic digital odometers. The agency is denying the petitioner's request in light of the agency's decision, announced in the Notice of Intent published on April 9, 1981, to issue a Notice of Proposed Rulemaking (NPRM) to rescind the standard. Rescission of the standard would render the petitioner's request moot.

FOR FURTHER INFORMATION CONTACT:
Mr. John Carson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–2720).

SUPPLEMENTARY INFORMATION: This notice responds to a petition for rulemaking regarding Safety Standard No. 127, *Speedometers and Odometers* (49 CFR § 571.127). This petition proposes that the word "electronic" be deleted from paragraph S4.1.4 of the standard. The petitioner has asked to remain anonymous, and the agency is complying with this request. Standard No. 127, as amended on June 9, 1980, establishes requirements for the design and installation of speedometers and odometers in motor vehicles. Paragraph S4.1.4 requires that each speedometer include the number "55" in the mph scale. This number must be highlighted on all speedometers except "electronic digital speedometers." The petitioner requests that the NHTSA delete the word "electronic" from this paragraph. As the petitioner asserts, digital speedometers can be based on a means of operation not involving electronics, such as hydraulics or mechanics. The petitioner contends that the standard as now written perpetuates existing technology and stifles the creation of new speedometer designs.

The NHTSA has decided to deny the petitioner's request. On April 9, 1981, the agency published a Notice of Intent (46 FR 21203) describing a number of actions NHTSA intends to take to reduce unnecessary regulatory burdens upon the motor vehicle industry. In this notice, the agency announced that it is considering rescinding standard No. 127 because there appear to be no direct safety benefits to be gained from the regulation and because of the potential for significant consumer savings. NHTSA will issue an NPRM regarding Standard No. 127 in the near future. The extent to which the standard stifles the development of new speedometer designs is an issue that will be addressed in this rulemaking proceeding. Thus, there is no need to initiate a separate rulemaking proceeding at this time to consider the single issue raised by the petitioner. For these reasons, the petitioner's request is denied.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–17461 Filed 6–12–81; 8:45 am]

BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 46, No. 114
Monday, June 15, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

Order 81-6-55; Docket 39554]

Aerlinte Eireann Teoranta; Proposed United States-Ireland Advance Purchase Excursion Fares; Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of June, 1981.

On April 15, 1981, Aerlinte Eireann Teoranta (Aer Lingus) filed a Special Tariff Permission Application (STPA) to implement, on less than the usual, 60 days statutory notice, reduced advance purchase excursion (APEX) fares from New York to Ireland. The fares, which are available only on Aer Lingus' Wednesday flights from this June 24 through September 16, require 45 days advance purchase and have a 21/180 day minimum/maximum stay, and offer a significant reduction in the APEX fare level.[1]

On April 20, 1981, Sceptre Travel, Inc. filed a complaint requesting the Board to deny Aer Lingus' STPA, investigate the fares when they are filed with the Board as a tariff, and order Aer Lingus to cease and desist from advertising the fares until the Board acts upon them. In support of its complaint, Sceptre, which promotes and sells charter tours between the United States and Ireland, alleges that after it contracted with World Airways for a series of 12 Newark-Ireland charter flights this summer, representatives of Sceptre and World met with the Irish Department of Transport in Dublin to seek approval of the charter program at a proposed price to the public of $399; and the Irish officials stated the price was too low compared to Aer Lingus' peak season fare of $526 but World could obtain authorization to operate the flights if Sceptre raised the price to $429 (except for the first flight which could still be sold at a fare of $399). Sceptre alleges further that after it increased its price to $429 and file a Public Charter prospectus with the Board, Aer Lingus, in an intentional and deliberate effort to undermine the charter program, filed the STPA with the Board and began promoting the proposed fares; and by virtue of the direct acts of the Irish Government and the indirect acts of Aer Lingus in forcing Sceptre to raise its prices, they have engaged in unfair, discriminatory and restrictive practices with a substantial adverse competitive impact upon U.S. carriers.

In an answer to the complaint, Aer Lingus submits that it is the Board's policy to grant STP for low fares unless such fares raise significant questions of lawfulness,[2] and the complainant has made no showing that Aer Lingus' fares are unjust or unreasonable; the proposed reductions are responsive to a day-of-week peaking problem which has long plagued Aer Lingus' North Atlantic operations[3]; it is not unjust or unreasonable for Aer Lingus to compete with others, including charter operators, and the carrier has adopted a policy of filling low load factor midweek flights with traffic it might otherwise lose to charters; the proposed fares are not predatory, because they represent a different product than the complainant's, whose flights will operate on Saturdays, a much more popular travel day, the Aer Lingus, fares are $20 higher than Sceptre's (except for the intitial flight), and Aer Lingus' fares have 45-day advance purchase and 21-day minimum stay requirements while Sceptre's offering has no such restrictions; and Aer Lingus' fare reducton broadens, rather than suppresses competition. Aer Lingus also denies Sceptre's allegation that the Irish Department of Transport was "acting at the special instance and request of Aer Lingus in requiring Sceptre to raise its prices," and states that it was not privy to statements alleged to have been made by Irish officials.

In a reply to Aer Lingus' answer, Sceptre states that although it does not claim the Aer Lingus fares are unjust or unreasonable because of the difficulty of establishing these facts, the level to be charged, which includes an agent's commission, appears to be unjust and unreasonable; the fares are predatory due to the action of the Irish Department of Transport, the content of Aer Lingus' advertisements and statements made by Aer Lingus officials to the effect that it will do whatever is necessary to prevent the success of Sceptre's charter program.

After careful consideration of the complaint and answer, the Board has decided to dismiss the complaint.[4] Though the sequence of events Sceptre alleges is not without troublesome aspects, as discussed below, we find no clear basis for denying consumers the benefit of the substantial fare reductions Aer Lingus proposes. There is little doubt that the levels cover the carrier's marginal costs of transporting these passengers, considering the economics of mid-week service. Moreover, the fares are higher than those charged by Sceptre, notwithstanding that the latter's services are offered on Saturday. They are also subject to certain more restrictive conditions such as a 45-day advance purchase and 21-day minimum stay. Under the circumstances, we would almost certainly find after a hearing that the line between legitimate competiton and predation has not been crossed.

We are, however, concerned about Sceptre's allegations that it was pressured to raise its price by the Irish authorities. We believe governments should refrain from interfering in management pricing decisions, a policy we have followed here by permitting Aer Lingus' fares to take effect. If these allegations are true, the Irish government's demarche undoubtedly forced the complainant into a less competitive posture. By forcing an increase in fares, it reduced the cost of Aer Lingus' competitive response, reduced the size of the complainant's potential market and apparently required a costly change in its marketing strategy. It also appears that passengers are being required to pay more than they

[1] For example, the New York–Shannon APEX fare on other flights is $526 roundtrip while the "Wednesday Wonder" level is $449 ($337 for children). Fares on the first Wednesday, June 24, will be $399 for adults and $299 for children under 12.

[2] Statements of General Policy, Section 399.35.

[3] The carrier states that as of April 7, before it filed the STPA, if forecast load factors for this July of only 40 percent on Wednesdays, compard to load factors of 78 to 95 percent for Thursdays through Sundays when it also offers two daily New York–Shannon frequencies.

[4] The STP was granted on May 7, 1981.

otherwise would. Our concerns have been conveyed to the Irish government. We will continue to monitor the U.S.-Ireland pricing situation, and will consider future action if we deem it necessary to protect U.S. competitive opportunities.

Accordingly,

1. We dismiss the complaint of Sceptre Travel, Inc. in Docket 39554; and

2. We shall serve copies of this order on Sceptre Travel, Inc., and Aerlinte Eireann Teoranta.

We shall publish this order in the **Federal Register.**

All Members concurred.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-17724 Filed 6-12-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39412]

Air Berlin U.S.A. Fitness Investigation; Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on June 22, 1981 (46 FR 27150, April 9, 1981) is postponed until June 30, 1981 at 9:30 a.m. (local time) in Room 1003, Hearing Room "B", 1875 Connecticut Avenue NW., Universal North Building, Washington, D.C.

Dated at Washington, D.C., June 9, 1981.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 81-17719 Filed 6-12-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363, 39471, 39472]

Former Large Irregular Air Service Investigation and Applications of Aero Exchange, Inc. d.b.a. Pan Aero International; Notice of Assignment of Proceeding

This proceeding, insofar as it involves the applications of Aero Exchange, Inc. d/b/a Pan Aero International, Dockets 39471 and 39472, has been assigned to Administrative Law Judge William A. Pope, II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., June 8, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-17723 Filed 6-12-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Clements Wire & Manufacturing Company, Inc., P.O. Drawer EE, Biloxi, Mississippi 39533, producer of automotive wire harness assemblies (accepted May 21, 1981); (2) Sherpa, Inc., 2222 W. Diversey Parkway, Chicago, Illinois 60647, producer of snowshoes (accepted May 26, 1981); (3) Rocky Mount Mills, 1151 Falls Road, Rocky Mount, North Carolina 27801, producer of cotton, polyester and acrylic yarns (accepted May 27, 1981); (4) Resco, Inc., 1050 Mehring Way West, Cincinnati, Ohio 45203, producer of packaging machinery (accepted May 27, 1981); (5) Pikes Peak Greenhouses, Inc., P.O. Box 7070, Colorado Springs, Colorado 80933, producer of cut flowers (accepted May 29, 1981); (6) Renaissance Slack Corporation, 206 E. Olympic Boulevard, Los Angeles, California 90015, producer of men's trousers (accepted June 1, 1981); (7) Faison Manufacturing Company, Inc., P.O. Box 248, Faison, North Carolina 28341, producer of boys' jackets & vests (accepted June 2, 1981); (8) Supreme Cedar Products, Inc., Route 1, Box 140, Concrete, Washington 98237, producer of cedar shakes and shingles (accepted June 2, 1981); (9) Bowcar Manufacturing Corporation, 112 West 34th Street, New York, New York 10120, producer of children's shirts, overalls, jumpers, slacks, jackets and skirts (accepted June 3, 1981); (10) Hudson Valley Wine Company, Blue Point Road, Highland, New York 12528, producer of wine (accepted June 5, 1981); (11) Saginaw Shingle Company, Inc., P.O. Box 147, Aberdeen, Washington 98520, producer of cedar shakes and shingles (accepted June 8, 1981); and (12) Shannon Pacific, 1390 Hundley Street, Anaheim, California 92806, producer of roller skate bearings (accepted June 8, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (P.L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business June 25, 1981.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81-17819 Filed 6-12-81; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Emergency Medical Services, Region 2A, Inc.; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00002. Applicant: Emergency Medical Services, Region 2A, Inc., 1601 Second Avenue North, No. 416, Great Falls, MT 59401. Article: Hypothermia Thermometers. Manufacturer: G. H. Zeal Limited, England. Intended Use of Article: See Notice on page 9684 in the **Federal Register** of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States.

Reasons: The foreign article provides a temperature range of 70 to 100°F. The Department of Health and Human Services advises in its memorandum dated May 5, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Statutory Import Programs Staff.

[FR Doc. 81-17570 Filed 6-12-81; 8:45 am]

BILLING CODE 3510-25-M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist counties, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

TIME AND PLACE: June 30, 1981, at 1:30 p.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., N.W., Washington, D.C.

AGENDA: *General Session.*

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of the Subcommittees role; foreign availability/Department of Commerce.

(4) Requirements for foreign availability certification.

PUBLIC PARTICIPATION: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written Statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202-377-2583.

Dated: June 9, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-17574 Filed 6-12-81; 8:45 am]

BILLING CODE 3510-25-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

TIME AND PLACE: June 30, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202-377-2583.

Dated: June 9, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-17573 Filed 6-12-81; 8:45 am]

BILLING CODE 3510-25-M

Southern Illinois University at Carbondale; Decision on Application For Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00004. Applicant: Southern Illinois University at Carbondale, Carbondale, Illinois 62901. Article: Vibrating Densimeter, Model 03-D. Manufacturer: Techneurop, Inc., Canada. Intended use of Article: See Notice on page 9685 in the Federal Register of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States.

Reasons: The foreign article operates on small volume sample sizes of one milliliter and provides a resolution of one part per million. The Department of Health and Human Services advises in its memorandum dated may 5, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-17569 Filed 6-12-81; 8:45 am]

BILLING CODE 3510-25-M

Veterans Administration; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00007. Applicant: Veterans Administration, Building 222, Fort Snelling, St. Paul, MN 55111. Article: LKB 2127-001 Tachophor. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: See Notice on page 9685 in the **Federal Register** of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for counterflow isotachophoresis. The Department of Health and Human Services advises in its memorandum dated May 5, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-17571 Filed 6-12-81; 8:45 am]

BILLING CODE 3510-25-M

University of Utah; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00006. Applicant: University of Utah, Department of Biology, Room 136 South Biology, Salt Lake City, Utah 84112. Article: CO_2 Infrared Gas Analyzer, Model 225, Mark II with 110 V AC 60 Hertz Power. Manufacturer: Analytical Development Co., United Kingdom. Intended use of article: See Notice on page 9685 in the **Federal Register** of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: the foreign article provides accurate measurements (1% of full scale reading) from zero to 1000 parts per million carbon dioxide and an internal frequency standard for operation with portable generator power (60 hertz ± 5% or 3 hertz) at remote locations. The Department of Health and Human Services advises in its memorandum dated May 5, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-17572 Filed 6-12-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to discuss the Squid, Mackerel and Butterfish Fishery Management Plan (amendment); status of other fishery management plans: foreign fishing applications, as well as other fishery management and administrative matters. The meetings may be lenghtened or shortened, or agenda items rearranged, depending upon progress on the agenda.

DATES: The public meetings will convene on Wednesday, July 8, 1981, at approximately noon, and will adjourn on Friday, July 10, 1981, at approximately noon.

ADDRESS: The meetings will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115—Federal Building, North and New Streets, Dover, Delaware 19901. Telephone: (302) 674-2331.

Dated: June 10, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 17748 Filed 6-12-81; 8:45 am]

BILLING CODE 3510-22-M

Permit Modification Request

Notice is hereby given that the United States Air Force has requested a Modification to Permit No. 311, which was issued under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), on December 3, 1980.

The Air Force is requesting that an additional one hundred (100) Northern elephant seals *(Mirounga angustirostris)* be authorized in directed noise experiments to analyze the effects of the Space Shuttle Program. The procedures and techniques for the experiments would be the same as described in the original permit application. The increased numbers reflect larger numbers of hauled-out Northern elephant seals on San Nicolas Island.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documentation pertaining to the above modification request is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 9, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Services.

[FR Doc. 81-17697 Filed 6-12-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Levels for Certain Cotton Textile Products From India

June 10, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Granting increases for swing and carryover for cotton trousers in Category 347/348, produced or manufactured in India and exported during the agreement year which began on January 1, 1981, increasing the level from 122,880 dozen to 143,770 dozen. The amount of swing is being deducted from the level for Category 338/339/340, reducing that level from 1,004,600 dozen to 997,227 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).)

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India provides for percentage increases in certain categories (swing) and for the carryover of shortfalls in certain categories from the previous agreement year (carryover). Pursuant to the terms of the bilateral agreement, and at the request of the Government of the Republic of India, the import restraint level established for Category 347/348 is being increased and the level for Category 338/339/340 is being decreased for the twelve-month period which began on January 1, 1981 and extends through December 31, 1981.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212)

SUPPLEMENTARY INFORMATION: On December 19, 1980 a letter dated December 16, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (45 F.R. 83645), which established import restraint levels for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in India and exported to the United States during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981.

In accordance with the terms of the bilateral agreement and at the request of the Government of India, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs in the letter published below to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 347/348 and 338/339/340, produced or manufactured in India, in excess of the designated adjusted levels of restraint, during the twelve-month period which began on January 1, 1981.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

June 10, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 16, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in India, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on June 11, 1981, to amend the twelve-month levels of restraint established for cotton textile products in Categories 347/348 and 338/339/340, whether accompanied by a visa or an elephant-shaped certification, to the following:

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and India, which provide, in part, that: (1) within the aggregate, group limits may be exceeded by designated percentages; (2) specific limits may be exceeded by various percentages subject to various provisions of the agreement; (3) consultation levels may be increased upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Category	Amended 12-mo level of restraint
347/348	143,770 doz.
338/339/340	997,227 doz.

The actions taken with respect to the Government of India and with respect to imports of cotton textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-17717 Filed 6-12-81; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Proposed Amendments and New Rules of the Comex Clearing Association, Inc., Relating to the Guaranty Fund; Extension of the Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period on contract market rule proposals.

SUMMARY: On March 4, 1981, the Commission published in the **Federal Register** proposed new rules and amendments to existing rules relating to the guaranty fund, position limits, original and margin assessments of the Comex Clearing Association, Inc. ("Association") (46 FR 15192). The comment period on the amendments and new rules expired on May 4, 1981. The Commission has received a request for an extension of the comment period on the amendments which relate to the guaranty fund (Rules 6.2(a), 6.2(e), 80, 81, and 83). Because it wishes to ensure that all interested parties have an adequate opportunity to submit informed comments, the Commission has determined to reopen the comment period on that portion of the Association's proposal.

DATE: The comment period has been extended through July 1, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to Comex Clearing Guaranty Fund.

FOR FURTHER INFORMATION CONTACT: Muriel A. Caplan, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581; Telephone: (202) 254-8955.

Issued in Washington, D.C. on June 9, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-17620 Filed 6-12-81; 8:45 am]

BILLING CODE 6351-01-M

Proposed Amendments to the Fresh White Eggs Contract of the Chicago Mercantile Exchange To Permit the Delivery of White Nest Run Eggs

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule amendments.

SUMMARY: The Chicago Mercantile Exchange ("CME") has submitted amendments to its fresh white eggs contract to permit the delivery of white nest run eggs on the current white graded eggs contract. Delivery units of nest run eggs could be deliverable at the same price as the current par delivery unit of graded white eggs. In addition, the Exchange is proposing to amend Chapters 7 and 12 to alter its current certificate of delivery system. The Commodity Futures Trading Commission ("Commission") has determined that the proposed amendments are of major economic significance and that, accordingly, publication of the proposed amendments is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before July 15, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to CME Fresh White Eggs Contract Amendments.

FOR FURTHER INFORMATION CONTACT: De'Ana J. Hamilton, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955; or Blake Imel, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-3203.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act, ("Act"), 7 U.S.C. § 7a(12) (Supp. III 1979), has determined that the proposed amendments to the Chicago Mercantile Exchange's Fresh White Eggs Rules 1200, 1201, and 1203 through 1217 and an amendment to delivery Facilities and Procedure rule 704.B are of major economic significance. The Exchange is also proposing a number of changes in the language of Chapter 12 to improve the clarity of the contract. The entire text of Chapter 12 is printed below along with the proposed amendment to rule 704, using italics to indicate additions and brackets to indicate deletions:

Chapter 12—Fresh White Eggs

1200. Scope of Chapter.—This chapter is limited in application to futures trading of fresh [large] white eggs. The procedures for trading, clearing, inspection, delivery, settlement and any other matters not specifically covered herein shall be governed by the rules of the Exchange.

1201. Commodity Specifications.—The commodity traded pursuant to this chapter shall consist of *fresh white eggs, which shall be either* [large, white, fresh eggs-shell treated according to industry practice, delivered in an approved plant.] *large, graded and shell-treated according to industry practice or unwashed nest run and natural or shell-treated according to industry practice. Each delivered unit must be processed and delivered in a single plant approved by the United States Department of Agriculture and the Chicago Mercantile Exchange.*

1202. Futures call.—

A. Trading Months and Hours

Futures contracts shall be scheduled for trading and delivery during such hours and in such months as may be determined by the Board.

B. Trading Unit

The unit of trading shall be 750 cases of 30 dozen each.

C. Price Increments

Minimum price fluctuations shall be in multiples of $.0005 per dozen ($11.25 per contract).

D. Daily Price Limits

There shall be no trading at a price more than two cents ($.02) per dozen above or below the previous day's settlement price ($450.00 per contract).

E. Position Limits

A person shall not own or control a total of more than 150 contracts in any one contract month, nor shall his net long or short position in all contract months combined exceed 150 contracts.

F. Accumulation of Positions

For purposes of this rule, the positions of all accounts owned or controlled by a person or persons acting in concert or in which such person or persons have a proprietary or beneficial interest shall be cumulated. The total position of each account in which a

person has more than a nominal interest shall also be cumulated and added to any other positions attributable to that person.

G. Bona Fide Hedges

The foregoing position limits shall not apply to bona fide hedging transactions meeting the requirements of Section 4a.(3) of the Commodity Exchange Act and the rules of the Exchange.

H. Termination of Futures Trading

Futures trading shall terminate on the businesss day immediately preeceding the last seven (7) business days of the contract month.

I. Contract Modifications

Specifications shall be fixed as of the first day of trading of a contract, except that all deliveries must conform to government regulations in force at the time of delivery. If any federal governmental agency issues an order, ruling, directive or law that conflicts with the requirements of these rules, such order, ruling, directive or law shall be construed to take precedence and become part of these rules, and all open and new contracts shall be subject to such government orders.

1203. Delivery Methods.—Delivery may be made on any business day of the contract month in accordance with one of the following delivery methods:

A. Certificate of Delivery

During the period beginning with the first business day of the contract month and ending on the last day of trading of the contract month, delivery shall be effected by means of a Certificate of Delivery and shall be governed by Rules 1204 through 1212 of this Chapter.

B. Delivery Notice

During the period beginning after the last day of trading in the contract month and ending at 9:00 a.m. on the last business day of the contract month, delivery shall be effected by means of a Delivery Notice and shall be governed by Rule 1213 of this Chapter.

[1203.] *1204.* Certificate of Delivery.—A Certificate of Delivery shall constitute a binding commitment of an authorized egg plant, guaranteed by its clearing member, to deliver one trading unit of fresh eggs, meeting the specifications of this chapter, within three (3) business days after valid exercise. *The Certificate must indicate whether the intended delivery unit is composed of graded eggs or nest run eggs.* [A Certificate of Delivery may be issued on any business day of the delivery month up to and including the business day preceeding the last four (4) business days of that month.] A Certificate [shall be valid and] may be [submitted] *tendered* to the Clearing House *on any day during the period beginning with the business day preceding the first business day of the contract month and ending at 8:00 p.m. on the business day preceding the last trading day of the contract month.* [up to and including the business day preceding the last three (3) business day of the delivery month.]

[1204.] *1205.* Certificate Holding Charge.—The holder of a Certificate of Delivery shall be assessed a charge of one cent ($.01) per dozen for each business day or part thereof he holds the Certificate except the day it is exercised. Payment shall be made by check to the Clearing House upon retender and/or upon exercise.

One-half cent ($.0005) per dozen per business day shall accrue to the issuing plant as a carrying charge and the remaining one-half cent shall accrue as an allowance in favor of any subsequent purchaser [who] exercis[es]ing the Certificate of Delivery, [i.e., any buyer taking delivery] or the issuing plant repurchasing the Certificate of Delivery.

[1205.] *1206.* Delivery Procedures *During Trading in the Contract Month.* [delivery requires a Notice of Intent to Deliver and a Certificate of Delivery.]

[Rule 700 shall apply to delivery of eggs under this Chapter. Delivery of the actual commodity may be made on any business day of the contract month.]

A. Seller's Duties

The clearing member representing a short that intends to make delivery shall [submit] *tender* a Notice of Intent to Deliver and a valid Certificate of Delivery to the Clearing House prior to [7:00 a.m.] *8:00 p.m.* (Chicago time) on the day *preceding the day* of delivery. [of the Certificate.]

B. Notice to Buyers

The Clearing House shall promptly register the Certificate of Delivery, *and* assign the Certificate and pass the Notice of Intent to Deliver according to the provisions of Rule 713.D.

C. Buyer's Duties

The clearing member representing the buyer [and receiving a Notice of Intent to Deliver] *assigned a Certificate of Delivery* shall present *to the Clearing House* a certified or cashier's check, in the amount of 22,500 times the settlement price on the day prior to receipt of the [that Notice] *Notice of Intent to Deliver,* [to the Clearing House] no later than *12:00* noon the business day following receipt of that notice.

The Clearing House shall hold the original purchase price of the Certificate of Delivery for the account of the issuing plant until completion of delivery or cancellation upon repurchase by the issuing plant. The Clearing House will release *to the retenderer* any subsequent purchase price upon [completion of] retender. [or reassignment to the retenderer.]

D. Buyer's Options

A buyer receiving a Notice of Intent to Deliver [on other than] *prior to* the last day of trading shall either exercise the Certificate according to the provisions of Rule [1209] *1210* or retender it in accordance with the provisions of Rule [1206] *1207* by 11:00 a.m. on the day of receipt of said Certificate or by 11:00 a.m. on the next business day, *unless the next business day is the last trading day, in which case, retender must occur by 10:00 a.m.*

A buyer receiving a Notice of Intent to Deliver on the last day of trading may retender the Certificate by 10:00 a.m. on that day, may exercise the Certificate by 10:00 a.m. on that day, or may hold the Certificate. However, a buyer holding a Certificate after trading ceases for the month must exercise the Certificate no later than [the first business day preceding the last three (3) business days of the month.] *11:00 a.m. on the business day following the last day of trading.*

[A buyer receiving a Notice of Intent to Deliver after trading ceases for the month must exercise the Certificate no later than the first business day preceding the last three (3) business days of the month.]

If a buyer fails to exercise or retender as required, the clearing member representing that buyer shall be responsible for accepting delivery of the physical commodity.

[1206.] *1207.* Retender of Certificates.

A. Short Position

A Certificate of Delivery may be retendered only in satisfaction of a short position in the same month as the month of its issuance. Said short position must be presented to the Clearing House. A buyer who receives a Certificate of Delivery may establish a short position for the purpose of making a retender without regard to the provisions of Rule 818.

B. Retender Procedures

The clearing member representing the retendering seller shall present a Notice of Intent to Deliver to the Clearing House in accordance with the time limits specified in Rule [1205] *1206.*D. [on the day of retender.] A check in the amount of the holding charge described in Rule [1204] *1205* and a certified or cashier's check for the purchase price described in Rule [1205.C.] *1206.C.* shall be presented to the Clearing House in accordance with the time limits specified in Rule [1205.C.] *1206.C.*

[1207.] *1208.* Purchase of Retendered Certificate.

A. Posting

On the day of retender, the Clearing House shall post on the trading floor by 11:30 a.m. and until 12:30 p.m. notice of all retendered Certificates of Delivery identifying the issuing egg plant, its address and any accrued allowances. If the day of retender is the last day of trading, the Clearing House shall post such notice by 10:30 a.m. and until 11:30 a.m.

B. Purchase of Posted Certificates

A posted Certificate of Delivery may be purchased by open outcry by a holder of a long position in the same month as the month of its issuance. Said long position must be presented to the Clearing House. A long position may be established for the purpose of buying a [retendered] *posted* Certificate of Delivery without regard to the prohibitions of Rule 818.

C. Price

The purchaser of a [retendered] *posted* Certificate of Delivery shall present to the Clearing House by *12:00* noon of the business day following purchase a certified or cashier's check in the amount of 22,500 times the settlement price on the day of purchase. The Clearing House shall remit said amount to the retenderer.

D. Purchaser's Duties

The purchaser of a posted Certificate of Delivery may not retender. Said certificate, if purchased by other than the issuing plant, must be exercised by 11:00 a.m. the following business day.

E. Notification

The purchaser's clearing member shall promptly notify the Clearing House whether the Certificate is being purchased by the issuing egg plant or exercised.

[1208.] *1209.* Reassignment of Retendered Certificate.—If a retendered Certificate of Delivery is not purchased under Rule [1207] *1208.* the Clearing House shall assign it [to a long position] in the same manner as specified in Rule [1205] *1206.*B., *with the oldest Certificate receiving priority of assignment.* The assignee of a retendered Certificate is, in turn, a "buyer" for purposes of determining said assignee's duties and options under this Chapter. [and under other applicable Exchange rules.] However, the assignee-buyer's payment under Rule [1205] *1206.*C. will not be held by the Clearing House for the account of the issuing plant, but will be remitted to the retenderer.

[1209.] *1210.* Exercise of [Delivery] *a* Certificate *of Delivery.*—

A. Exercise Procedures

The clearing member representing an assigned buyer or the clearing member representing the purchaser of a retendered Certificate exercises a Certificate of Delivery by written notice to the Clearing House in accordance with the time limits prescribed in Rule [1205] *1206.*D. [Full and proper payment of the purchase price shall be made by noon of the business day following receipt of the Notice of Intent to Deliver.]

B. Issuing Plant's Duties

Inspection shall be made only after the exercise of the Certificate of Delivery. The issuing plant shall have the eggs [shell treated,] inspected and otherwise ready for delivery within three (3) business days after the day of exercise. Failure to do so shall result in *a* [the following additional] charge[s] to the issuing plant[.] *of* one cent ($.01) per dozen per business day for each day [thereafter] until *the* eggs *have passed inspection and are otherwise* [are presented that have passed inspection and are otherwise] ready for delivery. For *the* purpose[s] of this subsection, [Rule 1209.B.,] the business day shall end at 3:00 p.m., local time.

C. Exerciser's Duties

The exerciser shall remove the eggs no later than the third business day after *inspection.* [exercise, or if] *If* the issuing plant has failed to ready the eggs for delivery by the third business day after exercise, *the exerciser shall remove the eggs* not later than the third business day after the eggs have passed inspection and are otherwise ready for delivery. However, if the eggs are inspected and otherwise ready for delivery prior to these time limits, the exerciser may make mutually satisfactory arrangements with the plant for an earlier pick-up. Failure to make timely removal, if such failure is not caused by the issuing plant's failure to have the eggs inspected and otherwise ready for delivery, shall result in [the following additional] *a* charge[s] to the exerciser[.] *of* one cent ($.01) per dozen per business day for each day [thereafter] until the eggs are removed. For purposes of this subsection, [Rule 1209.C.,] the business day shall end at 3:00 p.m., local time.

D. Payment Due Upon Exercise of the Certificate

Payment for the purchase price shall be made to the Clearing House by the clearing member representing the purchaser by 12:00 noon of the business day after exercise of the Certificate.

The Clearing House shall remit to the exerciser of an Certificate the allowances accruing to the Certificate of Delivery under [1204] *1205.* and such allowances as may accrue under Rule [1212] *1214* for quality, quantity, and delivery point deviations. In addition, any charges against the issuing plant under Rule [1209] *1210* shall be collected by the Clearing House and remitted to the exerciser of the Certificate.

[1210.] *1211.* Cancellation of Delivery Certificates.—A Certificate *of Delivery* shall be deemed cancelled either upon purchase by the issuing egg plant or upon exercise in accordance with Rule [1209] *1210.*

[1211.] *1212. Payment [of] to* Issuing Plant.—Upon cancellation of a Certificate of Delivery, either by repurchase or exercise, the Clearing House shall remit to the issuing plant the original purchase price of such Certificate, plus all accrued carrying charges net of all deductions for quality, quantity, and delivery point allowances. Any additional amounts due to the issuing plant for eggs left in the plant beyond the allotted three (3) business days shall be billed and paid through the Clearing house. Billings shall be made within thirty (30) calendar days of removal, and payment shall be made within five (5) calendar days of billing. The clearing member representing the buyer shall be responsible for payment of such additional amounts.

1213. Delivery Procedures After Trading Terminates in the Contract Month.

A. Seller's Duties

The clearing member representing a short that intends to make delivery after trading terminates shall tender a Delivery Notice to the Clearing House prior to 8:00 p.m. (Chicago time) on the day preceding the day of delivery; except that a Delivery Notice may be submitted to the Clearing House prior to 9:00 a.m. on the last business day of the contract month. The eggs shall be inspected not more than two (2) calendar days prior to tendering the Delivery Notice. The seller shall deliver through the Clearing House all documents necessary in order to effect delivery.

B. Buyer's Duties

The clearing member receiving Delivery Notice shall present a certified or cashier's check for the amount shown on the Delivery Notice at the Clearing House not later than 12:00 noon of the following business day.

The buyer receiving delivery must remove the eggs from the delivering plant within the following three (3) business days after receipt of the Delivery Notice. Failure to comply shall result in a charge to the buyer of one cent ($.01) per dozen per business day for each day until the eggs are removed. For the purpose of this subsection the business day shall end at 3:00 p.m., local time.

C. Payment

Upon completion of delivery, the Clearing House shall release to the seller the amount due. Seller shall receive such funds, and title shall pass to buyer, at the expiration of three business days after the Delivery Notice has been tendered or when the buyer removes the eggs from the delivering plant, whichever shall occur first. Any additional amounts due seller for eggs left in plant beyond the allotted three business days shall be billed and paid through the Clearing House.

[1212.] *1214.* Par Delivery and Substitutions.—*The delivery unit shall consist of graded eggs or nest run eggs, but not a combination of graded and nest run in the same delivery unit.*

A Par Delivery Unit—*Graded or Nest Run*

1. Quality Specifications—

a. Graded

The eggs shall be U.S. graded *90% AA and A Quality in combination, of which no less than 20% shall be AA Quality.* [20.0% AA Quality with the combination of 90.0% AA and A Quality.] No *individual* case shall contain less than 10.0% AA Quality. No *Individual* case shall contain less than 75.0 AA and A Quality in combination.

The average net weight for par delivery shall be at least 46.0 pounds per case with no *individual* case weighing less than 45.0 pounds, net. The average net weight for par delivery shall not exceed 50.0 pounds per case with no individual case to exceed 51.0 pounds net.

In addition, eggs rating below B Quality shall not exceed 6.0%, including loss, which shall not exceed 1.0%.

b. Nest Run

The eggs shall be current production, unwashed nest run 88% AA and A Quality in combination, of which no less than 35% shall be AA Quality. No individual case may contain less than 25% AA Quality. No individual case may contain less than 75% of AA and A Quality in combination. Eggs with adhering dirt or foreign material on the shell exceeding one-half inch diameter shall not exceed 5%. Not more than 5% may be checks and not more than 2% may be loss. Marks which are slightly gray in appearance and adhering dirt or foreign material on the shell less than ⅛ inch in diameter are not considered quality factors. The eggs shall be officially graded for all other quality factors.

The average net weight for par delivery shall be at least 46.0 pounds per case with no individual case weighing less than 46.0 pounds net. The average net weight for par delivery shall not exceed 50.0 pounds per case with no individual case to exceed 51.0 pounds net. Units whose average net weight is more than 50.0 pounds are not deliverable. For purposes of inspection for weight, the number of sample cases shall be double the minimum USDA sample size requirement.

The delivery unit may consist of from 1 to 3 lots, each of which shall contain no less than 150 cases.

Each lot shall be positively identified or the entire unit shall be treated as one lot.

The weight requirements and allowance specified shall be applied individually to each lot in the delivery unit, and, if any lot fails to meet such requirements, the entire unit shall fail inspection.

2. Packaging—

Eggs must be packed in new or good used fibre or corrugated cases with fibre or corrugated centers which meet one of the following requirements:

a. A marked minimum bursting strength of 200 pounds with S, H, or Z liners[.]; *or*

b. Double walled without liners.

Other cases may be used if approved by the CME. The cases need not be manufactured by the same manufacturer. Filler-flats must be acceptable to the trade and be either new or good used. Cases must be taped with no less than a two-inch tape, but no more than a three-inch tape, or as approved by the USDA.

3. Delivery Points—

Par delivery of eggs shall be basis Chicago area. Deliveries made from outside the Chicago area may be substituted with an allowance, as determined and published by the Chicago Mercantile Exchange.

B. Quality Deviations and Allowances

1. Graded

Carlots grading below 90.0% but not less than 89.0% AA and A Quality may be delivered with an allowance of one cent ($.01) per dozen. Carlots grading below 89.0% but not less than 88.0% AA and A Quality may be delivered with an allowance of two cents ($.02) per dozen. Carlots grading below 88.0% but not less than 87.0% AA and A Quality may be delivered with an allowance of four cents ($.04) per dozen. No carlots grading less than 87.0% AA and A Quality may be delivered. [No case shall contain less than 75.0% AA and A Quality in Combination. No case shall contain less than 10.0% AA Quality.]

2. Nest Run

Carlots grading below 88.0% but not less than 87.0% AA and A Quality may be delivered with an allowance of one cent ($.01) per dozen. Carlots grading below 87.0% but not less than 86.0% AA and A Quality may be delivered with an allowance of two cents ($.02) per dozen. Carlots grading below 86.0% but not less than 85.0% AA and A Quality may be delivered with an allowance of four cents ($.04) per dozen. No carlots grading less than 85.0% AA and A Quality may be delivered.

C. Quantity Deviations and Allowances

The delivery unit may be 720 to 750 cases, but payment shall be made on the basis of the exact quantity delivered.

D. Weight Deviations and Allowances—Nest Run Eggs Only

Delivery units whose average net weight is less than 47.0 pounds are not deliverable. Delivery units having an average net weight per case of less than 48 pounds shall be discounted one half cent ($.005) per dozen for each ½ pound or fraction thereof by which the average net weight falls below 48 pounds per case.

[1213.] *1215.* Inspection.—*Unless otherwise specified in this Chapter,* [T]*t*he eggs must meet [the requirements of the U.S. Specifications and Weight Classes for Wholesale Grades for Shell Eggs] *the regulations governing the grading of shell eggs and U.S. standards, grades, and weight classes for shell eggs* as promulgated by the Poultry and Dairy Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture (USDA). All cases must be taped and identified with a lot number prior to the selection of the sample by the USDA [inspector] *grader.* Tags will not be allowed. All cases delivered must be taped and identified with a USDA lot number prior to the selection of the sample by the USDA [inspector] *grader;* however, no case may be stamped with more than one USDA number.

Inspection must be made during the month of delivery. [and only after Certificate of Delivery is exercised.] Eggs delivered in one month shall not be eligible for delivery in any subsequent month.

[1214.] *1216.* Appeal Grading at Point of Origin.—A request may be made for appeal grading at the plant of origin. Requests for such appeal must be presented to the Chicago Mercantile Exchange no later than [twelve] *12:00* noon, Chicago time, on the day of notification of the results of the original inspection. Appeal grading shall be conducted by an [inspector] *grader* assigned by the Regional Director of the Poultry and Dairy Quality Division, Food Safety and Quality Service, USDA. *If the FSQS Regional Director determines that an appeal grading is not justified, then the original inspection final.*

Appeal grading shall be performed in accordance with USDA procedures described in 7 CFR Part 2856 of the USDA regulations governing the grading of shell eggs. In the event that the appeal grading determines that the eggs presented meet contract requirements, the cost of such appeal shall be borne by the buyer, and penalties specified shall apply to any delay in picking up the eggs, whether or not the delay is caused by the appeal grading. Should the appeal grading determine that the eggs delivered do not meet the contract requirements, the seller [will be considered to have failed to have made] *shall have failed to make* delivery and will be subject to the penalties described in Rule [1215] *1217.* In addition, the seller must pay for the appeal grading. The results of the appeal grading are final. [with no appeal. In the event that the FSQS Regional Director does not agree that an appeal grading is justified, then the original inspection shall be final.]

[1215.] *1217.* Failure of Eggs to Pass Appeal Grading.—Upon failure of the eggs to pass appeal grading, the seller shall pay a one cent ($.01) per dozen per day penalty for each business day following the original date of inspection until eggs are presented that have passed inspection. Payment of penalties does not relieve the seller of its obligation to deliver acceptable eggs.

[1216.] *1218.* Exchange Inspection Certificate.—The rules of the Exchange in regard to the Exchange Inspection Certificate are not applicable to delivery under this Chapter.

[1217.] *1219.* Costs of Inspection, Weighing, Storage, Etc.—All charges for handling, prior to removal by the [exerciser] *buyer* from the plant, shall be borne by the seller. All charges incurred thereafter shall be borne by the [exerciser] *buyer.*

The costs of all inspection examinations, documentation and related services performed by the USDA grader, and related services, such as re-packaging after examination, shall be borne by the seller.

Chapter 7—Delivery Facilities and Procedures

704. Other Approved Delivery Facilities.—

B. Approved Egg Plants

Delivery in satisfaction of the fresh egg contract shall be made exclusively from egg plants meeting Exchange requirements and approved for in-plant delivery of fresh shell eggs and authorized by the Exchange to issue Certificates of Delivery. Such approval and authorization shall be based upon satisfactory demonstration that the criteria set forth in the application form, as it may be from time to time amended, have been satisfied and that the applicant will fully perform all agreements and commitments set forth in the application.

The authorization shall specify approval to have outstanding at any one time a limited and certain number of Certificates of Delivery, said number to be determined, at the discretion of the Exchange, on the basis of plant capacity and ability to conform to Exchange regulations. [That number shall apply after trading ceases for a delivery month.] A plant shall not have outstanding at one time more than the approved number of certificates. The number of certificates issued by a plant shall not relieve said plant of its obligation to delivery against outstanding certificates.

* * * * *

Other materials submitted by the CME in support of its rule amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)), except to the extent they may be entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments, or with respect to other materials submitted by the CME in support of its submission, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by July 15, 1981.

Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on June 9, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-17621 Filed 6-12-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

National Waterways Study; Announcement of Open Meeting

AGENCY: Army Corps of Engineers, Department of the Army.

ACTION: Notice of Open Meeting.

SUMMARY: The U.S. Army Corps of Engineers announces a one-day open public briefing on the draft final report of the National Waterways Study (NWS). The meeting is the last of a series of national level meetings concerning the progress and findings of the study. This meeting will focus on the conclusions and preliminary recommendations to be presented in the Corps' NWS draft final report. A summary document will be available to preregistrants planning to attend the meeting. The period for receiving written comments on the summary document or the briefing will last through August 14, 1981. The draft final report will be available for public review in August 1981.

DATE: July 21, 1981, 8:30 a.m. to 5:00 p.m.

ADDRESS: Rosslyn Westpark Hotel, 1900 North Fort Myer Drive, Arlington, Virginia 22209.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Ballentine or Mr. David Grier, U.S. Army Engineer Institute for Water Resources, National Waterways Study, Kingman Building, Fort Belvoir, Virginia 22060 (202/325-0479).

SUPPLEMENTARY INFORMATION: The conclusions and preliminary recommendations to be discussed at the public meeting are based on projections of demand for waterborne commerce through 2003, as well as on analysis of the capabilities of the existing waterway system and its component structures. Detailed analytical comparisons of the demand projections and the system capabilities permitted the determination of anticipated problem areas, including the isolation of constraint points. Discussions at the public meeting will focus on the remedial actions to be recommended in the draft final report. These actions will concentrate on alleviating the most serious water transportation problems and constraints from a national perspective on NWS conclusions and recommendations will be followed by an opportunity for discussion of the forecasting techniques and results and of the evaluation process leading to the recommendations.

An advance summary document describing the conclusions and recommendations to be presented at the meeting will be available on request. The draft final report of the National Waterways Study will be available for public review in August, 1981.

Dated: May 18, 1981.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81-16509 Filed 6-12-81; 8:45 am]

BILLING CODE 3710-92-M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Force Enhancement sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on June 30–July 1, 1981, from 8 a.m. to 5 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of applications of warfare simulation to the Navy's tactical and strategic missions and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact: Lieutenant Kathleen M. Cummings, Executive Secretary, CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311, Telephone: (703) 756-1205.

Dated: June 10, 1981.

J. J. Walsh,

Commander, JAGC, U.S. Navy, Alternate Federal Register, Liaison Officer.

[FR Doc. 81-17768 Filed 6-12-81; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

DOD Advisory Group on Electronic Devices; Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DOD Advisory Group on Electronic Devices (AGED) will meet in closed session, July 19–30, 1981 at the Massachusetts Institute of Technology, Lincoln Labs, Lexington, Massachusetts.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the military propose to initiate with industry, univerisities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 9, 1981.

[FR Doc. 81-17595 Filed 6-12-81; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Task Force on Potable Water in Southwest Asia; Advisory Committee Meeting

The Defense Science Board Task Force on Potable Water in Southwest Asia will meet in closed session on July 1, 1981 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of

Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on July 1 the Task Force will review the current and future capability of the U.S. to provide water support to military forces in Southwest Asia and make recommendations concerning improvements and other associated programmatic actions.

In accordance with 5 U.S.C. App. 1 section 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 10, 1981.

[FR Doc. 81-17596 Filed 6-12-81; 8:45 am]

BILLING CODE 3810-70-M

Office of the Secretary

Privacy Act of 1974; Notices of Systems of Records: Amendments

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of amendments to systems of record notices.

SUMMARY: The Office of the Secretary of Defense proposes to amend the system notices for seven systems of records subject to the Privacy Act of 1974. The specific amendments and the seven system notices as amended are set forth below.

DATES: These notices shall be amended as proposed without further notice on July 15, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Send comments to the Systems Managers identified in the system notices.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register.**

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 16, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-12892 (46 FR 23967) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981
FR Doc. 81-14226 (46 FR 26365) May 12, 1981
FR Doc. 81-14406 (46 FR 26676) May 14, 1981
FR Doc. 81-14909 (46 FR 27373) May 19, 1981
FR Doc. 81-14975 (46 FR 27373) May 19, 1981
FR Doc. 81-15770 (46 FR 28470) May 27, 1981

These proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of new of altered system reports.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 10, 1981.

DOCHA 01

System name:

Health Benefits Files (44 FR 74110, December 17, 1979).

Changes:

System location:

Delete the entry under the above heading, and insert:

"Primary System—Program Operations Division (O), OCHAMPUS, DoD, Aurora, Colorado 80045.

Decentralized Segment—Office of Appeals and Hearings (H), OCHAMPUS, DoD, Aurora, Colorado 80045.".

Categories of individuals covered by the system:

In the second line, delete "under the basic program". Also, insert "under the basic program" after the word "hospitalization" in the third line.

Categories of records in the system:

In the last line, delete the word "CHAMPUS" and insert "CHAMPUS/CHAMPVA.".

Authority for maintenance of the system:

Delete the entry under the above heading, and insert:

"Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101-11.000 *et. seq.*; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entry under the above heading and insert:

Internal users, uses, and purposes:

The Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) uses the information to determine the eligibility of an individual for health care under CHAMPUS/CHAMPVA; to authorize payment of health care claims by CHAMPUS/CHAMPVA beneficiaries; to respond to inquiries from congressional offices made at the request of the individual covered by the system.

External users, uses, and purposes:

Referral to the Department of Justice and/or foreign law enforcement agencies for possible crimimnal prosecution; and referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Chapter 55, Title 10, United States Code and Section 613, Chapter 17,Title 38, United States Code.".

Storage:

Delete the word "Paper" and insert: "Hard copy".

Retrievability:

Delete the entry under the above heading, and insert:

"Retrievable numerically by case number (sponsor's Social Security Number), then alphabetically by letter assigned to each individual family member. Records are also retrievable by sponsor or beneficiary name. These records are also accessible through an automated index.".

Safeguards:

Delete the entry under the above heading, and insert:

"Automated index is accessible only by authorized persons possessing user identification codes. Hard copy records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Building is protected by Fitzsimons Army Medical Center (FAMC) security force.".

Retention and disposal:

Delete the entry under the above heading, and insert:

"Automated indexes are permanent. Hard copy records are maintained for

four years after closure in active files, held an additional two years in inactive files and then permanently preserved or destroyed in accordance with records disposal authority as dictated by subject matter.".

System manager(s) and address:

Delete the entry under the above heading, and insert:

"Chief, Program Operations Division (O), OCHAMPUS, DoD, Aurora,Colorado 80045. Telephone: 303–341–8609.".

Notification procedure:

Delete the entry under the above heading, and insert:

"Information may be obtained from the System Manager.".

Record access procedures:

Delete the entry under the above heading, and insert:

"Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as a driver's license or other form of picture identification.".

Contesting record procedures:

In the third line under the above heading, delete "CFR 286b" and insert: "C.F.R. , Part 286b,".

Record source categories:

Delete the entry under the above heading, and insert:

"Records of fiscal intermediaries (FI), contractors, CHAMPUS advisors, all branches of the Uniformed Service, Congressional inquiries, private physicians, consultants, applicants and inquiries made by individuals.".

DOCHA 02

System name:

AR 340–18–9 Medical Care Inquiry Files (44 FR 74111, December 17, 1979).

Changes:

In the above system name, delete "AR 340–18–9".

System location:

Delete the entry under the above heading, and insert:

"Administrative Support Division (A), OCHAMPUS, DoD, Aurora, Colorado 80045.".

Categories of individuals covered by the system:

Delete the first paragraph under the above heading.

Categories of records in the system:

Delete the entry under the above heading, and insert:

"Documents reflecting inquiries received from private individuals and Congress for nonprivileged information on such matters as medical treatment received and eligibility for medical care under CHAMPUS/CHAMPVA. Included are notifications to individuals of approval or termination of treatment, and similar or related documents.

Records consist of individual inquiries from personnel concerning eligibility under CHAMPUS/CHAMPVA and replies thereto; Congressional inquiries on behalf of constituents concerning eligibility under CHAMPUS/CHAMPVA and replies thereto; files notifying personnel of eligibility or termination of benefits under CHAMPUS/CHAMPVA.".

Authority for maintenance of the system:

Delete the entry under the above heading, and insert:

"Title 44, United States Code, Section 3101, Title 41, Code of Federal Regulations, Parts 101–11.000 *et. seq.;* Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entry under the above heading and insert:

Internal users, uses, and purposes:

The Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) uses the information to establish eligibility for health care under CHAMPUS/CHAMPVA; to respond to an individual's inquiry concerning CHAMPUS/CHAMPVA; to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

External users, uses, and purposes:

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Chapter 55, Title 10, United States Code, and Section 613, Chapter 17, Title 38, United States Code; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.".

Storage:

Delete "paper" and insert "Hard copy".

Retrievability:

Delete the second sentence under this heading, and insert:

"These records are also accessible through an automated index by case number, sponsor's name and Social Security Number.".

Safeguards:

Delete the entry under the above heading, and insert:

"Automated index is accessible only by authorized persons possessing user identification codes. Hard copy records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Building is protected by Fitzsimons Army Medical Center (FAMC) security force.".

Retention and Disposal:

Delete the entry under the above heading, and insert:

"Automated indexes are permanent. Hard copy records are retained in active file until end of calendar year in which injury occurred, held 5 additional years in inactive files and then destroyed or permanently preserved in accordance with records disposal authority as dictated by subject matter.".

System manager(s) and address:

Delete the entry under the above heading, and insert:

"chief, Administrative Support Division (A), OCHAMPUS, DoD, Building 618, Room 202, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303–341–8005.".

Notification procedure:

Delete the entry under the above heading, and insert:

"Information may be obtained from the System Manager.".

Record access procedures:

Delete the first paragraph under the above heading. In the second paragraph, delete the second sentence. Delete the third and fourth paragraphs, and insert:

"For personal visits to examine records, the individual should be able to provide some acceptable identification such as a driver's license or other form of picture identification.

Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical records and, at the physician's discretion, inform the individual covered by the system of the contents of that medical record.".

Contesting record procedures:

Delete the last line of the entry, and insert: "are contained in 32 CFR Part 286b, and OSD Administrative Instruction No. 81.".

Record source categories:

Delete the entry under the above heading, and insert:

"CHAMPUS Fiscal Intermediaries (FI), individual members of the Congress of the United States, CHAMPUS advisors, all branches of the Uniformed Services, consultants, and all individuals who seek information concerning CHAMPUS/CHAMPVA.".

DOCHA 03

System name:

Health Benefits Preapproval Files (44 FR 74112, December 17, 1979).

Changes:

System location:

Delete the first paragraph under the above heading, and insert:

"Primary System—Chief, Program Evaluation Division (E), Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), DoD, Aurora, Colorado 80045".

In the second paragraph, delete "Denver,", and insert: "Aurora,". Delete "80240;" in the second line, and insert: "80045;".

Categories of individuals covered by the system:

Delete the last line of the entry under the above heading, and insert: "(CHAMPVA)/Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) who have been approved for extended hospital care.".

Categories of records in the system:

In the entry under the above heading, second line, delete the word "account". Also, in the last line, delete the word "CHAMPUS.", and insert "CHAMPUS/CHAMPVA.".

Authority for maintenance of the system:

Delete the entry under the above heading, and insert:

"Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101–11.000 *et. seq.;* Chapter 55, Title 10, United States Code: Section 613, chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entry under the above heading and insert:

"Internal users, uses, and purposes:

OCHAMPUS Program Operations Division (O)—For approval of medical care under the provisions of the Program for the Handicapped of CHAMPUS and/or approval for extended hospitalization; to control and review health care management plans for CHAMPUS//CHAMPVA beneficiaries approved for medical care by providers of service.

OCHAMPUS Program Evaluation Division (E)—For control and accomplishment of reviews of approvals; to coordinate subject matter clearances for Congressional committees and auditors.

The Office of the Civilian Health and Medical Program for the Uniformed Services (OCHAMPUS) uses the information for approval of health care under the Program for the Handicapped: for approval of extended hospital care; to control and review health care management plans of providers of services for individuals approved for heath care under CHAMPUS/CHAMPVA to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

External users, uses, and purposes:

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Chapter 55, Title 10, United States Code and Section 613, Chapter 17, Title 38, United States Code; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.".

Retrievability:

In the second line, delete the words "account number (SSAN), sponsor's or beneficiaries' ", and insert: "number, sponsor's or beneficiary's".

Safeguards:

Delete the entry under the above heading, and insert:

"Records are maintained in areas which are manned 24 hours daily and are accessible to authorized personnel who are properly screened, cleared and trained. Records are maintained on magnetic tape and are accessible only through the medium of OCHAMPUS prepared computer programs resulting in a print-out of the data. Military police provide 24-hour security.".

System manager(s) and address:

Delete the entry under the above heading, and insert:

"Chief, Program Evaluation Division (E), OCHAMPUS, DoD, Building 611, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303–341–8088.".

Notification procedure:

Delete the entry under the above heading, and insert:

"Information may be obtained from the System Manager.".

Record access procedures:

Delete the entry under the above heading, and insert:

"Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician's who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as a driver's license or other form of picture identification.".

Contesting record procedures:

In the third line, delete "CFR 286b", and insert: "C.F.R., Part 286b,".

Record source categories:

Delete the entry under the above heading, and insert:

"Sponsor's/beneficiary's application, provider of medical care documentation.".

DOCHA 04

System name:

AR 340–18–4 Legal Opinion Files (44 FR74112, December 17, 1979).

Changes:

System name:

In the above system name, delete "AR 340–18–4".

System location:

Delete the entry under the above heading, and insert:

"Office of General Counsel, OCHAMPUS, DoD, Aurora, Colorado 80045.".

Categories of individulals covered by the system:

Delete the entry under the above heading, and insert:

"Individuals who are the subject of inquiries from the individual himself (herself), attorneys, fiscal administrators, hospital contractors, other Government agencies, divisions and offices of OCHAMPUS and Congressional offices. Such inquiries involved such matters as medical treatment, eligibility for medical care under CHAMPUS/CHAMPVA, approval or termination of medical treatment, and similar or related matters.".

Categories of records in the system:

Delete the entry under the above heading, and insert:

"Inquiries received from private individuals, attorneys, fiscal administrators, hospital contractors, other Government agencies, divisions and offices of OCHAMPUS and Congress for nonprivileged information on such matters as medical treatment received, eligibility for medical care under CHAMPUS. Included are notifications to individuals for approval or termination of treatment and similar or related documents.

Files contain legal opinions; correspondence between (1) Fiscal Intermediaries, (2) CHAMPUS/CHAMPVA beneficiaries, (3) sponsors, (4) attorneys, (5) divisions and offices of OCHAMPUS, (6) other agencies; memoranda for the record and similar documents.".

Authority for maintenance of the system:

Delete the entry under the above heading, and insert:

"Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101–11.000 *et. seq.*, Chapter 55, Title 10, United Stated Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entry under the above heading and entry, and insert:

"Internal uses, and purposes:

Office of General Counsel maintains files of legal opinions rendered for use as precedent and for record purposes. These include responses to requests for legal opinion originating within the Office of General Counsel, other divisions and offices, OCHAMPUS, and other agencies of the Federal Government. Such records are maintained for research, precedent and historical purposes.

External users, uses, and purposes:

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Chapter 55, Title 10, United States Code, and Section 613, Chapter 17, Title 38, United States Code; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.".

Safeguards:

In the first line, delete the word "patrolled" and insert: "protected".

Retention and disposal:

Delete the entry under the above heading, and insert:

"Records are permanent. Transfer to WNRC when superseded or obsolete.".

System manager(s) and address:

Delete the entry under the above heading, and insert:

"General Counsel (C), OCHAMPUS, DoD, Building 618, Room 205, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303–341–8506.".

Notification procedure:

Delete the entry under the above heading, and insert:

"Information may be obtained from the System Manager.".

Record access procedures:

Delete the entry under the above heading, and insert:

"Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should be able to provide some acceptable identification such as a driver's license or other form of picture identification.".

Contesting record procedures:

Delete the entry under the above heading, and insert:

"The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286B, and OSD Administrative Instruction No. 81.".

Record source categories:

Delete the entry under the above heading, and insert:

"Correspondence from persons, agencies and sources listed in Categories of Records and oral and written requests initiated by Office of General Counsel.".

DOCHA 05

System name:

Health Facilities File (44 FR 74113, December 17, 1979).

Changes:

System name:

In the above system name, delete the word "File", and insert: "Files.".

System location:

Delete the entry under the above heading, and insert:

"Primary System—Program Operations Division (O), OCHAMPUS, Aurora, Colorado 80045.

Decentralized Segment—Office of Appeals and Hearings (H), OCHAMPUS, Aurora, Colorado 80045.".

Categories of individuals covered by the system:

In line one, delete "CHAMPUS beneficiaries must have approval as a source of care.", and insert "services or supplies provided to CHAMPUS beneficiaries.".

Categories of records in the system:

Delete the period at the end of the entry, and insert: "facility identification, and appeals and hearing case files consisting of hearing transcripts and/or other documentation pertaining to reconsideration or appeal of adverse determination of facility approval.".

Authority for maintenance of the system:

Delete the entry under the above heading, and insert:

"Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Part 101–11.000 *et. seq.*; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entry under the above heading and entry, and insert:

"Internal users, uses, and purposes:

Program Operations Division to determine the eligibility of facility as a source of care for CHAMPUS/CHAMPVA beneficiaries.

External users, uses, and purposes:

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Title 10, United States Code, Chapter 55, and Title 38, United States Code, Section 613; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.".

Retrievability:

Delete the entry under the above heading, and insert:

"Filed numerically by state, then numerically by facility.".

Safeguards:

Delete the entry under the above heading, and insert:

"Buildings are protected by military policy security force. Records are maintained in areas accessible only to authorized personnel who are properly cleared, screened and trained.".

Retention and disposal:

Insert the following at the end of the entry: "Transfer to WNRC when superseded or obsolete.".

System manager(s) and address:

Delete the entry under the above heading, and insert:

"Chief, Program Operations Division (O), OCHAMPUS, DoD, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303–341–8609.".

Notification procedure:

Delete the entry under the above heading, and insert:

"Information may be obtained from the System Manager.".

Record access procedures:

Delete the entry under the above heading, and insert:

"Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as driver's license or other form of picture identification.".

Contesting record procedures:

Delete the entry under the above heading, and insert:

"The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.".

Record source categories:

In the first line, delete "agents (FA)," and insert: "intermediaries (FI),". Also, in the second line, delete "military service," and insert: "Uniformed Service,".

DOCHA 06

System name:

AR 340–18–9 Policy and Precedent Files (44 FR 74113, December 19, 1979).

Changes:

System name:

In the above system name, delete "AR 340–18–9".

System location:

Delete the entry under the above heading, and insert:

"Program Operations Division (O), OCHAMPUS, Aurora, Colorado 80045."

Categories of individuals covered by the system:

Delete the entry under the above heading, and insert:

"Individuals who request CHAMPUS/CHAMPVA coverage resulting in the issuance of program policy or precedent decisions.".

Categories of records in the system:

Delete the entry under the above heading, and insert:

"Such records contain information received from providers of care, medical facilities, professional medical organizations, and CHAMPUS contractors.

Files contain all types of medical benefit decisions on CHAMPUS/CHAMPVA beneficiaries and provider of care and may include a military sponsor's name and Social Security Number and the names of family members if relevant to the issue addressed in the record. File also contains audit documents and management reports relating to CHAMPUS Fiscal Intermediaries.".

Authority for maintenance of the system:

Delete the entry under the above heading, and insert:

Tile 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101–11.000 *et seq.*; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entry under the above heading and entry, and insert:

"Internal users, uses, and purposes:

Information in files is used by OCHAMPUS personnel for management control and to coordinate questionable benefit areas throughout the program and with CHAMPUS contractors.

External user, uses, and purposes:

Referral to the Secretary of the Department of Health and Human

Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilites under CHAMPUS/CHAMPVA pursuant to Title 10, United States Code, Chapter 55, and Title 38, United States Code, Section 613; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.".

Safeguards:

In the first line, delete "provided by military sentries." and insert: "protected by military security guards.".

Retention and disposal:

Delete the entry under the above heading, and insert:

"Records are permanent. Transfer to WNRC when superseded or obsolete.".

System manager(s) and address:

Delete the entry under the above heading, and insert:

"Chief, Program Operations Division (O), OCHAMPUS, DoD, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303-341-8609.".

Notification procedure:

Delete the entry under the above heading, and insert:

"Information may be obtained from the System Manager.".

Record access procedures:

Delete the entry under the above heading, and insert:

"Requests should be addressed to the System manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as driver's license or other form of picture identification.".

Contesting record procedures:

Delete the entry under the above heading, and insert:

"The Agency's rules for access to records and for contesting contents and appealing initial determinations by the inividual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.".

Record source categories:

Delete the entry under the above heading, and insert:

"Private physicians, CHAMPUS Fiscal Intermediaries, individual members of the Congress of the United States, CHAMPUS advisors, all branches of the Uniformed Services, consultants and individuals making inquiry.".

DOCHA 07

System name:

Medical Claim History Files (44 FR 74114, December 17, 1979).

Changes:

System location:

Delete the entry under the above heading, and insert:

"Primary System—Administrative Support Division (A), OCHAMPUS, DoD, Aurora, Colorado 80045.

Decentralized Segment—Office of Appeals and Hearings (H), OCHAMPUS, DoD, Aurora, Colorado 80045; Fiscal Intermediaries/Contractors under contract to OCHAMPUS. Each company listed below maintains claim files on beneficiaries in their respective geographical areas.

Mutual of Omaha Insurance Company, 3301 Dodge Street, Omaha, NE 68131

Blue Shield of California, P.O. Box 85020, San Diego, CA 92138

Blue Shield of California, P.O. Box 85035, San Diego, CA 92138 (Dental)

Hawaii Medical Service Association, P.O. Box 860, Honolulu, HI 96808

Blue Cross of Washington and Alaska, P.O. Box 77084, Seattle, WA 98111

Blue Shield of Pennsylvania, Blue Shield Building, Box 65, Camp Hill, PA 17011

Blue Cross of Rhode Island, One Weybosset Hill, Providence, RI 02901

Blue Cross/Blue Shield of Tennessee, Blue Cross Building, 801 Pine Street, Chattanooga, TN 37402

Blue Cross of Southwestern Virginia, P.O. Box 13828, Roanoke, VA 24001

Wisconsin Physicians Service, P.O. Box 7927, Madison, WI 53707".

Categories of records in the system:

After the word "identification," in the fifth line, delete the rest of the entry, and insert: "any record of claims, billings for medical, hospital or related services, application or approval forms which reflect diagnosis, treatment or medical conditions, family history files, or any other correspondence, memorandum or report reflecting these data with respect to any individual, which are acquired or utilized in the development and processing of CHAMPUS/CHAMPVA claims, and appeals and hearing case files consisting of hearing transcripts and/or other documentation pertaining to reconsiderations or appeals of adverse determinations of benefits under CHAMPUS/CHAMPVA.".

Authority for maintenance of the system:

Delete the entry under the above heading, and insert:

"Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101-11.000 *et. seq.*; Chapter 55, Title 10,. United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entry under the above heading and entry, and insert:

Internal users, uses, and purposes:

The Office of the Civilian Health and Medical Program of the Uniformed Services and CHAMPUS fiscal intermediaries use the the information to control and process medical claims for payment; for control and approval of medical treatments and interface with providers of health care; to control and accomplish reviews of utilization: for review of claims related to possible third party liability cases and initiation of recovery actions; for referral to Peer Review Committees or similar professional review organizations to control and review providers of health care; for disclosure to third party contacts without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning the individual's entitlement to benefits under CHAMPUS/CHAMPVA, the amount of benefit payments, any review of suspected abuse or fraud, or any concern for program intergity or quality appraisal; for the issuance of deductible certificates, to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

External users, uses, and purposes:

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the

Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Title 10, United States Code, Chapter 55, and Title 38, United States Code, Section 613, and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution; and, referral to the Department of Justice for representation of the Secretary of Defense in civil actions.".

Storage:

Automated claim records are maintained on magnetic tape and disc. Manual claim support records (paper or microfiche) are maintained in family history files.".

Retrievability:

In the first line, delete the words "Account Number (SSAN), beneficiaries", and insert: "Number (SSN), beneficiary's".

Safeguards:

Delete the entry under the above heading, and insert:

"Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Decentralized automated segments within Fiscal Intermediary operations are accessible on line only to authorized persons possessing user identification codes. The automated portion of the Primary System is accessible only through the medium of OCHAMPUS prepared computer programs resulting in a printout of the data. OCHAMPUS buildings are protected by military police security force.".

Retention and disposal:

Delete the entry under the above heading, and insert:

"Records maintained on magnetic tape are individual annual files and are permanent. Paper or microfiche records comprising the decentralized segment of the files are maintained for a minimum of two calendar years after closure and the stored in designated federal record centers for an additional four years; and then destroyed or permanently preserved in accordance with records disposal authority as dictated by subject matter.".

System manager(s) and address:

Delete the entry under the above heading, and insert:

"Chief, Administrative Support Division (A), OCHAMPUS, DoD, Building 618, Room 202, Fitzsimons Army Medical Center, Aurora, Colorado 80045 Telephone: 303–314–8005.".

Notification procedure:

Delete the entry under the above heading, and insert:

"Information may be obtained from the System Manager.".

Record access procedures:

Delete the entry under the above heading, and insert:

"Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to recieve the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as driver's license or other form of picture identification.".

Contesting record procedures:

In the third line, delete "CFR 286b", and insert: "C.F.R., Part 286b,".

Record source categories:

Delete the word "care." in the second line, and insert: "care, individual beneficiaries, third party contacts verifying claims information, and consultants.".

DOCHA 01

SYSTEM NAME:

Health Benefits Files.

SYSTEM LOCATION:

Primary System—Program Operations Division (O), OCHAMPUS, DoD, Aurora, Colorado 80045.

Decentralized Segment—Office of Appeals and Hearings (H), OCHAMPUS, DoD, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who seek health care under the Program for the Handicapped as CHAMPUS beneficiaries and/or extended hospitalization under the basic program as CHAMPUS/CHAMPVA beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original correspondence with individuals, medical statements, Congressional inquiries, medical treatment records, authorizations for care, case status sheets, memos for record, follow-up reports justifying extended care, correspondence with contractors and work-up sheets maintained by case workers, and appeals and hearings case files consisting of transcript and/or other documentation pertaining to reconsiderations or appeals of adverse determinations affecting an individual's benefits under CHAMPUS/CHAMPVA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101–11.000 *et. seq.*; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

The Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) uses the information to determine the eligibility of an individual for health care under CHAMPUS/CHAMPVA; to authorize payment of health care claims by CHAMPUS/CHAMPVA beneficiaries; to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

External users, uses, and purposes:

Referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution; and referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administration responsibilities under CHAMPUS/CHAMPVA pursuant to Chapter 55, Title 10, United States Code and Section 613, Chapter 17, Title 38, United States Code.

POLICIES AND PRACTICES FOR STORING, RETRIVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy records in file folders.

RETRIEVABILITY:

Retrievable numerically by case number (sponsor's Social Security Number), then alphabetically by letter

assigned to each individual family member. Records are also retrievable by sponsor or beneficiary name. These records are also accessible through an automated index.

SAFEGUARDS:

Automated index is accessible only by authorized persons possessing user identification codes. Hard copy records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Building is protected by Fitzsimons Army Medical Center (FAMC) security force.

RETENTION AND DISPOSAL:

Automated indexes are permanent. Hard copy records are maintained for four years after closure in active files, held an additional two years in inactive files and then permanently preserved or destroyed in accordance with records disposal authority as dictated by subject matter.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Program Operations Division (O), OCHAMPUS, DoD, Aurora, Colorado 80045. Telephone: 303–341–8609.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Records of Fiscal Intermediaries (FI), contractors, CHAMPUS advisors, all branches of the Uniformed Services, Congressional inquiries, private physicians, consultants, applicants and inquiries made by individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 02

SYSTEM NAME:

Medical Care Inquiry Files.

SYSTEM LOCATION:

Administrative Support Division (A), OCHAMPUS, DoD, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who seek information concerning health care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) and the Civilian Health and Medical Program-Veterans'Administration (CHAMPVA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting inquiries received from private individuals and Congress for nonprivileged information on such matters as medical treatment received and eligibility for medical care under CHAMPUS/CHAMPVA. Included are notifications to individuals of approval or termination of treatment, and similar or related documents.

Records consist of individual inquiries from personnel concerning eligibility under CHAMPUS/CHAMPVA and replies thereto; Congressional inquiries on behalf of constituents concerning eligibility under CHAMPUS/CHAMPVA and replies thereto; files notifying personnel of eligibility or termination of benefits under CHAMPUS/CHAMPVA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101–11.000 *et seq.;* Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

The Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) uses the information to establish eligibility for health care under CHAMPUS/CHAMPVA; to respond to an individual's inquiry concerning CHAMPUS/CHAMPVA; to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

External users, uses, and purposes:

Referral to the Secretary of the Department of Health and Human Services and/or Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Chapter 55, Title 10, United States Code, and Section 613, Chapter 17, Title 38, United States Code; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy records in file folders.

RETRIEVABILITY:

Filed alphabetically by the last name of inquirer. These records are also accessible through an automated index by case number, sponsor's name and Social Security Number.

SAFEGUARDS:

Automated index is accessible only by authorized persons possessing user identification codes. Hard copy records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Building is protected by Fitzsimons Army Medical Center (FAMC) security force.

RETENTION AND DISPOSAL:

Automated indexes are permanent. Hard copy records are retained in active file until end of calendar year in which injury occurred, held 5 additional years in inactive files and then destroyed or permanently preserved in accordance with records disposal authority as dictated by subject matter.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Support Division (A), OCHAMPUS, DoD, Building 618, Room 202, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303–341–8005.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PRECEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the full name of the individual, or his military sponsor, current address and telephone number, case number, if one has been assigned, and the office symbol on all correspondence received from this office.

For personal visits to examine records, the individual should be able to provide some acceptable identification such as a driver's license or other form of picture identification.

Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical records and, at the physician's discretion, inform the individual covered by the system of the contents of that medical record.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

CHAMPUS Fiscal Intermediaries (FI), individual members of the Congress of the United States, CHAMPUS advisors, all branches of the Uniformed Services, consultants, and all individuals who seek information concerning CHAMPUS/CHAMPVA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 03

SYSTEM NAME:

Health Benefits Preapproval Files.

SYSTEM LOCATION:

Primary System—Chief, Program Evaluation Division (E), Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), DoD, Aurora, Colorado 80045.

Decentralized Segment—Office of Appeals and Hearings, OCHAMPUS, DoD, Aurora, Colorado 80045; Blue Shield of California, P.O. Box 85035, San Diego, California 92138.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible beneficiaries of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) who have been approved for medical care under the program for the handicapped and/or eligible beneficiaries of the Civilian Health and Medical Program-Veterans' Administration (CHAMPVA)/ Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) who have been approved for extended hospital care.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains an assigned case number, sponsor's name, Social Security Number, current address, military grade or rank and pay status, military branch of service and status; beneficiaries name, address, date of birth, sex, relationship to sponsor; the medical diagnosis code and the approved medical treatment code, the approved period of time, the number of units approved and the estimated unit of cost, providers of care codes and/or name and address of multi-providers, and appeals and hearing case files consisting of hearing transcripts and/or other documentation pertaining to reconsiderations and appeals of adverse determinations affecting an individual's benefits under CHAMPUS/CHAMPVA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101–11.000 *et seq.*; Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

OCHAMPUS Program Operations Division (O)—For approval of medical care under the provisions of the Program for the Handicapped of CHAMPUS and/ or approval for extended hospitalization; to control and review health care management plans for CHAMPUS/CHAMPVA beneficiaries approved for medical care by providers of service.

OCHAMPUS Program Evaluation Division (E)—For control and accomplishment of reviews of approvals; to coordinate subject matter clearances for Congresional committees and auditors.

The Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) uses the information for approval of health care under the Program for the Handicapped; for approval of extended hospital care; to control and review health care management plans of providers of services for individuals approved for health care under CHAMPUS/ CHAMPVA to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

External users, uses, and purposes:

Referral to the Secretary of the Department of Health and Human Services and/or Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/ CHAMPVA pursuant to Chapter 55, Title 10, United States Code, and Section 613, Chapter 17, Title 38, United States Code; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape and disc.

RETRIEVABILITY:

Information is retrieved by assigned case number, sponsor's Social Security Number, sponsor's or beneficiary's name, classification of medical diagnosis or medical treatment codes or provider of service code or approval dates or geographical location.

SAFEGUARDS:

Records are maintained in areas which are manned 24 hours daily and are accessible to authorized personnel who are properly screened, cleared and trained. Records are maintained on magnetic tape and are accessible only through the medium of OCHAMPUS prepared computer programs resulting in a print-out of the data. Military policy provides 24-hour security.

RETENTION AND DISPOSAL:

Records are permanent. They are maintained on magnetic tape as individual annual files.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Program Evaluation Division (E), OCHAMPUS, DoD, Building 611, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303–341–8088.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Sponsor's/ beneficiary's application, provider of medical care documentation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 04

SYSTEM NAME:

Legal Opinion Files.

SYSTEM LOCATION:

Office of General Counsel, OCHAMPUS, DoD, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subject of inquiries from the individual himself (herself), attorneys, fiscal administrators, hospital contractors, other Government agencies, divisions and offices OCHAMPUS and Congressional offices. Such inquiries involve such matters as medical treatment; eligibility for medical care under CHAMPUS/CHAMPVA, approval or termination of medical treatment, and similar or related matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inquiries received from private individuals, attorneys, fiscal administrators, hospital contractors, other Government agencies, divisions and offices of OCHAMPUS and Congress for nonprivileged information on such matters as medical treatment received, eligibility for medical care under CHAMPUS. Included are notifications to individuals for approval or termination of treatment and similar or related documents.

Files contain legal opinions; correspondence between (1) Fiscal Intermediaries, (2) CHAMPUS/ CHAMPVA beneficiaries, (3) sponsors, (4) attorneys, (5) divisions and offices of OCHAMPUS, (6) other agencies, memoranda for the record and similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101–11.000 *et. seq.;* Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Office of General Counsel maintains files of legal opinions rendered for use as precedent and for record purposes. These include responses to requests for legal opinion originating within the Office of General Counsel, other divisions and offices, OCHAMPUS, and other agencies of the Federal Government. Such records are maintained for research, precedent and historical purposes.

External users, uses, and purposes:

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/ CHAMPVA pursuant to Chapter 55, Title 10, United States Code, and Section 613, Chapter 17, Title 38, United States Code; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by subject matter.

SAFEGUARDS:

Buildings are protected by military security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are permanent. Transfer to WNRC when superseded or obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel (C), OCHAMPUS, DoD, Building 618, Room 205, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303–341–8506.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should be able to provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Correspondence from persons, agencies and sources listed in Categories of Records and oral and written requests initiated by Office of General Counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 05

SYSTEM NAME:

Health Facilities Files.

SYSTEM LOCATION:

Primary System—Program Operations Division (O), OCHAMPUS, Aurora, Colorado 80045.

Decentralized Segment—Office of Appeals and Hearings (H), OCHAMPUS, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All facilities who seek a provider number for payment for services or supplies provided to CHAMPUS beneficiaries. Beneficiaries who are the subject of policy or precedent decisions concerning administration of CHAMPUS/CHAMPVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original correspondence with an individual facility, state authorities and professional consultants; various evaluations, approvals and memos for the record, facility identification, and appeals and hearing case files consisting of hearing transcripts and/or other documentation pertaining to reconsideration or appeal of adverse determination of facility approval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101–11.000 *et seq.;* Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Program Operations Division to determine the eligibility of a facility as a source of care for CHAMPUS/CHAMPVA beneficiaries.

External users, uses, and purposes:

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Title 10, United States Code, Chapter 55, and Title 38, United States Code, Section 613; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed numerically by state, then numerically by facility.

SAFEGUARDS:

Buildings are protected by military police security force. Records are maintained in areas accessible only to authorized personnel who are properly cleared, screened and trained.

RETENTION AND DISPOSAL:

Records are permanent. Transfer to WNRC when superseded or obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Program Operations Division (O), OCHAMPUS, DoD, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303–341–8609.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR, Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Records of Fiscal Intermediaries (FI), contractors, CHAMPUS advisors, all branches of the Uniformed Service, Congressional inquiries, private physicians, consultants, facilities and research concerning the replies to inquiries made by individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 06

SYSTEM NAME:

Policy and Precedent Files.

SYSTEM LOCATION:

Program Operations Division (O), OCHAMPUS, Aurora, Colorado 80045.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request CHAMPUS/CHAMPVA coverage resulting in the issuance of program policy or precedent decisions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Such records contain information received from providers of care, medical facilities, professional medical organizations, and CHAMPUS contractors.

Files contain all types of medical benefit decisions on CHAMPUS/CHAMPVA beneficiaries and provider of care and may include a military sponsor's name and Social Security Number and the names of family members if relevant to the issue addressed in the record. File also contains audit documents and management reports relating to CHAMPUS Fiscal Intermediaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101–11.000 *et seq.;* Chapter 55, Title 10, United States Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Information in files is used by OCHAMPUS personnel for management control and to coordinate questionable benefit areas throughout the program and with CHAMPUS contractors.

External users, uses, and purposes:

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Veterans' Administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Title 10, United States Code, Chapter 55, and Title 38, United States Code, Section 613; and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by subject or by contractor. No indices are required.

SAFEGUARDS:

Buildings are protected by military security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. Transfer to WNRC when superseded or obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Program Operations Division (O), OCHAMPUS, DoD, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303–341–8609.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Private physicians, CHAMPUS Fiscal Intermediaries, individual members of the Congress of the United States, CHAMPUS advisors, all branches of the Uniformed Services, consultants and individuals making inquiry.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOCHA 07

SYSTEM NAME:

Medical Claim History Files.

SYSTEM LOCATION:

Primary System—Administration Support Division (A), OCHAMPUS, DoD, Aurora, Colorado 80045.

Decentralized Segment—Office of Appeals and Hearings (H), OCHAMPUS, DoD. Aurora, Colorado 80045: Fiscal Intermediaries/Contractors under contract to OCHAMPUS. Each company listed below maintains claim files on beneficiaries in their respective geographical areas.

Mutual of Omaha Insurance Company, 3301 Dodge Street, Omaha, NB 68131.

Blue Shield of California, P.O. Box 85020, San Diego, CA 92138.

Blue Shield of California, P.O. Box 85035, San Diego, CA 92138 (Dental)

Hawaii Medical Service Association, P.O. Box 860, Honolulu, HI 96808.

Blue Cross of Washington and Alaska, P.O. Box 77084, Seattle, WA 98111.

Blue Shield of Pennsylvania, Blue Shield Building, Box 65, Camp Hill, PA 17011.

Blue Cross of Rhode Island, One Weybosset Hill, Providence, RI 02901.

Blue Cross/Blue Shield of Tennessee, Blue Cross Building, 801 Pine Street, Chattanooga, TN 37402.

Blue Cross of Southwestern Virginia, P.O. Box 13828, Roanoke, VA 24001.

Wisconsin Physicians Service, P.O. Box 7927, Madison, WI 53707.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible beneficiaries of the Civilian Health and Medical Program of the Uniformed Services (dependents of active duty members of the Uniformed Services, retired members of the Uniformed Services and dependents of retired or deceased members of the Uniformed Services), eligible beneficiaries of the Civilian Health and Medical Program of the Veterans' Administration (spouse or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability or surviving spouse or child of a veteran who has died as a result of a service-connected disability) who received benefits under the provisions of the program.

All individuals who seek health care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) and the Civilian Health and Medical Program-Veterans' Administration (CHAMPVA).

Categories of records in the system:

File contains sponsor's Social Security Number, branch of service, status (active duty, retired or deceased), beneficiary's last name, initials, age, sex, relationship to sponsor, type of costs and date of medical care provided, provider of care identification, any record of claims, billings for medical, hospital or related services, application or approval forms which reflect diagnosis, treatment or medical conditions, family history files, or any other correspondence, memorandum or report reflecting these data with respect to any individual, which are acquired or utilized in the development and processing of CHAMPUS/CHAMPVA claims, and appeals and hearing case files consisting of hearing transcripts and/or other documentation pertaining to reconsiderations or appeals of adverse determinations of benefits under CHAMPUS/CHAMPVA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 44, United States Code, Section 3101; Title 41, Code of Federal Regulations, Parts 101–11.000 *et seq.;* Chapter 55, Title 10, United State Code; Section 613, Chapter 17, Title 38, United States Code; Title 32, Code of Federal Regulations, Part 199.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

The Office of the Civilian Health and Medical Program of the Uniformed Services and CHAMPUS Fiscal Intermediaries use the information to control and process medical claims for payment; for control and approval of medical treatments and interface with providers of health care; to control and accomplish reviews of utilization; for review of claims related to possible third party liability cases and initiation of recovery action; for referral to Peer Review Committees or similar professional review organizations to control and review providers of health care; for disclosure to third party contacts without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning the individual's entitlement to benefits under CHAMPUS/CHAMPVA, the amount of benefit payments, any review

of suspected abuse or fraud, or any concern for program integrity or quality appraisal; for the issuance of deductible certificates, to respond to inquiries from Congressional offices made at the request of the individual covered by the system.

External users, uses, and purposes:

Referral to the Secretary of the Department of Health and Human Services and/or Administrator of the Veterans' administration consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Title 10, United States Code, Chapter 55, and Title 38, United States Code, Section 613, and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution; and, referral to the Department of Justice for representation of the Secretary of Defense in civil actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated claim records are maintained on magentic tape and disc. Manual claim support (paper or microfiche) are maintained in family history files.

RETRIEVABILITY:

Information is retrieved by sponsor's Social Security Number (SSN), beneficiary's last name, classification of medical diagnosis or procedure codes or geographical location of care provided and selected utilization limits.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Decentralized automated segments within Fiscal Intermediary operations are accessible on line only to authorized persons possessing user identification codes. The automated portion of the Primary System is accessible only through the medium of OCHAMPUS prepared computer programs resulting in a printout of the data. OCHAMPUS buildings are protected by military police security force.

RETENTION AND DISPOSAL:

Records maintained on magnetic tape are individual annual files and are permanent. Paper or microfiche records comprising the decentralized segment of the files are maintained for a minium of two calendar years after closure and then stored in designated federal record centers for an additional four years; and then destroyed or permanently preserved in accordance with records disposal authority as dictated by subject matter.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Support Division (A), OCHAMPUS, DoD, Building 618, Room 202, Fitzsimons Army Medical Center, Aurora, Colorado 80045. Telephone: 303–341–8005.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

CHAMPUS Medical Claims Forms, private physicians, hospitals, and other sources of care, individual beneficiaries, third party contacts verifying claims information, and consultants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

[FR Doc. 81-17763 Filed 6-12-81; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Grants for Special Educational Programs for Students Whose Families Are Engaged in Migrant and Other Seasonal Farmwork—High School Equivalency Program

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of applications for fiscal year 1981.

Applications are invited for grants under the High School Equivalency Program (HEP) to provide academic and supporting services and financial assistance to students whose families are engaged in migrant and seasonal farmwork.

The current authority for HEP is contained in Section 418A of Title IV of the Higher Education Act (HEA), as amended by Pub. L. 96–374 (20 U.S.C. 1070d–2). However, the HEA authority for HEP was not enacted until October 3, 1980. Consequently, the funds for the Fiscal Year (FY) 1981 program were appropriated under the previous statutory authorization in Section 303(c)(2) of Title III of the Comprehensive Employment and Training Act, as amended by Pub. L. 95–524.

Eligible applicants are institutions of higher education (IHEs) and other public or nonprofit private agencies in cooperation with IHEs.

The purpose of HEP is to provide grants to IHEs and other agencies, in cooperation with IHEs, to design and implement projects of academic and supporting services and financial assistance to address the special educational needs of migrant and seasonal farmworker students and to enhance the opportunity of these students for success at the secondary education level.

Closing Date for Transmittal of Applications

An application for a grant must be mailed or hand delivered to the U.S. Department of Education by July 27, 1981

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.141, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly-dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or, at least, first class mail. A late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

The Secretary makes HEP grants to IHEs and other agencies, in cooperation with IHEs, to design and implement projects of academic and supporting services and financial assistance to address the special educational needs of migrant and seasonal farmworker students and to enhance the opportunity for success of these students at the secondary education level.

The Secretary may make these grants to IHEs and other agencies, in cooperation with IHEs, to assist migrant and seasonal farmworker "drop-out" students to obtain the equivalent of a secondary school diploma and to subsequently gain employment or be admitted to an IHE or other postsecondary education or training.

Proposed regulations for HEP were published in the **Federal Register** on December 30, 180 (at 45 FR 86333). Notice is hereby given that the Secretary plans to make certain changes to the proposed regulations—as a result of public comments—when the regulations are published in final form. The planned changes—to the proposed regulations—that are material to the preparation of applications for FY 1981 are indicated below. Except as indicated by these planned changes, an applicant should prepare its application on the basis of the proposed regulations.

Eligible grantees

A project grant may be authorized for a public or nonprofit private agency other than an IHE—if that agency applies in cooperation with an IHE. The proposed regulations authorized only IHEs to receive project grants.

Selection Criteria

Two additional selection criteria will be used to evaluate project applications. Those selection criteria are as follows:

(1) *Objectives and activities.*

(a) The Secretary reviews each application for information that shows the quality of the design of objectives and activities for the students participating in the project.

(b) The Secretary looks for information that shows that:

(i) the objectives and activities of the project are designed to respond to the academic, supporting, and financial needs of the participating students; and

(ii) The size, scope, and quality of the activities will contribute successfully to meeting the project's objectives.

(2) *Interagency consultation and coordination.*

(a) The Secretary reviews each application for information that shows adequate consultation and coordination with other agencies—in the State of the project—that provide services to migrant and other seasonally-employed farmworkers and their dependents.

(b) The Secretary looks for information that shows that the applicant—

(i) Has consulted and coordinated adequately with other appropriate agencies in planning and developing its project; and

(ii) Will consult and coordinate adequately with other appropriate agencies in implementing and evaluating the project.

The distribution of the points to be awarded under the eight selection criteria will be as follows:

(1) Plan of operation (25 points).

(2) Objectives and actives (20 points).

(3) Evaluation plan (15 points).

(4) Quality of key personnel (10 points).

(5) Budget and cost-effectiveness (10 points).

(6) Interagency consultation and coordination (10 points).

(7) Adequacy of resources (5 points).

(8) Recruitment (5 points).

Program Purpose

The statement of purpose for HEP will be expanded to include placement in an IHE or other postsecondary education or training (such as occupational training, apprenticeship training, or vocational school) as appropriate outcomes for participation in a HEP project.

Available funds

The Secretary estimates that there will be $6,095,000 available for FY 1981 grants. For the most part, these grant awards are expected to be between $100,000 and $300,000 and will be for a one-year period. These estimates, however, do not bind the U.S. Department of Education to a specific number of grants nor to the amount of any grant unless that amount is otherwise specified in statute or regulations.

Application forms

Application forms and instructions may be obtained by writing to Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., (ROB–3, Room 3608), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the grant application package. The Secretary urges that applicants not submit information that is not requested.

Applicable Regulations

The regulations that apply to HEP include the following:

(1) The Migrant Education High School Equivalency Program and College Assistance Migrant Program Regulations that were published in the **Federal Register** on December 30, 1980, as proposed regulations. Applicants should prepare their applications on the basis of these proposed regulations and the planned changes to those regulations, as indicated in this notice. When those regulations are published in final form and become effective, they will govern applications and grants under this program.

(2) The Education Department General Administrative Regulations (34 CFR Parts 75 and 77).

(3) The Grants Administration Regulations (34 CFR Part 74).

Further Information

For further information, contact Mr. Vidal A. Rivera, Jr., Deputy Director for Migrant Education, Migrant Education

Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW (ROB–3, Room 3608), Washington, D.C. 20202. Telephone (202) 245–2222.

(20 U.S.C. 1070d–2)

Dated: June 10, 1981.

(Catalog of Federal Domestic Assistance No. 84.141: Migrant Education/High School Equivalency Program)

T. H. Bell,

Secretary of Education.

[FR Doc. 81–17880 Filed 6–12–81; 8:45 am]

BILLING CODE 4000–01–M

Grants for Special Educational Programs for Students Whose Families Are Engaged in Migrant and Other Seasonal Farmwork—College Assistance Migrant Program

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of applications for fiscal year 1981.

Applications are invited for grants under the College Assistance Migrant Program (CAMP) to provide academic and supporting services and financial assistance to migrant and seasonal farmworker students.

The current authority for CAMP is contained in Section 418A of Title IV of the Higher Education Act (HEA), as amended by Pub. L. 96–374 (20 U.S.C. 1070d–2). However, the HEA authority for CAMP was not enacted until October 3, 1980. Consequently, the funds for the Fiscal Year (FY) 1981 program were appropriated under the previous statutory authorization in Section 303(c)(2) of the Comprehensive Employment and Training Act, as amended by Pub. L. 95–524.

Eligible applicants are institutions of higher education (IHEs) and other public or nonprofit private agencies in cooperation with IHEs.

The purpose of CAMP is to provide grants to IHEs and other agencies, in cooperation with IHEs, to design and implement projects of academic and supporting services and financial assistance to address the special educational needs of migrant and seasonal farmworker students and to enhance the opportunity of these students for success at the postsecondary education level.

Closing Date for Transmittal of Applications

An application for a grant must be mailed or hand delivered to the U.S. Department of Education by July 27, 1981.

Applications Delivered by Mail.

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.149, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly-dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or, at least, first class mail. A late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

The Secretary makes CAMP grants to IHEs and other agencies, in cooperation with IHEs, to design and implement projects of academic and supporting services and financial assistance to address the special educational needs of migrant and seasonal farmworker students and to enhance the opportunity of these students for success at the postsecondary education level.

The Secretary may make these grants to IHEs and other agencies, in cooperation with IHEs, to assist migrant and seasonal farmworker students who are enrolled on a full-time basis in the first academic year at an IHE. The program provides assistance to help a student in—

(1) Making the transition from secondary school to postsecondary school;

(2) Generating the motivation necessary to succeed in postsecondary school; and

(3) Developing the skills necessary to succeed in postsecondary school.

Proposed regulations for CAMP were published in the **Federal Register** on December 30, 1980 (at 45 FR 86333). Notice is hereby given that the Secretary plans to make certain changes to the proposed regulations—as a result of public comments—when the regulations are published in final form. The planned changes—to the proposed regulations—that are material to the preparation of applications for FY 1981 are indicated below. Except as indicated by these planned changes, an applicant should prepare its application on the basis of the proposed regulations.

Eligible Grantees

A project grant may be authorized for a public or nonprofit private agency other than an IHE—if that agency applies in cooperation with an IHE. The proposed regulations authorized only IHEs to receive project grants.

Selection Criteria

Two additional selection criteria will be used to evaluate project applications. Those selection criteria are as follows:

(1) *Objectives and activities.*

(a) The Secretary reviews each application for information that shows the quality of the design of objectives and activities for the students participating in the project.

(b) The Secretary looks for information that shows that:

(i) The objectives and activities of the project are designed to respond to the academic, supporting, and financial needs of the participating students; and

(ii) The size, scope, and quality of the activities will contribute successfully to meeting the project's objectives.

(2) *Interagency consultation and coordination.*

(a) The Secretary reviews each application for information that shows adequate consultation and coordination with other agencies—in the State of the project—that provide services to migrant and other seasonally-employed farmworkers and their dependents.

(b) The Secretary looks for information that shows that the applicant—

(i) Has consulted and coordinated adequately with other appropriate agencies in planning and developint its project; and

(ii) Will consult and coordinate adequately with other appropriate agencies in implementing and evaluating the project.

The distribution of the points to be awarded under the eight selection criteria will be as follows:

(1) Plan of operation (25 points.)
(2) Objectives and activities (20 points.)
(3) Evaluation plan (15 points.)
(4) Quality of key personnel (10 points.)
(5) Budget and cost-effectiveness (10 points.)
(6) Interagency consultation and coordination (10 points.)
(7) Adequacy of resources (5 points.)
(8) Recruitment (5 points.)

Available Funds

The Secretary estimates that there will be $1,208,000 available for FY 1981 grants. For the most part, these grant awards are expected to be between $100,000 and $300,000 and will be for a one-year period. These estimates, however, do not bind the U.S. Department of Education to a specific number of grants nor to the amount of any grant unless that amount is otherwise specified in statute or regulations.

Application Forms

Application forms and instructions may be obtained by writing to Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW, (ROB–3, Room 3608), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the grant application package. The Secretary urges that applicants not submit information that is not requested.

Applicable Regulations

The regulations that apply to CAMP include the following:

(1) The Migrant Education High School Equivalency Program and College Assistance Migrant Program Regulations that were published in the **Federal Register** on December 30, 1980, as proposed regulations. Applicants should prepare their applications on the basis of these proposed regulations and the planned changes to those regulations, as indicated in this notice. When those regulations are published in final form and become effective, they will govern applications and grants under this program.

(2) The Education Department General Administrative Regulations (34 CFR Parts 75 and 77).

(3) The Grants Administration Regulations (34 CFR Part 74).

Further Information

For further information, contact Mr. Vidal A. Rivera, Jr., Deputy Director for Migrant Education, Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue SW, (ROB–3, Room 3608), Washington, D.C. 20202. Telephone (202) 245–2222.

(20 U.S.C. 1070d–2)

Dated: June 10, 1981.

(Catalog of Federal Domestic Assistance No. 84.149; Migrant Education/College Assistance Migrant Program)

T. H. Bell,

Secretary of Education.

[FR Doc. 81–17879 Filed 6–12–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Aminoil USA, Inc.; Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action to accept a Consent Order after consideration of comments received from the public.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On April 29, 1981, the Office of Enforcement of the ERA published Notice of a Consent Order which had been executed between Aminoil USA, Inc. ("Aminoil") and DOE. With that Notice, and in accordance with 10 CFR 205.199J(c), the Office of Enforcement invited interested persons to comment on the Consent Order. A press release was issued simultaneously, in conformity with 10 CFR 205.199J(c). Under the terms of 10 CFR 205.199J(c), no Consent Order involving sums in excess of $500,000 shall become effective until the DOE publishes Notice of its execution and solicits and considers public comments with respect to its terms. Pursuant to 10 CFR 205.199J, the Office of Enforcement of the ERA hereby gives Notice of final action taken on the Consent Order.

I. Comments Received

No comments were received with respect to the terms of the Consent Order.

II. Determination

The Office of Enforcement has concluded that the Consent Order as executed between DOE and Aminoil is an appropriate resolution of the compliance proceedings described in the Notice published on April 29, 1981, and hereby gives Notice that the Consent Order is made effective by written notice issued to Aminoil on June 1, 1981.

Issued in Kansas City, Missouri on this 3rd day of June, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel.

[FR Doc. 81–17810 Filed 6–12–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TA81–2–1–000]

Alabama-Tennessee Natural Gas; Notice of Proposed PGA Rate Adjustment

June 5, 1981.

Take notice that on May 29, 1981, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Thirty-Fifth Revised Sheet No. 3–A
Second Revised Sheet No. 3–B

These tariff sheets are proposed to become effective July 1, 1981.

Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the proposed changes in the rates of its suppliers, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and Sun Gas Company. Alabama-Tennessee states that the rate changes have been made in conformity with the PGA and related provisions of its tariff.

The tariff sheets provide for the following rates:

Rate schedule	Rate after current adjustment
G-1	
Demand	$2.34
Commodity	285.79
SG-1	
Commodity	302.89
I-1	
Commodity	293.47

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State regulatory Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17672 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-68-000]

Algonquin Gas Transmission Co.; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1981.

Take notice that on May 22, 1981, Algonquin Gas Transmission Company ("Algonquin Gas") filed the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Third Revised Sheet No. 20–D
Second Revised Sheet No. 20–E
Second Revised Sheet No. 20–F
Third Revised Sheet No. 20–G
Second Revised Sheet No. 20–H
Original Sheet No. 20–H.1
Second Revised Sheet No. 120–C
Original Sheet No. 120–D

Algonquin Gas states that the changes made by such tariff sheets relate to Algonquin Gas' Rate Schedule SNG–1 and are filed to continue on an expanded basis the operating flexibility which was in effect during the two prior winter seasons.

The proposed effective date of the tariff sheets is June 22, 1981.

Algonquin Gas asserts that a copy of this filing is being mailed to all affected parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitons or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17673 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-66-000]

ANR Storage Co.; Notice of Proposed Changes in FERC Gas Tariff of ANR Storage Company

June 5, 1981.

Take notice that ANR Storage Company (ANR), on May 22, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 2. The proposed changes would increase the charges of ANR to its storage service customer, Inter-City Gas Corporation, solely by reason of reflecting in its rates, the increase in interest cost level. All elements used to compute the rates proposed in the subject filing, other than interest rate, are the same as those used to compute the Initial Rates. The proposed changes would increase revenues from ANR's service to Inter-City by $81,360 per year.

A copy of the filing was served upon Inter-City Gas Corporation.

Any party desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rule of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17674 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1924-001]

Robert C. Arnold; Notice of Filing

June 8, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, Robert C. Arnold filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President, Jersey Central Power & Light Company
Senior Vice President, Metropolitan Edison Company
President and Director, GPU Nuclear Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17653 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1667-000]

Shepard Bartnoff; Notice of Filing

June 8, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, Shepard Bartnoff filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President and Director, Jersey Central Power & Light Company
Director, GPU Nuclear Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17657 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-64-000]

Cities Service Gas Co.; Notice of Proposed Change in FERC Gas Tariff

June 5, 1981.

Take notice that Cities Service Gas Company (Cities Service) on May 21, 1981, tendered for filing Second Revised Sheet No. 63 to its FERC Gas Tariff, Original Volume No. 1.

Cities Service states that this filing is necessary to conform its tariff with recent Commission orders with respect to the pricing of net underground storage injections and withdrawals on an annual last-in first-out (LIFO) basis in the computation of the Unrecovered Purchased Gas Cost Account.

Cities Service states that copies of its filing were served on all jusidictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17676 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4369-001]

City of Anoka, Minn.; Notice of Application for Preliminary Permit

June 8, 1981.

Take notice that City of Anoka, Minnesota (Applicant) filed on April 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4369 known as the Coon Rapids Dam located on the Mississippi River in Anoka and Hennepin Counties, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jerry L. Dulgar, City Manager, 2015 1st Avenue North, Anoka, Minnesota 55303.

Project Description—The proposed project would consist of: (1) an existing reservoir with a surface area of 600 acres at normal power pool elevation of 830.1 feet m.s.l.; (2) an existing dam with a north section 450 feet long and 10 feet high and a south section 75 feet long and 20 feet high; (3) a proposed powerhouse that would contain generating units having a total installed capacity of 11.3 MW; (4) proposed 34.5-kV transmission lines; and (5) appurtenant facilities. The existing dam is owned and maintained by the Hennepin County Park Reserve District. The Applicant estimates that the average annual energy output would be 56,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time studies would be conducted to determine the economic, engineering, and environmental feasibility of the project. In addition, Federal, State, and local agencies would be consulted concerning the environmental effects of the projects along with preparing an application for FERC license. Applicant estimates the cost of the studies would be $25,000.

Competing Applications—This application was filed as a competing application to the Coon Rapids Development Ltd Project No. 3613 filed on October 27, 1980, under 18 C.F.R. §4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4369. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17633 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-45-000]

Boston Edison Co.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company (Boston Edison) on May 26, 1981, tendered for filing First Revised Sheet No. 16 A 3.4 Experimental Interruptible Option. Boston Edison states that the Experimental Interruptible Option tariff was approved by the Commission on April 1, 1980. Boston Edison further states that although no sales by Detroit Edison were affected under this tariff during the past year there is the possibility that one or more wholesale electric customers will avail themselves of the rate in the coming year. Therefore, in order to facilitate experimental interruptible service, Detroit Edison respectfully requests that the Commission continue the Experimental Interruptible Option tariff until December 1, 1982, at which time the rate will automatically expire. Except for the new date of expiration, First Revised Sheet No. 16 A contains no additional changes.

Detroit Edison requests that the Commission grant such waivers and authorizations as are required to enable the implementation of the Experimental Interruptible Option effective June 1, 1981.

Any person desiring the be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17636 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1925-001]

Philip R. Clark; Notice of Filing

June 8, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, Philip R. Clark filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Jersey Central Power & Light Company

Vice President, Metropolitan Edison Company

Exec. Vice President and Director, GPU Nuclear Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17655 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-498-000]

The Cleveland Electric Illuminating Co.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that the Cleveland Electric Illuminating Company (CEI) and The Toledo Edison Company (TE) on May 28, 1981, tendered for filing the Agreement between CEI and TE for the purchase and sale of Ontario Hydro Keith Power. Pursuant to the agreement, CEI will purchase from TE the power and associated energy up to a total of 254 MW to be generated by Ontario Hydro of Ontario, Canada, for ultimate use by the General Public Utilities Company (GPU). GPU continues to suffer severe electric generation shortages as a consequence of the nuclear incident which occurred at GPU's Three Mile Island Unit No. 2 on March 28, 1979. The agreement will continue through December 31, 1983 unless sooner cancelled or extended by the parties.

Copies of the filing were served upon the Public Utilities Commission of Ohio; Consumers Power Compay of Jackson, Michigan; The Detroit Edison Company of Detroit, Michigan; General Public Utilities Service Corporation of Parsippany, New Jersey; and Ontario Hydro of Toronto, Ontario.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17636 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-335-000]

Columbia Gas Transmission Corp.; Notice of Application

June 9, 1981.

Take notice that on May 15, 1981, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81-335-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term sale of natural gas to Gulf Oil Corporation (Gulf), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes a limited-term off-system sale of up to 50,000,000 Mcf of natural gas to Gulf commencing April 1, 1981, and ending October 31, 1982. Applicant states that the delivery of such volumes of natural gas to Gulf would be made in the following stages:

(1) From April 1, 1981, through October 31, 1981, Applicant has agreed to make firm delivery of 50,000 Mcf per day and to deliver an additional 50,000 Mcf per day on a best-efforts basis;

(2) From Nobember 1, 1981, through March 31, 1982, Applicant has agreed to deliver 100,000 Mcf per day on a best-efforts basis; and

(3) From April 1, 1982, through October 31, 1982, Applicant has agreed to deliver 100,000 Mcf per day on a best-efforts basis. However, if projected deliveries of LNG to Applicant from Columbia LNG Corporation have resumed Applicant has agreed during this period to make firm delivery of 50,000 Mcf per day and to deliver an additional 50,000 Mcf per day on a best-efforts basis.

It is further stated that the proposed volumes are due, in part, to a near term short fall in market requirements.

Applicant asserts that the subject gas would be delivered to Gulf or for Gulf's account at existing points of interconnection between Columbia Gulf Transmission Company, Gulf and/or Texas Eastern Transmission Corporation. It is further asserted that no new facilities would be required in order to accomplish such deliveries.

Applicant states that the price Gulf would pay for all gas delivered by Applicant, unless the cost of natural gas is deregulated, would be the higher of Applicant's average purchased gas cost per Mcf including Btu and tax adjustments for all gas purchased from producers outside the Appalachian Area or the maximum lawful price of Natural Gas Policy Act of 1978 Section 102 gas.

Applicant submits that Gulf has agreed, as part of its arrangements with Applicant, to sell its interest in certain gas to be produced from the Carter Creek and Whitney Canyon area in Uinta and Lincoln Counties, Wyoming. It is further submitted that within twenty days after receipt of final non-appealable approval of all regulatory approvals necessary to allow the proposed sale to operate according to the terms of the gas sales contract, Applicant and Gulf would execute a gas purchase agreement for the sale and purchase of the Carter Creek and Whitney Canyon gas. Applicant estimates that the reserves from Gulf's interest in the Carter Creek and Whitney Canyon areas would be approximately 200,000,000 Mcf of natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17068 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-514-000]

Consumers Power Co.; Notice of Filing

June 5, 1981.

The filing Company submits the following:

Take notice that on June 3, 1981, Consumers Power Company (Consumers Power) tendered for filing Amendment No. 4 to the Operating Agreement dated March 1, 1966 among Consumers, Power, The Detroit Edison Company, (Detroit Edison) and The Toledo Edison Company (Toledo Edison). The 1966 Operating Agreement has previously been designated Consumers Power Company Rate Schedule FPC No. 22.

Consumers Power states that Amendment No. 4 adds Service Schedule F to the 1966 Operating Agreement, providing for transmission service by Consumers Power and Detroit Edison between the systems of Ontario Hydro and Toledo Edison. Consumers Power states that power to be generated at Ontario Hydro's J. C. Keith Thermal Generating Station will be purchased by Toledo Edison for ultimate delivery to the systems of General Public Utilities Corporation (GPU), as part of a cooperative effort to deal with power and energy shortages on GPU's operating systems resulting from the Three Mile Island incident.

Consumers Power further states that transmission capacity and service charges provided by Amendment No. 4 are the same as rates for transmission service already filed with the Commission. Consumers Power requests an effective date on or about June 8, 1981.

Copies of the filing have been served upon Detroit Edison, Toledo Edison, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17075 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4449-001]

Dakota County, Minnesota; Notice of Application for Preliminary Permit

June 8, 1981.

Take notice that Dakota County, Minnesota (Applicant) filed on April 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4449 known as the Byllesby Dam located on Cannon River in Dakota and Goodhue Counties, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles Lowery, Director, Dakota County Parks and Recreation Department, 8502 127th Street East, Hastings, Minnesota 55033.

Project Description—The proposed project would consist of: (1) an existing reservoir with a storage capacity of 2,400 acre-feet and a surface area of 1,920 acres at power pool elevation of 862.7 feet m.s.l.; (2) an existing dam which has a north section 210 feet long and a maximum height of 46 feet. The north embankment is 64 feet long and 26 feet high. The south section of the dam is 452 feet long with a maximum height of 68 feet. The south embankment is 127 feet long, with a maximum height of 32 feet; (3) an existing powerhouse that would contain generating units having a total installed capacity of approximately 3.0 MW; (4) proposed transmission lines; and (5) appurtenant facilities. The

existing dam is owned by Dakota and Goodhue Counties. The Applicant estimates that the average annual energy output would be 6.5 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time, studies would be conducted to determine the most economical scheme to generate hydroelectric power; the size of the generating equipment; and the best mode of operation. In addition, ground surveys, soil borings, and concrete coring of the dam and powerhouse would be performed. Federal, State, and local agencies would be consulted concerning the environmental effects of the project. Applicant estimates the cost of the studies would be $50,000.

Competing Applications—This application was filed as a competing application to the Byllesby Development Ltd Project No. 3608 filed on October 24, 1980, under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4449. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17632 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4641-000]

George Danner III and James P. Fenster; Notice of Application for Short Form License (Minor)

June 8, 1981.

Take notice that George Danner III and James P. Fenster (Applicants) filed on May 11, 1981, an application for short form license (minor) [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 4641 known as the Danner-Fenster Project located on an unnamed creek in Juneau, Alaska. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: George Danner III and James P. Fenster, 7502 Glacier Highway, Juneau, Alaska 99801.

Project Description—The proposed project would consist of : (1) a 6-foot high concrete diversion structure; (2) a 1,850-foot long, 5-inch diameter pipe; (3) a powerhouse containing a single 12-kW generating unit; and (4) associated electrical equipment.

The project would have an average annual generation of 11,000 kWh at an estimated construction cost of $20,000. The project would provide electric power for the residences of Messrs. Danner and Fenster.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 12, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than December 10, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 12, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17627 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-504-000]

Delmarva Power & Light Co.; Notice of Proposed Tariff Change

June 5, 1981.

The filing Company submits the following:

Take notice that Delmarva Power & Light Company (Delmarva) on May 29, 1981 tendered for filing proposed changes in its FERC Electric Tariff, Volume No. 10. The total revenue increase proposed is $765,511 on the

basis of the proposed test period information.

Delmarva states the foregoing tariff changes are being filed so that it can achieve a fair and reasonable return on its investment in facilities used to provide jurisdictional services. Delmarva proposes an effective date of July 28, 1981.

Copies of the filing were served upon Delmarva's jurisdictional customers the Delaware Public Service Commission, the Maryland Public Service Commission, and the Virginia State Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17677 Filed 6-12-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-509-000]

Delmarva Power & Light Co.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that Delmarva Power & Light Company (Delmarva), on June 1, 1981, tendered for filing a Notice of Intent to Cancel the Service Agreement between Delmarva and the Town of Centreville, Maryland (Centreville) effective May 1, 1963, under which Delmarva serves Centreville at wholesale at rates set forth in Delmarva's FERC Electric Tariff, Volume No. 10.

Delmarva states that this Service Agreement is to be cancelled because Delmarva and Centreville have concluded the terms of a sale of Centreville's electric system to Delmarva. The cancellation will be effective on the date on which this sale is closed, which is scheduled for June 1, 1981. Immediately upon such closing, Delmarva will begin to serve Centreville's electric service customers at retail under the jurisdiction of the Maryland Public Service Commission and to operate Centreville's electric system as part of Delmarva's own integrated system. This transaction was approved by an Order of the Maryland Public Service Commission dated May 18, 1981.

Copies of this filing were served upon the Delaware Public Service Commission, the Maryland Public Service Commission and the Virginia State Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17837 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4025-000]

Willis D. Deveny; Notice of Application for Short-Form License (Minor)

June 8, 1981.

Take notice that Willis D. Deveny (Applicant) filed on January 15, 1981, an application for minor license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of Project No. 4025 to be known as Shingle Creek Project located on Shingle Creek in Idaho County, Idaho. No U.S. lands would be occupied by the project. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Willis D. Deveny, Box 239, Riggins, Idaho 83549. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 3-foot wide and 2-foot high concrete headgate; (2) a 3,100-foot long plastic PVC pipeline; (3) a 200-foot long iron pipe; (4) a 3-foot wide and 2-foot high concrete headgate; (5) a 3,000-foot long plastic PVC pipeline; (6) a powerhouse containing two generating units, one rated at 55 kW and one rated at 65 kW; and (7) a transmission line. The Applicant estimates that the average annual energy output would be 1.08 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Idaho Power Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 7, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than December 7, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a

person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 7, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for minor license for Project No. 4025. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17629 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1697-001]

Herman M. Dieckamp; Notice of Filing

June 8, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, Herman M. Dieckamp filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Acting President and Director, Metropolitan Edison Company
Director, Jersey Central Power & Light Company
Director, Pennsylvania Electric Company
Chairman, Chief Executive officer and Director, GPU Nuclear Corporation

Any person desiring to be heard or to protest said filing should file a peition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17656 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-2-000 (PGA81-2, IPR81-2, DCA81-2)]

East Tennessee Natural Gas Co.; Notice of Rate Filing Pursuant to Tariff Rate Adjustment Provisions

June 5, 1981.

Take notice that on May 29, 1981, East Tennessee Natural Gas Company (East Tennessee) tendered for filing First Revised Sheet Nos. 4, 5 and 6 to Original Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1981.

East Tennessee states that the sole purpose of these tariff sheets is to reflect various rate adjustments pursuant to the General Terms and Conditions of its tariff as follows:

(1) A PGA Rate Adjustment pursuant to Section 22;

(2) A Curtailment Credit Rate Adjustment pursuant to Section 24; and

(3) Estimated Incremental Pricing Surcharges pursuant to Section 26.

East Tennessee also states that copies of the filing have been mailed to all affected customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17679 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-503-000]

The Empire District Electric Co.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that The Empire District Electric Company (EDE), on May 29, 1981, tendered for filing a proposed Peaking Power Purchase Contract between EDE and the City of Higginsville, Missouri. EDE proposes a June 1, 1981 effective date for the service schedule and therefore requests waiver of the Commission's notice requirements.

The proposed contract provides for the sale of 3 Mw of peaking capacity and related energy from Higginsville to EDE for the period beginning June 1, 1981.

Copies of the filing were served upon the Missouri Public Service Commission and the City of Higginsville.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17647 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-500-000]

Empire District Electric Co.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that the Empire District Electric Company (EDE) on May 29,

1981, tendered for filing a proposed Service Schedule I, Peaking Power Service, as a supplement to an Electric Interchange Agreement between EDE and Kansas City Power and Light Company (KCPL). EDE proposes a June 1, 1981 effective date for the service schedule, and therefore requests waiver of the Commission's notice requirements.

The proposed Service Schedule I provides for the sale of 3 Mw of peaking capacity and related energy from Empire to KCPL for the period beginning June 1, 1981. The capacity charge is cost plus $0.27 per Kw per month. Related energy will be furnished at cost plus 10% with an allowance for incurred losses. The schedule further provides that KCPL will purchase no more than 3,600 Mwh during any contract year, 1,800 Mwh during any four consecutive months, 600 Mwh in any one month. No less than 180 Mwh may be purchased in any one month.

Copies of the filing were served upon the Missouri Public Service Commission and Kansas City Power and Light Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17648 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1666-000]

Ivan R. Finfrock, Jr.; Notice of Filing

June 8, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, Ivan R. Finfrock, Jr. filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President and Director, Jersey Central Power & Light Company

Vice President, GPU Nuclear Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17658 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-344-000]

Florida Gas Transmission Co.; Notice of Application

June 9, 1981.

Take notice that on May 18, 1981, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP81-344-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United) from an existing point of interconnection to a proposed new point of redelivery all in St. Landry Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on September 19, 1980, it entered into a transportation agreement with United in which Applicant agreed to transport up to 5 billion Btu of natural gas per day from the existing point of interconnection between the facilities of Applicant and United near Opelousas, St. Landry Parish, Louisiana, to a proposed new point of interconnection on Applicant's 24-in mainline in St. Landry Parish. It is also stated that the aforementioned agreement is for a primary term of two years from the date of initial delivery and from year to year thereafter.

Applicant proposed to charge United a transportation rate of 5.0 cents per million Btu redelivered or a minimum charge of $500 per month.

It is asserted that the proposed service would aid United in alleviating the capacity problem it has experienced.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17667 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-72-000]

Gas Research Institute; Notice of Annual Application

June 8, 1981.

Take notice that on June 1, 1981, Gas Research Institute (GRI) filed in this docket an application requesting advance approval of its 1982-1986 Five Year R&D Plan and 1982 R&D Program and the funding thereof pursuant to the Natural Gas Act and the Commission's Regulations thereunder, particularly 18 CFR 154.38(d)(5).

GRI states that its application demonstrates compliance with the Commission's Regulations, the requirements of Opinion No. 96, Opinion and Order Amending and Approving Gas Research Institute's 1981 Research and Development Program and Related Five Year Plan for 1981–1985, Docket No. RP80–108, issued September 30, 1980, and the ongoing provisions of a Stipulation and Agreement reached by the parties to the proceedings in Docket No. RM77–14 and approved by the Commission in Opinion No. 11, Opinion and Order Approving the Initial Research Development and Demonstration Program of Gas Research Institute, Docket No. RM77–14, issued March 28, 1978. GRI's application seeks approval of its 1982 R&D Program which proposes that $92,937,000 be collected through jurisdictional and non-jurisdictional rates and charges during the twelve (12) months ending December 31, 1982, to support the R&D activities detailed in GRI's application. Applicant states that its application was filed in accordance with the provision of Order No. 566 which requires "R&D organizations" to submit, annually, a five year program plan at least 180 days prior to the commencement of the five year period of the plan, which is scheduled to commence on January 1, 1982.

GRI states that the proposed unit cost of GRI's 1982 R&D Program is 7.3 mills per Mcf or equivalent to become effective January 1, 1982. This General R&D Funding Unit is proposed to be applied to the services included in GRI's Program Funding Services in 1982 which include jurisdictional, direct sale, and intrastate volumes of GRI's members and which are estimated to be 12,757 Bcf.

GRI's filing was accompanied by workpapers providing detail about its application. These workpapers are available for inspection in the Commission's Office of Public Information.

The Appendix to GRI's application contains a list of GRI members and state regulatory commissions which were served with a copy of GRI's application on June 1, 1981. Such members and commissions are hereby permitted to participate in this proceeding as intervenors and need *not* file formal petitions to intervene or notices of intervention.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 26, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a comment, protest, or petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act (18 CFR 157.70). All comments or protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or participate as a party in any hearing therein, other than those listed in the Appendix who are automatically entitled to participate, must file a petition to intervene in accordance with the Commission's Rules.

Additionally, take notice that a Commission Staff report on GRI's filing will be served on all parties and filed with the Commission as a public document on July 31, 1981. Additional comments by all parties may be filed concurrently with the Staff report on July 31, 1981. Comments on the Staff report by all parties except GRI shall be filed by August 17, 1981, and reply comments by GRI shall be filed by August 31, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17626 Filed 6–12–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TA81–2–4–000 (PGA81–2) (IPR81–2)]

Granite State Gas Transmission, Inc.; Notice of Proposed Change in Rates Pursuant To Purchased Gas Cost Adjustment Provision

June 5, 1981.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, on May 29, 1981, tendered for filing Thirty-First Revised Sheet No. 3A in its FERC Gas Tariff, Original Volume No. 1, containing proposed changes in rates for effectiveness on July 1, 1981.

According to Granite State, the instant rate adjustment reflects an increase in its cost of gas purchased from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which Tennessee proposes to make effective July 1, 1981, and the amortization of Unrecovered Purchased Gas Costs. It is stated that Granite State's filing is made pursuant to the purchase gas cost adjustment provision in its tariff, approved on December 14, 1972, in Docket No. RP73–17, as amended.

Granite State further states that its rate adjustment is applicable to its sales to Northern Utilities, Inc. (Northern), which is Granite State's sole jurisdictional customer. According to Granite State, the effect of the proposed rates contained on Thirty-First Revised Sheet No. 3A on Northern's purchases from Granite State is an increase of $1,389,050 annually, based on purchases from Tennessee and sales to Northern for the twelve months ended March 31, 1981.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17678 Filed 6–12–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4495–000]

Hydro Light, Inc.; Notice of Application for Preliminary Permit

June 8, 1981.

Take notice that Hydro Light, Inc. (Applicant) filed on April 20, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4495 to be known as the Clover Creek Project located on Clover Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. C. Donald Nelson, President, Hydro Light, Inc., 50 Wilshire Drive, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 4-foot high diversion structure on Clover Creek; (2) a 2,400-foot long conduit; (3) a 1,200-foot

long, 40-inch diameter penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 500 kW and discharging into Clover Creek; and (5) associated electrical and transmission equipment. The Applicant estimates that the average annual energy output would be 2,200 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant proposes to conduct a detailed study of the technical, economical, financial, and environmental feasibility of the proposed project. Applicant estimates that the proposed studies would cost $40,800.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and enviromental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 5, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 5, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4495. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17631 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-510-000]

Idaho Power Co.; Notice of Filing

June 5, 1981.

The filing Company submits the following:

Take notice that on June 2, 1981, the Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during April, 1981, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb.

Secretary.

[FR Doc. 81-17680 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-18-000]

Jersey Central Power & Light Co.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that Jersey Central Power & Light (Jersey Central) on May 27, 1981 petitioned for a declaratory order determining the proper period for amortizing, via rates, Jersey Central's investment in major transmission facilities to be built to provide an interconnection under Lake Erie between Jersey Central and the Ontario Hydro Energy Board (OH). Alternatively, Jersey Central asks the Commission to issue an order pursuant to Section 302 of the Federal Power Act setting the depreciation rate to be used for its investment in these transmission facilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17650 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1353-000]

William G. Kuhns; Notice of Filing

June 8, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, William G. Kuhns filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Chairman of Board, Jersey Central Power & Light Company
Chairman of Board, Metropolitan Edison Company
Chairman of Board, Pennsylvania Electric Company
Director, GPU Nuclear Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17659 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4205-001]

Lost Hills Water District, California; Notice of Application for Exemption of Small Conduit Hydroelectric Facility

June 8, 1981.

Take notice that on April 13, 1981, the Lost Hills Water District (District) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Lost Hills One Power Plant would be located on the District's water supply pipeline and canal system in Kern County, California.

Correspondence with the Applicant should be directed to: Mr. Joe Steele, Engineer-Manager, Lost Hills Water District, 2100 24th Street, Suite 2, Bakersfield, California 93301.

Project Description—The proposed project would consist of: (1) a powerhouse containing a single generating unit with a rated capacity of 430 kW located at the end of the District's existing pipeline carrying water from the California Aqueduct into the District's canal distribution system; and (2) approximately one-half mile of transmission line to connect the powerhouse to the existing utility transmission line south of the powerhouse.

Purpose of Project—Project energy would be sold to Pacific Gas and Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be sumitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before July 14, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17630 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-11742-001, et al.]

Mobil Oil Corporation, et al.; Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

June 5, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the

[1] This notice does not provide for consolidation for hearing.

proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Filing Code:

A—Initial Service
B—Abandonment
C—Amendment to add acreage
D—Amendment to delete acreage
E—Total Succession
F—Partial Succession

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-11742-001 D June 1, 1981	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Cities Service Gas Company, Hugoton Field, Grant and Kearny Counties, Kansas	(1)	
G-17444-000 D May 18, 1981	Sonat Exploration Company, Succ. in Interest to Southern Natural Gas Company, P.O. Box 1513, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, Ship Shoal Block 28 Field, a portion, of Ship Shoal Block 15, Lease OCS-G-1360, Ship Shoal Block 35, Lease OCS-G-0344, Ship Shoal Block 36, Lease OCS-G-0342, Offshore Louisiana.	(2)	
CI67-1753-001				
CI68-891-001 May 15, 1981 [3]	Sun Oil Company P.O. Box 20, Houston, Texas 75221	Texas Eastern Transmission Corporation, Rayne Field, Acadia, Parish, Louisiana		

[1] To release gas for irrigation fuel
[2] Applicant seeks this partial abandonment due to the non-productivity of the acreage and applicable leases expired by their own terms
[3] Sun and Texas Eastern have agreed by letter dated July 18, 1980, to prove for a new delivery point for the Tayne Field gas, being the outlet of the Conoco Acadia Plant

[FR Doc. 81-17681 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-486-000]

Montana Power Co.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that on May 26, 1981, the Montana Power Company tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales under the Company's FPC Electric Tariff M-1 during March 1981, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17648 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-511-000]

Montana Power Co.; Notice of Filing

June 5, 1981.

The filing Company submits the following:

Take notice that on June 2, 1981, the Montana Power Company tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M-1 during April, 1981, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17682 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-319-000]

National Fuel Gas Distribution Corp.; Notice of Application

June 9, 1981.

Take notice that on May 4, 1981, National Fuel Gas Distribution Corporation (Applicant), 10 Lafayette Square, Buffalo, New York, 14203, filed in Docket No. CP81-319-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 284.222 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas on behalf of interstate pipelines and local distribution companies served by interstate pipelines, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in providing the proposed transportation services, it would comply with the conditions in paragraph (e) of § 284.222 of the Commission's Regulations.

Applicant further states that it would not charge interstate pipelines and local distribution companies served by interstate pipelines for the proposed transportation service but that it would enter into exchange agreements whereby those pipelines and distribution companies would in exchange transport equivalent volumes of gas on behalf of Applicant, also without charge.

Any person desiring to be heard or to

make any protest with reference to said application should on or before June 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17664 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-65-000]

National Fuel Gas Supply Corp.; Notice of Revision to FERC Gas Tariff

June 5, 1981.

Take notice that on May 21, 1981, National Fuel Gas Supply Corporation ("National Fuel"), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. RP81-65-000 its Revision to FERC Gas Tariff through its FERC Gas Tariff, Original Volume No. 1, Second Revised Sheet No. 18. The filing seeks to make adjustment to National Fuel's minimum Btu content in order to conform with a request made by Tennessee Gas Pipeline Company in Docket No. RP81-56 on April 30, 1981, all as more fully set forth in the revision which is on file with the Commission and is open for public inspection.

National Fuel states that it is required to tender this filing to avoid a potential violation of the heat content provision of its present tariff which will result if Tennessee is permitted to deliver natural gas to National Fuel with a total heating value of less than 985 Btu per cubic foot. Tennessee, which provides over 50 percent of the gas National Fuel receives from its pipeline suppliers, presently makes direct deliveries of imported gas from Canada at various points along the "Niagara Spur" for the account of National Fuel. Therefore, if Tennessee's request for an adjustment in the minimum Btu content is granted, National Fuel asserts that it will be necessary for the Commission to grant National Fuel the change.

National Fuel requests authorization of Second Revised Sheet No. 18, to be effective on June 1, 1981, or such other date as Tennessee's filing in Docket Nos. RP81-56-000 and RP80-97 becomes effective.

National Fuel also requests a waiver of any of the Commission's Rules and Regulations as may be required to make this tariff sheet effective as proposed.

Any person desiring to be heard or to make and protest said reference to said filing should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with requirements of the Commission's Rules of Practice and Procedure (18 CFR 157.79). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17683 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-11-000]

New England Power Service Co.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that New England Power Service Company (NEP) on May 8, 1981, tendered for filing a joint application for the sale of certain electric facilities by NEP and Massachusetts Electric Company (Mass Electric) to the Town of Templeton, Massachusetts. NEP and Mass Electric seek Commission approval of the sale pursuant to Section 203 of the Federal Power Act and Part 33 of the Commission's Regulations.

NEP states that the facilities to be sold are located within the Town of Templeton and include a transmission tap line, two substations, and certain distribution facilities. The transfer price of the facilities is $690,000 and will be paid to NEP and Mass Electric by Templeton. The transfer price was reached as a result of arms-length bargaining between the parties and involved a compromise of their respective positions.

NEP and Mass Electric move to waiver of certain technical requirements of 18 C.F.R. 33.3, concerning the statement of contingent liabilities and the income statement. NEP requests waiver of the pro forma requirement and of the requirement that information be provided "as of the date of application" or "for the most recent twelve month period.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17634 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-507-000]

New York State Electric & Gas Corp.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice the New York State Electric & Gas Corporation (NYSEG) on June 1, 1981, tendered for filing, pursuant to Section 35.12 of the Regulations under the Federal Power Act, as a rate schedule, a transmission agreement with the Connecticut Light and Power Company. Service under this agreement commenced on January 6, 1981 and is to continue until terminated by either party

upon not less than 30 days prior written notice.

The agreement provides that NYSEG shall provide electric transmission service for delivery of Rochester Gas & Electric Corporation energy to Central Hudson Gas & Electric Corporation at Central Hudson's West Woodburne Substation for ultimate delivery to Connecticut Light and Power Company.

NYSEG has filed copies of this agreement with the Connecticut Light and Power Company and with the Public Service Commission of the State of New York.

NYSEG requests that the 60-day filing requirement be waived and that January 6, 1981 be allowed as the effective date of the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest on or before June 26, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17635 Filed 6-12-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-501-000]

Niagara Mohawk Power Corp.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on May 29, 1981, tendered for filing as a rate schedule, an agreement between Niagara and Green Mountain Power Corporation dated December 13, 1980.

This agreement provides for the sale of power and energy from Niagara's gas turbines for a limited period of time to Green Mountain. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of December 13, 1980.

Copies of this filing were served upon the Green Mountain Power Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are on file with the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17645 Filed 6-12-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-499-000]

Niagara Mohawk Power Corp.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on May 29, 1981 tendered for filing as a rate schedule, an agreement between Niagara and the Power Authority of the State of New York (PASNY) dated February 18, 1981. Niagara requests an effective date of August 1, 1981.

Niagara presently has on file two agreements with PASNY dated March 1, 1957 and February 10, 1961. The agreements are identified as Niagara's Rate Schedule FPC Nos. 18 and 19. The agreements provide for the transmission of PASNY power and energy to PASNY's municipal, cooperative and industrial customers. The proposed rate schedule increases Niagara's service obligations by removing certain transmission limitations and increases the transmission service rate for such service. Copies of the filing were served upon the attached service list.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17649 Filed 6-12-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP76-463-001]

Northwest Pipeline Corp.; Notice of Petition To Amend

June 9, 1981.

Take notice that on May 22, 1981, Northwest Pipeline Corporation (Petitioner), 315 East 200 South, Salt Lake City, Utah 84111, filed in Docket No. CP76-463-001 a petition to amend the order issued October 19, 1976,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) so as to authorize the construction of a single project costing in excess of the single-project limitation of $500,000, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued October 19, 1976, in the instant docket it was authorized to construct and operate certain field gas compression facilities with no single project to exceed a cost of $500,000. Petitioner asserts that it constructed the Barrel Springs Compressor Station in Carbon County, Wyoming, and initially estimated the cost of such station to be $353,644. Petitioner explains that it has exercised its option to purchase rather than lease the 690 horsepower compressor unit at Barrel Springs because development of the Barrel Springs Field has established sufficient deliverability to justify owning instead of leasing the unit. This, it is asserted, has increased the single-project cost to $634,000. Petitioner, therefore, requests an increase in the single project cost limitation from $500,000 to $634,000 for construction of the Barrel Springs compressor station.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17670 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-338-000]

Northwest Pipeline Corp.; Notice of Application

June 9, 1981.

Take notice that on May 18, 1981, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP81-338-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new delivery point and the reallocation of natural gas service to Cascade Natural Gas Corporation (Cascade), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate a new delivery point on its 26-inch O.D. mainline located in Benton County, Washington, to Cascade in order to deliver gas to Cascade for resale to the San Michelle Winery. It is asserted this Paterson meter station would provide natural gas for use in operating certain distillery equipment, corn drying equipment and in providing space heating.

Applicant states that the maximum daily delivery volume requirements would be 951 Mcf per day with an annual requirement of 40,399 Mcf. Cascade, it is asserted, has requested reallocation of natural gas service under Applicant's Rate Schedule ODL-1 transferring 10,000 therms from the existing Longview-Kelso meter station to the Paterson meter station while maintaining Cascade's presently authorized maximum daily delivery obligation. It is stated that no increase in the daily contract quantity of natural gas would be necessary.

Cascade, it is asserted, would reimburse Applicant for the cost of constructing the new meter station. The total cost of constructing the proposed facilities are estimated to be $23,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17671 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-74-001]

Oasis Pipe Line Co.; Notice of Extension Report

June 9, 1981.

Take notice that on April 23, 1981, Oasis Pipe Line Company (Oasis), Houston Natural Gas Building, 1200 Travis, Box 1188, Houston, Texas 77001, filed in Docket No. ST79-74-001 an extension report pursuant to Section 284.126 of the Commission's Regulations, reporting the extension of transportation of natural gas for and on behalf of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the extension report which is on file with the Commission and open for public inspection.

Oasis states that the identity of the parties involved in the subject transportation arrangement are Oasis and Northern, and that service commenced on July 25, 1979.

It is stated that the estimated total and maximum daily quantities of natural gas to be transported are up to 50 billion Btu per day or at such greater flow rate up to 150 billion Btu per day which Northern shall elect upon 30 days' notice or, at Northern's request, in excess of 150 billion Btu per day if Oasis' operating conditions shall reasonably permit, for up to a total of 73 trillion Btu subject to increase on the basis of said election or request.

According to Oasis, the points between which the gas is to be transported are from a point located on the pipeline facilities of Oasis near Katy, Waller County, Texas, to a point located at the interconnection of the pipeline facilities of Oasis and Northern near Ft. Stockton, Pecos County, Texas or at such other mutually agreeable point or points in West Texas.

Oasis stated that the rate to be charged for the subject transportation service is 12.39 cents per million Btu.

It is stated that the proposed extention of service would be for a period of two years commencing July 25, 1981, subject to the terms and conditions of an existing agreement between Oasis and Northern.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before, June 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules or Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it is determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17669 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-494-000]

Public Service Company of New Mexico; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that Public Service Company of New Mexico (PNM) on May 27, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, Amendment Number One to an Agreement for Wheeling Service with Navajo Tribal Utility Authority (NTUA). PNM states that Amendment Number One provides for the availability of additional wheeling service between PNM and NTUA.

PNM indicates that the proposed Amendment will not increase revenues from jurisdictional sales based on energy delivered from May 1, 1980 through April 30, 1981. PNM further indicates that the rate for wheeling service under this Amendment is essentially a restatement of the previously accepted rate for service.

An effective date of May 1, 1981 is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17640 Filed 6-12-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-6-000]

Sea Robin Pipeline Co.; Notice of Filing of Revised Tariff Sheets

June 5, 1981.

Take notice that on June 1, 1981, Sea Robin Pipeline Company (Sea Robin) tendered for filing Twenty-Sixth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1. This tariff sheet and supporting information is being filed 30 days prior to the proposed effective date of July 1, 1981 pursuant to the Purchased Gas Cost Adjustment provisions set out in Sections 1 and 3 of Sea Robin's tariff. In addition, Sea Robin submits Seventh Revised Sheet No. 4-A to become effective July 1, 1981, in compliance with Federal Energy Regulatory Commission (Commission) orders issued May 11, 1978, and July 12, 1978, at Docket No. RP77-6.

Sea Robin states that these revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17684 Filed 6-12-81 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-69-000]

South Georgia Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1981.

Take notice that South Georgia Natural Gas Company (South Georgia), on May 29, 1981, tendered for filing proposed changes in its FERC Gas Tariff, First revised Volume No. 1. The proposed changes are based on the twelve month period ending March 31, 1981, as adjusted, and would increase jurisdictional revenues by $751,354.

South Georgia states that the principal reasons for the proposed rate increase are to reflect (1) an increase in the overall rate of return to 13.82%; (2) increased operation and maintenance expenses; and (3) increases in depreciation expense and other taxes.

Copies of this filing have been served upon South Georgia's jurisdictional customers and interested state public service Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426 in accordance with Sections 1.8, and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Petitions will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17686 Filed 6-12-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-508-000]

Southern California Edison Co.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that on June 1, 1981, Southern California Edison Company (Edison) tendered for filing an agreement entitled "Edison-Riverside Interruptible Transmission Service Agreement" which has been executed by Edison and the City of Riverside (Riverside).

Edison states that under the terms and conditions of the agreement, Edison will make available to Riverside interruptible transmission service from several points of receipt to the point of delivery at Riverside.

Edison further states that the Agreement is proposed to become effective when executed by the Parties and accepted for filing by the Commission, and will continue in effect until terminated by either party giving 30 days advance writtten notice of such termination to the other party.

Copies of this filing were served upon the Public Utilities Commission of the State of California, and the City of Riverside.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26,

1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17663 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-7-000]

Southern Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1981.

Take notice that Southern Natural Gas Company (Southern), on June 1, 1981, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective July 1, 1981. Such filing is pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FERC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes would increase Southern's rates as a result of the following items.

(1) A Current Adjustment pursuant to Section 17.3 of the General Terms and Conditions of Southern's Tariff, reflecting an annual increase in cost of purchased gas to jurisdictional customers of $130.5 million or approximately 24.270¢ per Mcf.

(2) A Surcharge Adjustment, pursuant to Section 17.4 of the General Terms and Conditions of Southern's Tariff, for Unrecovered Purchased Gas Costs of (.831)¢ per Mcf which is reduction of 20.933¢ from the present negative Surcharge Adjustment and is, therefore, an increase of 20.933¢ in rates. This Surcharge Adjustment will amortize the ($2,261,461) balance in the Deferred Account over the estimated sales for the six-month period commencing July 1, 1981.

(3) A Surcharge Adjustment for estimated Demand Charge Credits pursuant to Section 9.6(3) of the General Terms and Conditions of Southern's Tariff of (.427)¢ per Mcf which is a decrease of .870¢ below the present Surcharge Adjustment.

(4) A Use Tax Adjustment Rate for the recovery of Louisiana First Use Tax pursuant to Section 21 of the General Terms and Conditions of Southern's FPC Gas Tariff of 1.245¢ per Mcf which is a decrease of .668¢ below the present Use Tax Adjustment Rate and is reflected in Schedule No. 10.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17685 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-346-000]

Stingray Pipeline Co.; Notice of Application

June 9, 1981.

Take notice that on May 21, 1981, Stingray Pipeline Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-346-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an additional point of receipt from United Gas Pipe Line Company (United) and the transportation of natural gas from West Cameron Blocks 537, 551, 552, and 560, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an amendment to its existing transportation agreement with United dated February 20, 1981, Applicant proposes herein to provide United with an additional point of delivery into Applicant's system. It is asserted the additional delivery point is at an existing side tap on Applicant's system in West Cameron Block 537. Such point, it is stated, would be used to transport gas from West Cameron Blocks 537, 551, 552 and 560 which blocks would be included in the transportation agreement.

Applicant states that United would transport its gas from West Cameron Blocks 552 and 560 to Applicant's interconnection through pipeline facilities to be constructed. It is further stated that United would arrange to have its gas produced in West Cameron Blocks 537 and 551 transported by Natural Gas Pipeline Company of America (Natural) to Applicant's interconnection in West Cameron Block 537.

It is further submitted that Applicant would transport the gas pursuant to its Rate Schedule T-2 from the proposed interconnection to the northern terminus of Applicant's system near Holly Beach, Louisiana. Applicant states that it would then deliver the gas to Natural for the account of United for further transportation and delivery by Natural pursuant to existing agreements between United and Natural.

Applicant contends that the proposed additional delivery point would enable United to fully utilize its existing transportation capacity in Applicant's system and that the subject proposal does not change United's 200,000 Mcf capacity in Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17688 Filed 6-12-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-17-001]

Texas Eastern Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1981.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on May 22, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheet:

Substitute Fifty-eighth Revised Sheet No. 14

This tariff sheet is filed in substitution for the tariff sheet accepted by the Commission to be effective April 1, 1981 by order dated March 19, 1981 in Docket No. TA81-2-17-000 (AP81-3). The sole purpose of the substitute tariff sheet is to reflect a revision to Texas Eastern's SS-II rate pursuant to Section 4.G., Consolidated GSS Adjustments, of the SS-II Rate Schedule.

By letter dated May 6, 1981 Consolidated Gas Supply Corporation (Consolidated) filed rate reductions in their Docket Nos. RP79-22 and RP80-61 including a prospective reduction in the Rate Schedule GSS rates effective April 1, 1981. Pursuant to Section 4.G. of Texas Eastern's Rate Schedule SS-II, the SS-II rates are automatically adjusted to flow through any changes in Consolidated's GSS rates. The above substitute tariff sheet reflects the appropriate reduction in SS-II rates.

The proposed effective date of the above tariff sheet is April 1, 1981. Texas Eastern has requested waiver of any regulations necessary to allow the rate reduction to become effective on April 1, 1981.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17689 Filed 6-12-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA-81-2-11-000]

United Gas Pipe Line Co.; Notice of Filing of Revised Tariff Sheets

June 5, 1981.

Take notice that on June 1, 1981, United Gas Pipe Line Company (United) tendered for filing Fifty-Third Revised Sheet No. 4 and Third Revised Sheet Nos. 4-A and 4-B, to its FERC Gas Tariff, First Revised Volume No. 1. These tariff sheets and supporting information are being filed pursuant to the Purchased Gas Adjustment Provisions set out in Sections 19, 22 and 23 of United's tariff.

United states that the current adjustment reflects rates payable to United's suppliers for the six (6) months commencing July 1, 1981.

Third Revised Sheet Nos. 4-A and 4-B are being filed to reflect the estimated incremental pricing surcharges as required by Commission Order No. 49, issued September 28, 1979.

Copies of the proposed tariff sheets will be mailed to United's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17690 Filed 6-12-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-505-000]

Union Electric Co.; Notice of Filing

June 5, 1981.

The filing Company submits the following:

Take notice that on June 1, 1981, Union Electric Company (Union) tendered for filing a Fourth Amendment and Third Revised Service Schedules C and D to Interchange Agreement dated July 2, 1976 between Union and Kentucky Utilities Company.

Union indicates that said agreements provide for revisions in certain rates under said Interchange Agreement. Union proposes an effective date of August 1, 1981.

Any person desiring to be heard or to protests said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1981. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17691 Filed 6-12-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-341-000]

United Gas Pipe Line Co; Notice of Application

June 9, 1981.

Take notice that on May 19, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-341-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction during a given 12-month period and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the

transportation and sales service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $300,000 and would be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR doc. 81-17665 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-121]

Utah Power & Light Co.; Notice of Compliance Filing

June 8, 1981.

The filing Company submits the following:

Take notice that Utah Power & Light Company (Utah Power), on May 22, 1981, tendered for filing a cost of service study in compliance with the Commission's Opinion No. 113, issued February 23, 1981. Utah Power asserts that it has carefully followed the Commission's order in preparing for the study. The resulting rate schedules will be put into effect, and appropriate refunds made (including interest), within thirty days from the date such rate schedules are accepted for filing.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 22, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this submittal are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17651 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1530-000]

Milton L. VanSchoik; Notice of Filing

June 8, 1981.

The filing individual submits the following:

Take notice that on May 29, 1981, Milton L. VanSchoik filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Cincinnati Gas & Electric Company

Vice President, Union Light, Heat & Power Company

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17652 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1616-001]

William A. Verrochi; Notice of Filing

June 8, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, William A. Verrochi filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President and Director, Metropolitan Edison Company

President and Director, Pennsylvania Electric Company

Director, GPU Nuclear Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17654 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4539-000]

Yakima-Tieton Irrigation District; Notice of Application for Preliminary Permit

June 8, 1981.

Take notice that Yakima-Tieton Irrigation District (Applicant) filed on April 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4539 to be known as the Clear Lake Hydroelectric Project located at the Department of the Interior, Water and Power Resources Service's (WPRS) Clear Lake Dam on the North Fork-Tieton River in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Warren E. Dickman, Yakima-Tieton Irrigation District, Rt. 6, Box 193, Yakima, Washington 98908.

Project Description—The proposed project would utilize waters released from the WPRS's Clear Lake and would consist of a powerhouse containing a single generating unit with a rated capacity of 1,700 kW and appurtenant facilities.

The Applicant estimates that the average annual energy output would be 6.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the WPRS and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $85,000.

Competing Applications—This application was filed as a competing application to the Cook Electric Company's Project No. 3758 filed on November 19, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 1, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4539. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kennth F. Plumb,

Secretary.

[FR Doc. 81-17628 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-496-000]

York Haven Power Co.; Notice of Filing

June 8, 1981.

The filing Company submits the following:

Take notice that York Haven Power Company, (York Haven) on May 28, 1981, tendered for filing a proposed change in its rate schedule for the sale of power to its parent, Metropolitan Edison Company, from FPC licensed Project No. 1888. The change in rates is proposed to be effective for deliveries of power and energy on or after August 1, 1981. The proposed changes would increase revenues from jurisdictional sales and service by $68,204 based on the 12-month period ending July 31, 1981.

York Haven states that under the affected rate schedule, all of the power and energy from Project No. 1888 is sold to Metropolitan Edison on a rate based upon York Haven's costs and expenses in generating and transmitting such power and energy. Under its agreement with Metropolitan Edison, York Haven is entitled to the same return on net investment as was most recently allowed Metropolitan by the Pennsylvania Public Utility Commission. That Commission on April 9, 1981 allowed a rate of return to Metropolitan Edison of 11.17 percent. This filing is submitted to reflect that rate of return. York Haven indicates that its current rate of return is 9.47 percent under its rate schedule. Copies of the filing have been mailed to Metropolitan Edison and the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17629 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders, Week of April 27 Through May 1, 1981

During the week of April 27 through May 1, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Audubon Society of the Everglades, 5/1/81, BFA-0654

Audubon Society of the Everglades filed an Appeal from the partial denial of a Freedom of Information Act (FOIA) request issued to it by the Director of Contract Execution Division B of the DOE Office of Procurement Operations. In that partial denial, the Director withheld several documents from Audubon pursuant to 5 U.S.C. 552(b)(4) (Exemption 4). In granting the Appeal, the OHA instructed the Director to either release the documents withheld in his partial denial or issue a new denial letter which (i) adequately describes the subject matter of the withheld material and (ii) adequately justifies the application of Exemption 4 to any withheld materials.

Ginsburg, Feldman, Weil & Bress, 4/30/81, BFA-0647

Ginsburg, Feldman, Weil & Bress filed an Appeal from a partial denial by the Deputy General Counsel for Regulation of the Department of Energy of a Request for Information that the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that portions of certain documents that were initially withheld under Exemptions 4

and 5 of the FOIA should be released to the firm. Important issues that were addressed in the Decision and Order were (i) the adequacy of the Deputy General Counsel's justification for withholding the documents, (ii) the applicability of Exemption 5 to the withheld documents, and (iii) whether non-withholdable material had been segregated out of the withheld documents.

Good Hope Refineries, 4/29/81, BEA-0583, BEE-1593, BEL-0073

Good Hope Refineries filed an Appeal of a denial by the ERA of a request for an emergency allocation of crude oil under the provisions of 10 CFR 211.65 (the Buy/Sell Program). In considering the Appeal, the DOE found that the ERA correctly determined that the crude oil which Good Hope processed for the accounts of other refiners should not be treated as its own crude oil in determining the firm eligibility for an emergency allocation. Accordingly, Good Hope's Appeal was denied. In addition, the DOE dismissed as moot Applications for Temporary Exception and Exception in which the firm requested an emergency allocation for crude oil.

Miller & Chevalier, 4/29/81, BFA-0648

Miller & Chevalier (M&C) filed an Appeal from a partial denial by the Disclosure Officer of the Office of Special Counsel of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the audit materials withheld by the Disclosure Officer fell within Exemption 5. The DOE further found that their disclosure would be contrary to the public interest. Accordingly, M&C's Appeal was denied.

Pacific Resources, Inc., 5/1/81, DEA-0328

On February 26, 1979, Pacific Resources, Inc., filed an Appeal from the Entitlement Notice for November 1978. In its Appeal, the firm challenged the validity of the twenty-one-cent-per-barrel advantage for domestic crude oil that was established by the Entitlements Program regulations until August 1, 1979. In considering the Appeal, the Department of Energy found that the regulations establishing twenty-one-cent-per-barrel advantage were valid. The Appeal was therefore denied.

Stephen M. Shaw, 4/28/81, BFA-0652, BFA-0653

Stephen M. Shaw filed two Appeals from determinations of the Director of Freedom of Information and Privacy Acts Activities. In those determinations, Shaw was informed that search and reproduction fees would not be waived in connection with two requests for documents he filed under the Freedom of Information Act. In considering the Appeals, the DOE found that the Director had correctly found that it would not be in the public interest to waive search and reproduction fees in connection with the requests.

James L. Sweeney, 5/1/81, BFA-0598

James L. Sweeney filed an Appeal from a denial by the Inspector General of a Request for Correction or Amendment of Records which Mr. Sweeney had submitted under the Privacy Act. In considering the Appeal, the DOE found that an amendment of factual findings in a Report of Investigation should be made. The DOE remanded the matter to the Inspector General for further consideration of the conclusions which could be affected by this amendment to the factual record and for consideration of the consequences of a factual pattern which the Inspector General had not previously addressed. The DOE denied requests for amendments going solely to the matters of judgment embodied in the Inspector General's ultimate conclusions because Mr. Sweeney had failed to support these requests by a preponderance of the evidence.

Remedial Orders

Crescent Refining & Oil Co., Petroleum Fuel Co., 4/27/81, BRO-0155

Crescent Refining & Oil Company and Petroleum Fuel Company (referred to collectively as "Crescent") filed a Statement of Objections to a Proposed Remedial Order (PRO) which the DOE Western Enforcement District issued to the firm on September 28, 1979. In the PRO, the Office of Enforcement determined that Crescent had failed to determine maximum lawful selling prices for each of its May 15, 1973 classes of purchaser for diesel fuel and fuel oil, and had thereby overcharged its customers by $514,454.03. In considering Crescent's objections, the DOE found that the agency auditors had no responsibility to consider the "reasonableness" of the firm's suggested classes of purchaser, since there was no indication that the firm had relied on those classes in a good faith effort to comply with the price regulations. The DOE further found that the Office of Enforcement had established a *prima facie* case which supported the validity of its class of purchaser designations, while Crescent had not effectively contested this showing or indicated how the adoption of its recommended class of purchaser structure would serve to reduce or eliminate the overcharges found in the Proposed Remedial Order. The DOE also determined that the Office of Enforcement had acted correctly in requiring Crescent to place its non-historical customers into existing classes of purchaser, and had properly calculated the weighted average cost of product in inventory in a specific instance challenged by Crescent. With respect to the firm's substantive challenges to the agency regulatory program, the DOE found that (i) the reseller price regulations are not so vague or technically complex as to justify the firm's failure to make a timely effort to comply with them; and (ii) the firm had not shown that the Office of Enforcement application of these provisions in the PRO was arbitrary or unreasonable. The DOE also found that Crescent's challenges to the procedural validity of certain agency regulations, rulings and policy statements were without merit.

Finally, the DOE determined that certain objections set forth in the firm's Responses to the Notice of Probable Violation and incorporated by reference in Crescent's Statement of Objections had been adequately refuted in the PRO. On the motion of the Office of Enforcement, the DOE modified the remedial provision in the PRO dealing with the computation of interest. Accordingly, the DOE concluded that the PRO should be issued as a final Order.

Kirkpatrick Oil and Gas Company, 4/29/81, DRO-0211

Kirkpatrick Oil Company objected to a Proposed Remedial Order which the Southwest Enforcement District of the Enforcement in the Economic Regulatory Administration (ERA) issued to the firm on April 19, 1979. In the Proposed Remedial Order, the ERA found that during the period September 1, 1973 through January 31, 1977, Kirkpatrick sold the crude oil produced from eight of its properties in Oklahoma at prices that exceed the maximum lawful ceiling prices. The ERA therefore directed the firm to refund the improperly obtained revenues. In its Statement of Objections the ERA erroneously determined that none of the eight properties involved in this proceeding qualified as stripper well properties during the relevant periods. The DOE concluded that Kirkpatrick properly classified four of the leases as stripper well properties, but that the ERA correctly determined that the other four leases should not have been classified as stripper well properties. The DOE also rejected the Office of Enforcement's request to modify retroactively the interest rates provision, but concluded that the interest rates should be modified prospectively from the date of the issuance of the final Remedial Order. Accordingly, the DOE issued the final Remedial Order with the above-noted modifications.

Requests for Exception

Jerry Aldridge, d.b.a. Oaktree Mini Mart, 5/1/81, BEO-0570

Jerry Aldridge, d.b.a. Oaktree Mini Mart filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had demonstrated that it was unable to realize the intended benefits of a capital investment it had made prior to the change in the base period. The DOE determined that the firm therefore qualified for exception relief rendered the precedent established in *Leo Anger, Inc.*, 4 DOE ¶ 81,037 (1979). However, as a consequence of the issuance by the President of the executive order exempting motor gasoline, crude oil, and propane from the provisions of the DOE Mandatory Petroleum Allocation Regulations, the DOE determined that the relief approved should be made effective only for the period from November 21, 1979, the date on which the Interim Decision and Order was issued, through January 27, 1981, the date on which the executive order was issued.

Calumet Industries, Inc., 5/1/81, BEE-1187

Calumet Industries, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm requested that it receive an increased number of entitlements in each month in order to bring Calumet's average crude oil acquisition costs into substantial parity with the costs incurred by other refiners. The DOE found that Calumet had failed to show that its difficulties were

related to the DOE's Entitlements Program. Accordingly, the Calmet exception request was denied.

Gilbert's Service Station, 5/1/81 BEO–0373

On February 26, 1979, Gilbert's Service Station filed an Application for Exception in which the firm sought an increase in its base-period allocation of gasoline. In considering the request, the Department of Energy determined that exception relief should be granted on the basis of the criteria set forth in *Leo Anger, Inc.*, 4 DOE ¶ 81,037 (1979). Issues discussed in the determination include designation of a sole base-period supplier pursuant to 10 CFR 211.105(d) and three-party agreements entered into pursuant to 10 CFR 211.9(a)(2)(i), .12(e).

Hobart Corporation, 4/28/81, DEE–4459

Hobart Corporation filed an Application for Exception from the provisions of 10 CFR Part 430 in which the firm sought an exception from specific testing requirements of the energy conservation program for consumer products. In considering the request, the DOE found that the existing test failed to produce results which would accurately reflect the energy efficiency of a dishwasher manufactured by Hobart. Accordingly, the DOE determined that an exception should be granted which would permit Hobart to test the dishwasher using inlet water temperatures of 120 degrees Fahrenheit rather than 140 degrees Fahrenheit as required under the provisions of 10 CFR Part 430. However, in order to ensure that consumers were well informed about the consequences of operating the appliance at inlet temperatures of 120 degrees Fahrenheit, the DOE conditioned exception relief upon a requirement that Hobart include certain information in the advertising of its product.

Isthmus Refining Corporation, 5/1/81, BEE–1577

Isthmus Refining Corporation filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought additional entitlements benefits for the crude oil which the firm plans to purchase to establish a starting inventory for its new refinery. In considering the request, the DOE found that the firm had not demonstrated that it purchased any crude oil during the pendency of the Entitlements Program. Accordingly, exception relief was denied.

Pennzoil Producing Company, 4/29/81, BXE–0887

Pennzoil Producing Company filed an Application for Exception in which it sought an extension of exception relief previously granted to permit it to continue selling certain quantities of the crude oil produced from the Perry Sand Waterflood Unit, North Segment at upper tier ceiling prices. In considering the request, the DOE found that the property involved would generate reasonable operating profits at applicable ceiling price levels and that, even in the absence of exception relief, the working interest owners would have an economic incentive to continue production. Accordingly, exception relief was denied.

Pure Oil Co., BEE–1570; National Oil & Supply, BEE–1590; Port Orchard Oil, BEE–1617; Milaca Cooperative Oil, 4/29/81, BEE–1622

Pure Oil Co. and there other firms filed Applications for Exception from the reporting requirements of Form EIA–9A the No. 2 Distillate Price Monitoring Report. The applicants alleged that the reporting requirements imposed a serious hardship and gross inequity on their operations. In considering the exception request, the DOE found that each firm had demonstrated that the reporting requirements imposed a grossly inequitable burden. Accordingly, Pure Oil Co. and National Oil & Supply were excused entirely from the reporting requirements. Port Orchard Oil was granted an exception which permits it to simplify its reporting system and Milaca Cooperative Oil was granted an extension of time in which to file its reports.

UV Industries, Inc., 4/29/81, BEE–1085

UV Industries, Inc., filed an Application for Exception from the reporting requirements set forth in Form EIA–23 (Annual Survey of Domestic Oil and Gas Reserves) in which the firm requests that it be exempt from its obligation to prepare and submit Form EIA–23 for report year 1978. In considering the request the Department of Energy found that the records necessary to complete the subject form had been transferred to another firm and that all UV employees capable of completing the form had taken positions with other firms prior to UV's liquidation in March 1980. Accordingly, exception relief was granted.

Requests for Modification and/or Rescission

Little America Refining Company, Inc., BER–0087, BEZ–0091, BED–0091, BER–0091, BER–0089; Mobile Oil Corp., BED–0077; Marathon Oil Co., BED–0088; Cities Service Co., 5/1/81, BED–0089

The DOE consolidated several procedural motions that were filed by parties to the exception proceeding involving the Little America Refining Company (Larco), Case No. BEE–1064. In considering the various motions, the DOE determined that (i) Larco's Motion for Discovery of DOE documents should be denied, (ii) Larco's Motion to Disqualify the law firm of Ginsburg, Feldman, Weil and Bress from participation in the exception proceeding should be denied, (iii) the Application for Modification filed by Mobile and the Motion for Discovery filed by Cities Service Company should be granted, (iv) Larco's Motion to Modify or Rescing a December 16, 1980 Discovery determination should be denied, (v) Motions for Discovery and Evidentiary Hearing filed by Mobil Oil Corporation and Marathon Oil Company should be dismissed without prejudice.

McAlester Fuel Company, 4/29/81, DMR–0040

McAlester Fuel Company filed an Application for Modification of a Consent Order entered into between the firm and the DOE Office of Enforcement and related to allegations by the DOE that the firm had sold crude oil at prices which exceeded its maximum lawful selling prices. McAlester argued that the refusal of Musselshell County, Montana to refund the portion of the overcharge revenues which it had received in the form of a net proceeds tax, a change in the agency's position on interest payments in enforcement proceedings, and an allegedly incorrect calculation of the overcharge amount justified modification of the Consent Order. The DOE concluded that McAlester had not met the threshold requirement that it demonstrate "significantly changes circumstances" which would justify reconsideration of the agreement reflected in the Consent Order. Accordingly, the DOE denied McAlester's Application for Modification.

Motion for Discovery

Asamera Oil (U.S.) Inc., 4/27/81, BED–0110

Asamera Oil (U.S.) Inc. filed a Motion for Discovery in connection with an Application for Exception (Case No. BEE–1491) filed by the firm requesting entitlements exception relief. In its Motion for Discovery, the firm requested that the DOE release information which the Economic Regulatory Administration had collected concerning the crude oil supplies and costs of Asamera's six principal competitors. The firm also requested that the DOE release certain pre-decisional written records concerning a Proposed Decision and Order issued to the firm in the exception proceeding. *Asamera Oil (U.S.) Inc.*, Case No. BEE–1491 (January 15, 1981) (proposed decision). In considering the request, the DOE found that discovery of the crude oil information concerning Asamera's competitors was necessary to enable the firm to establish the validity of its contention in the underlying exception proceeding that its competitors' access to deemed old oil provided them with significant competitive advantages over Asamera. However, the DOE determined that the discovery of the pre-decisional records with Asamera requested was neither necessary to the firm's contentions in its exception proceeding nor appropriate in view of the protected nature of these documents. Accordingly, the discovery request was granted with respect to the crude oil cost and supply data and denied in all other respects.

Supplemental Orders

Exxon Co., U.S.A., Miller & Chevalier, 4/28/81, BEX–0202

On April 1, 1981, the Office of Hearings and Appeals issued a Decision and Order to Exxon Co., U.S.A. and Miller and Chevalier granting in part their Appeals of determinations issued to them pursuant to the Freedom of Information Act. *Exxon Co., U.S.A., Miller & Chevalier*, 7 DOE ¶ , BFA–0609, 0614. This Supplemental Order was issued to correct the identifying number of one of the documents ordered released.

Husky Oil Company of Delaware, 5/1/81, BEX–0203

On April 17, 1981, the Department of Energy issued a Supplemental Order to the Husky Oil Company of Delaware in which it determined that Husky should be relieved of any entitlements purchase obligations incurred as a result of its crude oil receipts and runs to stills during the period April 1978 through December 1980. Subsequently, the DOE determined that, for reasons similar to those set forth in the April 17 Order,

entitlements exception relief should be extended to Husky for its January 1981 operations as well. Accordingly, Husky was relieved of any entitlements obligations arising from its crude oil receipts and runs to stills during the period January 1, 1981 through January 27, 1981.

M.R.S. Service Center, Inc., 4/27/81, BEX-0187

The DOE denied a request filed by M.R.S. Service Center, Inc., that the firm's Statement of Objections be considered on its merits. The DOE also issued in final form the Proposed Decision and Order which the Northeast Regional Center issued to the firm on June 29, 1979.

Mohawk Petroleum Corp. Inc., 4/27/81, BEX-0056

On April 27, 1981, the DOE issued a Decision and Order to Mohawk that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1979 fiscal year. The Decision and Order determined that Mohawk received excessive relief during its 1979 fiscal year.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company Name, Case No.

Saint George Oil Corp., DEE-3489

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued Decisions and Orders which determined that the requests be dismissed:

Company Name, Case No.

Ethanol Marketing & Refining, Ltd., BEE-1245
Horseblock Exxon Car Wash & Gas Sta., BEO-0452
Tulane Avenue Gulf, DEE-3517

Dismissals

The following submissions were dismissed without prejudice:

Name, Case No.

Coastal Corp., BMR-0054
Howard's Exxon, BRW-0092
Valero Energy Corp., BES-0089, BEL-0062, BMR-0056

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 8, 1981.

[FR Doc. 81-17812 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed With the Office of Hearings and Appeals; Week of May 22 Through May 29, 1981

During the week of May 22 through May 29, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 8, 1981.

Submission of Cases Received by the Office of Hearings and Appeals

[Week of May 22 Through May 29, 1981]

Date	Name and location of applicant	Case No	Type of submission
May 22, 1981	Procter and Gamble Paper Products, Washington, D.C	BEA-06781	Appeal of Economic Regulatory Administration Order. If granted: The April 23, 1981, determination issued to Procter and Gamble Paper Products by the Economic Regulatory Administration would be modified. That determination denied the firm's request for automatic inclusion in the Petroleum Substitute Entitlements Program pursuant to 10 CFR 211.67(a)(5)(i)(D).
May 22, 1981	Freytag, Marshall, Beneke, LaForce (McConachie)	BFA-06791	Appeal of Information Request Denial. If granted: The April 20, 1981 Information Request Denial issued by the Southwest District Enforcement Office would be rescinded, and Freytag, Marshall, Beneke, LaForce would receive access to information in connection with the Department of Energy's audit of Teague Tank Trucks.
May 22, 1981	Marathon Oil Co./Mobil Oil Corp., Washington, D.C	BEX-02131	Request for Supplemental Order. If granted: The Proposed Decision and Order (Case No. BEE-0373) issued to Ashland Oil, Inc. would be rescinded.
May 26, 1981	Environmentalists, Inc., Columbia, SC	BFA-06801	Appeal of Information Request Denial. If granted: The April 30, 1981 Information Request Denial issued by the Savannah River Operations Office of the Department of Energy would be rescinded, and Environmentalists, Inc. would receive access to documents concerning the leakage of tritium.
May 26, 1981	OE/Gas Engine and Compressor Service	BEF-00541	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the August 28, 1979, Consent Order issued to Gas Engine and Compressor Service.
May 26, 1981	Pro Force Guards (A-76) Santa Fe, N. Mex	BAA-06811	Appeal of decision after a study to contract for guard force services. If granted: The decision of the DOE Albuquerque Operations Office to contract privately for guard force service for the Los Alamos Scientific Laboratory pursuant to OMB circular A-76, would be overturned.
May 26, 1981	Hobart Corporation, Washington, D.C	BES, BET-01631	Requests for Stay and Temporary Stay. If granted: Hobart Corporation would receive a stay and temporary stay of the April 28, 1981 Decision and Order (Case No. DEE-4459) issued to Hobart Corporation by the Office of Hearings and Appeals pending a final determination on its Appeal filed with the Federal Energy Regulatory Commission.

Submission of Cases Received by the Office of Hearings and Appeals—Continued

[Week of May 22 Through May 29, 1981]

Date	Name and location of applicant	Case No.	Type of submission
May 27, 1981	Boles, Billy, Darien, Ill	BFA-06821	Appeal of Information Request Denial. If granted: The April 29, 1981 Information Request Denial issued by the Chicago Operations & Regional Office would be rescinded, and Billy Boles would receive access to certain DOE information.
May 26, 1981	Little America Refining Company, Inc./Mobil Oil Corp., Washington, D.C.	BEJ-02011	Motion for Protective Order. If granted: Mobil Oil Corporation would enter into a Protective Order with Little America Refining Co. regarding the release of proprietary information to Mobil Oil Corp. in connection with Little America Refining Company's Application for Exception (Case No. BEE-1064).
May 26, 1981	Nieter, Dixon, Whitmore, Myers, & Koehlinger, Fort Wayne, Ind.	BFA-06831	Appeal of Information Request Denial. If granted: The May 4, 1981 Information Request Denial issued by the Office of Safeguards & Security, Defense Programs, DOE, would be rescinded, and Nieter, Dixon, Whitmore, Myers, and Koehlinger would receive access to Chapter 2 of the Entry Control Systems Handbook.
May 26, 1981	Mid-Atlantic Legal Foundation, Philadelphia, Pa	BCX-02141	Supplemental Order. If granted: The April 3, 1980, Decision and Order (Case No. BFA-0253) issued to Mid-Atlantic Legal Foundation by the Office of Hearings and Appeals would be modified in connection with the April 29, 1981, Order issued by the United States District Court for The Eastern District of Pennsylvania.
May 29, 1981	San Ann Service, Inc., Washington, D.C	BCX-02151	Supplemental Order. If granted: The December 5, 1979 Decision and Order (Case No. DEE-2330) issued to San Ann Service, Inc. by the Office of Hearings and Appeals would be modified in connection with the January 22, 1981 order issued by The Federal Energy Regulatory Commission.
May 29, 1981	Dunaway, McCarthy & Dye, Washington, D.C	BFA-06841	Appeal of Information Request Denial. If granted: The April 20, 1981 Information Request Denial issued by the Office of Enforcement would be rescinded, and Dunaway, McCarthy & Dye would receive access to certain DOE documents.
May 29, 1981	OE/S. H. Killingsworth, Washington, D.C	BRR-01411	Request for Modification/Rescission. If granted: The April 9, 1981, Decision and Order (Case No. BRO-06-0001) issued to the Estate of S. H. Killingsworth by the Southwest Regional Center, Office of Hearings and Appeals, would be modified regarding the interest rate on overcharges on crude oil sales.

Notices of Objection Received

[Week of May 22 to May 29, 1981]

Date	Name and location of applicant	Case No.
May 26, 1981	Golden Gate Petroleum Company, San Francisco, Calif	BEE-1644.
May 29, 1981	Placid Refining Company, Washington, D.C	BEE-1352.

[FR Doc. 81-17611 Filed 6-12-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS -51268; TS-FRL-1852-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of six PMN's and provides a summary of each.

DATES: Written comments by:
PMN 81-222, 81-224—July 7, 1981.
PMN 81-229, 81-230—July 10, 1981.
PMN 81-237, 81-238—July 12, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51268]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

PMN No., Notice Manager, Telephone, and Room No.

81-222, 81-224 and 81-238, Kathleen Ehrensberger, (202) 755-1150—E-335.
81-229, 81-230, and 81-237, Carrie Berlin, (202) 426-8816—E-221.

Mail address of notice managers: Chemical Control Division (TS-974), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-222

Close of Review Period. August 6, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—Between $100 million and $499,999,999.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—285, "Paints, Varnish, Lacquers, Enamels and Allied Products."

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Oligomer of alkanedioic acid, dimer fatty acids, substituted and unsubstituted alkanediols, and benzene dicarboxylic acids.

Use. The manufacturer states that the PMN substance will be used in an industrial use as a thermoset polymer for coating metal surfaces.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1981	10,000	40,000
1982	20,000	60,000
1983	30,000	80,000

Physical/Chemical Properties.
Physical appearance—Semisolid polymeric material at room temperature.
Solubility:
Xylene—soluble.
Water—Insoluble.
Vapor pressure (polymer)—Negligible.

Viscosity (polymer) (Gardner-Holdt)—Z–2.
Color (polymer) (Gardner)—4–5.
Percent solid-polymer solution in xylene—85.

Toxicity Data. No data were submitted.

Exposure. The submitter states that in the manufacturing site, ten workers involved in the manufacture, processing, and disposal of the new substance will have potential skin exposure ranging from .25 to 10 hr/da, 4 to 26 da/yr at an average concentration of 1 to 10 mg/m³ during sampling, filtering, and drumming operations. In a user's site, seven workers may have skin and inhalation exposure, .25 to 4 hr/da, 26 to 40 da/yr at average concentration of 1 to 10 mg/m³.

Evironmental Release/Disposal. The submitter estimates that in both the manufacturer's and user's sites, less than 200 kg/yr may be released to land; less than 10 kg/yr to air, 4 hr/da, 40 da/yr. Water of esterification will be removed to a licensed treatment facility; filter media and byproducts generated during the curing process will be removed by a licensed hauler to a secure landfill.

PMN 81–224

Close of Review Period. August 6, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Manufacturing site—Middle Atlantic U.S.
Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Neutralized polymer of styrene, alkyl acrylates, and substituted alkyl methacrylates.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 50 but less than 500 kg per year with low potential for skin, eye, and inhalation exposure to nonchemical industry employees and essentially none to consumers.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	8,000	60,000
2d year	8,000	80,000
3d year	8,000	100,000

Physical/Chemical Properties.
Percent total solids—26.0% at 105°C.
Viscosity—50–200 cps.
Milliequivalents acid—0.261 MEQ/gm.
Milliequivalents base—0.198 MEQ/gm.
Percent free monomer—<0.1.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 2 sites, 84 manufacturing workers could have skin and eye exposure to the new chemical for 6 hr/da, 10 to 11 da/yr, during sampling for quality control and filling shipment or storage containers. At the site of a typical user, 15 workers will have skin and eye exposure for 3 hr/da, 250 da/yr.

Environmental Release/Disposal. The manufacturer states that at 2 manufacturing sites, less than 40 kg per year of the new chemical will be released into the air and water and up to 1,100 kg per year into the land. At the site of a typical user, less than 20 kg per year will be released into the air and land and up to 1,000 kg per year intermittently into the water of a plant-owned water treatment works. Vapors will be passed through a scrubber; sludge from distilled cleaning solvent will be incinerated, sold as fuel, or landfilled.

PMN 81–229

Close of Review period. August 9, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided.
Annual sales—In excess of $500 million.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—2821.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Polymer of aliphatic polyols, carbomonocyclic anhydrides, and aromatic diacid.

Use. The manufacturer states that the PMN substance will be used in a site-limited use as coatings.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	200,000	250,000
2d year	200,000	250,000
3d year	200,000	250,000

Physical/Chemical Properties.
Molecular weight—1,880.
Acid number—5–10.
Hydroxyl number—160–170.
Weight/gallon—9.8 lbs.

Toxicity data. No data were submitted.

Exposure. The manufacturer states that at two sites workers will be exposed to the new substance.

Environmental Release/Disposal. The manufacturer states that there will be no release of the chemical into the air, land, or water. Water from the condenser will be collected and shipped to a disposal firm for incineration.

PMN 81–230

Close of Review Period. August 9, 1981.

Manufacturer's Identity. claimed confidential business information.
Organizational description provided:
Annual sales—In excess of $500 million.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—2821.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Polyester of aliphatic polyols and aliphatic and aromatic diacids.

Use. The manufacturer states that the PMN substance will be used in a site-limited use as coatings.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	400,000	500,000
2d year	400,000	500,000
3d year	400,000	500,000

Physical/Chemical Properties.
Molecular weight 3,100.
Acid number—6–10.
Hydroxyl number—110–120. Weight/gallon—9.5 lbs.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that there will be no worker exposure to tne new substance.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that there will be no worker exposure to the new substance.

Environmental Release/Disposal. The manufacturer states that there will be no release of the chemical into the air, land, or water. Water from the condenser will be collected and shipped to a disposal firm for incineration.

PMN 81–237

Close of Review Period. August 11, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—In excess of $500 million.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Organohalo modified silica.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 5,000 but less than 50,000 kg per year into the environment with potential skin, eye, and inhalation exposure of nonchemical industrial employees.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.
Nonvolatile—60 percent.
Weight/gallon—8.0 lbs.
Molecular weight (estimate)—1,500–2,000.
Acid value—3.6 max. (solids); 6.0 max. (solution).
Flash Point—105°F.
Boiling range—300–360°F.
Viscosity—W–Y at 60 percent NV; C–F at 40 percent NV.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that 2,006 workers manufacturing, processing, and using the new chemical could have skin and inhalation exposure for 8 hr/da, 11 to 36 da/yr, during sampling and cleanup operations resulting from accidental spills. Because the new substance is manufactured in a closed system, exposure of manufacturing workers will be minimal.

Environmental Release/Disposal. No data were submitted. The manufacturer states that the majority of the new chemical released will be a landfill.

PMN 81–238

Close of Review Period. August 11, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided: Annual sales—In excess of $500 million. Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—283.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyhalo alkanoic acid chloride.

Use. The manufacturer states that the PMN substance will be used in a site-limited, industrial use as a captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.
Boiling point—38°C.
Flash point— <0.C.

Toxcity Data. No data were submitted. The manufacturer states that the PMN substance is toxic and reacts with body water to form hydrochloric acid, precluding health effects testing.

Exposure. The submitter states that two manufacturing workers will have skin and inhalation exposure for 2 hr/da, 10 da/yr, during mixing and transferring operations.

Environmental Release/Disposal. The manufacturer states that negligible amounts of the new substance will be released into the air, land, and water. Vapors will be condenses; liquids will be incinerated.

Dated: June 8, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-17624 Filed 6-12-81; 8:45 am]

BILLING CODE 6560-31-M

[A-3-FRL 1845-7a]

Full Delegation of Authority for the Prevention of Significant Deterioration of Air Quality

AGENCY: Environmental Protection Agency.

ACTION: Information notice.

SUMMARY: Section 301 in conjunction with Sections 101 and 110 of the Clean Air Act Amendments of 1977 authorizes the Administrator to delegate his authority to implement and enforce the Prevention of Significant Deterioration of Air Quality (PSD) regulations to any State which has submitted adequate implementation and enforcement procedures. The Delaware Department of Natural Resources and Environmental Control submitted to the EPA Region III office a request that EPA relinquish to them its responsibility for implementing and enforcing the PSD program. After a thorough review of the request and available information, the Regional Administrator determined that such delegation is appropriate with the conditions set forth in the letter reproduced below.

The rule published elsewhere in this issue of the **Federal Register** institutes an address change for the implementation of the technical and administrative review and enforcement of PSD provisions.

EFFECTIVE DATE: June 15, 1981.

ADDRESSES: Copies of the delegation of authority request and accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III Curtis Building, Tenth Floor, Sixth & Walnut Streets, Phiadelphia, Pennsylvania 19106, ATTN: Robert J. Blaszczak (3AH13), (215) 597–8186 or FTS 597–8186

Air Resources Section, Division of Environmental Control, Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, P.O. Box 1401, Dover, Delaware 19901.

FOR FURTHER INFORMATION CONTACT: Robert J. Blaszczak at (215) 587–8186 or FTS 597–8186.

SUPPLEMENTARY INFORMATION: On January 5, 1981, EPA Region III received a letter from the Delaware Department of Natural Resources, which submitted for approval revisions to Delaware State Implementation Plan, including regulations for PSD, and requested full delegation of authority for the implementation and enforcement of the PSD program until such time as the proposed regulations would be promulgated. This notice deals only with the delegation of authority for the PSD program. The PSD regulations submitted by Delaware will be addressed in a separate notice of proposed rulemaking.

After a thorough review of the request for full PSD program delegation, the Regional Administrator has determined that such delegation is appropriate subject to the conditions set forth in the following official letter to the Secretary of the Delaware Department of Natural Resources and Environmental Control. Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator has formally notified the Secretary of the Delaware Department of Natural Resources and Environmental Control by the following letter that he relinquishes full PSD regulatory authority to the State of Delaware as of the publication date of this notice. The Regional Administrator finds good cause for making this delegation of authority effective immediately in that it is an administrative change and not one of substantive content.

Mr. John E. Wilson III, Secretary, Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, P.O. Box 1401, Dover, Delaware

Dear Mr. Wilson: Thank you for your December 29, 1980, request for delegation of authority to implement the Prevention of Significant Deterioration (PSD) regulations. The intent of the request and the following delegation is to reduce duplicate PSD permit reviews by our respective agencies and to provide prospective applicants with only one agency to deal with in obtaining a construction permit.

We have reviewed the pertinent laws of the State of Delaware and the rules and regulations thereof, and have determined that they provide an adequate and effective procedure for full implementation of PSD.

We have also reviewed the procedures for new source review of the State of Delaware

and have determined that they provide an adequate and effective procedure for the implementation of all the portions of the PSD program. Therefore, pursuant to 40 CFR 52.21(u), we hereby delegate our authority for all portions of the Federal PSD program, as described in 40 CFR 52.21, as amended August 7, 1980, to the State of Delaware as follows:

1. Authority is delegated for all sources located in the State of Delaware subject to review for the Prevention of Significant Deterioration. This includes all source categories listed in 40 CFR section 52.21 for each pollutant regulated by the Clean Air Act.

2. If at any time there is a conflict between a State regulation and a Federal regulation (40 CFR 52.01 and 52.21), the Federal regulation must be applied if it is more stringent than that of the State. If the State does not have the authority to implement a Federal regulation that is more stringent than the applicable State regulation, the pertinent portion of the authority may be revoked.

3. If the Regional Adminstrator determines that the State procedure for implementing all the portions of the PSD program is inadequate, or is not being effectively carried out, this authority may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Delaware Department of Natural Resources and Environmental Control.

4. The State of Delaware will ensure through its interstate intergovernmental cooperation procedures, that all potential source interactions along State boundaries are properly determined.

5. Enforcement of PSD in the State of Delaware will be the primary responsibility of the Delaware Department of Natural Resources and Environmental Control. If the State determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms of this granted authority, EPA will exercise its concurrent enforcement authority pursuant to Sections 113 and 1167 of the Clean Air Act with respect to sources within the State of Delaware subject to PSD requirements. In accordance with 40 CFR 52.21(r) and Sections 113 and 167 of the Clean Air Act, 42 U.S.C. 7413 and 7477, EPA reserves the right to commence an enforcement action against any entity in violation of the Prevention of Significant Air Quality Deterioration regulations should the State of Delaware fail to take such an enforcement action or, in the opinion of EPA, fail to pursue a timely or appropriate enforcement action.

6. Acceptance of this delegation of presently promulgated PSD regulations does not commit the State of Delaware to request or implement enforcement authority for future standards and requirements.

7. The State and EPA will develop a system of communication sufficient to guarantee a program that includes the items described below:

A. Each agency is informed of the current compliance status of subject sources in the State of Delaware.

B. The Delaware Department of Natural Resources and Environmental Control shall send a copy of preliminary determinations and public comment notices required under paragraph (q) of 40 CFR 52.21 to the Air and Hazardous Materials Division, EPA Region III, at the same time the notice is being forwarded for publication in the newspaper.

C. The Delaware Department of Natural Resources and Environmental Control will forward to EPA Region III copies of the final PSD permit at the time of issuance.

D. The status of incomplete permit applications will be provided to EPA Region III on an as needed basis.

8. Prior EPA concurrence is to be obtained on any matter involving the interpretatin of sections 160–169 of the Clean Air Act or 40 CFR section 52.21 to the extent that implementation, review, administration or enforcement of these sections have not been covered by determinations or guidance sent to the Delaware Department of Natural Resources and Environmental Control.

9. Where it is convenient to both the Delaware Department of Natural Resources and Environmental Control and EPA and a benefit to the applicant, any PSD reviews already initiated by EPA prior to this delegation shall be transferred to the Delaware Department of Natural Resources and Environmental Control for completion.

10. Enforcement actions already initiated by EPA prior to this delegation of authority shall be completed by EPA.

11. A notice announcing these actions will be published in the **Federal Register** in the near future. This delegation of authority shall be effective as of the publication date of that notice. The notice will state, among other things, that effective immediately, all reports required pursuant to PSD by sources located in the State of Delaware will be reviewed and final permit approval action and enforcement will be taken by the Delaware Department of Natural Resources and Environmental Control.

This delegation of authority should not be construed as a transfer of PSD responsibility under Section 110(a)(2)(J) of the Clean Air Act. The PSD regulations which were submitted for approval with your December 29, 1980 request were submitted in accordance with that section but will be addressed in a separate action. This delegation of authority, subject to the conditions stated herein, will remain in force until Delaware's PSD regulations are approved by EPA.

There is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State will be deemed to have accepted all of the terms as stated herein.

Sincerely yours,

Jack J. Schramm,

Regional Administrator.

Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This delegation of authority is not "major." This action only approves state actions, and imposes no new requirements of its own.

This delegation of authority was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effective immediately, all applications and other information pursuant to § 51.21 from sources locating in the State of Delaware but not having a PSD permit application currently under review by EPA should be submitted to the State agency at the following address: Air Resources Section, Division of Environmental Control, Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, P.O. Box 1401, Dover, Delaware 19901.

(42 U.S.C. 7401, 7410, and 7601)

Dated: June 8, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-17843 Filed 6-12-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81-379; File No. 20728-CD-P-(1)-81]

Altoona Telephone Message Center; Designating Application For Hearing on Stated Issues

In re application of Irving Seltzer d.b.a. Altoona Telephone Message Center, for a construction permit for an additional channel, frequency 152.21 MHz, for Station KGC588 in the Domestic Public Land Mobile Radio Service at Altoona, Pennsylvania, CC Docket No. 81-379, File No. 20728-CD-P-(1)-81.

Memorandum Opinion and Order

Adopted June 5, 1981.

Released June 8, 1981.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, is the above-referenced application of Irving Seltzer, d/b/a Altoona Telephone Message Center (Seltzer). Our review of the Seltzer application has raised a question concerning whether the applicant has demonstrated a need for an additional frequency. We find Seltzer to be otherwise qualified.

2. Seltzer has submitted a traffic loading study pursuant to section 22.516 of the Rules in an attempt to demonstrate need for the additional two-way frequency it requests. Seltzer has not shown that it is holding any order for additional units and the loading study submitted does not demonstrate sufficient traffic to justify

an additional frequency. The traffic loading study shows average peak hour usage of only approximately 23 minutes. As a result, we will designate an issue as to whether the applicant has demonstrated a need for an additional frequency.

3. Accordingly, it is ordered, that the above-referenced application of Irving Seltzer, d/b/a Altoona Telephone Message Center, File No. 20728–CD–P–(1)–81 is designated for hearing, pursuant to Section 309(e) of the Communications Act of 1934, as amended, upon the following issue:

(a) To determine whether the applicant has demonstrated a sufficient public need for the proposed facility.

4. It is further ordered, that the hearing be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. It is further ordered, that the applicant may avail itself of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81–17754 Filed 6–12–81; 8:45 am]

BILLING CODE 6712–01–M

[BC Docket No. 81–378; File No. BPH–10024]

Withers Broadcasting Co. (KGMO–FM); Designating Application for Hearing on Stated Issues

In re application of W. Russell Withers, Jr., James K. Withers, Ruth H. Withers, and Waldo R. Withers, d.b.a Withers Broadcasting Company (KGMO–FM), Cape Girardeau, Missouri, Has: 100.7 MHz, Channel 264 28.5 kW (H&V), 170 feet, Req: 100.7 MHz, Channel 264 100kW (H&V), 345 feet, for a construction permit to modify existing facility, BC Docket No. 81–378, File No. BPH–10024.

Adopted: June 1, 1981.

Released: June 8, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned application.

2. By Aeronautical Study No. 76–CE–263–OE, issued on December 30, 1976, the Federal Aviation Adminstration determined that the applicant's proposed construction would be a hazard to air navigation. In rendering its determination, the FAA observed that:

> • • • (T)he potential electromagnetic interference would adversely affect a significant volume of traffic. Though the electromagnetic interference is based on a theoretical analysis, experience at several locations throughout the national air space system has proven 100kW transmissions to be a real and serious problem. Therefore, on the basis of the potential electromagnetic interference, this proposed construction will be considered a hazard to air navigation unless aircraft navigational and communications equipment is found to be unaffected by FM transmissions from this tower.

Accordingly, an appropriate issue will be specified.

3. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, since the proposed construction has an air hazard determination by the FAA, it must be designated for hearing in a proceeding on the issues specified below.

4. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the proposed construction by the applicant would constitute a hazard to air navigation.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience and necessity.

5. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

6. It is further ordered, that, in the event of a grant of this application, the construction permit shall contain the following condition:

> During installation of the FM antenna, KGMO–AM shall determine operating power by the indirect method and shall maintain the directional antenna system as closely as possible to values appearing in the license. Upon completion of the installation, KGMO–AM shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged. If there is any change in the antenna or common point resistance, KGMO–AM shall submit Form 302 to report the change. Data submitted shall include a sketch of the combined installation. This does not constitute authority to change the antenna system of Station KGMO–AM.

7. It is further ordered, that to avail itself of the opportunity to be heard, the applicant herein shall, pursuant to § 1.221(c) of the Comission's rules, in person or by attorney, within 20 days of the mailing of this Order, file, in triplicate, with the commission a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is ordered, that the applicant herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by §73.3594(g) of the rules.

Federal Communications Commission

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81–17753 Filed 6–12–81; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket No. 80–286; FCC 81–260]

Federal-State Joint Board on Jurisdictional Separations, Appointment of Member

AGENCY: Federal Communications Commission.

ACTION: Appointment of new member to the Federal-State Joint Board on jurisdictional separations.

SUMMARY: Edward F. Burke, Chairman of the Rhode Island Public Utilities Commission, is appointed to fill a vacancy on the Board. This action is necessitated by the departure of Commissioner Edward M. Parsons, Jr. from the Wisconsin Public Service Commission.

DATES: This action is effective June 5, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C 20554.

FOR FURTHER INFORMATION CONTACT: Claudia Pabo, Policy and Program Planning Division, Common Carrier Bureau (202–632–9342).

SUPPLEMENTARY INFORMATION:

Third Supplemental Notice

Adopted: June 5, 1981.

Released: June 5, 1981.

By the Commission:

1. On June 11, 1980, the Commission instituted a proceeding to amend Part 67 of the Commission's Rules concerning

jurisdictional separations and established a Federal-State Joint Board purusant to Section 410 (c) of the Communications Act to develop the relevant revisions. *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board*, CC Docket No. 80–286, 78 FCC 2d 837 (1980). By subsequent Notices the Commission appointed the members of the Joint Board and designated the Chairman. 82 FCC 2d 157 (1980); FCC 81–64, released February 19, 1981.

2. Edward F Burke, Chairman of the Rhode Island Public Utilities Commission, is appointed to fill the vacancy created by the departure of Commissioner Edward M. Parsons from the Wisconsin Public Service Commission. Chairman Burke was nominated for this position by the National Association of Regulatory Utility Commissioners.

3. Accordingly, it is ordered, That Edward F. Burke, Chairman of the Rhode Island Public Utilities Commission, IS APPOINTED to the Joint Board.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-17698 Filed 6-12-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

[Docket No. FEMA REP-4-NC-1]

State of North Carolina Site Specific Radiological Emergency Response Plan for Duke Power Company's McGuire Nuclear Powered Electric Generating Plant

ACTION: Certification of FEMA Findings and Determination.

In accordance with the FEMA Rule, 44 CFR Part 350 (proposed), on November 6, 1980, the State of North Carolina submitted its plan to the Director of Region IV for review and approval. The Regional Director has forwarded his statement of findings and determination to the Associate Director for Plans and Preparedness on the subject plan and the associated facility, dated March 20, 1981, in accordance with 350.11 of the proposed Rule. Included in these findings and determination are an evaluation of the State plan and the associated local plans for the McGuire facility, an evaluation of the exercise, with a State response, of the exercise conducted on December 5–6, 1980, at the McGuire facility in accordance with 350.9 of the proposed Rule, and a report of the public meeting held on December 4, 1980, to explain the site specific aspects of the State and local plans in accordance with 350.10 of the proposed Rule.

Based on this statement by the Regional director and the review of FEMA Headquarters staff, the Acting Associate director finds and determines that, subject to the condition stated below, the State plans and preparedness including the local plans and preparedness for the McGuire Facility are adequate to protect the health and safety of the public living in the vicinity of the McGuire facility by providing reasonable assurance that appropriate protective measures can and will be taken off-site in the event of a radiological emergency and are capable of being implemented. The condition is that the public alerting and notification system be brought up to the standards set forth in Appendix 3 of Nuclear Regulatory Commission (NRC)/FEMA criteria (NUREG–0654/FEMA–REP–1, Revision 1) by July 1, 1981.

Other deficiencies were noted, however, they were minor in nature and were more concerned with process than with preparedness.

FEMA will continue to review the status of plans and preparedness of the State and the localities associated with Plant McGuire in accordance with 350.13 of the proposed Rule.

For further details with respect to this action, refer to the FEMA docket file maintained by the Regional director at 1375 Peachtree Street, NE, Atlanta, Georgia 30309.

Dated: June 4, 1981.

For the Federal Emergency Management Agency.

Robert E. Young,

Acting Associate Director for Plans and Preparedness.

[FR Doc. 81-17591 Filed 6-12-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. 10270–2 and 10420]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 10270–2 is a rate agreement among the members of the Gulf European Freight Association. The members propose to extend the term of the basic agreement which has been in effect since September 8, 1978. There would be no change in the service, operations or facilities involved in the proposal.

Agreement No. 10420 permits American President Lines, Ltd., Lykes Brothers Steamship Company, Inc., Sea-Land Service, Inc., United States Lines, Inc., and Waterman Steamship Corporation to charter vessel capacity from each other in their Far East services on a space available/required basis. There is no minimum chartering requirement or fixed service obligations.

The Findings of No Significant Impact (FONSI) will become final within 20 days unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-17608 Filed 6-12-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

First Interstate International of California; Relocation of Head Office and Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

First Interstate International of California (formerly United California Bank International), New York, New York, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under section 211.4(c) (1) of the Board's Regulation K (12 C.F.R. § 211.4(c) (1)), to relocate the head office of the corporation from New York City, New York, to Los Angeles, California, and to establish a branch in New City to assume the activities of the existing head office. First Interstate International of California operates as a subsidiary of First Interstate Bank of California (formerly United California Bank), Los Angeles, California.

The factors that are to be considered in acting on this application are set forth in section 211.4(a) of the Board's Regulation K (12 C.F.R. § 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 3, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17554 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

First Wisconsin International Bank; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

First Wisconsin International Bank, Milwaukee, Wisconsin, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under section 211.4(c)(1) of the Board's Regulation K (12 CFR § 211.4(c)(1)), to establish a branch in Miami, Florida. First Wisconsin International Bank operates as a sibsidiary of First Wisconsin National Bank of Milwaukee, Milwaukee,Wisconsin.

The factors that are to be considered in acting on this application are set forth in section 211.4(a) of the Board's Regulation K (12 CFR § 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17555 Filed 6-12-81; 8:45 am]

BILLING CODE 6201-01-M

Independent Bankshares Corp.; Acquisition of Bank

Independent Bankshares Corporation, San Rafael, California, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent or more of the voting shares of Vaca Valley Bank, Vacaville, California. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17556 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Industrial Bancshares, Inc. and Valley View Bancshares, Inc.; Acquisition of Bank

Industrial Bancshares, Inc., Kansas City, Kansas, and Valley View Bancshares, Inc., Overland Park, Kansas, have each applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 50 per cent of each of two classes of shares of Centennial Bancshares, Inc., Overland Park, Kansas, and thereby acquire indirect control of Centennial Bank and Trust, Mission, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank ot be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17557 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Southern Bancorporation of Alabama; Acquisition of Bank

Southern Bancorporation of Alabama, Birmingham, Alabama, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire at least 80 percent of the voting shares of Auburn Bank and Trust Company, Auburn, Alabama. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17558 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

St. Joseph Bancorporation, Inc.; Formation of Bank Holding Company

St. Joseph Bancorporation, Inc., South Bend, Indiana, has applied for the Board's approval under § 3(a) of the Bank Holding Company Act (12 U.S.C § 1842(a)) to become a bank holding company through merger with St. Joseph Agency, Inc., South Bend, Indiana, and by acquiring 100 percent of the voting

shares of the successor by merger of St. Joseph Bank and Trust Company, South Bend, Indiana, and Central State Bank of Lakeville, Lakeville, Indiana. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

St. Joseph Bancorporation, Inc., South Bend, Indiana, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of St. Josepth Mortgage Company, Inc., South Bend, Indiana, and St. Joseph Lease Capital Corporation, Alexandria, Virginia.

Applicant states that St. Joseph Mortgage Co., Inc. proposes to engage in the origination, acquisition, sale and servicing of residential, commercial and industrial mortgage loans, the origination of construction and development loans, and the sale of credit life and credit accident and health insurance in connection with such extensions of credit. These activities will be performed from offices of Applicant's subsidiary in Ft. Wayne, Indianapolis, Merrillville and South Bend, Indiana and Park Forest and Hanover Park, Illinois, and the geographic areas to be served are Illinois, Indiana and Michigan. Applicant states that St. Joseph Lease Capital Corporation would engage in the leasing of personal property or acting as agent or advisor in leasing such property. These activities would be performed from offices of Applicant's subsidiary in South Bend, Indiana, and Alexandria, Virginia, and the geographic areas to be served are nationwide. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than July 3, 1981.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17559 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Agri Bancorporation; Acquisition of Bank

Agri Bancorporation, Holyoke, Colorado, formerly known as Holyoke Agency, Inc., Holyoke, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Sedgwick County Bank, Julesburg, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at ■ hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17711 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Dakota Bankshares, Inc.; Acquisition of Bank

Dakota Bankshares, Inc., Fargo, North Dakota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 19.1 percent or more of the voting shares of Liberty National Bank and Trust Company, Dickinson, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[Fr Doc. 81-17712 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than July 3, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02105:

FIRST NATIONAL BOSTON CORPORATION, Boston, Massachusetts (data processing activities; Maine): to engage through its subsidiary, FBC, Inc., in providing bookkeeping and data processing services, including storing and processing banking, financial, or related data, to banks and other financial institutions. These activities would be conducted from an office in Augusta, Maine, serving the State of Maine.

B. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Citicorp, New York, New York (consumer finance; California): to expand the activities of an approved office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., to engage in the servicing, for any person, of loans and other extensions of credit. This activity will be conducted from an office located in San Jose, California, serving San Mateo, Santa Clara and Alameda Counties, California. Comments on this application must be received not later than June 25, 1981.

2. Key Banks, Inc., Albany, New York (data processing; New York): proposes to engage through its subsidiary, Keycard Corp., in the servicing of loans and other extensions of credit and providing bookkeeping or data processing services and storing and processing banking, financial or related data for nonaffiliated banking organizations and others. The activities will include performing accounts receivable or payable or billing services in connection with the debit and/or credit card operations of banks, creating and maintaining appropriate computer records of bank merchant and cardholder customers, posting transactions, preparing and reconciling statements, mailing statements, producing and mailing debit and/or credit cards, providing authorization service to merchants, and handling normal customer and merchant inquiries and problems.

The activities will be performed from an office in Albany, New York. The geographic area that will be served includes all of New York State except for the New York City metropolitan area and the counties of Erie, Chautauqua, Niagara, Orleans, Monroe, Wayne, Genesee, and Wyoming in the western part of the State.

3. Manufacturers Hanover Corporation, New York, New York (finance and insurance activities; Arizona): to engage through its subsidiary, Termplan Incorporated of Arizona, in consumer and sales finance activities and in home equity lending activities; and in the activity of selling credit life, accident, health, and property insurance. These activities would be conducted from an office in Phoenix, Arizona, serving Maricopa, Yavapai, Gila, and Pinal Counties, Arizona, and in Tuscon, Arizona, serving Pima, Pinal, Graham, Cochise, and Santa Cruz Counties, Arizona.

4. Manufacturers Hanover Corporation, New York, New York (home equity lending, sales finance activities and insurance activities; New Jersey): to engage through a *de novo* office of Investors Loan Corporation of New Jersey, and Investors Mortgage Company of New Jersey, in arranging, making or acquiring for its own account or for the account of making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit, and through its subsidiary Tempco Life Insurance Company reinsuring such credit life insurance; and purchasing installment sales finance contracts, acting as an ageny or broker for the sale of single and joint credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit, and through its subsidiary Tempco Life Insurance Company reinsuring such credit life and accident and health insurance. These activities would be conducted from a *de novo* office of Investors Loan Corporation of New Jersey and Investors Mortgage Company of New Jersey located in Linwood, New Jersey, and serving the following counties: southern Gloucester, southern Camden, Atlantic, eastern Salem, Cape May, Cumberland, southern Burlington, and southern Ocean.

5. Manufacturers Hanover Corporation, New York, New York (home equity lending, sales finance activities and insurance activities; Pennsylvania): to engage through a *de novo* office of Ritter Consumer Discount Company, Inc., of Pennsylvania, and Ritter Mortgage Company of Pennsylvania in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, acting as an agent or broker for the sale of single credit life insurance which is directly related to such loans and extensions of credit, and through its subsidiary Ritter Life Insurance Company reinsuring such credit life insurance; and purchasing installment sales finance contracts, acting as an agent or broker for the sale of single credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit, and through its subsidiary Ritter Life Insurance Company reinsuring such credit life and accident and health insurance. These activities would be conducted from a *de novo* office of Ritter Consumer Discount Company, Inc. of Pennsylvania and Ritter Mortgage Company of Pennsylvania located in Trevose, Pennsylvania, and serving the following counties: Philadelphia, Montgomery, Chester, eastern Berks, southern Lehigh, Bucks, and southern Northampton.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Bankamerica Corporation, San Francisco, California (financing, servicing and insurance activities; Tennessee, Alabama, Georgia): to continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, a Tennessee corporation, in the activities of making or acquiring for its own accounts loans and other extensions of credit such as will be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life, credit-related accident and health and credit-related property insurance. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans secured by real and personal property; and the offering of credit-related life, accident and health and property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation.

These activities will be conducted from an existing office in Chattanooga, Tennessee, serving the entire State of Tennessee and the counties of Whitefield and Murray in Georgia, and the counties of De Kalb and Jackson in Alabama.

D. *Other Federal Reserve Banks.* None.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17714 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens Deposit Bancshares, Inc.; Formation of Bank Holding Company

Citizens Deposit Bancshares, Inc., Calhoun, Kentucky, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92 percent or more of the voting shares of Citizens Deposit Bank, Calhoun, Kentucky. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17702 Filed 6-12-81; 8:45 am]

BILLING CODE 6010-01-M

Eden Bank Holding Co., Inc.; Formation of Bank Holding Company

Eden Bank Holding Company, Inc., Eden, South Dakota, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Eden, Eden, South Dakota. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June [illegible], 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17703 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Fall River Bankshares, Inc.; Formation of Bank Holding Company

Fall River Bankshares, Inc., Fall River, Kansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 82.3 percent or more of the voting shares of Fall River State Bank, Fall River, Kansas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17713 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Howe Financial Corp.; Formation of Bank Holding Company

Howe Financial Corporation, Howe, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares, less directors' qualifying shares, of Howe State Bank, Howe, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17704 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Lac Qui Parle Bancorporation, Inc.; Formation of Bank Holding Company

Lac Qui Parle Bancorporation, Inc., Boyd, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94 percent or more of the voting shares of State Bank of Boyd, Boyd, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17705 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Meeker Bancshares, Inc.; Formation of Bank Holding Company

Meeker Bancshares, Inc., Meeker, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Meeker, Meeker, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17708 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Northwest Bancorporation; Proposal To Engage in Activity of Providing Audit Services to Nonaffiliated Banks

Northwest Bancorporation, Minneapolis, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage *de novo* through its subsidiary, Banco Incorporated, in the activities of providing audit services to nonaffiliated banks.

These activities would be performed from offices of Applicants subsidiary in Minneapolis, Minnesota, and the geographic areas to be served are the States of Colorado, Idaho, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. Such activities have been specified by the Board in section 225.4(a)(12) of Regulation as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such a greater convenience, increased competition, or gains in efficinecy, that outweigh possible advers effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 3, 1981.

Board of Governors of the Federal Reserve System, June 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17715 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Peoples Exchange Bancorp, Inc.; Formation of Bank Holding Company

June 8, 1981.

Peoples Exchange Bancorp, Inc., Beattyville, Kentucky, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent of the voting shares of Peoples Exchange Bank, Beattyville, Kentucky. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Pittsburgh International Bank; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Pittsburgh International Bank, Pittsburgh, Pennsylvania, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under section 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in Los Angeles, California. Pittsburgh International Bank operates as a subsidiary of Pittsburgh National Bank, Pittsburgh, Pennsylvania.

The factors that are to be considered in acting on this application are set forth in section 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17716 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Rainsville Holding Co., Inc.; Formation of Bank Holding Company

Rainsville Holding Company, Inc., has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Rainsville Bank, Rainsville, Alabama. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17708 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Republic National Bancshares, Inc.; Acquisition of Bank

Republic National Bancshares, Inc., Houston, Texas, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Republic National Bank—Westheimer, Houston, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17709 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Weatherford Bancshares, Inc.; Acquisition of Bank

Weather Bancshares, Inc., Weatherford, Texas, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of First National Bank of Azle, Azle, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17710 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council; Solicitation of Nominations for Membership

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Solicitation of nominations for membership on the Board's Consumer Advisory Council.

SUMMARY: The Board is asking the public to nominate qualified individuals for nine appointments to its Consumer Advisory Council.

DATE: Nominations should be received by August 17, 1981.

ADDRESS: Nominations including the name, address, and telephone number of the nominee should be mailed to Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: Ann Marie Bray, Staff Assistant, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3867.

SUPPLEMENTARY INFORMATION: The Consumer Advisory Council was established by the Congress in 1976 to advise the Board on the exercise of its duties under the Consumer Credit Protection Act and on other consumer-related matters. The Council by law represents the interests of both consumers and the financial community. The Board, therefore, is particularly seeking candidates who are familiar with issues in the area of consumer credit and other financial services. Members serve three-year terms that are staggered to provide the Council with continuity, and generally one-third of the Council's 30 members are appointed each year.

Nine new members will be selected this fall, to replace members whose terms expire on December 31, 1981. The Council's membership is intended, to the extent possible, to represent all interests in the area of consumer financial services regulations. The Board's appointments are also made with a view toward complementing the qualifications of continuing Council members in terms of affiliation and geographic representation. Since each year the nominees generally number in the hundreds, many highly qualified and interested individuals will not have the opportunity to serve. Similarly, it is not possible for every interested group to be represented.

The Council meets four times a year for approximately a day and a half. Council members who are not federal employees are paid $100 for each day spent attending or traveling to and from meetings.

Nominations should be submitted in writing to Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and must be received no later than August 17, 1981. Nominations should include the name, address and telephone number of the nominee, past and present positions held, and special knowledge, interests, or experience relating to consumer matters. This information will be made available for public inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

The names and affiliations of current Council members (and the expiration date of their term of office) follow:

Chairman

Ralph Rohner, Professor, Catholic University Law School, Washington, D.C., December 31, 1981

Vice Chairman

Charlotte H. Scott, Professor of Business, Administration and Commerce, University of Virginia, Charlottesville, Virginia, December 31, 1982

Arthur F. Bouton, President-elect, American Association of Retired Persons, Little Rock, Arkansas, December 31, 1983

Julia H. Boyd, Alexandria, Virginia, December 31, 1983
Ellen Broadman, Attorney, Consumers Union, Washington, D.C., December 31, 1982
James L. Brown, Director, Center for Consumer Affairs, Milwaukee, Wisconsin, December 31, 1981
Mark E. Budnitz, Associate Professor, Emory University School of Law, Atlanta, Georgia, December 31, 1981
Joseph N. Cugini, President & General Manager, Westerly Community Credit Union, Westerly, Rhode Island, December 31, 1983
Richard S. D'Agostino, Senior Vice President, Girard Bank, Philadelphia, Pennsylvania, December 31, 1982
Susan Pierson De Witt, Assistant Attorney General and Chief of Consumer Protection, State of Illinois, Springfield, Illinois, December 31, 1983
Joanne Faulkner, Attorney, New Haven Legal Assistance Association, Inc., New Haven, Connecticut, December 31, 1982
Luther R. Gatling, President, Budget & Credit Counseling Service, New York, New York, December 31, 1983
Vernard W. Henley, President, Consolidated Bank and Trust Company, Richmond, Virginia, December 31, 1982
Juan Jesus Hinojosa, Partner, Hinojosa & Ortiz, McAllen, Texas, December 31, 1982
Shirley T. Hosoi, Vice President, Strategic Planning, First Interstate Bancorporation, Los Angeles, California, December 31, 1982
George S. Irvin, President, George Irvin Chevrolet, Denver, Colorado, December 31, 1983
F. Thomas Juster, Director, Institute for Social Research, Survey Research Center, University of Michigan, Ann Arbor, Michigan, December 31, 1982
Richard F. Kerr, Cincinnati, Ohio, December 31, 1981
Harvey M. Kuhnley, President and Chairman of the Board, Twin City Federal Savings & Loan Association, Minneapolis, Minnesota, December 31, 1981
Robert J. McEwen, S.J., Professor of Economics, Boston College, Chestnut Hill, Massachusetts, December 31, 1982
Stanley L. Mularz, President, Trans Union Credit Information Company, Chicago, Illinois, December 31, 1983
William J. O'Connor, Jr., Partner, Phillips, Lytle, Hitchcock, Blaine & Huber, Buffalo, New York, December 31, 1983
Margaret Reilly-Petrone Professor of Economics, Montclair College, Upper Montclair, New Jersey, December 31, 1982
Rene Reixach, Staff Attorney, Greater Upstate Law Project, Rochester, New York, December 31, 1982
Florence M. Rice, President, Harlem Consumer Education Council, New York, New York, December 31, 1981
Henry B. Schechter, Director, Office of Housing and Monetary Policy, AFL-CIO, Washington, D.C., December 31, 1981
Peter D. Schellie, Partner, Bingham, Dana & Gould, Washington, D.C., December 31, 1982
Nancy Z. Spillman, Director for Economic Education and Professor of Economics, Los Angeles Trade Technical College, Los Angeles, California, December 31, 1983
Richard A. Van Winkle, President, Lockhart Finance Company, Salt Lake City, Utah, December 31, 1981
Mary W. Walker, President, National Bank of Walton County, Monroe, Georgia, December 31, 1981.

Board of Governors of the Federal Reserve System, June 8, 1981

James McAfee,

Assistant Secretary of the Board

[FR Doc. 81-17741 Filed 6-12-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 136]

Public Service Company of Colorado, the Colorado Public Utilities Commission; Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration (GSA) seeks to intervene in a proceeding before the Colorado Public Utilities Commission concerning the application of the Public Service Company of Colorado for an increase in electric rates. GSA represents the interests of the executive agencies of the United States Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Albert A. Vicchiolla, Assistant General Counsel, Transportation and Public Utilities Division, General Services Administration, 425 I Street, N.W., Room 3001, Washington, D.C. (mailing address: General Services Administration (LT), Chester A. Arthur Building, Washington, D.C. 20406), 202-275-6101, on or before July 15, 1981, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4))

Dated: June 5, 1981.

Ray Kline,

Deputy Administrator of General Services

[FR Doc. 81-17823 Filed 6-12-81; 8:45 am]

BILLING CODE 6820-A-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Nos. I-2448, I-2834, I-3663]

Idaho; Partial Termination of Classification for Multiple-Use Management

Correction

In FR Doc. 81-15614, appearing at page 28515 in the issue of Wednesday, May 27, 1981, the last line of the description for "T. 11 N., R. 33 E." in the first column of page 28516 should read, "Sec. 12, NW¼NE¼".

BILLING CODE 1505-01-M

National Park Service

[INT FES 81-22]

Appalachian Power Company's Proposed 765-V Electric Transmission Line Crossing Blue Ridge Parkway, Virginia; Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Evironmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a Final Environmental Impact Statement (FEIS) on the Appalachian Power Company's (APCo) proposal to cross the Blue Ridge Parkway with a 765-kV electric transmission line. The FEIS discusses alternatives on which a final decision is required before a right-of-way permit to cross the Blue Ridge Parkway with the transmission line is granted or denied.

The four alternatives considered are: (A) granting a permit for crossing the parkway at milepost 159.9 which is the proposal of APCo and the preferred alternative of the National Park Service, (B) granting a permit for crossing at milepost 187.3, (C) granting a permit for crossing at milepost 164.1, and (D) no action.

A limited number of copies are available upon request to:

Superintendent, Blue Ridge Parkway, 700 Northwestern Bank Builing, Asheville, North Carolina 28801, Telephone: (704) 258-2850; FTS: 672-2850

Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW, Atlanta, Georgia 30303, Telephone: (404) 221-5835; FTS: 242-5835

Public reading copies will be available for review at the following locations as well as the above two locations:

Office of Public Affairs, National Park Service, U.S. Department of the Interior, 18th and C Streets, NW, Washington, D.C. 20240; Telephone: (202) 343-6843

North District Office, Blue Ridge Parkway, Richard H. Poff Federal Building, 210 Franklin Road, SW, Roanoke, Virginia 24008, Telephone: (703) 982-6213; FTS: 672-0264

Dated: May 28, 1981.

Neal C. Guse, Jr.,

Acting Regional Director, Southeast Region

[FR Doc. 81-17745 Filed 6-12-81; 8:45 am]

BILLING CODE 4310-70-M

Yellowstone National Park, Wyo.; Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before August 31, 1981, the Department of the Interior, through the Regional Director, Rocky Mountain Region, National Park Service, proposes to negotiate a concession contract with a qualified concessioner to provide lodging, food and merchandise facilities and services for the public at Yellowstone National Park, Wyoming, for a period of five (5) years from November 1, 1981, through October 31, 1986.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment and finding of no significant impact may be reviewed at the following location: National Park Service, Rocky Mountain Regional Office, Concessions Management Division, 655 Parfet Street, Denver, Colorado 80225.

These concession facilities are currently being operated under a two-year interim contract with TWA Services, Inc., which expires by limitation of time on October 31, 1981. This interim contract does not provide for any preferential right to a new contract.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before August 31, 1981.

Interested parties should contact the Regional Director, Rocky Mountain Region, 655 Parfet Street, Denver, Colorado 80225, for information as to the requirements of the proposed contract.

Dated: May 8, 1981.

Lorraine Mintzmyer,

Regional Director, Rocky Mountain Region.

[FR Doc. 81-17901 Filed 6-12-81; 10:24 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Vol. No. OPY-2-099]

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specifed in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: June 8, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 154713, filed May 12, 1981. Applicant: DUMONT TRUCKING, INC., P.O. Box 2591, Anniston, AL 36202. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *metal products*, (2) *ores and minerals*, (3) *lumber and wood products*, (4) *chemicals and related products*, (5) *rubber and plastic products*, (6) *clay, concrete, glass or stone products*, (7) *machinery*, (8) *building materials*, and (9) *those commodities which, because of size or weight, require the use of special handling or equipment*, between points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, points in the U.S.

Note.—This application is directly related to MC-F-14632 Darrell D. Detty-Control-Dumont Trucking, Inc., pursuant to Ex Parte

No. 55 (Sub-No. 46), published in this same Federal Register issue.

[FR Doc. 81-17613 Filed 6-12-81; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. OPY-2-100]

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 8, 1981.

By the Commission, Review Board Number 1. Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC F-14632, filed May 12, 1981. DARREL D. DETTY (Individual) P.O. Box 256, Oak Hill, OH, 45656—Continuance in Control—DUMONT TRUCKING, INC., P.O. Box 2591, Anniston, AL 36202. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Mr. Detty seeks authority to continue in control of Dumont upon the institution by Dumont of operations, in interstate or foreign commerce, as a motor common carrier. Mr. Detty is a non-carrier who also controls Grant Trucking, Inc., a motor common carrier, Docket Number MC-13134 and subs thereto, which authorizes the transportation of general and specified commodities, over irregular routes, in all states except AK and HI. Impediment: The operating rights of Grant Trucking, Inc., duplicates to a certain extent the authority sought by Dumont Trucking, Inc. in MC-154713. Approval and authorization of this transaction is, therefore conditioned upon applicant (a) setting forth all duplications and a plan for the elimination of such duplications, or (b) submitting an affadavit setting forth cogent and acceptable reasons why duplicate operating rights under common control should be permitted to continue. See 49 CFR 1134.51.

Note.—Dumont has filed as a directly related application its initial common carrier application. That application docketed MC-154713, is published in this same Federal Register issue.

[FR Doc. 81-17614 Filed 6-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

Important Notices

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provides that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service as been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the applications is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-128

The following applications were filed in region I. Send Protests To: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Roston, MA 02114.

MC 146046 (Sub-1–4TA), filed June 3, 1981. Applicant: INTERCOASTAL LINES, LTD., 200 Foxhunt Crescent, Syosset, NY 11791. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier:* Irregular routes: *such merchandise as is dealt in by retail stores,* (1) between Hammon, IN, on the one hand, and, on the other, Dallas and Houston, TX; Los Angeles and San Francisco, CA; Denver, CO; Secaucus, NJ; and Syracuse, NY; and (2) between St. Louis, MO, on the one hand, and, on the other, Baltimore, MD; Buffalo, NY; and Jacksonville, FL, under continuing contract(s) with Lever Brothers Co. of New York, NY. Supporting shipper(s): Lever Brothers Co., 290 Park Ave., New York, NY 10022.

MC 59264 (Sub-1–7TA), filed June 3, 1981. Applicant: SMITH & SOLOMON TRUCKING COMPANY, How Lane—P.O. Box 2015, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, Esq., Zelby, Burstein, Hartman & Burstein, Suit 2373, One World Trade Center, New York, NY 10048. *(1) Alcoholic liquors and (2) materials, supplies and equipment used in the manufacture, distribution and sales of alcoholic liquors* from Hartford, CT to points and places in the States of NY, NJ, PA, DE, MD, VA, & DC. Supporting shipper(s): Hoffman Import & Distribution Co., 396 Veterans Blvd., Carlstadt, NJ 07072.

MC 108359 (Sub-1–3TA), filed May 29, 1981. Applicant: WESTERN NEW YORK MOTOR LINES, INC., d.b.a. EMPIRE TRAILWAYS, 67 Chestnut St., Rochester, NY 14604. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004. *Common carrier:* Regular routes: *Passengers and their baggage and express and newspapers in the same vehicle with passengers* (1) between Albany, NY and Syracuse, NY, as follows: from Albany over Interstate Hwy. 90 to Interstate Hwy. 690, then over Interstate Hwy. 690 to Syracuse (also from Albany over Interstate Hwy. 87 to Interstate Hwy. 90 (Interchange 24); from junction Interstate Hwy. 90 and Interstate Hwy. 890 (Interchange 25) to junction Interstate Hwy. 90 and Interstate Hwy. 890 (Interchange 26); from junction Interstate Hwy. 90 and New York Hwy. 30 over New York Hwy. 30 to Amsterdam; from junction Interstate Hwy. 90 and New York Hwy. 30A over New York Hwy. 30A via Fultonville to Fonda; from junction Interstate Hwy. 90 and Interstate Hwy. 790 over Interstate Hwy. 790 to Utica; from junction Interstate Hwy. 90 and Interstate Hwy. 481 over Interstate Hwy. 481 to Interstate Hwy. 690, then over Interstate Hwy. 690 to Syracuse; and from junction Interstate Hwy. 90 and Interstate Hwy. 81 over Interstate Hwy. 81 to Syracuse, and return, serving all intermediate points; and (2) between Erie, PA and Cleveland, OH, as follows: from Erie over Interstate Hwy. 79 to Interstate Hwy. 90, then over Interstate Hwy. 90 to Cleveland, and return, serving all intermediate points. There are 14 statements in support attached to this application which may be examined at the ICC Regional Office in Boston, MA.

MC 142114 (Sub-1–9TA), filed June 1, 1981. Applicant: RETAIL EXPRESS, INC., Sturart Road, Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Contract Carrier:* Irregular routes: *Paper boxes, materials, equipment, supplies and machinery used in the manufacture and shipping of paper boxes* between points in the 48 contiguous U.S., under continuing contract(s) with Universal Folding Box Company, Inc., of Hoboken, NJ. Supporting shipper(s): Universal Folding Box Company, Inc., Madison Ave. and 13th St., Hoboken, NJ 07030.

MC 156136 (Sub-1–1TA), filed May 26, 1981. Applicant: RAY KING TRANSPORTATION, 229 Cadwell Road, Pittsfield, MA 01201. Representative: Jack L. Schiller, 502 Flatbush Avenue, Brooklyn, NY 11225. *Contract carrier:* irregular route: *Toys and hobby craft* from the facilities of Kay Bee Toy & Hobby Shops, Inc. located at or near Lee, MA to the facilities of Kay Bee Toy & Hobby Shops, Inc. located at or near Phoenix, AZ, Hemet and Fairfield, CA, Miami, FL, Portland, OR, Corpus Christi, Houston, Killene and Victoria, TX, and Seattle and Spokane, WA, under continuing contract(s) with Kay Bee Toy & Hobby Shops, Inc. of Lee, MA. Supporting shipper: Kay Bee Toy & Hobby Shops, Inc., Route 102, Lee, MA 01238.

MC 156278 (Sub-1–1TA), filed June 3, 1981. Applicant: ROBERT ELLIOT, d.b.a. Elliot Trucking Co., 7 Payson Street, Billerica, MA 01821. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *Contract carrier:* irregular routes: *Furniture-all kinds,* from Cambridge, MA to all points in MA, RI, CT, NH, VT, ME, NY and NJ, under continuing contract(s) with Bornstein & Fisher, Inc. of Cambridge, MA 02141. Supporting shipper: Bornstein & Fisher, Inc., East Street, Cambridge, MA 02141.

MC 156203 (Sub-1–1TA), filed May 29, 1981. Applicant: PROGRESSIVE PIER DELIVERY, INC., d.b.a. PPD, Inc., 1 Freeman St., Newark, NJ 07105. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410. *Plastic materials,* between Monaca, PA, on the one hand, and, on the other, points in CT and NJ, and that part of NY on and south of Hwy. I–90 and on and east of Hwy. I–87. Supporting shipper(s): Arco Polymers, Inc., 1500 Market St., Philadelphia, PA 19101.

MC 151078 (Sub-1–5TA), filed June 1, 1981. Applicant: COASTAL FAST FREIGHT, INC., P.O. Box 445, Jersey City, NJ 07303. Representative: Owen B. Katzman, 1828 L Street, NW., Suite 1111, Washington, D.C. 20036. *Contract carrier:* Irregular routes: *Pile fabrics* from Jacksboro, TN, to New York, NY, Philadelphia, PA, and points in NJ, NC, and SC, under continuing contract(s) with Furtex Corporation of Jacksboro, TN. Supporting shipper(s): Furtex Corporation, P.O. Box 400, Jacksboro, TN 37757.

MC 3252 (Sub-1–4TA), filed May 29, 1981. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04104. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Synthetic Resins, in bulk,* from Louisville, KY to Brewer, ME. Supporting shipper: Eastern Fine Paper, Inc., Division of Eddy Paper Company Limited, P.O. Box 129, South Main Street, Brewer, ME 04412.

MC 57434 (Sub-1–1TA), filed June 3, 1981. Applicant: TRANS-STAR TRUCKING CO., INC., 25 Industrial Road, Walpole, MA 02081. Representative: Jack L. Schiller, 502 Flatbush Avenue, Brooklyn, New York 11225. *Contract Carrier:* Irregular route (1) *Propeller Blade Castings* from Hoboken, NJ to the facilities of Bird-Johnson Co. located at or near Walpole, MA. (2) *Shafting and Machine Parts* from the facilities of Bird-Johnson Co. located at or near Walpole, MA to Bath, ME, under a continuing contract(s) with Bird-Johnson Co. of Walpole, MA. Supporting shipper: Bird-Johnson Company, 110 Norfolk Street, Walpole, MA 02081.

MC 153124 (Sub-1–1TA), filed June 1, 1981. Applicant: COMPANIES TRANSPORT, INC., P.O. Box 186, Lincoln Park, New Jersey 07035, 201–785–9030. Representative: Michael A. Wargula, Esq., 2550 Main Place Tower, Buffalo, New York 14202, 716–845–6066. *Contract carrier,* irregular route; transporting (1) *meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C 209 and 766, (except commodities in bulk), and

(2) materials, equipment and supplies used in the manufacture and distribution of the commodities described in (1) above, between Lexington, Nebraska on the one hand, and points in the United States on the other hand, under continuing contracts with Cornland Dressed Beef Company of Lexington, Nebraska. Supporting shipper: Cornland Dressed Beef Company, Box 130, Lexington, Nebraska 68850.

MC 156007 (Sub-1–1TA), filed June 1, 1981. Applicant: P.I.B. TRUCKING, INC., 26 Locust Street, Danvers, MA 01923. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. (1) *Lumber,* between points in AL, CT, DE, DC, FL, GA, IL, IN, IA, KA, KY, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV; (2) *wood products and metal products,* between points in CT, IL, IN, MA, MD, ME, MO, NH, NY, OH, PA, RI, SC, TN, VT; and (3) *chemicals and related products,* between points in AL, GA, ME, NC, VA. Supporting shippers: Husband Contracting, 403 Roberta, St. Charles, MO 63301; Rossco Forest Products, 1775 Williston Road, So. Burlington, VT 05401; Wood Fabricators, Inc., Iron Horse Park, N. Billerica, MA 01862.

MC 154447 (Sub-1–1TA), filed May 29, 1981. Applicant: AAXON INDUSTRIAL, INC., P.O. Box 93, Iselin, NJ 08830. Representative: Linda Paulin, 404 Sixth Ave., Belmar, NJ 07719. *Waste materials and hazardous materials* between all points east of the Mississippi River. Supporting shipper(s): Raritan River Steel Co., 225 Elm St., Perth Amboy, NJ 08862; The Reader's Digest Assoc., Inc., Route 117, Chappaqua, NY 10514.

MC 153724 (Sub-1–1TA), filed May 29, 1981. Applicant: BUFFALO DOWNTOWN DUMP TRUCK SERVICE & SUPPLIES, INC., 113 Gillettee Ave., Buffalo, NY 14214. Representative: Paul Harrison (same as applicant). *Coke, graphite, scrap, and carbon and graphite electrodes* from Niagara Falls, NY and St. Mary's, PA to various points in PA, OH, IL, IN, NJ, NC, SC, MD & DE. Supporting shipper(s): Airco Carbon, Inc., 4861 Packard Rd., Niagara Falls, NY 14302.

MC 138861 (Sub-1–23TA), filed May 29, 1981. Applicant: C–LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Contract Carrier:* Irregular routes: *Fresh Fruits and Frozen Juices,* between Lincoln, RI, on the one hand, and, on the other, Arcadia, Atlanta and Augusta, GA, and points in FL, under continuing contract(s) with Juice Services, Inc., of Lincoln, RI. Supporting shipper: Juice Services, Inc., Blackstone Valley Way, Lincoln, RI 02865.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 150954 (Sub-II–21TA), filed March 3, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. *(1) Ceramic title (STCC 32); (2) Plumbers goods, accessories and related articles (STCC 34 STCC 46); (3) Automotive parts, cast iron (STCC 37),* from Laredo, TX (Ex-Mexico) to points in IN, IA, KS, KY, MI, NE, NJ, NY, NC, OH, OK, SC, VA and WI, for 270 days. Underlying ETA seeks 120 days operating authority. Applicant intends to interline with another carrier at San Antonio and Houston, TX. Supporting shipper: North American Orion Corporation, Dallas Trademart, P.O. Box 58716, Dallas, TX 75258; Fabricas Orion, S.A., Ave Colon 2712 PIE., Monterrey, N.L. Mexico 76–70–47.

MC 155638 (Sub-II–1TA), filed June 2, 1981. Applicant: A & F TRUCKING, INC., 604 N. 3rd St., Clarksburg, WV 26301. Representative: James D. Gray, P.O. Box 2190, Clarksburg, WV 26301. *Glass, flat, not bent; NMF Item 86730(1)(2)(3),* from Taylor & Harrison Counties, WV to pts. and places in WA, OR, CA, ID, NV, AZ, UT, MT, WY, CO, NM, ND, SD, NE, KS, OK, TX, and return, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: AFG Industries, Inc., P.O. Box 929, Kingport, TN 37662.

MC 140243 (Sub-II–6TA), filed June 1, 1981. Applicant: APPLE HOUSE, INC., 3726 Birney Ave., Scranton, PA 18505. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Cleaning compounds (except cleaning compounds in bulk)* between Port Jervis, NY on the one hand, and, on the other, points in FL, GA, NC, SC and VA for 270 days. Supporting shipper(s): Barrier Industries, Inc., 200 E. Main St., Port Jervis, NY 12771.

MC 123255 (Sub-II–8TA), filed June 4, 1981. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: Phillip D. Patterson (same as applicant). *Precast concrete products and material equipment and supplies used in the manufacture and installation thereof,* between Columbus, OH on the one hand, and, on the other, pts. in IL, IN, KY, MI, MO, PA, TN and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: National Filigree Corp., 475 West 44th St., Countryside, IL 60525.

MC 116279 (Sub-II–1TA), filed June 2, 1981. Applicant: BLACK TRANSFER, INC., 206 W. Main St., Appalachia, VA 24216. Representative: John E. Black, 814 W. Main St., Appalachia, VA 24216. Contract, irregular: *Toilet preparations, cosmetics, waxes and polishes, brushes and household specialty items,* from Stanley Home Products, Charlotte, NC to Appalachia, VA and Sullivan County, TN, for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to tack. Under continuing contract with Stanley Home Products, Inc., Richmond, VA. Supporting shipper: Stanley Home Products, Inc., 5801 School Ave., Richmond, VA 23228.

MC 72069 (Sub-II–13TA), filed May 28, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Food and related products,* (1) From Pennsauken, NJ, Lancaster, Nottingham and Kennett Square, PA, and Waterloo, WI, to points in the U.S. located in and east of MN, IA, MO, AR and TX; (2) From points in the U.S. in and east of WI, IL, KY, TN and AL, to Wise and Wythe Counties, VA; and, (3) Between Methuen, MA and Baltimore and Hagerstown, MD, on the one hand, and, on the other, points in RI, CT, NJ, NY, PA, DE, MD, VA, NC, SC, GA, FL, OH, WV, KY and TN, for 270 days. Supporting shippers: There are 8 supporting shippers' statements attached to this application that may be examined at the Phila. Regional office.

MC 156289 (Sub-II–1TA), filed June 3, 1981. Applicant: BUSH BROKERAGE, INC., 2933 Frazer Rd., Newark, DE 19702. Representative: Perry F. Goldlust, Suite 913, 901 Market St., Market Tower, Wilmington, DE 19801. Contract, irregular: *Petro-coke, in bulk, in dump trucks,* from Delaware City, DE, on the one hand, and, on the other, Perth Amboy and Camden, NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): F. A. Potts & Co., Inc., Pottsville, PA.

MC 150080 (Sub-II–8TA), filed June 3, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Irregular: *Pulp, paper and related products,* from Big Island, VA to Philadelphia, Tullytown, and Montgomeryville, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Keating Fibre Incorporated, 15 Ridge Pike, Conshohocken, PA 19428.

MC 140889 (Sub-II–15TA), filed June 3, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Type of service: *Contract, irregular: furniture and accessory items* from points in NC, TN, MI, CA, PA, IN, IL and MS to facilities located in Cuyahoga and Summit Counties, OH under continuing contract(s) with Beacon Company and Northeast Furniture Rental and Leasing, Inc. of Akron, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Beacon Company and Northeast Furniture Rental & Leasing, Inc., 71 Darrow Rd., Akron, OH 44305.

MC 156220 (Sub-2–1TA), filed June 1, 1981. Applicant: G.T.S. TRANSPORT, INC., 1219 Cornwell Ave., Cornwells Heights, PA 19020. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Pulp, paper and related products, and printed matter,* between points in the Philadelphia, PA commercial zone, on the one hand, and, on the other, points in DE, MD, NJ, NY, PA, VA and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are seven supporting shippers' statements attached to this application which may be examined at the Phila. Regional office.

MC 109448 (Sub-II–8TA), filed June 3, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of heating and air-conditioning units (except commodities in bulk)* between St. Louis, MO, including pts in its commercial zone, on the one hand, and, on the other, pts in the U.S. (except AK and HI) for 270 days. Supporting shipper: Intertherm, Inc., 10820 Summerset Office Dr., St. Louis, MO 63127.

MC 2202 (Sub-II–26TA), filed June 4, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).* Between Lamar, MO and points in its commercial zone on the one hand, and on the other, Joplin, MO for 270 days. Applicant proposes to tack the authority sought herein with its regular routes at Joplin, MO. Applicant proposes to interline at existing gateways throughout its system. Supporting shipper: O'Sullivan Industries, Inc., 19th and Gulf Streets, Lamar, MO 64759.

MC 146807 (Sub-II–22TA), filed June 1, 1981. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same as above). *General Commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between points in PA, NJ, TX, AL, GA, OH, IL, NC, SC, VA, WV, & IN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Bednarski Furniture, 2 East Main St., Plymouth, PA., International Foundry Supply, Inc., P.O. Box 1053, Reading, PA 19603.

MC 156245 (Sub-II–1TA), filed June 1, 1981. Applicant: ROBERT N. TOOMEY, JR., d.b.a. R. N. TOOMEY, JR., TRUCKING, 166 Highland Rd., York, PA 17403. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Metal Products*, between the facilities of The Billy Penn Corp., located at or near Philadelphia, PA, on the one hand, and, on the other, points in VA, NC, SC, GA, and FL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Billy Penn Corp., 1831 N. Fifth St., Philadelphia, PA 19122.

MC 127820 (Sub-II–1TA), filed June 4, 1981. Applicant: TRANS-SERVICE, INC., 1943 S. Lawn Ext., Coshocton, OH 43812. Representative: James Duvall, P.O. Box 97, Dublin, OH 43017. *Lumber, plywood and building materials,* between points in the US for 270 days. Restricted to movements originating at or destined to facilities used by Empire Wholesale Lumber Co. Supporting shipper: Empire Wholesale Lumber Co., P.O. Box 249, 162 Gault St., Akron, OH 44309.

MC 113024 (Sub-II–1TA), filed June 1, 1981. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 S. DuPont Highway, Smyrna, DE. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Contract: Irregular: Food and related products (including pet food), materials, equipment and supplies used in the manufacture and distribution of food and related products,* between the facilities of Swift & Company at Chicago, Elk Grove Village and Momence, IL; Kansas City, KS; Trenton, MO, on the one hand, and, on the other, points in the U.S., under a continuing contract(s) with Swift & Company, Chicago, IL. Supporting shipper: Swift & Company, Chicago, IL.

The following applications were filed in region 3. Send protests to: ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 153180 (Sub-3–2TA), filed June 1, 1981. Applicant: M & T DRUM SERVICE, INC., Route 4, Box 1230, Huntersville, NC 28078. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Chemical Waste Materials,* from points in VA, NC, and SC to EL Dorado, AR. There are nine statements of support which may be examined at the ICC Regional Office, Atlanta, GA.

MC 138157 (Sub-3–53TA), filed June 1, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). *Hollow micron balloons and materials, equipment, and supplies used in the manufacture, production, and distribution of hollow micron balloons* between Hamilton County, TN on the one hand and, on the other, points in the United States (except AK & HI). Supporting shipper: P.A. Industries, P.O. Box 2370, Chattanooga, TN 37409.

MC 156067 (Sub-3–1TA), filed June 1, 1981. Applicant: CHOCOLATE EXPRESS, INC., 193 Windsong Ln., Lilburn, GA 30247. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036. *Contract carrier,* irregular routes *foods and related products* from the facilities of Hershey Chocolate Company at Atlanta, GA to points in AL under continuing contract(s) with Hershey Chocolate Company, a Division of Hershey Foods Corporation. Supporting shipper: Hershey Chocolate Company, a Division of Hershey Foods Corporation, 4300 Pleasantdale Road, Doraville, GA 30340.

MC 133932 (Sub-3–1TA), filed June 1, 1981. Applicant: CATAWBA VALLEY MOTOR LINE, INC., P.O. Box 547, Conover, NC 28613. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. Furniture and fixtures from the facilities of Laine Upholstering Company, Inc., at Catawba County, NC to points in OH, MI, KY, TN, IN, VA, NJ, PA, NY, MA, RI, CT, NH, SC, IL, MO, KS, IA, NE, MN, WI, OK, and TX. Supporting shipper: Laine Upholstering Company, Inc., P.O. Box 2128, Hwy. 64–70 E, Hickory, NC 28601.

MC 155115 (Sub-3–1TA), filed June 1, 1981. Applicant: ANDERSON ARMORED CAR SERVICE, INC., P.O. Box 244, Anderson, SC 29622. Representative: Richard C. Otter, P.O.

Box 273, Anderson, SC 29622. *Contract:* Irregular: *Precious metals and machinery components made from precious metals* between plant facilities of Owens-Corning Fiberglas Corporation located at Anderson, SC, Jackson, TN, Kansas City, KS, Amarillo, TX, Waxahachie, TX, Atlanta, GA. Supporting shipper: Owens-Corning Fiberglas Corporation, 1 Lake Erie Center/3, Toledo, OH 43659.

MC 148903 (Sub-3–4TA), filed June 1, 1981. Applicant: J & M TANK LINES, INC., P.O. Box 544, Americus, GA 31709. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *(1) Granulated slag, in bulk, in bags and (2) Lime and marble chips in bags,* (1) Carrollton and Atlanta, GA to points in TN, SC and FL and (2) from Sylacauga, AL to Atlanta, GA. Supporting shipper: Standard Sand & Silica Co., 4555 Frederick Ct., S.W., Atlanta, GA 30336.

MC 155028 (Sub-3–4TA), filed June 2, 1981. Applicant: H&R TRANSPORTATION CO., INC., 715 E. Court Street, P.O. Box 964, Marion, NC 28752. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *Textile mill products,* between points in McDowell County, NC, on the one hand, and, on the other, Dallas, TX, and Los Angeles and Turlock, CA, and points in their commercial zones. Supporting shipper(s): American Thread Company, P.O. Box 729, Old Ford, NC 28762.

MC 136123 (Sub-3–17TA), filed June 2, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same as above). (1) *plastic bags and plastic articles,* and (2) *materials, supplies, and equipment used in the manufacture of (1) above,* between the facilities of Dixie Bag Company, Inc., College Park, GA and points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Dixie Bag Company, Inc., 4880 Massachusetts Blvd., College Park, GA 30337.

MC 140902 (Sub-3–5TA), filed June 2, 1981. Applicant: DPD, INC., 3600 Northwest 82d Ave., Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract:* irregular; *Lumber* between Detroit, MI and Niagara Falls and Buffalo, NY (and their respective commercial zones) on the one hand, and on the other, points in the states of CT, DE, IN, IL, MI, MD, NJ, NY, OH, PA, RI, WV, and DC. Supporting shipper: 84 Lumber Company, P.O. Box 8484 Eighty-four, PA 15330.

MC 155079 (Sub-3–2TA), filed June 2, 1981. Applicant: CURTIS L. DODGINS, INC., Route 1, Box 393, Franklin, NC 28734. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204. *Contract:* irregular: *Furniture and fixtures,* from Pulaski, VA, to points in NM, AZ, CA, CO, WY, MT, OR, WA, ID, NV and UT, under continuing contract with Coleman Furniture Corp. Supporting shipper: Coleman Furniture Corp., Pulaski, Virginia.

MC 156225 (Sub-3–1TA), filed June 2, 1981. Applicant: LANIER TRANSPORTATION, INC., P.O. Box 993, Gainesville, GA 30503. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. *Prefabricated swimming pools, accessories and supplies (including related chemicals),* between the facilities used by Major Pool Equipment Corp. at or near Clifton, NJ, on the one hand, and, on the other, the facilities used by Major Pool Equipment Corp. at or near Doraville, GA. Supporting shipper: Major Pool Equipment Corp., 200 Entin Rd., Clifton, NJ 07014.

MC 134838 (Sub-3–1TA), filed June 2, 1981. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Rd., Smyrna, GA 30080. Representative: Walter S. Wallace (same address as applicant). *General Commodities (except Classes A and B explosives),* between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of Southeast Precast Concrete Products, Inc., Tucker, GA. Supporting shipper: Southeast Precast Concrete Products, Inc., 4478 Greer Circle, Tucker, GA 30084.

MC 115841 (Sub-3–54TA), filed June 2, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBridge Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *(1) Food and related products,* (a) from the facilities of Wilson Foods Corporation, located at or near Cedar Rapids, IA to points in LA and MS; and (b) between Waterloo and Columbus Junction, IA on the one hand, and, on the other, points in AL, GA, LA, MS, NC, SC, AR, TN, and KY; and (c) between Beardstown, IL on the one hand, and, on the other, points in LA and KY; and (d) between Madison, WI on the one hand, and, on the other, points in LA, FL, and MS; and (e) between Davenport, IA on the one hand, and, on the other, points in LA and GA; and (f) between Denison, TX on the one hand, and, on the other, points in LA; and *(2) Such merchandise as is dealt in by retail and wholesale grocers and food business houses,* (a) between Hammond, IN and St. Louis, MO on the one hand, and, on the other, points in GA, KY, LA, TN, NC, SC, MS, AL, and FL. Supporting shippers: There are 5 statements of support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 136315 (Sub-3–12TA), filed June 2, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Building materials* from Harris County, TX, on the one hand, and, on the other, points in the U.S. in and east of TX, OK, KS, NE, SD, and ND. Supporting shipper: Allwoods/Schroeder, Inc., 5401 Lawndale, Houston, TX 77012.

MC 156226 (Sub-3–1TA), filed June 1, 1981. Applicant: SMITH TRUCKING, INC., Route 2, Box 3526, Plant City, FL 33566. Representative: Curtis Smith (same as address as applicant). *Contract:* Irregular routes, *General Commodities,* between the facilities of Carey Salt Division of Processed Minerals Incorporated, Hutchinson, KS, and HUCO Division of Processed Minerals Incorporated, Tampa, FL, on the one hand, and, on the other, points in KS, TX, AR, LA, KY, TN, MS, AL, GA, NC, SC, under continuing contract with Processed Minerals Incorporated an underlying ETA seeks 120 days authority. Supporting shipper: Processed Minerals Incorporated, P.O. Box 459, Hutchinson, KS 67501.

MC 155917 (Sub-3–1TA), filed June 3, 1981. Applicant: THRIFTY TRANSPORT, INC., P.O. Box 2087, Sebastin, FL 32958. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *General commodities (except classes A and B explosives),* between: Camden, County, NJ, on the one hand, and points within DC, DE, MD, NJ, NY, and PA on the other. Supporting shippers: Malloy Warehouse & Distribution Corp., 8290 National Highway, Pennsauken, NJ 08110; Pioneer Warehouse Corp., 8301 National Highway, Pennsauken, NJ 08110.

MC 114604 (Sub-3–20TA), filed June 3, 1981. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer L, State Farmers Market No. 33, Forest Park, GA 30050. Representative: Paula S. Davis (same as applicant). *(1) Air Conditioning, heating and cooling equipment, and (2) Component parts, materials and supplies used in their manufacture, repair, packaging and distribution (except commodities in bulk, and those which require the use of special equipment),* between the facilities of Fedders Corporation at or

near Edison, NJ; Effingham, IL; Frederick, MD; and Buffalo, NY; and points in the U.S. Supporting shipper: Fedders Corporation, Woodbridge Avenue, Edison, NJ 08817.

MC 156294 (Sub-3–1TA), filed June 3, 1981. Applicant: HENDRICKS AND ANDERSON, INC., 446 West Cedar St., Franklin, KY 42134. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Printed matter and paper products* between Franklin, KY and Nashville, TN on the one hand and on the other, points in the U.S. (except AK and HI). Supporting shippers: Southern Display, Inc., P.O. Box 187, Franklin, KY 42134; Brown Printing Central, P.O. Box 451, Franklin, KY 42134.

MC 146451 (Sub-3–31TA), filed June 1, 1981. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle NE., Dothan, AL 36302. Representative: W. Larry White (same address as above), telephone (205) 793–9514. *Textile and textile products, except in bulk,* from AL to NJ and NY, to the facilities of Everest Textile Company, Inc., Household Industrial Trading Corporation and Janaco Textile Corporation. Supported by Everest Textile Company, Inc., Household Industrial Trading Corporation and Janaco Textile Corporation, 1212 Avenue of the Americas, Suite 802, New York, NY 10036.

MC 121598 (Sub-3–5TA), filed June 4, 1981. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Ave., Shelbyville, TN 37160. Representative: James G. Caldwell, P.O. Box 100906, Nashville, TN 37210. *Common carrier, regular routes: general commodities, except class A and B explosives,* between Nashville, TN and Tupelo, MS over (a) Interstate Highway 40 to its junction with U.S. Highway 45 thence over U.S. Highway 45 to Tupelo, MS and return serving as intermediate points, those points in MS on U.S. Highway 45, (b) Over Interstate Highway 40 to its junction with U.S. Highway 78 thence via U.S. Highway 78 to Tupelo, MS and return serving no intermediate points, (c) Over Interstate Highway 40 to its junction with TN Highway 22 thence over TN Highway 22 to its junction with U.S. Highway 45 thence over U.S. Highway 45 to Tupelo, MS and return serving as intermediate points those points along U.S. Highway 45 in MS. Supporting shipper: There are 14 statements of support of this application.

Note.—Applicant intends to take with MC 121598 and all subs thereto and to interline at all service points.

MC 147452 (Sub-3–3TA), filed June 4, 1981. Applicant: W.D.W. TRUCKING, INC., 2620 Southwest 66th Ter., Miramar, FL 33023. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd. NE., Atlanta, GA 30326. *Resin compounds and materials, equipment and supplies used in the production, sale or distribution of resin compounds* between the facilities of Dynatron Corporation at or near Altanta and points in the United States in and east of TX, OK, KS, NE, IA, and MN. Supporting shipper: Dynatron Corporation, 2160 Hills Avenue, Atlanta, GA 30318.

MC 151352 (Sub-3–6TA), filed June 4, 1981. Applicant: E.L.M. TRUCKING, INC., P.O. Box 4048, Opelika, AL 36801. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104. *(1) Wood porch swings, picnic tables, and step ladders. (2) Equipment, materials, and supplies used in the manufacture, sale, assembly and distribution of commodities described in (1) above (except commodities in bulk and those requiring special equipment),* between the facilities of M & M Woodworks at or near Buena Vista, GA, on the one hand, and, on the other, Birmingham, AL, Bridgeton and Kansas City, MO, Prestonburg, Louisville and Hagerhill, KY, Ankeny, IA, Indianapolis, IN, and Carrollton, TX and points in their commercial zones. Supporting shipper: M & M Woodworks, Rt. 2, Box 105, Plains, GA 31780.

MC 112617 (Sub-3–19TA), filed June 4, 1981. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 36247, Louisville, KY 40233. Representative: Larry W. Thompson (same address as applicant). *Asphalt, in bulk, in tank vehicles,* from Marietta, OH to Parkersburg, WV and Clarksburg, WV. Supporting shipper: Black Rock Contracting, Inc., P.O. Box 1913, Charleston, WV 25327.

MC 156331 (Sub-3–1TA), filed June 4, 1981. Applicant: M. D. ASSOCIATES, 3220 Phillips Highway, Jacksonville, FL 32207. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Such commodities as are dealt in or used by producers and distributors of beverages,* between points in Rockingham County, NC and Dougherty and Houston Counties, GA, on the one hand, and, on the other, points in FL and Birmingham, AL; and between Rockingham County, NC on the one hand, and, on the other, Atlanta, GA. Supporting Shippers: There are 15 supporting shippers' statements on file which may be examined at the I.C.C. Regional Office in Atlanta, GA.

MC 148362 (Sub-3–12TA), filed June 4, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey, Jr. (same address as applicant). *Contract Carrier:* irregular: *general commodities, except commodities in bulk and classes A and B explosives,* between all points in and east of MN, IA, NE, KS, OK and TX, under a continuing contract(s) with Latex Specialties, Inc. of Dalton, GA. Supporting shipper: Latex Specialties, Inc., P.O. Box 908, Dalton, GA 30720.

MC 156330 (Sub-3–1TA), filed June 4, 1981. Applicant: SULLIVAN EXPRESS, Route 3, Box 139B, Dayton, TN 37321. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Packaging materials, nursery supplies, the parts, materials, equipment and supplies used in the sale and distribution of nursery products;* between all points in the U.S.; restricted to shipments originating at or destined to the facilities of Nurseymen's Exchange. Supporting shipper: Nurserymen's Exchange, 2651 Cabrillo Hwy. No., Half Moon Bay, CA 94019.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 154928 (Sub-4–1TA), filed June 1, 1981. Applicant: KNUTE TRUCKING, INC., P.O. Box 198 (Hillcrest), Rochelle, IL 61068. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract: Malt beverages,* from Memphis, TN, to Rockford, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Domino Distributing Co., Inc., 5136 27th Ave., Rockford, IL 61109.

MC 152441 (Sub-4–5TA), filed June 1, 1981. Applicant: WILSON LEASING, INC., P.O. Box 6946, 2014 14th St., Northwest, Rochester, MN 55901. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. (1) *Dairy products, such merchandise as is handled by wholesale retail chain grocery business and materials, equipment and supplies used in the manufacture of said commodities* between points in MN, WI, IA, IL and OH, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, VA, WV and WI. Supporting shippers: The Kroger Co., 1014 Vine St., Cincinnati, OH 45201; Marigold Foods, Inc., 2929 University Ave. Southeast, Minneapolis, MN 55414; Gold Bond Ice Cream, Inc., 808 Packerland Dr., Green Bay, WI 54305.

MC 150885 (Sub-4–4TA), filed June 2, 1981. Applicant: ROBERT WHEELER, III, Rural Route 3, Canton, IL 61520.

Representative: Thomas M., O'Brien, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Machinery and core samples,* between points in IL, on the one hand, and, on the other, points in Wise County, TX. Supporting shipper: Freeman United Coal Mining Company, P.O. Box 570, Canton, IL 61520.

MC 124987 (Sub-4–2TA), filed May 29, 1981. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, d.b.a. EARL L. BONSACK, 512 W. Plainview Rd., La Crosse, WI 54601. Representative: Joseph E. Ludden, P.O. Box 1587, 2707 South Ave., La Crosse, WI 54601. *Glassware viz: glass containers, bottles,* between points and places in the forty-eight States. Supporting shipper: Midland Glass Company, P.O. Box 577, Cliffwood, N.J. 07721.

MC 145807 (Sub-4–3TA), filed May 29, 1981. Applicant: DERBY TRANSPORT, 609 First Avenue North, Box 695, Weyburn, Saskatchewan, S4H 1P1. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. *Crushed vehicles and related parts* from points in MT, MN and ND, to ports of entry on the International Border Line between the U.S. and Canada located in MT, MN and ND. Supporting shippers: General Scrap, Box 28, Group 509 R.R. 5, Winnipeg, Manitoba; Kar-Basher, Inc., P.O. Box 1725, Fargo, ND 58102.

MC 140744 (Sub-4–5TA), filed May 29, 1981. Applicant: ARCTIC AIR TRANSPORT, INC., 853 West Main Street, Mondovi, WI 54755. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Pulp, paper and related products,* between Chippewa, Eau Claire and Rusk Counties, WI, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Pope & Talbot, Inc., 1200 Forest St., Eau Claire, WI 54701.

MC 156131 (Sub-4–1TA), filed June 2, 1981. Applicant: FOX TRANSPORT, CO., 303 E. Orleans St., Paxton, IL 60957. Representative: William L. Fox (same address as applicant). *Contract* irregular: *Condensers, equalizers, or exchangers, and air conditioner water cooling towers, and replacement parts* from Paxton, IL to points in IN, IA, KY, MI, MO, and WI. Restricted to traffic moving under continuing contract with Baltimore Aircoil Co., Inc. Supporting shipper: Baltimore Aircoil Co., Inc., R.R. #2 P.O. Box 7, Paxton, IL 60957.

MC 31533 (Sub-4–2TA), filed June 1, 1981. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 S. Olive Street, P.O. Box 545, South Bend, IN 46624. Representative: Richard P. Wright (same address as applicant). Regular routes: *General Commodities,* (1) Between Chicago, IL and Indianapolis, IN: From Chicago over Interstate Hwy 90 to Junction Interstate Hwy 69, then south over Interstate Hwy 69 to Indianapolis and return over the same route serving the intermediate point of Fort Wayne, IN. From Chicago over Interstate Hwy 94 to Junction Interstate Hwy 65, then south over Interstate Hwy 65 to Indianapolis and return over the same route; (2) Between Michigan City, IN and Indianapolis, IN: From Michigan City over U.S. Hwy 421 to Junction IN Hwy 43, then south over IN Hwy 43 to Junction U.S. Hwy 52, then southeast over U.S. Hwy 52 to Indianapolis and return over the same route; (3) Between South Bend, IN and Indianapolis, IN: From South Bend over U.S. Hwy 31 to Indianapolis and return over the same route; (4) Between Gary, IN and Fort Wayne, IN: From Gary over Interstate Hwy 65 to Junction U.S. Hwy 30, then east over U.S. Hwy 30 to Fort Wayne and return over the same route. From Gary over U.S. Hwy 6 to Junction Interstate Hwy 69, then south over Interstate Hwy 69 to Fort Wayne and return over the same route; (5) Between South Bend, IN and Fort Wayne, IN: From South Bend over U.S. Hwy 33 to Fort Wayne and return over the same route. An underlying ETA was filed.

Note.—Applicant intends to serve the commercial zones of Fort Wayne and Indianapolis, IN, and will tack with existing authority in Docket MC 31533 at Chicago, IL, Gary, Michigan City and South Bend, IN. Applicant also intends to interline with other carriers at Rockford and Chicago, IL; South Bend, Fort Wayne, and Indianapolis, IN. There are approximately (59) statements of support attached to the application.

MC 156231 (Sub-4–1TA), filed June 1, 1981. Applicant: RAYMOND COSSETTE TRUCKING, 2202 Fifth Avenue North, Fargo, ND 58102. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract;* irregular: *Paper products and plastic products,* between points in the U.S., under a continuing contract(s) with Leslie Paper Co. An underlying ETA seeks 120 days authority. Supporting shipper: Leslie Paper Corporation, P.O. Box 1351, Shelard Plaza, Minneapolis, MN.

MC 156207 (Sub-4–1TA), filed May 29, 1981. Applicant: CHARLES J. UNRATH AND JOHN C. UNRATH, d.b.a. BLUE RIVER TRANSPORT, P.O. Box 260, Delafield, WI 53015. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* Irregular; *Steel channel and diesel engines,* from Milwaukee, WI, and Peoria, IL, to Burnaby, B. C., Canada, under continuing contract(s) with Canadian Kenworth Company, division of Paccar of Canada, Ltd. An underlying ETA seeks 120 days authority. Supporting shipper: Canadian Kenworth Company, division of Paccar of Canada, Ltd., 3750 Kitchner Street, Burnaby, B. C., V5C 3L7, Canada.

MC 150341 (Sub-4–5), filed May 29, 1981. Applicant: HOOVESTOL, INC., 3110 Mike Collins Drive, St. Paul, MN 55121. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Contract, Irregular, General Commodities* (except Class A and B explosives), Between points in the U.S. (except AK and HI), under contract with Malt-O-Meal, Northfield, MN, and Schloff Chemical & Supply Company, St. Louis Park, MN. An underlying ETA seeks 120 day authority. Supporting shipper(s): Malt-O-Meal, 701 West 5th Street, Northfield, MN 55057, and Schloff Chemical & Supply Company, 3938 Meadow Brook Road, St. Louis Park, MN 55426.

MC 153829 (Sub-4–20TA), filed June 1, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. *Paper,* from Franklin, VA, Canton, NC and Bastrop, LA, to the facilities of Tension Envelope Corporation located at or near Kansas City, MO. Supporting shipper: Tension Envelope Corporation, 19th and Campbell Sts., Kansas City, MO 64108.

MC 111310 (Sub-4–11TA), filed June 1, 1981 Applicant: BEER TRANSIT, INC., P.O. Box 352, Black Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. (1) *Malt beverages* from Memphis, TN to points in IL, IN, MN, and WI, and (2) *rejected shipments and empty malt beverage containers* from points in IL, IN, MN, and WI to Memphis, TN, and (3) *containers and container closures* from Winston-Salem, NC to points in IN, MI, TN, and WI. Supporting shipper: Jos. Schlitz Brewing Company, 235 Galena Street, Milwaukee, WI 53212.

MC 135552 (Sub-4–2TA), filed June 1, 1981. Applicant: SCENIC TRAILS, INC., 700 North Third Street, LaCrosse, WI 54601. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between Dubuque, IA, and Rock Island, IL, over regular routes, serving all intermediate points, (a) from Dubuque over U.S. Highway #67 at Davenport, IA, thence over U.S. Highway #67 to

Rock Island, IL; and (b) from Dubuque, over U.S. Highway #61 to junction Interstate Highway #80; thence over Interstate Highway #80 to junction Interstate Highway #74; thence over Interstate Highway #74 to junction Illinois State Highway #92; thence over Illinois Highway #92 to Rock Island, IL. Supporting shippers: There are 41 Supporting shippers.

MC 144630 (Sub-4-18TA), filed June 1, 1981. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *General commodities (except Classes A and B explosives)* (1) between points in IL, IN, MI, KY, MO, OH, WV, PA, and TN on the one hand, and, on the other, the rail ramps of the Atchison Topeka & Santa Fe Railway Company at Chicago, IL; and (2) between points in CA on the one hand, and on the other, the rail ramps of the Atchison Topeka & Santa Fe Railway Company at Richmond, Fresno, Bakersfield, Los Angeles, and Blythe, CA. Restriction: Restricted to traffic having an immediately prior of subsequent movement by rail TOFC or COFC service. Supporting shippers: Square D Corporation, 8300 Burlington Pike, Florence, KY, Anchor Hocking, 109 North Broad Street, Lancaster, OH, Ball Corporation, 345 South High Street, Muncie, IN, and Knauf Fibre Glass GmbH, 240 East Elizabeth St., Shelbyville, IN.

MC 111375 (Sub-4-5TA), filed June 5, 1981. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: James A. Matras (same as applicant). *Powdered plastic materials* from the facilities of Plastic Engineering Company located at Sheboygan, WI to Gardena, CA. An underlying ETA seeks 120 days operating authority. Supporting shipper: Plastic Engineering Company, 3518 Lake Shore Rd., Sheboygan, WI 53081.

MC 145664 (Sub-4-25TA), filed June 4, 1981. Applicant: STALBERGER, INC., 223 South 50th Avenue West, Duluth, MN 55807. Representative: Joyce L. Donaldson, P.O. Box 6749, Duluth, MN 55807. *Manufactured steam, hot water gas boilers, parts and supplies* between all points in the U.S. Supporting shipper: Deltak Corporation, P.O. Box 9496, 13330 12th Avenue No., Minneapolis, MN 55440.

MC 27754 (Sub-4-4TA), filed June 4, 1981. Applicant: FRANK J. KUBLY TRANSFER, INC., P.O. Box 135, Old Highway 11 and 81 East, Monroe, WI 53566. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. *Malt beverages* between Memphis, TN and Monroe, WI. Supporting shipper: Monroe Beverage Company, Inc., 901—19th St., Monroe, WI 53566.

MC 149413 (Sub-4-1TA), filed June 4, 1981. Applicant: RED RIVER TRAILS, INC., South Highway 75, Moorhead, MN 56560. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Passengers and their baggage*, in special or charter operations, between points in Otter Tail County, MN, on the one hand, and, on the other, points in the U.S. An underlying ETA application seeks 90 days authority. Supporting shipper: The Travel Gallery, 118 S. Vine, P.O.B. 806, Fergus Falls, MN 56537.

MC 153829 (Sub-4-21TA), filed June 4, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Bolts, nuts and related articles*, between the facilities of Sterling Bolt Company at or near Dallas and Houston, TX, and Tulsa, OK, on the one hand, and, on the other, points in ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, IN, KY, TN, AL, MS and FL. Supporting shipper: Sterling Bolt Company, 1616 Hinton Street, Dallas, TX 75325.

MC 151079 (Sub-4-2TA), filed June 2, 1981. Applicant: ALL WAY SERVICES, INC., 8827 West Flagg St., Milwaukee, WI 53223. Representative: Gary William Cleven, 2503 North Cramer St., Milwaukee, WI 53211. *Passengers* between Milwaukee, WI and its commercial zone to the Poplar Creek Music Theater near Hoffman Estates, IL; and special and charter operations between Milwaukee, WI and the Poplar Creek Music Theater near Hoffman Estates, IL; and special operations in roundtrip and sightseeing and pleasure tours beginning and ending at points in the Milwaukee, WI commercial zone and extending only to Marriott's Great America near Gurnee, IL. Supporting shipper: James M. Rhora, Customer, 4400 S. 51st Street, Milwaukee, WI.

MC 139023 (Sub-4-3TA), filed June 5, 1981. Applicant: 2-G TRANSPORTATION, INC., 12589 Rhode Island Ave. South, Savage, MN 55378. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Malt beverages*, between Memphis, TN and Longview, TX, on the one hand, and, on the other, points in MN and Grand Forks County, ND. Supporting shipper: There are four supporting shippers.

MC 52473 (Sub-4-5TA), filed June 4, 1981. Applicant: BEHNKE, INC., 77 South Monroe Street, Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. *Contract* irregular; *Iron and steel wire* between points in the U.S. under continuing contract(s) with Taubensee Steel & Wire Co. Supporting shipper: Taubensee Steel & Wire Co., 600 Diens Drive, Wheeling, IL 60090.

MC 120737 (Sub-4-11TA), filed June 3, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Machinery*, from Milwaukee, WI to points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: The Rose Company, 7044 N. Teutonia, Milwaukee, WI 53209.

MC 135154 (Sub-4-4TA), filed June 3, 1981. Applicant: BADGER LINES, INC., 3109 West Lisbon Ave., Milwaukee, WI 53208. Representative Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. (1) *Malt beverages*, from Memphis, TN, to points in IA, IL, WI, and that part of IN within the Chicago, IL, Commercial Zone, and (2) *Malt beverage containers*, from Streator, IL, to Memphis, TN. Supporting shipper: Jos. Schlitz Brewing Company, 235 West Galena Street, Milwaukee, WI, 53201.

MC 147644 (Sub-4-9TA), filed June 3, 1981. Applicant: JMC TRANSPORT, INC., 1719 Potters Ln., Jeffersonville, IN 47130. Representative: Steven H. Dorne, 4 Professional Dr., Suite 145, Gaithersburg MD 20760. *Iron and steel pipe fittings, forgings, pipe and tubing*, from Louisville, KY to Compton, Los Angeles, and Santa Fe, CA, and Odessa and Tyler, TX. Supporting shipper: Tube Turns, a division of Chemetron Corp., P.O. Box 32160, 2900 W. Broadway, Louisville, KY 40232.

MC 129484 (Sub-4-1TA), filed June 3, 1981. Applicant: RAMDO TRANSPORT, INC., d.b.a. MELVIN WANG TRUCKING, 80—29th Ave. No., Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Emulsified asphalt*, in bulk, in tank trailers, from Pillsbury, ND to points in Norman, Polk, and Becker Counties, MN and points in Marshall, McPherson, Codington, Brown, Walworth and Campbell Counties, SD. Supporting shipper: Hydrocarbon Specialties, Inc., 1629 8th Avenue South, Fargo, ND 58103.

MC 113751 (Sub-4-8TA), filed June 3, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Representative: James A Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Personal care products and materials, equipment and supplies* used

in the manufacture and distribution of such commodities between Manitowoc, WI, on the one hand, and, on the other hand, points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. Supporting shipper: Northern Laboratories, Inc., Box 808, Manitowoc, WI 54220.

MC 99117 (Sub-4–1TA), filed June 1, 1981. Applicant: T. H. RYAN CARTAGE CO., 111 S. Seventh St., Maywood, IL 60153. Representative: Vytas P. Ambutas, 10 S. LaSalle St., Chicago, IL 60603. *Contract:* Irregular; *Metal products,* between points in the Chicago, IL Commercial Zone, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with New Process Steel Corporation of Schaumburg, IL. Supporting shipper: New Process Steel Corporation, 1901 Mitchell, Schaumburg, IL 60193.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 41432 (Sub-5–12TA), filed June 1, 1981. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, Dallas, TX 75207. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *General commodities (except classes A and B explosives) and hazardous waste materials,* serving the facilities of the Ladish Company located at or near Cynthiana, KY, and Russellville, AR, as off-route points in connection with the applicant's otherwise authorized regular route operations. Supporting shipper: Ladish Company, 5481 S. Packard Avenue, Cudahy, WI 53110.

MC 41432 (Sub-5–13TA), filed June 1, 1981. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, Dallas, TX 75207. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *General commodities, except classes A and B explosives and hazardous waste materials,* serving points in Monterey and Santa Cruz Counties, CA, as off-route points in connection with carriers' existing regular route operations. Supporting shipper(s): Charmwick, Inc., 333 Encinal, Santa Cruz, CA 95060; Wm. Wrigley, Jr. Company, 2801 Mission St., Santa Cruz, CA 95060; Thomas J. Lipton, Inc., 2200 Delaware Avenue, Santa Cruz, CA 95060; Tucker Van and Storage, Inc., 1676 Contra Costa, Seaside, CA 93955; Ashworth Bros., P.O. Box 1449, Salinas, CA 93902.

MC 47583 (Sub-5–17TA), filed June 1, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. *Plastic waste materials for recycling, corrugated boxes and reprocessed plastic waste materials (except in bulk),* between points in Saline County, KS, on the one hand, and, on the other, points in CO, IA, IL, MI, MN, NE, TN, and TX. Supporting shipper: P.E.T. Recycling, Inc., Salina, KS 67401.

MC 99427 (Sub-5–15TA), filed June 1, 1981. Applicant: ARIZONA TANK LINES, INC., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, Attorney, 666 Grand Avenue, Des Moines, IA 50309. *(1) Non-ferrous metals, by-products, and (2) Materials and supplies used in their production,* between points in CA, NM, AZ, TX, on the one hand, and, on the other, points in UT, AZ, NV, and NM. Supporting shipper: Kennecott Minerals Company, a Division of Kennecott Corporation, P.O. Box 16600, Salt Lake City, UT 84116.

MC 110567 (Sub-5–4TA), filed June 1, 1981. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, Attorney, P.O. Box 855, Des Moines, IA 50304. *Ground Barite, Barytes Ore,* between Coffeyville, KS, on the one hand, and on the other, pts in AR, AZ, CO, IA, IL, IN, KY, LA, MI, MN, MO, MS, MT, NE, ND, NM, OH, OK, SD, TN, TX, WI, and WY. Supporting shipper: The Sherwin Williams Company, P.O. Box 855, Coffeyville, KS 67337.

MC 115669 (Sub-5–11TA), filed June 1, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *Sodium sulfate,* between pts. in Gaines and Terry Counties, TX, on the one hand, and, on the other, pts. in NE. Supporting shipper: Omaha Public Power Dist., 1623 Harney St., Omaha, NE 68102.

MC 117119 (Sub-5–57TA), filed June 1, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Shock absorbers and materials, equipment, and supplies used in the manufacture, sale and distribution thereof* between Paragould, AR on the one hand, and on the other points in the U.S. (except AK & HI). Supporting shipper(s): Monroe Auto Equipment Co., International Drive, Monroe, MI 48161.

MC 117399 (Sub-5–1TA), filed June 1, 1981. Applicant: LEE E. CHAMP, INC., 809 West 10th Street, Junction City, Kansas 66441. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, Missouri 64141. *Foodstuffs* from Olathe, KS, to Denver, CO. Supporting shipper: Paniplus Company, 100 Paniplus Roadway, Olathe, KS 66606.

MC 119399 (Sub-5–72TA), filed June 1, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Keith R. McCoy (same as applicant). *Chemicals and Related Products (except commodities in bulk)* between the facilities of PPG Industries, Inc., at Akron and Barberton, OH; Natrium, WV, Lake Charles, LA and La Porte, TX and all points in the U.S. (except AK and HI). Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA.

MC 121509 (Sub-5–2TA), filed June 1, 1981. Applicant: DAUFELDT TRANSPORT, INC., 618 Clay Street, Muscatine, IA 52761. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Petroleum products,* from Bettendorf and Coralville, IA, to pts in IL. Supporting shippers: J. D. Streett & Co., Inc., 144 Weldon Parkway, Maryland Heights, MO 63043; Independent Oil Co., Inc., P.O. Box 1142, Rock Island, IL 61201; Dormac Oil Co., P.O. Box 492, Clinton, IA 52732.

MC 125535 (Sub-5–12TA), filed June 1, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, P.O. Box 1746, Maryland Heights, MO 63043. Representative: Donald S. Helm (same as above). Contract; Irregular. *(1) Plastic nursery containers for the agricultural industry and (2) commodities used in the manufacture and distribution of commodities in (1) above (except commodities in bulk in tank vehicles),* between Miami and Hollywood, FL on the one hand, and on the other, points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Economy Plastic Inc., 1554 NW 161 Street, Hialeah, FL 33104.

MC 126045 (Sub-5–7TA), filed June 1, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 2333 Rockingham Road, P.O. Box 3122, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *Metal Products* between La Place, LA, on the one hand, and, on the other, pts in the states of AL, AR, FL, GA, IA, IL, IN, KS, KY, MI, MN, MO, MS, ND, NE, OH, OK, SD, TN, TX and WI. Supporting shipper: Bayou Steel Corp., P.O. Box 500, La Place, LA 70068.

MC 133676 (Sub-5–2TA), filed June 1, 1981. Applicant: COMET TRUCK LINE, INC., 1175 Choctaw Drive, Baton Rouge, LA 70821. Representative: Harold H.

Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Building materials and chemicals (except hazardous wastes and commodities in bulk) and machinery used in the manufacture or distribution thereof* between points in AL, AR, LA, and MS. Supporting shipper: Georgia-Pacific Corporation, P.O. Box 105040, Atlanta, GA 30348.

MC 134755 (Sub-5–20TA), filed June 1, 1981. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Missouri 65804. Representative: S. Christopher Wilson (same as applicant). *Paper and paper products,* from Dallas, TX, to Omaha, NE, Tulsa and Oklahoma City, OK, Topeka, KS, and Indianapolis, IN, and from Indianapolis, IN, to Omaha, NE, Topeka, KS, Oklahoma City and Tulsa, OK, and Dallas, Houston, and San Antonio, TX. Supporting shipper: Willamette Industries, Inc., Suite 414, 8300 N. E. Underground Drive, Kansas City, MO 64161.

MC 136426 (Sub-5–1TA), filed June 1, 1981. Applicant: LESCO, INC., 8205 F Street, Omaha, NE 68127. Representative: John D. Sykora, Law Offices of John D. Sykora, 13075 Sky Park Drive, Omaha, NE 68137. *Contract;* Irregular. *General commodities under contract with Nashua Corporation, and its wholly-owned subsidiary Albert Chemical (said commodities being used as raw materials for manufacture or the finished product thereof)* between pts. in the U.S. Supporting shipper: Nashua Corporation, 3838 South 108th Street, Omaha, NE 68144.

MC 147248 (Sub-5–6TA), filed June 1, 1981. Applicant: TRANS WORLD TRANSPORTATION CORP., Route 8, Box 139, Beaumont, TX 77705. Representative: Charles N. Driver, Route 8, Box 139, Beaumont, TX 77705. *Pulpboard, Woodpulp, Paper and Paper Products, in ocean-going containers or highway trailers, having a prior or subsequent movement,* between Evadale, TX, and Houston, TX. Supporting shipper: Temple-Eastex Incorporated, P.O. Box 816, Silsbee, TX 77656.

MC 148143 (Sub-5–5TA), filed June 1, 1981. Applicant: MID-AMERICA FARM LINES, INC., M. P. O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same as applicant). *General commodities (except Classes A and B explosives and household goods)* between points in the U.S. for the account of A & D Transco. Supporting shipper: A & D Transco, 1762 6th Ave. South, Suite 123, Seattle, WA 98134.

MC 150963 (Sub-5–2TA), filed June 1, 1981. Applicant: MID-CONTINENT DELIVERY, INC., 10201 North Everton Avenue, Kansas City, Missouri 64153. Representative: Patricia F. Scott, P.O. Box 258, Liberty, Missouri 64068. *General commodities, (except Classes A & B explosives),* (1) Between Chicago, IL on the one hand, and, on the other, points in MO, IA, NE, KS & IL; (2) Between Kansas City, MO on the one hand, and, on the other, points in MO, IL, IA, NE and KS; (3) Between Wichita, KS on the one hand, and, on the other, points in MO, IA, IL, NE & KS; (4) Between Des Moines, IA on the one hand, and, on the other, points in MO, IL, KS, IA & NE; (5) Between St. Louis, MO on the one hand, and, on the other, points in MO, KS, IA, IL & NE; and (6) Between Omaha, NE on the one hand, and, on the other, points in MO, KS, IA, IL & NE. Applicant intends to interline. Supporting shippers: 6.

MC 156079 (Sub-5–2TA), filed June 1, 1981. Applicant: CIRCLE C CARRIERS, INC., P.O. Box 6158, 3401 W. Roosevelt Rd., Little Rock, AR 72216. Representative: Sonny Curtner (same as above). *General Commodities, (except commodities in bulk, in tank vehicles)* between Philadelphia, PA, New York, NY, Haverhill, MA on the one hand and all points in the U.S. on the other. Supporting shipper: West Coast Shippers Association, 2000 South 71st St., Philadelphia, PA.

MC 156079 (Sub-5–3), filed June 1, 1981. Applicant: CIRCLE C CARRIERS, INC., P.O. Box 6158, 3401 W. Roosevelt Rd., Little Rock, AR 72216. Representative: Sonny Curtner (same address as applicant). *Charcoal briquets, materials and supplies used in the manufacturing of charcoal including paper bags.* From Baxter County, AR to all points in U.S. Supporting shipper: Steakhouse Marketing Co., Inc. P.O. Box 100 Cotter, AR 72626.

MC 156079 (Sub-5–4TA), filed June 1, 1981. Applicant: CIRCLE C CARRIERS, INC., P.O. Box 6158, 3401 W. Roosevelt Rd., Little Rock, AR 72216. Representative: Sonny Curtner (same as above). *General Commodities, (except commodities in bulk, in tank vehicles)* between Cook County, IL on the one hand, and all points in the US, on the other. Supporting shipper: East-West Shippers Association, Chicago, IL 60608.

MC 156148 (Sub-5–1TA), filed June 1, 1981. Applicant: AMERICAN CHARTER, INC., 101 Gaines Street, Davenport, IA 52805. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Common; Regular. *Passengers,* between Dubuque, IA, and Moline, IL, over U.S. Hwy 61 from Dubuque to Junction Interstate Hwy 80, then over Interstate Hwy 80 to Junction Interstate Hwy 74, then over Interstate Hwy 74 to Moline, serving all intermediate pts and pts in the Dubuque and Moline commercial zones, restricted to movements originating at or destined to the facilities of Deere & Company. Supporting shipper: United Auto Workers Local 865, 630–19th Street, East Moline, IL 61244.

MC 156232 (Sub-5–1TA), filed June 1, 1981. Applicant: KIM A. MATHES, Route 1, New Sharon, IA 50207. Representative: Richard D. Howe, 600 Hubbell Building, Des Mointes, IA 50309. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificate, 61 M.C.C. 209 and 766 (except commodities in bulk),* from Marion County, IA, to pts in IL, WI, and MN. Supporting shipper: Pella Packing Incorporated, Route 3, Pella, IA 50207.

MC 108207 (Sub-5–41), filed June 3, 1981. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Chemical reagents,* from Indianapolis, IN, to Dallas, TX and Tustin, CA. Supporting shipper: Rupp and Bowman Company, 24505 Indoplex Cir., Farmington Hills, MI 48018.

MC 115669 (Sub-5–12TA), filed June 2, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *Food & related products,* between Wichita and Kansas City, KS, on the one hand, and, on the other, points in Muscatine County, IA. Supporting shipper: Cereal Food Processors, Inc., Box 11338, Kansas City, MO 64112.

MC 115669 (Sub-5–13TA), filed June 2, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *Metal products,* between Adams County, NE, on the one hand, and, on the other, points in MT. Supporting shipper: Aurora Pump, Hastings Branch, P.O. Box 31, Hastings, NE 68901.

MC 125254 (Sub-5–9TA), filed June 3, 1981. Applicant: MORGAN TRUCKING CO., 1201 E. 5th Street, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Malt beverages,* from Winston-Salem, NC and Memphis, TN, to Muscatine, IA. Supporting shipper: Manjoine Distributing, Inc., R. R. #3, P.O. Box 34, Muscatine, IA 52761.

V 46 JE 15 81 UMI

MC 142364 (Sub-5–12TA), filed June 3, 1981. Applicant: KENNETH SAGELY TRUCKING COMPANY, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *Canned Foodstuffs* between Benton, Crawford, Sebastian and Washington Counties, AR; Moorhead, MS; and Westville, OK, on the one hand, and, on the other, points in the U.S. Supporting shipper: Allen Canning Company, Inc., 305 East Main Street, Siloam Springs, AR 72761.

MC 142370 (Sub-5–1TA), filed June 3, 1981. Applicant: PAUL LONDINO, d.b.a. SCRANTON TRANSFER, 500 North 3rd Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. Common regular: *General Commodities, except Classes A and B Explosives and household goods as defined by the Commission, hazardous waste and commodities in bulk,* between the facilities of Correll, Inc., at or near Charleston, AR, and Fort Smith, AR; from the facilities of Correll, Inc. over AR Hwy 22 to Fort Smith, AR and return. Supporting shipper: Correll, Inc., Charleston, AR.

MC 146616 (Sub-5–11TA), filed June 2, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 West 21st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, irregular: (A) (1) *Sucker rods, pony rods, oil field production components* and (2) *equipment and supplies* used in the *manufacture and distribution of the commodities named in (1) above*, between points in the U.S., under continuing contract(s) with B & D Oil Field Supply, Inc., of Bartlesville, OK; and (B) (1) *Sucker rods, pup joints, couplings, steel bars, forging and special machined oil field components, and (2) equipment and supplies used in the manufacture and distribution of the commodities named in (1) above*, between points in the U.S., under continuing contract(s) with Del-Tex, Inc. of Claremore, OK. Supporting shippers: B & D Oil Field Supply Co., 3662 N.E. Nebraska, Bartlesville, OK 74003; Del-Tex, Inc., P.O. Box 1187, Claremore, OK 74017.

MC 146853 (Sub-5–4TA), filed June 3, 1981. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Sugar*, between Ogdon, UT; Denver, CO; Fargo, ND; Scottsbluff, NE; Minneapolis, MN; Marshalltown, IA; and St. Louis, MO on the one hand, and, on the other, pts in IA, IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, and WI. Supporting shipper: International Distributing Corp., 4240 Utah Street, P.O. Box 22106, St. Louis, MO 63116.

MC 150581 (Sub-5–2TA), filed June 2, 1981. Applicant: ESTHERVILLE SAND & GRAVEL, INC., 1201 Third Avenue South, Estherville, IA 51334. Representative: Eric L. Anderson (same address as applicant). *Bulk rock, stone, sand, gravel, dirt, clay* in dump vehicles between pts in Campbell and Weston Counties, WY; Minnehaha, Turner, Lincoln Counties, S.D; Pipestone, Brown, Blue Earth Counties, MN; to pts in Northwest IA and Southwest MN. Supporting shippers: Willett Gravel Company, Inc., R.R. 2, Box 165A, Jackson, MN 56143; C. H. Could Company, 827 East First Street, Fairmont, MN 56031.

MC 151383 (Sub-5–7TA), filed June 2, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Rahal & Anderson, A Professional Corporation, Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: (1) *Construction and process machinery and* (2) *materials and supplies used in the production and distribution of the commodities named in (1) above*, between points in the U.S. under continuing contract(s) with Sooner Construction Equipment & Service Co. of Oklahoma City, OK. Supporting shipper: Sooner Construction Equipment & Service Co., P.O. Box 11313, 2835 N.W. 23rd St., Oklahoma City, OK 73136.

MC 156293 (Sub-5–1TA), filed June 3, 1981. Applicant: MADDEN TRUCKING, INC., 805 East 10th, Leon, IA 50144. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Lumber, posts and poles*, from Rogers, AR to pts in IA, IL, KS, MO, NE, OK and SD. Supporting shipper(s): Timber Treated Products, Inc., 2535 South 8th Street, Rogers, AR 72756.

MC 156295 (Sub-5–1TA), filed June 3, 1981. Applicant: DALE DONALDSON, d.b.a. D & M TRUCKING, P.O. Box 738, Lancaster, TX 75146. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. (1) *Carpeting*, and (2) *plastic and rubber articles*, (1) from points in GA to points in TX, and (2) from Fort Worth, TX to points in AL, LA, MS and OK. Supporting Shippers: There are six supporting shippers.

MC 156296 (Sub-5–1TA), filed June 3, 1981. Applicant: HODGES WAREHOUSE, DIVISION OF PORT CITY PROPERTIES, INC., 6533 E. 46th Street, Tulsa, OK 74145. Representative: Michael H. Lennox, 531 N. Portland, P.O. Box 75613, Oklahoma City, OK 73147. *Medical supplies* between Tulsa County, OK on the one hand, and on the other, points in KS. Supporting shipper Travenol Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove, IL 60053.

MC 61440 (Sub-5–12TA), filed June 5, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N. W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Contract irregular: *General Commodities (except Classes A & B explosives)* between all points in the U.S. (except AK and HI) under continuing contract(s) with Rheem Air Conditioning Division, City Investing, Ft. Smith, AR.

MC 105774 (Sub-5–2TA), filed June 5, 1981. Applicant: JOHNSON TRUCK LINE, INC., Jct. U.S. Hwy 281 & U.S. Hwy 24, Osborne, KS 67473. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Roofing and Roofing Related Products*, From Phillipsburg, KS to points in AZ, CA, CO, ID, IL, IA, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY. Supporting shipper: Tamko Asphalt Products, Inc., 220 West 4th Street, Joplin, MO 64801.

MC 107815 (Sub-5–1TA), filed June 5, 1981. Applicant IOWA COACHES, INCORPORATED, 1180 E. Roosevelt Ext., Dubuque, IA 52001. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309 *Passengers and their baggage*, in the same vehicle as passengers, between Dubuque County, Clinton County, and Jackson County, IA, on the one hand, and on the other, the John Deere Harvester Works facilities at Rock Island County, IL. *Restricted* to transportation provided for John Deere employees. Supporting shipper: Joe Brenke, 3404 Foothill Road, Dubuque, IA 52001.

MC 119399 (Sub-5–73TA), filed June 5, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802 Representative: Keith R. McCoy (address same as applicant). *Waste Paper*, between points in the U.S. restricted to shipments originating at or destined to facilities used by Batliner Stock Company. Supporting shipper: Batliner Paper Stock Company, Kansas City, MO 64120.

MC 135078 (Sub-5–16TA), filed June 5, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: ARTHUR J. CERRA, 2100 Charter Bank Center, P.O. Box 19251, Kansas City, MO

64141. *Contract:* Irregular. *Such commodities as are dealt in, sold, or used by shoe manufacturers and distributors,* from the Commercial Zones of Boston, MA; Camphill, PA; Port Elizabeth, NJ; New York, NY; and Miami, FL; to the Commercial Zone of Topeka, KS. Supporting shipper: Volume Shoe Corporation, 3231 East 6th Street, Topeka, KS 66601.

MC 135691 (Sub-5–19TA), filed June 5, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75238. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Metal containers and closures and tin plate* from facilities of Armstrong Containers, Inc. in Chicago and Westchester, IL, to facilities of Armstrong Containers, Inc. at Santa Fe Springs, CA; Atlanta, GA; and Garland, TX. Supporting shipper: Armstrong Containers, Inc., 10330 Roosevelt Road, Westchester, IL 60153.

MC 135691 (Sub-5–20TA), filed June 5, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75238. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *General commodities (with the usual exceptions)* between facilities owned or utilized by Velsicol Chemical Corp., on the one hand, and, on the other, points in the United States. Supporting Shipper: Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL 60611.

MC 139905 (Sub-5–2TA), filed June 5, 1981. Applicant: R.B. STUCKY AND N.M. STUCKY, d.b.a. S&S DAIRIES, Route 2, Moundridge, KS 67107. Representative: Bruce C. Harrington, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Contract, Irregular; *Liquid sugar, liquid sweetner, high fructose sweetners and corn syrup sweetners.* Between the facilities of Jackson Ice Cream Co., located at Denver County, CO and Reno County, KS on the one hand and points and places in the US on the other hand. Supporting shipper: Jackson Ice Cream Co., Inc., 2600 E. 4th St., Hutchinson, KS 67501.

MC 141175 (Sub-5–2TA), filed June 5, 1981. Applicant: GARLEPIED TRANSFER, INC., 319 Butterworth Street, Jefferson, LA 70181. Representative: G. H. Knapp Jr., ICC Practitioner, 319 Butterworth Street, Jefferson, LA 70181. *Bananas, pineapples and coconuts,* from Galveston, TX, and Gulfport, MS, to all points in U.S. Supporting shipper: Castle and Cooke Food Division, 2900 Veterans Memorial Highway, Metairie, LA 70001.

MC 147196 (Sub-5–23TA), filed June 5, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, La. 70150. Representative: Donald A. Larousse, P.O. Box 50262, New Orleans, La. 70150. Contract: Irregular. *Chemicals (Except in bulk), In Bags, Loose or Palletized* between the Ports of Baton Rouge, Louisiana and Houston, Texas on the one hand, and, on the other, the 48 states, under a continuing contract or contracts with Chem-Lig International, Danbury, Ct. Supporting shipper: Chem-Lig, International, 30 Main Street, Danbury, Ct. 06810.

MC 149061 (Sub-5–1TA), filed June 5, 1981. Applicant: STEMPEL MANUFACTURING CO., Airport Road, Coleman, Texas 76834. Representative: Robert K. Frisch, Brown & Walker, 2711 Valley View Lane, Suite 101, Dallas, Texas 75234. Contract; Irregular. *Manufactured wood products and wood parts* between points in the United States pursuant to continuing contract with Lasting Products, Inc. Supporting shipper: Lasting Products, Inc., 2115 Valley View Lane, Dallas, Texas 75234.

MC 149199 (Sub-5–5TA), filed June 5, 1981. Applicant: FRONTIER EXPRESS, INCORPORATED d.b.a. D & M TRANSPORTATION, 905 S.W. Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036. *Plumbing fixtures and supplies; and materials, equipment and supplies used in the manufacture and distribution thereof (except bulk commodities);* between the facilities of Delta Faucet Company at Chickasha, OK, on the one hand, and, on the other, points in the U.S. Supporting shipper: Delta Faucet Company, a Division of Masco Corporation of Indiana, Hwy 47 West, Greensburg, IN 47240.

MC 150086 (Sub-5–6TA), filed June 5, 1981. Applicant: WADE TRUCK LINES, INC., P.O. Box 156, Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Contract, Irregular; *foodstuffs, and materials and supplies used in the manufacture and distribution of foodstuffs,* Between Greene County, MO, on the one hand, and, on the other, points in FL, LA and PA, under ■ continuing contract with The R. T. French Company. Supporting shipper: The R. T. French Company, 4455 East Mustard Way, Springfield, MO 65801.

MC 151505 (Sub-5–3TA), filed June 5, 1981. Applicant: RAM TRUCK LINE, INC., P.O. Box 1287, Mesquite, TX 75149. Representative: Bob R. Bunch (same as above). *General commodities* (except household goods as defined by the Commission), between points in the U.S. Supporting shipper: United Forwarding, Inc., 7000 Bldg., Suite 445, 7000 West Center Rd., Omaha, NE 68106.

MC 152537 (Sub-5–4TA), filed May 21, 1981. Applicant: WIN WILLIAMS TRUCKING CO., INC., 14025 Spencer Rd., Suite No. 201, Houston, TX 77041. Representative: Win Williams, 14025 Spencer Rd., Suite No. 201, Houston, TX 77041. *Pipe, when moving as oilfield equipment,* between points TX, OK, LA, NM, CO, and WY, restricted to traffic moving for the account of Mitchell Energy. Supporting shippers: Mitchell Energy, P.O. Box 61863, Houston, TX 77208.

MC 154138 (Sub-5–3TA), filed June 5, 1981. Applicant: LARRY DON EASLEY, d.b.a. EASLEY TRUCKING, P.O. Box 103, Ben Wheeler, TX 75754. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Food and related products;* between points in WA, ID, CA, UT, and OR on the one hand, and, on the other, points in KS, OK, TX, AR, and LA. Supporting shipper(s): VIP Sales Company, Inc., 63449 S. Memorial, Tulsa, OK 74133.

MC 154931 (Sub-5–1TA), filed June 5, 1981. Applicant: HARRELL LEASING, INC., P.O. Box 1400, Russellville, AR 72801. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201. (1) *Lumber and Wood Products* and (2) *Building Materials,* between Pope, Johnson and Washington Counties, AR, and points in LA, CO, NM, AZ, MS, KS, OK, CA, TX, MO, and OR.

MC 155767 (Sub-5–1TA), filed June 5, 1981. Applicant: NATIONAL CARTAGE, INC., P.O. Box 278, Plattsburg, MO 64477. Representative: Charles J. Fain, Attorney at Law, 333 Madison Street, Jefferson City, MO 65101. *General commodities, except household goods as defined by the Commission, Class A and B explosive and hazardous waste* between Kansas City, MO, and points in the states of KS and MO, restricted to shipments having a prior or subsequent movement by rail. Supporting shipper: C. J. Patterson Co., P.O. Box 167, Grandview, MO 64030; Variform Plastics, Inc., 303 W. Major, P.O. Box 559, Kearney, MO 64060; Gott Corporation, 1616 Wheat Road, P.O. Box 652, Winfield, KS 67156; Seaboard Allied Milling Corp., 9000 West 67th St., P.O. Box 2969, Shawnee Mission, KS 66201.

MC 156342 (Sub-5–1TA), filed June 5, 1981. Applicant: REX LONG, d.b.a. R. L. TRUCKING, Route 10, Box 458, Moore, OK 73165. Representative: William P. Parker, 141 Northeast 38th Ter., Oklahoma City, OK 73105. *Oil field commodities, in hot shot service,* between points in Beckham, Cleveland,

Grady and Oklahoma Counties, OK on the one hand, and, on the other, points in AR, CO, KS, LA, NM, TX, and WY. Supporting shipper(s): There are 8 supporting shippers.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 149195 (Sub-6–15TA), filed June 1, 1981. Applicant: ARCADIAN MOTOR CARRIERS, P.O. Box 456, Kingsburg, CA 93631. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Contract carrier,* irregular routes: *Such commodities as are dealt in by grocery, food and drug business houses* (except in bulk), between the facilities of Colgate-Palmolive Company, Inc., at or near Kansas City, KS, on the one hand, and, on the other, points in the U.S., under contract(s) with Colgate-Palmolive Company, Inc., for 270 days. Supporting shipper: Colgate-Palmolive Company, Inc., 1806 Kansas Ave., Kansas City, KS 66105.

MC 11722 (Sub-6–11TA), filed June 1, 1981. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 Northeast Weidler, Portland, OR 97232. *Food and related products* between King County, WA on the one hand, and, on the other, points in MT, ID, and OR for 270 days. Supporting shipper: Shasta Beverage Co., 1227 Andover Park E., Tukwila, WA 98188.

MC 152238 (Sub-6–18TA), filed June 2, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant). *Contract carrier,* irregular routes: *iron and plastic sewer pipe and fittings,* from Anaheim and Tustin, CA, to points in CA, OR, WA, NV, and AZ, restricted to shipments moving under continuing contract(s) with Anaheim Foundry, Inc. and Spartan Plastics, Inc., for 270 days. Supporting shipper(s): Anaheim Foundry Inc. and Spartan Plastics, Inc., 800 E. Orangethorpe Ave., Anaheim, CA 92801.

MC 152238 (Sub-6–19TA), filed June 2, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same as applicant). *Lumber and wood products, pulp, paper and related products, metal products, building materials, and commodities used in the manufacture of the above,* between points in the U.S., restricted to shipments originating at or destined to facilities of Louisana-Pacific Corp. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Louisiana-Pacific Corp., P.O. Box 158, Samoa, CA 95564.

MC 140633 (Sub-6–3TA), filed May 29, 1981. Applicant: CAPITAL DELIVERY SYSTEMS, INC., P.O. Box 161115, Sacramento, CA 95816. Representative: John F. Parks III (same as applicant). *Contract carrier,* Irregular Route: *Such commodities as are sold by retail furniture stores (home furnishings, draperies, lamps, accessory items, etc.)* from Sacramento, CA to points in NV for 270 days. Supporting shipper: Wilson's Furniture, Inc., 2333 Arden Way, Sacramento, CA 95825.

MC 115523 (Sub-6–11TA), filed May 29, 1981. Applicant: CLARK TANK LINES COMPANY, 1450 North Beck St., Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same as applicant). *Dry Chemicals,* in bulk, from Apex, NV and Bloom, UT to FMC Plant near Westvaco, WY for 270 days. Supporting shipper: FMC Corporation, Philadelphia, PA 19103.

MC 135989 (Sub-6–11TA), filed June 1, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. *Contract carrier,* irregular routes: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 MCC 209 and 766 (except hides and commodities in bulk), from Denver, CO to all points in the U.S. under continuing contract(s) with Peppertree Beef Company of Denver, CO for 270 days. Supporting shipper: Peppertree Beef Company, P.O. Box 16331, Stockyards Station, Denver, CO 80216.

MC 136605 (Sub-6–44TA), filed May 29, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as above). *Air-Conditioners, Heaters, filtering Units and Air-Handlers with Coils* from the facility of Customair System, Inc., located at or near Pryor, OK to points in the US. for 270 days. Supporting shipper: Customair Systems, Inc., P.O. Box 1290, Pryor, OK 74361.

MC 136605 (Sub-6–45TA), filed June 1, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. B. 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Steel Buildings, knocked down, parts, components and accessories used in the manufacture of distribution of steel buildings,* between the facility of American Steel Buildings Company, Inc., located at or near Aurora, CO and points in the U.S. in and west of MN, IA, MO, OK, TX (except AK & HI), for 270 days. Supporting shipper: American Steel Building Co., Inc., P.O.B. 38350, Denver CO 80238.

MC 156209 (Sub-6–1TA), filed June 1, 1981. Applicant: DART WAREHOUSE CORPORATION, d.b.a. DIVISION TRUCKING, 1430 S. Eastman Ave., Los Angeles, CA 90023. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract Carrier,* Irregular Route: *Such commodities* as are dealt in by mail-order houses and retail department stores, (1) between Los Angeles, CA and Denver, Grand Junction, CO; Salt Lake City, UT; Seattle, WA; Portland, OR; Albuquerque, NM; El Paso, TX; and (2) between Phoenix, Tucson, Holbrook, AZ; and Albuquerque, NM; El Paso, TX, for the account of Sears, Roebuck and Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sears, Roebuck and Company, 900 S. Fremont, Alhambra, CA.

MC 107638 (Sub-6–2TA), filed May 28, 1981. Applicant: EVERGREEN TRAILS, INC., d.b.a. EVERGREEN TRAILWAYS, 666 Stewart St., Seattle, WA 98101. Representative: Lawrence E. Lindeman, 425–13th St., N.W., Suite 1032, Washington, D.C. 20004. *Common carrier;* Regular route: *Passengers and their baggage, and express and newspspers in the same vehicle with passengers,* between Seattle, WA and Sea-Tac Airport, King County, WA as follows: (1) from Seattle via Interstate Highway 5 to junction Washington Highway 518, then over Washington Highway 518 to Sea-Tac Airport and (2) from Seattle over Interstate Highway 5 to junction Washington Highway 518, then over Washington Highway 518 to Washington Highway 99, then over Washington Highway 99 to Sea-Tac Airport, serving all intermediate points for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper(s): Western Canada Travel, 729 Johnson St., Victoria, B. C. V8W1M8; Blaney's Travel Service Ltd, 920 Douglas St., Victoria B.C. V8W2T8; Victoria Travel Shopper Ltd., 645 Johnson St., Victoria B.C. V8W1M7; Totem Travel Service Ltd, P.O.B. 4098 Stn. 'A', Victoria B.C. V8X3X4.

MC 145412 (Sub-6–1TA), filed June 1, 1981. Applicant: LEE RAY FARNSWORTH, d.b.a. FARNSWORTH TRUCKING, 765 E. 1600 N., Orem, UT 84097. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108. Contract carrier, irregular

routes: *dairy products*, in vehicles equipped with mechanical refrigeration; from Orem and Salt Lake City, UT to MT, CO, WY and ID, for 270 days. Supporting shipper: Meadow Gold Dairies, a division of Beatrice Foods Company, 1030 S. Main St., Salt Lake City, UT 84101.

MC 147152 (Sub-6–1TA), filed June 1, 1981. Applicant: GENERAL CARRIERS CORPORATION, P.O. B. 3642, Santa Fe Springs, CA 90670. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., restricted to traffic originating at or destined to the facilities of Major Shippers Association or its members, for 270 days. Supporting shipper: Major Shippers Association, P.O. B. 3045, Santa Fe Springs, CA 90670.

MC 156257 (Sub-6–1TA), filed June 1, 1981. Applicant: EARL GRADEN, 138 N. Blakely St., Monroe, WA 98272. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier*, irregular routes, *Commodities as may be dealt in by wholesale food supply companies*, between WA and CA for 270 days. Supporting shippers: Richardson & Holland, Div. of Mallinckrodt, Inc., 1001 John St., Seattle, WA 98109.

MC 156243 (Sub-6–1TA), filed June 1, 1981. Applicant: MICHAEL HARRELSON, d.b.a. HARRELSON TRUCKING CO., P.O. Box B 707, Calimesa, CA. 92320. Representative: Michael Harrelson (same as applicant). *Contract Carrier*, Irregular Routes; *Vinyl Siding and Plastic Articles* used in the manufacture and installation thereof, Between Weatherford, TX, on the one hand, and on the other, customers and suppliers of Robintech, Inc., at Chicago and Danville, IL, Hartford, CT., Jersey City, NJ., and Los Angeles, CA. for 270 days. Supporting shipper: Robintech, Inc., P.O. Box 835, Weatherford, TX 76086.

MC 149378 (Sub-6–12TA), filed June 2, 1981. Applicant: KIRBY TRANSPORT, INC., 8023 E. Slauson Ave., Montebello, CA 90640. Representative: A. Dayton Schell, 6 Eileen Way, Edison, N.J. 08817. *Contract Carrier;* Irregular routes: commodities as are distributed, sold and/or used by Automobile Body Repair Shops, Automobile Dealers Repair Shops, Parts Dealers, and auto and home centers consisting of *body putty, cleaning, buffing and polishing compounds, paints, lacquers and thinners, vehicle body sealers, resin compounds, cloth or fabric synthetic, plastic and rubber lubricating additives, body patch kits, store displays, plastic articles, chemicals, adhesives, buffing pads, cleaning cloths, benzoyl peroxide* (except in bulk) and materials equipment and supplies (except in bulk) used in the sale, manufacture and distribution of those products between the facilities and warehouses of U.S. Chemicals and Plastics in Canton and Gnadenhutton, OH and points in the U.S., except AK and HI for 270 days. Supporting shipper: U.S. Chemicals and Plastics, 1446 W. Tuscarawas, Canton, OH.

MC 156150 (Sub-6–1TA), filed June 1, 1981. Applicant: LAVELLE POWDER CO., INC., P.O. Box 3648, Butte, MT 59701. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT. *Ore, rock, concentrates, and precipitates, including gold ore, platinum ore, silver ore, copper ore, flux ore and barite ore, pebble lime, phosphate precipitator dust, ferro phosphorous, and such other commodities in Groups 10 and 14 of the Standard Transportation Commodity Code Tariff*, from points in MT, ID, WA and Dolomite, UT, to points in MT, ID, WA, Ely, NV, and Cudahy and San Bernardino, CA, for 270 days. Supporting shippers: There are six shippers. Their statements may be examined at the Regional Office.

MC 156179 (Sub-6–1TA), filed May 26, 1981. Applicant: MARIN AIRPORTER, 101 Sir Francis Drake Blvd., Greenbrae, CA 94904. Representative: Michael J. Stecher, 256 Montgomery St., Fifth Floor, San Francisco, CA 94104. *Passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Marin and Sonoma Counties, CA and extending to all points in NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are ten (10) supporting shippers. Their statements may be examined at the Regional Office listed.

MC 128527 (Sub-6–11TA), filed May 29, 1981. Applicant: MAY TRUCKING COMPANY, P.O. B 400, Payette, ID 83661. Representative: Timothy W. Wilson, P.O. B 9039, Salem, OR 97305. *Building Materials*, from Weiser, ID to Berthoud, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Weiser Products, P.O. B 551, Weiser, ID 83672.

MC 154304 (Sub-6–2TA), filed June 1, 1981. Applicant: MELGAARD FREIGHTSYSTEMS LTD., 4316B 64th Ave. SE., Calgary, Alberta, Canada 2TC 2B3. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. (1) *Scrap metal products* from U.S. ports of entry on the U.S. international boundary line in WA and ID to Tacoma, WA, and Los Angeles, CA; (2) *hot water heaters* from Los Angeles commercial zone, CA, to U.S. ports of entry on the international boundary line in WA, ID and MT, under continuing contracts with Scrap City Scrap Metal Ind., Ltd., and Westburne Industries, for 270 days. Supporting shippers: Westburne Industries, 3840 8 St. SE., Calgary, Alberta, Canada; Scrap City Scrap Metal Ind. Ltd., 3415 Ogden Rd. SE., Calgary, Alberta, Canada.

MC 156223 (Sub-6–1TA), filed May 29, 1981. Applicant: GENE MILWRICK, d.b.a. MILWRICK TRUCKING SERVICE, 3530 North Durfee St., Pico Rivera, CA 90660. Representative: Gene Milwrick (same as applicant). *Contract carrier;* irregular routes: *General commodities*, between points in the U.S., for the account of Wisconsin Shippers Association, Inc., and their members, for 270 days. Supporting shipper: Wisconsin Shippers Association, Inc., 5253 Hopkins St., Milwaukee, WI 53209.

MC 144572 (Sub-6–20TA), filed June 1, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. B G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717—17th St., Denver, CO 80202. *Toilet bowls and cleaning compounds*, from Passaic, NJ to Denver, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Flush Co., P.O. B 573, Saddlebrook, NJ 07662.

MC 152608 (Sub-6–3TA), filed June 1, 1981. Applicant: NICHOLSON TRUCKING, INC., 1532 SE 3rd Ave., Portland, OR 97214. Representative: Paul C. Nicholson (same as applicant). *Salt (STCC 86802), in packages*, from points in Tooele County, UT, to points in OR and WA for 270 days. Supporting shipper: American Salt Co., 3142 Broadway, Kansas City, MO 64111.

MC 144040 (Sub-6–2TA), filed May 29, 1981. Applicant: PINETREE TRANSPORTATION CO., d.b.a. CALIFORNIA CHARTER BUSES, 6400 Westminster Ave., Westminster, CA 92683. Representative: Robert Corber, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. *Passengers and their baggage in the same vehicle with passengers* in charter and special operations: (1) between Los Angeles and Orange Counties, CA on the one hand, and, on the other, points and places in San Francisco, CA; Maricopa, AZ; Clark, NV; Washington, D.C.; Salt Lake, UT; and Fairfax County, VA subject to prior or subsequent travel outside the continental U.S.; and (2) beginning and

ending at points and places in Los Angeles and Orange Counties, CA and extending to points and places throughout the U.S. (including AK but excluding HI. for 180 days. Supporting shipper(s): There are fourteen (14) supporting shippers. Their statements may be examined at the Regional office listed.

MC 144436 (Sub-6–1TA), filed May 29,1981. Applicant: PRINCE, INC., P.O. Box 440, Forsyth, MT 59327. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. *Cement,* between points in Gallatin County, MT on the one hand and points in Morgan and Salt Lake Counties, UT on the other hand, for 270 days. Supporting shipper: Ideal Basic Industries, Inc., P.O. Box 2095, Billings, MT 59103.

MC 142311 (Sub-6–2TA), filed May 28, 1981. Applicant: QUALITY STEAKS TRANSPORTATION COMPANY, INC., 5100 Race Ct., Denver, CO 80216. Representative: Jack B. Wolfe, 1600 Sherman St. #665, Denver, CO 80203. *Contract carrier,* irregular routes, *(1) food and related products and (2) materials, equipment and supplies used in the manufacture or distribution of the commodities named in (1) above* between Denver, CO and Phoenix, AZ and their commercial zones, on the one hand, and, on the other, points in AZ, CO, CA, OR, OH, NE and TX under contract with ECI Table Readi Meats for 270 days. Supporting shipper: ECI TAble Readi Meats, 2825 S. Raritan, Englewood, CO 80110.

MC 138624 (Sub-6–4TA), filed June 1, 1981. Applicant: CLIFF REED, INC., Rt. 1, Box 510, Corvallis, MT 59828. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Lumber and lumbermill products,* from points in WA, OR, ID, MT, to points in UT and CO, for 270 days. Supporting shipper: F. H. Stoltze Land & Lumber Co., Box 490, Columbia Falls, MT 59912.

MC 156247 (Sub-6–1TA), filed May 29, 1981. Applicant: ROBINSON CHARTER LINE, INC., 2266 Colmena St., La Canada, CA 91011. Representative: Donald R. Hedrick, P.O.B. 88, Norwalk, CA 90650. *Passengers with their baggage,* in the same vehicle, in special or charter operations, (1) in round-trip service beginning and ending at points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Kern, and Ventura Counties, CA and extending to points in AZ, NV, NM, UT, CO, OR, WA, ID, MT, and WY; and (2) in one-way service beginning or ending at points in AZ and extending to points in those CA counties named in (1) above, for 180 days. Supporting shippers: There are seven shippers. Their statements may be examined at the regional office listed.

MC 123329 (Sub-6–13TA), filed June 2, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta T2P 2P9. Representative: D. S. Vincent (same as applicant). *Lumber and wood products,* between ports of entry on the International boundary line between the United States and Canada on the one hand, and, on the other, points in AZ, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shippers: There are five shippers. Their statements may be examined at the regional office listed.

MC 147327 (Sub-6–1TA), filed June 1, 1981. Applicant: VALLEY TRANSFER & STORAGE, INC., P.O. Box 13236, Spokane, WA 99213. Representative: James E. Wallingford (same as applicant). *Contract carrier:* Irregular routes: *Chemicals and allied products, including recyclable materials:* ie: *Slag and other products derived therefrom.* Between points in WA, OR, ID, MT, WY, NV, UT, AZ, NM, and CA, for the account of Phoenix Resource Recovery, Inc. for 270 days. Supporting shipper: Phoenix Resource Recovery, Inc., P.O. Box 95, Ravensdale, WA 98051.

MC 148390 (Sub-6–8TA), filed June 2, 1981. Applicant: TRIWAYS, INC., 12302 Wardman Ave., Whittier, CA 90602. Representative: William Davidson, P.O. Box 58408, Los Angeles, CA 90058. *Contract carrier.* Irregular routes: (1) *Wearing apparel, on hangers and in packages;* (2) *malt liquors;* (3) *cosmetics and toilet preparations;* between Los Angeles, CA Commercial Zone and points in AZ, ID, OR, NV, UT, and WA for 270 days. Supporting shippers: (1) Anita Shops, 2151 N. Soto St., Los Angeles, CA 90022; (2) Nobby 2151 N. Soto St., Los Angeles, CA 90022; (3) General Brewing Co., 312 West 8th Street, Vancoover, WA; (4) Avon Products, Inc, 2960 East Foothill Blvd., Pasadena, CA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–17815 Filed 6–12–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers: Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any condition set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC–FC–78982. By the decision of May 15, 1981 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1132, Review Board Number 3 approved the transfer to Marathon Bus Line, Inc. of Certificate No. MC–140797 issued January 7, 1976 to Blue & Grey Transit, Inc. authorizing the regular-route transportation of passengers and their baggage, in the same vehicle with passengers between New York, NY, and Green Haven, NY, serving intermediate points of Yonkers, White Plains and Stormville, NY over described regular-routes subject to the following conditions: no incidental charter operations. Applicant's representative is: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004.

MC–FC–79113. By decision of May 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1132, Review Board Number 3 approved the transfer to W. R. Hurst, Inc., of Blanding, UT, of Certificate No. MC–112079 (Sub-No. 1), issued July 30, 1973, to Sam Crain, doing business as Sam Crain Trucking, of Dove Creek, CO, authorizing the transportation of *uranium and vanaduim ores*, in bulk, from points in San Juan County, UT, to Naturita, Durango and Uravan, CO, and Thompson, UT. Applicant's representative: Grant A. Hurst, 463 11th Avenue, Salt Lake City, UT 84130.

Note.—Transferee holds authority to operate as a motor common carrier under MC–145187 (Sub-No. 1). Application for TA has not been filed.

MC–FC–79130. By the decision of May 15, 1981 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1132, Review Board Number 3 approved the transfer to Alfred Swinford, d/b/a/ Swinford Trucking Co., of Paducah, KY, of Permit No. MC–145438 and Sub-No. 1F issued to ABC Truck Co., a Corporation, of Marlette, MI, authorizing: Such Commodities as are dealt in and used by producers and distributors of alcoholic beverages (except commodities in bulk, in tank vehicles), between the facilities of Heublein, Inc., at or near Paducah, KY, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under continuing contract(s) with Heublein, Inc., of Hartford, CT. Such commodities as are dealt in or used by producers and distributors of alcoholic beverages (except commodities in bulk in tank vehicles) between the facilities of Hueblein, Inc., at or near (1) Hartford, CT, and (2) Detroit, MI, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under continuing contracts with Heublein, Inc., of Hartford, CT. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167. TA lease is sought. Transferee is a carrier.

MC–FC–79158. By decision of May 19, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to West Brothers Transfer & Storage, Hauling & Storage Division, Inc. of Raleigh, NC, of Certificate of Registration No. MC–99044 (Sub-No. 1) issued May 25, 1964 to West Brothers and Storage, Inc., evidencing a right to engage in transportation in interstate commerce corresponding in scope to Common Carrier Certificate No. C–275 dated May 7, 1953 and incorporated in Certificate No. CP–16, dated August 19, 1960, issued by the North Carolina Utilities Commission authorizing the transportation of (1) *general commodities*, except those requiring special equipment and except unmanufactured leaf tobacco, between points and places within a radius of 150 miles of Raleigh, NC; (2) household goods and family moving to points and places within a radius of 150 miles of Raleigh; and (3) retail store delivery service including delivery of merchandise from retail stores to their customers within a 50 mile radius of Raleigh, NC, and the return or exchange of said merchandise, subject to the following condition: Applicant must submit a statement in writing confirming the date of consummation of the intrastate transaction which was approved by the North Carolina Utilities Commission. Applicant's representative is: Herbert Alan Dubin, 818 Connecticut Ave., NW., Washington, DC 20006.

Note.—Transferee is a non-carrier. TA has not been filed.

MC–FC–79159. By decision of May 18, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Allen Mitchek of Certificate No. MC–127175 (Sub-No. 3) issued March 8, 1968, to Remo Transports, Inc., authorizing the transportation of dry potash compounds and boron compounds, from points in Eddy and Lea Counties, NM, to points in Kansas, Missouri, and Oklahoma, and of Certificate No. MC–127175 (Sub-No. 5), issued November 20, 1970, to Remo Transports, Inc., authorizing the transportation of boron compounds and potash, from points in Eddy and Lea Counties, NM, to points in Arkansas, Colorado, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant's representative is: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203.

Notes.—(1) Authority has been granted permitting Mr. Mitchek to temporary lease these rights, pending disposition of the transfer proposed.

(2) By the same application Mr. Mitchek who operates under his Docket No. MC–139483 series certificate and who is president and a stockholder of Remo, seeks Commission approval of his common control of Jetwal, Inc., which operates under the Docket No. MC–148846 series certificate. Such requests are properly made in an application for number OP–F–45, rather than an OP–FC–1. Further such approval is unnecessary where, as here, the aggregate gross operating revenues of these carriers did not exceed $2,000,000 for the prior calendar year.

MC–79168. By decision of May 20, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to H & L Wells, Ltd., of Reno, NV, of Certificate No. MC–43269 and all subs thereunder issued to Wells Cargo, Inc., of Reno, NV, authorizing: general and specified commodities, over regular and irregular routes, from and to named points in the United States. Applicant's representative: Howard A. Wells, P.O. Box 1511, Reno, NV 89505. TA lease is not sought. Transferee is not a carrier.

MC–FC–79169. By decision of May 19, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Crooks Warehouses of Kansas City, Inc. of Permit No. MC–146249 (Sub-No. 2F) issued April 21, 1980, to Bill's Transfer, Inc., authorizing the transportation of (1) paper and paper products and (2) such commodities as are used in the manufacture of paper and paper products (except commodities in bulk), between Kansas City, KS, on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Missouri, Nebraska, and Oklahoma, under continuing contract(s) with Packing Corporation of America. Applicants' representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–17728 Filed 6–12–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If the petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC–FC–79022. By decision issued May 22, 1981 under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to BILLIE RAY MYERS d/b/a MYERS TRUCK LINE of Farmington, MO of Permit No. MC–125685 (Sub-No. 1) issued May 8, 1964 to BYRON GENE SMITH d/b/a B. GENE SMITH TRUCKING of Flat River, MO authorizing the transportation by irregular routes, of *groceries* and *such other commodities* usually sold in grocery stores, from Esther, MO, to points in Randolph, Perry, Franklin, Jackson, Williamson, Saline, Gallatin, Johnson, Union, Alexander, and Pulaski Counties, IL, restricted to transportation service performed under a continuing contract(s) or with Mineral Area Grocers Corporation of Esther, MO. Applicant's representative is Eric C. Harris, P.O. Box 246, Flat River, MO 63601.

Note.—The application also contemplates transfer of permit No. MC–125685 (Sub-No. 2); however, the parties did not furnish a copy of that permit nor is there any record of its existence.

MC–FC–79133. By decision of May 22, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to STOVER LINES, INC. of 5636 N.W. 17th St., Topeka, KS 66618 of Certificate No. MC–126489 and Sub-No. 2 thereunder issued to GASTON FEED TRANSPORTS, INC. of P.O. Box 1066, Hutchinson, KS 67501 authorizing: Irregular routes: *Bone meal*, from St. Joseph, MO, and Omaha, NE to points in Oklahoma and Texas, and that part of New Mexico lying on and east of U.S. Highway 85, with no transportation for compensation on return except as otherwise authorized: *Feed and feed ingredients*, from points in Texas, to points in Oklahoma and Kansas (except from Sherman, TX, to points in Oklahoma, except salt and salt products, and except cottonseed products to points in Kansas), with no transportation for compensation on return except as otherwise authorized; *Soybean meal*, from Fredonia, KS, to points in Nebraska and Missouri, with no transportation for compensation on return except as otherwise authorized; from points in Missouri to Hutchinson, KS, with no transportation for compensation on return except as otherwise authorized; *Wheat shorts, wheat bran*, and *wheat mill run*, from points in Kansas, to points in Nebraska, Missouri, Oklahoma, and Texas, and that part of Colorado lying on and east of U.S. Highway 87, with no transportation for compensation on return except as otherwise authorized; *Dehydrated alfalfa*, from Maize, Larned, and Rozel, KS, to points in Oklahoma on return except as otherwise authorized. Irregular routes: *Dry feed* and *dry feed ingredients* (except salt and urea), from Carthage, MO, to points in Arkansas, Colorado, Kansas, Oklahoma, and Texas, with no transportation for compensation on return except as otherwise authorized; from Kansas City, McPherson, and Wichita, KS, to points in Arkansas, Colorado, Oklahoma, and Texas, with no transportation for compensation on return except as otherwise authorized; *liquid feed ingredients*, from Houston, TX, to points in Arkansas, Colorado, Kansas, and Oklahoma, with no transportation for compensation on return except as otherwise authorized. Applicant's representative is: Clyde N. Christey, 1010 Tyler, Suite 110–L, Topeka, KS 66612. TA lease is sought. Transferee is a carrier.

MC–FC–79136. By decision of May 22, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to SHORTYS HEAVY DUTY WRECKER SERVICE, INC. of 4656 2 & 1 Half St. N.E., Fridely, MN 55421 of Certificate No. MC–109741 issued to SHORTYS TOWING & TRANSPORTATION SERVICE, INC. of 4656 2 & 1 Half St., N.E., Fridley, MN 55421 authorizing: Irregular routes: *Wrecked or disabled motor vehicles, and tractors* for replacement or wrecked or disabled tractors, in truckaway service, between points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. Applicant's representative: Courtny Roger Schuur, 4656 2 & 1 Half St., N.E., Fridley, MN 55421. TA lease is not sought. Transferee is not a carrier.

MC–FC–79149. By decision of May 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Pioneer Freight Systems, Inc., of Whippany, NJ, Certificate No. MC–63178 and Sub-No. 1 issued to Kitchell Express, Inc., of Whippany, NJ, authorizing: general and specified commodities, over regular routes, from and to rawed points in New Jersey, New York, Delaware, and Connecticut. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, MD 21740.

MC–FC–79150. By decision of May 20, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Ark City Express, Inc. of a portion of Certificate No. MC–57393 (Sub-No. 7) issued March 19, 1981 to Winters Truck Line, Inc. authorizing the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita, KS, and Caldwell KS, over U.S. Highway 81, serving all intermediate points: Between South Haven, KS, and Hunnewell, KS, over U.S. Highway 177, serving all intermediate points; from South Haven, KS, to junction Kansas Turnpike (Interstate Highway 35) and U.S. Highway 81, serving all intermediate points; from South Haven, KS east 5 miles over U.S. Highway 166 to junction unnumbered county highway, thence north 1.5 miles to Portland, KS, thence return over unnumbered county Highway to junction U.S. Highway 166, thence east 4 miles over U.S. Highway 166, thence north 2 miles to Ashton, KS, thence return over unnumbered county highways to U.S. Highway 166, thence east 5 miles over junction U.S. Highway 166 to junction unnumbered county highway, thence return over unnumbered county highway to Geuda Springs, KS, thence return over unnumbered county highway junction U.S. Highway 166, thence west over U.S. Highway 66 to junction Kansas Turnpike (Interstate Highway 35) and U.S. Highway 81; between Ashton, KS, and junction U.S. Highway 160 and Kansas Turnpike (Interstate Highway 35) or U.S. Highway 81, as an alternate route for operating convenience only in

connection with carriers regular route operations, serving no intermediate points: From Ashton north 1.5 miles on unnumbered county highway, thence east 5 miles on unnumbered county highway to Geuda Springs, KS, thence .5 miles over unnumbered county highway, thence north 11 miles over unnumbered highway to Oxford, KS, and thence west over U.S. Highway 160 to junction Kansas Turnpike (Interstate Highway 35) or U.S. Highway 81; between Wellington, KS, and junction unnumbered county highway and U.S. Highway 81, serving all intermediate points: from Wellington south 6 miles over U.S. Highway 81, thence west 6 miles over unnumbered county highway to Perth, KS, thence west 2 miles and south 3 miles over unnumbered county highways to Corbin, KS, thence east 1 mile and south 6.5 miles over unnumbered county highway to junction U.S. Highway 81; between Wellington, KS, and Caldwell, KS, as an alternate route for operating convenience only in connection with carriers regular route operations, serving no intermediate points; from Wellington over U.S. Highway 160 to junction Kansas Highway 49, and thence over Kansas Highway 49 to Caldwell between Caldwell, KS, and Wichita, KS, serving all intermediate points including the Wellington Service Area on Interstate Highway 35 (Kansas Turnpike; from Caldwell over U.S. Highway 81 to South Haven, KS, thence over U.S. Highway 166 to junction Interstate Highway 35 (Kansas Turnpike), thence over Interstate Highway 35 to Wichita, and return over the same route.

MC–FC–79151. By decision of May 18, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 U.S.C. 1132, Review Board Number 3 approved the transfer to Dente Bros. Towing, Inc. of 1977 to Matty's Gulf & Towing Service, Inc. also of Newark, *Disabled vehicles*, in driveaway service, or in truckaway service using wrecker vehicles, between points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia restricted against service from or to points in Cuyahoga, Summit, Medina, and Portage Counties, OH. Applicant's representative is: George A. Olsen, P.O. Box 357, Gladestone, NJ 07934.

MC–FC–79152. By decision of May 15, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to James R. Smith, doing business as Fikes Truck Line, of Certificate No. MC–109583 (Sub-Nos. 4 and 5) issued March 7, 1978 and January 3, 1978 to H. J. Fikes, doing business as Fikes Truck Line authorizing the transportation of (Sub-No. 4) *Roofing, roofing supplies, and roofing materials* (except commodities in bulk), from the facilities of the Roofing Division of the Masonite Corporation, in Palaski County, AR, to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee (except points in the Memphis, TN, Commercial Zone); and (Sub-No. 5) *Lumber*, between points in Arkansas. Applicant's representative: Horace Fikes, Jr., P.O. Box 5632, Pine Bluff, AR 71611, (501) 536–8378.

MC 79153. By decision of May 15, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Donald R. Hagy, of Beaver Falls, PA, Certificate of Registration No. MC–120335 (Sub-No. 1) issued February 2, 1965, to Gertrude Irene Hazlett, of Beaver Falls, PA, authorizing the transportation of (1) articles not exceeding 100 pounds in weight, except for automobile tires not exceeding 200 pounds, between Beaver Falls, Beaver, New Brighton, Rochester, Monaca, West Bridgewater, and Fallston (Beaver County), PA, on the one hand, and, on the other, Pittsburgh (Allegheny County), PA, and (2) general commodities between Pittsburgh (Allegheny County), PA, on the one hand, and, on the other, Darlington, New Galilee, West Darlington, Cannelton, and Black Hawk (Beaver County), PA, and Bessemer, Enon Valley, Edinburg, Hillsville, and New Bedford (Lawrence County), PA, subject to the following conditions: Restricted against the transportation of (1) household goods and used office furniture between points in Allegheny County, PA, except as presently authorized, (2) petroleum products, in bulk in tank vehicles, and (3) commodities the transportation of which requires the use of special equipment. Applicant's representative is: Thomas M. Mulroy, Esq., Pillar and Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222.

MC–FC–79163. By decision of May 22, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Arizona Transportation, Inc., of Certificate No. MC–1483197 (Sub-No. 3) and Permit No. MC–147170 and MC–147170 (Sub-Nos. 1 and 3)F, issued, respectively on November 6, 1980, July 15, 1980, August 18, 1980, and August 18, 1980, to Kenneth Ducher, d/b/a K & L Truck Service, authorizing the transportation of (A)(1) adhesives, boiler cleansing compounds, crude petroleum treating compounds, cleaning compounds, organic compounds, inedible fatty alcohols, testile softening compound, paint additives, synthetic plastic erosol resins, leather finishing materials, and fireproofing flame retardant compounds (except commodities in bulk) from the facilities of Henkel Corporation (a) at Hoboken, NJ and (b) Hawthorne, CA, to points in the United States (except Alaska and Hawaii); and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk and those requiring special equipment) from points in the United States (except Alaska and Hawaii) to the facilities of Henkel Corporation at (a) Hoboken, NJ, and (b) Hawthorne, CA, (B) plastic materials (except commodities in bulk) from points in Texas to points in California, under continuing contract(s) with Bolcof Plastics, Inc., of Azusa, CA, (C) insecticides, fasteners, tape, ties, fertilizer carts, grass catchers, pruning shears, wooden plant stakes, sprayers and steel shelving, from the facilities of Dexol Industries, at Torrance, CA, to the facilities of Dexol Industries at Dallas, TX, and points in Arizona, Colorado, Idaho, Iowa, Kansas, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, under contining contract(s) with Dexol Industries, of Torrance, CA, and (D) clothing from the facilities of Petrie Stores Corporation at Dallas, TX, to Los Angeles, Oakland, and San Francisco, CA, under continuing contract(s) with Petrie Stores, of Secaucus, NJ. Applicant's representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211.

MC–FC–79172. By decision of May 20, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3, approved the transfer to Ned Bard & Son Co., of Leola, PA, to Certificate Nos. MC–20723 and MC–20723 (Sub-No. 4 and 5), issued to Ned E. Bard, and Individual, of Leola, PA, authorizing the transportation of MC–20723—*Lumber*, (a) from Philadelphia, PA, Baltimore, MD and Camden, NJ, to points in Lancaster County, PA, and (b) from Wilmington, DE, to Leola, Witmer and Ronks, PA; *fertilizer, from Baltimore, MD, to points in Lancaster County, PA; Ground oyster shells, dairy feed* and *such materials* as are used in the manufacture of dairy feed, from Baltimore, MD to Leola,

Witmer, Ronks, New Holland and Hinkletown, PA: (Sub-4) (1) *metal and metal products and machinery and machinery parts,* and (2) *equipment, materials and supplies* used in the manufacture, distribution and installation of the commodities in (1) above (except commodities in bulk, in dump vehicles), between points in Lancaster and Chester Counties, PA, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Ohio, West Virginia, Virginia, Indiana, Illinois, Michigan, Iowa, Wisconsin, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Flordia, Mississippi and Alabama, restricted to traffic originating at the indicated origins or destined to the indicated destinations; and (Sub-5) *General Commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the United States. Applicant's Representative: J. Bruce Walter, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108.

Note.—TA application has been decided. Transferee is a non-carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17729 Filed 6-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involvng duly noted problems (e.g., unresolved common control, fitness, water carrier dual operaitons, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitile IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservaton Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operatons (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applicatons involvng new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-091

Decided: June 8, 1981.

MC 2245 (Sub-17), filed May 29, 1981. Applicant: THE O. K. TRUCKING COMPANY, A Corporation, 3000 E. Crescentville Rd., Cincinnati, OH 45241. Representative: Robert H. Kinker, 314 West Main St., P.O Box 464, Frankfort, KY 40602, (502) 223-8244. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Chicago, IL and Valdosta, GA: From Chicago over U.S. Hwy 41 to Nashville, TN, then over Interstate Hwy 24 to Chattanooga, TN, then over Interstate Hwy 75 to Valdosta, and return over the same route; (2) Between Louisville, KY and Savannah, GA: From Louisville over Interstate Hwy 65 to Montgomery, AL, then over U.S. Hwy 231 to Dothan, AL, then over U.S. Hwy 84 to Brunswick, GA, then over Interstate Hwy 95 to junction Interstate Hwy 16, then over Interstate Hwy 16 to Savannah, and return over the same route; (3) Between Lexington, KY and Vicksburg, MS: From Lexington over Interstate Hwy 75 to Chattanooga, TN, then over Interstate Hwy 24 to junction Interstate Hwy 59, then over Interstate Hwy 59 to Birmingham, AL, then over Interstate Hwy 20 to Vicksburg, and return over the same route; (4) Between Cleveland, OH and Mobile, AL: From Cleveland over Interstate Hwy 77 to Charlotte, NC, then over Interstate Hwy 85 to Montgomery, AL, then over Interstate Hwy 65 to Mobile, and return over the same route; (5) Between St. Louis, MO and Mobile, AL: From St. Louis over Interstate Hwy 55 to Jackson, MS, then over U.S. Hwy 49 to Gulfport, MS, then over Interstate Hwy 10 to Mobile, and return over the same route; (6) Between St. Louis, MO and Joplin, MO, over Interstate Hwy 44; (7) Between St. Louis, MO and Little Rock, AR, over U.S. Hwy 67; (8) Between St. Louis, MO and Louisville, KY, over Interstate Hwy 64; (9) Between Champaign, IL and junction Interstate Hwys 55 and 57 at or near Sikeston, MO, over Interstate Hwy 57; (10) between Versailles, KY and junction U.S. Hwy 62 and Interstate Hwy 55 at or near Sikeston, MO, over U.S. Hwy 62; (11) Between Memphis, TN and Arlington, VA: From Memphis over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction U.S. Hwy 50, then over U.S. Hwy 50 to Arlington, and return over the same route; (12) Between Arlington, VA and Macon, GA: From Arlington over Interstate Hwy 395 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 16, then over Interstate Hwy 16 to Macon, and return over the same route; (13) Between Charleston, WV and Norfolk, VA over (a) U.S. Hwy 60, and (b) Interstate Hwy 64; (14) Between Memphis, TN and Chattanooga, TN, over U.S. Hwy 72; (15) Between Knoxville, TN and Charleston, SC: From Knoxville over Interstate Hwy 40 to Asheville, NC, then over Interstate Hwy 26 to Charleston, and return over the same route; (16) between Asheville, NC and junction U.S. Hwy 64 and

Interstate Hwy 95 near Rocky Mount, NC: From Asheville over Interstate Hwy 40 to Raleigh, NC, then over U.S. Hwy 64 to junction Interstate Hwy 95, and return over the same route; (17) Between Texarkana, AR and junction Interstate Hwys 20 and 95: From Texarkana over Interstate Hwy 30 to Little Rock, AR, then over Interstate Hwy 40 to Memphis, TN, then over U.S. Hwy 78 to Birmingham, AL, then over Interstate Hwy 20 to junction Interstate Hwy 95, and return over the same route; (18) between Peoria, IL and Kansas City, MO: From Peoria over U.S. Hwy 24 to junction U.S. Hwy 36, then over U.S. Hwy 36 to St. Joseph, MO, then over Interstate Hwy 29 to Kansas City, and return over the same route; (19) Between Kansas City, MO and Montgomery, AL: From Kansas City over U.S. Hwy 71 to Texarkana, AR, then over U.S. Hwy 82 to Montgomery, and return over the same route; (20) Between Macon, MO and Little Rock, AR: From Macon over U.S. Hwy 63 to Jefferson City, MO, then over U.S. Hwy 54 to junction U.S. Hwy 65, then over U.S. Hwy 65 to Little Rock, and return over the same route; (21) Between Fort Smith, AR and Vicksburg, MS: From Fort Smith over Interstate Hwy 40 to Little Rock, then over U.S. Hwy 65 to junction U.S. Hwy 82, then over U.S. Hwy 82 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Vicksburg, and return over the same route; (22) Between Nashville, TN and junction Interstate Hwys 24 and 57 near Pulleys Mills, IL, over Interstate Hwy 24; (23) Between Kingdom City, MO and Jefferson City, MO, over U.S. Hwy 54; (24) serving in (1) through (23) all points in AL, AR, GA, KY, MO, MS, NC, SC, TN and VA as off route points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 3104 (Sub-7), filed May 29, 1981. Applicant: Z & M MOTOR LINE, INC., P.O. Box 2345, Cumberland, MD 21502. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting (1) *clay, concrete, glass or stone products,* (2) *rubber and plastic products,* and (3) *metal products,* between the facilities of Chattanooga Glass Co., located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 12945 (Sub-3), filed May 29, 1981. Applicant: THE TOLEDO AUTOMOBILE CLUB, 2271 Ashland Ave., Toledo, OH 43620. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613, (419) 474–6883. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, between points in the U.S.

MC 69834 (Sub-23), filed May 27, 1981. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213, (316) 943–2325. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Wichita, KS, and Wellington, KS: From Wichita over Interstate Hwy 35 to junction U.S. Hwy 160, then over U.S. Hwy 160 to Wellington and return over the same route; (2) between Wichita, KS, and Bartlesville, OK: From Wichita over Interstate Hwy 35 to junction U.S. Hwy 177, then over U.S. Hwy 177 to junction U.S. Hwy 60, then over U.S.Hwy 60 to Bartlesville, OK, and return over the same route; (3) between Wichita, KS, and Ponca City, OK: From Wichita over Interstate Hwy 35 to junction U.S. Hwy 166, then over U.S. Hwy 166 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Ponca City, and return over the same route; and (4) between Wichita, KS, and Augusta, KS, over U.S. Hwy 54.

MC 83745 (Sub-11), filed May 13, 1981. Applicant: UNIVERSAL TRUCKING, INC., 6020 Hohman Ave., Hammond, IN 46320. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603, (312) 236–0375. Transporting (1) *metal products;* (2) *machinery;* and (3) *commodities which because of their size or weight require the use of special equipment,* between points in CT, DE, IL, IN, KY, MD, MA, MI, MO, NJ, NY, OH, PA, RI, TN, WV, WI and DC.

MC 114334 (Sub-94), filed May 28, 1981. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3710 Tulane Rd., Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103, (901) 525–6781. Transporting *metal products,* between points in Jefferson County, AL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 115724 (Sub-14), filed June 2, 1981. Applicant: PHILLIPS TRUCK LINES, INC., 4500 N. Sewell, Suite No. 5, Oklahoma City, OK 73154. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. Transporting (1) *metal products,* and (2) *transportation equipment,* between points in the U.S., under continuing contract(s) with Trinity Industries and its subsidiary, Hackney, Inc., both of Dallas, TX.

MC 126294 (Sub-1), filed May 28, 1981. Applicant: FAIRCHILD, INC., d.b.a. FAIRCHILD MOVING & STORAGE, 660 North 18th Ave., Yakima, WA 98902. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *household goods,* between points in WA, OR, ID, and MT.

MC 127905 (Sub-5), filed May 21, 1981. Applicant: LYNN H. SCOTT, INC., 8532 Blossvale Rd., Blossvale, NY 13308. Representative: John D. Shannon, 326 Stone St., Oneida, NY 13421, (315) 363–1740. Transporting *Metal products,* between points in Oneida, Onondaga, and Cayuga Counties, NY, on the one hand, and, on the other, points in the U.S.

MC 128205 (Sub-106), filed May 29, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 South Doty Ave., Chicago, IL 60628. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg. 666 Eleventh St., NW, Washington, D.C. 20001, (202) 628–9243. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W. W. Grainger, Inc., of Chicago, IL.

MC 133105 (Sub-5), filed May 27, 1981. Applicant: J & J TRANSFER COMPANY, INC., 2420 Blanchard Blvd., Columbus, GA 31903. Representative: W. H. Tomlinson, 1601 13th St., Columbus, GA 31901, (404) 322–8404. Transporting *chemicals and related products,* between Columbus, GA, on the one hand, and, on the other, points in AL, FL, SC, TN, and TX.

MC 135684 (Sub-168), filed May 27, 1981. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 818 Connecticut Avenue NW., Washington, D.C. 20006, (202) 331–1174. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Intermodal Consolidating Service, of Bridgewater, NJ.

MC 136545 (Sub-37), filed May 29, 1981. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238–3119. Transporting *general commodities* (except classes A and B explosives), between points in Rusk County, WI, on the one hand, and, on the other, points in the U.S.

MC 140484 (Sub-97), filed May 29, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant), (813) 334–4517. Transporting *clay, concrete, glass or stone products,*

fireplaces and *building materials*, between points in AL, CA, FL, GA, LA, MD, OH, OK, PA, NC, SC, TN, and TX, on the one hand, and, on the other, points in Duval and Seminole Counties, FL and those in FL on and south of FL Hwy 50.

MC 144964 (Sub-10), filed June 2, 1981. Applicant: ESSEX EXPRESS, INCORPORATED, 1200 Hammondville Rd., Pompano Beach, FL 33060. Representative: Don A. Allen, 2550 M Street, NW., Washington, DC 20037, (202) 457–6495. Transporting *food and related products*, (1) between points in Hillsboro County, FL, and Cumberland County, NJ, on the one hand, and, on the other, points in New York, NY, and (2) between points in Cumberland County, NJ, Erie County, NY, Kent County, DE, and Hartford County, CT, on the one hand, and, on the other, points in PA, MD, NJ, and VA.

MC 145454 (Sub-19), filed May 27, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *food and related products*, between points in Polk County, GA, and Kendall and Will Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 145935 (Sub-10), filed May 29, 1981. Applicant: ALL STATES TRANSPORTATION, INC., Rt. 1, Box 27, Fort Worth, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457–0804. Transporting *general commodities* (except classes A and B explosives), between the facilities of Dayco Corporation and its divisions and subsidiaries located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146695 (Sub-8), filed May 28, 1981. Applicant: YANKEE S. & L., INC., d.b.a. YANKEE MOTOR FREIGHT, 1136W 500S, Marion, IN 46952. Representative: M. H. Haisley (same address as applicant) (317) 674–7745. Transporting *general commodities* (except classes A and B explosives), between the facilities of Burger King Corporation and its affiliates, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148075 (Sub-6), filed May 29, 1981. Applicant: CECIL E. KING, JR. d.b.a. CECIL KING TRUCKING, Route 2, Seagrove, NC 27341. Representative: Francis J. Ortman, 4401 East West Hwy, Suite 404, Washington, DC 20014, (301) 986–9030. Transporting *rubber and plastic products* and *leather and leather products*, between points in the U.S., under continuing contract(s) with Converse Rubber Co., Division of Eltra Corp., of Wilmington, MA.

MC 148655 (Sub-17), filed May 29, 1981. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001, (202) 628–9243. Transporting *metal products*, between points in the U.S.

MC 148785 (Sub-4), filed May 29, 1981. Applicant: SUDDEN MOVING & STORAGE, INC. d.b.a. SUDDEN TRUCKING COMPANY, 5154 Kennedy Ave., Cincinnati, OH 45213 Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Amway Corporation, of Ada, MI.

MC 150954 (Sub-34), filed May 27, 1981. Applicant: TRAVIC TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: Robert A. Wehage (same address as applicant), (512) 824–5590. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Co., of Fairfield, CT.

MC 151164 (Sub-2), filed May 26, 1981. Applicant: T.L.C. CHARTER COACH, INC., 157 Summerfield St., Scarsdale, NY. Representative: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, between New York, NY, on the one hand, and, on the other, points in CT, FL, LA, ME, MA, NH, NJ, NC, PA, SC, TN, VT, VA, and DC.

MC 151665 (Sub-1), filed June 2, 1981. Applicant: MAGNUM, LTD., Box 775, Hillsboro, ND 58045. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lavelle Company, of Fargo, ND.

MC 152244 (Sub-1), filed May 29, 1981. Applicant: TOTE, INC., Box 753, Sioux Falls, SD 57101. Representative: Thomas J. Simmons, S.D. Transport Services, Inc., P.O. Box 480, Sioux Falls, SD 57101, 1(605) 339–3629. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with House of Plywood, Inc., of Sioux Falls, SD.

MC 155365, filed May 28, 1981. Applicant: BEVERAGE TRANSPORT, INC., 3741 Walton, Fort Worth, TX 76133. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767, (512) 472–1101. Transporting *malt beverages*, between points in TX, on the one hand, and, on the other, points in OK and NM.

MC 156124, filed May 27, 1981. Applicant: RAPID DELIVERY SERVICE, INC., 4320½ Southwest 9th, P.O. Box 2516, Des Moines, IA 50315. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *pulp, paper and related products*, between points in Polk County, IA, on the one hand, and, on the other, points in NE.

MC 156155, filed May 27, 1981. Applicant: TAYLOR TRUCKING CO., 2516 N. Prince, Clovis, NM 88101. Representative: James D. Taylor (same address as applicant), (505) 763–4852. Transporting *scales*, between points in Lauderdale County, MS, on the one hand, and, on the other, points in MS, LA, AR, TX, OK, NM, and AZ.

MC 156195, filed May 27, 1981. Applicant: GAMES TRUCKING, INC., 7128 W. Jackson St., Indianapolis, IN 46241. Representative: James L. Beattey, 300 E. Fall Creek Pkwy. Suite 403, Indianapolis, IN 46205 (317) 923–8118. Transporting *general commodities* (except classes A and B explosives), between points in IN, on the one hand, and, on the other, points in AR, TX, MI, WI, GA, OH, NY, OK, KS, MO, IA, KY, TN, PA, MD, NC, SC, IL, and DC.

Vol. No. OPY–3–093

Decided: June 8, 1981.

MC 9644 (Sub-9), filed June 1, 1981. Applicant: HAYES TRUCK LINE, INC., 1410 Intercity Trafficway, P.O. Box 4060, Kansas City, MO 64101. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244–2329. Transporting *pulp, paper and related products*, between points in Macoupin County, IL, on the one hand, and, on the other, points in MO and NE.

MC 59124 (Sub-23), filed April 30, 1981, previously published in the FR issue of May 18, 1981. Applicant: MAIERS MOTOR FREIGHT COMPANY, 875 East Huron Ave., Vassar, MI 48768. Representative: Wayne D. Fox (same address as applicant) (517) 823–8503. Over regular routes, transporting *general commodities* (except classes A and B explosives), (13) Between junction U.S.

Hwy 127 and MI Hwy 50, and Monroe, MI, over MI Hwy 50.

Note.—This partial republication corrects the territorial description, which was previously omitted.

MC 67015 (Sub-2), filed June 1, 1981. Applicant: TIGARD SHERWOOD TRUCK SERVICE, INC., 1818 S.E. 2nd St., Portland, OR 97214. Representative: F. Roger Price (same address as applicant) (503) 234–6567. Transporting (1) *electrical machinery, equipment or supplies,* (2) *metal products,* and (3) *waste or scrap materials not identified by producing industry,* between points in the U.S., under continuing contract(s) with Chloride Western Batteries, Inc., of Beaverton, OR.

MC 99594 (Sub-3), filed June 2, 1981. Applicant: THE UNION CARTAGE COMPANY, 42 N. Canfield-Niles Rd., Youngstown, OH 44515. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *metal products,* between points in AL, CT, DE, IL, IN, KY, MD, MI, NJ, NY, NC, OH, PA, SC, TN, VA, WV and DC.

MC 119774 (Sub-114), filed June 1, 1981. Applicant: EAGLE TRUCKING COMPANY, a Corporation, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116 (817) 731–8431. Transporting *Mercer commodities,* and *earth drilling equipment,* between points in the U.S.

MC 123765 (Sub-15), filed June 1, 1981. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Ave., Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53204 (414) 273–7410. Transporting *empty beverage containers,* between points in the U.S., under continuing contract(s) with Jos. Schlitz Brewing Company, of Milwaukee, WI.

MC 133155 (Sub-3), filed May 29, 1981. Applicant: CULP TRUCK LINE, INC., 511 South Coy, Kansas City, KS 66105. Representative: William R. Williams, 2400 Pershing Rd., Crown Center Suite 672, Kansas City, MO 64108 (816) 474–0400. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Kansas City, KS, and Sedalia, MO: from Kansas City over Interstate Hwy 70 to junction Interstate Hwy 70 and U.S. Hwy 65, and then over U.S. Hwy 65 to Sedalia, MO, and return over the same route.

MC 133604 (Sub-14), filed June 1, 1981. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 South 11th St., Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501 (515) 682–8154. Transporting *furniture and fixtures,* between points in TX, on the one hand, and, on the other, points in IA and MO.

MC 134134 (Sub-95), filed June 2, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114 (402) 397–9900. Transporting (1) *furniture and fixtures;* (2) *institutional equipment; and* (3) *metal products,* between points in Cuyahoga County, OH, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, VA, WV, OH, MI, IN, KY, TN, WI, IL, MN, IA, MO, ND, SD, NE, KS and CO.

MC 135865 (Sub-9), filed June 1, 1981. Applicant: APPLEGATE DRAYAGE COMPANY, 325 N 5th St., Sacramento, CA 95814. Representative: Michael T. Applegate (same address as applicant), (916) 443–4652. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, ID, NV, OR, UT, and WA.

MC 135895 (Sub-128), filed June 1, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting (1) *food and related products;* and (2) *containers,* between the facilities of Jos. Schlitz Brewing Company, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 138624 (Sub-3), filed June 1, 1981. Applicant: CLIFF REED, INC., Rt. 1, Box 510, Corvallis, MT 59828. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *lumber and wood products,* and *building materials,* between points in CA, ID, MT, NE, NV, ND, CO, OR, SD, UT, WA, and WY.

MC 138805 (Sub-12), filed June 1, 1981. Applicant: S & L SERVICES, INC., RD #1, Milton, PA 17847. Representative: Terrence D. Jones, 2033 K St., NW., Washington, DC 20006, (202) 223–8270. Transporting *food and related products,* between points in PA, on the one hand, and, on the other, points in IN, IL, MI, PA and WI.

MC 142955 (Sub-3), filed June 1, 1981. Applicant: J & G SWARTZ, INC., 3755 Fenwick Drive, Spring Valley, CA 92077. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017, (213) 627–8471. Transporting *furniture and fixtures,* between points in NY, PA, ME, MA, NH, VT, CT, RI, and OK, on the one hand, and, on the other, points in CA.

MC 145454 (Sub-20), filed June 2, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7338 West 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312)–782–8880. Transporting *such commodities as are used or dealt in by chain grocery and food business houses,* between points in the U.S., under continuing contract(s) with Roundy's, Inc., of Milwaukee, WI.

MC 145515 (Sub-14), filed June 2, 1981. Applicant: GREENE'S CARTAGE CO., INC., 1934 Avalon Ave., Muscle Shoals, AL 35660. Representative: Robert E. Born, Suite 508, 1447 Peachtree St., NE, Atlanta, GA 30309, (404) 892–8020. Transporting *chemicals and related products,* between points in Lauderdale and Colbert Counties, AL, on the one hand, and, on the other, points in the U.S.

MC 145715 (Sub-19), filed June 1, 1981. Applicant: BELL TRUCKING, INC., P.O. Box 165, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *metal products,* between the facilities of Bekaert Steel Wire Corporation, at or near Van Buren, AR, on the one hand, and, on the other, points in the U.S.

MC 145715 (Sub-20), filed June 1, 1981. Applicant: BELL TRUCKING, INC., P.O. Box 165, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *food and related products,* between points in AR, on the one hand, and, on the other, points in the U.S.

MC 146285 (Sub-5), filed June 1, 1981. Applicant: JIM CONNER ENTERPRISES, INC., Route 37 South, Benton, IL 62812. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *machinery* and *metal products,* between points in the U.S., under continuing contract(s) with American Environmental Products Corporation, of Cherry Hill, NJ.

MC 146314 (Sub-6), filed June 2, 1981. Applicant: G & T TRUCKING COMPANY, a corporation, Route #1, County Rd. 2 and 35 South, Elko, MN 55022. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227–7731. Transporting *commodities in bulk,* between points in ND, SD, MN, IA, WI, MI, IL, KS, NE, IN and MO.

MC 151225 (Sub-5), filed June 1, 1981. Applicant: DON WARD, INC., 241 West

56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 718–17th St., Suite 1700, Denver, CO 80202, (303) 825–5111. Transporting *commodities in bulk,* between points in the U.S.

MC 151264, filed May 26, 1981. Applicant: CHESAPEAKE & NORTHERN TRANSPORTATION CORP., 5604 Capelle Road, Portsmouth, VA 23703. Representative: James C. Riffe (same address as applicant), (804) 483–3672. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning at Norfolk, Portsmouth, Virginia Beach, Suffolk, Chesapeake, Newport News, Hampton, Williamsburg, Franklin, Hopewell, and Petersburg, VA, and points in Isle of Wight, Sussex, Surry, York, Southampton, Northampton, Accommac, and Elizabeth City Counties, NC, and extending to points in the U.S.

MC 151415 (Sub-2), filed June 1, 1981. Applicant: HORIZON CHARTER COACHES, INC., P.O. Box 15655, Milwaukee, WI 53215. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting (1) over regular routes, *passengers and their baggage, and express and newspapers,* in the same vehicle with passengers; (a) Between St. Louis, MO and Peoria, IL: From St. Louis over Eads Bridge to East St. Louis, IL, then over alternate U.S. Hwy 67 to Alton, IL, then over U.S. Hwy 67 to Virginia, IL, then over IL Hwy 78 to junction U.S. Hwy 24, then over U.S. Hwy 24 to Peoria, and return over the same route; (b) Between Orchard Mines, IL and Pekin, IL, over IL Hwy 9; (c) Between Springfield, IL and Quincy, IL: From Springfield over U.S. Hwy 36 to Kinderhook, IL, then over IL Hwy 96 to Quincy, and return over the same route; (d) Between Springfield, IL and Hannibal, MO, over U.S. Hwy 36; (e) Between St. Louis, MO and Alton, IL, over U.S. Hwy 67; and (f) serving in (1)(a) through (1)(e) all intermediate points; and (2) over irregular routes (a) *passengers and their baggage,* in charter operations, beginning and ending at points in IL and MO, and extending to points in the U.S.; and (b) *passengers and their baggage,* in charter and special operations, beginning and ending at points in Hancock, Peoria, Tazewell, Mason, Cass, Brown, Adams, Morgan, Calhoun, Pike, Scott, Greene, Sangamon, Logan, McLean, DeWitt, Madison, St. Clair, Champaign and Jersey Counties, IL, Marion, St. Louis and Lewis Counties, MO, and Lee County, IA, and extending to points in the U.S.

MC 153124 (Sub-1), filed June 1, 1981. Applicant: COMPANIES TRANSPORT, INC., P.O. Box 186, Lincoln Park, NJ 07035. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, (716) 845–6066. Transporting *meat, meat products, meat byproducts, and articles distributed by meat packinghouses,* between points in the U.S., under continuing contract(s) with Cornland Dressed Beef Company, of Lexington, NE.

MC 155254, filed June 1, 1981. Applicant: FAISON TRANSPORTATION, INC., 7547 Southfield Dr., Indianapolis, IN 46227. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *printed matter,* between points in the U.S., under continuing contract(s) with R. R. Donnelley & Sons, Inc., of Chicago, IL.

MC 156095, filed May 21, 1981. Applicant: HOLLIS WAYNE EVANS, d.b.a. EVANS TRUCKING, 1907 50th St., Washougal, WA 98671. Representative: Hollis Wayne Evans (same address as applicant), (206) 835–2834. Transporting *building materials,* between points in Clark County, WA, on the one hand, and, on the other, points in MT, CO, WY, ID, NV, UT, OR, CA, and WA.

MC 156234, filed May 29, 1981. Applicant: BALCEWICZ TRUCKING, 2 Langdon St., Worcester, MA 01608. Representative: Leo Balcewicz (same address as applicant), (617) 757–3523. Transporting *waste or scrap materials not identified by industry producing,* between points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT.

MC 156235, filed May 29, 1981. Applicant: KAMPMANN ELEVATOR, INC., Route 3 (Black Walnut), St. Charles, MO 63301. Representative: Dale L. Rollings, P.O. Box H, St. Charles, MO 63301, (314) 946–0500. Transporting *agricultural products,* between points in the U.S., under continuing contract(s) with Simon Soil Service, Inc., of Portage Des Sioux, MO and Old Monroe Elevator, Inc., of Old Monroe, MO.

MC 156254, filed June 1, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403, (617) 697–7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Distribution Services of America, Inc., of Boston, MA, and its affiliates.

MC 156255, filed June 1, 1981. Applicant: JOHN S. FURDEK, 7869 Goya St., St. Louis, MO 63111. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, (314) 636–2321. Transporting *metal products,* between points in MO, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KS, KY, LA, MS, OH, OK, TN, TX, WV and WI.

Vol. No. OPY–4–187

Decided: June 4, 1981.

MC 42046 (Sub-2), filed May 27, 1981. Applicant: LUDDY'S EXPRESS, 32 O'Brien Ave., Whitman, MA 02382. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696–7610. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, RI, and VT.

MC 57257 (Sub-5), filed May 28, 1981. Applicant: CARR TRUCK SERVICE, INC., P.O. Box 297, Sulphur, LA 70663. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Suite 230, Houston, TX 77024, (713) 688–6110. Transporting *mercer commodities,* between points in OK, on the one hand, and, on the other, points in AR, FL, LA, MS and TX.

MC 75627 (Sub-6), filed May 29, 1981. Applicant: PERILLO MOTOR LINES, INC., 499 Central Ave., New Providence, NJ 07974. Representative: Grace A. Perillo (same address as applicant), (201) 464–1248. Transporting (1)(a) *furniture and fixtures,* (b) *rubber and plastic products,* (c) *clay, concrete, gloss or stone products, building materials,* (e) metal products, and (f) *machinery,* between New York, NY, and points in Monroe and Northampton Counties, PA, Middlesex, Morris, Somerset and Warren Counties, NJ, on the one hand, and, on the other, points in IL, IN, MD, MI, OH, PA, VA, FL, GA, NC, and SC, (2)(a) *petroleum, natural gas and their products* and (b) *chemical and related products,* between New York, NY, on the one hand, and, on the other, points in IL, IN, MD, MI, OH, PA, FL, GA, NC, SC and VA, (3)(a) *pulp, paper and related products,* (b) *printed matter,* (c) *machinery,* (d) *instruments and photographic goods,* (e) *chemicals and related products,* between points in CT, DE, L, GA, IL, IN, ME, MD, MA, MI, NH, NJ, NC, NY, OH, PA, RI, SC, VT, VA, and DC, and (4) *such commodities* as are dealt in or used by automotive business houses, between points in CT, DE, FL, GA, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA and DC.

MC 99117 (Sub-4), filed May 29, 1981. Applicant: T. H. RYAN CARTAGE CO. a corporation, 111 So. Seventh Ave., Maywood, IL 60153. Representative: Vytas P. Ambutas, 10 S. LaSalle St.,

Chicago, IL 60603, (312) 263–1600. Transporting *metal products*, between points in the U.S., under continuing contract(s) with New Process Steel Corporation of Schaumburg, IL and Gould Metals, Inc. of Schaumburg, IL.

MC 117427 (Sub-85), filed May 28, 1981. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 1085, N. Wilkesboro, NC 28659. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840–8565. Transporting *furniture*, between points in Sumter County, SC, on the one hand, and, on the other, points in AZ, CA, CO, NV, UT, and WI.

MC 120737 (Sub-93), filed May 29, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Transporting *machinery*, between Milwaukee, WI, on the one hand, and, on the other, points in the U.S.

MC 125037 (Sub-23), filed May 28, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, (205) 942–9116. Transporting *glass products*, between points in Navarro County, TX, on the one hand, and, on the other, points in the US..

MC 127187 (Sub-56), filed May 22, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *animal and poultry feed, and pet food*, between the facilities of Hubbard Milling Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 139157 (Sub-277), filed May 29, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 So. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant), (615) 756–7511. Transporting *general commodities* (except classes A and B explosives), between the facilities of Wallace Companies, Inc., at its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145757 (Sub-2), filed May 28, 1981. Applicant: EIRCON INTERNATIONAL CORPORATION, 5663 Swanville Rd., P.O. Box 8056, Erie, PA 16506. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (142) 281–9494. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Herbert C. Hosford Co., of Erie, PA.

MC 146857 (Sub-3), filed May 29, 1981. Applicant: W. K. THOMAS, INC., 60 Robbins Rd., Springfield, MA 01104. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128. Transporting *printed matter*, between points in the U.S., under continuing contract(s) with W. A. Krueger Co., of Brookfield, WI.

MC 156927 (Sub-26), filed May 28, 1981. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives), between the facilities of Champion International Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147157 (Sub-3), filed May 27, 1981. Applicant: MARTIN TRANSFER AND STORAGE, INC., 120 Cullen St., P.O. Box 3008, East Dublin, GA 31021. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902, (404) 323–2416. Transporting (1) *steel wire*, between points in Telfair County, GA, on the one hand, and, on the other, points in AL, AR, IL, KY, MS, MI, NC, OH, OK, PA, SC, TN, VA, and WV, and (2) *clay* between points in Wilkinson, Washington, and Twiggs Counties, GA, on the one hand, and, on the other, points in AL, FL, KY, IL, LA, MS, MO, NC, NJ, OH, OK, NY, PA, SC, TN, TX, WV, and WI.

MC 149437 (Sub-18), filed April 13, 1981, previously noticed in the FR issue of April 30, 1981, and republished this issue. Applicant: DOUGLAS TRUCK LINES, INC., 587 S.W. 1st St., New Brighton, MN 55112. Representative: Samuel Rubenstein P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *food and related products*, between points in ND and MN, on the one hand, and, on the other, points in ND, MN, IL, IA, MO, NE, SD, KS, and WI.

Note.—The purpose of this republication is to correct the territorial description.

MC 149497 (Sub-11), filed May 27, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A Wagman (same address as applicant), (715) 359–2907. Transporting *such commodities* as are dealt in or used by a metal stamping, machining, tooling, or casting company, between points in IL, IN, MO, and WI.

MC 150927 (Sub-1), filed May 27, 1981. Applicant: HORIZON TRANSPORT, INC., P.O. Box 20848, Portland, OR 97220. Representative: Michael D. Crew, 1618 SW First Ave., Suite 205, Portland, OR 97201, (503) 221–1529. Transporting *general commodities* (except classes A and B explosives), between points in OR, WA, CA, ID, MT, WY, CO, UT, AZ, NM, NV, ND, SD, and NE.

MC 155097, filed May 29, 1981. Applicant: METRO AUTO AUCTION TRANSPORT, INC., 101 W. Oldham Parkway, Lee's Summit, MO 64063. Representative: Tom B. Kretsinger, 20 E. Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781–6000. Transporting *transportation equipment*, between points in Jackson County, MO, on the one hand, and, on the other, points in the U.S.

Vol. No. OPY–4–190

Decided: June 4, 1981.

MC 19227 (Sub-254), filed May 27, 1981. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th St., Miami, FL 33152. Representative: Robert F. McCaughey (same address as applicant), (305) 634–2661. Transporting *construction equipment*, between Dallas, TX, and points in Linn County, IA, Warren and Fayette Counties, KY, Kane County, IL, and Genesee County, NY, on the one hand, and, on the other, points in the U.S.

MC 147587 (Sub-1), filed May 27, 1981. Applicant: S & E TRUCKING, INC., 1202 Crewe St., North Hollywood, CA 91605. Representative: Melvin R. Estin (same address as applicant), (213) 765–6536. Transporting (1) *aluminum, glassware, paper, rubber, and plastic articles*, and (2) *printed matter*, between points in CA, on the one hand, and, on the other, points in AZ and NV.

MC 150927 (Sub-2), filed May 27, 1981. Applicant: HORIZON TRANSPORT, INC., P.O. Box 20848, Portland, OR 97220. Representative: Micheal D. Crew, 1618 S.W. First Ave., Suite 205, Portland, OR 97201, (503) 221–1529. Transporting (1) *iron, steel, and related products*, (2) *building materials*, and (3) *diatomaceious earth*, between points in OR, WA, CA, ID, MT, WY, CO, UT, AZ, NM, NV, SD, and NE.

MC 153667, filed May 27, 1981. Applicant: R. D. MOEN d.b.a. R. D. MOEN AND SONS, Box 13A, Reynolds, ND 58275. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting (1) *machinery*, and (2) *construction materials*, between points in Cass and Grand Forks Counties, ND, on the one

hand, and, on the other, points in CO, IL, IA, KS, MN, MS, MO, NE, and TX.

MC 154867 (Sub-1), filed May 27, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Dr., Randolph, WI 53965. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (414) 326–5881. Transporting *agricultural chemicals and related products,* between the facilities of Hopkins Agricultural Chemical Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154867 (Sub-2), filed May 27, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Dr., Randolph, WI 53956. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (414) 326–5881. Transporting *concrete products,* between points in Columbia, Fond du Lac, and Winnebago Counties, WI, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81–17734 Filed 6–12–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OPY–5–80]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 5, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to pulbication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Agatha L. Mergenovich,
Secretary.

MC 10169 (Sub-7), filed May 15, 1981. Applicant: HATCHER TRUCKING COMPANY, INCORPORATED, 1515 11th St., NE., Roanoke, VA 24012. Representative: Nancy Pyeatt, 815 15th St. NW., Washington, DC 20005, (202) 347–4332. Transporting *general commodities* (except classes A and B explosives), between points in Guilford and Mecklenburg Counties, NC, on the one hand, and, on the other, points in Amherst, Carroll, Grayson, Montgomery, Pulaski, Smyth, Washington, and Wythe Counties, VA.

MC 85819 (Sub-6), filed May 27, 1981. Applicant: GULF COAST MOTOR LINE, INC., P.O. Box 145, St. Petersburg, FL 33731. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601, 813–223–2411. Transporting *passengers and their baggage,* in charter and special operations, beginning and ending at points in Manatee, Sarasota, Charlotte, Lee, Collier, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Brevard, Osceola, Seminole and Polk Counties, FL, and extending to points in the U.S.

MC 105269 (Sub-102), filed May 27, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616–459–6121. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Simpson Paper Company at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 113908 (Sub-525), filed May 27, 1981. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 10068, GS, Springfield, MO 65808. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, 913–234–0565. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN.

MC 126679 (Sub-29), filed May 27, 1981. Applicant: DENNIS TRUCK LINES, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, 404–996–6266. Transporting (1) *machinery,* (2) *metal products,* between points in AL, FL, GA, NC, and SC on the one hand, and, on the other, points in DE, MD, WV, VA, KY, TN, LA, MS, AL, GA, NC, SC, FL, and DC.

MC 127579 (Sub-40), filed May 27, 1981. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant), 301–563–1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 128709 (Sub-13), filed May 27, 1981. Applicant: PARIS MOTOR FREIGHT, INC., P.O. Box 1787, Ft. Smith, AR 72901. Representative: Charles H. Schmidly (same address as applicant), (501) 785–2943. Transporting *food and related products,* between Memphis, TN, on the one hand, and, on the other, points in AR, OK, and TX.

MC 134798 (Sub-8), filed May 27, 1981. Applicant: BLAIR CARTAGE, INC., P.O. Box 252, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215, 1–614–224–2477. Transporting *general commodities* (except classes A and B

explosives) between points in the U.S., under continuing contract(s) with the SCM Corporation, of Cleveland, OH.

MC 135078 (Sub-75), filed May 27, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *such commodities* as are dealt in or used by department, drug and grocery stores, between points in the U.S., under continuing contract(s) with Purex Corporation, of St. Louis, MO.

MC 138328 (Sub-136), filed May 26, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 & Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant), (402) 895–6640. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of its Certificate No. MC–138328, Subs 8, 37, 45, 50, 61, 63, 119, 128, 129, and 131, and of its Permits in No. MC–133233, Subs 8, 25, 26, 54, 55, 64, 67, 68, and 75.

MC 138788 (Sub-1), filed May 11, 1981. Applicant: DALLAS TRANSPORTATION CO., INC., P.O. Box 1059, Selma, AL 36701. Representative: J. Douglas Harris, 200 South Lawrence St., Montgomery, AL 36104, (205) 265–0251. Transporting *such commodities as are dealt in or used by hardware stores*, between the facilities of Tissier Hardware Company, Inc., at points in Dallas County, AL, on the one hand, and, on the other, points in MS and FL.

MC 141668 (Sub-4), filed May 27, 1981. Applicant: LONGMONT TRANSPORTATION COMPANY, INC., 149 Kimbark St., Longmont, CO 80501. Representative: Jack B. Wolfe, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839–5856 Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Best Brands, Inc., of Denver, CO.

MC 142809 (Sub-2), filed May 27, 1981. Applicant: HARVEY KEENAN AND DON PENICK, d.b.a. DOUBLE EAGLE TRUCKING, 241 Kennedy Rd., Onalaska, WA 98570. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of mattresses, between points in Alameda County, CA, on the one hand, and, on the other, points in OR and WA.

MC 145359 (Sub-39), filed May 18, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241, Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *such commodities as* are dealt in or used by service stations and commercial food stores, between points in IA, WI, IN, KY, OH, and WV, on the one hand, and, on the other, points in the U.S.

MC 146078 (Sub-45), filed May 27, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753, (501) 846–2185. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lights and lighting fixtures, between points in Sumter County, GA, and Barbour County, AL, on the one hand, and, on the other, points in the U.S.

MC 146448 (Sub-31), filed May 8, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Campbell Soup Company, of Camden, NJ, and its subsidiaries, (a) Cambell Sales Company, Champion Valley Farms, Inc., Hanover Trail, Inc., Joseph Campbell Company, Cambell Foods Distributing Corp., Campbell's Soups Inter-America, Inc., Capistrana Products Corp., Hanover Trail of MD, Inc., and Technological Resources, Inc., all of Camden, NJ; (b) Godiva Chocalatier, Inc., Lexington Gardens, Inc., Pepperidge Farm, Incorporated, Pepperidge Farm Mail Order Company, Inc., and Fine Oven Products, Inc., all of Norwalk, CT; (c) Pietro's Corp., Clark's Restaurant Enterprises, Inc., and Seattle Restaurant Food Supply, Inc., all of Seattle, WA; (d) Martino's Bakery, Inc., and M. B. Bakery, Inc., both Burbank, CA; (e) Campbell Soup Company (Sumter Plant) Inc., of Sumter, SC; (f) Campbell Soup (Texas) Inc., of Paris, TX; (g) Camsco Mushroom Company, Inc., of Jackson, FL; (h) Domsea Farms, Inc., of Bremerton, WA; (i) German Village Products, Inc., of Wauseon, OH; (j) Herider Farms, Inc., of Center, TX; (k) Valasic Foods, Inc., of West Bloomfield, MI; (l) Campbell Foreign Sales Corp., of Wilmington, DE; (m) Dixon Canning Corp., of Dixon CA; (n) Southeastern WI Products Company, Inc., of Milwaukee, WI; (o) Valley Tomato Products, Inc., of Lodi, CA.

MC 147698 (Sub-6), filed May 12, 1981. Applicant: J.L.M.S., INC., 115 Moonachie Ave., Moonachie, NJ 07074. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10049, (212) 432–0940. Transporting (1) *printed matter, and pulp, paper and related products*, (a) between the facilities of Pryor Corporation at points in Howard County, MD, Allegheny County, PA, and Bergen County, NJ, and (b) between facilities of Pryor Corporation at points in (a), on the one hand, and, on the other, New York, NY, and points in MA, NH, VT, RI, CT, NY, NJ, PA, DE, VA, MD, and DC, and (2) *rubber and plastic products* between the facilities of Brockway Glass Co., Inc., at points in Rockland County, NY, and Bergen County, NJ, on the one hand, and, on the other, points in MA, CT, RI, NJ, NY, DE, MD, PA, and NH. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 147959 (Sub-3), filed May 27, 1981. Applicant: RON GARNER, Route 2, Box 405, Buckley, WA 98321. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624–2832. Transporting *chemicals and food and related products*, between points in WA, OR, CA, ID, MT, UT, AZ, NV, WY, CO, and NM.

MC 152108 (Sub-1), filed May 27, 1981. Applicant: RELCO SYSTEMS, INC., 7310 Chestnut Ridge Rd., Lockport, NY 14094. Representative: George V. C. Muscato, 188 East Ave., Lockport, NY 14094, (716) 434–9177. Transporting *hazardous chemical waste*, between points in Niagara County, NY, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 152238 (Sub-10), filed May 27, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant), (916) 436–2266. Transporting *agricultural implements and equipment*, between points in the U.S., under

V 46 J E 15 81 1 UMI

continuing contract(s) with Marvin Landplane of Woodland, CA.

[FR Doc. 81-17733 Filed 6-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 8, 1981.

By the Commission, Krock, Joyce, and Dowell.

MC-F-14635, filed May 20, 1981. Applicant: WILLIAM S. GILCHRIST, JR., continuance in control of A&B DELIVERY, INC., William S. Gilchrist, Jr. is seeking authority to continue in control of A&B Delivery, Inc. upon the institution by A&B Delivery, Inc. of operations as a motor common carrier. Mr. Gilchrist is also sole stockholder of Northeast Delivery, Inc., a motor common carrier, MC-145018 and sub numbers thereunder. A&B Delivery, Inc. presently holds temporary authority from the Interstate Commerce Commission in MC-153809 Sub-No. II-1TA. A&B seeks authority to transport food and related products between points in WA, CA, TX, NV, OR, AZ, and NM, published in the **Federal Register** of February 26, 1981, with the condition that Applicant file this Application for approval of common control under 49 U.S.C. 11343. Representative: Edward F. V. Pietrowki, 3300 Birney Ave., Moosic, PA 18507. Condition: Approval herein is conditioned upon the receipt by A&B Delivery, Inc. of a certificate of public convenience and necessity from this Commission and institution of operations thereunder.

MC-F-14633, filed May 14, 1981. SEACASTLE & FORBES, INC. (SEACASTLE) (5223 So. 9th St., Milwaukee, WI 53221)—continuance in control—COLORADO & EASTERN, INC. (COLORADO) (P.O. Box 30, Delafield, WI 53018). Representative: Arnold L. Burke, Burke, Kerwin, Towle & Andrin, 180 No. La Salle St., Chicago, IL 60601. Seacastle, the sole stockholder of Colorado, seeks authority to continue in control of Colorado upon the institution by Colorado of operations in interstate or foreign commerce as a motor common carrier. Also, Melvin Nashban, who controls Seacastle through stock ownership, seeks authority to continue in control of Colorado through the transaction. Seacastle holds no authority from the Commission; however, it controls Container Transit, Inc. which operates in interstate commerce pursuant to a certificate of public convenience and necessity issued in MC-118989, authorizing transportation of specified commodities in all of the contiguous 48 states. By application published February 12, 1981, in No. MC-151927 (Sub-No. 1), Colorado seeks authority to transport (1) *pulp, paper and related products,* (2) *rubber and plastic products,* and (3) *metal products,* between points in the United States. Condition: Our approval will be conditioned upon the receipt by Colorado & Eastern, Inc., of a certificate in No. MC-151927 (Sub-No. 1) and institution of operations thereunder. Impediment: Container Transit, Inc., to the extent pertinent here, has operating authority for the transportation of various products of plastic and metal, generally in the eastern part of the United States. Since the authority sought by Colorado & Eastern, Inc., covers those two commodities throughout the entire United States, a duplication exists within the meaning of 49 CFR 1134.51. Accordingly, the parties must submit a plan and timetable for the elimination of such duplications.

MC-F-14534F, filed December 18, 1980 (supplemental publication). JOHNSON'S BUS SERVICE, INC. (JOHNSON) (704 Main Street, Joy, PA 17552)—purchase—BROWN'S BUS SERVICE, INC., d.b.a. CAN-AM TOURS (BROWN) (Coatesville, PA 19320). Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Johnson seeks to purchase the interstate operating rights contained in Brown's certificate No. MC-94774 which authorizes the transportation of *passengers and their baggage,* restricted to traffic originating at the points indicated, in charter operations: From Collingswood, NJ, and points within 10 miles of Collingswood, to points in that area bounded by a line beginning at Philadelphia, PA, and extending to Reading, PA, then to

Baltimore, MD, then to Washington, DC, then to Princess Anne, MD, then to Ocean City, MD, and then along the shores of the Atlantic Ocean, Delaware Bay, and the Delaware River to point of beginning, and return, and from Philadelphia, PA, to points in NJ, and return; and *passengers and their baggage*, restricted to the transportation of passengers who are picked up or discharged at the site of the New York Ship Building Corporation's plant at Camden, NJ, and whose origin or destination is Chester, PA, in special operations: Between Chester, PA, and Camden, NJ.

Note.—(1) MC–F–14534 was originally published January 21, 1981. The purpose of this supplemental publication is to give proper notice of the lead certificate originally omitted from the original publication.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–17726 Filed 6–12–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC–FC–78765. By decision of April 16, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Metropolitan Trucking, Inc., of Portland, OR, of Certificate No. MC–145548 issued in No. MC–FC–77730, served February 2, 1979 to Albina Moving & Storage Co., of Portland, OR, authorizing the transportation of *household goods*, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between Portland, OR, on the one hand, and, on the other, points in Washington. Applicants' representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Transferee presently holds no authority from the Commission.

MC–FC–78973. By decision of May 26, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 granted applicants' petition filed May 4, 1981, and approved the transfer to Tri-Key Van Lines, Inc., of Levittown, NY, of a portion of Certificate No. MC–43161 issued to J.D. Carton & Son, Inc., of Chattam, NJ, authorizing: household goods as defined by the Commission, between points in New York, Kings, Queens, Richmond, Bronx, Nassau and Suffolk Counties, NY, on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, North Carolina, Ohio, and South Carolina; the first paragraph of transferor's retained authority in Certificate No. MC–43161 (Sub-No. 2) is to be modified as follows: household goods, as defined by the Commission, between points in Florida, Georgia, Illinois, Indiana, North Carolina, Ohio, and South Carolina, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Virginia, and New York (except New York, Kings, Queens, Richmond, Bronx, Nassau and Suffolk Counties, NY). Applicant's representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. TA lease is not sought. Transferee is not a carrier.

MC–FC–79004. By decision of February 20, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 5 approved the transfer to Certificate No. MC–136389 (Sub-No. 1) issued December 14, 1972 to Wright's Moving and Storage, Inc. authorizing the transportation of used household goods, between New Albany, IN, on the one hand, and, on the other, points in Brown, Bartholomew, Jackson, Jennings, Jefferson, Switzerland, Ohio, Scott, Washington, Clark, Crawford, Floyd, and Hanson Counties, IN. Applicant's representative is: Mr. Robert Worrall, Vice President, Wright's Van & Storage, Inc., 128 West Main Street, New Albany, IN 47150.

MC–FC–79075. By decision of April 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Canadian Pacific Express & Transfer, Ltd. of Certificate No. MC–141603 (Sub-No. 2) issued June 3, 1977 to Canadian Pacific Express, Ltd authorizing the transportation of general commodities (except commodities in bulk and classes A and B explosives), between ports of entry on the United States-Canada Boundary line near Buffalo, NY, on the one hand, and, on the other, Buffalo, NY and between ports of entry on the United States-Canada Boundary line at or near Detroit, MI, on the one hand, and, on the other Detroit, MI, and the Detroit Metropolitan Wayne county Airport restricted against the transportation of shipments weighing in the aggregate 300 punds or more from any one consignor to any one consignee on any one day, with no individual piece weighing more than 70 pounds. Applicant's Representative: Harry J. Jordan, Suite 502 Solar Building, 1000 16th Street, NW., Washington, DC 20036.

MC–FC–79076. by decision of April 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Canadian Pacific Express & Transfer, Ltd. of Permit No. MC–143806 (Sub-No. 1) issued February 5, 1981 to Canadian Pacific Transport Company Limited authorizing the transportation of lime, in bulk, from ports of entry on the International Boundary line between the United States and Canada in Washington and Idaho, on the one hand, and, on the other, points in Washington and Idaho under continuing contract(s) with Steel Brothers Canada, Ltd, of Calgary, Alberta, Canada. Applicants representative: Harry J. Jordan, Suite 502 Solar Building, 1000 16th Street, NW, Washington, DC 20036.

MC-FC-79131. By decision of May 6, 1981 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1132, Review Board Number 3 approved the transfer to Provisioners Brokerage, Inc. of Certificate No. MC-117589 and sub-numbers thereunder issued to Provisioners Frozen Express, Inc., authorizing the transportation of general and specified commodities between points in Arizona, California, Colorado, Idaho, Massachusetts, Maryland Montana, Nebraska, New Jersey, New Mexico, New York, Nevada, Oregon, Pennsylvania, South Dakota, Utah, Washington, and Wyoming.

Notes.—(1) Transferee is a non-carrier. (2) An application for temporary authority has not been filed. (3) This application was originally docketed MC-F-14618. Applicant's representative: Michael Duppenthaler, 211 S. Washington Street, Seattle, WA 98104.

MC-FC-79145. By decision of May 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Norman Lines, Inc. of Certificate No. MC-119170 (Sub-No. 1) issued March 29, 1974, to Reefer Transit Line, Inc., an Illinois Corporation, and Certificates No. MC-133775 issued September 10, 1971, No. MC-133775 (Sub-No. 7) issued January 5, 1971, No. MC-133775 (Sub-No. 8) issued August 2, 1972, No. MC-133775 (Sub-No. 9) issued December 8, 1971, No. MC-133775 (Sub-No. 10) issued September 11, 1972, No. MC-133775 (Sub-No. 11) issued July 25, 1973, No. MC-133775 (Sub-No. 14) issued September 26, 1974, No. MC-133775 (Sub-No. 16) issued August 21, 1974, No. MC-133775 (Sub-No. 18F) issued September 8, 1980, No. MC-133775 (Sub-No. 19F) issued October 21, 1980, and No. MC-133775 (Sub-No. 21F) issued September 3, 1980, to Reefer Transit Line, Inc., a Minnesota Corporation. The operating authorities approved for transfer authorize common carrier transportation over irregular routes as follows:

Certificate No. MC-119170 (Sub-1)

Meats, meat products, meat by-products, dairy products, and *articles distributed by meat packinghouses,* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, except liquid commodities in bulk, in tank vehicles, between the plant site of Swift & Co., at Rochelle, IL, on the one hand, and, on the other, St. Louis and Kansas City, MO, and Omaha, NE, restricted to the transportation of shipments originating at, or destined to, the plant site of Swift & Co., at Rochelle, IL. *Meats, meat products, and meat by-products,* and *articles distributed by meat packinghouses,* as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from the plant site of Wilson & Co., Inc. at Monmouth, IL, to points in Iowa, Missouri, and Nebraska, restricted to the transportation of shipments originating at the plant site of Wilson & Co., at Monmouth, IL. *Packinghouse products, packinghouse supplies, dressed poultry,* and *dairy products,* between Chicago, IL, on the one hand, and, on the other, Kansas City, KS, St. Louis and Kansas City, MO, East St. Louis, IL, and points in Iowa except those on and south of Interstate Highway 80 and on and west of U.S. Highway 71.

Certificate No. MC-133775

Petroleum products in containers, from Bradford and Rouseville, PA, to Chicago, IL. *Iron and steel products,* from Martins Ferry, OH, and Wheeling, Benwood, Warwood, and Beech Bottom, WV, to Chicago, IL, and St. Louis, MO. *Tinplate,* from Canton and Toronto, OH, and Follansbee, WV, to Chicago, IL. *Packinghouse products, packinghouse supplies, dressed poultry* and *dairy products,* from Chicago, IL, to Jamestown, Buffalo, and New York, NY, Newark, NJ, Wheeling, WV, and points in West Virginia within 25 miles of Wheeling, points in that part of Ohio on and east of a described line, and that part of Pennsylvania on and west of U.S. Highway 219. *Dressed poultry* and *dairy products,* from points in Iowa and Nebraska, to Buffalo and New York, NY, Newark, NJ, points in that part of Ohio on and east of a described line, and that part of Pennsylvania on and west of U.S. Highway 219. *Dairy products,* as defined by the Commission, from Rochester, IN, to Baltimore, MD, Washington, DC, and points in Pennsylvania, New Jersey, and New York; and *Equipment and supplies* used in meat packinghouses, from Baltimore, MD, Washington, DC, and points in Pennsylvania, New Jersey, and New York, to Rochester, IN. *Fresh meat,* from Milwaukee, WI, to Pittsburgh, PA. *Cheese,* from Rochester, IN, to Wilmington, DE, and points in that part of Ohio on and east of U.S. Highway 21 from Cleveland, Ohio, through Massillon, New Philadelphia, Newcomerstown, Cambridge, and Marietta, Ohio, to the Ohio-West Virginia State line. *Lubricating oils* and *greases,* in containers, from Bradford, PA, to Benton Harbor, MI; and *Empty containers,* from Benton Harbor, MI, to Bradford, PA. The above stated authorities contained in this certificate shall not be tacked or joined one to another for the purpose of performing any through transportation. *Cheese,* from Marshfield, Monroe, and Portage, WI, to points in Maryland, New Jersey, New York, and Pennsylvania. *Meat, meat products, meat by-products, dairy products,* and *articles distributed by meat packinghouses,* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, except liquid commodities in bulk, in tank vehicles, from the plant site of Swift & Co., at Rochelle, IL, to Jamestown, Buffalo, and New York, NY, Newark, NJ, Wheeling, WV, and points in West Virginia within 25 miles of Wheeling, points in that part of Ohio on and east of a described line and that part of Pennsylvania on and west of U.S. Highway 219, restricted to the transportation of shipments originating at, or destined to, the plant site of Swift & Co., at Rochelle, IL. *Meats, meat products, and meat by-products,* and *articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and facilities of Armour and Company at or near Worthington, MN, to Wheeling, WV, and points within 25 miles thereof, and points in 8 named states, (1) limited to shipments originating at the plant site and facilities of Armour and Company at or near Worthington, MN, and (2) restricted against tacking at points of origin with any of carrier's other operations authorized hereinabove. From the plant site of Armour and Company near Sterling, IL, to points in New Jersey, New York, Ohio, and Pennsylvania, limited to the transportation of traffic originating at the plant site of Armour and Co., at or near Sterling, IL. *Meat, meat products, and meat by-products,* and *articles distrubuted by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from the plant site of Wilson & Co., at Monmouth, IL, to Wheeling, WV, and points within 25 miles thereof, and points in New Jersey, New York, Ohio, and Pennsylvania, restricted to the transportation of shipments originating at the plant site of Wilson & Co., at Monmouth, IL. *Edible animals fats, animal oils, vegetable oils, and products* thereof, and *oleomargarine,* all in packages, from Bradley, IL, to Wheeling, WV, points in

that part of West Virginia within 25 miles of Wheeling, points in that part of Ohio on and east of a described line, and points in that part of Pennsylvania on and west of U.S. Highway 219; restricted to the transportation of traffic originating at Bradley, IL. *Returned shipments* of the next above-described commodities, from the next above-described destination points in Bradley, IL.

Certificate No. MC–133775 (Sub-7)

Meats, meat products, and meat by-products, and *articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Huron, SD, to points in New Jersey, New York, Ohio, and Pennsylvania, restricted to the transportation of shipments originating at Huron, SD, and destined to the above-named destination points.

Certificate No. MC–133775 (Sub-8)

Meats, meat products, and meat by-products, and *articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the facilities of Illini Beef Packers, Inc., at Joslin, IL, to points in 8 named states and the District of Columbia; and *Such commodities* as are used by meat packers in the conduct of their businesses when destined to and for use by meat packers as described in section D of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the above-named destination points, to the facilities of Illini Beef Packers, Inc., at Joslin, IL, restricted to the transportation of shipments originating at the facilities of Illini Beef Packers, Inc., at Joslin, IL, and destined to the named destination points, and originating at the destination points and destined to the facilities of Illini Beef Packers, Inc., at Joslin, IL.

Certificate No. MC–133775 (Sub-9)

Meats, with or without other ingredients, in hermetically sealed containers, from the plant site of Armour-Dial, Inc., at Fort Madison, IA, restricted to traffic originating at the named plant site and destined to the above-named destination States.

Certificate No. MC–133775 (Sub-10)

Meats, meat products, and meat by-products, and *articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and warehouse facilities of Banner Beef Company at or near Hospers, IA, to points in 11 named states, and the District of Columbia, restricted to the transportation of traffic originating at the above-named plant site and warehouse facilities.

Certificate No. MC–133775 (Sub-11)

Frozen bakery dough products, from the facilities utilized by Royal Pantry Foods, Inc., at Madelia, MN, to points in Iowa, Wisconsin, and Illinois.

Certificate No. MC–133775 (Sub-14)

Meats, meat products, and meat by-products, and *articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Yankton Sioux Industries at Wagner, SD, to points in 23 named states, restricted to the transportation of shipments (a) originating at the named facilities and destined to points in the named States, or (b) originating at the named facilities and having a subsequent movement by rail or moving in foreign commerce to a United States port. *Meats, meat products, and meat by-products,* and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A and D of Appendix I to the report in *Descriptions in Motor Carrier Cerificates,* 61 M.C.C 209 and 766 (except hides and commodities in bulk), from points in 11 named states to the facilities of Yankton Sioux Industries, at Wagner, SD.

Certificate No. MC–133775 (Sub-16)

Meats, meat products, meat by-products, and *articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site of Madison Foods, Inc., at or near Madison, NE, to points in 16 named states and the District of Columbia, restricted to the transportation of traffic originating at the above-named plant site destined to the above-named destinations.

Certificate No. MC–133775 (Sub-18F)

Meats, meat products, and meat by-products, and *articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Armour and Company, at or near Huron, SD, to points in 8 named states, restricted to the transportation of traffic originating at the named origin.

Certificate No. MC–133775 (Sub-19F)

Meats, meat products and meat by-products, and *articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C 209 and 766, (except commodities in bulk), from the facilities used by Armour and Co., at Worthington, MN, to points in 8 named states, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations.

Certificate No. MC–133775 (Sub-21F)

Meats, meat products, and meat by-products, and *articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), (1) from points in 8 named States to the facilities of Lauridsen Foods, Inc., at or near Britt, IA, and (2) from the facilities of (a) Lauridsen Foods, Inc., at or near Britt, IA, and (b) Armour and Company, at or near Mason City, IA, to points in 35 named states, restricted to the transportation of traffic originating at or destined to the above-named facilities.

Note.—Transferee has indicated that certain of the operating rights to be required may be combined or tacked with transferee's presently held operating rights for the performance of a through service. In the absence of the filing and subsequent approval of a directly-related gateway elimination application, such combination or tacking of operating authorities is prohibited (49 CFR 1065(b)).

Applicant's representative is: Patrick H. Smyth, 19 South LaSalle Street, Suite 401, Chicago, IL 60603.

MC–FC–79146. By decision of May 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Miller Express Freight, Inc., of Findlay, OH of Certificate No. MC–147579 and Permit No. MC–142894 Sub-No. 1, issued January 5, 1981 and May 8, 1978, respectively to Miller Delivery Service, Inc., of Findlay, OH authorizing in No. MC–147579 the transportation of *materials, equipment, and supplies,* used in the manufacture, distribution, or

repair of gas and electrical appliances, between the facilities of Whirlpool Corporation, at or near Findlay, OH, on the one hand, and, on the other, (1) Detroit, MI, and (2) points in Ohio, restricted in part (2) to the transportation of traffic having a prior or subsequent movement by air or motor carrier, and authorizing in No. MC–142894 (Sub-No. 1) the transportation of *automobile and truck panels*, from Findlay, OH, to Willow Run Airport and Detroit, MI, limited to a transportation service to be performed under a continuing contract(s) with Findlay Industries, Inc., and Superior Trim Company of Findlay, OH, and restricted to the transportation of shipments weighing 2000 pounds or less. Applicants' representative: James M. Bortch, Columbus, OH 43215. Transferee presently holds no authority from the Commission. TA has not been filed.

MC–FC–79147. By decision of May 15, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Morgan Transportation Co., Inc., of Wethersfield, CT, of Permit No. MC–141767 (Sub-No. 4) issued December 5, 1980 to Harris Express Company, Inc., of East Hartford, CT, authorizing the transportation of silica sand and silica sand products, between points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, Maine, New Youk, New Jersey, Pennsylvania, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Illinois, Indiana, Iowa, Michigan, Kentucky, Ohio, and Maryland, under continuing contract(s) with Ottawa Silica Company, of Ottawa, IL. Applicant's representative: Paul F. Moran, Moran's Transportation Co., Inc., 273 Forest Drive, Wethersfield, CT 06100.

MC–FC–79160. By decision of May 19, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Paul H. Giannetti and Robert J. Giannetti, A Partnership, d/b/a Giannetti Brothers Express of Certificate No. MC–34735 issued March 1, 1941, to Paul E. Giannetti d/b/a Giannetti Brothers Express authorizing the transportation of *general commodities*, (except those of unusual value, classes A and B explosives, household goods (when transported as a separate and distinct service in connection with so called "house hold movers"), commodities in bulk, and those requiring special equipment), between Wrentham, MA and Boston, MA over MA Hwy 1A.Q04

Notes.—(1) Transferee is a non-carrier. (2) An application for TA has not been filed. Applicants' representative: George C. O'Brien, 12 Vernon Street, Norwood, MA 02062.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–17727 Filed 6–12–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 100]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice.

Decided: June 9, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 64832 (Sub-12)X, filed May 27, 1981. Applicant: MAGNOLIA TRUCK LINE, INC., 3097 Fontaine Road, Memphis, TN 38116. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 6, 7F, 10F, and 11 certificates to (A) remove all restrictions in its general commodity authorities "except classes A and B explosives" in all certificates; (B) remove restrictive language in its Sub-No. 3 regular-route authority, limiting service to "that part of the Memphis, TN commerical zone lying soley within TN and MS," to allow service between Memphis, TN and Jena, LA; (C) authorize service at all intermediate points between the following regular routes: Memphis, TN and Jena, LA in Sub-No. 3; Jena, LA and Alexandria, LA in Sub-No. 6; and Memphis, TN and Baton Rouge, LA in Sub-No. 7; and (D) broaden its off-route authority from named service points and facilities to county-wide authority, as follows: Sub-No. 3, Franklin County, MS (Bude, MS); Sub-No. 4, Claiborne County, MS (facilities near Grand Gulf, MS); Sub-No. 10, Avoyelles and Vernon Parishes, LA (military reservation and Hamburg, Leesville, and Simmesport, LA); and Sub-No. 11, Acadia and Landry Parishes, LA (Church Point and Eunice, LA).

MC 74169 (Sub-8)X, filed May 28, 1981. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main Street, Ralston, NE 68127. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036 Applicant seeks to remove the restrictions in its lead and Sub-Nos. 7 certificate by broadening the commodity description from household goods to "household goods and furniture and fixtures."

MC 105984 (Sub-32)X, filed May 18, 1981. Applicant: JOHN BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Applicant seeks to remove restrictions in its Sub-Nos. 16, 18, 20F, 22F, 23F, 24F, 25F, 26F, and 27F certificates to (a) broaden the commoditiy descriptions to: (1) "pipe and related products" from pipe and fiberglass/epoxy pipe and fittings an accessories in its lead; (2) "metal products and machinery" from irrigation systems and materials and supplies used in the manufacture, production and distribution thereof in Sub-No. 16; (3) "metal products, machinery and related products" from iron and steel articles; iron and steel tanks, aluminum tanks, and parts attachments, and accessories therefor; pressure vessels and chemical process equipment; superchargers; and electric switch control cabinets; and materials, equipment and supplies used in the manufacture thereof in Sub-Nos. 18 and 23F; (4) "ores and minerals, clay, coal, lignite, stone and related products" from bentonite clay and lignite coal in Sub-Nos. 20F and 24F; (5) "rubber and plastic products and related products" from plastic articles and materials,

equipment and supplies used in the manufacture and installation thereof in Sub-No. 22F; (6) "machinery and metal products and related products" from cooling towers, fluid coolers, and accessories, components, equipment, and parts thereof, and equipment, materials, and supplies used in the installation, manufacture or distribution thereof in Sub-No. 25F; (7) "metal articles and related products" from wire products and materials and equipment used in the manufacture thereof in Sub-No. 26F; (8) "metal products and pipe and related products" from iron and steel articles and pipe other than iron and steel in Sub-No. 27F; (b) eliminate the facilities restrictions in the lead (parts 1 and 2) and Sub-Nos. 16, 20F, 22F, 23F, 24F, and 27, and eliminate restrictions originating at or destined to in the lead (parts 1 and 2) and Sub-Nos. 16, and 18; (c) replace city-wide with county-wide authority: in the lead, Burkburnett with Wichita County, TX; in Sub-Nos. 16 and 22F, Wichita Falls with Wichita County, TX; in Sub-No. 23F, Conroe with Montgomery County, TX; in Sub-No. 24F, Greybull with Big Horn County, WY; in Sub-No. 25F, Chickasha with Grady County, OK; in Sub-No. 26F, Madill with Marshall County, OK; and in Sub-No. 27F, Union with Franklin County, MO; (d) authorize radial service in lieu of one-way authorit between a combination of points in the U.S. in the lead (parts 1 and 2) and Sub-Nos. 16, 18, 20F, 23F, 24F, 26F, and 27F; (e) remove the restrictions except AK and HI, in the lead (part 2) and Sub-Nos. 16, 18, 20F, 22F, and 25F and the restriction except HI in Sub-No. 23F; and (f) remove the restrictions against commodities in bulk in Sub-Nos. 16, 18, 20F, 22F, and 25F, in tank vehicles, in Sub-No. 22F, and in bags, in Sub-No. 24F.

MC 107103 (Sub-28)X, filed April 13, 1981, published in the **Federal Register** of May 1, 1981, republished as follows: Applicant: ROBINSON CARTAGE CO., 2712 Chicago Drive, SW., Grand Rapids, MI 49509. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 5, 6, 13F, 14F, 15F, 18F, 20F, 21F, 23F, 26F, 27F certificates and E1 letter notice to (1) broaden the commodity descriptions (a) pipe casing and pipe to "clay, concrete, glass or stone products; lumber and wood products; metal products; and pulp, paper and related products" in its Sub-No. 13F (b) iron and steel articles, rough cast iron castings, to "metal products" in Sub-Nos. 14, part (1) 20, and 23; (c) iron and steel articles, to "size and weight commodities" in Sub-Nos. 15, 21, and 27; (d) lumber, lumber products, forest products and lumber mill products to "forest products and lumber and wood products" in Sub-No. 18; (e) gypsum and gypsum products to "building materials" in Sub-No. 26; (2) remove restrictions requiring that transportation of related machinery parts and related contractors, materials and supplies be incidental to transportation of size and weight commodities in the lead, Sub-Nos. 3, 5, and 6, and E1; (3) remove restrictions in size and weight authorities against transportation of named commodities such as aircraft and aircraft parts in Sub-Nos. 3, 5 and 6F; (4) remove a restriction against transportation of traffic the origin and destination of which are within 35 miles of Detroit, MI in its lead; (5) remove the AK to HI exceptions in Sub-Nos. 13F, 21F; and AK, HI, and MI in Sub-Nos. 6 and 15, (6) broaden the port of entry at Sault Ste. Marie, MI to authorize service to and from all ports of entry in MI in Sub-Nos. 14, 15 and 18; (7) remove restrictions to transportation "in foreign commerce only" in Sub-Nos. 15 and 18; (8) eliminate restrictions to traffic originating at the origin points in Sub-No. 6; (9) authorize county-wide in place of city-wide service: Holland, MI, with Allegan County, in Sub-No. 6; Dafter, MI, with Chippewa County, MI, in Sub-No. 13; Sebewaing, MI, with Huron County, MI, in Sub-No. 20; Monroe, MI, with Monroe County, MI, in Sub-No. 21; East Jordan, MI, with Charlevoix County, MI, and Siloam Springs, AR, with Benton County, AR, and Delaware and Adair Counties, OK, in Sub-No. 23; Grand Rapids, MI, with Kent County, MI, in Sub-No. 26; (10) remove plantsite restrictions in Sub-Nos. 13, 20, 21, 23, 26, 27; (11) authorize two-way authority for one-way authority in Sub-Nos. 6 and 18.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.

The purpose of this republication is to give notice of "building materials" from gypsum and gypsum products, Allegan County for Holland, MI, Benton County, AR, and Delaware and Adair Counties, OK, for Siloam Springs, AR, and two way authority in Sub-Nos. 6 and 18.

MC 114274 (Sub-76)X, filed May 11, 1981. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St. Place, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions from its Sub-Nos. 1, 15, 17, 18, 20, 25, 27, 31, 33, 36, 38, 40, 42, 43, 44, 45, 47, 48, 49, 50, 52, 53, 54, 55 and 57 certificates to (1) broaden the commodity description to "food and related products" from meat, meat products, and meat by-products, and articles distributed by meat packinghouse in Sub-Nos. 1, 15, 18, 31, 36, 38, 40, 42, 43, 48, 52 and 57; from frozen foodstuffs in Sub-Nos. 17, 20 and 45; from carbonated beverages in Sub-No. 33 from foodstuffs in Sub-No. 47; and, from canned and preserved foodstuffs in Sub-No. 53, to "chemicals and related products and miscellaneous products of manufacturing" from shampoo, toilet preparations, and permanent hair waving kits in Sub-No. 49; to "chemicals and related products" from chemicals, toilet preparations, shampoo and packing materials in Sub-No. 50; from paint in Sub-No. 55; to "such commodities as are dealt in or used by manufacturers and distributors of household cleaning products" from household cleaning products and household cleaning articles and materials and supplies; to "pulp, paper and related products, rubber and plastic products, and clay, concrete, glass or stone products" from containers, closures and packaging materials used in the production and distribution of carbonated beverages in Sub-No. 33, sheet 2, (2) remove the in bulk restrictions from Sub-Nos. 1, 15, 18, 31, 36, 38, 40, 42, 43, 48, 52, 57, 20, 25, 45, 49, 50, and 55, (3) remove the restrictions against the transportation of (a) hides in Sub-Nos. 1, 15, 18, 31, 36, 38, 40, 42, 43, 48, 52 and 57, (b) of electric articles in Sub-No. 49, and (c) of foodstuffs and meats in Sub-No. 50, (4) remove the "originating at and destined to" restrictions in Sub-Nos. 15, 17, 18, 20, 25, 27, 31, 33, 36, 38, 40, 42, 43, 44, 45, 47, 48, 49, 50, 52, 53, 54, 55, and 57, (5) remove the restriction to shipment moving from, to, or between warehouses and wholesale, retail, or chain outlets of grocery and food business houses on sheet 2 of Sub-No. 1, (6) remove the plantsite limitations (a) in Sub-No. 1 sheets 2 and 3 and replace Perry, IA and Beardstown, IL with Dallas County, IA and Cass County, IL, (b) in Sub-No. 15 and replace Marshalltown, IA with Marshall County, IA, (c) in Sub-Nos. 17, 27, 45, 47 and 55 (d) in Sub-Nos. 18, 42 and 57 and replace Carroll, Denison and Iowa Falls, IA with Carroll, Crawford and Hardin Counties, IA, (e) in Sub-No. 25 and replace Iowa City and Muscatine, IA with Johnson and Muscatine Counties, IA (f) in Sub-Nos. 31 and 42 and replace Crete, NE with Saline County, NE, (g) in Sub-No. 33 and replace Cedar Rapids, IA with Linn County, IA, (h) in Sub-No. 36 and replace Marshalltown, IA with Marshall County, IA (i) in Sub-No. 38 and replace Hartley and Spencer, IA and Schuyler, NE with Clay and O'Brien Counties, IA and Colfax County, NE (j) in Sub-No. 40

and replace Denison, IA with Crawford County, IA, (k) in Sub-No. 44 and replace Glenwood and Marshalltown, IA and Grand Island, NE with Mills and Marshsll Counties, IA and Hall County, NE (1) in Sub-No. 52 and replace Schuyler, NE with Colfax County, NE, and (m) in Sub-No. 53 and replace Pittsburgh, PA with Alleghany County, PA, (7) change city to county-wide authority (a) in Sub-No. 1 from Alton, IL, Anderson, Curtisville, Elwood, Greenfield, Greenwood, Kokomo, Peru, St. Paul, Tipton, and Whiteland, IN; Blue Earth, Lakeland, and LeSueur, MN and Astico, Beaver Dam, Bloomer, Brandon, Cassville, Clear Lake, Cobb, Cumberland, Duck Creek, Frederic, Gillett, Green Bay, Hustisford, Ladysmith, Marshfield, Milltown, Mineral Point, Oconto, Onalaska, Prairie du Chien, and Plymouth, WI to Madison County, IL, Madison, Hancock, Johnson, Howard, Miami, Shelby, Deacatur, and Tipton Counties, IN, Dodge, Chippewa, Fond du Lac, Grant, Polk, Iowa, Barron, Oconto, Brown, Rusk, Wood, LaCrosse, Crawford, Marathon and Sheboygan Counties, WI and Fairbault, Washington and LeSueur Counties, MN; from Columbus and Fremont, NE to Platte and Dodge Counties, NE; from Denison, IA to Crawford County, IA (b) in Sub-No. 20 from Iowa City and Muscatine, IA to Johnson and Muscatine Counties, IA, (c) in Sub-No. 27 from Rochester, MN to Olmstead County, MN (d) in Sub-No. 33 from Lincoln and Norfolk, NE and Faribault, MN to Lancaster and Madison Counties, NE, and Rice County, MN (e) in Sub-No. 43 from Storm Lake and Cherokee, IA to Buena Vista and Cherokee Counties, IA (f) in Sub-No. 47 from McKessport and New Stanton, PA to Alleghany and Westmoreland Counties, PA (g) in Sub-No. 48 from Crete, NE and Carroll, Denison and Iowa Falls, IA to Saline County, NE and Carroll, Crawford and Hardin Counties, IA, (h) in Sub-No. 49 from Iowa City, IA to Johnson County, IA, (i) Sub-No. 50 from Ft. Madison, IA to Lee County, IA and (j) in Sub-No. 54 from Rockford, IL to Winnebago County, IL, and (8) change one-way to radial authority between various combinations of points in central U.S. in all authorities except Sub-No. 54.

MC 118612 (Sub-14)X, filed May 11, 1981, previously noticed in the **Federal Register** of May 22, 1981, republished as corrected this issue. Applicant: COLUMBIA TRUCKING, INC., 700—131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, IL 60601. Applicant seeks to remove restrictions from it Sub-Nos. 9F, 10 and 12 certificates to: (1) broaden the commodity description from asphalt and tar in Sub-No. 9F and hot asphalt in Sub-No. 10 to "petroleum or coal products"; (2) remove the "in bulk, in tank vehicles" restrictions in Sub-No. 10; (3) remove the facilities limitation in Sub-No. 9F; (4) replace Summit, IL with Cook County, IL, in Sub-No. 10; and (5) expand its one-way authority to radial authority in Sub-No. 9F, between IN, and Lake County, IL; in Sub-No. 10, between Cook County, IL, and, IN, IA, WI, MN, OH, MI, and MO; and in Sub-No. 12 between La Porte County, IN, and, IL. The purpose of this republication is to correct the territorial description in Sub-No. 9F from Waukegan, IL to Lake County, IL.

MC 123765 (Sub-14)X, filed May 22, 1981. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions in its MC 6031 Sub-Nos. 34, 45, 46F, 48F, 49F, 51F, 54F, 55F, and 58F permits to (1) broaden the commodity descriptions from (a) plumbing and heating materials and supplies, and scrap, metals, to "such commodities as are dealt in by manufacturers of plumbing fixtures or heating apparatus", in Sub-No. 34; (b) outboard engines, inboard engines, power lawn and turf-care equipment, power chain saws, and light industrial vehicles (except commodities in bulk), and materials, equipment, and supplies used in the manufacturer distribution of the above commodities (except commodities in bulk), to "machinery and miscellaneous products of manufacturing and materials, equipment, and supplies used in the manufacture, sale, and distribution in Sub-No. 49F; (c) coke to "coal and coal products" in Sub-No. 51F; (d) fiberglass insulation and materials and supplies used in the installation of insulation to "such commodities as are dealt in by manufacturers of insulation" in Sub-No. 55F; and (e) castings to "metal products" in Sub-No. 58F; and (2) broaden the territorial descriptions in all of the above-numbered permits to between points in the U.S., under contract(s) with named shippers.

MC 124109 (Sub-22)X, filed May 26, 1981. Applicant: B. F. C. TRANSPORTATION, INC., P.O. Box 985, Cedar Rapids, IA 52406. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-No. 17F permit to (A) change the commodity description to "food and related products" from foodstuffs and pet foods, advertising materials, and materials and supplies (except frozen commodities and commodities in bulk); and (B) broaden its territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 134375 (Sub-20)X, filed May 22, 1981. Applicant: ELDON GRAVES, d.b.a. ELDON GRAVES TRUCKING, P.O. Box 9156, Yakima, WA 98909. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Applicant seeks to remove restrictions in its Sub-Nos. 2, 5, 6, 8, 11, 13, 18F and 19F certificates to (1) broaden the commodity description in Sub-No. 2 to "food and related products and chemicals and related products" from meat cracklings; in Sub-No. 5 to "farm products, food and related products and chemicals and related products" from animal and poultry feed and feed supplements; in Sub-No. 6 to "pulp, paper and related products" from apple top pads; in Sub-No. 8 to "pulp, paper and related products" from molded pulp articles and hard surface corrugated paper; in Sub-No. 11 to "farm products, food and related products and chemicals and related products" from feed, feed ingredients and feed supplements; in Sub-No. 13 to "pulp, paper and related products and lumber and wood products" from paper packing partitions and wood pulp packing partitions; in Sub-No. 18F to "lumber and wood products" from wood fiber products; and in Sub-No. 19F to "lumber and wood products" from cedar shakes, shingles and shake bolts; (2) authorize county-wide authority: Multnomah County, OR, for Portland, OR, in Sub-No. 2; Yakima County, WA, for facilities at Yakima, WA, in Sub-No. 6; Alameda County, CA, for Berkeley, CA, and Yakima County, WA, for Yakima, WA, in Sub-No. 8; and acramento County, CA, for Sacramento, CA in Sub-No. 13; (3) remove the facilities restriction in Sub-Nos. 6 and 8; (4) remove the in bulk restriction in Sub-No. 2, the liquids in bulk in tank vehicles and canned pet foods restriction in Sub-No. 11; (5) eliminate the originating at restrictions in Sub-Nos. 6 and 8; (6) replace one-way authority with radial authority in Sub-Nos. 2, 5, 6, 8, 11, 13, 18F and 19F.

MC 144509 (Sub-5)X, filed June 1, 1981. Applicant: HOLSTON MOTOR FREIGHT, INC., P.O. Box 1670, Kingsport, TN 37662. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. Applicant seeks to remove

restrictions in its lead and Sub-Nos. 3F and 4F certificates to (1) broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", in all of the above authorities; (2) authorize service at all intermediate points between Knoxville and Chattanooga, TN, in Sub-No. 4F; and (3) eliminate: in the lead, the restriction against the receipt of interline traffic from other motor carriers at Kingsport, TN, and points in its commercial zone.

MC 144889 (Sub-12)X, filed May 20, 1981. Applicant: RONWAL TRANSPORTATION, INC., 2600 Calumet Ave., Hammond, IN 46320. Representative: Norman R. Garvin, Andrew K. Light, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 8F, 9F, and 10F certificates to (1) broaden the commodity descriptions in (a) Sub-Nos. 1F, 8F, 9F, and 10F from iron and steel articles, iron and steel, and wrought iron pipe to "metal products," and (b) Sub-No. 1F from building materials and sound deadening materials to "building materials;" (2) expand specific plantsite authority to county-wide and/or city-wide authority in (a) Sub-No. 1F from the facilities of (i) LaSalle Steel Company at Griffith and Hammond, IN, and Globe Industries, at Lowell, IN, to Lake County, IN, (ii) Union Rolls Corporation, at Valpariaiso, IN, and Midwest Steel Division of National Steel Corp., at Portage, IN, to Porter County, IN, and (iii) Globe Industries, at Whiting, IN, to Lake County, IN; (b) Sub-No. 8F from the facilities of (i) Inland Steel Company at East Chicago, IN, to Lake County, IN, (ii) Bethlehem Steel Corporation at Burns Harbor, IN, to Porter County, IN, and (iii) J & L Steel Corporation, at or near Chicago, IL, to Chicago, IL, (c) in Sub-No. 9F, from the facilities of United States Steel Corporation at or near Gary, IN, to Lake County, IN; and (d) Sub-No. 10F, from the facilities of (i) Dietrich Industries, Inc., at Hammond, IN, to Lake County, IN; and (ii) Unarco-Leavitt, Division of Unarco Indus., Inc., at Chicago, IL, to Chicago, IL; (3) expand one-way authority to radial authority between specified points located in the eastern and central portion of the U.S. and (4) delete restriction in Sub-No. 1F against commodities in bulk, in tank vehicles.

MC 146402 (Sub-35)X, filed May 26, 1981. Applicant: CONALCO CONSTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 17 certificates to: (1) in Sub-No. 2F broaden the commodity description from part (1) food products, food concessions, displays for food concessions and from part (2) popcorn and peanuts, to "food and related products and machinery," (2) in Sub-Nos. 2F and 17 replace facility limitations at Ridgeway, IL and Atlanta, GA with city-wide authority; (3) in Sub-Nos. 2F and 17 remove "in bulk, in tank vehicles," restrictions; (4) in Sub-No. 17 broaden the commodity restriction from wine to "food and related products," (5) in Sub-No. 17 replace one-way with radial authority between 7 counties in CA and Atlanta, GA, and (6) remove the restriction limiting transportation to traffic originating at or destined to named facilities.

MC 147019 (Sub-5)X, filed May 22, 1981. Applicant: WENGERT TRANSPORTATION, INC., d.b.a. CITY DELIVERY, 651–58th Avenue Court S.W., Cedar Rapids, IA 52404. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Applicant seeks to remove restrictions in its certificates Sub-No. 2F and 4F to (1) change city to county-wide authority from Cedar Rapids, IA, to Lynn County, IA, in Sub-No. 2 and from Washington and West Union, IA to Washington and Fayette Counties, IA, in Sub-No. 4, (2) remove the restriction limiting service to traffic having a prior or subsequent movement by air, and (3) remove limitation to service at O'Hare International Airport at Chicago, IL and replace with Chicago, IL in both subs.

MC 147323 (Sub-29)X, filed May 26, 1981. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Avenue, Dearborn, MI 48126. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restriction in its lead and Sub-Nos. 3F, 5F,6F, 8F, 9F, 11 and 12F certificates to (1) broaden the commodity descriptions: in the lead from iron and steel articles and aluminum and in part (1) of the remaining Sub-Nos., from iron and steel articles (except commodities in bulk), to "commodities which, because of size or weight require the use of sepcial equipment or special handling"; (2) replace facilities limitations with county-wide authority as follows: in the lead, Southfield, Riverview and Detroit with Oakland and Wayne Counties, MI; in Sub-No. 3F, Sterling with Whiteside County, IL; in Sub-No. 5F, Hinsdale with Du Page County, IL; in Sub-No. 6F, Prospect with Champaign County, IL; in Sub-No. 8F, Morganville with Monmouth County, NJ; in Sub-No. 9F, Detroit and Petersburg with Monroe County, MI; in Sub-No. 11, Atlanta, GA and Nashville, TN, with Fulton County, GA and Davidson County, TN; and in Sub-No. 12F, Utica with Macomb County, MI; and (3) in the lead and Sub-Nos. 6F, 11 and 12F remove the restriction limiting transportation to traffic originating at or destined to named facilities.

MC 147969 (Sub-7)X, filed May 21, 1981. Applicant: JOE S. BOWEN, INC., East Highway 264, P.O. Box 262, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, 4F and 5F certificates to (1) remove the facilities restrictions in all subs and authorize county-wide authority: Sebastian County, AR (for facility at Fort Smith, AR), in Sub-No. 1F, and Benton and White Counties, AR (for facilities at Bentonville and Searcy, AR, respectively), in Sub-No. 2F, (2) replace one-way authority with radial authority, in Sub-No. 5F, and (3) remove the AK and HI exceptions, in Sub-Nos. 1F, 4F and 5F.

MC 150090 (Sub-1)X, filed June 8, 1981. Applicant: CHEMLINE DELIVERY SERVICE, INC., 2700 River Road-Suite 408, Des Plaines, IL 60018. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its MC–150090 permit to (1) broaden the commodity description from acids and chemicals to "chemicals and related products and petroleum, natural gas, and their products", (2) remove the "in bulk, in tank vehicles" restrictions and (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with named shippers.

[FR Doc. 81-17732 Filed 6-12-81; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. 125 (Sub-4F)]

Norfolk Southern Railway Co.—Abandonment—Between Dallas and Lincolnton, NC; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that on June 5, 1981, the Commission issued a certificate authorizing the Norfolk Southern Railway Company to abandon its rail line between Dallas (milepost HG 52.0) and Lincolnton (milepost HG 62.4) in Gaston and Lincolnton Counties, NC, a total distance of 10.4 miles, subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91

(1979), and subject to the further condition that Norfolk Southern shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts, for a period of 120 days from this date to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will become effective. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the effectiveness of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L Mergenovich,

Secretary.

[FR Doc. 81–17730 6–12–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–124 (Sub-1F)]

Waterloo Railroad Co.—Abandonment—Between Evansdale and Gilbertville, IA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided June 9, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, the present and future public convenience and necessity permit the abandonment by the Waterloo Railroad Company of its main line extending from railroad milepost 4.87 Evansdale, IA, to milepost 11.44 at Gilbertville, IA, in Blackhawk County, IA, a distance of 6.57 miles, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co—Abandonment Goshen*, 360 I.C.C. 91 (1979), and further that applicant shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period of 120 days from June, 1981, to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of public convenience and necessity permitting abandonment was issued to the Waterloo Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–17731 Filed 6–12–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Attorney General's Task Force on Violent Crime; Changed Meeting

This notice modifies the Notice of Meeting which appeared in the **Federal Register** on June 2, 1981.

The Attorney General's Task Force on Violent Crime will meet from 9:00 am until 4:30 pm on June 17, 1981 in the Waldorf Ballroom of the Conrad Hilton Hotel, 720 South Michigan Avenue, Chicago, Illinois and from 9:00 am until 4:30 pm on June 18, 1981 in the River Front Ballroom of the Detroit Plaza Hotel, Renaissance Center, Detroit, Michigan.

All other information provided in the June 2, 1981 Notice remains the same.

Jeffrey Harris,

Executive Director, Attorney General's Task Force on Violent Crime.

[FR Doc. 81–17743 Filed 6–12–81; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

[Docket Nos. 81–7—81–10, 81–13]

Donald C. Walker, N.D., et al; Hearing

In the matter of Donald C. Walker, N. D., Portland, Oregon, Docket No. 81–7; Loyd B. Rapp, N. D., Sutherlin, Oregon, Docket No. 81–8; Ralph R. Weiss, N. D., Medford, Oregon, Docket No. 81–9; Edmonde G. Samuel, N. D., Brookings, Oregon, Docket No. 81–10; and Joseph A. Rombough, N. D., Salem, Oregon, Docket No. 81–13.

Notice is hereby given that on March 11, 1981, the Drug Enforcement Administration, Department of Justice, issued to each of the above-named Respondents an Order To Show Cause as to why the Drug Enforcement Administration should not deny each Respondent's respective application for registration under the Controlled Substances Act.

Thirty days having elapsed since the said Orders To Show Cause were received by these Respondents, and written requests for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in these matters will be held commencing at 10:00 a.m. on Tuesday, June 23, 1981, in the Interstate

Commerce Commission Hearing Room, Room 103, Pioneer Courthouse, 555 S.W. Yamhill, Portland, Oregon.

Dated: June 9, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-17593 Filed 6-12-81; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-389]

Florida Power & Light Co. and Orlando Utilities Commission of the City of Orlando, Fla.; Notice of Issuance of Amendment to Construction Permit

Notice is hereby given that pursuant to a Memorandum and Order dated April 24, 1981 by the Atomic Safety and Licensing Board, the U.S. Nuclear Regulatory Commission has issued Amendment No. 3 to Construction Permit No. CPPR-144, which was issued to Florida Power and Light Company for construction of the St. Lucie Plant Unit 2, located in St. Lucie County, Florida. Effective with the issuance of amendment No. 2 on November 14, 1980, the current permit holders are Florida Power and Light Company and Orlando Utilities Commission of the City of Orlando, Florida. The Board's Order authorizes the addition of antitrust conditions to the construction permit.

The Commission has found that the provisions of the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I. Since the amendment only involves the addition of antitrust conditions, this action involves no safety questions or environmental impacts; i.e., this action does not involve a significant hazards consideration, does not constitute an unreasonable risk to the health and safety of the public, and is not inimical to the common defense and security. In adddition, the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

A copy of the Memorandum and Order, dated April 24, 1981, the construction permit, the amendment and other related documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Indian River Community College Library, 3900 Virginia Avenue, Ft. Pierce, Florida. Single copies of the amendment may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of May, 1981.

For the Nuclear Regulatory Commission.

F. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-17737 Filed 6-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-111]

North Carolina State University; Order Authorizing Dismantling of Facility and Disposition of Component Parts

By application dated June 5, 1980, as revised by letters dated Feburary 19 and March 27, 1981, North Carolina State University (the licensee) requested authorization to dismantle the 10 Kw Research and Training Reactor (the facility), at North Carolina State University, Raleigh, North Carolina, and to dispose of the component parts, in accordance with the plan submitted as part of the application. A "Notice of Proposed Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts, and Termination of Facility License" was published in the **Federal Register** on April 3, 1981(46 FR 20338). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Nuclear Regulatory Commission (the Commission) has reviewed the application in accordance with the provisions of the Commission's rules and regulations and has found that the dismantling and disposal of component parts in accordance with the licensee's dismantling plan will be in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation.

The Commission has prepared an environmental impact appraisal for this action. Based on that appraisal, the Commission has determined that this action will not result in any significant environmental impact and that an environmental impact statement need not be prepared.

Accordingly, North Carolina State University is hereby authorized to dismantle the facility covered by Facility License No. R-63, and dispose of the component parts in accordance with their dismantling plan and the Commission's rules and regulations.

After completion of the dismantling and decontamination, the submission of a report on the radiation survey to confirm that radiation levels in the facility area meet the values defined in the dismantling plan and inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility License No. R-63.

For further details with respect to this action see (1) the application for authorization to dismantle facility and dispose of component parts dated June 5, 1980, as revised by letters dated February 19 and March 27, 1981, (2) the Commission's related Safety Evaluation, (3) the Commission's Environmental Impact Appraisal, and (4) the Commission's Negative Declaration dated June 1, 1981 (which is also being published in the **Federal Register**). All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 1st day of June 1981.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Assistant Director for Operating Reactors, Division of Licensing.

Negative Declaration for the North Carolina State University Research and Training Reactor, Docket No. 50-111

The U.S. Nuclear Regulatory Commission (the Commission) has considered the order authorizing dismantling of facility and disposition of component parts for the North Carolina State University (the licensee) Research and Training Reactor operated under Facility License No. R-63. The order authorizes the licensee to disassemble the reactor which operated at power levels up to 10 Kw (thermal), and to dispose of the component parts.

The U.S. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, has prepared an environmental impact appraisal for this research reactor. On the basis of this appraisal, the Commission has concluded that an environmental impact

statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 1st day of June 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-17736 Filed 6-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Notice of Issuance of Amendment to Provisional Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the license and its related Appendix A Technical Specifications and Bases for operation of the San Onofre Nuclear Generating Station Unit No. 1 (the facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment authorizes changes to the Appendix A Technical Specifications and Bases which are required to allow San Onofre Nuclear Generating Station (SONGS) Unit No. 1 to resume power operation for Cycle II following extensive repair to the steam generator tubes, and changes to allow modifications of the primary to secondary leakage limits, action statements in the event of leakage, and clarification of the preventative plugging limits. The amendment also reinstates a License Condition 3.E (Steam Generator Inspections) which requires shutdown for a steam generator inspection within six effective full-power months following restart from the current outage.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for this action and has concluded that the action will not significantly affect the quality of the human environment. Therefore, the Commission has determined that an Environmental Impact Statement need not be prepared, and that, pursuant to 10 CFR 51.5(c)(1), the issuance of a negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the application for amendment dated December 10, 1980, including its supplements April 10, and 15, 1981 and application dated May 5, 1981, in addition to the supporting submittals identified in the transmittal letter for the amendment, (2) Amendment No. 55 to License No. DPR-13, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 8th day of June 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-17740 Filed 6-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

South Carolina Electric & Gas Co. and Virgil C. Summer Nuclear Station; Notice of Relocation of Local Public Document Room

Notice is hereby given that the Nuclear Regulatory commission (NRC) has relocated the local public document room (LPDR) for South Carolina Electric and Gas Company's Virgil C. Summer Nuclear Station from the Richland County Public Library, Columbia, to the Fairfield County Library, Winnsboro, South Carolina.

Members of the public may now inspect and copy documents and correspondence related to the licensing and operation of the Virgil C. Summer Nuclear Station at the Fairfield County Library, Garden and Washington Streets, Winnsboro, S.C. 29180. The Library is open on the following schedule: Monday, Tuesday, Wednesday, and Friday 9:00 a.m. to 6:00 p.m., Thursday 9:00 a.m. to 9:00 p.m. and Saturday 9:00 a.m. to 1:00 p.m.

For further information, interested parties in the Winnsboro area may contact the LPDR directly through Ms. Sarah McMaster, telephone number (803) 635-4971. Parties outside the service area of the LPDR may address their request for records to the NRC's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, telephone number (202) 634-3273. The cost of ordering records from the Public Document Room is $0.05 per page, plus postage and handling, for copies made from hardcopy documents. Costs vary for copies made from oversize engineering drawings or microfiche and for microfiche duplicates (diazos.)

Questions concerning the availability of documents at the Virgil C. Summer LPDR and the NRC's local public document room program in general should be addressed to Ms. Jona L. Souder, Chief, Local Public Document Room Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone number 800-638-8081 toll free.

Dated at Bethesda, Md., this 9th day of June 1981.

For the Nuclear Regulatory Commission.

Joseph M. Felton,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 81-17739 Filed 6-12-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17851; File No. SR-NSCC-81-6]

National Securities Clearing Corp.; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by National Securities Clearing Corporation relating to the deletion from National Securities Clearing Corporation's (NSCC) Clearing Fund Rule of any Reference to The Depository Trust Company's (DTC) Right to Assess the Clearing Fund. Comments requested on or before July 6, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 27, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change

as described in Items I, II, and III below, which Items have been prepared by National Securities Clearing Corporation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change deletes all references in NSCC's Clearing Fund Rule (NSCC Rule 4) to The Depository Trust Company's (DTC) right to assess the Clearing Fund. Currently DTC has the right under certain circumstances to assess NSCC's Clearing Fund. DTC relinquished this right in filing SR–DTC–81–2.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, National Securities Clearing Corporation included statements concerning the purpose of and basis for the proposed rule change and discussed concurrences it received from DTC on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to delete all references in Rule 4 to The Depository Trust Company's (DTC) right to assess NSCC's Clearing Fund as DTC has relinquished this right in rule filing SR–DTC–81–2. NSCC will put the proposed rule change into effect concurrent with the effectiveness of the aforementioned DTC rule filing. The proposed rule change is consistent with the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to NSCC as the deletion of this reference will permit NSCC to limit, within required constraints, the purposes to which the Clearing Fund may be put. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in NSCC's custody or control because the elimination of DTC's right to assess NSCC's Clearing Fund will leave NSCC's Clearing Fund intact and available for the purposes for which use of the Clearing Fund may be put by NSCC.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

While no comments on the proposed rule change have been solicited or received, DTC has concurred with the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 6, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 9, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–17746 Filed 6–12–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1990]

Texas; Declaration of Disaster Loan Area

Tarrant County and adjacent counties within the State of Texas constitute a disaster area as a result of damage caused by tornado force winds, rain and hail which occurred on May 8, 1981. Eligible persons, firms and organizations may file application for loans for physical damage until the close of business on August 6, 1981, and for economic injury until the close of business on March 5, 1982, at: Small Business Administration, District Office, 1100 Commerce Street, Room 3C 36, Dallas, Texas 75242, or other locally announced locations.

For recent change in disaster loan eligibility see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 5, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81–17551 Filed 6–12–81; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81–047]

Rules of the Road Advisory Council

The Coast Guard is seeking applicants who are interested in being appointed members of the Rules of the Road Advisory Council (RORAC). Creation of RORAC, to become effective not earlier than 1 October 1981, was mandated in Section 5 of Public Law 96–591, *The Inland Navigation Rules Act of 1980.*

RORAC will advise, consult with, and make recommendations to: the Secretary on matters relating to any major proposals for changes to the Inland Rules. The Council may recommend changes to the Inland Rules and Intrernational Regulations to the Secretary. Any advice or recommendation made by the Council to the Secretary shall reflect the

independent judgement of the Council on the matter concerned.

The Council will consist of not more than 21 members. To assure balanced representation, members shall be chosen, insofar as practical, from the following groups: (1) recognized experts and leaders in organizations having an active interest in the Rules of the Road and vessel and port safety, (2) representatives of owners and operators of vessels, professional mariners, recreational boaters, and the recreational boating industry, (3) individuals with an interest in maritime law, and (4) Federal & State officials with responsibility for vessel and port safety.

In order to insure balance of membership required by the Federal Advisory Committee Act, the Coast Guard is particularly interested in receiving applications from minorities, women, and public interest representatives. Selection will be based upon expertise in the subjects under consideration.

The Council will meet at least once a year at a location selected by the sponsor. Council members will be compensated at a daily rate fixed by the Secretary, not to exceed that of a GS-18 of the General Schedule, and including travel expenses and per diem as authorized by current travel regulations.

Interested person should apply to: Commandant (G-WWM-2), U.S. Coast Guard, Washington, D.C. 20593, before August 1, 1981. Supplemental information will then be forwarded. For further information contact Ensign Edward G. LeBlanc of the Waterways Safety Branch at the above address or call (202) 426-4958.

Dated: June 9 1981.

K. G. Wiman,

Rear Admiral, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 81-17736 Filed 6-12-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held from, July 13 at 1 p.m. through July 17 at 1 p.m., in the Executive Conference Room, at the FAA Northwest Region Headquarters, FAA Building, Boeing Field, Seattle, Washington.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. L. Lane Speck, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Avenue, Washington, D.C. 20591, telephone (202) 426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on June 5, 1981.

L. Lane Speck,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 81-17361 Filed 6-12-81; 8:45 am]

BILLING CODE 4910-13-M

East Asian International Field Office at Tokyo, Japan; Notice of Closing

Notice is hereby given that on or about July 1, 1981, the East Asian International Field Office, Tokyo, Japan, will be closed. Services to the general aviation public formerly provided by this office will be provided by the Honolulu Flight Standards District Office in Honolulu, Hawaii. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

George Harvey,

Acting Director, Pacific-Asia Region.

[FR Doc. 81-17563 Filed 6-12-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 145—Digital Avionics Software; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 145 on Digital Avionics Software to be held on July 7-9, 1981 at the Downtown Hilton Hotel, 6th and University Avenue, Seattle, Washington, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Fourth Meeting held on April 7-9, 1981; (3) Review Third Draft of Committee Report on Software Considerations in Airborne Systems and Equipment Certification; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on June 8, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-17562 Filed 6-12-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: City of Alameda, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed roadway in the City of Alameda, California.

FOR FURTHER INFORMATION CONTACT: D. L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440-3541.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation will prepare an environmental impact statement (EIS) on the proposed Patton Way Project. The project would consist of a four-lane roadway to bypass Webster Street, as the connection to the Webster Street and Posey Tubes, and to provide a more direct access for the traffic destined for the eastern and southern parts of Alameda. The approximately 4,000-foot roadway would be developed in the vacant right-of-way extending from the tubes to Lincoln Avenue and Eighth Street, at which point traffic would be directed onto the existing street system. The project would relieve traffic congestion on Webster Street and reduce the potential for accidents.

The EIS will include a discussion of seven alternatives, including: (1) the no-build alternative; (2) the proposed project; (3) the proposed project with a barrier to southbound traffic at Eighth and Lincoln; (4) the proposed project with barriers at Eighth and Lincoln and Eighth and Central; (5) the proposed project with Atlantic Avenue from Sherman to Webster and no barriers; (6) the proposed project with direct access from Patton Way to Marina Village; and (7) a one-way couplet of Webster Street and Eighth Street.

A public hearing was held March 19, 1980 to determine the scope of the Environmental Document (Environmental Assessment/ Environmental Impact Report). Additional public hearings were held, when the Environmental Document was completed, to provide the public additional opportunity for comment. These comments will be incorporated into the draft EIS.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on June 5, 1981.

D. L. Eyres,

District Engineer, Sacramento, Calif.

[FR Doc. 81-17406 Filed 6-12-81; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

Availability of a Final Environmental Impact Statement

The Federal Railroad Administration (FRA) hereby announces the availability of the Final Environmental Impact/4(f) Statement (FEIS) entitled Providence, Rhode Island Railroad and Highway Improvements. The FRA has acted as the lead federal agency in the preparation of this FEIS, in cooperation with the Federal Highway Administration (FHWA). The proposed action includes elements of the Northeast Corridor Improvement Project, as authorized by Title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851 et seq.), and the federal-aid highway program.

Components of the proposed action include relocation of the railroad in downtown Providence from its existing elevated alignment immediately adjacent to the Central Business District to a new, at-grade alignment at the base of the State House lawn; construction of a new railroad station over the tracks and a parking garage beneath the station's south entrance plaza; removal of the existing railroad viaduct; construction of an interchange between Interstate 95 (I-95) and States Routes 6 and 195, with the extension of Route 6 as an at-grade boulevard along the abandoned railroad right-of-way between I-95 and Memorial Square; and ancillary road realignments and improvements.

Scoping sessions and public informational meetings were conducted prior to thepreparation of the draft EIS, which was distributed for comments in June 1980. Subsequent to the comments received during the official comment period and a July 23, 1980 public hearing, various modifications were made to the proposed action, as outlined in the FEIS, resulting in a proposed project which would still satisfy the transportation needs of the area while complementing local land use and economic development planning to the greatest extent possible.

As the proposed action would have various effects upon buildings, sites, and districts that are either on or eligible for inclusion in the *National Register of Historic Places*, the requirements of Section 106 of the National Historic Preservation Act of 1966 and Section 4(f) of the Department of Transportation Act of 1966 were addressed. A Memorandum of Agreement between the FRA, the FHWA, the Rhode Island State Historic Preservation Officer, and the Advisory Council on Historic Preservation addressing mitigation measures that must be implemented is included in the FEIS.

For further information, or receipt of the FEIS, contact Mr. Donald C. Smith, Environmental/Permit Coordinator, Northeast Corridor Project, Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. 20590; telephone (202)-472-5890. Should the supply of documents be depleted, additional copies may be obtained for the cost of reproduction.

Louis S. Thompson,

Associate Administrator for Intercity Programs.

[FR Doc. 81-17424 Filed 6-12-81; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Customs Service

Availability of Reprinted Looseleaf Edition of Customs Regulations

AGENCY: Customs Service, Treasury.

ACTION: Notice of availability.

SUMMARY: This document informs the public that an updated reprinted looseleaf edition of the Customs Regulations (19 CFR Chapter I) is available from the Government Printing Office. In addition to the Customs Regulations, with a complete up-to-date index, including all changes made through March 31, 1981, the reprint includes Treasury Department and Customs Service Delegation Orders, and an appendix containing the text of, or references to sections of law and the text of regulations administered by other Government departments or agencies and enforced wholly or in part by Customs.

SUPPLEMENTARY INFORMATION:

Background

The regulations of the Customs Service, codified in Title 19, Chapter I, Code of Federal Regulations (19 CFR Chapter I), have been issued by the Commissioner of Customs, with the approval of the Secretary of the Treasury, for the purpose of carrying out Customs and navigation laws and other laws administered by Customs.

Title 19, Code of Federal Regulations, is published annually, revised as of April 1 of each year, by the Office of the Federal Register. In the interest of having the regulations as up to date as possible, Customs has the Government Printing Office print a looseleaf edition which is updated by the issuance of sets of revised pages three or four times each year. In addition to the regulations, with a complete up-to-date index, the looseleaf edition also includes orders of the Secretary of the Treasury relating to the rights, privileges, powers, and duties of the Commissioner of Customs and other Customs personnel, and Customs Delegation Orders. An appendix to the looseleaf edition contains the text of, or references to, sections of law and the text of regulations administered by other Government departments or agencies and enforced wholly or in part by Customs.

Two sets of revised pages to the regulations have been issued since the last general reprint was prepared in 1979. As part of an on-going cost-effective program to improve the utility of the regulations, Customs has prepared a new reprint, including all changes through March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (783-3238). Subscribers may order the reprint by requesting the "Customs Regulations of

the United States, 1981 Reprint." The renewal rates are $10.00 for current domestic subscribers and $12.50 for current foreign subscribers. The rates for new subscribers are $29.00 for domestic purchasers and $36.25 for foreign purchasers. Orders for the new reprint are being accepted *only* by the Government Printing Office. Copies are not available from the U.S. Customs Service.

While every effort has been made to ensure correctness, users may notify the U.S. Customs Service, Regulations and Information Division, Washington, D.C. 20229, of any typographical or printing errors in order that corrections may be made. Suggestions for improvement also also requested.

Drafting Information

The principal author of this document was Robert J. Pisani, Regulations and Information Division, U.S. Customs Service.

Dated: June 9, 1981.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 81-17641 Filed 6-12-81; 8:45 am]

BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

120-Bed Nursing Home Care Unit, Veterans Administration Medical Center, Hines, Ill.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of a 120-Bed Nursing Home Care Unit (NHCU), at the Veterans Administration Medical Center (VAMC), Hines Illinois.

This project proposes to construct a second floor addition to the existing 120-Bed nursing Home Care Unit. The addition will contain another 120 Nursing Home Care Beds. A Land Use Master Plan has been prepared for VAMC Hines. Parking to serve the 120-Bed addition was included in the plans for the existing Nursing Home. This project does not require any site development.

This project is a vertical expansion of an existing NHCU and therefore no other alternatives were considered.

Temporary impacts on air quality and noise levels will occur during the construction phase. Short term effects on air quality and noise level will be reduced by control measures applied during the construction phase through the application of the Environmental Protection Specifications as put forth in the VA Construction Specifications.

There are no anticipated long term impacts associated with this proposed action.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, DC. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, NW, Washington, DC. Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2526.

Dated: June 8, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81-17616 Filed 6-12-81; 8:45 am]

BILLING CODE 8320-01-M

Fort Logan National Cemetery, Denver, Colo.; Finding of No Significant Impact

The Veterans Administration (VA) has assesed the potential environmental impacts that may occur as a result of acquiring an easement to convey irrigation water to the cemetery. The ultimate development of Fort Logan National Cemetery will result in approximately 110 acres of cemetery grounds requiring irrigation. Presently the irrigation water is pumped from a lake on cemetery grounds.

This lake is supplied by overland flow from its watershed, from seepage originating at Marston Lake, and from Johnson Ditch. The portion of Johnson Ditch which would supply Cemetery Lake has been inoperable for years. The ditch is overgrown with weeds, filled-in sections and collapsed in others. Due to this, the water flow of Johnson Ditch has taken a new path and follows an alignment known as the Pinehurst Turnout, which feeds the three interconnected lakes on the Pinehurst Country Club. The outfall of these lakes feeds Cemetery Lake. This existing means of conveyance has been operating and in continued use for several years. Whereas, no formal easement agreement existed to date, the VA is entering into an easement agreement with Norgren Properties Company, owners of the Pinehurst Country Club property, to allow the conveyance of water across their property. This easement will be for the Pinehurst Turnout and interconnected lakes to be used as a means of continuous conveyance of irrigation water to Cemetery Lake.

Five alternatives were considered prior to the decision to reestablish Johnson Ditch. These alternatives were: (1) Reestablishing Johnson Ditch; (2) Replacing Johnson Ditch with pipe; (3) Contracting with Denver Water Board; (4) Direct purchase of water; (5) Drill a well.

Alternative (1) Repairing the abandoned alignment was abandoned when the owners of the Pinehurst Turnout came forward and offered the Government an easement. Alternative (2) the piping of the entire alignment of Johnson's Ditch from the Pinehurst Turnout to Cemetery Lake was not selected because of the high cost. Alternative (3) would supply Cemetery Lake with water from Marston Lake, via the lower end of the Johnson Ditch, on a contract basis. The Denver Water Board decided that they would not consider contracting for water in this way, unless water rights were exchanged. The proposal was an exchange of the Government's existing water rights to Harriman Lake, Bear and Turkey Creek and Soda Lakes for some sort of long-term water supply contract. The Government chose not to negotiate the exchange. Alternative (4) which is the direct purchase of water from the Denver Water Board, was not selected because the Board could supply treated water only, which at the going rates proved to be too costly for irrigation purposes. Alternative (5) is to drill a well. This alternative was presented by the consultant who studied the water supply situation.

The consultant's position in drilling a well is the interpretation of the Colorado Drainage Law, which may entitle the Government to using its water rights on site, by drilling a well rather than from surface water in Johnson Ditch. This avenue appears promising but too much investigation to determine the legal position of the Government would have been necessary to implement such a proposal. Therefore, this possibility was abandoned because of time and costly legal fees.

The easement facilities agreement will not alter the existing waterflow.

Therefore, no environmental impacts will be incurred, nor will any mitigative measures be necessary.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, DC. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, NW, Washington, DC. Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW, Washington, DC. 20420, (202) 389–2526.

Dated: June 8, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81–17617 Filed 6–12–81; 8:45 am]

BILLING CODE 8320–01–M

Outpatient and Clinic Addition, Veterans Administration Medical Center, Grand Junction, Colo.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of an Outpatient and Clinical Addition at the Veterans Administration Medical Center, Grand Junction, Colorado. A definite site has not been identified; however, the addition will be located adjacent to the north face of Building No. 1 (Main Hospital). Based on early conceptual plans, the new construction will be approximately 44,200 gross square feet (gsf). Approximately 49,810 gsf of space vacated by services being relocated in the new addition will be renovated. The estimated project cost is $13,369,000, inclusive of contingencies, professional design services and inflation to time of construction.

Several schemes involving different functional adjacencies and points of attachment to the existing hospital have been examined along with the no action alternative.

Temporary construction related impacts that will exist through project completion include noise, dust, fumes, and soil erosion. The environmental impacts will be minimal.

Soil erosion control, noise control, and air quality control measures will be implemented and will comply with all Federal, State and local codes, as well as the VA construction specifications which include the Environmental Protection section.

Specifically noted for compliance is Colorado Air Pollution Control Regulation No. 1.

The increased demand for parking will be mitigated by the construction of additional parking spaces as allowed by VA criteria.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, NW, Washington, DC. Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–2526.

Dated: June 8, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81–17618 Filed 6–12–81; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 114
Monday, June 15, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Consumer Product Safety Commission	2
Federal Deposit Insurance Corporation	3
Federal Energy Regulatory Commission	4
Parole Commission	5
Securities and Exchange Commission	6
Tennessee Valley Authority	7

1

CIVIL AERONAUTICS BOARD.

[M-318 Amdt. 1, June 11, 1981]

Addition of item to the closed meeting

TIME AND DATE: 9:30 a.m., June 10, 1981.

PLACE: Room 1012, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 5. Negotiations/Consultations with France, Scheduled to begin in Paris, France June 12 or June 13, 1981. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary 202/673-5068.

[S-927-81 Filed 6-11-81; 3:01 pm]

BILLING CODE 6320-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: Tuesday, June 17, 1981, 3 p.m.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, DC.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Commission is meeting with representatives of the Upholstered Furniture Action Council (UFAC) to discuss upholstered furniture flammability. UFAC requested the meeting.

FOR ADDITIONAL INFORMATION, CONTACT: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th Street, NW., Washington, DC 20207; Telephone (202) 634-7700.

[S-928-81 Filed 6-11-81; 3:59 pm]

BILLING CODE 6355-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:45 p.m. on Thursday, June 11, 1981, the Board of Directors of the Federal Deposit Insurance Corporation will meet by telephone conference call to consider certain personnel matters.

The meeting is expected to be closed to public observation pursuant to subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 10, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-925-81 Filed 6-11-81; 11:49 am]

BILLING CODE 6714-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., June 17, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—493rd Meeting, June 17, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 2752, Northern Lights, Inc.
CAP-2. Docket No. E-9530, Pyramid Lake Tribe of Indians v. Sierra Pacific Power Co.; Project Nos. 4161-000, 4162-000, 4163-000 and 4164-000, Sierra Pacific Power Co.
CAP-3. Docket No. ER81-305-000, Union Light, Heat & Power Co.
CAP-4. Docket No. ER81-436-000, South Carolina Electric & Gas Co.
CAP-5. Docket No. ER78-409, Philadelphia Electric Co.
CAP-6. Docket No. ER77-533, Louisiana Power & Light Co.
CAP-7. Docket No. EF81- , Pacific Northwest Electric Power Planning and Conservation Act—rates for sales to Bonneville Power Administration
CAP-8. Docket No. ES81-35-000, El Paso Electric Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. QF81-25-000, Tulsa Energy Corp.
CAM-2. Docket No. RM79-76 (Colorado—15), high-cost gas produced from tight formations
CAM-3. Docket No. RM79-76 (Alabama—1), high-cost gas produced from tight formations
CAM-4. Docket No. RM79-76 (West Virginia—1), high-cost gas produced from tight formations
CAM-5. Docket No. GP81- , State of Ohio, Section 103 NGPA well category determinations: Charles O. Lighthizer, A. R. Crawford No.1 Well, FERC No. JD79-6124; Marshall No.1 Well, FERC No. JD79-1252

Consent Gas Agenda

CAG-1. Docket No. RP81-51-000, Border Gas, Inc.
CAG-2. Docket No. RP81-64-000, Cities Service Gas Co.
CAG-3. Docket No. RP81-65-000, National Fuel Gas Supply Corp.
CAG-4. Docket No. RP81-66-000, ANR Storage Co.
CAG-5. Docket No. RP81-68-000, Algonquin Gas Transmission Co.
CAG-6. Docket Nos. RP78-63 and RP77-11, Southwest Gas Corp.
CAG-7. Docket No. CI78-223-002, Exxon Corp.; Docket No. CI81-227-000, Sonat Exploration Co.; Docket No. CS71-317-000, Coates Energy Trust and Elizabeth H. Maddux (George H. Coates estate, et al.); Docket No. CS73-188, Robert Cargill; Docket No. G-10334, J. A. Goodson, trustee; Docket No. CI81-272-000, Case Pomeroy Oil Corp.; Docket No. CI81-273-000, Felmont Oil Corp.; Docket No. CI64-11-000, Arco Oil & Gas Co., Division of Atlantic Richfield Co.; Docket No. CI81-228-000, Union Texas Petroleum Corp.; Docket No. CI81-265-000, Anadarko Production Co.; Docket No. CI81-225-000, Transco Exploration Co.; Docket No. CS71-317-000, Coates Energy Trust and Elizabeth H. Maddux rate schedule Nos. 219 and 299, Phillips Petroleum Co.
CAG-8. Docket No. CP81-227-000, El Paso Natural Gas Co.

CAG–9. Docket No. CP81–228–000, Southwest Gas Corp.
CAG–10. Docket No. CP81–121–000, El Paso Natural Gas Co. and Amoco Production Co.
CAG–11. Docket No. CP81–120–000, Natural Gas Pipeline Co. of America, Columbia Gulf Transmission Co., Southern Natural Gas Co., Texas Eastern Transmission Corp. and United Gas Pipe Line Co.
CAG–12. Docket No. CP77–243, Southern Natural Gas Co.
CAG–13. Docket No. CP76–455, Transcontinental Gas Pipe Line Corp., Florida Gas Transmission Co. and Sea Robin Pipeline Co.; Docket No. CP77–291, Sea Robin Pipeline Co., Transcontinental Gas Pipe Line Corp., Florida Gas Transmission Co., Southern Natural Gas Co., and United Gas Pipe Line Co.; Docket No. CP77–302, Sea Robin Pipeline Co.; Docket No. CP77–345, Southern Natural Gas Co.; Docket No. CP77–349, Florida Gas Transmission Co.; Docket No. CP77–402, Transcontinental Gas Pipe Line Co.; Docket No. CP77–435, Transcontinental Gas Pipe Line Co.

Kenneth F. Plumb,

Secretary.

[S–923–81 Filed 6–11–81; 9:02 am]

BILLING CODE 6450–85–M

5

[1P0401]

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters)

TIME AND DATE: 9:30 a.m., Thursday, June 11, 1981.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 8 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5926.

[S–924–81 Filed 6–11–81; 10:45 am]

BILLING CODE 4410–01–M

6

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 30299, June 5, 1981.

STATUS: Closed meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, June 2, 1981.

CHANGES IN THE MEETING: Additional/deletion items. The following additional items were considered at a closed meeting scheduled for Tuesday, June 9, 1981, at 10:00 a.m.

Consideration of *amicus* participation.
Litigation matter.

The following additional items will be considered at a closed meeting scheduled for Thursday, June 11, 1981, following the 10:00 a.m. open meeting.

Settlement of injunctive action.
Freedom of Information Act appeal.

The following items will not be considered at a closed meeting scheduled for Thursday, June 11, 1981, following the 10:00 a.m. open meeting.

Institution of injunctive actions.
Administrative proceeding of an enforcement nature.

Chairman Shad and Commissioners Loomis, Evans and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272–2467.

June 10, 1981.

[S–922–81 Filed 6–11–81; 8:45 am]

BILLING CODE 8010–01–M

7

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 7 p.m. (CDT), Thursday, June 18, 1981 (Meeting No. 1268).

PLACE: Goosepond Civic Center, Highway 79 South, Scottsboro, Alabama.

STATUS: Open.

A—Project Authorizations

1. Project Authorization No. 3551—Residential room unit thermal storage demonstration project.

B—Purchase Awards

1. Req. No. 827420—Thermal reflective all-metal insulation for piping and equipment inside containment at Yellow Creek Nuclear Plant units 1 and 2.
2. Amendment to Contract No. 81K51826976 with Blount Brothers Corporation, Montgomery, Alabama, for construction of Office of Power buildings for Chattanooga office complex.

C—Power Items

*1. Letter agreement with Maryville College, Maryville, Tennessee, covering development and implementation of a project to evaluate the performance of wood-burning boilers in the TVA region.
2. Lease, rental, and amendatory agreement with Lenoir City, Tennessee, covering arrangements for 161-kV deliveries at TVA's Fort Loudoun Hydro and Solway 161-kV Substations.
3. Lease and amendatory agreement with Hartselle, Alabama, covering arrangements for consolidated 46-kV service at TVA's Hartselle 161-kV Substation.
4. New Power contract with Monsanto Company, Decatur, Alabama.

D—Personnel Items

*1. Change of status for Robert C. Steffy, Jr., from Assistant Director, to Director, Energy Conservation and Rates, Office of Power, Chattanooga, Tennessee.

E—Real Property Transactions

1. Abandonment of permanent flooding and certain limited land management rights affecting approximately one acre of Fort Loudoun Reservoir land located in Knox County, Tennessee, owned by the Regal Corporation—Tract No. FL–990F.
2. Supplemental deed modifications affecting two tracts of land on Guntersville Reservoir to facilitate recreational use and waterfront residential development—Tract Nos. XGR–11 and XGR–105.
3. Memorandum of agreement between Alabama Department of Conservation and Natural Resources and TVA covering arrangements for the management of 1500 acres of TVA land in the Mallard-Fox Creek area in northern Alabama for wildlife and public recreation. (TVA's designation of 450 acres of the Mallard-Fox Creek area for future industrial development, as proposed in the final environmental impact statement, will be implemented by concurrent action of the General Manager.)

F—Unclassified

1. Revised TVA policy code relating to development and utilization of recreation resources.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632–3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: June 11, 1981.

[S–926–81 Filed 6–11–81; 2:41 pm]

BILLING CODE 8120–01–M

*Item approved by individual Board members. This would give formal ratification of the Board's action.

Reader Aids

Federal Register

Vol. 46, No. 114

Monday, June 15, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3
29921-30072.....4
30073-30326.....5
30327-30480.....8
30481-30622.....9
30623-30796.....10
30797-30996.....11
30997-31248.....12
31249-31402.....15

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949).....29939
February 6, 1926 (Revoked by PLO 5948).....29938
April 17, 1926 (Revoked in part by PLO 5950).....29939
February 14, 1933 (Revoked by PLO 5944).....29710
5451 (Revoked by PLO 5947).....29938
11476 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 2306).....29693
12198 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12285 (Amended by EO 12307).....30481
12296 (Amended by EO 12309).....30997
12306.....29693
12307.....30483
12308.....30485
12309 (Amends EO 12296).....30997

Proclamations:
4846.....29691
4847.....30483

Administrative Orders:
Presidential Determinations:
No. 81-8 of June 2, 1981.....30797
No. 81-9 of June 2, 1981.....29921

5 CFR

Ch. XIV.....30327
1200.....30999

Proposed Rules:
Ch. I.....31018

7 CFR

28.....30073
700.....29453
800.....30322
907.....29923, 30799
910.....30012, 31249
917.....30075, 30077
953.....29454, 30487
979.....29693
991.....29693
1425.....30327
1944.....29239

Proposed Rules:
102.....30620
201.....30780
989.....30645
993.....29271

8 CFR

204.....29923, 30078
214.....29456

9 CFR

78.....30487
82.....29456, 30488, 31249
92.....29239, 29240

10 CFR

2.....30328
51.....29457
376.....29680
390.....29680
440.....29242
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:
2.....30349
30.....29712
40.....29712
70.....29712
73.....31267
500.....31216
501.....31216
503.....31216
504.....31216
505.....31216

12 CFR

220.....31250
303.....30079
552.....30488
570.....30079

Proposed Rules:
213.....29245
226.....29246
332.....31018
337.....31018
526.....30113
545.....30114
569a.....29246
701.....29247, 29482
720.....29248

13 CFR

124.....29251

Proposed Rules:
124.....29276

14 CFR

39.....29252, 29253, 29924-29926, 30332-30334, 30799, 30800, 31250, 31251

71.....29254-29256, 29927, 30335, 30801-30806, 31250-31252
73.....29256, 30806
75.....31253
97.....29257, 30807
135.....30968
152.....30808
207.....31000
208.....31000
212.....31000
302.....31001
Proposed Rules:
Ch. I.....30352
39.....31268
71.....29278-29281, 29947-29951, 30353, 30354, 30833, 31269
73.....30833
75.....29280, 29281, 31278
323.....29282
302.....29718
399.....29285, 29719, 29727

15 CFR

370.....29457
376.....31001
806.....30336
Proposed Rules:
330.....29662
331.....29662
332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662
373.....30623

16 CFR

13.....29458, 29928, 30337
460.....29256
1031.....29928
1032.....29928
1212.....29696
Proposed Rules:
Ch. II.....29951, 30115
13.....30646

17 CFR

15.....29931
16.....29931
17.....29931
18.....29931
21.....29931
Proposed Rules:
Ch. I.....29952

18 CFR

141.....29459
271.....29697, 29699, 30489-30491, 31253-31256
284.....30491
375.....29700
1301.....31002
1309.....30811
Proposed Rules:
157.....30505
271.....30833
375.....30505

19 CFR

101.....29462
134.....30338
Proposed Rules:
Ch. I.....29953
200.....29729

20 CFR

Proposed Rules:
404.....29953

21 CFR

5.....31003
74.....31004
101.....31004
135.....31004
166.....31004
172.....30080
173.....30492, 30493
178.....31005-31007
193.....30338, 30494, 31008
444.....31009
520.....29464, 31010
561.....30339
573.....30081
Proposed Rules:
161.....30505
180.....31020
182.....31020
430.....30115
436.....30115
440.....30115
444.....30115
448.....30115
452.....30115
1308.....29484

22 CFR

41.....30082
Proposed Rules:
171.....30649

24 CFR

235.....29256, 31257
570.....29908

26 CFR

1.....29465
7a.....30495
11.....29465
35.....30495
Proposed Rules:
31.....31278

27 CFR

4.....29260
19.....29261
70.....29261
240.....29261
245.....29261
250.....29261
270.....29261
275.....29261
Proposed Rules:
9.....31020

28 CFR

0.....29704, 29931
16.....30495
301.....31204
Proposed Rules:
31.....29438
522.....31210
527.....31210
544.....31210
545.....31210

29 CFR

1910.....31010
2610.....31257
Proposed Rules:
530.....29485

30 CFR

250.....29932
700.....31258
716.....31258
785.....31258

31 CFR

51.....29261
535.....30340

32 CFR

199.....29704
294.....29705
Proposed Rules:
298a.....29486

33 CFR

25.....29933
165.....29933
204.....29934
Proposed Rules:
100.....29288
110.....31278
117.....30354, 30834
160.....30835
162.....29954
402.....30838

36 CFR

Proposed Rules:
1190.....30839
272.....31021

37 CFR

Proposed Rules:
201.....30649
202.....30651

38 CFR

3.....31011
21.....29474
Proposed Rules:
21.....31022

39 CFR

601.....30623
Proposed Rules:
10.....30505

40 CFR

30.....31259
40.....31259
52.....29707, 30082, 30496, 31011, 31012, 31258-31261
60.....29262
61.....29262
62.....30496
81.....31013
86.....30497
122.....29708, 30624
123.....29935
162.....29708
180.....30342, 30499, 30624, 31014, 31015
260.....29708
261.....29708
264.....29708, 30624
265.....29708, 30624
413.....30625
Proposed Rules:
52.....29289, 29488, 30116, 30355-30366, 30653-30655, 31023, 31024
60.....29955
62.....31026
81.....29281, 30368, 30655, 31027
123.....29292, 31028, 31279
180.....30506, 30662, 31279
408.....30663
430.....31028
431.....31028
773.....30300

41 CFR

Ch. 12.....30816
8-14.....31262
8-74.....31262
15-1.....29709
51-4.....30084
51-5.....30084
Proposed Rules:
Ch. 1.....30369
1-4.....30369
101-11.....30369
101-37.....30369
104-4.....29955

43 CFR

5420.....29262
Public Land Orders:
1281 (Revoked by 5883).....29263
5169 (Amended by PLO 5396 and 5951).....29937
5179 (Amended by PLO 5250 and 5951).....29937
5180 (Amended by PLO 5418 and 5951).....29937
5250 (Amended by PLO 5951).....29937
5396 (Amended by PLO 5951).....29937
5418 (Amended by PLO 5951).....29937
5865.....30500
5866.....30500
5883.....29263
5943.....29710
5944.....29710
5945.....29939
5946.....29939
5947.....29938
5948.....29938
5949.....29939
5950.....29939
5951.....29937
5952.....30086
5953.....30817
Proposed Rules:
35.....29955

44 CFR

64.....29940, 29942, 30626
67.....30500, 30628, 31263
Proposed Rules:
55.....29292

61.....
67.....29
30116, 3
3
300.....

45 CFR

3.....
46.....
74.....
235.....
Proposed Ru
71.....
301.....
304.....
1300.....

46 CFR

Proposed Ru
310.....
502.....
547.....

47 CFR

1.....
61.....
64.....
73.....30
3
74.....
81.....
83.....
Proposed Ru
Ch. I.....3
2.....
22.....
23.....
31.....
73.....29
30372, 3

94.....

49 CFR

Ch. X.....
1.....
172.....
387.....
531.....
575.....
1000.....
1003.....
1033.....2
1056.....
1100.....
1137.....
Proposed Ru
171.....
172.....
173.....29

175.....
178.....
571.....
1047.....
1127.....
1201.....
1241.....
1248.....

50 CFR

17.....
91.....
301.....
651.....

V
4
6
J
E
1
5
8
1
UMI

61 29292
67 ..... 29729-29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281-31285
300 29264

45 CFR

3 30343
46 29883
74 30500
235 29264

Proposed Rules:

71 29732
301 30372
304 29964
1300 31029

46 CFR

Proposed Rules:

310 30507
502 30666
547 30667

47 CFR

1 30818
61 ..... 29264, 30818
64 29474
73 ..... 30086-30091, 30343, 30344, 31264, 31265
74 31265
81 31015
83 31015

Proposed Rules:

Ch. I 30516, 30668, 31286
2 ..... 30124, 31290
22 31292
23 30124
31 ..... 30150, 30152
73 ..... 29488, 30153, 30154, 30372, 30516-30518, 31029, 31290
94 30124

49 CFR

Ch. X 30092
1 29269
172 29392
387 30974
531 29944
575 29269
1000 30502
1003 31016
1033 ..... 29480, 30502, 30632
1056 ..... 29711, 29945
1100 30832
1137 30832

Proposed Rules:

171 29967
172 ..... 29968, 29973
173 ..... 29967, 29968, 29973, 31294
175 29968
178 29973
571 31294
1047 30668
1127 30156
1201 30839
1241 30839
1248 30839

50 CFR

17 29481
91 30633
301 30345
651 30348
661 ..... 29733, 30633

Proposed Rules:

17 29490
20 31030
653 30674
682 30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 10, 1981

V 46 J E 15 81 1 UMI

dial•a•reg

For an advance "look" at the Federal Register, try our information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the Federal Register.

Washington: **202-523-5022**

Chicago: **312-663-0884**

Los Angeles: **213-688-6694**

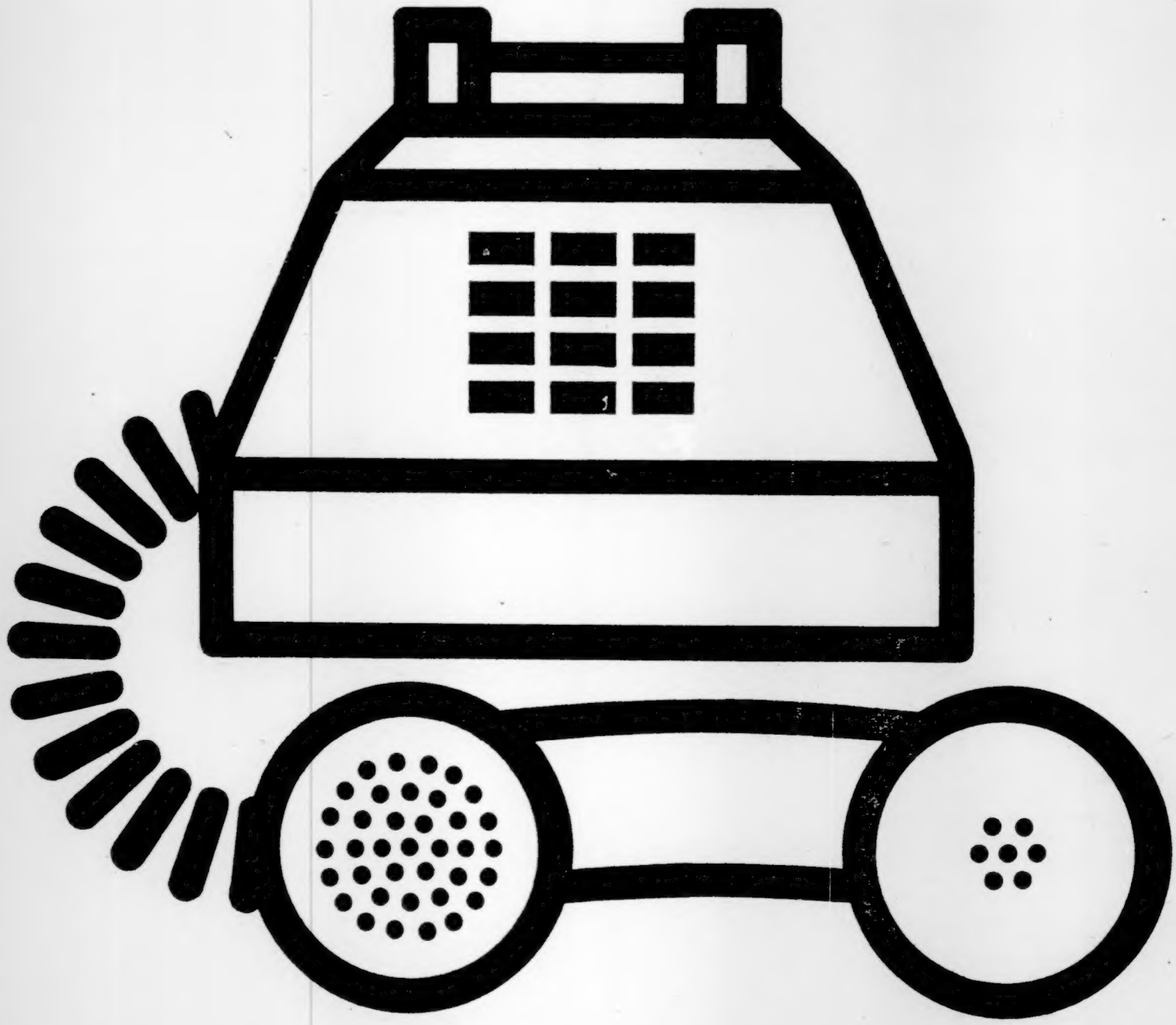

V 4 6

J E 1 5 8 1

UMI